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PROCEEDINGS AND DEBATES OF THE 93^{d} CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, July 2, 1974*

The House met at 12 o'clock noon.

Rabbi Sidney S. Guthman, president, Western States Region of the Rabbinical Assembly, Long Beach, Calif., offered the following prayer:

אבינו שבשמים

Heavenly Father and Creator of All:

Two days hence, we, Thy children, will observe the 198th anniversary of the historic day when the Founding Fathers of this Nation signed the Declaration of Independence.

Built upon these foundations, the young Nation matured, grew in affluence and influence, and became the mightiest defender of freedom and the most dependable bastion of democracy.

For these, Thy bountiful blessings, we are indeed grateful beyond words. We now humbly implore Thee to continue to favor us with Thy divine guidance. Do Thou inspire our legislators to reaffirm the principles of the Founding Fathers and to embody them in wise laws.

We beseech Thee, O merciful Father, to bless our country. May it ever be opulent but generous, strong but just, firm but wise, a shining example for all mankind to emulate. May this be Thy will. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2535) for the relief of Mrs. Rose Thomas.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COL. JOHN H. SHERMAN

The Clerk called the bill (H.R. 2633) for the relief of Col. John H. Sherman.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ESTATE OF THE LATE RICHARD BURTON, SFC, U.S. ARMY (RETIRED)

The Clerk called the bill (H.R. 3533) for the relief of the estate of the late Richard Burton, SFC, U.S. Army (retired).

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 2508) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MURRAY SWARTZ

The Clerk called the bill (H.R. 6411) for the relief of Murray Swartz.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RESOLUTION TO REFER BILL FOR THE RELIEF OF ESTELLE M. FASS TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

The Clerk called the resolution (H. Res. 362) to refer the bill (H.R. 7209) for the relief of Estelle M. Fass to the Chief Commissioner of the Court of Claims.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RITA SWANN

The Clerk called the bill (H.R. 1342) for the relief of Rita Swann.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEONARD ALFRED BROWNRIGG

The Clerk called the bill (H.R. 2629) for the relief of Leonard Alfred Brownrigg.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

FAUSTINO MURGIA-MELENDREZ

The Clerk called the bill (H.R. 7535) for the relief of Faustino Murgia-Melendrez.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ROMEO LANCIN

The Clerk called the bill (H.R. 4172) for the relief of Romeo Lancin.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

GABRIEL EDGAR BUCHOWIECKI

The Clerk called the bill (H.R. 3190) for the relief of Gabriel Edgar Buchowiecki.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

LEONOR LOPEZ

The Clerk called the bill (S. 280) for the relief of Leonor Lopez.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ESTATE OF PETER BOSCAS, DECEASED

The Clerk called the bill (H.R. 2637) for the relief of the estate of Peter Boscas, deceased.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DIRECTING THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN PUBLIC LAND IN THE STATE OF MICHIGAN TO THE WISCONSIN-MICHIGAN POWER CO.

The Clerk called the bill (H.R. 3903) to direct the Secretary of the Interior to convey certain public land in the State of Michigan to the Wisconsin-Michigan Power Co.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

FIRST PRIVATELY OWNED URANIUM ENRICHMENT PLANT IN THE WORLD

(Mr. DICKINSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, yesterday I was very privileged to attend the announcement of a new industry in my district. Uranium Enrichment Associates, a joint venture by Bechtel Corp., Union Carbide, and Westinghouse, will build a uranium enrichment plant which will cost in excess of $2.75 billion. Construction is slated to begin in mid-1976 and over 7,000 persons will be employed during the peak period of construction. Upon completion in 1983, some 6½ years later, the plant will employ 1,400 people with an annual payroll of $23 million.

Mr. Speaker, this is the largest single announcement of a manufacturing concern in the history of the United States. Although there are three such plants in operation today in the United States, all are Government-owned and operated by the Atomic Energy Commission. This will be the first uranium enriching plant that is not government-owned in the world. I think this is quite a tribute to our free enterprise system. Where else in the world could private industry build such a plant?

Not only is this good news for the people of Alabama's Second District, but it is good news for the Nation. This plant will supply enriched uranium to fuel processing plants across the United States to feed the 90 nuclear powerplants in operation or under construction. These in turn, will produce the electrical energy a power-hungry America needs without consuming our shrinking petroleum supply.

WHAT HAPPENED TO THE TRADE BILL?

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, last December, the House passed the Trade Reform Act, the first major trade legislation in years. Its purpose was to reform the existing trading order to make it more equitable for all concerned—to break down the barriers which continue to inhibit U.S. access to foreign markets and to respond to the problems increased imports cause for domestic industries and workers.

Development and passage of this bill in the House was no easy feat—the House bill was the product of months of work and years of preparation. Considerable effort went into working out a bill that allowed the President to negotiate needed changes while letting Congress retain a hand in the process. We have invested too much energy in this bill and it is too badly needed to allow it simply to die through inaction.

I am distressed to see that this may be what is happening. The House passed the bill over 6 months ago. After it was referred to the other body, hearings were held, but otherwise no measurable or substantive progress seems to have been made. The first markup session was devoted to reviewing the bill. The second lasted only a quarter of an hour. I understand that there are no plans for further committee action until after the Fourth of July, and that there is no firm commitment for action even at that late date.

Only one slight note of encouragement has been sounded recently—the removal of an obstacle which may have discouraged prompt action on the trade bill. The recent enlargement of the European Common Market resulted in tariff changes costly to American business. Eighteen months of stalemate and negotiation ensued, but finally an acceptable proposal on compensatory tariff reductions was made by the EEC and the United States has accepted. The resolution of this longstanding dispute will not only help improve Atlantic relations, but it should rid the issue of one excuse for procrastination, thus clearing the way for timely final action on the trade bill in the other body.

If the United States is to remain competitive in world markets, we must have this legislation. Our competitors are not going to suspend their operations to wait for us to act. Our trade position, clearly, depends upon prompt and expeditious action in the other body. I urge them to enact the bill.

PERSONAL EXPLANATION

Mr. ROBINSON of Virginia. Mr. Speaker, on Friday, June 28, 1974, I was on the floor of the House during the debate and the vote on the bill H.R. 15581, making appropriations for the government of the District of Columbia and other activities.

During the vote, my attention was distracted by conversation with a Member on another legislative matter, and I failed to record my vote in time. I ask unanimous consent that the RECORD show that had I voted, I would have voted "nay."

PERSONAL EXPLANATION

Mr. BOB WILSON. Mr. Speaker, yesterday on rollcall No. 356 I was on the floor and discussed the vote with the minority leader. I believe that I voted, but I am not recorded as having voted "aye," as I would have voted.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE CERTAIN REPORTS

Mr. FRASER. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight tonight to file sundry reports.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 15427, AMENDMENTS TO RAIL PASSENGER SERVICE ACT OF 1970

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1208 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1208

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15427) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendments adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 1208 provides for an open rule with 1 hour of general debate on H.R. 15427, a bill making amendments to the Rail Passenger Service Act of 1970.

House Resolution 1208 provides that it shall be in order to consider the amendment in the nature of a substitute offered by the Committee on Interstate and Foreign Commerce as an original bill for the purpose of amendment under the 5-minute rule. H.R. 15427 authorizes a fiscal year 1975 appropriation of $200 million in Federal grants to Amtrak for operating expenses. The bill also authorizes an increase in the maximum amount of Federal guaranteed loans which Amtrak can have outstanding at any one time from $400 million to $900 million.

H.R. 15427 also prohibits Amtrak from discontinuing service over any route on which service was being operated on January 1, 1973. This "freeze" on existing service lasts until July 1, 1975.

Mr. Speaker, I urge the adoption of House Resolution 1208 in order that we may discuss and debate H.R. 15427.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as previously explained, House Resolution 1208 provides for the consideration of H.R. 15427, the Amtrak authorization for 1975, under an open rule with 1 hour of general debate. This rule also makes the committee substitute in order as an original bill for the purpose of amendment.

The primary purpose of H.R. 15427 is to authorize funds for Amtrak for fiscal year 1975.

This bill authorizes $200,000,000 in fiscal year 1975 for operating expenses.

The bill increases the ceiling on federally guaranteed loans which Amtrak can have outstanding from the present $500,000,000 to $900,000,000.

Amtrak is prohibited from discontinuing any route which was in service on January 1, 1973. This prohibition will continue until July 1, 1975.

Mr. Speaker, I urge the adoption of this rule in order that the House may begin debate on H.R. 15427.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. I move a call of the House, Mr. Speaker.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 361]

Alexander
Arends
Armstrong
Badillo
Bell
Bergland
Bevill
Biester
Blatnik
Bolling
Brasco
Broyhill, N.C.
Buchanan
Burke, Calif.
Byron
Carey, N.Y.
Carney, Ohio
Chamberlain
Chisholm
Clark
Clay
Cochran
Conyers
Corman
Davis, Ga.
de la Garza
Dellums
Diggs
Dorn
Erlenborn
Evins, Tenn.
Goodling
Gray
Green, Oreg.
Griffiths
Gunter
Hanrahan
Hansen, Wash.
Hébert
Hinshaw
Holifield
Horton
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
Kuykendall
Landrum
Lujan
McCloskey
McEwen
McSpadden
Madden
Martin, Nebr.
Meeds
Minshall, Ohio
Mizell
Montgomery
Moorhead, Pa.
Murphy, N.Y.
Nichols
Passman
Pepper
Powell, Ohio
Rarick
Reid
Roberts
Rooney, N.Y.
Rostenkowski
Scherle
Shoup
Sikes
Sisk
Smith, Iowa
Steele
Steiger, Ariz.
Stuckey
Sullivan
Teague
Thone
Wilson, Charles, Tex.
Wyman
Young, S.C.
Zwach

The SPEAKER. On this roll call 351 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 11385, AMENDING PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 11385) to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries:

CONFERENCE REPORT (H. REPT. NO. 93-1170)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11385) to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. (a) This Act may be cited as the "Heath Services Research, Health Statistics, and Medical Libraries Act of 1974".

(b) Unless the context otherwise requires, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

TITLE I—HEALTH SERVICES RESEARCH AND EVALUATION; HEALTH STATISTICS

SEC. 101. This title may be cited as the "Health Services Research and Evaluation and Health Statistics Act of 1974".

SEC. 102. (a) Sections 307, 312, 312a, 313, and 315 are repealed.

(b)(1) Section 306 is amended (A) by striking out "Surgeon General" each place it appears and inserting in lieu thereof "Secretary", (B) by striking out "309" each place it occurs in subsection (d) and inserting in lieu thereof "313", and (C) by striking out subsection (e) and redesignating subsection (f) as subsection (e).

(2) Section 306 as amended by paragraph (1) is transferred to part B of title III, is redesignated section 312, and is inserted after section 311.

(c)(1) Section 309 is amended (A) by striking out "Surgeon General" each place it occurs and inserting in lieu thereof "Secretary", and (B) by striking out "306(d)" and inserting in lieu thereof "312(d)".

(2) Section 309, as amended by paragraph (1), is transferred to part B of title III, is redesignated section 313, and is inserted immediately before section 314.

(d) Section 310 is transferred to part B of title III, is redesignated section 319, and is inserted after section 318.

(e) Section 310A is transferred to title II, is redesignated section 226, and is inserted after section 225.

(f)(1) Section 310B is amended by striking out "304, 305,".

(2) Section 310B, as amended by paragraph (1) is transferred to title II, is redesignated section 227, and is inserted after section 226 (inserted by subsection (e) of this section).

SEC. 103. Section 304 is amended to read as follows:

"GENERAL AUTHORITY RESPECTING HEALTH STATISTICS AND HEALTH SERVICES RESEARCH, EVALUATIONS, AND DEMONSTRATIONS

"SEC. 304. (a)(1) The Secretary shall—

"(A) undertake through the National Center for Health Services Research, the National Center for Health Statistics, and such other units of the Department of Health, Education, and Welfare as he may select, and

"(B) support,

health statistical activities and health services research, evaluation, and demonstrations.

"(2) In carrying out paragraph (1), the Secretary shall give appropriate emphasis to research and statistical activities respecting—

"(A) the determinants of an individual's health,

"(B) the impact of the environment on individual health and on health care,

"(C) the accessibility, acceptability, planning, organization, technology, distribution, utilization, quality, and financing of systems for the delivery of health care, including systems for the delivery of preventive, personal, and mental health care, and

"(D) individual and community knowledge of individual health and the systems for the delivery of health care.

"(b) To implement subsection (a), the Secretary may, in addition to any other authority which under other provisions of this Act or any other law may be used by him to implement such subsection, do the following:

"(1) Utilize personnel and equipment, facilities, and other physical resources of the Department of Health, Education, and Welfare, permit appropriate (as determined by the Secretary) entities and individuals to utilize the physical resources of such Department, provide technical assistance and advice, make grants to public and nonprofit private entities and individuals, and enter into contracts with public and private entities and individuals, for (A) health services research, evaluation, and demonstrations, and (B) health services research and health statistics training, and (C) health statistical activities.

"(2) Admit and treat at hospitals and other facilities of the Service persons not otherwise eligible for admission and treatment at such facilities.

"(3) Secure, from time to time and for such periods as the Secretary deems advisable, the assistance and advice of experts and consultants from the United States or abroad.

"(4) Acquire, construct, improve, repair, operate, and maintain laboratory, research, and other necessary facilities and equipment, and such other real or personal property (including patents) as the Secretary deems necessary; and acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia.

"(c) The Secretary shall coordinate all health services research, evaluation, demonstration, and health statistical activities undertaken and supported through units of the Department of Health, Education, and Welfare. To the maximum extent feasible, such coordination shall be carried out through the National Center for Health Services Research and the National Center for Health Statistics."

SEC. 104. Section 305 is amended to read as follows:

"NATIONAL CENTER FOR HEALTH SERVICES RESEARCH

"SEC. 305. (a) There is established in the Department of Health, Education, and Welfare the National Center for Health Services Research (hereinafter in this section referred to as the 'Center') which shall be under the direction of a Director who shall be appointed by the Secretary and supervised by the Assistant Secretary for Health (or such other officer of the Department as may be designated by the Secretary as the principal adviser to him for health programs).

"(b) In carrying out section 304(a), the Secretary, acting through the Center, may undertake and support research, evaluation, and demonstration projects (which may include and shall be appropriately coordinated with experiments and demonstration activities authorized by the Social Security Act and the Social Security Amendments of 1967) respecting—

"(1) the accessibility, acceptability, planning, organization, distribution, technology, utilization, quality, and financing of health services and systems;

"(2) the supply and distribution, education and training, quality, utilization, organization, and costs of health manpower; and

"(3) the design, construction, utilization, organization, and cost of facilities and equipment.

"(c) The Secretary shall afford appropriate consideration to requests of—

"(1) State, regional, and local health planning and health agencies,

"(2) public and private entities and individuals engaged in the delivery of health care, and

"(3) other persons concerned with health services, to have the Center or other units of the Department of Health, Education, and Welfare undertake research, evaluations, and demonstrations respecting specific aspects of the matters referred to in subsection (b).

"(d)(1) The Secretary shall, by grants or contracts, or both, assist public or private nonprofit entities in meeting the costs of planning and establishing new centers, and operating existing and new centers, for multidisciplinary health services, research, evaluations, and demonstrations respecting the matters referred to in subsection (b). To the extent practicable, the Secretary shall prove, in accordance with the requirements of this subsection and section 308, a number of applications for grants and contracts under this subsection which will result in at least six of such centers (including two national special emphasis centers, one of which (to be designated as the Health Care Technology Center) shall focus on all forms of technology, including computers and electronic devices, and its applications in health care delivery; and one of which (to be designated as the Health Care Management Center) shall focus on the improvement of management and organization in the health field, the training and retraining of administrators of health care enterprises, and the development of leaders, planners, and policy analysts in the health field) being operational in each fiscal year.

"(2)(A) No grant or contract may be made under this subsection for planning and establishing a center unless the Secretary determines that when it is operational it will meet the requirements listed in subparagraph (B) and no payment shall be made under a grant or contract for operation of a center unless the center meets such requirements.

"(B) The requirements referred to in subparagraph (A) are as follows:

"(i) There shall be a full-time director of the center who possesses a demonstrated capacity for sustained productivity and leadership in health services research, demonstrations, and evaluations, and there shall be such additional full-time professional staff as may be appropriate.

"(ii) The staff of the center shall represent all relevant disciplines.

"(iii) The center shall (I) be located within an established academic or research institution with departments and resources appropriate to the programs of the center, and (II) have working relationships with health service delivery systems where experiments in health services may be initiated and evaluated.

"(iv) The center shall select problems in health services for research, demonstrations, and evaluations on the basis of (I) their regional or national importance, (II) the unique potential for definitive research on the problem, and (III) opportunities for local application of the research findings.

"(v) Such additional requirements as the Secretary may by regulation prescribe.

"(e) The authority of the Secretary under section 304(b) shall be available to him with respect to the undertaking and support of projects under subsections (b), (c), and (d) of this section."

SEC. 105. The following new section is inserted in part A of title III after section 305:

"NATIONAL CENTER FOR HEALTH STATISTICS

"SEC. 306. (a) There is established in the Department of Health, Education, and Welfare the National Center for Health Statistics (hereinafter in this section referred to as the 'Center') which shall be under the direction of a Director who shall be appointed by the Secretary and supervised by the Assistant Secretary for Health (or such other officer of the Department as may be designated by the Secretary as the principal adviser to him for health programs).

"(b) In carrying out section 304(a), the Secretary, acting through the Center, may—

"(1) collect statistics on—

"(A) the extent and nature of illness and disability of the population of the United States (or of any groupings of the people included in the population), including life expectancy, the incidence of various acute and chronic illnesses, and infant and maternal morbidity and mortality,

"(B) the impact of illness and disability of the population on the economy of the United States and on other aspects of the well-being of its population (or of such groupings),

"(C) environmental, social, and other health hazards,

"(D) determinants of health,

"(E) health resources, including physicians, dentists, nurses, and other health professionals by specialty and type of practice and the supply of services by hospitals, extended care facilities, home health agencies, and other health institutions,

"(F) utilization of health care, including utilization of (i) ambulatory health services by specialties and types of practice of the health professionals providing such services, and (ii) services of hospitals, extended care facilities, home health agencies, and other institutions,

"(G) health care costs and financing, including the trends in health care prices and cost, the sources of payments for health care services, and Federal, State, and local governmental expenditures for health care services, and

"(H) family formation, growth, and dissolution; and

"(2) undertake and support (by grant or contract) research, demonstrations, and evaluations respecting new or improved methods for obtaining current data on the matters referred to in paragraph (1).

"(c) The Center shall furnish such special statistical compilations and surveys as the Committee on Labor and Public Welfare and the Committee on Appropriations of the Senate and the Committee on Interstate and Foreign Commerce and the Committee on Appropriations of the House of Representatives may request. Such statistical compilations and surveys shall not be made subject to the payment of the actual or estimated cost of the preparation of such compilations and surveys.

"(d) To insure comparability and reliability of health statistics, the Secretary shall, through the Center, provide adequate technical assistance to assist State and local jurisdictions in the development of model laws dealing with issues of confidentiality and comparability of data.

"(e) The Secretary shall (1) assist State and local health agencies, and Federal agencies involved in matters relating to health, in the design and implementation of a cooperative system for producing comparable and uniform health information and statistics at the Federal, State, and local levels; (2) coordinate the activities of such Federal agencies respecting the design and implementation of such cooperative system; (3) undertake and support (by grant or contract) research, development, demonstrations, and evaluations respecting such cooperative system; (4) provide the Federal share of the data collection costs under such system; and (5) review statistical activities of the Department of Health, Education, and Welfare to assure that they are consistent with such cooperative system.

"(f) To assist in carrying out this section, the Secretary shall cooperate and consult with the Departments of Commerce and Labor and any other interested Federal departments or agencies and with State and local health departments and agencies. For such purpose he shall utilize insofar as possible the services or facilities of any agency of the Federal Government and, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), of any appropriate State or other public agency, and may, without regard to such section, utilize the services or facilities of any private agency, organization, group, or individual, in accordance with written agreements between the head of such agency, organization, or group and the Secretary or between such individual and the Secretary. Payment, if any, for such services or facilities shall be made in such amounts as may be provided in such agreement.

"(g) To secure uniformity in the registration and collection of mortality, morbidity, and other health data, the Secretary shall prepare and distribute suitable and necessary forms for the collection and compilation of such data which shall be published as a part of the health reports published by the Secretary.

"(h) There shall be an annual collection of data from the records of birth, deaths, marriages, and divorces in registration areas. The data shall be obtained only from and restricted to such records of the States and municipalities which the Secretary, in his discretion, determines possess records affording satisfactory data in necessary detail and form. Each State or registration area shall be paid by the Secretary the Federal share of its reasonable costs (as determined by the Secretary) for collecting and transcribing (at the request of the Secretary and by whatever method authorized by him) its records for such data.

"(i) (1) There is established in the Office of the Secretary a committee to be known as the United States National Committee on Vital and Health Statistics (hereinafter in this subsection referred to as the 'Committee') which shall consist of fifteen members.

"(2) (A) The members of the Committee shall be appointed by the Secretary from among persons who have distinguished themselves in the fields of health statistics, epidemiology, and the provision of health services. Except as provided in subparagraph (B), members of the Committee shall be appointed for terms of three years.

"(B) Of the members first appointed—

"(i) five shall be appointed for terms of one year,

"(ii) five shall be appointed for terms of two years, and

"(iii) five shall be appointed for terms of three years,

as designated by the Secretary at the time of appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

"(3) Members of the Committee shall be compensated in accordance with section 208 (c).

"(4) It shall be the function of the Committee to assist and advise the Secretary—

"(A) to delineate statistical problems bearing on health and health services which are of national or international interest;

"(B) to stimulate studies of such problems by other organizations and agencies whenever possible or to make investigations of such problems through subcommittees;

"(C) to determine, approve, and revise the terms, definitions, classifications, and guidelines for assessing health status and health services, their distribution and costs, for use (i) within the Department of Health, Education, and Welfare, (ii) by all programs administered or funded by the Secretary, including the Federal-State-local cooperative health statistics system referred to in subsection (e), and (iii) to the extent possible as determined by the head of the agency involved, by the Veterans' Administration, the Department of Defense, and other Federal agencies concerned with health and health services;

"(D) with respect to the design of and approval of health statistical and health information systems concerned with the collection, processing, and tabulation of health statistics within the Department of Health, Education, and Welfare;

"(E) to review and comment on findings and proposals developed by other organizations and agencies and to make recommendations for their adoption or implementation by local, State, national, or international agencies;

"(F) to cooperate with national committees of other countries and with the World Health Organization and other national agencies in the studies of problems of mutual interest; and

"(G) to issue an annual report on the state of the Nation's health, its health services, their costs and distributions, and to make proposals for improvement of the Nation's health statistics and health information systems.

"(5) In carrying out health statistical activities under this part, the Secretary shall consult with, and seek the advice of, the Committee and other appropriate professional advisory groups."

SEC. 106. Section 308 is redesignated as section 307 and is amended to read as follows:

"INTERNATIONAL COOPERATION

"SEC. 307. (a) For the purpose of advancing the status of the health sciences in the United States (and thereby the health of the American people), the Secretary may participate with other countries in cooperative endeavors in biomedical research and the health services research and statistical activities authorized by sections 304, 305, and 306.

"(b) In connection with the cooperative endeavors authorized by subsection (a), the Secretary may—

"(1) make such use of resources offered by participating foreign countries as he may find necessary and appropriate;

"(2) establish and maintain fellowships in the United States and in participating foreign countries;

"(3) make grants to public institutions or agencies and to nonprofit private institutions or agencies in the United States and in participating foreign countries for the purpose of establishing and maintaining the fellowships authorized by paragraph (2);

"(4) make grants or loans of equipment and materials, for use by public or nonprofit private institutions or agencies, or by individuals, in participating foreign countries;

"(5) participate and otherwise cooperate in any international meetings, conferences, or other activities concerned with biomedical research, health services research, or health statistics;

"(6) facilitate the interchange between the United States and participating foreign countries, and among participating foreign countries, of research scientists and experts who are engaged in experiments and programs of biomedical research, health services research, and health statistical activities, and in carrying out such purpose may pay per diem compensation, subsistence, and travel for such scientists and experts when away from their places of residence at rates not to exceed those provided in section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently; and

"(7) procure, in accordance with section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants.

The Secretary may not, in the exercise of his authority under this section, provide financial assistance for the construction of any facility in any foreign country.".

SEC. 107. (a) Part A of title III is amended by inserting after section 307 (as so redesignated) the following new sections:

"GENERAL PROVISIONS RESPECTING SECTIONS 304, 305, 306, AND 307

"SEC. 308. (a) (1) Not later than September 1 of each year, the Secretary shall make a report to Congress respecting (A) the administration of sections 304 through 307 during the preceding fiscal year, and (B) the current state and progress of health services research and health statistics.

"(2) The Secretary, acting through the National Center for Health Services Research and the National Center for Health Statistics, shall assemble and submit to the President and the Congress not later than September 1 of each year the following reports:

"(A) A report on health care costs and financing. Such report shall include a description and analysis of the statistics collected under section 306(b) (1) (G).

"(B) A report on health resources. Such report shall include a description and analysis, by geographic area, of the statistics collected under section 306(b) (1) (E).

"(C) A report on the utilization of health resources. Such report shall include a description and analysis, by age, sex, income, and geographic area, of the statistics collected under section 306(b) (1) (F).

"(D) A report on the health of the Nation's people. Such report shall include a description and analysis, by age, sex, income, and geographic area, of the statistics collected under section 306(b) (1) (A).

"(3) The Office of Management and Budget may review any report required by paragraph (1) or (2) of this subsection before its submission to Congress, but the Office may not revise any such report or delay its submission beyond the date prescribed for its submission, and may submit to Congress its comments respecting any such report.

"(b) (1) No grant or contract may be made under section 304, 305, 306, or 307 unless an application therefor has been submitted to the Secretary in such form and manner, and containing such information, as the Secretary may by regulation prescribe.

"(2) Each application submitted for a grant or contract under section 304 or 305, in an amount exceeding $35,000 of direct costs and for a health services research, evaluation, or demonstration project, shall be submitted by the Secretary for review for scientific merit to a panel of experts appointed by him from persons who are not officers or employees of the United States and who possess qualifications relevant to the project for which the application was made. A panel to which an application is submitted under this paragraph shall report its findings and recommendations respecting the application to the Secretary in such form and manner as the Secretary shall by regulation prescribe.

"(3) If an application is submitted under section 304, 305, or 306 for a grant or contract for a project for which a grant or contract may be made or entered into under another provision of this Act, such application may not be approved under section 304, 305, or 306 and funds appropriated under this section may not be obligated for such grant or contract. The applicant who submitted such application shall be notified of the other provision (or provisions) of this Act under which such application may be submitted.

"(c) The aggregate number of grants and contracts made or entered into under sections 304 and 305 for any fiscal year respecting a particular means of delivery of health services or another particular aspect of health services may not exceed twenty; and the aggregate amount of funds obligated under grants and contracts under such sections for any fiscal year respecting a particular means of delivery of health services or another particular aspect of health services may not exceed $5,000,000.

"(d) No information obtained in the course of activities undertaken or supported under section 304, 305, 306, or 307 may be used for any purpose other than the purpose for which it was supplied unless authorized under regulations of the Secretary; and (1) in the case of information obtained in the course of health statistical activities under section 304 or 306, such information may not be published or released in other form if the particular establishment or person supplying the information or described in it is identifiable unless such establishment or person has consented (as determined under regulations of the Secretary) to its publication or release in other form, and (2) in the case of information obtained in the course of health services research, evaluations, or demonstrations under section 304 or 305, such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Secretary) to its publication or release in other form.

"(e)(1) Payments of any grant or under any contract under section 304, 305, 306, or 307 may be made in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary deems necessary to carry out the purposes of such section.

"(2) The amounts otherwise payable to any person under a grant or contract made under section 304, 305, 306, or 307 shall be reduced by—

"(A) amounts equal to the fair market value of any equipment or supplies furnished to such person by the Secretary for the purpose of carrying out the project with respect to which such grant or contract is made, and

"(B) amounts equal to the pay, allowances, traveling expenses, and related personnel expenses attributable to the performance of services by an officer or employee of the Government in connection with such project, if such officer or employee was assigned or detailed by the Secretary to perform such services,

but only if such person requested the Secretary to furnish such equipment or supplies, or such services, as the case may be.

"(f) Contracts may be entered into under section 304, 305, or 306 without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(g)(1) The Secretary shall—

"(A) publish, make available and disseminate, promptly in understandable form and on as broad a basis as practicable, the results of health services research, demonstrations, and evaluations undertaken and supported under sections 304 and 305;

"(B) make available to the public data developed in such research, demonstrations, and evaluations; and

"(C) provide indexing, abstracting, translating, publishing, and other services leading to a more effective and timely dissemination of information on health services research, demonstrations, and evaluations in health care delivery to public and private entities and individuals engaged in the improvement of health care delivery and the general public; and undertake programs to develop new or improved methods for making such information available.

Except as provided in subsection (d), the Secretary may not restrict the publication and dissemination of data from, and results of projects undertaken by, centers supported under section 305(d).

"(2) The Secretary shall (A) take such action as may be necessary to assure that statistics developed under section 304, 305, and 306 are of high quality, timely, comprehensive as well as specific, standardized, and adequately analyzed and indexed, and (B) publish, make available, and disseminate such statistics on as wide a basis as is practicable.

"(h)(1) Except where the Secretary determines that unusual circumstances make a larger percentage necessary in order to effectuate the purposes of section 304, 305, or 306, a grant or contract under section 304, 305, or 306 with respect to any project for construction of a facility or for acquisition of equipment may not provide for payment of more than 50 per centum of so much of the cost of the facility or equipment as the Secretary determines is reasonably attributable to research, evaluation, or demonstration purposes.

"(2) Laborers and mechanics employed by contractors and subcontractors in the construction of such a facility shall be paid wages at rates not less than those prevailing on similar work in the locality, as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 267a–267a–5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to any labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(3) Such grants and contracts shall be subject to such additional requirements as the Secretary may by regulation prescribe.

"(i)(1) For health service research, evaluation, and demonstration activities undertaken or supported under section 304 or 305, there are authorized to be appropriated $65,200,000 for the fiscal year ending June 30, 1975, and $80,000,000 for the fiscal year ending June 30, 1976. Of the funds appropriated under this paragraph for any fiscal year, not less than 25 per centum of such funds shall be made available only for health services research, evaluation, and demonstration activities directly undertaken by the Secretary under such section.

"(2) For health statistical activities undertaken or supported under section 304 or 306, there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

"HEALTH CONFERENCES

"Sec. 309. A conference of the health authorities in and among the several States shall be called annually by the Secretary. Whenever in his opinion the interests of the public health would be promoted by a conference, the Secretary may invite as many of such health authorities and officials of other State or local public or private agencies, institutions, or organizations to confer as he deems necessary or proper. Upon the application of health authorities of five or more States it shall be the duty of the Secretary to call a conference of all State health authorities joining in the request. Each State represented at any conference shall be entitled to a single vote. Whenever at any such conference matters relating to mental health are to be discussed, the mental health authorities of the respective States shall be invied to attend.

"HEALTH EDUCATION AND INFORMATION

"Sec. 310. From time to time the Secretary shall issue information related to public health, in the form of publications or otherwise, for the use of the public, and shall publish weekly reports of health conditions in the United States and other countries and other pertinent health information for the use of persons and institutions concerned with health services."

(b) The authorizations of appropriations provided by section 308(i) of the Public Health Service Act is extended for the fiscal year ending June 30, 1977, in the amounts authorized for the preceding fiscal year unless before June 30, 1976, Congress has passed legislation repealing this subsection.

Sec. 108. (a) Subject to regulations of the President, lightkeepers, assistant lightkeepers, and officers and crews of vessels of the former Lighthouse Service, including any such persons who subsequent to June 30, 1939, were involuntarily assigned to other civilian duty in the Coast Guard, who were entitled to medical relief at hospitals and other stations of the Public Health Service prior to July 1, 1944, and who retired under the provisions of section 6 of the Act of June 20, 1918 (40 U.S.C. 763), shall be entitled to medical, surgical, and dental treatment and hospitalization at hospitals and other stations of the Public Health Service.

(b) Subsection (a) shall be effective from December 28, 1973.

TITLE II—REVISION AND EXTENSION OF MEDICAL LIBRARY ASSISTANCE PROGRAMS

Sec. 201. (a) Effective July 1, 1974, section 390 is amended by adding after subsection (b) the following new subsection:

"(c) For the purpose of grants and contracts under sections 393, 394, 395, 396, and 397, there are authorized to be appropriated $17,500,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976."

(b) The section heading for such section is amended to read as follows:

"DECLARATION OF POLICY, STATEMENT OF PURPOSE, AND AUTHORIZATION OF APPROPRIATIONS".

(c) The authorization of appropriations provided by section 390(c) of the Public Health Service Act is extended for the fiscal year ending June 30, 1977, in the amount authorized for the preceding fiscal year unless before June 30, 1976, Congress has passed legislation repealing this subsection.

Sec. 202. (a) Subsection (b) of section 390 is amended by striking out paragraph (1) and by redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively.

(b) Section 391 is amended—

(1) by inserting "and" at the end of paragraph (2),

(2) by striking out paragraph (3), and

(3) by redesignating clause (4) as paragraph (3).

(c) Section 392(b) is amended to read as follows:

"(b) The Board shall advise and assist the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this part."

(d) Section 393 is repealed.

(e) Section 397(b) is amended—

(1) by inserting "and" at the end of paragraph (4),

(2) by striking out "; and" at the end of paragraph (5) and inserting in lieu thereof a period, and

(3) by striking out paragraph (6).

(f) The first sentence of section 397(d) is repealed.

Sec. 203. (a) The first sentence of section 394(a) is repealed; and the second sentence of such section is amended by striking out "Sums made available under this section shall be utilized by the Secretary in making" and inserting in lieu thereof "To carry out the purposes of section 390(b)(1), the Secretary shall make".

(b)(1) The first and second sentences of section 395(a) are repealed; and the third sentence of such section is amended by striking out "Sums made available under this subsection shall be utilized by the Secretary to" and inserting in lieu thereof "To carry out the purposes of section 390(b)(2), the Secretary shall".

(2) The first and second sentences of section 395(b) are repealed; and the third sentence of such section is amended (A) by striking out "Sums made available under this subsection shall be utilized by the Secretary in making" and inserting in lieu thereof "To carry out the purposes of section 390(b)(3), the Secretary shall make", and (B) by striking out "entering into contracts" and inserting in lieu thereof "enter into contracts".

(c)(1) The first sentence of section 396(b) is amended by striking out "Sums made available under this section shall be utilized by the Secretary for making" and inserting in lieu thereof "To carry out the purposes of section 390(b)(4), the Secretary shall make".

(2) Clauses (A), (B), (C), and (D) of section 396(b) are redesignated as clauses (1), (2), (3), and (4), respectively.

(3) Subsection (a) of section 396 is repealed and subsections (b) and (c) of such section are redesignated as subsection (a) and (b), respectively.

(d)(1) The first sentence of section 397(a) is repealed; and the second sentence of such section is amended by striking out "Sums made available under this section shall be utilized by the Secretary, with the advice of the Board, to make" and inserting in lieu thereof "To carry out the purposes of section 390(b) (5), the Secretary, with the advice of the Board, shall make".

(2) The section heading for section 397 is amended by inserting "AND CONTRACTS" after "GRANTS".

(e) The first and second sentences of section 398(a) are repealed; and the third sentence of such section is amended by striking out "Sums made available under this section shall be utilized by the Secretary, with the advice of the Board, in making grants to, and entering into appropriate contracts" and inserting in lieu thereof "To carry out the purposes of section 390(b) (6), the Secretary, with the advice of the Board, shall make grants to, and enter into appropriate contracts".

SEC. 204. Section 399b is repealed; and sections 394 through 399a are redesignated as sections 393 through 399, respectively.

SEC. 205. The amendments made by sections 202, 203, and 204 shall apply with respect to appropriations under part J of the Public Health Service Act for fiscal years beginning after June 30, 1974.

And the Senate agree to the same.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
SAMUEL L. DEVINE,
ANCHER NELSEN,
Managers on the Part of the House.
EDWARD M. KENNEDY,
HARRISON WILLIAMS,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
W. D. HATHAWAY,
RICHARD SCHWEIKER,
JACOB JAVITS,
PETER H. DOMINICK,
J. GLENN BEALL, Jr.,
ROBERT TAFT, Jr.,
ROBERT STAFFORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11385) to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, minor drafting and clarifying changes, and technical amendments.

STATEMENT OF MANAGERS—H.R. 11385

Establishment of National Centers

The House bill established within HEW a single center to be designated as the National Center for Health Services Research and Health Statistics.

The Senate amendment established within HEW two centers, one to be designated as the National Center for Health Services Research and the other to be designated as the National Center for Health Statistics.

The conference substitute follows the Senate amendment because it was felt that health services research, and health statistics are somewhat different activities and could be most appropriately conducted in separate centers. The proper performance of health services research requires responsive and relevant statistics and the conferees expect that the activities of these two centers will be closely coordinated.

Appointment of Directors of the National Centers

The House bill provided for appointment of the Director of the single center by the Secretary of HEW and for his supervision by the principal adviser to the Secretary for Health Programs (presently the Assistant Secretary for Health).

The Senate amendment provided for the appointment of the Director of each center by the President with the consent of the Senate and required each Director to appoint a Deputy Director.

The conference substitute follows the House bill.

Scope of research and statistical activities

The House bill required the Secretary in carrying out health services research and health statistical activities to give appropriate emphasis to activities respecting the accessibility, acceptability, organization, distribution, utilization, quality, and financing of health care delivery systems.

The Senate amendment contained a similar provision except that it also required emphasis to be given to activities respecting the planning of, and technology for, such systems.

The conference substitute follows the Senate amendment.

Training

The Senate amendment contained a provision, not included in the House bill, authorizing the Secretary to make grants and enter into contracts for health services research and health statistics training.

The conference substitute follows the Senate amendment.

Personnel for the National Center for Health Services Research

The Senate amendment contained a provision, not included in the House bill, authorizing the Secretary to appoint, and fix compensation for, personnel for the National Center for Health Services Research. He was to exercise the authority in accordance with Federal civil service and classification laws except that (1) he could establish entrance grades for persons of exceptional talent at a level two grades higher than is authorized by such laws, and (2) he could appoint personnel without regard to such laws, but the number so appointed could not exceed at any one time one-third of the number of full-time regular technical and professional employees of the Center.

The conference substitute follows the House bill, and does not include the provision in the Senate amendment.

Review of grants and contracts

The House bill required applications for grants or contracts for amounts exceeding $25,000 for health services research, evaluation, or demonstration projects to be reviewed for scientific merit by a panel of experts appointed by the Secretary.

The Senate amendment contained a similar provision, except that such review was to apply to applications for amounts exceeding $35,000.

The conference substitute follows the Senate amendment.

Limit on number and amount of grants and contracts

The House bill required that the aggregate number of grants or contracts made in any fiscal year respecting a particular means of delivery of health services or another particular aspect of health services could not exceed 20; and that the aggregate amount of funds obligated under grants and contracts in any fiscal year respecting a particular means of delivery of health services or another particular aspect of health services could not exceed $5 million.

The Senate amendment contained no corresponding provision.

The conference substitute follows the House bill.

Transfer of funds

The Senate amendment contained a provision, not included in the House bill, authorizing transfer to the National Center for Health Services Research of funds available to any department or agency of the government for health care delivery research and demonstrations or for the provision of facilities for such research and demonstrations.

The conference substitute follows the House bill, and does not include the provision in the Senate amendment.

Independent research centers

The House bill contained a provision requiring the Secretary to assist in the establishment and operation of at least six independent health services research centers.

The Senate amendment contained a similar provision and also directed the Secretary to assist in establishing and operating a Health Care Technology Center to focus on all forms of technology and its application in health care delivery, and a Health Care Management Center to focus on the improvement of management and organization in the health field, the training and retraining of administrators of health care enterprises, and the development of leaders, planners, and policy analysts in the health field.

The conference substitute combines the provisions of the House bill and Senate amendment by requiring the establishment and operation of at least six independent health services research centers, one of which is to be a Health Care Technology Center and a second of which is to be a Health Care Management Center.

Data for committees

The Senate amendment contained a provision, not included in the House bill, which directed the National Center for Health Statistics to furnish, upon request but without charge, statistical compilations and surveys to the Appropriations Committees of the Senate and House, the Senate Labor and Public Welfare Committee, and the House Interstate and Foreign Commerce Committee.

The conference substitute follows the Senate amendment and includes the provision. The conference committee noted that this provision had been opposed by the Department of Health, Education, and Welfare out of a concern that the cost of complying with these requests might be excessive. However, the provision was included in the conference report because of the difficulty which the concerned Committees have had in getting statistics from HEW on previous occasions and because the conference committee did not anticipate that the concerned Committees would be making unreasonable or excessively costly requests for information.

Office of Health Services Information

The Senate amendment contained a provision, not included in the House bill, which directed the Secretary to establish within the National Center for Health Services Research an Office of Health Services Information to provide services for effective and timely dissemination of information on health services research, demonstration, and evaluation in health care delivery.

The conference substitute contains a provision which would require the Secretary to provide for effective and timely dissemination of information on health services research, demonstration, and evaluation without requiring him to establish a specific Office of Health Services Information.

Data developed in research demonstrations and evaluations

The House bill required the Secretary to make available to the public data developed in research, demonstrations, and evaluations conducted and supported under the legislation.

The Senate amendment contained no corresponding provision.

The conference substitute follows the House bill because it was felt important that the original data used in health services research should be available to the public and to researchers other than those who originally conducted the research in order to allow independent assessments of the meaning of such data.

Confidentiality

The House bill contained a provision restricting use and publication of information obtained in the course of any activity undertaken or supported under the legislation.

The Senate amendment contained a similar provision which was, however, applicable only to information obtained in the course of activities undertaken by the National Center for Health Statistics, and not to activities undertaken by the National Center for Health Services Research.

The conference substitute follows the House bill.

U.S. National Committee on Vital and Health Statistics

The House bill retained the existing U.S. National Committee on Vital and Health Statistics (established by the Secretary), with a requirement that the Secretary consult with and seek the advice of it in carrying out health statistical activities.

The Senate amendment amends the Public Health Service Act to establish in the Office of the Secretary the U.S. National Committee on Vital and Health Statistics, to be composed of 15 members, to assist and advise the Secretary on a broad range of matters relating to health statistics. The Secretary was to consult with and seek the advice of the Committee and other appropriate advisory groups in carrying out health statistical activities.

The conference substitute follows the Senate amendment because it was felt that since such a Committee presently exists, is required by treaty obligations, and is being used in the manner described in the Senate amendment, it should be given a statutory base.

Collection of data and reports of U.S. health conditions

The House bill contained a provision, identical to existing law, directing that there be an annual collection of data on the records of births, deaths, marriages, and divorces in registration areas; and directing the Secretary to publish weekly reports on health conditions in the United States and other pertinent health information.

The Senate amendment contained a similar provision except that (1) the collection of the data was not required to be made on an annual basis, and (2) the reports were to be made on a monthly rather than weekly basis.

The conference substitute follows the House bill.

Appointment of Administrator of Health Resources Administration

The Senate amendment contained a provision, not included in the House bill, requiring the Administrator of the Health Resources Administration to be appointed by the President with the advice and consent of the Senate.

The conference substitute follows the House bill.

National Advisory Council on Health Services Research

The Senate amendment contained a provision, not included in the House bill, establishing a National Advisory Council on Health Services Research to be composed of *ex officio* members and 15 members appointed by the President. The Council was to review the activities of the National Center for Health Services Research, seek within the government coordination of health care-delivery efforts, and assure the dissemination of significant findings.

The conference substitute follows the House bill.

Authorizations of appropriations

The House bill authorized appropriations in fiscal years 1974 and 1975 for health services research, demonstration, and evaluations in the amounts of $60.5 million and $65.2 million respectively; and for health statistical activities in the amounts of $25.0 million and $30.0 million respectively.

The Senate amendment authorized appropriations for health services research, demonstration, and evaluation activities in the amounts of $65.2 million for fiscal year 1975, $80 million for 1976, $100 million for 1977, and $125 million for 1978; and for health statistical activities in the amounts of $30 million each for fiscal years 1975, 1976, 1977, and 1978. In addition, the Senate amendment provided that unexpended appropriated funds could be carried over without fiscal year limitation.

The conference substitute adopts a compromise provision providing authorizations for health services research, demonstration, and evaluation activities in the amounts of $65.2 million for fiscal year 1975 and $80 million for fiscal year 1976; and for health statistical activities in the amounts of $30 million each for fiscal years 1975 and 1976. The conference substitute further provides that these programs shall automatically be extended for one additional year (1977) at the authorization levels provided for fiscal year 1976 unless Congress repeals the authority for such extension. The Senate provision providing that unexpended appropriated funds could be carried over without fiscal year limitation was not included in the conference substitute. The conference committee noted that the authorization of $30 million for health statistical activities for 1976 will almost certainly be inadequate but could not authorize a greater amount within the scope of the conference and therefore noted their intent to reauthorize an appropriate amount on a later occasion, if necessary.

For comparative purposes, the total authorization in the House bill was $180.7 million and the total authorization in the Senate amendment was $490.2 million. The conference substitute authorizes $205.2 million, with an additional authorization of $110 million in the event that the Congress does not reauthorize the programs prior to the end of fiscal year 1976.

Extension of Medical Libraries Programs

The House bill extended these programs through fiscal year 1976.

The Senate amendment extended them through fiscal year 1978.

The conference substitute extends the programs through 1976, except that provision is made for automatic extension through 1977, at the authorization levels for 1976, unless the Congress repeals the authority for such extension.

Supergrade Positions

The Senate amendment contained a provision, not included in the House bill, which authorized the Secretary to provide 16 supergrade positions for the National Center for Health Statistics, 29 for the National Center for Health Services Research, and 10 for the National Library of Medicine.

The conference substitute follows the House bill.

Structure

The House bill transferred existing sections 301 and 303 to Title IV of the Public Health Service Act, moved section 302 of the Act into the Controlled Substances Act and the Community Mental Health Centers Act, and created a new Part A in Title III of the Public Health Service Act.

The Senate amendment retained the present location of the existing sections 301, 302, and 303, and revised sections 304 and 305.

The conference substitute contains a compromise provision which (1) retains the present location of sections 301, 302, and 303, (2) rewrites sections 304 and 305 and adds to part A of title III of the Public Health Service Act *new* sections 306, 308, 309, and 310, (3) shifts *existing* sections 306, 309, and 310 to part B of such title, (4) shifts *existing* sections 310A and 310B to title II of such Act, (5) redesignates *existing* section 308 as section 307, and (6) repeals section 307, the authorization for which expired in fiscal year 1964, and sections 312, 312a, 313, and 315, the substance of which are included in the new provisions added to part A of such title III.

Harley O. Staggers,
Paul G. Rogers,
David E. Satterfield,
Samuel L. Devine,
Ancher Nelsen,
Managers on the Part of the House.

Edward M. Kennedy,
Harrison Williams,
Gaylord Nelson,
Thomas F. Eagleton,
Alan Cranston,
Harold E. Hughes,
Claiborne Pell,
Walter F. Mondale,
W. D. Hathaway,
Dick Schweiker,
Jacob Javits,
Peter H. Dominick,
J. Glenn Beall, Jr.,
Robt. Taft, Jr.,
Robert Stafford,
Managers on the Part of the Senate.

AMENDING THE INTERNATIONAL DEVELOPMENT ASSOCIATION ACT

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1209 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1209

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15465) to provide for increased participation by the United States in the International Development Association and to permit United States citizens to purchase, hold, sell, or otherwise deal with gold in the United States or abroad. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 15465, the

Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 2665, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 15465 as passed by the House.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 1209 provides for an open rule with 1 hour of general debate on H.R. 15465, a bill amending the International Development Association Act.

House Resolution 1209 also provides that after the passage of H.R. 15465, the Committee on Banking and Currency shall be discharged from the further consideration of the bill S. 2665 and it shall then be in order in the House to move to strike out all after the enacting clause of S. 2665 and insert in lieu thereof the provisions contained in H.R. 15465 as passed by the House.

H.R. 15465 authorizes the Secretary of the Treasury to agree, on behalf of the United States, to pay IDA $1.5 billion in four annual installments of $375 million. The bill authorizes the appropriation, without fiscal year limitation, of such funds as may be necessary for the payment.

H.R. 15465 also amends the Par Value Modification Act to permit American citizens to purchase, hold, sell, or otherwise deal with gold in the United States or abroad on December 31, 1974, or at any time prior to that date that the President finds and reports to Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the U.S. international monetary position.

Mr. Speaker, I urge the adoption of House Resolution 1209 in order that we may discuss, debate, and pass H.R. 15465.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. Mr. Speaker, I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I believe the gentleman stated that this bill on gold involves $1.5 billion, is that correct?

Mr. YOUNG of Texas. $1.5 billion, yes sir.

Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. YOUNG of Texas. Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as noted, House Resolution 1209 provides for the consideration of H.R. 15465, the International Development Association Act Amendments. This is an open rule with 1 hour of general debate, making it in order to insert the House-passed language in the Senate bill. There are no waivers of points of order in this rule.

This bill does two things. First, it authorizes $1,500,000,000 as the U.S. contribution to the International Development Association—IDA.

Second, this bill would allow Americans to buy, hold, or sell gold in the United States or abroad as of December 31, 1974, or anytime before that date that the President reports such action would have no adverse impact on the U.S. international monetary position.

With regard to the IDA authorization, this bill provides that the $1,500,000,000 would be paid in four annual installments of $375,000,000. In this round of contributions, the U.S. share of the total has been reduced from 40 percent to 33⅓ percent. IDA's standard credit terms involve a 50-year maturity period, including a 10-year grace period. One percent of principal is repayable in each year of the second 10 years and 3 percent in each year of the remaining 30 years. An annual service charge of three-fourths of 1 percent is charged to meet IDA's administrative costs. There is no interest charge.

With regard to the provision allowing private ownership of gold, it is notable that present law already allows the President to lift gold ownership restrictions at any time. This bill would automatically lift gold ownership restrictions as of December 31, 1974, if the President does not lift them before. The committee report indicates that the Federal Reserve and the Secretary of the Treasury do not recommend enactment of this provision. However, the Secretary has also stated that he hopes to recommend ending restrictions by the end of the year.

Mr. Speaker, at this time I yield 5 minutes to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, here we are again being aasked to play the sucker role for the international giveaway artists who have a track record without peer anywhere in the world for spewing out the wealth of this Nation.

Here we are again, right where we were on January 23, 1974, when this House, by a vote of 155 to 248, a margin of 93 votes, soundly defeated the same legislation to provide a handout of $1.5 billion to the International Development Association.

Back in January the House gave a resounding "no" to the internationalist fleecers who wanted to assault once again the inflation and debt-ridden American taxpayer to provide yet another subsidy for foreigners.

Mr. Speaker, I ask my colleagues whether the economic and financial and employment situation here at home is any better today than it was on January 23 of this same year.

This bill provides for the borrowing of $1.5 billion by the United States to give to IDA, which in turn forks it over to foreign governments without interest charges for what are normally 50-year periods. These foreign governments, however, turn right around and lend it out to their citizens at hefty profit rates.

Meanwhile, Mr. Speaker, Mr. and Mrs. Average American are backed up against the wall here at home, unable to obtain loans for any purpose at less than astronomical rates, partly because foolish and ill-conceived multi-billion-dollar foreign giveaway programs such as this one have dried up our money supply.

Even the most prestigious of domestic business concerns, the most favored customers of the banking community, cannot obtain loans at less than 11¾ percent, and, who knows, by this time today the prime interest rate may have already reached 12 percent.

Yet we are being asked today to provide $1.5 billion of the American taxpayers' hard-earned money to give away to foreigners at no interest rate whatever. It is not only fundamentally wrong, it is utterly outrageous.

Some of the proponents of this legislation like to boast that IDA has never had a default.

Bless their hearts, when a bank making 50-year loans with 10-year grace periods has been in business only 14 years, I guess it has not had a default.

Mr. Speaker, I would like to ask any of the supporters of this bill whether the United States is eligible for a loan, interest free, and for 50 years, that could be used to help our own inflation-ravaged citizens.

I would like one of the supporters of this massive giveaway program to list for me the places in Iowa, Illinois, Michigan, Texas, Wisconsin, California, Georgia, or Pennsylvania where a businessman or a citizen can obtain what amounts to a virtually free gift of money such as is provided by the International Development Association.

Can that be done in Texas, I might ask the gentleman from Texas (Mr. PATMAN)?

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. No; not at this time.

Mr. Speaker, I want to know where the people of my district can go to find that favored treatment, and I want to include Ohio in that. I want to know where the people in my district can go to obtain this sort of favored financial treatment. I will stand here, I know, until the snow flies or hell freezes over without receiving an intelligent answer from the supporters of this bill.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. No, I will not yield.

The SPEAKER. The gentleman from Iowa declines to yield.

Mr. GROSS. Mr. Speaker, what I would like to see for a change is a day set aside in this Chamber for the benefit of the citizens of the United States of America. I am not asking for a handout for the American people, but I am sick and tired of seeing them continually raided for handouts for foreigners around the globe.

We have just had the spectacle of the President of the United States journeying through the Mideast, handing out nuclear powerplants. India, allegedly a great peace-loving nation, has just exploded a nuclear bomb which they were able to make because the International Development Association and other foreign giveaway outfits have propped up and subsidized that government so heavily for years that it was able to build an atomic bomb with one hand while holding the other outstretched and beseeching alms.

The other theme so favored by the supporters of this bill is that unless we continue to bleed our citizens white to finance IDA, the so-called developing nations which control great mineral wealth will look with disfavor upon us and we will be left out in the cold.

They do not like to dwell upon the unpleasant fact that we have poured out $260 billion in foreign aid in herculean efforts to cultivate friendship and establish a favorable climate in these countries so that private investors could go in and invest their money in the production of raw materials.

Anyone who has eyes and ears knows what has happened. After nearly three decades in pursuit of this ill-conceived dream, we have fewer friends around the globe than we did when we started. Remember, if you will, the scenes of hilarity and gleeful revenge in the United Nations when these so-called developing nations had a chance to show their hatred of this country by voting against our efforts to keep Free China in that body. Those are the friends we have won through such programs as the International Development Association.

Mr. Speaker, the debt of this Nation is greater than the combined debts of all the other countries of the world. Our net public and private debt is more than $2,500,000,000,000. Our national debt has increased by about one-fifth in the last 4 years and we are going into debt by perhaps another $15 billion this year.

Our people are benumbed by sweeping inflation and double digit inflation that is tearing at the very fabric of the land. They cannot obtain loans to build homes for themselves, yet we have the spectacle here today of their House of Representatives considering legislation which would force them to provide $1.5 billion to be "loaned" to other nations at no interest rate and for up to 50 years.

Mr. Speaker, it is shameful that this bill was ever brought before us in the first place. It should be rejected out of hand and by such a one-sided vote that the entire world will know that the generosity of the American people—unsurpassed in recorded history—has been stretched, and cruelly stretched, to the breaking point.

It is time for this House to consider the rights of American working men and women. And it is time to consider the rights of their children who will have to pay the enormous bills that will come due as a result of our reckless attempts to be everything to everyone, everywhere with money we do not have and cannot afford to borrow.

The SPEAKER. The time of the gentleman from Iowa (Mr. GROSS) has expired.

Mr. GROSS. Mr. Speaker, I will ask the gentleman from Tennessee (Mr. QUILLEN) if I may have 3 additional minutes.

Mr. QUILLEN. I am sorry, Mr. Speaker, but all the time is completely allotted.

I will yield the gentleman 1 additional minute.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, and my fellow Members, I do not take this time to discuss the rule, that is a matter for the Committee on Rules, and one that I usually support. I would rather debate the proposition before the House on its merits rather than on the question of whether we should listen to the arguments.

First of all, let me say that I want to talk a few minutes about what is very important to us relative to this legislation. I believe we have more handout agencies in this Government than we have hand-in agencies. Most of the hand-in in this country into the Treasury comes from the taxpayers, and most of the handouts go through our Government agencies.

It is interesting to note that in the past 20 years, while America's gross national product grew to $1,050,000,000,000, the total output of the rest of the world tripled to $2,776,000,000,000, reducing the U.S. share of the world's goods and services from 37 percent to less than 28 percent of the world's total, exports from 18 to 13 percent, and gold and other monetary reserves from 42 to 8 percent.

As I understand it, the great gimmick in this legislation is that after all the gold is gone, a little carrot is being held out to the Members of the Congress that they can buy their own gold. Is that not a nice thing when we have dropped from 42d in the world to 8th in the world in our supply of gold?

While our industrial production rose 89 percent from 1960 to 1973—and I want the Members to pay a little attention to these figures, because this is the real guts of this legislation—the legislation we had up yesterday and the legislation that we will have next week when we come back—Japan's rose 400 percent; France, 117 percent; Italy, 105 percent; and Germany, 98 percent.

Some of the growth is attributable to postwar rehabilitation and rebuilding by the United States of America to the tune of $34,175,000,000; most of it, however, is a result of direct and increasing financial involvement of the United States in foreign economies in more recent times.

Since 1960, we have allocated $56,087,000,000 in investment funds to foreign countries; $30,468,000,000 in shipping on foreign ships and airlines—and everybody knows that unless this Government within a very short space of time subsidizes the two trunk carriers in this country they will go down the drain the same as the railroads, and the same as our maritime industry.

So the more goods we buy and more money we spend for defense, where we apparently have no lack of funding, it is absolutely not worth the paper that the orders are written on unless our transportation facilities in the air, on the land, and on the sea are brought up to the capability that they must have to preserve this country of ours.

We have given $87,845,000,000 in military aid alone—in 20 years, I am talking about—$71,268,000,000 in economic aid; and we have paid out $45,191,000,000 in income to foreign investors. While these dollar outflows have been in part counterbalanced by similar receipts from abroad, the cumulative result of the international financial flow has been a net loss of $78,543,000,000 since 1960, which is 13 years.

For years this country had a trading surplus. In 1962 our trade surplus was $5 billion. That gave us the initiative for passing the infamous and disastrous Kennedy round. By 1970 this was reduced to $2 billion. The most devastating effect, however, came in 1972 when we registered a deficit of $7 billion. Within 2 years our balance of trade had been seriously reversed, and there is little to indicate, despite current predictions, that the deficit spiral has ceased. In fact, it is likely to grow worse.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. DENT. For the month of May of this year the deficit is $799 million in a trade deficit. Purposes for trading have changed considerably, and an overriding consideration in the international movement of goods to this country is not necessity, not national interest, but trade for profit.

Yesterday we were told by the chairman of the committee that Eximbank had earned $9 billion for American business but the seed money for that $9 billion was $20 billion out of the pockets of the taxpayers. Nations cannot survive unless they have national income, not personal income, because the very persons and the organizations that earned this $9 billion paid less taxes into the Treasury of the United States than the individual earning $10,000 a year.

With profit as a motive, the Nation loses in the way of jobs, stability, independence, and progress. No one can gainsay that statement or doubt it because when we talk about creating 800,000 jobs by Eximbank and creating a trade surplus by IDA and all of the rest of the development funds that we have in this country, show them to me; show me where these 800,000 jobs are. Nail them down for me. Show me some plants that make money. We pay for them. We pay for them. We increase the price of every product in the United States by taking taxes to put into foreign countries to build facilities to make products that compete in the international market with us and compete in our own market, and many times the whole motive is profit on the part of the American, not the national conglomerates.

The SPEAKER. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of this rule, and I certainly hope that it will be adopted shortly so that the House can go about the very important business of reversing what I regard as the highly unfortunate action that was taken in this Chamber on last January when a similar measure was brought up. However, this measure does differ from the bill defeated in January in spreading out over four installments and for 4 years rather than 3 years the contribution that we would make to the fourth annual replenishment fund of the International Development Association.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding, because I want to respond to a question of the gentleman from Iowa when he asked if the citizens of Iowa or Ohio could qualify for loans from IDA to which the answer is "No," because people in those States have a per capita income of more than $375 per year thank goodness. As a matter of fact, 70 percent of all of the loans IDA has made went to countries where the average annual income of its citizens was $120 a year or less, if you can imagine a country whose citizens earn so little.

Mr. ANDERSON of Illinois. I think the gentleman makes a very important point, and it demonstrates why we are not, as the gentleman from Iowa said, adopting a sucker role for international giveaways in supporting this proposal. Eighty percent of the credits that are extended by the International Development Association go to countries with a per capita income of around $200 a year. That amounts to a per capita income of 55 cents a day for the people in those countries. To suggest that the United States, with a $1,400,000,000,000 economy should not cooperate to this extent in easing the plight of the victims of what the President of the World Bank has correctly described as the victims of absolute poverty, the kind of grinding, unbelievable poverty that we in this Chamber simply cannot even begin to imagine is unthinkable.

That is what we are trying to do. That is the kind of human misery and suffering that we are trying to alleviate through cooperating in this program.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, did any International Development Association money go to India?

Mr. ANDERSON of Illinois. In the last 5 years, yes, some of the money has gone to India. I regret as much as anyone else that India saw fit to use its limited resources to explode an atomic device while it needs this year, I am told, 5 million tons of food grains. But that fact alone must not be allowed to obscure our vision completely as to what our responsibility morally and politically I think must be in this very critical moment of world history.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I join the gentleman in the well in urging adoption of at least the rule. I believe the bill we will have before us is an improvement on the bill which was rejected earlier.

I commend the gentleman for emphasizing the major points that must be stressed in understanding the goal on this legislation.

I urge adoption of the rule and again commend the gentleman from Illinois for his positive viewpoint.

Mr. ANDERSON of Illinois. I appreciate very much the gentleman's contribution.

Mr. FREY. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, no matter how we feel about this, I think we ought to debate this in the House and let the House work its will.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman. Mr. Speaker, the gentleman has pointed out that most of this money has gone to countries with a very low per capita income. Of course, this is the reason why Congress long ago launched the foreign aid program, bilateral and multilateral, to try to help these nations.

What has disillusioned most of us is the fact that the money has not gone to these poor people.

Mr. ANDERSON of Illinois. Mr. Speaker, there is a measure of truth in what the gentleman from Maryland says. There have been some abuses, but as recently as 1966 about 65 percent of IDA moneys were going into things such as power and transportation, but at the present time that has been reduced so that in fiscal year 1973 those particular areas went down to 29 percent, and the emphasis is now being made on the so-called human resource sectors of education and agriculture.

Let me in the short time I have remaining, because it does address itself to a very relevant point that the gentleman made, say that in fiscal year 1973, 41 percent, almost half of IDA funds, went to education and agricultural programs. No one can deny those are the kinds of projects that are going to be meaningful in helping these people in these countries in the Sahel area of Africa and in Bangladesh and in other poverty stricken parts of the world to somehow raise that abysmally low standard of living to something that at least approaches the subsistence level.

I urge the Members to adopt the rule so we can debate the bill under a perfectly open rule, and I am sure amendments will be offered, but it is important that we not take a backward step and that we not relinquish what must be the continuing role of U.S. leadership. We cannot encourage other countries to adopt economic and monetary reform if we do not adopt this measure today.

Mr. YOUNG of Texas. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Speaker, I thank the gentleman from Texas for yielding.

At the risk of throwing a splash of cold water into this delightful proceeding thus far, I would like to say I have in the past voted in favor of IDA and I am in favor of the concept of private ownership of gold, but I am going to vote against this rule because I do not like the lumping of these two things together.

I do not see any reason on Earth why these two unrelated things should have been lumped together. I do not question the motives of anybody in this body whatsoever, but it seems rather obvious to me that this is a classic example of the kind of logrolling which we should not be participating in in this body. We have a great big conservative vote catcher in here and a great big liberal vote catcher combined in here and I think this rule is wrong.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, what constituent in each of our districts, faced with the problem of needing money, would not love the terms under which this particular agency, IDA, operates. Fifty years to repay, no interest, a service charge of 1 percent a year.

How about the thousands of cattle farmers right now who are up against the wall; and the poultry farmers in my district some near bankruptcy; that young couple somewhere in vain trying to find a decent interest rate from their local bank or their local savings and loan institution, so they can buy a home? Which one of our constituents would not love this kind of loan availability right here in our own United States of America. Yet we are being asked to vote away over a 4-year period $375 million each year for a grand total of a billion and a half dollars, right out of the taxpayers' pockets.

This is not the only generous program of this nature. The gentleman from Illinois (Mr. ANDERSON) would characterize us as selfish if we do not agree to distribute our largess all over the world; but this is not the only program. This is one of many programs that Uncle Sam is paying for, as the gentleman from Iowa (Mr. GROSS) says, often assuming the role of Uncle Sucker.

The administration announced the other day the desire to save $5 billion in an effort to curb inflation. They want to cut the budget by that amount. We can help to fight inflation today to the tune of $1.5 billion that can be saved, by voting against this bill.

I would like to say a word to my conservative colleagues who are so enamored of gold, as were the Spaniards of old, those who see on the horizon the gleam of streets paved with gold. You are trading off your principles totally without any gain. You are making a great mistake. If this bill and other bills like it pass, we all will need our gold because our money will be worthless. Indeed, our currency is worth a lot less today than it was only a few years ago, just because of this kind of legislation and this kind of uncontrolled spending in this Congress.

The voters in our districts are going to watch each of us; that farmer, that poultryman, that young couple who needs help to buy a home is going to watch what we do here. Only 155 Members voted for this, and 248 against it last January. "Will you love me in July as you did in January?"

In closing I am indebted to the late William Jennings Bryan, whom I paraphrase; "Do not crucify the taxpayers of your district or the people of this Nation on a cross of gold." Vote against this bill.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, the gentleman from Illinois (Mr. ANDERSON) claims the purpose of this IDA, is to help the poor people. We all sympathize with that. He admits the regrettable performance of India, but sees a new optimism in the way they have been spending their money recently.

Let me point out that nearly half the money loaned out by IDA in the last fiscal year for which we have a report went to India. Now, in addition to IDA loans, India has gotten about $7 billion of aid from the United States bilaterally. At the same time India has spent in the last 5 years just under $10 billion for national defense and has exploded a nuclear bomb. In contrast here are the pitiful sums of money it has spent on helping its poor people: $313 million for housing, $392 million for family planning, $1.1 billion for education and $4.3 billion for agriculture, and that is the kind of money that is going to help them.

Our aid money has been squandered and diverted from any purpose to help the poor and that is why so many have turned against it.

I thus oppose the enormous increase of 56 percent over the U.S. contribution of $960 million to the third replenishment of IDA. This bill would authorize $1.5 billion in U.S. contributions to IDA for the fourth replenishment. Forty-five percent of total IDA loans through fiscal year 1973—$2.3 billion—have gone to India. In fiscal year 1973, India received $494 million out of total IDA loans of $1.5 billion.

But India has exploded a nuclear bomb and made nuclear agreements for "peaceful" cooperation with Brazil, Bangladesh, and Argentina—in spite of the late President Peron's long-stated desire to make Argentina a nuclear power.

IDA loans are subsidizing India's irresponsible nuclear policies and its wasteful defense budget.

Even if IDA aid were cut off to India—$500 million in fiscal year 1973—why could not India cut back its wasteful defense spending and nuclear weapons spending to replace those expenditures. The India defense budget in 1974 is estimated to be over $2 billion.

The IDA loans are three-fourths percent—essentially no interest—50-year loans, including a 10-year grace period. Thus, recipients have little incentive to use these funds most efficiently.

Recipients often relend these loans at market interest rates to their people—12 to 20 percent. Thus, IDA loans subsidize national government expenditures with little evidence that IDA aid, even if it goes for agriculture and education, is reaching small farmers and the rural poor. Where is the evidence?

There is not assurance that IDA loans are adding to funds allocated to development rather than simply replacing domestic resources that then—as in India's case—go to develop nuclear weapons or for defense expenditures.

India is the only country outside of the Warsaw Pact which manufactures—by license—the Soviet Mig-21 and India is the second largest third world recipient of Soviet arms.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I rise in support of the rule and of the bill.

The purpose and the amount of the proposed participation by the United States in the replenishment of the International Development Association has been criticized on various grounds.

I believe that the realities of our economic situation and our economic position in the world argue very strongly in favor of this legislation, not against it. In the last few years we have seen our balance of trade go into a deficit for the first time in 70 years, then back to a surplus and now back to a deficit again. This demonstrates to me that our international economic decisions must not be based on shortrun conditions. We must deal with the longrun issues. It also demonstrates the reality of the economic interdependence of the world today.

It is clear that we need the raw materials supplied by the developing countries just as they need our products, our expertise and our capital. We have not had a balance-of-trade deficit with the less developed countries. The economic well-being of the United States depends on the peaceful and steady economic development of the poor nations of the world. As their economies develop, they will be able to afford increased imports of U.S. products and services.

I believe that peace and stability in this interdependent world depend on multinational efforts—of which H.R. 15465 is the essential component—to assist the economic development of the poor nations of the world, to establish an open, international trade system, and to assure an effective international monetary framework. The United States must do its fair share to insure that the international economic system, upon which our prosperity depends, is maintained and developed.

More directly, the IDA also has specific, short-run financial benefits to the United States, benefits which give a positive impact to our balance of payments. Historically almost 60 percent of the U.S. contribution returns to the United States through procurement of goods and services from the United States connected with IDA loan projects. In addition, the U.S. contribution returns indirectly to the United States as countries receiving IDA credits increase their consumption of U.S. goods and their demand for U.S. services generally.

It is economic inequality that is the time bomb of the future. The structure of peace is strengthened by the activities of IDA, whose credits contribute directly to the reduction of economic inequality. A farmer who now has access to the tools and the fertilizers necessary to improve his land is gaining a stake in the future, a stake he does not want to hazard by political instability, or armed conflict.

For these reasons, Mr. Speaker, I recommend this rule and this bill strongly to my colleagues and urge that we support both of them.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. CEDERBERG).

Mr. CEDERBERG. Mr. Speaker, I rise in support of the rule and I rise in support of IDA. I do it because I am thoroughly convinced that it is in the long-term best interests of my country. I have thought about this subject for a long, long time. I have to confess that after having made some studies, after having visited many areas of the world, that I have come to the conclusion that we as a nation of 220 million people, living in a world of about 4 billion people, must recognize that we have a part to play in seeing that some of these underdeveloped nations of the world have an opportunity to develop themselves and their resources as we have had in the past.

It is not a politically popular position to take. I cannot explain it to my constituents, but as we are here, sometimes we have to take positions which we cannot really explain in the way we would like to all of our constituents.

I have listened to the debate, and I realize that as far as I am concerned, it probably would be a politically popular position to take to be against it, but I am saying to the Members that as this world develops these underdeveloped nations are going to demand a right, a part in the development of their own economies, that it is in the long term best interests of the people of the United States, in cooperation with other countries, to participate in this assistance and this development.

Oh, we are going to make some mistakes along the road. We are going to have some projects and some things that are not going to turn out the way we would like to have them turn out. I say it again, I am convinced that in spite of the political ramifications involved, as we would look down the road years hence, that we would be making a serious mistake if we as a nation turned against this cooperative effort in behalf of the underdeveloped nations of this world. I believe with our technology, our ability to give some assistance, we can give them some hope, and hope that they need and hope that will make for some stability in this world.

If there is ever a time when we need some stability, when we need an opportunity for peace, it is now. It is not later. Sometimes we have a tendency to wait until a crisis develops; then we rush in and pour a lot of effort in the crisis which costs us millions of dollars.

Mr. Speaker, I firmly believe, as I said earlier, that this is an investment for peace and stability in the world. That is why I am for it.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Speaker, I appreciate the gentleman from Tennessee yielding these few moments to me to speak in support of this rule and in support of the bill.

What is really involved in this discussion today? We cannot avoid the fact that some of the money that has been loaned out has not been loaned wisely. Some of it went to countries which I might not want to see money go to, but what we cannot avoid is the fact that the United States cannot retreat from the position of world leadership. Whether we like it or not, whether we enjoy the burden of world leadership or not for the Western world, we bear that burden. Even though the burden may become onerous and we might want to lay it down and turn our backs on it, we still must maintain our stance.

I am happy that we have these multinational lending institutions, because we simply put up the dollars, as we are talking about doing today, and in IDA, there are going to be at least three more dollars put up by other countries, so the burden of helping underdeveloped countries is being removed from our shoulders entirely and is being shared by the rest of the world.

Furthermore, by the use of the multinational lending institution as a vehicle, a discipline can be exacted from the borrowing countries which we as a bilateral lending country cannot exact. Multinational lending institutions can demand that a recipient country practice good fiscal and monetary policies.

The question has been asked, why cannot we in the United States borrow from IDA? If we could get a little more fiscal and monetary discipline in this country, I would like to see that come about. This body itself needs a little discipline as far as good fiscal policies and putting pressure on what we do to avoid improper monetary policies.

I say to the Members of the House that we are going to make a critical mistake if we attempt to retreat in our position of world leadership, in defense of the Western World and the great concepts of democracy and individual freedom we now hold in this country. We cannot retreat.

I woud urge each Member to support this rule and let us hear the merits of this program debated fully, and not kill the program before we get to the merits.

Mr. BINGHAM. I thank the gentleman for yielding.

I would just like to congratulate the gentleman for putting this matter in perspective, and I would like to congratulate the gentleman from Michigan (Mr. CEDERBERG) for one of the finest statements I have heard.

It is so easy to criticize these programs. It is so easy to point out how this or that may have been a mistake, but in the larger perspective it is a matter of whether we want to continue to be a leading nation in the world or not.

Mr. BLACKBURN. I congratulate the gentleman for his comments. It is not a question of whether we want to be the leader in the Western World. The truth of the matter is that we are the leader of the Western World, and we cannot relinquish that position.

Mr. QUILLEN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I rise in opposition to this legislation for IDA—the International Development Association. The Treasury notes which are being sold by the U.S. Department of the Treasury today are going at 8.4 percent. The prime interest rate is now 11.8 percent. That is the rate at which banks loan money to their best and most reliable customers.

It is said that we are departing from our leadership role. Over the past 27 years we have committed over $266 billion in foreign aid to the countries throughout the world. The taxpayer of the United States will be called upon to pay for this loan of $1.5 billion by Treasury notes or by Government borrowing at no less than 8.4 percent—not only the loan, but also the interest.

We are loaning funds to governments where there are no reports of good projects being developed. No specific instances are noted.

Last year we loaned to the Sudan $11 million for agricultural development. We gave them $2.2 million in grants for refugee assistance, and a $2.1 million long-term, low-interest loan for the purchase of 20,000 tons of U.S. wheat. In addition, over the past years we have loaned this country, through the soft loan window, $60.5 million.

What did the Sudan do for us? Our Ambassador was assassinated there by the Palestinians.

The assassins were sentenced to life, but the Government of the Sudan turned them loose, gave them their freedom. Yet we go on giving aid to this country.

This is what thanks we get for the loans we give to other countries throughout the world. I say that they should be at least grateful to us for the loans that we have given them over the years.

How in God's name can we continue to borrow money at 8.4 percent interest and actually give it to them for a period of 50 years?

According to my interpretation of this legislation, the funds so lent to these undeveloped countries are repayable over a 50-year period and carry no interest.

Just this year this House passed a bill giving Swaziland, Bangladesh, and other countries $150 million in disaster funds. This was to take care of the undernourished. I supported this measure. I shall vote for such other measures as are necessary, but this Nation of ours cannot continue solvent, borrowing funds at 8.4 percent or more, and then lending the money at no interest for a period of 50 years.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I am happy to yield to the gentleman from Pennsylvania.

Mr. DENT. The gentleman's predecessor at the stand said we could not give up our leadership role.

Let me just tell the gentleman something. Great Britain said it could not give up the leadership role, and it had the leadership role, taking things from nations and not giving. They lasted for 600 years, trying to be the leaders, and they took from other nations.

We are giving to other nations, and we have not lasted, nor will we last 200 years, as the leaders.

Mr. CARTER. Mr. Speaker, I want to say to my friends today that we are in an election year. This year we are going to have to tell the GI's of our country that they must borrow money at 7½ percent while we are giving it to foreign countries at no rate of interest.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I commend the gentleman for his statement.

The gentleman from Georgia (Mr. BLACKBURN) spoke of the necessity for passing this legislation in order to retain our world leadership, whatever that is. I wonder what the gentleman from Georgia (Mr. BLACKBURN) was thinking about less than 6 months ago when he voted against virtually the same bill.

Mr. CARTER. I think that he was caught by the "golden hooker."

Mr. GROSS. He apparently was not very much worried about world leadership at that time.

Mr. CARTER. Mr. Speaker, I must remind my friend, the gentleman from Georgia, that all that glitters is not gold, and at this point he will have to explain to the voters of his district why he is voting to give this money away.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I am not yielding to the gentleman.

Mr. BLACKBURN. Mr. Speaker, I appreciate the gentleman's courtesy.

Mr. CARTER. Mr. Speaker, the Members of this House will have to tell the voters of this country why they are giving money away at no interest rate and at the same time the veterans of Vietnam are being denied home loans; loans to build their houses, or if money is available they are being required to pay 7.5 percent. I say that this is an untenable position for any candidate. I strongly oppose this legislation.

Mr. QUILLEN. Mr. Speaker, I yield 3

minutes to the distinguished gentleman from Ohio (Mr. J. William Stanton).

Mr. J. WILLIAM STANTON. Mr. Speaker, I wish to point out to the Members of the House that the gentleman from Georgia (Mr. Blackburn) certainly, as we all know, needs nobody to indicate why he has had second thoughts on any subject. However, I would like, in less than 3 minutes, to give the Members my idea as to why the gentleman from Georgia (Mr. Blackburn) and many other Members, I hope, on this floor today will give second thoughts to this subject.

We have heard many arguments about our constituencies and the high interest rates and what we are going to say to our constituents back home. Let me point out that this is what this Congressman is going to tell them: This Congressman is going to tell them he voted, with great pride, for IDA, not because, as the gentleman from Illinois has said, 80 percent of the money we are voting today is going to countries which have a per capita income of $200, but I have been told that 80 percent of this money is going to countries whose per capita total income is $100.

Mr. Speaker, I ask each and every one of the Members to consider this. I would love to tell this to the gentleman from Iowa (Mr. Gross), whom I have heard speak on this subject time after time: We must realize and I think we should tell the Members of this body that in the great Third District of Iowa, which the gentleman represents, the per capita income is more than $2,800. According to the Census Bureau, it is $2,873.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. J. WILLIAM STANTON. I am not going to yield to the gentleman.

Mr. Speaker, that is 28 times $100. That is tantamount to a comparison of the salary of each and every one of us at $42,500, comparing it to some multimillionaire in this country who made $1,190,000.

I will tell the Members something else that I am going to tell my constituents, and I will tell this to my good friend from Kentucky (Mr. Carter), as to why I am going to vote for this today.

We pay 7½ percent, 8 percent, 9 percent today. I pay it, all the Members pay it, and all of our constituents pay it to buy houses, to buy automobiles, and to buy clothing. But we are contributing this money today, not to somebody for the purpose of buying a house, but to somebody who has no cover over that house. It is true we are paying this and we are giving it away at cheap interest rates, but the fact is we are giving it to people who do not have enough food to put in their stomachs. Whatever the interest rates are, maybe we are paying for it.

I will say for the benefit of the gentleman from Maryland (Mr. Long) that I know the gentleman is a great friend of Israel, and I know we have contributed to India, and so forth. But I want us to remember that the little country of Israel, out of compassion, along with Spain, and these smaller countries are contributing $66 million to the underprivileged people in these other countries. I hope that the gentleman from Maryland has second thoughts today, because we must reverse the trend.

Many of us are going to fight for this, but we should do it under compassion. We have provided for this under the World Bank. There is no extra overhead connected with this. We can contribute this money to the 80 percent of those countries which have a per capita income of $100 or less.

In closing, Mr. Speaker, let me make this remark before we vote on this, because the gentleman from Pennsylvania brought up the subject of our per capita income and our gross national product:

You know, we are under a false assumption——

The SPEAKER. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio.

Mr. J. WILLIAM STANTON. Mr. Speaker, let me close by saying this: We got onto the subject of the gross national product, and the multilateral institutions helping the world, and we are under the false assumption that we are contributing so much more than everybody else, and we are, in dollar amounts. But, think about this: Of the 16 leading developed countries in the world who contribute to the underdeveloped countries, where does the United States stand insofar as the percentage of gross national product and per-capita contributions? Are we the first of these 16 countries? Are we the 8th, the 10th? Ladies and gentlemen, we rank 14 out of the 16 developed countries who contribute multilaterally to the poor countries of this world. This is terms of our official development assistance as a percentage of our gross national product.

The SPEAKER. The time of the gentleman has again expired.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15465) to provide for increased participation by the United States in the International Development Association and to permit U.S. citizens to purchase, hold, sell, or otherwise deal with gold in the United States or abroad.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. Patman).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15465, with Mr. Brademas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Patman) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. Widnall) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Patman).

Mr. PATMAN. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, the bill before us today is in part similar to the bill this House considered in January.

The first section of the bill would authorize the appropriation of a total of $1.5 bllion in four equal installments for the fourth replenishment of the International Development Association. The essential difference between this provision and that which the House considered in January is that the legislation considered in January provided for $1.5 billion in three installments, whereas this would provide the funds in four equal installments.

Mr. Chairman, it should be mentioned that the other body has recently passed legislation identical to this provision contained in section 1 of H.R. 15465.

The second provision of the bill before us provides that U.S. citizens, by no later than December 31, 1974, shall have the right to purchase, hold, sell or otherwise deal with gold in the United States or abroad. This provision again is very similar to that which the other body has passed as part of their IDA legislation, except for the fact that the provision in the other body would mandate the right of citizens to buy, sell, hold, or otherwise deal with gold by no later than September 1, 1974.

Let me mention first that the gold provision of the bill before us would do nothing more than treat gold as similar to any other commodity which can be bought and sold. Most countries throughout the world allow their citizens to buy, sell, or hold gold in any fashion or manner they so desire. Since gold is no longer used as a monetary base by the United States or any other country, there should be no reason why at this time U.S. citizens should not be allowed this right. When the Secretary of the Treasury, the Honorable William E. Simon, appeared before our committee recently he stated that even though having a date certain on which to mandate the right of U.S. citizens to deal with gold that it was his "own desire that I would be able to recommend that he—the President—do so, and that I will before the end of this year, unless there are damaging developments."

Mr. Chairman, all the Members I am sure will speak at length on the gold provision of this legislation. Let me conclude my observations on this section of the bill by stating that some will probably argue that this provision of the bill is nongermane to the basic legislation before us. My reply to this is that this provision of the bill is germane—gold legislation walls within the purview in jurisdiction of the House Committee on Banking and Currency, and it is a matter which has been considered at length by the committee over the past several years.

Mr. Chairman, now let me turn very briefly to the section of the bill provision authorization for the fourth replenishment for the International Development Association. Basically, the justification for the committee's action in recommending the approval of this legislation as concerns the International Development Association are as follows:

First, the U.S. contribution to IDA, as proposed here, will decrease from 40 percent of the total contribution, which ratio we maintain during the first three replenishments, to 33⅓ in this fourth replenishment.

Second, these funds as part of our commitment to the developing world are utilized only in those countries which have a per capita income of below $375 a year and in many instances below $100 a year.

Third, and this is most important, Mr. Chairman, these developing countries which we seek to support through IDA are primary suppliers of many of the raw materials which our country imports, and at the same time these countries, which receive IDA funds, are an important market for U.S. Exports. Currently the IDA recipient countries import from the United States more than $17 billion of goods and services a year, and this is rapidly growing. We have traditionally had a substantial surplus of trade with the more than 130 IDA recipient borrowing countries.

Finally, Mr. Chairman, you will recall that during the January floor debate on the IDA legislation the question of oil imports and gouging oil prices was brought up as part of the debate. Let me state that the Mideast countries and Venezula are not recipients of IDA funds, and further, that these Mideast oil producing countries have and are pledging substantial amounts of funds—in billons of dollars—through the International Monetary Fund, the World Bank, and the Inter-American Development Bank out of their surpluses.

Mr. Chairman, I believe that basically this summarizes the legislation before us, and I hope the House adopts the bill and that it becomes a law. This bill is a giant step in the direction of permanent peace in the world and I will reserve the balance of my time at this point.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. I thank the distinguished chairman of the full committee for yielding.

Last January when the bill was defeated, the contribution rate——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PATMAN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. ANNUNZIO. Mr. Chairman, if the gentleman will yield further, I understand the gentleman said the contribution rate under this bill when first considered was $500 million for 3 years, and under the present bill before us today the rate is $375 million for 4 years.

Mr. PATMAN. The gentleman is correct.

Mr. ANNUNZIO. I thank the gentleman from Texas. We have a balance of trade in our favor of more than $17 billion from these developing countries. We need their raw materials and resources, and we must for humanitarian, social, and political resources, and to maintain our world leadership, support this legislation.

Mr. WIDNALL. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise to speak in favor of the bill before us, H.R. 15465, which authorizes U.S. participation in the fourth replenishment of the International Development Association.

I want to emphasize one point at the outset: the proposed contribution is critical not only to this year's multilateral assistance effort, it is crucial to the very existence of IDA and to the U.S. posture in the world. In a large measure, the U.S. Congress was responsible for the establishment of IDA. The U.S. Government worked long and hard in the late 1950's to convince other nations that such an institution was needed. Since its inception in 1960, we have been IDA's chief backer and a primary source of financial support. The institution has more than lived up to the early faith we showed in it. IDA has become the single most important component in a cooperative, worldwide assistance effort. Through our leadership, the resources of developed nations in the free world have been enlisted through IDA to assist the underdeveloped nations so badly in need of help. It has acquired an enviable reputation for solid financial management, sound project selection, and successful implementation, in the world's poorest countries. In short, IDA works.

Unfortunately, unless we take prompt action, IDA will not be able to work much longer. The Association is dependent for its funding on the contributions of the United States and other industrialized countries. In the past decade, we have participated in three replenishments of IDA's resources. The funds for these contributions will be fully committed by July 1 of this year, and unless further resources are provided, IDA will be forced to cease making commitments for assistance.

Last fall, the United States negotiated an agreement with other donor countries for the fourth replenishment of IDA. Any objective observer would find that agreement very favorable to the United States: the United States succeeded in having its share in the total contribution reduced from 40 to 33⅓ percent. The other donor countries are standing by this agreement despite being hit much harder than the United States by increased oil prices and inflation.

At the height of concern over the energy crisis, the House, in January, voted not to approve even this more modest role in IDA's future. Spontaneous editorial comment throughout the country expressed a high level of dismay over this vote, reflecting not only the importance of IDA to the United States, but also the understanding that—if this legislation is not passed—IDA and our entire multilateral development effort, carefully nurtured for over two decades, may collapse. For if we cannot find the foresight and good sense to authorize the funds for our reduced future role in IDA, how can we expect the other donor countries—with their huge oil import bills—to participate?

The collapse of IDA would be a catastrophy for millions of people in the world's poorest nations. IDA is the most important source of development assistance available to countries with per capita income under $375 per year. This includes the countries of Sahelian Africa, suffering now from one of the most devastating droughts in recorded history, the impoverished nations of Asia, and Latin America's poorest republics.

Compelling though the case may be, I do not want to argue for this legislation primarily on humanitarian grounds. Rather, I would like to point out why our contribution to IDA represents a good investment for the United States—why this legislation is vital to the self-interest of this country.

Eveyone recognizes that the energy crisis has brought us to a critical juncture in world economic affairs. We are in greater danger of a wholesale slide toward confrontation and autarky than at any time since the Great Depression. In the face of this threat the United States has been pushing hard for international cooperation not only in the energy area but also in matters of trade, monetary policy, and international investment. Delicate negotiations are in progress, vital to our economic life. We cannot, however, seriously expect cooperation in these areas if we totally fail to do our share in the vital areas of development assistance. Our call, for instance, for an international response to the problems of natural resources supply will be viewed as narrowly self-serving if we are unwilling to assume our fair share in Christian aid to poor countries. Thus this legislation must be viewed as an indispensable part of our broader effort toward international economic cooperation.

IDA is also a good investment because it helps assure the United States of an adequate supply of raw materials. It is no secret that this country is increasingly dependent on the developing countries for vital raw materials necessary for our continued economic health, for raw materials to keep our industries going and thus jobs for thousands of our countrymen. The ability of these countries to supply our needs is to a considerable extent a function of their level of economic development. IDA helps to establish the infrastructure—the roads, power systems, communications networks, and ports—that allow a nation to become a useful supplier of raw materials.

IDA is a good economic investment for us because it helps increase the ability of developing countries to buy goods and services from us, not only in connection with IDA credits, but, more importantly, as their economic level grows, so does their demand for our exports. And we should remember, no matter how much in deficit our balance of trade has been over the past quarter century, we have always had a surplus with the developing countries; they have bought more from us than we have from them.

In a more general sense, IDA is a sound investment because it helps to alleviate the sort of pressures that could lead to a destructive confrontation between the rich nations and the poor. Dollars for peace are cheaper than dollars for war, as we well know. IDA is a manifest example that we care, that we are not narrowly self-serving. But its true value is that it works—IDA helps provide poor people with real hope, with real opportunities to earn a self-sustaining living with dignity.

Finally, IDA is a sound investment because it is an efficient multilateral institution. That means, first of all, that through IDA the burden of providing development assistance is spread among many countries. For the proposed fourth replenishment, every dollar contributed by the United States will elicit $2 from other donors. Second, it means that our contribution will be managed by an organization with great experience in development assistance, with proven managerial expertise, and with an enviable record of project selection and implementation.

Of course, I would be remiss if I did not mention that H.R. 15465 also provides that Americans shall again be free to buy, hold, and sell gold no later than December 31 of this year. Considering current prices of gold is the markets of the world, I am not at all certain such a privilege is any road to riches. On the other hand, I see no reason why Americans should have their freedom limited by continuing the existing constraints on gold ownership.

For all of these reasons, I urge prompt passage of this vital legislation.

At this time I would like to read into the RECORD a letter received from Joseph J. Sisco, Acting Secretary of the Department of State:

> DEPARTMENT OF STATE,
> *Washington, D.C.*
>
> Hon. WILLIAM B. WIDNALL,
> *Banking and Currency Committee,*
> *House of Representatives.*
>
> DEAR MR. WIDNALL: During his present travels, Secretary Kissinger specifically asked me to express to you his strong personal support for the legislation authorizing United States participation in the Fourth Replenishment of the International Development Association, which the House of Representatives will soon be reconsidering. Secretary Kissinger regards passage of this bill as a major element in the structure of international economic cooperation which the United States is trying to achieve. Failure of its passage in the House, following the favorable 55-27 vote in the Senate, would be interpreted around the world as a signal of retreat by the United States from its fair share of international responsibilities, and would hamper our foreign policy initiatives on many fronts.
>
> Sincerely,
>
> JOSEPH J. SISCO,
> *Acting Secretary.*

For all these reasons, I urge prompt passage of this vital legislation.

Mr. PATMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, last January, the House defeated a bill to provide additional funds to the International Development Association. Today, the House is being asked to reverse its position, and in doing so, undertake an act of blind faith.

Voting for this bill is, let me repeat, an act of blind faith. The truth is that at no time, in no stage of committee consideration, did the committee seriously consider the merits of either proposition. Nobody asked or talked about contributing a billion and a half dollars to IDA, or suggested how we might justify asking the House to reconsider its January action. Nobody asked for hearings to consider the merits of the private gold ownership provision. All we heard was whether or not adding gold would be a sufficient prop to get IDA through the House.

This IDA contribution involves more than $1 million a day for the next 4 years. But no one on the committee seems interested in the question of whether this ought to be done—only how to get it done. Nobody made any serious inquiry about the merits of the gold provision, save myself, and the only official reply that we have from the Federal Reserve and from the Treasury is that it should not be done. But the Treasury, with cynicism equal to that of the managers of this bill, privately says that if it takes gold to win IDA, they will pay that price.

We at least had hearings on IDA last fall; we at least have experience with it. But we have neither had hearings nor experience with the question of private gold ownership.

If we have any cause to wonder why the estate of Congress has fallen so low, or why Congress seems incapable of dealing effectively with major issues, we have no need to wonder after looking at the process by which this bill was created.

Good legislation requires good procedure. But this bill's emergence violated every tenet of rational procedure. At no time did anybody stop and ask, why are we doing this? No, the only issue was how to do it. At no time did anybody stop to inquire in any way if we should be doing this; the only question was how to be most expedient.

So in form and in substance the author and managers of this bill have violated every concept of responsible and rational legislative process. And in consequence, you and I are being asked to vote for this bill, in an act of pure, blind faith. Is it any wonder that Congress is so often considered an almost useless appendage of Government?

I have been told by my colleagues that it is a small thing, this jiggery-pokery that resulted in creation of the bill we have before us. They say that you have no business in politics if you are going to let such a small thing as principle stand in the way. It is not important, they say.

But any student of history will tell you that great principles are often fostered, and just as often founded, on issues that seem small at the time.

The whole concept of judicial review originated in a case that could hardly have been more insignificant. It was a case grounded in purely partisan politics, unworthy of a great struggle. But it became a foundation upon which the Supreme Court stands even now, almost two centuries later.

The cynic would have said that it was not worth fighting about. And that is what we have been told by the author of this bill. Sound legislative principle is not worth fighting about. Let us not ask what we are doing, or why. No, they say, let us fix up this bill and obscure it, and prop it up. That is what we want to do. And then they wonder piously how due process gets trampled underfoot, and why Congress looks so foolish and impotent, and cry out for reform.

I cannot support a bill that has not been considered carefully. We do not know what the consequences of this gold amendment will be. The manager of the bill will tell you, if he speaks honestly, that the gold provision might well do a great deal of harm. But then he says, magnanimously, in private, that if something does go wrong, he will reconsider.

Why place ourselves in that position? Why take an unknown risk, in the name of political expedience, and against the official advice of both the Treasury and the Federal Reserve?

And why should we obscure the real issue, the IDA contribution, by this cheap device?

The authors of this bill hope that everyone will have his eyes blinded by gold, and that gold will be the subject of debate, and that nobody will pause and ask about that other little thing, the billion and a half for IDA.

Surely, what we ought to be doing is talking about one or the other, but not both. These issues are wholly unrelated, and there is not one reason on the Earth or in heaven that they should be joined.

My friends on the committee might well have inquired of the wisdom of contributing to IDA, when 40 percent of the money goes to India, where there is more poverty than any place on the planet, but where the Government nonetheless finds the time and resources to explode a nuclear weapon. God alone knows why the Government of India thinks it necessary to construct atomic bombs when the country has a population rate that is growing at twice the rate of food production. But my colleagues have not bothered to ask about the wisdom of contributing to such folly; no, they only inquire about gold, a completely nongermane issue.

And in inquiring about gold, they do not ask about the consequences of private ownership. They only ask if the Secretary of the Treasury is willing to make a deal; namely, gold for IDA.

And so it is that you are being asked to vote for gold—not because anybody, least of all the author of the bill and its manager knows what it will do, not because he knows that it is sound but only because he thinks it is a good political deal.

And so it is that you are being asked to vote for IDA—not because there has been any real consideration of its merits, not because any real justification for changing your vote has been brought forward but only because the bill's managers think that you will not see IDA behind the golden crutch.

A vote for this bill is a vote of pure, blind faith. There is no record that supports the bill, nothing at all, because its sponsors do not think one is necessary or needed.

Others may be able to thus discard rational and sound legislative procedure. For my part, I will have nothing to do with it.

Mr. REUSS. Mr. Chairman, the replenishment of IDA, so rudely interrupted last January, ought now to proceed today.

Last Janury, there were two principal criticisms leveled in the debate against the replenishment. Both of them have been substantially answered.

The first was that the United States should not be expected to increase its annual contribution. As of last January, an increase was requested. The bill now before us has been altered to reflect a lesser annual contribution. The net of it is that whereas for some years past the United States has been contributing $386 million per year, the contribution under this bill for each of the 4 years beginning in fiscal year 1975 will be for a lesser sum, $375 million.

A second criticism which was voiced on the floor by many, including notably the gentleman from Ohio (Mr. Hays), was that the oil-producing countries, which then had created so much of the chaos in the world, were doing substantially nothing to help the developing nations. I think that the gentleman from Ohio (Mr. Hays) had a point as of last January. I did not attempt to answer him, because I recognized the point, and I think his forceful expression did some good, because I am now able to report that, I think, largely as a result of that debate and as a result of the vote and as a result of the energetic efforts of our country and some others to get the oil producing countries to contribute, they are now beginning to recognize their responsibilities.

So far, six of the OPEC countries have pledged more than $3 billion to the IMF special facility to help pay for increased oil prices. The same countries have purchased $600 million in the last couple of months of World Bank bonds, and they pledge to increase that purchase. Kuwait is expanding its economic development fund from $600 million to $3 billion. Venezuela is negotiating a $500 million trust fund in the Inter-American Development Bank, and believe me, with its oil riches, it should.

Iran is extending substantial bilateral assistance in the Middle East and Africa. Formal approval later this month is expected of a 24-member Islamic Development Bank with an initial capital of more than $1 billion.

So, I laud the gentleman from Ohio (Mr. Hays) for the forceful expression he made last January. It has done some good, and it is not beyond the realm of hope that the gentleman from Ohio can be with us later this afternoon.

Let me now attempt to answer several of the points that have been made against IDA. Point No. 1, that it does not help the poor. Well, as has been made clear this afternoon, from the very forceful expressions from the minority side, IDA's whole aim and purpose is to help countries whose average per capita income is $200 per year or less.

Mr. Chairman, I think of Members like the gentleman from Ohio (Mr. Stanton), the gentleman from Ohio (Mr. Wylie), the gentleman from Georgia (Mr. Young), and myself who, last fall in Senegal, saw how IDA on the spot was helping poor villagers, and farmers drill a well, so that they could have some water to put on their crops.

We saw in Kenya how landless farmers were, under agricultural credit schemes, given a plot of land on which to grow tea. We saw how seeds and fertilizers and insecticides were made available to them, how, through rural marketing cooperatives, they were able to market their tea, and how they were beginning to develop a stake in the future.

That is the kind of way by which IDA is actually helping the poor, and I wish every Member here today could have seen it.

Second, it is true that India has been getting a large share of IDA. So India has, in the past. But the share accorded India has been lowered every year. India, with 44 percent of the total population of the IDA-receiving countries, gets only 36 percent of the IDA aid, so it simply cannot be said that India is getting the lion's share. Something needs to be said about India's defense expenditures, which constitute 20 percent of the total Indian budget, much, much less than many of the developed countries, including our own. By way of contrast, India devotes over half of its federal budget to economic and social development projects. So India is bearing the burden of self-help.

Then, third, it is said that we have things to do at home—and so we do—in housing, in the developing areas of our own country, in the hills of Kentucky, in the backwater regions of many a State, we need funds to help those areas of our own country. But let me point out that the amounts in the budget to IDA will merely be one-tenth of 1 percent of the total budget, so that it is not exhorbitant; it is not a major share.

In return for that, in a selfish sense, we get monetary cooperation, which is seen in this year of political turmoil, instead of a monetary crisis—a degree of monetary stability that we have not witnessed for years.

In the days ahead, we are going to need the friendship of many countries if we are to get our fair share of scarce materials and supplies.

Finally, IDA should be voted up this afternoon, because it represents the highest aspirations of the American people. With proper leadership, the American people are not mean, or cabined-in, or confined, or uncharitable. The American people want to do their share.

When we look at what the people of West Germany or the people of Japan, whose IDA contributions have greatly increased, are doing, when we look at what little countries like Ireland and New Zealand are doing, which are giving a much larger portion, proportionately, of their income to IDA than we do, it seems to me that the American people will want our Congress to devote one-tenth of 1 percent of the national budget to keep alive this great hope of mankind, this institution which has done such a good job and will continue to do even a better job if we demonstrate our renewed faith in it.

Therefore, Mr. Chairman, I hope that IDA will be voted up.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I will be glad to yield to the gentleman from California.

Mr. JOHNSON of California. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the right of American citizens to own gold. Since my first day in this Chamber, back in January 1959, I have worked to obtain for each and every American that right he lost in 1934 when the Federal Government stepped in and denied the right of citizen gold ownership. From my introduction of gold legislation on my first day, through the succeeding 16-year period, my colleagues and I have looked forward to the day when once again the American people could legally possess gold.

We have before us today the means of restoring this right. I believe an adequate supply of gold is essential to the well-being of this Nation.

Northern California includes many of the most historic gold mining areas of California, dating back to the California gold rush. In direct contrast with the gold situation back in those times, our present outlook is deplorable. Today we produce only one-fifth of the gold needed for domestic consumption. This means we are dependent upon foreign countries for better than 4 out of every 5 ounces of gold we use for our arts, science, and industry, including our defense and space industries which are demanding constantly increasing supplies of gold.

The fact that we are not meeting our needs for gold is not because there is no more gold to be mined in the United States. The Bureau of Mines has reported that there are some 400 million ounces of known gold ore reserves. It is anticipated that the stability which this legislation will give to the domestic gold market will result in the opening up of some new mines and reopening of old ones.

Domestic mining would help to assure self-sufficiency for the Nation. With an impending minerals shortage of a magnitude substantially greater than the energy crisis we recently experienced, it seems only logical that we take this important step to allow free sale and ownership of gold.

It is sadly ironic that in America, the land of freedom, citizens do not have the basic right to freely buy, sell, and own gold in the same manner as any other metal. Citizens of over 40 other countries of the world have this fundamental liberty, yet we in the United States are denied it.

Last year the Senate passed an amendment to the Par Value Modification Act which would have permitted American citizens to own gold. When this bill came before the House, the gold provision was defeated by a tie vote. Instead a provision was added which permits the President, at his discretion, to eliminate restrictions on ownership of gold. The President has not exercised this authority.

On May 29 of this year, the Senate added an amendment to the International Development Association bill which would permit citizen ownership of gold beginning on September 1, 1974. The House Banking and Currency Committee has recommended passage of H.R. 15465, a bill similar to that of the Senate. The House IDA bill contains a provision which would permit Americans to hold gold as of December 31, 1974.

I strongly support this gold provision of the IDA bill and commend the Banking and Currency Committee for its foresight on the need to allow the ownership of gold. In addition, I welcome to our ranks, the support of the Department of the Treasury and in particular our new Secretary of the Treasury, who on more than one occasion has spoken in support of the need to return this right to each and every citizen.

Today, Mr. Chairman, we can correct an injustice long suffered by our citizens. I call on my colleagues to recognize the need for this change in policy on gold. The administration supports this effort, the public supports us, and the Senate has approved it. The time for the House to act is now.

Mr. WIDNALL. Mr. Chairman, at this time I yield 5 minutes to the gentleman from Pennsylvania (Mr. Johnson).

Mr. JOHNSON of Pennsylvania. Mr. Chairman, the vote today on this measure to replenish IDA is one of the most important votes that Members will be called upon to cast this session. Because of the outcome of the vote rests our future relations with other nations in the free world. Since President Eisenhower, back in 1960, took the lead in the formation of this organization, 112 nations have joined the association. Ninety-one of these nations are classed as donee countries; that is, eligible to receive loans. The other 21 nations are the donor nations.

When this organization first started we furnished 66 percent of the money. Now, by agreement with the group, our share has been reduced to 33⅓ percent.

I know many of you are saying why should we continue to remain a member of the International Development Association? I say we cannot afford, as a nation, not to continue as a member. The question before us today is whether we are going to continue to be a member of the family of nations of the free world.

To renege on our share of IDA will be a gross repudiation of firm promises made to other nations, and will be a withdrawal by our Nation at a time when we need great cooperation from other nations.

A committee of 20 nations has been meeting to try and come up with a new currency unit in order to stabilize world markets. They have just about agreed upon a new system.

Most of these nations who are trying to stabilize world currencies are also large donors to IDA. For instance, Canada has pledged $274 million in the next 3 years; England, a nation with a shaky economy and currency, $500 million; West Germany, $500 million; and Japan, $495 million.

As they all cooperate on other world problems, such as NATO, the energy crisis, and trade barriers, they also are cooperating in the IDA program. I think our choice is clear, as a leading nation in all these negotiations, to repeat, I do not see how we can now welch on our IDA aid, unless we have made up our minds that we are going to go it alone, reestablish "fortress America," and refuse to cooperate worldwide.

Such a decision is foreign to the United States. Since we last voted to kill the IDA bill, many changes have taken place. The oil embargo has been lifted. We held a conference in Washington with the oil-producing nations. Kissinger was able to neutralize the Syrian-Israeli conflict, and has arrived at a favorable understanding with Egypt, and President Nixon journeyed to the Middle East to cement the understanding arranged by Kissinger. And the President is now again in Moscow, futhering "détente" relations, hoping for new avenues for peace. And, as I stated, the Committee of 20 is on the verge of a momentous currency agreement to replace "Bretton Woods," and will fashion a financial way of life for all nations to endure the next 40 years.

Now aside from the international repudiation that our scuttling IDA would entail, is the distinct economic advantage to our Nation to remain a viable partner. The oil embargo by the Arabs awakened us to the utter dependence of the United States on oil from the Mideast. We desperately need raw materials from the developing countries who are the recipients of IDA loans. We cannot survive without trade with these nations. Thanks to IDA and other aid, our trade with recipient countries, in 1972, was $14.6 billion, and it will be bigger as the years go by. Few people realize that from these countries we get 100 percent of our crude rubber, 93 percent of our manganese, 92 percent of our cobalt, and 81 percent of our aluminum.

I realize that so-called foreign aid, whether bilateral, or channeled through international agencies, is not politically popular at the present time. However, the United States is the leading, and the richest world power. We cannot shun our responsibility, especially when the other nations of the free world have increased their share, and we have reduced ours to 33⅓ percent. Japan has tripled its share, and West Germany has doubled theirs.

The people of the United States must not all in a sudden become isolationists and engage in a feeling of false security in our own ability to go it alone. This we cannnot do. We are more dependent on other nations today than at any other time in history. In my own district, industries are clamoring for foreign raw materials. And I strongly feel we must not do anything that will endanger our friendly and cordial trade relations with all these poor countries, who need IDA aid, and also have provided us with the necessary raw materials for our survival.

I know some are thinking what does IDA accomplish. First of all, only loans are made—on easy terms for 10 years and more. I have visited projects sponsored by IDA and now completed, including schools built in Tunis, as well as extensive irrigation works making possible the tilling of thousands of acres of previously arid land all allocated on a 4-acre basis to small farmers. In Kenya, large tracts of land have been divided into 40-acre plots for tea growth and sold on favorable terms to unfortunate people and their families. In Ethiopia, roads have been built through jungles to open up large areas to agriculture and development. And in practically all of the developing countries dams have been built for electric power production. It just seems to me that we must continue this type of help for these people who cannot do it by themselves.

Mr. WIDNALL. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Crane).

Mr. CRANE. Mr. Chairman, I thank the distinguished minority leader, the gentleman from New Jersey (Mr. Widnall) for the grant of time.

I wish to support this piece of legislation because of a significant alteration of it over when the House previously voted on it. At that time I was one of quite a number in this House, a majority, in fact, who voted against the International Development Association. Subsequent thereto, as perhaps most Members of the House know, the Senate passed an IDA bill that included a provision that would restore to Americans the right to buy, sell, or hold gold by September 1 of this year. That particular amendment passed unanimously in the Senate. If this legislation passes in the House, and the only difference is the House bill has a December 31 date instead of a September 1 date, one can anticipate that no later than the end of 1974 Americans will be again entitled to buy, sell and hold gold, a fundamental right, it seems to me, that has been denied them for 40 years.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield at that point?

Mr. CRANE. I will be happy to yield to my colleague if the gentleman will make it brief.

Mr. ROUSSELOT. I appreciate the gentleman yielding to me.

Did not the gentleman tell me that Secretary of the Treasury Simon has told the gentleman from Illinois that the administration is seeking an extension of that date past December, so what good does the cutoff date do in this bill?

Mr. CRANE. The importance of the cutoff date to me is that if the Congress adopts a date certain, and if the administration later comes before the House and asks that the date be extended, for whatever reason, that neither the House nor the Senate would vote to give them such an extension on the ground that it would be a betrayal of faith, because the administration did not register opposition to this date certain now.

On the basis of past experience when we had a vote on the question of a date certain for restoration of gold ownership on December 31, 1973, which was defeated by this body in a tie vote, 162 to 162, and that same measure passed twice that year in the Senate by votes of 68 to 22 and 69 to 21, I believe the sentiments of the House and the Senate are well established on the question of setting a date certain for gold ownership. And the arguments that were raised against the date certain for 1973.

So I am personally persuaded that we can anticipate that the date certain will resolve this question once and for all, notwithstanding any possible future agitation on the part of the administration to change it. I confess to an ambivalence on this bill. I personally can accept the idea of support for IDA only because I believe that the restoration of the right to buy, sell and hold gold is so vitally important that this is a relatively small price to pay if one will calculate it in terms of the annual replenishment rate; namely, $375 million a year, which represents about one one-hundredth of 1 percent of our Federal budget.

Mr. Chairman, when I was teaching I had a colleague who was a refugee from Hungary, and he told me that he was on his way to Siberia to a Siberian prison camp, and he was able to buy his way free by passing off to one of his guards a watch which, coincidentally, happened to be made of gold.

I would only suggest to some of my colleagues that as the song says, "Freedom is not free."

I think it is a very difficult thing to establish a price tag on the restoration of a fundamental right that has been denied our citizens for, lo, these past 40 years. I acknowledge that there is a price tag here that some will find insurmountable to swallow. I respect that, but, on the other hand, think that they should carefully reexamine just exactly what we are talking about in terms of the cost of the legislation involved and, on the other hand, the restoration, as I say, of this very vital and significant right.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to my good friend, the gentleman from New Jersey.

Mr. HUNT. I thank the gentleman for yielding.

Did I understand the gentleman to say that the attachment of the right for an American citizen to hold and possess gold was a small price to pay for the passage of IDA? Did I understand the gentleman correctly?

Mr. CRANE. If I said that, I wish to reverse it. I did not intend to say that. IDA is a small price to pay for the reestablishment of the right to buy, sell, and hold gold. If I was in error in my previous remark, I wish it corrected.

Mr. HUNT. I thank the gentleman.

Mr. WIDNALL. Mr. Chairman, at this time I yield 4 minutes to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, I rise in support of H.R. 15465, the International Development Association fourth replenishment.

In discussing this legislation I shall touch on three questions.

First, what is the cost of IDA to the United States?

Second, why should Congress support the activities of the International Development Association?

Third, what would be the effects of congressional rejection of IDA's fourth replenishment?

I would like to comment upon the cost to the United States of our IDA contribution and upon our ability to afford it.

First, our $1.5 billion assessment represents a significant decrease in the U.S. share, from 40 percent to 33 percent of the total replenishment. In dollar terms, this is a $300 million reduction. Further, we may divide our payments over 4 years instead of the usual three—thereby cutting our annual installments to $375 million, or $11 million less than our present yearly IDA contribution. These savings, in part, have been made possible by a tripling of the Japanese and a doubling of the West German quotas. This, incidentally, clearly demonstrates that other developed countries are bearing a more equitable burden of developmental costs.

Second, a study released in March by the House Committee on Foreign Affairs reveals that, contrary to widespread assumptions, American participation in multilateral development banks has resulted in a net U.S. balance-of-payment surplus of $2.7 billion. Since the World Bank's inception in 1945, the United States has realized from the organization and its subsidiaries a positive balance of payments in excess of $3.5 billion. Nearly $2.6 billion of this total has been acquired since fiscal year 1965. The fact that the United States receives direct financial benefits from its participation in international lending institutions is, in itself, a sound economic argument for our continuing to fund programs like IDA.

Third, our remarkable trade recovery in 1973 and the present strength of the dollar abroad make the IDA request of $1.5 billion economically manageable, even with the negative impact of the energy crisis. Other industrialized nations are far more adversely affected by the oil shortage than is the United States. They, nevertheless, are still maintaining their support of IDA.

Fourth, Mr. Chairman, the example of the United States reneging upon its commitments made at the Nairobi Conference could lead to the complete unraveling of the replenishment agreement. To the poor economies of the world, this would only illustrate once again the validity of that somber law of economics: "the poor come last." This archaic attitude must fall to the demands of international cooperation if our planet is to survive.

Next, why should the Congress authorize funds to sustain and, indeed, expand the activities of the International Development Association? In my opinion, there are three fundamental reasons.

The first is humanitarian. Paraphrasing the observation of the noted British economist, Barbara Ward, "the rich nations have a moral obligation to assist the world's poor nations." Apparently, two out of every three Americans accept this thesis. This is borne out by a recent survey by the Overseas Development Council. The ODC study reveals that 68 percent of the American people support the idea of giving U.S. assistance to less developed countries.

The second justification is political. By promoting a nation's economic development, IDA also enhances that country's chances for continuing political stability and independence. This, in turn, contributes to a more peaceful community of nations.

Third, it is in our Nation's own self-interest to do all that we can to further the progress of the International Development Association.

A. In 1972 developing nations provided a $14.6 billion outlet for U.S. products. By helping to raise the national income of these countries, IDA expands this market potential for American goods.

B. By 1985 the United States will be dependent upon external suppliers, principally the developing countries, for 10 of the 15 minerals most essential to industrialized societies. By the year 2000 this will increase to 13 of those 15 minerals. In order to meet this growing mineral demand, the world's less developed nations must obtain capital in quantities sufficient to achieve the required expansion of output.

Finally, Mr. Chairman, if the House of Representatives rejects today the authorization for America's modest share of IDA's fourth replenishment, we unwittingly would place in jeopardy the ongoing efforts designed to sustain human life in the Earth's most poverty-stricken pockets. Specifically, what would be the possible consequences?

First, IDA lending would cease in the near future. This would terminate the principal source of multilateral loans for the world's poorest economies, thereby casting hundreds of millions of people into the most desperate circumstances.

Second, the new concentration on the development of human resources would wither and die. The implementation of this principal, so strongly advocated by the World Bank, developmental economists, and the Congress itself—in the passage of the Mutual Development and Cooperation Act of 1973—is seriously dependent upon contributions to IDA's fourth replenishment. The agreement negotiated in Nairobi in September 1973, stipulates that no nation need pay its share if any other country, party to this agreement, fails to make its contribution.

Third, the development of a self-sustaining economic capability in the world's poorest economies would be seriously impaired since failure of the United States to participate in this replenishment may cause the previously described chain reaction among the other industrialized nations. This would leave the poorest countries, which are unable to borrow in ordinary capital markets, in the untenable position of having no access to funds critical to their self-survival. By depriving these nations of IDA's resources, we thus perpetuate their dependence upon bilateral assistance.

Fourth, congressional refusal to refund IDA would ill-serve America's economic self-interests by impeding the development of potentially rich overseas markets. In 1972, for instance, developing nations provided a $14.6 billion outlet for U.S.-produced goods and services. By helping to raise the national income of these countries, IDA expands their ability to purchase American exports.

Perhaps even more important in this age of resource scarcities, our failure to support IDA would undermine reliable and sorely needed supplies of raw materials, energy, and minerals which our own economy will require in the near future. By 1985 the United States will be dependent upon external suppliers, principally the developing countries, for 10 of the 15 minerals most essential to industrialized societies. By the year 2000 this will increase to 13 of those 15 minerals. In order to meet this growing mineral demand, the world's less developed nations must obtain capital in sufficient quantities to achieve the required expansion of output. These realities mean, as Brookings economist C. Fred Bergsten has noted, that greater cooperation with the developing countries is essential for the well being of the United States. Access to reliable supplies of required resources, the ability to construct a more viable international monetary order, and the adjustment of global investment and trade policies to changing world patterns all require participation of the poorest nations.

Fifth, Mr. Chairman, our rejection of IDA would tarnish the position of the United States as an international leader. Today, our Government spokesmen are actively striving for international cooperation in the fields of trade, investment, and monetary policy. Concurrently, they have been denigrating all "go-it-alone" tactics as detrimental to a stable world order. Congressional refusal to participate in IDA refunding would cast serious doubt upon the sincerity of these efforts. Further, congressional abandonment of IDA not only would indicate an absence of a will to lead, but would reflect an insensitivity to the plight of the great majority of the world's population.

Let me conclude, Mr. Chairman.

There is an ineluctable movement toward a greater world interdependence with its concomitant need for more cooperation among all countries, large and small, rich and poor. The United States' role in the international economy, if it is to be meaningful, must recognize this contemporary global reality. There is no better way for Congress to express this awareness than by honoring the commitments made to IDA last September.

It is for this reason, Mr. Chairman, that I hope that this body will act favorably today on H.R. 15465.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. WHALEN. I yield to the distinguished gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman for yielding.

I would like to ask the gentleman a question. Since he says this promotes political stability, has the money we loaned to Ethiopia, at least $130 million, seemed to contribute to the stability there?

Mr. WHALEN. I would suggest that the Emperor is still on the throne in Ethiopia.

Mr. CARTER. But it is in a state of revolution at the present time and all cabinet members have been arrested, according to my information.

Mr. PATMAN. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Chairman, IDA represents a combine not of 21 industrialized nations but it has grown since its inception so that it now represents 25 of the industrialized nations. This is a very significant approach by those who are further along the path of development in cooperating in this world that so dearly needs cooperation in helping those who are less developed.

Let me speak primarily to the Members about how this differs in its impact on the budget of the United States than the bill that was introduced in January, because I think this is a very important question to many Members of the House.

First of all, the United States under this bill lowers its participation in this fourth replenishment by almost 7 percent.

Secondly, it provides for four payments instead of three payments. None to exceed $375 million and the first payment will be in 1976.

And the payment will be made not in cash but in non-interest-bearing notes which may not even be cashed fully in 1976.

So I cannot see how we could have conceived of a package that would have less impact and yet provide a full showing that the United States of America is still solidly behind the greatest cooperative financial institution that the countries of the world have yet devised.

There is one other significant thing I think about the change in this bill. It no longer carries the maintenance of value provision which required us to increase our contributions so that in the future we will not be facing that rather onerous situation.

So I think when we consider that we are by this action here today reestablishing our confidence in an approach to world problems that is constructive, that is cooperative, and that is realistic, as the gentleman from Ohio (Mr. WHALEN) has pointed out so adequately, it shows that we realize the problems of the world are our problems and that if these countries fail they still have to be taken care of some way and that becomes our burden. If they fail they cannot provide us with the things which we now get from them and they cannot buy from us the things they now buy from us, and everyone of these countries has a favorable balance of trade as far as we are concerned. We sell them more than we buy from them and that helps us immensely in our total posture economically in the total world situation.

So that I feel there should be strong confidence on the part of all Members today to support this legislation.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I want to commend the gentleman for his statements. I think it is particularly important to point out, as has been stated already, that much of this money goes for assistance to agriculture in these countries. There is much evidence that the next great world crisis may be, not a shortage of oil, but a shortage of food.

I think it has been in accordance with the record of this country that when impoverished countries face famine that we have not been reluctant to provide them with food. The money that is in this bill will assist them to solve that problem in a self-reliant fashion and will contribute to world well-being, as the gentleman points out. To the extent that assistance from IDA prevents famine and raises the agricultural productivity of the less developed nations, it will lessen the demands on the financial and agricultural resources of this country.

Mr. Chairman, I have voted against most foreign aid programs for the past several years, not for lack of concern for the needs of underdeveloped nations, but for lack of confidence that our bilateral aid programs met those needs. I am convinced that multilateral assistance through IDA meets those needs and I intend to support this bill. I urge my colleagues to do likewise.

Mr. HANNA. I thank the gentleman. I would conclude by saying that the money here is loaned and it is loaned for education, transportation, water and health, food, fuel and fertilizer. Those are the basic things that make life work. All we are doing here is to say let us make them available, let us make the rest of the world work in a way in which it does not become so much of a burden under the crisis that the gentleman from California (Mr. BROWN) has alluded to.

So I hope we will all get behind and support this legislation.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I would like very much to support this legislation. I have appreciated all the statements on the floor in the time here giving the reasons and stating the goals and objectives that it seeks and has accomplished.

There is one thing that does trouble me, however, that has been the situation recently illustrated by what took place in Sudan in the treatment of our Ambassador there. Apparently we live in an age of terrorism and the world is suffering from a period of instability. This seems more true in the so-called underdeveloped countries than in the developed countries than in the developed countries, even though they have their problems as well.

In examining the legislation, I find that the committee did put in the so-called Gonzalez amendment which was adopted for the purpose of bringing to the bargaining table those countries that were going to expropriate without compensation American property.

I wonder if it would be the consensus of the House and the wisdom of the Congress to extend this to countries that do not police terrorism against American nationals.

I would like to ask the member of the committee, the gentleman from Ohio (Mr. WYLIE), if he has a comment on this. Could the amendment be enlarged to protect not only property but also the nationals of this country?

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. HILLIS. Of course, I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I think the gentleman has made a very valid point. Certainly the situation today in Sudan is appalling and we cannot condone such activities nor can we condone terrorist activities against American citizens.

As far as I am concerned, we can make legislative history here on the floor of this House, which would say the Gonzalez amendment ought to be expanded in concept to insure that the United States would vote against lending to countries that condone terrorist activities against American nationals.

Mr. HILLIS. I thank the gentleman very much for his remarks.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. PATMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. YOUNG).

Mr. YOUNG of Georgia. Mr. Chairman, I guess as we listen to all the arguments for IDA and certainly I share all the humanitarian concern that has been expressed by Members of this Committee for the people of the underdeveloped countries of the world, I want to take a little harder line, though.

I think of the $375 million that we are contributing to IDA as something of an investment in the peace of a new kind of world. One of the things that has happened in the tenure that we have been in this session of Congress is that we have seen a de-escalation of military conflict between nations. We see for the first time in my lifetime the possibility of a real peace on the world level. But, the essential nature of the conflict between men has not ceased at all. Rather, what we see is conflict changing from a military basis to an economic basis, and the battlefields of the world in this day and age are more in the economic and trade agreements that are being made than necessarily on the military battlefields of the past.

So, I think as we look at the new battleground, the new economic conflict that does exist, we look particularly at the International Monetary Fund. Nine Members of the "Committee of 20" come from lesser developed nations. When our secretary sits down in that committee of 20, if he has no participation in IDA guaranteed by this Congress, he faces a potential block vote of nine against almost any proposal he makes.

We can certainly count on the Japanese and the West Germans, and many of our so-called military allies, turning from us as our new economic enemies, because they are desperately engaged with us in a conflict for world markets, and they really—especially in the case of the Japanese and West Germans—will beat the daylights out of us.

One part of Japan's success is that they have skillfully coordinated their economic aid with their ability and willingness to seek new markets. Japan is making a contribution of 1 percent of her entire gross national product in this type and other types of nonmilitary aid. They really have understood the nature of the future world conflicts, and had it not been for the energy crisis, they would have been so far down the road from us that we would not have a chance to catch up for some time.

In addition to this, some 60 percent of the natural resources we as a highly industrialized and technical nation need to survive being in the possession of those lesser developed nations. We sit down regularly with them, in the general agreements on tariffs and trade, and as we saw in the oil producing nations beginning to develop a cartel of their resources; as we see the bauxite producing nations; the coffee producing nations; the copper producing nations; the cobalt producing nations beginning to get together. We are entering into a possibility of a kind of cartelization of resources that is going to require much more sitting down together and trusting each other.

I think if we are not participants in the World Bank and in the International Development Agency with these other countries, we stand very little chance of convincing them of our good intentions, of living and developing in a world where we all live and grow at peace.

There has been a lot of reaction to India's recent nuclear explosion.

In India's case, 70 percent of her oil requirements are imported; and this factor, coupled with drought and the rising cost of food and fertilizer, is responsible for her present perilous economic situation.

The main achievement of India's Department of Atomic Energy has been in the field of nuclear power. The department has two nuclear powerplants in operation, one under construction, and a third being designed, which could develop industry and power fertilizer plants.

In the field of nuclear technology, India has developed radioisotopes in medicine, biology, agriculture and electronics, in hopes of developing minerals and power and water resources of much less expense than she would otherwise have to bear. India also wants to utilize her nuclear knowledge to obtain gas and oil, and to study "crater mechanisms" and rock dynamics.

India has declared that she is willing to share with her neighbors the fruits of her research on nuclear energy for economic development.

Although development of conventional energy resources is essential in India, the country suffers from a concentration of coal fields in Bihar and West Bengal in the northeast. Bottlenecks experienced in transporting the coal great distances along congested railways to the northwest and south have seriously impeded production in several industries.

India's three existing nuclear power stations are situated in three underpowered regions—Rajasthan in the south, Tarapur in the west, and Madras in the southeast. Sites for other nuclear power stations are being investigated in other parts of these areas farthest from the coalfields.

The coalfields themselves are an expensive source of power, because of the poor quality of coal found in a large number of small mines.

The Government's Department of Atomic Energy has taken in account the favorable cost structure of nuclear power plants in a world of rising production and import costs and chronic inflation. Although nuclear powerplants are more expensive to build than conventional ones, their operating costs are lower. They also have greater economies of scale, and remain fully productive throughout their lifetimes.

The testing of the Indian nuclear device was a byproduct of its constructive energy program, the specific cost of the development of the device, using the cheaper plutonium rather than the more expensive uranium, is estimated at up to $7 million. The work on the nuclear test was done entirely by Indian scientists, engineers and planners and all equipment and material used was Indian. This compares with a total expenditure on atomic energy by India during the term of the Fourth Plan—1969–74—of $592 million. It comprises $173 million on research and design; $243 million on nuclear power stations; and $176 million on industrial ventures.

Indian atomic energy expenditure during 1969–74 has been 1 percent of total Government expenditure. As part of the fourth plan during the same period, India spent $3.4 billion—or 15.9 percent of total expenditure—on agriculture; $3.98 billion—or 18.5 percent—on transport and communications; and $4.15 billion—or 19.3 percent—on industry and minerals.

The concern of the Bank and IDA in India continues to be for the development of agriculture, transport, industry, conventional power and education, and assistance for population control. Since IDA was formed in 1960 it has made total credits to India of more than $2.6 billion, assisting nearly 60 projects carefully appraised by IDA.

This aid has been far exceeded by India's own contribution to development and the accomplished of India's series of 4-year plans has insured the country's economic survival.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Georgia. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I certainly want to commend the gentleman on his fine statement. He has so well articulated the increasing interdependence which the nations of the world face in the future. Another important aspect of the argument relates to the fantastic need faced by the underdeveloped nations where the annual per capita family income is less than enough to buy one television set in America. International Development Association loans are limited to those poor countries with per capita incomes of less than $375 per year. In fact, more than 80 percent of IDA's credits go to countries with an annual per capita income of less than $200—only pennies per day.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. WIDNALL. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. I thank the gentleman from New Jersey (Mr. Widnall) for yielding. Mr. Chairman, various statements have been made today as to the political ramifications of this bill. Frankly, I do not know what the position of the constituents in my district might be, or what is politically popular or what is not politically popular insofar as this bill is concerned. I do not mean to be pretentious when I say that. But, the passage of this bill, I respectfully submit, is the right thing to do. We have some responsibility to help people who are so much less fortunate than we are.

I agree that we must reduce Federal spending. But this bill does represent a decrease in this category, both from a percentage standpoint and from the amount in actual dollars, as the gentleman from Wisconsin (Mr. Reuss) previously pointed out.

We simply cannot pull the rug out from under an organization whose only role is to help the very poor of the world, people whose per capita income, as has been mentioned, is less than $375 per year. Seventy percent of the IDA funds go to countries with people whose per capita income is less than $100 per year, if the Members can imagine that.

The gentleman from Wisconsin (Mr. Reuss) mentioned our trip to Kenya and to Senegal. In Senegal I saw with my own eyes some of the grinding poverty that we read about. No one can imagine such poverty until he sees it. There is no way anyone can describe what has happened to the people in some of these countries.

In Senegal, I saw with my own eyes a railroad repair shop financed with IDA funds using American equipment providing jobs and transportation.

In Kenya, as was mentioned by the gentleman from Wisconsin (Mr. Reuss), IDA funds provided fertilizers, insecticides, and the wherewithal for a very successful tea production operation, helping a lot of people who would otherwise be in poverty overcome their poverty.

In Malawi, an impoverished country in Southeastern Africa, IDA provided the funds in 1968 for a rural development project in the Shire Valley; 16,000 farm families were able to increase their annual incomes 10-fold by growing cotton and raising better food crops.

IDA money does not go into building grand hotels and armies or even much in the way of large-scale industry, as has been suggested here. Its principal aim is to help small farm families, through agricultural and educational programs.

IDA recently supplied funds to house 6,500 families left homeless after the earthquakes in Nicaragua.

It has funded a livestock development project in Afghanistan, a water supply system for Damascus, the irrigation project for 20,000 families in Nepal, and similar projects around the world.

Moreover, by participating in IDA the United States can increase trust by helping ordinary human being.

By approving this measure, Congress reaffirms its intention in two important areas of public policy, it seems to me. First, we recognize that for both strong humanitarian reasons and important economic reasons, support of the International Development Association is essential. No nation with our wealth and our ideals can turn its back on the struggling nations of the world.

The gentleman from Georgia (Mr. Young) made a significant point, I think, awhile ago that selfishly we should not turn our back on the nations of Africa who will supply 60 percent of our critical raw materials in the years ahead.

In short, no nation with concern for the present and hope for the future can deny the worthy intentions of the International Development Association.

In another area of this bill, Mr. Chairman, I welcome the provision on the private ownership of gold. In my opinion, the assertion of each individual's right to purchase wholesale or otherwise deal in gold is long overdue. The people of 70 other countries can, why not U.S. citizens?

For these reasons, I think it is essential that this bill pass.

Mr. WIDNALL. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. Frelinghuysen).

Mr. FRELINGHUYSEN. Mr. Chairman, as a member of the House Foreign Affairs Committee, I want to voice my strong support for the legislation before us. I think it would be most unwise if Congress today should bring about the demise of the International Development Association. Defeat of this bill would mean terminating the principal source of multilateral loans for the poorest economies of the world.

I would like to speak briefly about some of the objections that have been raised concerning U.S. participation in the International Development Association. First, some have asked why we should be voting to send funds abroad when there are many unmet needs at home, and in our own districts. In reply, let me say that the United States, despite certain economic dislocations, remains the richest country in the world. I would like to point out that on the basis of the $304 million budget proposed for fiscal year 1975, the proposed $375 million contribution to IDA would amount to no more than one-eighth of 1 percent of the total budget. Compare this to the nearly 50 percent allotted for domestic social welfare programs—public assistance, unemployment, and so forth.

With figures like these, I hardly think it is reasonable to say that by giving desperately needed help to the poor nations of the world we are shirking our domestic responsibilities or misplacing our priorities.

I agree wholeheartedly with the eloquent statement of the gentleman from Georgia that our contributions to IDA should be considered as an investment in the future. Furthermore, we should take into consideration that a major portion of this contribution that will be used to buy goods and equipment right here in our own country, creating jobs in our factories for our constituents. This means that the amount actually coming out of the taxpayer's pocket is something like 70 cents per person.

There have also been numerous charges that the countries that receive funds from IDA relend this money domestically at much higher rates with the government or middlemen capitalizing on the profits. This should be clarified.

Generally, IDA funds are lent to governments, because the main purpose of concessionary financing provided by IDA is to permit governments to pursue their development plans without being thwarted by balance of payments constraints. The World Bank estimates that in the past 5 years, about half of the IDA funds provided to borrowing governments have been reloaned to other agencies within the country at prevailing local commercial interest rates. These agencies, which are organizations such as agricultural development banks, transportation authorities, and so forth, must insure that the funds loaned to them are used in a prudent, businesslike manner for projects that can insure an economic return comparable to that of other capital investments in the country.

The difference between the low rate which recipient countries pay IDA and the amount they charge locally, which usually ranges from 12 to 15 percent, is used to help build government credit institutions that help free the small entrepreneur from total reliance on private local moneylenders. There moneylenders frequently charge rates from 50 to 100 percent, placing the poor in a state of bondage. In most cases, if it were not for IDA money, there would be no means by which local farmers, businessmen, and so forth, could obtain access to funds to support themselves and utilize the resources of their country.

Our own business community points out that on numerous occasions, when we have experienced slack economic activity in the United States, we have done exactly the same thing by creating specialized institutions to channel funds for stimulative capital or infrastructure development. Typical examples are the Small Business Administration, the Tennessee Valley Authority, the Federal Housing Administration, and the Reconstruction Finance Corporation during the depression.

When we last debated IDA financing, there was considerable concern that this money would fall directly into the hands of the oil producing countries. I am afraid there are still many who fear this, but it is not technically possible. IDA credits have never gone to the traditional oil producers. Only 3 of the 13 OPEC countries—Ecuador, Indonesia, and Nigeria—have received loans. Ecuador and Nigeria no longer receive IDA credits because of their oil revenues and as of July 1, Indonesia is no longer eligible for IDA funds.

Moreover, IDA credits cannot be passed through other recipient countries directly to the pockets of the oil producers because IDA does not finance commodity purchases, particularly not oil. Its funds may be used only for the capital costs—machinery, equipment, technology, et cetera—of specific development projects and programs which are carefully scrutinized by the World Bank management and staff before the moneys are disbursed. There is virtually no way that IDA funds could be siphoned off by a borrower to pay for items not related to the project.

Conversely, OPEC countries are a major source of development funds. The World Bank expects to borrow 40 percent of its funds, or approximately $1.2 billion from the oil-producing countries during the coming fiscal year. These countries have already pledged $3 billion to a special facility in the International Monetary Fund to help countries handle oil price increases; they also have purchased over $600 million of World Bank bonds, and indicated they will purchase a greater amount next year. The function of IDA and the World Bank is very important in this regard. They are providing an effective intermediary through which oil profits may be channeled into development projects in the world's neediest countries. It would be very imprudent for us to curtail this constructive endeavor.

I hate to consider what could happen to the economic and political stability of the world if the oil-producing countries become the sole sources of development funds and are left to do with them as they wish. Access to this capital, for development and other purposes, could then very well be tied to political support for the Arab States. I do not think the United States and the other developed nations of the world should even consider, at this time, giving up the leverage and influence they are able to exert through multilateral channels such as the International Development Association.

In conclusion, I also would like to point out that all other major industrialized countries—with the exception of Italy—have already taken parliamentary action to increase their contributions to IDA. Most of these countries face domestic economic problems similar to, and often worse than, our own. Faced with their generosity, how can we, the richest country in the world and the one least hurt by current world economic troubles, be so niggardly as to deny help to the poorest countries when other less well off than we have already demonstrated their readiness to contribute to this most worthwhile endeavor.

Should the House again vote against the IDA replenishment, it will be responsible for killing this program, since according to the agreement reached by the 25 donor countries, no contributions will become payable until 80 percent of the contributions have been pledged. The U.S. contribution is one-third of the whole and the loss of our pledge, therefore, means the loss of the whole. Can we, in good faith to our friends and allies, face the responsibility for having destroyed this program?

Mr. WIDNALL. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I thank the gentleman for yielding me this time.

I wish to ask a question concerning some statements which were made in the report. The section of the report I refer to states as follows:

> The Committee emphasizes this point because it wishes the House to be aware that this authorization bill will result in a binding international commitment by the United States. Congress should be aware now that a valid international commitment will exist when appropriations to cover this agreement are requested.

We will note that it states not when they "are made," but when they "are requested."

Does this mean that our Subcommittee on Appropriations dealing with foreign operations, which has jurisdiction over this item, and has had for years, will have nothing to do in connection with this consideration, that it will be automatic when the funds are requested each year for these sums?

Mr. Chairman, I will ask if some member of the committee can answer that for me.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. SHRIVER. Certainly, I yield to the gentleman.

Mr. REUSS. Mr. Chairman, I will be glad to answer.

No, it is not an automatic act of the Subcommittee on Appropriations that is requested. This bill would authorize the U.S. Government to make the agreement. In the past, the Committee on Appropriations has, I think rightly, tended to honor those commitments.

There have, however, been cases—and I have regretted them—where the Committee on Appropriations has lagged, shall we say, in its response to our commitment.

The answer, and the short answer, is that the power and authority of the Subcommittee on Appropriations remains unchanged.

Mr. PATMAN. Mr. Chairman, I yield the remainder of our time, 5 minutes, to the gentleman from California (Mr. REES) to close the debate.

Mr. REES. Mr. Chairman, I am in strong support of the IDA bill. I think that it is good that the United States participate fully in multinational organizations such as this. What worries me about the bill—and I will vote for the bill—is section 2, which would allow American citizens to purchase gold. This got into the bill through Senate amendments in the Senate bill. It really did not come from the Committee on Banking and Currency, but then a separate vote was held on the Senate amendment, and the amendment was sustained.

What worries me is not so much that by having American citizens buy gold that we are going to disturb the international monetary balance, what worries me about the ownership of gold is that a lot of innocent people will be buying gold, and I think they are going to lose their shirt. The speculators will eat them up. The gold market is pretty thin with about $25 million a day in gold being traded. The price was about $160 an ounce a couple of weeks ago, and now it is down to $138 an ounce.

The gold one buys on margin. You put down 10 percent, of the purchase price and finance the 90-percent balance. There are also gold shortage expenses, and that costs money.

What I am afraid of is that since the gold market is basically a speculator's market, that what will happen when gold is legalized in the United States is that your friends and my friends will go out and buy gold at $160 an ounce, and upward up to $170, $200, $210 an ounce. If then the price goes down a little bit, with heavy margining, what is going to happen is the margin calls will come in and pretty soon you will find that the gold market is all the way down to around $90 an ounce, and your friends and my friends will lose their shirts.

That is what worries me.

I would hope that the Federal Reserve Board and the Treasury, if this amendment is sustained, will have strong restrictions as to how American citizens can buy gold. I would like to see a situation where the requirement would be that if an American citizen wants to buy gold that he would have to pay 100 cents on the dollar, could not buy it under a margin condition. In this way I think it would stabilize the market, and it would also protect the average investor from margin calls that would run the price of gold all over the lot.

The gold market is dominated by speculators today, and with a thin market of $25 million in sales and purchases in any one day. It is obvious that gold speculation is not a reasonable investment for the unwary.

So, Mr. Chairman, while I do support IDA, I would put forth this caution that if gold is available for purchase by American citizens that there be very strong regulations to how American citizens buy that gold.

Mr. ABDNOR. Mr. Chairman, will the gentleman yield

Mr. REES. I yield to the gentleman from South Dakota.

Mr. ABDNOR. Mr. Chairman, the House has before it today a bill that would do two things if adopted. First, it provides for the authorization of $1.5 billion as the U.S. share of contributions to the International Development Association, the "soft-loan" window of the World Bank; and second, it provides for the private ownership of gold by Americans after December 31, 1974, unless the President says OK before that time. I have been a long time supporter of the latter, but oppose the former and take strong objection to the inclusion of the two in one bill when there exists little if any relevancy between private ownership of gold and 50-year term, three-fourth-percent interest rates to countries with per capita incomes of less than $375 a year. The theatre of the absurd is alive and well on Capitol Hill, but legislative responsibility and relevancy, in this case, could not get a booking.

Giving the right to the American people to once again own and hold gold is important enough to stand on its own. I introduced legislation last year to provide for private ownership of gold. It is a right that can no longer be justly denied, if, indeed it ever was. To use it as a provision to gain my support of replenishing IDA severely tests my integrity as a Representative. I strongly object to the legislative maneuverings involved to achieve adoption of both measures when one such as IDA replenishments carries severe questions of applicability to its intentions.

I cannot justly support providing $1.5 billion to the International Development Association even though I would gain the long sought-after goal of ending the unjustified denial of private ownership of gold. The IDA measure does not appear to me to be sound legislation that we need so badly in these times of low congressional credibility. For that matter, weak and questionable legislation can never be tolerated.

The International Development Association is to provide loans to the underdeveloped countries with less than $375 per capita income yearly. We provide, as a nation, almost 40 percent of the money in IDA which is now supposed to drop down to one-third. The other 18 wealthy nations in the world provide the rest. These loans are for a term of 50 years with the only interest being charged three-quarters of 1 percent for the service provided. Loans go for agriculture programs, transportation, education, electric power and water works, as well as to industry. The IDA is to help the underdeveloped countries help themselves. Or is it?

According to figures given in hearings on the bill, the countries who receive these loans turn around and loan their IDA money to individuals in the country at the going interest rate which ranges from 12 to 20 percent. I find this highly inordinant and carrying the smack of a ripoff. I simply cannot see who we are helping by tolerating such operations. Why do we not demand that the countries involved loan at the going international rate, at least?

The fact that the United States is being asked to contribute 33⅓ percent does not adequately reflect the present world economic situation. If we are going to provide an economic benefit or chance than let us consider what is relevant to the discussion. One must also consider the domestic economic ramifications. What do we provide for our own deprived in this area? Where does the budget stand? I would rather support, as I did, a $1.5 billion low-income housing program for the elderly of our Nation than loans to other countries that operate in a questionable sphere of equity and purpose.

The many salient variables contributing to my opposition of the IDA $1.5 billion replenishment are aptly exemplified by the situation in India. She spends $175 million on a nuclear bomb, and has since the inception of IDA in 1960 received nearly 44 percent of its money. She achieves almost self-sufficiency in 1971 with the "green revolution's" success in feeding her millions, but goes to war with Pakistan in the Bangladesh area and essentially ignores further support of the American agriculture experts creating the basis for a plentiful supply of food from the Punjab Plains. As a result of Mrs. Gandhi's ignoring the fact that she must continue to provide emphasis on agriculture development, many—almost all are of the American expertise—left alone with the hopes of India feeding her nation. IDA cannot be used to buy commodities; therefore, it cannot directly relieve the hunger India is presently faced with. India has shown a stark disregard to the needs of her people. IDA cannot help her for it has not in the past. To continue to provide the type of assistance represented by IDA can only foster further entrenchment of the problems.

I regret that I cannot support the bill in that it would grant a right long removed from the American people, but to do so would mandate my support of the International Development Association, which I have attempted to point out, clearly deserves none in its present form.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, as sponsor of a substantially identical bill, I am pleased to express my support for H.R. 15465, providing for increased participation by the United States in the International Development Association.

This bill should be viewed as part of our larger goal in the reformation and reshaping of the international economic order. It is part of our objective in retaining our influence among the increasingly important developing countries, which provide a $17 billion market for our exports and supply 60 percent of our import requirements in eight essential industrial raw materials. Because of this increasing economic interdependence, it is vital that we support the IDA in its endeavor to supply long term interest-free loans to the less-developed countries of the world. In turn, much of the assistance comes back to the United States in the form of goods and services and a net favorable impact on the balance of payments.

But, for all the benefits which may accrue, I must say that we are not a nation motivated purely by self-interest. Mr. Chairman, we have a moral obligation to help the poor, less fortunate people of the world, particularly those in countries having a per capita income of less than $120 a year. The "soft loans" of the IDA assist in the undertaking of valuable long term economic development projects. In other cases, when the money is re-lent, it is loaned at rates far lower than rates which have existed in the past. In this fashion, the poor in these developing countries are assisted while the countries themselves are progressing towards their full economic potentials.

Mr. Chairman, I have long supported the programs of the IDA. I strongly agree with the Banking and Currency Committee in its view that the International Development Association has the expertise, experience, and freedom from political considerations which allow it to "influence developing countries to become both more productive and more self-reliant." I urge the House to pass H.R. 15465.

Mr. PATMAN. Mr. Chairman, I ask that the Clerk read the bill.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The call will be taken by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Mrs. SCHROEDER. Mr. Chairman, the United States has a vested interest in providing the underdeveloped countries of the world with the tools to promote their economic and technical development. Our continued participation in the International Development Association, which is the world's single greatest source of easy loan money for the poorest underdeveloped countries, is one of the best ways we can accomplish this task.

I think the concern of many when the bill first came up in January during the height of the energy crisis—that the funds would simply pass through the hands of the recipient countries to the oil-producing nations to pay for increased oil prices—has been assuaged by further events and information on the sources and uses of IDA funding. These moneys go only for the capital costs of carefully chosen development projects, not for purchases of commodities such as oil. Most OPEC countries are not eligible for IDA credits because the loans go only to countries with annual per capita incomes of $375 or less. Countries which have recently become large producers are being phased out of the IDA program.

On the other hand, the reality of a critical food shortage, and higher fuel and petrochemical fertilizer prices, are having a devastating impact on the underdeveloped countries. It has been estimated that developing countries last year paid an additional $15 billion for oil and food and fertilizer imports. These developments make it even more imperative that we assist these countries in their struggle to become self-sufficient in food production. The priority which IDA has given to agricultural and educational projects commends it highly in this regard.

A significant change has been made in the earlier bill to meet another frequently voiced concern—that the $1.5 billion authorized would be an unwarranted drain on our tax dollars during a time of inflation and economic uncertainty. H.R. 15465 stipulates that the $1.5 billion authorized would be paid in four annual installments, rather than three as in H.R. 11354. This would reduce the annual level of U.S. contributions from $500 million in the earlier bill to $375 million, making it less than the present annual level of $386 million. The latter is composed of $320 million, plus $66 million which is required to maintain the real value of U.S. funds following the two devaluations of the dollar. It is important to note that the provision in former replinishments which required maintenance of value has been dropped, so the U.S. share will not increase if there are further devaluations.

While our payments would go down under this bill, the contributions of other donor countries, under the new replenishment formula worked out in the 1973 Nairobi conference, will go up. The U.S. percentage share will decrease from 40 percent to 33 percent. I was shocked by India's detonation of a nuclear device when she has unspeakable poverty. To divert scarce resources into a nonproductive use such as a nuclear explosion while many go hungry is not a policy we should support.

The passage of the amendment instructing the U.S. Governor on the IDA Board to vote against loans of IDA funds to any country which is not a party to the nuclear nonproliferation treaty allows me to support this bill. We have a special responsibility to countries with destitute populations but we must also use every opportunity to use our influence to limit the proliferation of nuclear weapons. The IDA bill as amended fulfills both responsibilities.

Mr. MOSS. Mr. Chairman, I rise to explain my vote against H.R. 15465, though I believe IDA is a program which deserves support, the coupling of that measure with the legislation of gold forced me to vote against that bill.

We are now in a period of inflation bordering on the runaway. The Consumer Price Index has increased over 45 percent since 1967. Since inflation is classically an imbalance between supply and demand, any legislation which might hamper efforts to increase supply must be marked as potentially inflationary.

Recently I attended the Democratic Steering Committee session at which a group of distinguished economists discussed the many problems besetting our economy. One of these is a lack of capacity in basic industry, particularly in the iron, steel, oil, gas and paper industries. To solve this problem, capital must be available to flow into these industries. I believe that the legalization of gold may misdirect our capital resources away from production and into a sterile metal.

The "gold bugs" as they are called have little faith in the American economy. Mr. Harry Browne, author of "You Can Profit From a Monetary Crisis," advises not only the purchase of precious metals but the stocking of some retreat with food and other commodities to survive a period of economic chaos. But the freezing of necessary capital in an unproductive medium will make economic stabilization more difficult. Large amounts of money are already flowing in this direction. The Commerce Department reports that the imports of "metal coins, numismatic" more than doubled last year to $59 million—Fortune, June 1974, page 152.

How much more capital will flow into precious metal speculation if the imprimatur of the Congress is placed on gold ownership? One can only speculate. However, this very lack of knowledge argues for a very careful look at gold legalization. I do not believe that sufficient research has been undertaken to enable us to intelligently make a decision on section 2 of H.R. 15465. I note with concern that the report which accompanies this legislation—Report No. 93-1142 page 13—devotes only three small paragraphs to this issue. Further, I note the statement of Representatives GONZALEZ and STEPHENS that:

> Nobody really knows the consequences of this gold ownership provision; apparently no one cares to ask, preferring to concentrate on clever maneuvers than sound legislative procedure. This despite the fact that neither the Secretary of the Treasury, nor Chairman of the Federal Reserve Board, thinks it wise to set a date certain for repeal of the gold restrictions. And this despite the fact that present law allows the President to lift these restrictions at any time.—Report No. 93-1142, p. 19.

Finally, Mr. Chairman, I would point out that the news of the moment suggests that the international gold market has "topped out." This indicates the decisions of the large numbers of sophisticated investors now active on the international gold markets. This reflects an increased confidence in the international economic situation. It suggests, further, that unsophisticated investors entering the market today would initially bid prices up and then reap tragedy as prices subside to normal levels.

Therefore, Mr. Chairman, because of this lack of information on the economic impact of gold ownership and the potential drubbing unsophisticated investors may receive if they now enter the market. I am forced to vote against H.R. 15465.

Mr. BIESTER. Mr. Chairman, I am pleased that the House has an opportunity to review its earlier decision against authorizing funds for the International Development Association, and I strongly urge my colleagues to use this occasion to give this measure the support it deserves.

H.R. 15465 will authorize U.S. participation in the International Development Association through contributions to the fourth replenishment of funds. We are talking about a U.S. contribution of $1.5 billion, in four equal installments of $375 million, with an additional $3 billion being put up by other participating developed nations.

IDA funds are made available to the approximately 80 countries which have an annual per capita income of $375 or less. The bulk of this credit financing goes to about 30 countries with yearly incomes of less than $130 per person. More than one billion people are benefiting from the existence of IDA through multilateral funding of agricultural and transportation projects, electric power plants, education programs and other activities supportive of economic development and overall improvement of social and health conditions.

IDA-financed projects in Africa, with which I am most familiar, include an agricultural program in Malawi which has doubled the acreage yield of maize, a large-scale agroindustrial complex in Cameroon, a critical railway linkage between Mali and Senegal, school construction and teacher training in Kenya and health-related programs in Upper Volta, Cameroon, Malawi, Mali, Malagasy, Ghana, the Ivory Coast, Dahomey, Niger and Togo.

To these countries, IDA assistance is not an expendable alternative, it is an essential prerequisite if they are to realize any appreciable degree of self-advancement. The less developed countries lack the internal resources to initiate basic self-sustaining development projects and because of their lack of resources they are unable to borrow money through customary international channels.

As we here in the United States continue to experience inflation and high living costs, many citizens are skeptical of foreign aid programs and the outflow of U.S. dollars and agricultural goods. As my colleagues know, IDA is not a foreign aid program, and it would be incorrect to characterize it as such or for the American people to interpret it in this way. Rather, IDA can be looked upon as an investment by the United States for the mutual benefit of the developing nations and the United States.

Concern for the economic well-being of the United States and all of its citizens is contingent upon a forward-looking, open trading policy which takes into account a continuously changing international picture and a growing interdependence among all nations. Past experience with IDA has demonstrated that we can expect a 60-percent return on our commitment of funds to these poorer developing nations. While we are not participating in IDA to somehow come out ahead with a profit, critics of IDA should realize that these nations we help financially are, at the same time, key purchasers of American-made products and goods. The less developed countries have been a reliable and significant contributor to trade surpluses. In 1972 exports to these countries represented 30 percent of our total exports.

This has a sound and positive impact on our balance-of-payments situation—a fact we cannot overlook or underestimate. Over the past 5 years we have purchased $46 billion worth of goods from the 66 nations we have helped through IDA, but in turn these countries have purchased from us goods worth $60 billion. This represents a $14 billion balance to our advantage. When we consider that our purchases are most often of critically needed raw materials and their purchases are of our finished goods, we enjoy a very acceptable relationship. Trade with these developing nations brings to the United States 99 percent of our natural rubber imports, 53 percent of hardwood lumber imports, 37 percent of iron ore imports, 79 percent of copper ore imports, 98 percent of bauxite imports and 48 percent of petroleum imports, excluding those imports from Arab States.

Our involvement in IDA is essential for its operation let alone its continued success. From a humanitarian viewpoint, our withdrawal would be unconscionable and a most regrettable refutation of our longstanding commitment to furthering international well-being. From a self-interest point of view, our financial assistance abroad works toward economic growth here at home through increased demand for American-made goods and agricultural commodities. Our sharpened awareness within recent years of the limited availability of critically needed raw materials and minerals underscores the need for an enlightened financial and trading relationship which acknowledges the extent to which the United States is dependent on others.

Whether our perspective is humanitarian or self-interest or a mix of both, our participation in IDA is a sound pledge which should be renewed, and I strongly urge my colleagues to stand by this commitment.

Mr. METCALFE. Mr. Chairman, I rise in support of H.R. 15465 to continue authorization for the International Development Association. I would like to address myself specifically to the issue of IDA funding. As most of us know, IDA was established in 1960, largely due to the initiative of the U.S. Congress. IDA's purposes at that time were to promote economic growth, to increase productivity, and in turn raise the standard of living in developing countries. When you consider that 100,000 people starved to death in Ethiopia last year and that more than a million people are on the verge of starvation in Niger, I think it is readily apparent that IDA's purposes remain as relevant today as 14 years ago.

The United States is presently attempting to convince other nations, particularly developed countries, that multilateral approaches to common problems must be pursued when nations are highly dependent upon one another. IDA funding offers us a chance to back up that rhetoric with performance and to strengthen political interdependence, both among developed countries and between developed and developing nations. IDA funding gives the United States both the political and economic credibility that we need in this increasingly interdependent world and at the same time demonstrates our genuine concern with the pressing problems of developing nations. If and when the tables are ever turned, such as in the case of the projected raw material shortages that are expected to begin as early as 1980 in the United States, a spirit of cooperation and mutual understanding is likely to be of great value.

IDA supports developmental programs in such areas as education, health, transportation and agriculture. While IDA does not provide funds for the immediate consumption of any commodity, including oil, it does provide funds for programs such as drought relief for the Sahel and reconstruction programs in earthquake shattered Managua. IDA provides the opportunity for developing nations not only to survive these disasters, but in many cases to avert them altogether, with funding for such programs as irrigation improvement, projected manpower needs, and disease control. The fact that developing nations are given the tools to use their natural resources in their efforts to become fully developed nations, is probably the most important effect IDA can have.

IDA credits are long-term, low-interest loans provided through funding from 25 highly industrialized nations. The United States' share will be reduced from 40 percent to 33⅓ percent of the total in this the fourth replenishment of IDA funds. The $1.5 billion U.S. contribution will be spread over a period of 4 years, at an annual rate of $375 million beginning in fiscal year 1976. This represents an annual cut of $11 million from present appropriations. In comparison, this $375 million represents only 15 percent of our total annual aid to South Vietnam alone. Foreign aid through a multilateral funding organization such as IDA gives the United States, in very basic terms, the best buy for the money, in terms of humanitarian interests, political interests, and economic interests.

Last September in Nairobi, an agreement by IDA member nations was reached; simply stated it says—if any IDA member fails to fund his share, all other members are released from their obligation to fund IDA. In other words, if this Congress fails to appropriate replenishment funding for IDA, we run the risk of not only destroying IDA, but also destroying our own political and economic credibility in the eyes of the world.

Finally, considering the fact that more than 70 percent of all IDA credits go to countries with an annual per capita income of less than $120 per year and are for such basic developmental programs as health and education, I think we have nothing short of a moral obligation to continue IDA funding.

It is for these reasons that I strongly support this bill, and I urge my distinguished colleagues on both sides of the aisle to vote for continued U.S. support of the International Development Association.

Mr. HAMILTON. Mr. Chairman, I am pleased that the House has another chance this afternoon to pass the bill to fund the U.S. contribution to the International Development Association—IDA. I was most disappointed that the House voted on January 23, 1974, to kill its first version of the funding bill, H.R. 11354, and I hope it will reverse that decision today.

This bill, now H.R. 15465, would fund the $1.5 billion U.S. *contribution* to the fourth replenishment of IDA's financial resources, and there are several compelling reasons why it should be passed. If the bill is defeated, the United States as well as potential recipients of IDA loans will all be the losers.

WHAT IS IDA?

To clear up any uncertainty about who is helped by the International Development Association, it should be noted that this organization—created in 1960, largely at the initiative of Congress, as a member of the World Bank Group—acts as a primary channel through which to direct long-term, interest-free loans—not grants—to the most destitute of the worlds' countries. One criterion for loan recipients is a per capita annual income of $375 or less, and more than 70 percent of the loans have gone to the poorest of the poor, the 28 "have not" nations with a total population of more than 1 billion people and a per capita annual income of $130 or less. This income figure is less than 3 percent of the estimated

1972 U.S. per capita annual income of $4,480.

Failure of the Congress to pass this bill does not merely mean that IDA will limp along without U.S. funds. It means IDA will come to a grinding halt. Resources currently available to IDA were expected to be fully committed by the end of last week, the end of fiscal 1974.

Under IDA procedures, the fourth replenishment of these resources, the U.S. contribution to which is contained in the bill, cannot become legally effective without U.S. participation. Defeat of the bill would mean that the total amount of the replenishment, $4.5 billion, would be denied to the poor of the world.

It is important to point out, Mr. Chairman, that the IDA replenishment bill does not represent the bilateral type of foreign aid legislation that has been subject to increasing criticism in recent years. On the contrary, it is an excellent example of an international burden-sharing arrangement. Moreover, the U.S. share of the burden has been declining with each successive replenishment of IDA's finances, and it is down to 33 percent in the bill we are voting on.

WHY IDA FUNDING IS NEEDED

The main reasons for supporting this bill are based on moral, political, and economic grounds.

The United States, as the richest nation on Earth, has a moral obligation to be the world leader in providing economic assistance to those nations less fortunate than ours. In brief, we cannot live on an island of affluence in a sea of poverty. The obligation to alleviate suffering exceeds any obstacles of nationality.

There are political and diplomatic reasons, as well, for supporting funding of IDA. Institutions such as IDA form a part of an international system of cooperation, with agreed-upon rules of economic behavior between nations, which, as former Secretary Shultz has pointed out, the United States is still trying to improve and strengthen. From the viewpoint of foreign relations, IDA and other international financial institutions are an important part of the system that has developed since World War II to handle multilateral economic issues on a cooperative basis. The key here is cooperation. If the developing countries should come to feel that the United States is not doing its fair share in the financing of development projects, they could decide not to cooperate with us on any of a number of fronts, such as raw material prices and expropriation of our investments.

Congressional support for IDA makes economic good sense, too, and this is perhaps the most important reason for the passage of the bill.

The world economy is not a one-way street; development assistance brings mutual benefits to industrialized and less developed nations alike. The fact is that our own welfare and progress are linked with the economic realities of the rest of the world. The developing world is important to the United States, not just politically, but economically as well.

How important? Our failure to support IDA could undermine reliable and vitally needed supplies of raw materials, energy, and minerals which our own economy will require for the future. The United States already depends on imports for over half its supply of 6 of the 13 basic raw materials.

Just as the LDCs are a market for the United States, we are a market for them. Our exports to the developing countries amounted to $14.6 billion in 1972, or about 30 percent of our total exports.

CONCLUSION

The United States can easily afford to participate in the fourth replenishment of IDA's resources. Our last annual contribution represented only three one-hundreths of 1 percent of our gross national product, and only one-tenth of 1 percent of our budget.

Can we afford not to participate? I think not. Support for IDA is in our national interest, and I urge my colleagues to give H.R. 15465 favorable consideration this afternoon.

Mr. McCLORY. Mr. Chairman, I am pleased to have this opportunity to speak in support of H.R. 15465, providing for continued participation by the United States in the International Development Association.

The proposed IDA legislation serves the international economic interests of the United States without jeopardizing our domestic interests. All other industrialized nations have agreed to this new contribution and U.S. failure to participate would be interpreted as unwillingness on our part to support our fair share of this initial international effort.

As well as our international responsibility we have a humanitarian concern for helping the disadvantaged that live in one-third of the world's nations and constitute one-half of the world's population. These are the nations and people with per capita incomes below $375 a year and often even below $100 a year. These poorest of nations, in which the majority of the world's population reside are threatened with destitution and starvation as they face the problems of rising costs of energy as well as fertilizer and food. With few exceptions, these poorest of nations are struggling to maintain already low per capita incomes.

IDA credits are necessary for agriculture to increase the world's food production; and, for education and public health, to increase the abilities of people to produce and earn a sustainable living in basic human dignity. If IDA did not furnish the funds, the majority of development projects would not be carried out because these nations simply do not have the domestic savings or a sufficient international credit standing to finance them alone.

Beside the humanitarian benefits, IDA stimulates increased production in areas of great importance to our country. The developing world provides 60 percent of our import requirements of eight essential industrial raw materials, as well as a growing market for U.S. goods which is already in excess of $17 billion.

In the past there was concern that IDA funds would be routed to the oil producing countries of the Middle East, whereas, in fact, these countries have provided 40 percent of the World Bank's borrowings during 1974. The World Bank has obtained $738 million the past 6 months from seven of the Mideast OPEC nations, including Iran, Saudi Arabia, Libya, United Arab Emirates, Kuwait and Oman.

Agreements are currently being reached which would make these loans a concessionary gift. Kuwait has joined as an active member in the fourth replenishment of IDA and other oil-producing countries are expected to follow Kuwait's example.

If these countries, which are currently in the developing stages themselves, can participate in the IDA replenishment, certainly a nation such as ours should bear its fair share.

Our participation in the fourth replenishment of IDA is of great significance, both morally and economically.

I, therefore, urge all my colleagues to join me in supporting this worthy international effort to eradicate economic underdevelopment.

Mr. Chairman, I am also extremely pleased to note that this piece of legislation will also end the archaic ban on the private purchase, sale, or ownership of gold by American citizens. The basic American right to own gold has been denied our citizens for far too long. The prohibition on private ownership has deprived the American people of one of the most attractive investment opportunities available in times of high inflation such as these.

In brief, Mr. Chairman, all the original reasons for the ban on private ownership of gold have long since lost their legitimacy. I ask my colleagues to vote today to legalize private ownership of gold and defeat any amendment to delete the gold ownership provisions of this legislation. As a package, this bill can achieve two very worthy objectives—both the replenishment of IDA and the legalization of gold ownership. Let us keep this bill intact as it was reported by the Committee on Banking and Currency; it is a good piece of legislation and it deserves our full support.

Mr. LEGGETT. Mr. Chairman, I should like this afternoon to review the basis for my support of the measure under consideration.

The IDA replenishment bill has been portrayed in some quarters as the product of misplaced sympathy. I should like to recommend a different view; simply that the measure under consideration is the sturdy descendant of traditional and current American ideas of the national interest and humanitarian concern.

Even those holding the most diverse views of what the national interest is are able to see that IDA replenishment serves the most basic concerns of our Nation. For if our concern is maintaining an influence on the course of events beyond our shores, this act serves our concern, for without renewal we will assure that we will have played no role in many decisions affecting millions. We will have abdicated to the forces of politics and nature external to our own influence. If we are to retain a vigorous voice purchased by years of aid to those of other nations continuation is needed.

If our concern is the vigor of the domestic and foreign economies, then this act, too, serves that concern. The increased production which IDA stimulates in the developing world is needed to supply the increasing demand for many raw materials which we must import. Further, by assisting an organization interested in long-term development, we help eventually to provide a market for our own goods in places where the demand for them is small or nonexistent.

If our concern resides in fostering a world of responsible nations, then IDA still serves our concern. While IDA credits have traditionally never gone to oil-producing nations, it is clear that as of late those nations have been using portions of their new found wealth to assist developing nations. Perhaps the most effective way to torpedo these nations' sense of responsibility is to withdraw from IDA.

Some have contended that IDA will have adverse budgetary and balance-of-payments effects. It is important to remember that the costs of the program are to be spread out from fiscal year 1976–1979, with very little impact to be felt in the early years. While participation in IDA does involve a balance-of-payments outflow, it must be remembered that the provisions of the act minimize the budgetary impact of the outflow, and that when the cost of the balance of payments to IDA is considered in the context of all World Bank activities, inflows far exceed outflows. As for IDA itself, it must again be remembered that the production facilities stimulated, and markets to be created will again aid our balance-of-payments picture.

Gentlemen, while our consideration of any program must respect costs and benefits in dollars, there are planes of consideration that are removed from economics. The moral concern of the American people for the well-being of others is a fixture of the historic landscape. Do we choose now to rebuke that landscape, or do we choose to enhance it? I would hope that we do not desert an area of foreign relations inspired by the concern of our people.

I need not remind you that the Malthusian horsemen are trying to get full rein. I need not remind you of the hundreds of millions, who, as we sit today are starving in sub-Saharan Africa, Asia, and the Americas.

In addition, on a separate part of the bill, it must not be forgotten that a revitalized domestic gold market can only help stimulate those areas of the nation where gold production is marginal. In many areas of the United States including my Yuba Congressional District, there is still gold in the ground; but in today's market the costs of extraction are just now being exceeded by the work of the final gold product.

I, therefore, urge the adoption of the measure.

Mr. BRADEMAS. Mr. Chairman, I rise in support of H.R. 15465, the bill authorizing the United States to contribute to the International Development Association over a 4-year period.

Mr. Chairman, last week the 186th general assembly of the United Presbyterian church in the United States, at its annual general assembly in Louisville, Ky., adopted a resolution to support this legislation, providing for U.S. replenishment of the International Development Association, as well as House Resolution 1151, which would urge the United States to take a leadership role in reducing famine and human suffering in the world.

Mr. Chairman, I insert at this point in the Record the text of the resolution to which I have referred:

Resolution Adopted by the 186th General Assembly of the United Presbyterian Church in the U.S.A.

Whereas many competent experts predict a disastrous food shortage for millions of poor people around the world in the coming months and probable mass starvation; and

Whereas the God whom we serve requires us to seek justice for all persons and nations, and to demonstrate particular concern for the weak and needy; and

Whereas, the United States, as the wealthiest nation in the world and the principal food supplier for the world, has a moral obligation to assist impoverished and hungry nations; and

Whereas two measures which would demonstrate the intention of the United States to act responsibly in the world food crisis situation are now pending before the United States Congress; and

Whereas the 179th General Assembly of the United Presbyterian Church in the U.S.A. (1967) strongly endorsed economic assistance for developing countries and recommended foreign aid initiatives to increase food production and distribution; and

Whereas in the last several years changing climatic conditions and national disasters have dealt extensive damage to vast amounts of farm production in several areas of the world; and

Whereas the 114th General Assembly of the Presbyterian Church in the U.S. (1974) has adopted this same position;

Therefore, the 186th General Assembly (1974) of the United Presbyterian Church in the U.S.A.:

1. Respectfully petitions the House of Representatives to enact without delay H.R. 15231, a bill authorizing the United States to contribute $1.5 billion to the Fourth Replenishment of the International Development Association over a four year period, a similar bill having already passed the Senate.

2. Respectfully petitions the Senate to adopt S. Res. 329 and the House to adopt H. Res. 1155, identically worded resolutions which express the sense of the Congress that the United States ought to take the lead in an international effort to reduce the risk of famine and lessen human suffering.

3. Respectfully petitions the President of the United States and his Administration to expand immediately food and agricultural assistance to the developing nations and to provide leadership in an international effort to deal constructively with the crisis, as called for in the resolutions before the Congress.

4. Commits itself anew to work for the relief of hunger and the development of all nations, and pledges its support for all responsible governmental actions in this cause, even though they may require increased taxes.

5. Directs its Stated Clerk to send copies of this resolution to the President of the United States, the Secretary of State, the Secretary of Agriculture, and to all members of the Congress.

6. Requests its General Assembly Mission Council to provide leadership and resources for the church in this cause.

Mr. COTTER. Mr. Chairman, I am very concerned by the terms of consideration of H.R. 15465, a bill to amend the International Development Association Act.

It is well known that this bill covers two unrelated matters; U.S. contributions to the soft loan window of the World Bank, the International Development Association, to assist poorer nations of the world; and a mandatory amendment to allow private ownership of gold by December 31, 1974.

Back in January when the United States was reeling under the impact of the Arab oil embargo, the House overwhelmingly rejected the IDA legislation. My own vote against the U.S. contributions to IDA was determined by the intransigence of the oil-producing Arab nations who, while holding billions of petro dollars, refused to aid their less fortunate neighbors. This situation has changed some, but still the Arab nations refuse to assume a larger share in assisting underdeveloped nations. The rising cost of oil has increased the balance-of-payments problems not only for the United States but also, more severely, for the undeveloped nations. In light of the fourfold increase in Arab oil prices, and the billions of dollars in cash reserves being accumulated by oil rich Arab nations, I believe that these countries can and should do considerably more.

However, I further believe that the United States should continue its support of IDA but at a more reasonable level given our own severe balance-of-payments problems and our own domestic inflation. This new bill reflects my concerns by lowering the U.S. share in IDA from 40 percent to 33½ percent and by stretching out the U.S. payments over a longer period of time to lessen the impact of the U.S. budget.

The most persuasive argument, however, is the need of these less developed nations. IDA only provides these special long-term, low-interest loans in nations where the annual per capita income is less than $375. By assisting these less fortunate nations, the United States continues its humanitarian role which has to be an essential ingredient of our foreign policy.

I voted in committee to oppose this legislation and my vote was determined by the issue of private ownership of gold. As has been pointed out over and over this nongermane amendment was added to attract additional votes. But I am concerned that this nongermane amendment is not as harmless as its proponents assert.

I was amazed and a little chagrined to have this issue voted in full committee without a clear-cut understanding of its effect on the international monetary agreements or its effect on our own domestic economy. In my concern, I wrote to the Secretary of the Treasury, Bill Simon, asking for his analysis of the amendment. The response, which I just received, stated strongly that Secretary Simon would prefer no mandatory date as in the proposed legislation, but concluded that:

> Given our analysis of the situation I cannot present a case that repeal of our gold regulation would, in any sense, be catastrophic.

Yet, the Secretary goes on to say that any sudden surge in gold buying could be offset by the operations of the Federal Reserve System and sale of gold from our own U.S. reserves.

While I do not question the analysis of the Secretary of the Treasury, it appears that the two steps to handle the consequences of private ownership suggests that there is at least some reason to question the wisdom of the legislating of private ownership of gold. For instance, I am concerned that the private ownership of gold will further diminish the availability of venture capital in the United States, and that the sale of U.S. gold reserves might affect international monetary negotiations, even though the United States has broken away from the gold standard.

For the benefit of my colleagues, I am enclosing a copy of Secretary Simon's letter:

SECRETARY OF THE TREASURY,
Washington, D.C., July 1, 1974.

Hon. WILLIAM R. COTTER,
House of Representatives,
Washington, D.C.

DEAR MR. COTTER: I am sorry to learn from your letter of June 21 that the gold ownership amendment to the IDA legislation might cause you to not support the IDA replenishment.

I agree with you that it would be preferable if no mandatory date were set for repeal of the present restrictions on gold ownership. While I do believe gold should be treated as other commodities and Americans allowed to deal in it, I also agree with you that caution in making this move is called for. As I have said publicly, I would hope that conditions would be such that I could recommend repeal of the regulations by the end of this year. But I have also pointed out that such a recommendation on my part would be conditional on a declining rate of inflation to minimize a large, even if short-lived, shift from money to commodities, and that further progress should be made in the monetary reform negotiations looking toward a diminishment of gold's monetary role.

Thus I too would prefer that a mandatory date not be set, but given our analysis of the situation, I cannot present a case that repeal of our gold regulations would, in any sense, be catastrophic. One concern has been that opening up the long-closed door to gold ownership by Americans could result in a sharp bidding-up of the market price of gold, causing confusion in other commodity markets and in the exchange markets. In this connection, I have noted that the Treasury could sell some gold from its very large stocks to meet some, or all, of any new demand created by repeal of the regulations. While we would clearly not intend to maintain the market price of gold at any particular level, the possibility of Treasury sales should alleviate the fears of those who use gold for commercial purposes. Rather than American ownership leading to higher prices, it could lead to lower prices.

Domestically, it would also seem likely that the effect of any sudden surge in gold buying on the money supply could be offset by operations of the Federal Reserve System, which has many times in the past had experience in coping with large flows of funds derived from disturbances extraneous to our domestic monetary requirements and policies.

With respect to the effect of private U.S. ownership of gold on the overall international monetary reform negotiations, there is general agreement that gold should play a diminishing role as a monetary asset. It is consistent with this view that private ownership of gold be treated in the same manner as other commodities. While it would be preferable to maintain the provisions of existing legislation giving the President discretion to determine when private ownership would be consistent with our monetary reform objectives, I nevertheless believe that the bill now before the House provides some time to reconcile private ownership of gold with those reform objectives.

Unfortunately, there is little historical experience to which we can refer to assess just what degree of interest Americans will have in buying gold once it is allowed. We do know, however, that the commercial demand for gold in jewelry has declined at present prices and that when our regulations were liberalized last fall to permit the purchase of gold coins bearing mint dates before 1960, demand was not extreme and such surge as took place rapidly diminished.

I very much hope that this will answer your questions and persuade you that the amendment to the IDA legislation concerning gold ownership is not of such a nature that it should influence your support of IDA. I need not repeat here all of the reasons given in my previous letter as to why the IDA legislation should be strongly supported.

Sincerely yours,

WILLIAM E. SIMON.

Mr. Chairman, I am very concerned about this issue of private ownership of gold, and will vote to strike it from the bill and if this is not successful I will be seriously tempted to vote against the entire bill.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of H.R. 15465 which authorizes a $1.5 billion U.S. contribution to the International Development Association in four annual installments of $375 million each.

Mr. Chairman, IDA is the soft-loan window of the World Bank, making loans available to needy nations for development projects on a long-term, low-interest basis. The United States is joining with 24 other industrialized countries in this fourth replenishment of IDA, and I think it is significant to note that our share of the total in this round is 33.3 percent as compared with 40 percent in the previous round. Both Japan and Germany have substantially increased their shares in this fourth replenishment.

Mr. Chairman, I have long favored moving from bilateral to multilateral assistance programs, and IDA stands as the single largest source of multilateral financing. For too long this country assumed the primary burden of assisting developing nations, and this not only caused financial problems for us, but tended to strain our relations with other countries whose overdependence on the United States often produced more resentment than gratitude at our paternalistic role. By indicating that we will no longer serve as the chief development agent in the world and are willing to work through multilateral channels, we are encouraging other developed countries to play their rightful role—especially those countries which have made a remarkable economic recovery since World War II.

Mr. Chairman, this country can well be proud of its long tradition of helping the less fortunate countries of the world. I think it is important that we maintain this humanitarian value on an international basis and contribute our fair share to narrowing the gap between the rich and poor nations. IDA loans are specifically targeted at the poorest of the poor nations, those with per capita incomes of $375 and less, repayable over a 50-year period at no interest. In fiscal year 1973, for example, the IDA extended $1.36 billion in credits for 75 projects in 43 countries, 75 percent of which had per capita incomes of $125 or less. The loans finance projects in such fields as transportation, agriculture, health and education, and the projects are aimed primarily at benefiting the low income sectors of the recipient countries.

Mr. Chairman, I appreciate the fact that many Americans are of the opinion that humanitarianism was fine in its time, but that we are now confronted with our own domestic problems and economic difficulties. Why, they ask, should we help these other countries when we are not doing enough to help our own people. It is sometimes difficult to impress on the American people that we are all now caught up in the same problems on this small global sphere we call Earth—that the problems of other countries are our problems; that their economic well-being reflects on our economic well-being; that peace in the third world may well determine whether the United States stays at peace.

It is therefore difficult to convey just how our contribution to IDA in effect helps us as well. And yet it does. But the fact is that 60 percent of our import requirements for the eight essential raw materials are provided by the developing world. In addition, these countries provide in excess of $17 billion in markets for U.S. exports. And, roughly half of what we provide through IDA can be expected to be spent on U.S. goods and services.

When a bill similar to this was defeated in this body last January, it was primarily a result of the energy crisis we were experiencing and resentment against both rising oil prices and the oil embargo imposed on us.

We have now passed through that crisis, the embargo has been lifted, and I think we can now look at the need for this legislation in a more objective and less emotional context. First, it should be noted that IDA credits have never gone to the traditional oil producers and they are being phased out for the newer producers. Second, IDA funds are not used to finance oil purchases by the non-producing countries since they are targeted at specific development projects. Third, the oil-producing nations are beginning to realize that they too have a role to play in international development: they have pledged $3 billion to a special facility in the International Monetary Fund to help countries cope with price increases; and they have already purchased $600 million in World Bank bonds to permit further development lending.

Mr. Chairman, the United States is currently working on a number of fronts to improve our relations with other countries and thereby build a lasting structure for peace and strengthen our own economic position in the world. If we renege on our longstanding commitment to the IDA, we will also be undermining these other efforts, particularly in the areas of monetary reform and trade. Furthermore, if we fail to make our contribution to this fourth replenishment, the multinational arrangement upon which this replenishment is based will not come into effect, and IDA funds will be exhausted. I do not think the Members of this body will want to bear the responsibility for killing the largest and most effective multilateral development financing program in existence. We owe this legislation not only to the developing countries, but to ourselves as well. I urge passage of this bill.

Mr. CRANE. Mr. Chairman, I rise in support of the bill H.R. 15465.

When the House of Representatives last considered the International Development Association on January 23, 1974, I opposed it. I have become a supporter of the legislation for the following reasons:

First. I have been a long-time supporter of the right of American citizens to buy, sell, and hold gold; in the Banking and Currency Committee, we introduced an amendment which calls for the restoration of this right on December 31, 1974, unless the President acts prior to that date. I strongly supported this amendment because I believe it is high time this right is restored to all American citizens.

Because the Senate has already acted on its bill, S. 2665, and because it includes an amendment which also will permit American citizens to own, buy or sell gold on or before a date certain, the only point in dispute when the IDA bill passes the House and then goes to conference will be to compromise on the effective date. H.R. 15465 provides for the right to be restored on or before December 31, 1974. The Senate language provides for the right to be restored on September 1, 1974.

In addition, in response to a series of specific inquiries to Secretary Simon, Under Secretary Volcker and Assistant Secretary Hennessey, I have been reassured on a number of points which concern me and many of my colleagues with regard to the International Development Association.

I include the text of Under Secretary Volcker's letter to me of June 14, 1974, in the Record at this point:

Under Secretary of the
Treasury for Monetary Affairs,
Washington, June 4, 1974.

Hon. Philip M. Crane,
House of Representatives,
Washington, D.C.

Dear Mr. Crane: You raised a number of points regarding IDA practices and policies during the June 11 hearings of the International Finance Subcommittee of the Banking and Currency Committee. This letter provides responses to those points, generally in the order in which you brought them up, with the exception of private ownership of gold to which we have addressed ourselves separately.

By way of general introduction, I wish to point out that U.S. participation in the proposed Fourth Replenishment of IDA will provide the Association with the resources needed to carry out its program. U.S. failure to participate in IDA will not only mean the collapse of the institution's ability to carry out agreed policies, but also the loss of much of the leverage available to the United States for affecting policy in the World Bank group of institutions.

A concrete example relates to the question of IDA lending to South Vietnam. Since all of IDA's present funds will be committed by June 30, future loan assistance to South Vietnam depends on U.S. action giving promise that the Fourth Replenishment will come into effect. If IDA is assured of Fourth Replenishment funds, there is no reason not to anticipate an appropriate volume of IDA assistance.

The World Bank has, in fact, been working toward establishment of a consortium of donor countries for aid to IDA members in Indochina. In this connection, the U.S. Government has expressed to the IDA management its view that an initial annual lending program for Vietnam of perhaps $50 million could usefully be carried out. The IDA management, in turn, has indicated its willingness to make financing available to South Vietnam out of Fourth Replenishment resources, provided that IDA's normal lending criteria are satisfied and the security situation in the country permits.

Lending to Laos and Cambodia could also be anticipated out of IDA Fourth Replenishment resources. This fund would multilateralize and depoliticize the Southeast Asia reconstruction effort and take advantage of the special expertise and successful experience of the World Bank Group in reconstruction activities. These include lending for reconstruction of Europe and Japan after World War II and similar efforts after hostilities in Nigeria and Bengladesh.

Another example of the importance of U.S. participation in IDA in order to achieve important international economic objectives relates to the question of continuing membership of the Republic of China in the international financial institutions. This question is being examined within the respective Boards of Directors of the International Monetary Fund and the World Bank, and no new developments are anticipated at least until the annual meetings of these institutions in the fall. The United States is strongly supporting continued membership by the Republic of China, and while we can give no guarantees on their continued membership, there is no surer way of undermining their continued participation than to have the United States pull back from further financial participation in IDA.

There are at present no cases of which the Executive Branch is aware of IDA credits being proposed for countries that have expropriated foreign private investments without compensation. It is already the policy of the World Bank and IDA to withhold lending where such expropriations take place and compensation has not been provided, or unless reasonable efforts to arrive at settlements are being made. The stated World Bank policy is consistent with Executive Branch policy and with applicable statutory policy expressions.

There is no need for the U.S. Government to discuss with the World Bank withdrawal of Bank opposition to the granting of loans to the Government of Chile, since the World Bank does not oppose such loans. In fact, within the last six months the World Bank made three loans to Chile, and three additional loans are in the processing pipeline. The World Bank's earlier suspension of lending to Chile was based on its conclusion that the economic situation there had deteriorated to such an extent that effective use of World Bank funds was not possible and was also due to the absence of good faith negotiations on compensating U.S. investors for nationalized property. Economic policy reforms by the new government of Chile have significantly altered the prospect for the Chilean economy and good faith negotiations are now going forward on compensation of copper companies. A satisfactory agreement has already been reached in this regard by the Government of Chile and the Cerro Corporation.

The announcement by India of its detonation of a nuclear device has raised legitimate concerns about the extent to which developing countries may be unwisely allocating too much of their resources to non-development purposes. In the Indian case, the Administration believes that the nuclear test explosion does give rise to questions about India's economic priorities for the future, although it is recognized that peaceful nuclear development, particularly in relation to nuclear power generation, is important for India's development. To the extent that India's nuclear efforts are directed towards peaceful purposes, the concern about the recent test disappears. The United States is sure that all aid donors will want to review carefully the implications of the Indian nuclear program in relation to India's long-range economic development. Since IDA normally monitors the appropriateness of budgetary policy of its borrowers—including the proportion spent for military purposes—and will not readily lend if an excessive proportion of a country's budget is being devoted to non-development purposes, there is no need for a special prohibition on IDA credits related to a particular type of military expenditure or to acquisition of military equipment from a particular source.

All of IDA's transactions, like those of the World Bank, are subjected to a comprehensive audit program by the public accounting firm of Price Waterhouse & Co. In addition, a system of internal financial audits and program evaluation audits is normally carried on by the Bank, and discussions are now reaching a final stage on the initiation, at the urging of the United States, of an independent evaluative audit mechanism covering a wide range of World Bank and IDA operations. The Treasury has drawn heavily on GAO assistance and advice in formulating its position in this area.

Although all IDA officials are subject to the conflict of interest rules of the World Bank Group, the idea of a system of financial disclosure by senior officials has merit and will be explored promptly with the World Bank.

Most OPEC members countries are ineligible for IDA credits under IDA's criterion of per capita GNP of $375 or less. Only Indonesia and Ecuador were receiving IDA credits before oil prices went up; further lending to these countries has been terminated already or will be by June 30, 1974. Thus no special additional action is necessary to accomplish the termination of IDA lending to OPEC countries.

By its charter, IDA can only lend to its member countries. Rhodesia is not a member of IDA.

I hope the foregoing is responsive to your concerns regarding IDA and that you will find it possible to support the proposed legislation.

Sincerely yours,

Paul A. Volcker.

Mr. Chairman, because of this response from Secretary Volcker to my series of inquiries at the subcommittee's hearings, my staff and I then held a series of meetings with various Treasury Department officials.

On the basis of the letter, and these meetings, I was pleased to join my distinguished colleagues on the committee from Georgia (Mr. Blackburn) and Pennsylvania (Mr. Williams) in preparing supplemetary views on the bill.

I include those views at this point as a very important part of the legislative history of the bill, H.R. 15465:

Supplementary Views to H.R. 15465 of Congressmen Ben B. Blackburn, Philip M. Crane, and Lawrence G. Williams

When the House of Representatives considered the fourth replenishment of the International Development Association on January 23, 1974, we opposed it.

We now support the new bill, H.R. 15465, for the following reason:

It contains Title II which restores to every American citizen the right to buy, sell, and own gold by a date certain.

Mr. Crane has been the primary House sponsor of legislation to restore the right and we are very pleased that the full committee has overwhelmingly voted its inclusion in this bill.

Because the Senate has already acted on its bill, S. 2665, and because it includes an amendment which also will permit American citizens to own, buy or sell gold on or before a date certain, the only point in dispute when the IDA bill goes to conference will be to compromise on the effective date. H.R. 15465 provides for the right to be restored on or before December 31, 1974. The Senate language provides for the right to be restored on September 1, 1974.

In addition, in response to a series of specific inquiries to Secretary Simon, Undersecretary Volcker and Assistant Secretary Hennessey, we have been reassured on a number of points which concern us and many of our colleagues with regard to the Internal Development Association. These reassurances include the following:

1. The Republic of Vietnam will receive favorable consideration for loans of $50 million a year from this IDA replenishment.

2. Those members of the Organization of Petroleum Exporting Countries who have previously been recipients of IDA loans, will no longer be eligible for them.

In these meetings, we have also stressed the continuing concern of a number of our colleagues and us with regard to the following specific policies:

1. Continuing membership of the Republic of China in the IMF and the IBRD. It has been stressed to U.S. representatives of the IMF and the IBRD and Treasury officials that continuing membership for the Republic of China in the IMF and the IBRD will be a prime prerequisite for continued support of funding of IDA as it comes up for its annual appropriations process if H.R. 15465 passes. That is, the Congress will have the opportunity to review annually the funding of IDA and will, we believe, consider continuing membership of the Republic of China in the IMF and the IBRD as one of the prime prerequisites to any continued funding.

2. Purchase of military hardware by recipients from non-donor nations. A number of our colleagues expressed concern over the fact that some recipient nations of IDA purchased armaments from non-contributing nations (particularly the Communist countries.) We have expressed our concern over this and have been assured by officials that "IDA normally monitors the appropriateness of budgetary policy of its borrowers—including the proportions spent for military purposes" and that this close scrutiny will, in fact, be intensified.

3. Secretary Volcker has assured Mr. Crane in his letter of June 14 that "the idea of a system of financial disclosure by senior officials has merit and will be explored promptly with the World Bank." We support this move and trust it will be expeditiously considered and promptly implemented.

4. We have also expressed our deep concern over those recipient nations of IDA loans which have chosen to detonate nuclear devices. This is a particularly obnoxious action for several reasons: The first is quite obviously the diversion of resources from more urgently needed priorities, such as feeding its own population, to a militarily destabilizing "pestige" project.

Equally important, however, is the fact that nuclear nonproliferation has long been a major premise of American foreign policy. A great deal of our foreign policy activity has rested on the premise that we will try to limit the proliferation of nuclear weapons wherever possible. For the United States, even indirectly, to support nations which are so clearly violating such a fundamental tenet of our foreign policy, is unthinkable to us and we believe to a majority of our colleagues here in the House. Therefore, we are pleased that World Bank and IDA officials will examine very closely their lending policies to any nation which may detonate a nuclear device. In his letter to Mr. Crane, Undersecretary Volcker noted that "the United States is sure that all aid donors will want to review carefully the implications of the Indian nuclear program in relation to India's long-range economic development."

In summary, because of the restoration of the right to own gold, and because of these major policy clarifications, we feel the bill H.R. 15465 is deserving of support.

Ben B. Blackburn.
Philip M. Crane.
Lawrence G. Williams.

In conclusion, Mr. Chairman, I would only remind my colleagues that the concerns which we have raised, go beyond the so-called "gold question."

These discussions have done a great deal to clear the air on a number of major policy problems concerning IDA, as expressed in our supplementary views. As the Treasury officials are aware, and I presume that the officials of the IMF/World Bank group are aware, we shall continue to monitor closely through the appropriations process the vigor with which our concerns are pursued.

Because of these facts, I support the bill and I urge my colleagues to do likewise.

Mr. TOWELL of Nevada. Mr. Chairman, I have been listening with keen interest to the debate on the IDA Act before us today and let me state clearly that I am completely for the private ownership of gold by the U.S. citizens. We are the only economic power in the world that for the past 40 years has prohibited its citizens from buying, selling, and holding gold except for industrial and artistic reasons.

While country after country has raided our gold reserve and thus been able to stabilize their own treasuries and economies, we have ourselves failed to stabilize our own monetary system.

Today a gold ownership section has been added to the International Development Association Act. It is true that this bill will cost the U.S. Treasury $1.3 billion in low interest loans, most of which I do not approve, and, in fact, voted against this bill which did not include the gold ownership section on January 23, 1974.

However, I now believe that the only way we can correct this 40-year tragedy of denying ourselves the right to own gold is to vote and pass this bill.

Hopefully, the Congress will then set about the business of correcting the abuses now inherent in the International Development Association Act, and I, indeed, as one Congressman, will be working toward that end.

Mr. BADILLO. Mr. Chairman, the International Development Association was created in 1960—to a great extent at the urging of the Congress—to provide essential loan assistance to the world's poorest nations. By furnishing credits to those countries of the third world which are generally unable to pay the World Bank's conventional interest rates on ordinary loans, the IDA aids numerous countries in initiating and carrying out urgently required self-help development projects.

During its 14 years of operation the IDA has assisted over 2 billion people in some 21 countries. Its agricultural projects have helped 1¼ million farmers and some 3.5 billion acres of land—which had previously been fallow—have been placed into cultivation. IDA has helped to provide critical health care to 21 million men, women, and children who previously received no medical attention and, by improving water supplies and sewage systems this agency has protected the health of 9 million people in five lands.

The legislation before us this afternoon authorizes the United States to join with 24 other industrialized nations in providing funds to the IDA for long-term, low-interest loans to the world's poor nations which are making valiant attempts to overcome poverty, disease, the ravages of nature, and other debilitating factors to achieve economic and social progress. The American share of the IDA funding has been reduced to 33 percent from the 40 percent of past replenishments. Over the 4-year period created by this measure the U.S. contribution of $1.5 billion amounts to an annual contribution of $375 million as compared with the $386 million per year previously allocated to the IDA. Furthermore, the U.S. contribution will not be adversely affected by any future changes in the value of the dollar.

When the IDA was first created the United States undertook a commitment to provide loan assistance to those nations most in need of help and to strengthen the economies of developing countries. We simply cannot walk away from that obligation and ignore the poor and needy in nations having per capita incomes of under $120 per annum. We must take affirmative steps today to insure that this respected multilateral institution will be able to continue its programs without interruption and that it has the financial resources necessary to effectively deliver assistance to needy countries. I am pleased to support this measure and urge that our colleagues also do so.

Mr. HARRINGTON. Mr. Chairman, today we are considering H.R. 15465, legislation to provide for the fourth U.S. replenishment of the International Development Association—IDA. Although foreign aid has often been criticized, I urge passage of this bill, which would continue funding the highly successful, financially secure aid program of IDA.

The soft-loan arm of the World Bank, IDA provides interest-free loans for self-help development projects to the poorest nations of the world. Most of the funds go directly to projects selected by the

World Bank, while the remaining money is loaned at 12 to 15 percent annual interest by the recipient governments to individuals, primarily poor farmers, who wish to expand or develop their production. Thus, rather than indebting himself at usurious interest rates, the farmer has access to money at reasonable rates—much lower than those available from private sources in these countries.

While one could argue that the recipient government is realizing a profit at the expense of its poor citizens, the local interest charge insures that the loans will be spent in a serious and responsible manner. It seems to me these constraints prevent IDA from being a giveaway program encouraging reckless spending and increasingly greater requests for American aid. The best foreign aid program is one which helps a country to gain economic independence. By financing carefully selected projects, and helping poor farmers to improve their agricultural production, IDA provides an assist to economic independence.

Aside from the economic soundness of IDA's program, we should consider several other factors indicating the value of IDA.

Through its loans to the world's poorest countries, IDA often provides the thin margin saving a nation from total economic collapse. IDA, by maintaining these countries, promotes a peaceful, stable world. Countries which might succumb to the tensions of extreme poverty are given a means to develop their economy and thus gain political stability.

The United States also benefits from IDA. The businesslike form of the loans and the international, nonpolitical means of distribution—that is, via the World Bank—removes any basis for charges of American interference in the politics of the recipient countries. Our continued support of this program helps to establish and maintain friendly ties with IDA-assisted nations, many of which control vital basic resources and raw materials. Furthermore, IDA loans are often used to purchase U.S. goods, thus helping our balance of payments.

The bill before us will provide $375 million each year for 4 years, for a total contribution $1.5 billion, $11 million less than the amount provided by the United States in the third replenishment. Our share of the total contribution will be 33⅓ percent, rather than the 40 percent we formerly contributed. This redistribution of funding reflects the greater ability of other IDA contributing members to pay.

Even with the fourth replenishment, IDA must reduce the number of recipient countries—the eligibility cutoff will be $200 per capita yearly income, rather than the present figure of $375, due to the worldwide soaring inflation. Passage of H.R. 15465 will insure a minimal aid program, enabling IDA to assist only the most desperately poor nations.

There has been criticism of IDA which I wish to discuss. The charges that IDA helps the newly rich, oil producing nations can be refuted by the fact that several of these countries—for example, Kuwait, Iran, Venezuela—are increasing their donations to the World Bank, and other nations, such as Libya, are considering contributions.

The other major concern about the use of IDA funds is not so simple to resolve. On May 18, 1974, Indiana exploded a nuclear device. Claims by India that the explosion was "peaceful" are unconvincing since despite 15 years of research the United States has failed to discover any peaceful uses for nuclear weapons. While India has neither signed nor ratified the Nuclear Non-proliferation Treaty, and therefore violated no international agreements, the proliferation of nuclear weapons is extremely disquieting. Quite frankly, at one time I considered the IDA replenishment bill as an opportunity to protest the Indian nuclear detonation by offering an amendment limiting the use of IDA funds to countries that abided by international safeguards on the control of critical nuclear materials—such as plutonium, the principle fissionable agent in India's nuclear device.

From IDA's inception in 1961 to the end of 1974, India received over $2.5 billion in IDA loans and grants. In fiscal 1973 alone India received $564 million. India consumes 35 percent of IDA's budget annually, and the World Bank/IDA second 5-year plan—1974–78—anticipates India continuing to receive its 35 percent share, at a level of $525 million each year.

The argument has been made that IDA money should be cut off to India. Although Canada supplied to India the nuclear reactor, from which the plutonium was diverted, the Indian Government has invested an enormous amount of research resources and its own funds to develop its nuclear weapons program. Had funds from IDA and various other aid programs not been available, India might not have had the economic resources necessary to maintain its nuclear weapons program. This line of reasoning, it seems to me, is convincing, but after the fact. Any absolute cutoff of IDA funds would only be a gesture of anger, and of retaliation. We must seek a more constructive route to show our disapproval of India's actions.

A provision could be added to the IDA bill requiring any recipient country to sign the Non-Proliferation Treaty as a condition of eligibility for funds. Such a provision, if it were enforceable, could put a damper on the escalating proliferation of nuclear weapons. However, there is every indication that India would prefer to forego receiving aid, rather than surrender to what essentially would be an ultimatum. Thus, instead of achieving our goal of nuclear nonproliferation, we would only cut off aid to India's poor as a penalty for their government's folly. IDA funds are spent on a variety of domestic projects in India, all contributing to the improvement of the people's living conditions. To shut off these funds—the almost inevitable result of such a "nuclear ultimatum"—would guarantee the misery and starvation of millions of people in India.

Therefore, we must find other means to halt nuclear proliferation. Perhaps the most profitable step would be for the United States to set an example by negotiating a broad and meaningful arms control agreement with the Soviet Union. Evidence of our sincere interest in deescalation of the nuclear arms race should display to other nations the seriousness of the problem of nuclear proliferation and the need to take action to halt the dangerous spread of nuclear capability.

It has been pointed out before that it is already extremely difficult to negotiate strategic arms control agreements when six powers have a nuclear capability; when 20 nations possess atomic weapons—a reasonable prospect in the next decade without controls—the task of negotiation will be almost unimaginable.

There are few opportunities for our Nation to satisfy in our foreign policy both humanitarian and principled goals as well as enhance the position of our interests in the world. H.R. 15465 may seem a high price to pay, but when viewed in the context of the needed assistance it provides millions of people in the poorest nations of the world, it is a small investment in our common global future.

Mr. DRINAN. Mr. Chairman, I rise in support of H.R. 15465 which provides for continued American participation in the activities of the International Development Association. Since its inception in 1960, the IDA, operating under the auspices of the World Bank, has provided substantial aid to the impoverished nations of the world for essential social services and economic development projects. The IDA is one of the best examples of effective international cooperation. A total of 112 nations participate in the program. Of those, 25 are highly industrialized nations which contribute to a loan fund upon which the less fortunate nations can draw to borrow money on a long-term, interest-free basis.

All IDA loans go to developing nations with per capita annual incomes of less than $375. Approximately 70 percent of IDA funds are channeled to the poorest nations of the world where inhabitants earn an average of $120 or less each year. In these areas, where starvation is a constant fear and daily survival remains in doubt, the IDA provides funds for projects in health care, education, flood control, irrigation, fertilization, transportation, and other vital fields. Impoverished nations cannot carry out economic development programs without outside assistance. The IDA, as an international organization dedicated to providing such aid, is a prime vehicle of bettering the quality of life throughout the world.

The United States reaps several significant benefits from its participation in IDA. First, the developing nations IDA serves constitute a major market for American exports. Last year, more than $15 billion worth of American goods, nearly 30 percent of our total exports, were sold to developing nations. As the economies of these backward nations become more developed through the efforts of IDA, their share of American exports will increase further.

Second, developing nations supply American industry with a large portion of essential raw materials. Despite our recent efforts to draw closer to economic self-sufficiency, the United States has become increasingly dependent upon the natural resources of Asia, Africa, and Latin America. IDA loans assist developing nations with projects to increase production of raw materials and speed the transportation of these goods to market.

Most important, IDA provides the United States with an opportunity to fulfill its moral obligation as the world's wealthiest nation to help those many millions of people who do not share the advantages which Americans possess. Poverty, disease, and starvation are human problems which do not recognize ideological or political boundaries. More than a billion people are struggling to live on less than $100 a year. The worldwide energy crisis, international inflation, and a severe African drought has exacerbated the suffering of these, the world's forgotten people.

The tragic problems which confront the world's underdeveloped nations will never be solved unless the wealthier nations accept a responsibility to help their followmen and 25 such nations, including the United States, have made a moral and financial commitment through their participation in IDA.

Mr. Chairman, the bill before us today provides for a continuation of American participation in IDA at a reduced level of funding. In fiscal 1974, the United States contributed $386 million to the IDA loan fund. H.R. 15465 authorizes $375 million during each of the next 4 years. In addition, under the provisions of the IDA agreement negotiated last fall, the American share of the total loan fund will drop to 33½ percent from the present level of 40 percent. On a per capita basis, the United States will contribute less than $2 a year. This is an extremely small price to pay for helping to solve the problem of world poverty.

When the House rejected an IDA authorization bill this January, several months remained before previously appropriated funds for fiscal 1974 would run out. The IDA continued to function despite the defeat of H.R. 11354. Unfortunately, this comfortable latitude no longer exists. Unless the House acts now to authorize funding for fiscal 1975, IDA programs will be halted. Furthermore, we must authorize the full $1.5 billion in order to live up to the terms of the new IDA agreement. The contributions of other nations depend upon full American participation. We do not have the option of slashing the figure stipulated in the bill without, in effect, killing IDA.

Before I conclude my remarks, I would like to register my objections to the inclusion in this bill of a provision amending the Par Value Modification Act to permit Americans to buy and sell gold in the United States and abroad. The issue of private gold ownership has been before this body before. It was disposed of most recently last May in a recorded vote on the floor of the House. If Members of the House wish to reconsider this proposal, they should introduce a bill providing for private gold ownership and allow their proposal to stand on its own merits.

Private ownership of gold has nothing at all to do with the U.S. participation in IDA. I deplore this exploitation of the rules of the House which forces Members either to accept two distinct proposals or to sacrifice both of them. Nevertheless, because I believe that the continuation of IDA is vital to the building of a better world, I must support this legislation.

Mr. RARICK. Mr. Chairman, when this body voted to defeat this bill in January, it was for good reason: to pass it would be an affront to the American taxpayer and an insult to the people we represent. Despite the glitter added, by promising to allow our citizens to own gold, nothing has really changed.

If draining the U.S. Treasury and taxpayers of an additional $1.5 billion to "lend" to developing countries around the world was irresponsible and inflationary in January, it is even more so in July—since the inflation rate in this country has risen sharply in the interim.

In spite of all the humanitarian rhetoric we have heard here today, the poor people this bill is supposed to assist do not benefit from our largess. The committee report accompanying H.R. 15465 points out that:

> IDA money is often lent by countries which receive interest-free IDA loans to their citizens at substantial interest rates.

I understand that the interest rates charged by these countries are at the local prevailing rates between 12 and 20 percent.

Our colleague from Maryland, Mr. LONG, has accurately stated:

> We cannot understand how Congress can justify the authorization of $1.5 billion in funds which will have to be borrowed at about 6 percent interest to be lent at no interest through IDA to so-called "developing" nations which will then have an opportunity to earn substantial interest and profits from this "free" money.

I certainly know that the consumers, taxpayers, and farmers in my district cannot understand this giveaway mentality—especially when they have to pay as much as 11 percent interest on the money they must borrow just to make ends meet.

In recent weeks we have seen numerous bills killed or bottled up in committee because they "would harm consumers through increased inflation." When our Government has to go onto the market to borrow money at about 8 percent in order to lend it around the world free, that is inflationary with a capital "I," and disastrous to American consumers. A no vote on this bill is definitely a proconsumer, protaxpayer, pro-American vote.

I urge our colleagues to join with me in opposing this inflationary legislation.

Mr. MILLER. Mr. Chairman, I rise in opposition to H.R. 15465 to authorize the appropriation of $1.5 billion to the International Development Association. Basically, this bill is a rehash of the same legislation overwhelmingly defeated by this body in January with the exception of some gold pablum. The world situation is no different than it was just 6 short months ago. The United States is no longer the rich kid on the block obligated at every turn to shell out for his neighbors. There are just too many other nations which now have the resources, capability, and responsibility to shoulder more of the financial burdens in the world community.

Since January, our own financial condition has seriously deteriorated as inflation increases, interest rates climb, and the national debt bumps the one-half trillion dollar level. Now is the time to turn the screws on Federal spending, not open the spigot.

Not for the life of me can I see how we can justify offering other nations long-term, no-interest, soft loans when our own people are charged 8 to 11 percent on their own loans if they can get them.

Moreover, how can this Government justify going out on the money market to borrow at today's rates adding to an already colossal national debt, then turn around and practically give it away overseas?

Every one of our constituents who is paying higher prices, higher interest rates, and higher taxes deserves a better set of national priorities than is reflected in this bill. If we are going to continue to give foreign aid, let us at least get credit for abroad and let us start to receive something in return for the dollars we expend. We can do this much at least if we incorporate the barter concept into the foreign aid program. I hope that now that hearings have been held on my barter bill by the House Foreign Affairs Committee, it can be included in the overall program.

Mrs. MINK. Mr. Chairman, the fourth replenishment of the International Development Association—IDA—is before us today. IDA is the development assistance arm of the World Bank and with the World Bank it shares an extraordinary financial record. Both have applied stringent requirements to their loan applications and both are without a single instance of default.

IDA is designed to assist the poorest developing nations—nations whose per capita income is less than $375 a year and much lower in most cases. Not surprisingly these nations are resource and capital poor. They were the first to feel the effects of the oil crisis and their fragile economies are likely to sustain the heaviest, most debilitating damage.

Shortages of fuel and fertilizer have already substantially reduced food production in many of these nations. South Asia, which only a handful of years ago seemed on the verge of self-sufficiency, is harvesting fearfully below even cautious estimates. The shortfall in India alone threatens to be enormous.

The oil shortage which affected how fast we could drive and how far, takes on critical proportions in these nations where irrigation, tractor fuel, and chemical fertilizers—all crucial ingredients in high-yield "miracle crops"—are scarce.

IDA funds will not supply oil. The loans are for specific projects. Most projects are rural development loans and as such address a critical area. The pressure placed upon rural development by the oil crisis and rising oil costs makes IDA, with its policy of extending low-interest, long-term repayment loans, a key factor in efforts to cope with this crisis.

Much of Africa, Latin America, and South Asia are loan recipients. Rural development and agricultural self-sufficiency are to be encouraged for the world's sake as much as for their own. These areas contain over one-quarter of the Earth's population. It takes little imagination to realize that continued crop shortfalls will induce a chain of famine, disease, and strife. Such widespread misery is unlikely to be contained. American consumers will be faced with rising food costs as there is greater demand on the international market for American food supplies.

Obviously rural development in these populous, poorer nations is essential both for their total development and their stability. Birth control acceptance—a primary goal in most of these nations—is tied to increased income, a minimal degree of affluence. Greater poverty, higher birth rate, it is part of a particularly vicious cycle of misery.

Our economies are too highly interrelated to ignore these nations or assume indifference to their fate. Obviously it is in our own interest as well as theirs that development assistance proceed.

I urge my colleagues to give strong support to H.R. 15465. We are in a position to exercise leadership as a legislative body and a nation. I believe we have the awareness and foresight to appreciate the world's interdependence and its capacity for cooperative, constructive development.

IDA is a pragmatic, carefully administered approach to development. IDA's purpose and record deserve our support. I hope you will join me in giving that support today and voting for H.R. 15465.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 14. (a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association four annual installments of $375,000,000 each as the United States contribution to the Fourth Replenishment of the Resources of the Association.

"(b) In order to pay for the United States contribution, there is hereby authorized to be appropriated without fiscal year limitation four annual installments of $375,000,000 each for payment by the Secretary of the Treasury.".

The CHAIRMAN. Are there any amendments to this section? There being no amendments the Clerk will read.

The Clerk read as follows:

SEC. 2. Subsections 3 (b) and (c) of Public Law 93–110 (87 Stat. 352) are repealed and in lieu thereof add the following:

"(b) No rule, regulation, or order in effect on the date subsections (a) and (b) become effective may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad.

"(c) The provisions of subsections (a) and (b) of this section shall take effect either on December 31, 1974, or at any time prior to such date that the President finds and reports to Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the United States' international monetary position.".

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: On Page 2 strike on line 15, "either on December 31, 1974, or at any time prior to", and insert on line 15 after "effect" the word "when."

Mr. GONZALEZ. Mr. Chairman, this amendment would retain the President's authority to legalize private gold ownership at a time he deems prudent.

This kind of flexibility is recommended by both the Secretary of the Treasury and by the Chairman of the Board of the Federal Reserve.

Setting a date certain not only hampers the flexibility of the President; it encourages speculation in gold. With a date certain for the entry of American citizens into the gold market, speculation in gold is greatly encouraged. Producers of gold, given this date certain, would very likely start withholding their gold from the market, building up prices in anticipation of the date when the American gold rush starts. This happened last year when beef prices were set up to be unfrozen on a given date, and it is likely to happen this year, if flexibility is not retained in the law.

There is no reason to deny this flexibility. The Secretary of the Treasury has testified that he would recommend the lifting of gold restrictions by the end of this year, barring any unforeseen circumstances. In the face of this, it is needless to deny flexibility to the President.

If setting this rigid deadline encourages gold speculation, the only way to dampen the price pressures would be to start selling off our monetary stocks of gold. This would be undesirable and unwise, inasmuch as gold is today usable as collateral against loans from the International Monetary Fund. Indeed, present conditions suggest that gold is still a very important part of the international monetary system, and may be likely to become more important. If that is so, it is foolish to invite a situation in which the only way to defend the dollar against excessive gold speculation would be to intervene in the gold market.

Why invite instability in a situation that is already troubled? We would be far better off in setting no firm date for private ownership. I think that even the author of this gold amendment would agree that he has his doubts about this firm date. I know that he has expressed these doubts in private, and that he believes we would be better off, as a practical matter, by setting no date. He has only done so as a matter of political expedience. In fact, what I am offering to do in this amendment is simply to retain in law the flexibility that the author of this bill, the gentleman from Wisconsin, suggested that we have last year. He has inner doubts about changing it now; every bit of advice that we have from our international monetary experts suggests that having this inflexible, rigid date is wrong and harmful; and having this date certain ignores the very real possibility that unforeseen events might intervene and make this date certain not only unworkable, but foolish in the extreme. That is a risk that there is absolutely no reason to run, except for the cynical expedience of giving the date to appease a few dogmatists who insist on it as their price for supporting this bill.

I urge support of my amendment.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I regret very much having to oppose any amendment proposed by my good friend, the gentleman from Texas (Mr. GONZALEZ). He is a very fine and able member of our committee. He is chairman of one of our most important subcommittees, doing a great work. Therefore, I am reluctant to oppose any amendment he offers, especially this one.

The doubt in my mind is to how far this amendment would take us back and how far it would extend.

The question of legal tender of money is one of the most important things that we have regarding our monetary system. All of our money is legal tender now. It is legal tender and we ought to keep it that way. If we change it, we want to make absolute the provision to make sure that the people are taken care of who own any type of money that is now legal tender.

I do not believe that the amendment is as good as the existing law. I think the provisions in the bill are the best provisions we could have concerning gold. They have been worked out carefully.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I want to be sure I understand the gentleman. Does the gentleman favor the rights of individual citizens to buy and sell gold?

Mr. PATMAN. Yes.

Mr. ROUSSELOT. And the gentleman will support that kind of legislation if this portion of the bill is not passed?

Mr. PATMAN. Yes, sir.

Mr. ROUSSELOT. So we can be assured that the Committee on Banking and Currency will bring out a bill that will give the right back, the civil right back to American citizens to own, buy, and sell gold?

Mr. PATMAN. The gentleman is not understanding what I said. I said I am for the provisions of this bill.

Mr. ROUSSELOT. I see; that includes the right of citizens to own gold?

Mr. PATMAN. That includes the right of citizens to own gold. Of course, gold will become a commodity under this legislation and it will be like anything else sold in the open market.

Mr. ROUSSELOT. So the gentleman would support open legislation to do just that?

Mr. PATMAN. Just like a sack of potatoes.

Mr. ROUSSELOT. In other words, the gentleman supports the legislation of the gentleman from Illinois to give the American citizens the right to buy, own, and sell gold?

Mr. PATMAN. That is right.

Mr. ROUSSELOT. I appreciate knowing that.

Mr. PATMAN. I am supporting what is in this bill.

Mr. ROUSSELOT. Then we can support the amendment of the gentleman from Texas to delete "ownership of gold" from this bill, because that would give us a chance to vote on that issue separately from IDA; is that correct?

Mr. PATMAN. In the argument, I am supporting the language in the bill, that is the language that I understand the gentleman from Illinois (Mr. CRANE) has always advocated and it says this provision and that is the one I am for.

Mr. ROUSSELOT. I want to compliment the gentleman for telling us that he would support the amendment of the the gentleman from Illinois to buy, own, and sell gold, that is separate legislation. If for some reason it is taken out of this bill, the gentleman from Texas can assure the House that he will support the gold legislation. I know my colleague, the gentleman from Illinois, will be glad to hear that.

Mr. PATMAN. I am not supporting a separate bill. I am supporting this bill (H.R. 14565) and I hope it is adopted.

Mr. CRANE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I quite appreciate the efforts of my distinguished chairman of the subcommittee, the gentleman from Texas (Mr. GONZALEZ), in seeking to restore through his amendment the language that exists in current law, which was incorporated into the last devaluation bill we passed. This language leaves the question of gold ownership up to the discretionary jurisdiction of the President.

But, I must remind him respectfully that when that language was incorporated into the gold ownership bill, it was because there were a number of people in this body, my distinguished colleague from Wisconsin included, who felt that until we had moved far enough down the road toward securing international monetary reform, that it was preferable to leave the language discretionary. The assumption was that we could anticipate such reform by December 31, 1973, or shortly thereafter.

I think in the intervening time it should be clear to one and all that the pursuit of international monetary reform to the satisfaction of the people at Treasury to make that recommendation to the President is sufficiently illusory that this body ought to at last establish a time-certain date, and that is what we agreed on in committee.

I think the only condition whereby there would be sufficient Members of this House willing to support IDA now is with a time-certain date gold ownership provision. If it is not going to have a time-certain date, then the gentleman would be better advised simply to introduce an amendment to strike any reference to gold ownership and produce a clean IDA bill. But, it is my understanding that there are Members in this House who are not in favor of IDA particularly, but who favor a gold ownership provision with a time-certain date, who would be willing to accept the bill in its present form.

If the IDA bill stands any chance of passing, it will only be, in my estimation, in its present language.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I commend the gentleman for his statement. I think he stated the situation exactly right. There are also some of us who do not like the gold provision but who like IDA and will support the bill for that reason.

Even though I, and others, supported our chairman, the gentleman from Texas (Mr. GONZALEZ), in the past and supported a total package, we are asking for a vote against the amendment. We are going to have to support the bill as it is now written.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Chairman, unless I am totally incorrect, the Secretary of the Treasury, Mr. Simon, in a very recent press announcement said that he favored the ownership, the owning, and selling of gold by American citizens.

Mr. CRANE. He supports private ownership in principle. He said further that he would make a recommendation to the President to restore private ownership provided there were not sufficiently destabilizing circumstances to dictate otherwise. I have for the last 4 years heard that argument raised from the Treasury as well as from the Federal Reserve, and they never seem to find the time when they feel that we have made sufficient progress in achieving "international monetary reform," even though in principle they find the concept of the restoration of the right to be good.

Mr. KETCHUM. If the gentleman will yield further, the Secretary of the Treasury did make that statment, and the Secretary of the Treasury is very strongly in favor of the IDA provisions of this bill. Would it not occur to the gentleman that in this field perhaps a little bribery is at stake here?

Mr. CRANE. I would not call it bribery. I would call it exactly what politics is all about, frankly, the art of compromise. There is no Member in this room who has never participated in it.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in support of the amendment.

I like gold. I was paid in gold in Texas, of all places, in 1916—$15 per month in gold. So, I like gold but the right to own gold does not belong in this bill.

Things have happened since 1916. The gentleman from Texas (Mr. PATMAN) has seen a lot of his printing press money distributed over the country. The Members know the process. Someone cranks up the printing presses at the Bureau of Engraving and Printing, puts ink in the pot, feeds paper into the presses, and lo and behold we have printing press money.

Mr. PATMAN likes that, and things have changed since 1916 in Texas. The dollar is worth today about 36 cents in terms of purchasing power, and printing press money has helped make it that way. In 1916 a dollar was worth a dollar.

I like gold, yes, but I do not like the medicine man's come-on in this bill; this IDA, the golden-clad hooker.

The gold provision in this bill is here for just one reason, and everybody in this Chamber knows it, including the distinguished majority leader (Mr. O'NEILL), who signed that wonderful "Dear Colleague" letter that was sent around in support of gold.

The whole idea of this come-on, this con game, is to get the Members to support what they refused to support less than 6 months ago, and that is a continuation of this $1.5 billion giveaway. That is what this is all about.

Take the gold proviso out and see what happens.

The chairman of the committee, being the amiable gentleman that he is, although a printing press money advocate, will, I am sure, produce a bill in his committee and hold hearings immediately now that he has been won over to the gold standard; and his very willing helper, the gentleman from Wisconsin (Mr. REUSS), to whom gold, until today, has been an anachronism, a barbaric metal, will join him. What a difference a $1.5 billion foreign giveaway will make in some people.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Surely; I will gladly yield to the gentleman who is on the right side of the fence on this issue.

Mr. DENT. I think there are two things that we all had better consider. There is an event taking place now that has been going on for a few months, in which we are negotiating with the Arab oil-producing nations to buy U.S. bonds. They are holding out that they must be gold-backed bonds.

With the American people getting the privilege here of buying gold, incidentally, only about 5 percent of the American people will be able to buy gold. That is the one thing.

The second thing we had better consider is that all of the good advisory letters have been telling us for a couple of years that our real estate taxes are so high that that is a bad investment. Our corporate stocks are a bad investment, and the only thing that we can hedge against the future with is gold. Who is going to hedge against the future? The same people who came through unscathed during the first depression will be the ones who will come through unscathed in this depression.

Be smart. If the Members are not smart, they can at least act as if they are.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. CRANE. I thank my colleague for yielding. In response to the remarks just made, it is not a privilege to buy gold. It is a basic, fundamental right, just as it is with any other commodity.

Second, I would remind my friend that individuals in France can get gold at the local bank and buy gold in small denominations. We have been selling savings bonds in this country, and in the process engaged in the poorest job imaginable, because they have not even broken even, with the interest accruing on the U.S. Savings Bonds.

Mr. GROSS. Mr. Chairman, let me just comment that the gentleman from Illinois, to whom I just yielded, voted against this $1.5 billion handout to IDA less than 6 months ago. He is another one of the medicine men here today trying to sell us the bill of goods that we should toss away $1.5 billion in order to buy a little gold, something President Nixon could make possible with a stroke of his pen.

Mr. CRANE. If my colleague will yield just one further moment, I will explain why I still do not believe in multilateral institutions.

Mr. GROSS. I am not interested at the moment in the gentleman's views on multilateral institutions.

My appeal is to support the amendment offered by the gentleman from Texas (Mr. Gonzalez) and defeat the bill.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. Gross) has expired.

(On request of Mr. Symms and by unanimous consent, Mr. Gross was allowed to proceed for 1 additional minute.)

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I thank the gentleman for yielding.

I might just say to the gentleman that I just came from the cloakroom, where I made a phone call to my broker. I asked him what the price of gold was today.

He said:

> It is $1 billion 500 million. I understand it is for sale today down at the Capitol.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Gonzalez).

The question was taken; and on a division (demanded by Mr. Gonzalez) there were—ayes 27; noes 45.

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. LONG of Maryland. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and twenty Members are present, a quorum.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Biaggi: Page 2, immediately after line 9, insert the folowing new section:
>
> Sec. 2. The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:
>
> "Sec. 15. No moneys contributed by the United States to the Association may be loaned to, or utilized by, any country for the purpose of purchasing nuclear materials, or nuclear energy technology or for the purpose of developing nuclear explosive devices or nuclear weapons."

POINT OF ORDER

Mr. REUSS. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin in support of his point of order.

Mr. REUSS. Mr. Chairman, I make the point of order against the amendment that it is not germane. It purports to amend subsections 3 (b) and (c) of Public Law 93–110 (87 Stat. 352). Public Law 93–110 is the Par Value Act which affected the gold value of the dollar. The amendment offered by the gentleman from New York (Mr. Biaggi) attempts to amend the International Development Association Act, this has to do with nuclear materials, it is, therefore, entirely nongermane to the act which it seeks to amend.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. BIAGGI. I do, Mr. Chairman.

Mr. Chairman, my amendment simply seeks to add a new section to this bill, section 15. This section would condition any of the moneys to be spent in the event IDA is successful this afternoon, or any of the moneys to be loaned, and I use that as a euphonism because, in fact, it is an outright grant in its nature, and we have recognized it as such, and I do not think anyone thinks that we will ever have the money returned, but it represents a condition under which the money can be loaned.

The fact of the matter is, the money, if it is to be loaned, cannot be used to provide nuclear technology or nuclear material in any of the proposed countries, and it is my judgment that the appropriate manner in which to do that is to add an additional section, and we do that in my amendment by creating section 15.

The CHAIRMAN (Mr. Brademas). The Chair is prepared to rule on the point of order raised by the gentleman from Wisconsin (Mr. Reuss).

The bill is drafted as a continuation of the U.S. Governor's authority to agree to make U.S. money available to IDA under terms of the International Development Association Act. That statute already contains several restrictions on the Governor's authority to cast dissenting votes for loans to nations lacking certain qualifications. Therefore an amendment to further restrict the use of funds for loans under IDA, part of which are authorized by the bill, would be germane, and the point of order is overruled.

POINT OF ORDER

Mr. REUSS. Mr. Chairman, I make an additional point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. REUSS. Mr. Chairman, I make the additional point of order that section 1 of the bill H.R. 15465 having to do with the International Development Association Act has been read, and passed, and that in fact we have already considered and disposed of an amendment so that the amendment offered by the gentleman from New York (Mr. Biaggi) comes too late.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. BIAGGI. I do, Mr. Chairman.

Mr. Chairman, I would respond in the same manner. I think the argument made by the gentleman from New York (Mr. Reuss) is specious. The amendment is, in my judgment, not only germane as ruled by the Chair, but that the point of order obviously is an attempt to prevent the House from working its will this afternoon on a bill that has already been once defeated and is, as we say, the result of a compromise, which is regarded as a work of art so as to have the bill come back in another form in order to win votes, because of things that were not in it in the first place. All we are trying to do is to add a new section at the proper time and in the proper order which succeeds section 14, section 15, and it is my judgment that it is timely and that it is in order, and that the argument of the gentleman from Wisconsin is without basis.

The CHAIRMAN (Mr. Brademas). The Chair is prepared to rule on the point of order raised by the gentleman from Wisconsin.

The amendment offered by the gentleman from New York (Mr. Biaggi) would insert a new section 2 immediately after section 1. But, in view of the fact that section 2 of the bill has already been read, the amendment offered by the gentleman from New York (Mr. Biaggi) does come too late, and the point of order is sustained.

Mr. DERWINSKI. Mr. Chairman, I rise as a supporter of the bill as it is brought to the floor. I also rise as a supporter of that section of the bill that will permit American citizens to own gold, but I understand that that particular provision was placed into the bill in large part because of the urgings of my good friend, the gentleman from Illinois (Mr. Crane). I have some language I should like to read, and I wish the gentleman would give me his attention. I am not going to offer this amendment, but I had intended to do so.

The amendment would have read as follows:

> No rule, regulation, or order in effect on the date subsections (a) and (b) become effective may be construed to prohibit any person from purchasing, holding, selling, or otherwise searching for the golden fleece in the United States or abroad.

I wonder if the gentleman feels at least the philosophy of this suggestion might have been consistent with the provisions of the bill.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Illinois.

Mr. CRANE. I thank the gentleman for yielding.

I can only say that I think with the prohibition of gold ownership for the past 40 years, we have indeed been fleeced.

Mr. DERWINSKI. Mr. Chairman, I really take this time to emphasize to the Members of the House that this is one of the very rare occasions where the House will be able to demonstrate that upon proper study and reflection, with the application of diplomacy that is so desperately needed in our time, that we, can reverse the decision made earlier in the year and pass this new bill this afternoon.

I was one of the Members who voted against the IDA bill some 5 months ago, but having been here for a few years, I have learned to be diplomatic. I strive to be objective. I always look at both sides of an argument. I have learned not to prejudice a bill merely because it comes from a usually controversial committee.

I believe that this afternoon it would be a high watermark in statesmanship if the House of Representatives would thoughtfully reconsider the previous decision against this measure with the adjustments that were made with the gold ownership provision, with the reemphasis on the practical nature of the administration of this program which this delay in Congress is really going to force. I should think it would be the height of statesmanship and sound legislative policy to pass this measure this afternoon.

Mr. Chairman, I yield back the balance of my time.

Mr. DENT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have been studying a little history this afternoon, and I find that IDA was passed and the arguments for its passage were based about 99-99/100 percent upon the great need for developing nations, the great need for emerging nations, the great need for poor countries to develop their national resources and their natural resources.

If anybody will take time and look at the IDA loans, they will find in the last decade about 90 percent of these loans have not been loaned in that particular area of activity.

Just this last June 21 we find that $50 million of the loan was given to the Indian Government for the purpose of expanding a chemical fertilizer plant without the chemicals, which, therefore, is not a national or natural resource. What that is intended to do is exactly what three previous other loans did. It gave India the national-international excuse for spending the money they did on the A-bomb, and within 2 or 3 weeks the H-bomb will be exploded underground by taking the $50 million out of their own Government funds that should have gone into the expansion of this so-called fertilizer plant, and getting the money from the Eximbank so that they could say they spent their own $50 million to develop the A-bomb.

Let us go to another one: A $20 million credit from IDA to an Egyptian company. It is going to be used for the same purpose, a fertilizer plant, not from natural resources within their country.

Let us go a little further. There is $20 million to Bangladesh. Sure, Bangladesh is a poor country. We voted in this House, and I think it was unanimous, to give them a couple hundred million or a couple hundred and fifty million dollars to aid them in their desperate need when the floods hit. But it is my understanding they did not spend one red cent to establish any kind of safeguard against future floods, and they get a flood every year.

What are we going to give the $20 million for? We are going to give it for telecommunications facilities in Bangladesh. We are going to spend $2 million for Ghana for development of agricultural resources, and I am very happy about that. That is what it was intended for.

Do the Members understand what is happening to us or not? Do we have any knowledge about where the money is going? The only time we will have any knowledge as to what is happening is when we put IDA and foreign aid and the Export-Import Bank and the Latin American Development Bank and the Asian Development Fund, all of these agencies which spend money in foreign countries into one piece of legislation, so we can section by section and title by title add them up at the end somewhere and have some idea as to where our money is going and how much we are spending.

Do the Members know how much the entire debt of the United States averages per person? And the gentleman knows I have a great deal of respect for his knowledge of money, but somehow or other he has not related the fact that the $495 billion—soon to be $509 billion—cannot be traced to one red cent of expenditures within the United States except that part of the $500 billion which is interest paid on the loans?

The $10 billion we are going to put into the Export-Import Bank and the $1.5 billion we are going to put into this fund the Members must understand are going into these agencies and there is a partnership between the World Bank and IDA. The World Bank is the hard currency and IDA comes in at the other window and gives the soft currency, so that the $1.5 billion is the seed money for approximately three-quarters of a billion more of soft currency through the Export-Import Bank. Every cent of that money becomes part of the national debt because we do not have the money to lend. We have to borrow the money, and no one can survive under that kind of financial structure. It is impossible to do so.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on this bill and all amendments thereto be concluded at 3:30.

Mr. LONG of Maryland. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end at 3:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was rejected.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: Page 2, immediately after line 20, insert the following:

SEC. 3. The International Development Association Act (22 U.S.C. 284 et seq.) is amended by inserting at the end thereof the following:

"Sec. 15. The United States Governor is authorized and directed to vote against any loan or other utilization of the funds of the Association for the benefit of any country which develops any nuclear explosive device, unless the country is or becomes a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483)."

Redesignate the succeeding section accordingly.

POINT OF ORDER

Mr. WHALEN. Mr. Chairman, I raise a point of order against the amendment.

The CHAIRMAN. The gentleman from Ohio will state his point of order.

Mr. WHALEN. Mr. Chairman, the Chair has ruled that the amendment previously offered by the gentleman from New York (Mr. BIAGGI) was out of order because it should have been offered during the committee's consideration of section 1 which deals directly with the International Development Association.

Mr. Chairman, this is a very similar amendment to the one previously ruled out of order, except it creates a new section instead of amending an existing one.

This is an effort to thwart the Chair's earlier ruling. Therefore, Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. Does the gentleman from Maryland care to be heard on the point of order?

Mr. LONG of Maryland. I should respond by saying that the gentleman's objection is specious. The amendment is a genuine amendment. It fits in logically in the place that it is offered. I see no substance at all to the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order raised by the gentleman from Ohio.

The Chair would observe that when the gentleman from New York (Mr. BIAGGI) offered his amendment it was ruled out of order because section 2 of the bill had already been read; but since the pending amendment is offered as a separate subsequent section, as a new section 3, the amendment is in order and the Chair overrules the point of order.

The gentleman from Maryland is recognized.

Mr. LONG of Maryland. Mr. Chairman, the whole world was shocked last month when India exploded a nuclear weapon. But apparently some Members in this Chamber were not shocked enough. What is the significance of India's exploding a nuclear weapon?

What it means is that this explosion is about to set off a chain reaction to other countries who may soon be using nuclear reactors and nuclear materials as one step in the process of developing their own nuclear weapons.

The Ambassador from India called on me the other day and said:

> We have no intention of developing nuclear weapons.

I said:

> What happens if Pakistan does?

Then he said:

> We would have to.

I said:

> Does Pakistan believe you are not going in for nuclear weapons?

Well, he was afraid they did not.

Now, if Pakistan feels that India is developing a nuclear bomb and India has to have one in order to preempt Pakistan, it obviously makes it impossible to resist the internal political pressures that are going to inevitably ensue. This competitive nuclear arms race is going to occur all over the world.

All my amendment does is put America on record against nuclear proliferation.

Now, India has not signed or ratified the nuclear Nonproliferation Treaty. I do not know whether my amendment can force India or anybody else to become a party to the Nonproliferation Treaty; but this amendment does put the Congress and the U.S. Government on record as opposing nuclear weapons proliferation.

My amendment states that:

> The United States Governor is authorized and directed to vote against any loan or other utilization of the funds of the Association for the benefit of any country which develops any nuclear explosive device, unless the country is or becomes a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons.

In adopting this amendment we are not binding the IDA, only our own Governor. That is all. As of January 1974, the United States has 25 percent of the vote. Fifty-one percent of the votes cast are required to reject an IDA loan.

Thus, my amendment could not by itself cut off IDA loans to any country. It would simply put the Congress of the U.S. Government clearly on record as opposing any IDA loans to countries that develop nuclear weapons. My amendment would add some pressure against nuclear proliferation. I cannot see how anyone can possibly object to this amendment. It does not hurt or bind IDA in any way. It merely binds the U.S. Governor of IDA whom we have appointed, and puts the Congress on record.

I hope very much that this House will approve this amendment. I might say, it will have something to do with how I shall vote on this IDA bill here today.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I wish to congratulate the gentleman from Maryland for introducing this amendment. I recall not too long ago, when I introduced a similar amendment in connection with another bill, the gentleman rose and recognized exactly the threat that he sees in this type of nuclear proliferation as far as technology was concerned.

The argument was that it was not intended for hostile purposes, but shortly after that measure was defeated, the Joint Committee on Atomic Energy did react.

Apparently, we will be getting on the floor in the future some measure which would provide the Congress with the responsibility of approving such nuclear agreements, but until that happens, the gentleman's amendment is timely and is the very same type of amendment I have offered for the very same purpose, for focusing attention on this very critical problem.

Mr. Chairman, the gentleman from Maryland is to be congratulated and the Committee should vote for this amendment.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I want to compliment the distinguished gentleman from Maryland on his amendment. I think it is an excellent one, and I certainly support it.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, I congratulate the gentleman on his amendment, and enthusiastically support it.

I have only one question which I would put to the distinguished gentleman. The gentleman is not in any way, in his amendment, limiting aid for atomic powerplants and other peaceful uses, is he?

Mr. LONG of Maryland. No, we are doing nothing but simply binding a vote of our Governor on a very important policy question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. LONG).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ICHORD

Mr. ICHORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ICHORD: Page 2, strike out all of lines 7 through 20.

POINT OF ORDER

Mr. REUSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. REUSS. Mr. Chairman, I make a point of order that the amendment offered by the gentleman from Missouri (Mr. ICHORD) comes too late; that we have not only finished with section 2, but in fact finished with section 3.

Also, that a charity of logic caused the Chair to overrule the earlier amendment offered by the gentleman from New York (Mr. BIAGGI), and would require similar action now.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. ICHORD. I do, Mr. Chairman.

Mr. Chairman, I simply point out to the Chair that I only see two sections in the bill. Section 2 was just not read, so obviously a point of order would not stand.

The CHAIRMAN (Mr. BRADEMAS). The Chair is prepared to rule on the point of order raised by the gentleman from Wisconsin (Mr. REUSS).

After a new section has been inserted by amendment, which is the case, it becomes too late to amend the preceding section of the bill. The point of order raised by the gentleman from Wisconsin is sustained.

PARLIAMENTARY INQUIRY

Mr. ICHORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ICHORD. Mr. Chairman, is it the ruling of the Chair that since the amendment—and I might say quite an innocuous amendment, in my opinion, because it only directs the U.S. Governor to vote against any loan to a nuclear country—is it the ruling of the Chair that no amendment will now be in order to section 2 of the bill, and also to section 1 of the bill?

The CHAIRMAN. The gentleman is correct. Section 2 has been passed in respect to its being amended.

Mr. ICHORD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise as one who is in favor of the private ownership of gold, and I also rise as one who voted against IDA when it was before the House a few weeks ago.

I had attempted to separate the provisions of gold ownership from the provisions of IDA, and I do not quarrel with the ruling of the Chair. I was pretty much in the position of the gentleman from New York in that I arrived too late because of the brevity of this bill.

Mr. Chairman, I resent the rather shoddy parliamentary maneuver which took place in the Senate, not in this body, making the IDA bill more palatable to the Members of this House.

I do not accuse my beloved friend, the distinguished gentleman from Texas, of shoddy tactics. This did take place in the Senate.

There is no relevancy whatever between the provisions of gold ownership and IDA, and I, unlike my good friend, the distinguished gentleman from Illinois (Mr. DERWINSKI)—I agree with him that it is necessary to compromise on the floor of this House—but I do not think it is necessary to succumb to the lure of a hooker, in this case the gold hooker, as described by the gentleman from Iowa.

Therefore, even though I favor the private ownership of gold, I hope that the Members of this House will vote against the bill in its entirety.

Mr. Chairman, I would like to interrogate my beloved friend, the gentleman from Texas. The gentleman is asking this body to authorize $1½ billion of money which we do not have as our contribution to IDA.

Addressing myself to the gentleman from Texas, is it not true that under the terms of this bill, the country of India, which has recently developed a nuclear bomb, will receive approximately 40 percent of the money?

Mr. PATMAN. No; it is inconceivable.

Mr. ICHORD. The gentleman from Texas (Mr. GONZALEZ), a member of the committee, just advised me a few minutes ago in the cloakroom, and I see the gentleman from Texas (Mr. GONZALEZ) on the floor of the House. I yield to him for a further explanation. The gentleman from Texas (Mr. GONZALEZ) advised me that the country of India, which has just developed the atomic bomb, will receive approximately 40 percent in multilateral loans under IDA.

Mr. PATMAN. If the gentleman will yield, the gentleman is overlooking the latest agreement that they will not get 40 percent any more.

Mr. ICHORD. Is the gentleman from Texas in error in that advice? Is the gentleman from Texas (Mr. GONZALEZ) in error?

Mr. PATMAN. I say it is not true.

Mr. ICHORD. Then I hope the gentleman from Texas (Mr. GONZALEZ) will explain it.

Mr. PATMAN. That is my information, the best I have.

Mr. ICHORD. Mr. Chairman, I yield to the gentleman from Texas (Mr. GONZALEZ) for an explanation.

Mr. GONZALEZ. I believe the record will show that India has been the beneficiary, in large measure, of the IDA funds in the past, receiving about 40 percent; that is correct.

Mr. ICHORD. Is there anything in this measure that would indicate that India will not continue to receive 40 percent?

Mr. GONZALEZ. The fact that there is nothing to indicate that that policy of lending to India will change whatsoever, or, in fact, increase.

Mr. ICHORD. Mr. Chairman, the Members of the House, then, can succumb to this gold hooker, if they wish, but I for one will not.

PREFERENTIAL MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. GROSS moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

Mr. GROSS. Mr. Chairman, why the haste to pass this bill? Let it be remembered that this same House, on January 23, less than 6 months ago, on a flat-out vote—not under suspension of the rules, as has been said here today—voted 248 to 155, a margin of 93 votes, to defeat this $1.5 billion gift to the International Development Association.

At that time the Members were fresh from having visited with their constituents who were and are in economic trouble, and I am sure that is what motivated the vote at that time.

What has happened in the interim, I ask the Members? At that time we were responding to what we knew was the feeling of our people, that they were sick of being raped by Congress in the matter of extending foreign aid all over the world.

What has happened since? Have conditions gotten better? You know, everyone of you, that economic conditions are worse.

This country has been referred to today as the wealthiest Nation on Earth. Since January 23 we have learned that this country has a net—that is spelled n-e-t—public and private debt of $2 trillion, $500 billion-plus. I believe the actual figure is $2 trillion, 528 billion of public and private debt.

And yet here today it is proposed to shovel out another $1 billion, 500 million that will never be returned, thus inflicting upon your children and mine and our grandchildren another obligation to add to the $500 billion of Federal debt. For shame.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, the gentleman from Iowa just brought to the attention of the Members of the House the fact that a New York bank had raised its prime interest rate to 12 percent. I believe that was the figure, was it not?

Mr. GROSS. On yesterday, the Chase Manhattan Bank raised its personal loan rate to 11½ percent. That is its personal and home improvement loan rate, not its prime rate.

Mr. ICHORD. Mr. Chairman, if the gentleman will yield further, even the proponents of this measure have admitted we will be spending money we do not have. This money will have to be borrowed.

I wonder if the gentleman from Iowa has any idea, when they go into the money market to get this money, as to how much further that will increase the interest rates that will be charged to our American taxpayers?

Mr. GROSS. Mr. Chairman, I have no idea, but it will make its contribution to inflation and higher interest rates.

Let me continue, and if I have time to yield further to the Members, I will do so.

On January 23, the gentleman from Texas (Mr. MAHON), the distinguished chairman of the House Committee on Appropriations, in opposing $1.5 billion for IDA at that time said:

> It is time for us to consider whether or not, in light of the fact that we have had to devalue the dollar twice, and have had to appropriate $2.2 billion for dollar devaluation for international financial institutions last year, and $1.6 billion the year before, we should at this point in time commit ourselves to another increase in foreign aid. I just feel it is time to say no to an increase.

Mr. Chairman, the gentleman from Texas warned the Members 6 months ago that even then the Nation was in no condition to underwrite another $1.5 billion for foreign aid.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman from Iowa for yielding.

Mr. Chairman, our Treasury notes are selling now at 8.4 percent. This means that the $1.5 billion after 4 years, for the total 4 years, in 16 years would be doubled, and it would become at that time $3 billion.

Mr. GROSS. I thank the gentleman for his observation. Now, you go ahead and vote to hand this international outfit another $1.5 billion that will have to be borrowed or obtained from the Government printing presses, and then go home over the Fourth of July, wave the flag and tell your people that you have made $1.5 billion worth of 50-year loans available to foreigners at no interest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the motion offered by the gentleman from Iowa.

Mr. Chairman, let me say about the prime rates, I know that they are at 12 percent, and of course they are too high. They should not be that high. What we are doing here today, I do not know whether this will influence them much or not, it certainly will not lower the rates. They are going higher and higher. That has been predicted for a long time. They have been going that way for 5 years, up, up, up, all the time.

The 12 percent prime rate means that is for the big people like General Electric, General Motors, Ford, the Rockefellers, they are guaranteed a ceiling of 12 percent, they can always get their money at 12 percent or more, this is a guarantee to them only. But for the small person, the interest rate is 15 percent, and 18 percent. The prime rate does not apply to the little people like us, it just applies to the big people such as I have described.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman for yielding.

Mr. PATMAN. I yield to the gentleman for a question, not for a speech.

Mr. ROUSSELOT. I will try not to make a speech—just a few important points. I know the gentleman from Texas has brought up this point several times that he is very concerned about the "little people" of this country who have to pay the high percentage rates for money. Yet under this bill we know that IDA has a soft window that is now providing loans for 50 years for only three-quarters of 1 percent.

How is the gentleman from Texas going to go back and justify to the people in his district that he has voted for a bill calling for $1.5 billion for governments overseas, and they are only going to pay three-quarters of 1 percent interest, while the people in his district are paying 10 or 11 percent for their mortgages? How will the gentleman justify that?

Mr. PATMAN. Because it provides jobs for people here, among other things.

Mr. ROUSSELOT. This bill provides jobs, for who?

Mr. PATMAN. Yes, for people who are unemployed. We want to give the unemployed an opportunity to have a job.

Mr. ROUSSELOT. How will this provide jobs for people in our country?

Mr. PATMAN. Because these countries have to buy our goods, and pay for our goods.

Mr. ROUSSELOT. What about the poor people at home in your district and especially the taxpayer?

Mr. PATMAN. These countries have to buy our goods on our terms and this will help.

Mr. ROUSSELOT. What about the poor people at home, where do they come in on this boondoggle?

Mr. PATMAN. They are all right because this will provide jobs for them.

Mr. ROUSSELOT. This bill is not all right for the little people. You can go ahead and vote to pay out this extra high price money, this $1.5 billion of our taxpayers' hard-earned money, that will be spent overseas, if you wish, but not me.

Mr. PATMAN. I do not choose to yield further to the gentleman.

The point is that this is an entirely different situation, this involves all countries all over the world.

Mr. ROUSSELOT. That is what the gentleman always says.

Mr. EVANS of Colorado. Mr. Chairman, regular order.

Mr. PATMAN. Mr. Chairman, there are 130 countries that belong to this same group that we belong to. They are all happy about it, seemingly, they keep on going forward with it. We are only just a participant, not the major one, nor are we a minor one, but we are a participant here helping out the entire world, giving jobs to people. These countries are borrowing our money and buying our goods. They cannot borrow our money unless they agree to spend it here to buy our goods. This gives 800,000 jobs, right now. If you cut this off then you are abolishing 800,000 jobs. Think about the effect that will bring, then.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the motion offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GROSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 268, answered "present" 2, not voting 68, as follows:

[Roll No. 362]

AYES—96

Abdnor
Andrews, N.C.
Archer
Ashbrook
Bafalis
Baker
Bauman
Beard
Biaggi
Bray
Brinkley
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Camp
Carter
Chappell
Clancy
Clawson, Del
Cleveland
Collins, Tex.
Conlan
Cotter
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
Delaney
Dent
Devine
Dickinson
Duncan
Fish
Fisher
Flood
Flowers
Flynt
Fountain
Froehlich
Gaydos
Giaimo
Ginn
Goldwater
Gross
Haley
Harsha
Henderson
Hogan
Holt
Huber
Hunt
Hutchinson
Ichord
Jarman
Jones, N.C.
Jones, Okla.
Kemp
Ketchum
Lagomarsino
Landgrebe
Latta
Long, Md.
Lott
McCollister
Mathis, Ga.
Miller
Murtha
Myers
Nichols
Nix
Pettis
Price, Tex.
Rarick
Robinson, Va.
Rogers
Roush
Rousselot
Runnels
Ruth
Satterfield
Shuster
Skubitz
Snyder
Spence
Stubblefield
Symms
Taylor, Mo.
Taylor, N.C.
Veysey
White
Whitten
Yatron
Young, Alaska
Young, Fla.
Young, S.C.
Zion

NOES—268

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Badillo
Barrett
Bennett
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bowen
Brademas
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Mass.
Burton, John
Burton, Phillip
Butler
Casey, Tex.
Cederberg
Chisholm
Clark
Clausen, Don H.
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Coughlin
Crane
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Wis.
Dellenback
Dellums
Denholm
Dennis
Derwinski
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Foley
Ford
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gettys
Gibbons
Gilman
Grasso
Green, Pa.
Grover
Gubser
Gude
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holtzman
Hosmer
Howard
Hudnut
Hungate
Johnson, Calif.
Johnson, Pa.
Jordan
Karth
Kastenmeier
Kazen
King
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
Luken
McClory
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Mills
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shriver
Sikes
Slack
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Studds
Symington
Talcott
Teague
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Towell, Nev.
Traxler
Treen
Udall
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

ANSWERED "PRESENT"—2

Gonzalez
Roncalio, Wyo.

NOT VOTING—68

Alexander
Armstrong
Bell
Bergland
Bevill
Bolling
Brasco
Breaux
Broyhill, N.C.
Broyhill, Va.
Burke, Calif.
Byron
Carey, N.Y.
Carney, Ohio
Chamberlain
Clay
Cochran
Corman
Davis, Ga.
de la Garza
Diggs
Dorn
Erlenborn
Evins, Tenn.
Goodling
Gray
Green, Oreg.
Griffiths
Gunter
Hanrahan
Hansen, Wash.
Hays
Hébert
Hinshaw
Holifield
Horton
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
Kuykendall
Landrum
Lujan
McCloskey
McEwen
McSpadden
Madden
Martin, Nebr.
Meeds
Mizell
Montgomery
Moorhead, Pa.
Passman
Powell, Ohio
Railsback
Reid
Rooney, N.Y.
Scherle
Shipley
Shoup
Sisk
Smith, Iowa
Steiger, Ariz.
Stuckey
Sullivan
Thone
Ullman
Wyman
Zwach

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to H.R. 15465, which provides for a contribution of $1.5 billion by the United States to the fourth replenishment of the International Development Association.

In a letter to me dated June 17, 1974, which is identical to the letter Speaker Albert reproduced in pages 2–5 of the committee report, Treasury Secretary William Simon made the following statement, with which I strongly disagree:

> There is no conflict between this bill and fiscal responsibility for two reasons. First, fiscal responsibility does not mean simply not spending—it means spending only for effective programs that are strictly in accordance with our priorities. IDA qualifies on both scores. Second, the IDA replenishment bill will have no impact on the current fiscal situation. The first appropriations under it will not be sought until 1976, and when obtained will be made available to IDA in the form of non-interest-bearing notes. These notes will not be cashed until still later years.
>
> I am just as convinced that the proposed IDA legislation serves the international economic interests of the United States as I am that it is fiscally responsible.

The accuracy of Mr. Simon's assertion that this bill is fiscally responsible because it involves "spending only for effective programs that are strictly in accordance with our priorities" depends largely, of course, upon what we consider to be our priorities. My own observations strongly indicate that the greatest concerns of constituents are inflation, excess Government spending, and high interest rates. It seems clear to me that the addition of $1.5 billion in deficit money to the budget over a 4-year period in order to provide money for soft loans to developing countries can only aggravate these major problems.

On June 21, 1974, I received an announcement from IDA that it had approved a $20 million credit to the Peoples Republic of Bangladesh as its second contribution to that country's "telecommunications development program." The grant will help to finance telephone equipment, microwave systems, UHF and VHF systems, and other systems and services. In its release announcing the credits, IDA asserted:

> Development of the telecommunications system is essential to the development of agriculture, industry, and government.

These credits will be provided under the standard IDA formula of no interest, except for a three-fourths of 1 percent administrative charge, and 50 years to repay, with 10 years of grace. I cannot understand how Congress can justify exporting capital when our industry is starved for it at double-digit interest in order to provide interest-free financing for telecommunications in Bangladesh.

Mr. Simon's second assertion, that this bill "will have no impact on the current fiscal situation" invites Congress to take a fiscally irresponsible approach to the bill. While it is true that no actual appropriations will be sought until fiscal 1976, and that our contribution will not be drawn upon until future years, the committee report, on page 14, makes it clear that enactment of this legislation would constitute a commitment to provide the $1.5 billion in funds:

> The authorization contained in this legislation poses a special problem. It enables the United States to undertake an international commitment, but in practice the United States' fulfillment of that commitment depends on subsequent appropriations.
>
> The United States must be able to join with other countries in providing IDA with the commitment authority it needs to stay in operation after June 30.
>
> The Committee emphasizes this point because it wishes the House to be aware that this authorization bill will result in a *binding international commitment* by the United States. *Congress should be aware now that a valid international commitment will exist when appropriations to cover this agreement are requested.* (Emphasis mine.)

In other words, although the impact will not occur until future years, the decision to commit or not to commit these funds can only be made now. Therefore, from the standpoint of responsible decisionmaking, the impact of the full $1.5 billion is upon us today. To talk about this impact as coming in future years when Congress will be powerless to affect it is to invite Congress to abdicate its responsibility for controlling the budget.

Finally, I would take issue with Mr. Simon's contention that this bill "serves the international economic interests of the United States." The historic purpose of IDA has been to obtain money from capital surplus areas of the world in order to finance projects in developing nations. The recent energy crisis brought home to most Americans the fact that the "traditional financial relationships between nations are being radically altered."

For the United States to contribute another $1.5 billion to IDA would perpetuate through the rest of this decade a relationship which is based on a post-World War II concept of this country as wealthy benefactor to all mankind. If this concept ever had any validity, it clearly has none in these times when the United States is plagued by severe inflation and threatened with critical energy and mineral shortages which have been caused by many of the nations which it once so liberally assisted. We must learn to adjust as a nation to the new realities of world affairs, and the IDA replenishment is a good place to begin.

The only difference between this bill and the one which this House defeated on January 23 of this year by a vote of 155 to 248 is that this bill contains, in addition to an authorization of $1.5 billion for IDA, a section which would permit American citizens to own gold by the end of this calendar year. This provision was added because supporters of IDA were afraid she would be harmed if they sent her into the congressional woods without gilt-edged security.

Permission for Americans to own gold, like the proverbial idea whose time has come, should and can be achieved, whether or not this bill becomes law. There is no need to obtain it at the cost of perpetuating IDA, an idea whose time has clearly passed.

I strongly urge the House to defeat this bill.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close in 10 minutes.

Mr. RANDALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Chairman, I move that all debate on the bill and all amendments thereto close in 10 minutes.

The motion was agreed to

The CHAIRMAN. Members standing at the time the motion was made will be recognized for two-thirds of a minute each.

The Chair recognizes the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I wish to say that the $1.5 billion which this bill calls for in 16 years will become $3 billion. In 32 years, it will become $6 billion, and in 48 years, before the bill runs out, it will become $12 billion.

Mr. Chairman, I rise in opposition to this legislation for IDA, the International Development Association. The Treasury notes which are being sold now by the U.S. Department of the Treasury are going at 8.4 percent. The prime interest rate is now approximately 11.4 percent, that is the rate at which banks loan money to their best and most reliable customers.

The taxpayer of the United States will be called upon to pay for this loan of $1.5 billion by bond or Treasury notes which will cost the Government no less than 8.4 percent plus the loan. Not only that, we are loaning funds to governments where there are no reports of good projects being developed. Last year, we loaned to Sudan $11 million for agricultural development; we gave them $2.2 million grant for refugee assistance and a $2.1 million long-term, low-interest loan for the purchase of 20,000 tons of U.S. wheat.

Last year, the Ambassador of the United States, Cleo A. Noel, Jr., one of his associates, and a member of the Belgian Embassy staff were killed.

The assailants were taken into court and given life sentences; but later, they were deported, sent back to the Palestine Liberation Organization. This shows the regard that such countries as the Sudan have for the United States. These are the thanks we received for our kindness.

How in God's name can we continue to borrow money at 8.4 percent interest and actually give it to them for a period of 50 years? According to my interpretation of this legislation, the funds so lent to these underdeveloped countries are repayable over a 50-year period and carry no interest.

After a 10-year grace period a country must pay 1 percent of its obligation per year for 10 years and then 3 percent per year for the following 30 years. This is not interest, but a payment on the initial debt. A service charge of less than 1 percent is levied annually to meet administrative costs.

Just this year, this House passed a bill giving Swaziland, Bangladesh, and other countries a $150 million disaster fund. This is to take care of those who are undernourished and I voted for this measure. I shall vote for other measures such as this. But this Nation of ours cannot continue solvent, borrowing funds at 8.4 percent or more and then lending it at no interest for a period of 50 years.

In Uganda, we have, under the soft loan program of IDA given them $25.9 million. Yet the dictator, General Idi Amin, drove from his country minorities who had been there over a hundred years. Some of our friends here on the floor of the House express their support for minorities. I suggest that if their feelings are for minorities, they should oppose further loans to Uganda which is under the regime of Idi Amin.

Tanzania is controlled by Julius K. Nyerere, and it is my understanding that this is practically a Communist country, and we have given soft loans to this nation to the tune of $75 million.

Not too long ago, Dr. Perry W. Summers, former professor in the Department of Agriculture at the University of Kentucky and for 17 years an employee of AID, told me personally in the Rayburn room which is just off the floor that 90 percent of all this foreign aid should be cut off.

Leon Ferguson, former employee of the British American Tobacco Co. in Guatemala, states that a water project paid for by American funds was subjected to gross abuse. He stated that on two occasions the pipe for carrying water in this area, when taken to the site for implantation, were stolen. He could not state definitely that the water system was ever completed.

I must submit, Mr. Chairman, that we should give assistance to countries which are in need, countries which suffer from disaster. This we have done in a $150 million grant recently, passed by this House. At such future time as funds are needed for people who are undernourished, or who undergo disasters such as frequently occur in South America and in India, we will again authorize and appropriate such funds as are needed to assist them.

Over the years our assistance to India, our soft loans to this country, have amounted to $2.420 billion; our soft loans to Indonesia have amounted to $477.8 million; our soft loans to Ethiopia have amounted to $136.2 million, and that country is now undergoing tremendous upheaval; over the years, we have loaned Bangladesh through the soft loan window $212,850,000; to Kenya we have loaned $89.3 million, and this is one of the most fertile and productive areas of all Africa.

This year this country and others who do not belong to OPEC oil producing export countries, will pay to these countries $70 billion for petroleum products. This will constitute a tremendous drain upon the Public Treasury. It is my understanding that Saudi Arabia recently contributed $200 million to IDA and immediately borrowed back—of course at no interest—$140 million. If IDA is to continue, the OPEC nations which will receive the $70 billion this year for their oil must contribute a larger share to IDA. The United States will, as usual, contribute approximately three times as much as any of the 21 nations involved in the International Development Association.

I would like to address my remarks to the younger Members of this group and to those who are in marginal areas, and to ask you, how can you vote for such legislation to actually give or lend this money at no interest to other nations who have no respect whatever for this country, and who vote against the United States consistently in the United Nations, while we at the same time charge our Vietnam veterans no less than 7½-percent interest for the housing which they so badly need? In this November, we will face the electorate. Our veterans deserve—by reason of their service in the Armed Forces of the United States—housing. If you wish to return to this Congress, I strongly advise you to vote against this gigantic giveaway.

A related article follows:

[From the Washington Post, June 26, 1974]

U.S. Envoy to Sudan Is Recalled

The State Department called home the American ambassador in Khartoum yesterday after informing the Sudanese government that the United States "cannot accept" the release of Palestinian guerrillas who murdered two embassy officials last year.

The State Department move—a possible prelude to other actions—was announced soon after Sudanese President Jaafar Nimeri commuted the life sentences of the terrorists and decided to turn them over to the Palestine Liberation Organization.

The guerrillas seized the Saudi Arabian embassy in Khartoum on March 1, 1973, during a diplomatic reception, and took as hostages U.S. Ambasasdor Cleo A. Noel Jr., Counselor George C. Moore and Guy Eid, the Belgian charge d'affaires. The three were murdered in the basement of the embassy 24 hours later.

In a statement released by acting Secretary of State Joseph J. Sisco, the State Department declared:

"We are dismayed over this virtual release of these confessed murderers . . . We do not think that this decision lives up to the repeated assurances given at all levels of the Sudanese government that this case would be handled in a just manner."

The statement went on to say that while the United States had tried to avoid statements which could be taken as interference during the judicial process against the accused, "at the same time we attempted to make clear the importance the U.S. government attached to punishment commensurate with the crimes committed."

State Department officials said that Ambassador William D. Brewer had been advised to convey these views to the Khartoum government and then return home. He is due in Washington within 48 hours for "consultations."

Informed officials said yesterday that the action by President Nimeri indicated the pressures to which leaders of Middle East nations are subjected by the radical Palestinian organizations.

President Nimeri had promised in the past to deal sternly with the terrorists.

On Monday, a court sentenced the eight guerrillas to death. Nimeri then immediately overturned the verdict and ordered the defendants released to the custody of the PLO, to serve seven-year sentences.

Sudan claims to have an independent judiciary. Nimeri, a military leader, took power in a coup but was later elected president.

The United States has had an off-again, on-again relationship with Sudan since 1967. Khartoum broke relations during the Middle East war that year. They were not reestablished until July, 1972, Noel, the first American ambassador after the break, was murdered.

Following the release of the American statement yesterday, State Department spokesman Robert Anderson had information about the scope of the U.S. aid program to Sudan, which resumed in 1973. Last year, the country received an $11 million loan for agricultural development, a $2.2 million grant for refugee assistance, and a $2.1 million long-term, low-interest loan making possible the purchase of 20,000 tons of U.S. wheat.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 15465, to provide funds for the U.S. contribution to the fourth replenishment of the International Development Association.

The IDA is the soft loan window of the World Bank, and was established to provide credits to those developing countries unable to pay the World Bank's conventional rates of interest on its ordinary loans. The IDA loans only to the very poorest countries—those with an average per capita income of less than $375 per year. However, more than 80 percent of IDA credits go to countries with a per capita annual income of less than $200.

Mr. Chairman, the IDA serves as an intermediary between the have and the have-not nations of the world. It permits the developed nations to pool their resources to provide the most efficient types of aid to those countries which really need it. It insures a burden-sharing among the prosperous nations of the world, so that the United States does not shoulder the unilateral burden of international reconstruction and development. Historically the United States has provided about 40 percent of the IDA's funds. The proposal before us today will reduce that contribution to 33⅓ percent. This acknowledges the success of other nations of the world, and their willingness to shoulder their fair share of the international development burden.

Mr. Chairman, the fourth replenishment will not come into effect unless the United States participates in it. All of the other donor nations have pledged their contributions, but the agreement is contingent upon our participation. The unraveling of that agreement would leave the poorest countries that cannot borrow on world capital markets in the untenable position of having no access to development loans. In addition, U.S. efforts to encourage international economic cooperation and to provide leadership in a world where "go-it-alone" tendencies are becoming increasingly evident would suffer a major setback.

Exactly what does the United States gain from its participation in the IDA? Is it merely another ineffective giveaway program to ungrateful underdeveloped nations?

I think not, and I sincerely hope that my colleagues will see beyond their own neighborhoods and agree with me. The IDA operates in such a way that the United States can only benefit from continued participation.

The IDA assists in developing overseas markets for U.S. exports. The 66 countries who have borrowed from IDA have had consistently positive trade balances with the United States. Over the past 5 years, the United States has sold $60 billion worth of goods to these countries while buying only $46 billion worth. That gives us an export surplus of $14 billion with these countries over the past 5 years. Equally important, our exports have been in manufacturing and agriculture, which create employment here in the United States, while we have primarily imported raw materials. From these 66 countries we get 99 percent of our natural rubber, 53 of our lumber, 79 percent of our copper ore, and 98 percent of our bauxite. A large portion of IDA assistance goes to develop these sources of natural resources, as well as the roads, ports, and electrical facilities necessary to gain access to them.

The IDA has financed such worthwhile projects as the irrigation of some 180,000 acres of land in Bangladesh; the education of 10,000 secondary school children in Paraguay; and drought relief to the six Sahelian countries. Every IDA project is a sound and important one. Constant World Bank supervision and rigorous international competitive bidding insure effective implementation at the best price. I am pleased to say that American bidders have been extremely successful in getting IDA project contracts. In 26 years of operation, the World Bank, of which the IDA is a part, has never had a default on any loan and never failed to pay interest to its bondholders. I believe that is a most impressive record, and one which we should enable to continue.

There are many reasons for continued U.S. participation in the IDA access to reliable supplies of required raw materials, the ability to construct a more viable international monetary order, and the adjustment of world investment and trade policies to meet changing world conditions all required the participation of the poorest nations. Poverty breeds frustration, and anger, and promotes an international atmosphere most unconducive to world cooperation. In an increasingly interdependent world, it would be costly to the United States both politically and economically to ignore these fundamental issues of need in the less developed countries of the world.

I, therefore urge the adoption of this bill, to provide for continued participation of the United States in the International Development Association of the World Bank.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I rise against this bill, not because I am against helping the poor—heavens, no—I accept all the statements that have been made about the need for helping the poor.

I am against this bill because the aid it gives merely makes it possible for poor nations to divert their own funds for weapons and for roads to airports for the upper middle class. It does not accomplish the purported purposes of helping the poor.

I think we should vote this measure down in order to get substantial reform in the IDA program.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I voted against the motion to strike the enacting clause. That was not the way to kill this bill. Moreover, I had hoped that after such a motion had been disposed of I might be able to get some time to discuss some of the provisions of H.R. 15465—which should be thoroughly and carefully considered.

But Mr. Chairman, the chairman of the Banking and Currency Committee has succeeded in choking off debate and I will be limited to a very few moments. The chairman of Banking and Currency writes most of his legislation on the floor of the House and never worries about the time of the membership. As amendment after amendment has to be added to perfect his bills—but it is a different story when someone not on his committee asks the privilege to challenge some of his statements.

Mr. Chairman, I understand my colleague from Missouri, Mr. ICHORD, has charged that a substantial portion of the funds of IDA will go to India. I would yield to him to verify that fact.

Mr. ICHORD. Mr. Chairman, if the gentleman will yield, I will state that the record will show that it is expected that the nation of India, which recently developed a nuclear bomb, will get approximately 40 percent of these moneys.

Mr. RANDALL. I thank the gentleman for verification of these facts.

Now Mr. Chairman, we have been around the track on the International Development Association once before this year. The bill we are considering today is virtually identical to one which the House defeated on January 23, 1974, by a vote of 155 to 248. The same $1.5 billion is there. The same four annual instalments of $375 million called replenishment is there. IDA is still an agency of the World Bank. I oppose this legislation with the same vigor that I opposed it last January.

Why do I oppose this? Well, for the following reasons:

Why should we be obligated to contribute one-third of the replenishment made by all contributing countries? Last January this was defeated because we had an energy crisis. We still have an energy crisis. Maybe in the past we have had some balance-of-payments surpluses but now we face perennial balance-of-payments deficits. And the new holders of excess reserves will be the oil-producing countries of the Middle East.

For our country to contribute $1.5 billion to IDA through the rest of this decade may be attributable to the beliefs of some of our people that we are the wealthy benefactors to all mankind. This belief should never have been accepted with any validity at any time, but even if it had some slight merit after World War II, it has none now, when our country is suffering from severe inflation and has shortages in about everything from energy to minerals which have been caused by the nations which we have so liberally assisted in the past. The time is past to adjust to some of these realities and the defeat of this so-called replenishment of money to IDA is the best place to start.

Mr. Chairman, I am in favor of the private ownership of gold but it is no reason why Americans should have to give away hard-earned tax dollars in exchange for the restoration of the right to own gold which should have been a fundamental right in the first place.

We have before us this day a parliamentary maneuver which took place in the other body. They tried to make IDA more palatable to the Members of the House. There is no relevancy whatsoever between gold ownership and IDA. It is my understanding in an earlier debate this manuever was referred to as the "gold hooker" and that is an appropriate description.

Mr. Chairman, my great objection to this legislation is authorizing $1.5 billion of money which we do not have. I do not know whether anyone can estimate the total we have given out in economic aid over the years, but it has been billions and billions of dollars. Right now we have more hand-out agencies in our Government than hand-in agencies. This must stop. Whether it is 20, 30, or 40 percent of this money that goes to India. Remember that this is the same India that had enough resources to develop the atom bomb. There is no mistake about it, India has been the benefactor in large amounts of IDA funds in the past, and there is nothing to indicate that the policy of lending to India will change whatsoever.

But, Mr. Chairman, there are so many things wrong with this bill which we call the International Development Association Act. The loans are for 50 years with a 10-year grace period with no interest and only an administrative charge of three-fourths of 1 percent.

One of the worst things that happens is that these so-called developing nations turn around and lend to their own poor at rates of between 12 and 20 percent. When this is done, our country gets a bad name and all good will from such aid is dissipated. It is believed that some of the so-called developing countries are lending this money to their poor at interest rates much higher than they would pay in this country.

Mr. Chairman, I suppose the greatest reason of all that I am against this bill is that there are many areas of my own congressional district that could be said to be needing development loans.

They have not been able to get any money for water districts, or sewer districts or in some instances even for hospital assistance and yet, we continue to make these concessional loans which are really not loans at all but give-aways. How can that be justified?

Finally, I would think everyone in this House has been concerned about the problems of mortgage money. As our builders are struggling to obtain some money to construct needed housing in this country. If we pass this bill today it means we take another billion-and-a-half out of the private money market which means we also take money away from the housing needs of our low-income citizens and worst of all our senior citizens. When all of these things are added together, Mr. Chairman, it is difficult to see how support for IDA can be justified.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan.

Mr. ESCH. Mr. Chairman, as a cosponsor of this legislation, I rise to urge my colleagues to join in its support.

Mr. Chairman, in 1949 the Senator from my State of Michigan delivered a speech on the floor of the Senate concerning this Nation's responsibilities as leader of the free world. His remarks bear repeating today:

> Much as we might crave the easier way of lesser responsibility, we are denied this privilege. We cannot turn back the clock. We cannot sail by the old and easier charts. That has been determined for us by the march of events. We have no choice as to whether we shall play a great part in the world. We have to play that part. We have to play it in sheer defense of our own self-interest. All that we can decide is whether we shall play it well or ill.

IDA was founded in 1960 as one of the vehicles by which the United States can play that role. If funds development projects in the world's 21 poorest nations, nations which are not credit worthy in the traditional sense and which are not eligible to receive regular World Bank loans. Eighty percent of them have a per capita income of $200 or less. Not one has a per capita income in excess of $375. Yet they represent about 1 billion people.

I would not attempt to argue here today that IDA is a prefect program. Yet among all foreign assistance programs I believe it stands out as most worthy of our support. As of June 1973, IDA has authorized loans totaling $5.8 billion to these 21 nations. These loans have not been for frills or luxuries. Rather, they have been for the necessities of human existence. Thus, 28 percent have gone for agricultural projects, 25 percent for transportation, 8 percent for power projects, 5 percent for development of industry, and 6 percent each for water and public health programs.

I would not attempt to argue here today that America could not use those same funds here at home. Surely we have our own difficulties. Yet I think we should reject the idea that we must either alleviate poverty and suffering at home or abandon our traditional commitment to aid in the development of the world's poorest countries. These goals are not mutually exclusive.

Finally, I would not attempt to argue that America alone amongst all nations should bear the burden of caring for the poor. To the contrary, we are giving to a truly international cooperative effort. Twenty-five other developed nations have pledged a total of $3 billion—exactly twice our commitment. To be sure, the United States is still the largest single donor. Yet our share of IDA funding has been reduced from 40 percent to 33 percent. Japan meanwhile, will nearly double its contribution from 5.9 to 11 percent. West Germany will increase its share from 9.6 to 11.4 percent.

I would argue, Mr. Chairman, that to defeat this bill today would be to reject the idea that we have an important role to play in this world, a role that goes beyond our own borders. I would hope that my colleagues would carry forward the spirit of the late Senator from Michigan—not merely to play our role in the world, but to play it well.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I regret that H.R. 15465, as reported from committee, places the Members of the House in the position of casting a vote either in favor of or against two unrelated legislative proposals. While the bill would permit U.S. citizens to own gold, it would also authorize the fourth replenishment of the International Development Association. Although I strongly support elimination of the prohibition on private ownership of gold, I oppose the expenditure of $1.5 billion in taxpayers' funds for four annual subsidies to the International Development Association. Therefore, I must rise in opposition to the legislation.

At a time when our domestic economy is threatened by inflationary pressures which are aggravated by continued deficit spending and faced with a business slowdown which is hampered by lack of investment capital, I cannot see the wisdom in an enormous commitment to provide for long-term, low-interest loans to other nations. The share of the United States in the IDA multination arrangement would be 33½ percent and our money would be utilized for credit terms involving a 50-year maturity period, including a 10-year grace period. IDA charges its borrowers only a three-quarter percent per annum service charge. Its lending operations emphasize economic improvements for small businessmen and small farmers.

This type of foreign assistance program, while worthy in its ideals, perpetuates the concept of America as a wealthy benefactor to the extent that it is totally incongruous with economic realities. Disaster victims in the State of Arkansas, who recently had their lives' work demolished by tornadoes and severe flooding, are paying 5 percent interest on loans to rebuild their livelihoods. There is no "grace" period and no "forgiveness" clause. Cattlemen and poultry producers in my congressional district are caught in a price squeeze that is forcing them to cut back or cease their operations. Congress is now working on a loan assistance program for financially stricken livestock producers, but it will likely be a program of short-term assistance with repayment to be made at today's high "local lending rates." The energy shortfall has taken a toll throughout the Nation on the economic well-being of our citizens, and shortages in critical materials of all types have created particular burdens for small businessmen. Scarcity of investment capital is plaguing even the largest American businesses. If we must vote a $1.5 billion assistance measure, let us reorder our priorities and help ourselves first.

H.R. 15465 also includes the wholly nongermane subject of private gold ownership by U.S. citizens. This is a good provision, but I object to the legislative procedure tying two nonrelated measures together in one package. In my judgment, this type of action represents irresponsible gamesmanship. The American people should have the right to buy, sell, and own gold; but they should not have to pay out $1.5 billion to other nations in order to gain that right.

I understand that my distinguished colleague and friend, JOHN ROUSSELOT, will offer a motion to recommit to the Banking and Currency Committee H.R. 15465 with instructions that the International Development Association section be stricken. I will strongly support such a motion, which will allow the two issues to be considered separately and on their individual merits.

As H.R. 15465 now stands, it hangs a golden carrot over a giveaway program which we can ill afford. I urge my colleagues to defeat the measure.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Chairman, I want to clear up right now any possible allegation that IDA funds could have been used to finance—even indirectly—the development of India's nuclear device.

I have carefully reviewed all 60 credits made to India from the IDA through May 31, 1974. None of these credits could in any way be related to financing India's nuclear device.

The Articles of Agreement of the World Bank and the IDA would prohibit any such activity with India or any other country. Article I of the Articles of Agreement specifically stipulates that the purposes of the institutions "are to promote economic development, increased productivity and thus raise standards of living in the less-developed areas of the world." Thus, it is clear that the World Bank and IDA resources may not be applied to military purposes or to the development of nuclear weapons in India or in any other country.

It is also impossible for IDA funds to be diverted to such purposes. World Bank and IDA funds are extended for specific high-priority economic development projects. Disbursements in connection with authorized projects are always contingent upon submission of very detailed documentation to the Bank/IDA staff, which insures that payments are made only for the goods and services specifically authorized and related to the Bank or IDA project. This is as true in India as it is in any other borrowing country.

In the cases where program loans or loans for technical assistance are made, the programs are designed to finance the imports of specific goods and/or services necessary for economic development purposes. Commodities and manpower necessary for developing a nuclear device are not eligible for financing. Disbursements are governed, of course, by the same rigorous documentation procedures as are required in all loans.

Mr. Chairman, I hope I have laid to rest any doubts my colleagues may have that IDA funds have been or could be used to finance the development of a nuclear device. The IDA is created for and serves only works of peace and is deserving of our strongest support. I for one intend to vote for this legislation.

Statement of IDA Development Credits to India as of May 31, 1974

[In millions of dollars]

Purpose of credit	*Amount*
Highway construction and improvement	$60.0
Tubewell Irrigation	6.0
Shetrunji Irrigation project	4.5
Salandi Irrigation project	8.0
Punjab flood protection and drainage	10.0
Durgapur Power extension	18.5
Sone Irrigation project	15.0
Purna Irrigation project	13.0
Second Koyna Power project	17.5
Bombay Port project	18.0
Telecommunications project	42.0
Seventh Railway project	67.5
Kothagudem Power project	20.0
Industrial Imports project	90.0
Second Telecommunications project	33.0
Eighth Railway project	62.0
Second Industrial Imports project	100.0
Ninth Railway project	68.0
Beas Equipment project	23.0
Third Industrial Imports project	150.0
Fourth Industrial Imports project	65.0
Fifth Industrial Imports project	125.0
Third Telecommunication project	27.5
Tenth Railway project	55.0
Kadana Irrigation project	35.0
Sixth Industrial Imports project	75.0
Gujarat Agricultural project	35.0
Punjab Agricultural project	27.5

Andhra Pradesh Agricultural Credit project	$24.4
Agricultural Aviation project	6.0
Fourth Telecommunications project	78.0
Second Power Transmission project	75.0
Haryana Agricultural Credit project	25.0
Tamilnadu Agricultural Credit Project	35.0
Cochin II Fertilizer Project	20.0
Wheat Storage project	5.0
Pochampad Irrigation project	39.0
Mysore Agricultural project	40.0
Gorakhpur Fertilizer Expansion project	10.0
Eleventh Railway project	75.0
Maharashtra Agricultural Credit project	30.0
Bihar Agricultural Markets project	14.0
Population project	21.2
Seventh Industrial Imports project	75.0
Shipping project	83.0
Education Project	12.0
Industrial Development Bank of India project	25.0
Nangal Fertilizer Expansion project	58.0
Third Power Transmission project	85.0
Mysore Agricultural Wholesale Market project	8.0
Bombay Water Supply & Sewerage project	55.0
Madhya Pradesh Agricultural Credit project	33.0
Uttar Pradesh Agricultural Credit project	38.0
Eighth Industrial Imports project	100.0
Fifth Telecommunications project	80.0
Calcutta Urban Development project	35.0
Bihar Agricultural Credit project	32.0
Twelfth Railway project	80.0
Himachal Pradesh Apple Processing and Marketing project	13.0
Ninth Industrial Imports project	150.0
Total	2,730.6

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BRADEMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15465) to provide for increased participation by the United States in the International Development Association and to permit United States citizens to purchase, hold, sell, or otherwise deal with gold in the United States or abroad, pursuant to House Resolution 1209, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROUSSELOT

Mr. ROUSSELOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ROUSSELOT. I certainly am, Mr. Speaker.

The SPEAKER. The gentleman certainly qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. ROUSSELOT moves to recommit the bill H.R. 15465 to the Committee on Banking and Currency with instructions to report the bill forthwith with the following amendments:
>
> Strike all of lines 6 through 8 on page 1, and all of lines 1 through 6 on page 2.

The SPEAKER. Under the rule, the gentleman from California (Mr. ROUSSELOT) is recognized for 5 minutes.

Mr. ROUSSELOT. Mr. Speaker, this now gives the opportunity to all of those Members who said they supported the concept of returning ownership of gold to each citizen of this country a chance to vote for the motion to recommit, because that is the clear instruction contained in the motion. The Members will also be doing themselves a favor if they support the concept of IDA because this motion separates these two wholly unlikely legislative nonpartners which do not belong together in the first place.

This is a very proper motion of recommittal. It does give us the opportunity of expressing ourselves more directly to each issue. We have heard from even our own chairman of the committee today, who said that he supports the idea of returning ownership of gold to all citizens of this country. I am glad that he made that statement.

We now have a real chance to separate these two issues, by voting for this motion of recommittal. This matter of gold ownership will be brought back to us forthwith.

Mr. Speaker, I believe that it has been unfortunate that we have tried to join these two issues since they are wholly separate legislative goals. One is in the international field of finance, and one is totally related to the domestic consumption and a right of ownership of our own citizens; and that last item is a basic civil right. That no longer should be denied.

So, Mr. Speaker, I ask that all my colleagues who believe in the concept of private ownership of gold support this motion to recommit. I additionally address my remarks to many of my colleagues who have believed very conscientiously that this issue of IDA should be separated and who regret very much that the issue of gold was imposed in this bill when it really does not belong in an IDA bill. I ask those Members also to join us and vote for this motion to recommit.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding.

I would like to commend the gentleman for offering this motion to recommit. I wish to state my support of the motion. This motion offers an opportunity for all those Members who believe in the precious freedom to own gold an opportunity to be recorded.

This privilege which has been denied our citizens would offer them an opportunity to protect themselves from the economic insanity which is being, and has been demonstrated by the Congress of the United States.

Gold, the true storehouse of value, is a haven to escape the confiscation of private property by politicians and the printing press.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I gladly yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, would the effect of the gentleman's motion be that the IDA provision would be eliminated when the bill is brought back?

Mr. ROUSSELOT. Yes, absolutely.

Mr. HOSMER. And it will be brought back only with the gold provision?

Mr. ROUSSELOT. The gentleman is correct. And we would bring the IDA bill back by itself in plenty of time for full consideration. We have plenty of time in which to do that.

Mr. Speaker, my point is if we genuinely believe in the real ownership of gold by all American citizens, this is our chance to show that belief. And to those Members who believe these two issues should never have been joined, I will say that they can easily vote for this motion to recommit, and I urge the Members to do so.

The SPEAKER. Does the gentleman from Wisconsin (Mr. REUSS) desire to be heard on the motion to recommit?

Mr. REUSS. Yes, Mr. Speaker, I desire to be heard briefly in opposition to the motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin (Mr. REUSS) for 5 minutes.

Mr. REUSS. Mr. Speaker, I shall be very brief.

This motion to recommit in effect asks us to vote for an IDA bill without IDA, in effect to report out Switzerland without the Alps.

Let me just say to the gold bloc that any aficionado of gold and the private ownership of gold who votes for this motion, thinking that he is going to get gold in private ownership for American citizens, has got another thought coming, because the Senate is adamant on this point. To vote for the motion to recommit is simply to vote to kill forever not only IDA but the gold provision.

Let me just recapitulate by saying that for our monetary security, in order to gain necessary supplies, in order to get the support in development aid of 25 countries, and, above all, because it is right, we need an IDA bill, I hope that the motion to recommit will be voted down.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I make the point that the gentleman from Wisconsin is one of the truly knowledgeable Members of the House on the subject of international finance. I think the House should listen to his urgings, reject the motion to recommit, and pass the bill.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the

Speaker announced that the noes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 135, nays 230, answered "present" 1, not voting 68, as follows:

[Roll No. 363]

YEAS—135

Abdnor
Andrews, N.C.
Andrews, N. Dak.
Archer
Ashbrook
Bafalis
Baker
Bauman
Beard
Biaggi
Bray
Brinkley
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Camp
Carter
Casey, Tex.
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Conlan
Cotter
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
Delaney
Dennis
Dent
Devine
Dickinson
Downing
Duncan
Fish
Fisher
Flood
Flowers
Flynt
Fountain
Frey
Froehlich
Gaydos
Giaimo
Ginn
Goldwater
Grasso
Gross
Guyer
Haley
Hammerschmidt
Harsha
Hébert
Henderson
Hogan
Holt
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jones, N.C.
Jones, Okla.
Kazen
Kemp
Ketchum
Lagomarsino
Landgrebe
Latta
Lent
Litton
Long, La.
Long, Md.
Lott
McCollister
Macdonald
Mann
Maraziti
Martin, N.C.
Mathis, Ga.
Melcher
Milford
Miller
Minshall, Ohio
Moorhead, Calif.
Murphy, Ill.
Myers
Nichols
O'Brien
Parris
Pettis
Pike
Poage
Price, Tex.
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Rogers
Rose
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruth
Satterfield
Shuster
Skubitz
Snyder
Spence
Steelman
Stubblefield
Symms
Taylor, Mo.
Taylor, N.C.
Teague
Towell, Nev.
Veysey
Waggonner
Wampler
White
Whitehurst
Wolff
Young, Fla.
Young, S.C.
Zion

NAYS—230

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Ashley
Aspin
Badillo
Barrett
Bennett
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bowen
Brademas
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Mass.
Burton, John
Burton, Phillip
Cederberg
Chisholm
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Coughlin
Crane
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Wis.
Dellenback
Dellums
Denholm
Derwinski
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Foley
Ford
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gettys
Gibbons
Gilman
Gonzalez
Green, Pa.
Grover
Gubser
Gude
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holtzman
Hosmer
Howard
Johnson, Calif.
Johnson, Pa.
Jordan
Karth
Kastenmeier
King
Kluczynski
Koch
Kyros
Leggett
Lehman
Luken
McClory
McCormack
McDade
McFall
McKay
McKinney
Madigan
Mahon
Mallary
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Metcalfe
Mezvinsky
Michel
Mills
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Morgan
Mosher
Moss
Murphy, N.Y.
Murtha
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Podell
Preyer
Price, Ill.
Pritchard
Quie
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shriver
Sikes
Slack
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Studds
Symington
Talcott
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Traxler
Treen
Udall
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waldie
Walsh
Ware
Whalen
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

ANSWERED "PRESENT"—1

Roncalio, Wyo.

NOT VOTING—68

Alexander
Armstrong
Bell
Bergland
Bevill
Bolling
Brasco
Breaux
Broyhill, N.C.
Broyhill, Va.
Burke, Calif.
Byron
Carey, N.Y.
Carney, Ohio
Chamberlain
Clay
Cochran
Corman
Davis, Ga.
de la Garza
Diggs
Dorn
Erlenborn
Evins, Tenn.
Goodling
Gray
Green, Oreg.
Griffiths
Gunter
Hanrahan
Hansen, Wash.
Hays
Hinshaw
Holifield
Horton
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
Kuykendall
Landrum
Lujan
McCloskey
McEwen
McSpadden
Madden
Martin, Nebr.
Meeds
Mizell
Montgomery
Moorhead, Pa.
Passman
Powell, Ohio
Railsback
Reid
Rooney, N.Y.
Scherle
Shipley
Shoup
Sisk
Smith, Iowa
Steiger, Ariz.
Stuckey
Sullivan
Thone
Ullman
Wyman
Young, Alaska
Zwach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Shipley for, with Mrs. Griffiths against.

Mr. Bevill for, with Mr. Brasco against.

Mr. McSpadden for, with Mr. Rooney of New York against.

Mr. Montgomery for, with Mr. Reid against.

Mr. Dorn for, with Mr. Holifield against.

Mr. Byron for, with Mr. Diggs against.

Mr. Landrum for, with Mr. McCloskey against.

Mr. Passman for, with Mr. Erlenborn against.

Mr. Stuckey for, with Mr. Horton against.

Mr. Goodling for, wtih Mr. Bergland against.

Mr. Martin of Nebraska for, with Mrs. Sullivan against.

Mr. Mizell for, with Mr. Sisk against.

Mr. Powell of Ohio for, with Mr. Gunter against.

Mr. Zwach for, with Mrs. Burke of California against.

Mr. Steiger of Arizona for, with Mr. Corman against.

Mr. Scherle for, with Mr. Gray against.

Mr. Wyman for, with Mr. Breaux against.

Mr. Cochran for, with Mr. Madden against.

Mr. Hinshaw for, with Mr. Moorhead of Pennsylvania against.

Mr. Lujan for, with Mr. Meeds against.

Mr. Carney of Ohio for, with Mr. Chamberlain against.

Mrs. Hansen of Washington for, with Mr. Clay against.

Mr. Jones of Tennessee for, with Mr. Ullman against.

Until further notice:

Mr. Evins of Tennessee with Mr. Alexander.

Mr. Bell with Mr. Broyhill of Virginia.

Mr. Broyhill of North Carolina with Mr. Carey of New York.

Mr. Davis of Georgia with Mr. de la Garza.

Mrs. Green of Oregon with Mr. Hays.

Mr. Hanrahan with Mr. Jones of Alabama.

Mr. McEwen with Mr. Railsback.

Mr. Smith of Iowa with Mr. Shoup.

Mr. Young of Alaska with Mr. Thone.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 140, answered "present" 1, not voting 68, as follows:

[Roll No. 364]

YEAS—225

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Aspin
Badillo
Bennett
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bowen
Brademas
Breckinridge
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Mass.
Burton, John
Burton, Phillip
Butler
Cederberg
Chappell
Chisholm
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Coughlin
Crane
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, Wis.
Dellenback
Dellums
Derwinski
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Flood
Foley
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Gettys
Gilman
Grasso
Gray
Green, Pa.
Grover
Gubser
Gude
Guyer
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Hastings
Hawkins
Hébert
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holtzman
Hosmer
Howard
Hudnut
Johnson, Calif.
Johnson, Pa.
Jordan
Karth
Kastenmeier
King
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, La.
Luken
McClory
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madigan
Mallary
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Metcalfe
Mezvinsky
Mills
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Morgan
Mosher
Murphy, N.Y.
Nedzi
Nelsen
Obey
O'Brien
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Quillen
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roy
Roybal
Ruppe
Ryan
Sandman
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shriver
Smith, N.Y.
Stanton, J. William
Stanton, James V.
Stark
Steele
Steelman

Steiger, Wis.
Stephens
Stokes
Stratton
Studds
Symington
Talcott
Thompson, N.J.
Thomson, Wis.
Thornton
Towell, Nev.
Traxler
Treen
Udall
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waldie
Walsh
Ware
Whalen
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NAYS—140

Abdnor
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Bafalis
Baker
Barrett
Bauman
Beard
Biaggi
Bray
Brinkley
Brooks
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Camp
Carter
Casey, Tex.
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Conlan
Cotter
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
Delaney
Denholm
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Downing
Dulski
Fish
Fisher
Flowers
Flynt
Ford
Fountain
Frey
Froehlich
Fuqua
Gaydos
Giaimo
Ginn
Goldwater
Gonzalez
Gross
Haley
Hammerschmidt
Harsha
Hechler, W. Va.
Henderson
Hogan
Holt
Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Jones, N.C.
Jones, Okla.
Kazen
Kemp
Ketchum
Lagomarsino
Landgrebe
Latta
Lent
Long, Md.
Lott
McCollister
Mahon
Mann
Maraziti
Mathis, Ga.
Melcher
Michel
Milford
Miller
Moorhead, Calif.
Moss
Murphy, Ill.
Murtha
Myers
Natcher
Nichols
Nix
Parris
Pickle
Poage
Price, Tex.
Randall
Rarick
Roberts
Robinson, Va.
Rogers
Rose
Rostenkowski
Roush
Rousselot
Runnels
Ruth
St Germain
Satterfield
Shuster
Sikes
Skubitz
Slack
Snyder
Spence
Staggers
Steed
Stubblefield
Symms
Taylor, Mo.
Taylor, N.C.
Teague
Tiernan
Veysey
Waggonner
Wampler
White
Whitehurst
Whitten
Wolff
Young, Fla.
Young, S.C.
Zion

ANSWERED "PRESENT"—1

Roncalio, Wyo.

NOT VOTING—68

Alexander
Armstrong
Bell
Bergland
Bevill
Bolling
Brasco
Breaux
Broyhill, N.C.
Broyhill, Va.
Burke, Calif.
Byron
Carey, N.Y.
Carney, Ohio
Chamberlain
Clay
Cochran
Corman
Davis, Ga.
de la Garza
Diggs
Dorn
Erlenborn
Evins, Tenn.
Gibbons
Goodling
Green, Oreg.
Griffiths
Gunter
Hanrahan
Hansen, Wash.
Hays
Hinshaw
Holifield
Horton
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
Kuykendall
Landrum
Lujan
McCloskey
McEwen
McSpadden
Madden
Martin, Nebr.
Meeds
Mizell
Montgomery
Moorhead, Pa.
Passman
Powell, Ohio
Railsback
Reid
Rooney, N.Y.
Scherle
Shipley
Shoup
Sisk
Smith, Iowa
Steiger, Ariz.
Stuckey
Sullivan
Thone
Ullman
Wyman
Young, Alaska
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mrs. Griffiths for, with Mr. Shipley against.

Mr. Brasco for, with Mr. Bevill against.

Mr. Rooney of New York for, with Mr. McSpadden against.

Mr. Reid for, with Mr. Montgomery against.

Mr. Holifield for, with Mr. Dorn against.

Mr. Diggs for, with Mr. Byron against.

Mr. McCloskey for, with Mr. Landrum against.

Mr. Erlenborn for, with Mr. Passman against.

Mr. Horton for, with Mr. Stuckey against.

Mr. Bergland for, with Mr. Goodling against.

Mrs. Sullivan for, with Mr. Martin of Nebraska against.

Mr. Sisk for, with Mr. Mizell against.

Mr. Gunter for, with Mr. Powell of Ohio against.

Mrs. Burke of California for, with Mr. Zwach against.

Mr. Corman for, with Mr. Steiger of Arizona against.

Mr. Breaux for, with Mr. Wyman against.

Mr. Madden for, with Mr. Cochran against.

Mr. Moorhead of Pennsylvania for, with Mr. Hinshaw against.

Mr. Meeds for, with Mr. Lujan against.

Mr. Chamberlain for, with Mr. Carney of Ohio against.

Mr. Clay for, with Mrs. Hansen of Washington against.

Mr. Ullman for, with Mr. Jones of Tennessee against.

Mr. Gibbons for, with Mr. Scherle against.

Until further notice:

Mr. Alexander with Mr. Bell.

Mr. Broyhill of North Carolina with Mr. de la Garza.

Mr. Carey of New York with Mr. Evins of Tennessee.

Mr. Davis of Georgia with Mrs. Green of Oregon.

Mr. Broyhill of Virginia with Mr. Hanrahan.

Mr. Hays with Mr. Jones of Alabama.

Mr. Kuykendall with Mr. McEwen.

Mr. Smith of Iowa with Mr. Railsback.

Mr. Thone with Mr. Shoup.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1209, the Committee on Banking and Currency is discharged from the further consideration of the Senate bill (S. 2665) to provide for increased participation by the United States in the International Development Association.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PATMAN moves to strike out all after the enacting clause of the bill S. 2665, and insert in lieu thereof the text of the bill H.R. 15465, as passed as follows:

That the International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 14. (a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association four annual installments of $375,000,000 each as the United States contribution to the Fourth Replenishment of the Resources of the Association.

"(b) In order to pay for the United States contribution, there is hereby authorized to be appropriated without fiscal year limitation four annual installments of $375,000,000 each for payment by the Secretary of the Treasury.".

SEC. 2. Subsections 3 (b) and (c) of Public Law 93-110 (87 Stat. 352) are repealed and in lieu thereof add the following:

"(b) No rule, regulation, or order in effect on the date subsections (a) and (b) become effective may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad.

"(c) The provisions of subsections (a) and (b) of this section shall take effect either on December 31, 1974, or at any time prior to such date that the President finds and reports to Congress that international monetary reform shall have proceeded to the point where elimination of regulations on private ownership of gold will not adversely affect the United States' international monetary position.".

SEC. 3. The International Development Association Act (22 U.S.C. 284 et seq.) is amended by inserting at the end thereof the following:

"SEC. 15. The United States Governor is authorized and directed to vote against any loan or other utilization of the funds of the Association for the benefit of any country which develops any nuclear explosive device, unless the country is or becomes a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483)."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read: "to provide for increased participation by the United States in the International Development Association and to permit U.S. citizens to purchase, hold, sell, or otherwise deal with gold in the United States or abroad."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 15465) was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the legislation just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have taken this time so that I might ask the gentleman from Indiana (Mr. BRADEMAS) if the gentleman can give us the rest of the program for today, if any, and the program for tomorrow and next week.

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield, I will be happy to respond to the inquiry of the gentleman from Illinois.

Mr. ARENDS. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, there is no further legislative business for today, and we will have no legislative business for tomorrow when we meet at noon.

As the gentleman from Illinois knows, we have already adopted the adjournment resolution to adjourn until noon on Tuesday, July 9.

The program for the House of Representatives for next week is as follows:

Monday is the Independence Day recess.

Tuesday is District Day, and there are three bills:

H.R. 5686, District of Columbia Motor Vehicle Act;

H.R. 13608, school fare subsidy; and

S. 3703, District of Columbia Criminal Justice Act.

On Wednesday we will consider H.R. 14920, Geothermal Energy Research, Development and Demonstration Act, under an open rule with 1 hour of debate, and

H.R. 15323, revising and amending the Price-Anderson Indemnity Provisions of the Atomic Energy Act of 1954, under an open rule with 1 hour of debate.

For Thursday and the balance of the week, we will consider H.R. 14215, Development Disabilities Amendments, subject to a rule being granted, and

H.R. 15427, Amtrak authorization, under an open rule with 1 hour of debate.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

We will meet tomorrow, I would reiterate to the distinguished minority whip.

Mr. ARENDS. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

TERMINATION OF FOREIGN AID TO TURKEY

(Mr. HASTINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS. Mr. Speaker, the Government of Turkey yesterday announced the removal of their ban on the growth of opium producing poppy. This ban was put into effect in 1971 in cooperation with the U.S. Government, to halt the illicit supply of morphine base from Turkey to the heroin laboratories in Marseilles, France. It is estimated that 80 percent of the white heroin found in the streets of the United States had its source from the illicit market in Turkey.

The U.S. Government in 1971, pledged $35.7 million to the Turkish Government to provide credit for financial loss of legal opium sale to the pharmaceutical industry and to provide crop substitution for the Turkish farmers who for centuries have grown opium poppy.

The decision of the Turkish Government is totally unacceptable. Congressman Frey and myself recently returned from Turkey where the American Ambassador, William Macomber has been doing an outstanding job in negotiating this most serious, but very delicate matter. We were led to believe by Turkish officials, that any decision on the removal of the ban would be discussed in advance with Ambassador Macomber. This they did not do.

Further, in 1971, only four provinces in Turkey were growing poppy. The announcement of yesterday indicated that poppy will be grown in six or seven provinces.

A recent Turkish Government amnesty bill has released from jail, all convicted and charged narcotic traffickers, who will now be prepared to rebuild the pipelines of illicit opium traffic which will inevitably result in increased supply of heroin in the streets of the United States.

The number of narcotic arrests in New York City alone has decreased from 41,000 in 1971 to only 16,000 in 1973, a direct result of the reduction in supply of Turkish heroin.

Mr. Speaker, I take this time to advise the House, the American people, and the Turkish Government that in light of this tragic, political decision by the Turkish Government, that I will take the only course of action now available as a recourse, and when the Economic Assistance Act comes to the floor for authorization approval, I will move to eliminate all economic aid to Turkey. This is estimated to be $27.5 million. And when the military assistance appropriation bill reaches the floor, I will move to strike the $205 million in aid to Turkey.

Mr. Speaker, I hesitate to suggest these drastic economic sanctions against a long-time ally of the United States, but the severity of the drug problem and the lack of understanding and good faith expressed in this decision by the Turkish Government, leaves no alternative.

I would sincerely hope that this decision could be reversed or held in abeyance for future negotiation.

TURKISH LIFTING OF BAN ON GROWING OF OPIUM POPPY

(Mr. FREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, the action by the Turkish Government in lifting its ban on the growing of the opium poppy leaves the United States with one course of action and that is to cut off all financial aid to Turkey.

I returned less than 2 weeks ago from Turkey where by discussions with Turkish Government officials led me and my colleague, Representative James Hastings of New York, to believe that any termination of the poppy growing ban would be first discussed with our Government officials.

Those Turkish-United States discussions apparently did not take place, however, and now Turkey has decided to allow the opium poppy to be grown in seven provinces.

Turkey made its decision without regard to the hundreds of thousands of young Americans who will undoubtedly become addicts to heroin and I firmly believe we must now make our determination regarding aid to Turkey on the basis of what is best for America.

When the Turkish Government banned the growing of the poppy it was reported that we had more than 600,000 heroin addicts on the streets of America and that up to 80 percent of the heroin they were using had its origin in the poppy fields of Turkey. The number of addicts, because of the ban, is now down to 230,000 so we can see the effect of the poppy ban was only good.

Despite millions of tax dollars and thousands of man-hours, the United States has been unable to keep illicit drugs from being smuggled into this country.

It is, therefore, ridiculous to believe the Turkish Government, with less money to spend and less manpower to commit, can prevent opium from being smuggled from that country.

I realize, Mr. Speaker, that the President has the power to stop economic aid to Turkey in this case, but I also believe it is time the House of Representatives stood up to show the Turkish Government we will not stand idly by and let a heroin epidemic sweep this country.

I intend, Mr. Speaker, and I hope my colleagues will do likewise, to vote against any further economic or military aid to the Government of Turkey.

The Turkish Government has apparently decided what is in its best interests and the Government of the United States can do no less.

A COMPREHENSIVE CAMPAIGN REFORM BILL

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, as a member of the House Administration Committee, I take this time to note that yesterday the committee completed markup of a comprehensive campaign reform bill and, by a vote of 21 to 0, gave tentative approval to it.

Following the Fourth of July recess, the committee will again meet to report a clean bill, and the distinguished chairman of the committee, the gentleman from Ohio (Mr. Hays) has indicated his hope that the House will have an opportunity to vote on the bill some time later this month.

Mr. Speaker, before listing some of the major provisions of the bill, I want to say a word about Chairman Hays, who sat through long and sometimes tedious sessions of the committee in an effort to shape a solid piece of legislation.

Although members of the committee on both sides of the aisle, including the gentleman from Indiana who is speaking, may have from time to time disagreed on some particular matter with the views of the chairman, I think all would agree that he was careful to insure that every member had an opportunity to express his views and offer amendments.

The Chairman of the Committee on House Administration (Mr. Hays) worked long and hard on this bill as did a number of other members on the committee, both Democrats, and Republicans, and I believe we have written a sound campaign reform bill, one which merits the support of Members of the House of both parties.

Now Mr. Speaker, let me indicate the major provisions of the campaign reform bill that was yesterday agreed upon.

The bill includes strict limitations on expenditures and contributions for all Federal elections.

It simplifies reporting requirements and mandates that each candidate designate a principal campaign committee that would make all the candidate's expenditures and file a consolidated disclosure report for all the candidate's committees.

The measure also provides for an independent authority to administer the campaign laws by establishing a Board of Supervisory Officers and by creating a separate Assistant Attorney General to enforce these laws.

The bill approved by the committee provides for public financing of Presidential elections by strengthening and expanding the 1972 Dollar Check-off Law, which is now limited to public financing of Presidential general elections, starting in 1976.

The Committee bill would make the Dollar Check-off Law self-appropriating, thereby assuring that the dollars that have been checked off by individual taxpayers would, as they intended, be available for public financing, without a separate congressional appropriations bill.

The bill approved yesterday would also authorize up to $2 million from the check-off fund for each major political party, and proportionately smaller amounts for minor parties, to meet the expenses of Presidential nominating conventions.

The bill provides an overall spending limit of $2 million, from both public and private sources, for each political party to meet all convention expenses.

The bill also provides for limited public financing of Presidential primary elections by authorizing Federal matching payments—from the Dollar Check-off fund—for small private contributions of $250 or less. Public funds for Presidential primary elections would not be available, however, until after obligations for nominating conventions and Presidential general elections were met.

Under the bill, no Presidential primary candidate could receive more than $5 million in Federal funds, with an overall spending limit of $10 million.

In order to qualify for the public funds, a Presidential primary candidate would have to raise at least $5,000 in private contributions of $250 or less in each of 20 States.

Finally, Mr. Speaker, critics have charged that a defect in the Committee bill is its reliance on a Board of Supervisory Officers rather than a so-called independent Federal Elections Commission to enforce the election laws.

Let me note, however, that the so-called independent Elections Commission, which is included in the bill passed by the Senate earlier this year, would turn control of enforcement of the election laws over to the Watergate White House by providing that all the members of the Commission be appointed by the President, with a majority coming from his own party.

Moreover, that majority would be authorized to appoint the staff director of the Commission to whom nearly all the responsibilities of the Commission could be designated.

Mr. Speaker, the Board of Supervisory Officers, which won overwhelming support from both Democrats and Republicans on the House Administration Committee, offers an effective mechanism to monitor campaign laws and to assure their enforcement.

And the provision for a new Assistant Attorney General to enforce the election laws and an independent legislative authorization for the Board will, coupled with the searchlight of public scrutiny, assure that the laws will be honestly and effectively enforced.

Mr. Speaker, some have attacked the Board of Supervisory Officers because Members of Congress would sit on it. But I would observe that there has been little serious criticism of the present supervision of the existing campaign laws as they apply to Members of Congress.

In light of recent events, the proposal to place control of these laws in the hands of the Watergate White House seems, to be gentle about it, a step backward for campaign reform.

Mr. Speaker, as I have said earlier, Chairman HAYS has indicated that he will introduce a clean bill shortly after the Fourth of July recess. The measure will be formally reported after the committee has had an opportunity to review the bill for any technical problems. We can, therefore, expect consideration of the campaign reform legislation by the House before the end of this month.

Mr. Speaker, because I am sure many Members are interested in this most important legislation, I include in the RECORD a brief summary of its major provisions:

SUMMARY OF FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

TITLE I—CRIMINAL CODE AMENDMENTS

A. Contribution Limits:

$1,000 limit per election on contributions by any person to a candidate for Federal office.

$5,000 limit per election on contributions to candidates for Federal office by multi-candidate committees.

$25,000 limit on amount one individual may contribute in any year to all candidates for Federal office.

Prohibit contributions by foreign nationals.

B. Expenditure Limits:

Sets overall expenditure limitations for all Federal elections, including:

a) President:

General Election: $20 million.

Primary Election: $10 million.

b) Senate:

$75,000, or 5¢ a voter, whichever is greater, in each of the primary and general elections.

c) House:

$75,000 in each of the primary and general elections.

All candidates for Federal office would be able to spend up to 25% above these limits to meet fundraising costs.

Expenditure limitations would be increased by a cost-of-living escalator.

Prohibits a candidate for Federal Office from spending more than $25,000 per election from the candidate's personal funds.

TITLE II—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

A. Simplifies reporting requirements.

Provides for a single 10 day pre-election report instead of the 5 and 15 day pre-election reports required by existing law.

Requires a report 30 days after each election.

Waives quarterly reports if they fall within 10 days of a pre- or post-election report or if contributions or expenditures by the committee or candidate do not exceed $1,000 during that quarter. The waiver would not apply to the quarterly report filed after December 31 of each year.

B. Principal Campaign Committee:

Requires that each candidate designate a principal campaign committee to make all that candidate's expenditures and to file a single disclosure report which consolidates the reports of all the political committees which support the candidate.

C. Independent Enforcement Entity:

Creates a Board of Supervisory Officers, composed of the Clerk of the House, the Secretary of the Senate, the Comptroller General, and one Member of each political party in the House and Senate; and a separate Assistant Attorney General for election law matters to supervise and enforce Federal election laws.

TITLE III—GENERAL PROVISIONS

A. Pre-empts State election laws.

B. Public Financing of Presidential Elections:

Strengthens and expands the existing Dollar Check-off Law, now limited to financing Presidential general elections, to authorize some public financing of all phases of Presidential elections.

a) Makes the Dollar Check-off Fund self-appropriating to assure that money in the Fund may be used without requiring a separate Congressional appropriation.

b) *Nominating Conventions*—provides up to $2 million from the Check-off Fund for each major political party, and proportionately smaller amounts for minor political parties, to meet the expenses of Presidential nomination conventions. Also provides an overall expenditure limit of $2 million for all convention expenses for each political party from both public and private sources.

c) *Presidential Primaries*—authorizes limited public financing of Presidential primary elections by authorizing Federal payments from the Dollar Check-off Fund to match small private contributions of $250 or less. Public funds for Presidential primary elections would not be available, however, until after obligations for nominating conventions and Presidential general elections have been met.

No Presidental Primary candidate could receive more than $5 million in Federal funds, with an overall spending limit of $10 million. To qualify for the public funds, a Presidential primary candidate would have to raise at least $5,000 in private contributions of $250 or less in each of 20 states.

d) *Hatch Act*—allows State and local government employees to participate on a voluntary basis in certain partisan political activity.

TURKEY'S RESUMPTION OF OPIUM PRODUCTION

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, Turkey has just thumbed its nose at you and the American people. They have announced officially a resumption of opium production. They have taken the first step to reestablish the French Connection.

A majority—238 Members of this House, the majority leader, and the minority leader have introduced legislation to convey the intensity of our feelings—the debilitating effect breaking this agreement with us will have upon the youth of America and our military forces throughout the world. We met our part of this bargain authorizing $35.7 million dollars to the Turkish Government. This money given to the Turks however never reached the farmers.

Before the Turkish ban, 80 percent of all heroin coming into the United States had its origin in Turkey—drug related crime was costing the American taxpayers $27 billion annually. Since the ban, we have cut the addict population in the United States in half. Drug abuse in the military has been reduced because of the lack of availability of heroin produced in Turkey. What is more important—to walk the streets in safety or give aid to help the Government of Turkey?

Turkey says they will control production—they will not plant in seven provinces instead of four. Every responsible drug enforcement agency in the world, including our own says its impossible to control—the only control of Turkish opium will be in the hands of organized crime who will control the illicit supply to fill their coffers and the veins of American youth. I have just been authorized by Chairman MORGAN of the Foreign Affairs Committee to announce that hearings on our bill—House Concurrent Resolution 507, which will cut off all aid to Turkey—will begin during the week of July 9. If Turkey has declared a drug war on us as they have with this announcement, we must respond.

THE LATE SENATOR ERNEST GRUENING OF ALASKA

The **SPEAKER** pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 60 minutes.

Mr. CONTE. Mr. Speaker, I am proud to join my colleagues in paying tribute to the late Senator Ernest Gruening of Alaska.

Senator Gruening was more than just an able and an outspoken representative of the State of Alaska. He was a courageous leader and a fierce fighter for the things in which he believed. The vigor and energy which Senator Gruening displayed, especially in his late years, is something of which we can all take note.

When I said that the late Senator Gruening was more than just a representative of Alaska, I meant more than to say he was a national political figure. More than any of the rest of us here in the Congress of the United States, Ernest Gruening helped create the State that he was destined to represent in this great body. Since 1939 when he was appointed Governor of the Territory of Alaska, Ernest Gruening labored long and hard to bring Alaska to the point when it was ready for statehood and then to help it win that revered position. Once Alaska had achieved statehood he was given the responsibility of representing it in the Senate, a duty he fulfilled very admirably.

Like many of his colleagues, I always admired the strength and drive of the gentleman from Alaska. He was able, sooner than many, to see the error in our foreign affairs. Senator Gruening did not let his 1968 primary defeat keep him from serving the people of Alaska and of the United States. He remained active in national affairs, always ready to support those in whom he believed and anxious to share his insights with his former colleagues. Just a few months ago the late Senator visited the Senate on the occasion of his 87th birthday. At that time several of his former colleagues joined together to nominate him for the Nobel Peace Prize. I can think of no finer tribute to a man who has done so much for our Nation.

My wife Corrine joins me in expressing my deepest sympathy to the late Senator's wife Dorothy and to his family.

Mr. ROSENTHAL. Mr. Speaker, if a sequel is ever written to President Kennedy's book, "Profiles In Courage," the first chapter would have to be devoted to Ernest Gruening. If each of the 535 Members of Congress had only a portion of his courage and foresight, the peoples' confidence in their legislation branch of Government would be significantly higher than the 21 percent found by a recent Gallup poll.

Mr. Speaker, Senator Gruening knew that blind obedience to immoral or amoral governmental policies ill serves either one's conscience or one's patriotic duty. That is why he became and remained until his life ended, one of our most articulate and tenacious opponents of the tragic war in Vietnam.

Although he played a major role in achieving statehood for Alaska, and did pioneering studies into the need for population planning, Ernest Gruening's most important contribution to our times was, in my opinion, his ceaseless efforts to extricate the United States from Vietnam and to bring peace to that troubled part of the world. I suppose it is fair to say that that effort was, at one and the same time, his greatest achievement and bitterest disappointment. Senator Gruening could only have experienced disappointment when his counsel was rejected and his wisdom ignored on the war issue. After all, the Senator was right when most of his colleagues were wrong; he knew immediately that the consequences of our policies in Southeast Asia could only result in national disunity, soaring inflation, and personal tragedy for thousands of American families. How different our Nation and the world might be today if his warnings had been heeded in a timely fashion.

On the other hand, it would be unfair to the memory and accomplishments of Ernest Gruening, if we failed to acknowledge that his persistent and heroic opposition to the war did result in an earlier end to the conflict than would otherwise have occurred. The Nation owes him an enormous debt of gratitude and respect because without his example, some of us might not have had the courage to voice our own opposition to what is surely the saddest chapter in American history in the 20th century.

Mr. Speaker, it is a privilege for me to join in this tribute to a very distinguished American hero—Ernest Gruening.

Mr. HALEY. Mr. Speaker, the heroes of statehood for most of the States of the Union are enshrined in our history books.

Because admission to the Union for Alaska is so recent, however, those leaders who fought for her statehood have yet to find their places in the standard chronicles of the Nation.

But this fact, if it be true with respect to Senator Gruening, is irrelevant. For he long ago claimed his place in the hearts of the people of Alaska, and in ours.

Those of us who had the privilege of knowing Ernest Gruening know how little he needs any memorial beyond the satisfaction that he experienced in knowing that today Alaska is a State assuming her position in an ever-responsible way as her maturity increases. With this realization goes the further satisfaction that Ernest Gruening had, of knowing that he symbolized the people of Alaska to the Congress, and that, because of such a symbol, first as territorial Governor and then as U.S. Senator, we in the House were encouraged to follow his lead, knowing our confidence would not be misplaced.

There are barely 15 years of the history of Alaska as a State for us to review. But we have a deeper understanding of the State and her problems because of the intimate knowledge of Ernest Gruening and the driving force that brought that wisdom to us all. The modern State of Alaska remains an everlasting memorial to his foresight and to his leadership. Mrs. Haley joins me in expressing our deepest sympathy to Mrs. Gruening, their son and grandchildren.

Mr. ANDERSON of California. Mr. Speaker, I rise to pay tribute to a remarkable man, the father of Alaskan statehood, the late Senator Ernest Gruening of Alaska.

Educated as a doctor of medicine, Senator Gruening was more interested in public affairs, and, instead of medicine, he became a journalist where his articulate and persuasive opinions could influence a greater number of people's lives.

As both a journalist and a public official, he was a champion of social justice and the rights of minorities, pioneering causes spanning decades—causes which were ahead of the public and their representatives.

Senator Gruening brought great passion and personal commitment to the problems of the Nation. And he energetically and consistently attacked any hypocrisy or corruption that he found.

Following a career as reporter, editorial writer and managing editor of such publications as the Boston Traveler, the Boston Journal, the Spanish language newspaper La Prensa, the Portland Maine Evening News, the Nation, and the New York Post, Senator Gruening was appointed by President Roosevelt as Director of the Division of Territories and Island Possessions in the Department of the Interior, with jurisdiction over Hawaii and a host of small Pacific Islands, Puerto Rico, the Virgin Islands, and Alaska.

In 1936, he made his first trip to Alaska and was struck by both its beauty and its inaccessibility. He then worked to expand air transportation to the area, and to construct the highway, known as Alcan, to link Alaska with the United States.

Then, in 1939, President Roosevelt named him Governor of Alaska, where he won approval of a system of taxation designed to clamp down on the absentee exploiters of the territory's raw materials.

After 14 years as territorial Governor, he led the fight for Alaskan statehood, personally presenting statistics, information, and data justifying the great potential of this area.

Then in June 1958, Congress voted statehood. Later in the fall, he was elected to represent Alaska in the U.S. Senate, where he continued his efforts to eliminate social injustice and to research methods of birth control.

An early critic of American intervention in Vietnam, Senator Gruening argued in 1963 that U.S. advisors should not be assigned to assist the government then in power in Saigon. And his book, Vietnam Folly, still stands as an outstanding documentation of the case against American involvement in Indochina.

Mr. Speaker, Senator Gruening was a statesman, dedicated to justice and to peace. Our Nation has benefited countless times from his actions and from his words, and we are grateful for his service to humanity.

My wife, Lee, joins me in sending our condolences to his wife of 60 years, Mrs. Dorothy Smith Gruening, and his son, Huntington Sanders Gruening.

Mr. JOHNSON of California. Mr. Speaker, it is with a deep sense of sadness that I rise today to pay tribute to an old friend and a fine Senator.

One of the privileges of serving in the House of Representatives is the opportunity to associate with some of the finest, most dedicated people in the Nation. Ernest Gruening was one of those people.

In his long years of public service, which included 13 years as the Governor of the Territory of Alaska and two terms as a U.S. Senator, representing the State of Alaska, he served as an example for all of us.

He was outspoken in his fight for social justice and the equality of man. In each of his many battle, he was articulate and persuasive. We have made much progress in these important fields because of his courage and foresight.

I will remember him for our close association and our work together to achieve a goal which we shared—namely the conservation and wise utilization of our God-given natural resources. He was an outstanding leader in this area.

It was a pleasure and an honor to have served with him and Albra joins me in expressing deepest sympathy to the family of this very fine man.

Mr. ADDABBO. Mr. Speaker, I rise to join my colleagues in paying tribute to the memory of a man who was truly ahead of his time, the late Senator Ernest Gruening of Alaska.

Few men have had the impact on their home State or the Nation that this wise gentleman had. His leadership in obtaining statehood for Alaska and in alerting the Nation to the dangers of U.S. involvement in Vietnam will be recorded in history for future generations to study and admire.

It was my privilege to know Senator Gruening and to work with him in Congress. His passing leaves a void which cannot be totally filled for he was a unique man. His legacy however stands as a proud reminder to us all of the boundless opportunity for service we in Congres enjoy and the grave responsibility we share for world peace and domestic progress.

Senator Gruening's contributions to international peace with justice were many and his wisdom on the proper U.S. role in foreign affairs was certainly incisive. I will always remember him as a man without fear of criticism where his philosophical beliefs were in question and a man who proved his courage through unceasing dedication to those principles.

We will miss Senator Gruening and we are fortunate to have received his record of public service as a benchmark for our own service in the Congress. I join with my colleagues in extending personal sympathies to his family and many admirers.

Mr. VANIK. Mr. Speaker, spoken language rarely can express the emotions we all feel on the death of a man. Such is the case with the passing last week of Senator Ernest Gruening.

Ernest Gruening's life was a full and rich one—a life that can serve as a model to all Americans who aspire to genuinely serve their countrymen. Although he was trained to help people as a physician, Ernest Gruening soon learned he could not be satisfied treating only the ills and sicknesses of people, but that it was necessary to alleviate the inequities and injustices that caused mankind to suffer in other and perhaps greater ways.

His consuming interest in public affairs and human dignity and justice are what drove Ernest Gruening to participate in every area of society. Although most all of us associate Ernest Gruening with Alaska and its drive for statehood, he had previously fought just as hard for the rights of Puerto Rico and written and lobbied for Mexican democratization. His distinguished tenure as U.S. Senator from Alaska showed that he maintained his interest and diversity in all aspects of human affairs.

And Ernest Gruening did not let age overtake him. He was as vigorous and outspoken in his 80's as any man could be. He campaigned all over the United States, speaking to students, the elderly, or any group that would hear him and listen to his urgings. He could not be happy with an 8-hour day—and told that to anyone who was lucky enough to be able to do his scheduling in his hectic days.

Mr. Speaker, America has lost a great man. We can only hope that the many lives that his touched have been made better.

Mr. MOAKLEY. Mr. Speaker, I join with my colleagues today in mourning the death of a great leader, an ardent fighter for peace and freedom, and a dedicated ally to mankind's cherished goals of independence and self-respect. Indeed our memory of Ernest Gruening, esteemed former Senator from Alaska, recalls to mind his vital spirit and tireless attacks upon those governmental policies which defiled or diminished our American heritage.

Senator Gruening's life exemplifies the amazing ability of one man to completely surround and confront what he viewed as the problems of a great society. After graduating from Harvard Medical School, he decided that he would prefer dedicating his life to helping his fellow man in a nonmedical context. The former legislator consequently launched into a relatively short, though remarkable successful, newspaper career.

After a brief stint as reporter, rewrite man, and copy editor, Gruening became an editorial writer for the Boston Herald and soon, at the age of only 27, he advanced to the position of managing editor of the Boston Traveler. It was here that the Senator's fight for the protection of equal rights and the expression of individualism began. No longer would an article in his paper indicate the race of a man unless such was required by the nature of the article. No longer would his paper bend to the editorial whims of financially powerful advertisers. Rather Gruening's attitude was captured in the words of former President John F. Kennedy:

> I will make my decisions in accordance with . . . whatever my conscience tells me to do in the national interest and without regard to outside pressures or dictates.

Gruening combined his dedication to freedom and equality and his love for journalism when he became managing editor of the Nation in 1920. Attacking U.S. military intervention in South and Central America, the future legislator sparked the Senate into conducting investigatory hearings on U.S. foreign policy. In recognition of his efforts on their behalf, including a book entitled "Mexico and Its Heritage"—the New York Herald Tribune 1928, Mexico in 1963 presented Gruening with their highest national award, the Order of the Aztec Eagle. To round out his journalistic career, finally, Gruening helped found and subsequently became editor of the Portland, Maine, Evening News where he successfully combated the powerful power companies in their attempts to export the State's water energy.

At this point FDR named Gruening to head the Division of Territories and Island Possessions for the Department of the Interior. Able to carry his people-oriented philosophies to a new level, the future Senator became immersed in the Alaskan struggle for statehood. In the process of intensive lobbying efforts on behalf of the Alaskan project, he succeeded in improving air and land transportation both within the distant territory and to the mainland. Due to his spirited devotion to the Alaskan people, Gruening soon became Governor of the region and was able to intensify his pressure on Congress on the statehood issue, while simultaneously streamlining the prospective State's tax system and improving its quality of education and public services.

After the acceptance of the Territory as the 49th State, the citizens of Alaska elected Gruening as one of their first two Senators. The legislator soon became one of the most logical, hard-working, and out-spoken Members ever to occupy a Senate seat, as indicated by his "no-vote" on the Gulf of Tonkin resolution—one of the two negative tallies recorded. In the first major speech made on the Senate floor concerning this country's policies in Southeast Asia, Gruening decried in March of 1964 that "the United States should no longer permit the dead hand of past mistakes to guide the course of our future actions in South Vietnam."

The Senator's desire for peace in Vietnam and in the rest of the world and his belief in the inalienable rights of the individual also served as a basis for his stands on civil rights, the women's role and birth control. He encouraged, for example, the passage of the Family Planning Service and the Population Research Acts while also helping to establish the Department of Population Affairs as an independent agency.

Gruening's desires for a peaceful, stable and secure world were so ardent that it was only fitting that he was nominated earlier this year for a Nobel Peace Prize. In a letter to the Nobel Awards Committee, five Senators stated in reference to the Asian war:

> If any one person is responsible more than any other for ending the tragic role of the United States in Vietnam, it is this wise and valiant public citizen.

The panel of Senators concluded that:

> Gruening is a man of energy, of integrity, and of absolute dedication to justice and to the cause of peace.

In mourning Senator Gruening's death then, we express our sorrow over the loss of a rare and remarkable man . . . indeed, a renaissance man. I accompany my colleagues in giving my most sincere condolences to his charming and courageous wife Dorothy and his son, Huntington. Let us pray that we may honor his memory by continuing the honorable heritage of human kindness, personal vigor, and noble principles that he so uniquely embodied.

Mr. KASTENMEIER. Mr. Speaker, the people of this country have lost a champion. Ernest Gruening was one of the great activists of the 20th century. The recounts of his life that have been recently printed in the press tell an exciting story of a man inspired by what this Nation could and ought to be. His energies were unflagging, his insight was dynamic, and his dialog was persuasive.

From the time that I came to Congress in 1959 I have proudly listened to and watched what this gentleman from Alaska was saying and doing. His leadership was valuable to me as a freshman. It is valuable to me today, and I'm sure his example will be valuable to us all in the future. He was an activist involved in almost every crucial issue of the last decades.

Senator Gruening's unwavering outrage at U.S. policy in Indochina has proven to be not only an historical insight, but a powerful precedent for careful scrutiny of Executive use of our military forces. Ernest Gruening was right about Indochina. He called it a "putrid mess," and fought against our involvement there until his last days. Just 3 months ago I had the honor of hearing the Senator's testimony before my subcommittee while we were considering the issue of amnesty. In a clear, articulate voice he detailed his view of why we must free those who "refused to participate in a monstrous and criminal folly." There was no stronger ally of those of us who have oppressed our continuing involvement in Southeast Asia than Ernest Gruening. His vote on the Tonkin Gulf resolution will stand out as a reasoned, thoughtful decision at an emotional and difficult moment. He saw through the deception. He stood by his conscience. I shall ever respect him for it.

Of course, the war was not the only area where the Senator provided leadership. He was a great voice for the cause of population control. He recognized early that the resources of the world are limited and fought to make the rest of us recognize the importance of limiting growth. As a man from a great wilderness State, he was an avid conservationist and could always be counted on to support sensible protection of the environment. Also, the struggles that people of color have met with in this country were his struggles. With a simple direct manner he time and time again raised the crucial issue of racial injustice. Early in his lifetime, which spanned nearly a dozen careers, he realized that the women of this Nation were not being allowed the opportunities and options to which they had a right. He was a staunch advocate of women's rights, recently testifying before a Senate committee on the question of abortion.

Age could not keep him quiet. I watched with great pleasure while he campaigned through the winter snow in my district on behalf of GEORGE MCGOVERN. Young and old alike turned out to listen and ask questions of this man of peace. I understand that from his hospital bed he lectured his visitors and nurses about corruption in government and his faith in the youth of America.

We have lost a champion, and he will be missed.

Mr. BROOKS. Mr. Speaker, the Honorable Ernest H. Gruening first came to Congress in 1959. When he departed in 1969, he continued to serve our Nation as a legislative consultant.

Ernest Gruening was a kind and gracious man who enjoyed an illustrious career. He was dedicated to the Congress and the people he represented; and it was a distinct pleasure to have been associated with a man of his caliber.

He will be missed, not only by his family, but by the people of Alaska, and his friends here in Congress.

Mr. BIAGGI. Mr. Speaker, it is my honor and privilege to join with my colleagues today in paying tribute to the "Father of Alaska" Ernest Gruening, who died last week at the age of 86.

Ernest Gruening served the people of Alaska for a period of over 30 years. He served first as their Governor and then as their Senator. More than any other person, he was responsible for the social and economic development of Alaska and the territory's eventual entry into the Union. In his various positions, he never lost touch with the needs of his constituency. At the same time, he became an internationally known statesman in the field of foreign affairs.

The death of Senator Gruening signals the end of an era for the people of Alaska. They are bidding farewell to their foremost statesman and we in the Congress bid farewell to one of our most distinguished former Members. His memory will be served in the coming years as his beloved Alaska continues to prosper and grow.

Mr. MATSUNAGA. Mr. Speaker, the people of Hawaii lost a beloved friend last week when former Senator Ernest Gruening passed away, for the "Father of Alaska Statehood" was also a stanch advocate of statehood for Hawaii. One of the first bills he sponsored, upon being elected to the Senate, was S. 50, in the 86th Congress, the historic measure providing for Hawaii's admission to the Union.

Senator Gruening's death brought to a close a remarkable life. A man singularly dedicated to principles, he will long be remembered for his devotion to peace and human welfare. His consistent objection to America's growing involvement in Vietnam won him a reputation as the "Gadfly of the Senate" in the early 1960's and was, in large measure, responsible for his political defeat at the polls in 1968. Never personally defeated, however, the former author and journalist devoted his considerable talents as a private citizen toward efforts to end America's longest and most divisive war. A longtime champion of human rights, he also became a leader in efforts to control the world population explosion and prevent massive starvation and suffering. As a member of Members of Congress for Peace Through Law—MCPL—Senator Gruening also endorsed and lobbied for an extended nuclear test ban treaty and eventual nuclear disarmament. Our greatest tribute to his memory would be to rededicate ourselves to the achievement of these humanitarian goals.

In behalf of all the people of Hawaii, and for myself personally, I extend to Mrs. Gruening, her family, and the people of Alaska, heartfelt condolences on the passing of a great American—Senator Ernest Gruening.

Mr. RANGEL. Mr. Speaker, although he spent only a decade as Alaska's Senator, Ernest H. Gruening served the American public throughout his life. As a medical student, a journalist, director of the Division of Territories and Island Possessions, Alaskan Governor, and unofficial and official Senator, Mr. Gruening developed and committed himself to his own personal idea of what this country could and should become.

At times his idea of service, and of the public interest, conflicted with that of his colleagues and his constituents, but opposition never weakened Mr. Gruening's determination to follow his own notion of right. His convictions about American involvement in the Indochina war survived massive opposition and eventually emerged triumphant. He stood with former Senator Wayne Morse, drowned by the resounding Ayes of the remainder of the Senate, to vote against the Gulf of Tonkin Resolution. He continued to oppose our involvement in this disastrous war, remaining loyal to his beliefs, in and out of politics. He spoke out determinedly to prod the public conscience.

Like his adopted State of Alaska, former Senator Gruening's spirit appeared to be forged from the wilderness, for his fire, enthusiasm, and deep faith in the efficacy of public service were reminiscent of an earlier time, the eager and energetic childhood of this Nation, which possessed a wisdom that sophistication, cynicism, and decadence have all but eliminated. But Mr. Gruening never wasted time in trying to rewrite the past or to return to some supposed golden age. He lived for the present in the light of his vision of the days to come, infused with the spirit of this Nation's birth, history, and legacy.

Former Senator Gruening still lives among us, in these Halls. I did not have the honor of being his colleague during his 10-year career as Senator, but his indomitable spirit and fiery commitment to his State and his beliefs have left their mark on all of us. For Ernest Gruening, public service was not merely work, it was life. After he left the Senate, he continued to serve his country wholeheartedly, devotedly, and well. Our memory of him, his spirit, his fire and enthusiasm and faith, should be as unwavering as was Mr. Gruening's pursuit of right and truth. He well deserves our tribute and our belated thanks, for he was an inspired and inspiring man.

Mr. CARNEY of Ohio. Mr. Speaker, it is my sad mission of the moment to call to the attention of the House the demise of a former Member of the Senate, the Honorable Ernest Henry Gruening of Alaska.

Ernest Gruening was a man of great heart and charming disposition. He was also a man of many talents, high intellectual attainments, and strong conscience. He was incapable of standing aside, unconcerned, when his fellowman was suffering and in need of assistance. He also was a man of considerable insight, who could instantly perceive the answer to certain problems that were great enough to baffle a majority of his colleagues.

The greatest of these problems, of course, was the unfortunate involvement of American military personnel in the war in Vietnam. As one of the earliest critics of this disastrous undertaking, Ernest Gruening sacrificed his career for the sake of a principle. Others, speaking to the same purpose at a later date, were to reap the glory of so doing. But Ernest Gruening spoke too soon, politically speaking, and was lamentably retired from the Senate.

Born in New York City in 1887, the son of a doctor, he was graduated from Harvard College at the age of 20 and, with his father's blessings, sought and obtained a degree in medicine from Harvard Medical School in 1912. A man of many interests, he was to abandon the medical profession overnight, in preference for journalism, working with several outstanding periodicals, including a stint as a reporter for the Boston American before serving as an editor for the Boston Herald, the Boston Evening Traveler, the New York Tribune, the New York Post, and the Nation magazine. He served during World War I in the U.S. Field Artillery Corps.

As editor of the New York Post in 1932, Mr. Gruening was a prominent supporter of the Democratic presidential nominee, Franklin D. Roosevelt, and upon Roosevelt's accession to the Presidency, Gruening rose quickly to national prominence. He was appointed by President Roosevelt Adviser to the U.S. delegation to the Seventh Inter-American Conference, at Montevideo, in 1933. The following year he became Director of the Division of Territories and Island Possessions of the Department of the Interior. He was Administrator of the Puerto Rico Reconstruction Administration from 1935 to 1937 and a member of the Alaska International Highway Commission from 1938 to 1942.

At the behest of President Roosevelt, Mr. Gruening took up the reins as Governor of Alaska Territory in 1939, and was twice reappointed, serving until 1953. As Governor, he established a record as a vigorous reformer, waging constant war with the Seattle fishing interests, the gold industry, and even Congress, claiming Alaska's rights to her own natural resources—long regarded as the property of aggressive businessmen from elsewhere. He urged Alaskans to fight for their rights in this regard by establishing a Territorial property tax and a corporate net income tax law.

As the major Democrat in Alaska Territory, Mr. Gruening served as delegate to three Democratic National Conventions, and was a U.S. Senator-elect on a provisional basis, pending Alaskan statehood was itself declared to be the elected Senator in 1958 and when Alaska joined the Union in 1959, he took his seat in the Senate. The achievement of statehood was itself declared to be the work of Mr. Gruening who, as Governor, had waged a mighty fight for Alaska's recognition by the people, the press, and the political leaders of the country.

As one of his first actions as a U.S. Senator, in keeping with his fight for Alaskan statehood, Ernest Gruening came out for the admission of Hawaii as our 50th State, and led the battle for that worthwhile cause.

In two terms in the Senate, he compiled a strong liberal and civil rights voting record, and was a leader in pressing for expanded Federal research into birth control methods—an interest he was to pursue following his departure from the Congress.

In all his endeavors, Senator Gruening held popular favor until—against the urging of all his political advisers—he went against the Vietnam war policy, which action was widely regarded as leading to his defeat in the Democratic primary in 1968.

I am inclined to recall, in this regard, the words of the author Abram Joseph Ryan, in the foreword to his work, "A Land Without Ruins," in which he observed that:

> Crowns of roses fade—crowns of thorns endure. . . . the triumphs of might are transient—they pass and are forgotten—the sufferings of right are graven deep on the chronicles of nations.

It will someday be recalled, for sure, that Ernest Henry Gruening, U.S. Senator from Alaska, 1959–69, endured in his lifetime the sufferings of right, at the expense of his distinguished political career.

He was, beyond question, a great U.S. Senator. We have missed him since the day of his departure from the Congress. We have good cause to lament his demise.

Mr. BLATNIK. Mr. Speaker, I join my colleagues in paying tribute to our honored colleague, the late Senator Ernest Gruening, of Alaska, newspaper reporter and editor, magazine editor, foreign correspondent, author, historian, publicist, diplomat, territorial governor and lobbyist before entering the Senate in 1959; the father of Alaskan statehood; and lone prophet, unheeded, warning against what was to become America's greatest national tragedy since the Civil War.

A generation of young people will remember him as a lone voice of protest against our earliest involvement in Vietnam; and the only Senator, with Wayne Morse, of Oregon, to vote against the Gulf of Tonkin resolution.

But for those of us whose memories stretch back beyond this tragic war, Senator Gruening stands as a giant in his century; a man of untold depth and breadth of compassion, determination, and crusading spirit. Senator Gruening was a man of interests, concerns, and vocations as vast as the State he represented in Congress. But throughout that career, one theme is constant: an articulate rage against injustice and exploitation, especially when performed by this country, here or anywhere in the world.

As journalist and editor he fought for freedom of the press, in the sure conviction that only a free press could champion the cause of social justice. From 1913 on, when he joined the Boston Herald as reporter, rewrite man and copy editor, and throughout his journalistic career which took him to editorship of the Nation, Senator Gruening led the fight for equal rights for minorities. The Boston Traveler, of which he became managing editor at 27, was the first paper in this country to ban identification by race unless it played a vital part in the story.

He became managing editor of the Nation in 1920, from which position he launched his lifelong crusade against U.S. military involvement in, and economic exploitation of, other countries.

His denunciation of our involvement in Latin American countries, a reporting assignment in Mexico and the book that grew out of it, led President Roosevelt to name Senator Gruening adviser to the

U.S. delegation at the Seventh Inter-American Conference in Montevideo. This conference produced FDR's "Good Neighbor" policy, one long advocated and finally formulated by Senator Gruening.

Roosevelt called him back to public service, and established his political career, when he appointed Senator Gruening Director of the new Division of Territories and Island Possessions, with jurisdiction over Hawaii, Puerto Rico, the Virgin Islands and Alaska.

Senator Gruening's first cause in this post was the grinding poverty in Puerto Rico; but a visit to Alaska turned his attention, permanently, to this most northern of the U.S. possessions.

Named Governor of Alaska in 1939, Senator Gruening immediately launched and won improved schools and public services for native Alaskans, at the expense of the absentee owners who had been stripping the territory of its natural riches.

His 14-year tenure as Territorial Governor came to culmination with his personal efforts in behalf of Alaskan statehood—a one-man educational and lobbying crusade to make Alaska the 49th State. That battle won, Gruening, elected to the Senate, launched an equally vigorous campaign to admit Hawaii to the Union.

His diverse streams of involvement in the public affairs of this Nation reached confluence in his early opposition to our involvement in Vietnam where he, virtually alone, served as conscience and prophet to a Nation bereft of both.

Senator Gruening received the prophet's dues—he and Morse stood alone in voting against the Gulf of Tonkin Resolution; and he was defeated in his next try for Democratic nomination.

But the Nation was not long to confirm his prescience; and the growing protests against the war affirmed his vision of tragedy for this country.

Senator Gruening has left a personal mark on this century: on the thought patterns of his many readers, on the course of American diplomacy, and on our military involvement—a mark that cannot be erased but only etched deeper as we struggle still to extricate ourselves from the quagmire of Southeast Asia, and attempt to restore morality and free government to a Nation soon to celebrate its 200th anniversary.

Mr. Speaker, as the Nation mourns the passing of Senator Ernest Gruening, and recognizes the scope of his contributions, we also mourn privately for the family he leaves behind, and feel with them the sharp and personal loss of a loved one. His wife Dorothy, his son Huntington Sanders, are assured whatever consolation there is in knowing that friends and colleagues share with them the shock, the loss, and the grief of the passing of a great man, and devoted husband and father.

Thank you.

Mr. DRINAN. Mr. Speaker, I was deeply saddened to hear of the death of Ernest Gruening. I was honored to be able to consider him my friend. Through his long years of public service, he stood as an inspiration in fighting for many causes to which I also am firmly committed.

When the history of the war in Vietnam is written, one moment of light will be recorded on those darkened pages. In the late summer of 1964, the Congress was asked to endorse the Gulf of Tonkin Resolution which became, as a substitute for a declaration of war, the authorization for our continued military involvement in Southeast Asia.

Senator Gruening was one of only two Senators who voted against that resolution. He, almost alone among the Members of the Senate, voiced the opposition of the American people to the terrible conflict he saw developing in Vietnam. In this, as on many other issues, history has proved him a prophet—his decade-old words a prophecy.

Ernest Gruening fought relentlessly for Alaskan statehood. His efforts on behalf of that territory earned him the designation as "the father of Alaskan statehood." As territorial Governor from 1939 to 1953, he continually sought to advance the interests of Alaska and its people. Prior to the territory's admission into the Union, Ernest Gruening was elected its official Representative in 1956, and when his dream of statehood was fulfilled, he became one of Alaska's first Senators. In the Senate, he continued to serve the new State and his new constituency, the people of the United States.

It is fitting that we pay homage to Senator Gruening on July 2. Ten years ago today President Johnson signed into law the Civil Rights Act of 1964, the first omnibus civil rights legislation since the Civil War. The Senator from Alaska was one of the leaders in that great struggle to achieve equality for all persons without regard to race, color, sex, or national origin. Long before it was popular, Senator Gruening vigorously advocated the removal of all barriers which impede the advancement of human rights. While the battle for human dignity is not yet won, the clarion call of Senator Gruening surely is the standard by which our present efforts must be measured.

Ernest Gruening will be remembered for his clear moral judgments and for his long labor in behalf of the people of Alaska and the Nation. He will be remembered for his courageous, prophetic, and often unpopular stands and for his reasoned eloquence in support of them. Future generations will recall his ceaseless struggle against the armies of ignorance, bigotry, and oppression.

Senator Gruening was one of the great moral leaders of this Nation at a time when we were experiencing the difficult years of the Vietnam war. Today, as this Nation confronts, perhaps, an even greater crisis that tests our national strength, it is well to remember Ernest Gruening as a good and decent man who embodied the ideals of democratic government which we are now asked to reaffirm. His uncompromising adherence to those first principles will perhaps serve now as a beacon for all of us.

I share with his congressional colleagues, friends, and fellow citizens the grief of his wife Dorothy, and his son, Huntington. Our sympathy goes out to them. The memory of Ernest Gruening will be held in great reverence by each of us who knew him, and by those who read of his devoted service to the Republic.

Mr. GONZALEZ. Mr. Speaker, the first time I met Senator Ernest H. Gruening was in November 1961, shortly after I had been elected to Congress in a special election in San Antonio.

I went to Anchorage at the request of Alaskan Democrats. My plane was late in arriving because of a terrific snowstorm, but Senator Gruening was there waiting. It was a wonderful experience being in Alaska and campaigning on behalf of the then-Democratic ticket, but really the greatest experience of that trip was meeting the man Ernest Gruening, who embodied the highest qualities of statesmanship and dedication to public service.

From that time on I had several memorable visits with Senator Gruening. I recall quite vividly an all night ride from Mazatlan to La Paz, Mexico, when we both were delegates to the U.S.-Mexico Interparliamentary Conference. We talked late into the night and I greatly benefited from the wealth of his knowledge and wisdom. He was well known among the people of Mexico because he had first gone to that country as a journalist in 1923.

A major subject of journalist Gruening's magazine articles in the 1920's was Latin America. While he traveled throughout Latin America extensively in the 1920's, it was Mexico among these countries that he knew best. He expressed his views on that country's history and condition in "Mexico and Its Heritage," Century, 1928. Arthur Ruhl in the New York Herald Tribune's Books—September 23, 1928—called the work "the most vigorous, useful, and comprehensive picture yet made of the complex present-day conditions below the Rio Grande."

This portion of his life, although very eventual and exciting, is only a small portion of the long vigorous life which he led.

Originally intent on a medical career he decided to stay in journalism upon completion of his M.D. degree after having worked as a reporter for the Boston American while still in school.

The full story of his varied career would fill volumes. While his journalism career included reporting for big city dailies and editorships of such periodicals as the Nation magazine, it is his career in public service which is the greatest legacy to his fellow countrymen as well as to his fellow Alaskans.

As the Federal Emergency Relief Administrator in 1936, Mr. Gruening first visited Alaska for the first time and it has been reported that the beauty of that American territory gave him what he described as a "profound thrill." In 1939 he was appointed territorial Governor of Alaska and from then on it was his home. From the beginning of his term as Governor he pushed for statehood and 3 years after he left the post the voters of Alaska elected him "Senator" in a gambit to prod the Congress for statehood. As "Senator" he came to Washington to lobby for statehood which resulted in Alaska becoming the 49th State in 1958.

In January 1959 he was, however, truly a U.S. Senator and he continued to distinguish himself as a man of great intelligence, great vision, great gentleness and courage.

It was a great loss to our Nation when he left the Senate in 1968, but now his passing is an irreplaceable loss. He was truly a man of the people, and while the people may see great men come and go there will never be another one quite so uniquely like Senator Ernest Gruening.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the subject of my special order today honoring the late Senator from Alaska, Senator Ernest Gruening.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

There was no objection.

GOVERNMENT-INDUSTRY ROLES IN ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN), is recognized for 15 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, on June 20, 1974, Dr. John Sawhill, Administrator of the Federal Energy Administration, gave an address to the energy R. & D. management briefing and conference entitled "Government-Industry Roles in Energy R. & D." I believe that my colleagues will find Dr. Sawhill's remarks highly interesting, and I commend his statement to them for their reading.

Dr. Sawhill's remarks follow:

GOVERNMENT-INDUSTRY ROLES IN ENERGY R. & D.

(Remarks by the Honorable John C. Sawhill)

Thanks for the invitation to come and speak with you today.

It's a real pleasure to be able to discuss the conference topic, which implies, quite rightly, that R. & D. is a crucial management function. As an economist and former business executive, I firmly believe that national problems, as well as business ones, must receive the closest management attention if we're to solve them effectively. That's certainly true with energy.

As we manage solutions to the energy problem, we'll have to confront some of the most fundamental questions about government-industry relationships—questions that must be answered very shortly. We won't be able to answer many of them today, but I would like to discuss them with you.

To begin with, the energy problem is so unique in our history, that we have no real precedents to follow. We must take a fresh look at this system, and develop imaginative futures. And as we look at this system, we find few areas more important than the government-industry relationship in energy research and development.

In the past, heavy federal spending for R & D has occurred during wartime or when the government was the final consumer, as with the space program or the Manhattan Project. Today, energy is essentially a privately owned system that responds to a myriad of forces, regulatory, economic and otherwise. Today's situation obviously calls for a new mix of public and private R & D funding. Unfortunately, much of the rhetoric we hear today fits better in the past than the present.

You'll find that this administration has adopted the principle that R & D is a means, not an end in itself. Our goal is an overall one—an energy base that provides for economic growth, environmental quality, and safety from international oil politics. It's not a massive, glamorous government R & D complex to dazzle the national imagination.

The energy problem is a complex one involving such diverse factors as prices, geography, and lifestyles. Because of that, we need a broad approach that includes a creative and useful role for R & D. And in developing that role, we must find the balance of federal and private R & D that helps us toward our national goals, yet avoids an overreliance on the federal government that could stifle innovation.

Looking from that perspective, it's quite logical that we should rely on industry for the primary responsibility for energy innovations.

Whether it's a new oil drilling technique or more efficient electrical generators, it is industry which should develop and implement them. Indeed, most industries—especially the best managed ones—need little encouragement to innovate, when it makes business sense.

Private industry spent about $1 billion this fiscal year for energy R & D, about the same as federal spending, according to our estimates. Most of the private R & D was carried out by individual firms. And, as you would expect, almost all goes for applied R & D to obtain an edge over competitors.

I should sound two disturbing notes here. First, it appears that the share of private R & D spending for basic energy research is steadily declining. It barely accounts for 5 percent now. And second, increases in federal energy R & D spending—which will double to $2 billion next fiscal year—are not being matched by increases in the private sector.

This is unfortunate, since one of the great tasks ahead for American business is to revive the innovative entrepreneurship of the last century that led to profound technological advances that our industrial base today depends on. During that period of dramatic inventions we saw the advent of such basic devices as the internal combustion engine, the vacuum tube, the dynamo, and alternating electrical current.

It was a period that historian Howard Mumford Jones could call very accurately, "The Age of Energy."

In many respects, the time between new scientific knowledge and its technological results is taking longer than before. Consider, for example, the long time between the first working computer thirty years ago, and the widespread commercial use of computers—or, the beginning of serious nuclear reactor work during World War II, and the relatively minor role today of the nuclear industry in our overall energy picture.

From my personal observations, I detect a growing number of managers who are overawed by technology, and, consequently, see it as something to be handled outside their business. They seem more concerned with a constant, moderate rate of return that avoids risk—exactly the kind of approach that discourages innovation. As a result, they seek imitation, and not innovation.

It's my strong hope that—facing the energy problem—industry will adopt R & D as a central management task, with a truly creative and entrepreneurial outlook. The task of the businessman in leading the innovative organization, Peter Drucker has said, is to "manage what is already known and create the new and unknown."

Naturally, there are many energy R & D tasks which will require resources beyond the capacity of individual firms. To cope with that, there has been a healthy upswing in industry-wide cooperative research.

The Electrical Power Research Institute is now getting funds from electric utilities that totalled $100 million in its first year. It will carry out research programs to attack some of the common problems facing this highly fragmented industry.

The American Gas Association, which has pioneered in industry-wide research, is planning to greatly increase its research role.

Ideally, private industry—on its own—should be able to cast off the inefficient and grasp the productive technologies, but unfortunately, we don't live in a world that operates strictly according to classical economies. The market is the central determinant of our energy system, but it's by no means the only one.

That fact of life—and our vital need for independence from imported oil—calls for an active government role in energy R & D. Basically, the government's role for R & D consists of two parts: developing indirect measures that encourage private innovation, and providing direct R & D support where needed.

Generally, we prefer indirect measures. The private sector is much closer to the consumer, and its own innovations would tend to reach wide commercial application more quickly than innovations developed in a laboratory far from the marketplace.

One indirect approach could be outright regulation—an approach taken to improve environmental quality. Recent proposals for mandatory energy efficiency standards would fit in here.

Compelling an industry to innovate in a certain direction seems to be effective where the technology exists to meet the regulations, but just isn't being used. It seems less effective where new technology must be developed. We sometimes find industries that expend as much effort to show that the regulations don't work as they do in improving the technology.

Another approach to encourage innovation is through broad incentives in the form of tax breaks, tariffs, more generous patent arrangements, or relaxed antitrust regulations. All of these have the advantage of offering rewards for innovation without compulsion, but they also have disadvantages. Relaxation of antitrust regulations could pool an industry's R & D resources, but it also could reduce competition and ultimately, stifle innovation.

To help find the best incentives, we are seeking answers from industry leaders.

Since synthetic fuels will play such an important role in our energy future, we feel that it's especially important to talk with industry about developing a viable synthetic fuels industry. This project is much more than the development of a new technology.

In cooperation with the National Science Foundation, we're conducting in-depth interviews about incentives with a selected group of business leaders whose participation can launch a successful synthetics industry.

Some of the incentive options we're posing are:

—deregulation of oil and gas prices,

—direct government loans or loan guarantees,

—accelerated depreciation of capital investments,

—and more direct government measures, such as joint ventures and R & D grants.

Beyond this, we will hold a series of public hearings in each of the ten federal regions between now and November, when we send the Project Independence Blueprint to the President.

These hearings are without parallel because, we are not only opening up energy decision-making to the public, we are doing this *before*, and not *after* the decisions are made.

We hope to draw opinions from all segments of our society through this process. And, we're certainly looking forward to your participation and input.

Of all the areas we will be exploring, Energy R & D is certainly one of the most vital.

In the past we have generally looked upon scientific and engineering breakthroughs as a kind of "technological bonus."

Today—at least in energy—that has changed. We simply cannot afford to allow our dependence on our finite energy resources to grow without an intense effort to expand our economically recoverable—and eventually—replenishable and nearly inexhaustible sources.

Because of the time frame involved in literally developing a new generation of energy technology, we cannot depend upon the free market alone to simply "produce them" without at least some support from government. In some cases we must take government action. The President has already announced an $11 billion, five year federal R & D program, and he has personally told me that more will be available if it can be usefully spent.

Direct government activity may be needed in situations where private industry is reluctant to innovate because it cannot profit directly. For example, pollution control R & D leads to a social benefit that won't show up in the income statement of an industry. In other situations—and the development of fusion technology and the breeder reactor are probably the best examples here—industrial firms may find that energy R & D projects are so expensive and long-range that even an industry-wide effort is not feasible.

We may also find that the public good calls for support of R & D projects that aren't immediately marketable. The development of a synthetic fuels industry may not appeal to a banker—because of the volality of international oil prices—but it would help soften the blow of another embargo, if one should occur.

In these situations the government can—and should—take a direct role.

One approach has been direct government R & D in laboratories run by such agencies as the Bureau of Mines or the Atomic Energy Commission. These laboratories have distinguished themselves in basic research, research for regulatory purposes, and in developing—often in cooperation with industry—difficult and long-range technologies.

Another approach to government R & D—an approach that receives the most dollars—is through contracts with universities, private research organizations, or industry. Industrial contractors often bring R & D projects closer to commercial application, since they may have a market for the results.

Joint government-industry projects have been increasingly effective in recent years because they involve the sharing of risks and costs. Because the firms commit resources to a R & D joint venture, the government has greater assurance that the project has commercial importance. This method has most commonly been used in new pilot or demonstration plants.

Another mechanism we are considering for energy R & D uses the government's purchasing power as the incentive for innovation. Especially as we are facing the uncertainties of the synthetic fuels industries, this could spur a great deal of result-oriented R & D. The government would simply create a market for an energy innovation or its product, such as synthetic fuels, then let industry produce it any way it could. It is already being used to encourage energy efficiency in delivery vehicles, buildings, and appliances purchased by the government.

The relationships I have discussed here can also be applied internationally. We recognize the political and substantive benefits of governmental agreements to cooperate in energy R & D and we are now discussing them at a number of forums. However, we are stressing at these discussions that tangible pay-offs can often best result from industry-to-industry partnerships. We hope that governmental agreements can be most useful as a catalyst for specific cooperative projects involving both government and industry.

I've outlined these indirect and direct government measures, not to limit the nature of government-industry roles, but instead to describe what options are open. We have not yet identified the precise mix, and may never fix it rigidly, since flexibility is important to our strategies.

As you have already heard today, we sent to Congress a bill to establish the Energy Research and Development Administration as the lead agency for R & D. It will be responsible for the planning, coordination, and management of most government energy R & D projects, and work with FEO in the development of R & D priorities.

That won't be an easy task. There are a myriad of opportunities for the government to encourage R & D consistent with our national goals. But they involve creating new balances and relationships.

We must find the appropriate balance between long-term and short-term projects. We need to support R & D projects that help meet our energy goals for the 1980's by speeding new supplies to consumers and gaining new efficiencies that reduce demand. But this can't be at the expense of long-term projects that must be pursued. Energy technology is very slow-moving, and we need to carry on R & D efforts now that anticipate the problems of the 21st century.

We must find a balance between expediting a few urgent programs and working on a variety of technologies that provide a flexible choice of options. Obviously, we must emphasize projects with a more urgent payoff. But excessive dependence on a few projects would invite serious problems if one or several failed to achieve commercial feasibility.

We must find the balance between government and private involvement in R & D projects. On one hand, we must depend, wherever feasible, on the classical competitive market to reach the complex of national goals. And on the other, where the market is ineffective, we must establish projects or incentives to seek the actions we need.

And finally, we must find a balance that puts today's problems in perspective. Yes, energy independence is a crucial priority for this society—but it's not the only one.

Finding these balances will be a most challenging task. It will come about after a healthy public debate and interplay that has been a source of dynamism and technological innovation for this society. We will replay countless times the perennial dialogues between the budget department and the R & D department, between the government scientist and the industrial engineer, between the politician and the business executive.

The outcome of these dialogues—I am confident—will be a creative relationship between industry and government, a mutual reliance that promotes innovation and efficiency.

We're relying very heavily on the energy industries to develop their own solutions to our national needs. R & D, as we all know, cannot be divorced from the requirements for business success, and private industry is still best equipped for this. But government can—and must—ensure that the public good is served, and in doing that, will help correct the distortions in our energy system that have brought us to this point today.

This is a fascinating and challenging problem that we face. And, as I look around this room it's hard to be anything but eager to get on with the task. We've got the government leadership and private resources to solve our energy problem.

I am confident of the outcome, and I look forward to working with you.

Thank you.

DISALLOW TAX ENERGY INDUSTRY BREAKS: ALLOW MIDDLE-INCOME TAX BREAKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Ruppe) is recognized for 5 minutes.

Mr. RUPPE. Mr. Speaker, during the past few years we have heard so many, many times the phrases, "balancing our tax burden," "equitable sharing of the financial responsibilities attendant to democracy," and, of course, the old standby, "reordering our national priorities." These phrases have become our old friends—things we can always rely on. They have been repeated time and time again in this Chamber and in speeches throughout the country. We have talked long enough. We must start to act. Some have suggested that we can only make our tax system more equitable by an almost complete redrafting of the Internal Revenue Code. I, for one, do not share that view—by and large I feel that the code is a masterful piece of legislative insight.

But even if I thought a complete recodification was needed, I have been here long enough to know how incredibly long it would take us to accomplish such a feat. But I am sure that we have all received letters from our constituents demanding, and I think rightly so, some redrafting now that will ease the tax burden of those who have truly felt the pinch of inflation. They also demand, though, that we act in a responsible fashion so as to insure that the U.S. Treasury will not be raided of millions of dollars which would almost surely give rise to an even higher rate of inflation.

On April 10 of this year, I introduced H.R. 14183 for the Congress consideration. This bill would disallow the present U.S. tax credit given for income taxes paid to foreign countries by the oil and gas industries. The Ways and Means Committee has recommended a limitation on this credit at a rate of 52.8 percent, as well as other measures that would remove from the code what many consider to be unnecessary tax breaks given to those industries. I feel, at a minimum, we should disallow this credit, and I applaud the committee's action in this respect.

Section 901 of the Internal Revenue Code, providing a credit for foreign income taxes, was intended to prevent double taxation which can be a severe economic burden. However, it appears that the oil and gas industries have been able to avoid congressional intent. Also, I, for one, am not so sure that these tax advantages are presently within our national interest.

In many of the oil and gas producing nations the sovereign holds the exclusive rights to the minerals and natural resources. As a result, either a royalty or a tax, or both, may be imposed on U.S. corporations exploring and mining for resources abroad. The income tax may be credited against taxes resulting from other foreign income, but the royalties can only be used as a tax deduction—as an ordinary expense of doing business.

While this all looks good on paper, the terms "income taxes" and "royalties" have been construed in ways not originally contemplated. It appears that much of the so-called income taxes collected by Mid-Eastern, North African, and South American countries are actually royalties. They have not been computed nor levied nor are they in any way dependent on the amount of profits or losses realized by the companies, which I have always been under the impression is the general method for computation of income taxes. Rather, the "tax" is computed as a dollar figure per barrel, and this seems to me to be a royalty.

Many of the oil producing countries have contributed to the problem by establishing two separate tax rates, one for general purposes and another for the oil companies. A study issued by the Joint Committee on Internal Revenue Taxation on February 21, 1974, demonstrates that excess credits are taken because of a higher rate of taxation on oil companies. In Saudi Arabia the maximum general income tax rate is 45 percent but the special rate for the oil companies is 55 percent. In Venezuela, the maximum general tax is 50 percent but for the oil companies it is 60 percent. In Nigeria it is 45 percent and 55 percent respectively. And in Libya, while the general rate is 25 percent the special rate for the oil industry is 55 percent. While there is nothing we can do to stop this differentiated tax treatment, it compounds the problems and allows even greater credits to be taken.

Now, what does this tax break mean in terms of dollars to the U.S. Treasury? According to the Treasury Department the oil companies reduced their 1971 tax bill from $3.2 billion to $788 million by taking this dollar-for-dollar credit for so-called foreign income taxes. In 1972, the oil companies took over $2.9 billion in credits. While the figures for 1973 are not yet available, it is expected that they will be just as high and in all likelihood higher. It has been estimated by the Department of the Treasury that the repeal of this credit could result in a savings of about $2 billion.

My purpose in introducing H.R. 14183 was not just to deprive the oil companies of a tax break they have enjoyed since the 1950's. I feel that this code section presently acts as a disservice to U.S. energy needs. I cannot help but believe that this has served as an incentive for the oil and gas companies to concentrate their exploration and drilling activities overseas and therefore overlook U.S. natural resources. The President has announced his hope that this country will have the capability to be self-sufficient for its energy needs by 1980. While I personally feel this deadline is practically not attainable, I do laud the idea of being as independent of others' energy resources as possible. It is contradictory then to provide tax breaks for drilling elsewhere. If the oil embargo did nothing else, it should have taught us that we must develop our own resources and be prepared to rely on them if need be. This is another case of the right hand not coordinating its activity with the left hand.

So, I am heartened to see that the Ways and Means Committee has grappled with this difficult issue and taken action to disallow tax breaks enjoyed by the energy industry. I sincerely hope the Congress is able to debate and vote on these proposals in the very near future. But I feel we need to take yet another step. I propose another tax break, but one that is aimed at another group—the average, Middle income taxpayer who is feeling the severe effects of inflation. It may seem contradictory to cease providing one tax break and then create another, but it is time that these people get a break, and the $13.2 billion which it is estimated will be brought in by the Ways and Means Committee's proposals during the years 1974 through 1979 provides us with the perfect opportunity to act.

In this light, I am today introducing legislation to amend the Internal Revenue Code to increase the standard deduction for personal income taxes, which most people take, from 15 percent to 20 percent and to increase the maximum allowable amount of such deduction from $2,000 to $2,500. This could cost the Treasury $2 billion but is would be offset by the income derived from the modified taxation of the oil and gas industries. This is a logical measure to attempt to ease the pressure imposed by the constantly increasing prices of food, housing, and, of course, fuel, and doing so without contributing to the inflation brought on by increased government spending.

I would urge the Congress consideration of these proposals. I feel they demonstrate a concerted effort to balance the tax burden. The oil companies have been earning record profits, but at the same time many people are having trouble paying for basic necessities. I feel we now have the opportunity to act to increase our revenues, increase our oil and gas production, and at the same time lessen the tax burden of the middle income families, something long overdue. I hope we do not fail to take advantage of it.

UNITED STATES CRITICIZES TURKISH POPPY DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Gilman) is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, today's statement by the U.S. State Department criticizing the Turkish decision to resume opium poppy growing is a welcome one.

As our Government points out, the action by Turkey is a direct violation of the 4-year agreement under which Turkey agreed to refrain from growing poppies in return for a $35.7-million U.S. subsidy.

The Turks must now stand before the world as having broken their solemn word by permitting the flow of drugs to resume between their land and ours.

Thousands of American youth will suffer as a result of this decision. The time has come for quick and decisive action. If this action is not rescinded, I call on my colleagues to act quickly in approving House Concurrent Resolution 507, the cutoff of financial aid to the Government of Turkey.

Mr. Speaker, I ask that the text of the State Department's statement be inserted in full in the Record:

State Department Release: Resumption of Turkish Poppy Growing

We deeply regret the decision of the Turkish Government to resume opium poppy cultivation. This matter has been the subject of intensive discussion between our two governments for some time and we had made clear throughout our concern regarding such a decision to resume cultivation.

We are seeking additional detail both as to the scope and the nature of the surveillance which is contemplated. Until such time as these have been examined by the appropriate agencies of the U.S. Government, we will withhold further comment.

PROPOSED AMENDMENTS TO THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1974

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Hosmer) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, in accordance with rule XXIII, clause 6, of the Rules of the House of Representatives I am causing to be printed in the Congressional Record a series of amendments which I plan to offer to H.R. 11500, the Surface Mining Control and Reclamation Act of 1974. I do so in the event that the collective wisdom of this body is subjected to an environmental metamorphism which would prevent this House from adopting the substitute bill, H.R. 12898, which I shall offer as an amendment in the nature of a substitute to H.R. 11500. I shall offer this series of amendments to H.R. 11500 for a number of reasons, the foremost of which is an attempt to bring reason out of chaos in this legislation. It was reported in a recent article in the Wall Street Journal that "some of its principal sponsors recognize imperfections in it and appear willing to compromise." The series of amendments which I shall offer will hopefully elucidate the areas and willingness of the principal sponsors of H.R. 11500 to display their concepts of compromising in good faith which is essential to the legislative process and the enactment of laws for the general welfare of all the American people and this Nation. Unfortunately it was the absence of this kind of approach and attitude toward the markup of this legislation in committee that brings to this House H.R. 11500, a bill which is saddled with misunderstanding, misinterpretation, and clouded in controversy.

H.R. 12898, the bill which I shall offer as an amendment to H.R. 11500 in the nature of a substitute, is a bill which provides for the strict regulation of surface coal mining, imposes stringent environmental and reclamation requirements, but does not impose unneeded and unreasonable restrictions on the surface mining of coal. H.R. 12898 does not discriminate against energy values in favor of a myopic focus on environmental values. H.R. 12898 properly respects both of these values and fairly and squarely reinforces both the energy ethic and the environmental ethic in the United States.

H.R. 12898 is not a perfect bill, but it is written clearly and in a manner which permits amendments to it to be adopted without a series of internal provisions, rereferrals, incorporation by reference, striking out and inserting, and all the other juggling techniques or manipulations that it will take to properly amend H.R. 11500.

On the other hand, H.R. 12898 must be a good bill. It seems to make everybody concerned with its provisions a little unhappy, because they did not get everything they wanted. The administration does not like parts of it, because it does not give them some of the new authority they wanted. The environmentalists do not like it, because it does not go into the detail and focus upon environmental values as the paramount national interest. The coal industry does not like H.R. 12898, because it provides for strict regulation of surface coal mining, imposes stringent environmental and reclamation requirements, and in effect, places the industry in a straightjacket and threatens them with jail for noncompliance.

H.R. 12898 provides the Federal minimum standards necessary to balance the important national energy and environmental needs. H.R. 12898 will provide a Federal law with the legal framework within which the industry can mine coal with a clear understanding of just what is and what is not required or allowed. H.R. 12898 will spare the industry the agony of doubt and indecision inherent in H.R. 11500. H.R. 12898 expresses the national concern for protecting and enhancing our environment while insuring that the Nation will have energy for promoting the general welfare of its people.

The series of amendments which I shall offer to H.R. 11500, in addition to H.R. 12898 in the nature of a substitute, can be divided into two categories: the amendments supported by the administration and additional amendments which I have had prepared.

The amendments supported by the administration deal with specific objectionable features of H.R. 11500 which the administration continuously sought to have the committee change. These deficiencies concern the provisions of H.R. 11500 which deal with: approximate original contour in the interim and permanent programs, interim program flexibility, mining prohibitions and restrictions, surface subsidence incident to underground mining, protection of the surface owner, performance criteria, financial and manpower objections, and administration, enforcement and judicial matters.

The amendments are as follows:

I—Amendments to H.R. 11500 Supported by the Administration

1. Page 145, line 21. Delete subsection (a) of section 201 and that portion of subsection (b) up to and including the colon on page 146, line 5, and insert in lieu thereof the following:

"(a) On and after ninety days from the date of enactment of this Act, no person shall open or develop any new or previously mined or abandoned site for surface coal mining operations on lands on which such operations are regulated by a State regulatory authority unless such person has obtained a permit from such regulatory authority. All such permits shall contain terms requiring compliance with the interim mining and reclamation performance standards specified in subsection (b) of this section."

2. Page 146, line 6. Strike out on page 146, lines 6 through 24, and on page 147, lines 1 and 2, and insert in lieu thereof the following:

"(b)(1) With respect to coal surface mining on steep slopes, no spoil, debris, soil, waste materials, or abandoned or disabled mine equipment, may be placed on the natural or other downslope below the bench or cut created to expose the coal seam except that spoil from the initial block or short linear cut necessary to obtain access to the coal seam may be placed on a limited or specified area of the downslope;

Provided, That the spoil is shaped and graded in such a way as to prevent slides, erosion and water pollution, and is revegetated in accordance with paragraph (3) below. *Provided further,* That spoil may be placed on areas away from the mined area if the operator demonstrates that such placement will provide equal or better protection of life, property and environmental quality and the spoil is shaped and graded in such a way as to prevent slides and minimize erosion and water pollution and, if such placement is permanent, the area is revegetated in accordance with paragraph (3) below. *Provided further,* however, That (A) the regulatory authority may permit limited or temporary placement of spoil on a specified area within or adjacent to the mined area in conjunction with mountain top mining operations with all highwalls eliminated, if placement is consistent with the approved postmining land use of the mine site and (B) the provisions of this subsection (b) shall not apply to those situations in which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area."

3. Page 147, line 13. After the word "time," strike out "where the operation follows the coal deposit vertically".

4. Page 147, line 24. After the word "region" strike out "but not necessarily meeting the revegetation requirements of subsection (3)".

5. Page 151, line 8. Delete section 201(b)(7) and insert in lieu thereof the following:

"(7) Upon petition by the permittee or the applicant for a permit and after public notice and opportunity for hearing the regulatory authority may modify the application of the interim mining and reclamation performance standards set forth before the first proviso in paragraph (1) and in any provision of paragraph (2) of this subsection, if the permittee demonstrates by proper documentation and the regulatory authority finds that:

(A) the permittee has not been able to obtain the equipment necessary to comply with such standards;

(B) the surface coal mining operation will be conducted so as to meet all other standards specified in subsection (b) of this section and will result in a stable surface configuration in accordance with a mining and reclamation plan approved by the regulatory authority; and

(C) such modification will not cause hazards to the health and safety of the public or significant imminent environmental harm to land, air or water resources.

Any such modification shall be reviewed periodically by the regulatory authority and shall cease to be effective upon implementation of a State program pursuant to section 203 of this Act or a Federal program pursuant to section 204 of this Act."

6. Page 152, line 12. Delete section 201(c) and insert in lieu thereof the following:

"(c) Within sixty days from the date of enactment of this Act, the State regulatory authority shall review and amend all existing permits in order to incorporate in them the interim mining and reclamation performance standards of subsection (b) of this section. No later than one hundred and twenty days from the date of issuance of such amended permit, all surface coal mining operations existing at the date of enactment of this Act on lands on which such operations are regulated by a State regulatory authority shall comply with the interim mining and reclamation performance standards in subsection (b) of this section with respect to lands from which the overburden has not been removed."

7. Page 151, line 21. Strike out subsection "(d)" and insert a subsection "(d)" to read as follows:

"(d) The regulatory authority may grant exceptions to subparagraphs (1) and (2) if the regulatory authority finds that one or more variations from the requirements set forth in subparagraphs (1) and (2) will result in the land having an equal or better economic or public use and that such use is likely to be achieved within a reasonable time and is consistent with surrounding land uses and with local, State, and Federal law."

8. Page 154, line 6. After the word "basis" strike out "(but at least one inspection for every site every three months),".

9. Page 156, line 13 and 14. Strike out "or Indian". Page 156, line 15. Strike out "or Indian". Page 156, line 16 and 17. Strike out "and Indian land".

10. Page 163, line 4. Strike out lines 4, 5, 6 and 7, and insert in lieu thereof the following:

"(2) The State regulatory authority shall designate an area as unsuitable for all or certain types of surface coal mining operations if it is demonstrated that reclamation pursuant to the requirements of this Act is not physically feasible."

11. Page 166, line 17. Following line 17, insert a subsection "(e)" to read as follows:

"(e) In those instances where the regulatory authority has determined that an area is unsuitable for all or certain types of surface coal mining operations because it has been demonstrated that reclamation pursuant to the requirements of this Act is not feasible under subsection (a)(2) above, permits to mine such areas will not be issued unless the regulatory authority determines with respect to any such permit that the technology is available to satisfy applicable performance standards."

12. Page 169, lines 22 and 23. Strike out the words "under study" and insert "as to which an administrative proceeding has commenced pursuant to 206(a)(4)(D)".

13. Page 170, line 2. Strike out "permit," and insert "permit or unless a contrary determination is made pursuant to section 206(e)".

14. Page 171, lines 14 and 15. Strike out "the national forests,".

15. Page 171, line 20. Following the word "operations" strike out "in existence on the date of enactment of this Act, or those for

which substantial legal and financial commitments were in existence prior to September 1, 1973," and insert in lieu thereof "conducted pursuant to valid existing rights on the date of enactment of this Act."

16. Page 187, line 6. After the word "time", strike out "where the operation follows the coal deposit vertically".

17. Page 191, line 7. Beginning on page 191, line 7 through page 192, line 10 strike out subclauses (A) through (F) and insert in lieu thereof the following:

"(A) avoiding acid or other toxic mine drainage to the extent practicable by preventing, retaining, or treating drainage to reduce mineral content which adversely affects downstream water uses when it is released to water courses;

"(B) casing, sealing, or otherwise managing boreholes, shafts, and wells in a manner designed to prevent acid or other toxic drainage to ground and surface waters;

"(C) conducting surface mining operations so as to minimize to the extent practicable the adverse effects of water runoff from the permit area;

"(D) if required, removing and disposing of siltation structures and retained silt from drainways in an environmentally safe manner;

"(E) restoring to the maximum extent practicable recharge capacity of the aquifer at the minesite to premining conditions; and

"(F) relocating surface and ground water in a manner consistent with the permittee's approved mining and reclamation plan."

18. Page 195, line 17. Strike out subparagraph "(1)" beginning on page 195, line 7, through page 196, line 2, and insert in lieu thereof the following:

"(1) No spoil, debris, soil, waste materials, or abandoned or disabled mine equipment may, except as necessary to the original excavation of earth in new mining operations, be placed on the undisturbed or natural surface within or adjacent to the mined area, *Provided*, That spoil may be placed on areas away from the mined area if the operator demonstrates that such placement will provide equal or better protection of life, property and environmental quality and the spoil is shaped and graded in such a way as to prevent slides and minimize erosion and water pollution and, if such placement is permanent, the area is revegetated in accordance with subsection (b) of this section.

19. Page 197, line 22. Strike out "or public facility" and insert "agricultural, recreational, or public facility".

20. Page 19, line 10. Strike out the word "higher" and insert the word "equal".

21. Page 199, line 3. Strike out lines 3, 4, 5, 6, 7, 8 and 9.

22. Page 199, line 22. Strike out all of Section 212(b)(1) beginning on page 199, line 22, through page 200, line 4, and insert in lieu thereof the following:

"(1) as determined in accordance with regulations promulgated by the Secretary of the Interior, provide for adequate support for the ground surface by assuring appropriate underground mine support in order to prevent subsidence to the extent technologically and economically feasible, maximize mine stability, and the value and use of such surface lands, except in those instances where the mining technology used involves planned subsidence in a predictable and controlled manner."

23. Page 227, line 12. Strike out "or disapprove".

24. Page 228, line 3. Strike out lines 3 through 14 and insert in lieu thereof the following:

"(2) Any promulgation of regulations by the Secretary pursuant to sections 201(f), 202, 211, and 212 shall be subject to judicial review only by the United States Court of Appeals for the District of Columbia Circuit in accordance with the procedures set forth in paragraph (1) of this subsection."

25. Page 232, line 11. After the word "person" insert "having an interest which is or may be adversely affected".

26. Page 232, line 19. Strike out "regulatory authority" and insert "Secretary".

27. Page 232, line 22. Strike out "with the regulatory authority" and insert "with the Secretary or the regulatory authority".

28. Page 232, line 25 and page 233, line 1. Strike out line 25 on page 232 and line 1 on page 233 and insert the following: "order such violation or failure to be corrected, and to apply any".

29. Page 233, line 3. Strike out lines 3, 4, 5, 6, 7, 8 and 9, and reletter the subsequent subsections as (b), (c), (d) and (e).

30. Page 234, line 9. Strike out "appropriate." and insert the following "appropriate, except that the court shall not award such costs against the United States".

31. Page 235, line 1. After the word "title," insert "and any person who violates a protective order issued pursuant to the provisions of section 705,"

32. Page 237, line 7. Strike out "or section 222(b) of this Act" and insert ", section 222(b) or section 705 of this Act,"

33. Page 241, line 10. Strike out "and Indian land".

34. Page 242, line 16. Strike out Title III and renumber the subsequent titles and sections.

35. Page 249, line 3. Strike out sections 401, 402, 403, 404, 405, 406, 407 and 408 of Title IV and insert in lieu thereof the following:

SEC. 401. (a) There is created on the books of the Treasury of the United States a fund to be known as the Abandoned Mine Reclamation Fund (hereinafter referred to as the "fund") which shall be administered by the Secretary of the Interior.

(b) The Secretary is authorized to use the money in the fund for making grants for the purposes of sec. 404.

OBJECTIVES OF FUND

SEC. 402. Objectives for the obligation of funds for the reclamation of previously mined areas shall be to achieve the greatest estimated benefits from the costs incurred.

ELIGIBLE LANDS

SEC. 403. Funds for reclamation may be expended under this title only for lands which (i) were mined for coal or the value of which were adversely affected by such mining, wastebanks, coal processing, or other mining processes; (ii) were abandoned prior to the enactment of this Act; (iii) are subject to no continuing responsibility for such reclamation under State or other Federal laws, and (iv) title to which is held by the State or States in which they are located at the time any grants of money are made under this title.

SEC. 404. (a) For the purpose of carrying out the provisions of this title the Secretary is authorized to make grants on a matching basis to States in such amounts as may be provided in subsection (b), but in no event shall any grant exceed 50 per centum of the total cost of the reclamation of the lands for which such grant is made. Any disposal by a State of such lands subsequent to the completion of such reclamation shall for fair market value as determined by a competitive sale. All moneys from such sale shall be deposited in a State fund which, together with interest thereon shall be used for the purposes of the original grants and without further Federal matching.

(b) The Secretary shall establish entitlement for the various States on the basis of the incidence of abandoned coal mined lands and best estimates of costs of reclamation."

36. Page 265, line 17. Strike out Title V and insert a new Title V to read as follows:

AUTHORITY OF THE SECRETARY

SEC. 501. (a) In carrying out his responsibilities under this Act the Secretary shall:

(1) administer the State grant-in-aid program for the development of State programs for surface coal mining and reclamation operations provided for in this title:

(2) develop and administer any Federal programs for surface coal mining and reclamation operations which may be required pursuant to this Act and review State programs for surface mining and reclamation operations pursuant to this Act.

(3) maintain a continuing study of surface coal mining and reclamation operations in the United States;

(4) assist the States in the development of State programs for surface coal mining and reclamation operations which meet the requirements of this Act;

(5) publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this Act;

(6) conduct hearings, administer oaths, issue subpoenas, and compel the attendance of witnesses and production of written or printed materials as necessary to carry out his duties under this Act; and

(7) perform such other duties as may be provided by law and relate to the purposes of this Act.

(b) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal agency.

37. Page 268, line 15. Strike out Title VI.

38. Page 277, line 8. Insert a "Sec. 705" and renumber the subsequent sections as follows:

"SEC. 705. Proprietary information submitted to the Secretary or to the regulatory authority pursuant to this Act which if made available to the public would result in competitive injury to the applicant, may be designated confidential and shall not thereafter be disclosed. Any such information submitted to the Secretary shall be subject to the provisions of 18 U.S.C. 1905. Appropriate protective orders against unauthorized disclosure or use of such information by third parties may be issued with respect to such information and violations of such orders shall be subject to the civil and criminal penalties set forth in section 224, and section 225(b) shall not apply to any proceedings to assess such penalty."

39. Page 282, line 14. Strike out "Act." and insert the following:

"Act, and except that this term shall not be construed or applied to prohibit thick seam area mining where the surface is returned to an appropriate contour considering the surrounding topography and possible future uses of the area."

40. Page 287, line 10. Strike out "Section 709" and insert a "Section 709" to read as follows:

"SEC. 709(a) In those instances in which the surface owner is not the owner of the mineral estate proposed to be mined by surface coal mining operations, the application for a permit shall include the following:

(1) the written consent of, or a waiver by, the owner or owners of the surface lands involved to enter and commence surface coal mining operations on such land, or, in lieu thereof,

(2) the execution of a bond or undertaking to the United States or the State, whichever is applicable, in an amount determined by the regulatory authority for the use and benefit of the surface owner or owners of the land, to secure the immediate payment equal to any damages to the surface estate which the operation will cause to the crops or to the tangible improvements of the surface owner as may be determined by the parties involved or as determined and fixed in an action brought against the permittee or upon the bond in a court of competent jurisdiction. This bond is in addition to

the performance bond required for the reclamation by this Act.

(b) For the purposes of this section, the term "surface coal mining operation" does not include underground mining for coal."

41. Page 290, line 18. Strike out Title VIII.

II—ADDITIONAL AMENDMENTS

42. Page 142, line 4. Strike out "and other minerals" and insert "by surface and underground mining".

43. Page 142, line 8. Strike out "many mining operations" and insert "surface and underground coal mining operations".

44. Page 142, line 19. Strike out "distribution of mines" and insert "distribution of coal mines".

45. Page 142, line 20. After the word "technology" strike the balance of line 20 and strike all of lines 21 and 22, and insert in lieu thereof the following:

", terrain, climate, geological, chemical, demographic, and other factors which directly or indirectly affect the feasibility and desirability of reclamation techniques in a specific geographic area requiring that standards be flexible and that decisions with respect to a particular reclamation plan be made at the State level of government;"

46. Page 142, line 23. Strike out subsection "(d)" and insert a new subsection "(d)" to read as follows:

"(d) surface and underground coal mining operations presently contribute significantly to the Nation's energy requirements, and substantial quantities of the Nation's coal reserves lie close to the surface, and can only be recovered by surface mining methods, and therefore, it is essential to the national interest to insure the existence of an expanding and economically healthy coal mining industry;"

47. Page 143, line 7. Strike out "mining operations" and insert "surface coal mining operations".

48. Page 143, line 9. Strike out "against the degradation of".

49. Page 143, line 12. Strike out subsection "(f)" and insert a new subsection "(f)" to read as follows:

"(f) the primary and continuing responsibility for the regulation of surface coal mining is in the States, and in the absence of effective State regulatory laws and enforcement, the Federal government may assume the responsibility for the regulation and enforcement of federal minimum standards established by this Act, when a State demonstrates that it is not prepared to assume this responsibility; and"

50. Page 144, line 4. Strike out "Sec. 102." and insert a new "Sec. 102" to read as follows:

"SEC. 102. It is the purpose of this Act to—

(a) encourage a nationwide effort to regulate surface coal mining operations to prevent or substantially reduce their adverse environmental effects, to stimulate and encourage the development of new, environmentally sound surface coal mining and reclamation techniques, and to assist the States in carrying out programs for those purposes;

(b) provide that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are protected from the adverse impacts of surface coal mining operations pursuant to the provisions of this Act;

(c) provide that surface coal mining operations are not conducted where reclamation as required by this Act is not feasible;

(d) provide that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided in accordance with the policy of Mining and Minerals Policy Act of 1970; and

(e) provide that appropriate procedures are provided for public participation in the development, revision, and enforcement of regulations, standards, mining and reclamation plans, or programs established by the Secretary or any State pursuant to the provisions of this Act."

51. Page 414, line 21. Strike out "against the degradation of".

52. Page 146, line 2. After "operations" insert "on lands on which such operations are regulated by the State".

53. Page 146, line 10. Strike out "block or short linear".

53a. Page 147, line 13. Strike out "where the operation follows the coal deposit vertically".

53b. Page 147, line 22. After the word "repose" insert "to provide adequate drainage".

54. Page 149, line 5. After the word "spoil," insert "(unless replaced as part of the mining operation)".

55. Page 149, line 9. After the word "any" insert "contamination by other".

56. Page 149, line 12. Strike out "not capable of" and insert "of insufficient quantity or of poor quality for".

57. Page 152, line 14. After the word "operations" insert "on lands on which such operations are regulated by the State".

58. Page 153, line 21. Strike out "Sec. 201 (f)" and reletter the following subsections.

59. Page 156, line 15. After the word "program." insert "new or".

60. Page 162, line 20. Strike out "Sec. 206." and insert a new "Sec. 206" to read as follows:

"SEC. 206. (a) To be eligible to assume primary regulatory authority pursuant to section 203, each State shall establish a planning process enabling objective decisions to be made based upon public hearings and competent and scientifically sound data and information as to which, if any, areas or types of areas of a State (except Federal lands) cannot be reclaimed with existing technology to satisfy applicable standards and requirements of law. The State agency will not issue permits for surface coal mining of such areas unless it determines, with respect to any such permit, that the technology is available to satisfy applicable performance standards.

"(b) The Secretary, and, in the case of national forest lands, the Secretary of Agriculture, shall conduct a review of the Federal lands and determine, pursuant to the standards set forth in subsection (a) of this Section, areas or types of areas on Federal lands which cannot be reclaimed with existing technology to satisfy applicable standards and requirements of law. Permits for surface coal mining will not be issued to mine such areas unless it is determined, with respect to any such permit, that the technology is available to satisfy applicable performance standards.

"(c) In no event shall a permit for surface coal mining operations be issued after the date of enactment of this Act for lands located within any area of the National Park System, the National Wildlife Refuge System, the National Wilderness Preservation System, or the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act: *Provided, however,* That this paragraph shall not prohibit surface mining operations in existence on the date of enactment of this Act, or those for which substantial legal and financial commitments were in existence prior to September 1, 1973; but, in no event shall such surface mining operations be exempt from the requirements of this Act.

"(d) In no event is an area to be designated unsuitable for surface coal mining operations on which surface coal mining operations are being conducted on the date of enactment of this Act, or under a permit issued pursuant to this Act, or where substantial legal and financial commitments in such operations are in existence prior to the date of enactment of this Act. Designation of an area as unsuitable for mining shall not prevent mineral exploration of the area so designated."

61. Page 171, line 13. Strike out lines 13 through 25, and renumber.

62. Page 175, line 7. Strike out "an accurate map or plan" and insert "a map or plat".

63. Page 175, line 8. After the word "affected" strike out the balance of line 8 and strike out all of lines 9, 10, 11, 12, 13, 14 and 15.

64. Page 175, line 20. After the word "courses," insert "within the permit area".

65. Page 176, line 4. Strike out "required under subparagraph (16)" and insert "made".

66. Page 176, lines 12 and 13. Strike out "the location of acquifers; underground waters," and insert "the location of known acquifers and underground waters".

67. Page 177, line 16. Strike out "a determination of the hydrologic" and insert "an analysis of the probable hydrologic".

68. Page 177, line 17. After the word "operations" insert "including the relocation of surface waters".

69. Page 177, lines 22 and 23. Strike out "and surrounding area".

70. Page 177, line 24. On page 177, strike out line 24 and on page 178, strike out lines 1 and 2, and insert in lieu thereof the following:

"Probable impacts of the hydrology of the area;".

71. Page 182, line 19. Strike out subsection "(f)" and insert new subsection "(f)" as follows:

"(f) The term of any permit for surface coal mining and reclamation operations shall not exceed five years if issued pursuant to an approved State program and shall be for five years if issued pursuant to a Federal program. Each permit shall carry with it a right of successive renewals, if the permittee has complied with the requirements of the approved State program or a Federal program for the State within which the operations are conducted and has the capability to implement the reclamation plan applicable to the operations covered by the permit. Prior to approving the renewal of any permit the regulatory authority shall review the permit and the surface coal mining and reclamation operations and may require such new conditions and requirements as are necessary to deal with changing circumstances. A permit shall be renewed by operation of law unless prior to expiration of the permit term the permittee has given timely notice and a hearing in accordance with the rules and regulations of the regulatory authority and the regulatory authority has found that the requirements for renewal have not been satisfied."

72. Page 185, line 14. Strike out lines 14 through 22 and insert in lieu thereof the following:

"(4) incorporate the objectives of the reclamation plan into the mining process to enable reclamation operations to be current and to complete such reclamation as soon as practicable following completion of mining as set forth in the approved reclamation plan;"

73. Page 185, line 24. After the word "spoil" insert "(Unless replaced as part of the mining operation)".

74. Page 186, line 4. After the word "any" insert "contamination by other".

75. Page 186, line 7. Strike out "not capable of" and insert "of insufficient quantity or of poor quality for".

75a. Page 187, lines 6 and 7. Strike out "where the operation follows the coal deposit vertically".

75b. Page 187, line 18. After the word "repose" insert "to provide adequate drainage".

76. Page 192, line 5. Strike out lines 5, 6, 7 and 8, and insert in lieu thereof the following:

"(E) protecting throughout the mining and reclamation process the hydrologic balance of alluvial valley floors off the mine site in arid and semi-arid areas;"

77. Page 194, line 6. After the word "area" insert "and". Page 194, line 7. Strike out "(iv)" and insert "any". Page 194, line 9. Strike out "area;" and insert "shall be subject to the provisions of subsection 709(d);".

78. Page 194, line 16. Strike out "breakthroughs:" and insert "breakthroughs, unless a lesser distance is approved by the regulatory authority:".

79. Page 195, line 12. After the word "to" insert "mining operations which will create a plateau with no highwalls remaining or".

80. Page 195, line 21. Strike out "block or short linear".

81. Page 196, line 15. Strike out lines 15 and 16, and renumber.

82. Page 196, line 23. After the word "any" insert "agriculture or silviculture, or", and on page 197, line 21. After the word "where" insert "agriculture or silviculture".

83. Page 199, line 4. Strike out "may be effective for a period of" and insert in lieu thereof "shall be reviewed". Page 199, lines 6 and 7. Strike out "a substantial portion of". Page 199, lines 7 and 8. Strike out "in process of completion under" and insert "proceeding in accordance with".

84. Page 199, line 14. After the word "regulate" insert "surface operations incident to".

85. Page 199, line 22. Strike out lines 22, 23, 24 and 25, and on page 200, strike out lines 1, 2, 3 and 4, and renumber.

86. Page 200, line 14. Strike out "with incombustible and impervious materials".

87. Page 201, line 19. Strike out lines 19, 20, 21, 22 and 23 and reletter the subsequent subsections.

88. Page 203, line 13. Strike out lines 13, 14, 15, 16 and 17, and reletter the subsequent subsections.

89. Page 224, line 2. Strike out "original period or original period and".

90. Page 224, line 6. Strike out "shall" and insert "may".

91. Page 228, line 2. After "Code." insert the following:

"Nothing herein shall be construed to limit the right of a permittee to seek immediate judicial review of a notice or order issued pursuant to the provisions of subparagraphs (a)(2) and (3) of section 220 of this title in a court of competent jurisdiction."

92. Page 228, line 15. Strike out lines 15 through 21, and reletter the subsequent subsections.

93. Page 228, line 23. After the word "Act," strike out "except an order or decision pertaining to an order issued under section 220(a)(2) of this title,".

94. Page 232, line 11. After the word "person" insert "having an interest which is or may be adversely affected".

95. Page 233, line 3. Strike out lines 3, 4, 5, 6, 7, 8 and 9, and reletter the subsequent subsections.

96. Page 233, line 13. After the word "notice" insert "in writing under oath".

97. Page 233, line 22. Strike out "provision, but in any such action in a court of the United States any person may intervene as a matter or right;" and insert "provision;".

98. Page 239, line 5. After the word "every" insert "new or".

99. Page 242, line 16. Strike out all of "Title III" and insert a new "Title III" to read as follows:

"TITLE III—INDIAN LANDS STUDY"

"Sec. 301(a) The Secretary is directed to study the question of the regulation of surface mining on Indian lands which will achieve the purposes of this Act and recognize the special jurisdictional status of these lands.

"(b) In carrying out this study the Secretary shall consult with Indian tribes, and may contract with or grant to Indian tribes, qualified institutions, agencies, organizations, and persons.

"(c) The study report shall be submitted to the Congress as soon as possible but not later than January 1, 1975."

100. Page 249, line 15. Strike out lines 15 and 16, and insert the following:

"(3) Money authorized to be appropriated under section 701(c)".

101. Page 249, lines 19 and 20. Strike out "Administration of the fund and enforcement and collection of the fee as specified in subsection (d),".

102. Page 250, line 5. Strike out lines 5 through 26, and on page 251, strike out lines 1 through 14.

103. Page 252, line 15. Strike out lines 15 through 24, and on page 253, strike out lines 1 and 2.

104. Page 268, line 15. Strike out all of Title VI.

105. Page 272, line 10. After "title III" strike out "contract authority is granted to the Secretary of the Interior for the sum of $10,000,000 to become available immediately upon enactment of this Act" and insert "there are authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1975."

106. Page 272, line 20. Following line 20 insert a new subsection "(c)" to read as follows:

"(c) There is authorized to be appropriated to the Abandoned Mine Reclamation Fund as provided for in Title IV of this Act initially a sum of $40,000,000 and such other sums as Congress may thereafter authorize to be appropriated." and reletter the subsequent subsection.

107. Page 278, line 2. Strike out "and impacts".

108. Page 279, lines 3 and 4. Strike out "ventilation shafts, entryways,".

109. Page 280, line 7. Strike out lines 7 through 13, and renumber.

110. Page 282, line 7. Strike out "and grading of the mined area" and insert "or grading of the affected area".

111. Page 282, lines 9 and 10. Strike out "and is in accordance with the drainage pattern of the surrounding terrain" and insert "the surrounding terrain and complements its drainage pattern".

112. Page 282, line 15. Strike out lines 15 through 23 and renumber.

113. Page 283, lines 13 and 14. Strike out lines 13 and 14, and insert in lieu thereof "from surface mining operations, so that affected".

114. Page 283, lines 16 and 17. Strike out "reduce the value of" and insert "adversely affects".

115. Page 283, line 20. Strike out "contouring," and insert "contour,".

116. Page 283, line 20. Strike out "resoiling," and insert "replacement of soil".

117. Page 283, line 22. After the word "erosion" insert "and".

118. Page 283, lines 23 and 24. Strike out "water degradation or pollution from unfilled cracks and fissures".

119. Page 287, line 10. Strike out "Sec. 709 (a)" and "Sec. 709(b)" and insert in lieu thereof the following:

"Sec. 709. (a) In those instances in which the surface owner is not the owner of the mineral estate proposed to be mined by surface coal mining operations, the application for a permit shall include the following:

"(1) the written consent of, or a waiver by, the owner or owners of the surface lands involved to enter and commence surface coal mining operations on such land, or, in lieu thereof,

"(2) the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the surface owner or owners of the land, to secure the immediate payment equal to any damages to the surface estate which the surface coal mining operation will cause to the crops or the tangible improvements of the surface owner as may be determined by the parties involved or as may be determined and fixed in an action brought against the permittee or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation by this Act.

"(b) For the purposes of this section the term 'surface coal mining operation' does not include underground mining for coal."

120. Page 290, line 17. Following line 17, insert a "Sec. 713" to read as follows:

"Sec. 713. Nothing in this Act, except for Title IV, shall be construed as applying to any areas affected by surface mining or surface operations incident to underground mining which were conducted prior to the effective date of this Act."

THE FIGHT AGAINST INFLATION AND THE RESTORATION OF OUR NATION'S ECONOMY RESTS ON INCREASING PRODUCTION THROUGH GREATER CAPITAL INVESTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, a higher living standard without inflation for both current and future generations of Americans depends upon the ability of our private enterprise system to generate enough investment capital necessary to increase production. It is that simple.

Industry cannot continue to expand without investment funds—funds to buy land, build plants, buy machinery, tools and raw goods, and hire workers. Without those funds—that is, investment capital—production stagnates. And, when it does, jobs—and takehome pay—are jeopardized. So too are dividends—returns on investments paid to investors—from which additional investments in industry can be made. It becomes a spiral—downward.

It is a social and an economic fact of life that the only real way to increase productivity is to increase the amount of capital invested per capita.

The statistics on the declining rate of capital investment are staggering. They should concern all of us, because they reflect a trend which invites severe economic hardships for all of us, unless we reverse it.

Just the maintenance of something like the present living standard will not be easy. A nation of our size and affluence needs to generate enormous amounts of capital just to replace the things that wear out—roads, railway cars, machine tools, school buildings, airplanes and what have you. And, that is just to stay even.

It—our Nation—needs still more investment capital—much more—to provide for growth—to insure progress—to keep production rising at a level to keep abreast of growing demand for additional jobs for a growing work force.

The capital needs of this country are truly staggering.

Electric utilities alone, for example, will have to raise and invest $500 billion—

half a trillion—between now and 1985 to meet projected, reasonable energy demands. Think of how much that pushes up the utility costs borne by all of us—costs which have risen not to provide additional profits but rather to provide additional equipment, machinery, and plants to stay abreast of growth in electrical energy demand—something to which we add additional pressure everytime we buy a new electrical appliance.

To upgrade our transportation systems—rail, air, and water—we will have to have another $170 billion. And, the oil and petrochemical industries will have to invest $270 billion in the same time period in order to avoid the energy and chemical shortages we experienced last fall.

How does this add up against previous growth? From 1962 through 1973, capital investment in this country totaled $1.6 trillion.

What will the next 12-year period rerequire? A full $3.3 trillion in today's dollars—not even considering inflation.

Why are we not investing enough additional and new capital in the economy?

There are several reasons, all bearing heavily upon the problem.

PRODUCTION AND CONSUMPTION

As a nation, we are making the bad mistake of gratifying immediate economic demands through artifically-encouraged consumption and endangering, in the process, the long term vitality of our economy through artificially-discouraged investment.

That vague, far-distant future when we would have to reconcile our national account books—so to speak—which many thought they would never live to see is about on top of us. In short, the effects of bad political policies and wrong directions are coming home to roost.

It is important to remember—and too many have forgotten—that when a nation neglects investment in favor of consumption for very long it does so at great peril.

A good many of the economic problems of the United States stem directly from the fact that public policy in recent years has become weighted too heavily in favor of consumption and against investment, particularly against investment by the private sector. Investment capital is diminished by reduced profits, higher corporate taxes, higher income taxes on return on capital, and, of course, by a prevailing pessimistic attitude about the economy.

We have gradually turned from a production oriented economy to a consumption oriented one. Instead of thinking about how to enhance production—which means a growing economy with additional jobs and higher wages—we think too much about how to stimulate consumption. Actually, this phenomenon is typically devoid of any conscious, thinking process, for if we did so, we would probably come out on the side of increased production each time.

This phenomenon should not be misunderstood. We are all producers, and we are all consumers. When we go to work, we go to work to produce—either a good or a service—acting as producers. We then take our pay and spend it—for necessary items and occasionally for something we probably did not really have to have—acting thereby as consumers.

Increased consumption does not have to be at the expense of increased production. Quite to the contrary, if natural market forces of supply and demand are allowed to function, increased consumption will even spur additional production. That is what a growing economy—a healthy economy—is really all about.

But, this is not what has been happening. What we have seen, rather, is the use of economy policies which interferes with those market forces.

The results—the effects—of these policies are all too apparent.

Gross private domestic investment in the United States last year was only 15.7 percent of the gross national product.

How does that stack up against investment in other countries—our principal competitors in world markets? Not well at all.

By contrast to our low investment, Germany invested 26 percent, France 28 percent, and Japan a staggering 37 percent. And, look what is happening as a result in the Japanese economy—unemployment is at an alltime low and the Japanese economy is bustling.

What we can do to get our own investment level back up to where it has to be brings me to my next point.

PROFITS HELP BUILD EVERYONE'S ECONOMIC CONDITION

There was a time when profits were admired. There was a time when the measure of a man's success or a company's success was his or its ability to return a profit—to return an earnings above the cost of production.

Somehow, over the past decades, profits have taken on—or had cast upon them—a negative, sinister, pejorative interpretation. Instead of being a goal, they are sought to be minimized. Instead of workers praising them—because they provide the means for increasing production and thereby building more jobs—they are criticized as somehow being out of the workman's pocket.

Yet without profits, there can be no funds from which to meet employees' salary boosts.

Without profits, there can be no funds from which to increase production by reinvestments of capital.

Without profits, there can be no funds from which to pay investors whose hard-earned dollars provide the financial backbone of our industrial system, nor can there be the diversity of investors which, in itself, helps to distribute personal income more evenly among our people.

Without profits, there can be no incentives for businesses—from the mom-and-pop grocery stores on the corner to major producers—to go into business.

We should, in my opinion, not be looking, therefore, at profits as some evil to be disdained by good people, but rather as the best and most effective vehicle through which we can resolve most of our economic problems. Our system is a profit and loss system which provides the greatest incentive ever known to an imperfect society to wage war on poverty.

We hear so much today about profits—and how they are supposedly at an all time high. Are they? Not at all in real dollar terms.

Between 1966 and 1973, a staggering 34 percent drop occurred in adjusted after-tax profits.

Thus, this 34-percent drop in profits is even worse than it first appears to be, for not only were companies hit with that 34-percent drop in profits, but also a 37-percent increase in the cost of doing business—which means a 37-percent loss in the purchasing power of their dollars too.

Look how misleading "antiprofit" statistics can be.

We hear much today that 1973 profits were 30 percent higher than they were in 1965. That is true, but that is only half the story. In that same 8-year period, the gross national product—the total value of everything produced—went up 88 percent. So, instead of just saying there was a 30-percent jump during 8 years in profits, what should be said is that industry's profits for 1973 were only 3.9 percent of the GNP, compared to 5.6 percent of the GNP in 1965, a drop of nearly a third.

The conclusion is simple. We are losing ground. And, in the long run, everyone will be hurt by it, particularly the work force that depends on increased production to keep the job demand level high.

If profits keep shrinking, we will also have to live with ever-worsening shortages because of decreased production, and none of us want that to happen. But, it will.

WHAT CAN BE DONE?

There are a number of important measures which can be undertaken to help us resolve this underinvestment problem.

First, we have got to go to work again, each of us can improve upon his own productivity on the job. We can all work with more enthusiasm and care—conserve more energy and materials—come up with money-saving ideas—help to make more out of less. That is productivity.

Second, we can begin the elimination of those disincentives to capital investment which are embodied in our tax laws.

Some of the measures which ought to be given consideration include increasing the exclusion from capital gains taxes so as to encourage more investment by small investors; eliminate double taxation on common dividends either by giving corporations a dividend tax credit or by granting an exclusion from taxes greater than the $100 now permitted; and permit price-level adjustments in property, plant and equipment in the determination of the depreciation deduction, so as to improve cash flow and permit corporations to replace worn-out equipment at today's prices which are much higher than the original equipment costs.

We should also consider increasing the tax credit, especially in areas related to resource development, energy, technology, ecology, pollution control, and waste recycling; permit greater deductibility of capital losses on individual tax returns; and, of great importance, change our tax policies as to the point at which profits are taxed on the corporate level. Presently, taxes are imposed at the level of profit on produced goods and services—that gain which exceeds the ordinary costs of doing business. Reinvestment by businesses in capital acquisitions is from after-taxes dollars, a greatly reduced amount from the initial profit margins. If we changed tax policy to permit reinvestment in capital acquisition prior to taxes, it would foster a reinvestment of capital in American enterprise the likes of which we have never seen—and that would shore up the economy by providing vast new amounts of jobs.

These proposals will have to be carefully weighed; I am not fully committed to any particular one. But, I am committed to providing, as soon as possible, for the removal of disincentives to investment now embodied in our tax laws. We must start this process, and I think here is a good place to start.

I call upon the distinguished chairman of the Committee on Ways and Means, (Mr. Mills) to weigh the effects of all proposed tax reforms being considered by that committee upon our Nation's production capacity. Tax policy should encourage production through enhanced investment of capital; tax reforms this year ought to reflect that judgment.

To those who really care about raising the standard of living, fighting poverty, erasing class distinctions, building schools, churches, libraries and hospitals, et cetera. Why not try the incentive system, private enterprise.

Mr. Speaker, at this point in the Record, I include the following commentary by R. G. Jones, of General Electric Co. on capital needs and a Wall Street Journal editorial on this same vital subject:

Reginald H. Jones Asks: Can We Afford the Future?

"The capital needs of this country are mind-boggling." Reginald H. Jones, Chairman of the Board, General Electric Company.

Most Americans recognize by now that increased productivity is the key to a rising standard of living.

But it has a price: capital investment to provide the facilities and machinery that enables people to be more productive. Capital investment to provide the energy and materials that are running short.

The capital needs of this country are mind-boggling. Electric utilities will have to raise and invest $500 billions between now and 1985.

The oil and petrochemical industries must invest $270 billions in the same period.

To upgrade our transportation system—rail, air and water—will take another $170 billions.

From 1962 through 1973, capital investment totalled $1.6 trillions in this country.

But in the *next* twelve years, through 1985, our capital needs will come to about $3.3 trillions in today's dollars, even without inflation being taken into consideration.

Most of that incredible sum will have to be raised and invested by the business community.

Where in the world will it come from?

The capital available to business comes only from profits—profits that may be reinvested directly or used to attract and support investment by others. The higher the profits, the higher the levels of investment that are possible.

The headlines have been carrying announcements of record profits. In 1973, a very prosperous year, after-tax profits of industrial corporations recovered from their low point in 1969–70 and were up 30% higher than they were in 1965.

But wait a minute.

In the same eight years, the gross national product—the total value of everything produced—went up 88%.

So, industry's profits now equal only 3.9% of the gross national product compared with 5.6% in 1965.

We're losing ground.

If profits become a smaller and smaller part of the picture, we'll never be able to raise the money that will have to be invested between now and 1985 to keep America prosperous.

If profits keep shrinking we'll have to live with ever-worsening shortages and inflation and unemployment and government controls.

There are many things government and business management can do to help business earn the profits it needs to fund America's future.

But one thing we all can do. And that's to improve our personal productivity on the job. Work with enthusiasm and care, whatever our assignment. Conserve energy and materials. Come up with money-saving ideas. Help to make more out of less: that's productivity.

This will not only help industry earn more and invest more in America's future. It will also help each of us earn more as we produce more.

With increased productivity, everybody wins.

And with increased productivity, we will be able to afford the investment needed to assure a healthy future.

[From the Wall Street Journal, May 16, 1974]

Buzzwords and Basics

While the volume of public discourse on economic issues has risen in the last year or so the quality has declined as the discussion has become more and more politicized.

At one end of the political spectrum statists, Socialists, consumerists and other instinctive critics of private business employ the word profit as a buzzword to stir images of corporate greed. Their adversaries at the other end focus their pejoratives on, for example, taxes.

Yet both profits and taxes are vital to the proper function of the American system, a proposition so elementary it would hardly be worth mentioning were it not for the diminished quality of the debate. The real question—one that should be argued with more analysis and less emotion—is how profits and other forms of saving can be generated, and taxation best employed, to meet the long-range capital needs of the American economy. It is not an academic question; the living standards and social harmony of present and future generations are dependent upon the answer.

Just the maintenance of something like the present living standard in the trillion-dollar U.S. economy will not be easy. A nation of this size and affluence needs to generate enormous amounts of capital just to replace the things that wear out—like roads, railway cars, machine tools, school buildings, airplanes and what have you. And it needs still more if it is to progress.

There is no need for either taxes or profits, per se, to become pejoratives in a political debate. Profits are one form of saving for the nation's vital capital needs, to buy machine tools and airplanes and encourage saving by investors. Taxes can be employed to the same purpose, to build or rebuild schools, roads and the like. Both, however, can also be diverted or dissipated away from capital uses and towards an excessive fueling of consumer demand. Something of that nature has been happening in the U.S. economy: Profits were restricted and, in effect, transferred to the consumer through price controls; taxes increasingly have been used to transfer income from potential savers to consumers through the medium of a rapidly expanding program of Social Security and welfare.

No one would argue that it is not necessary for a political society to make value judgments between, say, new airplanes and health care for the aged. But it is also important to remember that when a nation neglects investment in favor of consumption for very long it does so at great peril. A good many of the economic problems of the U.S. stem from the fact that public policy in recent years has become weighted in favor of consumption and against investment, particularly investment by the private sector, which is responsible for a high proportion of what the nation consumes.

According to statistics prepared by General Electric Co. for a Joint Economic Committee of Congress subcommittee on growth, gross private domestic investment in the U.S. last year was only 15.7% of gross national product. By contrast Germany invested 26%, France 28% and Japan 37%.

GE Chairman R. H. Jones told the subcommittee that to lick inflation and maintain a socially acceptable level of unemployment the U.S. should raise its investment rate to 18% to 20%. But even at the 1973 rate it will need $4.5 trillion in capital over the next 12 years. Industry, said Mr. Jones, will be "very hard put" to raise its share of the $4.5 trillion, "let alone any more than that."

Mr. Jones obviously understands that business has more than a money problem on its hands. Already, the political debate has taken a nasty turn against business and its profits, blaming them for inflation and other economic shortcomings the consumer has been experiencing.

But a continuation of shortages, inflation and high interest rates will be no more comfortable for government than for private industry. There will be strong pressures on government to deal with these issues in just exactly the wrong ways, through still larger income transfers, larger federal deficits and other means that fuel consumption and do nothing to promote profits and savings.

If all this is to be avoided the debate will have to get away from buzzwords and back to basics. The real question is how both profits and taxation can be employed to put the nation in a position to meet its future capital needs.

Mr. Speaker, the decline of Rome was in large part caused by over taxation in order to support government extravagance. Economic illiteracy is as much a danger to our Nation today as it was then, we must combat it with all our strength if our free society is to survive.

PADEREWSKI—PATRIOT, STATESMAN, AND MUSICIAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Morgan) is recognized for 10 minutes.

Mr. MORGAN. Mr. Speaker, I would like to take this opportunity to commemorate the 43d anniversary of the death of a great pianist and composer, as well as a distinguished Polish patriot and statesman.

Ignacy Jan Paderewski made his first public appearance as a pianist in 1872, at the age of 12. He later studied both at the Warsaw Conservatory and in Vienna under the instruction of the most famous music teacher of the time, Theodor Leshetizky. With his debut in Paris in 1888, Paderewski launched his career as the most renowned pianist in the world. His world-wide tours included an eminently successful trip to America in 1891. It was during this tour that he first developed his American following.

Mr. Speaker, Paderewski's musical accomplishments were equaled by his patriotism and statesmanship. During World War I, Paderewski gave up his concert appearances to work incessantly toward the reunification of Poland. Upon returning to the United States as the delegate of the Polish National Committee, he discovered both tremendous popular support and generous contributions for the cause of Polish independence and the relief of Polish victims of war. Along with other Polish diplomats, Paderewski convinced President Woodrow Wilson of the importance of a strong, free Poland in a peaceful postwar Europe. This idea later became incorporated into Wilson's 14 points.

When Paderewski returned to Poland after the war, he was received as a national hero. He was elected President of Poland and became Poland's delegate to both the Paris Peace Conference and the opening of the League of Nations.

By 1921, Paderewski's dreams had been realized; the Government was secure and free Poland had become a reality. He resigned from all political offices and returned to his beloved music. He resumed his concerts and appeared before the most distinguished men in the world, including the Pope and President Hoover.

However, Poland was still in need of Paderewski's dedication and service. After Germany invaded Poland in 1939, Paderewski was elected President of the Polish National Council of the Government-in-Exile. In 1940, at the age of 80, Ignacy Jan Paderewski returned to America for the last time. He was involved in rallying aid to the Polish cause when he became ill in New York City. On June 29, 1941, Paderewski died. By order of President Franklin Roosevelt, his remains were interred in the U.S.S. *Maine* War Memorial in Arlington National Cemetery.

Mr. Speaker, on June 29, memorial services were held at the gravesite of Ignacy Jan Paderewski to honor this truly great man, an inspired musician, and an inspiring patriot. His life is an inspiration to all of us.

SUPPLEMENTARY SECURITY INCOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, starting this month, nearly 3½ million aged, blind, and disabled people are expecting to receive an additional $6 in their monthly supplementary security income checks. But due to the complexities of the SSI program, the $6 will not be there for recipients in most States.

States that supplement the Federal SSI payment, raised this month from $140 to $146, have the option of cutting their State supplements to offset the Federal increase. Thus, the higher Federal SSI benefits, authorized in Public Law 93-233, can mean a savings to the State but no increase in income to the recipient.

Legislation to remedy this problem in the future is now under active consideration in Congress. Last week, the Senate amended a House-passed bill, H.R. 8217, to provide for SSI cost-of-living increases with a requirement that these increases be "passed through" to the recipient. This amendment was drafted by my colleague from Minnesota, WALTER MONDALE. When the conference committee for H.R. 8217 convenes after the July 4 recess, I am hopeful that the Mondale amendment will be accepted.

Mr. Speaker, at this point in the RECORD I would like to insert a chart prepared by the Social Security Administration which shows the number of people in each State receiving federally administered SSI benefits as of April. I should indicate that the chart provides statistics only for federally administered benefits. Data on State-administered supplementary benefits is not included.

The chart follows:

SUPPLEMENTARY SECURITY INCOME BENEFITS (FEDERALLY ADMINISTERED), APRIL 1974

	All recipients	Recipients of Federal payment only	Recipients of State payment only	Recipients of both payments
United States	3,288,402	1,889,090	252,208	1,147,104
Alabama	125,149	125,148		1
Alaska	2,585	2,585		
Arizona	23,111	23,111		
Arkansas	73,600	54,943	1,441	17,216
California	522,726	12,722	139,590	370,414
Colorado	35,817	35,817		
Connecticut	17,512	17,512		
Delaware	5,284	1,752	606	2,926
District of Columbia	14,361	10,382	431	3,548
Florida	105,559	92,717	1,189	11,653
Georgia	132,828	113,903	3,342	15,583
Hawaii	6,723	1,388	434	4,901
Idaho	6,505	6,505		
Illinois	125,687	82,026	4,235	39,426
Indiana	30,071	24,510	1,501	4,060
Iowa	18,987	16,105	280	2,602
Kansas	17,860	15,415	238	2,207
Kentucky	76,335	76,335		
Louisiana	131,159	91,583	4,463	35,113
Maine	19,801	10,328	2,582	6,891
Maryland	39,967	35,204	681	4,082
Massachusetts	95,814	317	27,582	67,915
Michigan	94,071	5,596	7,089	81,386
Minnesota	31,642	23,235	1,120	7,287
Mississippi	112,357	112,356		1
Missouri	96,559	96,559		
Montana	6,474	5,049	193	1,232
Nebraska	13,489	13,489		
Nevada	3,338	332	791	2,215
New Hampshire	4,117	4,117		
New Jersey	48,291	9,925	3,754	34,612
New Mexico	19,683	19,683		
New York	289,797	10,132	32,378	247,287
North Carolina	99,295	99,295		
North Dakota	6,060	6,060		
Ohio	99,035	8,210	1,816	8,009
Oklahoma	76,356	76,356		
Oregon	18,879	18,879		
Pennsylvania	99,640	6,213	2,024	91,403
Rhode Island	11,020	1,257	1,415	8,348
South Carolina	46,864	44,758	286	1,820
South Dakota	6,173	4,923	147	1,103
Tennessee	95,499	89,090	766	5,643
Texas	213,967	213,966		1
Utah	7,750	6,634	355	761
Vermont	6,168	6,168		
Virginia	38,908	38,908		
Washington	46,750	2,733	1,819	42,198
West Virginia	28,134	28,134		
Wisconsin	38,429	4,301	9,530	24,598
Wyoming	2,216	1,424	130	662

TURKEY TO RESUME OPIUM PRODUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I have requested this time today in order to express my extreme displeasure with the decision of the Government of Turkey in rescinding its ban on the growing of opium poppies.

The Turkish Government's apparent insensitivity to the international problem of drug addiction is indeed shocking and our Government—both the legislative and executive branches—must make every effort to protest this outrageous action. The decree of the Turkish Government has granted permission for opium poppy cultivation in seven provinces "in order to improve the living conditions of the farmers whose livelihood depends on [poppy] cultivation" and to "meet the requirements of raw materials for pharmaceuticals," presumably codeine and morphine.

It is unthinkable that the Turkish Government is more concerned with the economic plight of its farmers than the human misery inflicted upon hundreds of thousands of young people everywhere due to narcotics addiction.

In June 1970, I was the first Member of Congress to introduce a measure authorizing the President of the United States to cut off foreign aid to any country which did not cooperate with us in curbing the international traffic in hard drugs. I was very gratified when this provision was included in the Foreign Assistance Act which became law on February 7, 1972. We must now seek to insure that Congress action in approving this legislation was not a futile gesture.

It must be emphasized that as a result of Turkey's earlier ban on opium production, there is virtually a dearth of heroin on the streets of our cities in the Eastern United States. This unavailability of hard drugs has substantially alleviated the problem of heroin addiction in our cities, but the decision of the Turkish Government to rescind its ban will certainly reverse that situation.

In commenting on the fact that Turkey was considering a rescission of its ban, John R. Bartels, Jr., Administrator, Drug Enforcement Administration, indicated to a congressional committee on March 12, 1974:

> That would be a serious step backward and raise a serious hazard that we would be right back where we were in 1969. . . .
>
> They are now arguing that that poses an unfair economic burden on their farmers despite our agreement to pay them $35 million. They are threatening to go back into legal production.
>
> We oppose that because traditionally what happens when they have gone back into legal production is that an unknown percentage, estimated to be between 50 and 75 percent of it, gets deep sixed and goes into illicit traffic. It is especially vulnerable from Turkey as opposed to other countries where it is legal because of the connection between the French Corsican, who has dominated this transportation and refining process, and the Turks. We oppose that vehemently because the illicit diversion from the legal traffic in Turkey is in and of itself sufficient to satisfy the entire national heroin needs here.

Consequently, it is quite evident that Turkey's decision will have a tragic impact on our efforts to stem the drug problem. As a result, I have today introduced, along with the Honorable Charles B. Rangel, a concurrent resolution urging the President to immediately terminate foreign assistance to the Government of Turkey. I might add that Congressman Rangel has been instrumental in focusing the attention of the American public on the disastrous consequences which would flow from a resumption of Turkish opium poppy production. In fact, Congressman Rangel, as a member of the Judiciary Committee, traveled to Turkey in March of this year to obtain a first-hand look at the situation there.

In adopting my provision in 1971 authorizing the President to terminate foreign aid, the Congress did not intend that it would be used solely as a diplomatic tool in the negotiating process.

In this regard, when this provision was considered on the floor of the House on August 3, 1971, I stated that "passage of this legislation and its effective implementation will substantially reduce the amount of human misery and degradation caused by heroin additon."

The time has come for the effective implementation of that legislation. Therefore, this resolution urges the President to utilize the ultimate sanction of immediately suspending economic and military assistance to the Government of Turkey.

I have long maintained that the serious problem of drug addiction must be attacked at its source—by eliminating the illicit production and distribution of opium. I believe that this is the most practical and effective method of curbing the international trafficking in heroin and it is my firm conviction that this pervasive problem must be approached on all fronts, both national and international.

Hopefully, the resolution that we have introduced today will serve to advance that objective. At the same time it will convince all opium-producing and uncooperative countries that our Government will no longer tolerate their vicious exploitation of America's youth. Prompt approval of this resolution by the Congress and its effectuation by the President is urgently needed in order to demonstrate our deep concern over Turkey's indifference to the truly international problem of heroin addiction.

I wish to insert at this point in the Record a translated copy of the text of the Turkish decree on opium poppy cultivation:

[Decree No. 7/8522, dated July 1, 1974]

Decision on the Issuance of Permission for the Cultivation of the Opium Poppy in Seven Provinces During the 1974–1975 Season

Article 1—Permission has been granted for opium poppy cultivation and the production of raw opium during the 1974–75 season in the provinces of Afyon, Burdur, Denizli, Isparta, Kutahya and Usak and in the districts of Aksehir, Beysehir, Doganhisar and Ilgin in Konya province, in order to improve the living conditions of the farmers whose livelihood depends on this cultivation and to meet the requirements of raw material for pharmaceuticals.

Article 2—The Soil Products Office (TMO) shall issue licenses permitting cultivation to the opium poppy farmers and raw opium producers of the provinces and districts listed in Article 1 in accordance with the principles of Law No. 1470 and the regulation on the enforcement of this law.

Article 3—The farmers who have been issued licenses permitting cultivation are obligated to comply fully with the provisions of the law and the regulation in question on opium poppy cultivation and raw opium production. The penal provisions of Law No. 1470 and other related laws shall be enforced against the farmers who do not comply with these provisions and the licenses permitting cultivation issued to them shall be cancelled.

Article 4—Priority in issuing licenses permitting opium poppy cultivation and raw opium production shall be given for the lands traditionally set aside for such farming and production and also to the farmers who depend for their income solely on this activity. Each farmer shall be issued a cultivation license for a maximum 5 decares.

Article 5—The Soil Products Office is authorized to make advance payments to the opium poppy farmers and raw opium producers in cases of necessity and within the limits of their needs.

Article 6—Opium poppy farmers and raw opium production are banned in the provinces and districts outside of those listed in Article 1. Opium poppy cultivation shall be controlled with the cooperation of the Ministries of Interior and Food, Agriculture and Livestock by using all available means. Additional measures shall be taken rapidly to assist the Ministry of Interior in its efforts to impose a more effective control for the prevention of narcotic drugs smuggling.

Article 7—Paragraph 2 of Article 2 of Council of Ministers Decree No. 7/2652 of June 29, 1971, concerning the total ban of opium poppy cultivation and raw opium production in Turkey is hereby repealed.

Article 8—This decree takes effect on the date of its publication.

Article 9—This decree will be enforced by the Ministries of Interior, Commerce, and Food, Agriculture and Livestock."

CBS TELEVISION NETWORK TO CARRY PROGRAM ON PANAMA CANAL ON SUNDAY, JULY 7, AT 9:30 P.M. (EDT)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, one of the major subjects now before the Nation and the Congress is the future sovereign control of the Canal Zone and the major modernization of the Panama Canal, for which legislation is now pending.

Next Sunday, July 7, at 9:30 p.m. over the CBS Television Network, channel 9 in Washington, D.C., there will be an hour program on the Panama Canal in which my colleague from Massachusetts (Mr. Harrington) and I will be participants. The CBS program is officially titled 60 Minutes.

The time, 9:30 p.m., is a new time for the 60 Minutes program. Heretofore, it was shown from 6 to 7 p.m. EDT.

Because of the significance of this program in connection with treaty negotiations now in progress, it is hoped that as many Members of the Congress and their staffs as possible will listen to it.

WAIVER OF EXCLUSION OR DEPORTATION OF ALIENS IN MISDEMEANOR MARIHUANA CASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Bingham) is recognized for 5 minutes.

Mr. BINGHAM. Mr. Speaker, I am today introducing legislation to bring the Immigration and Nationality Act into conformity with the Comprehensive Drug Abuse Prevention Act of 1970 regarding the treatment of persons convicted of misdemeanor possession or distribution of marihuana.

Under Federal narcotics law, a first offender convicted for the possession or distribution of a small amount of marihuana may, under certain circumstances, be discharged from custody and have the record of his brush with the law wiped clean. On the other hand, the Immigration and Nationality Act operates with excessive and outdated harshness by requiring the deportation or exclusion of an alien so convicted.

The legislation I am proposing offers, I believe, a more humane and modern alternative. It would give the Attorney General of the United States the authority to establish a procedure by which aliens, convicted of misdemeanor marihuana offenses, could have the deportation or exclusioin provisions of the Immigration and Natonality Act waived.

There are several safeguards associated with the waiver provision I am proposing. First, deportation or exclusion of individuals who have been convicted of offenses related to the sale of drugs or to the possession of hard drugs or large quantities of drugs would still be required. Second, in any case where an alien seeks the benefit of the waiver provision of the act, a hearing must first be held after notice to interested parties. The hearing procedure would assure that if reasons exist for the Department not to issue the waiver they would be brought out before the visa is accepted. And finally, the Attorney General would be able to restrict or otherwise condition the waiver on terms he deems fit so that the interests of society would best be served.

I sincerely believe that the time has come to amend this harsh provision of the Immigration and Natonality Act so that it may accurately reflect the attitude of today's world.

Included herewith for reference is the text of the bill:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 212(a)(23) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(23)) is amended by striking the semicolon at the end thereof and inserting: ", except that in the case of any alien (A) to whom the provisions of this paragraph apply by reason of his conviction for the possession of marihuana or for distribution of a small amount of marihuana for no renumeration, and (B) who is otherwise admissible into the United States, the Attorney General, after a hearing and under such terms, conditions, and procedures as he prescribes, may receive such alien's application for a visa and consent to his admission into the United States;".

Sec. 2. Section 241(b) of the Immigration and Nationality Act (8 U.S.C. 1251(b)) is amended to read:

"(b) (1) The provisions of subsection (a) (4) of this section, respecting to the deportation of an alien convicted of a crime or crimes, shall not apply (1) in the case of any alien who has, subsequent to such conviction, been granted a full and unconditional pardon by the President of the United States or by the Governor of any of the several States, or (2) if the court sentencing such alien for such crimes shall make, at the time of first imposing judgment or passing sentence or within thirty days thereafter, a recommendation to the Attorney General that such alien not be deported, due notice having been given prior to making such recommendation to representatives of the interested State, the Service, and prosecution authorities, who shall be granted an opportunity to make representations in the matter. The provisions of this subsection shall not apply in the case of any alien who is charged with being deportable from the United States under subsection (a) (11) of this section, except an alien who is deportable by reason of his conviction for possession of marihuana or for distribution of a small amount of marihuana for no renumeration.

"(2) The Attorney General, after a hearing and under such terms, conditions, and procedures as he may prescribe, may waive deportation of an alien to whom such provisions apply by reason of his conviction for the possession of marihuana or for distribution of a small amount of marihuana for no renumeration.".

Sec. 3. Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting the following new paragraph after paragraph (40):

"(41) The term "marihuana" shall have the same meaning as contained in section 102(15) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(15)).".

BACK TO THE SOIL MOVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Burke) is recognized for 5 minutes.

Mr. **BURKE** of Massachusetts. Mr. Speaker as the subject of food shortages and high prices of food is being discussed by a concerned public I thought it would be time to include in the Congressional Record two editorials that appeared in two outstanding newspapers, the Boston Globe and the Wall Street Journal, today. While they do not come out and endorse my legislation they do a public service by focusing attention on this matter they bring to the public's attention the fact that legislation is under consideration that will encourage a "back to the soil movement."

I wish to commend both newspapers for their editorials and express the wish that they continue to place the spotlight on the coming food shortages that are predicted and the rising prices of food. As for the editorial in the Boston Globe entitled "Seeds, $40 a pound." I can understand why they mentioned this price because from the editorial they referred to the retail price of seeds. I do not complain about this assessment because based on the past practices of the Department of Agriculture they more than likely would pay the retail price rather than the wholesale price.

However, I expect that the purchase of, seeds by the Department of Agriculture would be done by awarding the purchase to the lowest bidder. It is my understanding after talking to many business men who sell seeds that they enjoy at least a 40 percent markup and from the prices quoted in the Boston Globe it is very apparent that markups higher than 100 percent is enjoyed by some.

Even seeds are being priced out of the reach of the average person which indicates to me that Congress should be looking into the entire subject of hunger, food shortages and escalating prices before conditions worsen.

I include the two editorials at this point:

[From the Boston Globe, July 2, 1974]

Seeds, $40 a Pound

Congressman Jimmy Burke of Milton, the gardener's friend, is trying to get the government to allot $6 million for seeds, to be given to anyone who asks.

There are oldsters who seem to remember that in some distant era congressmen had free seeds for distribution anyway. If they did, it was in a time before the price of humble vegetable seeds reached its present level.

As of now, Congressman Burke probably knows $6 million won't buy as many seeds as one might think.

Take the price list in the catalogue of what seems to be a first rate dealer.

Consider that a package of cucumber seeds, advertised to contain 30 seeds, is sold for 50 cents. With fair luck, those 30 seeds should produce enough cucumbers to feed Brockton.

However, one ounce of these same cucumber seeds goes for $5.75. If the home-grown arithmetic is right, that figures out to $92 a pound. And if anyone ever noticed, the inside of a cucumber contains a vast number of seeds.

Beet seeds come to $40 a pound. Mr. Burke's $6 million would buy 150,000 pounds of these. With that many beet seeds one could probably plant Rhode Island from end to end, but there would go the whole $6 million.

Lettuce seeds at $13 a pound aren't bad. Green bean seeds at $2.25 a pound seem like a bargain. Carrot seeds at $16 a pound make a person wonder how much he likes carrots.

The moral probably is that a gardener had better stick to the 50-cent package and not think how much he'd be paying for a pound which he doesn't want and can't use.

As for Congressman Burke, good luck in his effort, even if $6 million wouldn't go very far. Maybe if he put his request in a military appropriation bill he could get $600 million.

[From the Wall Street Journal, July 2, 1974]

Food and Fancy

A city politician thinks he may have found a way to encourage agricultural output and hold down food prices, all without much more than minor cooperation from Congress.

Rep. James Burke, whose Massachusetts congressional district covers the southern suburbs of Boston, wants the House Agriculture Committee to enact a bill to distribute three packets of vegetable seeds to any family that wants them. And he wants the Ways and Means Committee to approve a credit allowing backyard gardeners to subtract up to $7 on their income tax if they spend up to $100 on hoes, rakes, spades, pitchforks and the like. This, he says, would give the American family a chance to find out what a real tomato tastes like.

We're all in favor of Congressman Burke's back-to-the-soil movement, for the reason he mentioned and for the many indirect benefits that can come from having to hoe one's own row. But we're not overwhelmed by his argument that home gardeners should be given "a little nibble at the cake" of farm subsidies.

The federal farm subsidy program has been abused, to be sure, and it would be nice if Mr. Burke's proposals to allow city and suburban folk to share the spoils were only a tongue-in-cheek way of calling attention to the abuse. But the typical political responses to a gravy train is not to trim its schedule but to get it to stop in one's own district. Can anyone doubt that if the Burke proposals go through it will be only a matter of time before Congress is confronted with additional demands that city folk be paid for *not* growing rutabagas on their verandas or zucchini on their terraces?

It's well and good for suburbanites and city dwellers to enjoy the taste of fresh vegetables. The trick is to accomplish this aim without government programs, which have a way of transforming even the best ideas into lemons.

SENATOR ALAN CRANSTON TELLS THEM—U.S. DEFENSE UNDERMINED BY LOPSIDED OVERSEAS STRENGTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Leggett) is recognized for 10 minutes.

Mr. LEGGETT. Mr. Speaker, probably the most common serious mistake made by any nation, including our own, is to enshrine existing policy and to seek to justify and continue it simply because it exists.

We did this for years in Vietnam, and 55,000 Americans paid with their lives.

We are static in Europe today with our NATO presence, and the average American family of four is paying perhaps $400 per year for the privilege of doing for the Europeans what they could do for themselves but would rather not.

We are also static in Asia, where we have 151,000 military personnel. If these troops were not there, nobody would propose sending them there. But since they are there, somehow it becomes sacrilegious to suggest they be removed—or "uprooted," to use the somewhat dramatic language used on the floor in opposition to the recent troop reduction amendment.

If you ask our military leaders why, for example, we maintain our Air Force in Thailand when it is not needed against China, cannot legally be used against Vietnam, Laos, or Cambodia, and is not intended to be used against insurgents in Thailand itself, we are told, "They are there to maintain our presence." In other words, we want them there because we want them there. You wouldn't expect this reasoning to persuade anyone capable of a positive score on an IQ test, but apparently it does.

One person who is not persuaded is the senior Senator from my own State of California, Alan Cranston. Senator Cranston appeared before the House Foreign Affairs Subcommittee on Asian and Pacific Affairs on June 12, and delivered exceptionally articulate and informative testimony in behalf of bringing home and deactivating perhaps 100,000 of our 151,000 land-based troops from Asia.

So that all Members of Congress can consider Senator Cranston's reasoning, I insert his remarks in the Record at this point:

TESTIMONY OF SENATOR ALAN CRANSTON

I strongly favor withdrawing and deactivating substantial numbers of land-based U.S. troops now stationed in five Asian countries. I am also in favor of phasing out U.S. military aid to South Vietnam, but I do not intend to talk about Indochina today. Instead, I propose to discuss our military posture in the rest of Asia, and then to share with you the general perspectives that lead me to favor a substantial cut in our troop strength there.

U.S. TROOPS IN ASIA

As of March 31, the United States maintained and supported 151,000 military personnel in five Asian countries: South Korea, Japan (including Okinawa), Thailand, the Philippines, and Taiwan.

In addition to those troops, we have the entire Seventh Fleet. As of March 31, 16,000 naval personnel were listed as assigned to the Western Pacific, with 18,000 more deployed in "Other Areas" (not counting Europe). According to the Center for Defense Information, there are eight U.S. naval carrier task forces stationed in the Pacific with 720 aircrafts.

Furthermore, we have 33,000 U.S. military personnel stationed in U.S. territories and possessions. We have bases on Guam, Wake Island, Midway Island, Johnston Island, Micronesia, and, of course, our own state of Hawaii.

All told, the Center for Defense Information reports that the United States spends about $20 billion a year to prepare for the possibility of war in Asia and the Pacific. This figure includes the cost of troops based in the U.S. but earmarked for an Asian conflict. About 29 percent of our active-duty manpower, or 650,000 men, are geared toward Asia.

I favor a general reduction in this presence, and I think the place to begin is with those 151,000 land-based troops. As long as we maintain our naval forces and our troops in U.S. territories and possessions, we will have a forward-based, highly mobile force poised for any contingency. Sooner or later we may want to consider withdrawing these forces, too. But for the time being, we should simply concentrate on forces based in foreign countries. I by no means favor a precipitous withdrawal from the entire area.

Let me now turn to the countries where cuts are in order.

KOREA

This fiscal year, we are spending $619 million to maintain troops in Korea.

As of March 31, 1974, the United States had 38,000 military personnel in South Korea at over 40 military facilities. Over 30,000 are Army personnel; the rest are Air Force.

It is hardly a "lean, tough fighting force." Our Korea contingent includes no less than 18 generals and admirals. No less than 1,113 men staff the Eighth Army headquarters, including 12 generals. Whereas normally a field army headquarters controls four divisions, this one controls only one. And in that division, numbering 13,000 men, only 7,000 are in combat-related duties. Overall, the Senate Armed Services Committee reports that the U.S. Army in Korea has a combat-support ratio of 37 to 63. Of that 63 percent non-combat force, roughly a quarter is in headquarters and administration.

Here is what a constituent of mine, a Sergeant First Class now stationed in Korea, had to say:

"Each day I have cringed at the waste of manpower and resources with our military forces being stationed here. Daily, I watch servicemen bilked out of their hard earned money, the prostitutes peddling their wares in droves, the rampant drug problems, and the thriving black market. I see the millions of dollars flow into the hands of local vendors, the hundreds of local national civilians employed supporting the military while Americans at home go unemployed, and the waste of money supporting a shaky dictatorship.

"Ask any soldier, 'Why are you here?' Few, if any, can find a plausible answer. Why? Because there isn't one.

"Let's bring the troops home. Hire American civilians to support the military units. Spend our money at home, and on our own people. We can still maintain our military posture. I am tired of seeing the U.S. dollars becoming more and more valueless.

"The Korean War ended almost 20 years ago. Isn't it about time we came home?"

According to the International Institute for Strategic Studies, South Korea's army contains 560,000 men to North Korea's 408,000. South Korean army reserves total 1,000,000 to North Korea's 750,000. South Korea's population is more than double the North's. Finally, South Korea has a para-military force, including a local defense militia, of about two millions, whereas the North Korean counterpart numbers about a million and a half.

Defense Department spokesmen have testified before the Senate Armed Services Committee that in the unlikely event of a renewed war between North and South, the South Koreans could handle the ground fighting by themselves.

The only category in which the South Koreans are said to be weaker than the North Koreans is modern fighter aircraft.

But under the terms of a $1.5 billion, 5-year military agreement to modernize Korea's armed forces, the United States will provide a sufficient number of F5E fighter planes to offset this disadvantage.

There is nothing in our defense treaty with Korea that requires us to station troops there. And we can't kid ourselves about Korean democracy anymore, not since 1972 when President Park dissolved the Assembly, declared martial law, and assumed dictatorial powers.

JAPAN AND OKINAWA

The U.S. will spend $447 million this fiscal year to maintain 57,000 U.S. military personnel in Japan and Okinawa, including an entire Marine division. The U.S. has 85 bases and military installations in Japan proper, not counting Okinawa. These include six airfields, two naval bases, two bombing ranges, and six ammunition depots. In a country where 103 million people live in an area slightly smaller than the state of California, and where roughly 80 percent of the land cannot be inhabited or cultivated, American bases take up roughly one percent of the total area. Roughly 70 percent of the U.S. bases, and 77 percent of the American personnel were located within 60 miles of Tokyo, especially in the densely populated Kanto plain. American bases are also associated with drugs, a fact that greatly worries local authorities.

Meanwhile, Japan has built up her own military forces. Her so-called "Self-Defense Forces" number a quarter of a million men. Her arsenal already contains T–2 supersonic trainers, C–1 jet transports, diesel-powered submarines, helicopter-carrying destroyers, and anti-submarine aircraft. Her army includes 610 tanks and 130 Hawk missiles, her navy 40 destroyers and 13 submarines, and her air force 490 fighters. Her fourth Five-Year Defense Plan, launched in October 1972, entails an outlay totalling $15 billion.

Many Japanese officials have said privately that both the United States and Japan would be better off if the U.S. withdrew at least half of its troops.

Such a withdrawal would not force Japan to become a nuclear power, as it is sometimes alleged. Japan's ruling party is largely opposed to the acquisition of nuclear arms and is not seriously expected to change its mind, whether or not the U.S. cuts a substantial number of troops.

Japan is an important and loyal ally whose interests are closely bound up with ours. It boasts the third largest GNP in the world. Since 1946, the United States has given or lent Japan almost $4 billion in military and economic aid. This investment has yielded a strong and increasingly self-confident ally.

THAILAND

As of March 31, there were 35,000 U.S. military personnel in Thailand at an operating cost of $447 million in this fiscal year. Our presence there consists overwhelmingly of Air Force pilots and support personnel poised to resume the bombing of North Vietnam.

The Administration has already announced a cut of 8,000 men by August. A larger bulk of U.S. forces should be withdrawn, including any military personnel involved in domestic counterinsurgency programs in Thailand. There is no present need to keep any bombers in Thailand. Congress has specifically prohibited the renewed bombing of Indochina without Congressional authorization.

THE PHILIPPINES

As of March 31, there were 17,000 U.S. military personnel in the Philippines—an increase of 2000 within the last year. The U.S. Naval Base at Subic Bay is the largest naval base in a foreign country in the Pacific.

In September 1972, President Marcos instituted martial law and assumed the posts of president and prime minister for as long as he chooses. A Moslem insurrection has been raging in the southern islands for some time.

Our troop presence in the Philippines is not based on any fear that the Philippines will be attacked. Pentagon spokesmen have repeatedly stated that Chinese aggression in the area is highly unlikely. Instead, there are charges that our troop strength is helping to shore up a dictatorial government and to put down a domestic insurgency. A major cut is in order there.

TAIWAN

On March 31, our troop strength in Taiwan numbered 5,000 men. I understand that some 2,000 of these will be withdrawn soon.

In the so-called Shanghai Communique of February 1972, the United States affirmed that an ultimate goal was the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, the U.S. pledged that it would "progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes." That tension was understood to be Vietnam.

To my great regret, the United States is still heavily subsidizing President Thieu's war-minded regime. But now that our troops have come home, we should carry out our pledge.

DEACTIVATION

I favor deactivation of the troops we bring home.

For a cut of 100,000 men, annual savings amount to some $1.2 billion. Indirect savings in troop support, military construction, maintenance, logistics, and other back-up functions could amount to as much as $5 billion more.

In addition, the balance of payments savings associated with such a cutback would be roughly $800 million a year. Our present overseas posture undermines the dollar by maintaining military dependents abroad, employing thousands of foreign civilians, and enabling military men and their families to spend millions of dollars in foreign countries on foreign goods and services.

Deactivation of 100,000 men will help free money that could be far better spent on domestic needs—or simply left unspent, which, I suppose, is a new but perhaps a refreshing idea.

U.S. COMMITMENTS AND U.S. TROOPS

Opponents of troop cut amendments try to portray the physical presence of each and every U.S. soldier overseas as sacred and inviolable. Each one is seen as a mini-bargaining chip in the grand global scheme of things.

But what good is a "bargaining chip" whose total cost is roughly $30 billion a year? In Asia, with whom are we bargaining, and for what stakes? It appears that the "bargaining chip" argument is locking us into an obsolete and expensive posture instead of opening up corridors of flexible change.

Besides "bargaining chips" another argument made against overseas troop cuts—implicitly or explicitly—is based on the so-called "trip-wire theory". According to this theory, American troops are supposed to be a human tripwire guaranteeing American involvement should hostilities break out. Rational calculations that might keep us out of a given war will supposedly be swept aside by the sight of American boys bleeding on the battlefield.

I do not believe that the tripwire theory is valid. Nor is it a wise foundation on which to base a decision to go to war. If a conflict breaks out overseas, there may be good reasons for our getting involved, most notably defending an ally from external aggression. But our judgment should not be based on revenge.

From the point of view of the tripwire theorist, a token force would serve equally well. U.S. force levels are not sufficient to meet a full-scale attack. If Japan were the victim of a massive conventional attack, for example, 60,000 troops would hardly be adequate. And in a nuclear attack they wouldn't be of much use either.

The Administration and the Congress need to do some clear thinking about the basic questions underlying the overseas troop issue:

What is the purpose of a foreign policy commitment?

What is the nature of the threat against which that commitment should be measured?

What is the relationship, if any, between that commitment and the number of U.S. troops stationed on foreign soil?

And how does stationing hundreds of thousands of U.S. troops overseas serve our basic national interests? These basic interests, in my view, are:

The defense of the U.S. and our allies against attack;

The avoidance of war, especially nuclear war;

A reduction in the ruinous level of military spending;

The alleviation of global hunger and disease;

The preservation of democratic governments; and

Reasonable access to markets and supplies within a trade and monetary system that is both stable and equitable.

We have the capability of doing a great deal more that is very dubious. We can intervene in other people's civil wars; we can ship weapons to foreign armies in an unending stream, we can carry out covert counterinsurgency programs when revolution rears its head, and we can continue to ship bundles of money overseas—$200 billion in economic and military aid to East Asia and the Pacific alone since 1946.

But it is unreasonable to expect the men and women of the U.S. armed forces, and the taxpayers who support them, to enter into or perpetuate alleged "commitments" that depart from the basic thrust of national goals.

The dangers of outright aggression against our allies can by no means be dismissed, but it is certainly less likely now than it was in the late 1940's and 1950's when we began to station so many troops in foreign lands.

A more common threat comes from within: the threat of revolutionary violence directed against existing governments. We should commit ourselves to a realistic, practical foreign policy, doing only what is possible. In that same vein, we should help only those governments that are making a reasonable effort to correct the conditions that gave rise to violence in the first place: economic injustices, poverty, discrimination, corruption, and severe inflation, to name a few.

There are also serious non-violent threats to a stable and peaceful world: recessions, inflation, speculation, trade wars, and unemployment. These in turn can breed an atmosphere of apathy, disillusionment, and despair.

I make these points because they should be part of a meaningful debate on troop cuts. We should not measure the value of our military presence overseas solely in terms of the survival of a particular government—be it the Park dictatorship in Korea or the Marcos regime in the Philippines. And yet that seems to be the essence of the much-vaunted Nixon Doctrine: shore up friendly governments, even if they are repressive dictatorships, by all means possible, including all military means except a land invasion. The Doctrine may spare American lives, but it does not bring us much closer to global peace and true stability.

Senator Stuart Symington of Missouri, a highly respected member of the Senate Armed Services and Foreign Relations Committees, has often stated that our national security rests on three factors:

First, the strength of our institutions;

Second, the soundness of the dollar and our economy; and

Third, the certainty that we can overwhelmingly retaliate against any enemy that might attack us.

The first of these factors, the strength of our institutions, has been brought into question because of recent shattering events in our history.

The second, the soundness of the dollar and our economy, has been weakened by two dollar devaluations and by serious inflation. The high level of overseas military spending has substantially contributed to this erosion.

The third, America's retaliatory capacity, has been undermined by the suspicion—shared by many—that our military budget is too high. When critics of this high level of spending see that it is impossible to cut down on overseas military spending, then they strike at other, more crucial parts of that budget.

Finally, I would like to point out, that American jobs are at stake. By employing some 150,000 foreign nationals, and by supplying income for foreign businesses around those bases, we contribute to further unemployment at home. Yet the Administration, for reasons of its own, has decided to shut down a number of domestic bases in the U.S. instead.

STATE LOTTERIES' TAX STATUS NEEDS CLARIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BARRETT) is recognized for 10 minutes.

Mr. BARRETT. Mr. Speaker, as the States face greater and greater demands on their financial resources to meet the needs of their citizens, they seek and develop novel sources of obtaining revenues. In the past several years a number of States have adopted State lotteries as a source of revenue rather than increasing the tax burden on their taxpayers through the more conventional methods. As the popularity of this approach for revenue has increased, the resultant income to the States has declined below initial figures and estimates. Nevertheless, it has been an income producer of great value.

The Internal Revenue Service is now considering an excise tax on the gross receipts of these State lotteries. The effect, needless to say, would be disruptive and deprive the many States using lotteries of much-needed revenues. The IRS is even planning to make this tax retroactive, to further complicate the situation.

At a time when there is growing emphasis on State expansion of services and a shift away from Federal supply of services, the IRS proposal would create unnecessary and undesirable consequences. The cost to Pennsylvania alone would be from $16 million plus to $31 million plus depending on the retroactive application of the excise tax.

In Pennsylvania the revenue received by the State from the lottery is used to finance a variety of much-needed programs, such as assistance to senior citizens, including property tax relief, rent assistance, and transit subsidies. Without this specific service of funding, it is doubtful whether these programs would be funded.

Mr. Speaker, legislation is necessary to exclude State lottery revenues from the 10-percent excise tax and to prohibit the retroactive imposition of this tax. I am aware that the Ways and Means Committee is presently considering a variety of tax reform proposals. However, there is an urgent need for clarification of this issue for both the IRS and the States involved.

I sincerely hope that the chairman of the Ways and Means Committee will consider such legislation separately from the other tax proposals before the committee and expedite its consideration in order to obtain passage before the IRS ruling goes into effect.

THE TURKISH OPIUM DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 10 minutes.

Mr. RANGEL. Mr. Speaker, yesterday's decision by the Government of Turkey marked a sad milestone in our efforts and those of the international community to eradicate the insidious heroin menace to our societies. I am afraid that this will surely mean a resurgence of the now infamous French Connection, which once fed the captured veins of thousands of young Americans black, brown, and white—in the Harlems of America and the affluent suburbs. This Congress cannot acquiesce and let such a decision go unanswered. We must not let our responsibility for the health, welfare, and safety of our society be overshadowed by the current events of Watergate and grandstand summitry. We cannot continue to financially buttress a government that blatantly disregards the welfare of the American people, disregards the agreement we negotiated in 1971, and disregards the wisdom of the international community. This Congress must act now to pass a resolution voicing its sense of outrage over this clear violation of humanitarian principles, and this unilateral decision to resume the growing of opium poppies that become heroin which eventually enters the veins of our children.

Mr. Speaker, you will recall, in 1971 the President of the United States declared that the drug problem in our Nation had assumed the proportion of a national emergency and that heroin addiction was the most difficult illicit drug to control and the most socially destructive form of addiction. At that time, it was estimated that between 500,000 and 700,000 persons in this country were addicted to heroin, and that 80 percent of this heroin originated from the Turkish opium poppy. A key part of our strategy to combat this menace to our society was to reduce the availability of heroin by eliminating the source. The President, with the support of the Congress, successfully convinced the Government of Turkey to impose a ban on opium production. In return, we pledged $35.7 million to compensate losses accrued to the Turkish farmers and to assist in developing alternative crops.

Today, Mr. Speaker, we are just beginning to realize the fruits of this action. There has been a dramatic decrease in the quantity and quality of heroin on the streets of America, and a corresponding decrease in the number of heroin addicts. On the streets of New York, the purity of a bag of heroin has declined from 7.7 percent to 3.7 percent. The Drug Enforcement Administration reports a reduction of the estimated number of heroin addicts by more than 60 percent. Correspondingly, the number of heroin overdose deaths and criminal activity has shown a marked decrease. All this progress can be related to the cessation of opium production in Turkey. Therefore, the resumption of opium production in Turkey poses a serious threat to the health and safety of our communities.

I understand, Mr. Speaker, that yesterday's decision by the Turkish Council of Ministers was said to be based on the needs of 90,000 Turkish poppy farmers and the need of the American pharmaceutical industry for morphine-based drugs. First of all, we recognized the potential hardships that might occur to the Turkish farmers. We made available $36 million to compensate the farmers and to help them transfer to alternative crops. Over $20 million of that $36 million has already been provided and the Turkish Government has not yet requested the remainder. Since the average farmer realized only $50 per year from the legal sale of opium gum, the amount of U.S. funds provided should have more than compensated for their losses.

Second, with respect to the claimed shortages of legitimate opium, I have initiated a study by GAO into this matter. Preliminary findings indicate that various technologies could provide alternative processes for synthetic substitutes to satisfy any predicted shortfall without increasing worldwide opium production and risking a windfall to the illicit market.

Mr. Speaker, as you may recall, on May 9 of this year I introduced a concurrent resolution which urges the President to enter into serious negotiations with the Turkish Government to prevent revocation of the ban, and further urges the exercise of his authority to cut off aid to that country if the negotiations failed. This legislation now enjoys the cosponsorship of over half of the House and a significant number of Senators. This should have been a clear warning to the Turkish Government of the degree of concern the Congress places on this important matter. Obviously this had no effect on the Turkish Government's deliberations. They chose to disregard this warning, and the decision announced yesterday on Ankara radio leaves the Congress no choice but to escalate its action.

Mr. Speaker, today I joined my distinguished colleague and chairman, PETER RODINO, in sponsoring a new resolution which urges the President to immediately suspend economic and military assistance to Turkey, and to protest the action of the Turkish Government in the United Nations. As you know, Mr. Speaker, Mr. RODINO was instrumental in formulating section 109 of Public Law 92–226, which authorized the President to suspend economic and military assistance to those countries which have failed to take adequate steps to prevent narcotic drugs from entering the United States unlawfully. I wish to commend Chairman RODINO for taking the time from his awesome responsibility as chairman of the Judiciary Committee to sponsor this sense of the Congress resolution in response to the Turkish decision. If only we could have gotten the President and Secretary Kissinger to have taken some time to address this problem as Mr. RODINO has done we might have prevented this unfortunate unilateral decision. I sincerely urge this body to join with Chairman RODINO and me in voicing to the President, to the American people, to the Government of Turkey, and to the world, that the Congress will not continue to hand out hundreds of thousands of taxpayers' dollars to a government that hands out in return suffering, misery, and drug slavery.

MEDAL OF HONOR FOR "CHUCK" YEAGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 30 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, the entire West Virginia delegation in the House of Representatives, Mr. MOLLOHAN, Mr. SLACK, Mr. STAGGERS, and myself are united in support of legislation to authorize the award of a Medal of Honor to Brig. Gen. Charles E. Yeager, the first man to fly faster than the speed of sound. When "Chuck" Yeager broke the sound barrier on October 14, 1947, those experts who had worked in designing and testing his flimsy plane predicted that the pilot would have only a 50–50 chance of survival. To view this plane, the Bell X–1 or XS–1, now on display at the Smithsonian Institution, one wonders how a human being could squeeze his way into the cockpit and survive the rigors of supersonic flight. Many experts predicted that to exceed the speed of sound would cause the plane to disintegrate.

The text of the legislation (H.R. 15786) which the West Virginia delegation supports and I am introducing today is very simple, and the complete text of the bill follows:

H.R. 15786

A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brigadier General Charles E. Yeager

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of sections 8741 and 8744 of title 10, United States Code, the President of the United States may present in the name of Congress, a Medal of Honor to Brigadier General Charles E. Yeager, United States Air Force, for displaying heroic courage and skill as a pilot, at the risk of his life, by his flight of the XS–1 research airplane on October 14, 1947, at a speed faster than the speed of sound, demonstrating that manned aircraft could be safely flown through the theretofore thought deadly transonic zone or "sound barrier" and opening the door to a more rapid space exploration program.

JACQUELINE COCHRAN'S LEADERSHIP

Mr. Speaker, I am grateful to Jacqueline Cochran—Mrs. Floyd B. Odlum—for her great leadership on behalf of this idea whose time has come. This world-famous aviatrix, who has devoted so much of her time and talent on behalf of others, expressed to me an interest in correcting what is both an oversight and an injustice in neglecting to honor one of aviation's alltime great heroes. Miss Cochran in 1934 was the first woman to fly in the Bendix transcontinental race. In 1953, she became the first woman to break the sound barrier, flying a Sabre jet F–86, and in 1964 flew at more than twice the speed of sound. She headed the woman pilot training program in the Army Air Force during World War II, and has won numerous trophies, medals, and honors for her flying talent and leadership.

ADDITIONAL SPONSORS OF H.R. 15786

Mr. Speaker, a number of Members of Congress of both parties have indicated their enthusiastic support for the legislation which I have introduced. As a matter of fact, if the House rules permitted, there would today be many cosponsors of H.R. 15786. I urge my colleagues to introduce separate bills identical or comparable to H.R. 15786, since it is not possible under the House rules to list cosponsors of private bills. I hope that many of my colleagues will introduce comparable legislation to indicate the widespread support for awarding a Medal of Honor to General Yeager for risking his life on behalf of the Nation.

PURPOSE OF THE LEGISLATION

The purpose of this legislation is to make an exception to sections 8741 and 8744 of title 10, United States Code, by authorizing the award of the Medal of Honor to Brig. Gen. Charles E. Yeager for his accomplishment with the XS–1 research airplane—the first man in the world to fly an aircraft faster than the speed of sound, a feat considered by many scientists of that time to be impossible. The forces exerted upon an aircraft at and beyond 1.0 mach were believed to be of sufficient magnitude to tear an aircraft apart—and there was evidence of that happening. However, General—then captain—Charles Yeager, in a time frame of less than 4 months, with only normal military pay and allowances as compensation, but a lot of confidence and determination, proved that a manned aircraft could safely be flown at supersonic speeds. His professional knowledge, courage, and indomitable spirit overcame the high risk involved and the apprehension of others—factors which had delayed the realization of supersonic flight.

BACKGROUND

Mr. Speaker, since the historic flight by the Wright Brothers opened the heavier-than-air flying machine era, aeronautical engineers continued to develop aircraft that would fly ever faster, farther, and higher than any previous type or model. However, by the end of World War II, aviation progress had reached an insurmountable impasse—the "sonic barrier"—a phenomenon in which, as an aircraft approached the speed of sound, the pilot would experience severe vibration, loss of aileron, and other control surfaces, eventually resulting in disintegration of the plane. The sonic barrier was genuine cause for fear; the renowned British test pilot, Geoffrey R. deHavilland, was killed September 1946, while attempting to better a speed record of 615.778 miles per hour in a DH–108. Analysis indicated the plane had been ripped apart—a victim of compressibility. The United States had discovered the compressibility problem during early flights of the P–38—pilots found that the plane would pick up speed rapidly in a dive, it would then begin to buffet and shudder, and the control column would freeze. At times there would be a mysterious recovery at lower, denser altitudes; however, often planes would dive until they broke to pieces. Lockheed engineers had predicted these problems at speeds near and above 500 miles per hour. This was eventually remedied for the P–38 by installation of dive flaps, which allowed the plane to dive at over mach 0.7—mach 1 equals approximately 760 miles per hour; that is, the speed of sound at sea level—with a 7½g pullout. However, this did not solve the problem of safely flying an airplane in the transonic range—between mach 0.8 and 1.2.

Although wind tunnels were capable of achieving wind velocities well beyond mach 1.2, they were of the closed-throat type and, as the airflow approached the speed of sound, shock waves would reflect from the model off the tunnel walls, inhibiting accurate measurement of flow characteristics and behavior around the model—actual manned test flights were necessary to explore the transonic region. Even the wind tunnel engineers advocated the development of a research manned airplane to explore this zone. However, this lack of data relative to taking an airplane through the sound barrier, and the great number of pilots killed from compressibility, caused many noted scientists to openly advocate that man could never fly an airplane through this deadly region. In fact, the deHavilland accident set the British aircraft industry back for years.

BELL AIRCRAFT DESIGNED PLANE

Early in 1944, representatives of the Army, Navy, and National Advisory Committee for Aeronautics—NACA—began meetings with a view toward development of a research airplane capable of exploring the transonic and supersonic regions while in level flight. From these meetings, the Army Air Force—AAF—signed with Bell Aircraft to design such an aircraft. With no concrete knowledge available of transonic efforts, the Bell engineers concluded that the basic fuselage design would follow that of a 50-caliber bullet—ballistic tests had shown the ogival shape of the 50-caliber produced the most stable design. Hence, the resulting shape of the XS–1 fuselege—attachment 3, page 2. Also, because of fear of the unknown in the transonic range, NACA and the AAF asked for an airplane designed for an 18g ultimate load factor—more than twice the load for production fighter aircraft. This was to insure the plane would hold together during the turbulent passage from subsonic to supersonic flight—again, showing the concern relative to the expected violent force in this zone. Although a thick wing—about 12 percent thickness-chord ratio—would attain the critical mach number more quickly and create transonic flow, Robert Gilruth of NACA, had found that thick wings lost lift in the transonic region, while thin wings retained lift. It was ultimately decided to have an XS–1 with a 10-percent wing and another with an 8-percent wing—both would be tested. Also, to achieve maximum speed with the smallest possible load of fuel on board, a rocket engine was selected instead of a turbojet.

Another innovation in the design of the XS–1 was a pilot controlled, all-moving stabilizer. This was expected to provide adequate longitudinal control during the transonic flight. Also, this horizontal stabilizer was to be thinner than the wing—both control surfaces would, therefore, not be affected by compressibility at the same time. To keep the fuselage airframe design as near the bullet as possible, a normal canopy was eliminated. Hence, a cockpit canopy was mounted flush with the ogival surface of the nose.

With the eventual thought of ground takeoff, it was decided to incorporate a retractable landing gear, even though initial launches were to be from an airborne mother plane. An air launch would save space and weight in the XS–1 for the rocket propellant needed to attain the desired 35,000-foot plus test altitude.

It was originally intended that the XS–1 would have a turbine driven fuel pump to feed an extremely dangerous combination of propellants—liquid oxygen at 300 degrees below zero Fahrenheit, and alcohol, diluted with water—to the rocket engine. However, early in 1945, as Bell was completing all aspects of the XS–1 design, they learned that the turbopump would be delayed, so rather than delay the entire project, they elected to install a pressurized fuel system—a much more dangerous situation, because high pressure nitrogen would be used to force the propellants into the engine. This nitrogen gas was stored in 12 spherical tanks at 4,500 per square inch and the two fuel tanks would be spherical and heavier than under the pump system. As a sidelight, the cockpit was pressurized with pure nitrogen gas. This made it necessary for the pilot to breathe 100 percent oxygen at all times.

Overall, in conformance with AAF desires, the design of the XS–1 research aircraft was kept as simple as possible—straight wing, conventional tail, et cetera—to provide research information applicable to conventional type aircraft.

By late 1945, Bell had completed the airframe of the first XS–1 and had received from the Army a Boeing B–29A Superfortress to use as a launch aircraft.

SUPERSONIC FLIGHT OF THE X–1

The first XS–1 was utilized for glide flights without the rocket engine aboard. There were 10 flights in Florida during the first 3 months of 1946 to permit the Bell-designated test pilot, Jack Woolams, to become familiar with handling characteristics of the airframe and also to establish that launch mechanisms and procedures were operable. With the death of Woolams in a racing type aircraft in August 1946, Bell test pilot, Chalmers H. "Slick" Goodlin became the XS–1 test pilot. Bell continued testing the XS–1 through powered flights conducted at Muroc AAB in California—its huge, dry lakebed offered the best possible landing site. The schedule of 20 powered flights was by contract designed to demonstrate structural strength and gather system reliability. This contract did not, however, call for flying the X–1 supersonic and, because of what was considered excessive fees being asked by the Bell test pilot to fly the plane supersonic, and time delays in the program, the XS–1 project was taken over by the AAF. The Flight Test Division at Wright Field was assigned prime responsibility for the program and was to work jointly with NACA to explore the transonic region and eventually take the plane to supersonic speeds. The Air Force had an engineer on loan from Bell Aircraft to assist in the test. A number of the NACA scientists believed that no airplane could successfully fly through the transonic region—no doubt a factor in NACA issuing travel orders effective for only 3 months to their initial team going to Muroc.

SELECTION OF YEAGER AS PILOT

With the AAF assumption of the X–1 project, it fell to the Air Materiel Command's Flight Test Division commander to select the Air Force test pilot for the program. He turned to the 125 test pilots in the Flight Test Division and asked for volunteers—a number did volunteer. Each volunteer was informed of the extremely high risk involved. As expressed earlier, many scientists believed that when the speed of sound was exceeded, the shock wave would be so severe that the airplane would become uncontrollable and break up in flight. From these volunteers. General—then colonel—Al Boyd and his deputy, General—then colonel—Fred Ascani, selected General—then captain—Yeager as the primary pilot with Lt. Robert Hoover as backup pilot and Capt. Jack L. Ridley as project engineer. All were test pilots and Ridley held a master's degree in engineering. Yeager was selected because of his exceptional ability to perform tests, follow instructions, flying skill, and primarily, his stability under all types of conditions.

Attachment 2 is a biography pertaining to General Yeager which amplifies that his selection as the X–1 test pilot was well founded and that throughout his career he continued to accomplish the unusual and, often, even the seemingly impossible.

The AAF test team, once selected, spent a short time at the Bell plant in Buffalo for familiarization. They then went to Muroc—arriving July 27, 1947—1 day after President Harry Truman signed the National Security Act of 1947 creating a separate Department of the Air Force. Along with the individual pride of those involved, it was important that the test team succeed, because this was the first time a military crew was involved in a research program. Success now became doubly important to prove the capability and potentiality of the new military service.

The first few days at Muroc were spent with Mr. Frost—the Bell engineer—briefing the Air Force crew on the airplane systems and the intricacies of air launch. From the pilot's standpoint, the air launch was definitely not an easy task. The XS–1 was carried aloft in the belly of a B–29; however, because of the size and the wings, it could not be fully inside the bomb bay. Therefore, the XS–1 pilot was required to descend on an extendable ladder into the slipstream—attachment 3, page 5, shows the XS–1 affixed to the B–29—and then work his way through the very small side opening into the cockpit—all this at approximately 10,000 feet with a seat-type parachute strapped on. Also, once inside the cockpit, he was literally "sealed in"—the door was on the side of the aircraft and locked in a similar fashion as a bank vault door. There was no ejection seat. The pilot could jettison the door; however, an attempt to crawl out that small door opening would, no doubt, have resulted in death as the pilot would be slammed back into the leading edge of the wing or the tail structure. In the first flights of the XS–1, Yeager wore only the World War II leather cap and old GI flying clothes of World War II vintage. Yeager later, in the X–1 series aircraft, helped to develop and test pressure suits and protective helmets. After the pilot of the XS–1 was "comfortably" seated in the small airplane, he put on his oxygen mask, strapped himself in, insured that all systems were in order, and awaited the drop at about 25,000 feet. During this period, the pilot was in an extremely dangerous situation because, until release from the launch ship, the liquid oxygen was continually building up pressure and had to be vented. Also, the climbing speed of the B–29 was 180 miles per hour and the stalling speed of the XS–1 was 240 miles per hour. Any accidental drop of the XS–1 would have resulted in it going into a fatal spin.

FIRST GLIDE FLIGHT

Yeager performed his first glide flight—no fuel on board—on August 6, 1947. He found the airplane handled extremely well as he maneuvered back to the dry lakebed. After three glide flights, they were ready for the first powered flight of "Glamorous Glennis"—the name Yeager had painted on his wartime fighters in honor of his wife. Yeager's first powered flight was on August 29, 1947. Instructions had been issued that they were not to exceed 0.82 mach, unless buffeting and control difficulties were not encountered, then they could go to 0.83 or 0.84; however, because all felt so well and the plane performed so well, Yeager achieved 0.85 mach. Colonel Boyd cautioned the team that safety was paramount and the team would proceed on their research flying—increasing the mach in increments of about 0.04 mach number with each flight.

It must be remembered that instrument recording and telemetry were a long way from the sophistication we know today. NACA six-channel telemeter was used to obtain: airspeed and altitude, elevator position, normal acceleration, stabilizer position, aileron position, and elevator stick force. Internally, there were four strain gages and airspeed and altitude were recorded inside the airplane.

The flights continued with various mechanical problems arising, causing delays at times, or requiring that a particular flight be reaccomplished to obtain necessary data. Also, fires occurred in the aft section on a number of flights. Fire was of extreme concern, because of the pressurized liquid oxygen system on board; however, Yeager, fully aware of the explosiveness of each situation, cooly watched the aircraft gages and successfully brought the aircraft down with only damage to the engine area. Despite these handicaps, they incrementally kept closing in on their goal of mach 1.0. One major problem occurred at 0.94 mach number. As the XS–1 approached this speed, complete elevator control was lost. This was caused by the shock wave which had formed on the horizontal stabilizer, moving back to the hinge point of the elevator as speed increased. The XS–1 had been designed with a trimable stabilizer, which, up to this time, had never been used in flight. On the next flight, the XS–1 was accelerated to 0.85 mach and the stabilizer angle was changed to test its effectiveness. It proved very effective. The XS–1 was again taken to 0.94 mach, where elevator effectiveness was lost and the stabilizer angle changed. It also proved effective at this speed, which assured Yeager that if the XS–1 pitched up or down, he could still control it with the stabilizer, although he had lost his elevator effectiveness. Then, on October 10, 1947, the XS–1 was launched from the B–29 and Yeager fired the four chambers of the rocket engine with a climb to 38,000 feet and then a shutdown of the engine cylinder by cylinder. He dropped some 2,000 feet and reignited two of the cylinders with a climb back to 40,000 feet when the fuel ran out—he then coasted to 45,000 feet. He had reached an indicated mach of 0.96. Corrections in readings later indicated the plane may have been near the speed of sound on that flight; however, to be certain, the crew would try on the next flight for readings that even, with corrections, would leave no questions.

BREAKING THE SOUND BARRIER

On October 14, 1947, the XS–1 was again readied for flight. At 10:26 a.m., the XS–1 was dropped from the B–29 at a pressure altitude of 20,000 feet and indicated airspeed of 250 miles per hour. Through sequential firing of the cylinders to obtain maximum effect from the combined 6,000 pounds of thrust, Yeager pushed the speed upward. He began to level off around 40,000 feet and the speed was allowed to increase on to 0.96 indicated mach number. At this point, the indicated mach number hesitated and then jumped to 1.05 as the shock wave passed across the static source. The buffeting ceased as supersonic air flow engulfed the entire airplane. The "sound barrier" had at last been broken by a manned airplane.

AFTER THE SUPERSONIC FLIGHT

With the dispelling of the transonic fears by Yeager successfully taking the XS–1 through this "deadly" zone, the aerospace industry could proceed by leaps and bounds. A December 1948 NACA release in part stated—

> This is an epochal achievement in the history of world aviation—the greatest since the first successful flight of the original Wright Brothers' airplane, 45 years ago.

However, word of that October 1947 feat was not flashed around the world—it was immediately classified by the Air Force. The Air Force and NACA did not officially confirm the flight until June 1948, although both Aviation Week and the Los Angeles Times released news of the flight on December 22, 1947. The Times article, written by Mr. Miles, stated—

> The dread barrier to supersonic speeds was first conquered early last month at Muroc Air Base, the Times learned from authoritative sources, when Captain Charles Yeager, Air Force flyer, hurtled the XS–1 rocket plane through the wall to shatter a legend of its invincibility.

They gave no speed nor did an officially authorized Secretary of the Air Force followup story dated June 11, 1948. In our modern day, such a feat would have been ballyhooed immediately around the world.

The Air Force and Yeager did not sit back and relax—they kept on flying the XS–1. On November 6, 1947, Yeager flew to mach 1.35 at 48,600 feet and continued to further put to bed the barrier fear; on January 5, 1949, he demonstrated a takeoff under its own power from Rogers Dry Lake—the first ever for a rocket-powered aircraft. Both XS–1's continued to be flown as aerodynamic research vehicles with Yeager doing the predominance of the Air Force supersonic flying, along with checking out other pilots in the XS–1. In 1950, the XS–1 No. 1—the one flown by Yeager on the historic flight—was retired from flying and turned over to the Smithsonian Institute.

In the presentation ceremony, Gen. Hoyt Vandenberg stated—

> The X–1 . . . marked the end of the first great period of the air age, and the beginning of the second. In a few moments the subsonic period became history and the supersonic period was born.

BRILLIANT FLIGHT OF X–1A

The supersonic period was characterized by yet another accomplishment with the X–1 series aircraft and again with Yeager as the pilot. The time was December 1953 and the X–1A—an improved version of the Bell X–1 aircraft—was carried aloft by a B–50. The X–1A was improved to the degree that it was longer, carried more fuel, had a cockpit canopy, and more instrumentation; however, it still had no ejection seat and it was considered impossible for the pilot to escape from the cockpit. Again, the pilot was "sealed" in the aircraft.

Yeager and the X-1A were released at 30,000 feet. He achieved maximum altitude at approximately 76,000 feet with the X-1A accelerating through mach 2 and beyond. Then, suddenly, at mach 2.44, the aircraft tumbled completely out of control, violently throwing Yeager around in the cockpit. The plane lost altitude rapidly and decelerated with a resulting subsonic inverted spin at 34,000 feet. Yeager, although battered and semiconscious, recovered from the inverted spin at 29,000 feet and the normal spin at 25,000 feet. He descended safely to the lakebed. During the 50,000-foot fall, he had cracked the hard inner shell of the canopy with his helmet and the stick had been bent in an "S" shape—the only damages to the aircraft. NACA radar tracking records indicated the plane had attained a peak speed of 1,612 miles per hour at 74,200 feet. Analysis of the flight revealed that planes flying beyond mach 2.3 would require much larger vertical and horizontal stabilizer surfaces to retain adequate stability. Again, Yeager had immeasurably contributed to aerospace science—again at the risk of his life.

SUMMARY AND SIGNIFICANCE

During World War II, aircraft design and propulsion development had brought the airplane to the "sound barrier" or the transonic range—considered to be in those early days a deadly zone where aircraft were subjected to strange buffeting, erratic control movements, compressibility, and often disintegration of the aircraft. Many noted scientists were firmly convinced that a manned aircraft would never exceed the speed of sound. Others persevered in their research, and a research plane was designed and developed. The XS-1—later termed X-1—was built by Bell Aircraft under contract with the U.S. Army Air Force. Prior to 1947, the military had not actively managed a research program. Civilian contractors had always performed any research associated with the development of new airplanes, and then the military would take over the production items ready for service. However, after Bell Aircraft had flown the XS-1 to the mach 0.8 range in accordance with the terms of the contract, the civilian test pilot was requesting excessive fees to fly the plane through the transonic region and on to supersonic speeds.

The Army Air Force assumed responsibility and called on its own test pilots—many of whom had achieved heroic accomplishments during the war—to volunteer for the high risk job of flying the bullet shaped research aircraft to supersonic speeds. Because of his demonstrated flying skill, dedication, determination, and stability, General—then captain—Yeager was selected as the pilot. One criteria of the selection process had been that the pilot not be married—an indicator of the considered danger in the project; however, Yeager's superb confidence and qualities far outweighed the fact that he was married, with two children. Yeager and the remainder of the selected team—engineer, backup pilot, and maintenance crew—went to Muroc Army Air Base—later to be named Edwards Air Force Base—for familiarization and then flying the XS-1. Through a carefully programed step-by-step series of flights, Yeager began knocking at the "sound barrier" door. These flights were not without incident—fires in the engine section, erratic flight control behavior, mechanical difficulties, and delays for repairs.

On October 14, 1947 he flew the XS-1 beyond mach 1—the speed of sound—and safely returned to Earth. In that 14-minute flight, he had proven that an aircraft could be flown at supersonic speeds. In that short span of time, he had taken aviation as far beyond the first half-century of powered flight as the Wright Brothers had carried man beyond the history-long dream of flying before them.

Yeager continued on doing what he thought necessary for the advancement of aviation—flying research aircraft. In the X-1A, he became the first man in the world to fly faster than twice the speed of sound; however, it nearly cost him his life when the X-1A went out of control, because of the high mach number, and altitude at which the airplane was flying, an incident in which Yeager stated afterward that had the aircraft been equipped with an ejection seat, he would have used it. Even after his years of flying research aircraft, General Yeager contributed through his varied command assignments to the furtherance of aerospace study.

Yeager was not promised fame and glory, nor has he ever sought it. It is acknowledged that he has received trophies and lesser military decorations for his achievements; however, flying the XS-1 supersonic was above and beyond any call of duty. Many noted individuals believed it could not be done, and there were previous cases to give credence to their belief. The XS-1 aircraft, although strongly built, had no means of escape if, during flight, the pilot ran into serious trouble. The mission to fly the XS-1 supersonic was on a volunteer basis—with only normal military pay and allowances—and General Yeager was told on numerous occasions that if at any time he felt the project was too dangerous, he could withdraw and not be subjected to any adverse criticism. General Yeager "hung in there" and proved that the newly formed Air Force had the capability, the know-how, and the perseverance to tackle the unknown—and tame it.

PRECEDENTS FOR NONCOMBAT MEDALS OF HONOR

There is ample precedent for the Medal of Honor being awarded to a noncombatant during peacetime. The following examples are offered: First, Comdr. Richard E. Byrd, Jr., "For distinguishing himself conspicuously by courage and intrepidity at the risk of life, in demonstrating that it is possible for aircraft to travel in continuous flight from a noninhabited portion of the Earth over the North Pole and return." Second, Capt. Charles A. Lindbergh, for "displaying heroic courage and skill as a navigator, at the risk of his life, by his nonstop flight in his airplane, the 'Spirit of St. Louis,' from New York City to Paris, France, May 20–21, 1927, by which Captain Lindbergh not only achieved the greatest individual triumph of any American citizen, but demonstrated that travel across the ocean by aircraft was possible."

General Yeager has served his country long and in a most honorable manner. This award for an achievement which played such a significant role in our aviation and space history is overdue, and deserves the support of a grateful nation.

BIOGRAPHY

Mr. Speaker, I also want to talk about General Yeager's background. Brig. Gen. Charles E. Yeager was born on February 13, 1923, in Myra, W. Va., and is a graduate of Hamlin, W. Va., High School. He enlisted in the Army Air Corps in September 1941 and although not a college graduate, he doggedly pursued and was accepted for pilot training under the flying sergeant program in July 1942. He received his pilot wings and appointment as a flight officer in March 1943 at Luke Field, Ariz.

Mr. Speaker, during World War II, General Yeager distinguished himself in aerial combat over France and Germany during the years 1943–45 by shooting down 13 enemy aircraft, 5 on one mission, including one of Germany's first jet fighters. During his eighth combat mission, on March 5, 1944, he was shot down over German-occupied France, but escaped capture when elements of the French Marquis helped him to reach the safety of the Spanish border. It was while evading that General Yeager further proved his mettle—coming across another seriously wounded evader, he ignored his own problems and rendered first aid to the other man and then insured he was safely across the border into Spain and in friendly hands. After 2 months in Spain, General Yaeger was returned to England where normally an evader would have been returned to the United States. However, General Yeager was a fighter. He persisted with all officials and finally, at the direction of General Eisenhower, he was allowed to remain and return to combat duty where he amassed his outstanding record in 55 combat missions.

He returned to the United States in February 1945 to attend the pilot instructor course, after which he served as an instructor pilot. In July 1945, he went to Wright Field, Ohio, where he received his first experimental test work. His assignment there led to his selection as pilot of the Nation's first research rocket aircraft, the Bell X-1, at Muroc Air Base, now Edwards Air Force Base, Calif.

General Yeager made world history on October 14, 1947, when he became the first man to fly faster than the speed of sound. During his 9-year assignment as the Nation's leading test pilot, he also became the first man to fly more than twice the speed of sound, flying the Bell X-1A on December 12, 1953. He was awarded the Collier, Mackay, and Harmon International Trophies for his exploits in these research aircraft. Also during this period, General Yeager was called upon to participate with General Boyd in a program of testing and evaluating French prototype aircraft. On another occasion, General Boyd again selected General Yeager to assist him in flying and evaluating the Mig-15—the first obtained by the United States. These exploits characterize General Yeager the pilot—capable, efficient, stable, and always ready for the high-risk-assignment.

Mr. Speaker, in May 1955, General Yeager assumed command of the 417th Fighter Squadron at Hahn Air Base, Germany, and remained in that position when the squadron was reassigned to Toul-Rosieres Air Base, France, in April 1956. Upon his return to the United States in September 1957, he was assigned to the 413th Fighter Wing at George Air Force Base, Calif., and in April 1958 became commander of the First Fighter Day Squadron. In April 1958, he went with the First Fighter Day Squadron to Moron Air Base, Spain, where he remained until November 1958. He returned to George Air Force Base with the same unit, which was later redesignated the 306th Tactical Fighter Squadron.

In 1952, General Yeager attended Air Command and Staff College. He graduated from the Air War College at Maxwell Air Force Base, Ala., in June 1956 and became commandant of the Aerospace Research Pilot School, where all military astronauts were trained, in July 1962.

In July 1966, he assumed command of the 405th Fighter Wing at Clark Air Base, Philippines. While commander, he flew 127 missions in South Vietnam.

General Yeager assumed command of the Fourth Tactical Fighter Wing at Seymour Johnson Air Force Base, N.C., in February 1968 and went with that wing to Korea during the Pueblo crisis. In July 1969, he was promoted to brigadier general and became vice commander, 17th Air Force, with headquarters at Ramstein Air Base, Germany. In January 1971, he was appointed the U.S. Defense Representative to Pakistan. He reported to the Air Force Inspection and Safety Center at Norton Air Force Base, Calif., in March 1973 and became director of aerospace safety for the Air Force in June 1973.

Mr. Speaker, General Yeager's awards and decorations include:

Distinguished Service Medal.
Silver Star with one Oak Leaf Cluster.
Legion of Merit with one Oak Leaf Cluster.
Distinguished Flying Cross with two Oak Leaf Clusters.
Bronze Star Medal w/V
Air Medal with ten Oak Leaf Clusters.
Air Force Commendation Medal.
Purple Heart
Distinguished Unit Citation with one Oak Leaf Cluster.
Air Force Outstanding Unit Award.

General Yeager is a command pilot and has flown over 10,000 hours in more than 155 different types of military aircraft.

Mr. Speaker, in considering whether or not to enact legislation for a noncombat Medal of Honor, I believe it is important to consider the nature of the exploits which won noncombat Medals of Honor during the years 1920–40 between World War I and World War II. I am attaching a list of those individuals who received noncombat Medals of Honor during this perod and the nature of their exploits:

INTERIM 1920 TO 1940

BADDERS, WILLIAM

Rank and organization: Chief Machinist's Mate, United States Navy. Place and date: At sea following sinking of the U.S.S. Squalus, 13 May 1939. Entered service at: Washington, D.C. Birth: Harrisburg, Pa. Citation: For extraordinary heroism in the line of his profession during the rescue and salvage operations following the sinking of the U.S.S. Squalus on 13 May 1939. During the rescue operations, Badders, as senior member of the rescue chamber crew, made the last extremely hazardous trip of the rescue chåmber to attempt to rescue any possible survivors in the flooded after portion of danger involved in that if he and his assistant became incapacitated, there was no way in which either could be rescued. During the salvage operations, Badders made important and difficult dives under the most hazardous conditions. His outstanding performance of duty contributed much to the success of the operations and characterizes conduct far above and beyond the ordinary call of duty.

BENNETT, FLOYD

Rank and organization: Machinist, U.S. Navy. Born: 25 October 1890, Warrensburg, N.Y. Accredited to: New York. Other Navy award: Distinguished Service Medal. Citation: For distinguishing himself conspicuously by courage and intrepidity at the risk of his life as a member of the Byrd Arctic Expedition and thus contributing largely to the success of the first heavier-than-air flight to the North Pole and return.

BREAULT, HENRY

Rank and organization: Torpedoman Second Class, U.S. Navy. Born: 14 October 1900, Putnam, Conn. Accredited to: Vermont. G.O. No.: 125, 20 February 1924. Citation: For heroism and devotion to duty while serving on board the U.S. Submarine O–5 at the time of the sinking of that vessel. On the morning of 28 October 1923, the O–5 collided with the steamship *Abangarez* and sank in less than a minute. When the collision occurred, Breault was in the torpedo room. Upon reaching the hatch, he saw that the boat was rapidly sinking. Instead of jumping overboard to save his own life, he returned to the torpedo room to the rescue of a shipmate whom he knew was trapped in the boat, closing the torpedoroom hatch on himself. Breault and Brown remained trapped in this compartment until rescued by the salvage party 31 hours later. (Medal presented by President Coolidge at the White House on 8 March 1924.)

BYRD, RICHARD E., JR.

Rank and organization: Commander, U.S. Navy. Born: 25 October 1888, Winchester, Va. Appointed from: Virginia. (19 February 1927.) Other Navy awards: Navy Cross, Distinguished Service Medal, Legion of Merit with gold star, Distinguished Flying Cross. Citation: For distinguishing himself conspicuously by courage and intrepidity at the risk of his life, in demonstrating that it is possible for aircraft to travel in continuous flight from a now inhabited portion of the earth over the North Pole and return.

CHOLISTER, GEORGE ROBERT

Rank and organization: Boatswain's Mate, First Class, U.S. Navy. Born: 18 December 1898, Camden, N.J. Accredited to: New Jersey. (Awarded by Special Act of Congress 3 February 1933). Citation: For extraordinary heroism in the line of his profession on the occasion of a fire on board the U.S.S. *Trenton*. At 3:35 on the afternoon of 20 October 1924, while the *Trenton* was preparing to fire trial installation shots from the two 6-inch guns in the forward twin mount of that vessel, two charges of powder ignited. Twenty men were trapped in the twin mount. Four died almost immediately and 10 later from burns and inhalation of flames and gases. The six others were severely injured. Cholister, without thought of his own safety, on seeing that the charge of powder from the left gun was ignited, jumped for the right charge and endeavored to put it in the immersion tank. The left charge burst into flame and ignited the right charge before Cholister could accomplish his purpose. He fell unconscious while making a supreme effort to save his shipmates and died the following day.

CORRY, WILLIAM M., JR.

Rank and organization: Lieutenant Commander, U.S. Navy. Born: 5 October 1889, Quincy, Fla. Accredited to: Florida. Other Navy award: Navy Cross. Citation: For heroic service in attempting to rescue a brother officer from a flame-enveloped airplane. On 2 October 1920, an airplane in which Lieutenant Commander Corry was a passenger crashed and burst into flames. He was thrown 30 feet clear of the plane and, though injured, rushed back to the burning machine and endeavored to release the pilot. In so doing he sustained serious burns, from which he died 4 days later.

CRANDALL, ORSON L.

Rank and organization: Chief Boatswain's Mate, U.S. Navy. Born: 3 February 1903, St. Joseph, Mo. Accredited to: Connecticut. Citation: For extraordinary heroism in the line of his profession as a master diver throughout the rescue and salvage operations following the sink of the U.S.S. Squalus on 23 May 1939. His leadership and devotion to duty in directing diving operations and in making important and difficult dives under the most hazardous conditions characterize conduct far above and beyond the ordinary call of duty.

DREXLER, HENRY CLAY

Rank and organization: Ensign, U.S. Navy. Born: 7 August 1901, Braddock, Pa. Accredited to: Pennsylvania. (Awarded by Special Act of Congress, 3 February 1933.) Other Navy award: Navy Cross. Citation: For extraordinary heroism in the line of his profession on the occasion of a fire on board the U.S.S. *Trenton*. At 3:35 on the afternoon of 20 October 1924, while the *Trenton* was preparing to fire trial installation shots from the two 6-inch guns in the forward twin mount of that vessel, two charges of powder ignited. Twenty men were trapped in the twin mount. Four died almost immediately and 10 later from burns and inhalation of flame and gases. The six others were severely injured. Ensign Drexler, without thought of his own safety, on seeing that the charge of powder for the left gun was ignited, jumped for the right charge and endeavored to put it in the immersion tank. The left charge burst into flame and ignited the right charge before Ensign Drexler could accomplish his purpose. He met his death while making a supreme effort to save his shipmates.

EADIE, THOMAS

Rank and organization: Chief Gunner's Mate, United States Navy. Place and date: Off Provincetown, Mass., 18 December 1927. Entered service at: Rhode Island. Birth: Scotland. Citation: For display of extraordinary heroism in the line of his profession above and beyond the call of duty on 18 December 1927, during the diving operations in connection with the sinking of the U.S.S. *S–4* with all on board, as a result of a collision off Provincetown, Mass. On this occasion when Michels, Chief Torpedoman, United States Navy, while attempting to connect an airline to the submarine at a depth of 102 feet became seriously fouled, Eadie under the most adverse diving conditions, deliberately, knowingly, and willingly took his own life in his hands by promptly descending to the rescue in response to the desperate need of his companion diver. After 2 hours of extremely dangerous and heartbreaking work, by his cool, calculating, and skillful labors, he succeeded in his mission and brought Michels safely to the surface.

EDWARDS, WALTER ATLEE

Rank and organization: Lieutenant Commander, U.S. Navy. Born: 8 November 1886, Philadelphia, Pa. Accredited to: Pennsylvania. G.O. No.: 123, 4 February 1924. (Medal presented by President Coolidge at the White House on 2 February 1924.) Other Navy award: Navy Cross. Citation: For heroism in rescuing 482 men, women and children from the French military transport *Vinh-Long*, destroyed by fire in the Sea of Marmora, Turkey, on 16 December 1922. Lieutenant Commander Edwards, commanding the U.S.S. *Bainbridge*, placed his vessel alongside the bow of the transport and, in spite of several violent explosions which occurred on the burning vessel, maintained his ship in that position until all who were alive were taken on board. Of a total of 495 on board, 482 were rescued by his coolness, judgment and professional skill, which were combined with a degree of heroism that must reflect new glory on the United States Navy.

GREELY, ADOLPHUS W.

Rank and organization: Major General, United States Army, retired. Place and date: ———. Entered Service at: Louisiana. Birth: Newburyport, Mass. G.O. No.: 3, W. D., 1935. Act of Congress, 21 March 1935. Citation: For his life of splendid public services, begun on 27 March 1844, having enlisted as a private in the United States Army on 26 July 1861, and by successive promotions was commissioned as major general 10 February 1906, and retired by operation of law on his 64th birthday.

HUBER, WILLIAM R.

Rank and organization: Machinist's Mate, United States Navy. Place and date: Aboard the U.S.S. *Bruce* at the Naval Shipyard, Norfolk, Va., 11 June 1923. Entered service at: Pennsylvania. Birth: Harrisburg, Pa. Citation: For display of extraordinary heroism in the line of his profession on 11 June 1923, after a boiler accident on the U.S.S. *Bruce*, then at the Naval Shipyard, Norfolk, Va. Immediately on becoming aware of the accident, Huber, without hesitation and in complete disregard of his own safety, entered the steamfilled fireroom and at grave risk to his life succeeded by almost super-human efforts in carrying Charles H. Byran to safety. Although having received severe and dangerous burns about the arms and neck, he descended with a view toward rendering further assistance. The great courage, grit, and determination displayed by Huber on this occasion characterized conduct far above and beyond the call of duty.

HUTCHINS, CARLTON B.

Rank and organization: Lieutenant, U.S. Navy. Born: 12 September 1904, Albany, N.Y. Accredited to: New York. Citation: For extraordinary heroism as the pilot of the United States Navy Seaplane PBY-2 No. 0463 (11-P-3) while engaged in tactical exercises with the United States Fleet on 2 February 1938. Although his plane was badly damaged, Lieutenant Hutchins remained at the controls endeavoring to bring the damaged plane to a safe landing and to afford an opportunity for his crew to escape by parachutes. His cool, calculated conduct contributed principally to the saving of the lives of all who survived. His conduct on this occasion was above and beyond the call of duty.

LINDBERGH, CHARLES A.

Rank and organization: Captain, United States Army Air Corps Reserve. Place and date: From New York City to Paris, France, 20-21 May 1927. Entered service at: Little Falls, Minn. Birth: Detroit, Mich. G.O. No.: 5, W.D., 1928; act of Congress 14 December 1927. Citation: For displaying heroic courage and skill as a navigator, at the risk of his life, by his nonstop flight in his airplane, the *Spirit of St. Louis*, from New York City to Paris, France. 20-21 May 1927, by which Captain Lindbergh not only achieved the greatest individual triumph of any American citizen but demonstrated that travel across the ocean by aircraft was possible.

M'DONALD, JAMES HARPER

Rank and organization: Chief Metalsmith, United States Navy. Place and date: Area at sea of sinking of the U.S.S. Squalus, 23 May 1939. Entered service at: Washington, D.C. Birth: Scotland. Citation: For extraordinary heroism in the line of his profession as a master diver throughout the rescue and salvage operations following the sinking of the U.S.S. Squalus on 23 May 1939. His leadership, masterly skill, general efficiency, and untiring devotion to duty in directing diving operations, and in making important and difficult dives under the most hazardous conditions, characterize conduct far above and beyond the ordinary call of duty.

Lieutenant McDonald, USN (Ret.), presently resides in Roulette, Pa.

MIHALOWSKI, JOHN

Rank and organization: Torpedoman First Class, United States Navy. Place and date: Area at sea of the sinking of the U.S.S. Squalus, 23 May 1939. Entered service at: Massachusetts. Birth: Worcester, Mass. Citation: For extraordinary heroism in the line of his profession during the rescue and salvage operations following the sinking of the U.S.S. Squalus on 23 May 1939. Mihalowski, as a member of the rescue chamber crew, made the last extremely hazardous trip of the rescue chamber to attempt the rescue of any possible survivors in the flooded after portion of the Squalus. He was fully aware of the great danger involved, in that, if he and the other member of the crew became incapacitated, there was no way in which either could be rescued. During the salvage operations Mihalowski made important and difficult dives under the most hazardous conditions. His outstanding performance of duty contributed much to the success of the operations and characterizes conduct far above and beyond the ordinary call of duty.

RYAN, THOMAS J.

Rank and organization: Ensign, United States Navy, Place and date: Yokohama, Japan, 1 September 1923. Entered service at: Louisiana. Birth: New Orleans, La. Citation: For heroism in effecting the rescue of a woman from the burning Grand Hotel, Yokohama, Japan, on 1 September 1923. Following the earthquake and fire which occurred in Yokohama on 1 September, Ensign Ryan, with complete disregard for his own life, extricated a woman from the Grand Hotel, thus saving her life. His heroic conduct upon this occasion reflects the greatest credit on himself and on the United States Navy, of which he is a part. (Medal presented by President Coolidge at the White House on 15 March 1924.)

SMITH, ALBERT JOSEPH

Rank and organization: Private, United States Marine Corps. Place and date: Marine Barracks, Naval Air Station, Pensacola, Florida, 11 February 1921. Entered service at: Michigan. Birth: Calumet, Mich. G.O. No.: 72, 29 September 1921. Citation: At about 7:30 a.m. on the morning of 11 February 1921, Private Smith, while on duty as a sentry, rescued Plen M. Phelps, late machinists mate second class, United States Navy, from a burning seaplane which had fallen near his post, gate No. 1, Marine Barracks, Naval Air Station, Pensacola, Fla. Despite the explosion of the gravity gasoline tank, with total disregard of personal safety, he pushed himself to a position where he could reach Phelps, who was pinned beneath the burning wreckage, and rescued him from the burning plane, in the performance of which he sustained painful burns about the head, neck, and both hands.

CONCLUSION

Mr. Speaker, I hope that other Members will introduce similar legislation, and that this legislation will receive early and favorable consideration by the Congress. As the author of "The Bridge at Remagen," which involved one of the most stirring episodes of World War II, I would like to observe that in the heat of combat men accustomed to risking their lives will frequently perform above and beyond the call of duty and perform extraordinary acts of heroism. With "Chuck" Yeager, he could cold-bloodedly measure the danger and the consequences for many months prior to undertaking a mission which risked his life. He slept every night with full knowledge of the risk to his life, and his wife and children certainly made him even more aware of these risks. Yet for his country, he not only was determined to perform the assigned mission, but he accomplished a feat which unlocked untold new opportunities for the development of this Nation's aviation and flight capabilities.

For all these reasons, I trust that this Nation will see fit to honor this brave American, and demonstrate the gratitude of the Nation by awarding the Medal of Honor to Brig. Gen. Charles E. Yeager.

ALBERTA KING MARTYRED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Nation again has been stunned by unspeakable tragedy. The slaying of Mrs. Martin Luther King, Sr. in Atlanta leaves us numb with sorrow as we seek to make some sense of another incomprehensible act of violence. As yet, we know little about the motives of the murderer. However, nothing we can learn about him can diminish the anger and frustration we feel toward this barbaric act.

Mrs. Alberta King exemplified the quiet, reserved strength that marked her son's efforts to overcome injustice through nonviolence and peaceful civil disobedience. A deeply religious woman, she was playing the organ at Sunday services in her husband's church when the shooting occurred. As a devoted mother, she gave the Reverend Martin Luther King, Jr., the sense of moral rectitude and self-sacrifice that was to inspire the millions who followed him.

I cannot help but draw a parallel between the fate of the King family and that of the Kennedys. No two families have suffered more; yet no two families have accomplished more to relieve the suffering of others. That both families have continued their good works in the face of this injustice bears witness to an enduring moral strength possessed by few. They deserve the admiration of all.

I hope the Reverend Martin Luther King, Sr., will accept my sincerest condolences. I trust he will persevere in the memory of his son and wife.

"A FRAMEWORK FOR FREEDOM," BY FERDINAND A. HERMENS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to insert in the RECORD the text of a most interesting article by the distinguished scholar and professor of political science, Prof. Ferdinand A. Hermens, a former Fellow of the Woodrow Wilson International Center for Scholars.

Professor Hermens has taught widely in the United States as well as in Europe, and I believe that Members of Congress will read with interest an article concerning proportional representation.

Professor Hermens' essay, which appears in the March/April 1974, issue of the journal, "Freedom At Issue," follows:

A FRAMEWORK FOR FREEDOM

(By Ferdinand A. Hermens)

The fallacy of Proportional Representation.—Proportional Representation favors extremism—as its record in Germany, Italy, France, Latin America and the developing countries suggests. Political scientists and journalists are urged to help develop a more reliable framework in which freedom can thrive.

The decades following both the First and the Second World Wars were characterized by attempts to establish freedom in countries previously subjected to autocratic rule. In most cases the road to freedom seemed clear, and the attempt to establish it was made by men whose sincerity and ability were not open to doubt. Yet there were setbacks, enabling the opponents of freedom to make headway, and this occurred also in Latin America and in countries recently freed from colonial rule. Why?

Political causation is always multiple. A number of interrelated factors combine to produce a certain result. Not infrequently there is a key factor. If it can be explained, and if the immediate problem connected with it can be solved, a more orderly approach to the remaining questions becomes possible. Political form is a key to an explanation of the complexities.

When Alexander Hamilton, John Jay, and James Madison wrote the essays later collected under the title *The Federalist* they concerned themselves all but exclusively with the problem of political form. They were keenly aware of social reality and in particular of the cleavages inherent in society. James Madison in No. 10 was explicit about their multitudinous sources. However, it seemed clear to him that difficulties arising from these facts were not the ultimate factor to be considered.[1] The tenth Federalist states in its first sentence that not the least of the advantages of a well-constructed union would be its ability "to break and control the violence of faction." For Madison the mere enumeration of the factors making for conflict was, therefore, but the beginning of the story. He looked for ways to canalize and control the sources of conflict. He knew conflict was inevitable in every society and he wanted it to be in the open. But he also wanted to see to it that there would be safe barriers against its excesses. These are caused by what he calls "factions." They are, in good part, identical with what in our day we call "extremist" movements.

For Madison two of the vital checks were majority voting in small areas (he thought of congressional districts) and majority decisions within a large country, such as the United States, as a whole. He felt that this double mopping up process would subject true extremists (a minority under ordinary conditions) to such pressure that the quality of the men elected under representative government might be enough to enable them to take care of the rest. If space permitted it could be shown that American party history has borne him out from the start.

PR FEATURES EXTREMISM

Matters are entirely different if elections are held under proportional representation (P.R.). Whenever this system is carried to the extreme differences between the state and society are overlooked. Society is inevitably characterized by multiplicity, by what John Locke called "the variety of opinions and the contrariety of interests which unavoidably happen in all collections of men." [2] The characteristic of the state is unity, to see to it that the whole is bigger than the sum of the parts. But in the theoretical premises of P.R. the whole is thought of as a mere juxtaposition of the parts. In addition, proponents of P.R. assume that the parts are autonomous and stable quantities which can be subjected to an automatic counting process. But elections involve a socio-psychological process. Political will is not merely expressed (or "represented") but *formed*. In elections majority and moderate views are played down. Under P.R. the opposite occurs.

Walter Bagehot had both the static and the dynamic aspects of P.R. in mind when he wrote in his *English Constitution* [3] after Thomas Hare had proposed the single transferable vote system of P.R., now connected with his name:

". . . the mass of a Parliament ought to be men of moderate sentiments, or they will elect an immoderate ministry, and enact violent laws. But upon the plan suggested, the House would be made up of party politicians selected by a party committee, chained to that committee and pledged to party violence, and of characteristic, and therefore immoderate representatives, for every "ism" in all England. Instead of a deliberate assembly of moderate and judicious men, we should have a various compound of all sorts of violence."

When we look at the consequences of P.R. there is an appreciable difference between the inter-war period and the decades after World War II. On a previous occasion [4] I drew attention to the fact that in the first period of the population of the countries which adopted P.R., and in which democracy perished, totaled 198 million. Democracy survived in P.R. countries with a total population of 40.6 million. The rate of failure, then, was something like 80 percent.[5]

A great deal more than P.R. was involved in the failure of democracy wherever it occurred. Periods of severe inflation and deflation shook the world. Their occurrence was to some extent conditioned by the fact that governments were too unstable either to prevent or to mitigate them. P.R. played a part in this process. Furthermore, at that time, certain people enthusiastically pushed the application of P.R. to its most logical conclusion. In Germany, elections to the National Assembly of 1919 had taken place where the d'Hondt system favored the larger parties. When the new election law was adopted in 1920, almost every splinter party was given its chance. As a result in the elections of 1928 the Nazis obtained twelve seats with 2.6 percent of the total vote. Their 12 deputies in the Reichstag did what they could, in combination with the 54 Communists (most of whom also owed their seats to P.R.) to paralyze parliamentary procedure. Equally important, the 12 Nazi deputies demonstrated to the voter, by their very existence, that the NSDAP did not constitute a mere "Papierkorbpartei" ("wastepaperbasket party").

The period following World War II differed from the inter-war period in regard to economic development as well as in regard to the political structure. Fairly rapid economic growth was the rule rather than the exception. It was interrupted by "recessions" which bear no comparison to the "depressions" of the early 1920's and the one starting in 1929. This makes a tremendous political difference. A recent study has shown that the "perception" of economic adversity (or of prosperity has a vital influence on political history, the former favoring extremists as much as the latter favors moderates.[6] Finally, more than the proverbial grain of salt has been added to most P.R. laws now in existence. The "five percent clause" in Germany's post-World War II election law is the best illustration. The clause stipulated that a party must achieve at least five percent of the total vote.

THE LESSON OF ITALY

We have only to look at the recent political history of Italy in order to see that P.R. has had its effects even during an unprecedented period of prosperity. The political turmoil now prevailing is all the more distressing since what happened after the Second World War could have been foreseen on the basis of what happened after the First. Parliamentary government was slow to take root in the hard social soil of Italy, but there had been progress since the turn of the century. The situation drastically deteriorated, however, with the introduction of P.R. in 1919. Before this step was taken, the deputy of Alessio warned against it in a brilliant speech from which the following paragraphs may be quoted:

". . . the nature of the minorities of which we obtain expression with the system of P.R. excludes that possibility of coalition within Parliament, where as the passion for power for power's sake, which is so strong in the Latin peoples, leads to paralysis and destruction.

". . . The application of this system under present conditions would provoke a very bad functioning of the Chamber, would make it impossible to form a lasting cabinet, and would in the long run bring about the paralysis of public life.[7]"

Reference has frequently been made to the unusual burdens placed upon free government in Italy by the events following the war. But ther probable consequences could have been foreseen. Sidney Sonnino declared: "With the tempestuous agitation that has arisen during the last five years still troubling us . . . now is surely not the time to adopt new methods of the election of Parliament and thus give fresh strength to those elements in our social and political structure which make for disintegration . . ."

The first P.R. election held in 1919 immediately led to great confusion. When Prime Minister Nitti was unable to hold his government together there did not seem to be any better solution than to recall the 78-year old Giolitti, apparently discredited when Italy entered the war. The "old fox of Dronero," as he was called after his native town, soon saw that his old tricks would not work in a Chamber composed of P.R. parties. After some experimenting he called for new elections. When these produced an even worse result, he wanted to dissolve the Chamber again and hold elections under majority voting, introduced by decree. The move failed. The situation is typical of P.R. parliaments within which entire parties, and groups within parties, have an overriding vested interest in P.R. The *immobilisme* created in this fashion causes desperate people to look for desperate solutions. (It might be mentioned that the only case in which remedy was applied was that of Greece in 1928 when Venizelos abolished P.R. by decree and managed—for a time—to give the country a workable majority.)

Giolitti quit when the new Chamber was unwilling to give him the degree of coopera-

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tion which he deemed essential. His first successor was Bonomi and the second Facta whose name became synononous with mediocrity, indecision and futility. The country had, in the words of Gaetano Salvemini, been going through a period of "postwar neurasthenia," caused by the disappointment over the peace treaty, inflation, strikes and, in the end, a civil war-like series of street battles between the Fascists and their opponents. When, by the summer of 1922, there was a chance to bring matters under control this was, according to Salvemini, prevented by "parliamentary paralysis"—which Alessio had predicted as an inevitable result of P.R. There followed the "March on Rome" which, General Badoglio said, could have been ended by "five minutes of gunfire."

After the war, when the time came to give Italy a new framework of government there appeared (on October 17, 1945) a manifesto by a group of distinguished men, including the later President Luigi Einaudi and the former Prime Ministers Bonomi, Orlando and Nitti, which warned against readopting P.R. and demanded the return to the majority system as it had existed prior to 1919. Einaudi repeated and amplified these warnings in a speech which he made in the Consultative Assembly (an appointive parliament) on February 11, 1946. The large parties, however, just as in 1919, wanted P.R., and the Allied occupation powers seemed to favor it so it was reintroduced.[8]

At first there were two factors which could compensate for some of the weaknesses of P.R. Instead of the old Popular party of Luigi Sturzo, which the Vatican merely tolerated, there was the new Christian Democratic party which the Vatican wholeheartedly supported. In addition women were not enfranchised. The 1946 elections, however, produced a splintered parliament with the Christian Democrats limited to 35.6 percent of the votes. There followed a couple of turbulent years which caused Anne O'Hare McCormick to comment: "Anything may happen at any time, but holding it (the political structure) together is a job for a contortionist or a conjurer."[9]

Before the elections to the first Chamber under the new constitution became due in 1948, two events combined to produce a shock effect: The Communist take-over in Czechoslovakia and an election in the town of Pescara in which the Communist-Socialist bloc increased its strength to such an extent that as careful an observer as Arnaldo Cortesi reported to The New York *Times:* "The election result . . . confirms the opinion that the left-wing parties have a good chance of winning the election scheduled for April."[10] The result was an unprecedented mobilization of moderate opinion which gave the Christian Democrats 48.5 percent of the votes and 53 percent of the seats in the Chamber. Italy witnessed a period of relative stability enabling the then Minister of Finance, Luigi Einaudi, to bring order into the Italian currency situation and lay the basis for what became the *miracolo economico* (the economic miracle) beginning approximately in 1952. Italy's industry started to expand vigorously and there was reason to hope that continued economic development would provide the means of ridding the country of some of her ancient social ills. The economic upturn acted as a prop even when with the elections of 1953 the political system returned to instability characteristic of P.R. countries. Governments were formed by the Christian Democrats, the Liberals, the Social Democrats and the Republicans. In 1962 there began the "apertura a sinistra." Nenni's Communists, who had abandoned the earlier close cooperation with the Communists, joined the Christian Democrats, the Social Democrats and the Republicans. The governments formed for a decade under these auspices failed, however, to give their country a sense of direction, just as did the earlier groupings which were anchored a little more to the Right.[11] When the internal difficulties of this combination mounted, Giulio Andreotti formed a Christian Democratic minority cabinet and then a new coalition including the Liberals. This was the 34th Italian postwar government and it resigned in June 1973 after the small Republican party withdrew its support. The latest Congress of the Democrazia Cristiana has voted for a return to a government including the Socialists. A recent New York *Time* report was headed: "Coalitions, Chaos, Government Italian Style."[12]

Still, when in July 1973 the government of Mariano Rumor was formed, in which the Socialists had taken the place of the Liberals, there was not only a crisis affecting all aspects of social as well as political life, but also an awareness of this crisis. In the new version of the "opening to the Left" the Christian Democrat Colombo, the Socialist Giolitti, and the Republican La Malfa formed a "Troika" dedicated to a serious attack on rampant inflation and the social unrest which it entailed. The trade unions promised cooperation, and Communists as well as Liberals abstained when the government submitted its austerity program to parliament. All of this will help and the immediate crisis may be overcome. Still, one wonders about the future: The government confronts a heterogeneous opposition, with the Communists at the Left and the Liberals and the neo-Fascists at the Right; Italy remains a democracy without a safety valve. Extremists may tolerate a centrist government for a while but in the long run the temptation for them to exploit the protest vote, which measures of financial consolidation inevitably produce, is likely to be too great to resist.

Under these conditions it is small wonder that the prestige of parliamentary government should be as low in Italy as it is. There is no doubting that Italy's political and social problems are numerous and grave. The real problem arises, however, from the fact that existing institutions make it so hard to galvanize the energies of the Nation. Dissatisfaction goes so far that, according to reports receiving wide publicity, there were, during the early 1961's, active preparations for a *coup d'etat* on the Greek model. A parliamentary committee of investigation presented a lengthy report without reaching any definite conclusions. As late as July 7, 1973 the Washington *Post* published a dispatch by John Cornwell, the correspondent of The Manchester *Guardian,* under the title "Nostalgia for Fascism Grows 50 Years after Il Duce's Start."

It is not difficult to find people in the United States as well as in Italy who (ignoring the dynamics of any dictatorship which include the violation of human rights on a substantial scale) feel that perhaps a new Mussolini, who is then supposed to avoid the mistakes of the first one, is just about needed. Under such circumstances, it would be useful to consider the alternative of a genuine democracy enabling the people by means of majority voting to determine themselves what kind of government they want. Majority voting would practically wipe out the neo-Fascists, and probably weaken the Communists substantially, even if not to the extent that Togliatti feared when, in an article published in the Moscow *Pravda,* he felt that under majority voting the Communist party stood to suffer the fate of minorities which "might split into small groups and sometimes disappear completely."[13]

THE CASE OF GERMANY

The Federal Republic of Germany is also illustrative. There, a number of factors unrelated to the electoral system operated to limit the influence of Communists and National Socialists; Allied restrictions played their part, as did the *"Sperrklausel."* The Bundestag elected in 1949 still contained elements of fragmentation, but by 1953 the "perception" of the *"Wirtschaftswunder"* created a *"Wahlwunder."* In its wake the strength of the Christian Democratic party rose from less than a third to close to half (in 1957 a little more than half) of the total popular vote. In this process the CDU became a party of the Anglo-Saxon type; Otto Kirchheimer called it an *"Allerweltspartei,"* ("party for all the world"). He should have called it a "functional party" in the sense that a party developed which was able to be an instrument of effective democratic government. The SPD at first criticized and demurred, but in 1959 it adopted itself to this trend with the Godesberg program. The elections of 1969 brought the payoff. A Social Democratic Chancellor became possible and his coalition with the Free Democrats was triumphantly confirmed in 1972. Germany, then, has two large and moderate parties, both effective instruments of democratic government.

If this picture looks good we should, however, not forget that it represents a type which Goetz Briefs and Gerhard Schroeder have called a "fair-weather democracy." It is a child of prosperity and lasts as long as prosperity does; with the "recession" of 1966–67, small as it was, there came a crisis. The NPD was able to enter most of the Diets and scored 4.3 percent of the total but failed by a mere 0.7 percent of entering the Bundestag in 1969. Not one of its candidates would have stood a change under majority voting. With the *"Wirtschaftswunder"* resuming its course, the strength of the NPD receded promptly, but not before a considerable amount of damage had been done to the prestige of the German Federal Republic.

The question is what another recession will do to the German political system. Besides, there now exists such friction inside both the CDU/CSU and the SPD that leading commentators[14] raise the question whether there may not eventually be several additional parties in the Bundestag. The CDU/CSU finds it hard to maintain its cohesion as the party of the opposition, and the moderate Social Democratic leaders are under constant attack from the leftwingers. In addition, a recent public opinion poll puts Communist strength at 6 percent, enough to place a good couple of dozen Communist deputies in the Bundestag. Such an event would enhance the prospects of either the NPD or some new group of the extreme Right. Even before any such possibility comes to pass its existence engenders a tendency to polarization. The CDU/CSU, having to fear a loss of votes at its Right, is drawn in that direction. The SPD, beset by a pull from the Left, yields to it to an appreciable extent. Nor should we forget the narrowness of the majority upon which Willy Brandt has had to rely since 1969. It has placed a tremendous strain on every member of the Bundestag. Also, because every vote was so important, all vacillating deputies received intense personal attention. The charges of attempt to buy their votes reverberate through the country to this day.[15]

THE FRENCH EXAMPLE

In France, the major result of the P.R. system applied during the Fourth Republic was the heterogeneity of the coalitions which so rapidly succeeded one another. According to a French saying the task of government is to foresee and to forestall. There were political leaders with adequate foresight, but they never had the power to act decisively. When Guy Mollet became Premier after the elections of 1956 (the last ones of the Fourth Republic) he knew that he had to come to terms with the Algerian nationalists. But in order to secure a majority he was forced to rely upon groups to his right which were unwilling to accept a policy breaking with the colonial past. Matters went from bad to worse, leading Cyrus L. Sulzberger to com-

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ment: "The Gaillard Government is not corrupted by power. It is corrupted by the lack of it.[16] This could well have been said of the Fourth Republic as a whole.

The *immobilisme* of the Fourth Republic also meant that it was unable to reform itself by peaceful means. The revolt in Algiers had to intervene before there could be a change, and General de Gaulle saw to it that the change, when it came, affected the substance as well as the form of French politics. The "authoritarian" features of the new constitution might have meant little in the hands of a government determined to use its provisions only as a safeguard against any new malfunctioning of the country's parliament. But de Gaulle built the presidency into a power of its own which he used not only to facilitate the end of the Algerian war but also to make vital changes in French foreign policy which alienated the "European" and "Atlantic" elements in French political life. Besides, the Gaullist party, as the guardian of these policies, introduced an element of rigidity and of polarization into the French Right, inaugurating a line quite different from the one which traditional Rightists, such as Antoine Pinay and Valerie Giscard d'Estaing, had been trying to pursue. For the time being Gaullism prevails over large areas of policy-making, a reminder of what may happen if a democratic system must entrust its reform to forces outside itself.

The Fourth Republic also saw the Communists rise to an unprecedented level of power. During the municipal and provincial elections of 1954, held under the old type of majority voting, Socialists and Communists polled about the same number of votes. The Socialists outdistanced the Communists decisively in terms of seats. They hoped even to regain millions of votes which had gone to the Communists due to the circumstances of the time. Then P.R. was introduced and immediately the Communists overtook the Socialists both in terms of votes and of seats. In 1956 the Socialists had fallen to 14.8 percent of the votes and the Communists who, unlike the Socialists, were not burdened by participation in heterogeneous coalitions, had risen to 25.38.

Majority voting, reintroduced in 1958, offered a good chance that this process might be reversed. This is quite clear from the results of the latest elections (March 1973). In the first ballot the Socialists and their Radical allies had received 20.36% of the votes and the Communists 21.15%. In the second ballot, however, the voters of the center supported a Socialist candidate more readily than a Communist. The Socialists improved their percentage by winning 25.06 percent, leaving the Communists with 20.61 percent, clearly behind. The Socialists and their Radical allies won 89 seats and the Communists 72.

INDIA'S EXPERIENCE

All of these questions are considerably different in developing countries. Democracy is a government based on the active consent of the governed, and that consent is difficult to achieve if a largely illiterate population cannot ascertain to what it is supposed to consent. Under these conditions it is hard to form large and responsible parties with roots in every part of the nation enabling them to channel both consent and dissent into peaceful water.[17]

Even with such difficulties, the constitutional structure can make a difference. Thus, in India the Congress Party has for a quarter of a century constituted a bridge between the various segments of a much divided nation. It could never have done so under P.R. Starting with 45.0 percent of the votes in 1952, it reached a high of 47.8% in 1957, dropped to 40.37% in 1967 and made, although at that time divided, a comeback with 45% in 1971 which secured an overwhelming majority of the seats.[18] In the P.R. system of voting the smaller parties might have gained even more votes than they did, leaving the Congress Party among the "also-rans." Indeed, had all the warring groups been represented according to the voting strength they could be expected to show under P.R. the result might well have been chaos at an early date.

The major drawback of the Indian political system is the splintering among the opposition parties which are divided by ideological as well as regional factors. As a result parliamentary majorities can become excessive; in 1971 Mrs. Indira Gandhi secured two-thirds of the seats. The divided nature of the opposition also implies the lack of an alternative government; on the national level, at least, there is as yet no chance of there emerging a group, or a combination of groups, which could assume responsibility. This is a serious defect but certainly less serious than the collapse of democratic government which P.R. would in all likelihood have produced long since.

THE DEVELOPING NATIONS

There do exist developing countries with a better balanced party system and, as a result, a peaceful change of power from one party to the other, for example, Ceylon and Jamaica. In Ceylon (now Sri Lanka) the political picture is rather complex. Regional differences are substantial enough to prevent the emergency of a two-party system. The integrating effect of majority voting is nevertheless present. Parties attempt to make agreements *before* the elections and therefore place the emphasis on what unites them rather than on what divides them.[19]

In Jamaica, one party or the other enjoys a majority. If the Peoples' Political Party which won the elections of 1972 can satisfy enough of the hopes it raised during the election campaign, the peaceful alternation of effective governments appears likely also in the future.

A glance at Indonesia suffices to see what may happen under P.R. In the 1955 elections the total number of the successful parties was 28.[20] No stable coalition could be formed, and the slide began toward Sukarno's "guided democracy." There is reason to assume that under majority voting the formation of an effective government would have been comparatively easy. The psychological damage done by the splintering characteristic of the 1955 elections was to survive the downfall of Sukarno. In 1971 when Suharto tried to restore a measure of democracy, the old parties insisted on the renewed use of P.R. A new period of confusion seemed to be the only possible outcome. Therefore, the generals insisted on the formation of a kind of official group which (not without considerable official pressure) secured a majority in the new parliament. Apparently there is now some awareness that there can be no lasting solution on this basis. The present discussion of possible alternatives includes majority voting.

LATIN AMERICAN SYSTEMS

Problems of a similar type are seen in Latin America.[21] Constitutions are, as a rule, inspired by the model of the United States. A president is elected by direct popular vote and cannot be forced to resign by parliamentary censure. Latin American constitutions differ from the U.S. prototype, however, in a variety of transitional solutions between the presidential and the parliamentary type. Furthermore, while the president is elected by direct popular vote, parliamentary elections are likely to be held under some form of P.R. This means that there does not exist that general channeling of political opinion into two major parties which is the prevailing tendency in countries using majority, in particular plurality, voting.[22] The immediate result of the inevitable fragmentation is that the votes of a victorious candidate for the presidency may fall substantially below the 50 percent level. Chile's late Allende secured 36.3%. Venezuela's two latest president were elected by about 30%.

Latin American presidents form coalitions with parties other than their own whenever feasible. Again and again they have, however, been unable to get along with their parliaments. Peru is one of the cases in which such a situation, extending over the years, has been followed by a military dictatorship. Before that stage is reached presidents will make extensive use of the emergency powers contained in most of the constitutions. President Bordaberry in Uruguay was a case in point, even before military pressure became decisive.

Uruguay, at the same time, illustrates the unexpected effects which attempts to make "democracy more democratic" may have.[23] The country's P.R. system works in a manner similar to that of Italy,[24] both between the parties and within each party. According to the *ley de lemas* the number of seats attributed to a particular party, characterized by a so-called *lema*, is governed by the proportion of votes obtained by it in a particular multimember constituency. People express their preferences, however, for a *sublema*, and the seats attributed to a party are subdivided accordingly. Therefore, in the mind of the voter the sublema is more than the lema; in parliament the sublema is at least as important as the lema. Thus, it may be all but meaningless if one of the traditional parties, the *Blancos* or the *Colorados*, has a majority of the seats. Whether a working majority can be achieved depends upon coalitions of sublemas.

This system has also been adapted to presidential elections. Presidential candidates are named by the sublemas. It is for these that the people vote. Then the votes cast for all the sublemas of a particular party are totalled and whichever lema leads in this race wins the presidency. Finally, that office goes to the candidate of the highest sublema within that particular lema. The result is that whoever wins has the direct support of only part of his own lema. In order to secure a majority for his policies he has to bargain with other sublemas of his own, and sometimes of the other party.

As in Italy, this system turned out to be tailor-made political paralysis. This is true in spite of the fact that Uruguay is not beset by the major troubles of developing countries. There is no population explosion, and the country's basic economic potential is such that a decade ago a book could appear under the title: *Uruguay: Un pais sin problemas—en crisis* ("Uruguay: A Country without problems—in Crisis"). The trouble is that too much was allowed to go wrong for too long. Even when solutions for serious problems were obvious, no one had the power to carry them out.

In Chile, faulty political structures likewise played their part. President Frei, in 1964, was elected with more than half of the popular vote. Had there been a parliamentary election on the same day he would have obtained a workable majority in both the Chamber and the Senate. However, a misapplied check-and-balance-type thinking meant that he had to work for several months with two hostile parliaments. There was no happy political honeymoon for him and his "revolution in freedom." By the time elections took place to the Chamber of Deputies, his party's share of the total vote had declined to 45 percent. Still, a lucky distribution of the voices enabled the Christian Democrats to secure an adequate majority, something highly unusual in Chilean politics. But the Senate was renewed in sections and Frei never held a majority in that body. As a result, he could never work with the *élan* which his program needed if it was to succeed.

The final blow was a result of the constitutional provision that a president can-

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not succeed himself. This kind of rule makes sense in countries where there is a real danger of a president making himself a virtual dictator by repeated elections. Such a consideration might be valid for certain other Latin American countries but hardly for Chile with its tradition of honest elections and devotion to democratic procedures.

In the election of Allende (1970) the old drawbacks of the combination of presidential elections by direct popular vote with P.R. for parliamentary elections reappeared in full. Allende, heading a combination of half a dozen groups, secured 36.3% of the votes. The rightwing candidate Alessandri won 34.98%, and the official Christian Democratic standard-bearer Tomic, 27.84%. According to the constitution, the decision between the two front runners had to be made by parliament. It is customary that the nod is given to the candidate with the largest popular vote, no matter how small his plurality. Thus, Allende became President. His own personal preferences lay with democratic procedures, but some of his followers (whom he was not always able to control) were of a different persuasion. That, in the end, Allende was overthrown by a military action constitutes an historic aberration for Chile. When evaluating this fact we should, however, bear in mind what Israel Shenker (in his article in the New York *Times*, September 12, p. 16) termed Dr. Allende's "basic problem": "The Socialist program he favored had no electoral mandate, his militant supporters gave him no respite and his opponents no relief, and the Congress with which he had to govern opposed him. The opposition had the simple majority required for impeachment in the Chamber of Deputies, but not the two-thirds needed in the Senate."

There is some reason to hope that the long schooling in a tradition so strongly wedded to civilian authority has not died overnight in Chile, perhaps not even in its military. The Junta promised to return to constitutional government as early as possible. Its resolution to do so would be strengthened by the realization that what set Chileans against Chileans was not evil intentions; it was genuine political idealism misguided into fanatacism by "improper channels of government." If, at the moment, Chile's new masters seem far from such a realization the reason lies, in good part, with the fact that certain basic insights have, for some time, not been a part of the mainstream of Western political thought.

WHAT IS TO BE DONE?

We may now ask, what is to be done in regard to the complex of problems outlined in this paper? The first need is for intellectual clarification. Basic research is required with respect to some of the more general aspects of the matter. Still, in regard to most of these problems a systematic discussion will lead to definite answers. Theoretical analysis can be a reliable guide for political action.

In the last resort the work must be done on a country by country basis. The bundle of variables connected with the constitutional structure—the framework of government, as the Founders of the American Republic called it—must be placed in relation to the social and economic life of a particular country as well as to geographic and historic reality. Furthermore, in the approximation of theory to practice we must be guided by common sense. What needs emphasis depends upon time and place. It is only necessary that systematic questions should not be obliterated by detail, something which those who speak of "comparative politics" rather than "comparative government" at times forget. There does, however, exist a substantial number of studies upon which it is possible to rely.

Academic work must be undertaken in close cooperation with those representatives of practical politics and of journalism who are interested in such matters. Certainly, the politics of this day and age demands so much attention to the ever-changing scene that the number of those who manage to relate concrete events to general principles is limited. But even during the 18th century people like James Madison, Alexander Hamilton, John Adams and James Wilson, who could encompass theory as well as practice, were the exception rather than the rule. The pressures on *modern* journalism are stronger than ever. In the gathering of news, quantity threatens to outstrip quality. Still, what the French called *journalisme de profondeur* is not dead. The principal need is to persuade newspaper owners that in the vast department store to which the modern daily has often been compared, there ought to be some floor on which those interested in quality can find what they want.

Whatever action is required cannot, of course, be provided by governments. Precisely in this field we need "citizens' diplomacy," a cooperative effort in which people from as many countries as possible join. Whenever and wherever there is a chance for action this is up to the citizens of the country concerned.

In one respect leading democracies could do more than they are now doing: They could try to develop an awareness of these problems within their own organizations. This means primarily the foreign offices. If a situation presents itself such as that after the German surrender when the English or the American governments were called upon to do something about Germany's constitutional structure a systematic (and if possible rational) policy would have been useful. There was none at the time, and the same goes for the treatment of Italy and Japan.

Last, there is now in all democratic countries an accumulation of diplomatic reports dealing with developments in a number of countries. Most may be of small moment, but some are excellent—often in style as well as content. No one at present tries to evaluate these reports centrally so their results can be made available to those dealing with comparable problems. One of the difficulties in such an enterprise arises out of the frequent rotation of diplomatic officers. Academic institutions might help in establishing continuity.

At any rate, we need a reliable framework for freedom. Constitutional guarantees for liberty may in the words of James Madison be "mere parchment barriers." They are more than that only when we have a political structure capped by a government which, based on the consent of the governed, contains enough checks within itself to make it respect the people's rights and at the same time, is strong enough to provide for the nation's needs and form and effective defense of freedom against its enemies.

FOOTNOTES

[1] The true meaning of the tenth essay of *The Federalist* was stated most vigorously by Walter Lippmann, here quoted from his column in The Cleveland *Plain Dealer* of October 3, 1940, entitled "On the Debunking of History." For a discussion of the entire complex of problems, and reference to some of the pertinent literature, see my *The Representative Republic* (Notre Dame 1958), pp. 428 ff. The second German edition of this volume, published under the title *Verfassungslehre* (Koeln-Opladen 1968) and the Italian edition entitled *La Democrazia Rapresentiva* (Florence 1968) bring the material up to date.

[2] *On Civil Government*, Bk II, Chap. VIII.

[3] World's Classics Ed. (London 1928, pp. 137–38)

[4] *Democracy or Anarchy? A Study of Proportional Representation*, Notre Dame, 1941, reprinted in 1972 by the Johnson Reprint Corp., N.Y. p. 356.

[5] This happened under the list system rather than under the Hare system of P.R. The difference has, however, no bearing on the problems involved. See *Democracy or Anarchy?*, op. cit., pp. 43–50.

The countries which adopted P.R. and in which democracy failed are Italy, Germany, Austria, Poland, Latvia, Lithuania, Estonia, Bulgaria, Greece, Yugoslavia and Czechoslovakia. The total population of these countries was (as of 1937) 198 million. The nations with P.R. in which, up to the outbreak of the war in 1939, democracy had survived, are Ireland, Belgium, Luxemburg. The Netherlands, Switzerland, Denmark, Sweden, Norway and Finland. Their total population, as of the same date, was 40.6 million.

[6] Werner Kaltefleiter. *Wirtschaft und Politik in Deutschland,* 2nd ed. Koeln-Oploden, 1968.

[7] *Camera dei Deputati, Discussioni,* Legislature XXV, p. 19737.

[8] For some details see Ferdinand A. Hermens, *Europe Between Democracy and Anarchy,* Notre Dame 1951, pp. 160–61.

[9] The New York *Times,* April 7, 1947.

[10] Issue of February 17, 1948.

[11] Sergio Ortino, "Proporz und Staatskrise in Italien," *Verfassung und Verfassungswirklichkeit,* Cologne and Opladen, 1969, pp. 82–122.

[12] June 17, 1973.

[13] Issue of March 7, 1956. The title is, in translation, "On the possibility of using the parliamentary path for the transition to Socialism."

[14] Alfred Rap, "Bleibt der Bundestag ein Dreifraktionen-Parliament? Auch seit langem Gewohntes kann sich aender," *FrankfurterAllegemeine Zeitung,* May 24, 1973. Christian Graf von Krockow, "Vier, fuenf oder mehr Parteien?" *Die Zeit,* May 4, 1973.

[15] For details see my article, "Sicherung, Ausbau und Vernakerung des parliamentarischen Systems in der Bundesrepublik," *Verfassung und Verfassungswirklichkeit,* Koeln 1972, part I.

[16] The New York *Times*, March 15, 1958.

[17] For some aspects see my article, "Politische Form und Entwicklungslaender," *Jahrbuch des Landesamtes fur Forschung,* 1967, pp. 217 ff.

[18] For a survey of the Indian political experience see Horst Hartmann, "Die Bedeutung der vierten allgemeinen Wahlen fur die Stabilitat der parlamentarischen Demokratie in Indien," *Verfassung und Verfassungs wirklichkeit,* 1968 I, and that author's book *Political Parties in India,* Meerut, Kampur, Delhi 1971.

[19] Until a few years ago tendencies toward national integration were strong enough to warrant a certain optimism, as was emphasized by A. J. Wilson in his paper, "Singhalese-Tamil Relationships and the Problem of National Integration," Ceylon Studies Seminar Papers No. 1.

The elections of 1970, with the victory of a Left coalition, led by Mrs. Bandaranaike's "Sri Lanka Freedom Party,'" brought a marked polarization. Even in this case, however, the integrating effects of plurality voting were in evidence. Due to this fact Mrs. Bandaranaike's relatively moderate party secured an over-all majority, without its Communist and Trotzkyist allies, to whom, however, it remained faithful.

In April 1971 an insurrection by young ultra-Leftists led to a brief, but bloody, civil war. It was followed by an economic stagnation accompanied by a population increase of close to three percent per year. Many critics attribute economic stagnation to the policies of the new government under whose predecessor annual growth reached eight percent. This is not the place to discuss details but it is evident that in a country such as Ceylon economic policy, as much as decisions in the field of constitutional structure, can make or break a nation.

[20] Axel Ridder, "Wahlen und Uberparlamentarische Machtbildung in Indonesien," in *Verfassung und Verfassungswirklichkeit,* 1967, pp. 257 ff.

[21] For an attempt to take up the salient points of the Latin American experience see my article "Constitutionalism, Freedom, and Reform in Latin America" in Frederick Pike (ed.) *Freedom and Reform in Latin America* (Notre Dame 1959).

[22] Exceptions, such as those in Canada, where more than two parties secure substantial representation in parliamentary bodies affect the type of government only marginally. For Canada see Karl Franzen, "Parteiensystem und nationale Heteorogenitat—der Fall Kanada," in *Verfassung und Verfassungswirklichkett,* 1966, pp. 258 fl.

[23] Ernst Kerbusch, *Das uruguayische Regierungssystem: Der Zweite Colegiado* 1952–1967, Demokratie und Frieden, Band 12 (Koln 1971) has analyzed the constitutional experience of Uruguay in detail.

[24] In Italy the voter has several "preferential votes" with the help of which he selects individual candidates from a party list. Practically, these votes are cast for members of a certain "corriente" within the party, and the result is a "correntocrazia": the various "correnti" may all but destroy their party's unity and effectiveness.

AN ANCIENT REMEDY FOR TODAY'S INNER CITY ILLS

(Mr. HAWKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, I have heard recently of a most unusual pilot project in which an ancient remedy was employed to treat certain inner city ills—ills which are costing this country dearly both in human misery and in taxpayers' money. I would like to share this information with you, Mr. Speaker, and with my colleagues on both sides of the aisle, because, according to the latest official statistics, the ills to which I refer are becoming more and more prevalent in the suburbs and in rural areas as well as in the inner cities of this Nation from coast to coast.

One might be tempted to declare the remedy now being presented for treating these debilitating ills a "new wonder drug" except for the fact that it dates back to at least 1500 B.C. As to whether it was developed first in Egypt, Phoenicia, Palestine, or Crete, the authorities differ. They agree only that it was refined and cultivated in Greece and spread from there throughout Europe and the Western World.

Some 2 months ago, a Miss Emily C. Hammond came to see me to interest me in this ancient—and by the way, relatively inexpensive—remedy, knowing of my concern for the disadvantaged, particularly disadvantaged children, everywhere.

Miss Hammond cautioned at once that this remarkable remedy is no "cure-all." It is neither a "little pink pill" nor a miracle mixture.

It will not cure headache, toothache, stomach ache, or the common cold; it will not cure measles, whooping cough, or gout. But according to Miss Hammond it will ease tensions and frustrations that often lead to juvenile delinquency and crime. It will raise a child's I.Q. scores dramatically. It will unlock doors of the mind to knowledge and skills that could go a long way toward equalizing not only educational opportunity but job or professional opportunities as well. At the very least it would be bound to enrich many Americans who otherwise would live out their lives in both material and cultural poverty.

For those who have not already guessed Mr. Speaker, this remarkable ancient remedy is none other than the phonetic alphabet and its golden key, alphabetical phonics. Alphabetical phonics is the method by which children were successfully taught to read for centuries until some well-meaning professors began experimenting with an easier and more "fun" way to teach children to read and the "whole word" method came into vogue back in the 1920's, spreading from Teachers' College, Columbia University, throughout most of the school systems of the United States.

Last summer, in Washington, D.C., under the sponsorship of the Reading Reform Foundation, Miss Hammond conducted a two part demonstration project in alphabetical phonics which she called the first "R": First, teacher-training in how-to-teach reading by the intensive alphabetical phonics method; and second, how-to-read classes taught by the foundation-trained teachers.

The result: Fifty-eight mostly inner city District of Columbia children during a 6-week period increased their reading ability by an amazing average 2.2 grades.

Now, Mr. Speaker, I do not claim to be an expert in teaching to read and I know that "one swallow does not make a summer." However, considering the spotty record of the public schools—which teach reading, as I understand it, either by the "whole word" method or by a mixture of "whole word" and phonics with too little phonics brought in too late—the achievements of the District of Columbia phonics project, I believe, demand our attention and consideration.

I submit, therefore, that the Congress of the United States should authorize a massive study in methods in teaching to read—including both the whole word method and the intensive phonics method. Some such study might be done under title VII—national reading improvement program—of the Senate-passed Education Amendments of 1974. The Senate Committee on Labor and Public Welfare says in its report on S. 1539:

> The committee is not wedded to any particular approach in the teaching of reading, and hopes that the Commissioner will award contracts to applicants proposing to use the phonic method or modifications thereof, as well as those proposing to use the whole word method. . . .

In the meantime, Mr. Speaker, I insert at this point in the Record: First, Miss Hammond's report on the District of Columbia phonics demonstration which she presented to the Reading Reform Foundation's 13th Annual Conference at the Sheraton Park Hotel, May 17, 1974; second, a short article by Miss Hammond which appeared in the All Souls Memorial Episcopal Church Message, October 14, 1973; and third, a short piece entitled "Reading Tests Show Widespread Illiteracy," by Eric Wentworth from the Washington Post, May 4, 1974:

The First "R"—A Report

(By Emily Cuyler Hammond)

Madame President, honored guests, friends. . . .

When I say "friends" I include not only all advocates of intensive phonics, but also all men and women who are laboring, by whatever means, for the elimination of illiteracy in the United States. Our common goal makes us friends, I feel, in spite of our differences.

Since we are friends and because of the continuing severity of the reading crisis and its admittedly debilitating effect upon our democracy, especially in context of our Twentieth Century Age of Crisis which challenges our very survival, I ask that all of you, those who take the phonic approach to teaching reading and those who prefer some other way, hear me this morning with an open mind. There are truths that I have to tell which, to some, may be hard to believe.

PILOT PROJECT, 1971

The story of the D.C. program. The First "R," had its genesis early in 1971 when Mr. Watson Washburn, Reading Reforms beloved founder, endorsed a suggestion of mine and agreed to sponsor a demonstration project in intensive phonics here in the Nation's Capital. Washington is the showcase for the rest of the country. All eyes are on us. It seemed to me that, as demonstration speaks more convincingly than argument, if we demonstrated that we really had taught a random sample of inner city D.C. children how to read, the grass roots would hear about it fast, from Maine to Florida, from New York to Los Angeles, and ask: *"How? How did you do it?"*

To assure excellence, Mr. Washburn assigned Mr. Robert C. Price, Reading Reform's Executive Vice President and a nationally-known teacher of intensive phonics, to teach in Washington. However, Mr. Price, who lives in Roanoke, Va., felt that he could not take time out from his other Foundation duties to conduct five or six classes a day of from 20 to 30 D.C. youngsters each all through the summer as I had envisioned.

Instead, it was decided that Mr. Price would put on one of his famous 2-week teacher-training workshops. All trainees who signed for the tuition-free course would be obligated to teach at least three children by the phonics method that summer.

Teacher-training recruitment was through distribution of informational fliers by nine area churches and various interested individuals.

After delivering two orientation lectures, Mr. Price started teaching his 7:30 to 9:30 p.m. 2-week course at Calvary Episcopal Church parish house on July 12, 1971.

Enrolled among others were seven elementary school teachers, a number of government workers, two registered nurses, a beautician and a clergyman's wife who wanted to open her own reading center—38 in all. Of these 38 more than two-thirds failed, for one reason or another, to follow through with their end of the teaching bargain. Of those who did, two taught in a Montessori center, one at the Sick Children's Hospital and one at another hospital, a bedridden spastic young man in his mid twenties. The rest held their classes in churches.

The overall increase in reading ability that summer was one full grade.

From the point of view of the Foundation, the 1971 project was a success.

From my point of view, for the purpose of proving to a skeptical public the dramatic validity of intensive phonics as a how-to-teach-reading method that really works, I felt the 1971 project served as a *pilot*—a very worthwhile pilot—not a demonstration.

Nonetheless Pilot Project 1971 did add up to two big pluses: First, Mr. Price and I met so many fine, dedicated people. Second, although we made a number of mistakes, we learned many valuable lessons.

LESSONS LEARNED FROM PHONICS PILOT 1971

(1) Applicants for phonics teacher training should be screened for their own reading proficiency.

(2) Phonics teacher trainees should have to pass a comprehensive examination in phonics before being certified to teach phonics.

(3) One-hour-a-day, five days a week for a total of 30 hours teaching children to read is simply not sufficient to make any viable showing of children really able to read—especially young, inner-city children.

(4) Program duration should be uniform for all participating centers.

(5) In order to obtain and maintain quality control, supervision and teacher-counseling by a phonics specialist should be always available.

At a meeting in New York, just after Christmas 1972, Mr. Washburn reviewed our findings and agreed to sponsor a new D.C. project on an expanded and more structured basis.

DEMONSTRATION PROJECT 1973

On March 15, 1973, I began canvassing clergymen, day-care center directors and directors of other educational and welfare organizations throughout the area, but primarily in the inner city. I asked for three things: (1) Promotion through distribution of informational fliers; (2) free class-room space; and (3) if applicable, permission to teach in their nursery schools or day-care centers.

On May 10, 1973, Mr. Price delivered an orientation lecture at Shiloh Baptist Church from 4 to 6 p.m. and the identical lecture from 7:30 to 9:30 p.m. at All Souls Memorial Episcopal Church—with an overall attendance of about 65.

The following day at the same hours and the same two places, Mr. Price administered reading tests and I interviewed each enrollee regarding education, occupation, and plans for fulfilling his or her obligation to teach.

Forty-six applicants of those who made out and signed registration cards—answered "Yes" to the following question:

"Do you agree, if you take this RRF course, to teach, for a minimum of 100 hours, at least 3 persons how to read by the RRF method under overall RRF supervision?"

This time we started out with 15 "teachers," four "student teachers," seven "day-care center teachers," five "day-care center directors," three "nursery school directors," four government workers, two secretaries, a beautician, a mechanic, an artist, a poet, and a retired librarian. (The retired librarian, who came from Baltimore for the course, is still teaching phonics in a remedial reading center there.)

The Reading Reform Foundation, as I understand it, does not recommend any one intensive phonics system over another. But of course one had to be chosen for use in the D.C. project. Mr. Price decided on a no-nonsense paperback entitled "Sure Steps to Reading and Spelling" by Dr. M. Herbert Weiss, put out by the Weiss Publishing Company, Richmond, Virginia. Each trainee received a book and a manual free.

After the mid-course exam we suffered heavy trainee losses, and after the final exam a surprising number disqualified themselves by failing to pass. A number of others left us to take a summer job, to take a college course for credit or a vacation in Hawaii.

OBSTACLE RACE

Immediately following the close of teacher-training, Mr. Price returned to Roanoke and my real troubles began. I found myself running up the down staircase and down the up staircase in day-care centers all over town.

To my chagrin I encountered several early childhood education specialists who didn't want any child under seven taught to read. It was not just that they were against phonics, they were against reading by any method for children under seven. They were sincere and determined advocates of "all play and no work" before that magical age. Then there was the "20-minute attention span" syndrome; the "enrichment without reading" syndrome; and the "freedom of self-expression just short of self-destruction" syndrome. In several centers I saw children banging expensive toys to bits sometimes over one another's heads without being corrected by the "teachers" present. In one center that I had visited earlier and in which we did not teach, I saw a child of 5 or 6 stoning a cat. The "teacher" who witnessed this expression of playful cruelty made no move to stop her.

The day-care centers varied from excellent where caring prevailed, where a barrel of fun was had by all during play-time but where attention and quiet was demanded during "work" periods—to pandemonium.

Of the twelve day-care centers in which How-to-Read Classes were scheduled to take place, two never "got off the ground" because reading would have been at the bottom of the list of priorities. One closed because its funding was exhausted. Four others dropped by the wayside or were disqualified for a variety of reasons. But for the most part they had to be terminated because of the really horrendous amount of pupil absenteeism—a predictable hazard that apparently hits day-care centers after school closes in the summer when older children can take care of their younger brothers and sisters.

This left only four day-care centers, three remedial reading centers and one public school with How-to-read-by-phonics classes to cross the finish line.

Of the 44 participants who completed Mr. Price's work shop only 23 began teaching How-to-Read Classes as they had agreed to do and only ten satisfactorily completed both teacher-training and teaching three or more children for one hundred hours.

To assure objectivity, the children were tested both before and after the 6-week How-to-Read program, by volunteer professional teachers and testing and guidance counselors unknown to the phonics teachers or the children and unconnected with the Foundation. The reading sub-test of a nationally accepted, widely used standard test was administered.

Of the more than 300 children tested in the day-care and other centers in June, only 58 approximated the 100-hour requirement and qualified for final testing.

REWARDS

As formidable as were the obstacles facing The First "R", the fact that they were surmounted makes the final results the more gratifying.

The average reading level of the 58 children remaining in the program was raised, in approximately 80 hours of teaching time (100 hours minus time out for lunch and "breaks") by 2.2 grades.

A better indicator of phonics' powers and of The First "R" 's success may be found in a few flesh and blood examples.

(Names and test scores used here are by parents' consent.)

Julia Erazo, age 7, a native of Chile, in the United States for only one year, speaking only Spanish at home, was reading at grade level 2.5 when tested on June 18th and at 14.7 when tested on July 27th—an increase of 12.2 grades.

Michelle Randolph, age 9, a native born American black, was reading at grade level 5 when tested on July 3rd and, in spite of almost constant bedlam caused primarily by two other pupils in the class she attended, she was reading at grade level 15.3 when tested August 13th—a grade level increase of 10.3.

Anthony Perry Davis, age 10, a native born American black was reading at grade level 2.8 when tested on June 18th and at grade level 13.5 when tested on August 3rd—a jump of 10.7 grades.

Burnadette Burnley, age 9, native born American black, was reading at grade level 5 when tested on July 3rd and at 12.6 when tested on August 13th—a 7.6 grade increase.

Among the pre-schoolers Kelsa Bright, age 4, native born American black, scored at grade level 1.3 (that is she could pick out letters of the alphabet out of order and could read the one word "cat") when she was tested on June 7th, and at grade level 4.8 when she was tested on August 3rd—an increase of 3.5 grades.

Amperita Wiley, another native born American black, four years old, scored at grade level 1.2 when first tested on June 6th and at grade level 4.8 when tested again on August 3rd—an increase of 3.6 grades.

A word about these test scores: They do not represent "total reading"—especially in the case of those children who increased ten, eleven, twelve grades. I do not believe these children nor indeed some who have challenged the validity of their tested ability can now or ever can "totally read." That is, no one can totally comprehend every word they are able to read, or decode.

Biological terms, mathematical words, even the words "phoneme" and "grapheme" may stump many quite well educated people as to exact meaning when they first read them.

These scores represent measurements of decoding, that is reading ability. But they represent more. They indicate that these children can read and comprehend considerably better than their grade levels because all children's speaking and listening vocabularies are a great deal more extensive than the word lists usually taught in the first, second and third grades. Furthermore, in the teaching of phonics—at least as taught by Mr. Price and the teachers he trained—the meaning of a word is learned immediately following its decoding.

Reginald Corder of the Educational Testing Service in his massive final report on the Information Base for Reading quotes Wiener and Cromer as follows:

"If the definition of reading is limited to identification of decoding skills, and these are viewed as a necessary step prior to the acquisititon of comprehension, then the task of the reading teacher would be simpler and the diagnosis of reading problems could be restricted to problems in learning to decode."[1]

LESSONS LEARNED FROM DEMONSTRATION PROJECT 1973

There is not sufficient time this morning to go into the many lessons we learned from *The First "R."* However, one important lesson must be mentioned. Except for very bright children with analytical minds, phonics does not teach itself; neither does it produce "instant learning": The *teacher counts.* She must not only "care" and want the children to learn, she must know her subject thoroughly and she must know how to teach it. She must be motivated herself to be able to motivate children. Most children want to learn to read; only by frequent failure to learn do they lose their motivation.

The teacher who tries intensive phonics with an open mind, with patience and without expecting instant learning, will be richly rewarded.

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[1] Wiener, Morton & Cromer, Ward. Reading and reading difficulty: a conceptual analysis. *Harvard Educational Review,* 1967, 620–643.

CONCLUSIONS

My friends, let no one tell you that economically and culturally disadvantaged children, black or white, are doomed, many of them, to remain illiterate. This simply is not so. Taught the right way by self-confident teachers in an atmosphere of caring and expectant accomplishment, they can learn to read. They may take a little longer than the culturally enriched moppets who live in the suburbs, but they can do it and once they can read they can seek, if they want to, cultural enrichment for themselves.

My friends, I am convinced that, by intensive phonics, with God's help and yours, we can and we will survive the reading crisis. Dr. Ruth Love Holloway one fine day will be able to call a news conference to announce the good tidings: The surveys all show, she will be able to say, that, except for the brain-damaged and a residue of elderly people who could not be reached, functional illiteracy has been eliminated from the United States.

But, my friends, let us not fool ourselves, our victory over illiteracy, while it hopefully would mitigate, it alone certainly would not assure our survival of any of the other malaises with which illiteracy is so often associated: widespread drug abuse, widespread school dropoutism, juvenile delinquency, crime.

Teaching to read bestows a kind of freedom: The freedom more easily to learn the other two R's of basic education; the freedom to choose among a myriad of options.

All freedom, the sages warn us, must be accompanied by responsibility both on the part of him who bestows it and of him who receives it—or eventually freedom itself will be lost and democracy destroyed.

The child set free in an asphalt jungle to read whatever he wants to read does not know which path—or which book—leads where. He would be greatly facilitated in exercising his options, if he were given a few guiding principles, at least two or three.

Take "truth" . . .

What is truth?

Any two-year old knows whether he has or has not had his hand in the cooky jar.

In teaching to read, preferably in Kindergarten by intensive phonics, if we would at the same time instill no more than cooky-jar truth, color-blind justice and brotherhood, we would be on our way out of this modern dark age of multiple crisis into the light of a truly good society.

EXHIBITS

And now I would like to introduce my Exhibits A. B, and C. Taking the alphabet out of order, I will begin with Exhibit C—C for Cheree. Cheree Saunders was just 2½ when the First "R" How-to-Read Classes started last June. I had declared a ban on anyone under 4 as a small olive branch extended to those Early Childhood Education specialists who believe that no child under 7 is ready to read. But Cheree was in Mrs. Holston's Montessori center and there was nothing to do but let her sit in on the phonics lessons. To the astonishment of the examiner, Cheree, when first tested, already knew the alphabet in and out of order; she could match letters; and recognize the word "cat." After 6 weeks, Cheree tested out at exactly the same—no more, no less. However, Mrs. Holston continued the teaching of phonics. Within a few weeks Cheree had caught on to the sound-symbol relationship. She began reading one-syllable words; then two-syllable words; then three syllable words.

Cheree turned three in October and Mrs. Saunders took her small daughter to the public library to pick up some books. Cheree was making her selection when her mother asked if she could have a library card.

"I'm sorry," the librarian explained. "We give library cards only to children who can read and who can write their names."

That, of course, was no problem. Cheree read what was put before her and then signed her name beautifully. She certainly must be the youngest card-carrying public library reader in the District of Columbia.

The other day Cheree was looking over the morning newspaper when her mother asked

"Oh, sure," said Cheree pleasantly. "I'll read about Nixon later."

Will Miss Cheree Saunders please stand up.

Stand on the chair, please, Cheree, so everyone can see you and hold up your library card. . . .

Thank you, Cheree. You can sit down now.

Friends, permit me now to present my Exhibit A, Miss Tina Holston. Tina was our star teacher in Phonics Pilot 1971 and therefore, of course, the star of the film of Pilot 1971 which Mr. Price showed and many of you probably saw at the Foundation's 1972 conference. Tina obtained her B.S. degree in Early Childhood Education from D.C. Teachers College. She received her Masters degree as a reading specialist from the University of Missouri.

She worked for 2 years as a reading specialist in the Program Development branch of the D.C. public school system, before she and her mother took part in our first project. She then persuaded her mother, her sister, two brothers and a half dozen friends to take part in the First "R"—before she deserted us for Oakland, California. Ladies and gentlemen, I give you Miss Tina Holston.

TINA HOLSTON. Good morning, Fellow Reading Reformers; how are you? I am glad to see you all.

Since the Conference began, we have had a lot of talks about the reading crisis. Now we know the origin of the reading crisis; we know why Johnny can't read; we know how and when it happened to Johnny. I am here today to talk a little bit about the intensive phonetic approach to reading, which is Johnny's road to literacy. As Miss Hammond has said, I am a Reading Specialist, and I went through the whole gamut of the reading program, in Missouri, taking all types of reading courses and teaching the inner city child to read, teaching the outer city child to read, teaching the poor child to read, teaching the turned-off adolescent to read—and I came out equipped with a lot of packets for individual people.

The frustration level was so high because I could not teach people to read. I had many more failures than successes—and I hate failures when it comes down to human beings. So I came back to Washington, D. C. and ran into Miss Hammond and Mr. Price and took the intensive phonics approach to reading which the Reading Reform Foundation gave. I said to myself during the course, "Well, I'll sit here—I've heard this before—and I'll give it a chance; I'll try it, the intensive phonetic approach." We had had the phonetic approach, but with the whole-word method and all this mixed up instead of the plain intensive phonics; so I said, "I'll try it—just try it." I started out working actually with 2½-year-olds to 60-year-olds; and the success rate was fantastic. I want to give some personal accounts of what happened. Now my first group was children from age 2½ to 5. There was immediate success. There was success in that children started sounding out words—and they could hear it. It was so fantastic, and they would start reading everything. When I came home yesterday, Kelsey, whom Miss Hammond has spoken about, (they love to read anything now!) grabbed my card and read "Tina Holston." I said, "How about the top part?" She read "Reading Reform Foundation, 13th Annual Conference." I said, "What is that all about?" She told me something about a conference in reading.

I think the pleasure or the most rewarding thing that happened to me was when I worked with the drop-outs. Now these were brothers and sisters who had dropped out of school because of the reading problem—the reading crisis. They could not make it in school, could not really make it in life. The frustration level was high—I guess the classic example of the drop-out: defeated, angry, and hostile. Some of the students said, "Well, I work hard during the day," or "I can't be bothered, so I'll start two days a week." Two days a week. It ended up every night (we had said one hour) from 7:00 to 11:00—every single night.

We spent any spare time, like on Saturdays, reading. It was amazing and also very rewarding and uplifting, just to see individuals—human beings—develop growth, becoming men. One of my students who was 27 years old came in one day after several lessons and was very happy. He said, "Dig what happened!" "I went down to Montgomery Ward's, was able to write my own check; and you talk about somebody feeling good—I feel good! I can walk down the street now, read signs, understand what is going on, and I can read to my children!" This is really fantastic!—the joy of teaching somebody to read, and teaching adults to assume manhood or womanhood—teaching reading! Reading opens up a whole new world. We had, even after 11:00 P.M., many hours afterwards—just about philosophies; and you could see the changes. You could see the changes in their goals . . . changes in what was important in life. There was no hostility to anybody, saying that this was the cause, because a whole new world was opened up. They could be human—and that's what it's all about!

Today we are really honored to have one of our students who happens to be my brother. For a long time he had been into a bag of limbo; he was one of the students who took the course along with a lot of his friends. He has grown a great deal . . . we have had many sessions. I can see the development in character. I think Mrs. LaDine talked about character development yesterday. You wouldn't believe it, but reading has something to do with all of this! So I want to invite Donnie Holston up to say a few words.

DONNIE HOLSTON. Thank you, Tina. I would like to say good morning to everybody. It is true about the goal changes, really! I started out when I took the course just to take it so I could be a Parts Manager or something like that. But after learning to read I got a job in a law firm as a researcher. Now I'm Vice President of Holston Originals.

LEARNING TO READ AT ALL SOULS

(By Emily C. Hammond)

Anyone who can read supercalifragilisticexialidocious can read just about anything.

This is exactly what happened to children in the Reading Reform Foundation-sponsored class conducted at All Souls' last summer. They went to Mary Poppins guided flights to the wonderland of sound and symbol, learning how to read not only nonsensical, tongue-twisting, rib-tickling whimsies, but also practically any of those commonsensical stern-faced facts and figures that would help them in school.

To Miss Margaret Payne, a public school teacher, Foundation-trained in intensive alphabetical phonics, great credit is due. In the ridiculously short period of six weeks, in spite of having to compete with planned-in-advance summer vacations, 90 degree heat, and chronic pupil absenteeism to go swimming or fishing, she managed to inspire her young charges with the desire to excel—as the test scores show.

To assure objectivity, the children were tested, both before and after the course was given, by volunteer, professional school teachers, unknown to Miss Payne or the children and unconnected with the Foundation. Nationally accepted, widely used standard tests were administered.

Judia Erazo, age 7, a native of Chile, in this country for only one year, speaking only Spanish at home was reading at grade level 2.5 when tested on June 18th and at 14.7 when tested on July 27th—a whopping increase of 12.2 grades.

Ana Hidalgo, age 7, a native of San Salvador, in this country for only one year, speaking only Spanish at home, jumped from 4.1 to 15.6, an increase in reading ability of 11.5 grades.

Eric Buadu, age 10, a native of Ghana, Africa, in this country three years, with no knowledge of English upon arrival, speaking only Twi at home, jumped from 4.1 to 11.6, an increase in reading ability of 7.5 grades.

Gustavo Rivero, age 7, American-born son of a Cuban father and a Guatemalan mother, speaking only Spanish at home, rose from 3.6 to 7.8, an increase of 4.2 grades.

Edwin Rojas and Carletta Carter, both age nine, also leapt ahead in reading ability and received honorable mention.

Naturally, all of the children did not do as well as those front runners. Nevertheless, Miss Payne performed the feat of raising the reading level of her class an average of 4.2 grades in approximately 80 hours of teaching time!

On July 27, before a small but select audience, the All Souls class celebrated commencement. Each child had the opportunity to read aloud. Prizes were awarded and citations recorded. Mr. Hewlett, after congratulating Miss Payne and her pupils on their achievements, asked God's blessing on them in their future undertakings. Finally, party favors, ice cream cones and cookies were enjoyed by everyone.

All Souls Memorial Church and Shiloh Baptist Church made unique contributions to the Reading Reform Foundation's two-part D.C. project by playing host to the teacher training courses held for two weeks in May as well as the How-to-Read classes during the summer. Twelve How-to-Read classes took place in day-care centers, in one public school and at the Salvation Army. The overall results were extremely gratifying.

The question arises: If the Foundation has had so much success in teaching to read, why have not the public schools had equal success?

The answer is method. By-and-large, the public schools use the "whole word" on "look say" method; the Foundation advocates intensive phonics.

There have been a number of calls received from neighborhood parents inquiring when the reading classes would start again. While there are no present plans for repeating the course, it is hoped that arrangements may be made.

[From the Washington Post, May 4, 1974]

READING TESTS SHOW WIDESPREAD ILLITERACY

(By Eric Wentworth)

About one million American youth 12 to 17 cannot read as well as the average fourth grader and can thus be called illiterate, according to a new government report.

Reading test scores were worse among blacks than whites, boys than girls, and youngsters from low-income families with less-educated parents than those from more fortunate backgrounds, the report showed.

The report, released by the National Center for Health Statistics, provided new evidence that the United States has a serious literacy problem despite the more than $40 billion spent yearly on public school operations.

The report's findings were based on brief literacy tests administered to a selected sample of 6,768 youths from 1966 through 1970.

The tests were part of the national center's health examination survey, a major quest for data on Americans' physical and mental health. Later reports will explore links between illiteracy and health problems.

The sampled pupils were asked to read seven short paragraphs of 40 to 50 words and answer three multiple-choice questions on each. They were considered literate if they could give correct answers for four of the paragraphs.

One paragraph read: "It was spring. The young boy breathed the warm air, threw off his shoes, and began to run. His arms swung. His feet hit sharply and evenly against the ground. At last he felt free." The questions concerned the season of the year, what the boy was doing, and how he felt.

The 12-to-17-year-olds whose scores fell below what could be expected from the average child beginning fourth grade were considered illiterate. Fourth-graders are normally 9 years old.

After analyzing the test results, survey officials estimated that 4.8 per cent of the nation's nearly 23 million youths in the 12–17 age bracket, extending all the way through high school grade levels, can be termed illiterate. That would amount to about 1 million young Americans.

More specifically, the report showed:

Among black youths as a whole, the illiteracy rate is 15 per cent. For white youths, it is 3.2 per cent.

For males of both races, the rate is 6.7 per cent, while for females it is 2.8 per cent.

For black males alone, the rate is a dramatic 20.5 per cent, or one in five. On the other hand for white females alone, it is 1.7 per cent, or less than one in 50.

The report also showed, as might be expected, that illiteracy rates are highest among youths whose families rank at the poverty level, and decline as income levels rise; still, at least some youths from families with $15,000-plus income flunk the literacy test.

Similarly, young people are most often illiterate when their parents have had little education, according to the report's findings. Among black youths from families headed by someone who had no formal education at all, for example, more than 50 per cent are illiterate.

On the other hand, some illiteracy is also found among the offspring of white college-educated parents.

"Alarming and discouraging" was how Ruth Love Holloway, director of the U.S. Office of Education's "right to read" program, viewed the report.

OE's "Right to read" program, first announced in 1969 by the late James E. Allen, Jr. who was then U.S. education commissioner, has been sponsoring a number of innovative reading programs and disseminates information about those that prove successful.

MORE ON SOUTH AFRICAN COAL

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I have vigorously protested to the House the senseless importation of coal from South Africa. Those companies engaged in importing coal mined by the slave labor practices of South Africa keep trying to change the subject, and advance the hollow contention that it is all the fault of the Congress for passing these crazy clean air laws.

The following exchange of correspondence illustrates the moral bankruptcy of those American concerns who attempt to justify their backward policy. The first letter was written to a West Virginian who protested the importation of South African coal, and the response by the West Virginian is a devastating document which demolishes the arguments advanced in defense of this nefarious practice:

THE SOUTHERN CO.,
Atlanta, Ga., June 14, 1974.

MS. ELLEN SHAPIRO,
Charleston, W. Va.

DEAR MS. SHAPIRO: In reply to your postcard about the purchase of South African coal, I assure you that Gulf Power Company would prefer to burn coal from the United States. However, Florida's stringent environmental regulations require compliance by mid-1975. By that time, we cannot obtain domestic supplies of low-sulfur coal, nor could scrubbers be installed. As a result, Gulf Power Company must pay almost twice as much to buy and transport the imported coal as it would have cost to use domestic coal.

The Southern Company system is working hard to solve environmental problems. We are spending huge sums on a pilot plant to produce solvent-refined, pollutant-free coal and on various prototype systems for removal of sulfur oxides from stack gases. It will be several years, however, before these efforts could possibly result in commercial application. In the meantime, we must continue to provide reliable electric service and, at the same time, comply with environmental regulations.

With respect to allegations of social and economic injustices in South African mines, we, of course, have no control over the practices of any of our suppliers. Even if we did in this case, our relatively small purchase of coal would surely have no effect on policies in South Africa, nor would the withholding of such a purchase.

Groups protesting the importation of South African coal could better accomplish their stated objectives by supporting enactment of the Nelsen bill, HR 13464, which would enable electric utilities to make greater use of the sources of domestic coal presently available. This bill would amend the Clean Air Act and allow electric utilities greater flexibility in the methods of achieving air quality standards.

I appreciate your concern for achieving worthwhile social goals, including environmental protection, for these are our concerns, too. We have the additional concern of supplying customers with dependable electric power, so that they may maintain their homes, operate their industries, and generally live in as comfortable and productive an environment as possible.

Sincerely,

ALVIN W. VOGTLE, Jr.

CHARLESTON, W. VA.,
June 28, 1974.

MR. ALVIN W. VOGTLE, JR.,
President, The Southern Company,
Perimeter Center East,
Atlanta, Ga.

DEAR MR. VOGTLE: I appreciate your responding to my postcard concerning the importation of coal from South Africa. However, you raise some points in your letter which I feel should be discussed further.

Contrary to what many people believe, there is a lot of low-sulfur coal in the Eastern states, including Alabama, West Virginia, Virginia, and Eastern Kentucky. This coal would be available to anyone offering the right contract terms. I wonder if you offered any long-term contracts to coal producers in these states before deciding to buy South African coal?

The West Virginia legislature has passed a resolution (which I have enclosed for your information) expressing concern over the importation of foreign coal into this country when an abundant supply is available locally. I'm sure that you can get low-sulfur coal from this state if you will contact our Department of Commerce with an offer of a contract for ten or more years. Since you say you must pay twice as much for foreign coal, you should be willing to go one step further and procure the long-term contracts that will make Eastern low-sulfur coal available to you. This would not only mean clean air, but also provides jobs for Americans, support "Project Independence", and reduce the economic support that South Africa uses to oppress her native people. And I daresay it would ultimately be to your economic benefit since it would help our economy regain some of its former strength.

The people in this state think it is ludicrous to "bring coals to Newcastle" when the supply of coal in the United States is the second largest in the world. We think there are other reasons for your decision to import coal which you have not yet stated, and we would be grateful if you would share your thinking with us. If no other reason exists, then it might be well to re-examine your position in light of the reasoning presented in this letter.

I commend your support of research and development on the environmental problems of coal. I am aware of the many difficulties involved. However, I don't understand how you can work, at the same time, both to meet the clean air standards and defeat them. I certainly don't believe the clean air act should be repealed or the standards weakened, since the health of us all (including you) is at stake. I don't believe that tall stacks or intermittent controls to be viable long-range solutions. If the standards cannot be met next year, then let's work to meet them the year after, but we dare not change our ultimate goals. I am curious to know what kind of fuel you would use and from where it would come, if the Clean Air Act is weakened. And I hope you're not wasting money by supporting the recent television ads by the "nation's investor-owned-utilities". That money would be much better spent elsewhere, don't you agree?

I will say one more thing on South Africa. I am very disappointed in your weak rationalization of your involvement with apartheid. It is the same attitude of apathy and impotence taken by the Germans during World War II, Americans during the war in Vietnam, and countless others who refuse to take a stand on moral issues. If individuals (and corporations are "persons") do not take a stand on such moral issues as the terrible conditions and racism that affect South African coal miners, who will? Your relatively small purchase of coal from there is indeed significant; as an industry you are in a much better position than an individual to take an effective stand.

I fully recognize any business' need to make a profit. However, I do not expect that profit to be at the expense of any human life. Sooner or later you must internalize the social, health, and economic costs you impose on others. Why not sooner? I sincerely hope that industry and citizen can engage in meaningful and productive dialog in order to reach humane solutions to the problems that face us all.

Very truly yours,

ELLEN SHAPIRO.

Senate Resolution No. 8—"To express the concern of the Senate over one aspect of federal energy policy."

Whereas, Low sulphur coal from abroad is now being unloaded and burned by utilities in New England; and

Whereas, This coal is only the start of the movement of such foreign coal into the eastern United States, which movement is expected to reach 10 million tons per year in the near future; and

Whereas, The United States Bureau of Mines has documented that the United States has the world's largest supply of bituminous coal and that large reserves of low sulphur coal do exist in West Virginia, Virginia and eastern Kentucky; and

Whereas, Continued importation of low sulphur coal from abroad is in direct conflict with the aims and purposes of Project Independence; and

Whereas, Many American jobs will be gained if the projected foreign imports of 10 million tons of coal per year are mined in the United States; therefore, be it

Resolved by the Senate:

That the West Virginia Senate requests our federal government to take the necessary steps to prevent any increase in foreign coal imports into the United States, unless no suitable American coal can be obtained; and, be it

Resolved further, That the West Virginia Department of Commerce be instructed to make available to all utilities affected by such action a list of West Virginia coal producers and indications of the types of coal they produce and what prices and terms of contract will likely make their coal available; and, be it

Resolved further, That the Clerk of the Senate be directed to send copies of this resolution to the Federal Energy Advisor John Sawhill, President Richard M. Nixon, Senators Jennings Randolph and Robert Byrd, and Congressmen Harley Staggers, Ken Hechler, John Slack and Robert Mollohan.

Mr. Susman then requested and obtained unanimous consent to take the resolution up for immediate consideration, and thereafter spoke to his resolution, urging the adoption thereof.

The question now being on the adoption of Senate Resolution No. 8, the same was put and prevailed.

The Senate then proceeded to the sixth order of business.

Senate Concurrent Resolution No. 3—"Directing the Joint Committee on Government and Finance to conduct a comprehensive study of the impact, regulation and control of legal interest rates permitted under the laws of this State and the desirability, feasibility and necessity of amending such laws,"

On unfinished business, coming up in regular order, was reported by the Clerk.

Under the rules, the resolution was referred to the Committee on Rules.

Senate Concurrent Resolution No. 4—"Directing the West Virginia Board of Regents to construct a maintenance and parking facility at the West Virginia Institute of Technology at Montgomery on state-owned property or on any other property that would not deprive people of their homes,"

On unfinished business, coming up in regular order, was reported by the Clerk.

Under the rules, the resolution was referred to the Committee on the Judiciary.

Senate Concurrent Resolution No. 5—"Directing the Joint Committee on Government and Finance to make a comprehensive study of the administration and personnel policies of the Department of Public Safety, including legislation proposed during the 1974 regular session related thereto, and develop recommendations and legislation to improve such administration and policies,"

On unfinished business, coming up in regular order, was reported by the Clerk.

Under the rules, the resolution was referred to the Committee on Rules.

Senate Resolution No. 7—"Amending Senate Rule No. 32 relating to open committee meetings,"

On unfinished business, coming up in regular order, was reported by the Clerk.

H.R. 7—"Expressing the concern of the House of Delegates over one aspect of federal energy policy."

Whereas, Low sulphur coal from abroad is now being unloaded and burned by utilities in New England; and

Whereas, This coal is only the start of the movement of such foreign coal into the eastern United States, which movement is expected to reach ten million tons per year in the near future; and

Whereas, The United States Bureau of Mines has documented that the United States has the world's largest supply of bituminous coal and that large reserves of low sulphur coal do exist in West Virginia, Virginia and eastern Kentucky; and

Whereas, Continued importation of low sulphur coal from abroad is in direct conflict with the aims and purposes of Project Independence; and

Whereas, Many American jobs will be gained if the projected foreign imports of ten million tons of coal per year are mined in the United States; therefore, be it.

Resolved by the House of Delegates:

That the House of Delegates requests our federal government to take the steps necessary to prevent any increase in foreign coal imports into the United States, unless no suitable American coal can be obtained; and, be it

Further Resolved, That the West Virginia Department of Commerce be instructed to make available to all utilities affected by such action a list of West Virginia coal producers and indications of the types of coal they produce and what prices and terms of contract will likely make their coal available; and, be it

Further Resolved, That the Clerk of the House be directed to send copies of this resolution to the Federal Energy Administrator, John C. Sawhill, President Richard Nixon, Senators Jennings Randolph and Robert C. Byrd, and Congressmen Harley Staggers, Ken Hechler, John M. Slack, Jr., and Robert Mollohan.

A LONG LOOK AT THE EXIMBANK

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, in the context of the debate yesterday on the extension of the Eximbank, reference was made in that debate to an editorial which appeared in the Wall Street Journal last Friday, June 28. The title of that editorial was "A Long Look at the Ex-Im Bank."

This clearly written and hard-hitting editorial should have been made a part of the RECORD during the debate on the Eximbank. Although it is now 1 day late, it is my belief that the facts contained in this editorial should be included in the pages of the CONGRESSIONAL RECORD as we in the days ahead consider the extension of the authority for the Export Bank. Accordingly, I have requested permission for the following editorial to be made a part of the RECORD as it appeared in the Wall Street Journal in the issue of June 28, 1974:

A LONG LOOK AT THE EXIMBANK

The authority of the Export-Import Bank expires today, which simply means that until Congress renews its authority the bank cannot make new loan commitments. How nice it would be if Congress took its time, say a year or two, before acting one way or another. It might even find that U.S. economic interests would be served by liquidation of the bank, which by our reckoning stays in business by sleight of hand and covert use of the taxpayers' money.

After all, the only thing the bank really does is subsidize exports. No matter how you slice it, it is a subsidy to provide 7 percent money to finance sale of a widget or an airplane to Ruritania or a computer to the Soviet Union, when an American businessman can't finance purchase of either for less than 11¾ percent. The bank gets privileged rates in the private capital market because the United States puts its full faith and credit behind the loans. Why the U.S. government should give the Ruritanian businessman a sweetheart deal that it won't give an American, save those at Lockheed, is beyond us.

The alleged economic justification for the bank's operation, which Ex-Im Bank Chairman William J. Casey pushes with great fervor, is that it improves the U.S. balance of trade. Granted, an export is an export. But Mr. Casey would have us look at only one side of the transaction. There's no way he could persuade us that wresting capital away from Americans, then forcing it abroad through the subsidy mechanism, does anything but distort relative prices, misallocate resources and diminish revenues, with zero effect, at best, on the trade balance.

Sen. Lloyd Bentsen of Texas sees part of the economics when both sides of the transaction are analyzed. He has an amendment that "would prevent Ex-Im financing of those exports involving the financing of foreign industrial capacity whenever the production resulting from that capacity would significantly displace like or directly competitive production by U.S. manufacturers." He has in mind Ex-Im's subsidizing of a foreign textile or steel plant that competes with its U.S. counterpart, to the detriment of our balance of trade.

Senator Bentsen thinks it's okay to subsidize finished products, like airplanes, which the Ex-Im Bank does plenty of. But Charles Tillinghast Jr., chairman of TWA, doesn't like the idea. He says TWA is losing piles of money flying the North Atlantic against foreign competitors who bought Boeing 747s and such with subsidized Ex-Im's loans. If TWA got the same deal, it would save $11 million a year in finance charges. Mr. Tillinghast is currently pleading for a government subsidy so he can continue flying the North Atlantic and providing revenues in support of, ahem, our balance of trade.

Even if Ex-Im Bank subsidized only exports of goods and services which could not conceivably come back to haunt us directly, we see adverse economic effects. Subsidizing the export of yo-yos to the Ruritanians gives them a balance of trade problem that they correct by subsidizing the export of pogo sticks to us. Taxpayers both here and in Ruritania are thereby conned by this hocus pocus into supporting lower prices for yo-yos and pogo sticks than the market will support. In fact, all our trading partners have their own Ex-Im Bank to achieve exactly this end.

Two and three decades ago, when the Ex-Im Bank was a modest affair, its impact was relatively trivial. Now, it has $20 billion of lending authority and is asking Congress to bump this to $30 billion. By 1971, its impact on federal budget deficits had grown so large that Congress passed a special act taking the bank's net transactions out of the federal budget, so the deficit would look smaller. But the transactions have the same fiscal effect as a deficit, and the same drain on the private capital market. In the fiscal year just ending, the bank took $1.1 billion out of the capital market. In the next fiscal year, it expects to take $1,250,000,000 out of it.

There being no economic justification for the bank, Congress should feel no qualms about letting its authority lapse for a few years to watch what happens. The Russians, eager to continue getting something for nothing through the Ex-Im Bank, would be mildly unhappy. But they'd adjust by getting into the private capital markets with the underprivileged. We'd be surprised, too, if our trading partners didn't follow suit by scrapping these nonsensical subsidies. And if they don't, why should we complain about their taxpayers sending us subsidized pogo sticks?

The editorial quite properly points out that principal effort of the bank is to subsidize exports. It provides 6 or 7 percent money to finance a sale to the Soviet Union when an American businessman cannot finance his business for less than 11¾ percent.

Eximbank Chairman William J. Casey pushes with great fervor his justification for the Bank when he says it improves the U.S. balance of trade. But while trying to generate greater exports how can he deny he is wrestling capital away from our Americans, forcing it abroad. The subsidy mechanism then proceeds to distort relative prices with the zero effect on the trade balance.

Mr. Speaker, it is my privilege to represent an area in west central Missouri, which is the bedroom for thousands of Trans World Airline Workers. TWA is losing a lot of money flying the North Atlantic because of the support by the Eximbank of its foreign competitors. Mr. Tillinghast, chairman of TWA has said that his foreign competitors enjoyed 11 million a year advantages because they could purchase Boeing 747's at low Eximbank rates of interest. With this kind of advantage given to our competitors how long can we expect to see our flag flying on the side of our TWA or Pan Am planes as they wing across the Atlantic? I have supported the Export-Import Bank in the past but what they are doing to our thinking. The thousands of TWA employees who live in my district, will remind me—they may lose their jobs.

The editorial points out the bank will ask to increase its lending authority from 20 billion to 30 billion.

The impact on the Federal deficit has become so great that there was a special act taking the bank's transactions out of the Federal budget so the deficit would be smaller.

The bank must pay from 10 to 11 percent for its money and in turn lends it to the Russians for 6 percent. I certainly do not approve of such a procedure. There must be an adjustment of interest rates so that our American airlines can compete with other airlines and our American industry, compete with foreign industry.

It is one thing for Chairman Casey to promise he will make no more loans to Russia. It is quite another and a better thing to turn down this extension and force the Banking and Currency Committee to write into law restrictions against favored status to the Russians. In the words of the Governor of Alabama we should send the bank a message that the House expects some changes to be made. Put differently, if we refuse this extension maybe someone down at the bank would pay attention to the House. That is the reason, Mr. Speaker, that I was against the 30-day extension.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. Sisk (at the request of Mr. O'Neill), for today and Wednesday, July 3, on account of death in the family.

To Mr. Corman, for today, on account of official business.

To Mr. McKay, for Tuesday, July 9, on account of official military commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, for 30 minutes, today, and to include extraneous material.

(The following Members (at the request of Mr. Arends) to revise and extend their remarks and include extraneous matter:)

Mr. Miller for 10 minutes, on July 2.

Mr. Don H. Clausen, for 15 minutes, on July 2.

Mr. Ruppe, for 5 minutes, on July 2.

Mr. Gilman, for 5 minutes, today.

Mr. Hosmer, for 10 minutes, today.

Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mr. Rose), to revise and extend their remarks, and to include extraneous matter:)

Mr. Matsunaga, for 15 minutes, today.

Mr. Owens, for 5 minutes, today.

Mr. Morgan, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Rosenthal, for 5 minutes, today.

Mr. Fraser, for 5 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Flood, for 5 minutes, today.

Mr. Bingham, for 5 minutes, today.

Mr. Burke of Massachusetts, for 5 minutes, today.

Mr. Leggett, for 10 minutes, today.

Mr. Barrett, for 10 minutes, today.

Mr. Rangel, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Brademas, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $731.50.

Mr. Hawkins, and to include extraneous matters notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $783.75.

Mr. Miller, his remarks prior to the vote on H.R. 15465 today.

(The following Members (at the request of Mr. Arends) and to include extraneous material:)

Mr. Young of Alaska.

Mr. Roncallo of New York.

Mr. Robison of New York.

Mr. Robert V. Daniel, Jr.

Mr. Carter in two instances.

Mr. Archer.

Mr. Goldwater in two instances.

Mr. Anderson of Illinois in two instances.

Mr. Steiger of Wisconsin.

Mr. Bob Wilson.

Mr. Derwinski in three instances.

Mr. Kemp in four instances.

Mr. Hosmer in three instances.

Mr. Huber.

Mr. Towell of Nevada in two instances.

Mr. Sarasin in two instances.

Mr. Frey.

Mr. Rhodes.

Mr. Gilman in four instances.

Mr. Forsythe.

Mr. Wydler.

Mr. McKinney.

(The following Members (at the request of Mr. Rose), and to include extraneous matter:)

Mr. Rodino.

Mr. Badillo in three instances.

Mr. Conyers in 10 instances.

Mr. Gaydos in 10 instances.

Mr. Vander Veen in two instances.

Mr. Minish.

Mr. Owens in two instances.

Mr. Seiberling in 10 instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Anderson of California in two instances.

Mr. Matsunaga in two instances.

Mr. Flood.

Mr. Nix.

Mr. Roush in two instances.

Mr. Gettys.

Mr. Symington in two instances.

Mr. Patman.

Mr. Roy.

Mr. Moakley in 10 instances.

Mr. Charles H. Wilson of California.

Mr. Roe in three instances.

Mr. Rees.

Mr. de la Garza in 10 instances.

Mr. Burton.

Mr. Kluczynski.

Mr. Leggett in two instances.

Mr. Litton.

Mr. Rose.

Mr. White.

Mr. Jones of Oklahoma.

Mr. Dent.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 2137. An act to amend the Act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act; and

S.J. Res. 218. Joint resolution to extend by 30 days the expiration date of the Export-Import Bank Act of 1945.

ADJOURNMENT

Mr. ROSE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 3, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2513. A letter from the Secretary of the Army, transmitting a report on the transfer of funds between subdivisions of the appropriation for fiscal year 1974 for "Operation and maintenance, Army," pursuant to title III of Public Law 93-238; to the Committee on Appropriations.

2514. A letter from the Secretary of the Army, transmitting a report on the first year's experience of the Volunteer Army; to the Committee on Armed Services.

2515. A letter from the Chairman and members, Equal Employment Opportunity Coordinating Council, transmitting the third annual report on the operations of the Council, covering fiscal year 1973, pursuant to section 715 of Public Law 92-261; to the Committee on Education and Labor.

2516. A letter from the Chairman, National Labor Relations Board, transmitting the 38th annual report of the Board, pursuant to section 3(c) of the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

2517. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended (8 U.S.C. 1154(d)); to the Committee on the Judiciary.

2518. A letter from the Secretary of the Treasury, transmitting a report of a study of tax and loan accounts; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee of Conference. Conference report to accompany H.R. 11385 (Rept. No. 93-1170). Ordered to be printed.

Mr. POAGE: Committee on Agriculture. H.R. 15560. A bill to provide temporary emergency financing through the establishment of a guaranteed loan program for livestock producers; with amendment (Rept. No. 93-1171). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee on the District of Columbia. S. 3703. An act to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes; with amendment (Rept. No. 93-1172). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee on the District of Columbia. H.R. 13608. A bill to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia; with amendment (Rept. No. 93-1173). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee on the District of Columbia. H.R. 5686. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes; with amendment (Rept. No. 93-1174). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Carolina (for himself, Mr. Adams, Mr. Ashley, Mr. Beard, Mr. Blatnik, Mr. Boland, Mr. Brademas, Mr. Broyhill of Virginia, Mr. Carter, Mrs. Chisholm, Mr. Conte, Mr. Dellums, Mr. Diggs, Mr. Edwards of California, Mr. Fraser, Mr. Frenzel, Mr. Fulton, Mr. Gude, Mr. Gunter, Mr. Helstoski, Mr. Henderson, Mr. Hicks, Ms. Holtzman, Mr. Lent, and Mr. Litton):

H.R. 15747. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the amount of certain cancellations of indebtedness under student loan programs; to the Committee on Ways and Means.

By Mr. ANDREWS of North Carolina (for himself, Mr. McKinney, Mr. Macdonald, Mr. Mitchell of New York, Mr. Mizell, Mr. Montgomery, Mr. Mosher, Mr. Moss, Mr. Nedzi, Mr. Nichols, Mr. Nix, Mr. Obey, Mr. Owens, Mr. Pepper, Mr. Price of Texas, Mr. Pritchard, Mr. Rodino, Mr. Roe, Mr. Roncallo of New York, Mr. Rose, Mr. Roush, Mr. Stark, Mr. Steed, Mr. Stephens, and Mr. Studds):

H.R. 15748. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the amount of certain cancellations of indebtedness under student loan programs; to the Committee on Ways and Means.

By Mr. ANDREWS of North Carolina (for himself, Mr. Symms, Mr. Thone, Mr. Tiernan, Mr. Vander Veen, Mr. Waldie, Mr. Bob Wilson, Mr. Wolff, and Mr. Young of Georgia):

H.R. 15749. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the amount of certain cancellations of indebtedness under student loan programs; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 15750. A bill to amend the Internal Revenue Code of 1954 to increase the corporate surtax exemption; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 15751. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of North Carolina (for himself and Mr. McCollister):

H.R. 15752. A bill to amend the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mrs. GRASSO (for herself and Mr. McKinney):

H.R. 15753. A bill; Shepaug River Act; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN of Idaho:

H.R. 15754. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina (for himself, Mr. Baker, Mr. Dickinson, Mr. Mathis of Georgia, Mr. Rose, Mr. Wampler, and Mr. Charles Wilson of Texas):

H.R. 15755. A bill to amend sections 358, 358a, 359, and 373 of the Agricultural Act of 1938, as amended, and Title I of the Agricultural Act of 1949, as amended; to the Committee on Agriculture.

By Mr. McDADE:

H.R. 15756. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. MATHIS of Georgia:

H.R. 15757. A bill to establish an improved program for the benefit of producers and consumers of peanuts; to the Committee on Agriculture.

By Mr. NIX:

H.R. 15758. A bill to amend title 44, United States Code, to provide for the publication of a weekly digest of congressional proceedings; to the Committee on House Administration.

H.R. 15759. A bill to amend title 39, United States Code, to provide for the mailing of correspondence to Members of the Congress free of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PATMAN (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Byron, Mr. Clay, Mr. Davis of South Carolina, Mr. Flowers, Mr. Fraser, Mr. Hicks, Mr. Hinshaw, Mr. Horton, Mr. Johnson of Pennsylvania, Mr. Kemp, Mr. King, Mr. Long of Maryland, Mr. Lott, Mr. McCloskey, Mr. Mathis, of Georgia, Mr. Regula, Mr. Roncallo of New York, Mr. Slack, Mr. Steed, Mr. Stubblefield, Mr. Taylor of Missouri, and Mr. Tiernan):

H.R. 15760. A bill to amend title 38 of the United States Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. PERKINS:

H.R. 15761. A bill to amend section 37 of the Internal Revenue Code of 1954 to make the tax treatment of retirement income comparable to that of social security income; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 15762. A bill making a supplemental appropriation for fiscal year 1974 for the expenses of the National Institute of Neurological Diseases and Stroke in connection with dystonia; to the Committee on Appropriations.

H.R. 15763. A bill to amend section 1114 of title 18 of the United States Code to include officers and employees of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself, Mr. Kyros, and Mr. Metcalfe):

H.R. 15764. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall be deemed lawful; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 15765. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Ms. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Conyers, Mr. Ford, Mr. Froehlich, Mrs. Grasso, Mr. Grover, Mr. Gude, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Ms. Holtzman, Mr. Lehman, Mr. Metcalfe, Mr. Moakley, Mr. Nedzi, Mr. Rinaldo, Mr. Rose, Mr. Rosenthal, Mr. Roybal, Mr. Seiberling, Mr. Waldie, and Mr. Yatron):

H.R. 15766. A bill to amend the Atomic Energy Act of 1954 to require that all proposed agreements between the United States and any foreign power for cooperation on atomic energy development be subject to a congressional power to disapprove; to the Joint Committee on Atomic Energy.

By Mr. YATRON:

H.R. 15767. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer); to the Committee on Ways and Means.

By Ms. ABZUG (for herself, Mr. Addabbo, Mr. Badillo, Mr. Dellums, Mr. Edwards of California, Mr. Eilberg, Mr. Long of Maryland, Mr. Moakley, Mr. Podell, Mr. Rosenthal, Ms. Schroeder, Mr. Charles H. Wilson of California, and Mr. Young of Georgia):

H.H. 15768. A bill to amend the Export Administration Act of 1969 to require that all proposed agreements between the United States and any foreign nations providing for the transfer or distribution of nuclear materials or technology be subject to congressional approval; to the Committee on Banking and Currency.

By Mr. BINGHAM:

H.R. 15769. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 15770. A bill to provide that the majority of the membership (including the chairman) of the Committee on Government Operations of the Senate and House of Representatives, respectively, shall be composed of members of a major political party other than the political party of which the President of the United States is a member; to the Committee on Rules.

By Mr. GILMAN:

H.R. 15771. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LUKEN:

H.R. 15772. A bill to amend titles XVIII and XIX of the Social Security Act to provide an optional, simplified method of reimbursement for physicians' services under the medicare and medicaid programs for each State on the basis of a fee schedule, uniform throughout such State, and to authorize reimbursement to participating physicians in the full fee schedule amounts (with collection of the applicable deductibles and coinsurance from patients becoming the responsibility of the Federal program; to the Committee on Ways and Means.

By Mr. LUKEN (for himself, Mr. Moss, and Mr. Gunter):

H.R. 15773. A bill to provide for public ownership of all documents prepared for or by any elected Federal official in connection with the performance of the duties of such official; to the Committee on House Administration.

By Mr. MARAZITI:

H.R. 15774. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

By Mr. MELCHER:

H.R. 15775. A bill to amend title 38, United States Code, to provide the conditions under which distinterment of decedents in national cemeteries may be authorized; to the Committee on Veterans' Affairs.

By Mr. MINISH:

H.R. 15776. A bill to amend the Urban Mass Transportation Act of 1964 to provide increased assistance for mass transportation systems; to the Committee on Banking and Currency.

By Mr. REES:

H.R. 15777. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. RUPPE:

H.R. 15778. A bill to amend the Internal Revenue Code of 1954 to increase the standard deduction from 15 percent to 20 percent, and to increase the maximum allowable amount of such deduction from $2,000 to $2,500; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. Stuckey, and Mr. Fraser):

H.R. 15779. A bill to establish an agency for the prevention of child abuse in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. STEELMAN (for himself, Mrs. Burke of California, Mr. McKay, Mr. Dingell, and Mr. O'Brien):

H.R. 15780. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish a Save Outdoor America program, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE (for himself, Mr. Mosher, Mr. Symington, and Mr. Esch):

H.R. 15781. A bill to amend the National Aeronautics and Space Act of 1958 to provide for the coordinated application of technology to civilian needs in the area of earth resources survey systems, to establish within the National Aeronautics and Space Administration an Office of Earth Resources Survey Systems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. YOUNG of Illinois:

H.R. 15782. A bill to amend the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.J. Res. 1085. Joint resolution to designate April 24 of each year as National Day of Remembrance of Man's Inhumanity to Man; to the Committee on the Judiciary.

By Mr. RODINO (for himself and Mr. Rangel):

H. Con. Res. 556. Concurrent resolution expressing the sense of Congress with respect to the action of the Government of Turkey in rescinding its ban on the growing of opium poppy; to the Committee on Foreign Affairs.

By Mr. RONCALLO of New York (for himself, Mrs. Chisholm, Mr. Erlenborn, Mr. Eshleman, Mr. Forsythe, Mr. Gilman, Mrs. Holt, Mr. Martin of North Carolina, Mr. Moakley, Mr. Pickle, and Mr. Won Pat):

H. Con. Res. 557. Concurrent resolution requesting the President to declare July 2 through 5, 1976. to be a legal public holiday, and for other purposes; to the Committee on the Judiciary.

By Ms. ABZUG (for herself, Mr. Addabbo, Mr. Brown of California, Mr. Badillo, Mr. Dellums, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Gude, Mr. Long of Maryland, Mr. Moakley, Mr. Podell, Mr. Rosenthal, Ms. Schroeder, Mr. Charles H. Wilson of California, Mr. Yates, and Mr. Young of Georgia):

H. Res. 1219. Resolution to the Committee on Foreign Affairs.

By Mr. SYMINGTON (for himself, Mr. Brown of California, Mr. Cochran, Mr. Hansen of Idaho. Mr. Hicks, Mr. Owens, Mr. Preyer, Mr. Seiberling, Mr. Udall, Mr. Wampler, and Mr. Won Pat):

H. Res. 1220. Resolution requesting that each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, American Samoa, and the Trust Territory of the Pacific Islands conduct a survey or study to determine the views of their citizens with respect to abortion laws; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 15783. A bill for the relief of Harry Stanley Spaulding, Jr.; to the Committee on the Judiciary.

By Mr. CAMP:

H.R. 15784. A bill for the relief of J. F. Nighswander; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 15785. A bill to transfer the right of the United States to phosphates in certain real property owned by Charles N. Bardin, Jr., James H. Hickman, Leroy Miller, and Oscar T. Hubbert of Tampa, Fla.; to the Committee on Interior and Insular Affairs.

By Mr. HECHLER of West Virginia:

H.R. 15786. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager; to the Committee on Armed Services.

By Mr. HUDNUT:

H.R. 15787. A bill for the relief of Valerie Ann Chambers; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 15788. A bill for the relief of Mitsue Karimata Stone; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

DICTATING PRODUCT SAFETY

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. LANDGREBE. Mr. Speaker, recently an article on the Consumer Product Safety Commission appeared in the May 18 issue of Business Week magazine. The article was entitled "Dictating Product Safety," and I present the article in a condensed form for the information of my colleagues:

DICTATING PRODUCT SAFETY

Richard O. Simpson, 44-year-old chairman of the Consumer Product Safety Commission, likes to compare his job to hunting tigers. "You go in with drums and bugles," he says, "and you beat the drums and blow the bugles to let the tigers know you're coming. Then if you catch any, all you've got are the dumb tigers who didn't believe you, the deaf tigers who didn't hear you, or the fighting tigers who didn't care and will fight anybody. The other tigers are smart and take warning which is why we are beating the drums to begin with."

This week—on the first anniversary of his swearing-in—Simpson took his tiger hunt to the Holiday Inn in Bethesda, Md., where he chaired the first National Conference on Product Safety. For three days, delegates appointed by the governors of all 50 states discussed ways to minimize conflicts between state and federal product safety laws and how to coordinate enforcement of the Consumer Product Safety Act, which created Simpson's commission. Also at the conference—strictly as spectators—were scores of businessmen, consumerists, lobbyists, lawyers, journalists, and plain, interested citizens.

The conference capped a busy first year for what is rapidly becoming one of the government's most powerful and pervasive regulatory agencies. With a life-and-death say over more than 11,000 consumer products, the five-member commission and its staff of 750 technicians, lawyers, and administrative help have poked into everything from aerosol spray cans to television sets, bicycles, lamps, ranges and ovens, mowers and garden tractors, carbonated beverage bottles, and aluminum home wiring.

This has thrown the little known, but already controversial, agency up against some of the largest companies in American industry: General Electric, Sears, Montgomery Ward, RCA, Philco-Ford, Zenith, Admiral, Borden, 3M—to name only a few. Many of these companies had intensive safety programs long before Congress created the CPSC. But now as a marketing executive at Westinghouse Electric Corp. puts it: "We have certainly increased our awareness of product safety and formalized our procedures." Adds John A. Marchese, vice-president for merchandise procurement at Montgomery Ward & Co.: "I'm not sure we move more quickly now [on defective products]. But we are more deliberate because of the consequences. Now we have to notify the government and put out press releases. Before, bang—we moved like that."

TARGET FOR ATTACK

The result can be a hefty boost in administrative and technical expenses, which carries major implications at a time when other costs are also soaring. Last August, for instance, Sears, Roebuck & Co. ran into trouble with one of its electric power mowers. On some machines, a slight electrical impulse from the motor neutralized a safety device that was supposed to keep the motor from starting while the machine was in gear. Of 33,000 mowers, only 10,000 were affected. Yet to determine which mowers were faulty, Sears personnel had to go out with dental mirrors and read the names on each safety device of each mower.

The concern at Certain-Teed Products Corp. is even more basic: There are already far too many regulatory agencies, the company feels, so why another? As a Certain-Teed executive notes, the CPSC can influence or overrule other agencies. "This means that if you're in compliance according to one agency, you may not be in compliance with the CPSC," he says. "It's our view that the creation of a superagency or any agency to oversee other agencies will be difficult to deal with."

Along the way, Simpson has trampled some political toes, as well. Senator Sam J. Ervin, Jr. (D-N.C.) is trying to restrict the commission's mandate. Senator John G. Tower (R-Tex.) has called for a probe of the commission's performance. Representative Earl F. Landgrebe (R-Ind.) has introduced a bill to abolish the commission. Even the White House, which originally nominated Simpson and his four fellow commissioners, admits to a later attempt to dump the energetic, outspoken chairman.

Depending upon the critic and his particular gripe, Simpson has been attacked as brash, arbitrary, radical, stubborn, and "deliberately provocative." In some ways, he may be all of these. With what he calls a "goldfish bowl" strategy of "doing the public's business in public," Simpson plays to the press and has shown a flamboyant knack for grabbing headlines—sometimes with a zeal that has injured innocent companies. . . .

NONCOMPLIANCE WITH A COMMISSION RULING CAN BRING FINES OF UP TO $500,000

Simpson notes that most other government regulators have the same authority to impose criminal penalties. "But they are reluctant to use them," he claims. "In my view, that is amending the law." Then with a sharp edge in his voice, he adds: "Look, nobody asked me if I thought the Product Safety Act should have criminal penalty provisions in it. But as administrator, I have the obligation to enforce the law, even if that means asking for criminal penalties. Not to use the power we have, where appropriate, would be amending the law, and only Congress has the right to do that."

Michael A. Brown, commission general counsel, cites recent run-ins with National Presto Industries, Inc., (electric frypans) and McCulloch Corp. (chain saws). The CPSC came down on products made by both companies, but neither manufacturer responded. "We just got tired of waiting around for them to move," he says, "so we told them to tell it to the judge." Before administrative proceedings could begin, however, both companies offered to settle. At least one major retail chain is even preparing for the ultimate contingency. It recently designated a key senior vice-president as "the one who goes to jail" if the company runs afoul of the CPSC. The executive immediately called his staff into the office and announced flatly: "There shall be no screwups."

"ONE OF OUR BIGGEST PROBLEMS IS INDUSTRY UNWILLINGNESS TO CHALLENGE US"

After its first full year of operation, the commission has run into only a few companies that dig in their heels at an agency ruling. One is Wel-Dex Mfg. Co., a small Houston subsidiary of Relco, Inc., which does a $6-million-a-year business in electrical equipment. On Feb. 22 the commission put out a press release on Wel-Dex home arc welders, warning that "terminals on the welders are exposed, posing a potential fatal shock hazard, and poor connections on the cords could render the entire frame electrically alive."

Thomas H. Doss, founder and president of Wel-Dex, disputes the commission findings and claims that he was "coerced into signing a statement to halt production of the welder." The commission attorneys, he adds "threatened to make me recall every single welder that had been sold. They threatened civil action of $500,000 in fines, and they also threatened criminal action. I was scared to death. I'm just a small businessman. I can't refund $5-million." Last month Doss filed suit against the commission, charging that its original press release was "in violation of due process." He also contends that an effort by commission agents to inspect his plant constituted "duress, coercion, harassment, and intimidation."

Such cases, however, are rare. Far more often, companies simply comply. A few weeks ago, for instance, the commission ordered a San Francisco-based chain of import shops to remove $200 to $300 worth of paperweights from its shelves; the paperweights were designed to look like lightbulbs, and the commission worried about consumers trying to screw them into a socket. "We didn't question the commission order," says Marvin Fisher, a vice-president of Cost Plus, Inc. If the product had been worth more money, adds a Cost Plus attorney, "we would have asked the commission to come forth with more evidence and give us a hearing. Because of the nature of the product and the small amount of money involved, it wasn't worth the trouble to argue the point."

Surprisingly, Simpson prefers the more combative reaction over the quick compliance of Cost Plus. "One of our biggest problems is industry unwillingness to challenge us," Simpson complains. "The necessary checks and balances must come from industry, as well as from Congress. And when industry capitulates and then bad-mouths us, it just makes for a bad precedent. Sometimes, too, I think companies have reported a hazard without first sitting down and deciding if it really is a substantial product hazard. "Frankly," Simpson stresses, "I'd be more satisfied if industry would stand up for its rights."

A COMMUNICATION PROBLEM

There is one grievance that does prompt companies to stand up to the commission—and often vehemently. That is the commission's "goldfish bowl" approach to regulation. They claim there is too much contact with the press and too much "shooting from the hip" before the commission has all the facts.

"I don't think the commission realizes the position that it holds in the eyes of the general public and the media," says George Grippo, consumer marketing manager for Loctite Corp., which produces anaerobic and cyanoacrylate adhesives. "When the commission releases a statement, it should make [the charges] clear to the press, so that the statement cannot be misinterpreted, making the manufacturer suffer from it."

Loctite speaks as a company that suffered. Last January, as the Newington (Conn.) manufacturer launched its first big foray into the consumer market, the commission put out a press release, announcing an "investigation" of these so-called "superglues." Not until a few days later did Loctite, which accounts for 40% of the superglue business, receive official notification.

The commission wanted only a stronger label warning to protect consumers against eye injury. While Loctite and other manufacturers quickly obliged, press reports mistakenly suggested that a ban might be imminent. "It was a communication problem, and it still hasn't been straightened out," says Grippo. "We lost a lot of sales. Sears doesn't want to come close to the product. They don't even want to talk about it. And before, they had interest." Loctite had been projecting $500,000 to $600,000 in consumer sales the first year. "Because of all this," Grippo notes, "we're doing considerably less."

The commission ran into an even stickier problem with another glue: aerosol spray adhesives. Last August the agency banned 13 spray adhesives—only to reverse itself in February. Further scientific studies, the commission said in lifting the ban, failed to confirm original findings that the sprays contributed to birth defects. Yet the commission stopped short of declaring the adhesives safe—they were simply "not unsafe," as Simpson puts it.

This is scant consolation for 3M Co., one of two major manufacturers of the glue. "We don't feel the books have really been balanced in this incident," says a 3M spokesman. Nor does Senator Tower. He attacked the commission handling of the sprays as "part of a pattern" that included "arbitrary and capricious disregard for due process and equitable administration" of the law.

Some of the sharpest criticism of Simpson and his running of the commission centers on a tendency to look beyond his immediate mandate and start poking into other product areas. Several months ago he shook up gun lobbyists when he said, only half-jokingly, that firearms were indeed outside of the agency's jurisdiction—but not ammunition. Senator Ervin was no more amused when Simpson announced that the commission was considering a ban on all cigarettes above a certain tar level. While tobacco products are not included under the Consumer Product Safety Act, Simpson claims that they do fall under the Hazardous Substances Act, which comes under his jurisdiction. With an eye on his tobacco-growing constituency in North Carolina, an angry Ervin fired off a note to Simpson, disputing his legal interpretation, and asked the General Accounting Office for an opinion. The GAO came down squarely on Ervin's side. Simpson, however, claims that the legal question is still open.

OFF-BOUNDS TO CRITICS

The criticism does not bother Simpson. On the one hand, his agency enjoys wide support among most of the companies that it regulates. At the same time, Simpson's commission is beyond the reach of most of its critics. Congress wrote strong provisions into the Consumer Product Safety Act, guaranteeing the commission's independence from both political and business pressures. This includes a key clause that makes the agency accountable to Congress, rather than to the President. The Commission's budget and legislative recommendations go directly to Congress without the customary imprimatur of the Administration's Office of Management & Budget. Simpson interprets this part of the law so broadly that Congress is privy to nearly all budget communications between the commission and the OMB. Unaccustomed to such Congressional scrutiny, the OMB has objected strenuously, if only privately. Characteristically, Simpson ignores it.

Simpson has even balked at the idea of routine White House "political clearance" for top commission staffers. "Political clearance means political control or interference," he says. This has held up official White House approval of some key Simpson appointments. (During the standoff, they are paid as "consultants.") While the White House and other critics would like to dislodge Simpson, he seems safe at least until his term runs out next year. Under the law, the chairman serves a fixed term—not at the pleasure of the President.

So Simpson is inclined to let the controversy swirl over his head as he pursues what he considers to be his agency's main mission: getting the word out to the public on unsafe products. So far, Simpson admits that the commission has only made a small beginning. A spokesman for Gump's, the San Francisco merchant, says he "never heard of it"—referring to the commission. Another San Francisco retailer, Baruch Petranker Import Co., learned about the commission the hard way. Recently, says a Petranker executive, " a nice lady came in and said the hair dryers we import might be bad." She took several for testing. Two weeks later the CPSC told the company to stop selling them.

The challenge, says Simpson, is creating "public awareness and understanding of who we are and what we do. The Consumer Product Safety Commission is hardly a household word." At least, not yet.

TRIBUTE TO LEWIS DESCHLER

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 1974

Mr. HANLEY. Mr. Speaker, since our inception as a dream in the hearts of a few brave men to the foremost democratic nation on Earth, the United States has been privileged with more high caliber public servants than probably any other country in history. The House, as a melting pot of American aspirations, has shared in this fortune in having the able services of a long line of distinguished citizens and Members. In the forefront of these men must stand Lewis Deschler.

The House Parliamentarian since 1928, Lewis Deschler has served nine Speakers, and in doing so, he, following the great example of Thomas Jefferson, has established a body of parliamentary procedure and experience equaled by none.

For 10 of his 46 years of service I have served in this body and have found Lew to have been most courteous and helpful to the attentions and needs of not only the leadership, but of the individual Members themselves. His advice has always served as an accurate and knowledgeable assessment of the situation at hand, and his friendship has been appreciated by all.

Lew is retiring now, but in my mind's eye he will always rank as one of the country's foremost citizens, a man who has given much to this country and particularly to the House which he has served so ably over the last five decades. I want to wish him and his family the best in coming years, and I also look forward to continue receiving the benefits of his experience and advice, in his position as a special counsel to the Office of the Parliamentarian.

A NATIONAL NUTRITIONAL POLICY

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ROUSH. Mr. Speaker, a distinguished and concerned constituent of mine, Mr. D. Dean Rhodes, of Fort Wayne, Ind., recently testified before the U.S. Senate Select Committee on Nutrition and Human Needs. He is a member of the Committee on Nutrition and Food Availability. His remarks and recommendations as then pertain to a national nutrition policy, are timely:

IMPROVE THE EFFICIENCY OF OUR LARGE SCALE MEAL DELIVERY SYSTEMS

While our institutions such as schools, hospitals, nursing homes, military establishments, prisons, etc. now maintain a high professional nutritional standard, and their efficiencies provide meals at a lower cost than in the home, they still have a need to make them even more efficient and to benefit more individuals.

If we rate the food preparation and service efficiency in an institution on the basis of total hours worked by all food service workers, including supervision and management, and divide this sum into the total of meals produced and consumed, we come up with the number of meals produced per worker hour.

Due to a number of factors, but due mainly to the more recent developments of new systems of equipment, institutions can now produce more meals per worker hour. These efficiencies are significant, and in some situations improvements of up to 500% are possible.

Thus as the trend for institutions to become the very foundation for universal feeding, it is essential that these institutions are equipped with the latest most efficient food production and service systems.

This improved efficiency has the same effect as producing a bushel of corn with a cost of one minute of labor, instead of our old production rate of ten minutes per bushel.

New large scale meal preparation and delivery systems of two minutes of labor per meal contrast with older systems of ten minutes of labor per meal.

The upgrading to large scale meal delivery systems would contribute not only to a more efficient use of labor, but to improved nutrition, and reduction in waste of food, at the same time upgrading the presentation of the food from a temperature and appearance standpoint.

Of the 52 million children enrolled in schools throughout the United States, we are presently serving lunch to 20 million plus children each day. If we can assume that 10% are absent on any given day, that leaves us with 26 million unfed children.

The present annual cost of school lunch is over 2.2 billions of dollars. Half of this money comes from children who pay for their lunches, approximately one-fourth is funded from State Government subsidy, and one-fourth from the Federal Government (about one-half of the Federal Government's contribution is in the form of food commodities).

Our immediate concern is for 26 million children who are not receiving a lunch are the ones who need it most.

Universal School Lunch, in its purist form, means simply that all 46 million children would receive their meals free, even those who can afford to pay.

I think that this nation has an enormous opportunity to feed all the children of America a meal during the noon hour in which they are at school. The opportunity to make a commitment once and for all to the many school districts, both large and small, to begin at once to accomplish the goals of Universal School Food Service programs.

As a manufacturer of food service equipment, we have had the opportunity and challenge to watch and be a part of the growing School Lunch Program over the past 18 years.

Today I will relate from our own statistics. These may vary from those of other groups, and, of course, are subject to a host of variables, but the absolute exactness of each statistic is not important. The formula of how we arrived at these statistics is very vital here today.

The question is not the desirability of a Universal School Lunch Program in America because the need is there. The ultimate question is . . . the cost and the timing.

It is my opinion that the plan that we outline today, if interpreted into legislation, could bring a Universal School Lunch Program to America quickly and with a realistic price tag.

Unfortunately, I cannot convey this plan with a broad brush, for it is only through understanding the formulas and their details that you will be able to evaluate the system we propose.

What we are presenting is being utilized in over 200 school districts and can be verified. Therefore, the formula can be tested and proven.

The greatest promise to make Universal School Lunch a reality is found in the technology that industry has developed most recently.

In school lunch, we rate food service productivity by number of meals per worker hour. The result is that present school food service productivity would be about the same as our comparing propeller driven aircraft to our highest speed jets. School food service productivity is rated low due to its lack of widespread utilization of current technology, and I think changing this productivity will permit us to have Universal School Food Service at a low cost.

The school lunch industry produces eight (8) meals per worker hour. This speed of eight meals per worker hour is a national average and some schools may produce as little as two meals per worker hour, and there are many that produce more.

Prior to 1956, nearly all schools in the school lunch program had unit kitchens or in simple terms, one kitchen for every school building. The new technology and system that enabled the school lunch industry to improve productivity of meals per worker hour was the result of development of the bulk food transporting system. This Central Kitchen System enables a school district to utilize its largest kitchen . . . bringing its best people expertise into a central location to prepare the food and then transport the food to all of its schools, referred to as Satellite Schools.

But this system has not succeeded as well as it should because it requires a large first-time capital expenditure for the central kitchen and equipment, an expenditure that the schools cannot fund on a one-time basis. This is basically because the school's budget on a school-by-school basis rather than an overall school district basis. If schools could have provided the capital over the past eighteen years, school lunch labor could be producing about 300% more meals for the same amount of labor dollars. This would have given us a very significant increase in productivity and would have helped to eliminate many of the problems we are facing today.

This is why I am recommending that in future legislation, we begin to equip our schools to utilize the new technology . . . the new systems . . . so that we do not repeat that same mistake again.

Our solution to solve the problems of malnutrition in the age group of children in our school systems is simple, effective, low cost, and can be utilized in any school. It takes advantage of all the new and modern technology that has been provided by our American industry. Food served through this system can meet all the Type A meal requirements established by the United States Department of Agriculture, and can be varied enough to provide in addition to luncheon menus, breakfasts, nutrition breaks, and even dinner.

Food quality is better due to our employing the best cooks in one location. Because of the transport equipment used, the meals are protected for nutritional quality.

The system can utilize canned foods or frozen factory pack, or any other form of convenience foods, or fully prepared kitchen foods. It satisfies the need to vary and market food in such a way that the children will enjoy the food and participate in the school lunch program.

At lunchtime, a part-time worker working two to three hours a day receives the food at the Satellite School, wheels it into a serving counter, and serves as many as 300 meals in less than 30 minutes. Children are served a nutritious hot lunch along with cold salads, milk, and desserts. This system can produce up to three to five times more meals per worker hour. Workers benefit from reduced kitchen drudgery, and can utilize their talents for improving nutrition education.

This system is handicapped by the original capital investment, even though the labor savings may pay for itself in less than one year. Nevertheless, it is difficult for the school districts that need it most to afford the initial costs.

Let's bear in mind that in America we have always utilized the most practical, economical, and efficient systems available, and the true benefits may be the additional dollars it allows to buy more nutrition education and better quality foods.

The reason for sharing these new industry technologies with you is two-fold:

1. We want to assure you that the Food Service Equipment industry is capable of supplying the systems and expertise necessary to support a Universal School Lunch Program, but more importantly, to convey that this new technology can actually reduce costs sufficiently to make a Universal School Lunch Program feasible much sooner than might otherwise be possible.

We are presently spending Government funds of over $300 million in this program, commodities are valued at $265 million, and the States' contribution of $547 million. This brings our costs or our contribution cost of both state and federal governments up to $1.112 billion.

The children's parents are paying another $1.104 billion for lunch. If we adopt the Universal School Lunch Program using the present food preparation methods, which we consider antique, the cost is going to be much higher and the cost for adding the 26.8 million children to the program will add another $2.560 billion.

If you are going to think in terms of what additional monies it would cost us to go into the Universal School Lunch Program using present methods, we would, first of all, add to what we are spending, the parent's $1.104 billion plus the $2.560 billion, and this brings the total price tag up to $4.776 billion on an annualized basis for the Universal School Lunch Program.

Any amount of money will not solve the problem without first of all solving the basic problem of the proper tools to work with. Where will we find the equipment for many of the schools in this program to feed the 26.8 million children?

Most of these schools do not have any equipment at all. Some will have to upgrade present equipment, some will need additional equipment to accommodate the added load of the number of meals to be produced.

The equipment price tag, using the outmoded unit or single kitchen concept, would add on a one-time basis another $3.350 billion. We have to consider that the first time cost of a Universal School Lunch Program that first year, if in fact it could be done in one year, would be $8.126 billion.

However, the system that we propose, the "Large Scale Meal Delivery System", (the numbers here are the same as far as the input; the $1.112 billion of Federal cash; Federal commodities, and State aid still would be the same) can provide food service for 46.8 million children that are now in the program, at an additional $2.309 billion cost.

By using this system, we can save on an annualized basis $1.355 billion dollars. In order to achieve this savings, we must do a proper job of equipping for Large Scale Meal Delivery Systems, and that cost again is a one-time cost of $936 million contrasted to doing it the other way and spending $3.350 billion, which is the unit kitchen concept, or $2.414 billion saved. But once that money is invested, we can save the $1.355 billion each year thereafter.

Now, as a businessman, I tried to determine what's the lowest cost method to approach this program and to provide the Universal School Lunch Program at a price that would not be frightening to the Congress, and this is the lowest cost method that we can determine. If we would equip all the schools with the Large Scale Meal Delivery System at a one-time cost of $936 million, then the amount that we would need to spend thereafter over our present $1.112 billion, our added cost over those figures, once we had this equipment, would only be $2.309 billion per year.

When we compare these costs with the testimony of all of the prior cost estimates of this program, this is a substantial savings . . . which, I believe, could lead us into a Universal School Lunch Program much more rapidly and at a feasible price tag.

Let's look at it another way. We said that in 1956 we made a mistake by not starting to utilize Large Scale Meal Delivery Systems. We have also made some mistakes very recently even since the White House Conference. Some of the programs that have come on stream recently have been crash programs, and as a result, we have not taken into account proper food preparation equipment and the resulting productivity in many cases is still at 1946 per worker hour levels.

In these crash programs we have not always taken into consideration the proper sanitation, cleanliness, and protection of the food from a nutrition standpoint and quality. We need to upgrade these programs. However, if, we don't set a correct course for the future, if we go into a Universal School Lunch Program . . . heaven forbid, and make the same mistakes we have made in the past . . . over the next 20 years either the Federal or State Government will spend $30,869 billion more at present prices than would need to be spent. That is why it is vital we do not repeat these same mistakes again.

Let's see how we can accomplish this tremendous task. How do we feed 46.8 million children without adding any labor cost? The facts are . . . that by using Large Scale Meal Delivery Systems to serve every child presently in schools in the United States, we will need an equivalent of 195,000 full-time workers. Today schools employ some 312,500 school lunch workers. Inother words, we are not going to be spending any more money from this day forward with this program for labor. As a matter of fact, the schools will spend much less money because they will have less workers involved and still feed 46.8 million children. The quantity of workers employed could be reduced on a natural retirement basis rather than by layoff.

If schools, without lunch programs, could be equipped with Large Scale Meal Delivery Systems, then the program is well established, we could go back and repair and update the other programs and save additional money. The savings are so great that we cannot ignore them. Every year, Food Service technology should improve to a point where additional savings would hopefully overcome the inflationary costs for food and labor which we must deal with in this type of consideration.

The basic problem is that we cannot expect the local school districts to pay this kind of costs. They don't have the money available. They are having a lot of problems back at the grassroots levels today maintaining their school systems, and to expect them to come up with additional money to do this job would not solve the problem. The eventual solution is to equip these school districts and help them get started now.

The eventual solution must be to give all children an equal opportunity.

When our committee sat on the original White House Conference on Panel V–4 and discussed school lunch programs, we heard statements that there was in fact a war on hunger and malnutrition in the United States. Well, let's plan to win this war by first equipping the army of food service workers wtih the proper tools instead of just adding more people and perpetuating inefficiency.

Local schools do not have the proper facilities nor proper equipment at this time to accomplish a 100% school lunch program, but they can do it with your help. The food service equipment industry shares the concern of this committee and the Congress over the great problem to cure the nutritional deficiencies of our children and we certainly pledge our support to you to do our part.

I am confident that if given the challenge of a Universal School Lunch Program, the food service equipment industry and the food industry will have the ability to support the needs of a Universal School Lunch Program, and I, personally, hope that you will proceed with it rapidly to solve these problems of children who do not have the capability to testify to their own needs.

Mr. Chairman, in closing I really believe that the Congress that develops the policy to provide nutrition for all American children in school proves its responsibility of concern for all Americans and rightfully deserves to sit in the highest seats of authority.

Thank you very much for asking me to testify here before you today.

ESTABLISH WITHIN THE UNITED STATES A COMMITTEE FOR THE PURPOSE OF STUDYING THE CAUSES OF INFLATION

We should establish an independent committee for the purpose of studying the causes of inflation. This committee should consist of a top level independent, and non-political oriented group of representatives of the Congress, the Senate, the Treasury, the Federal Reserve, business, and labor representatives of the professions for the purpose of determining the causes of inflation. Thereafter, this committee should teach what they have learned to the American people, and to all levels of government, and after causes and effects are thoroughly understood, eventually recommend legislation for the cure of inflation.

Inflation and its effects can do more harm to our future plans to solve our nutrition problems than any other factor. Therefore, solving this problem must be our first priority.

Throughout the United States, all of our citizens are having to reduce their life style as a result of inflation. Less effective spendable income is causing extreme hardship on fixed income and low income groups, having the same nutritional effect as our last depression.

If this inflation is permitted to continue, the most adverse consequences imaginable can be expected. It is my view that the following are the causes of inflation: Increasing our money supply, controlling wages and prices, reducing taxes, eliminating convertability of our currency to gold, removal of currency backing by gold, undisciplined runaway wage increases extracted by crippling strikes, deficit spending in our federal budget, no overall plan by the Congress and Senate to keep legislation within pre-determined spending limits in concert with the executive branch to stay within its budget, lack of indexing interest on bonds to cost of living, continuing of old federal programs that no longer contribute to their original good intent. All of these items are contributors to inflation.

A blue ribbon committee representing all segments of the economy holding hearings of all views, then writing their own conclusions, then teaching these conclusions to the populace . . . may, and only then gain the popular support of what are now unpopular and misunderstood principles of need to save our nation.

A series of meetings of this committee along with similar groups from other nations could develop a world-wide understanding of this universal problem.

Farmers are being adversely affected by inflation with nitrogen fertilizer costing two to three times as much as last year.

The increased prices in petroleum products for tractors, drying grains, and transportation to markets are well known.

Increased land costs, conversion of agricultural land to real estate development, and farm equipment cost increases are also contributing to increased farm costs and prices.

We doubt if any segment of our economy has been more adversely affected than the food service industry. We were experiencing a double digit inflation before it became apparent in other areas of our economy.

At a time when we are trying to as a national policy improve quantities of nutrition, the opposite is happening as portions of food served are diminishing with the increases of prices.

Since the White House Conference on Food, Health and Nutrition, we have developed an awareness of nutrition at a higher level than at any time in the history of our nation. Many and varied programs with large expenditures of funds have been devoted to solve these National Nutritional Deficiencies.

However, at the same time, inflation has eroded the Standard of Living of the same group that the programs were to help. With the exception of minor imbalances either way, it is my opinion that inflation has taken away during this period more dollars than have been added, and that on a net balance we are nutritionally worse off than before.

In the end analysis, unless inflation can be stopped, food will become increasingly expensive, even more children will suffer, and hunger and malnutrition in the world will increase along with prices. Inflationary effect can be as destructive as a drought.

We cannot control droughts, but we can stop inflation. Stopping inflation should be our first order of priority; for without a solution here, all other solutions are valueless.

A BETTER HOLE

HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. GETTYS. Mr. Speaker, the oil companies have come in for a lot of criticism lately, and I have been one of the critics. We have to recognize, though, that there are different points of view. In the interest of fairness and balance I wish to insert in the RECORD an item which appeared in the Review and Outlook column of the Wall Street Journal, June 24, 1974:

A BETTER HOLE

It's easy to see why Rawleigh Warner, Jr., president of Mobil Oil Corp., happened to acquire a Purple Heart, a Bronze Star and a Silver Star during the big war. The fellow is intrepid. While the rest of his oil-industry colleagues huddle in the foxhole, shot and shell from Capitol Hill bursting overhead, Mr. Warner is out there with fixed bayonet, plunging through barbed wire, taunting the enemy with shouts, maneuvers and hand grenades.

His boldest move yet was to announce that Mobil was weighing a tender offer that would give it control of Marcor, parent of Montgomery Ward and Container Corp., neither of which produces energy in any form. It would take about $500 million of Mobil's cash to do the trick. and of course Mr. Warner knew there would be instant screams from the halls of Congress that the bloated profits of the oil tycoons were not going into increased energy production, as advertised.

"Irresponsibility at its worst," said Sen. Thomas McIntyre of New Hampshire, whose outcry was typical of several. "I've lambasted the oil industry before, but this decision by the nation's third-largest oil company to spend more than three-fifths of its last year's profits to buy a non-energy enterprise leaves me absolutely outraged."

Senator McIntyre, though, doesn't seem to be aware of what's going on. Mr. Warner has single-handedly outflanked the Congress. His company has handsome profits, true enough. But Mobil also has a $1.5 billion budget this year for capital expansion and exploration. It has led all oil companies in laying out cash for federal offshore oil leases, $848 million since December, 1970. It is the most recent oil company to build a refinery here, at Joliet, Ill., the biggest grassroots refinery ever built.

It has, then, been no slouch in plowing money, borrowed and earned, into its energy business. But how much money should a reasonably prudent man invest in a business that has to be operated out of a foxhole? The decision to diversify, says Herbert Schmertz, Mobil's vice president of public affairs, came out of "a real concern over potential future restraints" on investment in U.S. oil and gas activities.

Isn't Congress about to peel away the depletion allowance, carve away foreign tax credits and make other changes to make the business less profitable? Are there not 3,500 bills pending before Congress that would, in greater or lesser degree, do the same?" Isn't the government keeping exploration closed off the Atlantic coast? Hasn't it proposed banning Mobil and the other majors from joint bidding on offshore leases? Isn't the Federal Energy Administration's crude allocation program a direct subsidy to the independents at the expense of the majors? What about the continuing price controls on domestic crude and regulation of the wellhead price of natural gas? And isn't Sen. Stevenson's scheme to have the government get into exploration a direct threat to the private oil companies?

In short, there's almost nothing the politicians haven't thought of to discourage investment in the oil business. It's astounding that any of them should now be absolutely outraged when Rawleigh Warner refuses to hunker down under fire and goes out looking for a better 'ole. For bravery above and beyond the call of duty, he deserves the Congressional Medal of Honor.

PROSPECTS FOR THE 1974 ELECTIONS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. RHODES. Mr. Speaker, the very capable Governor of my great home State of Arizona recently spoke to the Maricopa County Republican Committee about prospects for the 1974 elections. Governor Williams has done an outstanding job as the chief executive of our growing, progressive State in the booming Southwest. His speeches reflect his understanding of our contemporary life, and he prepares them with care. He speaks from the heart, and with wisdom, about the realities of political happenings today. His evaluation of the real issues before the country this fall deserve attention from all of my colleagues. I am hopeful that they will take time to read this analysis of events that occupy the headlines:

REMARKS OF GOVERNOR WILLIAMS

The burning political question of the day is, "How will the Republicans fare in the November elections in the atmosphere of Watergate?"

Opinions are freely available on almost every new program. That part of the media so determined to "get" Richard Nixon at whatever the cost to the welfare of our nation is already predicting we will go down to humiliating defeat. Over-confident Democrats are looking forward to the day when their machinations will have reduced the Republican party to impotence and they will ride high with a no-veto Congress to carry forward their wild and impractical ideas.

To this hogwash, I say that the future of the Republican party and Republican candidates in November depend—not upon Watergate but upon the quality of our candidates, dissemination and popular acceptance of the great principles of Republicanism, and the determination of you and me to go out and win once again.

I have warned before, the Democrats are laying a trap by making the great issue of this year's elections for just what a few men did at Watergate. If we let them get away with it, perhaps we deserve to lose.

The issue is not Watergate. The issue is whether this state and this nation shall preserve and follow the Republican ideals that made us great, or whether we are to rocket into the wild blue yonder with a flock of ideas that will change this nation, depriving us of many of our freedoms, turning us toward welfarism, reducing us to a second- or third-rate power, choking the very free enterprise that provides a way of life that is the envy of all the world.

That, my fellow Republicans, is the issue. And when you go out and talk issues to those who will go to the polls in November I say you are heading for victory.

Let us discuss in more detail a particular fetish of the Democrats—the expansion of the Federal Bureaucracy and Centralization of Government in Washington.

Government spending at all levels costs us Americans more than we spend for food, clothing, shelter and private transportation, according to a rather astute observer, Jenkin Lloyd Jones, publisher and editor of the Tulsa, Oklahoma, Tribune.

This is the result of governmental aggrandizement that in the end will destroy us as a free society. It is the handiwork of those Democrats who believe in big brother government in which our every need and want is provided. Those Members of Congress who oppose, who pigeonhole, every effort of our President to bring back sanity into the Federal Government by putting a halt to more and more spending, giving controls back to the people, reducing the bureaucracy, encouraging free enterprise as the provider of all the good things we enjoy.

Tell that to the voters. It's our key to victory.

Why are we Republicans? For a good many valid reasons, to be sure. Let me tell you why some pretty good people are Republicans:

Says Senator Hugh Scott of Pennsylvania: "Republicans prefer a vigorously pursued, moderate course to the frenetic spurts of radical remedies preferred by Democrats."

Mary Louise Smith, co-chairman of the Republican National Committee, knows why she is a Republican.

"I am a Republican because I don't believe that every problem can be solved by money and more money being thrown at it, resulting in bigger and bigger government."

Representative George Goodling of Pennsylvania says:

"The Republican Party favors making the people independent of rather than dependent on the Government, thereby making for strength in the people, and in turn for strength in Government."

And from Representative Bob Daniel of Virginia: "I am a Republican because I believe in individualism and self-reliance. These are the two characteristics of the American spirit that have most contributed to the development and prosperity of the United States, making our history the world's greatest success story. I believe that the Republican Party best exemplifies and promotes these two virtues."

There you have it. That's your campaign issue and the path to victory. Now get out and convince every voter.

I am sure that the President's Middle East tour has confounded his critics, the meanest of whom are forced to admit his journey is a success for the cause of world peace and to maintain America's position as the light of hope in a badly mixed up world.

I want to say a few things about the President and this Watergate matter.

The evidence turned over by the President to the House Judiciary Committee on April 30 clearly establishes:

That the President had no knowledge prior to March 21, 1973, of any coverup.

That the President never engaged in a criminal plot to obstruct justice.

That when he was first informed on March 21, 1973, about the coverup the President took prompt and effective action to investigate the facts.

That the President took effective action to assist the Department of Justice to get all of the facts before the grand jury.

That the President carried out his constitutional duty to enforce the law.

The President stated that he had "been reluctant to release these tapes not just because they will embarrass me and those with whom I have talked, which they will—not just because they will become the subject of speculation and even ridicule—which they will—and not just because certain parts of them will be seized upon by political and journalistic opponents—which they will."

He said he had "been reluctant because in these and in all the other conversations in this office, people have spoken their minds freely, never dreaming that specific sentences or even parts of sentences would be picked out as the subjects of national attention and controversy" and "because the principle of confidentiality is absolutely essential to the conduct of the presidency."

As to the evidence itself, several points should be made:

The tape of the conversation between the president and John Dean, his former counsel, on Sept. 15, 1972, does not in any way support Dean's testimony that the president was "fully aware of the coverup." The tape of Sept. 15 does indeed contain a passage in which the President congratulated Dean for doing a good job, but it was said in the context not of a criminal plot to obstruct justice as Dean alleges, but rather in the context of the politics of the matter, such as civil suits, countersuits, democratic efforts to exploit watergate as a political issue and the like.

It is clear from the recorded conversations that Dean did not fully inform the president until March 21, 1973, and even then held back some information he later testified to.

The transcript of March 21 shows that dean stated: "The reason that I thought we ought to talk this morning is because in our conversations I have the impression that you don't know everything I know and it makes it very difficult for you to make judgments that only you can make on some of these things . . ."

He then proceeded to detail for the President what he believed the President should be made aware of.

During the conversation, Dean described to the President the commencement of what he alleges was a coverup involving himself and others, implicit in these revelations, of course, is that the President was not involved but rather he was learning of these allegations for the first time. In fact, later in the conversation, Dean said: "I know, sir, I can just tell from our conversation that these are things you have no knowledge of."

Dean told the Senate Select Committee that the President "never at any time asked me to write a report (about what he had previously reported to the President verbally.)

Compare this testimony with the transcript of a recorded conversation on March 22, 1973:

H. R. Haldeman: "I think you (Dean) ought to hole up for a weekend and do that and get it done."

The President: "Sure."

Haldeman: "Give it your full attention and get it done."

The President: "I think you need—why don't you do this? Why don't you go up to Camp David?"

Dean: "I might do it. I might do it."

The President: "Completely away from the phone. Just go up there and (inaudible). I want a written report."

Later in the same conversation, the President stated: "I feel that at a very minimum we've got to have this statement. Let's look at it . . . If it opens up doors, it opens up doors—you know."

Throughout the transcripts are repeated requests by the President for everyone concerned to tell the truth. Examples:

On April 14, 1973, the President told John Ehrlichman: "And you tell Magruder, now Jeb, this evidence is coming in, you ought to go to the grand jury. Purge yourself if you're perjured and tell this whole story."

Later in the same conversation the President told Ehrlichman that when he met with John Mitchell to advise him that "the President has said let the chips fall where they may. He will not furnish cover for anybody."

On April 15, 1973, the President instructed assistant attorney general Henry Peterson to relay to Gordon Liddy that he should cooperate in the investigation, since he had said he would not do so unless authorized by "higher authority." The President said: "I just want him (Liddy) to be sure to understand that as far as the President is concerned, everybody in this case is to talk and to tell the truth. You are to tell everybody, and you don't even have to call me on that with anybody. You just say those are your orders."

On the evening of April 15, 1973, the President told Dean: "Thank God. Don't ever do it, John. Tell the truth. That is the thing I have told everybody around here—tell the truth. All they do, John, is compound it. That Hiss would be free today if he hadn't lied. If he had said, 'Yes, I knew Chambers and as a young man I was involved with some Communist activities but I broke it off a number of years ago.' And Chambers would have dropped it. If you are going to lie, you go to jail for the lie rather than the crime. So believe me, don't ever lie."

As to what Dean should say about the President's actions, the President told Dean in that same conversation: "No, I don't want, understand when I say don't lie. Don't lie about me either."

These are times that try men's souls, especially Richard Nixon's.

They are times that demand the best of us, as human beings, as citizens of the greatest country on Earth, as good Arizonans.

Let us face up to our responsibilities, courageous in the face of adversity, loyal to the principles in which we believe, and giving of ourselves that our beloved country, our form of government and our way of life may grow and develop.

[From the Arizona Republic, June 20, 1974]

GOP DEFEAT PREDICTION CALLED "HOGWASH"

(By Bernie Wynn)

Gov. Williams delivered a thundering defense of President Nixon Wednesday night at a sparsely attended meeting of Maricopa County Republican precinct committeemen.

He told some 75 committeemen, office holders and candidates that the burning political question of the day is, "How will the Republicans fare in the November elections in the atmosphere of Watergate."

The media, particularly the segment "determined to get Richard Nixon," and overconfident Democrats, are predicting the GOP will go down "to humiliating defeat," he said.

"To this hogwash, I say that the future of the Republican Party and the Republican candidates in November depend—not upon Watergate—but upon the quality of our candidates, dissemination and popular acceptance of the great principles of Republicanism and the determination of you and me to go out and win once again," Williams said.

Williams urged the committeemen to "go out and tell the truth" about Watergate to the voters, the truth that Nixon did not know what was happening.

The governor, not seeking re-election after eight years in the state capitol, said the evidence turned over to the House Judiciary Committee April 30 clearly establishes:

That the President had no knowledge before March 21, 1973, of any cover-up and that the President never engaged in a criminal plot to obstruct justice.

That when he was first informed on March 21, 1973, about the cover-up, Nixon "took prompt and effective action" to investigate the facts and get them before the grand jury.

That the President carried out his constitutional duty to enforce the law, not thwart it.

Williams said the evidence shows that the President urged John Dean, his chief adviser, to tell the truth and to instruct all those involved in Watergate to tell the truth.

"These are times that try men's souls, especially Richard Nixon's," the governor declared.

The committeemen ought to remind the voters, "even one or two people you run into in the supermarket," that President Nixon ended the Vietnam war, ended the draft, brought peace to the world and through the "new federalism" began to return power to the states.

"I am sure that the President's Middle East tour has confounded his critics, the meanest of whom are forced to admit his journey is a success for the cause of world peace and to maintain America's position as the light of hope in a badly mixed up world," Williams said.

County Chairman Charles Lemon scolded the precinct workers for lagging behind Democrats in the registration of new voters. The meeting was held in the First Federal Savings and Loan Association auditorium, 3300 N. Central.

Lemon announced that each precinct worker and deputy registrar is being asked to bring in two new voters by the close of registration for the primary election on July 26.

Mrs. Carolyn Gunther was named chairman of a county-wide voter registration blitz for the Nov. 5 general election, being launched in August.

THE AMERICAN VETERANS MOVEMENT

HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. TOWELL of Nevada. Mr. Speaker, this morning I had a 2-hour meeting with six members of the American Veterans Movement.

At the outset, I think I should state that the American Veterans Movement is in no way connected with various veteran organizations calling themselves opposed to the war in South Vietnam; and, furthermore, they did not indicate in speech or action any desire to foster violent protest of our Government institutions.

What they are calling for are basically the same privileges and rights we have afforded other American veterans from past military conflicts. Most of the men associated with the AVM are Vietnam-era veterans.

Because of the vastly different psychological feelings in this country after our involvement in Vietnam as opposed to the aftermath of World War I or World War II and because of such outward appearances as long hair and a different dress code, most of the established veterans organizations have been hesitant, and in some cases outwardly rejected these men from full participation in the existing organizations.

And, yet, they are not calling for any more or any less than their just rights under the existing law.

I believe our Government and, indeed, our congressional committees should immediately look at the medical care being provided, the educational opportunities, and the job placement program being implemented by the Veterans' Administration.

I am distressed that these young men are being inundated with redtape and paperwork before they can even get the simplest review of their individual cases.

We as a nation have asked them to give of themselves in a very unpopular war. The least we can do is provide them with the benefits already available and possibly eliminate much of what seems to be useless paperwork.

FOURTH OF JULY

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ROSE. Mr. Speaker, at a time when in our country's history, love of nation, respect for the flag, and just plain old-fashioned patriotism seem to be "square," it is my pleasure to tell this august body about a town in my district that has kept a tradition alive since 1795.

I am speaking of the observance of the founding of this great and glorious nation. I am speaking of the Fourth of July, which will occur this week. The town I refer to is Southport, N.C., which is located on the seacoast in lower Brunswick County.

Brunswick County is steeped with the history of America and nowhere more so than at Southport. This first celebration of the Fourth of July in this historic port town is lost in the fog of antiquity. Historians say that it was celebrated with "speeches, fireworks, and good southern cooking."

In 1974, as in years past, it has grown to not a one-day observance, but a week-long affair that draws patriots from every State in the Nation. It begins on the Saturday prior to the Fourth with a beauty pageant to elect the fairest of the fair, no easy task, I assure you. The 1974 queen is Miss Jennifer Rabon. She will preside over all the cultural events that make up this patriotic extravaganza which will be culminated by a parade on the morning of the Fourth. In addition, there will be the climaxing of this occasion honoring the birth of this greatest of nations with an old-fashioned fireworks display on the night of the Fourth.

A rather symbolic climax, I might add, since it was up the Cape Fear River back in the days before the Revolution began officially that the citizens of Wilmington and neighboring New Hanover County signified their displeasure with the unfair taxation of the colonies by England with a "fireworks display of their own involving the King's tax collector."

Despite the patriotic motive, or perhaps as an outshoot of the same theme, since it is love of family that has helped to keep this country great, the emphasis of the Southport celebration is on events involving the family.

I would like to digress at this point to mention what may well be an addition to the famed Guiness Book of Records. I am speaking of an ice cream sundae 330 feet long—one city block—that will be another highlight of the Fourth of July program. It will be prepared for consumption by children of all ages.

Southport is a quaint town that has entered the 20th century, witness Carolina Power & Light's construction of a nuclear energy plant nearby, without losing any of the charm that makes it a mecca for persons seeking the quiet life and respite from the often hectic world outside. It grew from a focal point for the generations of pilots who have guided ocean-going craft from all over the world up the Cape Fear River to the thriving port of Wilmington into a place with its feet firmly planted in the rich soil that nurtured this Nation and its head facing a modern world without losing its heart along the way.

This Thursday it will celebrate the 198th birthday of America in a way that used to be traditional, but, alas, is not anymore, all across the Nation. Oh, I know that there will be celebrations in other towns and cities. But I doubt if there will be any that will say, "This is my own, my native land," anymore than will the little town of Southport.

I hope my colleagues will join me in a salute to the people of Southport who have worked so hard to make this event one of such a reaffirmation of faith in America. And that is every resident in Southport, young and old.

And let me add that it will be my pleasure and honor to be a small part of that birthday celebration on Thursday, July 4.

TRIBUTE TO LEWIS DESCHLER, HOUSE PARLIAMENTARIAN

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 1974

Mr. MATSUNAGA. Mr. Speaker, I rise to pay tribute in a very personal way, to our retiring Parliamentarian, Lewis Deschler.

As a freshman Member, some 12 years ago, I found the parliamentary maze of House floor proceedings somewhat bewildering at times when I occupied the Speaker's chair. Quietly, efficiently, and understandingly, Lew helped me to navigate successfully out of the parliamentary shoals. Like any other new Member in similar circumstances, I came to rely heavily on Lew's expert counsel. I found that his very presence on the House floor, next to the Speaker's chair, which I first occupied with some trepidation, was reassuring.

As my responsibilities in the House increased, I had occasion to call upon him more frequently in his office to discuss parliamentary points in advance of floor consideration of pending legislation. Lew, in the finest tradition of the dedicated public servant, was always helpful, patient, and precise. I came to admire and respect him not only for his keen mind and his wealth of knowledge on parliamentary matters, but also for his very human qualities. He was warm and amiable and courteous despite the intense daily pressures under which he served as House Parliamentarian.

Having had the advantage of Lew's counsel, I regret that the same benefits will not be available to other Members in the future. However, I am partially consoled by the fact that Lew will continue to serve the House as a consultant while he completes his work on parliamentary precedents of the House of Representatives and parliamentary law in general.

To Lew Deschler, I would like to extend my thanks and aloha. It is my fervent hope that he and his wife, Virginia, will find it possible, during their hard-earned retirement, to spend some time enjoying themselves on the incomparable sunny beaches in my State of Hawaii.

THE NEED FOR A HARD CONGRESSIONAL LOOK

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. PATMAN. Mr. Speaker, the Supreme Court yesterday handed down decisions on two extremely important bank merger cases. Like any complex issue dealt with by the Supreme Court, these cases require a great deal of study and reflection before their complete import can be determined.

However, a preliminary reading of these cases does indicate both some significant positive conclusions on the part of the Court, as well as some adverse and disturbing aspects.

Perhaps the most important positive conclusion made by the Court is that for the first time the doctrine of potential competition has been clearly recognized as applying in bank merger and acquisition cases. This has been an open question for several years and now appears to be settled by the Court.

However, in applying the doctrine of potential competition to banking cases for the first time, a majority of the Court appears to have circumscribed the application of this doctrine to banking in such a way as to raise a serious question as to whether attempts to apply it in particular cases will have any real practical effect in halting the growing superconcentration occurring in banking today, as well as achieving deconcentration of highly concentrated banking markets.

For example, the Court rejected the Justice Department's argument that a State is an appropriate "section of the country" in applying section 7 of the Clayton Act. It seems to me that the general framework of our banking laws and the fundamental premise on which the dual banking system is based is that the State is the fundamental arena for providing commercial banking services to the public. This was the basic thrust that Congress took in the passage of the McFadden Act in 1927, and has been followed many times in the adoption of banking legislation since that time.

Another disturbing feature of the majority view in these two cases is the apparent weight the Court wants given to the positions of bank regulatory authorities in judging whether in fact a potential competitor is likely to enter a new market. This, it seems to me, completely ignores the principal reason why Congress, in passing the Bank Merger Act amendments of 1966 and the companion amendments to the Bank Holding Company Act, provided that, in any action brought by the Justice Department against a bank merger or acquisition approved by any of the three bank regulatory agencies "the Court shall review de novo the issues presented." The reason Congress adopted such an unusual provision was precisely because it felt that the bank regulatory agencies in matters of antitrust and competition did not provide any special or particularly objective expertise that should be given unusual weight by the courts in deciding the issues before it.

In addition, Congress also provided that the agency whose decision was being attacked in court by the Justice Department could become a party to the case in opposition to the Justice Department's position. It could not fairly be argued that Congress wanted special weight to be given to the point of view of an agency with a vested interest in its own decision in light of the adversary position accorded it before the Court by the law. This is true despite the admittedly serious problems such a position raises in other contexts, such as government agencies being represented on both sides of a case.

Therefore, the Supreme Court's view on this issue seems to be counter to the congressional intent of providing for complete de novo consideration by the courts of the issues initially decided by the regulatory agency, with no special weight given to the views of banking agencies.

No doubt a careful study of these lengthy opinions will raise additional issues. All of these issues are of extreme and immediate importance if we are to preserve and revitalize the competitiveness of our banking system in this country. The competitiveness of this system is under very serious challenge at this time, particularly with regard to the dramatic growth of statewide banking systems in various States which are leading to the domination on a statewide basis of commercial banking by a handful of big city banks and bank holding companies. This trend must be stopped.

In light of the Supreme Court's decisions yesterday, it may very well be necessary that decisive legislative action be taken by the Congress to preserve a competitive banking system. Because of this, this issue will be considered during the hearings of the Domestic Finance Subcommittee on bank holding companies and related matters later this summer.

TEMPLE ISRAEL SISTERHOOD ADOPTS SOVIET JEWISH FAMILY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. REES. Mr. Speaker, the misfortunes of the Soviet Jewish community and the continuing denial of human rights and freedom has rightly attracted the concern of people from throughout our Nation. In my own district men and women have opened their hearts and given their full support to help those who are seeking to emigrate from Russia and who have been denied rights we consider essential to our traditional liberties—the right to openly practice a religious and cultural heritage and the freedom to emigrate.

The Sisterhood of Temple Israel of Hollywood recently undertook a campaign in behalf of a family from Tbilisi, Georgia, U.S.S.R. This dedicated group of women from my community adopted this family, Isai Goldstein, his wife, Elizabeta Bicova, and a brother, Gregory Goldstein, and have undertaken a campaign to help them.

The plight of the Goldstein family, who were arbitrarily dismissed from their employment in 1971 when they applied for visas to go to Israel, came to the attention of Mrs. Jack Thaler of Los Angeles while traveling in the U.S.S.R. last fall. Mrs. Thaler met and befriended the Goldsteins and began to correspond with them. Subsequent letters from Russia were shared with the entire congregation of Temple Israel of Hollywood and with many other individuals in our community who want to help the Goldsteins settle in the country of their choice.

As the President travels to Moscow "in the name of peace," I join with all Americans in longing for true détente and meaningful friendship with all the people of the Soviet Union. But we as a country should not abide the denial of basic, universally recognized rights of any people to emigrate freely, without heavyhanded, oppressive impediments.

I would like to submit in the CONGRESSIONAL RECORD a communication I have received from Mrs. Thaler and Dr. Max Nussbaum, spiritual leader of Temple Israel of Hollywood, outlining the tragic circumstances in the lives of the Goldsteins and asking for congressional help to assist this family to leave the Soviet Union and emigrate to the country of their choice:

LOS ANGELES, CALIF.

Hon. THOMAS M. REES,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN REES: Temple Israel of Hollywood recently "adopted" a family in the Soviet Union. It is in their behalf that that we are writing to you to ask you to help prevent gross violations of basic human rights.

Isai Goldstein, his wife, Elizabeta Bicova, and brother Gregory Goldstein of Tbilisi, Georgia, U.S.S.R. are three Soviet Jewish Physicists, who applied for visas to go to Israel, in 1971, and were refused. They were dismissed from their work and subsequently charged with "dissemination of Anti-Soviet propaganda" (Article 190(1) of the Soviet Criminal Code and Article 206 of the Georgian Criminal Code).

The charges are based on material confiscated from the Goldsteins' home by the KGB. Such things as letters from friends abroad, Hebrew Language Textbooks, and a copy of the United Nations Declaration of Human Rights.

In April of 1973 the Goldstein brothers were arrested without a warrant and held incommunicado for several days. Even after their release, the charge of "slander against the State" has not been dropped and the Goldsteins are harassed almost daily. Their mail is often confiscated by the KGB, their internal passports have been taken away, confining them to Tbilisi, and most recently their telephone has been disconnected.

On December 29, 1973 Elizabeta Bicova Goldstein gave birth to a son. The Goldsteins would like their son to be reared in Israel. They have renounced their Soviet citizenship and were granted Israeli citizenship.

It is our hope that you will help them. Specifically, we ask you to write to President Nikolai Podgorny, Leonid Brezhnev and Alexei Kosygin at the Kremlin, Moscow, U.S.S.R., asking that charges against the Goldsteins be dropped, that they no longer be harassed, restore their phone, life-line to the outside world, and most important to ease their departure in order to settle in the country of their choice.

We further urge that you convey to the Soviet officials the solidarity felt on behalf of the Goldsteins, by all free people.

Cordially,
Dr. MAX NUSSBAUM,
Mrs. JACK (Silvia) THALER,
Chairman, "Adoption" Committee.

LEWIS DESCHLER—PARLIAMENTARIAN AND FRIEND OF CONGRESS

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 1974

Mr. PATMAN. Mr. Speaker, the Members of this House have, for many years, enjoyed the services of the world's greatest parliamentarian—a man of profound and universal genius, especially renowned for his ability to bring order and lucidity to even the most verbose and technically complex legislative problem.

When I first came to Congress in 1929, Lewis Deschler had already distinguished himself by outstanding accomplishments in the position of Parliamentarian. With superb and well-nigh omniscient professional competence, Lew Deschler, throughout his long career, has been able to endow his associates with the absolute continuing assurance that all is right and well within this Chamber. His tremendous strength of character, unyielding integrity, awesome composure, and rare sense of balance have been the model for all observers and students of the legislative process.

In fact, there can be no real retirement for Lew Deschler since his heart and his thoughts will never be far from the House of Representatives which has been his life for almost a full half century. No man has spent more painstaking hours nor been more zealously devoted for so long a period of time—49 years—to the welfare of his country. Lewis Deschler has been our unerring guide through years of stress and turmoil, and he will continue to be our guiding presence, because Lew Deschler, Parliamentarian and friend of Congress, will never be forgotten.

I join with my colleagues in wishing him every success and happiness in all his future endeavors.

SLOVAK CATHOLIC FEDERATION PILGRIMAGE TO BE HELD IN WILKES-BARRE SUNDAY, JULY 7

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. FLOOD. Mr. Speaker, I am happy to announce that the Eastern Region of the Slovak Catholic Federation will hold its annual pilgrimage this Sunday, July 7, at the Sacred Heart Church in my hometown of Wilkes-Barre.

The Holy Mass will be offered at 1 p.m. The pilgrimage has received the blessing of our Bishop, J. Carroll McCormick. Prayers will be offered for the Holy Year which His Holiness Pope Paul VI has declared for 1975.

Also, prayers will be offered for the success of the 41st International Eucharistic Congress which will be held during the Nation's Bicentennial in Philadelphia in 1976.

SS. Cyril and Methodius will be invoked for their prayers for the people in Slovakia and in the Captive Nations where their feast is celebrated on July 5. Their feast according to the new church calendar is on February 14.

The late Father Joseph Murgas, founder of the Wilkes-Barre parish and the Federation, known as the radio-priest, will be remembered. People in Slovakia honored him on the 45th anniversary of his death, which is this year.

Prayers will also be offered for the beatification of Sister Miriam Teresa Demanovich, born in Bayonne, N.J., of Slovak Byzantine parents. She was a nun of the Sisters of Charity, whose cause is sought by the Catholic War Veterans of New Jersey and the Knights of Columbus in Washington, D.C.

Msgr. Stephen J. Yanchuska is host pastor of the Wilkes-Barre parish and Father Francis Beeda, chairman of the pilgrimage, is assistant pastor.

Father Joseph V. Adamec, Chancellor

of Saginaw, Mich., diocese, will be the homilist.

Pilgrims from eastern Pennsylvania, New Jersey, and New York will take part in the pilgrimage.

PUBLIC OPINION POLL

HON. ROBERT W. DANIEL, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, between late March and the first of May, I conducted a public opinion poll of my congressional district, the Fourth of Virginia. Included in this congressional district are several urban areas, a large number of suburban residents, and several rural counties.

I attempted to send a poll ballot to each postal patron in the district and about 10,000 were returned.

It was not surprising that the individuals responding to the poll picked rising prices as the most serious problem facing our Nation today.

Waste on welfare, excess Government spending, crime and the energy crisis were also cited as leading problems.

One question asked was in what areas should the Congress increase spending if it meant increasing taxes. The leading response was that taxes should not be raised for any reason.

Other participants felt that spending should be increased to find new energy sources, prevent crime, improve national defense, and clean up air and water.

Eighty-six percent favored the adoption of a constitutional amendment to end busing and 78 percent stated that the Federal Government was too large.

Although the primary function of this poll was to give people a chance to communicate with their Congressman, I believe the results are of general interest to this distinguished House.

I include them for the consideration of my colleagues.

RESULTS OF POLL

1. Should Congress pass a Constitutional Amendment to end busing for racial balance? Yes, 86 percent; no, 11 percent; and undecided, 3 percent.

2. Do you consider the issue of Watergate: Very important, 33 percent; important, 24 percent; somewhat important, 22 percent; and not important, 22 percent.

3. The attention being paid to Watergate by Congress is: Too much, 54 percent; sufficient, 31 percent; and not enough, 15 percent.

4. Do you think the President should: Resign, 29 percent; remain in office, 71 percent.

5. Should Congress end the practice of giving food stamps to people who are on strike? Yes, 71 percent; no, 19 percent; and undecided, 10 percent.

6. Should Congress pass a Constitutional Amendment to make abortion against the law? Yes, 25 percent; no, 64 percent; and undecided, 11 percent.

7. Should Congress continue to send arms aid to Israel? Yes, 50 percent; no, 30 percent; and undecided, 20 percent.

8. Should the Congress help build mass transit systems with money from highway gasoline taxes? Yes, 53 percent; no, 32 percent; undecided, 14 percent.

9. Should Congress pass some form of National Health Insurance? Yes, 53 percent; no, 31 percent; and undecided, 16 percent.

10. Some people say the Federal Government has gotten so big it can't do much of anything right. Other people say it is too small to cope with the big problems we face. Do you think the Federal Government is generally too big or too small? Too big, 78 percent; right size, 19 percent; and too small, 3 percent.

11. To deal with the energy crisis, which of the following should the Congress do:

A. Regulate the oil companies like public utilities? Yes, 55 percent; no, 28 percent; and undecided, 17 percent.

B. Use tax money to develop new energy sources? Yes, 67 percent; no, 23 percent; and undecided, 11 percent.

C. Roll back the price of gasoline even if it means less exploration for oil? Yes, 30 percent; no, 51 percent; and undecided, 19 percent.

D. Let the price of gasoline rise to encourage exploration for oil? Yes, 27 percent; no, 58 percent; and undecided, 15 percent.

E. End tax breaks that encourage exploration for oil in foreign nations. Yes, 63 percent; no, 22 percent; and undecided, 15 percent.

12. Who do you think is responsible for Watergate? A. High level Presidential Advisors, 33 percent; B. Committee to reelect the President, 26 percent; C. President, 17 percent; D. News Media, 10 percent; E. Democratic Party, 6 percent; F. Relatively low level Presidential Advisors, 5 percent; and G. Republican Party, 4 percent.

13. If it means reducing taxes, in what areas should the Congress cut spending? A. Urban Renewal, 23 percent; B. Highway Construction, 17 percent; C. Mass Transit Construction, 15 percent; D. Aid to Education, 10 percent; E. National Defense, 10 percent; F. Cleaning Air and Water, 7 percent; G. Fighting Drug Abuse, 6 percent; H. Veterans' Benefits, 4 percent; I. Social Security Payments, 4 percent; J. Finding new energy sources, 3 percent; and K. Crime Prevention, 2 percent.

14. What is the most important problem facing our Nation today. A. Rising Prices, 17 percent; B. Waste on Welfare, 12 percent; C. Excess Government spending, 10 percent; D. Crime, 8 percent; E. Energy Crisis, 8 percent; F. Big Federal Government, 7 percent; G. Protecting individual rights, 6 percent; H. Busing, 5 percent; I. Improving National Defense, 4 percent; J. Watergate, 4 percent; K. Protecting free enterprise system, 4 percent; L. Drug Abuse, 4 percent; M. Protecting the environment, 3 percent; N. Relations with other Nations, 3 percent; O. Education, 2 percent; P. Abortion, 2 percent; Q. Protecting minority rights, 1 percent.

15. If it means increasing taxes, in what areas should the Congress increase spending? A. Taxes should not be raised for any reason, 19 percent; B. Finding new energy sources, 15 percent; C. Crime Prevention, 14 percent; D. National Defense, 10 percent; E. Cleaning up air and water, 8 percent; F. Mass transit, 8 percent; G. Social Security, 7 percent; H. Fighting Drug Abuse, 6 percent; I. Aid to Education, 6 percent; J. Veterans' Benefits, 6 percent; K. Urban Renewal, 2 percent; L. Highway Construction, 1 percent.

TRIBUTE TO HOUSE PARLIAMENTARIAN—LEWIS DESCHLER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ANDERSON of California. Mr. Speaker, I rise to pay tribute to a man who has served this body with distinction and unsurpassed dedication for more than 46 years as Parliamentarian—Lewis Deschler.

First commencing his congressional service under then-Speaker Nicholas Longworth, Mr. Deschler's impartial and nonpartisan guidance and wisdom have been indispensible to all succeeding Speakers.

The continuity and stability that he has assured over the years during his tenure here in the House of Representatives have provided for an orderly process, guaranteeing majority rule and minority rights. And now, Mr. Deschler is in the process of compiling and recording the rules and precedents that he has both followed and established over the 46 years he has served the House of Representatives.

As he departs this Chamber, he leaves a legacy of integrity, honesty, and fair play that will always be remembered by those who knew him and those who knew of him. His unparalleled wisdom and keen knowledge of parliamentary affairs will be missed, as will his warm and personable manner.

I commend him for his competence, professional objectivity, and dedicated service to this Nation. And I wish he and his family the best of everything in the years ahead.

ABA PRESIDENT FAVORS IMPEACHMENT

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. LEGGETT. Mr. Speaker, in a June 14, 1974, Christian Science Monitor interview I insert at the conclusion of my remarks, Chesterfield Smith, the president of the American Bar Association, states his view that evidence now in the public record is sufficient to justify impeachment of President Nixon.

I agree entirely. While it would be to the political advantage of my party to have Mr. Nixon continue in office until the end of his term, this is overwhelmed by his Presidency's disadvantage to the Nation.

Mr. Smith also states his opinion that violation of oath of office is sufficient grounds for removal. I concur in this as well. The Constitution is explicit in its use of the phrase "high misdemeanor;" we are required to demand more from our Presidents than the simple avoidance of felonious acts—although there is ample evidence, some of it from his own mouth, that Mr. Nixon has committed these as well.

The Nation is now approaching a crisis unprecedented in our history. We are going to have to come to grips with the question of whether high office is a license to ignore the laws written to bind all American citizens, or whether high office carries with it high responsibility.

If we choose the latter course by removing Richard Nixon from office, as I believe we will, our 200th anniversary will in fact be an occasion of regeneration and rebirth. For a while it appeared that the memorable symbol of the Bicentennial celebration was to be a Marriott hot dog stand. Now perhaps it will be the Constitution of the United States.

We could do worse.

BAR PRESIDENT WOULD VOTE IMPEACHMENT

(By Louise Sweeney)

(Staff correspondent of The Christian Science Monitor)

WASHINGTON.—The head of the American Bar Association says that if he were a congressman today he would vote for impeachment of the President, and that if the vote on impeachment drags on till next spring the President should resign.

This represents the strongest stand on the President that Chesterfield Smith, president of the American Bar Association, has yet taken.

Mr. Smith said at a breakfast meeting here, "If I were a congressman now I would vote to have a trial in the Senate. Yes, I would vote for impeachment on the basis of evidence already given. . . . He has not enforced the law of the land. I feel that . . . law-enforcement leadership is missing for the presidency. He has been solicitous of the welfare of close associates who have been violating the law, therefore he has participated in a cover-up."

Asked how he would vote if he were in the Senate, Mr. Smith said, "There is enough evidence to convince me it's in the national interest that a trial be had in the Senate, but it has not yet reached the point where there is enough to vote for conviction in the Senate."

NOT DEPENDENT ON CRIME

At another point he said, "If the President has committed abuses of his office and violated his constitutional oath, I would remove him from office whether or not he had committed a criminal act."

Mr. Smith said that he preferred to get on with the vote in the House on whether or not to impeach. "But if the vote doesn't come, if it goes on to March or April—I'm changing my thinking some more—I may no longer oppose resignation" [by the President].

Earlier he had said he felt at first the President should not resign, because there was a segment of the people who thought resignation "was a liberal-Eastern-establishment-media concoction."

But he felt that further evidence—the President's voluntary disclosure of his tax returns and his transcripts of the tapes—"eliminated that feeling on the part even of his defenders. They no longer felt it was a totally political concoction of the Eastern-media-liberal establishment. They realize there are some facts which justify it."

"LEGISLATIVE TRIAL"

Asked to comment on suggestions that the decision of the Senate, if the President were tried there, could be appealed to the Supreme Court, he said, "I do not believe it's appealable. It's a legislative trial."

Mr. Smith praised James D. St. Clair, the President's counsel, for his professional attitude.

If the President did not obey the Supreme Court ruling he requested on special prosecutor Leon Jaworski's tape subpoena, "I'd say we'd have a revolution. . . . There are three branches of government, and the Supreme Court, which can't enforce a decision, is the one which interprets it. So he'd be not disobeying the Supreme Court; he'd be disobeying the Constitution."

He said he thought former attorney general Richard G. Kleindienst was guilty, "perhaps guilty of more than was bargained for or was adjudicated." Noting that he thought the attorney general "had done properly in some tough situations," he nevertheless said he would have given him "a heavier sentence than Judge Hart gave" (a $100 fine and a suspended one-month jail sentence).

He added, though, that he felt Mr. Kleindienst needed no more punishment than he had already been through; "but I am a little concerned with the deterrent effect on others."

LARGE SPACE TELESCOPE

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. SYMINGTON. Mr. Speaker, last week, during House consideration of the appropriation for the Department of Housing and Urban Development, space, science, veterans and certain other independent agencies, I expressed my regret that the House Appropriations Committee had deleted the funds requested by the National Aeronautics and Space Administration to support definition studies for the large space telescope for the forthcoming year. In that statement, I mentioned that Dr. Jesse Greenstein of the California Institute of Technology had been in communication with me in support of the LST. As you may know, Dr. Greenstein was chairman of an astronomy survey committee of the National Academy of Sciences whose report in 1969 evidently formed part of the basis for the Appropriations Committee's rejection of the proposed LST funding. I believe that Dr. Greenstein's current views on the LST are pertinent to the present discussion of the importance of the large space telescope project. I have attached Dr. Greenstein's remarks here for your consideration.

REMARKS ON THE LARGE SPACE TELESCOPE

(By Jesse L. Greenstein)

I take the liberty of forwarding herewith for consideration by the staff of the relevant committees of the House and Senate some purely personal remarks concerning the Large Space Telescope and the attitude toward it which was held by the Committee of the National Academy of Sciences Astronomy Survey. I served as Chairman of that Committee which has now been disbanded, and my remarks are personal but do reflect a full knowledge of what the panel that studied the Large Space Telescope ideas and what the Survey Committee itself felt about the LST. Since that time I have been involved with other scientists in discussion of the role of the LST and its desirability. I also serve on the Scientific Advisory Board of ITEK Corporation which is involved in some technical studies. Like any scientist devoted to the future of astronomy on the ground and in space, I am, of course, somewhat compromised by my enthusiasm for my own science. On the other hand, I am a ground based astronomer who has used all the largest telescopes in the United States for over 40 years.

I believe that the recommendations of the Space Panel of the Astronomy Survey which are given in Volume II of Astronomy and Astrophysics for the 1970's, published by the National Academy of Sciences in 1973, are excellent ones and the material in their introduction on page 100 is of particular relevance. I quote: "The Panel gave its highest priority recommendation to the development of a series of large, accurately pointable observatories for work in the ultraviolet. The major goal in such a program should be a large space telescope (LST) with a defraction limited aperture of the order of 120 inches. . . . Thus, the LST will have a much greater general utility than just for ultraviolet astronomy.

"It may not be desirable to jump directly from the OAO to the LST. So much technological development would be required that the Panel believes that a series of ultraviolet space telescopes should be launched gradually building toward the LST."

The Astronomy Survey Committee studied the totality of recommendations from a series of panels and prepared a set of ordered recommendations of which the fourth was a program for x-ray and gamma-ray astronomy from a series of large orbiting, high energy astronomical observatories supported by construction of ground based optical and infrared telescopes. The ninth recommendation was for an expanded program of optical space astronomy leading to the launch of a large space telescope at the beginning of the next decade. (The details will be found in Volume I of Astronomy and Astrophysics for the 1970's, published in 1972 with detailed discussions on page 8 (which is called recommendations) and page 105 to 106.) Thus, while it is technically correct that the LST program was envisioned for the early 1980's and to be preceded by a program of intermediate sized ultraviolet telescopes, it is also true that the panel specializing in space astronomy had put the latter program as its highest recommendation even above HEAO.

I believe that the reasons for the Astronomy Survey Committee not having placed the LST programs among the first few of its priority recommendations should be outlined. Essentially, in preliminary discussions during 1970 with NASA management and budget planners, we were told that the probability of a new major undertaking like the Large Space Telescope being funded in the 1970's, which was the period under issue, might be viewed as small. For that reason we viewed the 1970's as a testing ground for intermediate sized ultra space telescopes and considered the latter in the context of the full program of ground based optical, radial, and infrared astronomy and space astronomy at all possible wave lengths. From that point of view, it was scientifically desirable to place the high energy astronomical observatory above the ultraviolet observatory sequence.

Since that time and, in fact, toward the end of the period of activity of the Survey Committee, the technical studies on a modest scale funded by NASA with industry had established more clearly the technical feasibility of preparing a suitable mirror, of preparing a structure which would be satisfactory against the thermal disturbances of operation in space, and, in particular, the detailed planning for the space shuttle made it apparent that the large investment in a very large telescope in space could be made a "low-risk" project rather than a one-shot investment in a large space telescope subject to the dangers of a minor malfunction. Astronomers on the ground are used to handling quite delicate equipment and to having to service and refurbish it continuously. In addition, they are used to a rather large assortment of auxiliary instruments which can be substituted on short notice. The flexibility of a large group of sensors now proposed for the LST, the possibility of changing them, the possibility of repair, refurbishment or retrieval all combine to make the cooperation between the manned space program and the automated telescope a very fruitful and promising one. The small technical studies that have been carried through have taken a few years. They ought to be continued to the level where a well-defined cost and a clear statement of goals can be reached. If an LST is to fly in the 1980's, it must be studied now. The few years that have passed since the technical studies were available to our Panel and to our Survey Committee have greatly increased the confidence of astronomers in almost all branches as to the feasibility and scientific importance of the LST. I can call your attention to the group of papers published in the transactions of the American Institute of Aeronautics and Astronautics presented in January 1974 at their meetings.

As a reasonable advocate of a balanced program between theoretical astrophysics, observational astronomies from space and from the ground, I may say that had a program of orderly growth in size of small automated telescope been funded beginning in 1973, even more cogent reasons could have been presented for the flight by 1980 of a large space telescope, defraction limited and serviceable by man when needed. Since that opportunity has been lost and since the technology appears to exist to make a successful LST and to use it, it would be unfortunate to restart on the program of smaller automated telescopes leading to the LST. The impact of the small telescopes has been reduced while the scientific need for the important one-of-a-kind things that the LST can do has increased.

I cannot obviously predict what restudy now would say about the LST, the high energy astronomical observatory, or the ultraviolet automated telescopes. I am confident that had we not had in mind the budget limitations, the at that time unsolved technological problems, and had we fully realized the wide range of discovery that we had even in the last three years, we would not have taken quite so "conservative" an attitude. Astronomers felt then and feel now that the LST is the ultimate optical telescope and that together with a well-balanced, ground-based program, it will open new and imaginative vistas for the human mind to contemplate.

CONGRESSMAN NIX INTRODUCES FREE CONSTITUENT MAIL BILL

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. NIX. Mr. Speaker, I have today introduced two bills which I believe will go a long way toward improving communications between Congress and the public. In these days of mounting public skepticism of the political process, I believe that we in Congress should do all we can to strengthen the ties between citizens and their Representatives in Congress.

The first bill I have introduced would enable constituents to send mail to their Congressmen at no cost. Members of Congress now have the right, under the franking privilege, to mail to their constituents at no cost. This bill would allow their constituents the same privilege.

My bill would also direct the Postal Service to maintain a supply of preaddressed mailing forms at every post office for use as mail to Members of Congress. These forms would be sold at reasonable cost by the post office and would provide citizens with an easy way of forwarding their views to the Representatives in Washington.

Communications between Congressmen and constituents are essential to our democratic form of government. We in Congress, who must spend a good part of our time in Washington, rely on our mail to keep in touch with the opinions, problems, and desires of our constituents. By allowing our constituents to write to us free of charge, we will demonstrate that we not only accept their right to communicate with us, we encourage it.

My second bill would also serve to improve communications between Congress and the public. It would provide for the publication of a Weekly Digest of congressional activities, based on the Congressional Record.

Today, the citizen who is interested in government and who wants to follow developments in Congress is in a very poor position to do so. Daily newspapers, which at one time devoted a large amount of space to Congress, now provide only sketchy coverage. Coverage by the other media is similarly limited. The Congressional Record, of course, reports the proceedings in Congress fully. But very few citizens have the time or the access to read the Record. And the private services that cover Congress are not designed or priced for the average citizen.

I believe that this information gap can be bridged by publishing a weekly digest of congressional activities. Published under the direction of the Joint Committee on Printing, the digest would consist of a summary of congressional proceedings for the week, similar to the information now contained in the Daily Digest section of the daily Record.

The Digest could be widely distributed at low cost, and would be easily available to schools, libraries, and interested citizens. With this service, citizens could follow the consideration of legislation that affects their lives. And it would greatly expand the people's knowledge of how their Government works.

Mr. Speaker, I believe that the enactment of these two bills would do much to restore the confidence of our citizens in their Government. It is time that we, members of the "people's branch of Government, take positive steps to reinvigorate the democratic spirit of our representative form of government.

LEW DESCHLER

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ARENDS. Mr. Speaker, as I look around this Chamber, I see only three faces who were here on that day 40 years ago when I took my first oath of office as a Representative in Congress from the State of Illinois. One is my colleague from Texas, Mr. Patman, who preceded me by 6 years. Another is also a colleague from Texas, Mr. Mahon, who began his service that same day. And the third is a gentleman who has never sought elective office but is in my judgment one of the greatest public servants the Congress—and indeed the Nation—has ever known. He is Lewis Deschler, who is retiring after 49 years of service in this House—46 of them as our distinguished Parliamentarian.

Yes, Lew Deschler was one of the first persons I met when I came to Washington 4 decades ago, and ours has been a warm and deepening friendship ever since. We have had many things in common, but one thing in particular—a deep respect and concern for the integrity of the House of Representatives and its constitutional role in our system of government. I know of no individual who has contributed more toward this objective than Lew Leschler. Certainly no Parliamentarian in the history of the Congress has achieved such an impressive record.

Lew has served here during five of the most colorful and challenging decades in our history. The issues which have come before the House in this period have been difficult and sensitive ones, tough questions having great impact on our society. It has been a period when Speakers and Members alike have needed wise and fair counsel—a time when it would have been easy to lose our sense of direction and balance and accede to political excesses in the interest of expediency. But I have never known Lew to compromise parliamentary principles for such purpose, nor have I known him to be partisan in his opinions. As Republican whip for these past 31 years I have had innumerable occasions to seek his advice and guidance. His door was always open to me and other Members of the minority, his counsel straightforward and freely given.

Lew could have found fame and fortune in many ways, but he chose to make his post in the House his life work. For this we owe him our deepest gratitude, for he has rendered a high caliber of service beyond expectation. His has been a pursuit of excellence, both for himself and this House. Certainly his retirement years are well earned, and I wish for him and his wife Virginia good health and abundant happiness in the years ahead.

The "Deschler Precedents" which will soon be completed will be a monumental tribute and a source of inspiration and guidance for those who follow in these Halls. They will be studied by legislators and students of government for years to come. They will be a written legacy which will live on throughout our history.

For those of us here today, we can add to this our own memories of Lew Deschler, the man, as we have known him—friend, gentleman, scholar, patriot, Parliamentarian, American. These are memories I shall always cherish.

INDEPENDENT GASOLINE DEALERS SHOULD NOT BE FORCED TO DO BUSINESS ON THEIR KNEES

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. LITTON. Mr. Speaker, at a meeting I held with independent gasoline dealers in my district this past January, it was bluntly brought to my attention that many oil companies, both major and otherwise, were canceling leases with their lessee-dealers without just and warranted cause whatsoever. In most cases, what had once been a 3-year lease suddenly became a 1-year contract with an addendum clause allowing for either party to cancel the contract with as little as 60 days', and often 24 hours', notice.

This practice was not limited to one or two oil companies. Almost without exception dealers representing many major and independent brands expressed alarm at not only the new limitations on their contracts, but the actual termination of contracts containing these new provisions.

Most of the more than 100 independent lessee-dealers at my January meeting were lifelong businessmen who had established a good relationship with their major or independent affiliates, and had helped to influence sales for their companies by years of dedication and hard work. Suddenly they found themselves on the brink of immediate unemployment at the complete discretion of the oil companies.

In talking with representatives of several major oil companies, I am told that a small percent of the total retail outlets are company operated—that the remainder are leased to independent operators. But they readily admit that the tenure of contracts being offered to their dealers is being shortened and in many cases contain the right to cancel leases with as little as 24 hours' notice.

Mr. Speaker, I submit that such practices are a gross injustice to the independent businessman who cares about the quality of service being given to his customers, and who depends on his station to sustain his family's livelihood, to say nothing of the pride he takes in being a part of the business community. Whether the oil companies have in the past been lightly involved in the direct retail marketing of gasoline is immaterial to the clear intent being expressed by shortened and qualified leases. I submit to this body that not only is it unfair to the independent businessman and his family to suddenly find themselves unemployed without good reason, but it is also unfair and anticompetitive to the American gasoline consumer to allow the branded oil industry to achieve greater control in the retail marketing sector.

I recognize the greater profitability of retailing gasoline and I believe this, and only this, is the reason for such a dramatic turn-around in the nature of leases and renewal offers being given to independent dealers. Is it fair to the businessman, his family, or the consuming public to allow greater control by the branded oil industry? Would the majors and large independents improve overall service to the community, or would they emphasize gasoline sales and deemphasize or eliminate other services which automobile owners expect and need? Would they provide more jobs in the community by retaining or improving overall service, or would less jobs be available if other services were deemphasized? Would competition thrive with fewer independent businessmen competing for our gasoline dollars?

Mr. Speaker, I believe these questions are important not because of today's impact of marketing control by the branded companies, but because of the potential and anticompetitive impact which such practices could and would have in the gasoline marketplace in the future. I believe it is important enough that the Congress must take steps to insure that independent businessmen are not forced out of business unless and until certain reasonable and justifiable circumstances prevail.

I have introduced a bill which provides protection to independent dealers against the unjust unwarranted cancellation of leases. Under my bill, which has been joined by 43 cosponsors from 24 States, a lease could not be canceled, nor could there be a failure to renew, unless the dealer has failed to comply substantially with any essential or reasonable requirement in his lease, or unless the dealer has failed to act in good faith in carrying out the terms of his lease. The bill has the active support of the National Congress of Petroleum Retailers, a national trade organization which, along with its State affiliates, represents more than 80,000 independent branded dealers nationwide.

Congress must act to preserve the independent sector of gasoline retailing; if, for no other reason, this must be done to assure the consuming public that competition in gasoline marketing will serve as the best stimulant for restrained prices. To assure the consuming public of this vital requirement, something more than simply a landlord-tenant relationship must be established in the marketing end of gasoline. I believe the bill I have introduced would create such a situation, because it would serve to establish the rights and remedies of independent gasoline businessmen, who should be more than simply tenants under the direction of the oil companies.

A hearing before the Office of Consumer Protection of the State of Louisiana, on January 28, 1974, disclosed that the Gulf Oil Co. was the most prominent in the area of contract cancellations in Louisiana, although Exxon and Murphy Oil were also engaged. That same hearing also disclosed that dealers of other companies were offered leases on a take-it-or-leave-it basis, and were often encouraged not to consult an attorney. In the State of Oregon it was alleged that major oil companies were threatening cancellation of leases if dealers did not purchase additional tires, batteries, and accessories. Another dealer was given only 48 hours' notice without regard to the provisions in his contract regarding notice requirements.

Instances referred to in the previous paragraph were documented in testimony submitted to the House Committee on Interstate and Foreign Commerce, but are illustrative of what is happening in not only these States but in Missouri and throughout the Nation. I am told, and am in the process of getting this information documented, that, upon learning that I had introduced a dealer-protection bill, Exxon included in its dealer contracts a provision stating that the lessee agreed that "parties hereto have and do hereby agree that all of the covenants and provisions of this agreement are mutually satisfactory, are fair, essential, and reasonable in all respects, and that any breach of any covenant or provision shall be deemed for any purpose as substantial."

Earlier this year major oil companies were buying expensive ads to plead with the American people to reduce their purchases and consumption of gasoline. Now I understand some of these same companies have advised their dealers that, if they do not increase their gasoline sales, they will terminate their leases.

I am also in possession of what is called an "allocation addendum to contract being offered to leasee-dealers by Mobil. The addendum refers to the main contract and is an effort, I believe, to not only allow termination for almost any cause with very little notice, but is a way by which the mandatory allocation program can be circumvented. The contract addendum reads as follows:

> Notwithstanding anything to the contrary, this Contract is expressly conditioned on the following additional overriding terms:
>
> 1. The parties acknowledge that but for the agreements contained in this addendum, Mobil would not have entered into this Contract. In the event that any part of this addendum is found to be unenforceable for any reason whatsoever, then this entire Contract shall be immediately void and no part thereof shall be enforceable, except that Customer shall pay for goods sold and delivered by Mobil prior to the date the contract is voided.
>
> 2. In the event that Mobil determines that allocation is required to enable Mobil to comply with any governmental request, order, guideline, rule, regulation or law, relating to allocation, whether voluntary or mandatory, Mobil reserves the right to take any of the following actions, all of them, or any combination of them;
>
> (a) Cancel this Contract.
>
> (b) Allocate such quantities to the Customer herein as Mobil may determine.
>
> (c) Suspend or cancel deliveries during such period or periods as it may determine it requires to resolve uncertainties raised by such governmental requests, orders, guidelines, rules, regulations or statutes.
>
> 3. Mobil shall not be liable for loss, damage or demurrage due to any delay or failure in performance by reason of the foregoing, nor shall Mobil be required to make up any deliveries or quantities omitted as a result of the foregoing.
>
> 4. Mobil's determination, in all instances referred to in this addendum and Mobil's decision to take any action provided for in this addendum shall be made in its sole and absolute discretion, shall be conclusive as to all operative facts required therefor and no part of any such determination or decision shall be open to question provided only that the determination and/or decision was arrived at in the ordinary course of business under the circumstances.
>
> 5. This Contract shall not be valid unless this addendum is executed and agreed to by Customer and Mobil.

Mr. Speaker, I believe that the foregoing addendum to a contract for lease is filled with ways by which the mandatory allocation program can be circumvented and by which the Mobil Oil Corp. has complete authority over the retailing of gasoline sold under their brand, if they desire to exercise the many options in the addendum.

From my contacts with independent

dealers, trade associations, and oil companies, I believe that the entire spectrum of independent retailing is in jeopardy, because of contracts providing for almost immediate termination at the discretion of the branded company. I do not believe this is fair, right, or justifiable—nor do I believe the American public should be submitted to an environment of increasing oil company involvement in gasoline retailing. We speak of the economic dangers of integration in the oil industry, but if we allow further encroachment in retailing we are certain to provide a mechanism for higher consumer prices down the road.

NATIONAL EDUCATION ASSOCIATION DUCKS THE REAL ISSUE

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. HUBER. Mr. Speaker, I was surprised but not shocked to learn that the National Education Association is developing a course during their annual convention on how to deal with Watergate and the impeachment process from the elementary grades through high school. Interestingly enough, the speaker's rostrum was scheduled to be loaded with anti-Nixon speakers. Thus the NEA avoids the real issue of today in education—the failure to teach. With test scores in all areas dropping across the Nation and alarming new discoveries of the lack of ability to read in our children, Watergate provides one more excuse for the NEA to avoid these unpleasant facts. This Nation has survived wars, civil war, depressions, scandals of all sorts, but it may not survive if we continue to cheat our children out of an adequate education under the guise of "educating the whole child." It is high time we got back to phonics and fundamentals and stopped playing politics in education. The article from the District of Columbia Star-News of June 30, 1974 follows:

[From the Washington Star-News, June 30, 1974]

U.S. TEACHERS STUDY "WATERGATE CURRICULUM"

(By John Mathews)

CHICAGO.—How to deal with Watergate and the impeachment process—from elementary school social studies to high school democracy courses—is a dominant concern of the approximately 10,000 teachers and school administrators at the National Education Association meeting here this week.

Calling its 112th annual convention "Crisis in Conference 1974: Challenge for the Classrooms," the 1.5 million-member NEA has developed its own "Watergate Curriculum," designed to cover kindergarten through high school. The classroom materials deal with values, morality and ethics—areas many teachers have carefully avoided out of fear of creating controversy.

"I know some parents will object that teachers should not treat moral issues and politics," said Helen D. Wise the NEA president. "But as teachers we must dispell the cynicism many students now have about government and we can deal with that only by having students find out what happened and why and what can be done about it."

Compiled by a task force of teachers, the "Watergate Curriculum," begins at the elementary school level with an object lesson on how to handle a playground problem. Several children want to jump rope at the same time, so Mr. Harris, their teacher, sits them down to think up solutions, the curriculum pamphlet shows.

A list of alternatives is compiled, including "stealing the rope for yourself" or taking turns, cutting the rope in half or buying more ropes. Rules are then set democratically for sharing the rope, play begins, but somebody cheats. This prompts another lesson in "playing fair," which will hopefully lead the children to the conclusion that once laws are adopted they must be followed.

For junior high students, the curriculum becomes more direct with a "Watergate Pretest" that includes questions like: Which former Attorney General under President Nixon is implicated in the Watergate cover-up? Who was the individual who told the Ervin Watergate Commttee that he informed the President of the cover-up? Rose Mary Woods is (choose one answer) a. U.S. district judge, b. John Mitchell's personal secretary, or c. President Nixon's personal secretary.

The high school curriculum unit on impeachment describes the constitutional background and history and carefully sets out the contrasting views held by James D. St. Clair, the President's lawyer, and John Doar, the majority counsel of the House Judiciary Committee, of what constitutes an impeachable offense.

The curriculum materials try hard to keep a balance, according to Frank Kovacs, a former District and Montgomery County, Md. teacher who is now an NEA staff aide for the Watergate task force.

"We really have had a tough time presenting the President's side," he said, "because if you use his speeches or the tapes there are so many contradictions that it hurts more than it helps."

The list of speakers at a two-day "critical issues" conference that preceded the convention's business sessions beginning today made no attempt to keep a balance of pro- and anti-impeachment proponents. NEA President Wise acknowledged that the speakers were "very liberal and may be slanted." They included such liberal Democrats as historians Arthur Schlesinger Jr., Henry Steele Commager and John W. Gardner, the chairman of Common Cause.

ANNOUNCEMENT OF HEARINGS ON THE ROLE OF SMALL BUSINESS IN COMMUNITY DEVELOPMENT

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. KLUCZYNSKI. Mr. Speaker, I wish to announce that the Subcommittee on Small Business Problems in Smaller Towns and Urban Areas, which I have the privilege of chairing, will hold hearings on the role of small business in community development. The purpose of these hearings is to examine the impact and effectiveness of Federal programs, policies, and regulations in offering small businesses the opportunity in all phases of community development which includes urban, suburban, and rural areas.

These hearings will be held on July 10 and 11 at 10 a.m. in room 2359 of the Rayburn House Office Building. Those who wish to submit a statement for the record should contact the counsel assigned to the subcommittee, Michael Ward, at 255–4881.

INDIANA DUNES NATIONAL LAKESHORE

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ROUSH. Mr. Speaker, 2 weeks ago the House Interior Subcommittee on National Parks and Recreation held a day of hearings on a bill to expand the Indiana Dunes National Lakeshore. Since I am the principal sponsor of this proposal I would like to include in the RECORD the outstanding testimony presented on the part of the United Steelworkers of America.

The item follows:

The United Steelworkers of America (AFL–CIO) wishes to extend its full support to H.R. 3571, H.R. 12970 and H.R. 14141, identical bills to expand the Indiana Dunes National Lakeshore sponsored by Congressmen Roush, Madden, Brademas and twenty-three of their colleagues. We urge prompt consideration by the House Interior Committee and support its passage without deletions.

Northwest Indiana is the center of one of the nation's principal concentrations of the basic steel industry. The United Steelworkers represents employees of all the major steel companies located in this region, as well as workers employed by the local utility, Northern Indiana Public Service Company (NIPSCO). Our Union's District 31, with over 135,000 members in Indiana and Illinois, is on record in support of an earlier and somewhat more expansive Dunes bill introduced by Congressman Roush in the 92nd Congress, and nothing has transpired since then to alter our support for an enlarged National Lakeshore park. In fact, your committee is in receipt of a letter from our District Director, Samuel Evett, dated June 14, 1974, reaffirming a previous supporting policy.

Although about 40 percent of the area proposed for addition to the park in current bills is zoned for industry, the entire 5,300 acres of park additions represents less than 1 percent of the area of the three counties involved. We do not believe that it is essential to develop these lands of such high recreational value contained in the Roush bill as though they comprised the only acreage available for industry in this region.

At hearings on H.R. 3571 held in Washington on June 17, 1974, Bethlehem Steel, National Steel's Midwest Steel Division and NIPSCO all submitted testimony opposing this bill. These were the only corporations to do so, and their statements can be readily summarized. First, they oppose any enlargement of the National Lakeshore park at this time. Furthermore, they desire that all the property that they own that has been proposed for addition, and in some cases additional property that they do not own, be deleted from any park expansion proposals, now and in the future. The deletions recommended by the three corporations amount to about 1,485 acres, or 28 percent of the area of the bill.

Each of the major industrial opponents of H.R. 3571 maintain that this badly needed legislation would obstruct future industrial expansion in Northwest Indiana and prevent the creation of new jobs. We cannot agree with this view, resting as it does upon only a selective presentation of facts by company management. We call the subcommittee's attention to significant omissions in each of the statements of Bethlehem, National and NIPSCO that have great relevance to the Steelworkers' support for this legislation.

In its testimony of June 17, Bethlehem Steel's primary substantive objection to H.R. 3571 concerned the company's future expansion:

"One area proposed for inclusion as park land is a section of the Little Calumet River, which bisects the Bethlehem acreage on the south side of Highway 12. Including this area—referred to as Section IV C in the proposed bill—would, for all practical purposes, cut off the approximately 1,200 acres of our property that extends south of the Little Calumet River."

The company, however, fails to acknowledge or comment upon Section 12 of the text of the bill, which safeguards existing rights-of-way across the river and authorizes the granting of additional points of access across the river in the future.

We too are concerned with guaranteeing Bethlehem's ability to expand its Burns Harbor plant. Accordingly, our Union has, on several occasions and at various levels, been in contact with the bill's sponsors and conservationist representatives on precisely this point. We find that the provisions of Section 12 are adequate to meet our common concern regarding plant expansion, and that inclusion of Unit IV C in the National Lakeshore presents, at worst, a managerial inconvenience well within the company's capability to surmount. The Little Calumet River corridor need not be dropped from the bill.

The Midwest Steel Division of National Steel has also cited its prospects for expansion as a rationale for deleting portions of the park area, in this case Unit I–C and the eastern portions of Unit I–B. The company has conceded that these areas would not be used for steelmaking facilities, but rather for an industrial park of satellite consumers of steel. However, National failed to inform the subcommittee that the company holds a landfill permit for 200 acres of Lake Michigan, directly north of its present mills located east of Burns Ditch and abutting Burns Waterway Harbor. This concession from the State of Indiana provides National with a large parcel well situated for future development of steelmaking facilities and/or industrial park facilities for satellite consumers of steel at this plant. Or, the proposed satellite industrial park can be located elsewhere within the ample expanse of industrially zoned land in the City of Portage. Jobs will not be sacrificed by preserving Units I–B and I–C in their natural state.

Finally, Unit II–A is opposed by NIPSCO on the grounds that its present use by the company is compatible with the adjacent National Lakeshore lands, and that its status as part of a buffer zone around its proposed Bailly Nuclear Power Plant might be undermined. In reality, very little of the nuclear plant's proposed buffer zone, which encompasses a 1.5 mile radius from the plant site, is now owned by NIPSCO. Furthermore, Congressman Roush has testified that his bill is not a device for killing off the utility's nuclear plant proposal. We accept this statement at face value.

Most importantly, NIPSCO has omitted reference to its continuing abuse of the wetlands of Unit II–A. The company uses this area, a part of the Cowles Bog basin, as a dump site for fly ash produced by the existing coal-fired plant on the Bailly tract. This crude practice has already resulted in adverse effects on the adjacent bog, a registered National Natural Landmark. Unit II–A must be added to the National Lakeshore, not to undermine the company's nuclear application, but to safeguard this landmark area for public use.

In closing, we reiterate that H.R. 3571 will not have a debilitating effect on industrial expansion in Northern Indiana. Our Union's membership will actually be among those best served by a national park of the size and diversity envisioned in H.R. 3571. Quality recreation close to home is an elusive goal for much of the nation's urban workforce, yet more highly prized than ever due to the current price and uncertain supplies of gasoline. Our membership, and the country at large, will greatly benefit from the prompt enactment of H.R. 3571 in its entirety.

I request that this letter be inserted in the hearing record.

THE HONORABLE PAUL H. NITZE TESTIFIES BEFORE THE SUBCOMMITTEE ON ARMS CONTROL AND DISARMAMENT ON SALT

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. CHARLES H. WILSON of California. Mr. Speaker, today the Subcommittee on Arms Control and Disarmament, which I chair, of the Committee on Armed Services, was privileged to hear from the Honorable Paul H. Nitze, who recently resigned as Assistant to the Secretary of Defense for SALT and as a member of the U.S. delegation to SALT, is a real expert in this field and a man dedicated to public service.

His testimony was both enlightening and somewhat disquieting in several respects. Without going into any great detail on the matters we heard this morning, I would state that it is apparent from Mr. Nitze's testimony, and from that of several other individuals, that the Congress must exercise a more effectual oversight role in decisions of this gravity, and the manner in which these decisions are reached, than has been done heretofore. Experience has shown us that it is simply too late to responsibly question the products of these agreements after they are completed.

I intend at this time to insert Mr. Nitze's opening statement into the RECORD and urge that all of the Members take the opportunity to read his remarks:

REMARKS OF PAUL H. NITZE

In June 1972 I supported approval by the Congress of the SALT Interim Agreement on the basis that it was, in essence, a short term freeze on new ICBM and SLBM launcher starts; it was not to prejudice the scope or terms of the permanent agreement which both sides had agreed should be more negotiable by virtue of agreement on the ABM Treaty and such a freeze.

The position taken by the U.S. Delegation during the subsequent SALT TWO Geneva negotiations was based on the concept of equality, or essential equivalence, between the United States and the Soviet Union in basic verifiable limitations on those weapon systems whose principal role is the nuclear strategic role. Equal limitations would apply to the number of ICBM and SLBM launchers and heavy bombers, the throw-weight of MIRVed missiles and the destructive capability of the strategic forces of the two sides as measured by the throw-weight of offensive nuclear missiles with an allowance for the equivalent capability of heavy bombers, taking into account the absence of limitations on anti-aircraft defenses. There would be a provision not to circumvent the agreement through the deployment of other nuclear capable systems not specifically limited.

The position taken by the Soviet side was heavily one-sided in the Soviet favor. It would carry over into a permanent agreement the approximately forty percent Soviet superiority in the number of offensive nuclear missile launchers and preserve the Soviet advantage in missile launchers dimensions provided by the Interim Agreement. It would negate U.S. offsetting advantages in MIRV and heavy bomber capabilities. Furthermore, it called for the withdrawal of nuclear capable systems deployed in defense of U.S. allies and capable of striking Soviet territory and the liquidation of the associated bases. It would ban the deployment of new U.S. systems such as Trident and B–1, but would not ban the deployment of the new family of Soviet offense systems now under active development or deployment. Reductions would be put off until the indefinite future.

The Soviet position was undoubtedly an extreme asking positions, with extensive builtin trading room. The question at issue is that of how best to bring the Soviet side around to acceptance of a permanent agreement which will result in permitting U.S. strategic forces not inferior to those of the Soviet Union contribute to maintaining crisis stablity and provide a basis for reducing the strategic arms competition between the sides.

There are a number of underlying problems to be solved. The first has to do with the concept of equity. The U.S. Delegation's position has been consistent with that of the Congressional resolution approving the 1972 agreements. It has not called for strict equality in every category of strategic arms but has called for essential equivalence with respect to the overall mix of strategic offensive systems.

The Soviet side has consistently used the term "equal security with no unilateral advantage to either side." In their explanations of this term they insist that "geographic and other considerations" must be taken into account in determining what is equal security. Among these considerations is their view that the USSR is surrounded by hostile countries including the NATO countries and China, while the United States has on its borders friendly countries—Canada and Mexico. They argue that they therefore need substantially larger strategic forces than does the United States. They do not consider it pertinent that the European NATO countries have absolutely no interest in attacking the Soviet Union, that one can see no interest that China could have in attacking the Soviet Union, or that a state overtly preaching a doctrine of general hegemony is bound to find other nations looking to their defenses.

Secondly, the Soviet Delegation has refused to discuss the applicability of Article 12 of the Basic Principles of Relations between the U.S. and the USSR, signed in Moscow in May 1972 which provides that those relations will not affect obligations to other countries earlier assumed. I see no way in which a proposal that nuclear capable systems, deployed pursuant to commitments to NATO earlier assumed, be withdrawn, can be consistent with this Article.

I believe that it is not possible to achieve Soviet agreement on essential equivalence in the main strategic systems until the issue of withdrawal of nuclear capable systems, deployed pursuant to previous commitments to allies, is eliminated and the issue of the relative capabilities of nuclear capable systems not specifically limited by the agreement, both in the theatre context and in the intercontinental context, has been argued out.

A third issue is that of an agreed schedule of reductions to be made part of a permanent agreement. I see no way in which essential equivalence is to be achieved unless the U.S. builds up to the Soviet levels or both sides reduce to agreed lower common ceilings.

A fourth issue is that of MIRV limitations. Because of the time sensitivity of this issue, Dr. Kissinger, in May of this year, attempted to achieve what he referred to as a conceptual break-through on this subject; that is, agreement on the principle that the MIRV throw-weight of the two sides be equal. Such an agreement would have accepted the negation of one of the principal offsetting U.S. advantages which made the inequalities favoring the Soviet side contained in the Interim Agreement acceptable to the U.S. side in 1972. The Soviet side turned down Dr. Kissinger's proposal and countered with a proposal based on roughly equal numbers of MIRVed launchers on both sides. Acceptance of this proposal would have resulted in a substantial Soviet superiority in MIRV throw-weight coupled with a continuation of the very great Soviet superiority in un-MIRVed Soviet missile throw-weight. It is difficult to see how the U.S. strategic bomber capability, as offset by Soviet superior and unlimited air defenses, could offset these superiorities.

A number of other MIRV options designed to find negotiable ground between the Soviet proposals and the U.S. proposal have been analyzed. Of these only one appeared to me to be strategically desirable and possibly negotiable. This option would provide for a simple undertaking that neither side would deploy or further test large MIRVed missiles. This would cut off the further testing or deployment of large Soviet MIRVed missiles but would also ban testing or deployment of a large MIRVed follow-on missile to the U.S. Minuteman, and would, in my view, enhance the security of both sides by helping to maintain crisis stability. Despite this consideration, it may not have proven feasible to obtain Soviet agreement thereto. But one never really knows what is negotiable unless one tries.

The final issue is that of the differing views of the two sides as to how a permanent agreement is to be achieved. It has been the U.S. position that a permanent agreement should be a balanced overall agreement, to replace the Interim Agreement, negotiated as a single integrated document. I believe the Soviet strategy is to deal with each segment of the problem piece-meal, nailing down one piece after another, in a manner favorable to Soviet interests and using all effective measures—diplomatic, propaganda and through enhanced strategic capabilities—to bring pressure on the United States to achieve agreement. Among the issues they consider already settled are the inequalities provided by the Interim Agreement. Their current interest in a threshold nuclear test ban and an agreement to forego a second ABM site is consistent with such a strategy and with inhibiting a U.S. response to the imminent deployment of the Soviet Union's new and much more effective family of offensive strategic systems.

The question then is how the United States should respond to the above Soviet negotiating strategy. I believe it is not possible at this time to negotiate a permanent agreement to replace the Interim Agreement which would be balanced, contribute to maintaining crisis stability and lay a basis for reducing the strategic arms competition between them. Soviet officials have indicated the view that what they call "the correlation of forces," which in communist terminology includes the aggregate of forces bearing on the situation, including psychological, political, economic and military factors, is moving in their favor and that, even though we may today believe that their proposals are one-sided and inequitable, eventually realism will bring us to accept at least the substance of them.

This leaves the United States with difficult choices. One possibility—a possibility which I favored—was that the President and Dr. Kissinger support at the Summit the position which the U.S. Delegation, under their direction, had put forward to date and attempt to secure from Chairman Brezhnev agreement on improved negotiating guidelines to both delegations which would facilitate further progress toward negotiating a balanced and mutually acceptable permanent agreement to replace the Interim Agreement.

A second possibility is to buy time by concurring in certain partial measures, the long term effect of which may play into the Soviet overall strategy by diminishing the prospect of timely achievement of the type of permanent agreement the United States has so far been advocating, but which are not clearly opposed to the United States' interest in avoiding strategic inferiority. Even under this alternative, it would seem to me to be essential that we use to advantage such time as we buy to prevent any significant U.S. strategic inferiority from occurring.

A third possibility is to resist partial agreements not clearly in the U.S. strategic interest while initiating as promptly as possible those measures which would assure an adequate U.S. strategic posture, even in the absence of a permanent agreement, and which would be most likely to enhance the prospect of being able to negotiate a balanced overall replacement agreement prior to the expiration of the Interim Agreement in 1977.

I would like further to briefly mention certain additional points pertinent to the current arms control debate.

I believe the significance of the impending increases in Soviet offensive capability are generally recognized. Not generally recognized, however, are the indications of Soviet strategic policies which can be gleaned from what members of the Soviet hierarchy say to each other in open Russian language articles and speeches. Ambassador Foy Kohler's recent monograph entitled "The Role of Nuclear Forces in the Current Soviet Strategy," bears on this question. It brings out the distinction between the western concept of detente and the Soviet concept of "peaceful co-existence" with its implication of a continuing struggle ending with "the complete and final victory of communism on a world scale." It further notes Soviet emphasis upon deterrence through a war winning capability, with its implications of military superiority, preemption and counterforce.,

There is a tendency in certain American studies of arms control to look upon the action and reacting strategic relationship between the sides in a way which leans over backward in its objectivity. Albert Wohlstetter's recent analyses, however, demonstrates that, contrary to widely held views, the United States has for many years underestimated future Soviet offensive deployments, decreased its constant dollar expenditures on strategic forces, and decreased both the megatonnage and the equivalent megatonnage of its strategic nuclear arsenal. While doing so it has increased the number of its offensive warheads while greatly reducing their size, and while making an approximately equal reduction in the number of its strategic defensive warheads. The questions is, whether we can constinue to follow such a course, in the face of the imminent Soviet increases in offensive capability, without danger to the security of the United States and its allies.

At the initial SALT session at Helsinki, the U.S. Delegation took the position that under all circumstances, under a SALT agreement or without such an agreement, the U.S. would maintain a deterrent posture such that no nation could expect to gain from attacking either the United States or its allies.

I take it this continues to be the policy of the United States. The question remains—how much is enough? Some argue that the United States has overkill capabilities. Such statements generally refer to current inventories of weapons. They generally do not take into account survivability, reliability, assurance of pentration, and command and control over the relevant period. That period would appear to me to be about ten years. Under peace time conditions, it generally takes the United States such a time span from the initial decision to request authorization of a program by the Congress and effective deployment of the system in adequate volume to be strategically significant. I might note that this much time might not be necessary under alternate procedures. It took no more than thirty months from the time the decision was made to break ground for the necessary facilities to the first flight of the Boeing 747. Neither do those who argue that the United States has overkill capabilities take into account the political importance of retaining essential equivalence in fact and in appearance.

In conclusion, it is my view that nuclear war is best avoided by assuring that no potential aggressor sees grounds for optimism in engaging in a course of action which could potentially lead to nuclear war. This point is well supported by Geoffrey Blainey's study entitled "The Causes of War." Declaratory statements concerning the desirability of peace are politically useful and desirable, but do not, by themselves, necessarily contribute to the above assurance.

AMERICA'S VETERANS: HAVE WE FORGOTTEN?

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. LEGGETT. Mr. Speaker, our Vietnam veterans are, for the most part, young men who were either draftees or draft-motivated enlistees into our Armed Forces who entered the service at a time when they could normally have been starting productive private lives. What separated today's veterans from veterans of previous wars is both the nature of the war they fought and the atmosphere in which it was fought. These factors have combined to make some veterans feel that they are without honor in their own land, made pariahs by the very people who sent them to fight.

Many of these young men are gathering in Washington this week to make known the frustrations they have experienced since their return from Vietnam. In large part, these frustrations are not answerable here; Congress cannot be held responsible for all the negative experiences our youngest veterans experienced when they returned to their homes. However, Congress is not without fault in treatment of these young men. We had a hand in sending them to war; that hand has been conspicuously less active in caring adequately for their needs on their return.

So that we may have a bit of insight into the nature of the feelings of many of these veterans we will be meeting over the next few days. I wish to insert into the RECORD part of a most perceptive article collected by my friend, retired Col. William Corson for Penthouse magazine. The article by Arthur Egendorf, Jr., deals with the reactions of many veterans to the America they came home to. I hope that each Member will take the time to read the message this article transmits, for to ignore it will be to compound the indignities that our veterans have already suffered:

The Unstrung Heroes

(By Arthur Egendorf, Jr.)

"I don't see how anyone can have funny dreams or sexy dreams. All my dreams now are scary as hell. Like we're on patrol and I'm on point. ——— Sergeant had to go and put me up front again. And then I hit a trip wire and a ——— mine tears me up. There's nothing left of me but little pieces. So someone shovels dirt into a body bag with my name on it just so it'll weigh something and people at home will think they've actually brought me back."

After other American wars, veterans came home as victors, full of tales of glory. They became a social force far more important than their numbers. Honored, respected, maybe even feared a little, they soon assumed leadership in American government and industry. But not after Vietnam. Wrong war. Wrong generation. Wrong ending. There are no heroes this time. In fact, today's veterans seem to be almost deliberately eliminating their power to act as a social force.

There are more than six million Vietnam-era veterans—men and women who served in the U.S. military between August 1964 and January 1973. Some three million of these served in Vietnam. Most of them came home—physically, at least. This article is about where they are now.

"My life wasn't so great before Vietnam. But I thought if I got some training and some medals I could come back and things would be better. Well they aren't. My family still doesn't want me, being a grunt doesn't mean anything to nobody, and I just can't hack it. So I take drugs. One time I hoped I'd O.D., only my sister found me in time and brought me to the hospital. Couldn't even do that right."

In 1970, a study found that the Vietnam veteran is in much worse shape than his World War II counterpart. "Suicidal or assaultive tendencies" are 50 percent higher, "drug usage" is almost 300 percent higher, and there are 30 percent more "suicidal acts."

A more recent study, of 1,000 vets who left Vietnam in September 1971, established that about 10 percent were on drugs when they left Vietnam. Of these drug users, 35 percent were still unemployed six months after their release from the military, and 34 percent were arrested within the same period. Of those who were married when they went to Vietnam, 38 percent were separated or divorced six months after coming home. (White House Special Action Office on Drug Abuse Prevention, April 1973.)

It would be comforting to imagine that these were "bad apples," incorrigibles. But this is not true. As the White House study cautions: "It would be a mistake to think of the Vietnam drug user as a highly deviant soldier with prior drug experience who could have been expected to get into trouble. Almost half (45 percent) of the men who used drugs in Vietnam were high school graduates who had no civilian arrests, no previous military discipline and no previous narcotics experience." In short, these men were the boys next door.

"Drugs were the only thing left to do. We all knew it was bull over there. We were fighting mostly kids young enough to be in junior high. I started smoking O.J.'s [opium joints] and when I got back I had a Jones [heroin addiction]. I was a junkie, man. Me! Three-letter man and all, and I had to start taking people off [stealing] to keep my habit going."

The picture isn't that much brighter for the majority who were not "drug positive" on leaving Vietnam. Six months after coming back "only" 18 percent were unemployed and 21 percent had been arrested.

"I was barely out of school when the whole draft thing came up. I was looking for work, making contacts, when they called me. Well, you know, you come back, look up old contacts, and they don't know you anymore. One guy actually told me flat out, 'Even if I had an opening for you, I'd be crazy to hire a guy who's been through what you have and hasn't had time to dry out.' It was ten months before I got anything other than odd jobs. And that made about three years between when I first got my notice and when my first real job came along. I couldn't support my wife and she got fed up supporting me. We fought all the time after a while. Now I'm working, but I'm single again, too."

"So," you might say, "vets are into drugs, getting arrested, unemployed, getting divorced. So war is hell. What else is new? All war is hell. What is the matter with these veterans?"

Well, that's all true—except that Vietnam was unlike any other war America ever fought. Vietnam was the indiscriminate use of napalm; search-and-destroy missions, in which whole villages would be destroyed to "save" them from the Communists; free-fire zones—places in which anything that moved was a target; body counts—entire units competing with each other to kill more people.

Vietnam was all of this—but even more, Vietnam was the most controversial war in American history. The reasons for fighting were always changing and American fighting men were never sure who was supporting them and why. It became impossible to determine just who the enemy was . . . after a while, all "gooks" became the enemy. It was only after they returned home that the GI's could reflect on what they had seen and done.

Representatives of the Veterans Administration do not have a reputation for sticking their necks out, and their statements on issues are conservative positions. But in 1971 Cecil Peck, Chief of the V.A.'s Psychology Division, stated:

"The Vietnam veteran is unique in that he fought in a highly complex war . . . [with a background of] unprecedented social, educational, economic, political, and cultural changes . . . environmental and societal forces. . . . The Vietnam veteran is different from his other counterparts."

In an effort to explain the veterans' problems, some people use the term "Post-Vietnam Syndrome" (PVS). A syndrome is defined as a group or set of concurrent symptoms, and so PVS implies that all Vietnam vets have the same problems and show them pretty much the same way. That's not very likely—there are too many veterans for any one term to apply to all. Just how many has been hotly debated. But after years of claiming that troubled vets were only a small minority, the Veterans Administration has now stated:

"Reliable surveys and studies conducted by the military and by the VA indicate serious and prolonged readjustment problems exist in approximately one out of five new veterans but, to a lesser degree, were experienced by all."

"They think the big thing about Vietnam is that you could watch it on TV. The real miracle for me was the jet ride to hell and back. It's two years later and I still got jet lag."

As a quick handle, "readjustment problems" has "PVS" beat. But it still doesn't clarify much. Going back to the way they were before they left has not been a realistic option for most vets—so they're not redoing anything. As for the adjustment part, many vets say they wouldn't mind doing some bending here and there, if only they had some sign that society recognized their existence. On an unemployment line one day a freckle-faced ex-medic shouted, "I'm beginning to find out what it feels like to be a nigger."

It does seem often that veterans are a separate oppressed (and depressing) minority. Many vets feel that the only time they're in the papers is when someone with military experience hijacks a plane, robs a bank, or goes on a killing spree. But several minority groups have gained insights into their oppression, and emerged with a heightened consciousness, a sense of soldiarity, which becomes a foundation for working toward change. Unfortunately, that hasn't happened among veterans.

There have been some laudable efforts—a national conference on the emotional needs of Vietnam-era veterans held in St. Louis in April 1973, the march on Washington and the demonstrations at the Republican Convention in 1972, and projects run by veterans to help other veterans—and these have already begun to make their mark (see the list with this article), but a veterans' movement has not yet arrived.

"The last organization I joined was the U.S. Army. I learned my lesson. I'll never join another one again."

What's the trouble? It's been more than ten years since the first vets came back from Vietnam. Why haven't any Vietnam vets been elected to Congress like so many World War II vets (Nixon, McGovern, Kennedy, Inouye, Cranston . . .) were in the 1940's and early '50's?

Part of the answer is that veterans feel that "people don't want to know"—and effective political organization is inhibited.

Some vets have been coming to *informal* rap sessions. In New York City, for example, more than two hundred vets have come at one time or another since the sessions began in December 1970. That's a small number, especially in New York. But these groups are not an isolated phenomenon. Dr. Chaim Shatan, the psychiatrist who originally arranged for volunteer psychotherapists to take part in sessions, says that he has had contact with more than forty similar groups all over the country.

Those who have come, particularly in the past two years, have nothing terribly wrong with them. These are not the paraplegics, the quadraplegics, the blind, or any of the other thousands of "totally disabled" Vietnam vets, whose anguish is readily understood by the average citizen. They show no obvious symptoms, nothing that would draw attention as they walk down the street; they don't conform to the stereotypes of the "mentally ill." But they're uneasy, anxious, and continually depressed. There are problems of impotence, difficulties finding or holding jobs, fears of one's own rage—a general dissatisfaction with life.

"For a long time I thought it was just me, that I'm crazy and I have to get used to it. But then I discovered that all the vets I know are feeling the same thing. Nothing's going the way we want for any of us. Maybe it's not just me—it's us."

One vet read about the rap groups in a newspaper and came in trembling. He had been back from Vietnam for five years but had not told anyone, not even his wife, about the most upsetting experience of his life. He said he dreams about it at least once a week, and sometimes he is bothered so much that he's afraid to fall asleep.

On one of his last patrols in Vietnam he saw his friend ahead of him fall forward. He went to help. Moving quickly to avoid getting shot, he rolled his friend over and lifted him on his shoulder, noticing, but not really registering, that there was little left of his friend's head. After crawling and running some two hundred yards, he set his friend down and stared at the bloody mass, trying to make out the once familiar facial features. In the dream he and his friend keep changing positions, and he sees himself with a red blob instead of a face.

Hideous deaths are part of all wars, and every generation of veterans comes home from nightmares. But beyond those well-defined traumas, there's something else that veterans have brought home from Vietnam. Most experience it as a general sense that something isn't quite right. Some veterans will trace their uneasiness directly to the war—that it wasn't what is was cracked up to be, that they risked their lives for nothing There are often self-doubts, too: "Was I sufficiently brave? Did I really prove myself a man?" These lead to troubling questions about whether bravery or "manhood" makes any sense.

Many ask, "What does it mean?" or, "Why was I there?" Others easily articulate political explanations for the war. But the implied self-criticism, "If is was wrong, why didn't I refuse to go?" is unanswered. Whether or not that question is raised, virtually all vets who come to the groups share the feeling that the war wasn't real; that the year or two in Vietnam didn't happen. One man once joked that it felt like a hole in the soul, only to have several other vets snatch the phrase up and exclaim that it fits precisely their sense of it, too.

"I've thought about this many times: I am in a country that has been involved in a war for more than ten years but shows no outward signs of it. The hole inside me appears as a reflection of the absence around me of anything to confirm what I lived through."

When veterans first joined the rap groups, they are anxious to explore their experiences in Vietnam. But their questions about the past are never isolated from their concerns in the present. They ask themselves, "Why am I here in this group? Is it because of what I went through in Vietnam or because of what I'm going through now?" The frustrating conclusion is that there's no way to distinguish between the two, even though the "present difficulties" they most often discuss are relationships with wives and girl friends, and these problems don't seem to have anything to do with war. But the metaphor of a soul with a hole makes sense here: love is difficult when you feel incomplete.

From the earliest meetings of the rap groups, some of the volunteer therapists noticed a distinctive quality in the veterans' struggles, something they have called numbed feelings: reactions to, or protections against, trauma. Dr. Shatan traces this sort of problem back to Basic Training, which teaches Spartan virtues and actively discourages tenderness and empathy.

A former Basic Training drill instructor (who had also been to Vietnam) came to one meeting and said, "Ever since I got out of the Crotch [Marine Corps] I get these spells . . . every six weeks or so I feel like I start looking for fights. It almost scares me, except that I don't feel anything, because I'm not afraid of anything. Nothing hurts . . . I don't care about anything, except, sort of, my daughter. Maybe that's why I don't beat up my wife too bad; she takes care of the girl."

Sometimes a veteran's numbness seems closely related to his encounters with death, a kind of psychological protection from the guilt of the survivor—"Why did he die and not me? And how could I be so shameful as to be glad that I was able to buy life for myself through another man's death?" Many veterans share these feelings.

"I don't think I love my wife. I don't know. Actually I don't know anything, even whether I should still be alive. It's the same now as it was in Nam. . . . I volunteered to walk point [the riskiest position at the head of a patrol] for two hundred days straight, beginning right after the day I froze in combat. . . . I thought then and I still think now that I don't deserve to live. . . . You see, I could have saved this one guy who was covering me that day, if only I hadn't been scared to leave my own foxhole."

Outside the rap groups or other setings, such as hospitals or drug-treatment centers, where veterans readily acknowledge the importance of a psychological dimension, veterans display a great deal of reticence, and sometimes even deny that anything is wrong at all. As one vet put it: "There's nothing the matter with me or any of the vets I know. All those shrinks talking 'bout problems are a bunch of candy asses; theyre the ones with problems!"

There are several reasons for this. First, as Tony Jones noted in Harpers (August 1972), it is only after many hours spent talking with veterans that "you become aware that they carry two sets of pictures with them. . . . One set [is] for public consumption . . . composed of answers meant to turn away further questions, or at the very least confine them to a predictable course. . . . Only gradually, with trust, does the second set of views emerge . . . far less ordered, contradictory . . . [with] . . . elements of pain, anger and despair, and they arise from some deep inner space accompanied by a sense of great vulnerability"

Secondly, veterans who sense their own confusion are naturally wary of intrusive questioning. One frequent response is, "I'm tired of people asking me, 'Vietnam? Did you kill anybody? How'd it feel?' " Another is, "Why don't they stop talking about veterans and just leave me alone?"

Thirdly, vets are survivors of an uncommon ordeal. War, no matter how painful, can teach unique lessons. Every vet comes back with a sense that he has seen and overcome something that most other people haven't. So, to many vets, talk about psychological problems often seems like a veiled attempt to belittle their trials and to deny their satisfaction at having survived.

Fourthly, most psychological investigators have an air of superiority: they pry, make judgments, and hint about cures—like magicians. Many veterans who went to Vietnam believing they would be doing something worthwhile lost their faith in the old magic. Any language that's removed from their experience—like the jargon of psychology—makes no sense to them.

"One is definitely schizophrenic when the regression of one's security operations, enforced by parataxic interpersonal relations, actually menaces one's survival. . . . It comes about, therefore, that the schizophrenic person, even though he is aware—in the disowned, 'they' fashion—of tendencies which manifestly involve him in rather durable integrations incongruous with his past experience and foreign to his at least dimly formulated career-line, cannot easily reintegrate a unitary awareness."—H. S. Sullivan, Conceptions of Modern Psychiatry.

Applying such jargon to veterans can incite them to rage. This reaction is particularly common among black and other minority veterans. Although blacks made up only 11 percent of the total military force, they accounted for 18 percent of the combat deaths in Vietnam.

One of the brothers put it to me this way. "Emotional problems? yeah, I've got emotional problems. I can't get a decent job because I don't have enough school, I can't get more school because the GI Bill doesn't pay enough for me to quit work. And I can't do both without getting more emotional problems. And I fought for this?"

A third-generation Japanese recalls: "The first day in Basic Training, the DI [drill instructor] yelled at us, 'Here we're gonna teach ya how to kill gooks. And if ya don't know what a gook looks like, there's one standing over there.' He was pointing at me."

"The first time I refused an order, my commanding officer said I had no guts. The second time, he sent me to the shrink, who said, "Tell me, exactly in your own words, what seems to be the trouble.' I told him I refuse to burn any more houses down while the people are still in them. So the bastard says, 'Is there something you're not telling me? Something you're afraid of?' "

During the early years of the Vietnam War, Veterans Administration and Pentagon spokesmen denied the possibility that there would be any widespread psychological reactions among veterans. So it took some courage for one team of VA psychiatrists to look more deeply into these early claims of a "record low combat psychiatric casualty rate" and to raise, in 1970, "the question of whether this low casualty rate is not at least partially spurious, resulting from lack of recognition or adequate treatment of significant psychiatric illness that, representing unresolved conflict, re-manifests itself later."

By late 1970 and early 1971 raising that question took progressively less courage. In the years 1964–1968, the combat psychiatric casualty rate had been no higher than that for troops stationed in the United States. By 1969–1970, however, despite the claims that the war was "winding down," the rate of psychiatric evacuations doubled. In addition, one in every five Army enlisted men in Vietnam was experimenting with heroin and two out of three regularly prescribed for themselves a fine grade of the local cannabis weed to "help keep the head on straight."

The military obviously didn't expect this deluge of drug-taking, abrupt increases of psychiatric casualties, and the massive postwar difficulties among Vietnam veterans. And the explanations offered by military doctors never made much sense to the men involved.

Psychiatrists and psychologists in government agencies don't like to be controversial. So they stick to notions like "stress." Used as a technical term, stress is a set of specific bodily reactions. You can study it by measuring the level of hormone secretion (often in the urine, which is how this research got the name "piss research"), and you don't have to get involved with complex psychological, political, or moral issues.

But the situation is not totally bleak. There are signs that even the Veterans Administration has begun to learn something about vets. In December 1970, the VA established a Vietnam-Era Veteran Committee, headed by Charles Stenger, a psychologist. Stenger is a World War II veteran and ex-POW. His toughest battles, however, have probably been his conferences with young veterans all over the country.

Stenger has become sensitive to the far-reaching, complex, and sometimes mutually antagonistic sensibilities of the veteran population.

Despite people like Stenger, there are many more men who need assistance than there are resources available. One obvious proposal would be to expand the currently limited psychological facilities of the Veterans Administration. For example, a veteran has to prove "service connection" ("Doctor, the *war* did it to me!") for whatever he feels is wrong if he wants outpatient treatment, and he has to prove it within a year after leaving the military. Otherwise the VA says, "Sorry about that." Senator George McGovern proposed a bill to improve these services that passed the Senate in the spring of 1973. As of this writing (December 1973) the bill still sits in committee. Its passage is long overdue.

The kind of healing veterans need most, however, has to take place outside of treatment rooms. Doctor's medicines can't fill a hole in the soul.

In part, vets suffer because they're the only inheritors of the massive catastrophe called Vietnam. Nobody else will claim responsibility. There is a moral void, a responsibility vacuum. So the vets take the rap—not only because others see it that way ("Gee son, it must have been tough over there," or, "How come you fellows didn't win your war? We won ours."), but also because vets can't forget the place and time in which they risked death. Others, maybe you who read this, didn't risk that much. Perhaps you're worried about the environment, the energy crisis, what courses to take in night school . . . but Vietnam? Veterans? Isn't that all over now?

"My kid's three now. I guess in another year or two he'll be playing with guns, like they all do. Another year after that and it'll be war games. Then he'll be asking me, "Daddy, you're a veteran, what did you do in the war?' And maybe, 'Daddy, what happened in Vietnam, did we win?' That's all easy, I think. But when he starts to wonder why, and to ask whose fault it is, then I'm stumped. A son wants his father to matter. Did I matter? Was I what went wrong? If I get out of that one, then I didn't matter. Who did matter?"

"When I came back from Vietnam, I felt so horrible about what I had seen, so guilty that I hadn't rebelled against it, that I imagined every veteran must feel the same way. How could any of us avoid recognizing in Vietnam that we were the treacherous enemy of the Vietnamese people. How could we fail to see through our government lies?"

Long talks with hundreds of veterans over the last three years have shown that these questions aren't always asked. Lots of vets don't feel guilty about what they saw, what they did, the war in general.

This is not to say they don't hurt. Their pain is one of betrayal—betrayal by a historical era that left them with no viable rationale for "their" war, their initiation into manhood. Any proud claims about the battlefields of Vietnam evoke no response—they are heard as pathetic self-deception, the sham that soldiers console themselves with when they come home losers, the transparent disguises of heartless executioners.

History has cheated the Vietnam veteran. "His" was the wrong war, fought in the wrong time, the wrong place, the wrong way. He can answer, "But I did my duty. I followed my orders." But he will be cheated again. For when the question is asked, "Whose orders? Who told you to shoot unarmed civilians on the suspicion that they might have been dangerous?" Nobody answers for him. Has Johnson, Nixon, Westmoreland, Abrams, Laird, or any of the others stepped forward to take the rap? When, for instance, Calley was found guilty, all his superiors on the chain of command—the men who were responsible for him—claimed total innocence and the law supported their claim.

The guiltless veterans either waves the flag, and is left to wave it alone, or he tries to pass the buck, which nodoby will take. As Robert Jay Lifton pointed out in his definitive study, *Home from the War*, the veteran is either the executioner or the victim—the hired gun or the sucker. In either case he is betrayed.

Some veterans don't like that choice, feeling that neither role leaves them much room to maneuver. But if they stop trying to say, "Everything I did was cool," or, "I had no choices, they made me do it," they have to start asking some hard questions: "Why did I do it? Did I really not know what was happening? Weren't other choices available, but I just chose to ignore them? Sure, I didn't start it, but why did I go along?"

"Change isn't a big enough word to describe what happens when you switch from fighting a war to condemning it and assuming your share of responsibility for it. It's usually quite messy: Friends think you've gone crazy ("Why does he have to go around yelling about genocide all the time?'), relatives think you've retreated into a second adolescence ('What do you mean saying we live off blood money just because you think the war is wrong?'), carefully laid plans for a respectable career go up in smoke."

Some vets say that coming home was fairly smooth. But when you get to know them better, you find that it was only easy on the surface—they have either poured their anguish into a book or two, a long diary, or a strong, understanding woman who stood by as confessor-shrink, giving her man a chance to heal. They end up feeling the guilt; they're just quieter about it.

Old ways of thinking collapse. Once you've been dead wrong, it's hard to be perfectly certain again; once you conclude that the cause you could have died for was phony, it's hard to trust other people's causes again.

But the guilt can serve a purpose. It can cleanse and, through the washing of the old, you can attempt to build something new. Some of the vets who have done this feel that they have something now they never knew before—a new dimension inside, a strange sort of hope, possibly a new maturity, and a hint that, however awful life may be, it's not worthless.

"I never used to cry so much before. I can just look at a picture now, a beautiful picture, and I feel the goosebumps. Kids make me laugh, the sun makes me smile. I notice all this stuff I never knew about before. If war crimes are a huge mistake, maybe I can derive some large lessons from mine. If my life was bought with the deaths of thousands of Vietnamese and GI's who died in my place, maybe I can redeem myself by not perpetuating the lies that led to their dying. If I closed my eyes to all the warning signs of evil before I went, fearing the inconveniences of facing the truth, maybe I can change now, and arrange my life so that the truth doesn't inconvenience me quite so much."

This new dimension, this strange hope, is tentative and cautious. No one gets off easy. And, although few vets who understand their guilt would want to switch places with those who are ignorant of it, everyone is in the same basic situation—surrounded by America's responsibility vacuum.

But once one begins to acknowledge guilt in an age of abdication, it's hard to know when to stop—a lot went wrong, a lot to account for, but there's not much help to be had in shouldering the burden. Trying to figure out how much to leave to others is confusing and hard. Some vets end up feeling like martyrs—overloaded, wearing their pain like a badge of holiness: "Look how much I suffer, look how much I pay for my sins." Sometimes it's too, too much, and instead of trying to pass the buck, they shove it in other people's faces. "It's your war too!" Like doomsday prophets, they stand in judgment—only vaguely remembering that once others were judging them.

Transformed? Yes. Ennobled in some people's eyes ("Isn't he courageous to face up to so much?")? Yes. But switching off between martyrdom and prophecy is terribly lonely. And veterans who accept their guilt end up just as estranged from society as their brothers who are outcast as executioners and victims. "Normal" people can't relate to a saint anymore than to a devil.

So veterans still haven't fully come home. Concern about "PVS" is the first sign that people know they're back, but it's hard not to ask if that concern doesn't hide the nonveteran's reactions more than it shows his empathy for veterans. It's still easier for vets to talk among themselves, despite their differences, than to open up with most nonvets. While the dialogue between vets and those who didn't go may never be perfect, and while vets may have to sacrifice claims to saintliness as well as to heroic prowess for it to get much better, vets feel as if the doors are locked for reasons that have to do not with them alone, but with all those whose silence is part of America's responsibility vacuum.

PATRIOTISM—SELF INSTILLED

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. BOB WILSON. Mr. Speaker, during Flag Day weekend last month, I urged our fellow Americans to consider flying the 13-star flag periodically in preparation for a bicentennial celebration in 1976. The idea was well received and I was pleased to learn later that it was being pursued long before my proposal by students at National City Junior High School. Since April 15, these students have been making exact replicas of the 13-star flag and proudly presented one as a surprise to their principal, Mr. William E. Darton, who initiated this unique project, which he explained to me in the following report. I include this in the RECORD as a portion of my remarks:

PATRIOTISM—SELF INSTILLED

The idea for this project has been with me for some time. I originally voiced it to Assemblyman Waddie Deddeh on December 2, 1970. At that time I was Boys' Vice-Principal at Hilltop High School and I had numerous opportunities to note the apathy of the students during morning patriotic exercises. The perfunctory manner in which they saluted the flag appalled me.

The immediate thought was to force students to stand and salute properly. However, the thought was quickly dismissed as force would do nothing to create what I felt should be proper respect for the flag and love of our country. This can only come from within and willingly.

I proposed to Mr. Deddeh that schools should be furnished with replicas of actual flags that had flown over our country, commencing with the 13 star flag. Students would then research historical incidents, political, humorous, etc. that had occurred while a particular flag flew over our nation. I flew to Sacramento at my own expense to present my idea to the Assembly Education Committee. It was not accepted and I left promising myself I would pursue the thought and at the first opportunity do something about it.

My opportunity arrived when I was appointed principal at National City Junior High. I used my basic premise and proposed "Patriotism—Self Instilled" in the autumn of 1973 to my school district. It was accepted at the county and I immediately began to work on it.

To my surprise, homemaking teachers were reluctant to attempt the project. Reasons offered were students were not skilled enough; teachers would wind up doing the work; regular curriculum would suffer and other reasons. I made a personal appeal to sewing classes and got a response from eight girls. I then recruited a teacher, Miss Karen Laffoon, and my wife as resource people. The girls agreed to work one hour after school each Tuesday and Thursday. Actually their enthusiasm extended beyond this time determinant many times.

Obtaining flag bunting proved to be difficult. It was finally located at Academy Flags in La Mesa. The owner was quite helpful and interested in the project. He obtained the bunting from a firm in Valley Forge, Pennsylvania.

The pupils in Mr. Ridgeway's math class calculated the amount of material we would need for eight flags. While we were awaiting the shipment, the social science classes were busy researching historical incidents related to the flags. These incidents will be utilized at a later date.

In addition to the research going on, a

rather simple test was administered to four social science classes (copy attached) in order to make some kind of determination as to the existing knowledge on the part of the students. Unfortunately, we were unable to make a post test this school year as the program was not complete. However, these same students will be here next year and the test will be given.

The girls actually began work on the flags April 15 (due to difficulty in obtaining flag bunting) and completed the last flag June 11th. They devoted many unselfish hours as did Miss Laffoon.

A great deal of interest was aroused and there were many positive side effects. The National City Star News gave us publicity as did the San Diego Union. I was invited to a D.A.R. luncheon which I attended and displayed two of the flags made by the girls. By chance Assemblyman Waddie Deddeh had been invited and he, of course, was quite pleased that the project had not died.

The culmination of this project will be the flying of these flags during the school year commencing September 1974 at which time use will be made of the historical research.

I sincerely hope the program has changed and will change the indifferent attitude of those students who presently seem unaware of what our flag represents. I do know that it has been inspirational to many already and it has been most worthwhile to me. I deeply appreciate the support of the County Department of Education and my school district, the Sweetwater Union High School District, in this endeavor.

SOVIET RESETTLEMENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. DERWINSKI. Mr. Speaker, at a time when officials of the Soviet Union are waging antipropaganda in opposition to trade that will benefit the economy, I believe that it is especially important that we recognize the persecution that prevails in the Soviet Empire. An article that I recently read in the June 21 edition of the Christian Science Monitor reflects the unjust and forced resettlement of the Lithuanian farmers. We must keep in mind that the Lithuanians are also subject to the "Russification" pressures that are imposed on the people of the U.S.S.R. The Lithuanians are not only sbject to political persecution under Communist rule, but they are also forced to accept nationalistic persecution.

The article follows:

SOVIET RESETTLEMENT—100,000 LITHUANIAN FARMERS FACE FORCED MOVE TO VILLAGES TO FREE ADDITIONAL ACREAGE

(By Leo Gruliow)

MOSCOW.—Approximately 100,000 Lithuanian farm families are to be moved from their ancestral farm cottages to central farm settlements to that the fields where their houses stand may be planted.

Plans to compensate the farmers for loss of their homes and to grant them loans for building new houses in the central settlements were announced in a decree issued by the Lithuanian Council of Ministers.

The decree, reported in Lithuanian newspapers, was declared to have the approval of the central Soviet government in Moscow.

In Russia proper, where the feudalism lasted into the 19th century, rural dwellers always lived in villages, with houses clustered around a manor house and strung along one or several lanes, though the farm fields lay far away.

Collectivization made no change in this housing pattern, except that the manor house usually became the farm center or club.

In the Baltic regions the farmer's cottage—lay in the center of his fields and at a distance from neighbors. Although the fields have been collectivized, farmers continue to reside in their separate family cottages.

Such farm houses had previously been condemned and their occupants moved when the land around them was scheduled for drainage and improvement. Now all isolated farm cottages will be subject to condemnation, whether the land on which they stand is to be drained or not.

Most of the cottages to be torn down are in the southern and eastern parts of Lithuania, where drainage and land improvement are not needed and hence such cottages had hitherto been left untouched.

Commissions will appraise the cottages and their private gardens to establish the compensation due. Upon moving the state or collective farm central settlements, the farmers are granted 15-year home-building loans up to 3,500 rubles (about $4,250). The state or collective farms are to pay 35 percent of the loan. The new homes may be either privately purchased or co-ops.

The decree set no time period or schedule for the vast program to move farmers into central settlements. It simply announced the provisions for compensation and loans and the procedures to be employed. The resettlement undoubtedly will be spread over many years.

Lithuania, one of the most prosperous regions in the Soviet Union, is strongly Roman Catholic and its people are noted for their independent spirit.

For several years, the far southern Soviet Republic of Moldavia—another region where farmsteads used to be isolated from one another—has been moving rural families from their dispersed cottages into centralized farm settlements.

The resettlement there has been linked with a program to merge farms into larger units under combined corporate management.

Under this system, groups of large specialized farms, both state and collective, are integrated with packing and processing plants into regional corporations. Some of these large units have been building "agro-cities" to house the farmers.

The Moldavia corporate farming plan is being extended experimentally to other parts of the Soviet Union, including some places in the Baltic region.

RESULTS OF QUESTIONNAIRE

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. HEINZ. Mr. Speaker, the results of my annual questionnaire taken this past April in the 18th district indicate an overwhelming desire for Washington to stop ignoring the people and get going on solving the Nation's problems.

I have been surprised at the near unanimity on the issues, with the exception of campaign financing.

The statistical data contained in the nearly 30,000 responses, listed the following specifics:

Approve my stand in favor of an excess profits tax on the oil industry: Approve 79 percent, against 8 percent, unsure 13 percent.

Favor my opposition to gutting clean air laws because of the "energy crisis": Favor 80 percent, oppose 5 percent, unsure 15 percent.

Like idea of using other tax revenues to lower employees' social security payroll tax: Yes 71 percent, no 14 percent, unsure 15 percent.

Approve my call for stronger Government antitrust action to enforce competition: Yes 83 percent, no 2 percent, unsure 15 percent.

Reaction to public financing of congressional races: Strongly favor 27 percent, mixed feelings 35 percent, strongly oppose 24 percent, unsure 14 percent.

Agree on need for national health program to protect against catastrophic medical problems: Strongly agree 54 percent, somewhat agree 25 percent, do not agree 7 percent, unsure 14 percent.

Favor my efforts to give higher priority to railroads and mass transit and lower priority to interstate highways: Favor 72 percent, oppose 6 percent, unsure 22 percent.

Feel Government statistics on increase of food prices are: Much too low 36 percent, too low 39 percent, about right 23 percent, unsure 2 percent.

Federal spending priorities indicated by his constituents: Higher for education, social security, health, mass transit, and sewage treatment; lower for military spending, welfare/aid to poor, and foreign aid; about same for manpower training, public works, housing, and revenue sharing.

Rating of my congressional office service to constituents: Excellent 16 percent, satisfactory 18 percent, unsatisfactory 3 percent, no contact or not responding 63 percent.

The comments following my impeachment question discussion fell into these general categories: For impeachment 29 percent, against impeachment 28 percent, use personal judgment 30 percent, for resignation 5 percent, no response 8 percent.

I am impressed because the results of the questionnaire show that people are speaking out strongly about the need for a more responsive Government.

DOT BACKS STANDARD TIME

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. CARTER. Mr. Speaker, when year-round daylight saving time was proposed as a potential energy saving measure, I opposed the legislation because there appeared to be no concrete evidence that this would provide meaningful conservation of our valuable energy resources. Further, I pointed out the danger that this would cause for young schoolchildren waiting on dark mountain roads for their buses each morning. I submit that daylight saving time has resulted in more harm and inconvenience than proving to be the magic energy saver its advocates assured us it would be.

I include for the RECORD an article from the July 2, 1974, Washington Post reporting that the Department of Transportation has recommended that our Nation return to standard time. I support this move, and I recommend it to the attention of my colleagues. Let us put an end to attempts to legislate controls on the light from the Sun.

The article follows:

DOT BACKS STANDARD TIME

(By Peter Milius)

The Department of Transportation has recommended that the country go back on standard time this November through next February.

Late last year, Congress put the country on year-round daylight savings time in a two-year experiment aimed at saving energy.

The experiment is scheduled to run through October 1975 but opponents have been urging that it be cut short.

Their claim is that the year-round daylight time has not saved much if any energy, has seriously inconvenienced many people in many ways, and has endangered school children by requiring them to go to school in the dark on winter mornings.

Transportation Secretary Claude S. Brinegar said his department's study "indicated the energy savings was very small; a spokesman put it at 0.75 to one per cent of what consumption would be otherwise.

Brinegar also said there was "some evidence" that daylight time had been hazardous to school children in the November-February period, which would go back to standard time under DOT's proposal.

A spokesman said, however, the department found there actually were fewer children killed in traffic accidents this January and February than in past years. More were killed in early-morning accidents, but fewer later in the day, the spokesman said.

Congress must act on the department's suggestion for it to become law.

Brinegar said the recommendation was for this winter only—more experimentation. The government would then decide later what to do about daylight time in the longer run, he said.

PRIVATE PHILANTHROPY AND NATIONAL HEALTH INSURANCE—IMPACT ON HOSPITALS AND MEDICAL SCHOOLS

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ROY. Mr. Speaker, on June 19, I was pleased to speak before the national conference held by the National Association for Hospital Development entitled "Private Philanthropy and National Health Insurance: Impact on Hospitals."

Dr. David Pomrinse, director of the Mt. Sinai Hospital, gave an excellent talk on the historical role of private philanthropy in the health care system, calling it the "venture capital of American medicine." Because the role of philanthropy is so vital, and because it should be present in any NHI system, I insert the text of the talk in the RECORD, so the Members may have the opportunity to study it:

REMARKS BY S. DAVID POMRINSE, M.D.

This is a most welcome opportunity for me to discuss a favorite topic, the role of philanthropy under a national health insurance scheme. I must admit, however, that I received a bit of a jolt when I discovered that I was to be the only provider on the panel. This gives me the awesome responsibility of representing America's voluntary hospital system in a discussion which numbers among its participants so many experienced legislative health care planners.

I have no hesitation about carrying out this responsibility, but I trust that you will recognize that I speak from a particular point of view; that of a major university teaching hospital in an urban setting which, like all tertiary medical care centers, is seized with a multitude of responsibilities for patient care, education and research.

I would expect that many members of NAHD come from similar regional medical centers, for these are great institutions, precisely because they attract philanthropic support. Indeed, philanthropic investment, in great measure, founded many of them.

The prodigious advances made in American medicine are to a great extent the result of an historic symbiotic relationship between philanthropy and medical science. Philanthropy created the institutions and supported their growth. And, as these teaching hospitals grew, they attracted better and brighter physicians and research scientists. Thus, significant contributions to the future of American medicine were being made even as essential care was being provided for patients with the kind of complicated illnesses that required the most sophisticated and super-specialized services.

It must be emphasized that these are not just teaching or research centers. They do not exist in a vacuum. They are treatment centers, regional medical centers, if you will that must care for the most difficult cases which are referred to them from a network of community or secondary care hospitals throughout their respective regions.

The interplay between philanthropy and medical science's advance and the delivery of super-specialized care is one of the healthiest and most natural relationships to be found in American society. The scientist attracts support for his research. The specialized physician is given the capacity to deliver the sort of intensive care needed by relatively few people at any moment. And, the donor receives the advantage of being able to give his money where he knows it will do the most good.

In a sense the Philanthropic dollar is the venture capital of American medicine. Somebody has to be able to risk mistakes,—a position which government officials are not likely to accept. Our occasional mistakes are proof that we continue to try new and venturesome things. Without this sort of intelligent conscious risk taking, American medicine will stagnate and eventually decline. Particularly under a national health insurance scheme, this environment must be maintained and this is the role of voluntary philanthropy.

There are so many success stories which prove the extraordinary value of this venture capital. In my own hospital, only in recent weeks, we have opened a cancer center with considerable support from the National Cancer Institute. In my view this would never have come about had we not been able to mobilize a bit less than a half million dollars in philanthropic funds for seed money. In institutions such as ours, this generally means the wherewithal for attracting the necessary physician scientists for such endeavors.

Similarly, a relatively modest grant from one foundation in support of the concept of the employment of nurse practitioners enabled us to create a satellite clinic deep in the heart of the inner city. This particular facility, located about a mile and a half from the hospital proper, is not only providing routine and acute care for thousands of infants and young babies but, linked to us by closed circuit television, it has the advantage of almost immediate consultation with a battery of highly skilled physicians in a wide range of medical specialties.

In a secondary way, the strength of the voluntary system is infused in the government hospitals. The largest Federal health system in the country, The Veterans Administration, and the largest non-Federal system, the New York City Health and Hospitals Corporation are both in large part dependent upon the voluntary teaching hospitals and medical schools for their professional support, the recruitment of physicians and essential medical leadership. These government hospitals have discovered that they simply are not able to attract quality physicians whom they desperately need without being closely affiliated with the teaching institutions of this country. We should learn from this experience and not permit ideology to get in the way of practicality.

America can build a stronger national system but it must pay special attention to the growing edge of medical care and to stimulate it rather than seek means of suppressing it. Short-sighted tax reformers have introduced legislation in the Congress to remove the tax advantages now realized by donors to institutions such as regional medical centers. With their eyes focused on loopholes, they fail to see the inevitable results of such a move. Not only would it destroy valuable philanthropy, but it would necessitate greater investment by government in these same facilities. The government is getting a bargain today. Reductions in tax payments are minimal compared to the additoional tax funds that would be required to fill the gaps left by a shrinkage of philanthropy. The only alternative would be to halt all new developments and put a stop to new construction.

I don't mean to suggest that our institutions should be exempt from certificate-of-need legislation or from review by appropriate health planning agencies as to whether or not each proposed new service or building is in the public interest; far from it. New York State has been the vanguard of certificate-of-need legislation and has had what is probably the most effective program in the country for over a decade. We have not suffered from this. We have been able to introduce new expanded programs and to build many new structures. In each case, however, it came with the approval of the State Health Department and local planning agencies, which is as it should be.

The nation's voluntary community hospitals, the secondary care institutions, are also dependent upon philanthory albeit in a somewhat different sense. They, too, need contributions, usually in smaller amounts and usually for construction and equipment and to help them meet their community responsibilities—that is, patient care for those unable to pay for themselves. And it should be noted that even under a national health scheme there are bound to be some patients for whom full payment will not be available. Somehow the hospital will have to find the dollars to enable them to take care of these people.

But there is a different form of contribution which I believe is particularly critical in community hospitals and that is the contribution by individuals of their time and their efforts. It is a delight to walk into a community hospital and see a large staff of volunteers and auxilians freely serving their fellows. I can think of no more appropriate and typically American way of maintaining local services than to see active, healthy, vigorous volunteers busily operating coffee shops, manning reception desks and patient libraries and visiting patients. These volunteers also provide an invaluable service by reporting to the management and leadership of those hospitals the needs of the communities from which they come.

To destroy this form of community participation, most particularly this contribution of self and of substance, would be the most regressive step that could be taken. Voluntary hospitals were established in response to local needs, by local community leaders supported in the main by community fund drives. I would urge that any national health insurance scheme recognize the essential nature of this kind of community support and rather than reduce the stimulus to philanthropy, find incentives to insure its continuation and growth. This is one way to be certain that the nation's community hospitals do not degenerate into stultified, lifeless and bureaucratic extensions of government.

I hope I do not sound too harsh in my descriptions of government involvement. For to tell the truth I have worked and will continue to work with many colleagues in government service and I have the utmost confidence in their skill, as well as respect for their ability and certainly their sincerity. But, just as I said earlier that there must be room for the risk of making errors, I am equally convinced that this is not the function of the public domain. It is vitally important therefore, for non-governmental hospitals to be sufficiently active, vigorous and healthy and to be able to assume that responsibility.

It's largely a matter of size and the lack of flexibility. If the government makes a mistake, it's likely to be on a very, very large scale. Further, it is likely to replicate its errors for many years before its philosophy changes. For instance, a poorly conceived governmental program may result from the eagerness of a legislator, most likely one seeking reelection. Once begun, it would be almost impossible to stop it before enormous amounts of money are poured into it.

To cite one example of how this can work, Sweden, relatively small country, embarked upon a hospital building program. We estimate that two or possibly three large hospitals would have been sufficient to serve its population. But the Swedes now have several very large hospitals which they are incapable of utilizing at any reasonable level.

It is not my intention to harp on the experiences of foreign countries too much, we have problems of our own, but in England, Sweden and Canada where they have three different types of governmental operational controls, the inflation rate is greater than our own. And, yet in America, we are dealing with a complicated, supposedly inefficient system which combines private, voluntary and public payment and regulatory schemes.

The ability of the voluntary hospitals to demonstrate how to do some things better and to provide alternatives to potential bureaucratic inertia makes it essential that the viability of these hospitals be supported, in part at least, by philanthropy.

In the current scheme of things philanthropy represents only a small part of the total hospital budget, but it is a very significant leverage factor. The economists tell us that the most significant dollar is the dollar at the margin, that being the next additional dollar or the next reduced dollar. This is the one that makes the change. More than 50% of the base budget of most voluntary hospitals comes from Medicare and Medicaid. It is the marginal dollar which can create new developments and this is where philanthropy is absolutely vital.

In my own hospital, philanthropic contributions represent a shade over 1% of our operational budget, but they do make up over 50% of the annual operating deficit. Without these Philanthropic dollars we would not be able to function.

Time obviously will not permit an exhaustive analysis of all the key factors in a national health insurance scheme, but I would like to turn to a consideration of some of the important issues. First, coverage must be universal if it is to be meaningful. Otherwise those who need medical attention the most and who now have the least coverage, will continue to be excluded from care. This country should not continue to compound the problems of those unable to earn an adequate living and who are suffering the miseries of untreated illness. We care for the very poor who are on Public Assistance but neglect those who are trying to avoid welfare, but are not able to sustain themselves fully. The working poor deserve coverage particularly because they're trying to make it in our society, if for no other reason.

Should there be a single source of funds or should there be multiple sources? As an administrator I like the simplicity of a single payment mechanism. It reduces paperwork, it saves administrative costs and it gives us the assurance that all appropriate costs will be funded. However, it reduces the flexibility which is possible when there are more than one source of dollars, which, in turn, would be an opportunity for rigid bureaucratic control of voluntary hospitals and thus has a tendency to destroy the very essence of the voluntary hospital. A compromise might well be that each of the payment programs must be committed to paying its full share of the hospital's appropriately incurred costs.

One of the key problems in New York today is that some 80% of the hospital's income derives from Medicaid, Medicare and Blue Cross. The administrator of each of these programs seems to measure his efficiency by his ability to reduce his own contribution to the total hospital pot.

For example, last year Medicare required the use of a new formula for calculating reimbursement known by the formidable acronym, departmental RCCAC. By this method it effectively reduced hospital income from that source by about 3%, Blue Cross and Medicaid which pay us by an average cost per diem method did not pick up the loss and there is no place to turn to make it up.

This inequity, together with other attacks on the fiscal viability of New York's voluntary hospitals, including the cost control bill of 1969 and nonpayment for ambulatory services for the working poor, has led to a crisis which threatens our ability to function. The expenditure of unrestricted endowments by the four largest medical centers in the area places them in jeopardy of having to close their doors within one or two years because of the lack of available funds. Banks are certainly not eager to lend hospitals money for operating purposes. For all the above reasons the systems should pay their full share of the costs for their patients' care.

I would also hope that any reimbursement system will recognize the need for increased operating capital. With continuing inflation (and I haven't seen any signs that it will go away) the need for an increase in working capital is self-evident. We simply must have more dollars to meet next week's or next year's payroll. And, we must have something above bare bone's cost for hospitals to be able to continue to function.

As a corollary I submit that philanthropic funds should not be considered when reimbursement rates are being set. These funds are given because donors have more faith in the judgment of hospital boards' as how to expend money wisely than they have in either government or third parties. Under the rule of the late and unlamented Cost of Living Council the fruits of past giving were offset against current expenses and hospitals were told to use up their resources before seeking rate adjustments. To alter the spirit and purposes for which voluntary contributions have been given so as to affect the hospital's needs for basic reimbursement for services rendered would be immoral.

Perhaps the most significant contribution which I can make in this discussion is to emphasize the need to maintain "centers of excellence." Again, I'm referring to the regional medical centers which are usually allied with educational institutions and who provide super-specialized care. The usual approach in governmental programs has not recognized the scope of services as a vital and necessary component of a health system and this has served to average down to the mediocre. The usual explanation is that it is difficult to measure scope of services in terms of so many dollars per patient day.

Recent experience with regulations proposed under Section 223 of Public Law 92–603 is a case in point. The clear intent of Congress was to include recognition of scope of services in the proposed ceiling for routine services under Section 223. Yet, regulations proposed by the Social Security Administration simply avoided the issue and proposed flat ceilings. This put institutions such as Columbia-Presbyterian, Cornell-New York, St. Vincent's and Mount Sinai in the same class as New York's municipal hospitals—a travesty of justice.

Society cannot afford to destroy or limit for lack of funds the medical centers which care for the complicated illnesses. If we are to continue to serve and to lead, we must receive the base support for patient care we require. Studies have shown that for the treatment of patients with the same illnesses costs in these medical centers are not significantly different from those of our secondary care neighbors. The problem is that we are confronted by more and more complicated serious illnesses. Unless this country is willing to allow patients with complicated illnesses to die without providing them the advantages of today's medical knowledge and developing treatments these institutions must receive appropriate funding to insure survival.

Prospective rating is a much-admired technique recommended by some for the control of hospital costs. Stated simply, the idea is that if I can project the amount of money I will have available during a fiscal year, I will tailor my spending to it. I wish it were so. But how can you budget so accurately when wage rates which account for 75% of our costs are set by collective bargaining and usually compulsory arbitration? How can we make predictions on nonwage items which are at the mercy of the general economy? We all know what has happened to food, fuel, electricity, supplies, just to mention a few items. The number of patient days, the volume of surgery and the use of increasingly expensive laboratory tests are largely controlled by the medical staff. We already run our hotel services more efficiently than in the commercial world. So where can we really reduce our expenditures? The sad truth based on unfortunate experience is that during any given year, the only way that I know to save real dollars is by closing services.

Prospective rating during an inflationary period is farcical. It can only lead to an exhaustion of reserves. Such an attempt to control a hospital's income without controlling its costs can only be described as confiscation.

Governmental programs rarely consider the impact of the unionization of hospitals. Many of New York's hospitals are unionized and more are being organized each year. As I indicated earlier, personnel costs make up three quarters of the total hospital budget and the rate of increase is unpredictable. The difference, however, between us and industry is that in the economic war which often accompanies the collective bargaining process in industry nobody is hurt except the participants. When hospital and union reach this critical position the patients suffer.

The serious eight-day strike in New York last November cost my own hospital a million dollars in operating funds. If government cannot find a way to control inflation and, in particular, salaries, government must be prepared to help meet costs when they are translated into per diem rates. There is no other way. Hospitals, as I have said, have little or no resources left—the more we borrow, the more interest we pay, and, at higher rates. When this interest is added to other costs, as they must be, our total operating costs soar.

There is much talk about restructuring the delivery system and much of this discussion is based on little solid evidence. Perhaps the most accountable scheme for doctor-patient relationship that could have been devised is the solo practitioner fee-for-service system. The patient who doesn't like his doctor simply goes on to the next one. A patient in a large structured system such as an HMO, however, has to go through many echelons of bureaucratic review in order to get satisfaction, unless, of course, he pulls out altogether and seeks the service of a private practicing physician.

I agree that we need alternatives. But I don't think we need them as badly as it has been made out. Further, I am sure that savings, if any, will be insignificant unless we have serious under-utilization. That's where HMO's save money.

We shouldn't kid the American people. We should tell them that medical care is going to be very expensive and increasingly so as newer technology comes on the scene and as hospital workers are paid better and better. We should tell them that the only way they can cut their medical bill is by using fewer services and perhaps by avoiding physicians and hospitals altogether.

Ambulatory care, which is grossly underfunded, is necessary care. But it is not a real substitute for hospital care. No one is going to treat his coronary occlusion or have his gall bladder out in a doctor's office. Undoubtedly, unnecessary admisisons can and should be prevented. But office care is not an automatic substitute for in-patient care.

Much is made of the value of prevention, particularly as an advantage presented by H.M.O.'s. In recent years, magnificent strides have been made in pediatric preventive medicine which have resulted in exaggerated expectation among adults. I wish we could live up to those expectations. Unfortunately, we do not know how to prevent any of the intrinsic, non-infectious diseases of adults, with the partial exception of the complications of hypertension, except by modifying behavior. Neither my practitioner colleagues nor my public health friends know how to get people to drive slowly, to reduce their alcoholic intake, to avoid drugs, not to commit suicide or homicide or stay fit, medical care techniques are almost worthless in either primary or secondary prevention of the serious chronic diseases of adults that cripple and kill so many of us.

Much more needs to be known about how to change the natural history of these diseases. That means much more research. Our present knowledge base is simply inadequate to permit us to do very much about prevention of adult diseases.

Should we reduce the number of hospital beds in the country? I believe so. But we should do it by closing whole hospitals, not by nibbling away at a few beds here and there. Where I think we can make a serious contribution to a more efficient system is by better structuring who goes to the secondary care hospital and who goes to the tertiary care hospitals. There is no excuse for complicated special care units in community hospitals beyond the level of the coronary care unit. There is little excuse for the tertiary care center in the community to do large numbers of hernias and tonsillectomies. We need a better sorting out of who goes where.

The corollary to this, of course, is that physicians should be on appropriate hospital staff. In other words, the super-sophisticate should not be on the staff of a secondary hospital and the general specialist, if I can use that term, should have limited access to the regional medical center. Appropriate redistribution of patients would mean appropriate redistribution of costs and a generally better system, working to the advantage of all.

My plea today, therefore, is that we don't throw the baby out with the bath water, American medical care and the voluntary hospital system have developed a sophisticated delivery system which does extraordinarily well in specialized areas. It does not do as well as it should in primary medical care. Obviously, the answer is to have more physicians and physician extenders who are interested in primary care and who are good at it.

But this should not be at the expense of the specialist and the super-specialist, the secondary and the tertiary voluntary hospital. We must build on these strong bases. We must add rather than subtract.

If we are to have a national health insurance program in this country which will mean anything, we should encourage those forces which have helped to create a superb system of voluntary hospitals, unique to the United States and which works so well when compared with foreign systems.

Let us not destroy the very roots of this system by reducing hospital income without controlling the costs of hospital labor and supplies. Above all, let us not reduce the incentives for donors to give.

A system that recognizes the strength of voluntarism will give America the health care she needs at a price she can afford. One which ignores the advantages of voluntary support for health purposes will regress to care of lower and lower quality and eventually to mediocrity, the choice is the Congress' to make. Let it be made wisely.

COMMEMORATIVE TRIBUTE TO THE HONORABLE IGNACY JAN PADEREWSKI, OUTSTANDING POLISH PIANIST, COMPOSER, STATESMAN, AND PATRIOT

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ROE. Mr. Speaker, last week the Polish-American community throughout our Nation observed and commemorated the 43d anniversary of the death of a renowned ancestor of Polish heritage, the Honorable Ignacy Jan Paderewski, whose genius has contributed irreplaceably to the cultural development of the world's treasure trove of musical masterpieces and his lasting international fame serves to the memory of his exceptional dedication to the Polish people etched with heroic deeds as a great patriot and a legacy as a leading statesman of the Polish nation.

On June 29, 1974, the Polish American Congress and the Polish American Community of Washington, D.C., conducted memorial services at Arlington Cemetery in his honor.

In historic preservation of his exemplary achievements, I wish to join with my colleagues here in the Congress in commemorative tribute to the memory of Paderewski, the patriot, and with your permission, Mr. Speaker, I would like to insert at this point in our historical journal of Congress the following biographical sketch forwarded to me by Mr. Casimir Lenard, executive director of the Polish American Congress, Inc., Washington, D.C., which testifies to some of the stirring moments in the life of Paderewski who continues to inspire not only Polish nationals and Americans of Polish heritage but all peoples throughout the world for his contribution to the history and destiny of mankind:

PADEREWSKI, GREAT POLISH PATRIOT HONORED

June 29th marks the 43rd Anniversary of the Death of Ignacy, Jan Paderewski, Polish pianist, composer, statesman, and patriot, who helped create modern Poland after World War I.

Paderewski's great musical talent, his special ties with the United States, and his distinguished role in the rebuilding of an independent Poland, warrant honoring his memory and his career.

Ignacy, Jan Paderewski was born in 1860 in Kurylowka, Poland. He made his first public appearance as a pianist at age 12. He studied music at the Warsaw Conservatory and in Vienna under Theodor Leshetizkv, the most famous teacher of the time. Paderewski made his debut in Paris in 1888, which launched his career as the best known and highest paid pianist of his time. Paderewski made his first American tour in 1891, developing a tremendous following and making influential friends in America. Extending his tour to South America, Africa and Australia, he soon became the most famous pianist in the world.

During World War I, Paderewski proved to be a great Polish patriot and statesman. Seeing the possibility of rejoining the parts of Poland divided between Germany, Russia and Austria, he gave up his concerts and devoted all of his time to this cause. He joined the Polish National Committee in Paris and as its delegate to the United States, he raised large sums of money for the Polish victims of war and for the cause of Poland's independence. Furthermore, he skillfully united various Polish American groups to work for the same end.

In close cooperation with other Polish statesmen, including Roman Dmowski, and as a friend of President Woodrow Wilson, Paderewski convinced the President of the importance of rebuilding a strong Poland for the future peace of Europe. President Wilson included this idea to his famous Fourteen Points, which became a foundation of the Paris Peace Conference in 1918.

After the War, Paderewski returned to Poland and was honored as a national hero. He was elected President of Poland, and together with Roman Dmowski represented Poland at the Paris Peace Conference. There he attended the signing of the Versailles Treaty and the opening session of the League of Nations.

His mission accomplished, Paderewski resigned his political activities in 1921 and resumed his concerts. Everywhere he went he was honored. When he played in Washington, D.C., he was a houseguest of President Herbert Hoover, and while in Rome he was invited to the Vatican by the Pope.

When Poland was invaded by Nazi Germany in 1939, Paderewski returned to politics. He joined the Polish government-in-exile in France and became President of the Polish National Council, which was a wartime parliament of Poland. Late in 1940, he returned to the United States to use his contacts for the Polish cause, as he did once before. However, this did not last long. After a brief illness, Paderewski died in New York in June 1941. By order of President Franklin D. Roosevelt, his remains were terred in the USS Maine War Memorial at Arlington National Cemetery, where to this day they await return to a free Poland.

MATTEAWAN REVELATIONS HIGHLIGHT NEED FOR ACTION ON PRISONERS' RIGHTS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. BADILLO. Mr. Speaker, over a year and a half ago the National Advisory Commission on Criminal Justice Standards and Goals declared in its summary report on corrections that the convicted offender retains all rights that citizens in general have except those taken away in order to administer correctional institutions. Tragically, however, the basic rights of prisoners continue to be ignored and abridged in various ways and frequently lead to unrest and, at times, open violence. As the Commission so aptly observed "to learn to respect law, the offender must see that respect demonstrated as it is applied to him."

The crying need for positive action on measures to recognize and protect the basic rights and human dignity of prisoners in all areas is starkly revealed in the current series on conditions at the Matteawan State Hospital being published in the New York Daily News. Matteawan is New York State's only treatment center for the criminally insane and the conditions being revealed by reporter William Heffernan can only recall scenes out of the Dark Ages, the Inquisition, or stories by Dostojevski. As the News quite accurately editorially noted, the situation at Matteawan makes "that institution a blot on New York's name and an affront to people of conscience everywhere."

Mr. Heffernan's in-depth articles speak for themselves and warrant the most careful reflection by our colleagues. It is unconscionable that conditions such as this should prevail in this or any country and prompt and effective steps must clearly be taken by the New York State Department of Correctional Services to end the practices which are graphically discussed in these stories. I present two articles in the series herewith for inclusion in the RECORD along with an editorial from today's edition of the New York Daily News. I fear that the conditions described at Matteawan State Hospital may very well be only one example of similar situations throughout the country and I am hopeful that penologists and corrections officials at all levels will thoughtfully and seriously review their treatment and personnel policies and practices. Further, I am hopeful that stories such as these will spur action on measures—including my own Prisoner Rights Act—which seek to guarantee the rights of prison inmates.

The newspaper articles follow:

[From the New York Daily News, July 1, 1974]

CAN'T YOU SEE THAT THE PATIENT IS DYING?

(By William Heffernan)

Iris Quinones is a nurse at Matteawan State Hospital. She learned about brutality last Jan. 3, she says, as she watched a patient named Jose Claudio "come as close to death as you can" with a "white Turkish towel wrapped around his neck."

"I came on the ward at 8:30 a.m.," Mrs. Quinones said, "and I saw three correction officers struggling with a patient I knew. His name was Jose Claudio, a very disturbed young man who weighed about 135 pounds.

"When I came toward them, one of them shouted at me, and told me to 'get the hell in the office.' I obeyed them, because I'm supposed to, but then I stood there and watched."

I WENT TO HIM

Mrs. Quinones said she had seen the (three) officers, on the floor with Claudio. The officers, she said, were trying to place a straitjacket on him.

"He (Claudio) didn't seem to be struggling," she said. A "white Turkish towel was placed around Claudio's neck, and they began choking him," she said.

"When they finished, they placed Claudio in a chair," Mrs. Quinones said, "and I went to him. His condition was astonishing. He was a white man, but from the neck up, he was black from the strangulation. I thought he was dying."

Mrs. Quinones said she had begun administering first aid when one of the guards asked why she was so excited.

NOTHING EVER HAPPENED

"I shouted at him, 'Can't you see the patient is dying? He's almost dead now!' "

At that point, Mrs. Quinones said, she called for assistance, and two other nurses rushed to the ward.

"I began speaking to Claudio in Spanish, telling him to 'breathe Claudio, please breathe, breathe deeply,' and he began to come around."

The patient, Mrs. Quinones said, was taken to the hospital ward, only to be immediately ordered to Ward 3 (the jail ward), where he was locked in a cell. Mrs. Quinones recalled:

"I went to my superior, and told him what had happened. I thought he would do something, but nothing ever happened."

Later, Mrs. Quinones said, she went to Ward 3, where, with a flashlight, she looked at Claudio through the window of his cell.

"He was in the cell, stripped naked," she said "and I could see his face was still black and the strangulation marks were on his neck and all the blood vessels had burst in the whites of his eyes.

"He was in terrible shape, and several hours had passed . . . and he still hadn't seen a doctor."

Claudio is still a patient in the hospital, she said.

The correction officers accused by Mrs. Quinones of having used the prohibited "towel treatment" refused to discuss the matter directly with The News, but eventually responded through a union representative.

DENIES USE OF TOWEL

Howard Caruso, president of Correction Officers Local 1255, which represents Matteawan officers, said that Claudio had had to be restrained and placed in a straitjacket after he had fought with another patient, but that a towel had not been used.

State Correction Commissioner Peter Preiser, advised of the allegations by The News, promised a full investigation.

A former Mattewan inmate, who was present in the ward at the time of the officers' attack, also was interviewed by The News.

The inmate has been declared competent, and has left Matteawan. He is now awaiting trial in another city, on charges that had been placed against him before he was found mentally incompetent.

The former inmate, who did not know that The News had spoken with Mrs. Quinones, also provided a detailed account of the incident. His account fully conformed with the nurse's. He identified the same correction officers as having been involved.

Two weeks after Mrs. Quinones complained about the towel treatment, she said, she received a warning from one of the correction officers allegedly involved.

THERE'S NO QUESTION ABOUT IT

"He told me I might be attacked by a patient if I didn't cooperate with the officers in the future," the nurse said.

"There was no question he was threatening me, and there's no question he could make good the threat. He could very easily tell some patient to hurt me with the promise of some reward or better treatment," she said.

Asked whether she had ever seen a correction officer hurt by a patient, or whether she had ever been so harmed, Mrs. Quinones answered, "Never."

"You can deal with any of these patients," she said, "If you only treat them with gentleness."

"But they're not always treated that way. I had a patient (who was) beaten just for taking an extra carton of milk.

"And I can remember coming in after a weekend and finding one of my patients with a badly swollen ankle. I asked him what happened, and he told me. "They said I fell down the stairs." Then he was afraid to say any more."

[From the New York Daily News, July 2, 1974]

FOUR OF EIGHT MATTEAWAN DOCS NOT LICENSED HERE

(By William Heffernan)

For the 504 mental patients at Matteawan State Hospital, hope for the future runs along a slender thread stretched between the physician who treats them and the medication used to aid that care.

But behind the aging walls of Matteawan, patients often find that care placed in the hands of physicians who are not licensed to practice medicine in New York State, physicians who have failed licensing tests and physicians who could not legally open a private medical practice anywhere in this nation.

These same patients—described by state officials as the most disturbed persons under the care and custody of New York State—also find that the majority of their medication is administered not by medical personnel but by correction officers, who lack both medical training and qualifications for that delicate task.

ONLY FOUR ARE LICENSED

The medical staff of the hospital includes eight physicians and psychiatrists, only four of whom are licensed to practice in New York State.

Of the remaining four, three are not licensed to practice medicine anywhere in the United States and the fourth is licensed only in Kentucky.

To further complicate the hospital's medical situation, the three who are not licensed in the United States failed the New York State licensing examination for foreign physicians when it was given earlier this year.

On the nursing side of the medical staff, the situation is not much better. There are only 30 nurses available for the entire institution.

According to the institution's former superintendent, Dr. Paul Agnew, who was forced to resign in May, nurses were on duty on only 80 percent of the wards and only between 8 a.m. and 4 p.m. Monday through Friday.

On all other shifts, including weekends, basic care for patients came directly from untrained correction officers. That care included the distribution of medication.

The State Education Law, however, is specific about who may perform nursing duties. It states that persons who are not qualified nurses may perform nursing duties only when they have been formally trained to do so and possess documentation of that training. The law also requires that those persons shall have demonstrated competence in those duties under the supervision of a professional nurse.

Under the state's controlled substance statutes, unlicensed personnel are excluded from the preparation of patient medication in the quantities used at Matteawan. Such preparation is restricted to pharmacists.

Asked about the use of unlicensed physicians, State Correction Commissioner Peter Preiser said he previously had felt unlicensed physicians working at Matteawan were receiving adequate supervision.

Based on what he found at the hospital in recent months, Preiser said he now realized he did not have adequate supervision.

The State Education Law does allow state institutions to use unlicensed physicians providing they are supervised by licensed doctors.

Agnew, who resigned under pressure on May 9, said the use of unlicensed physicians and correction officers to dispense medication was "not a good medical practice." He said the correction department is aware of the practice.

"The department placed the hospital in the position of using unlicensed physicians," Agnew said, "so we had to make the decision that an unlicensed physician was better than no physician at all."

Agnew said he had tried repeatedly to stop correction officers from administering injectable medication.

"I advised them it was illegal because they were not licensed and I was hit with a great deal of resistance and resentment," Agnew said. "They felt I was taking authority away from them and they insisted they had always been told they would be backed up if any question of legality arose.

"They wanted to run this institution and they really believed they did."

[Editorial]

BACK TO THE DARK AGES

A current series of articles by News Reporter William Heffernan has revealed conditions at Matteawan State Hospital that make that institution a blot on New York's name and an affront of people of conscience everywhere.

Among Matteawan's 915 inmates are 504 men and women who have been characterized by officials as the most seriously disturbed persons in state custody.

It is they, according to evidence uncovered by Heffernan, who have been the principal victims of neglect, indifference and brutality.

At Matteawan, the illegal use of harsh restraints appears to be commonplace. There are documented cases of patients and prisoners being viciously beaten by their custodians.

State Correction Commissioner Peter Preiser has pledged a thorough investigation of the sickening and degrading abuses that are daily occurrences at Matteawan. We trust he will follow through promptly on that promise, and take effective remedial steps.

Whatever their mental state or past records, the wretched souls of Matteawan are human beings and should receive the most humane care that a concerned and compassionate state can give.

"I HAVE A DREAM"

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. DAVIS of Georgia. Mr. Speaker, I am pleased to bring to your attention and to the attention of all the Members of Congress a poem entitled "I Have A Dream," written by my fine friend Ronnie Ted Shiflett of Rome, Ga. I know you will find his dedication in verse to the memory of the late Dr. Martin Luther King, Jr. to be a commendable, thoughtful, and timeless statement

I HAVE A DREAM

(By Ronnie Ted Shiflett)

I have a dream, in a night of darkness,
And the night is far spent, when will day be,
And though the stars are twinkling bright,
The night is so black, that few eyes can now see

I have a dream, of freedom, of justice, of liberty,
For all God's creation, black, yellow, and white,
For all over this nation and around the world,
Some people have refused to share, the path called right

I have a dream, of peace, of love, of righteousness,
In a night possessed by war, by hate, by slavery,
And if my dream does not soon become a reality,
Then all men will suffer, and most of all, me

I have a dream, which someday mankind may try to stop,
And this mortal man, made of flesh, shall depart from me,
But let it be recorded for all men to see,
That I lived a life which few have lived,
And my life has become an eternal dream.

FINANCIAL AID FOR THE ELDERLY HOMEOWNER

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. MINISH. Mr. Speaker, there are hundreds of thousands of Americans who today face the prospect of losing the single most important asset they own and possess—their homes.

These are not the young homeowners with a 20-year mortgage. Rather, they are the over-65 homeowners—people "retired" from earning a living but still forced to pay their own way in the high-priced world in which we live. It is estimated that 70 percent of our Nation's senior citizens fit into this category.

The plight of our Nation's senior citizens, especially in these times of soaring inflation, is growing more and more desperate. Each year more of them, particularly those on fixed incomes, lose the economic struggle. Battered by the increased cost of living and escalating real estate taxes, they find the expenses of keeping their homes outpacing their ability to pay. These citizens are watching their life's dreams go on the block for nonpayment of taxes.

I find this intolerable. I believe that the elderly, who have bought and paid for their homes, are entitled to keep them. Therefore, I have introduced legislation in the Congress which will provide the elderly homeowner with direct financial aid from the Federal Treasury to reimburse him for property taxes paid to State and local governments.

Under the provisions of this legislation, the senior citizen homeowner, with a household income of less than $7,500 per year, would receive a Federal payment of either $480 per year or a payment equal to his property tax bill, whichever is less. The claims of eligible individuals would be handled by the existing machinery of the Internal Revenue Service, thereby eliminating any addition to the sprawling bureaucracy which now exists in Washington.

Many elderly homeowners cannot keep up in today's tax and inflation rate. They did in the past when they were active wage earners. They bought homes, paid their taxes, and by so doing helped to educate their children and others. They helped to pay for valuable improvements in their communities. These improvements included schools, parks, and other necessary facilities. Now that they have made their contribution, they have earned the right to enjoy the fruits of their labors.

I commend this legislation to my colleagues and urge their attention and consideration to its merits.

YEAR-ROUND DAYLIGHT SAVING TIME EQUALS THREE COAL MINES AND ONE OIL REFINERY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. BINGHAM. Mr. Speaker, year-round daylight saving time has been in effect for just over 6 months. The DOT has reported to Congress that the experience to date has resulted in an electrical energy savings of between three-fourths and 1 percent. In my view DOT is wrong to describe this as an insignificant conservation measure.

When translated into oil barrel equivalents, daylight savings time has added between 75,000 and 100,000 extra barrels of oil to the U.S. inventory every single day it has been in effect.

There are approximately 270 oil refineries in operation in the United States today, and only about 50 of them are capable of producing more than 75,000 barrels of refined petroleum a day. In other words, this daylight saving time can be viewed as effectively adding another refinery to the energy flow, without the 4-year construction delay.

The DOT report indicates that the major fuel conserved was coal. Reduction in the amount of coal burned has two important consequences: first, it means that the air has been spared substantial abuse from the resulting pollutants. Second, it means that in terms of coal production daylight saving time has been the equivalent of opening three additional mines. It is estimated that daylight savings time has resulted in the conservation of about 9,650 tons of coal a day, and since a large mine will only yield between 2,500 and 3,000 tons of coal each day this achievement is the more valuable in view of the 3 years it takes to open a new mine.

I would suggest to my colleagues that indeed daylight saving time has, when viewed in the proper prospective, achieved a substantial saving in America's precious energy resources.

THE SPECTRUM, THE OFFICIAL NEWSPAPER OF THE STATE UNIVERSITY OF NEW YORK AT BUFFALO, EDITORIALIZES ON THE RIGHT TO PRIVACY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. KEMP. Mr. Speaker, the right to privacy—the right to be left alone—is a right to which this Congress is showing a new degree of commitment in insuring.

Several hundred bills and resolutions—introduced with broad, bipartisan sponsorship—have been introduced. Many are now the subject of active consideration by the subcommittees and committees of the House and Senate.

It has been said that this 2d session of the 93d Congress may be known to history as "the privacy Congress," because of its determination to address effectively the issues associated with growing encroachments—by Government and by the private sector—on the right to privacy. Only our actions will prove the accuracy of that observation, but I can assure my colleagues that I am committed to it. I ask all to consider some cogent remarks on privacy from the campus community.

In the June 28 edition of the Spectrum, the official paper of the State University of New York at Buffalo, the very able writers and editors of that journal concentrated much of its space to this vital issue of privacy.

I believe the editorial which was featured in that edition is worthy of the attention of this House as we proceed further into the discussion of the matter. It is a valuable contribution to enhancing public knowledge of the issue and the dramatic ways in which the right to privacy of all stand to be violated unless adequate protections are insured.

Excerpts from the editorial follow:

EDITORIAL—CAN THERE EVER BE PRIVACY?

The spector of a completely modernized, totalitarian society—where people's private thoughts are monitored 24 hours-a-day and every room in every house is constantly being observed on giant television screens—usually conjures up images of George Orwell's 1984. But as far-fetched as 1984 seemed when it was first published, the numerous premeditated invasions of individual privacy by Federal and State governments during the past decade may well have vindicated Orwell as one of the more accurate prophets of modern times.

All of these abuses have underscored the dangers inherent in the numerous National Data Banks that are being used by federal agencies. The development of highly sophisticated Data Banks—with the ability to transfer information between them—has posed a grave threat to the confidentiality of individual census data, military records, educational, political, medical and psychological histories, and other potentially damaging information. A survey conducted by New York University in 1966 revealed that 75% of New York City area employment agencies had gained access to confidential information and refused to even consider applicants with any sort of arrest record. Furthermore, people who suspected they were being stalked by federal police who knew their most carefully-guarded secrets were naturally reluctant to become involved and speak out. This form of intimidation—depriving a free citizen of the confidence that his actions will not earn him a computerized dossier in FBI files—is clearly a violation of the First Amendment.

Amid this "distribuing absence of laws to control the information capabilities of government [which threatens] the individual's privacy and right to due process of law," the Senate Subcommittee on Constitutional Rights has taken positive steps toward safeguarding the rights of privacy by recommending guidelines for informing persons when information about them is being stored in Data Banks and allowing them to "review and correct their own records." The subcommittee has also proposed Congressional approval of any decision to computerize files, federal restrictions on interagency exchange of personal data, and the adoption of strict security measures to protect data and data banks.

It remains to be seen whether the post-Watergate climate will catalyze Congressional passage of the subcommittee's recommendations. And even if the proposed safeguards eventually do become law, who can be certain what effect they will have, as recent history has taught us that Federal laws are enacted so they can be broken.

Mr. Speaker, we must return to a nation of laws and respect for laws. Ends do not justify any means and I hope this Congress passes the type of privacy laws that can help restore all American's confidence in the efficiency of law.

A SAFE AND SANE FOURTH OF JULY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. DERWINSKI. Mr. Speaker, the Fourth of July is a time for all Americans to honor America and the traditional use of fireworks has always been recognized with this patriotic holiday.

I believe that emphasis should be placed on the danger involved in the use of fireworks and the administration of the fireworks should be limited to official programs under the supervision of experienced personnel. The public is continually warned of the hazards involved in the use of fireworks but each year accidents occur that involve loss of limb, blinding, or kill individuals.

An editorial in the June 23 edition of the Suburban Life strongly urges all Americans to have a safe and sane Fourth of July. The article follows:

A SAFE AND SANE FOURTH

For years it has been recognized that fireworks, despite all their patriotic associations, present a serious safety hazard, particularly to children. Deaths, blindings, amputations and severe burns have often resulted from Fourth of July celebrations.

The U.S. Consumer Product Safety Commission estimated that last year some 6,500 persons were treated in hospital emergency rooms for fireworks-related injuries. Two-thirds of these victims were under under 15 years of age.

Federal law prohibits the sale to consumers of the most dangerous types of fireworks, including cherry bombs, aerial bombs, M-80 salutes and larger fireworks containing more than two grains of powder. Also banned are mail-order kits designed to build these fireworks.

While some of last year's 6,500 injuries were caused by banned fireworks that had been illegally sold, the majority were linked to legal fireworks. Illinois and some municipal laws prohibit the sale and use of most fireworks.

Yet, come the Fourth of July holiday, these laws are observed by the public about as much as the Prohibition laws were observed in the 1920s and early 1930s.

So it's up to parents to protect their young. Fireworks are not toys for children. The sparkler, considered by many the ideal 'safe' firework for the young, burns at very high temperatures and can easily ignite clothing.

Younger children should never be allowed to play with fireworks under any circumstances. They cannot appreciate the danger involved and cannot act correctly in case of emergency.

Parents who allow older children to use fireworks should be sure they use them only under close adult supervision. Any running or horseplay while they are being used only leads to tragedy when an accident occurs.

It's unfortunate that more and more area communities are finding it too costly to sponsor traditional firework displays on the Fourth. To most Americans fireworks and the Fourth are synonymous. We hope it will be a safe and sane one for all.

A TRIBUTE TO MRS. MARTIN LUTHER KING, SR.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. RODINO. Mr. Speaker, on last Sunday, June 30, 1974, while playing the organ in the church she so dearly loved; the pulpit of her father, husband, and son; the symbolic heart of this Nation's civil rights movement; Mrs. Martin Luther King, Sr., was struck down by an assailant with vengeance in his heart. Once again a senseless atrocity has been committed against one who lived in the grace of nonviolence, and the Nation is poorer for the loss.

Mrs. Alberta Williams King was a quiet, devout woman who remained behind the scenes during the turbulent times of her son, Martin Luther King, Jr.'s ascendancy as the father of the modern civil rights movement. Mrs. King did not grant interviews or speak out, but the majesty of her voice was heard in the inalterable sense of determination which her son brought to the civil rights activities of the late 1950's and early 1960's. Her voice was heard in the pronouncements of nonviolence and devotion to God made from the pulpit of her beloved Ebenezer Baptist Church by Dr. King and his followers. These sermons and speeches formed the philosophical base for the successful assault upon the citadel of segregation which had stood for a hundred years. Her voice was heard in the confidence and courage of the Reverend Dr. Martin Luther King, Jr., as he led the countless thousands down the dusty roads to Birmingham, Selma, and Jackson. Dr. King's was a sense of destiny and devotion forged by an upbringing clothed in selfless love and dedication to the will of God. This was the undeniable legacy of his mother, Alberta Williams King.

Mrs. King was the daughter of the late Reverend A. D. Williams, former pastor of the Ebenezer Baptist Church in Atlanta. From her father's able hands the ministry of this historic temple of worship passed to her husband, the Reverend Martin Luther King, Sr., who in turn passed the ministry on to their son, the Reverend Dr. Martin Luther King, Jr. How ironic it is that one whose life was so engulfed by Ebenezer Baptist would be struck down by the very antithesis of that nonviolence which this holy place has come to symbolize.

It is a sad commentary of our times that this kind of senseless act so pervades our society. This tragedy must serve as a grim reminder of the distance we still have to travel in reaching the goal so eloquently described by her son. We cannot forget the words uttered by the Reverend Dr. Martin Luther King, Jr., from the steps of the Lincoln Memorial on August 28 of 1963:

> I say to you today, my friends, even though we face difficulties today and tomorrow, I still have a dream. It is a dream deeply rooted in the American Dream. I have a dream that one day this nation will rise up, live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal". I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slave-owners will be able to sit down together at the table of brotherhood . . . I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

Let us pray that Dr. King's four children see the fulfillment of their father's prophecy. Then perhaps the legacy of peace and love left by Alberta Williams King will live on in the hearts of her grandchildren and all the sons and daughters of all the coming generations.

America is a sadder place today with the passing of this fine woman. I join her husband, the Reverend Martin Luther King, Sr.; her daughter, Mrs. Christine Farris; her daughter-in-law, Mrs. Coretta Scott King, widow of Dr. Martin Luther King, Jr.; and the nine grandchildren which survive her in mourning this very personal tragedy.

SEMIANNUAL REPORT ON OFFICE ACTIVITIES AND EXPENSES

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. OWENS. Mr. Speaker, as a Congressman, it is one of my responsibilities to be open and candid with my constituency with regard to the manner in which I utilize the funds I receive to staff and run my offices and to carry out my duties as a U.S. Representative.

I promised to report to my constituency on a semiannual basis my office related activities and expenses. This is the third such report since taking office. The categories reported herein include my voting attendance record, bills sponsored and cosponsored, staff and office expenses, days spent in the district, town meetings, and legislative forums held, and average mail, phone and visitor volume during the months of January–June 1974:

Summary of activities and expenses in district offices (2)

ACTIVITY

Personnel

Full Time	5
Part Time	1
Interns (non salaried)	4
Total	10
Letters received (average week)	75
Letters sent (average week)	100
Telephone calls received (average week)	250
Office visitors (average week)	25
Cases (average week)	35

Expenses

Equipment and furniture (includes present value of furniture and equipment left by predecessor):	
Allowance	$15,000.00
Utilized	13,278.87
Carpets and drapes:	
Allowance	4,500.00
Utilized, new book value as of January 1973	3,122.00
District telephone:	
District offices:	
Allowance per quarter	$500
Utilized for 1st and 2nd quarters	1,000
Allowance per quarter	$600
Utilized for 1st and 2d quarters	1,011.93

In-State activities

Days working in Utah:

January	13
February	11
March	10
April	13
May	8
June	3½

Town meetings

Salt Lake County (5) (Cottonwood Heights, Central City, South Salt Lake, Rosepark, Butler Hills), Tooele County (Vernon, St. John, Tooele), Wayne County (Loa), Piute County (Junction), Coche County (Logan), Sanpete County (Manti), Weber County (Ogden), Utah County (Provo); Legislative Forum on Impeachment (University of Utah).

Summary of activity and expenses in Washington office

Activity

Personnel:

Full time	10
Interns	9
Total	19
Letters received (average week)	350
Letters sent (average week)	300
Telephone calls received (average week)	450
Telephone calls placed (average week)	500
Office visitors (average week)	20
Constituent requests (average week)	25
Constituent cases (average week)	15

Expenses

Equipment:	
Allowance	$5,500.00
Utilized	4,837.47
Equipment leased (per month):	
Allowance (plus up to $250 from clerk)	350.00
Utilized	421.20
Computer addressing:	
Allowance (up to remainder of $250 leasing allowance (per month))	---------
Utilized	$911.00
Washington office expenses:	
Allowance	5,250.00
Utilized	5,250.00

Total salary schedule

Allowance (minus leasing and computer expenses)	$95,663.80
Utilized	95,661.31

Legislation and voting statistics

Bills sponsored or cosponsored	139
Resolutions sponsored or cosponsored	30
Voting attendance record	91.1
Attendance record	92.7

SPEECH BY GOVERNOR WALKER

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. PRICE of Illinois. Mr. Speaker, on June 18 the Governor of Illinois, the Honorable Dan Walker spoke before the National Coal Association convention in Washington, D.C.

In the address Governor Walker discussed the role that coal can play in meeting our energy needs and what the State of Illinois is doing to promote the utilization of coal. As the Governor pointed out, the State of Illinois has approximately 148 billion tons of bituminous coal, the largest deposit of coal in the United States.

As a means of utilizing this vast resource, Governor Walker outlined several important programs the State of Illinois had supported to realize the potential of these massive coal deposits, including continued environmental technology, coal liquefaction and gasification. As a member of Governor Walker's coal committee I am particularly pleased by his statement that "coal is not a dirty word."

For the benefit of my colleagues I include the text of Governor Walker's address at this point in the RECORD:

REMARKS BY ILLINOIS GOV. DAN WALKER TO THE NATIONAL COAL ASSOCIATION CONVENTION

Illinois is known as the Land of Lincoln and the Land of Prairies but it is equally, the Land of Coal. In fact, the first discovery of coal on the entire North American continent is credited to Joliet and Father Marquette in their famous voyage of exploration in 1673. But serious mining of Illinois coal didn't begin until 150 years later when flatboats were first loaded with coal and sent to New Orleans. And what history will undoubtedly find even more interesting is that another 150 years later, in the 1970s, coal emerges to assume a crucial role in supplying our nations' energy.

About two weeks ago, I said on Meet The Press that people are tired of Washington's preoccupation with Watergate, Watergate, Watergate—and are more vitally concerned with what I called the three "E"s: Ethics, Economy, and Energy. I want to mention this preoccupation with Watergate again because in a very real sense it has contributed to the untimely distraction of those who determine, by decision or neglect, this nation's priorities.

Some time back, a comic strip called "Doonesbury" had a series of cartoons on then Energy Czar William Simon. In the cartoon, Simon was trying to figure out how to solve the energy crisis. And, finally, as czars do, he came up with a solution: he simply announced that the crisis was over. Less amusing is the fact that this is essentially what seems to have happened.

The energy problem is still with us. As President Nixon and Secretary of State Kissinger make headlines from the Middle East, the energy problem loses its sense of urgency in the public mind. Make no mistake—I, like you—welcome peace in the Mideast and congratulate those who brought it about. But that area of the world has seen truces before—and wars again. We cannot, we must not let the energy future of the United States of America hinge on the uncertainties of international events.

For years, other great powers have followed the precarious course of maintaining their greatness through international diplomacy and special trade relations. The result was dependence on others. Those nations that followed those policies ultimately saw their power eroded. In the energy area, we would be much better off developing our own energy resources. And that means, in great part, coal.

The President recognized this, I believe, when he embarked on his energy program. Yet, the federal program designed to bring energy self-sufficiency for America appears to be running out of, well, energy. And as so often happens, the problem has been thrown in the laps of the states and the private sector—in this case, those in the business of energy.

So, gentlemen, if we are to achieve the President's goal of energy self-sufficiency by 1980 we should first realize that it won't be done with ballyhoo and it won't be done by directive at any level of government.

It will be done only if government and industry are willing to set aside adversary roles and assume new roles of cooperation. And I came here today to propose that kind of cooperation on developing coal as a primary energy resource.

Before I discuss some of those ideas I want to stress that we can increase our use of coal without damaging the environment. I am against lowering federal air quality standards as a quick and easy way to increase the use of coal. This would be wrong and dangerous. We have reliable evidence that sulfur oxide emissions from burning high-sulfur Illinois coal can kill or maim as surely as a fire in a nursing home. It is no answer to say that we should meet our energy needs by victimizing the asthmatics and older citizens who are the first to fall from this pollution. Our real energy answer is to maintain our determination to make clean fuels from coal.

But, having said that, let me emphasize this—coal is not a dirty word. And some purists do our nation a disservice by blocking efforts to burn coal as coal, just as those who do a disservice by insisting on charging ahead without regard to health hazard fallout.

We must explore—now—every feasible way of controlling emissions while we burn coal as coal. And no agreements or uneasy truces abroad which seem to assure supplies of oil should deter us from that effort. Scrubbing devices, washing devices, intermittent control devices—all must be explored. And we desperately need better methods of exchanging information and coordinating research in these areas here and abroad.

In Illinois, we are working very hard to remove obstacles and speed progress on coal development projects.

The state is funding a coal scrubbing project at Southern Illinois University in Carbondale in the heart of our vast coal reserves. We are optimistic that we can develop a commercially feasible coal scrubbing procedure for Illinois coal.

We have also planned a series of three conferences, the first having been held in March in Chicago. We brought together environmentalists, industry, government and business leaders to discuss our energy problems and the future use of coal. That conference served, I believe, the very useful purpose of opening the dialog on coal development. The second conference will be held in the fall in Southern Illinois and will deal with technological developments in coal and coal conversion.

Based on reports of favorable results from TVA I have requested that the Illinois Pollution Control Board hold hearings on the use of intermittent control devices. I have met with coal industry leaders to try as much as possible to devise a common position before the Pollution Control Board. I understand that they have made real progress in finding such commonality. We are willing to be guided by the data on intermittent controls; not by any prejudice against coal. We will not take steps that will be shown to harm the environment, but we will not back away from our most plentiful energy resource because of unfounded fears.

Illinois is also taking a leadership role in encouraging the development of coal liquefaction and gasification. I have asked our Legislature for a 100 million dollar bond issue to finance this program. The internationally known consulting firm of Arthur D. Little of Cambridge, Massachusetts, is advising us. We are going all out to assist industry in locating their plants in Illinois, and we've already had some success: Columbia Coal Gasification Corporation and the Carter Oil Company signed agreements on May 15 which could lead to the development of a gasification plant and three large supporting mines in Illinois. Monterey Coal will soon announce the opening of a new mine in Illinois, one of the largest deep shaft mines in Illinois.

Northern Illinois Gas Company and the State of Illinois have made joint presentations to the Office of Coal Research for a demonstration gasification plant in Illinois.

And we've been in contact with officials from Texaco and Standard, among others, to discuss with everyone interested the tremendous potential of Illinois as an ideal place for new mines.

Discussions currently are underway between the State EPA and a consortium of major industries in the highly industrialized Alton-Wood River area near East St. Louis. The goal is to see if a workable Intermittent Control System plan can be developed for a location which includes power plants, chemical plants, and other heavy industries.

The Illinois EPA also has interpreted existing regulations to say that plants which previously burned coal and were converted to oil and gas will not be regarded as new facilities if they are converted *back* to coal. This gives us the flexibility to allow more time to meet less stringent emission limits and further encourages the use of coal wherever possible.

We have testified in support of semi-automatic utility rate increases which are to cover the costs of valid expenditures for the installment of needed pollution control equipment. This is part of the process of recognizing that protecting the public health is part of the legtimate cost of producing a product or providing a service.

Illinois has approximately 148 billion tons of bituminous coal, the largest deposit of such coal in the United States. And that coal is in the middle of a voracious energy market.

Because of our high-energy coal, our great water and transportation resources, our skilled labor force, our large electric power companies, and our ever-growing industrial demand for energy, commercial coal conversion plants will almost certainly be located in Illinois within the next decade. And the State of Illinois has given its bi-partisan commitment to help coal development projects. We will help new industry with potential environmental problems, solid waste disposal, water supply, transportation, and assistance in recruiting and training the work force necessary to operate the huge new mines needed for coal conversion projects.

But I do want to stress that large scale liquefaction and gasification of coal are some years away. The technology on a large plant basis is not perfected. While we move ahead aggressively towards completing such plants, we must do all we can to burn more coal this year and next year. We must train more engineers and miners—for new mines will be useless without them.

I have convened in Illinois a meeting of representatives of our major coal producers, the Coal Producers Association, the United Mine Workers and our universities and junior colleges. They are developing short and long range programs to provide the training that will be needed as more new mines are opened in our state. And we hope to get back many trained men who have left our mines for employment elsewhere. Many of these men left Southern Illinois as mines were closed. They want to come back to Southern Illinois—and we want them there.

Overall, let me say this. We must not, in America, be lulled back into energy complacency. We must not relax our efforts. True, the gas station lines are gone—for now. But the international energy shortage remains—still hangs over our heads. No headlines from the Middle East should obscure that fact.

So let's keep talking, let's keep planning, let's keep acting on coal. Coal as gas; coal as liquid—and coal as coal. American coal. Let's develop this tremendous American energy source.

At our first Illinois coal conference I had the honor of driving the first car ever fueled by gasoline converted from coal. Illinois coal of course. That was a modest contribution to history.

I don't know if anything historic will take place at our next conference September 17 and 18 in Carbondale, but I would like to extend an invitation to each of you to attend.

I believe conferences such as the ones we are having in Illinois and the one you are having here will serve as a constant prod to keep our energy program alive and progressing.

We cannot permit our economy to sputter and choke because of an inadequate energy supply.

PRESIDENTIAL THANKS FOR SUPPORT

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. FORSYTHE. Mr. Speaker, by request of my constituent, William J. Keyson, I would like to enter these newspaper articles in the RECORD:

A PRESIDENTIAL "THANKS" GOES TO MRS. BLEISTINE FOR LETTER OF SUPPORT

CAMDEN.—In the March 29 issue of the Star Herald, Mrs. Cyril Bleistine, Sr., of Penns Grove, strongly rebutted in a letter a previous column calling for the impeachment of Richard Nixon which was authored by Fr. Thomas Legere, associate pastor of St. Peter Celestine parish, Cherry Hill.

Speaking as a member of the "World War II generation," Mrs. Bleistine defended the chief executive's position in the current Watergate scandals and lauded his administration accomplishments in both foreign and domestic affairs.

She concluded her letter with this summation:

"Yes, where is justice when the great deeds of this quiet, effective, good leader are completely ignored and the overzealous efforts of some of his aides have been exploited beyond reason, fairness and sanity?"

Some two weeks following publication of her letter, Mrs. Bleistine was "quite amazed" to find in her mailbox a personal letter of gratitude from the President (below).

Since the time of publication and receipt of the White House letter a number of new developments have taken place regarding the Watergate proceedings, not the least of which include the release of the Presidential transcripts.

Despite these new disclosures on presidential conduct, Mrs. Bleistine said she still supports President Nixon today and stands by her original statements praising the president.

"I'm honored and surprised that he would take the time to respond," she said. "And I feel more than ever that he will be vindicated in the end."

As for Fr. Legere—he still believes the House of Representatives should issue a vote for impeachment but, in the future, he said, he'll be more conscious of the terminology utilized in proposing governmental action against the president.

"You never know who's reading the paper," he said.

The White House,
Washington, April 16, 1974.

Mrs. C. Bleistine, Sr.,
Penns Grove, N.J.

Dear Mrs. Bleistine: The many messages of encouragement I have received in past weeks have been most heartening, and I was especially gratified by your recent letter to the editor which was recently brought to my attention.

Your comments assure me that faith in our country remains strong, and that the people of our Nation—who have contributed so much to the progress of mankind—will help us to achieve the great goals we seek for America and for the world.

With my appreciation and best wishes,
Sincerely,

Richard Nixon.

GEOTHERMAL ENERGY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. PICKLE. Mr. Speaker, before long the House will have before it a bill to provide for a major impetus in geothermal research, development, and demonstration.

The inclusion of demonstration is important. Many people have the impression that geothermal energy is an exotic source fit only for some distant and future date.

But the fact remains that it need not be so far off. Indeed, some areas of the world are benefiting from its fruits today.

A recent article in the New York Times recounts the story of the city of Reykjavik, capital of Iceland, which is heated almost entirely by geothermal energy; 99 percent of the city's 85,000 residents now live in homes heated by hot water.

Such good use is made of the water that it is recycled and recycled until every possible ounce of heat is used. In parts of the city, after the water has been used to heat buildings it is dumped into local heated swimming pools. It is also sometimes mixed with water coming from wells that are particularly hot. And some is used to heat greenhouses which produce tomatoes, grapes—even bananas—for this decidely nontropical country.

Reykjavik now enjoys clean skies for the first time in decades, and her residents face a heating bill one-quarter that of their old bills.

The wells are drilled directly under the town.

The geothermal energy being put to use by this town is only one of many sources and varieties of geothermal power which is possible in the world. It is granted everyone cannot be so lucky as to live over a large pool of good and hot water. But some geothermal resources contain energy in forms other than heat—forms such as methane and extremely high pressures available upon release as kinetic energy. Some geothermal resources contain valuable byproducts such as potable water and mineral compounds which would add to our natural resources reserves.

Work does need to be done; a lot of work. But I think we can look at the example of Reykjavik and take note. This is a real possibility we are dealing with, not an engineer's toy.

I would like to reprint the New York Times June 22, 1974, article in the Record at this time:

[From the New York Times, June 22, 1974]

Iceland's Capital Warmed by Geothermal Energy

(By Walter Sullivan)

Reykjavik, Iceland, has become the first in the world to be heated almost entirely by geothermal energy and, in view of soaring fuel costs, other Icelandic communities are rapidly following suit.

The changeover to geothermal heating has been expedited by the discovery that the capital stands directly over deep reservoirs of water, some of which are as hot as 275 degrees Fahrenheit. To tap this resource, 32 bore holes have been drilled through thousands of feet of lava. Fourteen of the holes are now supplying heating water to the city.

Each successful penetration—in some cases to a depth of a mile or more—is announced to occupants of the surrounding apartment houses and department stores by a window-rattling roar. The fire department is summoned and, with a deluge of cold water, quenches the eruption long enough for plumping fixtures to be installed at the wellhead.

A GROWING EFFORT

Over the last decade, the production of hot water has almost doubled: 99 per cent of the city's 85,000 residents now live in homes heated by hot water.

While Iceland leads the world in per capita use of geothermal heating, she has not pressed the development of geothermal power plants, partly because she has a plentiful supply of hydroelectric energy. But, in the United States and some other countries, there is a growing effort to extract electric generating power from deposits of hot water or hot rock as a result of energy problems.

Iceland is planning one geothermal power plant in the north that would generate 55 million watts. At Lake Myvatn, also in the north, the heat from "wet" steam is being used to dry diatomite for export. Diatomite, or diatomaceous earth, is of oceanic origin, formed almost entirely of microscopic diatom shells. It is used for filters, high temperature insulation and other industrial purposes.

Parallel with the conversion to geothermal heating has been the development of a new technology to exploit it. For example, when the water comes out of the ground, it is so hot that it would boil in the pipes unless kept under high pressure. This is done by pumps inserted into the wells.

Furthermore, there is enough dissolved nitrogen in the water to give a home plumbing system a problem similar to "the bends." The latter is the sometimes fatal condition tht occurs when deepsea divers surface so rapidly that the nitrogen in their blood forms bubbles, blocking blood vessels. In this case, the nitrogen would accumulate at high points in the plumbing.

The solution has been to purge the water of nitrogen by briefly allowing it to decompress and boil.

Because the water is free of gaseous oxygen, its dissolved minerals do not form oxide deposits in the pipes, but special measures are necessary to keep oxygen from entering the system. The fluoride content of the water is reportedly ideal for dental health. However, the sulphur compounds turn silver black and corrode copper utensils.

In a recent visit to a new, smartly furnished Reykjavik apartment both a dishwasher and a washing machine were using geothermal water. But for washing silver and copperware, the housewife heated water from the cold water tap on her electric stove.

NO MARKED TASTE

Sampling water from the hot water tap revealed no marked taste, although the output of some wells had a slightly sulphurous odor.

In parts of the city after the heating water has been used it is dumped into local swimming pools (including a magnificent municipal pool that is the city's show-piece), or is mixed with water coming from wells that are particularly hot. This brings the water temperature down to manageable levels.

The residual water is also used to heat greenhouses that, despite Iceland's cool climate, produce tomatoes, grapes and even bananas.

As recently as the nineteen-forties the city was often blanketed with black smoke, particularly in winter. Today it is largely smoke-free and the fire department is less busy, now that home furnaces and combustion-type space heaters have been eliminated.

The air is not entirely free of smoke, because some industries burn oil, as do plants that generate power during periods of peak demand. However, it is estimated that Icelandic imports of fuel oil have been reduced by 200,000 metric tons a year through the development of geothermal heating.

Soviet specialists have reported a saving, in 1970, of 15 million tons of fuel through the use of geothermal energy, chiefly for heating. The saving, to Icelandic homeowners, is said to be 26 per cent of the cost of oil heating.

The reservoirs of geothermal water are apparently deposits of gravel and other permeable material left by the ice ages and later covered by lava flows thousands of feet thick. The water is far purer than the corrosively salty water of many geothermal areas, such as the Imperial Valley of Southern California.

BAKING BY BURYING

For centuries, Icelanders washed their clothes in hot springs and, in some areas, baked bread by burying a loaf-sized oven in the hot ground. Such baking took a day or more. The first district system for home heating was completed in 1930 but, until a few years ago, Reykjavik depended on wells about 10 miles away.

Prospecting that uses sensitive measurements of local gravity, magnetism and the electrical conductivity of the earth has disclosed that there are reservoirs directly beneath the city, as well as others nearby. The producing lifetimes of the wells vary and the rate at which such reservoirs will reconstitute themselves remains uncertain. One well that ran dry is now being drilled deeper in the expectation that a new waterladen layer will be tapped. And, it is believed, additional reservoirs should keep the city warm into the indefinite future.

RECHARGEABLE HEART PACEMAKER

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. FREY. Mr. Speaker, it was more than 5 years ago, on July 20, 1969, that man first landed on the Moon.

The mission to the Moon began in mid-1961 when this Nation committed itself to send a man to the Moon and return him safely to Earth.

Thousands of men and women were involved in that mission and thousands continue working today to insure that the benefits of our Moon missions and other manned space flights do not go unreaped.

The enormous technical and scientific advances for this effort required the pioneering of new frontiers not only in the aerospace field but also in a wide variety of disciplines ranging from astronomy to zoology.

It is generally agreed that this accelerated national effort compressed into roughly a decade the normal technological advances of several.

Now, 5 years after Neil Armstrong first stepped on the Moon, a vast reservoir of space-developed technology exists. It has become an invaluable national resource.

Down-to-earth applications of space technology by industry, the medical community, other Governmental agencies—in short the Nation—provide an added bonus to the taxpayer for his original space investment.

Today, the by-products of space technology are being applied in almost every field of human activity—from new conveniences in our daily lives, to helping solve some of the most serious problems facing modern society. Ironically, because of the speed with which space technology has been introduced into the mainstream of modern life, few Americans appear to appreciate the extent to which this technology has already helped to improve the quality of their lives.

RECHARGEABLE HEART PACEMAKER

Perhaps the single most important recent innovation using space technology is the rechargeable heart pacemaker.

This revolutionary device, adapting NASA-developed battery and circuitry techniques, was designed and built by the Applied Physics Laboratory of Johns Hopkins University.

Not only is it smaller than earlier devices, but, more importantly, its nickel-cadmium batteries can be recharged by the patient at home using an external power source. This eliminates the need for replacement surgery every 2 years—an especially attractive feature for infants and the elderly.

The device is implanted under the skin in the upper left or upper right portion of the chest. Because it is about one-third the volume, and one-half the weight and thickness of earlier pacemakers, it is virtually hidden in the patient's body. It is enacted in a body-compatible, hermetically sealed, metal enclosure, which keeps out body fluids.

Over 100 new pacemakers have been implanted in human patients thus far. Its cost is competitive with conventional pacemakers and it is estimated that the potential savings resulting from the new pacemaker are in the neighborhood of $100 million a year.

TELECARE EMERGENCY MEDICAL SYSTEM

Another new and unique medical application has been developed out of NASA's efforts to miniaturize and toughen medical equipment for manned space flight. This is an emergency medical kit called Telecare which permits patient diagnosis and treatment at the scene of an emergency.

A key component of the 18-kilogram—40-pound—ambulance-stored device is a two-way voice and telemetry communications unit which permits trained emergency medical technicians to administer prompt, professional on-the-scene care under radio supervision of the physician.

The suitcase-size unit, developed by SCI Systems, Inc., Houston, Tex., also brings together for the first time in a single portable package a respiratory resuscitation system, a 15-minute oxygen supply contained in a light-weight canister developed from space technology, a defibrillator for external heart stimulation, a semiautomatic indirect blood pressure measurement system similar to the one used by the Skylab astronauts, and a pharmaceutical pack. Supplementary emergency medical equipment is also available to augment the basic system.

Field tests of the Telecare system were successfully carried out last year under supervision of the Harris County Medical Society in Houston. As a result, the City of Houston Fire Department is equipping 28 rescue vehicles with Telecare and training technicians in their operation. Other city governments around the country are evaluating Telecare for possible use in their emergency medical services program.

FUEL CELLS GENERATE ELECTRIC POWER

Although the basic concept of the fuel cell—combining oxygen and hydrogen to form electricity and water—is over 100 years old, the research and development effort needed to bring the concept to reality was both time-consuming and expensive.

The breakthrough came primarily from the development by Pratt & Whitney of fuel cells for Apollo spacecraft. This led eventually to the development of modified fuel cells for electric power generation on Earth.

The Apollo fuel cells used pure oxygen and hydrogen. Since these fuels are not economical for power generation, a means had to be found for using standard gas and liquid fuels augmented with oxygen from ambient air.

In the past 10 years, about $70 million has been spent to develop fuel cell technology.

In 1967, 28 major utility companies joined Pratt & Whitney to form a joint development and demonstration program called Target—Team To Advance Research for Gas Energy Transformation. Thus far, 12.5-kilowatt fuel-cell generators have been set up at 35 locations around the world. These units have operated for more than 200,000 hours.

At the present time, fuel cells are used to augment existing power-generation facilities. However, even larger capacity modules are being planned as part of a $300 million program initiated by a consortium of nine U.S. electric power companies. In view of the world energy crisis, commercial development of fuel cells is most timely.

COMPUTER IMAGE ENHANCEMENT FOR ATHEROSCLEROSIS TREATMENT

Computer image enhancement techniques developed by the Jet Propulsion Laboratory have been adapted to analyze blood vessel X-rays to determine changes in the size of plaques which form on blood vessel walls.

The plaques cause hardening of the arteries—atherosclerosis—which leads to high blood pressure and heart disease.

The image enhancement technique—developed originally to analyze image data from the Mariner Mars spacecraft—permits direct measurement of changes in the size of atherosclerotic plaques.

As applied by researchers at JPL and the University of Southern California, blood vessel X-ray enhancement has proved to be a quick and economical method in establishing treatment standards for atherosclerosis. Until now, the effectiveness of diet, exercise, and drug treatment could only be compared by studying heart attack and death rates of different groups of people with the disease.

To date, X-ray pictures of the main artery in the thigh have been taken in about 80 patients. The pictures are processed on a computer to obtain a measurement of blood vessel edge irregularity. Repeat X-rays help determine plaque progression or regression rates. From these studies, it is hoped that standards for exercise, diet, and weight loss can be established to help in the development of more effective treatment methods for atherosclerosis sufferers.

SEPARATION OF NONFERROUS SCRAP METAL

For years ferrous metals have been reclaimed from scrap by relatively cheap, simple methods. However, until recently, separating and reclaiming nonferrous metals such as copper, zinc, and aluminum from scrap has been costly and difficult.

Research conducted at the NASA Lewis Research Center, Cleveland, on the properties of magnetically responsive fluids, called ferrofluids, as propellants under zero gravity conditions has resulted in development of techniques that now make it commercially feasible to separate previously wasted nonferrous metals.

A ferrofluid is a colloidal suspension

of tiny magnetic particles in a liquid. The particles are so small they do not settle. Thus, when a magnetic field is applied, the entire fluid responds like a magnetic substance. The relative density of the liquid can be changed when it is subjected to a varying magnetic field. This characteristic, when suitably controlled, allows for the separation by a "sink-float" technique, of metals of different relative density.

A prototype sink-float ferrofluid nonferrous metal separator has been built by Avco Systems Division, Lowell, Mass., under a NASA contract. The device is able to separate nonmagnetic metals from shredded scrap after ferrous metals have been removed. Metals differing in density as little as 10 percent can be separated. In view of rising metal prices and the large amounts of electrical power needed to produce new metals, the new technique has great economic potential.

PAPER MONEY IDENTIFIER

A simple paper money identifier for blind business persons has been developed from NASA technology.

The device enables a blind person to identify denominations of paper money by their sound "signature." Until now, no reliable paper money identifier for the blind has been available.

To determine its denomination, a bill is passed under a light on the small, inexpensive device. A phototransistor measures changes in the bill's light patterns. An oscillator then converts the signals into sounds similar to telephone "beeping" tones. Each denomination gives off its own easily identified sounds.

The "talking money" concept was developed by NASA's biomedical applications team at the Southwest Research Institute, San Antonio, Tex. It stems from technology first reported in 1969 by NASA for the semiautomatic inspection of microfilm records.

Tests of an early version of the money identifier were successfully conducted by Arkansas Enterprises for the Blind in Little Rock. It was found that after about 3 hours of practice, a subject could easily distinguish the sound patterns of different denominations of paper money.

The money identifier is produced by Marchak Engineering & Manufacturing Co., Austin, Tex. It is available to training centers and schools for the blind as well as individuals.

RESOLUTION ON VALUE OF RAILROADS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. RANGEL. Mr. Speaker, mass transportation is the transportation of the future. Yet it need not be based solely on super-subway systems, slow and expensive to build. Right now, we must make use of an invaluable resource for conquering the energy crisis: the railroads. Rail service is vital as an option to energy-consuming cars and buses.

At the most recent New York Conference of Mayors and Municipal Officials, a resolution recognized the importance of the railroad to the people of New York. I insert into the RECORD a copy of the resolution, and I urge my colleagues to give it their close attention:

RESOLUTION

Whereas, the members of the New York State Conference of Mayors are deeply concerned that the residents and industries of their particular communities be provided with the best, the most efficient, and the most economical passenger and freight train service possible; and

Whereas, the members of the New York State Conference of Mayors are concerned that the planning process authorized by the Regional Rail Reorganization Act of 1973 be so conducted as to produce the optimum rail system; and

Whereas, the officers and counsel of the New York State Conference of Mayors have coordinated their efforts in this regard with the Commissioner of Transportation of the State of New York and the staff of the New York State Department of Transportation, which coordination included conferences at the Department of Transportation in Albany, testimony at Interstate Commerce Commission hearings in Washington, D.C., and testimony at Interstate Commerce Commission hearings in the city of Albany; and

Whereas, the officers of the New York State Conference of Mayors do agree with and approve the presentation made by the Department of Transportation to the Interstate Commerce Commission Rail Services Planning Office with respect to the report issued by the Secretary of Transportation on or about February 2, 1974 and with the Department of Transportation comments to the Rail Services Planning Office on its proposed standards for determining "revenue attributable to the rail properties," "avoidable costs of providing service," and the "reasonable return on the value"; and

Whereas, the Secretary of Transportation of the United States did promulgate in the Federal Register of April 5, 1974, certain rules and regulations defining procedures for the acquisition of subsidy funds available under § 402 of the Regional Rail Reorganization Act of 1973; and comments being required on those proposed rules on or about June 4, 1974; and copies of the comments on those proposed rules submitted by the Transportation Department of the State of New York having been made available for the inspection of the members of this Conference; and

Whereas, the Counsel of this Conference having recommended that the Conference adopt a Resolution approving and supporting the Commissioner of Transportation in his efforts to insure preservation of the best possible rail system, and in particular, approving and endorsing the comments of the Department of Transportation with respect to the rules and regulations issued by the Secretary of Transportation pursuant to § 402 of the Regional Rail Reorganization Act;

Now, therefore, be it resolved that

The members of the New York State Conference of Mayors, in annual convention assembled, do hereby approve the efforts of the Commissioner of Transportation to preserve for the State of New York the best possible rail system, and

The members of the New York State Conference of Mayors, in annual convention assembled, do hereby endorse, approve and adopt the comments of the Department of Transportation of the State of New York in a document dated May 31, 1974 entitled "Comments of the New York State Department of Transportation" in Part 255—Assistance to States and Local and Regional Transportation Authorities in the Region for the Continuation of Local Rail Services Pursuant to § 402 of Title IV of the Regional Rail Reorganization Act of 1973, and

Each member of this Conference be requested to apprise the member of the United States House of Representatives representing his district of this action and request the support of that Congressman; and

The Secretary of the New York State Conference of Mayors, be directed to apprise the two United States Senators from the State of New York of this action and request their assistance; and

The Secretary of the New York State Conference of Mayors, in annual convention assembled, be directed to forward a copy of this resolution to the National League of Cities, Conference of Mayors, with the request that it be considered and adopted at the annual convention to be held in the month of June, 1974, in San Diego, California.

I, Raymond J. Cothran, Executive Director of the Conference of Mayors and Municipal Officials, do hereby certify that the foregoing resolution was duly adopted by the mayors and other municipal officials assembled at the 65th Annual Meeting of the Conference of Mayors and Municipal Officials held at the Concord Hotel, Kiamesha Lake, New York, on June 6, 1974.

FATHER TOM GAVIN, S.J., WRITES THAT WE HAVE MUCH FOR WHICH TO BE THANKFUL ON THIS FOURTH OF JULY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. KEMP. Mr. Speaker, this week we commemorate the 198th anniversary of the proclamation of our Declaration of Independence, a proclamation which signified the united will of a people to exercise the rights of free men.

The writing of that Declaration—and its proclamation—required the highest degree of courage among its proponents. We too often forget—because it was a successful endeavor they undertook—the great risks which were taken by those gallant men and women who by their actions insured our independence. When the signers pledged their lives, their fortunes, and their sacred honor, it was not without their knowledge that should they have failed, they would have had their properties confiscated and their lives lost upon the gallows.

As we celebrate the Fourth of July—every Fourth of July—we should be ever mindful that our commitment to freedom must never be so inadequate as to risk the loss of all that for which the Framers fought—the rights and liberties of free men.

We have much for which to be thankful on this Fourth of July.

Father Tom Gavin, S.J., has made this point well in his informative column this week in the Western New York Catholic, an outstanding publication circulated widely among the clergy and laity of western New York.

Father Gavin talks about why we should never despair when events seem distressing to us. In this time of crisis of confidence in our institutions, we can too easily look at only the bad, overlooking the vast amount of good in our institutions, our Government, our leaders, and our people.

Mr. Speaker, I commend Father Gavin's column to the attention of all my colleagues. It makes the case well for a rebirth of that Spirit of '76 so essential to a regeneration of the strength of our Nation.

The column follows:

Questions and Answers

(By Father Tom Gavin, S.J.)

Q. As Indeuendence Day approaches I find it more and more difficult each year to work up any feeling of enthusiasm, much less of patriotism. It seems to me that our nation is deteriorating. The whole picture frightens me. The Vietnam War just about finished me off.

A. No question about it, we are going through some difficult times. At times like these it is essential, if one wants to keep a balance view, to put things in perspective. Let us not forget that a very few short years ago we had legalized slavery of human beings, child labor, sweat shops, wars of aggression and even denied women the right to vote. All these things we took for granted.

Perhaps the biggest step backward that we have taken in modern times is legalized abortion and the resulting slaughter of so many unborn children. That, I agree, is frightening.

But aside from those infants there has never been more independence for everybody than there is in America today. In this country you may not only criticize the government with impunity, you can slander the nation's leaders without penalty. In Russia, China and the captive nations mere disagreement can mean your head. Communist China has put to death around 20,000,000 of her own people who happened to have contrary opinions. Khruschev starved to death 5,000,000 Ukranians because they wouldn't "go along". We all know what has happened in Hungary and Poland and the fate of hundreds of thousands of dissenters in Russia. One may not even leave East Germany without risking a bullet in the back.

Far from waging aggressive wars, we have risked bankruptcy in an effort to rehabilitate our former enemies. As Henry Cabot Lodge said in the United Nations, "At the end of World War II we alone had the nuclear bomb, the largest air force and navy in the world. Had we wished to we could have annihilated Russia." Instead we now sell her wheat, subsidized by the American taxpayers. We did our best to defend a free people in South Korea and South Vietnam.

As our present envoy to South Vietnam, Ambassador Graham A. Martin, said in a recent interview: "Many Americans have forgotten that our real emotional involvement in Indo-China affairs began in 1954, with a characteristic American humanitarian response when we helped move almost a million—mostly Catholic—Vietnamese from North to the South. They abandoned everything of material value, choosing to become penniless refugees in the South rather than remain under the totalitarian rule of Hanoi. . . . Our present commitment arises from an even more characteristic American trait—our determination and pride that we finish what we set out to do. And in this case, it is to leave Vietnam economically viable, militarily capable of defending itself with its own manpower, and its people free to choose their own government and their own leaders. I am thoroughly convinced that this goal can be achieved rather quickly."

As the Canadian television commentator, Gordon Sinclair, said. "This Canadian thinks it is time to speak up for the Americans as the most generous and probably the least appreciated people of all the earth. Germany and Japan, and to a lesser extent, Britain and Italy, were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions of debts. . . . When the franc was in danger of collapsing in 1956, it was the Americans who propped it up. . . . When distant cities are hit by earthquakes it is the United States who hurries in to help. . . . When the railways of France and Germany and India were breaking down through age, it was the Americans who rebuilt them. . . . I can name you 5,000 times when the Americans raced to the help of other people in trouble."

And we are still doing the very same generous things. At the moment, as you know, we are protecting the people of Western Europe and trying to alleviate the hunger of starving millions in Africa and India. It is obvious that we don't brag about these things ourselves. How often have you heard these facts recounted in your newspapers or television broadcasts? It took a Canadian to acknowledge them.

No wonder God has blessed this nation so bountifully. Let us pray for our leaders in the present difficulties and thank God from the bottom of our hearts that you and I enjoy independence not only on July 4th, but on every day of the year. If it were not for that you could not have written your letter.

TRIBUTE TO H. R. GROSS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. GOLDWATER. Mr. Speaker, many tributes have been paid to our distinguished colleague from Iowa (Mr. GROSS). Just recently, a feature article about him appeared in the Los Angeles Times which I believe, sums up, and captures the spirit of the great contribution he has made to responsible government. The phrase "political courage" at its best applies to H. R. GROSS, and his political career should be held up as a model to every fledging politician. In fact, I would like to see the Times article placed in political science textbooks and campaign manuals all over this country.

I commend it to the Congress and the Nation, as follows:

House's Great Nay-Sayer Decides To Quit

(By John H. Averill)

WASHINGTON.—After a quarter of a century raising hell over big spending, foreign aid, junketeering and boondoggling, one of the great nay-sayers in congressional history is giving up in despair and frustration.

"I'm fed up with the futility of this place. I'm 75 years old and there is not much light left at the end of the tunnel."

Thus does Rep. H. R. Gross (R-Iowa) explain his decision to retire after representing Iowa's 3rd Congressional District for 13 two-year terms—his final one ending next Jan. 3.

Since entering the House in 1949, Gross has been variously characterized as the abominable no-man, a pillar of parsimony, a reactionary nitpicker, the watchdog of the Treasury, the conscience of the House and a man of courage and candor.

The label applied to him varies from day to day, depending on whose toes he has stepped on last or whose cause he has championed.

When Vice President Ford was House Minority Leader, he once remarked:

"There are three parties in the House—Democrats, Republicans and H. R. Gross."

There is considerable accuracy in that observation. No one presently serving in the House has voted "No" more frequently and consistently than Iowa's Harold Royce Gross.

"It doesn't bother me one bit to be a minority of one when I'm convinced I'm right," Gross said in an interview in his office as he puffed alternately on a pipe and cigarets.

Gross is a rarity among politicians in that he has nothing but scorn for the late Speaker Sam Rayburn's formula for succeeding in Congress: "To get along, go along." To Gross, compromise is a dirty word.

As an uncompromising loner Gross's successes are infrequent. Yet he is widely credited with saving millions of taxpayers' dollars by exposing sloppily drafted spending proposals.

Had Gross had his way since he came to Washington, the federal government and its bureacracy would have shrunk back to pretty much what they were in the Calvin Coolidge Administration.

There would have been no space program, no federal aid to anyone except maybe farmers and no civil rights legislation.

The United States would not be a member of the United Nations and Gross and all other members of Congress would be receiving the $12,500 a year they did in 1949 instead of the current salary of $42,500. Gross has opposed every pay increase.

About the only appropriation bills he normally supports are those for defense—those because "I would prefer to make an error on the side of what I conceive to be national security."

Since Gross, as a matter of principle, supports little that Congress does, his role in the House is essentially that of a sentinel or watchdog, on the lookout for wasteful spending or legislative gimmicks designed to help a special interest.

There is general agreement he performs a vital service. "If we didn't have an H. R. Gross we'd have to invent him," said Rep. Morris K. Udall (D-Ariz.).

When something in a bill arouses his suspicions, Gross rises from his center aisle seat and challenges the bill's sponsors:

"Who dreamed up this boondoggle? Just what's in this turkey?"

When the House is in session Gross is constantly on hand lest someone try to slip a fast one past the American taxpayer. And always he cultivates the impression of being a terrible tempered curmudgeon.

Despite droopy eyelids, he has a penetrating stare. He usually scowls, as if weaned on a sour pickle, and his deep, raspy voice emits words etched in acid.

"His satire is caustic," said Rep. Clement J. Zablocki (D-Wis.), who sits with Gross on the House Foreign Affairs Committee. "When the Administration people present their foreign aid bills I'm told they take a nerve pill before they come up to face H.R."

There is nothing that arouses Gross's bile like foreign aid. He has never voted for a foreign aid bill and the politest term he has for foreign aid is "money down the rathole giveaway program." For indulging in foreign aid, the United States is "Uncle Sap," "Uncle Sucker" or "Uncle Sugar."

As a member of the Foreign Affairs Committee, Gross is one of the more eligible members of the House for taxpayer-financed overseas inspection trips so popular with other committee members. But he denounces such trips as junkets and has rejected all invitations to join them.

In fact, Gross has not been out of the United States since he was shipped to France in 1917 as a World War I artilleryman after dropping out of high school and lying about his age to quality for Army enlistment.

Gross once got into an acrimonious debate with a committee colleague, Rep. Wayne L. Hays (D-Ohio), a frequent overseas visitor who came under fire a few years ago for taking the headwaiter of the House restaurant to Paris with him at the taxpayers' expense.

Gross was opposing a bill backed by Hays to raise federal salaries and Hays became so exasperated he exclaimed, "The gentleman reminds me of the queen who said, 'Methinks he doth protest too much.'"

"Is that the queen the gentleman has met on one of his innumerable junkets overseas?" Gross retorted.

More than once Gross has used wit and sarcasm to scuttle a bill that had appeal for House colleagues.

In 1961, then Rep. John F. Shelley (D-Calif.) took a bill to the floor to authorize a special flag for House members to be flown on their automobiles or ships.

"Ships?" Gross asked incredulously.

Shelley explained that he had been boating near the mouth of the Potomac "one dark and stormy night" and when he had tried to seek haven near a military reservation a sentry had fired a shot at his boat.

Declaring the incident might have been avoided had he had a congressional flag, Shelley said:

"We let the Executive Department provide flags down to the assistant secretaries. Under every rule of protocol we outrank them and we should have our own flag."

Gross was not persuaded. Raising the possibility of trigger-happy sentries, Gross asked:

"What happens to the poor devil who doesn't have a flag? Do they just go ahead and shoot him?" As for putting a flag on an automobile, Gross asked, "Where are you going to fly these flags—above or below the coontail?"

The flag bill was defeated, 270 to 108.

Gross often infuriates his colleagues with his penchant for delaying tactics.

Few share his conviction that duty requires constant attendance on the House floor. Doing so can be tedious and boring and most members contend their time is more profitably spent in committee meetings, in their office answering mail or even relaxing.

Their absence gives Gross an opportunity to delay legislation he opposes.

As a matter of House rules and precedents, he seizes on any parliamentary device that will help his cause. His favorite is the quorum call.

For the House to conduct business, the rules require the presence of a quorum, or a majority of the 435 members. Often the absence of a quorum is simply ignored and business is conducted anyway. But not if Gross can help it.

Since a quorum seldom is on hand, Gross merely has to make a point of order to set the quorum call bells clanging and forcing absent members to come trooping to the floor, frequently cursing.

How else can you make a point?" Gross asks in defense of his practice. "The point is that I think they ought to be on the House floor. I don't know whether they're in their offices or playing golf or in the gymnasium or in the swimming pool."

Like many Iowans who come from the soil, Gross has an ascetic appearance. With his glasses, his thinning hair and spare features he could have been the model for the farm husband in Grant Wood's classic painting "American Gothic."

Gross was born on a farm near Arispe, Iowa, in 1899 and was a high school dropout. After his Army stint in World War I he studied journalism at the University of Missouri but did not receive a degree.

Before his election to Congress in 1948, Gross worked for several newspapers and United Press, now United Press International, then drifted into radio newscasting on station WHO in Des Moines. The man who introduced his newscasts was a sports announcer named Ronald Reagan, now the governor of California.

"Reagan was a Democrat then," Gross said, but they became good friends and have remained so to this day. In 1968, Gross backed Reagan in his unsuccessful contest against Richard Nixon for the Republican presidential nomination.

Gross' first venture into politics was a failure. In 1940, he challenged Iowa's Gov. George A. Wilson, who was seeking a second term, in the Republican primary and lost by 16,000 votes.

Eight years later, in his first bid for Congress, Gross succeeded. He unseated his district's Republican incumbent in the primary and was elected by a 20,000-vote margin in November.

Since 1948, he has been repeatedly reelected by comfortable margins with but one exception. That was in 1964, the year of the Goldwater debacle. Before the election, Republicans held all but one of Iowa's seven congressional seats. Gross was the lone survivor in the '64 Democratic landslide and he won by a mere 419 votes. In 1972, Gross was reelected by 22,265 votes out of a total vote of 188,202.

In his private life, Gross fishes for relaxation and takes an occasional drink but he and his wife Hazel shun the Washington social scene.

"I've never owned a tuxedo and my wife has no ball gown," Gross is fond of saying. "We don't need them."

As a foe of government spending and an apostle of a balanced federal budget, Gross' ideology is best summarized in a bill he has futilely sponsored for 15 years.

The bill, in a play on his own name, always carries the number H.R. (House of Representatives) 144 (the number of units in a gross). The bill would require the federal budget to be balanced except in times of war or national emergency and would earmark up to 5% of the government's net annual revenue for reduction of the national debt.

The bill is referred each year to the House Ways and Means Committee, where it is quickly forgotten.

"They've never even given me the courtesy of a hearing," Gross said recently, more in sorrow than rancor.

He is pessimistic about the country's future.

"No one in government is showing any disposition to hold down spending to the point that it would affect this awful inflation," he said.

"There is no fiscal or monetary discipline. And there will be a day of accounting. There is no way that this debt of almost $500 billion can be retired by orderly means. I fear there can be a lethal result that will be the loss of our system of government. We are getting ripe for a demagogue."

Gross is also disturbed by "the serious erosion of morality in the country." And he is not particularly impressed with the Presidents he has known since he has been in Congress.

"I don't think we've had a really great President since I have been here," he said when asked which President he admired most.

"There were some things about Truman that I admired and some others that I didn't. He had his five per-centers and deepfreezers.

"Kennedy was out too soon to judge what he might have been.

"Eisenhower occupied the office. But he had no trouble getting rid of Sherman Adams when he got into trouble.

"The least I can say about Lyndon Johnson the better.

"Nixon? As of now he'll be on the list of not very great Presidents. I'm very disappointed with him."

As for Watergate, Gross said, "I would have no difficulty voting for impeachment if there is clear, solid evidence the President committed a criminal act or engaged in a criminal conspiracy but the evidence has got to be solid."

OUR NATION SALUTES THE SQUIRETTES OF MARY, OUR LADY OF MYSTICAL ROSE CIRCLETTE, ST. ANTHONY'S COLUMBIETTES, BUTLER, N.J.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ROE. Mr. Speaker, it is indeed my privilege and honor to call your attention to the founding of the Squirettes of Mary, the first official youth development program of the Supreme Council of the Columbiettes to be established in the State of New Jersey, known as Our Lady of Mystical Rose Circlette.

This organization of Catholic young ladies between the ages of 13 and 18 years is sponsored by the St. Anthony's Columbiettes, auxiliary to the Knights of Columbus Council No. 943, Butler, N.J. Since the inaugural ceremonies on January 20, 1974, Our Lady of Mystical Rose Circlette has become a most viable Catholic action program for the young people in my congressional district providing a highly respected outlet for not only spiritual expression, but the cultural pursuits and recreational enjoyment of the young ladies of our community.

Mr. Speaker, may I commend to you and our colleagues here in the Congress the following young ladies and their advisers who comprised the charter membership of the Circlette. The roster of charter members, officers, and counselors is as follows:

Charter Members

Patricia Bannon, Linda Batvinskas, Ann Marie Borusiewicz, Joan Borusiewicz, Mary Ellen Cretel, Maureen Dore, Kathleen Duffy, Deborah Faulhefer, Diane Feole, Linda Flederbach, Maureen Forshay, Cynthia Harris, Diane Hoffman, and Deborah Kahn.

Patricia Kelly, Brenda Kochka, Linda Kochka, Teresa Morse, Carol Pagano, Karen Peterson, Lynn Peterson, Denise Quigley, Susan Rapolla, Donna Rickelmann, Mary Ricker, Barbara Rizzuto, Kathy Scarna, Kathleen Treweeke, and Anne Marie Walek.

CHARTER OFFICERS

Mrs. Jean Roberts, Chairman.
Kathleen Treweeke, President.
Anne Marie Borusiewicz, Vice President.
Anne Marie Walek, Secretary.
Patricia Kelly, Treasurer.
Cynthia Harris, Chancellor.
Kathleen Duffy, Trustee.
Linda Batvinskas, Trustee.
Deborah Faulhefer, Marshall.
Linda Kochka, Marshall.

CHARTER COUNSELORS

Mrs. Joan Taggart, Chief Counselor.
Mrs. Ann Tancott, Catholic Action.
Mrs. Phyl Ramiccio, Catholic Action.
Miss Liz Soland, Cultural.
Mrs. Camille Walek, Athletic.
Mrs. Ann Kelly, Athletic.
Mrs. Lillian Borusiewicz, Social.
Mrs. Jean Roberts, Social.

On July 7, 1974, the new officers and counselors of Our Lady of Mystical Rose Circlette will be installed, as follows:

OFFICERS

Mrs. Jean Roberts, Chairman.
Kathleen Treweeke, President.
Cynthia Harris, Vice President.

Anne Marie Walek, Secretary.
Patricia Kelly, Treasurer.
Maureen Dore, Chancellor.
Kathleen Duffy, Trustee.
Mary Ellen Cretel, Trustee.
Deborah Faulhefer, Marshall.
Joan Borusiewicz, Marshall.

COUNSELORS

Mrs. Joan Taggart, Chief Counselor.
Mrs. Jean Roberts, Social.
Mrs. Lillian Borusiewicz, Social.
Miss Liz Seland, Cultural.
Mrs. Ann Kelly, Athletic.
Mrs. Camille Walek, Athletic.
Mrs. Ann Tancott, Catholic Action.
Mrs. Phyl Ramiccio, Catholic Action.

Mr. Speaker, I know you will agree with me that the communion of people and particularly the forum afforded to our young ladies during these most formative developmental years of maturity to young womanhood is of inestimable value and a most important investment in the future of America.

The Squirettes of Mary originated many years ago through the diligence and inspirational leadership of Rev. Michael Keene, Father Prior of the Immaculate Conception Circle of Columbian Squires in Colton, Calif., and the first Squirettes of Mary was established in Colton, Calif., under his direction. The Squirettes elect their own officers and each girl serves on one of the committees: First, Catholic action; second, cultural; third, social; or fourth, athletic activities. Each Circlette is sponsored by an exemplary and organized Catholic women's organization which appoints the chief counselor and counselors for each activity. The counselors direct the programing for the Squirettes, but are responsible to the sponsoring organization at all times for the welfare and progress of the Squirette Circlette. A chaplain is also designated as adviser to the membership.

The Squirettes organizational program is continuing to grow internationally and is expanding its membership throughout the world. At the present time, in addition to the establishment of Circlettes in many of our States, Puerto Rico, Canada, Mexico, and the Philippines have adopted and organized Catholic young ladies programs within its charter.

Mr. Speaker, may I take this opportunity to not only commend the young ladies of Our Lady of Mystical Rose Circlette for their zeal and sincerity of purpose in organizing under this goodwill emblem of faith, hope, and charity, but I know you will also want to join with me in saluting the Squirettes of Mary, St. Anthony's Columbiettes, the Knights of Columbus Council, the priests, and residents of my district for the success of this outstanding youth program and their continued good works in ever-seeking quality in our way of life for the spiritual and cultural enrichment of our community, State, and Nation.

IMPEACHMENT IN AMERICAN HISTORY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. WYDLER. Mr. Speaker, the attempt to impeach a president is indeed a traumatic experience for a nation and for a people. Some, however, think of it as totally unique to the present occupant of the White House. The fact is, of course, that in the years gone by the impeachment process has been threatened and instigated against many of America's great presidents. In addition to the best known presidents, such as Washington and Lincoln, many lesser ones have had impeachment resolutions introduced against them and pursued, including Herbert Hoover.

I think it is important to put our present situation in perspective and to obtain a balanced judgment. It is particularly important that we understand what has gone on in history in regard to Presidents George Washington, Andrew Jackson, Abraham Lincoln, Andrew Johnson and others.

A recent article entitled "Impeachment in American History", by John Sutherland Bonnell, makes this point quite well and I would like to read it into the RECORD. It follows:

IMPEACHMENT IN AMERICAN HISTORY

(By John Sutherland Bonnell)

(NOTE.—Dr. Bonnell is author of "Presidential Profiles", published by Westminster Press, based on the lives of thirty-six presidents of the United States. He served for twenty-seven years as senior minister of the Fifth Avenue Presbyterian Church, New York. He was educated in universities and seminaries in Canada, England and New York. He has been the recipient of ten honorary doctorates and has authored twelve books. On retirement Dr. Bonnell became President for three years of the New York Theological Seminary and is now actively engaged in lecturing and writing.)

"Impeachment" is the word. It is now on everybody's tongue. Many Americans regard impeachment as a simple and convenient means of getting rid of an unwanted National leader. They appear to be oblivious of the traumatic effect such an event would have on the American people and indeed also on nations friendly to us. President James Buchanan asserted that, "It would be an imposing spectacle for the world."

Americans right now should be doing their history homework, so that we may become better informed on the presidential crises of the past and discover how they were resolved. We need an informed perspective in order to see current events in their relative importance.

WASHINGTON—THE FIRST TO BE THREATENED

It may come as a surprise to some to learn that our first President, George Washington, was threatened with impeachment by political enemies. The charge against him was "A daring infringement of our Constitutional rights." It arose when the Jay Treaty was concluded with Great Britain in 1794.

William Roscoe Thayer, a biographer of Washington. declares that a bitter struggle was precipitated when the President's opponents in Congress demanded that he hand over the correspondence and exchanges that led up to the signing of the Jay Treaty. This George Washington resolutely refused to do, even though he had neither precedent nor legal landmark to guide him. Dr. Thayer remarks that Washington clearly foresaw the danger of such a concession to his own administration and also the likelihood that it would be used against his successors in the Presidential office.

During and after confrontation with his antagonists Washington was deeply hurt by assaults not only on his capacity to govern but also on his character and honor. He wrote, "Every act of my administration has been attacked in such exaggerated and indecent terms as could scarcely be applied to a Nero—or even to a common pickpocket." George Washington was undeniably "first in war" . . . but several decades had to pass before he was "first in the hearts of his countrymen."

Andrew Jackson was swept into the Presidency on his reputation as a military commander and by a hero's role in the war of 1812. Yet even before his election, as soon as he became involved in public life, he was deeply hurt by continuous onslaughts on his character and the aspersions upon the virtue of his beloved wife Rachel. Jackson in office manifested something of the inner strength and determination of Abraham Lincoln. These qualities he demonstrated by preserving the Union when it was dangerously threatened in March 1833.

During a fierce controversy over chartering the Bank of the United States, Congress passed several resolutions extolling the Bank and censuring the President. His political foes employed censure, which has been called a "soft impeachment," only because they could not muster sufficient votes to impeach him. Strangely enough, long before he had entertained the remotest hope of himself becoming President, young Anrdew Jackson had demanded that George Washington should be impeached.

Senator Calhoun, in a violent speech on the floor of the Senate, said that Jackson's "bank deprivations" were "adding robbery to murder." Later the President reported that he had received five hundred letters from people threatening to kill him. Indeed he escaped death only because a would-be assassin's two pistols both misfired. Tested later by the police, both fired perfectly. Professor Sidney Hyman commenting on these happenings, writes, "In the final pathological stages of the efforts, (personal) attacks of this sort have led directly to the death of three presidents and to attacks on others." President Jackson retired from office more popular than when he was first elected.

Louis Brownlow in "The President and the Presidency" writes "Every President when he has been in office, has been denounced as a despot, a tyrant, a dictator, as one who was using the power of the Government to achieve his personal ambitions. The only President who was not so denounced was William Henry Harrison; he lived only one month after he was inaugurated."

Almost identical language is used on this subject by Marcus D. Cunliffe and Sidney Hyman, the latter described by historians as an "expert on the Presidency."

IMPEACHMENT OF ABRAHAM LINCOLN PLANNED

Abraham Lincoln who was President of the United States during the most critical years of this nation's history, came threateningly close to impeachment in the winter of 1862–1863. Secret meetings were held in Washington to lay plans for launching an impeachment. Radical Republicans with reactionaries of both parties wanted a man in the Presidency more obedient to their wishes.

Early in the summer of 1865 Lincoln's rating sank to its lowest point, even among a large proportion of prominent citizens. Richard Dana, author of "Two Years Before the Mast," wrote to Charles Francis Adams, who was American Minister to London at that time, "The most striking thing in Washington is the lack of personal loyalty to the President. It does not exist. He has no admirers, no enthusiastic supporters, none to bet on his head." Dana added that Lincoln was "a good Western jury lawyer but he is an unutterable calamity today where he is."

Carl Sandburg comments, "For weeks the denunciation flowed on mixed with clamor and sniping criticism. Albert G. Riddle (Republican of Ohio) said that, "The just limit of manly debate had been brutally outraged." The press had caught up and reechoed the clamor.

The impeachment scheme failed but the more merciful assassin's bullet succeeded. America had gotten rid of Abraham Lincoln.

THE TRIAL OF ANDREW JOHNSON

The classic illustration of what American presidents, while in office, have had to endure and which is most pertinent to our time, is the almost successful impeachment and conviction of President Lincoln's successor, Andrew Johnson. . . . His efforts to put into effect the more generous policies that Lincoln had advocated with respect to the South and other controversial matters brought him into sharp conflict with members of both the House and the Senate. Everything came to a head when he dismissed Secretary of War Edwin Stanton who not only opposed the President but secretly acted as an informant for his bitterest opponents. Congress had just passed a law designed to block such an action by an American President and re-installed Stanton.

President Johnson in his defense claimed that his viewpoint would have been supported by every President from Washington to his own day. And he was right if John Adams' position was typical of other former presidents. Long before the Johnson issue had arisen President Adams during a heated discussion remarked "if the President of the United States has not enough authority to change his own secretaries, he is no longer fit for his office."

If President Johnson had meekly accepted such a law as Congress had proposed it would have broken down the Madisonian concept of "checks and balances" in the interrelationship of the President and the Congress. The uniquely important office of the Presidency would have been degraded into some kind of political secretariat that could readily be made the tool of designing politicians.

Many Americans are clamoring today inside and outside of Congress for the impeachment of President Nixon as though it were a simple matter to accomplish with clear-cut procedures and would entail a minimum disturbance to either our national life or the structure of American government. They should read the story of the whole sordid business of the impeachment by the House of Representatives and attempted conviction by the Senate of President Andrew Johnson.

Dr. Ronis W. Konig, author of "The Chief Executive" states that President Johnson's trial by the Senate was presided over by a Chief Justice "who wanted to be president; having a craving for the office that Lincoln once likened to insanity." In line of succession was the "president protempore" of the Senate whom the author describes as "vulgar and vituperative." The trial lasted eleven and a half weeks. One thousand tickets were printed valid for one day and "furiously competed for." The galleries were crowded with the senators, their wives and daughters, "blooming with finery"—scores of reporters and distinguished visitors from other countries attended.

The "radicals" secured an adjournment for ten days, despite the objection of the Chief Justice, to line up every possible vote against the President. The prosecutor at the trial before the Senate called President Johnson: "a traitor, a tyrant, a usurper and an apostate."

The attempt at conviction failed by one vote.

"The one heroic figure to emerge from the contemptible proceedings was Senator Edward G. Ross, a soldier and journalist of Kansas, who voted "No." He withstood incredible pressure with soldierly firmness even though, to use his own words, "friends, position and fortune were ready to be swept away" and he stood "looking into his own grave."

By this heroic act, our system of American Government with its delicate balance of responsibility between the legislative and exeuctive branches, fashioned with pains-taking care through three-quarters of a century, was preserved. A fearsome threat to representative democracy in America went down to defeat by a single vote. If President Johnson had been successfully convicted, the door would have been left wide open for the dismissal of any President, on political rather than legal grounds. Professor Rexford G. Tugwell writes that the radicals in Congress were determined to reduce the Presidency to "ministerial status."

IMPEACHMENT—A MEGATON BOMB

The threat of impeachment and conviction has been likened to that of a megaton bomb—too frightening to contemplate except as a last and desperate expedient. Professor Clinton Rossiter regarded impeachment as "The extreme medicine of the Constitution, so brutally administered in the one instance in which it was prescribed as to provoke a revulsion." President Jefferson could not even envision a situation where it might lawfully be used.

Despite the ominous words of Professor Rossiter and the skepticism of President Jefferson the fact remains that impeachment is still an integral part of the Constitution of the United States. How then do we account for the fact that no President of the United States has been impeached and convicted in almost two hundred years of our Nation's history, in spite of several abortive attempts to apply impeachment and one unsuccessful effort to obtain conviction. One reason undoubtedly is because of the dire penalties entailed. These are set forth in the Articles of the American Constitution: Article I. Section 3(7) which reads in part: "removal from Office, disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States:" "But the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."

If the convicted President should happen to be a family man, the pall of disgrace would fall not only on himself but on his wife, his children and his grandchildren "to the third and fourth generation." It might well cut him off completely from the sources of livelihood for which he has spent the greater part of his lifetime in preparation. And who will aver that the Nation that elected him will not itself be on trial before the eyes of the whole world?

HUMANITARIAN SERVICE PERFORMED BY ARMED SERVICES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. BOB WILSON. Mr. Speaker, earlier last month a rescue mission supported by the Air Force, Navy, and Coast Guard saved the lives of two badly injured tuna fishermen from my district in San Diego where America's tuna fleet is based.

This is not the first time the military has responded to the call for help. I want to take this time to congratulate the services for these humanitarian efforts on behalf of our civilian community. More and more we see that the Services are becoming better integrated with civilian counterparts not only in rescue missions but also by helping out in communities stricken by natural disaster.

A story about this rescue was carried in the San Diego Union which I ask to be reprinted at this point. I am sure it will be of interest to our colleagues:

[From the San Diego Union, June 12, 1974]

AIR FORCE RESCUING TWO FISHERMEN

(By KEN HUDSON)

An 800-mile, 15-hour rescue mission to return two severely injured tuna fishermen to San Diego was under way last night by the Navy, Air Force and Coast Guard.

An Air Force helicopter, which was to be refueled five times at sea by a team of two tanker planes, was bringing the men from the tunaboat Proud Heritage to San Diego where they could be treated.

The men, Antonio C. Rodriguez, 52, and Mario Da Silva, 33, were injured when the pursing cable on the tunaboat's net "let go" Sunday afternoon. It was not known which man received which injury.

Two medically trained Air Force parachute jumpers made a Sunday night jump into the rain-swept ocean and were picked up by the tunaboat's crew to treat the men.

A Navy surgeon, Lt. Cmdr. Donald A. Vance of the North Island Naval Air Station, was aboard the Air Force helicopter that rendezvoused with the Proud Heritage yesterday afternon to pick up the injured men.

The helicopter was expected to arrive in San Diego early this morning. Aerial refueling was necessary because of the long distances involved. One of the tankers was from Hickam Air Force Base in Hawaii and the other from McClelland AFB at Sacramento.

REMARKS OF SECRETARY MORTON BEFORE NORTHWEST PUBLIC POWER ASSOCIATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. YOUNG of Alaska. Mr. Speaker, I would like to enter into the RECORD Secretary Morton's remarks before the Northwest Public Power Association meeting held in Anchorage on June 29.

The following is an excellent account of the role the Pacific Northwest will play in achieving energy self-sufficiency for the United States:

REMARKS OF SECRETARY OF THE INTERIOR ROGERS C. B. MORTON

At a time when the focus of the Nation's attention is on energy self-sufficiency, it is a pleasure to be here in a State that is destined to play a major role in achieving this objective.

It is an even greater pleasure to meet with people who are ahead of the game in solving their energy problems, especially those of future electric power supply. Don Hodel has been keeping me posted on the progress being made in the Pacific Northwest with the fine cooperation he has received from your Association.

I commend you for your spirit and your attitude in—

Meeting the challenges of building needed generation;

Supporting BPA's transmission construction and financing programs;

Facing up to the need for higher rate levels; and

In helping to make these programs equitable.

I know that Don and Jim House will be reporting to you tomorrow for both BPA and Alaska Power Administration on the power supply picture and other matters pertinent to their responsibilites.

I think it might be of interest if I talked about some of the things the Administration and the Department of the Interior are doing to restore our national energy balance to a sound basis.

The objective, as announced by President Nixon, is to restore our capability to supply all our essential energy needs, and do it as soon as possible. You will recognize this effort as Project Independence.

To get from here to there, the President called for a number of programs to be undertaken, which add up to a strategy that encompasses four distinct lines of action.

First, it is our intention and objective to conserve as much energy as possible, to get our rate of annual increase in demand for energy down to something we can live with over the long-term.

Second, we will push hard on our current and ongoing sources of domestic energy supply—oil, gas, solid coal, hydro and pumped storage, and conventional nuclear plants—as the quickest way to expand energy supply over the next several years.

Third, we are beginning a very large program of energy research and development aimed at shifting our main reliance from conventional oil and gas to the more plentiful sources. These would be clean fuels from coal and the breeder nuclear reactor in the intermediate term, and eventually such exotic sources as solar and nuclear fusion over the long-term.

Finally, imports. We will import oil and gas—as they may be available—during this interim period to make up the balance between the amount of energy we can produce and what we actually need. The more successful we are in increasing domestic supply and in reducing demand, the more quickly our level of imports will drop.

I don't contend here that we are going to phase out oil and gas imports completely. But we want protection from the possibility of cutoffs and we want an option of trading or not trading in energy according to the advantage it offers us.

I'd like now to address a few additional remarks to conservation.

For a very long period in our history, we got along perfectly well with an average annual increase of about 3 percent in our energy consumption. Then, the growth rate suddenly jumped during the latter half of the 1960's to around 5 percent a year. Last year the increase was 4.8 percent.

Now, if we were to go on increasing our energy consumption at 5 percent at year, and at the same time make ourselves self-sufficient in energy, we would have to more than double our production of energy by 1985, and that's not a manageable figure.

If we drop the increase rate back to 3 percent, we would only have to increase energy production by two-thirds, and that's manageable.

So the first thing we have to understand about Project Independence is that it is workable only in the context of a very substantial reduction in energy growth rates that we have come to regard as normal.

As a result of our recent experiences we are beginning to see conservation as a practical, realizable goal.

For a long time the conventional wisdom was that you just couldn't do anything to slow the rate of energy growth without something awful happening to the economy. Then along came adversity and we learned that we *could* do this impossible thing of reducing our energy consumption.

And nobody proved it any more effectively than the people of the Northwest and the utilities that served them.

I'm told that you started the Fall period with a prospective power supply deficit of 7.5 percent and this is what you asked your customers to save—as a minimum—when you instituted your conservation programs last August.

By November your savings were running as high as 10.8 percent when adjusted for temperature.

Then the rains came and the critical phase ended. But the remarkable thing apparently has been that once they got into the habit, people went right on saving electricity.

I'm told that April usage was 4 percent below estimates, even though the urgency of the shortage last Fall was past. I sincerely hope that this pattern of restraint continues.

What the Northwest has had is a reprieve, not a pardon. The long range energy supply problems are still there.

I congratulate you on what you have achieved thus far, and I urge you to continue an aggressive program of energy conservation.

Next, stimulation of conventional domestic energy sources.

We currently produce 600 million tons of coal, 4 billion barrels of oil, and 22 trillion cubic feet of gas a year. These are enormous amounts.

Time is of the essence, and it will be quicker to get sizeable increases in energy production from ongoing industries than it will be to build completely new industries to process oil and gas from coal and oil shale.

We'll have to do both, but it's a matter of timing. We reach the payoff from conventional sources first.

Hopefully, we'll begin to reach payoff on the North Slope by the latter part of 1977 with the completion of the transport linkage between it and the West Coast.

The biggest and the earliest single increment to new energy supply for the Nation is this two million barrels of oil a day we'll be getting from the North Slope by 1980.

More than that, once the pipeline construction gets under way in earnest, I look for a great renewal of exploration in this region which may in turn yield large new discoveries of oil and gas.

Getting gas from the North Slope to the United States will take longer.

We just received the first application for a right of way for a gas line last January. We expect others, and much additional work remains to be done before any construction can begin on whatever proposal is successful.

But gas from the Arctic is just as certain as oil. It is only a matter of working out problems that are now familiar to us.

The other major new prospective source of oil and gas is the Outer Continental Shelf. Our leasing goal for 1974 is 2½ million acres—two and a half times the average acreage of the past two years.

Our target for 1975 is 10 million acres—almost exactly what we have leased so far in the 20-year history of the OCS leasing program. The results from the accelerated program should begin to be available in the marketplace within three to four years.

The Alaskan areas of the Outer Continental Shelf are certain to come in for a careful review as we expand the acreage offered for leasing.

They comprise nearly three-fourths of the total OCS area under U.S. jurisdiction out to the 200-meter depth curve. Moreover, the Gulf of Alaska is ranked by a number of petroleum companies as having the greatest potential of all the OCS areas.

That's the good news. The bad news is that the industry also considers the Alaskan areas to be environmentally the most hazardous of all those on the U.S. OCS, with the Gulf of Alaska ranking next to the highest in risk.

So it is going to take time and a lot of effort to resolve these tough questions which involve the balancing off of resource potential with environmental cost.

We are going ahead with our own study of the environmental impact of leasing 10 million acres in 1975, which is separate and apart from the one recently completed by the Council on Environmental Quality on the Atlantic Coast and the Gulf of Alaska.

In addition, we shall also prepare an environmental impact statement in advance of each lease sale, just as we are now doing. In no case will we offer acreage anywhere unless our studies show that it is environmentally acceptable to do so.

The use of solid coal is going to expand, and in fact it has been rapidly expanding in those areas where utilities can burn it under the existing emission standards. Coal consumption by utilities has increased by 19 percent just in the past two years.

The unavailability of gas and the high price of oil have stimulated a great interest in coal, especially the low-sulfur coals of the West.

But the fact remains that we are going to have to find a way to utilize the vast supplies of coal which are close to market but presently environmentally unacceptable.

This means long-range research and development, and coal programs comprise more than a third of the President's $10 billion five-year energy research and development program.

Nearly $400 million is being requested for coal research in the coming fiscal year. Most of this money is ticketed for programs aimed at making coal into an environmentally acceptable fuel.

To be more specific in your particular area of interest:

As you know, the President, in Project Independence, placed emphasis on hydroelectric development for power generation and the Federal Power Commission is presently seeking to identify the potential for remaining development.

In the Pacific Northwest you have 19 identified potential projects of over 200,000 kilowatt size that are not yet scheduled or under construction. The feasibility of building these projects—financial, engineering and especially environmental—is under investigation.

The projects total 17.5 million kilowatts, almost as much power as the Federal Columbia River Power System.

The problem is that environmental balance will likely preclude development of most of the base load projects among the 19.

This does not change the fact that development of the peaking capacity at the existing dams on that list as well as the additional potential of the region for pumped storage peaking facilities is essential.

A Corps of Engineers report has identified 242 pumped storage sites in western Washington, western Oregon and along the Lower Columbia River. These sites represent a total peaking capacity potential of more than 650 million kilowatts.

Let me stress the word "potential."

This is an incredibly large figure—half again the total installed generating capacity of the United States. Obviously, most of it won't be developed for a variety of economic, political, and environmental reasons. But even as little as five percent of it would be a tremendous addition.

Nine of these sites have been under active consideration or have received serious study in recent years.

While solving your region's electrical energy problems you cannot ignore the need for the additional peaking capacity over the next 20 years.

The efforts of the Pacific Northwest utilities to solve their own electric resource problems in concert is an example of the rest of the nation.

I needn't tell you that a nuclear plant in operation is worth quite a few on the drawing board. You must continue to press forward with your Hydro-Thermal Power Program Phase 2.

Time is of the essence, because even assuming that Project Independence does cut the lead time for nuclear plants to six or eight years, Phase 3 may be just around the corner.

A year ago the Department directed BPA to work with the utilities of the region and with its industrial customers to come up with a long-range plan to provide for an adequate power supply for the region while minimizing the demands upon the Federal Treasury. I am certain that the program that resulted from your efforts will accomplish both purposes.

The first purpose—an adequate power supply—may well have been accomplished in any case—though at somewhat greater cost to the power users of the region.

Your efforts in solving the second purpose may prove to be an even more significant step in achieving that adequate power supply.

It is true that the Federal Government has been a committed partner to the Hydro-Thermal Power Program since 1969. But it is also true that the Federal commitment to that program is but one of many meritorious programs competing for Federal funds.

Even though the Federal Columbia River Power System is self-liquidating, the BPA and the Corps of Engineers and Bureau of Reclamation must still line up with other Federal agencies to obtain a share of the Federal budget.

Hearings were held earlier this month on the legislation to make the transmission portion of the Federal Columbia River Power System self-financing.

I am confident that when that legislation is enacted your programs in the region will get a double boost.

One will come, of course, in making it possible for BPA to maintain its construction program in a business like manner.

The other that could result from easing of pressures on the Federal budget, is likely to be a gain in funding of Federal generation in the region.

You have other pluses.

The far-sightedness that created the Pacific Northwest-Pacific Southwest Intertie is to your credit. Along with your own conservation program, power imports helped you through the power crisis in the fall of 1973.

Then the Intertie turned around and saved millions of barrels of oil for the utilities of the Southwest during the winter of 1974. Not even the far-sighted planners of the early sixties contemplated such a crisis or the service the Intertie would perform in helping to solve it.

But your greatest accomplishment may yet go down as your conservation effort last fall which I mentioned earlier. Without the success of that effort there is little doubt that there would have been far greater damage to the economy of the region and greater suffering among the citizens than what was actually sustained.

While proving that conservation can work, the experience taught some hard lessons. You now have the job of reassessing for yourselves and your consumers the rate structures that will continue good electrical service at reasonable, though higher, costs.

In closing, I return to an earlier theme.

Conservation is going to have to become a way of life for all of us. For years, cheap and abundant energy fueled the economic growth of your region as it did the United States as a whole. We have never had to think very much about the cost of energy.

Now we know that energy conservation belongs in our business and our domestic budgets in the same category with labor, materials, and food, clothing and shelter.

The spirit of community and the great self-reliance of the citizens of the Pacific Northwest must have been the kinds of things Abraham Lincoln had in mind when he said, "the legitimate object of government is to do for a community of people whatever they need to have done but cannot do at all or cannot do so well for themselves."

Providing the energy the nation needs for economic strength is the great challenge of the last half of the 20th Century.

Pacific Northwest utilities have outlined programs that will maintain a dynamic economy for the region while preserving those things which make all of you glad you live there and make a lot of the rest of us wish we did.

It remains for you to make those programs work, and I have every confidence that you will. Again, my congratulations on what you have done in the past, and my best wishes for success in the future.

McKINNEY SUPPORTS JUVENILE DELINQUENCY PREVENTION ACT OF 1974

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 1, 1974

Mr. McKINNEY. Mr. Speaker, despite the efforts of existing Federal programs, we have seen in this country an appalling rise in the rate of juvenile delinquency, defined both as criminal and noncriminal activity. Perhaps the most shocking statistic is the rise in arrests for criminal activities among youths under the age of 18 at a rate of 124.5 percent in the last decade. And this despite the enactment of the Juvenile Delinquency and Youth Offenses Control Act of 1961 and its replacement, the Juvenile Delinquency Prevention and Control Act of 1968. This is truly a searing comment on the need for coordinated Federal, State, and local efforts to prevent delinquency which H.R. 15276, the Juvenile Delinquency Prevention Act of 1974 provides.

The emphasis of this bill is on the local community where the problems of youth must be confronted most directly. The formula approach for grants to the States assures that each State will receive funds according to its own particular need and in addition encourages further coordination of efforts on the State level. I am encouraged by the inclusion of a discretionary Federal fund for the development of new approaches and techniques in dealing with disturbed youth and community-based alternatives to traditional forms of delinquency prevention.

I am particularly pleased by the inclusion of the Institute for Continuing Studies of Juvenile Justice within H.R. 15276. I had the privilege of cosponsoring separate legislation along these lines with our colleague, Hon. TOM RAILSBACK, earlier in this Congress. I feel that this section will make it possible to gather the information and statistics needed to evaluate programs sponsored by this legislation. In light of the fact that there is not precise data available as to the overall budget outlays for delinquency prevention, the need for the compilation of such information seems self-apparent. The Institute's evaluation of delinquency prevention programs is no less important than providing the funds for the programs in the first place. This is especially true in a time when the Congress must weigh the inflationary impact of any added Federal spending. The problem with too many federally funded programs is that there is no evaluation process available to the Government to insure that the moneys being spent are effective in realizing the goals of the programs. The Institute provides the means for accomplishing this end.

Another innovation the Institute provides is short term training, workshops, and seminars for those working with youth in the local community in the latest effective techniques for dealing with disturbed and delinquent young people. The Institute would also develop technical training teams which can be sent out to State and local agencies to work directly with youth. Hopefully these teams will be able to aid local communities by adding insights and skills which might not ordinarily be available to them. Finally, establishment of the Institute provides a focal point for the widely divergent groups who will be involved in the administration of this legislation, and as such contribute to the elimination of the fragmentation which now exists in the field of juvenile delinquency.

The members of the Committee of Education and Labor are to be commended for their recognition of the merit of the Institute for Continuing Studies of Juvenile Justice and the contribution which the Institute makes to the successful administration of the Juvenile Delinquency Prevention Act. The support for this provision, especially for the training of professionals and nonprofessionals in this field is broad-based, extending from law enforcement agencies to social service organizations.

When I first came to Congress, drug-related crimes among young people had reached what appeared to be epidemic proportions. In our efforts to deal with this problem, we focused on prevention of drug abuse and drug-related crimes by establishing programs to deal with it as a health and social problem. I believe we have made real progress with this approach in this area.

With this bill, we tackle the attendent problem of youth, juvenile delinquency. In the last session of this Congress, the House passed similar legislation to this, but in the last rush toward adjournment, the Senate failed to act on it. It appears that we will not repeat that mistake.

One of the most disturbing aspects of

this problem is the high rate of recidivism. It has been established that 72 percent of youthful offenders return to prison within 5 years of their first offense. In our present penal system, it is not too difficult to include that meaningful rehabilitation, as illustrated by the above statistic, has been almost nonexistent. Our efforts then with this legislation are to prevent the juvenile from reaching what unfortunately has become the end of the road, incarceration. As Brother Al Behm of the Glenmary Home Missionaries, a constituent who is deeply involved in youth work in Fairfield, Conn., wrote in a booklet for young people, "I've never met a bad one"; they are perhaps confused, alienated, but most in desperate need of help.

Mr. Speaker, it is my hope that with this legislation, emphasizing local control and coordinated with Federal efforts, we can reverse these tragic statistics. I strongly recommend my colleagues support for this legislation, not as money to be thrown at a problem, but as a responsible measure designed to curb what is becoming a national tragedy.

CITY PLANNING: WASHINGTON, D.C.

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. GUDE. Mr. Speaker, I would like to call my colleagues' attention to a thought-provoking article which appeared in the Washington Post, Saturday, June 29, on the subject of planning for the Nation's Capital City. The author raises several significant points regarding past planning in the District of Columbia, execution of the city's plan, and importantly, the challenge facing the planning authorities, as newly constituted under the home rule legislation:

DISTRICT OF COLUMBIA: A PLAN GONE ASTRAY

(By Paul Thiry)

(Under home rule legislation that takes effect Monday, the D.C. Mayor's office becomes the central planning agency for the District, while the National Capital Planning Commission retains authority for "federal interest review." This is the first of two articles on planning for the Federal City.)

Washington, unique in its time as a city that was planned before it was constructed, is a place apart.

As physical manifestation of greatness, the U.S. Capitol was designed to surmount and command the scene of Washington and be visible from all directions. From within this Capitol would emanate the directives for the nation.

The city of Washington was conceived as an axial city: the Capitol on axis with the President's house and avenues radiating in all directions with reciprocal vistas to monuments, important buildings and distant spaces.

The principal buildings and monuments were to be identifiable and to stand in nobility. They were to be supported by the great avenues which were to be framed by dignified buildings, not in themselves great monuments but contributing to a total environment. Along the avenues and within bordering streets were to be the dwellings of the inhabitants and, within compounds, markets and places for supporting commerce.

The plan for Washington was carefully designed to regard topography. It was developed with the idea that the surrounding hills would form a verdant frame for the entire city. The rivers were part of the plan, which led to the water's edge to an embarcadero running the full length of the waterfront from the southeast to Georgetown.

At the foot of the Capitol and central to all was the Mall, which was to be a great avenue flanked by the embassies of foreign governments. It terminated at the Washington Monument in a parklike, aquarian setting.

The plan, grand in scale, was simply conceived. The total concept was elegant and projected high principles in planning. It was and continues to be consistent with its lofty purpose.

But over the years, the plan of Washington has suffered various insults. Its axial streets and boulevards have been abruptly intercepted by buildings sited with complete disregard for vistas and accent.

Probably the most pugnacious of these interruptions is the Treasury, which terminates a vista intended from the Capitol to the White House along Pennsylvania Avenue. Some other intrusions: The Library of Congress blocks Pennsylvania Avenue to the southeast. The Rayburn Building eliminates passage via Delaware Avenue S.W., obliterating the view of the Capitol southwesterly. Union Station and the train yards terminate and void Delaware Avenue.

Practically all streets, axial or otherwise, southeast and southwest of the Capitol now encounter elevated freeways and trackage or drift into government compounds such as the Washington Navy Yard or Fort McNair. The center leg of the inner loop freeway, tunneled under the Mall, severs east-west streets between Constitution and New York Avenues N.W. In an attempt to correct this blunder, the new Department of Labor building was designed on air rights over the ditch; possibilities for further coverings and plazas to its north are being sought.

The Robert F. Kennedy Memorial Stadium blocks East Capitol Street, an avenue which was conceived as a direct vistal approach to the Capitol from the east and from across the Anacostia River.

The Eisenhower Civic Center, originally planned to relate to both sides of 8th Street N.W. with a vista from the National Collection of Fine Arts and Portrait Gallery to Mount Vernon Square, is now to occupy only the west side of 8th, leaving symmetry askew.

New Jersey Avenue NW—the street that led to the dismissal of L'Enfant as planner because he removed Commissioner Carrol's house out of its right-of-way—is threatened with closure.

The Grand Plaza of the Federal Triangle, a place destined as a garden setting for the classic buildings which surround it, is a parking lot for 1,300 automobiles.

Even the Mall has suffered its vicissitudes. It has been plowed, used to feed cattle, crisscrossed by railroad tracks, had its Tiber Creek filled, has been landscaped in various fashions and encroached upon by buildings, permanent and temporary. In 1962 the McMillan Commission reorganized its plan and brought the Mall into the place of honor it enjoyed until it became, along with the Grand Plaza, a parking lot for the government.

Public agencies started to move out, regardless of propriety or necessity, and upheaval in planning resulted. Roads and highways were indiscriminately superimposed on existing planned patterns. The result was channelling of traffic onto streets that were not designed to carry it, leaving local authorities the task of unraveling the problems which beset them, such as widenings, closings, vacations, land transfers, condemnation, realignments and relocations.

L'Enfant's plan has withstood 200 years of abuse, but it cannot absorb forever an unrelated system of cuts and fills, overpasses and underpasses, cloverleafs and access ramps and accompanying high speed traffic.

The disruption of the plan for Washington has been accompanied by disruption in the process of planning. Advocates of all persuasions present themselves for hearings in the public forum and make representation to a public which itself is in a magnificent state of confusion.

To simplify matters, they claim, the methods of planning must give way to "visionary, conversational processes; dynamic, not static; participatory, not elitist; profound, not superficial, but based on planning, programming, budgeting systems." Flexibility is seen as the key to all positive situations.

Advocacy planning has found its day and Washington, like most cities, has its share of "problem solvers." They descend upon the plan like hawks upon their prey. They answer to the litany of quantum and run the gamut of social, economic, statistical or political. Some specialize in humanizing influences. It is not always clear whether they foster humanity at its lowest or its highest denominator.

For certain, a most forceful advocate is the land accumulator, the developer/builder, who combines parcels of land, gets financing gets exception, gets tenants, leases, then sells out. He does no harm and may do some good if he adheres to city planning and restricts his activities to designated areas. More often he razes blocks of serviceable residences and jumps from place to place in chaotic rhythm, doing unmitigated damage. Even the most flexible plans are not sufficiently elastic to counter his thrusts.

There are those who advocate highrise office and apartment buildings, forgetting completely the precept of the Washington plan (that the Capitol dome should dominate the skyline) and its only hope for success. Combine freeways and highrise, and the entire concept of the capital city is destroyed.

The federal government exists in a confused state with reference to planning. Instead of continuing construction of its own buildings in Washington, it has deserted the southwest and south Capitol possibilities in favor of the builder-lessee or lease purchase principal. This does not exercise a sense of discipline nor, for that matter, any sense at all. Government offices appear in all areas of Washington as well as the suburbs.

Unfortunately, the Government absorbs the space provided regardless of where it is built. This fact encourages speculative building—a combination of marble lobby and maximum usable space. These builder projects relate to acquirable land but seldom relate to encroachment, compatibility or access to public transportation.

Rosslyn and Crystal City rise in the hinterland, and the crossfire of traffic moving out of Washington versus traffic moving into Washington imposes arterial lanes on the face of the land which under more thoughtful conditions would not be necessary.

The Lord giveth and the Lord taketh away. Conversely, the government taketh away and the government giveth—through the Redevelopment Land Agency, the Department, of Housing and Urban Development, Washington Metropolitan Transit Authority and others. It takes property from one to bestow upon another. On the one hand, it encroaches on one area of the city to make way for renewal, redevelopment, trackage and highways and, on the other, too often reaches into another section of the city to offset and to seek correction for situations it created in the first place. No neighborhood is inviolate.

The core of Washington is given over to

RLA practically in its entirety. RLA sets the pattern for growth by planning individual renewal areas as units. These unit plans often are unrelated to each other or to the overall plan for the community as a whole. Often these plans fall before the proposals of whatever developers RLA can muster for the renewal areas. As a consequence, commercial uses of property spring up everywhere.

Today, the Pennsylvania Avenue development Corporation is delegated more or less full authority to plan development of the Avenue between the Capitol and Treasury. It now appears that this corporate body will deviate totally from the plan of the President's Council on Pennsylvania Avenue, a commission named by President John F. Kennedy and whose plan met with general acceptance by the American public and by the National Capital Planning Commission. The plan for Pennsylvania Avenue promised to give life to the avenue in a grand manner. Today, it appears that the corporation is working toward an Italian-type hill town and the informality of a country village instead of the image of a world capital.

The sprawl of office buildings within and without the District has left the older commercial areas of the city to decay. Central city decay is largely due to lack of 24-hour population. Sprawl has displaced residential structures in and around the central core and, consequently, people look for new places to move and in which to live. Constant disruption is axiomatic to the day. Unrest and social problems require still more changes and adjustments, disrupting the framework of neighborhoods and weakening the institutions that hold them together.

It is time to take a look at architecture as the vertical and outward manifestation of a plan. It is time to review what architecture means to society and to what degree it expresses a society.

The architecture of our forebears, with its classic and grand entrance ways, pointed to a cultural elevation of human kind. Today, we miss the fine distinction in detail. We only see gloomy brick and factory-like structures as a way of life.

Washington, like New York, has seen countless classic palatial buildings fall before the ball and the bulldozer to make way for questionable construction permitted under the technicalities of the zoning code. Much of the beauty created during the 100 years preceding World War II has disappeared and the nation's capital is none the richer for its loss.

Local planning as part of home rule is becoming a fact. Comprehensive planning for the nation's capital exceeds home rule, however. Planning for the capital of the U.S. should not be assigned to those whose interests may too often be vested in local scene and too often cannot see beyond these interests.

(Paul Thiry, a Seattle, Wash., architect is vice chairman of the National Capital Planning Commission. This article is excerpted from one which appeared in the AIA Journal.)

LEWIS DESCHLER'S RETIREMENT

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. JONES of Oklahoma. Mr. Speaker, Lewis Deschler's retirement after 50 years of service to the House of Representatives marks the end of an era. An era of the highest quality of parliamentary procedure our legislative body has known.

Lew Deschler has distinguished himself as one of the finest public servants of the century. I personally regret that our association has been such a short one and I consider myself extremely fortunate to have served with such a man.

His wise counsel and unquestioned wisdom have guided this august body through 46 years, and his fine hand runs like an unbroken thread through the past four decades of our legislative history.

It is an honor to join in this tribute to Lew Deschler and I wish him good health, good fortune, and much happiness in the years ahead. We shall miss him.

DANGER IN FOREIGN TAKEOVERS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. DENT. Mr. Speaker, it is discouraging, indeed, to note an attitude among my colleagues that says "What is the difference who owns an enterprise as long as it produces jobs?" in regard to the whole problem of foreign takeovers and ownerships of U.S. businesses. Not only does it smack of "I don't care-ism" but it borders on irresponsibility toward an important realm of economic policy.

Perhaps some of these people do not realize what is happening out there in the real world. It is sometimes pretty easy to lose contact. And so, for your edification, I present a little rollcall of examples of the pervasiveness of this whole situation. Granted, this is just a taste of things. The whole story would curl your hair without a comb:

FOREIGN TAKEOVERS

Numerous other bills to restrict imported capital remain dormant in the House with little likelihood of revival this congressional session.

ANOTHER LOOK INTO INVESTING

The *General Accounting Office* (GAO), the independent audit arm of Congress, launches its own research effort into foreign investment situation in this country. Accountable only to Congress (not the Executive Branch), the agency audits Federal Departments and Agencies, as well as studies cost-effectiveness of Government programs. Many GAO research projects are requested by Congressmen or Committees, others are internally generated. According to GAO, their present study of imported capital is self-initiated. Results of the study may or may not be made public.

MORE ARAB ITEMS

Mid-East oil investments still have not surfaced in the US in the expected volume. These items, however, are reported:

Triad Holding Corp., a Luxembourg umbrella for Beirut-based *Adnan Khashoggi*, an Arab-born international financier with *Saudi Royal Family* connections, buys $9 million in stock of *Arizona-Colorado Land & Cattle Co.* The Phoenix-based firm is an integrated agri-business and natural resources holding-development company. Arizona-Colorado say Triad's involvement "is our company's first step toward agricultural development of the Arab nations."

A study by New Orleans-based *R. L. Siegel & Assoc.*, a realty research firm, predicts $2 billion from oil-rich Mid-East nations will flow here this year, mostly into real estate. The bulk of the funds will buy apartment houses, retail properties, hotel and resort complexes in the East, Midwest and South. Siegel thinks few, if any of these projects will be developed or managed by the Mid-Easterners. "These offshore investors need the expertise of the American developer who can put the entire package together for them," he says.

An international realty investment syndicate controlled by *Iranians* has bought large Ozark land tracts along the Arkansas-Missouri border, according to a Rogers, Ark. realtor. The group now negotiates for 2100 acres of grazing land for investment purposes, not developments. The Persian investors are headed by an Iranian naturalized-US citizen living in Illinois.

An unidentified Kuwait buyer makes a multi-million-dollar offer for 15,500 acres of New Mexico rangeland according to *Previews Inc.*, the US realtors famed for international deals in luxury properties.

HEADLINER UPDATES

Communities all over the nation hope that they will be chosen as the site for the new Volkswagen plant, now that the long-stalled decision for a US facility has been made by the W. Germans. Michigan newspapers claim that state is a front runner. Ohio articles say the same things; as does St. Louis, Mo.; Davenport, Iowa; and Cobb County, Ga. Almost every state, plus hundreds of local industrial development groups approached VW over the years. At stake: a $1.5 billion facility investment employing 10,000 workers.

NY's Franklin National Bank, 22% owned by Italian financier Michele Sindona, gets $250 million support loan from eleven other NY banks in sustained rescue effort backed by Federal Reserve. Government feels Franklin is solvent (resources exceed liabilities), but suffering from cash flow problem triggered by $39 million loss in mismanaged foreign exchange trading. Investigations multiply. More changes in bank's management foreseen. Takeover by larger bank likely answer to crisis. Meanwhile, due to huge customer withdrawals, Franklin slips from 20th to an estimated 36th ranking among nation's banks since mid-May when liquidity problems revealed. More to come.

Shareholders of Ronson Corp. of Woodbridge, N.J. won't know the outcome of the proxy fight to control their company by Liquifin AG of Liechtenstein for another two weeks. The proxy votes were impounded at Ronson's annual meeting June 13th and the results will be announced June 27th. Liquifin, subsidiary of Milan, Italy's Liquigas SpA, owns 36% of Ronson, but is attempting to elect six of the 7-member board. The year-long, bitterly contested takeover bid has many issues still to be settled. The biggest issue could be settled June 27th.

Swiss-based Accident & Casualty Insurance Co. of Winterthur finds takeover bid for Chicago's ailing $4.6 billion CNA Financial Corp. turns into a 3-way corporate brawl with NY's Loews' Corp. CNA, which originally welcomed Winterthur offer, now fights any attempt for the Swiss firm to gain any more than 20% control. CNA also fights Loews' bid for 15% control. Many lawsuits filed, Illinois regulators, State Legislature also involved, even the SEC investigates. Outcome confused. More to come.

Certain-Teed Products Corp., a Pennsylvania building-materials maker, 35% owned by France's St. Gobain-Pont-a-Mousson, an industrial conglomerate, runs into financial problems because of mis-management by a Certain-Teed subsidiary: Valley Forge Corp. Certain-Teed moves to protect itself, sets up a $27 million reserve fund to write off losses by Valley Forge. Adding to Certain-Teed's troubles is the loss of its favorable financial rating on $60 million of outstanding commercial paper by Moody's Investor Service.

NEW MANUFACTURING

Fukaishi Group of Japan opens US HQ in Atlanta, Ga., for planned $20 million investment in mushroom growing operations that will ultimately be franchised. Fukaishi also buys a 5-acre industrial site with building that will be expanded in nearby Griffin, Ga. where waste plastic recycling operations will soon start up.

Yamazaki Machinery Co., NY-based importing unit of Aichi, Japan's Yamazaki Tekkosho KK, maker of machine tools, builds a numerical control equipment assembly plant in Florence, Ky. near Cincinnati, which will employ 40.

Nissan Motor Co., producer of Datsun cars and trucks, builds its third US pickup truck assembly plant in Jacksonville, Fla. with a capacity for 24,000 units a year. The firm already makes 30,000 trucks yearly in Los Angeles and Seattle plants.

YKK Zipper Co., US unit of Tokyo's Yoshida Kogyo KK, one of the world's largest zipper and fastener makers, expands its Massachusetts' operations by moving into a new Marlboro manufacturing-distribution center from previous quarters in Natick.

Noritake Co., US unit of Nagoya, Japan's Nippon Toki KK, world famous porcelainware maker, joins with Thailand investors to manufacture ceramic substrates for electronic integrated circuits in Savanah, Ga. under the name Siam Electronics Ceramics Co.

Sekisui Products Inc., US unit of Osaka, Japan's Sekisui Kagaku Kogyo KK, plastic products producer, builds a polyethylene production plant in Linden, NJ.

Shell Chemical Co., Houston, Tex. unit of Royal Dutch-Shell, the joint Dutch-British international oil group, expands its Marietta, Ohio polystyrene plant to double production to 300 million pounds yearly.

TAKEOVERS

Sala International AB, Swedish mining and metallurgical equipment maker, buys Magnetic Engineering Assoc. Inc., Cambridge, Mass. technical services firm for an undisclosed sum. Sala is a subsidiary of Boliden AB, Swedish multinational mining firm with 1973 sales of $350 million.

Arboga Machines of Sweden buys Homestead Machine Tool Corp. of Norwalk, Conn., its US sales outlet for geared-head drilling machines.

Scottish & Newcastle Vintners, Ltd., a unit of an Edinsburgh, Scotland brewing concern, buys Simi Winery, a privately held Healdsburg, Calif. vintner for an undisclosed, but estimated multi-million-dollar amount.

J. Lyons & Co., London-based food processing, hotel and restaurant firm, converts its corporate bond holding into 47% controlling interest of Chicago's TFI Cos. stock. TFI is a food and beverage processing concern.

A Swiss watch firm, Societe Suisse pour L'industrie Horlogere (SSIH), maker of Omega and Tissot timepieces, increases its minority holdings to 83% ownership of Hamilton Watch Co., Lancaster, Pa., a unit of EMW Industries, a watch and silverware concern of Stamford, Conn. for $2.4 million.

Contraves AG, Zurich, Switzerland electronic instrument firm, agrees to buy Pittsburgh, Pa.'s Goerz/Inland Systems Div. of Kollmorgen Corp., Hartford, Conn., an electronics manufacturer, pending Federal approval. The new owner will continue the present Goerz business, which is selling Contraves high technology aerospace instruments in the US.

Nestle Alimentana SA of Switzerland, which is increasing its stake in Libby, McNeill & Libby, Chicago food firm from 56% to 62% will sell off part of LML's frozen food business to two co-packer US firms due to poor profits.

General Anastasio Somoza Debayle, former Nicaraguan President who is rerunning for that office, buys 10% of the Rucker Co., an Oakland, Calif.-based oil-equipment supplier for approximately $3 million.

BANKING

Fuji Bank Ltd., Tokyo, Japan's third largest, seeks an expanded services office in NY. Also filing there to open a subsidiary branch is the Industrial Bank of Japan Trust Co., that nation's sixth largest. Both banks have NYC agencies which may engage in commercial activities, but cannot accept deposits.

February's Inside USA Report noted unidentified foreign investors as buying the small $23 million Ahmanson Bank & Trust Co. of Los Angeles, the commercial unit of HF Ahmanson & Co., holder of California's giant Home Savings & Loan Assn., the nation's No. 1 S&L. Now the buyers are revealed as a Taiwanese investor group represented here by former Sen. George Murphy. They will pay $2 million over book value or $8 million for AB&T Co.

Federal Reserve proposal to control foreign banks continues to draw fire from international bankers. AF Tuke, head of UK's Barclays Bank, world's fourth largest, says foreigners see Fed plan as discriminatory rather than effort to put overseas banks on an equal footing with domestic banks. He warns Fed's restrictions could boomerang against US banks overseas. JRM VanDen Brink of the Amsterdam-Rotterdam Bank views the proposals as a setback for global banking. NY's giant First National City Bank head, WB Wriston, sees best solution as allowing US banks to branch across state lines, rather than banning multistate foreign banking. He argues nationwide banking already exists through department store chains, credit cards and financial companies. Wriston says the top three retailers have 60% more credit outstanding than the three top banks. Meanwhile, Fed Reserve consults with foreign central bankers on final form of legislation they will seek from Congress, perhaps later this Summer.

Meantime, a bill pends in California legislature to permit reciprocal banking with other states. Observers give it little chance this session. Similar NY reciprocal banking bill is snagged in committee. Texas Constitutional change convention vetoes multistate banking proposal before it even gets to voters.

RUMOR DEPARTMENT

Barclays Bank says "no" to rescue takeover of NY's ailing Franklin National Bank, but two other big British banks are also seen as candidates to bail out faltering US bank. National Westminster Bank and Midland Bank, the UK's second and third ranking, could possibly salvage Franklin without creating antitrust problems.

Japanese investment stresses southeastern US projects where an expert Nippon official describes the region as being "cheerfully conservative" and "tremendously enthusiastic" regarding further development. Japan has many investment plans for textile, electronics and other assembly plants for the Carolinas, Georgia, Alabama, Mississippi and Florida. The official hints Japan also has a "definite interest" in the possibility of a deep sea oil port off Georgia's coast.

Fuji Spinning Co., NY subsidiary of Tokyo's Fuji Boseki KK, one of Japan's leading textile concerns, seriously studies sites for a new yarn spinning mill in the South. Curently under consideration are several locations in Mississippi and Georgia.

DEATH IN ATLANTA: TRAGEDY, ONCE AGAIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. RANGEL. Mr. Speaker, it seems that senseless violence strikes at only the very best among us. Today, we mourn the death of Alberta Williams King, shot and killed Sunday on the pulpit of the Ebenezer Baptist Church in Atlanta.

Mrs. King was a quiet American. She remained aloof from the speechmaking, marching and ultimate national prominence that could have been hers. She sought only to live a good, Christian life and help raise the children of her slain son, Martin Luther King, Jr.

On June 30, 1974, she died the American death, by means of insane violence. What can one say?

NATIONAL SOARING WEEK—JULY 1 TO 7

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ROBISON of New York. Mr. Speaker, today, I join with my colleague, Congressman James Hastings, of New York, in introducing a resolution proclaiming the week of July 1 through 7 as National Soaring Week. It is fitting to note that the birthplace of soaring is Elmira, N.Y., which I formerly represented here in Congress and which is now represented by Congressman Hastings.

I am including for the information of our fellow Members of the House and the Senate, an article on soaring so that all may have a better understanding of this exciting sport and join with us in commemorating National Soaring Week:

Try a Soaring Adventure

Nearly 20 years ago my seniority had finally inched upwards to the point where I bid and was awarded one of the much sought after one-day trips, monthly blocks of time. Great balls of fire; what more could you ask for? One day on, two days off, home every night and each workday scheduled for 7:59 flying time.

The one-day trip did have a few modest disadvantages though. First, it was scheduled in DC–3s that were not exactly in new-yacht condition. Secondly, the routing of Washington-Baltimore-Harrisburg,Williamsport - Elmira - Rochester-Buffalo-Erie-Pittsburgh-Washington between 6 a.m. and 5 p.m. gave one an excellent view of the Allegheny mountains, pilots' graveyard-like effect and generally the lousiest weather in the U.S.

In the winter you pumped prop alcohol and froze; and in the summer, you flew either with the side window open or the rain apron over your lap. It was during one of these exciting mail and/or milk runs that the left Wright R–1820 banger gave up the ghost in Elmira, N.Y. There, I was inadvertently introduced to two of America's leading sailplane pioneers and foremost sailplane manufacturers, Ernie and Paul Schweizer, and my soaring-sailplane hobby was launched.

Over the years I met many airline pilot members of the soaring fraternity and learned that the answers to the question "Why do airline pilots take up soaring?" are as numerous and varied as there are airline pilots who fly sailplanes. Some of the most oftheard reasons are:

(1) Psychotherapy! Any airline pilot who spends a considerable amount of his life sitting in the cockpit, number 10 for take-off at La Guardia, JFK, Washington National, O'Hare, etc. breathing the fumes of 30 or

50 JT-9D engines ahead of him deserves a hobby that is somewhat different.

(2) The opportunity to use and increase skills already possessed (a somewhat esoteric reason and one the Internal Revenue Service might disagree with if you try to deduct the modest training expense).

(3) The challenge of beating/understanding "Mother Nature" at her own game through skill and cunning (this is a good reason and most likely one of the leading instigators for so many taking up this sport).

(4) The joy of flying like a bird; no muss, fuss, or nasty engine juices to pollute your auditory or olfactory nerves (this is called the Jonathon Livingstone Seagull Syndrome).

(5) The camaraderie of a first class sailplane-soaring club (there are many of these located throughout the U.S., most logically near major metropolitan areas where you will find many professional people just like yourself who are a real pleasure to know).

(6) The competition involved in a local, regional, or national soaring contest (many of these occur throughout the U.S., which give those competitors who have the urge to win the chance to pit their skills against the best in the U.S., and if good enough, against the best in the world as part of the U.S. team in the World Championships).

(7) Just plain curiosity.

SOARING TIPS

Unless you fly for Bazooka Feeder Airways and are based at Miasma, Ky., the chances are that your pilot base is a major metropolitan city, almost all of which have a soaring center nearby.

The average (which does not exist) airline pilot can easily solo a Schweizer 2-22 or 2-33 sailplane after two or three dual instruction flights depending upon how current you are in truly light aircraft. Though they may be light in your vernacular, Lear Jets, Bonanzas, and Beech Barons do not count.

What really counts is current time in Piper J-3s, PA-12s, Super Cubs and other motorized kites under 900 pounds that have stalling speeds around 35-40 MPH. If you have not flown one of these for a while, go back and recheck out as it will hasten your sailplane solo, make it more fun and probably eliminate any embarrassment on those first few sailplane flights.

The time of year and existing weather are important considerations in deciding when to take the sailplane plunge, even if your only reason for doing so is curiosity. If you pick a cold dark day with no possibility of lift, thermals or otherwise, you are going to be greatly disappointed; and probably, after your first solo, give up the whole thing as a bad trip and waste of time that was as much fun as flying the old blue-and-yellow Link trainer.

Do not be misled by the eager local Glider CFI who wishes to fill that empty seat with you on that dark day as I assure you, you will be disappointed. As a professional airline pilot flying 70-80 hours per month you will not enjoy the thrill of being towed up 3,000 feet only to land 10 or 15 minutes later at the same spot where you started.

Flying a sailplane when there is no lift about is actually much worse than sitting on a sailboat when there is no wind. On the sailboat you can at least play cards. In your sailplane all you do is run up your tow plane bill. I have checked out a few of my airline pilot friends on days like this and to a man, they never came back again.

CHECKOUT FLIGHT

Come with me on a typical airline pilot check-out ride in a Schweizer 2-22 or 2-33 sailplane. It is a comfortable, high-wing, medium-performance trainer that is so stable and forgiving that even 14 year olds (minimum age for gliders) solo it after a few hours dual.

We will assume you have studied FAA regulations on gliders and memorized the glider patterns and IP (initial point) altitude for the airport we are using. Our calculated adjusted runway length required today is 800 feet. Vr will be 45 MPH and we will be flying high slot formation on a 300-foot tow line behind a Super Cub.

After a two-minute walk-around inspection, we check the wing spar attachment pins for being in and locked. This is necessary as its last landing might have been in some pea patch where the wings were removed and the sailplane trailered home.

Getting in the front cockpit you will be struck by the lack of instrumentation. There will be an airspeed indicator (reading down to 30 MPH), a sensitive Kollsman altimeter, and a rate of climb indicator plus possibly a more-sensitive pneumatic variometer with two tubes; one with a red ball (down) and the other wtih a green ball (up). That's all.

Our tow plane warms up and taxis about 200 feet in front of us. Seat belts and shoulder straps locked, a helper snaps on the tow line and waits for you to check the release. You pull the release. Yep, it works. He refastens and holds the slack line above his head so the tow pilot can see it in his rear view mirror and taxi ahead till taut. Our helper walks over to the wing resting on the ground and lifts it level. The tow pilot waggles his rudder, "Are you ready?" You waggle your rudder and ailerons, "Yes" and off we go in a cloud of grass seed.

The ailerons bite at about 5 MPH so you have no trouble holding your wings level. The tail comes up at about 10-15 MPH by itself allowing the Super Cub tow plane to accelerate speedily to 40 MPH where a gentle back pressure rotates us at about 45 MPH.

We hold 3-5 feet altitude till the Cub is climbing, and then try to fly slot formation with him by setting up a sight line so that the top of his rudder lines up exactly with the center of his overhead window directly behind his top-center windshield.

This being your first sailplane formation flight you sashay up and down, and left and right a bit until you get the feel of this machine, whose heading is totally dependent upon the whims of that Super Cub driver.

Just as soon as you have mastered flying straight ahead, he will start a turn to the left that blows the whole thing. We sashay some more until you find your optimum slot for a climbing turn.

After four to five minutes, to your relief, you reach 3,000 feet and pull the tow release which yields a giant "pop." You bank right in a slight climb to bleed off airspeed to minmum sink speed of about 45 MPH. The first thing you notice is the quietness. You do a couple of left and right stalls, losing as little altitude as possible. If you thought it was quiet when we released from the tow plane, it is like an anechoic chamber during the stalls . . . dead silence. The farmer 2,500 feet below us on his tractor is the one making the noise.

Before we took off we agreed upon a specific IP check point and minimum altitude there for entering the pattern. On this first flight we circle moderately whenever we're in lift, not trying to set any records. Your main job, after minimal airwork to get the feel of the ship, is to get us to the IP.

Today, this is easy as we towed upwind and picked up 5-10 minutes of thermal lift, which is going to give us almost optimum 40-45 minute block-to-block flight. You already know how to fly like an eagle. All you need is a little practice to fly like a seagull.

You reach the IP at 1,200 feet, coast on downwind leg to 1,000 feet, turn base to 800 feet and then straight in on final, holding 60-65 MPH all the way. Depending on the wind down the field, you deploy your spoilers (negative thrust) to put us right on the spot for a perfect landing. Pull the spoiler handle even harder, you actuate the single wheel brake and we stop exactly at the limed white line in the grass where the sailplane launch began. Hand operated spoilers are what make most sailplane spot landing contests so close. Even the novice can hit a spot within a few feet.

We do the same flight one or two more times, but add a little thermal centering. Where did it go? Which wing rose first? Thermal search pattern. If we were lucky or we chose the right kind of day for your sailplane introduction, we caught at least one real boomer bubble of rising hot air and rode it almost up to cloud base. No fog flying, please. We do not even have an electric turn and bank in this training sailplane. If the thermals have been kind to us, you probably now have at least two hours dual to your credit, can do any maneuver (except snap rolls) that an AT-6 can do, have confidence in your energy management technique (that's what soaring is all about), and are ready to launch into the wild blue by yourself. Good luck, stay up-wind of the field and keep your head out of the cockpit.

A few suggestions about purchasing sailplanes:

Rule One: Don't for your first year.

Rule Two: Join a club first. Every major metropolitan area has one or more.

Rule Three: Remember, a sailplane requires a tow plane, a tow plane pilot, a trailer and ground crew for cross country; the smallest consortium that should try to "roll their own" sailplane and tow plane is five. Fewer won't work and more are too many unless they're airline pilots with varied schedules.

Rule Four: When you do decide to buy your own sailplane, do not purchase an exotic foreign-built craft as the certification, spare parts and annual inspections will drive you nuts.

Rule Five: Used sailplanes are like used cars: that is, in most cases, "bad news." Unless it was owned by your mother or brother you will never know how much body putty lies beneath that sparkling paint job or how long it sat in the rain or which tree top or mountain ridge it made an unscheduled landing on. A good competition 1-26, 1-34, or even 1-35 with trailer can be had for between 6 and 11 big bills.

Good luck, and may your soaring days be filled with lots of lift and Zero Sink.

THE ILLUSION OF AN AMERICAN HEALTH CARE CRISIS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. CRANE. Mr. Speaker, those who seek to impose upon us a system of nationalized medical care repeatedly state that there is a "health care crisis" in the United States.

The fact is that the overwhelming majority of Americans at the present time are protected against major health expenses. As of 1970, 164 million persons under 65—89 percent of the total—had some form of protection against medical costs. About 140 million Americans, it is estimated, have some protection well above the minimum. Those over 65 are covered by medicare, and the indigent are covered by medicaid. Clearly, the "need" for a national health insurance system does not exist.

Beyond this, it is clear that the health of the American people is improving at a dramatic pace. Consider a number of serious diseases and the number of deaths per 100,000 population from these diseases in 1900 and in 1970.

In 1900, the death rate for measles was 13.3, in 1970 it was 0.1. The death rate for diphtheria was 40.3 in 1900 and 0.0 in 1970, for whooping cough the 1900 rate was 12.2, the 1970 rate, 0.0. For dysentary the rate was 12.0 in 1900 and 0.1 in 1970. For tuberculosis 194.4 in 1900 and 2.7 in 1970.

In his important book, "The Case For American Medicine," New York Times correspondent Harry Schwartz states that:

> Against this background the question of how one can seriously speak of a health crisis recurs in the early 1970s. Perhaps the kindest answer is to refer to the revolution of rising expectations. A population exposed to incessant publicity . . . about the miracles of modern medicine takes for granted the enormous progress of the past and even of the present and wonders why anyone should be sick, or even why anyone should die.

On May 31, 1974 Marvin Edwards, the distinguished former editor of Private Practice magazine and author of the book, "Hazardous To Your Health," concerning the failures of socialized medicine, testified before the House Ways and Means Committee.

In his testimony, Mr. Edwards disputed a number of claims made by the proponents of nationalized medicine. One relates to the alleged "doctor shortage." The conclusion that the United States needed 50,000 additional physicians was, declared Mr. Edwards:

> Based on a number of somewhat ridiculous predicates—for example, the belief that it was necessary to produce a surplus of doctors to enable us to loan medical personnel to underdeveloped nations. Today the Department of Health, Education, and Welfare warns that we may instead face a doctor surplus.

We were told, Mr. Edwards points out, that:

> There was a maldistribution of doctors, so the Johnson Administration appointed a Presidential Advisory Commission on Health Manpower, and learned that 98 percent of the population lives within 15 or 20 minutes of a major health center.

Mr. Edwards declares:

> Today no serious student of health care in the United States believes there is a health crisis.

A problem which does exist, Mr. Edwards notes, is:

> The increase is cost . . . a direct result of the inflation caused by excessive federal spending, and in the case of increased hospital costs since 1965, due in part to the Medicare and Medicaid programs.

Mr. Edwards' solution: a tax credit for the money individuals spend for health, not socialized medicine.

I wish to share with my colleagues the testimony of Marvin Edwards before the House Ways and Means Committee on May 31, 1974, and insert that testimony into the RECORD at this time.

TESTIMONY OF MARVIN H. MICKEY EDWARDS

My name is Marvin H. Mickey Edwards. For five years I was editor of Private Practice magazine, and more recently was employed as a consultant on health care legislation to a number of members of the House of Representatives. I am the author of the book "Hazardous to Your Health," which explores the allegations of a health care crisis in this country and reviews the results of national health care programs in this country and abroad. I am a director of the American Conservative Union, and to the extent that my views coincide with the published views of that organization, I speak today in its behalf. I am not a physician and to the extent that my testimony reflects a segmented viewpoint, it is the viewpoint of what has come to be known as the medical consumer, although I still think of myself, when I enter my doctor's office, as a patient rather than a buyer—and I hope he thinks of me that way, too.

If I speak for anybody other than myself, it is for my family, my friends, all of the people I love and who will be adversely affected by some of the health care proposals which have been produced by members of Congress. Unlike so-called consumer advocates, who also represent small segments of the population, but pretend to speak for all, I will not let myself have the luxury of making such a claim.

Gentlemen, let me begin by suggesting that in the continuing debate over alternative methods of delivering and financing health care, not all of the available options are being given full and fair consideration.

I have frequently heard discussions of the various health care options, and they usually cover the entire spectrum from A to B. In other words, federal involvement on a major scale or federal involvement on a less major scale. National Health Insurance Plan A, National Health Insurance Plan A revised, or National Health Insurance Plan A minus.

Well I would like to offer a novel idea for your consideration: an option C. That new alternative, seldom considered, is the current health system—a system of free choice, private and personal care, and proven high quality.

The debate over national health insurance is a good example of a proposed solution living on for years, on its own momentum, long after the so-called problem has ceased to exist.

What got all of this started, several years ago, was the insistence by some members of the society that the United States was in the midst of a health care crisis. As is frequently the case, such charges are quickly accepted and become the accepted wisdom of the day. Today the campaign for national health insurance, as an answer to that crisis, lives on past the general recognition that the crisis itself was non-existent.

Obviously in such a short time I cannot provide the documentation necessary for what I am about to say. This committee will be provided with a more extensive written statement and with citations to sources. For now, however, let me only make these observations.

One aspect of the alleged health crisis was the insistence that there existed in the United States a major doctor shortage—a shortage of 50,000 physicians was the figure in vogue, I believe. That conclusion was based on a number of somewhat ridiculous predicates—for example, the belief that it was necessary to produce a surplus of doctors to enable us to loan medical personnel to underdeveloped nations overseas. Today the Department of Health, Education and Welfare warns that we may instead face a doctor surplus. Who can know if that is true, either?

But it is clear at least that there is no major shortage of doctors in this country, and in fact the number of physicians in the United States has been increasing three times as fast as the population and the United States has more doctors per capita than any of the major European nations to which we are so frequently compared.

We were told there was a serious maldistribution of doctors, so the Johnson administration appointed a Presidential Advisory Commission on Health Manpower, and learned that 98 percent of the population lives within 15 or 20 minutes of a major health center. And a study by Hillsdale College in Michigan revealed that most of the counties without private physicians have extremely small resident populations. For example, there is one county in California without a private doctor, and that county has fewer residents than were in my high school graduating class.

We were told there was a serious infant mortality problem, and then learned that the sourcebook for the allegation plainly stated that the infant mortality statistics listed for this and other countries were not comparable due to variables in the reporting systems.

Today no serious student of health care in the United States believes there is a health crisis—but the campaign goes on.

I would submit that if there is any problem it exists not in care or its availability, but in its cost—and the increase in its cost is a direct result of the inflation caused by excessive federal spending, and in the case of increased hospital costs since 1965, due in part to the Medicare and Medicaid programs. Nearly 90 percent of the American population has private health insurance, and although most of the policies they hold do not cover catastrophic expenses, the incidence of catastrophic loss is quite small—less than one percent—and private major medical insurance is available at low cost.

I acknowledge that today's insurance policies do not cover the entire cost of many illnesses—but that was not always the case. It is not that the policies are deliberately or inherently inadequate, but that there is no way insurance or anything else can keep up with the unbelievable rate of inflation which will persist until Congress stops debating whether it favors a $40 billion program or a $70 billion one, and instead holds down its own spending and allows inflation to subside.

There are great dangers in the course of seeping political solutions to politically-caused problems. No health expert today will deny that the Medicare program has been an expensive failure. No person familiar with local and state financing will deny that the Medicaid program has driven state after state to serious financial problems. No student of the involvement of government into health care can avoid the fact that under the British system, which some of our politicians want to emulate, there were no new hospitals built for 14 years after the National Health Service was inaugurated. They cannot escape the fact that British doctors left practice by the thousands. They cannot explain away the fact that there were soon long waiting periods—sometimes more than a year—for non-emergency hospitalizations, and more than 100,000 people on hospital waiting lists.

Compare that record with the United States where most patients can get into a hospital within a couple of weeks at the most, and often in a single day. Compare the waiting lists in Britain with the fact that in the United States there are usually hundreds of thousands of hospital beds available on any given day. Abundance is our strength; scarcity is the inevitable result of government medicine.

And consider the fact that when a third party pays for health care, instead of the patient, doctors soon become flooded with people who don't really need their care, and have little time for patients who are truly sick, as evidenced by the experiences of the Kaiser-Permanente system.

In conclusion, let me make this suggestion to you. If you are truly interested in seeing to it that Americans can more easily afford the cost of health care, there are two things you can do.

First, of course, you can stop spending so much of our money. For every dollar you spend, we must pay something either in higher taxes or increased inflation. That leaves us less money to pay for our health care, and makes that care more expensive.

Second, you can consider a different kind of legislation. Every American taxpayer would have more money available to meet even inflationary costs if so much wasn't taken away from him by the tax collector to pay for your spending. So I propose that if you really want to help him, you can require a change in the tax laws to permit tax credits for money spent on health care, i.e., after a taxpayer computes his income tax, without deductions for health care or insurance, he simply subtracts from the bottom line whatever he spent during the year for health care, health insurance premiums, catastrophic or major medical premiums, preventive checkups, etc. This, of course, also encourages the taxpayer to take the preventive measures so many members of Congress have been concerned about.

If the taxpayer owed, after all other computations, a tax of $2,000, and he had spent $700 on health care and insurance, his tax bill would be reduced by $700 and he would owe $1,300 instead.

I realize that proposal lacks the complexity which so endears legislation to the bureaucracy, and because the money will never come to Washington in the first place, it will eliminate the need for a number of bureaus, agencies and expensive middlemen. Nonetheless, I believe it has merit.

Gentlemen, ask not what the taxpayer and patient can do for political theory, ask instead what his country can do to take the tax burden from him. Thank you.

LEVEL OF MEAT IMPORTS DOWN—NO REASON TO IMPOSE QUOTAS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. VANIK. Mr. Speaker, on July 1, the Department of Agriculture released its third quarterly estimate of the level of meat imports covered by the Meat Import Quota Act of 1964. These latest statistics show a dramatic decline in the level of imports—and disprove the claims by American cattlemen that a reimposition of the quota is needed. As Acting Secretary J. Phil Campbell noted:

> The current situation in the U.S. livestock industry is not the result of an increase in imports of meats subject to the law.

Following is a table, prepared by the Department which shows the level of imports during the past 3½ years. As the figures clearly show, the level of imports is expected to decline dramatically this year.

LEVEL OF MEAT IMPORTS

[In millions of pounds]

Month	[1] 1971	[1] 1972	[1] 1973	1974
January	83.4	86.9	106.2	118.0
February	65.1	80.8	98.4	82.3
March	88.4	75.4	88.3	104.9
April	86.2	105.4	97.0	91.4
May	76.8	107.9	113.0	80.6
June	101.0	106.4	91.5	--------
July	94.4	106.8	106.0	--------
August	104.9	164.6	153.7	--------
September	158.6	163.8	110.3	--------
October	80.4	145.2	150.0	--------
November	63.2	119.0	130.0	--------
December	130.3	93.4	109.1	--------
Total	1,132.6	1,355.5	1,354.4	[2] 1,210

[1] Rejections which occur after entry is made are included in the published census figures and amounted to 21,000,000 lb for 1971, 17,800,000 lb for 1972, and 18,400,000 lb for 1973.

[2] Estimated.

Note: Totals may not add due to rounding.

The problems facing American cattlemen are caused by domestic prices which are too high. Their problems are not due to imports. Imports constitute only 8.5 percent of total American beef consumption. Yet imported meats are generally lower grade cuts—the type of meat used in processed foods, hamburger, and sausage. To further restrict the level of foreign meat imports would be to eliminate low-cost meats from the American dinner table. It would be a restriction that would be felt by the low income, the elderly, and those with large families. To further restrict the level of meat imports would be one of the most anticonsumer actions which this Congress, or any Congress, could take.

I urge the Secretary of Agriculture to continue the suspension of the meat import quota law so that the maximum amount of low-cost meat may be available to the American consumer.

THE EADS BRIDGE AND THE INCOMPARABLE MR. EADS

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. SYMINGTON. Mr. Speaker, I would like to call the attention of my colleagues to the fact that July 4, 1974 not only marks the anniversary of our independence, but is also the centennial of one of America's foremost engineering and construction achievements—the Eads Bridge over the Mississippi River at St. Louis.

The St. Louis community and its congressional delegation have been cooperating in an effort to encourage the U.S. Postal Service to issue a stamp commemorating the Eads Bridge and the remarkable man who built it, Capt. James Buchanan Eads. I would like to share with my colleagues at this time an article "The Eads Bridge and the Incomparable Mr. Eads" written by Mr. Joseph E. Vollmar, Jr. Mr. Vollmar is a constituent of mine and president of the Engineers' Club of St. Louis, which was founded over a hundred years ago by engineers working on the Eads Bridge.

The article follows:

THE EADS BRIDGE AND THE INCOMPARABLE MR. EADS

(By Joseph E. Vollmar, Jr.)

It would take a spectacular show to beat fireworks down on the levee on the second of July, but James Buchanan Eads was just the man to present it.

His great bridge spanning the Mississippi was finished at last, and he wanted to prove it wouldn't fall down. He had invited everybody in St. Louis to the show.

But by the 1870's one of every four bridges was falling; and before the decade was over, more than forty a year would collapse. Would his bridge fall this day?

Many sensible people thought so. It was almost eerie the troubles the self-proclaimed engineer had had in the seven years it had taken to build the bridge: unbelievable political and financial wrangles, shipwrecks, ice storms, tornadoes and fourteen men strangely dead from "caisson disease". Was Eads' fantasy heroic or a monumental folly? If foolish, it was going to be catastrophic this day—July 2, 1874. Captain Eads had arranged the spectacle himself. Fourteen fifty-ton locomotives, their tenders filled with coal, water and daredevil passengers, were lined up to cross to the Illinois side. First seven were to go in a sort of warm up, then fourteen with seven on each track and finally the whole lot in one mighty, chugging pull.

Thousands stood on the banks and upper roadway of the bridge and on the waterfront. They gaped as the engineers started up, their engines noisy and eager. Suddenly, one engineer reversed his engine, and the wheels of his locomotive spun in reverse. The onlookers gasped as the balky locomotive was literally dragged across the bridge by the momentum of the other locomotives.

The bridge did not fall.

It was a miracle to the spectators. But to Eads, it was only a flourishing finish to the job he had set out to do. "Must we admit that because a thing never has been done, it never can be?" Eads had asked a convention of twenty-seven engineers on August 20, 1867.

Now, "seven years and seven million dollars later", as tongues wagged, the St. Louis Bridge was the world's first alloy steel bridge and, in fact, the first important construction of any sort in steel. It was also the biggest bridge of any type ever built up to that time. It was the first to use tubular chord members and the first to depend, in the building of the superstructure, entirely upon the use of cantilever, with no false works employed. It was the first, important use, and the deepest, of compressed air in America. And the caisson that Eads sank for his East Abutment foundations remains nearly one hundred years later the deepest at which compressed air workers ever have worked.

In his remarks before President Ulysses S. Grant on the official day of dedication two days later, Captain Eads spoke of his own claim and certainty that the bridge would endure. He said that people had commented that he must be relieved to discover his bridge was sound. "But I felt no relief," he said, "because I felt no anxiety." As much as any man who ever lived, he was the right man for the right job at the right time.

Slight but muscular "Captain" James Buchanan Eads, whose cousin would become President, had earned his title in a lifetime of hard, onerous work on and in the river. As a thirteen-year-old, he had arrived with his parents from Indiana via Louisville, the steamboat having literally burned beneath them on the day of their arrival in 1833. While his genial but destitute father moved on to the new town of Parkhurst, Iowa, young James sold apples on the riverfront, then went to work for a drygoods merchant to help his mother out. It was the merchant, Barrett Williams, who provided books, particularly textbooks on mechanical engineering and the design of boats, that Eads studied.

At nineteen, James signed on with the "Knickerbocker", a steamboat in the Northern lead trade, as the second clerk. This boat, too, sank upon being ripped open by a snag in the river; and the young man decided that the Mississippi River bottom was a storehouse of treasures simply waiting to be salvaged. He designed a boat with twin hulls, derricks and pumps and offered a part of a business in salvaging to two young shipbuilders who would make it for him, St. Louisans Calvin Case and William Nelson. Though the boat was certainly different than other river craft, James Buchanan Eads was, nevertheless, its "captain".

The river beds were every bit as fascinating as the riverfronts and Eads, in what he called his "submarine," found sunken boats in the Cumberland, the Tennessee, the Ohio and Missouri, as well as his native Mississippi. All of this cargo he disposed of for profit and his prospects seemed good.

But neither he nor his prospects looked very promising to arrogant Colonel Dillon, whose daughter, Martha, James wanted to marry. The young suitor sold his business to venture into glassmaking but was beset with petty crises. Pots broke, whole batches of glass were ruined, his men quit, and his glassware, considered a luxury, didn't sell during the recession. In 1848, he borrowed fifteen hundred dollars, bought back his share in the "submarine" and returned to the river to dive for shipwrecked cargo.

Years later, after Martha had died of cholera, and he had remarried the widow of a cousin, Eunice Hagerman Eads, he grew prosperous as the captain of seven submarines. He retired to Compton Hill and a palatial house he built. During the Civil War, he used his knowledge of the Mississippi and his experience at boat design to engineer the first ironclad gunboats. Though others had also designed ironclads, it was Eads' monitors that were the best of them, opening up the Confederate-held lower Mississippi to commerce again.

A small bridge company was organized in 1866 and James Eads was chosen Chief Engineer because of his intimate understanding of the Mississippi, and particularly the river bed. Other pilots could read the surface skillfully for menacing, hidden snags and bars but only Eads knew the fluid, shifting, treacherous bed. He had seen the depth change from 20 to 100 feet at obstacles in the bottom as the result of the scouring action of currents. For more than thirty years, he had watched the river rise and recede as much as 41 feet, ice floes pile up to a depth of 20 feet and tornadoes strike like giant fists.

The controversial blueprint was of a bridge with three spans supported by four piers. Three of these piers would rest on bedrock and the fourth on metal spikes driven into the rock. Two of the spans were to be 502 feet with the one in the center, 520 feet. Three arches of steel between the piers would be erected by cantilevering. No other falsework would be used, and therefore river traffic could move freely during the building.

The Chief Engineer and his assistants, Colonel Henry Flad and Charles Pfeiffer, sank a cofferdam on the site for the West Abutment. Of two courses of sheet piling, it was a box-like structure driven down through the sand bed of the stream to bedrock, a depth of 47 feet below "high water", the height of a memorable flood of 1828. One course of the sheet piling was inside of the other with a six-foot margin between, a box within a box, and the margin filled with clay. Men pumped out the enclosure, removed debris and excavated the sand.

But the laborers struck the grave of 29 steamers which had burned and sunk in the great fire of 1849 and the cofferdam came to rest on a part of these wrecks. Chains, old engines and the remains of aged barges were also buried there and had to be removed. Excavation was agonizingly slow and construction lagged during the winters of 1868 and 1869.

Though Congress approved his report on the bridge and Boomer was appeased, Captain Eads had to quit the work. He had contracted severe bronchitis in 1868 and decided to go abroad to convalesce, a prescription at the time for those who could afford it. What the engineer saw in Europe greatly altered his plans for the West and East Piers and the East Abutment.

Eads returned to St. Louis and his previous "headaches." At home, he reasoned that he needed experience before sinking a caisson to the great depth of the East Abutment site. He decided to construct the East Pier, where bedrock would be next deepest.

The pneumatic caissons which were built by Eads' former partner in his submarine business, William Nelson, were described by Eads as "enormous elliptical bells, 82 feet long, open at the bottom," made of wood and sheathed with iron for a cutting edge. The one for the East Pier was 60 feet wide, that for the West Pier 48 feet wide. As the workmen kept digging, the cutting edge settled further into the river bed toward rock. Steadily, they removed the stones, debris and other impediments by means of the sand pump and other workmen disposed of these away from the site of the abutment.

As the excavators, who would be called "sandhogs" in a later day, burrowed deeper, a few had stomach pains or fleeting paralysis.

Dr. A. Jaminet, called in by Eads to help the ailing men, wrote later, "A workman walking about with difficult step and a slight stoop was at first regarded as a fit object for jokes, and cases of paralysis soon became popularly known by the name of 'Grecian Bend' ". It was, of course, what is now called the "bends", and, though unknown to Eads or Jaminet at the time, referred to in Europe as "caisson disease".

When the chamber was 76 feet underwater a workman suffered such severe abdominal pains he had to be taken to a hospital. Noting that many who suffered were alcoholic and undernourished, the Chief Engineer shortened the work periods, instituted rests, served beef tea; but the men, bored, spent free time in the nearest waterfront saloons.

The East Pier caisson reached bedrock after four months at 93½ feet underwater, although high water depth would be 26 feet greater. During the course of filling the air chamber with masonry, a freshet caused the river to rise alarmingly. Ten days later, James Reilly came to the surface, said he felt fine, toppled over and died. He was the first casualty of "caisson disease" in America. Thirteen other sand excavators died during the building of the bridge, all but one on the East and West Piers. Casualties were kept at a minimum on the East Abutment because of the even more rigorous discipline Dr. Jaminet insisted upon, perhaps.

Three of the four great supports were at bedrock, and the caisson for the East Abutment was towed into place on November 3, 1870. It was an enormous, iron-sheathed monster, requiring a boat-mounting with a ten foot draft. Three steamboats towed it across the river to the Illinois shore.

The foundation for the East Abutment progressed in fits and starts. During the winter, a huge ice gorge was deflected by a breakwater from breaking up the caisson. Spring floods threatened the abutment masonry. But the greatest peril was a raging tornado that crumpled the superstructure in minutes. The damage was repaired and the work resumed, and the East Abutment at last stood on bedrock 127½ feet below the directrix or 110 feet when the water level was "normal".

After three and a half years, the foundations stood, unshakeable, in the river bed awaiting the steel arches.

The outstanding steel company of the day, Keystone Bridge Company of Pittsburgh, was headed by J. H. Linville, who had so rudely criticized Eads' bridge as "unsafe and impracticable" in the blueprint stage. He still wanted nothing to do with the Bridge in 1870, but his brash vice-president, Andrew Carnegie, could sniff money. Keystone became the major subcontractor through Linville and Carnegie thought Eads' demands for quality were outrageous.

The financial wizard grumbled, "Nothing that would and does please engineers is good enough for this work."

Keystone subcontracted the work to Butcher Steel Company of Philadelphia, and Carnegie kept the wrought iron order for his own firm, Carnegie and Kloman. But, even so, wrought-iron skewbacks, enormous plates and sockets weighing three and a half tons each, which, bolted to the arch ends, were to be formed solid and the holes drilled—unheard of.

The assistant engineers, Flad and Pfeiffer, had devised a machine for testing strength and Eads had this installed in the Butcher plant. But after six months and 6,000 steel staves, none could be used. Two more steel firms were called in until one could make the proper alloy, and then not every stave could meet the test.

The cost of the bridge to March 1, 1872 was over $4,000,000 with another nearly three million needed for completion. A story of two men crossing on the good, old reliable ferry, one a St. Louisan and the other a stranger, had survived. The stranger had asked his acquaintance, "How much will it cost to build the bridge?"

"Seven million dollars," the acquaintance had exaggerated.

"And how long will it take to build it?"

"Seven million years."

Already five years of the seven million had gone by, and there had been the wreckage under the West Abutment, the extra costs of sinking the caisson to bedrock at the East Abutment, caisson disease, the tornado and now wrangles over the steel and wrought iron parts. Eads went to the factories to oversee the making of these parts himself.

The building of the arches was, itself, a great engineering feat. To that time, arch bridges had been supported by centering—timber falsework—in the river during raising. Eads could not obstruct the Mississippi so he projected the arches beyond the piers by cantilevering—falsework above the abutment or pier to balance the thrust of the arches.

Both Eads and Flad had solutions for closing. Eads' way was to lop off the final two steel tubes five inches and cut screw threads inside the ends of the tubes. A short wrought-iron plug fitted with two sets of threads could be screwed in, and, at the arch closing, drawn out to fit across, holding the two together. A steel band would give the joint greater strength.

Assistant Engineer Flad would, instead, hump the arch slightly to bring the joining ribs together, and the arch would assume its proper form when the cables were removed. Flad decided to close by his method.

On September 14, 1873, Captain Eads was in London negotiating a new loan which was contingent upon a deadline five days later for the closing of the arches. Hot weather hit, and the ribs expanded instead of contracting. Flad built long troughs under the ribs to hold, first, thirty thousand pounds of ice, then sixty. The workmen wrapped the ribs in gunny cloth which soaked up the ice water, but the temperature wouldn't quit; it rose steadily to 98 degrees by five o'clock in the afternoon on the 16th of September, and the tubes, once only a mere five-eighths of an inch too long, grew. After fifty hours on the job, the men used Eads' extensible links instead.

No sooner were the arches closed than a new political hassle loomed. Steamboaters objected to the height of the arches, only a 55-foot clearance for their smokestacks, which, in some cases, were 100 feet above the water. Unbelievably, the Secretary of War backed the steamboat demand to rid the river of this obstruction, which could mean tearing the bridge down!

Flabbergasted, Eads and Dr. William Taussig, a vice-president and general manager of the bridge company, went to see President Grant. Dr. Taussig wrote of the meeting that an angry President upbraided the Secretary: "You cannot remove this structure on your own judgment . . . I think, General, you had better drop the case."

In early 1874, Eads made yet one more trip East to reassure bondholders and bankers that the job was nearly done. While in New York, he got a telegram with truly stunning news: two tubes in the first span had ruptured.

Unless the builder could discover the cause, this would mean that the bridge, as conceived, was basically unsound. But the engineer knew his great work well, even at a distance; he reasoned that the steel cantilever cables were probably still attached to the arches and should come down. Probably the cold had contracted the cables causing the ribs to be pulled in the wrong direction. That was why the ribs broke. He wired his superintendent to loosen the cables.

When late spring came, Eads' bridge was under siege. Keystone was to supply workers as well as steel and iron parts, but Carnegie had held out for more bonuses. In February, St. Louis Bridge Company had agreed to pay Keystone officials a thousand dollars for each day before June 1st that railroads and vehicles could use the Bridge.

And Keystone was to pay a penalty of five hundred dollars for each day after June 1st required to complete their contract. At once, the arch had swarmed with workers. The upper road of the bridge—for railroads—was finished April 15th.

Carnegie, with his attorney and the manager of Keystone, rushed to St. Louis in Eads' absence to collect their bonus—in advance. Carnegie's last tantrum was to withdraw a part of the agreement to open the upper roadway for railroad traffic and hold the bridge as security. His own workmen constituted the army. "We held the Bridge," Carnegie boasted years later. He came out well on the compromise that ensued.

On Sunday, May 24, the sidewalks were opened to pedestrians. The following third of June, Joseph Gartside drove four "spanking" bays hitched to the heaviest of the coal wagons to the other side.

Then it remained only to test the bridge for its primary purpose—providing a railroad link from West to East.

But one fearful, balky railroad engineer apparently felt too much muddy Mississippi had already gone under Eads Bridge. He reversed the wheels of his locomotive in one last, futile effort to stop the great engineer's magnificent show.

The bridge stood.

GILMAN SEEKS RESTORATION OF INDIAN LANDS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. GILMAN. Mr. Speaker, the Grand Canyon National Park Enlargement Act (S. 1296) is currently awaiting action by the full House Interior and Insular Affairs Committee.

The seemingly good intent of this legislation, providing for enlarging one of our most majestic park areas, is smudged, however, by the threatened obliteration of one of the area's original occupants, the Havasupai Indian tribe.

The Havasupais, numbering only 435, have been settled in the Grand Canyon region since 700 A.D. Because of prior Park Service acquisition, the Havasupai are now confined to a 518-acre reservation at the bottom of the canyon where during the summer months they eke out a meager existence by farming fruits and vegetables. With an average annual income of $700 and a life expectancy of 44 years, the future of the Havasupai Tribe is not only far from promising, but is critically doubtful without the restoration of additional land.

During consideration of S. 1296, the Senate deleted provisions which would have granted the Havasupais trust title to a substantial portion of their land. This bill now awaits final action by the House Interior and Insular Affairs Committee where attempts will be made to include a trust title for the Havasupais' exclusive use and occupancy rights to 251,000 acres of land.

It is vitally important to the future of the Havasupais and to our own sense of justice that these lands be restored so that the Havasupais will be adequately provided for.

Accordingly I urge my colleagues to familiarize themselves with the plight of the Havasupai tribesmen so that you may vote your conscience when this bill comes before the full House for consideration.

ZUMWALT LEAVING HIS CHANGED NAVY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. STEIGER of Wisconsin. Mr. Speaker, Adm. Elmo R. Zumwalt last week stepped aside after 4 years as Chief of Naval Operations.

Bud Zumwalt in those 4 years probably brought about more changes for good in the Navy than had been accomplished in any previous 4-year period. As a direct result of his efforts, thousands of sailors have found their lot improved. His concern for the individual sailor and his family was reflected in all his personnel initiatives. As a result, approximately 27 percent of first-termers now are reenlisting, compared to only 10 percent when he took command.

This interest in the welfare of his men, as well as in maintaining a strong defense posture, has made Bud Zumwalt's record one of distinctive achievement. The Navy will miss him at the helm, but it will be better for the changes he implemented as Chief of Operations.

I commend to your attention an article by Bill Anderson in the June 28 Chicago Tribune on Admiral Zumwalt as he stepped aside from his command:

[From the Chicago Tribune, June 28, 1974]

ZUMWALT LEAVING HIS CHANGED NAVY

(By Bill Anderson)

ANNAPOLIS, MD.—Adm. Elmo R. [Bud] Zumwalt steps aside here tomorrow as chief of naval operations with honors at the academy where he began as a young sailor 32 years ago.

Zumwalt's physical appearance casts him as an admiral. He is a big man, tall and rather stern-looking with bushy eyebrows. My guess is that he would have been a gentleman and a top professional without holding the rank of an officer. This is a view shared by many members of Congress and a very high percentage of the young people serving in the Navy.

But some of the older brass, many of them retired—and determined to preserve, in today's nuclear Navy, traditions that were born in the days of sailing ships—hold opinions that don't rank Zumwalt that high professionally. The views of these would-be helmsmen developed largely because Zumwalt has shaken the personnel policies of the Navy right down to its bell-bottomed trousers.

In four years as the chief, Zumwalt has made life a great deal better for the enlisted personnel and opened doors of opportunity for junior officers as well—literally thousands of sailors who were calling it quits in the old Navy.

The admiral has led a special drive to give an equal break to the once-limited minorities—people like blacks and women. Family life is better in the Navy today because a huge effort has been made to reduce long, solitary tours at sea.

Yet, not even Zumwalt thinks the Navy is in as good condition as it should be. For example, we aren't replacing airplanes as fast they wear out; we have given up 47 per cent of our surface ships in the last five years. A lot of our remaining ships are too old and in poor repair. On a real basis, the Russians continue to build while the United States slides.

At this moment it appears that the United States has given up its capability to control the seas; the possibility of success in the event of a confrontation with the Soviets declines each year. In a way, Zumwalt has been America's Winston Churchill because he has warned both Congress and the public of this erosion.

Yet the factors that have caused a general American military decline—political and social unrest in the aftermath of the Viet Nam War—have in some ways displayed the very real strength of Zumwalt to meet and match change.

From the very beginning, Zumwalt's career has been a series of firsts—and therefore tradition-breaking. He was a very junior naval officer at the end of World War II when his destroyer was the first American ship to reach Shanghai. There he met and married the beautiful Mouza Coutelais-du-Roche. Tradition had it in those days that a future chief of naval operations would likely be wed immediately upon graduation from Annapolis.

Many years later, in the War College, Zumwalt wrote a military posture statement so brilliant that it found its way to the desk of Paul H. Nitze, then the director of the International Security Affairs office of the Pentagon. When Nitze became Navy secretary, he took Zumwalt along as an aide. It was in this position that Capt. Zumwalt began to reshape once rejected budgets to enable the Navy to maintain a better posture than previously.

Zumwalt went off to Viet Nam (as the Navy's youngest admiral) to work on the line with the generations that fought the losing war. When he became the chief (also the youngest), Zumwalt wasn't very far removed from either the reality of officers' wardrooms, the cloakrooms of Congress, or the often restless and sometimes ugly mood of the fleet sailors.

A staggering 90 per cent of the enlisted ranks were getting out at the first opportunity when he took command. Maintenance suffered as men with critical specialties found a better life among civilians. Enlistments were also off, and education levels were far too low for operation of a computer-electronic fleet.

Against great opposition, Zumwalt initiated the personnel changes. He also found a lot of support. Today approximately 27 per cent of the first-termers are staying in—and therefore saving the taxpayers millions of dollars that would otherwise go for the cost of new training. The highly personal effort of Zumwalt (and others) in Congress to gain approval for the new Trident submarine gives promise of maintaining one element of this nation's strategic force.

We know from interviews that many sailors here—and around the world—will salute Zumwalt tomorrow with more than usual respect because he has fought for their dignity. In doing so, the 53-year-old admiral picked up a great deal more himself.

FOOD SUPPLEMENT ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. GILMAN. Mr. Speaker, in response to the growing concern of the American consumer over the Food and Drug Administration's proposed regulation of the sale of vitamins and minerals, I am joining in introducing a bill placing limits upon the power of the FDA.

Such legislation has already been introduced in the House by Mr. HOSMER (H.R. 643), prohibiting the FDA from attempting to ban "truthfully labeled vitamin and mineral food supplements" for reasons other than safety and fraud. This bill, the Food Supplement Act of 1973, prevents the Food and Drug Administration from carrying out its determination to classify safe vitamins and mineral supplements as dangerous drugs and requires the FDA to regulate vitamins and minerals as foods or food supplements, not as drugs.

The FDA regulation states that any dosage of vitamins or minerals exceeding 150 percent of an individual's recommended daily allowance would require a doctor's prescription for purchase. Such a regulation by the FDA interferes with an individual's choice and reflects a usurpation of personal freedom. Accordingly, I urge the passage of legislation curbing the FDA's power to decide, for the public, what are the acceptable dosages of safe vitamin and mineral supplements.

This bill does not weaken the provisions of the Food and Drug Act which protects consumer against false and misleading labeling of foods. Nor does it amend the act's provisions prohibiting the sale of products which are unsafe at recommended dosages. It merely requires the FDA to define the term "food supplement," distinguishing food supplements from drugs—any substance intended to affect the structure or any function of the body. Also, it provides that the Secretary of the FDA "shall not require a warning label on any food supplement unless it is intrinsically injurious to health in the recommended dosage." The FDA regulation seeks to designate a standard percentage of daily allowance—150 percent—as the distinguishing point between drug and nondrug, ignoring varying individual requirements and the psychological benefits that result from the independent taking of such food supplements.

Part 8:8 of the FDA regulation states that—

> Lay persons are incapable of determining, by themselves, whether they have, or are likely to develop vitamin or mineral deficiencies.

Mr. Speaker, what is suitable for one individual is not necessarily satisfactory for another. Accordingly allowing the FDA to decide for us the levels of deficiencies and excesses is highly improper.

Dr. Linus Pauling, the Nobel Prize winning chemist, has pointed out several shortcomings in the logic of such an FDA proposal, stating that "the FDA is wrong in forbidding the sale of tablets, or it is remiss in not forbidding the sale of a portion of certain foods," for as he points out, lamb liver, beef liver, and sweet potatoes contain more than the required daily amounts of vitamins, yet are not banned by the FDA.

Because of such inconsistencies, but more importantly because the FDA is denying the American consumer his freedom of choice in regards to the products which are nutritionally sound and important to him, I am supporting this proposal in order to protect the public against an improper imposition of FDA power.

Mr. Speaker, I include the text of this measure in this portion of the RECORD:

H.R. 15771

A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Supplement Amendment of 1973".

SEC. 2. (a) Paragraph (f) of section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)) is amended by (1) redesignating clauses (1) and (2) as clauses "(A)" and "(B)", respectively, (2) inserting "(1)" immediately after "(f)", and (3) adding at the end thereof the following:

"(2) The term 'food supplement' means food for special dietary uses.

"(3) The term 'special dietary uses', as applied to food for man, means particular (as distinguished from general) uses of food, as follows:

"(A) Uses of supplying particular dietary needs which exist by reason of a physical, physiological, pathological, or other condition, including but not limited to the conditions of diseases, convalescence, pregnancy, lactation, allergic hypersensitivity to food, underweight, and overweight;

"(B) Uses for supplying particular dietary needs which exist by reason of age, including but not limited to the ages of infancy and childhood;

"(C) Uses for supplementing or fortifying the ordinary or usual diet with any vitamin, mineral, or other dietary property.

Any such particular use of food is a special dietary use, regardless of whether such food also purports to be or is represented for general use."

(b) Paragraph (g)(3) of such section 201 is amended by striking out "(other than food)" and inserting in lieu thereof "(other than food or food supplements)".

SEC. 3. Title VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371-377) is amended by adding at the end thereof the following new section:

"LIMITATION OF AUTHORITY

"SEC. 708. Administering this Act the Secretary—

"(1) shall not limit the potency, number, combination, amount, or variety of any synthetic or natural vitamin, mineral, substance, or ingredient of any food supplement unless such article is intrinsically injurious to health in the recommended dosage, and

"(2) shall not require a warning label on any food supplement unless such article is intrinsically injurious to health in the recommended dosage."

CHARLES E. IVES

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. SARASIN. Mr. Speaker, Charles Edward Ives is today recognized as one of the foremost American composers in contemporary music. He was born in Danbury, Conn., October 20, 1874, son of Mary Parmelee Ives and one of Danbury's leading musical citizens, George Edward Ives, who organized the 1st Connecticut Heavy Artillery Brigade Band at the age of 17, during the Civil War.

Ives was educated in Danbury schools and graduated from Yale, Class of '98. His father was responsible for his musical education, encouraging him to learn to play a variety of musical instruments. At the age of 13, his piece "A Holiday Quickstep" was performed by the town band. The Danbury News prophetically proclaimed his "genius" at that time.

To understand what Danbury meant to Ives, one must imagine how that town appeared in the eighties and nineties, with bands marching up and down where his house stood on Main Street. Then imagine how it must have sounded when, in his father's famous experiment, two bands playing different tunes approached each other from opposite directions and collided.

As he said to an interviewer in 1949:

> Danbury, that's where I was born and grew up and learned a little about music. Pa taught me what I know.

By 1891 Ives had already begun experiments in polytonality, his bold experiments in atonality, polyrhythms, dissonance and antiphones placing him far ahead of every composer of his time.

Upon graduating from college, Ives went into business, establishing his own insurance agency in 1906. He married Harmony Twichell in 1908 and formed the insurance partnership of Ives and Myrick in 1909, continuing in business until 1930 when he retired to west Redding because of ill health.

During his business career, especially during 1900–20, Ives produced an imposing list of musical works, few of which were performed. He received little recognition at first, then hostile criticism.

It was not until John Kirkpatrick gave Ives' Second Piano Sonata its first performance in Town Hall in New York in the year 1939 that a warm appreciation for Ives works began to grow. A devoted friend of Ives, Henry Cowell observed:

> Ives took apparently slight elements of American folk-music and by diligence and sympathetic cultivation, found new musical beauty. The style of his finest music is a style of richness and outpouring of warmth and largess. It is humanitarianism applied to sound.

Olin Downes said Ives work contained "gumption." He said:

> There is something in this music: real vitality, real naivete and a superb self-respect.

Ives said his Second Symphony "expressed the musical feelings of the Connecticut county around Redding and Danbury in the 1890's."

Ives won the Pulitzer Prize in 1947 for his Third Symphony which he had composed some 40 years earlier. It was then that his music began to win widespread, respectful attention and, after his death on May 9, 1954, resulted in worldwide recognition of his musical stature.

A man both musically and philosophically far ahead of his time, Ives' openmindness in music, and life as well, were most innovative. Ives felt "The time is coming, but not in our lifetime, when music will develop possibilities inconceivable now—a language so transcendent, that its heights and depths will be common to all mankind."

In private life a kind and generous man, Ives was always an "independent Yankee" individual, with a great love for his home State—Connecticut.

In anticipation of the 100th anniversary of his birth, several dedicated Danbury citizens began making plans many months ago for an appropriate observance. They formed a nonprofit group called the Charles Ives Centennial, Inc., of which Connecticut's Governor, Thomas J. Meskill, is honorary chairman, and long-time Danbury resident Marian Anderson is honorary vice chairman.

Dozens of volunteers are devoting their efforts to an event which will take place on July 4, 1974, at the Danbury State Fairgrounds. The Charles Ives Centennial Concert will feature Leonard Bernstein and Michael Tilson Thomas conducting the American Symphony Orchestra in an all-Ives program. McHenry Boatwright will be vocal soloist. More than 200 voices from the Western Connecticut State College Chorus and the Greenwich Choral Society will also sing.

Understandably, this musical tribute to a native son has attracted wide attention. On Sunday, June 23, 1974, the New York Times wrote of this unique Fourth of July celebration: "promises to be a star-spangled event." The results of the Danbury community effort will be restoration of the Ives Homestead, now in a local park. All Americans can be proud of their New England spirit.

This Independence Day, I will be attending this concert in tribute to Charles Ives. Charles Ives grew up in the district which I represent, and I will share with others who attend this event, the pleasure of honoring a great American who has given so much to the world of music.

MRS. KING'S TRAGIC DEATH

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. FORSYTHE. Mr. Speaker, the tragic death of Mrs. Martin Luther King, Sr., a woman who sought and prayed for peace and human kindness, has caused all Americans to unite.

I want to take this opportunity to share with my colleagues the sense of shock and remorse that I feel because of the tragic death of Mrs. Martin Luther King, Sr. Mrs. King, was a woman of kindness and humility whose family has contributed much to the long battle for equality for all Americans.

To see her son, and now Mrs. King, struck down in the pursuit of civil rights for mankind is a heartbreaking experience for all thoughtful Americans.

It is my hope that out of this senseless act will come a renewed determination among people of all races to join together in the pursuit of those goals which the King family held so dear.

THE ROLE OF U.S. COMMERCE IN THE DEVELOPMENT OF AFRICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. RANGEL. Mr. Speaker, one of the greatest concerns of the new African nations in their relations with the United States is their desire for increased American assistance in meeting the challenge of development. Not only is the United States the richest nation in the world, but it is also a source of aid which does not renew old colonial ties in a new form of economic dependence.

In view of the continent's staggering needs and the presently limited resources that can be mobilized to meet them, it is obvious that foreign aid must play a large role in African modernization. In the past, the United States has generally contributed a little over 25 percent of the outside economic assistance received by Africa. However, the recent trend toward decreasing overall U.S. foreign aid obligations has resulted in severe cuts in the appropriations for Africa. To say that some African states are distressed at the recent change in U.S. aid policy would be an understatement. The smaller states especially feel that the continuation of U.S. assistance is necessary to sufficiently develop their economies so that they can effectively participate in regional development programs.

It is imperative that our future foreign assistance policy decisions take into account the vital need for U.S. capital investments to aid African development. In a May 17 speech before the African-American Chamber of Commerce, Donald B. Easum, Assistant Secretary for African Affairs voiced his support in favor of increasing U.S. aid to African nations. I commend this speech to my colleagues as a thoughtful and accurate assessment of where our future foreign aid priorities ought to lie:

African-American Commerce: Potential for Mutual Benefit

(Address by Donald B. Easum, Assistant Secretary for African Affairs)

Addressing the African-American Chamber of Commerce appears to be one of the rites of passage for Assistant Secretaries of the African Bureau. I welcome the opportunity to speak to you today about some of the thoughts and impressions I've been forming since I took office two months ago.

I am already convinced we need to seek new approaches to cooperation between producers and consumers and between the rich and poor countries of the world. The energy crisis, the prospect of shortages of vital resources, and the widening gap between the developed and developing countries have dramatized this necessity.

High oil prices have led to fertilizer shortages, which in turn have had a direct effect on food production. The message of this equation is brutally clear. In a world where half the people do not have enough to eat, the other half can never be safe from the inevitable political and social turmoil that will result. Confronted as we all are by this dilemma, one must acknowledge the interdependence of all countries and the necessity for cooperation to prevent a collapse of the world economic order and to promote a more rational economic system.

This was of course the theme of Secretary Kissinger's speech last month to the special session of the U.N. General Assembly on raw materials. He emphasized this point, saying "We in this Assembly must come to grips with the fact of our interdepedence. . . . We are all engaged in a common enterprise."

How does this concept of interdependence apply to our relationships with Africa?

In a world where resources are finite and competition for markets is keen, we will find ourselves becoming more dependent on Africa for raw materials and as a trading partner. A few statistics will demonstrate what I mean.

The United States already imports 98 percent of its manganese, of which 54 percent comes from Africa. We depend on Ghana for 6 percent of our imported aluminum, on South Africa for 24 percent of our chrome, on Zaire, and Zambia for 47 percent of our cobalt, on Nigeria for 15 percent of our columbium and tantalum, on Malagasy for 22 percent of our graphite, on Liberia for 8 percent of the iron ore we import and 7 percent of our natural rubber. This dependency is bound to expand.

Africa has 96 percent of the world's diamonds, 42 percent of its cobalt, 60 percent of its gold, 34 percent of its bauxite, 17 percent of its copper, and 23 percent of the free world's uranium. All of the world's 53 most important minerals are found in Africa. It is a veritable storehouse of mineral wealth. Africa's iron reserves are twice those of the United States and two-thirds those of the U.S.S.R.

Africa's energy resources, still largely untapped, are among the greatest in the world. The African Continent is estimated to have 16 percent of the world's water power—more than any other continent. The petroleum reserves of the continent have yet to be assessed. Nigera, however, has already become the seventh largest producer of crude oil in the world and ranks among the four leading foreign suppliers of U.S. oil.

As for African markets, the United States share has been minor; but it is growing. The United States is a relative newcomer politically and economically to the African scene. This has allowed us to escape some of the onus of colonialism, but it has placed us at a disadvantage in many African countries which have continued to maintain special trade relationships with their ex-colonial rulers. In 1971 African markets took only 3.6 percent of total U.S. exports and they supplied only 2.6 percent of our imports. There are strong competitors already well established. Germany's share of the African market rose from 6 percent in 1960 to 10 percent in 1972, and in the same period while the U.S. percentage remained at 9 percent, Japan double its share, from 3 percent to 6 percent.

Even so, two-way trade between Africa and the United States nearly tripled between 1960 and 1970, rising to $4.3 billion in 1973. U.S. exports to Africa in 1973 were up 46 percent over 1972. In 1973, the United States sold 651 million dollars' worth of machinery to Africa; 425 million dollars' worth of transport equipment; and 578 million dollars' worth of agricultural commodities.

AFRICA'S NEED FOR CAPITAL AND DEVELOPMENT

Just as we are growing more dependent on African resources and markets, Africa is looking to the United States for the capital and the technology to develop its economies and improve the quality of life for its peoples.

There are still vast unused areas of arable land, pasture, and forest in Africa. With proper irrigation and modern agricultural techniques, every important crop in the world can be grown in some part of the continent. Research and testing can identify varieties of grain that will ripen with less rainfall. Fertile river valleys can be resettled when the black fly that transmits river blindness is eradicated. By the introduction of new animal breeds, development of new techniques of water distribution, and the control of animal diseases, African livestock farming can be made much more productive. African waters teem with fish that could provide another source of food. Important mineral resources remain to be developed.

But realization of all this potential is held back by such factors as lack of technology, a shortage of capital, insufficient internal markets, weak transportation and communications systems, and inadequate health services. In addition, many African countries are still heavily dependent for their foreign exchange earnings on such primary products as coffee, cocoa, peanuts, and copper. Market prices of these products are susceptible to wide fluctuations which make the countries especially vulnerable to world market developments over which they have little control.

Now, what are the implications in all this for U.S. business? U.S. business needs African raw materials and markets. Africa, on the other hand, needs U.S. capital and knowhow. It seems a fair exchange. But the potential investor may have to adjust his expectations. For example, the extractive field is becoming more difficult for private investors in some areas. With the growing opposition abroad to foreign ownership of natural resources, the threat of nationalization increases. We see clear evidence of this trend in the action program that the Group of 77 approved at the U.N. General Assembly. This presents a challenge to American entrepreneurs to develop alternative techniques for doing business such as franchising and management arrangements and joint ventures.

One used to say that a favorable climate for investment required political stability, access to markets, proximity to raw materials, low-cost labor, ability to repatriate earnings and capital, and of course a reasonable return on the investment. In order to do business today, however, the investor may have to forgo some of these conditions. Political stability, for example, has traditionally been a primary concern. But even in periods of unrest, companies which have had the foresight to adapt their requirements to the needs of the host country are often able to continue undisturbed by political change. The principle of mutual advantage is the best insurance any company has for guaranteeing a long-term economic relationship.

TRADE AND INVESTMENT PICTURE

The same degree of selectivity that goes into new plant construction at home, or new product development, is required in deciding whether to invest capital in an African country. Each African country has its distinct national identity, its own interests and problems, and its own investment climate.

A prime case in point is Nigeria, where the estimated American investment approaches $1 billion, or approximately 50 percent of our investment in Black Africa. This investment is concentrated in the petroleum sector, but numerous U.S. firms are actively considering enterprises in agricultural production and processing and in industrial manufacturing and assembly operations, and we are encouraging this diversified investment.

Ground was broken in late April for a 500-room hotel in Lagos being constructed as a joint venture of the Lagos State government, Occidental Petroleum, and Holiday Inns International.

Massive injections of foreign technology will be sought in the next few years as Nigeria taps vast reserves of natural gas and develops ancillary petrochemical and fertilizer industries. Nigeria's Federal Military Government seeks substantial negotiated equity participation in oil and gas and selected other key industries.

Since independence, Nigeria has consistently welcomed foreign investment in the private sector, although as of April 1, 22 small-scale service and distribution activities are reserved wholly for Nigerian citizens, and minority Nigerian participation is required in 33 medium-level business and manufacturing enterprises. These restrictions have been conceived and implemented fairly and responsibly.

The search by foreign firms for Nigerian buyers and partners has unearthed an unexpected reservoir of Nigerian capitalists with money to invest. The vitality of Nigeria's outward-looking private sector was further demonstrated by a major trade mission to the United States in late 1973, organized and financed by a score of Nigerian businessmen representing the Nigerian-American Chamber of Commerce in Lagos.

In the expectation that foreign exchange in 1974 will increase threefold or more due to rising oil revenues, Nigeria on April 1 lowered import and excise duties on many foodstuffs and raw materials and acted to place import payments and remittance of profits and dividends on a current basis. The new level of revenue and exchange earnings will reduce Nigeria's dependence on external financing, but it is anticipated that the technical and management expertise of foreign investors will be needed to implement the massive development program the new revenues make possible.

Executing the program will pose unique challenges, but for foreign businessmen interested in participating in Nigeria's dramatic economic growth both the official welcome and the business opportunities are clearly present.

Similar challenges and opportunities present themselves in Zaïre. One example may be sufficient to illustrate the kinds of arrangements that appear to us as highly beneficial to both sides. This is the recent signature of a $250 million contract for the construction of a 1,200-mile powerline running across the country. Zaire looked to the United States not only for financing but for the technological expertise which could carry out this pioneering construction venture. The powerline, in turn, will permit expansion of the copper industry in Shaba, an expansion in which we, as a copper-consuming nation, are keenly interested.

Some of the smaller, less well-known countries also provide interesting investment possibilities. In Dahomey, for example, at the prompting of U.S. Ambassador Robert Anderson, a study was made several months ago of the potential for American trade in a Francophone African market. In contrast to the generally held belief that these countries are a French preserve, the study found that Dahomean government and business leaders welcome the expansion of U.S. trade. Even local French importers, who operate the most important houses, do not resist U.S. imports. As one French businessman put it, "I am not here to sell French products; I am here to sell any product that is competitive."

Among the factors limiting American trade, according to the study, were a lack of aggressiveness on the part of U.S. exporters; failure to correspond or supply promotional material in French; delays in the arrival of U.S. goods due to irregular and infrequent shipping; foreign exchange and credit limitations; and a natural customer preference for familiar products.

Despite these barriers the report concluded that the environment is favorable for expansion of American trade with Dahomey. Although the present market for most goods is small, when taken as a part of a greater west African market the potential becomes more attractive. Even without a change in preferential treatment accorded French and other European imports, many American products are competitive now. The United States exported over 5.8 million dollars' worth of goods to Dahomey in 1971, which imported over 93 million dollars' worth from other sources. The study showed that, of that total, the United States could have been competitive in a market worth at least $35 million. Such careful attention to other African markets might identify similar opportunities for expansion of U.S. exports.

The investment picture in Dahomey is also encouraging. A new investment code guarantees foreign investors certain tax exemptions, equitable compensation in case of expropriation, nondiscriminatory treatment between foreign and domestic capital, and repatriation of profits. There are several American-financed projects in varying stages of realization including a hotel in Cotonou, a cement plant, a tomato paste factory, a vegetable oil factory, an oil refinery, and an oil-drilling opertaion. What has been found to be true in Dahomey with regard to investment may very well apply to other Francophone countries.

Botswana is another country which offers attractive investment opportunities. Foreign investment is actively sought by the government, which, in addition to investment incentives, provides generous allowances on capital investment. There is also a tax allowance of 125 percent of approved training costs, and the President may grant further tax allowances in specific cases. The Botswana Constitution specifically prohibits nationalization except by the express provision of legislation approved by the National Assembly and guarantees prompt payment of adequate compensation in these cases. All foreign investment proposals must be approved by the Botswana Government, but there are no restrictions on private foreign investment and no limitations on repatriation of profits.

American Metal Climax has a multimillion-dollar investment in a copper-nickel mine in Botswana, the Alaska International Airways has recently begun air freight operations in southern Africa with headquarters in Botswana. Another firm is exploring prospects for cattle ranching.

U.S. GOVERNMENT'S CONTRIBUTION

These are just a few examples. There are others. We in the government can serve as a catalyst for bringing people together on these and other opportunities. We can, and do, facilitate private investment and trade, the former through insurance provided by the Overseas Private Investment Corporation (OPIC) and the latter through the extension of credit and guarantees by the Export-Import Bank and through trade promotion activities of the Department of Commerce and by our Embassies abroad.

I understand that OPIC's new President, Marshall Mays, spoke to you only a few weeks ago on some of these matters, so I will not dwell on OPIC's important role. As for the Export-Import Bank, many of you are much better acquainted than I yet am with its array of services. By the end of February of this year, Eximbank's total exposure in Africa had risen to $1.7 billion. This figure represents 9.5 percent of Eximbank's worldwide commitment. Of this amount, $1.4 billion, or 85 percent, is in long-term loans and financial guarantees.

What about the Department of State? We have upgraded the economic and commercial sections of our Embassies to give more assistance to U.S. businessmen. Potential investors are invited to discuss their plans and projects with the appropriate geographic desk at the Department of State. We can provide anything from a general overview to specific data on upcoming contract possibilities. We can provide our assessment of all the factors likely to affect the potential investor or tradesman.

In the field, our Embassies gather up-to-date information on trade and investment prospects. They are instructed to transmit by telegram advance information on such opportunities. They can sometimes expedite decisions on matters of interest to American business firms. In Zaïre and the Sudan, for example, our Embassies have been instrumental in making arrangements for the sale of American locomotives. In Gabon, the Embassy has acted as an intermediary with the government in seeking contracts for American firms with the Trans-Gabon railway.

In spite of these institutions, guarantees, and services aimed at paving the way for American investment, doing business in the developing world requires special effort. There can be frustrations on both sides. However, if businessmen want to expand their markets, they must seek accommodation with their African hosts—especially with those who are increasingly asserting their right to define the pattern and style of foreign investment in terms of their national interests and priorities. At the same time, those who seek capital and trade must accept the fact that in order to attract and keep the foreign capital and technological know-how they need—a need made more pressing by soaring energy costs—they must create a climate of confidence. The investor has certain legitimate expectations. He should be able to count on the proposition, for example, that the original basis on which he agreed to accept the risks of investment will continue to apply.

Changed circumstances may of course require readjustments. We see this most frequently in the raw materials area, since uncertainty about future prices of some materials is great. When adjustments are in order, it is in the interests of both sides to discuss and work out together mutually satisfactory solutions. Arbitrary or unilateral changes destroy confidence and serve neither party in the long run.

Trade and investment and economic development are linked in a circle of cause and effect. There can be few trade and investment opportunities in a country where the per capita income is under $100 or where drought is turning grazing land into desert.

Mindful of our responsibility to help the developing countries help themselves, the Department of State is urging support for a Senate resolution authorizing continued U.S. participation in the International Development Association. Proposed by the United States, IDA, the soft-loan window of the World Bank, was set up in 1960 to mobilize capital for the development of the poorest nations and to help protect them against a heavy debt-service burden. The member nations of IDA have called for a U.S. contribution of $1.5 billion over a four-year period to the fourth IDA replenishment, or one-third of the total. Our participation has declined from an initial 42.6 percent to the current level of 33 percent as the contributions of other nations have increased. The House of Representatives voted earlier this year to deny the IDA funds, an action which may threaten the continued existence of this much needed international activity. Hopefully, Senate action will be more positive.

Our efforts in support of the IDA replenishment are one reflection of our continuing concern in helping to create in Africa a more prosperous climate where both African and American interests can flourish. The role of U.S. private initiative in this endeavor is critical.

In a recent speech to the Organization of American States, Secretary Kissinger said, ". . . our nations face together a broad agenda of interdependence. Instantaneous communicatons, global economics, and weapons of vast destructiveness have thrust mankind into a proximity which transforms world community from a slogan into a necessity. Our problems are unprecedented, in type and scale. But our purpose is age-old: to realize man's eternal aspiration for a life of peace, well-being, dignity, and justice."

United States and Bangladesh Sign Economic Development Agreement

The United States and Bangladesh have signed a bilateral agreement covering future U.S. economic, technical and related assistance to that nation, the Agency for International Development announced on May 22.

The agreement, which represents a cornerstone in the continuing cooperation between the two nations, was signed in Dacca by U.S. Ambassador Davis Eugene Boster and the Secretary of the Bangladesh Ministry of Planning, M. Syeduzzaman.

Such bilateral assistance agreements are maintained between the United States and other nations which receive U.S. economic and technical assistance. They establish the formal terms of U.S. assistance and the host country's expected contributions supporting joint development efforts.

The signing represents a turning point in the assistance relationship between the two nations, as Bangladesh continues to move from the relief and rehabilitation phase to long-term economic development.

The agreement comes two years after the United States signed its first relief and rehabilitation grant with Bangladesh. Such U.S. grants, along with food aid and grants to the United Nations relief operation and through voluntary agencies, totaled more than $433 million. The rehabilitation program helped Bangladesh rebuild its war-torn economy, concentrating on the reconstruction of the agricultural, educational, and health sectors as well as transportation and communication.

FREEDOM TREE DEDICATION FOR CAPT. JONATHAN BEDNAREK, USAF

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. RONCALLO of New York. Mr. Speaker, on June 30, 1974, I had the privilege of attending the presentation of a memorial tree in honor of Jonathan Bednarek, MIA, I wish to share my remarks with my colleagues:

Remarks

Theodore Roosevelt some 40 years ago said, "Where such results flow from battles as flowed from Bannockburn and Yorktown, centuries must pass before the wound not only scars over but becomes completely forgotten, and the memory becomes a band of Union and not a cause of division. It is our business to shorten the time as much as possible."

Now that the war in Vietnam is over it is my hope that our people shall become unified in reaffirming and rededicating themselves to the cause of peace, that while our memories of our own recent division shall quickly pass, our memory of the sacrifices made by Captain Bednarek and others will continue to serve as a reminder of the horror and high sacrifice of war and that we shall not completely rest until all our missing in action are fully accounted for.

THE HAWAII AND U.S. PACIFIC ISLANDS COMMERCE ACT OF 1974: NEITHER ANTILABOR NOR ANTIMANAGEMENT

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. MATSUNAGA. Mr. Speaker, as a cosponsor of H.R. 7189, the Hawaii and U.S. Pacific Islands Commerce Act of 1974, I hope that both the House and the Senate will have an opportunity to consider this much-needed legislation in the near future.

H.R. 7189 and its companion Senate bill, S. 1566, are designed to protect the people of Hawaii from disastrous interruptions in ocean commerce between the west coast and the Islands, such as those which occurred in 1971–72. During an 18-month period beginning in the the summer of 1971, ocean commerce between the west coast and Hawaii was cut off for about 6 months—approximately 1 day out of every 3. The economic impact is still being felt by the people of the Nation's only island State—innocent observers and not parties in the dock disputes.

Mr. Speaker, H.R. 7189 and S. 1566 are not antilabor bills. Indeed, they would help protect the workingman in Hawaii who suffered grievously during the previous dock tie-ups. In drafting this legislation, the Hawaii congressional delegation, all of whom are cosponsors of the measure, exercised great care to protect the right to strike and the collective bargaining rights of both labor and management. A summary of the bill's provisions, and strong arguments for its early passage by Congress, were succinctly presented by the Honolulu Star-Bulletin in an editorial published on June 17, 1974. I am submitting the editorial for inclusion in the Record and I urge my colleagues to take the time to read it and become familiar with Hawaii's appeal for equity in this matter.

The editorial follows:

[From the Honolulu Star-Bulletin, June 17, 1974]

The Shipping Act

To the American labor movement, nothing is more sacred than the right to strike—and for good reason.

The strike is labor's heavy artillery, its cutting edge.

Without it, the American working man would not enjoy the high wages and working conditions that prevail today.

Without it, Hawaii would be a quite different—and less democratic—place than it is today. Titanic labor struggles in Hawaii after World War II destroyed a semi-feudal economic structure, won labor a place as an equal of management, and paved the way for genuine political and racial democracy in these islands.

Hawaii today is one of the most unionized communities in America, one of the more liberal states politically, and a place where no politician gets far by making an enemy of organized labor.

This makes it particularly significant that all four members of Hawaiis congressional delegation, three Democrats and a Republican, are united in supporting a bill that will go to the floor of the U.S. Senate next week to limit the right to strike.

Sens. Hiram L. Fong (R) and Daniel K. Inouye (D) are cosponsors of S. 1566, entitled "The Hawaii and U.S. Pacific Island Commerce Act of 1974". Reps. Spark M. Matsunaga (D) and Patsy T. Mink (D) are supporting similar legislation in the House.

They are not enemies of labor, and they would not do anything to hurt the labor movement, yet they find common cause in promoting a bill that Labor Secretary Peter Brennan went out of his way to oppose earlier this month.

What S. 1566 would do is give Hawaii, Samoa, Guam and Micronesia, which are all the U.S.-controlled islands of the Pacific, a 160-day "cushion" whenever there is a West Coast maritime strike or lockout.

It would provide for shipping service to continue uninterrupted to these islands for 160 days after a West Coast maritime strike or lockout begins, and for workers retroactively to get the benefits of any settlements once terms are agreed on.

S. 1566 is needed because of the overwhelming dependence of the Pacific islands on surface shipping to maintain their economies—and the frequency of interruptions in the past, an average of nearly two shutdowns a year since World War II.

To cut off shipping to Hawaii is as damaging as cutting off trucking and railroad service to New York City or Washington, D.C. The economy slowly strangles.

Yet while truck and rail strikes in the East usually bring rapid federal intervention, the 1971 maritime strike dragged on for 100 days before President Nixon declared an emergency and invoked a Taft-Hartley cooling off period. By that time Hawaii had suffered shortages, higher prices, job layoffs, shortened work hours, a virtual shutdown of its construction industry, and an inability to get its sugar and pineapple to Mainland markets. A year later the economic effects were still being felt.

To settle their labor disagreements, some 18,000 labor and management people brought severe economic hardship to nearly 1,000,000 innocent bystanders, including union members, in the Pacific islands.

To the nation as a whole a West Coast maritime strike is not an emergency. To us it is. Yet the Hawaii trade constitutes somewhat less than 3 per cent of the dockside labor at West Coast ports. Adding in the other Pacific islands brings it to 3½ per cent. Of shipboard labor, some 7 per cent is involved.

The carriers operating in the Hawaii trade constitute less than 13 per cent of the voting power in the Pacific Maritime Association, the bargaining agent for management.

These statistics show why Hawaii's members of Congress, despite their strong ties to labor, can conscientiously support S. 1566.

By giving a "cushion" to the Pacific islands, S. 1566 does not substantially diminish the capability of labor and management to apply pressure on each other.

In fact, the reverse may be true since the existence of S. 1566 would make federal intervention under the Taft-Hartley Act less likely to occur in a future West Coast maritime strike.

We are particularly pained at the Nixon Administration's position on S. 1566. Until the summer of 1972, Mr. Nixon was actively supporting strong general legislation to allow the government to impose settlements if necessary in transportation disputes nationwide.

After a meeting with Teamster leaders in which they threw their support to Mr. Nixon for re-election, Mr. Nixon withdrew support for the transportation strike bill. His assistant John Ehrlichman personally told the Honolulu Star-Bulletin that if the Teamsters cared to believe there was a connection between these actions, the administration would not deny it.

Mr. Nixon promised at the same time to create a Commission on Industrial Peace that would develop alternate legislative proposals, but this commission was late in being appointed and has not been significant.

Labor Secretary Brennan's position on S. 1566 seems an extension of the 1972 "deal" which is a very raw one so far as Hawaii is concerned.

S. 1566 will not significantly impair the right to strike. It will be tremendously important, however, to the economic stability of the U.S. Pacific Islands. It faces a tough floor fight. It deserves to pass.

GENERAL STATEMENT OF CONCERNS

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. BURTON. Mr. Speaker, I should like to share with my colleagues the recent remarks of Dr. Carlton B. Goodlett to the stockholders of Grey Advertising, Inc. Dr. Goodlett is an old and dear friend. He is the publisher of the San Francisco Sun Reporter and president of the National Newspaper Publishers Association.

I commend his remarks to the attention of my colleagues:

GENERAL STATEMENT OF CONCERNS

(By Dr. Carlton B. Goodlett)

The United States of America continues to be a polarized country composed of two nations, one white and one black, both separate and becoming daily more unequal. The black nation-USA, with a population of 25 million persons, is larger than 152 other nations in the world; and to bring the comparison closer to home, of the 36 nations comprising North and South America, only three: the white nation-USA with 184 million, Brazil with 91 million and Mexico with 45 million, are larger than the black nation-USA. The estimated gross product of the black nation-USA is 4.5 percent of the Nation's total $1.15 trillion. In many metropoliton areas served by our company, blacks comprise from 30 to 40 percent of the population and, upon a cursory survey, an even greater percentage of our sales.

Despite the fact that blacks number approximately 25,000,000 persons in America, the policy of the advertising industry has not been one of even lip-service support of both Federal and State fair employment practices statutes. We believe that Grey Advertising, Inc. is no better or worse than our sister advertising agencies, and that we fall far short of the fair employment and equal opportunity mandate which requires that women and racial minorities be distributed from the board of directors' chambers to the janitors' closets. The insensitivity of corporate enterprise to its responsibility to obey fair employment laws is amazing and in many instances distressing. We readily condemn the felon who violates the law: however, is a corporation which violates fair employment statutes less guilty, and is not the violence which the corporation inflicts upon the hopes and aspirations of non-whites as grave to society as the deeds of the felon who robs and steals?

FAIR EMPLOYMENT

While our company employs a number of racial minorities in menial, low-level capacities, we are demanding full equity in the employment of women and racial minorities, with no differentials in salary or opportunities for upgrading because of covert forms of discrimination.

It is regrettable that Grey Advertising is guilty of the same criticism leveled against America's 50 largest corporations with an excess of 2,500 top executive positions, none of which are filled by a single black person.

The law that there shall be no discrimination in employment based upon race, color, creed, sex or age demands that racial minorities, especially blacks, Chicanos and Oriental Americans, and women, be integrated in all job categories of Grey Advertising, throughout the infra-structure of our company.

FAIR ADVERTISING

It is estimated that the gross billings of the U.S. advertising industry is approximately $20 billion per year. The policy of the advertising industry has not been one of reciprocal response to the needs of the black community, by urging and guiding the majority of its clients toward an equitable expenditure of the U.S. advertising dollars in the black press. U.S. business must be urged by the advertising industry and especially by our company to allocate a fair share of sustained advertising for the black community newspaper. Such constructive efforts in combating institutional racism will reflect our awareness of U.S. business's responsibilities to the black community, which contributes from 20 to 30 percent toward the gross income of certain businesses such as foods, clothing, automobiles, alcoholic spirits, entertainment et al. The black community cannot develop a viable press when advertising corporations such as Grey Advertising remain insensitive to their role in ending the practice of discrimination in advertising and fail to acquaint each client with the black community's demands to receive a proportionate share of all consumer advertising budgets. It is the right of every black consumer to demand that promotional and advertising monies derived from black pocketbooks be returned to the black community, so that the black nation may maintain a black-owned communications medium which reflects its $45 billion purchasing power.

No community, white or black, can develop without a strong community newspaper. We predict that the returns in patronage and community good-will will increase for Grey's clients commensurate with their increased support by their advertising dollars of minority-owned community newspapers.

In 1973 Grey Advertising had a gross billing of $352,000,000 of which 10 percent was spent in newspapers—over $35 million; yet, only $122,233.52 net was spent in the black press.

The failure of advertising agencies to spend advertising dollars equitably in black newspapers is glaringly illustrated in the State of California—a State whose black population is 1,547,000; there are 17 sister States in the Nation with smaller populations. Our clients would not dare to deny to the States smaller than the population of black California a bigger share of their local advertising budgets. We venture to say that the purchasing power of California's blacks certainly exceeds that of the majority of States with smaller populations. However, the black newspapers of the black population of California are victims of Grey Advertising's covert institutional racism in the area of advertising. We feel certain that Grey's clients are also guilty of institutional racism, and the failure of our company to vigorously combat this racial blight is an insidious crime against the black consumer whose purchasing power easily determines whether Grey Advertising's clients show a yearly profit or a loss.

THREE RECOMMENDATIONS IN THE FORM OF MOTIONS

To rectify these wrongs, three recommendations are made in the form of motions:

1. That management be instructed to issue, within the next six months, a full report to our stockholders of its distribution of employees, based upon race and sex, delineating policies of promotion in the main job categories.

2. That stockholders be given a report on the recommendations of Grey Advertising to our clients on the expenditure of their advertising dollars in both the white and the black press.

3. That a stockholders' fair employment and fair advertising committee be appointed to assist management in broadening its programs of fair employment and equitable upgrading, which would allow our company to become an outstanding example of how the advertising industry might assume a proper role of corporate responsibility in ameliorating the racial crisis and the crisis of sex discrimination, which threaten our national progress in the decade of the '70's.

THE NEED TO INCREASE THE CORPORATE SURTAX EXEMPTION LEVEL

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ARCHER. Mr. Speaker, I have introduced a bill to increase the corporate surtax exemption to $50,000 effective as of January 1, 1975, and to $100,000 over a 5-year period.

There are over 1.6 million active corporations in the United States today. More than 80 percent of these firms are small businesses which have annual gross receipts of under $500,000. Approximately 99 percent employ fewer than 250 persons and have assets of less than $2,000,000.

Small business in the 1970's continues to represent economic opportunity, with its risks and its challenges, for the young, the innovative, the minorities, and the adventurous. A healthy small business sector is an essential ingredient in our economic system, and it should continually be encouraged to expand.

New businesses of necessity, usually start small. Often their greatest need is to conserve and expand working capital in order to improve day-to-day operations, to strengthen profit margins, and, in some cases, even to survive. It is generally agreed that the accelerating inflation of the past 7 years had had a particularly damaging effect on small businesses, both limiting their often costly access to capital markets and external financing and diminishing the value of existing small business tax relief provisions.

Taxation, of course, is a major factor affecting the ability of a small firm to meet its capital requirements. As the President's Task Force on Improving the Prospects of Small Business reported:

> The inhibiting effect of high income tax rates on small business has long been recognized. New and growing small businesses often cannot meet their initial and early costs and, at the same time, pay out a high proportion of earnings in income taxes. A high income tax depletes the internal funds for additional investment on which the small business must mainly rely. Measures that permit increased retention of earnings, on the other hand, help to finance growth, ease the climate of borrowing, and foster the establishment and healthy expansion of small concerns.

The simplest and most appropriate form of tax relief for small businesses would be an increase in the $25,000 corporate surtax exemption. This mechanism exempts from the surtax the first $25,000 of a corporation's taxable income. The Internal Revenue Code currently imposes a normal tax of 22 percent on all of a corporation's taxable income plus a surtax of 26 percent on taxable income in excess of the $25,000 surtax exemption. It was anticipated that the majority of small businesses would be subject only to the 22-percent normal tax because such companies generally would not recognize taxable incomes substantially more than $25,000.

However, the value of this exemption has been greatly diminished since its inception in 1950, by inflation's savage attack. In the interim personal exemptions and the standard deduction have been liberalized significantly and the low-income allowance has been introduced, but no comparable relief has been offered for small business.

Formerly, a controlled group of corporations could use multiple surtax exemptions to offset some of the loss of value from inflation. However, this practice led to charges of abuse, and the Tax Reform Act of 1969 required the phaseout of such multiple exemptions. After 1974, no controlled group will be allowed more than one $25,000 exemption. This phaseout improves the climate for an increase in the surtax exemption itself.

Such an increase:

First, would not require any exhaustive study by congressional staffs, complicated technical drafting, or time-consuming administrative implementation;

Second, would not require new regulations or rulings for its interpretation;

Third, would not become as controversial or as litigation prone as a new form of credit or a new deduction or an overhaul of the corporate tax provisions;

Fourth, would provide simple, efficient, and equitable tax relief to small businesses.

This bill would increase the surtax exemption to $50,000 for taxable years starting after December 31, 1974, and scale it up to $100,000 over a 5-year period. This would have a very minimal effect on the fiscal 1975 budget and only an approximate $1 billion impact during its first full year of implementation, with no allowance for the "feedback" effect from higher employment and better utilization of resources in the small business sector.

The text of the bill follows:

H.R. 15750

A bill to amend the Internal Revenue Code of 1954 to increase the corporate surtax exemption

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11(d) of the Internal Revenue Code of 1954 (relating to surtax exemption) is amended to read as follows:

"(d) Surtax Exemption.—For purposes of this subtitle, the surtax exemption shall be equal to the following amount:

"(1) $50,000, in the case of a taxable year beginning in 1975.

"(2) $60,000, in the case of a taxable year beginning in 1976.

"(3) $70,000, in the case of a taxable year beginning in 1977.

"(4) $80,000, in the case of a taxable year beginning in 1978.

"(5) $90,000, in the case of a taxable year beginning in 1979.

"(6) $100,000 in the case of a taxable year beginning after December 31, 1979."

(b)(1) Paragraph (7) of section 12 of such Code (relating to cross references) is amended to read as follows:

"(7) For disallowance of surtax exemption in the case of certain multiple corporations, see section 1551."

(2) Such section 12 is amended by adding at the end thereof the following new paragraph:

"(9) For limitation on surtax exemption in the case of certain controlled corporations, see section 1561."

(c) Section 962(c) of such Code (relating to surtax exemption) is amended—

(1) by striking out "provided by section 11(c)", and

(2) by striking out "$25,000" and inserting in lieu thereof "the amount of the surtax exemption (as defined in section 11(d) without regard to this subsection)".

(d)(1) Paragraph (1) of section 1561(a) of such Code (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) (as amended by section 401(a)(1) of the Tax Reform Act of 1969) is amended to read as follows:

"(1) one surtax exemption (as defined in section 11(d)),".

(2) Such section 1561(a) is amended by striking out "The amount specified in paragraph (1)" and inserting in lieu thereof "The amount of the surtax exemption specified in paragraph (1)".

SEC. 2. The amendments made by the first section of this Act shall apply to taxable years beginning after December 31, 1974.

PHILADELPHIA FIRE DEPARTMENT HONORED FOR FINE WORK

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. EILBERG. Mr. Speaker, the Philadelphia Fire Department has been honored by the U.S. Coast Guard for its fine work in extinguishing a fire involving the 31,000-ton Greek oil tanker *Elias* at the Atlantic Richfield Co.'s Fort Mifflin Marine Terminal, in Tinicum Township, Delaware County, on April 9 of this year.

Rear Adm. Austin C. Wagner, commandant of the 7th Coast Guard District, Miami, Fla., presented an award citing the fire department's work to Fire Commissioner Joseph R. Rizzo, on Monday, July 1, at fire headquarters in Philadelphia.

Commissioner Rizzo directed the 40 fire units, including 3 fireboats and 165 men who responded from Philadelphia along with personnel from other area fire departments and marine units of the U.S. Coast Guard and the U.S. Navy in fighting the four-alarm blaze and subsequent explosions which took the lives of 13 people.

LARRY MULAY RETIRES

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. ANNUNZIO. Mr. Speaker, I would like to call the attention of my colleagues the retirement of Larry Mulay, who served as general manager and managing editor of the city news bureau, after 55 years in the business, the longest record of service of any newspaperman in my city of Chicago.

I have known Larry Mulay personally for a period of 30 years, and he has always been a sincere, dedicated, modest, and unassuming, but highly effective and capable newspaperman. His dedication to news reporting in Chicago is legendary throughout the industry.

I want to congratulate him upon his retirement and to wish him continuing good health during the years ahead.

An article about Larry Mulay's career in journalism, that appeared in Fra Noi, Chicagoland's Italian-American newspaper which serves 250,000 people, follows:

PLAUDITS TO CNB's MULAY

To say Larry Mulay's career started as an accident would be quite an understatement. He was delivering a message in an office building in 1919 when he walked through the wrong door—that of the City News Bureau.

The late CNB boss Walter Brown shouted: "Don't just stand there; get to work!"

Last month newspaper and civic officials of Chicago and across the nation honored Larry Mulay who was retiring—as general manager and managing editor of City News Bureau—after 55 years in the business, the longest record of service of any newsman in Chicago.

When he was 8 years old, orphan Larry Mulay was hawking newspapers in front of the Moody Bible Institute. When he was 12, he had his own newstand at Division & Clybourn. When he was 15, he was a copy boy for CNB. At 17 he was a full-fledged reporter covering his first hanging.

At that point Mulay decided that the news game was what he wanted to play.

Mulay advanced rapidly from copyboy to reporter and rewriteman. He became city editor in 1930, assistant general manager in 1939 and head man in 1964.

Mulay reminisced about his career after one of several dinners honoring him last month, recalling some of the stories he covered and some of the now-famous journalists he instructed in the basics of the business.

"I think you could say that the last of the Roaring Twenties reporters is finally leaving the ranks," said Mulay. "I took part in many of the famous stories of the 20s through now.

"At one time, I covered 110 consecutive murders in as many days. That was during the turbulence of the Prohibition gang wars here.

"I had many opportunities to go to the newspapers and into other fields," Mulay said.

"But I was happy in the training end of our profession. We at City News Bureau got our satisfaction from the prominence and the high positions our students attained."

Many of Mulays former students are members of the four metropolitan daily newspapers of Chicago. To name just a few of the prominent figures:

Pulitzer Prize-winning columnist Mike Royko of the Chicago Daily News; Seymour Hersh, who won a Pulitzer Prize for breaking the story of the My Lai Massacre; Clayton Kirkpatrick, editor of the Chicago Tribune; Robert Schultz, city editor for the Chicago Daily News; novelist Kurt Vonnegut Jr.; playwright Charles MacArthur, and Jean Kennedy Smith, the late President Kennedy's sister.

"Altogether" said Mulay, "I was gratified that I trained more than "6,000 aspiring journalists." Last year alone, nine City News Bureau graduates won Pultizer Prizes.

CEA CHAIRMAN CONFIRMS THAT ECONOMIC RECOVERY WILL BE SLOW

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. BADILLO. Mr. Speaker, last Friday's New York Times carried an article in which the Chairman of the President's Council of Economic Advisers revealed that the "recovery" of the economy during the second half of this year will be slower than previously forecasted. This admission clearly indicates the inability of the Nixon economic strategy to effectively come to grips with the soaring inflation, the rampant level of unemployment and the various other severe economic dislocations being experienced in the Nation.

However, Dr. Stein's comments were even more revealing when he reportedly stated that the reason for this change in forecast was "the sluggishness in housing." Inasmuch as the President himself froze housing funds for about a year and a half there can be little question that this ill-conceived action is directly responsible for the slow recovery and that it has seriously exacerbated the conditions which have restricted real economic growth. We are thus able to clearly see the manner in which this administration's ineffective priorities have so seriously eroded the Nation's economic foundations.

I submit herewith, for inclusion in the RECORD, the New York Times article:

[From the New York Times, July 28, 1974]

STEIN NOW EXPECTS A SLOWER RECOVERY

WASHINGTON, June 27.—The Government now expects the recovery in the economy in the second half of this year to be "a little less' than had previously been forecast, the President's Council of Economic Advisers disclosed today.

The reason cited for this change in the forecast is "the sluggishness in housing." Many private forecasters have come to the same conclusion.

Herbert Stein, chairman of the council, said he was "not concerned" if the growth of output fell "a little below" the earlier projected path. But he emphasized that the Government was not taking the view that "the more sluggish, the better, or the higher unemployment, the better."

The council's regular monthly statement on the economy, based on the latest statistics, said, "Economic developments during the past month strengthened the belief that the decline of the economy had come to an end."

As for inflation, the statement said: "The big price increases in May, while they would not prevent a significant decline of inflation by yearend, deferred progress toward that goal."

Gary L. Seevers, a member of the council, said the recent upward movement of grain prices on the commodity markets—following a steep fall that began in March—reflect bad weather and had "put us a little behind the game" in the hope for lower food prices. But, he said, it has not changed the "basic outlook" for food prices, which is for little further increase during the rest of this year.

Mr. Stein repeated the Government assessment that the second quarter gross national product would show an "insignificant difference" from that of the first quarter in real terms, with current evidence suggesting "a little plus."

EAGLE SCOUTS HONORED

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. GAYDOS. Mr. Speaker, it is always a pleasure to call to the attention of my colleagues in the Congress outstanding examples of young citizens who exemplify the highest standards of Americanism.

In this particular instance, it is two young men from Baldwin Borough in the 20th Congressional District of Pennsylvania who have achieved the coveted rank of Eagle Scout in the Boy Scouts of America.

Frank Amuso and Daniel W. Baxter, members of Troop 376, sponsored by St. Wendelin's Church, were awarded their Eagle ratings at a court of honor ceremony conducted earlier this month. The Scouting careers of these two outstanding youths are quite similar. Both began as Cub Scouts, joining the Boy Scouts in 1969 and the Explorer Scouts in 1972. After rising through the various ranks of Scouting, the two concentrated on the Eagle, which requires the earning of at least 24 merit badges, participation in numerous service projects, and proof they possess the quality of leadership, so essential in scouting.

Young Amuso and Baxter proved themselves worthy of the honor. Frank, a student at South Catholic High School, now serves as a junior assistant scoutmaster for Troop 376; Dan, who attends Carrick High School, is an assistant senior patrol leader and has been named to the President's All-American team.

In addition to Amuso and Baxter, Troop 376 has produced two other Eagle Scouts in the past 7 years. The first was Joseph T. Schimborski, a son of Mr. Joseph B. Schimborski, who serves as committee chairman for Troop 376. Young Schimborski won his Eagle rating in 1965. The other was John Zorn, Jr., now a third-year college student, who received his rank in 1970.

Mr. Speaker, I know my colleagues in the Congress of the United States join me in extending congratulations to Frank Amuso and Daniel Baxter. The honors accorded them bring credit to themselves, their families, and their Scout leaders, Mr. Ray Kampmeyer, Troop 376 Scoutmaster, and Mr. Schimborski.

HOUSE OF REPRESENTATIVES—*Wednesday, July 3, 1974*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed is the nation whose God is the Lord.—Psalms 33: 12.

Eternal God, stir Thou our minds and stimulate our hearts with a high sense of patriotism as we approach the Fourth of July. May all that this day symbolizes renew our faith in freedom, our devotion to democracy, and redouble our efforts to keep a government of the people, by the people, and for the people truly alive in our world.

Grant that we may highly resolve on this great day to dedicate ourselves anew to the task of ushering in an era when good will shall live in the hearts of a free people, justice shall be the light to guide their feet, and peace shall be the goal of humankind: to the glory of Thy holy name and the good of our Nation and of all mankind. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until July 9, 1974, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

CONFERENCE REPORT TO ACCOMPANY S. 3203, AMENDING NATIONAL LABOR RELATIONS ACT

Mr. THOMPSON of New Jersey submitted the following conference report and statement on the bill (S. 3203) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 93-1175)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3203) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That (a) section 2(2) of the National Labor Relations Act is amended by striking out "or any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual,".

(b) Section 2 of such Act is amended by adding at the end thereof the following new subsection:

"(14) The term 'health care institution' shall include any hospital, convalescent hospital, health maintenance organization, health clinic, nursing home, extended care facility, or other institution devoted to the care of sick, infirm, or aged person.".

(c) The last sentence of section 8(d) of each Act is amended by striking out the words "the sixty-day" and inserting in lieu thereof "any notice" and by inserting before the words "shall lose" a comma and the following: "or who engages in any strike within the appropriate period specified in subsection (g) of this section.".

(d) (1) The first paragraph of section 8(d) of each Act is amended by adding at the end thereof the following new sentence: "Whenever the collective bargaining involves employees of a health care institution, the provisions of this section 8(d) shall be modified as follows:

"(A) The notice of section 8(d) (1) shall be ninety days; the notice of section 8(d) (3) shall be sixty days; and the contract period of section 8(d) (4) shall be ninety days.

"(B) Where the bargaining is for an initial agreement following certification or recognition, at least thirty days' notice of the existence of a dispute shall be given by the labor organization to the agencies set forth in section 8(d) (3).

"(C) After notice is given to the Federal Mediation and Conciliation Service under either clause (A) or (B) of this sentence, the Service shall promptly communicate with the parties and use its best efforts, by mediation and conciliation, to bring them to agreement. The parties shall participate fully and promptly in such meetings as may be undertaken by the Service for the purpose of aiding in a settlement of the dispute."

(e) Section 8 of such Act is amended by adding at the end thereof the following new subsection.

"(g) A labor organization before engaging in any strike, picketing, or other concerted refusal to work at any health care institution shall, not less than ten days prior to such action, notify the institution in writing and the Federal Mediation and Conciliation Service of that intention, except that in the case of bargaining for an initial agreement following certification or recognition the notice required by this subsection shall not be given until the expiration of the period specified in clause (B) of the last sentence of section 8(d) of this Act. The notice shall state the date and time that such action will commence. The notice, once given, may be extended by the written agreement of both parties."

SEC. 2. Title II of the Labor Management Relations Act, 1947, is amended by adding at the end thereof the following new section:

"CONCILIATION OF LABOR DISPUTES IN THE HEALTH CARE INDUSTRY

"SEC. 213. (a) If, in the opinion of the Director of the Federal Mediation and Conciliation Service a threatened or actual strike or lockout affecting a health care institution will, if permitted to occur or to continue, substantially interrupt the delivery of health care in the locality concerned, the Director may further assist in the resolution of the impasse by establising within 30 days after the notice to the Federal Mediation and Conciliation Service under clause (A) of the last sentence of section 8(d) (which is required by clause (3) of such section 8(d)), or within 10 days after the notice under clause (B), an impartial Board of Inquiry to investigate the issues involved in the dispute and to make a written report thereon to the parties within fifteen (15) days after the establishment of such a Board. The written report shall contain the findings of fact together with the Board's recommendations for settling the dispute, with the objective of achieving a prompt, peaceful and just settlement of the dispute. Each such Board shall be composed of such number of individuals as the Director may deem desirable. No member appointed under this section shall have any interest or involvement in the health care institutions or the employee organizations involved in the dispute.

(b) (1) Members of any board established under this section who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out its duties under this section.

(2) Members of any board established under this section who are not subject to paragraph (1) shall receive compensation at a rate prescribed by the Director but not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including travel for each day they are engaged in the performance of their duties under this section and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this section.

(c) After the establishment of a board under subsection (a) of this section and for 15 days after any such board has issued the report, no change in the status quo in effect prior to the expiration of the contract in the case of negotiations for a contract renewal, or in effect prior to the time of the impasse in the case of an initial bargaining negotiation, except by agreement, shall be made by the parties to the controversy.

(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 3. The National Labor Relations Act is amended by adding immediately after Section 18 thereof the following new section:

"INDIVIDUALS WITH RELIGIOUS CONVICTIONS

"SEC. 19. Any employee of a health care institution who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion, body, or sect which has historically held conscientious objections to joining or financially supporting labor organizations shall not be required to join or financially support any labor organization as a condition of employment; except that such employee may be required, in lieu of periodic dues and initiation fees, to pay sums equal to such dues and initiation fees to a nonreligious charitable fund exempt from taxation under section 501(c) (3) of the Internal Revenue Code, chosen by such employee from a list of at least three such funds, designated in a contract between such institution and a labor organization, or if the contract fails to designate such funds, then to any such fund chosen by the employee.

SEC. 4. The amendments made by this Act

shall become effective on the thirtieth day after its date of enactment.

And the House agree to the same.

CARL D. PERKINS,
FRANK THOMPSON, Jr.,
WILLIAM D. FORD,
W. L. CLAY,
ALBERT H. QUIE,
JOHN M. ASHBROOK,
Managers on the Part of the House.
HARRISON WILLIAMS,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
GAYLORD NELSON,
THOMAS F. EAGLETON,
HAROLD E. HUGHES,
W. D. HATHAWAY,
ALAN CRANSTON,
J. JAVITS,
RICHARD S. SCHWEIKER,
ROBT. TAFT, Jr.,
ROBERT STAFFORD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3203) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

BASIC PURPOSE OF THE SENATE BILL AND THE HOUSE AMENDMENT

Both Senate bill and the House amendment amended the National Labor Relations Act to remove the exemption for employees of nonprofit hospitals. Both the Senate bill and the House amendment establishes additional mediation and conciliation procedures for employees of all health care institutions including requirement, for mandatory mediation and that a 10-day notice of any strike or picketing be given to a health care institution.

The language of the House amendment is identical to the Senate bill except in the following two respects:

INDIVIDUALS WITH RELIGIOUS CONVICTIONS

Subsection (g) of the first section of the House amendment amended the Act by adding at the end thereof a new section 19 (relating to individuals with religious convictions). The new section 19 provided that employees of health care institutions who object to joining or financially supporting labor organizations on religious grounds shall not be required to do so as a condition of employment. The Senate receded with a clarifying amendment under which, in recognition of the special humanitarian character of health care institutions, an employee may be required to make payments to a nonreligious charitable fund in lieu of periodic dues and initiation fees designated from among at least three funds pursuant to the collective bargaining agreement between the employer and the labor organization, or if the labor-management agreement fails to make such designation, to any nonreligious charitable fund selected by the employee.

MEDIATION, CONCILIATION AND BOARD OF INQUIRY

Subsection (f) of the first section of the House amendment amended title II of the Labor Management Relations Act, 1947, by adding at the end thereof a new section 213 (relating to conciliation of labor disputes in the health care industry; interruptions). This section proposed that in the event a labor dispute between a health care institution and its employees is not settled and the Director of the Federal Mediation and Conciliation Service determined that the dispute threatened substantially to interrupt the delivery of health care, he would create a Board of Inquiry to investigate and report with respect to such dispute. For a period of 30 days pending the Board of Inquiry report and for an additional 30 days thereafter the parties would be required to maintain the status quo. The Senate bill contained no comparable provisions.

The Senate receded with an amendment under which in the event that the labor dispute by the health care institution and its employees is not settled and the Director of the FMCS determines that the dispute substantially threatens to interrupt health care in the affected locality the Director may create a Board of Inquiry to investigate and report with respect to such dispute. The Board must be appointed within 30 days after the FMCS is notified of the intention of either or both of the parties to terminate the contract as required under section 8(d) of the NLRA, as amended by this legislation, or 10 days after the FMCS is notified in the case of an initial contract. The report of the Board of Inquiry will be issued within 15 days of its appointment and the parties to the dispute are required to maintain the status quo for 15 days after the issuance of the Board's report. The Board's report shall contain findings of fact, together with the Board's public recommendations for the settlement of the dispute. The notification as provided in section 8(g) of the National Labor Relations Act may be given on or after the commencement of the final 10 days of the conciliation period.

The Conferees intend that the appointment of a Board of Inquiry shall not operate to interrupt mediation by the FMCS which is made mandatory under other provisions of this legislation, and that the service will pursue these parallel procedures to bring about a fair, prompt and just settlement of any dispute. The Conferees further intend that the Board of Inquiry, in formulating its recommendations for settlement of a dispute shall take into account all those factors normally considered by similar tribunals in formulating recommendations for the settlement of labor disputes.

The Committee, in adding special mediation and conciliation procedures, including the Board of Inquiry, for the health care industry, recognizes the need for continuity of health services during labor-management disputes and that the labor organizations representing health care workers have publicly pledged their best efforts to persuade their affiliates voluntarily to avoid work stoppages through acceptance of arbitration in the event of an impasse in negotiations. Under these new procedures, it is anticipated that, in the event of such an impasse, the findings of fact and recommendations of the Board of Inquiry would provide the framework of the arbitrator's decision.

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ROBT. TAFT, Jr.,
ROBERT T. STAFFORD,
Managers on the Part of the Senate.

WHAT IS RIGHT ABOUT AMERICA

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, as we approach our Nation's 198th Birthday, which the people across this great hand will celebrate tomorrow, I am proud that visiting with us today are two different groups from my district who represent what is right with America. The Azusa Pacific College International Ensemble today had the opportunity to sing on the steps of the House of Representatives and express the concept of what is good about America. Dr. Sawtell, who heads this group, has done a good job in making sure that the good aspects of America are taught at Azusa Pacific College and not just what is wrong.

I am also proud that we have members of the 4-H Club here today, Miss Priscilla Reynaud from Lancaster among them, to discuss with our Government officials many aspects of our society. Of course, they are active participants in making sure that the future of agriculture presents a good picture of what is in store for us in the next 200 years of our society.

Mr. Speaker, we can all be proud that as we approach our 200th anniversary there are those among us who are talking sincerely about the good things in America rather than just those things they believe to be wrong.

HOLLOW GESTURE OF HOUSE BEING IN SESSION

(Mr. KETCHUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KETCHUM. Mr. Speaker, I note that we have an abridged version of the annual Fourth of July recess this year, since the leadership feels the press of business is too great. Looking at the calendar for today, I cannot help but feel that the claim that the House is staying in session to deal with the Nation's problems is a bit excessive.

I am sure that not one Member of the House would object to remaining in Washington to handle the mass of legislation that the leadership has not as yet brought before us. I do, however, find it objectionable to stay in session with no business merely as an attempt to bolster confidence. I add to that the frustrations of having a 2-hour session 1 day, and remaining until the early hours of the morning the next. Certainly this indicates poor planning on someone's part.

When we ask ourselves why the public esteem of the Congress is so low, I think that we ought to consider little ploys such as this. We would be far better off if this House actually got to work instead of making hollow gestures.

VETERANS VISITING NATIONAL CAPITAL

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I take the floor to respond to the remarks of my colleague, the gentleman from Indiana, who spoke earlier about the gathering of veterans here in the Nation's Capital.

I just want to say for the record that the right of petition for redress of grievances is a basic one in the United States. I do not think we have done very well as a nation by our veterans. I think that is true with respect to the needs of the Vietnam veterans particularly.

To suggest that, in any way, they are not welcome, is not right. It seems to me that with an executive branch presently occupied with foreign affairs and showing very little concern or understanding of the problems of veterans; with a Congress that has done some things but needs to do more, that the veterans have a legitimate complaint.

The fact that the veterans feel the need to come and state their case, I think, is appropriate. I certainly, for one, wish they would not have to do it this way, but if they cannot get action any other way, I can understand it. When we ask a young man to go off and give his time, interrupt his schooling, perhaps lose arms or legs and the lives of his friends in Southeast Asia, I think the least we can do is to listen to what they have to say.

VETERANS ON THE MALL

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, I dislike hearing anyone being denied, or of someone attempting to deny them, the right of coming to the Nation's Capitol and expressing interest in anything in the U.S. Congress which they want to express interest in and which they think will be helpful to the country.

I was here when the veterans march was on consisting of 20,000 veterans, and I can say truthfully that Washington never had less crime and fewer disorders in the city of Washington then, when those veterans were here. They organized their own part of town and had their own policemen, and the city had practically no crime. They had no problems of any kind. They did well, and because they were working for something that was for themselves, which they had a right to do, does not make any difference.

Mr. Speaker, these veterans received about $21 each per month when I was in World War I. When the insurance was paid at $6.50 and the other expenses, by the time a soldier got to the pay table at the end of the month, although he had his hat in his hand or his cap in his hand to pull off the money that was due at the end of the month, a large percentage of them did not rake off any money into their caps or their hats because they had nothing coming to them.

A good and grateful Congress acknowledged that it owed them something, and they issued to them adjusted compensation certificates. The average value was $1,015 each.

I happened to be the author of the bill introduced to pay them in cash. The Secretary of the Treasury, Mr. Andrew Mellon, had postponed the payment for 20 years; that is, not pay them for 20 years. When I got 218 Members to come here and sign a petition to the Speaker of the House that we wanted the bill taken up, it was taken up.

The bill was passed. It went to the Senate, which passed it. It went to the President and it was vetoed. The veto was overridden, so one day, the next June 15, the veterans were notified to go to the bank of their choice and get their money in cash, or they could leave it there and get interest on it.

That was the largest payment, I believe, that was ever made in one lump sum for a large number. It was $3,700,000,000 which was paid out that day and which helped the country more than anything in the world.

I was denounced for causing inflation, or attempting to cause inflation, but instead of being inflationary, it was just the other way. Veterans got their money; they spent it, and so the people who attacked me for it were not successful in proving that I was inflationary or in trying to cause inflation. The big bankers really tried to destroy me as a Member of Congress; they had a selfish interest.

The veterans were here just seeking an opportunity to present their case to the Congress of the United States, and they presented it well. They had just as much right to be here as lobbyists in the Mayflower Hotel or in the other hotels in the city, but the big bankers and big interest lobbyists were not thrown out as were the veterans here, who were unmercifully run out of Washington.

That was a sad day and a horrible day in the history and memory of the people of the United States and the veterans in particular. These veterans represented the finest and best of our citizenship. They helped to build our country in time of peril and offered their lives and many of them gave their lives for the cause of their country in time of war. I am sorry for that, and I am glad to welcome the veterans here, or any other group who comes here for a good cause.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield

Mr. PATMAN. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, is it not true that our Committee on Veterans' Affairs, under the leadership of the gentleman from Texas (Mr. Teague) and the gentleman from South Carolina (Mr. Dorn), has in fact done a good job in making sure our veterans have total and adequate benefits, and in making sure that their petitions have been adequately received, and that it really is not necessary for them to speak on the Mall to prove that point?

Mr. PATMAN. Mr. Speaker, I wish to say that the Members the gentleman has mentioned, the distinguished gentleman from Texas, Mr. Teague and the other distinguished gentleman from South Carolina, the Honorable William Jennings Bryan Dorn, are good, sincere and able statesman in this Congress. I wish them great success, and I am sure they will accord adequate consideration and justice toward the veterans.

A LUCRATIVE WEEK FOR FOREIGN NATIONS

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, for an assortment of foreigners, the past week has been one of the most lucrative in all history.

President Nixon, continuing his junkets abroad, gave Israel $500 million, and a $2 million gift helicopter went to Egypt. Previously he had given Israel and Egypt each a nuclear reactor.

Not to be left out in the cold, Iran will get two nuclear reactors from the Nixon bag of gifts. We have not been told how many hundreds of millions these atomic plants will cost American taxpayers.

Not to be outdone in the gift department, the House, less than 24 hours ago, voted to give additional assorted foreigners $1.5 billion worth of 50-year interest-free loans—loans so soft they will never be repaid.

Tomorrow there will be the 198th observance of the beginning of this once-proud Republic whose wise founders warned of the perils of foreign entanglements.

Will tomorrow's observance be crowned with the announcement that more of this debt-ridden Republic and the substance of its people has been given away?

IS IMPEACHMENT THE GLUE THAT HOLDS CONGRESS TOGETHER?—435 MEMBERS SCORE 100 PERCENT ON AGH VOTING RATING FOR UNPRECEDENTED NINTH YEAR

(Mr. REES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. REES. Mr. Speaker, I have today issued the following press release:

Is Impeachment the Glue That Holds Congress Together?—435 Members Score 100 Percent in AGH Voting Rating for Unprecedented Ninth Year

With a note of undisguised pride, and utter bewilderment, Congressman Thomas M. Rees, Democrat of California, anounced that for an unprecedented 9th year all 435 Members of the House of Representatives scored 100% in the "Americans for Good Habits" (AGH) Congressional voting rating.

"In past years," stated Rees, "the poll was published at least ten months after the congressional session began. It took this long to find enough important unanimity votes with which to rate Congress. In 1974, though, AGH found unanimity before the July 4th recess—another first in the AGH poll's dignified existence. Could this mean that, contrary to Congress's critics, impeachment has been unifying rather than tearing Congress apart?"

While not suggesting that Congress adopt a policy of impeaching presidents in order to achieve unity, Rees did emphasize that, although the Establishment press and the President kept intimating Congress was too wrapped up with impeachment to be effective, it is obvious in light of the early July 4th unity results of the 1974 AGH rating that Congress is sailing the ship of state straight and true through the rocks and shoals of Administration confusion.

While violent partisanship might rage in other places, Congress continues with dedicated zeal to demonstrate its togetherness on such important issues as child adoption in the District of Columbia, Coast Guard appropriations, veterans, the blind, disasters, and selling property to Wake Forest University.

Rees began the AGH rating system in 1966, his first year in office, when he found that all he did when he was home campaigning was explain why and how he was rated on all the voting rating systems which inundate Washington.

"I never did have a chance to discuss the issues," he stated as he explained the purpose of AGH at a dramatic press conference which electrified Washington's normally cynical press corps. "I spent all my time during the campaign trying to explain the reason behind the crazy fluctuations in my ratings—from 0% (ACA—Americans for Constitutional Action) to 95% (ADA—Americans for Democratic Action)."

Rees concluded that all other rating systems were designed to be divisive, that they tore asunder the overwhelming feeling of contentment, goodwill, and togetherness that permeates the congressional chambers. He contended that ACA, ADA, and COPE deliberately chose the wrong issues to rate the performance of congressmen. It was time to AGH to come to the rescue—"The rating system with a heart," the rating system designed to accentuate the positive.

This year the AGH rating covers key issues carefully chosen by the editorial board. The measures used to evaluate members of the House on the AGH rating system were:

H.R. 11238: To provide for an improved system of child adoption in the District of Columbia, 350–0.

H.R. 12503: Amending the Controlled Substances Act providing for the registration of practitioners conducting narcotic treatment programs, 375–0.

H.R. 12341: Amending the Foreign Service Buildings Act, 1926, to authorizise the sale of a property in Venice to Wake Forest University, 402–0.

H.J. Res. 941: Supplemental appropriation for the Veterans Administration for fiscal year 1974, 390–0.

S. 3062: Disaster Relief Act Amendments. On agreeing to the Conference report, 392–0.

H.R. 14117: Increasing the rates of compensation for disabled veterans and the survivors, 396–0.

H. Res. 1112: To provide for consideration of H.R. 14592, the Military Procurement Authorization for fiscal year 1975, 298–0.

H.R. 12628: Increasing the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and making improvements in the educational assistance programs, 382–0.

H.R. 11143: Providing the authorization for fiscal 1974 and succeeding fiscal year for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 308–0.

H. Con. Res. 271: Expressing the sense of Congress with respect to the missing in action in Southeast Asia, 273–0.

H.R. 13595: To authorize appropriations for the Coast Guard for fiscal year 1975, amended, 365–0.

H.J. Res. 1061: Making further urgent supplemental appropriations for the fiscal year ending June 30, 1974, for the Veterans' Administration, 337–0.

S. 3458: To amend the Agriculture and Consumer Protection Act of 1973 and the Food Stamp Act of 1964; agreeing to the conference report and clearing the measure for the President, 325–0.

VETERANS' BENEFITS

(Mr. WYLIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYLIE. Mr. Speaker, some concern, obviously based on misunderstanding, has been expressed about the progress being made in increasing benefits for veterans in education and training. Under the leadership of Chairman DORN, Congressman TEAGUE, and Congressman JOHN HAMMERSCHMIDT, the House has been pressing for action on this subject.

On February 19, the House passed, by a vote of 382 to 0, a veterans education and training bill which would provide $1.1 billion per year additional benefits for veterans in school. Unfortunately, the Senate delayed acting on this legislation, and it was not until June 19 that the Senate acted on the House bill. The day following the action of the Senate, Chairman DORN addressed a letter to the chairman of the Senate Veterans' Affairs Committee and offered to accept 22 of the 28 Senate amendments. He offered to accept four additional Senate amendments with minor modification, and asked the Senate to recede on two amendments. The proposal by Chairman DORN would have struck an even compromise on the differences in cost of the two bills. The House bill would provide benefits of $1.9 billion, and in addition $200 million in loans. The compromise proposal offered by Chairman DORN would provide additional benefits of $1.5 billion.

Included in the compromise proposal was an offer to agree to the 18 percent rate increase included in the Senate bill.

The chairman of the Senate Veterans Affairs Committee, by letter, rejected Chairman DORN's proposal, and the conferees had their first meeting on June 26. The House conferees' offer was reiterated; however, the Senate showed no disposition to recede from any of its 28 amendments.

The House has been very conscious of the delay in enacting these benefits. Both Chairman DORN and Congressman TEAGUE have pointed out that failure on the part of the other body to act is costing the veterans more than $50 million a month. We are still anxious to achieve enactment of this legislation at the earliest possible time. We have made a most reasonable offer to the Senate, and if the other body would see fit to accept the offer, this legislation could be on the President's desk in a few days.

On the other hand, I think it is quite unreasonable to expect the House to agree to all 28 amendments, particularly in view of the fact that many of these amendments are strongly opposed by the administration and the Veterans' Administration warns that the provision for partial tuition payment is so poorly drafted and would raise so many serious administrative problems, that it would probably throw the VA into chaos this fall when the peak enrollment period arrives.

Mr. Speaker, the House passed the education and training bill on February 19. With a little cooperation we can achieve agreement immediately. The delay that has occured certainly is not the result of House inaction.

WE MUST PHASE OUT STRIP MINING

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 60 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, it is inevitable that strip mining of coal will be abolished, if only because by the end of this century in most areas the Nation's strippable reserves of coal will be completely exhausted. Therefore, it makes sense to phase out strip mining in an orderly fashion, as is done in my bill, H.R. 15000.

HOW MUCH COAL WILL WE NEED?

We are now producing about 600 million tons of coal per year, of which about 10 percent is being exported. Critics of H.R. 15000 have pointed out that about 50 percent of current coal production is strip mined, and that abolition of strip mining would create a severe energy crisis.

Three years ago, when I first introduced and testified on legislation to abolish strip mining, horrified critics in the coal industry and elsewhere declared: "You are going to bring strip mining to a grinding halt overnight; that is irresponsible, since so much of our Nation's coal is strip mined." At the time, I carefully pointed out that it was highly unlikely that the legislation would be enacted in 1 day, and in any case the supplies and reserves of deep minable coal so far exceeded the strippable coal that from the standpoint of energy alone it was vital to put more emphasis on underground mining. Instead, the coal industry, with encouragement by Federal and State authorities, proceeded to close down many of their deep mines and continued the headlong rush toward increasing strip mining.

In charting the course which this Nation should take toward strip-mined coal, it is extremely important to assess what are the actual reserves and resources of coal, the quality and sulfur content of that coal, and how it is to be mined and transported to serve our energy demands.

The most recent objective analysis of coal reserves and resources was published by the Senate Committee on Interior and Insular Affairs in 1973, and entitled

"Factors Affecting the Use of Coal in Present and Future Energy Markets." This document comprises an independent study from official sources. Based on estimates of the U.S. Geological Survey—

> The total coal resources of the United States amount to more than three trillion tons. Of these total coal resources, some 50 percent, or 1.5 trillion tons of bituminous coal and lignite, are considered to be recoverable reserves (i.e., minable under current economic conditions with present technology, or technology that may be available in the foreseeable future.) At current levels of output and recovery, these reserves can be expected to last more than 500 years.

RATIO OF DEEP TO STRIPPABLE RESERVES

The U.S. Bureau of Mines has estimated that approximately 45 billion tons of this are strippable. The ratio of the deep minable reserves to the strippable reserves, according to these figures, would seem to indicate that there is over 30 times as much deep minable coal as there is strippable coal.

I prefer to rely on the far more conservative statistics supplied by the U.S. Bureau of Mines, which indicate that of the 1.5 trillion tons, we should really pare that down to the very bare minimum of what we know we can recover economically with presently available technology.

The U.S. Bureau of Mines sets the figure of deep minable coal at about 356 billion tons, as against 45 billion tons of strippable coal. This is an extremely conservative analysis of the amount of underground coal this Nation possesses, but even using the most conservative figures you can see that the ratio is about 8 to 1 in terms of the larger supply of deep minable coal.

One of the first questions which naturally arises—how much of this coal is low-sulfur coal? You hear a lot of uninformed comment today from those who imagine that we only strip mine because deep mining produces coal with a lot of sulfur and a lot of smoke. You also hear a lot of comment that we had better open up the western coal fields of Wyoming, Montana, Colorado, and New Mexico for some quick and unregulated strip mining, because all that coal out there is low sulfur.

What are the facts?

Again, using the most conservative U.S. Bureau of Mines estimates, here are the actual statistics on availability and geographic location of both deep minable and strippable coal, as well as the sulfur content:

ECONOMICALLY RECOVERABLE COAL RESERVES USING PRESENT TECHNOLOGY

[In billions of tons]

	Deep-minable	Strippable
All reserves:		
Appalachia	67.6	5.1
Midwest	49.8	7.3
West	238.3	32.6
Total, United States	355.7	45.0
Low-sulfur reserves:		
Appalachia	18.6	1.8
Midwest	.2	0
West	202.7	29.9
Total, United States	221.5	31.7

Note: Library of Congress had indicated that 11,500,000,000 of the 45,000,000,000 tons of strippable coal can also be deep-mined.

SEVEN TIMES AS MUCH DEEP AS STRIPPABLE LOW-SULFUR COAL

What conclusions can be drawn from these statistics?

First. Quoting the Senate report—

> It is obvious that the sheer physical availability of coal will not be a limiting factor in its use as a fuel in the next few decades.

Second. Most of the midwestern coal in Illinois, west Kentucky, Missouri, and Ohio is high sulfur, with sulfur content of more than 2 percent. This would seem to limit the usefulness of the strippable coal in the Midwest.

Third. The huge bulk of low-sulfur reserves of coal are in the Western States of Montana, Wyoming, and New Mexico, yet there is also a large supply of low-sulfur reserves in West Virginia, Kentucky, and other States of the eastern Appalachian coal fields. In addition, western coal has a much lower Btu content, which means that western coal emits more sulfur per million Btu's.

Fourth. In both the huge western coalfields and the Appalachian area, the amount of low-sulfur coal which is deep-minable exceeds the surface minable coal by a total ratio of over 7 to 1.

Therefore, if the decision were made solely on the issue of how much deep minable versus strippable coal we have, it is my conclusion that we ought to shift our concentration away from strip mining toward deep mining. After all, we are concerned with the availability of total resources. If we continue to strip mine at the increasing rate which current trends indicate, the reserves of strip minable coal will be exhausted, perhaps by the end of this century.

The demands on strippable coal will shoot up even more by the decade of the 1980's, when the technology for coal gasification and liquefaction is perfected. At that point, when the reserves of strippable coal run out, the radical shift over to deep mining will impose drastic dislocations on our economy in terms of capital, machinery and equipment, trained manpower, and the other complex factors necessary to make the abrupt transition.

WHY NOT STOCKPILE STRIPPABLE COAL IN PLACE?

As an alternative, because strip minable coal is so valuable and essential in meeting the energy crisis, it would be preferable to stockpile the strippable coal in place and undisturbed below the surface. Then, if the need arises after the seams of deep minable coal are exhausted, the Nation could quickly turn to strip mining to meet energy needs without the economic dislocations caused by a shift in the other direction from strip mining to deep mining.

PEOPLE

Human beings are a resource.

Although inflation has probably increased the value of all the chemicals in the human body, nobody has effectively quantified the human suffering caused by strip mining. To be sure, there have been very strong contentions that without strip mining, coal and electricity would be priced out of the market and those in poverty-ridden areas would be deprived of the burden-lifting advantages of electricity and appliances. It has also been contended that without strip mining there would ensue brownouts and blackouts, cold homes in the winter, widespread and disastrous effects on jobs and people. These contentions have never been scientifically measured, or the alternatives of deep mining and other forms of energy considered.

All I want to do here today is to raise the issue among my colleagues. I am not here to contend that the people of West Virginia, Kentucky, Montana, and Wyoming deserve to be treated any differently than the people in the rest of the Nation. I just want to be sure that when you listen to the stories about blackouts and brownouts and say you have to continue strip mining, just listen also to people like Mrs. Bige Richie of Knott County, Ky., whose baby's grave was ruthlessly violated, the casket thrown over the hill and piled over with boulders and dirt by a strip mining company. It is about time that the Congress listen to Mrs. Harvey Kincaid of Fayette County, W. Va., whose home and property were invaded by the silt, sediment, polluted water, and boulders from a strip mine. So she and her family had to move several miles away, only to have the same strip mining company start the same destructive process all over again above their new home.

Lots of people ask: Why do those who are damaged not go to court and collect if their property is affected? The Kincaids did go to court and were awarded $10,000 after a lengthy and expensive legal process. But a great deal of the damage is rather subtle and difficult to prove, like the hundreds of West Virginians who are gradually finding that their water wells are getting filled with brackish, metallic, and ill-smelling water—frequently some miles downstream from where the strip miners are operating.

RECENT EXAMPLES

And while Congress haggles over weak regulatory legislation, the human suffering continues. In 1974 alone, here are some examples of what's happening in the coal fields:

January 3, 1974: Slate Creek, Buchanan County, Va.—Families evacuated just before avalanche destroys home of J. R. Mullins.

March 1974: Large rocks and boulders from blasts at Dickinson County, Va., strip mine fly completely over a mountain and into resident's yard on the other side.

April 1974: 72-year-old woman killed when boulder from strip mine crashes through her house and hits her in bed.—Accident occurred while her husband was at the strip mine pleading for operator to be more careful—Buchanan County, Va.

May 1974: 121 residents of Odd, W. Va., area petition State department of natural resources for protection against blasting from strip mine which has cracked walls and foundations, broken windows, and disrupted wells. Also protected destruction of several family cemeteries by the strippers.

The community whose jobs and prosperity depend on the coal industry is slow to speak out against the damages caused by strip mining. Some of the residents of Odd, who have protested the blasting, still refuse to publicly oppose strip mining—they are willing to let the stripping continue in spite of the damage if they are compensated.

HUMAN DAMAGE CAUSED BY STRIP MINING

How do you measure human suffering? Most of the scientific studies of the effects of strip mining deal with highly impersonal, almost heartlessly neutral factors. We know, for example, that the U.S. Geological Survey made a painstakingly thorough 10-year study entitled "Influences of Strip Mining on the Hydrologic Environment of Parts of Beaver Creek Basin, Ky.," published in 1970. The study made the startling conclusion that 30,000 tons of silt per square mile were discharged from a strip mined area in eastern Kentucky, while close by in a timbered valley where there was no strip mining only 27.9 tons per square mile annually were discharged. Scientific studies like that abound, but who speaks for the human beings who live in these valleys? The strip miners tell me that the people ought to move out so they can get on with their business, and when they are talking with the people they blame the people for causing their own problems by throwing trash in the streams.

One such study was completed in June 1973, at the University of Tennessee. It is entitled "Benefit/Cost Approach to Decision Making: The Dilemma With Coal Production," by F. Schmidt-Bleek and J. R. Moore. This study made over a 10-year period from 1962–72, surveyed all floods occurring in Ohio, Tennessee, and Virginia. Comparing the flood damages in 122 counties, of which 51 counties had strip mining at the time of flooding, the study found the level of damages in strip mined counties approximately double the level in those counties which did not have strip mining.

An October 1973 study, entitled "Strip Mining Increases Flood Potential of Mountain Watersheds," by Willie Curtis of the Forest Service, offers further evidence of how strip mining increases flooding. In examining numerous small watersheds in eastern Kentucky, Curtis found that the "peak flow rates increased by a factor of 3 to 5 after surface mining" along the streams. He also found that the rate at which flood peaks moved downstream was greatly increased in watersheds where strip mining had occurred. Clearly, people living in strip-mined areas can expect more floods, greater damage, and less time to escape.

In Farmington, W. Va., the conscience of the Nation was aroused as a result of the death of 78 coal miners in the explosion which occurred on November 20, 1968. As a result, Congress responded to the disaster and enacted the very tough, Federal Coal Mine Health and Safety Act of 1969, which the coal industry insists is driving the price of coal upward. Strip mining is a slow disaster: It is continuous, without the single, searing flash of blinding light to arouse the Congress and the Nation. This is best illustrated by what happened in the 17-mile valley called Buffalo Creek in my congressional district. For years, I have been attempting to call attention to the serious damage to people's homes, property, and water supply from the strip mines high above Buffalo Creek. To be sure, a 76-year-old man from Amherstdale, W. Va., was trapped in some mud which came down from a strip mine, and when they found him the next morning he was dead. But that was only one life. Then the troubles caused by strip mines in Buffalo Creek were forgotten on the morning of February 26, 1972, when water behind a coal waste pile broke through and swept a 30-foot wall of water down the valley, killing 125 people. The people forgot about the strip mines when they were engulfed by a tragedy of that magnitude.

ALL HUMAN BEINGS ARE CREATED EQUAL

I am not suggesting that the problems of the urban electricity user are more important or less important than those of the Appalachian housewife, or the rancher in Montana who finds his land threatened. All I am saying is that this Congress should weigh the fact that all human beings are created equal and energy is a program which is a very human one involving all types of people.

I would also plead, Mr. Speaker, to keep your options open. I do not believe that unchallengable conclusions or rigorously factual information necessarily emanate from those who have a clear economic stake in the results. Why should the Congress accept what the National Coal Association tells us is essential for the prosperity and well-being of this Nation? I trust that due consideration will also be given to those human beings who are affected adversely by strip mining, and whose lives are being ruined by what is happening to their land and water supply.

TIMETABLE ON ABOLITION OF STRIP MINING

The reason we are so dependent on strip-mined coal today is that the Nation failed to plan 10 years ago for today's energy needs. This is to say that the Committee on Science and Astronautics should have created the Subcommittee on Energy in 1963 instead of 1973, and comparable high-level attention should have been focused on energy requirements by the executive branch. If strip-mining of coal had been banned 10 or 20 years ago, we would still be producing the same amount of coal from the underground mines of the Nation. It will be contended that the price per ton of coal would then be higher, yet I say it realistically should be higher. The present price of strip-mined coal conceals the actual social costs of this form of mining, and in effect society is subsidizing the profits of the strip mining industry by enabling the industry to destroy the soil and water.

Prof. William H. Miernyk, Benedum Professor of Economics and director of the Regional Research Institute of West Virginia University, testified on March 15, 1973, before the Senate Committee on Interior and Insular Affairs:

> Clearly, if surface mining were to be abolished tomorrow the Nation would be faced with a severe energy crisis. But even those who advocate complete abolition of surface mining, such as Congressman Ken Hechler from my state, would allow for an adequate period of adjustment.

What is an adequate period of adjustment?

THE SHIFT TO DEEP MINING IS INEVITABLE

The changeover from strip mining to deep mining, as stipulated in legislation which I have introduced, would occur within 6 months where the stripping is done on relatively steep slopes—"contour stripping" where the slope exceeds 20 degrees—and within 18 months where "area stripping" occurs where the slope is less than 20 degrees. In addition, in those Western areas like Four Corners and the Black Mesa where the annual stripping production of individual mines exceeds 500,000 tons, an additional, graduated 3-year extension is provided so that the supply of coal to Southwest utilities is not precipitously affected.

Here is how the timetable will work under the phasing-out proposal which I am supporting:

PHASEOUT TIMETABLE AND SHIFT TO DEEP MINING—1973 PRODUCTION FIGURES

	Million short tons
Total U.S. coal production	591
Total U.S. strip and auger production	289
Contour strip production (20° or steeper)	74
Area strip production (east of Mississippi, less than 20° slopes)	160
Western strip production	55

REPLACEMENT SCHEDULE

	Plus 6 mo	Plus 18 mo	Plus 54 mo
Quantity to be replaced	74	160	55
Sources for replacement:			
1. Cutoff of coal exports (except to Canada)	37		
2. Adding 6th day to existing deep mines	42		
3. Utilizing unused deep-mine capacity (existing)		100–137	
4. Reopening recently closed deep mines		15–20	
4. Introduction of long-wall technology		15	30
6. Opening new deep mines		20–35	80–120

In 1973, the total strip and auger coal production amounted to 289.5 million tons. Of this 289 million tons, 74 million tons, about one-fourth, was produced in the steep slope areas of Appalachia—over 20 degrees. This figure is based on the Council on Environmental Quality study and factors in the 7-percent decrease in Appalachian production which occurred between 1971 and 1972. One hundred and fifty-one million tons were produced in Appalachia and the Midwest on slopes less than 20 degrees. Western strip mines were responsible for 64 million tons of 1973 production, with 55 million of the 64 million being produced on large strip mines of greater than 500,000 tons annual capacity. In terms of the phaseout then, the scenario is as follows: In 6 months, 74 million tons of strip production will be lost; in 18 months all of the nonsteep slope eastern and midwestern production will be lost—151 million tons—along with 9 million tons of western strip production coming from small mines—less than 500,000 tons annually. The final step in the phaseout will be the elimination of 55 million tons produced by large Western strip mines, over a 4½-year period. This longer time frame is designed to allow the Western deep-mining industry, now in its infancy, to develop gradually as a replacement for Western strip mines. Western deep mines, located primarily in Utah, Colorado, and New Mexico, produced just 10 million tons in 1973.

How will deep mining pick up the slack, replace this lost strip production? In the first 6 months, during which steep slope strip mining is gradually being reduced, the shift to deep mining would not be accomplished by opening new mines which, of course, takes more than 6 months. Instead, coal exports to nations other than Canada would be cut off. We presently ship more than 50 million tons of our best quality, high BTU, low-sulfur coal to foreign nations. This coal is primarily metallurgical coal, ideal for producing steel. Some of it is now being used also for producing clean electric power.

Ninety percent of export tonnage is produced in underground mines, 75 percent of the total comes from my home State of West Virginia. A cutoff on exports to nations other than Canada would free approximately 37 million tons of deep mined coal to replace the strip production lost by the contour mining phaseout. The domestic steel industry and several large utilities publicly support the cutoff of exports.

The second source for additional deep mined production would be to add a sixth working day at existing underground mines. The Bureau of Mines recently estimated that 42 million tons of additional underground production could be generated by adding a sixth day with no change in the number of shifts.

UTILIZING UNUSED DEEP MINE CAPACITY

The 18-month phaseout deadline will require the replacement of 160 million tons. The sources for this tonnage are shown in the table above. The major source is the utilization of existing unused capacity in present deep mines. Using U.S. Bureau of Mines figures, if you worked all deep mines on a 3-shift, 5-day-a-week basis instead of the present rate, this would produce 137 million additional tons of underground coal per year. According to Tom Bethell, research director of the United Mine Workers, a figure of 100 million tons would be a more realistic target allowing for downtime and engineering difficulties. From a safety standpoint, there do not appear to be any problems. Steve Liming, former acting safety director for the United Mine Workers of America, has noted that there are already quite a few mines which are operating three shifts per day with no unusual safety problems.

Mr. Liming indicated that the chief need in such speeded-up operations is for sufficient mechanics and electricians to make repairs quickly when mining machinery breaks down. In the interim or pending receipt of new machinery, crews can always be shifted to the type of jobs which are necessary but not immediate, that is, preparing new sections for further mining, or shifting to another area to work on an idle section.

Mr. Liming also added that recruiting new miners is becoming less and less of a problem, and cited the large number of returning Vietnam veterans who are making very good miners with many others eager to go into the mines when needed.

Between 1970 and 1972, 1,575 underground mines closed down. According to Bureau of Mines survey, 752 of these mines closed for reasons other than exhaustion of their coal reserves. These mines had an annual production of 28,940,000 tons in their last year of operation—in many cases the production level for the last year understates the annual capacity of the mine since some closed production levels far below the normal full year production level.

Reopening the 50 largest mines would result in annual production of nearly 14 million tons. With the advent of the energy crisis, many coal companies have already announced plans to reopen previously closed mines. According to the United Mine Workers Research Department, Consolidation Coal, Island Creek, and Pittston all have announced and are in the process of reopening previously closed deep mines. UMWA Research Director Tom Bethell indicated that a projection of 15–20 million tons production from these mines by the end of 1975 would be a good conservative estimate.

EXPANSION OF LONGWALL MINING

A third source of additional deep mine production is the expansion of the use of longwall mining equipment. Longwall mining means removing the coal by a cutting machine which travels from one end of the coal face to the other, biting several feet into the coal seam with heavy steel cutting picks. This is in contrast to the current method of tunneling in with machines like the continuous miner which attacks the face directly at a 90-degree angle.

According to rough preliminary estimates by the Research Department of the UMWA, the introduction of longwall equipment and techniques could expand deep mining production by 15 million tons by the end of 1975. Longwall has been gaining popularity in recent years in this contry and is presently responsible for about 2½ percent of annual U.S. production. One of West Virginia's leading producers. Eastern Associated, introduced six new longwall machines in 1973. Company officials predicted that these machines would increase production by 2½ million tons annually. In a recent study, the Bureau of Mines projected longwall annual production of 85 million tons by 1985.

Longwall mining is both safer and more efficient in terms of the percentage of the coal reserve recovered. A row of hydraulically operated steel roof supports—like gigantic jacks—move forward with the cutting machine and the conveyor belt as the coal is sliced from the seam. These jacks virtually eliminate the No. 1 cause of fatalities in conventional deep mining: roof falls.

The annual report of the Kentucky Division of Reclamation for 1972 pointed out that—

> Longwall mining is a much safer method . . . Savings are made in the areas of roof support, ventilation and rock-dusting which can amount to more than 50 cents a ton.

While the longwall equipment is expensive, it offers 85- to 95-percent recovery in contrast to the 57-percent characteristics of the conventional forms of mining.

Longwall mining accounts for 92 percent of the underground coal production in Great Britain, but is only used now in approximately 45 mines in the United States.

OPENING NEW DEEP MINES

The final source of additional deep mine production is, of course, the opening of new deep mines. Large amounts of capital investment are now being committed to the opening of new mines, both deep and strip. According to the United Mine Workers, new mines scheduled to be in full production by the end of 1975 will have annual capacity of 35–50 million tons; 20–25 million tons will be in new deep mines. The leadtime for opening a new deep mine was once listed as 3 to 5 years, but with the sudden leap in demand for coal and more importantly in the spot market price for coal, leadtimes for deep mines have shortened considerably. Thus, at a minimum we can expect 20–35 million tons of new deep-mined production by the end of 1975 and probably more.

Over the 4½-year period during which large Western strip mines will be operating, we can expect a major effort toward opening new deep mines and bringing them to full production. Once the industry realizes that strip mining will be abolished, the capital will flow toward new deep mines. The estimate of 80 to 120 million tons is on the conservative side according to the UMW, but any estimate for this must be considered to be conjectural.

DEEP MINING WESTERN SEAMS OF COAL

It has been contended by the strong advocates of strip mining in the West that it would be impossible to deep mine the very thick seams of coal which are plentiful in western States.

At present, underground mining being carried out in Utah in the Kaiparowitz field is in thick seams of up to 30 feet. Conventional techniques are used, and the coal is mined on several levels. Experience in India, Czechoslovakia, and Germany indicate that there is no major problem with deep mining very large seams. In Czechoslovakia, both longwall and room and pillar methods are used to mine these large seams on several levels. The primary method is room and pillar using continuous mine equipment. The mining of a thick seam can be done in either ascending or descending order by mining 6-foot sections at a time. These methods prove out to be safer than small seam mining.

Contrary to the propaganda of the western strippers, the Department of Interior has also indicated support for the viability of western deep mining. In its recent publication, "Energy Research Program of the U.S. Department of the Interior," the Department considered two strategies for the major expansion of coal production as part of Project Independence. The first strategy involved maximum reliance on western strip mining; the second involved an expansion of strip and deep production in both the East and the West, Interior concluded that—

> We have to rely on underground mining to a large extent, both in the East and in the West.

The Department stated that reliance on strip mining—strategy 1—"would cause rapid regional, social, and economic changes and exhaust a very high portion of reported surface reserves in both the East and West by the year 2000, threatening rapid decline in surface mine development after the turn of the century." The study projected western deep mine production of more than 200 million tons annually by 2000.

AVAILABILITY OF MINERS

The shift from strip mining to deep mining will require a substantial number of additional underground miners. Deep mining commonly requires 2½ to 4 times the number of workers employed in strip mines to produce the same tonnage. It is true that some strip miners displaced by the phaseout may switch to deep mining but by and large strip miners are construction workers and highly skilled heavy equipment operators. They are far more likely to move into highway construction and housing jobs. What then is the outlook for recruiting new deep miners? A recent Bureau of Mines study carried out by the Institute for Research on Human Resources at Penn State provides considerable insight on this question. The study entitled "The Demand for and Supply of Manpower in the Bituminous Coal Industry for the Years 1985 and 2000," concludes that in the period 1975–2000 "the probability of shortages—of labor—is very remote." The study estimated that labor supply for 1975 would be 184,739 miners. In addition the study identified a supply of 54,868 "potential miners" for 1975. The potential miners category includes "persons who were miners at some time prior to 1970 but were employed as nonminers during 1970, as well as other persons who might choose employment in the coal mining industry if working conditions were sufficiently better than those of the next best alternative." The combined labor pool for 1975 would thus be 239,607 miners, 107,808 men were employed in underground mines in 1970, the most recent year for which comprehensive employment statistics are available. Phasing out strip mining and replacing the lost tonnage completely with deep-mined coal could, at its most severe impact, require double the present numbr of deep miners. The available labor pool for 1975 would be more than adequate to cover this demand.

The energy crisis has also spurred new interest among students in pursuing careers in mining engineering. Schools of mines show sharply increasing enrollments. Last year's crop of graduates was "the largest since 1955" according to Engineering and Mining Journal. And this year's is even larger.

LEADTIMES FOR OBTAINING MINES AND OBTAINING EQUIPMENT

It is often assumed that new strip mines can be opened much faster than new deep mines. However, according to research conducted by the Library of Congress, this is not the case. The Library study cites strip mine leadtimes of 4 to 5 years as compared with 2 to 4 years for new deep mines. Backlogs of orders for the giant shovels and draglines—which are manufactured by only two companies in the United States: Marion Power Shovel and Bucyrus Erie—and the time required to assemble the equipment once the parts are delivered to the minesite were listed as major factors in the long strip mine leadtimes.

This change in leadtimes has also been shown in announcements for new mines opening in West Virginia and eastern Kentucky. More than a dozen major new deep mines have been announced in the last few months; all are slated to reach full production by 1976 at the latest, some indicating partial production will begin immediately. Similar announcements for strip mines have not been forthcoming, probably because of the difficulty of obtaining equipment.

No such equipment problem seems to face deep mine operators. A Library of Congress survey found that deep mining equipment leadtimes ranged from a few months up to 1 year depending on whether or not the equipment was custom made. Joy Manufacturing Co., the leading underground mining equipment manufacturer, listed 5- to 6-month delivery times. In a recent letter to me, Joy President Jim Wilcock stated:

> I think we are doing pretty well in accommodating our customers in what they want.

From this survey, it appears that equipment companies could provide the necessary equipment to make the shift from strip mining to deep mining. The energy demands have already led to stepped-up equipment production.

COST OF OPENING NEW UNDERGROUND MINES

The time required and the cost involved for the development of a new deep mine vary widely because of the number of factors involved. The major factors are depth of the coal seam, thickness of the seam, uniformity, and quality of the seam, roof characteristics, and amount of methane gas likely to be liberated during mining. Depth of the seam determines whether the mine will be a drift, slope or shaft mine.

Initial capital investment costs differ substantially for different ranks of coal and for annual production capacity. Recent Bureau of Mines studies of costs for hypothetical mines are difficult to compare because studies of strip and deep mines were conducted in different years and are thus based on fixed costs of significant difference. Inflation in the coal industry, particularly in the last year, has been incredible. The selling price of coal has risen tremendously in the last 6 months. However, certain general principles can be gleaned from these dated studies. Initial capital investment for large deep and strip mines are virtually identical—in some cases, initial capital investment is actually lower for the same-sized deep mine. This surprising fact can be explained by the knowledge that deep mining is labor-intensive while strip mining is primarily capital-intensive. For example, capital investment for a 1 million ton annual production, 72-inch seam eastern bituminous strip mine run $12,727,500. For the same size eastern bituminous deep mine, the investment figure is $12,540,000. For a 3 million ton, 72-inch seam eastern bituminous strip mine, the initial capital investment figure is $28,005,000 in contrast to the same-sized eastern deep mine figure of $29,711,000. Given the fact that the Bureau's study of strip costs is based on 1969 prices whereas the study of deep costs is based on 1971 prices, it is clear that deep mines do require less initial capital investment. Of course, the advantage enjoyed by strip mining comes from the fact that operating costs per year are much lower for strip mines—output per man-day on strip mines is three times that of deep mines.

The fact that initial capital investment is lower for new deep mines than for new strip mines has important implications for the question of availability of capital for a shift to deep mining after stripping has been abolished. Clearly, the money slated for the development of the huge western strip mines could easily be shifted to cover the capital requirements of new deep mines. This would be true as well for strip mines planned in other areas. Moreover, banning strip mining would shift demand to the extensive deep mine coal reserves. It is a time-tested fact that capital will flow wherever a sound rate of return can be expected. The costs cited in the Bureau of Mines study all assumed a 12-percent annual return—more than enough to encourage development of new deep mines. Given the high projected future demand for coal, the expected annual return would become higher and long-term utility contracts would become available. Hence investment in deep mines will become very attractive.

The coal industry itself could be expected to come up with major amounts of capital investment. We must remember that 12 of the 15 largest coal producers are subsidiaries of larger conglomerates—primarily oil and steel companies. The 1972 profits picture for the coal companies and their parent corporations was outstanding; 1972 profit levels ranged from a low of $2.6 million registered by North American Coal to a high of $28 million chalked up by Pittston. The parent corporations did even better with Gulf Oil, the parent of Pittsburg and Midway, racking up an amazing $447 million in profits; Continental Oil—Consol—$170 million. United States Steel $156 million and Bethlehem Steel $134 million. In addition, all of the subsidiaries showed increases in profits in the first quarter of 1973. The profits picture leaves no doubt that the capital is readily available for a shift to deep mining.

Nor is there a lack of expertise for this shift either on the management level or the operations level. Of the 15 largest coal producers, 14 operate underground mines—only Utah International is purely a strip mining outfit. A ban would simply mean that these major producers would expand their deep mine operations.

WESTERN COAL AND THE EAST-WEST SHIFT

Western strippable coal, of which there is an ample supply of 29.9 billion tons of the low-sulfur variety, is a very attractive market. The huge coal seams, the cheapness of the land, the shallow extracting by gigantic machines combine to place the FOB mine price in the $2 to $5 per ton range—a fantastic bargain.

In another section of my testimony, I shall analyze in depth the issue of reclamation of strip mined lands in the West as contrasted with an Appalachian region.

For the moment, let us examine the quality and attractiveness of western strippable coal. Unfortunately, western strippable coal has a much lower Btu level and high ash and water content. This was discovered when the TVA purchased a large quantity of western coal for its Johnsonville, Tenn., plant. On November 12, 1972, the TVA issued a public statement that the high water content of the western coal "has shown major operating problems in addition to the very high transportation cost involved." In short, the large amount of water in western stripped coal gummed up the TVA boilers, and henceforth they contracted for coal shipped from underground mines in Indiana. Most eastern plants are also equipped to burn low-water content coal, so this problem is likely to recur if massive shipments are contemplated.

STRIPPERS ARE STREAKING WESTWARD

However, major utilities such as American Electric Power, and major oil companies and energy conglomerates like Exxon are rushing into the West to grab up all available strippable reserves. What motivates this new coal rush? If this coal is low quality, why the tremendous interest? Western coal offers several at tractions to these corporations. First, strip mining in the West requires few workers and generally does not require the operator to deal with unions. Output per man-day far exceeds anything achived in the East, deep or strip. Second, western mining offers huge blocks of contiguous coal reserves. In the East, ownership of reserves is diverse; it is difficult to line up large blocks of reserves. Third, most western seams are quite thick compared with eastern coal seams; 75–100-foot seams are relatively common. This means that acreage disturbed for a given amount of production is far less, and reclamation cost is thus less of a factor. Further, overburden tends to be shallow and overburden ratios are very favorable. Fourth, western railroads are in far better shape than their brothers in the East. This makes transportation reliable, though expensive. Finally, the demand for low-sulfur coal resulting from implementation of the Clean Air Act makes western coal desirable because its relatively low-sulfur content.

The sulfur level of western coal deserves closer scrutiny. As mentioned, western coal contains large amounts of water, up to 10 times the moisture content of eastern coal. Drying the coal for use in eastern boilers reduces the mass and thereby increases the percentage of sulfur content above acceptable levels. Moreover, given its low Btu value it takes 1½ to 2 tons of western coal to produce the same amount of heat generated by 1 ton of eastern coal. Yet massive plans have been drawn for the shipment of western coal to eastern markets. Both American Electric Power and Amax have announced plans to ship western coal to plants as far east as West Virginia. Rail transportation cost is high, but given today's sharply increasing coal prices, not high enough to price western coal out of eastern markets. A recent Bureau of Mines study cited unit train costs of $0.004–$0.005 per ton per mile which translates into $10 and up transport cost to eastern markets. However, many public service commissions allow direct passthrough to the consumer of any transport costs for fuels.

A new study by Michael Rieber of the University of Illinois at Urbana entitled "Low Sulfur Coal: A Revision of Reserve and Supply Estimates," points out that on a heat content basis, 55 percent of the recoverable low-sulfur reserves are located east of the Mississippi, primarily in West Virginia. What then is the key factor in the western coal rush? While the issue is complex, it appears the key factor is the control of large blocks of reserves. This control allows the holder the opportunity to sign long-term contracts and guarantee substantial return on his investment. Moreover, these large blocks are both ideal and necessary for the construction of large-scale energy conversion complexes—that is, coal gasification, coal liquefaction, and mine-mouth powerplants.

IMPLICATIONS OF THE EAST-WEST SHIFT

A major shift to the West will have a disastrous effect on the eastern coal industry. Bureau of Mines and Interior Department studies project serious negative impacts for the eastern industry if western stripping escalates sharply. The Bureau stated in a recent study:

> In the event of a major move of coal mining to the West, employment (mining) in all Eastern states should decline, with Pennsylvania and West Virginia experiencing the largest declines.

Interior also pointed to the disastrous effect of a boom-bust economy in the West. The traditional ranch life style will be shoved aside by an industrial boom that will peter out after the turn of the century. The tremendous impact on existing communities will be unprecedented. At the same time, industry will be moving away from Appalachia and the Midwest. As the energy conversion facilities develop, support industries will also develop. Trailer camps and honky tonks will replace the wide-open spaces. Phasing out strip mining is the only way to arrest this development and its consequences.

STRIP MINING AND REGIONAL ECONOMIC DEVELOPMENT

The East-West shift issue points to a basic area often ignored in the debate on the pros and cons of strip mining: Strip mining's relation to regional economic development. Prof. William Miernyk, director of the Regional Research Institute at West Virginia University, in a definitive study entitled: "Environmental Management and Regional Economic Development," has established that "the environmental damage from strip mining may undermine the entire regional economic development effort." Miernyk points out that in the case of Appalachia, the Appalachian Highway Development System is designed to open up possibilities for tourism and light industry as well as facilitating transportation of timber and coal. Miernyk concluded:

> The continued expansion of strip mining could easily offset the developmental impact of the Appalachian Highway System.

This analysis clearly has application in other areas threatened by strip mining. Few industries are likely to relocate in areas with contaminated water supplies, continual dangers of flooding, and blighted landscapes.

A recent study entitled: "Opportunity Costs of Land Use: The Case of Coal Surface Mining" by Robert Spore, an economist at the Oak Ridge National Laboratory, underlines Miernyk's conclusions. The study found that the value of strip mining all the coal along the Big South Fork of the Cumberland River in eastern Kentucky and Tennessee would total $13,906,000 while the recreational value of this area totaled $42,620,000. In short, the costs in terms of lost opportunities for recreation and tourism would be more than three times the value of all the coal in the area. All of this economic and recreational benefit to the people would be lost forever if stripping were permitted. This pattern of lost opportunities is already the rule in some parts of Appalachia—only abolition will stem the tide.

Dr. Robert Smith of the West Virginia University School of Forestry in testimony before the Senate Interior Committee last March, pointed out how strip mining is ruining the hardwood timber industry in Appalachia. Smith stated that strip mining—

> So disrupts the environment that it appears impossible for any forest regrowth in the foreseeable future. The rich sites are either destroyed directly by strip mining or else they receive the brunt of overburden and siltation from the stripping at higher elevations.

In short, strip mining is totally incompatible with timber, tourism, and industrial development. It is crucial to note that deep mining is quite compatible with these alternate land uses, while at the same time offering more plentiful supply of coal.

The situation in the West adds still another lost alternate land use to this equation.

Given the poor possibilities of reclamation in the West and the tremendous danger to ground and surface water supplies—which I shall discuss in more detail shortly—the lands of the West will no longer be useful as grazing land once they have been stripped. This will have a major and oft-overlooked effect on the Nation's supply of beef and grain. North Dakota, for example, ranks first in the Nation in the production of spring wheat, durum wheat, and barley, yet if strip mining is permitted it will mean the loss of between 10 and 20 percent of the State's grain production. At a time of growing worldwide food shortages, we must ask whether we can afford to strip these lands—especially when the coal could be mined through underground methods without sacrificing the productive value of this land.

RECLAMATION IN GREAT BRITAIN AND GERMANY

There have been many studies of reclamation in Germany and in Great Britain, where strip-mined coal constitutes less than 10 percent of the total coal production, in contrast to over 50 percent in the United States. There are some clear-cut differences between the land use ethics of Great Britain and Germany, where long and careful public planning precedes any attempt at strip mining—the pell-mell rush to strip which occurs in this country is unknown in Europe.

Under our cowboy capitalist approach to mining, we have placed heavy emphasis on how you extract the minerals from the ground in the quickest and cheapest fashion. Coming from a State which specializes in extractive industry. I regret we also have had a few extractive politicians, as in Maryland, who took out more than they put in, with very little reclamation, but that is another story. Throughout the mining industry, "reclamation" has become a recent craze, but it is sharply different in outlook than in Great Britain and Germany where true reclamation means reforestation and a thorough and intelligent restoration of the land. All too often esthetics are the ruling yardstick of reclamation success in this country.

The extensive study, "Surface Mining and Land Reclamation in Germany," by E. A. Nephew of the Oak Ridge National Laboratory indicates that costs of reclamation in Germany amount to between $3,000 and $4,500 per acre, while in Great Britain they may run as high as $7,179 per acre but average out close to $4,000 an acre. The cost per ton ranged from 63 cents to $4.24/ton and averaged $1.35/ton for all British reclamation efforts. The topsoil and subsoil is carefully segregated, and later replaced, and rehabilitation of the land by experts in agriculture and forestry may take as long as 5 years following the mining operation.

DISMAL RECORD OF RECLAMATION IN UNITED STATES

The record for reclamation in this country is a dismal one. This is not due entirely to the lack of effort on the part of those operators and specialists charged with reclamation. There are a number of very serious problems with reclamation in this country which are not encountered in Germany and Great Britain. The critical environmental variables for reclamation are slope, sulfur content of coal and shales, acid-alkali balance in spoils, amount of rainfall, depth and thickness of the coal seam, and amount and quality of the topsoil. In Appalachia, the combination of steep slopes, pyritic shales, heavy rainfall, and thin topsoil combine to create monumental problems of erosion, sedimentation, landslides, and acid drainage. The relatively flat, acid-free lands of Germany and Britain present no such difficulties.

Dr. Robert L. Smith, professor of wildlife biology, Division of Forestry, West Virginia University, recently stated:

> "In the southern mountains, it is obvious anyone who views strip mine reclamation that reclamation is not successful, nor is the land being restored. It is impossible to put the excavated material back and to re-establish any semblance of previous ecological conditions." Dr. Smith points out that hydroseeding and heavy fertilization can produce some vegetation, but this is generally short-lived. He states that "on no slopes can grass stabilize the soil." Reforestation is not even attempted on the steep slopes.

WEST VIRGINIA RECLAMATION

A great deal of the land in West Virginia and central Appalachia consists of steep slopes, heavy rainfall, thin topsoil, with acid from pyritic shales more serious in northern than southern West Virginia. The Stanford Research Institute was commissioned to study strip mining by the West Virginia State Legislature, and this study did not recommend abolition but pointed out some significant facts. Analyzing the 248,078 acres of land "disturbed" by strip mining as of October 1971, the report estimated that only 69,648—slightly over a quarter of the acreage—had achieved 75 percent vegetative cover. Even more significantly, the study indicated that if the acreage which had not achieved 75-percent vegetative cover, 60 percent had at one time been reclaimed to this standard either by the operator, the U.S. Soil Conservation Service or the reclamation fund maintained by the State. This means that nearly two-thirds of all reclamation in West Virginia has failed to maintain itself. This means that of the most barren lands which lack 75 percent vegetative cover, 6 out of every 10 acres had once been "officially reclaimed" but backslid into barren lands.

In its final report to the State legislature, the Stanford Research Institute grimly concluded the following about the cost of reclamation in West Virginia:

> Returns for such expenditures have been disappointing in the past, as reclamation work has not eliminated environmental effects of surface mining from most areas.

It was further concluded that so-called reclaimed land still held the danger of landslides, and yielded "from 400 to 600 tons of sediment per acre of spoil bank—annually." It was calculated that each new year of strip mine production in West Virginia adds 6 to 10 million tons of new sedimentation into the State's streams and rivers.

The study concluded:

> By 1980, the cumulative effect of leaching could yield roughly 3 million tons of dissolved solids from spoil banks.

Two recent studies underline the mammoth reclamation problems presented by mining in the mountains. A 1973 Senate study, "Factors Affecting the Use of Coal in Present and Future Energy Markets," pointed to the serious continuing problem of landslides on steep slopes and repeated violations of State regulations. Citing experience in eastern Kentucky, the Senate study stated:

> For all types of mountain strip mining, more than one third of the inspections revealed major violations including, for instance: exceeding bench width, operating off permit area, dumping excessive material over the outslope, and lack of drainage controls.

The following table and comment also appear in the Senate study:

TABLE 7.—PERCENTAGE OF OFFICIAL STATE INSPECTIONS IN WHICH ONE OR MORE VIOLATIONS FOUND AND RECORDED IN EASTERN KENTUCKY STRIP MINE OPERATIONS, 1971

Mining method:	*Percentage of inspections*
Conventional contour	43
Slope reduction	50
Parallel slope fill	34
Head of hollow fill	49
Pit storage of spoil	41
Mountaintop removal	47
Mountain auger	42

The significance of this is further emphasized when it is recognized that most damages from such violations cannot be remedied; the operator usually agrees to stop activities which are in violation and to avoid such practices in the future. This evidence reinforces the concept that certain surface mining practices cannot be regulated satisfactorily, and in these instances, the best answer is to prohibit those specific activities.

A second study, "Design of Surface Mining Systems in Eastern Kentucky," carried out by Mathematica, Inc., for the Appalachian Regional Commission, found landslides and sedimentation to be continuing major problems in mountain mining. Mathematica stated: "Landslides are still a widespread problem in eastern Kentucky."

The study also found that revegetation was not adequate to control sedimentation. Sedimentation was particularly heavy during ongoing operations; vegetation had little effect until the third year of plantings. Use of silt dams was suggested as a possible solution but Kentucky Natural Resources personnel indicated that such dams often created more problems than they solved. Construction of the dams caused "substantial environmental disturbance," and the dams presented a safety and environmental hazard, particularly once maintenance by the operator ended at the completion of reclamation. In short, a technological fix to the landslide and sedimentation problems has not been fully developed. Combining the technical problems of reclamation with the myriad enforcement problems—amply documented by the Mathematica study—one must conclude that real reclamation in the fullest and permament sense is not possible in the mountains.

ACID DRAINAGE PROBLEMS

In flatter areas, vegetation can be partially successful and could be a step in the process back to forestation. However, the basic problem with flatland reclamation in the East and the Midwest remains that of controlling acid drainage and the leaching of toxic materials. Dr. Moid Ahmad of Ohio University, an eminent hydrologist, has shown conclusively, that so long as acid-causing pyrites are present in the overburden, no reclamation procedures can successfully stop acid drainage. Vegetation in no way insures an end to the acid drainage problem. A 1970 study conducted by Dr. Sutton of the Ohio Department of Natural Resources entitled, "Reclamation of Toxic Coal Mine Spoil Banks" has found that even the heavy use of fertilizers was ineffective in neutralizing acidity. Lime applied at a rate of 42 tons per acre was ineffective. Unless the acid can be eliminated, vegetation will decline and reclamation will be reversed thus creating a new orphaned land, complete with all the original environmental problems of unreclaimed land.

A 1971 Case Western Reserve University study entitled, "Ecological Effects of Strip Mining: A Comparative Study of Natural and Reclaimed Watershed" compared two watersheds in Belmont County in southeastern Ohio, one of which had not been stripped, the other which had been stripped and reclaimed in 1968 by the Hanna Coal Co. The report states:

> The water draining from the mined and reclaimed watershed is highly acidic, having an average pH of 3.5. In contrast, the water draining from the natural system is neutral or slightly alkatine, having an average pH of 7.9. . . . In the affected system, Fe (iron) was found in concentrations greater than 400 times that found in the natural system, SO_4 (sulfate) averaged 56 times that of the natural system, K (potassium) 2.8 times, Ca (calcium) nine times, Mg (magnesium) 30 times, Mn (manganese) over 1,320 times, and Al (aluminum) was found to be over 3,000 times that of the natural system. These large amounts of ions produced high concentrations of dissolved solids. Average dissolved solids of the affected systems were 90 times that of the natural system.

CHEMICALS RELEASED BY STRIP MINING

The report drew the following conclusions:

> 1. Three years after reclamation one finds that the affected area cannot support plant or animal life.
> 2. Geologic formations high in sandstone must be reclaimed by better methods or should not be strip-mined at all.
> 3. The acid condition produced by strip-mining releases amounts of minerals and nutrients which are toxic to plant-life.
> 4. The highly dissolved chemical load entering Piedmont Lake from the affected area is rapidly increasing the eutrophication processes in the lake, and thus it is altering and destroying lake habitats.

HIGH COST OF "RECLAMATION"

In short, good reclamation like that found in Germany can only be accomplished on flat areas free of pyritic and other acid-causing materials. And, this can only be accomplished through careful, comprehensive land-use planning, strict performance standards for the reclamation process, full public access to the planning process, a continuing program for revegetation and forestation over a 5- to 10-year period after completion of initial reclamation efforts, and above all a major commitment of money in the neighborhood of $4,000 per acre such as the Europeans have put forth.

Nephew sums up the German approach philosophically:

> Probably the most compelling reason for farmland restoration, however, is the prevailing conviction that to allow valuable soil to be irrevocably destroyed by a strictly temporary land use—mining—would present extreme folly.

RECLAMATION IN PENNSYLVANIA

The Pennsylvania law and the Pennsylvania reclamation methods have been widely touted as the solution to the Nation's strip mining and reclamation problems. The slopes are not as steep in Pennsylvania as in West Virginia. Even though the State law requires backfillings of strip-mined areas to their original contour and enforcement of the strip mining laws seems to be more stringent than most States, reclamation has been largely a failure in dealing with the problem of acid pollution from strip mining spoils.

A study completed by the Pennsylvania State University College of Earth and Mineral Sciences shows that a majority of strip mines in seams surrounded by highly acid shales discharge acid water in excess of the State water quality standards, regardless of the method of reclamation employed—50 to 67 percent of such strip mines which were regraded to original contour failed to meet water quality standards; 71 to 94 percent of such strip mines which were partially regraded failed to meet water quality standards.

THE BLOCK CUT TECHNIQUE OF STRIP MINING

Pennsylvania has introduced a new form of stripping known as the "block cut," which is designed to restore the mined land to its original contour by dumping the first cut on the downslope and then dumping subsequent cuts into the hole created by the first cut. This technique involves the segregation of the topsoil and the burial of the most toxic and acid producing strata in an effort to minimize their adverse effect. Reclamation is attempted concurrent with the mining operation.

The major advantage offered by the block-cut technique is that it can eliminate a majority of the downslope spoil dumping, thus cutting down on landslides. However, the first cut is still placed on the downslope and this cut must be quite large to allow space for the equipment to operate. Dumping of the first cut creates a large spoil bank which is subject to the monumental problems of landslides, erosion, and heavy sedimentation.

It should be recognized that the block cut is basically an earth-moving technique. As such, it cannot overcome the very serious problems of slippage, acid drainage and the leaching of toxic materials. While it can reduce general erosion and sedimentation, it does not eliminate these problems nor does it insure revegetation. It has never been proven feasible in the steep-slope areas of central Appalachia—only on the shorter, more gentle slopes of Pennsylvania has it been at all successful. Although a modified block cut has been attempted by Hobet Mining Co., in my congressional district—Mingo County—it is done while retaining the high wall. In fact, both coal operators and State officials have indicated that the block-cut method is too expensive in the steep mountains of West Virginia. At best, the block cut is an improvement over other reclamation techniques, but it falls far short of being a solution to the problems of reclamation.

RECLAMATION OF WESTERN STRIPPED LAND

The western lands are characterized by very thin topsoil, low rainfall, alkali and sodic spoils—no acid-producing materials—and the general scarcity of water. This has led many to the false conclusion that without much rainfall or acid-producing material, and fairly level land, strip mining in the West does not face the gigantic problems of reclamation confronted in Appalachia.

Dr. Robert Curry, assistant professor of geology at the University of Montana, testified before the Senate Committee on Interior and Insular Affairs that—

> The ground surface, once disturbed in the West, cannot recover to its present state of succession or vegetation without extremely long periods of geologic time—many times longer than we might expect man to inhabit the earth.

He added:

> In the West, unless precious water is imported and the sites are watered on the order of 200 to 2,000 years to simulate the naturally wetter conditions during the soil-forming periods, reclamation to the point of self-sustenance is impossible . . . When one considers the rising costs of water and fertilizer, and the rising values of sustained water quality, I estimate that ultimate costs of reclamation in the West are 10 to 100 times as great as those on steep, contour-stripped lands in the southeast.

I will now quote the final statement of Professor Curry in which he took a swipe at me, demonstrating that reclamation of strip-mined land in the Western States is far more serious than in my Appalachia:

> The oft-spoken threat that Colorado, Wyoming and Montana coal areas will become another Appalachia, as Representative Hechler said the other day, is, I believe, a deceptive statement because the situation in the Western States is, in fact, somewhat worse from the standpoint of reclamation alternatives, economic base, potential losses of water and land value.

NATIONAL ACADEMY OF SCIENCES STUDY

"Rehabilitation Potential of Western Coal Lands" is a landmark study prepared under the auspices of the National Academy of Sciences. This study underlines the danger of launching a big coal rush to strip mine western lands. It also indicates the very real threat which coal gasification plants will pose to the limited water supply in these western areas. Plans have been rushed forward to combine massive strip mining with giant coal gasification plants in the West.

The National Academy of Sciences study concludes:

> 1. "Pertinent data for rehabilitating mined land are virtually nonexistent. The necessary research has barely begun."
> 2. "Because water requirements are a major problem in western areas, water consumption and related on and off site environmental impacts that would result from conversion of coal by gasification, liquefaction or its use

> for electricity generation could far exceed the impacts from coal mining alone. . . . not enough water exists for large-scale conversion of coal to other energy forms. The potential environmental and social impacts of the use of this water for large-scale energy conversion projects would exceed by far the anticipated impact of mining alone. We recommend that alternate locations be considered for energy conversion facilities and that adequate evaluations be made of the options (including rehabilitation) for the various local uses of the available water."
>
> 3. "The time required for this process of succession to heal the scars of a severe disturbance in desert and sage brush foothill areas may be decades and even centuries. Even when the best of proven techniques are applied in such desert areas, the potential for approaching the conditions and values of the original ecosystems is low."
>
> 4. (In foothill zone of the Rocky Mountains), "Steep slopes, south and west exposures and infertile soils can present insurmountable rehabilitation problems even when the best methods are diligently followed."
>
> 5. (With respect to desert areas, broad valley basins and local areas among low hills, ridges and mesas), "The probability for successfully rehabilitating such areas is extremely low . . . Disturbing such areas for surface mining of coal amounts to sacrificing such values permanently for an economic award."
>
> 6. "The chances of approaching the original ecosystem are only moderate even on the best of sites and there is no probability of complete restoration anywhere."
>
> 7. "For much of the western coal region, the rates of erosion are among the highest in the nation, and soil is commonly lost through erosion and flash flooding."
>
> 8. "Surface mining activities may disrupt ground water flow patterns and interrupt traditional sources of water supply."

WATER—THE KEY VARIABLE IN THE WEST

In evaluating reclamation in the West, it is crucial to examine both the onsite and offsite impacts of mining on ground and surface water systems. While seemingly successful reclamation may be carried out at a particular site, a full understanding of the hydrologic situation is necessary before the reclamation can truly be evaluated. The key areas to be affected by strip mining are the aquifers, alluvial valley floors, and stream channels. The National Academy of Sciences study addresses itself directly to the water issue. Let me summarize the direct and indirect effects as spelled out by the NAS study:

In most areas of the West, the strippable coal seam serves as the aquifer, the water-carrying underground strata. This accounts for the high moisture content of western coal discussed earlier. Strip mining a coal seam aquifer can result in the following direct effects:

> Groundwater supplies upslope and downslope from the cut may be depleted either temporarily or permanently, disruption of ephemeral stream channels below the site and change in the quality of water either through an increase in total dissolved solids or an increase in sediment load.

NAS states that:

> It is not known to what extent the aquifer characteristics of the stratum formerly occupied by the coal seam might be restored.

Piping the ground water out of the mining pit as is done at the Amax operation near Gillette, Wyo., can result in major channel erosion, channel deepening, and sedimentation problems. As the Interior Committee report on pending legislation points out:

> Deepening of the channel often results in lowering the ground water level.

These changes have very grave ramifications for beef and grain production in the West.

Erosional problems become even more significant where alluvial valley floors are involved. Alluvial valley floors are unconsolidated deposits formed by streams where the ground water level is so near the surface that it directly supports extensive vegetation. Alluvial valley floors receive water from surrounding areas and are thus capable of sustaining vegetation well in excess of what would be expected based on the precipitation levels in the area. These areas are the key hay meadows for cattle production. NAS states:

> The unconsolidated alluvial deposits are highly susceptible to erosion. Removal of alluvium from the thalweg of the valley not only lowers the water table but also destroys the protective vegetation cover by draining soil moisture.

The House Interior Committee in its report even concedes—

> That efforts by the Federal government to rehabilitate alluvial valley floors which have been denuded and damaged have been very expensive, of long duration, and only partially successful.

Thus, mining of these areas would means the loss of vital grazing land—perhaps permanently. This is what is at stake in strip mining western coal.

The Academy study summarizes the offsite impacts of strip mining as well:

> (1) changes in volume of surface flow, both increases and decreases; (2) loss of groundwater; (3) deterioration of water quality; and (4) channel changes caused by an increase in sediment load; (5) destruction of aquatic habitats; and (6) increase in endemic diseases among users of water that has been contaminated by mining.

Recent data from a Montana Bureau of Mines study of Decker Coal Co's. operations at Decker, Mont., have confirmed the NAS conclusions concerning the effect of ground water levels. Wells within a quarter mile of the operations have dropped 20 feet in the last year; wells within a mile and a half have dropped 10 feet on the average.

And western strip mining has only just begun.

Can we afford to sacrifice productive land for what Gov. Arthur Link of North Dakota has aptly described as a "one-crop harvest"? Are we willing to sacrifice the land and life style of the West for this stripped coal when we can preserve the land and life style while deep mining the coal?

SAFETY RECORD IN UNDERGROUND MINES

To be sure, there are more accidents in deep mines, but a close look at the accident records of the major companies proves that this does not have to be the case. U.S. Steel, which operates only captive mines and produces 99 percent of its coal through deep mining, has by far the best safety records of any coal company. Similarly, Bethlehem Steel, which operates largely deep mines, ranks second in injuries and third in fatalities. This shows clearly that if a commitment is made to safety, deep mines can become safe. Here are the data on the 10 biggest producers from 1968 to 1971:

INJURIES PER MILLION MAN-HOURS

(Numbers in parentheses refer to rank of largest producers)

United States Steel mines (4)	2.72
Bethlehem Steel mines (10)	12.27
Consolidation Coal (2)	18.68
General Dynamics mines (6)	38.74
Peabody Coal (1)	46.91
Old Ben Coal (9)	47.40
Amax Coal (8)	48.23
Pittson (5)	56.57
Eastern Associated Coal (7)	62.51
Island Creek Coal (3	72.13

The differences are less marked but still significant when fatality rates are compiled.

FATALITIES PER MILLION MAN-HOURS

United States Steel mines (4)	0.28
Amax Coal (8)	0.35
Bethlehem Steel mines (10)	0.44
Eastern Associated Coal (7)	0.53
General Dynamics mines (6)	0.72
Island Greek Coal (3)	0.85
Peabody Coal (1)	0.94
Old Ben Coal (9)	1.07
Pittston (5)	1.10
Consolidation Coal (2)	1.52

Particular note should be made of the Peabody figures: 80 percent of their coal production comes from surface mining, yet their accident record is poor. The good safety record of the captive mines stems from the fact that they have a strong commitment to safety—which is exhibited in their steel operations as well—and they are free from the competitive pricing pressures of the marketplace which push other deep mine companies to cut corners on safety. Abolition of strip mining would eliminate these pressures particularly in the case of marginal operators. It thus would allow deep mine operators to make the necessary financial commitment to safety.

Data for 1972 follow basically the same pattern as that for the period 1968–71. Again United States Steel and Bethlehem Steel underground mines rank one and two in lowest frequency of injuries per million man-hours, 5.30 and 8.97 respectively—note that for 1972 data was available separating deep and strip operations of the major producers. In comparison, Consolidated Coal's strip mines which ranked first among strip mines in lowest frequency of injuries, 18.31 per million man-hours, lagged well behind the steel company deep mines record. Of particular interest is the fact that Bethlehem's strip mines registered a 29.61 injuries per million man-hours rate, nearly four times higher than that compiled by their sister deep mines.

In the fatalities per million man-hours rankings, seven of the top nine underground mining companies showed lower fatality rates than the two leading strip producers, Peabody and Consolidation. Peabody and Consolidation strip mines had identical 0.61 fatality per million man-hours rates which were exceeded only by Old Ben deep mines—0.62 and by Consolidation's own deep mines—1.14—which were the most dangerous mines in the industry from a fatalities point of view. These statistics certainly cast doubt on the common assumption that strip mining is much safer than deep mining. Moreover, the combination of the good safety record of captive deep mines and the good safety records of European underground mines shows that deep mining can become a much safer operation.

Once again in 1973, United States Steel and Bethlehem Steel ranked Nos. 1 and 2 in safety. United States Steel's industry leading injury rate of 6.49 and Bethlehem's rate of 7.67 were far below the 38.26 posted by Pittston's strip mines, the 53.46 injury rate posted by North American strip mines, and the 20.03 rate posted in the strip mines of the Nation's No. 1 strip producer, Peabody Coal Co. In fact, large strip mining operations appear to be more dangerous than many deep mines. In 1973, the fatality rates on strip mines operated by the top two strip producers, Peabody and Consolidation Coal, were 0.47 and 0.45 fatality per million man-hours respectively. This is virturally identical to the industrywide rate of 0.50 scored by all underground operations in 1973. In short, large-scale strip mining is dangerous indeed.

And the trend toward increasing danger in strip mining seems to be continuing. In the first 4 months of 1974, the fatality rate for strip mines was 0.53, substantially higher than the 0.35 posted by deep mines nationwide during the same 4-month period.

EFFICIENCY IN COAL RECOVERY: DEEP AND STRIP

Strip mines are not necessarily more efficient in recovering all the coal in the area disturbed. Directly beneath the cut, strip mines will characteristically recover 90 percent of the coal. When auger mining is associated with strip mining, the augering recovers only 30–50 percent of the coal, reducing overall efficiency to around 60 percent. Whether or not augering is used, a solid block of coal must be retained between the strip cut and any future deep mine, further reducing efficiency. Even in area stripping, such solid blocks are commonly left where the overburden becomes too deep. Therefore strip mines may range in efficiency of coal recovery from about 40 to 90 percent, with contour stripping on steep slopes being the least efficient.

In other ways, strip mining may directly injure the efficiency of subsequent deep mining. Heavy blasting characteristically associated with strip mining in rocky terrain may fissure rock strata above deeper coal seams and create new roof support and water drainage hazards for subsequent underground mining. Extensive strip mining of near-surface seams may so disfigure and destroy an area as to make future access and future human habitation difficult or impossible.

This is a distinct threat in areas like Boone County, W. Va., where removal of the 6.5 percent of the coal which can be strip mined would leave the land surface totally destroyed, making subsequent deep mining of the remaining 96 percent of the coal reserves difficult and in some cases impossible.

The U.S. Bureau of Mines estimates that underground mining recovers 57 percent of the coal affected by mining. However, new technologies, particularly "longwall mining" can increase that recovery rate to 85–95 percent. The application of these technologies in the United States has been slowed by the stagnation and price pressures on underground mining for which strip mining is primarily responsible.

ABOLITION OF STRIP MINING AND THE COST OF ELECTRICITY

What is the effect of the increase in the price of electricity which would result from the abolition of strip mining?

I have asked the Congressional Research Service of the Library of Congress to prepare an analysis of this comparison in rising costs, which follows:

> A ban on contour and auger mined coal would require the replacement of 50 million tons of such coal currently supplied to utilities (source: Bureau of Mines). A ban on all strip-mining would require the replacement of 214 million tons of strip-mined coal currently supplied to electric utilities. According to the Federal Power Commission, during the third quarter of 1972, the delivered price to utiilties of deep mined coal was $9.40 per ton; the delivered price of strip-mined coal was $7.71. Thus, replacing the 214 million tons of strip-coal supplied to utilities in 1972 with deep mined coal would mean an increase of $361.7 million in delivered fuel costs to utilities, assuming that alternate fuel sources are either more expensive or unavailable. If this increase were all passed on to consumers of electricity, what would it mean to the average family's electricity bill? Just under one third of all electricity was consumed by residential users in 1972. Assuming that all rate payers are equally affected—which is an over-simplification, approximately $120 million of the increase in fuel costs will be passed on to residential users. There were more than 65 million residential users in 1972. Therefore, a ban on strip-mining would mean—taking the above assumptions in consideration—that the average family's electric bill would rise $1.80 annually or 15 cents per month.

ENVIRONMENTAL DAMAGE: DEEP AND STRIP

In every respect, strip mining is clearly more devastating to the environment than underground mining. Given the vast areas of land affected and the long term of the effects, this is the most significant comparison.

Strip mining characteristically involves the near-total destruction of the land surface throughout the area mined, and the spread of destruction through siltation, pollution, flooding, and so forth, far beyond the mined area. Underground since it characteristically removes coal from multiple underground seams in the same location rather than a single surface seam over a broader area. And in fact 95 percent of the surface undermined is not materially affected at all. The two principal exceptions are the undermining of towns which may lead to dangerous subsidence and the deposition of mine refuse on the surface. Undermining of towns can and should be prohibited to prevent future damage in this manner. Under better economic conditions and a stronger regulator framework, mine refuse could be reintroduced into the mine void or handled on the surface in a manner analogous to sanitary landfills to eliminate 75 percent of the potential surface disturbance.

WATER POLLUTION

The principal environmental characteristic which underground and strip mining clearly have in common is the production of acid and toxic water through the exposure of acid and mineral bearing shales to a combination of air and water. The strata of shale which are characteristically directly above and beneath the seam of coal are generally heavy producers of sulfuric acid when exposed to a combination of air and water.

In underground mines, water seeping through the roof and flowing out cracks and mine openings carries poisonous waters into streams—a major source of water pollution throughout the Appalachian region. This condition can be corrected in part by purposely caving in the mine roof following extraction of coal, by flooding the mine to the roof—which prevents access of air necessary for acid formation—by sealing all mine outlets, or by "back-filling" the mine with spoil material. All of these measures can reduce the problem, although frequently they do not cure it altogether.

In strip mines, the shale directly above the seam of coal is pulverized by the process of removal and cast on the spoil pile where it is exposed to air and rain water. Characteristically, since this strata is the last to be removed before the coal is reached, it reposes on top of the spoil pile. The strata of shale below the seam of coal is also exposed to air and water until it is recovered in the reclamation process.

The strip mine spoil banks have several characteristics which make them far more potent generators of acid than underground mines. First, the spoils are more directly exposed to air and water, both of which percolate to depths of 10 feet or more in the loose spoil material to generate acid water, which then runs out into surface watercourses or down into underground watercourses. Second, acid production is directly proportional to the surface area of the shales exposed to air and water; the pulverized shales in the spoil pile expose many more surfaces than do the solid shales underground. Third, acid production is also proportional to temperature, doubling for every 10° C rise in temperature. In summer months, shale exposed to air and water on spoil piles at 90° F will produce four times as much acid as shale underground at a constant 50° F.

Finally, acid production by strip mines is a greater problem because the acid water flows in all natural directions down off and down through the entire strip mine spoils, rather than through a few discrete openings as in underground mining.

Even though strip mining can be expected to produce more acid water than underground mining, this is not the major water pollution problem associated with strip mining. The major problem, particularly in mountainous areas, is sedimentation. Strip mined areas continuously erode, filing streams and rivers with sediment which impedes the flow of water, fills the stream channels and promotes flooding, coats stream bottoms and prevents the growth of aquatic plant and animal life, fills reservoirs and impoundments, clogs public water systems, and transmits pathogenic viruses. Erosion and sedimentation rates 500 times that of neighboring unstripped land are common, documented by the U.S. Geological Survey and many other studies.

Sedimentation problems are not significantly associated with underground mining.

Erosion from strip mined land also loads water with toxic quantities of other minerals such as managanese, aluminum, ammonium, magnesium, calcium, potassium, sodium. Not only does the erosion of these minerals from stripped spoils prevent revegetation in the soil of these spoils, but the toxic concentrations of these minerals in the runoff water inhibit life in the areas to which these waters flow.

The heavy blasting characteristically associated with strip mining also has adverse effects on underground watercourses in many areas—diverting underground water, opening fissures to pollute underground water with acid and toxic surface waters, et cetera.

Therefore, although the water pollution consequences of underground mining have been and continue to be serious, the water pollution consequencs of strip mining are far more serious relative to acid production, sedimentation, toxicity, and destruction of underground watercourses.

AIR POLLUTION

Air pollution is occasionally a problem with either mining method, though it is not of the magnitude of the other problems. "Noxious gases," testifies Hollis I. Dole, "are emitted from the 292 burning coal refuse banks and the 289 known coal outcrop and mine fires," resulting from underground mining. These are extremely difficult to control once underway, but adequate environmental regulation can largely prevent this problem with future underground mining. "Backfilling" of mine spoils into the mine or depositing them between layers of earth as in sanitary landfills can prevent future gob pile fires. Coal outcrop fires can also be prevented by back filling spoils against coal seams left exposed.

Strip mining, like other earth moving processes, can produce some air pollution problems through creation of dust during the mining process. This can be controlled in part by watering and is rarely serious unless the strip mine is very close to inhabited areas. More serious is the wind erosion of strip mine spoils in arid regions. This is already contributing to duststorms in the Black Mesa and Four Corners areas of Arizona and New Mexico.

THE MOMENT OF DECISION

I would hope that one lesson would be learned as a result of the current energy shortage. We must plan for the future in our handling of energy; we can no longer muddle through or leave the crucial energy decisions to the big oil conglomerates who are motivated by profits, not by any concern for what is best for the people. We have come up short in this crisis, and if we deal with this crisis by stepping up strip mining we will come up short again in the 1980's when all our eastern strippable reserves will be exhausted.

At that point, industry will finally turn to deep mining, but it is likely that the deep mining industry will be virtually extinct and the economic dislocations will be catastrophic. Furthermore, vast acreages of land will be devastated and precious water polluted beyond reclamation.

I can see only one positive result of our present energy problem. It has focused attention on coal and forced a decision on the abolition of strip mining. Many people have asked me: "How can you favor phasing out strip mining now?" The answer is simple: This is the last chance to make that decision. If Congress allows the administration and the energy conglomerates to increase strip mining as the answer to the energy crisis, we will have committed the Nation to a catastrophic and virtually irrevocable course. I discussed earlier several approaches to making the shift to deep mining, utilizing unused deep mine capacity, reopening closed deep mines, halting coal exports, expanding longwall mining. These can and must be implemented immediately. In addition, efforts are being made to line up long-term contracts for coal and to pump major amounts of investment into the coal industry. The prerequisites for a massive commitment to deep mining are in place. All that is needed is the commitment by Congress to phase out all strip mining of coal.

Congressional indecision on this question will be fatal.

We must save the land and the people by stopping the destruction caused by strip mining.

SUMMARY OF HOUSE ADMINISTRATION COMMITTEE PRINT ON CAMPAIGN FINANCE ELECTION REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 10 minutes.

Mr. FRENZEL. Mr. Speaker, for about a year the American people have waited in vain for a positive response from the House on election reform. Finally, in March the House Administration Committee began to work seriously on this matter. Since March 26, the House Administration Committee has met more than 20 times in careful consideration of its election bill and over 75 amendments.

The committee has made a sincere, honest effort to reform the present system. Nevertheless, its bill is flawed by major deficiencies. It is fraught with loopholes and fails to establish an effective, independent administration and enforcement agency that would restore public confidence in the fairness and equity of our election laws.

The committee should be congratulated for its diligent, and often effective, work. But its work product will require substantial repair, particularly to close disclosure loopholes and reduce congressional domination of election supervision.

CONGRESSIONAL DOMINATION

At a time when there is widespread demand that administration and enforcement of election laws be stronger, more effective and more independent, the committee bill has three major provisions that will make administration and enforcement less effective and independent.

First. It establishes a Board of Supervisory Officers which would place four Members of Congress and three employees of Congress in charge of the administration and enforcement of election law. Instead of eliminating the present conflict of interest situation whereby employees of Congress administer and report violations of laws that directly affect their employers, the Board would worsen it by allowing Members of Congress to police themselves. There are no built-in safeguards to assure that violations by Members of Congress will actually be reported to the Justice Department. Moreover, the Board would be forced to operate in secrecy.

Even with the most conscientious, diligent Board, public skepticism is certain to run high, and there will be widespread doubt about the zeal and fairness of the Board's administration and enforcement efforts. The creation of a Supervisory Board could only further exacerbate the crisis of confidence in Congress and the Federal Government.

Second. It grants these seven people the power to interpret the law and grant presumed immunity from prosecution by issuing advisory opinions.

Third. It gives two committees of Congress veto power over the rules and regulations promulgated to administer and implement campaign finance legislation, thereby giving these two committees the power to control all regulations drawn under this law

Clearly, the Congress has a stranglehold on enforcement and supervision of its own elections. Not only is the fox in charge of the chicken coop, he is living in the farmhouse and managing the farm. In Congress' response to Watergate is to place its own members in charge of Federal elections, then it will be hard to blame the public for becoming even more cynical and alienated.

ADMINISTRATION AND ENFORCEMENT

The bill, by abolishing the elections clearinghouse in the General Accounting Office, eliminates the only good thing the Federal Government does to help the State and local governments run their election administration systems.

Instead of weakening the present administration and enforcement provisions, the committee could have strengthened them by establishing an independent Federal elections commission.

Because of its independence, the Commission would be able to restore public confidence, eliminate the present conflicts of interest and reverse the long history of nonenforcement of election law. It would also reduce the amount of bureaucracy needed to administer the present law, increase coordination between administrators and enforcers of the law and assure the expeditious enforcement of campaign finance law.

There are two good provisions that would strengthen enforcement: increased penalties and a requirement that the supervisory officers publish lists of those who do not file reports.

DISCLOSURE; LOOPHOLES UNLIMITED

The bill renders ineffective the full and complete disclosure requirements by creating loopholes in the 1971 disclosure provisions:

First. Food and beverage of up to $500;

Second. Personal property of up to $500;

Third. Unreimbursed travel expenses of up to $500; and

Fourth. Slatecards, sample ballots, billboards and any other campaign activity involving three or more candidates—apparently including television and radio appearances.

These provisions, which also apply to contribution and expenditure limitations, will have several disastrous effects:

First. Candidates will no longer have to make full and complete disclosure of contributions and expenditures;

Second. Enforcement of both the disclosure provisions and of contribution and expenditure limitations will be extremely difficult; and

Third. Exemptions may be used as loopholes by consultants, special interest groups, and wealthy individuals to circumvent limitations and to channel funds, goods, and services into Federal campaigns from hidden sources.

All of these exemptions were written for well-intentioned purposes. At the least they could be reduced in scope and still preserve the intent of their advocates. In reality, there is no need for these loopholes.

The committee bill attempts to force lobby groups such as Common Cause to disclose their contributions and expenditures. This is a step that is long overdue, but unfortunately, the committee's provision is too vague and ambiguous to accomplish this purpose.

The bill improves disclosure by requiring all candidates to establish a central, principal campaign committee. This provision will centralize both accountability and responsibility, but it is weakened by the exemptions the committee made to the definition of expenditure.

CONTRIBUTION LIMITATIONS

Contribution limitations are the best way to limit the power that wealthy individuals and special interests gain through campaign contributions. The committee bill sets the limitations low—$1,000 per person per election and $5,000 per political committee per election. Due to the loopholes, a skillful contributor can give much more than this amount, and so can a special interest. The loopholes should be closed so that the effective limitation is closer to $2,000 or $3,000.

The bill wisely limits the aggregate amount an individual can contribute in 1 year to all candidates and committees to $25,000. However, the loophole-ridden definition of contribution also applies to this section.

EXPENDITURE LIMITATIONS

The committee bill sets expenditure limitations at $75,000 for a House race, $20 million for the President——$10 million for the nomination—and $75,000 or 5 cents times the population of the State, whichever is greater, for the Senate.

While the committee's limits are too low and have a pro incumbent bias, the loopholes in the definition of expenditure actually result in a more realistic figure of about $100,000 for a House race. The adoption of expenditure loopholes was the committee's tacit agreement that the expense limit of $75,000 is too low. Hopefully, if these exemptions are shut off, the limitation will be raised so that challengers are given a fair chance. In 1972, incumbents won well over 95 percent of the time, and the 12 challengers who did beat incumbents averaged $125,000 a piece in their campaigns. 1974 is supposed to be the year of the challenger. So far this year incumbents have won 80 of 82 races in the House.

PUBLIC FINANCING

The bill provides for public financing for Presidential nominating conventions and for Presidential elections. That is not necessarily a positive provision except in the sense that it provides no congressional public financing.

MISCELLANEOUS

The committee bill prohibits contributions by foreign nationals, contributions in the name of another, and cash contributions in excess of $100. However, since the loophole-ridden definition of contribution applies, these prohibitions and limitations may be less effective.

The bill also preempts State laws, a welcome change that will insure that election laws are consistent and uniform and that candidates for Federal office do not have to bear the burden of complying with several different sets of laws and regulations.

SUMMARY

After a late start, the committee has worked diligently to produce a workable election bill. Despite its shortcomings, particularly its lack of an independent Elections Commission, and its glaring disclosure loopholes, it should be promptly brought to the floor where I hope it can be improved by amendment.

The people have waited long enough for a simple, straightforward response to Watergate. The sooner the bill is passed, put into conference, and enacted; the better everyone will like it.

THE CONGRESS SHOULD COMMEMORATE THE 200TH ANNIVERSARY OF THE FIRST CONTINENTAL CONGRESS OF SEPTEMBER 1774

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for fifteen minutes.

Mr. KEMP. Mr. Speaker, Septemberber 5 will mark the 200th anniversary of the convening in 1774 of the First Continental Congress in Philadelphia.

The importance of that event should be recognized through an official ceremony of the sitting Congress—a successor to the traditions arising from, and the principles enumerated through, the proceedings of that representative assembly of free men.

I think an appropriate means of showing such recognition is to have a special ceremony in these Chambers on Thursday, September 5—a ceremony commemorating the event, paying tribute to the valiant and courageous actions of the Delegates to that Congress, recalling the importance of the declaration and resolves it adopted to the subsequent formation of our Union, and reflecting upon the tenor of those times.

I have, therefore, appealed today to the leadership of the House—the Speaker, the majority leader, and the minority leader jointly—to set aside time at the beginning of the proceedings of Thursday, September 5, to mark this anniversary through a special ceremony.

My letter to the leadership follows:

Hon. CARL ALBERT,
Speaker,
Hon. THOMAS P. O'NEILL, Jr.,
Majority Leader,
Hon. JOHN J. RHODES,
Minority Leader.

MY DEAR SIRS: Tomorrow, the Fourth of July, our Nation will commemorate the 198th anniversary of the proclamation of the Declaration of Independence. In only two more years, we will celebrate the bicentennial of that historic day.

The events which led to our independence from the British Crown were many, but one of the most important of those events was the convening on September 5, 1774, of the First Continental Congress in Philadelphia. The 200th anniversary of that event is little more than two months away.

We should, as a Nation, never forget that the Congress which convened in 1789 under the new Federal Constitution was a continuation of the Continental Congresses which preceded Independence and the Congresses which served under the Articles of Confederation.

The House of Representatives, as a direct successor to that First Continental Congress, presently recognizes such annual events as Flag Day through special observances and ceremonies. Other special, national events are similarly recognized through special ceremonies of the House commemorating great events or honoring outstanding public service.

In keeping with the intent of the Congress in its authorization of a public celebration in 1976 of the bicentennial of the birth of our Nation and our call for the recognition by public institutions of events associated with our Independence, I believe it would be most appropriate for the present Congress to recognize the seating of that First Continental Congress.

I believe that setting aside the first order of business on Thursday, September 5, for ceremonies associated with the commemoration of this event would be most appropriate.

I urge you, Gentleman, as the principal leadership of the House, to provide for such a ceremony.

Sincerely,

JACK KEMP.

Let me comment for a moment on the events associated with the convening of the First Continental Congress.

EVENTS LEADING UP TO THE CONTINENTAL CONGRESS

That First Continental Congress was no rump session of dissidents. It was a representative body, reflecting a broad consensus.

The issues before it had been debated—within the colonies and between the colonies and the Crown—for well over a decade, especially after the retaliatory and punitive imposition of the notorious Stamp Act of 1765. The ministries of Grenville and North, coupled with the oppressive Townshend Acts and duties imposed by them, had given Crown-sponsored advantages to the economic powers of Britain at the expense of the colonies.

The delegates to the Continental Congress had been selected by their fellow colonists principally in hopes of averting further crises and disagreements with the mother country.

These delegates for the most part, saw themselves not as radicals or revolutionaries but as men whose purpose it was to protect the fundamental rights and liberties of free men—rights and liberties first through Magna Carta and nurtured by hundreds of years of growing parliamentary counterforce to the Crown.

The events which preceded the convocation of the Continental Congress speak clearly on why that convocation ought to be observed by the representatives of the people in Congress assembled today.

The Treaty of Paris of 1763 ended the 9 years' Great War between England and France, fought on this side of the Atlantic as the French-Indian War. The American colonists had fought hard against the French and for the English Crown. They had every right to think that the Crown would treat them—after those successes in the field—with measures designed to enhance the colonies' status in the greatly expanded, first real British Empire.

Instead the Parliament passed in April 1774 the oppressive Sugar Act. The measure was designed specifically to raise money for the Crown from the Colonies. It inaugurated the Grenville ministry policy requiring the Colonies to pay the public debt of Britain.

That act was followed by the Currency Act, a program which prohibited the English Colonies from engaging in any commercial transactions except with Crown currency—currency which was in such short supply as to render commercial transactions virtually null and void.

These Crown measures were answered in a town meeting in Boston on May 24, 1764, with the first cry of "taxation without representation" from the remarks of James Otis, and on June 12, 1764, with the Massachusetts House of Representatives forming a committee of correspondence to sound out other colonies.

The period between the call for cooperation and the actual convening of the First Continental Congress was hallmarked by these additional events:

The imposition of the notorious Stamp Act and Quartering Act, both in March 1765.

The Virginia Resolutions of May 1765 and the oratory of Patrick Henry in the debate on those resolutions.

The organization that month of the Sons of Liberty, a group whose designs were to force the resignation of British tax agents.

The convening on the "Stamp Act Congress" at New York City in October 1765, with nine colonies represented, and the adoption of the "Declaration of Rights and Grievances" to be submitted to the Crown.

The refusal of the New York Assembly in January 1766 to support the Quartering Act, a refusal which led to the first clash between citizens and British soldiers.

The imposition of the Townshend Acts in 1767—imposing duties on a wide variety of imports, acts which gave rise to organized and massive resistance against importing English made goods.

The stationing of armed British regiments in Boston, beginning in the summer of 1768.

The historic Virginia Resolves of 1769, condemning the British Government for tax and other policies, a measure which struck so deeply at the Crown's power that to stop the speeches of Patrick Henry and Richard Henry Lee before the Virginia Assembly, the Governor dissolved that assemblage.

The Boston Massacre—during which five patriots were killed by volleys from British troops.

Uprisings in North Carolina of the "Regulators," protesting under representation of rural areas in its colonial assembly.

The imposition of the Tea Act of 1773 and the resulting Boston tea party.

And, the enactment of the first of the coercive acts—called the intolerable acts by the colonists—designed to punish all American ports sympathetic to the colonists cause.

This is the background for the First Continental Congress. These events reflect the mood which prevailed when it convened.

THE FIRST CONTINENTAL CONGRESS

The First Continental Congress, with all colonies represented except Georgia, assembled in Philadelphia to consider ways in which to deal with the coercive acts.

The delegates were initially persuaded to endorse the Suffolk Resolves, adopted earlier by the convention of Suffolk County, Mass., and regarded as a radical departure from the agreements of the committees on correspondence. Those resolves urged civil disobedience, severe economic pressure on Britain, and immediate self-rule.

In an effort to establish a milder alternative to these resolves, some of the delegates endorsed a Plan of Union between Great Britain and her colonies but were defeated by vote and the plan expunged from the record.

Then, the Congress took its most important step.

It adopted the Declaration and Resolves of 1774 within which the delegates declared, as reflected in the following excerpts, their determination to enter into nonimportation, nonconsumption, and nonexportation agreements and associations and to build public opinion for those policies:

> The good people of the several colonies . . . justly alarmed at these arbitrary proceedings of Parliament and administration, have severally elected, constituted, and appointed deputies to meet and sit in General Congress in the city of Philadelphia in order to obtain such establishment as that their religion, laws, and liberties may not be subverted. . . .
>
> To these grievous acts and measures Americans cannot submit, but in hopes that their fellow subjects in Great Britain will, on a revision of them, restore us to that state in which both countries found happiness and prosperity, we have for the present only resolved to pursue the following peaceable measures:
>
> 1. To enter into a nonimportation, nonconsumption, and nonexportation agreement or association.
>
> 2. To prepare an address to the people of Great Britain and a memorial to the inhabitants of British America.
>
> 3. To prepare a loyal address to His Majesty, agreeable to resolutions already entered into.

THE EVENT SHOULD BE COMMEMORATED

Mr. Speaker, we have given much thought, attention, and money to commemorating the 200th anniversary of the Declaration of Independence on July 4, 1976, as we should have. We should also give our attention to the events which led to that Declaration, among the most important of which was the convening of the Continental Congress and the policies it promulgated.

An official ceremony on September 5 could consist of the presentation of the colonial colors, readings from the debates of that Congress, a reading of the text of its Declaration and Resolves, and remarks from Members of States which were formerly colonies or events in those States leading to the convening of the Continental Congress.

I respectfully request the Speaker, the distinguished majority leader, Mr. O'NEILL, of Massachusetts, and the distinguished minority leader, Mr. RHODES of Arizona, to proceed with plans for an appropriate ceremony in recognition of that event.

THE ILLEGAL ALIEN PROBLEM

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise on this occasion because it will be the first and really the last opportunity to do so before the recess, and because of the fact that what I have to say I believe is long overdue, and is especially appropriate on the eve of celebrating our Independence Day tomorrow.

As we look over the length and breadth of our land there are areas in our country where the July 4th celebration will be celebrated hardly at all because of the furtive existence by thousands, some say hundreds of thousands, and others assess it at more than 1 million people—to the illegal aliens who have come to our Southwestern borders and beyond because, once they reach the perimeters of our border and cross it, these individuals go to those areas of our country where they find economic opportunity; for much the same reason that I feel all of our ancestors came to this country.

Unfortunately, we live in a contradictory period of time, and very little attention is being paid to what I consider an enormous problem to our country. Very little is being said and very little attention is being paid to it, and yet it has the makings of one of the most serious, disturbing and disruptive circumstances in the future for our country and for our neighboring Republic to the south, the Republic of Mexico.

These people whom I speak of are direct descendants of people who have populated, built, and toiled in the southwestern portion of our country, and who have structured, built, and added to its wealth. There has been hardly a field in the Southwest where king cotton reigns where the white cotton boll fields were not plucked by these toilers and laborers. There has hardly been a road built in my State of Texas—and we prize ourselves in Texas in having the most efficient, the most effective, and the best built highway system in the whole 50 sweat and toil of these laborers. I do States of the Union—but not one of those roads has been built without the not mean these illegal aliens, I mean their blood brothers, those who have come to the United States in the past, who have come here legally, and who came to our shores in a period of time in which there was very little differential or markings along our border.

Until 1924, or thereabouts, the crossings along our border of 2,000 miles from Texas to California were at will. There were no such things as visas, or 1-day border pass permits, there were no such things as immigration procedures. All you had to do if you wanted to cross over one of the bridges that had been constructed would be to pay a toll of about 5 cents, and you could cross at will. There was little to denote the border other than the river in Texas, the desert sands in Arizona, and a few landmarks along the California and New Mexico border.

The descendants of those people are an integral part of our society today. But in the last two decades, and particularly since World War II, we have had a reverse situation than what was registered during the depression years of the 1930's. In the 1930's a sociological phenomenon happened that has yet to be recorded historically in any place that I have read. First, in the Mexican revolutionary period, a period comprising a 3-decade period from 1910 to 1930, more than 1 million immigrants came into this country, mostly concentrated in the Southwest. Then the depression came, and with the declaration of amnesty and political exemptions, by the President of Mexico in 1934, just from my area alone, the district constituting the 20th Congressional District, more than 20,000 persons repatriated themselves. Twin circumstances led to this: They were caught at the height of the depression, and the fact that they could return to their native land where turbulence and violence had prevailed off and on for 30 years.

But then, during and after World War II, in the Republic to the south of us in some areas the average annual income is less than $200 a year, and where even less than 150 miles from the Texas border you have laborers working in the mines for less than $25 a month. With the pressures of a rising economy and a need for labor during World War II and subsequent to World War II, we in the United States had a tremendous number of these workers seeking employment. Finally in 1951 the so-called bracero law was approved by this Congress. It was the first time that contract labor was recognized since it had been abolished in the 1870's when the contract laborers were Europeans.

Unfortunately, the same thing happened with this group as happened in the 1870's which led to its prohibition by the U.S. Congress. Bracero labor was used as a tool of exploitation. It competed with American-born native labor, and displaced it economically. Yet this Bracero laborer was introduced for economy only under certain social conditions which also engendered problems in our society. Only the worker did not settle in. He could not bring his family in. He had come in only for his labor, and he had to come in for a specific period of time, unless the person who hired him decided he was intractable or otherwise unsatisfactory and he would have him sent back.

This Congress wisely stopped that practice exactly a year after I came to the Congress, and I led the fight against that malpractice. In the interim period of time things have continued to happen, even though the American press in the Southwest totally ignores happenings even of the most important nature in the republic south of us.

For example, just about 3 or 4 years ago there was a tremendous crisis in Mexico where the government was almost overturned through conspiratorial methods engendered in Russia and China. Yet there was very scant notice in this country.

Today we have kidnapings and assassinations of some of the wealthy class of Mexico and some of the political figures of the Government of Mexico which have hardly received a ripple of notice from the American press.

Economic conditions have deteriorated and highly inflationary pressures are also impinging on Mexican economy. All of this has led to a mass exodus of workers who are seeking tranquility, stability, and economic opportunity in our land. What have we done to confront this issue? Very little.

Whatever laws we have are directed wholly against the worker. If he is here and he is picked up by the Immigration Service, he is either transported on a bus or other means back to the border, or he is sent to a concentration camp which has existed at various points up and down the border. Some of these individuals are summarily rounded up, transported to the far interior of Mexico, and then turned loose there, regardless of where they came from in Mexico.

The Mexican Government up to this time has been characterized with an indifference to the real welfare of its own people who have come into the United States illegally. During the period of the bracero program, as long as it acted as a safety valve for the Mexican economy, the Mexican Government could not have cared less about how many of these people were being victimized or about how many were being robbed and killed for their money when they returned to Mexico—and we did not care either.

Today, other than an occasional and sporadic roundup of these individuals, we have no policy. This sounds very inconsistent to me and it is very difficult to explain. I have sympathized with those who have expressed apprehension, particularly from the forces of organized labor, but organized labor has also seemed to me to be hypocritical. It is worried about its own immediate interests, yes, that its standard of labor ought not to be eroded, and that is good, and that ought to be protected, but I think they have a responsibility, too, and it seems inconsistent with their failure to raise the same argument that they are raising against the Mexican legal or illegal immigrant when they have not done so in the case of the Cuban immigrant. The Cuban immigrant has had the same impact on the economy of Miami, but I have yet to see the same attitude expressed toward the Cuban immigrant that has been shown toward the Mexican immigrant. There is certainly a double standard here.

Mr. Speaker, the reason I am speaking today is that I want to place the House on notice that this is the initial of several times I will address this House, and, although it is a subject that is often overlooked, that rarely makes the headlines, and that nobody pays much attention to, I consider it to be one of the most explosive issues confronting our Republic today. Unless we express a humanitarian, equitable, and efficient and well thought out and knowledgeable approach, we will muddle it and get into embarrassing situations.

The Mexican Government, less than 3 weeks ago, issued a denunciation of the U.S. treatment of illegal aliens. This obviously requires a positive response from us.

THE FATE OF THE SIGNERS OF THE DECLARATION OF INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. Dan Daniel) is recognized for 5 minutes.

Mr. DAN DANIEL. Mr. Speaker, the Commercial Appeal, a newspaper in my home town of Danville, Va., has reprinted this week a column written by Paul Harvey in which he reports on the fate suffered by the signers of the Declaration of Independence.

One wonders if those who now state it is time for a "new American Revolution" would be willing to suffer the fate of those brave men of that earlier time.

I include the article in the Record at this time:

> Independence Day is coming soon and we are repeating the column published last year at this time because so many persons have requested copies.
>
> Some years ago commentator Paul Harvey became curious about what happened to those men who signed the Declaration of Independence. He looked up the record and here's what he found: five signers were captured by the British as traitors, and tortured before they died . . . two lost their sons in the Revolutionary Army . . . one of the signers had two sons captured . . . nine of the 56 fought and died from wounds or the hardships of the Revolutionary War . . .
>
> But what kind of men were they, these men who boldly wrote their names to the Declaration that lit the fires of the world? Twenty-four were lawyers and jurists. Eleven were merchants; nine were farmers and large plantation owners, men of means, well educated . . .
>
> Their security, their incomes, their wordly possessions made them substantially well off. But they signed the Declaration of Independence even though they knew the penalty would be death on the gallows if they were captured. They signed, and they pledged their lives, their fortunes and their sacred honor . . . Carter Braxton of Virginia, a wealthy planter and trader, saw his ships swept from the seas by the British navy. He sold his home and his properties to pay his debts, and died in rags . . . Thomas McKean was so hounded by the British that he was forced to move his family almost constantly. He served in the Congress without pay, and his family was kept in hiding. His possessions were taken from him and poverty was his reward . . .
>
> Vandals or soldiers or both looted the properties of Ellery and Clymer and Hall and Mid-

> dleton . . . At the Battle of Yorktown, Thomas Nelson Jr. noted that the British General Cornwallis had taken over the Nelson home for his headquarters. The owner quietly urged Gen. George Washington to open fire, which was done. The home was destroyed and Nelson died bankrupt. His grave is unmarked and unknown . . . Francis Lewis had his home and properties destroyed. The enemy jailed his wife and she died within a few months . . . John Hart was driven from his wife's bedside as she was dying. Their 13 children fled for their lives. His fields and grist mills were laid waste. For more than a year he lived in forests and caves, returning home after the war to find his wife dead, his children vanished. A few weeks later he died from exhaustion and a broken heart . . .
>
> Norris and Livingston suffered similar fates . . . Such were the stories and sacrifices of the American revolution. These were not wild-eyed, rabble-rousing ruffians. They were soft-spoken men of means, wealth and education. They had security but they valued liberty more. Standing tall, straight and unwavering, they pledged: "For the support of this Declaration with a firm reliance on the protection of the Divine Providence, we mutually pledge to each other, our lives, our fortunes and our sacred honor." They gave us an independent America. Can we keep it?

STEEL PRICE HIKES AND INSTITUTIONALIZED INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Adams) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, the recent increases in steel prices by the major steel companies—on top of skyrocketing oil prices—bode ill for the Nation's economic well-being.

Worse still is the Nixon administration's and the Congress's apparent reluctance to do anything to halt or discourage these inflationary moves.

I have already discussed on two occasions in the House of Representatives some of my proposals for a program of "Tax Equity and Economic Stability." Today, I would like to make some remarks about the problems of our "institutionalized"—not "free-market"—economy.

Over the last week, there have been continual news reports of steel price increases by nearly all of the major steel companies in the United States. Bethlehem Steel led the pack with steel price increases from 5 to 15 percent—although I am pleased the company has recently announced some price reductions. The company's justification would probably apply to their competitors as well.

As reported in the Seattle Times, Bethlehem's statement read:

> The price increases are to cover "cost increases" during May and June "plus clearly identified additional increases over the next few months. They also constitute the long delayed first step towards earnings margins, which were not raised by prior price increases."

The steel companies are adding whatever justifiable costs they have previously incurred to anticipated higher costs—plus for good measure, enough padding to provide a substantial increase in profit margins. This is a typical inflationary push.

These recent steel price increases will have a very severe ripple effect on the economy.

Hardest hit will be the housing and automobile industries which have already suffered severe setbacks due to the energy crisis and the tight money policies of the Nixon administration. Chrysler and Ford, in response to the steel industry's actions, have already announced yet another automobile price increase. That is the sixth increase for Chrysler and the fourth for Ford in just 1 year. These are major cornerstones of our economy; if they decline, the Nation's rate of growth, or gross national product, falls.

I insert into the Record for the attention of my colleagues the following editorial from the New York Times entitled "As Steel Goes—So Goes Inflation":

As Steel Goes—So Goes Inflation

> When the ending of economic controls after World War II brought an explosion of increases in prices and wages, steel became the yardstick for measuring how much trouble this country was in. "As steel goes, so goes inflation," was the watchword in the Truman years. It was still the watchword when President Kennedy cracked down on "Big Steel" for price gouging in 1962.
>
> The arbitrariness that characterized White House conduct in that confrontation need not be emulated now; but there is warrant for the kind of concern that made President Kennedy and his predecessors so sensitive to the movement of steel prices as a peril barometer on the inflation front.
>
> The sharp increases announced this week by the major steel producers will bring the total boost in mill prices since the beginning of the year to more than 25 per cent. On many types of steel most basic to the production of consumer goods the jump is much higher than that.
>
> The announcement by Chrysler that it is raising the price of its automobiles to reflect the rise in its steel bill—the sixth Chrysler increase this year—is only the start of an avalanche of such "passthroughs" all through the economy. The steel companies are using the same justification. Costs are up for coal, power, scrap and labor. Steelmakers are also candid enough to concede that they are taking advantage of boom conditions in the market, plus the demise of Government price curbs, to improve their profit ratio.
>
> What seems to be left out of the industry's calculations is the fact that its example will not only worsen inflation but add to the danger of an economic bust in which steel's profits would toboggan along with those of almost everyone else.
>
> In the last year or two the steel companies and the United Steelworkers of America have been making a zealous joint effort to persuade the country of their social responsibility in avoiding strikes and heightening productivity. The spectre of competition from foreign steel made cost-consciousness a mutual concern, with clear benefits for the economy.
>
> The current mood seems to be in the opposite direction. The labor contracts signed by the industry earlier this year appear to have been a good deal richer than originally indicated, with total annual benefits estimated at 12 to 14 per cent. And the companies are certainly showing no restraint on the price side, now that controls are gone.
>
> Elsewhere in industry, wages are soaring as workers strive to catch up with living costs. East Coast longshoremen have just negotiated a new three-year pact three full months before expiration of their current agreement, but relief over the avoidance of a strike is tempered by apprehension over the increase in shipping costs that will stem from the 31 per cent size of the pay package. The current dock wage of $6.10 an hour will go to $8 by Oct. 1, 1976.
>
> Railroad workers have filed demands for a 20 per cent pay increase, effective next Jan. 1, plus another 15 per cent in 1976. Rumbles of trouble in the coal mines when union contracts expire this fall are already strong. In New York City, stabilized rents are going up by 8.5 to 12 per cent a year. Hospital costs will zoom further into the stratosphere as a result of higher wage costs found justified by a state arbitration panel. In every other field, the trend is up, and up, and up.
>
> The latest round of price increases in steel is a danger signal Washington cannot ignore. It is imperative that Administration and Congress fill the vacuum in anti-inflation policy left by termination of controls.

INSTITUTIONALIZED INFLATION

Much has been made of late about the need to balance the budget and drastically reduce the Federal budget—in other words, a strict fiscal policy. I agree that these are desirable goals and I believe that we should balance the Federal receipts and expenditures in the coming years.

However, despite what the administration's economic czars would have us believe, tight fiscal and monetary—incredibly high interest rates—policies will not solve our inflation dilemma.

I believe we must take a hard look at the basic structures in our economy. Let us face it. We no longer enjoy a "free-market" economy. Do not let this administration brainwash you into believing that we do.

Ours has become an institutionalized economy. Large, conglomerate industries now dominate the marketplace, dictating prices and distribution. Such industries are oil, steel, automobiles, communication, transportation, and dairy coops, to name only a few.

The American consumer has had to struggle in this anticompetitive marketplace for some time. It is no wonder that our people have agreed to join together to combat these conglomerates and no wonder workers are demanding livable wages.

Major institutions in our economic system are extremely effective in protecting and advancing their rights and well-being. Remember, during the last few years of economic chaos under the "Phases" of the Nixon administration, labor unions patriotically did their part in trying to hold wage increases to 5.5 percent so as not to feed inflationary fires.

Had monopoly-type institutions honored the same commitment—rather than searching for ways to pass on every cost increase to the consumer so as to widen their profit margins—people would not be in their current morass of having to pay higher prices with less real spendable income. It is no wonder that the worker has sought salary raises to try to compensate for his losses.

However, highly organized segments of industry and labor have grown larger and more powerful, they have taken hold of whole segments of the economy. If no restraints are applied, voluntary or otherwise, they can in a sense institutionalize inflation. They can dictate price and wage increases, leading to a vicious inflationary cycle: prices jump, wages leap to catch up, prices go up again to cover labor costs, and labor costs advance to try to make ends meet again.

This institutionalized inflation is habit forming. It continues but has no visible means of support from underlying supply and demand conditions in the economy.

KICKING THE INFLATION HABIT

We must kick this inflation habit, or the price-wage spiral will continue to be injected into our economy like an addictive drug. The injection may seem to fix the situation for a while, leading to hallucinations like "the worst is over," "there will be no double-digit inflation this year," "we will ration by price," "we can catch up what we've lost." But when the euphoria wears off, people begin to realize that they have been caught in a wicked trap of skyrocketing prices, frightening shortages, and deflated incomes.

Instead, we should frankly admit that inflation is a sickness that must be cured, not by one policy taken to its extreme like an overrestrictive monetary policy or high unemployment due to an economic slowdown, but by several integrated, responsible programs.

I have already suggested to my colleagues in the House of Representatives certain ways in which I believe we can begin to tackle the problems of inflation.

First, I think that wage increases in these institutions should come out of the enormous profits already garnered by this big business. To foster this approach, I have introduced legislation to create an independent Economic Stabilization Board to act as a monitoring agent over the economy. It would have the authority to institute price—not wage—controls if it feels that they are required to keep inflation and unemployment down. The Board would also report on wage settlements arrived at by collective bargaining in these sectors of the economy.

Second, I believe that extensive and effective tax reform could serve to dampen inflationary pressures. Thus, I have already proposed a payroll tax cut to help wage earners and those on fixed incomes to recoup some of their income loss so that they will not have to demand wage increases of a magnitude that could fire inflation.

Third, on the revenue-raising side, I have proposed tax increases for wealthy individuals and corporations, especially the oil industry. The revenue increase will help balance the budget. The reform will also make our tax system more progressive and, therefore, more equitable. Furthermore, the measure will tax fairly the unconscionable profits reaped by big industries but will not affect any incentives for business investment.

Fourth, I believe that the interest-sensitive sectors of our economy, such as housing, small business, and essential capital investment, must be protected by law by channeling credit in their direction. Rather than relying on broad monetary policies, I believe a sophisticated program should be instituted to target credit on certain areas where it is needed to help consumers and the economy. I will address the House of Representatives on this subject in the near future.

These measures, when added to more responsible monetary and fiscal policies and antitrust actions, can begin to accomplish our most important task—the restructuring of our economy to prevent its stranglehold by enormous, anticompetitive institutions.

FOURTH OF JULY CELEBRATION

(Mr. LEHMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEHMAN. Mr. Speaker, before I move for adjournment I would just like to wish all of our colleagues in the House as well as to the people of this country a safe Fourth of July.

I hope during the day of independence they will take the time to collectively and personally reaffirm the principles that the people who founded this country dedicated themselves to for the preservation and maintenance of our democratic institutions.

OPINIONS OF CONSTITUENCY OF FOURTH DISTRICT OF NEW JERSEY

(Mr. THOMPSON of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, it has been my custom throughout my tenure in the House to seek the opinions of my constituency on the major issues confronting the Nation and the Congress. The tabulated results of my 1974 legislative questionnaire are now available and reveal deep dissatisfaction with institutions of Government, particularly the Presidency. They also demonstrate great disfavor with the manner in which election campaigns are financed. Fortunately, legislation which is about to be reported from the Committee on House Administration will do much to allay public concern with campaign financing. It is legislation upon which I have worked for many months.

My constituents are also deeply disturbed about inflation and governmental failure to deal effectively with it. That dissatisfaction is so deep that 62 percent of my constituents would favor reimposition of strict Federal wage and price controls. My constituents generally commend Mr. Nixon's handling of our foreign policy, but show in other respects a marked disapproval of the manner in which the President is doing his job. They are also dissatisfied with the manner in which Congress is operating. They feel that more public funds should be spent for health, mass transportation, social security, consumer protection, crime control, and pollution control. They think less money should be spent on the military, foreign aid, highway construction, and space exploration. My constituents share a deep dissatisfaction with present day health services, but they do not express a marked consensus on any of the several health care proposals now pending before the Congress.

The questionnaire results reveal a fundamental distrust of the major oil companies and, in fact, indicate that most people feel that the oil companies have manufactured the energy crisis. There is enormous support and a desire for tax relief for families of low and moderate income. In this regard, I have sponsored legislation that would reduce payroll and income taxes for families whose earnings are $15,000 a year or less. In short, Mr. Speaker, the results of my questionnaire demonstrate conclusively that Congress should pursue tax reform, health care legislation, campaign financing reform, and that we should reorder our budgetary priorities so that we spend less on questionable weapons systems and more on meeting our domestic needs. I hope and trust that we will pass meaningful legislation in these areas before the current session concludes. The tabulation of my questionnaire was based upon a 10 percent sample of the more than 10,000 returns. The detailed results are as follows:

POLL RESULTS

BUDGET PRIORITIES

Inflationary pressures raise difficult choices about priorities for Federal spending. Please indicate those areas of the budget which you feel should be *increased, decreased,* or *remain the same.*

Education: increase, 51 percent; decrease, 10.5 percent; same, 38.1 percent.

Health: increase, 71.1 percent; decrease, 5.2 percent; same, 23.3 percent.

Military Spending: increase, 12.6 percent; decrease, 60.7 percent; same, 26.2 percent.

Foreign Aid: increase, 3.0 percent; decrease, 81.5 percent; same, 15.1 percent.

Mass Transportation: increase, 69.8 percent; decrease, 9.5 percent; same, 20.2 percent.

Highway Construction: increase, 20.9 percent; decrease, 40.4 percent; same 38.3 percent.

Community Development and Housing: decrease, 35.9 percent; decrease, 25.4 percent; same, 38.3 percent.

Social Security: increase, 60.3 percent; decrease, 7.3 percent; same 32.0 percent.

Space Exploration: increase, 14.0 percent; decrease, 56.5 percent; same, 29.1 percent.

Consumer Protection: increase, 63.3 percent; decrease, 6.7 percent; same, 29.6 percent.

Pollution Control: increase, 55.3 percent; decrease, 11.8 percent; same, 32.5 percent.

Crime Control: increase, 70.9 percent; decrease, 4.1 percent; same, 24.5 percent.

Veterans Benefits: increase, 47.3 percent; decrease, 8.3 percent; same, 44.0 percent.

ECONOMY

To curb inflation, I favor: (a) stricter federal wage and price controls, 62.0 percent; (b) present controls, 5:5 percent; or (c) no controls, 32.0 percent.

THE PRESIDENT

Do you think the President should: (a) finish his term, 34.2 percent; (b) resign, 21.8 percent; be impeached, 26.7 percent; be removed from office,16.9 percent.

CAMPAIGN FINANCE

Which, if any. of the following proposals do you favor as a means of improving our system of financing Federal election campaigns?

a. Limits on expenditures a candidate is allowed to spend? Yes, 93.4 percent; no, 5.8 percent.

b. Making contributions above a certain amount illegal? Yes, 84.1 percent; no, 15.1 percent.

c. Matching each private contribution with an equal amount of public funds? Yes, 13.1 percent; no, 85.9 percent.

d. Total public financing of elections? Yes, 31.8 percent; no, 67.4 percent.

e. No change in present laws? Yes, 26.8 percent; no, 71.9 percent.

TAX REFORM

Which, if any, of the following proposals for tax reform being considered by Congress should be adopted?

a. Equalize the income tax rate for single and married persons? Yes, 57.1 percent; No, 42.0 percent.

b. Require persons with high incomes to pay a higher minimum tax, regardless of their deductions? Yes, 82.6 percent; No, 16.6 percent.

c. Eliminate tax deduction for certain interest payments? Yes, 40.0 percent; No, 59.0 percent.

d. Reduce the oil depletion allowance? Yes, 82.0 percent; No, 17.1 percent.

e. Reduce payroll and income taxes for families with low and moderate income? Yes, 78.6 percent; No, 20.4 percent.

f. Other (please comment).

HEALTH CARE

Congress has determined that one of its highest priorities is a system of improved health care. Which of the following systems do you favor?

a. Comprehensive national insurance funded by general tax revenues and a social security-like payroll deduction? Yes, 59.3 percent, No, 39.6 percent.

b. Tax credits for premiums paid for private health insurance? Yes, 70.4 percent; No, 28.4 percent.

c. Tax incentives to encourage employer-run insurance plans, with the Government subsidizing premiums for the poor? Yes, 57.5 percent; No, 4.1 percent.

d. Publicly subsidized insurance to pay for catastrophic medical expenses while relying on private insurance and personal resources for ordinary medical expenses? Yes, 65.5 percent; No, 33.4 percent.

e. Continuation of the present system? Yes, 18.1 percent; No, 80.5 percent.

PUBLIC CONFIDENCE

a. Do you approve of the way the President is doing his job? Yes, 24.4 percent; No, 74.7 percent.

b. Do you approve of the way the Congress is doing its job? Yes, 24.4 percent; No. 72.3 percent.

c. Do you approve of the way the news media is doing its job? Yes, 55.8 percent; No, 43.2 percent.

ENERGY CRISIS

In regard to the energy crisis, the public has frequently indicated doubt about the reality or the extent of the fuel and power shortages. Do you feel that—

a. An energy crisis does in fact exist? Yes, 53.5 percent; No, 45.4 percent.

b. A shortage of gasoline exists, but it is not critical? Yes, 63.6 percent; No, 35.2 percent.

c. The energy crisis has been contrived by the oil companies? Yes, 80.6 percent; No, 18.4 percent.

9. Are you satisfied with the Nixon Administration's handling of our foreign policy? Yes, 61.1 percent; No, 37.8 percent.

NIXON AGAINST UNITED STATES

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on July 8, 1974 the U.S. Supreme Court will hear oral arguments in the case of Nixon against United States.

It will hardly be disputed that this case presents constitutional issues of the greatest magnitude. For not only will the Court be confronted with the question whether a subordinate officer of the executive branch may sue his superior, but also whether the President of the United States is amenable to the law.

I shall not dwell on the issues presented in Nixon against United States, for in broad outline they are well known.

I do think it essential, however, that Members have the opportunity to acquaint themselves with the specifics of the case, for when and if the Court renders an opinion in this matter it will be of the greatest importance for all of us to understand—in detail—precisely what has been decided.

I am, therefore, including in the RECORD the complete texts of the briefs submitted to the Court by both the Special Prosecutor and the President's counsel. I urge all Members to acquaint themselves with these documents, for while lengthy, they concern matters central to the interests not only of the parties in litigation, but also of the American people.

Mr. Speaker, the two briefs referred to are as follows:

[In the Supreme Court of the United States, October Term, 1973—Nos. 73–1766 and 73–1834]

BRIEF FOR THE RESPONDENT, CROSS-PETITIONER RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES

United States of America, petitioner *v.* Richard M. Nixon, President of the United States, et al., respondents.

Richard M. Nixon, President of the United States, cross-petitioner *v.* United States of America, respondent.

On writs of certiorari before judgment to the United States Court of Appeals for the District of Columbia Circuit.

OPINIONS BELOW

The opinion and order of the district court (P.A. 15)[1] has not yet been reported. The United States Court of Appeals for the District of Columbia circuit has neither considered nor rendered an opinion in this case.

JURISDICTION

The opinion and order of the district court was entered on May 20, 1974 (P.A. 15). On May 24, 1974, the President filed both a timely notice of appeal in the district court and a petition for a writ of mandamus in the United States Court of Appeals for the District of Columbia Circuit. Upon the filing of the appeal, the order of the district court was stayed. On May 24, 1974, appellee, United States of America, filed in this Court a petition for writ of certiorari before judgment, which was granted on May 31, 1974. (No. 73–1766) On June 6, 1974, the President filed a cross-petition for writ of certiorari before judgment which was granted on June 15, 1974. (No. 73–1834) At that time, both cases were consolidated. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTIONS PRESENTED

The district court, relying in part on *Nixon* v. *Sirica*, 487 F.2d 700 (D.C. Cir. 1973), denied the motions filed by the President to quash a trial subpoena *duces tecum* directed to the President for presidential materials, and to expunge any finding by the grand jury that he was an unindicted co-conspirator in a criminal proceeding. The questions presented here for review are:

1. Whether the Court has jurisdiction to review the order of the district court on the grounds that either:

a. the district court's order of May 20, 1974, was an appealable order, or

b. the Court has jurisdiction to entertain and decide a petition for mandamus transmitted by a court of appeals to this Court.

2. Whether the Judiciary has jurisdiction to intervene in an internal dispute of a co-equal branch.

3. Whether a court can substitute its judgment for that of the President, when he exercises his discretion, in determining that disclosures of presidential records would not serve the public interest.

4. Whether a court has authority to enforce a subpoena against a President of the United States by ordering him to produce for *in camera* inspection, records demanded by a subpoena when the President has interposed a valid and formal claim of privilege.

5. Whether, under the Constitution, a grand jury has the authority to charge an incumbent President of the United States as an unindicted co-conspirator in a criminal proceeding.

6. Whether the Special Prosecutor has made the necessary showing required to obtain materials under Rule 17(c), Federal Rules of Criminal Procedure, and *Nixon* v. *Sirica*, 487 F. 2d 700 (D.C. Cir. 1973).

CONSTITUTIONAL PROVISIONS, STATUTES, RULES AND REGULATIONS

The constitutional provisions, statutes, rules, and regulations involved are set forth in the Appendix, *infra*, pp. 138–164, are:

Constitution of the United States:
Article I, section 2, clause 2.
Article I, section 3, clause 7.
Article I, section 5, clause 2.
Article I, section 6.
Article II, section 1.
Article II, section 1, clause 1.
Article II, section 1, clause 8.
Article II, section 2, clause 1.
Article II, section 2, clause 7.
Article II, section 3.
Article II, section 3, clause 1.
Article II, section 3, clause 7.
Article III, section 2.

Statutes of the United States:
18 U.S.C. 371; 62 Stat. 701.
18 U.S.C. 1001; 62 Stat. 749.
18 U.S.C. 1503; 82 Stat. 1115.
18 U.S.C. 1621; 78 Stat. 995.
18 U.S.C. 1623; 84 Stat. 932.
Jencks Act, 18 U.S.C. 3500; 84 Stat. 926.
18 U.S.C. 3731; 84 Stat. 1890.
28 U.S.C. 44; 82 Stat. 183.
2 U.S.C. 133; 85 Stat. 742.
28 U.S.C. 1254; 62 Stat. 928.
28 U.S.C. 1291; 72 Stat. 348.
28 U.S.C. 1651; 63 Stat. 102.
Presidential Libraries Act, 44 U.S.C. 2107; 82 Stat. 1288.
44 U.S.C. 2108(c); 82 Stat. 1289.

Rules:
Rule 26, Federal Rules of Civil Procedure.
Rule 6(e), Federal Rules of Criminal Procedure.
Rule 17(c), Federal Rules of Criminal Procedure.

Regulations:

Department of Justice Order No. 551–73 (November 2, 1973), 38 Fed. Reg. 30, 738, adding 38 C.F.R. ss 0.37, 0.38, and Appendix to Subpart G–1.

Department of Justice Order No. 554–73 (November 19, 1973), 38 Fed. Reg. 32, 805, amending 38 C.F.R. Appendix to Subpart G–1.

STATEMENT

This case presents for review an opinion and order of a federal district court holding that it has jurisdiction to intervene in a dispute between the President and the Special Prosecutor, jurisdiction to review a claim of privilege asserted by the President as to various executive materials, and jurisdiction to order the President, by compulsory process, to produce subpoenaed items for *in camera* review. Review is also sought of the lower court's order denying, without opinion, the President's motion to expunge from the record any finding by a grand jury that he was an unindicted co-conspirator in a criminal proceeding.

A. THE INDICTMENT

On June 5, 1972, a federal grand jury of the United States District Court for the District of Columbia was empanelled. To assist that grand jury, the President voluntarily waived all claim of privilege as to the personal testimony of his advisors and aides on all Watergate-related matters. Following the decision in *Nixon* v. *Sirica*, 487 F. 2d 700 (D.C. Cir. 1973), the President provided the

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Footnotes at end of article.

grand jury with numerous documents and other materials including tape recordings.

On March 1, 1974, the grand jury returned an indictment charging seven individuals with one count each of conspiracy, 18 U.S.C. 371 (J.R. 5a–39a).[2] Four of the defendants were also charged with counts of obstruction of justice, 18 U.S.C. 1503; making false statements to agents of the Federal Bureau of Investigation, 18 U.S.C. 1001; perjury, 18 U.S.C. 1621; and making false declarations to a grand jury or court, 18 U.S.C. 1623.[3]

On March 1, 1974, the grand jury also lodged a report with the district court which it filed under seal. In its accompanying report and recommendation, the grand jury stated that it had heard evidence bearing on matters within the primary jurisdiction of the Committee of the Judiciary of the House of Representatives and recommended that the sealed materials be submitted to the Committee. This material was subsequently transmitted to the Committee by order of the court dated March 18, 1974.[4]

Subsequently, it was learned that the grand jury in a separate report named, among others, Richard M. Nixon as an "unindicted co-conspirator."

B. THE SPECIAL PROSECUTOR'S SUBPOENA

On April 16, 1974, the Special Prosecutor, Leon Jaworski, moved the district court for an order pursuant to Rule 17(c), Federal Rules of Criminal Procedure, directing the issuance of a subpoena to Richard Nixon, President of the United States, for the production and inspection of certain presidential material. This material consists of tapes and other electronic and mechanical recordings or reproductions and any memoranda, papers, transcripts, and other writings, relating to 64 confidential conversations between the President and his closest advisors. (J. A. 42a–46a). This motion was subsequently joined in by three of the defendants, Robert C. Mardian, John D. Ehrlichman, and Charles W. Colson, who is no longer a defendant in this proceedings.[5]

On May 1, 1974, the President, through his counsel, entered a special appearance and moved to quash the subpoena *duces tecum*. (J.A. 47a) A formal claim of privilege was filed by the President regarding the subpoenaed presidential materials with the exception of those portions of the conversations which had already been made public by the President. (J.A. 48a) On May 3, 1974, the Special Prosecutor moved the district court for an order pursuant to Rule 6(e) of the Federal Rules of Criminal Procedures, authorizing the disclosure of matters occurring before the grand jury to the extent necessary to prepare its memorandum in response to the President's motion to quash. At an *in camera* hearing on May 6, 1974, the district court ruled that the grand jury material could be filed with the court under seal. On May 10, 1974, the Special Prosecutor submitted a memorandum in opposition to the motion to quash, accompanied by an appendix to support a claim of relevancy for the particular subpoenaed materials. (S.P.S.A.)[6] In part, the Special Prosecutor in this memorandum relied upon the finding by the grand jury that the President was an unindicted co-conspirator to establish the relevancy of many of the subpoenaed items and to overcome the presumptively privileged nature of the material as required by *Nixon* v. *Sirica*, 487 F. 2d 700 (D.C. Cir. 1973).

On May 13, 1974, the President, through his counsel, filed a special appearance and motion to expunge the grand jury finding on the ground that such a finding was beyond the authority of the grand jury. (J.A. 3a) The President also submitted a point-by-point response to the Special Prosecutor's analysis of the relevancy of the subpoenaed materials. (P.S.A. 1–7)[7] Following oral arguments heard *in camera* on May 13, 1974, the Special Prosecutor filed a further memorandum under seal on May 17, 1974.

C. DISTRICT COURT'S OPINION

On May 20, 1974, the district court entered its opinion and order denying the President's motion to quash and his motion to expunge. The court further ordered the President to produce the subpoenaed materials together with an index and analysis of each item, and a copy of the tape of each portion of those conversations previously transcribed and published. (J.A. 3a)

Regarding its jurisdiction, the district court held that under *Nixon* v. *Sirica*, 487 F. 2d 700 (D.C. Cir. 1973), the court had the authority to rule on the scope and applicability of executive privilege and that its jurisdiction was not affected by the intra-executive nature of the dispute, for the President was required to consult with congressional leaders prior to attempting to abridge the independence and authority granted to the Special Prosecutor. In the absence of such action, the court found it had jurisdiction to entertain this suit. The district court did not, however, address itself to the question of whether the President had ever delegated to the Special Prosecutor his authority as Chief Executive to determine what materials would not be available to a federal prosecutor upon request, and in the absence of such a delegation on what basis the court had jurisdiction to intervene in the prosecutorial discretion of the President.

On the merits, the court ruled that the requirements of Rule 17(c) had been met and that the Special Prosecutor had demonstrated the "compelling need" required under *Nixon* v. *Sirica* to overcome the presumptively privileged nature of the presidential communications. Therefore, the court ordered the President or any subordinate officer with custody or control of the materials to deliver the subpoenaed items to the court on April 18, 1974. The district court denied, without opinion, the President's motion to expunge the finding of the grand jury that the President was an unindicted co-conspirator. (J.A. 3a)

D. SUBSEQUENT EVENTS

On May 24, 1974, the President filed a notice of appeal in the district court, docketed the appeal in the Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 74–1534), and filed therein under a seal, a petition for a writ of mandamus (D.C. Cir. No. 74–1532). On May 24, 1974, the Special Prosecutor filed in this Court a petition for a writ of certiorari before judgment which was granted with expedited briefing schedule, by order of May 31, 1974.[8] The President, through his counsel, on June 6, 1974, filed under seal a cross-petition for a writ of certiorari before judgment which was granted by order of June 15, 1974.

On June 6, 1974, the President, through his counsel, also entered a special appearance and moved the district court to lift its protective order regarding the grand jury's naming of certain individuals as co-conspirators and to any additional extent deemed appropriate by the court on the grounds that public disclosure by the news media made the reasons for continuance of the protective order no longer compelling. By order of June 7, 1974, the district court removed its protective order. On June 10, 1974, the Special Prosecutor and counsel for the President jointly moved this Court to unseal those portions of the briefs and oral argument in the lower court which related to the action of the grand jury regarding the President. This Court denied that motion on June 15, 1974, except for the grand jury's immediate finding relating to the status of Richard M. Nixon as an unindicted co-conspirator.

The President's cross-petition for a writ of certiorari raised the issue of a grand jury's authority to charge an incumbent President as an unindicted co-conspirator in a criminal proceeding. In conjunction therewith, the President, through his counsel, on June 10, 1974, entered a special appearance and pursuant to Rule 6(e), Federal Rules of Criminal Procedure, moved the district court to disclose to the President any and all transcripts, tapes and recordings of Presidential conversations, grand jury minutes and exhibits, and any and all other matters occurring before the grand jury which pertained to the grand jury action in naming or authorizing the Special Prosecutor to identify Richard M. Nixon as an unindicted co-conspirator. It was requested that this material be transmitted as part of the record to this Court. This motion was denied by the district court on June 18, 1974.

On June 19, 1974, the President moved this Court to have the materials disclosed and transmitted to this Court in order that both the President and the Court would have the entire record upon which to present and decide this case.

INTRODUCTION

In a very real sense, every case that comes before this Court is unique; but few in the Nation's history have cut so close to the heart of the basic constitutional system in which our liberties are rooted.

Thus the stakes are enormously high, from a constitutional standpoint. At the same time, and making the Court's judgment more difficult, the case comes wrapped in the passions of a dramatic conflict which has dominated the Nation's headlines for more than a year. This is a conflict which now has involved all three branches of the Government, and pits their constitutional rights and responsibilities one against another.

Just as the first allegiance of this Court is to the Constitution, the first responsibility of this Court must now be to decide the case before it in a way which preserves the balances that are central to the Constitution.

At its core, this is a case that turns on the separation of powers.

All other considerations are secondary, because preserving the integrity of the separation of powers is vital to the preservation of our Constitution as a living body of fundamental law. If the arguments of the Special Prosecutor were to prevail, the constitutional balance would be altered in ways that no one alive today could predict or measure.

The questions presented reach beyond the exigencies of the moment; beyond the needs of any particular criminal prosecution; beyond the interests of any particular Administration.

The extraordinary nature of this case stems partly from the issues directly presented, and partly from the coloration placed on those issues by the surrounding circumstances.

It would do justice neither to the parties nor to the issues if this were treated as just another case, or simply as an appeal from a discovery procedure in a criminal action against private individuals. It is, in fact, an extraordinary proceeding intrinsically related to the move now pending in the Congress to impeach the President of the United States.

In effect, court process is being used as a discovery tool for the impeachment proceedings—proceedings which the Constitution clearly assigns to the Congress, not to the courts. This is so because of the particular relationship which has evolved among the Special Prosecutor, the district court and the House Judiciary Committee, and because of the impact which any presidential action with regard to the subpoenas issued would inevitably have in the impeachment proceedings. As a result of the history of the so-called Watergate cases in the district court, the Special Prosecutor is well aware that the district court feels obligated to turn over to the Judiciary Committee any information that might bear on the pending congressional action. Thus the effect being pressed

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Footnotes at end of article.

by the Special Prosecutor would be to produce evidence for the Congress that the Congress could not obtain by its own procedures.

As a result, there has been a fusion of two entirely different proceedings: one, the criminal proceeding involving various individual defendants, and the other the impeachment proceeding involving the President. The first lies in the courts; the second lies in the Congress. The Special Prosecutor strengthens this fusion by utilizing the unsubstantiated, unprecedented and clearly unconstitutional device of naming the President as an unindicated co-conspirator in the criminal cases, with the apparent purpose of strengthening his claim to recordings of presidential conversations as potential evidence in the criminal cases.

Two processes—each with an entirely different history, function and structure—have become intertwined, and the resulting confusion, both conceptual and procedural, is manifestly unfair to the President as an individual and harmful to the relationship between his office and the legislative branch.

To place the present events in perspective, it is useful to reflect on how this case would have been viewed in normal times. If there were no impeachment pending, and if the Special Prosecutor used the device of naming the President as an unindicted co-conspirator in order to obtain recordings of private presidential conversations, on which the President had interposed a claim of executive privilege, the Special Prosecutor's request would be given short shrift.

If this procedure were allowed to go forward, inevitably affecting the impeachment inquiry, it would represent an expansion of the Court's jurisdiction into the impeachment process that the Constitution assigns solely to the House of Representatives. Whatever the combination of circumstances producing it, the result would be clear: an expansion of the Court's jurisdiction into a realm that the Constitution clearly prohibits. It follows necessarily that the courts may not be used, either deliberately of inadvertently, as a back-door route to circumvent the constitutional procedures of an impeachment inquiry, and thus be intruded into the political thicket in this most solemn of political processes.

Anyone who has practiced before this Court is familiar with the observation of Justice Holmes that "(g)reat cases, like hard cases, make bad law." This is true if the pressures of the moment allow the courts to be swayed from their rigid adherence to great principles; if remedies for the perceived passing needs of the moment are allowed at the expense of those enduring constitutional doctrines that have preserved our system of ordered liberty through the ages. Of those doctrines, none is more fundamental to our government structure itself than the separation of powers—with all of its inherent tensions, with all of its necessary inability to satisfy all people or all institutions all of the time, and yet with the relentless and saving force that it generates toward essential compromise and accommodation over the longer term even if not always in the shorter term. Often a price has to be paid in the short term in order to preserve the principle of separation of powers, and thereby to preserve the basic constitutional balances, in the longer term. The preservation of this principle, the maintenance of these balances, are at stake in the case now before this Court.

SUMMARY OF ARGUMENT

The district court order of May 20, 1974, is an appealable order under 28 U.S.C. 1291, for unless review is granted now the President's claimed right will be irremediably lost. This Court also has jurisdiction to entertain and decide the petition for mandamus transmitted by the Court of Appeals under 28 U.S.C. 1651 because the lower court's decision exceeded that court's jurisdiction.

Under the doctrine of separation of powers, the Judiciary is without jurisdiction to intervene in the intra-branch dispute between the President and the Special Prosecutor. The duty to determine whether disclosure of confidential presidental communications is in the public interest has not been, and cannot be, delegated to the Special Prosecutor.

Under the standards set forth in *Baked* v. *Carr*, 369 U.S. 186 (1962), this intra-branch dispute raises a political question which the federal courts lack jurisdiction to decide. The district court does not have the power to substitute its judgment for that of the President on matters exclusively within the President's discretion.

Inherent in the executive power vested in the President under Article II of the Constitution is executive privilege, generally recognized as a derivative of the separation of powers doctrine. The powers traditionally asserted by the other branches support the validity of the claim of confidentiality invoked by the President.

Even if this Court were to determine that a presidential privilege is subject to judicial supervision, the lower court erred in refusing to quash the subpoena since the Special Prosecutor failed to demonstrate the "unique and compelling need" required by *Nixon* v. *Sirica*, 487 F.2d 700 (D.C. Cir. 1973), to overcome the presumptively valid claim of presidential privilege.

However, even before a determination can be made as to whether the President's assertion of executive privilege is overcome, the Special Prosecutor has the burden of proving that his subpoena meets the requirements of Rule 17(c), Federal Rules of Criminal Procedure. An analysis of the showing made by Special Prosecutor in the court below demonstrates that he failed to meet the case law criteria developed to prevent abuse of Rule 17(c). For this reason alone the district court erred in refusing to quash the subpoena.

The President is not subject to the criminal process whether that process is invoked directly or indirectly. The only constitutional recourse against a President is by impeachment and through the electoral process. The naming of the President as an unindicted co-conspirator by an official body is a nullity which both prejudices the ongoing impeachment proceeding and denies due process to the President. The grand jury's action does not constitute a *prima facie* showing of criminality and is without legal effect to overcome a presidential claim of executive privilege.

ARGUMENT

I. THIS COURT MAY REVIEW THE MAY 20, 1974, ORDER OF THE DISTRICT COURT BY EITHER ONE OF TWO ALTERNATIVE METHODS:

A. BY APPEAL PURSUANT TO 28 U.S.C. 1291

The district court order of May 20, 1974, denying the motion of Richard Nixon, President of the United States, to quash a subpoena *duces tecum* directed to him at the request of the Special Prosecutor is an appealable order under 28 U.S.C. 1291.[9]

28 U.S.C. 1291 provides:

"The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court."

Under the criteria established by this Court for determining finality, it is clear that this order should be considered a "final order" and therefore subject to an immediate appeal. In *Cohen* v. *Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949), the Court held that a denial of defendant-corporation's motion to compel the plaintiff-shareholder to produce security for payment of reasonable expenses incurred by the corporation in defense of the shareholder's derivative suit, should the plaintiff's claim fail, constituted an appealable order under 28 U.S.C. 1291. Justice Jackson explained the rationale of the Court:

"[T]he order of the District Court did not make any step toward final disposition of the merits of the case and will not be merged in final judgment. When that time comes, it will be too late effectively to review the present order, and the rights conferred by the statute, if it is applicable, will have been lost, probably irreparably." (337 U.S. at 546).

Following this decision, the Court in *Gillespie* v. *United States Steel Corp.*, 379 U.S. 148 (1964), reiterated an order granting a motion to strike a particular cause of action (a second cause of action survived). In discussing appealability, Justice Black emphasized that "this Court has held that the requirement of finality is to be given a 'practical rather than a technical construction.'" 379 U.S. at 152. He further noted that "in deciding the question of finality the most important competing considerations are 'the inconvenience and costs of piecemeal review on the one hand and the danger of denying justice by delay on the other.'" 379 U.S. at 152–153.

In light of the foregoing judicial precedent, this Court, on May 28, 1974, decided *Eisen* v. *Carlisle & Jacquelin*, — U.S. — (42 U.S.L.W. 4804, May 28, 1974). In *Eisen*, the plaintiff filed a class action on behalf of himself and all other odd-lot traders on the New York Stock Exchange charging various brokerage firms with numerous breaches of federal antitrust and securities laws. After a myriad of battles over the class action aspect, the district court finally held the suit maintainable as such an action. The brokerage firms appealed to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. 1291, over the plaintiff's vigorous objection of non-appealability. The Court of Appeals, for reasons irrelevant to this case, dismissed the suit as a class action. On further review, this Court met the issue of appealability head-on.

This Court, in concluding that the Court of Appeals had possessed jurisdiction under 28 U.S.C. 1291, relied upon *Cohen* v. *Beneficial Loan Corp.*, 337 U.S. 541 (1949). Justice Powell, speaking for the Court, called attention to two dispositive elements: (1) The order of the district court had *conclusively* determined, by rejection, the claim of the brokerage firms on the class action issue, and (2) That order was "a final disposition of a claim of right which is not an ingredient of the cause of action and does not require consideration with it," i.e. "it concerned a collateral matter that could not be reviewed effectively on appeal from the final judgment." 42 U.S.L.W. at 4808–4809.

Applying these tests to the facts of this particular case in not difficult; neither is the result. The district court's order rejected the President's position, both on jurisdictional grounds and on the merits, and ordered the production of all subpoenaed items for an *in camera* inspection.[10] Therefore unless view is granted at this stage of the proceeding, the President's claimed right will be irremediably lost [11] because, as a non-party to the primary suit, he will not be able to appeal from the criminal judgment.[12] Moreover, if the materials requested are absolutely privileged, the irreparable nature of the injury resulting from disclosure cannot be questioned.

In a closely analogous case also involving the appealability of a ruling by a district court on a motion to quash a subpoena *duces tecum*, the Court of Appeals for the Fifth Circuit in *Caswell* v. *Manhattan Fire and Marine Insurance Co.*, 399 F. 2d 417, 422 (5th Cir. 1968), stated the following:

Footnotes at end of article.

"Manhattan contends we are without jurisdiction to review this question. We disagree. Although an order granting or denying a motion to quash a subpoena is normally considered interlocutory and not subject to review by immediate appeal, such an order, like other discovery orders, may be assigned as error on appeal from a final judgment on the merits. See 'Developments in the Law—Discovery,' 74 Harv. L. Rev. 940, 992 (1961). A nonparty may appeal an order denying his motion to quash when under the circumstances he would be otherwise denied an effective mode of review. *Carter Products, Inc.,* v. *Eversharp, Inc.,* 360 F. 2d 868 (7th Cir. 1966); *Covey Oil Co.* v. *Continental Oil Co.,* 340 F. 2d 993 (10th Cir.), *cert. denied,* 380 U.S. 964, 85 S. Ct. 1110, 14 L. Ed. 2d 155 (1965). Compare *Robinson* v. *Bankers Life & Cas. Co.,* 226 F. 2d 834 (6th Cir. 1965). *An order requiring a nonparty to produce documents often will be final insofar as the nonparty is concerned.* Moreover in many cases substantial prejudice may result from denying immediate appellate review." 399 F. 2d at 422. (Italic added.)

For the above reasons, the same conclusion is mandated here. More recently, the Court of Appeals for the District of Columbia Circuit in *Nixon* v. *Sirica,* 487 F. 2d 700 (D.C. Cir. 1973), held that the district court's denial of the President's motion to quash a grand jury subpoena was reviewable under the All Writs Act, although the court did not discard "direct appeal as an alternative basis for review in the particular situation before us." 487 F. 2d at 707 n. 21. In addition, the court made particular reference to the unusual circumstances arising in an action involving the President, which further emphasize the critical need for appellate review at this stage of the proceeding:

"The final-order doctrine, as a normal prerequisite to a federal appeal, is not a barrier where it operates to leave the suitor 'powerless to avert the mischief of the order.' *Perlman* v. *United States,* 247 U.S. 7, 13, 38 S. Ct. 417, 419, 62 L. Ed. 950 (1918). In the case of the President, contempt of a judicial order—even for the purpose of enabling a constitutional test of the order—would be a course unseemly at best." (487 F. 2d at 707 n. 21).

Although there is, as a general rule, a need to avoid piecemeal litigation which may unduly hamper the efficient administration of the courts, *Alexander* v. *United States,* 201 U.S. 117 (1906), this practical consideration has always given way when the rights of an individual will be irreparably affected by delay. *Gillespie* v. *United States Steel Corp.,* 379 U.S. 148, 152–153 (1964).

Under the circumstances presented, the district court's denial of the President's motion to quash is a final order, and is therefore appealable under 28 U.S.C. 1291.

B. BY ENTERTAINING AND DECIDING A PETITION FOR WRIT OF MANDAMUS TRANSMITTING BY A COURT OF APPEALS

We also submit that this Court has jurisdiction to entertain and decide the petition for mandamus transmitted by the court of appeals to this Court under 28 U.S.C. 1651. Pursuant to this Court's order granting the Special Prosecutor's petition for certiorari, and the President's cross-petition for certiorari, the entire record before the court of appeals has been transmitted to this Court under the mandate of Rule 25 of the Rules of the Supreme Court of the United States.

The All Writs Statute of the Judicial Code of 1948, 28 U.S.C. 1651, provides that:

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law.

(b) An alternative writ or *rule nisi* may be issued by a justice or judge of a court which has jurisdiction.

It is appropriate in the present case that this Court entertain and decide the petition for mandamus, because the order entered by the trial court demanding *in camera* inspection of the tape recordings is clearly erroneous and beyond that court's jurisdiction in that it purports to intervene in a wholly intra-executive dispute. In addition, this Court's discretion to issue this extraordinary writ should be exercised at this stage of the proceedings because judicial action which would necessitate presidential involvement in a criminal contempt proceeding would be action totally insensitive to the role of the Office of the Presidency in our framework of government, without judicial benefits to be gained.

This Court in *LaBuy* v. *Howes Leather Co.,* 352 U.S. 249, 259–260 (1957), recognized that there are instances when a judgment that is not final and appealable under 28 U.S.C. 1291 must be subject to further review so as not to result in an injustice, and Congress via 21 U.S.C. 1651 has provided an effective remedy. In determining what is "necessary or appropriate" within the scope of 21 U.S.C. 1651, it is clear that this section operates in aid of this Court's appellate jurisdiction, for in *Ex parte Peru,* 318 U.S. 578 (1943), this Court considered this question in relationship to the Judiciary Act of 1925, the predecessor of this Act, and concluded that:

"The jurisdiction of this Court to issue common law writs in aid of its appellate jurisdiction has been consistently sustained. The historic use of writs of prohibition and mandamus directed by an appellate to an inferior court has been to exert the revisory appellate power over the inferior court. The writs thus afford an expeditious and effective means of confining the inferior court to a lawful exercise of its prescribed jurisdiction, or of compelling it to exercise its authority when it is its duty to do so. Such has been the office of the writs when directed by this Court to district courts, both before the Judiciary Act of 1925 and since". (318 U.S. at 582–583).

This Court also stated that:

"The jurisdiction of this Court to issue such [common law writs], like its jurisdiction to grant certiorari, is discretionary. The definite aim of the 1925 Act was to enlarge, not to destroy, the Court's discretionary jurisdiction. That aim can hardly give rise to an inference of an unexpressed purpose to amend or repeal the statutes of the United States conferring jurisdiction on the Court to issue the writs, or an inference that such would have been the purpose had repeal been proposed. The exercise of that jurisdiction has placed no undue burden on this Court." (318 U.S. at 585).

Once having the power to grant this writ, we submit this is a most appropriate instance to exercise that power, for the above reasons. In its recent statement this Court reviewed many of the instances where the writ of mandamus has been used; however, none are as timely and imperative as the present case. In *Will* v. *United States,* 389 U.S. 90 (1967), Chief Justice Warren, speaking for the Court, stated:

"The peremptory writ of mandamus has traditionally been used in the federal courts only 'to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.' *Roche* v. *Evaporated Milk Assn.,* 319 U.S. 21, 26 (1943). While the courts have never confined themselves to an arbitrary and technical definition of 'jurisdiction', it is clear that only exceptional circumstances amounting to a judicial 'usurpation of power' will justify the invocation of this extraordinary remedy, *DeBeers Consol. Mines, Ltd.* v. *United States,* 325 U.S. 212, 217 (1945). Thus, the writ has been invoked where unwarranted judicial action threatened 'to embarrass the execution arm of the Government in conducting foreign relations,' *Ex parte Peru,* 318 U.S. 578, 588 (1943), where it was the only means of forestalling intrusion by the federal judiciary on a delicate area of federal-state relations, *Maryland* v. *Soper,* 270 U.S. 9 (1926), where it was necessary to confine a lower court to the terms of an appellate tribunal's mandate, *United States* v. *United States Dist. Court,* 344 U.S. 258 (1948), and where a district judge displayed a persistent disregard of the Rules of Civil Procedure promulgated by this Court, *LaBuy* v. *Howes Leather Co.,* 352 U.S. 249 (1957); see *McCullough* v. *Cosgrave,* 309 U.S. 634 (1940); *Los Angeles Brush Mfg. Corp.* v. *James,* 272 U.S. 701, 706, 707 (1927) (dictum)." (389 U.S. at 95).

Thus, we submit that it is an appropriate exercise of jurisdiction under 28 U.S.C. 1651 for this Court to entertain a writ of mandamus transmitted to it by a Court of Appeals.

II. THE COURT LACKS JURISDICTION OVER AN INTERNAL DISPUTE OF A CO-EQUAL BRANCH[13]

Under the firmly established doctrine of separation of powers, the Judiciary is without jurisdiction to intervene in the solely intra-executive dispute presented here. This entire dispute, between two entities within the executive branch of the government, concerns the prosecutorial discretion vested in the executive branch and involves only the issue of what executive materials should be available to aid in a criminal prosecution. In this respect, this case differs fundamentally from *Nixon* v. *Sirica* 487 F.2d 700 (D.C. Cir. 1973), which involved a grand jury subpoena directed to the President and as such represented an inter-branch dispute.

The ultimate authority over all executive branch decisions is, under Article II of the Constitution, vested exclusively in the President of the United States. The President has neither waived nor delegated to the Special Prosecutor his duty to determine what confidential presidential documents shall be made evailable to another executive officer. Therefore, in the absence of a delegation of this duty, the President, as the chief executive officer, and not the Special Prosecutor or the Judiciary, is and remains the final authority as to what presidential material may be utilized in the furtherance of any prosecution. Because the President has not delegated this duty and responsibility to the Special Prosecutor, it is unnecessary for this Court to even consider whether such a delegation of responsibility is constitutionally permissible. *United States* v. *Burr,* 25 F. Cas. 187, 192 No. 14694 (C.C.D. Va. 1807),[14] See also *Williams* v. *United States,* 1 How. (14 U.S.) 290, 297 (1843); *Runkle* v. *United States,* 122 U.S. 543, 557 (1887); *United States* v. *Fletcher,* 148 U.S. 84, 88 (1893); *French* v. *Weeks,* 259 U.S. 326, 334 (1922); 38 Op. Att'y. Gen. 457 (1936). Accordingly, this entire dispute is intra-executive in nature and beyond the jurisdiction of this Court.[15]

At the outset, we wish to make clear to the Court that we do not question the jurisdiction of the Court to resolve any disagreement or conflict between the various independent but co-equal branches of the government, *Marbury* v. *Madison,* 1 Cranch (5 U.S.) 137 (1803). Nor do we challenge the jurisdiction of the court to negate an act performed by one branch in excess of its constitutionally delegated authority. *Youngstown Sheet & Tube Co.* v. *Sawyer,* 343 U.S. 579 (1952). However, under the clearly enunciated doctrine of separation of powers adopted by the Framers of the Constitution, we do challenge the authority of the court or any branch of the government to intervene in a solely intra-branch dispute, even at the request of a disputant, whether an individual member of that branch, an established committee, or a recognized department. Certainly, an intra-branch dispute, regardless of the context in which it arises, is within the exclusive jurisdiction of that body alone and can properly be resolved, if necessary, only by the constitutionally desig-

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Footnotes at end of article.

nated official or body vested with the ultimate responsibility for that branch of government.

The concept of separation of governmental powers is deeply rooted in the history of political theory, finding its early expression in the works of Aristotle[16] who recognized the fundamental distinction between the legislative, executive and judicial functions.[17]

Although subsequently elaborated upon by many historians and scholars, the principal of separation of the branches of government was most familiar to colonial America in the writings of Locke[18] and Montesquieu.[19]

In the most influential political work of its day, Montesquieu in *The Spirit of Laws* wrote:

"In every government there are three sorts of power: the legislative, the executive * * * the judiciary * * * When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; * * * Again, there is no liberty if the judicial power be not separated from the legislative and executive.

"Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would then be legislator. Were it joined to the executive power, the judge might behave with violence and oppression.

"There would be an end of everything were the same men or the same body, whether of nobles or of the people to exercise all three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals."[20]

It was this philosophy that influenced the Framers of the Constitution as they began their task of developing a form of government that would survive change and crisis over the long future.[21]

Even prior to the opening days of the Constitutional Convention, the doctrine of separation had been accepted by the states. This is exemplified by the Constitution of the State of Massachusetts, adopted in 1780, which provided:

Article XXX: In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men.[22]

At the Constitutional Convention, the theory of separation was not seriously questioned. The tripartite form of government introduced by the Virginia proposal[23] was adopted in principle by the Convention[24] and referred to the Committee for Detail for implementation.[25] As described by the notes of James Wilson, the Committee set forth the tripartite principle and specifically stated that the legislative power of the United States shall be vested in Congress, the executive power in a single person, and the judicial power in a Supreme Court.[26] Following the submission of the Committee report to the full Convention, the structure and organization of the three branches were extensively debated but not the principle of separation itself. The separation doctrine as submitted by the Committee on Detail emerged from the debates intact and remained substantially unchanged by the Committee on Style.[27]

Although it is clear that a system of checks and balances was incorporated into the structure to avoid a domination or usurpation of power by any one branch, it was equally clear that each branch would be free to carry on its own delegated functions free from interference by a coordinate branch. James Madison eloquently stated the sentiment, which pervaded the Convention: "If it be essential to the preservation of the liberty that the Legisl:Execut; & Judiciary powers be separate, it is essential to the maintenance of the separation, that they should be independent of each other."[28] In further emphasizing this concept of separation and independence, James Wilson wrote that the independence of each department requires that its proceedings "shall be free from the remotest influence, direct or indirect of either of the other two."[29]

The doctrine of separation of powers, as a vital and necessary element of our democratic form of government, has long been judicially recognized. *United States* v. *Klein*, 13 Wall (80 U.S.) 128 (1872). As early as 1879, this Court stressed the integrity and independence of each branch of the government, when it stated: "One branch of the government cannot encroach on the domain of another without danger." The safety of our institutions depends in no small degree on a strict observance of this salutary rule." *Sinking Fund Cases*, 99 U.S. 700, 718 (1879). Since that time, the Court has continually reaffirmed this doctrine is an unbroken line of decisions. In *O'Donoghue* v. *United States*, 289 U.S. 516 (1933) Justice Sutherland speaking for the Court stated:

"If it be important thus to separate the several departments of government and restrict them to the exercise of their appointed powers, it follows, as a logical corollary, equally important, that each department should be kept completely independent of the others—independent not in the sense that they shall not co-operate to the common end of carrying into effect the purposes of the Constitution, but in the sense that the acts of each shall never be controlled by, or subjected, directly, or indirectly, to, the coercive influence of either of the other departments." (289 U.S. at 530).

Again two years later, the Court added: *"The fundamental necessity of maintaining each of the three general departments of government, entirely free from the control or coercive influence, direct or indirect, of either of the others, has often been stressed and is hardly open to serious question.* So much is implied in the very fact of the separation of the powers of these departments by the Constitution; and in the rule which recognizes their essential coequality. *Humphrey's Executor* v. *United States*, 295 U.S. 602, 629–630 (1935) (emphasis added). See also: *Monaco* v. *Mississippi*, 292 U.S. 313 (1934); *National Ins. Co.* v. *Tidewater Co.*, 337 U.S. 582 (1949); *Marshall* v. *Gordon*, 243 U.S. 521 (1917)."

It is this constitutional principle which establishes the most fundamental jurisdictional limitation on each of the three branches and prohibits each from intervening in the discretionary powers constitutionally vested in another coordinate branch.

In specifically referring to the jurisdiction of the Judiciary, Chief Justice Warren stated in *Flast* v. *Cohen*, 392 U.S. 83 (1968)—

"The jurisdiction of federal courts is defined and limited by Article III of the Constitution . . . [I]n part [that article] defines the role assigned to the judiciary in a tripartite allocation of power to assure that the federal courts will not intrude into areas committed to the other branches of the government." (392 U.S. at 94–95).

Stated more simply by Justice Story, neither of the departments in reference to each other "ought to possess directly or indirectly an overwhelming influence in the administration of their respective powers."[30]

This concept was elaborated by the Court in *Springer* v. *Philippine Islands*, 277 U.S. 189 (1927):

"Some of our state constitutions expressly provide in one form or another that the legislative, executive and judicial powers of the government shall be forever separate and distinct from each other. Other constitutions, including that of the United States, do not contain such an express provision. But it is implicit in all, as a conclusion logically following from the separation of the several departments. See *Kilbourn* v. *Thompson*, 103 U.S. 168, 190–191 and this separation and the consequent exclusive character of the powers conferred upon each of the *three departments is basic and vital—not merely a matter of governmental mechanism* . . .

"It may be stated then, as a general rule inherent in the American constitutional system, that, unless otherwise explicitly provided or incidental to the powers conferred, the legislature cannot exercise either executive or judicial power; the executive cannot exercise either legislative or judicial power; the judiciary cannot exercise either executive or legislative power. The existence in the various constitutions of occasional provisions expressly giving to one of the departments powers which by their nature otherwise would fall within the general scope of the authority of another department emphasizes rather than casts doubts upon, *the generally inviolate character of this basic rule.*" 277 U.S. at 201–202 (Italics added).

It is therefore evident that the district court had no jurisdiction to settle or intervene in an intra-executive disagreement relating to the evidentiary material to be made available from one executive department to another. The settlement of such a dispute in all circumstances is within the exclusive jurisdiction of the chief executive officer, for as this Court stated in *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1935):

"So much is implied in the very fact of the separation of powers of these departments by the Constitution, and in the rule which recognizes the essential co-equality. The sound application of the principal that makes one master in his own house precludes him from imposing his control in the house of another who is master there." (295 U.S. at 629–630).

The district court's lack of jurisdiction here is illustrated by a simple analogy. If two congressional committees simultaneously claim jurisdiction over a particular bill, it is unlikely that anyone would question that their sole recourse is an appeal to the congressional committee designated to resolve such disputes, or in its absence, to the Speaker of the House. It is inconceivable that any court would conclude that it had jurisdiction to resolve the matter, even if one or both of the disputants were to appeal to the Judiciary.

Similarly, within the executive branch, if an Assistant United States Attorney seeking information to bolster his case against an individual, were denied access to executive documents by either the Attorney General or the President, he could not properly seek assistance from the Judiciary, for a court would have no jurisdiction in the matter. The same result is mandated here, for as this Court clearly stated in *Kilbourn* v. *Thompson*, 103 U.S. 168, 190 (1880):

"It is also essential to the successful working of this system that the persons entrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other."

In attempting to negate this fundamental jurisdictional limitation, the Special Prosecutor relies heavily upon this Court's decision in *United States* v. *Interstate Commerce Commission*, 337 U.S. 426 (1949) for the proposition that the Judiciary does have jurisdiction to intervene in this dispute. However, that case is plainly inapplicable for it did not involve an intra-branch dispute. On the contrary, there the Department of Justice, on behalf of the executive branch, brought suit against various independent railroads, and on appeal the Commission, a creation of the legislative branch, was joined as a party defendant. Under those circumstances, this Court had jurisdiction to resolve the dispute, for the ICC has been firmly

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Footnotes at end of article.

recognized as an administrative body created by Congress to carry into effect its legislative policies and like the Federal Trade Commission, "cannot in any proper sense be characterized as an arm or eye of the executive. Its duties are performed without executive leave and, in the contemplation of the statute, must be free from executive control." *Humphrey's Executor* v. *United States,* 295 U.S. 602, 628 (1935). Consequently, that dispute was plainly inter-branch in nature, and therefore within the Court's jurisdiction to resolve controversies arising among the various branches. That case does not, however, in any way support the proposition that the court has jurisdiction to entertain a solely intra-executive dispute for the Office of Special Prosecutor, unlike the Commission, was created by the executive branch, within the executive branch, and performs solely executive functions.

In this instance, there can be no question that under the doctrine of separation of powers, the Court lacks jurisdiction to intervene in an intra-executive dispute concerning the availability and use of executive documents to assist in the prosecution of any individual charged with criminal conduct. As the Judiciary has long recognized, under Article II, section 3 of the Constitution, it is the exclusive prerogative of the executive branch, not the Judiciary, to determine whom to prosecute, on what charges, and with what evidence or information. *Confiscation Cases,* 7 Wall (74 U.S.) 454 (1869); *United States* v. *Cox,* 342 F. 2d 167 (5th Cir), *cert. denied,* 381 U.S. 935 (1965); *Smith* v. *United States,* 375 F. 2d 243, 247 (5th Cir. 1967); *District of Columbia* v. *Buckley,* 128 F. 2d 17 (1942); *Pugach* v. *Klein,* 193 F. Supp. 630 (S.D.N.Y. 1961); and *In Re Grand Jury January 1969,* 315 F. Supp. 662 (D. Md. 1970). Under the Constitution, the President, as the highest executive officer, was expressly delegated all prosecutorial authority when he alone was vested with the responsibility "to take care that the laws be faithfully executed." In *Marbury* v. *Madison,* 1 Cranch (5 U.S.) 137, 164–166 (1803), Chief Justice Marshall expressed the views of the Court as to its jurisdiction to intervene in the authority constitutionally delegated to the President.

"By the Constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority and in conformity with his orders.

In such cases, their acts are his acts; and whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion. *The subjects are political: they respect the nation, not individual rights, and being instrusted to the executive, the decision of the executive is conclusive.*" (1 Cranch at 165–166) (emphasis added).

Thus, the courts have uniformly recognized that under the Constitution, the Judiciary was given no role in determining any matters within the executive's prosecutorial discretion. As demonstrated in *United States* v. *Cox,* 342 F. 2d 167 (5th Cir.) *cert. denied,* 381 U.S. 935 (1965), even when the executive branch determines, in the face of a grand jury finding of probable cause, that it will not prosecute a particular individual, the courts lack jurisdiction to intervene. In discussing the "absolute and exclusive discretion" of the executive branch in such matters, Judge Wisdom of the United States Court of Appeals for the Fifth Circuit stated in *United States* v. *Cox:*

"[W]hen, within the context of law-enforcement, national policy is involved, because of national security, conduct of foreign policy, or a conflict between two branches of government, the appropriate branch to decide the matter is the executive branch. The executive is charged with carrying out national policy on law-enforcement and, generally speaking, is informed on more levels than the more specialized judicial and legislative branches. In such a situation, a decision not to prosecute is analogous to the exercise of executive privilege. The executive's absolute and exclusive discretion to prosecute may be rationalized as an illustration of the doctrine of separation of powers, but it would have evolved without the doctrine and exists in countries that do not purport to accept this doctrine." (concurring opinion) (342 F. 2d at 193).

A fortiori, if it is solely an executive decision to prosecute, it follows that the courts are equally powerless to determine what material within the executive branch must be used in the case. Such a decision is exclusively within the power delegated by the Constitution to the Chief Executive; and the right of the Chief Executive to determine what presidential material shall or shall not be used in the furtherance of this or any prosecution has not been delegated to the Special Prosecutor.

If the President were interfering with a power that had been delegated to the Special Prosecutor, the conclusion of the district court that the President must, under 38 Fed. Reg. 30,738, first consult congressional leaders before taking such action might have been correct. However, it is absolutely clear from the regulation governing the authority of the Special Prosecutor, that the President has not delegated to the Special Prosecutor or any subordinate official, his duty to determine the privileged nature and use of executive material. Therefore, the district court plainly erred in asserting that it had jurisdiction to intervene in this suit on the ground that the President was abridging the independence of the Special Prosecutor over matters that were delegated to him. Moreover, it is unnecessary for this Court to speculate on the jurisdictional basis for this suit if the President, had, in fact, delegated his right and responsibilities concerning executive materials to the Special Prosecutor.

On November 27, 1973, Acting Attorney General Bork recreated the Office of Special Prosecutor and delegated to it his authority over all Watergate-related matters. The terms of this delegation are set forth in 38 Fed Reg. 30,738 (November 7, 1973) and the letter of Acting Attorney General Bork to Mr. Leon Jaworski, dated November 21, 1973. In accordance with that agreement, the President has not in the past nor does he here challenge those powers that were given to the Special Prosecutor in Watergate-related matters, including the right to conduct grand jury and other investigations, review documentary evidence available, and determine within the confines of the Constitution whom to prosecute and on what charges. Moreover, all decisions relating to the procedural aspects of prosecution including the right to request immunity for any witness are within the scope of his authority. In these and other areas delegated to him, the Special Prosecutor has had and continues to have complete independence.

However, as the agreement clearly shows on its face, the President has neither waived nor delegated to the Special Prosecutor the President's duty to claim privilege as to all materials, confidential in nature, which fall within the President's inherent authority to refuse to disclose to any executive officer. Nor did Acting Attorney General Bork attempt to delegate such authority to the Special Prosecutor.[31] On the contrary, the authority granted to the Special Prosecutor by then Acting Attorney General Bork in this regard was specifically limited to at most: "determin[ing] whether or not to contest the assertion of executive privilege or any other testimonial privilege." 38 Fed. Reg. 30,739 (1973).

From this provision, it is abundantly clear that the President has not waived or delegated to the Special Prosecutor his duty to determine within his discretion what executive materials were privileged. Since this decision was retained by the President and falls within the normal scope of his prosecutorial discretion over all criminal cases, the courts are powerless to intervene, even at the request of the Special Prosecutor.

Moreover, the court's fundamental lack of jurisdiction to intervene in the President's prosecutorial discretion or any other executive decision within the realm of his constitutionally delegated authority, was not altered by the arrangement between Acting Attorney General Bork and Mr. Jaworski allowing the Special Prosecutor to determine what testimonial privileges to challenge. It is an elementary rule of jurisdiction, that where the courts constitutionally lack jurisdiction to intervene in a decision, as they do in all decisions concerning prosecutorial discretion, such jurisdiction can neither be waived nor conferred by an agreement between the parties. *Mitchell* v. *Maurer,* 293 U.S. 237, 244 (1934); *Industrial Addition Association* v. *I.R.S.,* 323 U.S. 310 (1945). Accordingly, even a decision by Mr. Jaworski that he wishes to contest a claim of privilege, either executive or testimonial, will not confer jurisdiction on the court.

Therefore, because the President in all criminal proceedings has the right to determine what confidential or sensitive material should not be used to assist a federal prosecutor, as this right was not delegated to the Special Prosecutor, the court remains without jurisdiction to intervene in his prosecutorial decision by the Chief Executive.

III. THIS INTRA-BRANCH DISPUTE DOES NOT PRESENT A JUSTICIABLE CASE OR CONTROVERSY WITHIN THE MEANING OF ARTICLE III, SEC. 2 OF THE CONSTITUTION

We submit that the prior argument is dispositive of those questions presented to this Court by the Special Prosecutor and mandates that the district court order be vacated. However, should the Court determine that it does have jurisdiction to entertain this suit, it should of its own authority decline to do so, for a resolution of the fundamental issue as to whether it best serves the public interest to disclose presidential material, if not absolutely privileged, would require the Court to resolve a political question.

Underlying the doctrine of political question, is the fundamental notion that many controversies brought before the Court are best resolved by another branch of the government which possesses the necessary familiarity and expertise. This dispute raises a question of justiciability because it involves a political dispute solely between two officials of the executive branch—the President and a lesser official, the Special Prosecutor. Under Article III, Section 2 of the Constitution, the judicial branch does not have the constitutional power to resolve such a political question.

Courts have struggled to establish criteria that would enable them to identify and uniformly deal with political questions. Such criteria have been elusive. *Marbury* v. *Madison,* 1 Cranch (5 U.S.) 137, 164–166 (1803); *Coleman* v. *Miller,* 307 U.S. 433, 454–455 (1939); *Poe* v. *Ullman,* 367 U.S. 497, 508 (1961); and *Flast* v. *Cohen,* 392 U.S. 83 (1968).

It was not until *Baker* v. *Carr,* 369 U.S. 186 (1962), however, that the Court finally succeeded in isolating and articulating a set of criteria for identifying an issue that presents a political question. The Court said:

"Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political

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Footnotes at end of article.

department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for non-judicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question." (369 U.S. at 217).

It is very clear that the Special Prosecutor's request that the district court overrule the legitimate invocation of executive privilege posed a nonjustifiable political question that meets the criteria established in *Baker*. There are no judicially discoverable standards or manageable criteria by which the courts could resolve this political question. The court below was asked to make an initial policy determination that the President has improperly or mistakenly invoked executive privilege against the Special Prosecutor. Such a determination by the lower court is constitutionally impermissible and violates the basic tenets of the separation of powers. Moreover, it is a determination beyond judicial abilities since the Court simply cannot substitute its judgment for that of the President. *Baker* is clear and compelling on this proposition and requires, in this case, recognition that the indicia of nonjusticiability are present.

Moreover, the matter before this Court is a nonjusticiable political question because it arises out of a President exercising a textually demonstrable grant of power from Article II of the Constitution.[32]

Any determination concerning the disclosure of presidential documents necessarily requires the exercise of the unique discretion and expertise of the Chief Executive, for such a decision involves "considerations of policy, considerations of extreme magnitude, and certainty, entirely incompetent to the examination and decision of a court of justice." *Ware* v. *Hylton*, 3 Dall. (3 U.S.) 199, 260 (1796). Only the President is in a position to determine which communications must be maintained in confidence, for the public interest in this matter is a judgment only the President can make. It involves a complex blend of policy, perspective, and knowledge uniquely within the province of the President and the executive branch. Neither the courts nor Congress can claim for themselves the elements of knowledge and perspective necessary to examine and review such a decision.

Gilligan v. *Morgan*, 413 U.S. 1 (1972), confirms the continuing validity of the concept of justiciability; in that case Chief Justice Burger said:

"Because this doctrine has been held inapplicable to certain carefully delineated situations, it is no reason for federal courts to assume its demise. The voting rights cases, indeed, have represented the Court's efforts to strengthen the political system by assuring a higher level of fairness and responsiveness to the political processes, not the assumption of a continuing judicial review of substantive political judgments entrusted expressly to the coordinate branches of government." (413 U.S. at 11.).

Indeed, in recent political cases with political overtones such as *Powell* v. *McCormick*, 395 U.S. 486 (1969) and *Committee For Nuclear Responsibility* v. *Seaborg*, 463 F. 2d 788 (D.C. Cir. 1971), the issues related to the court's traditional role of interpreting the Constitution or legislation, vis-a-vis the constitutional rights of individuals, and thus are distinguishable from cases which concern discretionary decisionmaking by a coordinate branch of government.

This Court's resolution of this constitutional confrontation should not restrict the powers of the President by superimposing the decision of a subordinate in the executive branch over the Chief Executive through the impermissible intervention of the judicial branch. Rather, if any action is taken at all, the sole appropriate procedure for the consideration of alleged abuses is by way of impeachment. See *Ex Parte Grossman*, 267 U.S. 87, 121 (1925).

IV. A PRESIDENTIAL ASSERTION OF PRIVILEGE IS NOT REVIEWABLE BY THE COURT

A. THE SEPARATION OF POWERS DOCTRINE PRECLUDES JUDICIAL REVIEW OF THE USE OF EXECUTIVE PRIVILEGE BY A PRESIDENT

Justice Douglas, at the threshold of his dissent in *Environmental Protection Agency* v. *Mink*, 410 U.S. 73, 105 (1973), remarked that "The starting point of decision usually indicates the result." In this case the foundation for the President's assertion of executive privilege is the Constitution.

The Constitution as the embodiment of the grand design of our political system was described in *Kilbourn* v. *Thompson*, 103 U.S. 168, 190–191 (1880), as follows:

"It is believed to be one of the chief merits of the American system of written constitutional law, that all powers entrusted to government, whether State or national, are divided into the three grand departments, the executive, the legislative, and the judicial. That the functions appropriate to each of these branches of government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined."

The doctrine of the separation of powers, inherent in the nature of our government,[33] was reflected in the Constitution by the definitive expression of the Framers of each of the separate, co-equal branches. In the case at hand, Art. II, sec. 1, cl. 1 is in focus:

"The executive Power shall be vested in a President of the United States of America."

Inherent in that executive power, as part and parcel of the separation of powers, is executive privilege; in this case, more accurately described as presidential privilege. Unless this is so, the full panoply of power embodied in the executive power, would be, in reality, greatly diluted, a concept at odds with the intent of the Framers of the Constitution.[34] [35]

A second parallel source of presidential privilege lies in the common law and its embodiment of the concept of confidentiality as a prerequisite to the effective administration of government. Rather than sapping vitality from our constitutional position, the common law, as described, adds increased force and dimension to it.[36]

This case is important, both to the parties involved and the citizenry at large. "The men and issues were large"[37] in 1807 when the Aaron Burr cases[38] were before Chief Justice Marshall and they are equally so here. Significantly, the precise issue of the "absoluteness" of executive privilege, as applied to presidential communications, has never been squarely confronted and definitely resolved by this Court. This Court's thoughtful consideration of the issues presented is of particular importance because the foundation of the district court's decision,[39] *Nixon* v. *Sirica*, 487 F. 2d 700 (D.C. Cir. 1973), rested upon a surface assessment that purely social or public policy considerations, as opposed to the Constitution, constituted the rationale for the privilege, 487 F. 2d at 712. As a result, the dimensions of presidential privilege have been miscalculated and its integrity impaired.

The Presidency, as the repository of the executive power of the United States, was forged out of intense controversy during the Constitutional Convention.[40] The debate is well-described by Clinton Rossiter:

"The prorgess of the Convention toward this decision was labored and uncertain, however, and it often seemed that the hard lessons of the previous decade would be wasted on a majority of the delegates. Persistent voices were raised against almost every arrangement that eventually appeared in Article II and Wilson and his colleagues were able to score their final success only after a series of debates, decisions, reconsiderations, references to committees, and private maneuvers that still leave the historian befuddled. I have followed the tortuous progress of the incipient Presidency through Madison's *Notes* four times, and I am still not sure how the champions of the strong executive won their smashing victory. It can be said for certain, however, that at least eight decisions on the structure and powers of the executive were taken at different stages of the proceedings, and that out of these arose the Presidency. Everyone of these decisions, with one partial exception that history was shortly to remedy, was taken in favor of a strong executive."[41]

The result of these deliberations was to create an officer who is Chief of State, Chief Executive, Chief Diplomat and Commander-in-Chief.[42] Because of the great role entrusted to the presidency by the Constitution and because the President alone is representative of the whole country,[43] there are important respects in which he is not treated by the law in the same fashion as are others.[44] The President is not above the law—but he is responsible to the law in a specific fashion that the Framers, with utmost care, wrote into the Constitution. That historical perspective serves to define the stark language of Article II, section 1, clause 1, that "the executive Power shall be vested in a President * * *" Judge MacKinnon, in his dissenting opinon in *Nixon* v. *Sirica*, 487 F. 2d 700, 750 (D.C. Cir. 1973), described the relationship between the exercise of that executive power and the doctrine of executive privilege:

"The effective discharge of the presidential duty faithfully to execute the law requires a privilege that preserves the integrity of the deliberative processes of the executive office. It would be meaningless to commit to the President a constitutional duty and then fail to protect and preserve that which is essential to its effective discharge. Thus the term "effective" is the *sine qua non* that imbues the presidential decisional process with a constitutional shield. The genius of our Constitution lies, perhaps as much as anywhere, in the generality of its principles which makes it susceptible to adaptation to the changing times and the needs of the country. But this much is explicit: '[The President] shall take Care that the Laws be faithfully executed. . . .' U.S. Const. art II § 3. Is it plausible that the Framers should have charged the President with so basic a responsibility, one upon which every ordered society is premised, and yet left him without that ability effectively to satisfy the high charge? Emphatically, the answer must be, 'No.' The duty and the means of its discharge coalesce and each, the one explicit and the other implicit, finds its source in the Constitution."

Executive privilege as claimed by this President, has been asserted by Presidents beginning with George Washington, just, as the legislative and judicial branches have continually asserted and jealously guarded their respective "privileges." The initial invocation occurred when in 1792, the House of Representatives passed a resolution requesting military papers pertaining to the campaign of Major General St. Clair. Although the papers were apparently produced,[45] the consideration given to that request is illustrative:[46]

"First, that the House was an inquest, and therefore might institute inquiries. Second that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of

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which would injure the public: *consequently were to exercise a discretion.* Fourth, that neither the committee nor House had a right to call on the Head of a Department, who and whose papers were under the President alone; but that the committee should instruct their chairman to move the House to address the President." (emphasis added).

Since then, Presidents[47] and Attorneys General have asserted the privilege. Even more important is the fact that Presidents have always acted on the assumption that it is discretionary with them alone, to determine whether the public interest permits production of presidential papers, and the other branches of Government have until recently accepted this position. *Senate Select Committee on Presidential Campaign Activities* v. *Richard M. Nixon.* Slip Op. No. 74–1258 (D.C. Cir. May 23, 1974); *Nixon* v. *Sirica,* 487 F. 2d 700 (D.C. Cir. 1973). The opinions over a long period of years by the highest legal officer[48] in the Government cannot be lightly disregarded. The fact that the litigation arising out of the Watergate investigations is the first time that a subpoena has been directed to force production of presidential papers since Colonel Burr's abortive attempt to subpoena documents from President Jefferson is because it has been universally accepted that there is no power to compel the President in the exercise of his discretion. Uninterrupted usage continued from the early days of the Republic is weighty evidence of the proper construction of any clause of the Constitution. *Inland Waterways Corp.* v. *Young,* 309 U.S. 517, 525 (1940). Justice Lamar, in *United States* v. *Midwest Oil Co.,* 236 U.S. 459, 472–473 (1915), observed:

"Both officers, lawmakers and citizens naturally adjust themselves to any long continued action of the Executive Department—on the presumption that unauthorized acts would not have been allowed to be so often repeated as to crystallize into regular practices. That presumption is not reasoning in a circle but the basis of a wise and quieting rule that in determining the meaning of the statute or the exercise of a power, weight should be given to the usage itself—even when the validity of the practice is itself the subject of investigation."

The significance and rationale for this uninterrupted assertion of privilege by holders of the Office of the Presidency, are underscored by reference to the way in which the other co-equal branches of government have regarded the need for confidentiality. Chief Justice Burger, in *New York Times* v. *United States,* 403 U.S. 713, 752 n. 3 (1971), in his dissent, revealed his assessment of privilege:

"With respect to the question of inherent power of the Executive to classify papers, records, and documents as secret, or otherwise unavailable for public exposure, and to secure aid of courts for enforcement, there may be an analogy with respect to this Court. No statute gives this Court express power to establish and enforce the utmost security measures for the secrecy of our deliberations and records. Yet I have little doubt as to the inherent power of the Court to protect the confidentiality of its internal operations by whatever judicial measures may be required."

Although Professor Arthur Selwyn Miller and a collaborator have recently argued to the contrary, Miller & Sastri, *Secrecy and the Supreme Court: On The Need For Piercing the Red Velour Curtain,* 22 Buff. L. Rev. 799 (1973), it has always been recognized that judges must be able to confer with their colleagues, and with their law clerks, in circumstances of absolute confidentiality. Justice Brennan has written that Supreme Court conferences are held in "absolute secrecy for obvious reasons." Brennan, *Working at Justice,* in *An Autobiography of the Supreme Court* 300 (Westin ed. 1963). Justice Frankfurter had said that the "secrecy that envelops the Court's work" is "essential to the effective functioning of the Court." Frankfurter, *Mr. Justice Roberts,* 104 U. Pa. L. Rev. 311, 313 (1955).

Congress, too, has seen fit to hold to such a privilege. It is a long established practice of each House of Congress to regard its own private papers as privileged. No court subpoena is complied with by the Congress or its committees without a vote of the House concerned to turn over the documents. *Soucie* v. *David,* 448 F. 2d 1067, 1081–1082 (D.C. Cir. 1971). This practice is insisted on by Congress even when the result may be to deny relevant evidence in a criminal proceeding either to the prosecution or to the accused person.[49]

Similarly, when President Kennedy refused to disclose to a Senate Subcommittee the names of Defense Department speech reviewers, the Subcommittee, speaking through Senator Stennis, relied on the privilege of confidentiality Congress enjoys in upholding the President's claim of privilege:

"We now come face to face and are in direct conflicts with the established doctrine of separation of powers * * *.

I know of no case where the Court has ever made the Senate or the House surrender records from its files, or where the Executive has made the Legislative Branch surrender records from its files—and I do not think either one of them could. So the rule works three ways. Each is supreme within its field, and each is responsible within its field." (Committee on Armed Services, U.S. Senate, *Military Cold War Escalation* and *Speech Review Policies,* 87th Congress, 2d Sess., 512 [1962].).

On June 12, 1974, the United States Senate emphatically reiterated its position on privilege by deed, as well as by word. Senator Eastland, Chairman of the Judiciary Committee, urged, at the request of the Special Prosecutor, passage of a resolution permitting a staff attorney to file a trial affidavit with the Special Prosecutor. Without objection, S. Res. 338 was passed.

It reads in part:

"*Resolved,* That by the privilege of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession, but by its permission.

* * * (Sections 2–4) * * *

"SEC. 5. The said Peter Stockett, Junior, may provide information with respect to any other matter material and relevant for the purposes of identification of any document or documents in such case, if any such document has previously been made available to the public, but he shall respectfully decline to provide information concerning any and all other matters that may be based on knowledge acquired by him in his official capacity either by reason of documents and papers appearing in the files of the Senate or by virtue of conversations or communications with any person or persons."

The considerations of public policy that required the deliberations of the Constitutional Convention be held in confidence for half a century[50] and made it imperative that judges and members of Congress be permitted to work under conditions of absolute confidentiality are particularly compelling when applied to presidential communications with his advisers. As stated by the President on July 6, 1973, in his letter to Senator Sam J. Ervin:

"No President could function if the private papers of his office, prepared by his personal staff, were open to public scrutiny. Formulation of sound public policy requires that the President and his personal staff be able to communicate among themselves in complete candor, and that their tentative judgments, their exploration of alternatives, and their frank comments on issues and personalities at home and abroad remain confidential."

This has been the position of every President in our history, and it has been specifically stated by President Nixon's immediate predecessors.

Writing his memoirs in 1955, President Truman explained that he had found it necessary to omit certain material, and said: "Some of this material cannot be made available for many years, perhaps for many generations." 1 Truman, *Memoirs* x (1955). President Eisenhower stated the point with force on July 6, 1955, in connection with the Dixon-Yates controversy:

"But when it comes to the conversations that take place between any responsible official and his advisers or exchange of little, mere slips of this or that, expressing personal opinions on the most confidential basis, those are not subject to investigation by anybody, and if they are, will wreck the Government. There is no business that could be run if there would be exposed every single thought that an adviser might have, because in the process of reaching an agreed position, there are many, many conflicting opinions to be brought together. And if any commander is going to get the free, unprejudiced opinions of his subordinates, he had better protect what they have to say to him on a confidential basis. *Public Papers of Presidents of the United States: Dwight D. Eisenhower* 1955 at 674 (1959)."

Congress recognized the high degree of confidentiality that must attach to presidential papers for many years when it enacted the Presidential Libraries Act of 1955, Pub. L. 84–373, 69 Stat. 695 (1955), now codified in 44 U.S.C. 2107, 2108. That statute encourages Presidents to give their papers to a presidential library, and provides that papers, documents, and other historical materials so given "are subject to restrictions as to their availability and use stated in writing by the donors or depositors * * * The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf." 44 U.S.C. 2108(c); *Nichols* v. *United States,* 460 F. 2d 671 (10th Cir.), *cert. denied,* 409 U.S. 966 (1972). Since that Act was passed, the gifts of presidential papers of President Eisenhower, Kennedy, and Johnson have all specified that "materials containing statements made by or to" the President are to be kept "in confidence" and are to be held under seal and not revealed to anyone except the donors or archival personnel until "the passage of time or other circumstances no longer require such materials being kept under restriction." See letter of April 13, 1960, from President Dwight D. Eisenhower to the Administrator of General Services; Agreement of February 25, 1965, between Mrs. Jacqueline B. Kennedy and the United States and Letter of August 13, 1965, from President Lyndon B. Johnson to the Administrator of General Services. In addition, the letters from President Eisenhower and from President Johnson specifically prohibit disclosure to "public officials" and state, as the reason for these restrictions, that "the President of the United States is the recipient of many confidences from others, and * * * the inviolability of such confidence is essential to the functioning of the constitutional office of the Presidency * * *."

The need to preserve the confidentiality of the Oval Office has been recognized from without as well as by those who have borne the burdens of service there. What Justice Stewart, who was joined by Justice White, said in his concurring opinion in *New York Times Co.* v. *United States,* 403 U.S. 713, 728 (1971), has particular force here:

"And within our own executive departments, the development of considered and intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely, frankly, and in confidence. * * *

Footnotes at end of article.

"[I]t is clear to me that it is the constitutional duty of the Executive—as a matter of sovereign prerogative and not as a matter of law as the courts know law—through the promulgation and enforcement of executive regulations, to protect the confidentiality necessary to carry out its responsibilities in the fields of international relations and national defense." (403 U.S. at 728–730).

Of course, international relations and national defense have very special claims to secrecy, but the importance of the President being able to speak with his advisers "freely, frankly, and in confidence" is not confined to those matters. It is just as essential that the President be able to talk openly with his advisers about domestic issues as about military foreign affairs. The wisdom that free discussion provides is as vital in fighting inflation, choosing Supreme Court Justices, deciding whether to veto a large spending bill, and dealing with the myriad other important questions that the President must confront in his roles as Chief of State and Chief Executive, as it is when he is acting as Chief Diplomat or as Commander-in-Chief. Any other view would fragment the executive power vested in him and would assume that some of his constitutional responsibilities are more important than others. It is true that the President has more substantive freedom to act in foreign and military affairs than he does in domestic affairs, but his need for candid advice is no different in the one situation than in the other.

We submit, with all respect, that if the decision below were allowed to stand it could no longer fairly be contended that the President of the United States is "master in his own house." The confidences of that house would be open for disclosure to the Special Prosecutor—and thus ultimately to defendants—whenever one of 400 district judges chose not to accept the President's claim of privilege.[51] Judge MacKinnon, in his dissent, in *Nixon* v. *Sirica,* 487 F. 2d 700, 752 (D.C. Cir. 1973), laid his finger on the pulse:

"But the greatest vice of the decision sought by the Special Prosecutor is that it would establish a precedent that would subject every presidential conference to the hazard of eventually being publicly exposed at the behest of some trial judge trying a civil or criminal case. It is this precedential effect which transforms this case from one solely related to the recordings sought here, to one which decides whether this President, and all future President, shall continue to enjoy the independency of executive action contemplated by the Constitution and fully exercised by all their predecessors."

B. THE RIGHT OF PRIVACY AND FREEDOM OF EXPRESSION SUPPORT THE ABSOLUTE CONFIDENTIALITY OF PRESIDENTIAL COMMUNICATIONS WITH HIS ADVISERS

The President's sole discretion to decide what presidential communications he will disclose, and to control the circumstances of disclosure, is independently grounded in the right of privacy[52] and the constitutionally protected freedom of expression[53] possessed by the President, his advisers and others with whom he confers in the course of carrying out his official responsibilities. The relationship among these "rights" was summarized by Judge Wilkey, dissenting in *Nixon* v. *Sirica,* 487 F. 2d 700, 767 (D.C. Cir. 1973):

"Certainly the Chief Executive's right to be fully, frankly, and confidentially informed is equal to that of any other citizen in the land; his need is undeniably greater. To breach his privacy would unquestionably have a 'chilling effect' on those who otherwise would counsel and confide in the President with complete candor and honesty."

In ***Eastern Railroad Presidents Conference*** v. ***Noerr Motor Freight, Inc.,*** 365 U.S. 127 (1961) this Court acknowledged the broad scope of the First Amendment rights when it held immune from Sherman Act prosecution the attempts of railroads to influence legislation, the enforcement of laws, and the exercise of the veto power by the Governor of Pennsylvania, even though the railroads' efforts had been conducted fraudulently, unethically, and with an intent to injure or destroy competitors. This Court's interpretation of the Act was influenced heavily by the realistic assessment that the effective functioning of representative government depends on the most generous support for First Amendment values. Justice Black, for a unanimous Court, stated that application of the Sherman Act to the conduct in question—

"Would substantially impair the power of government to take actions through its legislature and executive that operate to restrain trade. In a representative democracy such as this, these branches of government act on behalf of the people and, to a very large extent, the whole concept of representation depends upon the ability of the people to make their wishes known to their representatives." (365 U.S. at 137).

The Court, therefore, refused to find that—

"The government retains the power to act in this representative capacity and yet hold, at the same time, that the people cannot freely inform the government of their wishes * * *." (365 U.S. at 137).

In *N.A.A.C.P.* v. *Alabama,* 357 U.S. 449 (1958), this Court quashed Alabama's discovery attempt to obtain N.A.A.C.P.'s membership lists,[54] thus preserving the organization from the "chilling effect" that disclosure would have wrought. The court emphasized:

"That the immunity from state scrutiny of membership lists which the Association claims on behalf of its members is here so related to the right of the members to pursue their lawful private interests privately and to associate freely with others in so doing as to come within the protection of the Fourteenth Amendment. And we conclude that Alabama has fallen short of showing a controlling justification for the deterrent effect on the free enjoyment of the right to associate which disclosure of membership lists is likely to have." (357 U.S. at 466).

See also *Dombrowski v. Pfister,* 380 U.S. 479, 488–489 (1965).

As illustrated by the *Noerr* and *N.A.A.C.P.* cases, the problem of protecting political communications and the right of petition is a recurring issue involving a wide variety of factual settings. The ramifications for the effective functioning of the Presidency are of course virtually endless. Congressmen or their staff members must be able to give the President candid assessments of the political situation in the country, including the likely reactions of the House of Representatives and the Senate to legislative proposals and to suggested presidential action. A legislator may wish to urge a course of action as wise, while warning that in a legislative battle he could not be counted on because of pressure from his constituents. Private persons and groups, too, may come to present points of view, offer support, warn of political retaliation, or suggest trade-offs. Contemporaneous memoranda prepared by or for the President and designed to preserve the details of such meetings are a vital part of the working and historical record. Knowledge that such records might be made public, under compulsion, in a future litigation would not only inhibit the expression of opinion but would dry up sources of indispensable information. The President would be denied the raw materials he needs to function effectively and responsibly.

The other side of this coin is that unless a President has the power to protect records of his private conversations from public disclosure, he himself would be seriously fettered. He would be less likely to seek out a broad range of advice and advisors; he would be constrained in his discourse or disabled from maintaining a record of his actions and conversations. Instead of concerning himself solely with shaping policy, a President would be driven to striking poses for the record, for history, or for his own personal protection.

C. THE JUDCIAL BRANCH CANNOT COMPEL PRODUCTION OF PRIVILEGED MATERIAL FROM THE PRESIDENT

The doctrine of the separation of powers embodies the concept that each branch is independent of the others, except where some form of interaction flows from the regular operation of the government or where the Constitution or statutes explicitly provide to the contrary. The doctrine necessarily includes the right of the holder of the privilege to decide when it is to be exercised. It means, in this case, that compulsory process cannot issue against the President.

Chief Justice Taft in ***Myers*** v. ***United States,*** 272 U.S. 106, 116 (1926), provided the classic judicial statement of one separation of powers doctrine:

"Montesquieu's view that the maintenance of independence as between the legislative, the executive and the judicial branches was a security for the people had [the Framers'] full approval. Madison in the Convention, 2 Farrand, Records of the Federal Convention, 56 ***Kendall*** v. ***United States,*** 12 Pet. 524, 610, 9 L. ed. 1181, 1215. Accordingly the Constitution was so framed as to vest in the Congress all legislative powers therein granted, to vest in the President the executive power, and to vest in one Supreme Court and such inferior courts as Congress might establish the judicial power. From this division on principle, the reasonable construction of the Constitution must be that the branches should be kept separate in all cases in which they were not expressly blended, and the Constitution should be expounded to blend them no more than it affirmatively requires. Madison, 1 Annals of Congress, 497. This rule of construction has been confirmed by this court in ***Meriwether*** v. ***Garrett,*** 102 U.S. 472, 515, 26 L. ed. 197, 205; ***Kilbourn*** v. ***Thompson,*** 103 U.S. 168, 190, 26 L. ed. 377, 386; ***Mugler*** v. ***Kansas,*** 123 U.S. 623, 662, 8 S. Ct. 273, 31 L. ed. 205, 210."

Although the specific holding in the ***Myers*** case was narrowed to some extent in ***Humphrey's Executor*** v. ***United States,*** 295 U.S. 602 (1935), that narrowing was on a point that does not bear on the present issue. The later case was at pains to reaffirm the vigor with which the constitutional separation of powers must be protected and preserved. Justice Sutherland, writing for a unanimous Court, said:

"The fundamental necessity of maintaining each of the three general departments of government entirely free from the control or coercive influence, direct or indirect, of either of the others, has often been stressed and is hardly open to serious question. So much is implied in the very fact of the separation of the power of these departments by the Constitution; and in the rule which recognizes their essential co-equality. The sound application of a principle that makes one master in his own house precludes him from imposing his control in the house of another who is master there." (295 U.S. at 629–630).

The President's assertion of his privilege as a functioning of his role as the head of an independent branch of government is supported by the basic case law. In ***Marbury*** v. ***Madison, 1 Cranch*** (5 U.S.) 137 (1803), William Marbury, a Federalist and recipient of a "lame duck" judicial appointment, i.e., justice of the peace, from President John Adams in the post-election days of 1800, sought, in early 1801, to secure from James Madison, the new Secretary of State under President Jefferson, the actual commission of his appointment. When Madison declined,

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Footnotes at end of article.

Marbury sought mandamus relief in the Supreme Court pursuant to Section 13 of the Judiciary Act of 1789. On February 24, 1803, after a fourteen month "recess," Chief Justice John Marshall, a fellow Federalist, denied all relief, holding that although only a ministerial duty on Madison's part was involved, the statute bestowing the judicial power on the Supreme Court in such a case was unconstitutional.[55] In the course of ascertaining whether the particular factual situation excluded Marbury from obtaining legal redress, the Chief Justice examined the relationship between the official position of the defendant and the nature of his act. Significantly, he stated:

"By the constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use to his own discretion, and is accountable only to his country in his political character and to his own conscience. To aid him in the performance of these duties, he is authorized to appoint certain officers, who act by his authority and in conformity with his orders.

In such cases their acts are his acts; and *whatever opinion may be entertained of the manner in which executive discretion may be used, still there exists, and can exist, no power to control that discretion*. The subjects are political. They respect the nation, not individual rights, and being intrusted to the executive, *the decision of the executive is conclusive*. 1 Cranch (5 U.S.) at 165" (emphasis added).

The exchange between the Chief Justice and Mr. Lincoln, the Attorney General, during the hearing of the case foreshadowed his decision:

"The questions being written, were then read and handed to him. He repeated the ideas he had before suggested, and said his objections were of two kinds.

"1st. He did not think himself bound to disclose his official transactions while acting as secretary of state; and, 2d. He ought not be compelled to answer any thing which might tend to criminate himself.

"Mr. Lincoln thought it was going a great way to say that every Secretary of State should at all times be liable to be called upon to appear as a witness in a court of justice, and testify to facts which came to his knowledge officially. He felt himself delicately situated between his duty to this court, and the duty he conceived he owed to an executive department; and hoped the court would give him time to consider the subject.

"The court said that if Mr. Lincoln wishes time to consider what answers he should make, they would give him time; but they had no doubt he ought to answer. *There was nothing confidential required to be disclosed. If there had been he was not obliged to answer it; and if he thought that any thing was communicated to him in confidence he was not bound to disclose it;* nor was he obliged to state any thing which would criminate himself; but that the fact whether such commissions had been in the office or not, could not be a confidential fact; it is a fact which all the world have a right to know. 1 Cranch (5 U.S.) at 143–145." (emphasis added.)

Four years later, the *Burr* cases[56] came before Chief Justice Marshall. Three subpoenas *duces tecum, in toto,* were sought and issued during the course of the intensely-contested trials, although only two were directed to President Jefferson. The first was requested on June 11, 1807, by Colonel Burr to obtain an October 21, 1806, letter from Colonel Wilkinson to the President, and two military orders, thought to be exculpatory on charges raised by a possible treason indictment. Following more than two days of argument on whether the Court had the right, under the circumstances of the case, to issue a subpoena against President Jefferson, the Chief Justice found that it ought to issue. The Court confined its inquiry to the narrow question of whether a subpoena should issue, and not to whether the court could or would compel actual compliance.[57] The Chief Justice said:

If then, as is admitted by the counsel for the United States, a subpoena may issue to the President the accused is entitled to it of course; and whatever difference may exist with respect to the power to compel the same obedience to the process, as if it had been directed to a private citizen, there exists no difference with respect to the right to obtain it. The guard, furnished to this high officer, to protect him from being harassed by vexatious and unnecessary subpoenas, is to be looked for in the conduct of a court after those subpoenas have issued; not in any circumstances which is to precede their being issued." (25 Fed. Cas. at 34).

As best as can be determined from an ambiguous history, President Jefferson never complied with that subpoena. President Jefferson did transmit to the United States Attorney, George Hay, certain records from the offices of the Secretaries of the Army and Navy that were covered by the subpoena. This was done, however in apparent ignorance of the fact that the subpoena had issued because his transmittal letter contains a well-stated argument why a subpoena should not issue, 9 Ford, *Writings of Jefferson* 56–57 (1899). President Jefferson did not transmit the described letter from General Wilkinson, although that document was specifically designated by the subpoena. It appears Burr was forced to trial for treason without the benefit of the letter, for on the convening of his subsequent trial for misdemeanor on September 3, 1807, he again demanded that letter, and another.

If President Jefferson did fully comply with that first subpoena, this is unknown to Marshall's biographer. See 3 Beveridge, *The Life of John Marshall* 518–522 (1919). The letters called for were not produced and Colonel Burr asserted that the President was in contempt of court, since a subpena was outstanding. Jefferson was nervous about what Chief Justice Marshall might do, and threatened to use force against the execution of the process of the court. A subpoena *duces tecum* then issued against Hay, who had one of the letters Colonel Burr was seeking. Hay produced a part of the letter but refused to give passages that the President deemed confidential. After Mr. Hay made his return, unsatisfactory to Mr. Burr, Chief Justice Marshall, noting that the President had not personally assigned any reasons for nonproduction of the item sought, cautiously opined that the President could not lawfully delegate to his attorney presidential discretion concerning what matters required continued secrecy and ordered that the letter be produced.[58] Five days later, President Jefferson responded with his certificate and the letter, "excepting such parts as he deemed he ought not to permit to be made public." *United States* v. *Burr*, 25 F. Cas. 187, 193 No. 14,694 (C.C.D. Va. 1807). As Beveridge relates it:

"A second subpoena *duces tecum* seems to have been issued against Jefferson, and he defiantly refused to "sanction a proceeding so preposterous," by "any notice" of it. And there this heated and dangerous controversy appears to have ended. *Id*. at 522."

At this point, Beveridge adds in a footnote: "For some reason the matters was not again pressed. Perhaps the favorable progress of the case relieved Burr's anxiety. It is possible that the 'truce' so earnestly desired by Jefferson was arranged. *Id*. at 522 n. 4."

Other historians have read the evidence the same way. Rossiter expresses doubt whether Jefferson was a great President but thinks that one act that remains "to his lasting credit" was his "first declaration of presidential independence in his rejection of Marshall's subpoena in the Burr trial." Rossiter, *The American Presidency* 70 (1956). At another point Rossiter says:

"Jefferson's rejection of Marshall's subpoena *duces tecum* in the Burr trial and Chase's opinion in *Mississippi* v. *Johnson* (1867), which spared Andrew Johnson the necessity of answering a writ of injunction, make clear that the judiciary has no power to enjoin or mandamus or even question the President. Id. at 39."[59]

The Court in *Mississippi* v. *Johnson* refuted the state's request to enjoin President Johnson from enforcing two Reconstruction Act statutes because "the duty thus imposed on the President (to see that the laws are faithfully executed) is in no sense ministerial. It is purely executive and political."[60] 4 Wall. (7 U.S.) at 499. The Court noted that the "fact that no such application was ever before made in any case indicates the general judgment of the profession that no such application should be entertained," 4 Wall. at 500, and summarized the thrust of the case in these terms:

"It is true that in the instance before us the interposition of the court is not sought to enforce action by the Executive under constitutional legislation, but to restrain such action under legislation alleged to be unconstitutional. But we are unable to perceive that this circumstance takes the case out of the general principles which forbid judicial interference with the exercise of executive discretion.

* * * * *

"The Congress is the Legislative Department of the government, the President is the Executive Department. Neither can be restrained in its action by the Judicial Department; though the acts of both, when performed, are, in proper cases, subject to its cognizance.

"The impropriety of such interference will be clearly seen upon consideration of its possible consequences." 4 Wall. at 499–500).

Without exception, the basic precedents support our contention that it is for the President to decide whether to disclose confidential presidential communications, and that his discretion is not subject to judicial review. Otherwise, the "essential co-equality" of the three branches, as the Court described it in *Humphrey's Executor* v. *United States*, 295 U.S. 602, 630 (1935), would be ended, and we would have taken a long—and probably irreversible—step toward government by Judiciary. Today it would be the Presidency that would be lessened and crippled in its ability to function. Tomorrow it could be Congress, for if presidential privacy must yield to a judicial determination, it is difficult to think of any ground on which congressional privacy could continue to stand.[61]

D. AN ALLEGATION OF CRIMINAL ACTIVITY DOES NOT OVERCOME THE ASSERTION OF PRESIDENTIAL PRIVILEGE

Even if the Special Prosecutor were able to make an evidentiary showing that the requested conversations were in furtherance of an alleged criminal conspiracy, such a showing could not overcome a presidential assertion of executive privilege. Executive privilege, unlike the attorney-client privilege, the husband-wife privilege, and other personal and evidentiary privileges, is a constitutional privilege which runs to the benefit of the public, rather than to the benefit of a particular individual. *Kaiser Aluminum and Chemical Corp.* v. *United States*, 157 F. Supp. 939 944 (Ct. Cl. 1958). Current case law supports the view that proof of criminality will allow the defeat of an assertion of individual privilege. *United States* v. *Aldridge*, 484 F. 2d 655, 658, (7th Cir. 1973).[62]

The issue of whether this Court should allow an allegation of criminality to defeat a presidential assertion of privilege should be reached only after thorough and careful consideration of the applicable constitutional principles. The separation of powers

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Footnotes at end of article.

doctrine is obviously vital to this determination, since this Court's consideration of the issue must necessarily include the broadest logical extensions that could result from denying the validity of the privilege. The Special Prosecutor argued successfully to the district court that the public interest to be served by disclosure of presidential conversations is the interest in seeing that "a trial is based upon all relevant and material evidence relating to the charges." (Memorandum of the Special Prosecutor, May 10, 1974, at p. 24). This finite interest in one criminal case must be weighed against the public interest in preserving the Presidency as a co-equal branch of government. The district court's construction of the executive privilege should not be allowed to stand merely to satisfy the desire to insure that "a criminal trial [is] based upon *all* relevant and material evidence relating to the charges." (Memorandum of the Special Prosecutor, May 10, 1974, at 24.)

Executive privilege, inherent in the separation of powers doctrine, extends to an entire branch of government. It is not an individual privilege. The right of confidentiality of executive communications is not a right established for the personal benefit of any one President. Consequently, even an abuse of that right by a President should not affect the validity or vitality of the privilege. If a President abuses the privileges and powers of his office, the proper remedy is not to reduce the office, but to deal with the offense, and to do so in accordance with the Constitution, *Marbury* v. *Madison,* 1 Cranch (5 U.S.) 137, (1803); *Kendall* v. *United States* ex rel. *Stokes,* 12 Peters (37 U.S.) 524, 609 (1838).

The Framers of the Constitution were aware of the potential abuse by a President of a right or privilege accorded to his office. Nevertheless, it was made clear that the privilege was not affected. Only two days before the adoption of the Constitution, the question of presidential abuse of power or personal involvement in criminal actions was discussed. To protect against a President who had committed treason from being able to pardon co-offenders, Gouvenor Randolph made a motion to except cases of treason from the presidential pardon power.[63] He argued that:

"The prerogative of pardon in these cases was to great a trust. The President may himself be guilty. The Traitors may be his own instruments" (2 *Farrand* 626–627).

In opposing the motion, James Wilson stressed the impropriety of limiting the applicability of a privilege accorded to the executive office because of the potential for abuse by an individual holding that office for a term. Should the officeholder be involved in the conspiracy, he argued, procedures were available in the Constitution other than the limitations or destruction of the privilege, that would deal with such abuse.

The Framers' rationale for not limiting the privileges and powers vested in the Presidency is equally applicable here. The right of confidentiality of the executive office, which has been recognized for the past 187 years, cannot be diminished, disregarded, or destroyed by the alleged criminal activities of the officeholder. Should any incumbent abuse the office, the sole remedy is impeachment, not judicial limitations or exceptions to the privileges or rights vested in the Presidency itself. *Mississippi* v. *Johnson,* 4 Wall (71 U.S.) 475 (1867); *Marbury* v. *Madison,* 1 Cranch (5 U.S.) 137 (1803); *Ex Parte Grossman,* 267 U.S. 87, 121 (1925). An allegation of criminal involvement on the part of a President, therefore, does not affect the right of confidentiality which inheres in his office.

V. THE SPECIAL PROSECUTOR HAS FAILED TO DEMONSTRATE A UNIQUE AND COMPELLING NEED REQUIRED UNDER NIXON V. SIRICA TO OVERCOME A VALID CLAIM OF PRESIDENTIAL PRIVILEGE

As we have shown above, the assertion of privilege by a President is necessarily absolute and unreviewable. However, under different factual circumstances, in *Nixon* v. *Sirica,* 487 F. 2d 700 (D.C. Cir. 1973), the United States Court of Appeals for the District of Columbia Circuit held, that presidential conversations are "presumptively privileged," 487 F. 2d at 717, and may be overcome only by a "uniquely powerful showing," 487 F. 2d at 717, that the material subpoenaed was "critical," 487 F. 2d at 706, and contain[ed] evidence peculiarly necessary . . . for which no effective substitute is available. 487 F. 2d at 717.

A. PRIVILEGE GENERALLY

Thus, even if an evidentiary showing as required by Rule 17(c) had been made as to each of the requested items, the Special Prosecutor must demonstrate a unique and compelling need to overcome the privileged nature of the materials. He has not done so, nor is he able to do so in this case. Although a party seeking production of material pursuant to Rule 17(c) may establish that the requested items are both relevant and evidentiary, a subpoena will not issue if the requested material is subject to a valid claim of privilege. In *Mackey* v. *United States,* 351 F. 2d 794, 795 (D.C. Cir. 1965), the court of appeals acknowledged the defense of "privilege" and held that "the government may be required to produce documents in its possession unless it makes a valid claim of privilege." Courts have long recognized that the public interest in maintaining state secrets of a diplomatic or military nature will override the interests in continuing litigation. See e.g. *Totten* v. *United States,* 92 U.S. 105, 107 (1875); *United States* v. *Reynolds* 345 U.S. 1, 11 (1953). The Judiciary has also responded to executive pleas to protect "intra-governmental documents reflecting * * * deliberations comprising part of a process by which governmental decision and policies are formulated." *Cary Zeiss Stiftung* v. *V. E. B. Carl Zeiss, Jena,* 40 F.R.D. 318, 324 (D.D.C. 1966), aff'd on the opinion below, 128 U.S. App. D.C. 10, 384, F. 2d 979, *cert. denied* 389 U.S. (1967); *Kaiser Aluminum & Chemical Corp. v. United States,* 157 F. Supp. 939, 946 (Ct. Cl. 1958).

Similarly, in *Continental Oil Co.* v. *United States,* 330 F. 2d 347 (9th Cir. 1964), the existence of a valid claim of attorney-client privilege as to the various documents requested by a grand jury was sufficient alone to quash a subpoena *duces tecum.* See also *United States* v. *White,* 322 U.S. 694, 699 (1944) (privilege against self-incrimination), *United States* v. *Jacobs,* 322 F. Supp. 1299 (C.D. Cal. 1971) (attorney-client privilege) and *United States* v. *Judson,* 322 F. 2d 460 (9th Cir. 1963) (privilege against self-incrimination). Moreover, if even a portion of a requested document is not subject to a valid claim of confidentiality, the privileged portions should nevertheless not be subject to disclosure by subpoena. Cf. *Magida* v. *Continental Can Co.,* F.R.D. 74 77 (S.D. N.Y. 1951).

B. APPLICABILITY OF EXECUTIVE PRIVILEGE

Under *Nixon* v. *Sirica,* 487 F. 2d 700 (D.C. Cir. 1973), the same rationale for individual privileges is equally applicable to a valid claim of executive privilege. The peculiar circumstances of the decision in *Nixon* v. *Sirica* should be outlined in order to better understand the scope of the court's treatment of executive privilege. In that case, the Special Prosecutor's showing in support of a grand jury subpoena was held to be sufficient to overcome the assertion of executive privilege. The court observed: "[t]he strength and particularity of this showing were made possible by a unique intermeshing of events unlikely soon, if ever, to recur." 487 F. 2d at 705. Based on sworn testimony before the Senate Committee investigating the Watergate incident and the testimony before the grand jury investigating the Watergate incident, the Special Prosecutor was able to demonstrate to the court's satisfaction that significant inconsistencies in the sworn testimony of presidential advisors relating to the content of conversations of these advisors raised a distinct possibility that perjury had been committed before the Senate Committee, and, perhaps, before the grand jury itself. 487 F. 2d at 705. This is the context in which *Nixon* v. *Sirica* must be read.

In that case, the court of appeals expressly "acknowledge[d] the longstanding judicial recognition of executive privilege," 487 F. 2d 713, and agreed that the conversations involved were "presumptively privileged" 487 F. 2d at 717. The court noted that the presumption of privilege premised on the public interest in confidentiality may "fail in the face of the uniquely powerful showing made by the Special Prosecutor in this case." *Id.* at 713. Simple logic dictates, however, that if a presumption is not to be merely illusory, then a certain quantum of evidence is needed to overcome it. In this regard, the court stated that a claim of executive privilege is entitled to "great weight." 487 F. 2d at 715. Thus, the quantum of evidence to overcome the privilege must necessarily be even greater. It must at least be "uniquely powerful" since the court's holding in *Nixon* v. *Sirica* was premised on a "particularized showing of the grand jury's need for each of the several subpoenaed tapes," a need that both the District Court, 360 F. Supp. at 11 n. 7, and the majority of the court of appeals called "well documented and imposing." 487 F. 2d at 705.

It is important to recognize that the decision of the majority of the court of appeals in *Nixon* v. *Sirica* was based on the unique need of the grand jury, and not that of a prosecutor in a post-indictment setting. Indeed, the special function of the grand jury was the predicate for the court's finding that the "presumption of privilege premised on the public interest in confidentiality must fail in the face of the uniquely powerful showing made by the Special Prosecutor in this case." 487 F. 2d at 717. The court said:

"The function of the grand jury mandated by the Fifth Amendment for the institution of federal criminal prosecutions for capital or other serious crimes, is not only to indict persons when there is probably cause to believe they have committed crime, but also to protect persons from prosecution when probable cause does not exist. As we have noted, the Special Prosecutor has made a strong showing that the subpoenaed tapes contain evidence peculiarly necessary to the carry out of this vital function—*evidence for which no effective substitute is available.*" (487 F. 2d at 717) (emphasis added).

The court of appeals continually reaffirmed this limitation of its holding by speaking in terms of the grand jury's access and emphasing that "we limit our decision strictly to that required by the precise and entirely unique circumstances of the case." 487 F. 2d at 704. See also 487 F. 2d at 733.

The fundamental distinction between a grand jury's need for evidence and that of a prosecutor in a post-indictment setting is significant here. The Special Prosecutor's position in requesting information for trial is not analogous to, and indeed is essentially different from, that of a grand jury seeking "evidence critical to [its] decision as to whether and whom to indict." 487 F. 2d at 706. By the very nature of the grand jury's function, the scope of its need for evidence is much broader than that of a prosecutor in a post-indictment setting. The standards

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Footnotes at end of article.

of relevancy and materiality are thus necessarily much narrower in a trial setting than that of a grand jury investigation. This undisputed fact was recognized in *Schwimmer* v. *United States*, 332 F. 2d 855 (8th Cir.), *cert. denied*, 352 U.S. 833 (1956) when the court stated. "[R]elevance and materiality necessarily are items of broader content in their use as to grand jury investigation than in their use as to the evidence of a trial." 232 F. 2d at 862. The rationale for having this stricter standard at the trial stage was explained by the court *In Re Grand Jury Subpoena Duces Tecum*, 203 F. Supp. 575 (S.D. N.Y. 1961). "[B]ecause the grand jury may have to develop evidence for the first time, the requirements of relevance and materiality are certainly less strict on a grand jury investigation than at trial." 203 F. Supp. at 579. The district court in this case totally failed to address this distinction.

In *Nixon* v. *Sirica*, the Special Prosecutor was able to show that the nine tapes he requested "were each directly relevant to the grand jury's task" and they contained "evidence critical to the grand jury's decision as to whether and whom to indict," 487 F.2d at 706, "evidence for which no effective substitute is available." 487 F. 2d at 717. No such descriptions can be used to justify the Special Prosecutor's need in this case. There has been no allegation that the requested materials are essential or even necessary to the trial. Nor has there been any attempt to demonstrate what relevant and admissible evidence is lacking that the subpoenaed material will fulfill. For all that is known, the material sought, to the extent that it may exist, may not contain any relevant evidence or the evidence it may contain may be wholly cumulative of matters than can be otherwise proved. In addition a large volume of evidence, both documentary and testimonial, is already available to the Special Prosecutor, including a very significant amount of material furnished him by the President.[64]

We submit that the public interest that would be served by disclosure in a post-indictment context is substantially less compelling than it is in a grand jury context, a rationale recognized by the court in *Schwimmer* v. *United States*, 232 F. 2d 855 (8th Cir.), *cert. denied*, 352 U.S. 833 (1956). The presumption of privilege remains the same in both contexts. However, after a grand jury's finding of probably cause, the prosecutor's ability to make a showing of compelling need for the production of evidence is greatly enhanced because of evidence already available to him. Thus, in a post-indictment setting his burden of showing compelling need must necessarily be greater and factually more difficult, if it is to overcome the presumption of privilege. This conclusion is further enhanced by the fact that the Special Prosecutor signed the indictment returned by the grand jury in this case, which indeed could not have been returned without his assent. *United States* v. *Cox*, 372 F. 2d 167 (5th Cir.), *cert. denied*, 381 U.S. 935 (1965). Therefore, the Special Prosecutor must have been satisfied that sufficient competent evidence of criminality was available to warrant the proceeding to trial against the persons indicted. The need for additional incriminating evidence, even if the items presently sought were in fact evidentiary, is bound to be cumulative or corroborative—certainly not a clear and compelling necessity.

C. BALANCING TEST

The court of appeals in *Nixon* v. *Sirica*, in deciding whether to quash a grand jury subpoena *duces tecum*, indicated that "the application of executive privilege depends on a weighing of the public interest protected by the privilege against the public interests that could be served by disclosure in a particular case." 487 F. 2d at 716. The court also acknowledged, "[t]hat the President's special interests may warrant a careful judicial screening of subpoenas . . .," 487 F. 2d at 710, and if this "judicial screening" is to be meaningful, it must occur before a court engages in the balancing process. The court of appeals recognized this when it quoted with approval, the statement of Chief Justice Marshall in *United States* v. *Burr*, 25 F. Cas. 187, No. 14, 694 (C.C.D. Va. 1807):

"The President, although subject to the general rules which apply to others, may have sufficient motives for declining to produce a particular paper, and those motives *may be* such as to restrain the court from enforcing its production * * *. I can readily conceive that the President might receive a letter which it would be improper to exhibit in public * * *. The occasion for *demanding* it ought, in such a case, to be very strong and to be fully shown to the court before its production could be *insisted* on. 25 F. Cas. at 190–192." (emphasis in original) (487 F. 2d at 710).

Other cases also clearly demonstrate that in order for a court to balance countervailing public interest, the party seeking disclosure must make a threshold showing of compelling need or "uniquely powerful" need. In *United States* v. *Reynolds*, 345 U.S. 1 (1953), a case relied upon in *Nixon* v. *Sirica*, this Court stated:

In each case, the showing of necessity which is made will determine how far the court should probe in satisfying itself that the occasion for invoking the privilege is appropriate. Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted, but even the most compelling necessity cannot overcome the claim of privilege if the court is ultimately satisfied that military secrets are at stake. *A fortiori*, where necessity is dubious, a formal claim of privilege . . . will have to prevail. (345 U.S. at 11).

At another point in *Reynolds* this Court stated:

"[W]e will not go so far as to say that the court may automatically require a complete disclosure to the judge before the claim of privilege will be accepted in any case." *Id.*

This point is further illustrated by *Committee for Nuclear Responsibility, Inc.* v. *Seaborg*, 463 F. 2d 788, 792 (D.C. Cir. 1971). There the court held:

"Of course, the party seeking discovery must make a preliminary showing of necessity to warrant even *in camera* disclosure, . . ."

Certainly, this well-documented principle supports the proposition that, before a court can even engage in balancing, the party seeking disclosure must show a compelling need to overcome a presumption of privilege. *Senate Select Committee on Presidential Campaign Activities* v. *Richard M. Nixon*, Slip Op. No. 74–1258 (D.C. Cir. May 23, 1974). Since that showing has not been made in this case, it was incumbent upon the district court to grant the President's motion to quash.

It is clear that the Special Prosecutor has failed to make the requisite showing of compelling need necessary to activate the balancing test. Nor has he made a sufficient showing to establish that each of the requested materials is relevant and admissible and that it is not an attempt to discover additional evidence already known. Therefore under well-established case law, the subpoena should have been quashed in all respects by the court below.

VI. AN INCUMBENT PRESIDENT CANNOT LAWFULLY BE CHARGED WITH A CRIME BY A GRAND JURY

A. THE PRESIDENT CANNOT BE INDICTED WHILE HE IS SERVING AS PRESIDENT

It has never been seriously disputed by legal scholars, jurists, or constitutional authorities that a President may not be indicted while he is an incumbent. The reasons for the President's non-indictability bear directly on the question of whether he may be named as an unindicted co-conspirator by a grand jury. The reasons are obvious and compelling. They are particularly relevant in light of the ongoing proceedings in the House of Representatives.

The Presidency is the only branch of government that is vested exclusively in one person by the Constitution. Art. II, section 1, clause 1 states:

"The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years * * *"

Article II then details the powers and functions that the President shall personally have and perform. The functioning of the executive branch ultimately depends on the President's personal capacity: legal, mental and physical. If the President cannot function freely, there is a critical gap in the whole constitutional system established by the Framers.

The President, personally, as no other individual, is necessary to the proper maintenance of orderly government. Thus, in order to control the dangerous possibility of any incapacity affecting the President, and hence the executive branch, the Constitution specifically limits and provides for all those events that could incapacitate a President.[65]

The necessary reason for the great concern and specificity of the Constitution in providing for a President at all times capable of fulfilling his duties, is the fact that all three branches of government must have the capacity to function if the system is to work. While the capacity to function is assured to the legislative and judicial branches by the numbers of individuals who comprise them, the executive branch must depend on the personal capacity of a single individual, the President. Since the executive's responsibilities include the day-to-day administration of the government, including all emergency functions, his capacity to function at any hour is highly critical. Needless to say, if the President were indictable while in office, any prosecutor and grand jury would have within their power the ability to cripple an entire branch of the national government and hence the whole system.

Further analysis makes it even more clear that a President may not be indicted while in office. The President is vested under Art. II, section 3, clause 1, with the power "that the Laws be faithfully executed" and he has under Art. II, section 2, clause 1, the power of granting "Pardons for Offenses against the United States, except in Cases of Impeachment." Under that same clause, he shall appoint the "Judges of the Supreme Court" with "the Advice and Consent of the Senate." The President has also been granted by Congress the same power to appoint all Article III judges. 28 U.S.C. 44 and 28 U.S.C. 133. Since the President's powers include control over all federal prosecutions, it is hardly reasonable or sensible to consider the President subject to such prosecution. This is consistent with the concept of prosecutorial discretion, the integrity of the criminal justice system or a rational administrative order. This is particularly true in light of the impeachment clause which makes a President amenable to post-impeachment indictment. Art. I, section 3, clause 7. This clause takes account of the fact that the President is not indictable and recognizes that impeachment and conviction must occur before the judicial process is applicable to the person holding office as President. This section reads: "But the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law." While out of necessity an incumbent President must not be subject to indictment in order for our constitutional system to operate, he is not removed from the sanction of the law. He can be indicted after he leaves office at the end of his term or after being "convicted" by the Senate in an impeachment proceeding.

The history surrounding the Constitution's adoption further makes it clear that

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impeachment is the exclusive remedy for presidential criminal misconduct. A very revealing interchange took place on September 15, 1787, only two days before the final adoption of the Constitution. Gouverneur Randolph moved to except cases of treason from the power of the President to pardon offenses against the United States, a power granted by Art. II, section 1, clause 7.

"Judgment in Cases of Impeachment shall not extend further to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law."

There are several relevant considerations that should be noted about the Convention and the provision that resulted from them. First, it is clear that an incumbent President is not subject to criminal prosecution. He is amenable to the criminal laws, but only after he has been impeached and convicted, and thus stripped of his critical constitutional functions.

The text of Art. I, section 3, clause 7, points so explicitly in that direction that it hardly requires exposition, and the legislative history is wholly in accord. James Wilson noted that if the President himself be a "party to the guilt he can be impeached and prosecuted." 2 *Farrand* 626. And on September 4, 1787, in the recurring debate on whether impeachments should be tried by the Senate or by the Supreme Court, Gouverneur Morris said:

"A conclusive reason for making the Senate instead of the Supreme Court the Judge of Impeachments, was that the latter was to try the President after the trial of the impeachment. 2 *Farrand* 500."

The decision to make the Senate, and not the Supreme Court,[96] the ultimate body to decide upon the President's removal, further argues for limiting any court or grand jury from removing a President by way of indictment or other judicial process.

There is literally nothing in all of the records of the Convention to suggest that any delegate had any contrary view. This reading of the language in question was put forward twice by Hamilton when he wrote:

"The punishment which may be the consequence of conviction upon impeachment, is not to terminate the chastisement of the offender. After having been sentenced to a perpetual ostracism from the esteem and confidence, and honors and emoluments of his country, he will still be liable to prosecution and punishment in the ordinary course of law. *The Federalist*, No. 65, at 426." (Modern Library ed. 1937).

He returns to the point in the 69th *Federalist*, and uses it there to illustrate an important distinction between a President and a king.

"The President of the United States would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law. The person of the King of Great Britain is sacred and inviolable; there is no constitutional tribunal to which he is amenable; no punishment to which he can be subjected without involving the crisis of a national revolution."

So far as we are aware, that an incumbent President is not indictable is a proposition that has never been challenged by the Special Prosecutor. The proposition is relevant here because of the suggestion that an otherwise valid claim of privilege by the President should be overridden if there is in some manner an alleged showing of a *prima facie* criminal case or a *prima facie* finding of criminal involvement, such as the authorizing of the naming, or the naming of the President as an unindicted co-conspirator. If, however, such facts were true, which they are not, they go not to the evidentiary needs of the grand jury, but to those of the Committee on the Judiciary in the House.

Whatever the grand jury may claim about a President, its only possible proper recourse is to refer such facts, with the consent of the court, to the House and leave the conclusions of criminality to that body which is constitutionally empowered to make them. The grand jury may not indict the President or allege that there is probable cause to find criminal liability on the part of a President. Thus, such a claimed "finding" by the grand jury has no force in overcoming any presidential claim of privilege, as it is a legal nullity, being constitutionally impermissible.

A second important theme that runs through the debates of the Constitutional Convention of 1787 is whether the President should be answerable, in an impeachment proceeding, to the courts or to the Senate. On June 13, 1787, the Committee of the Whole adopted a resolution offered by Messrs. Randolph and Madison to give the national Judiciary jurisdiction of "Impeachments of any national officers." 1 *Farrand* 224. On July 18th, however, the Convention voted unanimously to remove the language giving the courts jurisdiction of impeachments. 2 *Farrand* 39. This did not end the matter. The report of the Committee on Detail, on August 6th, would have given the Supreme Court original jurisdiction "in cases of impeachment." 2 *Farrand* 186. As noted above a subsequent committee, however, recommended on September 4th that the trial of impeachments be by the Senate, 2 *Farrand* 493. This was approved on September 8th by a vote of nine states to two. 2 *Farrand* 547. See the report of the debate on this issue at 2 *Farrand* 551–553.

The significance of the foregoing history is that it is not mere chance or inadvertence that the President is made answerable to the Senate, sitting as a Court of Impeachment. The Framers repeatedly considered making him answerable to the Judiciary, and they twice rejected proposals to this effect, thus further reinforcing the conclusion that it would be wholly inconsistent with the Framer's intent to hold a President indictable.

Finally, it should also be observed that there was no sentiment in the Convention for providing restraints other than impeachment against a President. The argument went quite the other way. There was sentiment in the Convention that a President would not be subject even to impeachment and that it would be enough that he served for a limited term and would answer to the people if he chose to stand for reelection. This point was extensively debated on July 20, 1787, with the motion to strike out the impeachment provision offered by Charles Pinckney and Gouverneur Morris, 2 *Farrand* 64–69. The arguments in favor of the Pinckney motion seem unpersuasive, and in fact during the course of the debate on it, Morris admitted that the discussion had changed his mind. But the debate is interesting because those who opposed the Pinckney motion, and supported retention of impeachment, made it clear that this was the only means by which they considered that the President was subject to law. Thus, Colonel George Mason said:

"No point is of more importance than that the right of impeachment should be continued. Shall any man be above Justice? Above all shall that man be above it, who can commit the most extensive injustice? When great crimes were committed he was for punishing the principal as well as the Coadjutors." (2 *Farrand* 65).

And again Elbridge Gerry—

"urged the necessity of impeachment. A good magistrate will not fear them. A bad one ought to be kept in fear of them. He hoped that maxim would never be adopted here that the Chief Magistrate could do no wrong." (2 *Farrand* 66).

By a vote of eight states to two, the Pinckney motion was defeated and the Convention agreed that the Executive should be removable on impeachment. 2 *Farrand* 69. But it is only conviction in the Senate that leads to this result. On September 14th, the Convention rejected, by a vote of eight states to three, a proposal that an officer impeached by the House be suspended from office until tried and acquitted by the Senate. 2 *Farrand* 612–613.

This examination of the proceedings of the Constitutional Convention of 1787 establishes that the Framers deliberately chose one particular means of guarding against the abuse of the powers they entrusted to a President. He may not be indicted unless and until he has been impeached and convicted by the Senate. Impeachment is the device that ensures that he is not above justice during the term in office, and the trial of impeachment is left to the Senate and not to the courts.

Those principles have been recognized by this Court. In the early and leading case of *Marbury* v. *Madison* 1 Cranch (5 U.S.) 137. 165 (1803), the Court said:

"By the Constitution of the United States, the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character, and to his own conscience."

Thirty-five years later, in *Kendall* v. *United States ex. rel. Stokes*, 12 Pet. (37 U.S.) 524, 610 (1838) the Court said:

"The executive power is vested in a President and as far as his powers are derived from the Constitution he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power."[97]

We are wholly mindful of weighty warnings against the view that "the great clauses of the Constitution must be confined to the interpretation which the Framers, with the conditions and outlook of their time, would have placed upon them. . . ." *Home Building & Loan Assn.* v. *Blaisdell*, 290 U.S. 398, 443 (1934). But if the provisions of the Constitution that we have been discussing can fairly be said to have taken on new meaning with the passage of years, and with the emergence of new problems, surely any change must be in the direction of strengthening the independence of the Presidency, rather than creating new hobbles on it.

Powell v. *McCormack*, 395 U.S. 486 (1969), reaffirms the extraordinary nature and strictly limited character of the power to remove political officials, particularly those directly elected by the people. That decision held that the Congress could not expand the constitutional limits mandated for expelling or alternatively excluding a Congressman from his seat. U.S. Const., Article I, section 5, clause 2; Article I, section 2, clause 2. The constitutional sanctity of the people's electorial choice, therefore, was considered so important that it required judicial intervention and protection. While judicial action was required in *Powell* to protect the electorate's rights under the Constitution, the reverse is certainly not true. This same power cannot be used to nullify the electorate's decision. This is particularly true in the case of the Presidency when the Constitution explicitly delegates the power to remove the President under strict conditions to the representatives of the voters who elected him. It seems improbable, at best, to suggest that the Framers felt that any court and grand jury could also remove or even legally incapacitate the Chief Executive. The specificity and grave nature of the

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Footnotes at end of article.

impeachment process and the total absence of any discussion of any other method, is an extremely powerful argument for the exclusivity of impeachment as the only method of removing a President.

The Powell case emphasizes that while another branch cannot control the Congress in the execution of their peculiar constitutional responsibilities, neither can the Congress, as a whole, control the execution of a particular Congressman's duties via exclusion. Exclusion is an action that the Congress may take solely within the limits of Article I, section 2, clause 2. It is not a political tool. Obviously this also applies to the executive branch. If Congressman Powell could not be excluded from his congressional seat by a majority of Congress except by adhering to the requirements of the Constitution, then surely the Chief Executive may not be deprived of his ability to control decisions in the executive branch by a member of the executive department, unless the President has specifically delegated this authority to him. Nor can such an employee control the President through judicial or criminal process.

The decision in *Powell* is also harmonious with the long established principle that the Judiciary may prevent other branches from overstepping their constitutional bounds of responsibility. *Marbury* v. *Madison,* 1 Cranch (5 U.S.) 137 (1803). In *Youngstown Sheet & Tube Co.* v. *Sawyer,* 343 U.S. 579 (1952), this Court made a similar determination that certain actions taken by the executive branch were beyond the scope of the constitutional duties mandated to the branch. If the Judiciary had determined that seizing the steel mills had been within the powers the Constitution and the laws had entrusted to the President, clearly it could not have forced the President to exercise his discretion and seize the mills. Although the Supreme Court has ruled innumerable laws unconstitutional over the last 187 years it has never once mandated that either Congress exercise its discretion to pass a law or the Executive prosecute an individual. The reasons are self-evident.

Today, in our nuclear age, far more than in George Washington's time, the nature of our country and of the world insistently requires a President who is free to act as the public interest requires, within the framework created by the Constitution. The whole Watergate problem has illustrated how truly complex the right decision can be. It is thus all the more necessary that a President have the ability to freely discuss issues, think out loud, play the devil's advocate, and consider alternatives, free from the threat that a probing statement will one day form the basis for an allegation of criminal liability.

B. THE GRAND JURY ACTION OF NAMING THE PRESIDENT AS AN UNINDICTED CO-CONSPIRATOR IS A NULLITY

The constitutional policy that mandates that the President is not subject to judicial process or criminal indictment while President, clearly shows that the grand jury action naming or authorizing the name of the President as an unindicted co-conspirator contravenes the constitutional power of the grand jury or any court of this country.

The implication by a grand jury on the basis of certain alleged facts, that the President may have violated the law can have only one proper result. As stated above, the grand jury may with the district court's consent, forward the factual material creating the implications, minus any conclusions, to the House of Representatives.[68] That result was fulfilled when the grand jury filed with the court below its factual report and recommended that it be forwarded to the House Judiciary Committee, in March of 1974. The President made no objection to this move because the House of Representatives is the proper body, the only proper body, to impeach a President, as part of the process of removing a President from office. The grand jury's constitutionally impermissible authorization to the Special Prosecutor, permitting the President to be named or naming the President as an unindicted co-conspirator, however, attempts to subvert and prejudice the legitimate constitutional procedure of impeachment.

In its opinion in *In Re Report and Recommendation of the June 5, 1972 Grand Jury Concerning Transmission of Evidence to the House of Representatives,* 370 F. Supp. 1219 (D.D.C. 1974), the district court convincingly demonstrated why the June 5, 1972, Grand Jury could not authorize the naming of the President as an unindicted co-conspirator. The very reasons why it was proper to refer the *Report and Recommendation to the House of Representatives* are those that argue against referring the naming or the authorization to name the President as an unindicted co-conspirator to that same body. In fact, these same considerations today require its expungement, because it is a legal nullity that continues to prejudice the President by its purported legal significance and apparent authority. The court below noted of the Report:

"The Report here at issue suffers from none of the objectionable qualities noted in *Hammond* and *United Electrical.* It draws no accusatory conclusions. It deprives no one of an official forum in which to respond. It is not a substitute for indictments where indictments might properly issue. *It contains no recommendations, advice or statements that infringe on the prerogatives of other branches of government.* Indeed, its only recommendation is to the Court, and rather than injuring separation of powers principles, the Jury sustains them by lending its aid to the House in the exercise of that body's constitutional jurisdiction. It renders no moral or social judgments. The Report is a simple and straightforward compilation of information gathered by the Grand Jury, and no more." (370 F. Supp at 1226) (emphasis added).

As noted by the district court nothing could be more important to America's future than that the ongoing impeachment be "unswervingly fair." 370 F. Supp at 1230. And nothing could be more clear than that the naming of the President of the United States as an unindicted co-conspirator by a secret grand jury proceeding, which was subsequently leaked to the press, is a direct and damaging assault on the fairness of the House impeachment proceeding. It is the kind of prejudice that a court would certainly be required to remedy or compensate for if it affected the rights of a criminal defendant to a trial, free from the probability of prejudicial pre-trial publicity. *In Re Murchison,* 349 U.S. 133 (1955); *Estes* v. *Texas,* 381 U.S. 532 (1965); *Sheppard* v. *Maxwell,* 384 U.S. 333 (1966).

This unauthorized action of the grand jury that has the appearance of official status, and presently the implicit approval of the lower court may well directly affect the outcome of the House procedure. Yet, the President has no legal recourse against the grand jury's action except with this Court. No petit jury, whose obligation is to find guilt "beyond a reasonable doubt" is empowered to adjudicate this charge against the President.[69]

The rigorous adversary format, with that most powerful tool for determining the truth, cross-examination, is not available in the secret grand jury setting. It is now well established that the right of cross-examination is an essential element of due process in any proceeding where an individual's "property" or "reputation" may be adversely affected.[70] The fundamental right to present evidence and to cross-examine witnesses in an impeachment proceeding is manifest. As the experience of our judicial system has demonstrated, the most effective method of establishing the truth of an accusation is to permit the respondent the right to personally cross-examine those presenting adverse testimony. The Supreme Court flatly states in *Greene* v. *McElroy,* 360 U.S. 474 (1959) that:

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the Sixth Amendment. . . . This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, . . . but also in all types of cases where administrative . . . action was under scrutiny." (360 U.S. at 496–497).

Justice Douglas in the concurring opinion in *Peters* v. *Hobby,* 394 U.S. 331 (1955), emphasized the necessity of permitting a respondent to cross-examine all adverse witnesses.

"Under cross-examination [witnesses] stories might disappear like bubbles. Their whispered confidences might turn out to be yarns conceived by twisted minds or by people who, though sincere, have poor faculties of observation and memory.

"Confrontation and cross-examination under oath are essential, if the American ideal of due process is to remain a vital force in our public life. We deal here with the reputation of men and their right to work—things more *precious* than property itself. We have here a system where government with all its power and authority condemns a man to a suspect class and outer darkness, without the rudiments of a fair trial." (349 U.S. at 351).

There is no way within our judicial system to disprove allegations made against a President. It is because of this and because of the vast impact of this purportedly official criminal implication and charge against a President, on the whole body politic, that the Constitution requires no less a body than the whole House of Representatives to find the President likely enough to be guilty of criminal misconduct that he should be tried by the Senate.

The characterization of the President of the United States as an unindicted co-conspirator, is nothing less than an attempt to nullify the presumption of innocence by a secret, non-adversary proceeding. The presumption of innocence is a fundamental of American justice; the grand jury's procedure is an implication of guilt which corrupts this ideal. To thus allow the Special Prosecutor to use such a constitutionally impermissible device, as an incident to an evidentiary desire, for the purpose of overcoming executive privilege, is wholly intolerable. The American legal system has never allowed the desire for evidence to go beyond the bounds of law. *Boyd* v. *United States,* 116 U.S. 616 (1886); *Weeks* v. *United States,* 232 U.S. 383 (1914); *Silverthorne Lumber Company* v. *United States,* 251 U.S. 385 (1920); *Mapp* v. *Ohio,* 367 U.S. 643 (1961). The President should not be made a hostage of the unwarranted pressure inherent in the grand jury's improper action.

The former Special Prosecutor, Mr. Archi-

Footnotes at end of article.

bald Cox, was quoted in the *New York Times* on January 5, 1974, as dealing with this exact issue. In response to rumors that he would name the President as an unindicted co-conspirator the newspaper printed this:

"Mr. Cox, in the telephone interview from his vacation home in Maine, described such a technique as 'just a backhanded way of sticking the knife in.' *New York Times*, January 6, 1974, p. 1, col. 6; p. 40, col 1."

A later issue of the *New York Times* dealt with the same basic questions when it stated:

"Leon Jaworski, the Watergate special prosecutor, advised the Federal Grand Jury investigating the Watergate break-in and cover-up that it would not be 'responsible conduct' to move to indict President Nixon, according to a spokesman for the office.

"Although Mr. Jaworski's advice to the Grand Jury did not refer to President Nixon by name—the matter was discussed in terms of a factual situation such as exists—it did include the suggestion that the House Judiciary Committee's impeachment inquiry was the proper forum to consider matters of evidence relating to a President.

"Although there had been speculation that Mr. Jaworski had tentatively concluded that legal complications militated against a move to indict the President, today's statement was the first direct confirmation of the fact. *New York Times*, March 12, 1974, p. 1."

It is only by impeachment and conviction and then subsequent criminal action that the President may be found to be a member of any criminal conspiracy. To base a desire for evidence on a stratagem which attempts to cripple the Presidency, and thus nullify the President's claim of executive privilege, is unprecedented, but more significantly a grotesque attempt to abuse the process of the judicial branch of government. Under our system of government only the House of Representatives may determine that evidence of sufficient quantity and quality exists to try the President. And, that trial must take place in the Senate with the Chief Justice presiding.

C. EVEN IF IT WERE PERMISSIBLE, THE NAMING OF AN INCUMBENT PRESIDENT AS AN UNINDICTED CO-CONSPIRATOR DOES NOT CONSTITUTE A PRIMA FACIE SHOWING OF CRIMINAL ACTIVITY

In the preceding section we have conclusively demonstrated why it is not constitutionally permissible to name an incumbent President as an unindicted coconspirator. However, if such an act had been constitutionally permissible, it would nevertheless not have the effect of constituting a *prima facie* showing of criminality sufficient to overcome the President's constitutional claim of executive privilege.

There is a basic distinction between a finding of "probable cause" and the showing of a *"prima facie"* case which makes the Special Prosecutor's use of these two terms in the instant case both inaccurate and improper.

Probable cause is a legal concept based on the proposition that a crime "might" have been committed. As such it justifies an inquiry into an individual's guilt. It does not justify any legal effect that would operate to overcome either a presumption of innocence or executive privilege attaching to an otherwise valid claim. On the other hand, *prima facie* evidence is evidence sufficient to have a legal effect, which if unrebutted, is sufficient to go to a jury in a trial setting and sufficient to convict an individual of a crime before a petit jury. The finding of the grand jury at issue here has none of this sufficiency. It has never been tested in any adversary forum and hence is insufficient to have any legal effect on the right or privileges of anyone.

This elementary distinction was noted by the Court in *Locke* v. *United States*, 7 Cranch (11 U.S.) 339, 348 (1813):

"It is contended, that probable cause means *prima facie* evidence, or, in other words, such evidence as, in the absence of exculpatory proof, would justify condemnation.

"This argument has been very satisfactorily answered on the part of the United States by the observation that this would render the provision totally inoperative. It may be added, that the term "probable cause," according to its usual acceptation, means less than evidence which would justify condemnation; and, in all cases of seizure, has a fixed and well-known meaning. It imports a seizure made under circumstances which warrant suspicion. In this, its legal sense, the court must understand the term to have been used by Congress."

Nothing could make the legal objections to using a probable cause standard to overcome a valid claim of presidential privilege clearer, than this Court in *Brinegar* v. *United States*, 338 U.S. 160, 176 (1949), when it stated:

"The rule of probable cause is a practical, nontechnical conception affording the best compromise that has been found for accommodating these often opposing interests. Requiring more would unduly hamper law enforcement. To allow less would be to leave law-abiding citizens at the mercy of the officers' whim or caprice."

The claim that the grand jury's action is sufficient to constitute a *prima facie* showing of criminality can be seen for what it is: an attempt to use a practical tool of law enforcement as a constitutional bludgeon to batter down the President's rights to due process and his fundamental right to be presumed innocent by the law. Recently this basic point was reaffirmed by the Court in *United States* v. *Ventresca*, 380 U.S. 102, 108 (1965), when in quoting *Brinegar*, this Court stated:

"There is a large difference between the two things to be proved [guilt and probable cause], as well as between the tribunals which determine them, and therefore a like difference in the quanta and modes of proof required to establish them." (338 U.S. at 108).

The *prima facie* showing that the Special Prosecutor claims to have made can only have been made if the President of the United States is to be tried and convicted by a grand jury! Thus the Special Prosecution's argument is a legal absurdity.

An indictment may be returned against an accused upon a grand jury's finding that the "evidence" constituted the existence of probable cause to believe the accused participated in criminal activity. It must always be remembered that this "evidence" is not the type of evidence that in a trial court goes to the question of guilt or innocence. It is not evidence that has ever been tested in an adversary forum, in which an opportunity would have been presented to explore its alternative inferences, to question its credibility by cross examination, and to offer evidence which may rebut the original allegation. All that the evidence weighed by a grand jury can ever be said to show fairly is that there is probable cause to believe someone should be brought to trial. In the instant case, the grand jury could only find "proable cause" of criminal activity on the part of the President and nothing more, if it could even find that. Yet the Special Prosecutor says this finding of probable cause is a *"prima facie"* showing of criminality. *Prima facie* evidence of a fact, however, is such evidence as will establish that fact in a court of law if not rebutted. *Lilienthal's Tobacco* v. *United States*, 97 U.S. 237, 268 (1877); *United States* v. *Wiggins*, 14 Pet. (39 U.S.) 334 (1840). It thus becomes obvious that in a grand jury setting, the kind of *prima facie* showing the Special Prosecutor talks about, cannot occur.

A grand jury finding of probable cause in most cases results in an indictment which is merely an accusation of criminal activity and is not evidence of criminality. In *United States* v. *Cummings*, 468 F. 2d 274, 278 (9th Cir. 1972), the Court of Appeals found serious error and reversed the judgment of the trial court because it allowed counsel for the government in closing argument to suggest that the return of an indictment by a grand jury was an indication of the guilt of the accused. In a criminal trial, the fact that a grand jury heard evidence and, based on that evidence, returned an indictment, does not allow inference of guilt. *United States* v. *Sutton*, 312 F. Supp. 969, 972 (D. Ariz. 1970), *aff'd* 446 F. 2d 916, 922 (9th Cir. 1971), *cert. denied*, 404 U.S. 1025 (1972). In *Sutton*, the United States Attorney, in his summation, made reference to the fact that the proceeding was by indictment and that at least twelve people have to agree on the indictment after hearing evidence. This comment was objected to and the trial judge sustained the objection and, shortly thereafter, instructed the jury that the indictment is no evidence and it does not create any presumption or inference of guilt. 312 F. Supp. at 972. In this regard the court of appeals found that only the trial judge's timely actions prevented the United States Attorney's improper comment from prejudicing the appellant and eliminated any necessity for a mistrial. 446 F. 2d at 922 Likewise, only this Court's timely action in declaring the invalidity and improper character of the grand jury's action in this case will offset to some degree the prejudice to the President.

Jury instructions are frequently, if not always, used to inform a jury that an indictment is merely a formal method of accusing a defendant of a crime and is not evidence of any kind against the accused.[71] e.g. 1 Federal Jury Practice and Instructions, Devitt & Blackmar, § 11.02 at 208 (1970). Such instructions are universally accepted. See e.g., *Adjmi* v. *United States*, 343 F. 2d 164, 165 (5th Cir. 1965); *Black* v. *United States*, 309 F. 2d 331, 343 (8th Cir. 1962), *cert. denied* 372 U.S. 934 (1963); *United States* v. *Senior*, 274 F. 2d 613, 617 (7th Cir. 1960). Therefore since the grand jury's determination of probable cause is not evidence of guilt or criminality in a trial proceeding we submit that the court below was not and could not have been presented with a *prima facie* showing of criminality.

Moreover, in the instant case, even if the Special Prosecutor could, by some strange convolution of law and logic, make an evidentiary showing of criminality on the part of the President, it would still have been necessary for this "showing" to overcome three distinct presumptions in order to allow the trial court to rule properly that the conversations sought here are not privileged. These presumptions are (1) the presumed validity of a claim of executive privilege, (2) the presumption that every man is innocent until proven guilty, beyond a reasonable doubt, in a court of law, and (3) the presumption of regularity applied to the acts of a government official.

Besides the presumption of validity that is inherent in any presidential assertion of executive privilege, *Nixon* v. *Sirica*, 487 F. 2d 700, 715, 717 (D.C. Cir. 1973), there exists the presumption of innocence afforded to every man under the law. At the start of a trial, the law presumes an accused innocent with no evidence against him. *United States* v. *Agnew* 165 U.S. 36, 52, (1897); 9 *Wigmore on Evidence* § 2511 (3rd ed. 1940). The President, who is not even involved in a criminal proceeding, is certainly presumed innocent of criminal activity until a proper and sufficient evidentiary showing is made to demonstrate the contrary. Such a showing could only be made in an impeachment proceeding, followed by indictment, trial and conviction in a court of law. In any event, a secret, non-adversary grand jury proceeding, leaked to the public, can hardly cast

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any legal stones at the President's presumption of innocence. In the instant case, the Special Prosecutor has not made any evidentiary showing of criminality.

The final presumption that must be overcome in order for a judicial determination to be made that the subpoenaed conversations deal with criminal conduct is the presumption of regularity. The law presumes that government officials perform the requirements of legal conditions incumbent to their office. 9 *Wigmore On Evidence,* § 2534 (3rd ed. 1940). The President operates under the constitutionally imposed duty to see "that the Laws be faithfully executed." U.S. Const., Art. II, sec. 3. The presumption of regularity applied to the acts of the President, in the instant case, would require a presumption that, when the President converses with his aides, his action is proper and pertains to the performance of official duties imposed by law. See *F.C.C.* v. *Schreiber,* 381 U.S. 279, 296 (1965). (Administrative agencies of the government are entitled to the presumption that they will act properly and according to law.) The nature and scope of the President's constitutional mandate dictate that the quantum of evidence necessary to overcome the presumption of regularity indeed be substantial. Any other result would severely limit the President's ability to fulfill his wide discretionary responsibilities under the Constitution. Thus, the presumptions of a valid claim of executive privilege, innocence, and the regularity of governmental activities present formidable barriers which the Special Prosecutor has not overcome, and which he certainly cannot overcome behind the closed doors of a grand jury proceeding.

VIII. THE SPECIAL PROSECUTOR FAILED TO SATISFY THE REQUIREMENTS FOR A RULE 17(C) SUBPOENA

A. THE SPECIAL PROSECUTOR HAS FAILED TO DEMONSTRATE THAT THE MATERIALS SOUGHT WERE RELEVANT AND EVIDENTIARY

Before a determination can be made that the President's assertion of executive privilege has been overcome, the Special Prosecutor has the burden of proving that his subpoena meets the stringent requirements of Rule 17(c), Federal Rules of Criminal Procedure. The court below in its May 20, 1974, opinion and order reached the conclusion that the requirements of Rule 17(c) were met. Specifically, the court stated:

"It is the Court's position that the Special Prosecutor's May 10, 1974, memorandum correctly applies the Rule 17(c) standards particularly in the more unusual situation of this kind where the subpoena, rather than being directed to the government by defendants, issues to what, as a practical matter, is a third party." (*United States* v. *Mitchell,* Cr. No. 74–110, (D.D.C. filed May 20, 1974) at 5).

This determination of the court below is a conclusion, unsupported by any reference either to the specific requirements of Rule 17(c) or to how the Special Prosecutor's showing has satisfied these requirements. The Court's conclusion is apparently based on the Special Prosecutor's memorandum of May 10, 1974, and the court's finding that the President is a third party. The showing made in the memorandum of May 10, 1974 does not meet the strict requirements of Rule 17(c). Furthermore, the President is not to be judged as a typical third party in a judicial subpoena proceeding.

The Special Prosecutor sought this subpoena pursuant to Criminal Rule 17(c), which provides:

"A subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys."

The leading case discussing Rule 17(c) is U.S. 214 *Bowman Dairy Co.* v. *United States,* 341 (1951). In *Bowman,* this Court plainly emphasized that "Rule 17(c) was not intended to provide an additional means of discovery." 341 U.S. at 220. On the contrary, its application was specifically limited only to production of "evidentiary" material. 341 U.S. at 219. In this regard this court stated, "[I]n short, any document or other material admissible as evidence . . . is subject to subpoena." 341 U.S. at 221. By utilizing this admissible evidence standard in applying Rule 17(c), this Court rejected a conclusory request by the defendants for materials that "are relevant to the allegations or charges contained in said indictment, whether or not they might constitute evidence with respect to the guilt or innocence of any of the defendants . . ." 341 U.S. at 221, a request that is quite similar to the one sustained by the court below. This Court considered such a "catch-all" request as invalid for it was "not intended to produce evidentiary materials but [was] merely a fishing expedition to see what may turn up." 341 U.S. at 221.

That all subpoenaed materials under Rule 17(c) must be both evidentiary in nature and relevant is uniformly required by the courts, which have recognized that Rule 17(c) is subject to abuse by parties seeking additional pretrial discovery. Consequently, courts have developed criteria that the party seeking a pretrial subpoena must meet before compliance will be ordered. In *United States* v. *Iozia,* 13 F.R.D. 335 (S.D.N.Y. 1952), Judge Weinfeld formulated the following criteria, which have been frequently cited by other courts:

"(1) That the documents are evidentiary and relevant;

"(2) That they are not otherwise procurable by the defendant reasonably in advance of trial by the exercise of due diligence;

"(3) That the defendant cannot properly prepare for trial without such production, and inspection in advance of trial and failure to obtain such inspection may tend reasonably to delay the trial;

"(4) That the application is made in good faith and is not intended as a general fishing expedition." 13 F.R.D. at 338.[72]

As to the burden of establishing the validity of a subpoena *duces tecum,* controlling case law recognizes that it is incumbent upon the party seeking disclosure to set forth each request with sufficient specificity to establish that each document is both "relevant" and "admissible," and that the other *Iozia* criteria have been met. *United States* v. *Palermo,* 21 F.R.D. 11, 13 (S.D.N.Y. 1957). In this regard the court in *United States* v. *Winkler,* 17 F.R.D. 213 (D.R.I. 1955), held:

"[T]he right of a defendant to the production and inspection of documents and objects prior to trial under Rule 17(c) is not absolute but that upon objection thereto good cause for such production and inspection must be first shown by the party seeking the same." (17 F.R.D. at 215).

In *Iozia,* where the defendant sought a subpoena, the court held that "there must be a showing of good cause to entitle the defendant to production and inspection of documents under Rule 17(c)." 13 F.R.D. at 338. "Good cause" as defined by the *Iozia* court, requires a showing by the defendant[73] that all four of the criteria set out above have been met. In the court below there was not even a showing that the material sought "would be admissible in evidence or relevant at trial." See *United States* v. *Winkler,* 17 F.R.D. 213, 215 (D.R.I. 1955).

That the Special Prosecutor has failed to demonstrate that the materials requested are "relevant and evidentiary" is readily apparent from the record of the court below. The original Rule 17(e) motion was supported by the Special Prosecutor's affidavit and memorandum of May 10, 1974. At page two of this affidavit, the Special Prosecutor requested 64 presidential conversations on the bald assertion that each of these materials *"contains or is likely to contain* evidence that will be relevant to the trial of this case." (emphasis added). At page two of his memorandum of May 10, 1974, the Special Prosecutor, in an unsupported allegation, stated: *"In all probability,* many of the subpoenaed items will contain evidence which will be relevant and material to the trial . . ." (emphasis added). Thus, it is evident that the Special Prosecutor was unable to make the necessary showing that each of the requested 64 items was evidentiary. A general allegation that some or a majority of the material sought may be relevant or admissible is not sufficient under *Iozia* to establish that all requested items "are evidentiary and relevant." 13 F.R.D. at 338.

Moreover, even the general assertion made by the Special Prosecutor that some of the materials may be relevant is devoid of any meritorious factual support. As such, it was an unsupported allegation seeking discovery and Rule 17(c) may not be used for that purpose. It has been firmly established in criminal cases that in seeking discovery, the requirements of a showing of materiality and admissibility is not satisfied, "by a mere conclusory allegation that the requested information is material" to the preparation of a case. *United States* v. *Conder,* 423 F. 2d 904, 910 (6th Cir.), *cert. denied,* 400 U.S. 958 (1970). Nor is it sufficient to make a "bare allegation that the requested information would be material in the preparation of the defense." 423 F. 2d at 910.

From the Special Prosecutor's statements that the requested materials were "likely to contain evidence" and "in all probability" may contain evidence, it is readily apparent that he was attempting to seek evidence not already known. As the court definitively stated in *United States* v. *Frank,* 23 F.R.D. 145 (D.D.C. 1959), Rule 17(c) "does not permit blunderbuss inspection of the government's evidence in an attempt to learn something not known, it is not a discovery provision." 23 F.R.D. at 147. This same concept was reaffirmed by the court in *United States* v. *Gross,* 24 F.R.D. 138 (S.D.N.Y. 1959), when it stated "the government [cannot] use Rule 17(c) to obtain leads as to the existence of additional documentary evidence or seek information relating to the defendant's case." 24 F.R.D. at 141 (emphasis added). Any request designed merely to disclose additional evidence not already known has properly been termed a "fishing expedition," which will not be countenanced under this rule. *Bowman Dairy Co.* v. *United States,* 341 U.S. at 221. The Special Prosecutor is obviously attempting to use Rule 17(c), contrary to established case law, to obtain additional evidence not already known.

In addition, the district court is noticeably silent to the teaching of *United States* v. *Marchisio,* 344 F. 2d 653, 669 (2d Cir. 1965), that a subpoena *duces tecum* in a criminal action is not intended for the purposes of discovery, and that the documents sought must at that time meet the test of relevancy and admissibility.

It is also important to emphasize that there is an essential distinction between disclosure in civil and criminal actions. *United States* v. *Maryland & Virginia Milk Producers, Inc.,* 9 F.R.D. 509 (D.D.C. 1949). In this regard it is interesting to note that contrary to the more limited criminal discovery provi-

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sions applicable here, the Special Prosecutor's request in this instance was very similar in both substance and tone to the broader civil discovery provisions of Rule 26 of the Federal Rules of Civil Procedure.[74]

Additionally, it has been judicially recognized that the test to be met by one seeking material must be met at the time that the items are sought, and the mere "probability" that the items may later become relevant is of no consequence. The court in *United States* v. *Marchisio,* 344 F. 2d 653 (2d Cir. 1965), stated: "Unlike the rule in civil actions, a subpoena *duces tecum* in a criminal action is not intended for the purpose of discovery; the documents sought must at that time meet the tests of relevancy and admissibility." 344 F. 2d at 669. See also *United States* v. *Murray,* 297 F. 2d 812, 821–822 (2d Cir. 1962); *United States* v. *Palermo,* 21 F.R.D. 11, 13 (S.D.N.Y. 1957).

Furthermore, in the Special Prosecutor's conclusion to the first section of his argument, he, in effect, urged the court below to allow him a lesser standard of relevancy and evidentiary showing when "seeking material from third parties the precise contents of which is unknown" (Special Prosecutor's memorandum, May 10, 1974, at 1, 10). This suggestion of a lesser standard than that required by Rule 17(c) case law is not as astonishing as the tacit implication that the Special Prosecutor does not know the contents of the material he is seeking. For without this knowledge, the Special Prosecutor cannot even hope to meet any of the *Iozia* criteria and is obviously on a "fishing expedition" or is attempting to use Rule 17(c) as a discovery device.

It is also readily apparent that since the Special Prosecutor cannot show that the privileged conversations are relevant for the purpose for which he seeks them, he is attempting to formulate a new standard whereby the President should produce the recorded conversations unless the President can establish to the satisfaction of the Special Prosecutor and this Court that the subpoenaed conversations are not relevant. This attempt to shift the burden of establishing relevancy from the party seeking material under Rule 17(c) to the party being subpoenaed is unsupported by any case law and flies in the face of established precedent. In this regard the court in *United States* v. *Winkler,* 17 F.R.D. 213 (D.R.I. 1955), held:

"The right of a defendant to the production and inspection of documents and objects prior to trial under Rule 17(c) is not absolute but that upon objection thereto good cause for such production and inspection must be first shown by the party seeking the same." (17 F.R.D. at 215).

As a further attempt to demonstrate admissibility, the Special Prosecutor proffers at pages 15–16 of his memorandum of May 10, 1974, that "statements made during conversations may be useful to the Government for the purpose of impeaching defendants Haldeman, Ehrlichman, and Colson should they elect to testify in their own behalf." The Special Prosecutor's suggestion that he is entitled to materials useful for impeachment conceals the fact that courts hold that impeachment materials cannot be obtained in advance of trial and one must wait to see if the person to be impeached actually testifies. *United States* v. *Carter,* 15 F.R.D. 367, 371 (D.D.C. 1954) (Holtzoff, J.); *United States* v. *Murray,* 297 F. 2d 812, 821–822 (2d Cir.) *cert denied,* 369 U.S. 828 (1962); *United States* v. *Brockington,* 21 F.R.D. 104, 106 (E.D. Va. 1957); *United States* v. *Hiss,* 9 F.R.D. 515, 516–517 (S.D.N.Y. 1949).

In light of the lower court's conclusion that the President was, in essence, a third party, it should be noted that in criminal proceedings, because of the respective roles of the parties, it is much easier for a defendant to factually satisfy the *Iozia* requirements when seeking items from the government than it is for the government or defendant to do so against a third party. This is because a defendant may make conclusive statement as to relevancy and admissibility without knowing the precise nature of the materials. Prosecutors presenting evidence to a grand jury and intending to use evidence at trial, necessarily classify such items as relevant and evidentiary. Thus, it follows that a defendant may utilize conclusive assertions regarding the quality of material he seeks. Obviously, the government does not have this same advantage of utilizing unsupported statements and must therefore justify in greater specificity the items it is seeking.

B. THE PRESIDENT SHOULD NOT BE JUDGED AS A "TYPICAL" THIRD PARTY

The Special Prosecutor has attempted to ease his "relevant and evidentiary" burden under Rule 17(c) by pointing out at page 7 of his memorandum of May 10, 1974, that "in the instant case the Government seeks to obtain evidentiary items from a third party." The President, however, is not a normal third party. But even if he were, it is well established that a typical third party has rights which protect him from burdensome subpoenas. *Application of Magnus,* 299 F. 2d 335, 337 (2d Cir.), *cert. denied,* 370 U.S. 918 (1962) (third party corporation has standing to object to an IRS subpoena which would infringe constitutional rights); *Amsler* v. *United States,* 381 F. 2d 37, 51 (9th Cir. 1967) (Rule 17 subpoena to third party quashed when court held subpoena was oppressive and unreasonable). As Judge Moore stated in *In Re Magnus, Mabee & Reynard, Inc.,* 311 F. 2d 12 (2d Cir.), *cert. denied,* 373 U.S. 902 (1962):

"Third parties have the protection always accorded to them by the courts which limit burdensome subpoenas, restrict them to relevant materials and refuse to permit unwarranted searches and seizures." (311 F. 2d at 16).

Thus, even judicial subpoenas directed to third parties have been restricted to *relevant* materials, not materials which have a "likelihood of relevancy" as the Special Prosecutor suggests. Even as a normal third party responding to a judicial subpoena, the President should be afforded, at a minimum, the full range of rights afforded by the Fourth Amendment. As this Court observed in *Oklahoma Press Publishing Co.* v. *Walling,* 327 U.S. 186 (1946), a subpoena is, in many ways, like a search warrant and as such it must meet the constitutional requirements of the Fourth Amendment. In the instant case, the Special Prosecutor's inadequate showing of relevancy can be likened to the lack of definiteness and overbreadth which are abuses guarded against by the Fourth Amendment. In this context, the Court in *Oklahoma Press* held, "[t]he gist of the protection is in the requirement, expressed in terms, that the disclosure sought shall not be unreasonable." 327 U.S. at 208.

The district court's finding that the Special Prosecutor was merely seeking "evidentiary items from a third party" is clearly erroneous. The Constitution states, "The executive Power shall be vested in a President of the United States of America." U.S. Const., Article II, section 1. To allow this constitutionally mandated power to be challenged and overcome by a district court subpoena issued under the standards governing subpoenas to third parties, is an action that would erode and ultimately destroy the "separation of powers" concept that has existed since 1787.

CONCLUSION

Last fall, the United States Court of Appeals for the District of Columbia circuit observed in *Nixon* v. *Sirica,* 487 F. 2d 700 (D.C. Cir. 1973):

"We acknowledge that wholesale public access to Executive deliberations and documents would cripple the Executive as a co-equal branch." (487 F. 2d at 715).

The velocity with which the confidentiality of presidential communications has eroded in the short time since the quoted words were written is demonstrated by the vast scope of the Special Prosecutor's pending subpoena, by the meager grounds offered to support it, and by the district court's casual disposition of the President's motion to quash. This circumstance—and the escalating confusion and torret of prejudicial leaks generated by the concurrent involvement of the President in criminal proceedings as a so-called "third party" and in an impeachment investigation as the putative respondent—recalls the introductory words of the brief filed on behalf of the President in *Nixon* v. *Sirica.* Those words are relevant here because they analyze the dynamics of this case and the course it will take in terms that continue to be valid for this and other Presidents in their effort to maintain the confidentiality upon which the effective functioning of the Presidency so crucially depends.

"Great cases like hard cases make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment. These immediate interests exercise a kind of hydraulic pressure which makes what previously was clear seem doubtful, and before which even well settled principles of law will bend."

Holmes, J., dissenting in *Northern Securities Co.* v. *United States,* 193 U.S. 197, 400–401 (1904). This case is a classic illustration of the danger against which Justice Holmes warned.

The District Court, in a decision utterly without precedent, has held that it is for it, and not for the President, to decide whether the public interest requires that private Presidential conversations be kept confidential, and it has held that it may, by compulsory process, order the President to produce recordings of these conversations if the Court determines to do so.

As recently as a year ago such a ruling would have been unthinkable. The universal view of the legal community, as reflected in the literature, was that the courts lacks power to substitute their judgment for that of the President on an issue of this kind and that they lack power to compel a President to make production. It was, quite literally, hornbook law that "confidential communications to and from the President are inviolate to a judicial request * * *." Forkosch, *Constitutional Law* 131 (1963).

The change in the climate of legal and popular opinion that has made a ruling such as that of the District Court possible is the result of Watergate. The hydraulic force arising out of that sordid and unhappy episode has led men of great distinction to suppose that the Constitution means something different today than it meant throughout all of our history and to contend that the need to exhaust every avenue of factual inquiry concerning Watergate ranks so high in our national priorities that it must be served, even if the cost is to impair markedly the ability of every President of the United States from this time forward to perform the Constitutional duties vested in him.

It is no exaggeration to say that the revelations of Watergate have so sharpened the public appetite for more revelations that the claim of a Presidential right and responsibility under the Constitution to maintain the confidentiality of Presidential conversations must run the gamut of a broadly held popular sentiment that the claim is probably unjust and is therefore presumably unsound. The President's assertion of a right to main-

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Footnotes at end of article.

tain this confidentiality, a right relied on by every President since George Washington, is likened to the absolute claim of kings. His stand on an important Constitutional principle is viewed in many places with suspicion or even hostility. Despite his unprecedented cooperation with the investigations by allowing his advisers to testify about relevant portions of the conversations in question, he stands accused in some quarters of obstructing rather than facilitating the investigations.

Our submission on this appeal must acknowledge this Watergate phenomenon since it is an operative factor, though it is one that courts, judging in calmness and not moved by the passions of the moment, should be expected to ignore. We conceive it to be our task to demonstrate that the decision below was reached by casting the Constitution in the mold of Watergate rather than by applying Constitutional practices and restraints to the facts of Watergate. It is our further responsibility to show that what may seem inevitably just in the heat and excitement of an unprecedented political scandal may prove inexorably corrosive to the principles and practices of a Constitution that must stand the test of a long and uncertain future and serve the needs of a changing culture and polity.

With all respect, the decision below did not harmlessly walk the "middle ground" between an overbroad claim of privilege and an excessive demand for discovery. We do not doubt at all but that this was the well-intentioned aim of the distinguished judge of the court below. But in result, the ruling below, in decisive terms, came down squarely on the side of breaching the wall of confidentiality of Presidential communications. If sustained, that decision will alter the nature of the American Presidency profoundly and irreparably. If sustained, it will alter equally irreparably, the delicate balance that has existed between three heretofore separate and co-equal branches of government.

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For the foregoing reasons, the decision of the district court denying the President's motions to quash and expunge should be reversed.

Respectively submitted.

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FOOTNOTES

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[1] The reference "P.A." is to the Appendix to the Petition in No. 73-1766. The reference "J.A." is to be the unsealed joint appendix filled in this case.

[2] Those charged were Charles Colson, John Mardian, John Mitchell, Kenneth W. Parkinson and Gordon Strachan.

[3] The validity of the entire indictment is presently being challenged by defendant Haldeman in the district court on the ground that the grand jury had been improperly continued past its term, and therefore had no authority at the time the indictment was returned. See H. R. Haldeman "Motion to Dismiss Indictment" filed May 1, 1974, in *United States* v. *Mitchell*, et al., (D.D.C. Cr. No. 74-110).

[4] The President declined to express his views on the propriety of the transmittal because in his view, such matters were within the court's own discretion. In its decision authorizing the transmittal of this material, however, the court noted that the grand jury report drew no accusatory conclusions deprived no individual of an official forum in which to respond, was not a substitute for indictments where such indictments might properly issue, and contained no recommendation, advice, or statements that infringed on the prerogatives of the other branches of the government. *In Re Report and Recommendations of the June 5, 1972 Grand Jury Concerning Transmission of Evidence to the House of Representatives*, 370 F. Supp. 1219 (D.D.C. 1974).

[5] On June 3, 1974, Charles Colson pleaded guilty to the felony of obstruction of justice in violation of 18 U.S.C. 1503 in the case of *United States* v. *Ehrlichman et al.*, (D.D.C. Cr. No. 74-116).

[6] This reference "S.P.S.A." is to the Special Prosecutor's Sealed Appendix.

[7] The reference "P.S.A." is to the President's Sealed Appendix.

[8] Unfortunately, the accelerated schedule under which this case is being argued has not permitted the kind of time for the precise and detailed preparation of briefs that Counsel feel the historic nature of both the case and occasion requires.

[9] Although this particular action springs from a criminal proceeding, it is a collateral matter of sufficient independence to warrant civil treatment under 28 U.S.C. 1291 and applicability of the reasoning of *Cohen* v. *Beneficial Loan Corp.*, 337 U.S. 541 (1949), a civil case, and its progeny. See *Carroll* v. *United States*, 354 U.S. 394, 403, (1957). See also *United States* v. *Ryan*, 402 U.S. 530, 532 (1971).

[10] *United States* v. *Mitchell*, Cr. No. 74-110 (D.D.C. May 20, 1974) at pp. 3-7.

[11] In *North Dakota State Board of Pharmacy* v. *Synder's Drug Stores, Inc.*, 414 U.S. 156, 159, 162 (1973), Justice Douglas, speaking for a unanimous Court, held a judgment of the Supreme Court of North Dakota to be "final" even though that court had remanded the case to a state administrative board for further hearings; to do otherwise would have deprived the petitioner of a constitutional issue which would have been lost. Although decided under 28 U.S.C. 1254, dealing with review of state judgments, the decision and language reflected the traditional requirements of 28 U.S.C. 1291, set out in *Cohen, supra*. See *United States* v. *Ryan*, 402 U.S. 530, 532 (1971).

[12] In addition, the observation by the court in *Nixon* v. *Sirica*, 487 F. 2d 700, 721 n. 100 (D.C. Cir. 1973) is instructive: since the subpoenaed recordings will already have been submitted to the District Court, the opportunity to test the court's ruling in contempt proceedings would be foreclosed. Any ruling adverse to the Special Prosecutor would clearly be a pretrial "decision or order . . . suppressing or excluding evidence . . . in a criminal proceeding. . . ." Thus the District Court's rulings on particularized claims would be appealable by the Presidents as final judgments under 29 U.S.C. 1291 (1970), and by the Special Prosecutor under 18 U.S.C. 3731 (1970). See also the (Order of June 18, 1974), in *Nixon* v. *Sirica* and *Jaworski*, (D.C. Cir. No. 74-1618).

[13] The Court should be advised that a difference of opinion exists between the Special Prosecutor and Special Counsel to the President as to the propriety of presenting this argument. The Special Prosecutor contends that as an inducement to his accepting his position, he was provided free access to the courts to resolve any dispute with the President involving the claim of executive privilege. Special Counsel to the President has not been able to confirm that the President at any time agreed to forego any legal remedies available to him in opposing the efforts of the Special Prosecutor to obtain materials over which the President claimed executive privilege. Be that as it may, the jurisdiction of the court cannot be stipulated by the parties and counsel have a duty to call the attention of the court to the possible lack of jurisdiction. See discussion *infra* at pp. 43-44. See also the excellent discussion of this jurisdictional question published by Professor Bickel at an earlier stage of the Special Prosecutor's efforts to obtain presidential tape recordings. *The Tapes, Cox, Nixon*, The New Republic (September 29, 1973).

[14] In *Burr*, the Court specifically stated:

"In this case, however, the President has assigned no reason whatever for withholding the paper called for. The propriety of withholding it must be decided by himself, not by another for him." (25 F. Cas. at 192.)

[15] We do not challenge the jurisdiction to a court to entertain a properly documented request by a defendant for exculpatory materials. *Brady* v. *Maryland*, 373 U.S. 83 (1963).

[16] *Aristotle's Politics*, 197-198 (B. Jowett transl. 1943).

[17] The early history of the doctrine of separation, as set forth above, is from Forkosch, *Separation of Powers*, 41 U. Colo. L. Rev. 529 (1969).

[18] J. Locke, *An Essay Concerning the True Original Extent and End of Civil Government* (J. W. Gough, ed. 1947).

[19] Montesquieu, *The Spirit of Laws* (38 Great Books of the Western World, 1900).

[20] *Id.* Bk XI, ch. 6 at 70.

[21] *The Federalist* No. 47 (J. Madison).

[22] At the present time 40 state constitutions expressly provide for a separation of powers and the remaining states have provisions substantially identical to the United States Constitution, W. Dodd, *State Government*, 58 (2d ed. 1928); See also: Constitutions of Hawaii (1959) and Alaska (1959).

[23] 1 Farrand, *Records of the Federal Convention of 1787*, 20-21 (rev. ed. 1966); [hereinafter cited as *Farrand*].

[24] 1 *Farrand* 30-31.

[25] 2 *Farrand* 129.

[26] 2 *Farrand* 152, 171, 172.

[27] 2 *Farrand* 590, 597, 600.

[28] 2 *Farrand* 34.

[29] Andrews, 1 *The Works of James Wilson*, 367 (1896).

[30] *The Federalist* No. 48 (J. Madison) cited in 1 Story, *The Constitution* 530 (4th ed.).

[31] It should be noted that had Acting Attorney General Bork attempted to delegate this right to the Special Prosecutor such a grant of authority would have been void, for the Attorney General himself has never had authority to override or challenge a decision by the Chief Executive and therefore could not delegate such authority to another.

[32] Textually demonstrable grants of power are both explicit and implied in Article II of the Constitution. The Supreme Court has stated:

"It is true, that such a power, if it exists, must be derived from implication, and the genius and spirit of our institutions are hostile to the exercise of implied powers. Had the faculties of man been competent to the framing of a system of government which would have left nothing to implication, it cannot be doubted that the effort would have been made by the framers of the Constitution. But what is the fact? There is not in the whole of that admirable instrument a grant of powers which does not draw after it others, not expressed, but vital to their exercise; not substantive and independent, indeed, but auxiliary and subordinate." (*Anderson v. Dunn*, 6 Wheat [19 U.S.], 204, 225-226 [1821].) See also, *New York Times* v. *United States*, 403 U.S. 713, 752 n.3 (1971) (Burger, C. J. dissenting).

[33] Cf. E. Corwin, *Introduction to Congressional Research Service, The Constitution of the United States of America* XII (1973).

[34] Unlike its companion privilege attendant upon the Congress by virtue of the Speech and Debate Clause, executive privilege was not meticulously delineated by the Framers of our Constitution. Its nature as a constitutional privilege, however, is not undermined by that fact. See *Kilbourn* v. *Thompson*, 103 U.S. 168, 189 (1880); see also *Inland Waterways* v. *Young*, 309 U.S. 517, 525 (1940); *United States* v. *Midwest Oil*, 236 U.S. 459, 483, 505 (1915).

[35] We suggest an additional constitutional source of presidential privilege resides in Article II, sec. 1, cl. 8;

"Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: 'I do solmenly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.' "

The duty of the holder of the Office of the President to preserve, protect and defend the Constitution compels care that Article II, sec. 1, cl. 1 be fully defended from encroachment.

[36] Judge Wilkey, dissenting in *Nixon* v. *Sirica*, 487 F. 2d 700, 763 (D.C. Cir. 1973), succinctly stated:

"The oldest source of Executive Branch privilege, the common sense-common law privilege of confidentiality, existed long before the Constitution of 1789, and might be deemed an inherent power of any government."

[37] See dissenting opinion of Judge Wilkey in *Nixon* v. *Sirica*, 487 F. 2d 700, 768 (D.C. Cir. 1973).

[38] *United States* v. *Burr*, 25 F. Cas. 30, No. 14692d (C.C.D. Va. 1807). *United States* v. *Burr*, 25 F. Cas. 187, No. 14694 (C.C.D. Vt. 1807).

[39] *United States* v. *Mitchell*, Cr. No. 74–110 (D.D.C. 1974) at 3, 7.

[40] See Congressional Research Service, *The Constitution of the United States of America* 429–433 (1974).

[41] C. Rossiter, *The American Presidency* 55 (1956).

[42] *Id.* at 16.

[43] Lest the President's position be misunderstood, it must be stressed we do not suggest that the President has the attributes of a king. *Inter alia*, a king rules by inheritance and for life. See A. Hamilton, *The Federalist*, No. 69; 3 *Farrand* 301–302; Letter of Pierce Butler, dated May 5, 1788, to Weedon Butler, an English subject.

[44] This fact was recognized by Justices Warren and Douglas, in dissent, in *Barr* v. *Matteo*, 360 U.S. 564, 582–583 (1959), a controversy involving issues of executive immunity:

"*Spalding* v. *Vilas, supra*, presents another situation in which absolute privilege may be justified. There the Court was dealing with the Postmaster General—a Cabinet Officer personally responsible to the President of the United States for the operation of one of the major departments of government. Cf. *Glass* v. *Ickes*, 73 App. D.C. 3, 117 F. 2d 273; *Mellon* v. *Brewer*, 57 App. D.C. 126, 18 F. 2d 168. The importance of their positions in government as policymakers for the Chief Executive and the fact that they have the expressed trust and confidence of the President who appointed them and to whom they are personally and directly responsible suggest that the absolute protection partakes of presidential immunity. Perhaps the *Spalding* v. *Vilas* rationale would require the extension of such absolute immunity to other government officials who are appointed by the President and are directly responsible to him in policy matters even though they do not hold Cabinet positions. But this extension is not now before us, since it is clear that petitioner Barr was not appointed by the President nor was he directly responsible to the President. Barr was exercising powers originally delegated by the President to the Director of Economic Stabilization who redelegated them to the Director of Rent Stabilization (footnote omitted)."

[45] 1 P. Ford, *The Writings of Thomas Jefferson* 303–305 (1893).

[46] 3 *Annals of Congress* 493; 1 P. Ford, at 303–304.

[47] In 1948, President Truman, railing against an anticipated bill from a Republican Congress that would have required every President to produce confidential information even though the President might consider compliance to be contrary to the public interest, had a Memorandum prepared to demonstrate the bill's unconstitutionality. Part of that Memorandum follows:

Resume and Conclusions

A bird's-eye view of the refusals by seventeen of our Presidents, and their heads of departments, to comply with congressional requests for information and papers from the Executive, beginning with 1796 to the present time, follows:

President	Date	Type of Information Refused
George Washington	1796	Instruction to U.S. Minister concerning Jay Treaty.
Thomas Jefferson	1807	Confidential information and letters relating to Burr's conspiracy.
James Monroe	1825	Documents relating to conduct of naval officers.
Andrew Jackson	1833	Copy of paper read by President to heads of departments relating to removal of bank deposits.
	1835	Copies of charges against removed public official.
	1835	List of all appointments made without Senate's consent, since 1829, and those receiving salaries, without holding office.
John Tyler	1842	Names of Members of 26th and 27th Congress who applied for office.
	1843	Report to War Department dealing with alleged frauds practiced on Indians, and Col. Hitchcock's views of personal characters of Indian delegates.
James K. Polk	1846	Evidence of payments made through State Department, on President's certificates, by prior administration.
Millard Fillmore	1852	Official information concerning proposition made by King of Sandwich Islands to transfer Islands to U.S.
James Buchanan	1860	Message of Protest to House against Resolution to investigate attempts by Executive to influence legislation.
Abraham Lincoln	1861	Dispatches of Major Anderson to the War Department concerning defense of Fort Sumter.
Ulysses S. Grant	1876	Information concerning executive acts performed away from Capitol.
Rutherford B. Hayes	1877	Secretary of Treasury refused to answer questions and to produce papers concerning reasons for nomination of Theodore Roosevelt as Collector of Port of New York.
Grover Cleveland	1886	Documents relating to suspension and removal of Federal officials.
Theodore Roosevelt	1909	Attorney General's reasons for failure to prosecute U.S. Steel Corporation, Department of Commerce.
Calvin Coolidge	1924	List of companies in which Secretary of Treasury Mellon was interested.
Herbert Hoover	1930	Telegrams and letters leading up to London Naval Treaty.
	1932	Testimony and documents concerning investigations made by Treasury Department.
Franklin D. Roosevelt	1941	Federal Bureau of Investigation reports.
	1943	Director, Bureau of the Budget, refused to testify and to produce files.
	1943	Chairman, Federal Communications Commission, and Board of War Communications refused records.
	1943	General Counsel, Federal Communications Commission, refused to produce records.
	1943	Secretaries of War and Navy refused to furnish documents, and permission for Army and Naval officers to testify.
	1944	J. Edgar Hoover refused to give testimony and to produce President's directive.
President Truman	1945	Issued directions to heads of executive departments to permit officers and employees to give information to Pearl Harbor Committee.
	1945	President's directive did not include any files or written material.
	1947	Civil Service Commission records concerning applicants for positions.

Note: Truman Memorandum at 44 a, b, c (1948).

In the bird's-eye picture, reference is made to the refusals of Presidents Monroe, Fillmore, Lincoln, and Hayes[;] Monroe's refusal may be found in a message dated January 10, 1825, 2 Richardson, *Messages and Papers of Presidents*, p. 278' [sic] Fillmore's in 5 Richardson, p. 159; Lincoln's in 6 Richardson p. 12, and the refusal in Hayes' administration is dealt within 17 Cong. Rec. 2332 and 2618.

(In addition, it appears President Kennedy exercised executive privilege four times, the Johnson Administration twice, and, through March 28, 1973, the Nixon Administration fifteen times, four of which were actually claimed by the President, 119 Cong. Rec. 2244–2245 (daily ed. March 28, 1973).

[48] See 11 Op. Att'y Gen. 137, 142–143 (1865) (Atty. Gen. Speed); 20 Op. Att'y Gen. 557, 558 (1893) (Atty. Gen. Olney); 25 Op. Att'y Gen. 326, 331 (1905) (Atty. Gen. Moody); 40 Op. Att'y Gen. 45, 49 (1941) (Atty Gen., later Justice Jackson).

[49] See e.g., 108 Cong. Rec. 3626 (1962), showing Senate adoption of a resolution permitting staff members and former staff members of a Senate Committee to appear and to testify in a criminal proceeding against James Hoffa but forbidding them from taking any documents or records in the custody of the Senate and from testifying about information that they gained while employed in the Senate. In explaining the resolution to the Senate, Senator McClellan said in part: "The Senate recognizes it has certain privileges as a separate and distinct branch of Government, which it wishes to protect." *Id.* at 3627.

On July 16, 1970, counsel for 1st Lt. William L. Calley, Jr., moved in his court-martial proceeding for production of testimony concerning the My Lai incident that had been presented to a subcommittee of the House Committee on Armed Services in executive session. Calley claimed that his testimony would be exculpatory of him and would help him establish his defense in the court-martial. The subcommittee Chairman, Rep. F. Edward Hébert, refused to make the testimony available, advising defense counsel on July 17, 1970, that Congress is "an independent branch of the Government, separate from and equal to the Executive and Judicial branches," and that accordingly only Congress can direct the disclosure of legislative records. He concluded from this that the material requested by the defense was not within the rule of *Brady* v. *Maryland*, 373 U.S. 83 (1963), nor subject to the requirements of the Jencks Act, 18 U.S.C. 3500. Subsequently the military court issued a subpoena to the Clerk of the House of Representatives. The Speaker laid this before the House on November 17, 1970, 116 Cong. Rec. 37652 [1970] but to date the House has taken no action nor given any indication that it will supply the information sought.

On October 4, 1972, the United States Senate bluntly refused, via Senate Resolution, a judicial subpoena for *inter alia*, documentary evidence in the criminal case of *United States* v. *Brewster*, then pending in the federal district court, District of Columbia. 118 Cong. Rec. S. 16, 766 (92d Cong., 2d Sess.).

[50] The Framers understood perfectly well that enlightened decision-making requires the kind of frank and free discussion that can only be had when confidentiality is absolutely assured. On May 29, 1787, one of the first acts of the Constitutional Convention was the adoption of the following rule: "That nothing spoken in the House be printed, or otherwise published, or communicated without leave." 1 *Farrand* XV. It was not until 1819, that the Journal of the Convention, a mere skeleton of motions and votes, was made public. The fullest record of the proceedings of the Convention is in Madison's *Notes*. As late as 1831, 44 years after the Convention, Madison thought it was not yet appropriate for those *Notes* to be made public, 3 *Farrand* 497, and they were not published until 1840, four years after his death. I *Farrand* xv. President Madison thus anticipated the view of the most distinguished modern student of the Constitution, Paul Freund, who has said: "I sometimes wonder irreverently whether we would have had a Constitution at all if the Convention had been reported by daily columnists." Hughes, *The Living Presidency* 33n. (1973).

[51] *Nixon* v. *Sirica*, 487 F. 2d 700 (D.C. Cir. 1973), the court emphatically stated, at 705: "The strength and particularity of this showing were made possible by a unique intermeshing of events, unlikely soon, *if ever*, to recur." It said at 722: "We end, as we began by emphasizing the extraordinary nature of this case. We have attempted to decide no more than the problem before us—a problem that takes its unique shape from a grand jury's compelling showing of need." Since that decision, the President has received more than two dozen subpoenas emanating from various courts throughout the country, calling for the production of voluminous amounts of privileged materials. Indeed, the crippling effect on the Executive Branch, generated by that decision, was correctly predicted by Judge MacKinnon in his dissent. Thus, the impairment of the Executive function is no longer just an unverified, theoretical proposition. A further denial of the President's claim of privilege, as asserted, can only foreshadow further destruction to the Office of the Presidency. As Justice Rehnquist recognized in *State of Michigan* v *Tucker*, No. 73–482 (June 10, 1974): "The pressure of law enforcement and the vagaries of human nature would make such an expectation [no errors by policemen in investigating serious crimes] unrealistic."

[52] See *Griswold* v. *Connecticut*, 381 U.S. 479, 483–484 (1965), wherein Justice Douglas etched these words:

> "In other words, the First Amendment has a penumbra where privacy is protected from governmental intrusion."
>
> * * * * *
>
> "The foregoing cases suggest that specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance."

[53] Article II, section 2, clause 1, of the Constitution, states, in part:

> "[H]e may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices."

[54] Alabama's objective was to ensure compliance by the N.A.A.C.P. with the state's corporate registration laws, an objective uncontested by the N.A.A.C.P. The N.A.A.C.P.'s objection was to the *means* to obtain the end.

[55] M. R. Cohen, *The Supreme Court in United States History*, 178–180 (1946) states that Marshall's decision was motivated by fear of impeachment from the newly-elected Republican Congress. Charles Warren, *The Supreme Court in United States History* 206–265 (1922), indicates the Republicans had been incensed at Adams' post-election appointments. This controversy eventually led to the fourteen month involuntary recess of the Court.

[56] *United States* v. *Burr*, 25 Fed. Cas. 30, No. 14692d (C.C.D. Va. 1807); *United States* v. *Burr*, 25 Fed. Cas. 187, No. 14694 (C.C.D. Va. 1807).

[57] The cautious reference to the *Burr* ruling in *Branzbury* v. *Hayes*, 408 U.S. 665, 689 n. 26 (1972), goes no further than to note that Chief Justice Marshall had "opined" that a subpoena might issue. In *Branzburg*, itself, this Court recognized that ordinarily a grand jury has the right to every man's evidence, but immediately qualified that statement by adding "except for those persons protected by a constitutional, common-law, or statutory privilege." *Branzburg* v. *Hayes*, 408 U.S. 665, 688 (1972).

[58] One writer has asserted that "in fact [Jefferson] *fully complied* with the subpoena." Berger, *Executive Privilege* v. *Congressional Inquiry*, 12 U.C.L.A. L. Rev. 1043, 1107 (1965) (emphasis in original). The author's footnote at that point, however, fails to support the statement in the text. Indeed, that same writer has retreated, since then, from his earlier categorical position. He now says: "In fact Jefferson went a *long way* toward full compliance." R. Berger, *Executive Privilege*: *A Constitutional Myth* 188 (1974). See 60 A.B.A.J., Irwin Rhodes, *What Really Happened to the Jefferson Subpoenas* 52 (January, 1974) for an additional, contemporary analysis of the *Burr* cases, which concludes: "It is eminently clear that President Jefferson never submitted the contents of the withheld material to the Court or Burr and that his claim to an exclusive exercise of executive privilege, unreviewed by the courts, was upheld by Chief Justice Marshall." (At 54).

[59] Actually, in *United States* v. *Cooper*, 25 Fed. Cas. 631, 633, No. 14,865 (C.C. Pa. 1800), Justice Chase, sitting as a Circuit Justice, refused to direct a subpoena to President Adams stating that "it was a very improper and very indecent request." Cooper, *Account of the Trial of Thomas Cooper* 10 (1800).

[60] See *Kendall* v. *United States* ex rel *Stokes*, 12 Pet. (37 U.S.) 524, 609 (1838), and *Nat'l. Treasury Employees Union* v. *Nixon*, 492 F. 2d 587 (D.C. Cir. 1974), for cases where purely ministerial duties were involved. While the courts are unable to compel a President to act or restrain him from acting, his act, when performed, is in proper cases subject to judicial review and disallowance. *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952).

[61] Some measure of congressional privacy would remain under the Speech or Debate Clause of Article I, Sec. 6, but it is clear that Congress has long claimed a right of privacy, based on separation of powers, that goes far beyond what is protected by the Speech or Debate Clause.

[62] It is interesting to note in *Aldridge* that the individual privilege was held to fail only after the government, by producing evidence *at trial*, has established a *prima facie* case that the defendants had been involved in both securities and mail-fraud. 484 F. 2d at 658. It would be incongruous to allow a pretrial showing of a grand jury's determination developed in a non-adversary forum, namely, that the President had an undefined role in a conspiracy, to overcome a constitutional privilege vital to the separation of powers doctrine. To do so would give the individual privilege a preferred classification over a constitutional privilege.

[63] Describing the President's power to grant pardons, the United States Constitution, Art. II, section 2, clause 1, provides: ". . . he shall have the power to Grant Reprieves and Pardons for Offenses against the United States, except in cases of Impeachment."

[64] Subsequent to the issuance of this subpoena, the President made available voluminous transcripts of numerous privileged conversations regarding Watergate-related matters to both the Special Prosecutor and the general public.

[65] U.S. Const., Amend. 25, ratified on February 23, 1967. See Congressional Research Service, United States Congress, *The Constitution of the United States* at 42–43.

[66] In this respect Gouverneur Morris noted:

> [N]o other tribunal than the Senate could be trusted [to try the President]. The Supreme Court were too few in number and might be warped or corrupted. He was agst. [sic] a dependence of the Executive on the Legislature, considering the Legislative tyranny the great danger to be apprehended; but there could be no danger that the Senate would say untruly on their oaths that the President was guilty of crimes or facts, especially as in four years he can be turned out. *2 Farrand 551*.

[67] See also the observations in 1 Bryce, *The American Commonwealth* 89 (1889):

> "The President is personally responsible for his acts, not indeed to Congress, but to the people, by whom he is chosen. No means exist of enforcing this responsibility, except by impeachment, but as his power lasts for four years only, and is much restricted, this is no serious evil."

[68] This is the necessary implication of the grand jury's role, as a body with a limited mandate, as opposed to the House of Representatives whose political and constitutional mandate entitles them to consider whether in light of the President's complex responsibilities and political concerns a particular action or statement of his constitutes a crime. While any citizen may clearly express an opinion to his Congressman on the President's guilt, innocence or character, a grand jury, as an official part of our system of justice, with all that implies for its credibility and impact, may not.

[69] While the President, as an individual, might some day vindicate himself before a petit jury, as long as he holds the office of President he could not be vindicated in a court of law.

[70] *Goldberg* v. *Kelly*, 397 U.S. 254 (1970); *Sniadach* v. *Family Finance Corp.*, 395 U.S. 337 (1969); *Fuentes* v. *Shevin*, 407 U.S. 67 (1972); *Bell* v. *Benson*, 402 U.S. 535 (1971); *Cf. Board of Regents* v. *Roth*, 408 U.S. 564, 573, (1972) and *Wisconsin* v. *Constaintineau*, 400 U.S. 433, 437 (1971).

[71] A similar instruction is used when a charge is made by an information rather than an indictment.

[72] This case has been prominently cited in numerous decision. See for example, *United States* v. *Bearden*, 423 F. 2d 805, 810 n. 4, (5th Cir.), *cert. denied*, 400 U.S. 836 (1970); *United States* v. *Garrison*, 168 F. Supp 622, 624 (E.D. Wis. 1958); *United States* v. *Duncan*, 22 F.R.D. 295, 298 (S.D.N.Y. 1958).

[73] That the provisions of Rule 17(c) are applicable to the government as well as to a defendant is not open to serious challenge. See *United States* v. *Gross*, 24 F.R.D. 138, 140 (S.D.N.Y. 1959).

[74] Rule 26, F.R.C.P. provides, in part:

> (b) Scope of Discovery. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:
>
> "(1) In General. Parties may obtain discovery regarding any matter, *not privileged*, which is relevant to the subject matter involved in the pending action . . . It is not ground for objection that the information sought will be inadmissible at the trial if

the information sought appears reasonably calculated to lead to the discovery of evidence. (emphasis added)."

[In the Supreme Court of the United States,
October Term, 1973]

BRIEF FOR THE UNITED STATES

NO. 73–1766: UNITED STATES OF AMERICA, PETITIONER v. RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES, ET AL., RESPONDENTS.

No. 73–1834: RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES, PETITIONER *v.* UNITED STATES OF AMERICA.

On writs of certiorari to the United States Court of Appeals for the District of Columbia Circuit.

OPINION AND ORDERS BELOW

The district court's order of April 18, 1974 (Pet. App. 47[1]) issuing the subpoena *duces tecum* in question is unreported. The district court's opinion and order of May 20, 1974, denying the motion to quash order of May 20, 1974, denying the motion to quash the subpoena, enforcing compliance therewith, and denying the motion to expunge (Pet. App. 15) is not yet officially reported.

JURISDICTION

The order of the district court (Pet. App. 23) was entered on May 20, 1974. On May 24, 1974, Richard M. Nixon, President of the United States, filed a timely notice of appeal from that order in the district court, and the certified record was docketed in the United States Court of Appeals for the District of Columbia Circuit that same day (D.C. Cir. No. 74–1534). Also on May 24, 1974, the President filed a petition for a writ of mandamus in the court below seeking review of the district court's order (D.C. Cir. No. 74–1532).[2]

On May 24, 1974, the Special Prosecutor filed a petition for a writ of certiorari before judgment on behalf of the United States (No. 73–1766),[3] and certiorari was granted on May 31, 1974. On June 6, 1974, President Nixon filed a cross-petition for a writ of certiorari before judgment (No. 73–1834), which was granted on June 15, 1974. The jurisdiction of this Court rests on 28 U.S.C. 1254(1), 1651, and 2101(e).

In response to the Court's order of June 15, 1974, two jurisdictional questions are being discussed in our Supplemental Brief.

QUESTIONS PRESENTED

In No. 73–1766:

1. Whether a federal court must determine itself if executive privilege is properly invoked in a criminal proceeding or whether it is bound by the President's assertion of an absolute "executive privilege" to withhold demonstrably material evidence from the trial of charges of conspiracy to defraud the United States and obstruct justice by his own White House aides and party leaders, upon the ground that he deems production to be against the public interest.

2. Whether the President is subject to a judicial order directing compliance with a subpoena *duces tecum* calling for production of evidence, under his sole personal control, that is demonstrably material to a pending federal criminal prosecution.

3. Whether the President's claim of executive privilege based on the generalized interest in the confidentiality of government deliberations can block the prosecution's access to material evidence for the trial of criminal charges against the former officials who participated in those deliberations, particularly where there is a *prima facie* showing that the President is a co-conspirator and that the deliberations occurred in the course of and in furtherance of the conspiracy.

4. Whether any executive privilege that otherwise might have been applicable to discussions between the President and alleged co-conspirators concerning the Watergate matter has been waived by previous testimony given pursuant to the President's approval and by the President's public release of edited transcripts of forty-three such conversations.

5. Whether the district court properly determined that the subpoena *duces tecum* issued to the President satisfied the standards of Rule 17(c) of the Federal Rules of Criminal Procedure because an adequate showing had been made that the subpoenaed items are relevant to issues to be tried and will be admissible in evidence.

In No. 73–1834:

6. Whether the district court acted within its discretion in declining to expunge the federal grand jury's naming of the President as an unindicted co-conspirator in offenses for which the grand jury returned an indictment.

The two questions the parties were requested to brief and argue by the Court's order of June 15, 1974, are discussed in our Supplemental Brief.

CONSTITUTIONAL PROVISIONS, STATUTES, RULES, AND REGULATIONS INVOLVED

The constitutional provisions, statutes, rule, and regulations involved, which are set forth in the Appendix, *infra*, pp. 141–53, are:

Constitution of the United States:
Article II, Section 1
Article II, Section 2
Article II, Section 3
Article III, Section 2
Statutes of the United States:
5 U.S.C. 301
28 U.S.C. 509, 510, 515–519
Rule:
Rule 17(c), Federal Rules of Criminal Procedure
Regulations:

Department of Justice Order No. 551–73 (November 2, 1973), 38 Fed. Reg. 30,738, adding 28 C.F.R. §§ 0.37, 0.38, and Appendix to Subpart G–1

Department of Justice Order No. 554–73 (November 19, 1973), 38 Fed. Reg. 32,805, amending 28 C.F.R. Appendix to Subpart G–1

STATEMENT

This case presents for review the denial of a motion filed on behalf of respondent Richard M. Nixon, President of the United States, pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure, seeking to quash a subpoena *duces tecum* issued in a criminal case, directing the President to produce tape recordings and documents relating to sixty-four specifically described Presidential conversations. This subpoena (Pet. App. 39) issued on behalf of the United States at the request of the Special Prosecutor covers evidence which is demonstrably material to the trial of charges of conspiracy to defraud the United States and obstruct justice by former aides and associates of the President.

1. APPOINTMENT OF A SPECIAL PROSECUTOR

On May 25, 1973, Attorney General Elliot L. Richardson established the Office of the Watergate Special Prosecution Force, to be headed by Special Prosecutor Archibald Cox, with "full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee headquarters at the Watergate."[4] The appointment of the Special Prosecutor, together with his specific duties and responsibilities, including full authority for determining whether or not to contest the assertion of "executive privilege," was settled in connection with the hearings of the Senate Judiciary Committee on the nomination of Mr. Richardson to be Attorney General.[5]

2. ENFORCEMENT OF THE 1973 GRAND JURY SUBPOENA DUCES TECUM

On July 16, 1973, Alexander Butterfield, formerly chief administrative officer at the White House, testified before the Senate Select Committee on Presidential Campaign Activities that at the President's direction the Secret Service as a matter of course had been recording automatically all conversations in the President's offices in the White House and Old Executive Office Building.[6] Because there had been sharply contradictory testimony regarding the relationship between several Presidential meetings and telephone conversations and an alleged conspiracy to conceal the identity of the persons responsible for the Watergate break-in, the Special Prosecutor issued a grand jury subpoena *duces tecum* to the President, who had assumed sole personal control over the recordings,[7] requiring him to produce the recordings of these meetings.

When the President refused to comply with the subpoena, the grand jury unanimously instructed the Special Prosceutor to apply for a court order requiring production. After a hearing, the court ordered the President to produce the subpoenaed items for *in camera* inspection, rejecting the President's contentions that he is immune from compulsory process and that he has absolute, unreviewable discretion to withhold evidence from the courts on the ground of executive privilege. In re *Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon*, 360 F. Supp. 1 (D.D.C. 1973). The Court of Appeals for the District of Columbia Circuit upheld this order, with modifications, in an *en banc* decision denying the President's petition for a writ of mandamus. *Nixon* v *Sirica*, 487 F. 2d 700 (1973). The court of appeals *sua sponte* then stayed its order to permit the President to seek review by this Court.

3. DISMISSAL OF THE SPECIAL PROSECUTOR

The President decided, however, not to seek review by this Court, and instead proposed a "compromise" to the Special Prosecutor which would have supplied edited transcripts of the subpoenaed recordings for use before the grand jury and at any subsequent trial. At the same time the President issued an order to Special Prosecutor Cox forbidding him ever again to resort to the judicial process to seek evidence from the President. The Special Prosecutor refused to accept this compromise or to accede to the order that would have barred him from exercising his discretion to seek evidence necessary for prosecutions within his jurisdiction. When the President then ordered Attorney General Richardson to dismiss the Special Prosecutor, the Attorney General resigned rather than obey, and Deputy Attorney General William Ruckelshaus was fired when he too refused to carry out the President's order.[8] On the night of October 20, 1973, Solicitor General Robert H. Bork, upon whom the responsibilities of Acting Attorney General devolved, elected to obey the President's instruction and peremptorily discharged Special Prosecutor Cox and abolished the Watergate Special Prosecution Force.[9]

On October 23, 1973, after considerable congressional and public reaction, counsel for the President announced to the district court that the President would comply with the district court's order as modified by the court of appeals.[10] Counsel for the President subsequently disclosed for the first time that two of the subpoenaed conversations were not recorded, and that eighteen and one-half minutes of the subpoenaed recording of the meeting between the President and H. R. Haldeman on June 20, 1972, had been obliterated.[11]

4. APPOINTMENT OF A NEW SPECIAL PROSECUTOR

In response to the discharge of Special Prosecutor Cox, both the Senate Judiciary Committee and the House of Representatives Judiciary Subcommittee on Criminal Justice

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Footnotes at end of article.

began hearings on legislation to establish a court-appointed Special Prosecutor independent of control by the President.[12] Both committees reported out such bills for action by the House and Senate.[13]

Neither House considered the legislation on the floor, however, because on October 26, 1973, the President announced that Acting Attorney General Bork would appoint a new Special Prosecutor. The President explained that he had no greater interest than seeing that the Special Prosecutor has "the independence that he needs" to prosecute the guilty and clear the innocent.[14]

On November 2, 1973, the Acting Attorney General re-established the Watergate Special Prosecution Force and appointed Leon Jaworski as Special Prosecutor, vesting in him the same powers and authority possessed by his predecessor, including "full authority" to "contest the assertion of 'Executive Privilege' or any other testimonial privilege" (Appendix pp. 146–51. *infra*).[15] The only change in the regulations relevant to this Court's consideration was the addition of a provision, in "accordance with assurances given by the President to the Attorney General," that the President would not limit the jurisdiction of the Special Prosecutor or effect his dismissal without first consulting with the Majority and Minority Leaders of both Houses of Congress and their respective Committees on the Judiciary (Appendix pp. 151–52, *infra*).[16] Thereafter both Houses tabled the legislation for court appointment of an independent Special Prosecutor, but the bills remain on their respective calendars.

5. THE INDICTMENT IN THIS CASE AND THE NAMING OF THE PRESIDENT AS A CO-CONSPIRATOR

On March 1, 1974, a grand jury of the United States District Court for the District of Columbia returned an indictment (A. 5A) charging respondents John N. Mitchell, H. R. Haldeman, John D. Ehrlichman, Charles W. Colson, Robert C. Mardian, Kenneth W. Parkinson and Gordon Strachan with various offenses relating to the Watergate matter, including a conspiracy to defraud the United States and to obstruct justice. *United States* v. *Mitchell, et al.,* D.D.C. Crim. No. 74–110. At some or all of the times in question, respondent Mitchell, a former Attorney General of the United States, was Chairman of the Committee for the Re-Election of the President; respondent Haldeman was Assistant to the President and his chief of staff; respondent Ehrlichman was Assistant to the President for Domestic Affairs; respondent Colson was Special Counsel to the President; respondent Mardian, a former Assistant Attorney General, was an official of the President's re-election campaign; respondent Parkinson was an attorney for the re-election committee; and respondent Strachan was Staff Assistant to the President.

In the course of its consideration of the indictment, the grand jury, by a vote of 19–0, determined that there is probably cause to believe that respondent Richard M. Nixon (among others) was a member of the conspiracy to defraud the United States and to obstruct justice as charged in the indictment, and the grand jury authorized the Special Prosecutor to identify President Nixon (among others) as an unindicted coconspirator in connection with subsequent legal proceedings.

6. ISSUANCE OF THE TRIAL SUBPOENA TO THE PRESIDENT

In order to obtain additional evidence which the Special Prosecutor has reason to believe is in the custody of the President and which would be important to the government's proof at the trial in *United States* v. *Mitchell, et al.,* the Special Prosecutor, on behalf of the United States, moved on April 16, 1974, for the issuance of the subpoena *duces tecum* in question (Pet. App. 39). On April 18, 1974, the district court ordered the subpoena to issue, returnable on May 2, 1974 (Pet. App. 47). The subpoena called for production of the evidence in advance of the September 9, 1974, trial date in order to allow time for any litigation over the subpoena and for transcription and authentication of any tape recordings produced.

On April 30, 1974, the President released to the public and submitted to the House Judiciary Committee conducting an impeachment inquiry 1,216 pages of edited transcripts of forty-three conversations dealing with Watergate. Portions of twenty subpoenaed conversations were included. On May 1, 1974, President Nixon, through his White House counsel, filed in the district court a "special appearance," a "formal claim of privilege," and a motion to quash the subpoena (A. 47A). At the suggestion of counsel for the President and the Special Prosecutor and with the approval of counsel for the defendants, subsequent proceedings were held *in camera* because of the sensitive nature of the grand jury's finding with respect to the President, which was submitted to the district court by the Special Prosecutor as a ground for denying the motion to quash. Defendants Colson, Mardian, and Strachan formally joined in the Special Prosecutor's motion for issuance of the subpoena, and all seven defendants (respondents herein) argued in opposition to the motion to quash at the hearing in the district court. At that hearing, counsel for the President also moved to expunge the grand jury's finding and to enjoin all persons, except for the President and his counsel, from ever disclosing the grand jury's action.

7. THE DECISION BELOW

In its opinion and order of May 20, 1974 (Pet. App. 15), the district court denied the motion to quash and the motion to expunge and for protective orders. It further ordered "the President or any subordinate officer, official or employee with custody or control of the documents or objects subpoenaed" to deliver to the court the originals of all subpoenaed items as well as an index and analysis of those items, together with tape copies of those portions of the subpoenaed recordings for which transcripts had been released to the public by the President on April 30, 1974. The district court stayed its order pending prompt application for appellate review and further provided that matters filed under seal remain under seal when transmitted as part of the record (Pet. App. 22–23).[17]

In requiring compliance with the subpoena *duces tecum,* the district court rejected the contention by counsel for the President that it had no jurisdiction because the proceeding allegedly involved solely an "intra-executive" dispute (Pet. App. 18). The court ruled that this argument lacked substance in light of jurisdictional responsibilities and independence with which the Special Prosecutor had been vested by regulations that have the force and effect of law and that had received the explicit concurrence of the President. The court noted the "unique guarantee of unfettered operation" given to the Special Prosecutor and emphasized that under these regulations the Special Prosecutor's jurisdiction, which includes express authority to contest claims of executive privilege, cannot be limited without the President's first consulting with the leaders of both Houses of Congress and the respective Committees on the Judiciary and securing their consensus (Pet. App. 18–19). In these circumstances, the court found that there exists sufficient independence to provide the ccurt with a concrete legal controversy between adverse parties and not simply an intra-agency dispute over policy. Moreover, the court later noted that as a recipient of a subpoena in this criminal case, the President "as a practical matter, is a third party" (Pet. App. 19).

On the merits, and relying in the *en banc* decision in *Nixon* v. *Sirica, supra,* the district court held that in the circumstances of this case, the courts, and not the President, are the final arbiter of the applicability of a claim of executive privilege for the subpoenaed items (Pet. App. 17). Here, the court ruled, the presumptive privilege for documents and materials reflecting executive deliberations was overcome by the Special Prosecutor's *prima facie* showing that the items are relevant and important to the issues to be tried in the Watergate cover-up case and that they will be admissible in evidence (Pet. App. 20–21).[18]

fidential intra-governmental deliberations, Special Prosecutor, in his memorandum and appendix submitted to the court, satisfied the requirements of Rule 17(c) that the subpoenaed items be relevant and evidentiary (Pet. App. 19–20).

The President has sought review of this decision in the court of appeals, and the case is now before this court on writs of certiorari before judgment granted on May 31, 1974, and June 15, 1974, on the petition of the United States and the cross-petition of the President, respectively.

SUMMARY OF ARGUMENT

The narrow issue presented to this Court is whether the President, in a pending prosecution against his former aides and associates being conducted in the name of the United States by a Special Prosecutor not subject to Presidential directions, may withhold material evidence from the court merely on his assertion that the evidence involves confidential governmental deliberations. The Court clearly has jurisdiction to decide this issue. The pending criminal prosecution in which the subpoena *duces tecum* was issued constitutes a "case of controversy," and the federal courts naturally have the duty and, therefore, the power to determine what evidence is admissible in that prosecution and to require that that evidence be produced. This is only a specific application of the general but fundamental principle of our constitutional system of government that the courts, as the "neutral" branch of government, have been allocated the responsibility to resolve all issues in a controversy property before them, even though this requires them to determine authoritatively the powers and responsibilities of the other branches.

Any notion that this controversy, arising as it does from the issuance of a subpoena *duces tecum* to the President at the request of the Special Prosecutor, is not justiciable is wholly illusory. In the context of the most concrete and vital kind of case—the federal criminal prosecution of former White House officials—the Special Prosecutor, as the attorney for the United States, has resorted to a traditional mechanism to procure evidence for the government's case at trial. In objecting to the enforcement of the subpoena, the President has raised a classic question of law—a claim of privilege—and the United States, through its counsel and in its sovereign capacity, is opposing that claim. Thus, viewed in practical terms, it would be hard to imagine a controversy more appropriate for judicial resolution.

The fact that this concrete controversy is represented in the context of a dispute between the President and the Special Pros-

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ecutor does not deprive this Court of jurisdiction. Congress has vested in the Attorney General, as the head of the Department of Justice, the exclusive authority to conduct the government's civil and criminal litigation, including the exclusive authority for securing evidence. The Attorney General, with the explicit concurrence of the President, has vested that authority with respect to Watergate matters in the Special Prosecutor. These regulations have the force and effect of law and establish the functional independence of the Special Prosecutor. Accordingly, the Special Prosecutor, representing the sovereign authority of the United States, and the President appear before the Court as adverse parties in the truest sense. The President himself has ceded any power that he might have had to control the course of the pending prosecution, and it would stand the Constitution on its head to say that this arrangement, if respected and given effect by the courts, violates the "separation of powers."

I

Throughout our constitutional history the courts, in cases or controversies before them, consistently have exercised final authority to determine whether even the highest executive officials are acting in accordance with the Constitution. In fulfilling this basic constitutional function, they have issued appropriate decrees to implement those judicial decisions. The courts have not abjured this responsibility even when the most pressing needs of the Nation were at issue.

In applying this fundamental principle, the courts have determined for themselves not only what evidence is admissible in a pending case, but also what evidence must be produced, including whether particular materials are appropriately subject to a claim of executive privilege. Indeed, this Court has squarely rejected the claim that the Executive has absolute, unreviewable discretion to withhold documents from the courts.

The unbroken line of precedent establishing that the courts have the final authority for determining the applicability and scope of claims of executive privilege is supported by compelling arguments of policy. The Executive's legitimate interests in secrecy are more than adequately protected by the qualified privilege defined and applied by the courts. But as this Court has recognized, an absolute privilege which permitted the Executive to make a binding determination would lead to intolerable abuse. This case highlights the inherent conflict of interest that is presented when the Executive is called upon to produce evidence in a case which calls into question the Executive's own action. The President cannot be a proper judge of whether the greater public interest lies in disclosing evidence subpoenaed for trial, when that evidence may have a material bearing on whether he is impeached and will bear heavily on the guilt or innocence of close aides and trusted advisors.

In the framework of this case, where the privilege holder is effectively a third party, the interests of justice as well as the interests of the parties to the pending prosecution require that the courts enter a decree requiring that relevant and unprivileged evidence be produced. The "produce or dismiss" option that is sometimes allowed to the Executive when a claim of executive privilege is overruled merely reflects a remedial accommodation of the requirements of substantive justice and thus has never been available to the Executive where the option could not satisfy these requirements. This is particularly true where the option would make a travesty out of the independent institution of the Special Prosecutor by allowing the President to accomplish indirectly what he cannot do directly—secure the abandonment of the Watergate prosecution.

II

There is nothing in the status of the President that deprives the courts of their constitutional power to resolve this dispute. The power to issue and enforce a subpoena *duces tecum* against the President was first recognized by Chief Justice Marshall in the *Burr* case in 1807, in accordance with two fundamental principles of our constitutional system: First, the President, like all executive officials as well as the humblest private citizens, is subject to the rule of law. Indeed, this follows inexorably from his constitutional duty to "take Care that the Laws be faithfully executed." Second, in the full and impartial administration of justice, the public has a right to every man's evidence. The persistent refusal of the courts to afford the President an absolute immunity from judicial process is fully supported by the deliberate decision of the Framers to deny him such a privilege.

Although it would be improper for the courts to control the exercise of the President's constitutional discretion, there can be no doubt that the President is subject to a judicial order requiring compliance with a clearly defined legal duty. The crucial jurisdictional factor is not the President's office, or the physical power to secure compliance with judicial orders, but the Court's ability to resolve authoritatively, within the context of a justiciable controversy, the conflicting claims of legal rights and obligations. The Court is called upon here to adjudicate the obligation of the President, as a citizen of the United States, to cooperate with a criminal prosecution by performing the solely ministerial task of producing specified, unprivileged evidence that he has taken within his sole personal custody.

III

The qualified executive privilege for confidential intra-governmental deliberations, designed to promote the candid interchange between officials and their aides, exists only to protect the legitimate functioning of government. Thus, the privilege must give way where, as here, it has been abused. There has been a *prima facie* showing that each of the participants in the subpoenaed conversations, including the President, was a member of the conspiracy to defraud the United States and to obstruct justice charged in the indictment in the present case, and a further showing that each of the conversations occurred in the course of and in furtherance of the conspiracy. The public purpose underlying the executive privilege for governmental deliberations precludes its application to shield alleged criminality.

But even if a presumptive privilege were to be recognized in this case, the privilege cannot be sustained in the face of the compelling public interest in disclosure. The responsibility of the courts in passing on a claim of executive privilege is, in the first instance, to determine whether the party demanding the evidence has made a *prima facie* showing of a sufficient need to offset the presumptive validity of the Executive's claim. The cases have held that the balance should be struck in favor of disclosure only if the showing of need is strong and clear, leaving the courts with a firm conviction that the public interest requires disclosure.

It is difficult to imagine any case where the balance could be clearer than it is on the special facts of this proceeding. The recordings sought are specifically identified, and the relevance of each conversation to the needs of trial has been established at length. The conversations are demonstrably important to defining the extent of the conspiracy in terms of time, membership and objectives. On the other hand, since the President has authorized each participant to discuss what he and the others have said, and since he repeatedly has summarized his views of the conversations, while releasing partial transcripts of a number of them, the public interest in continued confidentiality is vastly diminished.

The district court's ruling is exceedingly narrow and, thus, almost no incremental damage will be done to the valid interests in assuring future Presidential aides that legitimate advice on matters of policy will be kept secret. The unusual circumstances of this case—where high government officials are under indictment for conspiracy to defraud the United States and obstruct justice—at once make it imperative that the trial be conducted on the basis of all relevant evidence and at the same time make it highly unlikely that there will soon be a similar occasion to intrude on the confidentiality of the Executive Branch.

IV

Even if the subpoenaed conversations might once have been covered by a privilege, the privilege has been waived by the President's decision to authorize voluminous testimony and other statements concerning Watergate-related discussion and his recent release of 1,216 pages of transcript from forty-three Presidential conversations dealing with Watergate. A privilege holder may not make extensive disclosures concerning a subject and then selectively withhold portions that are essential to a complete and impartial record. Here, the President repeatedly has referred to the conversations in support of his own position and even allowed defendant Haldeman access to the recordings after he left public office to aid him in preparing his public testimony. In the unique circumstances of this case, where there is no longer any substantial confidentiality on the subject of Watergate because the President has made far-reaching, but expurgated disclosures, the court may use its process to acquire all relevant evidence to lay before the jury.

The district court, correctly applying the standards established by this Court, found that the government's showing satisfied the requirements of Rule 17(c) of the Federal Rules of Criminal Procedure that items subpoenaed for use at trial be relevant and evidentiary. The enforcement of a trial subpoena *duces tecum* is a question for the trial court and is committed to the court's sound discretion. Absent a showing that the finding by the court is arbitrary and had no support in the record, the finding must not be disturbed by an appellate court. Here, the Special Prosecutor's analysis of each of the sixty-four conversations, submitted to the district court, amply supports that court's finding.

ARGUMENT

INTRODUCTION: THE ISSUES BEFORE THE COURT PRESENT A LIVE, CONCRETE JUSTICIABLE CONTROVERSY

In the district court, counsel for the President, in a sealed reply to the government's papers opposing the motion to quash, raised for the first time the contention that the court lacked "jurisdiction to consider the Special Prosecutor's request of April 16, 1974, relating to the disclosure of certain presidential documents." Counsel was referring to the trial subpoena applied for by the Special Prosecutor on behalf of the United States (Pet. App. 39) and issued by the district court on April 18, 1974 (Pet. App. 47). It was that subpoena that the President moved to quash. The basis for the President's contention that the court lacked jurisdiction to "consider" that "request" for evidence was the assertion that the subpoena involved merely a "dispute between two entities within the Executive Branch."

The district court rejected this contention, ruling that under the circumstances established by applicable statutes and regulations, the President's "attempt to abridge the Special Prosecutor's independence with the argument that he cannot seek evidence from the President by court process is a nullity and does not defeat the Court's jurisdiction" (Pet. App. 19). Before addressing the issues before this Court on the merits, we pause to express the reasons why this litigation between the United States, represented by the Special Prosecutor, and the President presents a live, concrete, justiciable controversy.

A. THIS CASE COMES WITHIN THE JUDICIAL POWER OF THE FEDERAL COURTS

This litigation is not merely a dispute between two executive officers over preferred policy, or even over an interpretation of a statute. The courts have not been called upon to render an advisory opinion upon some abstract or theoretical question. Rather, in the context of the most concrete and vital kind of case—the federal criminal prosecution of former White House officials, styled *United States* v. *Mitchell, et al.*—the Special Prosecutor as the attorney for the United States has resorted to a traditional mechanism to procure evidence for the government's case at trial—a subpoena—in the face of the unwillingness of a distinct party or entity—the President—to furnish the evidence voluntarily. In objecting to the enforcement of the subpoena, the President has raised a classic question of law—a claim of privilege—and the United States, through its counsel, is opposing that claim. Thus, viewed in practical terms, it would be hard to imagine a controversy more appropriate for judicial resolution and more squarely within the jurisdiction of the federal courts. This Court is called upon to review questions that are well "within the traditional role accorded courts to interpret the law." *Powell* v. *McCormack*, 395 U.S. 486, 548; see, *e.g., Roviaro* v. *United States*, 353 U.S. 53; *United States* v. *Reynolds*, 345 U.S. 1.

Ever since *Marbury* v. *Madison*, 1 Cranch (5 U.S.) 137, it has been settled that, as long as a federal court is properly vested with subject-matter jurisdiction,[19] it has the judicial power to render an authoritative, binding decision on the rights, powers, and duties of the other two branches of government. See, *e.g., Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579; *United States* v. *United States District Court*, 407 U.S. 297; *Kendall* v. *United States ex rel. Stokes*, 12 Pet. (37 U.S.) 524; *Kilbourn* v. *Thompson*, 103 U.S. 168; *Doe* v. *McMillan*, 412 U.S. 306. This judicial power extends fully to disputes between representatives of the other two branches, *e.g., United States* v. *Brewster*, 408 U.S. 501; *Gravel* v. *United States*, 408 U.S. 606; *Senate Select Committee on Presidential Campaign Activities* v. *Nixon*, — F. 2d — (D.C. Cir. No. 74-1258) (May 23, 1974), as well as to disputes within one of those other branches, *e.g., Powell* v. *McCormack, supra; Service* v. *Dulles*, 354 U.S. 363; *Sampson* v. *Murray*, — U.S. — (42 U.S.L.W. 4221, February 19, 1974).

As we shall discuss below, the fact that the President and the Special Prosecutor (on behalf of the United States) are the legal adversaries in this phase of the controversy in no way undermines the existence of the judicial power to adjudicate the legal rights and duties at issue—namely, the existence *vel non* of a privilege to withhold evidence from a criminal trial pending in the federal court.

B. THE UNITED STATES, REPRESENTED BY THE SPECIAL PROSECUTOR, IS A PARTY DISTINCT FROM THE PRESIDENT

We begin by making the fundamental point, overlooked by counsel for the President, that federal criminal prosecutions are brought in the name of the United States of America as a sovereign nation. Despite his extensive powers and even his status as Chief Executive and Chief of State, the President, whether in his personal capacity or his official capacity, is distinct from the United States and is decidedly *not* the sovereign. Although the Constitution vests the executive power generally in the President (Art. II, Sec. 1), it expressly contemplates the establishment of executive departments which will actually discharge the executive power, with the President's function necessarily limited to "take Care that the Laws be faithfully executed" by other officers of the government (Art. II, Sec. 3). Thus, Article II, Section 2 expressly provides that, instead of giving the President power to appoint (and, perhaps, remove) "inferior Officers" of the Executive Branch, "Congress may by Law vest the Appointment of such inferior Officers, as they think proper, * * * in the Courts of Law, or in the Heads of Departments."

Congress has organized the Department of Justice and provided that the Attorney General is its head. 28 U.S.C. 501, 503. Under Article 11, Section 2, Congress has vested in him alone the power to appoint subordinate officers to discharge his powers, 28 U.S.C. 509, 510, 515, 533. Among the responsibilities given by Congress to the Attorney General is the authority to conduct the government's civil and criminal litigation (28 U.S.C. 516):

> Except as otherwise authorized by law, the conduct of litigation *in which the United States*, an agency, or officer thereof *is a party*, or is interested, *and securing evidence therefor*, is reserved to officers of the Department of Justice under the direction of the Attorney General. (Italics added.)

As this Court has recognized, this section and companion provisions, see 28 U.S.C. 515-519, "impose on the Attorney General the authority and the duty to protect the Government's interests through the courts." *United States* v. *California*, 332 U.S. 19, 27-28. Under this framework it is not the President who has personal charge of the conduct of the government's affairs in court but, rather, it is the Attorney General acting through the officers of the Department of Justice appointed by him. This Court underscored the special status of the officers of the Department of Justice before the courts in *Berger* v. *United States*, 295 U.S. 78, 88, explaining that the federal prosecutor "is the representative not of an ordinary party to a controversy, but of a sovereignty. * * * As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer."

Thus, as the district judge below pointedly recognized (Pet. App. 19), the subpoena *duces tecum* issued by the prosecution to the President is directed to a person who "as a practical matter, is a third party."[20]

It was in the capacity as attorney for the United States that the Special Prosecutor invoked the judicial process. Exercising his exclusive authority under 28 U.S.C. 516 to secure evidence for a pending criminal prosecution within his jurisdiction, the Special Prosecutor is seeking evidence from an adverse party—evidence which the Special Prosecutor has reason to believe is highly material to the trial. Under the law, the Special Prosecutor speaks for the United States in conducting this criminal trial, and under the applicable statutes and regulations he has authority, which can be enforced by the courts, to seek evidence even from the President. Not only is this authority expressly included in the Department of Justice regulations defining his powers (Appendix pp. 146-50, *infra*), but the record shows that the President personally acceded to the arrangement whereby his assertion of privilege would not preclude the Special Prosecutor, in a proper case, from invoking the judicial process to litigate the validity of the claim.

Before agreeing to accept appointment as the new Special Prosecutor, Mr. Jaworski obtained an assurance from the President's chief of staff, General Alexander Haig, who had conferred with the President, that there would be no bar to his resorting to judicial process, if necessary, to fulfill his responsibilities as he viewed them.[21] The Acting Attorney General, who appointed the Special Prosecutor, was fully apprised of the understanding. He testified as follows before the Senate Judiciary Committee:

> "Although it is anticipated that Mr. Jaworski will receive cooperation from the White House in getting any evidence he feels he needs to conduct investigations and prosecutions, it is clear and understood on all sides that *he has the power to use judicial processes to pursue evidence if disagreement should develop.*" (Italics added.)[22]

He also assured the House Subcommittee on Criminal Justice: "I understand and it is clear to me that Mr. Jaworski can go to court and test out" any refusal to produce documents on the ground of confidentiality.[23]

Similarly, the President's nominee to be Attorney General, William Saxbe, testified that the Special Prosecutor would have "sole discretion" in deciding whether to contest an assertion of executive privilege by the President and stated "he can go to court at any time to determine that."[24] Significantly, neither the President, nor his counsel, nor Acting Attorney General Bork has ever disavowed the assurances given. In fact, in announcing the appointment of a new Special Prosecutor on October 26, 1973, President Nixon stated (9 Weekly Compilation of Presidential Documents (Oct. 29, 1973)):

> "And I can assure you ladies and gentlemen, and all our listeners tonight, that I have no greater interest than to see that the new special prosecutor has the cooperation from the executive branch *and the independence that he needs* to bring about that conclusion [of the Watergate investigation]." (Italics added.)

The regulations governing the Special Prosecutor's jurisdiction and independence, together with the Presidential assurances given to the public directly and to the Special Prosecutor through General Haig, reflect the public demand for an independent prosecutor not subject to the direct or indirect control of the President and not dependent upon the discretion of the President for access to information upon which to base investigations and prosecutions.[25] From the first, the regulations establishing and then reestablishing the Office of the Watergate Special Prosecution Force[26] have had the force and effect of law, *e.g., Vitarelli* v. *Seaton*, 359 U.S. 535; *Service* v. *Dulles, supra; Accardi* v. *Shaughnessy*, 347 U.S. 209; *Nader* v. *Bork, supra*, and empower the Special Prosecutor to contest the assertion of executive privilege in any case within his jurisdiction when he, not the President, concludes the assertion is unwarranted. See *Accardi* v. *Shaughnessy, supra*, 347 U.S. at 266-67.

This Court has held that, by virtue of their office, public officials necessarily have a sufficient "personal stake in the outcome" of any litigation that challenges the performance of their duties on constitutional grounds. See, *e.g., Board of Education* v. *Allen*, 392 U.S. 236, 241 n. 5; *Coleman* v. *Miller*, 307 U.S. 433, 437-45. It follows, therefore, that under applicable statutes and regulations the Special Prosecutor has standing to take all necessary steps in court to promote the conduct of the cases under his jurisdiction, including litigation of claims of "executive privilege" advanced as a reason for withholding evidence considered important to one of those prosecutions.

C. THE SPECIAL PROSECUTOR HAS AUTHORITY TO SEEK, AND THE FEDERAL COURTS HAVE POWER TO GRANT, A PRODUCTION ORDER ADDRESSED TO THE PRESIDENT EVEN THOUGH THE SPECIAL PROSECUTOR IS A MEMBER OF THE EXECUTIVE BRANCH

What has been shown above makes clear the authority of the Special Prosecutor to

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bring such prosecutions as are within his jurisdiction and to seek court orders for the production of such evidence as is necessary to the litigation. We have shown that, in so discharging his duties, the Special Prosecutor does not act as the mere agent-at-will of the President. He enjoys an independent authority derived from constitutional delegations of authority by the Congress to the Attorney General and from the Attorney General to him under valid regulations that reflect the solemn commitments of the President himself.

Since the Special Prosecutor has authority to bring prosecutions and to seek production of evidence and does not take such actions in the President's name or at his behest, and since, as we show in Part II of our argument below, the President can, in an appropriate case, be ordered to produce evidence, there would seem to be no obstacle to the Special Prosecutor's seeking an order that the President produce evidence. The proceedings surrounding such an order constitute a justiciable controversy whether or not the President could, through a complicated series of steps, lawfully replace the Special Prosecutor and despite the somewhat unusual appearance on opposite sides of two parties both of whom are members of the Executive Branch.

1. Whatever power the President may have to circumvent an adverse ruling by taking steps to abrogate the Special Prosecutor's independence cannot serve to render the controversy nonjusticiable

The mere fact that the President is Chief Executive, with ultimate responsibility to "take Care that the Laws be faithfully executed," does not destroy the Special Prosecutor's independence or standing to sue. Whatever might be the situation in a proceeding conducted by a mere agent of the President, the Special Prosecutor's functional and legal independence empowers him, on behalf of the United States, to seek a subpoena against the President for evidence.

Congress frequently confers powers and duties upon subordinate executive officials, and in such situations the President's function as Chief Executive does not authorize him to displace the designated officer and to act directly in the matter himself. As long as the officer holds his position, the power to act under the law is his alone. A familiar example of this basic principle was illustrated by President Andrew Jackson's legendary battle over the Bank of the United States. Two Secretaries of the Treasury refused to obey the President's command to withdraw deposits from the Bank, a function entrusted to the Secretary by law. The President's only recourse was to seek a third, who complied with Jackson's wish. See generally Van Deusen, *The Jacksonian Era*, 1828–1848, pp. 80–82 (1959). Attorney General Roger Taney gave a similar opinion to President Jackson, advising him that as long as a particular United States Attorney remained in office, he was empowered to conduct a particular litigation as he saw fit, despite the wishes of the President. See 2 Op. Att'y Gen. 482 (1831).

More recently, President Nixon apparently recognized a similar limitation on his powers as Chief Executive when, in order to effect the discharge of the former Special Prosecutor over the refusal of Attorney General Richardson and Deputy Attorney General Ruckelshaus to dismiss him, the President had to procure the removal of those officials and rest upon Acting Attorney General Bork's exercise of their power.

These principles, considered in light of the authority of the Special Prosecutor reviewed above, establish that, short of finding some way to accomplish the removal of the Special Prosecutor, the President has no legal right or power to limit or direct his actions in bringing prosecutions or in seeking the evidence needed for these prosecutions. Any effort to interfere in the Special Prosecutor's decisions is inadmissible and any order would be without legal effect so long as the Attorney General has not effectively rescinded the regulations creating and guaranteeing the Special Prosecutor's independence—a course he may be legally barred from taking without the Special Prosecutor's consent, see *Nader* v. *Bork, supra*, 366 F. Supp. at 108. Even then any order would have to come from the Attorney General to satisfy statutory requirements.

The President is bound by duly promulgated regulations even where he has power to amend them for the future. *Accardi* v. *Shaughnessy*, 347 U.S. at 266–67. It is even clearer in the present situation that regulations and statutes which he has no power to modify prevent him from assuming direction of the Watergate prosecutions. Thus, there can be no argument that a case or controversy is lacking because the President could dismiss the prosecution or withdraw the subpoena even if he so desired.

Nor is any valid objection to the concrete reality of this dispute furnished by the hypothesis, *arguendo*, that the President could nullify any adverse ruling by procuring the dismissal of the Special Prosecutor and finding another prosecutor who would not enforce the Court's decision. A similar argument was rejected well over a century ago. In *Kendall* v. *United States ex rel. Stokes*, 12 Pet. (37 U.S.) 524, it was argued that the Judiciary lacked power to issue a mandamus requiring the Postmaster General to credit a sum of money to a contractor on the ground that the President would frustrate performance of the decree by discharging the respondent and appointing a new Postmaster General. The Court rejected the argument and granted mandamus. The federal courts have continued to resolve legal controversies despite the theoretical power of one of the parties to avoid the impact of the judgment by lawful means. See, *e.g.*, *Glidden Co.* v. *Zdanok*, 370 U.S. 530.

The same argument against jurisdiction fails in the present case, not only on the basis of precedent, but for three other reasons as well.

First, in the present situation, the President does not have the power to remove the Special Prosecutor and to appoint a replacement more to his liking. Under Article II, Section 2 of the Constitution, Congress has vested appointment of officers of the Department of Justice, like the Special Prosecutor, in the Attorney General, not the President.[27] And the President explicitly has ceded any right and power he may have to restrict the independence of the Sepecial Prosecutor or effect his discharge by agreeing to the issuance of regulations precluding such action unless the "consensus" of eight specified Congressional officials concurs in that course. The regulations establishing this condition precedent to any action by the President have the force of law, and the Special Prosecutor thus stands before the Court independent of any direct control by the Attorney General or the President. In short, the present regulations governing the Special Prosecutor's tenure and independence are even more restrictive of the residual authority of the President and the Attorney General than were the regulations that were held in *Nader* v. *Bork, supra*, to have been violated by the dismissal of Special Prosecutor Cox.[28]

Second, even the dismissal of the Special Prosecutor would not nullify a ruling that the evidence must be produced, since the Attorney General and the Solicitor General, as officers of this Court, would be legally obliged to attend to the proper enforcement of a decree by the Court, particularly one in favor of the United States. See *United States* v. *Shipp*, 203 U.S. 563; *United States* v. *Shipp*, 214 U.S. 386 (proceedings for criminal contempt initiated and conducted before this Court by Attorney General for defiance of Court's order); 28 U.S.C. 518(a).

Third, the speculative possibility that something might occur in the future cannot render a presently live controversy moot, when it is hardly inevitable that the Court's decision will be ineffective. Compare *DeFunis* v. *Odegaard*, ——— U.S. ——— (42 U.S.L.W. 4578, April 23, 1974). Just as "voluntary cessation of allegedly illegal conduct does not deprive the tribunal of power to hear and determine the case, *i.e.*, does not make the case moot." *United States* v. *W.T. Grant Co.*, 345 U.S. 629, 632, it follows *a fortiori* that the hypothetical—and possibly illegal—dismissal of the Special Prosecutor after a decision in his favor by this Court cannot render the present case moot. As this Court noted earlier this Term in rejecting a mootness claim involving a challenge to state welfare benefits to striking workers where the particular strike had ended: "The judiciary must not close the door to the resolution of the important questions these concrete disputes present." *Super Tire Engineering Co.* v. *McCorkle*, ——— U.S. ——— (42 U.S.L.W. 4507, 4511, April 16, 1974). In the present case, the precise controversy is still very much alive, and the President has not even threatened to attempt to defeat an adverse ruling by effecting the dismissal of the Special Prosecutor.

2. There is no lack of a true case or controversy because the opposing parties are both members of the Executive Branch

In the present matter, there can be no serious contention that this is a feigned or collusive suit or an abstract or speculative debate; the issues are sharply drawn over the production or nonproduction of specific evidence for a pending criminal trial, and the litigants—the United States and President Nixon—have manifestly concrete but antagonistic interests in the outcome, for if the subpoenaed materials are ordered produced the United States can proceed to trial in a major criminal case armed with important evidence, while a contrary decision would leave President Nixon in absolute control over those materials and thereby weaken the government's case against his former aides, whom he has publicly supported in this criminal investigation (see pp. 59–60, *infra*).

Thus, we submit that it is clear beyond peradventure that the Special Prosecutor, as the exclusively authorized attorney for the United States—the prosecuting sovereign in the pending criminal case of *United States* v. *Mitchell, et al.*, for which the instant trial subpoena was issued—has standing to seek enforcement of the subpoena, for the prosecution has "such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions." *Baker* v. *Carr*, 369 U.S. 186, 204. See also *Flast* v. *Cohen*, 392 U.S. 83, 98–100.

Framing this controversy as a mere "intra-executive branch" dispute, as counsel for the President did below, seems to invoke the sterile conceptualism, long ago discarded, that since "no person may sue himself," suits between government officials cannot be maintained. As this Court said when it rejected such an argument in *United States* v. *ICC*, 337 U.S. 426, 430, "courts must look behind names that symbolize the parties to determine whether a justiciable case or controversy is presented."[29] See also *Secretary of Agriculture* v. *United States*, 350 U.S. 162. This practical approach was underscored only this Term, when the Court noted probable jurisdiction and heard argument in two cases in which the United States, represented by the Justice Department, was appealing from two separate district court decisions dismissing the government's complaints attacking

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Footnotes at end of article.

bank mergers under Section 7 of the Clayton Act. *United States* v. *Marine Bancorporation, Inc.*, No. 73–38; *United States* v. *Connecticut National Bank,* No. 73–767. The Comptroller of the Currency has responsibility for administering the Bank Merger Act and the National Bank Act, and in each case the Comptroller had approved a merger challenged by the Department of Justice under the Clayton Act. In each case the Comptroller of the Currency, an official of the Treasury Department, 12 U.S.C. § 1, 2, was named as an appellee and filed a brief in opposition to the position taken by the Solicitor General on behalf of the Department of Justice. Although such litigation is relatively rare and typically involves disputes between an executive department and a "quasi-independent" regulatory agency, there is nothing in the "case or controversy" requirement of Article III that denies the federal courts the power to adjudicate concrete controversies between government officials over their respective legal powers and duties, see *e.g., Powell* v. *McCormack, supra,* particularly when—as in the present case—the resolution of the legal controversy has direct consequences upon them and private parties.

We do not suggest, of course, that the President or the Department of Justice could confer jurisdiction on the courts where such jurisdiction is constitutionally impermissible. What we do argue, however, is that the Court must look beyond the President's formalistic objections to the Court's jurisdiction, based as they are in a talismanic incantation of the "intra-executive" nature of the proceeding. By pointing to the mere formality of the Special Prosecutor's status as an executive officer, counsel to the President ignores the substantive concern underlying the "case or controversy" requirement of Article III. A proceeding is justiciable if it presents live, concrete issues between adverse parties that are susceptible of adjudication. See, *e.g., O'Shea* v. *Littleton,* ——— U.S. ——— (42 U.S.L.W. 4139, January 15, 1974); *United States* v. *SCRAP,* 412 U.S. 669, 687; *Flast* v. *Cohen,* 392 U.S. 83, 94–101; *Baker* v. *Carr,* 369 U.S. 186, 204. And it is against these standards that the Court must resolve the objections to its jurisdiction.

Although counsel for the President has argued that somehow the "separation of powers" principle denies to the federal courts the power to decide this controversy between the President and the prosection in *United States* v. *Mitchell,* this argument will not withstand analysis. The inescapable irony of the President's position can only be appreciated by focusing on the fact that the regulations creating a Special Prosecutor's office armed with functional independence and with explicit authority to litigate against Presidential claims of privilege do not reflect a statutory regime imposed by the Legislative Branch; these regulations were promulgated with the President's approval by his Attorney General. This, then, is the President's position—not that Congress has unconstitutionally invaded his sphere, but rather that the doctrine of separation of powers forecloses *him* from the ability to control his "own" Executive Branch in such a way as to safeguard public confidence in the integrity of the law enforcement process. The Office of the Watergate Special Prosecution Force was established with the approval of the President as an independent entity within the Department of Justice in response to the public demand for an impartial investigation of charges of criminal misconduct by officials in the Executive Office of the President. After Special Prosecutor Cox's dismissal, the Office was re-established amid a public reaction so severe that it has generated the first serious possibility of a Presidential impeachment in more than a century and made enactment of legislation for a court-appointed Special Prosecutor almost certain.[30] Perhaps the most important assurance of independence built into the proposed role of the Special Prosecutor, as reflected in congressional testimony[31] as well as public statements by the President and the Attorney General, was his authority to invoke the judicial process to obtain necessary evidence from the President. It simply stands the doctrine of separation of powers on its head to suggest that it precludes the Judiciary from giving full force and effect to the allocation of authority within the Executive Branch under an arrangement that was designed by the Attorney General and approved by the President as indispensible to forestall a further erosion of faith in the Executive Branch.

D. THE SPECULATE POSSIBILITY THAT THE PRESIDENT MAY DISREGARD A VALID COURT DOES NOT DEPRIVE THE COURT OF JURISDICTION

A theme advanced earlier by counsel for the President in opposition to enforcement of a grand jury subpoena *duces tecum* in *Nixon* v. *Sirica* was that the President has "the power and thus the privilege to withhold information."[32] This raw assertion in no way undermines the justiciability of this controversy. The naked power of the Chief Executive, despite a court order, to withhold evidence from a judicial proceeding does not deprive the courts of jurisdiction to order its production. To link physical power with legal privilege runs contrary to our entire constitutional tradition. As this Court stated in *Kendall* v. *United States ex rel. Stokes, supra,* 12 Pet. at 613, "[t]o contend that the obligation imposed on the President to see the laws are faithfully executed implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissible." It might as well be said that a Secretary of State, acting upon orders of the President, would have had "the power and thus the privilege" to withhold the signed commission at issue in *Marbury* v. *Madison, supra;* or that a Postmaster General, acting upon instructions of the President, would have had "the power and thus the privilege" to refuse to pay money owed pursuant to a contract contrary to the decision in *Kendall, supra;* or that the President has "the power and thus the privilege" to seize industrial property in a wartime labor dispute, contrary to *Youngstown Sheet & Tube Co.* v. *Sawyer, supra;* or to conduct warrantless electronic surveillance in domestic security investigations, contrary to the Fourth Amendment as interpreted in *United States* v. *United States District Court, supra.*

This Court has never allowed doubt about its physical power to enforce its commands to deter the issuance of appropriate orders. In *Worcester* v. *Georgia,* 6 Pet. (31 U.S.) 515, counsel strenuously argued that the Court should not order Georgia to surrender jurisdiction over a prisoner seized in Cherokee Indian territory because the President would not and the Court could not force Georgia to obey the judicial command, but the Court did not abdicate its responsibility to decide the issues. In *McPherson* v. *Blackmer,* 146 U.S. 1, 24, the Court ruled upon the constitutionality of a Michigan statute providing for the choice of Presidential electors by congressional districts despite the argument that the State's political agencies might frustrate the decision, saying:

> "The question of the validity of this act, as presented to us by this record, is a judicial question, and we cannot decline the exercise of our jurisdiction upon the inadmissible suggestion that action might be taken by political agencies in disregard of the judgment of the highest tribunal of the state as revised by our own."

Most recently in *Glidden Co.* v. *Zdanok, supra,* the Court rejected the argument that a money claim against the United States did not present a justiciable issue because the courts were without power to force execution of a judgment against the United States: "If this Court may rely on the good faith of state governments or other public bodies to respond to its judgments, there seems to be no sound reason why the Court of Claims may not rely on the good faith of the United States." 370 U.S. at 571.[33] In conformity with this principle, the court of appeals in *Nixon* v. *Sirica* rejected the attempt to equate physical power to disobey with legal immunity from the judicial process itself: "The legality of judicial orders should not be confused with the legal consequences of their breach; for the courts of this country always assume that their orders will be obeyed, especially when addressed to responsible government officials." *Nixon* v. *Sirica, supra,* 487 F. 2d at 711–12.

The effect of a President's physical power to disobey a court order is wholly speculative at this juncture and undoubtedly will remain so. There is no reason to believe that President Nixon would disregard a decision of this Court fixing legal responsibilities, any more than he did the order of the district court, as modified by the court of appeals in *Nixon* v. *Sirica, supra,* requiring him to submit for *in camera* inspection recordings subpoenaed by the grand jury. In announcing that President Nixon would comply with the mandate in *Nixon* v. *Sirica,* counsel for the President stated in open court: "This President does not defy the law, and he has authorized me to say he will comply in full with the orders of the court.[34]

The Court, therefore, can cast aside as wholly illusory any of the obstacles that may be suggested as barring its exercise of the judicial power of the United States to decide the evidentiary privilege issue interposed in this criminal case. The case is within the jurisdiction of the federal courts and is fully justiciable.

I. THE COURTS HAVE BOTH THE POWER AND THE DUTY TO DETERMINE THE VALIDITY OF A CLAIM OF EXECUTIVE PRIVILEGE WHEN IT IS ASSERTED IN A JUDICIAL PROCEEDING AS A GROUND FOR REFUSING TO PRODUCE EVIDENCE

A. THE COURTS HAVE THE POWER TO RESOLVE ALL ISSUES IN A CONTROVERSY PROPERLY BEFORE THEM, EVEN THOUGH THIS REQUIRES DETERMINING, AUTHORITATIVELY, THE POWERS AND RESPONSIBILITIES OF THE OTHER BRANCHES

Our basic submission, and the one we suggest controls this case, is a simple one—the courts, in the exercise of their jurisdiction under Article III of the Constitution, have the duty and, therefore, the power to determine all issues necessary to a lawful resolution of controversies properly before them. The duty includes resolving issues as to the admissibility of evidence in a criminal prosecution as well as the obligation to produce such evidence under subpoena. This allocation of responsibility is inherent in the constitutional duty of the federal courts, as the "neutral" branch of government, to decide cases in accordance with the rule of law, and it supports rather than undermines the basic separation of powers conceived by the Constitution.

The principle was clear at the very outset of our constitutional history. Since 1803 there has been no question that in resolving any case or controversy within the jurisdiction of a federal court, "[i]t is emphatically the province and the duty of the judicial department to say what the law is." *Marbury* v. *Madison, supra,* 1 Cranch at 177. See *Powell* v. *McCormack, supra,* 395 U.S. at 521. As *Marbury* v. *Madison* firmly establishes, this is true even though the controversy before the courts implicates the powers and responsibilities of a co-ordinate branch. In conformity with this principle the courts consistently have exercised final authority

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Footnotes at end of article.

to determine whether even the highest executive officials are acting in accordance with the Constitution and have issued appropriate decrees to implement those judicial decisions. *E.g., Youngstown Sheet & Tube Co.* v. *Sawyer, supra* (alleged right of President to authorize the Secretary of Commerce to seize steel mills); *United States* v. *United States District Court, supra* (alleged power of the President, acting through the Attorney General, to authorize electronic surveillance in internal security matters without prior judicial approval); *Kendall* v. *United States ex rel. Stokes, supra* (alleged power of the President, acting through the Postmaster General, to withhold money owed pursuant to a contract); *Land* v. *Dollar*, 190 F. 2d 623 (D.C. Cir. 1954), vacated as moot, 344 U.S. 806 (alleged right of Secretary of Commerce and Acting Attorney General to obey order of President inconsistent with judicial decree; officials adjudicated in civil contempt).

The courts have not retreated from this responsibility even when the most pressing and immediate needs of the Nation were at issue. President Truman directed the Secretary of Commerce to seize and operate specified steel facilities because of his judgment that a threatened work stoppage at the Nation's steel mills during the Korean War "would immediately jeopardize and imperil our national defense." Executive Order No. 10340 (April 8, 1952). Nevertheless, this Court ruled that the President had exceeded his constitutional powers and upheld a preliminary injunction enjoining the seizure. Justice Jackson's concurring opinion expresses the fundamental principle underlying the Court's decision (343 U.S. at 655):

"With all its defects, delays and inconveniences, men have discovered no technique for long preserving free government except that the Executive be under the law."

Even Justice Frankfurter, one of the most ardent exponents of the separation of powers, who expressed "every desire to avoid judicial inquiry into the powers and duties of the other two branches of government," concurred in the judgment of the Court, albeit "with the utmost unwillingness." He recognized: "To deny inquiry into the President's power in a case like this, because of the damage to the public interest to be feared from upsetting its exercise by him, would in effect always preclude inquiry into challenged power * * *." 343 U.S. at 596.

It is too late in our history to contend that this duty and competence of the Judiciary is inconsistent with the separation of powers, either in general or as applied to questions of evidentiary privilege. As the court of appeals held in *Nixon* v. *Sirica, supra*, 487 F. 2d at 715, such a claim, premised on the contention that the separation of powers prevents the courts from compelling particular action from the President or from reviewing his determinations, mistakes the true nature of our constitutional system. Focusing on the "separation" of functions in our tripartite system of government obscures a crucial point: the exercise by one branch of constitutional powers within its own competence frequently requires action by another branch within its field of powers. Thus, the Legislative Branch has the power to make the laws. Its enactments bind the Judiciary—unless unconstitutional — not only in decision of cases and controversies, but in the very procedures through which the Judiciary transacts its business.[35] Congress, in scores of statutes, regularly imposes legal duties upon the President.[36] The very essence of his constitutional function is the legal duty to carry out congressional mandates by taking "Care that the Laws be faithfully executed." Finally, the President may require action by the courts. The courts, for example, have a legal duty to give—and do give—effect to valid executive orders.[37] Where the President or an appropriate official institutes a legal action in his own name or that of the United States, a judge is compelled to grant the relief requested if in accordance with law.

We enjoy a well-functioning constitutional government because each branch is independent and yet acknowledges its duties in response to the functioning of others. "Checks and balances were established in order that this should be a "government of laws and not of men.' * * * The doctrine of separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power." *Myers* v. *United States*, 272 U.S. 52, 292–93 (Brandeis, J., dissenting). At the same time, as Mr. Justice Jackson explained in *Youngstown Sheet & Tube Co.* v. *Sawyer, supra*, 343 U.S. at 635 (concurring opinion):

"While the Constitution diffuses power the better to secure liberty, it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy but reciprocity."

Thus, there is no room to argue that the separation of powers makes each branch an island, alone unto itself. Despite the "separation of powers implications, the separation of powers doctrine has not previously prevented this Court from reviewing the acts" of a coordinate branch of the government when placed in issue in a case within the jurisdiction of the federal courts. *Doe* v. *McMillan, supra*, 412 U.S. at 318 n. 12.

B. THE JUDICIAL POWER TO DETERMINE THE LIMITS OF EXECUTIVE AUTHORITY WHEN NECESSARY TO RESOLVE A JUSTICIABLE CONTROVERSY INCLUDES THE POWER TO RESOLVE CLAIMS OF EXECUTIVE PRIVILEGE MADE WITH REGARD TO EVIDENCE SOUGHT BY THE PROSECUTOR FOR USE IN A PENDING CRIMINAL CASE

In applying the fundamental principle that the Judiciary, and not the Executive, has the ultimate responsibility for interpreting and applying the law in any justiciable case or controversy, the courts consistently have determined for themselves not only what evidence is admissible, but also what evidence must be produced, including, whether particular materials are appropriately subject to a claim of executive privilege. This issue, like questions of the constitutionality and meaning of statutes or executive orders, is one of the matters that a court has a duty to resolve authoritatively whenever their resolution is an integral part of the outcome of a case or controversy within the court's jurisdiction.[38]

The question was decided squarely in *United States* v. *Reynolds*, 345 U.S. 1, where the Executive Branch argued that "department heads have power to withhold any documents in their custody from judicial view if they deem it to be in the public interest," 345 U.S. at 6 (footnote omitted)—a position strikingly similar to the one advanced by counsel for the President. The case involved a Tort Claims Act suit arising out of the crash of a B–29 bomber testing secret electronic equipment. The plaintiffs sought discovery of the Air Force's official accident investigation report and the statements of the surviving crew members. Although this Court agreed that an evidentiary privilege covers military secrets, 345 U.S. at 6–7, 11, it held that "[t]he court itself must determine whether the circumstances are appropriate for the claim of privilege * * *. Judicial control over the evidence in a case cannot be abdicated to the caprice of executive officers." 345 U.S. at 8, 9–10 (footnote omitted). See also *Roviaro* v. *United States, supra*, 353 U.S. at 62.

Since the decision in *Reynolds*, every court of appeals that has confronted the question has rejected a claim of absolute executive privilege to withhold evidence merely upon the assertion by the Executive that disclosure would not be in the public interest. The Court of Appeals for the District of Columbia Circuit, for example, which has had the most frequent occasion to consider and discuss the issue, has noted that "this claim of absolute immunity for documents in the possession of an executive department or agency, upon the bald assertion of its head, is not sound law." *Committee for Nuclear Responsibility, Inc.* v. *Seaborg*, 463 F. 2d 783, 792 (1971). In recently reaffirming the validity of this decision, the court ruled *en blanc* that judicial determination "is not only consistent with, but dictated by, separation of powers doctrine." *Nixon* v. *Sirica, supra*, 487 F. 2d at 714.[39]

Even in the first case that firmly recognized a confidentiality privilege for "intra-agency advisory opinions," *Kaiser Aluminum & Chemical Corp.* v. *United States*, 157 F. Supp. 939 (1958),[40] the Court of Claims, in an opinion by Justice Reed, held that documents reflecting executive deliberations "are privileged from inspection as against public interest *but not absolutely*. * * * The power must lie in the courts to determine executive privilege in litigation." 157 F. Supp. at 946–47 (emphasis added). Thus, even in the embryonic stages of this relatively recently articulated version of "executive privilege," the courts recognized that the legitimate interests of the Executive do not require unreviewable discretion to shield its decisionmaking processes from scrutiny by the Judiciary. A similar conclusion has been reached by the courts of almost all other countries following the common law.[41]

In short, the President's assertion in the district court "that it is for the President of the United States, rather than for a court, to decide when the public interest requires that he exercise his constitutional privilege to refuse to produce information" flies in the face of an unbroken line of precedent.[42]

The uniform precedent of allocating to the Judiciary the determination of the applicability and scope of executive claims of privilege not to produce necessary evidence is supported by compelling arguments of policy. Certainly, there are legitimate interests in secrecy. But these interests are more than adequately protected by the qualified privilege defined and applied by the courts.[43] This Court, as we have noted, has adverted to the danger of abdicating objective judicial discernment "to the caprice of executive officers," *United States* v. *Reynolds, supra*, 345 U.S. at 9–10, and stated that "complete abandonment of judicial control would lead to intolerable abuses." 345 U.S. at 8. This is necessarily true because the Executive has an inherent conflict of interest when its actions are called into question if it is to decide whether evidence is to remain secret. Thus, in *Committee for Nuclear Responsibility, Inc.* v. *Seaborg, supra*, the Court of Appeals for the District of Columbia Circuit has emphasized a related rationale for denying absolute executive discretion to assert a binding confidentiality privilege: "executive absolutism cannot override the duty of the court to assure that an official has not exceeded his charter or flouted the legislative will." 463 F. 2d at 793. The court presciently stated (463 F. 2d at 794):

"[N]o executive official or agency can be given absolute authority to determine what documents in his possession may be considered by the court in its task. Otherwise the head of any executive department would have the power on his own say so to cover up all evidence of fraud and corruption when a federal court or grand jury was investigating malfeasance in office, and this is not the law."[44]

In a similar vein, the Court of Appeals for the Fifth Circuit recently noted:

"The granting or withholding of any privilege requires a balancing of competing pol-

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Footnotes at end of article.

icies. 8 Wigmore, § 2285 at 527–28. The claim of governmental privilege is no exception; in fact, the potential for misuse of government privilege, and the consequent diminution of information about government available to the public, is one more factor which strongly suggests the need for judicial arbitration of the availability of the privilege." *Carr* v. *Monroe Manufacturing Co., supra.* 431 F. 2d at 388.

We do not question the need for a qualified privilege to serve as an encouragement to the candid exchange of ideas necessary for the formulation of executive policy. Indeed, as the court of appeals held in *Nixon* v. *Sirica, supra,* 487 F. 2d at 717, such discussions are "presumptively privileged." But this case brings into high relief the dangers that would be posed by unbridled, absolute discretion to invoke executive privilege and underscores the wisdom of the rule vesting ultimate power in the courts to rule upon such claims when they are advanced in the context of judicial proceedings. President Nixon cannot be a proper judge of whether the greater public interest lies in disclosing the subpoenaed evidence for use at trial or in withholding it. He is now the subject of an impeachment inquiry by the Committee on the Judiciary of the House of Representatives, and the subpoenaed evidence may have a material bearing on whether he is impeached and, if impeached, whether he is convicted and removed from office. This is an issue to which he can hardly be indifferent. In addition, the Special Prosecutor, as prosecuting attorney for the United States, seeks the subpoenaed evidence in prosecuting the President's highest and closest aides and associates. The President is bound to them by the natural emotions of loyalty and gratitude.

Thus, in his Address to the Nation on April 30, 1973, announcing the resignation of defendants Haldeman and Ehrlichman, the President referred to them as "two of the finest public servants it has been my privilege to know." 9 Weekly Compilation of Presidential Documents 434 (May 7, 1973). And during a question-and-answer session between President Nixon and participants at the Associated Press Managing Editors Association annual convention on November 17, 1973, the President stated unequivocally: "* * * Mr. Haldeman and Mr. Ehrlichman had been and were dedicated, fine public servants, and I believe, it is my belief based on what I know now, that when these proceedings are completed that they will come out all right." 9 Weekly Compilation of Presidential Documents 1349 (November 26, 1973).

We call attention to these facts without disrespect to the President or his Office. But even if by extraordinary act of conscience, he could judge impartially the relative public advantages of secrecy and disclosure without regard to the consequences for himself or his associates, confidence in the integrity and impartiality of the legal system as between the high and the lowly still would be impaired through violation of the ancient precept that no man shall be a judge in his own cause. Compare *Ward* v. *Village of Monroeville,* 409 U.S. 57; *Mayberry* v. *Pennsylvania,* 400 U.S. 455; *Offutt* v. *United States,* 348 U.S. 11; 28 U.S.C. 455.

C. COURTS HAVE THE POWER TO ORDER THE PRODUCTION OF EVIDENCE FROM THE EXECUTIVE WHEN JUSTICE SO REQUIRES

When the court's duty to decide a case or controversy requires the court to determine the validity of a claim of executive privilege, the court has the concomitant power to order the production of the evidence from the Executive Branch when justice so requires. This Court's decision last Term in *Environmental Protection Agency* v. *Mink,* 410 U.S. 73, clearly establishes the proposition that the constitutional separation of powers does not give the Executive any constitutional immunity from judicial orders for the production of evidence. The plaintiffs there had sought access under the Freedom of Information Act to a report prepared for the President by the Undersecretaries Committee of the National Security Council on the proposed underground nuclear test on Amchitka Island. The government opposed the request partly upon the ground that the documents were exempt from disclosure as "inter-agency memorandums, or letters,"[45] arguing that the need to avoid disclosure of communications with the President was "particularly important." Brief for the Petitioners 39–40. Nevertheless, this Court remanded for a judicial determination of the claim of privilege; the opinion states explicitly that in opposing disclosure the government carried the burden of establishing "to the satisfaction of the District Court" that the documents were exempt from disclosure. 410 U.S. at 93. Significantly, the Freedom of Information Act expressly provides that "[i]n the event of noncompliance with the order of the court" to disclose material found unprivileged, the court may punish the responsible executive officer "for contempt." 5 U.S.C. 552(a)(3). Neither in *Mink* nor in any other decision has any doubt been expressed about the constitutional power of the court to enter a mandatory order for the production of evidence after a claim of executive privilege has been overruled by the court.

Other precedents confirm the existence of judicial power to require the production of evidence by executive officials when the court determines the evidence to be material and unprivileged. *United States* v. *Burr,* 25 Fed. Cas. 30 (No. 14,692d) (C.C.D. Va. 1807), of course, is an early and clear example involving evidence in the possession of the President sought for use in a federal criminal case. In *Bowman Dairy Co.* v. *United States,* 341 U.S. 214, 221, this Court treated contempt as a proper sanction against government counsel if he refused to obey a subpoena for the production of documents after the court rejected a claim of privilege. Similarly, while holding that an FBI agent could not properly be held in contempt for refusing to obey a subpoena to produce information for use in a state prisoner's habeas corpus action without permission from the Attorney General, the Court implicitly assumed, and Justice Frankfurter explicitly stated in his concurring opinion, that the Attorney General himself could be required to litigate the underlying claim of privilege in court. *United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462, 473. In private litigation the lower courts consistently have assumed the existence of power to enforce a subpoena for documents in the Executive Branch over a claim of privilege.[46]

Thus, Professor Charles Alan Wright, after explaining that—

> "The determination whether to allow the claim of [executive] privilege is then for the court * * *"

goes on to say that—

> "In private litigation refusal of a government officer to comply with a court order overruling a claim of executive privilege and ordering disclosure could lead to conviction for contempt * * *" 8 Wright and Miller. Federal Practice and Procedure § 2019, at 171–72 (1970) (footnotes omitted).

In some cases, it is true, the Executive Branch has been left free to decline to produce information if it is willing to suffer the loss of litigation in which it is a party. See, e.g., Alderman v. United States, 394 U.S. 165, 184; Jencks v. United States, 353 U.S. 657, 672; Roviaro v. United States, supra, 353 U.S. at 60–61; cf. Reynolds v. United States, supra, 345 U.S. at 12. But the existence of this remedial alternative in some cases does not support the proposition that the Executive rather than the courts has the final authority for determining whether, legally, a claim of privilege is well founded or not. Moreover, those decisions do not mark the limits of judicial power, for the underlying rationale in each was that the remedial "choice" fully protected the rights of the opposing party, the interests of the Executive and the integrity of the judicial process. In each case this Court recognized that the courts had the ultimate responsibility for passing upon the claim of privilege; only after the courts made the decisive determination could the government elect whether to sacrifice the case or produce the evidence found unprivileged.

In these "produce or dismiss" cases, the requirements of justice could be satisfied without compelling production of particular evidence sought by an adverse party, after judicial rejection of an executive claim of privilege, if the government preferred to accept the "remedy" of losing the case to which it was a party. See generally Rule 16(g), Federal Rules of Criminal Procedure; Rule 37(b), Federal Rules of Civil Procedure.

Where dismissal is not an adequate or proper remedy for the parties or is not consistent with judicial integrity, however, the "produce or dismiss" choice cannot be available to the Executive following a judicial ruling rejecting the claim of privilege. As the district court recognized in the present case, the subpoena *duces tecum* to the President here issued to a person who, "as a practical matter, is a third party" (App. 98A). The President has personal custody of evidence sought by the United States, through its attorney, for use in a preceeding in which the President is not a party. Clearly, a person who is not a party to the main lawsuit has no lawful "election" other than to comply with a judicial determination overruling his claim of a privilege to refuse to give material evidence. The cases have so held.[47]

Furthermore, there is no such election when the very object of the legal proceeding is to acquire the information. Thus, for example, in the Freedom of Information Act cases, it could not be seriously contended that the government had some option other than to disclose any information the court finally *determines* was unprivileged. Indeed, as we observed above, the Act itself specifically provides the sanction of contempt for such an attempt to flout the court's decision.

Most basically, the "produce or dismiss" option reflects a realistic accommodation of the requirements of substantive justice in litigation. But any reliance on an alleged Presidential option to cause dismissal of this criminal prosecution by standing on a claim of privilege, even if overruled by the courts, must be rejected out of hand as plainly insufficient to satisfy the needs of public justice. The seriousness of the charged offenses and the high offices held by those indicted brand that "solution" as impermissible. The President, himself subject to investigation with respect to the offenses charged in the indictment, is in no position to make the delicate judgment whether the greater public interest lies in producing the evidence and continuing the prosecution or abandoning the prosecution.

As we discussed above (pp. 27–39), under the regulations establishing the Watergate Special Prosecution Force as a quasi-independent office within the Department of Justice, the President has no authority directly—or through the Attorney General—to decide that the Watergate prosecution, *United States* v. *Mitchell, et al.,* should be abandoned. It would make a travesty out of the independent institution of the Special Prosecutor if the President could accomplish this objective by indirection—by claiming that the courts have no power to order the production of evidence in this criminal prosecution and insisting that the courts be content with posing the dilemma of "produce or dismiss."

Counsel for the President previously argued that "[i]n the exercise of his discretion

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Footnotes at end of article.

to claim executive privilege the President is answerable to the Nation but not the courts."[48] This assertion merely highlights the salutary effect of requiring the Executive to make its choice after the courts have adjudicated the relevant rights and obligations. Public responsibility cannot be fixed, however, until the alternatives are defined. Only then can the people, as the ultimate rulers, know who controlled the course of events and who took what decisions. The President cannot have it both ways: he cannot suggest that he could abort this investigation rather than comply with an order overruling his claim of privilege and use that hypothetical course to prevent the Court from ruling on the validity of the privilege claim itself. Unless and until the President attempts to exercise whatever powers he might have under the Constitution as Chief Executive to intervene directly in the conduct of this prosecution by the Department of Justice, as represented by the Special Prosecutor, and to procure the Special Prosecutor's dismissal and the countermanding of his conduct of the case, the President must allow the Special Prosecutor and the courts to conduct the prosecution in accordance with the regular processes of the law and without regard to any potential executive power to frustrate the administration of justice.

II. THE PRESIDENT IS NOT IMMUNE FROM JUDICIAL ORDERS REQUIRING THE PRODUCTION OF MATERIAL EVIDENCE FOR A CRIMINAL TRIAL

There is nothing in the position of the President, despite his status as Chief Executive, that deprives the courts of their constitutional power to resolve this dispute. The power to decide this case simply cannot differ because the President elected to take personal control of the subpoenaed evidence.

The Framers of our Constitution, concerned as they were about the abuses of royal prerogative, were very careful to provide for a Presidency with defined and limited constitutional powers and not the prerogatives and immunities of a sovereign. Under our Constitution, the people are sovereign, and the President, through Chief Executive and Chief of State, remains subject to the law.[49] Indeed, it is the very essence of the Presidential Office that it is subject to the commands of the law, for the President's basic governmental function is that of Chief Executive—whose duty it is to "take Care that the Laws be faithfully executed." It follows inexorably that in our system *even the President* is under the law.

No one would deny that every other officer of the executive branch is subject to judicial process,[50] and there is little basis in logic, policy or constitutional history for concluding that a matter becomes walled off from judicial authority simply because the President has elected to become personally involved in it. More basically, however, a true regard for the constitutional separation of powers compels the conclusion that the President himself is appropriately subject to judicial orders. It is the function of the courts to determine rights and obligations of public officers within the context of a justiciable controversy, including those of the President, and it is his sworn duty to "execute" those decisions. See *Cooper* v. *Aaron*, 358 U.S. 1. 12. It must follow that the courts have the power in appropriate cases to order even the President to perform a legal duty.

A. THE POWER OF THE COURTS TO ISSUE SUBPOENAS TO THE PRESIDENT, LONG RECOGNIZED BY THE COURTS, FLOWS FROM THE FUNDMENTAL PRINCIPLE THAT NO MAN IS ABOVE THE LAW

At the heart of the court's power to issue and enforce a subpoena *duces tecum* directed to the President of the United States lies the "longstanding principle 'that the public * * * has a right to every man's evidence.'" *Branzburg* v. *Hayes*, 408 U.S. 665, 688;[51] *cf. Watkins* v. *United States*, 354 U.S. 178, 187. This power, which in the context of the Watergate investigation and prosecution has proved essential to the full and impartial administration of justice, was upheld in *Nixon* v. *Sirica, supra*, 487 F. 2d at 708–12, a decision with which President Nixon willingly complied, rather than seek review in this Court. As the court of appeals recognized, "incumbency does not relieve the President of the routine legal obligations that confine all citizens." 487 F. 2d at 711. "The clear implication [of the *Burr* case] is that the President's special interests may warrant a careful judicial screening of subpoenas after the President interposes an objection, but that some subpoenas will nevertheless be properly sustained by judicial orders of compliance." 487 F. 2d at 710.

The holding of the court in *Nixon v. Sirica* is hardly a newfound principle wrought from the exigencies of Watergate. The authority to issue a subpoena *duces tecum* to a sitting President was recognized as early as 1807 by Chief Justice Marshall in *United States* v. *Burr*, 25 Fed. Cas. 30 (No. 14,692d) (C.C.D. Va.).[52] This landmark decision was noted with approval by this Court in *Branzburg* v. *Hayes*, *supra*, 408 U.S. at 689 n.26. Although Chief Justice Marshall acknowledged that the power was one to be exercised with attention both to the convenience of the President in performing his arduous duties and to the possibility that the public interest might preclude coercing particular disclosures, he utterly rejected any suggestion that the President, like the King of England, is absolutely immune from judicial process (25 Fed. Cas. at 34):

"Although he [the King] may, perhaps, give testimony, it is said to be incompatible with his dignity to appear under the process of the court. Of the many points of difference which exist between the first magistrate in England and the first magistrate of the United States, in respect to the personal dignity conferred on them by the constitutions of their respective nations, the court will only select and mention two. It is a principle of the English constitution that the king can do no wrong, that no blame can be imputed to him, that he cannot be named in debate. By the constitution of the United States, the president, as well as any other officer of the government, may be impeached, and may be removed from office on high crimes and misdemeanors. By the constitution of Great Britain, the crown is hereditary, and the monarch can never be a subject. By that of the United States, the president is elected from the mass of the people, and, on the expiration of the time for which he is elected, returns to the mass of the people again. How essentially this difference of circumstances must vary the policy of the laws of the two countries, in reference to the personal dignity of the executive chief, will be perceived by every person. In this respect the first magistrate of the Union may more properly be likened to the first magistrate of a state; at any rate, under the former Confederation; and it is not known ever to have been doubted, but that the chief magistrate of a state might be served with a subpoena ad testificandum."

The decisions in the *Burr* case and *Nixon* v. *Sirica* are premised on the theory that every citizen, no matter what his station or office, has an enforceable legal duty not to withhold evidence the production of which the courts determine to be in the public interest. Stated more broadly, and in more familiar terms, they flow from the premise that this is a government of laws and not of men. This Court summed up this fundamental precept of our republican form of government nearly a century ago in *United States* v. *Lee*, 106 U.S. 196, 220:

"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by acepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives."

The Steel Seizure Case is perhaps the most celebrated instance where this Court has reviewed the assertion of Presidential power. *Youngstown Sheet & Tube Co.* v. *Sawyer*, *supra*. As we noted above, President Truman concluded that a work stoppage at the Nation's steel mills during the Korean War "would immediately jeopardize and imperil our national defense." In directing the Secretary of Commerce to seize certain of the mills, the President asserted that he "was acting within the aggregate of his constitutional powers as the Nation's Chief Executive and the Commander in Chief of the Armed Forces of the United States." 343 U.S. at 582. District Judge Holtzoff denied a temporary restraining order on the ground that what was involved was the action of the President and that the courts should not enjoin Presidential action. Judge Pine, however, granted a preliminary injunction. This Court, deciding "whether *the President* was acting within his constitutional power" (343 U.S. at 582, emphasis added), upheld the preliminary injunction. In doing so, there was no doubt expressed that the Court could adjudicate the claim that the President had no constitutional power to issue the Executive Order. Nor, after reading the opinions of the Court, can there be any question that the Court would have granted relief against the President if he had directly ordered the seizure of the mills rather than acting through the Secretary of Commerce.[53] See, *e.g.*, 343 U.S. at 585.

The Executive's claim of total immunity from judicial decrees is not a new one. In *Land* v. *Dollar, supra*, the Court of Appeals for the District of Columbia Circuit held Secretary of Commerce Sawyer and Acting Attorney General Perlman and subordinate executive officials in civil contempt for failing to comply with a final order requiring them to deliver full and effective possession of certain stock to the prevailing litigant. They attempted to justify their conduct in part on the ground that they were following the directive of the President to Secretary Sawyer "to continue to hold this stock on behalf of the United States" and they further asserted "that, even though the courts determine that a specific action is not within the official capacity of an executive officer, he is immune from compulsion by the courts in respect to that action." 190 F. 2d at 639. The court of appeals rejected the argument in the most emphatic terms (*ibid.*):

"To claim that the executive has such power [to hold the shares despite the decree] is to claim the total independence of the executive from judicial determinations in justiciable cases and controversies. To characterize such judicial determinations as illegal coercion of the executive is to deny one of the fundamental concepts of our government."

Although there have been a few notorious instances in our history in which Presidents have refused to give appropriate force to judicial decrees, or are reputed to have made disdainful statements about the decisions, none involved direct disobedience of a court order. More importantly, it is the judgment of history that those were essentially lawless departures from the constitutional norm.[54] The responsible constitutional position was expressed by President Truman—a defender of a strong Executive—in announcing that he would comply with an order of this Court in the Steel Seizure Case if it went against him.

Footnotes at end of article.

despite his claim of constitutional power to order the seizure. The President's position was stated through Senator Hubert Humphrey, who quoted the President as saying he would "rest his case with the courts of the land." The President was further quoted as saying:

"I am a constitutional President and my whole record and public life has been one of defense and support of the Constitution."

New York Times, April 29, 1952, p. 1, col. 3. A report of a later press conference with President Truman on this issue stated:

"Asked whether he had been quoted correctly in saying that he would accept the Supreme Court's decision on seizure, the President said certainly—he had no ambition to be a dictator."

New York Times, May 2, 1952, p. 1, col. 5. Of course, when this Court later rejected the constitutional bases for President Truman's action, he complied with the decision, in deference to the principle that even in the gravest matters, the President is under the law.

B. THERE IS NO BASIS EITHER IN THE CONSTITUTION OR IN THE INTENT OF THE FRAMERS FOR CONFERRING ABSOLUTE IMMUNITY ON THE PRESIDENT

The decisions in the *Burr* case and *Nixon* v. *Sirica* are in accord with settled decisions of this Court and others. They establish principles that faithfully reflect what historical evidence shows was the intent of the Framers. Contrasted with the explicit privileges in Article I for Congress, no comparable privileges or immunities were specified for the President or Executive Branch in Article II, even though they had been commonplace for the King. The Founding Fathers were keenly aware of the dangers of executive power. Even James Wilson, who favored a strong Executive,[55] rejected "the Prerogatives of the British Monarch as a proper guide in defining the Executive powers."[56] He stated at the Pennsylvania Ratification Convention:

"The executive power is better to be trusted when it has no screen. Sir, we have a responsibility in the person of our President; he cannot act improperly, and hide either his negligence or inattention; he cannot roll upon any other person the weight of his criminality * * *. And to all this, that officer is placed high, and is possessed of power far from being contemptible; yet not a *single privilege* is annexed to his character * * *."[57]

One might infer quite plausibly from the specific grant of official privileges to Congress that no other constitutional immunity from normal legal obligations was intended for government officials or papers. Indeed, Charles Pinckney stated in the Senate on March 5, 1800, speaking of the express congressional privilege from arrest:

"They [the Framers] well knew how oppressively the power of undefined privileges had been exercised in Great Britain, and were determined no such authority should ever be exercised here. * * *

* * * * *

"No privilege of this kind was intended for your Executive, nor any except that which I have mentioned for your Legislature."[58]

The teaching of history is thus persuasive against the claim of an absolute Presidential prerogative to be immune from the judicial process. The Court of Appeals for the District of Columbia Circuit recognized this in rejecting President Nixon's claim of absolute immunity from a grand jury subpoena *duces tecum* (*Nixon* v. *Sirica, supra*, 487 F. 2d at 711):

The Constitution makes no mention of special presidential immunities. Indeed, the Executive Branch generally is afforded none. * * * Lacking textual support, counsel for the President nonetheless would have us infer immunity from the President's political mandate, or from his vulnerability to impeachment, or from his broad discretionary powers. These are invitations to refashion the Constitution, and we reject them."

Similarly, a special panel composed of Senior Circuit Judges Johnsen, Lumbard and Breitenstein, speaking for the Seventh Circuit in connection with the prosecution of Circuit Judge Otto Kerner, recently rejected his argument, similar to the one made by counsel for the President, that the constitutional provision for impeachment (Art. I, Sec. 3, cl. 7) implicitly confers immunity on civil officers from the criminal process prior to impeachment and removal from office, *United States* v. *Isaacs and Kerner*, 493 F. 2d 1124 (7th Cir. 1974), cert. denied, ———U.S.——— (June 17, 1974). The court concluded (493 F. 2d at 1144):

"[W]hatever immunities or privileges the Constitution confers for the purpose of assuring the independence of the co-equal branches of government they do not exempt the members of those branches "from the operation of the ordinary criminal laws." Criminal conduct is not part of the necessary functions performed by public officials. Punishment for that conduct will not interfere with the legitimate operations of a branch of government."

The fact that the President is the *head* of the Executive Branch does not render these principles inapplicable here.[59] "We have no officers in this government from the President down to the most subordinate agent, who does not hold office under the law, with prescribed duties and limited authority." *The Floyd Acceptances*, 7 Wall (74 U.S.) 666, 676–77.

C. THE COURTS CAN ISSUE PROCESS TO THE PRESIDENT WHERE, AS HERE, IT DOES NOT INTERFERE WITH HIS EXERCISE OF DISCRETIONARY POWER BUT MERELY REQUIRES MINISTERIAL COMPLIANCE WITH A LEGAL DUTY

The argument that the President is immune from process is sometimes rested upon a misreading of *Mississippi* v. *Johnson*, 4 Wall. (71 U.S.) 475.[60] In that case the State of Mississippi sought leave to file an original bill to enjoin President Johnson from enforcing the Reconstruction Acts, which provided for reconstitution of the governments of the erstwhile Confederacy. Because the President was named as a defendant in the bill, this Court heard argument upon the question of jurisdiction before the bill was filed. instead of reserving the question to a later stage.[61] Attorney General Stanbery argued to the Court that the President is "above the process of any court," asserting that "[h]e represents the majesty of the law and of the people as fully and as essentially, and with the same dignity, as does any absolute monarch or the head of any independent government in the world." 4 Wall. at 484.

Faithful to the tradition that in the United States no man and no office are above the law, this Court refused to accept the Attorney General's claim of royal immunity for the President of the United States (4 Wall at 498). Rather, it held that it had "no jurisdiction of a bill to enjoin the President in the performance of his official duties" (4 Wall. at 501), distinguishing the power of the courts to require the President to perform a simple ministerial act from an attempt to control the exercise of his broad constitutional discretion (4 Wall. at 499):

"In each of these cases [involving ministerial duties] nothing was left to discretion. There was no room for the exercise of judgment. The law required the performance of a single specific act; and that performance, it was held, might be required by mandamus.

"Very different is the duty of the President in the exercise of the power to see that the laws are faithfully executed, and among these laws the acts named in the bill. * * * The duty thus imposed on the President is in no just sense ministerial. It is purely executive and political."

Mississippi v. *Johnson* arose shortly after the Civil War, when there was a bitter political conflict over the proper national policy to be followed in dealing with the secessionist States. In declining to exercise its original jurisdiction over an equitable suit brought by a State seeking to enjoin the President from enforcing congressional policy, the Court had no occasion to decide that *no* federal court could ever issue *any* order to the President, and the Court was careful to leave upon the question of the President's amenability to the judicial process where only a clear legal duty, rather than the exercise of discretionary political judgment, is involved, as in the present case.

Shortly after the decision in *Mississippi* v. *Johnson*, the Court also declined jurisdiction of similar bills naming the Secretary of War or a military commander as respondent, *Georgia* v. *Stanton*, 6 Wall. (73 U.S.) 50. Their disposition is further proof that it was the character of the question presented and not the identity of the respondent that determined the issue in *Mississippi* v. *Johnson*. In the words of Chief Justice Marshall, "[i]t is not by the office of the person to whom the writ is directed, but the nature of the thing to be done, that the propriety or impropriety of issuing a mandamus is to be determined." *Marbury* v. *Madison, supra*, v. *Cranch* at 170.

Later cases have confirmed that *Mississippi* v. *Johnson* did not turn on the fact that the respondent was the President, but was an early expression of the non-justiciability of "political questions."[62] This Court has cited the decision as an example of instances where the Court has refused "to entertain * * * original actions * * * that seek to embroil this tribunal in 'political questions.'" *Ohio* v. *Wyandotte Chemicals Corp.*, 401 U.S. 493, 496.

The crucial jurisdictional issue, then, is not the identity of the executive officer of the physical power to secure compliance with judicial orders,[63] but the Court's ability to resolve authoritatively the conflicting claims of legal rights and obligations. See *Baker* v. *Carr, supra*, 369 U.S. at 208–237. The Judiciary, of course, must be circumspect in issuing process against the President to avoid interference with the proper discharge of his executive functions. For example, it might not be proper, in the absence of strong necessity, to require the President to appear personally before a court if that appearance would interfere with his schedule or the performance of his duties. Similarly, the courts should not saddle the Chief Executive with requests that are administratively burdensome. Compare *United States* v. *Burr*, 25 Fed. Cas. 30, 34 (No. 14,692d) (C.C.D. Va. 1807). The court's discretionary power to control its own process and grant protective orders provides adequate safeguard against undue imposition on the President's time. Beyond that, there may be some Presidential acts that are beyond the court's ken entirely, such as his exercise of discretionary constitutional powers that implicate "political questions." See *Mississippi* v. *Johnson, supra*, 4 Wall. at 499–501; *Marbury* v. *Madison, supra*, 1 Cranch at 165–66, 170. See also *National Treasury Employees Union* v. *Nixon*, 492 F. 2d 587, 606 (D.C. Cir. 1974).

But the question here is very different. The Court is called upon to adjudicate the obligation of the President, as a citizen of the United States, to cooperate with a criminal prosecution by performing the solely ministerial task of producing specified recordings and documentary evidence. This Court has defined "ministerial duty" as "one in respect to which nothing is left to discretion. It is a simple, definite duty, arising under conditions admitted or proved to exist, and imposed by law." *Mississippi* v. *Johnson, supra*, 4 Wall. at 498. Judge Fahy, noting that "the word 'ministerial' is not sufficient-

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Footnotes at end of article.

ly expressive to denote adequately every situation into which the courts may enter," added, however, that "a duty often becomes ministerial only after a court has reached its own judgment about a disputable legal question and its application to a factual situation." *Seaton* v. *Texas Co.*, 256 F. 2d 718, 723 (D.C. Cir. 1958). As we have shown above. the courts, and not the Executive, must decide the existence *vel non* of a privilege for evidence material to a criminal prosecution. A decision overruling the claim will be as fully binding on the President as it would be upon a subordinate executive officer who had custody or control of the subpoenaed evidence.[64]

III. THE CONVERSATIONS DESCRIBED IN THE SUBPOENA RELATING TO WATERGATE LIE OUTSIDE THE EXECUTIVE PRIVILEGE FOR CONFIDENTIAL COMMUNICATIONS

The President, in his Formal Claim of Privilege submitted to the court below, asserted that the items in the subpoena, other than the portions of twenty conversations already made public:

"Are confidential conversations between a President and his close advisors that it would be inconsistent with the public interest to produce. Thus I must respectfully claim privilege with regard to them to the extent that they may have been recorded, or that there may be memoranda, papers, transcripts, or other writings relating to them."

The President was relying, of course, on "the longstanding judicial recognition of Executive privilege * * * [for] 'intra-governmental documents reflecting * * * deliberations comprising part of a process by which governmental decisions and policies are formulated.' "[65] *Nixon* v. *Sirica, supra*, 487 F. 2d at 713.

The President made a similar claim in response to the grand jury's subpoena *duces tecum* at issue in the earlier litigation involved in *Nixon* v. *Sircia.*[66] His counsel argued to the court that the "threat of potential disclosure of any and all conversations would make it virtually impossible for President Nixon or his successors in that great office to function."[67] Counsel argued further that the President's absolute prerogative to withhold information "reaches any information that the President determines cannot be disclosed consistent with the public interest and the proper performance of his constitutional duties."[68] Within the contours of the instant case, counsel for the President in effect poses the following question for the Court: Shall guilt or innocence in the criminal trials of former White House aides be determined upon full consideration of all the evidence found relevant, competent and unprivileged by due process of law? Or shall the evidence from the White House be confined to what a single person, highly interested in the outcome, is willing to make available?

By urging upon the courts the absolute, unreviewable discretion of the President to withhold evidence from the trial in *United States* v. *Mitchell, et al.*, counsel for the President seemingly ignores the principle, articulated by Justice Reed, that executive privilege is granted "for the benefit of the public." *Kaiser Aluminum & Chemical Corp.* v. *United States, supra*, 157 F. Supp. at 944. Ultimately, the public interest must govern whether or not particular items are disclosed. When the participants in Presidential conversations are themselves subject to indictment and the subject matter of the conversations is material to the issues to be tried upon the indictment, denying the courts access to recordings of the conversations impedes the due administration of justice.

Moreover, production of the evidence sought, even upon order of the court, does not threaten wholesale disclosure of Presidential documents either now or in the future. It bears repeating that this is a case in which the other participants in the conversations are subject to indictment. The conversations covered by the present subpoena are demonstrably important—as the trial court below found—to defining the extent of the conspiracy in terms of time, membership, and objectives. Surely there will be a few instances, if ever, where there are similar concrete circumstances warranting intrusion into an otherwise privileged domain of conversations involving the President and his aides. Thus, any slight risk that future conversations may be disclosable under such a standard hardly will intimidate Presidential aides in giving open and candid advice. Furthermore, the desirable public policy of encouraging frank advice to governmental officials does not and cannot depend on any expectation of absolute confidentiality. It is almost commonplace in our system for former officials, including Presidents, promptly to publish their memoirs, frequently based on documents reflecting governmental deliberations.[69] This is a generally understood phenomenon, and it is unthinkable that the court's entitlement to important evidence must be relegated to a lower priority.

Under these circumstances, the district court properly rejected the claim of privilege (Pet. App. 20), holding that the "Special Prosecutor's submissions * * * constitute a *prima facie* showing adequate to rebut the presumption [of privilege] in each instance, and a demonstration of need sufficiently compelling to warrant judicial examination in chambers incident to weighing claims of privilege where the privilege has not been relinquished." The court followed the "settled rule" that "the court must balance the moving party's need for the documents in the litigation against the reasons which are asserted in defending their confidentiality." *Committee for Nuclear Responsibility, Inc.* v. *Seaborg, supra*, 463 F. 2d at 791. See also *United States* v. *Reynolds, supra*, 345 U.S. at 11; *Nixon* v. *Sirica, supra*, 487 F. 2d at 716; cf. *Doe* v. *McMillan, supra*, 412 U.S. at 320.

Although the court below followed the "settled rule" of balancing particular need against the specific interest in confidentiality, that rule becomes applicable only where the "presumptive privilege" for the materials has not been vitiated by other factors. In the present case, there are two additional grounds for overruling the asserted privilege, each of which shows that the subpoenaed material has lost its character as "presumptively privileged." First, the interest in confidentiality is never sufficient to support an official privilege where, as here, there is a *prima facie* showing that the subpoenaed materials cover conversations and activities in furtherance of a criminal conspiracy; thus, Watergate-related conversations are not even covered by the presumptive privilege recognized in *Nixon* v. *Sirica, supra*, 487 F. 2d at 717. Second, as we show in Part IV below, to the extent that the subpoenaed conversations relating to Watergate are deemed covered by some presumptive executive privilege, any claim to continued secrecy has been waived as a matter of law by the extensive testimony and public statements of participants, given with the President's consent, concerning these conversations and by the President's recent release of transcripts of forty-three Presidential conversations dealing with these issues.

Before turning to the discussion of the independent grounds for overruling the President's claim of privilege, we briefly mention two basic principles that should guide this Court's determination. First, whether particular documents or other materials are privileged in the context of a criminal prosecution is *for judicial determination*—upon the extrinsic evidence if sufficient, but otherwise upon *in camera* inspection (see Part I(A), *supra*). Second, in making this determination, the Court must construe the privilege strictly. Evidentiary privileges generally are "an obstacle to the administration of justice" (8 Wigmore § 2192, at 73), and, "so many derogations from [the] positive general rule" that the public has a right to every man's evidence (*id.*, at 70), they must be confined to the narrowest limits justified by their underlying policies.[70] "To hold otherwise would be to invite gratuitous injury to citizens for little if any public purpose." *Doe* v. *McMillan, supra*, 412 U.S. at 316–17. Such strictness in application of executive privilege conforms to the ideas of the Founding Fathers, who were keenly aware of the dangers of Executive secrecy.[71]

A. EXECUTIVE PRIVILEGE BASED UPON A NEED FOR CANDOR IN GOVERNMENTAL DELIBERATIONS DOES NOT APPLY WHERE THERE IS A PRIMA FACIE SHOWING THAT THE DISCUSSIONS WERE IN FURTHERANCE OF A CONTINUING CRIMINAL CONSPIRACY

As stated above, the only privilege relied upon by the President stems from his assertion that the "items sought are confidential conversations between a President and his close advisers." We freely concede that a qualified or "presumptive" privilege normally attaches to "intra-governmental documents reflecting advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated." *Carl Zeiss Stiftung* v. *V.E.B. Carl Zeiss, Jena*, 40 F.R.D. 318, 324 (D.D.C. 1966), aff'd on opinion below, 384 F. 2d 979 (D.C. Cir. 1967), cert. denied, 389 U.S. 952. But there can be no valid public policy affording the protection of executive privilege where there is a *prima facie* showing that the officials participating in the deliberations did so as part of a continuing criminal plan. In this case, where the grand jury has voted the Special Prosecutor the authority to identify the President himself as an unindicted co-conspirator in the events charged in the indictment and covered by the government's subpoena, there is such a *prima facie* showing and the President is foreclosed from invoking a privilege that exists only to protect and promote the legitimate conduct of the Nation's affairs.

The qualified privilege for governmental deliberations is based on "two important policy considerations * * *: encouraging full and candid intra-agency discussion, and shielding from disclosure the mental processes of executive and administrative officers."[72] *International Paper Co.* v. *Federal Power Commission*, 438 F. 2d 1349, 1358–59 (2d Cir. 1971), cert. denied, 404 U.S. 827. The privilege, however, whether in the context of intra-agency communications or in the context of deliberations at the highest level of the Executive Branch, exists only to promote the legitimate functioning of government. It cannot serve as a cloak to protect those charged with criminal wrong-doing. Executive privilege is granted "for the benefit of the public, not of executives who may happen to then hold office." *Kaiser Aluminum & Chemical Corp.* v. *United States, supra*, 157 F. Supp. at 944.

This is a familiar principle in the law of evidentiary privileges generally. For example, a client may not hide behind the attorney-client privilege and prevent his attorney from being required to disclose plans of continuing criminal activity even though told to him in confidence. See, *e.g.*, *United States* v. *Aldridge*, 484 F. 2d 655 (7th Cir. 1973); *United States* v. *Rosenstein*, 474 F. 2d 705 (2d Cir. 1973); *United States* v. *Shewfelt*, 455 F. 2d 836 (9th Cir. 1972), cert. denied, 406 U.S. 944; *United States* v. *Bartlett*, 449 F. 2d 700 (8th Cir. 1971), cert. denied, 405 U.S. 932; *Garner* v. *Wolfinbarger*, 430 F. 2d

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Footnotes at end of article.

1093 (5th Cir. 1970), cert. denied, 401 U.S. 974. Similarly, the courts have refused to recognize any privilege not to disclose communications by a patient which were not for the legitimate purpose of enabling the physician to prescribe treatment. See 8 Wigmore § 2383; McCormick, *Evidence* § 100 (2d ed. 1972). Even the privilege against disclosing marital communications or jury deliberations has been overruled when such communications were in furtherance of fraud or crime. See, *e.g., United States* v. *Kahn*, 471 F. 2d 191 (7th Cir. 1972), cert. denied, 411 U.S. 986. See generally Note, *Future Crime or Tort Exception to Communications Privileges*, 77 Harv. L. Rev. 730 (1964).

The Speech or Debate Clause provides a compelling illustration of this principle. That clause confers an explicit constitutional privilege on members of Congress in order to promote candid and vigorous deliberations in the Legislative Branch.[73] Like executive privilege, which is based upon the same underlying policies and interests, "[t]he immunities of the Speech or Debate Clause were not written into the Constitution simply for the personal or private benefit of Members of Congress, but to protect the integrity of the legislative process." *United States* v. *Brewster, supra,* 408 U.S. at 507. The purpose of the Clause was to "assure a co-equal branch of the government-wide freedom of speech, debate and deliberation without intimidation or threats from the Executive Branch." *Gravel* v. *United States, supra,* 408 U.S. at 616. But even through the Clause protects a legislator in the performance of legislative acts, "it does not privilege either Senator or aide to violate an otherwise valid criminal law in preparing for or implementing legislative acts." *Gravel* v. *United States, supra,* 408 U.S. at 626. See also *Tenney* v. *Brandhove,* 341 U.S. 367, 376 (legislative immunity is restricted to "the sphere of legitimate legislative activity"). Thus, both the legislator and his aide may be compelled to give evidence in that situation, notwithstanding the explicit privilege. See also *Doe* v. *McMillan, supra.*

Similarly, discussions within the Executive Branch which are in furtherance of a criminal conspiracy cannot be subsumed within executive privilege. The privilege, which is limited by its underlying public purpose, see, *e.g., Halpern* v. *United States, supra,* 258 F. 2d at 44, does not extend beyond the transaction of legitimate official activities so as to protect conversations that constitute evidence of official misconduct or crime. In *Rosee* v. *Board of Trade,* 36 F.R.D. 684, 690 (N.D. Ill. 1965), for example, the court overruled a claim of executive privilege invoked in the face of a substantiated charge of official misconduct where the party seeking the evidence showed "(1) that there is a reasonable basis for his request and (2) that the defendant government agents played some part in the operative events."[74] When the governmental processes which are fostered and protected by a privilege of confidentiality are abused or subverted, the reasons for secrecy no longer exist and the privilege is lifted.

Executive privilege compares in this respect to executive immunity. A government official, of course, may not be held liable for damages in a civil action for the consequences of acts within the scope of his official duties. *Barr* v. *Matteo,* 360 U.S. 564. This immunity, like privilege, has been considered necessary to foster "the fearless, vigorous, and effective administration of policies of government." 360 U.S. at 571. But the immunity does not shield him for acts "manifestly or palpably beyond his authority." *Spalding* v. *Vilas,* 161 U.S. 483, 498. See also *Doe* v. *McMillan, supra; Bivens* v. *Six Unknown Federal Bureau of Narcotics Agents,* 456 F. 2d 1339 (2d Cir. 1972). And, as in the present case, the policy underlying executive immunity does not permit it to reach "so far as to immunize criminal conduct. * * *" *O'Shea* v. *Littleton, supra,* ——— U.S. at ——— (42 U.S.L.W. at 4144).

The Court of Appeals for the District of Columbia Circuit vividly highlighted the essence of this principle when it explained why the courts must not feel bound by the assertion of executive privilege but must instead scrutinize the propriety of the claim. "Otherwise," the court said, "the head of any executive department would have the power on his own say so to cover up all evidence of fraud and corruption when a federal court or grand jury was investigating malfeasance in office, and this is not the law." *Committee for Nuclear Responsibility, inc.* v. *Seaborg, supra,* 463 F. 2d at 794.

Justice Cardozo gave an eloquent statement of why this is not the law in *Clark* v. *United States,* 289 U.S. 1, an analogous case dealing with the secrecy normally attaching to a jury's deliberations. Speaking for a unanimous Court, he recognized that the privilege, based upon a need for confidentiality, is generally valid: "Freedom of debate might be stifled and independence of thought checked if jurors were made to feel that their arguments and ballots were to be freely published to the world." 289 U.S. at 13. But Justice Cardozo also held that such a privilege, like other priviliges based on the desirability of encouraging candid discourse and interplay, is subject to "conditions and exceptions" when there are other policies "competing for supremacy. It is then the function of the court to mediate between them." *Ibid.* The Court then held that where there is a "showing of a *prima facie* case" (289 U.S. at 14) that the relation has been tainted by criminal misconduct, the interest in confidentiality must yield. The Court held that the jury's privilege of confidentiality is dissipated if there is "evidence, direct or circumstantial, that money has been paid to a juror in consideration of his vote" (289 U.S. at 14). Justice Cardozo reasoned (*ibid.*):

"The privilege takes as its postulate a genuine relation, honestly created and honestly maintained. If that condition is not satisfied, if the * * * juror may not invoke a relation dishonestly assumed as a cover and cloak for the concealment of the truth."

The Court then drew an analogy to the attorney-client privilege, one of the most venerable privileges in the law, and emphasized: "The privilege takes flight if the relation is abused." 289 U.S. at 215.[75]

1. *The grand jury's finding is valid and is sufficient to show prima facie that the President was a co-conspirator*

The present case is governed by these principles, as articulated in cases like *Clark.* On February 25, 1974, in the course of its consideration of the indictment in *United States* v. *Mitchell, et al.,* the grand jury, by a vote of 19–0, determined that there is probable cause to believe that Richard M. Nixon (among others) was a member of the conspiracy to defraud the United States and to obstruct justice charged in Count I of the indictment. The grand jury authorized the Special Prosecutor to identify Richard M. Nixon (among others) as an unindicted co-conspirator in connection with subsequent proceedings in *United States* v. *Mitchell, et al.* The district court below, denying the President's motion to expunge the grand jury's finding, ruled that this finding is relevant "to a determination that the presumption of privilege is overcome" (Pet. App. 23).

The grand jury's authorization to the Special Prosecutor constitutes the requisite *prima facie* showing to negate any claim of executive privilege for the subpoenaed conversations relating to Watergate and is binding on the courts at this stage of the proceedings in *United States* v. *Mitchell, et al.* As this Court held in *Ex Parte United States,* 287 U.S. 241, 250, the vote of a "properly constituted grand jury conclusively determines the existence of probable cause * * *."[76] Despite the President's contention in No. 73-1834, therefore, the district court properly refused to expunge this finding.[77]

Each of the principal participants in the subpoenaed conversations has been identified by the grand jury as a co-conspirator, and, as demonstrated by the showing in the Appendix submitted to the district court below in opposition to the President's motion to quash, it is probable that each of the subpoenaed conversations includes discussions in furtherance of the conispiracy charged in the indictment. Thus, there is no room to argue that the subpoenaed conversations are subject to a privilege that exists to protect the public's legitimate interests in effective representative government. The grand jury has returned an indictment charging criminal conduct by high officials in the Executive Branch, and the public interest requires no less than a trial based upon *all* relevant and material evidence relating to the charges.

In opposing the grand jury's subpoena *duces tecum,* counsel for the President argued that despite any showing that statements in the course of Presidential conversations were made in furtherance of a conspiracy to obstruct justice, the general principle of confidentiality must be maintained in order to assure the effective functioning of the Presidential staff system. An analogous argument was made in *Clark* and decisively rejected by this Court in a passage we are constrained to quote at length (289 U.S. at 16):

"With the aid of this analogy [to the attorney-client privilege] we recur to the social policies competing for supremacy. A privilege surviving until the relation is abused and vanishing when abuse is shown to the satisfaction of the judge has been found to be a workable technique for the protection of the confidences of client and attorney. Is there sufficient reason to believe that it will be found to be inadequate for the protection of a juror? No doubt the need is weighty that conduct in the jury room shall be untrammeled by the fear of embarrassing publicity. The need is no less weighty that it shall be pure and undefiled. A juror of integrity and reasonable firmness will not fear to speak his mind if the confidences of debate are barred to the ears of mere impertinence or malice. He will not expect to be shielded against the disclosure of his conduct in the event that there is evidence reflecting upon his honor. The chance that now and then there may be found some timid soul who will take counsel of his fears and give way to their repressive power is too remote and shadowy to shape the course of justice. It must yield to the overmastering need, so vital in our polity, of preserving trial by jury in its purity against the inroads of corruption."

It is hard to imagine a stronger need for piercing the cloak of confidentiality than in the present case. Requiring production of the evidence under these circumstances presents only a minimal threat to a President's ability to obtain advice from his aides with complete freedom and candor, for surely there will be few occasions where there is probable cause to believe that conversations in the Executive Office of the President occurred during the course of and in furtherance of a criminal conspiracy. Counsel cannot seriously claim that the aides of any future President will be so "timid" in the face of such a remote danger of disclosure of their advice, or that some small risk of reticence is too great a price to pay to preserve the President's Office "against the inroads of corruption." In light of the grand jury's finding of probable cause to believe that the President was a co-conspirator in the indictment charging a conspiracy to de-

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Footnotes at end of article.

fraud the United States and obstruct justice and the showing by the Special Prosecutor that the subpoenaed conversations in all probability occurred during the course of and in furtherance of the conspiracy, the conversations relating to Watergate cannot be shielded by a privilege designed to protect the objective, candid, and honest formulation of policy in government affairs.[78]

B. THE PUBLIC INTEREST IN DISCLOSURE OF RELEVANT CONVERSATIONS FOR USE AT TRIAL IN THIS CASE IS GREATER THAN THE PUBLIC INTEREST SERVED BY SECRECY

Even apart from the *prima facie* showing that the President and the other participants in the subpoenaed conversations were co-conspirators, the claim of privilege cannot stand here. Executive privilege, unlike personal privileges (for example, the privilege against self incrimination) is an official privilege, granted for the benefit of the public, not of executives who may happen to hold office. Thus, when this privilege is asserted in a judicial proceeding as a reason for refusing to produce evidence, the overall public interest, as determined by the Judiciary, must control. It is now settled law "that application of Executive privilege depends on a weighing of the public interest protected by the privilege against the public interests that would be served by disclosure in a particular case." *Nixon* v. *Sirica, supra,* 487 F. 2d at 716. See, *e.g., United States* v. *Reynolds, supra,* 345 U.S. at 11; *Carr* v. *Monroe Manufacturing Co., supra,* 431 F. 2d at 388; cf. *Doe* v. *McMillan, supra,* 412 U.S. at 320.

Where the courts are left with the firm and abiding conviction that the public interest requires disclosure, particularly where disclosure does not pose any discernible threat to the interests protected by secrecy, the privilege must give way. Accordingly, even if the subpoenaed conversations here remain "presumptively privileged," despite the *prima facie* showing of the President's complicity, the privilege must yield. There is a compelling public interest in the availability of all relevant and material evidence for the trial of the charges in *United States* v. *Mitchell, et al.,* involving as they do a conspiracy to defraud the United States and obstruct justice by high government officials. The subpoenaed conversations consist of discussions by the defendants or other co-conspirators about the subject matter of the alleged conspiracy: Watergate. Such evidence is obviously of fundamental importance. Moreover, the public interest in continued secrecy is vastly diminished, if not nonexistent, in the wake of the extensive testimony on this subject permitted by the President and of the President's recent release of transcripts of parts of forty-three Presidential conversations relating to Watergate, including parts of twenty of the subpoenaed conversations.

1. The balancing process followed by the district court accords with decisions of this Court

In holding that the applicability of executive privilege depends upon a weighing of competing interests, the court in *Nixon* v. *Sirica* relied upon Chief Justice Marshall's decision in the misdemeanor trial of Aaron Burr. *United States* v. *Burr,* 25 Fed. Cas. 187 (No. 14,694) (C.C.D. Va. 1807). The Chief Justice, at the request of Burr, issued a subpoena *duces tecum* to the United States Attorney, who had possession of a letter written to President Jefferson by General Wilkinson.[79] In his return, the United States Attorney surrendered a copy of the letter "excepting such parts thereof as are, in my opinion, not material for the purposes of justice, for the defence of the accused, or pertinent to the issue now about to be joined." 25 Fed. Cas. at 190. In ruling that only the President could assert "motives for declining to produce a particular paper" in such a situation, the Chief Justice did recognize "that the president might receive a letter which it would be improper to exhibit in public, because of the manifest inconvenience of its exposure." 25 Fed. Cas. at 191–92. The Chief Justice, however, clearly contemplated that the court could require production even though the President's showing was entitled to "much reliance": "The occasion for demanding it ought, in such a case, to be very strong, and to be fully shown to the court before its production could be insisted on." 25 Fed. Cas. at 192.[80]

Similarly, this Court in *Reynolds, supra,* held that a claim of privilege may be rejected upon a sufficient showing (345 U.S. at 11):

> "Where there is a strong showing of necessity, the claim of privilege should not be lightly accepted."

In reversing the lower court decisions which would have required *in camera* inspection to determine whether the privilege should be upheld, this Court held merely that there had only been a "dubious" showing of necessity for access to confidential investigative reports on the crash of a bomber testing secret equipment.[81] Since state secrets were involved, the party seeking the evidence had not made the requisite threshold showing to overcome the presumptive privilege even to justify *in camera* inspection.

More recently the Court considered the government's privilege to withhold the identity of informants. *Roviaro* v. *United States, supra.* This privilege, like the privilege for government deliberations, encourages candor through secrecy. Persons are thought to be more likely to provide information to law enforcement agencies if they can remain anonymous. But the privilege is not absolute. "Where the disclosure of an informer's identity, or of the contents of his communication, is relevant and helpful to the defense of an accused, or is essential to a fair determination of a cause, the privilege must give way." 353 U.S. at 60–61. See also *Hodgson* v. *Charles Martin Inspectors of Petroleum, Inc.,* 459 F. 2d 303, 305 (5th Cir. 1969).

2. There is a compelling public interest in trying the conspiracy charged in United States *v.* Mitchell, et al., *upon all relevant and material evidence*

Whether one views the President's assertion of privilege as entitled to "much reliance," see *United States* v. *Burr, supra,* 25 Fed. Cas. at 192, or "presumptively" valid, see *Nixon* v. *Sirica, supra,* 487 F. 2d at 717, the privilege is overcome here. In upholding the district court's order enforcing the grand jury's subpoena *duces tecum,* the court of appeals held that the "presumption of privilege * * * must fail in the face of the uniquely powerful showing made by the Special Prosecutor in this case." *Nixon* v. *Sirica, supra,* 487 F. 2d at 717. According to the court, this showing was made possible by the "unique intermeshing of events unlikely soon, if ever, to recur." 487 F. 2d at 705. It is clear that the "unique" circumstances which led to the rejection of the President's claim of privilege in the context of a grand jury investigation have continued applicability. Indeed, now that the grand jury has returned an indictment charging a conspiracy to defraud the United States and obstruct justice, the need for full disclosure is, if anything, greater.

At the time *Nixon* v. *Sirica* was decided, the grand jury was investigating mere allegations of criminal wrongdoing by high government officials. That investigation has resulted in a finding of probable cause to believe that some of those officials have committed offenses which strike at the very essence of a "government of laws." It is precisely this type of situation where this Court has spoken of the "over-mastering" need for preserving our institutions against "the inroads of corruption," even to the extent of overcoming a privilege of confidentiality. *Clark* v. *United States, supra,* 289 U.S. at 16. The warning of the court of appeals in *Committee for Nuclear Responsibility, Inc.* v. *Seaborg, supra,* 463 F. 2d at 794, bears repeating:

> "But no executive official or agency can be given absolute authority to determine what documents in his possession may be considered by the court in its task. Otherwise the head of an executive department would have the power on his own say so to cover up all evidence of fraud and corruption when a federal court or grand jury was investigating malfeasance in office, and this is not the law."

That the privilege must yield regardless of the President's involvement is easily demonstrated by analogy. Justice Cardozo's opinion in Clark indicated that if there were direct or substantial evidence that a juror had accepted a bribe, the veil of secrecy ordinarily surrounding a jury's deliberations would be dissipated and the arguments and votes of even the unsuspected jurors would be admissible as evidence upon whether the putatively guilty juror had in fact taken a bribe. 289 U.S. at 16. It would seem clear that, if there were a prima facie showing that a high executive official had accepted a bribe in consideration of his fraudulently inducing the President to grant a pardon or take other executive action favorable to the one giving the bribe, executive privilege would not be allowed to bar proof of the official's representations to the President even though the President was totally ignorant of the wrongdoing and had acted innocently in exercising his constitutional powers. So here, regardless of the President's wish, the law cannot and does not recognize a privilege that would shield a miscreant adviser from prosecution for a criminal offense in violation of the President's confidence as well as his public trust.

It is thus immaterial whether the President was actually aware that other participants in the conversations were discussing criminal activities in which they themselves were involved. The district court below found that the Special Prosecutor had made a sufficient showing of relevancy and evidentiary value with respect to the subpoenaed conversations (Pet. App. 19–20), since the conversations are material to defining the scope, membership, and objects of the conspiracy. The public interest in laying this evidence before a jury, therefore, must be considered compelling.

The President himself emphasized this interest, albeit in the context of impeachment, in discussing the factors that persuaded him to release transcripts of portions of forty-three conversations dealing with Watergate—

> "I believe all the American people, as well as their Representatives in Congress, are *entitled to have not only the facts, but also the evidence that demonstrates those facts.*"[82]

This judgment is highly relevant to any balance drawn by the courts. See *Nixon* v. *Sirica, supra,* 487 F. 2d at 717–18.

Counsel for the President, in his memorandum in support of the motion to quash, argued that because the Special Prosecutor signed the indictment, he must have been satisfied that there was sufficient evidence available to him to make a *prima facie* showing of guilt, thereby suggesting that the Special Prosecutor should be content with the evidence now available to him. The indictment, of course, rests upon the requisite finding of probable cause. The standard that the government now bears, however, is proof beyond a reasonable doubt, and the public is entitled to the most effective presentation of its case that can be made. Justice will be done here only if the jury hears the whole story and not just excerpted evidence the President chooses to make available.

This is not a case where the government is seeking incriminating evidence which is merely cumulative or corroborative. The analysis of the released transcripts in the

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Footnotes at end of article.

Appendix submitted to the district court shows that conversations not previously available to the Special Prosecutor in fact contain evidence extremely important to material issues in the indictment—evidence that would not otherwise be available to the Special Prosecutor. See *Nixon v. Sirica, supra*, 487 F. 2d at 717.[83] Two of the principal areas are discussions relating to the future testimony of White House officials and campaign aides and discussions of how to handle executive clemency and other benefits for various individuals as charged in the indictment. As the analysis in the Appendix shows, it is likely that the forty-four subpoenaed conversations for which no transcripts have been released include additional evidence which also is not merely cumulative or corroborative. When one is considering an on-going conspiracy, evidence of each link in the conspiracy, either in terms of time or in terms of objectives, may be crucial to a successful prosecution.[84]

We note that there has been not as much as a suggestion from counsel for the President that any of the subpoenaed conversations are *not* relevant to the criminal trial. Moreover, we emphasize that neither the President nor his counsel is in a position to make the refined judgments as to what evidence is necessary to the Special Prosecutor's case in chief or for use on cross-examination. Neither is familiar with the evidence in the possession of the government or with the theory on which the government's case will be prosecuted. In our adversary system, the judgments of what evidence to offer and how to use that evidence must be left to the advocates. See, *e.g., Dennis* v. *United States*, 384 U.S. 855, 874–75.

The court of appeals in *Nixon* v. *Sirica* also emphasized the impact of existing contradictory testimony. *E.g.*, 487 F. 2d at 705. Since that decision, the debate over the credibility of witnesses has heightened. On May 4, 1974, during the pendency of the present motion, the White House released a memorandum based on its expurgated transcripts, attacking the credibility of a prospective government witness, John W. Dean. 32 Congressional Quarterly 1154 (May 11, 1974). Conflicts in testimony continue. The tape recordings of Presidential conversations will be critical to resolving these conflicts and weighing the credibility of trial witnesses.

3. *Disclosure of the subpoenaed recordings will not significantly impair the interests protected by secrecy*

It is axiomatic, of course, that once privileged communications are no longer confidential, the privilege no longer applies and the public interest no longer is served by secrecy. See, *e.g., Roviaro* v. *United States, supra*, 353 U.S. at 60. In *Nixon* v. *Sirica*, the court of appeals considers important to its calculus that "the public testimony given consequent to the President's decision [on May 22, 1973, to waive executive privilege] substantially diminishes the interest in maintaining the confidentiality of conversations pertinent to Watergate." 487 F. 2d at 718. We argue in Part IV below that, as a matter of law, the President, as a result of his May 22, 1973, statement and the recent release of transcripts of portions of forty-three Presidential conversations, has waived executive privilege with respect to any Watergate-related conversations. There simply is no confidentiality left in that subject and no justification in terms of the public interest in keeping from public scrutiny the best evidence of what transpired in Watergate-related conversations. Whether or not this Court agrees that there has been a waiver as a matter of law, the "diminished interest in maintaining the confidentiality of conversations pertinent to Watergate" is an important consideration in this case in drawing any balance.

The enforcement of the subpoena in this case marks only the most modest and measured displacement of presumptive privacy for Presidential conversations, and augurs no general assault on the legitimate scope of that privilege. This is not a civil proceeding between private parties or even between the United States and a private party, where masses of confidential communications might be arguably relevant in wide-ranging civil discovery. The more rigorous standards applicable in a criminal case have been satisfied here, and they sharply narrow the scope of possible future demands for such evidence. Nor is this one of a long history of congressional investigations seeking to expose to the glare of publicity the policies and activities of the Executive Branch. In such instances the evidence is often sought in order to probe the mental processes of the Executive Office in a review of the wisdom or rationale of official Executive action. Compare Morgan v. United States, 304 U.S. 1, 18; United States v. Morgan, 313 U.S. 409, 422. The threat to freedom and candor in giving advice is probably at the maximum in such proceedings; they invite bringing to bear upon aides and advisors the pressures of publicity and political criticism, the fear of which may discourage candid advice and robust debate.

The charges to be prosecuted here involve high Presidential assistants and criminal conduct in the Executive Office. Such involvement is virtually unique. Because it is—hopefully—unlikely to recur, production of White House documents in this prosecution will establish no precedent to cause unwarranted fears by future Presidents and their aides or to deter them from full, frank and vigorous discussion of legitimate governmenal issues. Indeed, future aides may well feel that the greatest danger they face in engaging in free and trusting discussion is the type of partial, one-sided revelations that the President has encouraged in this case.

4. *The balance in this case overwhelmingly mandates in favor of disclosure*

Certainly, courts should not lightly override the assertion of executive privilege. But the privilege is sufficiently protected if it yields only when the courts are left with the firm and abiding conviction that the public interest requires disclosure. The factors in this case overwhelmingly support a ruling that Watergate-related Presidential conversations are not privileged in response to a reasonable demand for use at the trial in *United States* v. *Mitchell, et al.* There is probable cause to believe, based upon the indictment, that high Executive officers engaged in discussions in furtherance of a criminal conspiracy in the course of their deliberations. The veil of secrecy must be lifted; the legitimate interests of the Presidency and the public demand this action.

IV. ANY PRIVILEGE ATTACHING TO THE SUBPOENAED CONVERSATIONS RELATING TO WATERGATE HAS BEEN WAIVED AS A RESULT OF PERVASIVE DISCLOSURES MADE WITH THE PRESIDENT'S EXPRESS CONSENT

Even if the conversations described in the subpoena could be regarded as covered by a privilege for executive confidentiality, the privilege cannot be claimed in the face of the President's decision to authorize voluminous testimony and other statements concerning Watergate-related discussions and his recent release of 1,216 pages of transcript from forty-three Presidential conversations, including twenty covered by the present subpoena. In his Formal Claim of Privilege submitted to the disrict court, the President stated that because "[p]ortions of twenty of the conversations described in the subpoena have been made public, no claim of privilege is advanced with regard to those Watergate related portions of those conversations." This concession reflects inevitable recognition that there can be no generalized claim of executive privilege based upon confidentiality where, in fact, no confidentiality exists. "[T]he moment confidence ceases, privilege ceases." *Parkhurst* v. *Lowten*, 36 Eng. Rep. 589, 596 (Ch. 1819). But as we show below, the waiver in this case extends beyond those transcripts released publicly, since a privilege holder may not make extensive but selective disclosures concerning a subject and then withhold portions that are essential to a complete and impartial record. The circumstances of this case compel the conclusion that, as a matter of law, the President has waived executive privilege with respect to all Watergate-related conversations described in the subpoena.

The rule that voluntary disclosure eliminates any privilege that would otherwise attach to confidential information has been applied in cases dealing with claims of governmental privilege. *Roviaro* v. *United States, supra*, 353 U.S. 53; *Westinghouse Electric Corp.* v. *City of Burlington*, 351 F. 2d 762 (D.C. Cir. 1965), as well as in cases dealing with attorney-client privilege, *Hunt* v. *Blackburn*, 128 U.S. 464; *United States* v. *Woodall*, 438 M. 2d 1317, 1325 (5th Cir. 1970); physician-patient privilege, *Munzer* v. *Swedish American Line*, 35 F. Supp. 493, (S.D.N.Y. 1940); and marital privilege, *Pereira* v. *United States*, 347 U.S. 1, 6. The general principles governing waiver are stated concisely and forcefully in Rule 37 of the Uniform Rules of Evidence.[85]

"A person who would otherwise have a privilege to refuse to disclose or to prevent another from disclosing a specified matter has no such privilege with respect to that matter if the judge finds that he * * * without coercion and with the knowledge of his privilege, made disclosure of any part of the matter or consented to such a disclosure made by any one."

This is precisely the situation here. In his statement of May 22, 1973, the President announced, in light of the importance of the "effort to arrive at the truth," that "executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up."[86] As the Court can judicially notice, in the months following that statement there has been extensive testimony in several forums concerning the substance of the recorded conversations now sought for use at the trial in *United States* v. *Mitchell, et al.* The testimony, as the Court is also aware, is quite often contradictory and is pervaded by hazy recollections. See also *Nixon* v. *Sirica, supra*, 487 F. 2d at 705.

It could be argued that the express waiver of May 22, 1973, coupled with the subsequent testimony of participants in the conversations, is itself sufficient to preclude a claim of executive privilege based upon confidentiality for Watergate-related conversations. There has been a supervening event, however, which as a matter of law removes any vestige of confidentiality in the President's discussions of Watergate with Messrs. Colson, Dean, Ehrlichman and Haldeman. On April 30, 1974, the President submitted to the Committee on the Judiciary of the House of Representatives and released to the public 1,216 pages of transcript from forty-three Watergate-related Presidential conversations.[87] The conversations range over the period from September 15, 1972, until April 27, 1973.

In his address on live television and radio on the evening prior to releasing the transcripts, the President explained that he was seeking "[t]o complete the record." He further explained: "As far as what the President personally knew and did with regard to Watergate and the cover-up is concerned, these materials—together with those already made available, will tell it all."[88] This state-

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Footnotes at end of article.

ment is not literally accurate, but it is true that the broad outlines of the President's conversations and conduct throughout the relevant period may be portrayed by the transcripts that have been publicly released. These disclosures are sufficient to cede any privilege to conceal from production pursuant to the subpoena either the original tapes from which the publicly released transcripts were purportedly made or tapes of other relevant conversations which necessarily complete the picture the public and the jury are entitled to see.

A privilege holder who opens the door to an area that was once confidential can no longer control the fact-finder's search for the whole truth by attempting to limit the ability to discern the interior fully. The boundaries of the disclosure are legally no longer within his exclusive control. For example, in cases involving the analogous privileges accorded to attorney-client and physician-patient communications, it is clear that once testimony has been received as to a particular communication, either with the consent of the holder of the privilege or without his objection, the privilege is lost. There can be no assertion of the privilege to block access to another version of the conversation. See, *e.g.*, *Hunt* v. *Blackburn*, *supra*, 128 U.S. at 470–71; *Rosenfeld* v. *Ungar*, 25 F.R.D. 340, 342 (S.D. Iowa 1969); *Munzer* v. *Swedish American Line*, *supra*, 35 F. Supp. at 497–98; *In re Associated Gas & Electric Co.*, 59 F. Supp. 743, 744 (S.D. N.Y. 1944); 8 Wigmore §§ 2327, 2389, at 636 and 855–61.

The same principles apply to the Fifth Amendment's privilege against self-incrimination. Once the privilege holder elects to disclose his version of what happened, a due "regard for the function of courts of justice to ascertain the truth" requires further disclosure "on the matters relevantly raised by that testimony." *Brown* v. *United States*, 356 U.S. 148, 156, 157. Once the privilege holder has opened the door, "he is not permitted to stop, but must go on and make a full disclosure." *Brown* v. *Walker*, 161 U.S. 591, 597.

There is still another dimension that the Court should consider. The President in the past has used the recordings of Presidential conversations to aid in the presentation of the White House interpretation of relevant events. For example, in June 1973, the White House transmitted a memorandum to the Senate Select Committee on Presidential Campaign Activities listing "certain oral communications" between the President and John W. Dean. Subsequently, but prior to Mr. Dean's testimony before the Committee, J. Fred Buzhardt. Special Counsel to the President, telephoned Fred D. Thompson, to relate to him Mr. Buzhardt's "understanding as to the substance" of twenty of the meetings.[89]

The President also has allowed, indeed requested, the recordings to be used in preparing public testimony. Defendant H.R. Haldeman, one of the respondents in the case before the Court and hardly a disinterested witness, was allowed to take home the tapes of selected conversations even after he had resigned his position as Assistant to the President and to use them in preparing his testimony.[90]

The general principle that the privilege holder's offer of his own version of confidential communications constitutes a waiver as to all communications on the same subject matter governs under these circumstances. "This is so because the privilege of secret consultation is intended only as an incidental means of defense, and not as an independent means of attack, and to use it in the latter character is to abandon it in the former." 8 Wigmore § 2327, at 638. The President time and again—even before the existence of the recordings was publicly known—has resorted to the recordings in support of his position.[91] In short, the President cannot have it both ways. He cannot release only those portions he chooses and then stand on the privilege to conceal the remainder. No privilege holder can trifle with the judicial search for truth in this way.

The high probability that the yet undisclosed conversations include information which will be important to resolving issues to be tried in *United States* v. *Mitchell, et al.* provides a compelling reason for disclosure. As the President himself recognized, the public interest demands the complete story based upon the impartial sifting and weighing of all relevant evidence. That is emphatically the province of the judicial process for it is "the function of a trial * * * to sift the truth from a mass of contradictory evidence. * * *" *In the Matter of Michael*, 326 U.S. 224, 227. And in the unique circumstances of this case, where there is no longer any substantial confidentiality on the subject of Watergate because the President has chosen to make far-reaching but expurgated disclosures, the Court must use its process to acquire all revelant evidence to lay before the jury. In the present context it can do so with the least consequences for confidentiality of other matters and future deliberations of the Executive Branch by ruling that there has been a waiver with respect to this entire affair.

V. THE DISTRICT COURT PROPERLY DETERMINED THAT THE SUBPOENA "DUCES TECUM" ISSUED TO THE PRESIDENT SATISFIED THE STANDARDS OF RULE 17(C), BECAUSE AN ADEQUATE SHOWING HAD BEEN MADE THAT THE SUBPOENAED ITEMS ARE RELEVANT AND EVIDENTIARY

Once the privilege issues are passed,[92] the only remaining question before the Court is whether the district judge properly found (Pet. App. 19–20) that the government's subpoena satisfied the standards generally applied under Rule 17(c) of the Federal Rules of Criminal Procedure. The district court held that the standards of Rule 17(c) had been satisfied by the Special Prosecutor's submission of a lengthy and detailed specification setting out with particularity the relevance and evidentiary value of each of the tape recordings and other material being sought. This showing was submitted as a forty-nine page Appendix to the Memorandum for the United States in Opposition to the Motion to Quash Subpoena Duces Tecum included in the record before this Court.[93]

Enforcement of a trial subpoena *duces tecum* is preminently a question for the trial court and is committed to the court's sound discretion. For this reason, the district court's determination should not be disturbed absent a finding by the reviewing court that it was arbitrary and had no support in the record. See *Covey Oil Co.* v. *Continental Oil Co.*, 340 F. 2d 993, 999 (10th Cir. 1965), cert. denied, 380 U.S. 964; *Sue* v. *Chicago Transit Authority*, 279 F. 2d 416, 419 (7th Cir. 1960); *Schwimmer* v. *United States*, 232 F. 2d 855, 864 (8th Cir. 1956), cert. denied, 352 U.S. 833; *Shotkin* v. *Nelson*, 146 F. 2d 402 (10th Cir. 1944). This is especially true where, as here, the assessment of the relevancy and evidentiary value of the items sought is primarily a determination of fact and the district judge is intimately familiar with the grand jury's investigation and the indictment in the case. Since the district court's findings are amply supported by the record and reflect the application of the proper legal criteria, those findings should not be disturbed by this Court. Indeed, in the absence of any dispute between the parties on the correctness of the legal principles applied by the district court under Rule 17(c), this essentially factual determination ordinarily would not merit review by this Court at all. In the interest of final disposition of the case, however, we urge the Court to uphold the lower court's action on this aspect of the case as well.

A. RULE 17(C) PERMITS THE GOVERNMENT TO OBTAIN RELEVANT, EVIDENTIARY MATERIAL SOUGHT IN GOOD FAITH FOR USE AT TRIAL

Rule 17(c) provides:

"A subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys."

As all parties and the district court recognized (Pet. App. 19), the leading cases establishing the criteria for satisfaction of Rule 17(c) are *Bowman Dairy Co.* v. *United States*, *supra*, 341 U.S. 214, and *United States* v. *Iozia*, 13 F.R.D. 335 (S.D.N.Y. 1952). See generally 8 Moore, Federal Practice ¶17.07 (1973). In *Bowman Dairy*, the Court held that the government properly had been ordered, under Rule 17(c), to produce to the defendant prior to trial all documents, books, records, and objects gathered by the government during its investigation or preparation for trial which were either presented to the grand jury or would be offered as evidence at trial. The Court upheld the order to produce even though the defendant's subpoena did not further specify particular items sought.

In *Iozia*, the question presented was whether defendant properly could obtain material from the government under Rule 17(c) upon a mere showing that it might be material to the preparation of the defense. The district court, elaborating upon the *Bowman Dairy* standard, declared that a mere showing of possible use in pre-trial preparation was insufficient: the defendant must show (1) that the material was evidentiary and relevant, (2) that it was not otherwise procurable reasonably in advance of trial, (3) that the party seeking it could not properly prepare for trial without it and failure to obtain it might delay trial, and (4) that the request was made in good faith and did not constitute a general "fishing expedition." These were the tests the district court below stated it was applying when it found that "the requirements of Rule 17(c) are here met" (Pet. App. 20).

The standard of relevancy established by these cases is clear. Material being sought under Rule 17(c) is relevant if it is "related to the charges" in the indictment, *United States* v. *Gross*, 24 F.R.D. 138, 140 (S.D.N.Y. 1959), or "closely related to the subject matter of the indictment," *United States* v. *Iozia*, *supra*, 13 F.R.D. at 339, even though it might not, for example, "serve to exonerate this defendant of the crime charged * * *." *Ibid.*

In contrast, the requirement that the material sought be "evidentiary" has not been as well defined in the case law. See 8 Moore, *supra*, ¶ 17.07, at 17–19. In the district court, counsel for the President asserted that under Rule 17(c) the government must show that the items sought would be admissible at trial in its case in chief. The reported decisions, however, show that the purpose of the "evidentiary" requirement articulated in *Bowman* and *Iozia* is to oblige the party seeking production to show that the items sought are of a character that they could be used in the trial itself, not simply for general pre-trial preparation. Thus, a subpoena can seek not only evidence that would be admissible in the party's direct case but can also demand material that could be used for impeachment purposes. "Rule 17(c) is applicable only to such documents or objects as would be admissible in evidence at the trial, or which may be used for impeachment purposes." *United States* v. *Carter*, 15 F.R.D. 367, 371 (D.D.C. 1954) (Holtzoff, J.). See also 8 Moore, *supra*, ¶ 17.07, n. 16 ("the documents sought must be admissible in evidence (at least for the purpose of impeachment)").[94] For example, evidentiary material sought by the government such as prior inconsistent statements by defendants, even if not pertinent in the government's case in chief, would be admissible for purposes of impeachment if a defendant took the stand or in the government's rebuttal case.

Moreover, the "evidentiary" requirement of *Bowman Dairy* and *Iozia* has developed almost exclusively in cases in which defendants sought material prior to trial from the government in addition to that to which they were entitled by the comprehensive pre-trial discovery provisions of Rule 16 of the Federal Rules of Criminal Procedure. Courts have, therefore, taken special care, as the *Bowman* and *Iozia* opinions show, to insure that Rule 17(c) not be used as a device to circumvent the limitations on criminal pretrial discovery embodied in Rule 16. Rule 16 provides only for discovery from the parties. By contrast, in the instant case the government seeks material from what is in effect, as the district court observed, a third party. As applied to evidence in the possession of third parties, Rule 17(c) simply codifies the traditional right of the prosecution or the defense to seek evidence for trial by a subpoena *duces tecum*. Whether the stringent standards developed in *Bowman Dairy* and *Iozia* for Rule 17(c) subpoenas between the prosecution and the defense should be applied to subpoenas to third parties is a question the Court need not reach, however, since the court below correctly found that the Special Prosecutor had fully met even the higher standards.

The final requirement enunciated in *Iozia*, that the application be made "in good faith" and not "as a general fishing expedition," appears to be simply a requirement that the materials sought be sufficiently identifiable that the court can make a determination that they exist, that they are relevant, and that they would have some evidentiary use at trial. Indeed, the standard most often applied after *Iozia* in determining enforceability of subpoenas under Rule 17(c) appears to be a combination of the *Iozia* requirements of relevancy, evidentiary value, and good faith: the subpoena must be an "honest effort to obtain evidence for use on trial." *United States* v. *Gross, supra*, 24 F.R.D. at 141; *United States* v. *Solomon*, 26 F.R.D. 397, 407 (S.D. Ill. 1960): *United States* v. *Jannuzio*, 22 F.R.D. 223 (D. Del. 1958).

In the district court, counsel for the President took the position that a subpoena should be considered a "fishing expedition" unless the party seeking its enforcement can make a *conclusive* showing that each and every item sought is, beyond doubt, both relevant and evidentiary. As to the majority of conversations involved in the subpoena, this standard is satisfied by consideration of the transcripts made public by the White House, uncontradicted testimony, and other evidence. As to the remaining conversations, there is strong and unrebutted circumstantial evidence—the inferences from which are not denied—indicating that the standard is met.

But the position urged by counsel for the President is not supported and indeed is contradicted by the reported decisions. For instance, the subpoena held enforceable in *Bowman Dairy* was directed to all material in the government's possession that had been presented to the grand jury in the course of the investigation or that would be presented at trial, without further specificity. The subpoena held enforceable in *Iozia* was directed at certain documents, correspondence, and files of a former associate of the defendant. The defendant alleged that he had reason to believe that certain activities may have been engaged in by still other persons and that the former associate was "in the best position to know" about these if they indeed occurred. The cases realistically recognize that the party seeking production often cannot know precisely what is contained in the material sought until he has the opportunity to inspect it. The Court in *Bowman Dairy*, for example, quoted with approval the statement of a member of the Advisory Committee on the Criminal Rules, to the effect that the purpose of Rule 17(c) was to permit a court to order production in advance of trial "for the purpose of course of enabling the party to see whether he can use it or whether he wants to use it." 341 U.S. at 220 n. 5. Common sense dictates that the party seeking production cannot tell what it "can or will use until it has had the opportunity to see the documents." *United States* v. *Gross, supra*, 24 F.R.D. at 141. As Chief Justice Marshall observed in considering a trial subpoena *duces tecum* directed to President Jefferson in *United States* v. *Burr, supra*, 25 Fed. Cas. at 191: "It is objected that the particular passages of the letter which are required are not pointed out. But how can this be done while the letter itself is withheld?"

Because the Special Prosecutor has been denied even preliminary access to the subpoenaed materials, it is obviously impossible for him to demonstrate *conclusively* with respect to a small number of the conversations that they are relevant and evidentiary. But Rule 17(c) and the cases interpreting it do not require that this be done. Rather, they require only that an adequate showing of relevancy and evidentiary value be made, based upon the evidence available. In short:

> "A predetermination of the admissibility of the subpoenaed material is not the criterion of the validity of the process. It need only appear that the subpoena is being utilized in good faith to obtain evidence * * * [citing *Bowman Dairy*]. *United States* v. *Jannuzio, Supra*, 22 F.R.D. at 226."

B. THERE WAS AMPLE SUPPORT FOR THE FINDING OF THE DISTRICT COURT THAT THE GOVERNMENT'S SHOWING OF RELEVANCY AND EVIDENTIARY VALUE WAS ADEQUATE TO SATISFY RULE 17(C)

1. Relevance

Transcripts released to the public by the White House, uncontradicted testimony concerning the subject matter of certain conversations, and other evidence compiled in the Special Prosecutor's showing establish beyond any question the relevancy of the vast majority of the subpoenaed conversations.[95] Indeed, the White House transcripts that have been released of twenty of the subpoenaed conversations not only show conclusively the relevancy of those conversations but also tend to prove the relevancy of the rest of the sixty-four conversations sought by the subpoena.[96]

With respect to some of the conversations, particularly those listed in Items 32–40 of the subpoena, relevancy can be established at this time only by circumstantial and indirect evidence. Nevertheless, the available evidence that these conversations—all of which took place in the three days from April 18 to April 20, 1973—in fact concerned Watergate is strong. The evidence, set forth in detail in the government's Appendix below, shows that the primary subject of concern to the participants in the meetings sought over those three days—the President and defendants Haldeman and Ehrlichman—was Watergate; that Haldeman and Ehrlichman had withdrawn from their regular White House duties to work exclusively on a Watergate defense; and that meetings between these three persons very probably could have concerned only Watergate. Furthermore, with respect to these conversations, the evidence that is available is unrebutted. The Special Prosecutor argued below that since only the President was in a position to make more informed representations about the relevancy of the subpoenaed conversations, the showing made by the Special Prosecutor was at least sufficient to shift the burden to the President to demonstrate any alleged irrelevancy to the district court by providing the appropriate recordings for *in camera* inspection. In subsequent oral argument in the district court counsel to the President, responding to direct questions from the court, stated that he could make no representations whatever concerning the relevancy *vel non* of any of the subpoenaed conversations.[97]

2. Evidentiary nature

Tape recordings of conversations are admissible as evidence upon the laying of a proper and adequate foundation showing that "the recording as a whole [is] accurate and sufficiently complete."[98] This foundation may be laid by the testimony of one of the participants in the conversation that the recording accurately represents the conversation that was held.[99] Alternatively, the government could introduce a recording in its direct case even if none of the participants were available as a prosecution witness by showing the circumstances and method by which the recording was made and the chain of custody of the particular recording sought to be introduced.[100]

There can be no doubt that the tape recordings sought by the subpoena here, covering conversations of co-conspirators relating to the subject matter of the alleged conspiracy, are of an evidentiary character. In *Nixon* v. *Sirica, supra*, in upholding enforcement of an earlier subpoena for Presidential tapes, the court squarely held: "Where it is proper to testify about oral conversations, taped recordings of those conversations are admissible as probative and corrobative of the truth concerning the testimony." 487 F. 2d at 718 (footnote omitted). The same principle would apply to use of such recordings for impeachment purposes. Such materials are, therefore, amenable to a trial subpoena. In *Monroe* v. *United States*, 234 F. 2d 49, 55 (D.C. Cir. 1956), cert. denied. 352 U.S. 873, the court of appeals held that tape recordings made by a police officer of conversations between himself and defendants were "admissible as independent evidence of what occurred" and that they "were evidentiary, and therefore under the interpretation of Rule 17(c) adopted by the Supreme Court [in *Bowman Diary*] and already followed by this Court, the trial court in its discretion could have required pretrial production."[101] See also *United States* v. *Lemonakis*, 485 F. 2d 941 (D.C. Cir. 1973), cert. denied, ——— U.S. ——— (42 U.S.L.W. 3541, March 26, 1974).

Statements recorded on tapes sought by the instant subpoena, while hearsay for some purposes, but see *Anderson* v. *United States*, ——— U.S. ——— (42 U.S.L.W. 4815, June 3, 1974), would be admissible into evidence in the government's case in chief under one or more of the traditional exceptions to the hearsay rule.

First, it is settled that extra-judicial admissions made by one conspirator in the course of and in furtherance of a conspiracy are admissible against his fellow co-conspirators. *Dutton* v. *Evans*, 400 U.S. 74, 81 (1970); *Myers* v. *United States*, 377 F. 2d 412, 418–19 (5th Cir. 1967), cert. denied, 390 U.S. 929. Each of the principal participants in the subpoenaed conversations either has been indicted as a conspirator or will be named as an unindicted co-conspirator in the government's bill of particulars. As the Special Prosecutor demonstrated in his showing, the transcripts released by the White House, together with both direct and circumstantial

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Footnotes at end of article.

evidence, establish a very strong probability that substantial portions of each and every one of the subpoenaed conversations occurred in the course of and in furtherance of the conspiracy alleged in the indictment. Subject to proof of this fact at trial, any recorded statements in futherance of the conspiratorial objectives made by any one of the conspirators in the course of these conversations would be admissible under the co-conspirator exception to the hearsay rule.

Second, even absent proof *aliunde* that each and every subpoenaed conversation was held in the furtherance of the conspiracy, any relevant taped extrajudicial statements made by defendants Haldeman or Ehrlichman would be admissible in the government's case in chief against that particular defendant. *On Lee* v. *United States,* 343 U.S. 747, 756; *United States* v. *Lemonakis, supra,* 485 F. 2d at 949.

Furthermore, other recorded statements made during these conversations may be useful to the government for the purpose of impeaching defendants Haldeman or Ehrlichman should they elect to testify in their own behalf. *E.g., Calumet Broadcasting Corp.* v. *FCC,* 160 F. 2d 285, 288 (D.C. Cir. 1947); *United States* v. *McKeever,* 169 F. Supp. 426, 430 (S.D.N.Y. 1958). And statements on the tapes by government witnesses would be admissible to show the witnesses' prior consistent statements, should the defense attack the witnesses' credibility or the truth of their testimony on cross-examination.[102]

The Special Prosecutor's showing submitted to the district court listed, by individual subpoenaed conversation, the admissions and other statements that are contained in the recordings (according to the White House transcripts released to the public) or should be found therein (according sworn testimony and other evidence) which would be admissible for one or more of the above-stated reasons. With respect to those conversations in late April 1973 about which there has not been detailed testimony and for which transcripts have not been made public by the White House, the Special Prosecutor argued below that the rich evidentiary vein running through the conversations already released constituted a sufficient showing that similar statements are likely to be contained in those not yet disclosed. Again, this showing was at least sufficient to shift the burden to the President to demonstrate, by submission of tape recordings of these conversations to the Court for *in camera* inspection or at least by certification of counsel, that no evidentiary material was in fact contained therein.

3. Need for the evidence prior to trial

In his affidavit in connection with the Motion of the United States for issuance of the subpoena, the Special Prosecutor stated that based on experience with other Presidential recordings a considerable amount of time would be necessary to analyze and transcribe the tapes sought by the instant subpoena and that pretrial production of the tapes was therefore warranted under Rule 17 (c). At no point below has counsel for the President sought to contest this showing. A considerable amount of time is required to listen and relisten to recordings and filter or enhance them where necessary, to make accurate transcripts, to select and prepare relevant portions for trial, and to make copies for defendants where appropriate under the discovery rules. Moreover, much of this work can be performed only by attorneys knowledgeable about the case who must simultaneously prepare all other aspects of the case for trial. The Court should be advised that the Special Prosecutor's staff originally estimated that the simple physical process described above of preparing the recordings sought for trial would require at least two months.

For these reasons, the district court correctly held that the subpoenaed items were genuinely needed prior to trial for preparation of the case and to avoid delay of the trial itself.

CONCLUSION

Settled principles of law, therefore, lead inevitably to the conclusion that the order of the district court, denying the President's motion to quash the subpoena *duces tecum* and directing compliance with it, and denying the motion to expunge the grand jury's action listing him as an unindicted co-conspirator, should be affirmed in all respects.

Respectfully submitted.

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June 1974.

FOOTNOTES

[1] "Pet. App." refers to the Appendix to the Petition in No. 73-1766. "A." refers to the printed joint Appendix.

[2] In *Nixon* v. *Sirica,* 487 F. 2d 700, 707 n. 21 (D.C. Cir. 1973), the court of appeals stated that an order of this type directed to the President is appealable under 28 U.S.C. 1291. In any event, the court also asserted jurisdiction pursuant to the All Writs Act, 28 U.S.C. 1651. See 487 F. 2d at 706–707.

[3] Under 28 U.S.C. 510, 517, and 518, and Department of Justice Order No. 551–73, 28 C.F.R. § 0.37 *et seq.* (Appendix pp. 143–50, *infra*), the Special Prosecutor has authority, in lieu of the Solicitor General, to conduct litigation before this Court on behalf of the United States in cases within his jurisdiction.

[4] Department of Justice Order No. 517–73, 38 Fed. Reg. 14,688, adding 28 C.F.R. § 0.37 and Appendix to Subpart G–1.

[5] See *Hearings Before the Senate Judiciary Committee on the Nomination of Elliot L. Richardson to be Attorney General,* 93d Cong., 1st Sess. 144–46 (1973).

[6] *Hearings Before the Senate Select Committee on Presidential Campaign Activities,* 93d Cong., 1st Sess., Book 5, at 2074–81 (1973).

[7] Letter from Richard M. Nixon to Senator Sam J. Ervin, Chairman of the Senate Select Committee on Presidential Campaign Activities, July 23, 1973, *id.,* Book 6, at 2479.

[8] See generally Congressional Qurarterly, Inc., *Historic Documents 1973,* at 859–78.

[9] The United States District Court for the District of Columbia later ruled that the Special Prosecutor's firing was illegal because Acting Attorney General Bork had relied simply upon instructions from the President and had not purported to find any "extraordinary impropriety," as had been specified by the regulations establishing the Office of the Watergate Special Prosecutor as the sole ground for dismissal. *Nader* v. *Bork,* 366 F. Supp. 104 (1973), appeal pending.

[10] Hearing on October 23, 1973, *In re Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon,* D.D.C. Misc. No. 47–73.

[11] An Advisory Panel of experts, nominated jointly by the Special Prosecutor and counsel for the President, and appointed by the district court, has concluded that the only "completely plausible explanation" of the 18½ minute "buzz" section is a set of from five to nine erasures caused by manual operation of a recording machine. "Report on a Technical Investigation Conducted for the U.S. District Court for the District of Columbia by the Advisory Panel on White House Tapes," filed June 4, 1974. *In re Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon,* D.D.C. Misc. No. 47–73.

[12] See *Hearings Before the Senate Judiciary Committee on the Special Prosecutor,* 93d Cong., 1st Sess. (1973): *Hearings Before the House Judiciary Subcommittee on Criminal Justice,* 93d Cong., 1st Sess. (1973).

[13] The Senate Committee on the Judiciary reported out S. 2611 (S. Rep. 93–595) and S. 2642 (S. Rep. 93–596). See 119 Cong. Rec. D 1324 (daily ed. Nov. 21, 1973). The House Committee on the Judiciary reported out H.R. 11401 (H. Rep. 93–660), which was rewritten as H.R. 11555 by the House Rules Committee. See 119 Cong. Rec. D 1371 daily ed. Dec. 3, 1973). All three bills remain on the calendars of each House, subject to being called up on the floor without further hearings or committee action. See House Calendar, 93d Cong., 2d Sess., for June 5, 1974, at 138, 139 (Senate bills), 92 (House bill).

[14] 9 Weekly Compilation of Presidential Documents 1289 (October 29, 1973).

[15] Department of Justice Order No. 551–73, 38 Fed. Reg. 30,738.

[16] See also letter from the Acting Attorney General to the Special Prosecutor explaining this amendment (Appendix pp. 152–53, *infra*).

[17] By order entered on June 7, 1974, the district court rescinded its orders sealing portions of the record. On June 15, 1974, this Court denied a motion to unseal the record except as it related to an extract concerning the grand jury's finding with respect to the President.

[18] As to claims by defendants that they are entitled to the subpoenaed items under Rule 17(c), the court withheld ruling, stating that defendants' requests for access will be more appropriately considered in conjunction with their pre-trial discovery motions (Pet. App. 21–22). Accordingly, the court refused to decide whether *Bradly* v. *Maryland,* 373 U.S. 83, applies to "privileged" evidence not in the possession of the prosecutor.

[19] The District court's subject-matter jurisdiction over the pending criminal case and over the trial subpoena *duces tecum* issued in this case is clear. See 18 U.S.C. 3231: Rule 17, Federal Rules of Criminal Procedure.

[20] District Judge Gesell, who is presiding over the trial in *United States* v. *Ehrlichman, et al.* (D.D.C. Crim. No. 74–116), which involves charges against former White House officials growing out of the break-in at the offices of Dr. Louis Fielding, Daniel Ellsberg's psychiatrist, has recognized the independent status of the Special Prosecutor and the peculiar and unique circumstances that surround prosecutions within his jurisdiction:

"In one view of the matter, one portion of the Government is prosecuting another portion of the Government. Thus perhaps very unique circumstances are presented that require trial judges to use common sense to adapt criminal procedures and rules developed under more routine circumstances to the peculiar necessities of this special situation."

Transcript of Hearings on June 3, 1974, at 7–8, *United States* v. *Ehrlichman, et al, supra.*

[21] Mr. Jaworski testified as follows, under oath, before the Senate Committee on the Judiciary, which was considering legislation concerning establishment of an independent Special Prosecutor's office:

"* * * And when I came to Washington I first met with General Haig for probably an hour or an hour and a half, during which time this matter was discussed in detail. And as a result of that discussion, there eventuated the arrangement that we have mentioned.

"General Haig assured me that he would go and talk with the President, place the matter before him. And he came back and told me after a while, after maybe a lapse of 30 minutes or so, that it had been done, and that the President had agreed.

"The Chairman. You are absolutely free to prosecute anyone: is that correct?

"Mr. Jaworski. That is correct. And that is my intention.

"The Chairman. And that includes the President of tthe United States?

"Mr. JAWORSKI. It includes the President of the United States.

* * * * *

"Senator MCCLELLAN. May I ask you now, do you feel that with your understanding with the White House that you do have the right, irrespective of the legal issues that may be involved—that you have an understanding with them that gives you the right to go to court if you determine that they have documents you want or materials that you feel are essential and necessary in the performance of your duties, and in conducting a thorough investigation and following up with prosecution thereon, *you have the right to go to court to raise the issue against the President and against any of his staff with respect to such documents or materials and to contest the question of privilege.*

"Mr. JAWORSKI. *I have been assured that right.* And I intend to exercise it if necessary. (Emphasis added.)

Hearings Before the Senate Judiciary Committee on the Special Prosecutor, 93d Cong., 1st Sess., pt. 2, at 571, 573 (1973).

[22] *Id.,* at 450. See also *id.,* at 470.

[23] *Hearings Before the House Judiciary Subcommittee on Criminal Justice on H.J. Res. 784 and H.R. 10937,* 93d Cong., 1st Sess. 266 (1973).

[24] *Hearings Before the Senate Judiciary Committee on the Nomination of William B. Saxbe to be Attorney General,* 93d Cong., 1st Sess. 9 (1973).

[25] After the appointment of the new Special Prosecutor with these assurances of independent authority, *inter alia,* to contest in court any Presidential claims of executive privilege, both Houses of Congress tabled bills that would have provided for court appointment of a Special Prosecutor pursuant to Article II, Section 2. See note 13, *supra.*

[26] The authority of the Attorney General to issue the regulations is conferred by 28 U.S.C. §§ 509, 510 and 5 U.S.C. § 301. The legality of these regulations delegating the authority of the Attorney General has been sustained in *Nader* v. *Bork, supra; United States* v. *Andreas*—F. Supp.—(D. Minn. No. 4–73–Cr. 201) (March 12, 1974); *United States* v. *Ehrlichman*—F. Supp.—(D.D.C. Crim. No. 74–116) (May 21, 1974.

[27] The locus of the appointment power may also fix the authority to remove, *United States* v. *Perkins,* 116 U.S. 483, although the removal power itself is not absolute. *Humphrey's Executor* v. *United States,* 295 U.S. 602; *Wiener* v. *United States,* 357 U.S. 349: *Myers* v. *United States,* 272 U.S. 52.

The regulations also provide that the Special Prosecutor's office will not be abolished without the consent of the Special Prosecutor and that the Attorney General will not countermand any decisions of the Special Prosecutor (see Appendix pp. 149, 151, *infra*). Judge Gesell in *Nader* v. *Bork, supra,* 336 F. Supp. at 108, indicated that those guarantees are legally binding and not unilaterally revocable.

This Court has recognized, of course, that the President's power to remove subordinate officers of the government, even those in the Executive Branch, is not unlimited, and may be non-existent when the executive official exercises some "duties of a quasi-judicial character." *Myers* v. *United States, supra,* 272 U.S. at 135. See also *Humphrey's Executor* v. *United States, supra; Weiner* v. *United States, supra.*

[29] Judge Holtzoff had held that the suit there had to be dismissed because "the United States of America always acts in a sovereign capacity. It does not have separate governmental and proprietary capacities." *United States* v. *ICC,* 78 F. Supp. 580, 583, (D.D.C. 1948). This Court reversed.

[30] See note 13, *supra.*

[31] *Hearings Before the Senate Judiciary Committee on the Special Prosecutor,* 93d Cong., 1st Sess., pt. 2, at 571, 573 (1973).

[32] Brief in Opposition p. 3, *In re Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon,* 360 R. Supp. 1 (D.D.C. 1973).

[33] See also *Powell* v. *McCormack, supra,* 395 U.S. at 517–18; *Baker* v. *Carr, supra,* 369 U.S. at 208–37; *South Dakota* v. *North Carolina,* 192 U.S. 286, 318–21; *La Abra Silver Mining Co.* v. *United States,* 175 U.S. 423, 461–62.

[34] Transcript of Hearing on October 23, 1973. *In re Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon, supra,* D.D.C. Misc. No. 47–73.

[35] See, *e.g.,* 28 U.S.C. 2. 44(c), 45, 47, 48, 134(b), 144, 331, 332, 333, 455, 1731–1745, 1826(b), 1863, 2102, 2254(b), 2284(4), 2403: 18 U.S.C. 2519, 3006A, 3331(a), 6003(a), 6005 (a).

[36] See, *e.g., National Treasury Employees Union* v. *Nixon,* 492 F. 2d 587, 603 (D.C. Cir. 1974) (holding the President was obliged to submit a federal employee pay increase as required by Congress).

[37] See, *e.g., Environmental Protection Agency* v. *Mink,* 410 U.S. 73 (security classification).

[38] Because there is no legislative analogy to the historic judicial duty to determine all questions of law necessarily raised by a case or controversy, rejection of the claim of executive privilege in the present case does not necessarily suggest any answer to the distinct questions of the scope of the President's right to stand on a claim of executive privilege *vis-a-vis* the Congress or of the role, if any, of the courts in such a confrontation. History provides a great variety of opinions on the relative rights of the Executive and the Congress in such a situation. See generally Berger, *Executive Privilege* v. *Congressional Inquiry,* 12 U.C.L.A. L. Rev. 1043, 1078–98 (1965).

The Court of Appeals for the District of Columbia Circuit recently affirmed a decision of the district court refusing a declaratory judgment that a subpoena issued to the President by the Senate Select Committee on Presidential Campaign Activities was valid and enforceable. *Senate Select Committe on Presidential Campaign Activities* v. *Nixon.* ——— F. 2d ——— (No. 74–1258) (D.C. Cir. May 23, 1974). By deciding that the Committee's "need" for the subpoenaed recordings was "too attenuated and too tangential to its functions to permit a judicial judgment that the President is required to comply with the Committee's subpoena," thereby reaching the merits of the claim of executive privilege, the court held implicitly that the Committee's action presented a justiciable controversy. Cf. *Powell* v. *McCormack, supra.*

At one time it was generally assumed that a claim of executive privilege *vis-a-vis* the Congress presented a nonjusticiable political question. See, *e.g.,* L. Hand, The Bill of Rights 17–18 (1958). But no one has ever suggested that an application for an order requiring the Executive Branch to produce evidence in the usual course of judicial or grand jury proceedings presents a nonjusticiable "political question."

[39] Accord, *Ethyl Corporation* v. *Environmental Protection Agency,* 478 F. 2d 47, 51 (4th Cir. 1973); *Carr* v. *Monroe Manufacturing Co.,* 431 F. 2d 384, 388 (5th Cir. 1970), cert. denied, 400 U.S. 1000; *Sperandeo* v. *Milk Drivers & Dairy Employees Local 537,* 334 F. 2d 381, 384 (10th Cir. 1964); *N.L.R.B.* v. *Capitol Fish Co.,* 294 F. 2d 868, 875 (5th Cir. 1961); *Halpern* v. *United States,* 258 F. 2d 36, 43 (2d Cir. 1958). See also *Pan American World Airways, Inc.* v. *Aetna Cas. & Sur. Co.,* 368 F. Supp. 1098, 1139–40 (S.D.N.Y. 1973); *United States* v. *Article of Drug, etc.,* 43 F.R.D. 181, 190 (D. Del. 1967); *O'Keefe* v. *Boeing Co.,* 38 F.R.D. 329, 334 (S.D.N.Y. 1965); *Timken Roller Bearing Co.* v. *United States,* 38 F.R.D. 57, 63 (N.D. Ohio 1964); *Morris* v. *Atchison, Topeka & Santa Fe Ry. Co.,* 21 F.R.D. 155, 157–58 (W.D. Mo. 1957); *Snyder* v. *United States,* 30 F.R.D. 7, 9 (E.D.N.Y.).

[40] See generally R. Berger, *Executive Privilege: A Constitutional Myth* 353–55 (1974).

[41] In *Conway* v. *Rimmer,* [1968] 1 All E.R. 874, the House of Lords unanimously overruled the prior English rule that an assertion of executive (or "Crown") privilege is absolute: The House of Lords ruled that the courts may require *in camera* inspection to weigh the competing interests. See generally Cappelletti and Golden, *Crown Privilege and Executive Privilege: A British Response to an American Controversy,* 25 Stanford L. Rev. 836 (1973).

As the court of appeals noted in *Nixon* v. *Sirica, supra,* 487 F. 2d at 713–14, n. 60, judicial power to scrutinize claims of privilege has been recognized in nearly every common law jurisdiction. See, *e.g., Robinson* v. *South Australia* (No. 2), [1931] All E.R. 333 (P.C.): *Gagnon* v. *Quebec Securities Comm'n,* [1965] 50 D.L.R. 2d 329 (1964); *Bruce* v. *Waldron,* [1963] Vict. L.R. 3; *Corbett* v. *Social Security Comm'n,* [1962] N.Z.L.R. 878; *Amar Chand Butail* v. *Union of India,* [1965] 1 India S. Ct. 243.

[42] This Court has not even afforded such status to the Speech or Debate Clause, which is an *express* constitutional privilege for congressmen and their aides similar to the privilege claimed by the President. This Court repeatedly has affirmed that the courts must determine the reach of the Clause. See, *e.g., Gravel* v. *United States, supra; United States* v. *Brewster, supra; United States* v. *Johnson,* 319 U.S. 503.

[43] The courts never have decided whether executive privilege derives implicitly from the constitutional separation of powers, or whether it is merely a common law evidentiary privilege. See, *e.g., United States* v. *Reynolds,* 345 U.S. at 6–7: *Committee for Nuclear Responsibility, Inc.* v. *Seaborg, supra,* 463 F. 2d at 793–94. Professor Charles Alan Wright has observed at "[t]he commentators * * * have not found much substance in the constitutional argument, based, as it is, on separation of powers." 8 Wright and Miller, Federal Practice and Procedure, §2019, at 175 n. 44 (1970 ed.).

[44] The rationale is equally well summarized by Wigmore (§ 2379, at 809–10):

"A court which abdicates its inherent function of determining the facts upon which the admissibility of evidence depends will furnish to bureaucratic officials too ample opportunities for abusing the privilege. The lawful limits of the privilege are extensible beyond any control if its applicability is left to the determination of the very official whose interest it may be to shield a wrongdoing under the privilege. Both principle and policy demand that the determination of the privilege shall be for the court."

See also *United States* v. *Cotton Valley Operators Comm.,* 9 F.R.D. 719, 720–21 (W.D. La. 1949), aff'd by an equally divided Court, 339 U.S. 940.

[45] Although the Court dealt within the framework of the Freedom of Information Act, 5 U.S.C. 552(b)(5), it recognized that Congress simply had incorporated the common law executive privilege. 410 U.S. at 85–89. The exemption was defined with specific reference to the court decisions that had developed the privilege at issue here.

[46] See, *e.g., Westinghouse Electric Corp.* v. *City of Burlington,* 351 F. 2d 762 (D.C. Cir. 1965): *Machin* v. *Zuckert,* 316 F. 2d 336 (D.C. Cir. 1963), cert. denied, 175 U.S. 896; *Boeing Airplane Co.* v. *Coggeshall,* 280 F. 2d 654 (D.C. Cir. 1960); *Pan American World Airways, Inc.* v. *Aetna Cas. & Sur. Co.,* 368 F. Supp. 1098 (S.D.N.Y. 1973); *Pilar* v. *SS Hess Petrol,* 55 F.R.D. 159 (D. Md. 1972); *Hancock Bros., Inc.* v. *Jones,* 293 F. Supp. 1229 (N.D. Cal. 1968); *Cooney* v. *Sun Shipbuilding & Drydock Co.,* 288 F. Supp. 708 (E.D. Pa. 1968); *McFadden* v. *Avco Corp.,* 278 F. Supp. 57 (M.D. Ala. 1967); *O'Keefe* v. *Boeing Co.,* 38 F.R.D. 329 (S.D.N.Y. 1965); *Roses* v. *Board of Trade,* 35 F.R.D. 512 (N.D. Cal. 1964); *Morris*

v. *Atchison, Topeka & Sante Fe Ry. Co.*, 21 F.R.D. 155 (W.D. Mo. 1957); cf. *Garland* v. *Torre*, 259 F. 2d 545 (2d Cir. 1958) (Stewart, J.), cert. denied, 358 U.S. 910.

[47] See cases cited in note 46, *supra*.

[48] Brief in Opposition 4, *In re Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon, supra.*

[49] Alexander Hamilton explained the posture of the President in our constitutional system in *The Federalist* Number 69 (B. F. Wright ed. 1961):

"The President of the United States would be an officer elected by the people for *four* years: the king of Great Britain is a perpetual and *hereditary* prince. The one would be amenable to personal punishment and disgrace; the person of the other is sacred and inviolable." (Emphasis is original.)

[50] See, *e.q., Panama Canal Co.* v. *Grace Lines, Inc.*, 356 U.S. 309, 317–18; *Wilbur* v. *United States ex rel. Kadrie*, 281 U.S. 206, 218–22; *Work* v. *United States ex rel. Rives*, 267 U.S. 175, 177–78; *Ballinger* v. *United States ex rel. Frost*, 216 U.S. 240, 249; *Garfield* v. *United States ex rel. Goldsby*, 211 U.S. 249, 262; *Roberts* v. *United States ex rel. Valentine*, 176 U.S. 221, 229–31; *United States ex rel. McBride* v. *Schurz*, 102 U.S. 378; *Kendall* v. *United States ex rel. Stokes, supra*, 12 Pet. at 609 *et seq.; Marbury* v. *Madison, Supra*, 1 *Cranch* at 1964–66.

[51] This Court in *Branzburg* quoted Jeremy Bentham's vivid illustration:

"Are men of the first rank and consideration—are men high in office—men whose time is not less valuable to the public than to themselves—are such men to be forced to quit their business, their functions, and what is more than all, their pleasure, at the beck of every idle or malicious adversary, to dance attendance upon every petty cause? Yes, as far as it is necessary, they and everybody . . . Where the Prince of Wales, the Archbishop of Canterbury, and the Lord High Chancellor, to be passing by in the same coach while a chimneysweeper and a barrow-woman were in dispute about a halfpennyworth of apples, and the chimney-sweeper or the barrow-woman were to think proper to call upon them for their evidence, could they refuse it? No, most certainly."

See 4 The Works of Jeremy Bentham 320–21 (Bowring ed. 1843).

See also *United States* v. *Dionisio*, 410, 1, 9; *Blackmer* v. *United States*, 284 U.S. 421, 438: *Blair* v. *United States*, 250 U.S. 273, 280–281: 8 Wigmore, Evidence § 2192 (McNaughton rev. 1961) [hereinafter cited as "Wigmore"].

[52] For a complete exposition of the decisions in the *Burr* cases based upon the original record of the Burr trials, see Berger, *The President, Congress, and the Courts*, 83 Yale L.J. 1111–22 (1974).

[53] It is true that custom dictates that legal process should not be addressed to the President of the United States whenever a Cabinet member or lesser official is available, even though the subordinate official is acting upon direct order of the President. *E.g., Youngstown Sheet & Tube Co.* v. *Sawyer, supra*, 343 U.S. 579; *cf. United States Servicemen's Fund* v. *Eastland*, 488 F. 2d 1252. 1270 (D.C. Cir. 1973). It became necessary to seek this evidence from the President only because actions, to displace the ordinary custodians of the materials and to assume personal control of them. To allow this device to render the tapes immune from ordinary legal process would exalt form over substance and set a President above the law, contrary to our firm constitutional tradition. As the court of appeals stated in *Nixon* v. *Sirica, supra*. 487 F. 2d at 709. [t]he practice of judicial review would be rendered capricious—and very likely impotent—if jurisdiction vanished whenever the President personally denoted an Executive action or omission as his own." See also *National Treasury Employees Union* v. *Nixon, supra*, 492 F. 2d at 613.

In addition to the courts below in the present case and in *Nixon* v. *Sirica*, other courts have recognized that compulsory process may issue against the President, when necessary. See *Minnesota Chippewa Tribe* v. *Carlucci*, 358 F. Supp. 973, 975 (D.D.C. 1973) (holding that the President can be sued to compel performance of specific legal duties) (order vacated on grounds of mootness); *Meyers* v. *Nixon*, 339 F. Supp. 1388 (S.D.N.Y. 1972); *Atlee* v. *Nixon*, 336 F. Supp. 790 (E.D. Pa. 1972).

[54] See, *e.g.*, R. Scagliano, *The Supreme Court and the Presidency* 36–37 (1971) and C. Warren, *The Supreme Court in United States History* 759 (rev. ed. 1926) (President Andrew Jackson's failure to take steps to vindicate the Court's decision in the Cherokee Nation case, *Worcester* v. *Georgia*, 6 Pet. (31 U.S. 515): Scigliano, *supra*, at 37–38 (Jackson's vetoing of the national bank bill on constitutional grounds, despite an earlier decision by this Court tending to sustain its validity); Scigliano, *supra*, at 41–43 (President Lincoln's ignoring of several writs of habeas corpus addressed to military commanders during the Civil War). See generally Scigliano, *supra*, 58–59.

[55] See E. Corwin, *The President: Office and Powers* 11 (1948).

[56] 1 Farrand, Records of the Federal Convention of 1787, at 65–66 (1911) (hereinafter "Farrand"). See also 4 Elliot's Debates 108–09 (2d ed. 1836) (remarks of Iredell at the North Carolina Ratification Convention).

[57] 2 Elliot's Debates 480 (2d ed. 1836).

[58] Farrand at 384–385.

The Founding Fathers were conscious of the "aversion of the people to monarchy." *The Federalist* Number 67 (B. F. Wright ed. 1961). Corwin has explained "that 'the executive magistracy' was the natural enemy, the legislative assembly the natural friend of liberty." E. Corwin, *The President: Office and Powers* 4 (1948).

[59] We are not dealing in this case, of course, with the question whether, even in the absence of any explicit immunity, an incumbent President is entitled to implicit immunity from having to defend himself against criminal charges lodged against him in an indictment.

[60] Scattered district court opinions seem to have accepted that argument, at least where discretionary executive powers were at issue. See, *e.g., National Ass'n of Internal Revenue Employees* v. *Nixon*, 349 F. Supp. 18, 21 (D.D.C. 1972), rev'd 492 F. 2d 587 (D.C. Cir. 1974); *Reese* v. *Nixon*, 347 F. Supp. 314, 316–17 (C.D. Cal. 1972).

[61] Fairman, *Reconstruction and Reunion 1864–88*. History of the Supreme Court of the United States 379–80, 436–37 (1971).

[62] See also *Colegrove* v. *Green*, 328 U.S., 549, 556; *Louisiana* v. *McAdoo*, 234 U.S. 627, 633–34; *Wisconsin* v. *Pelican Insurance Co.*, 127 U.S. 265, 296; *National Treasury Employees Union* v. *Nixon, supra*, 492 F. 2d at 613–15.

[63] See pp. 44–47, *supra*.

[64] The subpoena *duces tecum* is directed to "Richard M. Nixon *or* any subordinate officer" whom he may designate as having custody of the tape recordings and other documents.

[65] We use the term "generalized claim of executive privilege" to cover a claim of privilege based on an asserted interest in the confidentiality of communications within the Executive Branch, as distinguished from more specific privileges sometimes covered by the term "executive privilege."

Thus, the courts have recognized a specific privilege for "state secrets," covering government information bearing on international relations, military affairs and the national security. See, *e.g., United States* v. *Reynolds, supra*, 345 U.S. at 6–7; *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 320–21; 8 Wigmore § 2378. There is also a privilege for "investigative files," including information relating to confidential informants. See, *e.g., Alderman* v. *United States*, 394 U.S. 165, 184–85; *Roviaro* v. *United States*, 353 U.S. 53; *Machin* v. *Zuckert, supra*, 316 F. 2d at 339; 8 Wigmore §§ 2374–77; cf. *United States ex rel. Touhy* v. *Ragen*, 340 U.S. 462.

The President has not claimed any such specific type of "executive privilege" for any of the conversations described in the subpoena.

[66] In a letter to Chief Judge Sirica on July 25, 1973, the return date of that subpoena, President Nixon stated:

"I have concluded, however, that it would be inconsistent with the public interest and with the Constitutional position of the Presidency to make available recordings of hearings and telephone conversations in which I was a participant and I must respectfully decline to do so.

Special Appearance of Richard M. Nixon, Exh. A, *In Re Grand Jury Subpoena Duces Tecum Issued to Richard M. Nixon, supra.*

[67] Brief in Opposition 2–3, *id.*

[68] Brief in Opposition 12–13, *id.*

[69] For example, Executive Order 11,652, "Classification and Declassification of National Security Information and Material," issued by President Nixon on March 8, 1972, provides for access to classified data by persons "who have previously occupied policy-making positions to which they were appointed by the President" (Sec. 12), although publication of the material is not authorized.

[70] See 8 Wigmore § 2192, at 73; Morgan, Foreword to ALI Model Code of Evidence 7 (1942).

[71] For a discussion of the intent of the Framers, see pp. 76–80, *supra*.

[72] Only the interest in confidentiality as an encouragement to candor is involved in the present case, for there is plainly no challenge to the rationale for any governmental decision or order.

[73] The Speech or Debate Clause, Art. I. Sec. 6, cl. 1, provides that no Senator or Representative may be "questioned in any other Place" for "any Speech or Debate in either House." It prohibits inquiry "into those things generally said or done in the House or the Senate in the performance of official duties and into the motivation for those acts." *United States* v. *Brewster, supra*, 408 U.S. at 512.

[74] See also *Black* v. *Sheraton Corp.*, 371 F. Supp. 97 (D.D.C. 1974); *United States* v. *Procter & Gamble Co.*, 25 F.R.D. 485, 490–91 (D.N.J. 1960); *cf. Carl Zeiss Stiftung* v. *V.E.B. Carl Zeiss. Jena, supra*, 40 F.R.D. at 329 (footnotes omitted): "Here, unlike the situation in some cases, no charge of governmental misconduct or perversion of governmental power is advanced."

[75] Recently the Court of Appeals for the Seventh Circuit held that the attorney-client privilege must yield upon a "*prima facie*" showing that the communications were made in furtherance of a continuing or future fraud or crime. *United States* v. *Aldridge, supra*, 484 F. 2d at 658. Other circuits agree that a *prima facie* showing that some fraud or criminal misconduct may have tainted what would otherwise have been a privileged, confidential relationship is sufficient to require that the privilege yield. See, *e.g., Pfizer, Inc.* v. *Lord*, 456 F. 2d 545 (8th Cir. 1972); *United States* v. *Friedman*, 445 F. 2d 1076 (9th Cir. 1971), cert. denied, 404 U.S. 958; *United States* v. *Bob*, 106 F. 2d 37 (2d Cir. 1939), cert. denied, 308 U.S. 589. See also *O'Rourke* v. *Darbishire*, [1920] A.C. 581 (H.L.). establishing the same standard.

[76] Accord, *Ewing* v. *Mytinger & Casselberry*, 339 U.S. 594, 599; *United States* v. *King*, 482 F. 2d 768, 776 (D.C. Cir. 1973): *United States* v. *Kysar*, 459 F. 2d 422, 424 (10th Cir. 1972). The grand jury's finding cannot be challenged on the ground that it was based upon inadequate evidence. See, *e.g., United States*

v. *Calandra*, ——— U.S. ———, ——— (42 U.S.L.W. 4104, 4106, Jan. 8, 1974); *Costello* v. *United States*, 350 U.S. 359, 363 (1956).

The above decisions, of course, concern findings of probable cause which appear on the face of the indictment. The June 5, 1972 grand jury could likewise have listed every known co-conspirator in the indictment, in which case that finding of complicity in the conspiracy would have been conclusive in these pre-trial proceedings. Out of deference to the President's public position, however, the grand jury instead decided to vote *in camera* upon a finding of probable cause against each alleged co-conspirator, but not to name any formally in the indictment. The grand jury further authorized the Special Prosecutor to disclose and rely upon its determination of probable cause if and when such action became necessary. There is no reason why the same conclusive effect should not be given to the grand jury's determination in this case as would have been accorded if the grand jury had been less solicitous of the President's position.

[77] There is no reason to believe that the grand jury's finding is unconstitutional or in any sense an abuse of the grand jury's power. In the district court, the President premised the motion to expunge on the contention that the President is not subject to indictment prior to removal from office. The Constitution, however, contains no explicit Presidential immunity from the ordinary process of the criminal law prior to impeachment and removal, and there are substantial arguments that an implicit immunity is likewise not warranted by the Constitution. See Berger, "The President, Congress, and the Courts," 83 Yale L.J. 1111, 1123–36 (1974); Rawle, *A View of the Constitution of the United States of America* 215 (2d ed. 1829). See also, *United States* v. *Isaacs and Kerner, supra*, holding that an impeachable officer is liable to criminal prosecution prior to impeachment and removal.

Here, however, the grand jury did not indict the President, but only named him as an unindicted co-conspirator. Therefore, the broader question of whether an indictment of a sitting President is constitutionally permissible need not be reached. None of the practical difficulties incident to indicting an incumbent President and requiring him to defend himself while still conducting the affairs of state exists when the grand jury merely names the President as an unindicted co-conspirator. This action does not constitute substantial interference with the President's ability to perform his official functions. For example, an unindicted co-conspirator need not spend time and effort in preparing his defense, time which a President may need to devote to carrying out his constitutional duties. Nor is there any inherent unfairness in such a course since an incumbent President has at his command all of the Nation's communications facilities to convey his position on the events in question. Thus, whatever may be the case with respect to indictment, there are no substantial arguments for creating an immunity for the President even from being identified as a co-conspirator when a grand jury finds it necessary and appropriate to do so in connection with an independent criminal prosecution of others.

Furthermore, even assuming *arguendo* that the grand jury's action was without legal effect, the district judge had ample discretion to refuse to expunge its finding. See *In re Grand Jury Proceedings*, 479 F. 2d 458, 460 n. 2 (5th Cir. 1973) and *Application of Johnson*, 484 F. 2d 791 (7th Cir. 1973), discussing the criteria to be applied in passing upon motions to expunge grand jury reports. The grand jury's action concerns a subject of legitimate public concern. The President has neither alleged nor established any prejudice from the grand jury's action. The strong public interest in placing before the petit jury what the grand jury believed was the full scope of the alleged conspiracy to obstruct justice which forms the basis for the indictment in *United States* v. *Mitchell, et al.* made it reasonable for the grand jury to designate all participants in the conspiracy as co-conspirators. In deference to the Office of the Presidency, and sensitive to the practical difficulties in indicting an incumbent President, the grand jury named him as an unindicted co-conspirator, and there is no constitutional impediment to such action, and no compelling reason to expunge that determination.

[78] Executive privilege still may attach, of course, to any subpoenaed material irrelevant to the issues to be tried in *United States* v. *Mitchell, et al.* The district court, in accordance with the procedures established in *Nixon* v. *Sirica, supra*, 487 F. 2d at 716–21, and followed thereafter, has ordered the President or any subordinate officer to submit the originals of the subpoenaed items to that court. Briefly, under those procedures, the President or his designee must submit an "analysis" itemizing and indexing those segments of the materials for which he asserts a particularized claim of privilege (*e.g.*, items subject to a claim of "national security") and those segments which he asserts are irrelevant to Watergate. The President may decline initially to submit for *in camera* inspection those items which he contends relate to "national defense or foreign relations." If there are any such claims, the district judge must hold a hearing to determine whether to sustain the claim of particularized privilege. As to all items for which there is no claim of particularized privilege or as to which the district judge rejects such a claim, the judge must inspect them *in camera* to determine which segments relate to Watergate and thus are not privileged. The judge may consult with the parties in determining relevancy.

These procedures are fully consistent with the principles set forth by this Court in *Environmental Protection Agency* v. *Mink, supra*, 410 U.S. at 92–94, and *United States* v. *Reynolds, supra*, 345 U.S. at 7–10.

[79] This was a different letter than the one for which the Chief Justice had issued a subpoena to the President in connection with the grand jury inquiry. *United States* v. *Burr*, 25 Fed. Cas. 30 (No. 14,692d) (C.C.D. Va. 1807).

[80] The Chief Justice continued: "The president may himself state the particular reasons which may have induced him to withhold a paper, and the court would unquestionably allow their full force to those reasons. At the same time, the court could not refuse to pay proper attention to the affidavit of the accused."

[81] Justices Black, Frankfurter and Jackson dissented from the decision of the Court, relying on the opinion of Judge Maris below. 192 F. 2d 987 (3d Cir. 1951). Judge Maris, as did this Court, rejected the government's contention that the determination of the executive officer claiming the privilege must be accepted. Although Judge Maris recognized a privilege for "state secrets," he rejected the availability of a "housekeeping" privilege in an instance where the government had consented to be sued. Judge Maris predicted (192 F. 2d at 995): "[W]e regard the recognition of such a sweeping privilege against any disclosure of the internal operations of the executive departments of the Government as contrary to a sound public policy. * * * It is but a small step to assert a privilege against any disclosure of records merely because they might prove embarrassing to government officers. * * *"

[82] The President's Address to the Nation, April 29, 1974. 10 Weekly Compilation of Presidential Documents 452 (May 6, 1974).

[83] The recordings themselves are necessary for trial, and the President's release of portions of some transcripts cannot be considered adequate compliance with the subpoena. As this Court is well aware, the recordings themselves, and not the transcripts, constitute the most reliable evidence of what actually transpired. In *Lopez* v. *United States*, 373 U.S. 427, 439–40, the Court acknowledged that recordings of admissible conversations are "highly useful evidence" and the "most reliable evidence possible of a conversation." Cf. *United States* v. *White*, 401 U.S. 745, 753. In addition to providing the most accurate reflection of what was actually spoken, the recordings also are important because they reveal tone and inflection often necessary to evaluate the meaning of spoken words.

Furthermore, a comparison of the transcripts prepared by the White House and the transcripts prepared by the Watergate Special Prosecution Force of recordings previously produced by the President reveals material differences. In some cases, the transcripts differ as to the words spoken. In other cases, a comparison indicates that the White House has failed to transcribe portions without indicating that material has been deleted or is unintelligible. A number of these discrepancies were called to the attention of the district court. See Memorandum for the United States in Opposition to the Motion to Quash Subpoena Duces Tecum 40–43. The White House transcripts also indicate that "material unrelated to Presidential actions" has been deleted. The reasonable inference to be drawn is that material has been deleted that relates to other persons' actions concerning Watergate. Clearly, such material is important to the prosecution of defendants in *United States* v. *Mitchell et al.*

Finally, there is some question whether the transcripts, without the underlying recordings, would be admissible under the "best evidence" rule. Generally stated, that rule provides that where a party seeks to prove the terms of a "writing," the original writing must be produced unless it is shown to be unavailable. See McCormick, *Evidence* § 230, at 560 (1972). "The danger of mistransmitting critical facts which accompanies the use of written copies or recollection, but which is largely avoided when an original writing is presented to prove its terms, justifies preference for the original documents." *Id.*, § 231, at 561. Although recordings do not fall within the strict confines of the rule, "sound recordings, where their content is sought to be proved, so clearly involve the identical considerations applicable to writings as to warrant inclusion within the rule." *Id.*, § 232, at 563.

[84] In *Senate Select Committee on Presidential Campaign Activities* v. *Nixon, supra*, the court of appeals ruled that the Committee's "need" for the five recordings it had subpoenaed "is too attenuated and too tangential to its functions to permit a judicial judgment that the President is required to comply with the committee's subpoena" (slip op. at 17). The question the court asked was whether the recordings were "demonstrably critical to the responsible fulfillment of the Committee's functions" (slip op. at 13). Highly specific factfinding, of course, is rarely, if ever, "demonstrably critical" to the legislative function, whereas it is the very essence of the determination a trial jury is called upon to make beyond a reasonable doubt.

[85] This rule was approved by the Court of Appeals for the District of Columbia Circuit in *Ellis* v. *United States*, 416 F. 2d 791, 801 n. 26 (1969). See also *United States* v. *Cote*, 456 F. 2d 142, 145 (8th Cir. 1972).

[86] 9 Weekly Compilation of Presidential Documents 697 (May 28, 1973).

[87] *Submission of the Recorded Presidential Conversations to the Committee on the Judiciary of the House of Representatives by President Richard Nixon, April 30, 1974.* This document was before the district court. See Transcript of Hearing on May 13, 1974.

[88] 10 Weekly Compilation of Presidential Documents 451–52 (May 6, 1974).

[89] Affidavit of J. Fred Thompson dated August 9, 1973, *Hearings before the Senate Select Committee on Presidential Campaign Activities*, 93d Cong. 1st Sess., Book 4, at 1794–1800 (1973).

[90] *Id.*, Book 7, at 2888–89; Book 8, at 3101–02.

[91] See, *e.g.*, Letter from President Richard M. Nixon to Senator Sam J. Ervin, Chairman of the Senate Select Committee on Presidential Campaign Activities, July 23, 1973, *id.*, Book 6, at 2479:

"Before their existence became publicly known, I personally listened to a number of them. The tapes are entirely consistent with what I know to be the truth and what I have stated to be the truth."

[92] In the Formal Claim of Privilege which was submitted along with the Motion to Quash, the President expressly stated that he was not asserting any privilege with respect to the twenty conversations for which partial transcripts already have been released publicly by the White House. Since no privilege was asserted as to these conversations, no further inquiry was necessary by the district court into whether there would otherwise have been any privilege, or whether the government had a strong need for the evidence, or whether the government's need outweighed any available privilege. Thus, the Special Prosecutor's showing of relevancy and evidentiary value as to these conversations, which was held adequate to satisfy Rule 17(c), warranted enforcement of the subpoena (at least as to the portions of the tapes for which transcripts have been released) without more.

[93] Some of the material contained in the Appendix, and additional material relating to conversations of June 4, 1973, being sought by Item 46 of the subpoena, were also discussed at oral argument before the district court on May 13, 1974.

[94] In his Reply Memorandum below, counsel for the President argued that the Special Prosecutor's reliance on *Carter* and related cases was misleading because in some of those cases *pretrial* production of material admissible for impeachment of witness was in fact denied. In the instant case, of course, the necessity of pre-trial production is predicated on the government's showing—apparently not contested by counsel for the President—that delaying production of the recordings until trial would not allow adequate time for testing, enhancement, transcription, and preparation of the evidence that would be required for actual use at trial.

[95] In some instances tape recordings already obtained by the Special Prosecutor contain strong evidence of the relevancy of additional conversations sought under this subpoena. For example, it was pointed out in oral argument in the district court that the June 4, 1973, recording of the President listening to prior recordings indicates why the March 13, 1973, telephone conversations sought by Item 46 of the subpoena are important. See Transcript of Hearing on May 13, 1974, at 57.

[96] As pointed out below, the transcripts in some instances provide circumstantial evidence concerning what happened at meetings for which no transcripts were released. In addition, the Court certainly may take notice of the fact that each and every subpoenaed conversation for which a transcript was subsequently released did in fact substantially concern Watergate.

[97] Transcript of Hearing, May 13, 1973, at 61–62.

[98] *Stubbs* v. *United States,* 428 F. 2d 885, 888 (9th Cir. 1970), cert. denied, 400 U.S. 1009; *United States* v. *McKeever,* 160 F. Supp. 426 (S.D.N.Y. 1958).

[99] *United States* v. *Madda,* 345 F. 2d 400, 403 (7th Cir. 1965).

[100] See *Stubbs* v. *United States, supra;* cf. *United States* v. *Sutton,* 426 F. 2d 1202, 1207 (D.C. Cir. 1969) (authentication of writings); Proposed Federal Rules of Evidence, Rule 901(b) (9).

[101] The court upheld the district court's exercise of discretion not to compel production prior to trial because the government had already played the recordings for defendant and his counsel over a period of several days.

[102] See *Monroe* v. *United States, supra.* Prior consistent statements have traditionally been admissible only to rebut charges of recent fabrication or improper influence or motive, but the Proposed Federal Rules of Evidence, Rule 801(d) (1) (B), would permit use of such statements as substantive evidence as well.

[Appendix]

Applicable Provisions of Constitution, Statutes, Rules, and Regulations

1. The Constitution of the United States provides in pertinent part—

Article II, Section 1:

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

* * * * *

Article II, Section 2:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States: he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

* * * * *

Article II, Section 3:

* * * he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Article III, Section 2:

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens of Subjects.

* * * * *

2. Title 5, United States Code, provides in pertinent part—

§ 301. Departmental regulations.

The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

Title 28. United States Code, provides in pertinent part—

§ 509. Functions of the Attorney General.

All functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General except the functions—

1) vested by subchapter II of chapter 5 of title 5 in hearing examiners employed by the Department of Justice;

2) of the Federal Prison Industries, Inc.;

3) of the Board of Director and officers of the Federal Prison Industries, Inc.; and

4) of the Board of Parole.

§ 510. Delegation of authority.

The Attorney General may from time to time make such provisions as he considers appropriate authorizing the performance by any other officer, employee, or agency of the Department of Justice of any function or the Attorney General.

§ 515. Authority for legal proceedings; commission, oath, and salary for special attorneys.

(a) The Attorney General or any other officer of the Department of Justice, or any attorney specially appointed by the Attorney General under law, may, when specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which United States attorneys are authorized by law to conduct, whether or not he is a resident of the district in which the proceeding is brought.

* * * * * *

§ 516. Conduct of litigation reserved to Department of Justice.

Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General.

§ 517. Interests of United States in pending suits.

The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States.

§ 518. Conduct and argument of cases.

(a) Except when the Attorney General in a particular case directs otherwise, the Attorney General and the Solicitor General shall conduct and argue suits and appeals in the Supreme Court and suits in the Court of Claims in which the United States is interested.

(b) When the Attorney General considers it in the interests of the United States, he may personally conduct and argue any case in a court of the United States in which the United States is interested, or he may direct the Solicitor General or any officer of the Department of Justice to do so.

§ 519. Supervision of litigation

Except as otherwise authorized by law, the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties.

3. Rule 17. Federal Rules of Criminal Procedure, provides in pertinent part—

SUBPOENA

* * * * *

(c) For Production of Documentary Evidence and of Objects. A subpoena may also command the person to whom it is directed to produce the books, papers, documents or other objects designated therein. The court on motion made promptly may quash or modify the subpoena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents or objects designated in the subpoena be produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence and may upon their production permit the books, papers, documents or objects or portions thereof to be inspected by the parties and their attorneys.

* * * * *

4. Department of Justice Order No. 551-73 (Nov. 2, 1973) 38 Fed. Reg. 30,738 adding 28 C.F.R. §§ 0.37, and 0.38, and Appendix to Subpart G-1, provides

TITLE 28—JUDICIAL ADMINISTRATION

CHAPTER I—DEPARTMENT OF JUSTICE

Part O—Organization of the Department of Justice

Order No. 551-73

Establishing the Office of Watergate Special Prosecution Force

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, there is hereby established in the Department of Justice, the Office of Watergate Special Prosecution Force, to be headed by a Director. Accordingly, Part O of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.1(a) which lists the organization units of the Department, is amended by adding "Office of Watergate Special Prosecution Force" immediately after "Office of Criminal Justice."

2. A new Subpart G-1 is added immediately after subpart G, to read as follows:

Subpart G-1—Office of Watergate Special Prosecution Force

§ 0.37 GENERAL FUNCTIONS.

The Office of Watergate Special Prosecution Force shall be under the direction of a Director who shall be the Special Prosecutor appointed by the Attorney General. The duties and responsibilities of the Special Prosecutor are set forth in the attached appendix which is incorporated and made a part hereof.

§ 0.38 SPECIFIC FUNCTIONS.

The Special Prosecutor is assigned and delegated the following specific functions with respect to matters specified in this Subpart:

(a) Pursuant to 28 U.S.C. 515(a), to conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings, which United States attorneys are authorized by law to conduct, and to designate attorneys to conduct such legal proceedings.

(b) To approve or disapprove the production or disclosure of information or files relating to matters within his cognizance in response to a subpoena, order, or other demand of a court or other authority. (See Part 16(B) of this chapter.)

(c) To apply for and to exercise the authority vested in the Attorney General under 18 U.S.C. 6005 relating to immunity of witnesses in Congressional proceedings.

The listing of these specific functions is for the purpose of illustrating the authority entrusted to the Special Prosecutor and is not intended to limit in any manner his authority to carry out his functions and responsibilities."

ROBERT H. BORK,
Acting Attorney General.

Date: November 2, 1973.

[Appendix]

DUTIES AND RESPONSIBILITIES OF THE SPECIAL PROSECUTOR

The Special Prosecutor

There is appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpoenas, or other court orders;

Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;

Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees.

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. In accordance with assurances given by the President to the Attorney General that the President will not exercise his Constitutional powers to effect the discharge of the Special Prosecutor or to limit the independence that he is hereby given, the Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part and without the President's first consulting the Majority and the Minority Leaders and Chairman and ranking Minority Members of the Judiciary Committees of the Senate and House of Representatives and ascertaining that their consensus is in accord with his proposed action.

Staff and Resource Support

1. *Selection of Staff.*—The Special Prosecutor shall have full authority to organize, select, and hire his own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice, including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. *Budget.*—The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

3. *Designation and Responsibility.*—The personnel acting as the staff and assistants of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

Continued Responsibilities of Assistant Attorney General, Criminal Division.—Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

Applicable Departmental Policies.—Except as otherwise herein specified or as mutually agreed between the Special Prosecutor and the Attorney General, the Watergate Special Prosecution Force will be subject to the administrative regulations and policies of the Department of Justice.

Public Reports.—The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

Duration of Assignment.—The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself.

5. Department of Justice Order No. 554-73 (Nov. 19, 1973), 38 Fed. Reg. 32,805, amending 28 C.F.R. Appendix to Subpart G-1, provides—

TITLE 28—JUDICIAL ADMINISTRATION

CHAPTER I—DEPARTMENT OF JUSTICE

Part O—Organization of the Department of Justice

Subpart G-1—Office of Watergate Special Prosecution Force

Order No. 554-73

AMENDING THE REGULATIONS ESTABLISHING THE OFFICE OF WATERGATE SPECIAL PROSECUTION FORCE

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, the last sentence of the fourth paragraph of the Appendix to Subpart G-1 is amended to read as follows: "In accordance with assurances given by the President to the Attorney General that the President will not exercise his Constitutional powers to effect the discharge of the Special Prosecutor or to limit the independence that he is hereby given, (1) the Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part and without the President's first consulting the Majority and the Minority Leaders and Chairmen and ranking Minority Members of the Judiciary Committees of the Senate and House of Representatives and ascertaining that their consensus is in accord with his proposed action, and (2) the jurisdiction of the Special Prosecutor will not be limited without the President's first consulting with such Members of Congress and ascertaining that their consensus is in accord with his proposed action."

Robert H. Bork,
Acting Attorney General.

Date: November 19, 1973.

6. The letter from the Acting Attorney General to the Special Prosecutor on November 21, 1973, stating the intention of Department of Justice Order No. 554–73, is as follows—

Office of the Solicitor General,
Washington, D.C. 20530,
November 21, 1973.

Leon Jaworski, Esq.,
Special Prosecutor,
Watergate Special Prosecution Force,
1425 K Street, N.W.,
Washington, D.C. 20005

Dear Mr. Jaworski: You have informed me that the amendment to your charter of November 19, 1973 has been questioned by some members of the press. This letter is to confirm what I told you in our telephone conversation. The amendment of November 19, 1973 was intended to be, and is, a safeguard of your independence.

The President has given his assurance that he would not exercise his constitutional powers either to discharge the Special Prosecutor or to limit the independence of the Special Prosecutor without first consulting the Majority and Minority leaders and chairmen and ranking members of the Judiciary Committees of the Senate and the House, and ascertaining that their consensus is in accord with his proposed action.

When that assurance was worked into the charter, the draftsman inadvertently used a form of words that might have been construed as applying the President's assurance only to the subject of discharge. This was subsequently pointed out to me by an assistant and I had the amendment of November 19 drafted in order to put beyond question that the assurance given applied to your independence under the charter and not merely to the subject of discharge.

There is, in my judgment, no possibility whatever that the topics of discharge or limitation of independence will ever be of more than hypothetical interest. I write this letter only to repeat what you already know: the recent amendment to your charter was to correct an ambiguous phrasing and thus to make clear that the assurances concerning congressional consultation and consensus apply to all aspects of your independence.

Sincerely,

Robert H. Bork,
Acting Attorney General.

CURB SPENDING—CUT INFLATION

(Mr. MILLER asked and was given permisison to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILLER. Mr. Speaker, as this Nation prepares to celebrate its 198th birthday, we face some of the most severe economic problems of our entire history. The unfortunate aspect of this economic slide is that the Congress is responsible for a great deal of it. Inflation is proceeding at a double-figure annual rate. Interest rates are pushing the 12-percent mark. The average American has to wonder when, if ever, this is all going to stop. While this is occurring, the Congress is in the process of approving one of the most inflationary budgets of this century. Estimates now are that the deficit for fiscal year 1975 will run over the $10 billion level on a total budget of $300 billion. It is a total that I am sure our Founding Fathers would not be able to comprehend. Consider the fact that the budgets for the U.S. Government for 60 years from 1789 to 1849 ran to a total of slightly over $1 billion. Our deficit today is 10 times that amount.

Even many of our economic experts frankly admit that they do not have the answers to our economic ills. However, it is a certainty that one step can be taken by the Congress to help cure our inflation—cut wildfire spending. In the past week alone we have seen numerous measures go sailing through the House that will hamper our economic recovery; a Labor-HEW appropriations bill totaling $32.8 billion and a grant of $1.5 billion to the International Development Association—IDA. The Labor-HEW bill did not include over $4 billion in programs that will come along later in a "supplemental."

The IDA bill will cost the American taxpayer far more than the $1.5 billion since the absence of interest rates means that the U.S. Treasury will go even deeper in debt because of borrowing. This national debt already totals an astounding $500 billion. By the time the 50-year IDA terms are up they will have added further to the national debt.

Mr. Speaker, it is time that this body began to realize that a curbing of inflation can only begin when the Congress starts to act in a fiscally responsible manner. It is time to stop adding amendments to bills that provide for "only a few more million." No citizen can afford to run his household budget in such a manner. It is time the Congress realizes that the national budget can no longer be run that way either.

Mr. Speaker, I shall continue to do my best to insure that wasteful, inflation-feeding programs are not enacted by this body, only to be shouldered by future generations. I would urge each of my colleagues to pause over this Independence Day recess to reflect on our national priorities and on what must be done by this Congress to restore our economy to a vigorous state without inflation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Hechler of West Virginia, for 60 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Rousselot) to revise and extend their remarks and include extraneous material:)

Mr. Frenzel, for 10 minutes, today.

Mr. Kemp, for 15 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Dan Daniel, for 5 minutes, today.

Mr. Adams, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Mahon and to include extraneous matter in two instances.

Mr. Stratton and to include extraneous matter in two instances.

Mr. Brademas and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $13,274.50.

(The following Members (at the request of Mr. Rousselot) and to include extraneous material:)

Mr. Broyhill of North Carolina.
Mr. Fish.
Mr. Roncallo of New York.
Mr. Hammerschmidt in two instances.
Mr. McClory.
Mr. Smith of New York.
Mr. Rousselot.
Mr. McKinney.
Mr. Ketchum.
Mr. Hunt.

(The following Members (at the request of Mr. Gonzalez and to include extraneous material:)

Mr. Dingell in two instances.
Mr. Anderson of California in two instances.
Mr. Sisk.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Dan Daniel.
Mr. Murphy of New York.
Mrs. Schroeder in 10 instances.
Mr. Blatnik.
Mr. Cotter.
Mr. Johnson of California.
Mr. Hamilton.
Mrs. Mink.
Mr. Young of Georgia.
Mr. Vander Veen.

ADJOURNMENT

Mr. LEHMAN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. In accordance with Senate Concurrent Resolution 96, 93d Congress, the Chair declares the House adjourned until 12 o'clock noon on July 9, 1974.

Thereupon (at 12 o'clock and 34 minutes p.m.), pursuant to Senate Concurrent Resolution 96, the House adjourned until Tuesday, July 9, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2519. A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize, with respect to certain members of the Army Reserve or Air Force Reserve, their employment as Army or Air Reserve technicians, and for other purposes; to the Committee on Armed Services.

2520. A letter from the Chairman, Board of Trustees, Public Defender Service for the District of Columbia, transmitting the annual report of the Board for fiscal year 1973, pursuant to 2 District of Columbia Code 2221–2228; to the Committee on the District of Columbia.

2521. A letter from the Secretary of the Treasury, transmitting the first annual audit report of the Student Loan Marketing Association for the fiscal year ended December 31, 1973, pursuant to section 439(k), title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1087–2(k)); to the Committee on Education and Labor.

2522. A letter from the Chairman, Federal Power Commission, transmitting a copy of the publication entitled, "Natural Gas Act, March 1, 1974"; to the Committee on Interstate and Foreign Commerce.

2523. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a copy of the order suspending deportation in the case of Benito Palafox-Gutierrez, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended (8 U.S.C. 1254(c)(1)); to the Committee on the Judiciary.

2524. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended (8 U.S.C. 1254(c)(1)); to the Committee on the Judiciary.

Received From the Comptroller General

2525. A letter from the Comptroller General of the United States, transmitting a report on the implementation and impact of reductions in civilian employment during fiscal year 1972; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee of conference. Conference report on S. 3203 (Rept. No. 93–1175). Ordered to be printed.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 15233. A bill to establish an Office of Federal Procurement Policy within the Office of Management and Budget; with amendment (Rept. No. 93–1176). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 9989. A bill to further the national housing goal of encouraging homeownership by regulating certain lending practices and closing and settlement procedures in federally related mortgage transactions to the end that unnecessary costs and difficulties of purchasing housing are minimized, and for other purposes; with amendment (Rept. No. 93–1177). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 15578. A bill to amend the Small Business Act, the Small Business Investment Act, and for other purposes; with amendment (Rept. No. 93–1178). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. S. 1728. An act to increase benefits provided to American civilian internees in Southeast Asia; with amendment (Rept. No. 93–1179). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of North Carolina:

H.R. 15789. A bill to regulate commerce by establishing a nationwide system to restore motor vehicle accident victims and by requiring no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways; to the Committee on Interstate and Foreign Commerce.

By Mr. CARNEY of Ohio (for himself, Mr. Teague, Mr. Dorn, and Mr. Satterfield):

H.R. 15790. A bill to amend section 802 of title 38, United States Code, so as to increase Veterans' Administration assistance to seriously disabled veterans in acquiring specially adapted housing; to the Committee on Veterans' Affairs.

By Mr. DIGGS (for himself, Mr. Fraser, Mr. Fauntroy, and Mr. Broyhill of Virginia):

H.R. 15791. A bill to amend section 204(g) of the District of Columbia Self-Government and Governmental Reorganization Act, and for other purposes; to the Committee on the District of Columbia.

By Mr. ERLENBORN (for himself and Mr. Steiger of Wisconsin):

H.R. 15792. A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes; to the Committee on Education and Labor.

By Mr. FRENZEL:

H.R. 15793. A bill to amend the Federal Election Campaign Act of 1971 to impose overall limitations on campaign expenditures and political contributions; to provide that expenditures made by a candidate may be made only by the central campaign committee designated by him; to provide for a single reporting responsibility with respect to receipts and expenditures; to change the times for the filing of reports regarding campaign expenditures and political contributions; and for other purposes; to the Committee on House Administration.

H.R. 15794. A bill to amend chapter 17 of title 38 of the United States Code to require the etsablishment of comprehensive treatment and rehabilitative services and programs for all veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities; to the Committee on Veterans' Affairs.

By Mr. OWENS:

H.R. 15795. A bill to amend title 5, United States Code, to regulate certain activities of Federal employees, and for other purposes; to the Committee on House Administration.

By Mr. RIEGLE (for himself, Mr. Corman, Mr. Danielson, Mr. Drinan, Mr. Hamilton, Mr. Hechler of West Virginia, Ms. Holtzman, Mr. Mallary, Mr. Preyer, Mr. Rose, Mr. Traxler, and Mr. Vander Veen):

H.R. 15796. A bill to amend the Employment Act of 1946 with respect to price stability; to the Committee on Government Operations.

By Mr. ROE (for himself, Mr. Bafalis, Mr. Hammerschmidt, Mr. McSpadden, Mr. Mollohan, and Mr. Stuckey):

H.R. 15797. A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Huntington's disease; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMMS:

H.R. 15798. A bill to authorize and direct the Secretary of the Interior to study the feasibility and suitability of establishing a Hells Canyon National Recreation Area in the States of Idaho and Oregon; to the Committee on Interior and Insular Affairs.

By Mr. WYLIE:

H.R. 15799. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS:

H. Con. Res. 558 Concurrent resolution expressing the sense of Congress that the President exercise his authority to suspend assistance to the Government of Turkey; to the Committee on Foreign Affairs.

By Mr. FUQUA:

H. Res. 1221. Resolution expressing the sense of the House regarding the reclassification of servicemen listed as missing in action in Southeast Asia to presumptive finding of death status; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GUDE introduced a bill (H.R. 15800) for the relief of Victor Henrique Carlos Gibson, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

"AMERICA"

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. GOLDWATER. Mr. Speaker, as we pause to celebrate the 198th anniversary of America's independence, it seems appropriate to point out what is right about our great country. When confronted with so many crises, it is often difficult to sit back and reflect on the positive aspects of America.

Just recently a poem entitled, "America," was brought to my attention by a good friend. The poem is by a young man from Los Angeles who has a deep and abiding sense of the greatness of America and what must be done to preserve our democratic way of life. I was so impressed with the maturity of his poem and the message it conveys that I want to share it with the Congress and the Nation. Therefore, I include this very moving and prophetic poem by Mr. James Bruce Joseph Sievers:

"America"

If you think you feel badly
You can be happy you are able to think
When you are walking about sadly
How fortunate you are able to walk
Or when you dent your car
Think how many have no car to dent
Or your golf's not up to par
What a luxury it is to golf
In a country such as ours
With its trees and its flowers
And its days and its nights
Full of freedoms and rights
Can't we see what it means to be free?

There's no country on earth
Like the land of our birth
We're Americans and we're proud to be.
But if you had a dollar
How you'd scream and you'd holler
If someone tried to take it away.
Listen to me stranger
Your freedom's in danger
Look around at our country today.
The left is too left
And the right's too right
And the middle can't make up its mind
It's not others we should fear
Look into your mirror
A traitor in there you might find

He comes in many forms
Dwells offices and dorms
And forgets that American is his name
Or he elects a man
Then does what he can
To put his representative to shame
Or he feels that it's wrong
For a nation to be strong
And a uniform is no way to be free
If we complacently
Ignore America's plea
We'll lose her and be unable to see
That our enemies, of course
Won't need to use force
Because our enemies are already here
And as with Greece and with Rome
We'll soon give up our home
If we don't realize that with every year
Our youth can't see
What it means to be
An American in love with his land
So our example must show
That we're proud to know
We're Americans and we understand
That the bruises and scars
On our stripes and stars
Are proof for the youth to see
That Americans must strive
To keep America alive
For freedom can never be free.

JAMES BRUCE JOSEPH SIEVERS.

EMERGENCY LIVESTOCK ACT—THE BANK BILL

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. PEYSER. Mr. Speaker, opposition to the Emergency Livestock Act continues to mount. Some of this opposition is coming from the very people whom this legislation is alleged to help.

I would like to bring to the attention of my colleagues two pieces of communication which I received from cattle feeders who are voicing their objections to this ill-conceived legislation:

ALTA VERDE INDUSTRIES, INC.,
Eagle Pass, Tex., June 29, 1974.

Hon. PETER A. PEYSER,
House of Representatives,
Washington, D.C.

SIR: As a major cattle feeder with a onetime capacity of 25,000 head of cattle, I would like to voice my position on the proposed legislation relating to guaranteed loans for the livestock industry.

It is my honest opinion and observation that in spite of the heavy financial losses over the past nine months, the rank and file cattle feeders are not in favor of the government guaranteed loans.

As I see it, this bill is designed to bail out or benefit the banks instead of the producers. Why should the federal taxpayers be used to guarantee funds to banks which in turn will come back to haunt us?

Over the years, the beef industry has operated clearly under the law of supply and demand. Please let us continue to operate without government interference.

Thanks, but no thanks.

Yours Sincerely,

LEON MILLER,
President, Alta Verde Industries, Inc.

IDAHO CATTLE FEEDERS
ASSOCIATION, INC.,
Boise, Idaho, July 1, 1974.

DEAR CONGRESSMAN PEYSER: Attached is a copy of a press release issued only moments ago. I am sending it to you at the request of our President, Robert Rebholtz.

TONI ASHABAL, *Secretary.*

PRESS RELEASE

AMERICAN FALLS, IDAHO, June 28.—President Robert Rebholtz of the Idaho Cattle Feeders Association released the results of a telephone poll of the Officers and Directors of the Association as well as a number of Idaho cattle feeders concerning the current legislation relating to guaranteed loans for the livestock industry. This legislation has passed the Senate and is now before the House.

In spite of their heavy financial losses over the past ten months, none of the feeders polled indicated they were in favor of government guaranteed loans. A number of emphatic negative replies to this proposal were voiced. Rebholtz stated that the industry was of the opinion that the only government help needed was to have the import quotas of the 1964 Meat Import Law reinstated.

The Idaho Congressional delegation, the American National Cattlemen's Association and other state Cattle Feeder Associations were informed of the Idaho action.

Robert Henderlider, Executive Vice President of the Idaho Cattlemen's Association, stated that a poll of their Officers and Directors revealed the same feeling and that the Idaho Cattlemen are in agreement with the Idaho feeders.

Meeting in Boise, the Idaho Dairy Products Commission endorsed this idea, and stated that they agreed with their friends, the cattle feeders, In passing a resolution opposing guaranteed loans or further government intervention through subsidies, the Dairymen stated that what they really needed was for the government to put a stop to the inferior grade dairy imports coming into the United States from exporting nations that subsidized such exports.

MANAGED NUCLEAR WAR: AN UNSETTLING IDEA

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. TEAGUE. Mr. Speaker, in a recent article in the Los Angeles Times of June 27, 1974, William C. Moore writes about the consequences of nuclear war. Our thoughts and rationalizations about nuclear power have never been so demanded upon as now when every day another nation achieves nuclear status.

William Moore's article about the logic of limited strategic nuclear war demand attention by every Member of Congress. I commend the article to you.

The article follows:

MANAGED NUCLEAR WAR: AN UNSETTLING IDEA

(By William C. Moore)

For centuries, man has been trying to "manage" the intensity and gravity of his wars.

This effort—which we have come in recent years to term "arms control"—more often than not has failed, either because the agreements designed to constrain war resulted in one side gaining a military advantage which was then used aggressively to achieve political objectives, or because the constraints reduced the consequences of war to the point that war became an acceptable gamble.

For the past few years, despite repeated failures throughout history, arms control has again been beguiling the idealists. The diplomatic magic of Secretary of State Henry A. Kissinger and the euphoria of detente have led many to hope that the pattern of previous arms control efforts can be avoided. President Nixon's current trip to Moscow, from which can be expected only minimal movement toward further arms control, is little more than an extension of their expectation.

So far, however, the first two sets of strategic arms limitation talks are not particularly reassuring—history is apparently repeating itself once again. SALT I gave the Soviet Union significant numerical advantages over the United States in some categories of weapons; SALT II has for some time appeared to be foundering, partly because the Soviet Union is jockeying to achieve additional advantages.

Against this background, it might be wise to examine the proposals allowing for the possibility of limited—that is, managed—strategic nuclear war which are now being voiced in official circles. In such a war, each side would attack the other with nuclear weapons—but would be limited to only a few, isolated, strategic military facilities to indicate intent.

As Secretary of Defense James R. Schlesinger told a Senate foreign relations subcommittee, a limited strategic nuclear war between the Soviet Union and the United States, involving "a couple of nuclear weapons," is conceivable. The idea behind such an "exchange" of bombs is that a demonstration of intent would discourage escalation to all-out war.

Schlesinger brought forth the concept of a managed war to support his proposal to improve the accuracy of U.S. weapons so that they can be aimed at hard-to-hit Soviet military weapons and facilities.

Many American strategists contend, however, that tying accuracy to a limited-nuclear-war strategy places Schlesinger in a paradox—and puts a strain on the so-far-successful policy of using the threat of nuclear war to deter it.

They agree with his assessment that improved, more accurate weapons would tend to increase deterrance because the Russians could perceive the consequences of war to be that much more certain and dreadful. Certainly a weapon which can hit its target with the precision of a deer rifle is more useful and more deadly than a blunderbuss.

On the other hand, these American experts argue that the advantages are far outweighed by the faults in the proposal. The concept of limited strategic nuclear war, they contend, dangerously dilutes deterrence because of these worrisome questions:

Does not the concept suggest that the United States is attempting to find an acceptable way to fight a nuclear war if only somehow it can be "managed"?

Does this not, in turn, suggest that the grand strategy to deter war is being subordinated to an operating strategy designed to make war less harmful?

Does this not imply that the United States believes nuclear war is conceivable, perhaps inevitable—that, in short, the unthinkable is thinkable?

Does not the concept remove many uncertainties about the dreadful consequences of war? Will not aggressors perceive that the United States is weakening its deterrent to a point where more daring and less caution is possible in international affairs because the consequences of war have been markedly reduced?

Is not the concept based on a slim hope that both sides will not escalate; that each will forgo the objectives for which a war was started; that each will remain calm and rational while suffering the loss of large numbers of men, great quantities of materiel, and substantial numbers of nuclear weapons?

Once before the idea of "managed war" intrigued U.S. leaders. Presidents Kennedy and Johnson tried to "manage" conventional war in the 1960s. Their concept—known as flexible response—failed. Why? Because the whole concept smacked of how to reduce the consequences of war, not how to deter or win it.

The Communists correctly perceived that, under the restraints of flexible response, war by proxy, wars of national liberation, risky political probes and other gambles were worth the candle. Witness the Berlin wall, the subsequent Berlin crisis, the Cuban missile threat, the Dominican affair, the Pueblo incident and finally Vietnam, where managed war became an unmanaged, prolonged nightmare. All occurred after Kennedy decided on flexible response.

Despite all the polemic explanations about what has prevented nuclear war for nearly 30 years, the prevailing situation has not been managed conventional war, parity, sufficiency, counterforce, countervalue or any other esoteric strategy. Rather, it has been overwhelming American superiority to nuclear weapons and the dreadful consequences they portend.

This is the grisly logic of deterrence. It is this grisly logic which many strategists believe can eliminate war as an instrument of policy.

Gen. Douglas MacArthur, commenting on the awesome power of nuclear weapons, said war could no longer be viewed in the traditional sense as a continuation of policy by other means. War would no longer serve any useful purpose. The consequences were too catastrophic. Any political economic or social objective for which a war might be started would be lost in a swirling, mushroom-shaped cloud.

President Eisenhower successfully exploited the power of the atomic bomb to counter aggressive policies. He threatened nuclear war in Korea to achieve an armistice. A similar threat purportedly made Soviet Premier Nikita Khrushchev forgo his threat to take over Berlin in 1957. And Eisenhower used the term "parochial" to describe those who would remove the "balance of terror" from international affairs.

Kennedy described the atomic bomb as a Sword of Damocles hanging dangerously over the world. Nevertheless, in the final hour, he was forced to use the threat of nuclear war against the Soviet Union to resolve the Cuban missile crisis.

The Sword of Damocles, as Kennedy said, does hang over the world by a most slender thread. But is this so terrible a risk? Does anyone doubt that the sword has tempered diplomacy, curbed daring, made world leaders more cautious about flirting with war?

This balance of terror involves some risk of nuclear war, but the risks become infinitely greater if world leaders start rationalizing the logic of limited strategic nuclear war.

METHADONE AND PROFITS DO NOT MIX

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. RANGEL. Mr. Speaker, many people in this country consider methadone treatment the panacea to heroin addiction. While I disagree with this conclusion, I do believe methadone maintenance has made a significant contribution to the health and welfare of the hardened heroin addict.

But like any other new products with a ready market, the American free enterprise spirit notwithstanding the social consequences, has found ways to exploit this situation for a fast buck. Mounting evidence of such exploitation recently spurred this Congress to pass the Narcotic Addict Treatment Act which increased Federal control over the dispensing of methadone. Today, Mr. Speaker, I wish to share with you and my colleagues the fact that the city of New York is planning to go one step further. Councilman Carter Burden, after extensive investigation, has introduced legislation that would remove the profit motive from methadone treatment. I commend Mr. Burden for this action, and submit for your information a WABC-TV editorial on the subject:

[WABC-TV editorial, 1974]

THE CITY SHOULD PUT AN END TO PROFIT-MAKING METHADONE CLINICS

New York City Councilman Carter Burden's special committee on methadone has found a lot wrong with the way the drug is distributed. As a result of the committee's extensive field investigations, Burden has introduced legislation to improve the handling and distribution of methadone.

First of all, the bill would phase out all profit making methadone clinics, putting private clinics under closer scrutiny by authorities.

Secondly, the new legislation would set guidelines for the location of clinics around the city. We consider this to be very important.

New York City has 156 of the 450 methadone clinics in the country. According to the Councilman, the bill would not tell doctors how to treat patients, but it would make sure that the addicts are actually getting treatment and not just getting free narcotics.

Methadone is a dangerous drug, just like heroin. It is addictive, it's very powerful and it can kill. We support stricter control over its use.

FINANCIAL DISCLOSURE STATEMENT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. OWENS. Mr. Speaker, on July 1, 1972, when running for election to the House of Representatives, I made public a statement of my personal and political finances. At that time I pledged that, if elected, I would continue to release such a statement each year. On June 29, 1973, I entered such a disclosure at page 22441 of the CONGRESSIONAL RECORD. I support legislation to require this disclosure by Members of Congress, candidates for Congress, Federal judges, and public officials of the executive branch, and regret that such a requirement is not already written into law.

My current financial statement as of July 1, 1974, follows:

Assets

Item and Current Value

Home, Salt Lake City, Utah	$31,927.50
Home, Fairfax, Va	73,260.00
One-eighth interest in old family home, Panguitch, Utah (owned with seven brothers and sisters)	1,210.00
Four shares stock, Canadian Homestead Oil	15.00
5,000 shares stock, Cameo Minerals	300.00
1973 Ford Capri	2,100.00
1969 Oldsmobile Vista Cruiser	900.00
Home furnishings and personal belongings	4,500.00
Library	1,000.00
Whole life insurance, cash value	3,307.36
Unpaid insurance dividends	183.72
Cash value of civil service retirement	4,816.61
Notes receivable (Owens Newsletter and office account committee	11,000.00
Notes receivable (Ted D. Owens)	2,000.00
Cash in savings and checking accounts	1,721.67
Anticipated tax refund (for 1973)	3,898.46
Total assets	142,140.32

All property is held in joint tenancy by my wife, Marlene Wessel Owens, and me. This year's statement shows a 10 percent evaluation increase of our two homes since last year.

Liabilities

Mortgage on home Salt Lake City, Utah (Prudential Federal Savings, Salt Lake City, Utah)	$15,715.59
Mortgage on home, Fairfax, Va. (Riggs National Bank, Washington, D.C.)	34,878.51
Unpaid real property tax (Virginia)	407.03
Note payable (Tracy Collins Bank for office expenses)	5,000.00
Note payable (New York Life Insurance Co.)	1,450.00
Note payable (Riggs National Bank)	1,857.00
Note payable to purchase automobile (Riggs National Bank, Washington, D.C.)	937.30
Notes payable (Washington National Bank, office expenses)	6,000.00
Note payable (Washington National Bank, personal)	2,000.00
Total liabilities	68,245.43
Net worth	73,894.89

For calendar year 1973 we paid $5,194.17 in Federal income taxes, and $1,052.21 in Utah State income taxes on gross income of $38,071.95. This reflects $9,093.16 Federal withholding and as expected $3,898.46 refunded.

This year's disclosure statement reflects an increase net worth over the last year of $18,495.35. This is attributable to assigning an increase in revaluation of both homes of 10 per cent (total increased valuation of $9,562.50) decrease in indebtedness on two home mortgages ($1,986.39), increase in retirement cash value ($3,230.03), and an expected tax refund for overpaid 1973 Federal taxes of $3,898.46. These amounts total $18,677.38.

GEORGE W. WELSH

HON. RICHARD F. VANDER VEEN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. VANDER VEEN. Mr. Speaker, the passing of George W. Welsh ends decades of dedication to Grand Rapids. He was an institution in the Grand River Valley region.

I recall the day during my campaign for the special election early in February when a State trooper stopped my car near Allendale to give me a message that I should call George Welsh right away. He had a scoop which he said would turn the tide of the election. He was ever ready with political advice.

Loved and respected by many, he was one of the most controversial political figures in the State. The Grand Rapids

Press stated that Welch never lost interest in politics; he had a vision of the way things ought to be.

George Welsh, 91, died at his home on Michigan St., NE., in Grand Rapids, Mich., June 29, 1974. He was born in Glasgow, Scotland in 1883. His family came to the United States when he was 8 years old.

Publisher of the weekly paper, Interpreter, he was always on the lookout for advertising and always ready with a cause he felt the people in Grand Rapids would and should rally to. He never slowed his pace of operation.

From his early days as an AP Dispatch runner for a wage of $2 per week he combined his love of causes and politics. He made his first public speech in 1912.

He was elected to the State House of Representatives in 1916. He served four terms. A progressive Republican, he helped establish work farms for convicts, brought rural electrification to his home county, and sponsored an amendment to the capital punishment bill providing that members of the State house of representatives voting for the bill would have to assist at executions. The amendment was defeated.

His next political step was to serve with his mentor, Michigan Gov. Alex J. Grosbeck, a three-term Governor. Welsh served one term as his Lieutenant Governor.

He was speaker of the Michigan House of Representatives in 1923. In 1929 he was defeated in the Republican primary for Governor by Fred Greene.

He was chosen as city manager of Grand Rapids in 1929. His first official act was to decline his $12,000 a year salary. He accepted $1 per year.

In 1932 he resigned and again ran for Governor on the Republican ticket. After his loss he switched parties and stumped the State for the election of Franklin D. Roosevelt.

He was elected mayor of Grand Rapids in 1932 and served a record six terms. He resigned in 1949 prior to a recall effort. During his terms in office he proved to be a popular mayor. He provided good copy for reporters. He was never at a loss for vigorous opinion on any issue.

In 1950 he again tried for the mayor's seat but lost. Welsh returned to city hall officially for the last time in 1954 as city manager.

In George Welsh's passing the Grand Rapid Valley region has lost a vigorous advocate of the people and a colorful enterprising citizen.

THE MEANING OF OUR MEMORIALS

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. SARASIN. Mr. Speaker, on May 26, a Memorial Day Sunday service for the Veterans of Foreign Wars and the Gold Star Mothers was held at the United Methodist Church of Waterbury, Conn., with the Reverend Lionel R. Driscoll presiding. I regret having not been able to attend this special ceremony, which included a prelude of Memorial Day hymns played by Kenneth Beyer, the church organist, and hymns featuring the participation of Mrs. Sharon Kreisberg, the church choir, and the congregation. This service is shared by a different area church each year. While speaking to the Gold Star Mothers after the ceremony, I was told of the deeply moving message of the Reverend Driscoll's sermon, "The Meaning of Our Memorials," based on a chapter from the book of Joshua, which attempts to reinstill in us the true meaning of Memorial Day. I later spoke with the Reverend Driscoll and requested a copy of this sermon so that I might share its message with my colleagues.

The sermon follows:

THE MEANING OF OUR MEMORIALS

Joshua 4: 1–20; Text verses 6, 7; "The monument will be a permanent reminder to the people."

INTRODUCTION

The beautiful granite and marble stones in many towns, cities, and villages, bearing the names of the men and women who gave their lives in our various wars, stand as a constant reminder of the sacrifices made by many people for the causes for which we contended during those terrible and yet inspiring years from the Pilgrim Fathers, through the Vietnam War. Some stones in these towns, villages and cities are not beautiful according to the standards of the best artists. Some stones even offend the taste of intelligent people. But every stone placed in park or public place for the purpose of memorializing those who made sacrifices for their country *has a beauty all its own* and is especially precious to the people whose loved ones are remembered there, as with these Gold Star Parents.

Can anyone looking upon such a stone but be reminded of the words of Jesus in John 15: 13—"Greater love has no man than this, that a man lay down his life for his friends." And Jesus did just this for us.

No matter how we may look upon war—the great causes served and, at the same time, the evils involved in the execution of war—there is this fact: those who died have given their lives for the sake of others. So we see in our memorial stones the deeds of sacrifice, the ideals of those who died, and the causes for which they gave their lives, though these causes may not have been clearly defined in the minds of those who died, or even fought.

WAR IS AN AWFUL THING

The inhumanities of war are beyond description. Certainly someday the people of the world will look upon the waging of war as the greatest of evils. Nevertheless, those who have fought and died for the sake of great causes are to be remembered for their sacrifices and honored for their service. Indeed, they have given the last full measure of devotion.

We thrill once again at the words of President Woodrow Wilson who said of the men serving in World War I: "The soldiers at the front . . . they are crusaders . . . are giving their lives, that homes everywhere . . . may be kept sacred and safe and men everywhere be free as they insist upon being free." In similar vein, President Franklin Roosevelt stated at the beginning of World War II: "We are fighting today for security, for progress, and for peace, not only for ourselves but also for all men, not only for one generation but also for all generations. We are fighting to cleanse the world of ancient evils, ancient ills."

Unfortunately, the ideals of both these men have not been fulfilled—because, we as citizens, and we as leaders, and our legislators fail to fulfill the promises made in the peace talks that were made. The U.S. Congress fouled up and failed the League of Nations, the U.S. Congress has really not pushed the United Nations or made it work—partly because of party politics rather than the good of the world. No wonder we have these poems.

IN FLANDERS FIELD

(By John McCrae)

In Flanders Fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.
We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved, and were loved, and now we lie
In Flanders fields.

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

This was a passionate plea from those who fought, some of whom died, that the world might be free. Edna Jacques felt that we had caught the torch, and we were holding it high for the freedoms that she felt were won:

IN FLANDERS NOW

(By Edna Jacques, in answer to
John McCrae)

We have kept faith, ye Flanders dead,
Sleep well beneath those poppies red,
That mark your place.
The torch your dying hands did throw
We've held it high before the foe,
And answered bitter blow for blow,
In Flander's fields.

And where your heroe's blood was spilled,
The guns are now forever stilled
And silent grown.
There is no moaning of the slain,
There is no cry of tortured pain,
And blood will never flow again
In Flander's fields.

Forever holy in our sight
Shall be those crosses gleaming white,
That guard your sleep.
Rest you in peace, the task is done,
The fight you left us we have won,
And "Peace on Earth" has just begun
In Flander's now.

But her message was premature. The Second World War was scarcely over when signs of unrest, and rumbles of war were heard again, around the world. Both World Wars had not solved the greed, the lust, the hatreds, the aggressiveness in the hearts of peoples in other nations. Hence, I wrote a response to Edna Jacques in 1947. It is an indictment on us all for not striving hard enough for peace.

LOST FAITH

(By Lionel R. Discoll, in answer to
"In Flander's Now")

You have lost faith, ye Flander's dead
No sleep for you in a bomb-torn bed
That marks your place.
The torch your dying hands did throw
We failed to catch and then the foe
Rose up again to deal a blow
In Flander's Fields.

And where once your heroes blood was spilled
The guns of battle again are stilled
And silence reigns.
Still we hear the moaning of the slain
Still we hear the cry of torture and pain
And soldiers' blood has flown again
In Flanders' fields.

On battlefields beyond our sight
Are miles of crosses gleaming white
And you shall not sleep.
You have no peace though this war is done
The peace you died for has not been won
Because we failed what you had begun
In Flanders Fields.

Not only do the heads of government state the causes for which citizens and soldiers of the nations are giving their lives. The men who write history also recognize the fundamental causes involved in the conflicts of war and state them clearly. Such an historian was Professor Carl L. Becker of the history department of Cornell University, who said of World War II: "The European countries know they were fighting for their national existence and their political freedom, and for something more fundamental even than these—the elemental decencies of any civilized living."

All over Europe and the Pacific Islands the evidences of destruction are still seen after almost 30 years after the cessation of hostilities. The skeletons of some buildings and their ashes are left as grim reminders and memorials of the stark and gruesome tragedies and sufferings of war. But, as we look at this destruction, the words of a London physician spoken during the war-years come to mind: "It takes all our time to keep ourselves fit to live and perhaps to die for something more glorious than life".

So our memorials remind us of the causes which those who died sought to serve from the battles of the French and Indian Wars through Vietnam, Laos, Cambodia, and O God, *where next?*

THE SPIRIT OF SACRIFICE

Chaplain Dominic Ternan served the American forces in World War II, and was typical of the Chaplain's Corps. As he knelt beside a wounded man shielding his body with his own, and while he answered the wounded man's request for prayer, a shrapnel burst riddled his body, and he died with the prayer for the man on his lips. This is no unusual case of bravery or sacrifice in the line of duty, there being thousands of such reports, but it does illustrate the spirit of those who fought and died that others might live in freedom and security.

A family from one of my former churches sent their teen-age son off to war. He became a member of a bomber crew and was on a mission over Germany when his ship was struck by flak and he was killed instantly. What does a pastor say to the bereaved family in such a case? The cause if forgotten, the spirit of sacrifice seems of little importance compared to the loss of a son. A few years later a second son of that family was killed in his jet over Korea. I went back for the funeral. How does one comfort a family in such sorrow? The sturdy Christian father says, with all the compassion and tenderness of his heart: (as probably did these Gold Star parents) "If the sacrifice of my sons has served to bring peace a little nearer to mankind, then it has not been in vain." He knew of Jesus words—"Greater love has no man than this, that a man lay down his life for his friends."

The mother of a flying ace journeyed to England during the war years to attend the wedding of her son. On the morning of the wedding, flying with his squadron, the son was killed. Said the mother later to a friend: "He loved his country, He loved his home, he loved the girl he would have married that day. He loved freedom and he believed that he was giving his life that the world might have the freedoms he loved".

As we look at our memorial stones and hold our services of decoration by placing wreaths of decoration at the graves of our loved one, and form our parades on the streets, we are reminded of the spirit of their sacrifices.

Someone whose name I cannot recall put it in these words:

We sent them forth, they did not ask us why;
But on they went—in tears we saw them go.
Across the seas they sped and took their
stand,
While we, in our own safe and sheltered land,
Bade them be strong to grapple with the foe;
They heard our voice, and clave the angry
sky.
How crowded is the Heavenly House of Light
With those who marched—*for us*—into the
night.

And God himself weeps when we weep, and mourns when we mourn. I like the story of the little English child who had trouble going to sleep after hearing the falling bombs, and then the radio list of casualties after each nightly raid. "Mother," she said mournfully, "I think that God must have cried Himself to sleep last night." The great preacher and teacher of Boston University ,wrote a poem to this effect:

GOD CRIED HIMSELF TO SLEEP LAST NIGHT

(By William L. Stidger)

God cried Himself to sleep last night;
His heart was pierced with pain.
He saw ten thousand sons of His
On cruel crosses slain.

He saw them die in foxholes, and
on submarine and planes;
He felt their hungers and their fears,
Their loneliness and pains.

He knew each hurt and heartache, and
He heard each piercing groan;
He felt each wound when terror struck
As if it were His own.

He wept with every woman who
Was left in loneliness;
He heard each sigh of suffering,
Each sob of hurt distress.

He saw a small child weeping, all
Bewildered and alone
Where bombs of desolation had
Their seeds of sorrow sown.

He trudged a trackless jungle, and
Across dead desert sands;
He climbed an ice-bound mountain peak
And reached out holy hands.

He saw the tears of *all* the world,
The bitterness and pain,
And laid Himself, upon a cross
To die for us again.

He felt a crown of thorns once more,
A spear thrust in His side,
Spikes in His feet, nails in His hands
As when His own Son died.

God cried Himself to sleep last night;
He sees much more than we;
He saw ten thousand lonely hills;
Each hill a Calvary.

THE CHRISTIAN HOPE

But we who are Christian do not stop with the night. We march on into the dawn of a new life with Christ. For, if Christ lives, then, too, we who are Christ's will live with Him. This is our Christian faith and hope, which we recited a few moments ago.

The death of Jesus had little meaning for the Disciples until they knew that He had conquered death and was alive. We Christians have something more than a memory of loved ones sacrificed for the cause of truth, righteousness, peace and justice. We have the assurance that even as Christ overcame the death of the grave, so those who die in Christian faith will be victorious over death also.

Christ's death is meaningless unless we accept His sacrifice, and become living Christians. Our loved ones' death in war becomes meaningless, unless we see that the causes, for which they died, are not in vain. Unless we put a stop to war, they did die in vain, and they shall not sleep in Flanders fields, in Iwo Jima, in the Phillipines, etc.

As we look at our memorial stones we hear the words of Jesus: "I am the resurrection and the life: he that believes in me though he were dead, yet shall he live and he that lives and believes in me shall never die." (John 11:25-26) *So we do not sorrow as they who have no hope.* We rejoice in the assurance of immortality through Him who lived and died and rose again to be our living Saviour and Lord. So we must make the sacrifices of our loved ones just as meaningful, by taking the torch and holding it high.

OUR DEDICATION TO SERVICE

Our memorial services are not complete until we, too, dedicate ourselves to the causes for which those we honor gave their lives. Decorating graves of heroes and loved ones has the value of reverence and respect for them and their deeds, but, unless we *give something of ourselves* for the causes to which they gave themselves, they will have died in vain—as in the poem I wrote, "Lost Faith".

We are reminded of the words of Edward Benes of Czechoslavakia, who said of the fall of the democracies of Europe before the onslaught of the totalitarian Communist regimes: "Unpreparedness, lack of courage, moral weakness, and calculating egoism, combined with a lack of *solidarity* and *unreadiness* to help one another, produced impotence and a certain willingness of the European democracies to defend themselves and their friends by force of arms against the expansionism of the totalitarian regimes".

This is true also in Southeast Asia—and our intervention in Korea, South Vietnam, Laos, Cambodia. Well, the tasks before us today are clear and challenging. The battle for the freedom of the West against the totalitarian communism of the Soviet and Chinese governments is ever with us. It is more than a battle for Berlin, or Viet Nam or any of the satellite countries in Europe and Asia. It is the battle for the minds of men. And this battle will not be won by force of arms or bombs, though that may be a deterrent force; it will be won by out-thinking and out-living and out-dying the advocates of totalitarian forms of government wherever they may be.

The great conflict of the future as well as the present is one for the minds and souls of men and women, and particularly young people, in Europe, Asia, Africa. This demands sacrifice on the part of Americans and Christians in order to take the Gospel of Christ in teaching, preaching, and compassion to these people. Russia and China are ready—and are—making sacrifices to fasten their idealogies upon the great areas of the world that are now demanding freedom and a new way of life. And if America does not give it to them, Russia and China will, and our sacrifices will have been in vain.

Our memorial stones cry out to us to dedicate ourselves to the causes of freedom and education, justice and democracy for all the peoples of the world.

How shall we honor them, our Deathless
Dead?
With strew of laurel and the stately tread?
With blaze of banners brightening overhead?
Nay, not alone these cheaper praises bring;
They will not have this easy honoring?

How shall we honor them, our Deathless
Dead?
How keep their mighty memories alive?
In Him who feels their passion, they survive!
Flatter their souls with *Deeds, and all is
said!*

Author unknown.

We are all familiar with the Book "For Whom the Bell Tolls". The only way to keep the funeral bell from tolling again and again in wars is to take up the unfinished quarrel with the real foes of ignorance, poverty, prejudice—for as the author of the book said: "Any man's death diminishes me, because *I am involved in mankind.* And therefore never ask for whom the bell tolls, it tolls for thee."

When our children ask—"What meaneth these stones" we tell them—but what?

THE CONTINENTAL CONGRESS: WHITE IRON ON THE ANVIL OF DEMOCRACY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. BRAY. Mr. Speaker, on July 24, 1775, John Adams wrote to his wife, Abigail:

> The Business I have had upon my Mind has been as great and important as can be intrusted to One Man, and the Difficulty and Intricacy of it is prodigious. When 50 or 60 men have a Constitution to form for a great Empire, at the same time that they have a Country of fifteen hundred miles extent to fortify, Millions to arm and train, a Naval Power to begin, and extensive Commerce to regulate, numerous tribes of Indians to negotiate with, a standing Army of Twenty seven Thousand men to raise, pay, victual and officer, I shall really pity those 50 or 60 men . . .

John Adams was talking about the Continental Congress. Indeed, there was reason for pity. The fact that a man served in it at all almost automatically made him a candidate for the gallows. There was extreme personal sacrifice on the part of every single one. Before the Revolutionary War itself was over, better than half had had their property looted or destroyed; some had been imprisoned, or driven into hiding, and even their families had been persecuted.

There were really two Continental Congresses. The first met at Philadelphia in September and October 1774. The second convened also in Philadelphia, on May 25, 1775, elected the same officers and, strictly speaking, did not go out of existence until March 4, 1789, when the new Government came in under the Constitution.

The lack of some form of central governing body was probably the greatest weakness when the Revolutionary War broke out. Now, there was no lack of trained politicians in the Colonies, since there had been long traditions of local government. But there was jealousy and dissent among the Colonies, and historians say today that one of the great surprises of the entire era was the Americans' ability to unite politically.

But back to the men themselves. It is true that they changed meeting places often; this has been derided by some historians as evidence of cowardice and indecision. However, consider Lynn Montross' observation in his "The Reluctant Rebels":

> It would scarcely be a cynicism to add that one of the foremost functions of any parliament is its usefulness as a scapegoat in time of disaster. The Continental Congress of this crisis (Dec. '76, when they left for Baltimore) has been handled roughly not only by historians of the nineteenth century but also some debunkers of the twentieth . . . Congress, as the collective villian is cast as a group of scared civilians fleeing to Baltimore to save their own skins. In their panic the delegates leave the whole burden to Washington . . . The question of withdrawing from the imperiled city was of course decided by broader considerations than those of personal safety. But if the courage of the delegates is to be questioned, the statistics of the Continental Congress show a record of military service which has probably never been bettered by any other parliament of history. Of the 342 men elected during the fifteen years, 134 bore arms in either the militia or the Continental army. One was killed in action, twelve seriously wounded, and twenty-three taken prisoners in combat. When it is recalled that a majority of the delegates had passed the age of 40, the valor of Congress needs no apologies . . .

John Richard Alden, in his "The American Revolution," also has a kind view:

> The Congress declared the independence of the United States; appointed the commander in chief and higher officers of the Continental army; established the American navy and the marine corps; formed a diplomatic service; negotiated treaties with European nations and Indian tribes; organized a postal service; issued currency; and borrowed money . . . Too much has been said, perhaps, regarding the failures of the Congress. It was created in emergency, endowed with uncertain authority, and plagued by rapid changes in personnel . . . But their record, when the difficulties to be faced are taken into account, is splendid rather than dismal . . . if the deeds of the Continental officers and men have not been excessively praised, too little credit has usually been given to the faithful in the Congress who struggled in adversity . . .

Briefly, from an historical standpoint:

The first Continental Congress assembled for the first time at Carpenter's Hall, in Philadelphia, on September 5, 1774; 12 colonies sent a total of 55 men—Georgia did not. Each delegation was given one vote, and in a series of declarations, this first Congress condemned the Intolerable Acts, the Quebec Act, the revenue measures imposed by the Crown since 1763, extension of the Admiralty Courts, the dissolution of colonial assemblies, and the peacetime stationing of regular soldiers in colonial towns, which had been a constant sore point.

They took up 13 parliamentary acts passed in England since 1763, declared each and every one of them unconstitutional, and pledged to uphold economic sanctions against England until the acts were repealed. Then 10 resolutions set out the rights of the colonies, as they saw them. On October 20, they signed the Continental Association, and put together addresses to the King himself, to the British people, and to the American people. Agreeing to meet again on May 10, 1775, if their petitions were ignored and their grievances not righted, they adjourned on October 26.

When they met again it was at the State House—later Independence Hall—in Philadelphia. Georgia still did not send an official representative, but in quick order the Congress—and this one, strictly speaking, was the second Continental Congress: resolved the Colonies should go into a state of military alert; asked the Canadians to join the Revolution; passed a resolution to raise companies of riflemen in Pennsylvania, Maryland, and Virginia to support the Army around Boston; set up a committee to make rules for the Continental Army; named George Washington Commander in Chief; approved a general plan for the Army; elected four major generals, eight brigadier generals, and one adjutant general; and voted $2 million in bills of credit to start paying for things.

One of their major achievements was the creation of an American Army, which is now, as of this year, in its 200th year of existence; June 14, 1775, was the real "birthday" of the Army.

The language, taken directly from the Journals, is interesting:

> Resolved, That six companies of expert riflemen, be immediately raised in Pennsylvania, two in Maryland, and two in Virginia, that each company consist of a captain, three lieutenants, four sergeants, four corporals, a drummer or trumpeter, and sixty-eight privates.
>
> That each company, as soon as completed, march and join the army nearest to Boston, to be there employed as light-infantry, under the command of the chief officer in that army.
>
> That the pay of the officers and privates be as follows, viz. a captain 20 dollars per month; a lieutenant thirteen dollars and one-third of a dollar per month; a sergeant eight dollars per month; a corporal seven dollars and one-third of a dollar per month; a drummer or trumpeter the same; privates six dollars and two-thirds of a dollar per month; to find their own arms and clothes.
>
> That the form of the enlistment be in the following words:
>
> I _______________ have, this day, voluntarily enlisted myself, as a soldier, in the American continental army, for one year, unless sooner discharged: And I do bind myself to conform, in all instances, to such rules and regulations, as are, or shall be, established for the government of the said army.
>
> Upon motion, Resolved, That a committee of five be appointed to prepare rules and regulations for the Government of the army.
>
> The following persons were chosen to compose that committee: Mr. Washington, Mr. Schuyler, Mr. Deane, Mr. Cushing, and Mr. Hewes.

Bunker Hill was fought on June 17, 1775, and Congress adopted what came to be known as the Olive Branch Petition, to the King, that said, in effect, things could be, or should be, worked out without warfare. Lord North's plan for reconciliation was rejected—it would have left the Colonies much as before. They named commissioners to work out peace with the Indians—no small matter, this; the Congress had no taste at all for fighting the British on one side while potentially hostile Indian tribes might join the British and come against them from the other. A Postal Department was set up, and Benjamin Franklin named to head it. On August 2, 1775, they adjourned.

Back again on September 12, 1775; this time Georgia was included. The Congress learned on November 9 that George III had proclaimed the Colonies to be in a state of revolt—so much for the Olive Branch Petition. They responded, trying again, with a declaration of allegiance to King George, but not to Parliament.

A Navy was authorized, and on November 29 they set up the Committee of Secret Correspondence, which turned into the State Department. There was the Declaration of Independence on July 4, 1776; and they moved to work for treaties with potentially friendly European countries.

Year 1776 was not exactly an encouraging year. The Army had succeeded at Charlestown and Boston, but failed in Canada and at Long Island. The New

York campaign was going badly, and on December 12, Congress had to pack up and head for safety in Baltimore since the New Jersey campaign was proving a threat to Philadelphia. Washington was given "dictatorial powers" during this crisis. There was some nervous joking that 1777 was shaping up to be the "Year of the Hangman."

Henry Fite's three-story brick house in Baltimore served as a meetingplace for around 25 members in the early part of 1777. They went back to Philadelphia on March 4. The Committee of Secret Correspondence was changed to the Committee on Foreign Affairs; the flag resolution—creating the Stars and Stripes—was passed, but on September 19, they had to leave Philadelphia again, as the British General Howe was proving a real threat to the city. First they went to Lancaster, then to York. Then came the terrible winter of Valley Forge, the low point, probably, of the entire American Revolution.

On November 15, 1777, they adopted the Articles of Confederation. After the Declaration of Independence, it had become more and more evident that minor—relatively—jealousies among the Colonies had to be submerged for an effective organization of the entire country. The whole job took a year and a half; it was difficult, and marked by much hot argument. Not until March 1, 1781, was final ratification of the Articles made by Maryland and, from then on, the Continental Congress was really for the first time on a constitutional basis.

The Articles had many defects and no one knew that better than the very persons who drew them up. There was no provision to support the central government other than by contributions from the States, when Congress would so ask. Unanimous consent of any amendment from all the States was required—and each State had one vote; a concession to the smaller that feared the larger ones—and every attempt to amend the Articles was defeated by a single State.

During the remaining years of the war, Congress wrestled with financial troubles, and fretted over military disasters in the southern theater until they finally let Washington pick a general to command. There were British raids in Virginia; Benedict Arnold's treason; there was mutiny in the Pennsylvania regiments and, of course, after Yorktown, peace negotiations. There was not much in the way of military operations after Cornwallis surrendered on October 19, 1781, at Yorktown, but it was almost 2 years until the peace treaty was concluded.

It is easy enough to think of the Continental Congress as passing out of existence as soon as the war was over, and peace was signed, but, as mentioned earlier, it stayed in existence until the new Government, under the Constitution, came into effect in March 1789. We also tend to think of it as being primarily occupied with the war. Indeed, it was, but, when the war ended, there were grave and pressing problems. What to do with the new country?

Even before the war ended, westward expansion had begun. This really first began in 1780, when Virginia set up a land office in Kentucky, which was instantly swamped by speculators and would-be settlers. Congress saw a possibility, and became quite eager to carry it out, to get control of all the West north of the Ohio—it never had any chance to get anything south of the Ohio—sell the land, and put something into the very empty treasury of the Confederation.

It began to work. In 1784 Congress adopted Virginia's offer to cede that State's land claims north of the Ohio; the only strings were reserves for veterans. Massachusetts and Connecticut followed 2 years later.

This gave the Continental Congress a brand-new and mammoth responsibility. In fact, historians say this responsibility was the only thing that kept the Confederation from falling apart. Congress, in 1783–84, had reached the depths. It moved all over the country; run out of Philadelphia when 300 soldiers mutinied, it went to Princeton in June 1783, Annapolis in November, Trenton in 1784, and a year after that to New York, where it stayed until the Confederation was a thing of the past. However, to quote the eminent American historian, Samuel Eliot Morison:

> During this period Congress passed a series of ordinances which set the pattern of federal land and colonial policies for over a century.

It had really begun in 1780; Congress adopted the principle that any land given to the Confederation would "be settled and formed into distinct Republican States, which shall become members of the Federal Union."

In 1784, Jefferson drafted the Territorial Ordinance that provided for U.S. territory to be divided into 10 rectangular territories, each of which would get territorial government as soon as it had 20,000 persons, and full statehood when population was equal to that of the smallest of the original Thirteen Colonies.

On May 20, 1785, Congress set up how the land was to be disposed of. Taking a leaf from the New England system, that is, rectangular survey before it was sold, the land was cut into townships, 6 miles square, each of which had 36 sections of 640 acres, 1 mile square. Section 16 in each township was to be reserved for maintaining public schools. After surveying, the land had to be sold by public auction.

Then, in 1787, came one of the relatively little known yet most important acts of the entire Continental Congress.

Congress needed money. Land speculators were ready to help out. There was a big new land company, Ohio Co., that entered the picture and told Congress it would buy 1,500,000 acres for $1,500,000 in Continental currency.

At that time absenteeism—due to the low standing of Congress—meant a quorum for business was not very often present, but the smell of more money drew enough of them together, early in July 1787, to make a quorum of eight States.

The Ohio Co. wanted—and Congress drafted and approved—what came to be known as the Territorial, or Northwest, Ordinance of 1787. It passed July 13, 1787, by a vote of eight States that only had 18 members; however, Morison again:

> No more important enactment was ever made by the Confederation. The Northwest Ordinance laid fundamental principles of the American colonial system which have been followed even through the admission of Alaska and Hawaii . . . Thus the main lines of Federal land and territorial policy were adopted by the Congress of the Confederation before the Federal Constitution was adopted. These were: the principle of future statehood after an intermediary stage as a partly self-governing territory, and division into six-mile-square townships and one-mile-square sections, reserving a portion for education . . .

At the time, Philip Freneau wrote, in his poem "On the Emigration to America and Peopling the Western Country":

> Far brighter scenes a future age.
> The muse predicts, these States will hail,
> Whose genius may the world engage,
> Whose deeds may over death prevail,
> And happier systems bring to view,
> Than all the eastern sages knew.

William Ewart Gladstone, Prime Minister of Great Britain, made two remarks about it. The first appeared in an article called "Kin Beyond the Sea," which appeared in the North American Review, September 1878:

> As the British Constitution is the most subtle organism which has proceeded from progressive history, so the American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man.

Then, in a letter to the committee in charge of the celebration of the Centennial Anniversary of the American Constitution, July 20, 1887:

> I have always regarded that Constitution as the most remarkable work known to me in modern times to have been produced by the human intellect, at a single stroke (so to speak), *in its* application to political affairs.

The Constitution of the United States—the last work of the Continental Congress. Lynn Montross, in his book "The Reluctant Rebels":

> The Constitution is even more truly the product of the Continental Congress because it was hammered out of the hard metal of theory tempered by practice. All the makers, with but a few minor exceptions, had had from two to ten years' experience in the Continental Congress. They did not have to guess at the probable workings of the provisions they wrote into the Constitution. They knew the answers as nearly as men could learn from the hopes, dreams, successes and failures of an assembly trying to function as a central government without adequate powers. . . .

True, it was not done by the Continental Congress as such; it was done by Convention. But it sprang from the Congress. It came from the men who had served in the Congress.

Probably some of the most moving and prophetic words ever spoken in the annals of American political history were those of Benjamin Franklin, the closing words of the Constitutional Convention, which were recorded by James Madison:

> Whilst the last members were signing it Doctor Franklin looking toward the President's Chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that Painters had

found it difficult to distinguish in their art a rising from a setting sun. "I have," said he, "often and often in the course of the Session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting Sun."

Thirty-eight delegates came to the Constitutional Convention. All but two had served in the Continental Congress before 1787. After ratification of the Constitution, no less than 13 of these 38 came back to the first U.S. Congress, and so many other former Members of the Continental Congress were elected that they controlled both House and Senate.

It was continuity. They carried on what they had begun.

White iron on the anvil of democracy, forged into a new country, the greatest power the world has ever known, the oldest Republic in the world—other than Switzerland—that has existed and endured.

And will exist and endure.

H.R. 14392—A BILL TO MAKE STUDENT LOANS NONTAXABLE

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. MIZELL. Mr. Speaker, we hear much today about mistrust and lack of faith in government. I feel that much criticism of our Nation and Government is not justified, but occasionally, a Federal agency will take action which makes one wonder if the right hand of the Federal Government knows what the left hand is doing.

We are all familiar with student loans which have a forgiveness repayment provision under which students can work out their indebtedness by serving in areas where their services are badly needed. This approach to educational assistance has been helpful to rural and urban areas in providing doctors, nurses, social workers, and so on, where there is a shortage of such people.

Many students have taken advantage of this opportunity, and both they and the Nation have benefited. It is, therefore, unfortunate that the IRS has ruled that all these loans, retroactive to 1970, are taxable income. Since 1954 these loans were not considered taxable, and students entered into these agreements in good faith that the Government would stand behind its commitments regarding these loans. The IRS action, which has resulted in thousands in my State of North Carolina receiving notice of taxes due on these loans, is lamentable and certainly tends to lend credence to accusations of Government irresponsibility and lack of concern for individual citizens.

It is for these reasons that I have joined in cosponsoring H.R. 14392, introduced by my distinguished colleague and friend from North Carolina, Representative Ike Andrews. This legislation would make loans given after the date of enactment taxable, but would leave loans already granted nontaxable. This is only fair because all those students who entered in good faith agreements with the Government should expect that those agreements will be honored.

This legislation, I understand, has received support from a number of national health and education associations and from more than 60 colleges in 27 States. I urge my colleagues in the House to give this matter careful consideration and to lend their support to this effort.

GOVERNOR WEST VETOES CAPITAL PUNISHMENT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. DORN. Mr. Speaker, Gov. John Carl West exhibited great courage and conviction in the veto of the capital punishment bill in South Carolina. Governor West exercised his conscience and demonstrated his courage. Governor West has exhibited his dedicated Christian concept of human relations and his beliefs in a very commendable manner. I am proud of him as Governor and it gives me a great sense of personal pleasure to commend Governor West's superb statement on his veto of capital punishment to my colleagues in the Congress:

Statement of Governor West

Mr. President and Members of the Senate:

I respectfully and regretfully return to your Honorable Body without my approval S. 270.

It has been a matter of satisfaction and pride that during the four legislative sessions in which I have served as your Governor, I have not vetoed a single act passed by you except those held to be unconstitutional by a written opinion of the Attorney General. I had hoped to be able to complete my term with that record unbroken. Unfortunately, S. 270, dealing as it does with the subject of life and death, requires me, regretfully, to depart from that precedent.

As a matter of personal conviction I cannot accept the premise that man can end a life that God has created. I recognize, of course, that Society has not only a right, but a duty, to protect its members from harm by individuals who violate the principles of law developed over the centuries as a part of our Hebraic-Christian heritage. Whether or not a necessary part of that protection involves punishment of the offender to the extent of taking his life is the issue raised by S. 270.

Punishment of offenders including whippings, public torture, the rack and the screw, have all been a part of man's attempt to regulate and deter criminal behavior over the course of history.

Today, none of these punishments exists in any civilized country of the world. All have been discarded because they failed to accomplish their objectives. Man's accumulated wisdom gained from centuries of human experience today rightly rejects physical torture as either a proper punishment or an effective deterrent.

Regardless of the means employed, the ultimate in physical punishment is, in my judgment, execution of a human being. On the basis of all of the evidence available, it is clear that executions do not serve as a deterrent to capital offenses. In the year 1934—at a time when South Carolina had a death penalty and was executing offenders—the state's homicide rate per 100,000 persons was 24.9. In 1972—in the absence of capital punishment and nine years after the last execution had been carried out in the state—the homicide rate had declined to 16.8 per 100,000 population. Similarly, it can be shown that in states with the death penalty, the mean homicide rate between the years 1934 and 1967 (the year of the last execution in the nation) was 5.7 per 100,000 population. In states which did not have capital punishments, the mean homicide rate for the same period was 2.3, or less than half the average of the death penalty states.

Reinstitution of the death penalty in South Carolina would not—in my opinion, and in the view of the above stated information—serve as a deterrent to crime, but would rather be a return to a barbaric, savage concept of vengeance which should not be accepted, condoned or permitted in a civilized society.

Therefore, I veto S. 270.

LITHUANIA—34TH ANNIVERSARY OF ANNEXATION

HON. RICHARD F. VANDER VEEN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. VANDER VEEN. Mr. Speaker, on June 15, Lithuanians throughout the free world commemorated the forcible annexation of Lithuania by the Soviet Union in 1940. Many of my colleagues, as well as all freedom-loving Americans, joined them in remembering that sad day 34 years ago when Lithuania's unique political and cultural institutions were buried under Soviet domination. Free people hold national self-determination, as well as religious and political freedom, to be basic human rights and denounce any nation which ruthlessly violates those rights.

My purpose, however, is not to verbally chastise the Soviet Union for past actions but to suggest ways in which the United States, in light of its historically demonstrable concern for the oppressed peoples of the world, might come to the aid of the Lithuanian people in alleviating certain present conditions which I find unacceptable. Surely, détente and the Soviet desire for most favored nation status provide us with the best opportunity since the annexation in 1940 to influence the conditions under which the Lithuanian people are forced to live. In our present negotiations with the Soviet Union, we have something they want—trade in technology, financing, and commodities—and they have something we want—guarantees of basic human rights, such as increased civil liberties for the Lithuanian people. This, in my estimation, represents a classic atmosphere in which fruitful negotiations might take place. Détente to this date had been a relatively one-sided phenomenon characterized by fiascos like the wheat deal. I feel that pressing for guarantees would represent not an unreasonable attempt to impose our values on the Soviets, as some might suggest, but rather a much-needed balancing of a one-sided trading relationship. The Association of Young Lithuanian Americans has provided me with a list of very reasonable demands dealing with the Lithuanian situation which I feel would make fine points for discussion in trade negotiations with the Russians.

They include: First, lowering of excessive tariffs imposed on gifts to relatives and friends residing in the Baltic States; second, increasing the current 5-day tourist visa to a more reasonable limit; third, eliminating unreasonable travel restrictions on tourists to Lithuania; fourth, provisions for Lithuanians to emigrate, and fifth, freedom for the seaman Sinius Kudirka, who was denied political asylum by the United States. Progress on these five points would constitute a significant first step in helping the Lithuanians regain a measure of the freedoms lost in 1940.

RECEPTION AT THE MUSEUM OF AFRICAN ART

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. CONYERS. Mr. Speaker, the Museum of African Art, located within two blocks of the Capitol, now has on exhibit a collection of traditional African sculpture and color photographs contributed by the late Eliot Elisofon, one of America's most accomplished photographers, cinematographers, writers, and art collectors. There will be a reception to view this extraordinary exhibit on Tuesday, July 9, at the Museum of African Art, 318 A Street NE., from 6:30 to 8:30 p.m. This reception has been arranged especially for Members of Congress and their staffs.

Born in Manhattan in 1911, Elisofon's interest in the visual arts spanned a 30-year career across 2 million miles and six continents. As a freelance photographer for leading picture magazines, his accomplishments included photographic essays on Cuba, Puerto Rico, and Scandinavia. Early in World War II, he covered the London blitz, and later accompanied the U.S. Armed Forces to North Africa and Hawaii as a photographer correspondent for Life magazine.

After the war, Elisofon traveled to Capetown, South Africa, and to Cairo, Egypt, then along the coast of Europe to the Pacific Trust Territory and Fiji. But of the many lands and peoples that Elisofon captured on film, Africa was the land he loved most. And it was to Africa that he always returned.

Eliot Elisofon wrote and illustrated a number of books on Africa, among which are: "The Sculpture of Africa," "The Nile," and illustrations for an ABC–TV documentary, "Africa's Animals." The exhibit at the Museum of African Art is a fascinating display of the artistic sensibility of Elisofon and the richness of African cultures which captivated his genius. If there are no objections, I would like to have entered into the RECORD recent articles in the Washington Star on the work of Elisofon and the exhibit at the Museum of African Art:

[From the Washington Star-News, May 31, 1974]

A KALEIDOSCOPIC SHOWING OF LOVE OF AFRICA AND ITS PEOPLE

(By Benjamin Forgey)

"Africa is the most beautiful place," the late Eliot Elisofon often said. "Africans, the most beautiful people."

Few Westerners ever did more to convey impressions of the physical and moral beauties of African culture to a wider audience than did Elisofon in his 30-year career as a photographer, film-maker, writer and collector.

Few exhibitions have been better designed to show the breadth of African culture than the one that will open at the Museum of African Art.

The exhibit is a memorial tribute to Elisofon, a founding trustee of the museum who died last year at age 61, and it consists almost entirely of his works—films, photographs, writings—and art works that he collected.

Elisofon bequeathed to the museum his collection of some 600 pieces of African sculpture and the photographic archives of his remarkable career, consisting of almost 100,000 items. Though the sculpture donation is by no means negligible, the archives is the heart and soul of the bequest, and the exhibit quite properly gives large play to the photographs in the form of black-and-white photo murals, large color prints, slide shows and a specially made slide presentation with sound and music entitled "Tribute to Africa, The Imagery of Eliot Elisofon."

Elisofon's character, as a fond remembrance in the catalogue by Museum of African Art Director Warren Robbins attests, was an unusual mixture of adventurousness and toughness with sensitivity and tact—a blend that doubtless was responsible for many of the unique images he was able to bring back from his many journeys across the African continent.

The photographer's first acquaintance with Africa came during World War II when he was covering the North African campaigns for Life magazine, and he returned after the war to make an epic trip from Capetown to Cairo in a battered Army ambulance. Though his successful career with Time-Life was to take him all over the world in the ensuing years, it was to Africa that he managed to return, year after year.

The exhibit communicates the man's intense excitement and involvement with the continent. Though most great African sculpture was produced by tribal carvers in west central Africa, the some 500 photographic images in this exhibit involve the viewer in an immense, kaleidoscopic sweep of the place, from arid desert to tropical rainforest, from western bush to eastern grasslands and, most unusual of all in the context of an exhibit of traditional carving, to the colorful, vital cities of the new Africa.

A display of such vitality and variety leaves the viewer almost dizzy—the first show of African art I have ever seen in which the sculpture takes second place to the life of the land and its peoples.

It is, then, a sort of extraordinary travelogue of a show, with the art always handy to reaffirm the presence of a culture of astounding aesthetic and spiritual resources. Though this approach to an African art exhibit leaves many tantalizing questions unanswered—not the least of which is the nature of the relationship between contemporary African culture, in which the city and the machine cannot help but play ever-increasing roles, and the traditional culture of the tribes, which produced one of history's great outpourings of religious art—the end effect of the show unquestionably is to increase one's enthusiasm and broaden one's understanding of Africa in both its contemporary and traditional guises.

There is, to be sure, plenty of excellent sculpture in the show—though the average in quality is perhaps not as high as in the present exhibit of African art at the National Gallery of Art. The wall full of antelope headdresses of the Bambara tribe of Mali, for instance, is enough by itself to make one a lover of African art for life.

These pieces are called *Chi Wara—Chi,* for animal, and *Wara,* for work—a name given by the Bambara to a mythical ancestor of the tribe, half animal, half man, who discovered agriculture and thus probably provided the bridge for the tribe to cross in its transition from nomadic to settled existence.

The *Chi Wara* headdresses are among the more striking creations in all of African art, and viewing an entire wall of them can be a lesson in the virtuosity of the tribal carver. The elegant carvings of antelope horns are deployed in a variety of ways, vertical or horizontal, with or without fretwork, but never is the fundamental rhythmic harmony of the work violated. Facial characteristics, head shape, the shape of the body, the posture of the body, and the long line of the norns are beautiful unities in piece after piece. They must be absolutely incredible when danced, as, indeed, an Elisofon photo mural of the *Chi Wara* ceremony suggests.

Aesthetic appreciation has long been the principal avenue of understanding for Westerners seeking to unlock the mysteries of African art. The other part—to appreciate and understand the expressive unities of African art—is more difficult and in the end more rewarding.

It is thus a thankful coincidence that Washington now has two African exhibitions that in their very different ways are designed to place the art more firmly in its cultural context. The first of course is "African Art in Motion," the exhibit currently on view at the National Gallery. The second is this fine tribute to Elisofon, who in his photographs came about as close as any Westerner can to intuitively understanding what African art is all about.

The Museum of African Art is located at 318 A St. NE, and is open from 11 a.m. to 5 p.m. weekdays and 12:30 p.m. to 5 p.m. weekends.

ELIOT WAS ALWAYS HAVING THE BEST TIME OF HIS LIFE

(By Ruth Dean)

"A Picasso before there was a Picasso," said Zaire Ambassador Makossa Mbeka in eloquent French.

Indeed, the two terra cotta primitive figures from Sierra Leone the ambassador inspected at the Museum of African Art last night seemed to have come from the hand of the great French artist.

But it was great African art like this that inspired the French impressionists.

Inspired, too, the talents of another great artist, the late photographer essayist Eliot Elisofon, whose prodigious 30-year output of almost 100,000 photographic archives of his African travels and collection of 600 pieces of African sculpture, including the Sierra Leone figures, are the museum's latest and richest acquisitions.

In gratitude for Elisofon's bequest, museum director Warren Robbins gave a reception last night to preview an exhibition of the former Life Magazine photographer's work.

It was an evening rich in nostalgia. It brought together the artist's friends who shuttled down from New York to recall all the great and little things that make him a living memory. Elisofon died last year at age 61.

Robbins called it a "commemorative evening to bring Eliot Elisofon back to life for ourselves, himself and his colleagues, to show the great range of his work as a photographic artist and to express the museum's appreciation for his remarkable gift to us."

Robbins said the Elisofon bequest is the 10-year-old museum's first major gift. Recent acquisition of a new building in the museum complex to house the photo archives, Robbins said, will enable the museum to become "the nucleus of a new department of higher education, available to the consortium of universities here."

Plans include the establishment of a viewing room, "like a library," where students may come and sign out a sculpture and study it—"something that has never been done before," said Robbins. With grants from the Kress Foundation and Home Library Association, and a "hoped-for" one from the National Endowment for the Humanities, the director said the museum, located at 316–318 A St. NE, hopes "to acquire all the buildings in the block."

But it was to memories of Elisofon, the man, that most of last evening's eloquence was directed.

"Eliot was not willing to organize anything in a small way; it was always on a grand scale and that speaks for his contribution to this museum," said Ralph Graves, former photo editor for Life.

Ed Thompson, former managing editor of Life and now editor of the Smithsonian magazine, said the list of Elisofon anecdotes is endless, but each illustrates "Eliot was always having the best time of his life."

The former Life colleagues recalled they were no match for Elisofon's gustatory habits. "He was a gourmand; he'd eat anything that was left on anyone's plate," recalled Thompson. Said Graves, "Eating a Chinese lunch with Eliot was a risky business. He had faster chopsticks."

A longtime friend, African art collector Paul Tishman, recalled his enthusiasm: "Every reaction was explosive. He greeted everything with 'oh, my God, it's fabulous' or 'I don't believe it.' Either that, or no interest at all. Either he loved you, or the hell with you."

Much the same tribute came from sculptor and African art collector Chaim Gross and his wife. "He had a great love for everything, for food, for wine, for women. He loved beautiful women," said Mrs. Gross. It was at a dinner at the Gross's New York apartment that Elisofon met Gypsy Rose Lee, which led to their collaboration on a cookbook, "Food Is a Four-Letter Word." Gross recalled that Gypsy gave Elisofon a small African sculpture which started him off on the fabulous collection that now adorns the walls and nooks of the museum.

But another friend, Mrs. Diana Michaelis, revealed perhaps a simple man. In a crowded street in Bombay, she once asked him about the African photographic expedition on which his daughter Elin had accompanied him. "She's a great photographer; just as great as I am. In fact, I was never a great photographer," he told her.

LEW DESCHLER

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 1974

Mr. FORSYTHE. Mr. Speaker, I want to take this opportunity to express my deepest appreciation to one of the most distinguished public servants to have graced this Chamber, Lew Deschler, our Parliamentarian.

I have mixed emotions as I see Lew Deschler retire from the House of Representatives. On the one hand, I am sorry, because I know that it will be impossible to completely replace his expertise that has come from many years of respected service. However, I am pleased that Lew Deschler will finally have the opportunity to enjoy life without the pressures of his most important office.

He has been the Parliamentarian of the House of Representatives since 1928. Throughout those years, he has been called upon to make many decisions of grave importance to our Nation. He has risen to each challenge rendering fair and wise rulings based on constitutional and parliamentary considerations.

He has been a willing, dedicated, and thoroughly efficient public servant who has left his mark on all who have worked with him. Lew Deschler certainly deserves a time to enjoy the satisfaction of retirement. I know he will always cherish his work in this Chamber.

My wishes for many years of happy and fruitful retirement are with Lew Deschler and his family.

GI BILL

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. HAMMERSCHMIDT. Mr. Speaker, on Thursday night, June 27, it was necessary that I leave the floor of the House in order to make travel connections to be in Hot Springs, Ark., the next morning to participate in the annual convention of the Department of Arkansas Veterans of Foreign Wars of the U.S.A. I regret that the House had not yet taken up S. 3705, to provide a 2-year extension of the time during which veterans' educational benefits must be utilized. I therefore wish to record my remarks in the Record.

Although I support the measure, my support is given somewhat reluctantly. I am strongly in favor of the 2-year extension of the time limitation, but I am reluctant to see it divorced from the other equally important provisions of H.R. 12628, the veterans' education bill which is currently in disagreement between the two Houses. While the House passed H.R. 12628, the Senate failed to act upon the measure until June 19.

Meanwhile, it became necessary to approve a 30-day extension of the 8-year period during which educational benefits must be utilized in order that some 300,000 veterans would not have their educational benefits summarily terminated.

The 30-day extension would have expired on Sunday, June 30, if Congress had failed to act on S. 3705. This measure authorizes a 2-year extension of the 8-year period during which educational benefits must be utilized and is identical to a provision of the House- and Senate-passed H.R. 12628.

My reluctance to agree to this measure, Mr. Speaker, stemmed from the fact that its passage will remove some of the need for expeditious action on H.R. 12628, and I believe the other body has delayed too long on that measure. In an effort to facilitate agreement, the House conferees have proposed to agree with almost every provision of the Senate-passed bill. The other body, however, appears to expect total capitulation by this body.

In any event, I support S. 3705 because it is necessary to preserve the educational benefits of a substantial number of veterans. At the same time, I hope we can reach early agreement on H.R. 12628, so that veterans may receive a long-delayed increase in monthly allowances.

DINNER FOR MRS. BURLESON IN MEADOW, TEX.

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. MAHON. Mr. Speaker, on May 3, 1974, an appreciation dinner was held in Meadow, Tex., in my congressional district for Mrs. Lucille Burleson, the sister-in-law of my distinguished west Texas colleague, Omar Burleson, and a longtime friend of the gentleman from California, Bernie Sisk, who has made a distinguished record as a Member of Congress from that State.

Mr. Sisk formerly lived in Meadow and was a student of Mrs. Burleson's. I am pleased to present for the Record the following remarks which were made by Mr. Sisk at the appreciation dinner for Mrs. Burleson.

Mrs. Burleson has been a favorite friend of the Mahons through the years and we wholeheartedly share the sentiments which Mr. Sisk has so well expressed.

The remarks follow:

Speech Given by Bernie Sisk at Appreciation Dinner for Mrs. Lucille Burleson, May 3, 1974, at Meadow, Tex.

I feel deeply honored that I have been asked to be the spokesman for all of you tonight to express publicly our deep appreciation to Mrs. Lucille Burleson. I know that while I am speaking, each of you is thinking of that special time when you shared a close communion with Mrs. Burleson. It could have been a time of grief, of disappointment, of job, of laughter, of play, a goal attained, a word of encouragement, or one of the numerous incidents that are a part of our lives. But at that moment, Mrs. Burleson made you feel that you were the most important person in the world because she was sharing that moment with you. Her ability to reach out and communicate with especially the youth and young adults has helped so many of us in so many ways.

In a teaching career that spanned five decades, Mrs. Burleson touched the hearts of many and left an imprint upon all of us who sat in her classroom. She was a strict disciplinarian, though never stern, cross or threatening; she controlled her students through kindness and love. There was not one of us who would have done anything to hurt her for it would have been like hurting our own Mother, for to us, she is our second Mother. She taught in the classroom the same moral standards our Mothers taught us in our homes. She taught more than just the written word; she taught us honesty and compassion. She sought to develop our talents and to make this world a better place in which to live.

There were no favorites in her classroom. She simply loved children and merely wanted out of life an opportunity to share some of the riches of her education with the youth and to make of them better citizens, Fathers, Mothers and Leaders of our community and our nation.

Mrs. Burleson has a great sense of humor, she can laugh with us and even at herself. For instance, when the Senior Class of '29 went all the way to Carlsbad, New Mexico on their trip, we took our own cooking utensils and bedding for some of the Motels did not furnish these essentials, though they did have kitchenettes, so when it was time to cook dinner, Mrs. Burleson sent several of us searching for matches before she discovered that the stove was electric. It was also on that trip that several of us took a canoe out on Bottomless Lake (estimated to be at least 20 feet deep in places) and as we could not find the oars, we were using the frying pans for oars. When Mrs. Burleson discovered what we were doing, she was more upset that we might drop a frying pan than she was that we might turn over.

Our boys and girls are our greatest resources and Mrs. Burleson has always understood this. She was dedicated to the idea of helping all youngsters grow into the best possible adulthood. Nor has her impact been limited to merely those who had the privilege of being in her classroom. Indeed, her ability to reach the individual, to lead them in the right direction has indirectly affected thousands of people as her students grew up and criss-crossed this nation.

She was an inspiration to her students, and though she is deeply religious, she did not believe in preaching to her students, she believed in living along with them, and I'm sure we are all better Citizens, better Christians, better Fathers and Mothers because she expects these qualities of us.

It is a tribute to her life that her son, Joe, and his wife, Noyce, are teachers in The Meadow School. Joe is Principal of the Elementary grades and Noyce is the Drama teacher in High School and for the past eight out of nine years, her students have won first place in state competition in one act plays. Just tonight word has reached us that they have won again this year. Her daughter, Marcille, was also a teacher for many years but is now retired. Though we all miss Marcus, who died of a brain tumor six years ago, and her son, James, who was killed in a plane shot down during World War II, as Mrs. Burleson told us before this program, this is a time to be happy so we will choke back the tears.

I know she is especially proud that her brother-in-law is the distinguished Congressman Omar Burleson of Texas, a dear friend of mine. Omar regrets that he cannot be here tonight but his telegram read earlier tells Mrs. Burleson that he is thinking of her.

All of us who had the honor of being taught by Mrs. Burleson will never forget and always appreciate the vitality, love and dedication of this great teacher and I know we are all better people because of the almost 50 years she gave in a classroom in a little Texas town.

CARIBBEAN DÉTENTE CONTINUES IN GIVEAWAY OF PANAMA CANAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. RARICK. Mr. Speaker, détente continues on the Panama Canal giveaway. Despite the fact that Dr. Kissinger and the President know they do not have the votes in the Senate to ratify the "Panama Canal giveaway treaty"—they certainly lack the votes in the House for an outright gift—Ellsworth Bunker is continuing negotiations with the Panama power structure in accordance with earlier signed "accords" between our unelected spokesmen and those of Panama, to transfer the Canal Zone from American to Panamanian control "promptly."

A related newsclipping is as follows:

PANAMA PACT

Ellsworth Bunker, chief U.S. negotiator in the Panama Canal treaty talks, says a draft will be ready for presentation to both governments "by the end of this year or the beginning of next."

Bunker yesterday concluded a negotiating session in Panama City with Panamanian Foreign Minister Juan Antonio Tack. They are working out the details of an agreement to transfer the Canal Zone from American to Panamanian control "promptly."

HEALTH CARE FOR THE POOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. RANGEL. Mr. Speaker, the notion persists that the finest medical care available—in fact, better than what most people can afford—is provided free to poor people in hospital clinics and even in private doctors' offices by highly dedicated physicians who allot a portion of their time to charitable work. According to a popular saying, you have to be either very rich or very, very poor to get first rate medical care.

But the poor know better. The most significant and unassailable truth, supported by raw and disquieting facts, is that the poor have a far higher rate of sickness and death in all the diseases that are preventable and treatable by good medical care. Something, obviously is wrong. The supposedly high quality of medical care that the poor are presumed to be getting simply is not doing the job of protecting their health and their lives.

The fact is that sometimes excellent, sometimes shoddy, but always piecemeal medical care is delivered and distributed badly to the poor, under conditions that make a coordinated, personal medical approach almost impossible even for the most conscientious physicians. Moreover, these conditions are so surrounded with indignities and inconveniences that poor people, even when they are informed about the value of prompt and sustained medical care, characteristically come for medical help at the last moment—often too late.

The desperate need for more medical and dental care in places where poor families live is in itself a compelling reason for swift enactment of some type of national health insurance. But health insurance is only a small part of the solution. It is essential that those institutions—the hospitals and nursing homes of our Nation—most directly involved with genuine human needs receive maximum encouragement and support. I wish to share with my colleagues the text of a recent radio message by George G. Reader, M.D., on the need for comprehensive health programs for poor communities.

The text of Mr. Reader's radio broadcast follows:

HEALTH CARE OF THE POOR

(By George G. Reader, M.D.)

It used to be said that only the poor and the rich receive the best of medical care. If it were ever so, this has not been true for some years past, particularly in New York City. The fact of the matter is that the poor have a very difficult time finding good health care. Perhaps their biggest problem is in gaining access to the system. Many neighborhood physicians have retired or moved away from the slum areas of the City and no longer practice there. They have been replaced, if at all, with profitmaking Medicaid clinics. These clinics composed of physicians, dentists and podiatrists sharing a common facility, run large numbers of patients through to obtain the small fee for each service. Referrals from one physician to another are used to increase the take whether indicated or not, as was revealed by the Daily News in its investigative reporting last year.

The Municipal Hospitals moreover, the main source of care for the poor in New York City, have been chronically undersupported. They were saved almost miraculously by Dr. Trussell when he was Commissioner of Hospitals in the Wagner Administration through the device of affiliation contracts with teaching hospitals which have permitted them to retain and even improve standards of care as a result of the affiliated hospital's expert supervision and monitoring. The affiliations have also insured their obtaining properly-trained house officers. More recently the physical decline of the Municipal Hospital System has been checked but not reversed by the organization of the Health and Hospitals Corporation. It was hoped by those who developed the Corporation that the Municipal Hospital System as a quasi-public entity could become self-sustaining. This, however, has never been the case and the deficits incurred in operation must be made up from public funds which have thus far been inadequate to allow for rehabilitation of physical plant or much upgrading of personnel. Health care for the poor in the Municipal Hospital System is definitely second-rate, particularly in the OPD and ER. Over half of the ambulatory hospital visits in Brooklyn in a recent study, for example, were found to be made to municipal hospitals and half of those to the Emergency Room, a most inadequate place for non-emergency ambulatory care. Even though in many respects municipal hospital care is satisfactory in terms of standards, it is not in terms of amenities. There are also serious and continuing deficiencies on the in-patient services measured against what is now known about modern medical technology.

The voluntary hospitals of this City, which through their out-patient departments also provide health care to the poor, have recently suffered a serious decline, which is reflected in the service they can give to their poor clientele. All the voluntary hospitals in New York City have, in the last few years, had chronically increasing deficits; and in some instances hospitals have come right to the brink of a precarious financial situation. Hospital Administrators are inclined to consider the OPD the major source of loss since they are reimbursed more or less adequately for in-patient services but not for out-patient visits. When corners are cut, therefore, the OPD feels it first.

Prior to Medicaid, voluntary hospitals were paid with public funds through the Charitable Institutions Budget for care of the indigent, both in and out of the hospital. Such care was less expensive then but since Medicaid, reimbursement has been inadequate because many people are ineligible either intermittently or continuously as Medicaid beneficiaries.

Virtually, only those at the Welfare level are covered by Medicaid continuously. The working poor are the ones who suffer most in being ineligible for Medicaid and unable to pay for the medical care they receive. Providers such as the Municipal Hospitals must take care of these people without obtaining reimbursement, thus increasing their deficit. Some of the voluntary hospitals have tried to limit services to those who have medicaid coverage but inevitably develop an increasingly large accounts receivable, nevertheless. They must bill patients even when they know they cannot pay because the government will not allow a provider to bill it for service that is given to others for free. Many physicians refuse to take care of even the Medicaid-eligible patients because of the low reimbursement rate, leaving the patients as an only recourse the Medicaid Clinic or the outpatient department of a Municipal or Voluntary Hospital. Like the voluntary hospitals, agencies such as the Visiting Nurse Service have felt the pinch as well and have had to think of reducing services in the face of an increasing demand.

Also from the Health Department's own statistics, the last available being for the year 1971, it is easy to see that those who live in the slum areas of the City have not had an adequate share of public health services. This is a distinct reflection on the former Health Services Administration and will lead us to watch closely the efforts of the present Health Department under Commissioner Lowell Bellin. Diseases which are widely believed to have been stamped out, like tuberculosis, were still prevalent in slum areas in 1971, 649 cases in the one year from Harlem and Bedford-Stuyvesant. Many cases of other types of infectious disease which are readily treatable such as scarlet fever are also to be found in considerable numbers in East Harlem, while a preventable disease like measles, is highly prevalent in the South Bronx. Infant mortality rates, a good indicator of health service effectiveness, varies from 12.3 in Bay Ridge, an affluent area, to 29.3 in Central Harlem and 31.5 in Fort Greene, areas where the poor are concentrated.

Many had hoped that the consumer movement, including members of poverty groups, would have a constructive influence on distribution of health services and indeed for a time this seemed to be so, when poverty agencies in the city were well-funded and provided a focus for political action by the poor and deprived. As the Federal Government has phased out these agencies and reduced funding, however, a rallying point for poor consumers has been eliminated. Being both poor and powerless they now have very few ways in which they can influence society in their behalf.

WHAT CAN BE DONE?

National Health Insurance, when it comes in the next few years, may provide part of the answer, but it will take a concerted effort to improve health services to the poor in New York City and for that matter throughout the cities of the United States. The leadership in this effort must come from elected representatives of the people since the hospitals and the medical profession seem to be common victims of the problem with their patients, but it will require the cooperation of the whole health establishment. Reimbursements and fees must be adequate to make any system work and distribution must be more rational than it is today. People must be educated to help themselves as well. The Medical Society is attempting to aid in this effort by fostering programs of health education directed particularly at the poor and deprived. The hospital associations, the medical societies, and community social agencies, must all get together and plan constructively with the poor and other consumers to see that health services are delivered appropriate to their needs. This however will not be enough unless the quality of life in the City is also considered because medical care by itself is not enough to insure better health. Jobs, good housing, and educational opportunity must all be improved if the poor of New York City and the other cities of America are to have an equal chance in a healthy society.

A UNIQUE COMMUNITY LIBRARY IN COHOES, N.Y.

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. STRATTON. Mr. Speaker, the city of Cohoes in my district has already received much recognition for its progressive action and innovative developments. It has been one of the Nation's most successful model cities and before that was selected as Look magazine's All-American city.

Now, an article in the New York Times for July 1, 1974 details a new community innovation, a library of tools to lend to local residents.

Mr. Speaker, I salute the people of Cohoes and am glad to include this article of its latest innovation for the information of my colleagues:

UPSTATE PUBLIC LIBRARY LENDS TOOLS, NOT BOOKS, TO RESIDENTS

(By Harold Faber)

COHOES, N.Y.—Nelson Hare came into the library here the other day and walked out with a jigsaw and a belt sander. At about the same time. Mrs. Mary McCormick came in and returned a big rug shampooer.

It was a normal day in the Cohoes Tool Library, an unusual public library specializing in lending household maintenance and repair tools in this city of 18,000 on the banks of the Hudson River, a few miles north of Albany.

Both householders and officials of the city administration consider the tool library a successful venture in providing tools at no cost for "do-it-yourselfers" to improve their homes in the city, which has a large proportion of blue-collar workers and old housing units.

"The whole idea is to instill a little pride in houses by giving people the actual tools to maintain their own homes," said Robert J. Pawley, an official of the city's Office of Planning and Development, who is directly responsible for the library.

"It's very popular," said Kenneth Green, director of the library. He took over the daily management of the library in 1972 when he retired after 30 years in the Post Office Department in Cohoes.

In the month of May, 142 local residents borrowed 238 tools, ranging from a screw driver to a cement mixer. The library has 1,537 members, with the only requirements being that they must be over 21 years of age and a resident of Cohoes; the library's collection of 250 tools is valued at about $7,000.

A MODEL CITIES PROGRAM

The library was opened in 1970 as part of the Federal Model Cities program here. At the time, the local planners believed it was the first such library in the country, but an official of the American Library Association in Chicago said she had heard of at least two other tool libraries, one in Grooss Pointe, Mich., and the other in Canal Fulton, Ohio.

The library, housed in the basement of an old church, was operated on a budget of $17,355 last year with most of the money going to pay for Mr. Green and a part-time assistant. The funding by the Model Cities program will expire at the end of this month, but Operation Mainstream, a Federal work-training program, will take over the salaries.

Behind the library desk are several rooms with tools neatly displayed on the walls and on the floors—screw drivers and wrenches of all sizes, jack stands, home vacuum cleaners, brush cutters, wheelbarrows, garden tools, snow shovels, pruners, lawn rollers, paint sprayers, chain saws, hammers, axes, pipe wrenches, crowbars and floor buffers.

"The most popular tools are timing lights for cars, compression gauges, jack stands and torque wrenches," Mr. Green said.

$1-A-DAY FINE

"A lot of people ask why we should lend out auto repair tools," Mr. Pawley said. "But we feel that if a man needs a car to support his family and by fixing it at a minimum expense himself, he can go to work, then we have performed a worthwhile function."

Both Mr. Pawley and Mr. Green said that they had never received any complaints from carpenters, garage mechanics or any other repairmen about losing work because of the free tool supplies.

"But if we had to do it all over again, I might eliminate the small hand tools, like small screw drivers and wrenches," Mr. Pawly added. "They are easily accessible and quite cheap. Yet, you'd be surprised how many people come in and ask for a screw driver."

Mr. Green said that the tools were lent for periods ranging from one to five days, that few tools were damaged, that a $1-a-day fine was levied for late returns and that there was no problem in tools disappearing or being stolen.

"Why, we know everybody in Cohoes," he said. "We know the people who are borrowing the tools."

ACPS CALLS FOR EXPANDED HISC

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. ASHBROOK. Mr. Speaker, I am pleased to share with the Members of the House, yet another in the growing series of testimonials in support of the House Committee on Internal Security—that of the American Coalition of Patriotic Societies—ACPS.

Organized in 1929, the ACPS functions as a coordinating instrument for approximately 100 patriotic, civic, and fraternal societies throughout the country.

Its 1974–75 platform contains a concise, well-drawn resolution which not only urges the retention of HISC but also "urges the Select Committee—on Committees—to consider the mandate of the Committee on Internal Security with a view to broadening its scope, and clarifying its legislative jurisdiction."

The text of ACPS' resolution follows:

HOUSE INTERNAL SECURITY COMMITTEE

Whereas, There is a movement to transfer the jurisdiction of the House Internal Security Committee to the Committee on Government Operations; and

Whereas, The work in the Internal Security Committee is of vital importance in view of the increase of terrorist organizations and political kidnappings; and

Whereas, HR 988 provides no insurance that the work in the internal security field will be pursued continuously and vigorously; and

Whereas, The Internal Security Committee has developed an expertise in this field; and

Whereas, The present mandate of the Internal Security Committee is restricted to investigation of organizations having as their purpose the overthrow of the government by force and violence; and

Whereas, There is a crucial need for oversight of industrial and economic penetration:

Resolved, That the American Coalition of Patriotic Societies commends the Studies on Political Kidnappings and the Symbionese Liberation Army prepared by and for the use of the Committee on Internal Security and the Report on the American Penal System as a Revolutionary Target; and

Resolved, That the American Coalition strongly urges the House Select Committee under the Chairmanship of Congressman Richard Bolling to retain the present Committee on Internal Security as a standing committee of the House to insure the continuation of its work; and

Resolved, That the American Coalition urges the Select Committee to consider the mandate of the Committee on Internal Security with a view to broadening its scope, and clarifying its legislative jurisdiction.

JUVENILE DELINQUENCY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. WIGGINS. Mr. Speaker, juvenile delinquency continues to be a serious problem. During the past decade, juvenile crimes have shown a significant rise. Statistics indicate that total arrests of individuals under 18 years of age more than doubled during the period from 1960 to 1971. During this same period of time, older age groups experienced only a 19-percent increase in arrests. Juveniles accounted for 32 percent of all robbery arrests and 51 percent of all burglary arrests in 1972. A statistic of particular concern indicates that nearly three-fourths of all offenders under 20 years of age released from Federal correctional institutions in 1965 had been rearrested by 1969.

A second aspect of juvenile delinquency is the problem of runaway youths. It is estimated that at least 1 million young people run away every year. Out of 21 arrested categories, runaways are ranked seventh. Yet this category applies exclusively to people under 18. Runaway youths often are detained in jails with persons who have committed more serious violations. For a minor offense, the runaway is faced with the lifelong stigma of "juvenile delinquent."

In light of the clear importance of the juvenile delinquency problem, I am pleased to express my support of H.R. 15276, the Juvenile Delinquency Prevention Act of 1974. This bill establishes a Juvenile Delinquency Administration within HEW to provide policy direction for all Federal juvenile delinquency programs. HEW is further authorized to make grants to States and localities for improvement of the juvenile justice system and to public and private agencies for development of new approaches to the prevention of juvenile delinquency. Title IV of the bill authorizes HEW to make assistance available to localities and nonprofit organizations to develop facilities for runaways outside of the law enforcement and juvenile justice system.

I supported the amendment offered by Mr. Quie, of Minnesota, that responsibility for administration of this program be transferred from HEW to the Law Enforcement Assistance Administration of the Justice Department. While I continue to feel that LEAA is the proper agency for the program, I support H.R. 15276 as well-intentioned legislation which should provide a positive step toward prevention of juvenile delinquency.

HOUSE RESOLUTION 988 WOULD DESTROY MERCHANT MARINE AND FISHERIES COMMITTEE'S EFFECTIVENESS IN DEALING WITH FISHERY PROBLEMS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. DINGELL. Mr. Speaker, the increasing cost and decreasing availability of high protein food sources is certainly one of the most pressing problems facing the Members of Congress, this country, and the world today.

The plight of American fishermen and the dwindling fishery resources of our country are a source of continuing concern to the members of the Merchant Marine and Fisheries Committee. A committee which, I might add, would be rent asunder and relegated to second-class status by the pending House reorganization plan contained in House Resolution 988, despite the fact that, by virtue of every relevant criteria, its members and staff are best qualified to deal with this and equally serious problems and are at this very time engaged in efforts to resolve numerous important and highly complex issues in the areas of their competence. Make no mistake, House Resolution 988, as presently constituted, will scatter the expertise now concentrated in the Merchant Marine and Fisheries Committee and seriously hamper future efforts to deal effectively with such problems.

Our committee is moving in a number of areas to protect our fishermen and conserve our fishery resources. Chairman Sullivan, other committee members, and committee staff plan to be present at various times at the ongoing Law of the Sea Conference in Caracas where fisheries jurisdiction is among the matters under discussion. Also, my Subcommittee on Fisheries and Wildlife Conservation and the Environment is in the process of holding a series of field hearings on legislation to extend our exclusive fisheries zone, and is using its oversight authority to assure that the U.S. delegations to meetings of the several international fishery commissions take a firm stand in favor of additional conservation measures and against continued overfishing of stocks which are in difficulty.

An article in last Sunday's Washington Post bears out the fact that overfishing is one of the major causes of our diminishing stocks and that both the fishing methods currently in use by foreign fleets, which use fine mesh nets to scoop up everything regardless of size and process it on their ships, and those methods used by certain of our own fishermen, which result in many presently unpopular species being discarded and dumped back into the ocean, are detrimental to the future of these valuable sources of protein.

It has become increasingly clear that the regulatory power of our Government over these fisheries is insufficient. Experience has shown that unregulated or only partially regulated fishing almost invariably leads to decline of the resource and corresponding economic hardship for the fishermen, and that this has been a serious factor in the decimation of American fishery resources. In order to deal with this problem, Chairman Sullivan, Congressman Biaggi, and I introduced a bill, H.R. 15619, on June 25, 1974, which would provide for the conservation and management of our fisheries. This legislation would require the Secretary of Commerce to promulgate regulations governing fishing in the fisheries zone and on the high seas for the purpose of obtaining the optimum overall biological, economic, and social benefits, and such regulations applicable to areas beyond the fisheries zone would be deemed unilateral measures of conservation by the United States within the meaning of article 7 of the 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas and, as such, would apply to foreign vessels of countries which are signatory to applicable international fishery agreements as well as U.S. fishermen. After a 6-month period, under the terms of H.R. 15619, applicability of these regulations would be extended to the vessels of all foreign nations whether or not they are party to the Convention or other international agreements. My subcommittee plans to hold hearings on this bill in the next month or so.

For the information of the Members, I would like to insert at this point the text of the article from the Washington Post referred to above, as well as the text of a Resolution on Interim Action for Resource Management, adopted by the members of the National Fisheries Institute, Inc., at its meeting in Bal Harbour, Fla., April 20, 1974. This resolution supports a resource management plan similar to that proposed in H.R. 15619.

The newspaper article and resolution follow:

[From the Washington Post, June 30, 1974]

A Wasted Ocean of Food

(By George C. Wilson)

At a time some American poor are eating dog food to get protein, U.S. fishermen are throwing back billions of pounds of protein-rich fish to die.

Neither government officials nor the fishermen are happy about it. But they say they have to find a way to use the fish.

Director Robert W. Schoning of the government's National Marine Fisheries Service said his agency—part of the Commerce Department—is studying the problem but is still two years away from a decision.

In the meantime, American fishermen, for want of a market, throw back up to 70 per cent of the fish trapped in the nets they throw to catch such species as flounder and shrimp.

Most of the fish thrown back after being netted off the bottom die because they cannot survive the pressure changes by being suddenly dragged up from the depths.

"It's not right that we turn this area into a burial ground for fish we don't keep," said John C. Botelho, a New Bedford, Mass., skipper who has been running trawlers (also called draggers) on Georges Bank in the northwest Atlantic for 31 years.

He added that the Soviet and Japanese method of scooping up and keeping everything for processing on their fish factory ships is not right from a conservation standpoint, either. He and other fishermen want foreign fishing fleets to use nets with minimum size mesh so that small fish could escape.

As Botelho and other skippers explained it, trawler fishermen go out for only certain kinds of fish—ones they can sell at auction at the dock after the 10-day trip out in the Atlantic.

The skippers tow their nets where they believe the desired fish, such as yellowtail flounder, are congregated. But it often takes days of towing in various places before the skippers find a place in the ocean "clean" of the undesired fish they cannot sell.

This method of trial and error—multiplied by the hundreds of American fishing boats trawling through waters off the U.S. coast—means that billions of pounds of fish are dumped back into the ocean.

Warren Rathjens heads the Fisheries Service project in Gloucester, Mass., designed to find uses for discarded fish.

"There is quite a variety of possibilities" for using these unwanted fish, according to Rathjens but the big obstacle is developing a market for them.

The market outlook is "extremely clouded," he said in a telephone interview.

Two possibilities for the discards are minced fish and fish protein concentrate—or fish flour. Both have their drawbacks.

Technology is on hand to make minced fish. Machines strip the flesh from the bones, chop it up and then assemble it in a hamburger-like mass put together in what is called fish blocks. Such throwaway fish as croakers in the Gulf and sea robins and monkfiish in the Atlantic could be processed into blocks of minced fish which could be stored from six months to a year.

Similarly, there is no mystery to making fish flour. Some companies have already made it with the idea of selling it as a source of protein—like powdered milk.

But can minced fish be made into tasty, nutritious products that people will buy? Is there a world market for fish flour to justify the government's going into that program again?

If the Fisheries Service concludes that the answer to both questions is yes, a decision it expects to reach in 1976, the Commerce Department or other executive agency could then establish a program to buy fish now thrown back in the ocean.

However, hunger in this country—dramatized by findings that poor people are eating dog food to get protein—and U.N. predictions about food shortages around the world most likely will prompt Congress to demand immediate action from the executive rather than wait another two years.

Sen. George McGovern (D-S.D.), for example, after hearing the Food Research and Action Center of New York report recently that "over the past three to four years our nation's needy have become hungrier and poorer," called for a "great American initiative" to combat hunger.

Director Schoning of the Fisheries Service agreed in an interview that a way must be found to use discarded fish. It is not a question of "if" he said, but when.

"We have a responsibility to act vigorously because of the magnitude of the potential" of discarded fish, he said.

He pleaded for realism, however.

"The concept is great," he said. " 'Let's feed the starving people of the world.' But these starving people don't eat fish flour. They eat rice."

Fish are high in protein and low in substances that produce cholesterol in the blood. (High cholesterol has been linked to heart disease.)

"Most fish and shellfish," according to the Commerce Department, "fall into the low-fat, high-protein group" which have "less than 5 per cent fat and more than 15 per cent protein."

New England fishermen have been getting between 10 and 17 cents a pound for flounder and could sell easier-to-catch discards for less.

In contrast, a can of high-priced dog food (Alpo lamb chunks selling in one Washington store for 47 cents a can) is labeled as "not less than 7 per cent crude fat" and "not less than 12 per cent crude protein."

Besides providing a source of high protein for low cost, Fisheries Service officials said marketing throwaway fish in an attractive form would reduce the fishing pressure now threatening to decimate such popular species as haddock and yellowtail flounder beyond recovery.

Willy Etheridge II, skipper of the Sonya Gwen trawler out of Wanchese, N.C., is one of the fishermen who insist that dwindling catches prove that the fishing pressure on some species must be eased soon.

"Something has to be done," he said in an interview aboard his trawler. "Those people (foreign fishermen) are fishing too clean. You can destroy the fishing for years. If people are hungry, let's feed them. But let's do it right."

Fisheries Service statistics show that the average yearly catch for haddock by U.S. fishermen in the five-year period 1968 through 1972 was 35.3 million pounds. Last year the total was down to 8.3 million pounds.

The yellowtail flounder annual catch averaged 69.6 million pounds for that same five-year period. The 1973 catch was down to 65.5 million, a decrease that New England fishermen contend is more dramatic than it looks because so much effort is being expended on netting the yellowtail.

At the same time that some highly prized fish are becoming scarce, American families are eating more fish. The National Marine Fisheries Service said the per person consumption of fish products hit a record 12.6 pounds in 1973. The figures for the last five years show this generally upward trend in per person consumption of fish:

Year:	*Pounds eaten per person*
1969	11.2
1970	11.8
1971	11.4
1972	12.3
1973	12.6

RESOLUTION OF THE NATIONAL FISHERIES INSTITUTE ON INTERIM ACTION FOR RESOURCE MANAGEMENT, ADOPTED AT BAL HARBOUR, FLA., APRIL 20, 1974

Whereas, certain valuable species of fish and marine life off the shores of the United States are now in danger of being seriously overfished; and

Whereas, certain stocks of valuable fish and marine life are now being overfished by fishing efforts beyond the existing twelve-mile fisheries zone near the coastline of the United States; and

Whereas, international negotiations have to date proved incapable of obtaining timely agreement for the protection and conservation of certain species of fish and marine life off the coast of the United States; and

Whereas, there is increasing danger of irreversible depletion before efforts to achieve an international agreement on jurisdiction over fisheries can result in an operative agreement; and

Whereas, the United States has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea;

Now, therefore, be it resolved, That the National Fisheries Institute urge the United States government to take interim action based on adequate and sound scientific information to protect, conserve and manage all over-fished stocks and to protect our domestic fishing industry; such action to ensure wise management of living marine resources for the good of all mankind which will permit maximum sustainable yields of all species from the sea;

And be it further resolved, That the National Fisheries Institute urge the United States government, as a coastal state having a special interest in the maintenance of the productivity of the living resources in the seas, to unilaterally invoke a regulatory system similar to and in accordance with Article 7 of the 1958 Geneva Convention whereby unilateral measures of conservation will be adopted ". . . provided that negotiations to that effect with the other States concerned have not led to an agreement within six months" from this date.

QUESTIONS ON IMPEACHMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my Washington Report entitled "Questions on Impeachment":

QUESTIONS ON IMPEACHMENT

As the House of Representatives approaches a vote on the impeachment of a President for the first time in over 100 years, constituents are asking questions about the impeachment procedure. This newsletter attempts to answer several of these questions.

What is the origin and purpose of impeachment? The Constitution provides that the "President, Vice-President and all civil officers of the U.S. shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." The bipartisan House Judiciary Committee staff defines the key phrase "high crimes and misdemeanors" as misconduct against the state, an abuse of official power, misapplication of funds, or neglect of duty. It was not necessarily limited to a crime. The President's lawyers contend that a criminal offense by the President is required for impeachment.

My view is that impeachable conduct may be, but need not be, criminal conduct. The framers of the Constitution intended the impeachment power to reach the failure of a President to discharge the responsibilities of his office. It was intended to provide a check on the President, but not to make him dependent upon the will of the Congress. Of the 13 impeachments voted by the House since 1789, 10 included one or more allegations that did not charge a violation of criminal law. The purpose of impeachment, unlike the criminal law, is to remove from office a person whose conduct undermines the integrity of the office or of the Constitution. The purpose of the criminal law is to punish the wrongdoer. The Constitution provides that a person impeached and removed from office may also be tried and convicted if his offense is a violation of criminal law.

Have any federal officials been impeached? Yes. During our nation's history, 13 officials have been impeached by the House, including President Andrew Johnson, who was acquitted. Of the 13 impeachments, only 11 went to trial before the Senate, and only 4 resulted in a conviction by the Senate. All 4 of these convictions were of federal judges.

What does the Constitution mean by impeachment? Impeachment is only a charge of misconduct. It is a process by which the House of Representatives, by a majority vote, charges a President, Vice-President, or a civil officer of the United States with misconduct.

What is the role of the House Judiciary Committee? At the conclusion of its inquiry, the Judiciary Committee will report a recommendation it deems proper, and the House may accept or reject it. If the committee does not recommend impeachment, the House can still impeach by majority vote. If the Committee recommends impeachment, the House will debate the question and vote either for or against impeachment.

What happens if the House votes for impeachment? If a majority of the members of the House vote for impeachment of the President, the Speaker selects a committee of members as "managers" to prosecute the case before the Senate. The vote to impeach is followed by a trial in the Senate. The Chief Justice of the United States Supreme Court presides over the trial, which is governed by the Senate's rules of procedure for impeachment trials. After the trial, if ⅔ of the senators present vote to convict, the officer is removed from office. Conviction by the Senate does not ban subsequent indictment, trial, or conviction of the impeached and convicted officer in a court of law.

What happens to the President if the House impeaches him? Only if the Senate convicts the President would he be removed from office. Until he is convicted, he remains President, charged with seeing to it that the laws are faithfully executed.

What is the attitude of members of Congress toward the impeachment inquiry? Many Americans want to drop any further inquiry entirely; others want to impeach and convict the President now. The duty of the House under the Constitution will not permit either of these options. The Constitutional duty of the House is to inquire fully, thoroughly, and fairly into the allegations of misconduct against President Nixon.

Members of Congress do not look with any joy on this task. It is an awesome responsibility, and each member must be guided by the evidence, the Constitution, and his own best judgment.

TRIBUTE TO REPRESENTATIVE JOHN J. ROONEY

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. DULSKI. Mr. Speaker, it is with mixed feelings that I pay tribute today to our colleague, the distinguished Representative of the 14th District of New York, JOHN ROONEY. On the one hand, I am happy that he will be enjoying a well-earned retirement life at the end of this Congress, but on the other hand, he will be greatly missed in these Halls.

Born to immigrant parents, representing an ethnically diversified district similar to my own, I know of his interest in the multicultural matters that abound in our Nation, and of his many efforts in behalf of the preservation of our ethnic heritage.

A conscientious and dedicated representative of the taxpayer, his careful monitoring of expenditures—both in the Appropriations Committee and also on the floor—resulted in marked savings. As chairman of the Subcommittee on State, Justice, Commerce, and the Judicary, he exercised all his skills in scrutinizing budget requests for these agencies.

JOHN ROONEY is a sincere and dedicated member of this body. He has served his constituents and his country well for 30 years, and gained the respect of his colleagues. We wish him the best in the well-deserved leisure years ahead.

STATE AND LOCAL FISCAL ASSISTANCE ACT

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. GUNTER. Mr. Speaker, I would like to insert in the RECORD a copy of a letter I received from Mr. B. Harold Farmer, the city manager of the city of Gainesville, Fla., giving testimonial to the effective way a local government has utilized Federal funds allocated under the State and Local Fiscal Assistance Act of 1972 to improve the life of the citizens of their community:

CITY OF GAINESVILLE, FLA.,
June 27, 1974.

Hon. BILL GUNTER,
House of Representatives,
Washington, D.C.

DEAR MR. GUNTER: I would like to take this opportunity to tell you about the way the City of Gainesville, Florida, is utilizing Federal General Revenue Sharing Funds to meet needs which otherwise would not be met.

There have been few deviations from the categories to which the monies were appropriated amounting to only a small percentage of the total funds. The major change is a reallocation of $200,000 from the Park Land and Open Space Acquisition Program to the Semi-Pave Program. The Semi-Pave Program will place a hard surface on all City Streets at no cost to abutting property owners. This will eliminate much of the dust problem which is so offensive to housewives, and particularly to older persons. This change will allow the City of Gainesville to reduce the original five-year program to three years, which means the program will be completed by October 1, 1974. This change also allows a hedge against the continuous price increases on materials. Without Revenue Sharing monies, this reduction in time and savings would not have been possible.

Even though it is not required by the Office of Revenue Sharing, advertised public hearings were held at the request of the City Manager and the City Commissioners to assist them in determining the allocation of these funds. In addition, a Capital Outlay Committee, composed of local citizens, made priority recommendations toward usage of the funds. We have found these procedures to be extremely helpful in the decision-making process and in determining valid needs in the community.

Through the use of Revenue Sharing funds, the City Commission was able to reduce property taxes last year in the City of Gainesville from 10 mills to 8 mills, thus providing some relief for property owners. Again, without Revenue Sharing funds, this reduction would have been impossible.

The City of Gainesville is extremely pleased with the minimum of federal red tape which has been implemented to date. The required "first in-first out" accounting system is likewise a very lenient and satisfying one which we feel meets the needs of governmental regulations. The hope is that this system will continue to operate in its present state.

As can be determined from the attached list of programs, the largest amount, totaling $744,771, has been appropriated for the Northeast Community Center. This project is a vital one in our community and one which will require additional Revenue Sharing funds in the future.

The complex, which is scheduled to begin construction by the end of this year, will contain such functions as a health clinic, an Older Americans Council, a community meeting room, a library extension, a child care center, a game room, a swimming pool, and a gymnasium. It will be located so that it will be easily accessible to the underprivileged and the minority groups. However, it is expected that citizens of all races and social classes will make use of it, thus providing interaction among people who normally would remain separate.

A program of significance under the Park and Open Space Allocation is the acquisition of six acres of land in the midst of the urbanized area on which is located the Hotel Thomas, a product of the early part of the century and of historical significance. The Hotel Thomas will be restored under a number of programs, a portion of which will be Federal Revenue Sharing funds.

Projects of this nature are what make Revenue Sharing re-enactment a most important issue during the upcoming Congressional campaigns. We respectfully request your utmost consideration and assistance toward the continuance of the program after 1976. Spiraling inflation has made it necessary to use a greater percentage of local annual revenue simply for operating expenditures. Revenue Sharing funds are, in some instances, the only means by which other needed and vital projects can be funded.

Thank you for your attention in this matter.

Sincerely,

B. HAROLD FARMER,
City Manager.

MRS. MARTIN LUTHER KING, SR.

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. COTTER. Mr. Speaker, once again our Nation has witnessed the tragic death of one of its truly notable citizens. Mrs. Martin Luther King, Sr. was killed on Sunday, June 30, with the same senseless brutality that characterized the murder of her son, the Reverend Martin Luther King, Jr., 6 years ago.

Mrs. King's life symbolized the dedication of a loving wife and mother. The sorrow borne by her husband, the Reverend Martin Luther King, Sr., is shared by most Americans. According to those who knew her, Mrs. King played a significant role in the development of Dr. Martin King's philosophy by her example. She was truly a Christian woman, and the Nation is poorer because of the brutal assassination which struck her down.

On this occasion I wish to pay tribute

to this woman of dignity and principle. Her life will be remembered, as will her son's, for the struggle she courageously fought and the gains in civil equality she helped America to achieve.

THE RETIREMENT OF MR. B. JOSEPH TOFANI

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. BLATNIK. Mr. Speaker, it has come to my attention that Mr. B. Joseph Tofani, Chief of the Policy and Analysis Division of the Office, Chief of Engineers, is retiring at the end of this month after 38 years of dedicated public service in the field of water resource development and management.

On behalf of the Public Works Committee of the House of Representatives and the Nation's water resources community which shares my views, I wish to express my appreciation for the almost four decades of outstanding service that Mr. Tofani has provided to the Government and to the Nation.

Mr. Tofani, a graduate mechanical engineer from Villanova University, worked for the State of Pennsylvania; the Bureau of Reclamation, Denver, Colo., and the Department of Agriculture's Soil Conservation Service in Washington prior to joining the Corps of Engineers in 1942.

During his 32 years with the corps, Mr. Tofani has held a variety of positions of ever increasing responsibility. For a period of 13 years he was chief of the programs division for the Civil Works Directorate of the corps. During that assignment he was instrumental in developing the planning, programing, and budgeting system which to this day still guides long-range investments relative to the multibililon-dollar civil works program. This system had a formative influence on the entire water resources development program of the United States.

In his present position as head of the Policy and Analysis Division, his responsibilities include the formulation of the broad, basic policies which channel and direct the present and future efforts of the nationwide water resources programs conducted by the Corps. As the principal civilian adviser to the Chief of Engineers in this area of expertise, he has been the key coordinator with other Federal agencies, Congress, and the Office of Management and Budget on policy, legislation, and long-range programing.

Beyond his direct Corps assignments, in 1966, Mr. Tofani was named as the Department of Army representative to the U.S. Water Resources Council. In this capacity, his knowledge, keen judgment and concern for future generations of Americans resulted in Council emphasis on the evaluation of a broader spectrum of alternatives and on the systematic presentation of options to decisionmakers which have made possible better solutions to water resources problems. His efforts reflect his deep-seated sense of public responsibility toward the needed development of navigation, hydroelectric power, and flood control in an environmentally sound fashion.

Throughout his distinguished career, Mr. Tofani has been of invaluable assistance to the Congress and to the water resource oriented Federal agencies in shaping legislation to meet the needs of the Nation. He has worked closely with the congressional committees and their staffs in the analysis of special programs and has unstintingly devoted his time and efforts in reviewing proposed legislation which would impact on water resource development and management.

The Department of the Army has long recognized his unexcelled, professional contributions and has given him many outstanding awards, including the two reserved only for the most distinguished civilian executives, the Meritorious Civilian Service Award and the Exceptional Civilian Service Award.

But the most cherished award which an individual can seek is the personal knowledge that his career efforts have been of benefit to his fellowman, and Joe Tofani has won that accolade.

I am sure that my distinguished colleagues join with me in this expression of appreciation; with the knowledge and expectation that Mr. Tofani's wise counsel and advice will still be available to the Congress and the Nation.

BEAUTIFUL SECTIONS OF OUR COUNTRY SHOULD BE PRESERVED

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. KETCHUM. Mr. Speaker, for many years, both in the California Legislature and in the Congress, I have urged the adoption of a balanced policy for the protection of our natural resources. I firmly believe that the unique and beautiful sections of our country should be set aside and preserved. But I also believe that all the American people should be allowed to visit these spots—not just the healthy few who are able to "backpack" into the wild.

It frequently seems that some environmentalists would close off our national lands from those who now enjoy them in the name of environmental protection. Statements are often heard that the land is being ravaged by the current users. Recently, an article appeared in Desert magazine which graphically illustrates this type of false claim, and I insert it in the CONGRESSIONAL RECORD with the hope that all my colleagues will read it:

At the present time, there is a great concern in our country in regard to the protection and preservation of our Public Land, wild life and antiquities. This is as it should be, as they are a valuable natural heritage which should be enjoyed by our generation and those who follow.

To preserve, protect and enjoy—could be easily the consensus of all citizens, if a sensible approach to the problem would be put forth. This is not an impossible dream. We Americans have the savoir-faire and dedication for the task.

Unfortunately, there are many people who are not willing to "give a little in order to obtain a whole lot" for everyone. Special interest groups have organized. No longer is the good of the land, animals or antiquities the real issue. Instead, each such well-organized group is fighting to "have things its way" with no holds barred.

It is proper to fight for one's rights as long as the real objective is not lost or replaced by personal desires. Nor is it good judgement to plead one's case by using "scare tactics" based on untruths. This latter method is being deliberately used in order to gain the support of deeply concerned citizens. What follows is a case in point.

As members of our local archaeological club, we recently attended the monthly meeting which featured, as guest speaker, Ike Eastvold.

Sometimes referred to as, "The Petroglyph Man," Mr. Eastvold informed his attentive audience that petroglyph sites were in need of greater protection due to the rise of vandalism and theft of petroglyph rock.

As one example, he cited the recent, near total destruction of a nearby, pristine petroglyph site located in Woods Wash, San Bernardino County. He indicated this had occurred over the Thanksgiving weekend as a result of an article and accompanying map published in a national magazine (see *Desert*, Oct. '73). Mr. Eastvold stated that tons of petroglyph rock had been removed, blasted or defaced in place. The site was apparently in shambles.

We talked with Mr. Eastvold following the meeting and he stated. "The photograph of the petroglyphs you had in *Desert* Magazine is now one of a kind. Little remains at the site because it has been defaced, blasted and most of it hauled away. Great piles of broken petroglyphs are lying all over the ground."

We were shocked. How could people do such a thing. The wanton destruction of such priceless Indian art hardly seemed possible. We must see this senseless rape for ourselves.

An immediate call to William Knyvett, *Desert's* Publisher-Editor, met with the same reaction. "Check it out," he directed.

Now returned from an inspection of the Woods Wash site, we are happy and relieved to report it is still as unique and beautiful to behold as we found and photographed it in February, 1972—over two years ago! We saw little evidence of man's recent visitation or the senseless destruction as represented by misinformed individuals who proliferate untruths under the guise of "Guardians of the Desert."

Using photographs we had taken in 1972, to prepare the Oct. '73 issue, we meticulously examined the rather extensive site. It became quite obvious that someone doesn't understand the forces of geology and has blamed people for the natural erosion. There are glyphs on the ground—they were there in 1972! Eventually, the glyphs will all fall prey to erosion. Two of the rocks bear beautiful "sheep glyphs" and they are still there!

The large glyph rock pictured in Desert had one small piece gone. We looked and there it was—on the ground below. Jerry returned it to its original position, but probably the next heavy storm will wash it down again. The "chia, ballerina, lizard" and other outstanding petroglyphs are still there to see. Had evil people been removing and destroying the petroglyphs here, they certainly would not have left fine ones on the ground.

Those who have spread the prefabrications relating to Woods Wash have a noble motive—protection of the petroglyphs. Unfortunately, the dishonest approach can lead only to the alienation of public support and the disqualification of spokesmen for the cause.

No man, or group of men, can claim an exclusive protectorate over the Desert that many of us have come to love, each in his individual way. Is it their own inherent greed that makes them distrustful of others?

Make not the assumption that all who enter the Great Mojave Desert are bent upon its destruction. Were this true, Mr. Eastvold and his compatriots would not be seeing the hundreds of petroglyph sites they have only lately decided to protect.

Desert Magazine's policy has been built upon the strong moral ethics of its founder, Randall Henderson. Publisher William Knyvett and his staff continue the policy of, "To tell of this sublime land, to enjoy and to protect it." Nearly all of the petroglyph sites mentioned in articles are shown on the U.S. Geological Survey maps available to the general public. They are available in most libraries. Auto Club maps also pinpoint many of the sites. It does not take lengthy research in obscure files to find them, as Mr. Eastvold indicates.

Should the beauty of a Monet, Renoir or Picasso be denied the view of those who love great art and reserved to only the professional artists? Should everyone be punished for the actions of those who have stolen paintings from galleries? Of course not. Nor should anyone who loves our Great American Desert be denied the right to read about petroglyphs and perhaps visit a prehistoric Indian art site.

It is our concern that all endangered species and rare antiquities be protected—and they can be. Surely those espousing a just and worthy cause need not resort to untruths and inuendos in order to interest the citizenry. To do so, leaves doubt and arouses deep concern about their motives. Good is not attained through evil.

There is a movement underway to close the Desert to all recreationists except the backpacker and hiker. We urge Desert's readers to be on guard and resist such actions. Do not be fooled into relinquishment of the enjoyment and use of Your Public Lands by those who would take away our birthright under the pretense of "protecting the desert." Keep informed. Write your Congressman and Senators. Save the desert land for all of us who love, but don't abuse it.—JERRY and MARY FRANCES STRONG.

CONNIE SZERSZEN

HON. JOHN C. KLUCZYNSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. KLUCZYNSKI. Mr. Speaker, there is nothing nicer in the whole world or nothing better in the whole world than music, unless, perhaps, it is the glory of a lovely woman. We are blessed with the perfect combination in the person of Connie Szerszen, who has blended all the loveliness in one magnificent package for the radio audience of greater Chicago on station WIND. Her charm, her voice, her manner, and the knowledge of her subject have rendered her the darling of the airwaves for many thousands of her devoted fans, of whom I happen to be one of the outstanding examples. It is a great pleasure for me to wish her a very happy birthday this July 3. Perhaps we can account for her success because at long last we have a disc jockey whose voice is as pleasurable to listen to as the records she plays.

BEHIND DÉTENTE RHETORIC SOVIET IMPERIALISM CONTINUES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. CRANE. Mr. Speaker, although Soviet leaders speak repeatedly of a new era of good feeling between East and West, the unfortunate fact is that such words have not, in any sense, been accompanied by meaningful deeds.

The Berlin Wall continues to stand, the Soviet Union continues to provide aid and assistance to the North Vietnamese and the Vietcong who continue their aggressive war against the south, and within the Soviet Union itself repression now approaches the magnitude of the Stalin era.

Similarly, Communist China, which speaks of an era of new relations with the United States, continues its machinations in Asia, Africa, and throughout the underdeveloped world.

Columnist Jack Anderson points out that—

> In Africa . . . the Chinese are conducting guerrilla schools, the Russians are training and equipping troops.

Anderson quotes American Ambassador Robert Yost who reports from Burundi that—

> That country has moved closer to the Arabs and Chinese and, to a much lesser extent, the Soviets . . . A substantial number of Burundi military officers are now being trained . . . 30 in the Soviet Union.

Throughout Africa, reports Anderson:

> The scenario is the same: the Chinese, Russians and Arabs train and equip friendly troops or insurgents . . . In Guinea and Tanzania, for example, the Chinese are conducting guerrilla schools. The graduates are supplied with arms and ammunition to stir up revolution in such countries as South Africa, Mozambique, and Angola . . .

Following is the important column by Jack Anderson which appeared in the Washington Post of March 24, 1974:

SECRET AGENT DIPLOMACY

(By Jack Anderson)

The world of diplomacy like the moon has its hidden side where intelligence operatives and agents provacateur cavort in the half light.

We have had access to the latest secret intelligence reports which provide fleeting glimpses into this shadowy, subterranean world.

Behind the cordial handshakes and cocktail parties of detente, the reports reveal, the power struggle rages on. In Africa, for instance, the Chinese are conducting guerrilla schools, the Russians are training and equipping troops, the Arabs are supplying arms and the Americans are wheeling and dealing.

American Ambassador Robert Yost reports from Burundi that President Micombero "suspects the Chinese and has great dislike for the Russians." Nevertheless, Yost says, Burundi has "moved closer to the Arabs and Chinese and, to a much lesser extent, the Soviets.

"A substantial number of Burundi military officers are now being trained" in Communist and Arab countries, he asserts. These include "30 in the Soviet Union, 60 in Algeria, 10 in Egypt, that we are aware of."

Yost reports "regular shipments of arms and ammunition have been coming . . . from Algeria on Algerian planes. One shipment of arms and ammunition from Libya was received."

In another confidential dispatch from Burundi, he urges strengthening the U.S. embassy "to monitor PRC (People's Republic of China), North Korean, Arab and Soviet activities in Central Africa." A confidential State Department memo to the White House urges improving "access to Burundi leaders who might be influenced to support the U.S. on international issues."

Throughout Africa, the scenario is the same: the Chinese, Russians and Arabs train and equip friendly troops or insurgents while the U.S. maneuvers desperately to stay in the ballgame.

In Guinea and Tanzania, for example, the Chinese are conducting guerrilla schools. The graduates are supplied with arms and ammunition to stir up revolution in such countries as South Africa, Mozambique and Angola. State Department documents, reveal that Rhodesia, in particular, has Chinese and Russian trained guerrillas operating from bases in Zambia and Mozambique.

Surprisingly, tiny North Korea is active in terrorist movements around the world. Both Communist China and North Korea have provided revolutionary groups with guerrilla instructors. They have written guerrilla manuals which encourage, among other things, political kidnapings.

These manuals have now reached the United States where extracts have been printed in underground newspapers.

The kidnaping of Patricia Hearst by the Symbionese Liberation Army, for example, appears to have been taken right out of a Chinese text. The manual even suggests that the kidnap victim should be ransomed for food to feed the poor.

In the Mideast, Soviet and American diplomats ostensibly are cooperating to bring peace. But the detente apparently doesn't extend to the subterranean level. Intelligence reports warn that the Soviets believe Secretary of State Henry Kissinger is trying to diminish their influence in the Arab World. They reportedly are working behind his back, therefore, to belittle his efforts.

The U.S. and Russia also support opposite sides in the unpublicized struggle over Oman, which controls the entrance to the strategic Persian Gulf. Most of the Mideast oil, the economic lifeblood of the West, must flow past Oman. The U.S. is working behind the scenes to bolster the reigning sheikhdom; the Soviets would like to establish a Kremlin-controlled government in Oman.

In Iraq, the tables are turned. The Soviets support government troops in their campaign to quell the fierce Kurdish tribesmen in their rugged mountains. The U.S. has used its Mideastern ally, Iran, as a front to supply military aid to both the Sheik of Oman and the Kurdish rebels.

Our intelligence report from Iraq warns ominously that the Iraqi troops are now getting chemical warfare training from the Soviets and may use Soviet-supplied gas to route the Kurds from their mountain hideouts.

In Southeast Asia, Burma has become the latest theater of two-faced diplomacy. China and Burma resumed diplomatic ties just three years ago. Yet Chinese troops have been filtering across the border into the misty mountains and deep gorges of northern Burma.

They have joined forces with insurgents, known as "white flag" Communists, in attacking settlements in the remote highlands. One intelligence report estimates that 10,000 Chinese troops, led by Peking-trained guerrilla officers, are now operating inside Burma.

But in Rangoon and Peking, the Burmese and Chinese leaders still clink their cocktail glasses and engage in cordial chitchat.

> Throughout the netherworld, meanwhile, secret agents specialize in torrid boudoir romance, violent death on fog-sheathed waterfronts, low treachery and high courage.

Another point made by the advocates of our current détente policy is that it is improper for us to challenge Soviet persecution of religious and political dissidents, or the denial of basic human rights to citizens wishing to leave the country, because to do so is an "interference" in the "internal" affairs of the Soviet Union.

The fact is that the Soviet Union has signed such international agreements as the Atlantic Charter and the Declaration of Human Rights of the United Nations pledging itself to adhere to certain humane standards. It has repeatedly violated these standards. To demand that the Soviet Union fulfill its international commitments is hardly an "interference" in "internal" matters.

Discussing this aspect of our détente debate, Kenneth Grubbs, editor of the editorial page of the Anaheim, Calif., Bulletin, puts the question this way:

> How would we like it, the president asks, if the Russians interfered in the politics of, say, Detroit . . . In fact, the Russians have already intervened in U.S. affairs to a large extent. One of the most poignant memories is, of course, our wheat crop, a large portion of which was shipped off to Russia at the expense of shoppers in Detroit . . . This week, the Soviet Communist party chief, Leonid Brezhnev, strongly chastized American critics of President Nixon's forthcoming summit meeting. He branded them as "pessimistic" and generally against the better interests of mankind. If that kind of statement . . . is not interference in American partisan politics, we don't know what is.

I wish to share the editorial, "Interference," which appeared in the Anaheim Bulletin of June 20, 1974, with my colleagues and insert it into the RECORD at this time:

INTERFERENCE

> One of the canned answers the administration employs against American critics of detente with the Soviet Union has been refuted by the Kremlin itself.
>
> U.S. critics would have this nation require humane treatment of Soviet citizens—among them the Jewry, the intellectuals and the religious figures—before we begin diplomatic bargaining with their bosses. But the White House unfailingly replies that we cannot expect to act as such a moral force because we would not like it if the U.S.S.R. "interfered with our own internal affairs."
>
> How would we like it, the president asks, if the Russians interfered in the politics of, say, Detroit or (good heavens) Anaheim? That is a debating point, maybe, but it begs an important question. In fact the Russians have already intervened in U.S. affairs to a large extent. One of the most poignant memories is, of course, our wheat crop, a large portion of which was shipped off to Russia at the expense of shoppers in Detroit and (good heavens) Anaheim.
>
> Indeed, there are several ways in which the Russians interrupt the wellbeing of America.
>
> This week the Soviet Communist party chief, Leonid Brezhnev, strongly chastized the American critics of President Nixon's forthcoming summit meeting with him in Moscow. He branded them as "pessimistic" and generally against the better interests of mankind.
>
> If that kind of statement, coming as it does from the Russian despot, is not interference in American partisan politics, we do not know what is. Yet it will be ignored by the Nixon administration apologists who are bent on making good the appearance of the president as he exchanges toasts with the Red masters. That kind of interference is okay by Nixon.
>
> Mr. Nixon and Secretary of State Henry Kissinger have consistently refused to comment on the plight of the suffering peoples—particularly the persecuted individuals—inside the Russian regime while they try to secure diplomatic and trade promises that will infallibly be broken anyway.
>
> If there was any kind of message in the saga of Aleksandr Solzhenitsyn, it is that the kind of shallow agreements summit diplomacy will bring will be negligible without any kind of moral considerations behind them. Those considerations require, and require absolutely, that Brezhnev and company take the jackpot off the faces of the Russian people.

PRISONERS' RIGHTS ABRIDGED AT MATTEAWAN

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. BADILLO. Mr. Speaker, yesterday I called to our colleagues' attention the deplorable conditions which prevail at the Matteawan State Hospital, New York's only correctional institution for the care and treatment of those judged to be criminally insane. The series of articles appearing in the New York Daily News on conditions at Matteawan certainly highlight the need for prompt and affirmative action on measures defining and guaranteeing the rights of men and women who are incarcerated in penal institutions throughout the Nation.

Although New York State Corrections Commissioner Peter Preiser has indicated that he will investigate conditions at Matteawan which have apparently led to the deaths of some inmates and the mistreatment of others, it seems to me that it would be more fruitful to have an independent inspection of the policies, corrections practices, and personnel at that facility. I believe it would be particularly appropriate for the crime and correction committee of the New York State Senate and the Assembly's Subcommittee on Correctional Review and Penal Institutions to undertake thorough examinations of conditions at Matteawan with a view toward having appropriate corrective action taken and to prevent a repetition of such incidents at other correctional facilities in New York.

I submit herewith, for inclusion in the RECORD, another article in the New York Daily News series on conditions at Matteawan:

Doc Calls Neglect a Matteawan Killer

(By William Heffernan)

> Death at Matteawan State Hospital comes in many forms, but, according to one physician who worked there, the most unacceptable of all is the death of a patient as a result of "total neglect."
>
> Dr. Daniel DeSole recently submitted his resignation as a staff psychiatrist and physician at that hospital, New York State's only correctional facility for the care and treatment of the criminally insane.
>
> In recent months at Matteawan, DeSole saw two patients die "through pure, simple neglect"—neglect, he says, that "should never occur in any hospital."
>
> One patient was Samuel McArthur, 24, who died Jan. 22, after an overdose of medication. McArthur died in a coma, DeSole says, after he "was denied even basic coma treatment for hours."
>
> The other patient was Moses Richardson, 32, who died Feb. 7 after abdominal surgery performed at Matteawan after DeSole had treated him—surgery, DeSole says, that "should never have been performed if proper medical procedures were followed," surgery of a serious type that the State Department of Correction says it had banned from all correctional facilities "as a matter of policy."
>
> "I treated McArthur the night he died," DeSole said. "I was filling in on the hospital ward on the evening shift and when I got there I found that McArthur had been there since early morning."
>
> Department of Correction officials confirmed that McArthur had been discovered that morning (Jan. 22) after he had taken an overdose of drugs saved from his normal medication. They confirmed also that DeSole had treated him, starting at 6 p.m. and continuing until he died at 9 p.m.
>
> "When I first saw McArthur he still hadn't been placed on the critical list." DeSole said. "And, worst of all, he hadn't even been given basic coma care all day.
>
> "I placed him on the critical list." DeSole said, "and then started coma treatment, the basic things like turning him regularly and keeping his eyes moist, things he hadn't received all day long.
>
> "I had hoped he would improve," DeSole added, "so I could get him to the Albany Medical Center, where he could be placed on an artificial kidney. He might have survived if we could have done that. He might have survived if he had received proper care earlier. But at 9 p.m. he convulsed and died."
>
> Asked if the lack of medical care constituted neglect in his opinion, DeSole said: "You're damn right it did. If I was in private practice and failed to provide that care, I could be sued. And I damn well should be sued if I did that."
>
> Moses Richardson was treated by DeSole three days before he died after surgery at Matteawan.
>
> "He (Richardson) had an intestinal blockage," DeSole said, "His abdomen was distended to several times its normal size. I inserted a tube and took out several quarts of fluid," DeSole said, explaining that he even had to send to a private hospital for the tube, "because we didn't even have that basic piece of medical equipment at Matteawan."
>
> DeSole explained that decompression was a basic medical procedure used to relieve intestinal blockages, and one that had to be continued for seven to 10 days "in severe cases like Richardson," to allow the swollen intestines to retract and thereby allow surgery to be performed safely.

KNOWS ABOUT DECOMPRESSION

> "I ordered the decompression to continue," DeSole said. "I'm an internist and I know decompression has to be continued in a case like Richardson's for at least seven to 10 days before surgery can be performed safely. But hell, even a third-year medical student knows that," he added.
>
> On the day Richardson died (Feb. 7), DeSole said he arrived at the hospital and learned that an outside consultant had been called in to operate on the patient.
>
> "I couldn't believe it," DeSole said. "He (Richardson) didn't have a chance without proper decompression. He would simply go into shock and die."
>
> DeSole said he went to the superintendent's office (Dr. Paul Agnew, who was forced to resign May 9) and asked him to stop the operation.
>
> "But just as I was explaining it to him, his telephone rang and they told him Richardson

had died. In my medical opinion, that operation should never have been performed," DeSole said.

NO SURGERY WAS NOTED

According to records of the State Correction Commission's Medical Review Board, Richardson died from "acute heart failure." Those records fail to note that death followed surgery, however.

Agnew and officials of the State Department of Correction say that Richardson's death occurred in the hospital's recovery room, immediately after surgery.

State Correction Commissioner Peter Preiser said he had doubts about any accusations made by DeSole, describing him as "someone who caused trouble," and as irresponsible.

Preiser carried the point one step further, however, by disclosing that Agnew had been advised verbally that major surgery, such as performed on Richardson, was not to be performed in any department facility.

"Minor surgery or emergency surgery was allowed," Preiser said, adding that Richardson's case did not fall within either category.

"NEVER TOLD," AGNEW SAYS

"Agnew had been advised of that," Preiser said, "and he should have known it was against policy."

Agnew, however, denied that he had ever been advised that major surgery was against departmental policy. "I was never told that," he said.

The former superintendent said he received a letter stating that policy after the Richardson death says Preiser: "Because we were so distressed over the Richardson death, we immediately repeated the order in writing."

Agnew said he had "no personal medical knowledge" about the circumstances surrounding Richardson's death.

"I was advised surgery was needed and I authorized it," he said.

The former superintendent said he could not recall the name of the surgeon involved.

1974 QUESTIONNAIRE RESULTS

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. SMITH of New York. Mr. Speaker, over 30,000 voters in the 36th Congressional District have responded to my 1974 questionnaire. The bulk of the replies were received in late April and early May. I would like to share the results with my colleagues:

RESULTS OF POLL

1. How has the energy crisis affected your home?

a. Cutting down home heat, 43 percent.
b. Conserving electricity, 34 percent.
c. Rise in energy cost, 47 percent.
d. Traveling less, 37 percent.
e. Gasoline shortage, 25 percent.
f. Buying products on basis of low energy consumption, 8 percent.
g. Using mass transit or carpooling, 7 percent.
h. Less overtime, 6 percent.
i. Business or job loss, 5 percent.
j. No shortages/no effects, 2 percent.

2. Would you vote to impeach the President? Yes, 48 percent; no, 46 percent; and undecided, 6 percent.

Mr. Speaker, the questionnaire also included the optional question.

Did you vote for Richard Nixon in 1972? A total of 56 percent said yes; 36 percent said no; 8 percent chose not to answer. Of those who favored impeachment, 33 percent did vote for President Nixon; 60 percent did not, and 7 percent did not answer the vote question. Of those who said they voted for President Nixon, 28 percent favored impeachment; 67 percent were against impeachment, and 5 percent were undecided.

3. Do you feel you have lost confidence in:

a. The Congress—yes, 54 percent; no, 26 percent; undecided, 20 percent.

b. The President—yes, 62 percent; no, 24 percent; undecided, 14 percent.

c. Government in general—yes, 61 percent; no, 27 percent; undecided, 12 percent.

4. To control the economy are you in favor of: a. wage, price and profit controls, 46 percent; b. law of supply and demand, 44 percent; and 2 percent indicated both; 8 percent were undecided.

5. With regard to nuclear power plants, do you feel: a. nuclear power plant construction should be expedited, 33 percent; b. nuclear power plants should be banned, 7 percent; c. more public information should be made available, 46 percent; 9 percent checked both a. and c.; 1 percent checked both b. and c.; 4 percent were undecided.

6. Do you feel abortion should be: a. illegal, 18 percent; b. a decision to be made solely by a woman and her doctor, 55 percent; c. legal but with limitations, 23 percent; d. undecided, 4 percent.

7. Should the U.S. oil industry be nationalized? Yes, 42 percent; no, 47 percent; undecided, 11 percent.

8. Do you favor a law that would prohibit the issuance of food stamps to families of striking workers? Yes, 52 percent; no, 43 percent; undecided, 5 percent.

9. Should the Federal Government finance: a. Presidential elections—yes, 41 percent; no, 51 percent; undecided, 8 percent. b. Congressional elections—yes, 36 percent; no, 52 percent; undecided, 12 percent.

10. Do you think New York State's strict drug control law should be imposed nationally? Yes, 79 percent; no, 14 percent; undecided, 7 percent.

11. Should imports of foreign goods be banned to protect domestic industries? Yes, 39 percent; no, 52 percent; undecided, 9 percent.

12. Do you believe in capital punishment? Yes, 74 percent; no, 19 percent; undecided, 7 percent.

POLISH INDEPENDENCE AND THE FOURTH OF JULY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. MURPHY of New York. Mr. Speaker, I would like to submit to the RECORD the remarks of the President in Exile of the Commonwealth of Poland, the honorable Count Juliusz Nowina Sokolnicki. These remarks were delivered at a reception honoring the President and the members of his Cabinet.

Count Sokolnicki represents those Polish people who, because of their intense desire for self-determination and their unfaltering dedication to the cause of freedom, have joined together in an effort to eradicate the constant threat of Soviet imperialism. These Polish peoples' struggle for independence has, in many ways, paralleled our own. Indeed, during the American Revolution many Polish people gave their lives for the cause of freedom. Foremost among these was Gen. Casimir Pulaski who was commanded by the Congress in 1778 to organize an independent cavalry corps to fight in the Revolution. General Pulaski fought valiantly in the Battles of Brandywine and Germantown and died defending the right of the American people to be free in 1779 at the Battle of Charleston.

On the eve of our own Independence Day, the remarks of Count Sokolnicki and the plight of the freedom-loving Polish people takes on a new significance and urgency for all Americans. As we celebrate the Fourth of July, let us remember the Polish fight for independence and the men who are so courageously leading that fight.

REMARKS BY COUNT SOKOLNICKI

The Honorable members of the United States Congress, Distinguished guests, Ladies and Gentlemen.

I would like to assure you that I consider this a great honor to be able to speak to you today here in the United States.

This perhaps, because I am the first President of the Commonwealth of Poland in the history of both our countries who has the privilege of visiting the United States of America.

There are three main reasons why I have decided to come here together with some members of my cabinet. First, I am here to pay the respect to all those American women and men who, shoulder-to-shoulder with the Polish people, fought in both World Wars for our independence. Many of them were killed and their blood has cemented the Polish-American friendship in an undestructable way.

We can say that the history of both our countries are similar and our past was interwoven many times. The volunteers of our country fought for American Independence like Gen. Pulaski, Gen. Kosciuszko and others. Also, the millions of those of our people, who in the days of persecution found a new fatherland here in America, have strengthened our relations to an extent unknown in the history of nations.

The second reason which brought me here is the wish to outline the goals of our new Government, as it is usual between two friends.

As you know, despite the holocaust of the Second World War, despite the six million Polish citizens killed while fighting the German and Soviet Russian occupants, Poland did not regain the total independence but was left enslaved under the Soviet Russian imperialism.

A mockery has been made of the Atlantic Charter of Nations, which spells very clearly that every nation has the unlimited right to possess a freely elected Government and to choose its own way of life.

The well intentioned agreement signed in Yalta between President Roosevelt and Stalin was as usual violated by the Red rulers from Moscow. In other words, the Soviets did not live up to the promises made to President Roosevelt; as for us, we have to continue our uncompromised fight until our country will be free from foreign occupation and a Quisling type of Government. I sincerely hope that you my friends will understand this better than any other nation in the World, because you have been placed in the past in the position to carry out unwanted wars in order to defend all these ideas that have value for you.

For thirty years, we have been following the orders of our past leaders in Exile to refrain from violent methods in order to free our country. In the meantime, however, and unfortunately for us, we have been alerted too late by unpleasant facts, that the men who have been carrying or should have been carrying our fight for independence have lost their ability or their freedom of action. Some of them because they were broken by the time and circumstances, some have given up under the pressure of the foreign powers, others chose private ambitions and financial gains rather than carrying out our flight.

The last President August Zaleski empowered me to lead the Polish People in their struggle for Independence as a President should he die.

After his death, following his last will, I accepted the nomination and assumed the Presidential office. Soon afterward, the new Government was formed under the premiership of Mr. S. Ursyn-Szantyr with 10 ministers in the Cabinet.

The most important point of this Government is formation of a new foreign policy as a realistic part of a modern time, whereby we strongly reject any acts of terror against innocent people, women and children, as a means which can be used to free our country. Our main concern will be given to our economic plan which has been comprehensively explained in our Polish Mainstay. You can find this plan printed in our newspaper which has been placed for your disposition on the table.

Equally important aims of our Government are to foster good relations with all Western countries and to assist our East-Central European neighbors in their fight for independence against Soviet Russian imperialism. We will expand our contacts and relations to our enslaved friends; countries like Hungary, Romania, Czechoslovakia, Cossackia, Ukraine, Latvia, Lithuania, Estonia and other nations.

We will, however, not limit ourselves but we will consider building a new relation with new countries in all continents of the world as one of the most important objectives.

We believe that in spite of the fact that we are not rich Government backed up by the resources of a free country, we can bring help and assistance to other new and underdeveloped countries, which do not possess cadres of experienced technicians, engineers, businessmen, teachers, professors, etc. because we believe that our fight for freedom and independence of Poland includes all fields of our daily life. We will also pay special attention to the needs of Polish people abroad and in Poland. We know that each Government can establish their own credibility by the people if it is willing and able to listen to the problems and the needs of the people and to respond through wise and helpful assistance. We will therefore include in our economical, social and educational assistance plan Polish people in all continents and countries wherever they may live no matter what political direction they follow, what kind of religion they believe or what kind of social classes they represent. The seat of our Government will remain as in the past on the European continent but we are welcoming participation through elected representatives from the Polish groups everywhere in the world if they desire so. I will personally take care that special orders will be issued on this matter. In conclusion our Government through the new policy will try to participate in a reconstruction of the free World, of the future of tomorrow in which our children and the children to come can live as members of the free societies.

Finally, I am coming to the third reason. As a Government in Exile we depend exclusively on a good will of the people and their support. On the contrary to a Government which governs a nation in their own country we cannot as they could put taxes on the people's businesses and merchandise, in order to draw our revenues which are needed to cover the usual annual budget. On the other hand we affirmatively reject to follow the old path and beg for financial assistance. We believe that every human being and society is formed by them should be able to take care of themselves through hard work and economical planning our answer is our Economic Mainstay Program which by correct management should be able to provide the Government with revenues which we need to fulfill our plans. We need therefore instead of a voluntary contribution, help and assistance which would permit us to put our economic program in operation. Such help and assistance could have many forms and could be worked out on the basis of shares, credits, loans, etc. Besides this, we will need badly your understanding of the fact that we have formed this Government only because Poland is not free and the Polish people did not have the opportunity to choose their own way of life through genuine free elections. My appeal therefore is directed to all of you to those who are present and those who are not here and I sincerely hope that it will find the necessary echo.

OUT ON A LIMB

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. MATHIS of Georgia. Mr. Speaker, the news industry has undergone much criticism in the past few years, some warranted and some unwarranted. Because some elements of our society openly advocate censorship of the news media, I feel an editorial written by one of my constituents, Mr. "Bo" McLeod of Donalsonville, Ga., is most appropriate and I would like to share it with my colleagues:

[From the Donalsonville News, June 27, 1974]

Out On A Limb

(By Bo McLeod)

Sometimes it seems newspaper folks do the poorest job of telling their readers about some of the pitfalls of the trade, poorer than anybody I know.

Like that Florida law that tried to require a newspaper to give free and equal space to an official who had been jumped on by the paper. When you first look at it, and without much experience at the problem, the average citizen seems to say hooray, the mean old newspaper folks ought to have to do it.

They go on and agree that all newsfolks ought to have to reveal and publish their financial holdings, papers ought to be subject to some kind of government guidelines on what can and cannot be printed, and all kinds of notions.

I don't fall out with folks when they express such opinions. It's their right, and if we're gonna raise sand about our having liberty and freedom, we've gotta do the same for everybody's, and that has to include the folks who don't agree with us. There's nothing noble or heroic about this, it's all part of the same package.

But I realize many people simply do not take the time to think through their opinions, if they have any kind of feeling that government control or restrictions of any sort will do anybody any good. It just ain't that way.

I don't know many publications (or radio or TV stations, for that matter) who abuse their freedoms so badly that we need some more laws. Fact, I can't name one right now.

But newspeople are no more than human, subject to error and mistakes, evidence of which comes out every day or so.

No matter, government restrictions, whether in the name of clean minds and speech, or in the name of turn about, would be more deadly and fatal for freedom for all of us, than anything we could possibly print here. Or broadcast. Or televise.

Government control means censorship, any way you cut it. And censorship brings doom, no matter how noble the intentions may be at the start.

For a sample: Name a government officer of any rank and standing, for any branch of government, who you'd like to have as your picker of what you can read and hear.

It's a dangerous thing, and thank goodness it's only in the talking and conversation stage. Let's keep it there, where it won't hurt anybody, until we've done a lot of research.

Then we'll keep things like they are, free and unfettered, the only way we can keep July Fourths out there to celebrate with reason.

HONORABLE JAMES A. FARLEY CELEBRATES 86TH BIRTHDAY

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. STRATTON. Mr. Speaker, I rise to salute a great American, Hon. James A. Farley, who recently celebrated his 86th birthday. In connection with that happy occasion, I include with my remarks an article that appeared in the Albany Times-Union in my district, for May 30, 1974:

Optimistic About Future—"Genial Jim" Farley Reaches 86

(By James Kilgallen)

New York.—James A. Farley, who has had two outstanding careers in his lifetime—one in politics, the other in business—observes his 86th birthday today and has no thought of retiring.

"My health is very good and I feel all right," said Mr. Farley when I interviewed him in his midtown office where he holds down the position of honorary chairman of the board of Coca Cola Export Corporation. "I enjoy working and meeting people."

"Genial Jim" reaches his 86th milestone manifestly disturbed over the apparent loss of White House credibility, the revelations of campaign spending in the last presidential election and the Watergate disclosures. But his confidence in the American people is unshaken and he predicted once Watergate is cleared up, the United States will come out more united than it has been in many years."

In his hey-day in politics in the 1930s Farley as Democratic National Chairman, visited every state in the Union and served 7½ years as postmaster general in FDR's cabinet. He was often referred to by newspapermen as "Mr. Politics."

After joining Coca Cola in September, 1940, he traveled all over the world for the company and met many noted personalities and people in all walks of life.

I asked Mr. Farley to name the six persons who impressed him most during his career in politics. He replied:

"Former Mayor James J. Walker, former Gov. Alfred E. Smith, former Presidents Franklin D. Roosevelt, Harry S. Truman and Lyndon B. Johnson, and former Sen. Carter Glass of Virginia."

It was Sen. Glass who placed Farley's name in nomination for the presidency at the Democratic convention in Chicago in 1940.

When asked to name the personalities who impressed him most during his extensive travels abroad, he replied:

"This is a question not easy to answer. However, I do not hesitate to say that in my opinion Pope Pius XII was the greatest person I ever met.

"Naturally, I was impressed at the opportunity I had to meet and talk with Winston Churchill, General Franco, Chiang Kai-shek, and Mussolini who was at the height of his power in Italy in 1934 and at the time was doing a great job for his country."

UNITED STATES AND CANADIAN AGRICULTURE TRADE MUST BE A TWO-WAY STREET

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. ASHBROOK. Mr. Speaker, trade must be a two-way street. In the past this was the case between Canada and the United States. Approximately the same amounts of meat, eggs, and turkey were shipped from the United States to Canada as were shipped from Canada to the United States. Now it appears that Canada has effectively banned shipment of U.S. beef north of the border, while a half-million more pounds of carcass beef came from Canada to the United States in the first 5 months of 1974 than in the same period of 1973.

As of May 8, 1974, Canada established quotas on shipments from the United States of turkeys, turkey parts, eggs, and egg products while apparently dumping its own excess on our market. USDA figures show that Canada's hog shipments to the United States in January–April 1974 were three times as great as the same period of 1973.

I believe it is time the United States began looking out for the welfare of its own citizens. This is particularly true when our industry is under severe adverse economic pressure. I believe it is time the United States showed other nations that they cannot arbitrarily move to restrict the flow of our goods without reprisal.

The President has authority under section 252 of the Trade Expansion Act to place restrictions on shipments of Canadian agricultural products to the United States. Those restrictions should be equally severe as those Canada has placed on our products.

U.S. trade policy must be determined by the interests of this country. Our trade policy should work for the benefit of the people of the United States. Too often our trade policies have seemed to work against our own farmers, workers, and businesses.

The United States has long been a supporter of reciprocal lowering of trade barriers. Other countries must learn that the United States will not continue to allow favorable trade treatment to them if they do not offer the same benefits to this country. Be it Canada, Japan, or the Common Market countries, trade must be a two-way street in agricultural and industrial commodities. The United States must not be expected to continue giving trade benefits to countries which refuse to reciprocate.

LIVESTOCK LOAN ACT

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. PEYSER. Mr. Speaker, opposition continues to grow to the emergency livestock loan legislation hastily reported out of the House Agriculture Committee last week. I would like to place in the RECORD at this point a letter from another national association, The Federation of Homemakers, Inc., who are opposed to this ill-advised legislation.

FEDERATION OF HOMEMAKERS, INC.,
Arlington, Va., July 1, 1974.

Re Opposition to H.R. 15560 and S. 3679—Taxpayers' Guarantee of Livestock Loans

Hon. PETER A. PEYSER,
House Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN PEYSER: The officers of this grassroots organization are in accord with your common sense views on the ineffectiveness of *H.R. 15560* to help solve the problems confronting the beef raisers who have withheld their cattle from market—hoping for higher prices, but instead now facing losses on over-fat cattle. The Federation's approximately 7,000 members would also join in opposition to this bailout type of legislation—since they endorsed this group's opposition to the cyclamate compensation bills, and recently opposed tax money for the poultry raisers who had to sacrifice their Dieldrin contaminated chickens.

This bill (H.R. 15560) appears—as you pointed out at the hearing of the full House Agriculture Committee on June 27th—to be beneficial mainly for the bankers who will be able to re-finance their loans to the cattle raisers at the current high interest rates, knowing their loans will be guaranteed at least 80% by the taxpayers. The House Bill has a ceiling of $2 billion but in conference with S. *3679*—this ceiling could be deleted by the conferees—also the loans could be extended for a longer period than specified by the House legislation.

This emergency, bailout legislation has the taxpayers furnishing loan guarantees up to 80% but no promise, let alone a guarantee, that the marketplace prices of beef for consumers will be lower. It would appear this emergency financing might keep beef prices high for the harassed housewives. Unless the facts are faced squarely regarding this unhappy state of both beef producers and consumers and resolved the taxpayers can anticipate more bailouts of said cattle raisers. If the processors and the chain stores do not share their profits with the ranchers and feedlot owners—then the consumers will have to pay the high store prices for beef or forego it—as many are doing today.

The Washington Post for July 1, 1974 (Food Section, pgs. E1 and E2) carries an article "Battling the Budget" by Mary Knight of the Christian Science Monitor of a survey of California housewives who are watching their food budgets carefully. This informal survey indicates that most of them buy roasts only for entertaining or special occasions. These California homemakers are serving fish and chicken regularly and also supplementing with egg and cheese dishes. Chopped beef is substituted for steaks and roasts. This has become a way of eating for these housewives and their families for more than a year. This survey indicates that until the processors and the huge supermarkets are willing to be reasonable in their dealings both with the beef raisers and the consumers the problem will not be resolved. Most shoppers will resist cuts of any meats which are inflated in price.

Warnings that meat prices will be still higher if the taxpayers do not come to the financial bailout of the beef raisers and their bankers will probably cause housewives to invent even more tasty recipes for serving fish, chicken, egg, and cheese—especially casseroles.

The term "livestock" is so broad in H.R. 15560 that dairy cattle, sheep, goats, swine, chickens and turkeys are included with cattle. The precedent of passing H.R. 15560 could result in taxpayers guaranteeing many other high interest loans for livestock as defined by said bill.

It is this Federation's understanding that the USDA is purchasing large quantities of beef and pork for the school lunch program—which should help this problem of disposing of excess quantities of beef. If Canada is persuaded to purchase USDA certified DES-free beef from the U.S. this too will temporarily aid this problem of surplus beef. When taxpayers help the beef raisers through USDA purchase of excess beef—they should not be asked also to bail out the bankers at current rates.

In behalf of its members, this Federation's officers have asked me to extend their thanks for your efforts in behalf of all consumers in opposing H.R. 15560, which would create a dangerous precedent.

Sincerely,

RUTH G. DESMOND,
President.

ON THE DEATH OF ALBERTA WILLIAMS KING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. CONYERS. Mr. Speaker, when the late Rev. Martin Luther King, Jr., was assassinated, we mourned our loss but we could take some comfort in the knowledge that he died in the service of the cause to which he had devoted his life. In a sense, the murder this week of his mother, Alberta Williams King, is even more tragic because it was so senseless. We are left only with a sense of emptiness and a conviction that something must be done to prevent such acts of horror.

Mrs. King was loved and respected by all who knew her as a woman of devotion and reverence, deeply committed to the work of her husband and her late son. The ideals which she and her husband took as their inspiration were shared unselfishly and universally, and breathed with familial love into the heart and soul of Martin Luther King, Jr. How hard it is to comprehend that such violent tragedy should befall a family so dedicated to peace.

I hope that Mrs. King's death emphasizes to all of us the need to complete the work to which her family has been devoted. It is a challenge to put aside our differences and improve the quality of life for people everywhere. We, then, are left to transform the life-giving and life-taking dreams of the King family into reality. Mrs. Alberta Williams King has completed her work. We are left to do ours.

BARSKY CLINIC HELPS VIETNAMESE CHILDREN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention an article on the Center for Plastic and Reconstructive Surgery in Saigon that appeared in the June 30, 1974, New York Times. This clinic, founded several years ago by Dr. Arthur Barsky, specializes in the treatment of burns and is the most complete facility of its kind in all of South Vietnam. Operated with financial assistance from the U.S. Agency for International Development and the South Vietnamese Ministry of Health, as well as from private contributors, it is, as the article points out, "one of the few positive legacies of the war." It meets a medical need that cannot be fulfilled elsewhere in that country, and is an excellent example of the type of humanitarian service that the United States is well-advised to associate itself with.

The article follows:

[From the New York Times, June 30, 1974]

SAIGON'S PLASTIC SURGERY CLINIC IS A BUSY HAVEN FOR THE INJURED VIETNAMESE

(By David K. Shipler)

SAIGON, SOUTH VIETNAM, June 29—The 10-year-old boy with the melancholy eyes is Phan Thanh Anh. He was swinging a knife through long green elephant grass, clearing some new land for farming, when something exploded and blew all the fingers off his left hand.

Doan Van Hung, 12, fell asleep as he was studying by the light of a kerosene lamp, knocking the lamp over and setting himself on fire. Inadequate medical care and terrible scars have left his elbow stiff and his neck partly immobilized.

On Muoi is now 31. As a child, she was attacked by a potent and common gangrene called noma, which in the course of a few weeks ate away whole sections of her face, destroying her upper lip and nose, twisting her features into monstrous shapes.

RECONSTRUCTION OF PEOPLE

These three are victims not only of war but of poverty, and of accident, chance or carelessness. They are all patients in a Vietnamese and American-funded medical center for plastic surgery, one of the few places in South Vietnam where reconstruction is actually going on. This is the reconstruction of bodies.

Formally, the clinic is called the Center for Plastic and Reconstructive Surgery, but everyone knows it as the Barsky unit, after its founder, Dr. Arthur J. Barsky, an American plastic surgeon who is now professor emeritus at the Albert Einstein College of Medicine in New York.

During the height of the war in the nineteen-sixties, Dr. Barsky and a lawyer, Thomas R. Miller, were so moved by reports of war injuries to Vietnamese children that they established an organization called Children's Medical Relief International, which created the Barsky unit with the help of Federal grants.

The clinic is one of the few positive legacies of the war. Only about 20 per cent of its patients now are military-injury cases; the rest are victims of diseases that began throughout most of Asia long before the war—and will probably continue long after—and accidents.

There are many badly burned children, but hardly any were burned by napalm; people hit by napalm rarely live to be treated, doctors say.

Mrs. Nguyen Thi Hoa is a survivor of a napalm attack, but the napalm never struck her directly; it was dropped on her village after Vietcong troops came into the area, she recalled, and it set fire to her thatched house. "My whole family was in the bunker," she said. "Suddenly the house was on fire. Three of the five in my family died; my father and I ran away, but the fire caught us."

She is now getting skin grafts on her hands, feet and face.

BURNS TRACED TO HOMES

Joyce M. Horn, a nurse and the administrator of the Barsky unit, calculates that most of the burns are from domestic accidents—kerosene lamps and stoves, charcoal fires, boiling water—all made more common by the crowding of children into tiny rooms, the lack of electricity, the practice of cooking in areas where children play.

Furthermore, Miss Horn observes, the Barsky unit expends a good deal of effort undoing damage that could have been avoided in the first place with proper medical treatment—particularly, separating badly burned limbs and fingers that have been allowed to grow together or attach themselves to other parts of the body as they have healed.

The unit trains Vietnamese personnel, and it has provided residency for young doctors. Four have graduated so far as full-fledged plastic surgeons; two others were called into the army before they could finish their courses.

The Barsky unit's patients are not cheerless. In the wards, there are easy smiles and bursts of laughter. They are more comfortable here, Miss Horn says, than outside, where they are often stared at and ridiculed. "They come to the Barsky unit, where all of a sudden they're normal, and they don't want to go home," she says.

The Barsky unit gets 21 per cent of its operating funds from the United States Agency for International Development and most of the remainder from the South Vietnamese Ministry of Health. But it needs more.

Dr. Barsky, who visited Saigon recently, remarked: "More thought seems to be given to destruction than to preservation—certainly more money is spent."

SECRET EYES-ONLY PLAN TO PUSH H.R. 12898 AND BURY H.R. 11500 IS COMPROMISED IN PARTS NOW REVEALED TO ALL

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. HOSMER. Mr. Speaker, it seems no one can keep a secret any longer in Washington. Oh, the pity of it some are saying.

Even parts of my secret plan in connection with the surface coal mining regulation bills have been compromised.

Set forth below are the compromised portions so all will know, not just a few. None of the appendixes are compromised at this point, I think. So I am not revealing them at this time for the RECORD. If somebody steals any of them, and I find out about it, I will ask unanimous consent that they appear in subsequent issues of the RECORD, too:

REPRESENTATIVE CRAIG HOSMER'S SECRET CAMPAIGN PLAN TO FORWARD PASSAGE OF SURFACE COAL MINING LEGISLATION WHICH ENFORCES STRICT RECLAMATION OF MINED LAND TO ENVIRONMENTALLY ACCEPTABLE STANDARDS WHILE AT THE SAME TIME FACILITATING THE SURFACE MINING OF ENOUGH COAL TO SATISFY U.S. ENERGY REQUIREMENTS

OVERALL OBJECTIVE

Enactment this year of legislation to assure that coal is surface mined pursuant to good conservation practices and thereafter the land is restored promptly to as good or better condition than before, while, at the same time, assuring that the nation's expanding needs for surfaced mined coal are fully met.

This objective is to be achieved by defeating the unbalanced and defective bill H.R. 11500 and substituting the bill H.R. 12898.

LEGISLATIVE SITUATION

(A) The writing of H.R. 11500 and its Senate companion S. 425 was dominated by legislators and staff whose primary concerns are environmental. As a consequence these bills are heavily overweighted with environmental concerns and drastically neglect the need for energy, and equal concern.

Note: The Interior Department and FEO estimate that H.R. 11500 would unnecessarily preclude production of up to almost two-thirds of all this country's surface mined coal—almost one-third of all its coal. The effect of this bill on the economy and upon employment nationwide would be disastrous.

(B) The substitute bill H.R. 12898 was drafted specifically to achieve the overall objectives specified above by giving measured and equal respect to both environmental and energy ethics. When full Interior Committee markup began a move to substitute it for H.R. 11500 as the markup vehicle lost by only one vote. (20 to 19).

OVERALL STRATEGY

(A) Rules Committee:

1. Get H.R. 11500 referred back to Interior and Insular Affairs Committee for reformation or substitution of H.R. 12898.

2. Failing the above, insist on rule making substitution of H.R. 12898 in order and up to 12 hours general debate upon this extremely controversial measure.

(B) House Floor:

1. Try to substitute H.R. 12898. If successful—

(a) Offer amendments as required to perfect it;

(b) Resist crippling amendments by H.R. 11500 adherents.

2. If H.R. 11500 remains the vehicle—

(a) Insist upon adequate discussion of ALL its defects, including *wholesale* loss of jobs, disruption of business, etc.;

(b) Seek to amend it in the 12 basic areas which are absolutely necessary to avoid crippling the nation's economy as a result of a drastic shortage of domestic mined coal, but making sure to preserve proper environmental safeguard;

(c) Move to recommit without instructions;

(d) Defeat the bill by vote of a majority which will fairly respect both environmental and energy ethics.

(C) Conference with Senate:

Doggedly insist upon a balanced bill or no bill. If that fails, rely sustaining of veto, which is certain to follow.

Appendices attached to this campaign plan

Appendix (A)—Surface Mining Bill Campaign Organization.

Appendix (B)—Surface Mining Bill Intelligence Plan.

Appendix (C)—Surface Mining Bill Communications Plan.

BILL TO STRENGTHEN INVESTIGATIVE ROLE OF CONGRESS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. FINDLEY. Mr. Speaker, the cornerstone of our form of government is the delicate system of checks and balances which the Founding Fathers established when they wrote the Constitution. They were not satisfied with just providing for a popularly elected Congress. To curb excessive and abusive power, the constitutional framers divided the Government into three separate, coequal branches—the legislative, executive, and judicial. Each branch was given some responsibility to oversee the proper functioning of the others.

Thus, the judiciary may declare acts of Congress unconstitutional and pass judgment upon the conduct of executive officials.

The President may appoint judges and veto bills passed by the House and Senate.

And the Congress may revise the laws, make drastic changes in the make-up and character of the other coequal branches of the Government, and provide or withdraw salaries from executive and judicial officials.

The system works fairly well. Despite the seemingly inordinate delay in resolving the events which have brought forth the impeachment investigation, I believe that the value of the checks-and-balances system is demonstrated by the inquiry into Executive conduct presently being conducted by the House Judiciary Committee and the Senate Watergate Committee.

When Congress is controlled by a party other than that in the White House, the committees can be relied upon to keep an ever-vigilant eye upon Executive behavior.

However, when the party in control of the Congress has one of its own in the White House, as has occurred frequently in the past, the system of checks and balances may be ineffective or may break down completely. It is normal for members of a political party to avoid washing their own linen for all to see.

For this reason, I am today introducing a resolution providing that the Committees on Government Operations of the House and Senate always have a chairman and a majority of members from the party which does not control the White House.

Under the rules of both Houses, the Government Operations Committees are charged with the primary responsibility for Executive oversight. In effect, these committees hold the check-reins of Government. These reins may become severely slackened or dropped completely when the Presidency and Congress are controlled by the same party. At such times, congressional oversight may fail utterly.

When the Government Operations Committees, as presently, have a majority of members from the party not in control of the White House the Congress can be expected to exercise with full effect its constitutional responsibility.

The resolution I am introducing today will help to preserve the integrity of the governmental system for future generations.

CONGRESSMAN HAMILTON FISH, JR. ANNOUNCES RESULTS OF 1974 NEW YORK 25TH DISTRICT OPINION POLL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. FISH. Mr. Speaker, the results of my sixth annual questionnaire have been tabulated. I am pleased to share the opinions of my constituents with my colleagues on 11 critical issues presently confronting the Congress and the American people.

The questionnaire was sent in May to every household in my district—168,000, and within less than a month's time, we had received more than 17,000 replies. Since the forms allowed three responses per household, we actually received over 41,000 opinions.

The questionnaire, of necessity, only provided space for a response to the question asked. However, many constituents took the time to send me additional thoughtful comments on the issues presented in the questionnaire as well as issues which were not included. These additional views I have also read with great interest.

Following are the tabulated results of my annual congressional questionnaire:

[*In percent*]

1. Would you favor a constitutional amendment prohibiting abortion?

Yes	21.1
No	70.7
Undecided	6.0
No response	2.2

2. Would you favor control over grain exports to foreign nations?

Yes	86.4
No	7.3
Undecided	3.8
No response	2.5

3. Would you favor increased regulation of public utilities?

Yes	70.9
No	17.1
Undecided	8.2
No response	3.8

4. Would you favor ending the depletion allowance and increasing taxes of oil companies?

Yes	77.2
No	11.7
Undecided	7.4
No response	3.7

5. Would you favor public financing of campaigns for Federal office?

Yes	51.9
No	34.7
Undecided	10.2
No response	3.2

6. Would you favor continued military aid to South Vietnam?

Yes	17.4
No	70.0
Undecided	10.3
No response	2.3

7. Would you favor a national program to provide health insurance for all Americans?

Yes	66.3
No	22.9
Undecided	8.4
No response	2.3

8. Would you favor partial payment of Social Security taxes from public funds?

Yes	35.4
No	39.7
Undecided	19.6
No response	5.3

9. Would you favor relaxing Clean Air Act Standards to conserve oil?

Yes	38.0
No	51.0
Undecided	8.0
No response	3.0

10. Would you favor Vietnam era draft evaders receiving: (a) no amnesty—34.3% (b) conditional amnesty with alternative service—44.8% (c) total amnesty—18.3% No response—2.6%

11. Do you think President Nixon should: (a) remain in office—31.2% (b) resign—23.7% (c) be impeached and tried in the Senate—38.8% No response—6.3%

ORGANIZED CRIME MUSCLES IN ON STATE LOTTERY OPERATIONS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. McKINNEY. Mr. Speaker, during the next week, I will be calling upon my colleagues to cosponsor legislation I have introduced relating to the gross receipts of State lottery revenues. As you know, the Internal Revenue Service has indicated that it intends to rule in the near future on the interpretation of a 10-year-old statute which would require States operating lotteries to pay a 10 percent excise tax on gross receipts. In a word, this is outrageous and the bill I have introduced would wipe this statute off the books. It seems to me that implementation of a ruling of this type only penalizes States which are making an effort to raise revenues and hold down general taxes.

This, however, is not the only bill I have introduced which relates to State lotteries. Earlier, I proposed legislation which would exempt State lottery winnings from individual Federal income tax payments.

In the past, I have stated a number of reasons which I feel add credence and validity to the enactment of this bill but, at this time, I would like to reemphasize just one point, for it is particularly noteworthy today.

When I first brough this concept forward, eyebrows were raised in some quarters when I maintained that enactment would diminish the growth of organized crime. I said, at the time, that gamblers were "double teaming" State lotteries and paying off in tax free cash. Admittedly, I could offer no substantive evidence at that time due largely to the obvious difficulties encountered when one seeks information on underground activities.

Now, however, due largely to the persistence of a Connecticut newspaper, the Bridgeport Post, and one of its investigative reporters, Richard P. Ondek, my initial contention has been corroborated. In a recent account, Ondek notes that even Connecticut State Police Commissioner Cleveland Fuessenich agrees that organized crime has found ways of using the State lottery numbers to its benefit.

Further, Ondek adds that State's Attorney Joseph T. Gormley has yet to launch a specific probe into this matter.

Mr. Speaker, statewide investigations would not be necessary if we would take the gamblers' profit motive out of State lottery operations. Exempting lottery winnings from the Federal income tax bite would do just that and I would hope that before this session of the 93d Congress draws to a close, that will be so.

For the edification of my colleagues, I insert Mr. Ondek's news account in the Record, at this point.

State Police Aware Lottery Is Being Used Illegally

(By Richard P. Ondek)

Just how deeply has organized crime managed to cut into and take advantage of Connecticut's "legalized" gambling, particularly through use of the state's weekly lottery number for illegal policy playing?

Last September, The Bridgeport Post disclosed that organized crime had found a way "to muscle in" on the state's "legalized" gambling by using the weekly lottery drawing figure for policy playing, in most cases bankrolled by organized crime figures.

Since that disclosure, several factors have come to light, including confirmation from State Police Commissioner Cleveland Fuessenich that organized crime had found ways of using the state lottery number to its benefit by taking bets on the outcome of weekly lottery drawings.

Commissioner Fuessenich made the confirmation during a Hartford television program last Sunday.

It was learned today that prior to the disclosure last September by The Post, evidence that the last three digits of the weekly number was being used for illegal policy playing, had been confiscated in multi-town Hartford county gambling raids conducted by State Police and local authorities.

In that raid, according to a State Police spokesman in Hartford, several gambling records were confiscated in which the final digits of the weekly lottery number were used. The arrests in the raid in which those gambling records were uncovered took place last summer.

Another State Police spokesman said that while there is no specific investigation into the use of the lottery number for illegal purposes "we are aware that this may be taking place."

The spokesman, an officer in the Organized Crime division of the department, said there has been no evidence seized lately to prove that the lottery number is being used for illegal policy playing purposes.

Asked his opinion as to whether he believes the weekly number is being used, the State Police spokesman said: "Definitely and absolutely, I believe its happening."

The spokesman, Lieut. Walter Scholtz, said State Police from time to time have obtained information from informants that the lottery number is being employed in illegal operations.

However, Lieut. Scholtz, said he believes that the use of the lottery number for illegal play is "not organized to a great degree" but instead, "if it is happening is being used by individual bookies to enhance their own business."

Chief State's Attorney Joseph T. Gormley, Jr., who heads the anti-organized crime swing of the state's prosecution forces, said nothing has come to his attention relating to any widespread use of the lottery figure by organized crime nor is he aware of any specific probe being undertaken by any investigative arm in the state.

Last September, Mr. Gormley said that if law enforcement agencies had evidence that such practices are taking place "they should move to close them down."

Bridgeport and State Police at that time said their intelligence sources indicated the existence of at least five numbers operations using the weekly number for "the number to match."

Detective Bruce Haines of the State Police Gambling division said last September he believed that four of the rackets are controlled by organized crime, but he said he had no conclusive evidence.

The multi-town raid in which the lottery number was found on gambling records took place prior to Detective Haines' contention that evidence had not been secured to link use of the lottery number to organized crime.

Detective Haines said the lottery number was "most convenient" for policy operators since the five-digit combination cannot be suspected of being fixed.

Commissioner Fuessenich was reported attending a conference out of state by his office and unable to be reached for expansion on his remarks that organized crime had found ways to use the lottery number for its own purposes.

REFORM OF THE HATCH ACT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. OWENS. Mr. Speaker, the Hatch Act was signed into law on August 2, 1939. Originally designed as a protective measure against improper political activities of persons employed in the then "Works Progress Administration," the Hatch Act has since been amended and administratively interpreted to include the whole spectra of executive branch—civil service—employees.

During the 35 years since enactment, we have witnessed great changes in our political process. And, our government system, "the bureaucracy," has grown in size and numbers. Yet the Hatch Act has remained essentially unchanged. It has not been substantially amended to conform to today's political realities.

Over the years, it has become increasingly evident that the enforcement of the Hatch Act has created certain inequities and has been, in many instances, an undesired deterrent to the participation of many individuals in the elective process. Recognizing the need to reevaluate the act in view of its detrimental effects, the Congress established in 1966, the Commission on Political Activity of Government Personnel. The Commission was charged with investigating Federal laws which placed limitations or discouraged participation in political activities. Upon completion of the study, the Commission made recommendations to the President for changes in the law.

In its study, the Commission recognized:

> On the one hand, in our democratic society it is important to encourage the participation of as many citizens as possible in the political processes which shape our government. All citizens must have a voice in the affairs of the government.
>
> On the other hand, it is equally important to assure integrity in the administration of governmental affairs and develop an impartial service far from partisan poilitics.

At the conclusion of the study, which included public hearings in six major cities throughout the United States, surveys of opinions of Federal and State employees, and party chairman opinions, the Commission made the following recommendations:

Recommendations

(1) Public employees should be permitted to express their opinions freely in private and in public on any political subject or candidate.

(2) The law regulating political activity of government personnel should specify in readily understandable terms those political activities which are prohibited, and specifically permit all others.

(3) The distinction between local political offices which can be campaigned for and held by Federal employees, and those which cannot, should be based on the nature of the office itself, without reference to a "partisan" or "nonpartisan" distinction or to the geographic area where the employee lives.

(4) At the Federal level, the U.S. Civil Service Commission should have the sole responsibility for enforcement, and its jurisdiction should be extended to cover not only merit system employees, but also excepted employees over whom the employing agency presently has enforcement jurisdiction.

(5) Enforcement of the act should be strengthened and made more flexible by adding to the present criminal penalties administrative sanctions and procedures. These should be designed to insure timely investigation and adjudication of complaints, while preserving adequate protection for persons charged with violations of the law.

(6) At the State level, employees administering programs financed by Federal funds should be subject to the same prohibitions against political coercion, abuse of official authority, fund-raising and campaigning for Federal office which apply to Federal employees.

(7) The several States should be encouraged to develop systems for controlling political activities which are comparable to the system prescribed by Federal law. With the approval of the U.S. Civil Service Commission, those states which develop such a system would have the responsibility for enforcement of all political activity restrictions applicable to State employees within that jurisdiction, including those working on programs financed by Federal funds.

(8) The U.S. Civil Service Commission should study and report on the feasibility of establishing a plan of voluntary political contributions patterned after similar programs in private industry.

(9) The U.S. Civil Service Commission should study and report on the feasibility of establishing a new Office of Employees' Counsel within the Civil Service Commission to which individual Federal employees can report instances of political coercion, intimidation, misuse of official authority, and other alleged violations of the law.

(10) Up to $1 million should be appropriated annually for the enforcement of the law, in contrast to the $100,000 or less appropriated annually since 1939.

I stated before that the bureaucracy has grown in size during the last 35 years. It is, of course, continuing to increase. As it does, more and more Americans are being denied the right to participate in many aspects of our political process, simply because they work for the Government and must, therefore, adhere to the guidelines of an out-dated law. The problem becomes more complicated when one considers the ongoing debate of whether provisions of the Hatch Act should be applied to those employees working on projects funded in whole or in part by revenue-sharing funds.

Mr. Speaker, I am introducing today a bill, sponsored in the Senate by my colleague and fellow Utahan, Senator Frank E. Moss, to reform the Hatch Act. The bill encompasses many of the recommendations made by the Commission on Political Activity of Government Personnel in 1966.

This bill would eliminate the second-class citizenship status of Federal employees. It would allow such workers, during off hours, to express public support for a candidate; write an article for a newspaper or other publication supporting a candidate or political issue; distribute campaign material; and serve as a delegate to a political or constitutional convention, and under circumstances, be a candidate for local office.

Provisions of the bill would become effective on January 1, 1975.

There are safeguards in the bill to prevent abuses and corruption. The special nature of the Government employee is taken into account with several prohibitions as to the use of official authority and influence for the purpose of interfering with any elections. Further measures would outlaw the use of intimidation or coercion to affect the actions of fellow employees.

The Congress should endeavor to review the inequities in the present law. I am aware of the immediacy to consider such crucial matters as campaign financing reform legislation. But I would hope that the Congress, within the next year, would turn towards consideration of returning basic political rights to the more than 2.8 million Americans affected by the Hatch Act.

PERSONAL EXPLANATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, due to a previous commitment in my district, I was not in the Chamber on Monday, July 1. Had I been present and voting I would have voted "Aye" on rollcall Nos. 356, 358, and 360; and "No" on rollcall No. 359.

HOW H.R. 11500 AFFECTS THE SMALL COAL OPERATOR

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mrs. MINK. Mr. Speaker, on June 24, Representative Craig Hosmer saw fit to reprint a letter from Ed Mears, president of the Mears Coal Co. of Marion Center, Pa., criticizing H.R. 11500. This letter which was addressed to Representative Philip Ruppe, contained a number of specific complaints about the bill, with a statement that if the bill is enacted Mr. Mears was afraid he would be put out of business.

What Representative Hosmer was careful not to mention, however, is that in its consideration of H.R. 11500, the Interior Committee did evaluate the various problems raised by Mr. Mears, who is representative of many small bituminous coal operators in Pennsylvania. There was a very real concern on the part of committee members that the provisions of H.R. 11500 should not prove confiscatory, particularly to those, who, like Mr. Mears, have developed new and improved reclamation techniques. Contrary to Mr. Hosmer's claim that H.R. 11500 would put Ed Mears out of business, the bill now contains nearly all of Ed Mears' recommended changes, in one form or another.

I have reviewed Mr. Mears' letter carefully. Since he raised some pertinent issues, the following outline of the action taken by the committee showing how the bill has been altered in keeping with his suggestions may reveal the merits of H.R. 11500:

1. *Spoil on steep downslopes* is allowable in Sec. 211(c)(1), but only for the initial short linear cut necessary to gain access to the coal seam. There is no reason why the rocks and boulders, which Mr. Mears is concerned about, cannot be retained on the bench and buried under the spoil, or in the alternative placed on slopes that are not steep. Mr. Mears' own operations which use the so-called "modified block cut" method, indicate how this may be accomplished.

2. *Disturbance above the highwall* is allowable in Sec. 211(c)(3), if the regulatory authority finds that such disturbance will be in compliance with the environmental protection standards. This revision would allow Mr. Mears to stack his spoil on the slope above the highwall as a means of expediting final regrading of the mine site.

3. *Abandoned underground mine workings*. Sec. 211(b)(19) provides a 500-foot barrier around active or abandoned underground mine workings. However, there is no outright prohibition which would prevent an operator from surface mining in such a situation if by doing so he will achieve "improved resource recovery, abatement of water pollution or elimination of public hazards." The bill thus offers the kind of leeway which Mr. Mears seeks in areas which have already been heavily mined for coal, as in the case in portions of Pennsylvania.

4. *Erosion control* requirements in Sec. 211(b)(14)(B) have been amended to require that the operator shall "prevent additional contributions of suspended solids to stream flow or run-off outside the permit area above natural levels under seasonal flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines." This is in recognition of the fact that the original requirement to "eliminate erosion" was not feasible (given the realities of surface mining) as Mr. Mears correctly pointed out.

5. *Preservation of alluvial valley floors* and stream channels as called for in Sec. 211(b)(14)(E) is contained in broad discretionary language which requires the operator to preserve "throughout the mining and reclamation process the hydrologic integrity of alluvial valley floors in the arid and semi-arid areas of the country." Since Mr. Mears' operations are located in a humid region, they would not come under these particular strictures.

6. *A two-year term for steep-slope permits* is set forth in Sec. 211(c)(4), in consideration of the unnecessary hardship which the bill's original one-year term for permits covering operations on steep slopes might have imposed on small operators by requiring the periodic repetition of the complete permit application process, with all of its public review procedures (as Mr. Mears pointed out in his letter).

7. *Concurrent reclamation* is required in Sec. 211(b)(4). The operator is responsible for seeing to it that on any separate portion of the mined area reclamation is carried out as promptly as possible, in keeping with the schedule which is contained in the conditions of the permit and the reclamation plan. Mr. Mears figures he needs four pits going simultaneously in order to operate profitably. There is nothing in the bill which would confine him profitably to one pit so long as he complies with the concurrent reclamation provisions.

8. *Bonding for agricultural use of the mined site* is covered in Sec. 211(b)(13), which states that "when the regulatory authority approves a long-term intensive agricultural postmining land use, the applicable five- or ten-year period for responsibility for revegetation shall commence at the date of initial planting for such long-term intensive agricultural postmining land use." The interminable bonding period which Mr. Mears feared might put him out of business has thus been limited in his case, to five years after the first agricultural planting occurs on the regraded site.

9. *Reclamation fee for rehabilitation of abandoned mine lands* in Sec. 401(d) is set at 1.23 cents per million Btu of heat value in coal. The original fee of $2.50 per ton about which Mr. Mears complained was replaced by the present arrangement, which is estimated to amount to between 15 cents and 38 cents per ton, depending on the Btu content. This fee cannot be seen as confiscatory by any stretch of the imagination. No doubt there are many parts of Mr. Mears' home territory which are desperately in need of the restoration program which Title 4 of H.R. 11500 would provide.

In conclusion, Mr. Speaker, it is evident that virtually every one of Mr. Mears' complaints about H.R. 11500 has been met by the committee. In the case of the one exception, it can be asserted with complete confidence that Mr. Mears' own remarkedly fine operations in Pennsylvania offer the best example of how surface mine operators can comply with the requirement that the mined site be returned to the approximate original contour even on steep slopes, through use of existing equipment and through planning and foreknowledge of the problems involved.

H.R. 11500 will not put any surface

mine operators out of work. The coal industry and Representative Hosmer should understand that careful preplanning and coordination of resources to meet the environmental protection standards set forth in the bill are already being employed routinely by many surface coal mine operators, both big and small. Ed Mears, of Pennsylvania, is a good example.

THIS FORD HAS THE WRONG IDEA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. ROSENTHAL. Mr. Speaker, the establishment of an independent Federal Consumer Protection Agency would make fundamental and far-reaching changes in the way Federal decisions are made affecting the consumer.

An indirect but important byproduct of the legislation is that it would make more visible the way in which Federal agencies make decisions affecting the business community.

Big business forces have waged a desperate fight against the creation of such an agency and now Vice President Ford has spoken out against the legislation establishing the CPA. He referred to it as "legislative dictatorship" by "not just moderate Democrats, but liberal Democrats who would intervene in business and private enterprise."

The Long Island Press recently carried an editorial, which I recommend to my colleagues, on the Vice President's misguided remarks:

Ford's No Help on Consumer Protection

As though a threatened Senate filibuster was not enough, Vice President Ford apparently is trying to throw a monkey wrench into legislation to create an independent federal consumer protection agency.

The other day Mr. Ford described the legislation already passed by the House—as the kind of "liberal" programs that could be expected if Democrats establish "veto-proof" control of Congress next November. He urged a Republican "Boosters Club" to forestall "legislative dictatorship" by "not just moderate Democrats, but liberal Democrats who would intervene in business and private enterprise."

That's partisan political pap designed to hide the fact that while President Nixon has engaged in flowery rhetoric about the need to protect consumers from shoddy business practices, he wants no part of an agency free of administration control.

Some Democrats are just as adept in throwing roadblocks. Chief among them is Sen. James B. Allen of Alabama who is preparing to filibuster against the bill when it reaches the Senate floor. His weak excuse is that the Senate should be clearing its decks for a trial of Mr. Nixon if he is impeached by the House and not "be discussing consumer protection" with appropriations bills piled up.

An independent agency representing consumers in proceedings at government departments and regulatory agencies would not be an invasion of private enterprise. Rather, it would offer consumers a measure of protection against government agencies—particularly regulatory ones that kowtow to the special interests they are supposed to regulate.

As the recent House vote shows, the creation of an independent agency has widespread, bipartisan support in Congress. And as public opinion polls show, it has even greater support among the public. The Senate, therefore, should disregard the lame excuses advanced by the administration and some Democrats and pass this sorely needed legislation. If Mr. Nixon vetoes the bill, Congress must override it.

AIR POLLUTION LEVELS IN CALIFORNIA ARE AN IMMINENT AND SUBSTANTIAL DANGER TO THE HEALTH OF PEOPLE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. BROWN of California. Mr. Speaker, last week parts of southern California experienced air pollution levels that have not been recorded for over 15 years, and perhaps higher levels of air pollution than those ever experienced. This is sobering when we consider that some people in responsible positions have actually claimed the air pollution problem is diminishing. The most appalling aspect of this latest air pollution emergency is that the actual recorded levels were higher than those the Government said should never be reached.

The U.S. Environmental Protection Agency has the responsibility, under the Clean Air Act, to prevent attainment of certain levels of air pollution that clearly threaten substantial harm to living persons. The State and local governments share in this responsibility, but if they fail to act, the EPA has an obligation to act. Under 40 CFR part 51, section 51.16, the EPA shall take emergency actions once the oxidant level is 1000 micrograms per cubic meter or 0.50 parts per million 1-hour average. This level was exceeded, and the 0.60 parts per million oxidant level that is never to be reached was also exceeded last Thursday in several parts of southern California. The actual recorded oxidant reading was 0.75 parts per million in upland California.

Mr. Speaker, this condition is, let me quote the EPA's own regulation on this, "an ipso facto condition of imminent and substantial endangerment" to health. An emergency is supposed to be declared, and the emergency procedures should prevent this toxic accumulation of pollution from being formed. If the emergency procedures do not work, then some workable procedures must be devised to protect human lives.

Mr. Speaker, if we, in Congress, allow the air people must breathe to cause them significant harm, as this most recent air pollution emergency episode clearly did, then we have failed in our responsibilities to the people. It does not matter that only a few hundred thousand people are affected by this horrible air pollution in southern California. The policies to correct this problem are set on a national scale, and every official who affects those policies bears some responsibility for the consequences of their actions. The policies and inaction of the Government have allowed this hazardous and harmful condition to continue, and these policies must be changed.

Mr. Speaker, I include the article from the Ontario Daily Report of June 28 and a shorter article from the Los Angeles Times of June 28 to be printed in the Record.

The articles follow:

West End Smog Worst in 15 Years

RESPIRATORY CASES UP; SCHOOLS CURB ACTIVITY

(By Sue Manning)

The worst smog ever to hit Upland and the heaviest to hit San Bernardino County in 15 years choked the West End Thursday.

Upland's oxidant reading was .75 parts per million. The city's previous high was .67 ppm, recorded on August 7, 1965.

The highest level in the county had occurred on Aug. 5, 1959, with a reading of .78 ppm in Rialto.

Hospital emergency rooms treated more than the average number of respiratory patients, schools curtailed outdoor activity, and the City of Upland reached emergency smog-level proportions.

Kaiser Steel in Fontana voluntarily reduced operations in two departments by 35 per cent Thursday, according to spokesmen. He added that the plant was ready to do the same again today if smog conditions contained in the same quantity.

At 4 p.m. a third-stage smog episode was declared in Upland, when oxidant levels reached .71 parts per million.

Second-stage alerts were called in all other areas of the county. Fontana went to third-stage level at 5 p.m.

Both third-stage episodes lasted about an hour, according to Air Pollution Control District spokesman Mel Zelden.

Today was to be no better. Zelden said a second stage episode was forecast for the entire valley with a .55 parts per million maximum in Upland and a .45 maximum in the remainder of the basin.

High temperatures, soaring up to 105 degrees Thursday, added to the discomfort. Temperatures were predicted to clear 106 degrees.

A first-stage alert is called when oxidant levels reach .20 parts per million, a second-stage alert when the level rises to .40 parts per million and third stage when it hits .60 parts per million.

Elsewhere Thursday, Chino recorded .38 parts per million and San Bernardino recorded 44 parts per million.

Earlier this year, the APCD set up a proposal for emergency action when smog levels reached second- or third-stage levels. The county Board of Supervisors approved the shutdown plan on March 26.

Zelden said no contingency plans have been developed but the APCD's Emergency Action Committee held meetings Wednesday and Thursday and had another scheduled for today.

Meanwhile, an increased number of residents fell victim to the heavy smog's effects.

Doctors' Hospital of Montclair reported that it treated four patients during the day Thursday and another four in the evening for various respiratory ailments. Spokesmen said there are seldom more than one or two respiratory cases a day.

At San Antonio Community Hospital in Upland, there was no increase in admissions, but the respiratory therapy department reported its patient load in the last two or three weeks has been far greater than during the comparable period last year.

Spokesmen added that there was no definite increase Thursday "but we may not have seen them yet."

Kaiser Foundation Hospital in Fontana reported its patient load was average for a hot and smoggy day.

Chino General Hospital didn't treat a single respiratory patient Thursday, but smog levels were lower than most other areas of the West End.

B and B Ambulance Service said most of its respiratory problems had been babies and older citizens.

At Upland schools, all teachers were alerted Thursday and were alerted today of the smog levels. Spokesmen said all children remained indoors, eliminating all outdoor activity.

Summer school classes are over at 12:30 p.m. but the emergency actions are still taken if there is an impending smog emergency, spokesmen added.

During second- and third-stage alerts, almost all recreational areas are closed. Motorists are urged to stay home unless it is absolutely necessary to go out. Cities limit fleet vehicle use to emergency transportation only.

The top six industries in the basin have been asked to voluntarily curtail all outdoor activity.

At such high smog levels, swimming, tennis, running, baseball, even breathing outside can be hazardous to health, health officials note.

High Ozone Counts Trigger Two Alerts in Parts of Southland

(By Kathy Burke)

Two third-stage smog alerts—issued when the ozone count in an area soars to .60 parts per million or above for at least one hour—were called in parts of San Bernardino County Thursday.

A momentary peak of .71 ppm. recorded in Upland between 4 and 5 p.m., was the highest reading noted by the Air Pollution Control District in San Bernardino County since 1959.

In that year, heavy smog in Rialto accounted for a peak of .78 ppm.

"Not in my wildest dreams could we have generated the readings we had today," said Mel Zelden, meteorologist for the San Bernardino APCD.

The second third-stage alert in that county was issued at 5 p.m. in the Fontana-Rialto area, with a momentary peak of .69 ppm recorded at Fontana.

The ozone concentration seemed to be localized, since nearby cities did not have such high readings. Riverside recorded a peak of .39 ppm.

Zelden said the state Air Resources Board plan, which became effective April 1, recommends that counties devise contingency plans for curtailment of industrial activities during third-stage smog alerts.

But the plan became effective too late for most counties to draw up such plans for the current smog season.

Both Fontana and the region east of Upland are largely industrial areas.

One major industry in Fontana, Kaiser Steel, voluntarily reduced operations in two departments Thursday by 35%. A spokesman for the company said it was prepared to do the same today.

Zelden also blamed the high ozone readings partially on solar conditions at this time of year. He said maximum solar radiation occurs in early summer and the intensity of direct sunlight at this time actually turns pollutants into ozone.

In Los Angeles County, health advisories due to smog were issued in the east San Fernando, the San Gabriel and Pomona-Walnut valleys and in the southeast area of the basin.

SPACE PROGRAM

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. TALCOTT. Mr. Speaker, frequently we are asked why the Congress continues to fund the space program, what the justification can be for the expenditure of additional funds for the exploration of the universe. After all, we are asked, haven't we been successful? Didn't we meet the goal of putting an American on the Moon and returning him safely?

There are hundreds of benefits which we all share that are the direct result of the space program. To list only a few will give the average person a feel for why we continue: Development of the rechargeable cardiac pacemaker, cardiac diagnostic assist computer, artificial heart valve mapping, an automated bacteria detection system, a new technique for white blood cell preservation in the treatment of leukemia, the development of computer analysis of infrared photos of serious skin burns, development of an infant respiratory assist device to aid infants in respiratory distress, the major cause of infant death with a mortality rate above 20,000 each year, development of remote manipulator technology to aid in the rehabilitation of the handicapped, development of laser-radar technology to study our atmosphere and to aid environmental analysis, development of advanced technology to aid in the recycling of metals in junked cars, a new lead paint detector to help protect children, improved short-range radio communications for firefighters and other emergency personnel, and fire retardant fabrics such as those in the racing coveralls worn by Salt Walther in last year's Indianapolis race, which saved his life.

I wish that everyone who asks why continue the space program could know when he is benefiting from some new application of the research done to meet the challenges of space. I doubt that the man who has a rechargeable pacemaker, or the father whose child's life was saved by the respiratory assist device would ever question the cost of the space program.

There is another side to the space program, however. The personal side is best characterized by dedicated individuals who have made the program work. Our support personnel and the members of our astronaut corps have been an intense personal involvement in the program.

Col. Alfred M. Worden was born in Jackson, Mich. and graduated from the U.S. Military Academy. He served as the command module pilot for Apollo 15 in 1971, and is currently a senior aerospace engineer at the NASA Ames Research Center at Moffett Field in California. During the flight of Apollo 15 Colonel Worden spent almost 3 days alone in Endeavour, the command module, while his fellow astronauts Scott and Irwin were on the surface of the Moon. Following that experience he wrote a moving book of poetry entitled, "Hello Earth; Greetings from Endeavour." I would like to share one of those poems with you today:

Apollo Lost

Say to me, no more Apollo,
Say to me the job is done—
Then I say your words are hollow
The work has just begun.

Say to me, we are unknown,
Say to me nobody cares—
Then I will show you moonstone
Locked up for our heirs.

Say to me, we need the money
Just to feed the poor, and more—
And I'll say to you that's funny
It's for them that we explore.

Say to me, we should be fighting,
Say to me the world's at war—
Then I say we are uniting
People tired of war, and more.

Say to me, there's too much danger,
Say to me we could be lost—
Then I say I am no stranger
To the danger, that's the cost.

Say to me, the world is dying,
Ready for the last hurrah—
I cry—you fool, keep trying
We must find our Shangri-La.

I believe that his poem captures the very special essence of space research that will appeal to more than the budget controllers, the money appropriators, the priority determinators and even the irate taxpayers. I think that he has captured the voice of collective America.

CHURCH PROJECT ON U.S. INVESTMENTS IN SOUTHERN AFRICA—1974

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. YOUNG of Georgia. Mr. Speaker, many of us are hopeful that the largest American "minority"—black America—will be able to organize an effective effort to make United States-African policy more consistent with the human rights and aspirations of the African peoples. Surely the institutions of this country cannot remain at the disposal of the forces of colonial repression and apartheid.

For some time, the Washington Office on Africa has been in the forefront of moral leadership in this regard. The office, supported by several international church organizations, has enabled many Americans to discern the incongruities of American policy and the economic practices of numerous American-based conglomerates in countries still under repressive colonial rule.

Earlier this year, the "Church Project on United States Investments in Southern Africa—1974" organized an effort to bring serious questions of this kind to the attention of the stockholders and managers of three American corporations doing business in Southern Africa: Bethlehem Steel Corp., Exxon Corp., and Texaco, Inc.

Mr. Edgar Lockwood, director of the Washington Office on Africa, has kindly provided me with some documentation of these corporate activities and the project's efforts to change them. I would like to share this information with my colleagues:

THE WASHINGTON OFFICE ON AFRICA,
Washington, D.C., June 19, 1974.

Hon. ANDREW YOUNG,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN YOUNG: As a minister of the Gospel and a lawmaker in Corgress, you share our interest in seeing that church money is used by the churches in a responsible way to further the Lord's work and not in support of racism, colonialism, and economic oppression.

We therefore are taking the liberty of enclosing herewith the proxy statements of the Church Project on United States Investments in Southern Africa of 1974. None of the resolutions won the day in the shareholders' meetings but they nevertheless serve to warn the investment community of church consensus emerging in regard to investments which tend to fortify Portuguese colonial regimes.

The coup in Portugal does not make these documents irrelevant. On the contrary, it reinforces their prophetic nature in that they forecast the coming victory of the forces of liberation, with which the Portuguese regime is now forced to come to terms.

We would hope that you would be willing to place these documents in the Congressional Record with some words of commendation.

Sincerely yours,

EDGAR LOCKWOOD,
Director.

CHURCH PROJECT ON U.S. INVESTMENTS IN SOUTHERN AFRICA—1974

INTRODUCTION

This proxy statement is provided in connection with the solicitation of proxies for stockholder proposals to be presented at the annual meetings of three corporations, Exxon Corporation ("Exxon"), Bethlehem Steel Corporation ("Bethlehem") and Texaco, Inc. ("Texaco"), calling on each of them not to invest in exploration for, or production of, either oil or minerals in the territories of Portuguese controlled Africa on the basis of concessions granted by the colonial government of Portugal. These resolutions will be submitted at the respective corporation's annual meeting by participating in the Church Project for U.S. Investments in Southern Africa—1974 ("The Project"). The text of the Exxon resolution is set forth in Appendix I, the text of the Bethlehem resolution in Appendix II and the text of the Texaco resolution in Appendix III.

The Project is a cooperative venture of boards and/or agencies of eight Protestant religious denominations, one Roman Catholic order and the National Council of Churches.

Denominational participants in various phases of the Project include:

(1) the Committee on Social Responsibility in Investments of the Executive Council of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the U.S.A.

(2) the United Church Board for Homeland Ministries; the United Church Board for World Ministries; the United Church Foundation; the Pension Boards, United Church of Christ; the Center for Social Action of the United Church of Christ.

(3) the World Division of the Board of Global Ministries of the United Methodist Church; the Women's Division of the Board of Global Ministries of the United Methodist Church;

(4) the American Baptist Home Mission Societies;

(5) the United Presbyterian Church in the United States of America;

(6) the Franciscan Friars of the Atonement (a Roman Catholic religious order);

(7) the United Christian Missionary Society of the Christian Church [Disciples of Christ];

(8) the Reformed Church in America;

(9) the Department of Education and Social Concern of the Unitarian Universalist Association (of Churches and Fellowships in North America);

(10) the National Council of Churches of Christ in the U.S.A.

Each of the eight denominations represented in the Project has on the national level a variety of boards, agencies, funds, pension plans, etc. No attempt has been made to canvass all these boards, agencies, etc., to invite them to join the Project or support these stockholder resolutions. Participants in the Project are not attempting to speak for or represent any other national boards/agencies, local churches or individual Christians but to represent themselves as institutional investors.

The Project itself does not own any stock in corporations, since it is essentially an ad hoc coalition of church agencies concerned about the role U.S. corporations play in Southern Africa. The participants in the Project who will present the stockholder resolutions to the corporations are as follows:

Exxon: Submitted jointly by the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the U.S.A., which owns 12,602 shares; by the American Baptist Home Mission Societies, which owns 18,000 shares; by the United Presbyterian Church in the United States of America, which owns 43,769 shares; by the Center for Social Action of the United Church of Christ, which owns three shares; by the Department of Education and Social Concern of the Unitarian Universalist Association, which owns 6,109 shares; and by the National Council of Churches, which owns 580 shares. The total number of shares owned by the submitting organizations is 81,063, which had an aggregate market value as of January 4, 1974 of more than $7,900,000.

Bethlehem: Submitted by the Women's Division of the Board of Global Ministries of the United Methodist Church, which owns 1,400 shares.

Texaco: Submitted by the World Division of the Board of Global Ministries of the United Methodist Church, which owns 24,449 shares.

This proxy statement solicits support for proposals which will be presented at the 1974 annual meetings of these three corporations. The resolution which will be presented at the annual meeting of Exxon Corporation has been submitted to that corporation and, in the opinion of Professor Paul M. Neuhauser, counsel to the Project, Exxon will be required to include the proposal in its Proxy Statement pursuant to the proxy rules of the Securities Exchange Act of 1934. Thus, each shareholder of Exxon will have the opportunity to vote for or against that proposal on Exxon's own Proxy Statement. In addition, Exxon shareholders may vote for or against the proposal via special forms of proxy to be provided by the Project, or by attending the annual meeting in person. The resolutions to be presented at the annual meetings of Bethlehem and Texaco will not appear on those corporation's own Proxy Statements and the only opportunity to vote for or against those proposals will be on the special forms of proxy to be provided by the Project, or by attending the annual meeting in person.

PURPOSE OF SOLICITATION

INTRODUCTION

The Project is furnishing this proxy statement in order to solicit support for resolutions to be submitted at the annual meetings of Exxon, Bethlehem and Texaco urging them to cease operations in the Portuguese colonies of Guinea-Bissau, Mozambique and Angola until such time as they receive new concessions from free, independent governments in those countries.

PORTUGUESE COLONIALISM

Colonialism is essentially a system by which one country seeks to control the political and economic processes of another area of the world, refusing to grant independence and self-determination to the peoples of that land. Portugal today stands as an international anachronism, ruling from Lisbon the last old-style colonial empire left in the world. This African empire has a 500-year-old history characterized by traditional forms of colonialism—the expropriation of land and the exploitation of natural resources and of human labor. Since 1961, African independence movements have been challenging Portuguese control by armed rebellion, in a way which the Project believes is similar to the way American patriots in the 1770's revolted against overseas political control.

Until 1961 the African population was divided into two categories on a racial basis: "assimilated" Africans, who were entitled to full rights of Portuguese citizenship, and "indigenous" or "non-civilized." In order to gain "assimilated" status Africans had to be fluent in Portuguese and become "black Portuguese." After 500 years of Portuguese rule only 1% of the African people had reached this "assimilated" status. We believe that such a policy was inherently racist, based as it was in the belief in the superiority of European language and culture. This philosophy still continues. General Kaulza de Arriaga, the commander of Portuguese forces in Mozambique until 1973 said in 1968: "Our national objective is to maintain white dominance in Angola and Mozambique."

Furthermore, although racial discrimination is not enforced by law as in South Africa, we believe that Africans have been assigned de facto to be "hewers of wood and drawers of water", while the Portuguese benefit from their labor and the resources of the colony. Africans in the colonies still face conditions of poverty, illiteracy, and exploitation of labor as a result of their skin color. Political opposition in the colonies is, we believe, crushed by official government censorship, restricted voting rights, severe limitations on union activity and a highly effective secret police force.

However, the central question, in the opinion of the Project, is not solely the conditions under which the African majority lives but the fact that they are colonized in their own land. Certainly the justification for America's break from Britain in the eighteenth century was the right of Americans to tax and govern themselves. Africans in Angola, Mozambique, and Guinea-Bissau are demanding nothing less.

THE FIGHT FOR INDEPENDENCE

The African response in each of the Portuguese colonies during the 1960's was to take up arms to bring about independence and self-determination to their land.

These movements for independence have gained recognition and support during the last several years.

Direct grants of economic aid have been made by Scandinavian governments as well as by African states through the Organization of African Unity. The World Council of Churches and numerous U.S. and European church bodies have also made grants for the humanitarian work of these movements.

Diplomatic victories at the UN also indicate the growing strength of the movements.

At the 1972 session of the United Nations General Assembly the nations of the world overwhelmingly affirmed that the "national liberation movements of Angola, Guinea (Bissau) and Mozambique are the authentic representatives of the people of those territories." The vote was 98 to 6.

Furthermore, representatives from the independence movements were granted the status of observers by the UN General Assembly Fourth Committee, which deals with decolonization. In the opinion of the Project this official observer status symbolized the fact that the UN felt strongly that only the liberation movements could speak for the hopes and desires of the millions of Africans living in colonized areas. The Project believes that the colonizer, Portugal, can only speak for its own interests, not with the interests of the colonized at heart.

As is described more fully hereafter, the independence movements have gained control of much of the territory of Angola, Mozambique and Guinea-Bissau. Indeed, the movement in Guinea-Bissau has been so successful that in September, 1973 the National Assembly of Guinea-Bissau proclaimed its independence from Portugal and established the sovereign Republic of Guinea-Bissau. In November, 1973, the United Nations General Assembly, by a 93–7 vote, welcomed the "accession to independence of the people of Guinea-Bissau."

An additional indication of the serious nature of the liberation movements' fight is the fact that Portugal has approximately 150,000 troops fighting in Africa against African nationalists to maintain its colonial empire.

In our opinion, the war being carried on is particularly vicious and cruel, being characterized by the use of herbicides against crops and napalm against people as well as by the forced relocation of large numbers of people into "strategic hamlets." The Portuguese troops have also been accused of carrying out the systematic genocidal massacres of villages whose residents were thought to have been sympathetic to the freedom movements. The most famous of these was the killing of some 400 persons in the village of Wiriyamu on December 16, 1972 as was reported by the Missionaries of Africa, a Roman Catholic religion missionary order of some 3,600 priests and friars.

THE ROLE OF FOREIGN INVESTMENT IN THE PORTUGUESE COLONIES

We believe that investment in Angola, Mozambique and Guinea-Bissau helps strengthen Portugal in a number of ways. First of all, these companies receive their African concessions from a foreign colonial nation, Portugal, and all of the taxes and royalties will be paid to the Portuguese authorities for their use. Portugal, the poorest country in Europe, with a per capita income of only $300 per year, spends almost 50 percent of its budget on defense, primarily to fight its colonial wars in Africa.

For instance, Portugal's military budget in Angola was approximately $68,500,000 in 1971, according to United Nations figures. Tax payments and royalties of one company, Gulf Oil, a large investor in Angola, were approximately $50,000,000 in 1972. Thus U.S. investment can have a significant impact on Portugal's ability to contain the liberation movements since such investments inevitably subsidize Portugal as it fights these wars. Payments in foreign exchange from corporations like Texaco, Exxon and Bethlehem Steel are badly needed to support Portuguese military expenditures. We do not argue that these companies voluntarily wish to support colonialism, but that by investing in the colonies they inevitably wind up economically strengthening Portugal and Portuguese colonialism.

Such investments are also of political benefit to Portugal. Such American investment provides a vested interest in the status quo in the colonies. A corporation finds itself unwilling or unable to criticize or disagree with its business partner, the government of Portugal, and therefore becomes a sympathetic interpreter of Portuguese colonialism in Africa. For example, Gulf Oil Corporation still calls the colonies "overseas provinces", a term used by Portugal to legitimize its military occupation of Africa. We believe that Gulf is unable to correctly call Angola a colony, since this would jeopardize its friendly business relationship with the Portuguese government.

In addition, U.S. investment increases Portugal's incentive to hold onto its colonies. As William R. Cotter, president of the African American Institute, has said in a 1971 memorandum to institutional investors: "There can be no doubt that the oil and mineral wealth discovered in Angola and Mozambique during the past ten to fifteen years has immensely increased the value of those territories to the Portuguese. This increase in value undoubtedly accounts in part for the tenacity with which the Portuguese are trying to hang on to their African colonies. At the same time, it is also likely that U. S. business investment . . . has directly contributed to the ability of the Portuguese to pay for the war, has strengthened the balance of payments for Portugual and has made the colonies ever so much more valuable than they would be without that (or comparable) investment."

Similarly, the United Nations General Assembly passed a resolution on January 15, 1971 stating that "foreign economic, financial and other interests operating in colonial territories constitute a major obstacle to political independence as well as to the enjoyment of the natural resources of these territories by the indigenous inhabitants."

The Project believes that one must also consult the views of the liberation movements on the issue of foreign investment in the colonies. All of the three major independence movements have clear policies on this matter. Their position is that foreign investment only serves to strengthen Portugal as it fights against the nationalists and, therefore, such investors should be pressed to withdraw and future investment should be stopped. Amilcar Cabral, former leader of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC), stated in 1972, "At this moment to invest in Angola, Mozambique, or Guinea-Bissau is to support the colonial war, Portuguese colonialism, and the domination of the black majority by the white minority. In reality this becomes support for racism."

Dr. Cabral argued that companies should wait until independence comes and then ask for the right to invest. "It is not true that investment in Angola, Mozambique, and Guinea-Bissau at present is to help our people. Companies should know that at this point any investment reinforces the position of the Portuguese economically."

Dr. Neto, President of the Popular Movement for the Liberation of Angola, (MPLA), argued in a similar fashion to a representative of the United Church of Christ in 1970: "Investment by U.S. corporations such as Gulf Oil can only help the Portuguese as they fight us and reinforce their determination to stay in Angola."

In short, the Project believes not only that U.S. investment in the Portuguese colonies strengthens the hand of the colonial oppressor against the legitimate desire of the Africans for freedom, but also that to invest in an area that will be independent of the mother country in the near future, without consultation with the future governments of that territory, is to invite hostility and opposition and thus to be contrary to the long-range best interests of these American corporations.

THE PUBLIC IMAGES OF THE COMPANIES

We believe that the image and position of Exxon, Bethlehem and Texaco may suffer in independent Africa because of their investments in Portugal's colonies. Racism and colonialism in Southern Africa is a very controversial subject. It is an extremely high priority for the Organization of African Unity as evidenced by their recent request to the Arab states to extend the oil embargo to Portugal and South Africa.

The public image of these corporations might be tarnished if they were seen as "partners in colonialism," and it is likely that opportunities for business might suffer in the vast markets of independent Africa. Indeed, several African leaders have indicated that foreign companies may have to make a choice between business in minority ruled Southern Africa and in black Africa.

These companies may also face public criticism at home for their colonial investments.

In the U.S. there has been increased concern over U.S. corporations investing in Southern Africa. On African Liberation Day, May 26, 1972, tens of thousands of black people marched in Canada and the U.S. to show their support for independence and majority rule for Southern Africa. Critical mention was made of Gulf Oil Corporation for its massive investment in Angola at rallies on that day.

Boycotts of Gulf products have arisen because of its Angola operation. The Gulf Boycott Coalition of Dayton, Ohio successfully urged the Dayton City Council to refuse a bid from Gulf because of its minority-hiring policies in Ohio and its involvement in Angola.

Black students at Harvard occupied the university administration building in 1972, demanding that Harvard sell its Gulf stock and oppose Gulf's involvement in Angola. A Gulf boycott has started in the black community for this reason. For the last three years church representatives have attended the Gulf stockholders' meetings to challenge Gulf's investment in Angola. Considerable negative publicity for Gulf has been the result.

It should also be noted that Congressman Charles C. Diggs, Chairman of the House Foreign Affairs Subcommittee on Africa, and twenty-six other members of Congress sent a letter to Gulf in 1971 calling on Gulf Oil to withdraw from Angola for many of the reasons outlined previously.

In 1973, full page ads sponsored by the Pan-African Liberation Committee appeared in *Jet* Magazine and *Ebony* urging a boycott of Gulf products because of its Angolan investments.

Such an investment also has serious international implications. The Organization of African Unity has spoken out against Gulf's role in Angola. Protests against Gulf have erupted in Holland, Denmark and Nigeria.

Shareholders should carefully evaluate the negative effects both at home and internationally that continued investments in Portuguese colonial areas will cause. We believe that management and shareholders alike should be able to read the signs and avoid the damage to the companies' public image which continued investment in the Portuguese colonies will cause.

EXXON AND THE REPUBLIC OF GUINEA-BISSAU

On September 24, 1973, after ten years of fighting for independence, the National Assembly of Guinea-Bissau proclaimed its independence from Portugal, much as the American colonies did from Britain nearly two hundred years ago. Under the leadership of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC), the people of Guinea-Bissau now control over two-thirds of that small West African nation. Free elections were held in the liberated areas to elect the majority of the National Assembly. It has established administrative and judicial systems and provides social services such as health and education. In November, 1973, the United Nations General Assembly, by a 93–7 vote, welcomed the "accession to independence of the people of Guinea-Bissau thereby creating the sovereign State of the Republic of Guinea-Bissau" and demanded that Portugal desist from illegally occupying various "sectors" of Guinea-Bissau. To date the Republic has been diplomatically recognized by more than 70 countries throughout the world.

Nevertheless, colonial Portugal continues to wage war against this new government of Guinea-Bissau.

It is in this context of a continued war waged by a colonial power against the legitimate aspirations and achievements of the Africans that Exxon's concession in Guinea-Bissau from Portugal must be examined. Exxon received its first concession in the late 1950's but relinquished this concession in 1961. PAIGC began its armed struggle for independence in 1963. Exxon received another concession in 1966. It commenced drilling in 1968 off-shore Guinea-Bissau and, when drilling in shallow water was apparently unsuccessful, it received a new concession in 1973 covering deeper water. This new concession was granted a few months before the proclamation of the Republic of Guinea-Bissau, but after the PAIGC had wrested control of two-thirds of the country from the Portuguese.

The position of the new government of Guinea-Bissau concerning foregn investment is clear. The Proclamation of the Republic itself stated that

"From the historic moment of the proclamation of the State of Guinea-Bissau, authorities and organs of the Portuguese colonial State which exercise any political, military or administrative authority in our territory are illegal, and their acts are null and void. Consequently, from that moment on, the Portuguese State has no right to assume any obligations or commitments in relation to our country. All treaties, conventions, agreements, alliances and concessions involving our country which were entered into in the past by the Portuguese colonialists will be submitted to the People's National Assembly, the supreme embodiment of State power, which will proceed to review them in accordance with the interests of our peoples."

The Project believes that the continued presence of Exxon in Guinea-Bissau operating under a purported concession from Portugal serves to strengthen the Portuguese political position. Amilcar Cabral, past leader of PAIGC, said in 1972, "At this moment to invest in Guinea-Bissau is to support the colonial war, Portuguese colonialism and the domination of the black majority by the white minority." Whether Exxon remains in Guinea-Bissau or withdraws at this time is equally to make a political statement.

The Project further believes that it is in the best long-range corporate interests of Exxon to withdraw at this time. We believe that enlightened self-interest indicates that if Exxon dsires to operate in Guinea-Bissau in the future, it should consult now with the democratically elected National Assembly, as it has requested.

BETHLEHEM AND MOZAMBIQUE

Bethlehem, together with two other companies, sought and received in 1972 a mining concession of some several thousand square miles in the Mozambique Province of Tete. The concession requires certain initial payments, plus royalties and a tax of 50% on any profits. Such payments, of course, help support the colonial Portuguese government.

The Mozambique Liberation Front (FRELIMO) has been estimated to control one-fourth of the land area of that country, such controlled areas having a population in excess of 1,000,000 persons. In particular, Tete Province has seen the steady strengthening of the independence forces since military activity began there in 1968. FRELIMO's successes led the Portuguese to make Tete a military region in 1971. FRELIMO has been reported in control of Tete's major roads, thereby making the Portuguese ground travel in the Province exceedingly difficult. FRELIMO has attacked the major rail links in the region with the resultant loss of trains, freight cars and goods, and has also attacked the Tete airport.

The Project believes that the Portuguese colonial authorities are attempting to attract foreign investments in hopes that such investments will assist in "pacifying" the Province of Tete. A commentator for a newspaper in white Rhodesia indicated on October 7, 1972 that any large scale activity by the Bethlehem consortium would seriously affect FRELIMO guerrilla activity in the area and that observers in Beira, Mozambique, recall that the Cabinda district in Angola was one of the worst trouble spots in the province until Gulf Oil made a strike but with Gulf present there it turned into a peaceful area.

FRELIMO opposes foreign investment in their nation at this time. The Vice-President of FRELIMO, Marcelino Dos Santos, stated in 1972: "All investments are a direct contribution to the colonial war. . . . To invest in Angola, Mozambique and Guinea-Bissau is to delay our independence. We are against it. . . . We will consider any agreement between Portugal and these companies invalid."

The Project believes that for both social and financial reasons it is unwise for Bethlehem to pursue its Portuguese concession in Mozambique. It was in Tete Province that the 400 African villagers of Wiriyamu were massacred by the Portuguese army. This is the reality of life in this area of Mozambique. We believe that the war leaves any Bethlehem employee working there in physical jeopardy and virtually assures that development of any mining potential in the area will be a long and bloody process.

In our opinion it is in the long range interest of Bethlehem to divorce itself from the colonial regime which may soon be overthrown, rather than to support it by the payment of taxes and royalties. We believe that Bethlehem should terminate its concession from colonial Portugal and suspend operations in Tete until it receives a new concession from a future independent government of Mozambique.

TEXACO AND ANGOLA

Nationalists have been fighting for freedom in Angola since 1961. They are active in more than one-half of the districts in the colony and reportedly now control one-third of it. Dr. Agostino Neto, president of the major Angolan independence movement (MPLA) has stated that "Investment by U.S. corporations . . . can only help the Portuguese as they fight us and reinforce their determination to stay in Angola."

Texaco has since 1969 been a participant in an oil concession in Angola. Production for the last six months of 1972 was reportedly 12,000 bbpd. Texaco's consortium has recently received an extension of its Angolan oil concession.

It should be noted that the independent nations of Africa are deeply concerned about American investments in the Portuguese colonies. For example, at the 1973 Annual Meeting of Exxon, a representative of the Organization of African Unity (which comprises all of the independent nations in Africa except those Southern African nations which are white-controlled) stated to stockholders: "We are not against companies investing in Africa. But we feel that it is not opportune . . . to invest in Angola while the territory is still under Portugal . . . Exxon has many friends in Africa . . . I do not think it is the wish of any of you to cause displeasure to these friends you have made during the long period of your investments in Africa."

We believe that it is in the long-range best interests of Texaco to divorce itself from a colonial regime which may soon be overthrown, rather than to support it by the payment of royalties and taxes. It is the Project's belief that Texaco's concession from colonial Portugal should be terminated and that it should suspend operations until it receives a new concession from a future free, independent Angola government. The cost in lost oil production would be small and would not significantly affect the energy crisis. But by doing so, the corporation's image internationally and its future ability to operate in Angola would benefit greatly.

THE $6 MILLION BOONDOGGLE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. HUNT. Mr. Speaker, this past weekend the Democrat Party held its gala television fundraiser. If I were to relate my reactions to this event I would probably be accused of being extremely unfair. For that reason I shall not comment but will, instead, submit for the RECORD the views of Nicholas von Hoffman writing in the July 3 edition of the Washington Post. I will probably never again share von Hoffman's views on anything, but in this case he is right on the beam:

[From the Washington Post, July 3, 1974]

BUYING DEMOCRATIC

(A Commentary by Nicholas von Hoffman)

Dressed as an airline pilot, the actor on television told us to "Fly Democratic. We're the party that moves our tail for you!"

Helen Reddy said we should send bucks now and get involved later while Susan Saint James gurgled on the phone to Texas with an expectant Lucybird and then told the audience watching that segment of the 21-hour Democratic telethon that, "I'm due in November with my number two. All these good little Democratic girls having good little Democratic babies . . . Half the world is made up of women so there's nothing to be against women. Women are trying to get their act together . . . I wish we had a law that said every politician would have had to state his contents on his label before we're asked to buy it."

Simple mindedly inarticulate but no more blatherheaded than the State Treasurer of the Commonwealth of Pennsylvania's traditionally loud mouthed, palsy-walsy political "greetings to our great governor, Milton J. Shapp," or Sen. Lloyd Bentsen declaring, "I want to interrupt you, Hubert, and say this is one of the most decent and able men in politics."

Old Triple H, who can explain the financing of his campaigns with about the same persuasiveness and plausibility as Richard Nixon, took the compliment with his usual good grace and then resumed babbling on like the sweet tempered superannuated baby he is coming to resemble. In the hours I watched the only person able to display a degree of competence and knowledge and express it without condescension was, oddly enough, the owner of the Washington Redskins discussing criminal justice. His colleague, the proprietor of the Miami Dolphins, appeared to have his tongue controlled by some other organ of his body than the brain.

Party Chairman Bob Strauss' Texas-accented, gravel baritone crossed the borderline into parody telling us that Mayor Daley was personally supervising 200 telephone operators taking pledges in Chicago. And all those who phoned into this admixture of stage and podium were assured, in Jackie Cooper's words, they were "investing in your share of America." That was the theme: "Participation in democracy," as expressed by a picture of Mount Rushmore with a voice-over adjuring us to "Own a piece of the rock."

We were being invited to buy back the government by outbidding the malefactoring "corporations" which Miss Saint James kept referring to in vaguely sinister terms. The message was that Washington is plainly and simply for sale and that if enough of us small people put our coppers and silver coins together we can match Wall Street's megabucks:

The propriety of anybody's buying the government wasn't discussed, which may explain why the party sponsoring this electronic benefit to wipe out political dystrophy has not passed the new campaign spending law nor obeyed the old one. Send money if you like the bland lies told by stiff and hearty politicians backed up by a supporting cast of Emmy winners and Oscar holders. Jack Lemmon for the Democrats speaks his lines better than Duke Wayne for the Republicans but neither would dare read their own material.

As it gets trickier for big business and big labor to underwrite politics perhaps both parties will have to depend on celebrities to raise their cash. They do it for cancer and cerebral palsy already so why not have Paul Newman and Zsa Zsa Gabor playing policy-making roles?

It will be a change of sorts but it won't make our politics any more of a responsive two-way street. Answer America, as the telethon was called, was as remote in its TV studio as any smoke filled room. Chairman Strauss told us that thousands of volunteers had made the program possible but the only ones important enough to be shown to us were the celebs. Where were the cutaways to the live miniature camera covering volunteers soliciting contributions in Kansas City or showing those 200 personally supervised people at the phones in Chicago? Why weren't we shown small citizen fund-raisers in suburban New Jersey?

You must suspect the answer is that nothing was happening in the precincts, that this was grand participatory fraud, that taking part consists of sending your money in, voting right and sitting in your living room savoring Bob Strauss' ragout of theatrical and political hams. Answer. America, they want. Well, first they should ask.

PERSONAL EXPLANATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, due to a long standing speech commitment early Friday in my district, and the need to make late plane connections Thursday evening, I was forced to miss some rollcall votes Thursday, June 27 and on Friday, June 28.

Had I been present and voting, I would have voted "No" on rollcall Nos. 345, 346, and 347; and "Aye" on rollcall No. 348.

I would have voted "No" on rollcall No. 351; and "Aye" on rollcall Nos. 352, 353, and 354.

CRYSTAL LAKE, ILL., CELEBRATES CENTENNIAL

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. McCLORY. Mr. Speaker, it is with great pride that I pay tribute to the city of Crystal Lake, Ill., located in my congressional district, on its centennial celebration which begins today and lasts until July 7.

Mr. Speaker, named in 1836 by its first settler, Beman Crandall, for the crystal-clear quality of its beautiful lake, Crystal Lake celebrated its lone centennial 38 years ago. However, in 1874 the villages of Crystal Lake and Nunda joined together to form the city of Crystal Lake, thus calling for this 100-year commemoration.

Mr. Speaker, the merging of these two villages was just the beginning of its long history of population growth ranging from 2,249 in 1920 to 4,832 in 1950. In the past 24 years, the citizenry of Crystal Lake has increased almost sixfold to over 28,000 today.

Mr. Speaker, though most of the first settlers of the area were farmers, business and industry have thrived in the community and have played an important role in the development of Crystal Lake. The early industries of ice cutting on Crystal Lake itself, pickling works, resort hotels, and a terra cotta factory are no longer in existence, but they have been replaced by today's diversified industrial community in Crystal Lake.

Mr. Speaker, as the largest city in McHenry County and the hub of the county's business, trade, and commerce, Crystal Lake's residents are justifiably proud of their fine school system which includes 10 public and 2 parochial schools, and also for the city's outstanding 600–acre park system.

Mr. Speaker, for all the material wealth of Crystal Lake, the most outstanding asset of the community is undeniably its fine citizens—patriotic and hardworking Americans such as former Mayors Anthony Wujcik and Louis Goosens; Acting Mayor Mrs. Arlene Fetzner and City Manager Robert Walker; Crystal Lake Herald publisher, Paul Zilly, and many other dedicated residents who have been responsible for the progress and growth of the city.

The civic-minded contributions of all of Crystal Lake's residents ought to be recognized and praised during this centennial year celebration. The Crystal Lake Herald has already led off the festivities by publishing a centennial souvenir edition covering modern Crystal Lake and also reviewing 100 years of town history, with the special bonus of a published interview with the town's oldest resident who is 100 years old this year.

Mr. Speaker, the major events planned for the centennial celebration include a presentation of slides from Crystal Lake's past, a family picnic day, a parade, dances for all ages, concerts, and the Miss Crystal Lake Beauty Pageant.

Mr. Speaker, it is with my personal best wishes that I salute the fine community of Crystal Lake as it celebrates its 100th anniversary. As it coincides with our country's 198th birthday, I am confident that this week's festivities will be a fitting tribute to the city's past 100 years of prosperity as well as a dynamic launching for Crystal Lake's second century of growth and prosperity.

POOR BEAR ENERGY BURDEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. RANGEL. Mr. Speaker, historically, and currently, it is always the poor people of this country who suffer most from national crises: the crisis of the city is disproportionately felt by disadvantaged, mostly third world people. The food crisis devastates the poor in the worst way. Similarly, the energy crisis that began this past winter had its most chilling effect on those low-income people who reside in the slums and ghettos of America's cities.

In its May issue of Network, the National Urban Coalition considered this fact in an article entitled "Poor Bear Energy Burden." In addition to weighing the impact of the energy shortage on inner-city residents, the article delineates the aggressive and substantive response of the coalition to this matter. The article is now submitted for the attention of my colleagues:

[From Network, April–May 1974]

POOR BEAR ENERGY BURDEN

NUC has released the findings of its first monthly report on the impact of the energy shortage on urban residents, particularly those in the inner city. The report also indicates what the national and local Coalitions are doing to aid citizens in coping with the effects of the crisis.

"We want to make sure that the poor and minorities don't bear a disproportionate share of the burden," said M. Carl Holman at a meeting earlier this year of the Coalition's Steering Committee. Holman was explaining the need to set up the now active Coalition Committee on Energy and the Cities.

NUC's March report, the first in its planned series, reveals that in addition to the much publicized long gas lines, heating fuel shortages and other transportation problems, urban residents all over are being hit by other kinds of hardships. The poor and working poor more than other citizens are being affected.

After school recreational activities have been curbed in a number of cities.

Police patrols have been curtailed. (In Philadelphia, in an attempt to reduce the incidence of street crime, some neighborhoods have formed auto patrols by citizen groups. The practice is being hampered by the lack of gas).

Workers have been laid off in the automobile, plastics, tool making and recreational industries.

The energy crisis is also causing hardships in more specific and less publicized ways, according to NUC Vice President and Field Operations Director Sarah Austin, who cited, as examples:

The Montclair (N.J.) Urban Coalition reports that "people on fixed incomes have been severely hit" and records show a "tremendous increase in shoplifting among senior citizens." Also Montclair reports that the boating industry in that East Coast region is "apprehensive about the public's attitude toward the gasoline shortage." The Montclair spokesman said that "boating recreation is the lifeblood of the New Jersey shore."

In Winston-Salem, N.C., "bag coal", used primarily by inner city residents, is up 16%. Some schools there report interruption in the food delivery for school lunches, and teachers are experiencing difficulty in getting plastic instructional materials.

The Philadelphia Coalition has found that fuel oil deliveries in low income areas have been curtailed because of security problems. (Oil companies there say that they need an extra man and a dog when delivering at night.) The companies have set a minimum of 200–500 gallons as the smallest quantities they will deliver "The poor usually can't afford that many gallons at once," reported the local Coalition spokesman. Moreover, the oil companies are demanding cash payments prior to or upon delivery in poor neighborhoods.

In New Bedford, Mass., industries are cutting back to a four-day work week and inner city residents are required by the oil companies to "make payment on a 30-day basis instead of on a yearly budget plan as before."

The second part of the NUC Energy and the Cities report deals with action that the Coalition network is taking to provide assistance in this area to its constituents, particularly the urban poor and working poor.

In addition to issuing monthly reports on Energy and the Cities, the National office has prepared The Community Energy Workbook which suggests ways community residents can grapple with the effects of this crisis. The 46-page workbook is being used by the local Coalitions as an action guide in dealing with the energy shortage on a practical basis.

At local levels a number of Coalitions are also taking action steps, including:

The Newark Urban Coalition has conducted public hearings, chaired by Coalition president Gustav Heningburg, on the impact of the shortage. Representatives of city government, organized labor, consumer groups and other organizations participated at the hearings, at which Newark Housing Authority Director Earl Phillips testified that his agency has established an energy conservation program to minimize the effects of the shortage. According to Phillips, included in the program are procedures to ensure that hot water is supplied on a full-time basis, and heat on a scheduled basis, providing a maximum at peak hours.

The Newark hearings also turned up some upbeat news—upbeat that is, for downtown merchants; retail sales in the central city business district have increased, particularly department store sales.

The Flint (Mich.) Coalition has established a county-wide program of social service referrals for workers laid off from General Motors plants. Flint Coalition's Energy Crisis Committee is also "exploring the feasibility of bringing together business and unions to prevail upon the financial institutions to reconsider the mortgage payments situation to avoid wholesale foreclosures of homes."

The Philadelphia Coalition is working with the black-run Provident Insurance Company to insure that heating oil deliveries are not being denied low income areas. It is also attempting to set up an emergency oil reserve for inner city residents.

The New Bedford (Mass.) Coalition has urged the mayor to use "idle money" (a $50,000 housing grant by United Fund which has not been utilized since five years ago) as a pool from which citizens can secure low interest rate loan. The publisher of The New Bedford Standard Times, a board member of that city's Coalition, has conducted a survey on the extent of the problems caused by the energy crisis.

THE GREAT UPPER MIDWEST—OIL-LESS STILL

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. ZWACH. Mr. Speaker, every day we hear new reports about the extent and severity of gas and oil shortages this summer, this fall, and next winter.

I have always supported efforts to provide a Canadian oil route terminating in the upper Midwest. I am very much afraid that this region, the bread basket of the world, is being left high and dry, or should I say wet and cold.

Every effort must be made to guarantee adequate supplies into the upper Midwest if our producers are to provide food and fiber for the American consumer. Conservation is a must, but a fair, equitable distribution must be achieved as well.

With your permission, Mr. Speaker, I would like to include in the RECORD an editorial on this subject written by Gordon Duenow that appeared in the St. Cloud Daily Times on June 17:

GASOLINE OUTLOOK NOT ENCOURAGING

While some motorists barrel down the highway with reckless abandon in apparent disregard of the gasoline situation, they may soon reach a point of accounting. It appears that the outlook for a more plentiful supply of gasoline isn't encouraging, especially in the midwest. The result is that the motorists who ignore the 55 miles per hour speed limit are penalizing themselves and all the rest of us.

There was hope that the Alaskan pipeline might eventually help the fuel situation in the midwest, although it now appears that the warnings by some midwest congressmen that the route to the west coast would not help out in this part of the country are being substantiated.

Congressman John Zwach, in a recent news bulletin, remarked that "my fears that the bulk of the crude oil from Alaska pipelines may not reach the lower 48 states at all seem to have more credence each day." Zwach was one of those who fought for a Canadian route terminating in the Upper Midwest.

He pointed to debate on the Senate floor recently which would allow the exportation of Alaskan oil so long as the total amount of oil in the United States does not decrease. "Although the energy crisis and the current high prices should have made everyone aware that we need an increase in oil supplies and not be satisfied to just hold the line, several major oil companies are preparing for substantial international trading of Alaska oil," Zwach said.

The congressman stated that when it gets into operation, the Alaska pipeline is expected to deliver two million barrels of crude a day, but it is predicted that the west coast will not be able to handle that much so the oil would be sent to Japan.

Middle East oil, that had been destined for Japan, would be sent to the American east coast. That would leave our midwest where it is now, high and dry," Zwach warned.

While congressmen and senators from the midwest were criticized for stalling pipeline construction by their insistence that the line be built through Canada, it now appears that they were right. It won't help much for us to ship our surplus oil to Japan while we're still dependent in the midwest on what we can get from the Middle East.

Although the huge masses of population on the east and west coasts may eventually have a plentiful supply of gasoline, they maybe at the same time will be complaining about the high cost and scarcity of food which is produced in the midwest. It's tough to raise food on the pavement of Los Angeles and New York. G.E.D.

TRIBUTE TO A GREAT AMERICAN

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. COLLIER. Mr. Speaker, it is refreshing to find that the outstanding contributions of men who are symbols of the American free enterprise system do not always go unnoticed. For this reason I take this occasion to place in the RECORD the reflections of syndicated columnist Bill Anderson on just such a man.

Those who are constantly attacking our system—business, industrial, and political institutions, would serve their country better by remembering the James Scott Kempers and the men like him who have contributed so much to the greatness of this Nation. Their contributions have come through building and improving America and its institutions rather than tearing them down at every opportunity. The Anderson column follows:

[From the Chicago Tribune, July 2, 1974]

WATERGATE: LESSON FOR A GREAT UNITED STATES

(By Bill Anderson)

By chance your correspondent bumped into Ambassador James Scott Kemper the other day in the Chicago office of Dr. Norman R. Olson, D.D.S.

We call him ambassador because at one time Mr. Kemper was America's chief diplomatic representative to Brazil, a job he held with honor and distinction. We call him mister because, among other things, he is 87 years of age, amazingly spry and mentally alert.

In fact, Mr. Kemper really didn't seem much different than in the days a decade ago when we observed his activities as the top financial man in the Republican Party and as a national committeeman from Illinois. He was then and remains today a direct-to-the-point person—a straight talker who built one of the great insurance empires in the United States.

Our rather casual conversation almost immediately turned to politics. It is almost staggering to hear about the number of Presidents that Mr. Kemper has known and advised. They include Herbert Hoover, Harry S. Truman, and Dwight D. Eisenhower, to mention a few.

However, Dr. Olson was more interested in doing a little repair work on a tooth for Mr. Kemper, so the conversation was broken. But later I went over to the Kemper Building on Wacker Drive, and we quickly got back into a long conversation.

Thinking about smoke-filled rooms [a term coined in Chicago down at the old Blackstone Hotel], I asked the ambassador if he ever really smoked cigars. He was chewing on one at the time and using it as sort of a baton to make his points stand out. Not really, he said. "In my entire life I have smoked one cigar and one cigarette and had one cup of coffee."

You might wonder how Mr. Kemper got into business and politics, because his pioneer family background is dotted with ministers. But down in Ohio, where he came from, his parents knew the Tafts and the other people in public life who counted in those days.

Mr. Kemper recalls that when he was 15 his mother cautioned him one afternoon to get cleaned up because company was coming for dinner. The guest of honor was William Jennings Bryan, the silver-tongued orator and Presidential candidate.

"But, mother," protested the young Kemper, "he's a Democrat."

"Yes," she replied, "but he's also a good Presbyterian."

The point of mentioning this is that a lot of the Christian virtues have stuck with Mr. Kemper thru the years that have made him one of the more noteworthy business successes. For one thing, Mr. Kemper has funded a program which has put hundreds of youngsters thru college.

Companies with his mark [and there are a lot of them] have had a great track record of participation in causes that are designed to help people. The staunch Republican speaks kindly of Truman and holds to a theory struck years ago that he would rather be a doer than a talker.

To Mr. Kemper, money is an instrument of stability. He is extremely worried about inflation and what it does to poor people and those on fixed incomes. He reminded me that a debauched coin of the realm helped bring down the ancient governments of Greece and Rome.

Mr. Kemper is disgusted with Watergate, especially with the way some of the money was raised by the Commitee to Reelect the President. He thinks there ought to be decency in politics—and he points to the late Sen. Robert A. Taft [R., O.] as a fine example, a person "without guile."

And, while that other insurance tycoons get most of the "positive thinking" publicity, Mr. Kemper is very firm in his own forward look. He says that Watergate is a lesson that every American should take to heart. It is a lesson, he says, that should make everyone sit back for a moment and then come to the conclusion that this really is a great country—one well worth protecting.

"The electorate should awaken to this responsibility," he said. Maybe the G. O. P. in Washington should try to get Mr. Kemper, even at 87, back as party finance chairman.

30TH ANNIVERSARY OF GI BILL OF RIGHTS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. PEPPER. Mr. Speaker, on June 21 I had the honor of attending a ceremony sponsored by the American Legion dedicating a commemorative plaque in suite 570 of the Mayflower Hotel, scene of the drafting of what later became the GI bill of rights—Public Law 346 of the 78th Congress—which was signed by President Roosevelt on June 22, 1944.

Present on this occasion were several distinguished gentlemen who played significant roles in the creation of this landmark legislation. Former American Legion National Commander Harry Colmery of Kansas, who spent long hours drafting language for the original bill, was the guest of honor for the occasion. Warren Atherton, of California, who was national commander of the Legion the year the bill was introduced, along with other Legionnaire members of the committee responsible for the GI bill concept, were also in attendance.

As a Member of the Senate in the 78th Congress, and a strong supporter of the original bill, it was a pleasure and a great honor to meet with these gentlemen to whom so many veteran beneficiaries of the GI bill, and to whom the Nation owes a vast debt of gratitude for their part in the passage of this landmark legislation.

Special significance is attached to this 30th anniversary of the original GI bill because of legislation presently under consideration in the 93d Congress to update the existing GI bill for Vietnam veterans and make their educational benefits more comparable to those provided for veterans of World War II.

Mr. John H. Geiger of Illinois, a past national commander of the American Legion, set the tone for the commemorative plaque dedication in his remarks to those assembled. I am pleased to include Mr. Geiger's remarks for the benefit and information of my colleagues:

REMARKS OF PAST NATIONAL COMMANDER JOHN H. GEIGER, JUNE 21, 1974

Distinguished guests, ladies and gentlemen:

On behalf of The American Legion's National Commander Bob Eaton, whose prearranged schedule called for a visit in another part of the country today, I welcome you to this ceremony for the purpose of dedicating a plaque marking this room as an historic site.

As you know, the Mayflower Hotel has an ongoing "History In The Making" program of marking rooms in this famous hotel where events of historical significance took place. This room is the place where our guest of honor, Past Legion National Commander Harry Colmery, labored through many days and nights drafting Legion recommendations for one of the most significant and remarkable pieces of legislation ever passed by any nation—the original "G.I. Bill of Rights," which today marks its 30th anniversary.

We are honored to have with us today, in addition to Mr. Colmery, a number of the prominent Legionnaires who helped spearhead the G.I. Bill. I should like to recognize Mr. Warren Atherton, the Legion National Commander at the time the original G.I. Bill passed the Congress, and the man who labored tirelessly before the Congress on its behalf.

These farsighted Legionnaires, and Legion colleagues now deceased, fought a long, hard and very lonely battle against seemingly insurmountable odds to insure passage of the original G.I. Bill. The American Legion was supported by no other veterans organization in this fight and faced the opposition of several powerful members of the Congress, including some committee chairmen. The reason for that opposition, perhaps was the fact that the Legion's G.I. Bill was social legislation without precedent.

Also present are a number of incumbent Congressmen who were members of the 78th Congress when the G.I. Bill became law, and we thank you, gentleman, for taking time from your busy schedule to be with us on this occasion.

There is no way to attach a dollar value to the benefits that have accrued to the nation as a direct result of the G.I. Bill. We know that the twenty-nine billion dollars invested by the taxpayers in G.I. Bill education and training have been more than repaid in the increased taxes paid by the veteran beneficiaries of this training.

What is more difficult to measure is the value of the leadership bestowed on this nation as a direct result of the G.I. Bill. I think the facts speak for themselves. For one thing, we have a technology unsurpassed in the world. Our people enjoy the fruits of this technology in every area from agriculture to medical care, and American ideas and products are sought after all over the world.

Our technological leadership has enabled us to break the chains that bind men to this planet and send our explorers into space. Our leadership has given us the highest standard of living the world has ever known.

I submit that all of these things were made possible because of the incredible effectiveness of that original G.I. Bill. There is no denying the fact that for the first time in the history of this nation, or the world for that matter, the G.I. Bill extended the possibility of higher education to masses of young people with brains and talent who might otherwise have never realized their potential. It is this group of young people, veterans of World War II and Korea, who are today's successful scientists, doctors, engineers, businessmen, as well as leaders in government. In short, these are the people who make America run.

An ironic note mars this significant 30th anniversary of the G.I. Bill. Once again, The American Legion is in the forefront of a battle to provide a meaningful G.I. Bill of Rights, this time for the veterans of the Vietnam era, and once again we find ourselves alone among the organizations in this fight.

The American Legion has verified that the Vietnam veteran cannot take maximum advantage of the G.I. Bill educational opportunities without a vastly improved G.I. Bill of Rights. It's a matter of simple economics. The monthly stipend, even with the increases proposed by certain Congressional Committees, the Administration, and endorsed by other veterans groups, simply will not stretch far enough to meet the high cost of school attendance.

To be sure, we want increases in the monthly payment to compensate for the erosion of the dollar. But what we consider really essential is a separate tuition payment to the learning institution after the manner in which payment was authorized for the veterans of World War II.

We note with considerable pleasure the Senate action of this past Wednesday in voting a G.I. Bill package which—while not as generous as our mandates have called for—none-the-less represents an enormous improvement over previous proposals. We were particularly pleased with the provision in the Senate bill authorizing tuition payments ranging up to $750 per year under certain conditions, but we believe even this amount needs upward revision in some instances.

While the Senate action is a great step forward, the new G.I. Bill must now go to a Senate-House Conference Committee for final resolution of the very considerable differences in the versions of the bill passed by the two branches of the Congress. These conferees have an unprecedented opportunity to present the Vietnam veteran with a viable G.I. Bill, and the American Legion urges retention of the Senate version intact as the only means to insure this viability and thus solve the many problems besetting the current G.I. Bill program.

We believe that anything less than the Senate bill proposals will deny hundreds of thousands of Vietnam veterans the opportunity for training they should be able to receive under the G.I. Bill. The American Legion does not intend to let that happen. As in 1944, we are in a fight to the finish and we intend to come out of that fight with a G.I. Bill the Vietnam veteran can use successfully.

It is our strong view that the G.I. Bill in its present form makes a "mockery" of the intent of the authors of the original G.I. Bill to insure the veteran an opportunity to join the mainstream of American life in exchange for his military service. Those who would deny the improvements we have proposed totally ignore the tremendous force for good in this nation the original G.I. Bill was and continues to be.

In closing, I want to call to your attention the items of memorabilia, taken from the American Legion museum in Indianapolis, we have one display. We have one of the pens used in signing the original G.I. Bill by President Franklin D. Roosevelt, a photo of the signing ceremony showing Congressional leaders and Legion officials with the President, and a copy of the original Bill.

I would like at this time to ask Mr. Colmery and Mr. Atherton to join me and we will then respond to your questions concerning the G.I. Bill, both past and present.

Thank you.

A TRIBUTE TO HON. ERNEST H. GRUENING

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 2, 1974

Mr. RODINO. Mr. Speaker, the recent passing of former Senator Ernest Gruening was greeted by me with a special kind of sadness. For Senator Gruening was a man whose leadership, integrity, and commitment to the cause of justice and peace touched upon all our lives. From the words he delivered as editor of the Nation to the debates he led on the Senate floor, Senator Gruening listened always to the counsel of his own conscience. And, in so doing, in refusing to compromise with his own and our Nation's most cherished ideals, he served to open our eyes to greater understandings.

Senator Gruening embraced the cause of peace when it was a lonely cause, speaking out to end our involvement in the Vietnam war long before others chose to join him in his commitment. As a young medical student treating large families of poor and starving children, the acute need for family assistance planning left its impression on him. His call for population control was years ahead of the majority of his countrymen.

It is difficult to trace the germination of an idea and to pinpoint exactly when that idea becomes an integral part of our awareness. As Director of the Population Crisis Committee and as an ardent critic of our activities in Southeast Asia, Senator Gruening was a crucial figure in this educational process. And, when he was recommended to the Nobel Peace Prize Committee, all who knew him well strongly endorsed his selection.

At the age of 87, he never really had grown old. His energy, his ideas, his dreams were the thoughts and feelings of our younger generation. He was an individual who cared deeply about justice, turning all his efforts toward its realization.

The citizens of Alaska were, indeed, wise to have chosen Ernest Gruening to champion their cause for statehood. With the successful achievement of this goal, they elected him their Senator. And, through his great love and respect for the state and her people, he served them long and well.

The following short story, taken from a Midrash portion of the Five Books of Moses, perhaps best captures my feelings on the loss of this great man:

Two ships were once seen near land. One of them was leaving the harbor, and the other was coming into it. Everyone was cheering the outgoing ship, giving it a hearty send-off. But the incoming ship was scarcely noticed.

A wise man standing nearby explained the people's reaction. "Rejoice not," he said, "over the ship that is setting out to sea, for you know not what destiny awaits it, what storms it may encounter, what dangers lurk before it. Rejoice rather over the ship that has reached port safely and brought back all its passengers in peace."

It is the way of the world, that when a human being is born, all rejoice, but when he dies, all sorrow. It should be the other way around. No one can tell what troubles await the developing child on its journey through life. But when a man has lived well and dies in peace, all should rejoice, for he has completed his journey successfully and he is departing from this world with the imperishable crown of a good name.

COST OF LIVING IN BOSTON

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. MOAKLEY. Mr. Speaker, an excellent article by Ms. Ann Mary Currier appeared in the Boston Globe on Sunday, June 30. The article helps to explain why the overall cost of living is higher in Boston than in any other city in the continental United States. More importantly, however, the article makes clear that my constituents in Boston have been particularly hard-hit by todays' skyrocketing prices. For the information of my colleagues, I insert Ms. Currier's article at this point in the Record:

Boston: The Cold, the Lifestyle Drive Cost of Living to Top

(By Ann Mary Currier)

Bostonians woke up recently to what looked like a surprise: They live in the most expensive urban area on the mainland United States. But it really was nothing new.

The announcement by the US Labor Dept. may have startled some people, but the fact is the entire Northeast is more expensive than other areas of the country, and Boston has always been close to the top. It moved to the top of the list three years ago, and has stayed there.

Here a family of four needs $14,893 to maintain a moderate standard of living, $2267 more than the national average.

To many natives, this was no surprise. They grew up hearing about "Taxachusetts." They know that with no oil refineries New England is an expensive place in which to heat a home. They know it costs more to transport food to the nation's northeastern corner.

Boston has been the most expensive city in which to buy, rent or maintain a home or apartment for the past five years. For two years, it has had the highest Social Security and income taxes. Throughout the seven years in which the Labor Dept. has done the budget study, it has had about the highest food costs.

This is not to say Boston is without advantages. Transportation, clothing and medical care are three items which are considerably less expensive here than elsewhere.

Transportation is cheaper than in nine cities, largely because some of the high taxes pay about 70 percent of the $200 million cost of operating the MBTA.

"We have relatively low transit fares, but property and personal taxes make up for it," according to Paul McBride, transportation specialist for the Metropolitan Area Planning Council.

In Boston, people drive fewer miles and use public transportation more than in many other cities and this tends to drive down the transportation cost, according to the Labor Dept.

It is cheaper to buy clothes here than in 31 other cities surveyed by the Labor Dept.

Fred Glantz, regional economist for the Federal Reserve Bank of Boston, attributed this to the fact that textiles are one of few consumer goods manufactured in Massachusetts, even though more factories leave the state each year. As this has happened. Bostons' relative advantage has declined.

But the more costly items—housing, food and taxes—take nearly two-thirds of an average family's budget. (An average family, the government assumes, is a 38-year-old man, his nonworking wife, a 13-year-old son and an eight-year-old daughter.)

Economists like Glantz have difficulty pinpointing the reason for the high cost of living. He believes it is a combination of factors.

Some of it is due to strict economics. The most important cause seems to be geography: New England is a cold region, far from the sources of raw materials.

And there are many who say Bostonians simply have an expensive life-style. It is an attractive place to live, they contend, and the number of people moving in pushes housing prices up. Also, its highly-educated residents demand many tax-supported services and eat more expensive food than many other Americans.

Businessmen are going to charge more for the goods they sell when their costs are high, and land and utility costs in Boston are higher than elsewhere.

It costs $404 per year or 11 percent more, for housing in Boston than in the next most expensive metropolitan area New York. The Labor Dept. reported that moderate-income housing in Boston cost $4,029 last fall, compared with $3,625 in New York.

Economists and contractors give several explanations:

High property taxes.

The need for more heat, insulation, stronger foundations and more repairs in a cold climate than in warmer areas.

A large number of single-member households, which creates a heavy demand for housing and pushes rents upwards.

The need for permits, rezoning and environmental studies, which often tie up valuable land and push up its costs.

Massachusetts has nearly the highest property taxes in the nation. In 1969, a Federal study showed average property tax bill here of $882, twice the $453 average for the nation as a whole. In 1970, only New Hampshire, New Jersey and Wisconsin had higher tax bills.

"We rely much more heavily on property taxes than do other states," Glantz said. Arthur P. Solomon, associate director of the Joint Center for Urban Studies of Harvard-

MIT, pointed out that the large amount of tax-free property—churches, schools, hospital in the area places an added burden on homeowners.

Heating home in Boston is more expensive than elsewhere because fuel costs more, not because more fuel is used than in other cold cities.

A staff member of the Metropolitan Area Planning Council, who asked not to be identified, said there is a 1.6 percent vacancy rate in Greater Boston, an "extremely low" figure because "Boston is considered a desirable place to live by lots of people."

"The demographic composition of the city has a lot to do with the cost of housing," Glantz said. "There's lots of sharing (young people living together in apartments) and this . . . bids up the cost of an apartment."

Families cannot compete, he continued, and "a house becomes a feasible alternative which bids up the price of owner-occupied dwellings."

Garen Bresnick, attorney for the Massachusetts Homebuilders Assn., said housing costs are high because "all factors combined add up to more difficulties than in other areas."

In particular, he cited "a myriad of administrative difficulties"—environmental impact reports, wetlands permits sewer moratoria, and water connection charges.

The costs and difficulties involved in building has decreased the amount of construction. The value of issued permits declined 29 percent from 1972 to 1973, according to the State Dept. of Community Affairs.

The fact that this has happened at a time when more people are moving to the area has only compounded the supply problem and pushed up costs.

Boston's food costs, meanwhile, are 6.5 percent above the national average, but still second to New York City's.

Both Glantz and Ray A. Goldberg, professor at Harvard Business School and chairman of the Governor's Food Commission, said the main reason is the cost of transporting food.

The cost of raw products averages above 40 percent of the retail price of food, Goldberg said. Therefore, the closer the consumer is to the source of food, the less, he should pay.

Unfortunately, Boston isn't close to anything but the few thousand New England farms which grow produce during the short summers.

According to Glantz and Goldberg, it costs more to ship to New England because:

—It is farther from the food producers. Beef and grain come from the Midwest, produce from Florida or California.

—Rates approved by the Interstate Commerce Commission (ICC) discriminate against New England.

—Antiquated, inefficient rails and equipment make it more costly to ship goods to New England.

—The region has few processing plants and must import processed food, which costs more than raw products. "The economics of industry say locate as close as possible to the source," Glantz explained.

Railroads, truckers and the ICC disputed the contention that rates discriminate against New Englanders, and said the major reason for high rates is distance.

Carl Tornquist, operations manager of Refrigerated Food Express, Inc., said: "it's pretty well set up by mileage.' A truck has got to get X amount of cents per mile."

Robert McCoy, manager of pricing operations for the Penn Central Railroad, said it costs about $1000 to ship 19 tons of beef from Des Moines, Iowa, to Boston. "New York would be a little less and Portland a little more," he said.

"We're a very dependent area," Solomon said, "Other areas can balance it off." For example, although Florida may be as far from the stockyards as the Northeast, it can compensate for for high shipping costs with its homegrown fruits and vegetables.

Goldberg believes supermarkets could overcome some of these obstacles by buying in greater bulk and using central warehouses.

"No one likes to admit they need each other," he said, "but if we don't get these competitive rates, we are penalizing our consumers here."

While he said supermarkets in the Northeast clear about a half-penny in profit on each dollar of sales less than anywhere else in the nation. Goldberg did suggest they are keeping prices high to protect themselves against rapid changes in the price of raw materials.

"Retailers have taken advantage of the volatility of the current market," he said. "They're so fearful, they're building cushions which if they don't have to use, will turn out to be additional profit for them and additional costs to consumers."

Officials of the major chains serving New England have argued that they are still recouping from the era when their prices were controlled and their raw product costs were not.

Finally, there are taxes.

Personal taxes in Boston—mainly income—last fall averaged $2353 for a moderate family—$682, or 29 percent, above the national average.

As high as that is, there are many who don't consider taxes a problem, since they believe the area provides a high-level of services.

Thomas Juster, program director of the Survey Research Center of the University of Michigan, said: "Most people don't prefer to live in a low-cost area. The areas in high demand are going to be high-cost areas."

Glantz said many Boston suburbs have high real estate taxes but also excellent schools. He believes Massachusetts has a much higher level of government services than elsewhere."

FEDERAL NO-FAULT AUTOMOBILE INSURANCE ACT

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. BROYHILL of North Carolina. Mr. Speaker, today, I am introducing a bill that would establish minimum Federal no-fault automobile insurance standards. I am introducing this as an alternative to the Senate-passed bill, S. 354, which I feel goes too far, and which is pending before my Subcommittee on Commerce and Finance of the Interstate and Foreign Commerce Committee. Because hearings are scheduled to begin next week, Tuesday, July 9, I wanted an alternative to be introduced now, so that it can be considered along with S. 354.

I am an advocate of the no-fault automobile insurance concept. I feel that it is an idea whose time has come. As I stated in August of 1972, to North Carolina Governor Scott's Commission on Automobile Insurance and Rates:

> The time is right for the States to take the initiative upon themselves in instituting their own programs, both to implement the needed reform and to indicate their willingness to act in this field.

Unfortunately, the States have been slow in acting and the pleas for Federal action are growing.

The conclusion of the Department of Transportation's study of the automobile insurance business as presently constituted was unequivocal:

> In summary, the existing system ill serves the accident victim, the insuring public and society. It allocates benefits poorly, discourages rehabilitation and overburdens the courts and legal system. Both on the record of its performance and on the logic of its operation, it does little if anything to minimize crash losses.

The bill I am introducing would provide for first-party benefits of up to a limit of $10,000 for medical payments, wage loss, and rehabilitation. The States would be free to enact State legislation providing for higher benefits, if that is their desire. In addition, under my bill I do not disturb an individual's right to sue if he has been injured by another party and can prove that the other party is at fault. However, I provide that the injured party could receive benefits only in excess of those benefits already received under the no-fault coverage. For example, if a person wishes to sue, he would first have to prove negligence on the part of the person who injured him and, secondly, he would have to show that his damages are in excess of medical payments already received or the wage loss already received. However, in an action for general damages, he would not be able to introduce in the case evidence of his paid medical expenses and wage loss.

We find the insurance buyer is a much more articulate consumer today. He will not tolerate arbitrary cancellations and insurance he cannot afford to buy. He views his insurance premiums as part of the cost of getting a new license plate. He does not want to feel that in buying car insurance he has merely purchased the capability to handle a lawsuit should one come his way. He is willing to accept the responsibility of protecting the other driver, but he feels his insurance should give him the same first-party coverage as does his fire and health insurance.

It is my intention in introducing this national minimum standards bill to offer a constructive alternative to the Senate-passed measure, S. 354, as well as H.R. 10 and H.R. 13714. S. 354 imposes standards which would be very difficult for many States to meet. I am convinced that the minimum standards I am proposing, however, would not create an undue hardship in the States, and they would offer the possibility of lower premium rates for most drivers, broader coverage for most victims, and quicker, more equitable payment to those less seriously injured. The minimum standards approach would give the States a framework within which to reform their auto reparations mechanism.

SECRETARY MORTON'S REMARKS CONCERNING ESTABLISHMENT OF THE FISH AND WILDLIFE SERVICE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the

RECORD the remarks of Secretary of the Interior Rogers Morton concerning establishment of the U.S. Fish and Wildlife Service on June 25, 1974.

By act of Congress the Bureau was renamed effective July 1 after completing long years of distinguished service to the American people and to the cause of conservation.

That distinguished conservation organization under the able leadership of Director Greenwalt, Assistant Secretary of the Interior, Nathaniel Reed, and our old friend and former colleague, the Honorable Rogers Morton, can look forward to still other and greater accomplishments in the days ahead.

The remarks of the Secretary of the Interior Morton follow:

SECRETARY MORTON'S REMARKS CONCERNING ESTABLISHMENT OF THE FISH AND WILDLIFE SERVICE

In less than one week the Bureau of Sport Fisheries and Wildlife will become the Fish and Wildlife Service. What *is* in a name? I don't ask this as a rhetorical question.

I believe the key word in this new title is "Service." Certainly, Director Greenwalt and I have a common understanding—a shared perception—of what service means in the context of fish and wildlife and today's and tomorrow's world.

The Fish and Wildlife Service has an increasingly more critical role to play as decisionmakers try to balance development of this Nation's natural resources with environmental quality—national economic growth with social costs if you will. Decisions made today will shape and structure the lives of our children, and our children's children. This is the thought I keep in my mind as the decisions of the day are made in what some term "our crisis-oriented times."

About two years ago I challenged the Bureau of Sport Fisheries and Wildlife to become "the biological arm of the Federal Government for wildlife resources." Implicit in that statement was my desire that I could look within the Department to one group of professionals to supply me with the biological or ecological aspects needed in my decisionmaking process. In a sense, I wanted an internally generated independent view of the biological costs of alternative choices. I'm personally pleased with the steps that have been taken toward that end. I will actually be even more pleased when I am faced with even harder choices, for this will mean that the real biological costs are part of the decision equation.

The Fish and Wildlife Service's Biological Services effort is on the launch pad. In-depth biological information on ecosystems which would likely be seriously affected by development, frankly, cannot be made available to me too soon. It is precisely this type of information that will help me to surface that one best alternative on each project as the Nation moves toward an adequate level of energy self-sufficiency.

I do not imply that service on biological aspects is geared to me or to my office alone. It is this same role of providing objective, timely biological information and technical assistance that is being requested in ever greater quantities and of ever greater quality by the total Federal community. Again, I look to the Fish and Wildlife Service to carry out that Departmental assignment—to provide that service.

With each State Department of Natural Resources, the Fish and Wildlife Service is jointly performing this role to the private conservation agencies and to the public. In a national sense, it is these State entities and the Fish and Wildlife Service that serve as partners in being both guardian and advocate of our living natural resources. It is only through this cooperative intergovernmental relationship that biological information can be brought to bear effectively at all decision levels.

Of course, a mandate to provide biological services is hollow without the resources and the institutional pathways to make it happen. I believe that those in the Fish and Wildlife Service would agree that this upcoming fiscal year—1975—will probably be a very good year in terms of both new dollars and expanded position ceilings. I've stated, in formulating the 1976 fiscal year budget, that "the Department will do everything possible to overcome the energy crisis." But also, the 1976 budget would "reflect my firm conviction . . . that we should not relax our environmental concern. In fact, we are going to have to increase our efforts to ensure that increased domestic fuel supplies are not produced at the price of environmental degradation."

In terms of institutional arrangements to allow the results of these increased resources to be effectively used, we are reviewing a number of arrangements on how this Department does business. For example, procedures are being reviewed to determine the most responsive means by which this Department can handle its various leasing efforts, be they geothermal, Outer Continental Shelf oil and gas, oil shale, coal, or whatever. I want procedures that will assume the best possible development choices from both an energy commodity production aspect and from an environmental standpoint. In all candor, I will probably have to assume success if no one is entirely happy. But then, whether we speak of either the Department of the Interior or the Fish and Wildlife Service, what makes life interesting is the multiple constituencies we serve.

In fact, that is why I'm pleased with this change in name to the Fish and Wildlife Service—it better reflects the key role to be played—to serve!

KIRTLAND'S WARBLER MAY BE AROUND FOR A LONG TIME

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. RUPPE. Mr. Speaker, one of our Nation's most precious natural resources, its wildlife, is being increasingly threatened by the encroachment of man. At the present time, 109 domestic species, as well as 300 foreign species, are on the brink of extinction; and many more species will be endangered in the foreseeable future. I would therefore like to call my colleague's attention to an article which appeared in the March 1974 issue of Soil Conservation magazine. Thanks to the combined efforts of Federal agencies, State agencies, and local organizations, an endangered species in my district, the Kirtland's warbler, may be around for a long time.

The article follows:

AN ENDANGERED SPECIES THRIVES IN NORTHERN MICHIGAN

(By Glenn E. Lamberg)

The Kirtland's warbler, a unique and endangered species, is thriving in the burned-over jack pine plains near the Au Sable River in northeastern lower Michigan. The nesting colony there is the only one known in the world.

This shy warbler is very demanding in its nesting requirements. It builds its nest on the dry sand at the base of the jack pine (*Pinus banksiana*). But not just any jack pine will do; the warbler selects only those pines that range from 6 to 15 feet in height. At least 80 acres of dense trees, with intermixed small openings, are needed for each colony of "jack pine" warbler.

Logging and the subsequent fires during the early 1900's in this part of Michigan provided ideal conditions for colonies of the tiny warbler. The effectiveness of recent fire prevention and suppression programs, however, have reduced nesting habitat for the warblers. Today, through the efforts of concerned individuals, organizations, and government agencies, this habitat is being maintained and preserved.

The Michigan Department of Natural Resources and the U.S. Forest Service have developed special programs to provide warbler habitat on both state and federal land. Program work includes controlled burning, special forest harvesting, tree planting, and acquiring private lands where this rare species of warbler is concentrated.

A spring flight takes the Kirtland's warbler from its winter home in the Abaco Islands of the Bahamas to Michigan's droughty sand plains. There, nesting colonies are concentrated mainly in Crawford and Oscoda Counties, between the towns of Grayling and Mio.

Census counts in 1961 revealed the warbler population to be approximately 1,000. In 1972, the count had gone down to 400. What caused this decline? Apparently habitat conditions in the Bahamas and in Michigan remained satisfactory. Guilt focused on the brown-headed cowbird, an emigrant from the western plains.

The problem arises when the female cowbird lays her eggs in the warbler's nest. This brings about several effects detrimental to the warbler population. The warblers inadvertently raise the young cowbirds instead of their own young, that is, if they don't abandon their nest. In laying her unwanted eggs, the cowbird may destroy the already present warbler eggs. If the warbler eggs are not destroyed, death is usually inevitable for the nestling warblers because they can't compete for food with the much larger cowbird young.

The U.S. Department of the Interior's Bureau of Sport Fisheries and Wildlife has initiated a program to catch cowbirds. In the summer of 1972, nearly 2,000 of the unwanted intruders were caught, and Kirtland's warbler production per nest was the highest ever recorded.

Kirtland's warbler nesting grounds are in an area covered by the newly formed Huron Pines Resource Conservation and Development Project. Jeremy Jones, chairman of the Crawford County RC&D Committee, has indicated that his commitee supports the activities of organizations trying to preserve the tiny warbler. Jones said, "Because of the combined efforts of interested groups and individuals, this is one endangered species that should be around for a long time. The Kirtland's warbler will be around to thrill those who take the time and patience to quietly wait and watch for this unique little creature."

ADMINISTRATION PUT AGRICULTURE IN SQUEEZE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. ZWACH. Mr. Speaker, we all have been hearing of the problems of our livestock producers and feeders, problems caused by unlimited beef imports, a price freeze, and other Government interference which has driven many of our livestock people to near bankruptcy.

The other day the House Committee on Agriculture, on which I serve, passed out a bill to provide loans to those cattlemen who have exhausted other credit possibilities.

We vitally need that legislation to protect our future food supply.

While we were considering this bill in committee, it was a pleasure to hear testimony from Pat Dubois, of our Minnesota Sixth Congressional District, president of the First National Bank of Sauk Centre and chairman of the Independent Bankers Association of America Agriculture-Rural America Committee.

For the enlightenment of my colleagues and to impress upon them the need for this loan legislation which we soon are to consider, I insert Mr. Dubois' testimony in the CONGRESSIONAL RECORD:

The Independent Bankers Association of America is a national organization with over 7,200 member community banks in 41 states. Two-thirds of our members are located in towns with a population of 5,000 or less. Ninety per cent of our banks do business in communities of under 30,000. Consequently, our Association has had a tradition of interest in all matters involving rural America. That ongoing concern is now directed toward the problems of the livestock industry and its relationship to rural communities, our member banks and consumers.

On June 12th, we invited member banks, representing a cross section of our membership to respond to a questionnaire. The responses received heightened our concern for a major segment of agriculture, the livestock producer and feeder.

We questioned our members in the following areas:

1. Are you making loans to the livestock industry?
2. Are your livestock borrowers experiencing difficulty?
3. How many distressed livestock loans does your bank service?
4. Should the government provide a program to assist the livestock industry?
5. Provided a government program is established, what loan dollar amount is needed in your area?
6. Do you have any recommendations as to how the problems confronting the livestock industry could be alleviated?
7. Should IBAA become involved in this type of legislation?

Based upon responses to our questionnaires, we find that:

1. 85% of those responding are making loans to the livestock industry.
2. 67% are making feeder loans.
3. 78% are making cow calf loans.
4. 70% are making hog loans.
5. 84% of banks making livestock loans find their livestock borrowers experiencing difficulty.
6. 71% of banks making livestock loans have livestock loans in distress.

In this category, respondents indicate anywhere from one to all feeder loans in difficulty, some indicating 15, 20, 25, 30 or 100 individual loans distressed.

7. 67% feel that government assistance should be quickly provided.
8. The degree of emergency financial assistance varies from $35,000.00 per borrower up to 2½ million dollars with a majority suggesting one million dollars.

Perhaps as interesting as the above tabulations, however, are narrative comments. I would like to elaborate on some of these that seem representative of current conditions. For example, to our question: How many distressed livestock loans does your bank service? One banker replied: "Approximately 30 separate lines are submarginal. Many more are on the border line and will show a loss if the market fails to pick up. Most of these losses can be covered by other collateral but will put the customer out of business if he liquidates the debt." Another responded: "Most of the livestock producers and feeders in my area need help and need it now. Most of our cattlemen have sustained very heavy losses and will take some two to five years to stage a comeback financially." Another responded: "Six very bad ones plus another 20–30 that will lose a bundle." Another responded: "About two million dollars consisting of six big borrowers." Another responded: "All—approximately two million dollars." Another responded: "Every feeder cattle line is or could be classified as a distress situation." Another responded: "I talked to officers in the livestock loan department of four banks in our area. Everyone agreed that a loan of this type would be helpful to some of their customers, and one bank indicated this is the only way several of their customers can continue in the livestock business."

In response to our request for recommendations as to how problems confronting the livestock industry could be alleviated, the responses are not consistent. Suggestions are made that the government reduce or stop imports, that livestock be marketed at less weight, that emergency loans be provided, that price manipulation and speculation be reduced, that the government purchase for school and poor programs, that an extensive sales campaign be undertaken, that public law 480 be used, and that a secondary market for guaranteed government loans be provided so that rural banks could recover funds for other community financial needs.

Information provided in response to question 4 (should the government provide a program to assist the livestock industry) develops a consensus that the problem the livestock industry finds itself in has been caused by government intervention:

The price freeze in the spring of 1973 without corresponding retail regulations, the truck strike in February 1974 and the opening up of imports from other countries. It appears that the administration, whether intentionally or not, has put agriculture in a squeeze that seriously affects the broad sector of rural America.

In summary, the Independent Bankers Association of America supports emergency legislation for the livestock industry. Specifically, we support bank participation loans 90% guaranteed by the Department of Agriculture through the Farmers Home Administration. We support a loan limit of one million dollars with at least seven years amortization and with an interest rate that is negotiable between the financial institution and the borrower as permitted by law. We support sufficient guaranty authority, at least three billion dollars, exempt from other FHA budgets and we urge that a provision be made for a secondary market to provide that guaranteed FHA loans may be marketed in the major money markets in order that the originating bank may recover funds for other loan needs in its community. We further suggest that emergency loans be limited to livestock producers who are bonafide cattle or hog operators who are in business and depend upon most of their income from their feeder or cow calf operation and who have exhausted their usual source of credit.

Many independent bankers feel that the problem that confronts the livestock industry also involves the welfare of rural communities, the consumer and financial institutions that are involved. We are concerned that unless assistance is provided, financial institutions will be forced to limit credit extensions and require liquidation of inadequately collateralized livestock loans. We suggest that in addition to emergency loans, a better marketing system, one with less fluctuation, one that provides better balance between the cost of production and agriculture prices to the consumer is essential.

A LEGACY OF INDIVIDUAL WORTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. RANGEL. Mr. Speaker, 6 years after his death, America is still struggling to come to grips with the true meaning and spirit of Martin Luther King, Jr. Clearly, he was a great and extraordinary human being. Yet, great individuals are complex and difficult to define. Today, men of strong conscience continue to remember Martin Luther King and examine his legacy.

On March 22, 1974, National Urban Coalition president M. Carl Holman delivered a tribute to Dr. King at the University of Notre Dame Center for Civil Rights. The text of his speech, entitled "Martin Luther King—A Legacy of Individual Worth," is submitted for the consideration of my colleagues:

MARTIN LUTHER KING—A LEGACY OF INDIVIDUAL WORTH

(Following is a tribute to Dr. Martin Luther King given by National Urban Coalition president M. Carl Holman at the University of Notre Dame Center for Civil Rights, at a dedication dinner for the Kresge Law Library on March 22, 1974.)

They called him Dr. King, Martin Luther King, Jr., Martin King, Martin, M.L., the Lawd—first lovingly by the young of the student movement, then flawed with ironic sadness. . . .

For some of the many here who knew Martin Luther King, it must seem almost another age since the time when he was alive, and smiling and walking among us; making us believe in the reality of the human brotherhood he envisioned through the kindling power of his presence and of that voice which has like no other.

For some who were there, it may seem not six years or more, but only yesterday since they were living through the fear or exaltation, fatigue or frustration of Montgomery, Albany, Selma, Canton, Cicero, Memphis. And it is still hard to understand that neither the color prints nor high-fidelity electronic records can make a child born after August 28, 1963 understand what that day was like, what the March on Washington meant, what it seemed to promise.

And it was only last week that a very young man said of another assembly, "I can understand why they went to Gary last year—because Dick Hatcher, a Black man, is mayor there. But why Little Rock?" In a country which never much cared for history, it is a very perishable commodity indeed.

But assuredly Martin Luther King made history. Most of the tired, often specious arguments over legal or legislative *versus* direct action approaches no longer interest us. The lawyers and the courts, the legislators and presidents, the incredibly courageous young rebels of SNCC, along with NAACP, CORE, the Urban League—all played their part. The Churches, and synagogues, unions and women's groups, for a time made "white and black together" more than a wishful phrase. The laws went on the books. Some doors long sealed shut reluctantly swung open. It was possible finally to have Black voters in numbers that could not be ignored—and thus possible to have Black Mayors and state legislators and enough Blacks in the Congress to form a caucus.

No small part of this must be credited, both by disciples and detractors, to Martin Luther King—visionary, sometime pragmatist, peace-breaker, peace-maker.

Peace-breaker. . . . so much so that he was feared as an "outside agitator" after he and Rosa Parks and Ralph Abernathy and the other nameless townspeople of Montgomery had upset the peace of that town and won their bus boycott battle. There were even those in his native Atlanta who doubted it was wise for us to have young Martin King come home to give the NAACP's Emancipation Day Address. Atlanta being then "a city too busy to hate"—and rather smugly complacement about it. Sure enough, Martin was barely off the train before he frowned in the direction of the "White-only" waiting room and quietly asked the welcoming delegation, "When are we going to do something about that?" Some very awkward moments followed, everyone being sure that Jim-Crow signs in perhaps the proudest city in the South was a problem all right—but surely somebody else's problem.

Later, Martin was out of step again when everyone else, including some of his own SCLC board members, had the good sense to see that silence on Viet Nam was the best policy. After all, what was happening to Brown people in Indo-China—and, in the process, to our own country—had nothing at all to do with civil rights, nothing at all to do with poverty, nothing to do with human justice. Martin disagreed. Even in the name of peace, he seemed congenitally unable to hold his peace.

It was bad enough to rebuke Southern White moderates in his "Letter from a Birmingham Jail." Nor did he always interpret the scripture as others did when it came to rendering unto Caesar and unto God. When a president summoned leaders to a convocation at the White House one Sabbath Day, it was Martin who failed to attend. He explained that he was Co-Pastor with his father of Ebenezer Baptist and that the Sunday in question happened to be Martin's turn to preach. Those who know Daddy King might have an additional understanding of where true wisdom lay when the choice was between staying in the good graces of a president, or Martin Luther King, Sr.

As a peace-maker, Martin was a practitioner of the nonviolence he preached, even under the most trying circumstances. He inspired and held together in creative harmony a collection of highly individualistic lieutenants: Ralph Abernathy, Fred Shuttlesworth, Wyatt Walker, Jim Bevel, Hosea Williams, Andy Young. Yoking these talents and temperaments in one unit is in itself qualification for the Nobel Prize. I recall a jam-packed church one night, seething with outrage over an agreement with White leadership which many Blacks considered a betrayal. It was Martin who took the floor when all else had failed. He prevented the Black community from tearing itself apart that night, and showed the way to a resumption of the struggle and, eventually, to a much more genuine and just conclusion.

Even at the height of his fame, some people were embarrassed by, skeptical of, Martin's reliance on those old-timey, churchy, wooden-bench notions which seemed out of place in a plasticized modern world: justice, righteousness, redemptive love, brotherhood.

But scab-infested children in the muddy yards of Mississippi towns seemed to understand him. When Sterling Brown writes of grown Black men whose eyes could not meet those of Whites, it may fall strangely on the ears of young people reared on Malcolm, Fanon, Baraka, Nikki Giovanni, Don Lee. But Martin was up and down this country for quite a while, getting people up off stoops and into the streets and dusty roads with their heads up and eyes straight ahead. He was telling poor people—Black, White, Brown, Red—to throw off the shackles of "nobodiness" and to recognize themselves as somebody.

For perhaps more than anything else, Martin's true gift lay in the power he had, at his best, to invest people of all ages, classes and colors with a liberating sense of their own significant humanity. So that even in a crowd, each could feel uniquely a person. So that fearing hurt and death, knowing from what had happened to their comrades that enemies can hate enough to kill, many of them still—as he did—took risks and managed somehow to master their fear.

"I have been to the mountaintop", Martin said on a spring evening in Memphis six years ago. Few of us can climb that mountaintop from which he gazed. Fewer still find it possible even to imagine—much less see—through the murkiness of these days of deceit and greedy indifference—the promised land which he envisioned.

Last week, in San Francisco, the former leader of the Philippines insurgent movement said that he had come to visit America. He wanted us to be sure which America he meant. "The America", he said, "of Abraham Lincoln, Franklin Roosevelt—and Martin Luther King, Jr."

It is perhaps not too hard to see what this Brown man, the former guerrilla general, might see as linking himself and Martin King—a shared history of imprisonment, harrassment, the passionate drive to liberate a people. But it might seem strange to his questioners that a revolutionary, who sought freedom through violence, should so admire Martin King, the prophet of nonviolent revolution. As strange as the irony of thousands of urban Blacks who had never marched in his campaigns, burning cities in response to Martin's assassination.

Perhaps the visitor from the Philippines already knows that Martin's America has only rarely existed in actuality. But if we are to find our way back again to the painful task of making such a land, it will be because we are called to judgment not so much by Martin's memory, his spirit. . . . but rather because we are called by the children dying needlessly still in rural and urban ghettos; by the old who cannot piece out their days in dignity; by the men and women bereft of any real chance of having the jobs, the homes they need, the freedom to move without fear among the strangers who are their neighbors—denied the very essence of manhood and womanhood.

It is *these* who call us, whether or not we choose to hear. Martin chose to hear—to enroll, as he said, as a drum major in the cause which chose him, and which he chose. The power, the passion, the fidelity this one mortal man gave to that choice is the living legacy left to those who will use it by Martin Luther King, Jr., born a citizen of Atlanta, Georgia. Died citizen extraordinary of the South . . . America . . . the world . . . of that other world—on this fragile planet earth—which is yet to come.

SENATE—*Monday, July 8, 1974*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, we Thy servants silence our voices, quiet our spirits, and bow at this shrine of the patriots' devotion to ask what Thou dost require of us. Thou dost answer in Thy Word that we are to "do justly, to love mercy, and to walk humbly with thy God." Assist us by Thy grace that all who serve in the executive, legislative, and judicial branches of this Government may indeed do justly, love mercy, and walk in Thy companionship. Accept the offering of our souls, our minds, and our bodies in Thy service that we may help fulfill Thy purpose for mankind.

And to Thee shall be all the praise and the thanksgiving. Amen.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT OF THE SENATE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of June 27, 1974, the following messages from the House of Representatives were received:

On June 28, 1974, that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 3490. An act providing that funds apportioned for forest highways under section 202(a), title 23, United States Code, remain available until expended.

S. 3458. An act to amend the Agriculture and Consumer Protection Act of 1973, the Food Stamp Act of 1964, and for other purposes.

S. 3705. An act to amend title 38, United States Code, to provide for a 10-year delimiting period for the pursuit of educational programs by veterans, wives, and widows.

H.R. 7724. An act to amend the Public Health Service Act to establish a program of National Research Service Awards to assure the continued excellence of biomedical and behavioral research and to provide for the protection of human subjects involved in biomedical and behavioral research, and for other purposes.

H.R. 11105. An act to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes.

H.R. 12412. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations to provide disaster and other relief to Pakistan, Nicaragua, and the drought-stricken nations of Africa, and for other purposes.

H.R. 12799. An act to amend the Arms Control and Disarmament Act as amended, in order to extend the authorization for appropriations, and for other purposes.

H.R. 14832. An act to provide for a temporary increase in the public debt limit.

H.R. 14833. An act to extend the Renegotiation Act of 1951 for 18 months.

H.R. 14434. An act making appropriations for energy research and development activities of certain departments, independent executive agencies, bureaus, offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes.

H.R. 15124. An act to amend Public Law

93-233 to extend for an additional 12 months (until July 1, 1975) the eligibility of supplemental security income recipients for food stamps.

S.J. Res. 202. A joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations.

H.J. Res. 1057. A joint resolution to extend by 30 days the expiration date of the Export Administration Act of 1969.

H.J. Res. 1061. A joint resolution making further urgent supplemental appropriations for the fiscal year ending June 30, 1974, for the Veterans' Administration, and for other purposes.

H.J. Res. 1062. A joint resolution making continuing appropriations for the fiscal year 1975, and for other purposes.

The enrolled bills and joint resolutions were signed on the same day by the Acting President pro tempore (Mr. METCALF).

On June 28, 1974, that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

H.R. 3534. An act for the relief of Lester H. Kroll.

H.R. 5266. An act for the relief of Ursula E. Moore.

H.R. 7089. An act for the relief of Michael A. Korhonen.

H.R. 7128. An act for the relief of Mrs. Rita Petermann Brown.

H.R. 7397. An act for the relief of Viola Burroughs.

H.R. 8660. An act to amend title 5 of the United States Code (relating to Government organization and employees) to assist Federal employees in meeting their tax obligations under city ordinances.

H.R. 8747. An act to repeal section 274 of the Revised Statutes of the United States relating to the District of Columbia, requiring compulsory vaccination against smallpox for public school students.

H.R. 8823. An act for the relief of James A. Wentz.

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims.

H.R. 13221. An act to authorize appropriations for the saline water program for fiscal year 1975, and for other purposes.

H.R. 14291. An act to amend the Northwest Atlantic Fisheries Act of 1950 to permit U.S. participation in international enforcement of fish conservation in additional geographic areas, pursuant to the International Convention for the Northwest Atlantic Fisheries, 1949, and for other purposes.

H.R. 15296. An act to authorize the Commissioner of Education to carry out a program to assist persons from disadvantaged backgrounds to undertake training for the legal profession.

H.J. Res. 1056. A joint resolution to extend by thirty days the expiration date of the Defense Production Act of 1950.

The enrolled bills and joint resolution were signed on July 3, 1974, by the Acting President pro tempore (Mr. METCALF), who also signed the enrolled bill (H.R. 1376) for the relief of J. B. Riddle, which was signed by the Speaker on June 24, 1974.

On July 2, 1974, that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 2137. An act to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65(a)), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

H.R. 29. An act to provide for payments by the Postal Service to the civil service retirement fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees, and for other purposes.

H.R. 8977. An act to establish in the State of Florida the Egmont Key National Wildlife Refuge.

H.R. 9281. An act to amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes.

S.J. Res. 218. A joint resolution to extend by 30 days the expiration date of the Export-Import Bank Act of 1945.

The enrolled bills and joint resolution were signed on July 3, 1974, by the Acting President pro tempore (Mr. METCALF).

On July 2, 1974, a message from the House of Representatives announced that the House had passed the following bills and joint resolution, without amendment:

S. 2137. An act to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65(a)), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

S. 3705. An act to amend title 38, United States Code, to provide a 10-year delimiting period for the pursuit of educational programs by veterans, wives, and widows.

S.J. Res. 218. A joint resolution to extend by 30 days the expiration date of the Export-Import Bank Act of 1945.

The message further announced that the House agreed to the amendment of the Senate to the amendment of the House to the resolution (S.J. Res. 202) entitled "Joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations."

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 29) entitled "An act to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees, and for other purposes."

The message further announced that the House agreed to the amendment of the Senate to the bill (H.R. 8977) entitled "An act to establish in the State of Florida the Egmont Key National Wildlife Refuge."

The message further announced that the House agreed to the amendments of the Senate to the bill (H.R. 9281) entitled "An act to amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes."

On July 3, 1974, a message from the House of Representatives announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3458) to amend the Agriculture and Consumer Protection Act of 1973, the Food Stamp Act of 1964, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7724) to amend the Public Health Service Act to establish a program of National Research Service Awards to assure the continued excellence of biomedical and behavioral research and to provide for the protection of human subjects involved in biomedical and behavioral research and for other purposes.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of June 27, 1974, the following reports of committees were submitted:

On July 3, 1974, by Mr. McCLELLAN, from the Committee on the Judiciary, with an amendment:

S. 1361. A bill for the general revision of the copyright law, title 17, of the United States Code, and for other purposes (together with additional and minority views (Rept. No. 93-983)).

On July 3, 1974, by Mr. METCALF, from the Committee on Interior and Insular Affairs, with amendments:

S. 3528. A bill to amend the Mineral Leasing Act of 1920, and for other purposes (Rept. No. 984).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 27, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries, and he announced that on June 30, 1974, the President had approved and signed the bill (S. 411) to amend title 39, United States Code, with respect to certain rates of postage, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 15074) to regulate certain political campaign finance practices in the District of Columbia, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Diggs, Mr. Adams, Mr. Fraser, Mr. Stuckey, Mr. Rees, Mr. Nelsen, Mr. Broyhill of Virginia, and Mr. Gude were appointed managers of the conference on the part of the House.

The message also announced that the House had passed the following bills, each with an amendment, in which it requests the concurrence of the Senate:

S. 2296. An act to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources, and for other purposes; and

S. 2665. An act to provide for increased participation by the United States in the International Development Association.

The message further announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 8591. An act to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers.

H.R. 11144. An act to amend title 10, United States Code, to enable the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material.

H.R. 13264. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities.

H.R. 14597. An act to increase the limit on dues for U.S. membership in the International Criminal Police Organization.

H.R. 14723. An act to amend the Agricultural Act of 1970 to change the date on which the President must report to Congress concerning Government-assisted services to rural areas.

H.R. 15276. An act to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

H.R. 15406. An act to amend title 37, United States Code, to refine the procedures for adjustments in military compensation, and for other purposes.

H.R. 15461. An act to secure to the Congress additional time in which to consider the proposed amendments to the Federal Rules of Criminal Procedure which the Chief Justice of the U.S. Supreme Court transmitted to the Congress on April 22, 1974.

H.R. 15580. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1975, and for other purposes.

H.R. 15581. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1975, and for other purposes.

HOUSE BILLS REFERRED

The following House bills were each read twice by their titles and referred as indicated:

H.R. 8591. An act to authorize the President to appoint to the active list of the Navy and Marine Corps certain Reserves and temporary officers; and

H.R. 11144. An act to amend title 10, United States Code, to enable the Naval Sea Cadet Corps and the Young Marines of the Marine Corps League to obtain, to the same extent as the Boy Scouts of America, obsolete and surplus naval material; to the Committee on Armed Services.

H.R. 13264. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities; to the Committee on Agriculture and Forestry.

H.R. 14597. An act to increase the limit on dues for United States membership in the International Criminal Police Organization; to the Committee on the Judiciary.

H.R. 14723. An act to amend the Agricultural Act of 1970 to change the date on which the President must report to Congress concerning Government-assisted services to rural areas; to the Committee on Agriculture and Forestry.

H.R. 15406. An act to amend title 37, United States Code, to refine the procedures for adjustments in military compensation, and for other purposes; to the Committee on Armed Services.

H.R. 15461. An act to secure to the Congress additional time in which to consider the proposed amendments to the Federal Rules of Criminal Procedure which the Chief Justice of the U.S. Supreme Court transmitted to the Congress on April 22, 1974, to the Committee on the Judiciary.

H.R. 15580. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1975, and for other purposes; to the Committee on Appropriations.

H.R. 15581. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1975, and for other purposes; to the Committee on Appropriations.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar for unobjected-to measures, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY CRISIS FORESEEN: WILLIAM S. PALEY'S REPORT: RESOURCES FOR FREEDOM

Mr. MANSFIELD. Mr. President, an excellent article by Sylvia Porter, one of the few understandable economic writers, day in and day out, entitled "Energy Crisis Foreseen," appeared in the Washington Star News of June 30, 1974. I ask unanimous consent that this very worthwhile article by Miss Porter be printed in the Record. Before the Chair rules on my request, I want to specifically mention the name of William S. Paley, who headed the President's Materials Policy Commission in 1952. Appointed by President Truman, his report "Resources for Freedom" was prophetic and practical. Mr. Paley proved to be a prophet before his time and is now a prophet in our times. The Paley report is just as good today as it was 22 years ago. In my opinion, it is must reading for the administration and the Congress. If we will do today what Mr. Paley recommended in 1952 we will still be able to understand and to solve our problems in this new economic age.

There being no objection, the article was ordered to be printed in the Record, as follows:

Energy Crisis Foreseen

(By Sylvia Porter)

"Sooner or later, the nation will have to return to heavier reliance upon abundant coal."

"The nation could reduce consumption and physical waste of liquid fuels with little or no inconvenience."

"Since all the industrial nations, and not merely the United States, have either caught up with or outgrown their domestic resources, the same pattern of reliance on imports—but even more accentuated—can be expected for these nations as a whole. . . . There is no basis for a complacent assumption that the free world's mounting needs for low-cost materials will be automatically or even easily met."

"Industrial nations, the chief consumers of materials, suffer from the ups and downs of materials markets through periodically having to pay excessive prices in order to overcome shortages and thus encountering at the root of all production, a potent inflationary influence."

A tired re-hash of 1974's headlines? Oh no!

These are direct quotes lifted from "Resources for Freedom," a report published 22 years ago by the President's Materials Policy Commission, a group appointed by President Truman to survey our critical needs and headed by William S. Paley, then as now, chairman of CBS, Inc.

Even at that early post World War II date, the Paley Report attempted to answer the question: Has the United States the resources to fuel a vigorously expanding economy and at the same time provide for our national security? Its answer was a clear "No!" as the above quotes illustrate.

Startling and sobering as its warnings were, the commission underestimated the threats. Twenty-two years ago Paley's group predicted that the demand for electricity would double in the next two decades; actually output has quadrupled. It foresaw the demand for minerals doubling; the demand for aluminum has tripled. This is typical.

But the fundamental point of the report was not the limits of our natural resources. It was instead, in the commission's words, the need for:

"An appropriate federal agency designated to undertake, in cooperation with all other government agencies and with private and research organizations concerned with energy, a continuing broad appraisal of the nation's long-range energy outlook."

Now, two decades later, Congress finally is moving toward precisely this. Senate majority leader Mike Mansfield, D-Mont., and Senate minority leader, Hugh Scott, R-Pa., have just called for establishment of a "full-fledged Council on Domestic Needs and Economic Foresight," to give the President and Congress guidance on future planning. The council, said Mansfield and Scott, should "embrace representatives from both the

Congress and the executive branch as well as elements of industry, labor, agriculture and other significant elements."

Would this go to the heart of the matter?

Yes, Paley answered. "The most important thing with regard to our supply of raw materials is to know where we stand at all times. A special government agency responsible to Congress, the Executive, or both, which would conduct a continuous audit of our materials situation would fill this gap." In addition:

We must know as much as possible, through serious projections over a 10-year period and a 25-year period, of our demands and our supplies and the looming shortages, if any, that face us.

We must have a continuing inventory covering research and technology in this field, and in Paley's word's," a continuing realistic appraisal of our dependence on foreign sources. These 'audits' would also make recommendations as to our government's policies and future courses of action and would help deal with oncoming shortages in time to adopt effective policies."

We must recognize the complexities inherent in our relationships with foreign countries. "It was much simpler 20 years ago," Paley remarks, "to make arrangements with foreign nations, but now it is different. Many are seeking fast industrialization even if they are not ready for it, and for that reason some are hoarding or conserving their own natural resources. The real costs of materials cannot be measured in money alone, but in man-hours and the capital necessary to bring the materials or units of energy into actual usage."

It may seem Pollyannaish even to suggest that the energy shocks of '74 may turn out to be blessings in deep disguise, but if they force us to wake up to, and respond intelligently to, our own warnings, that's precisely how they will turn out.

WELCOME HOME

Mr. HUGH SCOTT. Mr. President, I would say, "Welcome home, everybody," or at least I will say it when they get here, as I am sure they will, during the day.

When I say "Welcome home," I am mindful of the saying that "A house is not a home." This is a home; yet, not a house, or not the House. [Laughter.] I think that under the circumstances I shall not explore that analogy further.

I do invite attention to the fact that the lights in front of the Senate are white and the lights in front of the House of Representatives are of another color, when they are in session. Whether this bears on the nature of their engagement, I certainly am mindful not to say, in view of the rules of comity between the bodies.

I do, however, express the hope that all of us have gained something from the very short recess we have had. I have observed that many Senators have been engaged in very important missions overseas and in this country. Some of them have been able to return to their respective constituencies, and the Senate will be the better for what Senators have learned.

Therefore, I hope that now we can get on, steadily and conscientiously, with the business of the Senate and with our usual high regard for our mutual talents and accomplishments.

I particularly am glad to assume my warm and friendly association with the distinguished majority leader and the distinguished assistant majority leader. I offer to help them in any way I can to expedite the business of the Senate, so that we may give a good account of ourselves to the American people, as we certainly have been trying to do.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, with the time to be charged against my time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk (Ronald J. Morgan) proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER THAT H.R. 15276 BE TEMPORARILY HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the House of Representatives on H.R. 15276 be temporarily held at the desk until the close of business on Wednesday of this week.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask that the time for the quorum call be charged against the time allotted to me.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 5 minutes.

Is there further morning business?

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro temport (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE PACIFIC TROPICAL BOTANICAL GARDEN

A letter from the Counsel to the Pacific Tropical Botanical Garden transmitting, pursuant to law, the audit report for the Corporation for the period from January 1, 1973, through December 31, 1973 (with an accompanying report). Referred to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution adopted by the Common Council of the City of Buffalo, N.Y., endorsing the health security program contained in the bill (S. 3) and the bill (H.R. 22). Referred to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOSS, from the Committee on Commerce, with an amendment:

S. 2373. A bill to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes (Rept. No. 93-985).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 6642. An act to suspend the duties of certain bicycle parts and accessories until the close of December 31, 1976 (Rept. No. 93-986); and

H.R. 8214. An act to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes (Rept. No. 93-987).

COVERAGE OF NONPROFIT HOSPITALS UNDER THE NATIONAL LABOR RELATIONS ACT—CONFERENCE REPORT (REPT. NO. 93-988)

Mr. WILLIAMS, from the committee of conference, submitted the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3203) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes, which was ordered to be printed.

ORDER FOR STAR PRINT OF COMMITTEE REPORT NO. 93-983

Mr. McCLELLAN. Mr. President, I ask unanimous consent for a star print of report No. 93-983, and the reason for this request is to correct several technical and printing errors in the original print.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Commerce:

James V. Day, of Maine, to be a Federal Maritime Commissioner.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

CHANGE OF REFERENCE

Mr. SPARKMAN. Mr. President, I ask unanimous consent that S. 2677, a bill to implement the United Nations Educational, Scientific, and Cultural Organization Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property be rereferred to the Committee on Finance, and that the Committee on Foreign Relations be discharged from further consideration of this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS (by request):

S. 3726. A bill to amend the Food Stamp Act of 1964, as amended, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. CURTIS (by request):

S. 3727. A bill to repeal certain acts making permanent appropriations and authorizing annual appropriations for the support of colleges of agriculture and mechanic arts. Referred to the Committee on Agriculture and Forestry.

By Mr. SYMINGTON:

S. 3728. A bill to obtain adequate nuclear information essential to Senate decisions. Referred to the Joint Committee on Atomic Energy.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3729. A bill to designate certain lands in the Flathead and the Lewis and Clark National Forests, in Montana, as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. HELMS (by request):

S. 3730. A bill to amend section 8d(2) of the Agricultural Adjustment Act of 1933, reenacted, amended and supplemented by the Agricultural Marketing Agreement Act of 1937, as amended, to provide authority to grant certified public accountants access to confidential records for the purposes of making an audit. Referred to the Committee on Agriculture and Forestry.

By Mr. GRAVEL:

S. 3731. A bill to modify the Crater- Long Lakes division of the Snettisham project, Alaska, with respect to the terms and period of amortization of the capital investment of the United States in such project. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 3732. A bill to provide for an extension of the life of the American Revolution Bicentennial Administration, and for other purposes. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CURTIS (by request):

S. 3726. A bill to amend the Food Stamp Act of 1964, as amended, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. Mr. President, I am introducing today by request a bill to amend the Food Stamp Act of 1964, as amended.

I ask unanimous consent that a copy of the transmittal letter from the Acting Secretary of Agriculture, the bill, and a section-by-section analysis be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 23, 1974.

Hon. GERALD R. FORD,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft of a proposed bill to amend the Food Stamp Act of 1964, as amended.

The enclosed bill sets forth the revisions in the Act which are required because some provisions are now obsolete or inhibit good program administration. Section 3 concerning the eligibility of SSI recipients is of particular urgency. If no new legislation concerning the eligibility of SSI recipients for food stamps is enacted, the provisions of the Agriculture and Consumer Protection Act of 1973 (P.L. 93-86) will go into effect on July 1, 1974. This would produce serious administrative problems and inequities to recipients.

The recommended revisions in the Food Stamp Act will increase the effectiveness of the food stamp program and the Department's ability to administer it. In addition, these revisions will elicit the cooperation of State agencies since they include recommendations strongly supported by the States to improve their administrative capabilities.

The proposed revisions are:

Deletion of the relatedness and tax dependency provisions since these provisions of the Act were ruled unconstitutional by Supreme Court decisions;

Remedial language to simplify the eligibility determination of households with members who are recipients of supplemental security income;

Provide, until July 1, 1975, for simultaneous operation of the food stamp and food distribution programs only during transitional periods from commodities to food stamps;

Delete from consideration as income the value of housing income in kind;

Impose a requirement making illegally and temporarily present aliens ineligible for the program;

Delineate recipients' responsibility for failure to provide accurate and timely information needed for certification;

Delete the variable purchase provision which is now met through mandated semimonthly issuance of authorization-to-purchase cards;

Require the States to operate a quality control system;

Give State agencies an option to establish a system under which a food stamp household may elect to have its charge for the coupon allotment withheld from its public assistance check;

Reduce from "gross negligence" to "negligence" the standard for States' liability to the Federal Government for the value of bonus coupons issued through improper certification of applicant households.

Reduce the maximum penalty for misdemeanors from $5,000 to $1,000.

Make supplemental security income recipient eligible to receive food assistance through the commodity distribution program if they reside in one of the few areas where the program is still operating and they meet the income and resource criteria of that program.

We urge prompt and favorable consideration of this draft bill.

The Office of Management and Budget advises that the enactment of this proposed legislation would be in accord with the President's program.

A similar letter is being sent to the Speaker of the House.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary.

S. 3726

SEC. 2. Section 4(b) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made for such period of time as the Secretary determines necessary, not to extend beyond July 1, 1975, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program: *Provided,* That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods."

SEC. 3. (a) Section 5(b) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(b) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets, to be used as criteria of eligibility. The Secretary may also establish temporary emergency standards of eligibility for the duration of the emergency without regard to income and other financial resources, for households that are victims of a mechanical disaster which disrupts the distribution of coupons, and for households that are the victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households: *Provided,* That the Secretary shall in the case of Puerto Rico, Guam, and the Virgin Islands, establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories, except that in no event shall the standards of eligibility or coupon allotment schedules so used exceed those in the fifty States."

(b) Section 5 of said Act is further amended by adding the following new subsections (e), (f), and (g):

"(e) Effective July 1, 1974, the eligibility for participation in the food stamp program of any household which contains a member with respect to whom supplemental security income benefits are being paid under Title XVI of the Social Security Act shall be determined on the basis of the uniform national eligibility standards for nonpublic assistance households established by the Secretary pursuant to this section."

"(f) No individual shall be eligible to participate in the food stamp program unless he is a resident of the United States, and is either (1) a citizen, or (2) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act)."

"(g) No household shall be permitted to participate, or to continue to participate, in the food stamp program if it refuses to submit to the State agency information which will permit a determination as to its eligibility to participate or its level of participation in the program. The State agency may disqualify from participation in the program any household which is found to have fraudulently obtained coupons: *Provided*, That such period of disqualification shall not exceed one year. The Secretary shall issue regulations requiring each household which is certified as eligible to participate in the program to report to the State agency changes in the number of members in the household, and changes in the amount of the household's income, resources, or other circumstances which affect the household's participation in the program."

SEC. 4. Section 7(b) of the Food Stamp Act of 1964, as amended, is amended to read as follows:

"(b) Notwithstanding any other provision of law, households shall be charged for the coupon allotment issued to them, and the amount of such charge shall represent a reasonable investment on the part of the household, but in no event more than 30 per centum of the household's income: *Provided*, That coupon allotments may be issued without charge to households with income of less than $30 per month for a family of four under standards of eligibility prescribed by the Secretary."

SEC. 5. Section 10 of the Food Stamp Act of 1964, as amended, is amended as follows:

(a) Subsection (e) is amended by inserting in clause (7), after the word "law", the following: ", and at the option of the State agency,"; and striking the period at the end of clause (8) and inserting in lieu thereof the following: ", and (9) establishment of a quality control program which, as a minimum, shall monitor the eligibility of a household during the month of participation, and the validity of the purchase requirement and the total coupon allotment."

(b) Subsection (g) is amended to read as follows:

"(g) If the Secretary determines that there has been negligence or fraud on the part of the State agency in the certification of applicant households, the State shall upon request of the Secretary deposit into the separate account authorized by section 7 of this Act, a sum equal to the amount by which the value of any coupons issued as a result of such negligence or fraud exceeds the amount that was charged for such coupons under section 7(b) of this Act."

SEC. 6. Subsections (b) and (c) of section 14 of the Food Stamp Act of 1964, as amended, are amended by striking out "$5,000" and inserting in lieu thereof "$1,000."

SEC. 7. (a) Section 416 of the Agricultural Act of 1949, as amended, is amended by striking the last sentence thereof.

(b) Subsection (c) of section 4 of the Agriculture and Consumer Protection Act of 1973 is repealed.

SECTION-BY-SECTION ANALYSIS

SECTION 1

This section of the bill amends Section 3 of the Food Stamp Act of 1964, as amended, which defines the terms used in the Act.

Subsection (e) which defines the term "household" is amended to delete the requirement that household members under age 60 be related in order to qualify for the food stamp program. This requirement was ruled unconstitutional by the Supreme Court in its decision in the case of *Moreno v. USDA*, 413 U.S. 528. The amendment will bring the Act into conformance with the Supreme Court decision.

The amendment also deletes from the household definition the language on eligibility of supplemental security income recipients. The current temporary provision under which certain supplemental security income recipients may participate in the program will expire on June 30, 1974. On July 1, 1974, the complicated and costly provisions of Public Law 93-86 will become effective. Section 3 of this bill contains new provisions governing eligibility for food stamp of supplemental security income recipients.

SECTION 2

This section of the bill revises subsection (b) of Section 4 of the Food Stamp Act of 1964, as amended.

Subsection 4(b) has been revised to permit concurrent operation of the food stamp and food distribution program in any area only for a period of transition from the distribution to the stamp program and in no event later than June 30, 1975. The present Act provides authority to operate both programs in an area (1) during a period of transition from commodities to food stamps, (2) on request of the State agency, and (3) during temporary emergency situations. Since the food distribution program is being replaced by the food stamp program, authority for the simultaneous operation of both programs at the request of the State agency and during temporary emergency situations is unnecessary. Thus, by virtue of the revision, concurrent operation of the two food assistance programs is limited to transition periods necessary for smooth conversion to the food stamp program.

Since a number of States have demonstrated that it is impossible to implement the food stamp program in all political subdivisions by July 1, 1974, and Puerto Rico will phase in the program during fiscal year 1975, authority for concurrent operation of the food stamp and food distribution program is justified during the transitional period until July 1, 1975.

SECTION 3

This section of the bill revises subsection 5(b) and adds new subsections, 5(e), 5(f) and 5(g) to the Act.

Subsection 5(b) retains the concept that the food stamp program shall be limited to households whose income and resources are substantial limiting factors in the attainment of a nutritionally adequate diet. However, it excludes the housing payment in kind from the standards of eligibility. The inclusion of housing payments in kind not in excess of $25 is most unpopular among the States. To determine the value of in kind income, State agencies must develop expertise in estimating the value of housing or obtain guidance on the matter through other agencies or organizations. In either case, any possible savings to the program are more than offset by the complexities, if not impossibilities, of effectively administering this provision. Further, this provision would permit housing payments in kind to be disregarded for purposes of income, and thus be treated consistently with the way in which other payments in kind are handled under the food stamp and other welfare-type programs.

The revision of Subsection 5(b) further deletes the provision prohibiting the participation of certain tax dependents in the food stamp program. In its decision in the case of *Murry v. USDA*, 413 U.S. 508, the Supreme Court ruled that the "tax dependency" provision of the Act is unconstitutional. Thus, the "tax dependency" provision in the current Act is not enforceable.

A new Subsection (e) is added to Section 5 which revises the language contained in Section 3(e) of the current Act on eligibility of supplemental security income recipients.

Language added by subsection (e) provides that effective July 1, 1974, households which include members with respect to whom supplemental security income benefits are paid shall be treated as nonpublic assistance households and their eligibility is to be determined by the maximum income and resources eligibility criteria established for nonpublic assistance households. This revision will simplify administration and will be much less costly than the complex provision which will become effective on July 1, 1974, unless remedial legislation is enacted.

A new subsection (f) provides that illegally and temporarily present aliens may not participate in the program. The current Act does not contain such a provision; however, this requirement is consistent with the public assistance requirements of the Department of Health, Education, and Welfare, and the supplemental security income legislation.

A new subsection (g) delineates recipient's responsibilities under the program. This provision specifically requires recipients to provide information needed for the certification process and any subsequent audit or quality control review.

SECTION 4

This section of the bill revises subsection (b) of Section 7 of the Act.

Subsection (b) includes a variable purchase designed to enable those households short of cash for their full purchase requirement to derive some benefits from the program by purchasing a lesser amount of coupons—either one-fourth, one-half, or three-fourths—for a correspondingly reduced purchase requirement.

The revised language deletes this provision as the intent of this subsection of the Act is now met through mandated semi-monthly issuance of authorization-to-purchase cards. A household is now given the option of purchasing either a full allotment or a half allotment. Additionally, if the choice to buy half is made at the beginning of the month, the household has the option of purchasing the remaining half later. A variable purchase system utilizing only one card has given the household only one choice at one time during the month.

While past information has shown the usage rate of variable purchase to be low—under 5 percent—the incidence of manipulation of such cards appears to be increasing. Because of the nature of variable purchase such manipulation is difficult to detect and consequently has serious effects on program integrity.

SECTION 5

This section of the bill revises Section 10 of the Act.

The present subsection (e)(7) is revised and a new subsection (e)(9) is added.

Subsection (e)(7) is revised to give a State agency an option to establish a system under which a food stamp household may elect to have its charge for the coupon allotment withheld from its public assistance check. The Act now mandates a State agency to offer such a system. This service is costly and of questionable value. The public assistance withholding system offers the greatest advantage to the elderly and disabled who find it difficult to travel to purchase their coupons. Since the major users of the public assistance withholding system are now under the supplemental security income program where there is no withholding provision, the advantages of a mandatory public assistance withholding system in most areas are far outweighed by high costs and administrative difficulties. An optional system would permit a State to operate the system in an area where it would be helpful, such as rural localities lacking adequate transportation. The

State would not be required to bear the cost of administering such a system in larger metropolitan areas where public assistance withholding is not only of minimal usefulness but also subject to abuse. Giving the States this option could serve to gain their increased cooperation in other areas of greater program importance.

The new subsection (e)(9) requires the States to operate a quality control system. The Food Stamp Act does not now specifically provide for a quality control system.

Subsection (g) presently imposes upon State agencies liability to the Federal Government for the value of bonus coupons issued through "gross negligence" in the certifying of applicant households. The revised subsection would reduce this standard to "negligence". The term "gross" does not lend itself to precise definition. Even when a State agency has been admittedly negligent in the certification of recipients, the actual collection of claims is severely hampered by difficulties in proving that the degree of negligence is "gross." Thus, the Department finds itself in a most difficult position in establishing claims even where the Department remains totally convinced that losses to the Federal Government are attributable to a State's carelessness. By deleting the word "gross", proof of negligence would constitute a basis for asserting a claim and would permit a fair application of this provision.

SECTION 6

This section of the bill amends Section 14 of the Act.

Subsections (b) and (c) are amended to reduce the maximum penalty for misdemeanors from the current $5,000 to $1,000. A reduction of the penalties would permit misdemeanors to be prosecuted before magistrates under the Federal Magistrates Act. Consequently, the number of cases on the criminal dockets of the U.S. District Courts would be reduced, encouraging swifter and more frequent criminal prosecution of the more serious program violations. Minor recipient and retailer-type violations would be subject to faster and more frequent prosecution and thus would be more effectively deterred. In effect, this would significantly strengthen controls on violations.

SECTION 7

Subsection (a) of section 7 deletes a provision of section 416 of the Agricultural Act of 1949, as amended, which denies eligibility under the food distribution program (other than child feeding programs) to recipients of supplemental security income under title XVI of the Social Security Act. Subsection (b) repeals subsection (c) of section 4 of the Agriculture and Consumer Protection Act of 1973, which provides that, under certain circumstances, recipients of supplemental security income are not to be considered members of a household for purposes of the food distribution program for families. Operation of both of the statutory provisions which would be removed by this bill had been suspended for the period January 1, 1974, to July 1, 1974, by section 8 of Public Law 93-233, approved December 31, 1973, which contains provisions granting eligibility to some recipients under the family food distribution program for that period. The effect of the bill will be to remove all specific criteria for determining eligibility of supplemental security income recipients and make them eligible to receive food assistance if they meet the income and resource criteria otherwise applicable to that program.

By Mr. CURTIS (by request):

S. 3727. A bill to repeal certain acts making permanent appropriations and authorizing annual appropriations for the support of colleges of agriculture and mechanic arts. Referred to the Committee on Agriculture and Forestry.

Mr. CURTIS. Mr. President, I am introducing by request a bill to repeal certain acts making permanent appropriations and authorzing annual appropriations for the support of colleges of agriculture and mechanic arts.

I ask unanimous consent that a copy of the transmittal letter from the Secretary of Health, Education, and Welfare and the bill be printed in the RECORD immediately following my remarks.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows.

DEPARTMENT OF HEALTH,
EDUCATION, *and* WELFARE,
June, 12, 1974.

Hon. GERALD R. FORD,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To repeal certain Acts making permanent appropriations and authorizing annual appropriations for the support of colleges of agriculture and mechanic arts."

This bill would repeal the Second Morrill Act of 1890 which makes a permanent appropriation for the supplemental support of land grant colleges. That Act, coupled with a provision in the Department of Agriculture Appropriations Act of 1908 which makes an additional permanent appropriation (which we also propose be repealed) for the same purpose, provides $50,000 annually to each State for such colleges. The draft bill would also repeal the permanent authorization under section 22 of the Bankhead-Jones Act for an annual appropriation of $12,460,000 which is allotted among the States, Puerto Rico, the Virgin Islands, and Guam for additional support for such colleges.

The statutes proposed for repeal were originally enacted to provide for more complete endowment, maintenance and support of the land grant colleges. With the passage of time, the colleges have grown in size and strength, while Federal support for higher education has increased markedly and changed over time with the enactment of many other aid to education programs that are better geared to need. The formula grant money provided to land grant colleges through the Second Morrill Act and the Bankhead-Jones Act now makes up a minuscule percentage of their support. Rather than continuing this formula distribution, the Administration believes that the most effective means of providing Federal support for higher education is to allocate funds according to need, emphasizing student assistance programs and specific institutional support targeted where the need is greatest. An example of the latter is the Developing Institutions program under title III of the Higher Education Act. The budget for this program has quadrupled from its fiscal year 1968 level of $30 million to a 1975 request of $120 million. The black colleges which receive small sums each year under the Second Morrill Act are eligible for substantially larger grants under the Developing Institutions program.

Because participation in the Agricultural Extension Program under the Smith-Lever Act (7 U.S.C. 341) is conditioned on an institution receiving benefits under either the First or Second Morrill Act, the repeal of the Second Morrill Act would render a number of schools presently participating in the Extension Program technically ineligible for such participation. That result is not intended by this legislation, and section 2 of our draft bill is intended to preserve the eligibility of Second Morrill Act colleges under the Smith-Lever Act.

As noted above, the relatively insignificant institutional support that is provided through the Second Morrill Act and the Bankhead-Jones Act does not justify either the permanent appropriation or the annual authorization provided by those Acts. Those schools most in need are better served by the Developing Institutions program.

I therefore urge prompt and favorable consideration of this proposal.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,
CASPAR W. WEINBERGER,
Secretary.

S. 3727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 841 of the Act of August 30, 1890, 26 Stat. 417 (7 U.S.C. 321–326a, and 328); the tenth paragraph of the Emergency Appropriation in chapter 2907 of the Act of March 4, 1907, 34 Stat. 1281 (7 U.S.C. 322); and section 22 of the Act of June 20, 1935, 49 Stat. 439 (7 U.S.C. 329) are repealed, effective for fiscal years beginning after June 30, 1974.

SEC. 2. Nothing in this Act shall affect the eligibility of any institution to receive benefits under the Act of May 8, 1914, 38 Stat. 372 (7 U.S.C. 341, et seq, the Smith-Lever Act).

By Mr. SYMINGTON:

S. 3728. A bill to obtain adequate nuclear information essential to Senate decisions. Referred to the Joint Committee on Atomic Energy.

ADEQUATE NUCLEAR INFORMATION ESSENTIAL TO SENATE DECISIONS

Mr. SYMINGTON. Mr. President, I am introducing legislation today to bring to the Senate adequate and full information on nuclear weapons and policies.

For many years some of us have believed that Members of the Senate should have all information in the nuclear field which is a prerequisite to legislative decisions for which all Senators are responsible.

The nuclear explosion in India, the spread of U.S. nuclear assistance to some 29 additional countries, the steadily developing world traffic in nuclear expertise and technology would appear to have finally stimulated public interest in this and other countries to the grave and growing problems of nuclear proliferation.

These events further underscore the need for the Congress and the people to have all information that would not help a possible enemy, so that dangers may be assessed, and further emphasis be placed on nuclear programs, policies, and safeguards.

Membership on the Joint Committee on Atomic Energy over recent years has long convinced me that the unnecessary secrecy which continues to surround details of this new force has already cost the American taxpayers many billions of unnecessary dollars.

Last month, when appearing before the Commission on the Organization of the Government for the Conduct of Foreign Policy. I spoke on the subject of foreign policy, and unnecessary nuclear secrecy. At that time I noted the increasing danger of real nuclear disaster which comes as the material to make nuclear weapons becomes steadily more available. I suggested that steps should be taken to insure that the American people have all truth on this subject which could not aid a possible enemy.

Accordingly, I believe it would be advantageous to amend the Atomic Energy Act so as to require the Joint Committee to report to the Senate twice a year those facts and figures important to our legislative decisions, some of which, to my certain knowledge, have been made without adequate information, or with inadequate information.

The bill offered today amends the Atomic Energy Act of 1954 to give the Joint Committee on Atomic Energy the statutory duty of making two reports to the Senate through the senatorial members of said Joint Committee.

A major purpose of the reports would be to provide Senators with nuclear facts and information "the knowledge of which could contribute to the exercise of an informed judgment" on matters of foreign policy, defense, international trade, and in respect to the expenditure of and appropriation of Government revenues.

Some material of a sensitive nature might well have to be presented in executive session, but as much information as possible should be give in open session so as to in turn give public understanding and discussion.

I earnestly hope the Congress will approve this means of affording all Senators with a knowledge of nuclear matters; that in turn would make it possible for them to reach an informed decision on such matters.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD following my remarks, and also an article appearing in the Washington Post newspaper of today, by Thomas O'Toole, entitled "The Proliferation of Plutonium."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Atomic Energy Act of 1954 is amended to read as follows:

"SEC. 202. AUTHORITY AND DUTY.

"a. The Joint Committee shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. During the first ninety days of each session of the Congress, the Joint Committee may conduct hearings in either open or executive session for the purpose of receiving information concerning the development, growth, and state of the atomic energy industry. The Commission shall keep the Joint Committee fully and currently informed with respect to all of the Commission's activities. The Department of Defense shall keep the Joint Committee fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy. Any Government agency shall furnish any information requested by the Joint Committee with respect to the activities of responsibilities of that agency in the field of atomic energy. All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the Commission or to the development, use, or control of atomic energy shall be referred to the Joint Committee. The members of the Joint Committee who are Members of the Senate shall from time to time report to the Senate, and the members of the Joint Committee who are Members of the House of Representatives shall from time to time report to the House, by bill or otherwise, their recommendations with respect to matters within the jurisdiciton of their respective Houses which are referred to the Joint Committee or otherwise within the jurisdiction of the Joint Committee.

"b. Through members of the Joint Committee who are members of the Senate, the Joint Committee, twice in each session of the Congress, shall cause to be made to the Senate a report on the development, use and control of atomic energy for the common defense and security and for peaceful purposes. Each report shall provide those facts and information concerning nuclear energy, nuclear weapons and nuclear policies, the knowledge of which could contribute to the exercise of informed judgments by all Senators on matters of foreign policy, defense, international trade, and in respect to the expenditure and appropriation of government revenues. Reports shall be presented formally under circumstances which provide for clarification and discussion by the Senate. In recognition of the need for public understanding, presentations of the reports shall be made to the maximum extent possible in open sessions and by means of unclassified written materials.

THE PROLIFERATION OF PLUTONIUM

(By Thomas O'Toole)

When nuclear scientists were collecting plutonium for the world's first atomic bomb, they measured it out in thimbles. Today, enough plutonium leaks out of the nation's bomb factories every year to make the equivalent of five bombs. There is in storage in the United States alone plutonium for 20,000 atomic weapons. Around the rest of the world, there is plutonium enough for another 5,000 bombs.

The mind reels when one considers how plutonium will multiply in the next 25 years. By 1985, the world will be producing 220,000 pounds of the gray-colored metal every year, enough for 10,000 bombs with a force of 20 kilotons each. By the year 2000, plutonium will be a commonplace metal and part of the world's nuclear energy economy. There is one stark fact about plutonium. Twenty pounds of it will make a crude but convincing explosive. India did it with less, and there was nothing crude about the bomb they exploded in May.

At no time in the nuclear age has the specter of atomic spreads loomed so large. India joined the "club" by diverting plutonium out of a research reactor built for it by Canada. Egypt has a similar reactor the Soviet Union built. Israel has one built by France. Most weapons experts assume Israel has already assembled several bombs, but has not tested one for fear a test would goad Egypt to do the same.

More than 20 countries have failed to sign the Non-Proliferation Treaty forbidding them from developing their own atomic weapons. Another 28 have signed the treaty, but have not ratified it. At least 10 countries are considered "threshold" nuclears who have not signed or ratified the treaty because they're keeping their atomic options open.

West Germany is one, Japan another, Sweden and Italy and even Switzerland are European possibilities. Argentina and Brazil are South America's near-nuclear nations. Pakistan may want the bomb because India has it. Australia and Indonesia are outside choices for the same reason. South Africa is a likely candidate because of its fear of Black Africa. South Korea has a different fear of North Korea, but is a candidate too.

There is a growing belief among the world's nuclear diplomats that atomic spread is inevitable. The many nations that have neither signed nor ratified the proliferation treaty should have done so by now if they ever planned to do so. India set the example this year for the others. The heat is off. They can decide to go nuclear without the worry of worldwide reprimand.

The superpowers were oddly mute in their criticism when India tested its bomb. They expected it. The next nation to get the bomb will probably get the same silent treatment. Again, the superpowers expect nuclear spread to take place. What they don't expect is that any nation choosing to acquire atomic weapons will ever choose to use those weapons.

The Atomic Energy Commission's Edward B. Giller is an articulate witness to this expectation. He points out the differences between acquiring a bomb and building a nuclear force. He says he doesn't expect any nation to develop one weapon and then use it against a neighbor, but if one did that it could expect to be repaid in kind.

"I don't know what a country can do with a bomb these days except blackmail its own neighbor," Gen. Giller said the other day. "But even if you get your neighbor, there are a lot of other guys around the world who will want to make an example of you. You might find the Russians and the Americans falling all over themselves to make a world example of what happens to nations who tinker with nuclear weapons."

There are those who worry that any nuclear exchange betwen emerging nations would be the spark to ignite World War III. The fear here is that the superpowers would take sides, in roughly the same way they took sides in the Mideast. Taking sides once an atomic attack has taken place might lead to nuclear escalation.

When Defense Secretary James R. Schlesinger was with the Rand Corp. seven years ago, he wrote an article for the Yale Review about the dangers of nuclear spread. He took the approach then that a nuclear attack by an emerging nation would not be enough to trigger a world nuclear war. He says today that he hasn't changed his thinking.

"Any initiation of nuclear weapon use by third parties would instantly stimulate the alertness and sobriety of the major powers," Schlesinger wrote. "Prudence would become the watchword, and tendencies toward rash action reduced. Rather than a quick escalatory spiral, the likely outcome would be an attentive search for means to dampen or settle the local conflict."

Not that Schlesinger is in favor of nuclear spread. Seven years ago, he wrote that proliferation brings "serious risks in its train." He said it could lead to the political unsettlement of much of the world, could destabilize the Third World and might even threaten the risk of a small-scale attack on the United States. Most seriously, it might disrupt the nuclear strategies of the superpowers that have served to keep the world from nuclear war these last 20 years.

"It is with good reason," he said then, "that American policy seeks to avoid nuclear spread."

Unhappily, it gets harder and harder to avoid nuclear spread. The reason is straightforward. The world is slowly running out of oil and gas at a time that emerging nations need both to energize their economies. The only thing left is nuclear power, the very instrument (through plutonium diversion) of nuclear spread.

The U.S. is in a tough position to deny emerging nations their own nuclear power stations. If we do deny them then France, West Germany or the Soviet Union could supply it, out of pure competitive reasons to get the business. The risk of resentment against those who deny nuclear power also runs high, a risk that could incite terrorism and revolution inside the Third World.

The genie has been out of the bottle for almost 30 years, which suggests that the world has found a way to live with the bomb. There is a natural tendency to view nuclear spread with nothing but alarm, but such a viewpoint brings to mind the comment of one Washington observer who said 10 years ago that coping with proliferation required the services of only two men—one to count and the other to wring his hands.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3729. A bill to designate certain lands in the Flathead and the Lewis and Clark National Forests, in Montana, as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. METCALF. Mr. President, I am introducing today for Senator MANSFIELD and me a bill to extend wilderness protection to some 378,200 acres in northwestern Montana on the Middle Fork of the Flathead River. The area would be called the Great Bear Wilderness in honor of its prime resident, the grizzly bear.

Twenty years before passage of the Wilderness Act, a number of foresighted Montana conservationists sought protection for the outstanding wilderness qualities of the Middle and South Forks of the Flathead River. Unfortunately, their efforts were unsuccessful. Since that time, man's activities have altered much of the land area and the wilderness of 30 years ago no longer exists.

There remains, however, an opportunity to preserve, for tomorrow's citizens, the wild land and waters of the Flathead River's Middle Fork. And today, we have a legal means to insure protection of these resources and values, the Wilderness Act of 1964. History tells us, in clear terms, that today's values will be degraded if we ignore what may be our last opportunity to protect these lands.

The public lands and waters of the Great Bear Wilderness proposal presently provide habitat for two species of America's diminishing wilderness wildlife—the grizzly bear and the west slope cutthroat trout. The steep mountainous terrain of the headwaters of the Middle Fork shelter one of the last free-moving grizzly bear populations in the continental United States. Grizzlies are true wilderness animals and without wild land they will perish. The grizzly faces extinction mainly because man has steadily taken his habitat through logging, roading, dam construction, and other developmental activities. In this proposal we will provide a vital habitat link between Glacier National Park and the Bob Marshall Wilderness.

The west slope cutthroat trout has been reduced to threatened species status due to destruction of spawning habitat throughout its former range. There are three major forks in the Flathead River system—South, North, and Middle. Dams, mining, and subdivision development have greatly reduced the water quality of the North and South Forks. The survival of this native trout species and other important sport fish in the Flathead River system is dependent on protection of the upper Middle Fork watershed. The Great Bear Wilderness will accomplish that objective.

Mr. President, there are other factors which recommend inclusion of the upper Middle Fork and surrounding wild land in the National Wilderness Preservation System. It is a starkly beautiful mountainous area which supports populations of bear, elk, lynx, moose, mountain goat, coyote, ducks, grouse, and many nongame wildlife species. The mountains, valleys, and streams of the proposed wilderness are unexcelled for hiking, hunting, backpacking, horseback trips, fishing, ski touring, whitewater boating, photography, and other outdoor activities.

The Great Bear Wilderness proposal consists entirely of public lands unspoiled by the hand of man. Within the proposed boundary are lands where man can find solitude, gain awareness, develop his spirit of adventure, or simply renew himself. These are priceless values which are increasingly difficult to obtain.

Much of the timber resource within the Middle Fork is contained in areas classified as marginal zones by the U.S. Forest Service. A marginal zone is defined as one where logging by present methods would cause irreparable resource damage or involve costs in excess of values. The area is a de facto wilderness, presently managed much as it will be after receiving formal wilderness designation and the legal protection such designation provides.

There has been widespread citizen support expressed for preservation of this area. In the late 1960's, when plans to build roads and develop the Middle Fork threatened its wild land and water resources, citizen concern led to consideration of those values. Overwhelming support was voiced to protect not only the wilderness nature of the area, but the free-flowing river as well. Strong support has already been given by the Montana Wilderness Association, Wilderness Society, Flathead Lakers, Flathead Wildlife, Inc., National Wildlife Federation, Trout Unlimited, Guides and Outfitters, Federation of Western Outdoor Clubs, and Sierra Club. The outcome of this broad support to preserve this area and its values for future Americans is the Great Bear Wilderness proposal before you today.

Mr. President, I send to the desk my bill to create the Great Bear Wilderness. I ask that its text be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), the following described lands in the Flathead and the Lewis and Clark National Forests, Montana, comprising about three hundred seventy eight thousand two hundred acres, are hereby designated as wilderness:

Beginning at the southeast corner, section 34, township 32 north, range 18 west, M.P.M. (approximate longitude 113° 53′ latitude 48° 29′) (approximate elevation 4840′).

Thence 140° for 6.5 miles to a ridgepoint on the Wahoo Creek-Cascadilla Creek divide (approximate elevation 6020′)

Thence 117° for 0.9 miles to a ridgepoint on the Cascadilla Creek-Crystal Creek divide. (elevation 5736′)

Thence 156° for 1.2 miles to a ridgepoint on the Crystal Creek-Stanton Creek divide. (elevation 6352′)

Thence northeasterly for 0.7 miles down the Crystal Creek-Stanton Creek ridge to the township 31 north-township 30 north line near the southeast corner of section 34 township 31 north, range 17 west. (approximate elevation 5720′)

Thence 90° for 1 mile to the southeast corner of section 35, township 31 north, range 17 west. (approximate elevation 3680′) Near Stanton Creek.

Thence 158° for 1.4 miles to a ridgepoint on Grant Ridge. (elevation 5896′)

Thence south-southwesterly for 1.1 miles up Grant Ridge to a ridgepoint on the Hidden Creek-Tunnel Creek divide. (approximate elevation 7100′)

Thence 151° for 2.7 miles to a ridgepoint on the Pinnacle Creek—Paola Creek divide. (approximate elevation 6840′)

Thence southwesterly for 0.6 miles to a ridgepoint on the Pinnacle Creek-Paola Creek divide. (elevation 6703′)

Thence 179° for 1.5 miles to a ridgepoint on Paola Ridge. (elevation 6666′)

Thence 149° for 0.9 miles to a ridgepoint on the North Fork Dickey Creek-South Fork Dickey Creek divide. (approximate elevation 6050′)

Thence west-southwesterly for 1.4 miles up the North Fork Dickey Creek-South Fork Dickey Creek divide to a ridgepoint on said divide. (approximate elevation 6800′)

Thence 148° for 1.5 miles to a ridgepoint on the South Fork Dickey Creek-Marion Creek divide. (elevation 7798′)

Thence northeasterly for 2.9 miles along the South Fork Dickey Creek-Marion Creek divide to a ridgepoint on said divide. (elevation 5842′)

Thence 180° for 0.5 miles to the Marion Creek-Essex Creek divide. (approximate elevation 5200′)

Thence southwesterly for 1.1 miles along the Marion Creek-Essex Creek divide to a ridgepoint on said divide. (approximate elevation 7000′)

Thence 152° for 1.7 miles to Snowshed Mountain. (elevation 7525′)

Thence easterly for 1.1 miles along the east ridge of Snowshed Mountain to a ridgepoint on said ridge. (elevation 7097′)

Thence 86° for 1.6 miles to a ridgepoint on the McDonald Creek-Sheep Creek divide. (approximate elevation 5520′)

Thence 138° for 0.9 miles to a ridgepoint on the Sheep Creek-Java Creek divide. (approximate elevation 4983′)

Thence 134° for 1.5 miles to a ridgepoint on the Bear Creek-Edna Creek divide. (approximate elevation 4330′)

Thence easterly along the Bear Creek-Edna Creek divide to the top of Mount Furlong. (elevation 7393′)

Thence 91° for 1.4 miles to Devils Hump. (elevation 7667′)

Thence northeasterly for 1.2 miles on the Bear Creek-Devil Creek divide to a ridgepoint on said divide. (elevation 6735′)

Thence 57° for 1.8 miles to a ridgepoint on the Devil Creek-Grizzly Creek divide. (elevation 6814′)

Thence 109° for 2.3 miles to a ridgepoint on the Snake Creek-Giefer Creek divide. (elevation 7511′)

Thence southerly 1.4 miles along the Giefer Creek-Twenty-Five Mile Creek divide to a ridgepoint on the Twenty-Five Mile Creek-Lynx Creek divide. (elevation 7324′)

Thence 224° for 1.4 miles to a ridgepoint on the Lynx Creek-Goal Creek divide. (approximate elevation 7170′)

Thence 118° for 1.9 miles to a ridgepoint on the Twenty Five Mile Creek-Ear Creek divide. (elevation 7042′)

Thence in a southeasterly then northeasterly direction along Patrol Ridge for 1.9 miles to a ridgepoint on said ridge. (elevation 6879′)

Thence 105° for 2.4 miles to a ridgepoint on the Granite Creek-Morrison Creek divide. (elevation 7193′)

Thence 50° for 1.8 miles to a ridgepoint on the northern portion of Slippery Bill Mountain. (elevation 7519′)

Thence southeasterly for 3.1 miles along Slippery Bill Mountain to the continental divide at a ridgepoint dividing Puzzel Creek and Cresent Creek. (elevation 7133′)

Thence southeasterly for 3.0 miles along the continental divide to a ridgepoint on the North Badger Creek-Elbow Creek divide. (approximate elevation 6810′)

Thence north-northeasterly for 3.0 miles along the North Badger Creek-Elbow Creek divide to the highest of the Bruin Peaks. (elevation 7728′)

Thence 93° for 3.2 miles to Curly Bear Mountain. (elevation 7940′)

Thence southeasterly for 0.7 miles along the South Badger Creek-Lonesome Creek divide to Spotted Eagle Mountain. (elevation 8070′)

Thence 108° for 2.7 miles to Scarface Mountain. (elevation 8275′)

Thence southeasterly for 2.3 miles along the Steep Creek-Small Creek divide to the North Fork Birch Creek.

Thence easterly for 3.1 miles along the North Fork Birch Creek to the Lewis and Clark National Forest boundary.

Thence in a southeasterly direction for 8.9 miles along the Lewis and Clark National Forest boundary to the Sheep Creek-Scoffin Creek divide.

Thence in a southerly direction for 3.6 miles along the Sheep Creek-Scoffin Creek divide then along Walling Reef, crossing the North Fork Bupurer Creek, along the Washout Creek-Middle Fork Dupuyer Creek divide to Old Man of the Hills Mountain. (elevation 8237′)

Thence 157° for 2.7 miles to Mt. Frazier. (elevation 8237′)

Thence 164° for 1.6 miles to Mt. Werner. (elevation 8090′)

Thence in a southwesterly direction for 4.3 miles along the East Fork Teton Creek-Muddy Creek divide then along the East Fork Teton Creek-Massey Creek divide to a ridgepoint on said divide. (elevation 6547′)

Thence 259° for 1.5 miles to a ridgepoint on a south-southeast ridge of Mount Wright. (elevation 6654′)

Thence 146° for 1.1 miles to a ridgepoint on the West Fork Teton River-North Fork Teton River divide. (elevation 6818′)

Thence southeasterly for 2.7 miles along the Porcupine Creek-Waldron Creek divide to Mount Lockhart. (elevation 8691′)

Thence westerly for 4.4 miles along the Olney Creek-Nesbit Creek divide and along Washboard Reef to the Bob Marshall Wilderness Area boundary. (continental divide)

Thence northerly then westerly for 52.5 miles along the Bob Marshall Wilderness Area boundary to the intersection of a line 0° from Limestone Peak to Dean Ridge.

Thence 0° for 3.8 miles to Dean Ridge.

Thence northwesterly along Dean Ridge for 3.7 miles to the intersection of a 90° bearing from Green Mountain.

Thence 270° for 2.8 miles to Green Mountain.

Thence northwesterly for 1.5 miles along the Twin Creen-Trail Creek divide to Bent Mountain.

Thence 276° for 5.8 miles to Beacon Mountain. (elevation 5367′)

Thence 318° for 1.2 miles to a ridgepoint on the south ridge of Crossover Mountain dividing Hungry Horse Reservoir and Lower Twin Creek. (elevation 5139′)

Thence northerly for 4.9 miles along the Hungry Horse Reservoir-Lower Twin Creek divide to Dry Park Mountain. (elevation 7196′)

Thence 321° for 2.3 miles to a ridgepoint on the southwest ridge of Circus Peak. (approximate elevation 7130′)

Thence 344° for 1.1 miles to Prospector Mountain. (elevation 8105′)

Thence 315° for 2.0 miles to Baptiste Lookout. (elevation 6698′)

Thence 341° for 2.7 miles to a ridgepoint on the Paint Creek-Logan Creek divide. (elevation 6431′)

Thence 351° for 1.9 miles to a ridgepoint on the Felix Creek-Unawah Creek divide. (elevation 6481′)

Thence 314° for 1.2 miles to a ridgepoint on the Harris Creek-Felix Creek divide. (elevation 6853′)

Thence 330° for 2.6 miles to a ridgepoint on the Clorinda Creek-Canyon Creek divide; approximately 0.6 miles up the ridge from the old Canyon Lookout site. (approximate elevation 6960′)

Thence 332° for 2.4 miles to a ridgepoint on the Murray Creek-McInernie Creek divide. (elevation 6890′)

Thence 324° for 0.9 miles to Mount Murray. (elevation 7152′)

Thence 340° for 2.0 miles to a ridgepoint on the Seagrid Creek-Riverside Creek divide. (approximate elevation (6170′)

Thence 325° for 3.6 miles to a ridgepoint on the Lost Mare Creek-Hungry Horse Creek divide. (approximate elevation 5820′)

Thence 359° for 1.5 miles to a ridgepoint on the Turmoil Creek-Lost Mare Creek divide. (elevation 6565′)

Thence 340° for 1.6 miles to a ridgepoint on the Tiger Creek-Turmoil Creek divide. (elevation 6405′)

Thence 287° for 0.8 miles to a ridgepoint on the Margaret Creek-Tiger Creek divide. (approximate elevation 6200′)

Thence 277° for 1.2 miles to a ridgepoint on the Strife Creek-Margaret Creed divide. (elevation 5650′)

Thence 331° for 5.3 miles to a ridgepoint on the Emery Creek-Kootenai Creek divide. (elevation 7175′)

Thence northerly for 1.8 miles along the Middle Fork Flathead River-Kootenai Creek divide to the intersection of the southern line of section 32 township 32 north, range 18 west. (approximate elevation 6220′)

Thence 90° for 2.7 miles to the point of beginning.

Sec. 2. The wilderness area established by this Act shall be known as the "Great Bear Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

By Mr. HELMS (by request):

S. 3730. A bill to amend section 8d(2) of the Agricultural Adjustment Act of 1933, reenacted, amended and supplemented by the Agricultural Marketing Agreement Act of 1937, as amended, to provide authority to grant certified public accountants access to confidential records for the purposes of making an audit. Referred to the Committee on Agriculture and Forestry.

Mr. HELMS. Mr. President, I am introducing today, by request, a bill to amend the Agricultural Adjustment Act of 1933, as reenacted, amended, and supplemented by the Agricultural Marketing Agreement Act of 1937, as amended.

I ask unanimous consent that a letter of transmittal to the President of the Senate from Mr. Richard Ashworth, Deputy Under Secretary of Agriculture, and the text of the bill be printed at this point in the Record.

There being no objection, the letter and bill were ordered to be printed in the Record, as follows:

Department of Agriculture,
Washington, D.C., June 4, 1974.

Hon. Gerald Ford,
President, U.S. Senate.

Dear Mr. President: Enclosed for consideration by the Congress is a draft of a proposed bill to amend Section 8d(2) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608d(2)), to provide specific authority to grant Certified Public Accountants access to confidential records for purposes of making audits of the operations of Federal milk market orders.

Milk market orders are designed to establish orderly marketing conditions for the sale of milk by dairy farmers to handlers. This is accomplished by fixing minimum prices which handlers pay to producers. These minimum prices are set at levels that reflect supply and demand conditions in the marketplace and assure consumers of an adequate supply of pure and wholesome milk.

The Agricultural Marketing Service of this Department is responsible for the administration of the 61 Federal milk marketing orders currently in effect in this country. Under existing practices the operations of these Federal milk marketing orders are now audited by the Office of Audit, Department of Agriculture. Because of other demands upon the Office of Audit, a substantial backlog of these audits has developed in recent years.

To assure regular and timely audit of the administration of the several Federal milk marketing orders, we propose to contract with Certified Public Accountants to conduct the audits which would otherwise be performed by the Office of Audit.

These Certified Public Accountants would be acting as independent contractors, would not be under Federal supervision, and, accordingly, would not be Federal employees. The use of Certified Public Accountants will permit annual audit of the Federal milk market orders.

The Office of Audit has been able to audit Federal milk marketing orders about once every 2½ years. This frequency is not adequate to assure effective administration of the Federal milk market order program. Each Federal Milk Market Order Administrator is responsible for the receipt and disbursement of substantial sums of money. Consequently, annual audit is both desirable and essential.

To perform satisfactory audits, it will be necessary for Certified Public Accountants to have complete access to the Market Administrators' books and records including information that is required to be held confidential under Section 8d of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608d). In addition to permitting Certified Public Accountants access to records of the Federal milk marketing orders, the proposed bill also provides for appropriate penalties for the unauthorized disclosure of information acquired by individuals and/or firms during the course of such audits.

The enactment of this legislation will not result in an increase in appropriations for this Department since the cost for employing Certified Public Accountants will be paid out of the milk marketing order assessment fund. This fund is derived from assessments on the industry.

In accordance with the provisions of Public Law 91–190, Section 102(C) the enactment of this proposed legislation would have no significant impact on the quality of the environment.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

Richard A. Ashworth,
Deputy Under Secretary.

S. 3730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (2) of Section 8d of the Agricultural Adjustment Act of 1933, reenacted, amended and supplemented by the Agricultural Marketing Agreement Act of 1937, as amendedt (7 U.S.C. 608d(2)), is amended by striking "or" at the end of clause (A), and by changing the period at the end of clause (B) to a comma and inserting the following: "or (C) the use of Certified Public Accountants to audit records relating to the operation of the agency established to administer a marketing order. All information so acquired by a Certified Public Accountant or member of his staff shall be for the exclusive use of and be available to the Secretary and such accountant and his staff shall be subject to the provisions of this section on the same basis as officers or employees of the Department of Agriculture."

Subsection (2) of Section 8(d) is further amended by striking out the last sentence and inserting in lieu thereof the following: "Any such officer, employee, or Certified Public Accountant or member of his staff, violating the provisions of this section shall upon conviction be subject to a fine of not more than $1,000 or to imprisonment for not more than one year, or to both; and in the case of any such officer or employee, he shall be removed from office, or in the case of any such Certified Public Accountant or member of his staff, he shall be ineligible thereafter to perform the functions authorized by this section.

By Mr. GRAVEL:

S. 3731. A bill to modify the Crater-Long Lakes division of the Snettisham project, Alaska, with respect to the terms and period of amortization of the capital investment of the United States in such project. Referred to the Committee on Interior and Insular Affairs.

Mr. GRAVEL. Mr. President, Alaska has come a long way since achieving statehood.

There are many needs yet to be met there, however, if its full potential is to be realized.

And certainly one of the most pressing of those is for an adequate and dependable supply of hydroelectric power with a rate structure low enough to bring it within reach of all prospective users.

That need has been increasingly evident over the past several years.

It is doubly so now, with the start of the oil pipeline project opening up a whole new vista for Alaskans, particularly in the expanding urban areas.

The demand we now face was not unforeseen.

Anticipating the essential future role of hydroelectric power, planners conceived and secured congressional authorization in 1962 of a development known as the Snettisham project to serve as a supply source for the State capital city of Juneau and the surrounding sector of the State.

Had the development progressed as planned, the dream of low-cost power for Juneau would be well along the way to reality.

Unfortunately, it has not turned out that way.

Almost from the start of work in 1967, the project has been plagued with problems.

There have been contract difficulties, construction delays and cost escalations beyond the normal rate of inflation.

Those factors combined to set the schedule for first-unit power production back by a full 18 months.

Disaster struck again within weeks after the start of project operation in December of 1973.

Strong winds and ice storms wrecked transmission line towers in early February completely disrupting service to Juneau after causing previous interruptions for protracted periods.

It will take at least until next September to complete temporary line repairs to insure restoration of service through the winter months and will require about 3 years to make permanent repairs, including probable relocation of the transmission lines.

The effect of all this has been to turn Juneau's dream into something of a nightmare.

Whereas the original cost of the project was estimated at about $43 million, the latest projection is for $90 million by the time the second phase of the development is finished in 1978 or later.

Whereas a whole rate of about 7.5 mills per kilowatt hour would have supported the project payout over a 50-year period, the rate is now pegged at 15.6 mills and will go higher when the additional costs are figured into the repayment base.

Juneau power users are in no sense responsible for the misfortunes that have plagued the project up to now but are, in a very real sense, the innocent victims of circumstances.

I think they are entitled to some relief from the harsh and onerous burden which this situation has imposed upon them.

I am today proposing such relief in the form of legislation providing for modification of the terms and extension of the period for repayment of the Snettisham project costs to the Federal Government.

My bill would stretch the amortization period to 60 years, with only token payments required during the first 10 years.

The first annual payment would be one-tenth of 1 percent of the principal, with that amount increasing by an additional one-tenth of 1 percent in each of the succeeding 9 years. Under that arrangement, the payment in the 10th year would be a full 1 percent of the total.

The balance of the amount due, including interest for the entire 60-year period, would then be repaid in installments over the last 50 years.

This arrangement would have the advantage of requiring the lowest payments during the period when the market for Snettisham power is still being developed and broadened and of delaying the bulk of the obligation until the project is at full power with a maximum of customers. In that way, it would mean a reduced burden for each individual user.

Let me stress that there is specific current precedent for the plan of graduated token payments which I have proposed. A similar provision was authorized in section 46 of this year's Water Resources Development Act—Public Law 93-251—with reference to a contract between the Corps of Engineers and the city of Aberdeen, Wash., covering water supply storage costs.

I am also advised that the amortization of some Bureau of Reclamation project provides a general precedent for concessions such as I am proposing in the Snettisham instance.

In my judgment, the special considerations provided in my bill are entirely proper and necessary for the protection of the legitimate rights and interests of the Juneau area and southeastern Alaska, and I firmly believe the legislation will contribute substantially to insuring that the project eventually fulfills the mission for which it was designed.

I am going to continue to work for completion of the development with as few additional delays as possible because I am convinced that it can be of tremendous future benefit.

It was in that context that I filed the request, subsequently granted by the Senate Appropriations Committee, that the Corps of Engineers be given authority to shift $1.4 million in existing funds to finance the temporary transmission repairs.

I have likewise urged that $700,000 be added to the corps fiscal 1975 budget for Snettisham to finance the first year of permanent repairs.

In pressing for those repairs I do not in any sense intend to foreclose the possibility of seeking to separate their costs from others entailed in the project and of asking for other reductions in the repayment schedule later to the degree to which Federal responsibility can be fixed for cost escalations.

Regardless of any such subsequent determination, however, I think it is important that some specific relief be provided to the Juneau area with respect to the amortization schedule.

That is the purpose of the bill which I am now introducing. I ask that it be promptly processed and referred for early committee consideration.

By Mr. MATHIAS:

S. 3732. A bill to provide for an extension of the life of the American Revolution Bicentennial Administration, and for other purposes. Referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, I am introducing today a bill to extend the authorization for the American Revolution Bicentennial Administration which has recently come under the leadership of the Honorable John W. Warner. Mr. Warner promises to bring the ARBA a program that is both dynamic and creative. The current authorization for the American Revolution Bicentennial Administration expires on December 31, 1976. I am proposing that we extend the authority for the ARBA to December 31, 1983, so that we might commemorate the 200th anniversary of our emergence as an independent nation in a manner which will not only honor the past but, more importantly, shape the future.

In 1776, the American Colonies declared their independence. In 1783, the signing of the Treaty of Paris by the newly formed United States and Great Britain marked the recognition of that independence and of our self-determination as a nation.

In commemorating this anniversary, I would hope that we shall achieve a twofold celebration. On the one hand, no national birthday would be complete without a reflection upon the events and the people who shaped our history. Certainly, our Bicentennial festivities should include parades, the issuing of commemorative coins and stamps, reenactments of historical events. Festivities such as these give us a deeper feeling of belonging, a feeling of getting just a little closer to our beginnings. But, I believe the Bicentennial offers us a much greater opportunity—it offers us the chance to know not only who we as Americans were, but who we are and where we are headed. I would hope that in addition to the gaiety of the parades, our celebrations will also be marked by a solemn reflection and reaffirmation of the ideals and principles that motivated those who first launched the American experiment.

Clearly, from a historical viewpoint, a 1-year celebration does not correspond to the years of the American Revolution. Some of the most well-known events in our history occurred after 1776—the great naval battles of John Paul Jones, the winter hardships endured by General Washington and his troops at Valley Forge, the decisive battle of Yorktown and, of course, the climax of the Revolution with the signing of the Treaty of Paris. Every school child in this Nation learns of these events, and they become an integral part of our American consciousness—that same sense of self which motivated our forefathers. We cannot celebrate the year in which we declared our independence without also celebrating those contributions which made that declaration a reality.

Perhaps of even greater importance is the fact that a 1-year observance does not afford sufficient time for taking the ideals and goals of our formative days and relating them to the lives we lead in contemporary America. The Bicentennial is an opportunity that will not recur in our lifetime. We must not let it pass without revitalizing that cohesiveness of spirit and purpose which served us well in 1776 and which can once again be our strength today. The Bicentennial is an opportunity for a Nation of over 200 million people of all races, religion, ethnic backgrounds, all economic levels to see ourselves not only as unique individuals but as significant and necessary parts upon which depends the type of society we are to have today and the heritage we are to leave to the future. We enjoy a heritage both rich in principle and daring in design. We should not be content to leave as our contribution a heritage any less inspiring.

Walt Whitman expressed the depth of the American experience when he said:

> Did you, too, O friend, suppose democracy was only for elections, for politics, and for a party name? I say democracy is only of use there that it may pass on and come to its flower and fruit in manners, in the highest forms of interaction between men, and their beliefs—in religion, literature, colleges, and schools—democracy in all public and private life . . .

If we fail to recognize that depth, if the Bicentennial becomes a holiday time for empty clichés and tired sentiments, the spirit of the Revolution will have died. But if the Bicentennial can recapture the ideals, the wisdom, the courage, and forthrightness of early days and if the people take up these ideals once again and face the challenges ahead with wisdom and courage and justice, then we will have succeeded. But, we must first make a decision as to the importance which we place on this commemoration.

Abraham Lincoln once said, "Be not deceived, revolutions do not go backward." We will show something of ourselves as a people by the way in which we mark our 200th anniversary—whether we are a people who enjoy a reflective look at the past or a people who find even more rewarding a role in shaping the America of the future. By allowing ourselves adequate time, I am confident that our Bicentennial observance will show us as a people who revere the past, who improve the present, and who challenge the future.

Mr. President, I ask unanimous consent that the text of this bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7(a)(2) of the Act entitled "An Act to establish the American Revolution Bicentennial Administration, and for other purposes", Public Law 93-179, approved December 11, 1973, is amended by striking out "1976" and inserting in lieu thereof "1983".

(b) Section 7(b) of such Act is amended to read as follows:

"(b) An annual report on the activities of the Administration, including an accounting of funds received and expended, shall be furnished by the Administrator to the Congress and a final report shall be made to the Congress not later than December 31, 1983. The Administration and the Board shall terminate on December 31, 1983, or on the date of the filing of the final report, whichever is sooner."

SEC. 2. Section 10(i) of such Act is amended by striking out "June 30, 1977" and inserting in lieu thereof "December 31, 1983".

SEC. 3. The second sentence of section 3 of the Act entitled "An Act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution", Public Law 92-228, approved February 15, 1972, is amended by striking out "June 30, 1977" and inserting in lieu thereof "December 31, 1983".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2422

At the request of Mr. MATHIAS, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 2422 to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape.

S. 2801

At the request of Mr. PROXMIRE, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 2801 to prevent the Food and Drug Administration from regulating safe vitamins as dangerous drugs.

S. 2938

At the request of Mr. JACKSON, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2938, the Indian Health Care Improvement Act.

S. 3096

At his own request, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3096, a bill to provide special assistance to small businesses affected by energy shortages.

S. 3666

At the request of Mr. PROXMIRE, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 3666 for the relief of Marlin Toy Co. of Horicon, Wis.

S. 3717

At the request of Mr. HUMPHREY, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), and the Senator from Alabama (Mr. SPARKMAN) were added as cosponsors of S. 3717 to extend the Emergenry Petroleum Allocation Act of 1973 to June 30, 1976.

SENATE JOINT RESOLUTION 142

At the request of Mr. CURTIS, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of Senate Joint Resolution 142 proposing an amendment to the Constitution of the United States relative to the balancing of the budget.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 92

At the request of Mr. HUMPHREY, the Senator from Wyoming (Mr. MCGEE) and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Concurrent Resolution 92, expressing the sense of Congress that certain responsibilities of the U.S. Customs Service should not be transferred to the Immigration and Naturalization Service.

SENATE CONCURRENT RESOLUTION 93

At the request of Mr. PROXMIRE, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of Senate Concurrent Resolution 93 calling for a study by the Joint Economic Committee of the economy with special reference to inflation.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 347

At the request of Mr. MANSFIELD (for Mr. INOUYE), the Senator from Alaska (Mr. GRAVEL), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Montana (Mr. MANSFIELD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Utah (Mr. BENNETT), the Senator from Louisiana (Mr. LONG), the Senator from Hawaii (Mr. FONG), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of Senate Resolution 347 to authorize the Committee on Commerce to make an investigation and study on the policy and role of the Federal Government on tourism in the United States.

AMENDMENT OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970—AMENDMENT

AMENDMENT NO. 1539

(Ordered to be printed and to lie on the table).

LIFTING OF THE TURKISH BAN ON OPIUM PRODUCTION

Mr. MONDALE. Mr. President, a little more than a week ago, on June 28, the Turkish Government announced that it would resume the production of opium which it banned 3 years ago. Today I would like to describe the tragic impact this action will have on the American people, and explain why as a consequence, I propose that all forms of U.S. economic and military assistance to Turkey be suspended.

The Turkish decision to lift the ban is a major setback in the struggle to rid this country of the menace of heroin. Before the ban in 1971, Turkey supplied more than 80 percent of the illegal heroin in the United States. There was an estimated 600,000 heroin addicts in this country, but even more important, the growth in heroin addiction was staggering. In the mid-sixties the estimated number of heroin addicts was between 50 and 100,000, concentrated mainly in New York City. By 1971, heroin addiction had become an epidemic, increasing 5- to 10-fold and reaching into every major city in America. No social class or ethnic group was immune. Heroin was a source of tragedy not only for the welfare mother in the ghetto but for the well-to-do suburban family as well.

Until the recent Turkish decision, heroin had ceased being front page news. The cut-off in cheap and plentiful supplies of Turkish opiates in 1971 created a drought in the heroin market. The cost of supporting a habit became astronomical. The dramatic increase in heroin addiction was stopped and then turned back. Addicts, unable to maintain their habits, came in off the streets and enrolled in various Federal and State and local rehabilitation programs.

As a result, since the Turkish opium ban, the number of heroin addicts in the United States has dropped more than 60 percent. Today the President's Special Action Office for Drug Abuse Prevention puts the total at less than 250,000. Here in the Nation's Capital the number of heroin addicts has gone from 16,000 at the end of 1971—the year the ban was imposed in Turkey—to only 2,000 today.

This dramatic progress in the fight against heroin is now placed in jeopardy. With Turkish opium again available to be made into heroin, pushers and dealers will now have access to easy supplies. The hard and painful work of rehabilitating addicts will be undermined. But what is worse, the pyramid sales game for heroin can start up again: pushers turning on more addicts to support their habit and each of the new addicts doing the same to support theirs, with the process repeating itself over and over. And the target market is the children of every one of us.

While the tragedy and human suffering may be confined to the individual addicts and their families, the social and economic cost will be borne by all of us. We all will pay for the crime and social disruption accompanying a renewed outbreak of the heroin epidemic. Firm data is difficult to establish, but the Drug Enforcement Administration estimates that the annual average cost of supporting a heroin habit is now more than $18,000. Using this figure, if heroin addiction again grows at the rate before the Turkish ban—more than 100,000 new addicts annually—we are talking about a $200 million increase each year for the dope dealers—most of it financed through burglary, theft, prostitution, muggings, and turning on even more addicts. The bill for law enforcement, insurance, court action and social programs to help those who can be salvaged will be many times greater.

When foreign governments seize American property without compensation, the law requires the termination of economic and military assistance. For example, we threatened to impose the so-called Hickenlooper amendment when Peru nationalized American oil companies worth approximately $150 million. The decision of the Turkish Government will cost America lives and property on a scale that dwarfs the value of the industries seized by the Peruvians. If heroin addiction in the United States should again increase to the 1971 level, the cost could well run into the billions of dollars.

What excuse or rationale does the Turkish Government have for lifting the ban? The Turks say that it is economically necessary, that they can prevent illegal diversion of opium, and that it is a domestic political matter. Each of these deserves our close consideration.

First the economic argument. The legal production of opium before the ban accounted for less than 1 percent of Turkish GNP, so legal production is hardly a critical factor. As for the farmers who grew it, the Turkish Government was not sufficiently concerned for their economic welfare even to spend most of the $35 million we provided to enable the farmers to switch to another crop.

In other words, when the Turkish Government 3 years ago agreed to ban opium production the United States appropriated money to pay the farmers for their losses. The Turkish Government did not even turn that money over in large part to the Turkish farmers who had suspended production of opium.

The economic argument only holds up if the Turks are talking about illegal opium production. That is where the money is made by those who grow it illegally, by a few rich families in Istanbul that finance illegal drug traffic, and by a few Turkish politicians who protect it. And that is the real economic incentive to lift the ban.

The Turkish Government, of course, claims it will closely control opium production and do everything in its power to prevent illegal diversion. Unfortunately that will not be good enough. The reason for a ban in the first place was because it was clear that opium production in Turkey could not merely be controlled. The financial rewards make corruption and bribery irresistible.

The personal and family relationships of many involved in the drug traffic go back decades if not centuries, and rival that of the so-called Mafia. In fact, many of the most notorious drug dealers have recently been let out of jail by the Government of Turkey.

If these facts were not enough, the way the decision was carried out and other actions of the Turkish Government make abundantly clear that there will be no effective enforcement of controls.

The Turkish Government's decision to lift the ban was made without the prior notification which we had been promised.

The Turkish Government is actually expanding opium production beyond that of 1971. At that time, when Turkey was the source of 80 percent of the heroin in the United States, opium was grown in only four provinces; now it will be grown in seven.

No specific safeguards or control measures of any kind were spelled out in the Turkish announcement.

As I just mentioned, the Turkish Government last month released all the convicted narcotics traffickers in the course of a general amnesty.

Mr. Erbut, the chief of the national police, who is considered a highly competent professional by U.S. drug enforcement officials, and who has made clear that controlling opium in Turkey is impossible, has been eased out of office by the present goverment.

In sum, the Turkish decision to grow opium again was taken despite our entreaties and in the full knowledge at the highest level of the Turkish Government that there is no way that the Turks can prevent opium from being illegally diverted into heroin and onto American streets.

I consider this a reckless and hostile act by a country for which I have long had great admiration and respect. I appreciate that growing opium poppies is a serious political issue in Turkey. But lifting the opium ban precipitates even more grave domestic problems in the United States—it amounts to a declaration of war against our children.

What can and should we do about this? Clearly we will have to put even more resources in trying to defend ourselves from the onslaught of heroin—more money for local, State, and Federal enforcement, for customs control, international surveillance, and arrests. But I think we must do more.

Legislation which I sponsored and which was enacted into law, requires the President to suspend all economic and military assistance including military credit sales when he determines that a country has failed to take adequate steps to prevent drugs, originating in that country, from entering the United States.

I have called upon the President to use this authority with regard to Turkey, but I am not confident he will do so.

The 1971 Turkish ban resulted from an effort at the highest level of this government—including the President himself—to stop the spread of heroin in the United States and to halt its entry by stopping it at the source. That high-level commitment stands in marked contrast to the silence that greets the subject today by our administration.

I have talked to our Ambassador to Turkey who is now returning for consultations. I believe he has made a serious and strong effort over several months to persuade the Turkish Government to maintain the ban. I have been told that high-level backing here at home might have made the difference, but he did not get it. The President has remained silent, the Secretary of State has remained silent. In all of their travels they have not once gone to Turkey to discuss this issue even though it directly threatens the lives of thousands of Americans. In fact at the most delicate stage of the negotiations to maintain the ban, President Nixon's aide Ken Cole startled newsmen that the administration was considering growing opium in this country.

With this record, we must be skeptical about the likelihood that the President will exercise his authority to terminate military and economic assistance to Turkey. We must be prepared to take direct legislative action instead.

There will be many objections to legislating a direct cutoff in economic and military aid. These objections should be faced squarely. We are certain to hear the same tired national security arguments about how we cannot do anything to jeopardize our strategic position in Turkey, about the importance of our military bases and intelligence facilities there. I, for one, think it is time to reconsider both the strategic value of these installations, and even more importantly, the priority we give abstract concerns about strategic position over the concrete, and in this case brutal, costs to be borne by the American public in the name of national security.

First, let us take a hard look at the strategic situation. Our relations with the Arab countries have markedly improved. We are no longer clinging to the northern edge of the Eastern Mediterranean. We are home-porting naval vessels in Greece which enables us to offset the expansion in the Soviet Navy's Mediterranean deployment. Our alliance with Turkey in NATO has done nothing to curb the Soviet naval buildup in the Mediterranean even though their lifeline runs right through the Bosporus.

It is important to recognize that we cannot use our bases in Turkey except when Turkey is at war with the Soviet Union. Otherwise they are worthless. During the Arab-Israeli war last October, the Turks permitted the Soviet Union to overfly Turkey to resupply the Arabs, but would not let us use our bases there to refuel our reconnaissance aircraft. This example of favoritism to the Soviet Union provides a measure of how much our so-called strategic position in Turkey is worth.

In the remote case of conflict with the Soviet Union, our bases would be used to support the Turks. We apparently do not consider this threat imminent since a good portion of the U.S. aircraft in Turkey are based half of the time in Spain. We do not plan to mount strategic attacks on the Soviet Union from Turkey. In terms of overall strategic nuclear deterrence our bases there are obsolete—their real utility is to deter local aggression against Turkey. The Turks are not doing us a favor by letting us have bases; it is the other way around.

And what about our intelligence facilities there? Well, it is very easy to raise the specter of indispensable secret intelligence assets. But I believe that those who are truly knowledgeable in this area will support my contention that advances in satellite reconnaissance and other facilities are fully adequate to take care of our priority concerns without the use of those in Turkey.

The alleged strategic value of Turkey should no longer control our decisions in this age of strategic nuclear missiles, intelligence satelites, détente with the Soviet Union and rapproachment with the Arabs. It is not worth the kind of bargain in which we give Turkey almost a quarter of a billion dollars in economic and military assistance, as we plan to do this year, and in return the Turks provide us with tens of thousands more heroin addicts and hundreds of millions of dollars worth of crime.

The American people are fed up with this kind of foreign policy. They no longer accept definitions of national security that leave their children more threatened and their property less secure. There is great concern that the American people are again growing isolationist. The reason for this trend is simple: The American people are continually asked to pay for foreign policies that give them little or nothing in return. In this case it is even worse: they are being asked to spend $232 million this fiscal year on a country that will give back only misery and the conceit of some dubious strategic position.

The Turkish Government was aware of the possibility of an aid cutoff when it made its decision. So, I do not believe that we will lose our bases in Turkey as a result of terminating our aid. But if we do, so be it. For those who feel otherwise, I would only ask them to consider how many lives wrecked by heroin they are willing to pay for these bases.

It is inconceivable to me that in the light of the Turkish Government's decision the Congress will approve the administration's request for $232 million in economic and military assistance including credit sales to Turkey. I am therefore proposing that all such economic and military assistance and all such sales be suspended until such time as a ban on the growing of opium poppies in Turkey is again in effect.

What good will an aid cutoff do? Will it help get the ban reestablished? I think the answer is "yes." Money is the cause of lifting the ban and it will only be reimposed if we talk the same language. We are the major source of support for the Turkish Army and a principle source of aid for the Government. This action will provide an incentive for the Turkish Government to reconsider its decision. The only other suggestion I have heard is to pay still more for the Turks to reimpose the ban. Apart from being repugnant, I do not think this will work, because the Turks have not even spent all the money we gave them the first time.

Cutting off aid also will make clear to other governments that we are indeed serious and committed to combating heroin. This will be important in order to get the cooperation we need to defend ourselves from Turkish opium. The French Government in particular has made an enormous and costly effort to knock out the infamous French connection. What further sacrifices will they be prepared to make if we stand idly by and do nothing in response to the Turkish action?

Finally action by Congress to cut off aid to Turkey will demonstrate to the American people that we are going to pursue a foreign policy that serves interests of the average American for a change. This is essential if we are going to reestablish the broad popular support required for an effective foreign policy. And the support of the American people is more important strategically than Turkish friendship and Turkish real estate.

Mr. President, this year the administration proposes that we spend $232 million of American taxpayers' money in military and other assistance to the Turkish Government which has just decided to resume and expand production of the death-dealing opium poppy which they know will end up in the form of heroin afflicting the lives of thousands and thousands of Americans.

I consider it an outrageous act, one that is totally unjustifiable, and one which this country cannot tolerate.

For that reason, Mr. President, I am introducing today, and will propose that it shortly be brought up as an amendment, legislation to terminate all sales to Turkey under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, until such time as the Director of the Drug Enforcement Administration determines that a ban on the growing of opium poppies in Turkey is again in effect.

Mr. President, I ask unanimous consent that a proposed amendment terminating economic and military assistance to Turkey be inserted at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1539

On line 9 immediately before "That" insert "Sec. 1".

After line 7 insert the following new Section 2:

INTERNATIONAL NARCOTICS CONTROL

SEC. 2. That *Section* 481 of the Foreign Assistance Act of 1961, as amended, is amended by the addition of the following new paragraph (c):

"(c) The Government of Turkey, having announced its decision to resume the production of opium poppies, shall not be the recipient of economic and military assistance furnished under this or any other act, and all sales to Turkey under the Foreign Military Sales Act and under Title I of the Agricultural Trade Development and Assistance Act of 1954 shall be suspended, until such time as the Director of the Drug Enforcement Administration determines that a ban on the growing of opium poppies in Turkey is again in effect."

AMENDMENT OF THE EXPORT-IMPORT BANK ACT OF 1945—AMENDMENT

AMENDMENT NO. 1540

Mr. SCHWEIKER. Mr. President, I am today introducing an amendment to S. 3660, the new Export-Import Bank authority bill, to require that all Eximbank direct loans be made at the prevailing market rate for loans of comparable maturity.

As my colleagues know, the original purpose of the Eximbank was to subsidize and assist American exporters, to enable them to develop export markets in countries where normal financing arrangements were unavailable. Through most of the life of the Bank, there has been an underlying assumption that the

American economy has an unlimited capacity to produce goods for export, and that ever-increasing exports are, by definition, beneficial to our economy. To achieve expanded exports, the Eximbank has historically offered a modest interest rate advantage as compared to the private money market: for many years, when commercial prime rates fluctuated around 7 percent, the Eximbank interest rate was 6 percent.

In recent months, however three things have happened which indicate the necessity for my amendment. First, the Eximbank has expanded far beyond its original purpose, and is increasingly financing exports to the wealthy, industrialized nations, where private commercial financing is available. Indeed, Eximbank subsidies to the Soviet Union, which has a gross national product second only to our own, have amounted to hundreds of millions of dollars in the last year alone.

Second, the energy crisis and raw material shortages have demonstrated that the historical assumption underlying the Bank's activities is no longer valid; some exports are clearly not in our national interest today, and these should no longer be subsidized by our Government. Finally, inflation has driven the private money market interest rate from 7 to 12 percent, while the Eximbank has merely nudged its lending rate up to 7 percent.

The result, Mr. President, is that no businesman in his right mind can afford any longer to focus his production efforts on activities which will benefit our domestic economy. In Ex-Im's enthusiasm to subsidize exports, it has priced the American public right out of the marketplace, by making it twice as expensive to finance domestic sales as to finance foreign sales. At a time when international raw materials shortages would hamper our economy under the best of circumstances, this continuing Government subsidy of transactions against our national interest is nothing short of disastrous. Each deal hits the American taxpayer three times: our consumer prices go up, American jobs go down, and the taxpayer indirectly pays for the Eximbank subsidy.

I have already offered an amendment to absolutely prohibit Eximbank subsidies of fossil fuel exploration and production in communist countries. My amendment today will eliminate the Eximbank interest rate differential. I might add that the Overseas Private Investment Corporation, which in many respects has objectives analogous to those of the Eximbank, already adheres to a policy of making loans only at the prevailing private rate. This amendment will not cripple the Bank, but it will stop the Bank from crippling our economy.

Mr. President, I ask unanimous consent that the text of my amendment and the attached editorials from the Washington Post and the Wall Street Journal be printed in full following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1540

At the appropriate place in the bill, insert the following:

"( ) The Bank shall conduct its operations on a self-sustaining basis, and shall require the payment of interest on the unpaid balance of any extension of credit by the Bank at a rate which is not less than the prevailing private market rate on loans of comparable maturity, as determined by the Secretary of the Treasury as of the last day of the month preceding the date of the extension of credit."

[From the Washington Post, July 2, 1974]

THE EXIMBANK AND EXPORT SUBSIDIES

The Export-Import Bank and its troubles demonstrate the rising force of foreign trade as a political issue in this country. The bank is, for the moment, out of business because its authorizing legislation expired last Sunday. Normally a 30-day extension might have been expected to slide through Congress by unanimous consent but, it turned out, consent in the House was far from unanimous. The administration had to take the extension to a floor vote which was embarrassingly close for a temporary reprieve of this nature. Meanwhile, in the Senate, a broad coalition led by Sen. Adlai Stevenson II (D-Ill.) has written a series of sharp new restrictions into the bill that will presumably put the bank back into operation, later this summer, for another four years. One reason for this unusual challenge to the bank is its widening role as the vehicle for financing very large projects in the Soviet Union. Another reason is the suddenly massive scale of the subsidies that the bank offers through its low-interest loans to foreign companies, some of which are in direct competition with American industry.

To begin with a relatively small example, consider the Eximbank's loan last March of $22 million to a refinery in the Bahamas for oil desulfurization equipment. The loan was granted at the bank's 6 per cent interest rate. Since the commercial bank's prime rate then was about 9 per cent, the Eximbank loan represents a clear subsidy of at least 3 per cent, or $670,000 a year, to the Bahamian operation. This subsidy was granted at a time when the Nixon administration is trying to launch its Operation Independence to develop this country's domestic energy resources. The American companies that own the Bahamian refinery could not have obtained that $670,000 subsidy to build the same desulfurization plant in the United States. The desulfurization equipment will add to the volume of American exports as it goes out. But since it will produce oil for the American market, adding to our imports as it comes in, it is hard to believe that this subsidy is going to bring any very lasting benefit to the American balance of trade.

There are far more important examples of this mindlessly lavish pattern of export subsidies. The most spectacular was the bank's decision in late May to extend $180 million in loans to the Soviet Union for a cast complex to produce natural gas and fertilizer. The prime commercial rate was hovering just under 12 per cent at the time, while Eximbank's rate was still 6 per cent. Even assuming that the project could have obtained financing at the prime rate, the Eximbank loan represents a subsidy of 6 per cent, of $10.8 million a year. Why is the United States providing multi-million-dollar support to industrial development in the Soviet Union?

The Eximbank's standard answer is that we are only providing an inducement to them to buy American equipment which, in turn, means jobs from the Americans who produce it. But, to go a step further, some of the fertilizer will eventually come back to American markets. Perhaps by this point the reader will see why the administration is finding it an uphill job to get the Eximbank bill through Congress.

Some Congressmen oppose any trade benefits to the Soviet Union as long as they impede the emigration of Jews. Others oppose any benefits to Soviet trade at all. Still others, and these are standing on the firmest ground of all, oppose export subsidies in general. The Eximbank's only real defense of the practice is to observe, with a shrug, that after all most of the other industrial countries also subsidize their exports and, if we stop doing it, our exporters will be at a competitive disadvantage. While superficially attractive, that argument does not apply to many of the goods that the bank is most prominently subsidizing.

The chief categories of exports supported by Eximbank loans have generally been jet airliners, nuclear generators and fuel, oil and gas production gear, and agricultural commodities. In the field of the big jet airliners, all of the manufacturers are American and the question of international competition does not arise. Nuclear reactors are built under elaborate international agreements in which price is only one factor. For many types of oil and gas equipment, American companies are again the sole sources. As for agricultural commodities, foreign demand has been so strongly in the last two years that it has been pushing up American prices.

For most of its long life, the Eximbank has served a modest but useful purpose to which it now needs to be returned. During the Depression and in the years after World War II, it helped American companies sell abroad to buyers whose credit was at best shaky. It offered guarantees and insurance on the loans that made export sales possible. For most of the bank's life, the spread between its interest rates and the normal commercial rates was minor. It is only with the recent drastic rise in interest costs that the difference between normal commercial credit and Eximbank loans has turned into a tremendous subsidy. As one might expect, the industries with the least claim to this kind of aid—the aircraft and oil industries—have been the quickest to exploit it.

Congress can quickly resolve the most vexing of the issues in the Eximbank bill by a simple surgical operation to remove the interest subsidy. Congress can merely require its loans to be offered at prevailing commercial rates. The bank's other role, of guaranteeing and insuring loans, is valuable and needs to be preserved. Selling abroad, even for the small and inexperienced manufacturer, ought to be no more risky than selling at home. That is what Congress had in mind when it originally set up the Eximbank. It did not have in mind an open-ended system of subsidized loans to multinational corporations. The Eximbank bill gives Congress the opportunity to return to the rule that export subsidies are wrong in principle.

[From the Wall Street Journal, June 28, 1974]

A LONG LOOK AT THE EX-IM BANK

The authority of the Export-Import Bank expires today, which simply means that until Congress renews its authority the bank cannot make new loan commitments. How nice it would be if Congress took its time, say a year or two, before acting one way or another. It might even find that U.S. economic interests would be served by liquidation of the bank, which by our reckoning stays in business by sleight of hand and covert use of the taxpayers' money.

After all, the only thing the bank really does is subsidize exports. No matter how you slice it, it is a subsidy to provide 7% money to finance sale of a widget or an airplane to Ruritania or a computer to the Soviet Union, when an American businessman can't finance purchase of either for less than 11¾%. The bank gets privileged rates in the private capital market because the United States puts its full faith and credit behind the loans. Why the U.S. government should give the Ruritanian businessman a sweetheart deal that it won't give an American, save those at Lockheed, is beyond us.

The alleged economic justification for the bank's operation, which Ex-Im Bank Chairman William J. Casey pushes with great fervor, is that it improves the U.S. balance of trade. Granted, an export is an export. But Mr. Casey would have us look at only one side of the transaction. There's no way he could persuade us that wresting capital away from Americans, then forcing it abroad through the subsidy mechanism, does anything but distort relative prices, misallocate resources and diminish revenues, with zero effect, at best, on the trade balance.

Sen. Lloyd Bentsen of Texas sees part of the economics when both sides of the transaction are analyzed. He has an amendment that "would prevent Ex-Im financing of those exports involving the financing of foreign industrial capacity whenever the production resulting from that capacity would significantly displace like or directly competitive production by U.S. manufacturers." He has in mind Ex-Im's subsidizing of a foreign textile or steel plant that competes with its U.S. counterpart, to the detriment of our balance of trade.

Senator Bentsen thinks it's okay to subsidize finished products, like airplanes, which the Ex-Im Bank does plenty of. But Charles Tillinghast Jr., chairman of TWA, doesn't like the idea. He says TWA is losing piles of money flying the North Atlantic against foreign competitors who bought Boeing 747s and such with subsidized Ex-Im's loans. If TWA got the same deal, it would save $11 million a year in finance charges. Mr. Tillinghast is currently pleading for a government subsidy so he can continue flying the North Atlantic and providing revenues in support of, ahem, our balance of trade.

Even if Ex-Im Bank subsidized only exports of goods and services which could not conceivably come back to haunt us directly, we see adverse economic effects. Subsidizing the export of yo-yos to the Ruritanians gives them a balance of trade problem that they correct by subsidizing the export of pogo sticks to us. Taxpayers both here and in Ruritania are thereby conned by this hocus pocus into supporting lower prices for yo-yos and pogo sticks than the market will support. In fact, all our trading partners have their own Ex-Im Bank to achieve exactly this end.

Two and three decades ago, when the Ex-Im Bank was a modest affair, its impact was relatively trivial. Now, it has $20 billion of lending authority and is asking Congress to bump this to $30 billion. By 1971, its impact on federal budget deficits had grown so large that Congress passed a special act taking the bank's net transactions out of the federal budget, so the deficit would *look* smaller. But the transactions have the same fiscal effect as a deficit, and the same drain on the private capital market. In the fiscal year just ending, the bank took $1.1 billion out of the capital market. In the next fiscal year, it expects to take $1,250,000,000 out of it.

There being no economic justification for the bank, Congress should feel no qualms about letting its authority lapse for a few years to watch what happens. The Russians, eager to continue getting something for nothing through the Ex-Im Bank, would be mildly unhappy. But they'd adjust by getting into the private capital markets with the underprivileged. We'd be surprised, too, if our trading partners didn't follow suit by scrapping these nonsensical subsidies. And if they don't, why should we complain about their taxpayers sending us subsidized pogo sticks?

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. JACKSON. Mr. President, I wish to announce for the information of the Senate and the public that open public hearings have been scheduled by the Subcommittee on Parks and Recreation on July 10, 1974, for 10 a.m. in room 3110 Dirksen Senate Office Building, to hear Government witnesses only, on the following bills:

S. 657, to designate the Hells Canyon National Forest Parklands Area, and for other purposes.

S. 2233, to establish the Hells Canyon National Recreation Area in the States of Idaho, Oregon, and Washington, and for other purposes.

ANNOUNCEMENT OF HEARINGS ON SOLID WASTE LEGISLATION

Mr. RANDOLPH. Mr. President, the Committee on Public Works will hold hearings on July 9, 10, 11, 15, 16, 17, and 18 on solid waste management and resource recovery legislation. These hearings will be held by the recently established Panel on Materials Policy of the Subcommittee on Environmental Pollution.

Last month the Panel on Materials Policy considered the report of the National Commission on Materials Policy, the disposal of hazardous wastes, and the Federal-State relationships in the field of solid waste management and resource recovery. This month's hearings will consider legislation including, S. 3560, the Solid Waste Utilization Act of 1974; S. 3549, the Energy Recovery and Resource Conservation Act of 1974; S. 3277, the Energy and Resource Recovery Act of 1974; S. 1086, the Hazardous Waste Management Act of 1973; as well as S. 3723, the Resource Conservation and Energy Recovery Act of 1974.

These hearings will be held in room 4200 of the Dirksen Senate Office Building. The invited witnesses for July 9, 10, and 11 include:

On July 9, 1974, at 9:30 a.m.: Mr. Grant J. Merritt, executive director, Minnesota Pollution Control Agency.

Ms. Idamae Garrott, councilwoman, Montgomery County, Md., on behalf of the National Association of Counties.

The Honorable C. Beverly Briley, mayor of Nashville, Tenn., on behalf of the National League of Cities-U.S. Conference of Mayors.

On July 10, 1974, at 9 a.m.: Panel primary material industries: Mr. George Stinson, chairman and chief executive officer, National Steel Corp., on behalf of the American Iron and Steel Institute; E. J. Spiegel, Jr., chairman, Solid Waste Council of the Paper Industry; Dr. Robert Testin, Environment Planning Division, Reynolds Aluminum Co., Richmond, Va.; and Mr. Ebon C. Jones, executive vice president and, general manager of Packaging Group, Owens-Illinois, Inc., Toledo, Ohio.

Mr. James A. Zwerneman, associate director, College of Business Administration and Economics, New Mexico State University.

On July 11, 1974, at 9:30 a.m.: Panel chemical and plastic industries: Mr. John Georges, director of environmental affairs, E. I. Dupont Co., Wilmington, Del.; and Mr. George J. Hanks, Jr., operations manager—environmental and related affairs, Union Carbide Chemical and Plastic Group, Union Carbide Chemical Corp., South Charleston, W. Va.

Panel can and bottle users: Mr. Sidney P. Mudd, president and chief executive officer, Joyce Beverages, Inc., New Rochelle, N.Y.; Thomas E. Lee, Jr., president, Wellslee Coca-Cola Bottling Co., Clarksburg, W. Va.; Mr. Frank Sellinger, Anheuser-Busch Co., St. Louis, Mo.; and Mr. Peter Stroh, Stroh Brewery Co., Detroit, Mich.

At 2 p.m.: Andrew Biemiller, director, AFL–CIO, Washington, D.C.

The areas to be covered on July 15, 16, 17, and 18 are as as follows: July 15, 9:30 a.m.: Unions—steel, aluminum, glass, and chemical workers;

July 16, 9:30 a.m.: Environmental and public interest groups;

July 17, 9:30 a.m., Recycling and secondary material industries; and

July 18, 9:30 a.m.: Environmental Protection Agency and the Department of the Interior.

The specific names for these invited witnesses will be announced at a later time.

Interested or affected parties desiring to submit statements for the record should transmit them in 10 copies by August 2, 1974, to the Committee on Public Works, room 4204, Dirksen Senate Office Building, Washington, D.C. 20510.

CONTINUATION OF JOINT HEARINGS BY DISTRICT OF COLUMBIA COMMITTEE AND A SUBCOMMITTEE OF JUDICIARY COMMITTEE ON WASHINGTON, D.C., AREA RAIL COMMUTER PROBLEMS

Mr. MATHIAS. Mr. President, joint hearings will be resumed by the District of Columbia Committee and an ad hoc subcommittee of the Judiciary Committee on S. 2255, a bill to require under the Washington Area Transit Authority Compact, the inclusion of rail commuter service in the mass transit plan, on Wednesday, July 10, 1974, at 10:30 a.m. in Room 6226, Dirksen Senate Office Building. Persons wishing to present testimony should contact Mr. Robert Bowie or Mr. Michael Smith, minority professional staff member, District of Columbia Committee, 6218 Dirksen Senate Office Building, by the close of business on Tuesday, July 9, 1974.

ANNOUNCEMENT OF HEARINGS ON BARRIERS TO HEALTH CARE FOR OLDER AMERICANS

Mr. MUSKIE. Mr. President, as chairman of the Subcommittee on Health of the Elderly of the Senate Committee on Aging, I would like to announce two hearings in the series of hearings on "Barriers to Health Care for Older Americans" on July 9 and 17 at 10 a.m. each day in room 1318, Dirksen Senate Office Building.

On July 9, the General Accounting Office will present its findings on the home health benefit under medicare and medicaid. Representatives of the American Geriatric Society and American Public Health Association will also testify on home health and day care for the elderly and the long-term care provisions of national health insurance proposals.

On July 17, the Subcommittee on Long Term Care will join with the Subcommittee on Health of the Elderly to further consider NHI long-term care proposals. Representatives from the National Consumer League, American Nursing Home Association, and the American Association of Homes for the Aged will testify as well as Prof. Jules Berman from the University of Maryland.

ANNOUNCEMENT OF HEARINGS ON CONVEYANCE OF SUNDRY PUBLIC LANDS

Mr. JACKSON. Mr. President, I wish to announce a hearing by the Public Lands Subcommittee of the Interior and Insular Affairs Committee on H.R. 510, an act to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education; H.R. 5641, an act to authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, N. Mex.; H.R. 7188, an act to modify the boundary of the Cibola National Forest, and for other purposes; S. 192, a bill to convey the interest of the United States in certain property in Fairbanks, Alaska, to Hillcrest, Inc.; S. 221, a bill to authorize the Secretary of the Interior to convey certain lands in the State of Wyoming; S. 1225, a bill to authorize the conveyance of certain property of the United States to the State of Alaska; S. 1819, a bill to direct the Secretary of the Interior to convey certain lands in Geary County, Kans., to Margaret G. More; S. 2429, a bill to authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, N. Mex.; S. 2808, a bill to authorize the Secretary of the Interior to sell certain rights in the State of Wyoming; S. 2859, a bill for the relief of Marian Law Shale Holloway; S. 3289, a bill to amend the act of August 10, 1939 (53 Stat. 1347), and for other purposes; S. 3518, a bill to remove the cloud on title with respect to certain lands in the State of Nevada; S. 3574, a bill to relinquish and disclaim any title to certain lands and to authorize the Secretary of the Interior to convey certain lands situated in Yuma County, Ariz.; S. 3593, a bill directing the Secretary of the Interior to convey certain lands to Valley County, Idaho; S. 3615, a bill to authorize the Secretary of the Interior to transfer certain lands in the State of Colorado to the Secretary of Agriculture for inclusion in the boundaries of the Arapaho National Forest, Colo.

The hearing will be held on July 16, 1974 at 10 a.m. in room 3110, Dirksen Senate Office Building. Those who wish to testify or submit a statement for inclusion in the hearing record should contact Steven P. Quarles, Special Counsel to the Committee, at 225-2656.

ADDITIONAL STATEMENTS

FOR GOD AND COUNTRY

Mr. ROBERT C. BYRD. Mr. President, we have all recently heard the yearly speeches of Fourth of July orators. Many of us have ourselves been asked to speak on this occasion. We all understand the difficulty of finding the right words to make patriotism and pride in our heritage come alive for those who hear us, especially for young people.

On July 7, Senator Joseph M. Montoya was privileged to address the members and guests of the Cathedral Church of St. John in Albuquerque, N. Mex., in a special celebration of the Independence Day holiday.

Senator Montoya said some things which are not usually included in Fourth of July oratory. He talked about not only our rights, but our responsibilities as citizens. He assessed the changes which have been made in this century in the way we celebrate our independence and in the way we carry out our job of governing ourselves. He suggested some ways in which we could find our way back to the old fashioned faith and self-confidence of earlier times.

He has clearly expressed the need for a rededication to the spirit of the American Revolution and the Declaration of Independence. He has outlined the reasons why we must put our trust in ourselves and not in any official if we are to retain our status as free men and women.

I hope that every Member will take the time to consider the idea which Senator Montoya expressed to the people of Albuquerque. I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

For God and Country

(Remarks of Senator Joseph M. Montoya)

We meet this morning in a celebration of the independence of our nation and to reaffirm our faith in our God and our Country. That is an old-fashioned idea, and an old fashioned expression of the meaning of the Fourth of July.

There was a time when it was much easier to talk about the subject of government—just as there was a time when it was easier to talk about God.

Words had a steady meaning in those earlier, simpler times. When men said "For God and Country!" No one misunderstood their meaning. When a politician said "In God We Trust" people knew exactly what he meant by trust and exactly who he meant by God.

Today we are not so sure of our words or of their meanings—and not so sure about our virtues as public men and women.

What is it that has caused such insecurity and such confusion? Why are we now so lacking in trust—trust either in God *or* in ourselves?

To know the answer to that question, it seems to me, we must go back into the past to try to understand the causes which impelled earlier Americans to do and say the things which we celebrate at this time of year—the revolutionary things which we talk about so loudly on the Fourth of July, and which we seem to think about hardly at all during the rest of the year.

This year we have celebrated the Fourth with less assured rhetoric than usual, and with more worry. Many of us have listened to the bands and the speeches and watched the pyrotechnic display in the sky with certain uneasy feelings. Something, somehow, seems to be not as bright and challenging as we remember this celebration to be. What is it that has changed?

This holiday has always been celebrated joyously in America. In my lifetime Independence Day Holidays have always been noisy, exciting occasions.

That was true even in the very first days of the Republic. Yet I think there was one significant difference in those first years following the revolution.

In those days when people gathered together on the Fourth of July to celebrate, in the little towns and villages of the first states, the important thing about the celebration was not a firecracker or a band or a parade or even a speech.

The important thing then was the Declaration of Independence itself. Someone always read it aloud. That was the whole purpose of the celebration.

Those early Americans felt close to that document, and loved to hear it read aloud. Every word had a meaning and a significance, and every sentence had the power to move and excite them. Children were made to stand quiet and listen. The older men and women who remembered their days as colonists probably nodded their heads in agreement as the list of grievances against the King were read. Some probably still knotted their fists in anger and emotion.

When the "self-evident truths" of equality and unalienable rights were mentioned I am sure that people stood a little taller, and felt a swelling pride. These were basic rights for which they fought.

When the pledge of "our lives, our fortunes, and our sacred honor" was read, some of those early Americans probably shivered a little—for they could still remember clearly the meaning of that pledge, and they knew that each man who added his signature to that of John Hancock at the bottom of that terrifying document had signed his own death warrant as a traitor to the monarchy.

Earlier, less sophisticated Americans understood the importance of the document, and the act of signing it. They understood, too, the "firm reliance on the protection of Divine Providence," which the signers put into the Declaration.

Seven years later Benjamin Rush said something which should have meaning for us today. "The American War is over," he said, "but not the American Revolution. We have only finished the First Act of that great drama . . ."

Today, in 1974, there are some who think that now, at last, we are ringing down the curtain on the Last Act of that great drama.

I am not one of those who believe that to be true, but I can recognize and understand the fear which I hear expressed more and more these days. It is a fear that things have changed too much, too rapidly, and that the kind of government which those early Americans designed in order to secure their rights is no longer practical.

That is what is meant when we hear that the system isn't working.

That is what is meant when we hear people say "They all do it" when they discuss illegal or unethical action by men in government.

Yet in a democracy the people are the system—and the government. In the case of a people who govern themselves, as we do, it is not possible to say they all do it—we must, if we are going to admit that kind of fault, say we all do it.

I don't accept that thesis, and I am sure that you do not either.

We also hear it suggested that in the atomic age, or in the computer age, or in the age of electronics, it will be necessary for us to comprise our freedoms and make parts of our Constitution inoperative in order to stay alive, or to stay wealthy, or to stay powerful.

We hear constantly that the people are not capable of understanding the complex problems of the modern world—and we are even beginning to hear that the representatives of the people in Congress are not capable of understanding those problems.

We hear that inflation or pollution or overpopulation are such terrible problems that we must be willing to put our lives and our future into the hands of a few elite experts who will take care of things for us.

We hear that it is somehow "un-American" to put limits of any kind on the Executive branch of government, because the President must be able to respond instantly to today's threats, without consulting either the Congress or the people.

All of those statements would have amazed the early Americans who fought their revolution for the express purpose of opposing that kind of thought. They believed that with the independence of the American states and the American people a new era in politics had commenced.

"Our future happiness or misery as a people depend entirely on ourselves." Jonathan Elmer said that in 1776—and for most of the two hundred years of our history Americans have accepted without question the truth and the responsibility inherent in those words.

We fought political battles and argued over every piece of legislation, every new plan, every new idea—but we never doubted that in the end our happiness or misery as a people depended on ourselves.

We fought wars, even a great civil war, because we believed so strongly in our own responsibility to decide the vital questions of government ourselves.

Good men in every corner of the political spectrum spoke out in anger and heat on the major issues of the day. Dissent has always been the keynote of our democracy, and it evolved directly out of our belief that every citizen had the right and the responsibility to be a part of the system.

We seldom remember today that the nineteenth century was full of angry debate about government, and that the decisions of Presidents or Congresses were seldom made with quiet acquiescence by the people. The slogans and political cries of that century tell us better than any history book that it was not always a calm and peaceful existence for the servants of the people. Quarrels over free soil, tariffs, the abolition of slavery, the boundary lines of new states, the gold and silver standards, the railroads, foreign adventures, the emerging labor union, and the barons of business, over trust busting and free trade—all of those questions were part of the turmoil of those times. "Throw the rascals out!" was the theme more often than not in election after election.

Yet through it all the vigorous debate never seemed to shake the basic foundations and faith of the people of this nation—a belief in themselves and a belief in the decisions they made—and a belief in the guidance of God.

John Adams said that the American Revolution was in the minds and the hearts of the people. That revolution seemed to take root and grow so that no matter how serious the political debate or how loud the dissent, the people felt themselves in control and were not afraid.

Threaded through all the history of that time is the parallel faith which these men and women put in God. "God who gave us liberty"—Jefferson said it first, but the people believed it in their bones throughout most of the first century of self government and freedom.

Today that sentiment would probably seem old-fashioned and quaint.

What is it that has changed our feelings about ourselves and our God?

We are, today, in the midst of a great Constitutional confrontation between branches of government. We face that confrontation with the knowledge that nearly half of the eligible voters of this nation did not even bother to go to the polls in the last election. The righteous anger and involvement of the American citizen which kept the government hopping in the last century seems to have dissolved into a dragging apathy at best—and a frightened abstinance from responsibility at worst.

We seldom hear anymore that our happiness and our misery depends on ourselves, or that our liberty and the freedom of our minds derives from Almighty God.

I think it is clear that today we are beginning to feel the erosion of our own power and our own happiness, and we are searching for a way to return to the days of our self-confidence and youth. Is that possible?

I believe that it is, but it will require a much deeper assessment of the problems than we are hearing in the current debate.

Let me give just two examples of what I see as steps we must make to renew our commitment to self-government. There are many others, but I think I can demonstrate with these two the kind of problem we are facing.

For fifty years we have very slowly watched the balance of power in our branches of government shift. The three branches—Executive, Legislative, Judicial—were never intended to compete. They were intended to cooperate. They were meant to balance one another, not to bolt off in opposition to one another.

Yet we have watched the power of the Executive grow, while the power of the representatives of the people in Congress diminished. We have watched the responsibility of the people fade, too, with that change.

In the last few tragic years we have seen what was probably an inevitable result of that erosion of balance. No single Party or President can be held responsible. Ultimately we are all responsible, if we really believe in self-government.

In any time of swift change it is tempting to relinquish freedoms in exchange for safety. We began to give up the right to information about our own government during wartime—for the sake of safety for our troops. Soon the "secrecy" mania grew and grew, until today it is estimated that there are 55,000 men and women in government who have the power to stamp "Secret" or "Confidential" on a piece of paper and thereby hide the knowledge of what is on that paper from the people.

The Defense Department alone has classified documents which, if stacked in single sheets, would make eighteen piles each as high as the Washington Monument—555 feet! No single mind can comprehend the information on those papers, and there is no way that people who govern themselves can do so while so much information is hidden from them.

So one of the first things we must do is find a way to limit classification of documents in a sensible way so that real national security material is protected, but other information about government is open to the people.

In a century which has had two world wars and countless small police actions and minor conflagrations, we Americans have placed more and more power in fewer and fewer hands. We have only to recall that as recently as 1917 an American President came to the Congress to discuss a foreign policy decision saying "I owed it to you, as the counsel associated with me in the final determination of our international obligations, to disclose to you without reserve the thought and purpose that have been taking form in my mind."

That kind of consultation does not take place today.

That was President Wilson—and a few months later he called the Congress into special session to say "There are serious choices of policy to be made, and made immediately, which it was neither right nor constitutionally permissible that I should assume the responsibility of making."

If we think seriously about those words and their deeper meaning, we are all brought up short and forced to realize the great differences between President Wilson's time of shared responsibility and today's unilateral action by the White House.

Today foreign policy is made in secret and presented to a Congress which is often not even allowed to have the basic background information upon which decisions have been made.

So, I believe, the second thing which must happen is to find a way to return a feeling of shared power and balanced responsibility, with the people and their representatives making decisions.

Those are only two steps which we must take and which illustrate the gulf which has widened between the people and government. Before we can return to trust in ourselves as a nation, or trust in our system, we must find a way to renew the revolution in the hearts and the minds of the people—so that a renewal of trust in ourselves as a free people and in our Creator as a protector of our liberty can bring us back to involvement in our own government and our own lives.

We must find a way to inspire the people of this nation to a rededication of the system of rational debate and dissent which filled our first hundred and fifty years.

We must find the emotion and the passion which filled the lives of those first Americans with pride and honor.

We can only do that if we put our trust not in any official, not in any President—but in ourselves and in our God. That is the real meaning of the American revolution and the Declaration of Independence.

It is not enough that the rights of man should be written in the books of philosophers and in the hearts of good people. It is not even enough that they should be written into our Constitution or declared in speeches on the Fourth of July.

Instead it is necessary that the people who claim those rights also claim the responsibility for preserving them, with God's help.

That is what I hope will be the challenge of this celebration.

I WISH TO SAVE LIVES

Mr. CURTIS. Mr. President, I have introduced in the Congress a resolution proposing a constitutional amendment to mandate a balanced Federal budget. Mounting Federal deficits and a burgeoning Federal debt threaten the economic life of this Nation. They portend economic instability of a dimension we have never known, they make continuing inflation an economic fact of life, and because they assure that we will not be able to curb inflation, they establish as Government policy a permanent, cruel, hidden, and inequitable tax that strikes hardest at those in our society who can least afford it.

Jeffery St. John, in a recent commentary for the new TVN newsservice, which incidentally is meeting a critical need in the media field and has gained rather wide attention in the short time it has been in existence, galvanized the attention of those who heard him with this quote from the late President Calvin Coolidge:

> I favor economy in government, not because I wish to save money, but because I wish to save lives.

I believe Mr. St. John's brief but pithy commentary on the current budget proposal for fiscal year 1975 deserves the attention of every Member of the Congress and I ask unanimous consent to print it in the Record at the conclusion of my remarks.

There being no objection, the commentary was ordered to be printed in the Record, as follows:

Commentary

Sunday, June 30.

The end of the Federal Fiscal year today prompts us to quote the late Calvin Coolidge. "I favor economy in government," he said, "not because I wish to save money, but because I wish to save lives."

Coolidge was the last President to reduce taxes and the government debt. He was also the last President to operate on the profound principle that money spent by Government can affect the lives, hopes, dreams, and aspirations of a Nation's people. The new Fiscal Year beginning tomorrow will affect the lives of every single American. The 1975 Federal Budget is estimated at $305 Billion. The current rate of inflation will be profoundly affected by that huge amount of spending. Congress and the White House will find a thousand sugar-coated cliches to justify this huge sum. What they cannot sugar coat is the added inflation created by the 1975 Budget. Inflation will not only affect the lives of every single American, but it will kill or curtail the most cherished hopes and dreams they might have. This is the hidden cruelty of government fiscal policy. Today there is much talk about "improving the quality of life." Our political leaders could improve the quality of life by taking to heart Calvin Coolidge. "I favor economy in government, not because I wish to save money, but because I wish to save lives.

I'm Jeffrey St. John in Washington."

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, genocide is, tragically, as old as history. The imperial government of Rome ordered and executed mass exterminations of Christians. These massacres, however, did not approach the horrifying dimension of Hitler's acts of genocide against the Jews. This recent butchery outraged and revolted decent men and women throughout the world and so shocked the conscience of civilized men everywhere that the United Nations General Assembly adopted a resolution condemning genocide as a crime under international law at its first session in December 1946.

This U.N. resolution declared that genocide, the "denial of the right of existence of entire human groups," "shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations."

President Truman, in a letter transmitting this convention to the Senate of the United States June 16, 1949, emphasized:

> That America has long been a symbol of freedom and democratic progress to peoples less favored than we have been and that we must maintain their belief in us by our policies and our acts.

For 25 years this convention has languished in the Senate without ratification. We must not continue to delay acting on this most important document. I urge the Senate to ratify the convention promptly.

USE OF SMALL-MESH MONOFILAMENT NETS BY JAPANESE FISHING VESSELS

Mr. STEVENS. Mr. President, a recent incident involving an American fishing vessel in the North Pacific fishery demonstrates the vital need for the United States to enact legislation extending our fisheries jurisdiction to 200 miles offshore.

On May 13, the M/V *Labrador*, en route from Alaska to Seattle, was forced to stop when its propeller became entangled in a drifting salmon net. By maneuvering the vessel, the captain was able to free the propeller sufficiently to continue to Seattle, where the ship was drydocked and nearly 40 feet of net removed from its propeller.

The net was examined by the National Marine Fisheries Service, which identified it as of Japanese origin and made of monofilament nylon. It was also determined that the 4¼-inch mesh net was used by Japanese vessels to catch immature red salmon—in the 3½- to 5-pound range—on the high seas.

To the layman, use of this type net may sound insignificant. However, to those familiar with the North Pacific fishing industry, it is an item of utmost concern.

The basic design and nature of these nets signify a method of fishing which is in total disregard of the most fundamental principles of resource conservation and management. The small mesh size means they scoop up anything in their path—mature and immature fish alike. This is especially dangerous in the salmon fishery, which is already in serious trouble from overfishing.

Being made of a monofilament nylon material, these nets tend to keep on fishing indefinitely when lost or deliberately cut loose—as has happened on several occasions when Japanese vessels were approached by the Coast Guard on suspicion of fishing violations. And finally, use of these nets in high seas fishing is extremely wasteful, since approximately half the salmon entangled in them are killed and whipped out of the net by ocean waves.

Our own laws prohibit use of small-mesh monofilament nets by United States and Canadian fishermen, and for the most part our fishermen do not object to these restrictions, since they are necessary to conserve fish stocks. However, our fishermen—along with State and national officials and concerned Members of this body—do object strenuously to the fact that massive foreign fleets are destroying our fisheries through unregulated use of these nets on the high seas.

Mr. President, the May 13 incident was hardly the first confirmed report of foreign fleets using monofilament nets in the high seas fishery off our North Pacific and Bering Sea coasts. Such nets have been found or confiscated many times in the past few years—in fact, I have a box of net material just like that I have described in my office right now.

Multiply the net material found May 13 by the number of Japanese vessels operating off Alaska alone—302 were reported in the May 31 National Marine Fisheries Service Alaska fisheries patrol summary—and you have a serious problem.

For the United States to allow this kind of assault on our fishery resource to continue would be sheer folly. We must act now to preserve our fish stocks and a viable fishing industry.

Foreign depletion of our fisheries is not solely an Alaskan problem. From Maine's Atlantic coast to Alaska's Bering Sea, the problem is the same: massive foreign fleets with highly sophisticated equipment, and apparently no regard for conservation of the species, are rapidly destroying our once great fisheries.

One way to solve this problem—in fact the only way I see at this point—is to enact S. 1988 and extend our fisheries jurisdiction boundary to 200 miles offshore.

This legislation would enable the United States to regulate the number, equipment, and manner of fishing of foreign vessels in our coastal fisheries. And hopefully this regulatory power will not come too late to save our vital fisheries resource.

PEOPLE OWED LOYALTY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the editor of the Charleston Gazette, written by a prominent attorney of that city, Mr. Horace S. Meldahl.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PEOPLE OWED LOYALTY

Editor the Gazette:

Someone might suggest to Vice President Ford that he owes more loyalty to the American people and the U.S. Senate that confirmed him than to President Nixon.

Under the heading "Spending 'Mistakes' on Nixon Homes," the 1974 World Almanac . . . page 102, says: "In testimony before the House Government Activities Subcommittee, General Service Administration head Arthur P. Sampson conceded Oct. 11 the GSA had made mistakes in spending federal money on President Nixon's private homes at San Clemente . . . and Key Biscayne . . . However, Sampson told the committee investigating $10.2 million in government expenditures, in connection with Nixon's private residence, that the work paid for at public expense had been insignificant. House Government Activities Committee Chairman Jack Brooks, D-Tex., stated Oct. 14 that the investigation had raised "serious questions of propriety" and the record indicated money ostensibly spent to provide security at the President's residence had acted to add to opulence of the homes without serving any discernible security functions.

I wonder if President Nixon discovered any evidence of such spending on his several trips home and why the White House and Camp David weren't good enough?

HORACE S. MELDAHL.

AMERICA GETS TOUGH IN FISHING WAR

Mr. STEVENS. Mr. President, the June 10 issue of U.S. News & World Report contains an article which outlines the action taken this year by the United States to penalize foreign fishing vessels for illegal encroachment in American waters. The encroachment is especially severe in Alaska, because of its massive coastal area and the attractiveness of its fishing waters. As a result of the extensive fishing operations conducted by Japanese, Russian, and South Korean vessels, Alaskan waters are being depleted of fishstocks which have in the past been considered some of the richest in the world. The severe winter of 1973–74 in Alaska, combined with the activity of sophisticated foreign fishing fleets, has created a disastrous condition for Alaskan fishermen and have posed a serious threat to the continuation of a productive Alaskan fishing industry.

President Nixon has declared the Bristol Bay area of Alaska a national disaster, providing for Federal assistance for Alaskans in and around the Bristol Bay area who work as fishermen, cannery workers, and other employment associated with the fishing industry. The total value to fishermen of the Bristol Bay catch between 1960 and 1971 averaged in excess of $12 million per year. The total value in 1973 was about $3.2 million and the projection for 1974 is expected to be virtually zero. The State, as well as the local economy, has suffered and will continue to do so unless the United States takes positive steps to curtail foreign encroachment and protect its coastlines.

The United States has recently levied substantial fines against foreign violators, but I am convinced that more must be done to provide a deterrent to further violations. Measures such as the extension of the American coastal zone to 200 miles, additional fisheries patrols, and economic sanctions against foreign governments, including trade restrictions, should be fully explored and imposed or else the American fishing industry will suffer increased irreparable damage.

Mr. President, I ask unanimous consent that the article entitled "America Gets Tough in Fishing War" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA GETS TOUGH IN FISHING WAR

Record fines now being slapped on foreign vessels caught poaching in American coastal waters are the latest signs of a "fishing war" that is growing in intensity.

So far this year, penalties imposed by the U.S. on ships of four other nations total a whopping $750,000, a sum equal to all such fines levied in two full years—1972 and 1973.

Behind the growing concern—

American fishermen are being hard hit by an invasion of foreign crews into traditional U.S. fishing grounds. The catch of haddock by the New England fishing industry, for example, averaged more than 35 million pounds annually in the 1968–72 period but dropped to just 8 million pounds in 1973.

Areas where cod, herring, shrimp and other sea food were once abundant off New England are being "fished out."

To dramatize their plight, New England fishermen were planning to send a flotilla up the Potomac River to the nation's capital on June 10.

Competition from abroad: Much of the damage to the U.S. fishing industry by fleets from Russia, Japan, Germany, Poland and other maritime nations does not result from violations of U.S. or international laws. The coastal fishing grounds have long been dominated by Americans, but they lie outside U.S. jurisdiction—set by Congress as extending 12 miles offshore.

The real problem is that foreign fleets, particularly the ones from Russia, are big and fast, highly modern, equipped with sophisticated techniques and aided by Government subsidies.

A U.S. Coast Guard pilot, after flying over a 44-vessel Soviet fishing fleet—the largest ever spotted near the U.S. coast—gave this description of the scene:

"The difference between the way we fish and the way they fish is like the difference between a 'mom and pop' delicatessen and a supermarket. Their smallest fishing boats are double the size of our largest."

Americans can do something about this competition only when the foreign ships—by accident or design—stray within the 12-mile offshore zone over which U.S. claims exclusive fishing rights.

The problem the American fishing industry faces extends also to the Pacific Coast, where Soviet boats have been taking increased catches of hake.

The foreign vessels seized so far this year in waters where the U.S. claims exclusive rights:

Bulgaria's *Limoza,* off New Jersey. The fine: $125,000.

Russia's *Armaturshchik,* off Alaska. The fine: $100,000.

Rumania's *Inau,* off North Carolina. The fine: $100,000.

Japan's *Ebisu Maru,* off Alaska. The fine: $300,000, the highest such penalty ever imposed by a U.S. court.

By contrast, all such penalties slapped on foreign ships for illegal fishing totaled $430,000 in 1972 and $320,000 in 1973.

WHAT TO DO?

Some nations claim exclusive fishing rights in a zone extending 200 miles out to sea. This has resulted in annual "tuna wars" in which American vessels are regularly haled in—mainly by Ecuador and Peru—and fined heavily for fishing inside the 200-mile zone.

Now some New England and Western States Congressmen are sponsoring legislation to extend the U.S. zone to 200 miles, pending an international agreement to standardize fishing rights.

Among sponsors of such measures are Representative Gerry E. Studds (Dem.), of Massachusetts, and Senator Warren G. Magnuson (Dem.), of Washington. Senate and House committees are holding hearings on the subject.

However, the Defense Department and other Government agencies oppose an extension. They fear that retaliation by other nations would threaten freedom of navigation and overflights, including use of narrow international waterways such as the Straits of Malacca. Also at stake: the mineral resources—such as oil and gas—of sea beds in coastal zones.

There also is criticism in Congress that the Administration isn't cracking down hard enough on nations which seize American vessels for fishing in what the U.S. considers international waters.

Under the law, fines imposed on such vessels are reimbursed from U.S. Government funds. Congress has directed that the amount of fines be deducted from any foreign aid given the country imposing penalties. Congressional critics say this is not being done.

OFFICIAL U.S. APPROACH

What the U.S. is seeking is an agreement on fishing and the use of other ocean resources. It will present its views at an international conference on "law of the sea," sponsored by the United Nations, opening June 20 in Caracas, Venezuela. Basically, the U.S. will seek to sidestep the issue of geographic extent of sovereignty rights and will concentrate on a "species approach." This would operate on these lines:

Species such as haddock, cod and most other table fish would be placed substantially under the jurisdiction of coastal states bordering the feeding waters. Also included would be such species as salmon—which spawn in rivers and then swim out to sea—extending up to the range of their normal migration.

The coastal nations would be entitled to primary rights to these species. More distant nations, under the U.S. plan, would have secondary rights. Highly migratory species—such as tuna—would be subject to international control.

In the view of many experts, the "law of the sea" now more clearly resembles the "law of the jungle." The Caracas meeting, they say, could be the last chance to conserve the oceans' resources.

ADMINISTRATION UNWILLING TO CHALLANGE BUDGET SACRED COWS

Mr. PROXMIRE. Mr. President, Budget Director Roy Ash has made a feeble effort to cut the fiscal year 1975 budget. The reason in my view that Director Ash is unwilling to make an all-out fight on inflation and cut the budget in the only place where big cuts can be made, is that the Nixon administration treats the military, and military foreign aid, budget as a sacred cow. Defense spending, which is pegged at more than $90 billion in outlays for military and military foreign aid, is the only budget area where there are billions in relatively controllable budget funds.

As vice chairman of the Subcommittee on Priorities and Economy in Government of the congressional Joint Economic Committee, we have looked closely at the military budget procurement policy, and the enormous waste in military foreign aid. That is why I authored the successful Senate amendment to trim $10 billion from the fiscal year 1975 budget.

ADMINISTRATION COUNTERS WITH $5 BILLION OFFER

When my amendment to cut the fiscal year 1975 budget from $305 billion to $295 billion was passed by an overwhelming 74 to 12 vote in the Senate, Nixon administration economic czar Kenneth Rush claimed the administration would make a $5 billion voluntary cut. But this feeble attempt to pull the teeth of my amendment was immediately undercut by Budget Director Ash. On Wednesday, June 26, he told reporters that he could not guarantee even the $5 billion in savings, that only very small reductions were possible, and that in any event they would make only a trifling dent in inflation.

According to Director Ash's own fiscal year 1975 budget, only $84.4 billion of the proposed $305 billion spending is controllable. Of that, $58.5 billion is for the military.

The military budget and the military foreign aid budget are not only the places where budget cuts can be made but also the place where they should be made. They are the most inflationary of all spending because they produce no goods or services which satisfy shortages or human needs.

HUGE BACKLOG OF FUNDS

Another reason the military and military foreign aid budgets can be cut and cut hard is the huge backlog of funds which the administration has squirreled away in these areas. At the end of fiscal year 1974 there was a $44 billion backlog of military funds which is scheduled to rise to $50 billion by the end of fiscal year 1975. The backlog of military foreign aid funds was $11.4 billion on June 30, 1974, and will rise to almost $12 billion by the end of the fiscal year.

These are the areas where cuts can be made. But they are the untouchable areas of the administration and its Budget Director Roy Ash.

The failure to cut the budget means that rampaging inflation will continue and that the heavy burdens already placed on the old, the poor, working men and women, and those on fixed incomes, will increase.

FEDERAL PREEMPTION OF STATE STANDARDS IN REGARD TO HEALTH, WELFARE, AND ENVIRONMENTAL PROTECTION

Mr. CASE. Mr. President, the attorney general of New Jersey, William F. Hyland, recently wrote to me about a problem that has long been of concern to me and I am sure is of concern to my colleagues in the Senate.

Because I believe his letter states very clearly the concern I have had over the years about Federal preemption of a State's right to establish standards to protect the health and welfare of its residents when those standards exceed the minimum Federal standards, I would like to make his letter, and my reply to it, available to all Members of the Senate.

I, therefore, ask unanimous consent that his letter and my reply to it be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
July 2, 1974.

Hon. WILLIAM F. HYLAND,
Attorney General,
Trenton, N.J.

DEAR BILL: Thank you for your letter in regard to federal preemption of state standards in regard to health, welfare and environmental protection.

As you probably know, the views you expressed are consistent with the position I have taken consistently in regard to this matter over the years.

In my view, the Federal government should establish minimum standards that apply throughout the country so that no individual state will be adversely effected by lax standards of a neighboring state. At the same time, I believe that any state must be allowed to establish standards that exceed the federal standards in order to deal with special conditions unique to that state.

Certainly, our state of New Jersey, which is the most densely populated and the most urbanized state in the union, must be permitted to establish standards that exceed the minimum Federal standards in order to protect the health and welfare of New Jersey residents.

It is helpful to me to have your views in this matter and you may be sure that I will continue to work for legislation in keeping with this objective.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

STATE OF NEW JERSEY,
June 17, 1974.

Hon. CLIFFORD P. CASE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR CASE: The right of our citizens to breathe clean air, swim in clear waters and enjoy our natural resources has come to be recognized as an essential element in the health and welfare of New Jersey residents. That right has been effectuated in the past by a joint State and Federal program to protect our environment. The inherent philosophy of that program was that the several states would be free to implement more stringent environmental standards than those imposed federally, based upon the particular needs of each state.

However, legislation recently enacted by Congress threatens that scheme and, in fact, traditional notions of home rule. For example, inroads upon noise control by states already have been made by Congress. (23 U.S.C. Sec. 109[i]; 23 C.F.R. Sec. 772; 42 U.S.C. Sec. 4917[c]; 42 U.S.C. [e][1]) Sec. 4905. In addition and most important are two bills now pending before Congress and another not yet introduced. The "Standby Energy Emergency Authority and Contingency Planning Act," S. 3267, limits the right of states to impose and enforce air quality standards stricter than those federally established. The proposed "Clean Air Amendments of 1974" contains preemption clauses which prohibit the states from regulating air pollutant emissions when the federal government authorizes waiver of specific emission levels, Section 5. Also, sections 8 and 9 thereof allow for suspension of emission limits when the EPA finds that clean fuel is unavailable. The EPA Administrator has full discretion thereunder and under other sections of the Act to ignore state standards and, consequently, to permit industry to ignore the same. The third bill would override local and state licensing powers as to the location of energy producing facilities.

It is imperative that these proposed encroachments upon New Jersey's right to determine the quality of its citizens' lives be opposed vigorously. The State of Maine and presumably others have joined in opposing this proposed legislation, legislation which, because of New Jersey's unique role as a heavily traveled and industrialized corridor state, could well relegate us to pesthole status if enacted into law.

We know of few instances, if any, wherein New Jersey's standards arbitrarily, unreasonably, or over-severely limited those who would use our State and its facilities. Yet, these proposed legislative enactments, anticipating nonexistent problems at the expense of both our health and right of self-determination, would prevent the legitimate regulation by New Jersey of conditions in our State. This federal over-reaching must be prevented, so that a better life for all of us through intelligent lawmaking may be achieved.

We strongly urge that you oppose the passage of the laws in question.

Sincerely yours,

WILLIAM F. HYLAND,
Attorney General.

HAMMERING HANK AARON

Mr. ROBERT C. BYRD. Mr. President, millions of Americans were thrilled when Hank Aaron of the Atlanta Braves baseball team equaled the home run record that had for many years belonged to the great Babe Ruth. It was inevitable that one day an outstanding athlete would break the record.

This occasion inspired one of my constituents, Russell H. Skaggs, Ansted, W. Va., to compose a poem honoring this event. The poem was printed in the Fayette Tribune of Oak Hill, W. Va. The poem not only is a salute to the ability of Mr. Aaron, but it also recalls the fine qualities of Babe Ruth.

Because of the tremendous interest shown in this historic event, I ask unanimous consent to have the poem printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

[From the Fayette (W. Va.) Tribune, June 27, 1974]

BABE PAYS HIS RESPECTS

It was a cool, and brisky eve at River Front that day,
When Hammering Hank came to bat in the first inning of play.
There was poise in his manner, and a grin upon his face,
When thousands of fans screamed in glee as Hank stepped up to the plate.

Billingham took the signal from Bench, and let the horsehide loose with a blinding swirl,
Hank connected with the ball as it flew out in space to shock the entire sporting world.
And when the dust had settled, and the yells had faded away,
Out came Hammering Hank crossing home plate, receiving congratulations of the day.

There was a deathly silence that shocked the entire place
When a voice from Heaven was heard talking to Hank after he crossed the plate.
Was no doubt that of Ruth, the Sultan of Swat,
He was paying his greatest honors to the homerun Hank had just got.

He had just tied the Great Bambino with 714,
The great and lovable guy was the first to show his esteem.
It didn't matter to Babe, who shattered the park with that great blast,
He knew that someday, in some park, some big nice guy would do it at last.

The shy and honorable Hank was pleased with the homer he got,
He knew he hadn't removed any fame from the Sultan of Swat.
Graciously, he accepted the cheers of the crowd and their acclaim,
But what pleased him most, was Ruth's appearance at the game.

You may search the hollows deep, and the valleys wide,
But it will be hard to find two players with more pride.
Their style was somewhat different, batting from opposites of the plate,
But the fears they put in pitcher's hearts, was nothing short of great.

They had their problems in their childhood, but was touched by the Master's hand,
He bestowed great talents upon them, found no place in this land.
They both matured likeable and great, as youth gave way to fame
Both came thru in the clutches, and broke up many a game.

Babe has gone to meet his Master's fate,
But the lovable, compassionate, Ruth won't be called out at the Plate.
Nowhere in this great land of ours can a comparison be made,
To the wonderful kindness he showed with the players he played.

Hammering Hank is facing the best day after day,
He's still pounding out homers and setting records most every play
As the curtains are drawing nearer, and the evening sun is sinking low,
He will get his one great wish, "remember Henry and his mighty homerun blow."

But somewhere out there in this great American land of ours,
There is a youth playing sandlot ball, his bat is just starting to show power.
When maturity reaches this youth, and his poise and cool begin to show,
He will tear the records apart with one mighty swing and blow.

For records are made to be broken, and this unknown will do his share,
And I hope after the dust and noise has settled, I hope Hank will be there,
And after he has settled back to earth and calm reclaims his heart,
I hope you will be the first to shake his hand for tearing the ball apart.

—*Russell H. "Sheriff" Skaggs.*

TENTH ANNIVERSARY OF MALAWI

Mr. HARTKE. Mr. President, on July 6, 1964, the territory known as Nyasaland achieved independence from Great Britain, taking the name Malawi. On this 10th anniversary of Malawai's independence, I should like to extend congratulations on the completion of a decade of progress and development under the leadership of President H. Kamuzu Banda.

Situated in Southeast Africa, Malawi with a population of almost 5 million people is predominantly an agricultural country. The excellent climate, soil, and good water resources combined with the industriousness of the typical Malawian has enabled the country to expand consistently its production of such crops as tobacco, tea, sugar, cotton, and groundnuts. Under the dynamic leadership of President Banda, the Government of Malawi has successfully concentrated its development efforts in the agricultural sector in order to achieve higher levels of income for the average citizen.

In its foreign relations, Malawi has consistently advocated a policy of friendly relations with its neighbors and with all those countries which wish to maintain relations with Malawi. Relations between the United States and Malawi have been very cordial and, I am sure, will remain so in the future.

I should like to extend my best wishes to President Banda, to his Government, and to the people of Malawi for continued success.

LEGAL SERVICES CORPORATION CONFERENCE REPORT SHOULD NOT BE APPROVED BY SENATE

Mr. HELMS. Mr. President, it now appears likely that the conference report on the Legal Services Corporation bill (H.R. 7824) will come up on the Senate floor this week, perhaps on Wednesday.

Although many people are tired of the subject, the basic issues are important ones, and I urge my colleagues to vote against approval of the conference report.

The fundamental question remains that of the accountability of the program to the people and to the democratic process. I favor a legal services program that is accountable to the elected officials of this Nation, and that is client-oriented, allowing poor clients to set their own priorities through personal choice of private members of the bar to represent them. The conference report would set up an independent corporation that is staff-oriented, where priorities are set by a small elite of social reformers not accountable to anybody but themselves.

Although the bill as passed by the House contained a number of restraints, most of these were eliminated or rendered inconsequential by loopholes allowing what they purport to prohibit and allowing legal representation of advocacy groups such as the National Welfare Rights Organization, the United Farm Workers Organizing Committee, the American Indian Movement, the National Tenants Organization, and so forth. The bill would authorize appropriations of $90 to $100 million for each of three years to set up an instrument for the political manipulation of our social structure. One hundred million dollars is more than the total spent by both presidential candidates in 1972.

Mr. President, I ask unanimous consent that a side-by-side comparison of 25 key points where the conference report deviates from H.R. 7824 as it passed the House, and renders it less accountable to the democratic process be printed in the Record at the conclusion of my remarks.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974

1. PREAMBLE		*Comparison*
House Bill: To establish a Legal Services Corporation and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Legal Services Corporation Act".	Conference Bill: That this Act may be cited as the "Legal Services Corporation Act of 1974". SEC. 2. The Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new title: "Title X—Legal Services Corporation Act.	The Conference Bill places the Corporation under the Economic Opportunity Act. The House Bill would have made the legal services program free of the EOA, and free of the implication that the Committee on Labor and Public Welfare, rather than the Committee on the Judiciary, should have oversight.
2. STATEMENT OF PURPOSE		*Comparison*
House Bill: (No Provision)	Conference Bill: "Statement of Findings and Declaration of Purpose "Sec. 1001. The Congress finds and declares that— "(1) there is a need to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances; "(2) there is a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel and continue the present vital legal services program; "(3) providing legal assistance to those who face an economic barrier to adequate legal counsel will serve best the ends of justice; "(4) for many of our citizens, the availability of legal services has reaffirmed faith in our government of laws; "(5) to preserve its strength, the legal services program must be kept free from the influence of or use by it of political pressures; and "(6) lawyers providing such services must have full freedom to protect the best interests of their clients in keeping with the Code of Professional Responsibility, the Canons of Ethics, and the high standards of the legal profession.	There is no such section in the House Bill. The language of the Conference Bill is included to convey a presumption of legislative intent "to continue the present vital legal services program," implying sanction of existing regulations, procedures, policy goals, and organizational beneficiaries. It is also intended to imply a "full freedom" from accountability to elected representatives of the people, seemingly establishing a preference for accountability to the utterances of the American Bar Association, with respect to behavior and policy issues not specifically defined in the Act.
3. 1978 LIQUIDATION OF CORPORATION		*Comparison*
House Bill: (d) The corporation created under this Act shall be deemed to have fulfilled the purposes and objectives set forth in this Act, and shall be liquidated on June 30, 1978; unless sooner terminated by Act of Congress.	Conference Bill: (No Provision).	The Conference Bill eliminates this provision of the House Bill and would make the Corporation a permanent bureaucratic institution, like the Department of Commerce, rather than an experimental entity, like OEO, more readily subject to reform.

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974—Continued

4. TERM OF OFFICE

House Bill: For purposes of this subsection, the term of office of the initial members of the board shall be computed from the date of enactment of this Act.

Conference Bill: The term of initial members shall be computed from the date of the first meeting of the Board.

Comparison

Under the House Bill, five of eleven board members would likely come up for reappointment in 1976. Under the conference bill, it is likely that terms would expire near the beginning of the next Presidential term, in 1977.

5. APPOINTMENT OF BOARD CHAIRMAN

House Bill: (d) The President shall select from among the voting members of the board a chairman, who shall serve for a term of one year.

Conference Bill: "(d) The President shall select from among the voting members of the Board a chairman, who shall serve for a term of three years. Thereafter, the Board shall annually elect a chairman from among its voting members.

Comparison

Under the House Bill, accountability would be increased by permanently reposing in the President of the United States power to designate the Chairman of the Corporation's Board of Directors. The Conference Bill would, after the first appointment, let the Corporation board choose its own Chairman.

6. CHOICE OF STATE ADVISORY COUNCIL

House Bill: (f) Within six months following the appointment of all members of the board, the board shall request the Governor of each State to appoint a nine-member advisory council for his State. A majority of the members of the advisory council shall be chosen from among the lawyers admitted to practice in the State and the members of the council shall be subject to annual reappointment.

Conference Bill: "(f) Within six months after the first meeting of the Board, the Board shall request the Governor of each State to appoint a nine-member advisory council for such State. A majority of the members of the advisory council shall be appointed, after recommendations have been received from the State Bar Association, from among the lawyers admitted to practice in the State, and the membership of the council shall be subject to annual reappointment.

Comparison

The House Bill gives the Governor a free hand. The Conference Bill requires that the Governor await recommendations from the State Bar Association before acting, insofar as the lawyer members of the advisory council are concerned.

7. PROTECTION OF INCUMBENT VALUES

House Bill: (No Provision).

Conference Bill: "(2) No political test or political qualification shall be used in selecting, appointing, promoting, or taking any other personnel action with respect to any officer, agent, or employee of the Corporation or of any recipient, or in selecting or monitoring any grantee, contractor, or person or entity receiving financial assistance under this title.

Comparison

There is no comparable language in the House Bill. The effect of this provision is to prevent the Corporation boards of directors from dealing with organizational recipients or employees on the basis of the political beliefs which they favor. This works two ways: in blocking the imposition from above of policy goals; and in preventing interference by elected officials with the political objectives being advanced by recipient programs and their self-constituted boards.

8. STATEMENT OF NON-FEDERAL ACCOUNTABILITY

House Bill: (No Provision).

Conference Bill: "(e) (1) Except as otherwise specifically provided in this title, officers and employees of the Corporation shall not be considered officers or employees, and the Corporation shall not be considered a department, agency, or instrumentality of the Federal Government.

Comparison

No comparable House language. The Conference Bill language is intended to assure that the accountability of the corporation to Congress and the President is limited to the areas specifically set forth in the Bill.

9. STATEMENT OF GRANT AND CONTRACT POWERS

House Bill: (1) To make grants to, and to contract with, individuals, partnerships, firms, organizations, corporations, State and local governments, and other appropriate entities (referred to in this Act as "recipients" for the purpose of providing legal assistance to eligible clients.

(2) To accept in the name of the corporation, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise; and

(3) To undertake directly and not by grant or contract the following activities relating to the delivery of legal assistance—

(A) research, (B) training and technical assistance, and (C) to serve as a clearinghouse for information.

Conference Bill: "(1) (A) to provide financial assistance to qualified programs furnishing legal assistance to eligible clients, and to make grants to and contracts with—

"(i) individuals, partnerships, firms, corporations, and nonprofit organizations, and

"(ii) State and local governments (only upon application by an appropriate State or local agency or institution and upon a special determination by the Board that the arrangements to be made by such agency or institution will provide services which will not be provided adequately through nongovernmental arrangements),

(A) for the purpose of providing legal assistance to eligible clients under this title, and (B) to make such other grants and contracts as are necessary to carry out the purposes and provisions of this title; . . .

. . . "(3) to provide, either directly or by grant or contract for—"(A) research (in accordance with the provisions of section 3 * of the Legal Services Corporation Act of 1974).

"(B) training, and "(C) information clearinghouse activities relating to the provision of legal assistance under this title, and for the technical assistance in connection with the provision of legal assistance to eligible clients.

Comparison

The House bill would limit grants and contracts to those made "for the purpose of providing legal assistance to eligible clients" and would prevent the funding of "training and technical assistance" backup centers, requiring also that research and clearinghouse functions be performed under the authority and restrictions of the Corporation itself, which are more substantial than those of recipients. The Conference Bill would more broadly authorize grants and contracts for "individuals, partnerships, firms, corporations, and nonprofit organizations" and allow such others "as are necessary to carry out the purposes and provisions of this title." The Conference bill is significantly different also in that, except for research functions, it would perpetuate the backup centers indefinitely and bar aid to State and local governments for legal assistance activities, except where there is a special determination that such State and local roles would be necessary to supplement (rather than replace) privately controlled staff attorney projects.

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*Sec. 3. (a) (1) Subject to the provisions of paragraph (2), the authority of the Legal Services Corporation under section 1006(a) (3) (A) of the Legal Services Corporation Act (title X of the Economic Opportunity Act of 1964) to make grants or enter into contracts for research in connection with the provision of legal assistance to eligible clients shall terminate on January 1, 1976.

(b) In order to assist the Congress to carry out the provisions of subsection (a) of this section, the Corporation shall conduct a thorough study of the efficiency and economy of the use of grants or contracts for research in connection with the support of the provision of legal assistance to eligible clients as distinguished from the direct provision of such research by the Corporation. The Cor-

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974—Continued

(2) During the period June 30, 1975, through January 1, 1976, the Congress may by concurrent resolution act with respect to the duration of authority contained in such section 1006(a)(3)(A). If the Congress has failed to take any such action that authority shall automatically be extended until January 1, 1977.

poration, shall report to the Congress and the President not later than June 30, 1975, on the findings of the study required by this subsection, together with such recommendations, including recommendations for additional legislation, as the Corporation deems appropriate.

10. TERMINATION PROCEDURES

House Bill: (b)(1) The corporation shall have authority to insure the compliance of recipients and their employees with the provisions of this Act and the rules, regulations and guidelines promulgated pursuant to this Act, and to terminate, after a hearing, financial support to a recipient which fails to comply.

Conference Bill: "(b)(1) The Corporation shall have authority to insure the compliance of recipients and their employees with the provisions of this title and the rules, regulations, and guidelines promulgated pursuant to this title, and to terminate, after a hearing in accordance with section 1011* of this title, financial support to a recipient which fails to comply.

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*Sec. 1011. The Corporation shall prescribe procedures to insure that—(1) financial assistance under this title shall not be suspended unless the grantee, contractor, or person or entity receiving financial assistance under this title has been given reasonable notice and opportunity to show cause why such action should not be taken; and (2) financial assistance under this title shall not be terminated, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than thirty days, unless the grantee, contractor, or person or entity receiving financial assistance under this title has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

Comparison

The privilege of Corporation-funded programs to continue is more substantial under the Conference Bill than under the House Bill, with a greater burden on the part of the Corporation to set forth evidence of violations by recipients before the Corporation is permitted to discontinue funding. This is a very important distinction, affecting the relevance and enforceability of all the law's sanctions and prohibitions.

11. PICKET, BOYCOTT, STRIKE

House Bill: (5) The corporation shall insure that its employees and employees of recipients, which employees receive a majority of their annual professional income from legal assistance under this Act, shall, while engaged in activities carried on by the corporation or by a recipient, refrain from participation in, and refrain from encouragement of others to participate in any picketing, boycott, or strike, and shall at all times during the period of their employment refrain from participation in, and refrain from encouragement of others to participate in: (A) rioting or civil disturbance; (B) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or (C) any illegal activity. The board, within ninety days of the date of enactment of this Act shall issue guidelines to provide for the enforcement of this subsection; such guidelines shall include criteria (i) for suspension of legal assistance support under this Act, (ii) for suspension or termination of compensation to an employee of the corporation, and (iii) which shall be used by recipients in any action by them for the suspension or termination of their employees, for violations of this subsection.

Conference Bill: "(5) The Corporation shall insure that (A) no employee of the Corporation or of any recipient (except as permitted by law in connection with such employee's own employment situation), while carrying out legal assistance activities under this title, engage in, or encourage others to engage in, any public demonstration or picketing, boycott, or strike; and (B) no such employee shall, at any time, engage in, or encourage others to engage in, any of the following activities: (i) any rioting or civil disturbance, (ii) any activity which is in violation of any outstanding injunction of any court of competent jurisdiction, (iii) any other illegal activity, or (iv) any intentional identification of the Corporation or any recipient with any political activity prohibited by section 1007(a)(6) of this Act. The Board, within ninety days after its first meeting, shall issue rules and regulations to provide for the enforcement of this paragraph and section 1007(a)(5) of this Act, which rules shall include among available remedies, provisions in accordance with the types of procedures prescribed in the provisions of section 1011 of this Act, for suspension of legal assistance supported under this title, suspension of an employee of the Corporation or of any employee of any recipient by such recipient, and, after other remedial measures have been exhausted and after a hearing in accordance with section 1011 of this Act, the termination of such assistance or employment, as deemed appropriate for the violation in question.

Comparison

The Conference Bill introduces a significant loophole to the House safeguard by sanctioning aid to such activity by project employees whenever "permitted by law in connection with such employee's own employment situation." Resort to picketing, boycotts, or strikes may be legal, while remaining inappropriate for public subsidy.

12. INVOLVEMENT IN STATE BALLOTT ISSUES

House Bill: (4) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any ballot measures, initiatives, referendums, or similar measures.

Conference Bill: "(4) Neither the Corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any ballot measures, initiatives, er referendums. However, an attorney may provide legal advice and representation as an attorney to any eligible client with respect to such client's legal rights.

Comparison

The Conference Bill language introduces a significant loophole to substantially negate the House safeguard. Since activist groups with a vital interest in the outcome of state ballot initiatives, recalls, and referenda, are eligible clients under the bill, much would be permitted with respect to "representation."

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974—Continued

13. REIMBURSEMENT OF INNOCENT PARTIES SUED

House Bill: (c) If an action is commenced by the corporation or by a recipient and a final judgment is rendered in favor of the defendant and against the corporation's or recipient's plaintiff, the court may upon proper motion by the defendant award reasonable costs and legal fees incurred by the defendant in defense of the action, and such costs shall be directly paid by the corporation.

Conference Bill: "(f) If an action is commenced by the Corporation or by a recipient and a final order is entered in favor of the defendant and against the Corporation or a recipient's plaintiff, the court may, upon motion by the defendant and upon a finding by the court that the action was commenced or pursued for the sole purpose of harassment of the defendant or that the Corporation or a recipient plaintiff maliciously abused legal process, enter an order (which shall be appealable before being made final) awarding reasonable costs and legal fees incurred by the defendant in defense of the action, except when in contravention of a State law, a rule of court, or a statute of general applicability. Any such costs and fees shall be directly paid by the Corporation.

Comparison

Under the Conference Bill, innocent parties sued would have to prove harassment or malice before they could have their legal costs reimbursed.

14. OUTSIDE PRACTICE OF LAW

House Bill: (4) Insure that attorneys, employed full time in legal assistance activities supported in whole or in part by the corporation, represent only eligible clients and refrain from any outside practice of law;

Conference Bill: "(4) insure that attorneys employed full time in legal assistance activities supported in major part by the Corporation refrain from (A) any compensated outside practice of law, and (B) any uncompensated outside practice of law except as authorized in guidelines promulgated by the Corporation;

Comparison

The Conference Bill's language making possible "uncompensated" outside practice of law undermines the intention of the House to block evasion of restrictions applicable to staff attorneys on the cover story that the prohibited conduct occurred on the attorney's own time, as part of his "outside practice."

15. LOBBYING

House Bill: (5) Insure that no funds made available to recipients by the corporation shall be used at any time, directly or indirectly, to undertake to influence any executive order or similar promulgation of any Federal, State, or local agency, or to undertake to influence the passage or defeat of legislation by the Congress of the United States, or by any State or local legislative bodies, except that the personnel of any recipient may (A) testify or make a statement when formally requested to do so by a governmental agency or by a legislative body or a committee or member thereof, or (B) in the course of providing legal assistance to an eligible client (pursuant to guidelines promulgated by the corporation) make representations necessary to such assistance with respect to any executive order or similar promulgation and testify or make other necessary representations to a local governmental entity;

Conference Bill: "(5) insure that no funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order of any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, except where—

"(A) representation by an attorney as an attorney for any eligible client is necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities (which shall not be construed to permit a recipient or an attorney to solicit a client for the purpose of making such representation possible, or to solicit a group with respect to matters of general concern to a broad class of persons as distinguished from acting on behalf of any particular client); or

"(B) a governmental agency, a legislative body, a committee, or a member thereof requests personnel of any recipient to make representations thereto;

Comparison

The Conference Bill permits attorneys "to undertake to influence the passage or defeat of legislation" where such pertains to representation of an eligible client. Again, the fact that issue advocacy organizations are "eligible clients" negates the very important House safeguard.

16. REVIEW OF APPEALS

House Bill: (7) Establish guidelines for consideration of possible appeals, to be implemented by each recipient to insure the efficient utilization of resources; except that such guidelines shall in no way interfere with the attorney's responsibilities;

Conference Bill: "(7) require recipients to establish guidelines, consistent with regulations promulgated by the corporation, for a system for review of appeals to insure the efficient utilization of resources and to avoid frivolous appeals (except that such guidelines or regulations shall in no way interfere with attorneys' professional responsibilities);

Comparison

Development of guidelines for appeals is a prerogative of the Corporation board of directors under the House bill; it is left to the recipients themselves under the Conference Bill.

17. BAN ON SUSPENSION OF FUNDING

House Bill: (No Provision).

Conference Bill: "(9) insure that every grantee, contractor, or person or entity receiving financial assistance under this title or predecessor authority under this Act which files with the Corporation a timely application for refunding is provided interim funding necessary to maintain its current level of activities until (A) the application for refunding has been approved and funds pursuant thereto received, or (B) the application for refunding has been finally denied in accordance with section 1011 of this Act; and

Comparison

No comparable House provision. This language in the Conference Bill would bar summary suspensions of funding by the Corporation, even for flagrant violations of law or regulation. It makes suspensions under the Corporation almost as difficult as terminations are under the Economic Opportunity Act legal Services provisions for OEO.

18. PRISONERS RIGHTS

House Bill: (b) No funds made available by the corporation under this Act, either by grant or contract, may be used—

(1) To provide legal assistance with respect to any fee-generating case (except in accordance with guidelines promulgated by the corporation), to provide legal assistance with respect to any criminal proceeding or to provide legal assistance in civil actions to

Conference Bill: "(b) No funds made available by the Corporation under this title, either by grant or contract, may be used— (1) To provide legal assistance with respect to any fee-generating case (except in accordance with guidelines promulgated by the corporation), to provide legal assistance with respect to any criminal proceeding, or to provide legal assistance in civil actions to per-

Comparison

The House ban on "prisoners rights" activity relating to conditions of incarceration is negated by the Conference Bill. The conference bill qualifies the ban by forbidding money only when the validity of the conviction is also being challenged; it allows funding of "prisoners rights" activity when the validity of the conviction is not being challenged.

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974—Continued

persons who have been convicted of criminal charge where the civil action arises out of alleged acts or failures to act connected with the criminal conviction and is brought against an officer of the court or against a law enforcement official; . . .

sons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act for the purpose of challenging the validity of the criminal conviction and is brought against an officer of the court or against a law enforcement official; . . .

19. PUBLIC INTEREST LAW FIRMS

House Bill: (3) To award grants to or enter into contracts with any private law firm which expends fifty per centum or more of its resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both; . . .

Conference Bill: "(3) to award grants to or enter into contracts with any private law firm which expends fifty percent or more of its resources and time litigating issues in the broad interests of a majority of the public; . . .

Comparison

The intended House Bill ban on aid to issue-advocacy, "legislation by litigation" public interest law firms is undermined by Conference Bill language which strikes the prohibition on firms which devote fifty percent or more of their resources "in the collective interests of the poor." The Conference Bill therefore approves funding of "public interest" law firms if such firms specialize in litigating "the collective interests of the poor." In the past this has been interpreted to include abortion activity, forced busing, welfare payments, etc.

20. JUVENILE REPRESENTATION

House Bill: (6) To provide legal assistance under this Act to any person under eighteen years of age without the written request of one of such person's parents or guardians or any court of competent jurisdiction except in child abuse cases, custody proceedings, and PINS proceedings;

Conference Bill: "(4) to provide legal assistance under this title to any unemancipated person of less than eighteen years of age, except (A) with the written request of one of such person's parents or guardians, (B) upon the request of a court of competent jurisdiction, (C) in child abuse cases, custody proceedings, persons in need of supervision (PINS) proceedings, or cases involving the initiation, continuation, or conditions of institutionalization or (D) where necessary for the protection of such person for the purpose of securing, or preventing the loss of, benefits or securing, or preventing the loss or imposition of, services under law or in cases not involving the child's parent or guardian as a defendant or respondent.

Comparison

The exceptions set forth in the Conference Bill negate the House Bill with respect to criminal cases involving persons under eighteen (a very important negation), cases where the parents are not parties to the suit (an almost totally sweeping exception), and cases involving "services" to which the child is entitled (like abortions). As a result of the Conference Bill negations, the attorney is superimposed over the parent in deciding whether the child shall have legal representation.

21. CONTROL OF PROJECT BOARDS

House Bill: (c) In making grants or entering into contracts for legal assistance, the corporation shall insure that any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body at least two-thirds of which consists of lawyers who are members of the bar of a State in which the legal assistance is to be provided (except pursuant to regulations issued by the corporation which allow a waiver of this requirement for recipients which because of the nature of the population they serve are unable to comply with such requirement); such lawyers shall not, while serving on such body, receive compensation from a recipient or from the corporation for any other service.

Conference Bill: "(c) In making grants or entering into contracts for legal assistance, the Corporation shall insure that any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body of at least sixty percent of which consists of attorneys who are members of the bar of a State in which the legal assistance is to be provided (except that the Corporation (1) shall, upon application, grant waivers to permit a legal services program, supported under section 222(a)(3) of the Economic Opportunity Act of 1964, which on the date of enactment of this title as a majority of persons who are not attorneys on its policy-making board to continue such a non-attorney majority under the provisions of this title, and (2) may grant, pursuant to regulations issued by the Corporation such a waiver for recipients which, because of the nature of the population they serve, are unable to comply with such requirement) and which include at least one individual eligible to receive legal assistance under this title. Any such attorney, while serving on such board shall not receive compensation from a recipient.

Comparison

The Conference Bill provides a waiver from the requirement of attorney majorities on governing boards for all presently-funded legal services projects, thus totally negating the House reform.

22. APPROPRIATIONS

House Bill: Sec. 10(a) There are authorized to be appropriated such sums as may be necessary to carry out the activities of the corporation. The first such appropriation may be made available to the board at any time after six or more members have been appointed and qualified. Funds appropriated pursuant to this section shall remain available until expended.

Conference Bill: "Sec. 1010. (a) There are authorized to be appropriated for the purpose of carrying out the activities of the Corporation, $90,000,000, for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976, and such sums as may be necessary for the fiscal year ending June 30, 1977. The first appropriation may be made available to the Corporation at any time after six or more members of the Board have been appointed and qualified. Appropriations shall be for not more than two fiscal years, and if for more than one year, shall be paid to the Corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in appropriation Acts.

Comparison

The House Bill would establish annual appropriations, with no pre-set level of authorization. Under the Conference Bill, the authorization level would rise to $100 million per year. Furthermore, the Conference Bill would allow two-year, rather than annual appropriations.

COMPARISON OF 25 IMPORTANT DIFFERENCES IN H.R. 7824, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 21, 1973, AND AS MODIFIED BY THE SENATE-HOUSE CONFERENCE COMMITTEE REPORT OF MAY 8, 1974—Continued

23. COMMINGLING

House Bill: (b) Non-Federal funds received by the corporation, and funds received by any recipient from a source other than the corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds, but shall not be expended by recipients for any purpose prohibited by this Act (except that this provision shall not be construed in such a manner as to make it impossible to contract or make other arrangements with private attorneys or private law firms, or with legal aid societies which have separate public defender programs, for rendering legal assistance to eligible clients under this Act).

Conference Bill: "(c) Non-Federal funds received by the Corporation, and funds received by any recipient from a source other than the Corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds, but such funds received for the provision of legal assistance shall not be expended by recipients for any purpose prohibited by this title; except that this provision shall not be construed in such a manner as to prevent recipients from receiving other public funds or tribal funds (including foundation funds benefiting Indians or Indian tribes) and expending them in accordance with the purposes for which they are provided, or to prevent contracting or making other arrangements with private attorneys, private law firms, or other state or local entities of attorneys, or with legal aid societies having separate public defender programs, for the provision of legal assistance to eligible clients under this title.

Comparison

The Conference bill language says public funds provided to recipients from sources other than the Corporation shall not be subject to the requirements established by law for Corporation funds and activities.

24. INDIRECT FEDERAL ASSISTANCE

House Bill: (No Provision).

Conference Bill: "Sec. 1012. The President may direct that appropriate support functions of the Federal Government may be made available to the Corporation in carrying out its activities under this title to the extent not inconsistent with other applicable law.

Comparison

The Conference Bill would enable a President of the United States to make available to the Corporation, without Congressional check, unlimited assistance of an "in-kind" nature: GSA vehicles, xerox machines, printing and publication, vehicles, Federal telecommunications services, etc.

25. PERSONNEL TRANSFER AND UNION AMENDMENTS

House Bill: (No Provision).

Conference Bill: . . . Personnel transferred to the Corporation from the Office of Economic Opportunity or any successor authority shall be transferred in accordance with applicable laws and regulations, and shall not be reduced in compensation for one year after such transfer, except for cause. The Director of the Office of Economic Opportunity or the head of any successor authority shall take whatever action is necessary and reasonable to seek suitable employment for personnel who do not transfer to the Corporation.

(c) Collective-bargaining agreements in effect on the date of enactment of this Act covering employees transferred to the Corporation shall continue to be recognized by the Corporation until the termination date of such agreements, or until mutually modified by the parties.

Comparison

The Conference Bill locks in the rather unusual OEO union agreement and other regulations related to the operations of the new Corporation.

BARNARD FLAXMAN—HARTFORD INSURANCE GROUP

Mr. RIBICOFF. Mr. President, on June 14, 1974, the Hartford Insurance Group honored an old and dear friend, Barnard Flaxman, who had completed 50 years with the company. There are few men with the character and ability of my friend, affectionately known as Barney. An article from the Hartford Courant of June 16 sets out his outstanding record and contribution. In addition to his work with the Hartford Insurance Group, Barney is one of the most respected men in the entire Hartford community. He has given of himself to so many worthwhile causes. I take this opportunity to pay tribute to Barney and his wonderful wife, Pat, and would like to share this event with my fellow Senators.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIFTY YEARS AT THE HARTFORD

Barnard Flaxman, a member of the board of directors of the Hartford Insurance Group, has completed 50 years association with the company.

In a ceremony Friday in the Tower Suite of The Hartford's home office, Flaxman was presented a resolution from his fellow directors which cited his commitment to the financial stability, growth and integrity of the company during his five decades of service.

Flaxman retired from active service with The Hartford in 1967 as vice president in charge of investments. He continued as a member of the board of directors.

He began his career with The Hartford in 1924, and was elected an assistant secretary in 1937. He was elected a vice president in 1952, when he assumed responsibility for the company's investments. He also served as chairman of finance committee of the board of directors.

During his 15-year stewardship of The Hartford's investment program the value of the common stock portfolio grew from $87 million in 1952 to $686 million at the time of his retirement. Dividend payments quadrupled during Flaxman's tenure, and the company's total consolidated resources increased from $580 million in 1952 to nearly $2 billion in 1967.

A DECISION MAKER

Flaxman is remembered in The Hartford's investment department as a forceful decision-maker who expected the best from his employes, an expectation he preferred to communicate on a personal level.

"He has the gift of inspiring people to do their best," a former associate observed.

This emphasis on quality performance was one factor in the respect his staff held for Flaxman. This was dramatized at his 1967 retirement from active service when people who had worked with him and who had advanced to other jobs returned to join his staff for his testimonial event. Included were bank presidents and heads of major research firms.

A pioneer in in-depth research of bank stocks and in the forecasting of the earnings of corporations considered for investment purposes. Flaxman is respected in the investment community as a "total investment man" because of his wide ranging interest and expertise.

Flaxman's thorough approach included the incorporation of social and political trends among the financial and fiscal movements studied as the basis for The Hartford's investment policy.

"Social and political trends are very important," he has remarked. "They determine financial trends."

OTHER DUTIES

In addition to his investment responsibilities, Flaxman also directed the company's nationwide real estate operations, including the building of major structures in San Francisco, Chicago, Atlanta and in Hartford.

Flaxman's groundwork paved the way for the decision to put up a 12-story building in Orlando as a major real estate venture. Occupied in 1970, the building is the headquarters for the company's regional home office and is also used by outside tenants in the southeast Florida community.

During his career he was an active participant in business and community affairs. He was a director of Hartford National Bank and Trust Company, the Newington Hospital for Crippled Children, the Institute of Living, the Connecticut Spring Corporation, and also served as a trustee of the Mechanics Savings Bank and of Syracuse University, his alma mater. He was a corporator of Mt. Sinai, St. Francis and Hartford Hospital.

Flaxman was also a member of the New York Society of Security Analysts, the National Federation of Financial Analysts, and the Hartford Society of Financial Analysts. He maintains residences in Hartford and Palm Beach, Fla.

SOIL CONSERVATION

Mr. PEARSON. Mr. President, recently at the request of my distinguished colleague from Kansas (Mr. DOLE), the Senate Agriculture Committee conducted oversight hearings on conservation practices. I believe these hearings have been especially beneficial to farmers and other people depending on conservation programs in Kansas. Senator DOLE's testimony at these hearings was especially descriptive of the problems and needs for conservation in Kansas, particularly concerning the availability of technical assistance from the Soil Conservation Service.

At those hearings, the SCS announced the addition of 200 technicians to its work force. These technicians should be very beneficial in carrying out conservation measures in Kansas and other States and I commend Senator DOLE for his outstanding efforts to improve these programs.

As the distinguished Senator from Kansas pointed out in his statement, food is expected to be the greatest international problem in coming years, and soil and water conservation is a key factor to solving this problem. His statement is very instructive on the matter of conservation, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BOB DOLE ON SOIL CONSERVATION, JUNE 27, 1974

Mr. Chairman, I commend you for your prompt response to the needs of conservation programs in scheduling these hearings. I can assure you, from the contacts and mail I have received from my constituents in Kansas, that soil conservation is of very great concern in my state.

We are receiving testimony from several Kansas witnesses today. This indicates the large amount of concern among farmers in the state. I think it is entirely appropriate that conservation measures should be of great concern in the nation's number one wheat producing state and one of the major agricultural areas in the world.

The importance of conservation measures to Kansas farmers is the reason behind my ongoing interest in conservation programs ever since my election to Congress 13 years ago. It is also the reason for my introducing last year S. 1902, a bill to reinstitute permanent soil and water conservation practices. The essence of that bill, I am proud to say, was included in the Agriculture and Consumer Protection Act of 1973.

So the farmers in Kansas and I are vitally interested in the topic of these hearings today, particularly concerning the availability of SCS technicians for the implementation of conservation programs and the level of funding for these programs. I think it is beneficial to hear from the Department of Agriculture about intentions for future conservation efforts and also from those who carry out and benefit from conservation programs. Testimony today, as to what practices are useful and necessary, will help shape future programs. We will be particularly attentive to suggestions about what improvements should be made.

AGRICULTURAL RESOURCES: NO. 1 ISSUE

Those of us in the Senate Nutrition Committee heard many witnesses testify last week at National Nutrition Policy hearings that food, and not oil, should be the issue of greatest concern in the world. This is also an issue that we have heard frequently here in the Agriculture Committee, with many experts doubting the ability of the world's population to feed itself.

In many parts of the world, including Asia and Africa, we are witnessing the likelihood of starvation for many thousands and even millions of people. As the world's most bountiful and reliable food producing area, the United States is bound to play a key role in this situation. When conditions have come to a question between starvation and survival, we can see that, without a doubt, food should be the number one issue in the world. Agriculture and the capacity to produce food should have an equal priority.

CONSERVATION KEY TO FUTURE FOOD PRODUCTION

Although the question of adequate supplies may not be seen clearly enough at this point, it is clear that the question will probably become increasingly urgent in the years to come. The only hope we have of meeting the food needs of the future is by preserving our food production capacity by soil and water conservation.

Given the present population trend, one thing we can be fairly certain of in coming decades is a growing number of people in the world. Even in the ideal situation of zero population growth, it seems unlikely that the world population will decline substantially.

Two trends in food consumption are likely to aggravate the food supply situation even more than it is today. First, a growing world population will require more food. Second, as more and more nations in the world become developed, the food consumption per capita is likely to rise as it has in this country.

The food consumption pattern of developed societies has shown an increasing preference for beef and other livestock products which require even larger crops of feed grains. Expanded feed grain and livestock production, beyond a doubt, will place an even greater strain on the productive capacity of Kansas farmers and farmers throughout the Nation.

So the need for conservation should be clear. In order to meet the projected food needs of the future, the productive capacity of U.S. Agriculture must be preserved. Preservation of our ability to produce can only be accomplished through sound soil and water conservation programs.

Food has been identified as the number one issue in the world and for the future. Conservation, as the key to meeting the food needs of the future, must also be of number one priority.

RECENT EXPERIENCES INDICATIVE

The expansion of agricultural acreage during this past year in response to increased demand should be a useful experience for designing conservation programs of the future. We have seen that, in response to sharply increased world demand for American grains, set aside acreage was abolished and farmers were urged to plant "fence to fence".

Farmers in Kansas and other states responded to that encouragement and to the sharply increased prices for wheat and feed grain.

Not long after the sharp expansion of acres under production, we saw a report by the Department of Agriculture forecasting that the new crop land might be especially erosion-prone. More recently, we have seen reports by the Department of nearly four times as many acres damaged by erosion in the Great Plains area this year over last year.

This experience is extremely relevant to our future agricultural conservation programs. With the prospect of greatly increased world food needs in the future, we will undoubtedly face the need for even greater expansion in agriculture in the coming years.

Mr. Chairman, it would be extremely foolish and even suicidal to face the need for future agricultural expansion without a well planned and well organized program to conserve our soil and agricultural resources. Obviously, if every expansion, as we have seen in the past year, is accompanied by an increase of four times the amount of erosion, then American farmers will not long be able to meet the food production requirements placed on them.

SCS ASSISTANCE IS VITAL

In the USDA News Release concerning erosion in new croplands on February 14, 1974, SCS Administrator Kenneth Grant stated, "Local conservation districts and USDA technical people are going to have to redouble efforts to help farmers and ranchers to get additional cropland acres under a conservation plan and to apply measures to stop excessive soil erosion."

Yet at the same time, we have seen that the level of soil conservation technicians has been on a constant decline in recent years. It is difficult for me to understand how USDA technical people are going to provide increased assistance when they are constantly declining in number.

It is my understanding that, in Kansas, there has been more than a 20 percent decline in the number of SCS technicians in the past seven years. Nationwide, the reduction in soil conservation service personnel is over 22 percent, according to the information I have received.

It may be that, because of more efficient organization and new techniques SCS technicians are able to provide more assistance now than previously. However, the technical assistance provided by SCS technicians is of great importance to the program. The information I have received from Kansas suggests that the level of technical assistance has not been entirely adequate. I think the Department of Agriculture should respond to this matter and explain how the increasing conservation needs of farmers can be met by fewer SCS technicians.

It has been called to my attention that the Department of Agriculture may reverse this trend. I would applaud this development. Witnesses from the Department may have further information on this today.

LEVEL OF FUNDING

Another key factor in conservation programs is the level of funding provided for assistance and incentives. The soil and agricultural resources are the most vital wealth we have. It is in the national interest to provide federal funds to assist farmers in constructing measures and providing assistance and incentive to farmers to build conservation measures.

It is my understanding that the budget request for conservation measures and for the water bank program this year is $118,800,000. This compares to an appropriation for fiscal year 1974 of $175,000,000 and an appropriation for fiscal year 1973 for $225.5 million.

In other words, at a time when the need for conservation measures is increasing, the level of funding for these measures has been on the decline. I believe the Department of Agriculture officials here today should respond as to how conservation measures can be increased when funding is at a lower level.

Mr. Chairman, in my opinion, we should consider a letter of recommendation to the Subcommittee on Agriculture Appropriations that funding for conservation measures should be increased. I have been advised that the level of funding for conservation measures is presently under consideration by the Subcommittee and such a recommendation would be most timely.

Again, I appreciate this opportunity to testify on a matter so important as conservation. I believe the actions resulting from this meeting are bound to be beneficial and will help American farmers meet the number one priority of this century—food.

DR. GOLDMARK ON "A NEW RURAL SOCIETY"

Mr. HUMPHREY. Mr. President, for many years Dr. Peter Goldmark served as president of CBS laboratories and was a major force in the development of many of the modern-day communications facilities which we all take for granted.

Upon his retirement from CBS Dr. Goldmark formed his own company and dedicated himself to providing new services to rural America through the use of advanced communications technology.

Because of my interest in the development of rural America, I have had the opportunity to visit with Dr. Goldmark on several occasions and I am hopeful that his work will produce results which will make rural America a better place to live.

Mr. President, I ask unanimous consent that an article about Dr. Goldmark's New Rural Society project, published in the May 1974 edition of Rural Electrification magazine, and excerpts from an article by Dr. Goldmark which appeared in the Michigan Business Review, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

A New Rural Society Based on Telecommunications

Dr. Peter Goldmark envisions a future society where telecommunications technology will remedy urban chaos, revitalize rural America and solve the energy crisis.

He calls it the New Rural Society (NRS). Today, with a HUD grant and supported by USDA, FCC, HEW and Fairfield University, it is already testing imaginative applications of telecommunications in rural Connecticut, and working with Western Wisconsin Communications Co-op.

NRS's innovative experiments in telecommunications are developing new communications techniques to help upgrade the quality of rural life and prove that these communications projects can infuse economic viability into rural areas through employment, improved health services, educational opportunities and cultural enrichment.

Dr. Goldmark, the man who invented the long-playing record, the video cassette and the first workable color television system, believes that present telecommunications technology is available but NRS must prove the economic viability and help change present trends toward urbanization and centralization of population.

He calls for a historic reversal of the system that drove 30-million rural Americans from the land since 1940 and for new policies—governmental, social and private—to rebalance our population and growth trends.

In an interview, Dr. Goldmark talks about his new idea:

I feel it is important now to start thinking, not just turning off switches or researching new energy sources, of reversing the tragic trends of society, especially the crowding of people into urban centers where more energy is constantly needed.

I urge that we consider a simple rebalance of population—a shift of the present trend toward the city back to the country.

What I propose is that the advances of telecommunications technology—satellites, cable TV, broadband circuits and similar electronic devices—be used to attract future generations back to smaller towns and rural areas.

Because of current trends we are in the midst of an urban/rural problem that is intertwined with the energy crisis. This triangular problem is linked to the largest migration in the history of man—of 30-million people from America's rural areas to its cities—that created a population imbalance in which 80 percent of the people now live on 10 percent of the land.

The resulting society problems affect more than three-quarters of our population and occurred while science and technology triumphed in many fields, unaware of the developing catastrophe. My plan for coping with the urban/rural/energy crisis is to create a new rural society based on the innovative use of telecommunications technology. It is underway as a Federal pilot project under HUD in rural Connecticut. We have worked with regional communications projects in Minnesota and are actively participating in the exciting possibilities of the Western Wisconsin Communications Cooperative.

NRS is proposing future development of rural cable service based on extension of existing cable technology and with community participation and involvement through cooperatives to bring cable to every rural home. In discussions with the REA I see the chance to apply REA practices in operating local cooperatives funded through long-term, low-interest loans. Utilizing REA technical expertise, it would be possible to lay special cable and amplifiers on such a scale that ultimately all rural homes would be wired for cable communications.

NRS projects have already shown that through telecommunications businesses can link remote operations and bring jobs and industry to rural areas. Most Americans would like to live in rural communities but without jobs they are forced by economic necessity to continue living in or to move to urban areas for employment. The basic idea of NRS is to find out how to bring complex services to the consumer by imaginative uses of communications and thus draw people back to the countryside (or keep them there) by providing the same cultural, economic, health and educational services available in the city.

I submit the New Rural Society is a bold scheme. It demands faith in the options provided by technology. But if such faith is not forthcoming and present trends continue I see nothing short of disaster for our nation.

[From the Michigan Business Review, the University of Michigan, Ann Arbor]

The Need for a New Rural Society

(By Peter C. Goldmark)

The energy crisis, which evolved in part from the great migration from rural America to urban concentrations, has heightened the urgency to solve the nation's population imbalance between the large cities and our vast rural areas. Consequently, society is being threatened by the closely linked urban, rural and energy crises.

Ever since World War II there has been an unprecedented flow of people from the country to the city. This continued migration has created today's huge urban complexes with their unmanageable problems of crime, drugs, pollution, transportation and, now, energy. Conversely, rural communities offer few employment opportunities, inadequate health care and education with no entertainment and cultural activities to reverse the migration of people to the cities. As a result, more than three-quarters of our population concentration is urban and suburban, yet 95 percent of our land is essentially rural.

We have not planned for our future very wisely, and we are on a dangerous trend. A quick glance at history bears this out. During the past 10,000 years little has changed in the physiological, mental and behavioral characteristics of man. Yet, in the last 200 years, science and technology have radically changed our living pattern. If these developments were combined in a single graph and plotted on the scale of man's history, the curve would remain constant for 10,000 years, but shoot up almost vertically during the past 200 years. This upturn would reflect the sudden changes in all aspects of our lives and the rapid rate at which we are depleting our resources.

There is mounting evidence that sociological and environmental problems increase with higher population concentrations. This evidence also shows that man is physiologically and psychologically unprepared for the resultant stresses and strains. For example, four times more crimes per unit population are committed in a city of one million, compared to a town of ten thousand. The concentration of pollutants is roughly the same ratio.

Is there a way out of this? I believe there is. One meaningful approach to the problem is the concept of the New Rural Society (NRS), a national pilot study now in its second year and funded by the U.S. Department of Housing and Urban Development through a grant to Fairfield University.

TELECOMMUNICATIONS TECHNOLOGY

The objective of the NRS is to provide some 80-million families with a choice by 1994 of living and working in an attractive rural or urban environment. Basic to the concept of the New Rural Society is the thesis that existing communications technology can be applied imaginatively to business and government operations so that their components can be decentralized to rural areas and continue to operate effectively. Telecommunications techniques will also be adapted to educational needs, health care, cultural and recreational pursuits to upgrade the quality of life in rural areas.

It is essential to the implementation of the NRS plan that a voluntary population redistribution involve the majority of our many thousands of small communities ranging in size from 2,500 to 150,000 people. Appropriate state-wide and community planning will be essential to assure that the growth rate of the individual community be tailored to suit its long-term local objectives. Our studies have shown that such a plan would fully preserve existing land resources, because the growth of the individual communities can take place within their geographical boundaries.

The basic steps in accomplishing the NRS goal were established during our initial studies. These steps are directed toward combining three key ingredients—Places, Jobs and People—under properly planned conditions.

Initial "quality of life" studies by the New Rural Society task force revealed that there are more than 4,000 existing communities in this country with populations ranging from 2,500 to 150,000 which have the potential of becoming viable growth centers with proper planning.

In order to develop workable methods of applying telecommunications technology to rural communities, the Windham Regional Planning Area in northeastern Connecticut was selected with the cooperation of the Governor as a model for study and demonstration purposes. This area is economically undeveloped, and its ten townships are typical of rural Connecticut. It is located approximately 30 miles from Hartford, the state's capitol.

Baseline analyses of the region's living conditions and the expressed attitudes of the residents have been carried out in cooperation with the Windham Regional Planning Agency. Among these analyses was the important consideration of where people prefer to work. Most residents who work in the area want to continue to do so. Those who commute to their jobs in nearby cities, such as Hartford, would rather work where they live if employment opportunities suitable to their individual skills were available. As a corollary, a recent Gallup Poll reported that approximately one-half of all the urban population of the United States would like to live and work in a rural community, beyond the suburbs.

BUSINESS COMMUNICATIONS

The New Rural Society project has placed special emphasis on the uses of telecommunications techniques in order to assure business and government operations that the location of individual units in small communities permits the same continuity of contact with internal and external operations as they do in urban areas. Among the various communications audits undertaken was the important matter of business meetings on an informal or scheduled basis. Back-to-back laboratory studio experiments using a variety of telecommunications methods were conducted during these audits, followed by actual electronic teleconferencing field tests with Connecticut business organizations and government agencies.

Because organizations have found that business conferences can be conducted efficiently with telecommunications as a substitute for face-to-face meetings, the system has drawn considerable attention since the emergence of the national energy shortage. A large Connecticut financial institution, the Union Trust Company, has been working with the NRS team to hold regularly scheduled intercity executive committee meetings for several months using an electronic communications system designed by the NRS team. Union Trust maintains headquarter offices in Stamford and New Haven, located 40 miles apart. In the past, executives from the two locations have had to travel from one city to the other to conduct their business in joint sessions.

The NRS teleconferencing program has not only saved gasoline and travel time for Union Trust officials, but it has actually shortened the duration of each meeting. Participants tend to be more inclined to adhere to the prepared agenda and to confine themselves to relevant discussion.

The system uses special acoustical technology to create individual sound images of the participants. Leased telephone lines link the two communications terminals and specially connected microphones are provided for each participant in the teleconference. As a participant talks, his associates at the other location are able to identify him through the permanent location of his sound. Documents, reports and other graphic materials can be transmitted back and forth during meetings by facsimile equipment for review by the participants.

The comprehensive NRS field tests using various methods of electronic teleconferencing have shown that a two-way, point-to-point video link is, in most cases, economically prohibitive. The tests also demonstrated that the new audio system can equal or surpass the performance of a video system at a fraction of the initial capital and operating costs. The practicality of audio teleconferencing is a major step in the over-all objective of the New Rural Society to provide business and government with the tools to operate effectively regardless of a community's location or size.

This application of telecommunications to major problem areas providing employment opportunities for rural communities exemplifies the philosophy upon which the New Rural Society concept is based.

APPLICATION IN HEALTH CARE

Another pressing problem for most rural areas is the lack of trained personnel for primary health care. Our studies have revealed that in the Windham Region the ratio of primary care physicians to the population is half that of the national average—roughly one-quarter doctor per 1,000 people.

With the assistance of the New Rural Society team, primary care physicians of the Windham Region have organized to seek methods of alleviating the situation. This calls for the training and use of paramedical personnel supported by telecommunications facilities. The goal is to optimize utilization of the area's hospital and physician resources and to take advantage of the diversified services available at large medical care complexes in nearby larger cities.

One approach by the NRS study team is training paramedical personnel to provide preventive, curative and rehabilitative services at low cost with existing telecommunications technology and systems.

To improve medical service to rural areas covered by the few and often overburdened rural physicians, a team approach to health delivery is contemplated. In this approach, the physician remains the central person, assisted by a nurse and by a paramedic driving a small mobile health bus equipped with emergency and diagnostic equipment. The physicians or nurse will be able to communicate with the "medibus" from his office over a two-way FM radio link capable of carrying simultaneously voice, facsimile and diagnostic data. Calls from patients would be handled by the nurse and referred to the paramedic or when necessary, to the doctor. Another communication link will connect the physician's office with the nearest hospital for certain emergencies.

In addition, the physician assistant would also be responsible for doing periodic screening of teachers and students in nearby rural schools for early detection and treatment of illness.

Adequate health care is essential to businesses when considering relocation to know that their personnel will be provided with sufficient and efficient medical services when they are needed.

Along with assurance of proper health care, people who are considering a community as a place in which to live are equally concerned with the quality of educational facilities for their children.

Electronic teaching aids can bridge much of the gap between big-city and small-town educational resources. A number of rural schools can pool closed-circuit television, for example, and reap the benefit of pre-programmed learning material, prepared by outstanding educators.

Telecampuses can be established to bring higher education to small communities. Audio/video telecommunications can make it possible for people to listen to lectures and participate in classroom discussions.

The continuing output by a small community of its youth educated to their fullest capacities is an incentive to a business organization to consider location in a town where manpower needs are likely to be available.

When a community can provide employment, effective health care, broad educational facilities, what else does it need to make it an attractive place in which to work and live? It needs facilities to provide its people with recreation and entertainment, and opportunities for cultural pursuits of individual appeal. It needs all the advantages, including public services, which people can find in urban areas.

As a focal point of these needed facilities, the New Rural Society team has proposed a Community Communications Center where the local citizenry can find under one roof a multitude of services provided by electronic communications, both for intracommunity contact and for contact with other communities and cities.

NRS AND ENERGY

These are examples of how a New Rural Society can be achieved to benefit the large city and the rural town in America; but this process will also permit us to preserve our energy resources. Stopgap measures to save fuel will not accomplish lasting results. The huge consumption of oil by our urban centers can be eased only to a limited degree by use-restrictions.

We have plenty of coal, but if we return to this source of energy for our large cities, the concentration of pollution in the air becomes prohibitive.

If people could live again in a decentralized fashion, power generation could also be dispersed and the resultant pollution can become tolerable.

Fuel for transportation uses up one-quarter of the country's entire energy demands. Automobiles consume about half of this amount of which one-half is used by automobiles for daily commuting to and from work.

The New Rural Society plan envisions people living and working in the same rural community. With proper local planning, the growth of these communities could ensure that new businesses, homes, shopping centers and other community services would be located to encourage walking or bicycling. Under such conditions, significant amounts of fuel could be saved.

As we have discovered in our NRS studies, many people, given the option, would prefer to live and work in the same small town. Lack of planning is responsible for much of our complex situation today.

The tremendous geographical imbalance of our population distribution, brought about largely by business concentration in urban centers, has been the major factor in the current economic and social decline and the depletion of our natural resources. We must have the courage and the wisdom to realize that our present course is leading to the decline of society, as we know it.

It has been proposed that new towns be built to accommodate more people. A few have been built. The truth is that a new town would have to be completed every second day from now to 1994 to accommodate the population which may choose to live in rural areas.

In rural America, thousands of small, potentially viable towns already exist. On this foundation can be built a New Rural Society to provide jobs and services for those already living in these towns and for those who will want to move into them from the large cities.

DEFENSE AUTHORIZATION

Mr. GOLDWATER. Mr. President, the annual prolonged debate of our Defense authorization has just come to an end and when the conference report is voted on, it will be but another memory. Older Members of this body will recall that prior to 5 or 6 years ago the work of the Armed Services Committee usually went unquestioned and there was rarely any debate in the Senate about it. Now, I am not saying there should not be debate; in fact, there should be debate on every matter that comes to this floor that presents any questions, but I suggest that the debate should be engaged in by people equally as knowledgeable as members of the committee involved or the staffs of those committees.

The Association of the United States Army, naturally, being concerned about the attacks that are made on our military personnel and our weaponry—attacks which are sometimes backed up by good, sound facts but, which many times are not and actually border on the ridiculous—have compiled a paper by members of the association presenting their views about defense. In placing this paper in the RECORD, I would like to emphasize that it is not a personal opinion alone expressed by the association, it is an expression by a group of men representing a broad spectrum of people experienced in the defense business. I realize that the opinion of the association will not deter the long list of organizations who give financial support to the attacks on the military but, nevertheless, I think it should be made available to Members of Congress, so I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF THE
UNITED STATES ARMY,
Washington, D.C., June 14, 1974.

Memorandum to: Chapter Presidents.
Subject: The Importance of AUSA Presenting the Facts About Defense.

To better appreciate the importance of AUSA's educational efforts in support of an adequate national defense, one needs to know more about the energetic groups and individuals who devote increasing efforts towards the emasculation of our defense posture. There is a constant drumfire reaching the Congress to reduce our defense expenditures.

One such group is called the "Project on Budget Priorities." Last year they indicated that their financial support came from among the following:

Amalgamated Clothing Workers;
Amalgamated Meat Cutters;
American Federation of State, County and Municipal Employees;
American Federation of Teachers;
Americans for Democratic Action Common Cause;
Executive Council of the Episcopal Church;
National Association of Home Builders;
National Farmers Union;
National Student Lobby;
Oil, Chemical and Atomic Workers;
Ripon Society;
United Auto Workers;
United Church of Christ;
United Mine Workers;
United Presbyterian Church, USA, and
United States Conference of Mayors.

Their primary effort is to produce each year their analysis of the pending defense budget and to indicate their views on how it can be cut substantially. Their recommended cut on the FY75 budget was $11 billion.

In their promotional literature, they style themselves as military "experts" and gain some credibility because of the previous service of a number of the principals as second, third or lower echelon political appointees to government departments during previous administrations. Those who allowed their names to be used on this year's recommendation include:

Paul C. Warnke, Convener, Former Assistant Secretary of Defense (International Security Affairs).

Adrian S. Fisher, Former Deputy Director, U.S. Arms Control and Disarmament Agency.

Alfred B. Fitt, Former Assistant Secretary of Defense (Manpower).

William Foster, Former Director, U.S. Arms Control and Disarmament Agency.

Alvin Friedman, Former Deputy Assistant Secretary of Defense (International Security Affairs).

Roswell Gilpatric, Former Deputy Secretary of Defense.

Morton Halperin, Former Deputy Asst. Secretary of Defense (Policy Planning & Arms Control).

Townsend Hoopes, Former Under Secretary of the Air Force.

Brigadier General Douglas Kinnard, U.S. Army, Ret., Formerly in the U.S. Military Assistance Command, South Vietnam.

George B. Kistiakowsky, Former Presidential Science Advisor to President Eisenhower.

Anthony Lake, Former staff member, National Security Council.

Rear Admiral Gene LaRocque, U.S. Navy, Ret., Former Commander, Carrier Task Group, U.S. Sixth Fleet.

Vice Admiral John M. Lee, U.S. Navy, Ret., Former Assistant Director, U.S. Arms Control and Disarmament Agency.

Earl Ravenal, Former Director, Asian Division (Systems Analysis), Department of Defense.

Herbert Scoville, Jr., Former Deputy Director, Central Intelligence Agency.

Ivan Selin, Former Deputy Assistant Secretary of Defense (Strategic Programs).

Richard C. Steadman, Former Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs).

James C. Thomson, Jr., Former staff member, National Security Council.

Adam Yarmolinsky, Former Deputy Assistant Secretary of Defense (International Security Affairs).

Herbert F. York, Former Director of Defense Research & Engineering.

Walter Slocombe, Editor, Former staff member, National Security Council.

To provide a better understanding of the degree of irresponsibility in their effort, a description of their major recommendations follows. Many of these recommendations were presented to the Congress during consideration of the Defense Authorization Bill by the small band of outspoken liberals who constantly attack defense spending. Fortunately, all amendments stemming from their suggestions were substantially defeated this time. Some of these recommendations had previously appeared in a publication called "Defense Monitor." Retiring Chief of Naval Operations Admiral Zumwalt was asked to comment on proposals appearing in that paper. He said: "The publication is put out by a retired Rear Admiral named LaRocque and its data is not consistent with any analysis done by any respectable organization. Some of it can most charitably be described as distortion apparently designed to achieve major reductions in the defense budget regardless of the facts." One might properly extend the same description to the report on military policy and budget priorities which has just been published by the Project on Budget Priorities.

The paper opens by making a big point of the fact that this year's defense budget is the largest peacetime budget in our history. In today's inflated dollars—nobody disputes that. In presenting these statements, they accuse the administration of "juggling its figures," "attempting to camouflage the real increases"—in an effort to persuade the reader that some underhanded skullduggery is going on. Obviously no mention is made of the vast alteration in budget priorities which has already taken place in this country, nor do they point out that the defense budget is only 5.9 percent of the GNP now as compared to 9.4 percent in 1968; that it represents only 27.2 percent of our total federal budget outlays as opposed to 42.5 percent in FY68. They overlook the very important point that every budget for every government department each year is a record. If the inflation rate is 7.5 percent, it will cost $6 billion more just to have the same purchasing power as the defense budget last year.

The report goes on to carp "at how much of the Nixon's proposals involve waste, continuance of unwise past programs and unsound efforts at pump priming." Finally, in the opening of the report, we are told that we are to be presented with a series of "feasible measures that can be taken and programs that can be cut without risk to our national security." There is no indication of the basis or expertise on which this evaluation of risk is made. An evaluation, it might be added, which is disputed by every major authority on the subject.

The second section is a brief theoretical discourse on economics and the military budget. It would not be particularly worthy of comment except for a couple of points that need to be refuted. Much is made of the fact that some money is contained in the defense budget for economic stimulation. This report says it's about $6 billion. Defense Secretary Schlesinger says it may be between $1 to $1.5 billion. The report is aghast at such an idea, no matter what the amount, stating that "inflating the military budget is a grossly wasteful device for economic stimulation." This would be true if A) you bought items or services you didn't need, or B) you paid more for items than you should. There is no evidence either of these is the case. The report goes on to list four reasons why economic pump priming through the defense budget is "clumsy and crude." First, they say, military spending impacts more slowly "because of built-in lags necessary for cost effective contracting." Cost effective contracting is a virtue which we believe should be applied assiduously to all our government programs.

The second reason has to do with targeting expenditures geographically. Perhaps they have in mind such actions as Congress insisting that the Department of Defense buy in Texas airplanes they don't need. Thirdly, military spending generally goes to skilled workers, not the unskilled, low-income type that are most needy.

And finally, reason four is that we shouldn't buy "superfluous military hardware," instead of creating social capital for other welfare programs. This group feels that the economy should be stimulated by money more wisely spent through "expanded and extended unemployment compensation benefits, quick impact local programs of public employment, a temporary reduction of the social security withholding rate or a reduction in the income tax on low incomes." In any event, the percentage of the budget involved is comparatively small and hardly worth all of this concern.

The next chapter discusses what they call the real world of today and military needs. It has a tone of Alice-in-Wonderland about it. The chapter opens by stating that the increase in the defense budget "would suggest somehow that the military threat to the United States has increased." And then goes on to say: "But it is not so." What the basis for the statement is we are not told. The increase in the Soviet threat is dealt with in great detail by Secretary Schlesinger in his Posture Statement. The Posture Statement of the Chairman of the Joint Chiefs deals almost exclusively with the rapid growth of Soviet military strength vis-a-vis the United States. Certainly there can be little encouragement from the Mid-East and with the leadership of friendly governments falling like dominos. So far this year, for example, political changes of one kind or another have occurred in eight NATO nations—four of the government turnovers came within a five day period in early May. It would appear that the increased dangers are readily apparent. But not to this group. The chapter concludes with a couple of statements that indicate the unstable basis for this fuzzy thinking. Consider these: "Our true national security is sacrificed to a needless drive for more weapons of unneeded complexity and inordinate expense and for the maintenance at home and overseas of military forces designed for contingencies in which our military involvement would disserve our national interests." There's more: "For our true national security is neither measured nor insured by tanks, planes, missiles, warships and armed men, but by the fundamental strength, unity and confidence of our people in our institutions, our economy and our society." One wonders how the Soviets, the Chinese or, for that matter, the rest of the world would measure that high-minded, idealistic statement in terms of a credible deterrence.

Moving on to more specific recommendations, the report next zeroes in on our general purpose forces.

Here again it is almost impossible to separate fact from emotional opinion, and some of these defy definition. For example, "grossly inflated 'constant dollars' basis which minimize current costs." That's a non sequitur. The purpose of defining costs on a "constant dollar" basis is to assess the impact of higher costs and inflation for the purchase of similar goods and services.

One wonders also where the authors get their figures. They mislead the reader when they talk about how little change there has been in conventional forces. They use the decade from 1964 to 1975 to show that there has been only a modest decline in the size of our conventional forces. The strength picture for our Armed Forces is as follows: FY 62—2.8 million; FY 68—3.5 million; FY 75—2.15 million. So, contrary to their statement, there has been considerable change in our forces, both up and down, to meet specific needs.

They next maintain that our conventional peacetime forces are "qualitatively far more powerful." Here are some comparisons: The authors make the point that we maintain essentially the same number of tactical air wings as we had in 1964. This is not far off the mark. The numbers of tactical aircraft have decreased by about 600, although presumably newer craft entering the inventory are better performers. (Russia's tactical aircraft increased about 1,200 in the same period.) The authors next maintain that the Navy has the "same number of attack carriers and three times as many attack submarines." That will come as a big surprise to the Navy. The facts are: 1) in FY 64 the Navy had 24 aircraft carriers; in this fiscal year they have 15 and are still scheduled to have 15 for FY 75. That's a difference of 9 carriers—a sizeable mistake; 2) in FY 64 the Navy had 104 attack submarines. In FY 75 they will have 77. That's a decrease of 27 attack submarines rather than "three times as many." It is very difficult to discuss rationally differing views when such distorted facts are employed.

They talk about the reduction of ground divisions from 19½ to 16 (including Marines) as resulting from a shakedown from the Berlin buildup and the change to a 1½ war strategy. There is no comment or recognition of the vast buildup and subsequent reduction for the longest war in our history. Nor is there any indication (with the exception of a minor mention of the increase in helicopters) that any changes in strategy, threat or commitment have come about in the last ten years.

The authors strongly recommend eliminating our military presence in Korea, Thailand and elsewhere in Asia to the tune of 125,000. They erroneously state that we have 181,000 troops in Asia. The actual figure was 159,000 at year end. This would leave about 34,000 based on 31 December 1973 troop figures. They say that this figure "would be more than ample to provide stabilizing evidence of continued American interest" in this whole area of Asia, east of India, which contains two-thirds of the human race. It might to the authors, but it certainly wouldn't to the Asiatics.

As one would anticipate, the authors similarly espouse early and significant withdrawals from NATO. Even Congress has backed off decisively from this approach as a result of exhaustive studies made by Congressional committees, not by the Defense Department.

The Reserve Forces are considered next. There the authors parrot much of the same line written some months ago by Martin Binkin in his discredited Brookings Report. The authors embrace totally the short war theory and display a considerable lack of understanding of our total force defense structure. Their modest recommendation is to cut the Reserve forces by two-thirds. As the Congress has already indicated clearly, such specious recommendations will receive no informed support in the Congress.

There is a variety of recommendations to slow the procurement of weapons. They recommend cancelling AWACS, halting the F-14 program, stretching out procurement of nuclear attack subs, suspending new tank development and stretching our procurement of DD-963 destroyers (which they call "oversized and rapidly obsolescing,") and to slow procurement of the patrol frigate.

Their reasoning in this area is equally specious. Their reading of the Mid East war is that it casts doubts about the usefulness of the tank in that kind of environment. Whereas the reading of everyone else (including Congress) is that we should be building more than we can actually produce. As far as the new tank is concerned, it is being developed with the specific acquiescence of Congress under the injunction to avoid the problems of the previous joint effort with the Germans. But both Congress and Defense are in agreement that a new tank is needed.

The authors similarly abhor the plan to utilize personnel support spaces saved through reorganization to create more combat troops. The authors simply see no basis for increasing any segment of our defense structure. This despite all the evidence of increased threats which has been presented and acknowledged by big majorities in the Congress. Moreover, they express no understanding of the most important fact that it is under the umbrella of recognized strength and will that detente and other peaceful adventures prosper.

We have not previously commented on one aspect of the budget reductions which the authors have suggested and that is their assignment of arbitrary price tags to their suggested cuts. They make the statement, for example, that through the implementation of operating efficiencies, $4.0 billion could be saved. They then go on to recommend an across the board reduction of 15% of all support personnel—without any reference to requirements; what they do or how important their functions may be. Other suggested savings are equally illusory and irresponsible.

The authors are concerned with "grade creep" and address the subject as though the services were doing nothing about it. Substantial present on-going actions are ignored. The same is true of their suggestions that tours of duty be stabilized for longer periods, an action the services have had underway since 1969.

Then you come across another of their gratuitous statements for which there is no basis: "Given the fact that major conventional wars are likely to be short, support forces geared for sustaining long term combat should be reduced." No authority for such a premise is given. We know of no one of any stature who subscribes to it.

The authors enunciate a basic strategic nuclear policy that has not been feasible since the days of John Foster Dulles and our nuclear monopoly: "The basic principle of U.S. nuclear forces since even before our nuclear monopoly was broken has been the absolute deterrence of nuclear war by maintaining an ability utterly to destroy an attacker even after absorbing the worst possible first strike." They go on to imply that the suggested programs to develop a counterforce capability, I.E. to target more military targets with less reliance on population centers, are not needed and their approval would be a dangerous mistake. Secretary Schlesinger pointed up very carefully the need for greater options in light of the growth in capabilities possessed by other powers. To point up the error of the paper under discussion, consider this statement by Secretary Schlesinger: "These additional options do not include the option of a disarming first strike. Neither the USSR nor the United States has, or can hope to have, a capability to launch a disarming first strike against the other, since each possesses, and will possess for the foreseeable future, a devastating second-strike capability against the other." In the House, Rep. Abzug (D-NY) introduced an amendment that sought to prohibit the use of funds for research and development to build counterforce capabilities. It was defeated by a recorded vote of 37 ayes to 370 noes.

The authors would eliminate all the counterforce programs from the budget. Their actions, of course, would virtually eliminate any hope of meaningful SALT negotiations, for if we agree to embrace inferiority voluntarily, there is no reason for the Soviets to negotiate. Fortunately, the Congress met this issue head on and defeated it by a substantial margin.

In attacking expenditures for the Trident submarine, the authors are again using bad figures. They claim that the Trident submarine will cost "$1.3 billion or more per boat." The facts are that they read the wrong line on the budget sheet. The amount in the FY75 budget for two boats is $1.381 billion.

The authors strongly support the proposed new missile sub using the Narwahl reactor. The Senate Armed Services Committee deleted funds for this program for next year terming it premature. The paper also proposes stopping the B-1 bomber program entirely and to begin work on a "follow-on B-52 bomber which could use the standoff air-to-surface weapons now under development." This suggestion, too, was defeated by a wide margin.

The authors will find a more receptive audience for their suggestions in cutting military aid to South Vietnam. This short-sighted policy negates much of our great effort in that area and even more importantly, breaks our agreement with the South Vietnamese. Apparently, the authors perceive no future U.S. interests in the whole broad spectrum of emerging Asia—an area that promises to be our biggest economic market in the future.

As far as other military assistance programs are concerned, the authors are willing to concede that some of them are "in the interests of peace and national security" but "the bulk of the proposed program contributes to neither." Since this opinion is not documented, it can scarcely be given more than passing notice.

The principal recommendation of the paper is that "Congress establish a ceiling on the total military budget each year." They then go on to suggest a variety of ways that Congress should "get control of the military budget." They make it sound like some sort of a contest rather than the very serious matter of our national survival. Apparently they are not aware of the present legislative process. Any Secretary of Defense or Service Chief would tell you just how much control Congress already has over the military budget and the close scrutiny they give to the various programs.

The total impact of their paper on our defense establishment will not be great primarily because it is a superficial work full of errors in fact and judgment. But it is a paper that has to be answered because it is used as authoritative information by those who would emasculate our defenses. It adds a further burden to the services, for they are put in the position of trying to respond to frequently false accusations. Moreover, the proponents of these counterproductive actions are unremitting and must be answered regularly. The dedication of these social welfare advocates must not be underestimated, for their dedication is not matched by the understanding and perception of the real world in which we live.

AUSA and like-minded organizations must take every opportunity to refute these proposals and emphasize their very fundamental errors in fact. In the Washington climate, it is one of our more important tasks. Truth is not a matter of judgment.

INDEXATION: A NEW WAY TO DEAL WITH INFLATION

Mr. MANSFIELD. Mr. President, as we are all aware by now, inflation is on a worldwide binge. The Congress is doing nothing; the administration is doing nothing. The people wait and we are all found wanting.

Administration spokesmen have done all they could to encourage inflation through lifting wage and price controls under phase II a year ago last January; through making statements that "the people" are responsible for inflation, and also stating that a recession would be a good thing for this country at this time. They are blaming the people when they should be blaming themselves. They are talking about the need for a recession when they should be doing everything possible to avoid one. They talk about controls now on a "maybe" basis, even though controls were taken off when they were working effectively.

I have introduced legislation seeking to establish a dialog based on the concept of what has come to be known as the Brazilian Index Plan. While it has been so named because of its use, most recently, in Brazil, I would point out that it is an old American plan which has been in operation in this country for some years and whose origin goes back many decades.

In order to, hopefully, bring about a dialog on this and related economic matters, and in an effort to cope with runaway inflation, I ask unanimous consent that an article which appeared in U.S. News & World Report of July 8, 1974, entitled, "Indexation: A New Way To Deal With Inflation?" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Indexation: A New Way To Deal With Inflation?

(From top authorities come answers to questions on topics in the news)

At a time of inflation, people more and more are seeking ways to protect themselves against rising prices.

Labor unions are getting escalator clauses in contracts to boost pay automatically when the cost of living goes up. Congress has voted similar escalation for people who depend on Social Security benefits, food stamps and federal pensions.

So far, these safeguards against the penalties of inflation are available only to about a fourth of the American public. But a proposal for covering just about everyone is getting a lot of attention. It is based on Brazil's decade of experience with something called "indexation." The idea has provoked many questions.

First of all, just what is "indexation"?

In the broadest sense, it means adjusting wages and salaries, the face value of life insurance and other assets, interest rates on loans, and even income taxes according to the trend of prices. Then the Government is supposed to do a better job of fighting inflation.

How successful has it been in Brazil?

The record, over a long period of years, looks pretty good. Brazil's cost of living, which was going up at a rate of about 90 per cent a year in 1964, when indexation was adopted on a fairly large scale, had an upward tilt of only about 15 per cent by late 1973. Since then, however, the rate has doubled. Brazil, even with this system—sometimes called "indexing"—has much more inflation than the U.S.

Then what is the big argument in favor of it?

Many analysts believe indexing eliminates some of the worst inequities caused by runaway inflation. And, they add, the plan has made it easier for the Brazilian Government to use conventional methods to slow the price rise.

Does the plan mean every worker would keep up with inflation?

In theory, yes. Wages, salaries, pensions and other income payments could be raised automatically by the same percentage that prices rise. If the consumer price index advanced 1 per cent a month, wages would go up 1 per cent, too. Something like this already is written into many U.S. labor contracts. However, the automatic wage boosts lag behind the price increase and frequently are less than dollar for dollar.

Senate Democratic Leader Mike Mansfield, of Montana, is backing a bill that would force employers generally to raise workers' pay at least once a year to make up for purchasing power lost through higher prices.

How does that work in Brazil?

The Government hikes the minimum wage each year to reflect past and projected inflation and to take account of gains in productivity. Private bargaining over wages starts from that base.

Even so, wages have risen substantially less than the cost of living in all but two years since 1967. In effect, Brazilian workers have had to take a cut in real income as a contribution toward reducing the inflationary pressure.

What are some other ways in which indexing could be applied?

Adjustments could be made on a regular basis in payments on mortgages, rents, bank deposits and debts of all kinds. A person who lets his doctor's bill go unpaid for too long might have an inflation premium tacked on.

How would indexation affect bond holders?

Suppose you have a $10,000 bond paying 8 per cent interest. If prices rise 10 percent in a year, the amount you are entitled to get when the bond matures might be boosted to $11,000. And your interest payment of $800 a year might be raised to $880.

Would the tax system be affected?

Probably. At present, because of graduated rates, a person's federal income tax frequently goes up faster than his dollar income—and much faster than his real income in a time of depreciating dollars. Adjustments in the tax brackets could minimize this problem.

Taxable earnings of corporations would also be adjusted to reflect price changes. As replacement costs go up, companies would be allowed larger deductions for depreciation. Profits merely reflecting the impact of price increases on inventories would be discounted for tax purposes. As a result, the Government, which usually has a big hand in causing inflation, would no longer be a major beneficiary of it.

What are the drawbacks to the idea?

First, most authorities agree that an all-encompassing system would be too complicated. But any limited system is likely to help some people more than others. Too, a large bureaucracy would be needed to collect data and administer the plan. And there would be very difficult decisions to make: What measure of inflation should be used? At the outset, should a special adjustment be granted to people who have fallen furthest behind in the inflation rat race?

Broad objections are raised by a number of economists: Indexation, by making it easier to live with inflation, might remove much of the incentive for curbing it. And any development that tended to raise costs unexpectedly—a bad crop year or another Arab oil embargo—would spread more swiftly than ever through the economy.

Says one economist: "It would be like throwing in the towel on inflation."

Does that mean that the plan is out of the question?

No. If inflation continues at a swift pace, indexing will probably continue to spread gradually, as a palliative for one unhappy effect after another. If the trend goes far enough, the U.S. could end up someday with a very widespread system of indexation.

MORTGAGE CREDIT CRISIS

Mr. MATHIAS. Mr. President, in the past week, it has been announced that several banks are raising their prime interest rate to a new alltime high of 12 percent. This news comes as a staggering blow to homeowners and homeseekers throughout the Nation who have already been terribly hard pressed for the past year in their efforts to buy or sell a house.

In short, the situation with respect to the availability of mortgage credit is clearly going from bad to worse, and shows little sign of easing in the foreseeable future. This has ominous implications, for home buyers and sellers alike, for thrift institutions and realtors, and for the housing industry generally.

As we search for a solution to this problem we face a familiar litany of obstacles:

Galloping inflation, which not only drives up the cost of housing construction itself, but also destabilizes the economy generally, seriously undermines the value of the dollar, and produces reactions ranging from caution to terror in mortgage lenders who face the prospect of tying up substantial assets in long-term mortgage loans.

Soaring interest rates, which make money terribly scarce, and what money there is, terribly expensive to borrow. With the prime rate now at the astronomical level of 12 percent, what moderate income family can afford a conventional mortgage on anything more substantial than a pup tent, much less find a lender with any money to lend?

A mortgage credit shortage for which the oft-overused term "crisis" is but an understatement. This necessarily hits the moderate-income market the hardest—families not poor enough to qualify for Government subsidy programs, what few there are, and not rich enough to compete for the precious few conventional mortgage dollars which are available at recordbreaking interest rates.

Given the very close relationship between the supply of mortgage money and the rate of new home construction and resale, it should come as no surprise that housing construction for middle- or moderate-income families has virtually ground to a halt. Families fortunate enough already to own a home find themselves with a frozen asset—perhaps appreciating in value, but unable to be sold in the absense of financing for the purchaser. Families in search of a new home are relegated to a kind of grand-scale musical chairs—with far more potential buyers than the supply of mortgage money can support.

And in the background, a substantial portion of the enormous productive capacity of our housing industry lies dormant—eager to serve the community's housing needs, but unable to secure the financing or make the profits which are so essential to its survival.

In sum, the challenge we face is a stiff one—but it is not insurmountable. It will require the dedication, commitment, and cooperation of all of us—in business and Government alike, and among all our citizens generally.

To begin with, in Government, we must bring raging inflation under control. The seeds of today's inflation have been sowed and nurtured by too many years of runaway Government expenditures. For my own part, I am pleased that the Senate Appropriations Committee, on which I serve, succeeded in trimming budget requests under our jurisdiction by more than $3 billion last year—and I am hopeful we can do even better for the current fiscal year.

Nevertheless, Government spending is still difficult to control by Congress as long as our committee structures and procedures encourage massive "backdoor" spending programs which do not pass through any one central unit such as the Appropriations Committee. Having chaired special hearings on this problem before the start of this Congress and sponsored legislation to make the needed reforms, I am gratified that legislation incorporating many of my major proposals, S. 1541, has been passed by both Houses of Congress and is now awaiting the President's signature.

This can be among the most significant legislation enacted by Congress in many years.

Second, we must put an end to the practices which in effect make housing the whipping boy of our economy—punishing the housing industry—and home buyers—for the excessive spending which has gone into other industries. The most typical current cycle is that when the rest of the economy heats up, pushing up interest rates, the housing industry is the first to be hit.

Therefore, the Federal Government must take affirmative steps to stimulate the housing sector of our economy without adding fuel to the inflation which rages in the rest of the economy as a whole.

Some preliminary steps in this direction have already been announced by the President or are now pending in legislation before Congress, including:

The President's recently announced expansion of the "Tandem Plan" to cover FHA/VA mortgages for 100,000 new housing units at 8 percent, and other steps to buy up conventional mortgages and advance funds to thrift institutions at below-market rates.

The Omnibus Housing and Community Development Act passed by the Senate in March, S. 3066, which includes provisions to make FHA mortgage ceilings and interest rates more flexible, and to ease the down-payment requirement for FHA-insured mortgages. The House-Senate conference on this legislation is scheduled to begin tomorrow.

Federal Deposit Insurance legislation, H.R. 11221, which includes a number of provisions designed to help ease the current tight money situation, and which we passed in the Senate last month. That bill, too, is now awaiting a House-Senate conference.

EMERGENCY HOME FINANCE ACT OF 1974

All of these approaches are necessary starting points—but alone, they still will not likely be sufficient to cope with the crisis we face. For this reason, I am pleased to have joined the distinguished Senator from Massachusetts (Mr. BROOKE) in sponsoring S. 3436, the Emergency Home Finance Act of 1974.

This bill is designed to increase the availability of mortgage credit for residential housing, by creating a special $5 billion National Housing Trust Fund for direct Government lending of mortgage money, through FHA-approved seller services such as savings and loan associations and mutual savings banks. These loans would be made in those areas where the Secretary of Housing and Urban Development determines that mortgage credit is not available on reasonable terms.

I am happy to learn that hearings on the Brooke-Mathias bill have now been tentatively scheduled by the Housing Subcommittee of the Senate Banking Committee for August 6 and 7. It will be my privilege to offer testimony at these hearings, in the hopes that the Senate will move swiftly and decisively to deal with the current mortgage credit crisis which plagues us. In addition, I hope to be accompanied at these hearings by a number of Marylanders who will offer their first-hand testimony as to the trials and tribulations they have faced in the frustrating search for home mortgage credit in my home State.

At this time, Mr. President, I would like to conclude by commending to the attention of my colleagues the first installment of what appears to be an excellent series of articles by James L. Rowe regarding the crisis we now face in providing housing and mortgage funds in this area and throughout the Nation. Mr. Rowe's article, entitled "Fund Crunch Hits Housing Once Again," appeared in the Washington Post of July 7, 1974.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FUND CRUNCH HITS HOUSING ONCE AGAIN

(By James L. Rowe, Jr.)

Interest rates have skyrocketed to record levels, mortgage funds are drying up and the home building industry is close to chaos.

While the situation seems more tense than usual, the current housing crunch is only the latest installment in a saga that has been played out four times in the last eight years.

When the Federal Reserve Board tightens its monetary policy and allows interest rates to rise to fight inflation, those high interest rates invariably choke off home buying and new-home building before they batten down prices.

Although most companies face dislocations because of ups and downs in the business cycle, those associated with the housing industry of late seem to be particularly volatile. Home sales are dependent on the availability of financing and the cost of that financing. It is the rare consumer who can buy a home without taking out a mortgage loan.

When interest rates rise, as they are now doing, home buyers are discouraged—not only by the high cost of money—but by its scarcity. Savings and loan associations, which make more than half of the home loan mortgages, discover that, during periods of high interest rates, the flow of new deposits slows substantially and, in some months, customers actually withdraw more money than they put into their accounts.

The Department of Housing and Urban Development estimates that the amount of money available for home loan mortgages fell to $14.8 billion in the first three months of the year from $15.5 billion during the last quarter of 1973. "It's safe to say it fell further during the second quarter," said HUD housing specialist Rudy Penner.

Scarce money first strikes at buyers and sellers of older or previously occupied homes. Before they break ground, new-home builders generally get guarantees from a savings and loan or bank that there will be money available for qualified buyers when the homes are built.

But buyers of older homes cannot go looking for financing until they have found the home they wish to purchase. Today, those buyers face not only high interest rates but financial institutions reluctant to make loans because they are husbanding their funds to make good on commitments made to builders months or even years before.

"We've pretty much been out of the market since last July," said Henry L. Bouscaren, senior vice president of National Permanent Federal Savings and Loan, the area's second biggest S&L.

Serious home buyers, when they can find an institution willing to lend them money, are often faced with interest rates of 9 or 9.5 per cent and down payment requirements of 25 or 30 per cent. It becomes even harder to find loans in states with usury laws that put ceilings on the amount of interest a home buyer may be charged.

Maryland just raised its usury ceiling from 8 to 10 per cent and the District of Columbia is contemplating a similar change.

In addition to scarce money and rapidly rising interest rates, home buyers are shying off because of rapidly rising prices both for previously occupied homes and for new homes.

It is mainly because of the financial obstacles that the homebuilding industry is in its worst shape for decades, according to the chief economist of the National Association of Home Builders, Michael Sumichrast.

One sign of this is the sharp increase in construction firm failures for the first four months of this year to 580 from 433 last year, according to Sumichrast. The impact of those failures totalled $150.8 million compared with $101.1 million in 1973.

Nationwide, builders have 449,000 unsold homes and, as long as prices and interest rates are high, they will have trouble whittling that number down.

Builders, who were starting units at an annual rate of 2.33 million in May 1973, slowed to a 1.45 million pace last month, according to Commerce Department figures. Moreover, building permits, an indication of future housing starts, tapered off to a 1.055 million annual rate in May, down substantially from 1.838 million in May 1973.

The dropoff reflects not only the high inventory of unsold homes, but the inability of savings and loans or other financial institutions to guarantee builders that they will finance purchase of the homes when completed.

The gyrations of home building add other innumerable costs to the economy that are hard to calculate. For example, when skilled laborers take nonconstruction jobs during bust periods, they are often lost to the permanent home-building labor force.

The ups and downs of the housing industry are caused in part by the same factors that produce other industries' good and bad periods. But the normal cycles of the industry are sharply magnified because the builders rely so heavily on financing from the savings and loan industry.

Savings and loan associations, whose assets are primarily tied up in long-term mortgages with fixed interest rates, find themselves ill-equipped to pay competitive rates on deposits during periods of rapidly rising interest rates.

When interest rates zoom, as is now the case, S&Ls have to hold off making new mortgage loans because of the trailoff—and sometimes net decline—in deposits.

According to the United States League of Savings Associations, S&Ls had a net decline in deposits of $204 million in April and a gain of $350 million in May. Early indications are that the S&Ls fell back into a net outflow situation in June.

So far this year, the gain in deposits is 30 per cent below last year's and mortgage loans made by those institutions are off by 20.4 per cent.

Mutual savings banks have lost even more deposits than savings and loan associations.

The Nixon administration has proposed a plan, based on a 1971 report of a Presidential commission, to solve the problems by substantially overhauling the nation's financial structure. But even if the administration's plan would work, it is a long way from fruition.

In the meantime, the effects of tight money on the mortgage market present economic policy makers with the dilemma of how to fight inflation by concentrating on high interest rates without simultaneously upsetting the critical and politically sensitive housing sector.

Arthur F. Burns, whose Federal Reserve Board is primarily responsible for pursuing higher interest rates to fight inflation, told reporters in a rare press conference last April that combatting rising prices is more important than the "fortunes of home building."

The government knows that it cannot sit by and do nothing: the housing lobby is too well organized for that.

The Federal Home Loan Bank Board, which regulates the savings and loan industry in much the same way the Federal Reserve system oversees the nation's banks, has been lending money to S&Ls to help replace the deposits they have lost.

In total, according to bank board chairman Thomas R. Bomar, the system has $17 billion in loans (called advances) outstanding to S&Ls.

The Nixon administration also has announced a special program designed to inject $10.3 billion in various ways to help ease the crunch.

Rick Sullivan, an official of Page Corp., an area builder, said his firm has been able to make use of some of that money promised by the administration. The program that Page, a subsidiary of U.S. Home Corp., uses is a $3 billion commitment by the Federal Home Loan Mortgage Corp. designed to permit home builders to "start houses with confidence."

The FHLMC guarantees that it will buy the mortgage from the S&L which makes the loan up to 12 months from the date the S&L makes its commitment to the home builder. In a sense, then, the savings and loan association acts as a broker.

Sullivan said that, while his sales are not suffering terribly, purchasers are averse to paying 10 percent for a mortgage. Many savings and loan associations are making it tougher for potential home buyers to "qualify" for a loan, he added.

Sullivan said his company, which builds "starter homes" aimed at young couples, can utilize the special mortgage corporation program because nearly all the mortgages are under the $35,000 ceiling specified by the government. Page built the Cinnamon Tree complex of homes in Columbia, Md.

Other builders, selling more expensive homes, cannot be guaranteed the financing under that program because of the $35,000 limit. They are not beginning new projects.

Most projects, however, have guaranteed financing now, although new projects are having their difficulties. Purchasing a home that is already occupied is getting close to impossible.

Lack of financing has transformed many a would-be seller into a reluctant landlord, often renting his home to the very person who would buy it if mortgage money were available.

"When someone comes to me and tells me he wants to sell his house, the first thing I ask him is if he needs cash," said an official of Shannon and Luchs, a major area real estate firm. If he is moving into an apartment, "I suggest that he finance" the buyer himself.

The situation of a Washington professional who could get normal financing neither for the house he bought nor for the house he sold is illustrative. He became the "reluctant" financer of the couple which bought his house just as the retired chemist he purchased his new house from financed him.

He bought a $68,000 house in Northwest Washington and sold his $57,000 house on which he had $17,300 remaining to pay off on his mortgage. The chemist wanted a down payment of $15,000, a lower one than normal.

After cashing in $2,500 in mutual fund shares and taking out $3,000 in savings, the professional needed $9,500 for the down payment plus $17,300 to pay off his mortgage. He found a couple who put together enough between their savings and loans from their families to come up with nearly half of the $57,000 purchase price. He is financing the rest at 8 per cent interest, the legal limit in the District.

"It was hairy getting down to closing day," he said. "Trying to figure out all your money, to make sure you were getting enough. I had to learn a lot more about real estate financing than I ever wanted to know."

In some sense, he was luckier than most who try to finance their homes. He found a couple with more than $25,000 who was willing to buy a $57,000 house.

"Most people with $25,000 or $30,000 to put down are looking for a $100,000 or a $125,000 home," one real estate agent said. "It's a real scramble to find financing. It used to be if you sell one, you settled one. Now you may sell two, but only settle one because the other one cannot get financing. We're having to work a lot harder."

As a result, homes are remaining on the market for weeks or months, when, two years ago they would have been sold in several weeks.

"We tell 50 people a day that we can't make them a loan," said an official of another major S&L. "We won't make any commitments to home builders and we're scrambling for money to make sure we honor commitments we already made."

INVITATION FOR PUBLIC COMMENT ON TAX LAWS AFFECTING PRIVATE FOUNDATIONS

Mr. HARTKE. Mr. President, the Subcommittee on Foundations has held several days of hearings to take testimony on matters affecting private foundations. Because of the wide interest which this subject has, I have asked that the public be invited to submit written comments on two provisions of the Internal Revenue Code which are of significant interest to the foundation community—the 4-percent excise tax on private foundations and the minimum payout rules which apply to private foundations. Written comments are to be submitted to the Senate Finance Committee office no later than July 26.

Mr. President, I ask unanimous consent that the text of the press release inviting written comments be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Foundations Subcommittee Invites Written Comments on 4-Percent Excise Tax and Minimum Distribution Requirement

The Honorable Vance Hartke (D., Ind.), Chairman of the Senate Finance Committee's Subcommittee on Foundations, today invited written public comments for the record on sections 4940 and 4942 of the Internal Revenue Code. The two provisions impose a 4-percent excise tax and a minimum distribution of net investment income requirement on private foundations.

Senator Hartke noted that the Subcommittee had taken testimony on these two subjects in hearings held in 1973 and earlier this year. In light of the number of requests which the Subcommittee has received to make comments on these two sections of the law, the Subcommittee will invite those interested to submit formal written statements which will be included in the Subcommittee's hearing record.

Those wishing to submit written statements should submit their comments no later than July 26, 1974, to Michael Stern, Staff Director, Senate Finance Committee, Room 2227, Dirksen Senate Office Building, Washington, D.C. 20510.

Copies of the 1973 and 1974 printed hearings held by the Subcommittee on Foundations are available in the Committee office, Room 2227, Dirksen Senate Office Building; written requests for either document should be accompanied by a self-addressed return label.

SARAH CALDWELL

Mr. BROOKE. Mr. President, overstatement is the language of politicians.

Those of us who are its practitioners gravitate to hyperbole—to emphasize a point, to dramatize our arguments, to alert the electorate to danger or opportunity.

We daily court and encounter a little bit of the problem which finally caught up with the boy who cried "wolf."

I am especially mindful of my profession's vice when I write or speak about Miss Sarah Caldwell.

The superlatives—to those who are unfamiliar with her work—may seem to be typical politician's puffery.

Not so.

She is a genius. Her work is inspired. She brings life, light, and lyricism to opera as no other American has or can.

Boston is her home. Sarah Caldwell is Boston's pride.

I have been privileged to work with her and her opera company of Boston for more than a decade. As her friend, as one who shares her love of opera, it is a special pleasure for me to insert Time magazine's latest toast to Sarah Caldwell in the Record.

Mr. President, I ask unanimous consent that the article be printed at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

Barber of Boston

Sarah Caldwell is that kooky, rotund lady in Boston who thinks she knows how to put on opera. Sarah is forever racing round town, scrounging money from her merchant friends to pay off some irate truckers or meet an impending payroll. A woman possessed, and sometimes distracted, by her mission, she once drove home in the wee hours after an exhausting rehearsal, discovered for the umpteenth time that she had lost her keys, checked into a nearby motel for a quick snooze, then walked out and forgot to pay. Her mother recently offered her $1,000 in cash if she would only get her hair done for an opening night; Sarah had no time. She would be the despair of all her friends and colleagues, if they did not love her so.

They love Caldwell because she does indeed know how to put on opera. As a producer and director, she has long since proved her wit, good taste and knack for motivating stage people. She has also emerged in the past few seasons as an uncommonly gifted conductor who waddles to the podium through the audience (there is no other approach in Boston's Orpheum Theater, an old vaudeville and movie house), slumps down into a canvas director's chair, then cajoles the dickens out of her pickup orchestra. All these talents were in evidence last week as Caldwell's Opera Company of Boston concluded its 16th season with Rossini's *The Barber of Seville.*

WAR HORSE

The Barber of Seville? What is Sarah Caldwell doing with a war horse like that, when she could be scoring musicological points by dredging up, say, Cornelius' *The Barber of Baghdad?* She is doing what any savvy impresario would do—playing to her strength. When a loyal Caldwellite like Beverly Sills is willing to sing her first Rosina, and that master of operatic disguise Donald Gramm is equally eager to sing Bartolo, the savvy thing to do is put on *The Barber of Seville*.

Beyond such essentially show business concerns, Caldwell was operating on the premise that beneath the breast of the war horse beats the heart of a thoroughbred. *The Barber* ranks as a 19th century *buffa* masterpiece because its music is so innately ingratiating and so illustrative of both character and comic situation. Figaro's patter aria *Largo al factotum* ("Feeegaro! Feeegaro!") quickly defines him as one of the most likable hustlers in all opera. Rosina's *Una voce poco fa* is a song of such poise and bravura style as to remove all doubt that she will get her man, Count Almaviva.

It is Caldwell's special gift to trust the music and take its humor seriously. Her gags never intrude on purely musical moments, but when they come they are fresh and funny. Figaro enters not from the wings but from the audience, beginning the *Largo al factotum* at about row S. In the lesson scene Rosina hits a high C and the glass in Bartolo's hand shatters. During the Act II storm, Bartolo's hat and umbrella are swept skyward by the wind (on a wire, of course).

COCKTAIL CHATTER

Soprano Sills has spent so much time lately portraying tragic Queens and nutty ladies that one tends to forget that she is a comedienne too. Her double takes, sarcastic gestures, needling glances and knowing swoons would be a scenario all by themselves, were it not for the fact that all the while she is tossing off virtuoso vocal *fioriture* as though they were cocktail chatter. The Figaro of Baritone Alan Titus is a suave quickstepper, lacking only the vocal weight and heightened authority that should come when he adds to his 28 years. The Bartolo of Bass-Baritone Gramm, 47, lacks nothing at all. It is a compendium of wit, slapstick, humanity and *buffo* style.

In short, another triumph for Sarah Caldwell. Without question she is the most adventurous producer of opera in America today. Schoenberg's *Moses und Aron* and Luigi Nono's *Intolleranza* are but two of the works she has given U.S. premieres. This season she conquered the musical and dramatic predicaments that abound in Prokofiev's four-hour epic *War and Peace*. Her *Barber of Seville* suggests that she may not be just the most courageous all-round talent in American opera but the best. When is Boston going to get her out of the Orpheum and give her the permanent home she deserves?

TECHNOLOGY RESOURCES SURVEY AND APPLICATIONS ACT

Mr. MOSS. Mr. President, an editorial in the July 1 Washington Post concludes:

> We cannot arrest rapidly advancing scientific and technological developments. The question is whether these developments carry with them side effects or by-products that are destructive or benign. No President can know this without the best continuing analysis and advice, close at hand.

On July 27 Senator Magnuson introduced, for himself, myself and Senator Tunney, amendment No. 1537 to S. 2495, the Technology Resources Survey and Applications Act. This amendment will establish a focus for science and technology policymaking in the executive branch. It will provide the President with the "best continuing analysis and advice, close at hand." It will, moreover, provide an effective mechanism for long-range planning in science and technology.

The characteristics of this bill will be highlighted on July 11 when former presidential science advisers will testify on S. 2495.

For the benefit of those concerned with Federal policy on science and technology, I ask unanimous consent to print in the Record the July 1 Post editorial, "Science in the White House."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Science in the White House

Worldwide drought and famine, the unsettling economic consequences of the continued energy crisis, problems of over-population, meteorological change—these are just some of the prospective byproducts, as it were, of the sudden advances science and technology, engineering and medicine have made in the past century or so. We can't stop this progress. On the contrary, it has become increasingly clear that only more progress in science and technology, engineering and medicine can cope with the undesirable side effects of the progress that has already been made. We need more knowledge and know-how to keep this planet reasonably habitable. We also need a great deal more political wisdom to apply this knowledge effectively and cooperatively. And we *need* that wisdom on the highest levels of government and policy-making.

President Eisenhower was shocked into this realization back in 1957, when the Russians surprised him and the world by sending their sputnik into orbit. In response, he created the White House Science Advisory Committee and the post of science adviser to the President, which was ably filled by Dr. James R. Killian Jr., now honorary chairman of the Massachusetts Institute of Technology. At that time, the President needed to be informed on scientific and technological developments to maintain the nation's technological leadership. The emphasis was on military matters. Today, the President needs to be informed and forewarned to help avert a different order of potential disasters by the wise and humane use of technology.

President Nixon, however, abolished the Science Advisory Committee a year-and-a-half ago, and with it the whole machinery by which the White House and such policy makers as the National Security Council could draw on the advice and help of the country's science and technology. The President was apparently peeved that many scientists were loudly critical of the Vietnam War and opposed the supersonic transport program. Scientists consider it imperative, however, that their best judgment on matters within their competence, untainted by departmental loyalties and bureaucratic jurisdictions, be available to the chief executive.

To this end, a committee of 13 leading scientists and technological experts, headed by Dr. Killian and working under the auspices of the National Academy of Science, last week urged the establishment of a Council for Science and Technology as a staff agency in the White House similar in size, power and scope to the Council of Economic Advisors. The new council of three eminent persons would seek the assistance of experts in and out of government. Its chairman would serve as a member of the President's Domestic Council and the group would participate in the work of the National Security Council. Beyond injecting scientific insights and early warnings on matters of military technology and arms control, the council would assist in the scientific and technological aspects of foreign policy that are becoming increasingly important in a global economy of scarcity. It would further work closely with the Office of Management and Budget in the allocation of research funds and evaluation of development programs. And it would submit an annual report through the President to the Congress to illuminate, within its field of vision, the opportunities and problems that affect the nation and the world.

The House Committee on Sciences and Astronautics, according to Chairman Olin E. Teague (D-Texas), is drafting a bill along these lines. Vice President Ford is said to be receptive to the proposal. So are a number of high administration officials. It is evident, however, that it is unlikely to be adopted under this administration if Mr. Nixon remains hostile to the idea, although the Killian committee concedes that "a given President may choose some other way (of placing science in the White House) more in accord with his style." The current President, moreover, has other things on his mind.

Yet, we agree with the Killian committee that thoughtful consideration and some orderly way of assuring science's service to government cannot be long delayed. We cannot arrest rapidly advancing scientific and technological developments. The question is whether these developments carry with them side effects or by-products that are destructive or benign. No President can know this without the best continuing analysis and advice, close at hand.

OIL IMPORTS ON U.S.-FLAG VESSELS

Mr. PACKWOOD. Mr. President, on June 27 the Senate Commerce Committee ordered favorably reported H.R. 8193, the Energy Transportation Security Act of 1974. As a cosponsor of a similar Senate bill, I was delighted with this action.

H.R. 8193 would require that a certain percentage of oil imports be carried on U.S.-flag ships. It would reduce our nearly complete dependency on foreign-flag vessels for our oil imports. Specifically, the bill requires that as of the date of enactment, 20 percent of the liquid petroleum and liquid petroleum products imported into the United States will be carried on U.S.-flag ships; 25 percent after June 30, 1975; and 30 percent after June 30, 1977.

There are a number of reasons why the Senate should pass this measure, but several of the most compelling arguments were presented in an editorial published in the Oregonian on July 1, 1974, Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GETTING TANKERED

The Congress of the United States is about to put the nation into the tanker business in a large way, but the administration is resisting, arguing that it will only drive up the costs of imported oil.

If bills approved in a Senate committee and that have passed the House are enacted, the amount of oil hauled by U.S. tankers would be boosted from the current 5 per cent to 20 per cent and ultimately to 30 per cent.

This could mean more busines for Portland shipbuilders, but more important, the legislation would guarantee safer tankers for U.S. ports and oil docks. The bills would require double-hulled ships and separate tanks for hauling ballast water.

These and other requirements are not being met by much of the foreign fleet that visits U.S. shores. The separate water tank, already being built into tankers ordered by some U.S. oil firms, would prevent large quantities of oil from getting into ocean and sea waters. When ballast waters are flushed from the holds that have contained the heavy crude, thousands of tons of oil go into the ocean each year.

Tanker safety is of prime importance as the huge super-tankers inch toward the million-ton class. U.S. construction of tankers would guarantee that a large segment of the fleet visiting American waters would meet the stricter safety standards imposed by Congress and the Coast Guard.

Oil is a world commodity, and its costs may be due more to supply and demand factors, plus national policy, than to the operational costs of tanker fleets.

Congress clearly wants to get the nation into the tanker business where it can control safeguards. It is also in the national interest that America have control of more than the 5 per cent of world tanker shipping the U.S. firms now hold. Oil is too important to economic and military security to be left almost entirely in foreign bottoms.

THE COURT MOVES AGAINST THE OIL MAJORS

Mr. HUMPHREY. Mr. President, a July 2 article in the Washington Post discusses a U.S. district court ruling that requires major American oil companies to share their crude supplies with independent dealers. The court case was prompted by Exxon Corp. which had sought an injunction against the allocation program established by the Federal Energy Office.

The energy crisis has had many far-reaching effects on all of us. However, no one has been hurt more than the independent gasoline companies and the consumers. While the major oil conglomerates have earned exorbitant profits, many of the small refiners and gasoline marketers have been forced out of business, and the consumer pays in the long run for this lack of competition in the marketplace.

As chairman of the Subcommittee on Consumer Economics of the Joint Economic Committee, I recently held hearings on the plight of the independents during our energy crisis. As a result of these proceedings, I have introduced S. 3717 along with 20 of my colleagues, that would extend the Emergency Petroleum Allocation Act of 1973 until June 30, 1976. This petroleum allocation program is already being phased out by the Federal Energy Office. Something must be done now. We must protect the independent.

Competition in the oil industry is necessary if prices are to be kept down, and the only competition the industry has had historically has come from the independents. I want to remind my colleagues that with the extension of the Allocation Act, we are, in essence, protecting the consumer.

With Judge Aubrey E. Robinson, Jr.'s decision on the legality of the FEO's program, the door has been opened for further measures to protect the small oil companies.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COURT RULES VALID OIL ALLOCATION PLAN

U.S. District Court Judge Aubrey E. Robinson Jr. yesterday refused to block federal regulations requiring major oil companies to share their relatively cheap supplies of crude oil with independent refiners.

In a brief order, Robinson rejected a motion by Exxon Corp. for a preliminary injunction against the mandatory crude oil allocation program established by the Federal Energy Office.

Exxon had argued that the allocations, authorized last winter by Congress, were unfair because they required the firm to sell low-priced oil to its competitors.

But Robinson said blocking the regulations would cause "irreparable harm" to the independent refiners. He added that Exxon had not shown any "substantial likelihood" that it would win its case at a full trial.

Under the federal regulations Exxon and 14 other major oil companies are required to sell specified amounts of crude oil to independent refiners.

The current allocation list covers the three-month period June-July-August.

If sales are not negotiated by July 8, the energy office said it would force the sales to be made promptly.

Judge Robinson's order leaves this deadline intact.

The allocations cover 83 million barrels of oil this summer, about 7 per cent of the amount expected to be used in the United States. They are vital to the independent refiners who would otherwise be forced to buy their oil at world market prices which are much higher than those for domestic U.S. supplies, largely controlled by the major firms. Those are still subject to price controls.

EXPORT-IMPORT BANK OF THE UNITED STATES

Mr. PACKWOOD. Mr. President, just before we left for the Fourth of July recess, the Wall Street Journal published an editorial critical of the functions of the Export-Import Bank.

This editorial has received wide play by its being introduced on a number of occasions in the RECORD by Members who, for one reason or another, oppose the Bank. Since we will be considering legislation to amend and extend the Export-Import Bank Act of 1945 very soon, I feel it is essential that the points raised by the Journal in its editorial be raised and countered.

Last Tuesday, Bill Casey, the Chairman of the Bank submitted a letter to the editor of the Journal in rebuttal of the points made in their editorial.

While I hesitate to call attention to the half-truths and misstatements in the

Journal's editorial, I think it best that the two articles be published together so the reader can draw his own conclusions. I remain as convinced as ever of the need for the Bank on today's highly competitive world trade scene. It occurs to me that Chairman Casey has summed up the difference very succinctly in his opening comments by pointing out that the Journal's editorial has succeeded in "elevating theory over the real world."

I ask unanimous consent that the Journal's editorial and Chairman Casey's reply be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, June 28, 1974]

A LONG LOOK AT THE EX-IM BANK

The authority of the Export-Import Bank expires today, which simply means that until Congress renews its authority the bank cannot make new loan commitments. How nice it would be if Congress took its time, say a year or two, before acting one way or another. It might even find that U.S. economic interests would be served by liquidation of the bank, which by our reckoning stays in business by sleight of hand and covert use of the taxpayers' money.

After all, the only thing the bank really does is subsidize exports. No matter how you slice it, it is a subsidy to provide 7% money to finance sale of a widget or an airplane to Ruritania or a computer to the Soviet Union, when an American businessman can't finance purchase of either for less than 11¾%. The bank gets privileged rates in the private capital market because the United States puts its full faith and credit behind the loans. Why the U.S. government should give the Ruritanian businessman a sweetheart deal that it won't give an American, save those at Lockheed, is beyond us.

The alleged economic justification for the bank's operation, which Ex-Im Bank Chairman William J. Casey pushes with great fervor, is that it improves the U.S. balance of trade. Granted, an export is an export. But Mr. Casey would have us look at only one side of the transaction. There's no way he could persuade us that wresting capital from Americans, then forcing it abroad through the subsidy mechanism, does anything but distort realtive prices, misallocate resources and diminish revenues, with zero effect, at best, on the trade balance.

Sen. Lloyd Bentsen of Texas sees part of the economics when both sides of the transaction are analyzed. He has an amendment that "would prevent Ex-Im financing of those exports involving the financing of foreign industrial capacity whenever the production resulting from that capacity would significantly displace like or directly competitive production by U.S. manufacturers." He has in mind Ex-Ims subsidizing of a foreign textile or steel plant that competes with its U.S. counterpart, to the detriment of our balance of trade.

Senator Bentsen thinks it's okay to subsidize finished products, like airplanes, which the Ex-Im Bank does plenty of. But Charles Tillinghast Jr., chairman of TWA, doesn't like the idea. He says TWA is losing piles of money flying the North Atlantic against foreign competitors who bought Boeing 747s and such with subsidized Ex-Im's loans. If TWA got the same deal, it would save $11 million a year in finance charges. Mr. Tillinghast is currently pleading for a government subsidy so he can continue flying the North Atlantic and providing revenues in support of, ahem, our balance of trade.

Even if Ex-Im Bank subsidized only exports of goods and services which could not conceivably come back to haunt us directly, we see adverse economic effects. Subsidizing the export of yo-yos to the Ruritanians gives them a balance of trade problem that they correct by subsidizing the export of pogo sticks to us. Taxpayers both here and in Ruritania are thereby conned by this hocus pocus into supporting lower prices for yo-yos and pogo sticks than the market will support. In fact, all our trading partners have their own Ex-Im Bank to achieve exactly this end.

Two and three decades ago, when the Ex-Im Bank was a modest affair, its impact was relatively trivial. Now, it has $20 billion of lending authority and is asking Congress to bump this to $30 billion. By 1971, its impact on federal budget deficits had grown so large that Congress passed a special act taking the bank's net transactions out of the federal budget, so the deficit would *look* smaller. But the transactions have the same fiscal effect as a deficit, and the same drain on the private capital market. In the fiscal year just ending, the bank took $1.1 billion out of the capital market. In the next fiscal year, it expects to take $1,250,000,000 out of it.

There being no economic justification for the bank, Congress should feel no qualms about letting its authority lapse for a few years to watch what happens. The Russians, eager to continue getting something for nothing through the Ex-Im Bank, would be mildly unhappy. But they'd adjust by getting into the private capital markets with the underprivileged. We'd be surprised, too, if our trading partners didn't follow suit by scrapping these nonsensical subsidies. And if they don't, why should we complain about their taxpayers sending us subsidized pogo sticks?

[From the Wall Street Journal, July 2, 1974]

LETTERS TO THE EDITOR

EXPORT-IMPORT BANK REPLIES

Editor, The Wall Street Journal: Your editorial "A Long Look at the Ex-Im Bank" (June 28) is a surprising departure from the Journal's record of factual analysis of economic realities.

Elevating theory over the real world, it advises Congress to leave thousands of American companies and 700 banks around the world hanging for "a year or two" before acting to continue the financial instrumentality which they rely on to finance $12 billion worth of American exports. This rather frivolous advice comes one day after a $777 million trade deficit was announced for the month of May. It comes a little more than a year after devaluation of the dollar arising from a 1972 trade deficit lower than May's deficit put on an annual basis. This had cost American consumers tens of billions of dollars in higher prices as we found it necessary to pay more for our imports and as the rest of the world discovered that it could take a larger share of our domestic output for every mark, franc, and yen spent here. What are the facts?

(1) American exports have to compete in a world in which other industrial nations appropriate taxpayers' funds to finance the sale of their products around the world. These competitor nations offer lower interest rates, finance a large slice of each export sale and back a larger portion of their total exports with government credit than the Export-Import Bank does.

(2) The Export-Import Bank meets this competition without requiring any appropriation of tax monies each year. It pays the Treasury an annual dividend of $50 million on $1 billion of stock the Congress authorized in 1945. In addition to having paid the Treasury an aggregate of $856 million in dividends, Eximbank has accumulated $1.5 billion in reserves.

(3) In speaking of subsidies, the Journal refers to the bank's 7% interest rate on its direct loans. It fails to mention that these direct loans constitute only 25% of its activities. The other 75% of its activities is entirely financed in the private market at commercial rates, with the aid of insurance and guarantees issued by the bank for a fee.

(4) The Journal's editorial is wrong in stating that the bank's transactions have the same fiscal effect as a deficit, and the same drain on the private capital market. Eximbank transactions are not analogous to the federal budget, they area analogous to corporate borrowing. The production of goods for export require financing so that Eximbank borrowing from the private market is not additional to what would have occurred for the same amount of production anyway. To finance $12 billion worth of exports, Eximbank borrows some $1 billion a year out of a total of $130 billion raised annually on the private capital markets to keep our manufacturers and their products on an even competitive keel in world markets.

(5) The Journal's editorial is wrong in stating that Eximbank's transactions have the same effect as a deficit. Unlike other federal expenditures, the disbursements of Eximbank do not require the appropriation of government funds and result in the acquisition of obligations which will return the money disbursed with interest which will support Eximbank's activities and return a profit to the taxpayer.

(6) On subsidies, where you stand and what you see depends on where you sit. If you sit in an ivory tower, you can find the subsidy element. If you are competing in world markets with European and Japanese manufacturers having aggressive financial backing from their governments, you see competitive financing as directed by Congress.

(7) Even from the ivory tower it might be recognized that the United States has found a way to give its manufacturers competitive financing without putting a bite on the taxpayers every year. It might also be noted that the taxpayers are not called upon to support some 400 employes of Eximbank engaged in fostering American interests in the world economy and that this compares with some 4,500 people performing comparable government financing functions for the industrial nations of Europe and Japan.

(8) The U.S. will have to increase its exports to meet the $15 billion increase in its annual oil bill as well as higher costs of other raw materials it needs. The structure of our economy is such that much of this will have to be accomplished through the sale of high-priced products such as nuclear reactors and jet airplanes and the building of large projects embodying expensive equipment to develop resources and overcome shortages around the world. Sales of this type can only be made with long-term financing. It is the sheer availability of this financing, rather than any subsidy element in the interest rate which is essential for America's competitive efficiency to be brought to bear on the developmental requirements of the world as well as on its own balance of payments problems.

(9) A great many countries under the impact of higher oil bills will be under pressure to curtail their buying and close their markets. This is no time to choke off an instrumentality which can contribute to the creation of the liquidity needed to keep the channels of world trade open.

(10) Other editorials in the Journal have recognized that in today's world, governments play a major role in guiding their national and international economies and that we no longer have the option to make

all economic choices through the free market. The Congress created Eximbank to promote exports and to provide a framework which stimulates producers to look at the world as their marketplace, just as the Congress decided to promote many other economic activities (e.g., home-ownership, corporate investment, pensions, etc.). Unlike others, Eximbank does not siphon either taxpayers' money or private capital away from providing public services and producing goods. Indeed it mobilizes capital to make possible the efficient and economic development and manufacture of products which make the United States effective in world economic competition.

William J. Casey,
Chairman, Export-Import Bank of the United States.

THE INTEGRITY OF SENATOR JIM ALLEN

Mr. SPARKMAN. Mr. President, I have received from Mr. J. Craig Smith, a very distinguished industrialist of Alabama, a copy of a letter which he has written to the editor of the Birmingham Post-Herald regarding my colleague, Senator Jim Allen.

I ask unanimous consent that this be made a part of my remarks and printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Birmingham, Ala.,
July 1, 1974.

Editor,
The Birmingham Post-Herald,
Birmingham, Ala.

Dear Sir: Your front-page story implying that Senator Jim Allen may have been influenced by a number of contributions from individuals in the oil industry totaling some $39 hundred is ridiculous.

Senator Allen is fast becoming one of the outstanding Senators ever to serve in the United States Senate. His integrity is beyond question. It is quite difficult, in fact almost impossible, for one of his constituents even to buy him a lunch. He is one of the few men in public life who gives an annual public accounting of their personal finances. He is not for sale for $39 hundred or $39 million.

Sincerely,

J. Craig Smith.

THE PATH TO VICTORY

Mr. HARTKE. Mr. President, I recently had the honor of delivering the keynote address at the Democratic State Convention which was held in Indianapolis. I ask unanimous consent that my remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Path to Victory

We begin this convention today in a time of crisis—a time when some of our most important institutions have ceased to function properly, and a time when a government we created to serve the people has instead been used to oppress the people. Two hundred years ago, our Founding Fathers were put to the test. They, too, felt oppressed by their government; they, too, knew what the evils of power and big government were.

We have come full circle in the past two hundred years, but our problem is one not of "taxation without representation." What we have today is a lack of leadership bordering on anarchy. The response of the administration in Washington to every important problem facing the American people has been a litany of failure.

Our Vietnam Veterans have been shortchanged. The Nixon administration says that it will cost too much to give them the same benefits veterans got after World War II. Is the sacrifice made by brave young men in the 1970's any different from the sacrifice their fathers made thirty years ago?

I say that it is not.

Four and a half million Americans are looking for jobs they can't find and millions more live in fear of losing theirs. The Nixon administration says that it will cost too much to provide the tax cuts that our economy needs to get going again. They say that American working men and women must pay the price of inflation so that we can get out of economic recession.

I say that they should not.

People can no longer afford to buy a new home unless they earn $18,000 a year or more and they can find a bank to give them a mortgage. The Nixon administration says that consumers will have to wait while big business reaps bigger and bigger profits.

I say that they should not.

Our tax system encourages American industries to locate overseas, depriving American workers of millions of jobs. The Nixon administration says that a fair trade system is a threat to the American economy and to free trade.

I say that it is not.

Our railroads stand in danger of collapse. The Nixon administration says that our communities in Indiana no longer need all the railroad track we have.

I say that they are wrong.

Rampant inflation has deprived Americans of the money they need to feed, house and clothe their children—money they have worked for. The administration says that the answer is tight money policies which make it harder for the consumer to borrow, which cripple the home building industry, and drive thousands of businessmen to the brink of bankruptcy.

I say that it is not.

In a country which once was beckoned by endless horizons; where we had all the wood we needed to build our homes, all the fuel we needed to run our factories, all the gas we needed to move our cars; where we once were sure of our future and our potential we are now plagued with shortages, yes shortages, of fuel, fertilizer, wheat, paper and lumber. The Nixon administration says that the answer is to let prices go higher and that when they get high enough people will learn to do without.

I say that it is not.

I think the people can do without the administration a lot easier than they can do without meat, bread and gasoline.

What the administration is telling us is that people just don't count any more. And that is where I differ with the most. People are what this country is all about and it is the people—the broad mass of people—whom our government should be serving.

That is the tradition of our great party and that is the platform we must take to the people in 1974.

I am not saying that there are any easy answers to the tough problems which plague our nation. But it is too easy to become mired in those problems.

I am not here today to console you. I am here to challenge you.

The American people do not expect you to come up with quick solutions—they have had too many promises of quick solutions. They do not expect bigger and better government programs—they have had too much government already. What they demand is that their leaders get down to work and grapple with their problems, rather than pretending that they will go away.

In his Parable of the Talents, Christ said that "Life requires courage and is hard on those who dare not use their gifts." Let us show the people that we have the courage to use our gifts. Let us demonstrate that we believe in the kind of government that responds to people's needs, not the kind of government that uses its power to spy on people or to get political revenge.

We Democrats believe in government doing FOR the people, not TO the people.

We are here today to prepare for victory. Are we willing to take the victory we are going to have this fall and make it an instrument for the benefit of the people?

I say we are.

We have an outstanding team of Democratic candidates:

We have Birch Bayh who has given his state and his nation such splendid service for 12 years in the United States Senate.

We have four incumbent Congressmen—Ray Madden, John Brademas, Ed Roush and Lee Hamilton—whose superb records in the House of Representatives have earned them each another term.

We have seven more congressional candidates—Floyd Fithian, Elden Tipton, Phil Sharp, Phil Hayes, Dave Evans, Andy Jacobs and Bill Sebree—who have the talent and ability to unseat their rivals and give this state better representation than it has ever had in Washington.

We also have outstanding leadership at the state committee in our new chairman, Bill Trisler, and people like Patty Evans, Ideal Baldoni and Joe Bannon, along with Katie Wolf, Dick Stoner, Dick Hatcher, Rozelle Boyd, and all the other dedicated central committee members.

But attractive candidates and a good state committee by themselves will not win this election. We cannot depend solely on the opportunities presented to us by the mistakes of the Nixon Administration. We cannot count on a brilliant showing on television or radio or in the newspapers.

What we need is a team effort.

After this convention, all Democrats must stand together. We must bear in mind all those common goals that unite us.

We have to organize for victory and that job is in your hands. You have to get down there in the precincts and talk to the people, listen to them, find out what is on their minds, see where you can help. They have to be registered to vote, helped to understand the issues, and then brought to the polls on election day.

People say precinct work is no longer important—that candidates can rely on slick public relations to get elected. Anybody who says that hard precinct work doesn't count just doesn't know what he is talking about.

We must win this election—it is important because the people who win in 1974 will play key roles in the fate of the state and the nation in the years to come.

We must win this election because we believe in responsive government. People are looking for leadership, from the White House down to the court house. They want leaders willing to strive to dare, to make decisions. As the Bible says: "The Kingdom is not entered by drifting, but by decision."

Our platform is out there, waiting for us to pick up the banner where others have faltered. We must overcome the fear of the future. We must overcome the suspicion that the people don't count any more. We must reestablish the people's faith in themselves and their pride in their country.

As you go from door to door in support of the Democratic ticket this fall, remember that the very political system of our country is on trial in 1974. We are being put to a harsher test—a more critical evaluation—than ever before in our nation's history.

Speak of the unfinished agenda, of the unfulfilled hopes which our Founding Fathers had 200 years ago that all Americans would be able to live in freedom and prosperity, that each of us would have the opportunity to provide our families with a good home, a good education, good food, and all of the other ingredients which go into a decent quality of life.

We must speak of these unmet needs and demonstrate that we intend to set this country back on course, to take it from the pursuit of self interest to the pursuit of the common good. All of the speeches, and all of the press releases, and all of the campaign literature that will be produced in the coming campaign cannot equal the impact which each of you can have in your own neighborhoods and communities.

You are the vanguard of victory in 1974. And from the victory of 1974 will grow the victories of '75 and '76. We have the candidates and we have the track record. Together we can reawaken the hopes of our people and make the American dream a reality.

PUBLIC CAMPAIGN FUNDS

Mr. CLARK. Mr. President, on April 11 the Senate passed S. 3044, the Federal Election Campaign Act Amendments of 1974. That bill represents a significant and positive response to the public demand for an end to the private dollar's dominance of the political process.

This week the House of Representatives Administration Committee will finally report its version of the campaign reform bill. Unlike S. 3044, the House bill will have no public financing for congressional campaigns. Unlike S. 3044, the House bill will have no provision for a truly independent enforcement agency. And unlike S. 3044, the House bill, unless amended, will not meet the need to stem the erosion of trust and confidence in the political system.

Mr. President, the New York Times recently carried an editorial which expresses many of the concerns over the adequacy of the House bill. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 6, 1974]

PUBLIC CAMPAIGN FUNDS

After unconscionable delay—and with the obvious reluctance of leading members—the House Administration Committee appears to have made a major breakthrough. It has conceded the necessity for the use of public funds in the election process.

Unlike the Senate bill, the House proposal in its present form would sanction expenditure of Federal funds on a matching basis only for Presidential campaigns. For Congressional contests, private contributions and spending would continue to be the rule, although with severe ceilings. But enforcement of the law would be left in effect to Congress and its employes, which is to say, to the "club" itself. That formula for controlling excess spending and checking violations have proven virtually useless in the past. It will work no better in the future.

Watergate and its peripheral scandals have generated suspicion of the American political system, a system which cannot work well without a high degree of public trust. Representatives and Senators have for too long been obligated to private interests for helping them into office, with the lines blurred between what the euphemists call campaign gifts and the cynics call bribes.

The most honest lawmakers have had to bear the onus of this indefensible system. There has been no other way to meet the costs, mounting year by year, of making oneself known to the electorate initially and thereafter educating voters on the issues—a proper and in fact laudable purpose.

Public funds on a matching basis plus private contributions effectively limited and controlled is the formula for escaping from an historic political dilemma. If it is valid for the election of a President, it is valid for the election of a Congressman. The Senate has already approved. If the House Committee cannot bring itself to walk the extra mile, the House as a whole should do the walking when the bill comes before it.

A SERMON FOR MEMORIAL DAY SUNDAY

Mr. HARTKE. Mr. President, on Sunday, May 26, Raymond Shaheeen, D.D., pastor of Saint Luke Lutheran Church of Silver Spring, Md., delivered a most timely sermon calling attention to our American traditions.

This text, presented on Memorial Day Sunday, touches on all Americans, and I would like to share it with all my colleagues. His advice on what needs to be done to get back to the rules, including private morality, is particularly appropriate.

Mr. President, I ask unanimous consent that Pastor Shaheen's sermon be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

A SERMON FOR MEMORIAL DAY SUNDAY

". . . choose life that you and your descendants may live, loving the Lord your God, obeying His voice, and cleaving to Him: for that means life to you and length of days. . . ."—Deuteronomy 30:19–20.

This is not the sermon that I had originally planned to preach to you today. As you know, the sermons to be preached from this Saint Luke pulpit are ordinarily projected about a year in advance. What, however, with the change in calendar dates for legal holidays, suddenly this Memorial Day 1974 is before us. And as I come to this sacred desk this morning, I am made mindful of the fact that some word specifically related to this particular holiday is in order. Hence this sermon which will address an ancient Biblical injunction to the current mood and manner of America.

Oddly enough, let me begin with some commentary on bumper stickers. They are quite the thing these days. In company with many of you, they irritate me. That's a generalization, of course. As you might presume, there are some that constitute an exception. That yellow and black one which has almost become a trade-mark around our parish is easily tolerated. Folks who are members of this congregation usually show a measure of pride when they recognize the bumper sticker that parades before the community our crisis intervention telephone number. It reads like this: "Somebody cares: teen help—588-5440.

But by and large, any number of other stickers fail to enthuse me. To the contrary, frequently I find their arrogance obnoxious and their sad humor offensive.

The other day I heard of another preacher who apparently is a kindred spirit where bumper stickers are concerned. He was annoyed, so I've been told, by a star-spangled one that reads:

AMERICA: LOVE IT OR LEAVE IT

And his critical assessment of its sentiment has triggered all kinds of thoughts in my mind. He maintained, my friend reported, that the tersely put slogan borders on dangerous over-simplification. And he is right. What a terrible plight would be ours if no one dared to raise his voice in criticism of the land we cherish? Any correct reading of our past can make the point that we have benefitted by those who raised their concerned voices boldly and honestly. It is foolhardy to think that all who would criticize America have less than love for her, and that only the disciples of Decatur are worthy of citizenship!

As you might suspect, preachers are wont to write their own versions of what they read. And so, I'm told, it's been suggested that "America, Love It or Leave It" should be re-written so as to read:

AMERICA—CHANGE IT OR LOSE IT

All that follows now has been inspired by the possibility of such rewording.

Usually when one speaks of change, he means a change to something new. I would suggest this morning—change to something old!

Let us change back to the notion that we are meant to be a nation dependent, as over against being a nation independent—independent of God. Once it was so—at the very beginning. Remember how it was back in the summer of 1776 at the old Statehouse in Philadelphia? Some thirteen colonies had sent delegates to chart their future course. It was not easily done. In the face of subsequent confusion, the wisest and the oldest among their number was asked to speak. Benjamin Franklin rather reluctantly rose to his feet. Only finally did he speak a few words inspired by a passage from Holy Writ—Psalm 127. What he said provided the "spiritual foundation" of the United States of America. Here is what he is reported to have said: "I have lived a long time; and the longer I live, the more convincing proofs I see of this truth, that God governs the affairs of men. And if a sparrow cannot fall to the ground without His will, is it possible for an empire to rise without His notice? We have been assured in the sacred writing that except the Lord build the house, they labor in vain that build it. I firmly believe this, and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel!"

As the founding fathers were driven to recognize dependence upon Almighty God, so must we discover anew in our day the need to build upon such foundation.

In the second place *let us change back to the nation that's intended to run by rules.* John Steinbeck as far back as 1966 put his finger on a sensitive spot when he advised us of a national weakness. He considered it our serious problem—both as a people and as individuals. He did not settle easily for it as "immorality," dishonesty" or "lack of integrity." He reviewed the gamut of our ills: "racial unrest, the emotional crazy quilt that drives our people to the psychiatrists, the fall out, the drop out, the copout insurgency of our children and young people, the rush to stimulants as well as to hypnotic drugs, the rise of narrow, ugly and vengeful cults of all kinds." He saw all of these as the manifestation of one single cause: our disregard for rules. According to the celebrated author, our fathers lived by the rules—"rules concerning life, limb and property—rules defining dishonesty, dishonor, misconduct and crime. The rules were not always obeyed, but they were believed in, and a breaking of them was savagely punished."

America's hope may well lie in our earnest endeavor to appreciate all over again the absolute necessity to place a high value upon rules—upon principles of decency and honor.

Let us change back to being a nation that can face the future without fear.

Robert Heilbroner in a new book, "An Inquiry Into the Human Prospect," raises the question: "Is there hope for man?" He answers with little, if any, encouragement. Much to the reader's dismay, he even goes so far as to suggest that "the freedom of man must be sacrificed on the altar of the survival of mankind."

Our founding fathers, facing well-nigh insurmountable odds, forged ahead with confidence. Perchance they honestly believed that they had fashioned an instrument of democratic design that would enable them to handle whatever problem would loom upon the horizon. And that is what we must remember. Dr. Daniel Boorstin, senior historian of the Smithsonian Institution, is correct when he takes us to task for putting too much stock in solutions as such. It would seem to him that democracy advances the process by which problems are dealt with.

Look at it this way: democracy means people and people mean problems. We will never be free of problems. Let us, therefore, be unafraid since we do have the instrument by which we can deal with the people-problems!

Let us change back to the nation that places a high value upon private morality.

Clara Boothe Luce has observed that "Watergate is the great liberal illusion that you can have public virtue without private morality." Small wonder that some of us acclaim Adlai Stevenson as one of the finest statemen our generation has produced. When it came to basic morality it seemed to us that he stood head and shoulders above so many. He, too, was trying to say something to us when he referred to a politician of "particularly rancid practices." Of him he lamented: "If he were a bad man, I wouldn't be so afraid of him. But this man has no principles. He doesn't know the difference."

Increasingly it becomes plain to us that "image-making" in our day can become a reckless thing. It has been reported that a certain speech writer for Richard M. Nixon in the 1967 presidential campaign counseled him in a memo: "Potential presidents are measured against an ideal that's a combination of leading man, God, father, hero, pope, king, with maybe a touch of the Furies thrown in." This same person is quoted as having further advised Mr. Nixon: "We have to be very clear on this point: that the response is to the image, not to the man, since 99% of the voters have no contact with the man. It's not what's there that counts, it's what is projected."

All of this, of course, brings us up short since we immediately recognize how dangerous such a thought pattern can be. And not a few of us think at once in terms of the ambitious and arrogant ones who exploited such advice. What grief we might have been spared by the President, his aides, and the Committee To Re-Elect the President!

The image is one thing. The true character of a person is another thing—basically it is the only thing that ultimately really matters.

Some of you may recall how a short while ago from this very pulpit I reminded you of the quote that a friend wrote in my autograph book years ago. It was the wise counsel of Polonius in Shakespeare's *Hamlet:* "To thine own self be true, And it must follow, as the night the day, Thou canst not then be false to any man."

Let us change back to the idea that democracy has its price which must be paid in patience and persistence. A free translation here presumably would be: *let the system work!*

We must have done with the idea that justice is best served by short-cuts. Those who clamor today for immediate resignation of the President may be ill-advised. James Reston wrote a well-deserved tribute to Senator Mike Mansfield in a recent issue of the New York Times. He gave the Montana Senator credit for insisting that pressuring the President to resign would be unfair since it would "evade rather than resolve the moral and legal issues." The man in the White House is entitled to presumption of innocence, and should have every opportunity to have his case presented. Little do we realize that in a certain sense we are all on trial in one degree or another . . . not only the President and his aides, but the Congress and the Constitution as well.

Let us change back to the nation that America was meant to be—where the system can be trusted. We can afford to give it time to be tested.

There are some of you who would be very happy if I came to the sacred desk and denounced the President of the United States of America. There would be some of you who would think that I was brave and forthright. You might even think I was very honest by telling you that he's a liar and a crook and guilty of criminal offsense. This I cannot do.

Some of you would be very happy if I came to the sacred desk and placed a halo upon his head, and called him God's great gift not only to us but to the entire world, and to portray him for you as one who is absolutely faultless. This I cannot do.

I don't know whether he is telling the truth or not. With all my heart I would wish it so. But as a citizen of this land we must give him time. We must give our Constitution time. We must give our Congress time. We must pay the price to find the truth. In company with some of you I am tired, and that is one reason why Sunday after Sunday you have not come to this place to find me dragging Watergate into this pulpit. But I also know the risk of becoming ostrich-like and pretending that a cancer does not appear upon the body politic.

Which leads me now to suggest to you in the final moments of this sermon: *Let us change back to the concept of democracy where each man assumes the responsibility of pulling his own weight.* Many of us have a tendency to cop-out—to suffer despair in the face of the present crisis. But democracy itself is never the solution. It simply provides the process by which things are resolved. Edmund Burke's rebuke remains: "All that is necessary for the victory of evil is that good men do nothing." And the easiest thing for us as so-called good men would be to say that, "I'm tired—let's walk away from the problem."

In the comic strip Peanuts, Linus tells Charlie Brown, "I don't like to face problems head on. I think the best way to solve problems is to avoid them. This is a distinct philosophy of mine. No problem is so big or so complicated that it can't be run away from." Charlie with characteristic naivety asks, "What if everyone was like you? What if everyone in the whole world suddenly decided to run away from his problems?" Replies Linus, "Well, at least we'd all be running in the same direction." And one wonders whether we are not witnessing just that—a mass retreat from involvement.

Or I would add quickly, involvement for the wrong reasons. And the acid test which God always applies is: Why do you say what you say? Why do you do what you do? Why do you believe what you believe?

"Four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that nation, or any nation, so conceived, and so dedicated, can long endure. . . ."

Said a member of this congregation to me, whose judgment I highly regard, "This could well be the greatest moral crisis that we have ever had to face." I beg you, my friend, as your Pastor, as a care-taker of the Gospel that's preached from this pulpit—

AMERICA—CHANGE IT OR LOSE IT

In this instance, let's go back and take a good hard look at the ways that have been proven before and the most basic of all is to recognize our dependence upon God, and not our independence of all that's morally pure and true.

The Biblical injunction as laid down in that Book of Deuteronomy makes it perfectly plain. It's a matter of choice, and no man can escape the responsibility of involvement in the decision.

The ACTING PRESIDENT pro tempore. Is there any further morning business? If there is no further morning business, the morning business is closed.

NATIONAL RESOURCE LANDS MANAGEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to consideration of S. 424, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (S. 424) to provide for the management, protection, and development of the natural resource lands, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Resource Lands Management Act".

TABLE OF CONTENTS

Sec. 2. Definitions.
Sec. 3. Declaration of policy.
Sec. 4. Rules and regulations.
Sec. 5. Public participation.
Sec. 6. Advisory boards and committees.
Sec. 7. Annual report.
Sec. 8. Director.
Sec. 9. Appropriations.

TITLE I—GENERAL MANAGEMENT AUTHORITY

Sec. 101. Management.
Sec. 102. Inventory.
Sec. 103. Land use plans.

TITLE II—CONVEYANCE AND ACQUISITION AUTHORITIES

Sec. 201. Authority to sell.
Sec. 202. Disposal criteria.
Sec. 203. Sales at fair market value.
Sec. 204. Size of tracts.
Sec. 205. Competitive bidding procedures.
Sec. 206. Right to refuse or reject offer of purchase.
Sec 207. Reservation of mineral interests.
Sec. 208. Conveyance of reserved mineral interests.
Sec. 209. Terms of patent.
Sec. 210. Conforming conveyances to State and local planning.
Sec. 211. Authority to issue and correct documents of conveyance.
Sec. 212. Recordable disclaimers of interest in land.
Sec. 213. Acquisition of land.

TITLE III—MANAGEMENT IMPLEMENTING AUTHORITY

Sec. 301. Studies, cooperative agreements, and contributions.
Sec. 302. Service charges, reimbursement payments, and excess payments.
Sec. 303. Working capital fund.
Sec. 304. Deposits and forfeitures.
Sec. 305. Contracts for cadastral survey operations and resource protection.
Sec. 306. Unauthorized use.
Sec. 307. Enforcement authority.
Sec. 308. Cooperation with State and local law enforcement agencies.
Sec. 309. California desert area.

TITLE IV—AUTHORITY TO GRANT RIGHTS-OF-WAY

Sec. 401. Authorization to grant rights-of-way.

Sec. 402. Right-of-way corridors.
Sec. 403. General provisions.
Sec. 404. Terms and conditions.
Sec. 405. Suspension or termination of right-of-way.
Sec. 406. Rights-of-way for Federal agencies.
Sec. 407. Conveyance of lands.
Sec. 408. Existing rights-of-way.
Sec. 409. State standards.
Sec. 410. Effect on other laws.

TITLE V—CONSTRUCTION OF LAW, PRESERVATION OF VALID EXISTING RIGHTS, AND REPEAL OF LAWS

Sec. 501. Construction of law.
Sec. 502. Valid existing rights.
Sec. 503. Repeal of laws relating to disposal of national resource lands.
Sec. 504. Repeal of laws relating to administration of national resource lands.
Sec. 505. Repeal of laws relating to rights-of-way.

Sec. 2. Definitions.—As used in this Act:

(a) "The Secretary" means the Secretary of the Interior.

(b) "National resource lands" means all lands and interests in lands (including the renewable and nonrenewable resources thereof) now or hereafter administered by the Secretary through the Bureau of Land Management, except the Outer Continental Shelf.

(c) "Multiple use" means the management of the national resource lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including recreation and scenic values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment, with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

(d) "Sustained yield" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of land without permanent impairment of the quality and productivity of the land or its environmental values.

(e) "Areas of critical environmental concern" means areas within the national resource lands where special management attention is required when such areas are developed or used to protect, or where no development is required to prevent irreparable damage to, important historic, cultural, or scenic values, or natural systems or processes, or life and safety as a result of natural hazards.

(f) "Right-of-way" means an easement, lease, permit, or license to occupy, use, or traverse national resource lands granted for the purposes listed in title IV of this Act.

(g) "Holder" means any State or local governmental entity or agency, individual, partnership, corporation, association, or other business entity receiving or using a right-of-way under title IV of this Act.

Sec. 3. Declaration of Policy.—(a) Congress hereby declares that—

(1) the national resource lands are a vital national asset containing a wide variety of natural resource values;

(2) sound, long-term management of the national resource lands is vital to the maintenance of a livable environment and essential to the well-being of the American people;

(3) the national interest will be best realized if the national resource lands and their resources are periodically and systematically inventoried and their present and future use is protected through a land use planning process coordinated with other Federal and State planning efforts; and

(4) except where disposal of particular tracts is made in accordance with title II, the national interest will be best served by retaining the national resource lands in Federal ownership.

(b) Congress hereby directs that the Secretary shall manage the national resource lands under principles of multiple use and sustained yield in a manner which will, using all practicable means and measures: (i) include the environmental quality of such lands to assure their continued value for present and future generations; (ii) include, but not necessarily be limited to, such uses as provision of food and habitat for wildlife, fish and domestic animals, minerals and materials production, supplying the products of trees and plants, human occupancy and use, and various forms of outdoor recreation; (iii) include scientific, scenic, historical, archeological, natural ecological, air and atmospheric, water resource, and other public values; (iv) include certain areas in their natural condition; (v) balance various demands on such lands consistent with national goals; (vi) assure payment of fair market value by users of such lands; and (vii) provide maximum opportunity for the public to participate in decisionmaking concerning such lands.

Sec. 4. Rules and Regulations.—The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this Act. The promulgation of such rules and regulations shall be governed by the Administrative Procedure Act (5 U.S.C. 553). Prior to the promulgation of such rules and regulations, the national resource lands shall be administered under existing rules and regulations concerning such lands.

Sec. 5. Public Participation.—In exercising his authorities under this Act, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for the preparation and execution of plans and programs concerning, and in the management of, the national resource lands.

Sec. 6. Advisory Boards and Committees.—In providing for public participation in planning and programing for the national resource lands, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770) and other applicable law, may establish and consult such advisory boards and committees as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards and committees shall be representative of a cross section of groups interested in the management of the national resource lands and the various types of use and enjoyment of such lands.

Sec. 7. Annual Report.—The Secretary shall prepare an annual report which he shall make available to the public and submit to Congress no later than 120 days after the close of each fiscal year. The report shall describe, in appropriate detail, activities relating or pursuant to this Act for the fiscal year just ended, any problems which may have arisen concerning such activities, and other pertinent information which will assist the accomplishment of the provisions and purposes of this Act. The report shall contain a detailed list and description of all transfers of national resource lands out of Federal ownership for the fiscal year just ended. It shall include such tables, graphs, and illustrations as will adequately reflect the fiscal year's activities, historical trends, and future projections relating to the national resource lands.

Sec. 8. Director.—Appointments made on or after the date of the enactment of this Act to the position of the Director of the Bureau of Land Management, within the Department of the Interior, shall be made by the President, by and with the advice and consent of the Senate. The Director shall have a broad background and experience in public land and natural resource management.

Sec. 9. Appropriations.—There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes and provisions of this Act.

TITLE I—GENERAL MANAGEMENT AUTHORITY

Sec. 101. Management.—The Secretary shall manage the national resource lands in accordance with the policies and procedures of this Act and with any land use plans which he has prepared, pursuant to section 103 of this Act, except to the extent that other applicable law provides otherwise. Such management shall include:

(1) regulating, through permits, licenses, leases, or such other instruments as the Secretary deems appropriate, the use, occupancy, or development of the national resource lands not provided for by other laws: *Provided, however,* That no provision of this Act shall be construed as authorizing the Secretary to require any Federal permit to hunt or fish on the national resource lands;

(2) requiring appropriate land reclamation as a condition of use, and requiring performance bonds or other security guaranteeing such reclamation in a timely manner from any person permitted to engage in an extractive or other activity likely to entail significant disturbance to or alteration of the national resource lands: *Provided, however,* That no provision of this Act shall in any any way amend the Mining Law of 1872, as amended and supplemented (Revised Statutes 2318–2352), or impair the rights of any locators of claims under that Act.

(3) inserting in permits, licenses, leases, or other authorizations to use, occupy, or develop the national resource lands, provisions authorizing revocation or suspension, after notice and hearing, of such permits, licenses, leases, or other authorizations, upon final administrative finding of a violation of any regulations issued by the Secretary under any Act applicable to the national resource lands or upon final administrative finding of a violation on such lands of any applicable State or Federal air or water quality standard or implementation plan: *Provided,* That the Secretary may order an immediate temporary suspension prior to a hearing or final administrative finding if he determines that such a suspension is necessary to protect public health or safety or the environment: *Provided further,* That, where other applicable law contains specific provisions for suspension, revocation, or cancellation of a permit, license, or other authorization to use, occupy, or develop the national resource lands, the specific provisions of such law shall prevail; and

(4) the prompt development of regulations for the protection of areas of critical environmental concern.

Sec. 102. Inventory.—(a) The Secretary shall prepare and maintain on a continuing basis an inventory of all national resource lands, and their resource and other values (including outdoor recreation and scenic values) giving priority to areas of critical environmental concern. Areas containing wilderness characteristics as described in section 2(c) of the Act of September 3, 1964

(78 Stat. 890) shall be identified within five years of enactment of this Act. The inventory shall be kept current so as to reflect changes in conditions and in identifications of resource and other values. The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change in the management or use of national resource lands.

(b) The Secretary, where he determines it to be appropriate, may provide (i) means of public identification of national resource lands, including signs and maps, and (ii) State and local governments with data from the inventory for the purpose of planning and regulating the uses of non-Federal lands in the proximity of national resource lands.

SEC. 103. LAND USE PLANS.—(a) The Secretary shall, with public participation, develop, maintain, and, when appropriate, revise land use plans for the national resource lands consistent with the terms and conditions of this Act and coordinated so far as he finds feasible and proper, or as may be required by the enactment of a national land use policy or other law, with the land use plans, including the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), of State and local governments and other Federal agencies.

(b) In the development and maintenance of land use plans, the Secretary shall:

(1) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and social sciences;

(2) give priority to the designation and protection of areas of critical environmental concern;

(3) rely, to the extent it is available, on the inventory of the national resource lands, their resources, and other values;

(4) consider present and potential uses of the lands;

(5) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(6) weigh long-term public benefits; and

(7) consider the requirements of applicable pollution control laws including State or Federal air or water quality standards, noise standards, and implementation plans.

(c) Any classification of national resource lands in effect on the date of enactment of this Act is subject to review in the land use planning process and such lands are subject to inclusion in land use plans pursuant to this section.

(d) Wherever any proposed change in the classification of, or permitted uses on, any national resource lands would affect authorization for use of such lands, persons holding leases, licenses, or permits concerning the use to be affected shall be given written notice by the Secretary of such proposed change at least sixty days before it is put into effect.

(e) Areas identified pursuant to section 102 as having wilderness characteristics shall be reviewed within fifteen years of enactment of this Act pursuant to the procedures set forth in subsections 3(c) and (d) of the Act of September 3, 1964 (78 Stat. 892–893): Provided, however, That such review shall not, of itself, either change or prevent change in the management or use of the national resource lands.

TITLE II—CONVEYANCE AND ACQUISITION AUTHORITIES

SEC. 201. AUTHORITY TO SELL.—Except as otherwise provided by law, and subject to the requirements of section 3 of this Act, the Secretary is authorized to sell national resource lands. The national resource lands may be sold if the Secretary, in accordance with the guidelines he has established for sale of national resource lands and after preparation pursuant to section 103 of this Act of a land use plan which includes any tract of such lands identified for sale, determines that the sale of such tract will not cause needless degradation of the environment and meets the disposal criteria of section 202 of this Act.

SEC. 202. DISPOSAL CRITERIA.—(a) A tract of national resource lands may be transferred out of Federal ownership under this Act only where, as a result of land use planning required under section 103, the Secretary determines that—

(1) such tract of national resource lands, because of its location and other characteristics, is difficult to manage as part of the national resource lands and is not suitable for management by another Federal agency; or

(2) such tract of national resource lands was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or

(3) disposal of such tract of national resource lands will serve objectives which cannot be achieved prudently or feasibly on land other than such tract and which outweigh all public objectives and values which would be served by maintaining such tract in Federal ownership.

(b) Where the Secretary determines that land to be disposed of under clause (3) of subsection (a) is of agricultural value and is desert in character, such land shall be disposed of either under the sale authority of section 201 or in accordance with existing law.

SEC. 203. SALES AT FAIR MARKET VALUE.—Sales of national resource lands under this Act shall be at not less than the appraised fair market value as determined by the Secretary.

SEC. 204. SIZE OF TRACTS.—The Secretary shall determine and establish the size of tracts of national resource lands to be sold on the basis of the land use capabilities and development requirements of the lands; and, where any such tract is sold for agricultural use, its size shall be no larger than necessary to support a family-sized farm.

SEC. 205. COMPETITIVE BIDDING PROCEDURES—Except as to sales under section 208 hereof, sales of national resource lands under this Act shall be conducted under competitive bidding procedures to be established by the Secretary. However where the Secretary determines it necessary and proper (i) to assure equitable distribution among purchasers of national resource lands, or (ii) to recognize equitable considerations or public policies, including but not limited to a preference to users, he is authorized to sell national resource lands with modified competitive bidding or without competitive bidding.

SEC. 206. RIGHT TO REFUSE OR REJECT OFFER OF PURCHASE.—Until the Secretary has accepted an offer to purchase, he may refuse to accept any offer or may withdraw any land or interest in land from sale under this Act when he determines that consummation of the sale would not be consistent with this Act or other applicable law. The Secretary shall accept or reject, in writing, any offer to purchase made through competitive bid at his invitation no later than thirty days after the submission of such offer.

SEC. 207. RESERVATION OF MINERAL INTERESTS.—All conveyances of title issued by the Secretary under this Act, except conveyances under the exchange authority provided in section 213, shall reserve to the United States all minerals in the lands, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe: *Provided*, That, where prospecting, mining, or removing minerals reserved to the United States would interfere with or preclude the appropriate use or development of such land, the Secretary may (1) enter into covenants which provide that such activities shall not be pursued for a specified period or (2) convey the minerals in the conveyance of title in accordance with the provisions of section 208(a) (1) and (2) and (c) of this Act.

SEC. 208. CONVEYANCE OF RESERVED MINERAL INTERESTS.—(a) The Secretary may convey mineral interests owned by the United States where the surface is in non-Federal ownership, regardless of which Federal agency may have administered the surface, if he finds (1) that there are no mineral values in the land, or (2) that the reservation of the mineral rights in the United States is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land than mineral development.

(b) Conveyance of mineral interests pursuant to this section shall be made only to the record owner of the surface, upon payment of administrative costs and the fair market value of the interests being conveyed.

(c) The patent for any mineral interests conveyed pursuant to this section shall provide that, in the event that mineral development activities are initiated, the mineral interests of the owner or owners of the parcel of land on which such activities are initiated, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe, shall revert to the United States.

(d) Before considering an application for conveyance of mineral interests pursuant to this section the Secretary shall require the deposit of a sum of money which he deems sufficient to cover administrative costs including, but not limited to, costs of conducting an exploratory program to determine the character of the mineral deposits in the land, evaluating the data obtained under the exploratory program to determine the fair market value of the mineral interests to be conveyed, and preparing and issuing the documents of conveyance. If the administrative costs exceed the deposit, the applicant shall pay the outstanding amount; and if the deposit exceeds the administrative costs, the applicant shall be given a credit for or refund of the excess.

(e) Moneys paid to the Secretary for administrative costs pursuant to subsection (d) of this section shall be paid to the agency which rendered the service and deposited to the appropriation then current.

SEC. 209. TERMS OF PATENT.—The Secretary shall insert in any patent or other document of conveyance he issues under this Act such terms, convenants, conditions, and reservations as he deems necessary to insure proper land use and protection of the public interest.

SEC. 210. CONFORMING CONVEYANCES TO STATE AND LOCAL PLANNING.—The Secretary shall not make conveyances of national resource lands under this Act which would be in conflict with State and local land use plans, programs, zoning, and regulations. At least ninety days prior to offering for sale or otherwise conveying national resource lands under this Act, the Secretary shall notify the Governor of the State within which such lands are located and the head of the governing body of any political subdivision of the State having zoning or other land use regulatory jurisdiction in the geographical area within which such lands are located, in order to afford the appropriate body the opportunity to zone or otherwise regulate, or change or amend existing zoning or other regulations concerning, the use of such lands prior to such conveyance.

SEC. 211. AUTHORITY TO ISSUE AND CORRECT DOCUMENTS OF CONVEYANCE.—Consistent with his authority to dispose of national resource lands, the Secretary is authorized to issue deeds, patents, and other indicia of title, and to correct such documents where necessary. In addition, the Secretary is authorized to make corrections on any documents of conveyance which have heretofore been issued on lands which would, at the time of their conveyance, have met the description of national resource lands.

SEC. 212. RECORDABLE DISCLAIMERS OF INTEREST IN LAND.—(a) After consulting with any affected Federal agency, the Secretary is authorized to issue a document of disclaimer of interest or interests in any lands in any form suitable for recordation, where the disclaimer will help remove a cloud on the title of such lands and where he determines (1) a record interest of the United States in lands has terminated by operation of law; or (2) the lands lying between the meander line shown on a plat of survey approved by the Bureau of Land Management or its predecessors and the actual shoreline of a body of water are not lands of the United States; or (3) accreted, relicted, or avulsed lands are not lands of the United States.

(b) No document or disclaimer shall be issued pursuant to this title unless the applicant therefor has filed with the Secretary an application in writing and notice of such application setting forth the grounds supporting such application has been published in the Federal Register at least ninety days preceding the issuance of such disclaimer and until the applicant therefor has paid to the Secretary the administrative costs of issuing the disclaimer as determined by the Secretary. All receipts shall be credited to the appropriation from which expended.

(c) Issuance of a document of disclaimer by the Secretary pursuant to the provisions of this section and regulations promulgated hereunder shall have the same effect as a quitclaim deed from the United States.

SEC. 213. ACQUISITION OF LAND.—(a) The Secretary is authoriezd to acquire, by purchase, exchange, or donation, lands or interests therein where necessary for proper management of the national resource lands: *Provided,* That land or interests in land may be acquired pursuant to this title by eminent domain only if necessary in order to secure access to national resource lands: *And provided further,* That any such national source lands acquired by eminent domain shall be confined to as narrow a corridor as is necessary to serve such purpose.

(b) Acquisitions pursuant to this Act shall be consistent with applicable land use plans prepared by the Secretary under section 103 of this Act.

(c) In exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal land or interests therein and in exchange therefor he may convey to the grantor of such land or interests any national resource lands or interests therein which, under section 202 of this Act, he finds proper for transfer out of Federal ownership and which are located in the same State as the non-Federal land to be acquired. The values of the lands so exchanged either shall be equal, or if they are not equal, shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require.

(d) Lands acquired by exchange under this section or section 301(c) which are within the boundaries of the national forest system may be transferred to the Secretary of Agriculture for administration as part of, and in accordance with laws, rules, and regulations applicable to, the national forest system. Such transfer shall not result in the reducion in the percentage of in-lieu payments receivable by State and local governments. Lands acquired by exchange under this section or section 301(c) which are within the boundaries of national park, wildlife refuge, wild and scenic rivers, trails, or any other system established by Act of Congress may be transferred to the appropriate agency head for administration as part of, and in accordance with the laws, rules, and regulations applicable to, such system.

(e) Lands and interests in lands acquired pursuant to this section or section 301(c) shall, upon acceptance of title, become national resource lands, and, for the administration of public land laws not repealed by this Act, shall become public lands. If such acquired lands or interests in lands are located within the exterior boundaries of a grazing district established pursuant to section 1 of the Taylor Grazing Act (48 Stat. 1269), as amended, they shall become a part of that district.

TITLE III—MANAGEMENT IMPLEMENTING AUTHORITY

SEC. 301. STUDIES, COOPERATIVE AGREEMENTS, AND CONTRIBUTIONS.—(a) The Secretary may conduct investigations, studies, and experiments, on his own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the national resource lands.

(b) The Secretary may enter into contracts or cooperative agreements involving the management, protection, development, acquisition, and conveying of the national resource lands.

(c) The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the national resource lands, including the acquisition of rights-of-way for such purposes. He may accept contributions for cadastral surveying performed on federally controlled or intermingled lands. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to the function toward the administration of which the contributions were made and for refunds to depositors of amounts contributed by them in specific instances where contributions are in excess of their share of the cost.

SEC. 302. SERVICE CHARGES, REIMBURSEMENT PAYMENTS, AND EXCESS PAYMENTS.—(a) Notwithstanding any other provision of law, the Secretary may establish filing fees, service fees and charges, and commissions with respect to applications and other documents relating to national resource lands and may change and abolish such fees, charges, and commissions.

(b) The Secretary is authorized to require a deposit of any payments intended to reimburse the United States for extraordinary costs with respect to applications and other documents relating to national resource lands. The moneys received for extraordinary costs under this subsection shall be deposited with the Treasury in a special account and are hereby appropriated and made available until expended. As used in this subsection, "extraordinary costs" include but are not limited to the costs of special studies; environmental impact statements; monitoring construction, operation, maintenance, and termination of any authorized facility; or other special activities.

(c) In any case where it shall appear to the satisfaction of the Secretary that any person has made a payment under any statute relating to the sale, lease, use, or other disposition of the national resource lands which is not required or is in excess of the amount required by applicable law and the regulations issued by the Secretary, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds.

SEC. 303. WORKING CAPITAL FUND.—(a) There is hereby established a working capital fund for the management of national resource lands. This fund shall be available without fiscal year limitation for expenses necessary for furnishing, in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and regulations promulgated thereunder, supplies and equipment services in support of Bureau of Land Management programs, including but not limited to, the purchase or construction of storage facilities, equipment yards, and related improvements and the purchase, lease, or rent of motor vehicles, aircraft, heavy equipment, and fire control and other resource management equipment within the limitations set forth in appropriations made to the Bureau of Land Management.

(b) The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) The fund shall be credited with payments from appropriations and funds of the Bureau of Land Management, other agencies of the Department of the Interior, other Federal agencies, and other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities, supplies, equipment, and services (including depreciation and accrued annual leave). Such payments may be made in advance in connection with firm orders, or by way of reimbursement.

(d) There is hereby authorized to be appropriated not to exceed $3,000,000 as initial capital of the working capital fund.

SEC. 304. DEPOSITS AND FORFEITURES.—(a) Any moneys received by the United States as a result of the forfeiture of a bond or other security by a resource developer or purchaser or permittee who does not fulfill the requirements *of his contract* or permit or does not comply with the regulations of the Secretary; or as a result of a compromise or settlement of any claim whether sounding in tort or in contract involving present or potential damage to national resource lands shall be credited to a separate account in the Treasury and are hereby appropriated and made available, until expended as the Secretary may direct, to cover the cost to the United States of any improvement, protection, or rehabilitation work on the national resource lands which has been rendered necessary by the action which has led to the forfeiture, compromise, or settlement.

(b) The Secretary may require a user or users of roads, trails, lands, or facilities under the jurisdiction of the Bureau of Land management to maintain such roads, trails, lands, or facilities in a satisfactory condition commensurate with tions of the Secretary, or as a result of a compromise or the extent of such maintenance to be shared by the users in proportion to such use or, if such maintenance cannot be so provided, to deposit sufficient money to enable the Secretary to provide such maintenance. Such deposits shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, to cover the cost to the United States of the maintenance of any road, trails, lands, or facility under the jurisdiction of the Bureau of Land Management: *Provided,* That nothing in this subsection shall be construed to require the user or users to provide maintenance or deposits to repair any damages attributable to general public use rather than the specific use or uses of such user or users.

(c) Any moneys collected under this Act in connection with lands administered under the Act of August 28, 1937 (50 Stat. 874), as amended, shall be expended for the benefit of such land only.

(d) If any portion of a deposit or amount forfeited under this Act is found by the Secretary to be in excess of the cost of doing the work authorized under this Act, the amount in excess shall be transferred to miscellaneous receipts.

Sec. 305. Contracts for Cadastral Survey Operations and Resource Protection.—(a) The Secretary is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for airborne cadastral survey and resource protection operations of the Bureau of Land Management. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred.

(b) Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

Sec. 306. Unauthorized Use.—The use, occupancy or development of any portion of the national resource lands contrary to any regulation of the Secretary or other responsible authority, or contrary to any order issued pursuant to any such regulation, is unlawful and prohibited.

Sec. 307. Enforcement Authority.—(a) Any violation of regulations which the Secretary issues with respect to the management, protection, development, acquisition, and conveying of the national resource lands and property located thereon and which the Secretary identifies as being subject to this section shall be punishable by a fine of not more than $1,000 or imprisonment for not more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

(b) At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from using the national resource lands in violation of laws or regulations relating to lands or resources managed by the Secretary.

(c) For the specific purpose of enforcing any law or regulation relating to lands or resources managed by the Secretary, the Secretary may designate any employee to (i) carry firearms; (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; (iii) make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view, or for a felony if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; (iv) search without warrant or process any person, place, or conveyance as provided by law; and (v) seize without warrant or process any evidentiary item as provided by law.

Sec. 308. Cooperation With State and Local Law Enforcement Agencies.—In connection with administration and regulation of the use and occupancy of the national resource lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof. Such cooperation may include reimbursement to a State or its subdivision for expenditures incurred by it in connection with activities which assist in the administration and regulation of use and occupancy of national resource lands.

Sec. 309. California Desert Area—(a) The Congress finds that—

(1) the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources that are unique and irreplaceable;

(2) the desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use;

(4) because of the proximity of the California desert to the rapidly growing population centers of southern California, these threats are certain to intensify;

(5) the Secretary has initiated a comprehensive planning process and established an interim management program for the California desert; and

(6) to insure further study of the relationship of man and the desert environment and preserve the unique and irreplaceable resources of the California desert, the public must be provided more opportunity to participate in such planning and management, and additional management authority must be provided to the Secretary to enable effective implementation of such planning and management.

(b) It is the purpose of this section to provide for the immediate and future protection and management of the California desert within the framework of a program of multiple use and the maintenance of environmental quality.

(c)(1) For the purpose of this section, the "California desert area" is the area generally depicted on a map entitled "California Desert Area—Proposed", dated April 1974, and on file in the Office of the Director of the Bureau of Land Management.

(2) As soon as practicable after this Act takes effect, the Secretary shall file a map and a legal description of the California desert area with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act; *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made by the Secretary. To the extent practicable, the Secretary shall make such legal description and map available to the public promptly upon request.

(d) The Secretary, in accordance with section 103, shall prepare and implement a comprehensive, long-range plan for the management, use, and protection of the national resource lands within the California desert area. Such plan shall be completed and implementation thereof initiated on or before June 30, 1979.

(e) During the period beginning on the date of enactment of this Act and ending on the effective date of implementation of the comprehensive, long-range plan, the Secretary shall execute an interim program to manage and protect the national resource lands, and their resources now in danger of destruction, in the California desert area, to provide for the public use of such lands in an orderly and reasonable manner such as through the development of campgrounds and visitor centers, and to provide for a uniformed desert ranger force.

(f)(1) The Secretary, within sixty days of enactment of this Act, shall establish a California Desert Area Advisory Committee (hereinafter referred to as "advisory committee") in accordance with the provisions of section 6 of this Act.

(2) It shall be the function of the advisory committee to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required under subsection (d) of this section.

(g) The Secretaries of Agriculture and Defense shall manage lands within their respective jurisdictions located in or adjacent to the California desert area, in accordance with the laws relating to such lands and wherever practicable, in a manner consonant with the purpose of this section. The Secretaries of the Interior, Agriculture, and Defense are authorized and encouraged to consult among themselves and take cooperative actions to carry out this subsection.

(h) The Secretary shall report to the Congress no later than two years after the enactment of this Act, and annually thereafter in the report required in section 7 of this Act, on the progress in, and any problems concerning, the implementation of this section, together with any recommendations, which he may deem necessary, to remedy such problems.

(i) There is authorized to be appropriated for fiscal years 1975 through 1979 not to exceed $40,000,000 to effect the purpose of this section, such amount to remain available until expended.

TITLE IV—AUTHORITY TO GRANT RIGHTS-OF-WAY

Sec. 401. Authorization To Grant Rights-of-Way.—(a) The Secretary is authorized to grant, issue, or renew rights-of-way over, upon, or through the national resource lands for—

(1) Reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment storage, transportation, or distribution of water;

(2) Pipelines and other systems for the transportation or distribution of liquids and gases, other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, or water and for storage and terminal facilities in connection therewith;

(3) Pipelines, slurry and emulsion systems, and conevyor belts for transportation and distribution of solid materials, and facilities for the storage of such materials in connection therewith;

(4) Systems for generation, transmission, and distribution of electric energy, except that the applicant shall also comply with all applicable requirements of the Federal Power Commission under the Act of June 10, 1920, as amended (16 U.S.C. 796, 797);

(5) Systems for transmission or reception of radio, television, telegraph, and other electronic signals, and other means of communication;

(6) Roads, trails, highways, railroads, canals, tramways, airways, livestock driveways, or other means of transportation; and

(7) Such other necessary transportation or other systems or facilities which are in the public interest and which require rights-of-way over, upon, or through the national resource lands.

(b)(1) The Secretary shall require, prior to granting, issuing, or renewing a rights-of-way, that the applicant submit and disclose any or all plans, contracts, agreements, or other information or material reasonably related to the use, or intended use, of the right-of-way which he deems necessary to a determination, in accordance with the provisions of this title, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which should be included in such right-of-way.

(2) If the applicant is a partnership, corporation, association, or other business entity, the Secretary, prior to granting a right-of-way pursuant to this title, shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include, where applicable: (1) the name and address of each partner; (2) the name

and address of each shareholder owning 3 percentum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote; and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

(c) Nothing in this title shall be deemed to limit in any way the authority of the Secretary to make grants, issue leases, licenses, or permits, or enter into contracts under other provisions of law, for purposes ancillary or complementary to the construction, operation, maintenance, or termination of any facility authorized under this title.

Sec. 402. Right-of-Way Corridors.—(a) After the Secretary has submitted the report required by section 28 (s) of the Mineral Leasing Act of 1920, as amended by the Act of November 16, 1973 (87 Stat. 576), he shall, consistent with applicable land use plans, designate transportation and utility corridors on national resource lands and, to the extent practical and appropriate, require that rights-of-way be confined to them. In designating such corridors and in determining whether to require that rights-of-way be confined to them, the Secretary shall take into consideration National and State land use policies, environmental quality, economic efficiency, national security, safety, and good engineering and technological practices. The Secretary shall issue regulations containing the criteria and procedures he will use in designating such corridors. Any existing transportation and utility corridors may be designated as transportation and utility corridors pursuant to this subsection without further review.

(b) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across national resource lands the use of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way granted pursuant to this title.

Sec. 403. General Provisions.—(a) The Secretary shall specify the boundaries of each right-of-way as precisely as is practicable. Each right-of-way shall be limited to the ground which the Secretary determines: (1) will be occupied by facilities which constitute the project for which the right-of-way is given, (2) to be necessary for the operation or maintenance of the project, and (3) to be necessary to protect the environment or public safety. The Secretary may authorize the temporary use of such additional lands as he determines to be reasonably necessary for the construction, operation, maintenance, or termination of the project or a portion thereof, or for access thereto.

(b) The Secretary shall determine the duration of each right-of-way or other authorization to be granted, issued, or renewed pursuant to this title. In determining the duration the Secretary shall, among other things, take into consideration the cost of the facility and its useful life.

(c) Rights-of-way granted, issued, or renewed pursuant to this title shall be given under such regulations or stipulations, in accord with the provision of this title or any other law, and subject to such terms and conditions as the Secretary may prescribe regarding extent, duration, survey, location, construction, maintenance, and termination.

(d) The Secretary, prior to granting a right-of-way pursuant to this title for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way which shall comply with stipulations or with regulations issued by the Secretary. The Secretary shall issue regulations or impose stipulations which shall include, but shall not be limited to: (1) requirements to insure that activities on the right-of-way will not violate applicable air and water quality standards or applicable transmission, powerplant, and related facility siting standards established by or pursuant to law; (2) requirements designed to control or prevent (A) damage to the environment (including damage to fish and wildlife habitat), (B) damage to public or private property, and (C) hazards to public health and safety; and (3) requirements to protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be regularly revised. Such regulations shall be applicable to every right-of-way granted pursuant to this title, and may be applicable to rights-of-way to be renewed pursuant to this title.

(e) Mineral and vegetative materials, including timber, within or without a right-of-way may be used or disposed of in connection with construction or other purposes only if authorization to remove or use such materials has been obtained pursuant to applicable laws.

(f) No right-of-way shall be issued for less than the fair market value thereof as determined by the Secretary. The Secretary may, by regulation or prior to promulgation of such regulations, as a condition of a right-of-way, require an applicant for or holder of a right-of-way to reimburse the United States for all reasonable administrative and other costs incurred in processing an application for such right-of-way and in inspection and monitoring of construction, operation, and termination of the facility pursuant to such right-of-way: *Provided, however,* That rights-of-way may be granted, issued, or renewed to State or local governments or agencies or instrumentalities thereof, or to nonprofit associations or nonprofit corporations which are not themselves controlled or owned by profitmaking corporations or business enterprises, for such lesser charge as the Secretary finds equitable and in the public interest.

(g) The Secretary shall promulgate regulations specifying the extent to which holders of rights-of-way under this title shall be liable to the United States for damage or injury incurred by the United States in connection with the rights-of-way. The regulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liabilities, damages, or claims arising in connection with the rights-of-way.

(h) Where he deems it appropriate, the Secretary may require a holder of a right-of-way to furnish a bond, or other security, satisfactory to the Secretary to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or by any rule or regulation of the Secretary.

(i) The Secretary shall grant, issue, or renew a right-of-way under this title only when he is satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested, and in accord with the requirements of this title.

Sec. 404. Terms and Conditions.—Each right-of-way shall contain such terms and conditions as the Secretary deems necessary to (1) carry out the purposes of this Act and rules and regulations hereunder; (2) protect the environment; (3) protect Federal property and monetary interests; (4) manage efficiently national resource lands which are subject to the right-of-way or adjacent thereto and protect the other lawful users of the national resource lands adjacent to or traversed by said right-of-way; (5) protect lives and property; (6) protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and (7) protect the public interest in the national resource lands.

Sec. 405. Suspension or Termination of Right-of-Way.—Abandonment of the right-of-way or noncompliance with any provision of this title, condition of the right-of-way, or applicable rule or regulation of the Secretary may be grounds for suspension or termination of the right-of-way if, after due notice to the holder of the right-of-way and an appropriate administrative proceeding pursuant to title 5, United States Code, section 554, the Secretary determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed-upon condition, event, or time. If the Secretary determines that an immediate temporary suspension of activities within a right-of-way for violation of its terms and conditions is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding. Prior to commencing any proceeding to suspend or terminate a right-of-way the Secretary shall give written notice to the holder of the ground or grounds for such action and shall give the holder a reasonable time to resume use of the right-of-way or to comply with this title, condition, rule, or regulation as the case may be. Deliberate failure of the holder of the right-of-way to use the right-of-way for the purpose for which it was granted, issued, or renewed for any continuous five-year period shall constitute a rebuttable presumption of abandonment of the right-of-way: *Provided, however,* That where the failure of the holder to use the right-of-way for the purpose for which it was granted, issued, or renewed for any continuous five-year period is due to circumstances not within the holder's control the Secretary is not required to commence proceedings to suspend or terminate the right-of-way.

Sec. 406. Rights-of-Way for Federal Agencies.—(a) The Secretary may reserve for the use of any department or agency of the United States a right-of-way over, upon, or through national resource lands, subject to such terms and conditions as he may impose. The provisions of this title shall be applicable to any such right-of-way.

(b) Where a right-of-way has been provided for the use of any department or agency of the United States, the Secretary shall take no action to terminate, or otherwise limit, that use without the consent of the head of that other department or agency.

Sec. 407. Conveyance of Lands.—If under applicable law the Secretary decides to transfer out of Federal ownership, by patent, deed, or otherwise, any national resource lands covered in whole or in part by a right-of-way, including a right-of-way granted under the Act of November 16, 1973 (87 Stat. 576), the lands may be conveyed subject to the right-of-way; however, if the Secretary determines that retention of Federal control over the right-of-way is necessary to assure that the purposes of this title will be carried out, the terms and conditions of the right-of-way complied with, or the national resource lands protected, he shall (1) reserve to the United States that portion of the lands which lies within the boundaries of the right-of-way, or (2) convey the lands, including that portion within the boundaries of the right-of-way, subject to the right-of-way and reserving to the United States the right to enforce all or any of the terms and conditions of the right-of-way, including the right to renew it or extend it upon its termination and to collect rents.

SEC. 408. EXISTING RIGHTS-OF-WAY.—Nothing in this title shall have the effect of terminating any rights-of-way or rights-of-use heretofore issued, granted, or permitted by the Secretary. However, with the consent of the holder thereof, the Secretary may cancel such a right-of-way and in its stead issue a right-of-way pursuant to the provisions of this title.

SEC. 409. STATE STANDARDS.—The Secretary shall take into consideration and, to the extent practical, comply with State standards for right-of-way construction, operation, and maintenance if those standards are more stringent than Federal standards and if the national resource lands are adjacent to lands to which such State standards apply.

SEC. 410. EFFECT ON OTHER LAWS.—(a) After the date of enactment of this Act, no right-of-way for the purposes listed in this title shall be granted, issued, or renewed over, upon, or through national resource lands except under and subject to the provisions, limitations, and conditions of this title: *Provided,* That any application for a right-of-way filed under any other law prior to the date of enactment of this Act may, at the applicant's option, be considered as an application under this title or the Act under which the application was filed. The Secretary may require the applicant to submit any additional information he deems necessary to comply with the requirements of this title.

(b) Nothing in this title shall be construed to preclude the use of national resource lands for highway purposes pursuant to sections 107 and 317 of title 23, United States Code.

TITLE V—CONSTRUCTION OF LAW, PRESERVATION OF VALID EXISTING RIGHTS, AND REPEAL OF LAWS

SEC. 501. CONSTRUCTION OF LAW.—(a) Except as provided in section 410, the authority conferred upon the Secretary by this Act is in addition to all other authority vested in him by law, and nothing in this Act shall be deemed to repeal any such other authority by implication.

(b) Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States, or—

(1) as affecting in any way any law governing appropriations or use of, or Federal right to, water on national resource lands;

(2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(3) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two or more States and the Federal Government;

(4) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or regulatory functions in relation thereto;

(5) as modifying the terms of any interstate compact;

(6) as a limitation upon any State criminal statute or upon the police power of the respective States, or as derogating the authority of a local police officer in the performance of his duties, or as depriving any State or political subdivision thereof of any right it may have to exercise civil and criminal jurisdiction on the national resource lands; or

(7) as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national resource lands.

SEC. 502. VALID EXISTING RIGHTS.—All actions by the Secretary under this Act shall be subject to valid existing rights.

SEC. 503. REPEAL OF LAWS RELATING TO DISPOSAL OF NATIONAL RESOURCE LANDS.—(a) The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Homesteads:				
Revised Statute 2289				161, 171.
Mar. 3, 1891	561	5	26: 1097	161, 162.
Revised Statute 2290				162.
Revised Statute 2295				163.
Revised Statute 2291				164.
June 6, 1912	153		37: 123	164, 169, 218.
May 14, 1880	89		21: 141	166, 185, 202, 223.
June 6, 1900	821		31: 683	166, 223.
Aug. 9, 1912	280		37: 267	
Apr. 6, 1914	51		38: 213	167.
Mar. 1, 1921	90		41: 1193	
Oct. 17, 1914	325		38: 470	168.
Revised Statute 2297				169.
Mar. 3, 1881	153		21: 511	
Oct. 22, 1914	335		38: 766	170.
Revised Statute 2292				171.
June 8, 1880	136		21: 166	172.
Revised Statute 2301				173.
Mar. 3, 1891	561	6	26: 1098	
June 3, 1896	312	2	29: 197	
Revised Statute 2288				174.
Mar. 3, 1891	561	3	26: 1097	
Mar. 3, 1905	1424		33: 991	
Revised Statute 2296				175.
Apr. 28, 1922	155		42: 502	
May 17, 1900	479	1	31: 179	179.
Jan. 26. 1901	180		31: 740	180.
Sept. 5, 1914	294		38: 712	182.
Revised Statute 2300				183.
Aug. 31, 1918	166	8	40: 957	
Sept. 13, 1918	173		40: 960	
Revised Statute 2302				184, 201.
July 26, 1892	251		27: 270	185.
Feb. 14, 1920	76		41: 434	186.
Jan. 21, 1922	32		42: 358	
Dec. 28, 1922	19		42: 1067	
June 12, 1930	471		46: 580	
Feb. 25, 1925	326		43: 981	187.
June 21, 1934	690		48: 1185	187a.
May 22, 1902	821	2	32: 203	187b.
June 5, 1900	716		31: 270	188, 217.
Mar. 3, 1875	131	15	18: 420	189.
July 4, 1884	180	Only last paragraph of sec. 1.	23: 96	190.
Mar. 1, 1933	160	1	47: 1418	190a.

The following words only: "Provided, That no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah, nor shall further Indian homesteads be made in said county under the Act of July 4, 1884 (23 Stat. 96: U.S.C. title 43, sec. 190)."

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Revised Statutes 2310, 2311.				191.
June 13, 1902	1080		32: 384	203.
Mar. 3, 1879	191		20: 472	204.
July 1, 1879	60		21: 46	205.
May 6, 1886	88		24: 22	206.
Aug. 21, 1916	361		39: 518	207.
June 3, 1924	240		43: 357	208.
Revised Statute 2298				211.
Aug. 30, 1890	837		26: 391	212.

The following words only: "No person who shall after the passage of this act, enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry or settlement, is validated by this act."

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Mar. 3, 1891	561	17	26: 1101	

The following words only: "and that the provision of 'An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes,' which reads as follows, viz: 'No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws,' shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws."

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Apr. 28, 1904	1776		33: 527	213.
Aug. 3, 1950	521		64: 398	
Mar. 2, 1889	381	6	25: 854	214.
Feb. 20, 1917	98		39: 925	215.
Mar. 4, 1921	162	1	41: 1433	216.
Feb. 19, 1909	160		35: 639	218.
June 13, 1912	166		37: 132	
Mar. 3, 1915	84		38: 953	
Mar. 3, 1915	91		38: 957	
Mar. 4, 1915	150	2	38: 1163	
July 3, 1916	220		39: 344	
Feb. 11, 1913	39		37: 666	281, 219.
June 17, 1910	298		36: 531	219.
Mar. 3, 1915	91		38: 957	
Sept. 5, 1916	440		39: 724	
Aug. 10, 1917	52	10	40: 275	
Mar. 4, 1915	150	1	38: 1162	220.
Mar. 4, 1923	245	1	42: 1445	222.
Apr. 28, 1904	1801		33: 547	224.
Mar. 2, 1907	2527		34: 1224	
May 29, 1908	220	7	35: 466	
Aug. 24, 1912	371		37: 499	
Aug. 22, 1914	270		38: 704	231.
Feb. 25, 1919	21		40: 1153	
July 3, 1916	214		39: 341	232.
Sept. 29, 1919	64		41: 288	233.
Apr. 6, 1922	122		42: 491	233, 272, 273.
Mar. 2, 1889	381	3	25: 854	234.
Dec. 29, 1894	14		28: 599	
July 1, 1879	63	1	21: 48	235.
Dec. 20, 1917	6		40: 430	236.
July 24, 1919	26	Next to last paragraph only.	41: 271	237.
Mar. 2, 1932	69		47: 59	237a.
May 21, 1934	320		48: 787	237b.
May 22, 1935	135		49: 286	237c.
Aug. 19, 1935	560		49: 659	237d.
Mar. 31, 1938	57		52: 149	
Apr. 20, 1936	239		49:j1235	237e.
July 30, 1956	778	1, 2, 4	70: 715	237 f, g, h.
Mar. 1, 1921	102		41: 1202	238.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Homesteads—Continued				
Apr. 7, 1922	125		42: 492	
Revised Statute 2308				239.
June 16, 1898	458		30: 473	240.
Aug. 29, 1916	420		39: 671	
Apr. 7, 1930	108		46: 144	243.
Mar. 3, 1933	198		47: 1424	243a.
Mar. 3, 1879	192		20: 472	251.
Mar. 2, 1889	381	7	25: 855	252.
June 3, 1878	152		20: 91	253.
Revised Statute 2294				254.
May 26, 1890	355		26: 121	
Mar. 11, 1902	182		32:63	
Mar. 4, 1904	394		33: 59	
Feb. 23, 1923	105		42: 1281	
Revised Statute 2293				255.
Oct. 6, 1917	86		40: 391	
Mar. 4, 1913	149	Only last paragraph of section headed "Public Land Service."	37: 925	256.
May 13, 1932	178		47: 153	256a.
June 16, 1933	99		48: 274	
July 26, 1935	419		49: 504	
June 16, 1937	361		50: 303	
Aug. 27, 1935	770		49: 909	256b.
Sept. 30, 1890	J. Res. 59		26: 684	261.
June 16, 1880	244		21: 287	263.
Apr. 18, 1904	25		33: 589	
Revised Statute 2304				271.
Mar. 1, 1901	674		31: 847	271, 272.
Revised Statute 2305				272.
Feb. 25, 1919	37		40: 1161	272a.
Dec. 28, 1922	19		42: 1067	
Revised Statute 2306				274.
Mar. 3, 1893	208		27: 593	275.

The following words only: "And provided further: That where soldier's additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land; but no person shall be permitted to acquire more than one hundred and sixty acres of public land through the location of any such certificate."

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Aug. 18, 1894	301	Only last paragraph of Section headed "Surveying the Public Lands."	23: 397	276.
Revised Statute 2309				277.
Revised Statute 2307				278.
Sept. 21, 1922	357		42:990	
Sept. 27, 1944	421		58: 747	279–283.
June 25, 1946	474		60: 308	279.
May 31, 1947	88		61: 123	279, 280, 282.
June 18, 1954	306		68: 253	279, 282.
June 3, 1948	399		62: 305	283, 284.
Dec. 29, 1916	9	1–8	39: 862	291–298.
Feb. 28, 1931	328		46: 1454	291.
June 9, 1933	53		48: 119	291.
June 6, 1924	274		48: 469	292.
Oct. 25, 1918	195		40: 1016	293.
Sept. 29, 1919	63		41: 287	294, 295.
Mar. 4, 1923	245	2	41: 1445	302.
Aug. 21, 1916	361		39: 518	1075.
Aug. 28, 1937	876	3	50: 875	1181c.
2. Sale and Disposal Laws:				
Mar. 3, 1891	561	9	26: 1099	671.
Revised Statute 2354				673.
Revised Statute 2355				674.
May 18, 1898	344	2	30: 418	675.
Revised Statute 2365				676.
Revised Statute 2357				678.
June 15, 1880	227	3, 4	21: 238	679, 680.
Mar. 2, 1889	381	4	25: 854	681.
Mar. 1, 1907	2286		34: 1052	682.
June 1, 1938	317		52: 609	682a–e.
July 14, 1945	298		59: 467	
June 8, 1954	270		68: 239	
Revised Statute 2361				688.
Revised Statute 2362				689.
Revised Statute 2363				690.
Revised Statute 2368				691.
Revised Statute 2366				692.
Revised Statute 2369				693.
Revised Statute 2370				694.
Revised Statute 2371				695.
Revised Statute 2374				696.
Revised Statute 2372				697.
Feb. 24, 1909	181		35: 645	
May 21, 1926	353	The two provisos only.	44: 591	
Revised Statute 2375				698.
Revised Statute 2376				699.
Mar. 2, 1889	381	1	25: 854	700.
3. Townsite Reservation and Sale:				
Revised Statute 2380				711.
Revised Statute 2381				712.
Revised Statute 2382				713.
Aug. 24, 1954	904		68: 792	
Revised Statute 2383				714.
Revised Statute 2384				715.
Revised Statute 2386				717.
Revised Statute 2387				718.
Revised Statute 2388				719.
Revised Statute 2389				720.
Revised Statute 2391				721.
Revised Statute 2392				722.
Revised Statute 2393				723.
Revised Statute 2394				724.
Mar. 3, 1877	113	1, 3, 4	19: 392	725–727.
Mar. 3, 1891	561	16	26:1101	728.
July 9, 1914	138		38: 454	730.
Feb. 9, 1903	531		32: 820	731.
4. Drainage Under State Laws:				
May 20, 1908	181	1–7	35: 171	1021–1027.
May 1, 1958	P.L. 85–387		72: 99	1029–1034.
Jan. 17, 1920	47		41: 392	1041–1048.
5. Abandoned Military Reservation:				
July 5, 1884	214	5	23: 104	1074.
Aug. 21, 1916	361		39: 518	1075.
Mar. 3, 1893	208		27: 593	1076.

The following words only; "Provided, That the President is hereby authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place."

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Aug. 23, 1894	314		28: 491	1077, 1078.
Feb. 11, 1903	543		32: 822	1079.
Feb. 15, 1895	92		28: 664	1080, 1077.
Apr. 23, 1904	1496		33: 306	1081.
6. Public Lands; Oklahoma:				
May 2, 1890	182	Last paragraph of sec. 18 and secs. 20, 21, 22, 24, 27.	26: 90	1091–1094, 1096, 1097.
Mar. 3, 1891	543	16	26: 1026	1098.
Aug. 7, 1946	772	1, 2	60: 872	1100–1101.
Aug. 3, 1955	498	1–8	69: 445	1102–1102g.
May 14, 1890	207		26: 109	1111–1117.
Sept. 1, 1893	J. Res. 4		28: 11	1118.
May 11, 1896	168	1, 2	29: 116	1119.
Jan. 18, 1897	62	1–3, 5, 7	29: 490	1131–1134.
June 23, 1897	8		30: 105	
Mar. 1, 1899	328		30: 966	
7. Sales of Isolated Tracts:				
Revised Statute 2455				1171.
Feb. 26, 1895	133		28: 687	
June 27, 1906	3554		34:517	
Mar. 28, 1912	67		37: 77	
Mar. 9, 1928	164		45: 253	
June 28, 1934	865	14	48: 1274	
July 30, 1947	383		61: 630	
Apr. 24, 1928	428		45: 457	1171a
May 23, 1930	313		46: 377	1171b.
Feb. 4, 1919	13		40: 1055	1172.
May 10, 1920	178		41: 595	1173.
Aug. 11, 1921	62		42: 159	1175.
May 19, 1926	337		44: 566	1176.
Feb. 14, 1931	170		46: 1105	1177.
8. Alaska Special Laws:				
Mar 3, 1891	561	11	26: 1099	732.
May 25, 1926	379		44: 629	733-736.
May 29, 1963	P.L. 88-34		77: 52	
July 24, 1947	305		61: 414	738.
May 14, 1898	299	1	30: 409	270.
Mar. 3, 1903	1002		32: 1028	
Apr. 29, 1950	137	1	64: 94	
Aug. 3, 1955	496		69: 444	270, 687a–2.
Apr. 29, 1950	137	2–5	64: 95	270, 270–5.
July 11, 1956	571	2	70: 529	270–6, 270–7, 687a–1.
July 8, 1916	228		39: 352	270–8, 270–9.
June 28, 1918	110		40: 632	270–10, 270–13, 270–14.
July 11, 1956	571	1	70: 528	
Mar. 8, 1922	96	1	42: 415	270–11.
Aug. 23, 1958	P.L. 85–725	1, 4	72: 730	
Aug. 17, 1961	P.L. 87–147		75: 384	270–13.
Oct. 3, 1962	P.L. 87–742		76: 740	
Apr. 13, 1926	121		44: 243	270–15.
Apr. 29, 1950	134	3	64: 93	270–16, 207–17.
May 14, 1898	299	10	30: 413	270–4, 687 to 6871–5.
Mar. 3, 1927	323		44: 1364	
May 26, 1934	357		48: 809	
Aug. 23, 1958	P.L. 85–725	3	72: 730	
Mar. 3, 1891	561	13	26: 1100	687a–6.
Aug. 30, 1949	521		63: 679	687b to 687b–4.
July 19, 1963	P.L. 88–66		77: 80	687b–5.
9. Pittman Underground Water Act:				
Sept. 22, 1922	400		42:1012	356.

(b) Section 7 of the Taylor Grazing Act, 48 Stat. 1272, ch. 865, as amended by section 2 of the Act of June 26, 1936, 49 Stat. 1976, ch. 842, title I, 43 U.S.C. 315f, is further amended to read as follows:

"The Secretary of the Interior is authorized, in his discretion to examine and classify any lands withdrawn or reserved by Executive order of November 26, 1934 (numbered 6910), and amendments thereto, and Executive order of February 5, 1935 (numbered 6964), or within a grazing district, which are more valuable or suitable for any other use than for the use provided for under this Act, or proper for acquisition in satisfaction of any outstanding lien, exchange or land grant, and to open such lands to disposal in accordance with such classification under applicable public land laws. Such lands shall not be subject to disposition until after the same have been classified and opened to disposal.".

(c) Section 2 of the Act of March 8, 1922, 42 Stat. 416, ch. 96, as amended by section 2 of the Act of August 23, 1958, 72 Stat. 730, Public Law 85–725, 43 U.S.C. 270–12, is further amended to read:

"The coal, oil, or gas deposits reserved to the United States in accordance with the Act of March 8, 1922 (52 Stat. 415, ch. 96, as added to by the Act of August 17, 1961, 75 Stat. 384, Public Law 87–147, and amended by the Act of October 3, 1962, 76 Stat. 740, Public Law 87–742), shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine or remove the coal or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times to enter upon the lands patented under the Act of March 8, 1922, as amended, and in accordance with the provisions hereof, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove oil and gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further*, That nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase."

(e) Section 3 of the Act of August 30, 1949, 63 Stat. 679, ch. 521, 43 U.S.C. 687b–2, is amended to read:

"Notwithstanding the provisions of any Act of Congress to the contrary, any person who prospects for, mines, or removes any minerals from any land disposed of under the Act of August 30, 1949 (63 Stat. 679, ch. 521), shall be liable for any damage that may be caused to the value of the land and tangible improvements thereon by such prospecting for, mining, or removal of minerals. Nothing in this section shall be construed to impair any vested right in existence on August 30, 1949.".

SEC. 504. REPEAL OF LAWS RELATING TO ADMINISTRATION OF NATIONAL RESOURCE LANDS.—The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Mar. 2, 1895	174		28: 744	176.
2. June 28, 1934	865	8	48: 1272	315g.
June 26, 1936	842	3	49: 1976, title I.	
June 19, 1948	548	1	62: 533	
July 9, 1962	P.L. 87–524		76: 140	315g–1.
3. Aug. 24, 1937	744		50: 748	315p.
4. Mar. 3, 1909	271	2d proviso only.	35: 845	772.
June 25, 1910	J. Res. 40		36: 884	
5. June 21, 1934	689		48: 1185	871a.
6. Revised Statute	2447			1151.
Revised Statute	2448			1152.
7. June 6, 1874	223		18: 62	1153, 1154.
8. Jan. 28, 1879	30		20: 274	1155.
9. May 30, 1894	87		28: 84	1156.
10. Revised Statute	2450			1161.
Feb. 27, 1877	69	1	19: 244	
The following words only: "Section twenty-four hundred and fifty is amended by striking out in the fourth line the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior' ".				
Revised Statute	2451			1162.
February 27, 1877	69	1	19: 244	
The following words only: "Section twenty-four hundred and fifty-one is amended by striking out, in the first and second lines, the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior' ".				
Revised Statute	2456			1163.
Sept. 20, 1922	350		42: 857	
The words: ". . . and sections 2450, 2451, and 2456 be amended to read as follows:" and all words following in the Act.				
Revised Statute	2457			1164.
11. Mar. 3, 1891	561	7	26: 1098	1165.
12. Revised Statute	2471			1191.
Revised Statute	2472			1192.
Revised Statute	2473			1193.
13. July 14, 1960	P.L. 86–649	101–202(a), 203–204(a), 301–303.	74: 506	1361, 1362, 1363–1383.
14. Sept. 26, 1970	P.L. 91–429		84: 885	1362a.
15. July 31, 1939	401	1, 2	53: 1144	

SEC. 505. REPEAL OF LAWS RELATING TO RIGHTS-OF-WAY.—(a) The following statutes or parts of statutes are repealed insofar as they apply to national resource lands:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Revised Statutes 2339				661.
The following words only: "and the right-of-way for the construction of ditches and canals for the purpose herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage."				
Revised Statutes 2340				661.
The following words only: ", or rights to ditches and reservoirs used in connection with such water rights,".				
Feb. 26, 1897	335		29: 599	664.
Mar. 3, 1899	427	1	30: 1233	665, 958 (16 U.S.C. 525).
The following words only: "that in the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right-of-way for a wagon road, railroad, or other highway over and across any forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby."				
Mar. 3, 1875	152		18: 482	934–939.
May 14, 1898	299	2–9	30: 409	942–1 to 924–9.
Feb. 27, 1901	614		31: 815	943.
June 26, 1906	3548		34: 481	944.
Mar. 3, 1891	561	18–21	26: 1101	946–949.
Mar. 4, 1917	184	1	39: 1197	
May 28, 1926	409		44: 668	
Mar. 1, 1921	93		41: 1194	950.
Jan. 13, 1897	11	29: 484	952–955.	
Mar. 3, 1923	219		42: 1437	
Jan. 21, 1895	37	28: 635	28: 635	951, 956, 957.
May 14, 1896	179		29: 120	
May 11, 1898	292		30: 404	
Mar. 4, 1917	184	2	39: 1197	
Feb. 15, 1901	372		31: 790	959 (16 U.S.C. 79, 522).
Mar. 4, 1911	238		36: 1253	961 (16 U.S.C. 5, 420, 523).
Only the last two paragraphs under the subheading "Improvement of the National Forests" under the heading "Forest Service".				
May 27, 1952	338		66: 95	
May 21, 1896	212		29: 127	962–965.
Apr. 12, 1910	155		36: 296	966–970.

(b) Notwithstanding the provisions of subsection (a) of this section, the following statute is repealed in its entirety:

Act of	Chapter	Section	Statute at Large	U.S. Code
Revised Statute 247				43 U.S.C. 932.

The ACTING PRESIDENT pro tempore. The time for debate on this bill shall be limited to 2 hours, to be equally divided and controlled by the majority leader and the minority leader, with 30 minutes on any amendment, except an amendment to be offered by the Senator from Idaho (Mr. MCCLURE) on which there will be 2 hours, and 10 minutes on any debatable motion or appeal.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the majority leader, I yield such time under his control to the Senator from Washington (Mr. JACKSON) as he may require.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, today

the Senate considers S. 424, the National Resource Lands Management Act, reported unanimously by the Committee on Interior and Insular Affairs.

The purpose of S. 424 is to provide the first comprehensive statement of congressional goals, objectives, and authority for the use and management of 451 million acres of federally owned lands administered by the Secretary of the Interior through the Bureau of Land Management.

The Federal Government has long overlooked this valuable resource. These lands comprise 20 percent of our entire land base and 60 percent of all Federal property. The neglect of our largest single block of federally owned lands must come to an immediate halt. Unfortunately, Mr. President, the Congress must share the blame for the lack of proper attention to these lands. Over the years we have legislated rather extensively concerning other Federal land systems, such as the national forests, parks, wildlife refuges, and wilderness systems; but in my judgment—and in the judgment of the Interior Committee—we have failed to provide adequate statutory protection for the greatest public land resource . . . the national resource lands.

The public lands of the United States have always provided the arena in which we Americans have struggled to fulfill our dreams. Even today many dreams of wealth, adventure, and escape are still being acted out on these farflung lands. They are a part of our national destiny. They belong to all Americans.

What we do with the public lands of the United States tells a great deal about what we are—what we care for—and what is to become of us as a Nation.

Until recently the lands under the jurisdiction of the Bureau of Land Management—for the most part—have been neglected lands. They were the leftovers from which were carved lands for homesteading, parks, forests, or other uses considered more important. They have not even been dignified with a name other than public domain. Other Federal lands have been given titles which befit their importance—such as national parks, national forests, and national seashores. Therefore, the very first section of S. 424 would give these lands the name of "national resource lands." Hopefully, this symbolic gesture of respect will complement the numerous, necessary authorities which S. 424 would provide for the management of these lands.

Until the 20th century and the establishment of the national park, forest, and other Federal land systems, nearly all the Federal lands were in the category of what this act designates as national resource lands. Although the establishment of the various Federal land systems presaged the end of the era of wholesale disposal of Federal lands, it was only with the Taylor Grazing Act of 1934 that the general policy of disposal of national resource lands was altered.

The Bureau of Land Management, the agency charged with the task of administering the national resource lands, is the successor agency to the General Land Office. The act of April 25, 1812, established the Office as a bureau of the Treasury Department. The Office was transferred to the Department of the Interior when that Department was created in 1849. Passage of the Taylor Grazing Act led to the establishment of the Grazing Service to manage grazing districts authorized under the act. In 1946, the General Land Office and the Grazing Service were combined to form the Bureau of Land Management.

Although many areas within the national resource lands tend to be less desirable from a recreational or scenic point of view than the lands already selected for inclusion in the national systems, our country's expanding, and more mobile population has placed increasing demands for public use on these lands. In addition, our Nation's economy requires the fuels, minerals, timber, and forage resources on and under the national resource lands. In order to meet these demands, the Bureau of Land Management has fully adopted the retention philosophy and is managing those lands so as to provide for a wide variety of uses.

However, the Bureau's efforts have been impeded by its dependence on a vast number of outmoded public land laws which were enacted in earlier periods in American history when disposal and largely uncontrolled development of the public domain were the dominant themes. The agencies which have jurisdiction over the national system possess modern statutory mandates which reflect changing philosophies toward management of the Federal lands. The Organic Act of the Forest Service, first passed in 1897, and amended thereafter, remains a modern mandate, particularly when supplemented by the Multiple-Use Sustained-Yield Act of 1960. The Park Service's Organic Act of 1916 has been renewed through amendments and through individual acts creating national parks. The existence of these laws makes the lack of a similar statutory base for the Bureau of Land Management more conspicuous in its absence.

The lack of a modern management mandate for the Bureau of Land Management and its dependence on some 3,000 public land laws, many of which are clearly antiquated, were among the reasons for congressional recognition of a need to review and reassess the entire body of law governing Federal lands. This review was begun when, on September 19, 1964, Congress created the Public Land Law Review Commission.

After 5 years of extensive investigations, the Commission completed its review and submitted its final report, entitled "One Third of the Nation's Land," to the President and the Congress on June 20, 1970. The report contains 137 numbered, and several hundred unnumbered, recommendations designed to improve the Federal Government's custodianship of the Federal lands. Principal among these recommendations is the Commission's view that:

> The policy of large-scale disposal of public lands reflected by the majority of statutes in force today [should] be revised and that future disposal should be only those lands that will achieve maximum benefit for the general public in non-Federal ownership, while retaining in Federal ownership those whose values must be preserved so that they may be used and enjoyed by all Americans.

In addition, the Commission emphasized a need to develop "a clear set of goals for the management and use of public lands—particularly—(for) lands administered by the Bureau of Land Management." The Commission's report stated specifically that:

> A congressional statement of policy goals and objectives for the management and use of public lands is needed to give focus and direction to the planning process.

S. 424, as ordered reported, is in accordance with over 100 recommendations of the Public Land Law Review Commission report.

Among the principal goals and objectives recommended by the Commission and established by S. 424 are retention of the national resource lands in Federal ownership and management of these lands under principles of multiple use and sustained yield in a manner which will assure the quality of their environment for present and future generations.

In addition, the bill answers the call of the Commission for a clear statement of goals and objectives by which these lands must be managed.

S. 424 also directs the Secretary of the Interior to prepare and maintain an inventory of the national resource lands and their resources. Congressional recognition of the importance of such authority for proper management of the national resource lands has been long standing, as demonstrated by the passage of the 1964 Classification and Multiple Use Act. That act contained temporary authority providing the Bureau of Land Management with criteria to conduct a systematic effort to classify lands. However, this authority expired on December 23, 1970, and unless we enact S. 424, the Bureau of Land Management will continue to lack the necessary authority to properly manage the national resource lands.

Mr. President, we must enact S. 424 this Congress. It has been 10 years since the creation of the Public Land Law Review Commission, 5 years since the submission of its report and the expiration of the Classification and Multiple-Use Act, 3 years since I first introduced a National Resource Lands Management Act, and 2 years since the Senate Interior Committee reported S. 424's predecessor. It would not be in the public interest to delay further.

Mr. President, S. 424 is a fine example of a bipartisan effort. I wish to thank my Republican colleagues on the Interior Committee for their assistance in reporting S. 424. Their cooperation resulted in the unanimous vote to report the measure. S. 424 contains many of the provisions of S. 1041, the President's proposal, and it also enjoys the full support of the administration.

Mr. President, I commend S. 424 to my colleagues and ask for their favorable vote so that we may expedite its enactment.

Mr. President, I ask unanimous consent that the brief summary of the bill from the Committee report be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

S. 424 would facilitate better management of the national resource lands by eliminating the dependence of the Bureau of Land Management on this crazy-quilt pattern of land laws and providing instead, in one statute, an orderly, systematic, planned approach to land management, with guidelines, criteria, and basic procedures.

The introductory sections of S. 424 establish the basic management policies; Titles I, II, III, and IV provides the tools to implement those policies; and Title V repeals a number of the 3,000 public land laws which either are obsolete or conflict with the provisions of S. 424, as ordered reported.

The introductory sections require that the national resource lands be managed in accordance with the principles of multiple use and sustained yield and define these principles. In addition, they establish the policy that, except where disposal is consistent with the purposes and conditions of the Act, the national resource lands will be retained in Federal ownership. Among other policies elucidated in these sections are a fair return to the United States for the use of the national resource lands; full public participation, including hearings and the use of advisory boards, in decisionmaking concerning those lands; and coordination of the decisionmaking with State and local land use planning.

Title I provides the general management authority. It directs the Secretary of the Interior to prepare and maintain an inventory of the national resource lands, review those lands for potential wilderness areas, develop land use plans, and manage the lands in accordance with the plans.

Title II provides the basic authority and guidelines for both conveying and acquiring national resource lands or interest in lands. Consistent with the retention policy, the guidelines for disposal of national resource lands limit such disposals to instances in which the public interest to be served by disposal clearly outweighs the interest to be served by retention. Disposals could still occur under certain other statutes such as the Desert Land Act,[1] the Recreation and Public Purposes Act,[2] and the various laws providing for grants of lands to the States. The title requires that, with certain exceptions, lands to be disposed of must be sold at fair market value, under competitive bidding, and with the mineral interest retained in Federal ownership. Authority is provided to sell reserved mineral interests when the reservation interferes with non-mineral development which constitutes a more beneficial use of the land than mineral development. These mineral interests would revert to Federal ownership if mineral development were ever initiated. In addition, the Secretary of the Interior is required to insure that lands are not conveyed in conflict with State and local land use controls and to insert in the patents of conveyed lands conditions to insure proper land use and protection of the public interest. Title II also provides authority to issue documents of disclaimer when the United States has no interest in certain lands and to correct documents of conveyance. Finally, the title provides guidelines for the acquisition of additional national resource lands, but sharply circumscribes acquisition by condemnation to the single purpose of providing access to national resource lands.

Title III provides a number of specific management and enforcement authorities. In part, this title reenacts the Public Land Administration Act,[3] omitting provisions which are obsolete. It contains provisions concerning studies; investigations; cooperative agreements; contributions of money, services, or property; service charges; reimbursement payments; and excess payments. Perhaps, the most important management provisions provide for the establishment of a working capital fund; for the posting of bonds or other security by resource developers or permittees to insure compliance with contracts or regulations and to protect national resource lands; and for the maintenance, or payment for maintenance, of roads, trails, lands, or facilities by their users. The enforcement provisions include criminal penalties for violation of national resource lands regulations; arrest, search and seizure authority for departmental personnel to enforce laws and regulations relating to lands or resources managed by the Secretary of the Interior; and authority for the Secretary to contract with State and local officials to provide more general law enforcement on the national resource lands.

Title IV provides uniform and comprehensive authority to the Secretary to grant rights-of-way on the national resource lands for such purposes as roads, trails, canals, and powerlines. It is patterned after the Act of November 16, 1973; [4] but it does not provide new authority to grant rights-of-way for oil and gas pipelines as this authority is contained in that Act. The title contains provisions concerning, among other things, right-of-way corridors and the granting of rights-of-way in common; terms and conditions of rights-of-way, including extent of liability of rights-of-way holders and the Federal Government; divulgence of information by rights-of-way applicants; suspension or limitation of rights-of-way; and grants of rights-of-way to other Federal agencies.

Title V contains a list of laws to be repealed or amended. It explicitly preserves rights existing under these laws at the time of enactment of S. 424. In addition, it contains a series of savings clauses to insure that water rights and water resources projects, interstate compacts, State criminal statutes and police power, and State wildlife and fish responsibilities are not affected by the bill.

The list of laws to be repealed is specific. The bill would not repeal or modify any law or segment of law not specifically contained in that list. For example, S. 424 does not repeal the Desert Land Act,[5] the Recreation and Public Purposes Act,[6] the Color of Title Act,[7] the grazing provisions of the Taylor Grazing Act,[8] laws affecting the reverted Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, the mining laws, the Outer Continental Shelf Lands Act,[9] or legislation dealing with other Federal land systems such as the national forests, wildlife refuges, or parks.

FOOTNOTES

[1] 19 Stat. 377.

[2] 44 Stat. 741.

[3] 74 Stat. 506.

[4] 87 Stat. 576.

[5] 19 Stat. 377.

[6] 44 Stat. 741.

[7] 45 Stat. 1069.

[8] 48 Stat. 1269.

[9] 67 Stat. 462.

Mr. JACKSON. Mr. President, I ask unanimous consent that Jerry Verkler, staff director, and Steven Quarles, William Van Ness and Michael Harvey of the professional staff be granted the privilege of the floor during the consideration of S. 424.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I ask unanimous consent that during the discussion and any votes on S. 424, Harrison Loesch, Fred Craft, Doug Smith, and Brent Kunz may have the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. HANSEN. Mr. President, I ask unanimous consent that there be a quorum call, with the time equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR NO ROLLCALL VOTES TO OCCUR BEFORE 4:30 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that any rollcall votes ordered prior to the hour of 3:30 p.m. today not occur before the hour of 4:30 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that he presented to the President of the United States the following enrolled bills and joint resolution:

On June 28, 1974:

S. 3705. An act to amend title 38, United States Code, to provide for a 10-year delimiting period for the pursuit of educational programs by veterans, wives, and widows;

On July 3, 1974:

S. 3458. An act to continue domestic food assistance programs, and for other purposes; and

S.J. Res. 202. A joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations.

RECESS UNTIL 2:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m. today, with the time to be charged equally against both sides on the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Accordingly, at 12:57 p.m., the Senate took a recess until 2:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

NATIONAL RESOURCE LANDS MANAGEMENT ACT

The Senate continued with the consideration of the bill (S. 424) to provide for the management, protection, and development of the natural resource lands, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. JACKSON, I yield 10 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Washington has no time remaining on the bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be 10 minutes additional allotted to each side.

The PRESIDING OFFICER. There being no objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I now yield 10 minutes to the Senator from Colorado.

Mr. HASKELL. Mr. President, I thank the Senator.

I would like to speak briefly today on behalf of S. 424 which provides the Department of the Interior with essential management powers to manage Federal lands.

When you take into consideration that natural resource lands constitute approximately one-fifth of our entire land base of the United States, and two-thirds of all Federal lands, the significance of this bill becomes obvious.

I must say that last year when this bill first came before the Interior Committee I did not see the importance of it. However, subsequent to that time it became clear to me that if we did not give the Department of the Interior adequate authority to manage public lands, the public lands could be used in a manner which might not be of benefit to all the people of the Nation.

Furthermore, unless we give them proper authority, artifacts on the public lands, facilities on the public lands, the environment and productivity of the public lands, will continue to be destroyed—they are being destroyed now—and, for this reason, having gone through all the hearings and having talked privately with members of the Department of the Interior, and finding out their problems, it seems to me that this bill is of the utmost urgency.

When one thinks that the U.S. Forest Service had a comparable act back in 1897, and that the National Park Service's Basic Management Act was enacted in 1916, it is evident that this bill to manage the national resource lands is more than overdue.

I would like to take this opportunity to reassure the various users of the natural resource lands—and these people include those who graze cattle, it includes people who mine, it includes people who use public lands for recreation—that none of their rights or privileges are being adversely affected.

I would like to state, Mr. President, just briefly that great tribute goes to two men in conceiving this act. The first person to whom I would like to pay tribute is former Congressman Wayne Aspinall from my State of Colorado. He served in the Congress for 24 years, and no man has devoted more time or accomplished more in the effort to provide a truly effective statutory base for public land management than Congressman Aspinall.

Briefly, to list his legislative accomplishments, he was chairman of the Committee on Interior and Insular Affairs in the House of Representatives. In addition to that he was the driving force behind the creation of the Public Land Law Review Commission which may, in fact, be his greatest and most lasting monument. Mr. Aspinall conceived of this Commission, argued forcefully for its need, both in Congress and with the executive, and wrote and successfully fought for the 1964 act that created it.

Second, I would like to pay tribute to the distinguished Senator from Washington (Mr. JACKSON), the chairman of the full Interior Committee, who first introduced the Natural Resource Lands Management Act on February 4, 1970, the year the Public Land Law Review Commission's report was submitted.

Senator JACKSON has since been the principal proponent for this legislation. He has now succeeded in having it reported twice from the Interior Committee.

I truly hope, Mr. President, that this year this bill will be passed by the Congress and will be signed into law.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. HASKELL. On the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold his request?

Mr. HASKELL. Mr. President, I withhold my request.

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 29, line 3, insert the following:

"(c) No provision of this Act shall in any way amend, limit, or infringe on the existing laws providing grants of land to the States."

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 10 minutes on this amendment.

Mr. President, we have had this proposed act reviewed by the Department of Natural Resources of the State of Alaska, and it is the opinion of the Commissioner of Natural Resources of the State of Alaska that, if enacted, this act would abolish the State of Alaska's freedom of choice in its selection of lands under the Alaska Statehood Act.

This comes about because of the provisions of section 2(a) defining natural resource lands as lands that are now or hereafter administered by the Bureau of Land Management.

The lands which have been provided to the State of Alaska under the Alaska Statehood Act are lands that our State has the right to select, and the selections have not been completed.

It is the feeling of our department of natural resources that under this section, which is carried on in section 202, the Secretary could also revise land use plans and do so in ways to interfere with the selection rights of the State of Alaska.

I might add that my amendment deals not only with Alaskan lands but all lands which are granted to any of the States that are the public land States.

I understand that the distinguished Senator from Washington (Mr. JACKSON) would like to comment on the matter later and, perhaps, we can clarify this matter so that the adoption of my amendment will not be necessary. But, as the matter stands now until there is a strong legislative history indicating no intent to in any way amend, limit or infringe upon the laws that provide for grants of land to the Western States, I would have to offer the amendment.

Mr. President, I wish to parenthetically make some other statements. I am seriously worried about this bill. I may offer an amendment later to deal with the area of my great concern. This is probably a milestone in the area of public land legislation because, if I understand the bill correctly, it completely repeals all homestead laws of the United States.

My State has one-half of all public land left in the United States. Even after the State of Alaska completes its selections of lands, there will be over 60 percent of the State of Alaska owned by the Federal Government.

The philosophy of the bill is that this Federal land will be sold at a price which is to be established on a fair market value concept. If this understanding is correct, I cannot understand the direction we are taking which would shut off public lands to those people who are willing to put in what we call "sweat equity," as they have in the past.

I hope to explore this matter further with the sponsors of the bill after we dispose of the other amendments.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. McCLURE. On that point it is my understanding of the thrust of the bill that we are no longer saying there is free public domain available to whomever may wish to take it up; that the resources of our country are sufficiently limited at this time that the Federal Government will make the decision as to what resources shall pass to private hands, relative to the free access that was available under the Homestead Act and several other acts.

The reason I sketch that background is that 100 years ago we had national goals covering those lands, to make them available to whoever was willing to have sweat equity, and the person who wanted to make the investment would have the right to make the determination to do so. We enacted the Homestead Act, which was done under the administration of Abraham Lincoln, and later the Desert Land Act, and others. The Desert Land Act became a focus of disagreement in the committee and under the leadership of the Senator from Idaho (Mr. CHURCH) and me that repeal for the Desert Land Act was taken out and the Desert Land Act is still a matter of major importance in any State where we have available land and water.

Mr. STEVENS. Mr. President, I wish to say to my good friend that as a former member of the Committee on Interior and Insular Affairs I appreciate that statement. Had I been on the committee, I would have taken out the provision to repeal the Homestead Act in Alaska. I do not understand why the Federal Government should own over 260 million acres in one State, one-half of the land owned by the Federal Government, with no way for a man to come into that land except by cash. To me this is abhorrent—

we should use public lands to encourage people to make a new life for themselves. We have plenty of land like that in Alaska. We have had problems with homesteading, because of problems associated with period for land claims and statehood grants selection. But once that period is passed, I would hope there still would be a day when someone who had the sheer guts to go to our part of the country and make a home for himself and his family could do so without paying the Federal Government in cash for the Federal land.

I am sorry I was not notified—well, I was notified; I just did not realize that this total repealer of the Alaska Homestead Act was included. I never would have agreed to the unanimous-consent agreement if I had.

Mr. McCLURE. Mr. President, will the Senator yield further?

Mr. STEVENS. I yield.

Mr. McCLURE. I agree with the Senator's feelings concerning the rights of individuals and the desirability of having individuals who have the courage and the foresight and willingness to invest a lot of hard labor in wrestling this land from its actual condition and into a more productive situation for themselves and for the Nation. That probably applies now only in Alaska. The Federal Government can and should have the right to classify lands suitable for such homestead entry and reserve those that are not.

The State of Alaska has a unique problem with unique opportunities for some of our people to make something for themselves.

But about 20 years ago there started a philosophy which has been embedded in land management agencies in the Federal Government, which states that if anyone manages to take any of the natural resources and convert them to his use and make a profit, the taxpayers have been cheated. It is the basic philosophy that has guided the bureaucracy for the last 20 years. That is the genesis of the wholesale repealer of the right of any citizen to freely use any natural resource.

While that may have some application in some States, it should not have application in all States, and the State of Alaska is an exception that should be recognized.

Mr. STEVENS. I thank the Senator. I wish to make one reference to the report. It states that homesteading in Alaska has been precluded by the Alaskan Statehood Act and the Alaskan Native Claims Settlement Act "where under most of the suitable agricultural land will be appropriated."

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. STEVENS. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. There are a great many lands in Alaska that are today withdrawn for specific purposes, such as military reservations, which may not be there forever, and for wildlife reservations, or other specific withdrawals, so that if they are revoked they will be very suitable for farming and homesteading in the future.

I seriously question the application of this repealer to Alaska as far as the homestead law is concerned.

Mr. HASKELL. Mr. President, I would like to briefly respond to the distinguished Senator from Alaska.

First, as to the Senator's proposed amendment to S. 424, it would not affect the rights of the State of Alaska to make selections under its Statehood Act or the right of any other State to weigh the price made to it by the Federal Government. The bill does not repeal any of the Statehood Acts.

Furthermore, the disposal criteria set out in section 202 apply to transfers out of the Federal ownership under this act. Therefore, the existing rights of the various States, including Alaska, are protected.

It is for these reasons, it would be my position that the amendment of the Senator from Alaska, not being necessary, would be undesirable to adopt. We may differ on that.

Mr. STEVENS. Mr. President, will the Senator yield at that point?

Mr. HASKELL. I yield.

Mr. STEVENS. If it causes no harm, I do not know why we should not put it in as a matter of protection for the States.

I wish to ask the Senator a question. Is it the position of the committee that the management of Federal lands, currently public lands—that the selection rights of the grants to States under their Statehood Act, are in no way affected by the change in classification? Is there any power under this act whereby the Secretary could preclude a State from taking section 16 and 36, for the States that got the designated land grants, or for States which are in the State selection process, as was given to my State—could the Secretary preclude the State, from its rights under the Statehood Act?

If the answer is no, I would be happy to withdraw the amendment.

Mr. HASKELL. In my opinion, the answer is unequivocably no.

Mr. STEVENS. Does the Senator agree with that as a member of the committee?

Mr. HANSEN. As nearly as the Senator from Wyoming understands it, he agrees with the Senator from Colorado that it does not in any way jeopardize the right of the State of Alaska.

Mr. STEVENS. Mr. President, I am not just talking about the State of Alaska. That is my problem. But I believe it would affect section 16 and 36 of the State grants to other States made prior to the admission in my State, if my concern is a valid one.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. HANSEN. I do not have the floor.

Mr. STEVENS. I do not think I have any time.

Mr. HASKELL. Mr. President, do I have time?

The PRESIDING OFFICER. The Senator has 12 minutes remaining on his amendment.

Mr. HASKELL. On the amendment of the Senator from Alaska?

The PRESIDING OFFICER. That is correct.

Mr. HASKELL. I will be glad to yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

I only want to make this comment: As I understand what the Senator from Alaska is trying to elicit, it is whether there is anything in the act which affirmatively states that there is nothing which interferes with prior selection process guarantees. I think that it would be fair to say that the act is silent on that point, that there is nothing in the act which purports to interfere with those rights, but I am not certain it would be fair to say that the act does not, by implication, at least, raise some question.

I think the Senator is right in raising this question on the floor. However, I think to the degree that we can, by legislative history, remove any doubt of that being the committee's intention we should do so. It was not our intention in any way to restrict the rights of prior rights granted to the States for the selection of State lands.

Mr. HASKELL. May I call two things to the attention of the distinguished Senator from Alaska? I hope this will reassure him on this point, because there certainly was no intent in the legislation to, in any way, shape or form, affect the rights of States to land previously granted to them or under their jurisdiction. I refer first to the section 502 of the bill, entitled "Valid Existing Rights."

> All actions by the Secretary under this Act shall be subject to valid existing rights.

Mr. STEVENS. Will the Senator yield right there?

Mr. HASKELL. Not yet. I want to finish.

Then in the committee report on page 60, I refer to the description of section 502, which says:

> This section provides the necessary assurance that valid existing rights will not be sacrificed by any action the Secretary might take. . . .

I yield to the Senator.

Mr. STEVENS. My problem is we do not have any rights in those lands until we exercise our selection. They remain national lands until the State designates the area it wants to select, and the selections have been approved by the Secretary. In the interim, following the enactment of this act, and prior to the completion of the selection process, they become national resource lands.

I understand the committee's stated intent not to interfere in any way with the selection process. Under those circumstances, I fail to see why we should not put a very clear statement in the bill as indicated in my amendment, that nothing is intended to infringe, amend, or impair the rights of the States under their grants under the Statehood Acts.

If that is the clear intent and it does no harm to the intent of the committee, why do we not put it in?

We have great fear of this. We have seen withdrawals. We saw a withdrawal of our whole State at the time we were fighting over the Alaska Native Claims

Settlement Act. That held up our State selections for some 5 years.

Mr. President, are we to have a new classification here—lands which, by their very nature, some court is going to say require a plan or require some new concept to be followed before the State can select the lands that were given it by the Federal Government under the Statehood Act?

Mr. HASKELL. The problem, Mr. President, if I may say to the distinguished Senator from Alaska, that I have with his amendment is that he zeros in on "no way infringe on existing laws, providing grants of lands to the States."

Does that raise, by inference, the question that we have infringed other laws, laws that provide other than grants of land to the States? I do not see how we can be any more clear than we are in the bill in saying that everything the Secretary does under this act shall be subject to valid existing rights without in fact listing every single one of the some 3,000 public lands which are not repealed by this act.

I would assume that the State of Alaska had an existing right to select these lands that the Senator from Alaska is talking about.

Mr. STEVENS. We have no existing rights in the lands yet. We have a right to select the lands.

Mr. HASKELL. That is correct. But I think the State of the Senator has a vested right to select the acreage of land granted in the Alaska Statehood Act. I do not know how to be any clearer than this which says, "subject to valid existing rights." It does not say "rights in land;" it says "rights." That includes rights in lands, the right of contract, or any other right.

I would oppose the Senator's amendment on the basis that if we are going to zero in and just say that we do not infringe upon existing laws providing grants of lands to States, we have to go through a whole lot of other statutes to see what other rights must there be that we must also say we do not infringe upon. That is why I think it would be better to use the broad language that is currently in the bill.

Mr. President, I respectfully submit this to the Senator from Alaska and hope that he will take it under consideration.

Mr. STEVENS. Mr. President, I must say with all gratitude for the Senator's statements, that my fear remains. My fear comes from having spent over 4 years in the Department of Interior as a solicitor and assistant to the Secretary of Interior. I think I know some of the desires that hit people in those offices. One of the desires may well be to limit the State of Alaska in terms of its selection of 103.5 million acres of land. It sounds like a lot of land to many people. It happens to be, as I said, about 30 percent of our State. A great portion of it is going to end up by being mountain tops.

Mr. President, we do not want to see ourselves get painted into a corner by providing that the Secretary, in exercising some new power, can regulate the selection rights to the point where they are of little value. I think this reassurance that we seek is a reasonable one. It is not in any way contrary to the stated intent of the committee. I cannot see any reason not to offer the amendment.

Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Alaska has 2 minutes remaining. The Senator from Colorado has 8 minutes remaining.

Mr. STEVENS. Mr. President, let me yield myself 2 more minutes.

I see the Senator from Montana is present. I remember a case involving some other Western States where the statehood school selections were temporarily frustrated by the creation of Indian reservations. I take it that the Secretary of Interior still maintains authority to deal with the preservation of Indian rights in the West. Those are existing rights, as I would understand the section mentioned by the Senator from Colorado.

But if in doing so he interferes with the grant in a statehood bill, exercising the rights under this act, then I think we have failed in not properly protecting those States who have relied upon the commitment of the Federal Government to give them a land base for their statehood.

Mr. HASKELL. Mr. President, if I might say to the Senator from Alaska in closing, I will mention page 38 of the report. Again I am dealing with legislative history:

> Other disposal authorities not specifically repealed in title V will, of course, continue in effect. Among the other authorities are—

And I will skip a few to go down to the last one—

> And various laws providing grants of lands to the States.

Mr. President, I just say that in an attempt to reassure my friend from Alaska that his problem is taken care of.

Mr. STEVENS. Mr. President, maybe I am not articulating my problem well enough for my friend from Colorado.

Will the gentleman yield 1 minute to me?

Mr. HASKELL. I will be delighted to.

Mr. STEVENS. We are not afraid of losing the right to select the land. We are fearful that the Secretary, in exercising the new authorities under this act, would prevent us from selecting land that we want so that our selection would have to be on land that was remaining after exercising authorities under this new organic act for BLM. That would be unusable land, as far as we are concerned.

Mr. HASKELL. All I can say, Mr. President, to the distinguished Senator from Alaska is that I do not see anything in this bill that would allow the Secretary really to defeat the whole purpose of the Alaskan Statehood Act. I see absolutely nothing in here that would allow the Secretary to put aside acreage so that the State of Alaska could not select it. I cannot agree with the Senator from Alaska.

Mr. STEVENS. At the time I helped prepare the Alaska Statehood Act, it said that we could select vacant, unreserved, and unappropriated Federal land. We thought that meant the lands that had not been reserved as of the date of Statehood. Since statehood, the Secretary has, in fact, reserved new lands; and those reservations did, in fact, prevent us from selecting many of the lands reserved after the enactment of the statehood bill, and that has been upheld in the courts.

Here we have a new act, and it gives him new and broader powers to deal with public lands.

We do not want to be frustrated any further in the rights granted us by the Federal Government. I understand the Senator from Colorado's position when he says our rights are not affected. It is the exercise of those rights that we want to protect.

Mr. HASKELL. I am informed—obviously, the Senator from Alaska knows the Alaskan Native Claims Settlement Act far better than I—that in that act 80 million acres were allowed to be withdrawn or reserved, and there is no such authority here. I am speaking out of my territory, because the Senator from Alaska knows that act in and out, and I do not.

In this bill, I cannot see any authority granted to the Secretary that could in any way affect the rights of Alaska to select.

Mr. STEVENS. The Senator mentioned the 80-million-acre provision of section 17 of the Alaskan Native Land Claims Settlement Act, which gave the Secretary the right to withdraw 80 million acres. As a matter of fact, he withdrew 103 million under the provision of that section, and he did withdraw some lands that the State of Alaska already had designated that it wanted.

We do not want this process to go any further under the new act. Whatever authority he has had to frustrate us in the past, he is exercising existing law, and we are battling some of these things in court.

There is now a lawsuit between the State of Alaska and the Federal Government over whether the Secretary had the authority to frustrate our selections as he has done in the past. We ask that this act does not give him greater authority to frustrate our State. We are only into statehood 15 years, and Congress gave us 25 years to select those lands. So we have another 10 years in which to exercise these rights.

I do not think the committee has affected the existing rights. I do think the committee raises the question of whether the exercise of our rights in the future is protected unless there is a disclaimer of this act.

I am not asking to repeal all the laws under which the Secretary acted in frustrating us in the past. I am asking that this act give him no authority to frustrate the State of Alaska in the future.

Mr. HASKELL. I would appreciate it if the Senator from Wyoming would say what his interpretation is. My interpretation of the act—and on behalf of the committee—is that there is no intention whatever to give—and so far as I can see, the act does not in any way give—the Secretary any greater rights in the area the Senator from Alaska is talking about than the Secretary already has. What he already has, he has.

I would like very much to hear from the Senator from Wyoming as to his interpretation.

Mr. HANSEN. I thank the distinguished Senator from Colorado.

Mr. President, in order to be as helpful as I can, and in order to add to the weight and impact of legislative history, let me echo the observations and conclusions just made by the Senator from Colorado. As I understand this bill, it contains nothing which would restrict the State of Alaska or any other State in exercising all such rights as it or as other States may have in selecting federally owned lands.

In the State of Wyoming, as is true in many of the Western States, for one reason or another, the States have the right to select Federal lands. Part of the right arises from the fact that Federal reclamation projects may have inundated State-owned lands along with federally owned lands. As I understand the situation, in that instance and in similar instances, for whatever reasons may exist, the States have the right to select lands from the Federal real estate holdings to compensate them for the loss of State-owned lands. I believe that sometimes exchanges have been made, when Federal reservations of one kind or another have included State-owned lands, and the States were accorded the privilege and the right of selecting federally owned lands.

For what help it may be, I say to the Senator from Alaska that I interpret this act as has been well expressed by the Senator from Colorado.

Mr. McCLURE. Mr. President, will the Senator yield for a question?

Mr. HASKELL. I yield.

The PRESIDING OFFICER. Time on the amendment has expired. Who yields time?

Mr. McCLURE. Mr. President, what is the time situation on the bill?

The PRESIDING OFFICER. The Senator from Wyoming has 21 minutes remaining on the bill. For the information of the Senator from Colorado, he has 4 minutes.

Mr. STEVENS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. It is my understanding that there is an agreement that there will be no votes on any amendments prior to 3:30 p.m. today.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Will my amendment automatically go over until that time, if I desire a roll call vote?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, is it in order for me to ask unanimous consent that that amendment be taken up after the McClure amendments?

The PRESIDING OFFICER. It is in order.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment concerning statehood grants be taken up for disposal at that time—I understood that it would be in order at that time to ask for a few additional minutes, when the chairman of the committee is here.

Mr. HASKELL. I have no objection.

The PRESIDING OFFICER. If there is time on the bill.

Is there objection to the request of the Senator from Alaska? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, let me offer another amendment, and then we can take the time from the time on that amendment.

Mr. McCLURE. All right.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 69, line 3, delete subsection (b) and the table that follows.

Mr. STEVENS. Mr. President, I am happy to yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, the question I have is with respect to the first amendment offered by the Senator from Alaska and the effect of section 103 in this bill—whether or not the development of a land-use plan under the provisions of this act might operate to restrict the latitude of the State's selection discretion. In other words if a land use plan were adopted pursuant to section 103, in which certain designations were made, would that in any way limit the State's right to make selections guaranteed to it by prior acts?

If either the Senator from Wyoming or the Senator from Colorado could respond to that question, I think it is important in the context of the concerns expressed by the Senator from Alaska.

Mr. STEVENS. I might say to the Senator from Idaho that that was one of the specific concerns raised by the commissioner of natural resources of the State of Alaska, because he felt that the Secretary could develop, maintain, or revise a land use plan in a manner so as to prohibit or restrict the selection by the State of Alaska of lands otherwise available to it prior to the enactment of this act.

Mr. HASKELL. Mr. President, referring to section 202 and disposal criteria, line 8, we are talking about disposal "under this Act." This provides for methods of disposal under S. 424, and only under S. 424. It does not provide for methods of disposal otherwise in accordance with laws not repealed in title V of S. 424. I think that is quite clear in this bill.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. McCLURE I think there is no doubt that the disposal section is so limited; but is the land-use planning section, section 103, so limited, in which we are not talking about disposal under this statute? We are talking about disposal by operation of a different statute, of earlier date, which is not affected by section 202—specifically not affected by section 202. But does section 103 have such an effect?

I think the Senator from Alaska is entitled to a very clear answer on that question.

Mr. HASKELL. I would then say to both the Senator from Idaho and the Senator from Alaska, we have to take, in my opinion, the entire bill in the light of one of the very last sections of the bill—section 502—that section says:

> All actions by the Secretary under this Act shall be subject to valid existing rights.

As I read the bill, the intention is that no existing rights would be affected, and we can best see it by this section 502, which controls all the previous sections.

Mr. McCLURE. Would the Senator yield so that I might understand correctly?

That is, I would understand the Senator from Colorado then as saying that if the Secretary developed under section 103 a plan which was in any way in conflict with the right of the State to make a selection, the right of the State to make the selection would supersede the plan adopted by the Secretary?

Mr. HASKELL. I agree wholeheartedly with the Senator from Idaho.

Mr. McCLURE. I thank the Senator.

Mr. STEVENS. I only wish the Senator from Idaho and the Senator from Colorado were sitting on the Supreme Court at the time the case comes up.

Having lived through a few of these assurances, through legislative history, again, as to the prior amendment, I merely ask, if it is the intent of the committee, why not give my State this assurance?

I think they have gone to great lengths to review the bill and try to be positive about it. We have no critical comments about the intent of the bill, we are just trying to see that what we were told future citizens of Alaska would have is not being impaired by the intent to modify and strengthen the Secretary's authority in the area of the public land.

Let me turn to this new amendment and explain it.

Mr. President, this bill repeals the Revised Statutes, section 2477. That statute is the statute that the Western States have used to acquire rights-of-way for highways and public roads through Federal lands.

I agree that we have now turned the corner and we are in the situation now where we deal with rights-of-way on a different basis for the future.

My State raises no question as to the future with regard to rights-of-way over public land. We do raise this question, though, that to repeal this section at this time would adversely affect the Western States, because in many areas we have actually de facto public roads in the sense that there are trials that have become wider and have been graded and then graveled and then they are suddenly maintained by the State. The State takes over.

No one has on the part of the State made a declaration that these are State roads. They are State roads strictly by tradition. They have arrived there without a formal declaration. There is not an existing right again, I would say to my friend from Colorado, in this State, to claim those as State roads, because they never exerted their authority under section 2477. They just, in fact, did use the public lands for roads and highways.

We have in my State the only Federal-State land-use planning commission. We are the first State of the Union to have total planning commission to deal with Federal lands.

We have appropriated funds out of this Congress now for 3 years to that commission and we are trying to identify these areas that through tradition, through usage, through the passage of time, in fact, have become public access roads or highways.

We question whether reservation of valid existing rights and at the same time the repeal of the revised statute 2477 will adequately protect the States I believe there are other Western States with similar problems which have not declared that they have taken rights-of-way under 2477, but, in fact, would be entitled at any time to perfect those rights-of-way today under 2477 as a highway with a simple statement. My friend from Colorado will remember it is one of the unique statutes Congress ever passed. It is one sentence, two lines. It gave the Western States the right for public access across Federal lands.

Knowing we are going into a new era as far as rights-of-way in the future are concerned, and you have provision for the future, I again say to you, why repeal 2477?

Since it only applies to public lands, again, look at the definitions, it applies to public lands which this statute does away with. There will no longer be any public lands. There will only be the national resource lands.

Therefore, all up until the time that the national resource lands came into effect, any valid existing right on the public lands would be preserved.

Mr. HASKELL. If I may respond to the Senator from Alaska. It is my understanding, first, that public land merely by definition will become national resource lands. Therefore, we are talking about the same thing—laws referring to public domain lands or public lands would remain applicable. I would agree with the Senator from Alaska, this is a unique statute in that it was enacted in 1866 and it is all in one sentence.

But, again, I would say that if a strip of land is being used for a highway over public land in accordance with State law at the time of enactment of this bill, then that grant of right-of-way is preserved by reason of section 502 of the bill.

If, on the other hand, at the time this bill is enacted, a strip of land is not being used for a public highway, of course, the State will be unable to get a right-of-way under this 2477.

Mr. STEVENS. Again, this might be an area where we could develop legislative history which would satisfy, because we are in agreement for the future.

If we want to protect the States in the West—and I am speaking for my State, of course—my understanding is that under Revised Statute 2477, a State delivers to the Secretary of the Interior a statement: "We hereby exert our rights under revised 2477 and declare we have taken a right-of-way from A to B for a public highway."

They had some declaration form that they must file.

Now, that is to formalize it. There was de facto exercise of that authority in many States. Many States merely used that authority and did, in fact, build public highways across Federal land, and I would venture to say there are a great many Western States that do not have patents to their roads across Federal lands. They have merely exercised rights under that right-of-way act.

I do not know that it has ever been held clearly what the indicia of claim of right must be under that Revised Statute 2477, whether a State must, in fact, file a declaration or whether the exercise of the right under that revised statute was in and of itself sufficient.

If it was, perhaps we can make sufficient legislative history to make sure of what we are doing, because I know that in my State there are many highways, many roads, where the State just gradually assumed authority, finally extended the road out, and that road was never formally applied for.

We are not talking, I am sure my friend knows, about any road that is under the Federal-Aid Highway Act. These are State roads and local trails, you might say, in many instances.

Mr. HASKELL. My response to this question, and I can understand if there were a problem the great legitimacy of the question the Senator raises, but my understanding is that the courts have held, and I am referring now, if the Senator would like, the citation is Koloen versus Pilot Mound Township, I believe it is, 33 North Dakota 529, it says:

> To constitute acceptance of congressional grant of right-of-way for highways across public lands there must be either user sufficient to establish a highway under laws of the State, or some positive act proper authorities manifesting intent to accept.

In other words, a use or some positive act of proper authorities manifesting intent to use. This is the way I would apply this one-sentence statute enacted in 1866: either there is an actual existing public use, or there is a manifest intent which could be put into action by an application to the Department of the Interior, and they would say "yes." In other words, it is a two-way proposition.

Mr. STEVENS. Would the Senator from Colorado agree that if a State has accepted an obligation to maintain a road or trail, if it has partially constructed or reconstructed it, or has indicated an exercise of its police authority by virtue of posting signs as to speed limits, for example, which demonstrate it is a public highway—if the State has taken actions that would normally be taken by a State in furtherance of its normal highway program, and those roads were on such a right-of-way public lands, would the Senator agree that we have no intent of wiping those out, but those would be valid, existing rights under the one-sentence statute the Senator mentioned previously?

Mr. HASKELL. I agree with the Senator 100 percent.

Mr. STEVENS. I do not think we are being theoretical. We are going to have wildlife refuges that will be as large as 5 million, 6 million, or 8 million acres, and it is possible that in all such areas there will be existing roads and trails from village to village. We even have established dogsled trails in some instances.

Mr. HASKELL. I am not familiar with dogsled trails, but let me say I agree with the Senator that so long as the intent was for public use, then the right-of-way was established at that time under that 1866 act.

Mr. STEVENS. I thank the Senator very much. That would satisfy my requirements in regard to that section.

Before I withdraw the amendment, though, let me again state that I would hope the committee would address itself to the question of the homestead repealer. I do have an amendment which I am considering introducing to see if there is any possibility of restoring and retaining the Homestead Act for Alaska, as we have in fact preserved it in the Desert Land Act for the States having desert land areas. I would hope that the impact of this measure and whatever it would mean to the future of my State would be addressed by the committee and its spokesmen now on the floor.

Mr. HASKELL. I believe that the Senator from Idaho quite clearly indicated the intent and the philosophy behind the repealer of the homestead exemption. I really have nothing that I could add to the statement of the Senator from Idaho on that score. I would, of course, call the Senator's attention to the fact, of which he is undoubtedly aware, that under the Homestead Act as it now exists there must be, as I understand it, a growing of crops, and I do not know whether that is a possibility in Alaska. But as far as the philosophy goes, the Senator from Idaho has stated it well, and I have nothing I could add further.

Mr. STEVENS. I have available in my office, Mr. President, a recent study that has been made of the land in Alaska that has a potential for agricultural purposes. This was a joint study done by the State and the U.S. Department of Agriculture. We have a vast amount of land that it is possible to develop for agricultural purposes. But my problem is this: Presently one could not make a homestead entry in Alaska, because of the withdrawal and the conditions laid down by the Secretary of the Interior. All Federal land has all been withdrawn pending the procedure of the Alaskan Native Claims Settlement Act and the selections pursuant thereto. If any of the claims to the 80 million acres the Senator from Colorado mentions are not approved, they return back to the public domain.

At that time, I think we should survey what the situation would be; and to repeal at this time an act which is a promise for the future for those who do not have an opportunity to compete on a fair market value, cash option type basis, I think would be wrong. I believe it is better to preserve for many people the hope that there is a real future in my State as far as homesteading is concerned.

I would like to have the members of the committee come up and see the new developments along the Clearwater, where we have vast growing of grains, and we are exporting potatoes, exporting hogs, and getting into a whole range of agricultural production which people 10 years ago would have thought was impossible in Alaska. We will be very much in the export market as far as the great Pacific-Asian basin is concerned, with its tremendous demand for agricultural products.

I think this measure would foreclose participation of those who are not heavily endowed with money in the development of my State. There is no provision in these public land laws to acquire land through "sweat equity" if that were to happen.

I shall again raise the question later with a specific amendment, if the committee sees fit. I see no difference between the Homestead Act as it applies to Alaska and the Desert Land Act. The only difference I can see is that you get 320 acres in Nevada, and only 160 in Alaska.

Mr. HASKELL. I would suggest that the Senator talk later with the Senator from Idaho about the matter. He is not in the Chamber at present, but I would urge that he do that.

Mr. STEVENS. I shall be happy to do so. Mr. President, if there is no further discussion at this time, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The bill is open to further amendment.

Mr. HASKELL. Mr. President, I call up, for myself and Mr. Hansen, an amendment which is at the desk, and ask for its immediate consideration.

The assistant legislative clerk (Mr. William F. Farmer, Jr.) proceeded to read the amendment.

Mr. HASKELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Haskell's amendment is as follows:

On page 47, after line 24, insert a new section as follows: "Sec. 310. Oil Shale Revenues.—Section 35 of the Act of February 25, 1920 (41 Stat. 450), as amended (30 U.S.C. 191), is further amended by striking the period at the end of the proviso and inserting in lieu thereof the language as follows: ': And provided further, That all moneys paid on or after January 1, 1974, to any State from sales, bonuses, royalties, and rentals of public lands for the purpose of research in or development of shale oil may be used by such State and its subdivisions for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services, as the legislature of the State may direct.'."

On page 17, in the table of contents after "Sec. 309. California desert area." insert "Sec. 310. Oil shale revenues.".

Mr. HASKELL. This amendment which the Senator from Wyoming and I have proposed is identical to a bill that was unanimously reported out of the Committee on Interior and Insular Affairs and unanimously passed by the Senate as S. 3009. It merely provides that the State's share of bonus money from oil shale development be allowed to be expended for general governmental purposes rather than just for public roads and school building.

I assume the Senator from Wyoming has no objection, since he is a cosponsor. I move the adoption of the amendment.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. HANSEN. Mr. President, I yield back my time.

Mr. HASKELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HASKELL. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk (William F. Farmer, Jr.) proceeded to read the amendment.

Mr. HASKELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Haskell's amendment is as follows:

(a) On page 62, eliminate the space between the line "or whose occupation, entry or settlement, is validated by this act" and the line beginning with "March 3, 1891".

(b) On page 62, the line beginning "February 11, 1913", strike "281" and insert in lieu thereof "218".

(c) On page 65, the line beginning "Apr. 29, 1950", strike the period at the end thereof and insert in lieu thereof a comma.

(d) On page 65, the line beginning "July 8, 1916", strike the period at the end thereof and insert in lieu thereof a comma.

(e) On page 65, the line beginning "June 28, 1918", strike "270-13".

(f) On page 65, the line beginning "April 13, 1926", strike the period at the end thereof and insert in lieu thereof a comma.

(g) on page 65, the line beginning "May 14, 1898", strike "687" and insert in lieu thereof "687a".

(h) On page 65, line 12, strike "lien" and insert in lieu thereof "lieu".

(i) On page 69, eliminate the space between the line beginning "Mar. 3, 1889" and the line "The following words only: 'that in the form provided by existing law the Secretary of the Interior may file and'."

(j) On page 69, the line after the line beginning "May 3, 1889", strike "oft he" and insert in lieu thereof "of the".

Mr. HASKELL. Mr. President, this is merely a technical amendment, dealing with citations in the title V repealers and I have nothing further to say about it. I would like to get the views of the Senator from Wyoming about the matter.

Mr. HANSEN. Mr. President, I have been assured that these are merely technical amendments that are required in order to make the bill more intelligible, and I join with my distinguished colleague from Colorado in urging the adoption of these amendments.

Mr. HASKELL. Mr. President, I yield back the remainder of my time.

Mr. HANSEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Stevens). All time has expired. The question is on agreeing to the amendments.

The amendments were agreed to.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 1538

Mr. McCLURE. Mr. President, I call up my amendment, which is pending at the desk.

The PRESIDING OFFICER (Mr. Helms). The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 20, line 24, after the period, add the following: "Congress further directs notwithstanding any other provisions of this Act, neither the Secretary nor any agency head by regulation, by stipulation or conditions for right-of-way grants or renewals, or by any other means, shall, except as expressly authorized by statute, use the position of the Federal Government as landowner to accomplish, indirectly, public policy objectives unrelated to protection or use of the national resource lands.".

The PRESIDING OFFICER. Is this the amendment on which there will be 2 hours of debate?

Mr. McCLURE. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

Mr. President, the Congress of the United States, and certainly the Senate of the United States, have been much engaged in recent months in discussion of the degree to which the Executive has invaded the prerogatives of the executive branch of Congress, of the Government. We have had a number of colloquies on this floor from time to time concerning the amount of authority which has been wrongfully acquired by the President or the executive agencies, and there have been a number of Members of the Senate who have condemned that practice. There have been others who have pointed out that much of the erosion of the legislative branch's authority has been by grant of authority rather than by any grab of authority by the Executive.

We have today in this bill a danger of an unwitting and unwarranted delegation of broad and discretionary authority to the President of the United States and his executive agencies, a delegation which I seek to limit by my amendment, which simply states, as those of the Senators who have the amendment before them in printed form can very readily see, that neither the Secretary nor any of the subagencies under the direction of the Secretary can do anything indirectly by arm-twisting or by bludgeoning, using the authority granted by this act, to accomplish things which are not expressly provided for by statute.

Mr. President, I would have thought that that kind of a limitation on executive discretion would have found popular support in this body, as indeed it did on an earlier occasion when I offered a similar amendment to the pending rights-of-way legislation or the so-called Alaska pipeline bill; because even though the committee had in that instance turned down the amendment when I offered it in the committee, the Senate, I think wisely, decided that it was appropriate that the Presidential discretion should be limited to what is authorized by law and not simply to go out and, as some people have said, go and do good, in his view, not in the view of Congress.

The Senate could adopt that amendment which I offered, along with the Senator from New York (Mr. Buckley) and the Senator from Oklahoma (Mr. Bartlett) and, I believe, the Senator from Ohio (Mr. Taft) and, I believe, Senator Biden who was then presiding, joined me as cosponsor to that amendment.

That amendment did not find its way into the final draft of the Alaska pipeline bill because it was dropped in conference.

I again offered the amendment here, in this legislation, in the committee and, as Senator Jackson, the chairman of the Interior Committee has suggested, the committee did not agree with me.

I said at that time that I would offer it again on the floor, and I am doing so because I think the principle which is established by this amendment is an important one. It does not deal with the Alaskan pipeline, it does not deal only with rights-of-way across public lands, and it does not deal with the management of public lands. It deals with the fundamental question of how much authority we are going to allow the President of the United States to exercise without—and I emphasize the word "without"—the direction of Congress.

All my amendment says is they cannot use the power that they have under this bill to accomplish something which is not provided for by statute.

How can anyone really honestly argue against that fundamental proposition and, at the same time, raise any voice of protest against the abuse of power by the executive?

The Senator from Alaska has in his early amendment raised the question of how they misused discretionary authority in the past in order to effectuate something which was not expressly provided for by statute. I seek by my amendment to say they cannot do that.

Throughout the history of mankind freedom has been dearly won and easily lost. Every effort of those who seek freedom has been to forge a reliable limitation on the power of government, and there is no one within the sound of my voice who has not heard that oft-repeated but nevertheless true statement that power corrupts and absolute power corrupts absolutely.

We are in this amendment simply saying to the executive, "You have the right to administer the public lands; you have the right to administer those lands in such a way as is specifically provided for in this statute, and you may administer them in a way which accomplishes the specific objectives of other statutes as well. But you cannot by that power granted to you under this act pervert that power to uses not specifically delegated by the Constitution or the laws of this country."

Yet instead of finding the overwhelming support which I think this kind of measure ought to receive, and the kind of support which the American people are crying out for, I find voices raised that say, "No, we should not tie the hands of the Secretary. We should allow him to do good things by the use of the authority granted."

Now, for many States this may not be as important in this particular bill as it is in my State. There are only 12 States in the Union that are so-called public land States. They range from a low of 29 percent of their land mass owned by the Federal Government to a high of 95 percent in the State of Alaska.

There are only a handful of States—five, I belive—that find themselves in the position that my State of Idaho finds itself with the Federal Government owning more than half of our land surplus, and so we are more concerned, legitimately more concerned, about the abuse of authority that may be the natural temptation of those administering the law to use the authority to manage the public lands to accomplish things which are not provided for by statute but which they believe to be good for us.

I am aware that certain organizations have put out some circulars—they, perhaps, call them information sheets, I would, perhaps, call them misinformation sheets—and they concern what might happen under my bill. They raise the issue that NEPA would, in effect, be modified or amended or, in effect, repealed, depending on which sentence of which circular you wished to see.

Nothing could be further from the truth. As a matter of fact, if the goals of the National Environmental Policy Act are to be furthered by the administration of the public lands, they specifically must do so under the provisions of that act. My amendment would not interfere with it, specifically would not interfere with it.

Therefore, any suggestion made that the amendment which I have offered would diminish or detract from the legitimate stated goals of the National Environmental Policy Act are pure sham and subterfuge, and do a disservice to this body and, I think, fundamentally do a disservice to the organizations that raise false issues, where no such issues exist.

It also has been suggested in one of those circulars that the real purpose of my amendment is to affect the wielding of power on private or non-Federal utility powerlines. I have many friends involved in rural agencies, in various public power agencies in the Northwest. I took some pains when this matter was before the Senate in the rights-of-way legislation to state what I thought was then true, and I again restate it now. The amendment which I offer will not affect that battle that is familiar to those of us who live in the Northwest. It is one that has been brewing and pending for some years. But as I stated in debate on July 16, 1973, in the debate on that amendment, that one court has said specifically that the BLM had the authority to issue rights-of-way, a condition of which would be the wheeling of public power over the lines of non-Federal utilities. If that court is correct, my amendment has absolutely no effect at all upon that controversy.

I understand there are others who disagree with that court decision and I think are challenging it in a different forum. What the outcome of that court suit may be I do not hazard a guess, but only to put it into proper perspective, either the BLM had the authority or does not have the authority, and they should not be permitted to exercise it if they do not. And they should not under this act be permitted to use some power to accomplish some other goal, no matter how worthy that other goal may be.

It has been suggested here that one of the reasons I bring this up is because of the Antietam battlefield. I agree with the objections that were served in that bill refusing to allow the power company the right to cross the C. & O. Canal unless they relocated a power line in the Antietam battlefield, a totally unrelated instance. There was no argument and there could be no argument that the Federal Government had any direct authority to require the relocation around the Antietam battlefield. But they used the power they had to withhold the right-of-way at another place in order to effect a goal which they thought was justified some miles away.

While I applaud the result I am glad to see that powerline relocated in a way that did not impinge upon the battlefield. But I cannot understand for 1 minute why people would sacrifice their right under law in order to achieve that kind of legitimate, worthwhile, and laudable goal.

If the Government is to have unrestricted power let us do away with the Constitution. If the authorities are not to have the power to go out and do good let us forget the sham and subterfuge here of limiting the authority of government. I do not feel that way and I am sure the people do not feel that way either. They should not come in the backdoor and do something they cannot do otherwise. We may not like the way they use it on some unrelated matter down there, but we would hear cries of outrage in this Chamber about the invasion of legislative prerogatives. Yet, we have people now urging that my amendment be defeated. I wish it were not necessary to offer the amendment. I wish it were not necessary to limit the power of government as precisely as this amendment seeks to do. I wish we could rely on people in government never to overreach their power. But if we need any examples, this town has abundant examples of people in administrative agencies using the power granted them under one statute to accomplish what they think are legitimate goals, which most Americans find repugnant, even in the goals they seek or in the manner they seek to accomplish it.

I cannot think of a single fundamental principle of law that is more important to us than the limitation of the power of government to abuse power, and that is all in the world this amendment I offer seeks to do.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield to my friend from Wyoming.

Mr. HANSEN. Mr. President, I think what the Senator from Idaho is saying is extremely important. I have in my hand the report to the President and Congress that was compiled by the Public Land Law Review Commission. I note that very distinguished Members of the Senate, as well as the House of Representatives served on that Commission. Presidential appointees included: Laurence Rockefeller; former Governor of Vermont, Philip Hoff; Maurice K. Goddard; Robert Emmett Clark, professor of law, University of Arizona; and H. Byron Mock, practicing attorney in Salt Lake City, Utah.

I call attention to this document because it represents the summing up of a lot of work, of countless hours and days of hearings from all interested citizens. With specific reference to the amendment proposed by the Senator from Idaho, I wish to call to your attention the recommendation of the Commission on page 229 of the report.

Having discussed the authority that was asserted by the Secretary to require that the powerlines crossing Federal lands would be required to the extent of their ability to wheel public power at the agreed-upon rate, the report commented further on the Antietam battlefield situation. Simply because the Potomac Edison Co. required permission for the line to cross the Chesapeake & Ohio Canal National Monument, the Secretary was able to impose certain stipulations upon the company. Having noted these two important situations, the Public Land Law Review Commission stated:

> We take no position on the merits of the objectives in each of these actions. However, we are concerned that they were undertaken without clear guidelines or direction from Congress. *Every constitutional tool available to the Federal Government should be used to accomplish public policy goals, but the decision to utilize indirect approaches to promote such objectives should be made by Congress.* Authority to impose conditions unrelated to public land values should be expressly provided by statute where appropriate. This would remove present uncertainty and controversy and promote sound planning and development. In our chapter on Public Land Policy and the Environment we point out how useful and necessary this tool is.

I call attention to that particular paragraph because I think it underscores the very point the Senator from Idaho is making. It is true every agency of Government, each of these branches of the executive department, would like more power. They never question their wisdom and they never raise the issue of whether the public good is concerned. They are confident that their wisdom is boundless, that they are omniscient in their judgment, and they would like to be omnipotent, as well. I say that as a member of the party that presently occupies the executive branch of Government.

Nevertheless, Mr. President, I think the point is well made that these agencies should carry out the mandate of the Congress in implementing what the Congress has said it wants to have done—the law of the land. For precisely those reasons, it seems to me to make good sense to adopt the amendment of the Senator from Idaho because, in doing so, we will be saying very clearly and directly to the various Federal agencies that they cannot do by indirection what they would be precluded from doing directly. They cannot seek nor can they impose authority where none has been granted by the Congress, however laudable or desirable, in their judgment, a particular action may be.

Mr. President, I think this is an important point. The fact that the Public Land Law Review Commission lays great stress upon this point further underscores the importance of this amendment. The concept was tested in the public hearings which preceded the drafting and the adoption of this report.

I call attention also to the fact that an amendment almost identical to that proposed by the distinguished Senator from Idaho was adopted with reference to the Alaskan pipeline on July 16, 1973, just about a year ago.

That amendment carried by a vote of 49 yeas to 36 nays, with 15 Members of this body not being present.

I would hope very much that the amendment of the Senator from Idaho may be adopted.

Mr. STEVENS. Would the Senator from Idaho yield to me for a couple of minutes?

Mr. McCLURE. Mr. President, I will be glad to yield 5 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, again I want to mention the developments under the Alaskan Native Claims Settlement Act, which demonstrates why I support this amendment. At the time that bill was before the House, 50 million acres were withdrawn under classification authority of the Secretary of the Interior. A Member of the House offered an amendment to add 50 million acres to that to make 100 million acres withdrawn for national interest. That amendment was defeated on the floor of the House.

As the bill passed the Senate, we had another amendment that authorized the Secretary of the Interior to classify up to 50 million acres of land. We went into conference and we came out with a concept of a compromise. Recognizing that there were already 50 million acres under classification, we directed the Secretary to withdraw up to 80 million acres of land for national interest for the 4 national interest areas: national parks, national wildlife refuges, wild and scenic rivers, and national forests. Those are the four areas.

When the Secretary exercised that authority, he withdrew over 103 million acres. He withdrew more land than he would have been authorized to withdraw had the amendment that was defeated in the House been enacted and become law. He did so under an inherent authority concept that I find very difficult to follow. As a matter of fact, I placed a very long legal study of the whole history of this into the Record and made a statement on it because I was so disturbed by the fact that having come to a legitimate and workable arrangement—a compromise, if you will, between the two Houses of Congress on a very controversial matter—the Department of the Interior ignored that whole legislative history we created and just went out and exercised their authority and withdrew over 100 million acres of land.

Mr. President, they had made recommendations to the Congress to withdraw permanently over 80 million acres of land. The words in the statute say "up to 80 million acres of land." I do not see any way that we can restrict the executive branch to its proper confines in executing the laws passed by the Congress unless we start putting provisions like this into almost every statute we pass.

For those people who oppose impoundments, those people who oppose the excesses of executive authority, I think this is the type of section that could curtail that activity in the future, if we approach it in the proper way. So once again, Mr. President, I support the approach of the Senator from Idaho.

Mr. METCALF. Mr. President, I yield myself such time as I may require.

Mr. President, I rise in opposition to the amendment. At the conclusion of my remarks, I wish to place into the Record a couple of letters, matters referred to by the Senator from Idaho—as documents of information and documents of misinformation. They speak for themselves. For the logic, reasoning, and persuasiveness that they have inherent in them, I want them in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METCALF. We must remember, Mr. President, that here we are dealing with the use of the people's land. This land belongs to all of the people in the United States. When we were talking about the Alaskan pipeline bill—which was not only an Alaskan pipeline bill but it was a pipeline right-of-way bill for everything; Alaska was only one title of it—we were talking about rights-of-way across the people's land. We were talking about much narrower actions than we are talking about in this bill.

Nevertheless, we were talking about one of the things that was brought up by the Senator from Idaho, and one of the questions raised by the American Public Power Association. That is the question of rights-of-way across Federal public land granted with conditions requiring wheeling of Federal power to preference customers using any excess capacity in the transmission line.

Mr. President, as I read the amendment, I am not sure whether or not that would be affected by the amendment of the Senator from Idaho. That raises the very question that concerns me. The amendment is so vague that it may reach further into the question of whether or not we are going to grant the Secretary of the Interior power that I would want him to have or that he would want. How far do we go in the statute on matters such as preference rights for wheeling power over the public domain?

It may be so construed, and rightly construed, that that is just exactly the kind of power that the Secretary should exercise, under a statute, and it could be exercised under the amendment that the Senator from Idaho is offering.

Exhibit 1

U.S. Department of the Interior,
Washington, D.C., June 25, 1974.
Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: We are pleased to hear that S. 424, the "National Resource Lands Management Act" will reach the Senate floor very soon. We understand that Senator McClure intends to introduce an amendment which is similar to Recommendation No. 98 of the Public Land Law Review Commission Report. Recommendation No. 98 reads as follows:

"No public land management agency shall use the position of the Federal government as land owner to accomplish, indirectly, public policy objectives unrelated to protection or development of the public lands except as expressly authorized by statute."

We expressed our opposition to this provision last year when it was proposed as an amendment to S. 1081, a general right-of-way bill. This letter is to repeat our opposition to the provision and to urge the Senate to reject it.

Although the text of Recommendation No. 98 is very general in nature, the accompanying discussion in the PLLRC Report recites Department of the Interior and Department of Agriculture regulations requiring recipients of power line rights-of-way to wheel Federal power within their available excess capacity on such lines as an example of an unrelated program objective. The discussion also mentions another case in which the Secretary of the Interior blocked construction of a power line near Antietam Battlefield as a condition of the Potomac Edison Company's right-of-way across the C & O Canal National Monument as another example of an action taken without clear direction of Congress. The principal thrust of the PLLRC recommendation appears to be that this type of Executive action should not be taken without explicit Congressional direction.

The illustrations of the PLLRC Report do not, in our view, demonstrate Federal action as a land owner to accomplish indirectly public policy objectives unrelated to the protection and development of the public lands.

Construction of power lines across public lands is a significant development of those lands. As a legal matter, the issue of "wheeling" regulations has previously been fully explored, adjudicated and upheld in a Memorandum Opinion of June 2, 1952, by the United States District Court for the District of Columbia in the unreported case of *Idaho Power Company* v. *Chapman* (Civil Action No. 4540–50); and in a supplemental memorandum of that Court on October 31, 1952. Most important, subsequent administrative decisions have been based on our interpretation that Congress intended power lines to be placed across Federal lands under terms and conditions to assure the overall welfare of those lands.

The Government's use of *surplus* capacity in a transmission line upon payment of fair market value by the Government for that use limits the proliferation of these lines across Federal lands, saves the taxpayers the expense of constructing separate Federal lines, and is fully consistent with good land management policy.

The second illustration in which the Department conditioned a right-of-way across the C & O National Monument upon an agreement by the Potomac Edison Company to minimize the effect of that same line of the Antietam National Battlefield was clearly an action directly related to the protection of our public lands, the National Park System.

Congress has given the Secretary fairly clear policy guidance in the administration of lands under his jurisdiction. It would be impossible for Congress to foresee all of the situations arising which require Secretarial action to carry out that policy. Limitation of the Secretary's discretion of the sort contemplated by this amendment could seriously impair his ability to enforce Congressional policy. With the great burden of legislation before the Congress it would be impossible for it to react effectively to deal with problems like the encroachment of a power line on the values of Antietam Battlefield.

The language of the proposed amendment is vague and except for the specific illustrations in the discussion of the Public Land Law Review Commission Report on Recommendation No. 98 it is extremely difficult to predict what other actions of the Secretary it might be construed to affect. Because of this vagueness the Secretary could be subject to a wide variety of lawsuits alleging a violation of this provision whenever he attempted to include otherwise reasonable conditions in grants of rights-of-way or any other authorizations for use of the public lands. Consequently this amendment could very seriously hamstring the Secretary in his administration of our Nation's public land resources.

Sincerely yours,

John H. Kyl,
Assistant Secretary of the Interior.

American Public Power Association,
Washington, D.C., June 11, 1974.
Hon. Henry M. Jackson,
Chairman, Senate Interior Committee, Washington, D.C.

Dear Mr. Chairman: It is our understanding that when the Senate considers S. 424, Senator McClure will offer an amendment similar to that which he and Senator Buckley offered last year during consideration of S. 1081. That amendment read as follows:

"Provided, however, that notwithstanding any other provision of this Act, neither the Secretary nor any agency head by regulation, by stipulation or conditions for right-of-way grants or renewals, or by any other means shall use the position of the Federal Government as landowner to accomplish, indirectly, public policy objectives unrelated to protection or use of the public lands except as expressly authorized by statute."

The American Public Power Association, which represents more than 1,400 municipal and other local publicly-owned electric utilities in 48 states, Guam, the Virgin Islands and Puerto Rico, wishes to express strong opposition to the adoption of such an amendment.

Although the language of the amendment appears to be uncomplicated and noncontroversial, its adoption by the Congress could have serious consequences for consumers of electricity in many parts of the Nation who are dependent upon cooperation of Federal, private, and local publicly owned utilities to bring them a reliable source of power at a fair price.

One of the principal "public policy" objectives at which the amendment is aimed is the delivery of power from Federal facilities to publicly owned electric utilities and rural electric cooperatives under the preference provisions of Federal power marketing statutes. Under existing regulations of the Department of the Interior and the Department of Agriculture, rights-of-way permits for transmission lines across Federal lands allow the Federal government, upon proper payment, to utilize the excess capacity of non-Federal transmission lines for the delivery of Federally-produced power.

From the viewpoint of the ultimate consumer, these regulations have been of assistance in securing these benefits: (1) Low-cost Federal power has been distributed widely through cooperative transmission arrangements; (2) private power companies have been prevented from boycotting the delivery of Federal power to preference customers, and (3) private power companies have not been able to monopolize rights-of-way over Federal lands for transmission facilities. *Consequently, these* regulations have been important in securing regional cooperation in power supply in the Western States, facilitating arrangements that have resulted in fuel savings, better reliability of service, and minimum environmental impact.

Should the Federal government be deprived of its ability to condition rights-of-way permits for transmission facilities so as to require sharing of excess capacity, duplicate facilities might have to be built, requiring the use of more land and increasing costs for the electric consumer.

Since the beginning of this century, Congress has granted municipally owned electric utilities, and later, rural electric cooperatives, preference in the purchase of Federal-generated power. Without a means of assuring delivery of Federal power, such as the current regulations facilitate, the preference laws could be eroded by actions of private power companies who may not wish to enter into delivery arrangements with the Federal government when their transmission facilities cross Federal lands.

We urge that Congress not take any step, such as adoption of the McClure amendment, which could facilitate monopolization of transmission facilities by large private power companies. Defeat of the McClure amendment is essential if the Federal government is to be an effective custodian of Federal lands.

Sincerely,

Alex Radin.

Conservation Coalition,
Washington, D.C., July 8, 1974.

(Vote against the McClure amendment to S. 424, the National Resource Lands Management Act (BLM Organic Act), vote for S. 424 as reported by the Interior Committee without weakening amendment.)

Senators McClure, Buckley and Bartlett intend to offer an amendment to S. 424, The National Resource Lands Management Act on the floor today which could lead to disastrous environmental effects. While no one seems to be certain what the amendment does, paraphrased, it essentially says that the Secretary can not use his powers as manager of the National Resource Lands to effect public policy objectives unless they are specifically related to the protection and use of the National Resource Lands or unless "expressly authorized by statute." At first glance this appears in order, but a more careful scrutiny shows this would tie the hands of the Secretary by preventing him from carrying out certain environmental protection laws and acting to complement the use and protection of adjacent or intermingled private and other public lands; and create at best great confusion surounding the use and management of our public lands.

1. INTERFERENCE WITH THE IMPLEMENTATION OF NEPA

The broad, integrative, systematic inventory and analysis of the National Environmental Policy Act (NEPA) would clearly be violated by this amendment, and it is for all practical purposes an amendment to NEPA. If NEPA has as its foundation any one concept, it is that the impacts of major federal actions cannot be sealed off into hermetic little packages. This amendment erects a spite fence in the face of the Secretary when he seeks to look at the consequences of his decisions as they have impacts off the National Resource Lands, something the state and local interests of the west continually state should be done more often. For example, the Secretary would be precluded from considering the planning and zoning of contiguous private lands and thus adjusting National Resource Land management to complement and accentuate local and state land use decisions while regulating the uses of the public lands. Also, many of the National Resource Lands are intermingled with other public land: the National Park System, the National Forest System, the National Wildlife Refuge System, military reserves, as well as state and local parks and forests. In all these cases the Secretary could not take actions while managing the National Resource Lands unless there is a specific Act of Congress giving him that authority and responsibility. While there is confusion regarding such authority in certain cases with other federal lands, he certainly does not have it for non-federal and private lands.

2. BROAD REACHING EFFECT

We understand that Senator McClure's basic concern lies with "wheeling", a situation where the Secretary may as a stipulation to a right-of-way permit, require a private utility applicant to carry public power or in some way assist a power project. Yet, this amendment uses a broad axe where minor surgery would do. Surely, the real issue here ought to be brought out and debated on its merits rather than hiding it in an ambiguous amendment. The way this amendment is drafted, it preempts all other provisions of this act wherever any inconsistency may develop, but it does not stop there. It goes on to place a cloud over the Secretary's power through National Resource Land management to assist in the implementation of the Clean Air, Clean Water and Noise Pollution Control Act programs. At best, the Secretary could justify his actions for clean air and water while regulating the use of the National Resource Lands, only to protect a parcel of the National Resource Lands and not for the larger air basin or watershed. Even if this leaves the Secretary with some descretion, it places the burden of proof on him to show how a particular action specifically and primarily applies to the "protection and use" of a parcel of the National Resource Lands.

3. SECRETARY MUST HAVE SOME MANAGEMENT DISCRETION

The Secretary must not be stripped of discretionary leeway to seek the interrelated effectuation of various federal programs and management objectives that have direct or indirect relation to the National Resource Lands. In the management of 450 million acres many different kinds of problems arise, and their proper handling often takes vastly different approaches. Congress cannot legislate specific criteria and guidelines, and if the Secretary is not left with some discretion, a flood of land management problems that the Secretary could otherwise handle adequately, will be shifted to Congress.

Organizations that have registered support for an effective BLM Organic Act:

American Forestry Association.
Animal Protection Institute.
American River Conservation Council.
Center for Science in the Public Interest.
Citizens Committee on Natural Resources.
Defenders of Wildlife.
Environmental Action.
Environmental Policy Center.
Federation of Western Outdoor Clubs.
Friends of the Earth.
Fund for Animals.
Izaak Walton League of America.
National Audubon Society.
National Wildlife Federation.
Sierra Club.
The Wilderness Society.
Wildlife Management Institute.

Mr. McCLURE. Will the Senator yield?

Mr. METCALF. I yield.

Mr. McCLURE. Mr. President, once again today, as I did on July 16 of last year, I want to be as clear as I can possibly be about this question of wheeling. That is not my motive in this amendment. It is one of the things that is discussed. It is one that was discussed by the review commission.

Mr. METCALF. Will the Senator from Idaho yield for a moment?

Mr. McCLURE. Surely.

Mr. METCALF. The Senator from Idaho brought up the question of the wheeling of power in his direct remarks, and referred to it. It is referred to in the documents I have requested to be placed in the RECORD.

Mr. McCLURE. That is correct. I think it must be discussed because it has been referred to and it comes up almost every time this question is raised.

My point is this: Either the Secretary has the authority to order that power be wheeled, an authority granted by law—and the courts are construing that statute now to determine whether that is true—or the Secretary does not have that authority.

If the Secretary has that authority, my amendment does not in any way interfere with it. If the Secretary has never been granted that authority by the Congress, why should he be allowed to exercise that authority in the absence of a statute giving it to him?

Mr. METCALF. The Senator is arguing just exactly the opposite of the argument of the distinguished Senator from Alaska on the previous question.

Mr. President, I believe that under the various statutes the Secretary of Interior has a rather comprehensive authority. For instance, in the example which has been brought up to require wheeling of public power when a right-of-way over public land is granted to a private utility.

I believe that when there is a restriction on use of public lands needed to satisfy the National Environmental Policy Act, the Secretary has a right to withhold, under statute, that use unless he imposes the restriction. But the Senator's amendment is vague. It would change that, so that it would appear that we are trying to take that power, which is already vested in the Secretary, away from the Secretary and make it specifically spelled out in a statute before it could be exercised.

I think that we have to delegate to the Secretary of the Interior certain indefinite powers to carry out specific statutory authority. That is not only statutory authority that is written into this act, but also, is written into the Environmental Policy Act, into the Right of Way Act, into the Public Power Act, into the preference clause, and into innumerable other acts.

When the Senator offers this amendment and argues that we are taking away from the Secretary some of this authority, then he is taking away from the Secretary certain specific powers that I believe the Senator and I want the Secretary to have, want him to exercise, over the people's public lands that he needs to control.

Mr. McCLURE. I am a little puzzled by the Senator from Montana's statement, because the Senator says this would take away specific power. It expressly does not take away specific power.

Mr. METCALF. Why are we proposing the amendment, then?

Mr. McCLURE. It says that the Secretary cannot use the power to manage the public lands to accomplish public policy objectives not stated by other statutes.

Mr. METCALF. Every example that the Senator has used in support of his amendment has been an example in which it has been supported by other statutes.

Mr. McCLURE. No, indeed not. The Antietam Battlefield case was not supported by any other statute. I applaud the results, but I do not like the method.

Mr. METCALF. Why did we establish the battlefield, if we did not want to protect it?

Mr. McCLURE. If we had wanted the Secretary to have the authority to regulate the use of land surrounding the battlefield, we could have expressly provided that. If we did not want to do that—I assume Congress made that decision after the battlefield was created. I do not think we can say that simply because we created the battlefield, it allows him to go out and do whatever in his judgment is good for the battlefield. I do not think the Senator would want to be understood as saying that.

Mr. METCALF. The Senator will grant that there is no specific statute that permitted the Secretary of the Interior to protect the Antietam Battlefield or other public historic sites in similar situations.

Mr. McCLURE. I do not understand the Senator.

Mr. METCALF. I suggested that power is vested in the Secretary today, because of the statutes creating a historic site or a battlefield such as Antietam Battlefield, to protect that battlefield and to use the public land for that purpose. Therefore, I say that the amendment of the Senator from Idaho is so vague that it might take away that power, and the Senator has suggested that no power is vested in the Secretary at the present time.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. METCALF. I am delighted to yield.

Mr. HANSEN. Mr. President, it is my understanding—and I hope the distinguished Senator from Montana will correct me if I am in error—that the power line location which was tentatively agreed upon, and where it would have been built, did not cross or traverse any of the Antietam Battlefield Monument lands. It was near them. The Secretary concluded that even having it nearer the Antietam Battlefield detracted from the esthetic and historic appreciation of that very important area.

I do not argue at all with the significance of the Antietam Battlefield. I do make the point, however, as I understand the report for the Public Land Law Review Commission, that had it not been for the fact that this private power company, in seeking a right of way for its transmission line, had to cross the old C. & O. Canal, there was no statute, there was no authority, there was no jurisdiction at all that the Secretary had which could have authorized his doing directly the thing he was able to do by indirection, simply because the private power company needed to cross the C. & O. Canal.

So the Secretary said, "This is public land. It has been set aside specifically. Before we will grant you a right-of-way across that canal, you must agree to a relocation of your lines in the area of the Antietam Battlefield."

I thought that was the situation. If I am in error on that, I would be delighted to have the Record set straight.

Mr. METCALF. As I recall, the powerline was not to cross Antietam Battlefield. There was no question of crossing the battlefield. The question was with respect to crossing public land—the C. & O. Canal. As I recall, in the opinion of the C. & O. Canal. As I recall, in the opinion of the Secretary, it would have been a visual detriment to the Antietam Battlefield had the powerline been built as proposed. Therefore, he said, "You cannot cross the C. & O. Canal unless you move the powerline so that it does not destroy part of the beauty and the spectacle of the Antietam Battlefield." I think that was appropriate.

Mr. HANSEN. If the Senator will yield further, let me agree with him. I agree with the desirability of affording all the protection that reasonable men might agree is indicated in order to protect that historical battlefield.

However, the point that I believe the Senator from Idaho was making, and which he articulated persuasively—at least, insofar as this Senator is concerned—in presenting his amendment, and one in which I quite agree with him, is that we do not argue at this juncture about the desirability of having the powerline removed from the Antietam Battlefield. But to build upon this sort of precedent, to give authority to various agencies of the executive department of Government to do indirectly what in their judgment, in their wisdom exclusively, serves the public purpose, prompted the Senator from Idaho to say that we had better draw the line.

The whole course of history deals invariably with good people doing good things for government. They all start out this way. But as they arrogate unto themselves more and more power, as they come to believe that their judgment is infallible, as they never question their wisdom, then we get into situations which I think fly in the face of democratic government and completely damage the legislative process. As I understand it, in this Government we have said that Congress will write the laws and we will not depend upon some secretary in the administrative branch to tell us, by his secretarial edict, that this is the way it is going to be.

That is the reason why the Senator from Wyoming finds merit in this amendment. We are not arguing that the two actions we have cited in this debate may have resulted in good endings but, rather, that this sort of precedent is one that has to be suspect. It flies in the face of the legislative process. It arrogates authority to the executive department of Government that certainly was never intended by the framers of the Constitution.

In order to see that that sort of power does not fall into capricious hands, we have to draw the line. I believe that this amendment draws that line. It is a good amendment.

I invite attention once more, because Senators are now present who were not in the Chamber earlier, to the fact that a nearly identical amendment was passed just about 51 weeks ago today by this body on a vote of 49 to 36.

I hope the Senators may recall how they voted at that time and would be equally persuaded to support an amendment that I think is equally as meritorious as was that one which became part of the Alaska pipeline measure.

I thank my colleagues.

Mr. JACKSON. Will the Senator yield?

Mr. METCALF. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Montana has 45 minutes remaining.

Mr. METCALF. Thank you, I yield to the chairman of the committee as much time as he desires.

Mr. JACKSON. Mr. President, I rise in opposition to the amendment of the junior Senator from Idaho (Mr. McClure). If adopted, this amendment would greatly restrict the Secretary of the Interior's authority to protect and manage the public lands. In addition, one of its principal impacts would be on public power programs.

The administration, major environmental organizations, and the American Public Power Association all oppose this amendment.

The amendment has been defeated five times in committee during markup sessions on the Alaska pipeline bill and S. 424 and was rejected in conference on the former bill. Although a similar amendment was accepted by the Senate during consideration of the pipeline bill, it was far more narrow as it related only to grants of rights-of-way and not all governmental actions concerning the public lands.

In a letter to me of June 25, 1974, the Department of the Interior discussed a number of reasons for opposing this amendment.

Let us just look at what the administration's position is on this, and I quote in part from the letter which I believe the distinguished Senator from Montana has placed in the Record. Let me quote now.

> Congress has given the Secretary fairly clear policy guidance in the administration of lands under his jurisdiction. It would be impossible for Congress to foresee all of the situations arising which require Secretarial action to carry out that policy. Limitation of the Secretary's discretion of the sort contemplated by this amendment could seriously impair his ability to enforce Congressional policy. With the great burden of legislation before the Congress it would be impossible for it to react effectively to deal with problems like the encroachment of a power line on the values of Antietam Battlefield.
>
> The language of the proposed amendment is vague and . . . it is extremely difficult to predict what . . . actions of the Secretary it might be construed to affect. Because of this vagueness the Secretary could be subject to a wide variety of lawsuits alleging a violation of this provision whenever he attempted to include otherwise reasonable conditions in grants of rights-of-way or any other authorizations for use of the public lands. Consequently this amendment could very seriously hamstring the Secretary in his administration of our Nation's public land resources.

A letter from the American Public Power Association discloses that, among other things, this amendment could be construed as prohibiting the longstanding practice of requiring recipients of powerline rights-of-way to wheel Federal power within the lines' surplus capacity upon payment of fair market value.

Finally, it is the apparent purpose of this amendment to totally strip the Secretary of the Interior of any discretionary authority to manage the national resource lands. In a world of accelerating technological advancements and rapid change such a limitation does not make sense. Congress cannot foresee or address all the problems which such changing circumstances may present to those entrusted with the management of the national resource lands. S. 424 is carefully drafted to allow the Secretary the necessary discretion to take action to meet such problems. This discretionary authority, however, is limited within prescribed parameters; it cannot be abused.

I urge the Senate to defeat amendment 1538.

Mr. President, I have great respect for the Senator from Idaho, but let me just observe that both administrations, Republican and Democratic, have opposed this kind of restriction on the Secretary.

What we are really doing here, let us face it, is to try to reopen old wounds between private and public power.

I think we have come a long way to reconcile the differences. The REA's have done a terrific job throughout the country. Public bodies, whether they are public utility districts or publicly owned municipal power systems, have been getting along pretty well with the private companies and the private companies have been getting along quite well with the Federal Government.

The effect of this amendment will be to completely disorganize the whole concept of the movement, particularly of our power from our Federal projects, where wheeling of that power is an absolute condition in order to get it to the preferred customers.

It would be a step backward and I hope that the Senate will move forward and not backward and reject the amendment.

The **PRESIDING OFFICER**. The yeas and nays are ordered.

Who yields time?

Mr. METCALF. Mr. President, I yield myself 5 minutes.

Mr. President, the chairman of the committee has touched on the most important point that needs to be discussed in this amendment and that is the fact that Congress cannot specifically and definitely legislate by precise statute what is going to happen.

We do not know what the effect of a nuclear plant might be on a national monument, or a national park.

We cannot anticipate what is going to happen downstream as a result of some certain industrial development on public land upstream.

We do not know what is going to happen to our air, water, or land, indirectly, as a result of certain use of public land.

In order to carry out environmental policy, in order to carry out recreational policy, in order to carry out land use policy that has already been specifically enacted by the statute, by Congress, the Secretary should have some authority to say, "Well, you cannot use this public land if that use will degrade land downstream or downwind or in some other area."

This would seriously impair the right of the Secretary to impose environmental conditions or to impose antipollution programs in accordance with the precise statement of the statute.

For instance, suppose we are building a power line, Idaho Power or Montana Power, out West and they are going through an Indian reservation and the Secretary says, "You have to use Indians wherever they can be used."

This would take that authority away from him although by a specific court decision that has been granted to the Secretary in a decision just the other day.

We have there in this bill the general, broad guidelines in which we tell the Secretary the means and the way in which he should administer the public lands under the authority of this act, and in accordance with the other acts that are compatible with the act.

Under S. 424, we have more guidelines than we have now, but to take that power away absolutely from the Secretary, unless you have a precise and specific statute, would be much to the detriment of the users of public lands, much to the detriment of the people who own this land, and to the detriment of the Government itself.

We are not taking away any of the freedom. We are legislating to establish policies, laying down guidelines, trying to anticipate what is likely to happen, and then giving authority to some governmental officer to prevent these detrimental things from happening.

The **PRESIDING OFFICER**. Who yields time?

Mr. McCLURE. Mr. President, I yield myself 5 minutes to respond to the arguments of the Senator from Washington and the Senator from Montana.

First of all, it is suggested by the Senator from Montana that the Indian labor contracts could not be enforced, although he followed that up by saying the court said in a court decision that the Secretary had the authority to order that. I would say he answered his own question. The fact that the court found he had the authority would render the wording of my amendment totally inapplicable.

The Senators suggested that the management of the public lands could not be done in such a way as to protect downstream lands in the environmental term. I would say that is totally false, totally and completely inapplicable to my amendment, because there are specific statutes that deal with environmental protection, the Air and Water Pollution Control Acts, both of which have specific reference to what must be done, not only what may or can be done.

It is suggested by the Senator from Washington that the Secretary would be hamstrung in his ability to protect the public lands. I think if he will read the language of the amendment, it says, in the last lines of the amendment——

Mr. METCALF. Mr. President, will the Senator yield on this point at this time?

Mr. McCLURE. Certainly.

Mr. METCALF. The Senator's amendment says that the Secretary shall have no power, except as expressly authorized by statute—I am reading the last clause of the amendment—to—

> Use the position of the Federal Government as landowner to accomplish, indirectly, public policy objectives unrelated to protection or use of the national resource lands.

By specifying that language, it means that he cannot specifically use the land upstream to protect a river in a national park; he cannot specifically control building upwind to protect from vapors or chemicals downwind. He can only, by a specific and precise statute, use it to protect the national resource lands we are talking about.

Mr. McCLURE. If there are specific statutes dealing with air pollution or water pollution, as indeed there are, the Secretary can issue regulations on the use of the public resource lands that effectuate that public policy statement. There is absolutely no question of that. This amendment in no way interferes with his rights to enforce other laws upon which express conditions affect the development of the public lands. But the point I was about to make was that the Senator from Washington had indicated this would somehow deprive the Secretary of the right to protect the national resource lands. I think the last sentence of the amendment, which says "objectives unrelated to protection or use of the national resource lands," would in no way inhibit his authority in the management of the national resource lands. It simply says to him, "You cannot use the power you have here to force someone else to do something else that is totally unrelated and not provided for by statute."

That seems to me to be so clear as to be unarguable. Why people would desire to say to the President, this President or any other President, that he has the authority of this act to deprive people of the use of the natural resources on natural resource lands to accomplish unrelated objectives, is beyond me.

For instance, I think it was President Kennedy who thought at one time that the steel companies were about to raise the price of steel, and he was very unhappy about that, and ordered the FBI out in the middle of the night to interrogate the executives of the steel companies. I think there has been some criticism which some Members of this body may have seen in the past concerning the activities of the Committee to Reelect the President, when it has been suggested that the FBI should investigate certain people, or possibly the CIA should be brought in. I think there have been outcries by people that the Internal Revenue Service might have been used for objectives unrelated to the enforcement of the Internal Revenue Code.

What I am saying to the Senator from Montana and the Senator from Washington is that this amendment should be enacted to make certain that the Secretary of the Interior, under this President or any other President, does not misuse his authority. One of the stated public policy objectives in one law or another for many years has been that we have fair campaign practices. That is a legitimate exercise of statutory authority, and a concern that a great many people of this country have.

But suppose a President of the United States should decide unilaterally to use the authority under this act, or to use the CIA or the FBI or the IRS, to determine that every person running for public office should indulge only in fair campaign practices. That is the kind of abuse of authority toward which this amendment is directed, and I submit that it is the kind of restraint on the abuse of authority which is both legitimate and indicated by all of human experience under governments which tend to become oppressive, as they naturally do, and it is at least somewhat indicated by the current course of events, in which we have seen some abuses of authority by people who felt they were in a position to use that authority for purposes which they thought were legitimate uses of the authority, but which perhaps were not.

I simply cannot buy the argument that my amendment somehow interferes with legitimate use of the authority. Suppose the Secretary of the Interior should decide that if one of the oil companies was going to put some oil across natural resource lands in a pipeline, the Secretary of the Interior should have authority to regulate the price of that oil. I would suggest that the Senator from Washington and the Senator from Montana might applaud that action, because they would like the result. But how would they feel about it if it took away a right which they desired to protect rather than achieve a goal which they applaud?

How would the Senator from Delaware feel if, indeed, one of the energy companies was required, as a condition for any operation on the public lands, to build a deepwater superport in Delaware?

I am saying we should not permit any Secretary of the Interior or any administrative agency to have that kind of authority; and I am saying that is exactly what my amendment does: limit him carefully to the protection of the public land and the management of the public land, and withhold his use of that authority under this bill to accomplish totally unrelated objectives, no matter how laudable or how much subject to condemnation they might be.

I think this is the only way that we as free individuals can maintain our freedom, by protecting ourselves against the encroachment of that kind of authority.

One final statement, and I shall reserve the remainder of my time. In one of the letters, which I presume is one of those the Senator from Montana entered into the Record, this statement is made which is the kind of misinformation that I have referred to——

Mr. METCALF. I put into the Record the public power letter.

Mr. McCLURE. No, that is not the one. I have not seen that one.

Mr. METCALF. I also put in a memorandum.

Mr. McCLURE. I have a letter here, or a memorandum, which I think was circulated widely, from the Conservation Coalition. It is dated July 8.

Mr. METCALF. I did put it in.

Mr. McCLURE. I will just make reference to this one sentence:

> For example, the secretary would be precluded from considering the platting and zoning of contiguous private lands, and thus adjusting natural resource use and management to complement and accentuate local and State land use decisions which regulate the use of public lands.

Nothing could be further from the truth. It does not prevent him from considering those local regulations, but it would prevent him from dictating to local governments what the local regulations should be. If we want to get into that area we would do it under the proposed National Land Use Planning Act, as we attempted to define those relationships.

So instead of doing what this memorandum says it would do, it does exactly the opposite. It limits his authority to enactment on the public lands, and keeps it from being projected onto adjacent private lands. That is the kind of argument I think we are involved in, and I think if we understand the amendment that certainly the Senate will vote overwhelmingly in support of the amendment.

Mr. METCALF. Mr. President, I have just one comment. I remember an anecdote of the Supreme Court when someone was appearing before the Court and said that the power to tax is the power to destroy. Justice Cardozo or Holmes or one of those great judges said, "No, that is not true, not while this Court sits."

I would deplore all the dire consequences of this legislation if we wanted to give the FBI or the CIA or some of these other agencies the power that the Senator from Idaho foresees. But I do not think that will ever happen while this Senate sits, and I do not think that we are giving that in this legislation.

I am ready to yield back the remainder of my time.

Mr. STEVENS. Mr. President, will the Senator yield just a couple of minutes to me before he does that?

Mr. METCALF. I would be delighted to yield to the Senator.

Mr. STEVENS. Merely because of some of the comments that were made here, I want to make sure that my understanding of the bill is correct.

It is my understanding that this bill does not in any way repeal or modify the Right-of-Way Act or the Alaska Pipeline title to the Right-of-Way Act to which this amendment was attached? Are we in agreement as to that?

Mr. METCALF. I would defer to the distinguished chairman of the committee (Mr. Jackson), but I would say unequivocally that the Right-of-Way Act and the Alaska pipeline title to the Right-of-Way Act are clearly still in existence, and this law does not in any way interfere with or impair that legislation.

Mr. STEVENS. Mr. President, I thank the Senator.

Mr. METCALF. May we have a comment from the Senator from Idaho? Does he agree?

Mr. McCLURE. Mr. President, I would agree and disagree in this way: It does not repeal the act, but it gives the Secretary additional authority in the management of the public lands by which he might affect the pipeline decisions and right-of-way decisions that otherwise might be made as a condition to the use of public lands for things that are unrelated to the pipeline unless my amendment is adopted.

Mr. METCALF. I do not want to argue about statutory authority, but we are talking about a statute that does not change the legislative intent of the Pipeline Act.

Mr. STEVENS. I would ask the same question about the Alaskan Native Claims Settlement Act that the Senator is so familiar with, and which is such a fragile issue right now, in terms of resolving all of these conflicting claims. There is no intent in any way to be involved?

Mr. METCALF. No intent whatsoever to impair the administration or interference with the right of selection under the Alaskan Native Land Claims Act of the State of Alaska.

Mr. STEVENS. I thank the Senator.

Mr. METCALF. Mr. President, I am prepared on this amendment to yield back the remainder of my time

Mr. McCLURE. Mr. President, may I make just one further statement and then I will yield back the remainder of my time.

I would like to remind the Senator, as the Senator from Wyoming did, we had a substantially identical issue before the Senate just 51 weeks ago, and on that vote on July 16, 1973, the amendment was agreed to with the yeas of 49 and the nays of 36, and I would hope that the Senators would remember how they voted on that occasion, and cast their vote the same way on this occasion. Thank you.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. McCLURE. I yield back the remainder of my time.

Mr. METCALF. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment offered by the Senator from Idaho (Mr. McClure). On the question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk (Harold G. Ast) called the roll.

Mr. MOSS (after having voted in the negative). I have a pair with the Senator from Washington (Mr. Magnuson). If he were present and voting he would vote "nay." If I were free now to vote I would vote "yea." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Nevada (Mr. Bible), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from North Carolina (Mr. Ervin), the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Kentucky (Mr. Huddleston), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from Rhode Island (Mr. Pell), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Massachusetts (Mr. Kennedy), the Senator from Illinois (Mr. Stevenson), and the Senator from Rhode Island (Mr. Pell) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Buckley), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Kansas (Mr. Dole), the Senator from New Mexico (Mr. Domenici), the Senator from Arizona (Mr. Fannin), the

Senator from Florida (Mr. Gurney), and the Senator from Illinois (Mr. Percy) are necessarily absent.

I also announce that the Senator from New York (Mr. Javits) is absent on official business.

I further announce that, if present and voting, the Senator from Kentucky (Mr. Cook) and the Senator from New York (Mr. Javits) would each vote "nay."

The result was announced—yeas 23, nays 47, as follows:

[No. 284 Leg.]

YEAS—23

Bartlett
Beall
Brock
Byrd, Harry F., Jr.
Curtis
Dominick
Fong
Goldwater
Hansen
Hartke
Helms
Hruska
Mathias
McClure
Pearson
Roth
Scott, Hugh
Scott, William L.
Stafford
Stevens
Taft
Thurmond
Tower

NAYS—47

Abourezk
Aiken
Allen
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Eagleton
Eastland
Gravel
Griffin
Haskell
Hatfield
Hathaway
Hollings
Humphrey
Jackson
Johnston
Long
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Muskie
Nelson
Nunn
Packwood
Pastore
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stennis
Symington
Talmadge
Weicker
Williams
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Moss, against

NOT VOTING—29

Baker
Bayh
Bellmon
Bennett
Bentsen
Bible
Buckley
Church
Cook
Cotton
Cranston
Dole
Domenici
Ervin
Fannin
Fulbright
Gurney
Hart
Huddleston
Hughes
Inouye
Javits
Kennedy
Magnuson
McGee
Pell
Percy
Stevenson
Tunney

So Mr. McClure's amendment was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. EAGLETON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Alaska.

Mr. STEVENS. Mr. President, I send a modification of the pending amendment to the desk.

The PRESIDING OFFICER. The modification of the amendment will be stated.

The assistant legislative clerk read as follows:

On page 60, line 22, insert the following: "or, (8) amending, limiting, or infringing the existing laws providing grants of land to the States."

Line 17, strike "or".

Mr. STEVENS. Will the Senator from Wyoming yield 2 minutes to me so that I may explain the modification?

Mr. HANSEN. I am happy to yield.

Mr. STEVENS. This protects the land grants to all States. It now appears in the general section applying to all exceptions within the bill and has been worked out with the staff and committee as being part of a generic portion of the exceptions of the bill.

Mr. JACKSON. Mr. President, I believe the modified amendment meets the main objection that the majority had voiced earlier when this matter was discussed. It is now restrictive so that it does not include other areas that did concern us.

I believe that is basically the understanding of the Senator from Alaska in offering the modified amendment. We are pleased to accept the amendment.

Mr. MOSS. Mr. President, may I inquire of the Senator from Alaska how broad the exemption is that he has now modified his amendment to cover? Does that cover school selections?

Mr. STEVENS. It covers all land grants to all States in the statehood acts.

Mr. MOSS. Sections 851 and 852 of title 43 of the Code deal with deficiencies in grants to the States by reason of settlements and designated sections generally, and also a section applied to deficiency of school lands.

Mr. STEVENS. Mr. President, I am advised by the staff that the amendment, as now modified, includes the amendment suggested by the Senator from Utah referring to those specific sections he has just mentioned.

Mr. MOSS. The reason I raised the question at this time is that I have an amendment that I have sent to the desk, which I will not call up, of course, if it is covered within the language of this amendment, and if this amendment is adopted.

Mr. President, the reason it gives me worry is that just this morning on my desk I received a letter from the Department of the Interior about some school land selections. They are talking about getting an appraisal to see if they can balance off those mineral values, dollar for dollar.

This is something we have been through for 20, 30, and 40 years in this body. I just wanted to see that nothing crept in here that gave any substance to this new bureaucratic attempt to amend the law by administrative fiat. If it is included, that is all right.

Mr. President, I would like to place into the Record some legal citations that I have covering the point that I am making, that the balancing of mineral values is not part of the indemnity process.

Mr. STEVENS. Mr. President, I hope the Senator will put that information in the Record. It is my understanding that his amendment is included in this modification.

Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska, as modified.

The amendment, as modified, was agreed to.

Mr. MOSS. Mr. President, I ask unanimous consent to have printed in the Record the amendment to which I earlier referred, and also the citations to which I referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

On page 35, line 16, insert the following: After the word "require" strike the period and add the following: "; Provided, however, that this section shall not apply to or modify the provisions of Title 43 USC, Section 851 and 852, grants to states."

In *Wyoming* v. *U.S.* 255 U.S. 489 (1921) citing *Daniels* v. *Wagner* 237 U.S. 547, the court said that an indemnity selection to be effective requires the approval of the Secretary, "* * * but it was not meant by this that the Secretary *arbitrarily* could defeat the right of selection by withholding his approval * * *" (emphasis supplied).

Mr. President, the requirement of "Equal Value" in section 8 exchanges under the Taylor Grazing Act are not applicable to indemnity selections.

Commissioner Johnson of the General Land Office in a confidential memorandum to the Secretary of the Interior dated April 10, 1943 made the following statement with regard to the question of equal value:

"The protraction of unsurveyed base lands is not new; it was provided for in the act of February 28, 1891 (26 Stat. 796; 43 U.S.C. 851, 852), amending Secs. 2275 and 2276 U.S.R.S. for indemnity school land selections, which act with the regulations thereunder (39 L.D. 39, CFR 270.1–270.16) embodies the governing provisions for the adjudication of such selections. Those selections *have always been based upon equal areas,* regardless of the value of the base or selected lands. *California* v. *Deseret Water Etc. Company,* 243 U.S. 415; *Wyoming* v. *United States,* 255 U.S. 489. In this connection attention is invited to the early instructions of the Treasury Department of July 11, 1805, to the registers of the Ohio land districts, wherein it was directed that where a fractional section 16 had been disposed of by the United States, it would be necessary in order to replace it to select a tract containing 'as near as possible a quantity of land equal to the sold fraction'. Laws, Instructions, and Opinions, Public Lands, Volume II, page 259. However, the base for an indemnity selection is sometimes a deficiency in the township and cannot be described as land in place (see Sec. 2276 R.S.; 43 U.S.C. 852.)."

"The words 'other lands equivalent thereto', found in school land grants to the State of Ohio, made by Section 7 of the act of April 30, 1802 (2 Stat. 173), and in the indemnity act of May 20, 1826 (4 Stat. 179), and the words 'other lands of like quantity', found in the indemnity act of February 26, 1859 (11 Stat. 385), and in the codification thereof in Section 2275, supra, have been held to mean the same as the phrase 'other lands of equal acreage' embraced in the amendment of that section by the act of February 28, 1891, supra. *It is therefore held that the State is entitled to select for lands lost in place,* other lands, *acre for acre,* regardless of price or value. *State of Oregon,* 18 L.D. 343: *State of California,* 32 L.D. 34."

The Commissioner clearly differentiates between criteria for State by exchanges and those for indemnity selections continuing:

"The regulations governing State exchanges which were issued under circular 1398 provided that the States should state whether the proposed exchanges are to be based upon equal values or equal areas.' However, practically all of such exchanges for the past five years or more, on the States' election, have been on the basis of equal area. Furthermore, all of the States indemnity selections are, under existing statutes, on the basis of equal area. A promulgation of a different rule for State exchanges under the Taylor Grazing Act, through the proposed modification of existing regulations as to such exchanges, would be of little avail as the selected land in any rejected State exchange application might easily upon the classification of the land under amended Section 7 of the Grazing Act be secured by the State through an indemnity selection. Then, too, it might create such a disturbance and confusion as would result in a demand for a further amendment of the Taylor Grazing Act, reopening of the whole subject, and a possible revival of the previous attitude on the part of the States reflected in H.R. 3019, the Secretary's memorandum to the President of August 26, 1935, and the President's veto message of September 5, 1935."

A copy of the confidential memorandum is attached hereto marked Exhibit A and made a part hereof by reference.

In a September 1962 memorandum to the Director of the Bureau of Land Management, the Associate Solicitor, Division of Public Lands, states clearly that "in considering an application by a State for indemnity selection under 43 U.S.C. 851, 852, the disparity in values between the lands offered as base and the lands selected cannot be considered." A copy of the 1962 memorandum is attached hereto marked Exhibit B and made a part hereof by reference.

The 1958 amendments to 43 U.S.C. 851 and 852, in the view of the Solicitor of the Department, reaffirm the position that discrepancies in values between offered and selected lands are not to be considered.

B. The Discretion of the Secretary of the Interior is Limited to the Statutory Requirements of Determining the Mineral Character of the Selection and of the Base on an Equal Acreage Basis.

Assuming arguendo that the Secretary of the Interior acting through the Bureau of Land Management has authority to classify the State selections under Section 7 of the Taylor Grazing Act, regulations of the Department grant it ample authority to classify and transfer title to the selected lands to the state.

Title 43 CFR 2430.4(a) 1972 ed. provides:

"(a) To be valuable for public purposes, land must be suitable for use by a State or local governmental entity or agency for some noncommercial and nonindustrial governmental program or suitable for transfer to a non-Federal interest in a transaction which will benefit a Federal, State, or local government program."

What could be more of a "public purpose" than meeting the Congressional mandate that lieu selections are to be made for school purposes to the several states and classifying the lands therefor? In addition, classification is necessary to determine the mineral character of the lands offered and selected.

Subsection (b) of that Section provides:

"(b) Lands found to be valuable for public purposes may be classified for sale pursuant to the Public Land Sale Act as chiefly valuable for public uses for development or for transfer in satisfaction of a State land grant, or for transfer to a State or local government agency in exchange for other property, or to transfer to a governmental agency under any applicable act of Congress * * *"

Further, it should be pointed out, classification in the ordinary sense of the Taylor Grazing Act is inapplicable.

"(d) (1) The term 'unappropriated public lands' as used in the section shall include, without otherwise affecting the meaning thereof, lands withdrawn for coal, phosphate, nitrate, potash, oil, gas, asphaltic minerals, oil shale, sodium, and sulphur, but otherwise subject to appropriation, location, selection, entry, or purchase under the non-mineral laws of the United States; lands withdrawn by Executive Order Numbered 5327, of April 15, 1930, if otherwise available for selection; and the retained or reserved interest of the United States in lands which have been disposed of with a reservation to the United States of all minerals or any specified mineral or minerals."

The selections here made are made in conformity and compliance with that section of the Statute governing state selections.

The same situation which the State of Utah faced in its selection of lands in the Cane Creek Potash area now confronts it when the selections are of oil shale lands. The interpretation of the Department of Interior in the Cane Creek case was that "producible" leases forbid indemnity selection. The Attorney General's opinion (71 I.D. 65, 70) states that "accordingly I am of the opinion that inasmuch as the State of Utah filed the applications for selection pending in Interior *prior to a time when potash could be mined* from the selected lands, R.S. 2276(a) (3) does not bar your approval of those applications."

Much is made by Interior of disparate values and the increased value of oil shale lands.—It should be pointed out that at the time the State made selection of what has become known as the oil shale lands, it was also prior to a time when oil shale could be economically mined from the selected lands, and the value was purely speculative. Enhancement of value and speculative value are not acceptable criteria in Federal condemnation matters and are not acceptable criteria in selection matters.

The Statute cited above is clear. Equal acreage is the criteria in state selection. Under the Taylor Grazing Act, Section 8, "exchanges" are made on the basis of "equal area" or "equal value". The Section 8 exchange requirements are not applicable.

The Attorney General's opinion of February 7, 1963 (70 I.D. 65) states in dicta that the question of availability of particular lands for State indemnity selections was a matter within the discretionary authority of the Secretary granted by Section 7 of the Taylor Grazing Act.

On the strength of that Attorney General's opinion, the Secretary of the Interior claims the authority, under § 7 of the Taylor Grazing Act, to classify for retention in public ownership the lands the State seeks as lieu selections even if the State complies with all other statutory requirements. Thus, the Secretary is claiming the power to withhold from states their indemnity selections, guaranteed to them by 43 U.S.C. § 851–852. Congress never intended in § 7 of the Taylor Grazing Act to give the Secretary such a wide-sweeping power.

The purpose of § 7 should be viewed in the context of the House Report's description of the purpose of the Taylor Grazing Act:

"It should be understood that the whole purpose of the bill is to conserve the public range in aid of the livestock entry." (House Report No. 903, 73rd Cong. 2nd Session).

While the Act does give the Secretary a broad discretion to classify lands and thus to withhold them from uses he considers unwise, the discretion so granted was intended to give the Secretary power to choose among competing private interests in the lands. In the record of the debates of both House of Congress on the bill, and in the Reports of the House, Senate and Conference Committees which considered the legislation, there is no mention of granting the Secretary discretion to approve state indemnity selections. Any proposal to grant the Secretary such power would have been highly controversial among representatives of the public lands states and actively debated. The absence of any debate on this issue must be read to indicate an absence of Congressional intent to grant the power claimed.

The Department's reading of § 7 brings that section into conflict with 43 U.S.C. §§ 851–852 and therefore ought to be rejected. Any claim that the Secretary has power to withhold from states their indemnity selections conflicts with the terms of 43 U.S.C. § 851, which states in relevant part:

". . . other lands of equal acreage are hereby appropriated and granted, *and may be selected,* in accordance with the provisions of section 852. . . ." (in lieu of lands taken by settlements, preemption, etc." (emphasis supplied)

Further, any claim that § 7 of the Taylor Grazing Act acts as restriction as to the lands a state may select conflicts with the terms of 43 U.S.C. § 852, and must therefore be rejected. In 1958, subsequent to the enactment of the Taylor Grazing Act, 43 U.S.C. § 852 was amended to list the restrictions on selection of lands appropriated, by section 851. Those restrictions do not include reference to the Grazing Act.

Assuming arguendo that the dicta in the Attorney General's opinion when made had some merit, in 1966 Congress when confronted with the opportunity to affirm that holding and to adopt equal value legislation, specifically voted to table the bill which was drafted to accomplish this new procedure (H.R. 16, 89th Congress).

Another effort was made to have the "equal value" concept adopted through its addition to H.R. 5984, a bill which permitted the states to select unsurveyed lands. The Senate Interior Committee rejected the amendment and supported passage without an equal value requirement. The Committee's refusal to add the equal value proposal led the Justice Department to oppose final passage on that ground.

See attached exhibit "C" made a part hereof by reference.

Mr. STEVENS. Mr. President, I have another amendment at the desk.

The **PRESIDING OFFICER.** The clerk will state the second amendment of the Senator from Alaska.

The assistant legislative clerk read as follows:

On page 68, between lines 6 and 7, insert:

(f) Notwitstanding any other provisions of this Act, all laws of the United States in effect on the date immediately preceding the effective date of this Act relating to homesteading in the United States, shall on and after such effective date, continue to be applicable to lands within the State of Alaska classified by the Secretary as suitable for homestead entry in the same manner and same extent as if this Act had not been enacted until June 30, 1984.

Mr. STEVENS. Mr. President, this amendment, which has now been worked out with the committee, I hope will be accepted. It preserved the Homestead Laws in Alaska until the period of transition that I mentioned previously, the Alaska Native land selections, the Alaskan State land grants, and this freeze that is on during the period of the selection of these 80 million acres, or approximately that amount, for national interest areas.

It will allow the secretary to designate areas that would be suitable for homesteading if they are to be used at all during this period.

Mr. JACKSON. Mr. President, we have reviewed the amendment as revised and it is acceptable. The extension runs until 1984. We see no objection to it on the basis of the revisions that have been made, and recommend that the Senate approve the amendment.

The **PRESIDING OFFICER.** Do the Senators yield back their time?

Mr. JACKSON. I yield back my time.

Mr. STEVENS. I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. HATFIELD. Mr. President, I wish to congratulate the Senator from Washington for his fine efforts as chairman of the Senate Interior committee on behalf of this legislation. I share his view of the importance of an organic act for the Bureau of Land Management and was pleased to participate in the development of this bill as a member of the Public Lands Subcommittee.

There is one point I would like to clarify today. When hearings were first conducted on S. 424 by our subcommittee, I asked the administration witness, Under Secretary of the Interior John Whitaker, if the proposal would have an impact on the management of the revested Oregon and California grant lands, known as the O. & C. lands. As the chairman is aware, these lands are managed under the direction of the act of August 28, 1937, as amended, which is really an organic act for these lands.

Secretary Whitaker's response was clear: Management of the O. & C. lands would continue as it has in the past. I ask unanimous consent that the relevant portion of the hearing record be printed in the RECORD immediately following my remarks as exhibit 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, as the development of this bill progressed, the administration submitted a proposal of its own, designated S. 1041, and the committee combined S. 424 and S. 1041 in Committee Print No. 2 for markup purposes. At that time I wrote Secretary of the Interior Morton to obtain a departmental opinion as to whether any provision in the committee print would have an effect upon either the management and operation of these lands or upon distribution of the receipts from them. Again the response I received from the Department, in the form of a letter from Ken M. Brown, legislative counsel for the Interior Department, was that it would not. I ask unanimous consent that this correspondence be printed in the RECORD following my remarks as exhibit 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HATFIELD. Mr. President, now, to make the RECORD absolutely clear on this point, I would like to inquire of the chairman about any impact on the revested Oregon and California grant lands which he feels might result from this legislation.

Mr. JACKSON. The Senator is correct, the enactment of S. 424 would not make any change in the O. and C. Lands Act. These lands would still be managed under the multiple-use principle just as they have been in the past, and there would be no change in the formula of revenue distribution.

EXHIBIT 1

Senator HATFIELD. Thank you, Mr. Chairman.

Mr. Secretary, you are familiar with Senate bill 2401 of the last Congress, which consisted of two prints, two committee prints dealing with this organic act for the BLM?

Secretary WHITAKER. I am generally familiar with the history of last year on the BLM Act. I can't say I am specifically familiar with the bill you are referring to.

Senator HATFIELD. This was the proposal to set up the BLM with the organic act only a little differently worded.

I would like to make legislative record at this point to make certain that we are clear.

The first print of last year's bill included a section which indirectly would have affected the O and C lands. In Committee Print 2 of last year's bill that was deleted and at that time I received a written letter from the Assistant Secretary of the Interior, Mr. Loesch, assuring me that it was not intended. That in neither case would the organic act proposal affect either the present management or the present distribution of the receipts from the O and C lands.

I just want to reestablish, that is the continuing opinion of the Department?

Secretary WHITAKER. Senator, I would like to reaffirm for the record that it is a fact, that it does not affect the funding, formula, or management of the O and C lands.

EXHIBIT 2

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 1, 1974.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Secretary Morton has asked me to respond to your letter of April 11 requesting information on the impact Committee Print No. 2 of S. 424 and S. 1041 would have on management of the O & C lands.

The provisions of the National Resource Lands Management Act as set forth in Committee Print No. 2 (S. 424 and S. 1041) would not affect the management of the O & C lands in Oregon, nor would it affect the distribution of receipts therefrom.

Section 504(a) would repeal section 3 of the O & C Act which authorizes the Secretary to classify and restore to homestead entry or to purchase under certain laws O & C lands which are more suitable for agricultural use than for forest, recreation, or other public purposes. We included this section in the repeaters because the disposal laws to which it refers would be repealed.

Section 505 would repeal sections 1 and 2 of the Act of July 31, 1939 (53 Stat. 1144) which authorizes the Secretary, in administering the revested O & C lands and reconveyed Coos Bay Wagon Road grant lands, to exchange such lands for lands of approximately equal aggregate value in State, county, or private ownership, within or contiguous to the former limits of the grants. Section 213 of Committee Print No. 2 would provide more comprehensive and uniform exchange authority than the 1939 law, allowing for equalization of values by payment of cash.

The mandatory wilderness review amendment to the National Resource Lands Management Act would not appear to have a direct impact on O & C lands. A study of the lands by the Bureau of Land Management in connection with the Bureau's planning system indicates that there are no roadless areas of 5000 contiguous acres or roadless islands included in the O & C lands.

Sincerely yours,

KEN M. BROWN,
Legislative Counsel.

Mr. ROBERT C. BYRD. Senator TUNNEY is necessarily absent today and, at his request, I would like to insert his statement in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR TUNNEY

The National Resource Lands Management Act, which is being considered today, represents a long and dedicated effort by Senator Jackson and the members of the Senate Interior Committee, to secure fundamental reforms and improvement in the administration of the renewable resources on the 450 million acres of publicly held lands administered by the Bureau of Land Management in the Department of Interior.

This bill will codify and streamline existing law, repeal a series of out-moded laws, and write a new charter for use and management of these valuable public lands. The bill will assure that the resource managers will have the policy and tools to manage these lands wisely. It will provide broader and better ways to secure public advice and counsel, locally as well as nationally, to effect their wise management.

As a cosponsor of S. 424, I am particularly pleased that the Committee decided to include, as part of the final bill, a section dealing with the California Desert. California has 15.5 million acres of land managed by the Bureau of Land Management. It runs from our Northern to our Southern borders and encompasses the breadth of the state. It is fifteen percent of the state and represents a cross section of many kinds of natural resource lands. However, much of it is in desert and semi-desert parts of California and these lands are widely and heavily used. Where there is use there must be management if that use is going to be channelled in ways that do not destroy the land for this and coming generations. This section makes it possible, if adequate funding is provided, for this policy to be a beneficial reality. Between now and 1979, the Bureau of Land Management will be authorized and directed to prepare and implement a comprehensive, long-range plan for the management and protection of these lands. This Section represents a long-term effort by Senator Cranston and myself in the Senate and our colleagues in the House to make needed special provisions applicable to this ecologically fragile area. It will give Californians and others the opportunity to secure the benefits from this area while assuring that they will be available in perpetuity through wise and careful use.

Finally, I am pleased that this legislation includes a wilderness review provision which will require the Bureau of Land Management to identify and study all areas that meet the standards of the Wilderness Act of 1964, and to submit a report to Congress on each such area. This review procedure will insure that the Bureau of Land Management wildlands receive thorough consideration for possible designation as Wilderness Areas. In California, twenty-five areas, totaling some 1,081,000 acres have been identified by the Bureau of Land Management as meeting the Bureau's "primitive area" standards. This provision, assuring Wilderness review, is a first and essential step toward the protection of the potential wilderness areas on California's public domain lands.

Mr. METCALF. Mr. President, S. 424 is a bill that is long overdue. The Bureau of Land Management has jurisdiction over millions of acres of public land that is vital to the United States. This land supports a great deal of the grazing industry in America; it contains prime recreation land, it lies across significant watersheds and is the home of wildlife and waterfowl. Much of it is grassland, but the land administered by the Bureau of Land Management is also forest land, riverfront, and swamps and contains mineral resources essential to America. Some of the most fragile land in our country is contained in this classification and yet the Bureau of Land Management has been the orphan of our land management team. In this bill Congress partially alleviates the inequity and goes a long way to restore the balance between the Forest Service, the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management. Already the chairman of the Committee on Interior and Insular Affairs, Senator Jackson, and the ranking minority leader, Senator Fannin, have described the need for this legislation and told you what it will accomplish. However, I would like the Record to show that carefully considered has been the amendment adding the Bureau of Land Management land to study under the Wilderness Act.

In connection with the wilderness review provisions of S. 424, the question has sometimes been asked as to why the lands administered by the Bureau of Land Management were not covered by the Wilderness Act of 1964.

As an advocate of that act during its 8 years of consideration in the Congress, first in the House and later as a Member of the Senate, I recall that we would not have had a Wilderness Act if we had tried to include the Bureau of Land Management under its provisions. Its omission was a price we had to pay for enactment of the bill.

Although it would have been desirable to include the Bureau of Land Management, we had to confront the fact that the Wilderness Act was not going to win acceptance by the Congress if it sought to establish a totally new Federal policy. Instead, its approach was to grant statutory sanction to the wilderness preservation policies already being practiced under the discretionary authorities of the Departments of Agriculture and the Interior.

The three agencies covered by the 1964 act—the Fish and Wildlife Service, Forest Service, and National Park Service—already were protecting wilderness-type lands under their existing, general statutory mandates. The Wilderness Act was designed to supplement those existing authorities in three basic ways: First, by giving statutory protection to the wilderness areas that had been designated by the Forest Service; second, by establishing a 10-year review procedure for other potential wilderness lands administered by all three agencies, with reports to the Congress on each area and a final decision by the Congress as to whether the area should be designated as wilderness; and third, by including all the wilderness areas in an integral system, the National Wilderness Preservation System, indicative of the basic national goal of preserving our remaining areas of wilderness.

This concept of the Wilderness Act of necessity did not include the public domain lands administered by the Bureau of Land Management. Unlike the other three land-managing agencies, the Bureau of Land Management in 1964 had no clear mandate to retain these lands in public ownership and no general mandate to manage them for general public purposes. The only mandates applicable were in the hundreds of laws providing for disposal of the public domain, and in the Taylor Grazing Act of 1934, which applied primarily to livestock grazing.

To have included the Bureau of Land Management under the Wilderness Act in 1964 would have been a major break with established policy governing the agency because it would have changed the disposal concept and initiated a wholly new approach to management of the public domain.

Now, however, we are in an entirely different situation. S. 424, the National Resource Lands Management Act, gives the Bureau of Land Management the statutory general authorities that it has lacked. S. 424 requires the Bureau of Land Management to retain and manage these lands for diverse public purposes, under a concept of multiple use like that applicable to the Forest Service for many years. The designation and protection of wilderness is completely consonant with the basic concepts of this bill.

In addition, since 1964, under the interim authorities of the Classification and Multiple Use Act of 1964, the Bureau of Land Management has wisely taken the initiative of establishing seven primitive areas and has begun studies of other potential primitive areas. This commendable action demonstrates that the Bureau of Land Management has the professional staff and the capability to ably carry out the wilderness review that is authorized by sections 102 and 103 of S. 424, just as the staffs of the sister agencies have been doing so well for the past 10 years. The primitive areas, already protected by administrative designation, will surely be prime candidates for designation by the Congress as wilderness. It take a particular interest in this, because two of the primitive areas happen to be in Montana.

In summary, Mr. President, the omission of the public domain lands from the Wilderness Act of 1964 was a regrettable compromise, made necessary by the lack of basic land management policies for those lands at the time. Now that we are remedying that lack of policy through enactment of S. 424, it is clearly appropriate to bring the Bureau of Land Management into line with the other three Federal land-managing agencies by adopting the wilderness review provision.

Mr. JACKSON. I know of no further amendments, Mr. President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute as amended.

The amendment as amended was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. JACKSON. Mr. President, I yield back the remainder of my time.

Mr. HANSEN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the bill has been yielded back.

The bill having been read the third time, the question is, shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Texas (Mr. Bentsen), the Senator from Nevada (Mr. Bible), the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from North Carolina (Mr. Ervin), the Senator from Michigan (Mr. Hart), the Senator from Kentucky (Mr. Huddleston), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from Rhode Island (Mr. Pell), the Senator from Illinois (Mr. Stevenson), and the Senator from California (Mr. Tunney) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Rhode Island (Mr. Pell), and the Senator from Illinois (Mr. Stevenson) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Utah (Mr. Bennett), the Senator from New York (Mr. Buckley), the Senator from Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from Kansas (Mr. Dole), the Senator from New Mexico (Mr. Domenici), the Senator from Arizona (Mr. Fannin), the Senator from Florida (Mr. Gurney), and the Senator from Illinois (Mr. Percy) are necessarily absent.

I also announce that the Senator from New York (Mr. Javits) is absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. Domenici), the Senator from New York (Mr. Javits), and the Senator from Kentucky (Mr. Cook) would each vote "yea."

The result was announced—yeas 71, nays 1, as follows:

[No. 285 Leg.]

YEAS—71

Abourezk
Aiken
Allen
Bartlett
Beall
Biden
Brock
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Clark
Curtis
Dominick
Eagleton
Eastland
Fong
Fulbright
Goldwater
Gravel
Griffin
Hansen
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hruska
Humphrey

Jackson
Johnston
Long
Mansfield
Mathias
McClellan
McClure
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—1

Helms

NOT VOTING—28

Baker
Bayh
Bellmon
Bennett
Bentsen
Bible
Buckley
Church
Cook
Cotton
Cranston
Dole
Domenici
Ervin
Fannin
Gurney
Hart
Huddleston
Hughes
Inouye
Javits
Kennedy
Magnuson
McGee
Pell
Percy
Stevenson
Tunney

So the bill (S. 424) was passed, as follows:

S. 424

An act to provide for the management, protection, and development of the national resource lands, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Resource Lands Management Act".

TABLE OF CONTENTS

Sec. 2. Definitions.
Sec. 3. Declaration of policy.
Sec. 4. Rules and regulations.
Sec. 5. Public participation.
Sec. 6. Advisory boards and committees.
Sec. 7. Annual report.
Sec. 8. Director.
Sec. 9. Appropriations.

TITLE I—GENERAL MANAGEMENT AUTHORITY

Sec. 101. Management.
Sec. 102. Inventory.
Sec. 103. Land use plans.

TITLE II—CONVEYANCE AND ACQUISITION AUTHORITIES

Sec. 201. Authority to sell.
Sec. 202. Disposal criteria.
Sec. 203. Sales at fair market value.
Sec. 204. Size of tracts.
Sec. 205. Competitive bidding procedures.
Sec. 206. Right to refuse or reject offer of purchase.
Sec. 207. Reservation of mineral interests.
Sec. 208. Conveyance of reserved mineral interests.
Sec. 209. Terms of patent.
Sec. 210. Conforming conveyances to State and local planning.
Sec. 211. Authority to issue and correct documents of conveyance.
Sec. 212. Recordable disclaimers of interest in land.
Sec. 213. Acquisition of land.

TITLE III—MANAGEMENT IMPLEMENTING AUTHORITY

Sec. 301. Studies, cooperative agreements, and contributions.
Sec. 302. Service charges, reimbursement payments, and excess payments.
Sec. 303. Working capital fund.
Sec. 304. Deposits and forfeitures.
Sec. 305. Contracts for cadastral survey operations and resource protection.
Sec. 306. Unauthorized use.
Sec. 307. Enforcement authority.
Sec. 308. Cooperation with State and local law enforcement agencies.
Sec. 309. California desert area.
Sec. 310. Oil shale revenues.

TITLE IV—AUTHORITY TO GRANT RIGHTS-OF-WAY

Sec. 401. Authorization to grant rights-of-way.
Sec. 402. Right-of-way corridors.
Sec. 403. General provisions.
Sec. 404. Terms and conditions.
Sec. 405. Suspension or termination of right-of-way.
Sec. 406. Rights-of-way for Federal agencies.
Sec. 407. Conveyance of lands.
Sec. 408. Existing rights-of-way.
Sec. 409. State standards.
Sec. 410. Effect on other laws.

TITLE V—CONSTRUCTION OF LAW, PRESERVATION OF VALID EXISTING RIGHTS, AND REPEAL OF LAWS

Sec. 501. Construction of law.
Sec. 502. Valid existing rights.
Sec. 503. Repeal of laws relating to disposal of national resource lands.
Sec. 504. Repeal of laws relating to administration of national resource lands.
Sec. 505. Repeal of laws relating to rights-of-way.

SEC. 2. DEFINITIONS.—As used in this Act:

(a) "The Secretary" means the Secretary of the Interior.

(b) "National resource lands" means all lands and interests in lands (including the renewable and nonrenewable resources thereof) now or hereafter administered by the Secretary through the Bureau of Land Management, except the Outer Continental Shelf.

(c) "Multiple use" means the management of the national resource lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including recreation and scenic values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment, with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

(d) "Sustained yield" means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of land without permanent impairment of the quality and productivity of the land or its environmental values.

(e) "Areas of critical environmental concern" means areas within the national resource lands where special management attention is required when such areas are developed or used to protect, or where no development is required to prevent irreparable damage to, important historic, cultural, or scenic values, or natural systems or processes, or life and safety as a result of natural hazards.

(f) "Right-of-way" means an easement, lease, permit, or license to occupy, use, or traverse national resource lands granted for the purposes listed in title IV of this Act.

(g) "Holder" means any State or local governmental entity or agency, individual, partnership, corporation, association, or other business entity receiving or using a right-of-way under title IV of this Act.

SEC. 3. DECLARATION OF POLICY.—(a) Congress hereby declares that—

(1) the national resource lands are a vital national asset containing a wide variety of natural resource values;

(2) sound, long-term management of the national resource lands is vital to the maintenance of a livable environment and essential to the well-being of the American people;

(3) the national interest will be best realized if the national resource lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and State planning efforts; and

(4) except where disposal of particular tracts is made in accordance with title II, the national interest will be best served by retaining the national resource lands in Federal ownership.

(b) Congress hereby directs that the Secretary shall manage the national resource lands under principles of multiple use and sustained yield in a manner which will, using all practicable means and measures: (i) include the environmental quality of such lands to assure their continued value for present and future generations; (ii) include, but not necessarily be limited to, such uses as provision of food and habitat for wildlife, fish and domestic animals, minerals and materials production, supplying the products of trees and plants, human occupancy and use, and various forms of outdoor recreation; (iii) include scientific, scenic, historical, archeological, natural ecological, air and atmospheric, water resource, and other public values; (iv) include certain areas in their natural condition; (v) balance various demands on such lands consistent with national goals; (vi) assure payment of fair market value by users of such lands; and (vii) provide maximum opportunity for the public to participate in decisionmaking concerning such lands.

SEC. 4. RULES AND REGULATIONS.—The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this Act. The promulgation of such rules and regulations shall be governed by the Administrative Procedure Act (5 U.S.C. 553). Prior to the promulgation of such rules and regulations, the national resource lands shall be administered under existing rules and regulations concerning such lands.

SEC. 5. PUBLIC PARTICIPATION.—In exercising his authorities under this Act, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for the preparation and execution of plans and programs concerning, and in the management of, the national resource lands.

SEC. 6. ADVISORY BOARDS AND COMMITTEES.—In providing for public participation in planning and programing for the national resource lands, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770) and other applicable law, may establish and consult such advisory boards and committees as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards and committees shall be representative of a cross section of groups interested in the management of the national resource lands and the various types of use and enjoyment of such lands.

SEC. 7. ANNUAL REPORT.—The Secretary shall prepare an annual report which he shall make available to the public and submit to Congress no later than 120 days after the close of each fiscal year. The report shall describe, in appropriate detail, activities relating or pursuant to this Act for the fiscal year just ended, any problems which may have arisen concerning such activities, and other pertinent information which will assist the accomplishment of the provisions and purposes of this Act. The report shall contain a detailed list and description of all transfers of national resource lands out of Federal ownership for the fiscal year just ended. It shall include such tables, graphs, and illustrations as will adequately reflect the fiscal year's activities, historical trends, and future projections relating to the national resource lands.

SEC. 8. DIRECTOR.—Appointments made on or after the date of the enactment of this Act to the position of the Director of the Bureau of Land Management, within the Department of the Interior, shall be made by the President, by and with the advice and consent of the Senate. The Director shall have a broad background and experience in public land and natural resource management.

SEC. 9. APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes and provisions of this Act.

TITLE I—GENERAL MANAGEMENT AUTHORITY

SEC. 101. MANAGEMENT.—The Secretary shall manage the national resource lands in accordance with the policies and procedures of this Act and with any land use plans which he has prepared, pursuant to section 103 of this Act, except to the extent that other applicable law provides otherwise. Such management shall include:

(1) regulating, through permits, licenses, leases, or such other instruments as the Secretary deems appropriate, the use, occupancy, or development of the national resource lands not provided for by other laws: *Provided, however,* That no provision of this Act shall be construed as authorizing the Secretary to require any Federal permit to hunt or fish on the national resource lands;

(2) requiring appropriate land reclamation as a condition of use, and requiring performance bonds or other security guaranteeing such reclamation in a timely manner from any person permitted to engage in an extractive or other activity likely to entail significant disturbance to or alteration of the national resource lands: *Provided, however,* That no provision of this Act shall in any way amend the Mining Law of 1872, as amended and supplemented (Revised Statutes 2318–2352), or impair the rights of any locators of claims under that Act.

(3) inserting in permits, licenses, leases, or other authorizations to use, occupy, or develop the national resource lands, provisions authorizing revocation or suspension, after notice and hearing, of such permits, licenses, leases, or other authorizations, upon final administrative finding of a violation of any regulations issued by the Secretary under any Act applicable to the national resource lands or upon final administrative finding of a violation on such lands of any applicable State or Federal air or water quality standard or implementation plan: *Provided,* That the Secretary may order an immediate temporary suspension prior to a hearing or final administrative finding if he determies that such a suspension is necessary to protect public health or safety or the environment: *Provided further,* That, where other applicable law contains specific provisions for suspension, revocation, or cancellation of a permit, license, or other authorization to use, occupy, or develop the national resurce lands, the specific provisions of such law shall prevail; and

(4) the prompt development of regulations for the protection of areas of critical environmental concern.

SEC. 102. INVENTORY.—(a) The Secretary shall prepare and maintain on a continuing basis an inventory of all national resource lands, and their resource and other values (including outdoor recreation and scenic values) giving priority to areas of critical environmental concern. Areas containing wilderness characteristics as described in section 2(c) of the Act of September 3, 1964 (78 Stat. 890) shall be identified within five years of enactment of this Act. The inventory shall be kept current so as to reflect changes in conditions and in identifications of resource and other values. The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change in the management or use of national resource lands.

(b) The Secretary, where he determines it to be appropriate, may provide (i) means of public identification of national resource lands, including signs and maps, and (ii) State and local governments with data from the inventory for the purpose of planning and regulating the uses of non-Federal lands in the proximity of national resource lands.

SEC. 103. LAND USE PLANS.—(a) The Secretary shall, with public participation, develop, maintain, and, when appropriate, revise land use plans for the national resource lands consistent with the terms and conditions of this Act and coordinated so far as he finds feasible and proper, or as may be required by the enactment of a national land use policy or other law, with the land use plans, including the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), of State and local governments and other Federal agencies.

(b) In the development and maintenance of land use plans, the Secretary shall:

(1) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and social sciences;

(2) give priority to the designation and protection of acres of critical environmental concern;

(3) rely, to the extent it is available, on the inventory of the national resource lands, their resources, and other values;

(4) consider present and potential uses of the lands;

(5) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(6) weigh long-term public benefits; and

(7) consider the requirements of applicable pollution control laws including State or Federal air or water quality standards, noise standards, and implementation plans.

(c) Any classification of national resource lands in effect on the date of enactment of this Act is subject to review in the land use planning process and such lands are subject to inclusion in land use plans pursuant to this section.

(d) Wherever any proposed change in the classification of, or permitted uses on, any national resource lands would affect authorization for use of such lands, persons holding leases, licenses, or permits concerning the use to be affected shall be given written notice by the Secretary of such proposed change at least sixty days before it is put into effect.

(e) Areas identified pursuant to section 102 as having wilderness characteristics shall be reviewed within fifteen years of enactment of this Act pursuant to the procedures set forth in subsections 3 (c) and (d) of the Act of September 3, 1964 (78 Stat. 892–893). Provided, however, That such review shall not, of itself, either change or prevent change in the management or use of the national resource lands.

TITLE II—CONVEYANCE AND ACQUISITION AUTHORITIES

SEC. 201. AUTHORITY TO SELL.—Except as otherwise provided by land, and subject to the requirements of section 3 of this Act, the Secretary is authorized to sell national resource lands. The national resource lands may be sold if the Secretary, in accordance with guidelines he has established for sale of national resource lands and after preparation pursuant to section 103 of this Act of a land use plan which includes any tract of such lands identified for sale, determines that the sale of such tract will not cause needless degradation of the evnvironment and meets the disposal criteria of section 203 of this Act.

SEC. 202. DISPOSAL CRITERIA.—(a) A tract of national resource lands may be transferred out of Federal ownership under this Act only where, as a result of land use planning required under section 103, the Secretary determines that—

(1) such tract of national resource lands, because of its location and other characteristics, is difficult to manage as part of the national resource lands and is not suitable for management by another Federal agency; or

(2) such tract of national resource lands was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or

(3) disposal of such tract of national resource lands will serve objectives which cannot be achieved prudently or feasibly on land other than such tract and which outweigh all public objectives and values which would be served by maintaining such tract in Federal ownership.

(b) Where the Secretary determines that land to be disposed of under clause (3) of subsection (a) is of agricultural value and is desert in character, such land shall be disposed of either under the sale authority of section 201 or in accordance with existing law.

SEC. 203. SALES AT FAIR MARKET VALUE.—Sales of national resource lands under this Act shall be at not less than the appraised fair market value as determined by the Secretary.

SEC. 204. SIZE OF TRACTS.—The Secretary shall determine and establish the size of tracts of national resource lands to be sold on the basis of the land use capabilities and development requirements of the lands; and, where any such tract is sold for agricultural use, its size shall be no larger than necessary to support a family-sized farm.

SEC. 205. COMPETITIVE BIDDING PROCEDURES.—Except as to sales under section 208 hereof, sales of national resource lands under this Act shall be conducted under competitive bidding procedures to be established by the Secretary. However, where the Secretary determines it necessary and proper (i) to assure equitable distribution among purchasers of national resource lands, or (ii) to recognize equitable considerations or public policies, including but not limited to a preference to users, he is authorized to sell national resource lands with modified competitive bidding or without competitive bidding.

SEC. 206.—RIGHT TO REFUSE OR REJECT OFFER OF PURCHASE.—Until the Secretary has accepted an offer to purchase, he may refuse to accept any offer or may withdraw any land or interest in land from sale under this Act when he determines that consummation of the sale would not be consistent with this Act or other applicable law. The Secretary shall accept or reject, in writing, any offer to purchase made through competitive bid at his invitation no later than thirty days after the submission of such offer.

SEC. 207. RESERVATION OF MINERAL INTERESTS.—All conveyances of title issued by the Secretary under this Act, except conveyances under the exchange authority provided in section 213, shall reserve to the United States all minerals in the lands, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe: *Provided*, That, where prospecting, mining, or removing minerals reserved to the United States would interfere with or preclude the appropriate use or development of such land, the Secretary may (1) enter into covenants which provide that such activities shall not be pursued for a specified period or (2) convey the minerals in the conveyance of title in accordance with the provisions of section 208(a) (1) and (2) and (c) of this Act.

SEC. 208. CONVEYANCE OF RESERVED MINERAL INTERESTS.—(a) The Secretary may convey mineral interests owned by the United States where the surface is in non-Federal ownership, regardless of which Federal agency may have administered the surface, if he finds (1) that there are no mineral values in the land, or (2) that the reservation of the mineral rights in the United States is interfering with or precluding appropriate nonmineral development of the land and that such development is a more beneficial use of the land than mineral development.

(b) Conveyance of mineral interests pursuant to this section shall be made only to the record owner of the surface, upon payment of administrative costs and the fair market value of the interests being conveyed.

(c) The patent for any mineral interests conveyed pursuant to this section shall provide that, in the event that mineral development activities are initiated, the mineral interests of the owner or owners of the parcel of land on which such activities are initiated, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe, shall revert to the United States.

(d) Before considering an application for conveyance of mineral interests pursuant to this section the Secretary shall require the deposit of a sum of money which he deems sufficient to cover administrative costs including, but not limited to, costs of conducting an exploratory program to determine the character of the mineral deposits in the land, evaluating the data obtained under the exploratory program to determine the fair market value of the mineral interests to be conveyed, and preparing and issuing the documents of conveyance. If the administrative costs exceed the deposit, the applicant shall pay the outstanding amount; and if the deposit exceeds the administrative costs, the applicant shall be given a credit for or refund of the excess.

(e) Moneys paid to the Secretary for administrative costs pursuant to subsection (d) of this section shall be paid to the agency which rendered the service and deposited to the appropriation then current.

SEC. 209. TERMS OF PATENT.—The Secretary shall insert in any patent or other document of conveyance he issues under this Act such terms, covenants, conditions, and reservations as he deems necessary to insure proper land use and protection of the public interest.

SEC. 210. CONFORMING CONVEYANCES TO STATE AND LOCAL PLANNING.—The Secretary shall not make conveyances of national resource lands under this Act which would be in conflict with State and local land use plans, programs, zoning, and regulations. At least ninety days prior to offering for sale or otherwise conveying national resource lands under this Act, the Secretary shall notify the Governor of the State within which such lands are located and the head of the governing body of any political subdivision of the State having zoning or other land use regulatory jurisdiction in the geographical area within which such lands are located, in order to afford the appropriate body the opportunity to zone or otherwise regulate, or change or amend existing zoning or other regulations concerning, the use of such lands prior to such conveyance.

SEC. 211. AUTHORITY TO ISSUE AND CORRECT DOCUMENTS OF CONVEYANCE.—Consistent with his authority to dispose of national resource lands, the Secretary is authorized to issue deeds, patents, and other indicia of title, and to correct such documents where necessary. In addition, the Secretary is authorized to make corrections on any documents of conveyance which have heretofore been issued on lands which would, at the time of their conveyance, have met the description of national resource lands.

SEC. 212. RECORDABLE DISCLAIMERS OF INTEREST IN LAND.—(a) After consulting with any affected Federal agency, the Secretary is authorized to issue a document of disclaimer of interest or interests in any lands in any form suitable for recordation, where the disclaimer will help remove a cloud on the title of such lands and where he determines (1) a record interest of the United States in lands has terminated by operation of law; or (2) the lands lying between the meander line shown on a plat of survey approved by the Bureau of Land Management or its predecessors and the actual shoreline of a body of water are not lands of the United States; or (3) accreted, relicted, or avulsed lands are not lands of the United States.

(b) No document of disclaimer shall be issued pursuant to this title unless the applicant therefor has filed with the Secretary an application in writing and notice of such application setting forth the grounds supporting such application has been published in the Federal Register at least ninety days preceding the issuance of such disclaimer and until the applicant therefor has paid to the Secretary the administrative costs of issuing the disclaimer as determined by the Secretary. All receipts shall be credited to the appropriation from which expended.

(c) Issuance of a document of disclaimer by the Secretary pursuant to the provisions of this section and regulations promulgated hereunder shall have the same effect as a quitclaim deed from the United States.

SEC. 213. ACQUISITION OF LAND.—(a) The Secretary is authorized to acquire, by purchase, exchange, or donation, lands or interests therein where necessary for proper management of the national resource lands: *Provided*, That land or interests in land may be acquired pursuant to this title by eminent domain only if necessary in order to secure access to national resource lands: *And provided further*, That any such national resource lands acquired by eminent domain shall be confined to as narrow a corridor as is necessary to serve such purpose.

(b) Acquisitions pursuant to this Act shall be consistent with applicable land use plans prepared by the Secretary under section 103 of this Act.

(c) In exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal land or interests therein and in exchange therefor he may convey to the grantor of such land or interests any national resource lands or interests therein which, under section 202 of this Act, he finds proper for transfer out of Federal ownership and which are located in the same State as the non-Federal land to be acquired. The values of the lands eso exchanged either shall be equal, or if they are not equal, shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require.

(d) Lands acquired by exchange under this section or section 301(c) which are within the boundaries of the national forest system may be transferred to the Secretary of Agriculture for administration as part of, and in accordance with laws, rules, and regulations applicable to, the national forest system. Such transfer shall not result in the reduction in the percentage of in-lieu payments receivable by State and local governments. Lands acquired by exchange under this section or section 301(c) which are within the boundaries of national park, wildlife refuge, wild and scenic rivers, trails, or any other system established by Act of Congress may be transferred to the appropriate agency head for administration as part of, and in accordance with the laws, rules, and regulations applicable to, such system.

(e) Lands and interests in lands acquired pursuant to this section or section 301(c) shall, upon acceptance of title, become national resource lands, and, for the administration of public land laws not repealed by this Act, shall become public lands. If such acquired lands or interests in lands are located within the exterior boundaries of a grazing district established pursuant to section 1 of the Taylor Grazing Act (48 Stat. 1269), as amended, they shall become a part of that district.

TITLE III—MANAGEMENT IMPLEMENTING AUTHORITY

SEC. 301. STUDIES, COOPERATIVE AGREEMENTS, AND CONTRIBUTIONS.—(a) The Secretary may conduct investigations, studies, and experiments, on his own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the national resource lands.

(b) The Secretary may enter into contracts or cooperative agreements involving the management, protection, development, acquisition, and conveying of the national resource lands.

(c) The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the national resource lands, including the acquisition of rights-of-way for such purposes. He may accept contributions for cadastral surveying performed on federally controlled or intermingled lands. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to the function toward the administration of which the contributions were made and for refunds to depositors of amounts contributed by them in specific instances where contributions are in excess of their share of the cost.

SEC. 302. SERVICE CHARGES, REIMBURSEMENT PAYMENTS, AND EXCESS PAYMENTS. (a) Notwithstanding any other provision of law, the Secretary may establish filing fees, service fees and charges, and commissions with respect to applications and other documents relating to national resource lands and may change and abolish such fees, charges, and commissions.

(b) The Secretary is authorized to require a deposit of any payments intended to reimburse the United States for extraordinary costs with respect to applications and other documents relating to national resource lands. The moneys received for extraordinary costs under this subsection shall be deposited with the Treasury in a special account and are hereby appropriated and made available until expended. As used in this subsection, "extraordinary costs" include but are not limited to the costs of special studies; environmental impact statements; monitoring construction, operation, maintenance, and termination of any authorized facility; or other special activities.

(c) In any case where it shall appear to the satisfaction of the Secretary that any person has made a payment under any statute relating to the sale, lease, use, or other disposition of the national resource lands which is not required or is in excess of the amount required by applicable law and the regulations issued by the Secretary, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds.

SEC. 303. WORKING CAPITAL FUND.—(a) There is hereby established a working capital fund for the management of national resource lands. This fund shall be available without fiscal year limitation for expenses necessary for furnishing, in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and regulations promulgated thereunder, supplies and equipment services in support of Bureau of Land Management programs, including but not limited to, the purchase or construction of storage facilities, equipment yards, and related improvements and the purchase, lease, or rent of motor vehicles, aircraft, heavy equipment, and fire control and other resource management equipment within the limitations set forth in appropriations made to the Bureau of Land Management.

(b) The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) The fund shall be credited with payments from appropriations and funds of the Bureau of Land Management, other agencies of the Department of the Interior, other Federal agencies, and other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities, supplies, equipment, and services (including depreciation and accrued annual leave). Such payments may be made in advance in connection with firm orders, or by way of reimbursement.

(d) There is hereby authorized to be appropriated not to exceed $3,000,000 as initial capital of the working capital fund.

Sec. 304. Deposits and Forfeitures.—(a) Any moneys received by the United States as a result of the forfeiture of a bond or other security by a resource developer or purchaser or permittee who does not fulfill the requirements of his contract or permit or does not comply with the regulations of the Secretary; or as a result of a compromise or settlement of any claim whether sounding in tort or in contract involving present or potential damage to national resource lands shall be credited to a separate account in the Treasury and are hereby appropriated and made available, until expended as the Secretary may direct, to cover the cost to the United States of any improvement, protection, or rehabilitation work on the national resource lands which has been rendered necessary by the action which has led to the forfeiture, compromise, or settlement.

(b) The Secretary may require a user or users of roads, trails, lands, or facilities under the jurisdiction of the Bureau of Land Management to maintain such roads, trails, lands, or facilities in a satisfactory condition commensurate with tions of the Secretary, or as a result of a compromise or the extent of such maintenance to be shared by the users in proportion to such use or, if such maintenance cannot be so provided to deposit sufficient money to enable the Secretary to provide such maintenance. Such deposits shall be credited to a separate account in the Treasury and are hereby appropriated and made available until expended, as the Secretary may direct, to cover the cost to the United States of the maintenance of any road, trail, lands, or facility under the jurisdiction of the Bureau of Land Management: Provided, That nothing in this subsection shall be construed to require the user or users to provide maintenance or deposits to repair any damages attributable to general public use rather than the specific use or uses of such user or users.

(c) Any moneys collected under this Act in connection with lands administered under the Act of August 28, 1937 (50 Stat. 874), as amended, shall be expended for the benefit of such land only.

(d) If any portion of a deposit or amount forfeited under this Act is found by the Secretary to be in excess of the cost of doing the work authorized under this Act, the amount in excess shall be transferred to miscellaneous receipts.

Sec. 305. Contracts for Cadastral Survey Operations and Resource Protection.—(a) The Secretary is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for airborne cadastral survey and resource protection operations of the Bureau of Land Management. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred.

(b) Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

Sec. 306. Unauthorized Use.—The use, occupancy, or development of any portion of the national resource lands contrary to any regulation of the Secretary or other responsible authority, or contrary to any order issued to pursuant to any such regulation, is unlawful and prohibited.

Sec. 307. Enforcement Authority.—(a) Any violation of regulations which the Secretary issues with respect to the management, protection, development, acquisition, and conveying of the national resource lands and property located thereon and which the Secretary identifies as being subject to this section shall be punishable by a fine of not more than $1,000 or imprisonment for not more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

(b) At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from using the national resource lands in violation of laws or regulations relating to lands or resources managed by the Secretary.

(c) For the specific purpose of enforcing any law or regulation relating to lands or resources managed by the Secretary, the Secretary may designate any employee to (i) carry firearms; (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; (iii) make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view, or for a felony if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; (iv) search without warrant or process any person, place, or conveyance as provided by law; and (v) seize without warrant or process any evidentiary item as provided by law.

Sec. 308. Cooperation With State and Local Law Enforcement Agencies.—In connection with administration and regulation of the use and occupancy of the national resource lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof. Such cooperation may include reimbursement to a State or its subdivision for expenditures incurred by it in connection with activities which assist in the administration and regulation of use and occupancy of national resource lands.

Sec. 309. California Desert Area.—(a) The Congress finds that—

(1) the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, and educational resources that are unique and irreplaceable;

(2) the desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archeological and historic, sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use;

(4) because of the proximity of the California desert to the rapidly growing population centers of southern California, these threats are certain to intensify;

(5) the Secretary has initiated a comprehensive planning process and established an interim management program for the California desert; and

(6) to insure further study of the relationship of man and the desert environment and preserve the unique and irreplaceable resources of the California desert, the public must be provided more opportunity to participate in such planning and management, and additional management authority must be provided to the Secretary to enable effective implementation of such planning and management.

(b) It is the purpose of this section to provide for the immediate and future protection and management of the California desert within the framework of a program of multiple use and the maintenance of environmental quality.

(c) (1) For the purpose of this section, the "California desert area" is the area generally depicted on a map entitled "California Desert Area—Proposed", dated April 1974, and on file in the Office of the Director of the Bureau of Land Management.

(2) As soon as practicable after this Act takes effect, the Secretary shall file a map and a legal description of the California desert area with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made by the Secretary. To the extent practicable, the Secretary shall make such legal description and may available to the public promptly upon request.

(d) The Secretary, in accordance with section 103, shall prepare and implement a comprehensive, long-range plan for the management, use, and protection of the national resource lands within the California desert area. Such plan shall be completed and implementation thereof initiated on or before June 30, 1979.

(e) During the period beginning on the date of enactment of this Act and ending on the effective date of implementation of the comprehensive, long-range plan, the Secretary shall execute an interim program to manage and protect the national resource lands, and their resources now in danger of destruction, in the California desert area, to provide for the public use of such lands in an orderly and reasonable manner such as through the development of campgrounds and visitor centers, and to provide for a uniformed desert ranger force.

(f) (1) The Secretary, within sixty days of enactment of this Act, shall establish a California Desert Area Advisory Committee (hereinafter referred to as "advisory committee") in accordance with the provisions of section 6 of this Act.

(2) It shall be the function of the advisory committee to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required under subsection (d) of this section.

(g) The Secretaries of Agriculture and Defense shall manage lands within their respective jurisdictions located in or adjacent to the California desert area, in accordance with the laws relating to such lands and wherever practicable, in a manner consonant with the purpose of this section. The Secretaries of the Interior, Agriculture, and Defense are authorized and encouraged to consult among themselves and take cooperative actions to carry out this subsection.

(h) The Secretary shall report to the Congress no later than two years after the enactment of this Act, and annually thereafter in the report required in section 7 of this Act, on the progress in, and any problems concerning, the implementation of this section, together with any recommendations, which he may deem necessary, to remedy such problems.

(i) There is authorized to be appropriated for fiscal years 1975 through 1979 not to exceed $40,000,000 to effect the purpose of this section, such amount to remain available until expended.

Sec. 310. Oil Shale Revenues.—Section 35 of the Act of February 25, 1920 (41 Stat. 450), as amended (30 U.S.C. 191), is further amended by striking the period at the end of the proviso and inserting in lieu thereof the language as follows: ": *And provided further,* That all moneys paid on or after January 1, 1974, to any State from sales, bonuses, royalties, and rentals of public lands for the purpose of research in or development of shale oil may be used by such State and its subdivisions for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services, as the legislature of the State may direct.".

TITLE IV—AUTHORITY TO GRANT RIGHTS-OF-WAY

Sec. 401. Authorization To Grant Rights-of-Way.—(a) The Secretary is authorized to grant, issue, or renew rights-of-way over, upon, or through the national resource lands for—

(1) Reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water;

(2) Pipelines and other systems for the transportation or distribution of liquids and gases, other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, or water and for storage and terminal facilities in connection therewith;

(3) Pipelines, slurry and emulsion systems, and conveyor belts for transportation and distribution of solid materials, and facilities for the storage of such materials in connection therewith;

(4) Systems for generation, transmission, and distribution of electric energy, except that the applicant shall also comply with all applicable requirements of the Federal Power Commission under the Act of June 10, 1920, as amended (16 U.S.C. 796, 797);

(5) Systems for transmission or reception of radio, television, telegraph, and other electronic signals, and other means of communication;

(6) Roads, trails, highways, railroads, canals, tramways, airways, livestock driveways, or other means of transportation; and

(7) Such other necessary transportation or other systems or facilities which are in the public interest and which require rights-of-way over, upon, or through the national resource lands.

(b)(1) The Secretary shall require, prior to granting, issuing, or renewing a right-of-way, that the applicant submit and disclose any or all plans, contracts, agreements, or other information or material reasonably related to the use, or intended use, of the right-of-way which he deems necessary to a determination, in accordance with the provisions of this title, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which should be included in such right-of-way.

(2) If the applicant is a partnership, corporation, association, or other business entity, the Secretary, prior to granting a right-of-way pursuant to this title, shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include, where applicable: (1) the name and address of each partner; (2) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote; and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

(c) Nothing in this title shall be deemed to limit in any way the authority of the Secretary to make grants, issue leases, licenses, or permits, or enter into contracts under other provisions of law, for purposes ancillary or complementary to the construction, operation, maintenance, or termination of any facility authorized under this title.

Sec. 402. Right-of-Way Corridors.—(a) After the Secretary has submitted the report required by section 28(s) of the Mineral Leasing Act of 1920, as amended by the Act of November 16, 1973 (87 Stat. 576), he shall, consistent with applicable land use plans, designate transportation and utility corridors on national resource lands and, to the extent practical and appropriate, require that rights-of-way be confined to them. In designating such corridors and in determining whether to require that rights-of-way be confined to them, the Secretary shall take into consideration National and State land use policies, environmental quality, economic efficiency, national security, safety, and good engineering and technological practices. The Secretary shall issue regulations containing the criteria and procedures he will use in designating such corridors. Any existing transportation and utility corridors may be designated as transportation and utility corridors pursuant to this subsection without further review.

(b) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across national resource lands, the use of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way granted pursurant to this title.

Sec. 403. General Provisions.—(a) The Secretary shall specify the boundaries of each right-of-way as precisely as is practicable. Each right-of-way shall be limited to the ground which the Secretary determines: (1) will be occupied by facilities which constitute the project for which the right-of-way is given, (2) to be necessary for the operation or maintenance of the project, and (3) to be necessary to protect the environment or public safety. The Secretary may authorize the temporary use of such additional lands as he determines to be reasonably necessary for the construction, operation, maintenance, or termination of the project or a portion thereof, or for access thereto.

(b) The Secretary shall determine the duration of each right-of-way or other authorization to be granted, issued, or renewed pursuant to this title. In determining the duration the Secretary shall, among other things, take into consideration the cost of the facility and its useful life.

(c) Rights-of-way granted, issued, or renewed pursuant to this title shall be given under such regulations or stipulations, in accord with the provision of this title or any other law, and subject to such terms and conditions as the Secretary may prescribe regarding extent, duration, survey, location, construction, maintenance, and termination.

(d) The Secretary, prior to granting a right-of-way pursuant to this title for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way which shall comply with stipulations or with regulations issued by the Secretary. The Secretary shall issue regulations or impose stipulations which shall include, but shall not be limited to: (1) requirements to insure that activities on the right-of-way will not violate applicable air and water quality standards or applicable transmission, powerplant, and related facility siting standards established by or pursuant to law; (2) requirements designed to control or prevent (A) damage to the environment (including damage to fish and wildlife habitat), (B) damage to public or private property, and (C) hazards to public health and safety; and (3) requirements to protect the interests of individuals living in the general area traversed by the rights-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be regularly revised. Such regulations shall be applicable to every right-of-way granted pursuant to this title, and may be applicable to rights-of-way to be renewed pursuant to this title.

(e) Mineral and vegetative materials, including timber, within or without a right-of-way may be used or disposed of in connection with construction or other purposes only if authorization to remove or use such materials has been obtained pursuant to applicable laws.

(f) No right-of-way shall be issued for less than the fair market value thereof as determined by the Secretary. The Secretary may, by regulation or prior to promulgation of such regulations, as a condition of a right-of-way, require an applicant for or holder of a right-of-way to reimburse the United States for all reasonable administrative and other costs incurred in processing an application for such right-of-way and in inspection and monitoring of construction, operation, and termination of the facility pursuant to such right-of-way: *Provided, however,* That rights-of-way may be granted, issued, or renewed to State or local governments or agencies or instrumentalities thereof, or to nonprofit associations or nonprofit corporations which are not themselves controlled or owned by profitmaking corporations or business enterprises, for such lesser charge as the Secretary finds equitable and in the public interest.

(g) The Secretary shall promulgate regulations specifying the extent to which holders of rights-of-way under this title shall be liable to the United States for damage or injury incurred by the United States in connection with the rights-of-way. The regulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liabilities, damages, or claims arising in connection with the rights-of-way.

(h) Where he deems it appropriate, the Secretary may require a holder of a right-of-way to furnish a bond, or other security, satisfactory to the Secretary to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or by any rule or regulation of the Secretary.

(i) The Secretary shall grant, issue, or renew a right-of-way under this title only when he is satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested, and in accord with the requirements of this title.

Sec. 404. Terms and Conditions.—Each right-of-way shall contain such terms and conditions as the Secretary deems necessary to (1) carry out the purposes of this Act and rules and regulations hereunder; (2) protect the environment; (3) protect Federal property and monetary interests; (4) manage efficiently national resource lands which are subject to the right-of-way or adjacent thereto and protect the other lawful users of the national resource lands adjacent to or traversed by said right-of-way; (5) protect lives and property; (6) protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and (7) protect the public interest in the national resource lands.

Sec. 405. Suspension or Termination of Right-of-Way.—Abandonment of the right-of-way or noncompliance with any provision of this title, condition of the right-of-way, or applicable rule or regulation of the Secretary may be grounds for suspension or termination of the right-of-way if, after due notice to the holder of the right-of-way and an appropriate administrative proceeding pursuant to title 5, United States Code, section 554, the Secretary determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed-upon condition, event, or time. If the Secretary determines that an immediate temporary suspension of activities within a right-of-way for violation of its terms and conditions is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding. Prior to commencing any proceeding to suspend or terminate a right-of-way the Secretary shall give written notice to the holder of the ground or grounds for such action and shall give the holder a reasonable time to assume use of the right-of-way or to comply with this title, condition, rule, or regulation as the case may be. Deliberate failure of the holder of the right-of-way to use the right-of-way for the purpose for which it was granted, issued, or renewed for any continuous five-year period shall constitute a rebuttable presumption of abandonment of the right-of-way *Provided, however*, That where the failure of the holder to use the right-of-way for the purpose for which it was granted, issued, or renewed for and continuous five-year period is due to circumstances not within the holder's control the Secretary is not required to commence proceedings to suspend or terminate the right-of-way.

Sec. 406. Rights-of-Way for Federal Agencies.—(a) The Secretary may reserve for the use of any department or agency of the United States a right-of-way over, upon, or through national resource lands, subject to such terms and conditions as he may impose. The provisions of this title shall be applicable to any such right-of-way.

(b) Where a right-of-way has been provided for the use of any department or agency of the United States, the Secretary shall take no action to terminate, or otherwise limit, that use without the consent of the head of that other department or agency.

Sec. 407. Conveyance of Lands.—If under applicable law the Secretary decides to transfer out of Federal ownership, by patent, deed, or otherwise, any national resource lands covered in whole or in part by a right-of-way, including a right-of-way granted under the Act of November 16, 1973 (87 Stat. 576), the lands may be conveyed subject to the right-of-way; however, if the Secretary determines that retention of Federal control over the right-of-way is necessary to assure that the purposes of this title will be carried out, the terms and conditions of the right-of-way complied with, or the national resource lands protected, he shall (1) reserve to the United States that portion of the lands which lies within the boundaries of the right-of-way, or (2) convey the lands, including that portion within the boundaries of the right-of-way, subject to the right-of-way and reserving to the United States the right to enforce all or any of the terms and conditions of the right-of-way, including the right to renew it or extend it upon its termination and to collect rents.

Sec. 408. Existing Rights-of-Way.—Nothing in this title shall have the effect of terminating any rights-of-way or rights-of-use heretofore issued, granted, or permitted by the Secretary. However, with the consent of the holder thereof, the Secretary may cancel such a right-of-way and in its stead issue a right-of-way pursuant to the provisions of this title.

Sec. 409. State Standards.—The Secretary shall take into consideration and, to the extent practical, comply with State standards for right-of-way construction, operation, and maintenance if those standards are more stringent than Federal standards and if the national resource lands are adjacent to lands to which such State standards apply.

Sec. 410. Effect on Other Laws.—(a) After the date of enactment of this Act, no right-of-way for the purposes listed in this title shall be granted, issued, or renewed over, upon, or through national resource lands except under and subject to the provisions, limitations, and conditions of this title: *Provided*, That any application for a right-of-way filed under any other law prior to the date of enactment of this Act may, at the applicant's option, be considered as an application under this title or the Act under which the application was filed. The Secretary may require the applicant to submit any additional information he deems necessary to comply with the requirements of this title.

(b) Nothing in this title shall be construed to preclude the use of national resource lands for highway purposes pursuant to sections 107 and 317 of title 23, United States Code.

TITLE V—CONSTRUCTION OF LAW, PRESERVATION OF VALID EXISTING RIGHTS, AND REPEAL OF LAWS.

Sec. 501. Construction of Law.—(a) Except as provided in section 410, the authority conferred upon the Secretary by this Act is in addition to all other authority vested in him by law, and nothing in this Act shall be deemed to repeal any such other authority by implication.

(b) Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States, or—

(1) as affecting in any way any law governing appropriations or use of, or Federal right to, water on national resource lands;

(2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(3) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two or more States and the Federal Government;

(4) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or regulatory functions in relation thereto;

(5) as modifying the terms of any interstate compact;

(6) as a limitation upon any State criminal statute or upon the police power of the respective States, or as derogating the authority of a local police officer in the performance of his duties, or as depriving any State or political subdivision thereof of any right it may have to exercise civil and criminal jurisdiction on the national resource lands;

(7) as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national resource lands; or

(8) as amending, limiting, or infringing the existing laws providing grants of land to the States.

Sec. 502. Valid Existing Rights.—All actions by the Secretary under this Act shall be subject to valid existing rights.

Sec. 503. Repeal of Laws Relating to Disposal of National Resource Lands.—(a) The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Homesteads:				
Revised Statute 2289				161, 171.
Mar. 3, 1891	561	5	26: 1097	161, 162.
Revised Statute 2290				162.
Revised Statute 2295				163.
Revised Statute 2291				164.
June 6, 1912	153		37: 123	164, 169, 218.
May 14, 1880	89		21: 141	166, 185, 202, 223.
June 6, 1900	821		31: 683	166, 223.
Aug. 9, 1912	280		37: 267	
Apr. 6, 1914	51		38: 312	167.
Mar. 1, 1921	90		41: 1193	
Oct. 17, 1914	325		38: 740	168.
Revised Statute 2297				169.
Mar. 3, 1881	153		21: 511	
Oct. 22, 1914	335		38: 766	170.
Revised Statute 2292				171.
June 8, 1880	136		21: 166	172.
Revised Statute 2301				173.
Mar. 3, 1891	561	6	26: 1098	
June 3, 1869	312	2	29: 197	
Revised Statute 2288				174.
Mar. 3, 1891	561	3	26: 1097	
Mar. 3, 1905	1424		33: 991	
Revised Statute 2296				175.
Apr. 28, 1922	155		42: 502	
May 17, 1900	479	1	31: 179	179.
Jan. 26. 1901	180		31: 740	180.
Sept. 5, 1914	294		38: 712	182.
Revised Statute 2300				183.
Aug. 31, 1918	166	8	40: 957	
Sept. 13, 1918	173		40: 960	
Revised Statute 2302				184, 201.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
July 26, 1892	251		27: 270	185.
Feb. 14, 1920	76		41: 434	186.
Jan. 21, 1922	32		42: 358	
Dec. 28, 1922	19		42: 1067	
June 12, 1930	471		46: 580	
Feb. 25, 1925	326		43: 981	187.
June 21, 1934	690		48: 1185	187a.
May 22, 1902	821	2	32: 203	187b.
June 5, 1900	716		31: 270	188, 217.
Mar. 3, 1875	131	15	18: 420	189.
July 4, 1884	180	Only last paragraph of sec. 1.	23: 96	190.
Mar. 1, 1933	160	1	47: 1418	190a.

The following words only: "Provided, That no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah, nor shall further Indian homesteads be made in said county under the Act of July 4, 1884 (23 Stat. 96: U.S.C. title 43, sec. 190)."

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Revised Statutes 2310, 2311.				191.
June 13, 1902	1080		32: 384	203.
Mar. 3, 1879	191		20: 472	204.
July 1, 1879	60		21: 46	205.
May 6, 1886	88		24: 22	206.
Aug. 21, 1916	361		39: 518	207.
June 3, 1924	240		43: 357	208.
Revised Statute 2298				211.
Aug. 30, 1890	837		26: 391	212.

The following words only: "No person who shall after the passage of this act, enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but this limitation shall not operate to curtail the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry or settlement, is validated by this act."

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Mar. 3, 1891	561	17	26: 1101	

The following words only: "and that the provision of 'An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes,' which reads as follows: 'No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws,' shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws."

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Apr. 28, 1904	1776		33: 527	213.
Aug. 3, 1950	521		64: 398	
Mar. 2, 1889	381	6	25: 854	214.
Feb. 20, 1917	98		39: 925	215.
Mar. 4, 1921	162	1	41: 1433	216.
Feb. 19, 1909	160		35: 639	218.
June 13, 1912	166		37: 132	
Mar. 3, 1915	84		38: 953	
Mar. 3, 1915	91		38: 957	
Mar. 4, 1916	150	2	38: 1163	
July 3, 1916	220		39: 344	
Feb. 11, 1913	39		37: 666	218, 219.
June 17, 1910	298		36: 531	219.
Mar. 3, 1915	91		38: 957	
Sept. 5, 1916	440		39: 724	
Aug. 10, 1917	52	10	40: 275	
Mar. 4, 1915	150	1	38: 1162	220.
Mar. 4, 1923	245	1	42: 1445	222.
Apr. 28, 1904	1801		33: 547	224.
Mar. 2, 1907	2527		34: 1224	
May 29, 1908	220	7	35: 466	
Aug. 24, 1912	371		37: 499	
Aug. 22, 1934	270		38: 704	231.
Feb. 25, 1919	21		40: 1153	
July 3, 1916	214		39: 341	232.
Sept. 29, 1919	64		41: 288	233.
Apr. 6, 1922	122		42: 491	233, 272, 273.
Mar. 2, 1889	381	3	25: 854	234.
Dec. 29, 1894	14		28: 599	
July 1, 1879	63	1	21: 48	235.
Dec. 20, 1917	6		40: 430	236.
July 24, 1919	26	Next to last paragraph only.	41: 271	237.
Mar. 2, 1932	69		47: 59	237a.
May 21, 1934	320		48: 787	237b.
May 22, 1935	135		49: 286	237c.
Aug 19, 1935	560		49: 659	237d.
Mar. 31, 1938	57		52: 149	
Apr. 20, 1936	239		49: 1235	237e.
July 30, 1956	778	1, 2, 4	70: 715	237 f, g, h.
Mar. 1, 1921	102		41: 1202	238.
Apr. 7, 1922	125		42: 492	
Revised Statute 2308				239.
June 16, 1898	458		30: 473	240.
Aug. 29, 1916	420		39: 671	
Apr. 7, 1930	108		46: 144	243.
Mar. 3, 1933	198		47: 1424	243a.
Mar. 3, 1879	192		20: 472	251.
Mar. 2, 1889	381	7	25: 855	252.
June 3, 1878	152		20: 91	253.
Revised Statute 2294				254.
May 26, 1890	355		26: 121	
Mar. 11, 1902	182		32: 63	
Mar. 4, 1904	394		33: 59	
Feb. 23, 1923	105		42: 1281	
Revised Statute 2293				255.
Oct. 6, 1917	86		40: 391	
Mar. 4, 1913	149	Only last paragraph of section headed "Public Land Service."	37: 925	256.
May 13, 1932	178		47: 143	256a.
June 16, 1933	99		48: 274	
July 26, 1935	419		49: 504	
June 16, 1937	361		50: 303	
Aug. 27, 1935	770		49: 909	256b.
Sept. 30, 1890	J. Res. 59		26: 684	261.
June 16, 1880	244		21: 287	263.
Apr. 18, 1904	25		33: 589	
Revised Statute 2304				271.
Mar. 1, 1901	674		31: 847	271, 272.
Revised Statute 2305				272.
Feb. 25, 1919	37		40: 1161	272a.
Dec. 28, 1922	19		42: 1067	
Revised Statute 2306				274.
Mar. 3, 1893	208		27: 593	275.

The following words only: "And provided further: That where soldier's additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land; but no person shall be permitted to acquire more than one handred and sixty acres of public land through the location of any such certificate."

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Aug. 18, 1894	301	Only last paragraph of Section headed "Surveying the Public Lands."	28; 379	276.
Revised Statute 2309				277.
Revised Statute 2307				278.
Sept. 21, 1922	357		42:990	
Sept. 27, 1944	421		58: 747	279–283.
June 25, 1946	474		60: 308	279.
May 31, 1947	88		61: 123	279, 280, 282.
June 18, 1954	306		68: 253	279, 282.
June 3, 1948	399		62: 305	283, 284.
Dec. 29, 1916	9	1-8	39: 862	291–298.
Feb. 28, 1931	328		46: 1454	291.
June 9, 1933	53		48: 119	291.
June 6, 1924	274		45: 469	292.
Oct. 25, 1918	195		40: 1016	293.
Sept. 29, 1919	63		41: 287	294, 295.
Mar. 4, 1923	245	2	42: 1445	302.
Aug. 21, 1916	361		39: 518	1075.
Aug. 28, 1937	876	3	50: 875	1181c.
2. Sale and Disposal Laws:				
Mar. 3, 1891	561	9	26: 1099	671.
Revised Statute 2354				673.
Revised Statute 2355				674.
May 18, 1898	344	2	30: 418	675.
Revised Statute 2365				676.
Revised Statute 2357				678.
June 15, 1880	227	3, 4	21: 238	679, 680.
Mar. 2, 1889	381	4	25: 854	681.
Mar. 1, 1907	2286		34: 1052	682.
June 1, 1938	317		52: 509	682a–e.
July 14, 1945	298		59: 467	
June 8, 1954	270		68: 239	
Revised Statute 2361				688.
Revised Statute 2362				689.
Revised Statute 2363				690.
Revised Statute 2368				691.
Revised Statute 2366				692.
Revised Statute 2369				693.
Revised Statute 2370				694.
Revised Statute 2371				695.
Revised Statute 2374				696.
Revised Statute 2372				697.
Feb. 24, 1909	181		35: 645	
May 21, 1926	353	The two provisos only.	44: 591	
Revised Statute 2375				698.
Revised Statute 2376				699.
Mar. 2, 1889	381	1	25: 854	700.
3. Townsite Reservation and Sale:				
Revised Statute 2380				711.
Revised Statute 2381				712.
Revised Statute 2382				713.
Aug. 24, 1954	904		68: 792	
Revised Statute 2383				714.
Revised Statute 2384				715.
Revised Statute 2386				717.
Revised Statute 2387				718.
Revised Statute 2388				719.
Revised Statute 2389				720.
Revised Statute 2391				721.
Revised Statute 2392				722.
Revised Statute 2393				723.
Revised Statute 2394				724.
Mar. 3, 1877	113	1, 3, 4	19: 392	725–727.
Mar. 3, 1891	561	16	26:1101	728.
July 9, 1914	138		38: 454	730.
Feb. 9, 1903	531		32: 820	731.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
4. Drainage Under State Laws:				
May 20, 1908	181	1-7	35: 171	1021–1027.
May 1, 1958	P.L. 85-387		72: 99	1029-1034.
Jan. 17, 1920	47		41: 392	1041–1048.
5. Abandoned Military Reservation:				
July 5, 1884	214	5	23: 104	1074.
Aug. 21, 1916	361		39: 518	1075.
Mar. 3, 1893	208		27: 593	1076.
The following words only: "Provided, That the President is hereby authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place."				
Aug. 23, 1894	314		28: 491	1077, 1078.
Feb. 11, 1903	543		32: 822	1079.
Feb. 15, 1895	92		28: 664	1080, 1077.
Apr. 23, 1904	1496		33: 306	1081.
6. Public Lands; Oklahoma:				
May 2, 1890	182	Last paragraph of sec. 18 and secs. 20, 21, 22, 24, 27.	26: 90	1091–1094, 1096, 1097.
Mar. 3, 1891	543	16	26: 1026	1098.
Aug. 7, 1946	772	1, 2	60: 872	1100-1101.
Aug. 3, 1955	498	1-8	69: 445	1102–1102g.
May 14, 1890	207		26: 109	1111–1117.
Sept. 1, 1893	J. Res. 4		28: 11	1118.
May 11, 1896	168	1, 2	29: 116	1119.
Jan. 18, 1897	62	1-3, 5, 7	29: 490	1131-1134.
June 23, 1897	8		30: 105	
Mar. 1, 1899	328		30: 966	
7. Sales of Isolated Tracts:				
Revised Statute 2455				1171.
Feb. 26, 1895	133		28: 687	
June 27, 1906	3554		34:517	
Mar. 28, 1912	67		37: 77	
Mar. 9, 1928	164		45: 253	
June 28, 1934	865	14	48: 1274	
July 30, 1947	383		61: 630	
Apr. 24, 1928	428		45: 457	1171a.
May 23, 1930	313		46: 377	1171b.
Feb. 4, 1919	13		40: 1055	1172.
May 10, 1920	178		41: 595	1173.
Aug. 11, 1921	62		42: 159	1175.
May 19, 1926	337		44: 566	1176.
Feb. 14, 1931	170		46: 1105	1177.
8. Alaska Special Laws				
Mar. 3, 1891	561	11	26: 1099	732.
May 25, 1926	379		44: 629	733-736.
May 29, 1963	P.L. 88-34		77: 52	
July 24, 1947	305		61: 414	738.
May 14, 1898	299	1	30: 409	270.
Mar 3, 1903	1002		32: 1028	
Apr. 29, 1950	137	1	64: 94	
Aug 3, 1950	496		69: 444	270, 687a-2.
Apr. 29, 1950	137	2-5	64: 95	270, 270-5.
July 11, 1955	571	2	70: 529	270-6, 270-7, 687a-1.
July 8, 1916	228		39: 352	270-8, 270-9.
June 28, 1918	110		40: 632	270-10, 270-14.
July 11, 1956	571	1	70: 528	
Mar. 8, 1922	96	1	42: 415	270-11.
Aug. 23, 1958	P.L. 85-725	1, 4	72: 730	
Aug. 17, 1961	P.L. 87-147		75: 384	270-13.
Oct. 3, 1962	P.L. 87-742		76: 740	
Apr. 13, 1926	121		44: 243	270-15.
Apr. 29, 1950	134	3	64: 93	270-16, 207-17.
May 14, 1898	299	10	30: 413	270-4, 687a to 687a-5.
Mar. 3, 1927	323		44: 1364	
May 26, 1934	357		48: 809	
Aug. 23, 1958	P.L. 85-725	3	72: 730	
Mar. 3, 1891	561	13	26: 1100	687a-6.
Aug. 30, 1949	521		63: 679	687b to 687b-4.
July 19, 1963	P.L. 88-66		77: 80	687b-5.
9. Pittman Underground Water Act:				
Sept. 22, 1922	400		42:1012	356.

(b) Section 7 of the Taylor Grazing Act, 48 Stat. 1272, ch. 865, as amended by section 2 of the Act of June 26, 1936, 49 Stat. 1976, ch. 842, title I, 43 U.S.C. 315f, is further amended to read as follows:

"The Secretary of the Interior is authorized, in his discretion to examine and classify any lands withdrawn or reserved by Executive order of November 26, 1934 (numbered 6910), and amendments thereto, and Executive order of February 5, 1935 (numbered 6964), or within a grazing district, which are more valuable or suitable for any other use than for the use provided for under this Act, or proper for acquisition in satisfaction of any outstanding lien, exchange or land grant, and to open such lands to disposal in accordance with such classification under applicable public land laws. Such lands shall not be subject to disposition until after the same have been classified and opened to disposal.".

(c) Section 2 of the Act of March 8, 1922, 42 Stat. 416, ch. 96, as amended by section 2 of the Act of August 23, 1958, 72 Stat. 730, Public Law 85–725, 43 U.S.C. 270–12, is further amended to read:

"The coal, oil, or gas deposits reserved to United States in accordance with the Act of March 8, 1922 (42 Stat. 415, ch. 96, as added to by the Act of August 17, 1961, 75 Stat. 384, Public Law 87–147, and amended by the Act of October 3, 1962, 76 Stat. 740, Public Law 87–742), shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine or remove the coal or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times to enter upon the lands patented under the Act of March 8, 1922, as amended, and in accordance with the provisions hereof, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove oil and gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further*, That nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase.".

(e) Section 3 of the Act of August 30, 1949, 63 Stat. 679, ch. 521, 43 U.S.C. 687b–2, is amended to read:

"Notwithstanding the provisions of any Act of Congress to the contrary, any person who prospects for, mines, or removes any minerals from any land disposed of under the Act of August 30, 1949 (63 Stat. 679, ch. 521), shall be liable for any damage that may be caused to the value of the land and tangible improvements thereon by such prospecting for, mining, or removal of minerals. Nothing in this section shall be construed to impair any vested right in existence on August 30, 1949.".

(f) Notwithstanding any other provision of this Act, all laws of the United States in effect on the date immediately preceeding the effective date of this Act relating to homesteading in the United States shall, on and after such effective date, continue to be applicable to lands within the State of Alaska classified by the Secretary as suitable for homestead entry in the same manner and same extent as if this Act had not been enacted until June 30, 1984.

SEC. 504. REPEAL OF LAWS RELATING TO ADMINISTRATION OF NATIONAL RESOURCE LANDS.—The following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Mar. 2, 1895	174		28: 744	176.
2. June 28, 1934	865	8	48: 1272	315g.
June 26, 1936	842	3	49: 1976, title I.	
June 19, 1948	548	1	62: 533	
July 9, 1962	P.L. 87-524		76: 140	315g-1.
3. Aug. 24, 1937	744		50: 748	315p.
4. Mar. 3, 1909	271	2d proviso only.	35: 845	772.
June 25, 1910	J. Res. 40		36: 884	
5. June 21, 1934	689		48: 1185	871a.
6. Revised Statute	2447			1151.
Revised Statute	2448			1152.
7. June 6, 1874	223		18: 62	1153, 1154.
8. Jan. 28, 1879	30		20: 274	1155.
9. May 30, 1894	87		28: 84	1156.
10. Revised Statute	2450			1161.
Feb. 27, 1877	69	1	19: 244	
The following words only: "Section twenty-four hundred and fifty is amended by striking out in the fourth line the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior'".				
Revised Statute	2451			1162.
February 27, 1877	69	1	19: 244	
The following words only: "Section twenty-four hundred and fifty-one is amended by striking out, in the first and second lines, the words 'Secretary of the Treasury' and inserting the words 'Secretary of the Interior' ".				
Revised Statute	2456			1163.
Sept. 20, 1922	350		42: 857	
The Words: . . . and sections 2450, 2451, and 2456 be amended to read as follows:" and all words following in the Act.				
Revised Statute	2457			1164.
11. Mar. 3, 1891	561	7	26: 1098	1165.
12. Revised Statute	2471			1191.
Revised Statute	2472			1192.
Revised Statute	2473			1193.
13. July 14, 1960	P.L. 86-649	101–202(a), 203–204(a), 301–303.	74: 506	1361, 1362, 1363–1383.
14. Sept. 26, 1970	P.L. 91-429		84: 885	1362a.
15. July 31, 1939	401	1, 2	53: 1144	

SEC. 505. REPEAL OF LAWS RELATING TO RIGHTS-OF-WAY.—(a) The following statutes or parts of statutes are repealed insofar as they apply to national resource lands:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Revised Statutes 2339				661.
The following words only: "and the right-of-way for the construction of ditches and canals for the purpose herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage."				
Revised Statutes 2340				661.
The following words only: ", or rights to ditches and reservoirs used in connection with such water rights,".				
Feb. 26, 1897	335		29: 599	664.
Mar. 3, 1899	427	1	30: 1233	665, 958 (16 U.S.C. 525).
The following words only: "that in the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right-of-way for a wagon road, railroad, or other highway over and across any forest reservation or reservoir site when in his judgment the public interests will not be injuriously affected thereby."				
Mar. 3, 1875	152		18: 482	934-939
May 14, 1898	299	2-9	30: 409	942-1 to 924-9.
Feb. 27, 1901	614		31: 815	943.
June 26, 1906	3548		34: 481	944.
Mar. 3, 1891	561	18-21	26: 1101	946-949.
Mar. 4, 1917	184	1	39: 1197	
May 28, 1926	409		44: 668	
Mar. 1, 1921	93		41: 1194	950.
Jan. 13, 1897	11	29: 484	952-955.	
Mar. 3, 1923	219		42: 1437	
Jan. 21, 1895	37	28: 635	28: 635	951, 956, 957.
May 14, 1896	179		29: 120	
May 11, 1898	292		30: 404	
Mar. 4, 1917	184	2	39: 1197	
Feb. 15, 1901	372		31: 790	959 (16 U.S.C. 79, 522).
Mar. 4, 1911	238		36: 1253	961 (16 U.S.C. 420, 523).
Only the last two paragraphs under the subheading "Improvement of the National Forests" under the heading "Forest Service".				
May 27, 1952	338		66: 95	
May 21, 1896	212		29: 127	962-965.
Apr. 12, 1910	155		36: 296	966-970.

(b) Notwithstanding the provisions of subsection (a) of this section, the following statute is repealed in its entirety:

Act of	Chapter	Section	Statute at Large	U.S. Code
Revised Statute 247				43 U.S.C. 932.

DISTRICT OF COLUMBIA CAMPAIGN FINANCE REFORM AND CONFLICT OF INTEREST ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 15074.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 15074) to regulate certain political campaign finance practices in the District of Columbia, and for other purposes and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EAGLETON. I move that the Senate insist upon its amendment and agrees to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS conferees on the part of the Senate.

AMATEUR ATHLETIC ACT OF 1974

Mr. ROBERT C. BYRD. Mr. President, would the Chair lay before the Senate the next order, please?

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3500 which the clerk will report.

The assistant legislative clerk read as follows:

A bill to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate and to promote physical fitness, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask that no time be charged against either side on this bill today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time on this bill is to be limited to 2 hours equally divided and controlled by the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) with 30 minutes on any amendment except an amendment to be offered by the Senator from Kentucky (Mr. COOK) on which there is to be 1 hour.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 o'clock tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized on tomorrow, Mr. HARRY F. BYRD, JR., senior Senator from Virginia, be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, after the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after Mr. HARRY F. BYRD, JR., completes his statement tomorrow under the order previously stated, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes each, at the conclusion of which the Senate will proceed to the consideration of the unfinished business, S. 3500.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows: The Senate will convene at 11 a.m.

After the two leaders or their designees have been recognized under the standing order, the Chair will recognize the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 5 minutes each; at the conclusion of which the Senate will proceed to the consideration of S. 3500 under a time agreement.

Yea-and-nay votes are expected.

ADJOURNMENT TO 11 A.M.

Mr. JOHNSTON. Mr. President, I move, in accordance with the previous order, that the Senate adjourn until 11 a.m. tomorrow.

The motion was agreed to; and at 5:20 p.m. the Senate adjourned until tomorrow, Tuesday, July 9, 1974, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 8, 1974:

FEDERAL ENERGY ADMINISTRATION

Robert Everard Montgomery, Jr., of Virginia, to be General Counsel of the Federal Energy Administration. (New position.)

Roger West Sant, of California, to be an Assistant Administrator of the Federal Energy Administration. (New position.)

DEPARTMENT OF THE TREASURY

Stephen S. Gardner, of Pennsylvania, to be Deputy Secretary of the Treasury, vice William E. Simon, elevated.

Richard R. Albrecht, of Washington, to be General Counsel for the Department of the Treasury, vice Edward C. Schmults, elevated.

IN THE ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, Sections 3442 and 3447:

To be major general

Brig. Gen. John W. Vessey, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Ronald J. Fairfield, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. James A. Grimsley, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Willard W. Scott, Jr., [redacted], Army of the United States (colonel, United States Army).

Brig. Gen. Marvin D. Fuller, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Julius W. Becton, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence E. Van Buskirk, [redacted], Army of the United States (colonel U.S. Army).

Brig. Gen. James M. Lee, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Calvert P. Benedict, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William L. Webb, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Richard G. Trefry, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Bates C. Burnell, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Louis Rachmeler, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert R. Escola, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence M. Jones, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert W. Fye, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles R. Sniffin, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Haldane, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John L. Gerrity, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Clay T. Buckingham, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John A. Hoefling, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Paul F. Gorman, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John C. McWhorter, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Philip R. Feir, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Leslie R. Sears, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Harry W. Brooks, Jr., [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Michael D. Healy, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 3284 and 3306:

To be brigadier general

Brig. Gen. Bates C. Burnell, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert W. Fye, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence M. Jones, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Donald V. Rattan, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Lawrence E. Van Buskirk, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles R. Sniffin, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. John C. McWhorter, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Calvert P. Benedict, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John A. Hoefling, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. John E. Hoover, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John L. Gerrity, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. William L. Webb, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Louis Rachmeler, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Robert J. Baer, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Rolland V. Heiser, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Haldane, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Gordon J. Duquemin, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Henry E. Emerson, [redacted] Army). Army of the United States (colonel, U.S.

Maj. Gen. DeWitt C. Smith, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. L. Gordon Hill, Jr., [redacted], Army). Army of the United States (colonel, U.S.

Maj. Gen. Stan L. McClellan, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. John R. McGiffert II, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Alton G. Post, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. James F. Hamlet, [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Thomas H. Tackaberry, 555-26-9701, Army of the United States (colonel, U.S. Army).

Brig. Gen. Albert R. Escola, [redacted] Army of the United States (colonel, U.S. Army).

Brig. Gen. Ronald J. Fairfield, Jr., [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John W. Vessey, Jr., [redacted], Army of the United States (colonel, U.S. Army).

IN THE ARMY

The following-named officers for promotion in the Army of the United States, under the provisions of Public Law 92-129.

ARMY PROMOTION LIST

To be lieutenant colonel

Aamodt, Ludvig J., [redacted].
Abrahamson, James L., [redacted].
Abrahamson, John D., [redacted].
Adair, Robert B., [redacted].
Adams, Charles M., II, [redacted].
Adams, James G., [redacted].
Adamson, Henry K., [redacted].
Addicott, Charles W., [redacted].
Admire, Larry R., [redacted].
Aleksiunas, Robert [redacted].
Alexander, Walter D., [redacted].
Allen, Jerry P., [redacted].
Allison, William C., [redacted].
Ament, Robert L., [redacted].
Amidon, Bert C., [redacted].
Ammons, David C., [redacted].
Anderson, Charles E., [redacted].
Anderson, Ollie P., [redacted].
Angolia, John R., [redacted].
Antayamichael R., [redacted].
Appleton, Forrest W., [redacted].
Areheart, Henry W., [redacted].
Armstrong, Charles, [redacted].
Armstrong, Donald R., [redacted].
Arnold, Steven L., [redacted].
Arsenault, Philip N., [redacted].
Askelson, Dennis L., [redacted].
Ault, James W., [redacted].
Averill, Ronald H., [redacted].
Badger, William W., [redacted].
Baeb, David E., [redacted].
Bagdonas, Edward, [redacted].
Bahniuk, Edward M., [redacted].
Bailey, Clark J., [redacted].
Baker, John E., [redacted].
Baker, Robert W., [redacted].
Balberde, Alexander, [redacted].
Baldwin, Ronald C., [redacted].
Balish, Warren N., [redacted].
Banks, James H., [redacted].
Barbe, Charles D., [redacted].
Barber, James F., [redacted].
Barkett, John S., [redacted].
Barkley, Craig C., [redacted].
Barmore, Frederick, [redacted].
Barnes, James M., [redacted].
Barnwell, Isaiah E., [redacted].
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Barros, John J., [redacted].
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Beakey, Danny J., [redacted].
Beard, Louin L., [redacted].
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Beck, Frederick S., [redacted].
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Bedford, Ben C., Jr., [redacted].
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English, Beno L., Jr., [redacted]
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Evans, Alexander H., [redacted]
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Freiler, John J., Jr., [redacted]

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Fry, Llayll A., [redacted].
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Garrett, Arthur W., [redacted].
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Geer, William A., Jr., [redacted].
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Gesulga, Theodore B., [redacted].
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Goodpasture, Albert, [redacted].
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Gray, David T., [redacted].
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Hall, Clarence E., [redacted].
Hall, Wilson E., [redacted].
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Howard, Billy J., [redacted].
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Ingram, Donald D., [redacted].
Inman, Terence B., [redacted].
Irby, Dewitt T., Jr., [redacted].
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Isenberg, William C., [redacted].
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McKinstry, Thomas I., [redacted]
McKinzie, George J., [redacted]
McKnight, James G., [redacted]
McLeod, Norman F., [redacted]
McManus, Ronald T., [redacted]
McNulty, William B., [redacted]
McQuaid, Ronald J., [redacted]
McQueen, Arthur D., [redacted]
Medaris, John B., Jr., [redacted]
Meloy, John N., [redacted]
Melton, Carl W., [redacted]
Menoher, Paul E., Jr., [redacted]
Mentor, John L., [redacted]
Mercadante, Richard, [redacted]
Merchant, Don L., [redacted]
Merchant, James L., [redacted]
Mercier, Edmund A., [redacted]
Mergner, George F., [redacted]
Mernaugh, Paul F., [redacted]
Miles, Peter D., [redacted]
Miley, John R., [redacted]
Miller, Carl J., [redacted]
Miller, Charles A., [redacted]
Miller, Donn G., [redacted]
Miller, Joseph, Jr., [redacted]
Miller, Retsae H., [redacted]
Miller, Robin K., [redacted]
Miller, Roger E., [redacted]
Miller, Ronald A., [redacted]
Mills, Charles S., Jr., [redacted]
Mills, Robert M., [redacted]
Milton, Maurice D., [redacted]
Miner, William H., [redacted]
Minnich, Lawrence E., [redacted]
Mitchell, Charles C., [redacted]
Mitchell, Corless W., [redacted]
Mitchell, Garland R., [redacted]
Mitchell, James R., [redacted]
Mitchell, John R., [redacted]
Moe, Donald W., [redacted]
Moe, Richard L., [redacted]
Moody, John W., [redacted]
Moody, Rosser L., Jr., [redacted]
Mooney, Thomas R., [redacted]
Moore, James E., [redacted]
Moore, Riley R., II, [redacted]
Moore, Robert D., [redacted]
Moorhead, John H., [redacted]
Moot, Harrison J., [redacted]
Morrissey, Dennis J., [redacted]
Moses, Johnny M., [redacted]
Moten, Melvin J., [redacted]
Motley, James B., [redacted]
Moutos, Gus [redacted]
Mowery, Hartman B., [redacted]
Muck, Jack L., [redacted]
Mueller, Harold B., [redacted]
Muirhead, Thomas H., [redacted]
Mullen, Cassius J., [redacted]
Mullenax, Donald C., [redacted]
Mullenix, Ronald O., [redacted]
Murdock, Delon T., [redacted]
Murray, Charles R., [redacted]
Murray, Hershell B., [redacted]
Murray, Jon L., [redacted]
Murray, Robert E., [redacted]
Murry, William V., [redacted]
Myers, Charles T., II, [redacted]
Myers, Walter K., [redacted]
Najera, Pedro, [redacted]
Neal, John O., Jr., [redacted]
Neely, Carl C., [redacted]
Newman, Robert C., [redacted]
Norman, Kenneth G., [redacted]
Norton, Neville G., [redacted]
Novogratz, Robert M., [redacted]
Nugent, Richard O., [redacted]
Oakes, William E., [redacted]
O'Brien, John A., [redacted]
O'Connor, Hugh T., [redacted]
Odom, Fredwin M., [redacted]
Ogden, Gregory T., [redacted]
O'Keefe, Edward T., [redacted]
Oliver, Eugene L., Jr., [redacted]
Oliver, John B., [redacted]
Oliver, Robert T., [redacted]
O'Meara, Andrew P., [redacted]
Oncale, Taylor A., [redacted]
O'Neill, Kevin J., [redacted]
O'Neill, Richard T., [redacted]
Oppenlander, Robert, [redacted]
Ord, Robert L., [redacted]
Orr, Paul F., [redacted]
Orsinnavas, Mario L., [redacted]
Osborn, Larry N., [redacted]
Osborne, James C., [redacted]
Oshea, Maurice M., [redacted]
Ott, John S., [redacted]
Pace, Prewitt L., [redacted]
Pace, William N., Jr., [redacted]
Pack, Tommy R., [redacted]
Palme, Francis J., [redacted]
Paquette, Roger K., [redacted]
Parker, Joel R., [redacted]
Parker, Purvis L., [redacted]
Parker, Raymond L., [redacted]
Parker, Robert W., [redacted]
Parolini, George W., [redacted]
Parsons, Donald L., [redacted]
Partlow, Frank A., [redacted]
Passarella, Patrick, [redacted]
Pattison, John A., [redacted]
Patton Garry L., [redacted]
Pavlatos, John S. [redacted]
Pawlik, Eugene A., Sr., [redacted]
Pearce, Richard E., [redacted]
Peay, J. H. B., [redacted]
Perrenot, Frederick, [redacted]
Peyton, John H., [redacted]
Pfister, Cloyd H., [redacted]
Phalen, Richard A., [redacted]
Phelps, Alan L., [redacted]
Phifer, Thomas K., [redacted]
Philbrook, Wallace, [redacted]
Phillabaum, Robert, [redacted]
Phillips, Alan B., [redacted]
Phillips, Robert L., [redacted]
Picone, Edward J., Jr., [redacted]
Pierce, Dale W., [redacted]
Pierce, Harlan L., [redacted]
Pierce, Lawrence D., [redacted]
Pierce, Raymond L., [redacted]
Pierre, Russell, Jr., [redacted]
Pigaty, Leo J., [redacted]
Pigeon, Omer E., [redacted]
Pike, James C., [redacted]
Pimental, Rodney A., [redacted]
Pinson, David L. [redacted]
Pishon, Nicholas E., [redacted]
Plassmeyer, Martin, [redacted]
Pleasant, Vaughn R., [redacted]
Plummer, George W., [redacted]
Plummer, Thomas F., [redacted]
Poach, James R., [redacted]
Poarch, Henry H., Jr., [redacted]
Poe, Thurel J., [redacted]
Poole, Buddy J., [redacted]
Poole, William J., [redacted]
Porter, Norman A., [redacted]
Porter, Robert O., [redacted]
Posey, Dudley M., [redacted]
Potter, Richard W., [redacted]
Poulson, William C., [redacted]
Powell, Jamo C., [redacted]
Pratt, Robert H., [redacted]
Press, Donald P., [redacted]
Price, Gerald L., [redacted]
Price, Robert D. [redacted]
Prisk, Courtney E., [redacted]
Quattlebaum, Charles, [redacted]
Rabon, Jim D., [redacted]
Raffaele, Eugene J., [redacted]
Ramsey, Raymond R., [redacted]
Randall, Howard W., [redacted]
Rapaport, Benjamin, [redacted]
Rapp, Edward G., [redacted]
Ratcliffe, John P., [redacted]
Rau, Raymond R., [redacted]
Rauch, Frank C., [redacted]
Ray, Harry D., Jr., [redacted]
Redding, Frank J., [redacted]
Reddick, Earl P., [redacted]
Rego, Chris F., [redacted]
Reid, Loren D., [redacted]
Reifsnyder, Robert, [redacted]
Reimer, Dennis, J., [redacted]
Reinhard, Donald R., [redacted]
Reinhard, Ransford, [redacted]
Reiser, Andre K., [redacted]
Reneau, Joseph S., [redacted]
Renner, John A., [redacted]
Rexrode, Kenneth E., [redacted]
Reynolds, Perry C., [redacted]
Rhen, Thomas A., [redacted]
Rhoads, Robert C., [redacted]
Rhodes, Hugh H., [redacted]

Rice, Bert L., [redacted].
Richards, Arthur E., [redacted].
Richey, Charles G., [redacted].
Richmond, Ermon A., [redacted].
Rickett, William F., [redacted].
Rigby, Joe W., [redacted].
Riley, Paul R., Jr. [redacted].
Riordan, Robert [redacted].
Rizzo, Peter J., [redacted].
Robb, Allan D., [redacted].
Roberts, John C., [redacted].
Robinson, Albert A., [redacted].
Robinson, Charles A., [redacted].
Robinson, Edward C., [redacted].
Rodriguez, Joe H., [redacted].
Roeming, Frederic E., [redacted].
Roesler, Gilbert E., [redacted].
Rogers, James G., [redacted].
Rogers, James H., [redacted].
Rogerson, David C., [redacted].
Roney, Kenneth D., [redacted].
Rosamond, John B., [redacted].
Rose, Farris D., [redacted].
Ross, Lawrence C., [redacted].
Rothblum, Richard A., [redacted].
Rounseville, Richard, [redacted].
Rowe, James C., [redacted].
Royal, Donald D., [redacted].
Rubin, David B., [redacted].
Rugenstein, Edgar H., [redacted].
Rushton, Pierce A., [redacted].
Russell, Thomas B., [redacted].
Rutledge, Gerald E., [redacted].
Sadler, Richard C., [redacted].
Salley, Robert W., [redacted].
Salomon, Leon E., [redacted].
Sanaker, John M., [redacted].
Sanders, Clarence B., [redacted].
Santiago-Chinea, Hector, [redacted].
Sarantakes, Nicholas, [redacted].
Sartori, Victor P., [redacted].
Satterwhite, James, [redacted].
Saulnier, Philip J., [redacted].
Saunders, David L., [redacted].
Saunders, John E., [redacted].
Sauvageot, Jean A., [redacted].
Shafer, Lawrence H., [redacted].
Scheiner, Herbert L., [redacted].
Scherman, Francis J., [redacted].
Schiano, Louis J., [redacted].
Schloesser, Kenneth, [redacted].
Schmacker, Bruce E., [redacted].
Schmiedekamp, Ronald J., [redacted].
Schmid, Karl F., [redacted].
Schnitzer, James J., [redacted].
Scholes, Edison E., [redacted].
Schonberger, Richard, [redacted].
Schor, Stephen H., [redacted].
Schroeder, Daniel R., [redacted].
Schutze, Raymond A., [redacted].
Schultz, Edward E., [redacted].
Schwartz, Daniel, [redacted].
Schwartz, William L., [redacted].
Schwarz, Robert L., [redacted].
Scott, Richard M., [redacted].
Scott, William A., [redacted].
Seitz, John A., III, [redacted].
Sellers, Robert P., [redacted].
Sellers, Roger L., [redacted].
Seybold, Thomas K., [redacted].
Shabram, Robert M., [redacted].
Shachnow, Sidney, [redacted].
Shain, Robert G., [redacted].
Sharp, Billy R., [redacted].
Sharp, Bobby L., [redacted].
Sharpless, Daniel R., [redacted].
Shauf, Elton R., [redacted].
Shaw, Gene C., [redacted].
Shaw, Terrence L., [redacted].
Sheaffer, Phillip G., [redacted].
Shehorn, Henry W., [redacted].
Sheldon, Thomas K., [redacted].
Shelton, Hal T., [redacted].
Shepard, Phillip G., [redacted].
Shepard, William J., [redacted].
Sheppard, John B., [redacted].
Sherburne, Thomas N., [redacted].
Sherrell, Wilson J., [redacted].
Shiery, Howard C., II, [redacted].
Shilling, Jack C., [redacted].
Shouse, Delbert F., [redacted].
Shunk, Peter, [redacted].
Silva, Warren R., [redacted].
Simerly, Julian C., [redacted].
Simmons, Herbert S., [redacted].
Simmons, Jerry W., [redacted].
Simpkins, Richard D., [redacted].
Sindoni, Samuel S., [redacted].
Singer, Lawrence A., [redacted].
Sisson, Brooks H., [redacted].
Sisterman, Lawrence, [redacted].
Skidmore, John D., [redacted].
Skowronek, Richard, [redacted].
Slifer, Richard D., [redacted].
Slusher, Billy J., [redacted].
Smith, Billy V., [redacted].
Smith, Byrd, [redacted].
Smith, Charles E., [redacted].
Smith, Don E., [redacted].
Smith, Harold L., [redacted].
Smith, Jack C., [redacted].
Smith Lee C., Jr., [redacted].
Smith, Paul M., [redacted].
Smith, Warren S., [redacted].
Snare, Ross W., Jr., [redacted].
Snider, Don M., [redacted].
Solymosy, Edmond S., [redacted].
Sorenson, Wilbert W., [redacted].
Southern, Kermitt E., [redacted].
Sovine, Keith, [redacted].
Spanjers, Leonard J., [redacted].
Spencer, Harvard L., [redacted].
Spera, Francis P., [redacted].
Sperber, Ronald H., [redacted].
Spisak, John J., [redacted].
Sponseller, James M., [redacted].
Sprague, Billy F., [redacted].
Springfield, Bruce, [redacted].
Squire, John H., [redacted].
Stachel, Robert D., [redacted].
Stanford, John H., [redacted].
Stanley, Charles M., [redacted].
Stanley, Frederick, [redacted].
Stansell, Ernest L., [redacted].
Staples, Frederick, [redacted].
Starling, James D., [redacted].
Starsman, Raymond E., [redacted].
Stead, Robert W., [redacted].
Steakley, David L., [redacted].
Stebbins, Allen F., [redacted].
Stebbins, Ronald S., [redacted].
Steedly, Ronald E., [redacted].
Steelman, Clifford, [redacted].
Stenzel, George O., [redacted].
Stephens, Donald L., [redacted].
Stevens, Darryl M., [redacted].
Stevens, Nicholas B., [redacted].
Stiles, Howard J., [redacted].
Stivison, James R., [redacted].
Stone, Frank R., Jr., [redacted].
Stone, Thomas R., [redacted].
Stone, Wayne F., [redacted].
Storey, Thomas P., [redacted].
Straeb, Robert G., [redacted].
Stroh, George C., [redacted].
Stroud, Carl M., Jr., [redacted].
Stubbs, Frederic H., [redacted].
Stults, Claude L., Jr., [redacted].
Subrown, James C., [redacted].
Sullenberger, Louis, [redacted].
Sullenger, Lawrence, [redacted].
Sundt, Richard S., [redacted].
Sutherland, John H., [redacted].
Sutton, James C., [redacted].
Sutton, William F., [redacted].
Sutton, William M., [redacted].
Svelan, Stephen J., [redacted].
Svendsen, Don F., [redacted].
Sweeney, Robert F., [redacted].
Swindells, John E., [redacted].
Sylvan, Lawrence D., [redacted].
Szustak, Frank G., [redacted].
Tam, Roger H., [redacted].
Tanner, Linden O., [redacted].
Tate, Jack R., [redacted].
Taylor, David L., [redacted].
Taylor, Horace G., [redacted].
Taylor, John E., [redacted].
Taylor, Ralph W., [redacted].
Taylor, Theodore H., [redacted].
Taylor, William D., [redacted].
Teller, Albert A., [redacted].
Temple, William E., [redacted].
Tennant, Charles E., [redacted].
Terseck, Richard J., [redacted].
Thibodeau, Charles, [redacted].
Thomas, Billie N., [redacted].
Thomas, Marvin L., [redacted].
Thomas, Phillip J., [redacted].
Thomassy, Fernand A., [redacted].
Thompson, James P. J., [redacted].
Thompson, John C., [redacted].
Thompson, Paul F., [redacted].
Thompson, Thomas M., [redacted].
Thompson, Vernon D., [redacted].
Thorn, Harold A., [redacted].
Thudium, Christian, [redacted].
Thurston, Joe B., [redacted].
Tichenor, Carroll J., [redacted].
Tichenor, James R., [redacted].
Tobin, Joseph A., [redacted].
Todaro, Joseph E., [redacted].
Tompkins, Daniel M., [redacted].
Toskey, William M., [redacted].
Tozier, Robert E., [redacted].
Traas, Adrian G., [redacted].
Traver, Donald J., [redacted].
Treager, Jeri C., [redacted].
Trinkle, Patrick M., [redacted].
Tritz, James W., [redacted].
Trone, Frederick W., [redacted].
Trueheart, William, [redacted].
Trunkes, William J., [redacted].
Tucker, John D., [redacted].
Turgeon, Gareth M., [redacted].
Turley, Jesse D. III, [redacted].
Turner, Julian H., [redacted].
Tyler, Erven S., [redacted].
Uhlrich, Theodore W., [redacted].
Urciuoli, George R., [redacted].
Vaglia, James E., [redacted].
Valen, William B., [redacted].
Valieant, John H., [redacted].
Valimont, Benjamin, [redacted].
Vanzandt, Homer R., [redacted].
Vanzee, James L., [redacted].
Vargosko, Michael A., [redacted].
Vay, Nicolas R., [redacted].
Venden, Roger D., [redacted].
Vercellone, Joseph, [redacted].
Vick, Gerald A., [redacted].
Vinett, Peter A., [redacted].
Vinson, Paul H., [redacted].
Vogl, Raymond E., [redacted].
Voke, Edward N., [redacted].
Volkmann, Henry F., [redacted].
Waddell, Robert R., [redacted].
Wainwright, Oliver, [redacted].
Wait, William M., [redacted].
Waite, Darrell M., [redacted].
Waite, Grimble, J., [redacted].
Walker, Clifford M., [redacted].
Walker, Jack E., [redacted].
Walker, Philip A., [redacted].
Walker, Robert T., [redacted].
Wall, Kenneth L., [redacted].
Wallace, Bobby S., [redacted].
Wallace, John M., III, [redacted].
Wallace, Malcolm K., [redacted].
Waller, Calvin A., [redacted].
Walsh, James E., Jr., [redacted].
Walters, Charles C., [redacted].
Walters, James P., [redacted].
Walton, Thomas E., [redacted].
Ward, Peter H., [redacted].
Ward, William F., [redacted].
Warnock, William H., [redacted].
Warren, Warren J., [redacted].
Wartick, Dean P., [redacted].
Warvi, Martin M., [redacted].
Wassom, Herbert M., [redacted].
Watson, Charles W., [redacted].
Watts, Thurman, [redacted].
Weaver, Carl A., [redacted].
Webb, Earl E., [redacted].
Webb, Waldo R., [redacted].
Weber, Ralph P., [redacted].
Weber, Thomas E., [redacted].
Webster, Robert L., [redacted].
Weeks, Joseph P., [redacted].

Weeks, William J., Jr., [redacted].
Wehrle, Alfred L., [redacted].
Weinfurter, Robert, [redacted].
Welch, Richard D., [redacted].
Welker, John J., [redacted].
Wenzel, Paul J., [redacted].
Westgard, William C., [redacted].
Westmoreland, Frank, [redacted].
Westrick, Alton R., [redacted].
Wheeler, Joseph W., [redacted].
Wheeler, Robert A., [redacted].
White, Charles A., Jr., [redacted].
White, Lyman G., [redacted].
White, Stanley Z., [redacted].
Whitehead, Dorsey M., [redacted].
Whiteside, Jerry E., [redacted].
Whorton, Billy L., [redacted].
Wichert, Gilbert H., [redacted].
Wicker, Raymond K., [redacted].
Widick, James L., [redacted].
Wigner, Larry R., [redacted].
Wiley, Larry N., [redacted].
Wilkerson, Edwin A., [redacted].
Willey, Frank G., [redacted].
William, Arthur E., [redacted].
Williams, Alex E., [redacted].
Williams, Cary E., [redacted].
Williams, Donald B., [redacted].
Williams, Joe E., [redacted].
Williams, Stuart H., [redacted].
Williamson, Alan R., [redacted].
Williamson, Donald, [redacted].
Williamson, Jack, [redacted].
Williamson, William, [redacted].
Williford, Charles, [redacted].
Willis, Jerry T., [redacted].
Wilmoth, Frederick, [redacted].
Wilson, Charles C., [redacted].
Wilson, Martin L., [redacted].
Wilson, William R., [redacted].
Windham, William F., [redacted].
Wineberger, Marion, [redacted].
Winter, Maurice G., [redacted].
Wolfe, June E., [redacted].
Wollard, Clifford L., [redacted].
Wolters, Robert A., [redacted].
Wood, John L., [redacted].
Woodhouse, Donald L., [redacted].
Woodle, Kenneth J., [redacted].
Woods, Roy S., Jr., [redacted].
Worthington, Wayne, [redacted].
Wosicki, Walter, J., [redacted].
Wuerpel, Charles L., [redacted].
Wurschmidt, George, [redacted].
Wyatt, Henry W., [redacted].
Yarborough, William, [redacted].
Yateman, Sidney H., [redacted].
Yates, Richard P., [redacted].
Yeats, Christopher, [redacted].
Yeats, Philip L., [redacted].
Yelton, James M., Jr., [redacted].
Yelverton, Rush S., [redacted].
Yon, Frank E., [redacted].
Young, Albert B., [redacted].
Young, Troy R., [redacted].
Yurchak, Paul N., [redacted].
Zagalak, Stanley J., [redacted].
Zahn, Kenneth C., [redacted].
Zajac, Stephen G., [redacted].
Zaldo, William T., II, [redacted].
Zierak, Robert A., [redacted].
Zoller, Harvey F., [redacted].
Zukowski, Albin T., [redacted].

CHAPLAIN CORPS

To be lieutenant colonel

Alexander, Harold L., [redacted].
Baasen, Wesley A., [redacted].
Bliss, Philip B., [redacted].
Brown, Allen W., Jr., [redacted].
Brown, Jack E., [redacted].
Deschamps, Thomas F., [redacted].
Duval, John H., [redacted].
Flippen, Edward A., [redacted].
Griffis, James W., Jr., [redacted].
Hilliard, Henry C., [redacted].
Hopkins, Paul D., [redacted].
Ives, Ivan G., [redacted].
Jalbert, Armand N., [redacted].
Johnson, James L., [redacted].
Kalliomaa, Mauno M., [redacted].
Kays, John W., Jr., [redacted].
Keefe, Francis L., [redacted].
Kleinworth, Robert, [redacted].
Knott, Geoffrey D., [redacted].
Lord, Billy R., [redacted].
Love, Charles R., [redacted].
McGuire, Leonard C., [redacted].
Moore, Bobby D., [redacted].
Ness, Leroy T., [redacted].
Pember, Marion D., [redacted].
Shannon, Sylvester, [redacted].
Standley, Mederith, [redacted].
Strawser, Ray A., [redacted].
Swim, Vernon G., [redacted].
Thompson, Roland D., [redacted].
Vetter, Joseph W., [redacted].
Widdel, Thomas H., [redacted].
York, Edwin R., [redacted].

WOMEN'S ARMY CORPS

To be lieutenant colonel

Scribner, Elizabeth, [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Alex, Allen M., [redacted].
Bambery, Thomas W., [redacted].
Beck, Wilbur L., Jr., [redacted].
Benson, Warren D., [redacted].
Borth, Alfred G., [redacted].
Boyd, William M., [redacted].
Braddock, Thomas E., [redacted].
Brady, Patrick H., [redacted].
Cohen, Meyer W., [redacted].
Collman, Richard H., [redacted].
Crosley, John K., [redacted].
Crow, Kenneth E., Sr., [redacted].
Cygan, Herbert E., [redacted].
Dillavou, Clayton L., [redacted].
Drake, Charles E., [redacted].
Dupuy, Lloyd C., [redacted].
Elsarelli, Leon E., [redacted].
Field, Richard W., [redacted].
Fountain, Donald B., [redacted].
French, George R., [redacted].
Gensler, Jay D., [redacted].
Gilchrist, Alexander, [redacted].
Good, Roger S., [redacted].
Grider, Donald A., [redacted].
Grodt, Robert G., [redacted].
Hansen, Louis J., [redacted].
Heitzman, Lawrence, [redacted].
Helgeson, James G., [redacted].
Heller, Kyle M., [redacted].
Higgs, Richard H., [redacted].
Hill, William R., [redacted].
Howell, Lawrence C., [redacted].
Jacobs, Claude G., Jr., [redacted].
Jessen, Gary C., [redacted].
Johnson, Harry D., [redacted].
Jones, Donn C., [redacted].
Karrenbauer, Thomas, [redacted].
Kays, John M., [redacted].
Kearns, William J., [redacted].
Kelley, Hubert A., [redacted].
Kerr, William B., [redacted].
Kielman, Roger W., [redacted].
Kistler, Thomas E., [redacted].
Labat, Roger J., [redacted].
Leahey, Raymond, [redacted].
Lodde, Gordon M., [redacted].
Loryea, Robert S., [redacted].
MacIntyre, John A., [redacted].
Milne, Richard B., [redacted].
Paul, C. Peter, [redacted].
Payne, John C., [redacted].
Peacock, James L., [redacted].
Pittman, Thurman M., [redacted].
Plaatsman, James P., [redacted].
Quillin, Robert M., [redacted].
Rasmusson, James A., [redacted].
Rehusch, Kenneth S., [redacted].
Roby, Roger R., [redacted].
Sandleback, Eugene, [redacted].
Schlaak, James R., [redacted].
Shurtleff, Thurman, [redacted].
Turlington, Philip, [redacted].
Vermillion, James G., [redacted].
Vick, James A., [redacted].
Worrell, Robert, Jr., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Brewer, Jessie S., [redacted].
Connelly, Vivian S., [redacted].
Hummel, Robert A., [redacted].
Santosespada, Carmen, [redacted].
Sargent, Florence B., [redacted].
Vonprince, Kilulu M., [redacted].

VETERINARY CORPS

To be lieutenant colonel

Barck, John C., [redacted].
Cooper, James C., [redacted].
Godzik, Joseph R., [redacted].
Gustin, Philip N., [redacted].
Hilmas Duane E., [redacted].
Lindquist, Edwin W., [redacted].
Riddell, John R., [redacted].
Robinson, David M., [redacted].
Rozmiarek, Harry, [redacted].
Stephenson, Edward, [redacted].
Via, Robert E., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Adams, Clara L., [redacted].
Baker, Gertrude E., [redacted].
Barrington, Tillman, [redacted].
Benedict, Jerry M., [redacted].
Blanchard, James A., [redacted].
Brown, John E., [redacted].
Condon, Kathleen T., [redacted].
Courson, Walter E., [redacted].
Downey, James S., [redacted].
Dutton, Morris E., [redacted].
Fess, Dorothy E., [redacted].
Fore, Curtis W., [redacted].
Fugowski, Helen T., [redacted].
Griep, Edward L., [redacted].
Halliburton, Sarah, [redacted].
Hauck, Leonard N., [redacted].
Hines, Eugene D., [redacted].
Hoerter, Charles O., [redacted].
Hunn, James M., [redacted].
Jims, Madeline P., [redacted].
Kennedy, Eunice J., [redacted].
Kingsbury, Betty J., [redacted].
Koch, Dorothy J., [redacted].
Lassiter, Marion E., [redacted].
Lewandowski, Edward, [redacted].
Martin, Melvin M., [redacted].
Mason, Julia E., [redacted].
Miller, Arlean V., [redacted].
Pavlakovic, Dorothy, [redacted].
Petro, Andrew P., Jr., [redacted].
Rasmussen, Doris S., [redacted].
Vuyk, June J., [redacted].
Ward, David A., [redacted].
Whitmire, Betty A., [redacted].
Wilson, William J., [redacted].

The following-named officer for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Corbett, William T., [redacted].

ARMY PROMOTION LIST

To be major

Debiasio, Robert L., [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be major

Vickery, Jane C., [redacted].

EXTENSIONS OF REMARKS

RATING MEMBERS OF CONGRESS

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. HAMMERSCHMIDT. Mr. Speaker, the July/August 1974 edition of the American Farmer magazine includes an article by Donald T. Donnelly of the American Farm Bureau Federation Washington Office on the subject of "rating" Members of Congress. In my judgment, Mr. Donnelly's article makes some excellent points on the evaluation of an individual Representative and the total picture of how he serves his constituency as an elected official. I commend the author and the American Farm Bureau Federation for this fine commentary:

"RATINGS" OF MEMBERS OF CONGRESS MAY BE MISLEADING

Several national groups—including the AFL–CIO's Committee on Political Education (COPE) and the American Conservative Union (ACU)—regularly issue "ratings" of members of Congress based upon their voting records on selected issues. The usual procedure is to publish a series of roll calls and to assign each Congressman a numerical "grade" reflecting the percentage of times he voted in accord with the recommendations of the group doing the ratings.

The American Farm Bureau Federation does not engage in this practice for a very good reason—the job of "rating" a Congressman belongs to his constituents.

Voting records on selected issues can be helpful to citizens who want to do their own "ratings." But they don't tell the entire story about a member of Congress. They don't tell what bills he has introduced or cosponsored. They don't tell about his work as a member of one or more Congressional legislative committees. And they don't tell us anything about the circumstances under which he cast his votes.

To illustrate how you might use Congressional roll calls to "rate" your own Representative or Senator, let's look at the votes which could have been cast by three Congressmen on a bill to promote U.S. exports.

Congressman A represents an urban district where shoe manufacturing is an important industry. There are only 17 farmers in his district. He voted against the trade bill.

Congressman B represents a rural district where farmers produce cotton and wheat. There are very few factories in his district. He voted for the trade bill.

Congressman C represents a district which includes a large manufacturing city and several prosperous farm counties. The soybean growers in his district are strongly pro-trade. Some of the labor union members favor keeping imports out of the American market. He voted for the trade bill.

If Congressman A's voting record on other issues is a good one, it's hard to be critical of his vote against the trade bill. Congressman B had no problem in voting for the bill. Congressman C's vote for the bill, on the other hand, is one which should contribute greatly towards a favorable "rating."

The Farm Bureau News, the American Farm Bureau Federation's official weekly tabloid newsletter, has reported 13 roll calls in the House of Representatives during the current 93rd Congress. The issues covered include government farm programs, international trade, economy in government, minimum wages, and creation of a proposed "super-snooper" bureaucracy, the Consumer Protection Agency. In each case, Farm Bureau's position on the issue had been made known to Congressmen before the roll call.

A summary of these roll calls shows that a few members of the House of Representatives—like Representative Vigorito of Pennsylvania—have not cast any votes in line with Farm Bureau's position. Others—like Representative Michel of Illinois—have consistently voted in line with Farm Bureau's position.

A somewhat larger group voted in line with Farm Bureau's recommendations on all but one roll call. Vice President Ford, who was a member of the House when the first 10 roll calls were taken, is one of these.

Others voted as Farm Bureau had urged on only one of the 13 roll calls. In this group are such diverse members as Representative Litton of Missouri, a former livestock producer, and Representative Rosenthal of New York, who is widely recognized as a spokesman for urban "consumerists."

Most Congressmen have records which are less clear cut than those mentioned above. Their voting records can be of help to you in "rating" them, but you'll want also to consider such things as:

Did my Congressman vote the way I wanted him to vote on what I think are the really important issues?

Does my Congressman do a better job of representing me than his opponent in this year's election would do?

Another important question is this: Did I take the time to let my Congressman know how I and the other Farm Bureau members in my community wanted him to vote?

(The voting records to which this column refers have been printed in the Farm Bureau News during 1973 and 1974. Reprints are not available for distribution at this time. Your County Farm Bureau officers receive the Farm Bureau News regularly.)

WILSON COLLEGE BACCALAUREATE SERMON

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, July 8, 1974

Mr. SCHWEIKER. Mr. President, on June 2, 1974, the distinguished Rev. Wilmina Rowland Smith returned to her college alma mater, Wilson College, Chambersburg, Pa., to deliver the sermon at the baccalaureate service.

My colleagues will recall that on July 8, 1971, Reverend Rowland offered the convening prayer in the U.S. Senate, thereby becoming the first woman to honor the Senate as guest chaplain.

In her sermon, she makes interesting comments on the problems of alienation in America today and for the need for greater attention in society to "human values."

I commend her sermon to the attention of my colleagues and ask that it be printed in the Extensions of Remarks.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

THE REBIRTH OF A NATION

I.

The Scripture passage read from Ezekiel is surely one of the most dramatic in the entire Bible. The drama is heightened when we remember its background—the Hebrew kingdom of Judah destroyed when Jerusalem fell to the Chaldeans after a long siege, and many of the Hebrew people in captivity in Mesopotamia. The Hebrews were "like a dead nation without a future, bereft of hope."[1] They were alienated from their country and from themselves. Ezekiel's words express it all: "Our bones are dry, our thread of life is snapped, our web is severed from the loom."

Ezekiel accepted the role of God's prophet to the Hebrews in this time of national discouragement and deadness of spirit. In this passage he is describing a vision which came to him from God, one of hope and promise for the future. He saw a great plain full of bones, as though an army might have been destroyed there long before, so long that the bones were completely dry. The bones were the symbol of the Hebrews in exile. In his vision, God addresses Ezekiel: "Can these bones live again?" Ezekiel answers, "Only thou knowest that, Lord God." Only God could answer, because in his hands alone are the powers of life and death. Then the Almighty commands the prophet to speak to the dry bones and say, in the name of God, "I will put breath into you, and you shall live." In the story of the Creation, Adam did not become a living being,—that is, truly human—until the breath of God was breathed into him. The words for "breath" and "spirit" are the same in Hebrew; so the difference between true life and actual death is the possession of God's spirit.

Ezekiel spoke the word of God; the bones came together, and muscle and flesh covered them. Again Ezekiel spoke: ". . . breath came into them; they came to life and rose to their feet, a mighty host." So God's creative spirit re-created life where death had been.

Note that Ezekiel's was a social vision. A whole people, dead, have new life breathed into them. The power of God actually breaks into history and gives it a new direction. That actually happened for Judah. Can this kind of thing happen again, perhaps to the nation called America?

II.

Think of ourselves as a people today. We are in trouble. The American society is not dead, but who would call it fully alive? We are not in exile, but we are alienated—alienated from ourselves, in many cases from each other, and from our society.

We are caught in the toils of corruption, both personal and corporate, involving business, industry, and government. A recent cartoon in *Punch*, which might just as well have appeared in *The New Yorker*, depicts a prosperous tycoon in the back of his limousine. He is saying to his schoolboy son, "Remember this, my son: power corrupts, and absolute power is even nicer." We live in a time of gross cynicism and of a devaluation of public decency. One illustration: in the state in which I live, the Lieutenant-Governor last year narrowly escaped impeachment; he was finally censured by the legislature. This year he has announced that he will be a candidate for Governor. He is cynical enough to believe that the people don't care about his proven misdemeanors. To put his belief to the test, he will give them a chance to vote for him for the highest office in the state.

Watergate is significant in this picture as evidence not so much of cynicism as of "the exhaustion of our political and moral capital."[2] We live in a time in which society, in many of its expressions, seems to be without any sense of right and wrong. There is a crisis in values; as a people, we no longer possess shared and accepted standards of value, of conduct. A Harvard psychologist, in a recent item in *The New York Times*, spoke of the almost universal fact in our country of "children bereft of a moral frame of reference."

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[1] *The Layman's Bible Commentary,* Vol. 13, p. 73, by Carl G. Howie. John Knox Press, 1961.

[2] Marty, Martin E., "Watergate Year as Watershed Year." *The Christian Century,* Dec. 26, 1973.

Think of another fact—an increasingly common attitude toward work, an attitude expressed in the witticism, "Work is what you are doing when you would rather be doing something else." Studs Terkel's recent book, *Working*, gives an appalling picture of what Americans in all walks of life think about their work. As with other aspects of our life, their work leaves many persons with an inward sense of loss and incompletion, or worse still, with loathing.

We see, further, so much personal alienation from the society that the result has been, for many, withdrawal from the whole sorry mess—withdrawal into privatism. The thoroughly alienated decline involvement on any terms. It is as though one says, "Let me live my life without involving myself with any others except those who belong to me." There is withdrawal into Utopian communities once again—a kind of giving up on the body politic and the whole corporate life we see around us. There is withdrawal into addictions of various sorts—drugs and liquor, for example, and into various kinds of hostile behavior toward society—kidnappings, senseless murders, meaningless brutality. Perhaps there are many among us who could say with the alienated Hebrews: "Our bones are dry, our thread of life is snapped, our web is severed from the loom." In less vivid twentieth century terminology, we are a people whose personal lives are not only compartmentalized but who are also socially fragmented.

III.

How did we get this way? Can we identify factors in our society which can account for this deadening of its members, and for their alienation from themselves and from society? One of the most profound attempts to answer such questions, in my opinion, has been made by Richard N. Goodwin in his recently published book, *The American Condition*.[3] Goodwin uses the large corporation to illustrate why we feel so helpless in the face of the economic order. Raising the question of who owns the corporation, he shows convincingly that stockholders do not truly own it; all they own is stock. Neither the managers nor the boards of directors own the corporation. They have the power to direct the use of the property the corporation represents. But this role is wholly subordinate to the continuity of the corporation's function. Goodwin's conclusion is that no one owns the corporation; it owns itself. Our sense of helplessness derives from the autonomous character of property. Corporate property is uncontrolled; its continued functioning has become an end in itself. Parenthetically, such an understanding is light-years removed from the classical capitalism of the nineteenth century.

There is a structure which institutionalizes this human impotence of which we speak. It is bureaucracy. It has two requirements. First, it must be relatively free of the special purposes or insanities of particular individuals. We see this illustrated in the case of the corporate executive who is let go or kicked upstairs if his actions threaten the corporation's continuity of function. Second, bureaucracy must be large—large enough to permit internal regulation through "policies," "procedures" and "standards."

Once bureaucracy becomes a dominant form of organization, its attitudes and values are diffused throughout the society. Structures built by human persons have acquired an independent life whose purposes are not those of human freedom. Submission to a process—and bureaucracy is a process—is the consummation of alienation, says Goodwin. Such submission requires us to give up our desires, our labor, our vitality, our autonomy of behavior, even of thought. The authority to check the force of this process, to redirect the apparatus of production, does not exist.

Goodwin then moves from the economic into the political sphere, showing how the political state faithfully reproduces the dominant qualities of the bureaucracy, including the sense of helplessness which characterizes the citizen voter in the face of it. The parallels between the political structure and the economic bureaucracy are not accidental. The economy requires a strong bureaucratic control authority to help make accommodations between divergent interests. Further, the power of government is needed to sustain the existing distribution of economic power.

Goodwin observes that the public-spirited continue to be hopeful that changes in the political scene—political reforms, new persons as officeholders—can solve these problems. But he is convinced that any political structure, however changed, will continue to reflect the dominant realities of economic life.

"We are not victims of perfectible weaknesses in the social structure," Goodwin writes. "Our humanity is being consumed by the structure itself: by the ruling constituents—the institutions, the relationships, the consciousness, and the ideology of the process that contains modern America." Here indeed is alienation, and the root of social fragmentation.

Many of us do not understand the depth of our alienation, and the lack of real freedom in our lives. One reason is that for many, the pursuit of individual desires is equated with freedom. For example, most radical forms of social behavior, "freedom" of sex and dress, of drugs and pornography, the quest for pleasure and for new forms of self-realization, from consciousness-raising to meditation, indicate that fulfillment is to be sought in the gratification of private desires through internal states, rather than through social bonds. Thus, the pursuit of individual desires can be seen as another form of the privatism of which we spoke, and of withdrawal from a concern with the social character of our problem.

The only hope Goodwin offers for the American condition is based on a society of values held in common. We do not have this kind of society. We need, Goodwin says, a new awareness, an enlarged sense of human relationship which would enable such a society to exist. We need a change of consciousness. Goodwin is not optimistic. He sees isolated signs of an urge to reconstitute our social existence, but they are few.

IV.

What does all this have to do with our point of departure—Ezekiel's vision and Jesus's words to Nicodemus? Recall our New Testament passage; it, like Ezekiel, is concerned with new life. Jesus, talking with the learned Jew Nicodemus, shares with him one of his most significant insights: "Unless a man has been born over again, he cannot see the kingdom of God." Nicodemus is dumfounded and asks for an explanation. Jesus elaborates: "It is spirit that gives birth to spirit. The wind blows where it wills; you hear the sound of it, but you do not know where it comes from, or where it is going. So with everyone who is born from spirit."

Here is Ezekiel's vision again, but an individual and not a corporate one, you may say. Jesus is speaking of an individual person, and of how he or she can be reborn through the Spirit of God. But listen more closely. "Unless a man has been born again he cannot see the Kingdom of God." It is the person who receives new life through God's Spirit, but he or she receives it in order to enter God's kingdom—the realm where the rule of God in the lives of human beings is accepted and realized. So this, too, is a social vision, a vision of a society in which the requirement for entrance is new life through opening oneself to the Spirit of God.

Goodwin's new consciousness, in my view, is the currently acceptable language for a new spirit. Ezekiel said for God: "Then I will put my spirit in you and you shall live." Jesus said: "It is spirit that gives birth to spirit"—God's Spirit that creates a human spirit, and not unthinkably, one human spirit which may re-create another. This is new consciousness. Both our sources are agreed that the spirit is God's; it comes from God and is the carrier of his eternal truths.

Can we ourselves describe the nature of God's Spirit as it relates to humans? What are his eternal truths, for us? Near the beginning of the Old Testament there is a question which Cain puts somewhat derisively to God: "Am I my brother's keeper?" The whole burden of the Old Testment can be thought of as an answer to that question: Yes. The Hebrews were involved in a covenant with God which they sometimes observed, but most often resisted and violated, throughout two thousand years or more. The covenant had to do with their acting in the world of women and men as though they were children of one God—a God of righteousness, justice, and mercy. They were expected to demonstrate this kind of life in their dealings with one another and with all outsiders. They were meant to be one another's keepers, and to live responsibly among other nations. The Hebrews failed miserably time and again, but their prophets continually reminded them that their God was an ethical God who required ethical behaviour from them. This was the God who breathed his spirit into the dry bones on Ezekiel's plain, and into his people and their leaders over and over again.

The message is strengthened, when we come to the New Testament story, through the teaching and ministry of Jesus Christ. Only one episode. The Jewish leaders of Jesus's day, keenly aware of his threat to the religious establishment, sought meaningly to trap him. Their religious life had long since sunk into legalism; nothing was so important as the observance of the Law with all its minutia of meaningless requirements. So a legalist once asked, endeavoring to catch him out: "Master, which is the greatest commandment in the Law?" "He answered, 'Love the Lord your God with all your heart, with all your soul, with all your mind.' That is the greatest commandment. It comes first. The second is like it: 'Love your neighbor as yourself.' Everything in the law and the prophets hangs on these two commandments." (Mt. 20:36-40). Even the legalists could not dispute this marvelous summary of God's truth for men and women.

At their best, the Jewish and Christian understanding of this truth is crystal clear. If you love God, you must and will love your neighbor. You have a concern, a responsibility, for all of which you are a part. It has been left for us, in this day, to come to the full realization that we are a part of all—of persons in all parts of the world, and of life in all its forms in our common earth.

What are we really talking about here? We are talking about values—human values, and moral values, and natural values—those related to the world of nature. We are indeed in a crisis of values. In our society they have been traded for a mess of pottage—of material possessions that undermine personal values, that have often been produced at the cost of moral values, and that time and again destroy natural values.

We are also talking about relationships. We begin to see that our relationships are too narrow, too limited. We need to reject a personal solution for the alienation we feel; it is simply not good enough to take refuge in privatism. It is not acceptable to withdraw from the common struggle, no matter how worthy the area of withdrawal. We must have a larger vision of relationships, the social vision that encompasses the welfare of the community and our consciousness of the group.

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[3] Goodwin, Richard N., *The American Condition*. Doubleday & Co., 1974.

I have one further thing to say. There are many serious observers of the American condition who echo today what A. N. Whitehead said years ago: "Mankind is now in one of its rare moods of shifting its outlook." They point out that many among us are consciously seeking for values, and know that they must be rooted in some reality. We who are Christians know that values are rooted in God; it is his nature that is the nature of reality. Do we believe this with sufficient passion to share our convictions with those in our society who are lost, and who know they have no rootage for being concerned with anything but themselves, and who are seeking?

Many tell us also that persons today are hungry for community, for acceptance. There are scores of evidences. Do we who are Christians believe strongly enough in loving our neighbors as ourself to utilize the Christian community as a nexus for human relationships? This was once one of the Church's reasons for being—to demonstrate that here all persons are loved and accepted, as God loves and accepts. If we have given up on the Church, can we find other channels for providing human love and fellowship in the spirit of Christ?

We need, in truth, a transition of consciousness, as Goodwin would say. Otherwise we are all lost in alienation and misery. But consciousness will change only with an infusion of a spirit which brings the signs of a creative and revolutionizing power. This is God's Spirit; such power emanates from God himself.

We are not speaking here of a mystical experience of a private kind. H. H. Farmer has said that God's purpose is such that he never enters into personal relationship with a human being apart from other human persons. God's personal approach to women and men and children is always through other persons, in the present, or in the past through the action of history. It is this kind of relation to God that his Spirit moves us to seek—a living relation to him through others, the only way we can ever know him or love him.

Someone has written: "If a person, even a doubting person, will extend so much as a little finger upward toward God, she may find that her whole hand has been seized and her whole life lifted by the Divine." Thus Spirit gives birth to spirit, bringing us the power to act for God, to change the face of things. Through the new spirit which may belong to us, the dry bones of our society may come to life.

CONTRADICTORY POLICIES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, July 8, 1974

Mr. HARRY F. BYRD, JR. Mr. President, the June 1 edition of the Muncie, Ind., Press included an excellent editorial on the question of sanctions against Rhodesia.

The editorial points out that at a hearing before the Senate Committee on Finance, Secretary of State Kissinger, under questioning, said he would have to review "the particular positions of the embargo" which was approved by the U.N. Security Council and made effective in the United States by unilateral action of former President Johnson.

Secretary Kissinger's remark came after I had pointed out that under the United Nations Charter, the Security Council can impose sanctions only upon nations found to be a threat to world peace. The Secretary conceded that Rhodesia was not such a threat.

I think that the Muncie Press stated the matter well when it termed the Rhodesian embargo "indefensible."

I ask unanimous consent that the editorial from the Muncie Press, "Contradictory Policies," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Muncie (Ind.) Press, June 1, 1974]

CONTRADICTORY POLICIES

Secretary of State Henry Kissinger testified at an open meeting of the Senate Committee on Finance on March 7. The following interesting colloquy took place between him and Sen. Harry F. Byrd, Ind.-Va.

Byrd: In your judgment, is Rhodesia a threat to world peace?

Kissinger: No.

Byrd: In your judgment, is Russia a potential threat to world peace?

Kissinger: I think the Soviet Union has the military capacity to disturb the peace, yes.

Byrd: In your judgment, does Russia have a more democratic government than Rhodesia?

Kissinger: No . . .

The heart of the argument was whether the United States should participate in a United Nations embargo against Rhodesia at the same time it was seeking to reduce trade barriers between the United States and Russia.

Dr. Kissinger tried to defend these contradictory policies on the basis of "the decisions of the international community (i.e. the United Nations) and the general conviction about justice."

Sen. Byrd raised the issue in a different context. He recalled Kissinger's statement that Rhodesia was not a threat to world peace and pointed out that under its charter the U.N. can take action against a country only when that country is judged to be a threat to world peace.

Still straddling the issue, Dr. Kissinger concluded: "I had not thought that the United Nations had acted improperly, but in the light of what you have said, I would have to review the particular positions of the embargo."

We think the embargo on Rhodesia is indefensible, and we hope the secretary's promised review will bring a prompt U.S. refusal to participate further in it.

WHAT'S RIGHT WITH AMERICA

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. COHEN. Mr. Speaker, at a time when many people tend to be critical of our Nation, its ideals and its accomplishments, it frequently takes someone with a fresh perspective to remind us of the true meaning of America. I would, therefore, call the attention of my colleagues to two themes recently written by sixth grade students at the Lambert School in Houlton, Maine. In their essays, Sharon Emery and Steven Roy capture what I believe is the essential spirit of America. Because I believe my colleagues will be interested in what they have to say, I insert copies of the essays in the CONGRESSIONAL RECORD at this point:

WHAT AMERICA MEANS TO ME

America, to me, is the most wonderful place in the whole world: It is a free country where people can walk wherever they want to walk, play wherever they want to play, and talk wherever they want to talk. All in all people can do anything whenever and wherever they want. America is a place of brotherhood; a place where everyone of us is equal, no matter what color or religion we are. All of us are people to be treated as people and nothing else. Many people depend upon this wonderful place called America. No one would known what to do if America fell apart or if the whole world would fall apart if anything happened to America. America is a place where you can worship the Lord in any manner you want to. You don't have to worry that your family will be snatched away from you to be put in a horrible prison where they would be beaten. Surely America has her problems, but show me a place that doesn't. I think that if America does as well in the future as in the past, we will still have the most wonderful country on the face of this earth.—SHARON EMERY.

WHAT MY COUNTRY MEANS TO ME

Being an American means that I have freedom of speech. I also have the right to vote, enough good schools to attend, and the right to pick my religion. I also have good transportation facilities and enough to eat and drink. I can also get aid from my government if I can't take care of myself. To be honest I've never thought what my country means to me. This is the first time I've ever thought about it, but I remember a story my mother told me a while ago. It's about my grandfather. He and his family ran from Germany and he fought for America in World War II. He was glad to fight as an American, even against his own kind. He always told his children that everything you own in life will either fade or die; but the right to be free is the only real gift that can be passed on from me to you. So I am grateful to be an American because I was born with this gift—this thing called being free.—STEVEN ROY.

EXPORT-IMPORT ACT OF 1945

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. BIAGGI. Mr. Speaker, I rise in opposition to House Joint Resolution 1058 which would extend for 30 days the Export-Import Act of 1945. Passage of this legislation will do nothing but perpetuate a program whose overall objectives need to be drastically altered.

Without a doubt the one nation which has benefited the most from the generous policies of the Export-Import Bank has been the Soviet Union. In recent years, while actively pursuing a policy of détente with the Soviets trade between our two nations has been rapidly expanding. However, it has been the American taxpayer who has been footing the bill through subsidized loans from the Export-Import Bank.

We in the United States have seen the so-called "benefits" of our new liberal trading policies with the Soviets. Who can forget the classic Russian wheat deal which did nothing but drive the price of wheat and related products up in this Nation as well as create unprecedented shortages of vital foodstuffs. The pages of the CONGRESSIONAL RECORD are filled with bills and resolutions seeking to reverse the negative consequences of this act.

It seems unconscionable to me that the same nation which was only recently our foremost adversary in the cold war is now virtually being subsidized by us. We are building the Russian nation economically and militarily at the expense of the American taxpayer. There have been far too many reports which allege that the moneys which the Soviet Union has received from the Export-Import Bank is actually being diverted to build up its military forces. If true, we are helping to finance our own demise as a first rate military power.

The Nixon administration has been unable to win the approval of Congress for his foreign trade deals with the Soviet Union. Yet by using the Export-Import Bank he is able to accomplish the same thing. If we permit this backdoor financing of the Soviets to continue, we will have no bargaining chips left to seek guarantees of human rights and personal freedoms from the Soviets.

Morever, the American taxpayer has grown weary of generous deals and aid for foreign nations while the working people of this country must fight a never-ending battle against inflation. Barely a whimper of assistance is forthcoming from their Government.

How many American citizens could turn to their Government and get millions of dollars in loans to be repaid at 6 percent interest? Zero. Yet the Soviet Union can claim this privilege by tapping the well at the Export-Import Bank.

International peace and détente are admirable goals, but if they are obtained without guarantees of basic human rights and without the moral and philosophical backing of the American people, they will be merely agreements in sand written in the wake of the receding tide.

The American people want peace and are willing to pay for it, but the American people know full well you cannot buy peace with shady bank deals and secret agreements. True world peace will only come when the Soviet Union agrees to share with the United States the international moral leadership the world is waiting for. They must share with us a commitment to guarantee the rights of individuals first and to work for the betterment of all peoples. Then, permanent peace will truly be at hand.

TORIES WARN NATION: ANARCHY IS NEAR

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. LANDGREBE. Mr. Speaker, I would like to bring to the attention of my colleagues the following article from the London Sunday Daily Express. The article features speeches by Sir Alec Douglas-Home and Lord Carrington, leading members of the Conservative Party in Great Britain. These men point out the terrible peril which threatens that country from an attitude of lawlessness, disregard for the constraints of society, and threats of economic chaos brought about by the selfishness of some union leaders. They warn of the dangers of anarchy when society can be held to ransom by irresponsible demands for wage increases and demands for political rights without an accompanying sense of responsibility.

We cannot afford to be smug about conditions in our own country, nor dare we say, "It cannot happen here."

The article follows:

[From the London Sunday Daily Express]

TORIES WARN NATION: ANARCHY IS NEAR

(By Keith Renshaw)

Britain is on the brink of anarchy, and only the ordinary people can preserve the rule of law. That was the message rammed home yesterday by two senior Tories, Sir Alec Douglas-Home and Lord Carrington.

It is unprecedented for two such eminent figures to choose simultaneously a single theme, and to project it with such force and anxiety.

Sir Alec told Tories at Gravesend: "Force is an ugly word in the ear of the British and it is certainly foreign to our interpretation of tolerant democracy.

"But none can deny that it is creeping into our body politic, for the public media are full every of threat to hold the public to ransom for political ends.

"We are fortunate in this sense, that we have been warned how a few men in this technocratic age can bring the life of a community to a virtual standstill.

"In Italy today extreme trade unionists are saying openly: 'We run the economy or we strike.' "

COMPLACENCY

In Northern Ireland recently a political strike almost paralysed the life of the Province, and in Scotland a very few men in an oil refinery held the rest to ransom by achieving a halt of transport.

"We in Britain have always curbed the power of anyone, King or Commoner, who tried to use it against the public interest. So successful have we been that the British people of all sorts understood that there must be restraint in the use of power, that we have assumed that the supremacy of the elected Parliament and the laws made by Parliament would not be challenged by force.

"But lately that has been shown to be complacent. 'It cannot happen here' is smug.

"It was to this looming danger of abuse of industrial power that the Conservatives called the attention of the nation in February. At that time the public was not ready to recognize the danger. Now there can be no doubt of it at all."

Looking to the General Election that cannot be far away, Sir Alec said:—

"The time is therefore coming when the electorate will have another chance. They will be able to say that they insist that those who find themselves with industrial power must exercise restraint in the use of it.

"The Conservative Party is one which, whatever mistakes it may make in policy, stands for the whole nation and nothing but the nation."

Sir Alec pledged: "We will champion the public against any self-seekers of power who aim to overthrow the law."

Sir Alec asked if the British were becoming intolerant.

"Certainly, when university students refuse to hear a point of view different from their own, that can only be labelled 'intolerance.' . . .

"It is, too, a shameful day for Britain when violence is not only condoned but celebrated. Violence by people for all the world reminiscent of the "black-shirts' and the dictatorial rule.

NO EXCUSE

"That this time they claim to be Socialists is no excuse for their evil. It is evil under whichever banner they match.

"When next the country is asked to speak and debate on these issues, the majority must assert unequivocally, without any hedging, that they will have nothing to do with those who cultivate and practise violence."

Lord Carrington delivered his warning to Tories at Devizes by asking a long list of sharp questions:

"Are we not beginning perhaps to take it for granted that in the 1970's there are explosions in the streets of London? Airplanes get hijacked? Innocent people get kidnapped and shot?

"Would you, 10 years ago, have believed that there would be an attempted kidnapping of Princess Anne a hundred yards away from Buckingham Palace?

"We read without much surprise of the mindless protesters who last Sunday injured 40 policemen, and with even less surprise that the Left blames the police for their brutality.

"It was, I believe, instructive to listen to the deafening silence on the Labour benches which greeted Mr. Jenkins' defence of the police.

"What about Clay Cross and Mr. Short's incitement to those who did not agree with the law to disregard it?

"What about Mr. Foot who blames the judge and not the lawbreaker?

"Outside a framework of law and respect for law, parliamentary democracy cannot work.

"Do you think that 10 years ago, or two years ago, the revelations about corruption in these past few weeks would have been received by those in public life with such seeming indifference?—or by the public itself with a sort of shrug of the shoulders and an acceptance that that sort of thing goes on?

SUBSTANTIAL

"Is it not possible that there are quite a lot of people about who, in the 29 years since the end of the war, have come to believe that the State will provide everything, including a regular and substantial increase in income and standard of living every year without any effort on their part?

"Couple that with low investment, low output, higher oil prices, world inflation, and it is plain to see a national effort is needed. . . ."

Lord Carrington concluded: "It is up to us—you and me, the moderate people. Up to us to make plain the rightroad by our example—to refuse to put up with immoderation and extremism—not by our silence to let our case go default. To be as vigorous and articulate as the Left.

"To mobilise the silent majority into a *determined* majority—determined to put the *nation* first. To fight for our society and the Britain we believe in.

"It is up to us.

"There is not much time."

MONUMENTAL ACTION CORP. OF CLEVELAND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. STOKES. Mr. Speaker, I would like to take this opportunity to recognize the important community contribution of the Monumental Action Corp.—MAC—of Cleveland, and bring its efforts to the attention of my colleagues.

The MAC was formed to aid tenants and landlords in slum areas and deteriorating neighborhoods that are potential slums. Under the capable leadership of Miss Clara Bryant, a Cleveland real estate broker, the MAC is planning a revitalization project that will promote mutual understanding and responsibility between tenants and landlords for the care of their neighborhods.

If their efforts prove successful, the MAC could serve as a model for the rebirth of other urban communities plagued with the problems of dilapidation and deterioration.

Accordingly I submit for the RECORD and the consideration of my colleagues, a very pertinent article describing the activities, services, and functions of this important community organization:

[From the Plain Dealer, July 1, 1974]

GROUP FORMED TO AID SLUM TENANTS, LANDLORDS

(By Janice F. Munson)

Clara Bryant of 1785 E. 55th St. wants to end slums in her neighborhood. She has felt this way since 1959.

She may make headway with the Monumental Action Corp., a new community group that wants to stop some of the problems that make slums.

Miss Bryant, an East Side real estate broker since 1953, is executive director of the nonprofit organization which has a 16-member board.

Pointing to a public trash can on the tree lawn in front of her E. 55th St. office, she said, "Nobody seems to know that's to put trash in.

"I think people should be mindful of their responsibilitity. You can call a landlord a bad landlord or a tenant a bad tenant. But what do you do about it?"

Teaching tenants how to take care of a home is one of the free services Monumental Action Corp. will offer.

How to keep a kitchen up and keep roaches down, how to fix a leaky faucet and how to maintain a lawn are some of the skills the group hopes to teach, said Pernel Jones, a board member.

Landlords, who register with the group, will also be instructed about their duties, he said.

MAC will also help tenants find good landlords and will recommend tenants to landlords.

"We will go with a tenant and landlord to a building, check its condition and keep a record of what the condition was like when the tennant moved in," he said.

When problems arise, such as broken windows and doors or the need for painting, the group will have records to show who should do the repairs, he said.

Miss Bryant said she has been keeping similar records in her own business since around 1960. That's when she believes the tenant-landlord problem began in her neighborhood.

"We've had problems on both sides," Jones said. "Landlords claim renters ruin buildings. Renters claim landlords don't take care of them.

"The biggest problem is no one claim's responsibility."

RESUMPTION OF TURKEY'S OPIUM PRODUCTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. RANGEL. Mr. Speaker, last Monday, July 1, 1974, represented a sad day in our efforts to eradicate the insidious heroin menace in our community. For on that day, the Government of Turkey decided to resume cultivation of the opium poppy. The same opium poppy that once fed the now infamous French connection which in turn supplied 80 percent of the heroin in this country, most of which arrived right here in the ports and streets of our city. The same opium poppy that has fed the captured veins of thousands of our citizens leading to human misery and suffering, destruction of families, and slavery to the criminal elements of our society. In my home city of New York, we have over half of the Nation's heroin addicts. We have been called the drug capital of the Nation. It has been estimated that over 60 percent of all of our crime is drug-related. Consequently, we know first hand of the destructive impact of heroin in a community, and the detrimental effects it has on the quality of life in our city. Therefore, I have devoted a significant portion of my energies toward the elimination of this cancerous sore from our community as from all the communities in our country, by eradicating the source of the illicit opium, which once was the primary source before a ban on opium cultivation was negotiated in 1971, is now gearing up again to reclaim its place of prominence in this insidious heroin market.

As many of you will recall, in 1971 the President of the United States declared that the drug problem in our Nation had assumed the dimensions of a national emergency and that heroin addiction was the most difficult illicit drug to control and the most socially destructive form of addiction. At that time it was estimated that between 500,000 and 700,000 persons in this country were addicted to heroin, and that 80 percent of this heroin originated from the Turkish opium poppy. A key part of our strategy to combat this menace to our society was to reduce the availability of heroin by eliminating the source. The President, with the support of the Congress, successfully convinced the Government of Turkey to impose a ban on opium production. In return, we pledged $35.7 million to compensate losses accrued to the Turkish farmers and to assist in developing alternative crops.

Today, we are just beginning to realize the fruits of this action. There has been a dramatic decrease in the quantity and quality of heroin on the streets of America, and a corresponding decrease in the number of heroin addicts. On the streets of our city, the purity of a "bag" of heroin has declined from 7.7 percent to 3.7 percent. The Drug Enforcement Administration reports a reduction of the estimated number of heroin addicts by more than 60 percent. Correspondingly, the number of heroin overdose deaths and criminal activity has shown a marked decrease. All this progress can be related to the cessation of opium production in Turkey. Therefore the resumption of opium production in Turkey poses a serious threat to the health and safety of our communities.

As you may know, rumors of the revocation of the poppy ban prompted me to visit Turkey recently. During that time I was convinced that serious planning to lift the ban was being conducted. In fact, seeds were being germinated which are to be used for planting this fall. Upon voicing my concern to the White House and the State Department when I returned, their response was less than encouraging.

I have since written the President; conferred with Major General Scowcroft, Vice Chairman of the National Security Council; conferred with our Ambassador to Turkey; discussed the matter with the State Department and other cognizant Federal agencies. Failing to receive any indication of a sense of priority or urgency on this matter, on May 9 of this year, I introduced a concurrent resolution which urges the President to enter into serious negotiations with the Turkish Government to prevent revocation of the ban, and further urges the exercise of his authority to cut off economic and military aid to that country if the negotiations failed. This legislation now enjoys the cosponsorship of over half the 435 Members of the House and a significant number of Senators. This should have been a clear warning to the President and to the Turkish Government of the degree of concern the Congress places on this issue. However, from all indications, the President's preoccupation with Watergate, Mideast victory celebrations, and grandstand summitry, blinded his eyes to this crucial international matter which has direct detrimental implications on our domestic welfare. Obviously, this resolution had no effect on the Turkish Government's deliberations. They chose to disregard this warning, and the decision announced last Monday on Ankara radio leaves the Congress no choice but to escalate its action.

Last Tuesday, I joined my distinguished colleague and chairman, PETER RODINO, in sponsoring a new resolution which urges immediate suspension of economic and military assistance to Turkey. Last year we provided a total $196.3 million, and the President has requested $232.5 million in economic and military aid to that country.

During these troubled economic times, when inflation and unemployment has reached critical proportions in this country, affecting the pocketbook of literally every American, especially those with marginal incomes, I will not stand idly by and allow our Government to hand out millions of taxpayers' dollars to a government that, in return, hands out suffering, misery, and slavery to this incidious drug. I will continue to do all within my power to eradicate this menace to our society.

THE 198TH BIRTHDAY OF THE UNITED STATES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. LANDGREBE. Mr. Speaker, tomorrow is the 198th birthday of this great United States. For nearly two centuries the fortunate people of this Nation have enjoyed more freedom, more prosperity, more opportunities, and more individual identity, more religious freedom, than known to any other society.

At this very moment we do have peace, we do have prosperity. The longest war in our history is over. The draft is ended after one-third of a century. Jobs await the willing hand all over this country. Veterans' benefits have been improved repetitively under this administration.

Yet down on the Mall, right in the shadow of this Capitol, a group of so-called veterans are permitted to assemble, sprawling all over our public property, displaying signs, uncomplimentary to America.

I ask, Mr. Speaker, why are these unappreciative people allowed rights and privileges going far beyond those extended to law-abiding taxpayers and loyal Americans visiting the Capital of this country?

A CHANCE TO RIGHT AN ANCIENT WRONG

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mrs. **BURKE** of California. Mr. Speaker, I would like to express my concern for the future of the Havasupai Indian Tribe, which faces the possible loss of their historic land base as a result of legislation designed to enlarge the size of the Grand Canyon National Park—S. 1296, as amended.

An unintended effect of this bill may well be to deprive the Havasupai of certain portions of the land they now occupy in the national park area. Under the 1919 act which established the Grand Canyon National Park, the Secretary of the Interior has the authority to allow native Americans to live in the park. By agreement with the Department of the Interior, the Havasupai currently occupy approximately 251,000 acres.

In addition to increasing the size of the park, the bill as reported by the House Interior Subcommittee on National Parks and Recreation seeks to more firmly establish the rights of the Havasupai to their land. The bill grants them "permitted use" of 100,000 acres and other such land as determined by the Secretary of the Interior. While this may strengthen their claims to the 100,000 acres, the Havasupai fear that the specificity of the language may lead future Secretaries to deny their claim to the rest of the land they now occupy.

The bill is soon to come before the full House Interior Committee, where it is expected that an amendment will be offered to grant the Havasupai's trust title to the quarter of a million acres involved. I believe that such an amendment is an act of simple justice and is the first step toward bettering the conditions of the Havasupai.

I am inserting in the RECORD the following editorial from the Los Angeles Times:

A CHANCE TO RIGHT AN ANCIENT WRONG

In legislation now pending, Congress has an opportunity to right an ancient wrong committed against the little-known, tiny band of helpless Havasupai Indians now condemned to live in stark isolation and poverty at the bottom of the Grand Canyon in Arizona.

What the Havasupai want, and what simple justice demands they be given, is trust title to 251,000 acres of land on the surrounding plateau. They now have limited use of this land, but only at the sufferance of government agencies and under annually renewable permits.

Some dimension of their plight can be gained from their tragic history. They first settled on the plateau south of the rim of the canyon about AD 700. Centuries later, drought compelled them to descend into the canyon during the summer to farm along Havasu Creek; after each harvest they returned to their homes on the plateau. This seasonal migration continued for six centuries. It was then that they discovered that their treatment by the federal government would be more disastrous than the suffering imposed by natural calamities.

One of the turning points in their history came in 1919 with an act of Congress that established Grand Canyon National Park. Since the Havasupai were assigned in 1882 to a 518-acre reservation on the canyon floor, they had used and occupied the 251,000 acres of plateau land under federal permit. The act of 1919 sought to protect their rights to this land, but, according to William Byler, executive director of the Assn. on American Indian Affairs, the National Park Service ignored the intent of Congress. Over the years, the park service has driven the Havasupai off the plateau, burning their homes on occasion to force them down into the canyon. Today, only Havasupai livestock is free to live on the plateau.

The present situation of the tribe is intolerable. The Havasupai are visited by a doctor once a month. Medical evacuation in an emergency is often impossible. In the winter, an eight-mile horse trail to the nearest road is sometimes blocked for weeks by snow. Two children died last winter because medical assistance was not available. These harsh conditions have held down the tribe's life expectancy rate to 44 years, 26 years less than the national average.

No schools are available for their children at home. At the age of 10, Havasupai children are taken 300 miles away to boarding schools. This separates children from their parents for the academic year.

The claim of the Havasupai Indians to the 251,000 acres (their lands once totaled 3 million acres) will be considered the week of June 17 by the House Committee on Interior and Insular Affairs in connection with the Grand Canyon National Park bill. Legislation to honor the claim was first proposed in 1908. A delay of 66 years is enough. It is time for Congress, as representatives of the American people, to treat the Havasupai, numbering only 425 persons, as human beings.

I CAN SEE IT NOW

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Ms. **ABZUG**. Mr. Speaker, for the benefit of persons who do not read the Washington Post or the Progressive magazine, I would like to insert the following satire into the RECORD, without further comment:

[From the Washington Post, July 8, 1974]

THE COOLEST MAN IN THE ROOM

(By Richard Lipez)

P. Hi, Bob. Sit down—sit down. I guess you've heard—

H. Right. Somebody pressed the button—some (expletive deleted) mess this is. Kissinger the (unintelligible) called and says the Russians have just sent up their—

P. That's right.

D. I'm afraid, Sir—

H. Yep.

P. Who is this (expletive removed) Liddy, anyway? He had the button?

D. When he asked Mitchell for access to the button Mitchell just laughed and puffed and said—Oh, hell, if it makes him happy—

P. Right—

H. Really?

P. On this I think we have to buy time, to minimize—

D. We have 15 minutes. It was just eight minutes ago Liddy pressed—

P. What is it? Moscow, Leningrad—how the hell—

H. Henry says 35 cities and all the Russian military bases. Figure about 60 per cent destruction of the entire—

P. Uh, huh.

D. Right.

P. Well, I've got Brezhnev on a short leash but I'm not certain that Kosygin will—

H. He is kind of buzzy, stupid.

D. Retaliation may be a problem.

P. What?

D. They are against us.

P. Oh?

H. Henry says 30 per cent of their missiles might get through. Most of the East Coast would go, which we could live with. But—

P. So ridiculous.

H. World War III could put a dent in the detente.

D. We could re-call the planes and missiles but Strachan has shredded the fail-safe code, which from a cold legal standpoint is probably—

P. Destruction of government property?

D. At least that.

P. (Expletive deleted). So your options are—We could fight it out but the Chinese might move in and pick up the pieces and we would—

H. Look like dopes.

P. And in effect, look like—Now the other line, however, if you take the line that they attacked first. You could consider that scenario. Strachan knows?

D. The Senate Foreign Relations Committee will hold hearings, you can (expletive deleted) bet on that. Strachan would be called. And Liddy painted his name on one of the missiles before he pressed the button.

P. Oh, nuclear holocaust would be a hard rap to prove.

D. Uh, huh.

P. Is there any way we can keep the missiles from landing until after the '74 elections?

H. I asked Henry that. There was a pause—

P. He is such a dumb—

H. And he said no, we have 15 minutes. By now it must be down to six or eight.

P. (Expletive removed). (Door opens.)

Z. Hi! Just got a call from CBS. They're asking about some damn World War III story that is going around. Now isn't that just . . . totally irresponsible? What should I indicate?

P. Get the name of the reporter who called. We will get him good after this doomsday thing blows over.

D. I am keeping a list.

P. Make a general statement saying—how, say this very bizarre mushroom cloud thing, if it appears at all, is deplorable but that nobody now employed by the White House will have been involved. It was some misguided guys over at CREEP, isn't it?

Z. Oh, The Post called too. Asked if a guy called Liddy works here. His name was spotted by a Pan Am pilot on some unidentified flying object that also had an American flag on it.

H. This is a problem.

P. Oh, uh—oh, ah—well—(Door closes.)

P. Now we have to take a look at our options. Let me say this—

D. You might put it on a national security grounds basis.

P. National security. Liddy had to press the button for national security . . .

D. Then the question is, why didn't you do it?

P. Because, I was busy with—what?

D. Watergate.

D. I think we could get by on that.

P. That is true. With the Watergate cover-up unraveling I didn't have time to—

P. Congratulations, John. The way you have handled all this, it seems to me, has been very skillful.

D. Nothing is going to come crashing down on us to our surprise.

P. Well, shall we head for the bomb shelter?

H. Right.

P. Somebody get Bebe.

H. Sure.

HALF A LOAF OF HOUSING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 3, 1974

Mr. RANGEL. Mr. Speaker, the housing legislation passed by the House of Representatives would give low- and middle-income families only a half of loaf when they hunger for, and need, a whole loaf. Housing in America is a national disgrace. In both urban and rural areas, there is a shortage of decent housing. That which is available is often beyond the reach of the pocketbook.

The House version of the housing bill, now awaiting action by Senate-House conferees, does contain some important provisions. Nonetheless, it represents an unfortunate knuckling under to the administration from fear of a possible Presidential veto. Congress should have the courage to enact legislation it can be proud of and to fight to override a White House veto.

I would like to include at this point in the RECORD a New York Times editorial on this housing legislation:

THE COST OF A HOUSING ACT

The good news in housing legislation is that for the first time since 1968 there will probably be some comprehensive community development. The bad news is that unless the House conferees and Administration officials approach the Senate-House conference with a good deal of flexibility, the final product is apt to hurt many of the cities that have worked hardest at solving the great urban problems.

The Housing Act of 1968 in the Johnson Administration set major housing goals for the nation: 26 million housing units—six million of them for the poor—were to be built in a decade. Between 1969 and 1973, housing starts averaged over two million per year, and 1.5 million of those eight million units were designated for low-income families. Despite this record, the present Administration declared the subsidized housing programs for poor and moderate income families to be failures and in January 1973 froze new Federal commitments to them.

Last March, the Senate passed an omnibus housing bill which the Administration promptly threatened to veto. Subsequently, the House labored to produce a bill which the President would accept and, in doing so, developed a package differing markedly from the Senate bill.

Both bills adopt the block grant approach to community development, favored both by the Administration and by city executives, who want administrative procedures simplified. But, while the Senate bill sets forth well-defined priorities for the expenditure of community development funds, the Administration opposes them and they have been sharply limited in the House bill.

In addition, there is a vast difference in the fund distribution schemes adopted by the two houses. The Senate bases allotments on the average funding a community received in the period from 1968 through 1972.

The net effect of the House distribution formula would be to reduce dramatically—in some cases by as much as 50 to 60 per cent—the community development funds available to the vast majority of the cities that had been most deeply involved in community development activities in the past. Suburban areas and Southwestern cities which have demonstrated only a limited need for or minimal interest in community development programs would benefit.

Finally, the House in a major break with the past has scrapped the principal housing subsidy programs in favor of a leased housing and direct subsidy program. Opponents of this approach argue that it would drive the poor, unprotected, into an open market with little increase in the housing available to them. The result, it is argued, would be a small increase in housing for the poor but a substantial increase in what they pay for it.

Proponents of the House bill call it a "small city bill" and an achievable compromise. They acknowledge that it edges the Federal Government away from the leadership role it has taken in confronting the most urgent concerns and in alleviating the problems of the urban poor. They argue that the political realities of the Administration's attitudes, increased non-urban representation in Congress and growing problems in suburbia must be faced if legislation is to be achieved this year.

The price of achieving housing legislation this year may be high; but we think the cost which the House approach would extract from the cities and from the poor is far too high.

HOUSE OF REPRESENTATIVES—*Tuesday, July 9, 1974*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Serve the Lord with gladness; come before His presence with singing.—Psalms 100: 2.

O God, by whose mercy we are sustained and with whose power we are supported, we turn to Thee at the beginning of a new day seeking renewal for our weary souls, faith for our fearful hearts, and strength for our weak hands. Support us all the day long of this troublous life as we endeavor to do our work for the highest good of our beloved Republic.

May Thy spirit so move within our hearts that we may commit ourselves more fully to Thee in thought, in word, and in deed. Then may we go forth to serve this day doing our best and seeking the best for the best country in all the world.

"O Master, let me walk with Thee
In lowly paths of service free;
Tell me Thy secret; help me bear
The strain of toil, the fret of care."

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 15074) entitled "An act to regulate certain political campaign finance practices in the District of Columbia, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7130) entitled "An act to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Office, to establish a procedure providing congressional control over impoundment of funds by the executive branch, and for other purposes."

THE LATE MRS. CHARLES H. WILSON

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. Mr. Speaker, it is my sad duty to announce the passing on July 5 of Mrs. Betty Wilson, the wife of our Congressman, the gentleman from California (Mr. CHARLES H. WILSON).

Mrs. Wilson died at the National Institute of Health in Bethesda, Md., from cancer. She died after surgery had raised the hopes of all for her ultimate recovery and for a remission of the cancer.

She has been a strong partner to her husband, an effective voice in her community, a woman deeply dedicated to a family. She leaves a very fine family behind. She has four sons; Dr. Stephen Wilson; Donald, Kenneth, and Bill Wilson, and two sisters, Mrs. John Steward and Mrs. Philip Fleeman.

Services for Mrs. Wilson will be held in Inglewood, Calif.

I know that all my colleagues join in expressing our sympathy to the family, having suffered the loss of their mother, and to her husband.

GENERAL LEAVE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the passing of Mrs. Charles H. Wilson.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

JIMMY CONNORS WINS WIMBLEDON CHAMPIONSHIP

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, last Saturday, Jimmy Connors of the United States became the new men's singles champion at the All-England Tennis Championships at Wimbledon.

We can all be proud of Jim's victory as an American one, but I am particularly pleased because Jim was born and raised, with a racket in his hand, in my district.

I have known Jim's family for many years, and I have watched with interest and pleasure as he rose in the tennis world. It required a great deal of dedication and hard work, especially in those early years, but now the greatest ambition has been fulfilled. With his victory at Wimbledon, Jim has reached the summit of tennis success.

At only 21 years of age, Jim is certain to reappear in the Wimbledon finals many more times before he ends his career. But this first championship marks his ascendance to the ranks of the tennis great.

I am honored to know Jim and his family, and on behalf of the people of my district I wish to congratulate him on his outstanding play at Wimbledon.

MIA'S IN SOUTHEAST ASIA

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I have just returned from Southeast Asia, where I spent my full time working on the missing in action and those Americans who have been killed in Southeast Asia but whose bodies have not been recovered from the Communist zones.

I am sending to each Member of the House a complete report, and I would hope that the Members would take only a few minutes to read this report, which might help updating Members on this sad and frustrating situation.

Also, Mr. Speaker, on July 16, I have asked for a special order, which has been granted, to talk about the missing in action in Southeast Asia. I would hope that my colleagues will participate in this special order.

RECOMMITTAL OF CONFERENCE REPORT ON H.R. 11873 TO COMMITTEE OF CONFERENCE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the conference report on the bill H.R. 11873 to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, be recommitted to the committee of conference.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPEAL WINTER DAYLIGHT SAVING TIME

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Oklahoma. Mr. Speaker, I want to call the attention of the Members of the House to a report issued by the Department of Transportation at the end of last month concerning the results of the experiment in year-round daylight saving time.

As the Members know, when this Congress passed the law, the Department of Transportation was due to report at the end of June 1974 and June 1975. Its report shows that there is very little—actually less than 1 percent—of fuel savings which has resulted from year-round daylight saving time. The Department strongly recommends that daylight saving time only be included for 8 months of the year, and not have winter daylight saving time.

Mr. Speaker, I am a cosponsor along with several other Members of the House in a bill to repeal winter daylight saving time. I appeal to the Commerce Committee to hold hearings to repeal this mistake. We have made a mistake, and we ought to be willing to admit it and correct it.

Mr. Speaker, all the arguments I expressed in opposition to year-round daylight saving time several months ago, unfortunately, have come true. Small children have been endangered; family schedules have been disrupted; the mobility of our elderly has been restricted, all with no accompanying social or economic value.

I hope very much that this body, before it adjourns, before the winter season takes hold again, will repeal this winter daylight saving time.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 365]

Andrews, N. Dak.
Archer
Badillo
Bafalis
Biaggi
Bingham
Blatnik
Brasco
Breaux
Buchanan
Burke, Calif.
Carey, N.Y.
Chappell
Chisholm
Clark
Clay
Collier
Conyers
Culver
Davis, Ga.
Dellums
Dennis
Dorn
Evins, Tenn.
Foley
Forsythe
Giaimo
Gibbons
Grasso
Gray
Green, Pa.
Griffiths
Gunter
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Hays
Hébert
Helstoski
Hillis
Holifield
Hosmer
Jones, Tenn.
Kyros
McEwen
McKay
McKinney
McSpadden
Macdonald
Melcher
Mills
Mink
Minshall, Ohio
Murphy, Ill.
Nix
Pepper
Powell, Ohio
Price, Tex.
Pritchard
Quillen
Reid
Robison, N.Y.
Roncalio, Wyo.
Rooney, N.Y.
Rostenkowski
Roybal
Schroeder
Shipley
Skubitz
Slack
Stark
Steele
Stokes
Thompson, N.J.
Tiernan
Waggonner
Walsh
Wilson, Charles H., Calif.
Wydler
Young, Alaska
Young, Fla.

The SPEAKER. On this rollcall 352 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SCHOOL FARE SUBSIDY

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 13608) to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 13608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia", approved August 9, 1955 (D.C. Code, sec. 44-214a), as amended by an Act approved October 18, 1968, and by an Act approved August 11, 1971, is further amended by deleting "1974" and substituting "1977".

With the following committee amendment:

Page 1, after line 9, insert the following:

SEC. 2. Notwithstanding any other provision of law, or any rule of law, nothing in this Act (including the amendment made by this Act) shall be construed as limiting the authority of the Council of the District of Columbia to enact any act or resolution, after January 2, 1975, pursuant to the District of Columbia Self-Government and Governmental Reorganization Act with respect to any matter covered by this Act.

The committee amendment was agreed to.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the sole purpose of H.R. 13608, as set forth in House Report 93-1173, is to extend the present subsidy for the transportation of school children in the District of Columbia, established by an Act of Congress approved October 18, 1968 (Public Law 90-605, 82 Stat. 1187; D.C. Code, Title 44, Sec. 214a), which will expire in August of this year, for a period of 3 years or to August 1977.

The present reduced fare for school children is 10 cents, and the regular adult fare is 40 cents; the difference (30 cents) is the amount of the subsidy per pupil presently paid the Washington Metropolitan Transportation Authority under the 1968 Act.

BACKGROUND

For many years, transit companies operating in the District of Columbia were required by law to carry school children at a fare not exceeding one-half the established adult fare. The regulatory Commission (the Washington Metropolitan Area Transit Commission) having jurisdiction over such carriers in the city is responsible for determining the amount of such reduced fares for schoolchildren. This reduced rate has never been sufficient to cover the cost of carrying the schoolchildren, and up until a few years ago, the Commission was compelled to set the adult fare at a level which was high enough to cover the entire cost of the carrier's operation, including the cost of transportation of schoolchildren in excess of the receipts from their reduced fares. Thus, the economic effect was that the adult bus-riding public had to make up the uncovered costs resulting from the reduced fares for the transportation of the schoolchildren.

1968 AMENDMENT

In 1968, the Congress enacted Public Law 90-605 (82 Stat. 1187; D.C. Code, Title 44, Sec. 214a), which made it possible for the cost of carrying schoolchildren in the District to be borne by the community as a whole.

Under the provisions of the 1968 Act, the Washington Metropolitan Area Transit Commission is required to certify to the Commissioner of the District of Columbia for each calendar month, with respect to each bus company transporting schoolchildren in the city, an amount representing the difference between the total of all reduced fares paid to such carrier by schoolchildren and the amount which would have been paid if such fares had been at the lowest adult fare set by the Commission for regular route transportation. Upon receipt of such certification, the Commissioner of the District of Columbia is required to pay each carrier the amount so certified by the Transit Commission.

At the time of enactment of this law, approved on October 18, 1968, the reduced fare for schoolchildren was 10 cents, and has remained at that level to the present time. The lowest adult fare in 1968 was 25 cents, and since that time, as stated, has increased to the present level of 40 cents.

COMMITTEE INTENT

It is the intent of this Committee that for the purposes of this act the term "lowest adult fare" as used in the act is deemed to be the standard, established, regular adult fare, which is to be used in applying the formula set forth in the act for adjustment and payment of the school fare subsidy.

This adult fare is not to be confused with the special citizens' reduced fare (25 cents) established by act of the Council and for part-time use on the local buses, in other than regular weekly commuting hours.

COMMITTEE AMENDMENT

The Committee amendment makes it explicitly clear that the act does not limit the authority of the District of Columbia Council, after January 2, 1975, to legislate respecting any matter covered by this act.

SCHOOL FARE SUBSIDY PAID, 1971-74

The following table, submitted to the Committee by the District of Columbia Government, shows the amount of this subsidy paid to the carriers affected, during the last three fiscal years. It will be seen from these figures that whereas a total of 11,385,845 school passenger rides were subsidized during the first year, at a certified subsidy amount of $3,424,643, during the third such year, ending in June of 1974, it is estimated that 11,736,757 school passenger rides will have been certified, at a total subsidy cost of $3,521,027.10. This increase in the cost shown is attributable to the increase in the number of school passenger rides.

SCHOOL TRANSIT AUTHORITY

Year and month	Rides	Subsidy
1971:		
July	407, 421	$122, 424. 55
August	335, 550	100, 773. 15
September	824, 677	248, 214. 70
October	1, 085, 998	326, 811. 95
November	1, 142, 201	343, 653. 65
December	943, 268	283, 796. 95
1972:		
January	1, 114, 016	335, 170. 75
February	1, 176, 372	353, 866. 65
March	1, 363, 138	409, 980. 20
April	984, 552	296, 056. 85
May	1, 320, 088	396, 937. 70
June	688, 564	206, 956. 75
Total fiscal year 1972	11, 385, 845	3, 424, 643. 85
1973:		
July	557, 240	167, 333. 65
August	474, 582	142, 467. 30
September	718, 199	216, 016. 90
October	1, 205, 322	362, 471. 55
November	1, 212, 323	364, 575. 95
December	887, 993	267, 052. 65
January	1, 180, 617	355, 103. 80
February	1, 085, 692	325, 792. 60
March	1, 262, 869	378, 860. 70
April	933, 694	280, 108. 20
May	1, 173, 567	352, 070. 10
June	599, 238	179, 771. 30
Total fiscal year 1973	11, 291, 336	3, 391, 624. 8
1974:		
July	593, 591	178, 077. 30
August	468, 181	140, 454. 30
September	932, 606	279, 781. 80
October	1, 272, 018	381, 605. 40
November	1, 230, 185	369, 055. 50
December	816, 437	244, 931. 10
January	1, 262, 172	378, 651. 60
February	1, 158, 871	347, 661. 30
March	1, 296, 197	388, 859. 10
April	[1] 933, 694	$280, 108. 20
May	[1] 1, 173, 567	352, 070. 10
June [1]	[1] 599, 238	179, 771. 40
Total fiscal year 1974	11, 736, 757	3, 521, 027. 10

[1] Estimate—based on 1973 passenger figures for month.

Source: District of Columbia government figures.

HEARING

At a public hearing on H.R. 13608 by the full Committee on the District of Columbia on March 22, 1974, the extension of the school fare subsidy was supported by Members of Congress, and by representatives on behalf of the Washington Metropolitan Area Transit Authority; the District of Columbia government; the Washington Metropolitan Area Transit Commission; and the Board of Education of the District of Columbia.

No statements were presented or filed in opposition to the extension of the school fare subsidy.

COSTS

According to estimates of the District of Columbia government, the costs to the District for the school fare subsidies provided in the reported bill are as follows:

[In Millions]

Fiscal year:	
1975	$3.8
1976	3.8
1977	3.7

VOTE

The bill, H.R. 13608, as amended, was ordered favorably reported to the House by voice vote of the committee on July 1, 1974, a quorum being present.

CONCLUSION

The spokesman for the Washington Metropolitan Area Transit Authority expressed at the hearing that subsidizing the cost of transporting schoolchildren to and from school is a legitimate expenditure of funds on the part of local government.

The committee heartily agrees with this opinion, as well as that of the Transit Commission's representative at an earlier hearing on similar legislation:

> Philosophically, we at the Commission believe that the 1968 law places the burden of providing transportation for school children where it properly belongs, on the community at large rather than on only those members of the community who happen to ride the bus. Speaking from the standpoint of the practical result, we can report that the shift of that burden has resulted in substantial benefit to the city's bus riders and to the city itself.

DEPARTMENTAL REPORTS

The report of the District Government in support of the objective of H.R. 13608, together with draft of proposed amendments, follows:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 23, 1974.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 13608, a bill "To amend the Act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia."

H.R. 13608 would extend for an additional three-year period, to August 1977, the subsidy to common carriers providing reduced fares for the transportation of schoolchildren to and from public, parochial, or like elementary and secondary schools in the District of Columbia. The subsidy authorization expires August 1974.

Under existing law (Act of August 9, 1955, as amended; D.C. Code sec. 44–214(a)), the Washington Metropolitan Area Transit Commission, which succeeded to the jurisdiction of the Public Service Commission over mass transit carriers, is responsible for fixing the rate of fare for transportation by bus of schoolchildren going to and from public, parochial, or like schools in the District of Columbia at not more than one-half of the regular cash fare, and to establish rules and regulations governing the use thereof. The reduced fare for schoolchildren is presently established at ten cents for one-way transportation in lieu of the regular adult fare of forty cents. The District Government is required to fund the difference between the total of all reduced bus fares paid to the carrier for schoolchildren and the amount which would have been paid to the carrier at the lowest regular adult fare.

Extension of the subsidy for transportation of schoolchildren is a recognition of the fact that such transportation is a public responsibility and the cost should be shared by all taxpayers, not just those who ride the buses. Consequently, the District Government supports the objective of H.R. 13608.

We would, however, suggest that the Committee give consideration to certain additional amendments to existing law which are contained in a substitute draft bill attached to this report and explained in the following paragraphs.

The draft bill would transfer the authority to set the reduced fare rate for schoolchildren from the Washington Metropolitan Area Transit Commission to the District of Columbia Council and would authorize the Council to establish rules and regulations governing the administration of the school fare subsidy program. This change is consistent with the District of Columbia Self-Government and Governmental Reorganization Act and with the fact that the District Government pays for the costs of the subsidy out of its revenues. It is especially appropriate at this time because the Transit Commission is no longer actively involved in the mass transit ratemaking process. The bill also does not provide a maximum or minimum limit on the school fare rate, thus enabling the Council to effectively control the amount of the subsidy.

Additionally, the proposed draft bill would eliminate the role of the Transit Commission as certifying agent with respect to the amount of the monthly subsidy payment. With the acquisition of the former privately-owned D.C. Transit and WMA Transit Company bus lines by the Washington Metropolitan Area Transit Authority, a government agency, and the subsequent reduction in the Transit Commission's staff, it does not now appear necessary that the Transit Commission continue to exercise this function. These proposals have the support of the Transit Commission.

The draft bill also would delete the present age limitation of eighteen upon the use of school fare tickets and allow all students to utilize the reduced fare plan for so long as they remain in attendance at an elementary or secondary school. There appears to be no compelling reason why students, regardless of age, who are regularly attending elementary and secondary schools should not be permitted to travel at a reduced fare, at least until they cease their enrollment or graduate from the twelfth grade. This proposed amendment may further serve as an inducement to encourage students to remain in school until such time as they complete all academic requirements. It is intended that this proposal would be limited to schoolchildren pursuing a regular elementary and secondary school program and would not be available to adults or students enrolled in colleges or proprietary schools.

While H.R. 13608 authorizes only a three-year extension of the subsidy, the draft bill contains no limitation as to time. With transfer to the Council of the authority to set the reduced fare rate and to establish rules and regulations for administration of the subsidy program, there appears to be no further reason to limit the authorization to a three-year period.

The draft bill further contains amendments which would permit subway as well as bus transportation; allow the orderly conclusion of the functions and authorities of the Transit Commission and Transit Authority under present law; eliminate certain obsolete legal references in the present statute; and provides an effective date of September 1, 1974 to enable the rate to be timely set by the Council.

The actual cost to the District of Columbia Government for schoolchildren's bus fares in fiscal year 1973 was $3,391,000, and for fiscal year 1974, $4,112,300 has been budgeted for this purpose. With regard to the anticipated costs involved in a three-year extension of the existing law, the District Government is requesting $3,812,300 in its fiscal year 1975 budget estimates and, assuming a constant fare structure, it is expected that the cost to the District for fiscal years 1976 and 1977 will also be $3,812,300 each year.

It is anticipated that the amendments contained in the proposed draft bill may increase the foregoing cost estimates. Because of the unavailability of data indicating the number of students of the age of eighteen and over who are in regular attendance at public and private schools, we are unable to provide an estimate of additional costs that may result from elimination of the age limitation. In addition, any change in the reduced fare for schoolchildren or in the adult fare will affect the cost of the subsidy program.

We believe the amendments contained in the draft bill will materially improve the administration of the school fare subsidy program and urge their favorable consideration by the Congress. As the current statutory authorization for the subsidy will expire in August 1974, we urge early enactment of legislation to allow continuation of this important program.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,
WALTER E. WASHINGTON,
Mayor-Commissioner.

The report of the Washington Metropolitan Area Transit Authority, and proposed amendment, follows:

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY,
Washington, D.C., April 12, 1974.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for extending to us the opportunity to make recommendations and report on H.R. 13608.

We recognize that the public interest is served by a continuation through August 1977 of the long-standing policy of transportation of District of Columbia school children not over eighteen years of age at reduced fares.

WMATA is pleased to recommend approval of H.R. 13608; however, in the interest of clarity, we believe it is necessary to point out that the term "lowest adult fare" contained in the 1971 amendment (P.L. 92–90, 85 Stat. 315) should not be confused with the Metrobus "Golden Age" fare, which is also a reduced fare, of course. We feel that this clarification can be attained by striking the period after "1977" in the last line of H.R. 13608 and adding the following: and by providing that the term "lowest adult fare" as used in section 2 shall be construed as the standard adult fare in applying the formula for adjustment and payment of the fare subsidy.

Sincerely,
JACKSON GRAHAM.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of the bill H.R. 13608, the purpose of which is to extend the present law with respect to subsidy for the transportation of schoolchildren in the District of Columbia for a period of 3 years, or until August 1977.

The present system for school fare subsidy for schoolchildren in the District up to the age of 18 years was enacted in 1968, as Public Law 90–605. Under this system, the D.C. Public Service Commission is required to fix a rate of fare for the transportation of schoolchildren within the District of Columbia at not more than one-half the cash fare established, from time to time, for regular route transportation within the city. Actually, this school fare has been maintained at 10 cents to the present time, although the regular route fare has increased from 25 to 40 cents, the present level. The law further requires that each month, the Washington Metropolitan Area Transit Commission shall certify to the Commissioner of the District of Columbia an amount which is the difference between the total of all the reduced fares for schoolchildren paid during that month and the amount which would have been paid if such fares had been paid at the lowest adult fare rate for regular route transportation. Upon receiving this certification, the D.C. Commissioner is required to pay the certified amount to the carrier providing the service, which at present of course is the Metro system.

At the present time, with the schoolchildren's fare set at 10 cents and the regular route fare at 40 cents, the actual subsidy for the transportation of schoolchildren amounts to 30 cents per ride. I am advised that the total cost of this subsidy for fiscal year 1973 was $3,392,000, and that the estimated cost for fiscal year 1974 is $4,112,000 and for fiscal year 1975 some $3,812,000.

Prior to 1968, when this present system for subsidy was established, the reduced rate fares for schoolchildren were set by the regulatory commission as at present; and since these reduced fares were never sufficient to defray the actual cost involved in transporting the schoolchildren, the commission had to establish the adult fare rates high enough to liquidate the total cost of the carrier's operation including the deficit resulting from the reduced fares for schoolchildren. Thus, the actual subsidy for the schoolchildren's transportation was borne by the adult bus-riding public.

In 1968, however, this obligation was quite properly placed upon the entire taxpaying community by the enactment of Public Law 90-605, to which I have referred. I supported this measure at that time, and also gave my support to the enactment of Public Law 97-90 in 1971, which extended this present subsidy system for 3 years to August 1974.

Mr. Speaker, this bill H.R. 13608 is indeed worthy of our approval, and I am pleased to recommend this proposed legislation to my colleagues for their favorable action at this time, to extend this subsidy for another 3-year period.

Mr. DIGGS. Mr. Speaker, I know of no objection to this particular measure.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DIGGS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what is the subsidy in other cities of comparable size?

Mr. DIGGS. We do not have any figures of comparability, I will say to the gentleman from Iowa.

Mr. GROSS. And enactment of this would result in a 10-cent fare for schoolchildren?

Mr. DIGGS. It would result in a continuation of the 10-cent fare if we authorize this legislation.

Mr. GROSS. The regular adult fare is what?

Mr. DIGGS. It is 40 cents.

Mr. GROSS. Anywhere in the District of Columbia?

Mr. DIGGS. That is correct.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of the Senate bill (S. 3477) to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia, and I ask for immediate consideration of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia", approved August 9, 1955 (D.C. Code, sec. 44–214a), as amended by an Act approved October 18, 1968, and by an Act approved August 11, 1971, is further amended by deleting "1974" and substituting "1977".

AMENDMENT OFFERED BY MR. DIGGS

Mr. DIGGS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIGGS: strike out all after the enacting clause of S. 3477 and insert in lieu thereof the text of H.R. 13608 as passed, as follows:

That section 2 of the Act entitled "An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia", approved August 9, 1955 (D.C. Code, sec. 44–214a) as amended by an Act approved October 18, 1968, and by an Act approved August 11, 1971, is further amended by deleting "1974" and substituting "1977".

SEC. 2. Notwithstanding any other provision of law, or any rule of law nothing in this Act (including the amendment made by this Act) shall be construed as limiting the authority of the Council of the District of Columbia to enact any act or resolution, after January 2, 1975, pursuant to the District of Columbia Self-Government and Governmental Reorganization Act with respect to any matter covered by this Act.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 13608, was laid on the table.

DISTRICT OF COLUMBIA MOTOR VEHICLE ACT

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia I call up the bill (H.R. 5686) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Motor Vehicle Act".

TITLE I—APPLICATION OF ADMINISTRATIVE PROCEDURE ACT TO CASES INVOLVING SUSPENSION OR REVOCATION OF OPERATORS' PERMITS AND OWNERS' REGISTRATIONS

SEC. 101. Section 4 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (68 Stat. 121), as amended (D.C. Code, sec. 40–420), is amended to read as follows:

"SEC. 4. HEARINGS BY COMMISSIONER.—(a) Any person aggrieved by any order or act of the Commissioner under the provisions of this Act shall have the right to file a petition for a hearing in the manner prescribed by the Commissioner and it shall be the duty of the Commissioner to set the matter for hearing, to take testimony, and examine into the facts of the case to determine whether the order or act was done in accordance with the provisions of this Act. Such petition shall be in writing, shall set out in detail the reasons for such hearing, and shall be filed with the Commissioner within five days after such order or act.

"(b) A petition for a hearing to the Commissioner shall operate as a stay of any order of suspension. Such stay shall be allowed for such period as will enable the Commissioner to afford the petitioner due notice and an opportunity for a hearing. In the event the initial order of suspension or revocation is sustained after such hearing, such order shall become effective immediately."

SEC. 102. Section 13 of the District of Columbia Traffic Act, 1925 (43 Stat. 1125), as amended (D.C. Code, sec. 40–302), is amended to read as follows:

"SEC. 13. (a) As used in this section—

"(1) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agent.

"(2) The term 'license' means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of the District including: (A) any temporary license or instruction permit; (B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and (C) any nonresident's operating privilege as defined herein.

"(3) The term 'nonresident's operating privilege' means the privilege conferred upon a nonresident by the laws of the District pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District.

"(b) The Commissioner is hereby authorized to suspend or revoke without a preliminary hearing the operator's permit of any person for any reason which he may deem sufficient.

"(c) Whenever the operator's permit of any person is revoked or suspended, no new operator's permit shall be issued nor shall the operating privilege of any person be reinstated for at least six months after the revocation or suspension, except in the discretion of the Commissioner.

"(d) Whenever the Commissioner suspends or revokes the operator's permit of any person, the reasons therefor shall be set out in the order of suspension or revocation.

"(e) Any person denied an operator's permit or whose operator's permit has been suspended or revoked by the Commissioner, except where such revocation is mandatory under the provisions of this Act, shall have the right to file a petition for a hearing in the manner prescribed by the Commissioner, and it shall be the duty of the Commissioner to set the matter for hearing, to take testimony, and examine into the facts of the case to determine whether the petitioner is entitled to an operator's permit or is subject to suspension or revocation of such operator's permit under the provisions of this Act. Such petition shall be in writing, shall set out in detail the reasons for such hearing, and shall be filed with the Commissioner within five days after the person has been denied an operator's permit or an order of suspension or revocation has been issued.

"(f) A petition for a hearing to the Commissioner shall operate as a stay of any order of suspension or revocation except when such order has been issued revoking or suspending the operator's permit of any person on account of mental or physical incapacity, or following a conviction for an offense for which mandatory revocation of a motor vehicle operator's permit is required under this Act. Such stay shall be allowed for such period as will enable the Commissioner to afford petitioner due notice and opportunity for a hearing. In the event the initial order of suspension or revocation is sustained after such hearing, such order of suspension or revocation shall become effective immediately.

"(g) Any individual found guilty of operating a motor vehicle in the District during the period for which his motor vehicle operator's permit is revoked or suspended under this Act shall, for each such offense, be fined not less than $100 nor more than $500, or imprisoned not less than thirty days nor more than one year, or both."

TITLE II—ISSUANCE OF SPECIAL IDENTIFICATION CARDS TO RESIDENTS OF THE DISTRICT OF COLUMBIA

SEC. 201. Section 7 of the District of Columbia Traffic Act, 1925 (43 Stat. 1121), as amended (D.C. Code, sec. 40-301), is amended by adding at the end thereof the following new subsection:

"(f) (1) Upon request of any person who is a resident of the District of Columbia and who does not possess an operator's permit, the Commissioner shall issue a special identification card to such person.

"(2) Such special identification card shall be accepted as valid identification of the person to whom it is issued when the card is presented for the purpose of furnishing proof of the person's identification.

"(3) The fees for the issuance and renewal of the special identification card shall be established by the District of Columbia Council.

"(4) Such special identification card shall expire every two years, but may be renewed upon request and payment of the fee for renewal.

"(5) The special identification card issued under this subsection shall be similar in size, shape, and design to an operator's permit, but said card shall clearly state thereon that it does not authorize the person to whom it is issued to operate a motor vehicle.

"(6) Any person who shall use fraud or misrepresentation in the application for or for use of a special identification card issued under this subsection shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $300; or imprisoned for a period not exceeding ninety days, or both.

"(7) The District of Columbia Council is authorized to promulgate such regulations as it deems necessary for the effective implementation of this subsection."

SEC. 202. The amendments made by section 201 shall take effect ninety days after the enactment of this Act.

SEC. 203. The District of Columbia Traffic Act, 1925, is amended as follows:

(a) Paragraph (d) of section 2 of such Act (D.C. Code, sec. 40-602) is amended to read as follows: "(d) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agent."

(b) Section 7 of such Act (D.C. Code, sec. 40-301) is amended by striking out "Commissioners or their designated agent" each place such words appear therein and inserting in lieu thereof "Commissioner."

TITLE III—ISSUANCE OF OPERATOR'S PERMITS TO POLICE OFFICERS AND FIREMEN OPERATING GOVERNMENT VEHICLES IN THE DISTRICT OF COLUMBIA

SEC. 301. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-301(a)), is amended by adding at the end thereof the following new paragraph:

"(7) Officers and members of any police force operating in the District of Columbia and of the Fire Department of the District shall be issued, without charge, a permit to operate government-owned vehicles, while engaged in the performance of official duties, upon the presentation of a certificate from the Chief of such police force or the Fire Chief, or their designated agents, to the effect that such officer or member is assigned to operate a government vehicle and is qualified to operate such vehicle, and upon being examined by the Commissioner as to his knowledge of the traffic regulations of the District of Columbia."

TITLE IV—AMENDMENT OF REGISTRATION, TAG, AND TRANSFER REQUIREMENTS

SEC. 401. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (50 Stat. 680; D.C. Code, sec. 40-102) is amended—

(1) by striking out "Commissioners of the District of Columbia" in subsection (b) and inserting in lieu thereof "District of Columbia Council";

(2) by striking out "Commissioners" in paragraph (1) of subsection (b) and inserting in lieu thereof "Council";

(3) by amending paragraph (2) of subsection (b) to read as follows:

"(2) of certificates of registration, and identification tags, without charge, for all motor vehicles and trailers owned by the United States or by the District of Columbia;";

(4) by redesignating paragraphs (3) and (4) of subsection (b) as paragraphs (4) and (5), respectively, and by adding the following new paragraph (3):

"(3) annually, without charge, of certificates of registration and identification tags for all motor vehicles and trailers officially used by any duly accredited representative of a foreign government;"; (5) by striking out "Commissioners" in paragraph (5) of subsection (b) (as redesignated by this section), and inserting in lieu thereof "Council";

(6) by striking out "Commissioners" in subsection (c) and inserting in lieu thereof "Council";

(7) by adding in subsection (d) immediately after the second sentence the following new sentence: "In the case of joint ownership, upon consent of all the joint owners, such transfer may be made in the manner prescribed above to any person formerly a party to the joint ownership.";

(8) by striking out "Commissioners of the District of Columbia are" in subsection (e) and inserting in lieu thereof "District of Columbia Council is";

(9) by striking out "Commissioners of the District of Columbia are", "Commissioners", and "Commissioners under rules and regulations prescribed by them" in the first sentence of subsection (f) and inserting in lieu thereof "District of Columbia Council is", "Council", and "Commissioner or his designated representative", respectively;

(10) by striking out "Commissioners" in the second sentence of such subsection (f) and inserting in lieu thereof "Commissioner"; and

(11) by striking out "Commissioners" in the third sentence of such subsection (f) and inserting in lieu thereof "Commissioner".

With the following committee amendments:

On page 5, strike out line 19 and all that follows down through line 15 on page 7.

On page 7, line 16, strike out "III" and insert in lieu thereof "II".

On page 7, line 20, strike out "301" and insert in lieu thereof "201".

On page 8, line 10, strike out "IV" and insert in lieu thereof "III".

On page 8, line 12, strike out "401" and insert in lieu thereof "301".

On page 9, insert a semicolon at the end of line 2.

On page 9, line 9, insert a semicolon immediately after "government;' ".

On page 9, beginning in line 9, strike out "(5) by striking out" and all that follows down through line 12, and insert in lieu thereof the following:

(5) by striking out "Commissioners" in paragraph (5) of subsection (b) (as redesignated by this section), and inserting in lieu thereof "Council";

On page 9, insert a semicolon at the end of line 20.

On page 10, after line 11, insert the following:

TITLE IV—AMENDMENTS RELATING TO JUDGMENTS AND TRAFFIC REGULATIONS

SEC. 401. Section 47 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40-463) is amended by inserting immediately before the period at the end of such section a comma and the following: "except that if the right to enforce such judgment by docketing and revival, or by revival, shall have expired without such docketing and revival, or if the judgment creditor fails to file notice of the docketing and revival of his judgment with the Commissioner, the suspension of the license or registration of the judgment debtor shall be terminated".

SEC. 402. The first sentence of subsection (h) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec, 40-603(h)) is amended to read as follows: "All regulations promulgated under the authority of this Act shall be published in accordance with the requirements of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.), but no penalty shall be enforced for any violation of any such regulation which occurs within ten days after the date of such publication, except that whenever the District of Columbia Council deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall become effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation.".

Mr. GROSS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendments be considered as read, and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. DIGGS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purposes of the reported bill (H.R. 5686), as set forth in House Report 93-1174, are to streamline the procedures of the operation of the Motor Vehicle Safety Responsibility Act and the District of Columbia Traffic Act of 1925. The legislation seeks to eliminate some of the procedures which may be redundant and also to safeguard rights of individuals who face the loss of privileges to operate motor vehicles in the city. This legislation will complement and strengthen existing motor vehicle and traffic laws in the District of Columbia.

NEED FOR LEGISLATION

The Safety Responsibility Act and the Traffic Safety Act do not provide for hearings prior to the suspension or revocation of privileges, and consequently hearings are not afforded in the practical administration of this law. The reported bill, H.R. 5686, requires that any person whose right or privilege has been suspended under either or both acts must be afforded an opportunity for a hearing. The bill also relieves police officers and firemen of the necessity and expense of securing licenses to operate specialized equipment and apparatus. Members of the Armed Forces are currently relieved of this responsibility. The yearly reregistration of Federal and District of Columbia government vehicles is not deemed to be necessary and costs time and money. This bill would abolish the annual registration. The difficulty in transferring title from a jointly owned motor vehicle would be lessened by this legislation.

SUMMARY OF MAJOR PROVISIONS OF THE BILL

TITLE I

Title I of the bill amends the D.C. Motor Vehicle Safety Responsibility Act and the D.C. Traffic Act of 1925 to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations to permit effective application of the D.C. Administrative Procedure Act.

TITLE II

Title II of the bill authorizes the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles on official business.

TITLE III

Title III of the bill amends registration, tag and transfer requirements of the Department of Motor Vehicles. The annual reregistration requirement is abolished for Federal and District government-owned vehicles and the dropping of a name from a jointly owned vehicle would be permitted when license tags are transferred to a newly acquired vehicle.

TITLE IV

Title IV of the bill amends existing laws relating to the finality of court judgments arising out of motor vehicle accidents and the publication of traffic regulations.

HISTORY

Hearings on H.R. 5686 were held by the Subcommittee on Business, Commerce and Taxation on May 8, 1974. Witnesses included the Honorable GILBERT GUDE; representatives of the District government, National Retired Teachers Association, American Association of Retired Persons; and private citizens. No testimony was received or statements filed in opposition to the bill.

VOTE

The bill, H.R. 5686, was ordered favorably reported to the House on July 1, 1974, by a voice vote, a quorum being present.

CONCLUSION

The Committee on the District of Columbia believes that each of the proposed amendments will strengthen and improve the motor vehicle laws of the District and urge that H.R. 5686 be enacted.

COST

The D.C. government indicates that there will be no cost involved in the adoption of title I, approximately $9,500 loss of revenue involved in title II, and virtually no cost involved in the adoption of titles III and IV.

COMMITTEE AMENDMENTS

The committee amended the bill to strike the second title of the bill as referred to the committee. Since the hearing on this legislation, the City Council passed and the Mayor signed into law legislation which effectuated the legislative intent of the original second title relating to issuance of identification cards upon request to those residents of the District who do not possess a motor vehicle operator's permit. Therefore, this title was no longer necessary in H.R. 5686.

The major committee amendment, to title IV, amends existing laws relating to the finality of court judgments arising out of motor vehicle accidents. The amendment permits the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law, the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances, the judgment creditor is no longer available to be paid the judgment or cannot be located. However, as a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment has expired without docketing and revival by the judgment creditor, and the number is ever increasing.

Furthermore, it appears inconsistent to punish someone when the court itself will not enforce the judgment. The plaintiff is protected since he has the right to revive the judgment. Thus, only the files of those plaintiffs actively pursuing their judgments will be kept open, and thus will be more equitable to those who come within the purview of the motor vehicle Safety Responsibility Act.

Mr. STUCKEY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purpose of H.R. 5686 is to streamline the procedures of the operation of the Motor Vehicle Safety Responsibility Act and the District of Columbia Traffic Act of 1925. The bill seeks to eliminate unnecessary procedures and to safeguard rights of individuals who face the loss of privileges to operate motor vehicles in the city. This legislation will complement and strengthen motor vehicle and traffic laws in the District of Columbia.

Title I provides for hearings in cases involving the suspension or revocation of operators' permits and owners' registration.

Title II authorizes the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles on official business.

Title III amends registration, tag and transfer requirements of the Department of Motor Vehicles. The annual reregistration requirement is abolished for Federal and District government-owned vehicles, and the dropping of a name from a jointly owned vehicle would be permitted when license tags are transferred to a newly acquired vehicle.

Title IV would permit the lifting of the suspension of a judgment debtor's license or registration when the judgment on which such action was based has expired. Title IV would also delete the present requirement that traffic regulations, when adopted, be printed in one or more daily newspapers.

The Committee on the District of Columbia believes that each of the proposed amendments will strengthen and improve the motor vehicle laws of the District and urge that H.R. 5686 be enacted.

DISTRICT GOVERNMENT REPORTS

The reports of the Mayor-Commissioner of the District government, dated May 7 and May 29, 1974, on H.R. 5686, follow:

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 7, 1974.

Hon. CHARLES C. DIGGS, JR.,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 5686, a bill "To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes."

H.R. 5686 is identical to draft legislation submitted to the Congress by the District Government on February 7, 1973. Since our submission of this legislation, we have developed two additional proposals which should be included in the proposed "District of Columbia Motor Vehicle Act." These proposals, which we recommend be added to H.R. 5686 as a new Title V, are attached to this report.

The proposed Title V would amend existing law relating to the finality of court judgments arising out of motor vehicle accidents and the promulgation of traffic regulations. Section 502 of this proposed title would amend section 47 of the Motor Vehicle Safety Responsibility Act to permit the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances the judgment creditor is no longer available to be paid the judgment or cannot be located. As a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment, has expired without docketing and revival by the judgment creditor and the number is ever increasing. The proposed amendment would allow the termination of these inactive cases and thereby increase the operating efficiency of the Department of Motor Vehicles.

Section 502 of the proposed amendments would delete the requirement of present law that traffic regulations, when adopted, be printed in one or more daily newspapers. It is believed that such publication, which results in additional expense to the District Government, is no longer necessary in light of the publication requirements of the more recently enacted District of Columbia Administrative Procedure Act. The proposed amendment, however, retains the ten-day grace period of existing law which allows the public to become aware of and acquainted with the provisions of any new traffic regulation before any penalty for its violation may be enforced.

We urge favorable consideration of these proposed additional amendments to H.R. 5686.

Sincerely yours,
WALTER E. WASHINGTON,
Mayor-Commissioner.

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 29, 1974.

Hon. W. S. STUCKEY, Jr.,
Chairman, Subcommittee on Business, Commerce and Taxation, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. STUCKEY: At the hearing of May 8, 1974 on H.R. 5686, the proposed "District of Columbia Motor Vehicle Act", the District Government was requested to furnish your Subcommittee with certain cost estimates and other information relating to the various proposals contained in the bill.

First, you inquired as to the probable loss of revenue to the District of Columbia should the proposal in section 401(7) of the bill relating to the transfer of motor vehicle identification tags from joint to single ownership be approved. Although many motorists inquire each year as to the removal of a name from the title to a jointly-owned motor vehicle, less than a hundred persons actually apply for such transfers because of the inequitable cost and cumbersome procedures involved. If license tags could be transferred to a newly-acquired vehicle upon the payment of a $2.00 transfer fee, as authorized by the proposal, we anticipate approximately 250 such applications annually. In such cases the District would not collect a license fee of either $30 or $50, depending on the weight of the automobile. Based upon an average charge of $40, therefore, the annual revenue loss is estimated at $10,000, offset in part by the charging of a $200 transfer fee, for a total of $9,500. Both neighboring jurisdictions of Maryland and Virginia handle joint ownership transfers as proposed in H.R. 5686.

Second, you requested an estimate of the costs to the District of issuing identification cards to residents as proposed by Title II of H.R. 5686. The District's budget request for fiscal year 1975 includes an increase of $1,200 for implementation of the program. The added resources will be needed primarily for printing costs and supplies. The Department of Motor Vehicles has estimated that 2,500 identification cards will be issued during the next fiscal year at a cost of approximately 50 cents for each card. A total of 5,000 identification cards are expected to be issued in the first several years of program operation. The program costs will be recovered by the establishment and charging of a nominal fee to the applicant.

The cost to the District for the issuance of operators' permits pursuant to Title III of the bill would be minimal. The remaining proposals would entail no costs to the District Government.

Finally, inquiry was made as to the average amount of money involved in the approximately 6,000 dormant but outstanding judgments pending in the Department of Motor Vehicles. Under section 501 of Title V, as added to H.R. 5686 by the Subcommittee, these inactive cases would be terminated and removed from the files. A sampling of these judgments indicated a range from $30 to $50,000. Twenty-five percent were for amounts under $100 and another 25% were for amounts between $100 and $200. Judgments in the amount of over $500 account for 20% of the total and the remaining 30% were between $200 and $500.

I trust that this information will be useful to the Subcommittee in its further consideration of H.R. 5686.

Sincerely yours,
WALTER E. WASHINGTON,
Mayor-Commissioner.

SECTION-BY-SECTION ANALYSIS

TITLE I

Title I of H.R. 5686 would amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations so as to permit effective application of the District of Columbia Administrative Procedure Act.

Under the provisions of the Administrative Procedure Act, a contested case is defined as one in which legal rights or privileges of any person are required by law to be determined after a hearing before the Commissioner or any agency of the District government.

The proposed amendments to both the Traffic Act and the Safety Responsibility Act would require that any person whose right or privilege has been suspended under either or both acts must be afforded an opportunity for a hearing, thus bringing such cases under the purview of the Administrative Procedure Act. The present provisions in both acts providing for "review" procedures are omitted because a formal hearing as prescribed in the Administrative Procedure Act should provide all the due process protection necessary.

TITLE II

Title II would authorize the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles in official business. This proposal would relieve such individuals of the necessity and expense of securing licenses to operate specialized equipment and apparatus, and is similar to the authority afforded by section 40-301(a)(5) of the D.C. Code to members of the Armed Forces who operate official vehicles in the District of Columbia. Under this title the police or fire chief would have to certify that the applicant is qualified to operate the respective department's equipment. Also, the applicant would be examined by the Director of Motor Vehicles as to his knowledge of District traffic regulations.

TITLE III

Title III of H.R. 5686 would amend registration, tag, and transfer requirements of the Department of Motor Vehicles. The annual reregistration requirement is abolished for Federal and District government-owned vehicles. The present annual reregistration provides no advantages for either the United States or the District of Columbia and the elimination of this unnecessary requirement will save time and money now consumed in the annual registration of vehicles for the many Federal and District agencies and departments. Approximately 3,500 Federal and District-owned vehicles would be involved.

Title III would permit the dropping of a name from a jointly owned motor vehicle when the license tags are transferred to a newly acquired vehicle. Present law allows the addition of a spouse's name to the registration when transferring tags to a new automobile, but does not permit the deletion of a joint owner's name. The proposed legislation would permit the remaining owner(s) to have the automobile tags to a newly acquired vehicle transferred, allow the owner(s) to maintain the old tag number, and pay only a $2 transfer fee to cover the administrative record changes involved. Although this proposal would involve some revenue loss, we believe that the proposed legislation offers more equitable treatment to the public.

This title further makes certain technical changes in section 40-102 of the D.C. Code to conform existing law to the present Commissioner-Council form of the District government.

TITLE IV

Title IV would amend existing laws relating to the finality of court judgments arising out of motor vehicle accidents and the publication of traffic regulations. Section 502 of this title would amend the Motor Vehicle Safety Responsibility Act to permit the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances the judgment creditor is no longer available to be paid the judgment or cannot be located. As a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment has expired without docketing the revival by the judgment creditor and the number is ever increasing. The proposed amendment would allow the termination of these inactive cases.

Furthermore, it appears inconsistent to punish someone when the court itself will not enforce the judgment. The plaintiff is protected since he has the right to revive the judgment. Thus, only the files of those plaintiffs actively pursuing their judgments will be kept open. It is felt that this amendment would not only promote efficiency within the Department of Motor Vehicles, but also would be more equitable to those who come within the purview of the Safety Responsibility Act.

Section 502 of title IV would delete the requirement of present law that traffic regulations, when adopted, be printed in one or more daily newspapers. It is believed that such publication, which results in additional expense to the District government, is no longer necessary in light of the publication requirements of the more recently enacted District of Columbia Administrative Procedure Act. Title IV, however, retains the 10-day grace period of existing law which allows the public to become aware of and acquainted with the provisions of any new traffic regulation before any penalty for its violation may be enforced.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I wish to express my support for the bill, H.R. 5686, the purpose of which is to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act of 1925, in several respects so as to improve the procedures prescribed therein and the administration of both acts.

Title I of this bill amends both of the acts referred to above, to provide that any person whose operator's permit or owner's registration has been suspended or revoked by order of the Commissioner of the District of Columbia shall have the right to file a petition for a hearing, within a period of 5 days after such an order of suspension or revocation has been issued. This privilege of a hearing also applies to a person who has been denied an operator's permit in the District of Columbia. This will serve to permit the application of the D.C. Administrative Procedure Act, which defines a contested case as one in which the legal rights of a person are required under law to be determined only after a hearing before the D.C. Commissioner or an agency of the D.C. government.

At present, neither the Safety Responsibility Act nor the Traffic Act requires a hearing in the case of suspension or revocation of driving privileges in the District, although the latter act does make such a hearing optional with the Commissioner. Thus, the language of title I of H.R. 5686 will provide for the first time a requirement under the law that any person whose right or privilege has been suspended under either or both of these acts must be afforded the opportunity of a hearing, at which time it will be the duty of the Commissioner to take testimony and examine into the facts of the case, to determine whether the person actually deserves to suffer the revocation or suspension which is the subject of the order issued.

Inasmuch as the privilege of operating a motor vehicle is extremely important today to most people, both for pleasure and as an adjunct to the conduct of business it is my opinion that this assurance of a right to a hearing in the event of an order of suspension or revocation of this privilege is a "must" in existing codes of law, in the District of Columbia and elsewhere.

As a protection to the public in these cases, however, the bill quite properly provides that this right of a hearing for suspension or revocation of driving privileges does not involve an automatic stay of an order of suspension or revocation when such order has been issued revoking or suspending the operator's permit on account of mental or physical incapacity or following a conviction for an offense for which mandatory revocation of the operator's permit is required under the law. In other cases, however, the filing of a petition for a hearing shall operate as a stay of the Commissioner's order.

Title II of the bill provides that officers and members of the D.C. Police and Fire Departments shall be issued, without charge, permits to operate government-owned vehicles while engaged in the performance of their official duties. Such permits shall be issued, however, only after the Chief of Police or the Fire Chief certifies that the officer or member is qualified to operate the vehicle to which he is assigned, and also after the Commissioner has examined the officer's or member's knowledge of the traffic regulations of the District of Columbia. Thus, ample protection of the public interest is assured, and the individuals involved will be spared the expense and difficulty of acquiring licenses to operate the specialized equipment and vehicles used in these services. This is identical to provisions existing in law applying to members of the armed services who operate official vehicles in the District of Columbia.

Title III of H.R. 5686 amends the registration, tag, and transfer operations of the D.C. Department of Motor Vehicles in several respects.

One of these amendments will eliminate the present requirement of annual registration of motor vehicles which are the property of the Federal or District of Columbia governments. The repeal of this meaningless requirement will conserve time and money for the District. I am advised that approximately 3,500 Government-owned vehicles will be affected by this provision.

This title also provides that a name may be dropped from a jointly owned motor vehicle in the District of Columbia, upon the consent of all the joint owners, when the license tags for the vehicle are transferred to a new vehicle. Under the present law, a spouse's or other joint owner's name may be added to the registration when tags are transferred to a new vehicle, but the deletion of such a joint owner's name is cumbersome and relatively expensive. Under the provision in this proposed legislation, this deletion may be accomplished by the payment of a fee of $2.00, and the owner may retain his old tag number. This represents a more equitable procedure, in the public interest, which is well worth the loss of revenue which will be involved.

Title IV provides a badly needed meassure of reform in the matter of court judgments arising out of motor vehicle accidents in the District of Columbia.

The D.C. Motor Vehicle Safety Responsibility Act presently provides that the D.C. Commissioner, upon receipt of a certified copy of a judgment or a certificate of facts relative to such judgment, shall forthwith suspend the license and registration of the person against whom the judgment was rendered; or in the case of a nonresident motorist, his privilege of driving in the District shall be suspended.

The present law further provides that such suspension of license, registration, or nonresident's driving privilege shall remain in effect until any such judgment is satisfied and the person gives proof of financial responsibility as required.

The problem in this area is that in many instances, the judgment creditor in these cases disappears and cannot be located, or for other reasons is not available to be paid the judgment. As a result, the D.C. Department of Motor Vehicles has now amassed a backlog of nearly 6,000 cases in which a judgment has expired without docketing and revival by the judgment creditor, and I am informed that the number is constantly increasing.

Thus, under existing law, in 6,000 instances a judgment has expired without being "satisfied", and thus the persons involved in these cases are unable to have the suspension of their licenses or registrations lifted, or in the case of nonresidents their right to operate a vehicle in the District restored. I am advised that the amounts involved in these inactive judgment cases ranges from $30 to $50,000. Twenty-five percent, however, are for amounts less than $100, and another 25 percent between $100 and $200. Only 20 percent of the cases involve amounts greater than $500.

Title IV of the bill will correct this ridiculous inequity by providing that if the right to enforce such a judgment by docketing and revival, or by revival, shall have expired without such action being taken, or if the judgment creditor fails to file notice of the docketing and revival of his judgment with the D.C. Commissioner, the suspension of the license or registration of the judgment debtor shall be terminated.

It is important to note that this amendment will in no way affect any creditor's right to recover whatever may be his due in a judgment case. It will serve only to restore a vehicle owner's right to drive in these circumstances where the judgment has expired but has not technically been "satisfied." It is my opinion that this is the way the law originally must have been intended to be administered, because the injustice involved in a person's right to drive not being restored under these circumstances is obvious. Also, I certainly object to any of my constituents, or other nonresidents of the District of Columbia, not being allowed to drive in the District under these circumstances.

Title IV of H.R. 5686 also repeals the present requirement that traffic regulations, upon adoption, must be printed in a daily newspaper of general circulation within the District. The D.C. government favors this provision, on the grounds that this expense to the city is no longer justified in view of the recent enactment of publication requirements in the D.C. Administrative Procedure Act. However, this amendment in H.R. 5686 retains the present grace period of 10 days within which no penalty will be imposed for violation of a new traffic regulation. Also, this amendment provides that whenever the D.C. Council deems it advisable to make immediately effective any new regulation relating to parking, diverting of vehicular traffic, or the closing of any street to traffic, the regulation shall become effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the new regulation.

All the provisions of this bill, as amended and reported by our committee, are endorsed by the government of the District of Columbia. No objection to any of the provisions of this proposed legislation has been expressed from any source whatever, and I commend the bill to my colleagues at this time for their favorable action.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I have but one question concerning this bill. It provides a 5-day period in which one deprived of a license may appeal. Is that not correct?

Mr. STUCKEY. Yes; that is correct.

Mr. GROSS. The person who loses an operator's license may appeal to the Commissioner; is that correct?

Mr. STUCKEY. Yes; that is correct.

Mr. GROSS. What happens to the license in the meantime? May I assume that the license is revoked or suspended and the driver suspended during the 5-day period?

Mr. STUCKEY. That is correct, during the 5-day period.

Mr. NELSEN. Mr. Speaker, I urge my colleagues to vote favorably on H.R. 5686, to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes, H.R. 13608, a bill to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia; and S. 3703, an act to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes.

The amendments to the motor vehicle laws of the District of Columbia have been urged upon the committee by the District of Columbia and other individuals testifying before the subcommittee.

The school subsidy bill merely extends the provisions of this law through 1977. The appropriations for the D.C. school fare subsidy and the funding for the local Criminal Justice Act, S. 3703, were passed by the House on Friday, June 29, 1974. This is the authorization for those two bills.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMENDMENT TO THE TITLE OFFERED BY MR. STUCKEY

Mr. STUCKEY. Mr. Speaker, I offer an amendment to the title.

The SPEAKER. The clerk will report the amendment.

The clerk reads as follows:

Amendment offered by Mr. Stuckey: Amend the title so as to read: "A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, and for other purposes."

The amendment was agreed to.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA CRIMINAL JUSTICE ACT

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the Senate bill (S. 3703) to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Criminal Justice Act".

Sec. 2. Title 11 of the District of Columbia Code (1973 edition) is amended by adding at the end thereof the following new chapter:

"Chapter 26.—REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

"Sec.

"11–2601. Plan for furnishing representation to indigents in criminal cases.

"11–2602. Appointment of counsel.

"11–2603. Duration and substitution of appointments.

"11–2604. Payment for representation.

"11–2605. Services other than counsel.

"11–2606. Receipt of other payments.

"11–2607. Preparation of budget.

"11–2608. Authorization of appropriations.

"§ 11–2601. Plan for furnishing representation of indigents in criminal cases

"The Joint Committee on Judicial Administration shall place in operation in the District of Columbia a plan for furnishing representation to any person in the District of Columbia who is financially unable to obtain adequate representation—

"(1) who is charged with a felony, or misdemeanor, or other offense for which the sixth amendment to the Constitution requires the appointment of counsel or for whom, in a case which he faces loss of liberty, any law of the District of Columbia requires the appointment of counsel;

"(2) who is under arrest, when such representation is required by law;

"(3) who is charged with violating a condition of probation or parole, in custody as a material witness, or seeking collateral relief, as provided in—

"(A) Section 23–110 of the District of Columbia Code (remedies on motion attacking sentence),

"(B) Chapter 7 of title 23 of the District of Columbia Code (extradition and fugitives from justice),

"(C) Chapter 19 of title 16 of the District of Columbia Code (habeas corpus),

"(D) Section 928 of the Act of March 3, 1901 (D.C. Code, sec. 24–302) (commitment of mentally ill person while serving sentence);

"(4) who is subject to proceedings pursuant to chapter 5, title 21, of the District of Columbia Code (hospitalization of the mentally ill);

"(5) who is a juvenile and alleged to be delinquent or in need of superivsion.

Representation under the plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. The plan shall include a provision for private attorneys, attorneys furnished by the Public Defender Service, and attorneys and qualified students participating in clinical programs.

"§ 11–2602. Appointment of counsel

"Counsel furnishing representation under the plan shall in every case be selected from panels of attorneys designated and approved by the courts. In all cases where a person faces a loss of liberty and the Constitution or any other law requires the appointment of counsel, the court shall advise the defendant or respondent that he has the right to be represented by counsel and that counsel will be appointed to represent him if he is financially unable to obtain counsel. Unless the defendant or respondent waives representation by counsel, the court, if satisfied after appropriate inquiry that the defendant or respondent is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The court shall appoint separate counsel for defendants or respondents having interests that cannot properly be represented by the same counsel, or when other good cause is shown. In all cases covered by this Act where the appointment of counsel is discretionary, the defendant or respondent shall be advised that counsel may be appointed to represent him if he is financially unable to obtain counsel, and the court shall in all such cases advise the defendant or respondent of the manner and procedures by which he may request the appointment of counsel.

"§ 11–2603. Duration and substitution of appointments

"A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the court through appeals, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in section 2606 of this chapter, as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in section 2602, and authorize payment as provided in section 2604, as the interests of justice may dictate. The court may, in the interest of justice, substitute one appointed counsel for another at any stage of the proceedings.

"§ 11–2604. Payment for representation

"(1) Hourly Rate.—Any attorney appointed pursuant to this chapter shall, at the conclusion of the representation or any segment thereof, be compensated at a rate fixed by the Joint Committee on Judicial Administration, not to exceed the hourly scale established by the provisions of section 3006A(d)(1) of title 18, United States Code. Such attorney shall be reimbursed for expenses reasonably incurred.

"(2) Maximum Amounts.—For representation of a defendant before the Superior Court or before the District of Columbia Court of Appeals, as the case may be, the compensation to be paid to an attorney shall not exceed the maximum amounts established by section 3006A(d)(2) of title 18, United States Code, in the corresponding kind of case or proceeding.

"(3) Waiving Maximum Amounts.—Claims for compensation and reimbursement in excess of any maximum amount provided in subsection (2) of this section may be approved for extended or complex representation whenever such payment is necessary to provide fair compensation. Any such request for payment shall be submitted by the attorney for approval by the chief judge of the Superior Court upon recommendation of the presiding judge in the case or, in cases before the District of Columbia Court of Appeals, approval by the chief judge of the

Court of Appeals upon recommendations of the presiding judge in the case. A decision shall be made by the appropriate chief judge in the case of every claim filed under this subsection.

"(4) Filing Claims.—A separate claim for compensation and reimbursement shall be made to the Superior Court for representation before that court, and to the District of Columbia Court of Appeals for representation before that court. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney. In cases where representation is furnished other than before the Superior Court or the District of Columbia Court of Appeals, claims shall be submitted to the Superior Court which shall fix the compensation and reimbursement to be paid.

"(5) New Trials.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) Proceedings Before Appellate Court.—If a person for whom counsel is appointed under this section appeals to the District of Columbia Court of Appeals, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28, United States Code.

"§ 11-2605. Services other than counsel

"(1) Upon Request.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court shall authorize counsel to obtain the services.

"(2) Without Prior Request.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services, excluding the preparation of reporter's transcript, without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 or the rate provided by section 3006A(e) (2) of title 18, United States Code, whichever is higher, and expenses reasonably incurred.

"(3) Maximum Amounts.—Compensation to be paid to a person for services rendered by him to a person under this subsection shall not exceed $300, or the rate provided by section 3006A(e) (3) of title 18, United States Code, whichever is higher, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the presiding judge in the case.

"§ 11-2606. Receipt of other payments

"(a) Whenever the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, or to any person or organization authorized pursuant to section 2605 of this title to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant.

"(b) Any person compensated, or entitled to be compensated, for any services rendered under this chapter who shall seek, ask, demand, receive, or offer to receive, any money, goods, or services in return therefor from or on behalf of a defendant or respondent shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"§ 11-2607. Preparation of Budget

"The joint committee shall prepare and annually submit to the Commissioner of the District of Columbia, in conformity with section 11-1743 of this title, or to his successor in accordance with section 445 of the District of Columbia Self-Government and Governmental Reorganization Act, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for furnishing representation by private attorneys to persons entitled to representation in accordance with section 2601 of this title.

"§ 11-2608. Authorization of appropriations

"There are hereby authorized to be appropriated to the District of Columbia such funds as may be necessary for the administration of this chapter for fiscal years 1975 and 1976. When so specified in appropriation Acts, such appropriations shall remain available until expended.

Sec. 3. (a) Paragraph (1) of section 3006A, title 18, United States Code, as amended, is amended to read:

"(1) Applicability in the District of Columbia. The provisions of this Act, other than subsection (h) of section 1, shall apply in the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit. The provisions of this Act shall not apply to the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.".

Sec. 4. This Act shall take effect upon the date of its enactment. Any person appointed on or after July 1, 1974, but prior to the commencing date of the plan referred to in section 11-2601 of the District of Columbia Code (as added by section 2 of this Act), by a judge of the Superior Court or the District of Columbia Court of Appeals to furnish to any person in the District of Columbia, who is financially unable to obtain adequate representation, that representation and those services referred to in such section 11-2601, may be compensated and reimbursed for such representation and services rendered, including expenses incurred therewith, upon filing a claim for payment. Payment shall not be allowed in excess of the amounts authorized in accordance with those sections added to the District of Columbia Code by such section 2.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "District of Columbia Criminal Justice Act".

Sec. 2. Title 11 of the District of Columbia Code (1973 edition) is amended by the addition of the following new sections:

"Chapter 26.—REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

"Sec.
"11-2601. Plan for furnishing representation to indigents in criminal cases.
"11-2602. Appointment of counsel.
"11-2603. Duration and substitution of appointments.
"11-2604. Payment for representation.
"11-2605. Services other than counsel.
"11-2606. Receipt of other payments.
"11-2607. Preparation of budget.
"11-2608. Authorization of appropriations.

"§ 11-2601. Plan for furnishing representation of indigents in criminal cases

"The Joint Committee on Judicial Administration shall place in operation in the District of Columbia a plan for furnishing representation to a person in the District of Columbia who is financially unable to obtain adequate representation—

"(1) who is charged with a felony or misdemeanor and the United States Attorney prosecutes, or with juvenile delinquency by the commission of an act which if committed by an adult, would be prosecuted by the United States Attorney;

"(2) who is under arrest, when such representation is required by law;

"(3) who is charged with violating a condition of probation or parole, in custody as a material witness, or seeking collateral relief, as provided in—

"(a) section 110 of title 23 of the District of Columbia Code (remedies on motion attacking sentence),

"(b) chapter 7 of title 23 of the District of Columbia Code (extradition and fugitives from justice),

"(c) chapter 19 of title 16 of the District of Columbia Code (habeas corpus),

"(d) section 928 of the Act of March 8, 1901 (D.C. Code, sec. 24-302) (commitment of mentally ill person while serving sentence), or

"(4) for whom the sixth amendment to the Constitution requires the appointment of counsel or for whom, in a case in which he faces loss of liberty, any local law requires the appointment of counsel. Representation under the plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. The plan shall include a provision for private attorneys, attorneys furnished by the Public Defender Service, and attorneys and qualified students participating in clinical programs.

"§ 11-2602. Appointment of counsel

"Counsel furnishing representation under the plan shall be selected from panels of attorneys designated or approved by the courts. In every criminal case in which a person may be appointed counsel under this chapter the court shall advise the defendant that he is entitled to be represented by counsel and that counsel will be appointed for him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"§ 11-2603. Duration and substitution of appointments

"A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the court through appeals, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in section 2606 of this chapter, as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in section 2602, and authorize payment as provided in section 2604, as the interests of justice may dictate. The court may, in the interest of justice, substitute one appointed counsel for another at any stage of the proceedings.

"§ 11-2604. Payment for representation

"(1) Hourly Rate.—Any attorney appointed pursuant to this chapter shall, at the conclusion of the representation or any segment thereof, be compensated at a rate fixed by the Joint Committee on Judicial Administration, not to exceed the hourly scale established by the provisions of title 18, United States Code, section 3006A(d). Such attorney shall be reimbursed for expenses reasonably incurred.

"(2) Maximum Amounts.—For representation of a defendant before the Superior Court or before the District of Columbia Court of Appeals, as the case may be, the compensation to be paid to an attorney shall not exceed the maximum amounts established by title 18, United States Code, section 3006A(d)(2) in the corresponding kind of case or proceeding.

"(3) Waiving Maximum Amounts.—Payment in excess of any maximum amount provided in subsection (2) of this section may be made for extended or complex representation whenever the Superior Court in which the representation was rendered, certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the District of Columbia Court of Appeals.

"(4) Filing Claims.—A separate claim for compensation and reimbursement shall be made to the Superior Court for representation before that court, and to the District of Columbia Court of Appeals for representation before that court. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney. In cases where representation is furnished other than before the Superior Court or the District of Columbia Court of Appeals, claims shall be submitted to the Superior Court which shall fix the compensation and reimbursement to be paid.

"(5) New Trials.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) Proceedings Before Apellate Court.—If a person for whom counsel is appointed under this section appeals to the District of Columbia Court of Appeals, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by 1915(a) of title 28 of the United States Code.

"§ 11-2605. Services other than counsel

"(1) Upon Request.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court shall authorize counsel to obtain the services.

"(2) Without Prior Request.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services, excluding the preparation of reporter's transcript, without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 or the rate provided by title 18, United States Code, section 3006A(e)(2) whichever is higher, and expenses reasonably incurred.

"(3) Maximum Amounts.—Compensation to be paid to a person for services rendered by him to a person under this subsection shall not exceed $300, or the rate provided by title 18, United States Code, section 3006A (e)(3), whichever is higher, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the District of Columbia Court of Appeals.

"§ 11-2606. Receipt of other payments

"Whenever the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, or to any person or organization authorized by section 2605 to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant.

"§ 11-2607. Preparation of budget

"(a) The Joint Committee shall annually prepare and submit to the Commissioner of the District of Columbia, or to his successor in accordance with section 445 of the District of Columbia Self-Government and Governmental Reorganization Act, its estimate of the amount needed for furnishing representation by private attorneys to persons entitled to representation in accordance with section 2601(b) of this title.

"(b) In making its computation of such estimate, the Joint Committee shall—

"(1) issue and follow definitional standards with respect to financial inability to obtain adequate legal representation;

"(2) estimate the respective percentage of indigent defendant cases which can be effectively handled by the Public Defender Service, private attorneys, and qualified law students participating in clinical programs under attorney supervision;

"(3) take into account the number of cases in the United States courts for which payment was made under the last appropriation for the administration of the Criminal Justice Act in such courts and the proportion which such number bears to the estimated number of such cases in the District of Columbia courts for the particular fiscal year;

"(4) shall not request an amount to be paid private attorneys for representation pursuant to section 2601 of this title in excess of the estimated appropriation for the prosecution of those persons thus represented.

"§ 11-2608. Authorization of appropriations

"There are authorized to be appropriated for each fiscal year, out of any moneys in the Treasury credited to the District of Columbia, such sums as are necessary to carry out the purposes of his chapter. Unless otherwise specified in appropriations Acts, such appropriations shall remain available until expended. Disbursements from such appropriations to persons entitled to payments, pursuant to orders of the courts, under this Act, shall be made by the executive officer of said courts, subject to the supervision of the fiscal officer of the District of Columbia.".

"§ 11-2609. Authority of Council

"Section 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act shall not apply to this chapter."

Sec. 3. Section 3006A(l) of title 18 of the United States Code is repealed.

Sec. 4. This Act shall take effect at the end of thirty days following enactment.

Mr. DIGGS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of the bill (S. 3703), as set forth in House Report 93-1172, is to provide a plan to insure that persons charged with crimes in the District of Columbia, who are financially unable to obtain an adequate defense in the courts of the District of Columbia are provided with legal representation. The bill establishes a plan for furnishing such representation and a mechanism for appointment and compensation of counsel.

BACKGROUND

In previous years payments for lawyers representing indigent defendants under a court appointment were reimbursed through the plan established by the Criminal Justice Act (18 U.S.C. 3006A). That Act was specifically applicable to the District of Columbia. Since the Court Reform and Criminal Procedure Act of 1970 (84 Stat. 473) with its transfer of local criminal jurisdiction from the United States District Court to the local District of Columbia Court system, it has been the position of the Administrative Office of the United States Courts and the Judicial Conference of the United States to transfer the responsibility for the indigent defenders program to that local court system. The Administrative Office of the United States Courts took the position in Committee hearings held on the need for funds for the Criminal Justice Act, that it was willing to fund the program until the end of the 1974 fiscal year. At that point the program would have to be included in the District of Columbia budget for fiscal 1975. The District of Columbia Government agreed to this proposal. Accordingly, authorizing legislation (H.R. 14376 and S. 3703) was required to legitimate the transfer.

NEED FOR LEGISLATION

The United States Supreme Court in its 1972 decision, in the case of *Argersinger* v. *Hamlin* (407 U.S. 25), required that counsel be appointed in any case where there exists the possibility of the deprivation of liberty. With the full implementation of the District of Columbia Court Reform and Criminal Procedure Act however, the Administrative Office of the United States Courts, the United States Judicial Conference, and the Chief Justice of the United States have taken the position that the Superior Court of the District of Columbia and the District of Columbia Court of Appeals are not the rightful beneficiaries of the Criminal Justice Act of 1964 (18 U.S.C. 3006A), which has, up until now, been the source of funds for reimbursement of counsel appearing before the local D.C. courts.

In March of this year the available funds were exhausted from which counsel for indigent defendants could be paid. As a result, the D.C. Superior Court Trial Lawyers Association announced that they would be unable to accept appointments to defend an indigent unless there was some assurance of compensation. The D.C. courts, responding in the best way that they could, asked for volunteers, and decided that they would order the private bar to provide counsel for defense if volunteers were insufficient. Such a system, however, is an emergency system and cannot be expected to work or be relied upon in the long run. The reported legislation is intended to provide authorization for a viable, local, indigent-defender in the District of Columbia.

The Constitution, as interpreted by the Supreme Court, requires that every defendant in a criminal or juvenile delinquent proceeding be represented by counsel. If counsel is not available, the court will ultimately have to discontinue the conduct of criminal and juvenile delinquent proceedings. Whether this action would mean that all individuals affected would be held in confinement until counsel were found or, as appears more likely, that they would be released pending solution of this problem—both alternatives are highly unpalatable. This legislation seeks to prevent the necessity of dealing with either of those possibilities.

SUMMARY OF MAJOR PROVISIONS OF THE BILL

The bill creates a new chapter 26, Title II of the District of Columbia Code to provide for representation of indigents in criminal cases in the District of Columbia courts. It creates a plan for the furnishing of legal representation to indigents in cases where they are subject to the possibility of loss of liberty or where Federal or local law requires such representation. Counsel furnishing representation under the plan shall be selected from panels designated or approved by the courts. Counsel is to be provided for the duration of the complete judicial process with compensation to be fixed approximately parallel to that of the Federal Criminal Justice Act (18 U.S.C. 3006A). The bill also provides for compensation for ancillary services necessitated by the defense. The bill specifically provides for qualified law students to be included in its coverage in the light of Mr. Justice Powell's concurring opinion in the Argersinger case wherein he cited the availability of such student-in-court programs as being an excellent resource to tap.

The budget estimate for the program will be submitted by the Joint Committee on Judicial Administration.

The legislation repeals the applicability of the Federal Criminal Justice Act (18 U.S.C. 3006A) to the District of Columbia. The District of Columbia Council is given the authority to make modifications in only this chapter of title II.

HISTORY

Hearings on the proposed legislation (H.R. 14374 and H.R. 14376) were held by the Subcommittee on the Judiciary on June 13, 1974. Testimony in support of the legislation was presented by representatives of the Administrative Office of the United States Courts, the Chief Judges of the District of Columbia Court of Appeals, and the District of Columbia Superior Court, the District of Columbia Corporation Council, the Director of the Public Defender Service, and by representatives of the District of Columbia Unified Bar, the District of Columbia Bar Association, and the Washington Bar Association. No testimony was given nor statements filed in opposition to the objective of providing counsel for indigent defendants.

The subcommittee reported the bill, H.R. 14376, as amended, on June 24, 1974.

H.R. 14374 provides for a complete overhaul of the system by which indigent defendants are provided legal representation. On the other hand, the reported bill, S. 3703 (companion to H.R. 14376) merely provides the authorization for a continuation of the current system under the auspices of the Joint Committee on Judicial Administration. The Subcommittee agreed to S. 3703 as a temporary measure to provide legislative authorization for the pending appropriation item in the D.C. budget providing funds urgently required to continue the counsel program. The Full Committee concurred in this recommendation and ordered, reported S. 3703 in lieu of H.R. 14376.

VOTE

The bill, S. 3703, was ordered favorably reported to the House on July 1, 1974, by a voice vote, a quorum being present.

COST

The District of Columbia estimates the cost of this program for fiscal year 1975 will be $2.3 million, and approximately such an amount is included in the D.C. appropriation bill which recently passed the House. The Committee anticipates similar amounts for the ensuing fiscal years.

CONCLUSION

By this legislation, the Committee has endeavored to insure that indigent persons in the District of Columbia will receive adequate legal representation in the courts as is guaranteed by the Constitution.

It is important to note that the representation of indigents is a crucial part of the criminal justice system, and it is the view of this Committee that budgetary priorities should be effectively arranged to underscore the necessity for defender services to all indigents in the District and to insure that they are adequately funded. Failure to do so may well have a deleterious effect on the criminal justice system in the District of Columbia, to the detriment of the community as a whole.

JUDICIAL RECOMMENDATIONS ON THE LEGISLATION

The recommendations of the Joint Committee on Judicial Administration in the District of Columbia, as presented to the Committee by Judge Gerard D. Reilly, Chief Judge of the District of Columbia Court of Appeals, in transmitting the proposed legislation which became H.R. 15376, follows:

DISTRICT OF COLUMBIA COURT OF APPEALS,
Washington, D.C., April 19, 1974.

Hon. CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am herewith transmitting for the consideration of the House Committee on the District of Columbia proposed legislation which would establish a plan for providing representation of defendants who are financially unable to retain defense counsel in criminal cases in the courts of the District. This draft bill has been prepared by the Joint Committee on Judicial Administration in the District of Columbia, established by D.C. Code 1973, § 11–1701. If enacted, it would repeal the provision in the Criminal Justice Act which makes that statute applicable to cases in the District of Columbia courts (*i.e.*, subsection (1) of 18 U.S.C. 3006A) and create in lieu thereof a similar act covering only the District of Columbia Court of Appeals and the Superior Court. Such legislation would provide statutory authorization for a requested appropriation of $2,300,000, now pending before the House Appropriations Committee, as an item included in the Mayor-Commissioner's budget estimate for fiscal year 1975.

The need for this legislation is compelling for the whole system of criminal justice in this jurisdiction is threatened with breakdown as a result of the exhaustion of funds appropriated for the current fiscal year to pay counsel for representing indigent defendants in our courts. Since early March, Chief Judge Greene and I have had to resort to a makeshift plan for drafting lawyers. We are rapidly approaching a day when these efforts will be unavailing, as the staff of the Public Defender Service and experienced private trial counsel are already burdened with an excessive number of assignments. In the meantime, the Federal Judicial Conference has remained adamant in its position against including in its budget estimate any proposal for supplemental appropriations to meet the obligations incurred by our courts for appointments of private counsel in the fiscal years 1973 and 1974.

Continuation of this situation into the next fiscal year would be intolerable. Consequently, in order to expedite passage of an authorization bill the enclosed draft proposes no change in the structure of operation of the Public Defender Service. In other words, the Joint Committee at the present time is making no recommendations for amendments to Chapter 22, Title 2, of the D.C. Code, as the pending D.C. budget estimate for the Service has already been formulated on the basis of this existing statutory framework.

Accordingly, the revised legislative proposal of the Joint Committee simply fills the gap created by the absence of any federal budget estimate for the payment of fees of private counsel, transcripts and other expenses. It follows the same scales of compensation prescribed by the Federal Criminal Justice Act, but by repealing the subsection of that statute making it applicable to the District of Columbia courts and authorizing direct appropriations for this purpose to the District government, it precludes the raising of possible points of order to the 1975 budget estimate.

We recognize, of course, that the proposed bill is something of a stopgap measure, for some revisions of the laws relating to the Public Defender Service should eventually be considered by Congress. At present, however, there are so many conflicting views as to what should be done in this respect, particularly as the Federal Judicial Conference for this circuit last month authorized appointment of a committee to study the matter, we believe that to include in the authorization bill controversial proposals on this subject might result in postponing until the next fiscal year passage of this much needed legislation.

My colleagues and I shall be available at any time should the Committee decide to set the matter down for hearing.

Faithfully yours,

GERARD D. REILLY,
Chairman, Joint Committee on Judicial Administration in the District of Columbia.

SECTION-BY-SECTION ANALYSIS

SECTION 11-2601. PLAN FOR FURNISHING REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

This section provides a plan for furnishing representation to indigents in criminal cases. The Joint Committee on Judicial Administration of the local courts is required to place into operation in the District of Columbia a plan for furnishing representation to persons in the District of Columbia who are financially unable to obtain adequate representation when they are charged with crimes and for whom the Sixth Amendment of the Constitution requires the appointment of Counsel; or for whom, in a case in which he faces loss of liberty, the local law requires the appointment of counsel.

Representation must be provided to indigents in all felony or misdemeanor cases where the United States Attorney prosecutes or would prosecute were the defendant not a juvenile, and in all cases of indigent persons under arrest where representation is required by law. Representation must also be provided for persons charged with violation of parole or probation, or in custody as a material witness cases or seeking collateral relief. Those classes of collateral relief include remedies on a motion attacking sentence, extradition, habeas corpus and commitment of mentally ill persons while serving sentence. Case representation under the plan includes counsel, investigative, experts and other services, if necessary.

The plan is required to include a provision for private attorneys, attorneys provided by the Public Defender Service, and attorneys and qualified students who are participating in clinical programs.

SECTION 11-2602. APPOINTMENT OF COUNSEL

This section provides a plan for selecting counsel from panels of attorneys designated or approved by the courts. Every defendant in every criminal case must be advised that he is entitled to be represented by counsel, and counsel shall be appointed for him if he is financially unable to afford it. Such appointment may be made retroactive to include representation provided prior to appointment under the plan. Separate counsel may be appointed when appropriate. This is to ensure that when cases of codefendants should be served for reasons of law that there will be compensation available for separate counsel.

SECTION 11-2603. DURATION AND SUBSTITUTION OF APPOINTMENTS

This section provides that persons for whom counsel is appointed shall be represented at every stage of the proceedings from initial appearance before the court through appeals, including ancillary matters appropriate to the proceeding. It further provides that the court may terminate the appointment of counsel should the individual become financially able to provide it. The court is given the discretion in the interest of justice to substitute one appointed counsel for another at any point in the proceedings.

SECTION 11-2604. PAYMENT FOR REPRESENTATION

This section provides for a payment schedule to be established by the Joint Committee on Judicial Administration, not to exceed the hourly scale established under the Federal Criminal Justice Act, title 18 of the United States Code, section 3006A(d). Attorneys shall be reimbursed for expenses reasonably incurred. This section further provides for maximum amounts to be paid to attorneys, not to exceed the maximum amounts established under the Federal Criminal Justice Act, title 18 of the United States Code, section 3006A(d)(2), unless special circumstances warrant a waiver of the limit. Currently, these maximum amounts are $1,000 for a felony case and $400 for misdemeanors. It also provides a procedure for filing claims for compensation and reimbursement by affidavit. New trials are deemed to be new cases for compensation purposes. Representation in the District of Columbia Court of Appeals will be provided without prepayment of fees and cost.

SECTION 11-2605. SERVICES OTHER THAN COUNSEL

This section provides compensation for services other than legal counsel. Counsel for a person who is financially unable to obtain investigative, expert or other services necessary for adequate defense may request such services in an ex parte application. The court may then, if it finds such services to be necessary, authorize counsel to obtain such services. Counsel appointed under this section may obtain, subject to later review, investigative, expert or other services, excluding the preparation of reporter's transcript, without prior authorization, if necessary for adequate defense. There is a maximum amount schedule established with a waiver if necessary.

SECTION 11-2606. RECEIPT OF OTHER PAYMENTS

Whenever the courts find funds are available for payment for counsel services from a third party, it may direct that such funds be paid to the appointed attorney, or to any person or organization authorized to render investigative, expert or other services or deposited in the Treasury as reimbursement for the appropriation of such funds.

SECTION 11-2607. PREPARATION OF BUDGET

This section requires the Joint Committee on Judicial Administration to annually prepare and submit to the Commissioner of the District of Columbia its estimate of the amount needed for furnishing representation by private attorneys for persons entitled to representation under this act. The Joint Committee is required to establish definitional standards for indigency to qualify for the program and to take into account the number of indigent cases which can be handled by the Public Defender Service, private attorneys, and by law students, and to take into account the number of cases in the United States courts for which payment was made under the last appropriation for the administration of the Criminal Justice Act in those courts. The request shall not exceed the appropriation for the prosecution of those represented.

SECTION 11-2608

The District of Columbia Self-Government and Governmental Reorganization Act prohibits the D.C. Council from modifying any provisions of Title 11 of the D.C. Code. This section, as amended, would give the Council the authorization to change any part of chapter 26 of Title 11 relating to a plan providing for the representation of indigent defendents. It does not permit any other change to be made in any other section of the chapter or of Title 11.

SECTION 11-2609. AUTHORIZATION OF APPROPRIATIONS

The appropriation language authorizes funds to be appropriated out of any money in the Treasury to the credit of the District of Columbia in such sums as may be necessary for the administration of this plan. Such appropriations remain available until expended.

Mr. FAUNTROY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the legislation which you have before you is vitally needed to assure that the residents of the District of Columbia are able to secure adequate counsel for their defense when charged with a crime in which a prison sentence is a possibility. A requirement for the provision of counsel is mandatory in every jurisdiction by reason of the Supreme Court's decision in *Argersinger* v. *Hamlin* (407 U.S. 25 (1972)) rendered in 1972.

The District of Columbia government, at the request of the local court requested $2.3 million of which the Committee on Appropriations recommended that $2.1 million be made available. Without the authorization of this bill, however, it is not possible for the funds to be expended.

In previous years, funds were provided to the local courts through the plan of the Federal Criminal Justice Act which is administered by the Administrative Office of the U.S. Courts. With the enactment of the 1970 Court Reorganization Act, and the concomitant transfer of local criminal jurisdiction from the U.S. district court to the newly created Superior Court, which is a local court, both the Administrative Office and the Judicial Conference of the United States determined that the responsibility for continued funding logically rested with the local jurisdiction, in this case, the District of Columbia.

To aid an orderly transfer, the Administrative Office continued to seek and permit the use of funds through fiscal year 1974 if the District government would agree to take over the responsibility in 1975. This proposal was accepted and the bill which is before you today is the result of that understanding and of action by your Committee on the District of Columbia.

Thus, while this is new authorization for the District of Columbia government, it is not really a new program as a program to provide counsel has been in operation under the auspices of the Federal Criminal Justice Act as administered by the Administrative Office. Both the House and Senate Appropriations Subcommittees for State, Justice, Commerce, and Judiciary, as recently as in this Congress, have emphasized that they believe this to be an activity which should be included in the District of Columbia government's budgetary process as opposed to the prior practice of including it in the Federal judiciary's budget.

The District of Columbia Public Defender Service does provide a substantial portion of the defense offered to indigents; but, it is able to only provide approximately 30 to 40 percent of the needed service. The remainder is provided by the private bar which is reimbursed by CJA moneys. While the Service is currently providing less assistance than it is authorized to provide, the legal community made no expression that the mix should be substantially changed at this time. Rather, it was felt that the better course of action would be to provide the simple authorization of this bill. The city would then be able to provide funds for the defense while examining and enacting an appropriate scheme which would provide a better system of defense utilizing both the private bar and the defender service.

Your committee, after extensive testimony and discussion, believes that this scheme should be placed into operation by the Council within the next 12 to 18 months. While neither the bill nor the committee report carries any directive to the city government, the city is urged to immediately consider a scheme of defense which is similar to the more comprehensive bill which was passed over by your committee. This bill is briefly discussed in the report and is known as H.R. 14374.

The urgency which confronted your committee did not allow for the adequate consideration of the city government's proposal and thus the committee preferred the bill recommended by the Joint Committee on Judicial Administration in the District of Columbia.

There are several important aspects of the bill which I would like to call to your attention. As it is currently written, the bill provides definite ceilings on the amounts which may be paid for any undertaking unless waived and certified, as to need, by the Superior Court in which representation was rendered and approved by the chief judge. These maximum amounts are the same as are provided in the Federal courts: $1,000 for a felony case and $400 for a misdemeanor. I would only parenthetically note that Justice Powell felt that these rates on which the maximums are derived are now by normal American standards—$20 an hour for out-of-court work and $30 an hour for in-court work. Additionally, I want to call to your attention the fact that the local courts have imposed strict limits on the amounts which an attorney may earn from representing indigents. The maximum annual amount is $18,000.

I would also like to note that your committee paid special attention to the concurring opinion laid down by Mr. Justice Brennan in the Argersinger case (407 U.S. 25, 40) where in observation of the discussion of legal resources raised in the Court's opinion he said that "law students as well as practicing attorneys may provide an important source of representation for the indigents." The bill and the report contain language which authorizes the plan and budget to include a provision for qualified students participating in clinical legal education programs as well as provisions for private counsel and the defender service.

Your committee is ever cognizant of the need to assure continuity and sensible program coordination. To that end, your committee voted to enable the District of Columbia government to make changes in the requested CJA funds to assure that the request is consistent with the needs and resources of the defender service. Additionally, your committee determined that it would be appropriate that the city government be given authority to amend this aspect of the code providing indigent defense.

It is impractical to believe that either the private bar or an organized public defender service can provide all of the defense needs in this city. Your committee continues to believe that the process of providing for the defense of indigents is one which must be met by both the public and private sectors through organized defender services, public compensation of the private bar, and free services by the private bar.

That belief stems from strong practical and philosophical considerations which dictate that the public sector can provide better service when challenged in its legal excellence by private practitioners who can also be challenged by the public defender.

Furthermore, your committee does not believe that it is practical to just to look to the private bar without provisions of compensation. In the District of Columbia, more than 15,000 cases are annually prosecuted in which there is a need for provided counsel. While the rolls of the District of Columbia Unified Bar carry some 14,000 lawyers, fewer than 1,000 of them have had any extensive trial experience which would permit them to be considered competent to represent an indigent charged with a crime. Thus, a very small number of lawyers would have to bear the burden of representing these 15,000 persons.

Additionally, it is useful to remember that many firms do provide pro bono services in other areas aside from criminal defense. We would not want these services lost to us by deciding that the efforts which they represent are to be channeled solely into the defense of indigents however important that is.

For these reasons, I urge this body to approve the bill before you today.

Mr. NELSEN. Mr. Speaker, this bill, in codifying section 11–2609 entitled "The Authority of the Council," provides an exemption to section 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 that prohibits the Council of the District of Columbia from amending any of the provisions of title 11 of the District of Columbia Code.

During the debate on the District of Columbia home rule legislation, the House, in my opinion, made it quite clear that Congress, and Congress only, was to amend title 11 of the District of Columbia Code having to do with the organization and jurisdiction of the courts of the District of Columbia, and that provision remained intact throughout the conference on the home rule legislation.

I do not want this bill in any way construed as opening the door to the Council of the District of Columbia that will take office January 2, 1975, to amend other provisions of title 11. I have gone along with this provision because I believe that provisions of the local Criminal Justice Act, which are incorporated in S. 3703, may be in need of amendment within the next 2 years. I would have preferred to see the matter come back to Congress, but, on the other hand, this is a matter that could be handled by the locally elected Council, since it basically does not go to the organization and jurisdiction of the courts, in my view. My preference would have been to place this bill in another title of the District of Columbia Code, possibly title 13. Then there would have been no question but that the locally elected Council could amend that title at will.

I do want to make it abundantly clear that our action here is not in any way to be construed as giving any additional authority to the Council of the District of Columbia to otherwise amend, change, repeal, or otherwise act with respect to title 11 of the District of Columbia Code. I strongly recommend that, if, as, and when the Council of the District of Columbia acts on this matter, they remove the Criminal Justice Act from title 11 of the District of Columbia Code.

In the event this matter were to go to conference with the Senate, I believe that I would support a provision that would take the provisions of this bill out of title 11 of the D.C. Code and place them in some other title that the District of Columbia Self-Government and Governmental Reorganization Act otherwise permits the Council of the District of Columbia to amend and that does not prohibit the locally elected Council from acting such as the provisions contained in section 602(a)(4) of the Self-Government Act.

And I wish to insert this statement on behalf of Congressman William H. Harsha:

> I wish to take this opportunity to endorse and support the comments of the Ranking Minority Members of the House District Committee, Congressman Ancher Nelsen, as they relate to S. 3703.
>
> The District of Columbia Self-Government and Governmental Reorganization Act of 1973 as passed by the House prohibited the locally elected Council, which will take office January 2, 1975, the Council of the District of Columbia, from amending, repealing, or otherwise enacting laws as they might affect Titles 11, 22, 23, and 24 of the D.C. Code. The Conference adopted a provision that would prohibit the locally elected Council from acting to repeal, amend, or otherwise act on provisions in Title 11, having to do

with the organization and jurisdiction of the local courts. The Conference, however, did expand on the authority of the local Council as it affects Titles 22, 23, and 24. The Conference Committee agreed to transfer authority to the locally elected Council to make changes in Titles 22, 23, and 24 of the District of Columbia Code, effective January 2, 1977. After that date, changes in Titles 22, 23, and 24 by the Council would be subject to a Congressional veto by either House of Congress within 30 legislative days. *The expedited procedure provided in section 604 shall apply to changes in Titles 22, 23 and 24.*

I wish to take this opportunity to make it quite clear that the provisions in this bill, S. 3703, permitting the District Council to act to amend or repeal Chapter 26 of Title 11 is in no way to be construed as authorizing any other provision in Title 11 which will be amended, repealed or otherwise acted upon by the locally elected Council after January 2, 1975. As Congressman Nelsen has suggested, I would in turn strongly suggest that when, as and if the Congress does act to repeal or otherwise amend the provisions of this enactment that they remove it from Title 11 of the D.C. Code.

AMENDMENT OFFERED BY MR. FAUNTROY TO THE COMMITTEE AMENDMENT

Mr. FAUNTROY. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. FAUNTROY to the committee amendment: On page 11, immediately preceding line 14, add a new section heading as follows:

"§ 11-2609. Authority of Council"

The SPEAKER. The question is on the amendment offered by the gentleman from the District of Columbia (Mr. FAUNTROY) to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I would like to know what is meant by "indigent"; whether this is meant to describe someone who cannot pay or who will not pay for legal services.

Mr. FAUNTROY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from the District of Columbia.

Mr. FAUNTROY. Mr. Speaker, the answer to the question, of course, is that this refers to these people who are unable to pay.

Mr. GROSS. But what is the real definition? Does it mean they have absolutely no money? What is the test of an "indigent" in this case?

Mr. FAUNTROY. Mr. Speaker, under the procedure set up by the courts, that determination is made by the coordinator of the criminal justice administration in the city.

Mr. GROSS. By whom?

Mr. FAUNTROY. By the coordinator of the local CJA program.

Mr. GROSS. What is the "CJA program"?

Mr. FAUNTROY. CJA, the Criminal Justice Act program.

Mr. GROSS. So someone in that program determines who is an indigent; who does not have money or who does have money; who can pay or who cannot pay for legal services; is that correct?

Mr. FAUNTROY. The gentleman is correct.

Mr. GROSS. Mr. Speaker, I will ask the gentleman this further question: What was the average number of indigent cases for the last 5 years in the District of Columbia?

Mr. FAUNTROY. Mr. Speaker, if the gentleman will yield further, I am not able to supply the average figure for the last 5 years. I have previously quoted the number handled last year, and that figure is 15,000.

Mr. GROSS. Fifteen thousand indigent cases?

Mr. FAUNTROY. Yes, requiring either total or partial compensation.

Mr. GROSS. This bill provides for $2.3 million; is that correct?

Mr. FAUNTROY. That is correct.

Mr. GROSS. For the payment of attorneys?

Mr. FAUNTROY. That is right. It authorizes that much. However, the House has already approved the report of the Committee on Appropriations which sets it at $2.1 million.

Mr. GROSS. The House Committee on Appropriations made available for this purpose last year how much?

Mr. FAUNTROY. This year. This action has already been taken, and without this authorization that appropriation could not be spent, really.

May I add that in that connection——

Mr. GROSS. What was spent last year for legal services for so-called indigents?

Mr. FAUNTROY. $1.1 million, according to the report from the superior court. This in light of the fact that as of March of this year we had to discontinue our aid to indigents because the available funds had been exhausted, and since March those services have been provided on a volunteer basis.

Mr. GROSS. Did the gentleman say the Committee on Appropriations has already approved the same amount of money as last year?

Mr. FAUNTROY. No. It has approved $2.1 million.

Mr. GROSS. $2.1 million? Nearly double.

Mr. FAUNTROY. Yes.

Mr. GROSS. As compared to what last year?

Mr. FAUNTROY. As compared to $1.1 million appropriated last year, which funds as I said, were dispensed by March. And, for example, that amount was only 14 percent of the amount available for the Federal courts in the District of Columbia. The superior courts handle with those funds fully one-third——

Mr. GROSS. How do other cities handle indigent legal representation, does the gentleman know?

Mr. FAUNTROY. I am not able to say how all cities do it, but I do know that many cities handle it through an appropriation from local funds. As a matter of fact, the judgment here by the committee of conference is inasmuch as these are local courts, these are superior courts, that they should not be covered totally by CJ funds.

Mr. GROSS. The gentleman does not know what Cleveland, Ohio—a city of comparable size—does?

Mr. FAUNTROY. No.

Mr. GROSS. It is hard to believe that neither in the hearings nor other committee consideration of the bill, there was no attempt to learn what other cities do with respect to legal services in the trials of indigents?

Mr. FAUNTROY. I am sure they did, but I do not recall them at the moment.

The SPEAKER. The time of the gentleman has expired.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The time of the passage of the bill.

Mr. MILLER. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 242, nays 120, not voting 72, as follows:

[Roll No. 366]

YEAS—242

Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Ashley
Aspin
Barrett
Bell
Bennett
Bergland
Biester
Blatnik
Boggs
Boland
Bolling
Brademas
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Mass.
Burton, John
Burton, Phillip
Butler
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chisholm
Clark
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Flood
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gibbons
Gonzalez
Gray
Green, Oreg.
Griffiths
Grover
Gubser
Gude
Haley
Hamilton
Hanley
Harsha
Hastings
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Hicks
Hogan
Holtzman
Horton
Howard
Hungate
Hutchinson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, La.
Long, Md.
Luken
McClory
McCloskey
McCormack
McDade
McFall
McKinney
McSpadden
Madden
Mahon
Mallary
Mann

Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Murtha
Natcher
Nelsen
Obey
O'Brien
O'Hara
O'Neill
Owens
Patman
Patten
Perkins
Peyser
Pickle
Pike
Preyer
Price, Ill.
Quie
Railsback
Rangel
Regula
Reuss
Rhodes
Riegle
Rinaldo
Rodino
Roe
Rogers
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Sebelius
Seiberling
Shriver
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steelman
Steiger, Wis.
Stratton
Stuckey
Studds
Sullivan
Symington
Thompson, N.J.
Thomson, Wis.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waldie
Walsh
Wampler
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—120

Abdnor
Alexander
Arends
Armstrong
Ashbrook
Baker
Bauman
Beard
Bevill
Blackburn
Bowen
Bray
Brinkley
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Camp
Chamberlain
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Denholm
Devine
Dickinson
Downing
Duncan
Eshleman
Fish
Fisher
Flowers
Flynt
Froehlich
Gettys
Ginn
Goldwater
Goodling
Gross
Guyer
Hanrahan
Hays
Hébert
Henderson
Hinshaw
Holt
Huber
Hudnut
Hunt
Ichord
Jarman
Johnson, Colo.
Jones, N.C.
Kemp
Ketchum
King
Lagomarsino
Landgrebe
Landrum
Latta
Lent
Lott
Lujan
McCollister
Madigan
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Michel
Milford
Miller
Mizell
Montgomery
Moorhead, Calif.
Myers
Nichols
Parris
Poage
Powell, Ohio
Price, Tex.
Randall
Rarick
Roberts
Robinson, Va.
Roncallo, N.Y.
Rousselot
Runnels
Ruth
Satterfield
Scherle
Schneebeli
Shoup
Shuster
Sikes
Snyder
Spence
Steiger, Ariz.
Stephens
Stubblefield
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Towell, Nev.
Veysey
Ware
Whitten
Winn
Wylie
Young, S.C.

NOT VOTING—72

Andrews, N. Dak.
Archer
Badillo
Bafalis
Biaggi
Bingham
Brasco
Breaux
Buchanan
Carey, N.Y.
Chappell
Clausen, Don H.
Clay
Collier
Culver
Davis, Ga.
Dorn
Evins, Tenn.
Foley
Ford
Forsythe
Giaimo
Gilman
Grasso
Green, Pa.
Gunter
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Helstoski
Hillis
Holifield
Hosmer
Jones, Tenn.
Kuykendall
McEwen
McKay
Macdonald
Mills
Mink
Murphy, Ill.
Nedzi
Nix
Passman
Pepper
Pettis
Podell
Pritchard
Quillen
Rees
Reid
Robison, N.Y.
Roncalio, Wyo.
Rooney, N.Y.
Rostenkowski
Roybal
Schroeder
Shipley
Skubitz
Stark
Steele
Stokes
Tiernan
Traxler
Waggonner
Wiggins
Wilson, Charles H., Calif.
Wydler
Young, Alaska
Young, Fla.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Gunter.

Mr. Rostenkowski with Mr. Helstoski.

Mr. Chappell with Mr. Reid.

Mr. Giaimo with Mr. Collier.

Mrs. Grasso with Mr. Hanna.

Mr. Green of Pennsylvania with Mr. Forsythe.

Mr. Macdonald with Mr. Gilman.

Mr. Nix with Mrs. Hansen of Washington.

Mr. Roybal with Mr. Andrews of North Dakota.

Mr. Waggonner with Mr. Dorn.

Mr. Charles H. Wilson of California with Mr. Hansen of Idaho.

Mr. Murphy of Illinois with Mr. Hammerschmidt.

Mr. Bingham with Mr. Don H. Clausen.

Mr. Brasco with Mr. Hillis.

Mr. Davis of Georgia with Mr. Archer.

Mr. Breaux with Mr. Hosmer.

Mr. Evins of Tennessee with Mr. McKay.

Mr. Badillo with Mrs. Schroeder.

Mr. Ford with Mr. Bafalis.

Mr. Jones of Tennessee with Mr. McEwen.

Mr. Holifield with Mr. Mills.

Mr. Harrington with Mr. Kuykendall.

Mr. Rees with Mr. Quillen.

Mr. Podell with Mr. Pritchard.

Mr. Roncalio of Wyoming with Mr. Buchanan.

Mr. Shipley with Mr. Pettis.

Mr. Stark with Mr. Robison of New York.

Mr. Stokes with Mr. Culver.

Mr. Tiernan with Mr. Skubitz.

Mr. Pepper with Mr. Traxler.

Mr. Passman with Mr. Wiggins.

Mr. Nedzi with Mr. Young of Florida.

Mrs. Mink with Mr. Wydler.

Mr. Biaggi with Mr. Young of Alaska.

Mr. Carey of New York with Mr. Steele.

Mr. Clay with Mr. Foley.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2893, NATIONAL CANCER ACT AMENDMENTS OF 1974

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 2893) to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next 3 fiscal years, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 24, 1974).

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference report before us now is on S. 2893, the National Cancer Act Amendments of 1974. This bill provides a 3-year extension through 1977 of our national cancer program. It originally passed the House on May 2, 1974, by a vote of 390 yeas to 1 nay and the Senate on March 26 by a vote of 89 yeas to 0 nays. The two bills which passed were very close to identical and I can report to you that we have succeeded in working out a very reasonable set of compromises in the conference. The House bill originally authorized $2.765 billion. The Senate bill authorized $2.786 billion, only $21 million more. This small difference we split.

The conference report is otherwise similar to the House bill except for the following changes. The Senate bill called for a large new program of Pap tests and we compromised with the Senate by requiring in the conference report appropriate trials of such programs since we were not aware of answers to questions concerning how, how often, and for whom these programs should be conducted. The Senate bill required that the Senate advise and consent on the Director of NIH and the conference adopted this provision for directors appointed after enactment of this act since officers of the Department of comparable rank are also subject to Senate advice and consent. The Senate bill contained a provision which was not included in the House similar to the expiring provision in section 601 of the Medical Facilities Construction and Modernization Amendments of 1970, and the conference report adopted a compromise position by removing the expiration date from such section 601.

Finally, the Senate bill required the establishment of a permanent Presidential Biomedical Research Panel which was not called for in the House bill. The conference report again contains a compromise which establishes such a Panel with a life of only 18 months and a mandate that the Panel study during its life policy issues concerning the NIH and make recommendations on them to us.

You all know of the importance of the cancer program and I think you are all aware that the House and Senate bills were quite close in their original provisions. This is a good conference report which will allow this vital program to continue, and I urge its adoption.

Mr. CARTER. Mr. Speaker, I just wish to say that I strongly support this conference report. I think it is much needed.

The particular subject which means so much to me and other members of the committee is the finding of the cause, prevention and cure of cancer in its various forms. In the past 10 years, we have seen great progress made in this direction. Victims of this insidious disease now stand a much greater chance of survival. From 70 to 90 percent of the victims of Hodgkin's disease are now cured.

One eminent physician, whose specialty is in the field of leukemia, has been able to secure remissions in 50 of 100 youngsters attacked by lymphatic leukemia. Mr. Speaker, only 10 years ago few if any of these children would have survived as long as 2 months.

I submit that the cost may be considered by some to be heavy—over $600 million per year. But actually, this is a small price to pay for the good which has been accomplished. This cost per year is approximately one-half of the cost of a Trident submarine. I support construction of this submarine, but I support even more strongly the attack which has been launched against cancer.

Already, great gains have been made for the sake of those who are suffering from this dread disease. Let us not be penurious—neither would I ask that we be wasteful. We must persevere, we must authorize and appropriate every cent which can be used to conquer cancer.

Mr. STAGGERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I urge the adoption of this report. It is a good one, and it will help in the fight against cancer.

Mr. Speaker, I rise in support of the conference agreement on the National Cancer Amendments of 1974. This measure is essential to the continued progress of the assault on cancer, the second leading cause of death in the United States today.

This legislation would do two things: It would revise and extend the programs under the National Cancer Act for 3 years, and it would establish a Biomedical Research Panel to advise the President on policy issues respecting biomedical and behavioral research conducted and supported by the National Institutes of Health and the National Institute of Mental Health.

Title I of the conference agreement would revise and extend the cancer program, and it is virtually identical to H.R. 13053, which passed the House by a vote of 390 to 1 on May 2, 1974. The only substantive addition is a provision which would permanently prohibit the impoundment of appropriated health moneys.

Title II of the agreement would establish the President's Biomedical Research Panel. The Senate-passed bill would have mandated the establishment of a permanent five-man panel which would monitor the development and execution of biomedical and behavioral research programs of the NIH and NIMH to insure the continued excellence of Federally sponsored research. The House bill contained no such provision, although the committee report expressed serious concern about the dramatic shift in balance among NIH programs, particularly in the support of certain categorical disease areas at the expense of others. The compromise would provide for a seven-man panel to review, assess, identify and make recommendations to the President and the Congress on policy issues concerning the organization and operation of biomedical and behavioral research conducted and supported under the programs of the NIH and the NIMH. The Panel would terminate 18 months after the appointment of its members.

Mr. Speaker, since the passage of the original Cancer Act in 1971, we have made great progress in the control of cancer. We are beginning to unlock the mysteries behind this dread disease. I urge the wholehearted support of every member of this body for this program.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2830, NATIONAL DIABETES MELLITUS RESEARCH AND EDUCATION ACT

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the Senate bill (S. 2830), an act to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 25, 1974.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, the conference report before us today is on S. 2830, the National Diabetes Mellitus Research and Education Act of 1974. This legislation would provide new support for research on diabetes. The bill originally passed the House on March 19 by a vote of 380 yeas to 6 nays and the Senate by a voice vote. The original House bill authorized a total of $22.5 million and the original Senate bill authorizes a total of $62.5 million. This compromise authorizes $40 million, which is a little closer to the House figure than the Senate.

The conference report generally reflects the House bill except that the following changes were made. Both bills call for the preparation of a diabetes plan by a national commission with the House bill allowing 7 months for the preparation of the plan and the Senate bill 9 months. These provisions follow the House bill except that the Commission is allowed the Senate's 9 months in which to prepare the plan. Requirements for the plan were added to the House provision from the Senate bill including a requirement for a balance of basic and applied research, a requirement that the plan speak to diseases related to diabetes and a requirement that the plan give attention to disseminating knowledge of diabetes. The Senate bill required a new program of diabetes prevention and control which was not contained in the House bill. As a compromise the conference report adds diabetes to the diseases for which existing disease control programs are responsible. The Senate bill required the establishment of an Interagency Technical Committee on Diabetes to coordinate Federal diabetes activities and the conference report adds this coordination function to the responsibilities of a diabetes coordinating committee which was contained in each bill.

Finally, the Senate bill required the establishment of an Associate Director for Diabetes in the National Institute of Arthritis, Metabolism, and Digestive Diseases, a provision not contained in the House bill. The conference report authorizes but does not require the establishment of such a position.

This is important legislation which has had overwhelming support in the Congress, and I can assure you that the conference report which you have before you is a reasonable compromise between the House and Senate bills. I urge your support for it.

Mr. CARTER. Mr. Speaker, I strongly support the conference report.

It is essential that we focus greater attention on this particular disease which affects so many of our people. Expanded research, training of professional people in diagnosis and treatment, and dissemination of information will provide meaningful and constructive advances in this area of great concern.

I am particularly interested in section 435(a) since this was an amendment offered to establish 15 diabetic centers throughout the United States to study the causation, detection and treatment of diabetes. I feel that it will be extremely helpful in training physicians and allied health personnel in the problems of diabetes.

I strongly support the legislation.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I am happy to yield to the distinguished gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am grateful to the distinguished gentleman from Kentucky, both for the leadership he has exhibited on this bill and for his yielding of time to me.

There is one question that I would like to ask of the distinguished gentleman from Kentucky and the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS). In the report of the managers, item No. 6, the diabetes plan on page 9 of the statement of the managers indicates that the requirement in the House amendment that the plan contain proposed Federal, State, and local programs for the screening and detection of diabetes and continuing counseling and education of doctors and diabetics—and their relative—was deleted by action of the conference. I wonder if it is possible to get an explanation as to why that particular item was deleted. Perhaps as importantly, what is the intent of the conferees insofar as attempting to insure that that concept of training medical personnel as well as families is done appropriately within the framework of this legislation?

Mr. CARTER. May I say to the distinguished gentleman from Wisconsin that I was not a member of the group of conferees, and I do not know why that was stricken. I regret it very much.

I am happy to yield to the gentleman from West Virginia.

Mr. STAGGERS. In the conference report we decided the two terms were redundant, and combined them in one. It had the same meaning and carried out the same purposes, and that is the reason that was done.

Mr. STEIGER. of Wisconsin. Am I correct, then, that the distinguished chairman of the Committee on Interstate and Foreign Commerce states that the intent of the conference is to provide that this kind of training, both for medical doctors and families, as well as training and detection, will be authorized and carried forward?

Mr. STAGGERS. The gentleman is correct in his assumption.

Mr. STEIGER of Wisconsin. Mr. Speaker, I must say that this bill has been a long time in coming. I am deeply grateful to the committee for the fact that they were willing to put the time in, bring the bill to the floor, and take it up with the other body. This is a great day for all of us who feel so deeply about the need to expand and enhance our capability in fighting diabetes.

Mr. CARTER. Mr. Speaker, I appreciate the remarks of the distinguished gentleman from Wisconsin. I know of his interest since he himself is a victim of this insidious disease, as are some other Members on this floor at the present time.

It is hoped that through this legislation we will do much to help in detection, determination of cause, and treatment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Iowa.

Mr. GROSS. Why did this go from $22.5 million up to $40 million?

Did we not just pass a bill dealing with cancer wherein there is an authorization for the expenditure of $2.5 billion?

Mr. CARTER. This is a different section of the bill to which the gentleman has referred.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I will be happy to yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman for yielding.

The gentleman is quite correct. We did pass a cancer research bill. This is the conference report on the diabetes research bill which we have brought up now.

I think the gentleman has answered the question that was asked. This is, I would say, a compromise between what the Senate had provided in its bill, which was $62.5 million, and what we had provided, the figure of $22.5 million. This figure we are speaking of here is closer to the House bill than it is to the Senate appropriation. We had a conference, and that is the reason for the difference in the amounts of money.

Actually, I am not so sure but what the other body is nearer to the fact than we are, and that $62 million is closer to what is really needed. We started out with a smaller figure, and we were willing to compromise. We are ready to compromise in every conference; that is the reason for having a conference.

Mr. GROSS. Mr. Speaker, if the gentleman from Kentucky will yield further, the Senate authorized $45 million, not $62 million. According to the report, they authorized $45 million. We brought the House figure up from $22 million to the conference figure of $40 million.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield further, I am afraid the gentleman from Iowa has been reading from the lower part of the page, the section on "Diabetes research and training centers." If the gentleman will look just immediately above that section, he will find it says, "Diabetes prevention and control program, and it contains the figure of $17.5 million, which is added on to come up to the $62 million.

Mr. Speaker, that is the reason for the compromise.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I urge support of this conference report.

Mr. Speaker, I rise in support of the conference agreement on the National Diabetes Mellitus Research and Education Act, which would amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus.

This measure would establish a 17-member National Commission on Diabetes to formulate a long-range plan to combat diabetes mellitus and submit a proposed budget and final report to the Congress within 9 months after its establishment. It would also provide funding for diabetes research and training centers, located geographically on the basis of population density and in environments with proven research capabilities. The Secretary of Health, Education, and Welfare may establish a new position of Associate Director for Diabetes within the National Institute of Arthritis, Metabolism, and Digestive Diseases who would be responsible for programs with regard to diabetes mellitus within the Institute.

Mr. Speaker, the needs for persons with diabetes in the United States are not being met at the present time. Diabetes affects directly approximately 10 million Americans and is the fifth leading cause of death from disease today. Our lack of knowledge and our inability to prevent or satisfactorily treat the disease itself or the complications thereof emphatically underscore the crucial importance of an expanded research program on and related to diabetes. The Commission which would be established by this measure would be charged with presenting a plan with specific recommendations for the use and organization of national resources to combat diabetes.

Mr. Speaker, I urge the unanimous support of this body for this important measure.

Mr. STAGGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, I thank the gentleman for yielding.

I am as much interested in economy as the gentleman from Iowa (Mr. GROSS). But let me say there are many, many ways to save money that are meritorious and sometimes it happens we should spend money in the broader sense of investing in better health for our people.

As to the priorities in Federal expenditures, I suppose national defense should be given top consideration—but near the top of everyone's list of priorities should be expenditures for medical research. Diabetes mellitus is a dread killer disease.

The last matter the House considered was the conference report on the National Cancer Act. We all know how important it is to improve the national cancer program. Diabetes is just as serious and an equally dread disease. We never think how deadly it is until it attacks some relative or close friend. Before the victim realizes it, he is in a stage of diabetes that is incurable.

There is much that can be done to control diabetes if we have the money to research the cures and the money to educate those who are victims or potential victims. The time is past that we can rely on voluntary contributions of the United Fund or any other voluntary contributions to control diabetes. It cannot be done by these agencies alone.

Mr. Speaker, I am going to ask for a roll call vote on this conference report so that we may see which of the Members believe that medical research belongs at the very top of our priorities.

Finally, Mr. Speaker, diabetes mellitus is a major health problem that affects as many as 10 million Americans directly and as many as 50 million Americans indirectly. It has been established that there is a tendency to develop diabetes mellitus and to pass it on to one's children or grandchildren or both. Diabetes is a family of diseases that has an impact on all of the biological systems of the human body.

It may be difficult for the casual observer to appreciate and understand the facts that diabetes is the fifth leading cause of death from disease and is the second leading cause of blindness.

There should be no mistake about it that diabetes significantly decreases life expectancy. There is a respectable body of evidence that shows that the prevalence of diabetes has increased within the past decade.

What this measure is about is to improve the understanding among our citizens of the nature of the impact of diabetes and to provide for better methods of diagnosis and treatment. The establishment of reasonable diabetes research and training centers throughout the country is essential for the development of information and therapies to deal with diabetes.

Mr. Speaker, overall the conference rereport which accompanies S. 2830 should be adopted without a dissenting vote. Early detection, proper control, patient education, and research are some objectives of Federal expenditures which should enjoy the highest priority.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wish to say that I want to compliment not only the committee, but I want to compliment the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Michigan (Mr. VANDER JAGT). I wish to thank them for their interest in this bill and for proposing it to the committee. I wish also to thank all those Members who have worked on this committee in fighting against this disease. This is a disease which we have neglected too long during the history of our Nation. I think it is time we pay more attention to the prevention of diabetes.

Mr. Speaker, I urge the conference report be adopted, and I ask for a unanimous vote in the affirmative.

Mr. HEINZ. Mr. Speaker, I rise to urge my House colleagues to give their strongest support to S. 2830, "The National Diabetes Mellitus Research and Education Act."

This bill is the final version of H.R. 8194, which I cosponsored on May 29, 1973. It is the product of more than a year's work, first in the Public Health and Environment Subcommittee, then in conference committee. As a member of the House Health Subcommittee, I am proud of my part in shaping this legislation.

With as many as 10 million Americans afflicted with this disease, a strong, well-coordinated national research effort on diabetes is overdue. For too long, this disease has been given short shrift by the leadership of the National Institute of Health. Incredibly, 325,000 new cases of diabetes are diagnosed each year. But, despite the fact that this disease is now known to be an underlying or contributing cause of other illnesses such as heart disease, stroke and kidney disease, and is the second leading cause of blindness, only one-half of 1 percent of the NIH budget has been earmarked for diabetes research. This totals a mere $1.25 per diabetic per year.

The enactment of this legislation, however, will allow us to change this shocking misallocation of health research resources. "The National Diabetes Mellitus Research and Education Act" will establish under the NIH Director a new National Commission on Diabetes. This "blue ribbon Commission" would be charged with formulating a coordinated, comprehensive research plan designed to combat this complex disease. Furthermore, the measure provides for the establishment of new centers for diabetes research and training. These centers shall also provide information services and training programs to physicians and allied health personnel in advanced methods of diagnosing and treating diabetes.

I salute the members of the Public Health and Environment Subcommittee for taking the initiative to develop this badly needed legislation. In addition, however, sincere congratulations and thanks must go to a fine gentleman from my own State of Pennsylvania, Carl Stenzler.

Mr. Stenzler is, in many ways, a unique man. As chairman of the Pennsylvania Commonwealth Committee on Diabetes and Blindness, and as a diabetic for nearly 50 years, he has been in a good position to attest to the need for a national research effort to eradicate this disease. And from this position, Mr. Stenzler has generated a first-class, citizen lobby for a National Diabetes Research Act. So, while I am proud today of my role in this legislation and I compliment the Health Subcommittee on its work on S. 2830, my strongest commendation and congratulations go to Carl Stenzler. Without his determination, his long hours and his perseverance in spearheading the national effort to combat diabetes, I doubt that the House of Representatives would be voting today on this important legislative initiative.

Mr. Speaker, as a salute to Carl Stenzler, I would like to include in the RECORD at this point an article which details the hard work that Mr. Stenzler invests in his battle against diabetes. While he is a diabetic and has been for half a century, his battle is not a selfish, personal one. Rather, he fights for those of the younger generations who face the threat of living their entire lives with this complex and often deadly disease.

I urge all Members to carefully read this April 20, 1974, Philadelphia Inquirer article about Carl Stenzler—the one man who has made a difference. I am certain that the House will then overwhelmingly approve S. 2830, "The National Diabetes Mellitus Research and Education Act."

The article follows:

DIABETIC SHAKES UP SACRED COW, WINS CONCESSIONS

(By William Vance)

WASHINGTON.—Because he is alive at age 60, has all his limbs and can see with the aid of glasses, Carl Stenzler refers to himself as "sort of a freak."

Like about 8 million other Americans, only about half of whom know it, Stenzler is a diabetic.

Unlike most, he has lived with the disease 50 years. By his own reading of the medical odds, Stenzler figures he should have said good-by to this world 15 or 20 years ago.

Or, if not death, then blindness, a stroke, gangrene and subsequent amputations, or any of the other relentless and lethal companions of this common but still mysterious and incurable disease should have touched him.

Stenzler, who lives in Elkins Park, a Philadelphia suburb, showed up in Washington this week to talk about the awful odds of diabetes and to raise a little hell with the Federal health bureaucracy for not paying more attention to it.

He came with an impressive array of medical talent—some of the physicians he has recruited as chairman of Pennsylvania's Commonwealth Committee on Diabetes and Blindness—and a few others, all experts in fields related to the disease.

CONCERNED LAYMAN

Stenzler is not a doctor. He is a former clothing manufacturer who describes himself on the committee roster simply as "concerned layman."

In that job, handed to him two years ago by Gov. Milton Shapp, Stenzler has put together what amounts to a national diabetes lobby.

This week that lobby did something that almost nobody ever does. Armed with more statistics than anyone could digest at one sitting, Stenzler and his allies confronted one of the government's most sacred cows—the National Institutes of Health—and challenged its policies and priorities for combatting diabetes.

Before it was over, the cow blinked.

Stenzler's complaint is that NIH, a $1.8 billion-a-year health conglomerate that spearheads Federal medical research, is investing pathetically small sums in diabetes research—contrary to the intent of Congress—and has failed to coordinate the effort among its myraid institutes.

MEDICAL MUSCLE

The complaint is generally shared by the team Stenzler called together for the lobbying blitz at the sprawling NIH complex in Bethseda, Md.

Among them are Dr. Robert F. Bradley, medical director of Boston's Joslin Clinic; Dr. Richard A. Field, senior scientist of the Retina Foundation and associate professor of medicine at Harvard Medical School; Dr. Addison Scoville Jr., president of the American Diabetes Association; Dr. Christian R. Klimt, professor at University of Maryland School of Medicine and coordinator of a university group diabetes program; Dr. Irving Kessler, of the department of epidemiology; Dr. Arnall Patz, professor of ophthalmology at Johns Hopkins university.

It was an overwhelming show of medical muscle, and Dr. Robert Stone, director of NIH, and officials of four NIH institutes did more listening than talking.

OUTKILLS CANCER

Stenzler has devoured mountains of information about diabetes. He buttressed his arguments with awesome statistics which even some doctors had missed. Examples:

Diabetes kills 200,000 more people each year than does cancer.

Between one-fourth and one-third of all deaths officialy attributed to heart disease are caused by diabetes.

The life span of a diabetic is one-third shorter than that of a nondiabetic. The average lifespan after onset of the disease is about 18 years.

The number of known diabetics doubled between 1960 and 1970, and the rate of diabetes is increasing about 10 percent a year.

Diabetes will blind about 685,000 of today's diagnosed diabetics. Most of them will not be able to learn braille because diabetic neuropathy destroys sensitivity in the fingertips.

NIH officials, unaccustomed to being cross-examined, reacted sharply to assertions that they had ignored a Congressional mandate to devote "a significant portion" of increased appropriations to diabetes research.

GROSSLY INADEQUATE

"Get your facts straight," snapped Dr. Ronald Lamont-Havers, deputy director of the National Institute of Arthritis, Metabolism and Digestive Diseases, which has primary responsibility for diabetes.

The agency increased its spending from $7.9 million to $10.9 million this year, he said.

"Grossly inadequate," Stenzler retorted, pointing out that more than $1 million of the increase came with the release of impounded funds, and the rest from an $18.6 million budget increase.

After more than an hour of talking, Stenzler and his medical lobby had won a few tentative concessions.

Dr. Theodore Cooper, head of the Heart and Lung Institute, acknowledged that he probably had erred in not giving diabetes more recognition. Only a fraction of that agency's $303 million budget goes into grants for vascular-diabetes research.

"You're dissatisfied with the amount of money, and I'm dissatisfied," said Cooper. "We're with you, Carl. We want to team up with you, but we have to have good applications, good ideas. I won't fund crap—I want to make that very clear to you."

A MODEST SUCCESS

They shook hands on it, and Stenzler told his companions later that he felt the mission was a modest success if for no other reason than getting some fresh air into the rarified atmosphere of the NIH.

"We've got them talking to each other, and that's important," he said. "I think they're aware, for the first time that someone is looking over their shoulders and that they're going to be held accountable."

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken.

Mr. RANDALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 356, nays 4, not voting 74, as follows:

[Roll No. 367]

YEAS—356

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Arends
Armstrong
Ashbrook
Aspin
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hanley
Hanna
Hanrahan
Hastings
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks
Hinshaw
Hogan
Holt
Holtzman
Horton
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
Luken
McClory
McCloskey
McCollister
McCormack
McDade
McKinney
McSpadden
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Murtha
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Quie
Railsback
Randall
Rangel
Rarick
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Traxler
Treen
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Veysey
Vigorito
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Collins, Tex.
Crane
Landgrebe
Symms

NOT VOTING—74

Andrews, N. Dak.
Archer
Ashley
Badillo
Bafalis
Biaggi
Bingham
Brasco
Breaux
Buchanan
Carey, N.Y.
Carney, Ohio
Chappell
Clausen, Don H.
Clay
Collier
Culver
Davis, Ga.
Diggs
Dorn
Evins, Tenn.
Foley
Forsythe
Giaimo
Grasso
Gray
Green, Pa.
Gunter
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hawkins
Helstoski
Hillis
Holifield
Hosmer
Jones, Tenn.
Lott
McEwen
McFall
McKay
Macdonald
Mills
Mink
Mitchell, Md.
Murphy, Ill.
Nix
Pepper
Pritchard
Quillen
Rees
Reid
Robison, N.Y.
Roncalio, Wyo.
Rooney, N.Y.
Rostenkowski
Roybal
Schroeder
Shipley
Sikes
Skubitz
Stark
Steele
Stokes
Stuckey
Tiernan
Udall
Waggonner
Wilson, Charles H., Calif.
Wydler
Young, Alaska
Young, Fla.

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Helstoski.
Mr. Rooney of New York with Mr. McFall.
Mr. Chappell with Mr. Reid.
Mr. Giaimo with Mr. Andrews of North Dakota.
Mrs. Grasso with Mr. Hanna.
Mr. Green of Pennsylvania with Mr. Biaggi.
Mr. Carey of New York with Mr. Mitchell of Maryland.
Mr. Macdonald with Mr. Gunter.
Mr. Nix with Mrs. Hansen of Washington.
Mr. Roybal with Mr. Pritchard.
Mr. Charles H. Wilson of California with Mr. McEwen.
Mr. Waggonner with Mr. Dorn.
Mr. Murphy of Illinois with Mr. Lott.
Mr. Bingham with Mr. Hammerschmidt.
Mr. Brasco with Mr. Forsythe.
Mr. Davis of Georgia with Mr. Archer.
Mr. Breaux with Mr. Hosmer.
Mr. Evins of Tennessee with Mr. McKay.
Mr. Badillo with Mr. Gray.
Mr. Jones of Tennessee with Mr. Robison of New York.
Mr. Holifield with Mr. Mills.
Mr. Harrington with Mr. Quillen.
Mr. Rees with Mr. Hillis.
Mr. Roncalio of Wyoming with Mr. Bafalis.
Mr. Shipley with Mr. Skubitz.
Mr. Stark with Mr. Collier.
Mr. Stokes with Mr. Hawkins.
Mr. Tiernan with Mr. Buchanan.
Mr. Pepper with Mr. Hansen of Idaho.
Mr. Diggs with Mr. Culver.
Mr. Ashley with Mr. Steele.
Mrs. Mink with Mr. Don H. Clausen.
Mrs. Schroeder with Mr. Sikes.
Mr. Clay with Mr. Foley.
Mr. Carney of Ohio with Mr. Udall.
Mr. Stuckey with Mr. Young of Florida.
Mr. Wydler with Mr. Young of Alaska.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two conference reports just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

THE RETIREMENT OF ADM. TOM MOORER

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, last week, my wife Carolyn and I attended the retirement ceremonies for Adm. Tom Moorer, a great Alabamian and an outstanding American.

This was one of the most impressive and moving ceremonies I have ever attended and I only wish that every Member of this body could have attended.

Over the many years, Alabama has had more than her fair share of great military officers in all the branches of the armed services but never before has an Alabama officer attained the highest position offered in the military, Chairman of the Joint Chiefs of Staff. I personally will miss Tom Moorer for he has not only been a good friend but a trusted adviser and counsel.

For the reading of those Representatives unable to attend this stirring and inspiring ceremony, I am submitting for the Record of this House a copy of an article from the July 3 edition of the Birmingham News about the retirement ceremony. In addition I am including the statements made at the ceremonies by Secretary of Defense Schlesinger, Vice President Ford, a copy of a personal letter to Admiral Moorer from President Nixon and the remarks by Admiral Moorer. I do hope that all of my colleagues will take an opportunity to read these fine statements about a man who has dedicated his life to the protection of American freedom and liberty.

[From the Birmingham News, July 3, 1974]

Retiring Admiral Moorer Lauded by Ford at Special Review

(By James Free)

Washington.—Admiral Thomas H. Moorer, whose four years service as chairman of the Joint Chiefs of Staff makes him the highest-ranking military officer ever produced by the State of Alabama, has been retired after 41 years of active duty, with the thanks of top officials of a grateful nation.

Vice President Gerald Ford told a gathering of several thousand at a special retirement review at nearby Andrews Air Force Base Tuesday afternoon that he had made a point of being present. "I deeply desired to pay tribute to Tom Moorer as a personal friend", said Ford, himself a former reserve officer in the Navy.

Secretary of Defense James R. Schlesinger said that Moorer has earned the admiration of thousands of service men who served under him, the esteem of his colleagues in the Department of Defense and the gratitude of the American people.

And Secretary Schlesinger read a personal letter to Moorer from his commander-in-chief, President Richard M. Nixon.

Nixon wrote that "since the early days of the Republic Americans have been blessed with leaders of stature, men dedicated to the principle of service and freedom . . . Your place among such leaders is assured.

"Your example of courage and unswerving devotion to duty will long serve as an inspiration to all who would share the responsibilities of national and military leadership."

At the bottom of the typewritten letter, the President added in his own handwriting: "In a personal sense, I want you to know how much I have appreciated your courage and loyal support in some pretty tough situations".

"Mrs. Nixon joins me," the President concluded, "in expressing our affection for your lovely wife."

The colorful "special joint service retirement review" was held at midday in giant hanger number one at Andrews AFB. Temporary stands for invited guests—from the military services, from the government, representatives of foreign nations, the Congress, and friends of the Moorers—were set up on one side. Units from all the armed services, led by the Army Band, marched in and lined up on the other side.

Moorer, in Navy summer white dress uniform, entered to the accompaniment of a 19-gun salute. He walked down the line of assembled troops on a final inspection before the speaking program began.

Prior to his own remarks, Secretary of Defense Schlesinger presented Moorer with the only oak leaf cluster ever awarded with the Department of Defense Distinguished Service Medal. And along with it, Schlesinger pinned on Distinguished Service Medals from both the Army and the Air Force.

All of these were for extraordinary service and occomplishments as Chairman of the Joint Chiefs of Staff during what President Nixon referred to as "some pretty tough situations."

Vice President Ford said that Moorer has "added strength, dignity and feasibility to the military services . . . he deserves an accolade of 'well done' for accomplishments during difficult and terrible times."

These "times" included the final years of the Vietnam War, drastic reduction in U.S. armed services, the end of selective service and the start of the all-volunteer forces.

Moorer's remarks were, to a large extent, addressed to his associates in uniform. But he did have three points of emphasis to the people generally. One was the "will and determination of the American people that stands out in times of stress such as the Japanese attack on Pearl Harbor. This will" the Alabamian said, "must not waver."

Then, observing that "while we all hope and strive for a relief from the burden of maintaining a strong defense posture, let us not forget that wars result from weakness and not from strength."

Thirdly, Moorer commented that somehow the question of whether the United States really has civilian control of its armed forces continues to be raised. "I have never seen, I have never heard, any member of the armed services that does not believe completely and fully in civilian control," he said.

The Moorers will remain in the Washington area for the time being, with one of his first retirement chores being to put in order the official papers of his years as Chairman of the Joint Chiefs and earlier as Chief of Naval Operations. Later, they plan to make their permanent home in Alabama.

Remarks at Adm. Thomas Moorer's Retirement Ceremony, Andrews Air Force Base, Tuesday, July 2, 1974

Secretary of Defense Schlesinger: Mr. Vice President, Secretary Clements, Admiral Moorer, Secretaries of the Military Departments, Members of the Joint Chiefs of Staff, distinguished guests, we come together here today to represent both the components of the Department of Defense and the American people. In an expression of gratitude to a man who has devoted more than 45 years of his life to the service of his country. Admiral Tom Moorer's naval career has run a course from a "plank owner" aboard the cruiser USS NEW ORLEANS in 1934, where he served in the gunnery and engineering departments from the day of her commissioning to the highest military office in the land which he now prepares to relinquish.

His career has included service aboard cruisers and aboard aircraft carriers, in fighter squadrons, in patrol squadrons, and in sea plane tenders. He has commanded bombing squadrons and carrier divisions. And for the past two years he has been holder of the Navy's Gray Eagle Trophy as the naval aviator with the longest flying service. He is the only naval officer ever to serve as commander-in-chief of the Atlantic and the Pacific fleets.

Admiral Moorer's service includes action in key events in our recent history. He was at Pearl Harbor on the 7th of December, 1941. As a matter of historic record, he piloted the first PBY to become airborne after that attack. His service in combat almost took a very different and tragic turn soon afterwards. For two months later, while piloting a patrol plane near Darwin, Australia, he was attacked by Japanese aircraft and his own patrol plane was shot down. The odds were not with him that day. The ship which rescued him was sunk by enemy action that very same day.

Admiral Moorer, two Presidents and five Secretaries of Defense, have sought and valued your wise counsel.

In the two terms as Chairman of the Joint Chiefs of Staff and as Chief of Naval Operations, you have played a steady role in the continuing effort to maintain the military strength of the United States as second to none.

Your lifetime of distinguished service has earned for you the admiration of those who follow in your footsteps, the esteem of your colleagues and the gratitude of your nation. I am personally most appreciative for the loyal support and assistance you have so generously provided to me and to Bill Clements during the past twelve months. We all recognize that you will continue to take an active interest in matters of national security and we are sure that there will be occasions when your wealth of experience and wisdom will be called upon by your Government.

I can recall a Navy slogan of some years past that read: "United States Navy—Mark of a Man." It seems appropriate to recall that slogan today as Admiral Moorer leaves active duty. I salute you, Admiral Moorer, as a great officer and statesman. You have earned forever your country's respect, its confidence and its gratitude. As Secretary of Defense, and as an American, I can only say, "Thank you."

Tom, I have a personal letter for you from the President. I would like to read a portion of that letter at this time.

"Dear Tom:

"On the occasion of your retirement from the Navy, I welcome this opportunity to express to you my profound gratitude for your distinguished service to our Nation. Since the earliest beginnings of our republic, Americans have been blessed with leaders of stature, men dedicated to the principles of service and to freedom. Your place amongst such eminent leaders is assured. Your personal examples of courage and unswerving devotion to duty will long serve as an inspiration to all who would share the responsibilities of national and military leadership.

"In a personal sense, I want you to know how much I have appreciated your courageous and loyal support in some pretty tough situations. It is therefore, with a special sense of gratitude, that I extend to you now on behalf of your many friends and colleagues and a thankful Nation my warm and heartfelt wishes for every success and happiness in the years ahead.

"Sincerely,

"Richard Nixon."

And now, ladies and gentlemen, I have the very great pleasure in presenting to you on this occasion the Vice President of the United States.

Remarks by Vice President Ford

Vice President Ford: Secretary Schlesinger, Secretary Clements, Admiral Moorer, distinguished members of the Department of Defense civilian and military, friends and guests of Admiral Moorer. It's a very great personal privilege and a very high honor for me to have the opportunity to participate in this retirement ceremony. I can say that because I deeply desired the opportunity to pay tribute to a personal friend, Admiral Moorer. I also wanted to pay proper tribute and respect to a man for 41 years who has added strength, and dignity and stability to the military services of the United States.

Obviously, all of us who are here wanted to pay tribute to a person whose military career, his service in the Navy, has been exemplary. One's reading of this career should certainly indicate that Admiral Moorer, from the beginning to today, has done nothing but the best and deserves the highest Navy accolade of "well done."

It has been mentioned that Admiral Moorer has served in positions of great responsibility during some very difficult and very perilous times. The Secretary of Defense has indicated that he is the only person who has ever commanded both the Atlantic and the Pacific fleets. I think it might be worthwhile to mention that Admiral Moorer was in a position of highest responsibility in the military at the time the decision was made in the war in Vietnam to Vietnamize forces in South Vietnam, a job that was most difficult to accomplish and a difficult assignment under the circumstances that prevailed at that time. I congratulate you, Admiral Moorer, for giving the leadership in this very hard and serious responsibility.

It should also be mentioned that Admiral Moorer was our top military officer at the time the decision was made to move from Selective Service to an All Volunteer military force. Again, it called for tremendous leadership, tremendous guidance, because we were going from an era of almost 25 or 30 years to a period with somewhat uncharted seas. But Admiral Moorer, as he has always done, took on the task, gave it the leadership and guidance that has made it a success.

Probably the highest accolade that can come to Admiral Moorer is the fact that in recent weeks those in the military in not one, but several poles, have been recognized by the American people as that segment of our society that is most highly thought of. A career that was admired the most by a majority of the American people. It is my judgment that Admiral Moorer's example, his record, everything he has done has convinced the American people that he and those in the military deserve this accolade and these plaudits.

And, Tom, let me conclude by saying those of us who have known you will miss you as the leader among the military. Those of us who have known you as a friend will miss your wise counsel and sound advice. We wish you the very best and hope and trust that after you have had a deserved rest you will somehow come back and give us additional advice and counsel in the difficult days ahead. Congratulations and Godspeed.

Remarks by Admiral Moorer

Admiral Moorer: Mr. Vice President, Secretary Schlesinger, Secretary Clements, members of the Joint Chiefs of Staff, very distinguished guests and in particular the dedicated men and women of the Army, the Navy, the Air Force, the Marine Corps and the Coast Guard in the United States forces deployed around this globe. As has been said before it's been some time since I took the oath of office and donned my first uniform. And certainly in my wildest dreams I did not anticipate at that time that I would pass a major milestone in my career that is this retirement in the presence of the Vice President, the Secretary of Defense, the Deputy Secretary of Defense as well as so many national leaders in all branches of our Government that are warm friends as well. For this I am highly honored and I am deeply grateful. And, Mr. Vice President, I would ask you please to convey to the President my warm appreciation for those very generous words that were read by Dr. Schlesinger.

As has been said in 19 February 1942, I faced in combat what proved to be a major crisis in my life. I vowed at that time if the good Lord permitted me to survive that I would never look back but would in the future face each major problem as if it was an anticlimax to what had gone before. This I have done through three difficult wars and during many difficult times in our Nation's history. And with clear conscience I can say that I always supported the things I thought were right and I opposed the things that I thought were wrong as viewed in terms of what I thought was best for the people of the United States rather than what was best for me. I apologize to no one, as to the positions I have taken on the critical issues of the times. And as the years have sped by, while participating in meetings of the National Security Council, discussions with the President, working closely with seven Secretaries of Defense, meeting hundreds of times with the Joint Chiefs of Staff and testifying before the Congress frequently, I have had a very unique opportunity to observe the crisis management as well as the less time-sensitive but nevertheless far reaching decisions made in our Government.

I must emphasize that the men and women in our Government are dedicated; they are hard-working; they are competent. The people of the country must realize that the problems that are faced at this level are extremely difficult and they do not always have a clear cut yes-and-no answer. Certainly I have enjoyed this experience, and so today as I pass from the real world of rapid decisions and am now planning to enjoy the dream world of sometimes biased and often uninformed opinion, I would like to pass on some observations and conclusions that I have formed in the process.

First, I would like to emphasize the extreme importance of the will and determination of the American people—the will and determination that is perceived by a potential adversary. It is this perception by others that forms the basis for our deterrence and our defense. The Japanese attacked Pearl Harbor because they had reason to believe that our will was weak.

The North Vietnamese, unfortunately assisted by many in our own country, continually sought to break down the will of the American people. This is something which must be watched very carefully and our will must not waiver.

Secondly, while we all hope and strive for a relief from the burden of maintaining a strong defense posture, let us not forget that wars result from weakness and not from strength. To those who charge the United States with provocation as we earnestly endeavored to maintain a strategic balance and they suggest instead that we unilaterally disarm so that others will follow suit, I say that they are charting a course that our country cannot afford to follow. The people of America simply will not accept a position of military inferiority. What is needed here in ths effort is mutual, not unilateral restraint.

Thirdly, I'd like to speak just a word about civilian control—an issue which is continuously raised for reasons unknown to me. I have never seen, I have never heard any member of our armed services that does not believe completely and fully support civilian control. Nevertheless, one day I read that the Joint Chiefs of Staff are weak and are never consulted and the very next day I read that the Joint Chiefs of Staff control the country and are seeking to frustrate the policies of the Commander-in-Chief. I would like as I leave to assure the American people that both of these allegations are nonsense in its purest form. The men in uniform like the Constitution the way it is. And General George Brown, as he took over from me yesterday, expressed this point very clearly and very succinctly.

I would also like to talk briefly about the wonderful young men and women wearing the uniform of our country today, many of whom are destined to be the key military leaders of the future. We are now moving forward with considerable success towards the achievement of an all volunteer force. The Congress, the Secretary of Defense, the Military Services have all done everything possible to make this program a success. I view this program with hope and optimism but at the same time I do know this: the American people cannot have it both ways. They cannot on one hand demean and degrade the military Services as was so popular during Vietnam war and happily has now been reversed as mentioned by the Vice President. But they cannot do this and also take national security for granted. The young men and women in uniform must be recognized, they must be appreciated, they must be made to feel proud. The public must realize that while there are compensations in terms of personal and patriotic satisfaction, the man in uniform does not enjoy the full freedoms of our great democracy. The uniformed services are not democracies and they never will be. The man in uniform does what he is told, when he is told. In short, he gives up his freedoms so all of the other citizens in our country can have theirs. So recognition and appreciation and pride will go a long way towards insuring that we can avoid the legal demand as a means for raising manpower of our armed services.

So as I think of these many things, and several others, as I now retire from active duty, I would say that I certainly leave without regret but with gratitude in my heart. Gratitude first and foremost for having been born American. Gratitude that during this fleeting moment of history I have had the opportunity to play a small part at the highest levels of our Government.

Gratitude that I and my family have maintained our health over so many years. And gratitude above all for the host of staunch friends that I have made worldwide, in and out of Government.

Yesterday I turned over the Chairmanship of the Joint Chiefs of Staff to General George Brown, an old friend and an officer of superb qualifications for this challenging and interesting assignment. George, I wish you and our colleagues who form the corporate body of the Joint Chiefs of Staff all the best and I am confident of the future in your hands.

In closing, let me extend my best wishes to the thousands and thousands of sailors, airmen and soldiers, retired and on active duty, that I have worked with closely, both afloat and ashore for so many years. As a senior commander, I followed their performance, for instance, round by round and sortie by sortie from the Tonkin Gulf to the release of the POWs in January of last year. Eight and a half years of frustrating, inconclusive and restrained battles of confrontations that have appeared to have no end. The fact that morale and professionalism and performance did not sag under those adverse conditions, I think is a true mark of the top quality of the American fighting man.

So finally, if I may express my appreciation to the Joint Staff, who has supported me so well, I would pass on to my family and I would like to pay a well-deserved tribute to my wife and family who have made my life so worthwhile for so many years. It was four years that I said that my wife, Carrie, was the kind of a person that not only made me happy but I think made me successful. She has never wavered as the demands of my assignments forced me to spend less and less time with our children during their formative years. She has never complained despite 26 moves to many, many different countries, often to inadequate housing and inadequate schools. She has proved for all to see that she is a great American, a lovely lady, a warm friend, an understanding and loving mother and a perfect wife. No man could ask for any more.

And so, Mr. Vice President, I want to say again how much I appreciate your presence and I would say to all, goodbye, good luck and Godspeed. Thank you.

THE PERSECUTION OF REPRESENTATIVE ANGELO RONCALLO OF NEW YORK

(Mr. GROVER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GROVER. Mr. Speaker, the Members of the House are deeply concerned over the abuses of process and violations of civil and constitutional rights of our colleague, Representative ANGELO RONCALLO which appear to have been perpetrated by highly placed officials of the Justice Department. An excellent investigative report in today's New York Times brings the matter into sharp focus and underscores the need for an in-depth but speedy inquiry so that those who have corrupted justice in persecuting our colleague will feel its proper measure.

The Times story follows:

JUDGE'S DOUBTS ON U.S. ATTORNEY'S PROSECUTION OF RONCALLO ARE FOCUS OF INQUIRY ON DRUGGING OF AIDE

(By Fred Ferretti)

A Federal judge's recurring chastisement of the United States Attorney's office here on the grounds of faulty preparation and mishandling of the extortion case against Representative Angelo D. Roncallo last May has provided a focus for the three-way investigation into the drugging of Assistant States Attorney Peter R. Schlam, the Government prosecutor in the case.

The investigation, by the Justice Department, the Federal Bureau of Investigation and the House Judiciary Committee, is reported to be looking into the possibility that the prosecution panicked at the prospect of losing the case or having it thrown out of court, and thus seized upon the drugging of Mr. Schlam during the trial to charge that he had been the victim of foul play.

Representative Roncallo, an Oyster Bay Republican, was eventually acquitted of the extortion charges and demanded a Federal investigation of what he said was a political vendetta against him by the United States Attorney's office for the Eastern District and by its former acting chief, Edward J. Boyd 5th.

FOUL PLAY SUSPECTED

The Justice Department was called in to investigate the drugging of Mr. Schlam, who failed to appear in court on May 9 in the Roncallo trial. In his place, Assistant United States Attorney Thomas P. Puccio told Federal District Judge Edward R. Neaher that investigation had shown that, "as we all suspected," Mr. Schlam "never has taken any drugs." He also said that "the F.B.I. is now convinced, and we are all convinced, that the—his sickness—was the result of foul play."

However, there was a demurrer from the F.B.I. that speculated, according to sources in the Justice Department, that the drugs either were self-administered or had been administered by Mr. Schlam's father, Dr. Isaac Schlam, a Lindenhurst, L.I., physician. This was denied by Dr. Schlam.

Inconsistencies regarding the events of May 9 and 10—when Mr. Schlam was examined by his father and admitted to a Long Island hospital first as a drug-overdose case and then as an exhaustion case—arose and three investigations were begun. The House Judiciary Committee says its inquiry into the preindictment phase of the Roncallo matter is continuing.

The new United States Attorney for the Eastern District, David G. Trager, asked the Justice Department to investigate not only that aspect of the case, but also events leading to the drugging of Mr. Schlam. Then the F.B.I. said it had at last been asked to participate in the investigation. The F.B.I. had maintained all along, contrary to what Mr. Puccio said in court, that it had not conducted an investigation but had merely done some blood sampling of Mr. Schlam, who is still on Mr. Trager's staff.

Spokesmen for all the agencies say it will be some weeks before their inquiries are finished and their findings are released. In the meantime, Mr. Schlam has declined to respond to queries, as has Mr. Trager, who releases statements through his secretary.

Transcripts of sessions of the trial, which took place in Judge Neaher's chambers, show that the judge was highly critical of the Government's handling of the case.

On May 10 he said he had doubts about the Government's ability to put forth a convincing enough case on the question of extortion, saying: "There really may not be enough to enable a court to rule on the question."

JUDGE IS "ASTOUNDED"

On the same day, one day after Mr. Schlam had reportedly been drugged by foul play, Mr. Puccio suggested that Mr. Schlam's assistant, Robert Katzberg, who "spent quite a bit of time with Mr. Schlam," be "examined today and that tests be taken as far as he is concerned."

Judge Neaher exploded. "Wait a minute," he said. "They ought to at least consult with the court . . . I am a judge of the judicial branch and we have judicial business to conduct. I must say I am astounded by what you say."

Later he added: "I must say I have never seen a case so plagued with problems as this one."

Still later, Judge Neaher said: "I feel this case has been terribly mishandled by the U.S. Attorney's office." After Mr. Puccio argued with him, he said, "This case is either a case or it isn't a case," and added: "I just think it an incredible performance."

Continued arguments by Mr. Puccio brought this from Judge Neaher: "I tell you, this case will certainly go down in history as the most unusually conducted trial of a so-called 'important case' that anyone has ever seen or heard of."

In another aspect of the Roncallo case, the indictment of John W. Burke, Supervisor of Oyster Bay, was quashed by Judge Neaher in Brooklyn last June 24. Mr. Trager said he had not had enough evidence for a conviction. The indictment said Mr. Burke had made a false statement to a grand jury in denying that he had met in 1972 with Mr. Roncallo in East Norwich, L.I., along with two town officials.

Before the case even went to trial, Judge Neaher told the Government attorneys in April that the Government's subpoena was "badly worded" and that the Government had failed to provide any justification for the subpoena.

OTHER THEORIES INVESTIGATED

As the inquiries focus on what the judge deemed a poor case, reports from investigative sources are that the former Acting United States Attorney, Mr. Boyd, now an assistant to Mr. Trager, has been questioned by Justice Department investigators, as have Mr. Schlam and Mr. Puccio.

Judge Neaher's comments have increased in significance, investigative sources say, particularly in light of Representative Roncallo's charge that Mr. Boyd indicted him in a "web of deceit" because Nassau County Republicans refused to nominate Mr. Boyd for permanent appointment as the United States Attorney.

One theory advanced and being looked into, F.B.I. sources say, is whether the Schlam drugging was designed to take the heat off the Government's badly drawn-up case.

QUESTIONS REMAIN

The questions still to be answered are: Was Mr. Schlam's collapse a result of drugs—which were known to be in his apartment—or of exhaustion after taking of the drugs? Did he taken them himself, or did his father administer them? Or was he drugged by some unnamed conspirator? If the drugs were self-administered, why did the United States Attorney say in court that foul play was involved? If no foul play was involved, did the United States Attorney's office knowingly lie to Judg Neaher in open court?

A source in the Justice Department estimates that it will be another month before there will be answers. The House Judiciary Committee, already burdened with the Watergate investigation, has had to give the Roncallo inquiry to one staff member. A committee spokesman said it would be "some time" before it had conclusions on the case.

REES INTRODUCES LEGISLATION TO GIVE FEDERAL RESERVE JURISDICTION OVER ISSUANCE OF BANK HOLDING COMPANY NOTES

(Mr. REES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REES. Mr. Speaker, the Federal banking authorities and the SEC are apparently powerless to stop the major bank holding companies from conducting a massive raid on the Nation's savings markets—thereby siphoning off the funds which support lending to the businessman, the farmer, and the homebuyer, and banking customers seeking personal loans.

Over a billion dollars in super-rate, $1,000 minimum, note issues have been announced thus far by Citicorp, the parent of the First National City Bank, and the Chase Manhattan Corp., holding company for the bank of the same name. According to last Friday's Wall Street Journal, an additional $4 billion is "waiting in the wings" if these financing schemes succeed. These financings are an open invitation for nonbanking business—such as utilities or nationwide retailers to raise capital in the same fashion.

The Citicorp and Chase registration materials are pending at the SEC. The press reports that clearance is expected sometime this week. The securities are cleverly designed to skirt the rate control system and the present rules governing bank holding company activities. The issues carry a floating interest rate which will be readjusted every 6 months. The rate is set 1 percent above the average Treasury bill rates in specified periods. For the initial 6 months the rate will be 9.70 percent. Since the offerings are made by the holding companies and not the banks themselves, the rate control law is inoperative.

These securities will be sold in $1,000 amounts—following a first purchase of five notes—and are clearly targeted at the small savings account holder. Most significantly, the instruments may be cashed in at full value every 6 months on 30-day notice; this feature exposes the so-called long-term "notes"—15 years for Citicorp; 25 for Chase—as really 6-month savings certificates. Brokerage houses report that the Citicorp issue is already oversubscribed, due, no doubt, to the tremendous publicity these securities have received as well as their attractive terms.

The Federal Reserve has declared that these bank holding company financings are not "in the public interest at this time." In a letter to the SEC last week, Governor Mitchell stated:

> Given the present sensitive state of financial markets and the extent to which savings institutions are already under heavy pressure, the result of the present large offerings—and any other offerings like it, whether issued by bank holding companies or other corporations—can well be to divert the flow of savings from the residential mortgage market and to deprive homebuyers of needed mortgage financing.

However, the Fed concluded that it had "no grounds for objecting, under authority of the Bank Holding Company Act, to the terms of the proposed security issue"; nor could it subject the note issues to the reserve requirements for deposits unless the proceeds could be traced to the banks.

Reportedly, SEC Commissioner Loomis responded to the Fed's letter by saying that the Commission recognizes the ramifications of the bank holding company issues, but "we cannot prevent this registration statement from becoming effective if full and adequate disclosure is made."

This is not the first time that bank holding companies have attempted an end run around rate control and reserve requirements through securities issues. When our committee considered the rate control extension in 1969, we said in House Report 91–755:

> There is a loophole in regulation Q permitting large banks to obtain funds in excess of the ceiling through the bank holding company device. Under this device a bank holding company or its nonbanking subsidiary can issue short-term notes in the commercial paper market at prevailing rates which at the present time are more than 2½ percentage points higher than the regulation Q ceiling. The proceeds can then be channeled by the parent holding company to its subsidiary bank.

In enacting 12 U.S.C. 461(a), we gave the Federal Reserve authority to determine what type of obligations—whether issued by a bank or its holding company—were indeed deposits, at least for reserves purposes. The Fed subsequently defined "deposits" to include obligations of a holding company of 7 years or less, the proceeds of which are used in the banking business.

The present situation differs only slightly from 1969. These notes are supposedly long term—though the semiannual redemption at par feature, as noted above, makes their 15- and 25-year terms highly suspect. And the target audience this time is the retail savings market—not the sophisticated investors in commercial paper.

It may well be a disservice to the public to lure the small saver with these 9.70 percent $1,000 notes. The Treasury bill rate is highly volatile from week to week. Over the past 15 years it has bounced up and down in a range from 2 percent to this year's historic 9 percent. Hopefully, we will not again see the extraordinary rates that the Government had to pay in late April and early May, the averaging period used to determine the 9.70 percent figure. And, the way this formula works, if the rate takes a sudden dip just before the semiannual redemption dates, the 30-day notice provision means that the note holder is "locked in" for another 6 months. These notes, moreover, are not federally insured—though, to the unsophisticated, distinction between Citibank and Citicorp, and Chase Manhattan Corp., and Chase Manhattan Bank is a fine one—nor do they carry the full faith and credit of the United States as do the Treasury bills so prominently referred to in the prospectus. So, over time, the consumer saver might be better served by the generally 5 to 7¼ percent offered by thrift institutions.

More fundamentally, perhaps, is the profound impact which approval of these issues will have on the entire financial system. Bank holding companies already possess enormous financial power. The chairman of this committee recognizes their influence, and the oversight hearings scheduled for the end of July may more fully develop this growing concentration of economic resources.

Consider this data: In 1955, there were 117 bank holding companies, with deposits amounting to about 6 percent of all commercial bank deposits; by 1969, holding companies controlled 57 percent of all deposits in banks; by 1972—the latest year for which I have data—this figure had grown to 61.5 percent. Yet, in 1972, only 19.5 percent of the Nation's 13,927 commercial banks were part of holding companies.

These companies already possess tremendous market power. To permit them to gather in additional deposits under the guise of note issues could threaten the viability of thousands of competing commercial banks, mutual savings banks, and savings and loan associations.

If these funds are destined for the banks themselves, we are permitting a new class of banking institutions totally outside of Federal control and supervision. We would be creating a privileged class of superbanks, infinitely superior in their ability to raise funds from the public and capable of unrestrained expansion and growth.

If, as Citicorp and Chase Manhattan contend, the funds are to be used with their nonbank subsidiaries only, we are permitting capital to be siphoned away from the full range of investment activities of thousands of other commercial banks and the housing-related thrift institutions. These funds will then end up in a selected list of foreign and domestic subsidiaries which provide only limited lending and other services, such as travelers checks and leasing operations.

In my view, we cannot abdicate our responsibilities for orderly control of the banking system to these enterprising holding companies.

Therefore, I am introducing today a bill which would give the Board of Governors of the Federal Reserve clear authority to control the debt offerings of bank holding companies. The legislation is limited to issues with maturities of under 5 years. The language would clearly cover the Citicorp and Chase Manhattan securities, which are, in effect, 6 months in duration. Yet, holding companies, like other business concerns, would not be restrained from raising funds as they have traditionally done in the longer term capital markets.

Further, I would urge my colleagues to give immediate consideration to this legislation. We all know that we are operating under severe time limitations in processing legislation if it is to have any chance of final action in this Congress. Our hearings at the end of this month will explore more fully what may be needed to prevent a recurrence of these events. Hopefully, the hearings will also educate the Congress and the public on the performance of these companies under the Bank Holding Company Amendments of 1970, and lead to appropriate legislation controlling their concentration of economic power. However, if we delay, the damage from these first trend-setting issues will have already been done. As Governor Mitchell pointed out, the loss of $1 billion in deposits will divert funds from other banking and thrift institutions at this particularly difficult period when loans to individuals and businesses are already priced sky-high, and housing is in the depths of a depression.

We cannot risk further disruption in our banking system.

I would therefore ask your immediate support for my bill.

WASHINGTON POST DETAILS DESTRUCTIVE EFFECTS OF HIGH INTEREST RATES

The SPEAKER pro tempore (Mr. McFALL of California). Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 60 minutes.

Mr. PATMAN. Mr. Speaker, the current high level of interest rates once again has thrown the housing market into a severe depression and today thousands of American families are priced out of a chance for decent homes.

The Washington Post, under the byline of James L. Rowe, Jr., is performing an outstanding public service by detailing the problems of the current high interest rate policies pursued by the Federal Reserve. Once again, we have a severe interest rate war underway and the thrift institutions are experiencing a sharp outflow of funds to the detriment of people seeking mortgages.

The problems have been heightened by recent moves by bank holding companies to issue floating interest rate notes—easily redeemable on short notice—at interest rates ranging to 9 percent and more. These notes are a thinly-disguised circumvention of regulation Q which was designed to provide some cushion for the homebuilding industry during the repeated high interest binges of the Federal Reserve.

For almost a decade the Nation has been faced with repeated cycles of high interest policies which have left the Nation with an ever-increasing backlog of needs for housing and community development. These policies have fostered higher and higher housing costs and builders have constructed more and more housing for the affluent—the only ones who can afford the high downpayments and the high monthly charges imposed by the high interest rates.

The result has been greater and greater gaps in housing for low- and moderate-income families. In fact, today, a $20,000 home will require about $40,000 in interest payments over the life of a 30-year mortgage—that is, the homebuyer must pay three times for the same home with two-thirds of the cost coming in the form of interest payments.

Mr. Speaker, here is the way that the Washington Post article by James Rowe puts the situation:

> When the Federal Reserve Board tightens its monetary policy and allows interest rates to rise to fight inflation, those high interest rates invariably choke off home buying and new home building before they batten down prices.
>
> Although most companies face dislocations because of ups and downs in the business cycle, those associated with the housing industry of late seem to be particularly volatile. Home sales are dependent on the availability of financing and the cost of that financing. It is the rare consumer who can buy a home without taking out a mortgage loan.
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> When interest rates rise, as they are now doing, home buyers are discouraged—not only by the high cost of money—but by its scarcity. Savings and loan associations, which make more than half of the home loan mortgages, discover that, during periods of high interest rates, the flow of new deposits slows substantially and, in some months, customers actually withdraw more money than they put into their accounts.

Mr. Speaker, it is obvious that we are going to have to do something about this situation if we are serious about providing decent homes for all Americans on reasonable terms. The Congress cannot afford to allow these repeated boom and bust cycles in monetary policy. Too often in the past public officials have simply lamented the problem without taking definitive action to remedy the situation. Next week—July 16—the Banking and Currency Committee will be opening hearings on monetary policy and its effect on inflation and high interest rates and I am hopeful that these sessions will help point to some new solutions.

Mr. Speaker, I place in the RECORD a copy of the first in a series of articles by Jim Rowe entitled "Fund Crunch Hits Housing Once Again":

FUND CRUNCH HITS HOUSING ONCE AGAIN

(By James L. Rowe Jr.)

Interest rates have skyrocketed to record levels, mortgage funds are drying up and the home building industry is close to chaos.

While the situation seems more tense than usual, the current housing crunch is only the latest installment in a saga that has been played out four times in the last eight years.

When the Federal Reserve Board tightens its monetary policy and allows interest rates to rise to fight inflation, those high interest rates invariably choke off home buying and new-home building before they batten down prices.

Although most companies face dislocations because of ups and downs in the business cycle, those associated with the housing industry of late seem to be particularly volatile. Home sales are dependent on the availability of financing and the cost of that financing. It is the rare consumer who can buy a home without taking out a mortgage loan.

When interest rates rise, as they are now doing, home buyers are discouraged—not only by the high cost of money—but by its scarcity. Savings and loan associations, which make more than half of the home loan mortgages, discover that, during periods of high interest rates, the flow of new deposits slows substantially and, in some months, customers actually withdraw more money than they put into their accounts.

The Department of Housing and Urban Development estimates that the amount of money available for home loan mortgages fell to $14.8 billion in the first three months of the year from $15.5 billion during the last quarter of 1973. "It's safe to say it fell further during the second quarter," said HUD housing specialist Rudy Penner.

Scarce money first strikes at buyers and sellers of older or previously occupied homes. Before they break ground, new-home builders generally get guarantees from a savings and loan or bank that there will be money available for qualified buyers when the homes are built.

But buyers of older homes cannot go looking for financing until they have found the home they wish to purchase. Today, those buyers face not only high interest rates but financial institutions reluctant to make loans because they are husbanding their funds to make good on commitments made to builders months or even years before.

"We've pretty much been out of the market since last July," said Henry L. Bouscaren, senior vice president of National Permanent Federal Savings and Loan, the area's second biggest S&L.

Serious home buyers, when they can find an institution willing to lend them money, are often faced with interest rates of 9 or 9.5 per cent and down payment requirements of 25 or 30 per cent. It becomes even harder to find loans in states with usury laws that put ceilings on the amount of interest a home buyer may be charged.

Maryland just raised its usury ceiling from 8 to 10 per cent and the District of Columbia is contemplating a similar change.

In addition to scarce money and rapidly rising interest rates, home buyers are shying off because of rapidly rising prices both for previously occupied homes and for new homes.

It is mainly because of the financial obstacles that the homebuilding industry is in its worst shape for decades, according to the chief economist of the National Association of Home Builders, Michael Sumichrast.

One sign of this is the sharp increase in construction firm failures for the first four months of this year to 580 from 433 last year, according to Sumichrast. The impact of those failures totalled $150.8 million compared with $101.1 million in 1973.

Nationwide, builders have 449,000 unsold homes and, as long as prices and interest rates are high, they will have trouble whittling that number down.

Builders, who were starting units at an annual rate of 2.33 million in May 1973, slowed to a 1.45 million pace last month, according to Commerce Department figures. Moreover, building permits, an indication of future housing starts, tapered off to a 1.055 million annual rate in May, down substantially from 1.838 million in May 1973.

The dropoff reflects not only the high inventory of unsold homes, but the inability of savings and loans or other financial institutions to guarantee builders that they will finance purchase of the homes when completed.

The gyrations of home building add other innumerable costs to the economy that are hard to calculate. For example, when skilled laborers take nonconstruction jobs during bust periods, they are often lost to the permanent home-building labor force.

The ups and downs of the housing industry are caused in part by the same factors that produce other industries' good and bad periods. But the normal cycles of the industry are sharply magnified because the builders rely so heavily on financing from the savings and loan industry.

Savings and loan associations, whose assets are primarily tied up in long-term mortgages with fixed interest rates, find themselves ill-equipped to pay competitive rates on deposits during periods of rapidly rising interest rates.

When interest rates zoom, as is now the case, S&Ls have to hold off making new mortgage loans because of the trailoff—and sometimes net decline—in deposits.

According to the United States League of Savings Associations, S&Ls had a net decline in deposits of $204 million in April and a gain of $350 million in May. Early indications are that the S&Ls fell back into a net outflow situation in June.

So far this year, the gain in deposits is 30 per cent below last year's and mortgage loans made by those institutions are off by 20.4 per cent.

Mutual savings banks have lost even more deposits than savings and loan associations.

The Nixon administration has proposed a plan, based on a 1971 report of a Presidential commission, to solve the problems by substantially overhauling the nation's financial structure. But even if the administration's plan would work, it is a long way from fruition.

In the meantime, the effects of tight money on the mortgage market present economic policy makers with the dilemma of how to fight inflation by concentrating on high interest rates without simultaneously upsetting the critical and politically sensitive housing sector.

Arthur F. Burns, whose Federal Reserve Board is primarily responsible for pursuing higher interest rates to fight inflation, told reporters in a rare press conference last April that combatting rising prices is more important than the "fortunes of home building."

The government knows that it cannot sit by and do nothing: the housing lobby is too well organized for that.

The Federal Home Loan Bank Board, which regulates the savings and loan industry in much the same way the Federal Reserve system overseas the nation's banks, has been lending money to S&Ls to help replace the deposits they have lost.

In total, according to bank board chairman Thomas R. Bomar, the system has $17 billion in loans (called advances) outstanding to S&Ls.

The Nixon administration also has announced a special program designed to inject $10.3 billion in various ways to help ease the crunch.

Rick Sullivan, an official of Page Corp., an area builder, said his firm has been able to make use of some of that money promised by the administration. The program that Page, a subsidiary of U.S. Home Corp., uses is a $3 billion commitment by the Federal Home Loan Mortgage Corp. designed to permit home builders to "start houses with confidence."

The FHLMC guarantees that it will buy the mortgage from the S&L which makes the loan up to 12 months from the date the S&L makes its commitment to the home builder. In a sense, then, the savings and loan association acts as a broker.

Sullivan said that, while his sales are not suffering terribly, purchasers are averse to paying 10 per cent for a mortgage. Many savings and loan associations are making it tougher for potential home buyers to "qualify" for a loan, he added.

Sullivan said his company, which builds "starter homes" aimed at young couples, can utilize the special mortgage corporation program because nearly all the mortgages are under the $35,000 ceiling specified by the government. Page built the Cinnamon Tree complex of homes in Columbia, Md.

Other builders, selling more expensive homes, cannot be guaranteed the financing under that program because of the $35,000 limit. They are not beginning new projects.

Most projects, however, have guaranteed financing now, although new projects are having their difficulties. Purchasing a home that is already occupied is getting close to impossible.

Lack of financing has transformed many a would-be seller into a reluctant landlord, often renting his home to the very person who would buy it if mortgage money were available.

"When someone comes to me and tells me he wants to sell his house, the first thing I ask him is if he needs cash," said an official of Shannon and Luchs, a major area real estate firm. If he is moving into an apartment, "I suggest that he finance" the buyer himself.

The situation of a Washington professional who could get normal financing neither for the house he bought nor for the house he sold is illustrative. He became the "reluctant" financer of the couple which bought his house just as the retired chemist he purchased his new house from financed him.

He bought a $68,000 house in Northwest Washington and sold his $57,000 house on which he had $17,300 remaining to pay off on his mortgage. The chemist wanted a down payment of $15,000, a lower one than normal.

After cashing in $2,500 in mutual fund shares and taking out $3,000 in savings, the professional needed $9,500 for the down payment plus $17,300 to pay off his mortgage. He found a couple who put together enough between their savings and loans from their families to come up with nearly half of the $57,000 purchase price. He is financing the rest at 8 per cent interest, the legal limit in the District.

"It was hairy getting down to closing day," he said. "Trying to figure out all your money, to make sure you were getting enough. I had to learn a lot more about real estate financing than I ever wanted to know."

In some sense, he was luckier than most who try to finance their homes. He found a couple with more than $25,000 who was willing to buy a $57,000 house.

"Most people with $25,000 or $30,000 to put down are looking for a $100,000 or a $125,000 home," one real estate agent said. "It's a real scramble to find financing. It used to be if you sell one, you settled one. Now you may sell two, but only settle one because the other one cannot get financing. We're having to work a lot harder."

As a result, homes are remaining on the market for weeks or months, when, two years ago they would have been sold in several weeks.

"We tell 50 people a day that we can't make them a loan," said an official of another major S&L. "We won't make any commitments to home builders and we're scrambling for money to make sure we honor commitments we already made."

SOCIAL SECURITY: STILL A GOOD VALUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Schneebeli) is recognized for 15 minutes.

Mr. SCHNEEBELI. Mr. Speaker, in recent months, a rash of adverse criticism, directed at our social security system, has appeared in public print. One series of articles in particular, distributed through New York Times special features, has drawn a great deal of attention, raising a number of questions about the present value and future viability of the system. At least one authority on the subject, former Health, Education, and Welfare Secretary Wilbur Cohen, has prepared answers to these questions, and his response already has been printed in the Record. However, another rebuttal paper has been called to my attention, and I feel it deserves as large an audience as possible.

It was prepared with reference to the newspaper series, but it also serves in a more general way as a reminder of what the social security system was designed to be, how it has worked for 3½ decades, and what its prospects are for the future.

The author of this paper is Dr. Richard E. Johnson, a professor of insurance and risk management at the University of Georgia. In addition to his academic experience, Dr. Johnson has served in sales, sales management, and field training capacities for a major insurance company and is both a certified life underwriter and certified property and casualty underwriter. He has written an excellent rebuttal to a number of charges made against the system, and I ask unanimous consent to have his paper printed in the Record at this point.

Social Security: Still a Good Value

(By Richard E. Johnson)

Newspaper readers around the country have recently been exposed to a series of articles condemning the social security program. These articles, written by a Chicago newspaper reporter, Warren Shore, are not only inaccurate and misleading, but an element of viciousness can almost be detected in the manner in which the reader is given isolated half-truths to the exclusion of all other pertinent information. One is prompted to question what motivated this bias.

For example, Mr. Shore writes of Jeff Alfred, who, at the age of 23, contributed $676 (matched by an equal amount by his employer) to the Social Security Administration as a tax on his earnings this year. He then comments that should Jeff die, less than $300 would be paid to his wife as the total settlement of his account. This seems inequitable, but let us look at another possible example of a young married couple. Bob Miller (age 23) is a successful salesman and earns $13,200 both this year and next. At the end of that period he is killed in an auto accident and leaves behind his wife, Mary, and twin children, age one.

It is possible for Mary and the children to receive social security benefits in excess of $1,844,715. This total benefit would only be paid to the Millers if the children were disabled during childhood and continued so until age 65. (An even greater benefit would be paid if they lived longer.)

It is assumed in this calculation that a yearly increase of 3% in benefits is made to offset increased inflation. Thus, for a contribution of slightly over $1,500, Bob's family profited to the extent of $1.8 million. Even if neither child had been disabled, a benefit of $819 per month would have been paid immediately and this monthly benefit would have been increased as the cost of living increased. The mother would have received this until the children were 18 and they would have received almost this amount had they continued their education until age 22, the total benefit paid being about $280,000.

No one will defend the first part of this example as being reasonable or typical—twins being disabled for life. It is, however, just as typical as many of the examples used by Shore in his series. Jeff Alfred's widow would have had to have been childless to have received the benefit stated by Mr. Shore.

Although this is possible, it does not represent the average family being covered by the Social Security Act. Instead of looking at either the "less than $300 pay-off" or the $1,800,000 benefit," let us instead look at the total program and investigate its purpose and what it has done for our society.

In the early 1930s many schemes were developed to solve the crisis of the depression. One of the most popular movements was known as the Townsend Plan. This plan guaranteed $200 per month for all citizens 60 years of age or older. The only obligation on the part of the recipient was to promise not to work and also to spend his $200 within 30 days.

It was assumed that this great influx of dollars into our stagnant economy would lift us up by our bootstraps and solve our economic problems. The requirement that the retiree not work supposedly would guarantee work for many younger people who could not find employment.

Although the Townsend Plan never became law, the Social Security Act did become law and benefits were paid to retirees prior to World War II. Initially only retirement benefits were to be paid and those only if the insured individual did not work in employment covered by social security.

The same philosophy fostered by the Townsend Act permeated the Social Security Act—"Create Jobs for the Young." As the program expanded and started providing survivor benefits to widows with children, the same philosophy was continued. If a mother with small children was widowed, her right to full benefits depended upon her terminating "covered" employment.

Even at this time, however, the benefits paid on the children's behalf were still continued regardless of whether the mother worked or not.

Today, almost 40 years later, the Social Security Administration follows the same pattern laid out initially—"If a parent is lost to a family, the surviving children need a full-time survivor parent as a guardian." If this is no longer the belief or attitude of the population, then the approach can be modified, but not without cost.

The present cost projections of the social security program (OASDHI) consider the fact that some participants will not claim their benefits, preferring to work rather than to receive a social security benefit.

If the "retirement test" were eliminated for all groups, retirees and survivors, the estimated increased cost would be about $4 billion. The ultimate result would be an increase in the social security payroll tax.

Perhaps this is the proper time to look

at the cost of the program. Mr. Shore, in his series, constantly compares the cost of commercial insurance with that provided under OASDHI. His major failing is that he constantly compares the cost or the tax for the whole social security program with the premium charged for isolated coverages by the commercial insurance industry.

Your author would be one of the last to criticize marketing methods used by the commercial insurance industry. Having been a part of it for 20 years and having made my living teaching the intricacies of the discipline for the last 10, I still find it a most viable and necessary component of our society. But, it cannot compete with a social insurance program. Social insurance is mandatory, there are no acquisition expenses in the form of sales commissions and underwriting expenses. Everyone must join the OASDHI system and their tax added to the employer's tax is automatically forwarded to the government.

Due to the great savings generated by the efficiencies mentioned above, social security cash benefits are administered for about 2 percent of the total tax income. Since the tax monies in the trust funds earn 5.6 percent interest per year, over 103 percent of all social security tax revenue is available for benefit payments.

An average of 98% of all social security tax revenue is actually paid out yearly in the form of benefits to its insureds or their dependents. The remaining 5 percent plus has been added to the trust fund in anticipation of further increases in the benefit formula.

For the individual to continue receiving these most favorable rates, the program must continue as a compulsory program. It cannot exist if voluntary choice of participation is extended the public. If free choice were implemented, two groups would discontinue the coverage—the wealthy and the very poor.

The wealthy would discontinue the coverage because they really do not need it and because of the slight redistribution effect of the program (slightly higher benefits per dollar of tax for the lower income). The poor would discontinue because they realize that our society will not let them starve and will take care of them via the welfare route.

Thus, the large group of middle income earners will not only pay for their own future security, but will also be obligated to pay most of the tab for the increased welfare costs.

How does the life insurance industry compare in terms of costs and benefits? On the average, about 85 percent of premium income is returned in the form of benefits. The balance is required for administration and acquisition costs. This is not a large charge in comparison with the rest of the insurance industry. For most segments of the industry, expenses vary between 25 and 45 percent of premium income. Thus, even though the life insurance industry is doing a great job in comparison to the rest of the insurance industry, the Social Security Administration is doing a phenomenal one, almost beyond belief for a governmental agency.

Perhaps one of the biggest problems confronting the individual is that of comparing costs and benefits of the social security program with those provided by the commercial insurance industry. The major benefits provided by the OASDHI program include:

Monthly retirement benefits to retired workers;

Monthly benefits to disabled workers;

Monthly benefits to husbands or wives of retired workers;

Monthly benefits to widows and widowers of covered workers;

Benefits to widowed mothers;

Benefits to disabled widows and widowers;

Benefits for children of retired workers;

Benefits to children of deceased workers;

Benefits to children of disabled workers;

Benefits to parents of workers; and

The entire Medicare benefit program.

Since these benefits are so varied and complex, no insurance company will offer all or duplicate benefits. But even when cost or price comparisons are made with similar contracts, there is no commercial insurance company that can compete, price wise, with the Social Security Administration. Perhaps an example is called for.

When Mr. Shore speaks of the term policy as being the equivalent of the survivor benefit being paid for children under the age of 18, he is incorrect.

When a 20-year term policy is purchased from a life insurance company to protect against premature death during the critical period while his children are young, he receives protection for that period. If, however, he had additional children later in life, the original contract is only good if it is renewable.

Even then, it will only be renewed at a substantially higher price. The Social Security Administration makes no demands upon the individual as to his age or the time in life when he has his children.

The only requirement is that children exist at the time of death, whether this be when he is 25 or 65. How does one compare the premiums charged for these "similar" coverages? It is almost impossible for anyone, let alone the interested insured.

It is now time to answer some of Mr. Shore's charges. In his first article, he comments on the increase in social security taxes during the past 20 years. He mentions an 800 percent increase in the social security tax, while benefits were increased only 300 percent. His figures are faulty. He is correct in that the total tax receipts did, in fact, increase by 800 percent; but, the benefits paid during this same period increased by almost 1,000 percent. Benefits actually increased more than contributions, not less, as his article stated.

Mr. Shore also states that the tax rate of the social security program has discouraged savings. He stressed the fact that in 1942 savings were at a very high level while only 3 years later, in 1945, savings had started to drop. He neglects to mention that in 1942 about the only thing available for sale was a tank or a battleship while in 1945 Germany had already surrendered.

It is very difficult to understand how he finds a causal relationship between the program as now constituted and lack of savings. Many people are not saving today because of a drop in value of the dollar due to inflation. It is not the fault of the social security program that the dollar has depreciated.

It is to the credit of the program that it guards against the failure of the dollar by virtue of its inflationary hedge. (A benefit that increases in value to maintain a relatively constant relationship in purchasing power.) There is no evidence to indicate that larger tax rates or salary bases have caused reduced savings by the individual.

If one income group has profited more than others by the Social Security Act, it is probably the "great middle class." This is the group which would suffer most if required to provide for their aged parents and relatives. As stated previously, it is no major burden for the wealthy, and for the poor it is impossible. The group in the middle would be forced again to provide for their own, and also for those who found it impossible.

When Mr. Shore criticizes the situation where the middle-aged worker must pay the bulk of his security cost during his working years, the question must be asked when does he expect the individual to pay these costs? If he waits until retirement, it is too late. Adequate preparation must be made in advance to guarantee that which our people have come to expect.

Mr. Shore also considers the plight of Mrs. Marion Poteka, whose husband died and, due to low earnings in his early years, had an average taxable income of only $6,600. He states that her benefit check for her two children and herself amounted to only $435 per month (incidentally, this is tax free). For this amount to have been correct, death would have had to occur prior to 1971.

To illustrate the advantages of the "inflation hedge" provided in the Act, the benefit would have been $522 in 1972 and about $580 today. This benefit will continue to increase as the cost of living increases.

Inasmuch as this income is tax free and inasmuch as there is no longer any expense involved in securing this income or in providing for deceased spouse, this should prove to be adequate income, assuming her husband took some steps to supplement it with other private insurance. The reduction in benefits as depicted in the article ($435 reduced to $220 when Mrs. Poteka went to work) is simply not true. If Mrs. Poteka works and earns the total $7,540 cited in the paper, she would still receive about $360 per month if death occurred prior to 1971 and about $480 if death occurred today.

For many years the insurance industry has tried to convince the public that a reasonable aim for retirement is one-half the gross income prior to retirement. It is assumed that the cost of going to work, living away from home, and paying income tax will take 25 to 35 percent of one's gross income. In addition, since a retiree no longer has the financial obligation of paying social security taxes, retirement insurance premiums or other preretirement expenses, this income level is usually deemed reasonable.

How is the Social Security Act meeting this challenge? Actually, the benefits promised are very close to that mark. A married insured who has earned an average of $8,000 per year which has been subject to social security taxation will be entitled to $558 per month or about $6,840 per year, probably more than this couple realized on the gross pay of $8,000 prior to retirement. Similarly, a married individual who averaged $6,000 under the Act would be paid $440 monthly or $5,388 per year. If either the retired worker or his spouse died, the survivor would continue to receive about $3,600 per year.

The beauty of the present program is that there is no need for the retiree to worry about inflation. Today an automatic provision of the Act increases benefits as the cost of living increases. No commercial insurance contract can provide that benefit. The closest approximation would be the variable annuity which is offered by some companies. This provides an inflation hedge if the value of common stock keeps pace with the cost of living.

In recent years there has been almost no correlation between the cost of living and the value of common stocks. The Social Security Act removes this worry from our retired citizens.

Primarily due to faulty assumptions and incorrect data, Mr. Shore comes to the conclusion that the program is bad and that it is even bankrupt. There is no way that anyone could consider the social security program bankrupt.

It is true that the trust funds do not have adequate funds on hand to pay all future obligations today, but then neither do most private pension plans. The trust funds contain in excess of 50 billion dollars, sufficient to pay aproximately one year's obligations. During that period they will collect sufficient revenue to pay the following year's benefits. This has been the basic technique over most of the history of the program.

Most people would be far more concerned over some governmental agency having 400 to

700 billion dollars to play with. Disregarding what this might have done to the economy (some suggest that even World War II would not have brought prosperity if burdened by a fully reserved social security trust) think what an enjoyable time our congressmen would have had in increasing the debt limit sufficiently to provide securities for the social security trust to invest in. Perhaps an excerpt from the 1971 Advisory Council on social security's report might make this clear. The advisory board, consisting of economists, businessmen, and at least one executive from a major life insurance company, stated in its report:

"The test of actuarial soundness for a social insurance system is whether the expected future income from contributions and interest or invested assets will be sufficient to meet anticipated expenditures for benefits and administrative costs over the valuation period. The concept of actuarial soundness as it applies to a compulsory social insurance system differs considerably from the concept as it applies to private insurance and private pension plans, although there are certain points of similarity, particularly with the latter. A private insurance company must have sufficient funds on hand so that it will be able to pay all existing obligations. Such funding, however, is not necessary for a national compulsory social insurance system and is frequently not provided for in private pension plans, which may or may not have funded all the liability for prior-service credits toward benefits.

"Because compulsory social insurance is assured of continuing income (new workers must come into the program), it does not have to build up the kind of reserves that are necessary at all times in an institution that cannot count on current income to meet current obligations. It is proper in a social insurance program to count both on receiving contributions from new entrants to the system and on paying benefits to future beneficiaries, as well as those now on the rolls."

Thus, social insurance need only maintain funds sufficient to serve as contingency reserves. The assets of the social security funds serve this purpose.

Throughout this paper, most of the space has been devoted to pointing out the errors and omissions in Mr. Shore's articles. It would be just as much in error for me not to admit the shortcomings of the Social Security Act as that for which I have criticized Mr. Shore. Nothing is ALL good or ALL bad. There are areas in the Social Security Act which need improvement and further study. It is true that the single person or the married couple without children receive far less in protection than the typical married couple with one or more children. By the same token, less benefit for dollar contributed is provided the married couples where both parties work and pay social security taxes.

The problem of having retirement benefits reduced if the retiree continues receiving earned income is also worthy of consideration. Of the 22 million people eligible to receive retirement benefits, only 6.4% are having any amount of their benefit withheld due to the earnings test. Although more people might work if the earnings test did not exist, it is reasonable to assume that the number would not exceed a total of 10%.

Although this does affect the people concerned, the resulting benefit for the other 90% and the effectiveness of accomplishing the basic aim of the program, that of taking older people out of the labor market, is not disputed.

The criticisms levied by Mr. Shore are not new. They have been with us in some fashion since the initial implementation of the Act. Committees are constantly studying the program, its projections, and possible changes. Recently, James B. Cardwell, Commissioner of Social Security, issued the report of the trustees of social security. This 1974 Trustee's Report shows a long-range actuarial deficit for the OASDI program of about 3% of taxable earnings over the next 75 years.

Much of this projected deficit is caused by a change in life style of many of our younger married couples, and the resulting decrease in birth rates for the Nation.

We are now approaching a "no-growth" birth rate and it is important to know what effect zero population growth might have on the future levels of social security income and outgo.

Although no major impact will be experienced until the 21st century, the entire area of financing will be the main subject of study by the new Advisory Council on Social Security. Their recommendations will be submitted to the Congress by the end of the year.

Therefore, by the end of 1975, in all probability, Congress will have enacted legislation to help solve this problem of the 21st century.

Over the history of the Social Security Act, many changes have been made, faults corrected, and more changes will undoubtedly be made in the future. The solution to the problems faced by the Social Security Administration cannot be solved by Mr. Shore's suggestions. Should the government ever make the decision to follow the recommendations of Mr. Shore—discard payroll tax for social security and buy government bonds—the most incredible fiscal confusion imaginable would result. All of the benefits of the social approach to insurance would be lost and all of the problems of Federal bureaucracy would remain.

Social security today is paying $4.6 billion a month in benefits to 30 million people.

Ninety-one percent of the people age 65 and over are receiving social security benefits or are eligible to receive them.

Ninety-five percent of all children under age 18 and their mothers will receive benefits if the family breadwinner dies.

Eighty percent of the population between the ages of 21 and 64 are eligible for disability benefits in case of a severe and prolonged disability.

Anything which can and does provide so much for so many cannot be bad. To the contrary, no better plan has yet been offered to us. Certainly, Mr. Shore's suggestion is not a better alternative.

ON STRATEGIC ARMS ACCORDS: PREDICTABLE AND INCONSEQUENTIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON), is recognized for 15 minutes.

Mr. HARRINGTON. Mr. Speaker, the 1974 summit conference with the Soviet Union has ended without the conclusion of any major agreement curbing the nuclear arms race. The specific agreements announced on underground nuclear testing and on the deployment of a second antiballistic missile system should not be viewed as being of major importance. These agreements are predictable and in many ways inconsequential. Each agreement, moreover, represents a formal ratification of decisions already made unilaterally by both the Soviet Union and the United States. While I applaud the good-faith efforts of President Nixon and Secretary Kissinger to negotiate a more comprehensive accord, the public should not expect the agreements to result in any meaningful reduction in the momentum of the strategic arms race. In fact, false confidence engendered by these agreements may set back the cause of arms control.

I believe the quest for a stable strategic equilibrium is nonpartison and that the initiative of the administration, in focusing on strategic questions during the Moscow summit, is heartening and proper. We are at a critical juncture in the arms race. Neither our country nor the Soviet Union can afford delay in attempting to resolve the complicated questions of the nuclear arms race.

Both sides now stand at the brink of major new weapons development programs. The Soviet Union is developing four new land-based intercontinental ballistic missiles—ICBM's—a new sea-based missile, and is currently testing multiple warhead technology. Soviet leaders have publicly expressed a desire to avoid the expenditures of $30 to $45 billion necessary in the next decade to complete their MIRV program. Such expenditures would represent a considerable strain on the Soviet economy, for the Soviet Union's gross national product is only half that of the United States, and the drain of expensive weapons development programs on the Soviet Union's technological resources is even more severe.

For our part, the United States is also proceeding with major initiatives in the area of strategic arms. The new Trident ballistic-missile submarine, with its new C–4 MIRV'd missile, will cost more than $1 billion each. A new strategic bomber program, the B–1, now awaits production approval. This program will cost at least $15 billion. The Congress has been asked to approve more than $300 million for new strategic "counterforce" and "flexibility" programs to develop the technological capability to fight limited nuclear war and to attack hardened targets—such as missile silos.

Apart from the massive cost of new weapons initiatives, the likelihood is that these developments will further complicate the already difficult task of negotiating arms control agreements. Unfortunately, the Moscow agreements do not provide much in the way of useful accomplishments toward the goal of arms control. The agreements are more illusory than real in their restraining effects, for each nation has agreed to do something it probably would not have done in any case. The momentum of the arms race will only be rechanneled by these agreements, not slowed.

ABM AGREEMENT

The Soviet Union and the United States have agreed that neither nation will deploy the second of the two antiballistic missile—ABM—systems allowed under the SALT I Treaty. In the case of the Soviet Union, this means that no ABM systems, with 100 missiles, will be constructed to protect a portion of the Soviet land-based ICBM fleet. The Soviet ABM now operational around Moscow will be retained.

In the case of the United States, the agreement means that we will forsake construction of an ABM to defend the "national capital area"—Washington, D.C.—while we retain our ABM now operational at the Minuteman ICBM base near Grand Forks, N. Dak.

The agreement does not appear to change the status quo at all, since neither the Soviet Union nor the United States have demonstrated any real interest in building the second ABM system allowed. The U.S. Congress has specifically rejected the "national capital area" ABM. Deployment of an additional ABM by either the United States or the Union of Soviet Socialist Republics would cost billions of dollars without any improvement in security, since the limited ABM system allowed could be easily overpowered by the multiple-warhead missiles of the other side. And, the need for an ABM system in an era of increasing dependency on relatively invulnerable sea-based deterrent forces is also highly questionable.

Hence, the ABM agreement is more "summit atmospherics" than substance.

UNDERGROUND NUCLEAR TESTING

An agreement has been reached to establish a threshold level restricting nuclear testing underground. Detonation of military devices of a yield larger than 150 kilotons—or 150,000 tons of TNT—are to be prohibited. The agreement is to take effect on March 31, 1976.

On the positive side, this agreement calls for unprecedented cooperation between the superpowers relating to the verification of compliance with the agreement. The two sides are to exchange technical and geographical information, and are even to conduct calibration tests—in which each side will prenotify the other in advance of the tests for the purpose of determining the reliability and accuracy of verification instruments. In addition, press reports suggest that the two sides have agreed in principle that onsite inspectors will be allowed to observe tests of nuclear devices for peaceful purposes above the 150-kiloton threshold, as allowed by article III of the treaty. If the reports are accurate, this agreement would mark a significant departure from past Soviet opposition to onsite inspection of any kind.

Unfortunately, the weaknesses of this agreement are such that it will have little more than a cosmetic effect. By giving both nations nearly 2 years before even the limited 150-kiloton restriction takes effect, both the United States and the U.S.S.R. will be able to complete testing on the majority of the new strategic weapons programs now in critical development stages.

The Soviet Union should be able to "proof test" its new MIRV'd warheads—for the SS–18, SS–19, and so forth—while the United States will probably be able to complete essential testing of the new high-accuracy, high-yield warheads, such as the Mk. 12A warhead designed to give our Minuteman–III ICBM's a "hard target"—or antisilo—capability. Other U.S. counterforce programs are unlikely to be impeded by the 1976 threshold.

The provisions of article III of the agreement, allowing for tests to exceed 150 kilotons if they are for peaceful purposes—are also disturbing. The failure of the U.S. Plowshare program and the history of unsuccessful efforts to develop a peaceful use for nuclear explosives testifies to the apparent absence of any legitimately peaceful purpose for a nuclear device. It is virtually impossible to imagine any nonmilitary purpose for devices so large as to exceed a 150-kiloton limitation. Frankly, I am concerned that article III may become a loophole that negates whatever minimal positive effects the testing agreement might otherwise have.

I would anticipate that the only material effect of this agreement will be that both the Soviet Union and the United States will accelerate their underground nuclear testing programs prior to the 1976 deadline.

Further, this agreement is little more than a formal ratification of existing technological realities. There appears to be little military value to development of warheads above the 150-kiloton level. One potential use of large warheads—in ABM interceptors like the Spartan missile of the U.S. Safeguard system—has been eliminated by the SALT I Treaty, and in any case, recent research casts doubt on the need for high-yield warheads for the ABM interceptor mission.

Further, both the Soviet Union and the United States appear to have recognized the limited military advantages of high-yield warheads. In the mid-1960's the United States made the decision to deemphasize development of large warheads and instead emphasize multiple-warhead—MIRV—technology and the accurate delivery of these warheads. MIRV's warheads have lower yields because of the technologically dictated tradeoff between warhead yield and the number of warheads in a given reentry vehicle—a 1-megaton single warhead, for example, would be replaced by three 300-kiloton warheads in the MIRV'd reentry vehicle for the same booster. While the Soviet Union has in the past appeared to place more emphasis on higher yield warheads, some experts suggest this to be more the result of necessity, based on technological incapacity, rather than choice. In other words, the Soviet Union was forced in the direction of large warheads because of its inability to match U.S. sophistication in miniaturization, guidance, onboard computers, and other key elements of MIRV technology. Now that the Soviet Union has begun to test a MIRV technology of its own, it appears that the Soviets have concurred in the earlier U.S. decision to deemphasize large-yield weapons in favor of larger numbers of smaller yield warheads.

Further, it should be noted that the explosive effects of a warhead do not rise directly in relation to warhead size. A 5-megaton warhead, for example, is not five times more powerful than a 1-megaton warhead. A law of diminishing returns operates here, and comprises an additional factor motivating against large warheads.

As a reference point, the 150-kiloton limit agreed on in Moscow would still allow testing of devices more than 10 times more powerful than that exploded over Hiroshima.

While the 150-kiloton threshold treaty contains only the illusion of restraints, a comprehensive test ban—CTB—agreement, immediately prohibiting all forms and sizes of underground tests, would have been a major accomplishment. A CTB would have been a check on development of destabilizing new weapons technology, equally advantageous to the United States and the Soviet Union. A CTB would also have demonstrated a superpower commitment to arms control that would have been useful in efforts to restrict the proliferation of nuclear arms. A danger of the limited treaty signed in Moscow is that it will cause false expectations and delay efforts to arrive at a more comprehensive agreement.

EXTENSION OF THE INTERIM ACCORD ON OFFENSIVE WEAPONS

The great disappointment of the summit was the failure to achieve an agreement on multiple warhead technology, currently the key issue of the arms race. Acknowledging failure of efforts to reach a permanent agreement on offensive strategic arms, the two superpowers instead committed themselves to seek an agreement to extend existing accords to cover the unresolved issue of multiple warheads—MIRVs.

The failure to reach an agreement on MIRV's is all too telling an example of the adverse effects of uncontrolled military technology upon arms control efforts and of the bureaucratic pressures within both the United States and the Soviet Union which create a momentum all their own inimical to the cause of arms control. Moreover, the failure to reach an agreement raises the danger that both sides will abstain from seeking a comprehensive agreement, and will instead look for piecemeal solutions which will not hold up to the overall dynamics of the arms race.

I am particularly concerned by the suggestion that the future negotiations should follow the lines of the Interim Accord limiting offensive weapons that was signed in Moscow at the same time as the SALT I Treaty. I am skeptical that the Interim Accord represents a good foundation for negotiating a stable permanent agreement.

The interim agreement was founded on the principle that a Soviet advantage in the number of allowed missiles and in the "throw-weight"—or payload—of these missiles would be counterbalanced by the U.S. advantage in multiple-warhead technology. But while U.S. increases in numbers of launchers are prevented by the interim agreement, improvements in Soviet MIRV technology is not similarly restrained. Thus, in the eyes of some U.S. planners, the agreement gives the Soviet Union the potential opportunity, which it shows evidence of attempting to exploit, to close the technological gap in MIRV development and deployment while the United States remains fixed in the number of launchers it can deploy. The concern expressed is that Soviet equivalence in MIRV technology and deployment could conceivably mean that at some point the Soviet

Union would achieve a substantial advantage over the United States in all categories: Launchers, throw-weight, and deliverable warheads.

Of course, the "worst case" fears of these planners tend to assume that during the course of an inevitably lengthy Soviet MIRV catchup effort, the United States would be, essentially, standing still. As a matter of fact, the United States currently is deploying more than three new warheads every day on ICBM's and SLBM's, is continuing both the Minuteman III and Poseidon MIRV programs, and is in advanced stages of development of a new strategic manned bomber—the B-1—and submarine and submarine ballistic missile system—Trident. New strategic cruise missiles are under development by both the U.S. Navy and U.S. Air Force, and are not covered by the Interim Accord. In sum, the breadth and intensity of U.S. strategic arms developments are such that assumptions of an eventual Soviet "superiority" are both premature and tenuous, at best.

Still, conducting future negotiations within the framework of the Interim Accord may encourage, rather than discourage, further attempts by both nations to obtain a strategic advantage. The SALT I Treaty and the Interim Accord have not so much slowed the arms race as they have rechanneled it into a "qualitative" contest, with both sides seeking technological supremacy. By its nature, it is much more difficult to negotiate agreements restraining the qualitative aspects of strategic arms than to negotiate quantitative—or numerical—limitations.

Unless a comprehensive agreement restricting both quantitative and qualitative growth is reached soon, the explosion of weapons technology may very well make the task of negotiating a viable agreement impossible. The critical requirements for a successful agreement are assessment—the ability of each side to know the capabilities of the other; and verification—the ability of each side to confirm, by unilateral—national technical—means, that the other has and continues to comply with the terms of the agreements. On both counts, the strategic weapons technology now on the horizon will greatly complicate the task of negotiation. It is presumably impossible, for example, for a satellite to count the number of warheads, or the accuracy of these warheads, inside the nose cone of a closed ICBM silo. It is also impossible, we can assume, for one side or the other to verify compliance with an agreement which, for example, limited the deployment of strategic cruise missiles. A submarine-launched strategic cruise missile is expected to be no more than 2 feet in diameter and can fit in the torpedo tubes of any one of hundreds of vessels, be their purpose expressly strategic or not.

We should remember that it is the task of politicians to negotiate strategic arms agreements, not technocrats or soldiers. For ideally a politician's responsibility is to the common welfare of the Nation, while the technocrat or the soldier must to some extent carry the motivations and sometimes narrow goals of their parent bureaucracy. We should not let the collective fate of our Nation be determined by the various bureaucratic interests of this or that department or this or that military service; nor should we let our welfare be determined by unbridled technology. An enduring lesson of the last 25 years of the arms race is that despite constant advances in weapons technology—and expenditures of billions and billions of dollars—we are less secure today than we were 1 year ago, or 5 years ago, or 10 years ago.

We must accept, as a nation, that peace and stability will not be found if either the Soviet Union or the United States pursues the illusory goal of "strategic superiority." There can be no genuine superiority when only 500 deliverable warheads would destroy approximately 70 percent of the industrial base and 30 percent of the population of either the Soviet Union or the United States—and the United States will have nearly 8,000 deliverable nuclear warheads at the end of this year; the Soviet Union approximately 2,600. "Superiority" is worse than meaningless—it is a dangerously false goal.

Stability will be found, I believe, if both countries continue efforts to negotiate a comprehensive agreement, and if both countries show restraint in their unilateral weapons decision and avoid the development or deployment of arms which, by their nature, would destabilize the strategic balance, worsen the task of negotiation, and increase the chance of nuclear conflict.

AMERICAN PARTICIPATION IN MOSCOW CRIME TECHNOLOGY TRADE EXPOSITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, several days ago. I became aware of the fact that a group of American companies will be participating in August, in a Moscow Trade Exposition displaying—for sale—the latest types of police equipment.

Mr. Speaker, this is a most shocking, unconscionable actions in which American business are deeply involved. For the sake of sales and profits, a group of American businessmen will be placing their wares on sale in Moscow for examination by the KGB.

Mr. Speaker, much to my surprise, I could find no laws or regulations controlling the export and sale of these types of police equipment. During the coming weeks, the Congress will be considering amendments to the Export Administration Act. I hope that amendments can be included in this act to prohibit the export of sophisticated American crime control devices.

Recent developments in the Soviet Union reveal that police harassment and torture—torture which ends in suicide—still continues. The Gulag Archipelago is alive and well in the Soviet Union—and there is no need to strengthen that police state through modern crime control techniques. It is even more shocking that such export displays would be permitted in view of the fact that some of these products were probably developed and produced with the direct or indirect assistance of the Department of Justice's Law Enforcement Assistance Administration.

I would like to include in the Record at this point a copy of an article by Sam Jaffe which appeared in the Chicago Tribune on July 7, 1974, entitled "Russians Invite U.S. Firms to Police Trade Show." I would also like to include in the Record a copy of a letter which I sent to Secretary of State Kissinger on July 1—with an identical letter to Commerce Secretary Dent—requesting information on whether any official direct or indirect U.S. assistance was being supplied to American manufacturers participating in the Crime Technology Exposition. In these letters, I also requested information on whether any forms of export controls or licensing were available to limit the sale of this 1984-type equipment to the KGB.

A crime control device can easily be converted into a weapon of oppression. It would be tragic if oppression in the Soviet Union would result from devices and equipment stamped, "Made in America."

I include the following:

Russians Invite U.S. Firms to Police Trade Show

(By Sam Jaffe)

Washington, July 6.—The Soviet Union has invited dozens of American and foreign manufacturers of police equipment to display their goods at an international exhibition to be held in Moscow next month.

The exposition, "Krimtehnika '74" sponsored by the Soviet chamber of commerce, is officially described as a major showing of the latest in criminology and law enforcement equipment.

At least two United States companies specializing in highly sophisticated electronic crime detection equipment which can be used for intelligence gathering said they would attend the August 14 to 28 Kremlin show. Several other manufacturers and distributors of police equipment said they hoped to participate.

According to these manufacturers, the Russians are waging an all-out effort to attract American firms, which offer the most advanced police equipment and crime detection devices in the world.

In some cases, the Soviets have sent personal cables and hand-written invitations to company representatives to attend "Krimtehnika '74." They are also using a Midwest firm, specializing in East-West trade, to contact others.

"It seems mighty strange to us," said one manufacturer of police equipment, who politely declined to attend the show, "that a country that has always maintained it has little or no crime, would want our goods."

One State Department Soviet expert said he was vaguely familiar with "Krimtehnika '74," and was "not aware of any American participation in it."

An official at the Department of Commerce said he had been advised of the Soviet police exhibition by the American embassy in Moscow. "The embassy recommended that we take a hands-off position if any American businessman contacted us concerning the show," he said.

Another Commerce Department official said they had no regulations against manufacturers of police equipment sending their goods to Communist countries. But Rep. Charles Vanik [D., Ohio] has written to Secretary of Commerce Frederick Dent and Secretary of State Henry Kissinger, asking that they look into American business participation in "Krimtehnika '74."

In light of the present situation which exists in the Soviet Union," Vanik wrote, "in regard to dissidence and the harassment of people who have applied, under Soviet law, to emigrate to other countries, it seems highly insensitive on the part of our government to allow American equipment manufacturers to participate in such an exhibition."

Vanik plans to raise the issue in the House tomorrow.

A spokesman for Welt International Corp. of Chicago, a company which calls itself a marketing specialist and exhibition manager for Communist Eastern Europe and the Soviet Union, said the company has already signed up two police equipment firms, and "we hope to have others before the exhibition opens."

"The Soviets have made a definite budget commitment for the purchase of all types of laboratory and equipment and instruments, law enforcement equipment, and associated devices systems for forensic and criminology activities," the spokesman said.

American exporters of lethal devices are required by the State Department's munitions Control Board to check with that department before exporting their merchandise to Communist countries.

One of the companies attending the Moscow exposition is Voice Identification, a New Jersey organization specializing in "voice prints." According to Rick Alexanderson, company president, they have developed a system "as good as fingerprints," that can positively compare voices and identify them.

The company recently identified former Soviet Premier Nikita Khrushchev's voice from 180 hours of tape recordings he made after his ouster. The tapes were translated and published in the book "Khrushchev remembers: The Last Testament."

Optronics International of Massachusetts, a company that has developed a fool-proof identification card, will also exhibit at "Krimtehnika."

A spokesman for Sirchie Fingerprint Laboratories in New Jersey, one of the biggest manufacturers of mobile crime labs, and his organization hopes to attend the Moscow exposition.

"The Russians are very anxious to have us," Jim O'Rourke company vice president said.

"They wanted one of every major item we make, including our $100,000 mobile crime lab and $40,000 in miscellaneous equipment. We cabled them that we weren't interested in just selling parts or one of everything, and that we had dropped our broker.

"The Russians shot back a cable, practically begging us to attend the exhibition. They said, 'Your parts undoubtedly will interest our specialists.' They really want our crime lab."

But, as an afterthought, he added, "Some of this equipment could be used against innocent people. It bothers me."

JULY 1, 1974.

Hon. HENRY KISSINGER,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that Krimtechnica, a trade exposition, will be held in Moscow in August to display the latest police equipment produced by manufacturers throughout the world.

From what has preliminarily been indicated, this display will include crowd control devices, bullet proof vests, body detection devices, the latest types of mace, as well as a number of other police related equipment.

In light of the present situation which exists in the Soviet Union, in regard to dissidence and the harrassment of people who have applied, under Soviet law, to emigrate to other countries, it seems highly insensitive on the part of our government to allow American equipment manufacturers to participate in such an exposition.

Could you please advise me whether there is any official direct or indirect U.S. governmental assistance being supplied to any American manufacturers or suppliers in conjunction with the development or participation in this Moscow exposition?

Could you also advise me whether any of the items to be displayed had to be cleared for export by your Department? If not, could you please advise me why such clearances or export controls do not exist?

Your assistance in this matter will be appreciated.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress.

Mr. Speaker, the immorality of American participation in this crime technology exposition is nearly beyond description. Perhaps some idea of what we are doing—in the name of profit—can be obtained from reciting several passages from the Gulag Archipelago.

For example, why do the Soviet police need lie detector devices? In his chapter on "The Interrogation," Nobel prize winner Aleksandr Solzhenitsyn describes some of the methods which the state police have used to extract confessions: Method No. 23 involved the bedbug-infested box:

> The bedbug-infested box has already been mentioned. In the dark closet made of wooden planks, there were hundreds, maybe even thousands, of bedbugs, which had been allowed to multiply. The guards removed the prisoner's jacket or field shirt, and immediately the hungry bedbugs assaulted him, crawling onto him from the walls or falling off the ceiling. At first he waged war with them strenuously, crushing them on his body and on the walls, suffocated by their stink. But after several hours he weakened and let them drink his blood without a murmur.

Method 26 involved the "ancient," "medieval" torture of starvation:

> Starvation has already been mentioned in combination with other methods. Nor was it an unusual method: to starve the prisoner into confession. Actually, the starvation technique, like interrogation at night, was an integral element in the entire system of coercion. The miserly prison bread ration, amounting to ten and a half ounces in the peacetime year of 1933, and to one pound in 1945 in the Lubyanka, and permitting or prohibiting food parcels from one's family and access to the commissary, were universally applied to everyone. But here was also the technique of intensified hunger: for example: Chulpenyev was kept for a month on three and a half ounces of bread, after which—when he had just been brought in from the pit—the interrogator Sokol placed in front of him a pot of thick borscht, and a half a loaf of white bread sliced diagonally.
>
> (What does it matter, one might ask, how it was sliced? But Chulpenyev even today will insist that it was really sliced very attractively.) However, he was not given a thing to eat. How ancient it all is, how medieval, how primitive! The only thing new about it was that it was applied in a socialist society!

Is American business to provide equipment to the Soviet police so that political prisoners—innocent persons—may be tortured and broken?

I find it particularly ironic that one of the companies which will be participating has developed the ultimate in voiceprint devices. Has no one read Solzhenitsyn's "The First Circle?" This entire 670 page book describes the ordeal of a prison camp of scientists who have been ordered to build a voice print device to catch a "political criminal." It is a very special prison camp in which the inmates are treated somewhat decently so that they will work better. But it is still a prison hell. In fact, the very title of the book is an allusion to Dante's "Inferno," in which the least painful stage of Hell was the first circle. The novel—a factual description of the situation in the Soviet prison camps around 1950—contains some quotes relevant to the crime technology exposition.

For example, the entire prison camp was busy working on voice decoder and voice print devices which they knew were available in the West. Fortunately for millions of Soviet prisoners, Stalin did not hold a crime detection exposition during his regime. To quote from Solzhenitsyn:

> "Clipped Speech" had been taken from English, and not only the engineers and translators, but also the assembly and installation men, the lathe operators, and perhaps even the hard-of-hearing carpenter knew that the piece of equipment in question was being built along the lines of American models. But it was accepted practice to pretend it was all of native origin. Therefore the American radio magazines with diagrams and articles on the theory of "clipping," which were sold in New York on counters outside secondhand-book shops, were here numbered, bound with string, classified, and sealed up in fireproof safes, out of reach of American spies.

To provide voice print devices to a nation which makes no bones about massive wiretapping would be a criminal and immoral act on the part of the United States. Following is an imagined conversation—again quoting from "The First Circle"—between the Minister for State Security, Abakumov, and one of the special political interrogators, Ryumin:

> "I'll take care of them, Mikhail Dmitriyevich, believe me. I'll take such care of them that no one will be able to collect their bones!" Abakumov answered, looking threateningly at all three.
>
> The three guiltily lowered their eyes.
>
> "I'll give them the tape of the conversation. They can play it over and compare it."
>
> "Oh!—did you arrest anyone?"
>
> "Of course." Ryumin smiled sweetly. "We grabbed four suspects right near the Arbat metro station."
>
> But a shadow crossed his face. He knew the suspects had been grabbed too late, that they were the wrong ones. Yet, having once been arrested, they would not be released. In fact, it might just be necessary to pin the case on one of them—so that it would not remain unsolved.
>
> Annoyance grated in Ryumin's insinuating voice: "I can get half the Ministry of Foreign Affairs on tape for them, if you like. But that's not necessary. Only six or seven people have to be picked up—the only ones in the ministry who could have known about it."
>
> "Well, arrest them all, the dogs. Why fool around?" Abakumov demanded indignantly. "Seven people! We have a big country—they won't be missed!"

Finally, toward the end of the novel, as the prisoner scientists develop their voice identifier and close in on the "political prisoner," one prisoner is asked to make another type of police device—hidden camera that will take night pictures. This prisoner, who if he cooperates will soon be released to join his old wife, Natasha, is faced with one of the ultimate decisions:

The prison official describes the device:

> "One of them is a camera that can be used at night. It works on those . . . what are they called? Ultra-red rays. You take a picture of a person at night, on the street, you find out who he's with, and he'll never know as long as he lives. There are already rough versions of it abroad, and all that has to be done is to imitate them creatively.

The prisoner Gerasimovich thinks to himself:

> Here was the answer to Natasha's plea.
>
> Gerasimovich saw her withered face, and her glassy frozen tears.
>
> For the first time in many years, the warmth of returning home stirred in his heart.
>
> All he had to do was what Bobyer had done: fix it so that a few hundred unsuspecting, stupid people were put behind bars.
>
> Hesitating, embarrassed, Gerasimovich asked, "But couldn't I stay—with television?"
>
> "You refuse?" [State Security Officer] Oskolupov asked indignantly. He frowned. His face easily took on a look of anger. "Why?"
>
> Natasha was his one lifetime companion. Natasha was waiting for his second term to end. Natasha was on the threshold of extinction, and when her life flickered out, his, too, would be over.
>
> "My reasons? Why do you ask? I can't do it. I wouldn't be able to cope with it," Gerasimovich replied very quietly, his voice almost inaudible.
>
> [Colonel of Engineers of State Security] Yakonov, inattentive up to this moment, now stared at Gerasimovich with curiosity. Here evidently was another case that verged on madness. But the universal law that "your own shirt is closer to your body" had to prevail this time, too.
>
> Gerasimovich could have remained silent. He could have bluffed. He could have accepted the assignment and then failed to do it, according to the zek rule. But Gerasimovich stood up. He glared contemptuously at the fat, double-chinned, stupid mug in a general's astrakan hat.
>
> "No! That's *not* my field!" he said in a clear high voice. "Putting people in prison is not my field! I don't set traps for human beings! It's bad enough that they put *us* in prison . . ."

Mr. Speaker, supplying the latest police technology to the Soviet Union is not our field. Putting people in prisons is not our field. Mr. Speaker, I hope that the American businesses involved in this atrocity will reconsider. I would also hope that the American Congress would act swiftly to prohibit this type of policy technology export.

NATIONAL HEALTH INSURANCE: THE NEED FOR THE HEALTH SECURITY ACT, H.R. 22

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 15 minutes.

Ms. ABZUG. Mr. Speaker, today it was my privilege to testify before the House Ways and Means Committee about national health insurance. As one of the original cosponsors of H.R. 22, the Griffiths-Corman Health Security Act, and as a continuing supporter of that legislation, I was pleased to have the opportunity to present my views to the committee.

I would like to share my testimony with my colleagues and ask that it be included in the RECORD:

TESTIMONY BY CONGRESSWOMAN BELLA S. ABZUG, JULY 9, 1974

Mr. Chairman, I am pleased to have the opportunity to appear again before this Committee to present my views on national health insurance. As you may recall, I testified earlier, on November 18, 1971, in support of the Kennedy-Griffiths bill to establish a national system of health security, a bill which I co-sponsored in the House. At that time, I reviewed some of the major defects in our health care system. Almost three years later, it is depressing to note how little has changed. The major problems to which I referred then were the maldistribution of services, the poor organization of services, the failure of private insurance companies to control costs or to use their financial strength to reduce excessive costs associated with hospitalization, the uncontrolled profiteering of the drug industry, inadequate attention to increasing the supply of trained health personnel, and the lack of quality control in the provision of health services.

Despite a few improvements, none of these major problems has yet been seriously attacked, much less brought under control. The establishment of mandated peer review processes under the Professional Standards Review Organization (PSRO) system is a step in the right direction, but much more remains to be done to establish standards of quality control and review processes in which the consumer and the public can have confidence. I will have more to say on this matter later. Aside from this step, and a small beginning in the direction of organizing Health Maintenance Organizations (HMO's), little has been done. And in some respects we are significantly worse off today than we were then.

The administration has cut back support for medical research and for the training of doctors and other badly needed health professionals. Medicare deductibles have increased and benefits have been curtailed. Community-based health and mental health centers have been cut back, cut out, or left to wither on the vine. An inflation which this administration does not know how to stop has imposed sharply higher costs for securing essential health care. I point out that in the district I represent, prices, including the cost of medical care, have risen faster than in any other part of the country since 1967. If good medical care was expensive and hard to get, especially for middle-income and low-income people, in 1971, it has become even more difficult to obtain and far costlier in 1974.

Each year I invite people in my district to an all-day conference on issues which Congress should be addressing. This year, as in the past, the program included a discussion on health and medical care. Person after person rose to describe how their search for decent care has become ever more difficult, medical problems more serious, doctors less available, and public institutions more hard-pressed to provide even minimal services. I heard innumerable reports of longer waits, higher bills, and ever deepening fear and anxiety. This administration may continue to ignore or neglect the needs of our poor, our elderly, our children, our workers, our minorities, and other groups with real and pressing concerns. But we in this Congress cannot be blind to the problems or needs of our constituents. We cannot turn our backs on the immediate need for fundamental restructuring and reorganization of our health care system.

THE LONG-RANGE NEED

I am convinced that this country must eventually develop a national system of health care, going well beyond even the most ambitious bills which have yet been submitted to the Congress. None of the measures under consideration comes close to providing the comprehensive cost-free services which are central features of social policy in Canada, Scandinavia, Holland, Israel, Britain, and other modern nations. These systems establish health care, like education and retirement benefits, as a right to which everyone is entitled regardless of ability to pay. They are financed largely or wholly from general tax revenues. They cover doctors' services, hospital costs, drugs and prescriptions, prosthetic and other devices, convalescent care, home care, family planning services, and dental costs. Until we begin to move in that direction, we cannot hold our head up in the company of civilized nations or pretend that we have dealt adequately and humanely with the health care problems of our people.

STEPS NEEDED NOW

Clearly this country is not yet ready to move seriously along these lines. Instead, even the most progressive bill you have before you—H.R. 22, the Griffiths-Corman bill—has been abandoned by its Senate sponsor and a principal national spokesman in favor of a more modest approach in the name of "realism." We must reject that approach and that retreat. The minimum requirement for action in this legislative year is the enactment of the original Kennedy-Griffiths bill. Too much work, too much struggle has gone into the development of that bill and into building public support for it to permit it to go down the drain. I do not accept the argument that the people are not yet ready to support and welcome a comprehensive approach such as that embodied in H.R. 22. The people in my district have made their voices very clear; they understand that we need, at a minimum, to take this step, and they are impatient that it has not already been done. I believe that we should stop listening to those with a vested interest in piecemeal progress, who counsel only limited change, and listen to the people. They know that the American system of health care requires drastic changes right now.

I support HR 22 and urge its passage for these reasons:

it is the only bill which meets the great bulk of health care costs for all Americans;

it puts the stress on strengthening ambulatory care and avoiding hospitalization;

it covers the widest range of needs of any bill, including home health services, psychiatric care, nursing home care, drugs, appliances, glasses, and such things as podiatrist services (from what my constituents tell me, I sometimes think that sore feet is one of the most neglected aspects of health care);

it imposes no deductibles or coinsurance requirements;

it recognizes that nutrition, counseling, health education, and social work belong in the area of health care, and provides coverage for them;

it provides incentives for prevention and health maintenance as goals of the system, moving us away from the approach that recognizes a health problem only when someone is sick enough to seek help;

it includes a timetable for adding dental services to the list of covered services;

it recognizes that we must train the people who are needed to provide care if we are to meet our responsibilities, and it provides funds to do so;

it provides a comprehensive statement of the services which an HMO must provide to qualify and incentives to organize them;

it recognizes the need for establishing standards of quality, and takes the first necessary steps in that direction through the Commission on the Quality of Care;

it ends the middle man role of the private insurance companies;

it takes the first steps toward a national uniform set of standards of qualification, away from the present hodge-podge with each state setting its own standards of licensure and qualification.

Each of these steps is a necessary minimum which we must adopt now if we are to meet what has been repeatedly described as the crisis of the American health care system. Last month a distinguished group of citizens in my state, under the leadership of Murray H. Finlay, President of the Amalgamated Clothing Workers of America, announced the formation of a New York State Committee for National Health Security to work for the enactment of this bill. Similar committees are being established in other states. I welcome this evidence of a national determination to move now in the direction of the Griffiths-Corman bill, and expect to work actively with this and other groups to secure its passage.

BEYOND H.R. 22

This bill represents a significant first step in the right direction. But more remains to be done. In the balance of my testimony, I shall point out certain improvements which, I feel, are essential, HR 22 is a good bill; it could and should be made better.

Quality Control: PSRO's are a step in the right direction, but they entrust the formation and application of standards of quality to professional groups. There is no role provided either for public agencies or for consumers. In New York City, the Health Department was able to establish very effective procedures for monitoring both the quality of car provided by practitioners and the accuracy and fairness of billing for reimbursement. Important abuses were uncovered and major savings achieved despite limited resources and the strong opposition of professional organizations. I must confess that I am dubious of an approach which has, so far, found fairly ready acceptance among doctors, and was recently found acceptable by the American Medical Association. A monitoring process with real teeth is not going to find the going that easy. The AMA is moving to take control of the review process before consumers demand that the government do it. AMA involvement in shaping the PSRO structure and process has been extensive since the legislation was passed. Senator Bennett, author of the bill, said that he saw PSRO activity as "educational, not punitive". That is well and good, but there is little incentive to doctors to accept standards unless failure to do so involves some penalties. As the Federation of American Scientists noted in its analysis of the PSRO law, "The opportunities for abuse of PSROs are many, and the sanctions are relatively weak."

I believe that the quality control mechanisms provided in H.R. 22 need to be strengthened in three ways:

1. Including an active role for state and city departments of health, utilizing the New York City experience;

2. Strengthening the sanctions imposed for failure to adhere to standards; and

3. Mandating inclusion of consumer and community representatives in PSRO organizations.

Prevention and Health Education: The bill recognizes the need, and importance, of preventive measures, but its provisions are vague and ill-defined. I would amend the bill to require HMO's to include major preventative and educational components in their programs of work, as a condition of eligibility. Standards must be established, incentives provided, and specific goals required of HMO's. There are good precedents to utilize in the experience of some of the more successful neighborhood health centers which were supported by OEO, including, in New York City, the Martin Luther King, Jr., health center in the Bronx, and the Northeast Neighborhoods (NENA) health center on the Lower East Side of New York. These centers were able to relate such factors as housing, environmental conditions, nutrition, schools and drugs to the health needs of their patients, and to extend their work and resources to deal with some of these very relevant problems. These are important and valuable lessons which need to be incorporated in a national health security program.

Non-Medical Personnel: H.R. 22 recognizes that personnel other than physicians and nurses must be utilized in the delivery of health services, and provides support for their training. I thoroughly endorse this concept. Looking again at the experience which we have had with community health centers, I have been greatly impressed by the critical contributions made by paraprofessionals and by non-professionals. Such groups will have a never-increasing and even more valuable role to play as we move from a patient-centered system of health care to one which stresses prevention, outreach, continuity of care, and health education. I would strengthen the provisions of the bill dealing with paraprofessionals in order to correct the imbalance which now prevails in the health care system. Steps in this direction have important cost implications as well. Our scarcest and most costly resource in the health care system is the physician. Last Wednesday's Wall Street Journal noted that thousands of nurse-practitioners have improved pediatric care in both cities and small towns, have relieved the burden on pediatricians, have improved patient satisfaction, have lowered costs to patients, and have preserved, if not improved, standards of care provided. The physicians' assistants programs in various parts of the country show similar results. We need to move much more vigorously in this direction in the future.

Consumer and Community Role: A major defect of this bill is its failure to mandate a significant role for consumers' representatives and community spokesmen. Consumers are given a minority role in the National Health Security Advisory Council, and a policy-making role in HMO's, but no role in governance or scrutiny. Neither HMO's nor hospitals are required to disclose their finances to the communities in which they work. Hospitals are notorious for their failure to disclose the fiscal information which is critical to any effort to judge their fiscal competence, the fairness of their charges, or the relationship between costs and charges. I would mandate full financial disclosure as a condition of reimbursement for all eligible provider organizations.

Family Planning: Any system of national health insurance must, as H.R. 22 does, include family planning as a covered benefit available to those who want to avail themselves of it. Services available should comprise all safe, medically acceptable and legal methods of family planning including oral contraceptives, abortafacient drugs and devices such as the interuterine device, voluntary sterilization including vasectomy and tubal ligation, and abortion.

Mr. Chairman, 1970 data show sterilization as the preferred method of family planning for 25% of couples over the age of 30. I also believe that abortion is the least desirable method of birth control. No woman prefers it. It is generally regarded as a method of last resort. Hopefully, there will be fewer abortions as women and men gain more familiarity with and access to contraceptives. But safe and legal abortion must be available to any woman who finds herself pregnant and for any one of a multitude of reasons does not want to have a child then. Other testimony which you have heard has argued against the inclusion of sterilization or abortion in national health benefits. Those who hold this belief are free to model their own lives on these precepts. They are also free to state their views publicly, to argue to seek to persuade other Americans of the rightness of their morality or dogma. But they have no right to demand that all Americans conform to their particular beliefs.

Financing: Too much of the burden of financing is put on the beneficiaries themselves. H.R. 22 calls for a 50 percent contribution from general tax revenues, the remainder to be paid by increased social security taxes paid by employer and employee in unequal shares. The reliance on the social security tax system is understandable but dangerous. These taxes have now reached a level where they are an important regressive element in the tax structure, bearing more heavily on low and middle income families than on those at higher income levels. I regret that the bill does not set forth a timetable for moving from this financing formula toward heavier reliance on general revenues in the future, with concomitant reductions in the direct contributions to be made by employers and workers. I would amend the bill to provide that 75 per cent of all costs be met from general revenues within five years, and 100 per cent with 10 years of enactment.

CONCLUSION

I remain committed to the original Kennedy-Griffiths-Corman bill, and will work actively for its passage, this year. I believe this bill can and must be enacted. I believe we cannot, as a nation, wait any longer to remedy the severe defects in our system of health care. I do not think the delivery of health services can be left entirely to the medical profession. There must be public scrutiny, public accountability, and public control over all aspects of health care. This is no threat to our doctors and their profession. On the contrary, it is our only hope of preserving their historic role in our health care system. We live in a new era, and this bill recognizes that fact. At the same time, we would be deluding ourselves and the people if we pretended that this bill solves our health care problems. It does not; it is only a necessary first step. Others are needed, and I have started some of them. I will work to make them a reality. Let us shape a health care system worthy of a great and compassionate nation.

PRIVACY SAFEGUARDS FOR HEALTH DATA BANKS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, since 1969, I have appeared before many committees on both the House and Senate side out of a concern for the neglected field of citizen privacy. So now, I welcome the prospect that finally this year Congress will enact legislation that comes to terms with the serious threat to individual privacy posed by modern technology and government.

As Members of the Congress that is considering national health proposals, I would urge that in considering the legislation that will finally be voted on, one of the goals be the preservation of the citizens' right to privacy.

No one would disagree that an individual often gives away some of his privacy when he applies for a benefit or service. But we must always remember that the Government is still organized to serve the interests of the people rather than its own institutional aggrandizement and that there is a balance to be preserved. The right to privacy remains threatened as long as there are no effective legal constraints on the understandable but dangerous appetite of public servants who have forgotten whom they serve.

Perhaps my own experience as a private citizen years ago planted the seed from which my legislative efforts have grown. It involved a life insurance company inquiry but the investigative procedure would have just as well been pursued by a Federal agency.

When I was a younger man, I made an application for life insurance, and it was rejected. I could not understand why because I felt pretty healthy, and the company did not give me the reason why. Because I pressed and pressed, I finally was able to secure an off-the-record statement from the individual who had solicited the account. He said, "Well, we have information in our records that 10 years ago you had cancer." I said, "Well, that is very interesting, but I am not aware of it." I asked what the nature of this cancer was. The records showed it was leukemia. I asked, "Where did you get that information." The company indicated they had obtained it from a neighbor.

The truth is, I did not have cancer and, of course, would have been dead a long time ago had I had it. Had I not pressed on that matter, I would not have known and I would not have been given an insurance policy. I brought this matter to the company's attention, and demanded that they analyze their file again and finally they agreed that the information that had been provided to them had been given maliciously.

While a city councilman in New York I introduced legislation in 1968 to give the citizens of New York City the right to inspect and supplement municipal files. At that time I said my bill was "just a first step taken on a local level in what is really a national problem of protecting the citizenry against unjustified governmental prying into private affairs."

All of the national health insurance proposals pending before this Congress will have an enormous impact on the privacy of individuals, whether private carriers or the Social Security Administration runs the program.

At the present time, there is a data bank that over 700 insurance companies can plug into and receive information on an individual—information that pertains to the physical condition of the person—and deals with psychiatric disorders, sexual behavior, and drinking patterns. The patient expects confidentiality in his relationship with his physician. The existence of the medical information bureau data bank raises serious questions about this privileged relationship.

We must take care to guard against information on a patient's insurance forms finding its way to the personnel department or to the employee's supervisor. In contracts between employers and insurance carriers—or the Federal Government—any employer participation in the processing of individual claims should be prohibited.

Furthermore, security safeguards should be established to protect the privacy of an individual during any examination of his medical record under the guise of "program evaluation," "audit," or "cost justification."

In the Mills-Kennedy bill, section 2034 (a) and (b) authorize the central administration to obtain from any State agency participating in administering aid plans for families with dependent children "any information or data relating to family status or family income which such agency may have" and "to enter into such contracts and arrangements with other public agencies—Federal, State, or local—as may be necessary or appropriate to obtain information and data which relates to family status and family income."

Under no circumstances should we permit the unbridled transfer of such information—particularly without the written, informed consent of the individual—unless it is a case of medical emergency and then with the most stringent regulations. The individual has a right to know the uses to which information he submits will be put, to whom it will be disseminated, and how its release, or nonrelease, will affect his eligibility for benefits.

The creation of a health credit card—although efficient and easy to use, could, without regulation, lend itself to abuses. The code numbers provide quick, easy access to the individual's medical records. If an individual's health credit card code number can be used by other organizations—the accessing of information from many sources on a given individual is made much easier.

If the Social Security Administration is chosen to administer the national health program, and if Congress authorizes SSA to use the social security number as the health card number, the way will have been paved toward using the social security account number as a universal numerical identifier—and the specter of a national data bank with voluminous material being accessible by the use of one number is made more real.

Let me briefly outline in general terms what I think this legislation should contain with respect to privacy safeguards. These 10 commandments of privacy are:

First, permit any person to inspect his own file and have copies made at reasonable cost to him;

Second, permit any person to supplement the information contained in his file;

Third, permit the removal of erroneous or irrelevant information and provide that agencies and persons to whom the erroneous or irrelevant material has been transferred, be notified of its removal;

Fourth, prohibit the disclosure of information in the file to individuals in the agency or organization other than those who need to examine the file in connection with the performance of their duties;

Fifth, require the maintenance of a record of all persons inspecting such files, and their identity and their purpose;

Sixth, insure that information be maintained completely and competently with adequate security safeguards.

Seventh, require that when information is collected from him, the individual must be told if the request is mandatory or voluntary and what penalty or loss of benefit will result for noncompliance;

Eighth, require that those involved with the collection, maintenance, use or dissemination of medical information operate with clearly defined data access policies, and with adequate data security measures to provide medical confidentiality;

Ninth, require that persons involved in handling personal information act under a code of fair information practices, know the security procedures, and be subject to penalties for any breaches; and

Tenth, prohibit agencies or organizations from requiring individuals to give their social security number for any purpose not related to their social security account, or not mandated by Federal statute and prohibit the development of any other universal numerical identifier.

I am hopeful that the bipartisan spirit by which privacy legislation has been initiated, shaped, and refined will continue through the efforts of this Congress in drafting a national health insurance plan because citizen privacy must be everyone's concern—conservative and liberal, policymaker and taxpayer, physician and patient.

SENATOR JACKSON AT THE APEX OF HIS CAREER

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is refreshing to note an article in the Washington Post on Saturday, July 6, entitled, "Senator Jackson at the Apex of His Career." The writer, Geri Joseph, is a contributing editor with the Minneapolis Tribune, in which the article first appeared.

There are many of us who admire Henry Jackson and we recognize the authenticity of the comments made in Mr. Joseph's article. Senator Jackson is indeed a strong leader whose forthrightness and abilities are very much needed on Capitol Hill.

I am pleased to submit the article at this point in the Record:

Senator Jackson at the Apex of His Career

(By Geri Joseph)

Old-fashioned virtues have not counted for much in the recent media-minded world of American politics. They have been, for example, no match for the vague but much-sought after quality known as charisma. Further, a suspicion lingers that the old-fashioned is to be obsolete in terms of today's problems.

It is possible, however, that Sen. Henry (Scoop) Jackson, an old hand on Capitol Hill, is out to prove that charisma is not everything, and old-fashioned virtues have a place in the modern world after all.

Disciplined and hard-working, as unassuming as a next-door neighbor, the senator from the state of Washington has earned his share of news stories over the years. But nothing in the past can compare with the attention he is getting now.

At a remarkably youthful 62, when others begin to think of retirement, Jackson has reached an apex in his admirable career. Probably no other man or woman in Congress has so powerful—though not uncontroversial—a voice on so many leading issues. It is as if all the pieces of his 34 years in public life have fallen suddenly, luckily, into prominent place. Oil and energy, détente and trade policy with the Russians, nuclear weapons and land use, to name a few.

And there are some Democratic politicians who figure that the presidency, too, may be in Jackson's immediate future. Certainly he is one of two or three Democrats at the top of everybody's list of possibles.

In a recent interview with Jackson in his comfortable, uncluttered Senate office, conversation covered many subjects—from adverse effects of affluence on young people, to the opposition his nomination is likely to arouse from his party's left wing.

But again and again, he came back to two issues on which he has been catching plenty of heat. One is his outspoken skepticism about the value of détente as pursued by the Nixon administration. The other is his trade-bill amendment that requires countries seeking most-favored-nation trade status with the United States to allow free emigration. The amendment is worded generally, but applies clearly to Soviet Jews who wish to leave Russia.

For his critical questioning of détente, Jackson has been called a Cold War warrior, a hard-liner and a man who cannot change with the times. He shrugs at those descriptions, although the cold-war warrior phrase slightly ruffles the usually calm manner. He is for détente, he explained, but he wants it to mean not just better business and the movement of commercial cargo, but the movement, too, of people and ideas.

He would take a tougher bargaining stance than Secretary of State Henry Kissinger. "Henry does not pick on those things he thinks the Russians won't accept or like. I say the whole purpose of negotiation is to discuss hard things on which we differ."

Jackson wondered frankly if the Cold War "is really over" or merely disguised. He referred several times to the Russians' desire for "primacy." When you examine détente, he said, "What have we achieved since that great and glorious word came into the vocabulary?" He listed what he regards as benefits to the Russians. There was the wheat deal. ("We were had.") Another example: the joint space venture in which the United States will put up $240 million, the Russians, nothing. ("I call it 'wheat in the sky.' ") Further, in trade agreements and the strategic arms limitation talks, Jackson claimed the Russians have come out ahead.

"Kissinger says the United States is benefiting from detente through a better world climate and good will," Jackson said. He snorted "Good will? Like being eyeball to eyeball in the Middle East? With the Russians telling the Arabs to keep the price of oil high? With Gromyko doing everything he could to break up the negotiating efforts?"

As for his insistence that the Russians change their emigration policy before getting most-favored-nation status, Jackson said quietly. "This is a moral, civil-libertarian issue." He denied that his amendment is a calculated play for Jewish votes. His Norwegian heritage taught him respect for human rights and liberties, he said, and his horrified reaction to Buchenwald concentration camp in 1945 reinforced that belief. From that time on, he became a staunch supporter of the state of Israel.

"Where I get in trouble on foreign policy," he added, "is I have very strong views on individual liberties. But at least I'm consistent. I voted against aid to Greece and for the embargo on Rhodesia." He spoke with feeling of Soviet emigres who visit his office to thank him. "I feel a personal responsibility not to let these people down," he explained. "You know, it says in the Talmud that if you save one life, you help save the world."

Jackson critics fault him—oddly enough in these times—for his consistency and his unwillingness to compromise. But the senator pointed out that he has changed his mind many times during his long career, and he has had to compromise on almost every bill he has introduced. The time may have arrived when he will have to compromise on his trade-bill amendment.

"But I am not a bowl of mush," he asserted. "And I do have strong convictions." He also had a blunt directness to his speech, a respected regard for the rights of others and a solemn belief that the right of free speech means "the right to sound like a fool on occasion."

If all those old virtues ever replace charisma. Scoop Jackson could be a prime beneficiary.

PIONEERING BY CAGLE LEAVES STRONG LEGACY

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I have been impressed time and again with the ability and leadership of Vice Adm. Malcolm W. Cagle. His most recent command has been as Chief of Naval Education and Training at the Naval Air Station in Pensacola. Because of my close contact with defense programs, I have had frequent occasion to know firsthand of the contributions of Admiral Cagle to the U.S. Navy. I feel without question that he is one of the strongest leaders in today's Navy. His retirement will come at a time when the military services particularly need strong leaders, and the loss of his services will be a damaging blow to Navy progress. It is most unfortunate that he could not be persuaded to remain in the service.

The Pensacola Journal of Thursday, June 13, carried an excellent editorial which shows the attitude of the people who have been in best position to view Admiral Cagle's work for the improvement of Navy programs. I am glad to submit it for the Record. I hope that it will help Navy leaders everywhere to recognize the importance of Admiral Cagle's work. The article follows:

[From the Pensacola Journal, June 13, 1974]

Pioneering by Cagle Leaves Strong Legacy

Ranking military commanders come and go in West Florida, but few have brought to Pensacola the commanding stature for the Navy and the community as Vice Adm. Malcolm W. (Chris) Cagle.

We regret his surprise retirement but find his decision to return here as he plans his "second career" gratifying.

Chris Cagle not only is the genius behind the establishment of the Chief of Naval Education and Training headquarters here but reflects strong vision toward modernizing and streamlining all naval training.

His coming opened a new era for the U.S. Navy in Pensacola: A stronger command with broadened duties and responsibilities plus stabilization of Naval Aviation, which has been the major mission of the vast naval establishment in Escambia and Santa Rosa counties.

But Admiral Cagle, writer and educator with a diversified military command career spanning nearly four decades, quickly proved himself a strong citizen in major community activity. His briefings on the Navy's new educational methods were revealing for community leaders throughout West Florida; his concern for the erosion of American seapower alerted many Americans—especially Pensacolians—as he worked for quality manpower training to fit the needs of an all-volunteer force.

His insight helped launch the new Navy education and his work here will be remembered as pioneering architecture for military training more attuned to the times and the age of electronics. He worked closely with Florida educators, including Pensacola Junior College and the University of West Florida officials, and he followed a new formula for more enlightened and more economic manpower.

Cagle's planned retirement, along with others, including submariner Dean Axene (Cagle's deputy) and the head of Navy medical facilities, Rear Admiral Oscar Gray, has set off speculation that changes are in order for Pensacola's naval training complex. But we feel the Navy will learn from newer concepts now in practice and will continue efforts to strengthen seapower and manpower training policies.

Certainly Dean Axene and Oscar Gray have contributed immensely to the growth of the new naval training command.

Admiral Cagle kept a busy pace in military work, darting about the nation helping solidify various technical and fleet training; but he also had the time—and imagination—to quickly emerge as a well-liked community leader. He joined in civic endeavor, including work of the Pensacola Area Chamber of Commerce, unity efforts by the black coalition and the goals of Action '76. When explosive racial troubles developed at Escambia High School, Admiral Cagle volunteered his staff as the Pensacola community leadership worked for harmony and a return to sanity on campus.

As a Virginia cattleman, incisive writer on military topics and Naval Aviator who dreamed of a living monument to men of flight at Pensacola's new Naval Aviation Museum, Admiral Cagle leaves a strong legacy for the second Chief of Naval Education and Training after the change of command September 3.

His three years here were rewarding, not only producing a firm foundation for newer concepts of Navy education but working for a community that should recognize a ranking military commander who inspired better participatory citizenship.

We're happy Chris Cagle will be returning here to bring the Naval Aviation Museum to national prominence as well as continue his role as a prominent Pensacolian.

DR. NORMAN RASMUSSEN TESTIFIES IN SUPPORT OF PRICE-ANDERSON ACT

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, considerable interest has been generated in both Houses over a report under preparation of Dr. Norman Rasmussen of the Massachusetts Institute of Technology and its relation to legislation extending the Price-Anderson indemnification provision in the Atomic Energy Act of 1954. Dr. Rasmussen testified before the Joint Committee on Atomic Energy during our hearings on this legislation on May 16 of this year. I ask unanimous consent that his statement at those hearings be included in the Record at the conclusion of my remarks.

Earlier today the ranking minority member on the Joint Committee on the House side, Congressman Craig Hosmer, and I sent a letter to all the Members containing excerpts from Dr. Rasmussen's testimony before the Joint Committee on May 16 which specifically related to the proposed Price-Anderson amendment.

Dr. Rasmussen's statement follows:

Mr. Chairman, I am Dr. Norman C. Rasmussen, Professor of Nuclear Engineering at the Massachusetts Institute of Technology. For the last year and a half I have been a consultant to the Atomic Energy Commission, and during that time, I have been the director of a study to assess the risks to the public from accidents in nuclear power plants of the type being built in the United States today. I am happy to say that the study is now nearly complete. We are now in the process of reviewing and checking the numerous calculations in this risk analysis. Until that process is finished and we are completely satisfied that, to the best of our knowledge, the results are accurate, I do not think it would be appropriate to discuss the specific results in detail. I anticipate that a draft of this report will be issued for comment from interested parties early this summer. Nevertheless, I am prepared to discuss here today some general conclusions that the study has produced that may be useful to you in your consideration of the renewal of the Price-Anderson Legislation.

Let me start by reviewing the nature of the risk to the public from power reactors, and then discuss factors that effect the magnitude of the consequences. The latter part of this testimony will discuss the broader question of the total risks to society and some of my personal observations about the insurance question.

An operating nuclear power station contains a large quantity of radioactivity which is produced by nuclear processes that take place during its operation. The vast majority of this radioactivity is produced inside the uranium dioxide fuel. Relatively small amounts of radioactivity collect in other parts of the system during its operation. These sources outside the fuel are so small that their accidental release would not have a serious effect on the public health and safety, although they might contaminate the plant and its immediate surroundings and the decontamination process could represent an economic loss to the utility. In order to have an accident large enough to produce serious public consequences, it is necessary to release a significant fraction of the radioactivity contained within the fuel. Considerable experimental work has shown that to do this requires heating the fuel to its melting point of about 5000° F.

The above facts have long been recognized by the designers, operators and regulators of nuclear reactors and so a great deal of attention has been paid to this problem with the intent of making the probability of accidents leading to core melt very small. Our study's preliminary indications are that the probability of such accidents is, indeed, quite small. Not surprisingly, however, we have identified some ways where with modest effort the probability could apparently be made somewhat smaller if that is determined to be necessary. These matters will be discussed in detail in the final report and I shall not go into them in detail here today, pending our final review of all calculations.

Let me turn your attention now to the consequences of melting the core. The consequences of core melting depend principally upon three factors: (1) how much radioactivity gets released into the environment, (2) how this radioactivity gets dispersed in the environment by existing weather conditions, and (3) the number of people and the amount of property exposed.

The amount of radioactivity that gets released from the nuclear plant into the environment depends upon how much of this is trapped inside the containment prior to its escape. All plants have provisions to trap radioactivity within the containment. In addition there are natural processes that lead to deposition of many of the radioactive species on the wall and other surfaces in the containment building. In most core melt accidents these processes would be expected to be quite effective in reducing the amount of radioactivity released. However if an analyst were asked what the worst possible release could be, he could imagine a series of unlikely circumstances where the processes for removing radioactivity would not be very effective and a much larger release would result. Our analysis of core melt accidents shows just this effect, namely, that the most likely course of events following core melt results in rather modest releases and larger releases are even less likely to occur. This means, of course, that the largest release is considerably less likely than the expected or typical release in such an accident.

Now let us consider the weather conditions that cause the dispersal of airborne radioactivity into the environment. There are many weather conditions in which there is very rapid dilution of released pollutants. Under these conditions even a large release would be dispersed so quickly that the public consequences would be rather small. Of course, during a small percent of the time, unfavorable weather conditions associated with strong inversions and low wind speeds exists. In such weather the radioactivity is diluted more slowly and public consequences can be more severe. Not only must this unfavorable weather exist, but it must continue to exist for many hours after the accident for the worst consequences to occur. Of course the likelihood of the most unfavorable weather, therefore, becomes quite small. Thus, as in the case of the release from containment, we find that the average weather effect for a large release is to produce modest consequences and more severe consequences are associated with weather conditions that are less likely to occur.

Next let us look at the people and property exposed. The number of people in a particular direction from a reactor site varies from close to zero for those directions out over the ocean or over large bodies of water to a few cases where the population density is several thousands of people per square mile within 10 or 20 miles of the site. Since the value of real property is about proportional to population density, both health effects and property damage will depend on the number of people over which the radioactivity is dispersed. An analysis of the populations density near reactors shows that 90% of the area has populations a factor of 10 smaller than the highest and 50% has populations a factor of 100 less than the highest. The very high populations cover only 1% of the area. Thus, given a release of radioactivity, we would expect the high population areas to be exposed 1% of the time and on the average (i.e., 50% of the time) the exposed population to be a factor of 100 smaller. This, of course, means that, other factors being equal, the consequence would be a factor of 100 less.

From the above discussion we see that three random factors, the type of release, the type of weather, and the population density exposed, affect the overall consequences of a core melt accident. On the average we have found that these combine to give modest consequences following core melt. Only under very unlikely circumstances would we expect to see the worst release combined with the worst weather combined with the highest population density exposed. Although the analysis done in WASH–740 showed a number of cases with very small consequences, no attempt was made to estimate the likelihood of these cases relative to the worst case that was calculated. As a result attention focused on this worst case and many people came to believe that if a reactor core should melt these very serious consequences would surely result. From the above discussion we see this is not the case. In fact the likelihood of various consequences of a nuclear accident show a distribution that is characteristic of all other types of man-caused accidents which can be studied from historical data. That is, the likelihood of small consequences are much higher that the likelihood of large consequences, and the most likely consequence of a given type of accident is much smaller than the worst accident that clever people can imagine.

The nuclear industry is to some extent the victim of its excellent safety record. We have accumulated in the United States well over 1500 reactor years of experience in water reactors. This includes about 200 reactor years with commercial power stations; the rest are military reactors. There has never been an accident that has led to injury of the public, let alone an accident involving core melting. Many critics of nuclear power take advantage of this lack of experience with serious accidents such as core melt by saying that if it occurs it will be a catastrophy in terms of public consequences. The catastrophy they describe is one associated with the worst set of events they can imagine, regardless of how unlikely the events. This has led to the belief by many people that power reactors present a public risk with consequences much larger than any of the other activities society pursues. Our study has shown that this is not the case, and, in fact, a number of other activities of society could produce under very unlikely circumstances accidents of similar consequences.

One example of interest regarding large non-nuclear risks in our society comes from the consideration of earthquakes. We have all heard of the very large 1906 San Francisco earthquake in which there were approximately 750 fatalities. The question has often been asked about what consequence an earthquake of a similar size would cause today. A recent study by the National Oceanic and Atmospheric Administration has estimated that an earthquake of such size could occur on the average of every 100 years and could cause fatalities in the range of 10,000–20,000.[1] The study also notes that if the earthquake were to also cause dam failures in the area another 10,000 or so people would be killed.

Let me give another illustration of these points based on my own experience. During the last year I have asked many non-technical people what they feel is the largest possible consequence of an airplane crash in terms of fatalities. Almost all gave an answer in the range of 300 to 400. When asked how they arrived at this number most said they heard of many airplane crashes and none had killed more people than 300, and, besides, the largest planes could carry only this number. I then pointed out it might be possible for two planes to collide. Most then revised the number upward to 600 or so. I then suggested that a plane might crash into a crowded place on the ground. Most then increased their estimate by 100 or so more. Finally I suggested that the crash might be into a crowded sports stadium and kill 10,000 or more. Although they recognized that this was hypothetically possible almost all felt it was unrealistic to believe that it would really ever happen. None of these people realized that the very serious postulated reactor accidents that they have heard about involve an even more unlikely combination of circumstances. This has come about because there has been a tendency, in the absence of any real experience with serious nuclear accidents, to ask what is the worst that could happen and clever people can think of some very unlikely combinations of circumstances. The safety philosophy applied to nuclear power plants which uses a number of hypothetical accidents to set safety design requirements has also been in part responsible for this.

I hope our study will help people understand that the most likely consequence of a core melt accident, which itself is unlikely, would be quite modest, in fact, no worse than many other kinds of accidents such as fires and airplane crashes that society has experienced. Just as it is possible to imagine an airplane crash producing 10 or 100 times more serious consequence than the average under a very unlikely set of circumstances, it is also possible to identify an unlikely set of circumstances in which reactor accidents could produce much more serious consequences.

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[1] "A Study of Earthquake Losses in the Los Angeles, California Area" Prepared by NOAA for the Federal Disaster Assistance Administration, 1973.

The question that now arises is whether Price Anderson legislation is still needed. We now have about 40 nuclear plants in operation and more than 110 more under construction or on order. These 150 plants represent about a 70 billion dollar investment. According to several recent studies, they can be expected to produce electricity for about one half a cent a kilowatt hour less than fossil fuel plants at current fuel prices. If these plants have a load factor of 70% they will represent an annual savings to society of more than 4 billion dollars over the cost of electricity produced by fossil plants. It should thus be clear that even if a reactor accident were to occur that caused significant property damage, the savings in cost of electricity due to use of nuclear power combined with the low likelihood of such an accident indicates that the property damage costs would not represent a large burden on our economy. It seems to me that by the middle 1980's the nuclear power industry should be quite capable of dealing with any loss it might possibly encounter.

I believe the present legislation you are considering which provides for a gradual phasing out of the Price-Anderson insurance and a take over by the insurance pools and the nuclear industry is a good approach to this problem. At this time, I see no reason for changing the current 560 million dollar limit. Of course, completion of the Reactor Safety Study may shed more light on this matter.

While it is possible there may be nuclear accidents with more severe consequences, so are there accidents possible in many other industries that go beyond the levels of insurance obtainable. It is also possible to imagine very unlikely circumstances in many industries that would lead to public consequences beyond the financial capabilities of these companies. This is true of some of those companies that process and transport large quantities of explosive, poisonous, or flammable materials. It may also apply to some of those companies that supply large quantities of food and medicine.

Society accepts these risks because the commodity being handled is considered essential, because the event is so unlikely that it is not considered to be credible, or, perhaps in a few cases, because it is not understood how large the consequences might be.

Past history has shown that when natural or man-caused events such as this occur, society, usually through its government, acts to help the victims of the unfortunate event. I have no doubt that should an event of this type happen in the nuclear or any other industry the Congress and the government would take whatever action was necessary to help those involved.

In summary I believe that the proposal before you represents a reasonable way to phase out the Government responsibility for nuclear insurance and shift the responsibility to the insurance companies and the nuclear industry. I believe that the current 560 million dollar limit is reasonable value at this time and will cover all combinations of circumstances which can reasonably be considered credible. The National Safety Council now reports that accidents in the U.S. are currently causing 100,000 fatalities per year and an economic loss of 30 billion dollars per year. Any reasonable estimate of probability and consequences of nuclear accidents indicates that they would not have a significant impact on this already large accident burden that society bears.

QUESTIONS AND ANSWERS ABOUT STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, as a strong advocate of H.R. 15000, which phases out the strip mining of coal in the mountains in 6 months and also ends strip mining over periods from 18 to 54 months in other areas, I am frequently asked similar questions concerning reclamation, availability of deep-minable coal and other questions relating to the feasibility of banning strip mining.

In order to clarify the factual data which leads me to the conclusion that strip mining must be phased out, I have prepared answers to a series of questions most frequently asked about strip mining:

Question: In a time of energy shortages, how can you favor the abolition of strip mining? How are we going to make up for that lost energy—half our coal production comes from strip mining.

Much as I would like to, I am not calling for an immediate end to strip mining. We must replace this strip coal production with production from deep mining and this will take time. That is why my bill phases out strip mining over a 4½-year period. In 6 months, all stripping on slopes steeper than 20 degrees will be stopped. In 18 months, stripping on flat lands—slopes less than 20 degrees—will be phased out. Large Western strip mines are given 4½ years to be phased out—this applies to mines west of the Mississippi which produce more than 500,000 tons annually.

This orderly phaseout period will allow deep mining production time to step up to meet the level of lost strip production. According to the most conservative estimates, deep minable economically recoverable with present technology reserves outnumber strippable reserves by a ratio of 8 to 1, 356 billion tons to 45 billion tons. According to the U.S. Bureau of Mines, if we continue to concentrate on strippable reserves, all strippable reserves will be exhausted within 20 years. Appalachian strip reserves would be virtually exhausted in 10 years. The Department of Interior in its recent "Energy Research Program of the Department of Interior" study concluded "We have to rely on underground mining to a large extent, both in the East and in the West".

The first step in replacing the phased out strip coal will be to cut off coal exports, 90 percent of which come from underground mines. The cutoff of coal exports has been advocated by the steel industry as well as by some major utilities. Present projections indicate that exports should total at least 60 million tons in 1974. Excluding the exports to Canada, which would not be cut off, this would mean at least 37 to 40 million tons would be available immediately to replace lost strip tonnage.

The second source of new production lies in unused existing capacity in our deep mines. Most U.S. mines operate two shifts or less each day and many operate only 4 or 5 days per week. The Bureau of Mines has estimated that deep mine production could be increased 42 million tons annually merely by adding a sixth day at existing mines. In addition, 137 million tons could be generated by operating all mines on a three-shift-per-day, 5-day-week schedule. Allowing for downtime, et cetera, approximately 100 million tons could be generated.

A third source of new supply would be to reopen previously closed deep mines. According to the Bureau of Mines, between 1970 and 1972, 752 deep mines closed, but had not exhausted their coal reserves. These mines had an annual production of 28,294,000 tons in their last year of operation. Reopening the 50 largest mines would result in annual production of nearly 14 million tons. With the advent of the energy crisis and the new demand for coal at high prices, a number of these mines are slated to reopen already.

Production from new deep mines can also be expected to provide considerable additional production. The energy crisis has shortened the lead time for opening new deep mines. Approximately 15 major new deep mines have been announced in West Virginia alone. All of these are planned for annual production levels of at least 1 million tons each and are slated to come into full production by 1976–77. Some production is expected from most by late this year. With strip mining shut off, capital investment will flow toward new deep mines. The research department of UMW estimates that 20–35 million tons of additional capacity can be on line in 18 months, the end of 1975.

The final source of additional production is the expansion of the use of longwall techniques. Longwall mining is a far safer technique and recovers more than 90 percent of the reserves as compared with 57 percent for more conventional deep mining methods. Longwall mining is presently responsible for only a small percentage of U.S. coal production. However, Bureau of Mines experts have projected longwall production of more than 80 million tons annually by 1985. The potential for expanded use of this technique in the near future is substantial. The UMW projects 15 million tons additional production by late 1975.

Question: If money and effort are committed by the strip mine operator, is it not possible to achieve successful reclamation? Why do you favor a complete ban, why not allow this mining in those areas where reclamation is feasible?

Answer: The likelihood of success of reclamation is dependent on the characteristics of the mine site. The crucial variables are: slope, sulfur content of coal and overburden, acid-alkali balance in spoil, amount of rainfall, depth and thickness of the coal seam, and amount and quality of topsoil. Successful reclamation has been carried out in Germany and Great Britain. In both countries, conditions for reclamation are ideal: very thick topsoil, moderate rainfall, flat land absence of acid or alkali spoils. In the United States, this combination is rare indeed. In addition, the Germans and British conduct extensive preparation and site selection prior to mining and commit substantial sums—$4,000 per acre average.

In Appalachia, the combination of steep slopes, pyritic shales, heavy rainfall, and thin topsoil creates monumental erosion problems, sedimentation, landslides, and acid drainage. Newer techniques have reduced environmental damage in the mountains, but the key problems: landslides and sedimentation continue regardless as documented by the recent Mathematica study of eastern Kentucky.

In the flatter terrain of Ohio and the Midwest, reclamation would seem to have a better chance. However, because of the high sulfur content of the coal and of the shale strata above and below the coal seam, acid drainage problems are very serious. Extensive research by Dr. Moid Ahmad of Ohio University and by the Ohio Department of Natural Resources have found that even when toxic materials are buried and compacted, leaching of acid and toxic elements has continued. While reclamation efforts in the Midwest occasionally produce esthetically pleasing sites, this can be quite misleading since degradation to neighboring streams and to ground water systems is often being caused by these same reclamation sites.

The arid lands of the West present still another set of reclamation problems. Western lands are characterized by very thin topsoil, low rainfall, alkali, saline, and sodic spoils—no acid producing materials—and the general scarcity of water. Recent research by the National Academy of Science, by Dr. Robert Curry of the University of Montana, and by the Montana Bureau of Mines has all indicated that reclamation in the west faces grave difficulties.

The key to western reclamation is water—the arid areas of the west, according to the academy study, should be declared national sacrifice areas—reclamation is impossible. In areas with a little more rainfall possibilities for revegetation are greater but additional problems come into play.

If the area is a subirrigated hay meadow or alluvial valley floor, mining and reclamation in a particular site may be possible—at tremendous cost to downstream water users. Once part of an alluvial valley floor has been mined, it acts as a sponge soaking up water which previously continued on down to other users.

This is the secret of the relatively successful Amax mine near Gillette, Wyo. The test grasses growing at Amax are soaking up water that ranchers downstream desperately need. Similarly, strip mining of aquifers, the strata which carry water below ground, will disrupt surface and ground water systems.

In many parts of the West, the strippable coal seam is the aquifer. While localized reclamation may be possible the impacts of mining and reclamation will be far greater for the region as a whole. In short, strip mining of the western lands poses potentially graver problems than even the disastrous stripping of the hills of Appalachia.

Question: Would it not be possible to pass a very tough regulatory bill with standards guaranteeing total reclamation and then follow it up with really tough enforcement?

A bill requiring total reclamation and tough enforcement would be in effect an abolition bill because it is virtually impossible to eliminate all environmental damage caused by strip mining. Therefore, a really tough set of regulations would force the regulatory authority to choose between abolition of strip mining or flexibility in enforcement. This decision should not be left to the regulators.

Of course, regulatory authorities do not operate in an ideal vacuum—enforcement is to a great degree a function of the relationship between the inspector and the operator. In the Appalachian region, this relationship has repeatedly resulted in coal industry domination of the regulatory authority. Coal is the major industry in Appalachia—it exerts tremendous influence over the legislatures, the county courts, and the State agencies. In the milieu, tough enforcement of strip mining regulations is impossible.

In West Virginia, a top official in the Department of Natural Resources resigned because strip mine operators were being aided in bending the law by inspectors and employees of the Department.

More recently, an in-depth study of enforcement in eastern Kentucky conducted by Mathematica for the Appalachian Regional Commission has revealed the serious problems with enforcement. The study states:

> The charge that the law has not been vigorously and impartially administered has some basis in fact.

The study details how the inspectors in Pike County, Ky., had failed to report violations. As the Commissioner of the Kentucky Department of Natural Resources stated:

> This supervisor submitted glowing reports of compliance . . . The reports and what I saw didn't match. What I saw was far from satisfactory.

The study concluded that inadequacies in training and failures to report detected violations were the major enforcement problems.

Examples of this type are legion in Appalachia. The miles of highwalls, sediment laden streams, and landslides bear grim testimony to the failure of State legislation and State enforcement throughout the mountains.

Question: If tough enforcement for strip mining legislation is impossible, then why did you support the 1969 Coal Mine Health and Safety Act? If enforcement is impossible, why didn't you push for abolition of deep mining to protect the safety of miners?

There is one critical difference between enforcement of safety laws and enforcement of reclamation laws. Safety laws have the strong support of the miners because their lives are at stake. In the case of strip mining, the workers are likely to side with the company because it is in the economic interest of the company to do poor reclamation. Poor reclamation means higher production and perhaps higher salaries. In any case, the life of the strip miner is not on the line where reclamation is concerned.

The new leadership of the United Mine Workers has taken a strong stand in favor of safety. Union members at the mines watch safety conditions carefully and push for tough enforcement. There is no similar incentive for tough reclamation—the affected homeowner would have an interest but he is rarely present when the inspector carries out the inspection.

Question: Popular reports have indicated a shortage of coal miners exists at present. If this is the case, is there sufficient manpower available to make the shift from strip mining to deep mining?

A recent Bureau of Mines study carried out by the Institute for Research on Human Resources at Penn State provides considerable insight on this question. The study, entitled "The Demand for and Supply of Manpower in the Bituminous Coal Industry for the Years 1985 and 2000," concludes that in the period 1975–2000 "the probability of shortages, of labor, is very remote." The study estimated that labor supply for 1975 would be 184,739 miners. In addition the study identified a supply of 54,868 "potential miners" for 1975.

The potential miners category includes "persons who were miners at some time prior to 1970 but were employed as nonminers during 1970, as well as other persons who might choose employment in the coal mining industry if working conditions were sufficiently better than those of the next best alternative." The combined labor pool for 1975 would thus be 239,607 miners; 107,808 men were employed in underground mines in 1970, the most recent year for which comprehensive employment statistics are available.

Phasing out strip mining and replacing the lost tonnage completely with deep mined coal could, at its most severe impact, require double the present number of deep miners. The available labor pool for 1975 would be more than adequate to cover this demand.

Note that a substantial amount of production could be replaced by adding a fifth or sixth day to present miners' work schedules not necessitating any new workers. The Bureau of Mines has estimated that 42 million tons could be generated annually merely by adding a sixth day.

Question: How can you favor a shift to deep mining when deep mining is responsible for the highest fatality rate of any industry in this country? Strip mining is much safer.

Is strip mining really safer? MESA statistics for the first 4 months of 1974, a period when strip mining has been expanding, show that strip mining has been responsible for a higher fatality rate per million man-hours of exposure than deep mining has during this period. The rate for strip mines nationwide was 0.53 per million man-hours as compared with deep mine rate of 0.35 fatalities per million man-hours.

In addition, the captive deep mines

operated by U.S. Steel and Bethlehem Steel have had the best safety records in the industry over the last 6 years, safer than deep mines or strip mines operated by any other major company. The secret of this great record is twofold: the management of the steel companies is committed to safety and these deep mines do not have to face the competitive market pressure of the strip mines. Since strip mined coal is cheaper by several dollars per ton, many deep mine operators are forced to cut corners to compete. And they cut on safety. With the phasing out of strip mining, this will no longer be necessary—we can expect to see a major improvement in the safety of all deep mines. Germany and Britain operate relatively safe deep mines—the steel companies have shown that it can be done in this country as well.

It's interesting to note that the strip mines operated by the number one and two strip mine producers, Peabody Coal and Consolidated Coal, posted fatality rates equal to or exceeding that of all the major deep mine companies in 1972 with the exception of Consol's own deep mines.

Question: What about black lung disease? Strip miners don't get black lung but underground miners certainly do.

Australia once had a black lung problem similar to ours. Australia passed a tough coal mine health and safety law setting standards for dust levels. Today, Australia has virtually no new case of pneumonconiosis. The 1969 Coal Mine Health and Safety Act sets standards modeled after Australia's. If that law is enforced properly, miners entering the mines for the first time in the 1970's should never contract black lung.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Pepper (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Charles H. Wilson of California (at the request of Mr. O'Neill), for this week, on account of death in immediate family.

Mr. Young of Alaska (at the request of Mr. Arends), for today and the balance of the week, on account of official business.

Mr. Helstoski (at the request of Mr. O'Neill), for today and Wednesday, July 10, on account of personal business in the District.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 60 minutes, today.

Mr. Montgomery, for 60 minutes, on July 16th, 1974.

(The following Members (at the request of Mr. Bauman), to revise and extend their remarks, and to include extraneous matter:

Mr. Kemp, for 15 minutes, today.

Mr. Schneebeli, for 15 minutes, today.

(The following Members (at the request of Mr. John L. Burton), to revise and extend their remarks, and to include extraneous matter:

Mr. Harrington, for 15 minutes, today.

Mr. Vanik, for 10 minutes, today.

Mr. Gonzalez, for 5 mintues, today.

Ms. Abzug, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Nelsen to insert his statement immediately following the statement of Mr. Fauntroy on S. 3703.

Mr. Perkins in two instances.

(The following Members (at the request of Mr. Bauman), and to include extraneous matter:)

Mr. Whalen.

Mr. Smith of New York.

Mr. Kemp in four instances.

Mr. Wyman in two instances.

Mr. Miller in four instances.

Mr. Baker.

Mr. Huber in two instances.

Mr. Gilman.

Mr. Minshall of Ohio.

Mr. Collins of Texas in five instances.

Mr. Ketchum.

Mr. Abdnor.

(The following Members (at the request of Mr. John L. Burton) and to include extraneous matter:)

Mr. Annunzio in six instances.

Mr. Anderson of California in two instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Vanik in two instances.

Mr. Murphy of New York.

Ms. Jordan.

Mr. Rodino in two instances.

Mrs. Burke of California in 10 instances.

Mr. Dingell.

Mr. Brinkley.

Mr. Hicks.

Mr. Murtha.

Mr. Udall in six instances.

Mr. Kastenmeier.

Mr. Obey in six instances.

Mr. Rees.

Mr. Rooney of New York.

Mr. Vander Veen.

Mr. Corman.

Mr. Hanna.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 7130. An act to establish a new congressional budget process; to establish Committees on the Budget in each House; to establish a Congressional Budget Office; to establish a procedure providing congressional control over the impoundment of funds by the executive branch; and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on July 3, 1974 present to the President, for his approval, bills of the House of the following title:

H.R. 29. An act to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the Fund due to increases in benefits for Postal Service employees, and for other purposes;

H.R. 1376. An act for the relief of J. B. Riddle;

H.R. 3534. An act for the relief of Lester H. Kroll;

H.R. 5266. An act for the relief of Ursula E. Moore;

H.R. 7089. An act for the relief of Michael A. Korhonen;

H.R. 7128. An act for the relief of Mrs Rita Petermann Brown;

H.R. 7397. An act for the relief of Viola Burroughs;

H.R. 7724. An act to amend the Public Health Service Act to establish a program of National Research Service Awards to assure the continued excellence of biomedical and behavioral research and to provide for the protection of human subjects involved in biomedical and behavioral research and for other purposes;

H.R. 8660. An act to amend title 5 of the United States Code (relating to Government organization and employees) to assist Federal employees in meeting their tax obligations under city ordinances;

H.R. 8747. An act to repeal section 274 of the Revised Statutes of the United States relating to the District of Columbia, requiring compulsory vaccination against smallpox for public school students;

H.R. 8823. An act for the relief of James A. Wentz;

H.R. 8977. An act to establish in the State of Florida the Egmont Key National Wildlife Refuge;

H.R. 9281. An act to amend title 5, United States Code, with respect to the retirement of certain law enforcement and firefighter personnel, and for other purposes;

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims;

H.R. 11105. An act to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes;

H.R. 12412. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations to provide disaster and other relief to Pakistan, Nicaragua, and the drought-stricken nations of Africa, and for other purposes;

H.R. 12799. An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes;

H.R. 13221. An act to authorize appropriations for the saline water program for fiscal year 1975, and for other purposes;

H.R. 14291. An act to amend the Northwest Atlantic Fisheries Act of 1950 to permit U.S. participation in international enforcement of fish conservation in additional geographic areas, pursuant to the International Convention for the Northwest Atlantic Fisheries, 1949, and for other purposes;

H.R. 15124. An act to amend Public Law 93-233 to extend for an additional 12 months (until July 1, 1975) the eligibility of supplemental security income recipients for food stamps; and

H.R. 15296. An act to authorize the Commissioner of Education to carry out a program to assist persons from disadvantaged backgrounds to undertake training for the legal profession.

ADJOURNMENT

Mr. JOHN L. BURTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 10, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2526. A letter from the President of the United States, transmitting notice of his intention to exercise authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, to provide assistance for Suez Canal clearance projects in fiscal year 1975, pursuant to section 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2527. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the secretaries of the military departments to reimburse nonappropriated fund instrumentalities located in the Ryukyu Islands and Daito Islands, Japan, for increased costs in severance pay entitlements of their Japanese employees incurred as a result of the reversion of those islands to Japan; to the Committee on Armed Services.

2528. A letter from the Deputy Assistant Secretary of the Interior, transmitting the annual report of the Interim Compliance Panel for calendar year 1973, pursuant to section 5(f)(2) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173); to the Committee on Education and Labor.

2529. A letter from the U.S. Commissioner of Education, Department of Health, Education, and Welfare, transmitting a copy of the proposed schedule of family contributions for use in the basic educational opportunity grants program during the 1975–76 academic year, pursuant to section 411(a)(3)(A)(ii) of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a); to the Committee on Education and Labor.

2530. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a copy of the Acting Secretary of State's findings, determinations, and certifications for providing technical experts to Egypt in the field of entomology, pursuant to section 620 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2531. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting notice of the department's intent to consent to a request by the Government of Jordan for permission to transfer ammunition to a friendly government in the Middle East pursuant to section 3(a) of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

2532. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

2533. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of Seneca judgment funds awarded in dockets 342–A and 368–A before the Indian Claims Commission, pursuant to Public Law 93–134 (87 Stat. 466–468); to the Committee on Interior and Insular Affairs.

2534. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of Washoe judgment funds awarded in docket 288 before the Indian Claims Commission, pursuant to Public Law 93–134 (87 Stat. 466); to the Committee on Interior and Insular Affairs.

2535. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the appropriation of such sums as may be necessary to rehabilitate Eniwetok Atoll, Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

2536. A letter from the Director, Pacific Northwest Regional Commission, transmitting a resolution adopted by the Commission requesting Congress to conduct an investigation to develop a basis for subsidized commuter air service; to the Committee on Interstate and Foreign Commerce.

2537. A letter from the Commissioner Federal Prison Industries, Inc., Department of Justice, transmitting the annual report of the Board of Directors for fiscal year 1973, pursuant to 18 United States Code 4127; to the Committee on the Judiciary.

2538. A letter from the Administrator, General Services Administration, transmitting a report of a building project survey for San Pedro, Calif., pursuant to the Public Building Act of 1959, as amended; to the Committee on Public Works.

2539. A letter from the Administrator, Environmental Protection Agency, transmitting a report on waste oil disposal, pursuant to section 104(m), Public Law 92–500 (86 Stat. 816); to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee on Foreign Affairs. H.R. 14780. A bill to authorize appropriations for fiscal year 1975 for carrying out the provisions of the Board for International Broadcasting Act of 1973; with amendment (Rept. No. 93–1180). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. S. 1868. An act to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome (Rept. No. 93–1181). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRASER: Committee on Foreign Affairs. Senate Concurrent Resolution 72. Concurrent resolution extending an invitation to the International Olympic Committee to hold the 1980 winter Olympic games at Lake Placid, N.Y., in the United States, and pledging the cooperation and support of the Congress of the United States; with amendment (Rept. No. 93–1182). Referred to the House Calendar.

Mr. CULVER: Committee on Foreign Affairs. H.R. 15487. A bill to authorize the Secretary of Commerce and the Secretary of the Treasury to conduct a study of foreign direct and portfolio investment in the United States, and for other purposes; (Rept. No. 93–1183). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mr. Mazzoli, and Mr. Howard):

H.R. 15801. A bill to prohibit the military departments from using dogs in connection with any research or other activities relating to biological or chemical warfare agents; to the Committee on Armed Services.

By Mr. DINGELL (for himself, Mr. Grover, Mr. Burke of Massachusetts, Mr. Eckhardt, Mr. Thompson of New Jersey, Mr. Charles Wilson of Texas, Mr. Seiberling, Mrs. Schroeder, Mr. Moss, Mr. Tiernan, Mr. Anderson of California, Mrs. Grasso, Mr. Riegle, Ms. Holtzman, Mr. Obey, Mr. Robinson of Virginia, Mr. Cleveland, and Mr. Gunter):

H.R. 15802. A bill to amend the Fishermen's Protection Act of 1967 in order to strengthen the import restrictions which may be imposed to deter foreign countries from conducting fishing operations which adversely affect international fishery conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 15803. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 15804. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. GILMAN:

H.R. 15805. A bill to amend the Age Discrimination in Employment Act of 1967 to remove the 65-year-age limitation; to the Committee on Education and Labor.

By Mr. GOLDWATER (for himself, Mr. Koch, Mr. Cotter, Mr. Gunter, Mr. Hammerschmidt, Mr. Matsunaga, Mr. Quie, Mr. Roe, Mr. Scherle, and Mr. Seiberling):

H.R. 15806. A bill to protect the constitutional right of privacy of individuals concerning whom identifiable information is recorded by enacting principles of information practices in furtherance of articles I, III, IV, V, IX, X, and XIV of amendment to the U.S. Constitution; to the Committee on the Judiciary.

By Mr. MARAZITI:

H.R. 15807. A bill to guarantee the right of employees to organize and bargain collectively which safeguards the public interest and promotes the free and unobstructed flow of commerce; to the Committee on Education and Labor.

H.R. 15808. A bill to provide that employees of States and political subdivisions thereof shall be subject to the provisions of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. REES:

H.R. 15809. A bill to amend the Bank Holding Company Act of 1956 to authorize the Board of Governors of the Federal Reserve System to regulate the issuance and sale of debt obligations by bank holding companies and their subsidiaries; to the Committee on Banking and Currency.

By Mr. ROGERS:

H.R. 15810. A bill to amend the Marine Mammal Protection Act of 1972 to prohibit the intentional killing or injuring of porpoises, manatees, and other marine mammals pursuant to permits authorizing the taking of such mammals incident to commercial fishing operations; to the Committee on Merchant Marine and Fisheries.

By Mr. RUPPE:

H.R. 15811. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer); to the Committee on Ways and Means.

By Mr. SEIBERLING (for himself, Mr. Badillo, Mr. Bingham, Mr. Brown of California, Mrs. Collins of Illinois, Mr. Drinan, Mr. Edwards of California, Mr. Hechler of West Virginia, Mr. Matsunaga, Mr. Moakley, Mr. Roe, Mr. Stark, Mr. Stokes, Mr. Tiernan, and Mr. Wright):

H.R. 15812. A bill to authorize research, development, and demonstration projects relating to new techniques of protein production, fertilizer production, and processing vegetable protein, and an education program to encourage market acceptance of products produced by such methhods; to the Committee on Agriculture.

By Mr. SISK:

H.R. 15813. A bill to amend chapter 55 of title 10, United States Code, to provide contract medical care for disabled persons divorced from active and former members of the uniformed services; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

509. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to recognizing the Choctaw Indian Community at Jena, La., as an Indian Tribe; to the Committee on Interior and Insular Affairs.

510. Also, Memorial of the Legislature of the State of Arkansas, relative to federally mandated devices on automobiles; to the Committee on Interstate and Foreign Commerce.

511. Also, Memorial of the Legislature of the State of Iowa, relative to a study by the National Science Foundation on energy resources; to the Committee on Science and Astronautics.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DULSKI:

H.R. 15814. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager; to the Committee on Armed Services.

By Mr. MIZELL:

H.R. 15815. A bill for the relief of John Czarnecki; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 15816. A bill for the relief of Antonio Miguel Callender; to the Committee on the Judiciary.

By Mr. ROSE:

H.R. 15817. A bill for the relief of Leah Maureen Anderson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

456. By the SPEAKER: Petition of the city council of Meriden, Conn., relative to Americans missing in action in North Vietnam, Laos, and Cambodia; to the Committee on Foreign Affairs.

457. Also, petition of the Fifth Circuit District Judges' Association, New Orleans, La., relative to the statutory structure of the circuit councils; to the Committee on the Judiciary.

458. Also, petition of the Southern Environmental Resources Conference, Oklahoma City, Okla., relative to the use of water resources; to the Committee on Public Works.

459. Also, petition of the city of Midwest City, Okla., relative to providing resources for water pollution control; to the Committee on Public Works.

SENATE—*Tuesday, July 9, 1974*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, unto whom in all ages men have lifted up their hearts in prayer, as we come to Thee, deliver us from all coldness of heart and indolence of attitude that we may learn that to pray is to improve work and to work is to worship Thee. Help us to shut out all distracting sounds, obstructing movements and the confusion of many voices that we may hear Thy voice and be sure it is Thy voice. Spare us from slavery to desk pads and appointment calendars, from hours cluttered with trivia, corroded by deadening delays, from procedures which magnify little things and minimize great and profound needs. Help us to sort out our priorities according to the standards of Thy kingdom. Give us the value judgments of the Son of God and Son of Man who went about doing good and in whose name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 8, 1974, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar under "New Report."

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination will be stated.

FEDERAL MARITIME COMMISSION

The assistant legislative clerk read the nomination of James V. Day, of Maine, to be a Federal Maritime Commissioner.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 945 and 947.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INFLATION POLICY STUDY BY THE JOINT ECONOMIC COMMITTEE

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 93) relating to an inflation policy study, which had been reported from the Committee on Rules and Administration with an amendment to strike out all after the resolving clause and insert in lieu thereof:

That the Joint Economic Committee, or any subcommittee thereof, as authorized by the Employment Act of 1946, shall undertake, as soon as possible—

(1) an emergency study of the current state of the economy and of the problems relating thereto, with special reference to inflation, including, but not limited to, such inflation-related problems as Federal spending; tight money and high interest; food, fuel, and other shortages; credit policies; export policies; international exchange rates; and indexing; and

(2) to provide the Congress with specific recommendations for legislation to remedy the existing ills and improve the performance of the economy.

SEC. 2. (a) For the purposes of this concurrent resolution, the Joint Committee, or any subcommittee thereof, is authorized from July 1, 1974, through December 31, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) Subpenas may be issued by the Joint Committee, or subcommittee thereof, over the signature of the chairman or any other members designated by him, and may be served by any person designated by such chairman or member. The chairman of the Joint Committee or any member thereof may adminster oaths to witnesses.

SEC. 3. The Joint Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate and the House of Representatives at the earliest practicable date, but not later than December 31, 1974.

SEC. 4. (a) The Joint Committee is authorized, from July 1, 1974, through December 31, 1974, to expend under this concurrent resolution not to exceed $100,000, of which amount not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof.

(b) The expenses of the Joint Committee under this concurrent resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Joint Committee.

Mr. PROXMIRE. Mr. President, thanks to rapid-fire action by the Senate Rules Committee, the Congress can go to work promptly on a vigorous study of inflation and what we can and should do about it now.

We suffer from continuing serious inflation. Unemployment is still too high and our growth rate is virtually nil. Interest rates are at the highest level since the Civil War and they are responsible for a crisis in housing. Moreover, the tightness of money is having a very bad effect on small business and on State and local governments.

It is increasingly apparent that credit problems are a source of international concern. Several major banks have already gotten into difficulties and have given rise to fears that there may be more to come. International shortages of material are another problem that we have not as yet solved.

It is obvious, Mr. President, that any competent policies to deal with these issues must involve the consideration of a number of interrelated questions. The Government has done too little to cope with these economic problems. It is up to the Congress to develop better economic policies for this Nation and to provide for more effective means of coordinating decisions so as to improve our national economic welfare.

In the circumstances, I am pleased to note that the Senate has just passed Senate Concurrent Resolution 93 directing the Joint Economic Committee to undertake an emergency study of the current state of the economy and to deal with all phases of the problem. The Joint Economic Committee is also directed to provide the Congress with specific recommendations for legislation to remedy the existing ills and to improve the performance of the economy.

The resolution also requires that such recommendations be made before the end of the year which sets a difficult target. But it is a job that has to be done and I am sure that my colleagues share my satisfaction in the thought that the Joint Economic Committee, providing that the House goes along, can now begin to work on this very necessary task.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

CONCURRENT RESOLUTION RELATING TO AN INFLATION POLICY STUDY

Whereas the United States economy has been suffering from serious and persistent inflation; and

Whereas unemployment continues to be an economic problem, for the present as well as the near future; and

Whereas extremely high interest rates have caused serious dislocations in the housing industry, in small business, and in other sectors of the economy; and

Whereas the economy of the United States has been upset by shortages of basic resources; and

Whereas prospective shortages continue to be a cause of concern; and

Whereas solutions to these economic ills require the consideration of a large number of interrelated policy questions; and

Whereas it is incumbent upon the Congress to develop more effective economic policies for the Nation and to provide more effective means for coordinating public policy decisions to the end that the national economic welfare be better served; and

Whereas such requirements require that experts throughout the country be utilized for the purpose of obtaining the best available judgment on these important issues; and

Whereas the Joint Economic Committee of the United States Congress is charged by law with the responsibility of conducting a continuing study of matters relating to the economic reports of the President and with providing guidance to the several committees of the Congress dealing with legislation relating to public economic policy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Joint Economic Committee, or any subcommittee thereof, as authorized by the Employment Act of 1946, shall undertake, as soon as possible—

(1) an emergency study of the current state of the economy and of the problems relating thereto, with special reference to inflation, including, but not limited to, such inflation-related problems as Federal spending; tight money and high interest; food, fuel, and other shortages; credit policies; export policies; international exchange rates; and indexing; and

(2) to provide the Congress with specific recommendations for legislation to remedy the existing ills and improve the performance of the economy.

SEC. 2. (a) For the purposes of this concurrent resolution, the Joint Committee, or any subcommittee thereof, is authorized from July 1, 1974, through December 31, 1974, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) Subpenas may be issued by the Joint Committee, or subcommittee thereof, over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths to witnesses.

SEC. 3. The Joint Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate and the House of Representatives at the earliest practicable date, but not later than December 31, 1974.

SEC. 4. (a) The Joint Committee is authorized, from July 1, 1974, through December 31, 1974, to expend under this concurrent resolution not to exceed $100,000, of which amount not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof.

(b) The expenses of the Joint Committee under this concurrent resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Joint Committee.

FEDERAL COAL LEASING AMENDMENTS ACT OF 1974

The Senate proceeded to consider the bill (S. 3528) to amend the Mineral Leasing Act of 1920, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 6, strike out "43" and insert in lieu thereof "30".

On page 2, in line 23, strike out "43" and insert in lieu thereof "30".

On page 3, in line 1, strike out "43" and insert in lieu thereof "30"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Coal Leasing Amendments Act of 1974".

SEC. 2. Subsection 2(a) of the Act of February 25, 1920 (41 Stat. 438) as amended (30 U.S.C. 201(a)) is hereby amended to read as follows:

"SEC. 2. (a)(1) The Secretary of the Interior is authorized to divide any of the coal lands or the deposits of coal classified and unclassified, owned by the United States, into leasing tracts of forty acres each, or multiples thereof, and in such form as, in his opinion, will permit the most economical mining of the coal in such tracts, and thereafter he shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding.

"(2) No lease sale shall be held unless the lands containing the coal deposits have been included in a comprehensive land use plan prepared by the Secretary and such sale is consistent with such plan. In preparing such land use plans the Secretary shall consult with State and local governments and the general public and shall provide opportunity for public comment on proposed plans prior to their adoption.

"(3) No competitive lease of coal shall be approved or issued until after the notice of the proposed offering for lease has been given in a newspaper of general circulation in the county in which the lands are situated in accordance with regulations prescribed by the Secretary.".

SEC. 3. Subject to valid existing rights, subsection 2(b) of the Act of February 25, 1920 (41 Stat. 438), as amended (30 U.S.C. 201(b)), is hereby repealed.

SEC. 4. Section 7 of the Act of February 25, 1920 (41 Stat. 439; 30 U.S.C. 207), is hereby amended to read as follows:

"SEC. 7. (a) A coal lease shall be for a term of twenty years and for so long thereafter as coal is produced annually from that lease. The Secretary shall, by regulation, prescribe annual rentals on leases of not less than $1 per acre or fraction thereof. A lease shall require payment of a royalty in such amount as the Secretary shall determine. The lease shall include such other terms and conditions as the Secretary shall determine. Such rents, royalties, and other terms and conditions of the lease will be subject to readjustment at the end of its primary term of twenty years and at the end of each ten-year period thereafter if the lease is extended by production.

"(b) Where production is prevented by strikes or other circumstances neither caused by nor attributable to the lessee, the Secretary may, if in his judgment the public interest will be served thereby, provide in the lease for payment in advance of a minimum royalty in lieu of continuous production under the lease.

"(c) Within one year after obtaining a coal lease, the lessee shall submit to the Secretary a developmnt and reclamation plan. The development and reclamation plan will set forth, in the degree of detail established in regulations issud by the Secretary, specific work to be performed, the manner in which coal extraction will be conducted and applicable environmental and health and safety standards will be met, and a time scheduled for performance. As promptly as possible after the lessee submits a plan, the Secretary shall approve or disapprove the plan or require that it be modified. Where the land involved is under the surface jurisdiction of another Federal agency, that other agency must consent to the term of such approval: *Provided,* That the Secretary shall delegate authority to the Secretary of Agriculture to approve or disapprove development and reclamation plans involving lands in the national forest system, and the Secretary of Agriculture shall consult with the Secretary of the Interior with respect to significant technical and geological questions and special exploration and development systems. Where the surface of the land involved is in non-Federal ownership, the Secretary shall consult with the surface owner before approving or revising the plan. The Secretary may approve revisions of development plans if he determines that revision will lead to a greater recovery of the mineral, improve the efficiency of the recovery operation, or is the only means available to avoid severe economic hardship on the lessee.".

SEC. 5. Section 35 of the Act of February 25, 1920 (41 Stat. 450), as amended (30 U.S.C. 191), is further amended by striking the period at the end of the proviso and inserting in lieu thereof the language as follows: ": *And provided further,* That all moneys paid to any State from sales, bonuses, royalties, and rentals of coal deposits in public lands may be used by such State and its subdivisions for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services, as the legislature of the State may direct.".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LET THERE BE LIGHT

Mr. HUGH SCOTT. Mr. President, with the brightening of the lights in the Chamber, there goes my speech. [Laughter]. I was about to comment on how little light we had in here and to deplore the fact that we might be legislating in the dark.

However, with the extraordinary extrasensory perception which electricians seem to have, they have simply taken from me the reason for any further utterance. The light continues to brighten in the Chamber. The electrician must be listening, because the light becomes brighter and brighter and more and more shining, until we seem to be operating in the full light of day. Well, that is what the public wants; that is what Common Cause wants; that is what Ralph Nader wants; that is what many people want.

So I think it should be noted that at least today we are giving it to them—lots of light, lots of illumination.

I hope that with the help of this illuminated Chamber, we, ourselves, may be sufficiently illuminated to act intelligently and wisely upon the matters which come before us. But since we are operating openly and in the light of day, what more can our critics ask? I am glad that we are able to accommodate them.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

THE RESPONSIBILITY FOR INFLATION

Mr. HARRY F. BYRD, JR. Mr. President, over the weekend, Dr. Herbert Stein, Chairman of the Council of Economic Advisers, went on television to tell the American people who is responsible for 12 percent interest rates and for the severe inflation which the American people are now experiencing. Dr. Stein assessed the blame and put the blame squarely on the American people themselves. He says the American people lack discipline.

One finds it difficult to determine whether to be amused or to be aggravated by Dr. Stein's remarkable assessment. Dr. Stein says that the American people have refused to accept an increase in taxes. Let us analyze this a little.

The fact is that the President of the United States, Dr. Stein's boss, has been telling the American people that we already are too heavily taxed and that no additional taxes will be recommended. The President has been saying this for some time. He said it in 1971, in 1972, in 1973, and in 1974.

What are some other facts? It is a fact that in November of 1971, Congress, at the request of the administration, enacted a tax program which reduced taxes by approximately $15 billion per year. That was done at a time when the Federal funds deficit was running at a deficit of $30 billion. That legislation passed the Senate on November 22, 1971. The vote was 64 yeas and 30 nays.

I opposed the tax reduction because it did not seem logical to me that taxes could be reduced at a time when the Government was running a smashing deficit of some $30 billion.

When this matter was considered by the Senate Finance Committee and reported favorably by that committee, I put in the committee report my views, and gave the reasons why I could not support the program recommended by Dr. Stein's associates.

In the course of that comment, the Senator from Virginia said:

> With reference to the tax cut for individuals to be achieved by increasing personal exemptions, this will diminish the revenue of the Government by a great deal but will mean very little to the individual citizen.

Then I gave an example.

For example, for 1971 for individuals in the bottom 14-percent tax bracket, the saving would be $3.50 per person, or 7 cents per week. For those in the 70-percent tax bracket, the annual savings would be $17.50 per person.

Mr. President, I found myself one of four Senators sitting on the Democratic side of the aisle to vote against that proposal in 1971.

I ask unanimous consent that at the conclusion of my remarks the additional views submitted by the senior Senator from Virginia in the Finance Committee report on the Revenue Act of 1971 be printed in full in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARRY F. BYRD, JR. Mr. President, to blame the American people for the fallacies of this Government, to blame the American people for the misjudgment of its Government, to blame the American people for the wasteful spending of its Government, I think is both amusing and aggravating.

This inflation has been encouraged and, indeed, brought about to a considerable extent by the policies of Government itself, by the continued and accelerated deficit spending of the Federal Government.

I might say also to Mr. Stein that it was the administration itself which, in every budget that it has submitted to the Congress, has recommended a deficit, unbalanced to the extent of anywhere from $15 billion to $25 billion.

Now, of course, the Congress has gone beyond that in some years, increasing the deficit originally recommended by the administration.

I might say that it was the Secretary of the Treasury in 1971 who ridiculed and belittled a balanced budget and said that he, speaking for the administration, favored a policy of more and more deficits. This, of course, encouraged more and more spending by the Congress.

I think Dr. Stein, instead of blaming the American people for this fantastic inflation our country now has, would do well to talk with some of his colleagues and try to change their views.

I might also point out that in the short 6-year period of fiscal 1970 through fiscal 1975, the accumulated Federal funds deficit will be $133 billion.

Now, that is 25 percent of the total national debt of this country. To put it another way, during that short period, fiscal 1970 through fiscal 1975, 25 percent of the total national debt will have been incurred. As a result of that, we have interest rates at 12 percent and we have an expanding inflation.

A businessman was in my office this morning. He said that it costs him 15 percent to borrow money. Twelve percent interest, plus the balance that the banks require, makes the actual cost 15 percent.

Yet, the Government is borrowing money from the money markets and loaning that money to foreign nations, specifically to Russia, which we have loaned hundreds of millions of dollars recently at 6 percent interest, some of it at 5 percent interest, at a time when the businesses here in this country must pay 15 percent interest.

In addition, the administration has urged an additional appropriation of $1.5 billion to the International Development Association. Under this, our Government will borrow the money at 9 percent and give it to IDA to loan to other countries at 1 percent interest. Those countries in turn will loan it to their citizens at 12 to 20 percent interest. How foolish can our country be?

Dr. Stein, I contend, is not on sound ground—in blaming the American people: their Government, yes; the people, no.

As a matter of fact, I must say that I agree with the first sentence of the Washington Post editorial today, saying that if there were a Nobel Prize for sheer gall, this year's award would certainly go to the hapless Dr. Herbert Stein.

Ernest B. Ferguson, columnist for the Baltimore Sun, writes today:

> Hang down your head, John Public, and take your spanking like a little man. Dr. Stein assessed the situation and decided it was all your fault.

I do not think John Public needs to hang down his head. I think what needs to be done is for the policymakers in Washington, both the administration and the Congress, to return to some sound financial principles, and until that is done I think the American people will continue to suffer very seriously from the inflation facing the Nation today.

I happen to think that Chairman Arthur Burns, of the Federal Reserve Board, is correct when he says that the gravity of the problem can hardly be overstated—he is speaking now of the inflationary problem—the future of our country is in jeopardy. I am quoting Chairman Arthur Burns, of the Federal Reserve Board, and I think he assesses it properly.

I think there is a ray of hope with the new Secretary of the Treasury, Mr. William Simon, and with the new counselor to the President, Mr. Kenneth Rush. I think both of those men, along with Dr. Burns, assess accurately the situation facing our Nation today, assess accurately the need for getting inflation under control and are willing to play their part, and a difficult role it is and will be, toward curbing inflation.

This can only be done, as those three gentlemen have stated, by getting Federal spending under control and by getting these huge deficits under control. It will not be done by following the views of Dr. Herbert Stein in his television comments the other day.

The **PRESIDING OFFICER**. The time of the Senator from Virginia has expired.

EXHIBIT 1

ADDITIONAL VIEWS OF SENATOR HARRY F. BYRD, JR.

It is my desire to support the President's economic program.

I applaud his address to the Nation on August 15.

I approve the temporary surtax on imports; I believe the wage-price freeze was justified; cutting the Nation loose from gold was necessary for the simple reason that our gold stock is now only $10 billion, yet we have liquid liabilities to foreigners totaling $46 billion.

So all of this, I feel, was sound.

Now we come to the President's tax proposal embodied in H.R. 10947. It would reduce annual revenues by $10 billion.

I have not yet been able to convince myself that it is wise or sound or logical to reduce revenues by such an amount, at a time when the Government is running Federal funds deficits of $30 to $35 billion.

This legislation provides the following:

1. A 7 percent job development credit (President Nixon proposed a 10 percent credit until August 15, 1972, and 7 percent thereafter).
2. Repeal of the 7 percent excise tax on automobiles and repeal of the 10 percent tax on light trucks.
3. Accelerated reduction in individual income taxes beginning in 1971 by an increased personal exemption of $25 for 1971 and by an additional $75 for 1972; and an increase in standard deductions.
4. Deferral from taxation of portions of income derived from exports of Domestic International Sales Corporations (DISC).
5. Codifies depreciation on capital assets.

The 7 percent job development credit, the DISC proposal, the increase in depreciation rates and, to an extent, repeal of excise tax on automobiles, all accrue to the benefit of corporate and other business enterprises.

The increase in personal exemption and standard deductions will benefit, to a small extent, the individual taxpayer; the repeal of the excise tax on automobiles will benefit those individuals who purchase a new car.

The three big items—insofar as loss to the Treasury is concerned—are the 7 percent job development credit, the increase in personal exemptions and repeal of the excise tax on automobiles, the latter creating a loss of $2.2 billion.

First, the job development credit. This is the same as the 7 percent investment tax credit proposed by President Kennedy. The history of this proposal seems in order.

It was first enacted in 1962. President Johnson recommended its suspension in the fall of 1966. I opposed this, as I felt it had been helpful in stimulating capital investment and thus creating new jobs. President Johnson's view prevailed—but 6 months later he reversed himself and asked the Congress to reinstate the investment tax credit, which the Congress did.

Then, in 1969, President Nixon asked that it be repealed. Again the Congress agreed. Now the President wants it reinstated under a new name.

I feel there is a great deal of merit in this proposal as a job stimulant. If it is to be reinstated, I prefer the House position, namely, 7 percent, rather than the administration's recommendation of a 10-percent credit until August 1972 and 7 percent thereafter.

It is important, I think, that the Government make up its mind as to whether the investment tax credit—or if one wishes to use the new name, the job development credit—is desirable or undesirable. Uncertainty as to its status makes it difficult for businessmen to know how to proceed from year to year.

With reference to the tax cut for individuals to be achieved by increasing personal exemptions, this will diminish the revenue of the Government by a great deal but will mean very little to the individual citizen.

For example: For 1971, for individuals in the bottom 14 percent tax rate bracket, the saving would be $3.50 per person (or 7 cents per week); for those in the 70 percent tax rate bracket the annual saving would be $17.50 per person.

In the middle tax brackets, the saving would amount to about 20 cents per week, perhaps less, per taxpayer.

Now, where does this tax package leave the Government insofar as tax revenues are concerned?

For the current year, revenues would be reduced by $11.2 billion; next year the revenue loss would be $9.8 billion.

The Government already is running a smashing Federal funds deficit. These reductions in revenue will add to the deficit.

Deficit spending by the Federal Government is a major cause—if not the major cause—of the inflation the Nation is experiencing today. And it is to control inflation that President Nixon has put into effect wage and price controls.

If there were any real likelihood of a reduction in expenditures, a reduction in taxes would be highly desirable.

But I do not see much indication that either the Congress or the administration is prepared to deduce spending. In fact, the administration urged the Congress to increase the amount appropriated for foreign aid from $1.9 billion in 1970 to $3.5 billion for 1972—almost double; it is urging Congress to enact a new $1.5 billion program dealing with school desegregation; and worst of all, it is strongly urging the Congress to approve a new welfare proposal that would increase the annual cost at least $5.5 billion.

So a reasonable reduction in Federal spending does not now seem apparent.

I am conerned, too, about the reliability of figures submitted to the Congress. For example, the Government this past January over-estimated by $6 billion the amount of revenue to be received by June 30, and it underestimated by $15 billion the expenditures. Thus, the total error was $21 billion.

I shall vote to report H.R. 10947 to the Senate—with the reservation that I withhold judgment as to how I shall vote in the Senate, either on the bill or on amendments thereto.

I approve many of the proposals incorporated in H.R. 10947.

But is it sound to reduce annual revenues by $10 billion at a time when the Federal Government is running smashing deficits, which deficits are highly inflationary?

The Federal funds deficit for fiscal 1971 was $30 billion; the Joint Committee on Internal Revenue Taxation estimates the 1972 Federal funds deficit will be $35 billion.

In a letter to me dated October 13, 1971, John S. Nolan, Deputy Assistant Secretary of the Treasury, puts the revenue loss as follows:

	Calendar year—	
	1972	1973
1969 Reform Act:		
Individuals	−$7.5	−$10.2
Corporations	+3.9	+4.0
Net effect, 1969 act	−3.6	−6.2
ADR regulations (before change by H.R. 10947):		
Individuals	−.7	−.8
Corporations	−2.7	−3.2
Net effect, ADR	−3.4	−4.0
H.R. 10947:		
Individuals	−5.9	−3.6
Corporations	−1.9	−2.3
Net effect, H.R. 10947	−7.8	−5.9
Total	−14.8	−16.0

Of this total, the revenue loss from H.R. 10947, including ADR, is $14.8 billion minus $3.6 billion (from 1969 act)—or $11.2 billion for 1972; and $16 billion minus $6.2 billion (from 1969 act)—or $9.8 billion for 1973.

It is this revenue loss at a time of heavy deficits that causes me deep concern.

I submit a table with pertinent figures.

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1963–72 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Deficit (−)	Debt interest
1963	83.6	90.1	−6.5	10.0
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.1
1967	111.8	126.8	−15.0	13.5
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.6	163.8	−30.2	20.8
1972[1]	143.0	178.0	−35.0	21.2
10-year total	1,152.7	1,304.0	151.3	150.2

[1] Estimated figures.

Source: Office of Management and Budget, except 1972 estimates.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes.

INFLATION

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished senior Senator from Virginia had to say, and I think he has touched on a point which is of interest to all the American people.

The Senator referred to statements recently made on the economy as being either amusing or aggravating. I would go much farther. I think the statements are tragic, because they offer no hope to the American people who are in dire economic straits at the present time.

How long can this country stand two-digit inflation? What is being done by Congress or the administration to face up to this No. 1 issue, this No. 1 problem? In all candor, I would have to say nothing.

What confronts us today? Inflation is around 12 percent. Interest rates yesterday went over 12 percent. Unemployment is up from 5.1 percent to 5.2 percent in the past month or so. New labor contracts are now being considered, and the increases will be quite hefty before those contracts are agreed to.

And may I say I find no fault with labor, because for the past 2 or 3 years it has been acting responsibly. But I do find fault with people who say that the American "public" is to blame for the inflationary difficulties which confront us at the present time. I do find fault, when that same individual several months ago said that what this country needs is a "recession." I do find fault when all we get is the pious invocation that we should return "to the old-time religion."

What does that mean? That we should just pray, and prayer will do away with inflation? The good Lord expects us to help ourselves.

I do not think prayer alone will do the job. Look at the stock market. And I do not own a share of stock. It went down to its lowest point yesterday—around 760 or 770, I believe—in several years. And the trend is downward.

What about production? This year it is 6 percent under what it was last year. And what about wages? For the 14th consecutive month, they have been lagging behind prices.

Mr. President, if inflation goes on at the present rate, we will have to earn twice as much as we are earning today to break even in 1982.

I have advanced a proposal which may or may not have merit. As a matter of fact, I have introduced legislation which has been referred to the Committee on Banking and Currency, and also to the Committee on Labor and Public Welfare, and I hope will be considered by the Joint Economic Committee as well.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I will yield my 5 minutes to the majority leader.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MANSFIELD. I do not know whether the so-called Brazilian Index Plan, which has been receiving a good deal of publicity lately, is the answer. Personally, I doubt it is the whole answer. In the first place, it is not a Brazilian Index Plan, it is an American Index Plan, which is applicable to one-third of the labor contracts which have been entered into over the past 5-year period. And, mark my words, it will very likely be in all or most of the labor contracts agreed to from now on.

What does it do? It ties a cost of living escalator clause to the contract, so that when a certain increase in the cost of living occurs, automatically the compensation of the wage earner is increased roughly to that extent.

Is it something new? Not really, because military retirees, Government civil service retirees, and social security retirees get an increase in their retirement based on the cost of living every time it reaches 3 percent or more. So there is some protection there.

But what about the people on private pensions, who do not have that guarantee? What about the working people who are not tied to unions, and therefore do not receive that kind of protection? What about the great majority of the American people? How can they cope with the cost of living being what it is today?

Before the Senate convened this morning, I made a suggestion, in response to a question, that it might be well if the President would give some consideration to calling a White House conference, which would include the joint leadership in both Houses, which would include the chairman and ranking minority members from the appropriate committees, which would include administration personnel, and which would bring in labor and industry and other necessary sectors of the private economy to consider this problem at this time.

I do not know whether or not it is feasible at the moment, but I do know that something should be done to face up to this problem, and to do so now.

The solution is not going to come about simply through a $5 billion or $10 billion decrease in the Federal budget. It goes far beyond that. It has not been caused by Watergate and related matters. There is no connection whatsoever. This is a worldwide phenomenon.

We have worldwide inflation, if I correctly remember a chart I saw earlier this week, ranging from 705 percent in Chile down to about 30 percent in Japan, to 22 percent in Mexico, to 18 percent in France, to 14 to 15 percent in the United Kingdom, to 10.7 percent in Canada, and to approximately, on an average, I would say, between 11 and 12 percent in this country—closer to 12 percent.

Frankly, I think it is up to the administration and Congress—and neither one is without blame—to face up to this problem to see if something cannot be done, and to get away from saying it is the fault of the public; to get away from saying that what we need is a recession; to get away from saying that what we need is a return to the old-time religion. In respect to the latter an old saying comes to mind: "The Lord helps those who help themselves."

What we need to do is to face up to a practical fact. Let me say, Mr. President, that every one of us, when we go home, is being confronted with the question: "What are you doing about inflation?" And none of us, in good conscience, say that we are doing anything.

Mr. President, I ask unanimous consent that an editorial from the New York Post entitled "Inflation: Sayings of Chairman Stein," an editorial under date of July 8, 1974; an editorial from the Baltimore Sun entitled "Psychology of Inflation"; and a commentary by Mr. Ernest B. Furgurson, contained in the Baltimore Sun of today, to which the distinguished Senator from Virginia made reference, entitled "Dr. Stein's Bitter Medicine," all be incorporated in the RECORD at this point.

There being no objection, the editorials and commentary were ordered to be printed in the RECORD, as follows:

[From the New York Post, July 8, 1974]

INFLATION: SAYINGS OF CHAIRMAN STEIN

In what may be some of his curtain lines as chairman of the President's Council of Economic Advisers, Herbert Stein finally identified the villain in the nation's desperate economic drama. In response to a question on the CBS program Face the Nation yesterday, Stein said that "in a basic sense" he was obliged to conclude that "the American public" is responsible for the inflationary nightmare haunting the country. The fault, dear friends, lies not within our stars or in the failures of men who have shaped government policy, but with you.

The sayings of Chairman Stein have been illuminating—or darkening—the American landscape for a long time. Throughout his tenure he has steadfastly leaned to an optimistic assessment of bad news. Even yesterday, while conceding that "we have a lot of problems," he simultaneously insisted that they were just "a minor ripple in the rising tide of economic welfare." There is, he added, "every reason" to believe things will be better three to five years from now.

The basis of his faith is what he several times described as the economists' "old-time religion"—which he defined as "much greater discipline" among Americans who "have to decide" whether they really want to do anything about inflation. For their "endless demands"—and those of other people in other nations—are causing most of the trouble.

We confess we watched Stein with mingled dismay and disbelief. Was this really all he had to say after holding this prestigious post on the nation's top economic strategy team so long?

Was the Administration truly a creation and victim of popular caprice? Had "the people" wrecked the Administration's best-laid plans?

We remember that moment in the summer of 1969 when the President unexpectedly imposed a price-wage freeze, and then instituted the more limited but reasonably effective provisions of Phase 2. Every opinion poll showed vast public support—in every sector of the citizenry—for those moves. It was not "the people" who destroyed that best chance for stability; it was Richard Nixon, Herbert Stein and others in the high command who seemingly could not endure even the modest success of a control system that violated all their preconceptions.

And now Stein summons us to "that old-time religion"—high interest rates, stoic submission and self-denial by the vast majority while big corporate power resists tax reform, curbs on depletion allowances and other minimal exercises in equity.

Inflation is a world-wide plague; there are no miracle drugs. But controls were a serious attempt to demonstrate the vitality of free government. Their dismantling was a tragic blunder. What we are offered now is a sterile blend of promise, preachment and prayer.

[From the Baltimore Sun, July 9, 1974]

Psychology of Inflation

The psychology of inflation is a much-neglected aspect of this multi-faceted economic phenomenon, perhaps the key aspect. Herbert Stein, chairman of the President's Council of Economic Advisers, clearly injects the psychology of inflation into the national debate when he says the American people are fundamentally to blame for inflation because of their lack of "self-discipline."

Althought Mr. Stein is to be praised for his courage in urging fiscal restraints against inflation (which, unfortunately, so far have had little impact) it may be that he has departed from his metier when he begins talking about the psychological roots of inflation. He seems particularly undiscriminating, for instance, in his blanket indictment of the American people—for it must be asked: Who are the Americans who have failed to exercise the necessary self-discipline? Not common laborers, certainly, who are trying to support families on $100 weekly take-home pay. Not nurses, many of them likewise supporting families and who take home around $150 a week. Not the bricklayers, truck drivers and machine operators, who are, to one degree or another, in the same fix. For these people—for the bulk of Americans, that is—highly disciplined lives are a necessity.

So who is really to blame? Perhaps in a broader sense than Mr. Stein intended, all of us are to blame. The reason is that all of us have participated in an American dream of materialistic success, a vision in which there are always winners and losers and in which the flight from losership often becomes, even for the affluent, a desperate enterprise.

The prime reason this frenzied social Darwinism exists in the midst of apparent abundance (which in some instances is rapidly becoming scarcity) may be because we have made the rewards for succeeding and the punishments for failing so extreme. For instance, a man who is laid off unexpectedly (as happened to so many aerospace engineers a few years ago) may suddenly lose access to medical care for himself and his family. The fear that such a loss can engender in the man—and in those still employed—can be intense.

If the nation earlier had seen to it that certain public needs had been met, such as access to medical care for all of the population, the fear would be greatly lessened—and the inflationary pressures reduced, because workers would be making fewer of the demands for higher pay of the kind that have their origins primarily in fear. In short, as the late Adlai Stevenson pointed out so many years ago, by devoting a disproportionately small amount of our resources to public need and a disproportionately large amount to consumer goods which sometimes do not meet real needs, we have laid the groundwork for serious strains in the society. The current inflation perhaps is more a manifestation of this than of anything else.

[From the Baltimore Sun, July 9, 1974]

Dr. Stein's Bitter Medicine

(By Ernest B. Furgurson)

Washington.—Hang down your head, John Public, and take your spanking like a little man. Dr. Stein has assessed the situation and decided it is all your fault, and not only must you endure his tonguelashing today, but you must be prepared to suffer for your sins at least another three or four years.

By that time, both Herbert Stein and the administration he serves will be safely out of town.

Stein makes $42,500 a year of the taxpayers' money in his role as chairman of the President's Council of Economic Advisers. In this job, he obviously is supposed to be the President's key adviser on economic strategy, who figures out why we have inflation or depression, or both at once, and what to do about them.

Now he finally has figured out why. It is because we taxpayers insist on opposing tax increases. And with all the money we therefore have left after our scandalously low taxes, we go out and buy things at ridiculously high prices.

It seems so simple it is amazing no one analyzed it so clearly before. But economics is a complicated business, and you will recall that Stein had to work his way through many steps before arriving at his useful conclusion.

This thinking does not come from an out-of-town dilettante in government economics, one of those familiar corporation grandees come to Washington to give his wife a couple of years' thrills meeting the First Lady and hostessing parties for jetset ambassadors.

Stein started in 1938, during the New Deal, in the years when economic intervention by government was at its all-time height of fashion. He knows the federal alphabet sideways, having served with the FDIC, the NDAC, the WPB and the OWMR before going to the Committee for Economic Development and Brookings Institution, whence he came to the CEA when Mr. Nixon entered office.

But the core of his three dozen career years was with the private CED, which is sponsored by big business. After 22 years there, he came in with the Republicans of the 1960's as a throwback to the French Physiocrats of the 1700's, a contemporary laissez-faire economist. The Physiocrats believed government should keep its hands completely off trade and the economy; Stein would not take us all the way back to that point, but his advice is rendered in their spirit.

When inflation inexorably made Mr. Nixon's 1968 campaign speeches look foolish, other advisers pushed for wage and price controls. For more than 18 months, Stein argued against them. A workable incomes policy, he declared, is a wisp of imagination like "a good 5c cigar or a nonfattening fudge sundae."

In August, 1971, the President gave in to John Connally and others and clapped on wage and price controls overnight. Stein was a key man in tuning them although philosophically he continued to oppose them. At the end of Phase 1 and Phase 2, when the rate of inflation was down noticeably, Stein was made chairman of the CEA and undertook an effort much more to his taste—the removal of the controls which had only begun to work.

Since the start of Phase 3 eighteen months ago, through 3½ and 4 and the abandonment of all controls three months ago, prices have shot upward at rates unprecedented in modern peacetime. To report the inflation encountered every day at the supermarket, gasoline station and bank is sadly repetitious.

So Sunday Dr. Stein exposed himself to questioning on television, and when the subject of inflation somehow came up, he said that because voters were against tax increases over the past decade, the people rather than the government are responsible for it. He said we were going to have to pay penance by disciplining ourselves, to accept tight money and other such restrictions, for "years, not months—that is, three or four years, more or less indefinitely."

Presidential impeachment possibilities aside, the march of normal events would take Stein off the spot before we thus finished paying for our foolishness. But he is taking no chances. He is scheduled to leave at the end of the summer to become a professor at the University of Virginia.

The PRESIDING OFFICER. The additional 5 minutes of the Senator from West Virginia have expired.

Mr. MANSFIELD. Mr. President, I yield at this time.

The PRESIDING OFFICER. Is there further morning business?

Mr. GRIFFIN. Mr. President, I do not rise as the defense counsel for Dr. Stein in this proceeding. But I do think he was being quite realistic during that television interview on Sunday when he said that: "Government policy operates within the limits of what the American people want and will tolerate."

I join the majority leader in commending the distinguished Senator from Virginia upon the statement he has made. I do not agree with everything he has said, but in general his remarks are useful and needed to help educate, not only the American people but their representatives in Congress as well, concerning the impact and importance of Government fiscal policy on the problem of inflation.

Unfortunately, I find that some public officials in State and local government—who apparently understand the need for a balanced budget at their level—seem to have no concern about the financial condition of the Federal Government. They feel free to ask and lobby for more and more handouts from the Federal Government without any regard to whether the money is here.

If the answer from here happens to be, "Look, we are running a government with a deficit," that is not accepted as an answer. A great part of the population, unfortunately, has gotten into the frame of mind that it makes no difference whether the Federal Government is in the black or in the red. As Members of Congress, we are expected by many to vote for such spending proposals, even though funding will require the Federal Government to borrow additional millions and billions of dollars.

I can agree with the distinguished majority leader that deficit spending by the Federal Government is not the only cause of inflation. There are a number of causes; but certainly deficit spending is a significant and major cause.

I want to commend the distinguished Senator from Virginia as well as the majority leader for at least acknowledging that there is enough blame to spread around for both the Executive and the Congress.

It should be pointed out in this discussion that the executive branch of Government does not spend money unless the Congress has first appropriated and made that money available.

Indeed, as we know, the President has been under intense criticism in many quarters because he has not spent all of the money that Congress has appropriated—because some of the funds appropriated were "impounded" and not spent by the Executive. In fact, I understand that if the President had spent all of the money that Congress has appropriated in the last several years, the deficit would be $14 billion higher than it is, and inflation would be even worse than it is today.

I think we ought to——

The **PRESIDING OFFICER**. The time of the Senator from Michigan has expired.

Mr. **BEALL**. Mr. President, I yield all of my time to the Senator.

Mr. **GRIFFIN**. Mr. President, I thank the Senator from Maryland.

If the finger of blame is to be pointed in the course of this discussion, then we ought not overlook what happened here in the Senate very recently. And I refer to the extended debate, characterized in some quarters as a filibuster, which was necessary to head off a tax reduction proposal. Of course, everyone, including each Member of Congress, would like to have his taxes reduced. But at this time it would be unwise economic policy to take such a step. To do so would further increase the Federal debt and would fan the flames of inflation still more.

Fortunately, in my view, there was determined and responsible leadership from both sides of the aisle which headed off that very appealing, politically attractive, tax reduction proposal. To oppose it was a difficult thing for many Senators, but it was the responsible thing to do. As much as all of us would like to cut taxes, with inflation running in the 2-digit figures, Congress cannot responsibly cut taxes and increase inflationary pressures at this time.

In the course of this discussion I think we might also take note of the fact that one important way to combat inflation is to take steps and adopt policies that will encourage production and increase supplies, particularly of food and fuel. During the last several years, particularly when price and wage controls were in effect, I hope the country relearned the lesson that there is a law of supply and demand; that it has not been repealed.

When there is a shortage of goods, prices go up. When the supply of goods is increased to the point that it exceeds demand, prices go down. It still is as simple as that. The law of supply and demand has never been repealed.

Unfortunately—as I have pointed this out before on the Senate floor—the Congress has done precious little to encourage an increase in the supply of fuel. Congress did pass the trans-Alaska pipeline bill which, within 3 years will increase the supply of domestic oil. But a number of other, very important legislative proposals to increase fuel supplies are still before Congress and await action.

Several years ago, through the action of Congress as well as the administration, the country turned in a new direction as far as our farm policy is concerned. We are no longer paying farmers for not growing food. Instead, government policies encourage farmers to put their acreage into production and, because that is so, there is reason to believe that the supply of food will increase in the months ahead. And when it does, prices can go down again.

So, I rise not to debate or to criticize but rather to commend the Senator from Virginia. His statements on this occasion, as his statements on so many other occasions, contribute very importantly to understanding in this body, and beyond. His remarks are generally helpful in the continuing battle against inflation.

Mr. President, I yield to the Senator from Virginia.

The **PRESIDING OFFICER**. The time of the Senator from Maryland has expired. The Senator from Virginia is recognized.

Mr. **HARRY F. BYRD, JR.** Mr. President, I thank the Senator from Michigan for his comments. I wish to comment briefly on several aspects of his remarks.

I concur with him fully that the question of getting government spending under control is one which must be shared equally by both the executive branch and the legislative branch. Neither branch can do the job alone; we must work together if we are going to accomplish our purpose.

Another aspect on which I wish to express agreement with the distinguished minority whip is with respect to his comments concerning legislation before the Senate 2 weeks ago to bring about a reduction in taxes.

I think everyone would like to have a reduction in taxes, but I voted against the reduction because it did not appear to me to be logical to reduce taxes at a time when the deficit for the current fiscal year is estimated to be $20 billion and when the deficit for the past fiscal year was approximately $20 billion.

A third aspect of the remarks of the Senator from Michigan that I wish to comment on is the demand made upon Congress by representatives of the various States and other governments for more and more Federal spending.

A few years ago the administration recommended and Congress approved a so-called revenue-sharing proposal, a new proposal pyramided on top of all the other spending programs. Under that plan $30 billion of Federal funds over a 5-year period are being distributed to 38,000 different localities throughout the United States to be used as each locality desires. This was a new program. It was not accomplished by reducing other spending, but it was added to spending already in the budget.

I found it necessary to vote against that popular proposal. I suppose every mayor in the State of Virginia came to my office. The Governor of Virginia went wild in support of that so-called revenue-sharing plan. Yet I had to vote against it, because the Government here in Washington at that time, and now, has no revenue to share. The only thing we have here to share is a great deal of red ink.

In regard to that so-called—and I call it so-called—revenue sharing program, for every dollar that the State of Virginia gets back the people of Virginia put up $1.17. I am willing to debate that proposal throughout the State of Virginia any time, and I have done it from the date it was enacted. I do not think it is sound or logical for the Federal Government to be dishing out funds which it does not have, which it must go into the money markets to borrow. The more the Federal Government goes into the money markets, the higher the interest rate is bound to be and the more difficult it becomes for the average citizen to make ends meet.

The other day I got from Secretary Simon some figures which show that for the 4-month period from last November through last February, the Government went into the money market to the extent of $35 billion. It is no wonder we have such high interest rates now. It is no wonder that again today the interest rates went up from 12 percent to 12¼ percent. Government borrowing is adding greatly to the upward pressure on the money market.

Mr. President, I conclude by saying that the end does not appear to be in sight. I submit that Congress and the administration together have a deep obligation to take sound and fundamental steps to get this inflation under control. It cannot be done by either branch individually; it must be done by cooperation between the two.

Mr. President, many people seem to think that the national debt is an impersonal figure, that it does not have any real effect on the average citizen. I think that view is quite wrong. There are several reasons, but I give one reason at the moment. For every personal and corporate income tax dollar paid into the Federal Treasury by the people of this country, 17 cents of that dollar goes for one purpose; namely, to pay the interest on the debt. If one will look at the current budget, if one will get the up-to-date figure from the Treasury Department, it will be found that the interest on the debt for the current fiscal year, the fiscal year in which we are now involved, will total $31.5 billion. This must be paid for by the wage earner's taxes. Government can obtain funds from only one source—the pockets of those who work.

Mr. President, I have prepared tables showing an analysis of Federal receipts and expenditures for the fiscal years 1968 through 1975, and deficits in Federal funds and interest in the national debt from 1956 to 1975, inclusive. I ask unanimous consent that the tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ANALYSIS OF FEDERAL RECEIPTS AND EXPENDITURES, FISCAL YEARS 1968-75

[Prepared by Senator Harry F. Byrd, Jr., of Virginia, June 1974]

	1968	1969	1970	1971	1972	1973	[1] 1974	[1] 1975
Receipts, in billions:								
Individual income taxes	$69	$87	$90	$86	$95	$103	$118	$131
Corporate income taxes	29	37	33	27	32	36	40	44
Subtotal, income taxes	98	124	123	113	126	139	158	175
Excise taxes (excluding highway)	10	11	11	10	11	10	10	11
Estate and gift	3	3	4	4	5	5	5	6
Customs	2	2	2	3	3	3	4	4
Miscellaneous	3	3	3	4	4	4	5	5
Total, Federal fund receipts	116	143	143	134	149	161	182	201
Trust funds (Social security and highway, less interfund transactions)	38	44	51	54	60	71	84	93
Total	154	188	194	188	209	232	266	294
Expenditures, in billions:								
Federal funds	143	149	156	164	178	186	200	221
Trust funds (less interfund transactions)	36	36	40	48	54	61	70	84
Total	179	185	196	212	232	247	270	305
Unified budget surplus (+) or deficit (−)	−25	+3.1	−2	−24	−23	−15	−4	−11
Federal funds deficit	−27	−6	−13	−30	−29	−25	−18	−20

[1] Estimated figures.

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1956-75 INCLUSIVE

(Prepared by Senator Harry F. Byrd, Jr. of Virginia)

[Billions of dollars]

Year	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	−1.7	7.3
1958	66.6	69.7	−3.1	7.8
1959	65.8	77.0	−11.2	7.8
1960	75.7	74.9	+.8	9.5
1961	75.2	79.3	−4.1	9.3
1962	79.7	86.6	−6.9	9.5
1963	83.6	90.1	−6.5	10.3
1964	87.2	95.8	−8.6	11.0
1965	90.9	94.8	−3.9	11.8
1966	101.4	106.5	−5.1	12.6
1967	111.8	126.8	−15.0	14.2
1968	114.7	143.1	−28.4	15.6
1969	143.3	148.8	−5.5	17.7
1970	143.2	156.3	−13.1	20.0
1971	133.7	163.7	−30.0	21.6
1972	148.8	178.0	−29.2	22.5
1973	161.4	186.4	−25.0	24.2
1974 [1]	181.8	199.5	−17.7	29.4
1975 [1]	201.4	221.3	−19.9	31.5
20-yr. total	2,200.4	2,429.5	−229.1	300.4

[1] Estimated figures.

Source: Office of Management and Budget, and Department of the Treasury.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS

The PRESIDENT pro tempore (Mr. EASTLAND) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENTS TO THE BUDGET, 1975, FOR THE SENATE AND FOR THE ARCHITECT OF THE CAPITOL (S. Doc. No. 93-91)

A communication from the President of the United States transmitting proposed amendments for appropriations transmitted in the budget for the fiscal year 1975 to provide for increases in the amounts of $3,370,970 for the Senate and $300,000 for the Architect of the Capitol (with accompanying papers). Referred to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1975 FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. Doc. No. 93-92)

A communication from the President of the United States transmitting a proposed amendment for appropriations transmitted in the budget for the fiscal year 1975 providing for an increase in the amount of $15 million for the Department of Health, Education, and Welfare (with an accompanying paper). Referred to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1975, FOR THE DEPARTMENT OF COMMERCE (S. Doc. No. 93-93)

A communication from the President of the United States transmitting a proposed amendment for appropriations transmitted in the budget for the fiscal year 1975, to provide for an increase in the amount of $7,046,000 for the Department of Commerce (with accompanying papers). Referred to the Committee on Appropriations and ordered to be printed.

REPORT OF THE INDIAN CLAIMS COMMISSION

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, its report to the Congress of its final determinations with respect to the claim of the Fort Sill Apache Tribe of the State of Oklahoma, et al. against the United States of America (with accompanying papers). Referred to the Committee on Appropriations.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE AIR FORCE

A letter from the Assistant Secretary of the Air Force (Manpower and Reserve Affairs) transmitting a draft of proposed legislation to authorize with respect to certain members of the Army Reserve or Air Force Reserve, their employment as Army or Air Reserve technicians, and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

PROPOSED LEGISLATION BY THE DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense transmitting a draft of legislation to authorize the Secretaries of the military departments to reimburse nonappropriated fund instrumentalities located in the Ryukyu Islands and Daito Islands, Japan, for increased costs in severance pay entitlements of their Japanese employees incurred as a result of the reversion of those islands to Japan (with accompanying papers). Referred to the Committee on Armed Services.

REPORT OF NATIONAL COMMISSION ON PRODUCTIVITY AND WORK QUALITY

A letter from the chairman of the National Commission on Productivity and Work Quality transmitting, pursuant to law, a report for fiscal year 1974 activities and the fiscal year 1975 work program (with an accompanying report). Referred to the Committee on Banking, Housing, and Urban Affairs.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics) transmitting, pursuant to law, the report of Department of Defense Procurement from Small and Other Business Firms from July 1973-April 1974 (with an accompanying report). Referred to the Committee on Banking, Housing, and Urban Affairs.

INTERIM REPORT AND RECOMMENDATIONS ON YEAR-ROUND DAYLIGHT SAVING TIME

A letter from the Secretary of Transportation transmitting, pursuant to law, the interim report and recommendations on year-round daylight saving time (with accompanying papers). Referred to the Committee on Commerce.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Acting Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into within the past 60 days (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT ON ACTIVITIES OF THE CHARLES R. ROBERTSON LIGNITE RESEARCH LABORATORY

A letter from the Acting Secretary of the Interior, reporting, pursuant to law, on the activities of, expenditures by, and donations to the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, N. Dak., for the calendar year 1973. Referred to the Committee on Interior and Insular Affairs.

PROPOSED PLANS BY THE DEPARTMENT OF THE INTERIOR

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a proposed plan for the use and distribution of Seneca judgment funds awarded in Dockets 342-A and 368-A before the Indian Claims Commission (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

A letter from the Acting Secretary of the Interior transmitting, pursuant to law, a proposed plan for the use and distribution of Washoe judgment funds awarded in Docket 288 before the Indian Claims Commission (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE INTERIOR

A letter from the Acting Secretary of the Interior transmitting a draft of proposed legislation to authorize the appropriation of sums as may be necessary to rehabilitate Eniwetok Atoll, Trust Territory of the Pacific Islands (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

Proposed Legislation by the Department of the Army

A letter from the Secretary of the Army transmitting a draft of legislation for the relief of Vojislav Bozic, Constantin Krylov, Abdurachman Kunta, Nikolai Ozolins, Eugene Posdeeff, and Tatiana Wassiliew (with accompanying papers). Referred to the Committee on the Judiciary.

Order Suspending Deportation of Benito Palafox-Gutierrez

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, the order suspending deportation in the case of Benito Palafox-Gutierrez, A11 960 565 (with accompanying papers). Referred to the Committee on the Judiciary.

Report on Student Loan Marketing Association

A letter from the Secretary of the Treasury transmitting, pursuant to law, the audit report on the Student Loan Marketing Association for the fiscal year ended December 31, 1973 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

Proposed Schedule of Family Contributions in the Basic Educational Opportunity Grants Program

A letter from the U.S. Commissioner of Education transmitting, pursuant to law, the proposed schedule of family contributions for use in the Basic Educational Opportunity Grants program (with an accompanying paper). Referred to the Committee on Labor and Public Welfare.

Report on Waste Oil Disposal

A letter from the Deputy Administrator of the Environmental Protection Agency transmitting, pursuant to law, the report on waste oil disposal (with an accompanying report). Referred to the Committee on Public Works.

Report of Building Project Survey for San Pedro, Calif.

A letter from the Administrator of the General Services Administration transmitting, pursuant to law, the report of the Building Project Survey for San Pedro, Calif. (with accompanying papers). Referred to the Committee on Public Works.

Report of the Secretary of Transportation

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on ways and means for encouraging greater citizen participation in highway safety programs (with an accompany report). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore (Mr. Eastland):

A letter from a resident of Lorton Complex, Lorton, Va., withdrawing a claim. Referred to the Committee on the Judiciary.

PRESENTATION OF A PETITION

Mr. PELL. Mr. President, on behalf of myself and my distinguished senior colleague from Rhode Island (Mr. Pastore), I present a resolution adopted by the General Assembly of the State of Rhode Island and Providence Plantations memorializing the Congress to reduce the retirement ages for social security to the age of 62 for men and 60 for women. I ask unanimous consent that the resolution be printed in the Record at this point, and be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution, which was referred to the Committee on Finance, is as follows:

[State of Rhode Island, &r. in General Assembly, January Session, A.D. 1974]

Resolution Memorializing Congress To Reduce the Retirement Ages on a Voluntary Basis to the Age of 62 for Men and 60 for Women in Order To Be Eligible for Social Security Benefits

Resolved, That the general assembly of the State of Rhode Island hereby memorializes the Congress of the United States to reduce the retirement ages on a voluntary basis to the age of 62 for men and 60 for women in order to be eligible for social security benefits; and be it further

Resolved, That the Secretary of State be and he thereby is authorized and directed to transmit duly certified copies of this resolution to the Members of the Congress from Rhode Island.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy with an amendment:

S. 3669. A bill to amend the Atomic Energy Act of 1954, as amended, and the Atomic Weapons Rewards Act of 1955, and for other purposes (Rept. No. 93–989).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PERCY:

S. 3733. A bill for the relief of Peter J. Bann. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3734. A bill for the relief of Mr. Angelo B. Cortes. Referred to the Committee on the Judiciary.

By Mr. COOK:

S. 3735. A bill for the relief of Dr. Bendicto Principe and his wife, Erlinda Madula Principe. Referred to the Committee on the Judiciary.

By Mr. BENNETT:

S. 3736. A bill to authorize the Secretary of the Interior to pay a portion of the cost of corrective work on the Starvation Reservoir Bridge, Utah. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENSON:

S. 3737. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to respiratory disease arising out of employment in one or more fluorspar mines and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths. Referred to the Committee on Labor and Public Welfare.

By Mr. RANDOLPH (for himself and Mr. Robert C. Byrd):

S. 3738. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager. Referred to the Committee on Armed Services.

By Mr. CHILES:

S. 3739. A bill to name the Veterans' Administration hospital located at 13000 North 30th Street, Tampa, Fla., the "Melvin T. Dixon Memorial Hospital." Referred to the Committee on Veterans' Affairs.

By Mr. HASKELL (for himself and Mr. Dominick):

S. 3740. A bill to amend the act of August 16, 1962, authorizing construction, operation, and maintenance of the Fryingpan-Arkansas project, Colo., to provide for the incorporation of pumped storage hydroelectric facilities, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENSON:

S. 3737. A bill to provide, in cooperation with the States, benefits to individuals who are totally disabled due to respiratory disease arising out of employment in one or more fluorspar mines and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths. Referred to the Committee on Labor and Public Welfare.

Mr. STEVENSON. Mr. President, I today introduce legislation providing disability benefits to fluorspar miners suffering from respiratory diseases. With its passage of the Federal Coal Mine Health and Safety Act, the Congress acknowledged the often-desperate plight of disabled coal miners and their families and enacted legislation to assist them. Now a coal miner afflicted with black lung disease can secure disability benefits on which he and his family can survive. I believe that it is appropriate for us to extend similar benefits to disabled fluorspar miners.

The diseases which victimize fluorspar miners include emphysema, lung cancer, and silicosis which is the accumulation of rock dust in the lungs. All of these are insidious, debilitating ailments which can strike and disable a man at the peak of his working life. At this time, a disabled fluorspar miner has the alternatives of depleting his meager savings and/or going on welfare. My bill provides a better alternative—a disability check from the Federal Government.

Fluorspar is a little-known mineral and there are no large organizations to champion the cause of fluorspar miners. Admittedly, the number of fluorspar miners in the Nation does not approach the number of coal miners. Yet, fluorspar miners are afflicted by many of the respiratory diseases—emphysema, lung cancer, and silicosis—which disable coal miners and for which coal miners receive compensation. It seems to me that we ought to focus on the similarities between coal and fluorspar miners' respiratory disabilities rather than the wide disparity in their numbers.

Mr. President, my bill does not propose either the expenditure of large sums of money or the creation of a new Government agency. The existing machinery used in the administration of the black lung disease provisions of the Federal Coal Mine Health and Safety Act should be adequate to handle the extension of disability benefits to fluorspar miners. Further, I do not envisage the expenditure of more than $10 million in any year for this program. That is little enough to assist disabled fluorspar miners and their families.

Mr. President, the legislation which I am introducing today is a logical extension of the black lung provisions of the Federal Coal Mine Health and Safety Act. Because of the similarity of respiratory disease afflicting coal miners and fluorspar miners, I believe that fluorspar miners are deserving of similar disability benefits. My bill would accomplish this.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S. 3738. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager. Referred to the Committee on Armed Services.

Mr. RANDOLPH. Mr. President, today the Senators from West Virginia introduce legislation commending one of the most singular heroic feats in the history of aviation. The bill would authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager, U.S. Air Force.

On October 14, 1947, the then Capt. Charles E. Yeager, an Air Force test pilot, flew a small experimental rocket-powered aircraft, the Bell XS–1, through the dreaded sonic barrier to become the first man in history to fly faster than the speed of sound. His historic flight, following many months of tests and evaluation, opened a new era in world aviation. Today supersonic speeds are commonplace, but on that crucial date in October of 1947, there were many scientific authorities who remained convinced that man could never hope to achieve supersonic speed.

Brig. Gen. "Chuck" Yeager is today Director of Aerospace Safety for the Air Force. His distinguished military career stretches backward to the beginning of World War II, when he enlisted in the Army Air Corps. He became a fighter pilot, downing 13 enemy aircraft, including one of Germany's first jet fighters. His combat career extends to the Vietnam conflict when, as commander of the 405th Fighter Wing at Clark Air Force Base, Philippines, he flew 127 missions in South Vietnam during 1966.

A detailed account of General Yeager's flying career has been placed in the CONGRESSIONAL RECORD, page 22061, by Representative KEN HECHLER of West Virginia, who has introduced similar legislation in the House of Representatives. I commend its reading to my colleagues, for it relates one of the most daring and skillful exploits of the 20th century. General Yeager is a native of Myra, W. Va., and is a graduate of Hamlin High School. The West Virginia delegation in the House of Representatives has united in support of this legislation, and many other colleagues have expressed their enthusiastic support of this legislation. The world-famous aviatrix, Jacqueline Cochran—Mrs. Floyd B. Odlum—who, in 1953 became the first woman to break the sound barrier in an F–86 Sabre Jet, has expressed an interest in correcting what is both an oversight and an injustice in neglecting to honor one of aviation's all-time great heros.

Mr. President, the purpose of this legislation is to make an exception to sections 8741 and 8744 of title 10, United States Code, by authorizing the award of the Medal of Honor to Brig. Gen. Charles E. Yeager. There is ample precedent for enacting legislation for a noncombat Medal of Honor during peacetime. Among past recipients have been such distinguished figures as Comdr. Richard E. Byrd, Jr., and Capt. Charles A. Lindbergh.

General Yeager made aviation history on October 14, 1947, and as a result of his remarkable feat, the world has changed considerably to accommodate the jet age. I hope that my colleagues will join with Senator BYRD and myself in supporting this measure to provide a deserved and overdue tribute to a celebrated American who has demonstrated over the past 4 decades an outstanding devotion to his country.

I ask unanimous consent that the complete text of the legislation I am introducing be placed in the CONGRESSIONAL RECORD:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of sections 8741 and 8744 of title 10, United States Code, the President of the United States may present in the name of Congress, a Medal of Honor to Brigadier General Charles E. Yeager, United States Air Force, for displaying heroic courage and skill as a pilot, at the risk of his life, by his flight of the XS–1 research airplane on October 14, 1947, at a speed faster than the speed of sound, demonstrating that manned aircraft could be safely flown through the theretofore thought deadly transonic zone or "sound barrier" and opening the door to a more rapid space exploration program.

By Mr. CHILES:

S. 3739. A bill to name the Veterans' Administration hospital located at 13000 North 30th Street, Tampa, Fla., the "Melvin T. Dixon Memorial Hospital." Referred to the Committee on Veterans' Affairs.

Mr. CHILES. Mr. President, I introduce today a bill designating the Veterans' Administration Hospital, located in Tampa, Fla., as the Melvin T. Dixon Memorial Hospital.

Melvin T. Dixon served the veterans of the State of Florida for many years in his capacity as head of the Florida Division of Veterans Affairs. His long and distinguished service was marked by a keen knowledge of veterans problems, a seriousness of purpose and a sincere dedication to perpetuating the commitment which this Nation and the State of Florida have made to its veterans population. He initiated and brought to completion a number of innovations in the veterans program designed to benefit veterans, their widows, and orphans.

The honor and distinction with which Mr. Dixon served as director of the Florida Division of Veterans Affairs makes very appropriate the naming of the Tampa Veterans' Administration Hospital in his memory.

Mr. Dixon served in the U.S. Air Force from April, 1941 until February, 1945 when he retired as a first lieutenant due to disabilities incurred in service. He soon thereafter joined the then Florida Department of Veterans Affairs as a claim specialist. In 1947 he was named Assistant State Service Officer and in 1949 was appointed Director, a position in which he served until his untimely death in 1972.

During his long career in service to veterans, Mr. Dixon held a number of important State and national posts including: president of the American Legion Service Officers Association; president of the National Association of State Directors of Veterans Affairs; president of the Southeastern Service Officers Association; and president of the Southern Governors' Veterans Advisory Council. Mr. Dixon was also a member of the Special Veterans Advisory Committee to President Lyndon Johnson.

While Director of Veterans Affairs, Mr. Dixon was especially active in encouraging the construction of several Veterans' Administration Hospitals within the State of Florida and worked very hard to secure the new veterans hospital in Tampa. The designation of this facility as the Melvin T. Dixon Memorial Hospital would serve as a fitting memorial to this man who labored diligently and successfully in the cause of veterans. I urge the support of the Senate for this legislation.

Mr. President, I ask unanimous consent that the text of the bill I am introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital located at 13000 North Thirtieth Street, Tampa, Florida, shall hereafter be known and designated as the "Melvin T. Dixon Memorial Hospital". Any reference in a law, map, regulation, document, record, or other paper of the United States to such hospital shall be held to be a reference to the "Melvin T. Dixon Memorial Hospital".

By Mr. HASKELL (for himself and Mr. DOMINICK):

S. 3740. A bill to amend the Act of August 16, 1962, authorizing construction, operation, and maintenance of the Fryingpan-Arkansas project, Colorado, to provide for the incorporation of pumped storage hydroelectric facilities, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HASKELL. Mr. President, the bill I am introducing today, on behalf of myself and Senator DOMINICK, will do two things.

First, it will authorize the Secretary of Interior to add a second pumped storage unit to the Fryingpan-Arkansas project which is currently under construction in Colorado. The project, first authorized by the Congress in 1962, needs to be expanded. It provides water and electrical generating power for municipal, industrial, and agricultural use in Colorado.

The dam itself is situated west of Pueblo, Colo., and is being built by the Bureau of Reclamation. Because of growth in the user area a second 100-megawatt unit must be added and maintained to provide necessary power. The facilities to be added will cause minimal disruption and should be considered a routine addition to the project.

Second, the bill will increase the 1962 authorization to reflect increased costs of the project, most of which are due to inflation. The original ceiling was $170,000,000 in June 1961 prices. The bill I am introducing today amends that figure to read $432,000,000 in January 1974 prices. Of that increase $90,000,000 is necessary due to the second pumped storage unit and larger conduit for the water delivery system; the rest is necessary due to inflation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2022

At the request of Mr. Tunney, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 2022 to provide increased employment opportunity by executive agencies of the U.S. Government for persons unable to work standard working hours, and for other purposes.

S. 3258

At the request of Mr. Hugh Scott, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 3258 to provide for displaying for public viewing at the Arlington National Cemetery the names of certain deceased veterans.

S. 3383

At the request of Mr. McGovern, the Senator from Iowa (Mr. Clark) and the Senator from Idaho (Mr. Church) were added as cosponsors of S. 3383 to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans.

S. 3414

At the request of Mr. Inouye, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 3414 to amend chapter 13 of title 38, United States Code, to make eligible for dependency and indemnity compensation widows of veterans who die of non-service-connected causes but who were at the time of death totally disabled as the result of one or more service-connected disabilities.

S. 3480

At the request of Mr. Tunney, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 3480 to authorize a national summer youth sports program.

S. 3485

At the request of Mr. Weicker, the Senator from New Hampshire (Mr. Cotton) was added as a cosponsor of S. 3485 to amend the Regional Rail Reorganization Act of 1973 to allow adequate time for citizen participation in public hearings, and for other purposes.

S. 3500

At the request of Mr. Pearson, the Senator from South Carolina (Mr. Thurmond), the Senator from Alaska (Mr. Gravel), the Senator from Washington (Mr. Magnuson), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 3500 to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate and to promote physical fitness, and for other purposes.

S. 3570

Mr. MONTOYA. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. Randolph), the Senator from Ohio (Mr. Metzenbaum), the Senator from New Mexico (Mr. Domenici), the Senator from Michigan (Mr. Hart), the Senator from South Dakota (Mr. McGovern), and the Senator from Wyoming (Mr. McGee) be added as cosponsors of S. 3570, the Congressional Youth Political Participation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONTOYA. Mr. President, I am pleased by the support S. 3570 has received from officials and organizations throughout the country. I am particularly happy this legislation has received the support of the National Education Association, the American Library Association, and the Special Committee on Youth Education for the American Bar Association.

I believe the element in this legislation which has elicited the greatest response from national organizations and concerned citizens and officials is the opportunity which it would provide to noncollege and working young people. Since the program would operate outside of normal education channels it will reach those young citizens who are so often not reached by government programs. Eileen Cook, director of the American Library Association, Washington office, has expressed this feeling very well in a letter to me which emphasizes the assistance that libraries could lend to participants in the congressional youth political participation program to "prepare for a lifetime of informed citizenship."

I ask unanimous consent that her letter be printed in the Record at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Library Association,
Washington, D.C., June 27, 1974.

Hon. Joseph M. Montoya,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Montoya: We noted with interest your introduction of S. 3570, a bill to establish a national program to encourage participation in the political process by young people and to provide continuing education in the history and heritage of democracy.

We believe that school and public libraries could make an invaluable contribution to attainment of the objectives of the National Political Participation Program that would be established by enactment of S. 3570. As you told the Senate, "This is not intended to be a school project, though it is certainly an educational project."

Libraries, as you know, provide unique facilities, materials and services for self-education, for learning at the individual's own pace and often on his own initiative. In preparing themselves for the competition that would be fostered by S. 3570, therefore, it is our hope that many young people would turn to their libraries.

There they will find the fundamental documents of our development as a Nation, the histories of Colonial times in the original States, the pamphlets and speeches that led to the Revolution, the records of the Constitutional Convention, the *Federalist Papers*, the history of the subsequent growth and adaptation of our political institutions. There is hardly a library that lacks these materials, and most are also well supplied with the writings of commentators and critics who have analyzed Presidential elections, Congressional actions, amendments to the Constitution, Supreme Court decisions and the other manifestations of the American genius for self-government.

Our concept of the public library, in particular, is that it is a community information center and source. It would be fully appropriate, therefore, that libraries cooperate with a National Youth Political Participation Program, especially in view of its goals. As public institutions, maintained by public funds, libraries have a great stake in a vigorous, well-informed, actively participating electorate. They can only gain from the success of the activities that would be fostered by S. 3570 and, in turn, we believe that libraries will strive to assist the young people who would be engaged in purposeful preparation for a lifetime of informed citizenship.

Should you need any further information, please feel free to call upon me.

Sincerely,

Eileen D. Cooke,
Director, ALA Washington Office.

S. 3588

At the request of Mr. Mondale, the Senator from Florida (Mr. Chiles) was added as a cosponsor of S. 3588 to amend the Social Security Act to prevent State supplementation benefits from being reduced on account of increases in the level of benefits payable under the supplemental security income program, to prevent certain individuals from losing medicaid eligibility because of increases in social security benefits or supplemental security income benefits, and for other purposes.

S. 3603

At the request of Mr. Percy, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 3603 to repeal the no-knock laws.

S. 3626

At the request of Mr. Hugh Scott, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 3626 to insure that an individual or family whose income is increased in monthly social security benefits, will not, because of such general increases, suffer a loss of or reduction in the benefits under certain Federal or federally assisted programs.

S. 3637

At the request of Mr. Hugh Scott, the Senator from North Dakota (Mr. Young) was added as a cosponsor of S. 3637 to amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations may be issued and renewed for terms of 4 years, and for other purposes.

S. 3639

At the request of Mr. Mondale, the Senator from Connecticut (Mr. Weicker) was added as a cosponsor of

S. 3639, the Children and Youth Camp Safety Act.

S. 3660

At the request of Mr. Stevenson, the Senator from Michigan (Mr. Hart) was added as a cosponsor of S. 3660 to amend the Export-Import Bank Act of 1945.

S. 3680

At the request of Mr. Tunney, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 3680, to prevent the taxation of the forgiven portion of education loans.

S. 3722

At the request of Mr. Domenici, the Senator from South Dakota (Mr. McGovern) and the Senator from Colorado (Mr. Dominick) were added as cosponsors to S. 3722, a bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain expenses incurred for installation of solar heating and cooling systems.

SENATE CONCURRENT RESOLUTION 98—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING PRINTING ADDITIONAL COPIES OF "THE RECREATION IMPERATIVE"

(Referred to the Committee on Rules and Administration.)

Mr. JACKSON submitted the following concurrent resolution:

S. Con. Res. 98

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Interior and Insular Affairs 5,000 additional copies of its committee print of the current session entitled "The Recreation Imperative—The National Outdoor Recreation Plan", a report to the President and the Congress by the Secretary of the Interior.

SENATE CONCURRENT RESOLUTION 99—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING PRINTING ADDITIONAL COPIES OF NATIONAL NUTRITION POLICY STUDY HEARINGS AND PANEL REPORTS

(Referred to the Committee on Rules and Administration.)

Mr. McGOVERN (for himself and Mr. Percy) submitted the following concurrent resolution:

S. Con. Res. 99

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Select Committee on Nutrition and Human Needs not to exceed five thousand additional copies of all parts of its hearings and reports on National Policy.

Section 2. The authorization conferred by section 1 of this conurrent resolution shall terminate on February 28, 1975.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 84

At the request of Mr. Mondale, the Senators from South Dakota (Mr. Abourezk and Mr. McGovern), the Senator from Tennessee (Mr. Brock), the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Chiles), the Senator from Iowa (Mr. Clark), the Senator from Kentucky (Mr. Cook), the Senator from Kansas (Mr. Dole), the Senator from New Mexico (Mr. Domenici), the Senator from New York (Mr. Javits), the Senator from Maryland (Mr. Mathias), and the Senator from Ohio (Mr. Taft) were added as cosponsors of Senate Concurrent Resolution 84 relating to opium production in Turkey.

ADDITIONAL COSPONSORS OF A SENATE RESOLUTION

SENATE RESOLUTION 329

At the request of Mr. Humphrey, the Senator from South Dakota (Mr. Abourezk), the Senator from Delaware (Mr. Biden), the Senator from Massachusetts (Mr. Brooke), the Senator from North Dakota (Mr. Burdick), the Senator from New Jersey (Mr. Case), the Senator from Florida (Mr. Chiles), the Senator from Iowa (Mr. Clark), the Senator from California (Mr. Cranston), the Senator from Kansas (Mr. Dole), the Senator from Michigan (Mr. Hart), the Senator from Oregon (Mr. Hatfield), the Senator from Kentucky (Mr. Huddleston), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Jackson), the Senator from New York (Mr. Javits), the Senator from Massachusetts (Mr. Kennedy), the from Maryland (Mr. Mathias), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Wisconsin (Mr. Nelson), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pearson), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Vermont (Mr. Stafford), the Senator from Illinois (Mr. Stevenson), the Senator from California (Mr. Tunney), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of Senate Resolution 329 relating to the participation of the United States in an international effort to reduce the risk of famine and lessen human suffering.

ENERGY REORGANIZATION ACT OF 1974—AMENDMENT

Amendment No. 1541

(Ordered to be printed and to lie on the table.)

Mr. COOK. Mr. President, I send to the desk an amendment to S. 2744 and ask that it be printed. Very briefly, this amendment establishes an energy research, development, and demonstration trust fund to provide adequate funding over a continuing period to support projects designed to enable us to make full use of our domestic energy fuels. Through this program, I believe we can achieve independence from the foreign powers which, in ever-increasing amounts, supply the energy fuels we need to meet our requirements. We are indeed most fortunate to have this option open to us, and we must make the most of our opportunity. I believe we are in general agreement as to what is to be done. Having made this determination, it is equally important that we establish sound programs to reach our goal.

The challenge is very clear. We must find ways to produce and to use the abundant domestic natural resources with which nature has provided us. We must accept these natural resources in the form in which they exist—not in the form in which we wish they existed. It is our problem to effect the desired conversion from so-called dirty fuel to clean fuel and to harness the many energy forces of nature. However, I hasten to add that is so doing we must not sacrifice our goals of establishing and maintaining a healthful environment for all the people of this Nation.

Mr. President, such a goal can be achieved only through a dynamic research and development program. To this end, on July 13 of last year, for myself, Mr. Robert C. Byrd, and Mr. Baker I introduced S. 2167 which would establish such a program, but more importantly it would provide adequate funding for this program by the establishment of an energy research and development trust fund. I am convinced that if we permit the research and development program to be dependent on annual appropriations, we most certainly risk attainment of our goal.

The situation is comparable to that which we faced in 1956 when the decision was made to undertake the construction of more than 40,000 miles of super interstate highways. We recognized then that in order to achieve our goal we must have assured funding over a continuing period. We realized that we must remove the uncertainties inherent in dependence on annual appropriations. The decision was made by the 84th Congress and President Eisenhower to establish a highway trust fund for this purpose. Public law 627 came into being. We now enjoy a highway network which I question would exist had we not created this fund. As we seek the best solution to funding required research and development programs, I think we would do well to consider this example.

On November 13, following the announcement by the President that he was recommending to the Congress the establishment of an independent agency, the Energy Research and Development Administration, to manage our energy research and development efforts, I introduced for myself, Mr. Baker, and Mr. Bartlett, S. 2694, a bill to establish the Energy Research, Development, and Demonstration Administration. This proposal differs from the President's proposal which was subsequently introduced by Mr. Ribicoff, and is the bill which we are considering here today, S. 2744, in that it provided specifically not only for research and development, but also for the very important demonstration phase. From my own experience, I have found that in the past there has not been adequate provision for the demonstration phase to prove or disprove, with a larger model, the validity of the research and development which has been completed.

As I study S. 2744, I note that while demonstration is not included in the title of the bill it is provided for adequately within the bill itself. I, therefore, take no real issue with this particular point, only to say that demonstrations are vital to the success of energy development programs, and without adequate provision for this phase, the program is incomplete.

I think we all accept the proposition that we need a dynamic research and development program, or we would not be discussing it here today. As anyone who has been involved in major research and development programs will tell you, success is dependent on assured and continuous funding. Therefore, I say to my colleagues what better way to provide this funding than the creation of a Federal energy research and development trust fund.

This fund could act as a repository for funds of a prescribed amount, and expenditure from the fund could be made to meet requirements as they occur over a continuous time period. I suggest a sum of $2 billion would be paid into the fund annually. I would not restrict or require that a specific amount be expended over a particular fiscal year to support a particular program. Such determination would be made by the Administrator to permit him to expend funds to meet requirements. It is vital to our purpose that we are prepared to support a scientific or technological breakthrough as it occurs and without reference to specific limitation imposed by a system of corporations.

In suggesting $2 billion as an annual sum, I realize that this amount is a quantum jump in R. & D. expenditure for the period fiscal year 1970—fiscal year 1974, only $2.753 billion was funded. While for fiscal year 1975 this funding will be increased significantly, we are still not making sufficient funds available.

As to the source of these funds, I again suggest the user approach as was adopted for the successful highway trust fund. However, rather than revenue from the tax on oil, gasoline, and other goods and services placed on the user, I suggest that we utilize the revenue from the assets of the user. In this instance, the user is most certainly the public—you and I. And the asset of which I speak is our public land, and more specifically that public land which lies on the Outer Continental Shelf—OCS. For many years, we have had these assets, but we did not consider them to be of any great value because the cost of producing fuel far exceeded the price which it could command in the marketplace.

Today, in a fuel deficient market, we find that these OCS assets have indeed increased in value. The irony in this increase is that it has come about by an energy shortage, particularly the shortage of oil and gas, which threatens to destroy many of our much more tangible and recognizable assets and reduce our standard of living.

The revenue comes to us through the lease bonuses paid by the energy industry for permission to explore for and produce energy fuels from our public land. The use of funds collected by the Government in our interest from the energy industries for the use of our land would seem to me to be a most logical source of funds for Government-funded R. & D. programs to solve our energy problems. Projections for the adequacy of such funds seem most favorable.

If we take the period of calendar year 1968–73, we find that over $7 billion have been collected in lease bonus payments by the energy industry. During the first 5 months of 1974, $3 billion have been collected. This is considerably more than was expended for the R. & D. during a similar period. I also remind my colleagues that the President has announced his intention to increase by threefold our previous lease sales and has announced additional lease sales to be conducted during the next 5 years.

While the income from the Outer Continental Shelf would be adequate in itself, it would also include the receipts from Federal lease sales and all other sales or grants of development rights of energy sources on Federal lands. In this way, I am convinced that we would have more than adequate source of funds to meet our requirements.

Having stated the purpose and source of the fund, let me take a few minutes to describe how it would fit into the ERDA bill as we have it today. Section 108(A) on page 45 provides:

> The Administrator is authorized to make arrangements (including contracts, agreements, and loans) for the conduct of research and development activities with private or public institutions or persons, including participation in joint or cooperative projects of a research, developmental, or experimental nature; to make payments (in lump sum or installments, and in advance or by way of reimbursement, with necessary adjustment on account of overpayments or underpayments); and generally to take such steps as he may deem necessary or appropriate to perform functions now or hereafter vested in him.

As I understand the bill, he would carry out this task within the guidance of a master energy plan developed and annually updated by the Council on Energy Policy.

Here, we have all the ingredients for a successful energy program—save one—insured adequate funding. Would it not be tragic if a well-conceived plan should fail because a succeeding Congress failed to provide the necessary funds? This could happen because, as we all know, we are an impatient people, and we want results yesterday. I believe we must commit ourselves to a course of action and follow this course until it succeeds or fails. I also believe that ERDA should have the power to place required assets into a specific program at the moment such action indicates a high degree of success. On the other hand, I do not advocate a free-wheeling agency which is not responsible to the Congress. The bill, as drafted, gives us this safeguard.

Mr. President, before leaving this subject, I would like to recognize that when S. 1283 was introduced by Senator JACKSON as an energy conservation measure, I cosponsored the bill. On review, however, I find this bill makes no permanent requirement for funding, thus leaving it to the Congress to appropriate at any level of funding after the first year or at no level of funding at all. In addition, it fails to contain the very important element of creating a separate agency to manage our total research and development effort and limits funds to specific projects. Such limitations would defeat the flexibility and responsiveness so necessary in this type legislation. Therefore, I cannot support S. 1283.

Mr. President, I hope most sincerely that this body will take that extra and vital step of including a trust fund to insure that the Administrator of ERDA will have available the necessary funds over a continuing period of time to enable him to accomplish the task ahead.

AMENDMENT OF THE CONSUMER PROTECTION AGENCY ACT OF 1974

AMENDMENT NO. 1542

(Ordered to be printed and to lie on the table.)

Mr. DOMENICI (for himself, Mr. BAKER, Mr. DOMINICK, Mr. EASTLAND, and Mr. FANNIN) submitted an amendment intended to be proposed by them jointly to the bill (S. 707), the Consumer Protection Agency Act of 1974.

Mr. DOMENICI. Mr. President, in the near future this body will begin debate on a most important legislative initiative, S. 707, the Consumer Protection Agency Act of 1974. This is a bill that should concern all of us because it addresses the interests of the consumer, a matter of vast importance, touching as it does the lives of every American.

I have studied this bill very carefully and the many sound reasons for its introduction. It is quite obvious that the sponsors of S. 707 and the applicable committees have worked very diligently in attempting to improve the treatment of the American consumers. There is no doubt in my mind that the consumer in some cases has received inadequate protection with little recourse and I, therefore, commend the proponents of this bill for their initiative.

I am very concerned, however, that the sponsors of this bill have overlooked a potentially adverse effect on this Nation's small businesses. My concern is based on the fact that the benefits gained for the consumer with passage of S. 707 would be seriously offset by the additional administrative burden the present version of the bill would impose on small businesses through the power given to CPA to require businesses to answer interrogatories. Because of this unwarranted burden, I would have grave reservations in supporting this bill without a specific amendment exempting small businesses from mandatory interrogatories.

This problem can and should be remedied. I am, therefore, introducing an amendment that would exempt small businesses from mandatory interrogatories. In defining "small business," I use the present criteria established by the Small Business Administration.

In summary, Mr. President, my main reasons for introducing this amendment are as follows:

First. Small businesses have had an increasing burden placed on them by compliance with a multitude of laws and Federal and State Agency requests for information. Any additional requests would be unduly burdensome and unwarranted.

Second. The main purpose of a CPA should be to closely monitor agency actions in protecting the interest of the consumer. It should not place any additional imposition on small business without at least a corresponding equal benefit for consumer interests. In the case of mandatory interrogatories imposed on small business, it is my opinion that this test is not met.

It is my sincere hope that the sponsors of this bill recognize the inherent problems for small businesses under the present version of S. 707 and I ask their support in remedying this serious matter. I am convinced that the interests of the consumer need not impose unreasonable burdens on such a large section of our economy. The CPA can best protect the interest of the consumer by concentrating its efforts on improving the decisions made by our regulatory agencies and not by further burdening the small business community.

Mr. President, I ask unanimous consent that a copy of my amendment be printed in the RECORD along with my remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 68, line 17, immediately after "person" insert "(except a person referred to in paragraph (3) of this subsection)".

On page 70, between lines 7 and 8, insert the following new paragraph:

(3) With respect to any person which is a small-business concern as defined under section 3 of the Small Busines Act (15 U.S.C. 632), the Administrator shall not have the power to require the production or disclosure of any data or other information under paragraph (1) of this subsection. Nothing in this paragraph shall be construed to prohibit the Administrator from requesting the voluntary production of any such data or information.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1510

At the request of Mr. CHILES, the Senator from Louisiana (Mr. JOHNSTON), the Senator from Montana (Mr. METCALF), and the Senator from Utah (Mr. MOSS) were added as cosponsors of amendment No. 1510, to require agreements regarding the provision of fissionable materials to the nations of the Middle East be submitted to the Senate as treaties for ratification and to require that specified Members of Congress be consulted before any announcements or decisions are made regarding the use of the Special Requirements Fund of $100 million for the Middle East, intended to be proposed to S. 3394, the Foreign Assistance Act.

NOTICE OF HEARINGS ON BILLS TO CODIFY, REVISE, AND REFORM THE FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. Mr. President, I wish to announce for the information of the Members and the public that the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary will resume its hearings on S. 1 and S. 1400, bills to codify, revise, and reform the Federal criminal laws.

Hearings are scheduled for July 12, 1974, beginning at 10 a.m., in room 2228, Dirksen Senate Office Building, and for July 19, 1974, beginning at 10 a.m., in room 457, Russell Senate Office Building.

Additional information on the hearings is available from the staff in room 2204, Dirksen Senate Office Building, telephone Area Code 202-225-3281.

ADDITIONAL STATEMENTS

NIXON AT THE SUMMIT

Mr. HUGH SCOTT. Mr. President, President Nixon has returned home, and the Nation and the world have been made safer because of the great and historic accords reached with General Secretary Leonid I. Brezhnev in the name of the two most powerful countries in the world. These agreements were achieved in the cause of peace, and in a sincere effort by these two world leaders to negotiate substantial and lasting friendship and cooperation.

The nuclear arms limitation agreements are far more than welcome; they are vital.

The trade agreements will mean a stronger economy for both our countries.

We shall embark upon a mutual exchange of information and experts for projects to come in the housing and construction fields.

We shall be working together to solve an energy crisis that is worldwide.

We shall be investigating the mysteries of space by combining the scientific knowledge of skilled explorers of two nations focusing on tomorrow.

We shall be jointly seeking the answers that have so far eluded us in medical research.

If not all the problems were solved between the United States and the Soviet Union, a great deal of progress was made. The President of the United States deserves a "well done" for his superb achievements in this third summit.

Mr. President, several articles appeared in the press as President Nixon embarked on this great mission, and I ask unanimous consent that they be printed in the RECORD because of the commendable foresight and fair judgment with which they viewed the summit. They include a June 28 New York Times article by the Honorable W. Averell Harriman, former U.S. Ambassador to the Soviet Union. Mr. Harriman said President Nixon's efforts would be strengthened if there were "an atmosphere of hope coming from the United States rather than suspicion." The other articles include "Window-Dressing That Matters," a June 23 editorial in the Washington Star-News: "Is Nixon Trip Necessary? Yes," a June 24 editorial in the Denver Post, and "Presidential Journey," a June 26 editorial in the New York Times.

There being nc objection, the articles were ordered to be printed in the RECORD, as follows:

THE SUMMIT MEETING: SUPPORT FOR NIXON

(By W. Averell Harriman)

WASHINGTON.—In my three-hour talk in Moscow with Leonid I. Brezhnev, the Soviet party leader, on June 4, he underlined the importance of the agreements reached with President Nixon in 1972 and 1973 and spoke with confidence that further significant steps would result from his upcoming meeting with the President. His overriding concern was the control of the nuclear arms race. He spoke not only of the limitation but the mutual reduction of capability.

I have dealt with Soviet leaders, beginning with Leon Trotsky—regarding a manganese concession—for nearly fifty years. I had endless meetings with Stalin on military and political affairs during the war, and long negotiations with Nikita S. Khrushchev on nuclear and other matters. I have known Aleksei N. Kosygin since 1942, and now for the first time I have met Mr. Brezhnev.

Each man was quite different in character and style. Mr. Brezhnev speaks with emotion. He said to me, "You and I saw the terrible suffering of World War II," and expressed his concern "for the need for peace." He has publicly committed himself to the policy of détente.

It is historically inaccurate to assert that President Nixon initiated a period of negotiations. This belittles the achievements of President Eisenhower in the Austrian state treaty giving Austria its independence, and of President Kennedy who broke the ice with the limited test ban treaty, and of President Johnson's further agreements.

In fact, in 1968 Lyndon B. Johnson was about to meet with Mr. Kosygin in Leningrad to initiate talks on the limitation of strategic arms. Unhappily, the invasion of Czechoslovakia intervened. Futhermore, Mr. Brezhnev's policy of détente was signaled by his agreement with Willy Brandt in Mr. Brandt's *Ostpolitik*. However, President Nixon deserves full credit for seizing the opportunity unfolded in his visit to Moscow in 1972.

Mr. Brezhnev has definite objectives and is a tough trader, but he speaks of the "irreversibility of the move toward détente." Step by step, year by year, progress must be made.

He told me he looked forward to coming to the United States again next year. But there is to be no unilateral disarmament on the part of the Soviet Union nor the acceptance of second place in nuclear "defense," as he calls it. Every time we embark on new programs, the Russians will do the same. Our Military Establishment contends that we are only trying to keep up with the Russians' moves. Regardless of who is right, aggressive statements or actions by each side tragically stimulate one to outdo the other.

This dangerous competition has been checked by the agreement limiting antiballistic missiles, but only preliminary action has been taken in limiting offensive capability. It is now more difficult to find a formula for equality as each side has a superiority in certain fields and is behind in others.

The Russians believe we outstrip them today because of our threefold greater numbers of warheads with greater accuracy, in addition to our forward-base system, whereas we are concerned that they in time could surpass us by the greater throw-weight (nuclear payload) of their missiles.

The term "essential equivalence" is now wisely being substituted for "parity," but this is exceedingly difficult to negotiate. Both sides have such fantastic second-strike capability that it makes little difference militarily just where the line is drawn to stop expansion, but it has become important that neither side can claim superiority from the standpoint of political prestige.

In place of the Pentagon's demand that we must never let the Russians catch up to us, Mr. Nixon wisely says that we must never permit ourselves to be "second." I sincerely hope that common sense will take the place of unrealistic competition.

Mr. Brezhnev mentioned the possibility of the elimination of underground testing. However, he wants also to make progress in the limitation of offensive weapons and spoke of the need to control new weapons systems. He has in mind, too, the possibility of reducing military forces in Europe.

I found that Mr. Brezhnev has confidence in President Nixon's sincerity and objectivity, and Watergate in no way inhibits Mr. Brezhnev's readiness to negotiate in good faith.

However, President Nixon's hand will be strengthened with an atmosphere of hope coming from the United States rather than suspicion. For this reason, I have been urging since my return from the Soviet Union support for President Nixon in his endeavors to reach agreements designed to reduce the possibility of nuclear disaster—agreements that are so vital to our survival on this earth.

Presidential Journey

President Nixon's eight-day journey to Brussels and Moscow will focus on the future of détente with the Soviet Union; but it begins fittingly with a summit meeting of the NATO allies, the first in seventeen years.

The signing of the Atlantic Declaration in Brussels today will be more than a symbolic event. It will put the approval of chiefs of government on a lasting recommitment to Western unity in the 25th anniversary year of history's most successful peacetime alliance.

The task of managing the increasing independence of the United States and a uniting West Europe in the last quarter of the twentieth century is just beginning and it will require new attitudes and new institutions which are still only vaguely seen. The intensive dialogue of the last fourteen months, set off by Henry Kissinger's April 1973 "Atlantic Charter" speech, undoubtedly will resume when the Secretary of State visits the main Western capitals enroute home from Moscow.

Meanwhile, what is most urgent is to consolidate the East-West accommodation during Mr. Nixon's week-long talks with Leonid Brezhnev. The President's discussions with other Western leaders are an essential preliminary. Mr. Nixon's voice in Moscow will be strengthened by allied support. Allied concerns about "superpower condominium" should be significantly eased.

The three-fold purpose of the Moscow meeting, as summarized by Secretary Kissinger, is to maintain a dialogue on world events, to further contain the danger of nuclear confrontation and to continue the process of building peace through a "web of interests" between the Soviet Union and the West.

MIRV multiple warhead missiles are at the core of the two projected negotiations at Moscow on nuclear weapons, one for a limited underground test-ban and the other for a step forward in the second round of the strategic arms limitation talks (SALT II).

The SALT discussions will center on Mr. Brezhnev's March proposal to extend the 1972 five-year interim agreement on offensive missiles, meanwhile limiting to an agreed number—which Washington considered much too high—the replacement of existing Soviet launchers by new, more powerful MIRVed missiles. President Nixon is willing to accept the Brezhnev concept if the numbers, types, locations and verifiability of the replacement missiles can be agreed—and held below a level that might give the Soviet Union a first-strike capability against American land-based missiles.

As to the nuclear test-ban, Mr. Brezhnev wants to set a timetable for reaching a total ban on underground explosions. Verification difficulties will limit the initial ban to larger tests, which can be detected without onsite inspections. Even this limited step has value, for it can help to head off the development of a new generation of more accurate and more powerful MIRV warheads that could create fear that the other side was achieving a first-strike capability.

The Moscow summit will also see a discussion of the Middle East and European problems. There will probably be agreements on transport, urban development, agriculture and medical cooperation, as well as a framework treaty on commerce and friendship, none of which will be spectacular. Real headway on trade and credits depends on an Administration compromise with Congress, affected not only by the emigration issue but by doubts about the future of détente stemming from the Mideast war and Russia's missile build-up.

It is precisely these doubts and the need to keep the momentum of détente going that lends importance to this third annual summit meeting of the world's two most powerful nations. It is a meeting that is less likely to achieve spectacular new progress than to consolidate the relationship that has thus far been achieved. It will, in effect, be more or less a routine encounter. But, then, who would have believed a few years ago that Soviet-American summits could become "routine?"

Window-Dressing That Matters

All Americans, whatever their political persuasions, whatever their rating of the administration, must wish Richard Nixon well in his forthcoming summit meeting in Moscow. For simple truths remain true, regardless of Watergate. In his encounter this week with the leaders of the Soviet Union, it is not only Nixon's standing that is being put to the test. It is, in fact, a test of how the nation as a whole stands today in the international community.

Fortunately, perhaps, it does not shape up as a critical meeting in the usual sense. No large agreements on the further limitation on strategic weapons such as were foreseen a year ago are in prospect. The most of a practical nature that we have been led to expect is an agreement of some kind on underground nuclear testing and perhaps a pledge on both sides to exercise "restraint" in the deployment of new weapons systems involving multiple nuclear warheads. Progress is also possible in the area of trade, now that Soviet concessions on the problem of Soviet Jews who wish to emigrate to Israel appears largely resolved. Until now the problem has effectively blocked passage in the Senate of the President's trade bill which would grant the necessary concessions and credits to the Soviet Union.

Predictably, such modest results will be dismissed as mere "window-dressing" by the President's critics here at home. Some, like former SALT negotiator Paul H. Nitze, believe that, except for Watergate, much more significant progress in arms control would have been possible. In his view, the traumatic events taking place in this city have foreclosed for the time being any realistic prospect of negotiating a slowdown of the strategic arms race.

Maybe so. Yet there are times when window-dressing can be of considerable importance in diplomatic relations and there are times when no agreement is far better than one which is hastily contrived for the occasion.

The fact of the matter is that the administration itself has still not worked out a firm position on the question of strategic arms control. And the distractions of the last few months, both in Washington and the Middle East, have prevented the "conceptual breakthrough" that Secretary of State Henry Kissinger has been seeking.

Nevertheless, in the absence of any large agreements in the area of arms control, this meeting has a large significance—larger, perhaps, than most summits that have preceded it. The essential question to be answered in Moscow next week is whether or not American foreign policy is so enmeshed in Watergate as to be effectively paralyzed. And depending on the answer to that question, whether or not the policy of détente which both governments proclaim as their own has any real future under the circumstances.

The first question cannot be answered subjectively by Americans on the basis of what they know about the administration's current problems. It depends not only on the realities but also on the perception of those realities by outsiders whose ability to analyze and interpret political events in this country does not always inspire great confidence.

Our own impression at this point is that the Soviet leaders believe that the Nixon administration is still an effective government which they very much hope will survive its present difficulties. The importance which Soviet Party chief Leonid Brezhnev publicly attaches to this meeting, his emphasis on the necessity of continuing détente and his predictions of "good agreements" in the offing seem to reflect genuine concern. So far, there has not been the slightest hint that there is any disposition in the Kremlin to try to take advantage of the President's domestic political weakness in the coming talks.

When it comes to the future of détente, again it is largely a question of what the other side has in mind. Certainly our devotion to the idea has to be something more than a disposition on our part to relax. It must be translated in terms of concrete agreements, however modest, which concede no advantage to either side and which serve to justify the inference of a decrease in antagonism and ideological hostility between the Communist bloc and the West. If that idea can be significantly advanced in the course of the Moscow meeting, it will be well worthwhile.

Is Nixon Trip Necessary? Yes

The warm welcome President Nixon received during his Mideast trip has undoubtedly made him look forward eagerly to more globe-trotting this week and next.

This week, the President is stopping off in Brussels to take part in a signing ceremony on a new statement of principles for the North Atlantic Treaty Organization. And then he will travel to Moscow for his third summit meeting with Soviet Chairman Leonid Brezhnev.

Is this latest trip necessary?

That question is being asked in view of Mr. Nixon's domestic problems, and some members of Congress have contended that the President ought to stay home and attend to these problems.

But it can also be said that any meeting of the heads of state of the world's two most powerful nations is generally useful—and this is particularly so in regard to Mr. Nixon's trip to Moscow.

Relations between Moscow and Washington have continued to improve, and Chairman Brezhnev has emphasized his readiness to come to terms with Mr. Nixon on some matters of mutual concern.

Even before Mr. Nixon returned to Washington from his Mideast trip, Brezhnev made a conciliatory statement on nuclear test policies, noting that the Soviet Union was prepared to agree to set a timetable for ending underground nuclear tests.

Further, Brezhnev has called for stronger commercial ties between the Soviet Union and the United States. Trade between the two countries has expanded considerably during the past two years, and Brezhnev would like nothing better than an added infusion of modern U.S. technology into the Soviet economy.

Major breakthroughs on such key issues as the Soviet-American Strategic Arms Limitation (SALT) negotiations do not seem likely, yet anything is possible at a summit conference.

But the most important business at hand is the boost such a meeting can provide for the strengthening of Soviet-American friendship.

INFLATION'S IMPACT

Mr. ABOUREZK. Mr. President, inflation is an economic condition that daily finds new victims to assault. This ogre especially, compounds the economic instability of the retirement years where fixed income is the general rule. It is upon reaching this stage in life, after years of planning, saving, and sacrificing, that inflation cuts deepest.

Presently 87 percent of those 65 or older live on less than $5,000 per year in income, and 25 percent try to live on less than $1,500. Inflation at a rate of 6 to 10 percent a year is devastating at these levels of income.

Recently, the New York Times presented a story of inflation's impact on the life of Werner Knoxton. Mr. Knoxton is but 1 of 11 million persons whose retirement income has been devastated by inflation.

Mr. Knoxton's comment on his situation perhaps best sums up the struggle of those retired on fixed incomes and facing inflation:

> My only concern now is that I don't outlive my savings.

Mr. President, I ask unanimous consent that the article by Jon Nordheimer in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLEASANT RETIREMENT ON COAST IS TURNED INTO POVERTY BY INFLATION

(By Jon Nordheimer)

ISLA VISTA, California.—A journey that began in the final year of the last century in a small Swiss canton has carried Werner Knoxton to a cramped room in a former college dormitory near the tossing surf of the California coastline.

It's been a half-century since the Swiss immigrant and his Australian bride opened a Manhattan tearoom called the Kangaroo, and nearly two decades have passed since the couple sold a 200-acre camp in Vermont that they had acquired after they abandoned the city in search of a more pastoral existence.

In 1965, after a period of semi-retirement, the Knoxtons decided to retire altogether putting about $15,000—a major portion of their savings—into mutual funds to "guarantee" a steady annual income and moving to California, where they settled in a cottage in Ojai, a small valley community nestled in the Santa Ynef Mountains about 40 miles east of Santa Barbara.

For a few years the Knoxtons' life was frugal but pleasant; then things started to fall apart. There was ill health and its related expenses, but since 1968 there was also inflation, and like other Americans on fixed incomes, the Knoxtons' struggled to keep up with rising prices reduced their already Spartan existence to one of steady financial decline and improverishment.

Mary Knoxton, 14 years older than her husband, died last year at the age of 88. Werner Knoxton, at 75, is going blind, and poor circulation in his legs is rapidly crippling him. He is alone, a man who has outlived his friends and family, and dares only one hope.

"AN OLD MAN'S SILLY PRIDE"

"My only concern now is that I don't outlive my savings," he said in the dim half-light that filtered into his room at Friendship Manor, a nonprofit residence for the aged on the edge of the campus at the University of California at Santa Barbara.

"I've never been on welfare and now that Mary's gone and doesn't need me to care for her I'd just as soon go myself than get welfare," he went on. "It's an old man's silly pride."

Although Mr. Knoxton is not a typical elderly American, his difficulties sum up those of some 5 per cent of the national population—about 11 million persons—whose retirement incomes have been eroded by double-figure inflation to the point where they exist in a lonely world of poverty and disillusion.

According to a Federal survey, 87 per cent of those 65 or older live on an income of less than $5,000 a year. Twenty-five per cent exist on less than $1,500.

For the most part, inflation for this segment of America does not mean a choice between necessities and frills; it forces hard decisions about which necessities are to be reduced or eliminated, because the luxuries were long ago abandoned.

EXPECTED A TIGHT BUDGET

In 1965, when the childless Knoxtons put most of their savings into two established mutual funds and moved to Ojai, they anticipated a tight budget but not hardship. After all, Mr. Knoxton told a visitor to his room the other raised in a rural setting in their native lands, and they were skilled in the simple arts and loved rugged outdoors living more than most persons their age.

Mrs. Knoxton had been a school teacher when she first came to this country, the old man noted, and he had been employed at several jobs before they married and opened the tea room and then left the city after the Wall Street crash to operate summer camps in Connecticut and Vermont. But since they were self-employed for most of those years, they were eligible only for minimum Social Security benefits at retirement.

At the time of Mrs. Knoxton's death, the couple was receiving a total of $157.40 a month in benefits from the Government. That, plus approximately $200 a month in dividends from the mutual funds represented their total income since they had no pension or other annuities.

"We were so naive," the old man said with a wistful glance at a photograph of his late wife that rests on the grained surface of a pine dropleaf table, one of the sticks of furniture he has managed to hang on to through the years.

"We were never particularly money-minded, and I guess that was our trouble. Who could guess that prices would go like this? That land we sold in Vermont in 1954 for $30,000 is probably worth a quarter-million dollars today. Who could foresee that an investment in real estate would be much safer than money in the stock market?"

The first place the couple felt the pinch was in rising food prices, he said, but they were adept in finding ways to cut major food costs without a corresponding sacrifice in nutrition. "My wife had a pretty good touch for that kind of thing. Her specialty was a meatless soybean chili that actually tasted pretty good."

MEDICAL EXPENSES RISE

However, there was no way to skimp on medical expenses not caused by Medicare. In recent years, he explained, they began to consume 25 to 30 per cent of the budget. His own deteriorating eyesight, a continuation of diabetes and glaucoma, and a worsening arthritic condition suffered by his wife, caught the couple in a spiral of costs that ate into their savings as the declining stock market critically cut income from the investment in mutual funds.

In 1972, the Knoxtons left Ojai to take the offer of an old friend to live rent-free in a weatherbeaten house in a desolate corner of Utah.

But that was no solution, they quickly learned, because their health problems no longer permitted them to lead a rugged life, and they could not afford air-conditioning to neutralize the blazing summer heat of the Utah badlands.

Back they came to Ojai in the spring of 1973, the last long car trip for Mr. Knoxton, who soon afterward sold his station wagon because his failing eyesight and the rising cost of maintaining an auto made it a luxury he could no longer afford.

The next shock was that the rental cost of cottages in Ojai had soared from $90 a month to $150 in the one year they had been away. The soybean chili was on the table every day.

Mrs. Knoxton's death—besides producing a profound emotional distress—brought the widower another financial reverse. The monthly Social Security check dropped to $78.20 a month.

Because women tend to outlive men in this country, the trauma of a partner's death is usually borne by women, and retirement villages along the Sun Belt from here to Florida are becoming enclaves of widows. In most cases, however, men are covered by insurance policies and the lowered Social Security benefit is offset by lump-sum death benefits.

For Mr. Knoxton, it was simply another step closer to despair. Neighbors found him a few weeks after his wife's death inside the cottage, half-starved and nearly blind, unable to care for himself, and they carried him to Friendship Manor, a converted college residence that now serves the needs of the aged.

There, at least, his physical needs were met. Mr. Knoxton pays $128 a month for his one room, and $70 a month for 19 meals a week. Because of his failing eyes, he has to pay a woman $2.50 a week to clean his room. His biggest expense beyond this is for medicine and vitamins, averaging about $50 a month. He liked to buy his own whole wheat bread at a local grocery to eat with his meals, but in the one year he's been there the cost of a loaf has gone from 39 cents to 53 cents.

These costs come to about $265 a month, and Mr. Knoxton estimated that he needs a minimum of $300 a month to survive. His aggregate monthly income, however, is now about $210, and the difference has to come out of the funds he has invested, further reducing future dividends.

In desperation, he placed on sale some personal possessions—40-year-old letters from Ernest Hemingway to his children, who spent a summer at the Knoxton's camp, and six works by the New York Artist Marton Lewis, a friend of half a century ago.

Nearly blind and hobbled now, he spends most of his time in his room when he is not taking meals in the cafeteria, comforted by a few private possessions.

One is a tape recorder with several cassettes of Beethoven and Bach. The other is an FM radio tuned to a classical music station.

Late at night, as music floods his dormitory room, the old man often sits hunched at his pine table with a magnifying glass and opens a photo album that is filled with smiling young children in striped polo shirts and khaki shorts at a summer camp in Vermont; snapshots pasted on pages worn thin by fingers searching out memories.

At one elbow is the smiling photo of his wife, and at the other is a Swiss calendar always turned to the month of May in 1966, a page that displays a glorious color view of Ligerz in Bielersee Canton, the old man's native village, where he was born in the final year of the last century.

Mr. Knoxton said he was saddened by the prospect of losing the paintings because they were links to a dim past with friends who were now dead. But he said that they, too, had ultimately become another element that had to be consumed—like provisions in a lifeboat—to keep on living, and while the price was high he knew of no alternative.

IN SUPPORT OF A BALANCED BUDGET

Mr. HANSEN. Mr. President, Mr. Bill Nightingale of Lander, Wyo., a banker and constituent, sent me a copy of his recent letter to my colleague in the House, the Honorable WILBUR MILLS. Mr. Nightingale's letter had to do with the incredible rate of inflation currently worrying citizens and government officials.

Mr. Nightingale points out in his very good letter that the solution to the double-digit inflation we now are experiencing is a balanced Federal budget. He points out, as well, that if this goal is ever to be achieved, Members of Congress will have to give as much consideration to the public as a whole, and the national budget as a whole, as is given to the "sacred cows" of the budget picture.

Mr. President, recently I sent an opinion survey to some 60,000 of my constituents in Wyoming, and the results of that survey show in a number of ways that people are concerned about inflation more than about any other issue, and that they believe reductions in Federal spending are the answer to inflation.

When asked to rate in terms of priority a list of 14 national issues, including Watergate, the energy shortage and more funds to States and cities, 64 percent of the respondents said reducing inflation was absolutely vital and was more important than any other issue. 49 percent said reducing Federal spending was "absolutely vital."

I favor a balanced budget, and was pleased to join with 53 of my colleagues from both sides of the aisle in a recent request that the President submit a revised budget proposal for fiscal year 1975 that would reflect a balanced budget.

Mr. President, I ask unanimous consent that Mr. Nightingale's very excellent letter to Representative MILLS, the results of my recent opinion survey, and the text of the letter to the President about the fiscal year 1975 budget be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 28, 1974.

Hon. WILBUR D. MILLS,
Chairman, House Ways and Means Committee, House Office Building, Washington, D.C.

DEAR MR. MILLS: I am prompted to write you, not as one of your constituents, in terms of being from your state, but as a fellow American.

A good deal of confusion appears to exist at all levels of leadership in this country regarding the problem of inflation, and just where our economy is going. I personally am astounded at the disparity in thinking among well respected economists both in government and in the private sector.

It seems to me that some rather obvious points tend to get overlooked when the prime rate gravitates toward 12%, and the country appears to be in a runaway double digit rate of inflation.

The United States has not balanced its budget for the past 15 years, as you well know, and it seems elementary that we cannot continue to raise our national debt limit each year, adding a tremendous burden of interest on the national debt, and expect to get inflation under control. I personally feel it is a very unfortunate thing that the Federal Reserve Board has taken the position that they are the last and only bastion left in the battle against inflation. If this is true, statesmanship has given way to opportunistic politics. How long could you or I, or anyone in our society last if he conducted his own personal affairs in the way the government has over the past 15 years? Continuous refinancing of the national debt level of 15 years ago was bad enough, with no reduction on the debt, but to add multibillions each year to the national debt, would be like you or I owing $50,000 15 years ago, and adding $5,000 to $10,000 each year at the time we have to refinance to make our interest payment, plus buy new items for ourselves, many of which are not necessary at all.

If I recall in economics class at Yale University 25 years ago, the conservative wing of the faculty saw great inherent evil in deficit financing of any kind. On the other side, the most swinging liberal would say that in an expanding economy, the financial statement of the United States can support additional borrowing and that the only time the national debt is really a serious problem, is when the interest is burdensome. Well, I think we have come to the point where the interest is getting extremely burdensome, when the United States government is the severest competitor for private sector funds in order to rewrite and enhance the national debt. As a banker, I watch what is euphemistically called "disintermediation", which merely means that people take their savings out of our banks and the local savings and loans, where they are doing a first rate job in providing job opportunities for our young people through good lending practices to new businesses, and the many other things that local savings do in the area of where they work, and I see them running to six month treasury bills, which pay as much as two percentage points more to the saver over what the bank or savings and loan can pay. To me, this means that the interest rate is getting burdensome.

It seems to me that our progressive income tax system, our forever increasing governmental sector, which does so many things for people at the present time that they really could do for themselves, is heading us for a good deal of trouble. It seems to me that the "silent majority", which certainly is out there, and which represents in my opinion a most responsible group of citizens have become quite alienated from involvement in governmental processes because they must stay on the treadmill producing for the kids' college educations, a decent home, and the other rather outward appearances of the "American dream." It is not until these people are hit right in the pocketbook that they do rise up and make their real feelings known.

It would therefore seem to me that if we are going to straighten out the economy, it is going to be through the method of a balanced budget. Indeed, in times of inflation, revenues should definitely exceed expenditures, so that a portion of this debt can be retired. Even John Maynard Keynes, the English economist of many years ago, who fascinated Franklin Roosevelt with his theories of pump priming and deficit financing, advocated only deficit financing in periods of recession. He was a strong advocate of revenues exceeding expenditures in time of inflation, and a portion of the national debt being retired. In his day, he was considered a wild eyed liberal.

It would seem that a good deal of our federal spending has created a great number of sacred political cows. About the time you want to close the Veterans Hospital in Cheyenne, Wyoming, and fly the veterans to Minneapolis, where they have a much better hospital, all the people rise up and scream and yell and generally make it a politically unpalatable thing to do. Perhaps we should approach this problem by saying "all right, we are not going to wound anybody's sacred cows, we are merely going to increase taxes to the point where revenues at least equal expenditures." I think this is where statesmanship comes in, because it is obviously unpalatable to increase taxes as such. It may well be that your tax reform bill can plug some loopholes, but the fact remains that if you are going to really whip inflation into a manageable thing for a protracted period of time, you cannot live with this spread between revenues and expenditures.

My thought is that if the statesmanship came forth that would in fact increase revenues, the silent majority would respond with saying "well, perhaps you can gore one of my sacred cows, as long as you gore somebody else's cow." It is a time that tries mens' souls when what is absolutely necessary for the country economically, cannot be accomplished politically. Therein lies the seeds of destruction of our democracy.

Most sincerely,

W. T. NIGHTINGALE,
President.

COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Washington, D.C., June 19, 1974.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We, the undersigned members of the United States Senate, are deeply concerned about the financial crisis confronting the United States.

We are convinced that the spending practices of the federal government are a substantial contributing factor to the intolerable inflation which the nation is now experiencing.

As a result of continuing budget deficits, the debt of our country has risen almost $200 billion in the last ten years. We have sustained annual deficits, with a few notable exceptions, for the last 43 years. It is estimated that the national debt will exceed one half trillion dollars by the end of this year.

Respected economists are sounding dire warning of the results of continuation of our past and present spending practices.

We believe remedial, dramatic action is called for by the Administration and the Congress.

We believe the only way to turn the situation around is to bring an immediate halt to government spending in excess of government income.

Therefore, we respectfully request that you submit to us a proposed balanced budget for fiscal year 1975, incorporating changes in programs and funding of programs you believe necessary to meet that objective.

With such a budget available, we will be able to intelligently offer proposals for appropriation reductions, with the goal of attaining a balanced budget.

We consider this project of utmost importance and will appreciate your cooperation.

Sincerely,

Dewey Bartlett, Paul Fannin, Clifford P. Hansen, Pete V. Dominici, Jesse Helms, Henry Bellmon, James L. Buckley, William L. Scott, Peter H. Dominick, J. Glenn Beall, Jr., Sam Nunn, Wallace F. Bennett, Lawton Chiles, John Tower.
Edward J. Gurney, Strom Thurmond, Bob Dole, Howard Baker, Charles H.

Percy, Robert Taft, Jr., James B. Allen, Ernest F. Hollings, Jennings Randolph, William Proxmire, Barry Goldwater, Roman Hruska.

John Sparkman, John L. McClellan, Bill Brock, Harry F. Byrd, Jr., Walter D. Huddleston, James O. Eastland, Hugh Scott, J. Bennett Johnston, Jr., John C. Stennis, Bill Roth, Mark Hatfield, Edward W. Brooke, Bob Packwood, Herman E. Talmadge.

Daniel K. Inouye, Alan Bible, Frank E. Moss, William D. Hathaway, Joseph M. Montoya, Howard M. Metzenbaum, Joe Biden, Alan Cranston, Hiram L. Fong, Carl T. Curtis, Quentin Burdick, Charles McC. Mathias, Jr., Norris Cotton, Jim McClure.

RESULTS OF SENATOR HANSEN'S OPINION QUESTIONNAIRE

In April, a list of questions about current national issues was sent to some 60,000 Wyoming residents. More than 13,000 persons answered the questions, and a tabulation of result samples appears below. I want to thank those who return the questionnaire. The results will be helpful to me, and I hope of interest to you.

[In percent]

	Yes	No	Uncertain
Daylight savings: Do you favor continuing daylight savings on a year-round basis?	41	54	5
Abortions: Do you favor amending the Constitution so that abortions would be prohibited?	26	62	12
Environment: Do you favor relaxing clean-air standards to permit greater use of coal to ease the energy shortage?	54	34	12
Campaign financing: Do you favor complete financing of Congressional and Presidential campaigns from the Federal treasury, and a ban on all non-Federal contributions?	28	59	13
Watergate: Do you feel President Nixon has been fairly treated by the news media during coverage of watergate?	36	57	7

President Nixon: Which of these most nearly expresses your view concerning the President?

(1) He should resign: 16 percent.

(2) He should face impeachment: 21 percent.

(3) He should be removed from office: 9 percent.

(4) He is doing a good job and should stay in office: 54 percent.

Energy Shortage: Which one of these is mainly responsible for the energy crisis?

(1) Government: 11 percent.

(2) Oil companies: 15 percent.

(3) Overconsumption: 10 percent.

(4) Environmentalists: 3 percent.

(5) Combination of these: 55 percent.

(6) Don't know exacly—too complex: 6 percent.

Economy: How do you view Wyoming's 1974 economy as compared with the national economy?

(1) Wyoming better off: 65 percent.

(2) Same: 28 percent.

(3) Wyoming worse off: 7 percent.

Defense: In regard to national defense and military preparedness, do you feel the United States should:

(1) Spend whatever necessary to insure superiority in any confrontation: 48 percent.

(2) Achieve a military power balance with the Soviet Union: 31 percent.

(3) Maintain defense capabilities at present levels: 16 percent.

(4) Reduce present preparedness levels: 5 percent.

NATIONAL PRIORITIES: HOW DO YOU RATE THESE ISSUES?

	Not Important	Somewhat Important	Important	Absolutely Vital
Reducing inflation	1%	4%	31%	64%
Welfare Reform	3%	13%	50%	34%
Environmental Protection	6%	35%	43%	16%
Energy Shortage	1%	11%	48%	40%
Consumer Protection	7%	23%	44%	26%
More funds to states, cities	22%	40%	32%	6%
Mass transit	16%	31%	38%	15%
Unemployment	6%	23%	52%	19%
National Health Insurance	33%	29%	29%	9%
Tax Reform	4%	13%	39%	44%
Watergate	45%	21%	18%	16%
Reduce spending	3%	12%	36%	49%
Campaign reform	9%	20%	36%	35%
Housing	13%	41%	38%	8%

Total surveys sent: 60,000.

Total number replies: 13,016.

Percent responding: 21.7.

JEFF COLEMAN'S DEDICATED SERVICE TO THE UNIVERSITY OF ALABAMA

Mr. ALLEN. Mr. President, each of us, I am certain, knows a teacher or principal, or a college professor or a school administrator whose name recalls fond memories.

Such a man lives in my home State of Alabama and news of his retirement on July 1, after almost 50 years on the administrative staff of the University of Alabama, caused his host of friends to remember happy events from a past that has gone by all too fast. I have known and admired him since my freshman days at the University of Alabama in 1928.

Jefferson Jackson Coleman, was a freshman at the university in January 1925, when then President Dr. Mike Denny, hired him as secretary to head football coach Wallace Wade. During the subsequent years Jeff Coleman moved to other jobs. He served as business manager for athletics for 27 years, was manager of the university book store, served as purchasing agent for the institution and then in 1954, was named director of alumni affairs, the position from which he retired.

Serving the university in good times and bad, working under every president since 1925, helping the university grow into one of the Nation's finest educational institutions and holding the Nation's leading position in athletics: these are among the attainments for which Jeff Coleman is known by tens of thousands of Alabamians, as well as by thousands of other Americans elsewhere throughout the land. These are the attainments which earned him a niche in the Alabama Sports Hall of Fame.

In its issue Sunday, June 30, 1974, the Birmingham News recounted the years of Jeff Coleman's service in an article, "Coleman: Half a Century of Service," written by Clyde Bolton, one of the paper's fine sports writers.

Mr. President, I am certain that many of those serving in this body will recall—some fondly and some not so fondly—some of the football history related in the article; including football games in which the Crimson Tide of Alabama engaged under the coaching of such giants as Wallace Wade, Hank Crisp, Frank Thomas, Paul "Bear" Bryant and others.

While his thousands upon thousands of friends will regret to hear of his retirement, they will be happy that Jeff Coleman's considerable abilities will always be at the beck and call of his alma mater.

Mr. President, I ask unanimous consent that the newspaper column from the Birmingham News be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETIRING MONDAY, COLEMAN: HALF A CENTURY OF SERVICE

(By Clyde Bolton)

TUSCALOOSA.—"Go tell Wallace Wade I sent you over there to work for him," Dr. Mike Denny, president of the University of Alabama, told freshman Jeff Coleman one day in January, 1925.

Thus began 49 and one-half years of continuous service to the university, much of it in athletics.

Jefferson Jackson Coleman officially retires Monday as director of alumni affairs, a post he has held since 1954. He was named business manager of athletics in 1927 while still a student and served in that capacity for 27 years. He also was manager of the college store (1930–44) and the university's purchasing agent (1944–54).

Coleman came to Alabama from Livingston, bearing homemade football shoes, a pair of Montgomery Ward football pants and high hopes of playing for the Crimson Tide. He soon learned there was no market for 125-pound quarterbacks.

"We called them Boy Scout shoes," Coleman recalled his footwear. "They were high-tops, and I took them to the shoe shop and the man put strips of leather on the bottom then trimmed the leather to the shape of cleats. Even at that, they were better than the shoes some of the football players had."

Thwarted as a player, Coleman went out for manager of the freshman team. So did another fellow. Both worked hard, and frosh coach Billy Van de Graaff kept both around.

At the end of the season Van de Graaff flipped a coin to determine which would receive the manager's silver football, and Coleman lost.

But it was during his freshman year that Coleman began to absorb administrative knowledge that would serve him well. Dr. Denny made him Wallace Wade's secretary.

AN UNSMILING FOOTBALL COACH

Wade was the unsmiling coach who originally made Crimson Tide football great. He took three teams to the Rose Bowl. Wade and Dr. Denny weren't on the best of terms, though. Coleman feels the main issue was money.

"Wade was suspicious of Dr. Denny," Coleman recalled. "Most of the people who didn't get along with Dr. Denny were overworked and underpaid or just underpaid.

"Thirty years later, when we had a reunion for Wade, he told me he and Russ Cohen (his assistant) thought Dr. Denny sent me over to spy on them.

"Wade and I got along, but it was at arm's length. But I used to babysit while he and Mrs. Wade went to the movies."

Coleman characterized Wade as "smart. He had a native intelligence, a keen mind, an analytical mind. He was a very hard-working man. He was very reserved, not an extrovert when it came to meeting the people. When he left Alabama for Duke he felt the need to get out and really know the people more."

Wade, most of all, was a disciplinarian. "The boys called him The Bear before anyone ever heard of Paul Bryant," Coleman said. "But they didn't call him that to his face."

Dr. Denny, an unabashed backer of football, "lived for the university," Coleman said "He was an advocate of the university. It always came first."

Wade came to Alabama in 1923 and established the Tide as a powerhouse. His 1925 club was the first Southern team to play in the Rose Bowl. The 1926 team returned to Pasadena.

Young Jeff Coleman made that first California trip as a newspaper correspondent after Wade declined to pay his way.

"I borrowed the money from my father," Coleman recalled. "I had a relative connection on the New York Times and he got me a job as a correspondent. I also wrote for some of the papers on the coast. The New York Times paid me on how many words I wrote—and I soon learned they didn't want me to write very many words. But I got to sit between Grantland Rice and Howard Jones (USC coach) in the press box. They had to be two of the most important fellows in there. They probably wondered who in the world I was supposed to be.

"The studios sent a limousine around for me. They just read the list and saw New York Times beside my name and that impressed them."

That trip was a milestone in Southern football, Coleman feels. "It was the beginning of Southern football's national reputation," he said. "It had quite an effect on the image of the South. Here was a team that was the best in the West, and they had George Wilson, who was the greatest player in the world."

Bama upset Washington 20–19, scoring all 20 points in a seven-minute outburst in the third quarter. Southern footfall, which had not been considered as strong as that of the East, Midwest and West, achieved a new prominence.

HAS SEEN ALL BOWL GAMES

It was Alabama's first bowl game—and Coleman has seen every post-season match in which the Tide has been involved. In fact, he has missed only two regular season games since 1926. "Once I was in the hospital, and the other time I went to the University of Southern Illinois to install a fraternity," Coleman said.

Wade's magic waned in 1927, 1928 and 1929. The team lost only 10 games those three seasons, but Alabama fans, intoxicated by super success, began griping.

"It was the people around the state, and Wade couldn't take it," Coleman recalled. "He bordered on genius, and he was a tense man."

In April, 1930, Wade resigned and accepted the job as head coach at Duke. He stayed on to coach the 1930 Tide to a 9–0 record and a 20–0 whomping of Washington State in the Rose Bowl.

"After he came up with the undefeated season, everybody was sorry he was going," Coleman said. "In the meantime, he had recommended Frank Thomas as his successor."

LAST CAR ON THE TRAIN

Thomas was backfield coach at Georgia. After Alabama beat Georgia in the final regular season game of 1930 Thomas came by the Tide dressing room to congratulate the players.

"Wade was in the frame of mind that he didn't want Thomas to talk to his boys," Coleman said. "Thomas went with us to the Rose Bowl, but Wade told me to put him on the last car of the train, away from the players."

Coleman recalled the story of Thomas being hired. After the contract was signed, Dr. Denny told him, "Mr. Thomas, now that you have accepted our proposition, I will give you the benefit of my views, based on many years of observation. It is my conviction that material is 90 per cent, coaching ability 10 per cent. I desire further to say that you will be provided with the 90 per cent and that you will be held to strict accounting for delivering the remaining 10 per cent."

Thomas was stunned as he and a newspaper friend, Ed Camp, left the meeting. "Those were the hardest and coldest words I ever heard," he told Camp as they left the meeting. "Do you reckon his figures are right?"

"I think the proportion was considerably off," Camp answered. "But there is no doubt the good doctor means what he said."

FULL-TIME BUSINESS MANAGER

The business manager of athletics post had always been filled by a student, and Coleman was an underclassman when he moved up to the job in 1927, but with the growth of Tide athletics it became a job for a graduate. Coleman stayed at it 27 years. Twenty-four of those 27 years he held other jobs, too.

"I had accepted a job with National City Bank of New York," Coleman said, "but Dr. Denny talked me into staying here and running the college store as well as being athletic business manager. Looking back, I don't see how I did both."

The arrival of Frank Thomas signaled the beginning of the second great era of University of Alabama football.

"Tommy was shrewd," Coleman said. "He was canny and he was penurious. He was not opposed to other sports, but he underlined football.

"Tommy would never get close to the boys. He left all the dealing with the players to Hank Crisp—except the quarterbacks. Crisp served that purpose with both Wade and Thomas.

"Thomas would get the quarterbacks, though, and they would take a walk on the morning of a game.

"The boys know Coach Bryant is tough, but they'll go talk to him. They were scared to see Tommy, though.

"He and Dr. Denny weren't getting along because he wanted more money, but Denny described him as the greatest football tactician. Tommy always came up with a new wrinkle that won the game, like the end-around out of the Notre Dame box."

"OUR WAY OF DOING THINGS"

Thomas, of course, coached Alabama through 1946 and took three Tides to the Rose Bowl. A lingering illness ended his career and eventually took his life.

"When he became ill Tommy recommended Alabama get a Notre Dame coach," Coleman remembered. "Of course, he went to Notre Dame. But he finally arrived at the idea that Red Drew would know more about our way of doing business."

Drew had been an assistant at the Capstone before becoming head coach at Ole Miss. He accepted the task of trying to replace Thomas.

"Drew was a very affable person, and he had some good years," Coleman said. Drew coached through 1954, the same year that Coleman became director of alumni affairs.

"I think that coming to this job has been the best thing that ever happened to me," he said. "I've had the opportunity to do more for the university here. It has given me an opportunity for a broader sphere of activity for the university."

ON ATHLETIC COMMITTEE

"I was on the athletic committee when the decision was made to hire J. B. Whitworth," Coleman said. "Whitworth was a lovable kind of guy." Whitworth, of course, won only four games in three years, and Alabama was coach-hunting.

Coleman was chairman of a subcommittee to recommend a coach. "I talked to the athletic directors and commissioners that I knew and tried to come up with a list of outstanding coaches in the country.

"Howard Grubbs (SWC commissioner) said Phil Cutchins was outstanding. Bobby Dodd said Ray Graves was fine but that he wouldn't leave Tech. Duffy Daugherty was high on Alex Agase.

"The subcommittee was about ready to recommend Graves, but Dodd had said he wouldn't leave. But Graves called and said he was interested.

"Somewhere along the line word came that Paul Bryant (then head coach at Texas A&M) might be interested. Dr. (Frank) Rose (president) asked me to get two round trip plane tickets to Houston for him and Fred Sington to have a preliminary interview with Bryant.

"Bryant wanted to be sure that Coach Hank wanted him before he came. Coach Crisp was serving as athletic director then." The athletic committee recommended Bryant, and the rest is history. Coleman began first-hand observation of the third great era of Alabama football.

FIRST ROSE BOWL BIGGEST

Coleman served on the first NCAA television committee and he was chairman of the committee to plan and build the 15,000-seat Memorial Coliseum. In 1972 he was named to the state's Sports Hall of Fame.

Coleman isn't one for comparing players and teams, though he selects that first Rose Bowl appearance as "the most exciting and memorable game."

He feels the 1934 squad "might be one of our greatest teams."

Pooley Hubert, star of that first Rose Bowl team, "would have to be one of our greatest players, but Holt Rast was one of the greatest players who received the least recognition.

"You talk about which team was best, but you're talking about different eras, one platoon and two platoon. Some boys had to play all the time, others didn't.

Coleman will still attend Alabama football games, and he'll wet a hook or two. "I'll be of assistance to the university anytime I can," he said.

"I feel I've had a very fortunate situation to have been associated with the University of Alabama in these capacities. Anything that has been done couldn't have been done except with the assistance of some very good people."

Dr. John Seymour will succeed Coleman as director of alumni affairs.

A U.S. NAVAL ACADEMY HERO RETIRES

Mr. HUGH SCOTT. Mr. President, one of the heroes of the U.S. Naval Academy has retired. He never wore the gold braid of the young men he helped train over these last 47 years, but he earned the respect of the men he sent into battle. The new class of midshipmen stood muster for the first time yesterday, July 8, at Annapolis and for the first time in nearly one-half century Rip Miller was not on station.

He has left his mark on the character of thousands. For his long service to the Academy, the Class of 1966 named him an honorary member while the Naval Academy Alumni Association cited him that same year for outstanding service.

Mr. President, Edgar E. "Rip" Miller, assistant director at the U.S. Naval Academy, has retired. He first served the midshipmen as an assistant football coach, became head coach and more recently was assistant athletic director.

His immediate boss, athletic director J. O. Coppedge, who incidentally was an outstanding player on "Rip" Miller-coached teams in the 1940's, said it best at Mr. Miller's testimonial dinner:

> It is difficult to chronicle "Rip's" contributions to the Naval Academy and to the world of intercollegiate athletics in a biography of one volume.

Mr. Coppedge also said:

> It is evident that he personifies the qualities taught by the game he loves so. He is, as his record on the field so dramatically shows, a winner. "Rip's" intelligence, intensity, his integrity, and his unwillingness to be beaten no matter what the odds have made him the Nation's No. 1 athletic recruiter. He believes in the product he sells. People believe in "Rip" Miller.

Vice Adm. William P. Mack, U.S.N., Superintendent of the Academy, also cited Miller's singular devotion to Navy athletics:

> During the years to come in well-earned retirement, "Rip" Miller will be able to reflect with great personal satisfaction on the record of accomplishments he achieved during the 48 years of dedicated service.

He said:

> In addition to the thousands of Naval officers who have profited by his wise counsel and guidance, his career is truly an inspiration to all with whom he served at Annapolis.

Admiral Mack noted:

> "Rip's" contributions to the Naval Academy and the Navy are immeasurable.

A native of Canton, Ohio, "Rip" played at Notre Dame under Knute Rockne and helped the Irish to a 27–2–1 record in his 3 years on the varsity. He was a tackle on the Seven Mules Team that teamed with the Four Horsemen to give Notre Dame a national championship in 1924.

Miller was graduated in 1925 with a bachelor of arts degree in Foreign Commerce and was awarded the Byron Kanaley award, given annually to the top student-athlete at Notre Dame.

After graduation, "Rip" took a job with the Studebaker Co., in South Bend, Ind., but not for long. By that fall, he was an assistant coach under the late "Navy Bill" Ingram at Indiana University, having been recommended for the position by Rockne.

After the 1925 season, Ingram and Miller moved to the Naval Academy, the start of the latter's long association with this institution. In that first season of 1926, they guided the Midshipmen to the national championship.

Miller remained as Ingram's assistant at Navy and was appointed the Mids' head coach when Ingram left before the 1931 season. "Rip" served as head coach for 3 seasons, winning 12, losing 15, and tieing 2.

He had the distinction of being the first Navy coach to beat Notre Dame, that coming in 1933 in Baltimore when Buzz Borries tallied the only touchdown in a 7–0 Mid triumph.

When Navy returned to the graduate system of coaching in 1934, Miller remained as line coach for Tom Hamilton. He held that position for the next 14 years, developing six All-America linemen, including Slade Cutter in 1934, George Brown and Don Whitmire in 1943, Ben Chase and Whitmire again in 1944, and Dick Duden and Dick Scott in 1945. Two other Navy All-Americas, Frank Wickhorst in 1926 and Eddie Burke in 1928, were also Miller pupils. Cutter, later director of athletics at Navy, and Whitmire, now a rear admiral in the Navy, were both selected to the National Football Foundation Hall of Fame.

In 1948, Miller was elevated to his present position of assistant director of athletics, being put specifically in charge of athletic recruiting for the Academy, a responsibility he had been handling informally since the early 1930's.

Miller was the first of the Seven Mules to be selected to the National Football Foundation Hall of Fame, that honor coming in 1966. In 1972, the Washington Touchdown Club inducted him into its hall of fame.

His other honors include honorary membership in the Naval Academy Class of 1966 and the Naval Academy Alumni Association of New York's annual award for outstanding service to the Academy. In 1966, the Naval Academy Foundation's preparatory school program established an honor scholarship in his name.

"Rip" is married to the former Esther "Es" Templin, of Elkhart, Ind. They have three children: a son, Thomas, living in Severna Park, Md.; and two daughters, Mrs. Kim "Patricia" Schultz, of Ithaca, N.Y., and Mrs. James "Joan" Harden, of Annapolis.

THE ISSUE OF WORKER ALIENATION

Mr. ABOUREZK. Mr. President, the issue of worker alienation is one that must be brought to the forefront of national discussion. Thankfully some businesses are realizing this and are initiating attempts at removing worker discontent. Unfortunately, however, far too many industries are shying away from the challenge.

We, as a body and separately, have long discussed the merits and necessity of protecting workers both in the areas of personal safety and economic security. However, for too long we have neglected that aspect of a job for which neither money nor safety can replace—and that is personal fulfillment in one's work.

Mr. President I find calls for increased productivity to be highly presumptuous since the burden of such efforts fall upon America's laborers. It would seem to me that both the goals of increased productivity and worker satisfaction can be reached, but through efforts at decreasing worker alienation, rather than calls only for increased productivity. A case example is a Kaiser steel mill in Fontana, Calif., where workers' suggestions on how to better organize the work in the plant not only saved the plant from closing, but in fact raised productivity 30 percent.

Mr. President, an article by Tom Wicker in the New York Times, and Derek Norcross in Parade, are just two more examples of journalistic attempts to plant the seeds of curiosity in those who can make the investigations and changes in worker alienation. I hope these seeds are planted in fertile soil.

Mr. President, I ask unanimous consent that the articles by Tom Wicker and Derek Norcross be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

The Work and the Worker

(By Tom Wicker)

Amsterdam.—Not long ago a management expert visited the typewriter assembly plant operated here by International Business Machines and denounced the plant's new production techniques as "Communism." He was followed by another outside expert, who looked over the plant and declared with disapproval that it was "producing neo-capitalists."

Both had taken note, from opposite points of view, of a striking fact, visible at I.B.M. here as well as at other industrial plants in Europe—notably in Sweden, at Volvo, Saab, Atlantic Copco and other installations. New methods of production being introduced and developed tend to "push decision-making down" within an industrial organization, reducing the demands on high-level management and increasing the responsibility of workers on the line.

Thus, the new I.B.M. production system relies on "mini-lines" which are, in effect, simplified business units making many of their own decisions on production, engineering, quality control and materials handling. And the firm is pleased enough with the results that it is planning a new parts manufacturing facility here, to be built from scratch on the new production ideas.

The Amsterdam plant has been I.B.M.'s primary European typewriter assembly plant since 1961, when it employed 600 people. Production expanded rapidly throughout the sixties, so that by 1969 the plant employed 1,600 people. Fifty thousand typewriters were put together in 1968, a goal of 80,000 was set for 1969, and about 100,000 were foreseen for 1970.

This rapidly expanding production was complicated by customer demands in an export market, with 90 per cent of production going to 75 different countries. There were eighteen basic typewriter models, each with about 2,500 parts, 25 special models, well over a hundred different keyboards and typeheads (the plant can turn out a typewriter with a Thai keyboard and a machine that types from right to left for Iran and Israel).

The I.B.M. plant then relied upon two conventional assembly lines, each nearly 200 meters long, with about seventy workers on each line. The method of increasing productivity was to lengthen the line, add workers, further simplify the job of each, and reduce the time it took to do it. By 1969, assembly line workers worked for an average of only three minutes on each typewriter coming down the line. Some felt themselves little more than robots.

The long lines were poorly adapted to the production flexibility I.B.M. required; worse, production quality was low and 12 per cent of man-hours went into overtime for the repair of defective machines coming off the line. Thirty per cent of the work force left their jobs every year; among the others absenteeism was soaring. Management had grave doubts that production could be sufficiently expanded under such conditions.

A survey disclosed that Dutch workers, particularly younger persons with higher levels of education than their parents, wanted more responsible jobs, a more sociable working climate, a better relationship to management and to the product—all taking precedence over higher wages and better career opportunities.

Now there are nine "mini-lines " each employing about twenty workers and each producing a complete and recognizable unit. Three months after the completion of the changeover, in August, 1971, production had risen by 18 per cent (after an initial sag); by December, 1972, production was up by 35 per cent and by December, 1973, it had been by 46 per cent.

The new system sharply improved quality and reduced overtime. The mini-lines were easier to adapt to flexible production. Workers felt themselves more involved with a product they saw through to completion, rather than one they worked on for three minutes. Because of this increased responsibility and the longer work cycle, many annoying individual controls previously imposed by management could be abolished. Absenteeism and personnel turnover dropped. Many production decisions—for instance, the best way to incorporate a product change—now are decided on the line, by the workers involved. They also decided for themselves to take a vacation period between Christmas and New Year's Day and sufficiently increased production to make the time off possible.

The old system forced a worker to adapt himself to a set task. The mini-line system adapts the work to be done to the needs of the men and women who do it. Both the necessity for such a change, and the benefits to be derived from it, are widely recognized in Europe, and sooner or later will make themselves felt in the United States.

Open To Discussion: How To Make Work More Enjoyable

(By Derek Norcross)

Los Angeles, Calif.—Should work be democratic?

Should employees share decision-making power with management?

What is work for? Only to make money?

A better educated, more aware American labor force is currently raising such fundamental issues.

"The question of workplace democracy is rapidly becoming one of the major public issues of our times," says Jim O'Toole, a professor at the University of Southern California's Graduate School of Business. O'Toole, 29, a former track star and Rhodes Scholar, headed the Department of Health, Education, and Welfare's task force which last year produced the prestigious *Work In America* report. It showed job dissatisfaction developing ominously throughout America.

Other observers agree with O'Toole's assessment. For example, Chicago author and radio announcer Studs Terkel interviewed hundreds of average Americans for his best-selling book *Working*. He discovered an ocean of discontent among workers and found that most jobs were "too small," meaningless, and unfulfilling to afford them needed satisfaction and sense of achievement.

MANY NEW PROGRAMS

In response to mounting worker unrest, hundreds of businesses around the country are introducing new job enrichment and enlargement programs to provide workers with more freedom and additional responsibility. Business expert Peter Drucker, in his latest book, *Management*, advises businessmen to build organizations "in which every man sees himself a manager and accepts for himself the full burden of what is basically management responsibility."

Politicians have also gotten into the act. Sen. Ted Kennedy (D., Mass.) chaired hearings on worker discontent in 1972 and introduced in Congress the Workers Alienation Research and Development Act. In Ohio, Gov. John J. Gilligan, acting through his Business and Employment Council, established a state-financed Ohio Quality of Work Institute to foster labor-management experiments in democratic work arrangements. In Massachusetts, the legislature's Joint Committee on Commerce and Labor is planning a comprehensive study on the quality of work.

WAVE OF THE FUTURE

On the union front, Paul Schrade, former Western director of the United Auto Workers, who himself labors in a Rockwell International plant in Los Angeles, predicts, "Worker democracy and participation could well become bargaining issues for unions in the years to come, especially if union leaders properly respond to the needs of rank-and-file workers."

What is workers' democracy anyway?

At the very least it embraces the managerial view of employees as human beings not robots. When management accords workers more responsibility, their morale improves, and their productivity often skyrockets.

Last year, a Kaiser steel mill in Fontana, Calif. was slated for closing because of stiff Japanese competition. The local union asked Kaiser to keep the mill open and listen to workers' suggestions on how better to organize the work. Kaiser agreed, whereupon plant productivity leaped 30 percent. "It was historic," a company spokesman reveals. "Management heeded the workers, and it paid off."

A pet food factory in Topeka, Kan., owned by General Foods, has been specifically designed for worker participation. There, working hours are flexible. There are no time clocks. Workers operate in teams, rotating in different jobs.

"The goal in that factory," reports Professor O'Toole, who visited there, "is for every worker to be able to do every job. When I inspected the plant I was amazed to find that workers, even those with little formal education, were able to repair the most sophisticated electronic computers in the plant.

MORE EDUCATION

"The plant director, Ed Dulworth, told me that the number of workers who take advantage of the company's pledge to pay for the formal program of continuing education is three times the average for General Foods as a whole. Apparently, learning on the job has whetted the workers' appetite for more education. It has overcome the sense of educational inadequacy which afflicts so many blue-collar workers.

"A second positive effect," O'Toole points out, "is that the employees participate in community and civic activities at rates unexpectedly high for blue-collar workers."

Some companies have gone beyond job redesign and enrichment. In Washington, D.C., James P. Gibbons, Jr., president of International Group Plans, a prosperous insurance company, has turned over 50 percent of his company's stock to employees. Workers, many of them women and blacks, democratically elect management. They also enjoy the freedom to schedule their own vacations and set their own dress codes.

SUCCESSFUL EMPLOYEE-OWNERS

In the Pacific Northwest, a number of plywood companies owned and run by employees have successfully competed with more traditional firms.

There are also European examples. In England, a profitable chemical firm, the Scott Bader Company, is run democratically by its employees. In Yugoslavia, all large and middle-size firms are run by the workers who elect a council that hires managers and sets basic policy for the company. At Renault's auto plant in Le Mans, France, and at Volvo's auto plant at Kalmar, Sweden, assembly lines have been replaced with technology adapted to human beings. Teams of workers assemble entire cars from start to finish.

Many union leaders, ironically enough, are even more reluctant than management to embrace job democracy. They are suspicious that job enrichment is a management trick designed to prevent unionization, that it is fundamentally postured to create "speedup" and raise productivity and profits with no payoff for the workers. In truth, job democracy frequently threatens the power which many labor officials exercise in large, bureaucratic unions.

BENEFITS PREDICTED

As it spreads, job democracy should bring many benefits to the country. The nation's mental health could improve dramatically, and the crime rate may decline. People who enjoy and find fulfillment in their work also treat their children and spouses better. And most important, if work becomes democratic it is a good bet that employees will participate more frequently in public affairs. Democracy begets more democracy.

Professor O'Toole cautions that the Promised Land is still far away. Most workers believe that work organization is static and not subject to change, that it is their lot in life to learn and live with it. They seek escape from work through shorter hours, absenteeism and alcohol.

To alter that traditional philosophy, leaders in business, government, and labor must continue to show the way by supporting more democratic work experiments.

METHODS TO SOLVE OUR ENERGY PROBLEMS

Mr. COTTON. Mr. President, Gov. Meldrim Thomson, Jr., of New Hampshire, is among those who are prominent in actively seeking responsible methods to solve our energy problems. Therefore, his recent articles entitled "Scottish Oil Boom—With Lessons for America" are particularly important and timely, and I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Scottish Oil Boom—With Lessons for America

(By Governor Meldrim Thomson, Jr.)

1. OIL COMES FULL CYCLE TO SCOTLAND

It was eerie and fascinating to look at the bings of spent shale that loomed on the moonlit Scottish countryside east of Edinburgh where the world's oil industry was born more than 120 years ago.

Our hospitable host and guide, J.A.R. Falconer, is one of Scotland's leading financiers. He had suggested as we finished supper about midnight, that he would like to show us the area where Dr. James Young, a Scottish chemical engineer, nicknamed "Paraffin", has developed a successful shale oil business in the 1850's and 60's.

It was Scottish oil produced first from cannel coal (the Scots' pronunciation for 'candle coal'), and later from shale, that fueled the lanterns for America's prairie schooners.

And it was later that shale oil produced by 60 American companies under a license from Dr. Young and a 2 cent per gallon royalty, produced for him an income from the States of more than $100 thousand a year.

In America shale oil production quickly disappeared with the discovery of oil by Edwin L. Drake at the base of a 59 foot shaft in Titusville, Pennsylvania, in August, 1859.

The tiny trickle of Titusville oil of 2,000 bbls. the first year rose to 3 million bbls. by 1864. The price of oil which at $20 a bbl. made shale oil production profitable fell to $1 a bbl. as derrick rigs began to spot the landscape of Pennsylvania.

Thus, Dr. James Young, born in Glasgow and trained by his father to the cabinet-maker trade, and who had worked his way through Anderson University, became the acknowledged pioneer of the modern oil industry.

"Paraffin" Young was a good businessman and skilled technician. By a patent he obtained in 1850 for "Treating bituminous coal to obtain paraffin and oil containing paraffin therefrom," he developed the basic principles of distillation and cracking still used in the oil industry.

In little more than a century the processing of oil from coal and shale in Scotland rose from a few thousand tons per year to more than 9 million tons.

More than one hundred years ago the oil refinery built by Dr. Young at Addiewell was reputed to be the biggest oil works in the world.

Since then a rising flood of oil has been pumped from the bowels of the earth—from Pennsylvania, Texas, California to fields flung round the world.

From lantern oil and candle wax the products of oil have multiplied a hundredfold. Fertilizer, proteins, heating fuel, industrial oils, and a host of plastic derivatives pour from a wide variety of sophisticated plants around the world.

The ghostly mountains of dull red, spent shale that have hunched the horizon west of Edinburgh for decades were unquestionably the first major pollutants of the oil industry.

Devoid of all nutrients, these huge red welts on the body of the greeen countryside, were occasionally used for road beds and in the composition of bricks.

But when oil and gas were discovered in the North Sea, "Paraffin" Young's beings once again became a part of the oil industry.

The imaginative engineers of British Petroleum decided to place a tank farm of 7 giant oil tanks with a capacity of 500,000 tons per tank inside a vast circle of burnt shale covering 100 acres of ground.

The top soil inside the circle of shale was spread on the barren red walls by giant dozers to a depth of 30 inches on the outside and 3 inches inside to support a vast green coverlet of grass and trees that will be planted soon.

Here in this attractive and safely walled tank farm, BP will store temporarily part of the 400,000 bbls. of oil per day that will begin to flow next year from the Forties Field, more than 150 miles N.E. of "Paraffin" Young's old oil works.

VISIT TO NORTH SEA

The impact of the North Shore oil boom has fallen most heavily on Scotland.

Here in the land of porridge and scotch where the sea falls away to a depth of 100 feet or more at the edge of hundreds of miles of exquisitely beautiful shorelines, unemployment was running as high as 30 percent before oil.

Scotland is about the size of the State of Maine. Its population of five and a half million is about five times that of the Pine Tree State.

It was to witness first hand the oil and gas boom developing in the North Sea and to visit modern refineries in crowded Europe that I decided on a personal briefing and inspection trip to the United Kingdom and several cities in W. Germany and Austria. We arrived in London May 5th and departed Frankfort for home on May 14th.

I had asked George Gilman, Commissioner of our Department of Resources and Economic Development, with his research aide, Charles Allen, to precede me and lay the groundwork for our visit.

It was, I felt, important to the State of New Hampshire, that Commissioner Gilman be thoroughly conversant with the dramatic economic effects of the North Sea gas and oil exploration and development.

I was confident that the North Sea boom held many valuable lessons for New Hampshire, our eastern seaboard states, and America, in terms of employment, economy, land speculation, and environmental and social problems.

It is only a matter of time—and very little time at that—before exploration for gas and oil on the Atlantic Outer Continental Shelf will begin. It is important that we be prepared for and able to control the great impact that the development of oil and gas resources on our OCS will bring to the Eastern seacoast.

Already plans are being made for tapping the great stores of oil and gas on our Atlantic OCS, estimated as capable of supplying New England with 30 percent of its petroleum and 70 percent of its gas needs by 1985.

The Report to the President by the Council on Environmental Quality on April 18, 1974, estimates that oil may begin to flow from Atlantic OCS wells by 1980.

Our trip began in London with visits to Lord Balogh, Minister of State at the Department of Energy, Rt. Hon. William Ross, Secretary of State for Scotland, and their aides.

2. ECONOMIC SCOPE AND IMPACT

"Don't do what we did;" Lord Balogh cautioned our New Hampshire party as he graciously dispensed dry sherry from his spacious office at the British Department of Energy Building in London.

"Take a lesson from the Arabs before you begin your oil development," Lord Balogh added.

He was suggesting that American government should get a large part of the anticipated oil bonanza from the Atlantic Outer Continental Shelf than the United Kingdom would get from the North Sea operations.

With lease payments, corporate taxes, a 12½% royalty, and other charges and interests, the British government expects to receive 50% of the value of the gas and oil returns from the North Sea.

Lord Balogh hopes that Parliament will change the law so that the gas and oil returns to the government will more closely approximate the 80% which the Arabs exact from their oil producers.

He also warned "You will have to take risks and there will be shocks as heavy industry comes to an area and an economy not prepared for it".

Two days after our visit to his office, Lord Balogh announced surprising new finds off the Shetland Islands that will raise North Sea oil production estimates to 200 million tons a year. At current barrel prices, this would be worth about $15 billion dollars annually.

Thus, for the next 30 to 50 years, oil from the continental shelves around the British Isles should keep the government financially afloat.

From a 70% dependence on foreign imports of oil at a cost of $3 billion dollars annually, Britain will by 1980 be self-sufficient in oil and gas. It might, with one or two more lucky finds, even become an oil exporter.

For some time Britain has suffered an adverse trade balance. In several recent months, it has run as high as a billion dollars a month. At present, it is borrowing heavily on expected oil revenues which should begin to flow in a substantial and ever increasing stream by next summer.

The British government was in no position to finance the exceedingly high cost of exploration and development in the North Sea.

Oil exploration is one of the riskiest investment for high venture capital in the world. Hence, Britain, in leasing drilling squares in the North Sea, made its proposals attractive enough to lure private capital. This explains its present 50% government return rather than the 80 to 85% demanded by the Arabs whose oil fields have been discovered and developed.

THE BOOM BEGINS

The Scottish oil boom really began in the province of Groningen, Netherlands in 1959.

The discovery of big gas fields in that year, and again in 1962, created great interest in the possibility that gas and oil might lie under the North Sea.

In 1958 United Nations Sea Conference resulted in a convention providing that a coastal nation has a right to the natural resources on its portion of the shelf around it. By agreement Britain, Norway, Denmark, West Germany and the Netherlands divided the North Sea between them.

In September 1964, Britain laid out and began to license sea areas of 80–100 square miles. The licensing was done by negotiation rather than by bidding as was the case in Alaska. It was required that the licensee had to drill within six years and at the end of that period, had to return to the government that half of the area least desirable.

The British government was financially desperate to find gas and oil. This extreme urgency explains its reasonable inducements to the oil companies.

As we shall see, it also explains why the British environmentalists have been unable to delay oil explorations and development.

From 1964 to 1972 the government has conducted four rounds of licensing. It plans more.

In 1965, British Petroleum discovered a giant field of gas in the southern basin of the North Sea just 40 miles offshore in water a little over 100 feet deep.

Eight years later, 90% of British gas needs were being supplied from this area of the North Sea. The gas reserves in the area are estimated to be 32 trillion cubic feet, enough to support a demand for 20 years of 4,000 million cubic feet of gas a day by next year.

British petroleum in 1970 also became the first to discover commercial quantities of oil. Its Forties Field in more than 30 feet of water is estimated to produce 400,000 bbls. per day or 29 million tons per year in peak production.

ECONOMIC IMPACT

The discovery of oil and gas in large quantities in the North Sea has brought an unprecedented economic boom to Britain, and especially Scotland. It has also brought acute social headaches, and faint rumblings for Scottish independence, "because it's Scotland's oil."

Just beyond Edinburgh, on the north shore of the Firth of Fourth, lies the old coal town of Methil.

Here the Redpath North Sea Company, a consortium of British-Italian interests found an ideal site for building the stationary production platforms that follow in the wake of the drillers.

The Redpath people purchased a worked out collier whose coal tunnels extended several miles underground and out to sea.

This 128 acre seaside site near deep water, and the unemployment in Methil, were ideal conditions for beginning the platform assembly business in this location.

Two platforms were under construction at the $29 million facility in Methil, providing employment for 660 people at salaries as high as $200 per week in comparison to former rural wages of $60 per week.

One platform lay on its side, being readied for shipment by barges to the Auk field. There the 6500 ton steel structure will stand on legs fastened to pilings driven through leg guides. This Auk platform will be 230 feet high with 50 feet protruding above the water.

A similar but more sophisticated rig was being assembled in the same yard for the Brent field. It will weigh 15,000 tons.

Four firms are building eight such platforms—three firms in Scotland, and one in England. The largest of these is being constructed at Nigg by 2,000 laborers working round the clock. The structure at Nigg will be 800 feet tall, stand in 500 feet of water, and will drill 36 wells.

The beautiful, flowered City of Aberdeen, known as the Silver City by the Sea, has become the unofficial capitol of the North Sea oil boom.

In this ancient Scottish city of giant office buildings and homes more than 200 new companies, employing thousands of people, have located since 1970. They supply a myriad of services for the gargantuous needs of the new oil industry.

Aberdeen is the third largest fish port in the United Kingdom. The annual Scottish catch is worth $100 million. The total value of the fish catch in the United Kingdom is $375 million per year.

In Aberdeen and nearby communities about 10,000 people derive employment from the fishing industry.

While the fishermen welcome oil, they are unhappy with the high prices, tight labor market, and hazards posed to their trade by drilling rigs and pipe lines.

In discussions we had with officials of the Scottish Trawlers Federation and the Owners Association, we were surprised to learn that British fisherman considered the fishing activities of Russian fleets operating in the North Sea much more of a hazard to their business than the new oil industry.

The Trawlers hope to have representatives at the 200 mile offshore international conference meeting in Venezuela next month. They want their government to claim and defend up to 200 miles of sea surrounding their homeland.

About 40 miles north of Aberdeen, and also on the seashore, is the fishing town of Peterhead, with a population of 14,000.

Here in a state prison which housed about 1,300 prisoners a hundred years ago, state officials began the construction of a large granite sea wall as a means of keeping inmates busy.

This great sea wall gives Peterhead a sheltered harbor of 100 acres with 65 foot depth at the entrance and 24 foot depth at quayside.

In this ideal harbor two large service facilities have been built—one by the government at a cost of $7 million, and one by Arunta, Ltd., a private company.

Already the harbor is bustling with activity.

It requires 2½ service ships to keep an exploration rig operational, and there are 20 such rigs in the North Sea this year.

A whole fleet of new service ships capable of carrying 500 ton loads, including the 80 foot lengths of 32 inch in diameter pipes for the pipe lines, are being built in Norway and the Netherlands at an average cost of $4 million per ship. These modern supply ships carry a crew of eight.

Arunta stores pipes for oil companies, provisions their lay barges with crews of 250 men, rents corporate offices and warehouse space, and offers a number of related services to keep the drill rigs and production platforms going.

From Aberdeen we flew by helicopter to a semi-submersible drilling rig at Mobile's Beryl field southeast of the Shetland Islands.

3. OIL RIGS AND POLLUTION

In the language of oilmen "the window of the North Sea is only open from April to September".

The weather where the big oil finds have occurred off Scotland and the Orkney and Shetland Islands is the worse yet to test the ingenuity and endurance of the hardy race of oilmen.

The first offshore oil platform in the world was built off Santa Barbara, California in 1897. Fifty years later the first platform constructed out of sight of land began operation off Louisiana.

In the 77 year history of offshore oil production some 25,000 wells have been drilled around the world. But never have oilmen had to work in such adverse climatic and aquatic conditions as exist in the northern sector of the North Sea.

The Forties and Auk fields lie in about 400 feet of water. At the newer Brent field the water is around 600 feet deep. And farther north it is even deeper.

In the winter wave heights average 7 feet 50 percent of the time. For 20 percent of the time they exceed 15 feet. Sea temperatures are 37°F. and the air is well below the freezing point.

During storms the waves will roll as high as 100 feet and winds can gust as high as 100 miles per hour.

It is primarily because of the severe weather and sea conditions that the cost of oil production in the North Sea averages ten times similar costs in the desert lands of the Arabs.

Only big finds of large reserves could justify the very high investment of capital in the North Sea operations.

The estimated reserves of discovered fields in the North Sea to date are about 10 to 15 billion barrels or equivalent to those of the North Slope of Alaska. Privately, oilmen and government officials believe these reserves will be tripled by further discoveries.

Our helicopter flight was in a 14 passenger ship operated by Bristow Air Service departed from Dyce, Scotland, a few miles west of Aberdeen.

The heavy stamp of the oil boom lies on the busy airport of Dyce where chartered helicopters whir-r-r daily to and from oil rigs 100 miles or more away.

In the past two years the average growth in passenger traffic at the Aberdeen Airport has been an explosive 35 to 40 percent, against a national average growth of 12 percent.

Mobil Oil Company (North Sea) arranged to fly us out to its Beryl field in Block 9/13 to well No. 3A which lay N.E. of Aberdeen by about 190 miles.

In September 1972 Mobil discovered oil in the Beryl field estimated to yield 100,000 bbls per day at peak production.

The speck in the North Sea for which we were looking on a clear May day was the semi-submersible drill rig, Transworld No. 61. It was built several years ago in Japan at a cost of $8 million. To replace it today would cost about $30 million.

There are about 30 of these hulking, cumbersome exploration rigs in the world. Their number is expected to double in the next several years.

The semi-submersibles are dragged by tug at 3 knots an hour from one oil discovery area to another all over the world. They rest on submerged pontoons. They are anchored by heavy chains to the sea bed. They are the only drilling rigs that can work year round in the North Sea.

The Transworld No. 61 had a crew of 58 the day we visited it. Crew members work one week aboard and have one week ashore. A service ship from Aberdeen requires 16 hours for a one way trip to the rig. Our helicopter took 1½ hours.

As we approached the double-garage size heliport, we could see below a number of fishing vessels and one large mother ship. We were told by men on the rig that they were Russian ships and that several hours before our arrival one had come close to the rig to take pictures.

Drilling for oil is expensive business. To drill a 10,000 foot well in 60 days costs $2 to $3 million. The ratio of successful wells is about 1 to 6, but the ratio for commercially good wells is only 1 to 20 or less.

On board Transworld Rig No. 61 we saw the comfortable living quarters of the men, the giant generators that light the rig and power the drill, and the electrical, welding and other support shops.

The afternoon that we were aboard specialists were cutting around a six foot long pipe plug that had become jammed deep in the 10,000 foot long casing. The accident was estimated to cost an extra million dollars just to remove the malfunctioning plug.

Our two hour inspection of the rig was cut short by the setting of the sun. A cautious pilot was anxious to set down on Scotland before dark. We appreciated his concern when two days later we read of a chopper that disappeared in the sea.

POLLUTION

It is remarkable that in 77 years of offshore oil drilling only one case of serious pollution has occured. This was the blow out at Santa Barbara in 1969.

In that case the geological conditions were unusual due to natural seepage—a condition that does not exist in the North Sea.

This fine record is a great credit to drillers, operators, and government officials who have constantly tightened their practices and regulations against spills and seepages.

The work in the North Sea presents the oil industry with its greatest technological and environmental challenges. The procedures and preventions developed by our American oilmen in the Gulf of Mexico are inadequate for the much greater water depths and severe climate of the North Sea.

A pipe line that is welded together in 80 foot lengths from a lay barge and laid in 400 feet of water could conceivably break and oil escape into the sea. However, the flow of oil in the pipe is automatically controlled. Within minutes of a break the flow of oil would cease.

New techniques are being devised that would help further to guard against water pollution. These include dynamically positioned semi-submersible pipe-laying barges, two-men submarines using remotely operated arms, and a diving bell that would lock onto a capsule enclosing the wellhead and allow its occupants to work in deep water as they would on land.

The Institute of Petroleum has recently revised its manual of Safe Practices. It recommends, for example, that wellheads must be cased to resist all expected pressures.

Blowout prevention equipment must be used. Also a greater use of valves above and below water to cut the flow of oil automatically is urged.

The British government also insists on frequent critical inspections of equipment and operating procedures.

Finally, most major oil companies run their own strict training programs and issue their own detailed safety manuals on operations and maintenance.

There have been no spills in the North Sea. One could happen. But the possibility of oil pollution occuring in the North Sea is remote indeed, and the risk is one the government is prepared to take because of its urgent need to capture the sea of black wealth below the bed of the North Sea.

Environmental hearings are required at local level with local authorities convening and conducting the adversary proceedings and hearings.

However, the ultimate power to determine a dispute on planning, development, etc., in Scotland for example, rests with the Scottish Secretary of State. He has cabinet rank. His decisions are final. Interference with progress by the courts is not tolerated.

Thus, with reasonable speed and despite environmental protests, Great Britain has moved forward in developing its great new oil industry—moved forward cautiously but rapidly with a sensible view for the protection of its environment against the backdrop of its practical and urgent need for oil and gas.

THE ROLE OF CONGRESS IN CONTROLLING THE MILITARY

Mr. ABOUREZK. Mr. President, Pete Ognibene has been a brilliant analyst of U.S. military policy, a role which is strengthened by an article which appeared in the June 30, 1974, Washington

Post, describing the increasing activism of Congress in military affairs.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ROLE OF CONGRESS IN CONTROLLING THE MILITARY

(By Peter J. Ognibene)

What is the role of Congress in military affairs? To hear Sen. Peter Dominick (R-Colo.) tell it, not much. When an amendment by Senate Majority Leader Mike Mansfield (D-Mont.) to reduce the number of U.S. troops stationed on foreign soil was being debated recently, Dominick argued that a congressionally imposed cut would amount to an unconstitutional usurpation of power.

"By putting this into law," he warned, legislators would be "acting as the Chairman of the Joint Chiefs of Staff and/or President of the United States. The Constitution clearly gives these the right to determine where troops ought to be stationed in order to defend the best interests of the United States."

Dominick's argument enjoys wide support on Capitol Hill even though it cannot be supported by the Constitution. The language could hardly be more explicit: "The Congress shall have power . . . to raise and support armies . . . to provide and maintain a navy (and) to make rules for the government and regulation of the land and naval forces."

By contrast, the President's power as "Commander-in-Chief of the Army and Navy of the United States" is not spelled out. The Joint Chiefs of Staff are nowhere mentioned in the Constitution because they were created by Congress in the National Security Act of 1947.

Because its authority is final, Congress could enact legislation dissolving the Joint Chiefs of Staff, or the entire Department of Defense for that matter. A President might veto such legislation, but an overriding two-thirds of both houses of Congress would make disestablishment the law.

As a practical matter, however, it is Congress which often appears to be a creature of the Defense Department. The Pentagon safeguards classified military information, as it must, by law but it also exercises considerable control over what unclassified information Congress may have.

In the annual budget "war," denial is a favorite tactic. An example from each house in this year's debate makes the point:

Rep. Otis Pike (D-N.Y.) noted that Congress had "not gotten a selected acquisition report . . . dated more recently than last Dec. 31." These reports, known as SARs, are the primary source of information legislators have to judge how well weapons programs are going and whether or not cost overruns are anticipated. The SAR for Dec. 31, for instance, showed 55 weapons systems with estimated overruns of $26.3 billion; a jump of $7 billion in just six months. But rather than demand a current accounting of how the armed forces are spending the taxpayers' billions, the House simply ignored Pike and passed the $22.6 billion military authorization bill.

On Feb. 26, Mansfield sent a letter to Secretary of Defense James Schlesinger in which he asked 111 questions about U.S. forces overseas and requested unclassified answers: his objective was to start a national dialogue on this important and controversial subject. An admiral replied to the letter and offered to send a Defense panel to discuss the issue. Mansfield declined, calling the admiral's response "unsatisfactory." He reiterated his request for a letter and answers from Schlesinger. He got neither.

COMPARISON MADE

More evidence of how well the Pentagon controls military legislation can be found in the pages of the House Armed Services Committee's report on the authorization measure. Using five pages of small print in the Congressional Record, Rep. Ronald Dellums (D-Calif.) took excerpts of the committee's section on aid to South Vietnam and compared it to the testimony of the Pentagon's witness, a major general. The committee had copied the general's statement nearly word for word.

If the House Armed Services Committee under Chairman F. Edward Hébert (D-La.) is incapable of writing a report in its own language, how inclined will be to exercise independent judgment on more substantive matters?

Pike, the committee's sixth ranking member and highest ranking maverick, indirectly supplied the answer in the course of the debate: "What is this bill? Is this a creature of Congress? This is the bill the Department of Defense sent over here . . . changed by the grand total of 2.2 per cent by the Committee on Armed Services. It is 97.8 per cent executive branch and 2.2 per cent Congress."

Instead of carrying out its responsibilities as the Founding Fathers intended, Congress has become a rubber stamp for the military. Yet, while the legislators have been supinely acquiescent, Schlesinger seems to have been listening to Congress. And, ironically, the voices he has been heeding have been those of Pentagon critics.

The Trident ballistic-missile submarine provides the most striking example. In 1972 and 1973, amendments to slow the accelerated pace of the new submarine's development were beaten in the Senate by close votes. How could the sponsors of these amendments, Pentagon supporters asked, possibly make an intelligent decision on so complicated a program when the Pentagon had "all the facts"?

Yet the Defense Department has since adopted the essential elements of Sen. Thomas McIntyre's 1973 amendment, and on the second day of this year's debate, the New Hampshire Democrat pointed them out: "My proposal to restore the submarine building rate to the original Navy plan of two per year instead of the proposed three per year has been adopted by the Navy. My proposal to backfit the Poseidon submarine with the Trident C-4 missile . . . has also been adopted."

In a colloquy with McIntyre, Sen. Lloyd Bentsen (D-Tex.), the sponsor of a similar Trident amendment in 1972, suggested that "the Trident debate marks a distinct departure from a time in the past when the Department of Defense was thought to have all the expertise and when many members of Congress thought of the Defense budget only in terms of contracts and bases for their own constituencies. "The Trident debate marks a juncture where the Congress will become more of a partner in the details of defense planning rather than being a mere automatic clearinghouse for defense spending."

PROGRAMS CHANGED

Although Bentsen's optimism may be premature, his point is well taken. Congress has shown it can intelligently establish the size, scope and pace of major weapons programs; and the informed judgment of individual legislators may often be superior to the collective wisdom of the Pentagon.

In the case of Trident, Bentsen and McIntyre had chaired the hearings of the Senate Armed Services Subcommittee on Research and Development when the program was being considered.

Their conclusion that the submarines were being built with undue haste has now been accepted by Schlesinger, who last year walked Senate corridors and knocked on doors in an intensive lobbying effort which succeeded in killing the McIntyre amendment.

There have been other instances where the informed criticism of individual legislators has apparently induced Defense to alter certain weapons programs. Here are three examples which have not been well publicized:

Last fall a General Accounting Office study showed the Surface Effects Ship research program had been going poorly. Following a letter from McIntyre, Defense ordered a reduction in funding. The effect was to shelve plans for a larger prototype.

Although an amendment by Sen. Birch Bayh (D-Ind.) to eliminate funds for the Army's SAM-D surface-to-air missile system was defeated by the Senate last year, he must have made a convincing case. Defense has since changed it from "a full scale engineering development program to an advanced development program with certain austere engineering development tasks to continue," the report of the Senate Armed Services Committee notes. As a result, Defense cut funds for SAM-D by 33 per cent this year.

Sen. Thomas Eagleton (D-Mo.) has been unable to get a majority of the Senate to support his efforts to kill the Airborne Warning and Control System. But he apparently induced the Pentagon to abandon as unfeasible the radar plane's primary mission of defending the United States against Soviet bombers. He also prevailed upon the Senate Armed Services Committee to add a provision to the authorization bill which will require the secretary of defense to certify that AWACS will be able to perform its new mission (tactical airborne command post in a European war) before production funds can be spent.

Taken by themselves, the foregoing are hardly spectacular examples of congressional control of the armed forces. However, they do suggest that individual legislators are capable of examining some of the most complicated military weapons and making intelligent decisions about these programs. Oddly enough. Schlesinger seems to appreciate this development more than Congress.

Defense has responded constructively to several congressional critics, but that is not enough. The watchdog role is certainly important, but it can be made ineffective when the Pentagon holds the leash and muzzle.

The President can exercise an effective check on the power of the military, but even that may be insufficient to restrain its strong bureaucratic urge for more *institutional* power. A case in point can be found in this year's Senate action on the military authorization bill.

In a move which took the White House and the Armed Services Committee by surprise, Sen. Henry Jackson (D-Wash.) introduced an amendment to give the secretary of defense veto power over the export of material or technology to the Soviet Union and six of her East European allies.

The veto power would be available if the secretary determined that it would "significantly increase the military capability of such country." The President and the Secretary of State, about to leave for the Middle East, opposed the amendment.

Before the vote June 11, Sen. John Stennis (D-Miss.), chairman of the Armed Services Committee, was visited by Deputy Secretary of Defense William Clements, but White House lobbyists were excluded from the meeting—an unusual step. Though he staunchly supports the White House on most military issues, Stennis emerged from his meeting with Clements advocating passage of the Jackson amendment. His move raised speculation that Clements was trying to get more power for the Pentagon even though that meant lobbying against the White House position.

As a matter of law, the Jackson amendment was unnecessary. As a matter of bureaucratic politics, however, it would have given the secretary of defense primacy in the area of international trade.

In the end, the Jackson amendment was gutted by Sen. Alan Cranston (D-Calif.), aided by administration lobbyists. The incident revealed, however, that presidential control of the Pentagon is not enough.

While it would serve no purpose for Congress and the Pentagon to be constantly at loggerheads, Congress will never regain its constitutional power unless it is willing to assert itself. That means drafting its own military legislation in consultation with the executive branch instead of simply dropping the Pentagon's bill in the hopper. It also means exercising an occasional legislative veto over wasteful programs and delaying legislation to combat such Pentagon tactics as denying military information to Congress.

The legislative branch cannot immediately become "more of a partner in the details of defense planning," to use Bentsen's phrase, because powers "lost" by default are seldom easily regained. But members of Congress will be taking an important step in that direction if they will begin to give critics the same attention they now give only advocates of Pentagon programs.

GROWING UP IN AMERICA

Mr. HUGH SCOTT. Mr. President, in a July 5 column in the Christian Science Monitor, Roderick MacLeish, an author and radio-television commentator, reflects movingly on his own experiences in "Growing Up in America." His message is not only thoughtful but captures the American spirit appropriately as our Nation enters its 198th year. Mr. MacLeish wrote:

> The essence of America is a lot more profound than all the flag-waving and self-praising oratory which are the common custom this weekend. "The essence lies in that dynamic which is nothing more than the belief that this imperfect system of ours contains its own possibilities for improvement. As long as that is demonstrable, we and the republic are well. It was demonstrated in my American past. It is being demonstrated today.

"We and the Republic are well," said Mr. MacLeish.

Mr. President, I share the faith in our country so eloquently expressed by this fine writer, and I ask unanimous consent that the full text of his testament to a great Nation be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GROWING UP IN AMERICA

(By Roderick MacLeish)

WASHINGTON.—Those of us who are approaching or past 50 can remember a profoundly different America—at least we think it was different. For boys growing up in the Middle West that different country lingers upon memory in terms of the knickers and knee stockings we wore, high, board fences of the sort Tom Sawyer was supposed to paint, the nocturnal wail of trains crossing the American interior, the autumn haze which hovered west of Lake Michigan's bluffs, rendering the world's hard outlines into the blurred qualities of a daydream.

It is, by now, a cliche to say that the good old days weren't all that good. By and large that's true. Memory is a selective process; we keep upon its screen only those images and recollections which comfort us. But if I really try I can remember less pleasant aspects of America in the '30's—my mother sitting at a kitchen table and saying, sadly, "Someday we'll look back on all of this and laugh"; the lines of shabby men waiting on Chicago's littered, winter streets; alarming newspaper headlines as Japan expanded in Asia and Hitler's legions marched across Europe in search of Lebensraum. As Franklin Roosevelt told the nation that it had nothing to fear but fear itself, he was also telling a small boy that a lot of grown-ups were and had been afraid.

Today, as the man said, is the tomorrow you worried about yesterday. But, in the yesterday which preceded my American childhood, nobody worried and that was the whole problem. I was born in 1926. Three years later the bottom dropped out of the stock market and out of my parents' assumptions. There was a sense in the '30's that America was paying for the follies of the '20's and that when the payment was sufficiently made, things would be better.

People then, in other words, looked forward, not backward. They sensed something that people these days haven't yet grasped—that within our system of government and politics there exists the possibility of redemption as long as we believe that that possibility is there, as long as we react in a constructive and curative way against the woes of any particular moment.

Today we seem to have gotten the idea into our heads that the best of American history is behind us, that we are now and will be in the future the sum of our miseries, complications, and self-betrayals.

That is a foolish and deceptive view of American time. It presupposes that the crises of the present are a permanent condition, that nothing quite this bad ever happened before, that America never had a set of conditions quite this intractable from which to recover.

Well, of course, we have had crises worse than the present one that afflicts our politics with rancid revelation and the public with a bitter sense of disbelief in almost all the institutions of American life. We have had depression, Civil War, failed and absurd presidencies, scandal, hypocrisy, and national hysteria.

Growing up in America, growing up and living through the last 48 years, one has seen a lot of those bad things. But also, living here for most of those years, one has also understood that the genius of this country lies in its very sense of time and of the possibilities for recovery and improvement that are inherent in the particular American experience of time.

Such are our institutions—changeable and in a constant process of change while keeping their essential interrelationship—and such is the subtle nature of the public relationship to them, that the possibilities of redemption are most present when things are at their worst. Today, as controversy darkens Washintgon, reform is spreading in the states. Yesterday, in that evening of depression which was the result of the giddy afternoon of the '20's, politics and government were preparing for a better morning—which came.

One thinks about these things as Independence Day proceeds across the calendar. The essence of America is a lot more profound than all the flag-waving and self-praising oratory which are the common custom this weekend. The essence lies in that dynamic which is nothing more than the belief that this imperfect system of ours contains its own possibilities for improvement. As long as that is demonstrable, we and the republic are well. It was demonstrated in my American past. It is being demonstrated today.

We and the republic are well.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the United States has long been a champion of human freedom, of the right of any man to control the conditions of his existence. Our own Declaration of Independence speaks of "inalienable" human rights, and our Constitution's Bill of Rights is a profound summary of the scope of individual liberty. We have played a major role in the extension and protection of these freedoms around the world. The United States is one of the principal founders and supporters of the United Nations, whose charter pledges us to the promotion of "human rights and fundamental freedoms."

I submit that no right or freedom is more fundamental to any man of any nation than the right to live. It is a right that has been sorely tested in this century. Hundreds of thousands of Americans lost their lives in a war to halt Adolf Hilter's programs of mass extinction. Yet, even today, as reports from Uganda evince, genocidal horrors continue to blacken human society.

The International Convention on the Prevention and Punishment of the Crime of Genocide offers us an opportunity to take a strong position against such slaughters, a stand that is consistent with our noblest traditions. In these times of widespread public disaffection with the moral fiber of our Nation's Government, it is specially important that we reassume our place at the head of the struggle to preserve human liberty, that we make an ethical commitment to protect individual freedom on the most basic level. I urge you to grant speedy ratification of the genocide convention, not only for the sake of America and her citizens, but for the sake of all men in every land.

DEATH OF MAX ESPER

Mr. HUGH SCOTT. Mr. President, returning from recess, I note the untimely death of an outstanding photographer, gentleman, and professional, Max Esper. Members of the Senate who record radio and television shows in the Capitol and provide them to stations in our respective States knew Max who retired a year ago as director of photography for the Senate Recording Studio.

Too often we do not really know a person until his obituary is written. Too often we are not aware of his many accomplishments. Mr. President, to share with my colleagues these many accomplishments of Max Esper, I ask unanimous consent that the Washington Post story reporting his death be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 30, 1974]

MAX ESPER DIES, EX-PHOTOGRAPHER

Max Esper, 65, former Washington-Times Herald photographer, and retired director of photography for the Senate Recording

Studio, died yesterday at Washington Hospital Center of cancer.

From 1935 until World War II, then after the war until 1954, when the Times-Herald was purchased by The Washington Post, Mr. Esper was a feature society and fashion photographer for the Times-Herald page, "These Charming People."

Since that time he was director of photography at the Senate Recording Studio in the Capitol, where he produced television programs for members of the Senate. In earlier years he worked for the Federal Housing Administration.

Enlisting in the Navy in 1942, Mr. Esper was a combat photographer on assignments for the Navy, the Marine Corps, and the Army. He served first at the Naval Photographic Center in Anacostia, then transferred to the Bureau of Medicine and Surgery of the Navy.

Mr. Esper's combat photography missions extended to the South Pacific, Australia, and Europe. He was on the Navy's landing at Saipan and photographed troops in action.

With the cooperation of the Marine Corps, he did several films shown across the nation during World War II. One of these on combat fatigue, "Remember These Faces," was highly acclaimed, and used to promote sales of war bonds throughout the United States.

His photographs in Europe included many shots of concentration camps in Germany. His assignments covered Presidents, members of Congress, government officials, military forces, and other Americans.

Mr. Esper was a longtime member of the White House News Photographers Association and the National Press Club. He was a member of St. George's Episcopal Church in Arlington.

He is survived by his wife, Vivian C., of the home in Arlington; a son, Vaughn C. of Musogee, Okla.; his mother, Elsie Winthers, of Jensen Beach, Fla.; three sisters, Rosamond Chambers, of Jensen Beach, Fla., Elizabeth Allan, Allentown, Pa., and Aljean Fuller, Columbus, Ga., and two brothers, Herndon C., of Stuart, Fla., and Charles L., of Vienna.

The family suggests that expressions of sympathy be in the form of donations to the American Cancer Society.

SOLAR ENERGY

Mr. ABOUREZK. Mr. President, while the Nation's electricity bills are soaring, while a few major oil companies reap unconscionable profits from higher fuel prices, and while more and more citizens are realizing the threats to our environment from nuclear power, strip mining and other such destructive technologies, there is still hope that other forms of cleaner and cheaper energy can supply the Nation's needs.

Solar energy is free, environmentally safe, and is not dependent on the energy delivery systems which are controlled by the major oil companies. Solar energy, according to a large number of scientists and engineers can be used to replace most, if not all, of the fossil and nuclear energy the United States consumes today.

A June 26, 1974, article in the Federal Times reports that the General Services Administration has broken ground in Manchester, N.H., for a seven-story building that will use solar energy and "consume at least 40 percent less energy than a comparable conventional structure."

Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Federal Times, June 26, 1974]

Solar Energy Federal Building

Washington.—Federal, state and local officials have broken ground for a $6.5 million federal office building at Manchester, N.H., that will use solar energy and consume at least 40 percent less energy than a comparable conventional structure.

Arthur F. Sampson, administrator of the General Services Administration, told an audience at the ground-breaking ceremony that the building would serve as a prototype for the construction industry in saving energy.

He explained that as GSA's first energy conservation demonstration project, the building would serve as "a living, working laboratory designed to minimize energy consumption and recover heat that ordinarily would be lost in building operations."

GSA will construct the seven-story building in the heart of the Manchester's new civic center. When completed in 1975, it will incorporate more energy-savings features than any other federal building. It will include a 10,000 square-foot solar energy collector that will furnish nearly 30 percent of the building's power.

It is expected about 500 federal employees now scattered throughout Manchester will be consolidated in the new building.

Government agencies will be assigned office space on the basis of accessibility. Agencies that serve elderly or handicapped citizens such as the Social Security and Veterans' Administration will be on the ground floor.

Sampson also said the building will be constructed under a purchase contract procedure that allows the government to purchase it over a 30-year period. During this period, the property will remain on local real estate rolls.

SEX DISCRIMINATION IN EDUCATION

Mr. PERCY. Mr. President, after 2 years, on June 20, 1974, the Department of Health, Education, and Welfare published its long-awaited proposed title IX regulations for ending sex discrimination in education. These regulations, once implemented, would eliminate the arbitrary and outdated concepts and practices which have long restricted educational opportunities for women; however, they would not automatically end sex discrimination.

Earlier this year I introduced S. 2959 to help provide equal educational opportunity for women. During the course of my work on this legislation. I began to realize that ending sex discrimination in education would require much more than providing men and women the same oportunities to attend school, take courses, receive financial assistance and participate in extracurricular activities. At the root of the problem is the too prevalent attitude that females are somehow less intelligent, less able, less resourceful, thus less important than males. Sexism, unfortunately, is an integral part of the attitudes and actions which have relegated women to be secondary and inferior status in society.

Sex-role stereotyping in text books and educational materials is without a doubt a major contributing factor to the pervasiveness of sexism in education. In order to illustrate exactly what I mean, I ask unanimous consent to print in the Record a story from a Benefic Press grade school text published in 1967.

There being no objection, the article was ordered to be printed in the Record, as follows:

April Fool

Father walked out to the kitchen just as Mother was putting the last few sandwiches into the picnic basket.

"Are we ready to go?" asked Father.

"I'm ready," replied Mother. "I think Randy and Laura are in the back yard."

It was a beautiful Saturday morning, and the Stewart family had decided to go on a picnic. They were going to Gold Hill. Some of the people who lived in Bensenville thought there was gold up there, but no one had ever found any of it.

"Oh, Laura! Randy!" called Mother. "Come and help put all the things in the car so we can get started."

Just then, Randy came running into the kitchen from outside.

"Oh, Mother" he said. "The car has a flat tire. Father will have to fix it before we can go."

"Oh, no!" Mother said. "We just got these tires! They are new!"

"April Fool!" said Randy, laughing.

Mother had to laugh, too. That was the second time Randy had fooled her that morning.

It did not take long to get to Gold Hill. As soon as they got there, Father and Randy took a big bag out of the car.

"We are going up to the mine," they said. "Who knows? Maybe we'll even find some gold up there."

Laura and Mother decided to sit on a blanket and enjoy the sun until Randy and Father came back. They sky was clear and blue. Every now and then, a few white clouds went floating past in the blue sky.

"I wish I could think of a good April Fool trick to play on Randy," Laura said thoughtfully. "He has fooled me two times already today! He really knows how to trick me. I can never tell when he's fooling and when he isn't."

Mother laughed. "Me too," she said. "And your father is just as bad. They both like to play tricks. Do you remember what your father did to me last April Fools' Day?"

"Yes, I remember, Mother," said Laura. "He had a man call you on the telephone. The man said that you had won a mink. You thought it was a mink coat, and you were all excited."

"Yes," said Mother. "Then he had the man bring me the mink."

"Were you surprised when the man came with a real, live mink!" Laura said.

They both laughed.

Then Mother said, "Just wait until your father and Randy get back for lunch. This time we will have the last laugh for an April Fool trick! And the laugh will be on them."

"Oh, good! What are you going to do, Mother?" Laura asked.

"I have a surprise lunch all ready to eat," Mother said. "First, we will have chicken sandwiches. Then there will be cupcakes, rock candy and iced tea."

"But that sounds good," said Laura.

"Well, the chicken sandwiches are made with bread and real chicken feathers," said Mother. "The cupcakes are little cakes in real cups. I put some rocks in candy papers for the rock candy. And the iced tea is tea bags with ice around them."

"Oh, Mother," said Laura. "That's a wonderful April Fools' trick. I don't know how you ever thought of all those funny things! This is going to be a better April Fools' trick than any they have played on us."

Laura was laughing so hard she couldn't stop. Then she thought of something.

"But won't the real joke be on us, Mother?" Laura asked. "We have nothing good to eat."

"I have the real lunch in another basket in the car," said Mother. "We will bring that one out after we fool them with the trick lunch."

"Oh, I can't wait for Father and Randy to get back!" said Laura. "Let's go and get the lunch basket right now."

Laura and Mother went to the car. They had just taken out the baskets when they saw Randy and Father coming. They were both running and waving their arms.

"Mother! Laura!" called Randy. "We found it! We found it!"

He almost fell over his own feet as he ran toward Mother and Laura.

Laura and Mother forgot all about the lunches. They put down the baskets and ran to meet Father and Randy.

"Found what?" asked Mother. "You don't mean that you really found gold up near that old mine!"

"We aren't sure," said Father. "There is a new spring up near the mine."

"The spring has a yellow look to it," said Randy. "It could be . . . ."

"Gold!" Laura exclaimed.

"How exciting!" said Mother. "Well, don't just stand there. Take us to see it, too!"

"We can't take time for that now," said Father. "Randy and I must hurry into town to lay claim to the ground. Once we have a claim, no one else can take anything from around that spring."

"But what if someone else finds it before you get back?" asked Mother.

"Say, that's right," said Father. "I had not thought of that."

Everyone thought for a minute.

Suddenly Mother said, "Tell us how to get to the spring. Laura and I will stay there until you and Randy get back. That way, if anyone else comes, we can tell them the land is already taken."

"That sounds like a good plan," Father said quickly. He pointed to a place through the trees. Mother looked as he pointed.

"It's right up there near the mine. I left my hat on a tree right near the place so we would be sure to find it again without any trouble," Father explained.

"Let's hurry, Laura," said Mother.

Mother and Laura hurried off. It was a long climb. The path was very rocky, and it was hard to walk. The sun was very hot, too.

Mother and Laura were getting very tired, but they were so excited that they kept on going.

"Oh, Mother," said Laura. "Just think! A spring with gold . . ."

Just then, Mother stopped. She stopped so quickly that Laura bumped right into her. Mother was looking up in a tree.

Laura saw what Mother was looking at. There was Father's hat. Then they looked down.

"Oh, those men!" said Mother.

"What a trick!" said Laura.

There was a spring, all right. And it was yellow, just as Randy said. It was a spring from an old bed, and it was painted yellow!

A little way away, Laura and Mother saw the sack that Father had with him when he and Randy went looking for gold.

Just then Mother and Laura heard some noise behind them.

"April Fool!" shouted Father and Randy. They had stayed a little way behind Laura and Mother all the way. They were both laughing so hard that they were crying.

"You tricked us again," said Mother. "You got that old spring from home and brought it all the way out here in that big sack just to fool us!"

Father and Randy couldn't stop laughing.

"Now we have that long walk back to get our lunch," said Laura.

"No, Laura," said Randy. "We saw the basket, so we picked it up and brought it along. We can have our picnic here. Let's sit down and eat now."

Mother and Laura looked at each other and smiled in a funny way.

"Now the trick will be on Randy and Father," thought Laura. "That is the trick lunch they brought."

Mother took the basket from Father. She opened it and started to take the things out.

"And now the surprise is on you two," said Mother. "I want you each to have a chicken sandwich. I think you will like these."

She gave Father and Randy a sandwich. They each took a big bite.

Nothing happened! Father and Randy just kept eating. Mother and Laura looked at their sandwiches. Father and Randy had brought the real lunch!

"We knew you were trying to fool us," said Father. "So we brought the right basket with the real lunch."

"You have done it again!" said Mother. "You are too smart for us! We can't fool you men."

"Oh well, maybe next April Fools' Day," said Laura. "Things may be different then."

They all laughed and took another *real* chicken sandwich.

Mr. PERCY. Mr. President, "April Fool" offers an example of why concerned individuals in Arlington Heights, Ill., as well as those in other communities across the Nation, have taken it upon themselves to bring about the necessary reform of children's texts. The Citizens Task Force on Socialization of School District 21, in January 1974, issued the following statement of purpose:

Statement of Purpose

We, as concerned parents in District 21, share your interest in seeing that education provide each child with the opportunity to reach the highest potential as a full human being, to fulfill aspirational goals, and to become productive people.

Sex discrimination in education still exists—a problem and a fact of which many people are becoming more aware. The need to eliminate dual standards and discriminatory attitudes and practices based on sex is evidenced by Executive Orders, State and Federal laws and regulations, and court decisions.

We realize your difficulty in finding quality educational materials, which provide sound skills and are also non-sexist. We appeal to you to insist on both criteria when selecting teaching materials. In short, good skills can be taught in a non-sexist way.

We have reached these conclusions after careful study of both the materials listed in the bibliography and our own study of selected teaching materials. We have interviewed students, teachers, parents, as well as administrators, who also view sexism as a real problem in education.

To start here, at the earliest years, is to bring results. To go on damaging future generations of children with these stereotypes is unthinkable. Educators, book publishers, editors, as well as curriculum selection committees, should be made aware of this entire situation.

We, therefore, believe that in your unique position as a unifying and guiding force in establishing educational philosophy within the District, you will share our concern. We ask that you assume the role of leadership in the state of Illinois by developing policy that will affect positive social change.

Further, the task force provided the following definition and recognition of sexism:

Social factors, pressures placed on human beings, learned behavior, attitudes and expectations, that define people according to their sex.

Sexism is not to be identified with sexual or innate differences, for we have never known a society of either women or men, living separately and apart, and, therefore, cannot possibly know the "true" nature of either sex.

Textbooks and teaching materials are sexist if they omit the actions and achievements of all people, women and men, girls and boys, if they demean people by using patronizing language, or if they show people only in stereotyped roles with less than the full range of human interest, traits, and capabilities.

The District 21 Task Force then set about analyzing and evaluating nine separate print and nonprint educational materials in use in the schools of their district. I ask unanimous consent that the task force's findings be included at this point in the Record.

There being no objection, the findings were ordered to be prined in the Record, as follows:

Elementary School Textbook Summary Report

The Task Force has completed its study of some of the texts, supplements, and sets of study prints approved for use in District 21 (see attached list).

We fully realize your difficulty in finding teaching materials which teach sound skills in a non-sexist manner, and appeal to you to insist that both these criteria be met by textbook publishers. We also realize that the schools have not created sexism or the double standards which exist for girls and boys. However, the schools can begin to eliminate the harmful effects of sexism by being in the forefront in providing equal opportunity to males and females alike. It is to this end this report is made.

METHODS

With the help of a set of guidelines the members of the Task Force reviewed 9 textbooks, supplement, and sets of study prints. It is our suggestion that these guidelines be used when considering purchase of teaching materials.

CHILDREN'S SEX ROLES

Among other things, one of the results of sexism is the belief that character is defined exclusively by sex. Such a belief is the basis for many of the stereotypes about females and males culturally imbued in all of us. One example of this stereotype which says men are by 'nature' strong, brave, and inquisitive—women by 'nature' are intended for the wife-mother roles. Long before children learn to read, they are exposed to these stereotypes through simple patterns most of us take for granted. The choice of 'sex-related' toys is another example of stereotyping. (For further reference see: Mary B. Munger, Sex-differentation in Pre-School Children: Sex typical Toy Preferences and Knowledge of Peers' Sex Typical Toy Preferences, Dissertation Abstract International, XXXII, 6–B, 3646, December, 1971.) Boys often receive erector sets and exhortations to become engineers; girls get dolls and encouragement to play house.

In textbooks, the most frequently acceptable roles offered to girls are those of passivity, dependence, incompetence, emotionalism and above all domesticity. The textbook male is creative, resourceful, assertive, brave and clever. Though he is more multidimensional than his female counterpart, he is provided with an almost impossible to achieve superboy/superman role model. (Economy, Cinnamon Peaks, "Marassa and Midnight", page 14).

One of the most obvious findings of our study was the great discrepancy between the numbers of females and males presented in both illustrations and content materials. Males outnumber females more than 3 to 1. There is a great lack of active participation by females in all texts.

In the 5th grade Ginn Science Program, 1973, man are predominately pictured and when women are pictured—they are outnumbered by men (pages 158, 170, 209).

Girls in this text are seen as timid observers while boys actively execute the experiments and projects. The authors and science advisors for the text are all men. No female scientists are mentioned or pictured. Can children conclude that science is a male field?

The message which searingly strikes out from the pages of these texts indicate that these readers not only reinforce sexism, but also limit girls' aspirations and lower self-esteem and stifle creativity. The following examples typify the display of this reinforcement: Scott, Foresman & Co., Teachers Annotated Edition—Level 5 "Next Door to Laura Linda", page 5.

while the main character is a girl—she is depicted as being dissatisfied about everything (her hair color, her eyes). wishing for things over which she has no control. wishing things were different, but nothing happened externally to change them. nothing to do but sit, swing and get dizzy. boy building treehouse—boy has all desired characteristics—see page 27, now she's completely satisfied with things as they are.

Summary: version of waiting for Prince Charming to come along and make everything fine.

In a 5th grade social studies text, *You and the United States*, Benefic Press, we again found a disproportionate degree of men to women. Mention is made of women "being given the right to vote," with no mention of the long hard struggle fought by people to obtain this right. Two paragraphs, discuss, in great detail, the dress style of the women of the day, but no mention is made of the male dress mode.

In this same book, pictures indicating government officials depicted only males, with no mention of the contributions made by women in government, or elected to community offices, as we see in our own village.

Of the women pictured or mentioned, children learn that Mrs. John Adams hung her laundry in the East Room of the White House, 90 women came to Jamestown so that men without families could have wives, Harriet Beecher Stowe wrote, *Uncle Tom's Cabin*, Clara Barton founded the American Red Cross, and Queen Isabella helped Christopher Columbus get ships to come to the New World.

Can girls help but get the impression, consciously or unconsciously, that boys are more important, have broader career opportunities and have considerably more fun. (See attached list of occupations listed in books for males and females.)

From the simple text of the beginning reader to the sixth grade math and science text, the activities of textbook boys and girls exemplify their personality traits. The girls, being passive, indecisive individuals, are seen standing or sitting still, watching the boys build, create or play games. (Scott, Foresman, *Bridge, Doors, Windows*, "The Princess from the Land of Silence", page 12.)

They keep house, give tea parties, play with dolls, or listen to records (Houghton Mifflin, *Modern School Math*). They often get themselves into situations where they are in need of help and it is most often a boy who solves the problem and comes to the rescue. (Houghton Mifflin, *Signposts*, "Hooray for Jasper", page 79.)

The textbook boys are vigorous and inventive individuals; if they find themselves in a fantasy, they have the ability to work the situation out for themselves, (Houghton Mifflin, *Signposts*, "A Long Long Time," page 8, Economy, *Cinnamon Peaks*, "Loner", page 118, "Comanche Country", page 390).

The Task Force points out that boy protagonists virtually monopolize traits like intelligence, creativity, bravery, perseverance, and industrious. The theme of one story, "Journey Into Space", page 110, *Cinnamon Peaks*, Economy, shows the boy characters exploring the sky, doing so happily—knowing he was right. Compare this with the story of "What Mary Jo Shared", *Houghton Mifflin*, page 153. Mary Jo had a great deal of difficulty in making her decision about show and tell.

In Images, *Houghton Mifflin*, "The Computer Triumphs Again", page 426, Miss Carmody is the coach of all male baseball team. While this appears to be a step in the right direction, the story is filled with many of the same attitudes about girls. For example, on page 430 Ollie asks Dusty, "What is square and has bats in the belfry?" Dusty grinned. "That's easy Scruggs—girls!" The girls simply giggled.

ADULT SEX ROLES

The adults who children see in their textbooks are as sex stereotyped as the children. Men are both fathers and job holders, seen in every conceivable occupations. (See list) Women are seen either in the house or in jobs traditionally acceptable for women—teacher, nurse, secretary, librarian or cook.

Example of a working mother is seen in Scott, Foresman, 1972, *Windows, Doors and Bridges*, "Song of the Empty Bottles", page 106. Not only is the working mother black, but also head of the household. Can children conclude that only black mothers work full time because they have to? Is this presenting working mothers in a positive way?

Despite the fact that 58% of working women have children under 18 years of age, we rarely see a working woman. Marriage and motherhood are goals of the textbook female, yet when she reaches these goals, she still possesses the textbook female personality traits of passivity and incompetence. (Houghton Mifflin, *Signposts*, "The Long Long Time", page 8). The textbook mother generally stays indoors, where she is in a dress, apron and high heels. Her activities consist of domestic duties; washing dishes, cooking, sewing and cleaning her always tidy house. (Economy, Cinnamon Peaks, "White Deer," page 42)

There is no challenge to her life, no humor, warmth, or flexibility. (Houghton Mifflin, *Signposts*, "Long Time Ago," page 25). There is a double fault here; women are seen in predominantly one role and this is obviously stereotyping; unfortunately, this portrayal also denies status to the job of child-rearing. Dr. Jo Ann Evans-Gardner, psychologists, states, "Even if most women are content with housework as their career, it would still be wrong to present this stereotype."

Mothers do a great many things. Some work outside the home in nontraditional roles, some work part-time, make purchases, invest money, work with schools, build bookcases, paint furniture, go to conventions, in general make great contributions to society. Children do not get this image of their own mothers in the textbooks they are learning their basis skills from.

Fathers are the exciting members of the family. (Houghton Mifflin, Signposts, "What Mary Jo Shared," page 153.) He does the fun things with the children, solves problems, makes decisions and seems to know a great deal about something of everything. (Houghton Mifflin, *Signposts*, "Are you Lost Daddy?," page 48).

Textbooks are not mirrors of reality. They abound in distortions. They do not deal with real life issues or situations that confront young lives today. They do not deal with the career choices children will be making. (See report on World of Work). On their pages children don't wear glasses or braces and they don't take music lessons, or have babysitters. There is no human warmth in the textbook children's relationship with family or friends. There is no human warmth seen in their parent's marriage. The non-emotionalism in all textbook relationships make them shallow, unrealistic and uninteresting. The portrayal of adults is also greatly distorted in texts. Marriage, though it appears as an inevitable step in every adult's life, seems quite joyless in the textbooks. All demonstrations of affection are off limits, as are quarrels. Parents rarely get sick, engage in artistic activities, adopt children or hire a teenage babysitter. Even though one finds no closeness between husband and wife, single parents are not presented in a positive manner.

Distortions of reality and rigid sex role stereotypes are very harmful and when they are presented to children at their most vulnerable and malleable stages of development they can stifle the personality.

The textbooks do not encourage a girl to develop to her maximum potential and place unrealistic demands on boys. In effect, such texts program girls not to achieve. ("Next Door to Laura Linda"). The textbooks have a powerful message for the boys as well. The passive and dependent portrayal of the female coupled with the almost "superbeing" of the male, strongly implies that boys must prove themselves by being strong and brave. (Economy, *Cinnamon Peaks*, "Rescue", page 234) Textbooks continually reinforce the belief that boys shouldn't show any type of emotion. Stereotyping of males in this way creates an artificial barrier between males and females leading ultimately to the mistaken belief that, because males show no emotions, they have none. Limiting a boys personality in such a way can only stifle growth and maturity.

It is the conclusion of this Task Force that all the texts reviewed are sexist and must be revised before going into new printing. It is our suggestion that the District refuse to buy any new textbooks for any area of study, until they meet guidelines, e.g., those attached.

In the meantime, however, there are a great many positive things the District can do immediately and the Task Force makes the following suggestions:

WORLD OF WORK PROGRAM

In reviewing the teacher handbooks used in the World of Work Program, i.e., *Getting it all Together*, Northwest Educational Cooperative, and *World of Work*, ABLE Model Program, Northern Illinois University, the task force has formulated suggestions to change educational methods to eliminate sex stereotyping.

Through the use of language, subtle sex stereotyping occurs. Throughout the handbook, *Getting It All Together*, the pronoun used to refer to the child was 'he'; the pronoun used to refer to the teacher was 'she'. Subtly the handbook is designating teaching as a female occupation and at the same time opening the door of other occupations to males only. This also occurs when discussing objectives of the program; again 'he' is used. In discussing parent related subjects, the handbook automatically assigns male and female roles by the use of 'mother' and 'father'. We suggest replacing pronouns wherever possible with the use of child, student, teacher, instructor, etc., and the use of work parent instead of mother/father.

A sample question from the *World of Work* handbook is "How much can a man earn in this kind of work?" We suggest the word man be changed to person. By simply replacing male-oriented words with people-oriented words we open the World of Work Program to another half of the students, the girls.

The occupational designations used by the World of Work Program should be those used by the United States Census Bureau. Thus police officer would replace policeman, firefighter replace fireman, and letter carrier replace postman. In the service occupations in the program, most were described by female roles, i.e., waitress. As the Census Bureau is currently using non-sex identified titles, it is reasonable to request the District to also employ these titles in their school programs. In

> the World of Work handbook, seven sketches were used to portray various occupations throughout the book. In every sketch, the person portrayed was a man. We suggest the depiction of men and women equally in sketches.
>
> Many of the activities suggested in the handbook were blantly sexist. A unit on good grooming for girls was carefully outlined; it slyly suggested that girls should rely on looks rather than skills in occupations. At the same time, no mention was made of the need for good grooming for boys in occupations. Programs are suggested for mothers but not for fathers. Working mothers are made to feel guilty about not attending programs while it is accepted that fathers cannot attend because they are working. Programs should take into consideration the need for father-participation and should also gear programs to working mothers as well as non-working. In essence, parent-related programs should be emphasized. Skills and not sex.
>
> Many career patterns are discussed, but a very important one, the 'interrupted' career pattern is not even mentioned.
>
> Industrial arts and home economics seem to be patterned on the age old adage of boys only, girls only. This program does not equip boys and girls for the new life style in which we suburban residents live. Home management should replace the archaic home economics and industrial arts programs at the Jr. High level, in a co-educational class.

Mr. PERCY. Mr. President, the task force also analyzed the materials to determine the number and types of activities in which boys and girls and men and women were shown participating. They state:

> This list is only one example of how completely we channel the aspirations of our female children. It is not difficult to understand why, after this socialization process, only the most enterprising of young women dare to challenge the established patterns of male-dominated activities.

They found women engaging in only 20 separate occupations, while the men engaged in 102. The activities boys were shown participating in numbered 96, while activities for girls were only 56.

Their evaluation of school texts led the District 21 Task Force to present the following proposed affirmative action program:

> In order that School District 21 might offer its students truly equal education, it is suggested that the following affirmative action program be undertaken to rid the district of any sexist practices.
>
> District level: conduct an in-depth study and evaluation of all policies and practices of the district to document any sexist practices and/or stereotyping that might exist and formulate plans for rectifying such situations. This Task Force is willing to serve as consultants for such a study.
>
> Administration: all actions of the administration should reflect a sensitivity to sexism. Internal and external communications should reflect their concerns in this area. Administrators should provide leadership in all efforts to realize non-sexist education, most notably in their capacity of policy and program formulation.
>
> Staff: all staff should participate in in-service programs to acquaint them with the causes and effects of sex stereotyping and discrimination, as well as the necessary solutions.
>
> Materials: every effort should be made to render educational materials free of sex stereotyping and discrimination. Non-sexist content should be established as a criteria for material selection, and this concern communicated to publishers and suppliers. Currently used materials may be temporarily rewritten, amended or abridged until proper materials are available. Libraries should purchase and display non-sexist books. (Selected bibliographies of such books are available from a variety of sources.)
>
> Curriculum: Curriculum content should be expanded to include a more complete presentation of women and their accomplishments. "Symposiums" should be offered on the role of women and women engaged in non-traditional activities recruited for assemblies, class lectures, etc. All subjects offered in the schools as well as extra-curriculum activities should be open to all students and the classroom should be integrated.
>
> Class practices: Teachers should make every effort to establish a non-sexist classroom atmosphere. Participation in special tasks, study projects and other activities should not be limited by sex. The physical plant of the classroom should be free of sexism in terms of seating arrangements, activity corners, etc. Integrated activity should be actively encouraged and certainly never held in ridicule or used as a disciplinary measure. Students must be encouraged to value each other as individuals and not taught to assign sex stereotyped characteristics to others.

Mr. President, I believe the District 21 Task Force on Socialization in Arlington Heights, Ill., and the many similar groups around the country are to be commended for their active participation in efforts to eliminate sex bias from curricula and educational materials. Their activities are all the more critical, since there is no provision in the proposed HEW title IX regulations which would prohibit discrimination in textbooks and other curricular materials. HEW has left the choice of appropriate teaching materials to local teachers, school administrators and parents, pledging, however, increased Office of Education research efforts, guidance and assistance. I would, therefore, encourage parents and concerned individuals in every community in this country to determine for themselves the pervasiveness of sexism and sex-role stereotyping in their schools and make use of HEW's pledge. For my own part, I will work to enact S. 2959, the Women's Equal Educational Opportunity Act, an important provision of which would insure that Federal funds spent for school library and textbook grants are used on a priority basis in the acquisition of non-sex-biased materials. For essential background reading on the subject, the District 21 Task Force provides a bibliography which I ask unanimous consent be included at this point in the Record.

There being no objection, the bibliography was ordered to be printed in the Record, as follows:

Essential Readings on Sex Role Stereotyping and Sexism in Schools

Dick and Jane as Victims: Sex Stereotyping in Children's Readers, 1972. A lengthy and detailed report on widely-used series of elementary school readers. $1.50. Available from North Suburban Chicago N.O.W. The booklets and slides were produced by a Central New Jersey Task Force on Socialization.

Sexism in Education, 1971. A booklet full of ideas and materials for classroom use and resource lists for elementary and high school education. $3.50, from Emma Willard Task Force on Education—28 E. 1520 W. 27th St., Minneapolis.

Report on Sex Bias in the Public Schools, rev., ed., 1972. A variety of articles and documents pertaining to elementary and secondary education. Available for $2.25 from N.Y.C. N.O.W.—56th St., New York 10022.

Unlearning the Lie: Sexism in Education, 1973. Barbara Grizzuti Harrison. (Liveright). This book is reviewed in the Nov., 1973 issue of MS. magazine.

Little Miss Muffet Fights Back, 1971. A bibliography of recommended non-sexist books about girls. Send 50c to Feminists on Children's Media, P.O. Box 4315, Grand Central Station, N.Y. 10017.

Let Them Aspire: A Plea and Proposal for Equality of Opportunity for Males and Females in the Ann Arbor Public Schools, 1971. $2.00 from Marcia Federbush, 1000 Cedar Bend Dr., Ann Arbor, Mich. 48105.

Pennsylvania Guidelines. Recommendations for the elimination of sex discrimination in all of their state education institutions (by mandate of the governor). Write Commonwealth of Pennsylvania—Box 911, Harrisburg, Pa. 17126.

Guidelines for Improving the Image of Women in Textbooks. Scott, Forseman Publishers. 1900 Lake Ave., Glenview, Ill. 60025.

Elementary English—October 1973. A special issue on Women & Girls. Published by National Council of Teachers of English, 1111 Kenyon Rd., Urbana, Ill. 61801.

PTA Magazine: March, 1972, October, 1973, February, 1974.

Colloquy—November, 1973. United Church Board for Homeland Ministries—1505 Pace St., Philadelphia, Pa. 19102. 60c copy.

Phi Delta Kappan—October, 1973. 8th & Union, Bloomington, Ind. 47401. Single copies $1.00.

Sex Differences in the School, *National Elementary Principal.* Articles by Munnchin, Sears, Feldman, Brederick, Bentson.

Scholastic Teacher, November, 1971.

School Library Journal, January, 1971.

Citizens Task Force on Socialization Outline of Presentation to Ad. Council.

RETIREMENT OF HARRY B. CALDWELL—NORTH CAROLINA AGRICULTURE LEADER

Mr. ERVIN. Mr. President, I have spoken often in this Chamber of the gifted and dedicated leadership of individuals who have contributed so much to the development and progress of our States and Nation. But when I think of Mr. and Mrs. Harry B. Caldwell and what they have done for their State, I believe that North Carolina has been uncommonly blessed.

Together and individually, Mr. Caldwell and Mrs. Caldwell, the former Margaret Virginia Hood, are giants in North Carolina agricultural development. For more than four decades, the Caldwells have given of themselves tirelessly on behalf of North Carolina agriculture, and each has served State and national agricultural organizations in numerous capacities and with boundless energy.

Harry Caldwell was one of the organizers and founders of the North Carolina Farmers' Cooperative Council and the North Carolina State Grange, which he served as Master for a total of 22 years, and which Mrs. Caldwell currently serves as Master.

On June 30, 1974, Harry B. Caldwell retired as executive vice president and treasurer of the Farmers' Cooperative Council. I have greater admiration for no man, and I know of no individual more deserving of the gratitude and respect of the agricultural community of North Carolina and the Nation than Harry B. Caldwell.

Besides helping found and direct the State Grange and Farmers' Cooperative Council, during his career Mr. Caldwell has served as chairman of the foreign relations, legislative, cooperative, transportation, and executive committees of the National Grange; chairman of the National Agricultural Advisory Commission; director of the North Carolina Farm Labor Commission during World War II; and as a member of the North Carolina State Planning Board, the State Advisory Budget Commission, and the North Carolina Tax Study Commission. He has been recognized and honored repeatedly for his service to agriculture, having received an honorary degree of doctor of humanities from North Carolina State University, the distinguished service award from the faculty of the University of North Carolina's School of Medicine, man of the year award in North Carolina agriculture, and an American Legion citation for service to North Carolina.

In addition to these and other professional endeavors, Mr. Caldwell has been active in the First Baptist Church in Greensboro, N.C., where he and Mrs. Caldwell live, and the North Carolina Baptist State Convention, and he has owned and operated his 120-acre farm outside of Greensboro.

Recently, Mr. Caldwell was honored by a resolution of the North Carolina Agricultural Foundation and an award of appreciation from the North Carolina State University. Mr. President, I ask unanimous consent that these testimonials to the contributions and service of this great North Carolinian, Harry B. Caldwell, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

May 30, 1974.

RESOLUTION

Whereas, Harry B. Caldwell is a man for all seasons, a son of the soil in the classic mold, who shares in full measure mankind's long and enduring empathy with Mother Earth—knowing history's ebb and flow, the hunger of barren times, the fulfillment of bounteous harvests, tides that have shaped man's heritage; and,

Whereas, Harry B. Caldwell, a leader on the land in our time, has beckoned us onward with visions of a more promising and plenteous future, ever serving the people of North Carolina and the nation, most especially those who till the land; and,

Whereas, this man of letters has earned honors and accolades from students, educators, civil authorities, and his fellow citizens, an honorary Doctor of Humanities, North Carolina State University; the Distinguished Medical Service Award, University of North Carolina; Man of the Year in North Carolina Agriculture, The Progressive Farmer magazine; Award of Merit, professional agricultural society, Gamma Sigma Delta; "Who's Who in America;" and citations and awards from The American Legion, the North Carolina Dairy Producers Federation, the agricultural honorary fraternity of Alpha Zeta; and the State of North Carolina; and,

Whereas, he now holds positions of major responsibility as Executive Vice President and Treasurer, Farmers Cooperative Council of North Carolina; President and Treasurer, North Carolina Grange Mutual Insurance Company; Executive Committee member, North Carolina State Grange; and Director, Farmers Cooperative Exchange, Inc.; and,

Whereas, his dedication to democratic institutions, tolerance of opposing viewpoints, and support of the participation of all citizens in the framing of public policy, has strengthened our democracy and its values; and,

Whereas, Harry B. Caldwell's firm support of North Carolina State University, the Agricultural Extension Service, the Agricultural Experiment Station, and the North Carolina Agricultural Foundation has contributed markedly to the success of these institutions in serving the State and Nation; and,

Whereas, his record of distinguished public service is lengthy and continuing, and is appended herewith; and,

Whereas, Harry B. Caldwell and Mrs. Caldwell, the former Margaret Virginia Hood, have been inseparable on the stage of public life and he has amply demonstrated his wisdom in counselling with Margaret; and,

Whereas, Harry B. Caldwell will soon reach a milestone in stepping down from some of the major responsibilities he has carried with such outstanding success through the years;

Now, Therefore, be it resolved by the Directors and Officers of the North Carolina Agricultural Foundation, that this Resolution, dedicated to the high standards and progress he epitomizes, be entered in the record for posterity.

RECORD OF SERVICE

Chairman, National Agricultural Advisory Commission, 1961–65.

Member, National Advisory Commission on Food and Fiber.

Chairman, Executive Committee of the National Grange, 1960–1967.

Member, Agricultural Committee, National Planning Association.

Member, Board of Trustees, National Planning Association.

Secretary, Executive Committee, the National Grange, 1956–1960.

Lecturer, North Carolina State Grange—1929–1937.

Master, North Carolina State Grange—1937–1946, 1948–1961.

Director, North Carolina Farm Labor Commission (World War II).

Executive Secretary, N.C. Good Health Association, 1946–47.

Public Director, Hospital Savings Association—1948–62.

Chairman, Policy Committee IFAP, Rome, Italy, 1953.

Delegate, IFAP, Lafayette, Indiana, 1957, Dublin, Ireland, 1963.

Member, State Planning Board—1943–45.

Member, State Advisory Budget Commission, 1949–53.

Member, General Board of N.C. Baptist State Convention, 1947–51, and Vice President of the Board in 1951.

Member, National Rural Housing Commission, 1930.

Member and Chairman, National Cotton Research Advisory Committee—1940–52.

Member, National Research Policy Committee, 1953–61.

Member, Interim National Agricultural Advisory Commission—1952.

Chairman, Agricultural Committee, National Grange, 1938, 1942 and 1947.

Chairman, Foreign Relations Committee, the National Grange—1939.

Chairman, Legislative Committee, the National Grange—1943.

Chairman, Cooperative Committee, the National Grange—1945.

Chairman, Transportation Committee, the National Grange—1948.

Member, Monetary and Banking Committee, the National Grange—1938.

Served as Member United Forces for Education in North Carolina, and as Trustee of Meredith, Mars Hill and A&T College.

Served as Insurance, Area Vocational Education, Health, Agriculture and other Special State Commissions.

Trustee, American Institute of Cooperation.

Member, North Carolina Tax Study Commission—1965–66 and 1967–68.

Participant, Canadian American Assembly—"Overcoming World Hunger"—1969.

State Convention, 1947–51.

NORTH CAROLINA STATE UNIVERSITY

In Appreciation to Harry B. Caldwell for his notable contributions in a long and distinguished career of service to North Carolina agriculture and for his loyal and substantial support to the agricultural teaching, research, and public service programs of North Carolina State University as a Director of the North Carolina Agricultural Foundation and in many other capacities.

Awarded this 30th day of May in the year of our Lord 1974.

Mr. ERVIN. I also ask that an article about this remarkable couple by Mr. Bill Humphries of North Carolina State University, entitled "Caldwells' Careers Cover Four Decades of Service," be included at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

CALDWELLS' CAREERS COVER FOUR DECADES OF SERVICE

(By Bill Humphries)

Greensboro.—When the history of 20th century agricultural and rural progress in the Tar Heel state is written, among the names that will loom large are those of a Greensboro husband and wife who, in the words of a recent citation, "have been inseparable on the stage of public life."

They are Mr. and Mrs. Harry B. Caldwell, whose efforts to improve the lot of North Carolinians have spanned more than four decades.

Both have held positions of major responsibility in many organizations and on numerous committees, commissions and councils. Time and again, each has been honored individually for work on both state and national levels.

Caldwell will step down Sunday (June 30) as executive vice president of the Cooperative Council of North Carolina, whose member organizations serve more than nine of every 10 Tar Heels. Mrs. Caldwell will continue in her post as master of the State Grange.

At a recent meeting of the N.C. Agricultural Foundation, Caldwell was cited for his long record of service, including his "firm support of North Carolina State University, the Agricultural Extension Service, the Agricultural Experiment Station" and the foundation.

The Caldwells are closely identified with the work of the Grange, a national organization of farm and rural families in which both have been active since 1930. It was the Grange, in fact, that brought the two together.

On assignment from the National Grange, tall and youthful Harry Caldwell came to North Carolina from his native Ohio in the spring of 1929, to spend a few months organizing local Grange units.

He began work in Wilkes County but soon moved on to Greensboro, where he met a pretty young miss from North Carolina College for Women, now the University of North Carolina at Greensboro. She was Margaret Hood, who had grown up in Johnston County.

As the Grange movement prospered, romance blossomed between the two young people and in April 1930 they were married.

From that day to this, they have made their home in Greensboro, but their many activities as Grange and farm leaders have taken them on frequent trips throughout the state and nation and to several foreign countries.

After a seven-year period as lecturer of the State Grange, Caldwell in 1937 was elected to succeed the late W. Kerr Scott as the organization's state master. Except for the period 1946–48, when his wife was elected to carry on his duties while he was on special assignment in Washington, Caldwell remained head of the Grange until 1961.

Robert W. Scott, who like his father later served as governor, was state master during 1961–63. When he resigned to pursue a political career, Mrs. Caldwell was elected to succeed him in the Grange post and she has served continuously since. Her present term runs until 1975.

During the "Caldwell era" the Grange, along with the North Carolina Farm Bureau and other organizations, has worked for commodity programs to bring fair and stable prices for farmers and thereby assure an abundant food and fiber supply at reasonable costs for consumers.

Other Grange goals have included rural electrification, conservation, expanded agricultural research and education, improved rural education and medical services, fair tax policies, rural credit services, better rural roads, and many others.

The recent NCSU citation described Caldwell as "a leader on the land in our time (who) has beckoned us onward with visions of a more promising and plenteous future."

Among his many posts, Caldwell was executive secretary of the N.C. Good Health Association, 1946–47, and chairman of the National Grange executive committee, 1960–67. He served as a member in many cases chairman of the national agricultural advisory boards and commissions under every U.S. President from Herbert Hoover to Lyndon B. Johnson.

Mrs. Caldwell's record is almost as impressive. She is one of only a few women who have served as state Grange masters and as chairman of various committees of the National Grange. She was a member of U.S. Labor Secretary Frances Perkins' advisory committee on maternal and child welfare, 1941; secretary of N.C. Highway Users Conference, 1946–57; member of the State Constitution Study Commission, 1968, and has held many other posts.

She is a member of the Council on State Goals and Policies, and teaches a large Bible class in Greensboro's First Baptist Church.

Both Caldwells have been awarded honorary doctorates, he from NCSU and she from UNC–G. Both have served as trustees or on the board of visitors of various colleges and universities. On separate occasions each was named "Tar Heel of the Week" by The News and Observer, Raleigh, and each has been honored as "Man of the Year" or "Woman of the Year" by The Progressive Farmer.

Their biggest challenge over the years, they say, has been "stimulating enough interest to get people involved in doing something about the things that concern them." Their greatest satisfaction has come from "seeing the progress, economic and otherwise, that has occurred in North Carolina" in the past 40 years.

After having lived in Greensboro all these years, the Caldwells are building a comfortable, rustic type home on the tenant-operated 120-acre farm which they own a few miles from the city and will move there as soon as it is completed.

Then they will have more time for their sons, Harry Jr. and Robert, and their sons' families, including three granddaughters. There also will be time for Mrs. Caldwell to do more cooking, refinish furniture, and play the piano, and for her husband to watch sports events on television. Caldwell once enjoyed fishing, tennis and golf but has found little time for recreation in recent years.

A TRIBUTE TO JAMES H. KOCHER

Mr. **PERCY**. Mr. President, I wish to express for myself and for my colleague Senator McGovern our profound sadness upon the death of Mr. James H. Kocher. Our work in the Select Committee on Nutrition and Human Needs has made us very much aware of Mr. Kocher's special contributions to our national efforts to eliminate hunger and malnutrition in America.

Mr. Kocher was national director of the Food Stamp program from 1972 until his death June 25. He had worked for the program for the past 12 years, displaying exemplary leadership and professional skill. Under Mr. Kocher's direction, the Food Stamp program has achieved unparalleled success in alleviating hunger for millions of needy Americans. Since Mr. Kocher joined the program, the number of persons enjoying food stamp benefits has increased from less than 50,000 to over 13.5 million today. And the program is expanding geographically. Mr. Kocher's death, regrettably, occurred on the eve of a nationwide food stamp program, mandated by this Congress to begin July 1. In the short span of 2½ years under Mr. Kocher's leadership the food stamp quality control program was greatly improved and implemented; a system was developed to monitor State claims for operating the Federal Food Stamp program; and armored cars were used to ship food coupons, saving $2 million in fiscal year 1973 alone. But Mr. Kocher's achievements were not limited to management improvements or savings. His deep and real concern for people contributed enormously in developing a staff with high morale and performance.

I know my colleagues will wish to join me in paying tribute to James H. Kocher and in expressing our sympathy to his family and friends.

Senator McGovern regrets he is unable to deliver his remarks in person. I ask that his statement be printed in the Record.

Statement of Senator George McGovern

I note with deep regret the passing of James H. Kocher on Tuesday, June 25. Few Federal administrators have ever attained the level of success or experienced the self-satisfaction that Mr. Kocher did with the national food stamp program. Mr. Kocher was in a sense a father to the program. He entered the program during its infancy, helped it grow from its pilot stage, and developed it into a full-fledged feeding operation in the U.S. Department of Agriculture. Mr. Kocher saw the program take flesh in the form of the 1964 Food Stamp Act and watched it grow through increased annual appropriations.

I am reminded of a salute to Mr. Kocher by Secretary of Agriculture Earl Butz last month. In presenting USDA's Superior Service Award, the Agriculture Secretary saluted Mr. Kocher "for ably and perceptively directing the Food Stamp Program while developing a professional staff and strengthening staff morale."

I offer a sincere tribute to this outstanding public servant.

FAIRNESS DOCTRINE IS UNFAIR

Mr. **PROXMIRE**. Mr. President, in May, I conducted a poll of daily newspaper editors, syndicated columnists and heads of journalism schools and departments on the fairness doctrine and the equal time provision which govern this country's broadcasters.

There were nine questions, of which the first five, taken together, were a restatement in question form of the basic points of the fairness doctrine. The sixth was a restatement of the equal time requirement. But those answering the poll were not informed of that.

Here are the questions and the answers I got from 515 respondents, some 28 percent of the 1,813 who got the questionnaires:

(Answers in percent)

1. Should a broadcaster be required to afford reasonable opportunity for discussion on the air of a contrasting viewpoint on a public issue? Yes 52.4; No 43.1; Undecided 4.5.

2. Should the FCC examine a broadcaster's judgment in presenting public interest programming only after complaints have been received? Yes 51.1; No 41.1; Undecided 7.8.

3. Should broadcasters be required to seek out opposing points of view on public issues? Yes 25.4; No 70.5; Undecided 4.1.

4. Should broadcasters be required to present the opposing viewpoint even if it might mean doing so on unsponsored time? Yes 31.8; No 61.0; Undecided 7.2.

5. If a person is attacked personally on a broadcast, should the broadcaster be required to seek out that person and afford him a chance to answer on the air? Yes 27.2; No 67.4; Undecided 5.4.

6. Should broadcasters be required to grant mathematically equal air time to candidates for the same public office? Yes 15.7; No 78.8; Undecided 5.4.

7. In view of your answers to the above questions, should radio and television news operations have the same First Amendment rights in fact as well as in law as do the print media? Yes 80.4; No 15.7; Undecided 3.9.

8. Should radio and television entertainment producers have the same First Amendment rights as the print media? Yes 60.2; No 33.0; Undecided 6.8.

9. If the electronic media had the same rights as the print media, should the FCC licensing period be changed to make it longer? 41.4; shorter? 14.0; permanent? 19.6; same? 5.4; undecided? 19.6.

I know that in 1968 the Senate Communications Subcommittee conducted a similar poll of license holders and found that only 20.5 percent believed that the fairness doctrine should be discarded.

The contrast with the 80 percent in my poll is extraordinary, considering that the newspaper editors are in competition with the broadcasters.

For a long time I have believed that broadcasters should have the same first amendment rights de facto as publishers. I am aware of the court decisions that have held that the fairness doctrine "enhances" the first amendment. But frankly, those court decisions, Red Lion and the rest, seem to overlook the obvious: a license holder is not likely to argue with the Government that licenses him.

William S. Paley, chairman of the Columbia Broadcasting System, made a sound argument last Saturday in the New York Times for abolition of the fairness doctrine.

Mr. President, I ask unanimous consent that Mr. Paley's article be printed in the Record following my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, I agree with Mr. Paley. We cannot have a first amendment that is qualified. By definition, freedom cannot be shackled.

Recent Supreme Court decisions on the printed press have made that clear. In Miami Herald against Tornillo, decided on June 25, the Court made a compelling argument that could and should apply equally to broadcasters. The unanimous decision said, in part:

> Even if a newspaper would face no additional costs to comply with a compulsory access law and would not be forced to forego publication of news or opinion by the inclusion of a reply, the Florida statute fails to clear the barriers of the First Amendment because of its intrusion into the function of editors. A newspaper is more than a passive receptacle or conduit for news, comment, and advertising. The choice of material to go into a newspaper, and the decisions made as to limitations on the size of the paper, and content, and treatment of public issues and public officials—whether fair or unfair—constitutes control and judgment. It has yet to be demonstrated how governmental regulations of his crucial process can be exercised with First Amendment guarantees of a free press as they have evolved to this time.

Mr. President, the time will come—despite past Court decisions—when the Supreme Court will have to make the same declaration for broadcasters.

I am planning a series of speeches to show why that should be; why the first amendment must be made de facto as well as de jure the protector of free broadcasting.

We saw recently what Government control of broadcasting means. Correspondents for all three American networks were cut off by Russian technicians—and can we really believe that Soviet explanation?—when they tried to cover dissident physicist Andre Sakharov. We would like to believe that could not happen in America. Certainly, it could not be so blatant here.

Yet, when the fairness doctrine is examined for what it is, it is not fair at all. It is a form of prior restraint which does not square with first amendment freedoms.

Exhibit 1 follows:

EXHIBIT 1

AN ARGUMENT FOR ELIMINATING BROADCASTING'S FAIRNESS DOCTRINE

(By William S. Paley)

A free press must include all journalism if it is to serve its common purpose in a free society. Journalism transmitted over the air should no more be inhibited by government than the print media from informing the people, from stimulating discussion and from helping citizens thereby to take the action essential to effective self-government.

Broadcasting's fight for this recognition has not been easy, broadcasters being licensed by the Government, originally for technical reasons—to avoid chaos in the use of the airwaves—a fact often forgotten. A quantitative factor was also involved—"the scarcity principle." There was a limit on the number of broadcasting stations possible.

The struggle has centered very largely on whether problems of fairness should be left, under First Amendment principles, to broadcasters, answerable to their audiences, vulnerable to their competitors and exposed to constant public criticism, or whether under the fairness doctrine the problems should be left to the Federal Communications Commission.

The danger implicit in the latter course lies in giving a Government agency the power to judge a news organization's performance.

Misapplication of the power furnishes a springboard for efforts to restrict the freedom of broadcasting from operating fully in the public interest, as the press always has, unhampered by judicial commands, bureaucratic reviews, administrative probings and executive reprisals.

"Personal attack" rules impose on broadcasters automatic requirements for time to reply whenever the character of a person or group is questioned, compromising First Amendment values by making a governmental commission the arbitrator of fairness. For it is equally an abridgement of freedom to compel publishing something as to forbid it.

Attempts have been made to extend the enforced fairness principle to entertainment and advertising. "The Autobiography of Miss Jane Pittman," the story of a former slave shown on television, was the subject of a complaint, wisely rejected by the F.C.C., alleging that it reflected unfavorably on whites.

In commercials, complaints assume the militant guise of "counteradvertising," demanding, on the vaguest grounds, free time for replies to specific advertisements. This could endanger broadcasting's economics enough to reduce its ability to carry out its journalistic responsibilities.

Government's intrusion upon broadcast journalism has led to open attacks upon the basic principle of the free press, which is that the value of whatever is published—whether printed or over the air—is best left to the people.

Attacks on the Administration have been directed at impugning the integrity of able reporters; setting up monitoring systems to determine whether Government agencies could be used to intimidate offending media; splitting affiliates from networks by threatening nonrenewal of licenses; and weakening the economic base of news operations by clumsy appeals to advertisers to boycott broadcasters failing to report the news as the White House sees it.

The inescapable impression emerges that there are those in positions of power and trust who oppose a free press because they think it will distort some facts and know it will disclose others.

To strengthen broadcast journalism's freedom, it is time to repudiate the fairness doctrine, specifically immunizing the news and public affairs broadcasting from any form of governmental supervision.

As for the scarcity principle, the arithmetic of communications today reveals no grounds for enforced fairness. When broadcasting was first regulated, there were 677 broadcasting stations and 1,949 daily newspapers. Today there are 8,434 broadcasting stations, two-thirds unaffiliated with networks, and 1,774 daily newspapers. Most broadcast news originates with these local stations. And there are as many television networks as there are news services or national news weeklies.

Broadcast journalism must also compete for public confidence with the vast output of printed and oral communications constituting the giant mix that conveys information. This pluralism constitutes the strongest safeguard a free society has against abuses of freedom of the press.

A further check on broadcast journalism is its constant subjection to review and criticism in publications, letters and public forums.

In a free society, this pluralism, watchfulness and competition for public confidence constitute the true judges of broadcasting's fairness and should be the only ones.

If there is any risk in this belief that, in Jefferson's words, ". . . the people . . . may safely be trusted to hear everything true and false, and to form a correct judgment"—and there is—then it is the risk inherent in any free society. But a free society is not the safest way of life. It is only the best.

NATIONAL DIABETES RESEARCH AND EDUCATION ACT

Mr. TAFT. Mr. President, as the Senate committee report points out, some investigation into the efficacy of the "team approach" to the management of diabetes would be appropriate and desirable. It states:

> With this approach, the patient is educated in the techniques of self-care, and he himself becomes a key member of his own health care team.

With this in mind, it was with some apprehension that I read the statement of Dr. Heskel M. Hadad, who testified during the hearings in behalf of Diabetes Research, Inc. He said:

> Current studies estimate that 50 percent of diabetics who have had diabetes for 20 years will develop retinopathy, a blood vessel disease of the eyes' retina, as will 50 percent who have had diabetes for 30 years. There is no cure for diabetic retinopathy, a disease classified into progressive stages, the last being blindness.

One may then ask, how can a blind diabetic become involved in a 'self-care' program? I am delighted to report that a company from my own State, the Med-E-Jet Corp. of Cleveland, Ohio, is working on this very issue. They have developed a jet inoculator with a gauging device, which will enable an individual to administer the precise amount of insulin required. I am informed that this device can be operated by a blind person, after proper instruction.

I am hopeful that this bill will be passed and signed into law with haste, and the Med-E-Jet concept will be tested thoroughly, in order to determine its effectiveness in preventive medicine, to avoid unnecessary admission to the hospital, and to provide better quality health care at lower cost.

I ask unanimous consent to have a paper entitled "Clinical Experience with Jet Insulin Injection in Diabetes Mellitus Therapy: A Clue to the Pathogenesis of Lipodystrophy", by Major L. Cohn, Ph. D., Robert A. Hingson, M.D., and Joann V. Narduzz, M.D. printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

CLINICAL EXPERIENCE WITH JET INSULIN INJECTION IN DIABETES MELLITUS THERAPY: A CLUE TO THE PATHOGENESIS OF LIPODYSTROPHY

(By Major L. Corn, M.D., Ph. D.)

SUMMARY

The insulin requirements of diabetic patients were administered with a Med-E-Jet inoculator in the clinic, office and home settings for a period of two years. Patients receiving insulin by jet inoculation remained in carbohydrate control. Significantly, 55 percent of the clinic patients who utilized the needle and syringe technique made insulin dosage errors of at least 10 percent. Even more serious errors of dosage should be expected in this group of patients with the availability of U–100 insulin. Although accuracy, rapidity, ease of administration, reliability as well as maintenance of sterility over long periods of time were the primary reasons for the utilization of the jet inoculator, more indications for its use were noted. Following continuous administration of insulin for one year, biopsy examination of needle and syringe injection sites were compared to jet inoculation sites. With the former technic, marked fibrosis, atrophy and scarring were present, whereas the jet inoculator sites were free of such findings (Diabetes, 23:1974).

For patients requiring a daily dose of insulin, the method of introducing the inoculum subcutaneously is injection with a needle and syringe—a practice that has remained unchanged since the availability of insulin in 1925. The pain and anguish associated with daily needle and syringe injection, among the greatest inconveniences noted by new and long-term diabetics, were accepted as a small price to pay in order to remain in carbohydrate control and to avoid diabetic coma.

Although Hingson and Hughes[1] made considerable progress in recent years with the introduction of a new method of administration of insulin by jet, little clinical interest has been generated by this technic among the physicians treating patients suffering from diabetes mellitus. Hingson and Hughes first described the advantages of the jet: convenience for the patient, which includes accuracy of dosage, less pain, speed of inoculation, and sterility. The disadvantages cited by the authors included the high initial cost, difficulty of manipulation and frequent mechanical failures. No significant difference in the comparative efficiency of needle and syringe versus jet inoculation as measured by levels of glucose in the blood were reported.[2]

In our previous publication, we described the types of updated jet inoculators and their modes of operation. We have reported the availability of the Med-E-Jet,* a new jet inoculator with a reciprocating piston powered by carbon dioxide gas.[3] The purpose of our present study is to evaluate clinical usefulness and indications for the injection of insulin by Med-E-Jet inoculator in diabetic patients.

METHODS

Clinical Experience—In a two-year study, 56 patients, varying in age from 13 to 82 years, with histories of diabetes of 1 year to 38 years' duration, were seen regularly at the Medical Clinic of Mercy Hospital, Pittsburgh, Pennsylvania. Initially, each patient was thoroughly examined and basic information recorded. Current practices of self-administration of insulin were identified: whether glass or disposable syringe was utilized, method of sterilization (for glass syringes), method of disinfecting the skin, sites of injections, frequency of bleeding, inflammation, leak-back of insulin and degree of acceptance of daily injection with needle and syringe. The patients were also examined for evidence of induration, scarring, lipodystrophy and hypertrophy. Under the supervision of the physician, each patient was asked to draw, as carefully as possible, with a needle and syringe, his own prescribed dosage of insulin. The percentage of error was estimated.

Under medical supervision, the patient was taught to measure his dose of insulin by setting the gauging mechanism, and to self-administer insulin with the jet inoculator.

Following each jet injection, the quantity of insulin prescribed and the actual delivery of insulin were recorded in percentages. Pain and ease of administration as well as each patient's preferred mode of treatment were recorded. For the 24 hours following the jet injection of insulin, each patient tested his own urine, for glucose and keto acids, with a Glucostix and Ketostix (Ames Test Strip) and reported these values on the next visit to the Clinic.

Plasma Insulin and Levels of Glucose in the Blood—Eighteen patients were selected in order to determine whether the use of the Med-E-Jet caused alteration of levels of insulin and glucose in the blood. The fasting levels of insulin and glucose were ascertained first. Subsequently, each patient was injected with a prescribed dosage of insulin by either needle and syringe or Med-E-Jet. On the succeeding day, the identical dose of insulin was administered by the alternate method (*i.e.*, not used the previous day). Thus, all patients served as his or her own control. Levels of insulin in the plasma and glucose samples were measured at 0, 1, 2, 4 and 6-hour intervals. Following the administration of the drug by both methods, the plasma insulin uptake and glucose responses are outlined in the graphs of four representative patients.

The glucose values in the blood were measured with a Technicon Auto Analyzer by the method of Hoffman.[4] Levels of insulin in the plasma were determined by the radioimmunoassay method of Hales and Randle,[5] using the Schwarz/Mann Radioimmunoassay Kit.

Diabetes Control—Diabetic patients were selected to self administer insulin with a Med-E-Jet inoculator for a period of at least one year. Daily urine sugar and acetone results, general physical states and weekly weights were recorded. Degree of acceptance of the inoculation of insulin by jet as well as the reliability and ease of usage of the instrument were noted. Patients showing advanced lipodystrophy or scarring at the sites of previous injections with needle and syringe were instructed to avoid inoculating insulin in the same area.

Tissue Necrosis—At the end of one year of injection of insulin by jet, "Informed Consent" was obtained from a pediatric diabetic patient for biopsies and photographs of the injection sites. Under local anesthesia, two specimens were obtained by wedge biopsy: one from the site of needle and syringe injection and one from the site of jet inoculations.

The material obtained by wedge biopsies was examined under the microscope by the pathologist at the Magee-Womens Hospital.

RESULTS

Inquiries on technics used by patients yielded the following information: methods of sterilization of glass syringes were less than adequate, ranging from 5-to-20 minutes boiling to taking tap water to just boiling. Several patients used alcohol swabs to clean their needle and syringes. Alcohol was most often utilized to disinfect the skin; some patients used soap, others nothing. One patient reported no clinical history of infections or localized abscesses, although she had neither sterilized the needle or syringe nor disinfected the skin for the last 24 years. Physical examination of the injection sites on the limbs of this patient revealed localized pitting and scarring. None of the patients in this group complained about local infections at injection sites despite poor technics of sterilization of equipment and skin.

Fifty-five percent of patients erred by at least 10 percent while using a needle and syringe to measure the prescribed amount of insulin. Greater than 80 percent error occurred in ten percent of the patients. In cases where large dosage errors were made, patients were told to repeat the measurement. In most instances visual handicaps prevented these patients from correcting the errors. An inability to see air bubbles in the syringe was the most frequent cause of difficulty.

Clinical Experience—After instruction in the use of the Med-E-jet, a small group of patients, not included in this series, found the jet inoculator unsuited and refused to participate in the study. They were all long-term diabetics who did not welcome a change in the administration of their daily insulin requirement.

Among the patients inoculating insulin by jet, a small group requested that the physician administer the drug. Most often, they were patients to whom other people administered insulin at home. The thighs, deltoid region of the upper arm, and the abdomen sites were normally utilized by patients, were inoculated by the physician. Prior to the administration of insulin, the area of the skin was wiped with isopropyl alcohol and permitted to dry. The delivery of the drug caused no pain in most patients but rather a stinging sensation which had a higher incidence in the deltoid region of the arm than in the thighs or abdomen. The most objectionable feature of the Med-E-Jet was the hissing caused by the CO_2 gas released by the firing of the gun.

Occasionally, the incidence of a small drop of blood-tinged fluid oozing from the hair-thin puncture occurred 10-to-30 seconds after injection. This small drop of blood, caused by the jet stream puncture wound, was controlled by gentle compression with a sterile dry sponge. In the absence of blood-tinged fluid, no leak-back of inoculum was seen. The incidence of bleeding following needle and syringe injection is difficult to ascertain. Patients who suffered from ecchymosis following a needle and syringe injection reported that the incidence of bleeding did not exceed 2-to-5 times per month, while in our clinic experience, leak-back of insulin from the needle and syringe injection site is a frequent occurrence with or without blood-tinged fluid.

For the 24 hours following the jet injection of insulin, the patients kept a record of four fractional urines. Values of glucose and acetone levels were unremarkable. More important is the fact that patients in the group remained free of clinical diabetic symptoms, with the exception of one male patient, who returned to the Emergency Room complaining of symptoms related to severe hyperglycemia and weakness. This incident occurred early in our clinical experience and was caused by the malfunction of the nozzle of the jet. Such complications as severe ketonuria or glycosuria, infections, lacerations, or malfunction of the jet injector did not arise during the entire last year of our study.

Levels of Glucose and Insulin in the Blood—Most patients involved in the study were severe diabetics with fasting blood sugars above 200 mg percent. Alternately, with needle and syringe one day and by jet inoculation the next, or vice versa, they were administered either regular insulin or NPH insulin or mixtures. Blood insulin and glucose samples of four of these patients are shown. Whereas results differed significantly between the two methods of administration, statistical analyses of the data were not conclusive. On two occasions, jet inoculations of equivalent doses of insulin resulted in hypoglycemia. Whether such complications resulted from inadequate dietary caloric intake, differences in rate of absorption of insulin due to jet injection as compared to needle and syringe, or poor diabetic control of the patient were not determined. All other patients remained free of symptoms.

Home and Office Experience—The patients referred to the Clinic belonged to one of three groups: (1) those fearful of needle puncture, most of whom were juvenile diabetics; (2) functionally sightless individuals; (3) young females showing a marked tendency to scarring, atrophy and lipodystrophy. The juvenile group objected to the needle and syringe method but readily accepted inoculation with the Med-E-Jet. The functionally sightless patients were taught to use the jet which was preset for them at the Clinic. Once the acquired skills were judged sufficient, the patients were returned to the care of their physicians. The physicians re-regulated the insulin requirements of each patient to avoid the possibility of severe hypoglycemia. The patients with subcutaneous tissue damage were advised to inject insulin into other sites than those previously used for needle and syringe administration. In the last two years we remained in constant contact with the treating physician as well as with the patients who were self-inoculating insulin with the

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Footnotes at end of article.

jet at home. All patients kept records of daily urine glucose and acetone values, physical condition and weekly weights. During the two-year study, all patients remained free of symptoms and in satisfactory physical condition. Although several mechanical failures of the jet inoculator occurred, the nozzle (medicinal head) was the only deficient part involved. Since each patient was provided two nozzles along with the instrument, such failures were corrected without detriment to the treatment.

Tissue Necropsy—Several patients with marked fibrosis and lipodystrophy due to daily needle and syringe injections of insulin were maintained in carbohydrate balance by the daily administration of prescribed doses of insulin with a Med-E-Jet injector. As stated before, inoculation of insulin by jet was administered at sites not previously utilized for the needle and syringe injection. Following one year of daily jet administration of insulin, "Informed Consent" was obtained from a patient for photographs and two wedge biopsies, from the sites of the needle and syringe injection and the jet inoculation.

The microscopic study of the biopsies of the sites of (1) needle and syringe injection of insulin and of (2) inoculation by jet were taken from a 12-year-old boy known to be a diabetic for four years. The histologic studies of the site of injection by needle and syringe showed marked chronic inflammatory changes in all tissue sections, characterized by round cell infiltration with granulation tissue formation in the subcutaneous and superficial muscle. The sections of the jet inoculation sites showed minimal inflammatory chronic changes. Neither sites of injection showed any gross skin necrosis or clinical evidence of local infection or local ecchymosis.

These histological studies may explain in part the gross observations made in several patients, *e.g.*, marked atrophy of the subcutaneous tissues of a 26-year-old female patient following injections of insulin with a needle and syringe. Such atrophy was not observed after similar doses of insulin were inoculated by jet for a period of one year. The patient reported no differences in the control of her diabetes between the two methods of injection.

DISCUSSION

The clinical results suggest that jet injection of insulin is a safer and more effective method than needle and syringe for the parenteral delivery of insulin. Although we have noted some increased bleeding at the hair-sized puncture wound caused by the jet stream, leak-back of insulin was unusual, whereas such leak-back occurred with great frequency whenever the patients self-administered insulin with needle and syringe. Freeing the patient of hyperglycemia and ketosis is the most important goal in the treatment with insulin. All patients using the Med-E-Jet, either in the Clinic or at home, were symptom-free for the entire study period. Although early models of the Med-E-Jet suffered from splashback of insulin and blocked nozzles, the redesigned nozzle (medicinal head) used in the Clinic for the last 18 months delivered insulin without any significant splashback. Several months of repeated use may result in the clogging of the nozzle. To prevent such an occurrence and to avoid interruption of treatment, each instrument is provided with two nozzles. Maintenance is not the patient's responsibility; the clogged medicinal head is returned to the manufacturer for repair. No local injection, no lacerations, and no eccyhmoses due to the jet inoculator have been reported in our study. Though elderly diabetics found the hissing noise following the inoculation of insulin the most objectionable feature of the Med-E-Jet, young diabetics did not mind it. Juvenile diabetics preferred the jet inoculation technic to the needle and syringe method of injection while many elderly diabetics accustomed to the latter method did not welcome any change.

Prior research involving injection of insulin by jet showed that the instrument was a useful alternative to the needle and syringe. The limited qualifications of the expensive jet inoculator, convenience, lack of pain, speed of inoculation and sterilization, seemed to confine its usage to mass vaccination where the cost per injection becomes cheaper than with the needle and syringe.

The clinical and home experience we gained with the jet inoculator demonstrated several important areas where the jet inoculator is superior to the needle and syringe. At least half of our diabetic patients were functionally unable to measure accurately the dosage of insulin with a needle and syringe, committing errors ranging to well over 100%. These findings were similar to those of Watkins *et al.*[6] who observed that 33-to-64 percent of their patients were unable to self administer insulin accurately. Long-standing diabetic patients, of over ten years, committed larger errors of dosage. Among other findings, the present study demonstrated that in poorly regulated diabetic patients, it is mandatory for the physician to check whether the prescribed self-administered dose of insulin is measured accurately before making any change in the treatment. Moreover, improper technics with a needle and syringe result in significant amounts of leak-back of insulin.

With the introduction of U–100 insulin, significance of dosage errors will increase over the U–40 and U–80 insulin concentrations. Therefore, the clinical useful jet inoculator becomes a vital tool in the insulin treatment of visually handicapped patients. By presetting the gauge of the Med-E-Jet inoculator to the prescribed dose of insulin, the physician or nurse avoids the errors inherent to the self-administration of drugs. With the introduction of U–100 and U–200 insulin, measuring gauges allowing the delivery of smaller increments have been made available by the manufacturer of the instrument. For patients who require mixtures of insulin, the physician may solve the problem by premixing insulin in the proper concentrations in a single medicinal vial. With a more extended utilization of the jet, prepackaged insulin mixtures may become available.

The jet inoculator is less satisfactory for the treatment of unstable diabetic patients requiring frequent changes in types of insulin injected. This kind of patient has to be taught to change vials and to set gauges accordingly. Two inoculations might be required in order to obtain proper treatment.

The studies of uptake of insulin and of glucose in the blood show that the rate of absorption following jet inoculation is similar to that following needle and syringe in jection. Patients remained free of symptoms, with the exception of the two patients who became hypoglycemic, a complication which might have been caused by an inadequate caloric intake following the administration of insulin. Although it is impossible to determine the exact cause of the hypoglycemic bouts, in the light of the data obtained in the insulin uptake studies, it seems improbable that jet inoculation is accountable for the increased uptake of insulin into the bloodstream. All patients who change the method of inoculation of insulin from a needle and syringe to a jet inoculator should be re-regulated for their insulin requirements by the physician to avoid the possibility of hypoglycemia.

To most diabetic patients the self-administration of insulin with a Med-E-Jet inoculator at home was completely acceptable. Neither the treating physician nor the patients reported changes of physical condition, weights, hyperglycemia, or ketosis in the urine. There were no reports of local tissue injury or sterilization problems. The Med-E-Jet appeared to function reliably during the two-year study.

Several patients requested a jet inoculator because of marked changes in the subcutaneous tissues at the sites of needle and syringe injections of insulin. The exact incidence of lipodystrophy and scarring is unknown but severe body disfigurement may occur. Previously, local inflammation and trauma were incriminated as the casual factors of this condition. Inoculation of insulin by jet showed minimal scarring and lipodystrophy. Even in the patient who showed severe scarring and lipodystrophy following daily injections of insulin with the needle and syringe, the inoculation of the drug by jet did not cause such complications. These observations are in agreement with the findings of Perkins[7] who reported that jet inoculation reduces subcutaneous tissue damage; the latter result is due to the wider distribution of insulin in the subcutaneous tissues, whereas the needle and syringe lead to puddling of insulin at the site of injection.[7] These observations support the contention that scarring and lipodystrophy are the consequences of local metabolic effects resulting from high concentrations of insulin in the area and are not due to local inflammation or trauma.[8]

IN BRIEF

1. The Med-E-Jet, a multidose jet injector, is a light weight practical instrument for the repetitive administration of insulin in man. The instrument is reliable and convenient to use.

2. Clinical studies show that patients receiving prescribed doses of insulin by inoculation with the jet remain in carbohydrate control.

3. Functionally sightless patients unable to measure accurately insulin dosage and patients with marked scarring or lipodystrophy are clinical subjects for whom insulin by jet administration is strongly indicated.

4. Biopsy of the injection sites revealed greater incidence of tissue damage with the needle and syringe method of injection of insulin than with Med-E-Jet inoculation in patients prone to subcutaneous tissue scarring or lipodystrophy.

ACKNOWLEDGEMENT

We are indebted to Doctor Hector Tobon, Pathologist at Magee-Womens Hospital, Pittsburgh, Pennsylvania, for his pathologic description of the skin biopsy specimens.

FOOTNOTES

[*] Med-E-Jet Corporation, 12900 Triskett Road, Cleveland, Ohio 44115.

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MILITARY SURVEILLANCE BILL REPORTED FROM SUBCOMMITTEE

Mr. ERVIN. Mr. President, I am pleased to announce that the Subcommittee on Constitutional Rights has recently reported an amended version of S. 2318 to the Judiciary Committee. This bill, which I introduced last August, is an effort to curb the intrusions of military intelligence agents into the political and private affairs of American citizens.

It is a proposal which seems eminently in keeping with the traditional principles which have guided this country throughout her history. The military has no place interfering in civilian affairs, and certainly has no business invading the privacy and assaulting the constitutional liberties which are secured to us all.

When military surveillance was uncovered 4 years ago by the Subcommittee on Constitutional Rights, there was virtually unanimous condemnation from the Congress and the general public. President Nixon also declared himself to be "totally, completely, and unequivocally" opposed to military spying, and pledged that none would be conducted in his administration. The Defense Department then promulgated new regulations which put an end to these repulsive practices, its representatives telling the subcommittee that it had been a "damn waste of time."

More recently, we have had the White House launch a privacy initiative. The President told us that "a government that fails to respect the privacy of its citizens, fails to respect the citizens themselves." In February, a new privacy panel was created to study the area and make legislative recommendations.

The public is obviously concerned. In a recent survey prepared by Louis Harris for the Government Operations Subcommittee on Intergovernmental Relations, he found that 75 percent of those surveyed thought that wiretapping and other governmental surveillance constituted a "serious" threat to people's privacy.

I therefore find it absolutely astounding that despite its public pronouncements and the obvious concern of the public, the executive branch cannot bring itself to disavow once and for all the use of military agents to conduct surveillance of the political activities of civilians. Such pernicious practices have no place in a free society either now or henceforth. It is useless for military purposes, and positively harmful to the liberties of American citizens.

And yet, as we noted in the Washington Post a few weeks ago, we have the Department of the Army in court defending its widespread surveillance of Americans in West Berlin during the early 1970's. These were a group called Democrats for McGovern who had adopted the Bill of Rights as their constitution. The Army itself described the group as little threat to it, but continued its spying using all sorts of reprehensible techniques.

Then, in regard to the pending legislation, both the Defense Department and the Department of Justice have expressed their opposition to S. 2318, apparently because it makes the conduct of military surveillance a crime. They say they do not like surveillance, that they do not want it or need it, but they refuse to go so far as making it a criminal violation. Then, when we ask if there is objection to the bill without a criminal sanction, they talk about not liking the civil remedies. Then they start objecting to the phrasing of the prohibition and the exceptions. In point of fact, the Department does not want any bill, I suspect, and is just searching around for justifications for their opposition.

They oppose the bill despite their own regulations which prohibit surveillance. The reason for this opposition is not clear. Perhaps it is only the result of shortsighted bureaucratic opposition to any legislation which purports to limit the Defense Department's discretion to resume surveillance, even when there is no stated intention of exercising that discretion. On the other hand, perhaps there are elements within the Department which are not yet reconciled to the ban on surveillance. It may be that these persons look toward the day when public attention will be diverted elsewhere, and the Department rules can be softened. So long as we rely only on a changeable Department of Defense regulation there will always be this danger. The history of this kind of surveillance goes back perhaps a century. This history shows that the military always retreats in the face of public concern with its domestic spying activities, and then resumes when the climate is favorable. If the administration is serious about its opposition to such surveillance, it is time they supported the bill. The White House should make it clear that it does not endorse the opposition of the Defense Department.

I am simply at a loss to understand the Department's thinking. If you want something stopped, you impose a penalty for doing it. In my opinion, a military surveillance bill without such a sanction is not worth the paper it is written on. What deterrent is there to future surveillance? Only the threat of a civil suit? This has always been an implicit threat, but experience has shown it has meant very little in deterring the colonels and the generals from doing what they pleased. And, under present decisions of the Supreme Court, such a suit is difficult to attempt.

Why is it that government is so reluctant to make itself subject to a criminal statute? If we have seen anything over the last year, it is that those in government are capable of illegal conduct and of making illegal and unconstitutional decisions. When we can identify a certain type of governmental misconduct—such as military surveillance—as having no place in our society, why do we not outlaw it?

Certainly, Congress was not so reluctant when it passed the Posse Comitatus Act (18 U.S.C. 1385) in 1878. That act makes it a crime for anyone to use the Army or the Air Force to execute the civil laws. The penalty for doing so is a fine of $10,000, 2 years in jail, or both. I would be the first to point out that there has not been a prosecution under this statute in its long history, but that does not mean it is meaningless. It serves as an ever-present deterrent, a bulwark of civilian supremacy over domestic affairs, a guard against military domination. We cannot overlook the fact that many nations of the world are ruled by the military. Here, the military has always been subordinate to civilian control, but unless we are sensitive to those actions which threaten to undermine that control, we risk having that heritage repudiated.

Making military surveillance a crime is a step in the direction of securing civilian control. Symbolically, it would do much toward assuring the American people that Government is not getting out of hand. I think my colleagues would be surprised at the number of letters still being received by the Subcommittee on Constitutional Rights from those who still think the Army spies on civilians, and think they are still subject to it. I am not speaking of crackpots. The best way we can assure these people that military surveillance has ended, and partially put an end to the paranoia that affects these times, is to make such activity a crime.

I call upon the Departments of Defense and Justice to reconsider their objections to this legislation. I furthermore call upon the White House to consider giving its support. I can think of no better way for the President's privacy panel to begin business than by endorsing the passage of this legislation.

THE ILLINOIS LEAGUE OF WOMEN VOTERS OUTSTANDING PRIVACY RESEARCH

Mr. PERCY. Mr. President, on June 20, Donna Schiller, the president of the League of Women Voters of Illinois, and Doris Bernstein, the vice president of the league, appeared before the Government Operations Committee hearings on privacy and personal information. I want to commend them for the extensive research they and the league have done in Illinois to uncover abuses of personal data. I am, myself, a member of the League of Women Voters of Illinois and I take particular pride in knowing that this organization is contributing to public awareness of a serious problem. Because there was not sufficient time at the committee hearings to permit Mrs. Schiller to read her full prepared statement and in order to give my colleagues the opportunity to learn of the Illinois League's truly original and important work in this field, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY PRESENTED JUNE 20, 1974, TO SENATE COMMITTEE ON GOVERNMENT OPERATIONS

(By Donna Schiller, President, League of Women Voters of Illinois)

I am Donna Schiller, President of the League of Women Voters of Illinois and I am speaking in support of S. 3418. For the past three years our 83 local Leagues and many of our 10,000 members have studied the question of individual privacy in relation to data collection systems both manual and electronic, and we have conducted over 300 personal intrviews with record-keeping organizations. This background has led our members to a strong concern for the right to privacy for the individual in the collection, maintenance and use of personal information by governmental and private organizations.

We acknowledge that the keeping of records is necessary, and of benefit to both the individual and the record-keeping organization. To the extent that people want or need to obtain the benefits of dealing with record-keeping institutions governmental or private or are required to do so by law they must expect to give up some control over the information recorded about them. However, it has been our experience that record-keeping organizations generally concede the individual very little if any control over the collection, storage and use of information about himself.

Our members agree that legislation is needed to give an individual a share in controlling collection and use of personal information about himself. Certain basic rights must be guaranteed to the individual, including the right to know what records exist, to examine, challenge and amend the contents of his record, and to be told in advance the extent of its use. His authorization should be obtained before the information is released to another party or used for other than the stated purposes. Furthermore, legislation should require procedures to guarantee that records are accurate, pertinent, objective, current, and purged at regular intervals, with penalties for failure to comply. Our members agreed that the best control would be federal legislation affecting government agencies as well as private organizations.

The personal interviews which our members conducted with more than 300 record-keeping organizations produced a clear, general conclusion: at this time, there are very few legislative controls or administrative guidelines to protect the rights of the individual, to guarantee the accuracy of the data, to guarantee the confidentiality of the data, or to prevent information being used for purposes other than which it was originally gathered, despite the fact that the amount of personal information being recorded and exchanged is constantly increasing. This is tantamount to asking us to play a game with no rules, or a game in which one player makes up the rules as the play proceeds.

When the League of Women Voters of Illinois decided to conduct these interviews, we laid out our rules: the replies would be confidential; they would be used to prepare an analysis of record-keeping practices throughout the state; no individual would be directly quoted without his specific permission.

In our interview we concentrated on three main aspects of record-keeping:

1. The content of the record;
2. The fights of the data subject rights;
3. Disclosure of the information (confidentiality).

No interviewed local organizations, such as banks, schools, credit bureaus, law enforcement agencies, libraries, and also some of our state government agencies.

CONTEST OF THE RECORD

Some major problems regarding the content of records containing personal information arise in files of a cumulative nature, where an organization continuously adds information but where the data subject does not have frequent access to the record. School records and personal records are examples of this type of record, as are the records of some of the smaller credit bureaus. When there is constant interaction between the individual and the organization concerning records, such as, in banking or charge accounts, there is a constant check on the accuracy of the records.

Virtually all school systems we interviewed now maintain extensive records containing not only attendance and achievement records and standardized test scores, but also personality data, information on family background and current status, health data, teacher and counselor observations, and anecdotal material. Few of the school systems have clearly defined what goes into the record, how it is to be used, and when it should be purged. In short, almost anything can be included; almost nothing is ever eliminated.

Many small, local credit bureaus still compile gossipy files based on local newspaper clippings, reports of vital statistics and court proceedings, incomplete arrest records and use of the "buddy system" of sharing information with local businesses and the police department. Purging of records is done on a sporadic basis, if at all. Bureaus which do investigative reporting for employment and insurance purposes often make reports which are far from "opinion-free, objective" accounts, and the sources of their subjective information do not have to be identified under current Fair Credit Reporting Act provisions.

Regarding law enforcement information, one police chief told us, "We can put information into national data banks right now with no questions asked . . . we are coming into data banks so fast we are forgetting to maintain controls."

When there are no administrative procedures regulating what information goes into a record and providing for regular purging, there is an opportunity for abuses. The provisions of S. 3418 requiring record-keeping organizations to consider in their administrative procedures that the information collected match a specific purpose and that it be maintained with accuracy, completeness, timeliness and pertinence, Sec. 201(a) (1) and Sec. 201(a) (4) are at least a beginning in controlling the content of records.

RIGHTS OF THE DATA SUBJECT

With the notable exception of the Fair Credit Reporting Act, we found no legislation and few administrative procedures which affirmed the rights of the data subject to see his record, even to know of its existence in some cases, and to challenge its accuracy. In the absence of legislation and administrative guidelines many persons are denied these rights, and some persons are hesitant about attempting to exercise them.

For example, there are no uniform guarantees that parents may see the complete records which schools accumulate on their children and pass on to other schools and organizations, even though important decisions regarding their children are being made, at least in part, on the basis of these student records. Some administrators require that a professional interpet the record for a parent who wishes to see it. One desperate woman called the League for help after she had twice been denied the right to see her child's record. She asked us to "do something about her school district" but was afraid to give us her name. Countless parents are hesiant to ask to see their children's complete records, lest they be characterized as troublemakers, with resulting adverse affects on their children. Openness and a published procedure for seeing student records would eliminate this problem.

A special law enforcement file in Illinois concerns may of our members. Through this central file system, individual police departments share information on their contacts with juveniles. This file contains information on more than 350,000 children. Juveniles and their parents have no access to this file, and their awareness of this record depends entirely upon the policy of their local police department. A child is not notified if information is disseminated about him. There are simply no state laws guiding or controlling this sensitive operation.

The possessive attitude of most organizations toward the personal information they keep is exemplified by the response of one credit bureau manager when we asked about the confidentality of credit bureau records. Misinterpreting our question, the manager replied with scorn. 'Nothing is confidential any more! Anyone can come in and ask to see his record." It took the Fair Credit Reporting Act to accomplish that, and it will take further legislation to create the same stitution in other organizations and government agencies, that "Anyone can come in and ask to see his record."

We feel that S. 3418 would be particularly effective in affirming the rights of the data subject, both through its provisions for notice to the Board and public notice under Section 201(c) and through its guarantees of individual access and challenge under Section 201(d). We consider the provisions of Section (e), requiring that current data subjects be informed of the existence and uses of their records and the place at which they may access such records, to be an ideal method of affirming the rights of the data subject. The two year period allowed for compliance with this provision should allow most organizations to accomplish this notice through a regular mailing. Perhaps the Board could be empowered to recommend exceptions if instances should arise in which this would be too great a hardship, or the existence and uses of the file were already common knowledge.

DISCLOSURES AND CONFIDENTIALITY

Abuses in disclosure of personal information occur when individuals furnish such information for a purpose that seems desirable, without the opportunity to know in what ways and for what other purposes that information will be used.

In most instances the individual should be asked for permission to use the information in other than stated ways. In some instances, such as law enforcement records, society may need to decide how information may be used through its legislative systems. But our members insist that this decision is too important to be left to systems managers, administrators, technicians, or clerks.

For example, among the 62 law enforcement agencies we interviewed, there was no agreement on how available law enforcement records should be used outside the criminal justice system. Some agencies furnish information to credit bureaus, insurance companies, banks, employers, the IRS, and military intelligence. One police chief told us he regularly obtains "rap sheets" from the FBI on persons applying for local solicitors' licenses and on prospective employees of a local restaurant. Statements about the confidentiality of records within local law enforcement agencies ranged from "police records are kept closed to the public," to "all are public records," We conclude from these interviews that, while computerized criminal histories are being compiled now with the help of federal LEAA grants to state and local computer systems, there are no effective controls on the use of these histories at the local level.

Of the 46 banks which we surveyed, almost all freely pass information to credit bureaus. Aside from credit bureaus, personal information is divulged by banks in varying degrees, with the only consistencies being that "some legitimate reason is required and that information is only given to organizations, not to individuals." Many banks say they obtain blanket permission from the customer to give out information. Most banks, but not all, say they give information to the IRS or government agencies only with a court order. Most, but not all, say they will inform the customer if the IRS makes a request.

Despite the fact that school administrators expressed high standards of confidentiality regarding the great amount of information retained in students' records, we found no evidence to support these standards. There are no written guidelines for the handling of student files in many districts. No records are kept on who uses student files or what information is extracted. We found no firm statement of professional ethics regarding the use of student files, and we found no evidence of in-service training of employees regarding their use. With these deficiencies, a high standard of confidentiality would be a miracle. Police departments, credit bureaus, and employers often obtain personal information from schools. In fact, in one small community, the local merchants receive an annual list of the "troublemakers" in the high school graduating class as a guide in hiring.

There is a clear provision of the Fair Credit Reporting Act that personal information in credit bureau records shall not be used for government agency or law enforcement investigations. Yet several credit bureau managers told us they would cooperate with any law enforcement or government inquiry. The data subject, of course, has no way of knowing that this is taking place.

SUGGESTIONS FOR IMPROVING—S. 3418

We have some specific suggestions to offer to clarify and improve this bill.

First, S. 3418, is directed against "organizations". Non-governmental organizations are defined in Title III as "any public or private entity engaged in business for profit, as relates to that business." We believe "organization" should be more broadly defined and that exemption from coverage should not be determined on the profit purpose of the entity maintaining or disseminating personal information.

Second: The term "person" is used throughout the bill without definition, but apparently referring to those having access to or receiving information. In Section 201 (a) (9) it is juxtaposed to the term "organization", hence must have a broader meaning. We suggest the term "person" be specifically defined to include individuals, firms, corporations, governmental agencies and voluntary associations.

Those provisions of S. 3418, requiring organizations to define the allowable uses of personal information, and to declare specifically which organizations or systems will have "regular access authority," should help to protect the confidentiality of personal information by assuring that organizations have formal written procedures for disclosure.

Section 201(a)(2) requires an organization to request permission of a data subject to disclose information to another organization or system not having regular access authority. This is a key provision of the bill and it needs clarification. The bill should clearly require explicit written consent, not merely a request of permission, of the data subject. It should cover intended disclosure to all persons, not only "other organizations", particularly in light of the narrow definition of organization in the present bill.

We also feel that organizations should be required to make a reasonable effort to notify the data subject if his record or any part of it is demanded by a compulsory legal process.

Section 201(d)(5)(B) requires purging of the system upon receipt of notice from the data subject. We suggest that the keeper of the system be required to periodically review and purge inaccurate, irrelevant and outdated information for all data subjects, not only for those from whom it receives notice. This may be implicit in other sections of the bill—e.g., 201(a) (44 and 201(c) (5)(E)—but periodic purging is necessary and should be mandated clearly as a matter of routine.

The bill does not spell out the criteria for determining who has regular access and who does not have regular access to the information. See 201(a)(8.9). This distinction is crucial for it is only with respect to persons not having regular access authority that the data subject must be notified. See 201(d) (2) & (3C). Are regular customers of a credit bureau or members of a trade association persons with regular access? Would the FBI have regular access to what it determines to be relevant files? Or is regular access intended to refer only to technicians or other employees of the information keeper who are responsible for entering, retrieving and purging information? If regular access is not a clearly defined as well as restricted concept, then the protection of the bill is illusory.

We firmly support the provisions of Section 201(a)(9) requiring a record of every access to any personal information in a system, and Section 201(a)(10) requiring rules of conduct and training of employees. These provisions should help to stop those informal or unofficial disclosures of personal information which Alan Westin refers to as the "information buddy system".

The exemptions of Section 202 appear to be broader than the purpose for which they are intended. This bill regulates both personal access by a data subject and dissemination by the organization to third parties. The exemption appears to be for the purpose of limiting mandatory access, yet would, in fact, allow voluntary disclosures. We suggest that the exemption extend only to mandatory access. There is no apparent valid reason to allow unlimited disclosure, and these limitations of the bill should be retained in the circumstance covered in 202.

CONCLUSIONS

At this time record-keeping organizations are not creating the administrative procedures we feel are needed to protect the rights of the data subject and to guarantee the confidentiality of the information which they are recording and exchanging in ever-increasing amounts. Studies such as Alan Westin reported in *Data Banks in a Free Society*, show us that file information is being used more extensively, more effective inter-organizational data networks are operating, and larger data bases are being created than were feasible in the pre-computer era.

Attention to questions of privacy cannot wait until all the conversions are completed and all the systems are functioning smoothly. If these considerations are not part of the original policy, it may be too late to "fit them in" later.

Our members strongly support S. 3418 as a vehicle which can require that individual rights and confidentiality be made an integral part of every personal information systems from the planning stages on.

Thank you for permitting us to appear.

THE 1974 HOUSING ACT AND URBAN HOMESTEADING

Mr. TAFT. Mr. President, the House and the Senate will soon go to conference on the Housing and Community Development Act of 1974. One of the provisions in the bills which has drawn considerable attention nationwide would encourage adoption of the "urban homesteading" concept of donating abandoned housing to those who will rehabilitate it and live in it for a specified period of time. I was pleased to author part of the Senate proposal, which was formulated to a large extent by the Senator from Delaware (Mr. Biden).

Mr. Phillip C. Laurien has been studying the feasibility of the urban homesteading concept as part of the requirement for a master of community planning degree at the University of Cincinnati. During the course of his work. Mr. Laurien made contact with my office to insure that his work would be considered in the legislative process.

Although I do not necessarily endorse all of Mr. Laurien's conclusions, little analytical work on this problem has been done and I feel that the Congress should be interested in this work. Furthermore, I commend Mr. Laurien's attitude that his work and the work of other scholars should be considered by legislators rather than simply sitting on a shelf. I believe strongly that this kind of input is most helpful and constructive.

I hope that the abstract of Mr. Laurien's thesis will be considered carefully by the Senate and I will be pleased to provide more information should any Senator request it. I ask unanimous consent that the abstract be printed in the Record.

There being no object, the abstract was ordered to be printed in the Record, as follows:

Abstract

Residential abandonment of the inner city is a major problem of the large American metropolis. Existing simultaneous with annual increases in inner city abandoned housing are shortages of safe, sanitary, and decent inner city housing for low income inner city residents. Urban homesteading, a system of housing redistribution which gives abandoned properties to heads of families who are financially and technically capable of rehabilitating them, has been nationally publicized as a possible solution to the problems of inner city abandonment and housing shortages, and was first implemented in Wilmington, Delaware, in May 1973. The urban homesteading concept has become a bandwagon issue because of its simplicity and the pioneer connotations inherent in its name.

Because of urban homesteading's rapid development from a slogan to a program, questions of the feasibility of such a program have arisen. Cities have begun copying Wilmington's ordinance without evaluating it or researching the problems of the inner city housing market. The clamor for urban homesteading action reached its zenith when a primitive urban homesteading act was introduced in the Senate by Robert Taft, Jr. of Ohio. There is a need to study the viability of private, inner city rehabilitation in the context of the problems of the inner city housing market, and relate the findings to a program of urban homesteading: this is the problem.

In order to determine the problems of abandoned housing, rehabilitation, and the inner city housing market, a literature review was undertaken, along with correspondence to officials participating in current urban homesteading programs, and interviews of local housing experts. The research reveals that artificial restraints in the inner city housing market, such as social prejudices, unavailability of financing, lack of community services and facilities, slow title acquisition processes for abandoned properties, and unstable property taxes prevent normal market forces of supply and demand from correcting the inner city housing shortage. Reduction or removal of these restraints can be accomplished through modification of an existent homesteading act, such as Wilmington's, by satisfying criteria for a normative urban homesteading concept, developed from the documentation of inner city housing and rehabilitation problems in the literature. Such modifications include guaranteed low interest mortgages available to all races and classes, implementation of a rapid title acquisition system for acquiring abandoned properties, encouragement of, and provision for, necessary neighborhood services and facilities, stabilization of property taxes, and provision of free educational services and counseling in needed homesteading skills.

The economic feasibility of such a modified urban homesteading act was tested on a privately rehabilitated inner city house in Cincinnati. It was found that only one economically feasible urban homesteading situation existed for low income homesteaders—the homesteading of two family housing while renting one half while living in the other half. In general, urban homesteading of single family houses by heads of low income families is economically infeasible. It is recommended that urban homesteading be implemented only if all the following criteria are satisfied:

1. The housing stock of the neighborhood to be potentially homesteaded should be largely made up of two family houses, with a sprinkling of one family, and three to four family houses.
2. equal opportunities for all races and income groups must exist in receiving federally insured 3–5 percent interest, long term mortgages.
3. homesteading of blocks and neighborhoods should be bi-racial.
4. groups as well as families should be allowed to qualify for homesteads.
5. preference for homesteading of duplex apartment houses should be given to small, low income families.
6. free counseling and educational services, should be available to teach necessary skills.
7. abandoned houses not practical for homesteading should be razed.
8. a rapid title acquisition system should be implemented.
9. property tax incentives should be provided to homesteaders.
10. federal low interest loans should be made available for development by the private sector.

Urban homesteading is only feasible for a very limited section of the inner city housing market. It, alone, cannot solve the problems are not insurmountable, but require a change in the policies and ideologies of wealthy Americans, that presently treat inner city residents, especially blacks, as expendable commodities. What must occur is an awakening of the wealthy American to the fact that he has a social and economic responsibility to the less fortunate that cannot be ignored.

SAN FRANCISCO EXAMINER PRAISES SENATOR LLOYD BENTSEN'S PROPOSAL TO INCREASE AGRICULTURE RESEARCH

Mr. TUNNEY. Mr. President, as the Committee on Appropriations marks up its bill for fiscal year 1975, I would like to bring to the attention of the Senate a recent editorial of the San Francisco Examiner.

The Examiner gave strong support for Senator Bentsen's proposal to expand this country's agricultural research budget. As Senator Talmadge pointed out in the May 2 Congressional Record, Senator Bentsen has made an excellent case for increasing our agricultural research budget and I hope that each of my colleagues will have the opportunity to study Senator Bentsen's proposal. It is a proposal for lowering our food prices through increased production, and certainly this is a laudable goal.

Mr. President, I ask unanimous consent that the Examiner editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

No Time To Scrimp on Farm Research

Senator Lloyd Bentsen (D–Texas), has provided the Senate Appropriations Committee with some sound information and a timely warning. He cited world food needs and called for restoration of deleted budgetary funds for agricultural research.

Americans are accustomed to farm surpluses, which came about in good part because research enormously increased farm production. But the food demands of a rapidly growing world population today grow more urgent while surpluses threaten to become deficits. A half to three-quarters of our wheat crop now is exported. So is a fifth of our corn, a third of our cotton and more than half our soybeans. The export demand extends across the full range of crops, as California growers will testify.

The U.S. responsibility as a food producer is bound to increase in the coming years. Research is essential if the farms are to meet these higher production goals.

Director of the State Agricultural Experiment Stations and university agriculturalists are urging a $27 million budget increase for farm research. Bentsen put their case eloquently. We hope the appropriations committee will respond to the need.

DESIGNATION OF THE J. CALEB BOGGS BUILDING IN WILMINGTON, DEL.

Mr. ROTH. Mr. President, my colleague the junior Senator from Delaware (Mr. Biden) and I have recently received a resolution from the Delaware State Senate requesting that the Delaware congressional delegation have the New Federal building in Wilmington be named for J. Caleb Boggs.

J. Caleb Boggs served Delaware and the Nation for 30 years. He served as Governor of Delaware for two terms, Congressman from Delaware for three terms, and as a U.S. Senator for two terms. Throughout his career, Senator Boggs has exemplified the best ideals in public service while maintaining an exemplary public life.

Senator Boggs deserves the credit for moving the Federal building in Wilmington from the planning stage into actual construction. Cale was Delaware's Governor when the building was authorized and he was U.S. Senator when the building was funded. It was due largely to his efforts on the Senate Appropriations Committee that the funds were finally appropriated for its construction in 1970.

Because of Cale Boggs' service to the public for so many years Senator Biden and I wished that the building be named after him. As I stated at the dedication of this building I took definite steps to have this building named after Cale Boggs but these efforts were blocked by an unofficial rule that no Federal building can be named after a living person unless that person has reached age 70.

Senator Biden and I join in supporting the Delaware State Senate resolution introduced by Senator Holloway that the new Federal building be named for J. Caleb Boggs, and request unanimous consent that it be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Senate Resolution No. 233

Requesting the Delaware congressional delegation to have the new Wilmington office building named for J. Caleb Boggs, an outstanding citizen of Delaware for the past 30 years

Whereas, the career of the Honorable J. Caleb Boggs has been associated for nearly 30 years with the progress of the State of Delaware; and

Whereas, during his 30 years of public service, J. Caleb Boggs, of Green Acres, served in World War II, served as Governor of Delaware for two terms, served in the U.S. House of Representatives for three terms, and served as a United States Senator for two terms; and

Whereas, throughout his career J. Caleb Boggs has exemplified the best ideals in public service while maintaining an exemplary private life; and

Whereas, the said J. Caleb Boggs continues as an attorney practicing in Delaware and Washington, D.C., to make friends for this state because of his modest and genial approach to people and problems; and

Whereas, the General Services Administration has now completed construction of the New Wilmington Federal Building; and

Whereas, this building has been dedicated but not named; and

Whereas, it would be fitting and in the public interest to recall the outstanding career of J. Caleb Boggs by naming the New Wilmington Federal Building the J. Caleb Boggs Building; now therefore, be it

Resolved that the Senate of the 127th General Assembly of the State of Delaware does by this resolution request the members of the Delaware Congressional Delegation, U.S. Senator William V. Roth, U.S. Senator Joseph R. Biden, Jr., and U.S. Representative Pete duPont to act in concert have the New Wilmington Federal Building named the J. Caleb Boggs Building in honor of Delaware's former United States Senator, U.S. Representative and Governor, be it further

Resolved that copies of this resolution be properly addressed and sent to His Excellency, Richard M. Nixon, President of the United States, with whom Mr. Boggs served in Congress, and that other copies be sent to members of the Congressional Delegation.

REPRESSION OF SOVIET JEWS

Mr. TUNNEY. Mr. President, I am shocked and outraged by the widespread repressive measures which the Soviet officials took against Soviet Jews to prepare their "welcome" for President Nixon. Over 50 Soviet Jews who been seeking permission to emigrate were arrested. Others were called up for military duty, in order to take them away to a "safe" place during the visit of the President. Many Jews were forced into hiding to avoid being arrested or shipped off to the military.

Soviet authorities feared that the presence of these Jews in public might call attention in the West to the unsolved problem of Soviet emigration practices about which the U.S. Congress and the American people have voiced deep concern. The Soviet officials preferred to keep these Jews in prison or in the military reserves during the President's visit so as not to remind the world that Soviet citizens were not free to exercise the internationally recognized human right to emigrate.

Some of the Jews arrested were Moscow scientists who have been waiting for years for permission to emigrate and who have been dismissed from their jobs for applying to leave. They, together with prominent scientists from various other countries, planned an international scientific seminar, July 1–5, in Moscow, in order to provide the long out-of-work

Moscow Jewish scientists the opportunity for professional exchange with their peers. Soviet officials prevented this seminar from being held by imprisoning the Moscow scientists who were organizing the seminar and by forcing them to withdraw their plans for the meeting.

One of those Moscow scientists arrested was Aleksander Luntz, a mathematician, with whom I spoke directly by phone only a few months ago and with whose plight I have been deeply concerned. During my conversation with Dr. Luntz, he told me.

> I want to tell you that all of us are being held hostage here. . . . We will not cease our struggle for our basic human rights, and to emigrate to Israel.

Today, Dr. Luntz is no longer simply a hostage within the U.S.S.R., unable to obtain an exit visa; he is a prisoner of the KGB, to insure his silence and invisibility during President Nixon's visit, and to force a halt to the seminar plans.

A similar series of arrests and military callups of Soviet Jews occurred before the President's last Moscow summit meeting in May 1972. This time, the officials' "protective round-up" is even more widespread and blatant. Reportedly, agents searching recently for one Soviet Jew told the man's brother that they had an order to hold him for 15 days, which would cover President Nixon's visit of June 27–July 3.

But arrests and persecution of Jews trying to leave the U.S.S.R. are not reserved exclusively for summit meetings. They are ongoing. More than 30 Jews are languishing in Soviet prison camps, sentenced to long prison terms, for their efforts to emigrate to Israel. Late reports indicate more than 30 arrests in recent days in Moscow, an additional 17 in Kishinev, and detentions reported in Leningrad, Odessa, and Kiev. And the trial preparations continue. Events unthinkable under a judicial system such as ours are commonplace, everyday occurrences in the lives of Soviet Jews. Yuri and Anna Berkovsky of Novosibirsk, for example, whose only "crime" is that of seeking to emigrate, were arrested, subjected to police investigations, and now finally served with false criminal charges. It is expected that the Berkovskys will be brought to trial shortly to serve as a warning to other Jews from their city who may be thinking of applying to emigrate.

Are these actions by the Soviet authorities measures to inspire the confidence of the U.S. Congress and the American people in détente? If suppression of the rights of individuals is a necessary component of the new relationship between the United States and the U.S.S.R., we need to stop and rethink what the United States is attaining by pursuing a "détente" with the Soviet Union.

I am all for improved relations and eased tensions between our two countries, but such improved relations must include not only increased trade and economic exchanges, but also a guaranteed basic respect for the internationally recognized human rights and individual liberties of those within our countries' borders. The Soviet press gave widespread coverage to the remark made by President Nixon at the Naval Academy graduation in Annapolis, that emigration was an internal Soviet affair. This stance has apparently encouraged the Soviet authorities to continue and even to enlarge upon their crackdown on those Jews who have indicated a desire to emigrate. Clearly, the U.S. Congress and the American people are outraged and appalled at the policies being pursued within the Soviet Union, and we would not wish to give the Soviet Government the impression that the free world condones this blatant denial of basic human rights.

I urged the President and the Secretary of State to protest these arrests and violations of the rights of Soviet Jews, and to impress upon the Soviet officials the widespread American concern that they correct their repressive emigration practices before seeking further economic concessions from the United States. Therefore, I joined with a number of my colleagues in the Senate to send a telegram to President Nixon, before his departure, to reiterate the importance which we place on this issue.

Mr. President, I ask unanimous consent to have the text of that telegram printed in the RECORD.

There being no objection, the text of the telegram was ordered to be printed in the RECORD, as follows:

"Dear Mr. President,

"We are greatly concerned at reports of a Soviet round-up of dissidents and Jewish activists in preparation for your visit. This is an appalling beginning for a visit that is aimed at improving U.S.-Soviet relations and easing tensions.

"We strongly urge you protest this action to Soviet leaders and publicly reject these repressive tactics. The argument in your Annapolis speech that so-called domestic affairs are beyond the reach of détente could give the Soviets the false impression that they can persecute minorities and dissidents with no adverse impact on American opinion and on support for détente. This is an additional reason to put this issue high on your agenda in your talks with General Secretary Brezhnev."

NEBRASKA REPUBLICANS SUPPORT PRESIDENT NIXON

Mr. CURTIS. Mr. President, on June 29, 1974, the Republican Party held their State convention in Lincoln, Nebr. It was well attended and an enthusiastic spirit prevailed throughout the convention. The delegates were interested in the business that was conducted and a sense of determination was evident.

This convention adopted a resolution supporting President Nixon. It is a fine resolution and I think that it belongs in the CONGRESSIONAL RECORD.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas, Richard M. Nixon had the wisdom and courage to act decisively, in spite of popular disapproval, to bring to an end the protracted conflict in Viet Nam, which two previous administrations had failed to resolve over an extended period of years, and,

Whereas, he was instrumental in making the big decisions which resulted in a truce between the hostile nations of the Middle East, and laid the ground work for a complete political solution of a struggle which has plagued that part of the world for over a quarter of a century, and,

Whereas, in spite of political opposition from within and without his own political party, he has continued to lead our nation courageously and decisively, and has commanded the respect of the majority of the thinking people in our country; while at the same time maintaining his own personal poise through political crises that would have destroyed a less disciplined and durable leader; therefore be it

Resolved, that we reaffirm our continuing confidence in the leadership of Richard M. Nixon and pledge our loyal support to him as President of the United States. May God bless him with wisdom, courage and strength to lead our country; be it further

Resolved, that a copy of this resolution be sent to the President of the United States and the Omaha World-Herald, Senators Curtis and Hruska, and Congressmen McCollister, Thone and Martin.

THE PROBLEM OF RECIDIVISM

Mr. STEVENSON. Mr. President, a key and chronic problem in our criminal justice system has been recidivism. At the Cook County jail in Chicago, however, there is an organization which is doing something about this problem. That organization is the PACE Institute. PACE stands for Programed Activities for Correctional Education, and it offers a basic academic program as a prelude to vocational training. It was founded in 1967 by the Reverend John R. Erwin, a jail chaplain, and the present project director of PACE is Jack Solomon.

On June 17, an article written by Bob Wiedrich about the PACE Institute appeared in the Chicago Tribune. The article is entitled "Inmates get key to the outside," and it details PACE's enormous successes. I believe the PACE program offers an example to all of us of how a good rehabilitation program can work, and how it can offer new hope to the inmate. So that all my colleagues can have the benefit of understanding the PACE program, I ask that Mr. Wiedrich's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INMATES GET KEY TO THE OUTSIDE

(By Bob Wiedrich)

What's happening around town, you say? Plenty, boy, at the Cook County Jail.

PACE Institute. That's the place where the action is. And plenty of it, especially if you're a young white or black, Chicano or anything else, doing jail time for a misdemeanor, and probably functionally illiterate to boot.

That's a lot of strikes in your personal ballpark. But PACE Institute is the place to start hitting home runs. Lots of guys before you have done just that. And with worse criminal records than yours.

According to Jack Solomon, project director of PACE [which happens to mean Programmed Activities for Correctional Education], most of those enrolling in this continuing seminar on escaping the lawless wilderness have already been housed behind bars six or seven times. Only about 10 per cent are first offenders.

So you see, fella, there is hope for you, too, if only you'll knuckle down in this jailhouse school and take a crack at learning to function on the outside without stealing.

How's that grab you?

No more knowing that fear when the police arrest you for ripping off a TV set. No more being dumped into a stinking paddy wagon or a stinking lockup on a hot summer night.

No more lying on your back and staring at the bars. No more facing a judge and a jury with the sweat running down your back and your throat gagging on the lies you know no one will believe.

No more holes in your shoes, man. No more empty pockets. No more envy of the guy with an honest buck in his jeans. No more running down dark alleys. No more crying. No more pain.

Hey, man! Join the human race. Join PACE. And put those eight or nine months of time you gotta do to good use. That's what it's all about.

So far, 713 inmates of the County Jail have been graduated from the program which offers a basic academic program as the prelude to vocational training that might get you on your feet and out of the hoosegow for the rest of your life.

Founded in 1967 by the Rev. John R. Erwin, a jail chaplain, only about 22 per cent of the PACE trainees ever return to jail compared with an average of 75 to 80 per cent who once again hit the skids within a year after release, if they haven't had such training.

Sixty-five per cent of the men in the program have never had a single year of continuous work experience before joining PACE. Now 175 of the 713 trainees have been working at the same job for three or more years.

One is a former thief who went on to computer school after getting out of jail and has since become the top salesman of his alma mater, winning free trips to Acapulco as a bonus. Another ex-inmate, who studied carpentry at PACE, now has his own business.

Others are television and electric appliance repairmen, welders, auto mechanics, plant supervisors. And one already has a bachelor's degree in psychology and is working on his master's in criminal justice with the intention of becoming a lawyer.

Frankly, none of these men were any different from the 100 inmates or so who are constantly enrolled in PACE thruout the year, learning reading and writing and arithmetic before going on to shop courses that could make the difference between life or prison.

It's an individualized program for individuals, in which the trainees make their own decisions about which way to go, subject to a realistic staff appraisal of their abilities.

Trainees attend classes 40 hours a week, plus evening session with 178 community volunteers who offer practical experience and expertise to supplement textbook and shop learning.

The Rev. Mr. Erwin and Solomon estimate 7 to 8 per cent of those joining PACE are nonreaders, even tho many have passed the 8th and 9th grades. But they learn how to read and how to communicate and develop a vocabulary.

Once an inmate graduates, counselors and job placement personnel help them land employment outside the jail house walls, thanks largely to corporate supporters of the institute, which sustains itself with a dedicated blend of private, state, and federal funds. About a third of the annual $900,000 budget comes from private citizens.

The program has proven such a success in turning out productive members of society, County Corrections Director Winston Moore has asked Solomon to open a similar school for women inmates this summer.

Solomon figures it costs $3,750 per trainee to operate PACE annually. But Oscar Getz, chairman of the institute's fund raising Committee of 100 points out it takes about $12,000 a year to keep a man in jail.

So the comparative mathematics are relatively obvious. Train them and mold them into decent citizens. And they won't return to prison.

That's what's happening, man. You ought to try it. Or, better yet, if you're not in jail, support it.

LOOKING TO THE SUN FOR ENERGY ANSWERS

Mr. HUMPHREY. Mr. President, on July 5, an interesting article entitled "As Energy Grows Scarcer, Science Again Looks to the Sun," written by Bayard Webster, appeared in the New York Times. This article emphasizes what I have maintained for a long time; namely, that solar energy deserves very serious consideration as a potentially key ingredient in the solution of our Nation's long-term energy problems.

Development of solar power in the sixties was very slow, due in part to a broad based lack of public support. In the past 2 years, appropriations have increased substantially, but we must do much more if we are to tap the great potential of the Sun.

The demand for energy in the United States is growing annually at a rate of 5 percent. Our oil and gas reserves are being depleted at a rapid pace. We must begin now to alleviate our dependency on oil as the primary energy source. Power from the Sun is a logical alternative.

Presently, the main obstacle in the expanded utilization of solar energy for home heating and cooling is the high level of initial costs. However, with a boost from the Federal Government, private research would soon develop cheaper methods to make solar energy more economically feasible. Even at present prices, long-term use of solar energy to heat and cool homes would be less expensive than traditional methods, due to the lack of any charge for the use of fuel.

Recent studies by NASA and MIT have projected that within 45 years, the Sun will provide between 25 and 35 percent of the energy required for home heating and cooling. We in Congress must do our part to see that this figure is reached, and in less than the projected 45 years.

As author of the Solar Energy Research Act of 1974—S. 3234—I am pleased to report to my colleagues that a very positive hearing on this bill was held by the Senate Interior Committee on June 27.

Mr. President, I ask unanimous consent that the text of the Bayard Webster article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Science Again Looks to the Sun as Energy Grows Scarcer

(By Bayard Webster)

While the sunne shineth—make hay.— John Heywood [1546].

The sunlight that most people take for granted makes it possible to grow all the plants on earth, make skyscrapers appear to be spires of gold, produce air currents that turn 100,000 windmills and make dewdrops sparkle like diamonds.

To the layman it is usually something to enjoy.

But to solar and energy scientists, aware of the growing worldwide shortage of power, sunlight is a form of electromagnetic radiation that, in the space of about eight minutes, reaches from a star across 93 million miles of space and descends on the earth with a tremendous energy that has yet to be tapped in any significant amount.

In the United States alone, it has been estimated that some 9,000 trillion kilowatt-hours of solar energy are received annually, the equivalent of power available from 1.15 trillion tons of coal. That is almost 2,000 times as much as current annual United States production.

SCIENTISTS SENT SCURRYING

Today, as the prices of conventional fuels go up and supplies go down, it is not hard to see why the promise of power from the sun has aroused the interest of governments and industries, home owners and utilities, and has sent scientists scurrying into labs and deserts and onto roofs to see how this energy source can be captured and used efficiently on a broad scale.

How soon the promise will become a reality for the average home-buyer is a matter of conjecture, but one major concern announced a few weeks ago that it expected to enter the solar-heating field for homes this month.

Such a move, the first by any large industry, is regarded as a strong indication that within the next year or two a majority of new home buyers will have the option of installing a solar-heating unit. The unit would be relatively expensive initially and would provide no more than 50 to 85 per cent of the total heating requirements.

Although solar applications range from simple hot water heaters and crop dryers to home heating and cooling and from electricity produced by solar cells to large power-plant installations, the center of attention today is how to achieve commercial production of cost-competitive solar heating units for residences in the near future.

At a National Science Foundation solar-energy workshop held a few weeks ago in Arlington, Va., most of the 500 architects, engineers, homebuilders, Government officials, planners and researchers who attended shared the belief that commercially designed components and systems for solar heating of new homes would be relatively commonplace in a few years.

They felt that it would be from three to five years before combined—and more sophisticated—heating and cooling systems would be available. And it will be much further into the future before such application as solar cells for home electricity production and multi-megawatt solar plants for large-scale electrical output come into being.

But, for the new-home buyer, the most encouraging note sounded at the conference was an announcement by PPG Industries in Pittsburgh that it was going to start production of solar-heat collectors for sale on the commercial market within the next few weeks. This is the first move by a major industrial concern to get into the solar-energy field.

This commercial activity has been triggered by a combination of problems that are compounded because the demand for energy in the United States is growing close to 5 per cent a year.

These problems include sharp rises in costs for oil, gas and electricity, depletion of oil and gas reserves in a few decades, despoliation of land by coal mining, increasing problems with nuclear power, a lack of additional hydroelectric power plant sites and the realization that geothermal power can provide only a small fraction of future needs.

As a result, alternative power sources are now being intensively investigated, with solar energy leading a list that includes production of hydrogen, methane and methanol, oceanthermal and tidal-energy conversion and wind conversion.

In the United States there are already some two dozen solar homes, mostly experimental installations constructed by engineers with funding and technological aid from universities, private business and the Federal Government. Ten to 20 other solar-heated homes are known to exist in other parts of the world.

In one of its simplest forms, the home solar-heater comprises a collector box, or boxes, usually on the rooftop facing south, containing black-coated waterpipes over a black surface. The box is covered with one or several layers of glass. The glass permits sunlight to enter but keeps radiant heat emitted by the pipes and black surface from escaping into the atmosphere.

The water in the pipes is heated by the sun and is circulated through the house by a small pump using an auxiliary power source. The water may be stored in a heavily insulated tank where it can retain its heat for one to five days. It would thus furnish heat at night or when the sun is clouded over.

Some plans call for circulating air around the hot water tank and heating the house with warm air driven by a fan that uses auxiliary power. Still others circulate air directly over the black collector plates and distribute it around the house.

The cost of any of these units, which provide from 50 to 85 per cent of a home's heating needs, would range from $2,000 to $5,000 depending on the size of the home and other factors. Installation of units in older houses would be even more expensive. This initial outlay compares with a cost of $1,000 to $2,000 for a conventional furnace heating system.

Solar energy advocates are quick to point out, however, that over a 20-year life-cycle solar heating would be cheaper than the conventional units because there would be no fuel costs.

The PPG Industries collector boxes are expected to retail about $5.80 a square foot. Solar engineers' rule of thumb says that present-technology solar-collectors should equal about a third of a home's internal square footage.

By that rule, a 1,000-square foot home would need some 3000 square feet of solar collectors. This would cost $1,800 alone, plus charges for shipping, storage tank, plumbing and installation.

Many proponents of solar energy say the Federal Government's lack of interest and its stinginess over the last few decades are responsible for the still-high initial cost of solar-energy technology. They often cite a General Accounting Office study that shows that from 1950 to 1970 Federal spending averaged $100,000 a year for solar-energy research.

Allocations since then have risen steadily to a current total of $50-million, although not in increments large enough to please solar-power enthusiasts.

Even so, the National Science Foundation is funding and testing a variety of solar-energy applications across the country.

Among these is the nation's largest solar project, now under construction in Denver. A $747,000 solar plant will be used to heat a 278,000-square-foot classroom center at Denver Community College. The total cost will be about $10-million, and the solar system designers claim that with the rising cost of conventional fuel, it will pay for itself in 10 years. Fuel costs for the plant, of course, are zero.

Also on the drawing board or already in work are such industrial and institutional projects as a new conservatory and administration building for the New York Botanical Garden in Millbrook, N.Y.; four public schools in Maryland, Minnesota, Massachusetts and Virginia, and a project at Arizona State University that will attempt to determine how best to deploy photovoltaic (solar) cells for optimum efficiency.

Most researchers believe that, eventually, electrical generation by solar cells will become cheap and efficient enough for general use. Now used mainly in outer-space vehicles or other applications where relatively little power is needed, the cells' main drawback is high cost. But new methods of mass producing the silicon cells—now manufactured individually—by a low-cost, continuous-ribbon technique are being developed.

On a more immediate level, Arthur D. Little, Inc., the industrial consultant firm in Cambridge, Mass., is conducting a study for some 80 commercial concerns to define the technical, economic and marketing prospects for solar climate-control technology.

* * * study so far indicates that there is considerable market potential for solar energy devices, especially the smaller home heating devices that could be sold at relatively low cost.

According to Dr. Peter E. Glaser, vice president of Arthur D. Little, who is conducting the study, commercial development could be so rapid that in 20 years the saving in conventional fuel sources in the United States alone could equal two million barrels of oil a day—the amount expected to be flowing through the Alaska pipeline.

OUTPUT IS SMALL

At present a score of industrial concerns, mostly small, declare themselves to be in the solar home heating field, but their output is tiny.

Why, then, with the technology available, with the desire of hundreds, and probably thousands, of homeowners to build solar homes, and with the fast-rising costs of oil, gas and electricity, isn't solar heating already a major factor in the marketplace?

According to observers in the field there are many reasons. Among the main reasons is lack of availability and a scarcity of sales outlets for them. As one witness who testified at a recent Congressional solar-energy conference said: "There isn't any friendly, neighborhood, solar energy store you can go to when you want a new heating system or you want some advice about one."

But despite these obstacles, the prospects for the immediate future of solar heating are not unbright, as the following indicate:

The Government has already earmarked $200-million solar-energy programs over the next five years and may provide more.

There are 16 bills before Congress designed to support solar energy. One of them, the Solar Heating and Cooling Demonstration Act, passed by both Houses, will provide $50-million to subsidize development and use of solar units in 2,000 homes, schools and factories.

Two states, Indiana and Arizona, offer reduced property-tax assessments for homeowners who buy and use solar heating and/or cooling equipment.

At least two bills have been prepared in Congress proposing individual income-tax reductions of up to $3,000 to help defray costs of installing solar units in homes.

A few decades ago, thousands of solar home and water heaters were in use in this and other countries. But, as gas and oil became readily available and cheaper to use, solar heaters became a costlier and less convenient alternative. Today the situation is slowly but inexorably reversing itself.

GOVERNMENT AID FAVORED

Three recently made independent studies project different, but extremely optimistic, forecasts as to the future viability of solar heating and cooling.

Two of these studies—one by the National Aeronautics and Space Administration with the National Science Foundation, the other by TRW Systems—estimate that solar energy, if given strong support, could supply up to 35 per cent or more of the nation's heating and cooling needs by the year 2020, little more than four decades hence.

The third study, by Walter E. Morrow Jr. of the Massachusetts Institute of Technology puts the figure at 25 per cent power by 2020.

Today, the advocates of solar energy feel that its practicality and benefits have been demonstrated and that its technology for simpler application is now available. What remains to be done, they say, is to make it available to the consumer, a job best done by private industry with the help of Federal and local governments.

Then it can be used, they add, first by hundreds, then by thousands and more, to provide a continuous, non-depleting energy source.

The original small band of solar partisans is now being joined by scores of representatives from the fields of science, government and industry who say that the sun—the engine that drives the earth—can now be harnessed to provide non-polluting energy.

AVERAGE SOLAR ENERGY RECEIVED AT SELECTED CITIES

(Million kilowatt-hours per acre per year)

El Paso, Texas, 9.5.
Fresno, California, 7.8.
La Jolla, California, 7.0.
Miami, Florida, 7.0.
Salt Lake City, Utah, 6.7.
Lincoln, Nebraska, 6.3.
Cleveland, Ohio, 6.1.
Washington, D.C., 5.8.
Seattle, Washington, 5.4.
Boston, Massachusetts, 5.2.
New York City, 4.9.
Source: Daniel S. Halacy Jr.

THE DEATH OF FORMER SENATOR ERNEST GRUENING, OF ALASKA

Mr. MONDALE. Mr. President, it was with great personal sorrow that I noted the death of former Senator Ernest Gruening, of Alaska. As one who was privileged to serve with Senator Gruening, I can personally attest to the fact that Alaska, this entire Nation, and the world have lost a great citizen.

Senator Gruening lived a multifaceted life. He was an honored journalist with the Boston American, the Boston Traveler, the New York Herald Tribune, the Nation magazine, and the New York Post. His journalistic crusades on behalf of civil rights and social causes and against governmental corruption brought him fame beyond the boundaries of his journals' circulation. He was a diplomat who served as official adviser to the Pan American Conference at Montevideo at which the foundations of lasting friendships with our Latin American neighbors were laid.

Ernest Gruening went on to serve as Director of the newly created Division of Territories and Island Possessions within the Department of Interior. In 1939, President Roosevelt appointed Ernest Gruening Governor of the Territory of Alaska, beginning an association with Alaska that was to extend over a 35-year period.

As Governor, Gruening championed the interests of Alaska and its citizens. He fought to preserve Alaska's valuable natural resources, to improve the education and public services available to

Alaskans, and to make Alaska our 49th State.

Ernest Gruening probably did more than any man to bring Alaska to full partnership in our United States. When his dream was realized, he went on to serve as U.S. Senator and to continue his fight for Alaska's progress.

As a Member of this body, Mr. President, Senator Ernest Gruening's concern was for all Americans. He fought for civil rights for all Americans; he worked for improved education and health care for all Americans; and he dreamed of a peaceful world and never stopped working toward that goal.

Senator Gruening was one of the Senate's earliest and most outspoken critics of the American involvement in Vietnam. When, at age 81, Ernest Gruening left the Senate, he continued to bring his views to the American people as a tireless speaker and campaigner. All who knew him admired his energy, his dedication, his leadership, his intelligence, and his integrity.

I wish to extend my condolences to his wife, Dorothy, to his son, Huntington, and to the many relatives and friends of this great man.

REAL ESTATE SETTLEMENT PROCEDURES BILL

Mr. TUNNEY. Mr. President, I am voting against the Real Estate Settlements bill, S. 3164. I ask unanimous consent that an article by Kay Mills of the Newhouse News Service be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Settlement Cost Fight Continues

(By Kay Mills)

Virtually anyone who has ever bought a house still winces at the words "settlement costs."

Settlement costs are the charges the buyer pays to close a deal—payment for such items as checking records to determine that the title to the house is clear, insuring that title, orginating a loan and recording the deed. A 1971 federal survey showed closing costs across the country varied from $200 to $5,000.

Why, then, are consumer organizations and some labor unions mobilizing to fight legislation which ostensibly would reform settlement procedures?

Because, says Elizabeth Langer, legislative director for the Consumer Federation of America (FCA), pending bills would repeal what little federal authority there is to regulate settlement costs without substituting any real reforms. So CFA has asked Sen. Robert C. Byrd (D-W. Va.), the majority whip, to postpone consideration of one of the measures to allow time to educate senators on what legislation it thinks is really needed.

The bills to which CFA objects are sponsored by Sen. William Brock (R-Tenn.) and Rep. Robert G. Stephens, Jr. (D-Ga.). They would repeal a provision of the 1970 Emergency Home Finance Act that allows the Department of Housing and Urban Development (HUD) and Veterans Administration to set standards to regulate settlement charges for homes backed by FHA or VA mortgage loan guarantees. That is about one-third of all home mortgages.

HUD has never used the authority. Brock argues that his bill, which would require notice of settlement charges at least 10 days before closing and prevent kickbacks from settlement companies to attorneys referring clients, would go more directly to the closing cost problem.

The Brock bill also would limit the amount of money a bank could require the buyer to put up at settlement to be held to cover future property taxes.

"Any reduction in settlement charges resulting from the Brock-Stephens reforms would be many times offset by the increase in settlement charges" triggered by the repeal of HUD's authority, CFA said in a position paper submitted to Byrd. The statement was co-signed by the National Consumers Congress, Ralph Nader's Congress Watch and the meat cutters, communications, steel and garment workers unions.

CFA added that while HUD has not used its authority, "a future secretary might be more consumer-minded."

Sen. William Proxmire (D-Wis.), soon to become head of the Senate Banking, Housing and Urban Affairs Committee, which handles such legislation, agrees with the consumers. "He simply doesn't think disclosure will do the job," an aide said.

If a consumer learns 10 days ahead of closing that costs are much higher than he anticipated, the aid added, he has little time to shop for another title company before his contract requires him to conclude the deal. He could jeopardize his financing—hard enough to come by today—and the contract and his deposit as well.

Retaining the authority HUD does have, Proxmire said, keeps some ceiling on settlement costs. While he has questions about federal regulation in this field, Proxmire favors that approach or requiring the lender to pay some or all of the closing costs.

Rep. Leonor K. Sullivan (D-Mo.), a high-ranking member of the House Banking and Currency Committee, agrees. She wrote recently that the HUD authority is "the main item that is now motivating" settlement reform legislation at the state level.

"In effect, real estate developers, lawyers, residential mortgage lenders, title insurance companies and others have been placed on notice that settlement transactions for federally insured and guaranteed residential mortgages could be regulated by a simple administrative decision to do so," she added.

Mr. TUNNEY. Settlement costs—what the consumer pays to close a real estate transaction—have been a serious problem for many consumers. There are tremendous disparities in what a consumer is charged in different areas of the Nation. For example, according to a recent study, the costs of title assurance, which include survey fees, title insurance, title examination, conveyancing, closing fees, recording fees, escrow fees, and other fees, varied in 1972 from $186 in Denver to $482 in Los Angeles to $560 in Washington, D.C. Kickbacks—payment of referral fees by settlement companies to lawyers referring clients—boost settlement costs in some States. Other hidden costs are usually not itemized on the consumer's settlement bill.

S. 3164, the Real Estate Settlement Procedures Act, is designed to protect the consumer by prohibiting kickbacks and requiring itemization, in advance of actual settlement, of all settlement charges. These provisions are meant to let the consumer know exactly what he is paying for.

Unfortunately, this bill is critically defective because it also repeals the authority of the Secretary of Housing and Urban Development to regulate settlement rates. The bills antikickback and cost-disclosure provisions would fail, I think, to guarantee fair market prices in an industry which is both inherently uncompetitive and not well understood by the average home buyer. Since the consumer is not usually able to shop around, fair and competitive prices are, in some States, the exception rather than the rule.

Although the regulatory authority now on the books is not presently used, its very existence serves and should continue to serve as a deterrent against grossly unfair settlement charges. Moreover, the existence of this authority is apparently motivating real estate transaction reform on the State level.

Since the present bill would repeal the HUD Secretary's authority to regulate settlement rates, I must vote against it.

FOOD FOR PEACE OR WAR?

Mr. McGOVERN. Mr. President, as one who had the privilege of directing the U.S. food for peace program in 1961 and 1962 under the late President Kennedy, I am increasingly disturbed by the perversion of this program.

In recent years, it has come to be used as a device to generate budget support for corrupt warlike regimes, especially in Indochina. The Congress last year passed legislation to prevent this misuse of the program, but the administration has found new ways to bypass the intent of the Congress.

The fact is that in the fiscal year just ended, more than half of all food for peace aid was used to back military regimes in South Vietnam and Cambodia. In these two instances, American food was sold for local currency, with the currency then being donated by the United States to pay military costs. It is outrageous that more than half of our dwindling food for peace aid should be sent to areas where there is actually a food surplus; namely, Indochina.

The House has wisely passed an amendment that would prevent the administration from allocating more than 10 percent of our food for peace appropriations to any single country. This would put a $42½ million ceiling on food for peace aid to South Vietnam and Cambodia. It is very important that the Senate retain this provision in the agricultural appropriations bill as passed by the House.

I ask unanimous consent that an editorial in the Monday, July 8, 1974, issue of the Minneapolis Tribune on this question be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Minneapolis Tribune, July 8, 1974]

Food for Peace or War?

For years one of the least-questioned forms of U.S. foreign aid was the Food for Peace program. Set up 20 years ago under Public Law 480, it was aimed at making use of surplus U.S. food production to develop markets overseas, help feed the world's hungry and "promote in other ways the foreign policy of the United States." But whatever its first altruistic aims, Food for Peace had been turned by the late 1960s and early

1970s mainly toward supporting American war efforts in Indochina.

More recently the Nixon administration has used it to circumvent congressional limits on military aid to countries in Indochina. In the fiscal year just ended, for example, half of all Food for Peace aid was allocated to the pro-U.S. forces in South Vietnam and Cambodia. In each country the food was sold for local currency. Much of this currency was then given by the United States to the local governments to pay soldiers' salaries and other military costs.

Last December—angered by the administration's use of Food for Peace—Congress passed legislation prohibiting any military use of funds generated by the program unless specifically authorized by Congress. That ban went into effect last Saturday. In its legislation, however, Congress had failed to take account of the ability of Saigon and Phnom Penh—aided by U.S. officials—to get around the intent of Congress. Saigon did this by channeling its aid-generated funds into other non-military areas of the economy, freeing up equal amounts of money for military purposes. Phnom Penh did it by simply allowing the funds to pile up in government bank accounts and then printing an equal amount of new money to pay soldiers.

Congress now is considering a further restriction: a House-passed amendment that would prevent the Nixon administration from allocating more than 10 percent of PL 480 appropriations to any single country. This would put a $42.5-million 1974–75 ceiling on Food for Peace aid to South Vietnam and Cambodia, the two main targets of the program's critics. We hope it passes.

The responsibility for deciding who gets what out of Food for Peace lies with a Washington interagency body that consistently has bowed to Secretary of State Kissinger's demands for massive shipment to Indochina. Pleas for a bigger share for some 90 other poor countries receiving little or no U.S. food aid have been largely ignored. The administration has shipped millions of dollars worth of food aid to South Vietnam and Cambodia, where there is no serious food shortage. And yet it is planning to spend only $4 million for food for the Sahel region of Africa, where drought has brought widespread suffering. If this is what the Nixon administration thinks Food for Peace is all about, then its priorities are out of whack.

AN INTERVIEW WITH HENRY JACKSON

Mr. HUMPHREY. Mr. President, I call the attention of my colleagues to an article by Geri Joseph, contributing editor of the Minneapolis Tribune, which appeared in the June 16 issue of that newspaper. The article reflects Mrs. Joseph's interview with our distinguished colleague from Washington, Senator HENRY JACKSON. It perceptively captures the basic integrity and strength of this dedicated and competent public servant whose leadership capacities are becoming increasingly evident to the American public.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Tribune, June 16, 1974]

AN INTERVIEW WITH HENRY JACKSON

(By Geri Joseph)

Old-fashioned virtues have not counted for much in the recent, media-minded world of American politics. They have been, for example, no match for the vague but much-sought-after quality known as charisma. Further, a suspicion lingers that to be old-fashioned is to be obsolete in terms of today's problems.

It is possible, however, that Sen. Henry (Scoop) Jackson, an old hand on Capitol Hill, is out to prove that charisma is not everything, and old-fashioned virtues have a place in the modern world after all.

Disciplined and hard-working, as unassuming as a next-door neighbor, the senator from the state of Washington has earned his share of news stories over the years. But nothing in the past can compare with the attention he is getting now.

At a remarkably youthful 62, when others begin to think of retirement, Jackson has reached an apex in his admirable career. Probably no other man or woman in Congress has so powerful—though not uncontroversial—a voice on so many leading issues. It is as if all the pieces of his 34 years in public life have fallen suddenly, luckily, into prominent place. Oil and energy, detente and trade policy with the Russians, nuclear weapons and land use, to name a few.

And there are some Democratic politicians who figure that the presidency, too, may be in Jackson's immediate future. Certainly he is one of two or three Democrats at the top of everybody's list of possibles.

In a recent interview with Jackson in his comfortable, uncluttered Senate office, conversation covered many subjects—from adverse effects of affluence on young people, to the opposition his nomination is likely to arouse from his party's left wing.

But again and again, he came back to two issues on which he has been catching plenty of heat. One is his outspoken skepticism about the value of detente as pursued by the Nixon administration. The other is his trade-bill amendment that requires countries seeking most-favored-nation trade status with the United States to allow free emigration. The amendment is worded generally, but applies clearly to Soviet Jews who wish to leave Russia.

For his critical questioning of detente, Jackson has been called a Cold War warrior, a hard-liner and a man who cannot change with the times. He shrugs at those descriptions, although the cold-warrior phrase slightly ruffles the usually calm manner. He is for detente, he explained, but he wants it to mean not just better business and the movement of commercial cargo, but the movement, too, of people and ideas.

He would take a tougher bargaining stance than Secretary of State Henry Kissinger. "Henry does not pick on those things he thinks the Russians won't accept or like. I say the whole purpose of negotiation is to discuss hard things on which we differ."

Jackson wondered frankly if the Cold War "is really over" or merely disguised. He referred several times to the Russians' desire for "primacy." When you examine detente, he said, "What have we achieved since that great and glorious word came into the vocabulary? He listed what he regards as benefits to the Russians. There was the wheat deal. ("We were had.") Another example: the joint space venture in which the United States will put up $240 million, the Russians nothing. ("I call it 'wheat in the sky.' ") Further, in trade agreements and the strategic arms limitation talks, Jackson claimed the Russians have come out ahead.

"Kissinger says the United States is benefiting from detente through a better world climate and good will," Jackson said. He snorted, "Good will? Like being eyeball to eyeball in the Middle East? With the Russians telling the Arabs to keep the price of oil high? With Gromyko doing everything he could to break up the negotiating efforts?"

As for his insistence that the Russians change their emigration policy before getting most-favored-nation status, Jackson said quietly, "This is a moral, civil-liberation issue." He denied that his amendment is a calculated play for Jewish votes. His Norwegian heritage taught him respect for human rights and liberties, he said, and his horrified reaction to Buchenwald concentration camp in 1945 reinforced that belief. From that time on, he became a staunch supporter of the state of Israel.

"Where I get in trouble on foreign policy," he added, "is I have very strong views on individual liberties. But at least I'm consistent. I voted against aid to Greece and for the embargo on Rhodesia." He spoke with feeling of Soviet emigres who visit his office to thank him. "I feel a personal responsibility not to let these people down," he explained. "You know, it says in the Talmud that if you save one life, you help save the world."

Jackson critics fault him—oddly enough in these times—for his consistency and his unwillingness to compromise. But the senator pointed out that he has changed his mind many times during his long career, and he has had to compromise on almost every bill he has introduced. The time may have arrived when he will have to compromise on his trade-bill amendment.

"But I am not a bowl of mush," he asserted. "And I do have strong convictions." He also has a blunt directness to his speech, a respectful regard for the rights of others and a solemn belief that the right of free speech means "the right to sound like a fool on occasion."

If all those old virtues ever replace charisma, Scoop Jackson could be a prime beneficiary.

THE NEED FOR BUDGETARY BALANCE

Mr. TUNNEY. Mr. President, the White House recently announced its intention to trim $5 billion from its budget for fiscal year 1975. This would reduce the deficit from $11 to $6 billion.

We are belatedly seeing some administration leadership on the problem of inflation. With prices rising by 14.2 percent in the first quarter and 13.2 percent in May, there can be no higher priority than swift action to relieve inflationary pressure.

I have opposed and will continue to oppose tax cut proposals which promise only short term, essentially illusory succor to the taxpayer.

If these proposals offered genuine and long-term relief to the hard-pressed middle- and lower-income earners, I would support them wholeheartedly, for millions of taxpayers desperately need pocketbook relief. I am convinced, however, that once the tax cut-increased spending-higher prices cycle has run its course, those who might initially benefit from a tax cut would be worse off than before.

The only sure path to real and lasting relief from today's rampaging inflation is through spending cuts and the closing of tax loopholes so as to bring the Federal budget more nearly into balance.

I have joined in sponsoring three measures which together would increase Federal revenues by $3.9 billion. Combined with the administration's proposed $5 billion spending cut, these tax reforms would reduce the administration's planned deficit to only $2.1 billion. I intend to support additional tax reforms and spending cuts in order to eliminate totally the deficit in the 1975 fiscal year.

The measures I have joined in sponsoring are:

First. Repeal of the Domestic International Sales Corporation. This would raise $815 million in additional revenues for the Treasury.

Second. Repeal of percentage depletion for oil and gas production. This would raise $1.9 billion in additional revenues for the Treasury.

Third. Imposition of a minimum tax on foreign source income. This would raise $1.2 billion in additional revenues for the Treasury.

Bringing the Federal deficit closer to balance will relieve inflationary strain in several critical ways. By taking the Federal Government out of competition for the billions of credit dollars which would otherwise be needed to finance a deficit, budgetary balance will significantly reduce interest rates and substantially increase the availability of loan money for housing and for expansion of badly needed industrial capacity. Ending the Federal deficit also will eliminate the unnecessary net stimulus to aggregate demand which results from an excess of expenditures over revenues. Nothing the Federal Government can do will be as important or effective in the battle against inflation as restoring balance to the Federal budget. As far as I am concerned, there is no higher priority than the restoration of reasonable price stability without further delay.

OPERATION ANESTHESIA

Mr. McGOVERN. Mr. President, the July 1, 1974, issue of the New Yorker contains a most perceptive commentary on the current impeachment issue facing the Congress and the Nation.

The editors contend that the evidence of Presidential wrongdoing is so overwhelming that it delays the impeachment process. As they put it:

> It is as though we had too much evidence to convict, and had been condemned to eternal impeachment.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TALK OF THE TOWN

NOTES AND COMMENT

Just about everything that is happening in Washington these days is of such startling strangeness that it seems to be happening for the first time anywhere. Now the White House has hit upon still another unheard-of tactic in the President's defense strategy. It is to beat the public senseless with more news of Presidential wrongdoing than it can endure.

The President's release of his transcripts is a case in point. Recently, two White House aides spelled out the new White House thinking for Philip Shabecoff, of the *Times*. After it had been made known that the President had been named unanimously by a grand jury as an unindicted co-conspirator in the Watergate coverup, and after the President had sent off his letter defying the House Judiciary Committee's subpoena of more tapes, Raymond Price, a speechwriter for the President, said,

"These recent disclosures are not damaging," and added, apparently approvingly, that the public was now "anesthetized." Operation Candor had given way in Operation Anesthesia. Ken W. Clawson, the President's communications director, observed that "the impact isn't there anymore," and he explained, "Last fall, we used to talk about what the next bombshell would be. But now there aren't any more bombshells." If there aren't, the reason, of course, is not that no more bombs are being dropped but that the public's sensibilities have been bombed out.

In the new White House strategy, everything that once hurt the President can now be used to help him. Revelations that were once damaging serve only to promote the supposed public unconsciousness on which the White House is now relying as the President's best protection. (Recent polls, however, seem to show that the unconsciousness is to be found more in the Congress than in the country at large.) What stands between the President and impeachment is not a scarcity of evidence but a mountainous superfluity of it. The evidence is all around us, in the wreckage of our institutions as well as in the Judiciary Committee's thirty-six volumes. The evidence is so pervasive that many of us can barely remember what innocence is. It is as though we had too much evidence to convict, and had been condemned to eternal impeachment. Once, the bombshells harmed the President's cause. For the moment, it seems that the more wrong he does, the safer he becomes.

Not long ago, it was reported that the Democratic Party, by making a show of opposition to calls for the President's resignation which had come from within the Republican Party, was trying to use the issue of impeachment for political advantage. Now, as the House Judiciary Committee moves toward a vote on whether or not to recommend articles of impeachment to the full House, there have been reports that some of the Republicans on the Committee may, for political reasons of their own, vote against any articles of impeachment. If all these reports are correct, it means that both parties are maneuvering around the issue of impeachment purely for short-term political gain. There is another school of thought in the matter, however. It holds that the members of the House Judiciary Committee will rise above petty political interest, because they know that the eye of history is on them. According to this school, the members will reflect that whereas everything they have done as representatives so far is likely to be forgotten, this one vote will surely be remembered. And since on this single occasion the spotlight of history will penetrate the convenient obscurity in which representatives normally act, the committee members will be on their best behavior. This school of thought, no less than the school holding that the vote will reflect poltical calculation, belittles the members of the Judiciary Committee. "History," in this connection, is nothing more than the future's image of the present. By invoking the judgment of history—a judgment that, in any case, is unknowable to us—we rely on a deferred form of public relations in which the images are merely more lasting than contemporary images. In doing so, we pass the buck to the future. We mentally remove ourselves to a point outside the corrupt present, as though by this operation we could gain access to a fund of wisdom unavailable to us in our time and could use the future to gain moral leverage on the politicians of the present. But in performing this trick we overlook the fact that the representatives in our era have mental and moral equipment, too. The men and women of the House Judiciary Committee, who will have to cast the first votes on the question of impeachment, have minds and consciences of their own to consult, and need not try to peer into unwritten history books. The evidence is spread out before them, the vastness of the stakes is inescapably plain, and the decision is theirs—to be made not in remote periods by reasons unknown but here and now by the thirty-eight members of the Judiciary Committee.

CHILDREN'S HEALTH

Mr. MONDALE. Mr. President, as we look toward the enactment of national health insurance legislation, no element should concern us more than the health of America's children.

The Federal maternal and child health program conducted under title V of the Social Security Act has shown that adequate medical services to children and expectant mothers can dramatically improve child health—cutting infant mortality rates by 50 percent and more, and sharply reducing the incidence of serious illness and hospitalization. But these programs—funded at less than $250 million in the last year—are only a drop in the bucket.

The facts are shocking:

As many as 10 million children each year fail to see a doctor at all.

A recent survey conducted in Washington, D.C., found that more than 25 percent of children aged 6 months-3 years suffered from anemia, more than 25 percent had untreated vision problems, and 20 percent suffered from middle-ear disease. And while poor children suffered most, rates were high for all children.

I am deeply concerned that the proposals now before the Congress contain serious shortcomings in the area of child health, and I hope to soon introduce provisions designed to assure American families of access to quality health care for their children.

Mr. President, the health status of this Nation's children was recently explored in two excellent and eloquent Reader's Digest articles by Lester Velie, "The Shocking Truth About Our Children's Health Care" and "Needed: Quality Health Care for All Our Children." I believe these articles will be of interest to the Senate, and I ask unanimous consent that they may appear in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE SHOCKING TRUTH ABOUT OUR CHILDREN'S HEALTH CARE

(By Lester Velie)

Seven-year-old Philip has a strange family doctor. He doesn't know Philip or his family, and they don't know him. The best time to see him is at midnight. Sometimes he plays blindman's buff with patients, for, not knowing their full medical history, he diagnoses and treats by guess and by hunch.

Philip's family doctor is the emergency clinic at Jackson Memorial Hospital, in Miami. Few of the 33,000 children treated there yearly are accident victims. Most are sick youngsters whose mothers have nowhere else to turn.

There's a doctor three blocks from Philip's home and a private clinic a mile away. But they charge $10 cash in advance, plus the cost of lab tests and prescriptions, which the family can't afford on the father's $100-a-week take-home pay. So when Philip or either of his two sisters suffers a scrape, fever, diarrhea or any ailment short of a true emergency, his mother heads for the county hospital—eight miles, two buses and one hour away. Most of her 30-odd visits over the last three years have been in the middle of the night; at other hours, she has found, the waiting can take the better part of a day.

Ours is a two-class medical system. First class is for those who can pay, directly or with insurance, for private care. The others, like young Philip, rely on a subsystem of emergency rooms, "free clinics" manned by volunteers, and federally funded neighborhood health centers—or get infrequent health care or none at all.

Price is one barrier to adequate health care. Some 25 percent of children under 21—about 20 million in all—are "medical indigents": their families earn less than $6,000 a year. In big cities, the percentage is higher. Of Baltimore's 320,000 children, fully half are medical indigents.

To this, add the barrier of acute doctor scarcity in inner cities and rural areas. The Kingsman Park section of Washington, D.C. (population 85,000), for example, has no pediatrician. Its only general practitioner has a case load of 9,500 patients, who must make appointments three months in advance! As for rural areas, the American Medical Association reports 140 counties (total population, a half-million) with not a doctor among them.

The consequences? A recent Health, Education and Welfare poll of 40,000 households, ranging from poor to middle class, found that 29 percent of the children had not seen a doctor for a year, and 14 percent not for two years.

To break the cost and scarcity barriers, then, more and more of the poor, near-poor and even lower-middle-class have turned to "emergency-room medicine" as a stopgap. Use of emergency rooms more than doubled during the 1960s. At the Children's Hospital Medical Center in Boston, it nearly tripled in a decade. And what kind of health care does this mean for children?

OUT OF GEAR

"I come here so often I feel I own the place," said one mother of five, who lives 17 miles from Jackson Memorial. "But I don't ever get the same doctor or nurse. So each time we start all over."

A young intern said, "I've taken an oath to give quality care. But how can I, without more observation and knowledge of the child? I don't know if this is a kid whose sore throat turns into something more serious, or whether his mother is hysterical and runs to the doctor every day. We have to discount so much, and guess so much."

"No doctor should work more than six hours straight in an emergency room," said a resident (a medical-school graduate studying a specialty). "But I work 24, with every other day off, and interns work a 15-hour day. A tired doctor cuts corners, misses symptoms. It's hard to spot typhoid after you've seen 50 cases of diarrhea in one day."

From observing emergency rooms in Los Angeles, Washington, D.C., Chicago, Miami and Brooklyn, I've learned that many children come in with diseases that are supposed to be obsolete—measles, mumps, sometimes diphtheria and polio. Why? Because only a minority of children who come have received their immunization shots.

Last year, only 43 percent of preschool children in inner-city areas had been fully immunized against polio, according to Dr. John J. Witte, director of the Immunization Division of the U.S. Center for Disease Control. Only 55 percent had been immunized against measles, diphtheria, whooping cough and tetanus. Crisis-oriented, emergency-room medical care is simply not geared to medical-history keeping. Says Dr. Witte, "A child with a dog bite or puncture wound will get a tetanus shot. But a parent who brings a child with a rash or stomach ache is not likely to be asked what immunizations the child has had or when."

Neglect of pregnant mothers—on whose health the health of the newborn child depends—compounds the problem. In Wisconsin, the state Division of Health and Academy of Pediatrics found that some 70 percent of all obstetrical emergencies in 1970 could have been predicted—and many of them averted—with proper prenatal care. Yet in some low-income areas in Brooklyin, Chicago and Washington, D.C., almost 33 percent of pregnant mothers get *no* prenatal care. So a baby born in Iceland, Japan or any of 12 other countries has a better chance of surviving its first year than one born here.

Even more scandalous: The U.S. mortality rate for children in their first year who were born to poor or near-poor parents is twice as high as for middle-class children. Further, some 200,000 children a year are born blind, or deaf, or with muscular dystrophy or impaired hearts—many for want of proper care prenatally and at birth.

Who is to blame?

Curiously, we have the best-equipped hospitals, the best-trained doctors, the most advanced biomedical research in the world. All these are a part of a $94-billion health-care industry. The trouble is, as Dr. George Silver of Yale University Medical School says, "This giant industry relies on an inefficient, corner-grocery distribution system." Or, as former U.S. Surgeon General Dr. Jesse L. Steinfeld puts it, what we have is "not a medical system, but high-priced chaos." No group—whether the doctors, hospitals, health-insurance industry or federal government—takes responsibility for the distribution of medical resources, or for setting a national health strategy that would include health care for all our children.

FEDERAL CRUMBS

Consider the federal government, which via Medicare, Medicaid and other programs foots the biggest share of our country's total hospital and doctor bills —40 percent. (Private insurance covers about 27 percent, direct cash payments cover the remaining third.) Who heads the line for the federal dollars? Not the children. The aged and the war veterans shared more than half the 1973 federal health budget of $24.6 billion. The children, one third of our total population, got the crumbs—12 percent. For every 65 cents spent on an elderly person, the government spent a nickel on a child. The elderly do not have to take a means test to qualify for Medicare, but children must be paupers to qualify for Medicaid or for care in the federally funded neighborhood health centers.

Few would suggest that we diminish our health care for the aged. But should a country put its past—the retirees—first, and its future—the children—last?

It is clear that children don't vote but adults do. The elderly have two principal sets of lobbyists, maintained by the National Council of Senior Citizens and the American Association of Retired Persons. They also have an effective policy-making voice in government through HEW's Administration for the Aging, headed by ex-HEW Secretary Arthur Fleming. Meanwhile, the Children's Bureau, which spoke for children and handled all federal child-health programs from 1912 onward, was gutted in 1969 and its functions were scattered throughout HEW.

The Office of Child Development, which inherited some of these functions, has had no permanent director since June 1972. The Maternal and Child Health Service, which was supposed to administer the health programs, was slashed last year from a staff of 130 to a staff of six. This is the agency that conceived and nurtured the model maternity-and-infant-care programs as well as the comprehensive health programs for preschool and school-age children acclaimed by the American Medical Association and the American Academy of Pediatrics. In July, the federal funds earmarked for children's-health projects will be replaced by formula health grants, which give the states some freedom in spending. To date, the states have been notoriously neglectful of child health.

DEPRESSING PERCENTAGES

Nobody is minding the children of the poor and near-poor in health insurance, either. Of families earning between $3000 and $5000 yearly, only about 42 percent are even partially covered (usually with health insurance purchased by employers). Among families earning between $5000 and $10,000 the figure is about 77 percent. But, as the American Academy of Pediatrics recently charged, "Insurance programs are designed primarily for the care of adults." Most policies provide for hospital care only. What children need chiefly is "well-care"—checkups, treatment of minor ailments before they escalate. Since most policies don't cover doctors' visits, children of the working poor are unlikely to see a doctor until they become seriously ill.

Meanwhile, our medical schools are not providing enough "primary child-health caretakers" to keep pace with the rising population. Of 10,391 medical-school graduates in 1973, fewer than ten percent are training in pediatrics. And the combined number of general practitioners and pediatricians per 100,000 children has declined since World War II.

Furthermore, the supply of U.S. medical-school graduates flows to where the most dollars are—in the suburbs and middle-class neighborhoods. Inner-city parents, turning to county-hospital emergency rooms, find these largely staffed with the products of medical schools in such underdeveloped countries as the Philippines, Korea, India, Pakistan.

TOWARD "WELL CARE"

As noted, what children mostly need is preventive care. (For example, early attention to strep throat in children could markedly reduce cases of heart-damaging rheumatic fever.) But medical-school emphasis is not on prevention; it is on treatment and cure. "Physicians contribute little to good health," Dr. Marvin Cornblath of the University of Maryland Medical School said to me, "We're trained to treat sickness."

"Our medical system is able to meet with high efficiency the kind of medical problem that was dominant until about 40 years ago," says Dr. William E. Glazier of the Albert Einstein College of Medicine. But the diseases that once killed us have been brought under control. Today we need a new approach, an improved health-care-delivery system to deal with today's problems. Specifically, we need a medical system geared to periodic checkups, screening, early intervention, maintenance care—*i.e.*, a system in which we pay the doctors to keep us well. Such a system would help put our children first instead of last.

When it comes to environment and energy resources, concern for our future results in national action. Our children, our most precious resource, deserve the same.

NEEDED: QUALITY HEALTH CARE FOR ALL OUR CHILDREN

(By Lester Velie)

Millions of our children—perhaps as many as half of them—are trapped in a cruel paradox. Most of the child cripplers and killers of the past—polio, diphtheria, measles, influenza-pneumonia—have been conquered. But not necessarily for the children of the poor, near-poor and even lower-middle-class. These families may lack the price of admission to a private doctor's office or live in medical wastelands in our inner cities and rural areas where few doctors can be found. Instead of the preventive "well care"—the immunizations, checkups and attention to minor ailments—that these children need, many get "crisis care" only, obtained chiefly in overcrowded, understaffed emergency rooms of public hospitals.

Almost a fourth of our pregnant mothers don't get the prenatal care that could significantly reduce premature births and other birth-time emergencies. And the mortality rate for children in their first year of life who are from poor or near-poor families is double what it is for those from the middle class. Later, children may die prematurely because they are denied the preventive care that would nip rheumatic fever, chronic infections or asthmatic attacks.

Does this mean we don't know how to provide the lower-income and rural child with quality health care? Not at all. Indeed, models abound. Two of the most successful involve local-federal partnerships in neighborhood health centers:

FOR INFANTS: M&I'S

When Social Security Act amendments in 1965 made federal matching funds available, local health departments, medical schools, hospitals and community groups set up demonstration Maternal and Infant Care Centers (M&I's) to serve low-income neighborhoods. Unlike the present medical system that waits for patients to knock on a doctor's door, the M&I's made all of the neighborhood's expectant mothers and infants their concern, reaching out to bring them in if necessary. The doctor's reach was extended, too, by use of pediatrics nurses, medical social workers, nutritionists and family counselors. These medical teams offered comprehensive well care aimed at bringing sound babies into the world and keeping them that way through the first, hazardous year of life.

Florida's Dade County M&I, for example, funded cooperatively by the federal and state governments and the county health department, provides anyone eligible—for a family of four, the annual income can be no more than $6300—with person-to-person concern along with the latest in medical technology. We met six-months-pregnant Mrs. Alma M when she came in for her regular monthly checkup. An obstetrician found her overweight and counseled a diet high in nutrition for the baby, low in calories for Alma. A nutritionist then explained the diet and told her how to cook it; for example, broiling instead of frying to reduce calories by half. If Alma had been a "high risk" mother—one suffering from venereal disease, diabetes or hypertension—faculty members of the Miami University Medical School were available as a back-up advisory team. After delivery, Alma's baby would get the same quality care from the M&I health team as that available to the well-to-do child.

The Miami M&I has achieved a remarkable turnaround. In 1965, infant mortality in the neighborhoods it serves was 96 per 1000 live births; since last July, that rate has dropped to 3.6 per 1000. Unfortunately, there are but 56 such M&I's scattered through 34 states—caring for only ten percent of the country's eligible mothers and infants.

FOR KIDS: CHILD-CARE CENTERS

Local-federal cooperation has also shown how children of the poor and near-poor can be cared for beyond infancy. At San Francisco's Mt. Zion Hospital, a comprehensive child-care project has aided some 3600 youngsters from birth to 18 years old, and their families as well. Here, too, emphasis is put on preventive care. Says project director Rosalind Novick, "We call up our families to remind them to bring in their children for checkups and immunizations."

For Anne Bryant, her husband and their seven children, the Mt. Zion program has been "family doctor, counselor, advocate and friend." Last year, for example, when the Bryants' six-year-old entered school, he was so disruptive that Mrs. Bryant was told he would have to be put in a class for problem children. She took the child to her project center, where doctors and psychologists found that he was of above-average intelligence but hyperactive. Mt. Zion social workers and the boy's teacher worked out a special comprehensive program, and he was soon doing well in a regular class.

Another system of preventive care, Child & Youth Health Centers (C&Y's) has, in the last six years, reduced by half the hospitalization of children in the program. Together with the use of paraprofessionals, this has lowered the taxpayer cost per child to about $10 a month—less than the cost of membership in most prepaid group-health organizations.

But, as in the case of the Maternal and Infant Care Centers, the C&Y's provide token relief. There are only 59, scattered through 28 states and the District of Columbia, and they reach fewer than five percent of the eligible children. In 1973, the Nixon Administration proposed that support for C&Y's (all M&I's and C&Y's cost the government some $111 million this year) be shared by the states, as called for in the original legislation. Only the vigorous lobbying of the M&I and C&Y program directors and by the American Academy of Pediatrics won extension of the federal grants for the child health centers for another year. As of July, the states must match a lower federal quota. The doctors argued that good health is the right of every child and that the centers were a historic beginning toward achieving that right—with more desperately needed.

DOCTORS' COUNTEROFFENSIVE

Meanwhile, the doctors of one state have shown that the medical profession itself can mobilize against maternal and infant deaths. Five years ago, the Wisconsin Academy of Pediatrics and the state health department surveyed 35 hospitals and found that 15 of every 1000 infants born live there did not survive the first four weeks of life. Dr. Stanley N. Graven of the University of Wisconsin Medical School, who headed the survey team, then helped launch a low-cost statewide "newborn program" that reduced the newborn death rate to nine per 1000.

How? At first, the solution seemed simple. All you had to do, Dr. Graven felt, was set up several centrally located intensive baby-care units and organize a transportation system to get high-risk mothers and newborns there. But then Dr. Graven made two startling discoveries: Outlying hospitals did as well in saving high-risk babies as urban hospitals, where conflicting demands on the time of highly trained obstetrics and pediatrics specialists kept them away when needed most—so that interns and nurses had to cope with emergency-delivery problems. Dr. Graven also found that at least two thirds of such emergencies were due to inadequate prenatal care.

Dr. Graven organized a "flying circus" of pediatricians and obstetricians to barnstorm the state's hospitals, inculcating a team approach to the delivery and care of newborns. This meant training special pediatrics nurses, doctors' assistants and associates to undertake much of the normal-delivery care so that doctors could attend to high-risk cases when they occurred. This, in turn, meant educating doctors to relinquish some of their traditional chores to nurses and paraprofessionals.

Since only a handful of hospitals had the new machines that measure the fetal heartbeat, or the respirators and other equipment needed for intensive care of ill newborns, Dr. Graven negotiated with eight of them to develop themselves as regional centers for high-risk mothers and infants. Then a statewide ambulance service was organized that put pregnant mothers or ill newborns no more than two hours away from a center.

THE OKLAHOMA PLAN

The trouble is that even the most efficient use of medical resources can't deliver health care to mothers and children unless sufficient doctors are available to provide it. Consider Oklahoma, which ranks 41st among states in the ratio of doctors to population: 1 to 900. Worse, 66 percent of these doctors are concentrated in six of the problem of cost. For example, Dr. Graven recalls a $28,000 hospital bill presented to the Wisconsin parents of twins who were maintained in an intensive-care respirator. All but $1800 had been covered by insurance. But for a young couple, $1800 on top of doctors' costs is a financial disaster. And how shall we provide the children of the poor and near-poor with continuing, preventive well care as well as sick care?

Virtually all authorities believe that some form of national health insurance is necessary. But unless we expand medical services to absorb any new medical purchasing power we provide by legislation, we will have more medical-cost inflation. For instance: since Medicare increased medical purchasing power without increasing the supply of medical resources, it helped quadruple hospital costs and triple doctor costs. And since private doctors continue to be scarce in low-income areas, many Medicaid card holders have been unable to purchase care, turning to hospital emergency rooms instead.

Clearly, a new national strategy is needed. One approach, favored by former Secretary of Health, Education and Welfare Wilbur J. Cohen, who was a principal architect of the Social Security Act of 1935 as well as Medicare and Medicaid, is a "junior Medicare." This would not only pay medical bills for all children under six but help make additional health care available with loans from a new insurance fund to community groups, doctors, hospitals and medical schools to set up additional neighborhood health centers. These would then bill junior Medicare for services to children just as doctors and hospitals now bill Medicare for services to the aged. Such billings would also help repay the start-up loans.

Another approach, favored as a minimum measure by the American Academy of Pediatrics, is national health insurance for children under six, requiring employers to buy Blue Cross, Blue Shield and commercial health insurance for the children of their employes. Such coverage for children could be coupled with federal action to expand the present neighborhood health centers and so meet the special needs of poor and near-poor children.

As Congress ponders the various health reform bills now before it, we should all remember that children don't vote and don't lobby. The health needs of almost half our children will continue to be neglected unless we speak up for them.

WORLD HUNGER

Mr. HUMPHREY. Mr. President, a compelling editorial, "II—Hunger in the World," appeared in the July 9 edition of the New York Times.

The editorial quotes Dr. Norman Borlang, father of the green revolution, as recently saying that "only a famine and widespread death of millions would bring the world to an understanding of the enormity of the problem."

Four steps are outlined to deal with the world hunger problem which is barely recognized at the highest Government levels. Clearly, much more needs to be done to alert our citizens and the Government to the extent of the food crisis, and the editorial makes an important contribution in this direction.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

II—Hunger in the World

Impending or even possible world calamities are hard to visualize in good times and almost impossible to cope with in bad. Yet, as Americans reel under the impact of double digit inflation and stumble benumbed through the Watergate fog, they are beginning to be confronted with the specter of a global food shortage that could rival a massive war in ghastly impact.

The underpinning of the calamity is fairly clear. It is an implacable increase in the demand for food. The world's population continues to grow at a frightening rate of 2 per cent a year while at the same time there is a rising demand for richer animal protein diets in the more developed countries.

Simultaneously, the optimism of a few years ago in respect to the race between food supply and rate of population increase has been vitiated by two powerful trends. First, the "green revolution," which offered so much promise to the impoverished agricultural countries in particular, depends on the availability of fertilizer at the right time. The development of the capacity to produce fertilizer has lagged and the price has quadrupled. Second, population control efforts, enthusiastically undertaken in the sixties, have not lived up to expectations and seem to have slipped from the high priority positions they once occupied in critical developing nations around the globe.

Dr. Norman E. Borlaug, father of the green revolution, told the Senate Select Committee on Nutrition and Human Needs recently that he thought only a famine and widespread death of millions would bring the world to an understanding of the enormity of the problem.

The general outlines of possible solutions are as easy to visualize as they are hard to achieve. They involve the increase of food production in the poorer countries, a decrease in consumption in the richer countries and a sharp curtailment of world population growth. Prospects for all are slim.

Senator George McGovern, chairman of the Select Committee, and the panel of experts which studied the problem at the committee's request have attacked the production aspect of the problem. Their proposals graphically demonstrate its dimensions. They have put forward a four-pronged worldwide plan designed to enable poor countries to develop self-sufficiency in food production:

1) An intensive twenty-year global agricultural research program costing a billion dollars a year for the first decade and a half-billion dollars a year for the second;

2) A crash effort to develop national fertilizer-production capacities which would cost $8 billion annually for the next six years and $12 billion a year in the next ten;

3) An expanded technical assistance program in which the United States alone would increase its aid for this purpose to $1.5 billion a year for the next twenty years.

4) Establishment of an international food reserve kept "solely for meeting the emergency needs of the developing countries."

Despite the experts' gloomy forecasts, it is not apparent that the scope of the problem is even now recognized—or admitted—at the highest levels of the United States Government. The responsibility for formulating policy is fragmented and diffused. If headway is to be made toward solutions of the problem at the United Nations food conference in Rome in November, significant leadership will have to be exerted by the United States.

Somehow, between now and November, the United States will have to recapture and sustain the level of concern which prompted Secretary Kissinger to propose the conference in the first place. The effort will require the urgency and application of will and ingenuity that have been invested in détente and the Middle East. The problem is that big.

CONDOMINIUM OWNERSHIP

Mr. TUNNEY. Mr. President, condominium ownership has become a significant trend in the housing field during the past few years. It is estimated that, by 1980, nearly 50 percent of all new housing construction will be directed to this type of development.

However, because of its newness, serious problems have evidenced themselves in respect to such ownership. These problems, in fact, have caused the Federal Trade Commission to instigate an investigation of the practices of builder-developers and other commercial firms involved with the construction and sale of condominium units. Many questions also have arisen regarding management and other services firms in this field. California is one of the major locales for condominium projects and, thus, I have special concern in resolving what inequities do exist.

It has been brought to my attention that a new public-service oriented group is being formed to represent the interest of condominium owners throughout the Nation. I commend such an action, for it provides an ongoing, nongovernmental entity to which condominium owners may turn for the solution of both present and future concerns relating to condominium ownership. This group, the National Association of Condominium Owners, a nonprofit corporation, will have its national headquarters in Washington and will house its corporate headquarters in Los Angeles. I want to take this opportunity to recognize its aims and purposes to congratulate its founders on their forthright action in offering needed representation in a field that will be significant to the people of California and the Nation, as well.

OUTSTANDING ACHIEVEMENT IN VISION CARE

Mr. STEVENSON. Mr. President, each year the American Optometric Association makes an award for outstanding achievement in vision care. This year, the AOA Apollo Award honors the members of Lions International.

Lions International, with more than a million members, has reason to be proud of this tribute to its long record of humanitarian service. This remarkable work was begun soon after the founding of Lions International when, in 1925, Helen Keller challenged the new organization's members to become "knights of the blind in the crusade against blindness."

In the half-century since that day, Lions International has done much to foster vision care, eye research, and public education. In announcing the award to Lions International at the American Optometric Association's annual meeting in Washington recently, Dr. Robert E. Day, AOA's retiring president, described some of the activities of the 27,000 Lions clubs which have taken part in the "crusade" proposed by Helen Keller. These activities have ranged from assistance to individuals—supplying a needy child with eyeglasses, for example—to the establishment, as a joint project of 150 clubs, of the multimillion-dollar Southern California Lions Eye Institute.

I am proud to claim Lions International as a constituent—its international headquarters is located in Illinois—and I am pleased to congratulate its members throughout the Nation on this recognition of their service to mankind.

INTERNATIONAL NARCOTICS DIPLOMACY—A BREAKDOWN IN THE LONG LINE TO TURKEY

Mr. HARTKE. Mr. President, my concern in the Senate for the illicit production of opium and its derivatives has a long history to the adoption last year of my amendment to the Foreign Assistance Act clarifying the U.S. position relative to production by other countries of opium and the need for those countries to take adequate steps to prevent the illicit distribution of dangerous narcotics into the United States. My amendment was not adopted by the Conference Committee, and we now are experiencing the resumption of opium production in Turkey in violation of an agreement between the United States and Turkey.

Mr. President, for the purpose of accurately reflecting the decision of the Government of Turkey, I ask unanimous consent that the decree issued on July 1, 1974, by the Council of Ministers be printed in the RECORD following my remarks as exhibit 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARTKE. Mr. President, the clear meaning of the decree is that Turkey has decided to resume the cultivation of poppies and the production of opium. Yet many have asked, and may still ask, why should the U.S. Congress and people be interested in a decree issued from Turkey? The answer to that question can best be answered by the law enforcement officials, drug treatment officials, addicts, former addicts, educators, parents and all those within our society who has seen or known anyone within the grasp of heroin. An editorial in the Washington Post summed up the interests of the United States and its people best:

> Indeed, if the Turkish government had announced that it intended to land secret agents at night on American shores to poison and kill thousands of Americans and to subvert the foundations of American society—which is, of course, exactly what heroin does—then that would be regarded as an act of war and handled accordingly.

While the Turkish Government did not announce a decision to land human agents of war on the shores of the United States, there is no other interpretation to their decree than an announcement that they intend to land dangerous drug agents of war, equally lethal, to ravage the unsuspecting citizens of our society.

We in the Congress have an obligation to act in the best interests of our people to prevent the landing of those agents on the shores of the United States. We in the Congress also have a duty of prohibiting any assistance of whatever form from flowing from our people and Government to the Turkish people and government while this latest decree remains in effect.

Mr. President, I ask unanimous consent that the Washington Post editorial "Turkish Politics and American Heroin" be printed following my remarks in the RECORD as exhibit 2.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

Mr. **HARTKE**. My amendment adopted in the Senate during the 93d Congress, first session, and rejected in conference has again been introduced to the Foreign Assistance Act of 1974 as amendment 1453. In summary, my amendment calls upon the President to make an affirmative finding that each country is taking adequate steps to control illicit opium. The Secretary of State shall set forth the measures which constitute a good faith effort to control illicit opium and its derivatives. My amendment does not immediately suspend aid and assistance to any country but establishes a two-level approach; first, within the administration, which has the authority to immediately suspend all forms of assistance in the national interest; and then after a report has been made to the Congress, by resolution adopted by both the House and Senate certifying that a country is not taking adequate steps to control the illicit production of opium.

Mr. President, the administration has deemed it necessary to recall the Ambassador to Turkey to "review" and study the meaning of the decree. I would suggest to the administration that they study the details and implications of the addiction problem during the past 5 years. When there was little concern within the administration for the problem of narcotics and dangerous drugs, the number of addicts rose at an alarming rate. When the Drug Enforcement Administration was formed, now headed by an able prosecutor, Mr. John Bartels, the number of addicts and the control of the illicit distribution of opium and its derivatives, mostly heroin, in the United States decreased and became manageable.

Mr. President, I ask unanimous consent that an article appearing in the Washington Post, "Envoy to Turkey Recalled by U.S." be printed following my remarks in the RECORD as exhibit 3.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 3.)

Mr. **HARTKE**. Mr. President, the Government of Turkey is not without internal political interest in the cultivation of poppies. It was believed by the Congress and the administration that the agreement entered into between our governments, furnished money and assistance to the farmers of Turkey to change over their production and cultivation of poppies to nutritious food and fibre to feed the people of Turkey. It has been rumored that the reason the farmers of Turkey have expressed their desire to resume the cultivation of poppies is that the Government of Turkey has not distributed U.S. assistance nor has it planned the transfer of production for the farmers to nutritious necessities.

While we in the Senate do not control the motivations of Turkish farmers, we should not acquiese in the destruction of American lives at the expense of the American taxpayers. We must inform the Government of Turkey in no uncertain terms that the cultivation of poppies as planned will result in the suspension of all foreign aid until such time as they continue with the agreement earlier entered into with the United States.

Mr. President, I ask unanimous consent that my amendment to the Foreign Assistance Act of 1974 and an accompanying statement be printed following my remarks in the RECORD as exhibit 4.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 4.)

Exhibit 1 follows:

EXHIBIT 1

The Council of Ministers decided on July 1, 1974 to put into effect the following decree on the "decision on the issuance of permission for the cultivation of the opium poppy in seven provinces during the 1974–1975 season," upon the recommendation of the ministries of commerce and food agriculture and livestock, in accordance with article 1 of law No. 1470.

DECREE NO. 7/8522, DATED JULY 1, 1974

Decision on the issuance of permission for the cultivation of the opium poppy in seven provinces during the 1974–1975 season

Article 1—Permission has been granted for opium poppy cultivation and the production of raw opium during the 1974–1975 season in the provinces of Afyon, Burdur, Denizli, Isparta, Kutahya and Usak, and in the districts of Aksehir, Beysehir, Doganhisar and Ilgin in Konya Province, in order to improve the living conditions of the farmers whose livelihood depends on this cultivation and to meet the requirements of raw material for pharmaceuticals.

Article 2—The soil products office (TMO) shall issue licenses permitting cultivation to the opium poppy farmers and raw opium producers of the provinces and districts listed in article 1 in accordance with the principles of law No. 1470 and the regulation on the enforcement of this law.

Article 3—The farmers who have been issued licenses permitting cultivation are obligated to comply fully with the provisions of the law and the regulation in question on opium poppy cultivation and raw opium production. The Penal provisions of law No. 1470 and other related laws shall be enforced against the farmers who do not comply with these provisions and the licenses permitting cultivation issued to them shall be canceled.

Article 4—Priority in issuing licenses permitting opium poppy cultivation and raw opium production shall be given for the lands traditionally set aside for such farming and production, and also to the farmers who depend for their income solely on this activity. Each farmer shall be issued a cultivation license for a maximum of 5 decares.

Article 5—The soil products office is authorized to make advance payments to the opium poppy farmers and raw opium producers in cases of necessity and within the limits of their needs.

Article 6—Opium poppy farmers and raw opium production are banned in the provinces and districts outside of those listed in article 1. Opium poppy cultivation shall be controlled with the cooperation of the ministeries of interior and food-agriculture and livestock by using all available means. Additional measures shall be taken rapidly to assist the ministry of interior in its efforts to impose a more effective control for the prevention of narcotic drugs smuggling.

Article 7—Paragraph 2 of article 2 of council of ministers decree No. 7/2652 of June 20, 1971 concerning the total ban of opium poppy cultivation and raw opium production in Turkey is hereby repealed.

Article 8—This decree takes effect on the date of its publication.

Article 9—This decree will be enforced by the ministries of interior, commerce, and food-agriculture and livestock. End quote Macomer.

EXHIBIT 2

TURKISH POLITICS AND AMERICAN HEROIN

Turkish politics is savagely aggravating the American narcotics problem. Premier Erkit, needing to broaden his support to sustain his rule, has lifted the three-year-old ban on legal cultivation of opium poppies. This apparently will please poppy farmers and, as well, nationalists who equate the American interest in halting poppy cultivation with interference in Turkey's domestic affairs. But it will also push more heroin into the United States, which until the ban got 80 per cent of its illegal heroin from Turkey. The Turks contend that their legal opium goes exclusively into legal pharmaceuticals. Corrupt Turkish officials, international drug peddlers and American addicts know better. Even before the new Turkish crop comes in next spring, stockpiled heroin is expected to flow more copiously into American city streets. Many of the gains of the last three years, in getting the narcotics traffic in hand and in providing services to addicts threaten to come undone.

In their rage and despair over the Turkish decision some drug officials and legislators are now suggesting that the United States halt its aid. They would cut off not only regular military aid going to Turkey as a fellow member of NATO but the special economic aid offered three years ago in order to help cushion the economic effects of stopping poppy cultivation. The impulse to punish Turkey, to end special favors and to apply pressure to reverse the poppy decision is entirely understandable. A good argument can be made that no conceivable contribution which Turkey makes to the common NATO defense can outweigh the harm which the Turks do the United States by letting poppies grow. Indeed, if the Turkish government had announced that it intended to land secret agents at night on American shores to poison and kill thousands of Americans and to subvert the foundations of American society—which is, of course, exactly what heroin does—then that would be regarded as an act of war and handled accordingly.

The relevant question, however, is whether an aid cutoff will or will not likely lead to the desired result of a restoration of the poppy ban. Given the volatile condition of Turkish politics, one cannot be sure. Perhaps the more effective response, rather than ending aid, would be double aid: blackmail, but for a worthy end. Perhaps military and counter-poppy aid to Turkey, instead of being offered separately, should be offered in one package—to force a debate within the Turkish government. In any event, the American response, whatever it is, must proceed not just from a sense of outrage, however well justified, but from a precise feel for the Turkish scene. If Turkish politics is the source of American heroin, then only Turkish politics can stop the flow.

EXHIBIT 3

ENVOY TO TURKEY RECALLED BY UNITED STATES

(By Dan Morgan)

The State Department announced yesterday that it had called home the U.S. Ambassador in Turkey to "review" that country's decision to lift its ban on the growing of opium poppies, the source of much of the heroin that reached the United States in the past.

The move, following earlier official expressions of American "regret" at the Turkish decision, was a fresh sign of the seriousness with which Washington views the resumption of poppy cultivation by its NATO ally.

State Department spokesman John King said that Ambassador William B. Macomber would start a review of "the whole situation" beginning Monday.

Earlier in the week, the State Department had described the Turkish move as a "breach" of a 1971 agreement providing for the phase-out of poppy growing in exchange for compensation. The 1971 agreement had been hailed by the Nixon administration as a model for its worldwide program of nipping the heroin problem at the source.

In authorizing the resumption of poppy cultivation in six provinces and four administrative districts of a seventh, Prime Minister Bulent Ecevit said:

"Poppy cultivation will be limited, and will be done only by license under the stringent measures and effective control of the State. Our government, while resuming limited opium cultivation, will take most effective measures as a humanitarian duty, in order not to harm humanity at all. We hope nobody in the world will be in doubt of the goodwill and determination of the Turkish government in this respect."

American officials have been skeptical in the past about the efficiency of the Turkish control procedures. Prior to 1972, the last year in which the poppies were grown, the government inspections were said to have been spotty, and black market and smuggling operations were reported to have been widespread.

Ecevit said that, if necessary, the government would seek "new powers" from parliament to enforce its controls.

The main incentive offered by the United States for the 1971 agreement was $35.7 million in compensation, $15 million to pay farmers for their losses and $20.7 million to develop replacement crops.

So far, $15 million of that has been paid and U.S. officials indicated that further payments would now be held up.

The dispute has long aroused strong emotions on both sides, with ramifications for NATO security arrangements.

Several years ago, some congressmen called for a curtailment of American military aid to Turkey if the country continued to allow poppy growing. This provoked angry reactions from nationalist-minded Turkish politicians, who said the United States was trying to dictate the country's internal policies.

That, in turn, provoked jitters in the North Atlantic Treaty Organization because of the importance of Turkey as the cornerstone of the southeast flank of the alliance, and a principal outpost for monitoring Soviet air and sea movements in the eastern Mediterranean and Middle East area.

The United States now stations some 7,000 men in Turkey with an equal number of dependents. Izmir, on the Turkish west coast, is the headquarters of the alliance's southeast land forces, and of the 6th Allied Tactical Air Force. Sensitivity to the foreign presence and foreign "interference" runs deep in Turkey.

In 1969, under pressure from the Turkish government, the U.S. bases in the country were renamed "common defense installations," with a co-equal Turkish commander assigned to each of them.

Since 1948, the United States has pumped some $3 billion in military aid into Turkey. It is also scheduled to commence delivery on credit terms, of 40 F-4 Phantom fighter-bombers there this summer.

Turkish politicians view the aid with mixed feelings. At the same time, all three political parties supported the resumption of poppy production.

The Turkish farm vote is a vital factor in the country's politics, and the ban was unpopular in many rural regions. Opium poppies have been a principal cash crop for centuries. For thousands of farmers, the poppy also has cultural significance. Many farmers use byproducts of the plant for harmless purposes, such as cooking oil.

EXHIBIT 4

[From the Congressional Record, June 13, 1974]

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT

AMENDMENT NO. 1453

(Ordered to be printed, and referred to the Committee on Foreign Relations.)

Mr. **HARTKE.** Mr. President, today I submit an amendment to S. 3394, the Foreign Assistance Act of 1974. My amendment is identical to the one I introduced last session which was adopted by voice vote in the Senate to the Foreign Assistance Act of 1973. Unfortunately, the Senate receded from the amendment in conference with the House.

Mr. President, as my colleagues are aware, I have long encouraged the legislation of stronger international narcotics control. There is no need to remind the addicts in the world of the mental destruction cognizant with opium and its derivatives.

In light of recent developments between several countries and the United Statese, the production of opium will increase rather than decrease during the very near future. We must not recede from the gains made to stem the flow of narcotics and dangerous drugs into the United States during the past year.

My amendment to chapter 8 of the Foreign Assistance Act of 1961, 22 U.S.C. 2291, will not terminate assistance to any particular country. It will only clarify the law as written; setting forth a clear mandate to those countries where illicit opium and its derivatives are transported, produced, distributed, and manufactured that adequate steps are to be taken in coordination with the Department of State.

My proposal clarifies the intent of Congress by calling upon the President to make an affirmative finding that each country is taking adequate steps to control illicit opium. The Secretary of State shall set forth the measures which constitute a good faith effort to control illicit opium and its derivatives.

Such measures may reflect the individuality of any country, but must reflect: The enactment of criminal law controlling illicit opium; a viable enforcement agency; the vigorous enforcement of the criminal laws; the full cooperation of the country with the Department of State; the establishment of border interdiction procedures; the destruction of seized illicit opium; and the establishment of controls for legal opium.

Mr. President, my proposal does not engage in foreign policy, but merely sets forth the intent of Congress to the President that unless countries are as concerned about the illicit flow of narcotics as is the United States, this country should not support their endeavors while they bankrupt the fabric of America.

Both treatment and law enforcement officials in the United States are becoming increasingly concerned with the sizable volume of dangerous drugs reaching our shores. While I do not believe my amendment should be extended to other dangerous drugs until evidence becomes available that the governments of other countries are not taking decisive action to curtail the transportation and manufacture of such drugs into illicit channels leading to the drug traffic in the United States, we may want to include the control of drugs other than opium and its derivatives in the near future.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1453

At the end of the bill, add the following new Title:

TITLE V

INTERNATIONAL NARCOTICS CONTROL

SEC. 11. Chapter 8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), as amended, relating to international narcotics control, is further amended

(1) by inserting in section 481 "(a)" immediately after "International Narcotics Control.—";

(2) by inserting in section 481 "(b)" immediately after the first sentence and before the beginning of the second sentence which reads, "In order to promote";

(3) by striking out of section 481 the fourth sentence to the end which begins with "The President shall suspend" and inserting in lieu thereof:

"(c) The President (or his delegate) shall cause to be suspended all foreign assistance, tangible or intangible, including but not limited to gifts, loans, credit sales, or guarantees to each country, except as provided in (b) of this section, when such aid is rejected by the Congress in accordance with subsection (b) of section 482 of this chapter.";

(4) by striking "SEC. 482.", and inserting in lieu thereof "SEC. 483."

(5) by inserting the following:

"SEC. 482. (a) The President shall make an affirmative finding that a country is taking adequate steps, as set forth in (c) of this section, to control the production, distribution, transportation, and manufacture of opium and its derivatives within ninety days of the enactment of this section and each year thereafter, which finding shall be submitted to the Congress the first day of June of each year.

"(b) Within ninety days following the submission of such affirmative findings, the Congress may adopt a concurrent resolution rejecting such findings as to any or all countries, whereupon the President shall immediately suspend all foreign assistance to such country in accordance with section 481 of this chapter.

"(c) The Secretary of State, after coordination and consultation with all other departments or agencies involved with the control of the production, distribution, transportation, and manufacture of opium and its derivatives, shall set forth those measures which constitute a good faith effort to control illicit opium and its derivatives. Such measures may reflect the individuality of a country, but shall include the following:

"(1) the enactment of criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(2) the establishment of a viable agency to enforce criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(3) the vigorous enforcement of criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivatives;

"(4) the full cooperation of such country with all United States departments or agencies involved in the interdiction of the supply of illicit opium and its derivatives, into the United States;

"(5) the establishment of border procedures for the interdiction of opium and its derivatives, out of or into such country.

"(6) the destruction of all illicit opium and its derivatives after its evidentiary use has expired; and

"(7) the establishment of detailed procedures for the control of all legal production, transportation, distribution, or manufacture of opium and its derivatives.".

MAJOR SYSTEMS ACQUISITION

Mr. CHILES. Mr. President, the report of the Commission on Government Procurement has given rise to legislative programs for overhauling the way the Government spends over $60 billion a year.

The Senate, on March 1 of this year, passed legislation to create an Office of Federal Procurement Policy; and last month, a bill to expand the use of small purchase procedures. Our future plans include many other important recommendations which we hope to be dealing with soon.

Certainly, one of the most important packages of recommendations deals with major systems acquisition.

Mr. Thomas V. Jones, the president and chairman of the board of the Northrop Corp., has expressed his views on the subject, many of which directly support the Commission's position. A recent article in Government Executive magazine conveys his sentiments in support of the philosophy behind the Commission's recommendations. In short, Mr. Jones emphasizes the fact that superior systems can be developed only through a fully integrated design evolution. It is impossible to achieve this design integrity when the procuring agencies dictate the mix of innovations of be incorporated in it, essentially designing the system to reproduce it.

Mr. President, I ask unanimous consent that Mr. Jones' article be printed in the RECORD for the information of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NORTHROP'S JONES: "YOU END UP WITH AN INTEGRATED DESIGN"

Discoursing on DOD's present "prototyping," at least one veteran aeronautical engineer takes strong exception to the building-block philosophy. Thomas V. Jones, president and chairman of the board of the California-based Northrop Corporation emphatically states, "That was the wrong concept as it was applied. It is the inter-relation of the elements in a vehicle that technically determines what it is and operationally, what it does."

By example cites Jones, "In aerodynamics, we always believed at Northrop that thrust and drag are things that must be put into equilibrium. The basic principle contends you have thrust in an engine and the airplane goes as fast as it can until the drag of the airplane equals the thrust of the engine. So we felt anything you can do to reduce drag aerodynamically is a real money-saving way to go. When the thrust requirement is reduced, the size of the engine is reduced and the cost of the engine and the size and cost of the airplane is reduced. As a result, we believe in aerodynamic development as a means of getting performance as opposed to just sheer thrust. This means more lift with less drag for maneuvering and cruise so that the pilot can use the airplane throughout its flight envelope without restriction.

INTEGRATED DESIGN

"In prototyping, you end up with an integrated design. It takes the aerodynamic innovations and the power plant innovations to establish a configuration that best achieves a highly maneuverable, highly capable aircraft developed at a lower cost than using the more conventional 'brute force' method.

"But, you can't end up with that product by the 'building block' approach or by having the customer tell you what mix of innovations go into the aircraft. You can't determine the ultimate lift of a wing without the fuselage connected with it, or the nature of its engine. It simply is not the same wing. The flow field around the vehicle determines the characteristics of each of its surfaces. You can't determine the flow field without having the integrated whole."

Most aeronautical experts and top corporate officials in the industry tend to agree with Jones concerning the current "prototyping" in the Air Force's Light Weight Fighter program in which Northrop (YF–17) and General Dynamics (YF–16) are participating.

To the airplane designers and engine builders a return to old style prototyping is almost design utopia. It puts the technician and the user close together without a complex paper chain and myriad management levels in between.

A former scientific adviser to the Air Force as a member of RAND Corporation, Jones told Government Executive, "We've gone back to the days when airplanes were born of pilots and designers conversing with one another and then starting to draw pictures. We would then end up with an airplane the pilot wants to fly.

Referring to the late 1950s and 1960s, he points out that then real innovations were almost always included in planes that were stretching performance boundaries. Each generation of aircraft had higher performance characteristics but were also "unforgiving" airplanes. They so stretched the state-of-the-art to get into unknown areas of performance that the real progress being made in each of the separate technologies (propulsion, aerodynamics and structure) tended to be masked. "It was rather like having a good young ballplayer who was played only in the World Series," said Jones. "He didn't seem to do too well. If he had been used only where the demands were not so great, his performance, as compared to others, might have been absolutely outstanding. I'm thinking of such innovations as cokebottling and the use of sandwich materials in structures."

He further predicts that, now, without encumbering the designers with programmatic constraints that must attend major force structure endeavors, the contractors of the LWF prototypes can go forward with more confidence in bids and quotations. They won't be forced to come back and say that costs are going up because of "unknown-unknowns."

"The name of good management," he says, "is to remove the unknowns. We've finally got something that I think shoots down the 'unk-unk'. It may be one of the most useful things these prototypes will do; shoot down those little gremlins that cause over-runs and the lack of confidence the Congress has had in our industry.

"This complex age of ours," Jones contends, "requires complexity to get a major program started. Prototyping removes the complexity while getting at the essence of the solution. Working in this environment will not only give us knowledge but a confidence that will come out of understanding how all the elements have worked together as an integrated whole. I am delighted, and I'm sure General Dynamics is as well. This is the way we're going to stay ahead."

Sums the 55-year-old Californian-born executive, "I think frankly that the knowledge gained on both the Light Weight Fighters and prototyping contributes to a new platform of knowledge. Any good designers, whether from General Dynamics, Northrop, Boeing or some other firm, are certainly going to find value in this new knowhow—and they should. There are no secrets here. They should take advantage. I refer to knowledge, not pieces of the airplanes.

"As a result of flying these airplanes, we know that knowledge is going to be made available as knowledge, and at a higher level plateau. We think Northrop and General Dynamics are fortunate to be performing a task for the whole industry. It should result in better aircraft for the United States and make the nation more competitive in the international market."

WORLD FOOD SHORTAGE

Mr. HUMPHREY. Mr. President, the U.S. Department of Agriculture recently agreed with the assessment of Lester Brown of the Overseas Development Council that the Asian food deficit will reach an all-time high this year. This could place a world-wide strain on our already limited food reserves and challenge our ability to feed the hungry of this world. We, therefore, must work together with the less developed nations to solve food shortages.

Hopefully, the developing countries will place a greater emphasis on food production. This should be on the agenda of the World Food Conference this November, along with the questions of food aid from the United States.

An article in the Christian Science Monitor by John Dillin, entitled "Asian Food Shortage—World Threat," quotes Lester Brown as saying that "Political leaders may decide to cast Asia adrift." Hopefully, no part of the world will ever cast another adrift. We all depend on each other, and we must join together especially in the area of meeting vital food needs.

The article in the July 3, 1974, Christian Science Monitor is very informative about the Asian food shortage, and I commend it to my colleagues in the Senate.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ASIAN FOOD SHORTAGE—WORLD THREAT

(By John Dillin)

WASHINGTON.—The greatest food deficit in human history is unfolding in Asia . . . so warns a U.S. development expert.

Lester R. Brown of the Overseas Development Council says Asian countries may require imports to feed more than 200 million people within the next 12 months.

Fertilizer shortages are compounding Asian food problems that already were serious because of the Arab oil embargo and steadily increasing populations, Mr. Brown says.

U.S. Department of Agriculture officials, advised of Mr. Brown's predictions, agreed that Asia's food deficit probably will reach an all-time high of more than 50 million metric tons this year—even with favorable weather.

INDIAN NEED IMMENSE

India alone is expected to require 7.5 million tons of imported grains. And a failure of the Indian monsoon, which has been poor so far, could add another 15 million tons to that deficit. The U.S. "couldn't meet" such an additional demand, says a USDA official.

The impending food crisis has developed at a time when world grain reserves are estimated at less than a month's supply—a modern-day low. Any major crop failure now in a principal producing country would immediately tighten food supplies around the globe, U.S. officials say.

Mr. Brown, a former administrator of the USDA's international agricultural development service, asserts that Asia's food troubles could challenge Western statesmenship.

"Political leaders," he says, "may decide to cast Asia adrift . . . and say it's too big. They may say the inflationary impact of shipping food out of the United States on that scale would be more than could be tolerated.

"Or, political leaders may go to people and ask for the food equivalent of turning thermostats down six degrees—one meatless day a week or skipping one meal a week."

Even those sacrifices might not be enough if the Soviet Union—as in 1972–73—moves strongly into the grain market. Soviet purchases totaled 28 million tons, including 18 million tons from the U.S., in those years.

Besides India, nations in need of large imports include the People's Republic of China, Bangladesh, Sri Lanka (Ceylon), South Vietnam, Indonesia, and South Korea.

In Cambodia, rice production has "gone to pot" since the war intensified, U.S. officials say. Output has dropped from 3.8 million tons in 1970 to 955,000 tons last year—and the deficit now must be made up by imports.

But it is India's monsoon which now bears the most careful watching, for a good monsoon could possibly rescue a difficult situation. U.S. officials are mildly concerned because in the early stages of the current monsoon, rainfall is down 87 percent in Tamil Nadu, India's largest grain-producing region.

In the 20 top Indian grain regions, rainfall is normal or above in only five, while it is below normal an average of 64 percent in the other 15. Without a turnabout this month, crop damage could be serious.

Mr. Brown, meanwhile, warns that these short-run considerations are only a part of what has become a long-term problem in world supplies of food, energy, land, and other resources.

"We are moving into a fundamentally new era in our food economy," he suggests. "I don't anticipate a return to the vast food surpluses of the 1950's and 1960's."

Population growth lies at the root of the problem, he says.

"We live on a planet of limited size and capacity, and yet the annual gain in the demand for food gets larger and larger.

"At the turn of the century, food demand rose on the order of 4 million tons a year; by 1950, growth was maybe 12 million tons a year; by 1970, about 30 million tons a year."

U.S. efforts to meet this rising demand by putting 50 million idle acres back into crops have "hardly gained an inch" in the battle with hunger, Mr. Brown says.

The nations most in need of the food are often those least able to pay for it—the developing countries of Asia, Africa, and South America.

The problems can all be traced back to population, Mr. Brown asserts. In the long run, nations like India, Pakistan, and Bangladesh must manage to feed themselves, and doing that will require controlling population.

Two developing Asian nations, he says, have achieved outstanding success in the population area—Singapore and China.

Limited success has been recorded in a number of developing countries—South Korea, Taiwan, Singapore, Hong Kong, Barbados, Mauritius, Tunisia, Egypt, Chile, and Costa Rica.

One of the most miserable failures, he indicates, has been India, where Prime Minister Indira Gandhi's leadership on this issue has been "sad."

"Not that they can stop population growth overnight; but Mrs. Gandhi is simply not making an effort now. It's difficult to imagine anyone being more indifferent to the problem than she is, unfortunately," Mr. Brown asserts.

India's attitude, he says, presents Western leadership with a dilemma. How can they ask their own people to plan their families, to eat less meat, to endure higher prices for food and cotton goods and shoes—unless other nations are willing to help themselves.

"It's not an unreasonable expectation," he says, "because the United States cannot feed India over the long term. India must feed itself. We can help out in the short run. But that help . . . is not likely to be forthcoming unless Americans get every assurance that India is doing everything it can."

CONGRESS SHOULD DELAY IMPLEMENTATION OF PROPOSED AMENDMENTS TO FEDERAL RULES OF CRIMINAL PROCEDURE

Mr. ERVIN. Mr. President, I want to call to the Senate's attention the fact that on June 20, 1974, Senator Hruska, Senator McClellan, and I introduced S. 3684, a bill to postpone until August 1, 1975, the effective date of proposed amendments to the Federal rules of criminal procedure which were transmitted to the Congress by the Supreme Court on April 22, 1974. Unless Congress takes such action, these proposed amendments will go into effect on August 1, 1974.

The House of Representatives on July 1, 1974, passed a bill exactly the same as S. 3684. It had the unanimous support of the House Judiciary Committee.

This 1-year delay is important if the Congress is to have ample opportunity to study these proposed changes in the Federal rules of criminal procedure. Members of Congress have received many comments and criticisms from practicing attorneys about these proposed amendments. As yet, however, neither the House of Representatives nor the Senate has been able to undertake a careful study of the amendments. Certainly Congress should allow itself a reasonable time to discharge its responsibilities with respect to these proposed amendments which so directly affect the process of criminal justice in Federal courts.

I want to emphasize that S. 3684 and identical legislation already passed by the House of Representatives does not delay indefinitely the effectuation of the proposed amendments. S. 3684 simply postpones until August 1, 1975, the implementation of the proposed amendments. If Congress takes no action before August 1, 1975, the Supreme Court's proposed amendments will then go into effect.

S. 3684 has been referred to the Senate Judiciary Committee. It is essential that this legislation be passed and signed into law before August 1, 1974, at which time the proposed amendments will otherwise become effective.

EFIM SLAVINSKY

Mr. CRANSTON. Mr. President, Soviet Jews who want to leave the U.S.S.R. deserve our continued intense concern.

I was proud to join a number of my colleagues in protesting the appalling action of the Soviet Union, on the eve of President Nixon's recent visit to the U.S.S.R., when Soviet officials began a roundup of Jewish activists in order to insure that Mr. Nixon's visit was not marred by any actions which would have embarrassed the Soviet Government.

We urged President Nixon to raise the issue in discussions with General Secretary Brezhnev.

Today, Mr. President, I would like to call the attention of the Senate to the plight of a particular individual, Efim Mikhailovich Slavinsky. Mr. Slavinsky is a graduate of the Philological Faculty of Leningrad University and a specialist in modern American literature. He has been subjected to imprisonment and forced resettlement in the provincial city of Vladimir. He has twice applied for an exit visa and has been twice refused, most recently in April of this year. His first application for permission to emigrate cost him his job.

Mr. President, Efim Slavinsky is just one victim of a repressive policy which must be changed. The Congress must continue to make clear its concern for the brave individuals in the Soviet Union who risk everything in order to live in Israel or elsewhere. Soviet officials must understand our firm opposition to repressive emigration policies of this type.

I strongly urge the Soviet Government to allow Mr. Slavinsky and other individuals who wish to emigrate from the U.S.S.R. to do so.

MICHIGAN STATE UNIVERSITY'S CLIFTON WHARTON FACING THE KNOWLEDGE EXPLOSION

Mr. KENNEDY. Mr. President, as you know, the Office of Technology Assessment was set up to research and report on various technological matters that affect the lives of all Americans.

The OTA has established various advisory panels to facilitate their efforts in achieving these goals. One of these groups is the Food Advisory Panel. We are very fortunate to have as chairperson of this panel, Dr. Clifton R. Wharton, who is currently president of Michigan State University.

Recently there appeared in the Tuesday magazine of the Washington Star-News an article that describes this extraordinary expert in person who is a leader in the field of food technology as well as an outstanding scholar and academician.

Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Michigan State University's Clifton Wharton Facing the Knowledge Explosion

When Clifton R. Wharton, Jr., was named the 14th president of Michigan State University in October 1969, the announcement generated a flood of news stories, thrusting Wharton and MSU into the national limelight. Up to that time, deservedly or undeservedly, MSU had not generated much copy in the news magazines or newspapers, outside of the sports pages. But the appointment of the tall, slim Bostonian brought a new eminence to MSU for one primary reason: Clifton Wharton was the first Black man to become president of a major college or university, at least in this century. (Wharton pointed out to reporters that a Black man, Patrick Healey, headed Georgetown University from 1872 to 1883.)

Ever since he joined the Harvard University radio station and became secretary of the National Student Association, which he helped found as a Harvard undergraduate in the mid-1940s, Wharton has rung up an impressive string of honors in one capacity or another. But after four years of trials and tribulations at the MSU helm, he earnestly wants to reach the national consciousness in areas which are primarily non-racial. Wharton once told a news reporter, "I like to express my militancy by meeting the competition totally on its own grounds without any special consideration. Meeting racism on these terms is what I call positive militancy."

Wharton calls his four years at MSU "challenging, exciting, and rewarding." Indeed, he has made an impact on the students, faculty, staff and trustees that few people will easily forget. This would seem to indicate that Wharton is the kind of freewheeling administrator who comes across with a flamboyant bang, but that is not the case. His style is low-key and somewhat cautious. He likes visibility, but eschews outspokenness or conflict situations that might focus attention on the combatants rather than on problem solving.

One of his major priorities (he refuses to call it the *top* priority) at MSU has been to move the university in the direction of what he calls "lifelong education." Under this concept, he explains, the university must prepare to meet the educational needs of people throughout their lives, not just grant them a degree after a certain number of years of study.

When discussing the concept, Wharton's eyes light up, his voice rises, his gestures become more pronounced, and it is obvious you are on his favorite ground.

"Lifelong education is a very central goal of the university. We must broaden our horizons beyond the campus and develop curricula to help people get beyond their degrees. The knowledge explosion makes it necessary to provide more than four years of learning. Universities must now serve people throughout their life cycles," he says.

Under this concept, he explains, institutions of higher learning would provide a wide range of educational services for people who have graduated from college, worked for some time, and developed a new set of needs: middle-aged profesionals who may want to learn new skills or update the old ones; workers whose skills are no longer marketable; or elderly people who want to spend their leisure years learning, rather than in a rocking chair, perhaps helping to rear and educate their grandchildren.

Having an idea for educational reform is one thing, but getting a huge bureaucracy, with various power centers and an assertive board of trustees, to go along with it presents a task of political diplomacy as well as leadership.

But Wharton seems to have met and conquered the challenge. Each of the 17 colleges at MSU is currently researching how it can contribute to a program of lifelong education. After he receives the recommendations of the colleges, Wharton and his staff will develop "broad educational policies and recommend them to the board. If the board accepts, then we'll begin to fund various programs," he says.

Though he declines to set a date for the completion of this job, it is obvious that the final phase—funding and implementation—is not that far away. When that time comes, MSU will have reached a milestone in the ever-widening challenge of higher education to meet greater and more complex needs of a restless and changing population.

The change will be an unglamorous one that may not make national headlines, nor even the front pages of some academic journals. But that does not seem to bother the tall, self-assured educator. The creation of "lifelong education" is consistent with his philosophy that universities must "identify areas of changing needs so we can be current and responsive," and Wharton will follow his philosophy regardless of plaudits.

Another area of "changing needs" that MSU has met head on under Wharton's leadership is that of educating the so-called disadvantaged students, many of whom are members of racial minorities. Rather than creating a Black studies program or department, MSU's answer has been the establishment of a College of Urban Development under the direction of an eminent Black scholar, Dr. Robert L. Green, who also has a long history of involvement in the civil rights movement with the late Dr. Martin Luther King, Jr.

The college has two main divisions—a Department of Race and Ethnic Studies and a Department of Urban and Metropolitan Studies. According to the 1974 *MSU Fact Book*, "The general objective of the college is to train individuals to produce, synthesize, and apply a body of knowledge related to identifying and solving urban and ethnic problems."

Wharton states that "we went in a different direction on this whole urban-race question than other universities." He vigorously opposes setting quotas for admitting Blacks or any other group. His emphasis with minority students, he says, has been "to get them into the university and to get them out. We have a good record of recruiting and *retaining* these students, and we've shown steady improvement in admitting and graduating them. In fact, MSU started its minority recruitment program about 1967 when hardly anyone else had developed one. I think we've done a good job of identifying minority youngsters who really want to go to college, and provided proper support services for them." According to the university's figures, Black enrollment at MSU has jumped from 690 (1.7 percent of the total student body) in 1967 to 2,573 (6.2 percent) in the academic year 1973–74.

Under Wharton's leadership and direction, minority students are actively encouraged to go into those disciplines where relatively few have concentrated. "Right now," he points out, "we have more than 100 Blacks in engineering—more than any other Big Ten university."

Wharton gets high marks from other university spokesmen for bringing minority students to MSU. Green declares, "Clif has done a very effective job of getting more Blacks here. He's low-key, but effective. We've got the largest minority enrollment of any non-urban, major White institution in the country."

Much the same assessment comes from Carl S. Taylor, 24, a former MSU campus militant whom Wharton named director of minority affairs three years ago. Taylor was among a group of students from low-income families in Detroit who were recruited to MSU "*before* the riots of 1967. That's important to remember. "When I first came here," Taylor said, "I considered myself a revolutionary. But Wharton has taught me a lot of things. He's done his job tremendously well. He interacts on all levels of the university with everybody. I'm amazed how he does all the things he does. He also has a definite concern for minority students, though he's not trying to gain popularity among them."

Instead, Wharton prefers the "low-key, but effective" approach of getting more Blacks to enter and graduate from the university.

This is also in line wtih Wharton's philosophy that the university must meet the needs of various segments of society—high achievement students from moderate or middle-income backgrounds, high potential students from low-income backgrounds, as well as disadvantaged students who want to go to college, but do not have the money.

When discussing MSU's record in this area, Wharton's eyes sparkle anew, and he speaks with a particular force and emphasis. "We have the largest number of National Merit Scholars of any American university," he declares, "but a somewhat similar number of special admission students with high potential. The really excellent university is one that can educate that diversity of students." Last fall, for example, 124 National Merit Scholars were admitted into the freshman class, along with 166 special developmental students—that category of students who are admitted not primarily on the basis of standard criteria like test scores. But Wharton is quick to point out that "the majority of minority students at MSU are not special admits, which dispels a fallacy about them."

This balance of high achievement and special potential students is an illustration of the kind of educational innovation at MSU that Wharton found when he arrived there and, in fact, was one reason why he had come in the first place. "I was interested in MSU because of its history of innovation and its tradition. It's got a lot of zing. Since I've become president, I've had feelers from other universities, but I'm not interested in moving. The university (MSU) is exactly what I thought it would be—innovative."

Some would argue that it was an "innovative" move to select a young, talented Black man with impeccable academic credentials and a broad background in foreign affairs as president of a university like Michigan State. Wharton argues strenuously that race had little or nothing to do with his selection. However, it would seem somewhat naive to discount race as a factor, just as it would be naive to presume race was the dominant one. The safest estimate is that Wharton's race might have caused the trustees some extra thought, particularly at the time when MSU was experiencing a high degree of campus militancy from Blacks and Whites, but that his education and background made the choice easier, particularly when a chief competitor for the job was Michigan's ex-governor, G. Mennen (Soapy) Williams.

Wharton's performance as MSU president seems somewhat more startling because he did not come right out of academia, nor was there anything in his background that seemed to qualify him to run a giant organization like one of the nation's largest universities.

MSU's current enrollment is about 41,500. The East Lansing campus—five miles long, one and one-half miles wide—has the second highest number of students (next to Ohio State) of any campus in the U.S., although some universities with multi-campuses have more students when the combined campus enrollments are totaled.

The entire MSU family swells to about 53,000—a fair sized American city—when faculty, staff and university employees are counted with students. Dealing with that number of people and administering a budget of well over $200 million per year require an accomplished administrative skill, which Wharton possesses along with his other talents.

Dr. Robert Perrin, MSU vice president for university relations, calls Wharton "a very interesting man to work for; very lively behind the scenes, and very innovative. He wants to move this university. And that's harder than it sounds. You have to be a pretty good politician to get all these elements together. There's a skill to getting people to work with you instead of against you." Perrin cites Wharton's success in implementing a program of lifelong education at MSU as an example of Wharton's ability to unify various forces.

Perrin lists Wharton's strengths as decision making ("He doesn't like to let things drag on"), ability to grasp problems, sensitivity to the effects his decisions will have on people, and ability to articulate his concerns and problems. "I enjoy working with him," continues the MSU vice president. "He wants results but he understands you're human."

Wharton came to MSU from the Agriculture Development Council (ADC), a New York-based, nonprofit organization funded by the Rockefeller family. The ADC, Wharton explains, specializes in training and developing technically competent personnel in agriculture and other fields in underdeveloped countries. Wharton went to work for the ADC in 1957—a year before he received his Ph.D in economics at the University of Chicago.

Exactly 10 years earlier—1943—Wharton had achieved another academic first in being awarded a master's degree at the School of Advanced International Studies at Johns Hopkins University.

Wharton's father, Clifton Sr., served 40 years as a career diplomat and foreign service officer—a rare achievement in his time. He later became U.S. ambassador to Rumania, and later to Norway. Wharton Sr. returned to the U.S. in 1964.

It was Wharton's work with the ADC, more than any other factor, that gained him the respect and admiration of many people in education, within the foundations as well as government. His earlier years, 1958 to 1964, were spent in Malaysia, where he administered the Council's programs in Thailand, Cambodia, Vietnam and Malaysia. According to an ADC fact sheet on Wharton, "He was a visiting professor at the University of Malaya and published many studies on the development problems of Southeast Asia."

He took a year's leave to teach at Stanford University in 1964, returned to the ADC to work in its New York headquarters in 1965, and was named vice president in 1967.

Wharton's work in Southeast Asia left an indelible impact on him; his wife, the former Dolores Duncan; and their two sons, Clifton III, 21, and Bruce, 15. Clifton III is a senior philosophy major at Oakland University near Detroit, and Bruce is a freshman at Deerfield Academy at Deerfield, Mass.

Dolores Wharton is an exuberant woman with an infectious smile, who enjoys her role as MSU's First Lady. She says, "We don't have much time alone. Almost all of our time is given to the university. We tend to take breaks in Manhattan—at a play, restaurant or museum."

They are known as constant companions, especially around the campus. For example, Wharton frequently visits and talks with groups of students in dormitories or frat houses (a radical departure from the practice of previous presidents who kept themselves cloistered in their offices). On most of these visits, Mrs. Wharton is right along, getting involved with and becoming known to the students. She is also something of an innovator in her own right. Once a year, she hosts a party for the widows of deceased university faculty members. Shortly after her husband assumed the MSU presidency in January 1970, Mrs. Wharton initiated a program of rotating the works of the members of the university's art department within their official residence on campus, Cowles House.

This was consistent with Mrs. Wharton's long interest in the arts. In 1971 she completed a book, *Contemporary Artists of Malaysia*, a survey of Malaysian artists and their works. She is also a member of the Bicentennial Committee of the National Council for the Arts, the Michigan Councils for the Arts, the Governor's Special Commission on Architecture, and the Michigan Bicentennial Commission.

Mrs. Wharton's most prestigious appointment, which was not in the arts, came earlier this year. She was elected to the board of the Michigan Bell Telephone Co. Wharton himself serves on nine major institutional or corporate boards. Just last year, he was named to the boards of the Ford Motor Co. and Burroughs Corp. In 1969 he was elected to the board of the Equitable Life Assurance Society.

Clifton Wharton, Jr., obviously enjoys being president of MSU and that is what he works at the most. MSU is his greatest challenge thus far, and he intends to leave his mark there. If ever he decides to move on to a higher challenger, friend and detractor alike will see the Clifton Wharton stamp at MSU. His innovations will live a long time.

THE COPYRIGHT BILL

Mr. HUGH SCOTT. Mr. President, I would like to bring to the attention of the Senate an excellent editorial which appeared in the New York Times on July 1, 1974.

The editorial noted with strong approval the action of the Senate Judiciary Committee in favorably reporting the copyright revision bill, S. 1361, last month. It commented that:

> Creators as well as the public would be protected by this measure which strikes a fair balance between the rights of the individual creative artist and the advent of the new technology.

The bill is largely the result of Senator John McClellan's fine efforts over the last 7 years. Without his diligence and sincere interest in this very difficult area, a good copyright bill might not have been produced.

I would like to point out that the editorial did contain one mistake which was later corrected. The new term for copyright under the bill will be the life of the creator plus 50 years, not life plus 15 years as the editorial stated.

I fully agree with the New York Times that the 12-year-old struggle for a fair copyright law should be culminated as soon as possible. Hopefully, the Senate will vote favorably on S. 1361 later this month.

I ask unanimous consent for the editorial to be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Creativity and Copyright

The revolution in communications in the last decade requires Congress to bring the Copyright Act of 1909 into the 1970's. Technological advances in cable TV systems, photocopying machines and computers are ingenious; but this hardware cannot function without the so-called soft ware, a technical term ironically standing for nothing less than the creative works of writers, editors, playwrights and composers. Without the human spark, the machines would only draw blanks. This elemental idea is at the heart of the twelve-year-old struggle for a fair copyright law.

The copyright bill now approved by the Senate Judiciary Committee represents a great advance. It would extend the term of a new copyright to last through the creator's lifetime, plus fifteen years. This extension would have the beneficial effect of bringing domestic law into line with foreign copyright laws. By providing for a single national system of protection for published as well as unpublished material, such as letters, the bill would help to prevent abuses of privilege and invasion of privacy.

Schools and libraries have been allowed the right to uncompensated reproduction of copyright material, provided that this is done by "fair use" instead of through indiscriminate copying. Substantial compromises have been made in this respect by authors and publishers. Any further exemptions would cripple the system of independent authorship and private entrepreneurial publishing.

Other sections of the complex bill protect composers, musicians, playwrights and scenarists. Composers would obtain a higher royalty rate for recordings and be compensated for the use of their music on jukeboxes. Film companies and broadcasters would have licensing arrangements for protection of original material picked up and played through cable TV systems. The difficulty of arriving at reasonable compromises on these complex questions has delayed the entire measure.

Now the Senate subcommittee on copyrights under chairmanship of John L. McClellan, Arkansas Democrat, has produced a sound bill. It moves to the floor of the Senate shortly, and deserves approval without further inroads. Creators as well as the public would be protected by this measure which strikes a fair balance between the rights of the individual creative artist and the advent of the new technology.

IMMIGRANT PASTOR—THE LIFE OF THE RIGHT REVEREND MONSIGNOR LUCYAN BOJNOWSKI OF NEW BRITAIN, CONN.

Mr. RIBICOFF. Mr. President, the life of the Right Reverend Monsignor Lucyan Bojnowski is the subject of a book, "Immigrant Pastor," written by Dr. Daniel S. Buczek. Having lived in New Britain, Conn., during many of the years covered in this book, I am well aware of the great contribution made by Monsignor Bojnowski to Roman Catholics of Polish descent and to the entire New Britain community.

I am taking this opportunity to print the preface of the book in the Congressional Record, and I highly recommend the reading of "Immigrant Pastor." There are many lessons to be learned from the life of a great religious leader and a great man, the Right Reverend Monsignor Lucyan Bojnowski.

Mr. President, I ask unanimous consent that the Preface be printed in the Record.

There being no objection, the preface to the book was ordered to be printed in the Record, as follows:

Preface to "Immigrant Pastor"

The history of the immigration of the Poles to the United States and of the communities they created here has yet to receive a serious, comprehensive study. This lacuna is particularly visible in the history of the Roman Catholic Church in the United

States, an institution to which over ninety percent of the Polish immigrants belonged, indeed centered their lives around. This biography of the Right Reverend Monsignor Lucyan Bojnowski of Sacred Heart of Jesus Church, New Britain, Connecticut is an effort to fill one small but significant part of that lacuna.

The life of Monsignor Bojnowski, however, possesses a significance far greater than this. Faced with the challenge of a new, often hostile environment, the poor, illiterate, disoriented Polish peasant immigrant looked to an "intelligentsia" to lead him, first to honorable status within the Church, then to middle class respectability in American society. Some of the representatives of this "intelligentsia," unknown thus far even to specialists of American ethnic studies, performed near-herculean feats in their efforts to help the Pole in American society achieve a viable community within the larger American community.

Some of these men were laymen: Jan Smulski of Chicago; Dr. Franciszek Fronczak of Buffalo; Dr. B. L. Smykowski of Bridgeport, Connecticut. Most of them, however, were priests of the Roman Catholic Church. Almost every sizeable Polish-American community could boast of the likes of one of these: Barzynski, Sztuczko, the Bonas of Chicago; the Pitasses of Buffalo; Kruszka of Milwaukee; Ignasiak of Erie, Pennsylvania; Dworzak of Yonkers; Puchalski of Staten Island; Bojnowski of Worcester, Massachusetts. The list is a long one. Even the schismatic Bishop Hodur of Scranton belongs in this company. Some of them were the stuff of which bishops are made. All of them possessed rare gifts of charity, understanding, leadership in facing the great problems of immigrant communities in the first half of the twentieth century.

Monsignor Bójnowski stands in this illustrious company, a leader among giants. His adopted city was a pygmy among giants. Yet, this great Polish immigrant priest and patriot led his parish and community to incredible heights of community achievement, to an influence over Polish-American life far out of proportion to its size. This biography of Monsignor Bójnowski is not only an essay in historical analysis and understanding. It is an encomium to unsung greatness.

Throughout the writing of this biography, I have tried to be mindful of two different kinds of audiences. This biography is respectfully written for the numerous friends, parishioners, and acquaintances of Monsignor Bójnowski who were inspired by his great example. Because the life of this great pastor and the parish-community he forged was a microcosm of the life of Polish America in the first half of the twentieth century, I have also written a chronicle for ethnic specialists, taking few liberties with the rigorous demands of scholarship. In the use of proper names I have adhered to the principle that the original Polish spelling would be retained if the person himself used that spelling in his public life. For instance, it is Lucyan Bójnowski, but Saint Lucian's Home for the Aged.

The main source of Monsignor Bójnowski is the weekly newspaper he published for over fifty years. Because of the frequency with which this newspaper is cited in the text, I decided to break one rule by referring to it in its English translation, the *Catholic Leader*, and to its original Polish in the notes—*Przewodnik Katolicki*. Other less utilized newspapers are cited by their original names in the text and the notes.

This biography could not have been written without the vision and aid of many persons. The vision belongs to the Rt. Rev. Msgr. John P. Wodarski, pastor of Holy Cross Church, New Britain, Connecticut and to the Association of Polish Priests of Connecticut of which Msgr. Wodarski was president at the time the project for the biography was conceived. To Msgr. Wodarski and the priests of the Association I owe a debt beyond material rewards for the honor tendered to me of being chosen the biographer of Msgr. Bójnowski. Two persons—Msgr. Alphonse J. V. Fiedorczyk, pastor of Holy Name of Jesus Parish, Stamford, Connecticut, altar boy, curate, confidante, and protegé of the late Msgr. Bójnowski, and Sister M. Innocentia of the Motherhouse of the Immaculate Conception, New Britain—are the sources of many of the anecdotes about Msgr. Bójnowski which lend so much of the "human touch" to this biography, without which it would have become flat. To both of them I extend a sincere Polish greeting, "Bóg zaptac!"

A scholar and biographer relies on the generosity of many other archivists, librarians, and colleagues. The burdens of research are onerous enough, rendered much lighter by the advice, time and patience of these kind and dedicated workers. I should like to single out, in particular, Mr. Ray Boylan, circulation librarian of the Center for Research Libraries, Chicago who sent me the files of the *Catholic Leader* without which this biography could not have been written and Father Donald Bilinski, O.F.M., curator of the Polish Museum and Archives, Chicago, who placed his staff at my disposal during my visit there in the summer of 1972. Mrs. Dorothy Kijanka, reference librarian of the Nyselius Library, Fairfield University is to be commended for the efficiency and dispatch with which she arranged my requests for interlibrary loans. Indispensable to the writing of this biography were the files of the *New Britain Herald* and the Polish-language newspaper, *Nowy 'Swiat*. I offer my heartfelt expression of appreciation to Mr. Richard F. Conway, managing of the *Herald* and to Dr. Eugene F. Kusielewicz, president of the Kosciuszko Foundation, for the use of these newspaper files.

I should also like to mention the help that I received from the persons who consented to sit with me in an informal interview: Msgr. George Bartlewski of Bristol; Rev. Francis A. Duch of New London; Rev. Anthony Smialowski of Union City; Messrs. Antoni Milewski and Jan Wojtusik of New Britain; the family of the late Msgr. Bójnowski; Mr. Henry Bójnowski and Mrs. Florence Waszkiewicz of New Britain; Mrs. Berttha Sokolski, secretary to Msgr. Bójnowski; and finally Rev. Theodore L. Zawistowski of the Polish National Catholic Church who guided me to an understanding of Bishop Hodur and the Polish National Catholic Church.

The preparation of the manuscript in its original draft was the work of two efficient, dedicated typists, Mrs. Blanche Favale and Mrs. Egea Logan of Fairfield University. The final transcript copy was in the capable hands of Mrs. Lynne Bennett of Fairfield, Connecticut. To these three professionals I express my esteem and appreciation.

To all these and other inadvertently missed, I express my sincere gratitude and hold their aid to me in fond memory. If errors there are, I alone am responsible.

Fairfield, Connecticut, January 26, 1974.

POLICIES OF THE EXPORT-IMPORT BANK

Mr. DOMENICI. Mr. President, recent actions by the Export-import Bank have greatly distressed me. I have spoken to my Senate colleagues before about the Export-Import Bank's willingness to give low-interest loans to the Soviet Union to develop natural gas in Siberia and elsewhere, while such resources languish in our Nation for lack of low-cost money. I expressed, at that time, the belief that the Export-Import Bank should review its policy toward such loans.

The Export-Import Bank, we should all recall, is a creature of Congress, established more than 25 years ago to aid in overseas trade for American business. At that time, it was a legitimate and reasonable venture on the part of the American Government. Low-interest loans to help expand our overseas trade was, and still is, a good concept, within limitations. But, it is time for reevaluation of Export-Import Bank's operating procedures, as I called for earlier this year.

It is in a similar vein that I make my remarks today. I have been disturbed by a recent Eximbank loan of $180 million to the Soviet Union, at 6-percent interest, to strip mine phosphate from Florida and send us in return ammonia, urea, and potash fertilizers. While much has been made of the potential military applications of superphosphoric acid that the Russian will get, and I admit my concern in this regard, but my most specific complaint revolves around the potash we are allegedly going to receive from the Soviets in return for our phosphate.

My State contains large potash mines. An ammonia fertilizer plant is under construction in the same area, near Carlsbad. Our domestic potash industry is already under pressure from Canadian production. Why, when so many jobs in my State depend upon a healthy potash industry; when so much tax revenue comes from that industry; and when unemployment in my State is running at more than 6 percent, why is an agency of this Government encouraging the import of potash? Why is not the Federal Government loaning money to the potash people in my State, at that very low 6 percent interest, to increase jobs and tax revenues? Why are we exporting phosphate, needed for fertilizers, when this nation is already fertilizer short? How can I explain this kind of approach to those thousands of New Mexico farmers and ranchers who don't have enough fertilizer for this fall's crops?

Mr. President, I understand the need for overseas trade. I am willing to accept that this nation must be a dependable supplier. But, this phosphate-potash machination, financed by American tax dollars, is unacceptable.

I understand that this body will soon have before it a new piece of legislation dealing with the Eximbank and imposing new restrictions on such loans as this most recent one to the Soviet Union. I fully support, and was an original cosponsor of, the Jackson-Stevenson amendments—that is, that a new ceiling be put on credits to the Soviet Union; that Congress role in Eximbank loans of more than a certain level be increased; that a limit be imposed on credits to all Communist nations except Yugoslavia and Romania; and that Presidential national interest determinations be clarified for loans to a Communist country. I understand that many of these proposals will be incorporated in the bill to come out of committee.

Let me point out to my colleagues that the $180 million loan in question involves some particulars that I believe congressional oversight would correct. Specifically, the Eximbank apparently have never been given financial information it has requested concerning the

Soviet Union's ability to repay. You will recall that this was one of the big sore spots in the natural gas proposal funded partially through Exim. Secondly, there is some serious question about whether the steel to be used in constructing a large pipeline for this project will be bought from the United States. This provision is supposed to be a strong positive factor in granting the loan.

Third, the ammonia and urea plants will not be bought in this Nation, sources indicate. Yet, Ex-Im, in announcing this loan this past May, said that materials purchased from American companies will be used in construction of the ammonia plants, storage facilities, pumping stations, railroad tank cars, and the pipelines.

What all these unresolved questions lead to, of course, is the need for greater accountability by Ex-Im to the representatives of the people—the U.S. Congress. I would hope that the committee bill will meet this need and I am confident that it will. I know that the concern of many Members of this body about Ex-Im loans to the Soviet Union has already been expressed. I am glad that this concern has been bipartisan. The question is not one of partisan maneuvering, but of economic and political common sense. Simply: is it reasonable to help the economic development of the Soviet Union while the economic development of this Nation lags in some of the very same economic areas—in this case, fertilizer plants, potash mining, and, earlier, natural gas.

My fellow New Mexicans don't mind paying their taxes as much when they know that their tax money is being used for the good of the Nation. I have serious doubts about New Mexicans accepting, however, the use of their tax dollars to import potash when good jobs are lacking in the potash industry in their State.

To show the extent of this concern in my State, I ask unanimous consent that a letter from a constituent, Mr. W. E. Whitfield of Albuquerque, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Trammell-Whitfield Properties,
Albuquerque, N. Mex., June 26, 1974.

Senator Pete Domenici,
U.S. Senate,
Washington, D.C.

Dear Pete: I bring this article to your attention because I think it typifies how many non-elective agencies of our bureaucracy dramatically affect our day to day lives without we, as individual citizens, or you as our representative, even knowing about it until after the fact.

Initially, for all practical purposes, this transaction started out as a "basic barter/trade" wherein we are to take ammonia, urea and potash fertilizers for super phosphoric acid. Theoretically, such a transaction is to aid our exports and thus is being done by the Export-Import Bank under the guise of national interest. As the deal proceeds it seems that the United States ends up making a loan of $180 million to the Soviets, with no definitely determined means of repayment, as the Soviets have no obligation to deliver products if the price for them falls below a certain level. I don't see how this can be in the national interest.

First off, I do not believe that the Federal Government should be involved in this type business transaction, but that these types of trades should be required to be effected in the private market, and stand or fall on their respective individual merits. Obviously, a transaction such as this, lacking the means of repayment will not "swim on its own".

What additionally seems incongruous to me is that at the very time when money conditions are very critical for the financing of domestic industry that we through the power of government would be withdrawing from the banking system $180 million to fund projects in a foreign country, to a government who has notoriously neglected to repay its obligations. Not many years have passed since we settled a Russian debt for a few cents on the dollar.

The net effect is that we have a shrinkage in the available funds for lending in the private sectors within the United States, which puts additional pressure on already rising rates of interest as domestic users of funds are subjected to additional competition for funds. Correspondingly, these loans are being made at a preferential rate of interest which is about 50% below what even the most qualified businesses can obtain in the United States at this time.

Furthermore, in all likelihood the loan will be defaulted which then means that we will just have destroyed the purchasing power of the dollar to the tune of another $180 million, which may seem insignificant, but it is typical of those type transactions that generate dollars into foreign markets through foreign aid programs, which then gives rise to additional claims against the United States Treasury. I see neither of these avenues as being in the national interest. I would firmly hope that you, together with other members of Congress would be able to cause disbursement of funds in this transaction to be held up and thus collapse this proposed trade, unless accomplished in the private sector and thus not subjecting us to inflationary forces.

Additionally, I would propose the demise of the Export-Import Bank. If this does not seem politically possible at this time, then I would propose a cut in its budget from $20 billion to $10 billion or so, and make provisions for the phasing out of the bank. Currently, they are attempting to have their budget raised to $30 billion.

I would also propose in conjunction with any extension of the life of the bank that Congress be given veto power over any export/import credits to any country, not only communist block countries, where the credit in question exceeds $10 million dollars.

Frankly, members of the Congress are going to have to face the fact that they are going to have to take the responsibility for shrinking the purse strings on the non-elective agencies of government. They are literally out of control. Inflation is world-wide and without the United States Congress taking a tough stand on monetary policy and the transactions thereunder, there is not much hope of developing monetary stability. Without monetary stability there is no hope of political stability, at least not in the free world.

Your special attention to this matter would be greatly appreciated.

Sincerely yours,

W. F. Whitfield.

FREEDOM OF SPEECH FOR PRISONERS

Mr. KENNEDY. Mr. President, a principal responsibility of government is to provide for the welfare of all citizens. And that responsibility carries with it the obligation to protect those who do not have the power to influence decisions affecting their lives. Instead, what has evolved, is that we assign a low priority to the segments of our population that do not constitute a substantial power bloc. Invariably the poor and minority populations do not receive the protection to which they are entitled. Not until a crisis confrontation is posed by those groups do we turn our attention to their conditions.

Historically one of the most overlooked minority groups in our country has been the imprisoned. Only until very recently in our history has the matter of prison reform been given even a minuscule portion of the regard that it deserves. Again, crisis confrontation provided the stimulus. Prison riots and boycotts, with accompanying violence and death were needed to make government begin to respond.

Mr. President, how many Attica's do we need to awaken us to the need for prison reform? How many more needless deaths inside our prisons will occur before our Government will uphold the rights and interests of our imprisoned citizens?

Regrettably, Congress has not responded to this national crisis. But public knowledge of these shameful prison conditions may begin to arouse the action needed for meaningful prison reform. The lack of public knowledge breeds a lack of public sentiment and concern for the need to do the right thing.

Demonstrations other than violent conflicts must be used to awaken the public to the ignominous plight of the inmate. However, on June 24, the Supreme Court succeeded in providing an almost insurmountable roadblock to this goal. The court ruled it is constitutional to bar interviews between reporters and inmates.

On June 27, an editorial appeared in the Washington Post that addresses this issue. I hope the article will provoke my colleagues into heedful consideration of this question. For if we do not make conventional means of gaining public attention available to prisoners, then they will continue to be forced to use whatever other means that are available to achieve their goals.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

And Access to the Prisoners

Just about a year and a half ago, Chief Justice Warren E. Burger, took the occasion of a speech in Philadelphia to address one of his favorite topics: the need for reform of the American prison system. He chided the society and its courts for ignoring the prisons and the fate of prisoners once they have been convicted and sentenced; these were his words:

> *We continue to brush under the rug the problems of those who are found guilty and subject to criminal sentence. In a very immature way, we seem to want to remove the problem from public consciousness. It is a melancholy truth that it has taken the tragic prison outbreaks of the past three years to focus widespread public attention on this problem.*

We agree wholeheartedly with those sentiments. And that is why we disagree wholeheartedly with Chief Justice Burger and four of his colleagues in a decision the Supreme Court announced on Monday. The Court found, 5–4, that prison regulations barring interviews between reporters and inmates did not violate the constitutional guarantee of free speech and free press.

When Justice Burger pointed out that the prisons were far away from public consciousness, his observation coincided with that of several commissions, citizens groups and prison rights groups, all of whom have argued that one of the reasons for prison outbursts is the feeling among prisoners that they are locked away where no one can see what is happening to them. One of the reasons they riot is to forcibly call public attention to the shame of the prisons. It is one of the arguments of the prison reformers that great damage done to the prisoner is not only from society's inability to see in, as well as from the inmate's inability to see out.

It was against this background that a group of West Coast journalists and a Washington Post reporter, Ben H. Bagdikian, sued the California prison system and the U.S. Bureau of Prisons to end the practice of denying journals the right to interview individual inmates with a specific story to tell. They argued that one of the best ways for the rest of society to understand what was being done behind those walls in all our names would be for the press to be able to conduct face-to-face interviews. Furthermore, they argued, such interviews should be the First Amendment right of the inmate and the press alike.

The Supreme Court, however, found that prisoners were not cut off from the public because they could always write letters to reporters and others, if they so chose. It held that the rights of the prison administrators had to be balanced against the rights of the prisoners and the press. It noted the policies of the two prison systems permitting reporters to tour the facilities and talk to the prisoners at random—but often in the company of guards and other officials. The key phrase is "at random." While the court recognized the value of the pre-arranged face-to-face interview arising out of some prior insights to a particular circumstance, it said this was not a value of overarching importance when balanced against the interests of the prison officials. And it said, finally, that the right of the press to scrutinize the prisons was no greater a right than that of the public, and that the public was not granted such access to the prisons.

And that is just the point. The public cannot regularly tour the prisons and interview inmates any more than the public could be expected to learn all it needs to know about Congress by attending all its hearings. It could not master the issues of the city council by going to all its deliberations. That is the role of the press—to obtain and convey that vital information required by a self-governing people if they are to make wise decisions.

Justice Lewis Powell, in a noteworthy dissent, reminded his colleagues of the vital issues at stake for the whole of the society in the prison decisions:

> *The people must depend on the press for information concerning public institutions. The . . . absolute prohibition of prisoner-press interviews negates the ability of the press to discharge that function and thereby substantially impairs the right of the people to a free flow of information and ideas on the conduct of their government. The underlying right is the right of the public generally. The press is the necessary representative of the public's interest . . . and the instrument which effects the public's right.*

We can only add our hope that Justice Powell's moving and wise dissenting view will someday prevail.

ADMINISTRATOR JOHN SAWHILL STRESSES IMPORTANCE OF COAL IN ADDRESS TO THE WEST VIRGINIA ASSOCIATED PRESS BROADCASTERS—CITES CONCERN OF HUNTINGTON EDITORIAL

Mr. RANDOLPH. Mr. President, on June 29, 1974, I traveled in West Virginia with Federal Energy Administrator John C. Sawhill. While en route to a meeting of the West Virginia Associated Press Broadcasters Association at North Bend Park, near Parkersburg, we met with members of the press at the Benedum Airport serving Clarksburg and Fairmont, W. Va.

FEA Administrator Sawhill predicted "a surplus of petroleum on the world market in the next few months." Also, he did not foresee any shortage of gasoline this summer.

In a later luncheon address to the West Virginia Associated Press Broadcasters Convention, Administrator Sawhill declared:

> It is fitting to speak of Project Independence to a group of newsmen, especially here in West Virginia—a state whose 55 billion tons of coal is indispensable to our search for energy self-sufficiency.

Mr. Sawhill added:

> The Project Independence Blueprint, which I submit to the President on November 1, will call for coal production in such great volume that to speak of simply revitalizing the industry would be an understatement. Our efforts will seek to make coal, once more, a prime energy source.
>
> We may ultimately have to double or triple coal production. And we will surely seek an annual increase of 10 percent.
>
> In manpower and money, this means twice the number of miners presently employed—almost 300,000 by the late 1980's—and perhaps four times the industry's current capital investment over the next ten years alone.
>
> But increased production will not be attained without improved mining techniques, and that means a continuing program of research and development.

In recognition of the need to develop Eastern as well as Western coal resources, "one should not and will not be developed at the expense of the other", declared Mr. Sawhill.

However, the Huntington, W. Va., Herald Dispatch stated in a June 27, 1974, editorial:

> The nation's current energy crisis . . . doesn't mean that coal from the West isn't going to be a major threat to West Virginia coal. . . .

As the editorial noted—

> Coal from the West can be mined and sold cheaper (than West Virginia coal) because this is where the strip mining issue enters the picture. Most coal here in West Virginia and Eastern Kentucky is deep mined. Most coming out of the West and Midwest comes from strip mines, and these are the operations that the mining interests would like to see expanded. Strip mining, of course, is cheaper than deep mining. Thus, the coal from the West would be cheaper—but only if the consequences to the environment are ignored. . . . the expansion of strip mining in the West—linked with the opening of Federal land there to the strippers—could be a body blow to West Virginia's deep mines.

FEA Administrator Sawhill observed:

> West Virginia is a microcosm of the American coal industry. The fortunes of the area have prospered and declined with coal . . .
>
> West Virginia is a leading indicator of the industry's health, and there is every indication that it is beginning to improve.

However, as the Herald Dispatch noted further that there is room for improvement, particularly regarding the development of eastern coal resources under regional energy policies to satisfy eastern energy demands.

During our personal discussions, I urged Administrator Sawhill "to expeditiously designate more potential electric powerplants that will be considered for converson from oil and natural gas to coal. For this would enable the coal industry to undertake the planning necessary to assure that the required coal supplies will be available." Such conversions can be ordered under the Energy Supply and Environmental Coordination Act of 1974 signed by the President on June 26.

In his address, Sawhill said that:

> The Federal Energy Administration now can and will order major fuel burning facilities, such as utilities to stop using scarce natural gas and petroleum products as primary energy, and convert to coal. This can be done wtihout sacrificing primary standards and air quality.

However, Administrator Sawhill observed:

> The coal industry lives on long-term contracts. And while the utilities could undoubtedly save oil and natural gas until 1979, the bill would do little to stimulate the steady expansion of the coal industry.
>
> To achieve the goals of Project Independence, it is important that any conversion of electric generating plants to coal be for the long term—preferably matching the life of a coal mine. Utilities must be prepared to enter into long-term contracts so that a mine can be amortized over a minimum of 15 years.
>
> . . . we obviously will have to integrate our economic and energy policies so that they are both directed toward achieving the national energy goals of Project Independence. And those goals require a continuing and expanding commitment to coal.

Mr. President, Administrator Sawhill is to be commended for an in-depth perspective of the energy problems with which the United States must cope in the years ahead.

I also extend my appreciation to the members of the West Virginia Associated Press Broadcasters Association. In particular, I wish to thank the then-President Jerry Kelanic of WWVA Radio in Wheeling; the new president, Roy Brassfield of WCHS-TV in Charleston, and Tom Briley, bureau manager, and Steve Shipp of the Associated Press in Charleston.

Mr. President, I ask unanimous consent that Administrator Sawhill's remarks be printed in the RECORD at this point, along with the editorial from the Huntington Herald Dispatch.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE JOHN C. SAWHILL, ADMINISTRATOR, FEDERAL ENERGY ADMINISTRATION

Thank you very much, Senator Randolph, for your warm introduction. It's a pleasure to share a platform with a man who possessed enough foresight to call for a national energy and fuels policy 13 years ago.

I would also like to thank the members of the Associated Press Broadcasters—and particularly Tom Braily and Steve Shipp—for inviting me to join you at your annual convention. It is fitting to speak of Project Independence to a group of newsmen, especially here in West Virginia—a state whose 55 billion tons of coal is indispensable to our search for energy self-sufficiency.

As journalists, you are, I am sure, fully aware of your profound impact on the attitudes of the American public. In exercising your function, I would ask you to bear in mind the fact that this nation has left the era of cheap and plentiful energy behind.

For the American people this will necessitate a radical departure from past presumptions and outworn practices. From an economy geared to squandering energy, we must make the transition to a conservative ethic—a national frame of mind which instinctively seeks to husband precious energy resources.

I would like to suggest that journalists have some role to play in engendering this conservation ethic. Let me emphasize that no one expects newsmen to become spokesmen for the Federal Energy Administration. But my hope is that reporters in covering their beats will be aware of precisely how important energy conservation is, and that saving energy is newsworthy.

For our part, the Federal Government is committed to providing leadership in conservation with a continuing program of energy conservation in commercial buildings, in industry, in transportation, and in the home.

Our blueprint for Project Independence will emphasize both increasing supplies and curtailing demand. But, at least in the short term, we must focus our efforts on demand. The importance of conservation can be measured by the amount of time it takes to develop energy supplies: 4 to 5 years for a new refinery; 2 to 3 years for a new oil field; and up to 5 years for a deep coal mine.

We will need time to develop more oil, more natural gas, and a greater nuclear capacity.

We are already beginning to see some results in our effort to build supplies with a 40 percent increase in exploratory drilling for oil and gas over last year. And greater progress will be made with more aggressive development in the Outer Continental Shelf.

Natural gas reserves, too, could be expanded if Congress would agree with the Administration proposal to deregulate the price of new natural gas.

We will also see greater generation of electricity with nuclear power once the problems of siting, standardization, construction, and licensing are solved.

But still, we know from past experience that translating nuclear technology into the marketplace is no easy task. Moreover, for the next few years, expanded domestic oil and gas production will probably do no more than slow the rate at which these resources are being depleted.

The inexorable depletion of our domestic oil and gas, and the awesome dominance of the Mideast oil producers demands an increasing reliance on our only abundant energy resource—coal. The nation's only alternative is an energy future dominated by the imperative of securing foreign oil, with all that implies for our balance of payments, the value of our currency and, indeed, for our economic and national security.

The Project Independence Blueprint, which I submit to the President on November 1, will call for coal production in such great volume that to speak of simply revitalizing the industry would be an understatement. Our efforts will seek to make coal, once more, a prime energy source.

We may ultimately have to double or triple coal production. And we will surely seek an annual increase of 10 percent.

In manpower and money, this means twice the number of miners presently employed—almost 300,000 by the late 1980's—and perhaps four times the industry's current capital investment over the next ten years alone.

But increased production will not be attained without improved mining techniques, and that means a continuing program of research and development. In fiscal '75, the federal government will spend almost $47 million on coal R & D, more than seven times the appropriation in fiscal '74. And $35 million of that will go to research and development in deep mining.

R & D for surface mining will receive slightly more than $8 million. But that does not evidence any neglect of surface mining; it is still seven times the amount spent in fiscal '74, and reflects the fact that surface mining is basically simpler, and benefits from borrowed technology used in other industries.

For coal to become a truly viable industry in the future—one capable of responding to the demands of Project Independence—we will have to develop all of our coal resources. And that means in the east as well as west. It means deep mines as well as surface mines. One should not and will not be developed at the expense of the other.

It is particularly significant to speak of coal here since West Virginia is a microcosm of the American coal industry. The fortunes of the area have prospered and declined with coal. It possesses some of the world's best steam coal in the Pittsburgh seams and the best metallurgical coal in the world can be found in the Pocahontas seams.

West Virginia is a leading indicator of the industry's health, and there is every indication that it is beginning to improve. Exxon Corporation, for example, has announced plans to build two deep coal mines in southern West Virginia.

Those two mines will produce more than 4 million tons of coal annually and will represent an initial investment of close to $100 million. For coal to attract that kind of capital, the industry will have to have the fixed certainty of long-term markets, and that means contracts.

Simply stated, we have got to assure the coal industry that it will be allowed to mine and sell coal. And the only way this can be done is by assuring potential consumers that they can burn it.

A major factor in fostering this growth of the coal industry would be a revision of the Clean Air Act along lines proposed by the Administration last March, to allow greater use of coal by utilities.

In addition to being a clear signal of a stable and promising future for the industry, such an act on the part of Congress would go far toward eliminating the clean fuels deficit of 220 million tons which could be incurred with the implementation of the state emission standards.

Congress recently took a step in this direction—all too timid a step I might add—by enacting the Energy Supply and Environmental Coordination Act of 1974. The Federal Energy Administration now can and will order major fuel burning facilities, such as utilities to stop using scarce natural gas and petroleum products as primary energy, and convert to coal. This can be done without sacrificing primary standards of air quality.

However, since the bill would reinstitute stringent emission standards after January 1, 1979, it is only a vehicle for the short-term conversion of utilities to coal. And, unfortunately, there is no such thing as a short-term coal mine.

The coal industry lives on long-term contracts. And while the utilities could undoubtedly save oil and natural gas until 1979, the bill would do little to stimulate the steady expansion of the coal industry.

To achieve the goals of Project Independence, it is important that any conversion of electric generating plants to coal be for the long term—preferably matching the life of a coal mine. Utilities must be prepared to enter into long-term contracts so that a mine can be amortized over a minimum of 15 years. But, can we really expect utilities to commit themselves to purchasing a product that may be rendered useless in 5 years?

In addition to providing a stimulus for added coal production, long-term coal conversion would also give us time to develop and introduce cleaner burning technology.

The only alternatives are the use of stack scrubbers, whose effectiveness is open to question, or the production of more low sulfur fuels, in itself a long-term process.

I intend to work with Congress for passage of the package of amendments we submitted last March—legislation which would eliminate the uncertainty presently surrounding the market for coal.

Regrettably, uncertainty about how we use coal is further complicated by controversy over how we mine it.

I am referring, of course, to the Surface Mining Control and Reclamation Act of 1973. If it is passed in its present form, it will undermine our efforts to restore the vitality of the coal industry.

Strictly interpreted, the bill could conceivably cut coal production by several million tons in 1975 and even more by 1980. We might reduce those losses significantly depending on how the law is interpreted.

But, either scenario is unacceptable.

There is a manifest necessity to regulate surface mining and reclamation practices. But, I firmly believe that environmental and energy concerns can be accommodated, and that we need not accept the drastically reduced coal production predictable under the Surface Mining Control and Reclamation Act.

I sincerely hope that some compromise can be reached on the bill. I will work with Congress for a prudent accommodation that will serve the legitimate interests of our environment, while maintaining our vast coal deposits as an alternative to foreign oil supplies, whose availability is doubtful and whose price is exorbitant.

Because of coal's potential as a source of synthetic fuels, Congress, last Monday, passed an energy research and development appropriation, including more than $300 million for gasification and liquefaction.

The technological problems of coal conversion will be explored by government in partnership with industry. There is, I believe, both room for—and value in—expanding that commitment to coal in the near and long terms. The time has come to move toward larger demonstration plants and more sophisticated technology.

This partnership raises some pointed questions about the government's relationship to the energy industry. For instance, as the price of oil has increased, alternatives such as coal conversion have become more economically attractive. However, as industry moves further into gasification and liquefaction, costs will begin to rise, leaving us vulnerable to the manipulation of world oil prices by the oil producing states to undercut the development of domestic gasification markets.

In that event, the federal government must be prepared to consider appropriate steps to insulate the industry from the consequent shock. We are exploring a number of ways to accomplish this.

But, nevertheless, we obviously will have to integrate our economic and energy policies so that they are both directed toward achieving the national energy goals of Project Independence. And those goals require a continuing and expanding commitment to coal.

It is fitting that our commitment should be reemphasized and reiterated here in West Virginia, where coal—an irreplaceable element of Project Independence—is as vital to the economic development of one state as it is to the country generally.

But our commitment goes beyond the mere production of British Thermal Units.

For in the final analysis, Project Independence means greater economic opportunity for Americans, it means continuing productivity for our economy; it means the strength of our policy abroad, and of our position among nations.

For these reasons, I am confident that the United States will develop those resources, such as coal, which we can truly rely on—those within our own borders—those that lie under our own land.

Thank you.

SAWHILL HITS FOOT DRAGGING BY MAJOR OIL COMPANIES

One of the linchpins of the petroleum regulations is the crude oil allocation program which requires the major international oil companies to sell crude oil to small and independent refiners. I have recently become greatly concerned that this program may be threatened by what appears to be a pattern of foot dragging and calculated resistance to compliance with the program by the majors. Because of the importance of this program to a stable and viable petroleum industry in the United States, I would like to spend a a moment with you discussing this subject.

As you know, crude oil is used to refine the gasoline, heating oil, diesel fuel, and all the other petroleum products which the American people depend upon. When Congress passed the Emergency Petroleum Allocation Act in November, 1973, it expressly required the allocation of crude oil among refiners, and established a statutory priority for small and independent refiners who depend upon crude oil and who, as a group, do not have the same access to crude oil supplies, both here and abroad, as the major oil companies.

In January, 1974, FEO established a crude oil allocation program which, in essence, provided for sales and purchases of crude oil among all refiners such that all would have access to available supplies up to the national average. This program was criticized as creating disincentives to importing additional quantities of crude oil at a time when we desperately needed more supply. In addition, it had the anomalies of requiring one major to sell crude oil to another, and requiring some small or independent refiners to sell while permitting some of the majors to buy.

FEO recognized these deficiencies and amended its regulations during the first quarter allocation period which extended from February through April. We also proposed a thorough-going revision of the program, and after reviewing comments on the proposal from over a hundred interested firms and individuals, we issued a revised crude allocation program, on May 14, to cover the period beginning June 1 through the end of August.

In simplest terms, the new program operates this way: Those firms which fall within the Congressionally-mandated priority class of small and independent refiners are entitled to purchase crude oil to make up for the shortages they have experienced up to a maximum of their current refinery capacity.

The 15 major refiners are obliged to sell crude oil to the refiner-buyers at their weighted average price. Their sales obligations are proportional, based upon each company's share of the total refining capacity of all of the sellers. The sales obligations of the major refiners total about 83 million barrels of crude oil during the three-month period—a sizeable amount, but still only 6.8% of the total crude oil supplies that will be used during that period.

Several comments seem in order on this program. First, companies are naturally loath to share scarce and valuable resources like crude oil with their competitors. But this is the explicit purpose of the statute which mandates the crude allocation program.

Second, it should be pointed out that the average crude costs of the major oil companies is lower than the average costs of the small and independent refiners who are entitled to make purchases under the allocation program. Were FEA simply to scrap the crude allocation program at this time, crude-short refiners could be thrown into the world market where the prices are higher and their competitive position vis-a-vis the majors would deteriorate. We believe this would be an undesirable result and, in any event, it would conflict with our statutory mandate to protect the viability of the small and independent sectors of the petroleum industry.

Finally, it is true, as critics have charged, that the class of companies, defined as "small or independent refiners" includes some very large oil companies, and major oil companies are understandably chagrined at having to allocate crude oil to competitors who are not only large but important factors in the market by any general measure. I tend to share that view and believe that changes in the definitions are warranted. Nonetheless, Congress has decreed a class of customers which is entitled to preference and FEA is determined to carry out that mandate.

With that as background, I want to express my concern at the reaction of many of the major oil companies to the crude allocation program. In doing so, I want to emphasize that, during the difficult period of the energy shortage which we experienced last winter, the cooperation and assistance of the petroleum industry was outstanding. But recent events have indicated resistance to the crude allocation program on the part of some of the majors. Reports reaching the Agency indicate that several large sellers of crude on the buy-sell list have slowed down their negotiation of sales. As the July 8 deadline for completion of allocated crude sales approaches, certain major companies have announced plans to sue FEA over the validity of the entire crude program—thereby creating a climate of uncertainty and potential chaos in which the ability of FEA to carry out its statutory mandate is called into question. While we do not deny anyone the right to seek judicial redress for grievances either real or imagined, we will not allow ourselves to be threatened or coerced into compromising the mandate of Congress. We are fully confident that any court challenges to our crude oil regulations will prove unsuccessful and that our programs will go forward on schedule.

My purpose in raising this issue with you today is not to attack the major oil companies or to throw down the gauntlet. Any allocation program of this type is bound to create stress and unhappiness among those who are forced to dispose of valuable resources. Rather, my purpose is to express my concern and to call upon the companies to continue that spirit of cooperation which has characterized our relationship during the past seven months and to urge the companies to fulfill their obligations in good faith. It may be that unusual circumstances affecting some of the major sellers require that we should modify their sell obligations. We have pending before us several requests for relief. I want to provide every assurance that the Agency will carefully consider these petitions and grant relief where failure to do so would impose a serious hardship or gross inequity on any company. Further, we will move promptly in acting on these petitions. But in the meantime, the program must go forward and I am asking the companies to assist us and the American people in implementing it as smoothly and quickly as possible.

[From the Huntington (W. Va.) Herald-Dispatch, June 27, 1974]

ENERGY WOES MEAN A "NEW DAY" FOR COAL, BUT WILL THAT COAL BE WEST VIRGINIA'S?

The nation's current energy woes have sparked a new interest in coal, but there seems a real threat that West Virginia might not benefit from that interest.

The reason has to do with a number of factors—the cost of mining, air pollution requirements and the like—but basically it involves a coming contest between coal from the East and that from the West.

Some months ago, you'll recall, there was much talk of hauling low-sulfur (thus, nonpolluting) coal from Montana to West Virginia to fire electric generating plants. Fortunately, assurance that sufficient reserves of low-sulfur coal are available here in the Mountain State has caused the plan to at least be shelved, if not abandoned.

But this doesn't mean that coal from the West isn't going to be a major threat to West Virginia coal in other markets. Indeed, as reported last Sunday in The Herald-Advertiser by Staff Writers Harry L. Baisden and Bill Lucht, the U.S. Bureau of Mines has projected that by 1980 some 22.6 million tons of coal from the West will be shipped into areas now using West Virginia and Eastern Kentucky coal.

One would think that such a prospect would have West Virginia coal interests alarmed, but such is not the case.

Looking ahead to 1985, when government figures indicate the nation is going to need two billion tons of coal a year, Edwin K. Wiles, predicts that "there will be more than enough demand to go around."

Such is essentially the same position of National Coal Association President Carl Bagge, who says coal industry, in order to meet the coming demands, is "going to have to expand everywhere—in Appalachia, in the Midwest and in the West.

We wish we could be as confident as Wiles, Bagge and their fellows in the industry.

But somehow we keep returning to the basic fact that the list of firms now involved in coal development in the West reads like a roll-call of West Virginia mining concerns—including Consolidation Coal Co., Island Creek Coal Co., Westmoreland Coal Co. and Zapata Coal Corp.

If these firms can mine and sell coal from the West cheaper than they can sell West Virginia coal, what will happen to their West Virginia operations? The answer seems all too clear.

And coal from the West can be mined and sold cheaper because this is where the strip mining issue enters the picture. Most coal here in West Virginia and Eastern Kentucky is deep mined. Most coming out of the West and Midwest comes from strip mines, and these are the operations that the mining interests would like to see expanded.

Strip mining, of course, is cheaper than deep mining. Thus, the coal from the West would be cheaper—but only if the consequences to the environment are ignored.

It's the environmental damage resulting from strip mining that has prompted Rep. Ken Hechler and others to call for a federal ban on it. But, in arguing for such a ban, Hechler constantly has warned that the expansion of strip mining in the West—linked with the opening of federal land there to the strippers—could be a body blow to West Virginia's deep mines.

While we fail to agree with the congressman that a total ban on strip mining is the answer to the problems involved, we share both his concern for the environment and for the economic health of the Mountain State coal industry.

We believe the imposition of strict federal controls on strip mining would be in the best interests of the nation. But such a move would be of special benefit to West Virginia. Without some such action, the company revolution in coal well could pass our state by.

THE ARMS RACE

Mr. KENNEDY. Mr. President, for more than a decade now, we have sought to place real limits on the nuclear arms race. We have made considerable progress, beginning with the Partial Test Ban Treaty of 1963, and continuing with agreements to limit the spread of nuclear arms, control the building of missile defenses, and to put a ceiling on the number of missile launchers built by the United States and the Soviet Union.

But where do we go from here? In the search for new agreements—new ways to put real limits on the arms race—it is important to have informed public debate, in order to seek popular support for the policies needed to put a halt once and for all on the deadly race in nuclear arms.

For this reason, I call attention to an article from Saturday Review/World, by Mr. William Epstein, who was formerly director of the disarmament division of the U.N. Secretariat. This is an interesting and provocative view of the steps needed to break the spiral of nuclear arms buildup, and a useful contribution to debate.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ARMS RACE: WILL THE RUSSIANS PLAY "AMERICAN ROULETTE?"

(By William Epstein)

Many U.N. member countries, like many American taxpayers, were startled in January 1973 when President Nixon proposed an increase in the military budget from $76 billion to $81 billion. The President's action was startling because the Berlin and German 1972 accords were supposed to symbolize the end of the cold war in Europe, and the American-Soviet SALT I agreements the same year were supposed to replace the expensive race for nuclear superiority with cheaper as well as safer nuclear parity. Nonetheless, the total U.S. military budget approved in 1973 was $84.2 billion.

Last January, despite the American phase-out in Vietnam and the Nixon-Brezhnev agreement for preventing nuclear war, the President proposed a further increase to $99 billion! The amount asked for the U.S. Defense Department was $85.8 billion, but additional military outlays for the Atomic Energy Commission, for science and technology, and for supplementals brought the total to almost $100 billion.

The story is the same all over the world. No matter what the international climate—whether hot war, cold war, or détente—national and global military budgets keep right on escalating.

Apologists for the military like to point out that the defense budget of the United States represents only about 6 percent of the gross national product (actually, it is much more when all the "hidden" items are included) and that the military's proportion of the GNP and of the total federal budget is declining. This statement is arguable—but even if it is true, it is meaningless. It is not written in the stars that military spending should continue at such high levels or, indeed increase every year or keep pace with the GNP. No law or reason requires the open-ended accumulation of ever greater and more sophisticated killing capability.

It is, of course, true that part of the huge increase in the proposed budget—but only the smaller part—is due to inflation and to higher salaries and pay scales. U.S. Defense Secretary James R. Schlesinger recently acknowledged that $1 to $2 billion had been added to the defense budget to help stimulate the domestic economy—which is hardly the business of the military. Among the other reasons given for the increase is the need for replacement and new equipment because of the recent Middle East war. But Egypt, Israel, and Syria have already been dangerously overstuffed with new equipment. Each of them has more tanks and fighter planes than has Britain or France! If the Soviet Union and the United States have ever had any thought of maintaining the balance of forces in the Middle East at lower, instead of progressively higher, levels, they obviously have not acted on it.

Still another reason for the increased budget is the military's desire to move toward a counterforce posture in strategic nuclear missiles—that is, a force that could knock out Soviet nuclear missiles in their underground silos and not merely "take out" Soviet cities with their populations. It is, of course, claimed that this policy would make possible a limited strategic nuclear exchange, this side of an all-out nuclear war. But whatever language it is dressed up in, this counterforce concept harks back to the "first strike" idea, which means knocking out the enemy with a pre-emptive first strike before he strikes at you. This concept was rejected in the Sixties as being a provocative one that might induce each side in an acute crisis to strike before the other did. It was replaced by the "second strike" concept, which was based on the idea of mutual deterrence; it had the lovely acronym MAD, for "mutual assured destruction," but there was at least an element of stability in the mutual balance of terror.

If going back to the counterforce strategy merely meant re-targeting missiles away from the other side's cities to its missile silos, the strategy would still be useless, because the enemy could always retaliate with its relatively invulnerable submarine-launched missiles. However, such a return to the old strategy would at least require no new round in the technological arms race.

But the new counterforce posture means much more than that. It means more and better nuclear missiles, with greater accuracy and more maneuverability in order that they will be sure to avoid defenses and be able to land exactly on target. And what assurance is there that, in the cataclysmic horror of nuclear war, either side would be content to abide by the artificiality of such nuclear dueling and refrain from wiping out cities? Certainly, the possibilities of a nuclear attack as a result of accident, miscalculation, or mad intent would be increased. Why should the Russians be content to play this form of "American roulette"?

The dubious benefits that might follow from a revival of the discredited counterforce idea are, then, far outweighed by the assured disadvantages. If the United States embarks on this course, the Soviet Union will do likewise—as it has done with all previous American military innovations. Thus the only certain result would be the triggering of another expensive, and perhaps destabilizing, round in the nuclear-arms race.

A much better idea would be for both sides to phase out all their land-based nuclear missiles. These invite a preemptive attack, are vulnerable to such a first strike, and are therefore de-stabilizing and obsolescent. A phase-out of this kind was recently proposed by the Federation of American Scientists; it recevied the general approval of Fred Iklé, director of the Arms Control and Disarmament Agency. But, to no one's surprise, the Pentagon is not very enthusiastic about the idea.

Reasons, old or new, for continuing the arms race and crushing military expenses are easily invented, discovered, and periodically rediscovered. Social programs are starved while the military ones proliferate like an uncontrollable cancer. Somehow military establishments all over the world find persuasive pretexts for upping their budgets. To take the United States in the Fifties there was the evanscent bomber gap; when the Soviet Union launched the first *Sputnik* in Otcober 1957, the Pentagon promptly discovered the missile gap. Early in the Sixties, the cry went up for underground shelters, and by the end of that decade a "thin" defense, and then a "thick" defense, of anti-ballistic missiles was being hailed as the way to survive a nuclear attack.

There never was a bomber gap or a missile gap. Underground shelters and anti-ballistic missile defenses were useless—even worse, they were tranquilizing fantasies. All of these inventions were genuinely phony.

At sea, as on land, military hardware has been having a field day. With submarine-launched nuclear missiles we have progressed (if that is the appropriate word) from Polaris to Poseidon and now toward Trident. In fairly quick succession we went from multiple re-entry vehicles (MRVs) to multiple independently targeted re-entry vehicles (MIRVs) with as many as fourteen warheads on one missile. Now we are moving toward a third-generation maneuverable re-entry vehicle, to be known as MARV.

There seems to be no limit to the fertile imaginations of military-industrial or military-bureaucratic scientists. American scientists seem to have the edge in technology and to lead the way in developing new weapons, particularly in the nuclear field, but Soviet scientists follow close behind in the action-reaction chain. In this regard there is a remarkable symmetry between the United States and the Soviet Union. Only in arms control and disarmament, in finding ways and means of stopping the inexorable arms race, do imaginations seem to lose their fertility; in fact, sterility is compounded by impotence. But there is a noticeable asymmetry (a word much beloved by the military in describing presumed inferiority in any military arm or area) between the Americans and the Russians. The Russians find it easier to take the initiative and to come up with one disarmament proposal after another. Granted that all of the proposals seem to benefit the military posture of the Soviet Union; a disarmament proposal that is not to the advantage of the proposer is a rare thing indeed. The real rationale and importance of negotiations is to turn a one-sided proposal into an agreement that is mutually advantageous. Were this not possible, then none of the existing arms-control agreements and treaties would have been achieved. But far more proposals are destroyed by simple rejection or permitted to die from lack of consideration than are amended, improved and transformed into serious subjects, of negotiation.

The paradox of the spiraling arms race is all the more puzzling because of the recent improvement in the international climate and the fact that a number of arms-control negotiations—multilateral, regional, and bilateral—are now taking place.

The Conference of the Committee on Disarmament (CCD) in Geneva is discussing an underground test ban and a treaty for the elimination of chemical weapons. At Vienna talks are underway for achieving the mutual reduction of forces and armaments in Central Europe. Another conference on security and cooperation in Europe is now going on at Geneva. And the resumed SALT II negotiations are seeking agreement on the limitation and reduction of offensive strategic nuclear missiles.

What is most discouraging about the outlook for the future is that *if the negotiations in all of the above conferences are to be successful* (an eventuality much to be desired), *the technological and qualitative arms race and the massive military expenditures* will probably continue to escalate. The agreements already achieved and those now being negotiated seem to be designed, not to halt or reverse the arms race, but rather to allow it to continue in *relative* security.

THE PROBLEM should be met head on, not by interminable debate about limiting or reducing specific weapons and the number of troops, but by cutting military budgets. The big two—the United States and the USSR—should take the lead. Next should come the three other nuclear powers, followed by all the NATO and Warsaw Pact countries, and eventually by all countries. It would not even be necessary to specify how and where military budgets should be cut, it would be better to leave it to the individual countries to decide in which sectors they would carry out the agreed reductions. Each country would, no doubt, regard itself as the best judge of *where* and *how* to apply or cut its funds; it will be difficult enough to get them to agree on *whether* and *by how much*.

In the past the Western powers were always concerned about how to ascertain the contents of the Soviet military budget and how to verify any Soviet budget cuts. Nevertheless, in 1963–64 both the United States and the USSR carried out budget reductions, not by agreement, but unilaterally by what Khrushchev called "the policy of mutual example" and the Americans called "reciprocal unilateral acts." And there were no charges of bad faith by either side.

Moreover, times *have* changed, not only with respect to the international climate but also regarding verification of any agreement for mutual reductions. The great powers now have a much better knowledge of each other's economic systems and technologies and have developed new techniques of economic monitoring. In the last few years advances in satellite surveillance and telecommunications monitoring have been truly remarkable. They are sufficient to alert each side to any significant changes in the other side's activities. And the secret intelligence-gathering agencies provide an additional deterrent or alert to any contemplated evasions. It is notewrothy that U.S. intelligence sources confidently reported last fall that the Soviet Union had spent the equivalent of $45 billion on manned space flight since the program started 15 year ago, compared with $25 billion spent by the United States. The Soviet space program and budget are no less secret than its military budget.

Foreign Minister Andrei Gromyko proposed in the U.N. General Assembly last fall that the five permanent members of the Security Council (the five nuclear powers) reduce their military budgets next year by 10 percent and that a portion (10 percent) of the savings be used for helping the developing countries. This reduction would leave 90 percent of the savings for domestic purposes. Since these five countries are responsible for about three-quarters of the total of world military expenditures, the reduction, although a modest 10 percent to begin with, would be more than $15 billion.

The developing and Third-World countries, of course, supported the idea, and it was approved by the General Assembly by an overwhelming vote of 83 in favor, 2 against, and 38 abstentions. China was hostile to the proposal, calling it fraudulent and hypocritical, and voted against it together with its ally, Albania. The United States, together with Britain and France and their NATO allies, abstained; they regarded the proposal as a Soviet propaganda move and as an attempt to isolate China.

The Mexican ambassador, Alfonso Garcia Robles, one of the best and most dedicated of the "old disarmament hands," recognized that the Soviet proposal would remain a dead letter, so he presented a new proposal. He requested that Secretary-General Kurt Waldheim set up an international group of experts to carry out a study on reducing the military budgets of the five nuclear powers and of other states "with a major economic and military potential," and on using part of the funds saved for aiding the developing countries. One would have thought that a proposal for an impartial *study* of these questions would have been able to rally unanimous approval. The Mexican resolution did in fact get more support than the Soviet one did—93 votes in favor, 2 against, and 26 abstentions. China again was negative. But what was more surprising was the fact that the United States and its allies abstained, though in the past they had always supported impartial studies.

Ambassador William Schaufele, speaking for the United States, explained that he could not support the Soviet proposal. Why? Because, he said, there was, first, no common standard for comparing the military budgets of different states. Second, there was no system for verification of the budget cuts. And third, the United States opposed linking additional development aid to a reduction in defense budgets. Schaufele agreed that the Mexican proposal was otherwise a non-controversial procedural resolution. But he thought some of the paragraphs in the preamble added an element of contention and an exaggerated sense of urgency by describing the question as one of "urgent necessity." They created, he felt, a distinction between the five permanent members of the Security Council and other militarily significant states. And they implied a linkage between development aid and budget cuts. All of these arguments are, of course, themselves arguable, and they were rejected by the great majority of countries. It may also be of some significance that the United States made no attempt to move any amendments to the Mexican proposal.

Nonetheless, the United States did say it would cooperate with the study and would nominate an expert to participate—on the assumption that the group of experts would "examine carefully the various issues involved . . . and that the Secretary-General would request member states to provide data necessary to make that examination meaningful."

In order to ensure that the study is successful and can lead to action, the superpowers must play fair and approach the task with a real will to succeed. The Americans, for their part, must not block progress by placing undue stress on the technical difficulties of ascertaining or verifying what exactly is included in the Soviet military budget. And the Russians must not use their penchant for secrecy and their fears of divulging military information as excuses to abort the study. With serious effort by both the study. With serious effort by both sides, the study *can* show the way to begin grappling with the problem of military expenditures and thus with the arms race.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for the transaction of morning business has expired.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON THURSDAY AND FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. PROXMIRE on tomorrow be vacated, and that on Thursday and Friday, after the two leaders have been recognized under the standing order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes on each of those 2 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMATEUR ATHLETIC ACT OF 1974

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the unfinished business, S. 3500, which the clerk will state.

The second assistant legislative clerk read as follows:

> A bill (S. 3500) to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate and to promote physical fitness, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The time for debate on this bill shall be limited to 2 hours, to be equally divided and controlled by the Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON), with 30 minutes on any amendment except an amendment to be offered by the Senator from Kentucky (Mr. COOK) on which there is to be 1 hour of debate, with 30 minutes on debatable motions or appeals.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that during the consideration of S. 3500 my staff member, James Thurber, be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. TUNNEY was recognized.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. BEALL. Mr. President, I ask unanimous consent that during the debate and voting on this bill, Philip Grill of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. PEARSON. Mr. President, I ask unanimous consent that during the consideration of this bill, Mr. Arthur Hill of my staff be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the time for the majority be under the control of the Senator from California, myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I ask unanimous consent that Mr. Paul Holtz have the privilege of the floor during the debate on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I ask unanimous consent that during the consideration and voting on this bill, Mr. Dan Jaffe, of my staff, be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, in the absence of the Senator from New Hampshire (Mr. COTTON), I ask unanimous consent that the time on this side be under the control of the Senator from Kansas (Mr. PEARSON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, today the Senate can take a crucial step to solve the crisis in amateur sports. If we pass S. 3500, the Amateur Athletic Act of 1974, we will begin to break the stranglehold that the massive amateur sports bureaucracies have held for over 70 years in America. S. 3500 is the one piece of legislation that assures that amateur athletes will be given sufficient rights to protect themselves from the arbitrary and capricious harassment that has unfortunately become an endemic part of the amateur sports scene.

Mr. President, it is time that we come to grips with the causes and not merely the symptoms of our amateur sports problems.

S. 3500 will bust the monopoly power that certain groups have gained over the U.S. Olympic Committee. But this legislation will do far more, it will assure that no group ever again can gain such unbridled power. This legislation by requiring that no chartered sports association can govern more than three international sports assures that it will be impossible to ever again stack the Olympic Committee.

Furthermore, this legislation mandates vastly increased representation of athletes in the athletic bodies that control amateur sports. In other words for the first time amateur athletes will be assured a meaningful voice in their own affairs.

Also this legislation will end once and for all the sanctioning wars that have marred the history of amateur athletics in this country. Now international athletic events must be given a sanction if they meet the following criterion:

First. Appropriate steps have been taken to protect the amateur status of athletes who will compete in such competition and to protect their eligibility to compete in amateur athletic competition in the United States and in international amateur athletic competition;

Second. Appropriate provisions have been made for validation of records which may be established during such competition;

Third. Due regard has been given to any international amateur athletic requirements specifically applicable to such competition;

Fourth. Such competition will be conducted by competent officials;

Fifth. Proper medical supervision will be provided for athletes who will compete in such competition; and

Sixth. The sports organization or other person conducting such competition has submitted an audited or notarized financial report of the immediate past event.

Finally, if a chartered sports association fails to adequately carry out its duties, provisions have been made for the challenge and replacement of such an association.

Therefore the key focus of S. 3500 is to end the causes of amateur athletic strife. If the causes of the problem are removed the amateur athlete will have to rely on legal remedies only on rare occasions. If we fail to remove the causes of the crisis, we will force our amateur athletes and our amateur athletic organizations into an endless series of legal and extra-legal battles, whose ultimate outcome cannot yet be predicted.

Let us not delude ourselves that these issues will be resolved without strong affirmative action by the Congress.

The Commerce Committee over a period of 10 years has suggested voluntary reforms and enlisted the aid of such distinguished Americans as Douglas MacArthur and Archibald Cox. But the reforms have not been forthcoming.

Now it is time that the Congress take strong affirmative action to solve these problems once and for all. S. 3500, the Amateur Athletic Act of 1974, I believe will go far toward fulfilling this goal. S. 3500 is the outgrowth of 4 days of hearings last session and constant discussions with all of the major groups involved in amateur sports.

The act would establish an Amateur Sports Board as an independent agency in the executive branch of the Government. The five members of the board, including among them one amateur athlete, would be appointed by the President with the advice and consent of the Senate. The primary function of the board would be to issue charters designating private, nonprofit amateur sports organizations as chartered sports associations.

Within 2 years of the passage of the act, no unrestricted amateur athletic competition could take place in the United States without the sanction of an association.

At one time reckless charges were made that the provisions of this act would require the Federal regulation of all amateur sports from the Olympics down to the sandlot.

Mr. President, let me make it emphatically clear that "unrestricted competition" as utilized in this act means amateur competition among teams representing different nations, or domestic competition among members of more than one sports organization for the purpose of qualifying athletes for international competition, such as trials for the Olympic and Pan American games. The scope of "unrestricted competition" is limited even further so as to apply only to competition involving sports on the Olympic program. Unrestricted competition would not include competition between or among teams in a high school or in an intercollegiate league or conference, postseason competition between conference champions, competition between members of athletic clubs and other organizations, or competition among teams from two nations which do not represent those nations; that is, local clubs or schools which cross international boundaries to compete with a local club or school in another nation.

Therefore, clearly these charges are utterly unfounded. In fact, I believe that, though this legislation is being considered by a legisative body of the Federal Government, it will lessen, rather than increase the political aspect of sport by returning the focus to its proper place—the sacrifice and dedication of the individual athlete striving to exceed his personal goals.

Millions of Americans who dedicate large parts of their lives to the pursuit of sporting excellence will be profoundly affected by this legislation, and that effect will be all to the good. It will insure that those who compete stand as the centerpiece of our Olympic sports.

In our hearings it was brought out clearly that in many parts of the country athletic facilities for the average person are totally inadequate and that only the rich can afford the athletic facilities that are available. Therefore, title II of S. 3500 first suggested by Senators GRAVEL and THURMOND would establish the National Sports Development Foundation. The foundation would not be an agency or establishment of the U.S. Government, but members of its board of trustees would be appointed by the President of the United States.

The Foundation is authorized to use the proceeds from its trust corpus to plan, coordinate, promote, and support the conduct and development of amateur sports throughout the United States. The committee heard testimony from knowledgeable witnesses to the effect that relatively small grants of funds could be effectively used to develop amateur sports at the local level. These witnesses stated that an indirect consequence of the Foundation's development aid would be an improvement in the performance of American teams in the Olympic games and other international competitions.

Foundation grants could be used to provide athletic instruction, facilities, and programs for many Americans who do not benefit from participation in amateur sports. The Foundation would provide funds to open underutilized athletic facilities, attract coaches for children and promising young athletes, and improve the opportunities for participation in sports by the handicapped and the urban and rural poor.

The bill provides that the corpus of the trust fund established by the Foundation be composed equally of private gifts and matching public funds, up to a limit of $100 million.

In addition to its funding responsibilities, the foundation is authorized to gather and disseminate information relating directly to the development or modernization of athletic facilities. Similarly, the Foundation will develop a body of information on safety and health, an important element of sports development which has received growing attention in recent years.

The Foundation is required to submit an annual report of its activities to the President and Congress. An annual audit and report on such audit are also required.

Mr. President, I should like to compliment the Senator from Kansas for the work he has done in bringing this measure to the floor of the Senate. If it had not been for the Senator from Kansas, this bill would not be here. He has devoted many, many hours to trying to handcraft this measure so that it would accommodate the various interests which are affected.

It is recognized by everyone that if we are going to have legislation that is meaningful, it is not going to meet with the 100 percent approval of every interested party. After all, the whole purpose of the proposed legislation is to guarantee that amateur athletes in this country are not going to be faced in the future with the situation they had in the past, whereby they have been caught in the midst of an internecine war between various athletic associations.

The Senator from Kansas, through his leadership and his wisdom, has been able to bring to the floor of the Senate, a bill which I believe goes as far as possible to protect the vital interests of the sporting associations that have contributed much to the country. I am thinking of the NCAA and the AAU, in particular.

Yet, the bill does achieve its purposes—namely, to prevent athletes from being adversely impacted in future years due to the competition or warfare that continues to exist between these two associations.

So I should like to conclude my remarks by saying that as a result of the hard work of the Senator from Kansas and others, S. 3500 has gained widespread support in the athletic community. The NCAA strongly endorses S. 3500, which represents a significant change from a position they held last year on similar legislation.

The NCAA now has come out strongly for the legislation. I think that the reason why they have done so is that modifications have been made in the bill to make it absolutely clear that in no way are we trying to denigrate the responsibilities of the NCAA in regard to maintaining a high level of excellence in intercollegiate competition. We have attempted to accommodate the universities and colleges and high schools around the country, and their legitimate interests, in being able to exercise an influence over the scholastic life of a student and his athletic life while at the college.

Mr. President, I ask unanimous consent to have printed in the Record a resolution that was adopted by the NCAA council at Kansas City, Mo., on May 4, 1974, affirming this endorsement.

There being no objection, the resolution was ordered to be printed in the Record, as follows

Resolution

Whereas, there currently exists on the floor of the Senate of the United States legislation designed to solve many of the problems of this nation's international sports programs; and ,

Whereas, the National Collegiate Athletic Association's primary goal in this area is to ensure America's athletes are provided opportunities to enjoy meaningful international athletic competition under equitable competitive conditions, free from concern about the caliber of administrative support they receive; and

Whereas, it is apparent some of the organizations and individuals currently representing this nation in international amateur athletic administration have failed to provide leadership for our athletes, articulate presentation of our philosophies and goals to other nations, and competent management for our competitive groups; and

Whereas, the bills proposed by Senators James B. Pearson and John V. Tunney offer means for resolution of these problems while limiting Federal involvement to international programs;

Whereas, these bills offer the only available, effective vehicle for improving conditions under which America's athletes compete internationally, and which will ensure adequate athlete representation on sports governing bodies, and, if passed promptly, should achieve improvement before the 1976 Olympic Games; and

Whereas, schools and colleges have concluded after years of private efforts at conciliation no reforms of these amateur sports organizations and problems can be accomplished without some form of Federal intervention;

Therefore, be it resolved, the National Collegiate Athletic Association endorses these bills and urges their passage by the Congress; and

Be it further resolved, this Association commends Senators Pearson and Tunney, their colleagues on the Commerce Committee, and other involved Senators for their interest in these matters involving young people and national prestige;and

Be it finally resolved, this Association earnestly hopes this legislation will lead to new organizations, new leadership and new programs which will provide America's athletes the support they deserve and the resources this country can deliver through responsive, knowledgeable leaders.

Mr. TUNNEY. Mr. President, I ask unanimous consent to have printed in the Record the endorsement of the National Federation of State High School Associations. This endorsement specifically recommends S. 3500 to the Senate and urges that the bill be passed forthwith.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, the National Federation of State High School Associations through its member State Associations represents the athletic programs of approximately 22,000 high schools of the United States, and

Whereas, those high schools sponsor the largest well organized competitive program of athletics in the United States, and

Whereas, Senate Bill 3500 is structured so it will avoid government control but will establish a national public vehicle through which authority to manage individual sports will be given to the best qualified private organizations, and

Whereas, Senate Bill 3500 offers an effective method of resolving franchising disputes, and

Whereas, the proposed Amendment 1530 would enable an incumbent governing body to perpetuate itself,

Now be it hereby resolved that the Council of the National Federation of State High School Associations assembled in Louisville, Kentucky on this Sixth day of July, 1974, urges the Senate of the United States to adopt Senate Bill 3500 as reported out of Committee without amendment.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, I ask unanimous consent that the name of the distinguished Senator from California, to whom I am most grateful for his comments, be added as a cosponsor of the bill, together with the names of the senior Senator from Washington (Mr. Magnuson), the Senator from South Carolina (Mr. Thurmond), and the Senator from Alaska (Mr. Gravel).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. I should say that it was the Senator from South Carolina and the Senator from Alaska who offered the so-called Foundation proposition which was inserted in this bill as title III.

Mr. President, in May, the Senate conducted a brief but constructive debate on the Amateur Athletic Act, S. 3500. At that time, and on occasions since that time, certain allegations concerning the scope and intent of the bill were made. Before we continue debate on the bill, I feel it would be helpful to review these allegations so that the record can be made clear on the intent of this legislation.

First of all, Mr. President, I want to lay to rest permanently the myth that this bill authorizes disproportionate Federal expenditures on amateur sports. Normally responsible critics have changed—without providing supporting documentation—that if adopted, the bill would cost the taxpayers $1 billion a year. This is not true. I would ask my colleagues to review the authorization in the bill, where they would find an annual expenditure of $1.1 million each year, together with a one-time-only appropriation of $50 million in matching funds for the National Sports Development Foundation, authorized in title III. This sum is only a small fraction of the amount claimed by the proposal's critics.

Another argument which has been put forward is the supposedly arbitrary nature of the one sport, one charter concept. Mr. President, there is nothing arbitrary about this concept. Under the provisions of S. 3500, the Amateur Sports Board would grant a charter to a sports organization meeting certain criteria for one sport only. Exceptions are made only in sports which are closely connected, or which would clearly benefit from common administration. But in no case could a Chartered Sports Association control more than three sports.

One of the major faults of the present system is the way in which one group, the Amateur Athletic Union with its nine franchises from international sports federations, has abused its power on the U.S. Olympic Committee by blocking consistently any attempt to reform the manner in which individuals and teams are chosen to represent the United States in international competition. There can be little doubt that the AAU, in fact, controls the USOC, and therefore this Nation's involvement in international competition. This is accomplished through the AAU's systematic accumulation of voting strength on the USOC, more by far than any other group. This has been done at the expense of the many other franchise holders, all of whom control international competition in one sport only.

Because the AAU claims jurisdiction in all the international aspects of the sports it governs, it has claimed control, through its dominant position on the USOC, of key aspects of domestic management as well. Yet, the AAU has made it increasingly difficult—if not impossible—for the many other sports organizations which contribute significantly to these sports to share in policymaking and administrative decisions. Because of its "go it alone" attitude, the AAU has failed to take advantage of advanced and sophisticated management techniques, not only domestically, but in international competition as well. Because of its complacent and self-serving attitude, it has continually ignored the needs of its athletes, whom it is meant to support, and the sports public, which supports it. One need only recount the shocking blunders by the AAU-dominated Olympic Committee in its handling of American athletes during the 1972 Olympic games to see how far the once premier position of the United States in international athletics has fallen in recent years.

The Amateur Athletic Act is designed to correct these serious deficiencies in a number of ways. First of all, the amateur athletes of this country are guaranteed a voice in the management of amateur sports at all levels by direct representation on not only the Amateur Sports Board, but on the Chartered Sports Associations as well. Second, the bill requires that any organization seeking a charter from the board be representative of all groups participating in the sport for which a charter is requested. Finally—and most importantly—by granting one group jurisdiction over the international aspects of one sport, we will have achieved a basic reform of the USOC by giving all its major members equal status and the opportunity to represent the interests of its sport in an atmosphere more conducive to sound management procedures.

Yet another criticism of the bill which has been made is that it contains no provisions of direct benefit to the athletes. This is perhaps the most unjustified and misleading statement of all. One need only read the bill's provisions to be convinced that it is designed with the athletes in mind. It requires that one of the five members of the Board be a "world class" athlete who has participated in recent international competition. Additionally, no less than 20 percent of the voting membership of each chartered sports association must consist of participating athletes in the sport it governs. Finally, the proposal mandates the right of amateur athletes to participate in any competition sanctioned by a chartered sports association, provided it does not conflict with normal seasonal events or violate a reasonable rule regarding academic eligibility. Finally, the bill provides an arbitration service through the Board in the event of a dispute between an athlete and a chartered sports association.

This bill gives our amateur athletes more rights than they have ever had. No more will athletes be helpless pawns in a power struggle between sports organizations insensitive to their concerns.

No more will those who have represented our country in international competition be shunted aside and forgotten by self-serving groups supposedly responsible for their welfare.

And no more will athletes be left with no one to whom they can turn to protest injustices such as those which plagued U.S. participation in the Munich games.

It is not coincidence, Mr. President, that athletes, many with national reputations, have endorsed S. 3500. It is not chance that the U.S. Olympic Athlete Advisory Council, an athlete group representing every Olympic sport, voted overwhelmingly to support the Amateur Athletic Act. It is, however, intended that this bill apply directly to the continuing welfare and development of our amateur athletes.

Mr. President, the last and probably most significant objection which has been raised is the possibility that because it violates international rules regarding government involvement in domestic sports activities, this bill will cause the United States to be excluded from competition under the control of the international federations, including the Olympics.

I hope this does not happen. But if it did, it would constitute an act of high hypocrisy. It is commonly known that the governments of many, many nations are more actively involved in the management of their amateur sports programs than this bill envisions, authorizes, or infers. For example, substantial amounts of money are being spent on sports, directly or indirectly, by the governments of such Western countries as Canada, Spain, Italy, West Germany, France, and Switzerland. In Finland, amateur athletes are paid for the time during which they train. The Finns, as in many other countries around the world, are utilizing the services of U.S. coaches to assist their athletes—all at government expense. Many countries have cabinet positions reserved for sports, thereby assuring governmental guidance and financial assistance.

In the Communist bloc countries, there is a total government subsidy for sports programs. In Russia, athletes are paid to compete and often rewarded substantially for achieving international recognition. In East Germany, families are often relocated at government expense so that particular athletes can take advantage of specialized training and coaching without disrupting normal family ties.

None of these activities is contemplated in S. 3500. Instead, a board, composed of five, part-time members, is appointed for fixed terms to choose, subject to certain criteria, who shall represent the United States in each Olympic sport. In granting a charter to such groups, in much the same way as Congress granted a charter to the USOC in 1950, the Board must take into account any applicable rules and regulations promulgated by the international federations. The Board may revoke a charter of any group not recognized by such federations.

The bill also provides, on a limited basis, funds for the development of sports at the grassroots level. This concept has received the endorsement of the International Olympic Committee, as well as many domestic sports groups.

Mr. President, it is understood that there must be some international understanding regarding rules of participation in international sporting events. But the basic question we must answer is this: "Should we, as a free and independent people, allow self-appointed international groups to dictate how our athletes shall be chosen to represent us in international competition?" I would think the answer to that question should be obvious. Yet, we have allowed this practice to exist for years through the perpetuation of unresponsive and self-serving representatives to these federations.

We cannot allow this intolerable practice to continue. We must insist on a fair and democratic selection process, one which incorporates the interests of all those involved, and one which does not submit to the interests of those who do not have the welfare of the Nation or its athletes at heart.

We can achieve this goal through the adoption of S. 3500, thereby restoring our position as a leader and innovator in amateur athletics. We have much to gain in the way of international peace and understanding through participation in world sports programs, and it is in the national interest to assure a place for the development of sound programs in this country and around the world. We have a chance to achieve that goal through the passage of this bill, and I am hopeful my colleagues will move to its adoption.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of national and local organizations and a list of individuals who have given indications or expressions of endorsement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF S. 3500, THE AMATEUR ATHLETIC ACT

NATIONAL ORGANIZATIONS

Basketball Federation of the U.S.A.

College Athletic Business Managers Assn.

College Sports Information Directors of America.

Collegiate Commissioners Assn.

Golf Coaches Assn. of America.

International Assn. of Approved Basketball Officials.

National Assn. of Basketball Coaches.

National Assn. of College Gymnastics Coaches.

National Assn. of Collegiate Directors of Athletics.

National Athletic Steering Committee.

National Collegiate Athletic Assn.

National Federation of State High School Associations.

National Fencing Coaches Assn. of America.
National Gymnastics Judges Assn.
National Junior College Athletic Assn.
National Wrestling Coaches Association.
U.S. Baseball Federation.
U.S. Cross Country Coaches Association.
U.S. Gymnastics Federation.
U.S. Intercollegiate Lacrosse Assn.
U.S. Judo Association.
U.S. Lacrosse Coaches Association.
U.S. Track Coaches Association.
U.S. Track and Field Federation.
U.S. Wrestling Federation.

OTHER ORGANIZATIONS

Alabama High School Athletic Assn.
Alaska High School Activities Assn.
Arizona Interscholastic Assn., Inc.
Arkansas Activities Assn.
Atlantic Coast Conference.
Big Eight Conference.
Big Sky Athletic Conference.
Big Ten Conference.
California Collegiate Athletic Assn.
California Interscholastic Federation.
California Junior College Assn.
Central Collegiate Conference.
Colorado High School Activities Assn.
Connecticut Interscholastic Athletic Conference.
Delaware Secondary School Athletic Assn.
District of Columbia Dept. of Health, Phys. Ed., Athletics and Safety.
East Coast Conference.
Eastern College Athletic Conference.
Eastern Intercollegiate Gymnastics League.
Eastern Intercollegiate Wrestling Assn.
Florida High School Activities Assn.
Georgia High School Association.
Gulf South Conference.
Hawaii High School Athletic Assn.
Idaho High School Activities Assn.
Illinois High School Association.
Independent College Athletic Conference.
Indiana High School Athletic Assn.
Iowa High School Athletic Assn.
Kansas State High School Activities Assn.
Kentucky High School Athletic Assn.
Louisiana High School Athletic Assn.
Maine Assn. of Principals of Secondary Schools.
Maryland Public Secondary Schools Athletic Assn.
Mason-Dixon Intercollegiate Conference.
Massachusetts Secondary Schools.
Principals' Assn., Inc.
Michigan High School Athletic Assn.
Michigan Intercollegiate Athletic Assn.
Mid-American Athletic Conference.
Middle Atlantic States Collegiate Athletic Conference.
Midwest Collegiate Athletic Conference.
Minnesota State High School League.
Mississippi High School Activities Assn.
Missouri Intercollegiate Athletic Assn.
Missouri State High School Activities Assn.
Missouri Valley Conference.
Montana High School Association.
Nebraska School Activities Assn.
Nevada Interscholastic Activities Assn.
New England College Athletic Conference.
New Hampshire Interscholastic Athletic Assn., Inc.
New Jersey State College Athletic Conference.
New Jersey State Interscholastic Athletic Assn.
New Mexico Activities Assn.
New York State Public High School Athletic Assn.
North Carolina High School Athletic Assn.
North Central Intercollegiate Athletic Conference.
North Dakota High School Activities Assn.
Ohio Athletic Conference.
Ohio High School Athletic Assn.
Ohio Valley Conference.
Oklahoma Secondary School Activities Assn.
Oregon School Activities Assn.
Pacific Coast Athletic Assn.
Pacific-8 Conference.
Pennsylvania Interscholastic Athletic Assn.
Pennsylvania State Colleges Athletic Conf.
Rhode Island Interscholastic League, Inc.
South Carolina High School League.
South Dakota High School Activities Assn.
Southeastern Conference.
Southern Conference.
Southern Intercollegiate Athletic Conference.
Southland Conference.

OTHER ORGANIZATIONS

Southwest Athletic Conference.
State University of New York Athletic Conference.
Tennessee Secondary School Athletic Assn.
Texas University Interscholastic League.
Utah High School Activities Assn.
Cermont Headmasters' Assn., Inc.
Virginia High School League.
Washington Interscholastic Activities Assn.
West Coast Athletic Conference.
West Virginia Secondary School Activities Commission.
Western Athletic Conference.
Wisconsin Interscholastic Athletic Assn.
Wyoming High School Activities Assn.
Yankee Conference.

INDIVIDUALS

Ed Badger, Head Basketball Coach of 1972 World University Games.
Wayne Baughmann, 1968 U.S. Wrestling Champion.
Doug Blubaugh, 1960 U.S. Olympic Wrestling Champion.
Jim Bolding, American record holder in intermediate hurdles.
Bill Bowerman, Coach of U.S. 1972 Olympic Track and Field team.
Mel Brodt, President, U.S. Track Coaches Assn.
Doris Brown, 1968 and 1972 Olympic athlete.
Frank Broyles, Director of Athletics, University of Arkansas.
Paul (Bear) Bryant, Director of Athletics, University of Alabama.
Suzanna Chaffee, 1968 U.S. Olympic Skiing team.
Harold Connolly, 1956, 1960, 1964 and 1968 Olympic Track and Field teams.
Willie Davenport, 1964, 1968 and 1972 Olympic Track and Field teams.
Bob Devaney, Director of Athletics, University of Nebraska.
George Haines, Coach of former Olympic Swimming teams.
Jesse T. Hill, U.S. Olympic Executive Committee and Board of Directors, 1964–68.
Werner Holzer, 1968 Olympic Wrestling team.
Henry P. Iba, Coach of three Olympic Basketball teams.
Capt. Micki King, 1972 Olympic Swimming champion.
Terry McCann, 1960 Olympic Wrestling champion.
John McCann, 1960 Olympic Wrestling champion.
John McKay, Director of Athletics, University of Southern California.
Kenneth Moore, 1968 Olympic Track and Field team.
Ben Peterson, 1972 Olympic Wrestling team.
Myron Roderick, 1956 Olympic Wrestling team.
Adolph Rupp, former Basketball Coach at University of Kentucky.
Dwight Stones, World record holder and 1972 Olympic high jump champion.
Bob Timmons, Coach of 1971 U.S. Track and Field Federation team to Caribbean.
John Wooden, Basketball Coach at UCLA.

Mr. PEARSON. Mr. President, the Senator from California has indicated adequately and with great clarity the reasons for the proposed legislation and the important and relevant provisions thereof.

In the long history of this conflict, which dates back almost to the turn of the century, at a time when nations decided once again to participate in international athletics in the forum of the ancient Olympics, there has been a continuing and at times accelerating conflict between the amateur athletic governing bodies—all to the detriment of the athletes themselves and, of course, to the public interest.

Mr. President, this bill was offered after long years during which individuals and the Government itself, or agencies of the Government, sought to provide or offer their good offices in seeking some type of mediation.

The Senator from California has made reference to the efforts of the late Gen. Douglas MacArthur and the late Attorney General of the United States in the Kennedy administration, the Honorable Robert Kennedy. In 1965, because of the continuing disputes that arose, which did act to the detriment of individual athletes and the public interest, the Senate Commerce Committee undertook a series of hearings. Out of those hearings, a resolution was passed by the Senate which called upon the Vice President of the United States, the present Senator from Minnesota (Mr. HUMPHREY), to appoint a commission.

That commission came to be known as the Kheel Commission because of its Chairman, Theodore Kheel, a man of great experience in the field of arbitration and mediation. Other members were the Honorable Archibald Cox; General Shoup of the Marine Corps; Mr. Thomas Vail, of Cleveland, a publisher; and Congressman RALPH METCALFE, a man of great personal experience in amateur athletics.

So this bill is offered now, after that background of attempts at mediation and after a conviction, at least on my part and hopefully on the part of the committee that approved this bill, that a voluntary settlement is not possible at this time. Incidents continued to arise, such as those at Munich—we are aware of the great tragedy there—in track events between the United States and the Soviet Union, and at basketball events and swimming activities, provided under the auspices of the State Department, between the United States and the People's Republic of China.

Mr. President, I do not intend to reiterate all the matters outlined by the Senator from California. I only wish to emphasize that the bill seeks to provide for minimal Federal participation. It seeks to strip the rival governing parties of arbitrary power. It pertains only to international competition. It provides some reform of the Olympic Committee which is protected by the international rules. While it provides for administration by the most representative and capable private organizations, it seeks to protect the public interest and the rights of individual amateur athletes—those groups which are not subordinate or are not under the control of other organizations.

Finally, the foundation program I think is of great value. It provides a matching fund basis of Federal funds in the years ahead with private funds for the expanding of facilities and the instructions of athletic participation for the handicapped and for those who live in the rural and urban parts of this great country.

I am very hopeful that this bill will pass the Senate and become an instrument to settling disputes that have gone on much too long and which I think is the only answer at this time.

Mr. President, I desire to yield to the distinguished Senator from Maryland for such time as he may desire.

Mr. BEALL. Mr. President, I thank the distinguished Senator from Kansas for yielding to me.

I am not going to deliver another prepared speech in opposition.

I spoke on this subject on the 21st of May at the time the bill was put on the calendar and temporarily passed. It was then debated and withdrawn, and I continue to have the same opinion with regard to this legislation that I had at that time.

I find not much fault with the foundation section of the bill. I think it is a laudable program to be encouraging the development of athletic facilities and opportunities for those otherwise deprived from participating in athletics around the United States. I think it is a proper role for the Federal Government to supply money on a matching basis if it will assist in opening up opportunities to people to participate in athletics.

I do not subscribe to the argument that we should be opposed to this bill because it is going to cost a billion dollars. It does not cost a billion dollars. The bill authorizes the expenditure of about a million dollars the first year for the Amateur Athletic Board and then $50 million on a matching basis for the Foundation.

What I would point out is that, in my opinion, some day it could cost a billion dollars. When we start off spending a million, we should be concerned about where this initial expenditure is going to lead us.

But that is not my principal objection. I also do not subscribe to the argument that says we are going to be eliminated from future Olympic competition if we should get involved in legislation of this sort. There are those that feel that should we pass this legislation it would jeopardize our participation in the Olympic games; that the Olympic Board would disqualify us. I do not subscribe to that, either.

I think it would be rather two faced for them to take that attitude when other countries in the world are involved to a greater extent in athletics than the United States would be in this particular bill.

What I do object to, however, is what I consider to be a bit of legislative overkill. As I said on the 21st of May, it seems to me we are creating a cure that is perhaps worse than the disease.

The problem we have, in my opinion, is twofold. First of all, we were all disappointed by the U.S. participation in the recent 1972 Olympic games when our athletes, for various reasons, were not allowed to participate. Others did not get to the place of participation on time, and we had several very unsavory disruptions. It showed a lack of organization and the need, I think, for reorganization of the U.S. Olympic Committee.

We addressed this problem on the 20th of May when this Senate passed a bill over to the House that would call for a study of the U. S. Olympic Committee and asked for recommendations or changes in its authority.

This is perfectly proper.

The second part of the bill, Mr. President, results from the disputes that have been taking place over the year between the AAU and the NCAA.

Now, it seems to me that we do not solve this problem by creating a Federal Amateur Athletic Board. It seems to me we are going to solve this problem by creating the framework within which the disputes can be mediated. I do not think we solve it by creating a Federal bureaucracy which does not provide for the final mediation of the disputes.

Under the bill as now written, we are creating a Federal Amateur Athletic Board and the Board will have the authority to hire an executive secretary and to create a bureaucracy that will inevitably control amateur athletics in the United States, and I do not think this is the road to follow.

The advocates of this particular piece of legislation say that the Amateur Athletic Board will be able to negotiate the disputes that exist between the various parties. However, if you read the legislation you will find that the negotiations are purely voluntary. Under the section dealing with negotiation of disputes in the legislation as now written, both parties to the dispute must agree to the negotiation. Obviously, if one party is benefited by a particular action it is not going to agree to negotiate with another party for consideration of those aggrieved.

So, there is no basis for believing that in this proposed legislation we are going to be any more successful in dealing with the disputes between the sponsoring bodies than we have been in the past.

So we have not solved the basic problem. All we have done, in effect, is created another bit of Federal bureaucracy that is going to establish the payroll, create some jobs, get a Federal Government involved in an area where it has never been involved before, take the control out of private industry where it really belongs, and not solve the problem we should be addressing ourselves to.

So, for that reason, Mr. President, I must reluctantly oppose this bill and I am hopeful that the Senator from Kentucky is going to offer an amendment which will deal more adequately with the problems that we have at hand.

(Subsequently, Senator Beall obtained unanimous consent to have the following list printed in the Record at this point:)

Potomac Valley Association of the Amateur Athletic Union.

National Junior Olympic Girls Basketball.

South Dakota Assn. of Amateur Athletic Union of U.S.

Central (Illinois) Association of the Amateur Athletic Union of the United States.

Junior Olympic Gymnastics for Girls.

United States Olympic Committee.

National Junior Olympic Synchronized Swim Chairman.

Southern Association.

National Weight Lifting Championship Committee.

National Masters Swimming Committee.

LUGE.

National Men's Track and Field Records Committee.

National Committee of Men's Gymnastics.

National Rifle Association of America.

National Greco-Roman Wrestling Committee.

National Junior Olympic Trampoline and Tumbling.

National Junior Olympic Girls Trace and Field.

AAU Women's Gymnastic Committee.

National Junior Olympic Boys Volleyball.

National Committee of Age Group Diving.

National Committee of Basketball Officials.

National Age Group Junior Olympic Swimming.

Southeastern Association Amateur Athletic Union.

Wyoming Association of the Amateur Athletic Union of U.S.

Allegheny Mountain Association of AAU.

Florida Association of AAU.

FINA Synchronized Swimming Technical Committee.

National Junior Olympic Diving.

National Junior Olympic Boys Track and Field.

National Junior Olympic Boy Basketball.

Kentucky AAU.

Technical Committee of International Amateur Athletic Fed.

National Junior Olympics LUGE.

Women's National Karate Committee.

FINA Water Polo Committee.

National Junior Olympic Water Polo.

Metropolitan Association AAU of U.S.

U.S. National Committee for Synchronized Swimming.

National Junior Olympic Weightlifting.

Junior Olympic Boxing.

National Judo and United States International Judo.

National Junior Olympic Weightlifting.

Ohio Association of AAU.

Intermountain Association of AAU.

President's Council on Physical Fitness and Sports.

National Competitive Swimming Chairman—John B. Kelly, Jr.

FINA International Diving Chairman—J. Jackson Smith.

American Association of Presidents of Independent Colleges.

Churchill Downs, Inc.—Director of Publicity—William A. Toomey.

C. Thomas McMillen.

International Wrestling Representative—Joseph R. Scalzo.

James E. Lamy.

International Amateur Athletic Federation.

Tommy Kono—U.S. Olympic Champion.

Robert J. Surkein, USA Delegate AIBA.

Dr. Max Novich—Medical Commission AIBA.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. May I ask who is controlling time in opposition?

Mr. PEARSON. I am controlling time in opposition. I yield to him.

He has time of his own on this amendment, but I yield such time as he desires in opposition.

Mr. BEALL. I might say, it is very fitting that the Senator from Kansas should control time in opposition as he is a very fair person, he always treats problems very well.

Mr. COOK. May I have 5 minutes?

Mr. PEARSON. I yield to the Senator.

Mr. COOK. Thank you.

I am delighted to hear the remarks from the Senator from Maryland.

I may say as I evaluate this—and I will make my remarks on the amendment in a short period of time—I do not really deal with the problem as it presents itself here in the United States and as it presents itself particularly with what we call the NCAA, because, in effect, we have the language in it that says if they have such rules and regulations between universities and colleges and organizations that can be exempt. So really, we are freezing in, we are freezing in their present system and their present setup.

My 12-year-old would call this a copout. My 12-year-old would say that the American athlete, if we pass this bill in its present form, without my amendment, is going to be ripped off.

Now, let me tell you what happened, and I would like to refresh everybody's mind.

You remember in March of 1973 the AAU made arrangements to play a Russian basketball team and the AAU said that the Russian basketball team was coming here and there was going to be a series of games. Then, all of a sudden we found that the head of the NCAA said that no NCAA school or athlete of any NCAA school will be able to compete in those basketball games.

Now, that meant, in effect, there was not going to be a series. That meant, in effect, we were going to pick up some AAU teams across the United States. There would be athletes, very fine athletes, but they were not the best of our young basketball players in the United States. There was no question about that, we all knew that.

So, really and truly, we were looking forward to a series of six games of which it was conceivable the United States could not win one of them, and we were playing against the best basketball team that the Russian nation could put up and send to the United States.

Now, I want to remind some of my colleagues that it was at the insistence of my office that we prepared a letter on March 29, 1973, to Mr. Walter Byers:

> Committee on the Judiciary,
> *Washington, D.C., March 29, 1973.*
>
> Mr. Walter Byers,
> *Executive Director, National Collegiate Athletic Association, Kansas City, Mo.*
>
> Dear Mr. Byers: As a member of the United States Senate, in an effort to promote and encourage international athletic competition, and continuing the spirit of multinational cultural exchange, I respectfully urge you to permit athletes of NCAA member institutions to participate in the forthcoming series of basketball games with the Russian National Team, without fear of reprisal or penalty to those athletes or institutions.
>
> Yours sincerely,
>
> Marlow W. Cook, Barry Goldwater, J. Glenn Beall, James B. Eastland, Howard H. Baker, Edward J. Gurney, Robert T. Stafford, Strom Thurmond, Clifford P. Hansen, J. W. Fulbright, James A. McClure, Quentin N. Burdick.
>
> Lowell P. Weicker, Jr., Walter D. Huddleston, Charles H. Percy, Henry Bellmon, Joseph M. Montoya, Dewey F. Bartlett, Frank G. Moss, John D. Pastore, John L. McClellan, William D. Hathaway, Carl T. Curtis, Wallace F. Bennett.
>
> Mike Gravel, Harold E. Hughes, Adlai E. Stevenson III, Mark D. Hatfield, Ted Stevens, Lee Metcalf, George McGovern, Vance Hartke, Milton R. Young, Jennings Randolph, Hiram L. Fong, Walter F. Mondale.
>
> Lawton Chiles, Gale W. McGee, Stuart Symington, Clifford P. Case, Hubert H. Humphrey, John V. Tunney, Thomas F. Eagleton, Birch Bayh, Roman Hruska, Alan Cranston.
>
> Harrison A. Williams, Jr., Edward M. Kennedy, Gaylord Nelson, Bob Packwood, Bennett Johnston, Edmund S. Muskie, Thomas J. McIntyre, Hugh Scott, William Saxbe, Lloyd Bentsen, William Roth, Mike Mansfield.

They specifically said that if any of these young athletes competed in the name of their country against the Russian team, they could be expelled from competing in NCAA competition in the forthcoming basketball season.

All they wanted to do was represent their country. They did not want to represent the NCAA. They wanted to represent the United States of America. They wanted to represent their Nation in the best tradition of the best sports individuals that we could put forth against the Russian team.

The signatures that we got on that occasion were those of myself, the Senator from Arizona (Mr. Goldwater), the Senator from Maryland (Mr. Beall), the Senator from Mississippi (Mr. Eastland), the Senator from Tennessee (Mr. Baker), the Senator from Florida (Mr. Gurney), the Senator from Vermont (Mr. Stafford), the Senator from South Carolina (Mr. Thurmond), the Senator from Wyoming (Mr. Hansen), the Senator from Arkansas (Mr. Fulbright), the Senator from Idaho (Mr. McClure), the Senator from North Dakota (Mr. Burdick), the Senator from Connecticut (Mr. Weicker), my colleague from Kentucky (Mr. Huddleston), the Senator from Illinois (Mr. Percy), the Senator from Oklahoma (Mr. Bellmon), the Senator from New Mexico (Mr. Montoya), the Senator from Oklahoma (Mr. Bartlett), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. Pastore), the Senator from Arkansas (Mr. McClellan), the Senator from Maine (Mr. Hathaway), the Senator from Nebraska (Mr. Curtis), the Senator from Utah (Mr. Bennett), the Senator from Alaska (Mr. Gravel), the Senator from Iowa (Mr. Hughes), the Senator from Illinois (Mr. Stevenson), the Senator from Oregon (Mr. Hatfield), the Senator from Alaska (Mr. Stevens), the Senator from Montana (Mr. Metcalf), the Senator from South Dakota (Mr. McGovern), the Senator from Indiana (Mr. Hartke), the Senator from North Dakota (Mr. Young), the Senator from West Virginia (Mr. Randolph), the Senator from Hawaii (Mr. Fong), the Senator from Minnesota (Mr. Mondale), the Senator from Florida (Mr. Chiles), the Senator from Wyoming (Mr. McGee), the Senator from Missouri (Mr. Symington), the Senator from New Jersey (Mr. Case), the Senator from Minnesota (Mr. Humphrey), the Senator from California (Mr. Tunney), the Senator from Missouri (Mr. Eagleton), the Senator from Indiana (Mr. Bayh), the Senator from Nebraska (Mr. Hruska), the Senator from California (Mr. Cranston), the Senator from New Jersey (Mr. Williams), the Senator from Massachusetts (Mr. Kennedy), the Senator from Wisconsin (Mr. Nelson), the Senator from Oregon (Mr. Packwood), the Senator from Louisiana (Mr. Johnston), the Senator from Maine (Mr. Muskie), the Senator from New Hampshire (Mr. McIntyre), the Senator from Pennsylvania (Mr. Hugh Scott), the Senator from Ohio (Mr. Saxbe), the Senator from Texas (Mr. Bentsen), the Senator from Delaware (Mr. Roth), and the Senator from Montana (Mr. Mansfield).

It was through that effort, and only through that effort, with pressure from Members of the Congress of the United States, that the NCAA finally decided, "We have got to give up and let these fine, remarkable athletes from the American collegiate system play against the Russian team."

As a matter of fact, Mr. President, we wound up that series having won four games and lost just one, against the champion AAU basketball team, which was held in Lexington, Ky.

Now, do we really want to go through that again? Do we really want to have to go through the process of saying to the power of these organizations throughout the United States, "We have got to get a whole bunch of names on a sheet of paper to scare you into cooperating with other athletic organizations in the United States"? Because, really and truly, if we pass this bill in its present form, we have not changed the necessity for having to do that again in the future.

I remind the Senator from Arizona (Mr. Goldwater) that we had young athletes come before us and testify about their lack of ability to participate, and they sat there and cried. They sat there and cried before our committee because they could not have the opportunity, because of the bureaucracy that had become so established and ingrained.

We had young people who wanted to compete, not to represent the Olympic Committee, but to represent their country, who had to travel at their own expense all the way to the west coast, eat hot dogs and Coca Colas and pay their own expenses, and compete; and yet the Olympic Committee, at the University of Oregon, charged people to come into the stadium and see the young American athletes who came there at their own expense to compete, not to represent the Olympic Committee, but to represent the United States of America.

Mr. President, I say today, I say for the record, to any young athlete who may be listening today, "If you think this is going to resolve any problem, you had better think again."

Mr. President, let me tell you what it will do to the young athlete. He will be denied by the Olympic Committees the opportunity to participate. He is told that, for some reason or other, he cannot.

He cannot arbitrate unless the association agrees to the arbitration. So, therefore, what is his recourse?

The major organization says, "No, we are not going to arbitrate. We are right and you are wrong. We are not going to arbitrate."

The young athlete looks around and says, "Where do I go from here?"

The association says, "Well, I'll tell you what you can do, young athelte, 19 or 20 years old. You can hire yourself a lawyer. Hire yourself a lawyer, go into Federal court, and seek a remedy."

He has been told he cannot compete in a particular activity in 2 days, in 4 days, or in a week.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. COOK. I ask for another 5 minutes.

Mr. PEARSON. Yes.

Mr. COOK. How does he get into Federal court? How does he enjoin this great organization? How does he get on the rolls so he can compete within 2 days, 5 days, or a week?

Mr. President, he cannot, and I think the sponsors of this bill know absolutely that he cannot. That is why, as my 12-year-old son would say, this is a rip-off from the American athlete.

In its resolution, the National Federation of State High School Association states that, through its member State associations, it represents the athletic programs of approximately 22,000 high schools of the United States.

I bet they contacted all those 22,000 high schools.

It states that the proposed amendment would enable an incumbent governing body to perpetuate itself.

I wonder how long the National Federation of State High School Associations has been in existence, and I wonder how many of the 22,000 high schools wish they had another organization. I will bet they cannot break it and get another association like the National Federation of State High School Associations today.

Let us ask ourselves, who is perpetuating what?

All we are asking through my amendment is a very simple athletic bill of rights. It says that if an athlete is denied the ability to participate, he can immediately ask for binding arbitration, that he can immediately submit his case, and that his case can be immediately decided, so that he in fact can participate if he is successful. If he is not successful, then he cannot.

I am amazed, when I sit here and think about those young, delightful, fresh faces that appeared before our committee and talked about the situation within the American athletic system, that we can sit here and say we are going to solve their problem by passing this bill. Those kids who came before us and said the girls on the track team were compelled to work out at some high school or grade school in Brooklyn, and they had a stone wall at the end of the track, and they finally had to put pads up there so the girls could bounce off those pads instead of crashing to a brick wall in an attempt to put themselves in condition to break a record for their country.

Mr. President, let us be fair. We know why the NCAA is for this bill now. It says they are exempt. Heretofore, they have had and enforced their own regulations. We are now going to give their regulations force of law. We are going to freeze-in their regulations, that have denied young athletes the opportunity to participate.

They cannot really mean that they want that. They themselves cannot honestly mean that. So, Mr. President, I am delighted to join with the Senator from Maryland in opposition to this bill in its present form. At the proper time, I shall bring my amendment up, and I thank the Senator from Kansas for the time on the bill. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I believe I ought to point out that although the Senator from Kentucky has not yet offered his amendment, it seems clear to me that the major fight that we are going to have concerning this bill is as a result of that amendment. If the Senator from Kentucky would care to offer the amendment now, I do not have any requests for time, and perhaps we could begin consideration of the amendment and move soon to action on it.

Mr. COOK. Mr. President, what I will do then, if the Senator from California does not mind, is to make my remarks, and then I will call up my amendment, but first yield to the Senator from South Carolina and the Senator from New Hampshire.

Mr. TUNNEY. That is fine.

Mr. COOK. Mr. President, is that agreeable with the Senator from Kansas?

Mr. PEARSON. Yes.

Mr. THURMOND. Mr. President, the Commerce Committee has ordered legislation to be reported to the Senate which will lead to a constructive and timely resolution of the major problems confronting amateur sports in the United States. In noting the lack of a national amateur sports program, I initially sponsored a bill to establish a National Sports Development Foundation. This foundation will be an overseeing organization to give the proper support and direction to amateur sports. By providing a vehicle for fund raising and coordination, this foundation will be a great step toward raising the health and well-being of our society.

Title III of S. 3500 would establish the National Sports Development Foundation. The foundation would not be an agency or establishment of the U.S. Government, but members of its board of trustees would be appointed by the President of the United States. The trustees would serve for one term of 6 years and would not be eligible for reappointment.

The foundation is authorized to use the proceeds from its trust corpus to plan, coordinate, promote, and support the conduct and development of amateur sports throughout the United States. The committee heard testimony from knowledgeable witnesses to the effect that relatively small grants of funds could be effectively used to develop amateur sports at the local level. These witnesses stated that an indirect consequence of the foundation's development aid would be an improvement in the performance of American teams in the Olympic games and other international competitions.

Foundation grants could be used to provide athletic instruction, facilities, and programs for many Americans who do not now benefit from participation in amateur sports. The foundation would provide funds to open underutilized athletic facilities, attract coaches for children and promising young athletes, and improve the opportunities for participation in sports by the handicapped and urban and rural poor.

In addition to its funding responsibilities, the foundation is authorized to gather and disseminate information relating directly to the development or modernization of athletic facilities. Similarly, the foundation will develop a body of information on safety and health, an important element of sports development which has received growing attention in recent years.

The foundation is required to submit an annual report of its activities to the President and the Congress. An annual audit and report on such audit are also required.

The bill provides that the corpus of the trust fund established by the foundation be composed equally of private gifts and matching public funds, up to a limit of $100 million. However, the foundation may spend up to $1 million of private funds per year until the total of private donations has reached $15 million. Moreover, no Federal funds may be appropriated for the foundation until fiscal year 1977. The purpose of the latter restriction is to allow the sports structure envisioned in title I to be established prior to the infusion of Federal funds.

Mr. President, I am hopeful that enactment of our legislation will inaugurate a new era in the history of U.S. amateur sports. I believe it will bring all factions of the U.S. amateur sports world together in a manner which cannot help but foster better programs of development for the Nation's athletes. The influx of new money into currently existing or proposed development programs will help enrich the lives of our youth regardless of their educational, social, or economic background. Finally, the legislation we propose will guarantee that only those associations supported by athletes, administrators, and the Government can control their respective sports and represent the United States in the Olympics and other worldwide events.

I am very pleased to have taken part in the formulation of this most important legislation. I look forward to seeing the Amateur Sports Board and the National Sports Development Foundation help our great Nation in achieving a spirit of competition which we all desire.

Mr. COTTON. Mr. President, I wish to express my support for the bill, S. 3500—the Amateur Athletic Act of 1974.

In doing so, Mr. President, I believe that it is in order to acknowledge the yeoman labor on this measure by its principal sponsor, my distinguished colleague on the Committee on Commerce and the senior Senator from the State of Kansas (Mr. PEARSON). He has been particularly conscientious in the development of the pending bill, and I wish to extend to him publicly my compliments in this regard.

Now, Mr. President, like no doubt several of my other colleagues in the Chamber, I previously had entertained some reservations about earlier legislative proposals on this same subject which had been debated by the Senate. However, I have examined carefully the statement made by my distinguished colleague from Kansas (Mr. PEARSON) in which he has sought with his usual thoroughness and effectiveness to rebut the several arguments and to assuage the several fears raised with respect to S. 3500. In addition, I have read with care the letter of July 8 which was sent jointly by the distinguished Senator from Kansas (Mr. PEARSON) and the distinguished Senator from California (Mr. TUNNEY) expressing their valid objections to amendment No. 1530 to S. 3500 proposed by my distinguished colleague from Kentucky (Mr. COOK).

Finally, Mr. President, and perhaps most important, I have been in communication with various schools and organizations within my State of New Hampshire, and the overwhelming result has been a strong endorsement of the pending bill, S. 3500, along with equally strong opposition to amendment No. 1530.

Mr. President, the sum and substance of S. 3500—the Amateur Athletic Act of 1974—was succinctly phrased in the following manner by its principal sponsor, the senior Senator from Kansas (Mr. PEARSON):

> This bill gives our amateur athletes more rights than they have ever had. No more will athletes be helpless pawns in a power struggle between sports organizations insensitive to their concerns.

In conclusion, Mr. President, I support the passage of the bill, S. 3500, and I ask unanimous consent that at the conclusion of these remarks the several letters from interested groups in my State of New Hampshire, expressing their respective support for this bill, be printed and made part of the RECORD.

The text of the communications follows:

DARTMOUTH COLLEGE,
Hanover, N.H., May 17, 1974.

Hon. NORRIS COTTON,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

DEAR SENATOR COTTON: It is a pleasure to be writing to you to urge your support rather than opposition to legislation.

To that end, Dartmouth College is in favor of Senate Bill 3500, the Pearson Bill, and also Senate Bill 1018, the Tunney Bill. It is our understanding that S–3500 will be amended with S–1018, and I urge your support.

Thank you very much for your consideration.

Sincerely,

SEAVER PETERS.

DARTMOUTH COLLEGE,
Hanover, N.H., June 20, 1974.

Hon. NORRIS COTTON,
U.S. Senate,
Committee on Commerce,
Washington, D.C.

DEAR SENATOR COTTON: You may have received this pamphlet from other sources, but I did want to make sure you have a chance to study it.

Also, I am forwarding a newspaper clipping which dramatizes the need for S. 3500. This nation's best amateur track athletes are in rebellion against the AAU. Under present procedures, little if anything can be done about it.

In track and field for example, the AAU has exclusive authority as to whether an athlete may or may not compete in international competition and, yet, the AAU is answerable to no one in this country.

S. 3500 provides a needed review mechanism and, also, through matching public and private contributions, provides a source of financial aid for amateur athletics. Our cities and states spend tax money to build wonderful stadiums for professional, profit-making sports organizations, so it doesn't seem unreasonable to provide a vehicle for generating dollars for sorely pressed amateur sports.

Please guard against efforts to substitute S. 3273 for S. 3500. Apparently Senator Cook of Kentucky has this in mind. S. 3273 was written by the U.S. Olympic Committee and the AAU to give the impression that changes could be wrought through arbitration whereas in fact, the contemplated arbitration procedures are carefully slanted in favor of the organizations which now hold the international franchises. In fact, I am puzzled as to how the Congress can amend the public law which charters the U.S. Olympic Committee and thus require private, voluntary organizations to arbitrate their eligibility rules such as the state athletic associations for high schools and the various intercollegiate athletic conferences.

I would appreciate hearing from you as to your reaction to these matters and if I can provide further information, I would be happy to do so.

Sincerely,

SEAVER PETERS.

[Telegram]

HANOVER, N.H.,
July 8, 1974.

Senator NORRIS COTTON,
Capitol, D.C.:

Permit me to reaffirm our support of S. 3500, the Amateur Athletic Act of 1974. We oppose the Cook amendment, S. 1530. Thank you for your consideration, and hoped-for support.

SEAVER PETERS,
Director of Athletics,
Dartmouth College.

UNIVERSITY OF NEW HAMPSHIRE,
Durham, N.H., May 29, 1974.

Hon. NORRIS COTTON,
U.S. Senator, Committee on Commerce,
Washington, D.C.

DEAR SENATOR COTTON: I appreciate your kindness in allowing me to express to you my thoughts on Bill S. 3500 pertaining to the Amateur Athletic Act.

The University of New Hampshire, as a member of the NCAA, is committed to developing and maintaining amateur sport programs in this country. The programs at our university, and other major universities, have been responsible for the development of the best amateur athletes in the world. Due to unreasonable and arbitrary rules or sanctions, however, our international competition has frequently fallen far below our ability.

It has been my hope that reforms could come about within a short time so that we may have our best competitors at the next Olympic Games. This might have been done without government action, but it never was as the problem continues year after year.

The Commerce Committee's Bill S. 3500 is much better and much sounder than the earlier proposal which would have placed too much government control over domestic sports. The new form has minimum government involvement, and directs itself to the basic problem which is the need for the reorganization of U.S. representation on international sports-governing bodies. Bill S. 3500 also gives athletes representation and protection.

I strongly favor adoption of the new Commerce Committee's bill, and hope that you will give the bill your support.

Sincerely,

ANDREW MOORADIAN,
Director of Athletics.

SAINT ANSELM'S COLLEGE,
Manchester, N.H., May 27, 1974.

Hon. NORRIS COTTON,
U.S. Senator, New Senate Office Building,
Washington, D.C.

DEAR SENATOR COTTON: This will acknowledge your letter of May twenty-second with enclosures, concerning the bill S. 3500 sponsored by Senator James B. Pearson.

I wish to express my support for this bill and I might add, I endorse the position of the Council of the National Collegiate Athletic Association which is in support for S. 3500.

I take the liberty of enclosing a copy of the Council's resolution which may or may not have been brought to your attention.

Thank you very much for writing and for your attention to and support for S. 3500.

With very best wishes, I am

Sincerely yours,

(Rev.) BRENDAN P. DONNELLY, O.S.B.,
President.

[Telegram]

CONCORD, N.H., *May 28, 1974.*

Senator NORRIS COTTON,
Washington, D.C.:

On behalf N.H. high school athletics support both bills: Pearson, S. 3500; Tunney, S. 1018. Best regards.

WALTER SMITH,
Executive Director,
New Hampshire Interscholastic Athletic Association.

Mr. COOK. Mr. President, as you know, I have now been involved for nearly 4 years in attempting to resolve some of the serious problems which have plagued amateur athletics in this country for some six decades. These problems have not only affected adversely the Olympic efforts of our country, but also the very lives and futures of many of our dedicated and talented young athletes.

For years, organizational power struggles have hindered our national efforts, and have led to sporadic and arbitrary actions that have prevented many of our athletes from doing their best in representing the United States in international athletic competition.

At the beginning of this Congress, I was one of six Senators who introduced legislation designed to end this age-old controversy. At that point, Senators PEARSON, TUNNEY, THURMOND, GRAVEL, STEVENSON, and I decided to work together to assemble one proposal which would accomplish what we all had established as a common purpose. The result of that common effort was originally S. 2365, now before us as S. 3500. Unfortunately, the bill before us has been compromised to the point that it no longer would do anything to resolve our problems. In fact, by virtue of one provision in the legislation, we could actually be legislating for good one-half of the existing problem.

These considerations prompted me to propose legislation, S. 3273, with Senator HUMPHREY, which would attack directly the most serious problems confronting our national amateur athletic programs. I have now offered essentially the same proposal as a substitute amendment to titles I and II of S. 3500. I would like to briefly outline the concept of my substitute amendment, and explain the important differences in approach between my proposal and the bill before us.

First, and most important, is the mechanism for guaranteeing the athletes in this country the right to participate in international competition representing the United States. As you may know, the power struggles of the sports organizations have been fought with the athletes as pawns. In a seemingly endless series of controversies, the various organizations try to embarrass each other by refusing to allow athletes under their jurisdictions to participate in events sponsored by the other groups. A perfect example occurred only last summer when the Russian national basketball team was to tour the United States and play a series of six games against a representative team of Americans. The games were arranged by the Amateur Athletic Union, one of the most prominent athletic organizations, and one which has been deeply involved in many of the controversies which have arisen over the years. The National Collegiate Athletic Association, another such group, decided to thwart the AAU's effort, not to speak of embarrassing the entire country, by denying basketball players under their control the right to play in that series.

Mr. PEARSON. Mr. President, will the Senator yield? I may have a misunderstanding. Am I yielding time now on the bill to the Senator? Is that what the Senator wishes?

Mr. COOK. No; I think I am consuming part of my hour on my amendment and, at the end of my time I will then call up my amendment with that understanding.

Mr. PEARSON. Mr. President, I think the Chair wanted a clarification of this for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PEARSON. I thank the Senator.

Mr. COOK. Yes.

The NCAA hierarchy, not the individual colleges and universities, refused to relent until 57 of my colleagues joined me in sending a letter to Mr. Walter Byers, executive director of the NCAA, urging him to reconsider that decision. Finally he did so, and the U.S. team was able to defeat the Russians 4 games to 2. My point is that it seems incredible to me that it would take such an extreme action to accomplish something that is so obviously in the national interest.

For instance, we would not have seen Bill Walton play against the Russian team. We would not have seen Marvin Barnes; we would not have seen Ernie Di Gregorio play at all because they had been told they could not under any circumstances. And it was through our efforts that this was accomplished and they were allowed to represent their country.

Both S. 3500 and my substitute amendment purport to solve this problem by establishing an Athletes' Bill of Rights. However, I believe that the mechanisms for implementing this right to participate in my proposal is so superior to that in S. 3500, that to pass the proposal of the Senator from Kansas would be to effectively deny such a right to a major portion of our American amateur athletes. I say this for two reasons. First, my proposal provides that any athlete who is denied his right to participate in an authorized event can compel binding arbitration against the organization that is denying that right.

Such arbitration is to be conducted by the Independent American Arbitration Association, and may be expedited as quickly as 48 hours if necessary. On the other hand, S. 3500 requires that an athlete retain an attorney and institute an action in Federal court to exercise his right. Not only will this requirement pose an impossible burden on a good number of our athletes, who have no means of waging a law suit, but it will effectively prevent any action in a good number of cases, since many of these disputes arise in such close proximity to the date of the event, that a court action could not conceivably be concluded in time to do justice. And in these cases, as in probably no other, justice delayed is truly justice denied.

Another reason that S. 3500 would contradict its avowed purposes is that the rules and regulations of the NCAA, and other athletic organizations comprised of educational institutions, are exempted from the scope of the bill. By virtue of section 204(d), an athlete may be denied his right to participate if the basis of that denial is a rule or regulation adopted by an institution individually or in common with other institutions. That means that, for example the rule that was used to deny the basketball players the right to play against the Russians could continue to be invoked in the future. So we are right back where we started if we are trying to accomplish something for our athletes, how in good conscience can we let that broad exemption be enacted into law. The inclusion of this section is the only reason that the NCAA is now urging passage of this bill, which they strongly opposed when it did not include this exemption as S. 2365.

They finally decided they would be for something when they got excluded from it. Well, anybody would be for something of that nature. There would be no problem in that. I recognize the value of protecting the educational interests of the athletes and their schools, but not the value of protecting the broad rules of the organizational hierarchies, which bear only the vaguest relevance to legitimate academic interests.

My amendment does not allow an individual institution to deny any athlete the right to participate if the basis of such denial relates solely to the academic or athletic interests of the individual at that institution. That is the very thing the NCAA does not want. This is a relationship in which the Federal Government should not interfere. And it is also a relationship which has not been the source of the problems. In most instances the individual school wants its athletes to participate, but is forced by the hierarchies to deny the athletes that right. S. 3500 only codifies the power of the NCAA and other organizations, while my amendment transfers that power from the NCAA Headquarters at Kansas City, to the individual schools who know best what is truly in the academic or athletic interests of the athletes.

Another compelling reason that S. 3500 should not be enacted as written, and that my amendment must be adopted, is that the Pearson bill establishes a Permanent Federal Board, which will probably have very little to do. The only function of the Board is to determine, every 4 years, who will hold the membership on the International Federation for each of the Olympic sports. By the terms of S. 3500, such decisions shall be made within 12 months after the conclusions of the winter and summer games. In other words, the Board will only be functioning for a maximum of 18 months out of every 4 years.

I wonder whether it is necessary to create another Federal Board to perform such a limited objective. My substitute, on the other hand, provides a reasonable mechanism for the assignment of international franchises without necessitating the establishment of another agency, and without the expenditure of Federal funds. It sets the criteria by which a challenging organization may unseat the existing franchise holder through compulsory binding arbitration, again before the American Arbitration Association. If a challenging organization can demonstrate that it meets those criteria better than the existing governing body, then it will become the governing body. In this regard, we can better insure that the organization most capable of developing that sport will be the American representative. Under the Pearson bill, it is conceivable that the best qualified organization will be precluded from being the governing body for that sport.

Finally I would like to raise the question as to what the passage of either of these bills will do to the status of the United States in the Olympics. As you may know, the International Olympic Committee has a rule which prohibits government intervention in decisions affecting the participation of any country in the Olympic games. Lord Killanin, present chairman of the IOC, has said that the passage of S. 3500 could jeoparize the right of the United States to participate in the Olympics, but that the enactment of my substitute would not. Now I am not one of those who likes being blackmailed by anybody, and I would not vote against S. 3500 solely on that basis. However, I do think that since my substitute offers a solution to many of our current problems, and a more effective solution in several areas, that it would be foolish to risk expulsion from the Olympics by enacting S. 3500, which I believe to be an incomplete solution to our sports problems.

Now I am aware of the massive lobbying that has surrounded the legislative history of these proposals. The NCAA supports S. 3500, and I think I have explained why.

Since additional Senators have entered the Chamber, I might digress for a moment to say that the NCAA wants S. 3500 because S. 3500 in its present form would compel us again to go to the Senator from Tennessee (Mr. BAKER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oklahoma (Mr. BARTLETT), and ask them to sign a letter again, just as they did last time so that NCAA athletes can play against the Russian basketball team because the NCAA has said, "Thou shall not and you will be expelled and your school will be expelled." Finally, 57 of us signed a letter and we got Walter Byers to act. Now we would freeze that in with S. 3500 in the future.

The Amateur Athletic Union and the U.S. Olympic Committee support my proposal, and I am not so sure that I know why. However, I do know that a considerable number of our Nation's greatest amateur athletes support my proposal. They include former Olympic medalists Bill Toomey, Donna DeVarona, and Tom McMillen. I know why they are supporting it.

I remember so vividly Donna DeVarona because she sat in front of our committee with the Senator from California and cried about the conditions that we were not doing anything about by the passage of this bill. That is why this bill is a copout. My proposal is a tribute to Tom McMillen, of the University of Maryland, who got to participate in those games. They support it because they realize it is a true guarantee of their rights.

They realize that it is a true guarantee that their rights and the rights of the thousands of athletes who want to represent the United States in international competition, will be protected. And this, in the long run, is the only thing I care about. I do not really care whether the AAU or the NCAA dominates amateur sports in America, as long as the athlete has the encouragement and protection of the laws of this country in his or her efforts on the athletic field. This should be the primary concern of every Member of the Congress, and that concern can best be reflected and realized by adopting my substitute amendment to S. 3500.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I would like to point out——

Mr. COOK. Mr. President, will the Senator yield so that I may call up my amendment?

Mr. TUNNEY. I yield.

AMENDMENT NO. 1530

Mr. COOK. Mr. President, I call up my amendment No. 1530.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. COOK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 1, line 3, strike everything through page 23, line 24, and insert in lieu thereof the following:

"That section 3 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 373), is amended by striking out 'amateur representation' in paragraph (4) and inserting in lieu thereof the following: 'administrators, coaches, and amateur athletes'.

"SEC. 102. Section 4 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 374), is amended—

"(1) by inserting '(a)' before 'The corporation shall have perpetual succession';

"(2) by striking out paragraph (9);

"(3) by redesignating paragraphs (10), (11), and (12) as paragraphs (9), (10), and (11), respectively; and

"(4) by inserting at the end thereof the following new subsection:

" '(b) The corporation shall have the power to adopt and alter a constitution and bylaws not inconsistent with the laws of the United States, except that the corporation may alter the constitution only if—

" '(1) the corporation publishes in a newspaper or magazine of national circulation or in any publication published by the corporation, and in the Federal Register, a general notice of the proposed alteration of the constitution including the terms of substance of such alteration, the time and place of the corporation's regular meeting at which such alteration is to be decided, and a provision informing interested persons that they may submit materials as authorized by paragraph (2);

" '(2) for a period of at least thirty days after the date of publication of such notice in the Federal Register, the corporation gives to all interested persons an opportunity to submit written data, views, or arguments concerning the proposed alteration;

" '(3) the corporation decides upon the alteration for which notice was published under paragraph (1) only after the thirty-day period under paragraph (2) and only at a regular meeting (with or without opportunity for a written or oral presentation by any interested person whom the corporation may invite to such meeting); and

" '(4) the corporation mails the alteration to all persons who submitted any material under paragraph (2) and to all persons who submitted a written or oral presentation under paragraph (3).'.

"SEC. 103. The Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950, is further amended by inserting after section 4 the following new section:

"SEC. 4A. (a)(1) No individual who is eligible under applicable international or applicable national amateur athletic rules and regulations may be directly or indirectly denied his right to attempt to qualify for selection, or his right (if he so qualifies) to participate, as an athlete or coach, trainer, administrator, manager, or other official representing the United States in any international amateur athletic competition, if such competition involves any sport included on the Olympic games or pan-American games program during the Olympiad time period concurrent with such attempt to qualify for such participation. Notwithstanding the provisions of the preceding sentence, any university, college, high school, or other educational institution which an individual is attending at the time of such attempt to qualify, or (in the case of a coach, trainer, administrator, manager, or other official) which employs such individuals, may deny the individual the institution's permission and approval for such attempt or participation, except that no institution may deny any individual such right of participation unless the basis for such denial relates solely to that individual's academic or athletic interests at that institution.

" '(2) There shall be a reasonable number of amateur athletes (who have represented or are representing the United States in any international amateur competition in any sport included on the Olympic games or pan-American games program during the Olympiad time period concurrent with such representation) as members on the governing board of the governing body for that sport. For the purposes of this Act, the term "reasonable number" shall mean not less than 20 per centum of the membership of the governing body for that sport.

" '(b) Any national amateur sports organization may seek recognition as a governing body if it establishes by a preponderance of the evidence that it more completely meets the following criteria in comparison with the existing governing body:

" '(1) It provides, at the time of arbitration under subsection (d) more effective national competition in the sport (at appropriate levels of ability and for both sexes if appropriate) for which it claims recognition as the governing body, so that such competition will result in a higher quality of United States athletes in all international amateur athletic competition for such sport.

" '(2) It provides (without regard to race, creed, color, religion, or sex) equal opportunity, for competition in the sport for which it claims recognition as the governing body, to all individuals who are eligible under applicable international or applicable national amateur athletic rules and regulations; and it applies international rules and regulations concerning athletic eligibility and competition without discrimination to all such individuals.

" '(3) It has a reasonable number of amateur athletes (who have represented or are representing the United States in any international amateur athletic competition in the sport for which the organization claims recognition under this subsection, and which is included on the Olympic games or pan-American games during the Olympiad time period concurrent with or immediately preceding such claim for recognition) as members of its governing board for that sport.

" '(4) Its voting membership is open to any national amateur sports organization in the sport for which it claims recognition as the governing body under this subsection and to any amateur sports organization whose members operate statewide athletic programs which affect the selection or qualification of athletes to represent the United States in international amateur athletic competition in that sport.

" '(5) There are voting representatives of national amateur sports organizations (which represent the sport for which recognition is claimed under this subsection, if the sport is included on the Olympic games or pan-American games program during the Olympiad time period concurrent with such claim for recognition) as members of its governing board for that sport.

" '(6) Members on its governing board are selected without regard to race, creed, color, religion, or sex.

" '(7) The terms of office of such members are expressly limited to a reasonable period.

" '(8) It is financially able to perform the functions of the United States member of the international amateur sports federation recognized by the International Olympic Committee for the sport concerned, and it is able to comply with all applicable international requirements (written and uniformly applied to all nations) relating to recognition as the governing body for the sport for which it claims recognition.

"'(c) Any individual who alleges he has been denied a right established under subsection (a) in violation of such subsection may submit to any regional office of the American Arbitration Association a claim documenting the denial, but shall submit such claim within thirty days after the denial: *Provided further*, That the association is authorized, upon forty-eight hours' notice to the parties, to hear and decide a matter under such procedures as the association deems appropriate if the association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the association to do justice to the affected parties.

"'(d) Any national amateur sports organization claiming recognition under subsection (b) shall submit such claim to any regional office of the association not later than one year after the termination of any summer Olympic games. The association shall serve notice on the parties to the arbitration and on the corporation, and shall immediately proceed with arbitration according to the commercial rules of the association; except that (1) for any arbitration in which at least two of the parties are not individuals, there shall be not less than three arbiters selected by the association, (2) there shall only be arbitration of a claim under subsection (b) after the ninetieth day after the day that the national amateur sports organization submitted such claim to the association, and (3) the arbitration decision shall be served on the corporation in the same manner as it is to the parties to the arbitration.

"'(e) Any person whose claim is upheld by an arbitration decision under subsection (c) or (d) may bring suit in a United States district court having jurisdiction over any party to such arbitration to compel compliance with the terms of such decision. In addition to the provisions of the first sentence, any party to such an arbitration decision may bring suit in such court for review of the decision within a period of sixty days after the decision; except that the court may only modify or set aside the decision if it is procured by fraud, if it is clearly erroneous, or if the subject matter for the arbitration is not included within the paragraph under subsection (a) or (b) upon which the person based his claim for arbitration under subsection (c) or (d). Any person who submits a claim for arbitration under subsection (c) or (d) may bring suit in such court to compel arbitration pursuant to subsection (c) or (d), and the arbiters of an arbitration under subsection (c) or (d) may petition such court to enforce compliance with a subpena issued by the arbiters pursuant to the rules of the American Arbitration Association. Any individual who alleges he has been denied a right established under subsection (a) in violation of such subsection may (in lieu of seeking arbitration under subsection (c)) bring suit in such court for adjudication of such denied right.

"'(f) Any person seeking arbitration under this section shall have the burden of introducing the evidence to support his claim and shall have the burden of proving his claim; except that when any individual seeks arbitration because of an alleged violation of a right established by paragraph (1) of subsection (a), the burden of introducing the evidence and the burden of proof shall be on the person who allegedly violated such right.

"'(g) If an arbitration decision upholds a claim of a national amateur sports organization for recognition as a governing body under subsection (b), the corporation shall (on the sixty-first day after such decision) recommend in writing and support in any other appropriate manner such sports organization to the appropriate international governing body for recognition by such international body as the governing body; except that if there is district court review under subsection (e), such recommendation and support shall occur immediately after the judicial review upholds such decision. Such support shall include, but not be limited to, providing such sports organizations voting membership in the corporation and on the governing board of the corporation proportionate to that of the internationally recognized national sports governing bodies in other Olympic sports, and restructing the membership of the games committee in that sport and other committees as appropriate to reflect that such sports organization is the sole sports body nationally recognized to govern in that sport. A governing body against which a successful challenge has been made by a national sports organization under subsection (d) shall not attempt to influence the international sports federation in that sport to reject the decision of the arbitration and shall (on the sixty-first day after such decision) send a letter to the international sports federation endorsing the national sports organization whose claim was upheld; except that if there is district court review under subsection (e) such a letter shall be sent immediately after the judicial review if such review upholds such decision.

"'(h) The arbiter of any arbitration under subsection (c), or a majority of the arbiters under subsection (d)(1), may order that the losing party pay to the prevailing party reasonable fees for attorneys' services rendered for such arbitration. The district court may order that the losing party to a suit under subsection (e) pay to the prevailing party reasonable fees for attorneys' services rendered for such suit.

"'(i) For the purposes of this section—

"'(1) The term "international amateur athletic competition" means any athletic event between an athlete or team of athletes representing the United States and an athlete or team of athletes representing any foreign country, conducted in compliance with applicable national and international requirements.

"'(2) The term "Olympiad time period" means the time period beginning at the termination of any summer Olympic games and ending at the termination of the following summer Olympic games.

"'(3) The term "governing body" means the national amateur sports organization which is recognized by the international governing body for a sport as the national representative for that sport for international amateur athletic competition in the Olympic games and pan-American games.

"'(4) The term "national amateur sports organization" means any club, federation, union, association, or similar group in the United States (A) which conducts regular national competition in a sport on the Olympic games or pan-American games program concurrent with such competition, (B) which is capable of holding an annual national championship in any such sport from which a team of athletes or a substantial number of athletes who are not members of a team could be selected to represent the United States in international amateur athletic competition, and (C) is capable of conducting international amateur athletic competition in any such sport.'.

"Sec. 104. Section 5 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 375), is amended by inserting after 'bylaws of the corporation' the following: ', except that any governing body may only be a member of the corporation if it files an annual financial statement with the Congress. Any such statement shall not be printed as a public document'.

"Sec. 105. Section 9 of the Act entitled 'An Act to incorporate the United States Olympic Association', approved September 21, 1950 (36 U.S.C. 379), is amended—

"(1) by striking out 'the emblems of the United States Olympic Committee' and inserting in lieu thereof the following: '(1) the emblem of the United States Olympic Committee'; and

"(2) by striking out 'or the words "Olympic," "Olympiad," or "Citius Altius Fortius" or any combination of those words' and inserting in lieu thereof the following: '(2) five interlocking rings or any other symbol tending to represent such five interlocked rings (whether or not such symbol is a sign or insignia under clause (1), or (3) the words "Olympic," "Olympiad," or "Citius Altius Fortius, or any combination or confusingly similar derivation of any of these words.'.

"Sec. 106. The amendments made by this Act shall take effect on the date of enactment of this Act. However, the amendments made by paragraph (2) of section 105 of this Act shall not apply to any person that used the rings, symbol, or derivation of words proscribed by such paragraph (2) for any lawful purpose prior to the date of enactment of this Act if such person uses such rings, symbol or derivation for the same purpose and for the same class of goods after the date of enactment of this Act.".

On page 24, line 1, change "TITLE III", to read "TITLE II".

On page 24, line 4, change "Sec. 301." to read "Sec. 201.".

On page 30, line 5, change "Sec. 302." to read "Sec. 202."

On page 34, line 24, change "Sec. 303." to read "Sec. 203.".

On page 36, line 2, change "Sec. 304." to read "Sec. 204.".

On page 36, line 18, change "Sec. 305." to read "Sec. 205.".

Mr. PEARSON. Mr. President, would the Senator yield?

Mr. COOK. I yield.

Mr. PEARSON. This amendment would strike title I and title II of the bill.

Mr. COOK. The Senator is correct.

Mr. PEARSON. The Senator understands that would be very detrimental to the Pearson bill?

Mr. COOK. I understand it would be totally detrimental to the Pearson bill, which is the very reason I am here today.

Mr. TUNNEY. Mr. President, first of all I would like to point out initially that there are many athletes and sporting associations that have had the opportunity to analyze both S. 3500 and the Cook amendment that feel that the Cook amendment would be pernicious to the best interest of amateur athletics in this country and that S. 3500, on the other hand, would be an important guarantee of the rights of the amateur athlete, and that S. 3500 would protect those rights.

I am not saying that simply because we have a lot of athletes lined up on one side of the issue, and a lot of sporting organizations lined up on one side of the issue, that this part necessarily makes our position correct. However, I might point out to the Senate that what we are talking about today is protecting the rights of amateur athletes and we have the Amateur Athletes Adivsory Board to the

U.S. Olympic Committee, on record favoring S. 3500; we have such athletes as Lt. Micki King, who was a gold medal winner in the 1972 Olympics, such athletes as Bill McClure, John McKay, Bob Devaney and Willie Davenport.

Mr. President, I ask unanimous consent to have printed in the RECORD a pamphlet which has been prepared by a group of amateur athletes in the country expressing their support of S. 3500.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

USA AMATEUR ATHLETICS NEEDS YOUR HELP

PREAMBLE

There have been repeated disputes among various United States amateur sports bodies concerning the management of USA athletes and teams in international competition for more than 50 years. The many attempts at ad hoc solutions have not resulted in a permanent resolution of the problems and, in fact, the "band-aid" treatments may have contributed to the more frequent confrontations and major controversies of the past decade.

Extensive private negotiations among the major amateur sports organizations of the nation have failed, and intensive efforts by the Federal government at the highest level to "work out" an answer have come to naught; e.g., Attorney General Robert F. Kennedy personally conducted negotiations in 1962; General Douglas MacArthur acted at the request of President John F. Kennedy in 1963; Vice-President Hubert H. Humphrey, after hearings conducted by Senator Warren G. Magnuson, charged a special sports arbitration board to find a solution based upon voluntary acceptance in 1966.

The points of conflict persistently occur in the scheduling of international competition for USA athletes and teams, their selection and preparation and the management of these competitors and teams in the events themselves. Amateur athletes, their coaches and experienced administrators, and the American public generally, clearly have called for a re-evaluation and reform of the organizations which operate these activities.

PROBLEM

Each international amateur sport is governed by an international sports federation. Each nation may have one representative organization as its member in the international federation, and the national member is called upon to verify that it is truly representative of the sport in that nation.

The problem in the USA is that there is no internal procedure available to determine which are the best organizations to represent the USA in the respective international federations. This determination was made for the United States when some international federations were formed (e.g., before the turn of the century) or—in more recent times—determinations have been made by foreign nations acting through the respective international federations. Many of these nations have clearly resolved to keep the USA in a weakened position in international competition.

Bear in mind, the USA organization which holds membership in an international sports federation gains life-and-death power over the selection, organization and eligibility of individual athletes and USA teams, and their right to leave the USA to compete in other countries in any form of competition (as well as their right to meet foreign athletes on USA soil). This awesome, exclusive authority for the USA, in some 30 sports, is not determined by the United States and its people, but through private negotiations with foreign agencies by USA groups which never have been authorized to perform this function by the Congress of the United States, by a referendum of the American public interested in the sports concerned or by a vote of the athletes, coaches and administrators participating in each sport.

When an ineffective organization represents the USA in an international sports federation, (1) that sport and its athletes are not given adequate management at the international level; (2) the USA's world class athletes become disenchanted and uninspired; (3) the major USA domestic groups with programs in that sport seek new international leadership; (4) the ineffective USA member of the international federation seeks support from foreign nations to bolster its membership, and (5) without any USA procedure to require new leadership in our international representation, when needed, the disputes and controversies flare and disrupt further the USA athletic effort. The result is poor management for USA teams and weak representation of USA interests in international sports councils.

SOLUTION

Immediate, effective procedures must be established so that the United States itself determines the best qualified organizations to represent it in the respective international sports federations. There must be assurances that qualified personnel, including athletes and women, are operating these USA organizations.

Since the various USA domestic sports organizations themselves cannot agree upon a fair, referendum process to make these determinations, the history of the problems and the resultant disputes make it clear that the United States Congress—as the most representative body of the American people—must establish machinery to accomplish this purpose.

Further, it is essential that additional financial support for USA amateur athletics be generated to offset the mammoth government subsiides being provided amateur sports by virtually every other nation of the world. Communist bloc countries totally subsidize their amateur sports; and in the Western sphere, government financial support in varrying forms and amounts is an accepted fact of life.

The solution for the United States does not lie in government control or in direct government subsidy. Recognizing the nation's traditions, Senate Bill 3500 provides simple answers through:

1. A Presidential Board to review the competency of USA organizations which hold memberships in international sports federations and to guarantee that they, in fact, are representative of the domestic USA citizenry they claim to represent, and

2. A national sports Foundation which would generate assistance for amateur sports through the income realized from matching funds from Federal and private donations.

ARGUMENTATION

1. A total national interest is involved when USA athletes and teams officially represent the United States in international competition. The nation's reputation is at stake in competition with other nations, and it is fitting that the private organizations responsible for the USA entries should be answerable to the American public.

2. The Presidentially appointed Board authorized by S. 3500 may NOT accept membership in an international sports federation; it may not operate sports competitions, and it may not inject itself into the management of USA domestic competition. The Board is authorized to settle disputes between and among private organizations which desire to be the USA member of an international sports federation and assure that such member is representative of all of the qualified United States interests in that sport.

3. The Board authorized by S. 3500 is NOT composed of full-time commissioners, but of members who are called to duty as problems arise. S. 3500 involves the Federal government to the minimum extent necessary to solve the problem.

4. The Board authorized by S. 3500 provides a mediation service for the settlement of amateur sports disputes.

5. The Foundation is designed to pool matching Federal and private funds so that income may be available to fund needed sports programs for disadvantaged youth, to propose ways of creating new amateur sports facilities and to provide financial assistance for world class athletes to train and compete in international sports competition when funds are not available from other sources. The Foundation is authorized only to provide grants to achieve these purposes and is not authorized to operate programs itself.

6. S. 3500 wisely establishes machinery to settle the USA's longstanding amateur sports disputes first, and then provides the financial potential to assist the USA to keep abreast of world competion.

7. There are continuing, annual world championship competitions in many sports in which the USA is challenged to present its best athletes in the name of the United States. These are separate and distinct from the quadrennial Olympic Games.

S. 1018, passed by the U.S. Senate May 20, makes a significant contribution by concentrating upon this nation's participation in the Olympic and Pan American games. S. 3500 deals, however, with the problems associated with these other important and much more frequent worldwide international competitions.

TIMING

The United States' premier position in international sports has deteriorated steadily year by year. Current USA management has attributed this to the increased efforts of other nations and the inroads of professional sports in the USA. These are secondary factors to the principal reasons for the United States' declining prowess—namely, inefficient and inadequate leadership for our international sports efforts; weak representation in international sports councils, and inadequate financial support for amateur athletics generally.

It is essential that the United States moves resolutely to correct these weaknesses, and we believe this can be done through the mechanisms provided by S. 3500. The issue is urgent.

The following individuals and organizations endorse the foregoing and support enactment of S. 3500.

INDIVIDUALS

Archie Allen, Springfield, Mass., Coach of 1963 Pan American Games Baseball team.

Ed Badger, Chicago, Ill., Head coach of 1972 World University Games Basketball team.

Samuel E. Barnes, Washington, D.C., Member, U.S. Olympic Executive Committee and Board of Directors, 1968–1972.

Gene Bartow, Champaign, Ill., Coach of 1973 U.S. Basketball Tour of Red China and coach of 1974 U.S. Basketball team in World Championships.

Wayne Baugham, Oklahoma City, Okla., 1968 U.S. Wrestling champion.

Doug Blubaugh, Bloomington, Ind., 1960 U.S. Olympic Wrestling champion and 1959 Pan American champion.

Jim Bolding, Stillwater, Okla., American record holder in intermediate hurdles.

Bill Bowerman, Eugene, Ore., Coach of the U.S. 1972 Olympic Track and Field team.

Mel Brodt, Bowling Green, Ohio, President, U.S. Track Coaches Assn.

Doris Brown, Seattle, Wash., 1968 and 1972 U.S. Olympic Track and Field teams.

Frank Broyles, Fayetteville, Ark., Director of athletics, University of Arkansas.

Paul (Bear) Bryant, University, Ala., Director of Athletics, University of Alabama.

Jim Bush, Santa Monica, Calif., Coach of three National Collegiate Track and Field Championship teams at UCLA and coach of 1973 AAU Track and Field team.

Suzanne Chaffee, Rutland, Vt., 1968 U.S. Olympic Skiing team.

Steve Combs, Stillwater, Okla., 1968 U.S. Olympic Wrestling team.

Harold Connolly, Santa Monica, Calif., 1956, 1960, 1964 and 1968 U.S. Olympic Track and Field teams.

Peter Daland, Westlake Village, Calif., Coach of 1964 Women's U.S. Olympic Swimming team and 1972 Men's Olympic Swimming team.

Willie Davenport, Baton Rouge, La., 1964, 1968 and 1972 U.S. Olympic Track and Field teams.

Bob Devaney, Lincoln, Neb., Director of athletics, University of Nebraska.

DeLoss Dodds, Manhattan, Kan., Chairman, NCAA Track and Field Rules Committee.

Brice Durbin, Topeka, Kan., Manager, 1968 U.S. Olympic Track and Field team.

William Exum, Frankfort, Ky., Assistant manager, 1972 U.S. Olympic Track and Field team.

Roy Griak, Minneapolis, Minn., Assistant coach of 1972 U.S. Olympic Track and Field team.

Harry Groves, University Park, Pa., Member of Track and Field Committee for 1973 World University Games.

George Haines, Westwood, Calif., Coach of 1960 and 1972 Women's U.S. Olympic Swimming teams and head coach of 1968 Men's U.S. Olympic Swimming team.

Russ Hellickson, Madison, Wis., 1971 Pan American Games Wrestling champion.

Jesse T. Hill, Los Angeles, Calif., Member, U.S. Olympic Executive Committee and Board of Directors, 1964–1968.

Werner Holzer, Chicago, Ill., 1968 U.S. Olympic Wrestling team.

Stan Huntsman, Knoxville, Tenn., Member of Track and Field Committee for 1973 World University Games.

Henry P. Iba, Stillwater, Okla., Coach of three U.S. Olympic Basketball teams.

James R. (Bud) Jack, Salt Lake City, Utah, Director of athletics, University of Utah, and 1972 USOC Olympic administrator.

Lt. Micki King, Colorado Springs, Colo., 1968 U.S. Olympic Swimming team and 1972 U.S. Olympic Swimming champion.

Dave Maggard, Berkeley, Calif., Director of athletics, University of California, Berkeley, and vice-chairman, USOC Track and Field Committee.

Terry McCann, Arlington Heights, Ill., 1960 U.S. Olympic Wrestling champion.

Bill McClure, Columbia, S.C., Assistant coach of 1972 U.S. Olympic Track and Field team.

Arad McCutchan, Evansville, Ind., Coach of five National College Division Basketball Championship teams.

John McKay, West Covina, Calif., Director of athletics, University of Southern California.

William Meade, Carbondale, Ill., Manager and assistant coach of 1968 U.S. Olympic Gymnastics team.

Julius Menendez, San Jose, Calif., Assistant coach of 1972 U.S. Olympic Soccer Football team and coach of 1960 U.S. Olympic Boxing team.

Kenneth Moore, Eugene, Oreg., 1968 U.S. Olympic Track and Field team.

Charles M. Neinas, Kansas City, Mo., Member, U.S. Olympic Executive Committee and Board of Directors, 1968–1972.

Ben Peterson, Ames, Iowa, 1972 U.S. Olympic Wrestling team.

Marcus L. Plant, Ann Arbor, Mich., Member, U.S. Olympic Executive Committee and Board of Directors, 1968–1972.

Myron Roderick, Stillwater, Okla., 1956 U.S. Olympic Wrestling team and three-time National Collegiate Wrestling champion at Oklahoma State University.

Nicholas Rodis, Waltham, Mass., USA international delegate to FISU.

Adolph Rupp, Lexington, Ky., Coach of four National Collegiate Basketball Championship teams at University of Kentucky.

Allen Scates, Westwood, Calif., Head coach of 1971 U.S. Pan American teams and 1972 U.S. Olympic Volleyball teams.

Edward S. Steitz, Springfield, Mass., Member, U.S. Olympic Executive Committee and Board of Directors, 1968–1972.

Dwight Stones, Glendale, Calif., World record holder and 1972 U.S. Olympic high jump champion.

Bob Timmons, Lawrence, Kans., Coach of 1971 U.S. Track and Field Federation team to Caribbean.

Robert Watson, Cambridge, Mass., Director of athletics, Harvard University.

Shelby Wilson, Boulder, Colo., 1960 U.S. Olympic Wrestling champion.

John Wooden, Westwood, Calif., Coach of nine National Collegiate Basketball Championship teams at UCLA.

Hoover Wright, Prairie View, Tex., Assistant coach of 1972 U.S. Olympic Track and Field team.

NATIONAL ORGANIZATIONS

Basketball Federation of the U.S.A.

P Edward Steitz, Springfield, Mass.

ED Norvall Neve, 4215 Tallwood, Greensboro, N.C. 27410.

College Athletic Business Managers Assn.

P James Pittenger, Lincoln, Nebr.

S William H. Aspinwall, University of Wisconsin, Madison, Wis. 53706.

College Sports Information Directors of America

P Jones Ramsey, Austin, Texas.

S Phil Langan, Princeton University, Princeton, N.J. 08540.

Collegiate Commissioners Assn.

P Wayne Duke, Chicago, Ill.

S Norvall Neve, Box 6271, Summit Station, Greensboro, N.C. 27405.

Golf Coaches Assn. of America

P Stan Wood, Los Angeles, Calif.

S Roderick W. Myers, Duke University, Durham, N.C. 27706.

International Assn. of Approved Basketball Officials

P Tony Senopole, Ford City, Pa.

ED Stewart C. Paxton, 1620 Dual Highway East, Hagerstown, Md. 21740.

National Assn. of Basketball Coaches

P Joe Cancisin, New Haven, Conn.

ES William L. Wall, MacMurray College, Jacksonville, Ill. 62650.

National Assn. of College Gymnastics Coaches

P Lt. Col. Karl K. Schwenzfeier, Air Force Academy, Colo.

S Art Aldritt, University of California, Santa Barbara, Santa Barbara, Calif. 93106.

National Assn. of Collegiate Directors of Athletics

P John Winkin, Waterville, Maine

ED Michael J. Cleary, 21330 Center Ridge Road, Cleveland, Ohio 44116.

National Athletic Steering Committee

P Vannette Johnson, Pine Bluff, Ark.

S Charles D. Henry, Grambling College, Grambling, La. 71245.

National Collegiate Athletic Assn.

P Alan J. Chapman, Houston, Tex.

ED Walter Byers, U.S. Highway 50 & Nall Avenue, Shawnee Mission, Kans. 66222.

National Federation of State High School Associations

P Loman F. Hutchings, Price, Utah.

ES Clifford B. Fagan, 400 Leslie Street, Elgin, Ill. 60120.

National Fencing Coaches Assn. of America

P Alfred R. Peredo, Mahopac, N.Y.

S John Geraci, 279 East Northfield Road, Livingston, N.J. 07039.

National Gymnastics Judges Assn.

P Frank J. Cumiskey, Tucson, Ariz.

S Jerry Todd, 1023 Don Diablo, Arcadia, Calif. 91006.

National Junior College Athletic Assn.

P Theo J. Heap, Mesa, Ariz.

ES George E. Killian, Hilton Place, Hutchinson, Kans. 67501.

National Wrestling Coaches Assn.

P John K. Johnson, Princeton, N.J.

S Casey Fredericks, Ohio State University, Columbus, Ohio 43210.

U.S. Baseball Federation

P William Fehring, Palo Alto, Calif.

S Lee Eilbracht, University of Illinois, Champaign, Ill. 61820.

U.S. Cross Country Coaches Assn.

P James Banner, Pittsburgh, Pa.

S Mel Brodt, Bowling Green State University, Bowling Green, Ohio 43403.

U.S. Gymnastics Federation

P Harry Fitzhugh, Chicago, Ill.

ED Frank Bare, P.O. Box 4699, Tucson, Ariz. 85717.

U.S. Intercollegiate Lacrosse Assn.

P Robert Shields, Madison, N.J.

S Edward L. Athey, Washington College, Chestertown, Md. 21620.

U.S. Lacrosse Coaches Assn.

P Ferris Thomsen Jr., Granville, Ohio.

S George C. O'Connell Jr., Washington and Lee University, Lexington, Va. 24450.

U.S. Track Coaches Assn.

P Mel Brodt, Bowling Green, Ohio.

ED Donald B. Canham, University of Michigan, Ann Arbor, Mich. 48104.

U.S. Track and Field Federation

P Donald B. Canham, Ann Arbor, Mich.

ED Carl Cooper, 1225 North Tenth Avenue, Tucson, Ariz. 85705.

U.S. Wrestling Federation

P Ken Kraft, Evanston, Ill.

ED Steve Combs, 4000 West 19th Street, Stillwater, Okla. 74074.

OTHER ORGANIZATIONS

Alabama High School Athletic Assn.

S Herman L. Scott, 405 State Office Bldg., Montgomery, Ala. 36104.

Alaska High School Activities Assn.

ES Richard Arndt, 5577 Abbott Rd., Anchorage, Alaska 99502.

Arizona Interscholastic Assn., Inc.

ES H. A. Hendrickson, 2606 W. Osborn, Phoeniz, Ariz. 85017.

Arkansas Activities Assn.

ED J. M. Burnett, 1500 W. 4th St., Little Rock, Ark. 72201.

Atlantic Coast Conference

P D. Alan Williams, Charlottesville, Va.

C Robert C. James, P.O. Box 6271, Summit Station, Greensboro, N.C. 27405.

Big Eight Conference

P Henry T. Lowe, Columbia, Mo.

C Charles M. Neinas, 600 East 8th Street, Kansas City, Mo. 64106.

Big Sky Athletic Conference

P John Barnes, Boise, Idaho.

C John O. Roning, 709 West Idaho, Boise, Idaho 83701.

Big Ten Conference

P Marcus L. Plant, Ann Arbor, Mich.

C. Wayne Duke, 505 North Michigan Avenue, Suite 1600, Chicago, Ill. 60611.

California Collegiate Athletic Assn.

P Glenn Arnett, Northridge, Calif.

C M. Edward Wagner, 11110 East Alondra Blvd., Norwalk, Calif. 90650.

California Interscholastic Federation

C. William W. Russell, 470 S. Patterson Ave., Santa Barbara, Calif. 93105.

California Junior College Assn.

P Reed Buffington, Hayward, Calif.

ED Lloyd E. Messersmith, 2017 "O" Street, Sacramento, Calif. 95814.

Central Collegiate Conference

P Harold Norris, DeKalb, Ill.

ED Robert D. Karnes, Drake University, Des Moines, Iowa 50311.

Colorado High School Activities Assn.

C Ray B. Ball, 11351 Montview Blvd., Aurora, Colo. 80010.

Connecticut Interscholastic Athletic Conference

ED John T. Daly, 60 Connally Pkwy., Hamden, Conn. 06514.

Delaware Secondary School Athletic Assn.

ES Dale C. Farmer, P.O. Box 697, Dover, Del. 19901.

District of Columbia Dept. of Health, Phys. Ed., Athletics and Safety

ED Frank P. Bolden, 4121 13th St., N.W., Washington, D.C. 20011.

East Coast Conference

P Robert A. Latour, Lewisburg, Pa.

C Ernest C. Casale, Temple University, Philadelphia, Pa. 19122.

Eastern College Athletic Conference

P William J. Flynn, Boston, Mass.

C Robert M. Whitelaw, 8th Avenue at 44th Street, New York, N.Y. 10036.

Eastern Intercollegiate Gymnastics League

P Edward S. Steitz, Springfield, Mass.

S Clayton W. Chapman, 8th Avenue at 44th Street, New York, N.Y. 10036.

Eastern Intercollegiate Wrestling Assn.

P Capt. J. O. Coppedge, Annapolis, Md.

C Robert M. Whitelaw, 8th Avenue at 44th Street, New York, N.Y. 10036.

Florida High School Activities Assn.

ES Floyd E. Lay, Box 1173, Gainesville, Fla. 32601.

Georgia High School Assn.

ES S. F. Burke, Box 71, Thomaston, Ga. 30286.

Gulf South Conference

P Larry McGehee, Martin, Tenn.

C Stanley Galloway, P.O. Drawer 1659, Hammond, La. 70401.

Hawaii High School Athletic Assn.

ES Thomas N. Kiyosaki, P.O. Box 2360, Honolulu, Hawaii 96804.

Idaho High School Activities Assn.

ES Homer D. Williams, P.O. Box 2822, Boise, Idaho 83701.

Illinois High School Assn.

ES Harry Fitzhugh, 11 S. LaSalle St., Chicago, Ill. 60603.

Independent College Athletic Conference

P William C. Stiles, Geneva, N.Y.

S John Hantz, Clarkson College of Technology, Potsdam, N.Y. 13676.

Indiana Collegiate Conference

P Joseph Nygaard, Indianapolis, Ind.

C John J. Hinga, 2905 Torquay Road, Muncie, Ind. 47304.

Indiana High School Athletic Assn.

C Phil N. Eskew, 812 Circle Tower, Indianapolis, Ind. 46204.

Iowa High School Athletic Assn.

ES Bernie Saggau, P.O. Box 10, Boone, Iowa 50036.

Kansas State High School Activities Assn.

ES Price B. Durbin, 520 W. 27th St., Topeka, Kans. 66601.

Kentucky High School Athletic Assn.

C J. B. Mansfield, 560 E. Cooper Dr., Lexington, Ky. 40502.

Louisiana High School Athletic Assn.

C Frank Spruiell, 7370 Airline Hwy., Baton Rouge, La. 70805.

Maine Assn. of Principals of Secondary Schools

ES Raymond W. Farnham, 15 Western Ave., Augusta, Maine 04330.

Maryland Public Secondary Schools Athletic Assn.

ES Jack Molesworth, 6510 Elk Ridge Landing Rd., Baltimore, Md. 21240.

Mason-Dixon Intercollegiate Conference

P J. Brian McCall, Washington, D.C.

C Emil G. Reitz Jr., 13209 Manor Road, Glenarm, Md. 21057.

Massachusetts Secondary School Principals' Assn., Inc.

ES Bertram H. Holland, 73 Tremont St., Boston, Mass. 02108.

Michigan High School Athletic Assn.

ED Allen W. Bush, Department of Education, Lansing, Mich. 48902.

Michigan Intercollegiate Athletic Assn.

P Ray B. Loeschner, Olivet, Mich.

C Albert L. Deal, 2650 E. Beltline, S.E., Grand Rapids, Mich. 49506.

Mid-American Athletic Conference

P Phillip R. Shriver, Oxford, Ohio.

C Fred Jacoby, 2000 W. Henderson Road, Suite 230, Columbus, Ohio 43220.

Middle Atlantic States Collegiate Athletic Conference

P David B. Eavenson, Carlisle, Pa.

ED Willis J. Stetson, Swarthmore College, Swarthmore, Pa. 19081.

Midwest Collegiate Athletic Conference

P B. K. Kunny, Beloit, Wis.

C Rev. Jerry Thompson, Ripon College, Ripon, Wis. 54971.

Minnesota State High School League

ED Murrae Freng, 2621 Fairoak Ave., Anoka, Minn. 55303.

Mississippi High School Activities Assn.

ED M. P. Smith, 152 Millsaps Ave., Jackson, Miss. 39216.

Missouri Intercollegiate Athletic Assn.

P Rodney A. Schaefer, Rolla, Mo.

C William R. George, 307 Rothrock, Richmond, Mo. 64085.

Missouri State High School Activities Assn.

ES Irvin A. Keller, 1808 I–70 Drive S.W., Columbia, Mo. 65201.

Missouri Valley Conference

P Jack Edmondson, Canyon, Tex.

C A. M. Holmes, 2815 East Skelly Drive, Suite 821, Tulsa, Okla. 74105.

Montana High School Assn.

ES R. Rex Dalley, 1 South Dakota Ave., Helena, Mont. 59601.

Nebraska School Activities Assn.

ES Leslie Chamberlin, 216 N. 11th St., Lincoln, Neb. 68508.

Nevada Interscholastic Activities Assn.

ES Robert Lunt, 2832 E. Flamingo Rd., Las Vegas, Nev. 89109.

New England College Athletic Conference

P Herbert Glines, Bridgeport, Conn.

S Herbert W. Gallagher, 360 Huntington Avenue, Boston, Mass. 02115.

New Hampshire Interscholastic Athletic Assn., Inc.

ES Walter A. Smith, 121 N. State St., Concord, N.H. 03301.

New Jersey State College Athletic Conference

S Michael Briglia, Glassboro, N.J.

C William P. Dioguardi, Montclair State College, Upper Montclair, N.J. 07043.

New Jersey State Interscholastic Athletic Assn.

ES James G. Growney, Route 130, Robbinsville, N.J. 08691.

New Mexico Activities Assn.

ES U. G. Montgomery, P.O. Box 8521, Albuquerque, N.M. 87108.

New York State Public High School Athletic Assn.

S John K. Archer, P.O. Box 8, Malverne, N.Y. 11565.

North Carolina High School Athletic Assn.

ES Simon F. Terrell, Box 1250, Chapel Hill, N.C. 27514.

North Central Intercollegiate Athletic Conference

P Ross Alm, Mankato, Minn.

C Richard G. Koppenhaver, Suite 232, Curtis Hotel, Minneapolis, Minn. 55404.

North Dakota High School Activities Assn.

ES F. U. Smith, 134 N.E. Third St., Valley City, N.D. 58072.

Ohio Athletic Conference

P Edgar A. Sherman, New Concord, Ohio.

C Michael J. Cleary, 21330 Center Ridge Road, Cleveland, Ohio 44116.

Ohio High School Athletic Assn.

C Harold A. Meyer, 4080 Roselea Pl., Columbus, Ohio 43214.

Ohio Valley Conference

P Constantine Curris, Murray, Ky.

C Arthur L. Guepe, 3716 Hillsboro Road, Suite 321, Nashville, Tenn. 37215.

Oklahoma Secondary School Activities Assn.

ES Leo K. Higbie, 222 N.E. 27th St., Oklahoma City, Okla. 73105.

Oregon School Activities Assn.

ES A. Oden Hawes, 6900 S.W. Haines Rd., Tigard, Ore. 97223.

Pacific Coast Athletic Assn.

P Edward S. Betz, Stockton, Calif.

C Jesse T. Hill, 9800 South Sepulveda Blvd., Suite 820, Los Angeles, Calif. 90045.

Pacific-8 Conference

P Robert F. Steidel, Berkeley, Calif.

ED Wiles Hallock, One Embarcadero Center, Suite 1810, San Francisco, Calif. 94111.

Pennsylvania Interscholastic Athletic Assn.

ED Theodore R. Wagner, 1613 N. Front St., Harrisburg, Pa. 17102.

Pennsylvania State Colleges Athletic Conference

S Robert E. Raymond, Slippery Rock, Pa.

P Paul E. Ross, California State College, California, Pa. 15419.

Rhode Island Interscholastic League, Inc.

ES Rev. Robert C. Newbold, 20 Regent Ave., Providence, R.I. 02904.

South Carolina High School League

ES Lawrence B. Graves, P.O. Box 153, Columbia, S.C. 29208.

South Dakota High School Activities Assn.

ES D. W. Evans, Box 1217, Pierre, S.D. 57501.

Southeastern Conference

P Harry M. Philpott, Auburn, Ala.

C H. Boyd McWhorter, Suite 1214, Central Bank Bldg., Birmingham, Ala. 35233.

Southern Conference

P Francis W. Bonner, Greenville, S.C.

C Kenneth G. Germann, Suite 106, 5 Woodlawn Green, Charlotte, N.C. 28210

Southern Intercollegiate Athletic Conference

P A. S. Gaither, Tallahassee, Fla.

C George H. Hobson, P.O. Box 311, Normal, Ala. 35762.

Southland Conference

P Harold J. Smolinski, Ruston, La.

C Dick Oliver, P.O. Box 7389, Hahn Station, Beaumont, Tex. 77706.

Southwest Athletic Conference

P J. Neils Thompson, Austin, Tex.

ES Cliff Speegle, 4310–H Westside Drive, Dallas, Tex. 75209.

State University of New York Athletic Conference

CH Daniel T. Mullin, Geneseo State University College, Geneseo, N.Y. 14454.

Tennessee Secondary School Athletic Assn.

ES Gill A. Gideon Jr., 3333 Lebanon Rd., Hermitage, Tenn. 37076.

Texas University Interscholastic League

ED Bailey M. Marshall, Box 8028, University Station, Austin, Tex. 78712.

Utah High School Activities Assn.

ES Marion Tree, 19 W. South Temple, Salt Lake City, Utah 84101.

Vermont Headmasters' Assn., Inc.

ES Robert F. Pierce Jr., P.O. Box 310, Northfield, Vt. 05663.

Virginia High School League

ES William C. Pace, 2015 Ivy Road, Charlottesville, Va. 22903.

Washington Interscholastic Activities Assn.

ES Henry E. Rybus, 4211 W. Lake Sammamish Blvd. S.E., Bellevue, Wash. 98008.

West Coast Athletic Conference

P Dallas Norton, Las Vegas, Nev.
C Rev. Robert A. Sunderland, 650 Parker Avenue, Xavier Hall, San Francisco, Calif. 94117.

West Virginia Secondary School Activities Commission

ES W. G. Eismon, 2108 Dudley Ave., Parkersburg, W. Va. 26101.

Western Athletic Conference

P William D. Carlson, Laramie, Wyo.
C Stan Bates, 1515 Cleveland Place, Suite 300, Denver, Colo. 80202.

Wisconsin Interscholastic Athletic Assn.

ED John E. Roberts, 41 Park Ridge Dr., Stevens Point, Wis. 54481.

Wyoming High School Activities Assn.

ES Bob Cook, P.O. Box 1490, Riverton, Wyo. 82501.

Yankee Conference

P William R. Ferrante, West Kingston, R.I.
C Adolph W. Samborski, 15 Garrison Avenue, Durham, N.H. 03824.

KEY

P President.
S Secretary.
C Commissioner.
ED Executive Director.
ES Executive Secretary.
CH Chairman.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. BEALL. Does that pamphlet contain the name of Bill Toomey?

Mr. TUNNEY. Bill Toomey's name has been stricken.

Mr. BEALL. There was some indication of athletes on that list.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TUNNEY. I will yield in a moment when I finish my remarks.

There are approximately 40 or 50 athletes listed in this publication.

The only one whose name is stricken is Bill Toomey. He is the only one.

Mr. BEALL. He is the one——

Mr. COOK. Will the Senator yield? I think he should also understand that the name of Donna de Varona and the name of Tom McMillen should also be stricken. I think those are two other athletes who found out what it said after their names appeared.

Mr. TUNNEY. Mr. President, I have no letters from either of those athletes that have been mentioned. If the Senator has such an indication, I wish he would introduce that information into the RECORD.

Mr. COOK. Mr. President, we certainly will.

Mr. TUNNEY. We do have, however, an indication that the Basketball Federation of the United States supports the legislation; the Collegiate Athletic Business Managers Association; the Collegiate Sports Information Directors of America; the Collegiate Commissioners Association; the U.S. Basketball Federation; the National Wrestling Coaches Association; the Golf Coaches Association; the National Association of College Gymnastics Coaches; the National Association of Collegiate Directors of Athletics, and so on.

We have the Alabama High School Athletic Association; the Alaska High School Athletics Association, and the Arizona Interscholastic Association, Inc.

Mr. President, maybe we even have somebody from Kentucky. Yes, we do. We have the Kentucky High School Athletic Association.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TUNNEY. We have the California Collegiate Athletic Association and the California Interscholastic Federation. We have representatives from many of the colleges and high schools throughout the country who are supporting S. 3500.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. COOK. Mr. President, will the Senator yield?

Mr. TUNNEY. I will yield in just a minute.

The U.S. Track Coaches Association, not an insignificant body, has written a letter dated July 3, 1974, to the Senator from Washington (Mr. MAGNUSON), which reads:

> Please let me affirm our support of S. 3500 and register our strong opposition to amendment No. 1530 to S. 3500 as proposed by Senator Cook and printed on pages 20902 through 20904 of the Congressional Record of June 25, 1974.

I would like to have the letter to Senator MAGNUSON, with attachments, incorporated in the RECORD at this point.

There being no objection, the letter with attachments was ordered to be printed in the RECORD, as follows:

U.S. TRACK COACHES ASSOCIATION,
Ann Arbor, Mich., July 3, 1974.

Senator WARREN G. MAGNUSON,
Washington, D.C.

DEAR SENATOR MAGNUSON: Please let me affirm our support of S. 3500 and register our strong opposition to Amendment No. 1530 to S. 3500 as proposed by Senator Cook and printed on pages 20902–904 of the Congressional Record of June 25, 1974.

Senator Cook's amendment unfortunately shortchanges the athlete and maintains the status quo in the USA's international amateur sports administration. Amendment 1530 specifically exempts from arbitration the rules of those USA organizations which hold memberships in the various international sports governing bodies. These are the rules against which the amateur athletic rebels.

The enclosed clippings report that several of the USA's best athletes, in rebellion against AAU rules, are boycotting the AAU's meet with Russia this weekend. These rules are exempt from Senator Cook's arbitration because Sec. 4A-(a)-(1) would require an athlete to be "eligible under applicable international or applicable national amateur athletic rules and regulations" before he may be accorded the alleged protection described by the amendment. Thus, a USA international franchise holder can apply its rules (or interpret international rules) to blacklist athletes and enforce boycotts of competition.

Secondly, the bill would make subject to arbitration, case by case, the eligibility rules of all high schools and colleges and the state, regional and national organizations which they have voluntarily created. Setting aside for the moment its questionable constitutionality, this amendment emerges as an anti-high school, anti-college proposal which is ridiculous because there would be very little amateur sports competition in America if it weren't for the interscholastic and intercollegiate programs.

Finally, the arbitration procedure is carefully weighted in favor of the present USA organizations which hold international franchises and the ambiguous criteria are inadequate.

The coach is closer to the athlete than anyone else and we feel confident in speaking for his interest in all sports when we say that Amendment 1530 is *not* in the best interests of the athletes or the coach.

Yours very truly,

MEL BRODT,
President.

[From the Los Angeles Times, June 12, 1974]

STONES GUARANTEES A WIN OVER U.S.S.R.— BUT THERE'S A QUID PRO QUO HE WANTS FROM AAU

(By Harley Tinkham)

If the AAU is listening, Dwight Stones says he can guarantee a victory over the Russians in the USA-USSR track meet July 5–6 at Durham, N.C.

"All the AAU has to do is lift their travel restrictions against the Pacific Coast Club," says Stones, world record-holder in the high jump at 7-6½. "If they do, we'll be there. And if we're there, we'll annihilate the Russians."

As it is, the PCC is boycotting the meet because the AAU has denied the club travel permits for European competition before the USA-USSR meet.

"I'd love to compete against the Russians," says Stones. "I'm a flagwaver. But I don't like to be told where and when I can compete. It's a complete invasion of civil liberties.

"We were once set to compete in South Africa on a State Department tour. But the AAU said no. How can the AAU overrule the State Department?"

Other members of the PCC include Al Feuerbach and George Woods, outdoor and indoor world record-holders in the shot put; defending AAU champions Leonard Hilton in the mile and Jim Bolding in the 440 hurdles. And 1974 world discus leader John Powell.

"Indoors and outdoors," says Stones, "we've lost three straight meets to the Russians. I feel for our team. I'd love to go to Durham. They have a super pit there and I know I'd do well."

Stones and his teammates will not boycott the National AAU championships June 21–22 at UCLA.

"It is the national championships, after all," says Stones. "I'll be jumping against the best in the world. And I'm going to win it."

Stones broke out of a prolonged slump last Saturday at Eugene, Oreg., clearing 7–3½ and almost making 7-5.

"I never lost faith in myself," he says, "but it's been a long, long time coming. I've had a lot of injuries and I think 85 per cent of it was psychosomatic.

"I've done a lot of growing up this year. I've gone from a young man to a man, and emotionally it's taken its toll."

Stones, earlier in the year, had a lot of things to say about his former coach at UCLA, Jim Bush, but eventually he took hat in hand and apologized in person to the coach.

Will he return to UCLA?

"Right now," he says, "I still feel I can't produce in the classroom. But if I do decide to return to school, the only school I would consider is UCLA."

[From the Los Angeles Times, June 18, 1974]

The Longest Race

(By John Hall)

The Invisible Man Game: "Where is he? He's supposed to be the best in America, but he's never around for the big ones. The only place he ever seems to really run well is in Eugene," said New Zealand's Dick Quax, disappointed upon arrival in Los Angeles to discover Oregon dollbaby Steve Prefontaine won't be running the 5,000 meters in the AAU track and field championship Friday and Saturday at UCLA.

Pre won't be running anything at all here, having opted for a meet in Europe . . . Whatever the reason, and it probably has a lot more to do with ill feeling toward the dictatorial, heavyhanded rulers of the AAU than fear of Quax, it's a shame . . . Listening to the athletes assembled this week, you get the feeling the United States (the first two U.S. finishers this weekend qualify for the team to meet Russia July 5–6, at Durham) may not even be able to field a representative squad in North Carolina.

The sad songs about restrictions and unfair treatment are all too familiar and the AAU remains the strangest set of initials ever created . . . Comes the total revolution some day, and the stuffy AAU leaders will have only themselves to stuff in the popcorn machine . . . Meanwhile, we'll enjoy what we can. More than 300 athletes will be competing in Drake Stadium in the 86th annual—first time ever the U.S. championships have been held in Los Angenes . . . It's a wonder event although the biggest wonder is how they ever managed to put on the first 85.

[From the New York Times, June 25, 1974]

Williams, Borzov May Race

Los Angeles, June 24.—Steve Williams may get a chance to race Valeriy Borzov when a United States track and field team meets the Soviet Union on July 5 and 6. A 40-man United States team was named today by the Amateur Athletic Union for the dual meet at Durham, N.C.

Williams, of San Diego State, won the 100-meter dash by equaling the world mark of 9.9 seconds in the national A.A.U. meet last weekend to earn a team berth. Bozrov dominated world sprinters in 1972 and won the 100 and 200 at the Olympics.

Some concerns over the quality of the United States team has developed after several runners, including Tony Waldrop, one of the world's top milers, said they would not compete. The Pacific Coach Track Club said it would boycott the meet to protest A.A.U. travel regulations.

Mr. COOK. Mr. President?

Mr. BEALL. Will the Senator yield for a unanimous-consent request?

Mr. TUNNEY. Yes.

Mr. BEALL. Since name dropping seems to be a major consideration in this debate, I ask unanimous consent that a very impressive list of groups in opposition to the bill be included at the conclusion of the remarks I made previously.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BEALL. Mr. President, I might point out parenthetically that some of the names in that group will be some of the same names that the Senator has indicated are in favor of the bill, so we will find out that very important people are on both sides of the issue.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. PEARSON. On the time of the Senator from California, I will try to make something perfectly clear. I would like to try to emphasize, as best I can, to the Senator from Kentucky—although I know he is a student of the bill and understands it—it was really not the effort of the Senator from Kansas to prepare a copout in legislation form.

I think the Senator will recall during the hearings that I emphasized and agreed with him that those incidents that he recited today in relation to the NCAA are perfectly correct.

Mr. President, the Soviet-United States track and field event which was to take place in Richmond, Va., and which was the subject of great controversy, where the NCAA indicated that certain athletes would lose their eligibility, was, I think, a great injustice.

In like manner, the same situation occurred with the United States-Soviet basketball competition in 1973.

Mr. President, I tip my hat to the Senator from Kentucky. The record shows, and the report on this bill indicates, that it was his leadership that provided the impetus to present a petition to the NCAA.

Mr. President, through all of this, it has been my intention to provide something that would give another independent agency the power, and strip both the NCAA and the AAU of their arbitrary powers over amateur athletics in international or unrestricted events.

The Senator did not mention it, but I know he is aware of that on the other side of the counter, an equal injustice, I think, was the time when the State Department, very soon after the President's most successful trip to the People's Republic, had arranged for an international swimming exhibition between the swimmers of the United States and the swimmers of the People's Republic of China.

On that occasion it was the AAU which acted with, I think, a great sense of injustice. I protested then, as the Senator did, in regard to the NCAA.

Mr. President, these steps are to provide some new way—giving up for the time being a sort of voluntary arrangement between these organizations—to establish an agency that will run amateur athletics, or let the athletes run them, or the people most representative run them, and to pull away from both the AAU and the NCAA.

For instance, the bill provides, and the Senator can correct me if I am wrong, that the organization, the board, will grant a charter to an association, and it provides that no more than 40 percent of the voting power can come from any other outside organization, AAU or NCAA. It provides that athletes will have 20 percent of the voting power. It provides that they shall have a commitment to provide for the development of the sport. It provides that they will be recognized, or present a showing that they will be recognized, by the international organization. No officer of any other existing organization can be an officer in the newly chartered organization.

Mr. President, I know the Senator took some exception to the one-sport limitation. We have a provision for three within a chartered group, if they are coordinated.

It provides that no organization or group shall ever be provided or retain a charter if they have ever denied an athlete the right to participate.

So what we are trying to do is to split away, as far as we can. I think it is unfortunate for the understanding of the debate to have it revert back to whether or not one side is going to be the NCAA side and the other side the AAU side. I do not think the Senator takes that position.

The inference of this debate is that that is the direction of the tilt that the sponsors of this bill have made. It is true we tried to work out accommodations with the various organizations. But I want to make it clear for the Record today, as best I can, that it was never my intention to tailor this particular piece of legislation in such a way that it would fall on one side or the other.

Mr. COOK. Will the Senator yield for a question?

Mr. TUNNEY. Mr. President, I would like to point out that the amendment which the Senator from Kentucky has introduced, in my view, does not protect the amateur athlete from the important amateur ahtletic associations of the country which have so dominated athletics that they can prevent ahtletes from competing in sporting events which involve sports that will be also a subject of competition in the Olympics.

The point I would like to make is this: the Senator's amendment is so vague in its operative language that it could, in fact, by imposing in legislation certain rights, requirements, and responsibilities, that actually diminish the present rights that athletes have.

Section 4A(a)(1) of the Senator's amendment says that no individual who is eligible under applicable international or applicable national amateur athletic rules and regulations may be directly or indirectly denied his right to attempt to qualify for selection or his right to participate, as an athlete, in international competition.

The point is that an athlete has to be "eligible" under applicable international or applicable national amateur athletic rules and regulations in order to be able to use the compulsory arbitration dispute mechanism that is contained in the bill.

The way the situation presently exists, the AAU has been chartered by nine international federations. One of the problems we now have is that we have arbitrary rules and regulations with regard to the eligibility of the athlete. If a requirement is imposed by law that an athlete has to be eligible under applicable international or applicable national amateur rules and regulations before he can use the compulsory arbitration mechanism, what has been done, in fact, is to impose in law an onerous requirement that does not now exist.

It seems to me that the drafters of

this amendment made a critical mistake when they used such language as "an individual who is eligible." That, it seems to me, obviates what the Senator from Kentucky intended, which was to give the individual athlete some independent standing when it comes to a controversy that he has with an athletic association.

I think it is so clear that the operative language of the amendment does take away rights from the athlete that any Senator who has had an opportunity to read the amendment would have to agree with the plain construction that I have just asserted as to its meaning.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. COOK. It is the same language as used in the bill for which the Senator from California is speaking. I read from page 22:

> No chartered sports association or other sports organization may deny or threaten to deny any eligible amateur athlete the opportunity to compete in—

This language of the amendment reads:

> No individual who is eligible under applicable international or applicable national amateur athletic rules—

I say to the Senator that it is the same language; it is the same thing.

The Senator has said that if Senators would read the amendment, they would understand exactly what it means in relation to this terrible bogeyman the Senator from Califorina has presented in the Record. In effect, S. 3500, on page 22, says basically and absolutely the same thing and would be construed to mean the same thing.

Mr. TUNNEY. It does not say the same thing.

Mr. COOK. Will the Senator explain the difference?

Mr. TUNNEY. The language of the bill, on page 22, reads:

> No chartered sports association or other sports organization may deny or threaten to deny any eligible amateur athlete the opportunity to compete in any unrestricted competition—

The language in the Senator's amendment reads:

> No individual who is eligible under applicable international or applicable national amateur athletic rules and regulations may be directly or indirectly—

Mr. COOK. Certainly.

Mr. TUNNEY. The point is that what the Senator does in the language of his amendment is to have a requirement that under the rules and regulations of the internationally chartered association, an athlete must have standing in order to use the mechanism of compulsory arbitration.

What I am saying to the Senator is that by having that kind of triggering device, having to reach that threshold before the athlete can take advantage of the provisions of the amendment, it is impossible for the athlete to maintain the rights he presently has. The Senator would have built into the legislation a clear requirement that the international sports association would have the right to establish any rules and regulations regarding eligibility, and that athlete would have to meet the requirements of those rules and regulations.

That is something that does not now exist.

In the Senator's amendment, "eligible" is in no way defined. S. 3500 contains a definition of eligibility. S. 3500 states that "eligible amateur athlete" means an athlete who is eligible for amateur athletic competition under applicable age, amateurism, and atheltic ability or performance standards. It has nothing to do with the rules and regulations established by an international sports association for the purpose of determining eligibility.

So a clear construction of what the Senator's amendment is all about makes it clear that what he is doing is taking rights away from the amateur athlete, rights that he now has.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. COOK. I must say to the Senator that I do not mind his opposing my amendment, but I absolutley resent his saying that my amendment is going to take rights away from the amateur athlete.

In the first place, amateurism is an international term. It always has been, and the Senator knows that. The Senator knows that we discussed it in the makeup of this bill. He knows that this particular type of language is nothing but a system whereby you eliminate the utilization of professionals.

I say to the Senator that after having read off the list of professional organizations in the United States that absolutely control American athletics, it is like reading off the name of every oil company in the United States and saying that all these people are interested in higher gas prices. I am amazed that the Senator would fall into the trap of naming for the record every organization in the United States that wants to control athletic programs.

I should like to put into the Record the name of the Amateur Athletic Union of the United States, which favors my amendment. I should like to put into the Record the letter of Tom McMillen, who says he made a mistake by putting his name on the list.

I should like to put into the Record the letter of William A. Toomey, in which he says he does not know how his name got on there. I should like to put into the Record the name of Donna de Varona, who says that her name should not appear there.

Mr. President, I ask unanimous consent to have these letters printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Amateur Athletic Union
of the United States,
July 3, 1974.

Dear Senator: The Intermountain Association, representing 57 clubs and 3500 athletes, voted unanimously to oppose the Amateur Athletic Act of 1974, Senate Bill 3500, and request you to oppose it when it comes to a vote on the Senate Floor July 8 or 9. The International Association has reviewed Senate Bill 3500 and concluded it is the most damaging piece of legislation that could possibly be proposed if USA athletes are to continue to be eligible for international competition and Olympic games.

The bill, S3500, provides complete government take-over by creating a Federal Sports Board which would determine organizations that may represent this country to the International Amateur Organizations. This action alone would make our USA athletes ineligible for international competition and Olympic games since all international organizations make their own determination as to what organization they will recognize in each country. (IAAF, FINA, AIBA, and GAIF, have this month notified us of this ruling.) This bill will also cost the American taxpayers an estimated one billion dollars a year and prevent sports in the United States from being represented by the best qualified organizations.

The International Association is not being just against the Senate Bill 3500, but is of the opinion a better solution has been found in Senate Bill 3273 which is offered as Amendment 1530 in place of Title I and II of S3500. This amendment is completely acceptable to our Association which voted unanimously to support this approach to solve USA Amateur Sports disputes. This amendment provides the mechanics to settle sports disputes by providing compulsory arbitration. The amendment also offers an Athletes Bill of Rights, will keep the government completely out of Amateur Sports, will cost the taxpayers no money, and most important, will continue to keep the United States Amateur Athletes eligible for international competition and Olympic games.

Let me emphasize, Senator, just one of the great damages S3500, if it became law, would perform to the development of athletics in this country—it would completely destroy the present Junior Olympics Program now providing competition in 18 different sports and has been in existence for 26 years. This program involves a minimum of 15 million participants each year between the ages 9 to 18 and produced more than 90 per cent of the international and Olympic competitors that have represented this nation for the past 26 years. Amendment 1530 would ensure that this program would continue.

In closing, let me again encourage you to oppose S3500 and support S3273 and Amendment 1530.

Sincerely,

Lois Gregerson,
President.

University of Maryland,
College Park, Md., May 31, 1974.

Hon. J. Glenn Beall,
Washington, D.C.

Dear Senator Beall: As an interested athlete, I have become concerned about the problems of amateur sports and the future legislation that might affect it. As a member of the President's Council on Physical Fitness and Sports, the National Amateur Sports Development Foundation Advisory Committee, the Olympic Team and as a participant in many international basketball tours, I have been fortunate to have added insights into the problems that confront our sports institutions.

Originally, like many other athletes, I was approached and agreed to support certain legislation which at the time seemed to represent a solution to our sports problems. Today, after further study, I want to reassess my position with regard to this legislation. No longer do I support S–3500, the Amateur Athletic Act of 1974. I have 3 major areas of concern with this legislation which I have enumerated below.

Firstly, we are all aware of the external manifestations of these sports problems, the AAU-NCAA conflicts, our feeble Olympic effort, our poor sport representation abroad, but the essence of this problem is in the composition of our sports organization, and that is where our reform efforts must be.

For that reason, I firmly believe that a thorough study is needed to look closely at these sports organizations. Not just a study of our Olympic effort, but, more importantly, of our overall sports organizations.

My second point is that the Federal Government should not involve itself permanently in our sports efforts except to oversee the above mentioned study. The permanent federal board suggested by S–3500 may well become part of the problem, not part of the solution as was intended.

Thirdly, the Amateur Athletic Act also establishes a National Sports Foundation, which would provide money for our sports and physical fitness efforts. To many athletes, the greater financial support was immediately appealing. However, many questions can be raised about this foundation. But my overriding objections are that, firstly, the foundation will duplicate many of the efforts of our private and governmental organizations, and, secondly, if our present sports organizations were to be revised, it is likely that these organizations could encompass the other functions projected by a new foundation of this sort.

I sincerely hope that the Senate will not support S–3500, and instead concentrate its efforts on finding a permanent solution to the problems that plague my fellow athletes and the institutions that represent us.

I have forwarded a copy of this letter to your fellow Senate colleagues for their information. I appreciate any consideration in this matter.

Thank you very much.

Sincerely,

C. Thomas McMillen.

Laguna Nigual, Calif.,
June 13, 1974.

Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: As a former member of the U.S. Olympic Team and a participant in many international competitions, I feel compelled to indicate my feelings on pending sports legislation (S. 3500, S. 3273, S. 1018 and H.R. 14938).

Unfortunately, my name was appended for a vote of support of S. 3500, the Amateur Athletic Act of 1974. I would like to clarify my position on this matter as being in opposition to S. 3500 and for S. 3273. I would like this letter inserted in the record to correct the misrepresentation.

I could go into many reasons for my position but succinctly, the major need for amateur sport in this country is not the creation of a new Federal institution but a renovation of existing ones. Therefore, saving undue expenditure and duplication of present bodies is an objective that should be sought.

I firmly believe that an investigation is long overdue and that it must be totally objective. Therefore, I prefer the establishment of a Presidential study commission as embodied by Senator Tunney's bill (S. 1018) and Congressman Jack Kemp's bill (H.R. 14938). I also favor adoption of S. 3273, proposed by you and Senator Cook, which provides for the settlement of jurisdictional disputes and protection of athletes through compulsory binding arbitration.

Please let us not build another athletic administrative monster for there is no guarantee that by replacing the existing athletic structure by government overseers that more problems will be created than solved.

In the interest of haste, for I know S. 3500 is due for a vote soon, I am sending copies of this letter to each Senator.

Sincerely,

William A. Toomey,
1968 Olympic Decathlon Champion.

June 11, 1974.

Dear Senator: I am writing to you to express my preference for S. 3273 as proposed by Senators Cook and Humphrey and to express my opposition to that portion of S. 3500 which would create a permanent Federal Board to oversee amateur athletics in this country.

Just last week I attended a meeting for all the international sports federations in Lucerne, Switzerland. At that meeting, the President of the Association of International Sports Federations, Mr. Thomas Keller, a Swiss, warned U.S. representatives at the meeting that too much government involvement would jeopardize U.S. participation in international sports.

Therefore, legislation must be passed that will help solve our many problems in amateur sports but which is fully consistent with the international rules. Only in this way can we get the international sports federations to approve the needed changes here. We cannot ignore their rules if we want to have a solution.

I think that the establishment of a permanent Federal Amateur Sports Board in view of Mr. Keller's statement is too far-reaching, especially when S. 3273 can accomplish the same goal by providing for binding arbitration administered by a private organization.

I also endorse S. 1018 and H.R. 14938. Both of these proposals provide for short-run Presidential study commissions. We need this in order to get the American people to focus on the problems in amateur sports. Although studies have been made of these problems, the nature of the study to be conducted under these two proposals has never been done to my knowledge.

I endorse the concept of a national sports foundation, but I have reservations about the one put forth in S. 3500. No money, as I read the bill, is provided for facilities.

With my long background in amateur sports, I have always taken a strong interest in trying to affect positive change, but it has to be done the correct way and it is for this reason I want to express my views to you regarding this matter. Thank you.

Sincerely,

Donna deVarona,
U.S. Olympic Champion, 1964

Mr. COOK. It is too bad that we did not have the time to see all the other people whose names were so surreptitiously put on there by an association which bilked them into something when it knew full well that their rights were not going to be protected under it.

I am not going to stand here and have the Senator from California say to me that I am going to take away the rights of the athletes of the United States.

By the passage of this bill, a system will have been frozen in, in the United States, that will allow the NCAA to continue to do exactly what it has done in the past and all other associations to continue to deny the right of young athletes to compete.

The implication here is that we say an individual applicable under international or applicable under international amateur athletic rules and regulations has a right immediately to arbitrate. Would the Senator honestly say to the Senator from Kentucky that that language, regardless of its construction, is worse than the language in the bill, which says that a young athlete, if he wants to arbitrate, can only arbitrate if the major organization will agree to arbitrate with him, and that if they will not agree, the young athlete has to hire a lawyer?

Donna deVarona has to hire a lawyer to see whether she can compete and represent her country.

That is what S. 3500 says, and I seriously doubt that the Senator from California can disagree with me.

Mr. TUNNEY. It is clear that the language of the bill does not require the athlete to hire a lawyer and to go into court.

Mr. COOK. How does she get into Federal court?

Mr. TUNNEY. The language of S. 3500 says that the Attorney General can go into court. It says that the board, on behalf of the athlete, can go into court. It is also clear that one of the sanctions we have in the proposed legislation is that the board can take a charter from the athletic association which has not been fair in its handling of its responsibilities to the athletes, if the athlete, when he goes to court, demonstrates that inequity was involved in preventing the athlete from competing.

It seems to me that a clear reading of the bill demonstrates that a lawyer is not required to be hired to go to court. One can have the Attorney General or a lawyer working for the board. There is also the sanction mechanism of the board being able to take away from the athletic association its charter, if the athlete prevails.

I am amazed that Donna de Varona's name keeps coming up as being anxious to see that S. 3500 is defeated.

As a matter of fact, I recall a meeting in my own office with Donna de Varona in which she very much supported a similar bill which I introduced last year, of which the Senator from Kentucky was a cosponsor, and particularly as it related to an amateur athletic foundation, to provide money for amateur athletes.

I will only say that from the contacts that my office has had and that I have had with the athletes, they, to a very great majority extent, support S. 3500 and are opposed to a compulsory arbitration mechanism such as the Senator from Kentucky suggests.

One of the major reasons, as I have tried to point out, is that the amendment of the Senator from Kentucky gives to the AAU everything that it wants, because before an athlete is able to use the compulsory arbitration mechanism he has to first meet the threshold requirement that he is eligible through applicable international, applicable national, amateur athletic rules and regulations which are going to be written by the AAU.

Mr. COOK. Will the Senator yield?

Mr. TUNNEY. I yield.

Mr. COOK. If he is not eligible, it is not applicable to use any part of our bill, or your bill, may I say. He cannot participate anyway.

Mr. TUNNEY. That is not correct. In respect to our legislation, we do not have such a threshold requirement.

Mr. COOK. Will the Senator yield?

Mr. TUNNEY. Yes.

Mr. COOK. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. How much time does the Senator from California have on the amendment?

The PRESIDING OFFICER. The Senator from California on this amendment has 5 minutes.

Mr. TUNNEY. How much time does the Senator from Kentucky have?

The PRESIDING OFFICER. Sixteen minutes.

Mr. TUNNEY. Well, I yield the floor.

Mr. COOK. Mr. President, I yield myself 5 minutes.

Mr. President, one thing amazes me about this discussion about our knowledge and lack of knowledge. It is amazing when we start talking, the fact one can or cannot have a charter and that one can have some right denied under that charter.

I think the Senator from California ought to know that in the constitution of the NCAA they cannot hold a charter of any kind anyway, so they have no charter and they are not authorized to have one, and they cannot have one.

So I do not think there is any question about the fact that discussion relative to what the NCAA might run into on S. 3500 is not applicable at all under their constitution developed by the NCAA, and members of the NCAA are not allowed to hold a charter for any sport anyway.

So I think we can resolve that situation.

By the way, I might say they would not qualify under S. 3500 either, so I do not think there is any question about that.

One of the things I would like to say that really amazed me a bit is when the Senator from California said one of the problems is that my amendment gives the AAU everything it wants. The unfortunate part about that is that we seem to find ourselves in a stalemate because section 204(d) of S. 3500 gives the NCAA everything it wants, and it puts the NCAA right back where they were before, and we have run into that situation.

We had to get 50-some Senators, and we finally got them to change their minds.

I might say in all fairness, if we found ourselves in a stalemate where we are giving to the AAU everything it wants and we are giving the NCAA everything it wants, I would hate to send this back another time to see if we might resolve this equitably, not for the benefit of the AAU, not for the benefit of the NCAA, but for Heaven's sake, for the benefit of the young American athlete, which seems to be the only individual forgotten in this entire debate on S. 3500, except if my amendment is adopted, because there is not any question about the fact.

Is it not amazing, may I say to the Senator from California, that the young athlete can go to the Attorney General? I think that is delightful. I would only like to ask the Senator from California how long it takes him to get a response from the Attorney General.

I recall so vividly in our hearings on the judiciary that we asked certain things be done in relation to a U.S. attorney in California. I doubt if he has heard from him yet. I would hate to think an athlete would have to take that much time. In fact, the U.S. Olympics would have gone by, two finals would have gone by, all finals for the last 2 years would have gone by, all qualifying events for the next Olympics would have gone by, and the young athlete still waiting.

Mr. TUNNEY. Will the Senator yield?

Mr. COOK. I will not.

Mr. TUNNEY. I thought the Senator was asking me a question.

Mr. COOK. The Senator from California will remember it, so he will have the opportunity to answer it.

I might also say, the Senator states that somehow the attorney for this association under S. 3500 can act in relation to it.

If that is not putting the fox in the chicken house. Here is the association that is going to set up the record to tell the young athlete when he can and cannot compete. The Senator from California says he can get recourse from the attorney that will represent this board.

Again, I think the Senator should ask Standard of California when they are going to raise their prices so he can agree with them.

That is what we are facing today and the whole thing in S. 3500, and where there is really no point arguing any more with the four of us on the floor, and with, Mr. President, with all due respect, the five of us, the only thing we are forgetting is the young athlete in the United States, the young athlete who works his heart out, the young athlete who trains and practices day in, day out, who gives up, who deprives himself or herself of an enjoyable time, who gets in the pool every morning, swims 12 hours, 10 hours, who skis, plays basketball, who keeps going, keeps going, keeps going.

If you allow the NCAA to keep going, you are going to see more players drop out for a $2 million contract and a $1 million contract, and some cases brought against schools because somebody offers an automobile or $500 under the table, or whatever the case may be.

You are not writing an athlete's bill of rights. You are freezing in the NCAA as a matter of law, and they will be delighted.

I hope, with all due respect, that the House understands the unwisdom of what we are about to do so that we can prevail.

But that is what we are really doing, we are forgetting about your individual who wants one thing, and only one thing, when they have an opportunity, and that is to represent the United States of America, and that is to stand up on that pedestal when they play the anthem that means so much to an individual.

May I say, that has been denied a lot of fine young athletes in the United States, and that denial is going to be continued to be denied under this bill right here.

Perhaps if we pass the Legal Services bill this afternoon or sometime this week, a compromise between the House and Senate, we can then tell the young athlete to go to a free lawyer under the Legal Services bill and they will get him or her into the Federal court, but I must say, it is going to take a little time, it will all be over, but at least he or she will have the pleasure of having tried to buck the system.

Yet if my amendment is agreed to, he or she can have an arbitration case over in 48 hours and an athlete can be reinstated, or an athlete will have had his day, who has been able to present his or her case, and it is over.

Why, will the Senator tell me, does not the NCAA want a decent arbitration?

Why does the NCAA want the authority to agree to an arbitration, and if they do not agree on an arbitration there will be no arbitration?

Why is it they want that?

Why are they afraid of the young athlete in the United States?

Walter Byers would not have his job if it were not for the young athlete in the United States.

Why do they want to deny the young individual who has nothing to give but his heart or her heart for their country in an athletic competition, why do they deny them the opportunity to have a hearing expeditiously?

Because under S. 3500 there is not any doubt in anybody's mind that they do not have it, they will not have it, there is no way they can have it.

Oh, the Senator from California says, "Go to the Attorney General of the United States."

May I say also that under my amendment it is conceivable that the AAU could lose every franchise they now hold, every franchise they now hold the AAU could lose, yet they support this amendment.

Because, in effect, they are willing to support the young athlete in the United States, and the NCAA is not. The NCAA wants to represent the institution. The NCAA wants to represent the money at the gate. The NCAA wants to represent the 80,000- or 90,000-seat stadium. They do not want to represent the kids on the field. That is really what we are saying.

Mr. President, I would like to ask for the yeas and nays on my amendment. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. COOK. I reserve the remainder of my time.

The yeas and nays were not ordered.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I would just like to summarize a couple of thoughts.

One is that the amendment of the Senator from Kentucky has not been the subject of hearings. It would seem to me to do violence to our normal procedures in this body to agree to an amendment which would have such a far-reaching effect or impact as the Senator's without such hearings.

Compulsory arbitration is not something which, as an idea, fares well in the Congress of the United States. There have been many who have argued that we ought to have compulsory arbitration in labor-management relations, particularly as they relate to the service industries, but Congress has never been willing to give such power to any arbitration association, or to denigrate the collective bargaining mechanism that presently exists in law for the purposes of satisfying those who would like to see compulsory arbitration. So I think, on the basis of not having had any hearings on this amendment, it ought to be defeated on that basis alone.

I would also like to point out, when the Senator from Kentucky says that the Senator from Kansas and the Senator from California have sold out to the NCAA, I again reiterate that the National Advisory Committee of Athletes to the U.S. Olympic Committee is supportive of S. 3500. These are athletes; these are not professional athletic association members, they are athletes, and they are very much in favor of S. 3500.

Another point that should be brought out is that the Senator from Kentucky suggests that we have sold out to the NCAA and have given the athlete no rights whatsoever. It should be pointed out to the Senate that the bill (S. 3500) provides that educational institutions may not deny an amateur athlete the right to participate in an athletic competition unless there have been reasonable rules and regulations adopted by the institution or the association, which were adopted prior to the denial or threat of denial by the university to that athlete from participating in the sporting event.

There is nothing in the amendment of the Senator from Kentucky that requires that the rule or regulation be adopted by the association or the university prior to the time that there is a denial of permission to participate in the competition. So in that sense the amendment of the Senator from Kentucky is much broader than the bill (S. 3500). Also, S. 3500 makes it very clear and very specific what the grounds for the denial are:

> (1) to promote the educational welfare of amateur athletes who are students at such institution; or (2) to maintain and protect established sports programs during the regular season for each particular sport.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TUNNEY. I yield myself 1 minute on the bill.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield momentarily to me?

Mr. TUNNEY. I yield.

Mr. ROBERT C. BYRD. I ask unanimous consent that the vote on the amendment of the Senator from Kentucky (Mr. COOK) occur today at 2 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. So it is very clear that under S. 3500, the grounds for denying an athlete the opportunity to participate in an international sports competition are very precise. However, the amendment the Senator from Kentucky has offered would allow much more general guidelines to be applied by the university or the association in denying an athlete such an opportunity to participate.

The language of the amendment suggests that the denial relates solely to that individual's academic or athletic interests in that institution, whatever that means. That is a very broad definition, not nearly as precise as the language of S. 3500.

The PRESIDING OFFICER. The Senator's 1 minute has expired. Who yields time?

Mr. PEARSON. Mr. President, I associate myself with remarks the distinguished Senator from California has made regarding this amendment. He has stated many of the concerns which I feel regarding the measure. Although I understand and join with the Senator from Kentucky in his feeling that the basic institutions of amateur athletics in this country should be reviewed and reformed, I feel his vehicle does not meet the requirements which must be fulfilled.

When I first began my study of domestic sports organizations, I was struck with the dominant role the AAU has played in the management and administration of the U.S. Olympic Committee. I soon came to understand that for all intents and purposes, the AAU is the only major factor in shaping USOC policies. As I stated in my opening remarks, the AAU has emerged as the dominant member of the USOC because of the weighted voting structure favoring those organizations which control U.S. participation in Olympic sports. The AAU controls nearly one half of these votes through its recognition by nine international federations.

The weighted voting structure in the USOC, which was established to comply with international regulations, could be made to work, given the proper conditions. Unfortunately, the AAU has utilized this structure for its own purposes, monopolizing the activities both domestic and international in the sports which it controls, to the exclusion of any other organization conducting programs of national competition in the sport over which the AAU claims control.

I do not believe that any one group should be allowed to maintain exclusive control over any amateur sport. Nor do I place any faith in the control of many sports by one organization, commonly referred to as an "umbrella operation." This is contrary to the basic principles of equal representation in this country. It lies at the heart of the problems in amateur sports today and it is to these concerns that those who support S. 3500, the Amateur Athletic Act, have addressed themselves.

Unfortunately, Mr. President, the amendment before us now fails to recognize these basic problems. There is no provision in this amendment which guarantees that all national federations will receive equal consideration in the USOC, as there is in S. 3500.

There is no guarantee, as my friend from California has pointed out, that athletes will be fairly represented at management levels, as there is in S. 3500.

There is no guarantee, Mr. President, that all groups operating programs in an Olympic sport will work together to further development in that sport, to broaden its appeal among the American people, and to work toward greater achievement in the international arena. All this is guaranteed in S. 3500.

What then, Mr. President, does the amendment seek to accomplish? It extends to athletes and sports organizations the untried and unproven method of compulsory arbitration to settle disputes.

Except in specific cases, where the national security or welfare have been threatened by a strike, compulsory arbitration in the private sector has never been approved by Congress. To do so in this case would constitute a precedent which could very easily be applied to other situations. But approval would also be disastrous for amateur sports, for it would tend to perpetuate the schism between the AAU and NCAA, by forcing one side to seek arbitration of disputes at the expense of the other. In S. 3500, we prohibit any amateur sports organization which represents the appropriate international federation in this country from continuing to operate if it has not received a charter within 2 years of the bill's enactment. In order to receive a charter, the applicant group must be representative of all sports organizations operating a program of national competition in the sport for which charter is sought.

S. 3500 does not legislate a situation which exacerbates the AAU–NCAA feud. To the contrary, it requires that all sides come together and resolve their differences or risk not having the U.S. compete in international competition.

Generally, the case against compulsory arbitration may be briefly summarized as follows: First, compulsory arbitration tends to undermine an important ingredient in productive bargaining relations; namely, the willingness of the parties to bargain conscientiously over their differences. Neither party, but particularly the sports organization, would have an incentive to compromise on anything. Second, settlements imposed by neutrals will not necessarily be any more equitable, and usually will be far less acceptable, than a solution worked out by the parties themselves. It is argued in this regard that since arbitration panels cannot explain or defend their decisions, there is a tendency on the part of the leaders of the opposing parties to blame that tribunal for unpopular decisions, with the result that resentment could rise among athletes or other individuals through lack of understanding and sympathy for such decisions. Third, the increased use and reliance on compulsory arbitration would greatly magnify the various problems of enforcement, rigidity and bureaucracy. Such arbitration on a continuing long-term basis could easily become rigid and bureaucratic, to the great detriment of relations between athletes and the various sports governing bodies.

Mr. President, my friend, the Senator from Kentucky, makes the argument that S. 3500 is favorable to the NCAA, which does not need any more power. I agree. But in making this statement, he ignores the fact that the Amateur Sports Board, created in title II of S. 3500, serves as a permanent body to prevent the dominance of any one domestic amateur sports group.

Additionally, S. 3500 states that no sports organization or representatives of such organization can control more than 40 percent of the voting power of any chartered sports association.

Finally, I believe we ought to illustrate once again the failure of the AAU to allow the school-college community to participate, to a reasonably proportionate extent, in the administration and management of amateur sports in the international area. This deliberate omission has cost the AAU much in the way of available management expertise and has resulted in many of the unconscionable blunders such as those which occurred in the Munich Games.

Senator COOK says that many of the conflicts which have arisen involving athletes have required court actions, which in this area have proven a cumbersome and time-consuming remedy. He states that this proposal will expedite resolution of disputes involving athletes, if necessary, providing opportunity for an athlete to gain satisfaction in time to compete in the disputed event.

Our bill also has a process whereby resolution of a dispute can be expedited—section 202(h)(2). The Board can, upon 48 hours notice, hear and decide a matter, such as a dispute, if expedition is necessary. Although the arbitration process under which this provision would go into effect is voluntary, requiring both sides to agree before the Board could act as arbitrator, there is no reason to suspect that if a chartered sports association had abided by the terms of its charter, it would not agree to come to arbitration. Additionally, the decision of the Board in this area would be final, and if a chartered sports association continued to act in violation of such decision, the Board would be empowered to go to the courts for further enforcement.

There are aspects of the amendment which are similar to S. 3500. For example, a group challenging a franchise holder for control of a given sport must demonstrate that it has a "reasonable number of athletes as members of its governing board." However, S. 3500 is much more explicit in this regard, requiring that an applicant for a charter has no less than 20 percent of the total voting power held by amateur athletes.

The amendment also sets forth a list of criteria which an organization seeking to unseat a franchise holder must meet prior to coming to arbitration. Once again, however, S. 3500 is more specific. For example, whereas the amendment requires its voting membership to be "open to any national amateur sports organization—for which it claims recognition as the governing body," S. 3500 requires that an applicant be "fairly representative of sports organizations conducting national programs" in the sport for which charter is sought. However, in the case of the amendment, the burden of proof would be on the challenging group to prove that it had satisfied such criteria, and if for some reason this group lost, the group in power could continue to operate without regard to such criteria.

Overall, Mr. President, I feel that S. 3500 meets and resolves all the basic problems confronting the organizational structure of amateur athletics in this country today. Unfortunately, the amendment before us seeks only to resolve problems which are minor manifestations of a greater wrong. Mr. President, bandaid remedies will not work. We must go to the heart of the matter which involves major reform in the basic structure of domestic amateur athletics. Our bill meets this requirement, and I hope my colleagues will reject an amendment which seeks to preserve the status quo without bringing about meaningful change.

Mr. COOK. Mr. President, I yield myself 2 minutes to respond to the arguments of the Senator from California (Mr. TUNNEY).

First, I would like to take up the matter which the Senator has interjected that we have never agreed to compulsory arbitration.

This amendment of mine has been around for a long time. If any labor organization in the United States has been objecting to compulsory arbitration under this amendment, we would certainly have heard from them, and we have heard from none.

Let me explain why we put it in. How can compulsory arbitration be justified in this case, when Congress has not seen fit to justify it in labor-management disputes?

The answer is simply that in labor-management disputes, both sides have power with which to bargain. In the typical athletic dispute, the athletes have no power to bargain. All they possess is their simple athletic ability, which they wish to use in representing the United States in athletic competition. Their only power is to withhold their talents, which is exactly what they are fighting against. They want to participate, and are too often denied that right. My amendment gives them that right, and provides a fair and reasonable as well as convenient method for assuring them that that right is protected. This is the binding arbitration my amendment would provide.

Secondly, the distinguished Senator from California stated that the Athletic Advisory Council of the Olympic Committee is in favor of this bill. I must say that this is amazing. Apparently they must be so powerful that one individual can speak for them all. Because here is a delightful letter which——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. COOK. I yield myself 2 additional minutes.

Here is a delightful letter from Tenley Albright, which says:

> While I was in Washington I was disturbed to find that my name has apparently gone on record as being for the Amateur Athletic Act of 1974 (No. 3500).
>
> I am a member of the Athletes Advisory Council of the Olympic Committee. This group did come out in support of the Amateur Athletic Act, but an important point I should like to make is that not all of us in the group support the Act.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOSTON, MASS.,
June 4, 1974.

Hon. EDWARD W. BROOKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BROOKE: Thank you for your letter to me pertaining to the President's Council on Physical Fitness and Sports.

Our first meeting, which was in Washington last week, was a very interesting one. I am impressed with how much the Council has been able to accomplish on its limited budget.

As a member of the Executive Committee of the United States Olympic Committee, I have high hopes that the President's Council on Physical Fitness and the United States Olympic Committee will, in the future, work more and more closely together, as their functions supplement each other while they both work for the same ends.

While I was in Washington I was disturbed to find that my name has apparently gone on record as being for the Amateur Athletic Act of 1974 (No. 3500).

I am a member of the Athletes Advisory Council of the Olympic Committee. This group did come out in support of the Amateur Athletic Act, but an important point I should like to make is that not all of us in the group support the Act. My own feeling is that the athletes who supported the Bill did so in the hope of obtaining more development money for their own sports, without fully recognizing the consequences of government takeover of amateur sports in this country.

I would appreciate very much having you correct the record when the Amateur Act of '74 (No. 3500) comes to the Senate floor, so that I will not be listed as among those in favor of the Bill.

I am strongly opposed to having the Federal Government involved permanently in conducting amateur sports in this country. I do favor the commission proposal as it is suggested by Congressman Kemp in the House, as well as the proposed amendment to the Olympic Charter as it was introduced by Congressman Mathias in the House and by Senators Humphrey and Cook in the Senate.

This is a significant time for amateur sports.

I hope that you feel as I do: that we do need a commission to study the situation of amateur sports in this country, but a temporary commission; not one which would involve the government permanently. Additionally, we need more attention directed toward providing development money for our sports to encourage children from grade school up to participate in what we know is beneficial to them in many, many ways.

Looking to the remote future, I certainly would like to see the President's Council on Physical Fitness encouraged and expanded to developing sports on a large scale through youngsters throughout the country; and the U.S. Olympic Committee advised and encouraged to do the job which it can do so well.

Sincerely yours,
TENLEY E. ALBRIGHT, M.D.

Mr. COOK. Second, we talk about this business of what is in the academic interest. May I say to the Senator, we have a couple of good examples of that. Jack Langer was denied the right to participate in the Maccabean Games in the summer time. The NCAA said he could not. I do not know what that had to do with the school he was attending in the fall.

Then there was the Dirt Bowl case, where young amateur athletes wanted to teach young boys how to participate in amateur basketball.

They were denied that right by the NCAA, and they could not participate for otherwise they would have lost their eligibility.

They said it was in their academic interests. Yet nothing is going to be changed about that under S. 3500 because the regulations of the NCAA are going to be excluded from this act, so they are going to go on and continue to deny the young athlete his right to participate. They are going to deny the athlete his right to participate, and fail to teach the young people how to be a part of the sports system of the United States.

May I say to the Senator what he is really doing is building one of the tightest, toughest sport institutions in the United States, and he is doing it in the name of legislation. And, I must say, in all fairness—

The PRESIDING OFFICER. The 2 minutes of the Senator have expired.

Mr. COOK. How many minutes, Mr. President, do I have left?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. COOK. Mr. President, may I say, in discussing this, I think there are 30 minutes left, and I would appreciate it if the Senator from California and the Senator from Kansas would agree if we are not going to vote at 2 o'clock that we might divide those 30 minutes equally.

Mr. TUNNEY. Mr. President, I was wondering if the Senator from Kentucky has concluded his remarks that we might go into recess until 5 minutes of 2.

Mr. COOK. Mr. President, may I say to the Senator from California that I do not want to go into recess, and if the Senator does not want to use any of those 30 minutes, at least I would like to use those 30 minutes to speak for the American athlete.

The PRESIDING OFFICER. The time would be taken off the time on the bill and the amendment.

Mr. COOK. I thank the Presiding Officer. I think I still have the floor, do I not, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. TUNNEY. Mr. President, how much time does the Senator have on his amendment?

THE PRESIDING OFFICER. Two minutes.

Mr. COOK. Does the Senator agree, Mr. President, to any division of the balance of the 30 minutes?

Mr. TUNNEY. Mr. President, I would assume when we get through with the 2 minutes that then we go back to time on the bill, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. TUNNEY. Mr. President, so the Senator would then have all the time that he would need on the bill. I know the Senator from Kansas has given him whatever time he needs on the bill to speak in opposition to it. So I think, rather than asking unanimous consent to have more time on the amendment, that we just ought to use the time on the bill. We have plenty of time on the bill.

Mr. COOK. All right.

Mr. President, I think there is something deeper here because what we are really saying in this bill under section 204(d) is that we are really allowing the NCAA to continue to function, to continue to go its way, to continue to deny the athlete the right to compete, for whatever reasons are in its rules and regulations, to deny the fine players to compete against international competition unless the international competition is sanctioned by them that, in effect, what we are really doing is we are building into law and we may be creating something that conceivably will resolve itself because I think what we are really doing is denying the young athlete his civil rights.

I think we are saying to the young athlete that we are going to empower the NCAA to go on about its way. We are going to say to the NCAA that unless pressure is brought by Congress we are not going to have another opportunity in the future to play international competition, and we are going to deny these young people the right to play because it is in the scholastic interest, says the NCAA and, therefore, you cannot do it, and that is the end of the road, and if you do do it, you lose your eligibility, you cannot participate. You have a black mark against your record, you cannot participate in collegiate athletics. You are denied the right to participate in NCAA playoffs or whatever the case may be and, if so, what are we really saying? What we are really saying is that we are vesting in an organization of component parts of the university system, which has decided to have a headquarters at Kansas City, the privilege to be all-powerful, to deny any right they want to at any time.

I ran into a basketball coach the other day who is now retired because of having suffered a heart attack, who has taken basketball teams to major tournaments in the United States, the NCAA, NIT, and he said, "My gosh, if there is anything you can do to quell the power and the authority of the NCAA please do your best to do it."

Here we are just going to go right down the line because a bunch of football coaches have gotten hold of the Members of the Senate, a bunch of basketball coaches have gotten hold of Members of the Senate, because they are on those NCAA committees and subcommittees, and they set up all the rules and decide how to divide up the spoils and decide where the NCAA finals are going to be and what kind of rakeoff the schools are going to get—not the athletes, mind you, but the schools—and that they do not want my amendment. The reason they do not want my amendment is because they are going to have to treat an athlete like a human being. That is what we are really saying here.

We know they are going to love the fact that a young athlete has got to go to court, a young athlete has got to get a lawyer, a young athlete has got to get an attorney general. All he has to do is file an answer. He has 20 days to file an answer once he is served. They may advance it on the docket. But how well will they advance it? They can hold it, and then they can see that the athlete, the very first athlete, Mr. President, who tries to utilize the provisions of S. 300 gets himself blackballed, and no young athlete after that will ever try it; and the Senator knows that as well as I do.

So what we are doing is we are saying the burden is on the youngster, the burden is on the young athlete. Here we are on the floor and we come up with juvenile delinquency acts, we come up with acts pertaining to social problems to help people. And, all of a sudden, when it comes to the young athlete in the country we say, "You, Mr. Byers, and your *NCAA* are all-powerful and we cannot buck you. We put in section 204(d) of S. 3500 and we have not touched you a bit, and you can deny athletes anything you want to deny them. You can keep telling them where and when they can play. You can tell them they cannot compete in this; you can tell them there cannot be an all-star game," if they want to, I suspect.

Now, are we really looking after the athlete? The answer is we certainly are not.

So, Mr. President, I really have to say to the Senator that in this time of our country, when we are talking about the rights of the individual, when we are talking about the ability of an individual to stand up and speak for himself, we find an organization which has put out a pamphlet, which has names in it that they know do not belong there. They have done it surreptitiously. They knew that they did not belong on that list at all, and yet they are still contending that these are the athletes who support this bill. That in itself ought to tell us something; that ought to tell us that they are not really sincere. All they want to do is to win. All they want to do is to win, and the loser is going to be the young athlete in the United States.

Why is it that we cannot understand that? Why is it so hard to get across that a Jim McDaniel gets a little disturbed at his school or somebody else gets disturbed down at another school and decides they do not want to go to another route any more? Have we not learned anything? Have we not learned that the young individual wants to represent his country and wants to represent his school? We do not seem to have learned that in this whole process.

We find that this permeates the whole field. We find that the colleges hire their broadcasters, and the broadcasters had better say the things they want them to say. When a coach gets into an argument with a young player, the broadcaster had better be on the side of the coach or he will not have a contract next year with the radio station, so he cannot broadcast the football games, the basketball games, or whatever. Have we not had enough of that?

Mr. TUNNEY. Mr. President, will the Senator yield for a question?

Mr. COOK. Yes.

Mr. TUNNEY. Has the Senator talked to the American Arbitration Association with respect to his amendment which is going to give such great responsibility to the American Arbitration Association? Have the views of the American Arbitration Association been solicited?

Mr. COOK. May I say to the Senator that this was done—because I would not want to mislead the Senator from California at all—on the recommendation of Congressman Mathias who said that he had established that with the association and that he had consulted with them and, as you well know, this is in the language of the House bill and, on that basis and on those recommendations from my colleague from the House, who is a former colleague of the Senator from California, that language is in my bill.

Mr. TUNNEY. Mr. President, will the Senator yield further?

Mr. COOK. Yes.

Mr. TUNNEY. Mr. Robert Colson, who is the head of the American Arbitration Association, has informed the committee that the association has never been questioned regarding the legislation.

Mr. COOK. They have not by me.

Mr. TUNNEY. In the last 3 years, and that, therefore, they know nothing about it.

I would suggest if we are going to be giving such grave responsibilities to the American Arbitration Association it might be appropriate to at least consult the American Arbitration Association as to what they think about it; and it might also be appropriate to have a few days of hearings and find out what other people think. We have not had such hearings. We do not know what the American Arbitration Asociation thinks about it, and I must say I think that the Senator's amendment on those two grounds alone is fatally defective.

Mr. COOK. Mr. President, I might say to the Senator that I hate to have him say that something is fatally defective because we are giving an association a responsibility that we have a right to give them. This amazes me. I would have to check the legislative history to find out if the Senator from California has ever decided to give additional funds to an agency where he did not consult with them, where he was going to give them more money than they wanted. Somehow I do not think the Senator from California would have felt that was a fatal defect. That is the kind of language that wears out the record.

Maybe it is just as well we did not consult. I would rather be in a position where I gave an organization a responsibility to do something that is well defined in a bill, rather than to say they are completely exempt from the act. Sometimes consultation gets one in trouble. That really does not bother me and somehow I do not feel that is a defect.

I think the defect is that I am the only Senator, except for the Senator from Maryland (Mr. Beall), who has been standing up here talking for the athletes; those who are against the amendment have been ruling the athletes for years and years and they want to continue to do the same. The defect here is that we are forgetting the athletes without my amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I wish to place in the Record at this point how many organizations are for and against this amendment. I have been authorized to say that although the NCAA may be opposed to this amendment, the National Education Association in the United States has said that it is very much in favor of my amendment.

There being no objection, the list was ordered to be printed in the Record, as follows:

AMERICAN ASSOCIATION OF PRESIDENTS OF INDEPENDENT COLLEGES AND UNIVERSITIES—1974 MEMBERSHIP

College, location, and president:

Albion College, Albion, Mich., Dr. Bernard T. Lomas.

Andrews University, Berrien Springs, Mich., Richard Hammill.

Augustana College, Sioux Falls, S.D., Dr. Charles L. Balcer.

Baptist College at Charleston, Charleston, S.C., Dr. John A. Hamrick.

Beloit College, Beloit, Wis., Dr. Miller Upton.

Berry College, Mount Berry, Ga., Dr. John R. Bertrand.

Brigham Young University, Provo, Utah, Dr. Dallin H. Oaks.

Butler University, Indianapolis, Ind., Dr. Alexander E. Jones.

California Inst. of the Arts, Valencia, Calif., William S. Lund.

Calvin College, Grand Rapids, Mich., Dr. William Spoelhof.

Central Methodist College, Fayette, Mo., Dr. Harold P. Hamilton.

Chowan College, Murfreesboro, N.C., Dr. Bruce E. Whitaker.

Clearly College, Ypsilanti, Mich., Dr. Walter Greig.

College of Insurance, New York, N.Y., Dr. A. Leslie Leonard.

College of Mt. St. Joseph, Mr. St. Joseph, Ohio, Dr. Robert E. Wolverton.

College of Notre Dame, Belmont, Calif., Sister Catherine Julie Cunningham.

College of the Southwest, Hobbs, N.M., Dr. Eugene E. Hughes.

Colorado Women's College (was Temple Buell College), Denver, Colo., Dr. Dumont F. Kenny.

Columbia Union College, Takoma Park, Md., Dr. George H. Akers.

Detroit Inst. of Technology, Detroit, Mich., Dr. Dewey F. Barich.

Divine Word College, Epworth, Iowa, Rev. Louis J. Luzbetak.

Dropsie University, Philadelphia, Pa., Dr. Abraham I. Katsh.

Duke University, Durham, N.C., Terry Sanford.

East Texas Baptist College, Marshall, Tex., Dr. Howard C. Bennett.

Flagler College, St. Augustine, Fla., Dr. William L. Proctor.

Fort Lauderdale University, Ft. Lauderdale, Fla., Dr. Stanley J. Drake.

Franklin Pierce College, Rindge, N.H., Dr. Frank S. DiPietro.

Friends University, Wichita, Kans., Dr. Harold C. Cope.

Grace Bible College, Wyoming, Mich., Dr. John T. Dean.

Green Mountain College, Poultney, Vt., Dr. Raymond A. Withey.

Grove City College, Grove City, Pa., Dr. Charles S. MacKenzie.

Gwynedd-Mercy College, Gwynedd Valley, Pa., Sister Isabelle Keiss.

Hanover College, Hanover, Ind., Dr. John E. Horner.

Hebrew Union College, Cincinnati, Ohio, Dr. Alfred Gottschalk.

Hillsdale College, Hillsdale, Mich., Dr. George C. Roche III.

Inter American University of Puerto Rico, San German, Puerto Rico, Sol L. Descartes.

International Fine Arts College, Miami, Fla., Edward Porter.

Jones College, Jacksonville, Fla., Jack H. Jones.

Judson College, Elgin, Ill., Dr. Harm A. Weber.

Kansas Newman College, Wichita, Kans., Rev. Roman S. Galiardi.

Kendall School of Design, Grand Rapids, Mich., Lawrence O. Mailloux.

Lee College, Cleveland, Tenn., Dr. Charles W. Conn.

Lewis College, Lockport, Ill., Dr. Lester Carr.

Loyola University of New Orleans, New Orleans, La., Rev. James C. Carter.

Luther Rice Seminary, Jacksonville, Fla., Dr. Robert G. Witty.

Manhattan College, Bronx, N.Y., Bro. Gregory Nugent.

Maria Regina College, Syracuse, N.Y., Sister Mary Rosalie Brady.

Dr. Martin Luther College, New Ulm, Minn., Conrad I. Frey.

Mary Hardin-Baylor College, Belton, Tex., Dr. Bobby E. Parker.

Meredith College, Raleigh, N.C., Dr. John E. Weems.

Mid-American Nazarene College, Olathe, Kans., Dr. R. Curtis Smith.

Milligan College, Milligan College, Tenn., Dr. Jess W. Johnson.

Mount Mary College, Milwaukee, Wis., Sister Mary Nora Barber.

Mount St. Marys College, Emmitsburg, Md., Dr. John J. Dillon, Jr.

National College of Education, Evanston, Ill., Dr. Calvin E. Gross.

Northrop Institute of Tech, Inglewood, Calif., Dr. B. J. Shell.

Pacific Lutheran University, Tacoma, Wash., Dr. Eugene Wiegman.

Pennsylvania College of Optometry, Philadelphia, Pa., Dr. Norman E. Wallis.

Pepperdine University, Malibu, Calif., Dr. William S. Banowsky.

Philadelphia College of Textiles and Science, Philadelphia, Pa., Dr. Lawson A. Pendleton.

Principia College, Elsah, Ill., Dr. David K. Andrews.

Puget Sound College of Bible, Seattle, Wash., Dr. James Earl Ladd.

Rockford College, Rockford, Ill., Dr. John A. Howard.

Roger Williams College, Providence, R.I., Ralph H. Gauvey.

Roosevelt University, Chicago, Ill., Dr. Rolf A. Weil.

Russell Sage College, Troy, N.Y., Dr. Charles U. Walker.

St. Bonaventure University, St. Bonaventure, N.Y., Rev. Damian McElrath, OFM.

St. Francis College, Loretto, Pa., Rev. Sean M. Sullivan.

St. Lawrence University, Canton, N.Y., Dr. Frank P. Piskor.

Saint Leo College, Saint Leo, Fla., Dr. Thomas B. Southard.

St. Mary's University, San Antonio, Tex., Very Rev. James A. Young.

Saint Vincent College, Latrobe, Pa., Rev. Cecil G. Diethrich.

Salve Regina College, Newport, R.I., Sr. Lucille McKillop.

Samford University, Birmingham, Ala., Dr. Leslie S. Wright.

School of the Art Institutes of Chicago, Ill., Dr. Donald J. Irving.

Sherwood Music School, Chicago, Ill., Walter A. Erley.

Simpson College, San Francisco, Calif., Dr. Mark W. Lee.

Southern College of Optometry, Memphis, Tenn., Dr. Spurgeon B. Eure.

Southwestern University, Georgetown, Tex., Durwood Fleming.

Spring Garden College, Chestnut Hill, Pa., Robert H. Thompson.

Sterling College, Sterling, Kans., Dr. Robert C. Baptista.

Thiel College, Greenville, Pa., Dr. Chauncey G. Bly.

Thomas Jefferson University, Philadelphia, Pa., Dr. Peter A. Herbut.

Thunderbird Graduate School of Internat'l Management (America. Grad. School of Internat'l Mgt.), Glendale, Ariz., Dr. William Voris.

Tiffin University, Tiffin, Ohio, Richard C. Pfeiffer.

Trocaire College, Buffalo, N.Y., Sister Mary Carmina Coppol.

University of Albuquerque, Albuquerque, N.M., Frank A. Kleinhenz.

Upper Iowa University, Fayette, Iowa, Dr. Aldrich K. Paul.

Viterbo College, La Crosse, Wis., Father J. Thomas Finucan.

Warren Wilson College, Swannanoa, N.C., Dr. Reuben A. Holden.

Wellesley College, Wellesley, Mass., Dr. Barbara W. Newell.

Wentworth Institute, Boston, Mass., Dr. Edward T. Kirkpatrick.

Wheaton College, Wheaton, Ill., Dr. Hudson T. Armerding.

William Jewell College, Liberty, Mo., Dr. Thomas S. Field.

Woodbury College, Los Angeles, Calif., Mrs. Dora E. Kirby.

York College of Pennsylvania, York, Pa., Dr. Ray A. Miller.

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. COOK. On the bill, at this time.

The PRESIDING OFFICER. Charged to both sides, equally?

Mr. COOK. That is fine.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on July 4, 1974, the President had approved and signed the joint resolution (S.J. Res. 218) to extend by 30 days the expiration date of the Export-Import Bank Act of 1945.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Abourezk) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill:

H.R. 7130. An act to establish a new congressional budget process; to establish Committees on the Budget in each House; to establish a Congressional Budget Office; to establish a procedure providing congressional control over the impoundment of funds by the executive branch; and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Metcalf).

AMATEUR ATHLETIC ACT OF 1974

The Senate continued with the consideration of the bill (S. 3500) to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate, and to promote physical fitness, and for other purposes.

Mr. BROOKE. Mr. President, I would like to insert in the Record a letter from Dr. Tenley Albright, a member of the Executive Committee of the United States Olympic Committee, and a member of the Athletes Advisory Council to the United States Olympic Committee. Dr. Albright and I would like to correct an error that has her on record as being in favor of the Amateur Athletic Act of 1974 (S. 3500).

I ask unanimous consent that this letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Boston, Mass.,
June 4, 1974.

Hon. Edward W. Brooke,
U. S. Senate,
Washington, D.C.

Dear Senator Brooke: Thank you for your letter to me pertaining to the President's Council on Physical Fitness and Sports.

Our first meeting, which was in Washington last week, was a very interesting one. I am impressed with how much the Council has been able to accomplish on its limited budget.

As a member of the Executive Committee of the United States Olympic Committee, I have high hopes that the President's Council on Physical Fitness and the United States Olympic Committee will, in the future, work more and more closely together, as their functions supplement each other while they both work for the same ends.

While I was in Washington I was disturbed to find that my name has apparently gone on record as being for the Amateur Athletic Act of 1974 (No. 3500).

I am a member of the Athletes Advisory Council of the Olympic Committee. This group did come out in support of the Amateur Athletic Act, but an important point I should like to make is that not all of us in the group support the Act. My own feeling is that the athletes who supported the Bill did so in the hope of obtaining more development money for their own sports, without fully recognizing the consequences of government takeover of amateur sports in this country.

I would appreciate very much having you correct the record when the Amateur Act of '74 (No. 3500) comes to the Senate floor, so that I will not be listed as among those in favor of the Bill.

I am strongly opposed to having the Federal Government involved permanently in conducting amateur sports in this country. I do favor the commission proposal as it is suggested by Congressman Kemp in the House, as well as the proposed amendment to the Olympic Charter as it was introduced by Congressman Mathias in the House and by Senators Humphrey and Cook in the Senate.

This is a significant time for amateur sports.

I hope that you feel as I do: that we do need a commisison to study the situation of amateur sports in this country, but a temporary commission; not one which would involve the government permanently. Additionally, we need more attention directed toward providing development money for our sports to encourage children from grade school up to participate in what we know is beneficial to them in many, many ways.

Looking to the remote future, I certainly would like to see the President's Council on Physical Fitness encouraged and expanded to developing sports on a large scale through youngsters throughout the country; and the U.S. Olympic Committee advised and encouraged to do the job it can do so well.

Sincerely yours,
Tenley E. Albright, M.D.

Mr. HART. Mr. President, we must focus on the reason that we are discussing the question of amateur sports in these Halls: In the past few years, the sanctioning dispute between the AAU and the NCAA has reached classic proportions. The fiasco at last summer's Olympics simply added fuel to the fire of reform.

And who suffers? The athletes: The athletes whose achievements are unrecognized because of a feud in which they have no part. Or those who are "disqualified" from future competitions simply because they competed in an event that is totally above-board except that it did not meet the "approval" of one group or another. And the athletes who missed starting times or whose medals or points are not recognized because of questionable rulings—with no one to represent them effectively.

These athletes work long and hard for years; yet their rights too often are lost in the power struggle. No one wants a new Federal organization created—no matter how limited it may be. But we have no choice, it appears. Even under the threat of congressional action, these athletic groups have not worked out their differences of opinion.

Therefore, I support this bill. It will expand the athletes' participation in all aspects of his or her sport. One athlete will sit on the Amateur Sports Board, and two athletes must be members of boards of sports assocations, with 20 percent of the voting power. These are steps in the right direction. But the most important provision to me in this bill is section 204(d), which states clearly that no eligible athlete may be denied the right to compete in any international, unrestricted amateur competition which is properly sanctioned by a sports association. He or she cannot be censured or penalized. Educational institutions will still have reasonable authority to adopt academic educational standards, avoid scheduling conflicts and the like. But the student no longer would be used as a pawn in organizational bickering.

For these reasons, I urge support for this bill.

Mr. COOK. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

(During the call of the roll the Vice President assumed the chair.)

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator from Kansas yield me 2 minutes on the bill?

Mr. PEARSON. I yield 2 minutes to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I just wish to make an announcement. This has been agreed to by the——

The PRESIDING OFFICER (Mr. HELMS). The Chair would advise the Senator that there is supposed to be an order for a vote at this time.

Mr. MANSFIELD. I ask unanimous consent that it be temporarily delayed, not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished Republican leader, and we are agreed that on Tuesday or Wednesday next, the Senate will turn to the consideration of Calendar No. 910, S. 1566, a bill to provide for the normal flow of ocean commerce between Hawaii, Guam, American Samoa, or the Trust Territory of the Pacific Islands, and so forth.

That will be Tuesday or Wednesday of next week. Furthermore, on tomorrow or Thursday, it is the intention of the leadership to call up Calendar No. 932, S. 3698, a bill to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology.

The purpose of making these announcements at this time is to put the Senate on notice insofar as these two particular bills are concerned.

I thank the distinguished Senator from Kansas.

AMATEUR ATHLETIC ACT OF 1974

The Senate continued with the consideration of the bill (S. 3500) to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate, and to promote physcal fitness, and for other purposes.

The PRESIDING OFFICER (Mr. HELMS). The question is on agreeing to Kentucky (Mr. COOK).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and the amendment of the Senator from ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment in the nature of a substitute for the Cook amendment, and ask for its immediate consideration.

Mr. BARTLETT. Mr. President, will the Senator yield for a unanimous consent request?

Mr. HUMPHREY. I yield to the Senator from Oklahoma.

Mr. BARTLETT. I thank the distinguished Senator from Minnesota.

Mr. President, I ask unanimous consent that David Russell of my staff be accorded the privilege of the floor during the consideration and voting on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, to save the time of the Senate, I shall explain the amendment, and I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. The Chair is advised that the Senator's amendment is not a proper substitute.

Mr. HUMPHREY. The Senator from Minnesota presents it as a substitute.

The PRESIDING OFFICER. Does the Senator wish to state "In lieu of the language, insert the following"?

Mr. HUMPHREY. That is correct; if that is necessary, we will do that. That is a technicality I reserve for the secretariat of the Senate.

The PRESIDING OFFICER. Without objection, it is ordered that the amendment be so modified.

Mr. HUMPHREY'S amendment is as follows:

On page 19, in lieu of the language of the Cook amendment, insert the following:

MANDATORY ARBITRATION

Section 203 (a) GENERAL.—In case of any dispute which involves a chartered sports association and (1) any other chartered sports association or associations; (2) a sports organization; or (3) an amateur athlete, the Board or any duly authorized member of the Board or the American Arbitration Association as provided for in the following Sections shall act as mediator or arbitrator to conciliate and resolve such dispute.

(B) Any individual who alleges he has been denied a right established under this Act in violation of such Act may submit to any regional office of the American Arbitration Association a claim documenting the denial, but shall submit such claim within thirty days after the denial: *Provided further*, That the association is authorized upon forty-eight hours notice to the parties, to hear and decide a matter under such procedures as the association deems appropriate if the association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the association to do justice to the affected parties.

(C) Any national amateur sports organization claiming recognition under this Act shall submit such claim to any regional office of the association not later than one year after the termination of any summer Olympic games. The association shall serve notice on the parties to the arbitration and on the corporation, and shall immediately proceed with arbitration according to the commercial rules of the association: except that (1) for any arbitration in which at least two of the parties are not individuals, there shall be not less than three arbiters selected by the association, (2) there shall only be arbitration of a claim under the Act after the ninetieth day after the day that the national amateur sports organization submitted such claim to the association, and (3) the arbitration decision shall be served on the corporation in the same manner as it is to the parties to the arbitration.

"'(d) Any person whose claim is upheld by an arbitration decision under subsection (b) or (c) may bring suit in a United States district court having jurisdiction over any party to such arbitration to compel compliance with the terms of such decision. In addition to the provisions of the first sentence, any party to such an arbitration decision may bring suit in such court for review of the decision within a period of sixty days after the decision; except that the court may only modify or set aside the decision if it is procured by fraud, if it is clearly erroneous, or if the subject matter for the arbitration is not included within the Act upon which the person based his claim for arbitration under subsection (b) or (c). Any person who submits a claim for arbitration under subsection (b) or (c) may bring suit in such court to compel arbitration pursuant to subsection (b) or (c), and the arbiters of an arbitration under subsection (b) or (c) may petition such court to enforce compliance with a subpena issued by the arbiters pursuant to the rules of the American Arbitration Association. Any individual who alleges he has been denied a right established under this Act in violation of such subsection may (in lieu of seeking arbitration under subsection (b)) bring suit in such court for adjudication of such, denied right.

"'(e) Any person seeking arbitration under this section shall have the burden of introducing the evidence to support his claim and shall have the burden of proving his claim.

"'(f) The arbiter of any arbitration under subsection (b) or a majority of the arbiters under subsection (c) (1), may order that the losing party pay to the prevailing party reasonable fees for attorneys' services rendered for such arbitration. The district court may order that the losing party to a suit under subsection (d) pay to the prevailing party reasonable fees for attorneys' services rendered for such suit.

Mr. HUMPHREY. Mr. President, let me, first of all, say a few words about S. 3500, the bill introduced by the distinguished Senator from Kansas (Mr. PEARSON).

I believe this is a good bill, and I have reviewed it very carefully. I was one of the Senators at the time that this legislation originally passed the Senate, and at the time that we voted for its reconsideration, who supported that motion to reconsider. I did so because I wanted a little more time to study its features, because of my long and deep interest in amateur athletics and in the involvement of American athletes in both national and international competition.

I have studied the Pearson bill, and have indicated to the distinguished Senator from Kansas my basic support of the features of his bill. I was cosponsor, with the Senator from California (Mr. Tunney), of the bill which passed the Senate some time ago, which carried the provisions of the Tunney-Humphrey bill. I wish to indicate why I feel that the Pearson bill has genuine merit, but why I believe there is one feature of the bill that can be substantially improved.

First of all, S. 3500 establishes an athletic board which would issue charters for each sport to one amateur sports organization for the purpose of franchising that organization for international competition.

Umbrella organizations that hold more than one charter under S. 3500 would not be allowed. The amendment that is sponsored by the distinguished Senator from Kentucky (Mr. Cook) does not establish a one-sport, one-charter requirement. The basic requirements in the Pearson bill for a charter are, first, that the association must incorporate as a nonprofit corporation; second, that at least 20 percent of the voting power of the association must be held by active amateur athletes; third, that the association cannot be controlled by any other association; and, finally, that the organization must demonstrate a continuing commitment to the development of interest and participation in its sport.

Also, S. 3500, the Pearson bill, requires that one of the five members of the Board be a world class athlete who has participated in recent international competition. I think this is highly desirable, again, may I say, paying proper respect to the athletes themselves and bringing about their involvement in the governing body.

Furthermore, no less than 20 percent of the voting membership of each chartered sports association must consist of participating athletes in the sport that it governs.

I believe that amateur athletes have the right to participate in any international competition sanctioned by a chartered sports association, provided it does not conflict with the normal seasonal sports events or violate a reasonable rule regarding academic standards. This is provided for in S. 3500.

The bill, however, does provide a mediation service through the board in the event of a dispute between an athlete and a chartered sports association.

It is this particular section, section 203, of the Pearson bill that I believe needs to be strengthened, and my amendment is designed to do that.

Let me indicate now what my amendment would do. First of all, looking at the Pearson bill, section 203, page 19, starting on line 18, down through line 23, to the words "resolve such dispute" would be included in the Humphrey substitute to the Cook amendment. Following that, I would add language, that is taken from the Cook amendment relating to mandatory arbitration.

The Pearson bill provides that an amateur athlete or a chartered sports organization, can appeal a dispute under the terms of S. 3500, for the purpose of mediation to the Amateur Sports Board.

The Pearson bill says that with the consent—and I underscore the word "consent"—of the affected parties in the dispute, the Board shall resolve the dispute and in such case the decision of the Board shall be final.

Now, in order to enforce that subsection (b) of section 203 the act requires that the Board, through its own attorneys, the Attorney General, or an aggrieved person can apply to the district courts of the United States for enforcement.

Mr. President, there are two weaknesses with this provision. First, you have to get the consent of the affected parties if you are gong to have a binding ruling. Second, you would have to appeal to the courts, which are already overloaded and have a heavy docket and heavy calendar, and it would be my judgment that these cases would not take the highest priority. And, therefore, a decision delayed is really a decision denied, because the athlete who appeals or the organization that appeals a grievance within the terms of the Act would frequently be denied the opportunity to participate because of the delay which would come from the mediation efforts of the Board, plus the application to a district court for enforcement.

What I am really trying to say is that the courts have other business that perhaps has a higher priority.

The importance of having binding arbitration and prompt resolution of a dispute is underscored by the fact that many of these disputes between an athlete and an athletic organization or an athlete and academic institution are brought in just prior to the national or international competition in which an athlete would like to participate. Therefore, prompt action is required. To get a decision after the event takes place or after the competition has taken place resolves nothing in so far as the rights of the athlete are concerned.

So my amendment takes the language starting in section 203 on line 18 down through the word "dispute" on line 23, and substitutes language from the Cook-Humphrey bill which relates to mandatory arbitration.

Therefore, the amendment that I propose would be as follows:

> In case of any dispute which involves a chartered sports association and (1) any other chartered sports association or associations; (2) a sports organization; or (3) an amateur athlete, the Board or any duly authorized member of the Board or the American Arbitration Association as provided for in the following Sections shall act as mediator or arbitrator to conciliate and resolve such dispute.
>
> Any individual who alleges he has been denied a right established under this Act in violation of such Act may submit to any regional office of the American Arbitration Association a claim documenting the denial, but shall submit such claim within thirty days after the denial: *Providing further*, That the association is authorized, upon forty-eight hours' notice to the parties, to hear and decide a matter under such procedures as the association deems appropriate if the association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the association to do justice to the affected parties.

The purpose of that is to get action within 48 hours so that the athlete who may be participating in an international sports event and who finds himself in some grievance with a chartered sports organization will be able to get a decision, and that decision can be handed down under the terms of my amendment either by the Board, as is indicated in the Pearson proposal, or by a member of the Board or by a panel set up by the American Arbitration Association. Therefore, the affected party, that is, the aggrieved party, whoever that may be, has options. The aggrieved party can say, "Well, I will take my case to the Sports Board set up under the Pearson bill," or the aggrieved party can say, "I will take my case to an authorized member of the Board," or the aggrieved party can say, "No, I will take it to a panel set up on a regional basis by the American Arbitration Association."

Mr. PEARSON. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. At this point that aggrieved party, once he makes that decision, must accept the ruling of either the Board, the Board member, or the arbitration panel.

Yes, I now yield, Mr. President.

Mr. PEARSON. Mr. President, do I understand the Senator's amendment would provide that the aggrieved person might go to the Sports Board as authorized in this bill or the American Arbitration Association?

Mr. HUMPHREY. That is correct, sir.

Mr. PEARSON. Or the American Arbitration Association?

Mr. HUMPHREY. Either one.

Mr. PEARSON. Either one.

Mr. HUMPHREY. With the option being up to the athlete.

Mr. PEARSON. Is there any requirement in the Senator's amendment that would require the American Arbitration Association to take a case such as this—and the reason I ask the question is that we have been in contact with the American Arbitration Association this morning, and they, as I understand it, are a nonprofit, private organization, and they have no obligation to undertake a review of a question. As a matter of fact, if they do not make it subject to resolution, they will not take it; I understand they have no duty to take it. But if the parties by contract say they want the arbitration board, they will entertain it. I do not think there is a Federal statute, but if a State statute deignates it, they will take it.

However, I am concerned about designating the American Arbitration Association to handle these matters when they probably have no duty under the Senator's amendment or the bill to entertain the jurisdiction.

Mr. HUMPHREY. The reason we have options in the amendment——

Mr. PEARSON. But we do have the option.

Mr. HUMPHREY. The Board or the American Arbitration Association or any individual can contract with the American Arbitration Association.

Mr. PEARSON. That is correct.

Mr. HUMPHREY. All this would provide——

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. PEARSON. I think further if we designate them in this bill and if the bill should pass, I imagine they would entertain it if we brought it to them.

Mr. HUMPHREY. That is what I think.

Mr. PEARSON. I do not think there is any duty to do so.

Will the Senator yield for me to make a further observation?

Mr. HUMPHREY. I yield.

Mr. PEARSON. This relates to a matter the Senator referred to and the Senator from Kentucky made this same point earlier.

If it were a long and drawn out proceeding, and if there were involved a matter before the Federal courts, when the time frame might be immediate, a young athlete might be denied the opportunity to participate in a meet 2 days away. The remedies here are injunctive relief and the application to the court for a temporary injunction.

Mr. HUMPHREY. Sometimes injunctive proceedings are immediately appealed, which could extend the time of the litigation, but having studied the Senator's bill, its basic features are essentially sound and much desired.

My only concern, and my concern has been a long concern, is how to resolve these respective disputes. The Board will set up standards for the chartering of sport groups. That is a decision to be made by the Board.

Mr. PEARSON. That is very helpful.

Mr. HUMPHREY. The only thing I am trying to do is to give the athlete some options. If he feels the Board may be stacked against him he does not have to go to that body. If he feels the Board is all right he could go to the Board. But if he feels the Board would not give him a fair deal he has a right to ask for the American Arbitration Association.

I do not think we can compel the American Arbitration Association, even though it is in this bill, to set up a panel on a regional basis to act on a dispute.

My amendment seeks to do two things. One, I believe the Cook amendment, to which I made some contribution, is not as good as the Pearson bill. It opens up uncertainties. It is not as clear and precise as S. 3500. I think the Pearson bill also has several features that are very commendable; for example, the setting up of a foundation, the chartering of sports associations by the Board. All of this is desirable. My amendment comes from legislation I personally cosponsored with the Senator from Kentucky.

I do feel, having had some experience with these issues in the past, that if we are going to go into any kind of mediation it is better to have provisions which will give finality. I agree with the Senator from Kansas that his bill may not have extended time involved. Injunctive proceedings could be used.

But I think my amendment strengthens the Pearson bill. It does no damage to its standards and its basic features, and it would assure the rights of the athletes more precisely and definitively than the Cook amendment or the present language in the Pearson bill.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. TUNNEY. In the bill, section 203(b), on page 20, there is this language:

Mr. HUMPHREY. I have the section before me.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, are we under a time limitation?

The PRESIDING OFFICER. Thirty minutes equally divided.

Mr. HUMPHREY. I was not here at the time the unanimous consent was agreed to.

Mr. TUNNEY. On my time.

Mr. HUMPHREY. Fine.

Mr. TUNNEY. There is language in section 203(b) that states:

> (b) ENFORCEMENT.—Upon application of (1) the Board through its own attorneys, (2) the Attorney General, or (3) an aggrieved person, the district courts of the United States shall have concurrent jurisdiction with the courts of the States to enjoin the commission of any acts committed in violation of any directive issued by the Board as a result of its mediation of a dispute pursuant to subsection (a) of this section.

Do I understand the Senator's amendment to knock out section 203(b)?

Mr. HUMPHREY. The Senator is correct.

Mr. TUNNEY. Was it the intention of the Senator from Minnesota to deny to the board or the Attorney General or the aggrieved person the right to go into court and get an injunction against a violation of a directive issued by the board?

Mr. HUMPHREY. My amendment does just this: the party that has a dispute or grievance may take his grievance to the Board for decision or to a panel set up by the American Arbitration Association, and that ruling, under the option that the aggrieved party may select, shall be final. That is it.

Mr. TUNNEY. What about a situation where the Board has issued a directive and the athletic association, in the view of the Board, has violated that directive? Is the Board precluded from going into the district court in order to get an injunction to prevent that association from violating the directive?

Mr. HUMPHREY. No. In this instance my amendment provides—if the Senator would cast his eyes upon subsection (d)—

> Any person whose claim is upheld by an arbitration decision—

This presumes that there has been a dispute and a decision has been handed down.

> under subsections (b) and (c) may bring suit in a United States district court . . .

Mr. TUNNEY. If I may interrupt the Senator, that assumes there has been arbitration. What about a situation where the Board feels its directive has been violated by the association and it wants to go to court to get an injunction? Does it first have to go to arbitration?

Mr. HUMPHREY. No, if the Board feels that its rules or regulations are being violated or in any way being rejected, the Board has the right to go to a court to seek relief.

My amendment applies to an individual or an association that is chartered under the Board's jurisdiction.

Mr. TUNNEY. Mr. President, would the Senator object to including subsection (b) in his amendment? In his amendment he strikes out subsection (b), which is a right that is given to the Board to go to court if it feels that its directive has been violated. By knocking it out in his amendment, it would seem to me that the legislative history would be pretty clear that the Congress did not intend for the Board to have the right to go to court on its own, and it would have to first go to arbitration.

It might well be that the Senator did no intend that to happen, but I would suggest to the Senator, my distinguished friend, that that is, in fact, what he does do with his amendment.

Mr. HUMPHREY. Mr. President, let me say the purpose of my amendment is that if an athlete or a chartered group feels that they have a dispute with the Board, with another sports association, or with another institution, then that individual, organization or institution may ask either for a ruling from the Board, which I doubt in this instance it would do unless it had a dispute with the Board, or to go to an arbitration panel.

The essential purpose of my amendment is to protect the rights of the individual athlete.

Mr. TUNNEY. I understand that, and I think that the Senator is to be commended for the support he has given to his amendment. I am just concerned about the situation where, in his amendment, he knocks out a section of the bill which gives the board the power to go to court to get an injunction, if it feels that its directive is being violated by a sports association.

Mr. President, I know that his intention is not to circumscribe in any way the powers of the board to go to court. I would suggest by knocking out the operative language of the bill, which gives the board the power to go to court, that is, in fact, what he is doing. I would be happy to discuss it in a quorum call, if the Senator would wish to.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

Mr. PEARSON. Would the Senator withhold that, Mr. President?

Let me say to the Senator from Minnesota, I think the substitute amendment is an improvement over the Cook proposal in two ways.

First of all, the Cook proposal left everything in a shambles, the mess just as it was, and superimposed on top of this conflict and history of disagreements compulsory arbitration.

The Senator does not do that. He asks us to adopt what we hope is a reform of amateur sports under his proposal.

The second improvement, as I see it, was the point developed by the Senator from California this morning. Under the Cook proposal, the only person who might have a standing before arbitration or the court was an athlete who was eligible under international regulations and those international regulations could be invoked by the AAU in control in the U.S. Olympic Committee, and make one ineligible to go to arbitration or to court. This is changed in that.

I just have this holdover reservation about compulsory arbitration.

I would think that the Board, in granting a charter to an association, within its inherent powers would have some understanding about whether or not they would agree to arbitration.

So, Mr. President, I have some resistance to the Senator's amendment, although it is a massive improvement over the prior proposal. I still have this resistance to forcing people to go into a settlement under circumstances and in a climate that I think will be much improved.

Mr. HUMPHREY. May I just say I understand fully the concern of the Senator from Kansas. It is not the purpose of the Senator from Minnesota to do anything that will materially or in any way damage the Pearson bill.

Mr. PEARSON. I believe it improves it.

Mr. HUMPHREY. May I suggest to the Chair that I am concerned about the parliamentary situation, and I would like some advice concerning the current timeframe.

Would the Senator yield for that purpose?

Mr. PEARSON. I yield to the Senator.

The PRESIDING OFFICER. The Senator from California has 5 minutes.

Mr. HUMPHREY. May we suggest the absence of a quorum?

Mr. PEARSON. How much time is remaining on the bill for the proponents and the opponents?

The PRESIDING OFFICER. Seventeen minutes and 10 minutes.

Mr. HUMPHREY. Would the Senator yield for 5 minutes?

Mr. TUNNEY. I yield the Senator 5 minutes.

Mr. HUMPHREY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair will inquire of the Senator, to whom will the time for the quorum call be charged? Does the Senator ask for unanimous consent?

Mr. HUMPHREY. The only man with quorum call money in the bank is my good friend from Kansas.

The PRESIDING OFFICER. The Senator may always ask that the time not be charged.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the time for the quorum call not be charged to either side. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, after having consulted with the Parliamentarian, I wish to withdraw my amendment in the nature of a substitute.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HUMPHREY. Mr. President, I send to the desk a perfecting amendment to S. 3500.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY's amendment is as follows:

In lieu of the language in section 203, on House Resolutions 19 and 20, proposed to be stricken out by the Cook amendment, insert the following:

MANDATORY ARBITRATION

SEC. 203 (a). GENERAL.—In case of any dispute which involves a chartered sports association and (1) any other chartered sports association or associations; (2) a sports organization; or (3) an amateur athlete, the Board or the American Arbitration Association as provided for in the following Sections shall act as mediator or arbitrator to conciliate and resolve such dispute.

(b) ARBITRATION.—(1) Any individual who alleges he has been denied a right established under this Act in violation of such Act may submit to any regional office of the American Arbitration Association a claim documenting the denial, but shall submit such claim within thirty days after the denial: *Provided further*, That the association is authorized, upon forty-eight hours' notice to the parties, to hear and decide a matter under such procedures as the association deems appropriate if the association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the association to do justice to the affected parties.

(2) Any person whose claim is upheld by an arbitration decision under subsection (1) may bring suit in a United States district court having jurisdiction over any party to such arbitration to compel compliance with the terms of such decision. In addition to the provisions of the first sentence any part to such an arbitration decision may bring suit in such court for review of the decision within a period of sixty days after the decision: except that the court may only modify or set aside the decision if it is procured by fraud, if it is clearly erroneous, or if the subject matter for the arbitration is not included within the Act upon which the person based his claim for arbitration under subsection (1). Any person who submits a claim for arbitration under subsection (1) may bring suit in such court to compel arbitration pursuant to subsection (1), and the arbiters of an arbitration under subsection (1) may petition such court to enforce compliance with a subpena issued by the arbiters pursuant to the rules of the American Arbitration Association. Any individual who alleges he has been denied a right established under this Act in violation of such subsection may (in lieu of seeking arbitration under subsection (1) bring suit in such court for adjudication of such denied right.

(3) Any person seeking arbitration under this section shall have the burden of introducing the evidence to support his claim and shall have the burden of proving his claim.

(4) The arbiter of any arbitration under subsection (1) may order that the losing party pay to the prevailing party reasonable fees for attorneys' services rendered for such arbitration. The district court may order that the losing party to a suit under subsection (2) pay to the prevailing party reasonable fees for attorneys' services rendered for such suit.

(C) ENFORCEMENT.—Upon application of (1) the Board through its own attorneys, (2) the Attorney General, or (3) an aggrieved person, the district courts of the United States shall have concurrent jurisdiction with the courts of the States to enjoin the commission of any acts committed in violation of any directive issued by the Board as a result of its mediation of a dispute pursuant to subsection (a) of this section.

Mr. HUMPHREY. Mr. President, I have now, during the quorum call, discussed this amendment in considerable detail with the Senator from Kansas (Mr. PEARSON) and the Senator from California (Mr. TUNNEY), as well as in consultation with the Senator from Kentucky (Mr. COOK). We have made some modifications and changes from the original amendment which I believe are highly desirable. First, we have, under mandatory arbitration, stricken the language "or duly authorized member of the board," thereby giving the athlete either the option of using the full board or the panel of the American Arbitration Association.

Second, since I did say earlier to the main sponsor of the bill, the Senator from Kansas (Mr. PEARSON), that there was no intention on the part of my amendment to interfere with the Board's prerogatives in chartering, we have stricken the language in section (c) which appeared on page 2 of my amendment through line 13 on page 3, so as to remove any ambiguity or any lack of certainty in the legislative history, so that the board has the complete authority for the chartering of the respective sports associations.

Third, so there may be no doubt about the purpose of this amendment, it applies to international competition. That is, of course, the thrust of the bill that is before us. With that, we have also answered the question of the distinguished Senator from California, who was eminently correct in his interrogation of the Senator from Minnesota, about subsection (b) of the language in the Pearson bill under section 203. We are keeping that enforcement language for the Board's decision.

So we have two enforcement provisions, one for the arbitration panel and one for the Board.

Have I now correctly explained the changes that have been made and the agreements which have been arrived at?

Mr. TUNNEY. I think the Senator from Minnesota has very ably explained his amendment and the changes that have been made in it.

I think that the amendment represents an improvement of the legislation. Of course, I cannot speak for the author of the bill, the Senator from Kansas (Mr. PEARSON), but, acting as floor manager of the bill, I am prepared to accept this excellent amendment for the committee.

Mr. HUMPHREY. Let me make it clear that this is a perfecting amendment to the Pearson bill, that it is not a substitute for the Cook amendment. The Cook amendment will be voted upon separately.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. BEALL. As I understand it, then, the Cook amendment is now before us?

Mr. HUMPHREY. No——

Mr. BEALL. The Senator is amending the Cook amendment; he will be withdrawing his amendment in the form of a substitute and, after the Cook amendment has been disposed of, he will be offering this amendment?

Mr. HUMPHREY. No, the parliamentary situation permits the Senator from Minnesota to offer his amendment as a perfecting amendment now to the Pearson bill, which I am now doing. Following the disposal of this perfecting amendment, it is my understanding from the Parliamentarian that we will then vote upon the Cook amendment, without any substitute from the Senator from Minnesota being offered.

Mr. BEALL. Although the Senator from California might be willing to accept the amendment, some of us who are present on the floor might wish to express some opposition to the amendment.

Mr. TUNNEY. Would the Senator like to have a vote?

Mr. BEALL. I think it might be desirable to have a vote on the amendment, but I would first like to have some understanding of what the amendment is.

As I understand it, what in effect the Senator is doing is just adding some arbitration procedure to the bill before the Senate.

Mr. HUMPHREY. What we are doing is taking the mandatory arbitration features of the Cook amendment and placing them in lieu of the language in section 203 of the Pearson bill, plus we provide for mandatory mediation by the board.

Mr. BEALL. The mandatory mediation by the Board——

Mr. HUMPHREY. That is, if the athlete decides to use the Board.

Mr. BEALL. Under the bill as originally presented, the negotiation of the arbitration was voluntary as far as the Board was concerned.

Mr. HUMPHREY. That is correct.

Mr. BEALL. Does the Senator keep it voluntary?

Mr. HUMPHREY. No, not at all. If the athlete opts to use or decides to take his case to the Board, or if he decides to take his case to a panel of arbitrators from the American Arbitration Association, having made the decision as to where he wishes to take his grievance, the ruling either of the Board or of the arbitration panel is mandatorily controlling.

The present bill, the bill before us, requires that all affected parties would have to have an agreement before they went to the Board.

Mr. BEALL. I am not quite sure—then the Senator would give them two avenues to get the same action?

Mr. HUMPHREY. We give the athlete the option. We give the athlete the choice.

Mr. BEALL. Why does he have a choice?

Mr. HUMPHREY. He may not want to use it, but why not give it to him if he wishes to use it?

Mr. BEALL. So there is nothing voluntary at all. Once the athlete files a complaint with the Board he chooses to go the route that takes him to the Board.

Mr. HUMPHREY. That is correct.

Mr. BEALL. Once he files a complaint it is mandatory on the parties to the dispute to come to the Board to have their differences negotiated or settled.

Mr. HUMPHREY. Settled.

Mr. BEALL. And that determination is binding.

Mr. HUMPHREY. That is correct.

Mr. BEALL. It is a compulsory arbitration.

Mr. HUMPHREY. That is correct.

Mr. BEALL. On the part of the Board.

Mr. HUMPHREY. Then if he decides not to use the Board, which he may very well decide, he goes to the American Arbitration Association which sets up what we call a regional panel, that is, a panel within the region of the athlete's interests and residence, and that arbitration panel's decision is mandatory and conclusive. That is the language in the Cook bill.

Mr. BEALL. My only question is—my opposition to the Senator's amendment, as is my opposition to the bill, that it creates a Federal amateur athletic board unnecessarily. It seems to me——

Mr. HUMPHREY. That is another feature.

Mr. BEALL. Right.

The problem is that we have not been able to settle disputes. The Cook amendment goes right to the heart of the problem by establishing a procedure whereby the disputes can be settled and eliminated.

Mr. HUMPHREY. The Humphrey amendment does that.

Mr. BEALL. This creates an additional bureaucracy.

Mr. HUMPHREY. No, no.

Mr. BEALL. As I understand the Senator's amendment, we are adding a Federal bureaucracy, on the one hand, and then, at the same time, setting up an alternate arbitration procedure which may or may not be used.

Mr. HUMPHREY. May I say the Senator from Minnesota has taken the language of the Cook amendment, to which he was a party, on the matter of compulsory arbitration, and made it a perfecting amendment to section 203 of the Pearson bill. In other words, section 203 of the Pearson bill is rewritten to allow binding arbitration of a dispute or a grievance, once the channel of arbitration is chosen by the attorney for the aggrieved party.

I also agree that the aggrieved party, if he so desires, can go to the Board and use it as the arbitration panel.

Mr. BEALL. And get the same result.

Mr. HUMPHREY. And get a binding decision. But that is up to the aggrieved party. In other words, the aggrieved party has two choices: the Board or an arbitration panel set up by the American Arbitration Association. The Cook amendment provides for the American Arbitration Association.

The only difference between the Cook amendment and my amendment on this matter is that I give the option of the Board for the arbitration.

Mr. BEALL. Why have both?

Mr. HUMPHREY. Why have both? Why not? I think it is better.

Mr. BEALL. If you are giving it to the Board it seems to me you are creating an additional Federal bureaucracy that is not needed because you have the procedure already established under the Cook amendment where the dispute can be arbitrated. That is the whole heart of the problem.

Mr. HUMPHREY. The Senator from Minnesota happens to agree that the Pearson-amended Board is desirable. I also believe deeply in the protection of the rights of the athlete. I am amending the Pearson bill now, but that does not preclude us from voting for the Cook amendment. I am amending the Pearson bill to see that there is binding mandatory arbitration, and we give two channels for that arbitration.

Mr. BEALL. I think it is commendable, of course, to be able to resolve the dispute. But if you vote for the Cook amendment, then we are eliminating the Board and, I think, that has some merit. As the Senator from Minnesota is saying—I am not sure he is telling me—I thought he was telling me he may vote for the Cook amendment which would eliminate the Board.

Mr. HUMPHREY. Well, it is my judgment that the language we provided here gives greater freedom to the athlete. The individual athlete is protected. The individual can go, if he wishes, to the Board. But if he does not go to the Board then he goes to the arbitration panel, and that is the mandatory provision.

Mr. COOK. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. Yes, if I have time. I guess I have because I reintroduced the amendment.

Mr. COOK. We are getting closer all the time, may I say, to what I have been talking about since noon.

I am wondering if the distinguished Senator from Minnesota—as he so aptly says, the right of arbitration should be in section 203, and the distinguished Senator from California has indicated that he would be willing to accept that language—really means to restrict that right of arbitration or whether he feels that there should be an unlimited right of arbitration within the amateur sports field in the United States?

In other words, what I am really asking the Senator is, he knows that in section 204 is the language "individually or in common with other institutions," which allows the NCAA to have all of the rules that they presently have, which means they would be eliminated from the procedures of compulsory arbitration that the Senator proposes to put into section 203.

It is my desire to offer an amendment that would strike the language in section 204 "individually or in common with other institutions," so that all athletic associations in the United States would be on a par, as the Senator wishes to do by the imposition of his language in section 203.

I would frankly like to know how the Senator feels about the striking of that language in section 204 which, in essence, then equalizes all athletic associations and organizations throughout the United States by the language that the Senator wishes to put into section 203.

Mr. HUMPHREY. May I say to the distinguished Senator from Kentucky, I understand very well what his very short amendment will do. But it changes the thrust of section 204 very definitely.

I have made up my mind, Senator, that once we are able to accomplish the protection of the rights of the athlete under binding arbitration I will go along with and support the balance of the provisions of S. 3500, the Pearson bill and, therefore, section 204 on page 22, I believe, is where the Senator's amendment would apply——

Mr. COOK. Yes.

Mr. HUMPHREY. I do not feel is required. I see its merit but I do not believe that it is substantially required.

Mr. COOK. May I ask the Senator then does he feel in essence and, very frankly, that the NCAA ought to be treated differently from any other athletic association or organization in the United States?

Mr. HUMPHREY. I think that the section is quite explicit, Senator. I am not the author of the section. The Senator from Kansas and the Senator from California know it much better, but it states that no chartered sports association or any other sports association may deny or threaten to deny any eligible amateur athlete the opportunity to compete in any unrestricted competition; nor may it censure subsequent to such competition or subsequently penalize any such athlete who participates where such competition is sanctioned by a chartered sports association pursuant to the provisions of this section.

Once the sports association has been chartered, the right of that athlete is protected. The amendment that I offer protects the right of the athlete to seek a decision in the event he feels that he is being discriminated against by any group, whether he is being discriminated against by the board or by the——

Mr. COOK. But, Senator, not if the NCAA discriminated.

Mr. HUMPHREY. I do not see that, Senator.

Mr. COOK. It states here "or other educational institutions individually or in common with other institutions to promote the educational welfare of amateur athletes or students at such institution; or (2) to maintain and protect established sports programs during the regular season for each particular sport."

So what we are doing here is we are imposing compulsory arbitration on every amateur athletic association, organization, group in the United States, save one.

Mr. HUMPHREY. No, I do not see that, Senator. I may not get the thrust of your argument, but let me just yield to the Senator from California.

Mr. COOK. Certainly.

Mr. HUMPHREY. Because I want to be sure I know what we are talking about.

Mr. TUNNEY. I think the Senator is raising an ancillary issue. It has nothing to do with the amendment of the Senator from Minnesota.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. COOK. Can the Senator say to me and for the benefit of the record that if the language of the Senator from Minnesota is accepted authorizing compulsory arbitration on the part of an athlete, will the Senator say that that same right of compulsory arbitration is given to and extended to an athlete who is denied permission to compete or denied permission to be associated with a particular sport under the present recognition of the NCAA?

Mr. TUNNEY. The Senator means intercollegiate or interscholastic sports. The answer is no. It does not apply. We are not dealing with intercollegiate sports. We are dealing with international sports, which are part of Olympic competition.

Mr. COOK. Mr. President, will the Senator yield further?

Mr. TUNNEY. I yield.

Mr. COOK. Could any member of the U.S. basketball team last summer have been authorized compulsory arbitration, having been denied the right to participate against the Russian basketball team, under the language of section 204?

I will answer the question for the Senator.

Mr. TUNNEY. I would suggest to the Senator that the language of the legislation is not clear on that point.

Mr. COOK. Does the Senator not think we should make it clear?

Mr. TUNNEY. Certainly not the way the Senator would make it clear with his amendment.

Mr. COOK. Let us take Fred Samara from the University of Pennsylvania. Could he have done it last year?

Mr. TUNNEY. The answer to the question is clear because the way the language of the bill states it, the problem is that an educational institution individually or in common with other institutions can prevent an athlete from competition:

(1) To promote the educational welfare of amateur athletes who are students of such institution; or (2) to maintain and protect established sports programs during the regular season for each particular sport.

The reason that language is there is to assure that a college will not be faced with a situation where it has a meet with some other college while its best star athletes are off competing in some international competition. That is to protect the colleges. The colleges desire that, and it makes a great deal of sense.

Also, we have a provision that the educational welfare of the student may sometimes dictate that he not be allowed to compete in an international competition when, for instance, he has exams coming up and the college could then prohibit a student from such competition. I think that makes a great deal of sense, also.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. COOK. Will the Senator explain to me why that provision was used last summer to prevent Bill Walton, Marvin Barnes, and Ernie DiGregorio from playing against the Russians? Can the Senator explain to me why during the summer Jack Langor from Yale could not participate in the Maccabee games in Israel because the NCAA said it was in the best interest of his scholastic something or other?

Can the Senator explain why basketball players at Louisville could not participate in the efforts of the recreation department of Louisville to teach young people how to play basketball? All of that comes under the language the Senator wishes to keep in this bill.

Unfortunately, both the Senator from California and the Senator from Minnesota feel some insistence that this language should stay. But the point is when they permit an organization to speak for all other institutions and impose these rules and regulations, the institution is helpless.

The University of Louisville did not mind these people participating. It was Kansas City, the home office. Yale did not mind Jack Samara going to the games; it was the home office in Kansas City.

That is the point I am making and it is the point the Senator is not facing up to in this bill.

Mr. HUMPHREY. Wait a minute, Senator. This is on my time. My amendment is section 203——

The VICE PRESIDENT. The Senator from Minnesota has used all of his time.

Mr. HUMPHREY. I did not get a chance to use it, Mr. President.

Mr. TUNNEY. Mr. President, how much time does the Senator from California have remaining?

The VICE PRESIDENT. The Senator from California has 9 minutes remaining.

Mr. TUNNEY. I yield 3 minutes to the Senator from Minnesota.

Mr. COOK. Mr. President, if the Senator will yield to me for 30 seconds, first, the point is that Yale told Jack Langor to go to the Maccabee games and Yale was placed on probation for 2 years. That is the point and that is why the language in the bill is so undesirable.

Mr. HUMPHREY. The language of the Humphrey amendment is separate and distinct from section 204. My amendment states:

> In case of any dispute which involves a chartered sports association and (1) any other chartered sports association or associations—

under the terms of the Pearson bill—

> (2) a sports organization; or (3) an amateur athlete, the board or any duly authorized member of the board or the American Arbitration Association as provided for in the following sections shall act as mediator or arbitrator to conciliate and resolve such dispute.

As far as I am concerned, that is the controlling language.

I can understand why the provisions are written in in terms of educational institutions, insofar as the educational welfare of the students is concerned. That is what an educational institution is designed to take care of. However, there have been abuses under that provision so if a student feels he has been denied he could come in and ask the board or the arbitration panel for a decision.

I do not believe that section 204 relates only to the NCAA because it relates to other organizations.

I believe the Senator from California is correct when he said we are primarily talking about international competition and, secondly, about the welfare of the students. The provision of the mandatory provision I introduced provides a way to settle these disputes. There has been no authority to settle any dispute. Athletes have been threatened. Athletes have been threatened by one organization or another if they wanted to compete, and they have had no way to find if they were right or wrong under the terms or rules.

I think we should vote for the Humphrey amendment quickly and then we will take on the Cook amendment next. The Senator is for that, is he not?

Mr. COOK. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. COOK. The Senator talks about chartered organizations. The constitution of the NCAA states it cannot be a chartered organization and it cannot possess a charter.

This language was worked out carefully. If the Senator would change his amendment from the floor and use the language "a chartered or athletic organization."

Mr. HUMPHREY. I have in my amendment "a chartered sports association and first, any other chartered sports association or associations; second, a sports association; or third, an amateur athlete." That covers everything except tiddlywink players, and I think we could cover them.

Mr. TUNNEY. I think the Senator has made his point very well. We are talking about an amendment to section 203, and I see no reason to debate it further. I think we should go to a vote to see who has the votes.

Mr. COOK. Will the Senator yield?

Mr. TUNNEY. It is my time. I yield for a question.

Mr. COOK. The question I would like to ask the Senator from California is, would he, in the perfecting amendment, agree on the second line, in case of any dispute which involves a chartered sports association, to remove the words "chartered" so that it says "which involves a sports association and, one, any other chartered association or associations"?

Mr. TUNNEY. No; I will not.

Mr. COOK. He would not?

Mr. TUNNEY. No; I would not.

Mr. COOK. I will ask for the yeas and nays at the end of the debate on the perfecting amendment of the Senator from Minnesota, so that I might have an amendment striking the word "chartered" in the second line.

Mr. TUNNEY. Mr. President, I understand the Senator from California has about 6 minutes left.

The VICE PRESIDENT. No, the Senator from California has 4 minutes left.

Mr. PEARSON. Will the Senator yield? What is the pending business?

The VICE PRESIDENT. The vote is on the perfecting amendment of the Senator from Minnesota.

Mr. PEARSON. May I inquire of the time remaining?

The VICE PRESIDENT. There are 4 minutes remaining for the Senator from California.

Mr. PEARSON. I thank the Chair.

Mr. TUNNEY. If it is agreeable to the Senator from Kansas and to the Senator from Minnesota, I am prepared to yield back the remainder of my time. We might as well have a vote. Does the Senator want a record vote?

Mr. HUMPHREY. I have no desire for it unless I lose on the voice vote. Then I shall ask for a record vote.

Mr. TUNNEY. I yield back the remainder of my time.

Mr. COOK. I will ask for the yeas and nays, and ask how much time there is left on the amendment.

The VICE PRESIDENT. There is no time remaining on the amendment of the Senator from Minnesota.

Mr. COOK. Mr. President, I have an amendment that I would like to prepare and send to the desk, and ask that I might have sufficient time to do so.

The VICE PRESIDENT. Is there objection?

Mr. TUNNEY. Reserving the right to object, an amendment to what? Is it a perfecting amendment to the amendment of the Senator from Minnesota?

Mr. COOK. That is correct.

The VICE PRESIDENT. It is an amendment to the perfecting amendment of the Senator from Minnesota.

Mr. TUNNEY. Is that an amendment in the second degree?

The VICE PRESIDENT. This would be in the second degree.

Mr. TUNNEY. I object.

The VICE PRESIDENT. There is objection.

Mr. COOK. Mr. President, I suggest the absence of a quorum

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I move that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

Mr. COOK. Mr. President, I send to the desk a perfecting amendment to the perfecting amendment of the Senator from Minnesota and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

> On line 2, Sec. 203, strike the words "chartered sports association," and insert the words "sports organization."

Mr. TUNNEY. Mr. President, a parliamentary inquiry. Is it my understanding that this amendment is in order?

The PRESIDING OFFICER. This amendment is in order. Who yields time?

Mr. COOK. I yield myself 5 minutes.

Mr. President, what this amendment does is it picks up the compulsory arbitration of the distinguished Senator from Minnesota, and it also clarifies the situation to the point where, by striking the words, "chartered sports association", and inserting "sports organization", it overcomes the language in section 204(d) of the bill which very apparently seems to give an exclusion in this bill to any action that is taken by the NCAA because the language in section 204(d) says that individually or in common with other institutions that they may have such rules and regulations as they want to, and that the compulsory arbitration does not apply to them.

The best example I can give you why it does not apply to them under the present language is because the amendment is going to be vigorously fought by the distinguished Senator from California and the distinguished Senator from Kansas. Therefore, if, in fact, we are talking about any sports organization, as the Senator from Minnesota said, then obviously they would not mind this slight change, because this really applies to any sports organization.

But what we are really saying by this amendment is that it truly does apply itself to any sports organization.

The point I am trying to make to the Members of this body, Mr. President, is that by this language and by this perfecting amendment to the Humphrey perfecting amendment, it puts every sports organization, association, and chartered organization on their own. It leaves every individual institution on its own. It can have the NCAA. There is no problem with this. They can have that association. They can function within that organization. But that organization will not have a life and death toll without the right of compulsory arbitration that all of the rest of the organizations in the United States—amateur associations, organizations, chartered organizations—will have by the inclusion of the language of the distinguished Senator from Minnesota.

If I am wrong, that by changing this we do not apply it across the board, then someone tell me. If I am wrong by saying this does, in fact, exclude the NCAA, in the language with respect to individually or in common with other institutions, then I would appreciate very much being told.

I think we have here a degree of exclusivity. We have decided to accept the language of the Senator from Minnesota, allowing the compulsory arbitration as it applies to the Olympic Committee, as it applies to the AAU, as it applies to the amateur organizations throughout the United States. What we are saying is that this compulsory arbitration in regard to the rights of athletes will not apply to the NCAA, the National High School Athletic Association, and the NAIA—that those three organizations are going to be excluded from the operation of this bill. Yet, the right of compulsory arbitration is granted to athletes in every other amateur sports organization in the United States.

If I have overlooked something by reason of this language, I would be delighted to be enlightened.

I feel that without the inclusion of this language, which the Senator from California did not want and would not agree to, section 204(d) stays intact; and under section 204(d), those facilities will have the right to impose such rules and regulations on the young athlete to the extent that they wish to do so.

The best example, which I gave a moment ago, was the fact that when Jack Langer wanted to go to the Maccabee games in Israel, NCAA denied him the right to do so. Yale University said to him, "Young man, if you want to compete in that facility, you go ahead." By reason of that action on the part of Yale University, they had to take a 2-year suspension by NCAA, and they had to live with it.

This is the very point we are getting at.

May I also say to the Senator that if the University of California at Los Angeles or if Providence University had said to Bill Walton, Marvin Barnes, and Ernie DiGregorio last year, "If you play against that Russian team and represent your country, you may do so," and the university said that they could, the NCAA would have put both those schools on probation, which would have meant that they could not compete in championship games as a result of being members of the NCAA. That is the very point and the very heart of the matter.

Mr. President, I reserve the remainder of my time.

Mr. TUNNEY. Mr. President, one of the great misnomers is to call this amendment a perfecting amendment. It is a perfect monstrosity.

What this amendment would do would be to open up to arbitration every dispute between an athlete and his university, his college, any sport association—high schools, junior high schools. It would make no difference. It would open it up to compulsory arbitration. There would be no test, as we have in our bill, that the dispute has to relate to an international competition and between a chartered sports association and an athlete or some other association, under the terms of the proposed legislation.

If the Senator is talking about developing a Federal Gargantua in the form of a sports board, this is precisely what he would be doing if the Senate were to accept the amendment that has been offered by the Senator from Kentucky. It would mean that we would have compulsory arbitration over every dispute in high school and in college where an athlete felt that he was being aggrieved by his educational institution, by the NCAA, or by any other organization. I am sure that is not what the Senator from Kentucky intends, but that is exactly what would be the effect of his amendment.

It is also clear that the proposed legislation, without the so-called perfecting amendment of the Senator from Kentucky, applies to the NCAA. It applies to the NCAA as it relates to international sports—sports that are played in the Olympic Games. The NCAA can be made the subject of compulsory arbitration or mediation by the sports board. That is clear. It is in the bill.

I think that anyone who is opposed to seeing an intrusion of the Federal Government or compulsory arbitration in the field of amateur sports would have to reject out of hand the perfecting amendment of the Senator from Kentucky.

Mr. COOK. I yield myself 1 minute.

Mr. President, I am absolutely amazed at the theory and the logic of the Senator from California. It defies interpretation by the wildest stretch of one's imagination. Since when is a college a sports organization? Since when is a high school a sports organization? We are talking about a sports organization within the confines and within the definition of S. 3500, as delineated on page 4, starting at line 23.

For the life of me, I cannot figure out how, all of a sudden, I am the culprit who has said that every high school athlete is going to arbitrate against his high school and is going to arbitrate against his college or his university.

The PRESIDING OFFICER (Mr. BARTLETT). The Senator's 1 minute has expired.

Mr. COOK. I yield myself 1 additional minute.

We are using the words "sports organization." I suppose that university is chartered. It has to be chartered somewhere. So I suppose that by the Senator from California's definition, if we leave in the language "chartered sports association," we have then said, "If you play for a college and the college is chartered, you are automatically a chartered sports organization." I do not think anybody is going to buy that rationale, by any stretch of the imagination. I do not think anybody has to sit here and feel that that logic flows from changing the words "chartered sports association" to "sports organization."

I know what is coming through. What is coming through is that if you do not have this language, you are excluding somebody from compulsory arbitration, and you are trying your best to do it.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. COOK. I yield myself 1 additional minute.

If the language "chartered sports association" is perfectly all right, I should like to ask any constitutional authority in the Chamber, who would like to pass judgment on it, to give me the comparison between the phrases "chartered sports association" and "sports organization."

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. TUNNEY. Mr. President, all one has to do in order to get the definitions is to read the bill.

"Sports organization," as it is defined in S. 3500, means a club, federation, union, association or other group except a chartered sports association which sponsors or organizes any amateur athletic competition in which amateur athletes may compete if they are members of or affiliated with an institution which is a member of such group.

That could mean any high school or any college, and it would not relate necessarily to international sports. It could relate to little league baseball.

The problem with the Senator's amendment is that he is using words of art—"sports organization"—which words are defined in the bill. They are defined in the bill in a way which is totally contrary to the thrust of the Senator's amendment.

Mr. COOK. The Senator from California asked me to yield, and I do not want to yield for anything but a question.

I will get to the heart of this matter and say to the Senator from California that I think he would have to agree with me that the NCAA is not a chartered sports organization. That is the key to what we are talking about. The NCAA is a sports organization, but it is not a chartered sports association. That is why, if we do not change this language, we leave the NCAA and its rulemaking power intact, and we make compulsory arbitration necessary for every other sports organization, association, or chartered group in the United States.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOK. I yield myself 1 additional minute.

This is the heart of the very debate we are having.

The Senator from California wishes to keep the words "chartered sports association" because he knows under the constitution of the NCAA it is not a chartered sports association. Under the definition of the bill, it is a sports organization and, therefore, would be subject to compulsory arbitration, and that is the heart of the question. That is why the Senator, wishing to cover the parameters of the situation, should be delighted to accept my language so that it will prevail equally throughout the United States, which is, after all, what we want.

We are really saying—and I ask for 1 more minute because I am sure my minute is about to run out—what we are really saying is that we are giving a bill of rights to athletes in the United States of every sports association, organization, and group, except for those young athletes who are under the jurisdiction of the NCAA.

I suggest and put into this record that that is discriminatory, rank discrimination, and I would assume that if this bill would pass there would be a very logical cause of action as a violation of one's civil rights.

I retain the balance of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mr. TUNNEY. Mr. President, a reading of the Humphrey amendment makes it very clear that where the AAU has a dispute with the NCAA, there is a provision for compulsory arbitration because the language says:

> In case of any dispute which involves a chartered sports association and, a sports organization, then there can be compulsory arbitration if one of the parties wants it.

So the NCAA is covered by the Humphrey amendment. The NCAA is also covered in the bill's language itself as it relates to international competition. But what we will do if we accept the amendment of the Senator from Kentucky is to give to an individual athlete, whether it be a child or a man or woman, the opportunity to get compulsory arbitration in a dispute that he has with any sports organization, which could mean Little League baseball, it could mean a high school, a college, it would not in any way have an impact on international sports.

It would expand the purview of this bill so clearly that the Senator from California could not support it.

I do not want any Federal control of sports in this country, and I dare say that what the Senator from Kentucky has inadvertently done is to offer an amendment which would extend that control totally throughout all sports programs in the country where an athlete felt aggrieved.

I think that the issue is very simple and we might as well vote on it. I think everybody has had an opportunity to express his viewpoint and I would suggest that the Senate vote this one down.

Mr. COOK. Mr. President——

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. COOK. I yield myself a couple of minutes.

If the Senator from California will follow me, because I think this is extremely important, the unfortunate part about the Senator's wishing to maintain the phrase "chartered sports association" is this, that with the language the way it is, you can have with this amendment either allowing arbitration between AAU and NCAA, allowing arbitration between AAU and United States Track and Field Federation, you can allow a federation between AAU and the athlete, but you cannot allow it between the NCAA and the athlete, and that is why this language has got to be changed, because you allow them everywhere else, but the NCAA is not a chartered sports association.

You have got to read the language in relation to the chartered sports association and then what it has the authority to do, at least I hope that is still the way we read proposed statutory requests in this body. But the way we have it now is that by leaving the language the way it is, without my amendment, you can allow the AAU and the NCAA to arbitrate, the AAU and the track people to arbitrate, the AAU can arbitrate with an athlete, but the athlete cannot arbitrate with the NCAA, because the NCAA is the sports organization, not a chartered sports association.

That is the heart of the bill, that is the heart of my perfecting amendment.

I think it should prevail equally with all athletes throughout the United States in relation to the organization whose jurisdiction they are subject to. That is why my perfecting amendment resolve that problem.

The PRESIDING OFFICER. Who yields time?

Mr. COOK. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficiency?

There is a sufficiency, and the yeas and nays are ordered.

Mr. TUNNEY. I suggest to the Senator from Kentucky that we have a vote.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. COOK. I yield my time.

Mr. TUNNEY. I yield my time.

Mr. BEALL. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BEALL. It is my understanding that we are now voting on the Cook amendment, which is an amendment to the Humphrey amendment, and that regardless of the outcome of the vote on the Cook amendment, it will be followed by a vote on the Humphrey amendment as amended?

The PRESIDING OFFICER. The Senator is correct.

The Senator from California.

Mr. TUNNEY. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TUNNEY. It is my understanding there is yet to be an order on the yeas and nays on the Humphrey amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, I ask unanimous consent that Mr. Yarmuth may have the privilege of the floor during the course of the debate on this amendment and any other amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Kentucky. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. McGEE), are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. FANNIN), and the Senator from Maryland (Mr. MATHIAS), are necessarily absent.

The result was announced—yeas 30, nays 62, as follows:

[No. 286 Leg.]

YEAS—30

Allen
Bartlett
Beall
Bennett
Buckley
Cook
Curtis
Dominick
Ervin
Goldwater
Gurney
Hartke
Helms
Hruska
Metzenbaum
Nelson
Nunn
Packwood
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott,
  William L.
Stafford
Taft
Talmadge
Weicker

NAYS—62

Abourezk
Aiken
Baker
Bayh
Bentsen
Biden
Brock
Brooke
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cotton
Cranston
Dole
Domenici
Eagleton
Eastland
Fong
Fulbright
Gravel
Griffin
Hansen
Hart
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
McClellan
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Pastore
Pearson
Pell
Sparkman
Stennis
Stevens
Stevenson
Symington
Thurmond
Tower
Tunney
Williams
Young

NOT VOTING—8

Bellmon
Bible
Fannin
Hughes
Johnston
Magnuson
Mathias
McGee

So Mr. COOK's amendment to Mr. HUMPHREY's amendment was rejected.

Mr. TUNNEY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. CRANSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REFERRAL OF S. 1361, THE GENERAL REVISION OF COPYRIGHT LAW, TO THE COMMITTEE ON COMMERCE FOR NOT MORE THAN 15 DAYS

Mr. TUNNEY. Mr. President, I yield 1 minute to the senior Senator from Arkansas (Mr. McCLELLAN).

Mr. McCLELLAN. Mr. President, let us have order. Mr. President, the chairman of the Subcommittee on Communications of the Commerce Committee has requested that S. 1361, legislation for the general revision of the copyright law, be referred to the Committee on Commerce for a brief period of time. I have consulted the members of the Subcommittee on Copyrights. With their concurrence, and the approval of Chairman EASTLAND, I have consented as a matter of comity to the referral of S. 1361 to the Commerce Committee for a period of not more than 15 days, so that the committee will have an opportunity to consider any sections of the bill which may come within their jurisdiction.

The Committee on the Judiciary has made a special effort to limit this legislation to subject matter properly coming within its jurisdiction. I believe that all provisions of the bill as reported by the Committee on the Judiciary are appropriate subject matter for copyright legislation.

I have, however, concluded that a brief referral of this legislation to the Commerce Committee will facilitate passage of S. 1361 by the Senate. I am hopeful that the Leadership will find it possible to program this legislation for floor consideration at an early date upon its return to the calendar.

Mr. President, I therefore ask unanimous consent that S. 1361, Calendar No. 946, for the general revision of the copyright law, be referred to the Committee on Commerce for a period not to exceed 15 days for the consideration by the Committee on Commerce of such sections of the bill which may come within the jurisdiction of the Committee on Commerce.

Mr. PASTORE. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will come to order.

Mr. PASTORE. Mr. President, may I have 2 minutes?

Mr. TUNNEY. Yes, I yield.

Mr. PASTORE. I am the one who made the request of my senior colleague, Mr. McClellan. This is not a frivolous request at all. It is a request, in substance because section 111 of the bill that was reported out has to do with CATV. CATV comes under the jurisdiction of the Federal Communications Commission, and the Communications Subcommittee of the Commerce Committee, of which I have the chairmanship, has jurisdiction and oversight over the FCC, and we intend to scrutinize it very carefully and make recommendations.

I repeat this is not a frivolous request. It is one of merit and substance and we hope to promote the public interest.

Mr. BAKER. Mr. President, will the Senator yield briefly?

Mr. PASTORE. I yield.

Mr. BAKER. Mr. President, as ranking Republican on the Communications Subcommittee, I wish to associate myself with the remarks of the distinguished chairman, and to express my appreciation for his giving us this opportunity to pass on it, which we will do most properly and with great expedition.

Mr. McCLELLAN. Mr. President, I might make this observation. The bill originally had in it some sections and provisions that were definitely within the jurisdiction of the Commerce Committee. We have always recognized that. But as we processed the bill and as we worked it out in its final form, as reported, I am of the opinion that everything in the bill now is properly within the jurisdiction of a copyright—I mean it is appropriate in a—copyright bill. I am not trying to deny any other committee its proper jurisdiction which it has. But this measure, I may say, has been worked on very hard for some 3 or 4 years by members of the Subcommittee on Copyrights and by the Judiciary Committee, and we finally have gotten out a bill that we hoped we could get action on in the Senate, get it to the Senate, and let the Senate work its will during this session.

Mr. PASTORE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Will the Senators suspend for just a moment? Let us have order in the Senate.

Mr. PASTORE. Mr. President, we intend to do nothing to hinder or delay in any way the consideration of this bill. We agreed to the 15-day limitation and we expect to scrutinize it very carefully and do what we feel is right.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. TUNNEY. Yes, Mr. President, I yield 1 minute.

Mr. HUGH SCOTT. Mr. President, as the ranking minority member, I can certify to the fact that for a very long time the subcommittee has considered the complexities of copyright legislation. It was reported from the subcommittee only after a great deal of deliberation and hard work on the part of the staff, the committee chairman, and other members. I have no objection whatever to the reference to the Commerce Committee because that has an interest here.

I do express the hope, however, that having been considered at great length by the subcommittee and carefully by the full committee involving rights which touch a very great number of Americans in their copyright relationships, and other matters related to their legal rights and responsibilities, I would hope that——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGH SCOTT. Mr. President, will the Senator yield me 1 more minute?

Mr. TUNNEY. Mr. President, how much time does the Senator have?

The PRESIDING OFFICER. The Senator from California on the bill has 12 minutes remaining.

Mr. TUNNEY. I yield 1 additional minute to the Senator from Pennsylvania.

Mr. HUGH SCOTT. Mr. President, I hope when the bill comes to the floor of the Senate that the Senate will recognize how much time and thought has gone into the legislation and give us the opportunity to pass a bill promptly and send it to the other body because we have waited so very long to try to satisfy the bar, the applicants for copyrights, the people who are touched and affected by the bill, the entertainment industry, CATV, and all the other people.

I simply make this statement to stress the importance of the bill. I hope the Senate treats the bill accordingly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

SPECIAL ALLOWANCES FOR ELIGIBLE VETERANS

Mr. HARTKE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12628.

The PRESIDING OFFICER (Mr. Bartlett) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 12628) to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and other persons; to make improvements in the educational assistance programs; and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARTKE. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. Hartke, Mr. Talmadge, Mr. Randolph, Mr. Hughes, Mr. Cranston, Mr. Hansen, Mr. Thurmond, Mr. Stafford, and Mr. McClure, conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2893) to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next 3 fiscal years.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2830) to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus.

AMATEUR ATHLETIC ACT OF 1974

The Senate continued with the consideration of the bill (S. 3500) to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate, and to promote physical fitness, and for other purposes.

Mr. TUNNEY. Mr. President, the pending question is on the Humphrey amendment. Is that correct?

The PRESIDING OFFICER (Mr. Weicker). The Senator is correct.

Mr. HUMPHREY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr.

Bible), the Senator from Iowa (Mr. Hughes), the Senator from Louisiana (Mr. Johnston), the Senator from Washington (Mr. Magnuson), and the Senator from Wyoming (Mr. McGee) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) will vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Arizona (Mr. Fannin), and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The result was announced—yeas 50, nays 42, as follows:

[No. 287 Leg.]

YEAS—50

Abourezk
Bayh
Bentsen
Brock
Brooke
Burdick
Cannon
Case
Chiles
Church
Clark
Cotton
Cranston
Dominick
Eagleton
Fong
Gravel
Hart
Hartke
Haskell
Hathaway
Hollings
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
McClellan
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Sparkman
Stevenson
Symington
Thurmond
Tunney
Williams
Young

NAYS—42

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Biden
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cook
Curtis
Dole
Domenici
Eastland
Ervin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Huddleston
McClure
Nunn
Packwood
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Stennis
Stevens
Taft
Talmadge
Tower
Weicker

NOT VOTING—8

Bellmon
Bible
Fannin
Hughes
Johnston
Magnuson
Mathias
McGee

So Mr. Humphrey's amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TUNNEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TUNNEY. Mr. President, is the pending business now on agreeing to the Cook amendment?

The PRESIDING OFFICER. That is correct.

Mr. TUNNEY. Has all time expired?

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the amendment of the distinguished Senator from Kentucky. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Bible), the Senator from Iowa (Mr. Clark), the Senator from Louisiana (Mr. Johnston), the Senator from Washington (Mr. Magnuson), and the Senator from Wyoming (Mr. McGee) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark), the Senator from Louisiana (Mr. Johnston), and the Senator from Washington (Mr. Magnuson) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Arizona (Mr. Fannin), and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The result was announced—yeas 23, nays 68, as follows:

[No. 288 Leg.]

YEAS—23

Allen
Bartlett
Beall
Case
Cook
Curtis
Dominick
Ervin
Goldwater
Helms
Hruska
Nunn
Packwood
Percy
Randolph
Ribicoff
Schweiker
Scott, Hugh
Scott, William L.
Stafford
Taft
Talmadge
Weicker

NAYS—68

Abourezk
Aiken
Baker
Bayh
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cotton
Cranston
Dole
Domenici
Eagleton
Eastland
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
McClellan
McClure
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Roth
Sparkman
Stennis
Stevens
Stevenson
Symington
Thurmond
Tower
Tunney
Williams
Young

NOT VOTING—9

Bellmon
Bible
Clark
Fannin
Hughes
Johnston
Magnuson
Mathias
McGee

So Mr. Cook's amendment was rejected.

Mr. TUNNEY. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 20-minute limitation on all further amendments—I understand there will be at least three—and that the time be equally divided between the manager of the bill and the sponsor of the amendment.

The PRESIDING OFFICER (Mr. Hathaway). Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLEN. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 36, line 26, strike "$50,000,000." and insert "$25,000,000."

Mr. PERCY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ALLEN. I yield.

Mr. PERCY. Mr. President, I ask unanimous consent that Mr. William Littman, of the staff of the Government Operations Committee, be permitted the privilege of the floor during the debate on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I ask unanimous consent that a member of the committee staff, Bud Walsh, be permitted the privilege of the floor during the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ALLEN. I yield myself 6 minutes.

Mr. President, I will state briefly that the amendment cuts from $50 million down to $25 million the authorization provided in the bill, and with that statement I am going to make some remarks with respect to the bill itself rather than just the amendment.

The amendment speaks for itself. It would cut this authorization in half.

Very little has been said about the fact that $50 million of the taxpayers' dollars are involved in the bill and this amendment would cut that authorization in half.

SHOULD THE CONGRESS ESTABLISH ANOTHER FEDERAL CZARDOM?

Mr. President, considering the scope and diversity of the important and critical legislative proposals before this body, the American public might well wonder why this, the most important legislative body in the western world, is spending so much time with the bill, S. 3500, the proposed Amateur Athletic Act of 1974. I believe the public has a right to question our sense of priorities.

While Rome burned, Nero fiddled. While the fires of inflation engulf our citizens, the Senate plays at sports. I opposed the previous attempt to create a Federal sports czardom over amateur athletics and I shall so oppose the new version of the same legislation.

Very little has changed in the past few months to convince me that the Senate, the House, or the executive branch of the Federal Government has any business, or right, to be in the position of promotion, control, or oversight over truly amateur sports. The one significant change over the situation last year is that some of the amateur athletic organizations have reversed their previous opposition to this type of legislation and are now promoting their own demise. Perhaps some of these groups are under the delusion that the power of the Federal Government's role in amateur athletics will be circumscribed by the legislation. Such organizations have led a sheltered life if they believe Uncle Sam's role will remain static. Recent legislation bears this out.

The Economic and Stabilization Act brought us the czardom of economic controls, phases 1, 2, 3, and 4. The energy crisis produced an "energy czar" and now we have created a Federal Energy Administration. A few years ago, one man wrote a book about some alleged imperfections in an automobile; the national media began promoting his various causes, and will soon be considering legislation, S. 707, to establish a Federal czar over all the Government, devoted it is affirmed, to the benefit of the consumer. And, one of the vocal supporters of the pending legislation is the author of a bill which would create an economic-and-everything planning czardom over the United States.

We have heard long and impassioned speeches on the floor of the Senate about abuses of power, and here we are, once again, contemplating the vesting of another bloc of power in the Federal Government, a grant of power which should rightfully be reserved to the citizens in their private capacities. The question is not whether or not the private organizations do a good job—depending on one's perspective—but whether the Congress has any business sticking the nose of the Federal Government into those affairs.

One can certainly deplore the lamentable state of affairs that exists for our country and its few amateur athletes resulting from the alphabet-soup battles between the AAU, NCAA, USOC, YMCA, USTFF, IAAF, IOC, USGF, FIG, FINA, BFUSA, to name a few groups, but to attempt to straighten out the whole mess by legislative fiat is unrealistic at best, shortsighted at least, and utopian at worst. And now, the proponents of this legislation would add to the confusion with the creation of the interaction between all of the above and the AAA, AAB, and NSF.

Mr. President, I ask unanimous consent that a glossary of these abbreviations be printed in the RECORD at the conclusion of my remarks

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. The Committee on Commerce has met, off and on, for a number of years, attempting to untie the knots the amateur athletic "managers" have gotten themselves into but without success. This bill, S. 3500, is presented to the Senate as a panacea for the solution of ills which have existed for many, many years. The bill will not put an end to the real problem: the abuse of power by certain private organizations. This bill will simply add another group which will abuse power.

The situation with regard to our individual athletes will remain about the same as now. They shall be pawns in the struggle for organizational power, recognition, and control over international competitive events. The maladministration of international competition by the many groups will not be solved at the stroke of a pen. We have seen too many previous attempts at a solution to believe that this measure can succeed where other means have failed.

There are many, many, questions which should be answered by the proponents of the leigslation before our colleagues are asked to vote again. I suspect that the main reason why the legislation was placed back on the Senate Calendar on May 21, is because of the serious misgivings that many have with regard to the new ground being broken in the proposed legislation.

A constitutional lawyer might well ask the obvious question about the legal, constitutional grounds for this legislation. Fortunately, the distinguished Senator from North Carolina (Mr. ERVIN), has asked the pertinent questions on the floor of the Senate, and I will respectfully defer to the able Senator's judgment with regard to the constitutional questions involved in this legislation. During debate on the measure on May 21 of this year, Senator ERVIN remarked:

> . . . the Federal Government is a government of limited powers and has no powers except those expressly or implicitly conferred on the Government by the Constitution. The only provision in the Constitution that I can find that gives Congress any power with respect to amateur athletics is that it might possibly have the power to regulate amateur athletes while they are running a foot race across the line between one State and another.

During the colloquy between Senator ERVIN and the Senator from Maryland (Mr. BEALL) the latter responded to the above exposition with the following:

> But if he (Senator Ervin) implies that there is no constitutional provision for control over this sort of thing, I probably would be inclined to agree with him.

Senator ERVIN continued by noting that "if any bill before this Congress should be defeated, it is this bill (S. 3500)."

Naturally, and understandably, the debate on the subject of constitutionality did not end with the Ervin-Beall exchange. The Senator from Kansas (Mr. PEARSON) took up the question and responded to Senator ERVIN, pointing out that the bill grants no more authority than that which is already available to the Congress in its powers to regulate the international affairs of the United States. Nevertheless, the Senator from Kansas seemed to weaken his argument when he pointed out to the Senator from North Carolina that, with regard to the "legality of this" bill—

> I do not think it has ever been raised before our committee hearings.

I am hopeful that members of the committee will now enlighten the Senate and the public on any constitutional questions raised by the legislation before we are asked to vote up or down on the proposal. Surely, if the committee did not consider the question or topic, it seems a fatal oversight.

Inasmuch as the constitutional experts will argue the question I have just raised, I would like to turn to one or two other facets of the proposed legislation which I believe need further discussion.

WHAT IS AN "AMATEUR"?

One of the major weaknesses of the pending bill is that the substantive question is never really dealt with, to wit: What is an "amateur athlete"? In the title and section 101 of S. 3500, the term "amateur" is used no less than eight times. Much legislation written by the Congress contains ambiguities, but when dealing with a subject that will have far-reaching, mischievous consequences as this bill could have, it seems proper to ask the supporters of this measure just what kind of athlete they are proposing to control and/or assist. Turning from section 101 of the bill to section 102, "definitions," I find that the term "amateur" is defined as:

> "Amateur athlete" means an individual who trains for and participates in amateur athletic competition in accordance with applicable rules of amateurism.

The PRESIDING OFFICER. The Senator's 6 minutes have expired.

Mr. ALLEN. I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for an additional 2 minutes.

Mr. ALLEN. Mr. President, I do not make any claim to being a logician but I do recall, way back in my law school days, learning that when the same word as the word being defined, or a synonym, is used in a definition, the fallacy of circular definition has been committed. That is, the definition is not a definition, because in order to understand the word being defined, one must presumably understand the definition; but in order to understand the definition, if it contains the same word or a synonym, one must already understand the word being defined. That is the long way around of saying that the authors of the pending legislation have not defined the major, critical term upon which hangs the whole concept embodied in the proposed legislation.

The dictionary, that sometimes useful tool for legislators, provides a guideline for a working definition of the operative term for the legislation and concludes that an "amateur is one who engages in a pursuit, study, science, or sport as a pasttime rather than as a profession," or, "one lacking in experience and competence in the art or science," or further and more to the point, "amateur often applies to one practicing an art without mastery of its essentials but in sports it suggests not so clearly lack of skill but avoidance of direct remuneration."

The purpose of bringing up this definitional problem is, I believe, necessary to highlight the fallacy in the concept of the Amateur Athletic Act of 1974. The bill before us would provide our amateur athletes competing in international events, a protected status similar to that enjoyed by the athletes, amateur or otherwise, of other nations. In short, we are deciding that if an athlete competes in an international event, that our athlete should have national support and Federal protection—not on the playing field—but in the negotiating rooms. In one stroke of the legislative pen, we are asked to "protect" our amateur athletes by making them wards of the Central Government.

The supporters of this legislation have talked at length about the Russians, Finns, British, Germans, and other nationalities, who provide their athletes with umbrella protection that is possible only from a "national concept." What the authors of the pending legislation are really after is the nationalization of American amateur athletics.

I contend that unless the subject bill attacks the core problem—that is, what constitutes an amateur athlete and even—it is impossible to create a truly national position with regard to international negotiations regarding international athletic competition. To create a Federal sports czardom which resembles that of the Russians, Chinese, Germans, and others, is a poor way to continue to provide the world with a view of this country as the beacon of freedom, where individuals, sans governmental support and/or intervention, compete and triumph over the athletic representatives of nonfree and not-so-free countries.

Naturally, I know this argument will aggravate those in this Chamber and elsewhere who have conveniently ignored the principles or pluralism, freedom, and individual initiative which, for the most part, have characterized our representation in international athletic competitions in the past. I know also that bringing up the definitional problem is to throw into question our Nation's involvement in past international competitions. However, I favor the direct approach to solving problems. If nationalized athletic competition is what the country is after, then let us call it that and not, as one of the bill's supporters has termed this bill—a "back door" approach to solving an organizational/jurisdictional problem.

A FEDERAL SPORTS CZARDOM

Mr. President, the Amateur Athletic Act of 1974 consists of a permanent Federal Board to award and revoke charters to organizations to control specific amateur sports for international competition, a sports development foundation to solicit private money to be matched by Federal contributions and divisions of facilities and health. This bill is a sporting disaster. It represents another encroachment by the Federal Government into an area where the problem can and should be solved without Federal intervention. We simply do not need some new Federal agency sitting in Washington dictating and pontificating to our amateur athletic organizations.

Considering the board called for in this legislation, it is not inconceivable that it would be the forerunner of a Federal regulatory body for all sports. We all know, theoretically, that only certain sports are to be "controlled" as part of the pending nationalization concept; that is, wrestling, track and field, basketball, and so forth, but once this body is empowered and functioning, what is to prevent other amateur sports organizations from bringing their petty squabbles to the Federal organization for mediation—and naturally—some of the Federal bucks? I do not believe it is stretching one's imagination too far to see the day when this Federal sports czardom would be called in to resolve disputes between the tennis organizations, the golf organizations, the bowling groups, the softball organizations, or even Little League, and—why not—the heretofore unorganized neighborhood marble shooters of America.

We are assured by the supporters of this bill that strictly domestic jurisdictional squabbles would not be the subject of the board's activities. Can you imagine that situation lasting once the Congress establishes the precedent of creating a self-perpetuating Federal agency to resolve disputes? I cannot. Although I have not been in Washington as long as some of my distinguished colleagues, it has been my observation that power, once granted a Federal agency, grows, and grows, and grows.

I know that a large, all-encompassing, Federal agency is the furthest thing from the minds of the authors of this legislation. I know also that the machinery provided in title II and title III of this bill is capable of misinterpretation, misapplication, and could easily be abused and, I repeat, I judge that is exactly what will happen in years to come should this legislation become public law.

THE ISSUE OF MONEY

One does not usually talk about Federal legislation unless one talks about the expenditure of the taxpayer's hard-earned money. In title III of S. 3500, is created the National Sports Foundation. While many recognize the need for greater financial support for sports development, the foundation plan is wholly inconsistent with my, admittedly, old-fashioned concept of public support for amateur athletic competition.

The duties of the proposed foundation are almost identical to the duties of the now existent President's Council on Physical Fitness and Sports, with the exception that the foundation would manage donated funds—even to the point of "investing" such funds. Supporters of this bill call down as a standard for the foundation, the successful operation of the Tennessee Valley Authority; I do not think it is asking too much for them to consider our recent lamentable experience with the creation of the quasi-public corporation to run the postal system.

The National Sports Foundation would solicit private funds and would have those funds matched by Government, taxpayer, moneys. I would like to add right here that the term "matching funds" is not defined in the legislation, so we do not know if the "matching" would be on a dollar-for-dollar basis or whether the Foundation would receive 10 taxpayer dollars for every $1 raised by private contributions.

The task of raising funds for the furtherance of athletic competition is already a problem faced by the U.S. Olympic Committee, the Amateur Athletic Union, the U.S. Ski Team, and a host of other amateur organizations. In my opinion, the efforts of the Government foundation would be in direct conflict with the efforts of amateur sports groups who are now doing the same thing in terms of money-raising. The question is, would more money be raised for the promotion of amateur athletic competition, international or otherwise, if Federal "matching funds" were known to be available? I do not believe we can answer such a question with any degree of certainty, but I would hazard a guess that the American taxpayer, sports enthusiast, and sports contributor, would come to believe that since the Federal Government is using his tax dollars to support this or that international athletic program, he will rightfully think at least twice before contributing a second time, voluntarily, to promote a program approved by the Federal Sports Czardom.

There are, naturally, other points to be considered relative to the use of Federal funds for international athletic purposes. Are we to assume that the 16-man, Presidentially appointed, Senate-annointed, Board of Trustees will always make the proper or most equitable decision on the use of the combined private and taxpayer moneys. I suggest that such a job is beyond the capabilities of even the most fair-minded person or group. Let us pursue this matter one step further: Should matching funds become available for some sanctioned, amateur, international event, what is to prevent other amateur athletic associations from applying to the trustees for matching funds for its international competition, or going into Federal Court seeking relief in the form of a finding of discrimination in the use of taxpayer moneys? Nothing in this legislation.

Certainly, the authors of the pending bill see these questions as beyond the scope and intention of their proposal, but I pose the questions because I do not believe the supporters have fully thought out the implications and ramifications of bringing the Federal Government into the national, or international, amateur athletic competition controversy. Proponents of S. 3500 have freely admitted that previous, albeit limited, attempts by the Federal Government to mediate sports controversies have not been successful. Nevertheless, they persist in telling us that by creating a bigger and more elaborate organization with the imprimatur of the Federal Government, with financial teeth in the form of taxpayer support, they will solve domestic inter-organizational jurisdictional disputes.

Mr. President, a Federal sports organization will not solve the disputes we have witnessed; further, the expenditure of taxpayer money for the promotion of our athletes in international competition will not solve the disputes we have witnessed. Mr. President, I will say, once again, that the supporters of this legislation are seeking something which is not spelled out in the bill and that is—the nationalization of American amateur sports, whether on the domestic or international level.

Before leaving the subject of the taxpayer's hard-earned money, I do want to point out that during the May 21 colloquy on this bill, the distinguished Senator from Minnesota and former Vice President of the United States, Mr. HUMPHREY, clarified for me the insidious nature of the pending bill and how taxpayer moneys could be used for purposes subsidiary to international amateur athletic competition. On page 15902 of the May 21 CONGRESSIONAL RECORD, the following exchange took place:

> Mr. HUMPHREY. To whom will the funds be made available?
>
> Mr. PEARSON. This whole concept provides for funds for young people in the ghettos and rural areas where there are not sufficient funds. Voluntary contributions could be made. It is the sort of thing which should have some organization, if it is a worthy thing . . .
>
> Mr. HUMPHREY. Would it not be possible under the bill to sponsor some athletic programs for young people?
>
> Mr. PEARSON. I think it is possible. I think it could be done. I am informed that it is done.

Mr. HUMPHREY. It is currently done under the OEO and many programs of the Economic Opportunity Act.

Mr. PEARSON. I think the Senator is correct.

Mr. HUMPHREY. I served as Chairman of the President's Youth Opportunity Commission. Would this bill permit duly qualified sponsoring groups to receive funds from the summer sports program?

Mr. PEARSON. The answer is in the affirmative.

The point I wish to make with the foregoing exchange is that there is already some confusion among the supporters of this bill as to how to divide the pie of taxpayer money when it comes to sports promotion and development by the Federal Government. One way of looking at the Humphrey-Pearson exchange is to conclude that a number of already federally financed programs would come under the jurisdiction and control of the National Sports Foundation under the guise of "international" development. Perhaps that is not what the authors of the bill intended when they began considering international sports problems, but I must point out that the machinery to alter the flow of Federal dollars in sports-related activities would become available should the NSF Trustees so decide.

FACILITY NEEDS, HEALTH AND SAFETY

The final portion of the Amateur Athletic Act of 1974 calls for a group to review facility needs and also a group to promote safety and health in athletics. The Federal sports czardom, through its examination or organization, development, and financial capabilities, would clearly determine what facilities are needed and would make recommendations in this area. Now, to whom would these recommendations be made? Why, it is obvious—the recommendations, from the new Federal group, would be made to the Congress of the United States, and we would, on a year-to-year basis, be asked to approve training and practice facilities in all parts of the country for our amateur athletes why may or may not participate in international events. I would hazard another guess that many communities in the Nation would petition the Congress for a facility of some proportion or another. Would we respond by saying "no" to all these communities? Probably not, but because of the number of requests and the well-documented briefs filed by various lobbyists in behalf of the communities, we would probably decide to write more legislation, defining the scope and activities of the Federal sports czardom, setting limits thereupon for the creation of facilities to promote our nationalized, international amateur athletic program.

As for health and safety, the thrust of S. 3500 overlaps and duplicates the work of the President's Council on Physical Fitness and Sports, the National Institutes of Health, the Consumer Product Safety Commission, the Federal Trade Commission, and numerous private and State government organizations. It is contemplated by the authors of this bill that the Federal Amateur Athletic Board take under its wing all the functions of these well-established Federal agencies where sporting events are concerned? Naturally, not at first blush, but if we are asked to create a Federal sports czardom of the type envisioned in S. 3500, I think it is a safe bet that the contemplated staff of the proposed Board would be swollen in no time at all with sports health and safety experts, advisers, doctors, coaches, and naturally, player/participant representatives. The range and function of the Board's review and enforcement powers would naturally have to be laid out by regulation, and, I am afraid, once again, the Congress would be called upon to try and define the scope of the monster created with the formation of the Federal sports czardom.

Mr. President, in conclusion, I must state that I cannot fathom the reasoning for the support for this bill which has come from those same organizations which were so violently opposed to the concept a few short months ago. I will not attempt to argue the politics involved in this change of attitude. I will, however, point out that in my opinion, the basic thrust of the proposed legislation is really no different than that presented to us in 1973. If anything, S. 3400 is a souped-up version of last year's bill, and with the new lineup of organizational support, it is even more dangerous to our traditional freedoms than it was in 1973 when there was at least a modicum of opposition to the creation of a Federal sports czardom.

I strongly believe that the genius of the freedoms we enjoy in our Nation is in the climate of tolerance for and the encouragement of the development of private institutions of authority. The many private associations involved in promoting amateur athletics are now, and should remain, independent institutions free of Government domination no less than traditional institutions such as the family, the church, our schools, and the numerous professions. Of course, in totalitarian nations where individuals are subservient to the State, there is no room for separate institutions of authority. In such nations, one can expect the government to regulate and dominate all phases and aspects of the social life of their citizens.

Mr. President, I fear that the proposal before us today is a percursor to the type of governmental institutional domination which we have, for almost 200 years, successfully resisted. I urge that Senators think long and hard about the implications of the proposal before casting their vote on S. 3500. The choice seems to be, in the short run, the "promise" of a solution to a wholly domestic jurisdictional problem between competing private organizations, and in the long run, the domination of another area of the citizen's life by the Federal Government.

We appear to be running a foot race with liberty. I pray that liberty wins.

Mr. President, I say again that the amendment that will be voted on is an amendment that would cut the authorization from $50 million down to $25 million, and I believe it would be an opportunity, if the bill is enacted into law, to save this amount of money.

EXHIBIT 1

Senator Allen re abbreviations used in speech

AAU—Amateur Athletic Union

NCAA—National Collegiate Athletic Association.

USOC—United States Olympic Committee.

YMCA—Young Men's Christian Association.

USTFF—United States Track and Field Federation.

IOC—International Olympic Committee.

USGF—United States Gymnastics Federation.

FIG—International Gymnastics Federation.

FINA—International Amateur Swimming Federation.

BFUSA—Basketball Federation of the United States.

AAA—American Arbitration Association.

AAB—Amateur Athletic Board.

NSF—National Sports Foundation.

Other international sports federation recognized by the International Olympic Committee—partial list.*

FITA—International Archery Federation.

FIBT—International Bobsleigh and Tobogganing Federation.

AIBA—International Amateur Boxing Association.

FIC—International Canoeing Federation.

FIAC—International Cyclists Union.

FEI—International Equestrian Federation.

IHF—International Handball Federation.

FIH—International Hockey Federation.

IJF—International Judo Federation.

FIL—International Luge Federation.

UIMPB—International Union for Modern Pentathlon and Biathlon.

FISA—International Rowing Federation.

UIT—International Shooting Union.

ISU—International Skating Union.

FIVB—International Volleyball Federation.

FHI—International Weightlifting Federation.

IYRU—International Yacht Racing Union.

Mr. BIDEN. Mr. President, will the Senator yield for a question?

Mr. ALLEN. Yes, I am delighted to yield.

Mr. BIDEN. In light of the Senator's comments after proposing an amendment, I am wondering why the Senator has not moved to strike the entire $50 million, what is the merit of it, this $25 million, in the reasoning of the Senator from Alabama?

Mr. ALLEN. I would be happy to accept that amendment. I hoped for such an effort, but it seemed to the Senator from Alabama that such an amendment would have no chance of passing, whereas the saving of the $25 million might possibly appeal to a majority.

The PRESIDING OFFICER. The Senator's 2 minutes have expired. Who yields time?

Mr. TUNNEY. I yield 5 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. GRAVEL. The Senator from Alabama made clear the purpose of his amendment; that is, of course, as best he can cut the bill, and he has this agreement with many aspects of the bill, but he has not addressed himself to what the merits of the bill are.

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*There is no NCAA involvement in any of the listed federations.

Athletics are in a shambles, they have been in a shambles. All one has to do is compare our prowess with the rest of the world to develop some appreciation of that. We have commercialized athletics in this country where unless one is a baseball star, or football star, or a basketball star, one gets nothing but leavings, and there is no real athletic development.

What this appropriation does is not put it under the aegis of the Federal Government.

It says that we will put up a sum of money which we match, in effect, the Federal appropriation is only a matching of what comes from the private sector.

So if the private sector comes forward up to $50 million, the Federal responsibility will be only up to $50 million. This would give us a $100-million trust fund, the corpus of which would be protected henceforward. Only the income from this corpus would be used to foster athletic activities.

I would commend the Senator's attention to pages 26, 27, and 28 of the bill which outline what the duties of this foundation would be, to make athletic activity available to all Americans in all walks of life, whatever athletic activity they choose to undertake.

When my colleague says that this is not a high priority, I say he is totally wrong. If there is anything that is of the highest priority in this country, it is the physical well-being of the people of this country.

I see nothing wherein Congress has addressed itself to the whole aspect of preventive medicine. Here we have, for the first time, a program that can bring about an effort to do something about the health and well-being of the people of this country, through athletics and through physical prowess. I cannot think of a way to save money in the actual cost of medicine except to have the effort put forward to involve the people of this country in a program of physical fitness. Nothing has been done about that to this point in time.

This is nothing new. This was something that was born in the late fifties. It was fostered by John F. Kennedy, who asked the Arthur B. Little Co. to go out and perform a study, which they did, at their own expense as a public service, and the results of which they turned over to Congress, with the recommendation to establish this sports foundation.

All we are doing is asking the Government to fund that initial step at the same rate that the private sector comes up with funds. I think we can do no less, and that we would be derelict in our responsibilities if we did not measure up to this request.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I think everyone understands the issue. I think we ought to move to a vote on the matter. It is just a question of how much you think this kind of athletic program is worth.

I am prepared to yield back the remainder of my time, if the Senator from Alabama is prepared to yield back his time.

Mr. ALLEN. Does anyone else wish to speak?

Mr. THURMOND. Mr. President——

Mr. TUNNEY. I yield the Senator from South Carolina such time as he may require.

Mr. THURMOND. Mr. President, I rise in opposition to this amendment.

Since I have been in the Senate, I have certainly tried to be cautious about spending Federal money. I think my record shows that. But I feel that this is an important matter. There is nothing more important to the youth of this country than their health and well-being; and there is nothing more important to produce good health and well-being than athletics.

I hope that the Senate will not agree to this amendment, because we need these funds in order to encourage sports—sports among people of all classes. All educational classes, all economic levels, and people of all races can participate here.

It is important that we encourage physical training. Moreover, I am confident, if we have the funds here to help a little bit—and under this program, the Government only matches private funds up to the stated amount—that we can get better Olympic teams and better competitive teams with foreign countries.

Today, a great deal of credence is given to outstanding athletic teams throughout the world. Athletic teams bring prestige and prominence to a nation. So we would not only be helping individuals of all classes in this country, but we would be helping to bring prestige to our country as well.

I sincerely hope that the Senate will not agree to this amendment and reduce the amount, because the money will not be wasted. If private individuals or corporations do not raise but $10 million, only $10 million is matched. But if the private sector raises a higher amount, then, of course, the Federal matching is limited. As I say, this is a very important matter to the health and well-being of the people of America, and I hope the Senate will vote down the amendment.

Mr. TUNNEY. Mr. President, will the Senator yield for one point?

Mr. THURMOND. I yield.

Mr. TUNNEY. It is true, is it not, that only the interest on the corpus can be used; that the money in the corpus itself will not be spent, either the Federal money or the private contributions, it is the interest that will be used?

Mr. THURMOND. Yes; and that will be of tremendous benefit to the people of this Nation.

Mr. GRAVEL. Mr. President, will the Senator yield for an additional point?

Mr. THURMOND. I yield.

Mr. GRAVEL. Is it not true that after the Federal amount of $50 million has been reached, the private sector can continue to donate, so that the total amount might eventually be well above $100 million?

Mr. THURMOND. The Senator is correct. This is just to get the program on its feet, on its way, and get it started. Then I believe we can get further private contributions from private individuals and corporations that will be substantial and will help build a magnificent program of amateur athletics in the United States.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I yield back the remainder of my time.

Mr. ALLEN. I yield back the remainder of my time.

Mr. BARTLETT. Mr. President, I call up an amendment which I have at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> In lieu of "$25,000,000" proposed by the Senator from Alabama (Mr. ALLEN), insert "0".

Mr. BARTLETT. Mr. President, I ask unanimous consent that the names of Senators BIDEN, ROTH, CHILES, HELMS, and DOLE be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, because of my strong support of amateur athletics, I have offered this amendment, which would have the effect of deleting from the amateur athletic bill the provision establishing a national sports development foundation.

I am a strong believer in physical fitness, and enjoy athletic competition. As a matter of fact, I played basketball in college, and continue in my old age with a rather strenuous though tenuous game of tennis.

However, I feel that the Federal Government at this time cannot afford the luxury of even the embryo stage of Federal financing of sports. I use the term "embryo" rather loosely, for the $50 million or the $25 million, as authorized by the bill and the amendment, respectively, is not exactly peanuts.

I am convinced that the Federal Government has no place in athletics. I believe the local governments and private enterprise have done a magnificent job in the proliferation and financing of sports. I do not know how many persons are involved in organized sports programs, but it must be a very impressive figure.

The Federal Government has no business, in my opinion, interjecting itself in a presently thriving and successful enterprise. I think those of us who are familiar with sports realize how often people who are involved in supporting sports programs become involved in their financing, or those who are interested in their financing as a first matter of interest become involved in supporting the programs. I am convinced that this proposal to spend $50 million, or $25 million would deter those who are currently supporting various athletic programs at all levels from providing as much support, both financially and physically, as they are now doing, because it is the involvement of so many people in programs such as Pee-Wee baseball and intercollegiate athletics that have made them the envy of the whole world. We have more extracurricular activities and athletics operating in our collegiate system that tend to fit athletes to the varsity or junior varsity levels; and I believe the program going on now is not in need of financing nor of any help from the Federal Government.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, I am prepared to yield back my time, if the Senator from Oklahoma is prepared to yield back his time.

Mr. BARTLETT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield to the Senator from Florida.

Mr. CHILES. Mr. President, I want to associate myself with the remarks of the Senator from Oklahoma. We have been debating this bill for several days. All of us know that we have a problem involving disputes between the AAU, the NCAA, and the other athletic unions, and I think that is really what we ought to be talking about and trying to solve in this bill. But suddenly we have got into a national sports foundation, and we are talking about appropriating $50 million or $25 million.

I went home during the last recess, as I think some other Senators did, and I did not have one person in Florida tell me they thought we needed to spend $50 million for a national sports foundation.

I did not have one person who thought we ought to spend any money for this, but I heard an awful lot of people who wanted to know when we were going to do something about just curbing Government spending in general, and when we were going to do something about the economy and something about the inflation.

It seems to me that if we are going to turn around and spend—and start another foundation, sure, it is for a good thing. I have never voted for a bad appropriation bill, a bad authorization bill, in the 15 years I have been in Government.

But how does it rank with the national priorities that we ought to be facing up to today? How does it rank with the people who are on fixed incomes that we are talking about taking a little more of their money, and what are we going to do to the cost of living and the inflation for them, and that is what I wonder about?

I think it is good and, sure, I am for sports, and I think we have got a good sports program now, and we have had it for a number of years, and maybe we need to do something about a couple of organizations that just want to keep fighting each other.

Here we are going to start one more foundation, and it is not really going to cost any money. I wonder how many times we have heard that. How many times have we heard that we are just going to put in a little seed money and it is not going to cost any money at all. The senior Senator from South Carolina says we are just going to put in a little seed money and, after a while, these people who are sports enthusiasts are going to come in and they are going to put the money in the pot and it will not cost any money.

I wonder how many programs started on the floor of the Senate that were not going to cost people any money, and I wonder how many of them ever got by without costing any money. They just get tacked on, and we appropriate for them every year and every year, and get it added, and we start new programs every time.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. CHILES. In just one moment I will yield to the distinguished Senator from South Carolina.

I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. All we are doing is digging deeper holes, and the deepest hole in the United States is the U.S. Treasury. We will run into a deficit like everything else.

Mr. CHILES. We are running a deficit this year, and we know there is no money this year, and if we are going to be adding to it we have to add to the deficit.

Mr. ERVIN. And let our children, grandchildren, and great-grandchildren pay for it, if it is ever paid.

Mr. CHILES. On the problem about what we are going to do with the organizations and their dispute, I am going to stay here and fight it out and see how we are going to solve that. But to start another Federal program today, I think, is about the most foolish thing we can do.

I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. CHILES. Yes, I yield.

Mr. THURMOND. I just wonder whether the Senator read the bill carefully and understands that this is only a one-shot appropriation to get the program started. It is not a continuing appropriation. That is it, and even this amount may not be used unless it is matched by money from private sources; and if private sources raise $5 million, then it will be matched by that amount; if it is $10 million, by that amount. Of course, it is limited. But the point is this is not the kind of appropriation that starts a new program that is going to take money year after year after year.

This is a one-shot proposition to get this amateur sports program going, something we need in this country, to give us better Olympic teams and other competitive teams, and mostly, though, to help the youth of this land, to help the underprivileged children to have a chance to compete, and to help people of all races to go into athletics and build their health.

There is nothing more important for the health of the people than physical training. There is nothing that means more to a person than good health. Physical training is one of the answers and, again, I add this is a one-shot proposition and not a continuing program.

Mr. CHILES. I thank the distinguished Senator, and I think there is only one thing more important, and that is that people be able to live today.

I ran into a lot of people in my State who, because of the increased price of energy, because of what has happened to the fuel bills, cannot turn their electricity on. They do not know how they are going to cook. They do not know how they are going to feed themselves.

The Senator starts talking about what is good for building the physical fitness. We have got a lot of people who are not physically fit because they cannot live today on account of inflation, and a lot of that is because of the tremendous deficit that we have been running every year.

We, each one of us, individually talk about the deficit and what we are going to do about the deficit. Then we come up here and we start another program, one-shot, but it is $50 million. How many more one-shot programs have we got? I can tell you there is something more important than this program to the people that I talked to during this recess, and that is how they are going to get by this week and the next week, and how they wonder what in the world we are doing about the money that we are appropriating for all kinds of things that they do not think we need.

I yield.

Mr. GRAVEL. Mr. President, I would like to address myself to the remarks of my colleague from Florida.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, how much time does the Senator from California have?

The PRESIDING OFFICER. The Senator from California has 10 minutes.

Mr. TUNNEY. Mr. President, I yield 5 minutes.

Mr. GRAVEL. My colleague from Florida has started out by saying this is going to be an appropriation. There is no doubt that there is going to be an appropriation. We are not deceiving anybody. We are going to be asking for $50 million. At the same time, the private sector is going to put up the money.

If my colleague wants to help stem inflation, then he had better vote for the bill. This is the only thing today that I know we are doing for inflation. We are not taking this money and spending it. We are taking $50 million from Government and saving it, and then we are sucking in another $50 million from the private sector and saving it.

If you want to fight inflation you do it by cutting down Federal expenditures, and that is exactly what this bill will do, it will cut them down.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. GRAVEL. Let me finish.

Mr. CHILES. I just wonder——

Mr. GRAVEL. I would be happy to enter into a dialog with the Senator.

Let me make my point. What we are going to do is we are going to force—we are going to take—$50 million right out of the private sector; we are not going to consume it, but invest it. It is going to earn interest, and all we are going to spend with this bill with the private and public sector is just the interest. How can that be inflationary? It is just the opposite.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. GRAVEL. I would be happy to yield.

Mr. CHILES. I did not understand it. If that is true, let us not make it $50 million, let us make it $5 billion, and we will get out of the inflation that much quicker.

Mr. GRAVEL. Very Good. If my colleague wants to put up an amendment to hasten the day, then, fine, but let us not be shortsighted and let us not make the wrong argument as to what happens to this money. We are going to save this money. We are not going to spend it. All we are going to spend is the interest from it.

The other thing, the Senator talks about he stated that he has got people in Florida who are unhealthy, they are sick today.

We do not legislate for this afternoon. We legislate in this body for the future of this Nation, and I cannot think of anything that commands more attention than the statement the Senator makes that they are sick today. Well, I do not want to see them sick 10 years from now or 20 years from now. I want to see us do something to make this country healthy.

When one talks about the private sector, the Senator mentions the private sector, that is all we have had in athletics. There was a rip-off in basketball, in baseball; there was no thought to the health of the Nation. The thought was "How much of a buck can we make at the gate?" That is what our athletics have been motivated by, how much money can we count out when they come through the turnstiles.

I do not think that is good enough for this Nation. I think the first motivation of athletics should be the physical prowess of the people. I do not consider myself an athlete, but I am concerned about my own good health, and so is the Senator from South Carolina. He is concerned about his good health, and that is what we are pushing for in this legislation.

Mr. COOK. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I would be happy to yield.

Mr. COOK. We have been voting the way of how much of a buck at the turnstile all day long, and I have been watching it.

Mr. GRAVEL. I think there is another bugaboo mentioned again that this sports foundation is an incursion by the Government. The fact is just the opposite. We are setting up a foundation outside of Government so that it will do the job without the incursion of Government when you look at what this does.

Now, the Senator says, "Let us have the private sector do it."

What elements of the private sector are going to go out and do research for medicine for athletics? There is no money in it. Who is going to do it? Who funds people who want to go into kayaks? It is unprofitable now to have a track team. Where do we make money in track teams? Obviously we do not have the people.

Mr. PASTORE. Mr. President, will the Senator yield? Why did we have to wait until 20 minutes of 6 for all this excitement? Why did we not start at 1 o'clock this afternoon? I mean, I have been sitting here for 4 hours and no one has excited me yet, and now it is beginning at 20 minutes of 6.

Mr. GRAVEL. Mr. President, if my colleague is saying I am exciting him, I take that as a compliment.

Let me just close by saying, Mr. President, very simply that this bill is not inflationary, it is just the opposite. It makes a contribution to a deflationary process. Second, it addresses itself very directly to the health of the Nation.

If the Senate, for whatever argument one chooses to make, refuses to face up to this challenge, it would not be casting an intelligent vote.

Mr. TUNNEY. Mr. President, has the time of the Senator from Alaska expired?

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. TUNNEY. Mr. President, I yield 1 minute to the Senator from Louisiana.

Mr. LONG. Mr. President, I am not going to vote to reduce the amount of money in this bill. I am sick and tired of seeing America beaten. It may be that we ought to get beaten just because we do not have competent people. But just to think of this Nation, the richest nation on Earth, getting beaten before the whole world and on worldwide television because we did not do the right thing for our athletes is disturbing to this Senator. I shall not vote to reduce the amount of money in the bill.

Mr. TUNNEY. Mr. President, I subscribe to the sentiments of the Senator from Louisiana. I suggest we yield back our time.

The PRESIDING OFFICER. The Senator from Oklahoma has 1 minute remaining.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. BARTLETT. Perhaps the Senator can get the time from the Senator from California.

Mr. CHILES. I am not sure he will yield to me.

Mr. TUNNEY. Mr. President, if the Senator from Florida wishes to speak to the point raised by the Senator from Louisiana, I would be happy to yield.

Mr. CHILES. Mr. President, I do wish to speak to the point raised by the Senator from Alaska about the good health of the Nation. I do not think it will be healthy to vote $50 million, for the health of some Senators here. For our good health we better not vote this $50 million.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, will the Senator from Oklahoma yield to me for 5 seconds?

Mr. BARTLETT. I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I am going to support the amendment of the distinguished Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I thank the Senator from Alabama.

Two main issues are involved. First, 54 Senators recently expressed to the President that they would like to see a balanced budget. This shows the concern we have for the economy, the need for a balanced budget, and the desire to cut the deficit. Now, this will start a whole new program and encourage people to depend on the Government to finance amateur athletics. It will be the death knell for amateur athletics because up to this point it has been completely free of Government interference. It is important to continue because the programs have been sound and expanding. There is much more than $50 million from the private sector going into the program.

Mr. President, I ask unanimous consent that the name of the Senator from Florida and the name of the Senator from Colorado be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN AMATEUR SPORTS MUST NOT BE FEDERALLY REGIMENTED

Mr. RANDOLPH. Mr. President, although many improvements must be made in our country's amateur athletic system, I believe that the Amateur Athletic Act of 1974 is not the proper solution. This measure is not just a program of Federal involvement. It can in a sense become a federally dominated sports program. We are not Russia—we are still America. Hopefully, our sense of priorities is better than that of the Soviet Union.

In my judgment the pending measure, if enacted into law, will serve no constructive purpose. I recognize that under this bill amateur athletes can pass or kick the football, and buck the line; they can dribble the ball or drop it in the basket or they can run and jump and on and on. But we must guard against restrictive Federal regimentation. This proposal violates constructive priorities to cope with the commitments that we should make at this time to halt unnecessary expenditures, curtail inflation, and protect the consumer and the working people of our Nation.

Proper organization and reevaluation of the U.S. Olympic Committee in international sports and its administration of the U.S. Olympic program can be provided through the National Olympic Commission Act of 1974 passed by this body on May 20. With the implementation of that legislation our country's amateur athletes could be assured of full participation in athletic competition with other nations.

I support the pending amendment to eliminate this unwarranted expenditure of $50 million, and I will vote against the bill on final passage.

Mr. TUNNEY. Mr. President, I do not think there is any time for hearts and flowers at this point in the evening. We are asking for less than $1 for each child in this country.

I wish to ask those Senators who are so concerned about the financial situation in this country how much they have spent for golf equipment, tennis equipment, and things of that nature.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. CLARK), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Iowa (Mr. CLARK) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. FANNIN), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 47, nays 44, as follows:

[No. 289 Leg.]

YEAS—47

Abourezk
Aiken
Allen
Bartlett
Bennett
Bentsen
Biden
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fulbright
Goldwater
Griffin
Gurney
Hansen
Helms
Hollings
Hruska
Huddleston
Mansfield
McClellan
McClure
Metzenbaum
Nunn
Packwood
Proxmire
Randolph
Roth
Schweiker
Scott,
  William L.
Stafford
Stennis
Stevenson
Talmadge
Tower
Weicker
Young

NAYS—44

Baker
Bayh
Beall
Brooke
Burdick
Cannon
Case
Church
Cranston
Eagleton
Fong
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Ribicoff
Scott, Hugh
Sparkman
Stevens
Symington
Taft
Thurmond
Tunney
Williams

NOT VOTING—9

Bellmon
Bible
Clark
Fannin
Hughes
Johnston
Magnuson
Mathias
McGee

So Mr. BARTLETT's amendment was agreed to.

Mr. BARTLETT. Mr. President, I move that the vote by which the amendment was accepted be reconsidered.

Mr. DOMINICK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLEN. Mr. President, inasmuch as the Senate has expressed its will on this matter, I would ask unanimous consent that I might withdraw my request for yeas and nays.

The PRESIDING OFFICER. Is there objection? If not, the request for the yeas and nays is withdrawn.

The question is on the amendment offered by the Senator from Alabama (Mr. ALLEN).

The amendment was agreed to.

The PRESIDING OFFICER (Mr. METZENBAUM). The bill is open to further amendment.

Mr. BARTLETT. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Add a new section at the end of the bill, as follows:

"No organization having control over an amateur sports program including intercollegiate sports such as football may punish a constituent member of its organization for a rules violation by denying such member the right to publicly broadcast or have broadcast by radio or television an athletic event."

Mr. BARTLETT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BARTLETT. Mr. President, last year, the University of Oklahoma advised the Big Eight Conference and the NCAA that they were guilty of a recruiting violation involving a member of their football team and a member of their coaching staff.

OU admitted that a player's high school transcript had been altered to make him eligible to participate in football his freshman year.

The facts of the case indicate that the player involved had no knowledge of the violation. The transcript was altered by one of the player's high school coaching staff but with the acquiescence of one coach at the University of Oklahoma.

Upon learning the facts, the university immediately asked the coach involved to resign, which he did, and the player was declared ineligible, pending the Big Eight and NCAA investigation.

Ultimately, the Big Eight and NCAA came down with sanctions which included the ineligibility of the player during the 1973 season, the university was denied the right to go to a bowl game after both the 1973 and 1974 seasons, and, last, the university could not appear on television during the 1974 and 1975 seasons.

First, I must say that the violation can in no way be condoned or excused. It was dishonest, and in clear violation of the NCAA regulations. The people involved set a poor example for the young people whom they were ostensibly teaching and leading.

However, although consistent with their rules and regulations I feel the NCAA and the Big Eight far exceeded justice in the punishment which was meted out.

I believe that the punishment should fit the crime, and innocent parties should not be forced to suffer with the guilty.

The irony of it all is that the only persons now being punished are innocent of any wrongdoing. As a matter of fact, the head football coach at OU, Mr. Barry Switzer, was given a lie detector test by the Oklahoma Crime Bureau; and it showed not only was he not involved in the transcript alteration, but that he had never been guilty of any recruiting violation.

However, I can see some justification for punishing a school in addition to the actual guilty parties. They should bear responsibility for policing their own employees.

However, the great injustice in the NCAA and Big Eight system of punishment is the denial of a school's right to be on television.

Here the primary recipient of the sanction is not the guilty coach or a player who might be involved; the victim is the general public.

In the case of the University of Oklahoma, the university offered to forego any revenue from television if their punishment did not include a TV ban.

This would have made sense. The school would have lost hundreds of thousands of dollars television revenue, but the public and the innocent coaches and players of the team would not be unfairly blacked out. In addition, the university could have been assessed a penalty, on top of losing the funds from television.

It might be questioned what authority Congress has to intervene in intercollegiate sports activities. Ordinarily, I would say none. However, my amendment deals only with an organization's authority to interfere with the broadcast of an event over the airwaves—a matter of traditional concern by the Congress with its legislative authority over the FCC.

In addition, there are the constitutional issues of freedom of the press and equal protection of the laws. It strikes me as inconsistent to allow two segments of the press—radio and the written media—to cover an athletic event such as the University of Oklahoma games and yet deny television the same right.

I urge the Senate to adopt this amendment.

I should like to add that the NCAA would not be prohibited by this amendment from prescribing fines, from lifting the contracts of the coaches for, say, 15 years, which would certainly jeopardize or ruin their coaching careers. I believe that would be much farther reaching and more devastating than the ban on television, which affects the average member of the public.

I believe that every team that Oklahoma University plays also is suffering, because they are denied revenues from television, and I do not see the sense in that.

I should like to add that this is not hurting the University of Oklahoma. They are sold out for the 1974 season. They have approved a 9,000-seat expansion to the stadium. Oklahoma ranked well in the rankings last year.

I believe that the person who is being hurt the most by this kind of program is the one who cannot afford the seat in the stadium, who does not have the opportunity of viewing on television the games he would like to view, which is discriminatory and unfair.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. PEARSON. Mr. President, the entire thrust of the bill we have been considering today—much longer than anyone anticipated—has been to deal with the international aspects of amateur athletics as they relate to the U.S. Olympic Committee and other international facets.

This amendment, whatever may be its merits, deals primarily and solely with a domestic consideration. It involves elements far beyond a localized regulatory proceeding of the NCAA and deals, further, with matters of interest to the Communications Subcommittee. I do not have the authority to speak for the Committee on Commerce.

I know that the Senator feels very deeply about this amendment, as do many people in his State. If he would see fit to withdraw the amendment and seek the vacation of the order for the yeas and nays, I would assure him that I would do all I could to see that this proposal, which should have hearings, will have hearings before the Committee on Commerce. I believe it is a matter far beyond what we have been considering today in the jurisdictional limits, and I hope he will consider by suggestion.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr. PASTORE. Mr. President, I rise only because, fortunately, I happen to be the chairman of the Communications Subcommittee of the Committee on Commerce, and this matter applies to television.

As has already been explained by the Senator from Kansas, this is not the time nor the place for this particular amendment, regardless of what merit it might have. I hope that the Senator from Oklahoma will be gracious and understanding enough not to bring this matter to a challenge, because I will be forced to move to lay it on the table. I hope he will withdraw the amendment at this time and, if necessary, bring the matter before our committee, and we will go into it when it is mutually convenient.

Mr. BARTLETT. Mr. President, I should like to respond to the distinguished Senators from Rhode Island and Kansas.

I hope that my interest in this amendment will not be considered a lack of graciousness on my part. I realize that this body has seen fit in the past to protect the public from arbitrary discrimination of their right to view professional sports on television. So I think there is a direct precedent.

I certainly would welcome the hearings. I think this is an area that should be aired and discussed. But I think it is also proper to advance this amendment and to have the will of the Senate expressed on it.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield.

Mr TUNNEY. Is it not possible for the University of Oklahoma, under the rules of the NCAA, to have the ruling of the Executive Board of the NCAA overturned? Can the colleges that are members of the NCAA not get together and overturn this ruling? Is there not a procedure, in other words, under the rules and regulations of the NCAA, to initiate the action that was taken?

Mr. BARTLETT. I am not aware of that possibility. But I do feel that the NCAA, in its powers over the various members of the NCAA, the various institutions, discourages any activity on their part which is contrary to the NCAA.

I think the NCAA in this case was perfectly right in coming up with a very hard-hitting, strong penalty, but I think it could have been stronger than it was and directed at those who were in violation, the coaches. I think a very good approach to such problems would be to advise all the coaches that their certificate of coaching would be lifted for 15 years if they are in violation of a recruiting rule.

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

Mr. BARTLETT. I ask unanimous consent that I have 1 minute.

Mr. PEARSON. I yield the Senator 2 minutes.

Mr. BARTLETT. I feel that to mete out a penalty which is directed at the general public and particularly bears heaviest on those of poorest means who would like to follow—in this case the University of Oklahoma, but it might be the university in your State—is very unfair.

I do believe that the NCAA was consistent and fair from the point of view of past actions, but I do not believe that it is in the best interests of the general public or in the best interests of the sport.

There are many avenues open to the NCAA and to the Big Eight for various kinds of penalties without preventing the general public from viewing games on television.

Mr. TUNNEY. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. It may very well be that the Commerce Committee would agree with the point of view of the Senator from Oklahoma after we have adequate hearings and find out what the issues are.

We are dealing with matters relating to television and with matters that relate to the subcommittee of the distinguished Senator from Rhode Island, we just have not had any opportunity to weigh the various rights and wrongs on either side, and the remedies available.

It is my understanding, for instance, that member colleges could get together under the NCAA procedures and change the rule as it relates to the University of Oklahoma, but I am not sure of that, that is one of the reasons we should have hearings.

Therefore, I oppose the amendment, whatever merit it may have. I may very well vote for it at some future time, but based on evidence we have before us we could not possibly accept such a far-reaching amendment when this bill deals only with international sports, not with domestic sports.

I yield back the remainder of my time.

Mr. PASTORE. Mr. President——

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. I do not think the Senator from Oklahoma has fully presented the matter on its merits and for that reason I move to lay it on the table because I think it is improperly brought up on this particular bill and I think this should be reviewed to be judged on its merits.

I therefore move to lay the amendment on the table.

The PRESIDING OFFICER. The motion to lay on the table is not in order at this time.

Will the Senator from California yield back his time?

Mr. TUNNEY. I yield back the remainder of my time.

The PRESIDING OFFICER. The motion is now in order.

Mr. PASTORE. I move to lay the amendment on the table.

Mr. BARTLETT. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to table the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Bible), the Senator from Iowa (Mr. Clark), the Senator from Iowa (Mr. Hughes), the Senator from Louisiana (Mr. Johnston), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), and the Senator from Arkansas (Mr. Fulbright) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. Clark) and the Senator from Washington (Mr. Magnuson) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Arizona (Mr. Fannin), and the Senator from Maryland (Mr. Mathias) are necessarily absent.

The result was announced—yeas 71, nays 19, as follows:

[No. 290 Leg.]

YEAS—71

Abourezk
Aiken
Allen
Baker
Bayh
Beall
Bennett
Bentsen
Biden
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Dole
Dominick
Eagleton
Ervin
Fong
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
McClellan
McGovern
McIntyre
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Tunney
Weicker
Williams
Young

NAYS—19

Bartlett
Cotton
Curtis
Domenici
Eastland
Goldwater
Gurney
Helms
Hruska
McClure
Metcalf
Packwood
Percy
Roth
Scott,
  William L.
Taft
Talmadge
Thurmond
Tower

NOT VOTING—10

Bellmon
Bible
Clark
Fannin
Fulbright
Hughes
Johnston
Magnuson
Mathias
McGee

So the motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** The bill is open to further amendment.

Mr. **TUNNEY.** Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. **PEARSON.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **PEARSON.** Mr. President, how much time do I have remaining on the bill?

The **PRESIDING OFFICER.** The Senator has 8 minutes remaining.

Mr. **PEARSON.** I have no further requests for time. I am prepared to yield back the remainder of my time.

Mr. **TUNNEY.** I am prepared to yield back the remainder of my time.

Mr. President, have the yeas and nays been ordered on passage?

The **PRESIDING OFFICER.** No.

Mr. **TUNNEY.** I request third reading.

Mr. **PEARSON.** I yield back the remainder of my time.

The **PRESIDING OFFICER.** The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The **PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass?

Mr. **TUNNEY.** Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. **DOLE.** Mr. President, I wish to express my support for S .3500, the Amateur Athletic Act, introduced by my distinguished colleagues, the senior Senator from the State of Kansas.

The purpose of the bill is to provide a restructuring of the U.S. Olympic Committee to avoid the problems and conflicts which have surrounded U.S. involvement in the Olympic games over the past several years. The bill also seeks to assist in better utilization of athletic facilities, improving athletic training procedures and equipment, and expanding competitive athletic opportunities to a greater number of Americans.

I would say, however, that I do question the advisability of launching a new $50 million Federal program in the amateur athletic field at a time when concern for reduction of Government spending and control of inflation is so high. It may be argued that such a program as this involves relatively small expenditures and for a worthwhile cause. But I believe this is a time when we must make every possible effort to cut rather than expand the flow of tax dollars into Federal programs, particularly new programs which do not carry the very highest national priority.

Last fall I opposed amateur athletic legislation which was considered on the Senate floor. I opposed the bill considered at that time because it called for greater Federal involvement in the field of amateur athletics. I particularly disapproved of broad, sweeping powers given Federal agencies created under the bill, and I also opposed the unnecessary interventions into high school and college activities by the Federal Government which it could have initiated. In fact I introduced an amendment in the nature of a substitute which was intended to resolve the problems facing amateur athletics without carrying out a permanent role for the Federal Government within our amateur athletic activities.

I am happy to note that S. 3500 as it now stands contains provisions limiting Federal intervention into high school and college sports activities. And it is also more restrictive in the powers delegated to the Federal bodies it creates. I strongly support provisions in the bill which insure that a chartered association cannot require an amateur athlete to compete in sanctioned activities if that competition conflicts with reasonable regulations regarding his other academic standing or general health and welfare as defined by their academic institution.

I am happy to report to my colleagues that S. 3500 as it comes to the floor from committee has the support of the high schools and colleges of Kansas as well as the Big Eight Conference. I urge support for the bill as a sound and constructive approach to assuring that amateur athletics will continue to provide a wholesome and challenging opportunity for the young people of America to enjoy the benefits of participating in the wide variety of individual and team sports in domestic and international competition.

The **PRESIDING OFFICER** (Mr. METZENBAUM). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. **ROBERT C. BYRD.** I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Iowa (Mr. CLARK), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. McGEE), are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. **GRIFFIN.** I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. FANNIN), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 62, nays 29, as follows:

[No. 291 Leg.]

YEAS—62

Abourezk
Aiken
Baker
Bayh
Bennett
Biden
Brock
Brooke
Burdick
Cannon
Case
Chiles
Church
Cotton
Cranston
Dole
Domenici
Dominick
Eagleton
Fong
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Thurmond
Tunney
Weicker
Williams
Young

NAYS—29

Allen
Bartlett
Beall
Bentsen
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cook
Curtis
Eastland
Ervin
Fulbright
Goldwater
Gurney
Helms
Hruska
Mansfield
McClellan
McClure
Metzenbaum
Nunn
Packwood
Randolph
Roth
Schweiker
Scott, William L.
Stennis
Talmadge
Tower

NOT VOTING—9

Bellmon
Bible
Clark
Fannin
Hughes
Johnston
Magnuson
Mathias
McGee

So the bill (S. 3500) was passed, as follows:

S. 3500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Amateur Athletic Act of 1974".

TITLE I—GENERAL PROVISIONS

DECLARATION OF POLICY

SEC. 101. (a) FINDINGS.—The Congress finds and declares that—

(1) Amateur athletic activity, including competition, and physical fitness are valuable in the development of individuals and the strengthening of the Nation.

(2) International competition between amateur athletes contributes to international peace and understanding.

(3) The full potential benefits of amateur athletic competition have not been realized because various private organizations in the United States have not been able to coordinate their efforts.

(4) Organized amateur athletic competition is conducted through the use of facilities of interstate commerce or its activity which affects interstate commerce. International amateur athletic competition involving American citizens is conducted through the use of facilities of foreign commerce.

(b) PURPOSES.—It is therefore declared to be the purpose of the Congress in this Act to establish an Amateur Sports Board to coordinate amateur athletic competition and a National Sports Development Foundation to support and encourage athletic activity and physical fitness.

DEFINITIONS

SEC. 102. As used in this Act, unless the context otherwise requires—

(1) "amateur athlete" means an individual who trains for and participates in amateur athletic competition in accordance with applicable rules of amateurism.

(2) "amateur athletic competition" means a contest, event, game, meet, match, tournament, or other program in which only amateur athletes are permitted to compete;

(3) "Board" means the Amateur Sports Board, established under section 201 of this Act;

(4) "Chairman" means the Chairman of the Board;

(5) "chartered sports association" means a not-for-profit corporation which holds a charter granted by the Board in accordance with this Act;

(6) "eligible amateur athlete" means an athlete who is eligible for amateur athletic competition under applicable age, amateurism, and athletic ability or performance standards;

(7) "Foundation" means the National Sports Development Foundation, established under section 301 of this Act;

(8) "international competition" means any organized amateur athletic competition in

which individuals or teams, all of whom officially represent the United States as determined by a chartered sports organization, compete against individuals or teams of any other nation, all of whom officially represent such other nation as determined by the appropriate sports governing body of such nation;

(9) "President" means the President of the Foundation;

(10) "restricted competition" means amateur athletic competition which is restricted to a specific class of amateur athletes, including, but not limited to, high school athletes, collegiate athletes, and members of the Armed Forces, or any other such group or category;

(11) "sanction" means a certification of approval;

(12) "sports," as used in sections 201 through 204 of this Act, means a category of amateur athletic competition which is a part of the program at the Olympic games, including archery, athletics (track and field), basketball, boxing, canoe and kayak, cycling, fencing, soccer-football, equestrian sports, gymnastics, team handball, field hockey, judo, rowing, shooting, volleyball, weightlifting, wrestling, yachting, swimming-diving and water polo, modern pentathlon and biathlon, bobsledding, ice hockey, figure skating, speed skating, skiing, and luge, and such other categories as may subsequently be included in such program;

(13) "sports organization" means a club, federation, union, association, or other group, except a chartered sports association, which sponsors or organizes any amateur athletic competition in which amateur athletes may compete if they are members of or affiliated with an institution which is a member of such group;

(14) "Trustees" means the board of trustees of the Foundation; and

(15) "unrestricted competition" means any international amateur athletic competition or any domestic amateur athletic competition directly related to qualifying amateur athletes for international competition, including, but not limited to, national championships or Olympic trials, in which all eligible amateur athletes may participate. The term does not include restricted competition.

TITLE II—COORDINATION OF AMATEUR ATHLETIC ACTIVITY

AMATEUR SPORTS BOARD

SEC. 201. (a) ESTABLISHMENT.—There is established, in accordance with the provisions of this section, an independent agency of the United States to be known as the Amateur Sports Board.

(b) MEMBERS.—(1) The Board shall be composed of five members including a Chairman. The President of the United States shall appoint five qualified individuals to be members of the Board, by and with the advice and consent of the Senate. It is the sense of the Congress that initial appointments to the Board should be made within 60 days after the date of enactment of this Act.

(2) As used in this subsection, "qualified individual" means an individual who is distinguished for his dedication to the highest ideals of amateur athletic competition, his freedom from bias, and his knowledge and experience in amateur sports, including amateur sports competition, administration and development and who is equipped by experience, known talents, and interests to further the policy of this Act effectively, positively, and independently if appointed to be a member of the Board.

(3) The President of the United States shall make appointments in such a way that at no time shall there be less than one member who is an amateur athlete who has engaged within 3 years prior to such nomination, in international competition, and so that at no time will there by any member who is an officer, director, or employee of any sports organization, or more than one member who has been an officer, director, or employee of the same sports organization. Due regard shall be given, in the appointment of members of the Board, to reflecting the diversity of those who engage in sports and amateur athletics, with appropriate weight given to such factors as race, age, and sex.

(c) CHAIRMAN.—The members of the Board shall select one member to be the Chairman.

(d) TERMS OF OFFICE.—The terms of office of the members first taking office shall expire as designated by the President at the time of nomination, one at the end of the first year, one at the end of the second year, one at the end of the third year, and two at the end of the fourth year. The member selected as Chairman shall serve as Chairman until his term of office as a member expires and a successor is duly selected. A successor to a member of the Board shall be appointed in the same manner as the original member and shall have a term of office which shall expire 4 years from the date of expiration of the term for which his predecessor was appointed. No member of the Board or former member of the Board, upon the expiration of his term of office, may be reappointed to another term of office as a member of the Board, except the original member who sits for a 1-year term.

(e) STAFF.—The Chairman, with the concurrence of at least three other members of the Board, is authorized to—

(1) determine the qualifications, appoint, fix the compensation, and assign the duties of an executive director, attorneys, researchers, and such other full-time and part-time employees as the Board deems necessary or appropriate, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, provided such compensation is not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code; and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for an individual.

(f) COMPENSATION OF MEMBERS.—A member of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties of the Board and shall receive $150 per diem when engaged in the actual performance of his duties as a member.

(g) MISCELLANEOUS.—(1) The Administrator of General Services shall furnish the Board with such offices, equipment, supplies, and services as it is authorized to furnish to any other agency or instrumentality of the United States.

(2) The Board shall have a seal which shall be judicially recognized.

(3) Three members of the Board shall constitute a quorum for the conduct of business, except as otherwise provided by the Board by regulation.

(4) Each office of the Board shall be open to convenient access by members of the public.

(h) GENERAL POWERS.—(1) The Board, or any duly authorized member of the Board, may for the purpose of carrying out any of the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require, by subpoena or other order, the attendance and testimony of such witnesses and the production of such evidence as the Board or such member deems advisable. Any member of the Board may administer oaths to witnesses appearing before the Board or any member. Subpoenas shall be issued under the signature of the Chairman, and may be served by any person designated by the Chairman. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Such attendance of witnesses and production of evidence may be required from any place in the United States to any designated place of such hearing.

(2) Each chartered sports association which undertakes any international activity shall report in detail to the Board on such activity, and shall make such reports available for inspection by the public at any office of the Board. Reports and answers required under this subparagraph shall be submitted to the Board or such duly authorized member within such reasonable period of time and in such form as the Board may determine.

(3) If any person refuses to obey or comply with any subpoena or order of the Board, the court of the United States for any judicial district in which such person resides, is found, or transacts business shall, upon the request of the Chairman, have jurisdiction to issue an order requiring such person to obey or comply with such subpoena or order immediately. Failure to comply with such an order of the court is punishable by such court as a contempt of court.

CHARTERED SPORTS ASSOCIATION

SEC. 202. (a) GENERAL.—The Board is authorized, pursuant to the provisions of this section, to issue charters with respect to each sport for which application is made for a charter, to a corporation which meets the requirements of this section and any applicable regulations under this section. Upon the issuance of each charter, the President of the United States shall, within 30 days, notify the appropriate international sports organizations that the chartered sports association to which a charter has been issued shall act as the representative of the United States to the appropriate international governing body or bodies for the sport or sports with respect to which it has been granted a charter.

(b) PREREQUISITES.—(1) No person is eligible to receive a charter under this section unless—

(A) it is a group that has not less than twenty-five individuals as members;

(B) it incorporates under the laws of any State or the District of Columbia as a not-for-profit corporation having as its purpose the advancement of amateur athletic competition in the United States, or in international competition involving citizens of the United States, or both, with respect to not more than three named sports;

(C) in accordance with regulations issued by the Board, it submits an application to the Board requesting a charter under this section and submits therewith a copy of the corporate charter and bylaws; the names, addresses, and occupations of all members and other persons having any financial interest in such corporation; the sport or sports in which it seeks to advance amateur athletic competition; and any additional data, reports, and other information as is deemed necessary or appropriate by the Board;

(D) in accordance with regulations issued by the Board, it demonstrates to the satisfaction of the Board that—

(i) its board of directors, executive committee, or other governing body will at all times include among its voting members not less than two individuals who are actively engaged in amateur athletic competition in the United States in the sport or sports designated in the association's charter, and that the voting power held by such individuals will not be less than 20 per centum of the total voting power held in that board, committee, or other body.

(ii) it will at all times, to the extent consistent with rules and regulations promulgated by the Board, operate under procedures reasonably calculated to inform amateur athletes under its jurisdiction of policy matters under consideration by the corporation, and reasonably calculated to reflect in its policies the views of such athletes, and

(iii) it will undertake to develop interest and participation in its particular sport or sports throughout the United States;

(E) the Board makes a finding in writing that—

(i) less than 40 per centum of the voting power in such corporation is controlled or subject to control, directly or indirectly, by any person which holds or controls, directly or indirectly by itself or with an affiliate, more than 40 per centum of the voting power in any other corporation which holds, or is applying to hold, a charter under this section as a chartered sports association. An affiliate is a corporation or other organization which controls or is controlled by another corporation or organization, or which is controlled by the same person as such other corporation or organization, or which has any officers, directors, or executive committee in common with such corporation or organization, or which is otherwise affiliated with such corporation or organization by membership or formal articles of affiliation; and

(ii) no officer or director of such corporation is also an officer or director of any other corporation which holds a charter as a chartered sports association; and

(F) in the case of an applicant for a charter under this section with respect to more than one sport, the Board makes a finding in writing after a hearing that—

(i) the sports with respect to which it wishes to receive a charter are closely related and would benefit by common administration, and

(ii) it is capable of functioning as a chartered sports association, with respect to each such sport, in the best interests of that sport and of the amateur athletes participating in such sport.

(2) The Board may deny the application for a charter under this section of any person which is a sports organization, or which was formed out of a sports organization, if the Board determines that—

(A) the sports organization has denied amateur athletes who were members of, or affiliated with members of, that sports organization the right to compete in any unrestricted competition conducted by that sports organization or any other sports organization or which was sanctioned by a chartered sports association (unless the applicant satisfies the Board that such denial was based on evidence that the person conducting such unrestricted competition did not meet the requirements of section 204 of this Act notwithstanding the sanction by such association, or was based on the application of a reasonable rule or regulation of an educational institution as provided in section 204 of this Act); or

(B) the sports organization violated any directive issued by the Board as a result of its mediation of a dispute pursuant to section 203 of this Act.

(c) PROCEDURE REGARDING ISSUANCE.—(1) Prior to the issuance of any charter under this section, the Board shall hold a public hearing on the application for such charter in accordance with the provisions of section 554 of title 5, United States Code. The burden of persuasion at such hearing shall be on the applicant to establish to the satisfaction of the Board that (A) it is fairly representative of athletes in the sport or sports for which the charter is sought, and of sports organizations conducting national programs involving regularly scheduled practice and competition throughout the usual competitive season in the sport or sports concerned; and (B) it is otherwise capable of and willing to discharge the responsibilities and carry out the duties of a chartered sports association. The applicant shall provide evidence that it is qualified to receive recognition by the appropriate international sports federation, committee, or body as the United States organization responsible for certifying the amateur status of United States athletes and for approving teams representing the United States for international and related competition in the sport or sports for which the charter is sought.

(2) The Board may at any time, on its own motion or on the application of any interested person, review all matters related to the activities of a chartered sports association and may take such action as it deems appropriate including, but not limited to, placing conditions upon the continuation of the association's charter or revoking the charter in accordance with this section.

(d) REVOCATION.—(1) The Board is authorized to revoke any charter granted under this section if the chartered sports association is not recognized, within a reasonable period of time after such issuance, by the appropriate international sports governing body or bodies, as the single United States authority responsible for certifying the amateur status of United States athletes and for approving teams representing the United States for international competition in the sport or sports as to which it has been granted such charter.

(2) The Board is authorized to revoke any charter granted under this section, upon the application of any qualified corporation seeking a charter for the same sport or sports, if such application is filed within 6 months after the conclusion of the program at the Olympic winter or summer games. A charter may be revoked under this paragraph, after notice and a public hearing, upon a finding by the Board that the goals and requirements of this Act would be better served by an applying qualified corporation than by the holder of the charter. A final determination shall be made within 12 months after the conclusion of the program at the Olympic winter or summer games.

(3) In addition to any other ground for revocation or suspension of a charter granted under this section, the Board is authorized to revoke or suspend the charter of a chartered sports association if such association denies any amateur athlete the right to compete in any unrestricted competition sanctioned by such association or any other chartered sports association (unless such association satisfies the Board that such denial was based on evidence that the person conducting such unrestricted competition did not meet the requirements of section 204 of this Act notwithstanding the sanction by such association, or was based on the application of a reasonable rule or regulation of an educational institution as provided in section 204 of this Act) or if such association violates any directive issued by the Board as a result of its mediation of a dispute pursuant to section 203 of this Act.

(e) AUTHORITY OF BOARD.—The Board is authorized—

(1) to issue regulations in accordance with the provisions of section 553 of title 5, United States Code, with respect to applications for a charter under this section and the terms and conditions upon which the Board will issue, suspend, modify, or revoke such charter; and

(2) to take such action as the Board deems necessary, with due regard to international standards, to insure that each chartered sports association complies with the terms and limitations of its charter under this section.

(f) FUNCTIONS OF CHARTERED SPORTS ASSOCIATIONS.—A charter issued pursuant to this title shall grant authority to the holders of such charters to—

(1) act as the representative of the United States to the appropriate international governing body or bodies for the sport or sports with respect to which it has been granted a charter;

(2) act as the representative of athletes competing in international competition in its sport or sports;

(3) designate individuals and teams to participate in international competition and certify, in accordance with international rules, the amateur status of such individuals and teams;

(4) conduct domestic competition in which all eligible amateur athletes may compete, including, but not limited to, Olympic trials or national championships;

(5) conduct domestic exhibitions with representatives of foreign nations, the purpose of which is to promote interest in its sport or sports;

(6) take such action, consistent with rules and regulations promulgated by the Board pursuant to this Act, as may be necessary to insure the safety and well-being of athletes representing the United States in international competition in its sport or sports; and

(7) assume such other authority as the Board deems appropriate to carry out the purposes of this Act.

(g) COORDINATION IN SCHEDULING.—A chartered sports association shall coordinate the scheduling of unrestricted competition with sports organizations in its sport or sports so that neither such competition nor required practice therefor shall unreasonably conflict with other established, regularly scheduled competition or required practice for such competition.

(h) PROCEDURE.—(1) Any hearing or other proceeding with respect to the issuance, modification, revocation, or suspension of a charter issued under this section or with respect to the mediation of a dispute pursuant to section 203 of this Act shall be conducted in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code. Such hearing, proceeding, or mediation shall be subject to judicial review in accordance with the provisions of chapter 7 of title 5, United States Code.

(2) Notwithstanding paragraph (1) of this subsection, the Board is authorized, upon 48 hours' notice to the parties, to hear and decide a matter under such procedures as the Board deems appropriate if the Board determines that it is necessary to expedite such hearing, proceeding, or mediation in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the Board to do justice to the affected parties.

MANDATORY ARBITRATION

SEC. 203. (a) GENERAL.—In case of any dispute which involves a chartered sports association and (1) any other chartered sports association or associations; (2) a sports organization; or (3) an amateur athlete, the Board or the American Arbitration Association as provided for in the following sections shall act as mediator or arbitrator to conciliate and resolve such dispute.

(b) ARBITRATION.—(1) Any individual who alleges he has been denied a right established under this Act in violation of such Act may submit to any regional office of the American Arbitration Association a claim documenting the denial, but shall submit such claim within thirty days after the denial: *Provided further*, That the association is authorized, upon forty-eight hour notice to the parties, to hear and decide a matter under such procedures as the association deems appropriate if the association determines that it is necessary to expedite such arbitration in order to resolve a matter relating to an amateur athletic competition which is so scheduled that compliance with regular procedures would not be likely to produce a sufficiently early decision by the association to do justice to the affected parties.

(2) Any person whose claim is upheld by an arbitration decision under subsection (b) may bring suit in a United States district court having jurisdiction over any party to such arbitration to compel compliance with the terms of such decision. In addition to the provisions of the first sentence, any party to such an arbitration decision may bring suit in such court for review of the decision within a period of sixty days after the decision; except that the court may only modify or set aside the decision if it is procured by fraud, if it is clearly erroneous, or if the subject matter for the arbitration is not included within the Act upon which the person based his claim for arbitration under subsection (b). Any person who submits a claim for arbitration under subsection (b) may bring suit in such court to compel arbitration pursuant to subsection (b), and the arbiters of an arbitration under subsection (b) may petition such court to enforce compliance with a subpena issued by the arbiters pursuant to the rules of the American Arbitration Association. Any individual who alleges he has been denied a right established under this Act in violation of such subsection may (in lieu of seeking arbitration under subsection (b)) bring suit in such court for adjudication of such denied right.

(3) Any person seeking arbitration under this section shall have the burden of introducing the evidence to support his claim and shall have the burden of proving his claim.

(4) The arbiter of any arbitration under subsection (b), or a majority of the arbiters under subsection (b) (1), may order that the losing party pay to the prevailing party reasonable fees for attorneys' services rendered for such arbitration. The district court may order that the losing party to a suit under subsection (b) (1) pay to the prevailing party reasonable fees for attorneys' services rendered for such suit.

(c) ENFORCEMENT.—Upon application of (1) the Board through its own attorneys, (2) the Attorney General, or (3) an aggrieved person, the district courts of the United States shall have concurrent jurisdiction with the courts of the States to enjoin the commission of any acts committed in violation of any directive issued by the Board as a result of its mediation of a dispute pursuant to subsection (a) of this section.

SANCTIONING OF COMPETITTON

SEC. 204. (a) GENERAL.—Except as otherwise provided in this section, no unrestricted competition shall be conducted in the United States unless such competition has been sanctioned by a chartered sports association prior to the date of such competition. A copy of such sanction in writing shall be maintained by the chartered sports association for public review. A chartered sports association may, upon the request of the sponsoring sports organization made in writing a reasonable time in advance of such competition, sanction any amateur athletic competition pursuant to subsection (c) of this section. No fee may be charged for the sanction beyond that necessary to cover the administrative costs involved. This subsection shall become effective 2 years after the date of enactment of this Act.

(b) WAIVER.—By unanimous vote of all of the members of the Board, the Board may waive the requirement of subsection (a) of this section, upon a finding that there is no chartered sports association which can sanction the unrestricted competition in view of the time necessarily involved in planning such competition.

(c) REQUIREMENTS FOR SANCTIONING.—A chartered sports association shall grant a request made by a sports organization or other person for its sanction for an unrestricted competition or other competition, unless such chartered sports association determines that—

(1) appropriate steps have not been taken to protect the amateur status of athletes who will compete in such competition and to protect their eligibility to compete in amateur athletic competition in the United States and in international amateur athletic competition.

(2) appropriate provisions have not been made for validation of records which may be established during such competition;

(3) due regard has not been given to any international amateur athletic requirements specifically applicable to such competition;

(4) such competition will not be conducted by competent officials;

(5) proper medical supervision will not be provided for athletes who will compete in such competition; or

(6) the sports organization or other person conducting such competition refuses to submit an audited or notarized financial report of the immediate past event.

(d) EDUCATIONAL INSTITUTIONS.—No chartered sports association or other sports organization may deny or threaten to deny any eligible amateur athlete the opportunity to compete in any unrestricted competition nor may it censure, subsequent to such competition, or otherwise penalize, any such athlete who participates where such competition is sanctioned by a chartered sports association pursuant to the provisions of this section, unless such denial, censure, or penalty is based upon the application of reasonable rules and regulations which were duly adopted prior to such denial or threat of denial by a university, high school, or other educational institution, individually or in common with other institutions (1) to promote the educational welfare of amateur athletes who are students at such institution; or (2) to maintain and protect established sports programs during the regular season for each particular sport.

(e) ENFORCEMENT.—(1) Whenever any person is engaged, or there are reasonable grounds to believe that such person is about to engage, in any act in violation of this section, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other appropriate order, may be instituted by the Attorney General, by the Board through its own attorneys, by any amateur athlete claiming to be aggrieved, or, on behalf of such athlete, by any chartered sports association or sports organization of which he, his coach, or his institution is a member or with which they are affiliated.

(2) The district courts of the United States shall have concurrent jurisdiction with State courts for actions brought under this section. Such actions may be commenced in the district court of the United States for any judicial district in which the violation is alleged to have occurred or to have been threatened, or in which any defendant is found, resides, or transacts business.

(3) In any action commenced pursuant to this section the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 205. There are authorized to be appropriated to the Board to carry out the purposes of this Act a sum not to exceed $1,100,000 for the fiscal year ending June 30, 1975, and for each of the succeeding five fiscal years following the date of enactment of this Act.

TITLE III—SUPPORT AND ENCOURAGEMENT OF SPORTS AND PHYSICAL FITNESS

NATIONAL SPORTS DEVELOPMENT FOUNDATION

SEC. 301. (a) ESTABLISHMENT.—There is established in accordance with the provisions of this title, a nongovernmental corporation of the District of Columbia to be known as the National Sports Development Foundation. The Foundation shall be under the direction of a board of trustees. To the extent not inconsistent with this title, the Foundation shall be subject to the District of Columbia Nonprofit Corporation Act (D.C. Code 29-1001 et seq.).

(b) GENERAL AUTHORITY.—The Foundation shall have the authority to do all things necessary to carry out the provisions of this title including, but not limited to, the authority to—

(1) make such bylaws, rules, and regulations as may be necessary for the administration of its functions under this title;

(2) adopt an official seal which shall be judicially noticed;

(3) sue and be sued, complain, and defend in any court of competent jurisdiction;

(4) provide financial assistance to any organization or association, other than a corporation organized for profit, in furtherance of the purposes of this title;

(5) contract and be contracted with; and

(6) acquire, control, hold, lease, and dispose of such real, personal, or mixed property as may be necessary to carry out the purposes of the Foundation.

(c) OFFICES.—The principal office of the Foundation shall be maintained in the District of Columbia or such other place as may later be determined by the Trustees, but the activities of the Foundation shall not be confined to such place but may be conducted throughout the United States. The Foundation may maintain offices at such locations as may be necessary to carry out its purposes. At all times the Foundation shall maintain in the District of Columbia a designated agent authorized to accept service of process on behalf of the Foundation. Service upon, or notice mailed to the business address of, such agent shall be deemed service upon or notice to the Foundation.

(d) RESTRICTIONS.—(1) No part of the assets or income of the Foundation may inure to any officer, employee, or member of the Trustees nor may any such asset or income be paid or distributed to any such person during the life of the Foundation or upon its dissolution or final liquidation. This provision shall not be construed to prohibit the payment of reasonable compensation to officers, employees, or members of the Trustees or to prohibit payment of reimbursement for actual and necessary expenditures, subject to the approval of the Trustees, from funds provided for such purposes by the Board.

(2) The Foundation shall not make any loans to its officers, employees, or members of the Trustees.

(3) The Foundation shall have no power to issue any shares of stock or to declare or pay any dividend to any person.

(4) Upon the dissolution or final liquidation of the Foundation, following the discharge or satisfaction of obligation and liabilities, the remaining assets may be distributed in accordance with the determination of the Trustees and in compliance with this title, the bylaws of the Foundation, and any applicable Federal and State laws. Any remaining assets resulting from appropriations pursuant to this Act shall revert to the Treasury of the United States.

(e) DUTIES.—The functions of the Foundation shall be, by means of grants-in-aid to qualified and established institutions or organizations directly involved in amateur sports—

(1) to promote equal opportunity for and encourage participation and excellence in athletic activity and physical fitness programs for individuals of all ages;

(2) to foster and support organizations, groups, and individuals concerned with sports and to help coordinate their activities voluntarily with educational and recreational programs conducted by Federal, State, and local governments;

(3) to support the development and dissemination of technical, financial, and training assistance to not-for-profit organizations and to individuals concerned with sports and physical fitness education;

(4) to promote increased athletic exchanges with foreign nations;

(5) to support studies with respect to athletic activity, including competition and physical fitness;

(6) to extend knowledge and facilities and the practice of sports by establishing and maintaining a data bank for the compilation, analysis, and dissemination of information pertaining to all significant aspects of sports;

(7) to encourage and support useful research in such areas as sports medicine, equipment design, and performance analysis;

(8) to stimulate the establishment of advanced or improved coaching, physical training, and physical education programs;

(9) to identify, without duplicating existing government or private activities, the need for provision of sports facilities by public or private groups and availability of such facilities by—

(A) gathering, analyzing, and making available information relating to existing and potential procedures for the financing, construction, maintenance, and use of athletic facilities;

(B) considering methods for the economical renovation, expansion, beautification, alteration, and conversion of existing athletic facilities in order to best meet the requirements of the communities in which they are located, and by directing such methods toward the goal of developing facilities which will meet the optimum degree of flexibility, so as to provide the maximum usage within a community; and

(C) providing consultant services to private interests and State or local governments which may require such assistance;

(10) to promote, without duplicating existing governmental or private activities, safety and good health in sports by—

(A) gathering, analyzing, and making available data and information relating to the influence of training and competition on athletes during and subsequent to their careers as athletes;

(B) studying currently identifiable factors which contribute to the development of physical and mental illness and accidents in different sports, such as facilities, equipment, rules, officiating, drugs, economics, social forces, and searching for as yet unknown influences;

(C) studying the effectiveness of the methods employed in sports medicine to prevent illnesses and accidents, the techniques to recognize and to treat such conditions when they occur, and the approaches which enable athletes with preexisting medical problems to compete on a limited or unlimited basis;

(D) making recommendations and disseminating information which will promote greater safety in sports, with primary emphasis on prevention but with concern for minimizing the effects of illnesses and accidents when they occur; and

(E) maintaining continuing liaison with the Consumer Product Safety Commission, the Department of Health, Education, and Welfare, and any other government agency that has interests and concerns with respect to health and safety, and, to the extent practicable, utilizing the resources of such agencies to the extent consistent with the discharge of responsibilities under the subsection.

(f) FOUNDATION COSTS.—The Board shall pay the costs, including salaries, incurred by the Foundation in carrying out its functions under this title. No moneys furnished by the Board to the Foundation may be transferred by the Foundation to any other person as financial assistance.

TRUSTEES

SEC. 302. (a) GENERAL.—The Trustees shall direct the Foundation in accordance with the provisions of this title and the policy of this Act, shall maintain and administer the Foundation, and shall execute or direct the execution of such other functions as are vested in it or the Foundation by statute or regulation under a statute.

(b) MEMBERS.—(1) The Trustees shall consist of sixteen qualified individuals who shall be appointed by the President of the United States by and with the advice and consent of the Senate.

(2) As used in this subsection, "qualified individual" means an individual who is distinguished for his dedication to the highest ideals of athletic competition, his freedom from bias, and his knowledge and broad experience in amateur sports, including amateur sports competition, administration, and development and who is equipped by experience, known talents, and interests to further the policy of this Act effectively, positively, and independently if appointed to be a member of the Trustees. Members of the Trustees shall be selected from among individuals who shall have distinguished themselves and achieved recognition by their peers in their respective fields. The President of the United States shall select members of the Trustees in such a way that at no time shall there be less than three members who are presently or who were in the recent past participating athletes, and in such a way that the following fields shall be represented on the Trustees: financial management, business, corporate, or athletic management; research and development; the humanities; fundraising; adolescent development; sports medicine; sports education; physical education; communications and public relations; and the social sciences. In selecting members of the Trustees, due regard shall be given to reflecting the diversity of those engaged in sports with appropriate weight given to such factors are race, age, and sex.

(c) TERMS OF OFFICE.—The terms of office of the members of the Trustees first taking office shall expire as designated by the President of the United States at the time of appointment, two at the end of the first year, two at the end of the second year, three at the end of the third year, three at the end of the fourth year, three at the end of the fifth year, and three at the end of the sixth year. Successors to members of the Trustees shall be appointed in the same manner as the original members and shall have a term of office expiring 6 years from the date of expiration of the term for which their predecessors were appointed. Any member appointed to fill a vacancy on the Trustees occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No member may be reappointed upon the expiration of his term.

(d) CHAIRMAN.—The members of the Trustees shall select one of their members to serve as chairman of the Trustees for a period of 1 year.

(e) ORGANIZATION.—The Trustees appointed initially shall take whatever steps are necessary to establish the Foundation, including the filing of articles of incorporation.

(f) MEETINGS.—(1) The Trustees shall meet at least once each quarter at such place and at such time as shall be determined by the chairman. The chairman shall also call a meeting at any time upon the request in writing of six or more members. Each member shall receive a notice of the call of each meeting, by certified mail return receipt requested not less than 15 days prior to the date of such meeting.

(2) Each meeting of the Trustees shall be open to the public. Minutes shall be kept of each such meeting and copies thereof shall be made available for public inspection at the office of the Foundation in the District of Columbia and at such other offices as it may maintain. Such copies shall be available for reproduction, upon request and at reasonable charge.

(g) QUORUM.—Eight members of the Trustees shall constitute a quorum for the transaction of affairs.

(h) COMPENSATION.—Each member of the Trustees shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of his duties as a member of the Trustees and $150 per diem when engaged in the actual performance of such duties.

(i) PRESIDENT.—The trustees shall appoint a qualified individual to be the President of the Foundation. The President shall serve at the pleasure of the Trustees and shall be the chief administrative officer of the Foundation. Subject to the supervision of the Trustees, the President shall manage and supervise the business of the Foundation, appoint, fix the compensation, and assign the duties of such officers, attorneys, specialists, agents, and other employees, and consultants as he deems necessary, who are qualified to further the policy of this Act.

(j) GENERAL POWERS.—(1) The trustees may solicit, accept, hold, and administer gifts, bequests, or devises of money, securities, or other property in any form or of whatever character for the benefit of the Foundation. Unless restricted by the terms of such gift, bequest, or devise, the Trustees may sell or exchange and invest or reinvest in any lawful investment such money, securties, or other property, for the benefit of the Foundation. Such moneys, securities, and other properties shall constitute a fund to be held by the Trustees in trust. The corpus of such trust shall not be invaded by the Trustees for expenditure or transfer other than for purposes of investment so long as the total amount in such fund, together with any amounts appropriated to the Trustees for such fund under section 305 of this title, does not exceed $100,000,000: *Provided*, That the Trustees may expend up to $1,000,000 each year from such fund out of such amounts not appropriated under section 305 of this title to carry out the purposes of the Foundation until such time as the aggregate sum of all moneys, securities, and other properties received by the Trustees equals or exceeds $15,000,000. Income from such fund may be expended in the discretion of the Trustees.

(2) The Trustees shall, not less than once each year, give public notice, in such manner as they find appropriate, of the Foundation's intent to award grants-in-aid during the succeeding period for projects designed to further the Foundation's purposes as stated in section 301(e) of this title. Such notice shall solicit the submission of proposals with respect to any such projects by qualified and established institutions or organizations directly involved in amateur sports.

AUDIT OF TRANSACTIONS

SEC. 303. The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified or licensed public accountants certified or licensed by the government of the District of Columbia. The audit shall be conducted at the place or places where the accounts of the Foundation are normally kept. All books, accounts, financial records, reports, files, and other papers, things or property belonging to or in use by the Foundation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit. Full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons by the Foundation. A report of each such audit shall be submitted to the Congress by the Foundation not later than 6 months following the close of the fiscal year for which the audit was made. The Foundation shall also maintain a certified copy of such report for public inspection. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the assets and liabilities of the Foundation; its surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Foundation during the year, and the independent auditor's opinion of those statements. Each such report shall be printed as a public document.

REPORTS

SEC. 304. The Foundation shall maintain for public inspection and submit to the Congress and the President of the United States, in January of each year, a report on its activities, including a comprehensive description of the activities and accomplishments of the Foundation during the preceding calendar year together with an evaluation of such activities and accomplishments in terms of the attainment of the policy of this Act and the duties of the Foundation. Such report may include recommendations for additional legislative or other action which the Trustees consider necessary or desirable for attaining such objectives. Such report shall not be reviewed by any officer or agency of the United States prior to submission to the Congress. Each such report shall be made available to interested persons and printed as a public document.

AUTHORIZATION OF APPROPRIATIONS

SEC. 305. For each fiscal year following the fiscal year ending June 30, 1976, there is authorized to be appropriated to the Trustees for use by it in carrying out the provisions of this title an amount equal to the amount of donations, bequests, and devises of money, securities, and other property received by the Trustees during the fiscal year preceding the fiscal year for which such appropriation is made, except that the total aggregate amount appropriated pursuant to this subsection shall not exceed $0.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the Secretary of the Senate be empowered to make technical and clerical corrections in the engrossment of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate adjourns today it stand in adjournment until the hour of 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow there be a period for the transaction of routine morning business not to extend beyond the hour of 11:45 a.m., with statements limited therein to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON S. 3203 TOMORROW, TIME LIMITATION THEREON, AND PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow at the hour of 11:45 a.m. the Senate proceed to the consideration of the conference report on S. 3203.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on that conference report of 1 hour, to be equally divided between the majority leader and the minority leader, or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the debate on the conference report on S. 3203 tomorrow, the following staff members from the Committee on Labor and Public Welfare be granted access to the floor: Mr. Don Elisburg, Mr. Jeff Doranz, Mr. Jon Steinberg, Miss Louise Ringwalt, Mr. Gene Mittelman, and Mr. Robert King.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 3698 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the conference report on S. 3203 tomorrow the Senate proceed to consideration of S. 3698, dealing with agreements re nuclear technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 11:30 a.m. tomorrow. After the two leaders or their designees have been recognized under the standing order there will be a period for the transaction of routine morning business with statements limited therein to 5 minutes each, the period not to extend beyond the hour of 11:45 a.m., at which time the Senate will proceed to the consideration of the conference report on S. 3203 dealing with nonprofit hospitals. Upon the expiration of 1 hour thereon, the conference report will be disposed of.

Upon the disposition of the conference report, the Senate will proceed to the consideration of S. 3698, agreements re nuclear technology. Rollcall votes are expected tomorrow.

ADJOURNMENT UNTIL 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 11:30 a.m.

The motion was agreed to; and at 6:44 p.m., the Senate adjourned until tomorrow, Wednesday, July 10, 1974, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 9, 1974:

FOREIGN CLAIMS SETTLEMENT COMMISSION

J. Raymond Bell, of the District of Columbia, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1974 (reappointment).

THE JUDICIARY

James C. Hill, of Georgia, to be U.S. district judge for the northern district of Georgia vice Sidney O. Smith, Jr., resigned.

DEPARTMENT OF JUSTICE

A. Roby Hadden, of Texas, to be U.S. attorney for the eastern district of Texas for the term of 4 years (reappointment).

Arthur F. Van Court, of California, to be U.S. marshal for the eastern district of California for the term of 4 years (reappointment).

John A. Birknes, Jr., of Massachusetts, to be U.S. marshal for the district of Massachusetts for the term of 4 years (reappointment).

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be lieutenant general

Lt. Gen. Glenn A. Kent, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Charles W. Carson, Jr., [redacted]FR (major general, Regular Air Force), U.S. Air Force.

IN THE NAVY

Vice Adm. Gerald E. Miller, U.S. Navy, for appointment to the grade of vice admiral on the retired list pursuant to title 10, United States Code, section 5233.

Rear Adm. Robert Y. Kaufman, U.S. Navy, having been designated for commands and other duties of great importance and responsibility commensurate with the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

CONFIRMATION

Executive nomination confirmed by the Senate July 9, 1974:

FEDERAL MARITIME COMMISSION

James V. Day, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 1979.

(The above nomination was approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

DÉTENTE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 9, 1974

Mr. HARRY F. BYRD, JR. Mr. President, Crosby S. Noyes, foreign affairs analyst for the Washington Star-News, discussed détente in his piece in the Star-News of Sunday, July 7, 1974.

I ask unanimous consent to print his column captioned "Détente's One-Way Benefits" in the Extensions of Remarks.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Star-News, July 7, 1974]

DÉTENTE'S ONE-WAY BENEFITS

(By Crosby S. Noyes)

The debate in this country over "detente" with the Soviet Union is hardly getting started, but it promises to gain momentum as time goes on.

The reason why it has been slow in developing is that the lines of the debate have generally been drawn in utterly simplistic and misleading terms. So far as the administration is concerned, it is largely a matter of preferring peace to nuclear war. As long as the alternative to détente is implied to be an open-ended armaments race with the Soviet Union and a return to the hardest confrontations of the Cold War, there is very little to argue about.

Quite obviously, the avoidance of nuclear war had been an established priority in Soviet-American relations for many years before anyone ever heard of detente. To the extent that an improvement in relations contributes to this—including regularized summit meetings in Moscow and Washington—it is welcomed by virtually all Americans.

So, no doubt, is the possibility—still somewhat theoretical—of being able to agree with the Russians on some sort of reasonable balance in both nuclear and conventional military forces. The record of the latest summit meeting and the interminable negotiations in Vienna on thinning out military forces in Central Europe leave the outcome of these efforts still very much in question. But most reasonable people would agree it is worth the try.

At the same time, however, there is very little evidence that detente—in the sense of a general relaxation of tension—between the Soviet Union and the West has, in fact, done much to insure the avoidance of nuclear war or to promote armaments control. And apart from these two objectives, there has been no real attempt to define what positive benefits the United States and its allies expect to achieve by what is essentially a propagandistic slogan, encouraged, strictly for Western consumption, by the Soviet leaders.

Secretary of State Henry Kissinger, to be sure, talks hopefully of creating what he calls a "structure of peace" and President Nixon in Moscow evoked the vision of a "pattern of interrelationships" that may eventually tend to domesticate and humanize the Soviet system. But there is no indication that the Soviet leaders share any such expectation and plenty of evidence that they are exploiting detente for very different purposes.

It is now only too evident that detente does not imply a relaxation of tension—or effort—so far as the Soviet bloc is concerned. Whatever illusions may have been entertained by Western Europeans—including notably former West German Chancellor Willy Brandt—they have long since been rudely dispelled.

The Russians got precisely what they wanted from Brandt's excursions into Ostpolitik, including the recognition of East Germany and a so-called "security conference" which formally ratified and consecrated Soviet control of Eastern Europe, presumably for all time. In return, the Russians gave not a centimeter on Western demands for a freer exchange of people and ideas across the ideological frontier.

It now looks as though the Soviet leaders will get just about everything that they want from the United States as well. The list of goodies includes subsidized trade and infusions of technology to bolster the ossified Russian economy, an arms agreement which, if it lasts, will insure Soviet superiority in strategic nuclear weapons, and perhaps eventually a congressionally mandated retreat of American military power from Western Europe.

It is, in short, not at all easy to see why Brezhnev & Co. are all in favor of detente and more than happy to encourage the notion in the West that the conflict is over and we can all relax. The result has been to yield them dividends that all the years of truculence and militancy failed to produce.

It is a good deal less easy to see what the West is getting in return except disaffected Bolshoi Ballet dancers and a temporary illusion of security. The debate is likely to start in earnest only when people in this country begin to realize how much of a one-way proposition detente is turning out to be.

CONGRATULATIONS TO THE MOST REVEREND PETER LEO GERETY UPON HIS INSTALLATION AS THE ARCHBISHOP OF NEWARK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RODINO. Mr. Speaker, on Friday, June 28, 1974, Peter Leo Gerety was installed as the third archbishop of Newark, N.J. Archbishop Gerety is the successor of Archbishop Thomas A. Boland who is retiring at the age of 78. I join with the over 2 million Roman Catholics of the Newark Archdiocese in wishing Archbishop Boland well in his retirement, and in congratulating Archbishop Gerety upon assuming the spiritual leadership of the fourth largest archdiocese in the United States.

I join New Jersey's Star Ledger newspaper which noted in an editorial on June 29, 1974:

FULL COMMITMENT

Peter Leo Gerety has formally assumed the spiritual leadership of the Archdiocese of Newark, the sixth largest in the country.

He was installed as archbishop in a liturgical ritual in Sacred Heart Cathedral, an investiture that was warmly and richly symbolic of the universality of the Roman Catholic Church.

The pastoral staff that was presented to the third archbishop of the Newark Archdiocese signified his role as a shepherd of the church, the ecclesiastical acknowledgement of the responsibility he assumed as the spiritual leader of almost two million parishioners.

Archbishop Gerety brings a broad experience of social as well as religious awareness to an archdiocese that has undergone drastic change in recent years. He has been known as a prelate of liberal persuasion, an activist with a commitment that predates the emergence of the civil rights movement as an instrumentality for great social change in the United States.

He is a cleric who epitomizes the changing role of the Christian church, a fuller involvement that transcends the traditional spiritual meaning and brings the church into the community mainstream.

As archbishop of the Newark Archdiocese, his new assignment will entail much greater responsibility, not only in larger number of parishioners but in the diversity and complexity of problems evident in a widely representative see that includes urban, suburban and ritual spiritual constituencies.

Archbishop Gerety appears to be eminently qualified to deal with these archdiocesan problems in a secular as well as a religious perspective. There are opportunities in addition to great challenges in his new post of pastoral concern and involvement.

RETIREMENT OF DR. LEWIS DESCHLER

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 1974

Mr. PERKINS. Mr. Speaker, it is with great regret that I have heard of the retirement of the Parliamentarian of the House, Dr. Lewis Deschler.

Over a period of five decades, it has become an axiom of House life that Congresses come and Congresses go, but Lew Deschler goes on forever.

In an age in which we have received so many shocks and temblors, it is doubly disappointing to know that this verity of life is crumbling, too.

We can well understand the desire of Dr. Deschler to lay aside the enormous tasks he has performed so well for so long. He has earned honorable retirement many times over, and we all wish him well.

This House, from its earliest days, has had a tradition of integrity. For nearly a quarter of this Republic's life, the House's integrity has reposed in the advice and rulings which he recommended to the Speakers and Members. That is an enormous span of service, and Mr. Speaker, that is an enormous repository of integrity.

Dr. Deschler has gathered around him in the Office of the Parliamentarian a fine, loyal, and dedicated group of assistants. They reflect great credit upon him, and upon this House, and I know the great traditions of fairness, reasonableness, and truth in which this staff is immersed will continue its contribution toward the shaping of the character of the House.

I do not know Dr. Deschler's future plans, Mr. Speaker, but I hope he will visit us often.

Since the 1920's, this House has been his home. I hope he will always continue to regard it so.

SOVIETS PULL PLUG ON U.S. NETWORKS

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. HUBER. Mr. Speaker, in time honored Soviet fashion many dissidents were rounded up and placed in jail before the Nixon visit. Many more that our newsmen were unaware of were probably also rounded up and placed under detention. True also to Soviet tradition, our news networks were cut off in mid-sentence when attempting to report on dissident activity from Moscow during the President's visit. I find it difficult to see how détente is going to work under such circumstances. The article from the Washington Star-News of July 3, 1974, follows:

SOVIETS PULL PLUG ON U.S. NETWORKS

MOSCOW.—In a chilling reminder of cold war tactics, Soviet authorities have pulled the plug on television newsmen reporting on Soviet dissidents.

Elliot Bernstein of ABC, the Moscow pool coordinator for the three U.S. networks, told reporters after the blackout was imposed yesterday that Soviet authorities on Monday had threatened retaliation against the three networks for carrying "anti-Soviet material."

ABC and NBC had prepared television reports on the hunger strike of Andrei D. Sakharov, the physicist, in protest against the detention of political prisoners in the Soviet Union.

CBS had prepared a report on efforts by the secret police to prevent Jewish scholars from holding an unofficial seminar.

All three television reports were blocked in transmission, as were two attempts by commentators to explain on camera what had happened.

The three networks have paid the Soviet Television System $281,000 for use of facilities during the summit talks.

All three networks broadcast on last night's news programs in the United States the beginnings of the transmissions which showed the correspondents as they were cutoff mid-sentence.

Bernstein, said there had been "complete and total cooperation" from the Soviets up until now with several dissident stories having been transmitted eariler during the Nixon visit.

Among yesterday's broadcasts was one by ABC correspondent Herbert Kaplow, beginning with Sakharov's name. The line to New York immediately went dead.

ABC tried to reroll the film to no avail. So New York reported: "The patch has been pulled . . . the patch has been pulled."

Over at NBC, similar check disclosed that "the whole thing" was lost in transmission.

At CBS, film on dissidents was transmitted about twelve minutes later, but the result was the same. "We are not receiving video . . . you lost video and audio about 20 seconds in. We lost it on the words "in jail."

"There it is—for everyone to see—what happens when a government controls the news," said Richard S. Salant, president of CBS news.

Gerald L. Warren, a White House spokesman, said "It is the White House position that the networks should be able to send anything they wish."

BRINGING GOVERMENT TO THE PEOPLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RANGEL. Mr. Speaker, my city of New York has taken another significant and unprecedented step in bringing local government closer to the people. A branch of the district attorney's office has been established in my home community, Harlem. In these days of high crime and low confidence in governmental institutions, I deem it imperative that government provide better mechanisms for citizen participation. Especially in those institutions designed to protect the citizen from this criminal threat against the social and economic fibers of our communities. I commend my city for taking this action, and I wish to share with you and my colleagues, remarks by Mayor Beame at the opening of this new branch office.

REMARKS BY MAYOR ABRAHAM D. BEAME

I am delighted to be present at this opening day of a branch of the District Attorney's office.

This is a most important event, since it is a first step toward a working relationship between the District Attorney and various communities in Manhattan.

This is an experiment in law enforcement and crime prevention and I am sure all of us here want to see that experiment succeed.

I have been informed that this is the first branch office of any District Attorney's office in the country, specifically set up in order to create a warm rapport between the community and the local prosecutor.

A second office is expected to be opened in Manhattan soon, under the same LEAA grant which is letting us open this office in Harlem.

One of the main points I keep making as Mayor is that government must increasingly involve the citizenry in the solution of our social problems and in the delivery of government services.

I have been delighted by the response I have received from businessmen, educators, professional people, civic groups and individual citizens.

I believe there is no more important area of social concern in which government needs the cooperation of the private sector than the area of law enforcement and crime prevention.

I have involved the citizens of various communities in different parts of the City to participate in "walk and talk" programs and I intend to continue pushing for local participation in these programs.

I have also involved the business community in Manhattan and Brooklyn, so far, in crime prevention programs of various kinds to prevent commercial thefts and other crimes.

This branch office, set up independently by the District Attorney, is another example of involving citizens in the tasks of self-government.

I am sure that the residents of Harlem will make use of this branch office and obtain the information and help which they are seeking.

I am glad the Mayor's Criminal Justice Coordinating Council played a role in funneling the Federal grant for this project. I want to congratulate District Attorney Kuh for taking this step, and wish Assistant District Attorney Daniel Lewis, who will be in charge of this Harlem office, complete success in this very worthwhile experiment.

If it succeeds, I believe we will be able to expand the program, with appropriate Federal help, throughout Manhattan and the other four boroughs.

I also want to thank the Harlem business community for its cooperation and I would like to commend individual businessmen, residents and officials who cooperated in making this project possible.

Thank you.

THE UNITED STATES AND WORLD FOOD

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. DRINAN. Mr. Speaker, the problem of regional scarcities of food supplies has reached crisis proportions in many areas of the world. Every year many thousands of people die for the simple reason that they do not have enough to eat. This year, the famines in the African Sahel and India lead the list of the most tragically affected geographical areas in terms of food shortages.

Events in the petroleum market and inflation have had a deleterious effect on the availability of cheap fertilizers and on the fiscal ability of small nations to purchase necessary food supplies. Unilateral food policies of major food producing nations have had a similarly negative effect. What is desperately needed is a cooperative system for the management of food reserves.

One positive approach to this problem that has been presented is Senator HUBERT HUMPHREY's world food resolution. I commend to my colleagues the following editorial reprinted from the July 7, 1974 Boston Sunday Globe which focuses on this problem and major efforts to deal with it:

THE UNITED STATES AND WORLD FOOD

On Thursday the Senate Foreign Relations Committee will hold a one-day hearing on Sen. Hubert Humphrey's World Food Resolution. If Sen. Humphrey can generate major support in the Senate—say, 85 votes (staff members say he has lined up 35 so far)—it is possible that American policy on the world food problems could be substantially liberalized by the time the World Food conference is held in Rome in November.

It is Sen. Humphrey's contention, reiterated in numerous speeches, that the United States has dragged its feet in this area at a time when our help, as the world's greatest food producer, is needed more than ever before. As drought edges south in the Sahel region of Africa and famine's shadow lengthens over India, the American response does appear to be lacking a lot, and confused.

While soaring food and fertilizer prices have made it all but impossible for the poor, developing countries to buy food from American farmers, our PL 480 food grants (Food for Peace), have been cut drastically as have long-term credit sales. A more positive note was struck last week when the House voted to approve a $1.5 billion contribution to the World Bank for 50-year, no interest loans to the poorer nations. However, an amendment to the legislation instructs the US representative on the board overseeing the loans to vote against any loan to a country which has exploded a nuclear device. That could rule out India as a recipient, a nation which has received about 40 percent of the credits since the system was started.

In his resolution, which he introduced to the Senate on May 22, Sen. Humphrey asks that the President and the Secretaries of State and Agriculture "give the highest priority to the immediate expansion of American food assistance," specifically by restoring the PL 480 program to its 1972 level and by increasing the US pledge to the 1975–76 World Food Program. The resolution also requests the Administration to encourage the oil exporting nations to contribute assistance and to "encourage the American people to reduce the noncritical, nonfood-producing uses of fertilizer" so that more can be made available to countries which have a fertilizer shortage.

Underlying Sen. Humphrey's proposal and sure to be stressed in the hearing will be the issue of setting up a world food reserve program. Although such a proposal is not specifically mentioned in the resolution, a program of this type is generally regarded as the key to any world food program. So far it is difficult to assess the Administration's position in this area. Secretary of State Henry Kissinger has strongly backed the idea of US participation in a world food reserve (it was Kissinger who formally proposed the Rome conference), but Secretary of Agriculture Earl Butz has appeared to shy away from the concept although he does favor supplying emergency food to any nation that needs it. Butz reflects the American farmer's fear, generated by the decades of American farm surpluses, of the establishment of any giant food banks because of their tendency, just by existing, to depress farm prices. If such a system is to be developed, he thinks, it might be handled by the private traders and not by government. Considering the complications of making anything work on a global scale, such an approach would appear to be impractical.

The world agricultural picture, like the energy situation, has changed drastically in the last few years. No longer are there vast grain reserves in the forms of surpluses in the United States and other exporting nations. No longer, in this country at least, are croplands held idle. Although a bumper crop is predicted for the United States this year, the old cushion is no longer there.

At the same time unilateral food policies as practiced by various nations have made the distribution of the world food supply more precarious. In the summer of 1972, for instance, the Soviet Union cornered the world's wheat market and even now it keeps secret the amount of grain reserves it has on hand. A year later the United States, which grows 85 percent of all the soybeans entering the world market, declared an export embargo on soybeans to keep down prices at home. Later, Thailand banned rice exports for several months and Brazil banned exports on soybeans and beef for the same reasons. While this happened the prices of some foodstuffs tripled, the more affluent nations greatly increased their consumption, and the resources used to produce food—land, water, energy, fertilizer—declined, especially for the havenots.

Somehow there must be a cooperative approach on this problem, if the ups and downs of food crisis are to be avoided. Lester R. Brown and Erik P. Eckholm of the Overseas Development Council have pointed out that many nations have developed the means of managing commercial abundance on a domestic scale. Now, they suggest, it is time to tackle the problem of scarcity both nationally and internationally.

"Foremost among the new institutions needed," they write "is a new world food reserve system. Cooperative international management of food reserves would reintroduce some measure of stability to the world food economy and also help ensure that the capacity of the international community to respond to food emergencies is maintained. Human life is too valuable to depend on the vagaries of weather and the whims of the marketplace. The extreme price volatility that is likely in the absence of an effective reserve system will serve the interest of neither producers, nor consumers, nor government policymakers attempting to cope with inflation."

It remains to be seen whether the Nixon Administration will ever go this far, despite Mr. Kissinger's endorsement of the principle. In both the State and Agriculture departments it is maintained that there is actually little difference between the ideas of Sen. Humphrey, Mr. Kissinger and Mr. Butz. Sen. Humphrey, it is said, is too impatient by asking for immediate action, as he does in his resolution. The food reserve problem has to be studied carefully, it is said (there are several studies under way), and no firm decisions can be made about what should be done for a month or so until it is known precisely what the American, Indian and other crops will amount to this season.

There is some sense to this. There may not be much point in expanding our assistance programs until we know how much assistance will be needed, though that should not be used as an excuse to evade the responsibility. However, an ever more far reaching effect of the hearing on the Humphrey resolution could be the clarification of U.S. policy on the world food reserve issue. It is not time for the United States to play Santa Claus to the world. It is time, however, for us to provide leadership in solving the problem of bringing stability to the world food supply both for the year ahead and on a more permanent basis.

DR. GEORGE F. JACKSON, SR.

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mrs. BURKE of California. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

Congress of the United States,
House of Representatives,
Washington, D.C.

Whereas, the West Adams Community Hospital is holding a testimonial dinner in honor of Dr. George F. Jackson, Sr., one of the founders and first president of the Hospital, and

Whereas, Dr. Jackson had the foresight in 1968 to recognize the need for a community hospital in the area, and the courage and determination to see his dream become a reality, despite many obstacles, and

Whereas, Dr. Jackson is still an inspiration to the staff and a source of strength for the Hospital's nearly 500 employees.

Therefore, be it known this 12th day of June 1974 that we are in recognition of Dr. Jackson's contribution to this community's health, and to his outstanding record as a physician, and further direct that this commendation be entered in the Congressional Record.

U.S. TREASURY ACTS ON TAX AND LOAN ACCOUNT BOONDOGGLE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. SEIBERLING. Mr. Speaker, last year I introduced the Tax and Loan Account Interest Act to require banks to pay interest on Treasury tax and loan accounts. I was pleased when the Department of the Treasury last week announced that it is drafting similar legislation to be submitted to Congress within the next several weeks.

Tax and loan accounts are one of the least known and most expensive boondoggles by which the Federal Government has ever frittered away the taxpayers' money. Not many people are familiar with them, but they have cost the taxpayers as much as $1.5 billion in the past 5 years.

Tax and loan accounts are interest-free accounts kept by the Federal Government with commercial banks into which flow billions of dollars worth of social security payroll taxes and corporate income taxes. The primary purpose of the accounts is to prevent disruptions in the money market due to heavy receipts and disbursals by the Federal Government each month. They have performed this useful function ever since they were instituted over 50 years ago.

A secondary purpose of the tax and loan accounts is to compensate banks for certain services they perform for the Government, including maintenance of the tax and loan accounts, cashing Government checks, handling Government securities, and others. Here is where the boondoggle occurs. The value of the balance in the tax and loan accounts far exceeds the value of the services performed by the banks, to the tune of several hundred million dollars a year. Moreover, there is no rational cost accounting system to determine what specific services the Government is getting and how much it is costing the banks to perform such services. Many of the services performed ostensibly for the Government actually benefit the banks and their customers. Indeed, many banks charge their customers for the same services for which they are already being compensated by the interest-free use of tax and loan account balances.

What this means for the average taxpayer in effect is that he is giving the free use of his tax money to the banks which are loaning it back to him at recordbreaking interest rates. At a time when many prospective home buyers cannot even get a bank to give them a mortgage and many small businesses are facing closure because of the money crunch, the tax and loan account policy of the U.S. Treasury is scandalous.

For years, the Treasury has fought efforts in Congress, most notably by the distinguished chairman of the House Banking and Currency Committee (Mr. PATMAN) to change the tax and loan account system. Last Monday, however, the Treasury released a study of the tax and loan accounts which takes a radical new look at the system. The study is based on a questionnaire sent to 600 of the Nation's 13,000 commercial banks holding tax and loan accounts, including 300 of the largest.

The study shows that the total value of the tax and loan accounts to commercial banks in calendar year 1972 exceeded the value of the services they performed for the Government by over $260 million. In other words, the U.S. Treasury gave the banks a $260 million subsidy in calendar year 1972. In that year, the banking industry earned profits of $4.4 billion, an increase of $371 million over 1971.

The Treasury study also shows that the costs reported by banks for the handling of Federal tax deposits in tax and loan accounts ranged from a low of 1½ cents per transaction to a high of $3.10 per transaction. Similar ranges occurred for other bank services. Incredibly enough, as late as 1973, some banks were still reporting the sale of Federal transfer stamps as a service they performed for the Government although these stamps were discontinued in 1965. The study further reported "a lack of any logical relationship between unit costs reported and factors which might have been expected to have a bearing on them."

Based on this study, the Treasury Department has made three recommendations: First, that the unneeded balance in tax and loan accounts be invested in short-term money market instruments, the interest on which would accrue to the Government's account; second, that a minimum balance be kept in tax and loan accounts to compensate banks for only those services directly related to the handling of tax and loan accounts; and third, that banks be paid directly for a limited number of other services which they perform for the Government.

I have some reservations about even maintaining a minimum interest-free balance in the tax and loan accounts to cover the costs incurred by banks in servicing the accounts unless some effective cost accounting measures are implemented. It seems to me more businesslike to pay the banks directly for all of the services they legitimately perform for the Government at a standardized rate based on actual services rendered. However, I am glad that the Treasury has finally taken a step in the right direction toward ending the tax and loan account scandal and am hopeful that its legislative proposals will be submitted to Congress at the earliest possible date so that they may be given immediate consideration.

LEGISLATIVE BRIBERY

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. KETCHUM. Mr. Speaker, during the debate on H.R. 14565, we have been treated to a rare exhibition of what some choose to call compromise, and I choose to call legislative bribery. The International Development Association portion of this bill was resoundingly defeated last January by a vote of 248 to 155 as the Members of our House finally realized just what a giveaway this was. Subsequent to its defeat, we were barraged by an intense lobby effort on the part of Mr. McNamara of the World Bank, and Mr. Simon, Secretary of the Treasury, in an attempt to convince us all of what they felt was a mistake.

In a final gasp, the proponents of this terrible program hit upon a ploy which can only be described as bribery—they attached to the bill what should already be a right of the citizens of the United States: the owning, holding, and selling of gold, something almost everyone in the world can already do except the hard-pressed, harassed American taxpayer.

Now, Mr. Speaker, I am totally in favor of the right to own gold, as are many other Members of the House, but certainly not at this price. Mr. SYMMS of Idaho put it all in perspective with his comment that the price of gold in the Congress today was $1,500 million and he was so right.

Some so-called conservative Members of the House let us know that, in order for the people to own gold, any compromise was agreeable. I wonder, Mr. Speaker, how the cost of the International Development Association can possibly correlate with owning gold.

When one considers the minute percentage of Americans who will be able to afford to buy gold, and then consider that all our over 200 million people will share in the repayment of the $1½ billion IDA fund, one is forced to wonder where equity and fairness lie.

The International Development Association will spend $1½ billion which we do not have, and which we will then add to the already staggering deficit. IDA will loan, interest free for 50 years, money to foreign governments for all sorts of dandy projects, while we at home cannot afford or obtain home loans at under 11 percent, plus points.

When, Mr. Speaker, do we start to think about the folks at home? Voting for a bill to send billions abroad which we do not have to people who will not appreciate us is a disgraceful act which totally ignores the inflationary aspects, and, more importantly, ignores the hopes and desires of a disillusioned American people.

This is far too high a price to pay for the freedom to own gold. Mr. Symms was right: gold sold for $1½ billion in the House, and the people get the shaft again.

THE FOOD RESEARCH AND DEVELOPMENT ACT OF 1974

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. SEIBERLING. Mr. Speaker, the world's food cupboard is quickly becoming bare. Hundreds of millions of people throughout the world are facing malnutrition and starvation. The situation is becoming more and more critical as each day the number of new mouths to be fed increases by 200,000. By the end of the century, there will be 7 billion mouths to feed—twice as many as there are now.

How can we possibly feed twice as many people within the next generation if we do not have enough food to feed the people in the world today?

Recently I introduced a bill which provides a partial answer to that question. My bill, the Food Research and Development Act of 1974, would establish a Government-sponsored program to develop new methods of producing protein and fertilizer and making more efficient use of our existing food resources. In addition, the bill provides for demonstration projects and an education program to encourage market acceptance of the products produced by such methods.

Some progress has already been made in the development of new types of food and fertilizer, abundantly and cheaply, with the use of microorganisms and soybean meat and dairy substitutes. These new agricultural techniques have the potential for meeting all of the world's future food needs. However, it is going to take an effort comparable to the R. & D. effort we launched in response to the energy crisis to put them into practical use. The Food Research and Development Act is designed to be a vehicle for such an effort.

Mr. Speaker, we are living in an age when men have visited the moon and probed the outer reaches of the solar system. That we have not applied our technological know-how toward adequately meeting our most basic need—the need for food—is profoundly disturbing. We are at a stage in the history of mankind when change occurs very rapidly, placing new and sudden demands on our ability to utilize our natural resources to meet our needs. At a time when in one generation we will witness a doubling of the world's population, we cannot afford to be unprepared. We must look ahead, or face catastrophic consequences.

The Food Research and Development Act is obviously only one step toward solving what is a very complex problem. It does not offer a solution to the current food shortage which is threatening the impoverished nations right now and which demands an immediate relief effort by the developed nations. What it does offer is hope that the food needs of the next generation will be met.

I am pleased to reintroduce the Food Research and Development Act today with the following cosponsors: Mr. Badillo, Mr. Bingham, Mr. Brown of California, Mrs. Collins of Illinois, Mr. Drinan, Mr. Edwards of California, Mr. Hechler, Mr. Matsunaga, Mr. Moakley, Mr. Roe, Mr. Stark, Mr. Stokes, Mr. Tiernan, and Mr. Wright.

RECLAMATION PLAN FOR STRIP MINED LAND STIRS DEBATE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. BADILLO. Mr. Speaker, our recent unfortunate experience with the Arab oil embargo has brought a resurgence of interest in the mining of our vast coal reserves in an effort to achieve self-sufficiency in energy. Major problems have arisen over the sudden acceleration of strip mining as the easiest way to extract this suddenly rediscovered resource. One particular difficulty is the lack of information on how to make land reclamation successful in the West where the energy industry is now concentrating its efforts to unearth coal as cheaply as possible.

It appears that we do have a long-term energy problem in this country. However, the short-term crisis has been eased by the flooding of world markets with an excess of several million barrels of crude oil over the demand every day. It is important and prudent that we not be stampeded at this time into further despoliation of land that might never be reclaimable again for any useful purpose if strip mining is allowed to proceed unregulated. There are ample badlands in the United States, east and west, to illustrate the loss forever of a natural resource from over-grazing, over-logging, and over-mining when no thought is given to the consequences for the land.

Mr. Speaker, land is a finite resource. We know how much we have now and will have into perpetuity. We also know that some soils, once depleted, will not regenerate themselves. Consequently, I can see no crisis so imminent at the moment to justify a headlong rush into tearing up the landscape as is the case with the more than 1,000 acres a week from which coal is being taken by surface mining at this time.

An excellent article in the New York Times on July 3 contributes to the dialog with its emphasis on the dearth of knowledge about reclamation techniques. It deserves a careful reading before we vote on pending strip mining legislation, and I include it here in full for the benefit of my colleagues:

Reclamation Plan for Strip Mined Land Stirs Debate

(By James P. Sterba)

Denver.—A crucial debate is under way over whether Western coal lands can be reclaimed after they are strip-mined. At stake are hundreds, perhaps thousands, of square miles of land in this generally arid and fragile region. The key element in the controversy is water.

Coal companies, already implementing plans for massive strip-mining operations, argue that most of the land to be mined receives sufficient annual rainfall to allow restoration to productive use.

Environmentalists argue that successful reclamation is doubtful and that stripped regions could become a vast "national sacrifice area" of barren, useless land incapable of being rehabilitated by either nature or man for decades and possible centuries.

"NOT ONE ACRE" RECLAIMED

Both sides tend to agree, however, that precious little research and experimentation have been conducted on mined Western land to answer key reclamation questions with much certainty.

"We're suffering from a disease that can be terminal if it isn't controlled—it's called lackadata," says Carolyn Alderson, a Birney, Mont., rancher and environmentalist. Like other opponents of strip mining, she is skeptical about reclamation.

"We're not comforted by assurances of reclamation," she says, "when in fact there is not one acre of reclaimed land in the Northern Great Plains which has been returned to agricultural production, much less grazing." Some 12,000 acres in that area have been disturbed by strip mining thus far.

Industry, meanwhile, looks to the future. "We must find a way to take the wreck out of reclamation," says Roger Rice, senior exploration geologist for the Western Energy Company, which has Montana coal mines. "We must find a way to do better than merely restore mine lands, for the creative potential for accomplishing great things reclamation-wise is very real."

Annual rainfall in Western coal areas averages less than 16 inches a year—three or four times less than Appalachia. Thus, reclamation techniques used in the East are largely irrelevant. And research in reclaiming stripped Western land only began in earnest a few years ago.

The coal industry favors going ahead with Western strip-mining while at the same time conducting reclamation experiments. It generally acknowledges that key reclamation questions remain unanswered, but argues that the national quest for energy self-sufficiency requires huge increases in Western coal production in the next several years.

Environmentalists argue that successful reclamation should be proven before coal and utility companies are allowed to proceed on the massive scale they envision. Otherwise, irreparable damage may be done to what is now productive agricultural land. Then, they charge, energy companies would simply abandon their spoils with the rationalization that restoration was impossible.

Laws binding coal companies to certain strip-mined lands are generally weak, although some states are attempting to make them stronger. More than half of the 2.5-million acres of land stripped in the United States thus far remains defaced, and 1,200 more acres are strip-mined each week.

Legislation pending in the House of Representatives would require coal companies to be liable for reclamation of Western lands for 10 years. But critics of that bill contend that 20 or more years of careful attention may be required to restore these lands—if it can be done at all.

The key point of controversy is water: how much is needed to develop not short-term showcase greenery but rather new vegetation that can be sustained in a natural balance over the long term.

A recently published National Academy of Sciences study holds out little hope for reclaiming stripped areas where annual rainfall is less than 10 inches. It says:

TEN-INCH FIGURE DISPUTED

"Rehabilitation of the dryer sites may occur naturally on a time scale that is unacceptable to society," because it may take decades, or even centuries, for natural succession [of vegetation] to reach stable conditions."

Revegetation of Western areas receiving a little more rainfall than that "can possibly be accomplished only with major sustained inputs of water, fertilizer and management," the study said. But it added:

"However, we must emphasize that this belief is not based on long-term, extensive, controlled experiments in shaping and revegetating Western lands that have been surface-mined. Few such studies have been made, and those in progress have only a few years' data to report."

Existing information has come, to a large extent, from reclamation projects on overgrazed Western lands and on road cuts rather than strip mines.

Some scientists sharply dispute drawing the line of reclamation success or failure at 10 inches of annual rainfall, charging that the figure is arbitrary and pro-industry. They argue that it amounts to giving coal companies carte blanche to rip up the Dakotas, Montana and Wyoming, where 45 per cent of the nation's coal reserves lie and where annual rainfall averages a crucial 12 to 16 inches.

"It could be said that Northern plains coal development hinges almost completely on the validity of this essentially unsubstantiated academy state-associate professor of environment," wrote Robert R. Curry, of the department of environmental geology at the University of Montana, in an addendum to the academy's study.

Coal companies have set up reclamation research projects at strip mines in the West, but Dr. Curry says they were too new to be called "demonstrated" techniques by the academy study team.

"It may be significant," Dr. Curry asserted, "that one or more members of the study team had been receiving contracts from energy-development companies to develop 'successful reclamation' techniques."

Instead of such problems as rugged terrain and high acidity, which are common to Eastern strip-mined lands, some of the biggest problems in the West are too little rain and concentrations of salts such as sodium that retard plant growth, according to Dr. Harold L. Barrows, a staff scientist with the United States Agricultural Research Services. The service began research on North Dakota stripped lands four years ago.

Dr. Barrows said that gypsum had long been used to loosen the soil so the salt can be "leached" or dissolved out.

"To be effective however, the sodium must be leached below the root zone," he added. "This is not possible in many sections of the West because of lack of rainfall. If rainfall is below 10 inches annually, the strip mine area cannot be reclaimed. The average rainfall in North Dakota mining areas is from 12 to 16 inches. Thus, it should be possible to revegetate these areas."

PROBLEM "ONLY COVERED UP"

Just adding topsoil, however, is not enough. Grass grew well on experimental plots with two inches of top soil, but, Dr. Barrows said, "it did not eliminate the problem—it only covered it up."

The strip-mining of coal, on a minor scale, has been going on in the West for more than 50 years, but the large-scale movement by coal companies West did not begin until the mid-sixties. As of 1972, some 288-million tons of coal was produced from nine Western states, and some 20,700 acres of land was disturbed, according to the National Academy of Sciences study.

With the Arab oil embargo last year, the rush West became a stampede backed by a commitment by the Nixon Administration to "restore King Coal to his former position," in the words of Royston Hughes, an assistant secretary of the interior.

"Our objective," he said in a recent speech, "is to at least double and possibly triple the production and use of coal by 1985." By that year, according to an Atomic Energy Commission study, 55 per cent of total United States coal production is expected to be strip-mined in the West.

Politicians in the region are divided on the issue.

"I want a guarantee—not merely reasonable assurance—that every acre of land laid open will be reclaimed, and that requires tough strip-mining legislation," says Senator Floyd K. Haskell, a Colorado Democrat. "Hard evidence, not emotionalism, forces me to that conclusion. There is enough unreclaimed strip-mined land in this country to form a mile-wide swath of devastation from New York to Los Angeles."

HOUSING BILL

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. WHALEN. Mr. Speaker, the housing bill just passed by the House was the subject of a July 1 editorial in the Journal Herald, one of the daily newspapers in my district.

The analysis was a very astute one, indeed, and I would like to make it available for the edification of my colleagues. Therefore, Mr. Speaker, I insert it at this point in the RECORD:

HOUSING BILL—HOUSE VERSION PENALIZES CITIES, POOR

The House of Representatives has overwhelmingly approved an Administration-backed housing and community development bill that would replace a number of categorical, largely federally controlled programs with direct block grants to localities. The House did not markedly alter the Administration's bill for fear that it would result in a Presidential veto at a time when the House is likely to be bogged down with impeachment proceedings.

The bill would substantially reduce funds for cities like Dayton that have been most successful in obtaining federal money for urban revitalization and would eliminate several programs designed to provide decent housing for the poor.

Under the formula contained in the House bill, cities will get no less than the average sum they received from six of seven federal programs over the past five years. Unfortunately for cities which recognized and attacked the housing problem early, the Model Cities program is not averaged into the formula once its five year funding period is over.

Over 80 cities, which were either first to obtain Model Cities funding or had their programs expanded recently, stand to lose under the new averaging formula. Nearly 20 of them will receive no money at all for discontinued Model Cities programs. Dayton will be particularly hard-pressed by the revenue sharing proposal, receiving funds that it obtained under the seven federal programs that will be replaced.

If the purpose of revenue sharing is to promote greater local flexibility in the use of federal funds, we see no reason to cut back aid to hard-pressed cities like Dayton. At the least, the bill should make available to such cities adequate transitional funds to ease the cutback until the time when, as the Administration and backers of the House bill claim, revenue sharing levels will approach those obtained under the categorical federal programs. The Senate has passed a housing bill that provides $500 million for the transition while the House bill supplies only $100 million. We hope that in reconciling the House and Senate bills in a conference committee, conferees will adopt the Senate version.

The House bill would also replace subsidies for low-income housing with an expanded rent supplement program. The supplement program has the advantage of directness since it will help pay the actual rents of low-income tenants rather than subsidize the builders of low-income housing. But the program does not, by itself, remedy the problem of an inadequate supply of decent housing in the right places. The Senate version would retain subsidies for low-income homeownership and rental units, and an amendment to the bill would require the government to pursue recovery of mishandled funds, a defect of programs in the past.

Because of the virtual Administration freeze on housing funds and the failure of Congress to pass major housing legislation in the last three years, federal funding for housing and community development programs is long overdue. But we hope that the conferees will not ramrod the House version of the bill through the conference committee. Changes should be made that will make the cutbacks to cities such as Dayton less precipitous and that will assure an adequate supply of decent housing for all Americans.

PENNSYLVANIA'S CATHOLIC WAR VETS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. GAYDOS. Mr. Speaker, the Catholic War Veterans of Pennsylvania, an organization dedicated to preserving the heritage and precepts of the United States, recently held its 34th annual convention in York, Pa. I was privileged to address the traditional Commander's Banquet and to meet the new State CWV leaders, Comdr. William Higgins and Mrs. Rosemary Pankiewicz, president of the State Ladies Auxiliary.

I know all of us in the Congress of the United States are aware of the accomplishments and the objectives of the Catholic War Veterans. The commitment of the CWV, whether as individuals, separate posts, or as a unified organization, is identical to that of the Congress—eternal vigilance for the safety of our Nation and its people.

The Catholic War Veterans never hesitate to single out for public recognition individuals or posts that give unstintingly of time or talent to better the lives of others, particularly their fellow veterans who have honorably served in the defense of our country.

I am pleased, therefore, to insert into the RECORD those honored by the Catholic War Veterans at this year's convention:

LIST OF HONORED MEMBERS

Leonard C. Staisey, Thomas J. Foerster and William R. Hunt, members of the Allegheny County Board of Commissioners, for the establishment of a job bank for veterans.

Judge John G. Brosky of Allegheny County Common Pleas Court and Rev. Francis B. Filip, state CWV chaplain, for long and dedicated service on behalf of all veterans.

Stanley J. Roman Sr., retiring state CWV commander and a close, personal friend of mine, for capable leadership of the state organization during the past year.

St. George Post 1438, Mt. Oliver, Pa., represented by Commander Michael Romaniello, for outstanding service to a children's center.

Mr. Speaker, I extend my personal congratulations to these worthy award winners and I offer my best wishes for continued success in pursuit of their objectives to the officers and members of Pennsylvania's Catholic War Veterans.

ELECTRONIC SURVEILLANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. KOCH. Mr. Speaker, Prof. Herman Schwartz, professor of law at the State University of New York at Buffalo, has written an excellent report entitled "A Report on the Costs and Benefits of Electronic Surveillance, 1972." I would like to append material from this report for the information of our colleagues:

EXCERPTS FROM "A REPORT ON THE COSTS AND BENEFITS OF ELECTRONIC SURVEILLANCE, 1972"

B. COSTS

All of this activity does not come cheap. Although the state figures for the earlier years are not too complete, we can get some notion of the range of costs.

A few general comments are in order, as qualifications to both the analysis and conclusions.

1. The costs for the very extensive national security surveillance are not included. It will be recalled that the number of installations annually is about 100 and that the average national security installations is six to sixteen times as long as the average court-ordered installation. The result in the manpower costs of listening and transcribing are likely to be about 6 to 15 times the cost of the court-order surveillance. Consequently, the cost of the national security surveillance is likely to be somewhere in the range of from 6 to 15 times the manpower costs of the average installation plus other costs. The average cost of a 1969–71 federal installation was about $9,500. Since the non-manpower costs are a relatively small part of the total, a guess at the cost of the 207 1969–70 taps is that each came to 6 to 15 times $9,500 or about $47,000–$142,500 each. This totals about $4.7 to $14.25 million per year for 100+ annual installations so far. This is a very loose estimate, of course, but may be within the range.

2. The figures as given omit the inevitably substantial amount of lawyers' and judges' time in preparing, determining and supervising each application and interception. Regardless of how cursory the Mitchell scrutiny was, it does take time and money to prepare an application, and to submit it to the court. The lawyer and judge man hours for this preparatory work, which is very expensive time indeed, are completely omitted.* The federal costs will be explored first, and then the state costs.

1. FEDERAL COSTS

1969

The costs per offense, both total and average, per device, are as follows:

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*The elaborateness of the procedure—apart from Attorney General authorization—is described in Justice Department affidavits filed in United States v. Ceraso, —— F. 2d ——, nn. 7–8, 72–1355, 11 Cr. L. 2513 (3d Cir. 1972).

	All	Gambling	Drugs	Homicide	Kidnaping	Other
Total	$440,287	$146,431	$247,298		$492	$45,006
Average	14,343	7,447	61,825		492	9,213

It will be noted that the gambling figure is much lower than the drug figure. This difference continues throughout the years.

	All	Gambling	Drugs	Other
1970:				
Total	$2,116,266	$926,588	$1,041,408	$148,270
Average	11,716	7,667	26,035	7,373
1971:				
Total	2,114,216	1,776,481	268,206	69,529
Average	7,524	7,163	12,772	5,794
3-year total	5,670,769	2,849,500	1,556,912	263,595

It is very difficult to explain the difference in costs between gambling and drugs. Telephone calls to a few government officials have produced no enlightenment. It cannot be attributed to lengthier surveillances, for a study of some selected daily manpower costs produces the same results. For example, in a series of federal investigations in California in 1970, the following costs appear:

Order	Offense	Date	Manpower cost	Days used	Average cost per day
4	Narcotics	Jan. 26, 1970	39,200	11	$3,564
6	Transmission of wagering information.	July 28, 1970	6,825	15	455
7	Narcotics	Sept. 3, 1970	72,400	23	3,147
8	do	Sept. 14, 1970	142,000	18	7,888
10	Gambling	Oct. 22, 1970	3,640	14	260
11	do	Oct. 23, 1970	5,655	29	195
In some Federal investigations in Maryland we find:					
62	Gambling	June 22, 1970	14,385	15	959
63	Narcotics	Oct. 16, 1970	67,953	33	2,059
64	Gambling	Nov. 24, 1970	5,813	10	581

Order	Offense	Date	Manpower cost	Days used	Average cost per day
In the Western District of Missouri, we find:					
83	Gambling	Jan. 7, 1970	1,800	10	$180
84	Counterfeiting	Sept. 3, 1970	8,928	10	893
85	Narcotics	Apr. 30, 1970	47,500	20	2,375
In the Eastern District of Pennsylvania, we find:					
151	Gambling	Feb. 3, 1970	1,516	5	303
154	Narcotics	Mar. 31, 1970	9,345	12	779
156	do	Apr. 20, 1970	11,843	15	789
163	Gambling	June 9, 1970	2,722	13	209

All in all, in 1970 the average narcotic investigation cost $1,410 per day of manpower, whereas surveillance for the gambling and other non-narcotic offenses cost but $551 per day. The 1969 figures are not as extreme, but they too show a similar pattern—$661 per day for narcotics and only $485 for gambling and other non-narcotic offenses.

The explanation cannot be in the difference between taps and bugs, since relatively few bugs were used for any offenses—only 8 out of 180.

One possible explanation may be that different agencies are involved—the FBI and the Strike Forces handle gambling investigations, whereas the Bureau of Narcotics and Treasury handle narcotics and counterfeiting respectively. Either the latter are overstated, or the FBI understates. There is no reason to overstate costs, but understatement is very useful to justify electronic surveillance on a cost-benefit analysis.

Another possibility is, of course, that the FBI and Strike Force are more efficient though it is rather difficult to see such sharp differences.

2. STATE SURVEILLANCE

1968

The state figures were quite incomplete—only 120 out of 169 installations reported, or less than 75%. These reported costs, both total and average, are as follows:

	All	Gambling	Drugs	Homicide	Kidnapping	Other
Total	152,860	8,692	37,392	35,592	3,450	67,734
Averages	1,260	579	1,039	2,738	3,450	1,274

If these averages are approximately correct, then the total for all 169 is about $200,000.

	All	Gambling	Drugs	Homicide	Kidnaping	Other
Per installation, 1969:						
Total	402,787	85,935	98,802	68,962	3,450	145,638
Average	1,806	1,303	1,453	4,060	3,450	2,051

Extrapolating the average of $1806 to all 260 installations, produces an estimated cost of $470,000.

	All	Gambling	Drugs	Homicide	Kidnaping	Other
Per installation, 1970:[1]						
Total	937,998	305,691	296,394	94,700		317,813
Average	2,288	1,500	3,529	4,735		3,345

[1] 17 installations did not report.

Extrapolating the overall average of $2288 to all 410 installations, produces an estimated cost of $938,000.

	All	Gambling	Drugs	Homicide	Kidnaping	Other
1971:[1]						
Total	1,455,391	532,806	502,888	39,969	1,140	378,588
Average	2,940	1,752	4,835	2,222	1,140	4,507

[1] 16 installations did not report.

Extrapolating the overall average of $2940 to all 511 installations, produces an estimated cost of $1,502,340.

The rather wild fluctuations in average cost per installation among the different offenses are hard to explain. As with the federal figures, it is hard to relate this to differences in length of installation, for it is the daily manpower costs that fluctuate so much. For example, of 11 taps installed in Essex County, New Jersey in 1970, 4 of the bookmaking installations produced the following costs:

Order: Bookmaking; total cost, $334; days used, 2; average daily cost $167.

Similar peculiarities appear in reports from other States, as some examples from Bronx County, New York, Fulton County, Georgia, and Baltimore, Maryland show, to take but three examples:

Order	Offense	Total cost	Days used	Average daily cost
Bronx County, N.Y.:				
1	Narcotics	$9,635	51	$188
2	do	5,060	15	337
6	do	3,390	25	136
12	do	3,105	15	207
Fulton County, Ga.:				
1	Bribery	575	1	575
3	Bribery, burglary	2,100	20	105
4	do	$1,300	10	$130
8	Gambling	600	10	60
9	do	1,000	3	333
Baltimore, Md.:				
1	Bribery, conspiracy	86	[1] 30	86
2	do	86	[1] 33	86
3	do	135	[1] 3	135
6	Arson	521	[1] 41	521

[1] Minutes.

It thus appears clear that the state cost figures are dubious, to say the least.

SUMMARY OF COSTS

	Federal		State		
	Total	Average	Total	Average	Total
1968			[1] $200,000	$1,260	$200,000
1969	$440,287	$14,343	[2] 470,000	1,806	910,287
1970	2,116,226	11,716	[2] 938,000	2,788	3,054,226
1971	$2,114,216	$7,524	[2] $1,502,34	$2,950	$3,616,556
Total	4,670,769	9,513	[2] 3,110,340		7,781,069

[1] Extrapolated from costs actually reported.

[2] These are somewhat incompletely reported, so the figures reported are extrapolations.

TOTAL AND AVERAGE COSTS PER INSTALLATION, BY OFFENSE

	Gambling		Drugs		Kidnaping		Other		
	Total	Average	Total	Average	Total	Average	Total	Average	Total
Federal:									
1969	$146,431	$7,447	$247,298	$61,825	$492	$492	$46,066	$9,213	
1970	926,588	7,667	1,041,408	26,035			148,270	7,373	
1971	1,776,481	7,163	268,206	12,772			69,529	5,794	
Total	2,849,500		1,556,912		492		263,865		4,670,769

	Gambling		Drugs		Homicide		Kidnaping		Other		
	Total	Average	Total	Average	Total	Average	Total	Average	Total	Average	Total
State:											
1968	$8,692	$579	$37,392	$1,039	$35,592	$2,738	$3,450	$3,450	$67,734	$1,274	
1969	85,935	1,303	98,802	1,453	68,962	4,060	3,450	3,450	145,638	2,051	
1970	305,691	1,500	296,394	3,529	94,700	4,735			317,813	3,345	
1971	532,806	1,752	502,888	4,835	39,969	2,222	1,140	1,140	378,588	4,507	
Total	933,124		735,476		239,223		8,040		909,773		$2,815,636

HONORS FOR MEMORY OF SENATOR GRUENING

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. STOKES. Mr. Speaker, I rise in honor of the memory of a distinguished and courageous colleague, Senator Ernest H. Gruening. To all who knew him, this man of integrity was an admirable model of the principled public servant.

His passing is a great loss to all of us and to the Nation. His courage in speaking up on behalf of what he believed in showed his dedication and his unwillingness to put aside his principles to meet a temporary, popular mood when he was convinced that it was misguided. A few of his stands for unpopular causes may be remembered longer than others, but to those of us who were honored to view his activities most closely, the most significant thing was the consistency of his principles and his constant willingness to champion an unpopular cause when he felt it was right.

I know I speak on behalf of all of my colleagues when I give thanks for his having served with us in the U.S. Congress, and for having been an example for all of us.

DEATH OF MRS. CHARLES WILSON

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. CORMAN. Mr. Speaker, I would like to offer my deepest sympathy to my colleague, Congressman CHARLES H. WILSON of California on the recent loss of his wife, Betty. I know that she will be sorely missed by her husband and four sons. She has been a tremendous asset to her husband over his long and distinguished career. Friends in California as well as those here in Washington will remember her well for her public-spiritedness and interest in a wide variety of community activities. She served with many school-related organizations and in 1972 was elected president of the California Congressional Wives Club. Patti joins me in offering most sincere condolences to CHARLES WILSON at this sad time.

GILMAN SEEKS REMOVAL OF AGE DISCRIMINATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. GILMAN. Mr. Speaker, today I am introducing legislation amending the Age Discrimination in Employment Act of 1967 to remove the 65-year age limitation.

This measure is designed to prevent

employers from forcing many of our mentally and physically capable older Americans into retirement.

I have been receiving an increasing number of complaints from able-bodied senior citizens who have been arbitrarily excluded from the labor market. The eroding effects of inflation have widened the gap between retirement and employment income creating near poverty conditions for mililons of older Americans. The limited prospects for adding to one's retirement income makes retirement status unattractive and often unacceptable. Mandatory retirement policies should be abolished. An individual's right to work should not depend upon any arbitrary, unreasonable age criteria.

Accordingly, Mr. Speaker, I urge my colleagues to support this proposal which will extend coverage of the Age Discrimination in Employment Act of 1967 to all older workers, not just those between ages 40 and 64.

HEARINGS ON PROPRIETARY VOCATIONAL SCHOOLS

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. HICKS. Mr. Speaker, for the past several months, the Special Studies Subcommittee of the House Committee on Government Operations has been looking into the Federal dollars going to proprietary vocational schools. These schools offer students a chance to learn a trade in a relatively short period of time and have helped many Americans improve themselves. At the same time, other students have been defrauded by schools which promised jobs or instruction that they could not deliver or schools that went out of business after collecting lump-sum tuition payments from students. The availability of federally insured loans and veterans payments has contributed heavily to the growth of these schools. Unfortunately, it has also led to an increasing waste of Federal money as veterans do not get what they pay for and as borrowers of Federal insured student loans refuse to pay them back.

The seriousness of this problem has been emphasized in recent stories and accounts of misdoings in the proprietary vocational field. Articles have appeared in the Reader's Digest, the Boston Globe, and the Washington Post. Locally, WTTG carried a series of television features about these schools. The Federal Government is instrumental in the growth of this industry because many students are financed by Federal loans or veterans payments.

Some students have relied on Federal eligibility as a stamp of approval only to be shocked to discover that the school has closed and left them stranded with a debt they must pay. The tactic of misleading students in order to recruit them has been particularly noticeable in the proprietary school area, but as the colleges need to recruit to fill their seats, we are beginning to see instances of equally questionable behavior.

On the basis of the staff investigation to date, the Special Studies Subcommittee has decided to hold hearings on the proprietary school area and the Government spending that supports it. These hearings will begin on Tuesday, July 16, at 9:30 a.m. in room 2247 of the Rayburn House Office Building. They will examine ways in which the Federal Government can reduce the waste occurring when loans or veterans payments support students who get nothing from the training. How can we take action against those schools which do not give the student full value for his dollar, so that all students will benefit? Proprietary vocational schools offer for many Americans a relatively quick way to improve themselves, and it is unfair that the schools which prey on students should be allowed to tarnish the reputation of the entire industry.

I am sure that other Members share our concern with this problem. The subcommittee would be happy to receive information about problems that may exist or cases where sound regulations or corrective action have reduced or eliminated student exploitation.

RETIREMENT OF THE HONORABLE LEWIS DESCHLER AS PARLIAMENTARIAN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. ROONEY of New York. Mr. Speaker, the recent announcement of the retirement of my friend, the Honorable Lewis Deschler as Parliamentarian of this House of Representatives is a great disappointment to me as I am sure that it is to all the Members of this most august body.

In the long and illustrious history of the Republic and of this House of Representatives, few men, if any, have served either as long or as well as Lew Deschler. What an extraordinary accomplishment it is to have served one's country for half a century and for 46 of those years as one of the most influential men in Government.

It is the mark of the greatness of Lew Deschler that during his long career he shunned completely the publicity and the spotlight that could have so easily been his and chose instead the quiet course that made him one of the most respected and trusted men in Government.

Lew was already a respected veteran of 20 years' service to the House when I arrived here over 30 years ago as a freshman Congressman. I was most impressed with the affection and esteem with which Lew was held by all the Members on both sides of the aisle. His counsel and advice were much sought after and valued by all of us.

Mr. Speaker, I deeply treasure the friendship of Lew Deschler, which goes back a long time. We celebrated VJ-Day in San Francisco on August 14, 1945. We have traveled in many of the countries of Europe. As the years passed, I came to respect and admire him more and more.

Mr. Speaker, I am very pleased to learn that Lew will continue to work on his authoritative work "The Deschler Precedents" which will certainly be the most complete and outstanding work to be compiled in our time dealing with the various parliamentary precedents of the House of Representatives specifically and parliamentary law in general.

Lew, now that you are retired, Katie joins me in wishing you and your lovely wife Virginia a very enjoyable and rewarding retirement and we extend our very best wishes to you, Virginia, and your family for many, many years of happiness and good health.

JOSEPH A. BEIRNE

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. PERKINS. Mr. Speaker, a few days ago, one of the most progressive labor leaders in the country, Joseph A. Beirne, announced that he was not going to run for reelection as president of the Communications Workers of America, after serving in that office since 1943. Many of us on both sides of the aisle have had the opportunity to correspond and speak with President Beirne, and we know his significant achievements. But there is a special aspect to Joe Beirne that I want to remind the House of—he recognized a long time ago that this is a pluralistic country, made up of different people with some common values and objectives, so he always guided his union in directions that built on our common values and beliefs, and enhanced them. Joe Beirne's efforts have made the fabric that binds America together stronger.

Not many of us may know that it was his idea which developed into the American Institute For Free Labor Development, a combined labor-management-government project designed to build strong, democratic labor unions in Latin America and the Caribbean area.

He saw the coming of automation and other technology, and welcomed it, rather than fought it, but he sought to make the best use of it for everyone, which includes the public, as well as the industry and the workers.

He constantly sought to improve the collective bargaining process so that difficulties and differences could be settled without unnecessary uproar, again to the benefit of the public as well as the workers.

President Beirne built a great corps of leadership for CWA, which includes its secretary-treasurer, Glen E. Watts, and its executive vice presidents, George Gill, G. C. Cramer, and Louis Knecht, and many of us know them because they have testified before numerous committees, on various issues. Many of us also know

President Beirne's assistant, George Miller, who directs the CWA legislative function and contributes a strong effort to the progress of legislation beneficial to all of the people of the country.

Mr. Speaker, although President Beirne will be relinquishing his office, I hope that this organization will continue to have his advice and counsel for a long, long time. I know that it will remain a progressive force, ably lead, and doing good for its members and for all working people.

NUCLEAR REACTORS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Ms. ABZUG. Mr. Speaker, my office in recent days has received a flood of mail from constituents and citizens all across the Nation who are appalled and astonished by President Nixon's recent offer of nuclear reactors to both Israel and Egypt.

It is an act of pure madness to inject nuclear capability into an area like the Mideast. But more importantly, the Congress and the American people were not consulted about the nuclear deal. We cannot allow the President to continue to hand out nuclear reactors as if they were party favors.

Mr. Speaker, the statement by the Central Conference of American Rabbis typifies the shock and astonishment with which citizens have been reacting with to the President's nuclear deal. I would like to commend this to the attention of my colleagues:

STATEMENT BY CENTRAL CONFERENCE OF AMERICAN RABBIS

We are appalled and alarmed at President Nixon's atomic give-away proposition for Egypt.

Neither the mood, the spirit nor the mentality of the Egyptian State can assure anyone of its peaceful intentions. Egypt started the Yom Kippur War and provoked the wars of 1967 and 1956.

The SCUD missile capability given to Egypt by the Soviet Union assures a delivery system for atomic warheads to strike anywhere in Israel. Supervision or guarantees by our own United States government or any international commission that such atomic materials will not be put to war-like possibilities have proven to be totally and completely tenuous in the past.

Our American government had pledged Israel passage through the Suez Canal in return for withdrawal from Suez in 1956, and this pledge was not kept. The Soviet Union's vast advisory, military and technological force was capriciously expelled from Egypt in 1970. Nothing that our government could do is more inflammatory than presenting Egypt with this potential for atomic carnage.

With the Palestinian terrorists waiting to utilize these as small arms, and with this atomic gift closing the scientific and technological gap between Egypt and Israel, it creates a new imbalance in the situation. Egypt has no shortage of energy sources in view of its recent oil strikes and the vast hydroelectric potentials of the Aswan Dam which have not yet been fully exploited.

We support the majority of Congress and the American people who see this as folly and a great danger to world peace. We urge every effort to turn back this uneven proposition.

WITNESS TO THE TRUTH

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. HANNA. Mr. Speaker, I wish to bring to the attention of my colleagues a compelling and fascinating new book by Mr. Nathan Shapell entitled "Witness To the Truth." Nathan Shapell today is chairman of Shapell Industries, a California-based homebuilding company. Thirty years ago, however, he was in war-torn Europe, a young man lucky to be alive. His book tells of his experiences in postwar Europe.

Mr Shapell survived such horrors as Auschwitz and two other Nazi concentration camps, the Russian takeover of Poland, and later transfer to Russian-occupied Germany. At age 23, he organized a group of survivors, including what was left of his family, from various displaced persons camps, and led them into the American zone of occupation. With the assistance of U.S. military officials in Munchberg, Germany, Shapell devoted the next 5 years to providing homes and other essentials to fellow Jews and others left homeless by the Nazi holocaust.

Only after almost everyone else in the community had left for new homes in Israel, the United States, and other friendly countries, did the Shapell family leave Germany for the United States. That was in 1951. Today, his firm is one of the largest in the homebuilding industry, doing more than $100 million worth of business last year.

All proceeds from his book will be used to set up a Witness to the Truth Children's Foundation. The Foundation will give aid to children in need all over the world, regardless of race, color, or creed, in the hope of furthering brotherhood and understanding. Mr. Shapell has said he felt impelled to produce the book as partial payment for what he considers to be a debt to the United States. He hopes it will serve as a reminder of American humanity and generosity. "The foundation of the United States is good. It is based on sound human principles, and there is no need to feel there is no hope for the country," Shapell said.

"Witness to the Truth" is also a tribute to a man who has not only survived indescribable horrors, but has risen above them by his own hard work, hope and determination, Nathan Shapell.

Finally, it is a tribute to the United States. The book is living testimony of a moving quality to the disparate philosophies of the East and West. The impact upon human dignity, human aspirations and human opportunities in the framework of a closed, oppressive and authorization regime as against an open, free competitive and democratic regime is starkly contracted.

SLOVAK INVENTOR OF THE PARACHUTE

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. MINSHALL of Ohio. Mr. Speaker, each day we encounter new ways in which our fellow countrymen of Slovak ancestry have contributed to our country. Yesterday on the "Slovak Hour" on station WERE in Cleveland, Father Andrew Pier reminded us of Stefan Banic, a Slovak coal miner, who invented the parachute. I would like to share with my colleagues the excellent remarks of Father Pier, who is the director of the Slovak Institute in Cleveland and also a teacher at one of our outstanding high schools, Benedictine High School:

SLOVAK INVENTOR OF THE PARACHUTE

On June 3, 1914, Stefan Banic, Slovak coal miner and mason in the town of Greenville, Pa. (across the eastern Ohio border), submitted his request for a patent for his invention of a parachute, and on August 25th of the same year he obtained his patent (No. 1,108,484) from the U.S. Patent Office in Washington, D.C. His patent rights covered the U.S. for 17 years, but soon afterwards he surrendered his personal rights (for a nominal sum) to the U.S. Air Force of the U.S. Army.

A native of Smolenicka, N. Ves (formerly Nestich), Slovakia (Czechoslovakia), where he was born on Nov. 23, 1870, he graduated from the local elementary school and went to work on the feudal estate of Count Palfy. Soon his native genius as a mason won him the privilege of restoring the Smolenicky Castle. . . . The chimneys are his design and the workmanship is exquisite.

As a boy he was fascinated with the flight of birds and he experimented with a glider made of cloth. Although he planned to use it to glide to earth from the walls of the local castle, his dream remained unfilled. In 1907 he went to America.

After working in various places in New York and Pennsylvania he settled in Greenville, Pa. He was employed at a coal mine there and in his spare time worked on the idea of perfecting his parachute. He was convinced his idea was practical in view of the recent invention of the airplane.

Finally, in 1914 he made a trip to Washington, D.C., to secure a patent for his invention. Completely confident of success, he demonstrated its practicality by making several jumps from a 15-story building in the nation's capital. That convinced everyone and soon he had his patent registered in his name.

Banic returned to his native homeland in 1920 and resumed his trade as a mason. He continued to work in his native village of Nestich until his death on Jan. 2, 1941.

On August 25, 1974, it will be precisely 60 years ago that Stefan Banic obtained a patent for his parachute from the U.S. Patent Office in Washington, D.C. His timely invention, acquired by the U.S. Army at the outbreak of World War I, saved hundreds of airmen at home while training and on the western front during the first World War.

At the moment there is a campaign to commemorate this anniversary by the issue of a special commemorative postal stamp to honor the memory of a man whose inventive genius has been instrumental in saving thousands of lives in war and peace. Stefan Banic fully deserves this honor.

In view of the great contribution to our air force by an unhonored genius it would certainly be appropriate that the U.S. military command would arrange a suitable commemoration of the anniversary of an event that resulted in rendering inestimable service to our country and to all mankind.

I am happy to announce that our Congressman William Minshall from Ohio recently requested the U.S. Postal Department to consider the issuance of a commemorative stamp on the occasion of the 60th anniversary of the invention of the parachute by a Slovak immigrant coal-miner, Stefan Banic, in Greenville, Pennsylvania . . . a mile or two across the eastern border of the state of Ohio where the Wright Brothers invented the airplane to which a great safety feature was destined to be added a decade later by an American immigrant from Slovakia.

MR. DAN MUNDY

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mrs. BURKE of California. Mr. Speaker, I wish to take a moment to call attention to a distinguished Los Angeles labor leader who has recently accepted a position in our Nation's Capitol as legislative director of the AFL–CIO Building and Construction Trades Department.

He is Mr. Dan Mundy, who brings to his new assignment a long and dedicated career in the organized labor movement.

Mr. Mundy's career began when he joined Local 230 of the Plumbers and Pipefitters Union in San Diego as an apprentice in 1941. Following a 4-year tour of duty with the U.S. Navy in the South Pacific, he returned to southern California and joined Local 289 in Pasadena, where he turned out as a journeyman plumber.

In 1947, Mundy joined Local 78, Los Angeles, where he became recording secretary, and later business agent and assistant business manager. In 1965, Mr. Mundy became business representative with the Los Angeles County Building Trades Council and, in 1969, he took on his assignment as associate director of the Committee on Political Education—COPE.

He has served as a vice-president of the Los Angeles County Federation of Labor for the past 8 years, and was also president of the board of publishers of the Los Angeles Citizen, the County Federation of Labor's official newspaper.

Mr. Mundy, a graduate of Mark Keppel High School in Alhambra, Calif., has attended the UCLA labor studies program and has long been active in political affairs in Los Angeles County. He has been a member of the Los Angeles County Democratic Central Committee and the State Democratic Central Committee.

Mr. Mundy is married and has two grown children.

I am happy to join with hundreds of Mr. Mundy's friends and associates both in and out of the labor movement in wishing him success in his new endeavor.

It is a pleasure to welcome him to Washington.

MINORITIES BEING CRUSHED BY STAGFLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RANGEL. Mr. Speaker, the disastrous combination of inflation and stagnation in the American economy is currently affecting individuals throughout the country. Those who are hardest hit are those who are least equipped to weather economic buffeting. The poor and minorities, down and out and struggling to earn a living wage, trying to succeed in this society, have suffered a serious setback at the hands of inflated prices and slowed production.

Aspiring minority businessmen, deprived of Federal funds and a competitive position with regard to obtaining contracts, may well be destroyed by the disease of stagflation, which the administration seems unable to diagnose or cure. I place in today's Record for the attention of my colleagues an article from the New York Times of June 17, which describes one aspect of the impact of the current economic situation on minorities:

Construction Lag Hurts Minority Builders

(By Reginald Stuart)

Minority construction companies, traditionally restricted to small jobs valued at $100,000 or less, began to realize an upward trend in their business during 1972 and 1973. The strong minority opportunity programs adopted by several public agencies here and community group pressure on established builders were beginning to have an impact.

But the continuous downward trend in the construction market over-all, especially the freeze on Federal housing funds, has virtually wiped out the economic prosperity most of these companies had just begun to taste.

The spurt in business for minority contractors in New York City was primarily attributable to the New York State Urban Development Corporation, which has what has been recognized as the strongest minority opportunity program for contractors of all agencies, public or private.

POLICY IS BYPASSED

The U.D.C. can negotiate contracts, bypassing the policy of most public agencies that the lowest bidder must get the job. This has resulted in minority builders in New York City receiving more than $123-million in contracts since 1971 exclusively or through joint venture prospects with larger white contractors.

During the last 14 months minority contractors have won more than $3-million in contracts from the New York State Dormitory Authority.

Despite their gains, most black construction companies are still small and not strong enough to absorb a downturn in business.

"Once you go beyond the first five or six companies among the minority builders, the rest are hurt." said Bill King, a partner in the Hannibal Construction Company, one of the city's estimated 250 minority construction companies.

"There are a lot more contracts valued at a million dollars or more which we have won, but there are a lot more builders with $2,000 contracts too," said Lloyd Mayo, president of the Hannibal Demolition Company, a sister company. "Business is worse than it was five years ago."

Mr. Mayo acknowledged that new money had been produced through the work of such agencies as the Urban Development Corporation, but pointed out that at the same time the money from Model Cities programs and from other Federal housing programs had been lost.

The inability of minority contractors to get major construction contracts during prosperous periods is related to several factors. The main one is that they have not been able to get experience in major construction due to racial discrimination within the industry and the lack of aggressive efforts to eliminate it. With the market down, the problems of minority contractors intensify.

Eric Castro, president of Rhodes-Bencroft, which is one of the city's few minority general contractors, built his company up from a consulting service. In a recent interview he said, "The restrictive practices of the industry are more generally imposed on minority contractors than others."

ACCESSIBILITY LIMITED

"It is more difficult for minorities to get a bond and to get financing. His accessibility to markets where construction contracts are awarded is also limited," he added. "All combined make it more difficult for minority contractors to penetrate the industry and stay in business."

Mr. Castro's company which did less than a million dollars worth of business last year, is one of the larger minority contractors. The F. W. Eversley Construction Company also in New York is the nation's largest minority construction company. It had contracts valued at $41-million last year. The Brown and Root Construction Company of Houston, the nation's largest construction company, had contracts totaling $4-billion.

During the last five years there have been agencies set up to assist minority builders in the critical areas of cost estimating, bid preparation and execution, bookkeeping, finances and bonding. The results of these services, combined with the programs adopted by some agencies directed toward utilizing minority builders, caused the business spurt. The technical assistance agencies are still around, but the needed work, in many cases, is not.

"Business is booming on a selective basis," said Woodie G. Williams, an assistant vice president at the Morgan Guaranty Trust Company. Mr. Williams has worked with minority builders in getting bank financing for their job. "Things are better because white contractors are forced not to use blacks not only as workers but as partners," he added. "At the same time however, a lot of minority builders are out of business because of the diminishing small, private work and drops in public work."

The minority builder's share of the construction market, is estimated to be 1 per cent of the total, which presently exceeds $100-billion. It has been called the "drop in the bucket." And one smaller builder said "Now we're losing our drop in the bucket."

BILL BROWN, NEW PARLIAMENTARIAN

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIV

Tuesday, July 9, 1974

Mr. BEVILL. Mr. Speaker, I would like to take this opportunity to join with my colleagues in congratulating and welcoming Mr. Bill Brown as Parliamentarian.

I have known and worked closely with Bill for a number of years now and in my judgment he is one of the most able and most qualified individuals in Government service today.

Bill Brown's education and experience on the Parliamentarian staff makes him imminently qualified for this high position.

The U.S. House of Representatives is indeed fortunate to have the services of this outstanding young man. I know Bill will serve with distinction and I salute his past accomplishments and wish him the very best in his new duties as House Parliamentarian.

FRANKFORD HIGH SCHOOL SETS COMMUNITY PACE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. EILBERG. Mr. Speaker, when we look back on our youth there always seems to be one or two adults who made a profound impression on us and who helped to mold us into what we are today. Very often these individuals are teachers whom we remember fondly and with great respect.

This year, in my district in northeast Philadelphia, James A. Killough, principal of Frankford High School, retired after spending 31 years at the school. He is the type of individual I have just described. He was a strong guiding hand for thousands of young people and his spirit and energy will be missed by the students, faculty, and community he served so well.

At this time, I enter into the RECORD an article about Mr. Killough, which appeared in the Philadelphia Inquirer:

FRANKFORD HIGH SCHOOL SETS COMMUNITY PACE

(By Robert Fowler)

Frankford High School, located in the middle of a quiet, tree-shaded residential area at the base of Northeast Philadelphia, has become the center of intense pride over the 64 years it has served the surrounding neighborhoods.

While spray-painted graffiti have become the most visible means of student expression at most city high schools, Frankford's walls remain unstained.

It is a school intensely aware of its history and traditions. Its long halls, freshly painted a bright yellow, are lined with cabinets that bulge with trophies accumulated by its winning teams, from its cricket team back in the days before World War I, to its powerful football teams of today.

Frankford's 4,000-member alumni association recently published a 60-year-history of the school, from 1910 to 1970, whose 228 pages ooze nostalgia through snapshots of graduating seniors, sports heroes, coeds in convertibles, and overseas band tours.

And June 18, when members of the school's 108th graduating class don their tassled academic caps and gowns at the school's Memorial Stadium, an epoch in the school's history will close—James A. Killough is retiring after 14 years as principal and 17 years as a history teacher at Frankford.

Students and teachers at the school poured out a remarkable amount of praise for Killough in interviews. "He's like the spirit of the school," said Tom Annuzio, a senior. "Unless they get a really dynamic person to take his place, the school will have to suffer."

ABILITY TO LAUGH

Other students and teachers happily recalled Killough's ability to laugh with others and at himself. He poked fun at his own baldness, his short stature, and the fact that he has a Medicare card and can ride free on SEPTA buses.

Killough usually had a role in the spring play. This year, for example, he portrayed the Fairy Godfather in Cinderella Drofknarf, a production that borrowed freely from the plot lines of both Cinderella and The Godfather. (Drofknarf, for the uninitiated, is Frankford spelled backwards.) Killough was boosted onto his enormous throne by two attendants, and held a scepter bigger than he was.

But his performance this year failed to eclipse his performance of several years ago when he emerged on stage from an enormous commode to apprehend student smokers on stage in a boys' room scene. (Killough has rigidly enforced a no-smoking ban in the school. "I always thought it was hypocritical to teach kids that smoking is bad in hygiene class and then let them smoke."

Killough's success has also been predicated on discipline, tempered by fairness. Annuzio, for example, at 16, had become a chronic truant, and then dropped out. Nearly two years later he decided he wanted to come back, and asked Killough for a second chance. The decision was discretionary. Killough took him back, and now 20, Annuzio is graduating this year.

HE'S DEMANDING

Annuzio says of Killough, "He's demanding of you, but if you're sincere he'll go a long way for you."

Repeatedly, people at Frankford associated Killough with the favorable atmosphere they enjoy at Frankford.

English teacher Harry Gutelius graduated from Frankford in 1963. He has been teaching at the school for the past seven years. "This is a tremendous school. I camped out down at the Board of Education, begging them to let me teach here," the mustachioed teacher began.

"This is an unusual school. We begin our pep rallies with the National Anthem," Gutelius said. "Now, how many schools do that?"

Then he spoke about Killough. "The principal is a super person. He's the main reason the school has stayed the way it has. He's a great combination of a disciplinarian who has great rapport with the kids."

AMICABLE SPIRIT

Elsie Kuhn, now a motivation counselor at another high school, but who was at Frankford until this year, contrasted her present and past assignments. At Frankford, she says, "everyone is so nice and friendly, everyone speaks."

Many of those at the school saw Killough's administration as a continuation of the basic characteristics of the school that have marked almost its entire history. Many events seemed to directly connect Killough's era with past Frankford history.

The 60-year history tells, for instance, how in 1926 the students raised $12,000 to buy the magnificent, 1,608-pipe organ in the school's auditorium.

In 1962, the students raised $13,000 to have it rebuilt.

There are other signs that the more things change, the more they stay the same. Al Angelo, the football coach, shattered all precedents when he abandoned the single-wing formation in 1965.

But when Angelo's son, Skip, quarterbacked the team last year, it evoked memories of the late 1940s when the coach himself had played for Frankford.

"The spirit's the same," says Angelo. "Nothing's changed. They (still) sing the fight song and pack the place on Saturday mornings."

POPULATION CONSTANT

The make-up of the school's student population has remained more or less constant—and mixed—after its early years when the area around it was semi-rural, and it functioned as an annex for academically prestigious Central High School. Today, fewer than half of its students go on to college.

Killough recalls, "When I first came here in 1934 there were students from very wealthy families, working class families, and poor families. We always had black kids from East Frankford, (and) they're good kids."

The president of this year's senior class, Garry Simmons, is a black student. He is from Olney, and is one of many students from other sections of the city who apply to attend Frankford each year under the city's open enrollment program. (So many applications are received that Frankford has a waiting list.)

Simmons says, "If there is any racial prejudice here, it's minimal. There's certainly no tension. I'm glad I came."

"I'm not leaving because I'm unhappy here," says Killough, 65, who lives with his wife, Helen, in Holland, Bucks County. "I think Frankford has changed least of any school in the city, and I'd put our top kids up against anyone's."

WEST GERMAN SOCCER TEAM WINS WORLD CUP

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RINALDO. Mr. Speaker, although soccer is not one of the most popular sports in the United States, it seems clear that it is far and away the game with the widest appeal throughout the world. It has been estimated that more than 800 million persons watched, in person and on television, while the underdog West Germans defeated the Netherlands on Sunday to win the 14th competition for the World Cup.

I believe the West German team, which refused to buckle under the pressure of an early goal by the Netherlands, deserves great credit for the excellent defensive skills they demonstrated throughout the grueling 90-minute contest.

The triumph by the West Germans truly makes them world champions, in a sense that our baseball, football, and basketball titlists cannot really match. For while our World Series is played by the two finalists who have survived the competition from 22 other American and National League teams, the World Soccer Cup winner was one of 144 teams from nations throughout the world.

The West Germans, who finished third in Mexico City 4 years ago and were runners-up in England in 1966, have won a hard-earned and well-deserved championship. Their players have proved their mettle in the crucible of demanding competition against the best the rest of the world has to offer in the way of soccer teams.

I personally would be pleased if the United States could field a team to carry our banner in World Soccer Cup competition. For now, however, we must defer to the West Germans, who are truly worthy champions of the world.

VIETNAM VETERANS DEMONSTRATE IN WASHINGTON

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. KASTENMEIER. Mr. Speaker, this past week the Vietnam Veterans Against the War-Winter Soldier Organization was in Washington to call attention to certain concerns of theirs. The organization, which has expanded to include nonveteran members, demonstrated in support of a number of demands growing out of the war in Indochina and continued U.S. presence there.

Since the Gulf of Tonkin resolution in August of 1964, 6.7 million men and women have spent time in the military; nearly 3 million of those in Indochina. Now that these men and women are back in civilian life, they are finding that this administration has little more regard for them than it had for the people of Indochina. Inadequate educational opportunities, poor medical benefits, less-than-honorable discharges and a lack of jobs are some of the problems facing the veterans today.

The GI bill educational allowances have always been a great help to the returning veteran in securing the skills needed to get a good paying job. The Veterans' Administration gave single veterans from World War II $75 per month in living allowances and paid up to $500 in tuition and fees. That amount covered the costs of 89 percent of the private schools in the country at that time. Today, the single veteran gets a set sum of $220 per month to cover living expenses and tuition.

Tuition at Harvard in 1948, for example, was $525 for the academic year, just $25 over the GI bill allowance. Today, the tuition at Harvard is $3,200, which is $1,220 over the allowance. Even at State schools the average cost is $1,765. This leaves the veteran with a total of $215 to feed and house himself or herself for 9 months.

The Veterans' Administration runs the largest health care program in the country, with 170 hospitals and a medical budget of more than $3 billion a year. The VVAW-WSO has charged that while the VA has some model hospitals, most of them are understaffed and indifferent to the needs of patients. A recent Ralph Nader report concluded that the VA was "utterly incapable" of dealing with the Vietnam-era veteran because the VA is primarily geared toward providing care for the older chonically ill men.

The VVAW-WSO also denounces the VA for its inability to deal with the problems of Vietnam-era veterans, problems such as drug addiction and the psychological problems which come from fighting in an unpopular war. These problems are not considered "service-connected disabilities" according to the VA and therefore do not qualify the veteran for treatment. The Congress has a responsibility to look into these allegations.

The Veterans' Administration manages the largest hospital system in the country and its almost 100,00 beds are an indication of what it can do. There is a ratio of 153 employees to 100 patients in VA hospitals nationally. By comparison, community hospitals average 292 employees to 100 patients and university hospitals have between 350 to 400 employees for 100 patients.

The discharge system presently used has become a major problem to many veterans today. There are five classifications of discharges: honorable, general, undesirable, bad conduct, and dishonorable. The first three are given administratviely; there is no trial or hearing. The last two require a court martial. The use of discharges other than honorable compound the problems already facing the veterans. A less-than-honorable discharge can brand a veteran for life, severely limiting job opportunities and Government benefits.

The veterans also voiced a strong concern, which I share, regarding our continued prolongation of the Vietnam war by proxy. During the past year, the United States has provided more than $1 billion in aid to the corrupt governments of South Vietnamese President Thieu and Lon Nol of Cambodia.

The war in Indochina tore this country apart for 10 years and these veterans show that we have yet to heal all of the wounds caused by that war.

The Vietnam Veterans Against the War-Winter Soldier Organization is an important organization and I feel that it is the responsibility of all Members of Congress to listen to these people and to try to understand their dissatisfaction. I welcome their efforts in the Nation's Capitol.

CHATTANOOGA JAYCEES

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. BAKER. Mr. Speaker, there are many reasons why I believe Chattanooga, Tenn., in the Third Congressional District is an exceptionally fine place to live. One of the most important reasons is the quality of leadership exhibited by the young men in the Chattanooga Jaycees. The Jaycees are consistently found in the forefront of any movement which is destined to improve the quality of life in the Chattanooga community. Year after year, the Chattanooga chapter of the Jaycees receive record numbers of awards for their activities at the U.S. Jaycee National Convention. This year is no exception. This year our Chattanooga chapter of the Jaycees received more first-place awards than any other chapter in the country. I include the list from the Chattanooga Jaycees publication, the Activator, in the Record at this point:

RESULTS FROM THE U.S. JAYCEE NATIONAL CONVENTION

Chattanooga Jaycees received more first place awards than any other chapter in the country.

In our population, we received:

1st Place—Mental Health and Retardation—Chairman, Dick Miles.

2nd Place—Chapter Activities—Chairman, Charlie Clevenger.

1st Place—Youth Assistance—Chairman, Gordon O'Neill.

1st Place—Housing—Chairman, John Germ.

1st Place—Criminal Justice—Chairman, Ron Berke.

1st Place—Interclub Relations—Chairman, Tom Waller.

2nd Place—Unemployment and Retraining—Chairman, Booker Scruggs.

Chattanooga Jaycees had the outstanding project in the entire nation in the area of Criminal Justice.

THE LONG, LONG TRIAL

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. ABDNOR. Mr. Speaker, much of the Nation, including the national media, has focused its attention of late on proceedings in our Federal court system. One aspect of proceedings in our Federal courtrooms which has drawn considerable criticism from many quarters is the pace at which criminal proceedings in particular move toward conclusion. While it may not seem that long, the now infamous incident which occurred at Wounded Knee, S. Dak., took place almost a year and a half ago.

Prosecution by the Federal Government of allegedly criminal activity concerned with that 70-day ordeal has been taking place in a Federal courtroom in St. Paul, Minn., for some time now. Recently, William Sumner, editor of the St. Paul Dispatch, included his views of those proceedings in an edition of that publication. I know that many of my constituents share editor Sumner's position on this matter, and I commend his editorial on the Wounded Knee trial to my colleagues:

THE LONG, LONG, TRIAL: A STRAIGHT ARROW'S VIEW OF WOUNDED KNEE

(By William Sumner)

As with many of you, unlearned in the law as we are, the Wounded Knee trial becomes more baffling as the days, weeks, and months pile up.

We like the swift and tidy justice we used to see on Perry Mason and on "The Advocates." We become confused when the defendants and judge in a supposedly important case criss-cross the country for one reason or another. We ask the question:

"Is this a trial?"

I don't think so. Federal Judge Fred Nichol heard another case in South Dakota last week. Defendants Russell Means and Dennis Banks roam here and there conducting rallies, the latest of which was conducted by Means in the bar of a golf club on the Rosebud Reservation in South Dakota.

The FBI is searching for Means on this one, although only three persons—two of them policemen—were hospitalized.

A Sioux Tribal Judge has issued an order restraining the arrest of Means while he is on the reservation. It is doubtful if the order will be observed. Means will be off the reservation anyway on Friday to face a preliminary hearing on riot charges resulting from a ruckus at the Minnehaha County Courthouse in Sioux Falls on April 30.

That is why I don't think a trial is going on here.

The snow was on the ground and it was well below freezing when proceedings began.

It was so cold that demonstrators in favor of the American Indian Movement were driven indoors. Oh, there was some chanting and beating of drums, and a great many white liberals professed a desire to give South Dakota and parts of Minnesota back to the Indians. But what Indians?

That gets us beyond the point.

This trial is a farce. It took about a month to select a jury. It took about a month to argue about evidence the FBI may or may not have obtained illegally.

What seemingly has been overlooked is the fact that the American Indian Movement, uninvited, occupied Wounded Knee, S. D., for 71 days last year, ruining and befouling private property, shooting with a will, and posing daily for eager beaver TV crews who wanted to duplicate the "End of the Trail," a pop painting of the early century reproduced by the hundreds of thousands.

The expensive and gifted attorneys engaged by the defendants have attempted to make it a great political trial, as have Means and Banks, and there has been some resentment over the fact that there has been less national coverage than was expected.

One irate young woman wrote to me demanding that the New York Times and Washington Post do a better job.

I have nothing to do with their assignment board, but would tend to suspect that these newspapers, along with most of the rest, regard this as a disorderly conduct trial that has somehow worked its way out of Municipal Court and into a Federal Court.

Meanwhile, the trial is costing the taxpayers a lot of money and at this point seems hardly worth the effort. No one is going to pay for the damage done at Wounded Knee by these media-wise "spokesmen" for the Indians and no one is going to discover whose bullet it was that paralyzed one of the U.S. marshals at the scene.

The Judge, after ordering soft music and the scent of rose blossom for Kunstler, Lane, et al finally has let them get under his skin, which is what they had hoped, and the show creeps on dismally and boringly to the disappointment mainly of the defense.

Someone should take the show out of town. Surely the jury must have lost its train of thought by now, if the bench has managed to keep the thread intact in the first place.

But this trial by now has the significance and interest of a road show version of "Rose Marie."

JOHNNIE L. COCHRAN, SR.

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mrs. **BURKE** of California. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

Whereas, Family and friends are honoring Johnnie L. Cochran Sr. for his devotion to his community, his family, and his outstanding contribution to the insurance industry, and;

Whereas, Johnnie L. Cochran, Sr. has completed 29 years of service to the Golden State Mutual Life Insurance Company as an agent and district manager, and has achieved recognition as Chartered Life Underwriter from the American College of Life Underwriters, and;

Whereas, Johnnie L. Cochran, Sr. and his wife Hattie have reared four fine children while, at the same time, he has been active as a member of Board of Deacons of the Second Baptist Church, a Board Member of the 28th Street YMCA, the Urban League, and United Way, and was named Father of the Year by the Los Angeles Sentinel and KABC Television,

Therefore, be it known this 22nd day of June 1974 that we are in recognition of Johnnie Cochran's life of service and family dedication, and further direct that this commendation be entered in the Congressional Record.

YVONNE BRATHWAITE BURKE,
Member of Congress, 37th District, California.

THE INSUFFICIENCY OF DÉTENTE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. PRICE of Texas. Mr. Speaker, détente is used to characterize the complex relations between the United States and the Soviet Union. It was highlighted during the President's visit to Moscow in 1972, which generated euphoric waves of gossamer hopes, and it is being used again in connection with this year's summit meeting. One must be properly cautious about extrapolating from the confused conditions of international relations to the realities of motivational behavior and attaching too much significance to a descriptive term which, by its play in the media, makes one feel comfortable. Détente merely means a relaxation of tensions—nothing more and nothing less; but many look at this description of the state of affairs as a panacea for all our international problems. These same individuals, and indeed some institutions, worry excessively about press reports that détente is fragile, failing, crumbling or collapsing. Yes, even the barometers of our economic circumstances have been affected by various reports on the conditions of détente. Unfortunately the definition leaves much unanswered about the totality of the state of affairs it attempts to describe and on that description rests far too much significance.

It is perhaps less difficult to express what the word does not mean or what it will not do rather than what it means or will do. Détente is not a panacea, nor is it an agreement, contract, pact or obligation in any form between the two superpowers. Détente will not guarantee peace between the United States and the Soviet Union, nor is it a state of affairs which would preclude the need for a ready, modern, and well-equipped military establishment. Détente with the Soviet Union will not provide a basis for agreement between the United States and the Arab nations to arrive at a permanent solution to the oil situation, nor did it necessarily help us negotiate the cease-fire and troop disengagement between the Israeli and Syrian forces. Détente does not represent a change in the divergent value orientation of moral and ethical questions in the Soviet Union, nor does it represent an ideological shift by either side which would diminish the "perpetual conflict" destined to confront the two systems.

The fact of the matter is that the Soviets have not made one change to their Marxist-Leninist ideology even in light of this era of proclaimed "peaceful coexistence" and, of equal importance, in the face of the Sino-Soviet confrontation. This latter point causes one to seriously ponder how the Soviet Union will feel about détente in a post-Mao era in which China has leaders in agreement with the Soviet view of communism. Notwithstanding the present feud, there is consanguinity in the Soviet and Chinese ideology. Make no mistake about it, "American capitalistic imperialism" remains the number one enemy of the Soviet Union. Chairman Brezhnev's oft-quoted statement of June 1972, following President Nixon's visit to the Soviet Union, sufficiently clouded the summit meeting, but made it unmistakably clear that détente was just a means to an end.

> Peaceful coexistence in no way implies the possibility of relaxing the ideological struggle. On the contrary, we must be prepared for this struggle to become more intense and an ever sharper form of confrontation between the two social systems—(*Pravda,* June 29, 1972).

The Soviet accommodation with the United States cannot be considered as a sudden and fundamental change in policy which can be applied with any degree of predictability or consistency. It can only be viewed as a selfish willingness on the part of the Soviet leadership to relax the tensions for specific purposes, namely to enhance Soviet economy and the Soviet position in world affairs. We certainly cannot link détente to the full spectrum of Soviet policy issues vis-a-vis those of the United States.

Beneath the relaxation of tension between the Soviet Union and the United States is a condition characterized by a confused and whimsical mixture of accord and discord, depending on the issue. Herein lies the danger in using any generalized description of the relationship. There remains the real possibility that many will be lulled into a false sense of security and relax into a sensation of complacency. Such ominous perceptions could cause us to be overly trusting in negotiations and ill-prepared during confrontations. Already some are saying that this era of détente permits us to reduce our national defenses. A breathtaking leap in logic, as now, more than ever, we must have a military establishment second to none. Now that the Soviets have reached nuclear superiority, or at best parity, we simply cannot afford to negotiate from a weak hand.

As the President seeks to move further toward the "generation of peace" we all desire, we should support his goals, but we cannot afford to be overly optimistic. We should expect some tangible progress during the tedious process of improving relations, but there is no magic formula for instant and lasting peace. While the two nations appear energized and galvanized with differing intensities in a desire to peacefully coexist, they are as yet polarized in ideology—a fact of life we must never forget, and an issue manifestly unnegotiable.

THE TRUTH ABOUT THE BLACK MIDDLE CLASS

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. YOUNG of Georgia. Mr. Speaker, in the July 8 issue of Newsweek, Mr. Vernon E. Jordan, Jr., executive director of the National Urban League, offers a much-needed perspective on the recent ballyhoo over a supposedly emerging "black bourgeoisie" in this country.

Mr. Jordan reminds us of the grim facts of life for most black Americans, and his statement deserves the attention of our colleagues.

With permission, I submit Mr. Jordan's article, "The Truth About the Black Middle Class," for the RECORD:

THE TRUTH ABOUT THE BLACK MIDDLE CLASS

(By Vernon E. Jordan, Jr.)

Recent reports of the existence of a vast black middle class remind me of daring explorers emerging from the hidden depths of a strange, newly discovered world bearing tales of an exotic new phenomenon. The media seem to have discovered, finally, black families that are intact, black men who are working, black housewives tending backyard gardens and black youngsters who aren't sniffing coke or mugging old ladies.

And out of this "discovery" a new black stereotype is beginning to emerge. Immaculately dressed, cocktail in hand, the new black stereotype comes off as a sleek, sophisticated professional light-years away from the ghetto experience. As I turn the pages of glossy photos of these idealized, fortunate few, I get the feeling that this new black image is all too comforting to Americans weary of the struggle against poverty and racism.

But this stereotype is no more real than was the old image of the angry, fire-breathing militant. And it may be just as damaging to black people, for whom equal opportunity is still a theory and for whom a national effort to bring about a more equitable distribution of the fruits of an affluent society is still a necessity. After all, who can argue the need for welfare reform, for guaranteed jobs, for integrated schools and better housing, when the supposed beneficiaries are looking out at us from the pages of national magazines, smiling at the camera between sips from their Martinis?

BALLYHOO

The "new" black middle class has been seen recently in prime time on a CBS News documentary; it has adorned the cover of The New York Times Magazine, and it has been the subject of a Time cover story. But its much ballyhooed emergence is more representative of wishful thinking than of reality. And important as it is for the dedication and hard work of countless black families finally to receive recognition, the image being pushed so hard may be counter-productive in the long run.

The fact is that the black middle class of 1974, like that of earlier years, is a minority within the black community. In 1974, as in 1964, 1954 and in the decades stretching into the distant past, the social and economic reality of the majority of black people has been poverty and marginal status in the wings of our society.

The black middle class traditionally included a handful of professionals and a far larger number of working people who, had they been white, would be solidly "working class." The inclusion of Pullman porters, post-office clerks and other typical members of the old black middle class was due less to their incomes—which were well below those of whites—than to their relative immunity from the hazards of marginal employment that dogged most blacks. They were "middle class" relative to other black people, not to the society at large.

Despite all the publicity, despite all the photos of yacht-club cocktail parties, that is where the so-called black middle class stands today. The CBS broadcast included a handyman and a postal worker. Had they been white they would be considered working class, but since they were black and defied media-fostered stereotypes, they were given the middle-class label.

INCOME

Well, is it true that the black community is edging into the middle class? Let's look at income, the handiest guide and certainly the most generally agreed-upon measurement. What income level amounts to middle-class status? Median family income is often used, since that places a family at the exact midpoint in our society. In 1972 the median family income of whites amounted to $11,549, but black median family income was a mere $6,864.

That won't work. Let's use another guide. The Bureau of Labor Statistics says it takes an urban family of four $12,600 to maintain an "intermediate" living standard. Using that measure, the average black family not only is *not* middle class, but it earns far less than the "lower, non-poverty" level of $8,200. Four out of five black families earn less than the "intermediate" standard.

What about collar color? Occupational status is often considered a guide to middle-class status, and this is an area in which blacks have made tremendous gains, breaking into occupations unheard of for non-whites only a decade ago. When you look at the official occupation charts, there is a double space to separate higher-status from lower-status jobs such as laborer, operative and service worker. That gap is more than a typographical device. It is an indicator of racial separation as well, for the majority of working whites hold jobs above that line, while the majority of blacks are still confined to the low-pay, low-status jobs below it. At the top of the job pinnacle, in the elite categories of the professions and business, the disparity is most glaring, with one out of four whites in such middle-class jobs in contrast to every tenth black worker.

TENUOUS GAINS

Yes, there are black doctors, dentists and lawyers, but let no one be fooled into thinking they are typical—these professions include only 2 per cent blacks. Yes, there are black families that are stable, who work, often at more than one job, and who own cars and homes. And yes, they are representative of the masses of black people who work the longest hours at the hardest jobs for the least pay in order to put some meat on the table and clothes on their backs. This should be emphasized in every way possible in order to remind this forgetting nation that there is a dimension of black reality that has never been given its due.

But this should not blind us to the realization that even with such superhuman efforts, the vast majority of blacks are still far from middle-class status. Let us not forget that the gains won are tenuous ones, easily shaken from our grasp by an energy crisis, a recession, rampant inflation or nonenforcement of hard-won civil-rights laws.

And never let us fall victim to the illusion that the limited gains so bitterly wrenched from an unwilling nation have materially changed the conditions of life for the overwhelming majority of black people—conditions still typified by discrimination, economic insecurity and general living conditions inferior to those enjoyed by the majority of our white fellow citizens.

THE BIAS OF THE JUDICIARY COMMITTEE

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. LANDGREBE. Mr. Speaker, for the past year many commentators have pointed out that the general treatment of the whole Watergate issue amounts to a virtual lynching of the President. This is the President's reward for being a Republican and an opponent of the disastrous policies of the liberal left. The goal is clear: to overturn the overwhelming 1972 election mandate; to obtain by fraud what could not be won in a free election.

Those who doubt the partisan nature of the Watergate issue, need only consider the obvious bias of the House Judiciary Committee's treatment of impeachment. This bias was admirably displayed in recent actions of the Judiciary Committee's chairman, as is made clear in the following articles from the New York Daily News and the Washington Star-News.

[From the New York Daily News, July 2, 1974]

CAPITOL STUFF

(By Jerry Greene)

WASHINGTON, July 1—House Judiciary Committee Chairman Peter Rodino's procedural problems over impeachment, now posing threats of endless delay in questioning witnesses, may well have their origin in a conversation he held with three reporters last Thursday.

Not one word was said about this issue during the brief debate on the House floor today before Rodino's request for a suspension of the rules—allowing expeditious examination of witnesses—was rejected. The House failed by a 25-vote margin to give the chairman the two-thirds majority he needed to by-pass a rule stipulating that each of the 38 members of the Judiciary Committee would be allowed five minutes' questioning time.

But while the subject was tactfully avoided before the vote was taken, the House members would have been less than human had they not been mindful of the events of last Thursday and Friday.

HE PUT THE VOTE AT 27 TO IMPEACH

At noon on Thursday, in what was supposed to be a "background" discussion, Rodino was said to have told three "visitors" that all 21 Democratic members of the Judiciary and six Republican members would vote for impeachment of President Nixon.

The three "visitors" were reporters, one of whom insisted that "background discussion" was no restriction; a full account of the conversation was published—and the six anti-Nixon Republicans were named. At least some of these six were incensed and spoke loudly about their indignation to any and all who were within hearing.

Rodino hurried to the House floor on Friday to denounce the published report—"to state unequivocally and categorically that this statement is not true. There is no basis in fact for it, none whatsoever."

The chairman went on to say he did not know how anybody would vote on impeachment, that no one should make a decision until there had been a complete presentation of the case, that he had from the beginning labored to be "careful, deliberate, and altogether fair."

He said he had engaged in no partisan or biased discussion of impeachment evidence or voting and all members knew it.

THAT'S NOT QUITE THE POINT

Rodino has on the face of it done a skillful, though leisurely, job as chairman of the impeachment panel; he has indeed exhibited fairness. But that's not quite the point.

What underlay his rebuff this afternoon was the fact that he took the floor of the House to deny "unequivocally and categorically" a rather casual estimate that three reporters said they heard him make.

President Nixon's repeated proclamations of innocence of wrong doing and some testimony disputing his claims are the very essence of the impeachment charges pending against him.

There wasn't anything particularly wrong in Rodino's guess as to the Judiciary Committee's voting on the impeachment resolution, although it was highly injudicious of him to express the views before the "visitors," if indeed he did. The same estimate, roughly, has been made frequently by any number of observers, in and out of Congress.

TWICE AS MUCH AS IN THE SENATE

There are few who would believe that the Democratic leadership of the House had anything in mind other than an up-or-down vote by the House on impeachment when an original allocation of $1 million was made for the Judiciary Committee's inquiry. That's twice the amount of the first allowance given by the Senate to the Watergate investigating committee.

And with the overwhelmingly liberal views among Democrats on the committee, the slant of the final report to the House has been scarcely in doubt. At best, there has been argument only over how many and what Republicans might join the Democratic majority in voting for impeachment.

The Rodino boo-boo probably won't change the outcome. Certainly, he won't step down as chairman at this late date. But since the credibility of the accused is on the block, it cannot ease queasy stomachs of uncertain House members when the accuser lays himself open to challenge on somewhat similar grounds.

[From the Washington Star-News, July 2, 1974]

Curbs and Loose Talk

House Judiciary Committee Chairman Peter Rodino, for the most part, has done a good and fair job in keeping the impeachment inquiry in bounds and on course. But he made two serious errors of judgment the past few days, one of which he wisely corrected yesterday, but not before a good deal of ill-feeling was engendered.

The first—the one corrected—was a decision to restrict the number of witnesses that President Nixon's lawyer, James St. Clair, wanted to call before the committee. The other was talking too much about what the committee's Democratic majority might or might not do when the vote is taken on whether to recommend impeachment. Both provided the White House with an opportunity to assail the integrity of the committee and score public relations points that have little to do with the real issue.

The committee, at the direction of Rodino, last week told St. Clair that he could call only two of the six witnesses he requested in an effort to bolster his contention that the President did not authorize the payment of "hush money" to Watergate conspirators. Even though the committee has been under pressure to speed up the inquiry, St. Clair's request was not an extravagant one; it will not take long to question four more witnesses. If the witnesses have evidence bearing on the "hush money"—one of the central issues in the impeachment inquiry—the committee should be eager to hear it. Whether they have anything to add or not, Rodino should have seen that refusal to hear more than two of St. Clair's witnesses would set off charges of railroading the President from the pro-Nixon camp. He reversed himself yesterday and said all six witnesses would be called.

As to the second error, Rodino was indiscreet to have discussed the possible outcome of the inquiry before it is over. The chairman was reported to have told newsmen last week that all 21 Democrats were prepared to vote to impeach Mr. Nixon. Although Rodino denied he had made such a flat assertion, it appeared that he had engaged in speculation as to what the Democrats might do.

Rodino would do well to leave such speculation to others. The inquiry not only should be fair but it needs to have the appearance of being fair. The curb on witnesses and the chairman's loose talk did not serve that end, but rather created the impression, valid or not, that the show was over even though all the acts haven't been played. What that has done is to give rise to charges of committee partisanship, the very thing that Rodino had wanted to avoid.

VETERANS PROGRAM AT INDIANA UNIVERSITY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. MURTHA. Mr. Speaker, the Vietnam-era veteran has encountered more problems in pursuing his education than previous service personnel. For that reason, it is greatly encouraging to me whenever I see strong attempts by colleges and universities throughout the Nation to stimulate the Vietnam-era veteran to return to school.

A school I would like to single out for particular praise in this area is Indiana University of Pennsylvania. Activities by the school have included newspaper advertisements pointing out special program opportunities for area veterans; consistent planning and work by the veterans' counselor to coordinate programs and efforts with university officials; making veterans well aware of the scholarship opportunities that do exist for veteran-students; and encouragement of the Veterans Club by IUP.

This activity has combined to result in the fact that during the fall semester of 1973, more than 400 veterans were involved in college study programs at Indiana University. To me, that is a most encouraging sign and shows that positive action will produce results.

It is quite easy for businesses and organizations to sit back and wait for its clients to come to them. But it is outstanding to see an institution and its personnel willing to make an extra effort to insure success for a valuable program.

That is what is going on at Indiana University of Pennsylvania. I congratulate them for their excellent effort and encourage other institutions to follow their very fine example.

LEARNING TO READ IN THE GHETTO

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. HUBER. Mr. Speaker, recently a constituent of mine called my attention to an article that appeared in the Wall Street Journal of June 10, 1974, showing that dedicated teachers using a modified "track" method, commencing reading instruction early and intensively, can succeed in an inner-city situation in an old decaying building. The emphasis, interestingly enough, is on phonics, which we can all hope will make a comeback. I would hope that the U.S. Office of Education will carefully study this program at P.S. 91 in Brooklyn and revise a little of its thinking. The article follows:

Learning To Read in the Ghetto

(By James Ring Adams)

Brooklyn, N.Y.—P.S. 91, an aging, four-story elementary school in a graffiti-blotched decaying neighborhood, has an unusual problem for an inner city school: So many educators have beaten a path to its door to study its operation that Principal Martin Schor is trying to discourage visits. Mr. Schor isn't finding it easy, because he and his young staff are succeeding brilliantly in what many consider a hopeless task, training black and Puerto Rican children from city slums to read at least as well as the average middle-class child.

P.S. 91 is located in the Crown Heights district of Brooklyn, which is in the last stages of transition from middle-class white to black and Puerto Rican. The change has been fed by migration from the infamous Bedford-Stuyvesant "ghetto" to the north. The school itself is 81% black, 10% Puerto Rican and "other Spanish speaking," and only 6% "other," meaning "white" in local educational jargon. About two-thirds of the students come from poor enough families to qualify for the free lunch program. Student turnover is high, more than 500 transfers this year out of slightly more than 1,300 registered. Yet some 54% of these pupils read at or above national levels. In the second grade, least affected by the high turnover, the average pupil reads almost one year ahead of the national norm.

This is a respectable record by national standards, but by big city standards, it is outstanding. Only 33.8% of New York City's elementary school children read at or above grade level, and retardation of two years or more exceeds 30% in the poorest of its decentralized school districts, compared with only 4% at P.S. 91. (In the hypothetical "average school," 50% of the student body would read at or above grade level.)

THE COLEMAN REPORT

Moreover, P.S. 91, like a number of other successful slum schools that have recently come to the attention of educational researchers, by its example refutes the current fatalism about educating inner city children. This fatalism has been in vogue since the famous government-sponsored Coleman Report of 1966 that concluded, perhaps too hastily, that "schools bring little influence to bear on a child's achievement that is independent of his background and general social context."

This report, one of the largest surveys ever taken of American schools did show that learning achievement varied widely among schools of different racial and regional background, even though their budgets might be equal. But the popular exaggeration of this finding—that the schools, therefore, made no difference in learning—has come increasingly under attack. According to George Weber, associate director of the Council for Basic Education, the mass statistics of the Coleman Report obscured the fact that some slum schools were doing a good job. To refute the fashionable pessimism about the schools, he says, "All I have to do is find one school which does what they say cannot be done."

But it's easier to show the importance of successful slum schools than to explain how they do it. In the case of P.S. 91, one obvious factor is its slight, energetic principal, Martin Schor, who runs the school with a mixture of tradition, common-sense innovation and taut organization.

Early in Mr. Schor's career, he taught science at a vocational high school where he was shocked by his students' reading problems. "We couldn't use books at all," he recalls. As a result, when he came to P.S. 91 ten and a half years ago, he organized the school to teach reading as efficiently and as early as possible. As his system gradually evolved, his student body changed from 65% white to 80% black.

"The stress has to be on early childhood," he explains, "because if the child can't read by the end of the first year, you're constantly doing remedial work." Mr. Schor begins reading instruction in kindergarten and assigns his best teachers to first grade.

Mr. Schor must also make every minute count, a point he emphasizes as he shows visitors around his classrooms. He briskly dismisses several popular ideas in education, such as "heterogeneous grouping" and the "open classroom."

In the open classroom, several groups work simultaneously on a variety of things and the child chooses which one to join. The general idea is to promote his individual development. Grouping does take place in P.S. 91 classrooms, as children share a tape recorder with an octopus-like array of headsets, or work on self-correcting teaching machines or write their own stories. But teachers assign the child to the activity they think he needs most. "We don't depend on his free choice to learn the skills," says Mr. Schor. "*We* teach the skills. I can't afford to wait with these children."

Mr. Schor also can't afford the extra energy needed to run a heterogeneous class, which mixes together children of different levels of ability. Mr. Schor argues that in such classes the teachers gear their work to the middle of the class, boring the bright pupils and losing the slow ones. "The average teacher can't handle that set-up," he says. "A good teacher can, but there aren't that many good teachers."

Instead, Mr. Schor has devised a system geared to the "average teacher." His basic principle is to group students by their reading ability, which superficially resembles the traditional homogenous classroom. But he makes a major innovation. "In the old homogeneous classrooms," he observes, "the kid was tracked for life." But with competent teaching, he argues, brighter children will begin to outpace their classmates. So he provides "constant inter-class transfers," in which a student who begins to excel moves on to a higher level within his grade.

Frequent transfers up provide a boost in morale for the students who learn well. Transfers to a lower level, which might prove discouraging, are kept to a minimum by careful attention to original placement of the student. This system requires the school to keep constant track of each student's performance. But it allows efficient use of manpower. Bright classes can move quickly, so Mr. Schor keeps them large, with about 30 pupils. Slow classes, with from 12 to 15 children, get more attention and better teachers.

The result, according to Mr. Schor, is satisfying both for pupils, who view the class transfers as a reward for success, and for teachers. "My teachers are happy because they can succeed," says Mr. Schor. "They're not eating their hearts out all day."

Mr. Schor also puts heavy emphasis on phonics. By teaching pupils to "decode" words in the first year, he says, the school gives them tools to learn more on their own. Mr. Schor also mentions the reading materials, primarily the Open Court series, which he praises for its simply written manual as well as for its "well rounded cultural program." Some supplemental reading deals with black history, but the readers make little attempt to be "relevant." Instead of tales about urban life, the children read excerpts from Cervantes and Aesop's fables. Says Mr. Schor, "We don't have to worry about 'urban minority groups.' They eat this up."

The success of minorities at P.S. 91 has given school officials a talking point against some of the more racially oriented (some might say patronizing) recommendations that have come out of the U.S. Office of Education that black and Puerto Rican children be tested by different standards than white children. "If only more people in high places subscribed to your belief in the ability of minority group children," New York Board of Education President Sepmour P. Lachman declared last fall in a speech to the staff of P.S. 91.

Examples like P.S. 91 have also spurred interest in case studies of schools which produce better (or worse) results than their "socio-economic background" would lead one to expect. Mr. Weber of the CBE published one of the first three years ago. In March, the New York State Education Department released a study of 12 better, and worse, than average inner city schools.

But researchers are still divided on the ingredients for success in the slums. The New York state study cited seven factors, including rapport with the student, effective control of classes, teacher preparation before each class, and "forceful and positive leadership," whether from principal, assistant principal or group of dedicated teachers. The state's watchdog Office of Education Performance Review took a closer look at two of the schools in this study and rejected most of these factors. This second report concluded, "the quality and attitude of the administration seemed to be the only real difference." But Mr. Weber remains suspicious of such pat conclusions which, he warns, may often be determined in advance by the researcher's decision to study some factors and disregard others. "You're analyzing a very complex human activity," he cautions. "A school is a living, changing, dynamic organism."

THE ESSENTIAL POINT

Mr. Schor agrees that his visitors often miss the point. "The trouble is they take a part of the program that strikes their fancy," he complains. "You have to take the whole program."

What the visitor can discover is that a school can succeed even in the absence of highly desirable conditions. The cubical red-brick building is 70 years old and shows it. Because intruders last year committed two muggings, Mr. Schor has put locks on classroom doors, and some teachers lock themselves in during class. Because the school's reading scores are too high to qualify for special aid its budget is the lowest in the district. As Mr. Schor finds one stairway blocked by workmen fixing a leak in the roof, he exclaims, "You see, you can't use excuses."

The visitor also finds plenty of variety in the classes, in spite of the emphasis on fundamentals. Second-graders demonstrate one favorite teaching technique, improvising dramas from reading material. As pupils take the role of a giant, a king and three daughters of different character, the girl who plays the wicked daughter teasingly lapses into neighborhood dialect.

Mr. Schor also shows off a display of African masks from art class, a fifth-grade French lesson (one of 16 in various grades, including 500 children), and a music class, a little top-heavy in violins. "We beg and borrow the instruments from other schools in the district," he explains. "What the others don't want, we utilize." The class serenades the departing visitor with a spirited, if discordant, rendition of "Pomp and Circumstance."

OPERATION PEACE OF MIND

HON. BARBARA JORDAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Miss JORDAN. Mr. Speaker, recently the Texas State delegation was informed that Operation Peace of Mind, a program designed to assist runaway youth and their families, was denied funding by the Department of Health, Education, and Welfare. It was established by our Governor, Dolph Briscoe, as an aftermath of the Houston mass murders. To deny funding for a program which has demonstrated its success countless times over and which is so badly needed, is to deny many American parents and children possible reconciliation and "peace of mind." Therefore, I have taken the liberty of writing to HEW Secretary Caspar Weinberger urging him to reconsider the decision not to fund Operation Peace of Mind. For the edification of my colleagues, the following is a description of Operation Peace of Mind provided by the Texas State office:

OFFICE OF STATE-FEDERAL RELATIONS, STATE OF TEXAS,
June 28, 1974.

To: The Texas Delegation.
From: Alan R. Erwin, Director.
Subject: Operation Peace of Mind.

Governor Briscoe has asked me to convey to you his very strong support and request for aid for Operation Peace of Mind, a volunteer program in Houston created to help runaways and their families.

The program, established shortly after the discovery of the homosexual murder ring in Houston, has been a phenomenal success. Through its work, more than one thousand families in 47 states have been reunited and more than 2,700 messages have been relayed between runaways and their anxious families. Its mission is simple—they have a national WATS number which has been widely publicized. The runaways can call the number and ask that any message they wish be relayed to anyone they wish. Aside from the obvious service of reuniting families, the program has taken much pressure off local law enforcement officials who were being deluged with phone calls from over the country to see if their runaway son was among the victims.

The program is expensive—averaging $3,000 a month. Money to continue it has come from Governor Briscoe and often out of the pockets of the over 250 volunteers who have manned the phones in a Houston hotel room.

Ms. Grace Surgay, director of the program, and Ms. Sue Cunningham of Governor Briscoe's staff were contacted recently by representatives of the regional office of HEW in Dallas, who has high praise for the program and suggested that we apply for funds from the HEW Runaway Program. They suggested, in fact, that we ask for $100,000. We did so gladly, seeing an opportunity to continue and perhaps extend what Governor Briscoe considers one of the finest volunteer programs he has ever run across.

We were rejected by HEW here in Washington. Two other programs were funded—a drug referral hotline in Montgomery County, Maryland, and a hotline in Chicago. The Chicago program has contacted us with a request to send their personnel down to Houston for a week to see how to set up their program—in other words to initiate what we have already had in existence for almost a year.

We were told our program was not well publicized. However, it has been featured by Dear Abby, Seventeen, U.S. News and World Report, McCalls and the New York Times Magazine, as well as hundreds of newspaper features. Fourteen governors have initiated programs in their states to publicize our program. Florida recently put $20,000 in its state budget to publicize Peace of Mind and a PR firm in Arizona has initiated through private money a complete campaign to publicize the numbers of Operation Peace of Mind.

Governor Briscoe and the volunteers of Peace of Mind—and I'm sure the grateful families who have been helped—need help to continue paying the bills. Anything you might do to help would be greatly appreciated, including a speech on the floor of the House or Senate or an insertion in the Record, and most importantly, a letter from you to Secretary Weinberger asking him to reconsider the decision to refuse funding. As I know you are aware, unanimous support from the Texas Congressional delegation is still the most powerful red tape cutter in Washington.

I hesitate to ask for your support in a case where an administrative decision has already been made by a federal agency, but I feel that this program has not been adequately understood by HEW and is so worthy and important that it deserves your support.

Anything you can do to help Operation Peace of Mind will be greatly appreciated.

RUNAWAYS!

Your messages relayed to family (completely confidential).

Call—"Peace of Mind," (free—no charge).

In Houston, 524-3821; in Texas, 1-800-392-3352; out-of-State, 1-800-231-6946.

A LOOK AT THE FIRST YEAR ALONE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. PICKLE. Mr. Speaker, two good writers have taken the time to try to give us a view of the current lives of our former first ladies. The articles begin with Mrs. Lady Bird Johnson, a widow for a little more than a year now.

As the lives of Presidents and their wives have often been examples the country sought to emulate, it is important that in her life alone, Mrs. Johnson continues to be an inspiration to those around her and to those who see and benefit from her continued good deeds.

The authors of the article note that Mrs. Johnson knows who she is and will not allow herself to be sidetracked. She does the things which are closest to the main interests of her life—helping the Lyndon B. Johnson Presidential library, working with beautification projects, working with education and young people, and spending more time with her family and more time seeing the country than her life as First Lady allowed.

I would like to reprint the article concerning Mrs. Johnson in the Record at this time:

[From the Dallas Morning News, June 16, 1974]

Lady Bird—Alone Despite Public Appearances

(By Flora Rheta Schreiber and Stuart Long)

Johnson City, Tex.—Spring flowers were popping out along the roadsides, conveying a sense of renewal after the browns of winter. Mrs. Lyndon B. Johnson drove here for a simple ceremony to rename the small Johnson City Hospital for her husband. Her grandchildren unveiled the name plate as townspeople stood by, waiting to visit with their most famous neighbor who lives up the Pedernales River at the LBJ ranch 10 miles away.

The day before, Mrs. Johnson had presented Walter Cronkite with a journalism award at the University of Texas and had seen her Secret Service men, with the assistance of a newspaperman, capture a streaker who barely failed to disrupt the ceremony. Mrs. Johnson is a regent at the University.

These glimpses into two recent days in the busy life of Lady Bird Johnson epitomize four interests which occupy the most recent of the presidential widows—flowers and beauty; grandchildren and family; education and young people, and devotion to the memory of Lyndon Baines Johnson, her husband for 38 years.

The way of life in which these interests are expressed is markedly different from what it was when Lyndon Johnson was alive. Gone is the entourage with which Mrs. Johnson was surrounded, except for the Secret Service men. Her only secretary is the one who works with her at the LBJ Library. Gone is the ranch kitchen staff. Mrs. Johnson now makes her own breakfast, sometimes cooks her own dinner. Now she drives her own car and at Christmas even delivers her own Christmas packages.

There is loneliness for Mrs. Johnson at the ranch these days but no privacy. Tourists on mini-buses make the ranch a public place.

Yet loneliness is assuaged by having been psychologically prepared for widowhood. And significantly, it was Lyndon Johnson himself who did most to prepare Lady Bird for this eventuality.

Lyndon Johnson told his wife that he was going to die soon. He brought in their two daughters, Luci and Lynda, and their sons-in-law, Pat Nugent and Chuck Robb, to make the necessary arrangements for smoothly transferring a large estate.

The Johnsons then proceeded to sell part of the ranchland under a contract by which Mrs. Johnson has absolute veto power on how it is to be used, to make sure that the beauty of the Texas Hill Country land is not marred. They gave the main ranch to the National Park Service with the understanding that Mrs. Johnson will live at the ranch itself as long as she chooses. They sold their television station and drew a careful will with Lady Bird as executrix.

And, perhaps even more important, the family, following Mr. Johnson's lead, encouraged Lady Bird to undertake jobs that would keep her busy when the time came for her to make the adjustment to widowhood.

She had said in 1969 upon returning to the LBJ Ranch from the White House that she might like to be a university trustee. When Texas Governor Preston Smith offered her a 6-year term on the University of Texas System board, Lyndon Johnson encouraged her to accept. She also took a 6-year term on a National Park Service advisory board.

It is not surprising, therefore, to find that during her first year and a few months of widowhood Lady Bird has kept very busy living the same sort of scheduled life that used to revolve around her husband's plans and comfort. She still rises early, is never late for an appointment and makes sure that the half hour she allots to a friend or relative is totally his. Once the time is up, she turns to the next matter at hand with equal concentration and warmth.

Lady Bird knows who she is and will not allow herself to be sidetracked. She's always gracious, warm and giving, but not at the expense of herself or her time. Her life is scheduled, and she plans three months ahead.

Like other presidential widows, Mrs. Johnson receives a $20,000 annual pension. But she administers the business affairs of the company which still operates KLBJ, the radio station which built the family's fortune. A canny businesswoman, Mrs. Johnson still keeps an eye on her businesses and investments in the family company which now belongs to her and her daughters.

Her husband always encouraged Lady Bird "to do her own thing" at the same time that he challenged her to do and look her best. She still goes to the Greenhouse, a Texas spa, for rest, relaxation and beauty treatment. But she also allows herself a few more visits to the refrigerator than when LBJ was around to help her count calories.

Always eager for a time that was wholly hers unmarred by clock or calendar, Lady Bird Johnson has also been doing some of the private things denied her as a president's wife or even as the wife of a former president. She made a trip to Europe with Chuck and Lynda Robb, her son-in-law and daughter, to see some of the things a presidential party just can't see.

With the Marshall Steves of San Antonio, she made a trip to Mexico where she visited with former President and Mrs. Miguel Aleman, who are old friends. With the Steves, too, she also made a trip to New England to see the autumn leaves.

On a visit to Washington, D.C., she drove to the house on 30th Place which was the Johnson's residence during most of his years in Congress and to The Elms where they lived while he was vice-president. She's also driven across the South en route to Washington to have a first-hand look at the way towns and cities and their roadsides have been beautified.

"The billboards are really coming down," she told us with some awe, since this was one of "Lady Bird's Laws" passed during the Johnson years. Now, as when she was First Lady, she urges people to concern themselves with keeping the beauty of this country alive. As she puts it, "The more I work with people who are knowledgeable and full of zest, the more I want to be a part of the project." She adds, "I'm a natural born optimist, and I think the problems man has created he can solve."

With this attitude, Mrs. Johnson continues her beautification work. She gives an award each year to the Texas highway maintenance foreman who has done the best roadside job. Last year, it went to a man whose work in arid far West Texas was done with cactus and other desert plants.

She is working right now on the LBJ Grove in Lady Bird Park on the Potomac. A national fund-raising drive is under way to make it a grove of white pines, with walks and flowers, where people can go to view the beauty of the nation's capital.

Mrs. Johnson sold the LBJ Ranch cattle at auction, and, like any rancher's wife, felt the prices she received were not high enough. But she did not share her husband's interest in cattle.

"That was Lyndon's thing," she told us, "It was not my life. Beautification makes my heart sing. That's my thing."

Another of her "things" is the LBJ Library at Austin, where last fall, following in her husband's footsteps, she became the central figure in presenting the LBJ urban affairs papers.

She brought in the leaders of the nation's cities—architects, planners and thinkers, not to talk of the past, but to seek ways to make the cities live again. To her the symposium connected with the event was "one of those yeasty times" when thoughts and ideas are born.

Lady Bird Johnson also brought many great civil rights leaders to participate in the ceremonies accompanying the presentation of an award to Roy Wilkins of the NAACP and to muse on LBJ's great programs in civil rights. Earlier, the civil rights and education papers had been opened with the symposia.

Still to come is the presentation of papers concerned with the environment. Mrs. Johnson's hand is clearly visible as she supervises each detail of the arrangements for these ceremonial occasions, each of which is a living testament to her husband's memory. And whenever she is invited to meetings involving his place in history, she accepts with alacrity.

"Lyndon said he would like to be remembered as the education president," she explains, "and as the President who made a real try on the unfinished business of civil rights, on making President Lincoln's proclamation a reality."

Lyndon's memory, still fresh, is a daily reality for Lady Bird. She talks of him fondly, sweetly, always with a pleasant smile, never with tears. Although she has mourned, she is neither morbid nor shut-off. When she is at the ranch she takes a walk each day, sometimes to the pasture, sometimes to the Johnson family cemetery, which is part of the ranch. Standing at her husband's grave with the red granite monument, she remembers.

Memory sometimes rises unbidden to the outer edges of consciousness. When six-year-old Lyn Nugent rode a horse by himself for the first time, his grandmother laughed, clasped her hands together and said aloud, yet only to herself, "Gee, wouldn't Lyndon have loved that."

But mostly it is the public side of life that assuages loneliness and mitigates against the painful awareness of bereavement. In this public sphere Mrs. Johnson devotes a full slice of her time to her fourth field of interest—education and young people.

She has her office at the LBJ Library, which is on the campus of the University of Texas. From her window she can see the students, and she finds time to talk with many of them.

One is also very much aware that the Lady Bird Johnson of 1974, knowing who she is, has not forgotten her days as First Lady.

She remains staunchly protective of the office of the presidency and of Mr. Nixon in that office. When people make negative remarks about him in her presence, she brings the remark to a halt, making it clear that she isn't participating and doesn't like what is being said. "Poor man," she might say as she steers the conversation into another direction.

And this is the way Lady Bird Johnson has made her adjustment to widowhood—assuaging loneliness by being intensely involved in the aspects of life, both public and private, that have always absorbed her.

IMPEACHMENT: THE CASE FOR FULL BROADCAST COVERAGE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. VAN DEERLIN. Mr. Speaker, in a few short weeks this House may well be conducting impeachment procedures—the first such case involving a President since 1868.

There seem few parallels between today's events and the impeachment of Andrew Johnson. And in one respect, at least, we should manage a distinct improvement. This time, thanks to radio and television, it should be possible to involve the entire American public in a constitutional event which affects each of them intimately.

We shall soon be called upon to decide whether the people, through live broadcast coverage of House proceedings, are entitled to a fuller understanding of this event than the print media alone can provide.

I hope our decisions will be to widen, rather than to restrict that participation and understanding. I urge my colleagues to consider some of the points made in a recent address by Hartford N. Gunn, Jr., president of the Public Broadcasting Service.

Mr. Gunn's remarks follow:

ADDRESS TO THE CONCURRENT LUNCHEON: PBS PROGRAMING CONFERENCE, ANNUAL PUBLIC INFORMATION CONFERENCE, NINTH ANNUAL PTV DEVELOPMENT CONFERENCE

(By Hartford N. Gunn, Jr.)

Some weeks ago in Room 2141 of the monumental Rayburn Building in Washington, D.C. six raps of the gavel at ten past one in the afternoon brought 38 men and women to a point in history without precedent in our lifetimes. After a reading by the chairman of the group of the resolution establishing their charge, the chairman then said:

"We understand our high constitutional responsibility. We will faithfully live up to it.

"For some time, we have known that the real security of this nation lies in the integrity of its institutions and the trust and informed confidence of its people. We conduct our deliberations in that spirit."

So spoke Representative Peter Rodino, Jr., Chairman of the Judiciary Committee of the House of Representatives.

Thus, for the first time in this century and only for the second time since the founding of this country, have we as a nation begun the process which could lead to the impeachment of a President of the United States.

Whether this process goes to its completion; whether the President ultimately will be acquitted or found guilty of "high crimes and misdemeanors" is of immediate importance, for any decision directly affects the leadership of this country for the next two and one-half years.

CONFIDENCE AT STAKE

But, I would like to suggest here today that there is here at issue something more important than the ultimate fate of the individual who is the President at this moment.

What is being tried here is the confidence of the American people in our institutions: the presidency, the courts, and, most specifically, the Congress itself. Even more important is the degree of the people's confidence in—their respect for and belief in—our governmental process and the constitution. The process of impeachment which could lead to the removal of a President duly elected by the people—indeed, by a substantial majority of the people—is a major and highly sensitive decision for it goes to the heart of the American system of democratic government.

It is important to all of us that this process not be undertaken lightly and that everything possible be done by those directly involved to insure that we maintain and, where necessary, help restore confidence in our institutions of government and democratic processes. Certainly those in Congress entrusted with the duties given to them by the Constitution must perform their tasks with "wisdom, decency and principle" that Mr. Rodino urged upon them.

It is equally essential, however, that the public, if it is to believe in its representatives, its institutions and constitutional process—it is of equal importance that the citizen know and understand the process and its application in this critical instance.

There is *no better means*, I believe, to develop that knowledge and understanding than through direct personal observation of the process, supplemented by intelligent and helpful background and analysis.

We had hoped that many of the sessions of the Judiciary Committee would be open to the public. Unfortunately, to date these sessions have not been open with the exception of fifteen or twenty minutes at the beginning of the hearings. It is expected, however, that the House debate on impeachment and the trial in the Senate, if one or both events should take place, will be "open" to the public—at least in the technical sense that individuals other than the legislators themselves would be permitted to be present. But what effect will this have on our average citizen whom legislators, journalists and political scientists agree should be fully informed on all matters pertaining to the impeachment proceedings?

SHOULD BE TRULY PUBLIC

Public hearings imply the chance for personal observation. Assuming that our average citizen wants to be fully informed and has the time and money to come to Washington, let's look at the formidable odds he faces if he wishes to observe these activities directly. When the Judiciary hearings opened, "the public" was admitted for fifteen or twenty minutes to observe the opening ceremonies. There were chairs in the hearing room for 150. 90 chairs were given to the press for their reporters, 43 chairs went to the aides and guests of the committee members and 10 went to the committee's staff assistants. The average citizen got one of the remaining 11 seats.

If the Judiciary Committee were to recommend a Bill of Impeachment, it would go to the floor of the House of Representatives which we are told might be open to "the public". It will be less crowded in the spectators' gallery of the House of Representatives, of course, but not much. The House gallery has 732 seats or not quite five times the number of seats in the Judiciary Committee's room. If an impeachment trial is held, this critical activity will take place in the Senate before only 425 spectators in the Senate's gallery.

Of course, you'll have to get passes from your Congressman to get in, and you will be competing with an even greater number of Congressional aides, friends, relatives, press, etc.

If you are an average citizen and want to have direct personal knowledge and observation of your government, my advice would be to save your air fare. *Your* chances are not much better than one in a half million that you will get past the Capitol police to one of those several hundred seats.

Well, you *will* have the reports on the impeachment process from the journalists of radio, television, newspapers and news magazines. Hopefully, in a few cities you may be fortunate enough to get complete transcripts of the hearings and trial, if held. But in most cities you will receive the standard journalistic coverage which can be spotty and not of uniformly high quality. Even if all such reportage were complete and accurate, you would lack the nuances of the inflection and the appearance of the speakers, the immediacy of the event, and a sense of presence and atmosphere in which such a serious and fundamental act of government is taking place.

TECHNOLOGY IS AVAILABLE

We are fortunate, however, to have in our time the technological advance we call television which can, *if permitted*, overcome most of the inadequacies of reaching and serving the needs of the average citizen.

Television is unique in its ability to help the citizen to observe, study, and understand the process as it unfolds. One can, through full television coverage, probably see and hear more than as a spectator in person in the galleries. One certainly can weigh the oral arguments and evidence better than one can through even the most complete second- or third-hand comments of any paper, magazine or news broadcast. In short, the citizen becomes a participant in much the same sense as the citizen is a participant in the electoral process. He or she is free to make a personal assessment based on direct observation.

It is my belief that the credibility of our leadership, our institutions, and the governmental process is at issue here, and we must use all means to reach the citizen in the most effective way. Television offers the best means to reach the citizen where he is with much of what he needs to know.

The Judiciary Committee, for example, having gone on record initially as planning to open its hearings to television has, as of today, not done so. This initial decision in favor of closed hearings up to this time, in my personal opinion, has had unfortunate consequences. I believe that the virtual torrent of "leaks" from these so-called "closed" hearings to the press has not benefited anyone.

Certainly they do not relieve President Nixon in any direct way as they highlight only the worst or sensational aspects of his situation.

They do not benefit any of the Committee members in the long run because they leave the impression of administrative sloppiness and partisanship, if not self-serving activity, on the part of both the Republican and Democratic members of the Committee. And, more importantly, these "not-so-closed" hearings do not benefit the public for they leave the average citizen with a confused, highly distorted picture of what is happening to their President, to their Congress—indeed, to the whole process of impeachment with its most serious consequences for our future as a country.

IS PUBLIC REALLY INTERESTED?

One would think that, in view of these damaging consequences of excluding the public—Congress would move with a sense of urgency to declare that any future proceedings on impeachment in the House and Senate would be open to everyone via television and radio to see and hear.

This is not the case. As recently as two weeks ago, the House Majority Leader, Congressman Thomas P. O'Neill, responding to Paul Duke on *Washington Straight Talk* over PBS concerning the televising of the proceedings on the floor of the House—the Majority Leader said, "Well, I've always been opposed to it." He went on to say, ". . . and how much interest is there in the people of America just looking down at the floor and watching this proceeding take place?"

It is quite possible that, if the present view of leadership in the House of Representatives prevails, the House, at the very least, will not be open to television for the impeachment proceedings, although it appears at this time that the Senate may permit coverage of a trial, if held.

There are a number of arguments that have been advanced by people in and out of Congress as to why television should be denied access to these proceedings.

Some claim that the impeachment process is analogous to a trial. Trials are generally not open to television primarily to prevent the trial from being prejudiced by publicity and the application of outside pressures, or from jeopardizing the rights of the innocent or the accused, etc. I personally doubt that the criminal trial analogy holds here. Impeachment, if it were to take place, certainly is not a *criminal* trial. Rather, it is part of what should be an orderly, albeit extraordinary, constitutional action of government for the purpose of determining whether an individual is fit to hold the highest office in the land. In any case, the publicity is likely to be so all pervasive, so overwhelming with every medium of communications turned full force on so momentous and critical an event that it is difficult to see how any further harm might be done. On the contrary, the citizen who is able to see and hear for himself may be in a better position to moderate those pressures which spring from lack of information or misinformation.

WOULD IMPRESS THE WORLD

The same argument for complete access would apply to the rest of the world. We refer to our system of government as being open and participatory; we say that our 200-year-old constitution is relevant to our times.

Rather than our being embarrassed by opening the process of our government to world view, we can hope that complete coverage will add to world understanding—possibly, in the midst of the confusion, even some admiration of a system of government that is so open and the citizen so fully served.

Other arguments for excluding television coverage of floor debates and actions include the following: Some argue that coverage of floor debates and actions has never been permitted—but I would think it is high time that the floors of both Houses of Congress were open to radio and television. Others argue that the public is not entitled to be present—but I would maintain that the public is entitled to observe its own business being conducted by its own elected representatives. Some argue that there will be adequate coverage through reports and transcripts—but there is an old saying that "seeing is believing," and it is important that the public "believes." Still others argue that Congressmen will become performers—but any Congressman who would "perform" might well discover at election time that the voters have taken his AFTRA card away.

I think that each of these concerns could be argued individually at greater length. I don't mean to dismiss these concerns as lightly as I do here. I would suggest, however, that, whatever merit these arguments may have, they are answered to a considerable degree by the need for all concerned—the President, the members of Congress, and the public—to be exposed to a complete and direct account of what is happening and why.

For, as I said earlier, it is not just the fate of an individual that is the issue here, but our institutions and process of government that are in question. It would be irresponsible to exclude the public from such crucial experience.

FAIRNESS TO PRESIDENT

Secondly, as complete an understanding as is possible is needed, if acquittal of the President or dismissal of the charges were to take place. For the President must have sufficient support from the public if his final years in office are to be useful and effective. Conversely, the public must understand as completely as possible why a President they overwhelmingly elected only a year and a half ago was impeached and removed from office if that were to be the decision of Congress.

An immense amount of information concerning alleged wrongdoing in this administration has been put forth by the various media in the two years since Watergate entered our vocabularies. The public is owed as full and complete access as our technology and governmental and constitutional process permit. The necessity for this, I believe, is clear, for in either instance—the acquittal or the removal of the President—it is *public opinion* that well determine whether the country and its leaders can go forward.

Though direct, personal observation does not insure complete understanding, it does seem better to risk the unknown of full and direct disclosure than to risk the real likelihood of serious miscommunication and misunderstanding as a result of partial or inadequate disclosure.

Senator Barry Goldwater has put it even more succinctly, "Things have gone too far for secrecy now."

I hope Congress will open its actions on any impeachment proceedings and trial to complete radio and television coverage, not because those of us in television so request but because the Congress itself is persuaded that the maximum flow of information to the public is the best protection for a democratic society.

Despite, I think, the persuasiveness of the arguments for television coverage of the impeachment process, I am concerned, as I said earlier, that Congress will decide otherwise. First, because the public—you and I—have not made our opinions on this matter known to our representatives. I would urge you, therefore, to make your own feelings on television coverage of these proceedings known to your representatives. I would urge you to call this question to the attention of the public—not with the objective of telling people what to do or how to think, but with the intention of seeing that the American public has all the facts and all of the pros and cons of this issue. This is not a matter of importance only to the media. It's a matter of great importance to the citizen who should be aware of the problem and be given an opportunity to learn and decide for him- or herself—one way or another.

BROADCASTERS MUST SHAPE UP

Second, I am concerned that our own actions in the television industry may prejudice our request for coverage. Congressman Sidney Yates of Illinois and other representatives have submitted one or more resolutions calling for such television coverage. For these resolutions to be considered and voted upon by the entire House of Representatives requires a rule from the House Rules Committee. The Rules Committee, I am told, is awaiting word from the Speaker of the House, Carl Albert, as to his feelings on this matter.

It is my understanding that Speaker Albert has been approached by television journalists and producers requesting lights, camera platforms and positions that the Speaker, in his opinion, believes will discomfort and disrupt the proceedings. I hope we in the television industry would use our best efforts to accommodate ourselves to the needs of the Congress and not vice versa. Surely, we can accept a less than perfect television picture in order to be sure we can have a picture.

Even more seriously, I understand, suggestions have been made to the Speaker that the presentation of evidence and other activities be organized, timed, and delivered on the floor to better meet the demands of television as the producers and journalists see them. Again, I hope that this report is not accurate. This is not a sporting match where television controls the time-outs for commercial breaks, etc.

You could sense Congressman O'Neill's concern when he described on *Washington Straight Talk* the process by which television goes about arranging for an address by the President to the Congress. Congressman O'Neill said:

"The President of the United States comes up to give a message to the Congress, and you the television people will say, 'Now, Mr. Speaker, could you arrange it one minute past nine for the committee to be assembled in front of the rostrum and walk out to the Speaker's office, where the President is, and notify the President? And at six minutes past nine, can you have them back in front of the rostrum? And then at seven minutes past time, can the President leave so we can get—start to tape him? And at eleven minutes past nine, can the President be in the chamber so we will be all set? And then would the President be able to be finished his speech by 9:38 so the committee can reassemble?"

Congressman O'Neill finished by saying: "I'm fearful of the production of the matter as to cut-in, hold-ups or things like that. It's too serious a matter to take any chances of that. . ."

He is right. But it doesn't have to happen that way. This is as serious an event as television may be privileged to cover in our lifetime.

GROUND RULES IMPERATIVE

We, as an industry, must not intrude to the slightest degree on the affairs of the House and Senate, not only because it is grossly inappropriate for us to do so but also because the industry might be the reason why the public was denied access to the public's business.

It should be possible, therefore, for all four national television organizations to agree on the exact nature of the technical coverage—which minimizes lights, cables, cameras and staff in the House and Senate chambers. It should be possible also to agree upon a set of ground rules regarding coverage, interruptions, and journalistic impositions on the members of Congress.

If we as journalists and broadcasters were to be in the slightest way responsible for a denial of public access to the process of impeachment, we would be justly condemned by all citizens.

The impeachment process is a most painful one. No serious participant, including the individual citizen, derives any pleasure from the hard work and agonizing decision making involved. Yet the successful application of this process, whatever the final decision, is so important to the continued well-being of our country that I hope that everyone who wishes to do so may see and hear and better understand.

For those of us responsible for the support and direction of this unique medium of television, it could be our greatest service. I hope we will be privileged to render that service.

TUNNEL VISION AT THE WHITE HOUSE ON COAL MINE REGULATION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. UDALL. Mr. Speaker, the Washington Star-News has joined the growing list of newspapers and periodicals which are endorsing H.R. 11500, the Interior Committee bill to regulate strip mining.

Following is the Star-News editorial of July 5, 1974, which asserts that H.R. 11500 is "an excellent piece of legislation."

This is one of the best short summaries of the issues involved in this legislation I have seen, and I commend it to your attention. The editorial follows:

STRIP MINING SHOWDOWN

Having worn out every excuse for delay, over a period of years, Congress seems ready for a real showdown on the strip-mining issue. Whether this necessary but potentially destructive method of getting minerals (most notably coal) will be brought under federal regulation, or whether the wrecking of vast landscapes will accelerate without remedial action, may be decided this month. The arena for this decision is the House, for the Senate passed its own strip-mining control bill—a tough one—last October.

And though the House has dragged its feet much too long, its Interior Committee has come up with an excellent piece of legislation. The measure would require restoration of stripmined land to the "approximate original contour" and planting of permanent vegetation to prevent erosion. Stripping could be banned on lands deemed unsuited for restoration—in some steeper mountain areas, for example. And equally important, a new fee on production of coal would help finance the reclamation of land which has been laid waste in past years by rampant stripping.

This measure, in fact, is attuned realistically to the great environmental challenge in this field, and also to energy-crisis concerns. It offers strong hope of relief for a nation with more than 2 million acres blighted by unrestored strip mines—stretching like moonscapes over some states—and a need for much more coal mining to fuel its oil-short economy. Certainly the diverse values will not be easy to reconcile, with any sort of program. But the country cannot afford to create vast new wastelands in a rush for shallow coal, and American industry, we think, can accommodate itself very well to the requirements of this legislation. The American consumer, obviously, must be prepared to pay the price of natural preservation, most noticeably in higher electric bills. For it is coal, mainly, that keeps the generators running and the lights on.

As might be expected, though, the legislation is powerfully opposed by the coal mining and electric power industries. And they've drawn support from the Nixon administration, which, despite its pledge to the concept of strip-mining controls, seems to favor only weak measures. It has put out scary but dubious estimates of the House bill's impact on coal production. One wonders how the White House can afford to undermine a meaningful approach to strip mining, so soon after helping to scuttle national land-use legislation which it earlier espoused. The tax on credibility is considerable, when one recalls President Nixon's past pleas for action in both these areas.

There is still time, of course, for the administration to throw its weight on the right side, and we hope that will become evident in the days just ahead. The first test, next week, will be in the House Rules Committee, which should release the Interior panel's bill with the least possible delay. Then the battle must be won on the floor—against weakening substitutes, and for a law that will prevent the pell-mell disfigurement of America.

BLACK EAGLE OF HARLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RANGEL. Mr. Speaker, I would like to share with my colleagues an interesting piece of American history. In a recent story in the New York Times the life of Hubert F. Julian is highlighted. Mr. Julian, or the Black Eagle of Harlem as he is known, has lived a diverse and fascinating life, which includes being a pioneer black aviator, stunt parachutist, and an international arms dealer. I am pleased to share with my colleagues some insight on this great American folk hero.

The article follows:

BLACK EAGLE OF HARLEM, 77, LOOKS BACK ON DAYS AS FLIER AND SOLDIER OF FORTUNE

(By Lee Dembart)

Fifty years ago this week, Hubert F. Julian, the Black Eagle of Harlem, took off from the Harlem River to the cheers of thousands on what was billed as a flight to Ethiopia.

Although he crashed five minutes later in Flushing Bay when a pontoon fell off his seaplane, the stunt established him as a hero in the minds of black people, and he has remained one in folklore. At a time when black men could hold few aspirations, he not only aspired, but did.

Now 77 years old, though he looks half that age, Colonel Julian reminisced this week on a career of derring-do during which he has been a pioneer black aviator, stunt parachutist, soldier of fortune and, most recently, international arms dealer.

EXPELLED FROM CONGO

Controversy has surrounded him wherever he has gone, whether commanding Emperor Haile Selassie's Air Force (the Emperor commissioned him a colonel), flying for the Finns against the Russians in 1940 or shipping arms to Guatemala or Haiti or the regime of Moise Tshombe in Katanga, for which the United Nations expelled him from the Congo.

Colonel Julian has not flown an airplane in nearly 30 years. But in an Oxford accent that is sometimes overcome by his West Indian birth, he spoke animatedly of the nineteen-twenties, when he made his living by parachuting at $1,500 a jump.

"One time in Atlantic City I was to land on the beach," he recalled. "The wind was blowing to shore, so we took the plane over the water to allow it to blow me back.

"When I got within a thousand feet of the seashore, then the wind becalmed. I was wearing a full uniform, including boots, you understand. But I'm no Weismuller. I held my parachute in my teeth and divested myself of everything except my shorts. Then my shorts blew off.

"You talk about streaking," he said, chortling. "Well, sir, that was the first aerial streak. I could hear the women shrieking. Yes, that was the first aerial streak."

PARACHUTING INTO HARLEM

Saturdays he made parachute jumps over Harlem, always with a sponsor, whose product he would advertise, once playing the saxophone, and once landing atop the 123d Street police station, where his equipment dangled over the side broke a window.

"The things I would have been able to accomplish had I not been a Negro," he lamented. "I wish I would have come into the world looking like my mother, who was English, rather than my father. I would not have had to surmount the insurmountable obstacles.

"I never thought I would live to see the day when a black man would rise to the level of lieutenant general in the United States Air Force. We have Negroes now who are flying for airlines, where then they couldn't even wash the planes."

Colonel Julian and his wife, Essie, celebrated their 47th anniversary a week ago today. They live in a house on Sedgwick Avenue in the Bronx with a statue of a black eagle over the door. The living room is cluttered with memorabilia.

Luncheon in the chandeliered dining room is a four-course affair, with cornish hens and veal, four vegetables and a 1959 Pinot Noir served in cut crystal. A housekeeper, two Angora cats and a parrot round out the household.

Colonel Julian, who still sports a monocle, neither smokes nor drinks, and the only water he will take to his lips is bottled spring water.

His wardrobe has always been legendary: custom-made silk shirts, stiff collars, hundreds of neckties. "A gentleman must have at least 150 suits," he said in the interview. "With vests."

Time has not dimmed his spirit or his flesh, but it has expanded his girth and his memory. His recollection of events differs from all other accounts of them, which differ from each other.

Consider the flight to Ethiopia.

Twenty-five thousand people turned out on July 4, 1924, to see him take off on the first leg. They paid $1 apiece. Because Mr. Julian had been asking blacks to send in money, the postal authorities threatened trouble if he did not make the flight.

Colonel Julian says a pontoon was damaged as the plane was pushed into the water, but he could not postpone the flight. Contemporary newspaper accounts do not mention that. Neither does his authorized biography, "The Black Eagle," by John Peer Nugent (Stein and Day, Bantam paperback).

Haile Selassie sent for Mr. Julian to head his air force in 1930, but after the colonel crashed the Lion of Judah's favorite airplane at the dress rehearsal for his coronation, the Emperor sent him home. The colonel went back after the Italian invasion, but then came home again.

He volunteered to aid the Finns in 1940, was commissioned a captain, but left after four days' service.

Colonel Julian says his arms business is completely aboveboard, with all shipments approved by the State Department. "When they say 'No,' they mean no," he said. "They don't question them."

In the Katanga business, he denied then and denied now that he was selling arms to Tshombe. "That was a fake," he said. "The U.N. came pretty near to be dissolved on account of the interference in the Congo." He insists he was bringing in hospital equipment.

DREAMS OF THE PAST

More recent arms dealing he will not talk about, preferring to remember his early days in aviation.

"I can only close my eyes and live in the past," he said. "I live in those dreams.

"I wish my people had given me the recognition and respect I received from the Nordics in this country.

"There's one thing, I can go to my grave in peace. To know that I personally got Negroes their start in aviation.

"So what more do I want for a poor black boy? I've dined with kings, but I've not lost the common touch."

COMMENCEMENT SPEECHES AT NEW DORP HIGH SCHOOL

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. MURPHY of New York. Mr. Speaker, I would like to take this opportunity to submit to the RECORD these two excellent speeches made by graduating seniors from New Dorp High School in Staten Island, N.Y. Judging by their talents, and the talents of their peers, America's future will be a very bright one. The speeches follow:

WELCOME ADDRESS

(By Maryjane Lauria)

"We choose our next world through what we learn in this one. Learn nothing and the next world is the same as this one; all the same limitations and the same lead weights to overcome." In this quotation from a novel by Richard Bach lies the reason why our years at New Dorp have been years well spent. What we have learned is the basis for our lives; a solid foundation on which we must build. New experiences will replace the old; new knowledge will expand that already learned. Each day will find us discovering a little more of ourselves, and we will put aside that which limits us.

We enter our next world with curiosity. Our curiosity may take us to any time or to any place that we wish to go; and it is our knowledge that may decide our destiny. "Going to places I never knew . . . I can see history standing still, a mystery." We cannot predict the future, and deep in our hearts, we do not wish to do so. We are apprehensive, yet eager. We wish to move on, but we are glad that we have this time to pause, to reflect, and to be Seniors at New Dorp for this final, bitter-sweet moment of commencement.

For all of us, there has been New Dorp High School and the memories that it holds. Whether we remember the many teachers who offered help when we needed it, the coach who had encouraging words after a game, the courtyard on a sunny day, or just a crowded, noisy hallway, each of us can remember his own New Dorp. New Dorp taught us to respect, to understand, and to reach for goals, especially the ones that seem impossible. It gave us many perspectives from which we were able to gain knowledge. It has allowed us to be ourselves, while quietly guiding and shaping our personalities until we have become mature young adults, ready to emerge into the world, that "next world" outside New Dorp High School.

Our "next world" is almost here. We have intelligence and skill. We have knowledge and maturity. We have the incentive to overcome, to succeed. We have the freedom to choose. We have the energy to build. We have the infinite dreams of youth.

It is both an honor and a privilege to invite you to share with us tonight our last moments as the Senior Class. Share with us our apprehension and our eagerness as we step out into our "new world." Share with us all the memories that will shape and guide us. Share with us your love and understanding as you have shared it all before.

FAREWELL ADDRESS

(By Stephen Kitsakos)

As I think of this commencement, our new beginning, I am reminded of the past. And relating past experiences to myself, I sit and dwell over the years, those short-lived years that are the fundamental seeds of my life. And I remind myself of a visit into the city. It was at a time all of us, and especially I, were developing, becoming immensely aware of the world around us: our families, our friends, our ambitions, our goals, our lives.

New York is a racy town, full of adventurous things, throbbing taxis, intense excitement, and the constant flicker of men and women and machines. Taking this all in, I began to realize its haunting loneliness. When I asked myself why I should get this barren feeling, I began to realize it was because the city was empty of sincere emotion.

We cannot live in a society, a world, a place where emotions are inconstant—in platonic republics where lives are vacuums. We cannot adhere to coups and juntas and oligarchies where creativity is suppressed. We cannot exist on a forbidden planet where movements are clocked and man exists for time. And yet, we cannot and should not pursue some elusive El Dorado—some futile Utopia of dreams. For life can be lived with dreams and with reality.

Rudyard Kipling expressed this idea so conscientiously:

> "If you can dream—and not make dreams your master . . .
> If you can fill the unforgiving minute
> With sixty seconds worth of distance run:
> Yours is the earth and everything that's in it.
> And which is more—you'll be a man, my son!"

This is the crux of our lives; the crucial point where we lean back and smile in satisfaction, and say to ourselves, "It's been four years, and I'm proud of myself." And we should be; we all should be proud of ourselves. This is an era of awareness. No one has to say to us, "The world out there is tough." We know it; we realize it a little more than other generations did. But we are obliged to live in it and change it . . . if we can. We are obliged to dream in it. We are not out to save the world as crusaders, but we are spiritually high with concern, with emotion, and with hopes of eventual response.

This is an age of constant change which can lead very easily to hypocrisy. It's been proven in every aspect of our lives—politically and socially. If we are sincere in our goals, our ideals, our special emotions—then we can be safe and not naive to discontent and disillusion.

Perhaps the most disillusioned characters I have read have been in Fitzgerald's *Gatsby*. Gatsby, like us, dreams, yet as he vainly pursues the future, time carries him inexorably back into the past. He is the irony of American history—while we are the symbols: symbols of unity, symbols of pride, symbols of a prosperous wealth. We are not a lost generation, but a discovered one—one of hope and one of rejoicing. Our lives cannot be altered by a newspaper headline. We cannot adhere to devastation or dramatic tragedies. True, we can be inspired by them, but we cannot let them rule our passions. Fitzgerald described his world as a change from a fresh, green breast to a grotesque wasteland, where only the morally irresponsible can hope to survive. I describe it as a wasteland . . . with hope. Valleys of ashes cannot be created unless we create them ourselves. We can be wealthy, wealthy in self determination, wealthy in love. But wealth in a materialistic way is futile. There is nothing but aimless drifting. What follows is false goals, self-delusion, and finally destruction.

Let's look around at each other and smile.

This is a joyous occasion. The tradition of commencement is one that will live and prosper, for it brings to close something obvious, and opens portals to something unforseen. We should all take great pride in our school. It has given us the foundation to develop principles which we must foster and perpetuate.

And now we are ready, with cautious anxiety, yet filled with unbounded eagerness. In a few minutes, this will be a true farewell as we leave with sincere hopes that we are ready to pursue the unknown. We find our whole lives passing before us. Dreams of yesterday have taken shape and are now reality; but they were practical ones. We have all dreamed of this moment in our lives and now we can all say, "Wow! I have achieved something in my life." And it's a good feeling.

When we leave tonight, we'll probably see many teachers crying. We'll be shaking hands with guys we've hated for four years. We'll be congratulating girls who have brushed us aside throughout our high school career. We'll probably flutter around a bit, maybe go to dinner and have a good time. But when it's over, we'll wake up without the pair of crutches that was our beloved New Dorp. There will be no one to lean on any more. Let us stand straight; we've learned to walk by ourselves. We'll smile and say, "Look out world! Here we come!!"

A CURE FOR THE POSTAL PROBLEM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. CRANE. Mr. Speaker, the efficiency of the U.S. Post Office has been seriously questioned during the past few years.

It is no secret that private companies often deliver second-, third-, and fourth-class mail more efficiently and economically than does the Post Office.

But in the area of first-class mail, the Postal Service alone must bear the responsibility for its carriage. This monopoly, as described in the private express statutes, delegates sole authority to the Post Office in transporting a "letter" over postal routes. Currently under debate is the wish of the Post Office to extend its carriage of "letters" to include both newspapers and periodicals.

The Wall Street Journal, in its "Review and Outlook" of June 18, 1974, further discusses this desire of the Post Office, with respect to the elimination of the private express statutes, by Congress. I feel that this article has great merit, and so wish to share it with my colleagues by inserting it into the Record at this time:

[From the Wall Street Journal, June 18, 1974]

A Cure for the Postal Problem

The Post Office has behaved like any profit-maximizing monopolist. So as to maximize the amount of mail subject to the postal monopoly and thus to protect Post Office revenues, it has construed "letter" to be as all-inclusive as possible. Apparently other public policy considerations—service, convenience, speed of delivery, needs of business and commerce—have been heavily discounted by the Post Office in interpreting and enforcing its monopoly.

At least since the 1600s the basic scenario of postal competition has been the same. First the government's mail service is deficient. Then an enterprising individual decides that he can make a profit by offering faster or cheaper mail service than that provided by the government. Letter writers start using the private service. The government Post Office senses an impending loss of revenue and may even feel chagrin at being shown to be second-best in service or efficiency. Government then takes action to force the private challengers out of existence.

—From John Haldi, "Postal Monopoly, an Assessement of the Private Express Statutes," published by the American Enterprise Institute.

True to the pattern, the Post Office earlier this year asserted the right to outlaw the newspaper carrier boy, by broadening its official definition of a "letter" to include newspapers and periodicals. Since this is a complete change from historical interpretation of the law, the appropriate congressional committee thought they ought to have something to say about it, and apparently the Post Office has at least temporarily backed off. But while Congress deals with the matter of definitions, it might take a good broad look at the Private Express Statutes themselves.

The statutes prohibit anyone except the Post Office from carrying a "letter" for a fee over "postal routes." Over the years Post Office interpretations have repeatedly broadened the definition of the key words. Its new regulations, still officially pending, would include newspapers and periodicals as letters, though "suspending" the statutes with respect to them. The officials disavow any intention of ever revoking the suspension and actually applying the statutes against newsboys, but the history recounted by Mr. Haldi is cool comfort on this score.

We are of course particularly interested in this issue because of the sharp increases in the cost of mailing this newspaper. One of the effects of creating the public corporation to put the Post Office on a "business-like" basis is that second-class postal rates will increase something like 270% over a five-year period. The Post Office says the previous lower rates were a subsidy, yet it wants to outlaw private competition at the new higher rates. Since competition could arise only if the new rates are higher than true costs, this does not exactly reflect total confidence in the subsidy arguments the Post Office has so loudly asserted.

Second-class mailers are scarcely alone, though, in suffering higher prices and deteriorating service. First-class mail service is now the worst in memory, despite the new 10-cent rate. Charges and classes of mail remain an irrational jumble, with supposedly priority air mail often getting inferior service. Meanwhile, despite its crying need for automation, the service has signed "no-layoff" contracts with its unions, and the percentage of its costs going to labor has actually increased. The key problem is the efficiency of the Postal Service, which actually seems to have deteriorated under the new semi-independent agency.

Which is scarcely surprising, if you stop to think about it, for the reform was based on massive illusions. The first was that a government bureaucracy can be turned into something else by changing its name. The second and even more staggering is that even if all politics were eliminated a monopoly can achieve the efficiencies of a business. This efficiency stems not from superior brainpower but from the lash of competition. What the new Postal Service has given us is free enterprise with respect to prices and socialism with respect to costs.

If Congress is willing to give up such illusions, the way to cure the postal problem is no secret: Entirely repeal the private express statutes and let nature take its course.

HOUSE RESOLUTION 988

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I include my letter of May 20, 1974, to the Honorable Julia Butler Hansen regarding House Resolution 988, at this point in the Congressional Record:

May 20, 1974.

Hon. Julia Butler Hansen,
Chairman, Committee on Organization Study and Review, Democratic Caucus, House of Representatives, Washington, D.C.

Dear Madam Chairman: I am very pleased to respond to your letter of May 13. I am responding for myself and, at his request, my close friend and colleague, John E. Moss who joins me in my criticism of H. Res. 988.

I am delighted the Committee on Organization Study and Review is considering the Bolling Report, H. Res. 988. Your Committee has the awesome responsibility of preventing a disastrous fight among Democrats on the Floor over this unfortunate measure.

A document as lacking in merit as this proposal and posing the possibilities of a bruising fratricidal fight among Democrats on the Floor of the House can only delight the Republicans and afford opportunity for major injury to the Democratic Party and its programs.

It is my view that the kindest action your Committee could take for all Democrats is the summary rejection of H. Res. 988 through any appropriate device, since the merits of this legislation are so outweighed by its lack of worth and its capacity for the creation of overall mischief.

I shall try to respond in detail to your request for comments in inverse order, treating first the jurisdictional matters, and then the nonjurisdictional matters, because I believe the jurisdictional aspects of the report are most destructive and divisive and that there is some small amount of nonjurisdictional matter in Title II of the Report which might improve the functioning of the House.

First, I recommend your Committee should most strongly, in turn, recommend against the proposals for transfers of jurisdiction between Committees. The result of this would be to dissipate expertise of Members on the subjects of Subcommittee jurisdiction and Committee jurisdiction gained over scores of years which cannot be equated with the superficial knowledge of private individuals, academics and the bureaucrats downtown. Dissipation of this kind of expertise of Members and Congressional staffs can only have a disastrous impact which will last for many years.

I believe that a "one track" system would drastically limit the effectiveness of Members. However, the "one track" system suggested by H. Res. 988 is in fact *not* a "one track" system. It would retain almost the same number of Committees now in existence, and maintain existing, although slightly rearranged imbalances in jurisdiction. Also, Members serving on more than one Committee, such as they would on the "A" and "B" Committees recommended by H. Res. 988, would suffer the same difficulties which H. Res. 988, it is claimed by Mr. Bolling, would eliminate.

Particularly obnoxious results of jurisdictional transfers come to view. Transportation, long a matter of jurisdiction of the Committee on Interstate and Foreign Commerce, would be moved to Public Works which has little expertise on this subject. Clean air and solid waste disposal matters, which originated in the Committee on Interstate and Foreign Commerce, are moved to another Committee having no experience, expertise or prior jurisdiction in these matters.

The Education and Labor Committee is to be split, with extremely destructive results on education matters, which already have been commented upon widely by educators, the National Education Association, and other groups interested in education. In addition to this the Labor Committee would be set up as a cockpit which might assure that Members of broad moderate viewpoint will not dare to serve on a Committee of this kind because of the direct political peril present in such membership. The result will be a Committee composed of extremists totally dependent on either the side of labor or the side of management. Good, balanced legislation in the public interest cannot result from this kind of undertaking.

As its present Chairman has stated, the Government Operations Committee is grossly overloaded with an excess of responsibilities. It has difficulty fully exercising its present broad powers, yet H. Res. 988 would overload it with additional responsibilities.

A Committee on Energy and Environment would be established which would pit conservation organizations against the oil companies and power companies on a day to day basis.

One damaging obvious result of setting up such one-interest Committees will be that lobbyists will concentrate on one particular Committee and devote great effort to persuading the Members of that Committee to suit their particular interests. Broad participation by Members without particular axes to grind, and the breadth of expertise that has come to the Congress by reason of having more than one Committee Member knowledgeable on subjects involving matters like energy or conservation, would be dissipated by H. Res. 988. The only result of this arrangement can be major confusion in the course of Floor action on legislation produced by this process, principally because legitimate and proper amendments will never have had a chance to surface in the Committee process.

Further, the Small Business Committee, of which I am a Member, would be given jurisdiction over laws relating to small business, and would become a legislative committee. While practically all laws which affect large businesses also apply to small business, the actual grant of legislative jurisdiction is relatively minor. The inevitable result of this jurisdictional shift would be to cripple the present ability of the Small Business Committee to conduct meaningful oversight functions.

The Merchant Marine and Fisheries Committee, which has sponsored an abundance of conservation legislation would lose its entire jurisdiction over conservation, marine mammal protection, the National Environmental Policy Act, deep water ports, wildlife and wildlife refugees, oceanography, and coastal zone management. Legislation in all of these areas originated in this Committee after long periods of disinterest by other Committees, and it would be a shame and not at all in the public interest to dissipate the expertise of this Committee in these important areas.

That the Merchant Marine and Fisheries Committee, of which I am a Member, has been able to legislate so prudently in these areas is chiefly attributable to the fact that it is a balanced Committee with a constituency in the Maritime industry and also in broad areas of conservation and the environmental concern.

Turning now to the specifics of Title II of the Select Committee on Committees proposal:

(1) TRANSITIONAL PROVISIONS

I quote from page five of the summary of H. Res. 988: "Committee assignment, seniority, and related questions are viewed as party matters to be decided by the Democratic Caucus and the Republican Conference."

Questions related to these matters are properly to be decided by the Caucus according to the Select Committee. Obviously no steps have been taken by that body to deal with these vital questions which require express and decisive answers before a matter of this sort can be brought to the House Floor. Members must be assured of the right to follow their present jurisdictional responsibilities as well as the transfer of their full Committee seniority. Failure to do this will result in substantial additional bitterness in the discussion, debate, and outrage by many Members who would then view this legislation quite properly as an attack upon themselves and their service and seniority in the Congress. It would seem imperative to resolve these questions prior to any Floor consideration of H. Res. 988.

Many provisions of this section of the bill and report are unnecessary, duplicative of existing rules of the House, and/or distinctly counterproductive. To be specific:

(2) REFERRAL OF LEGISLATION

Provisions with regard to referral of legislation can be exercised by the Speaker and no substantial change in the rules to accomplish the purposes in this section is necessary.

(3) MECHANISM FOR RESOLVING JURISDICTIONAL CONFLICT

There appears to be no substantial need for this kind of device. The Speaker has done generally a good job of referring bills to different Committees.

To involve the Rules Committee, a body which has had an indifferent attitude to its long record of obstruction of legislation in the House, appears to be one of the most foolish steps proposed by H. Res. 988. It would result in a return to many of the abuses which were a legitimate cause of concern to progressive Members for so many years.

This is properly a matter for the jurisdiction of the Speaker. H. Res. 988 would give the Rules Committee two opportunities to obstruct legislation. The first would be when legislation is introduced, thus permitting the Rules Committee to inject itself into the question of referral of a matter which is now properly none of its business, and the second would be when a rule was sought by the Legislative Committee which, after diligent work, had prepared legislation for presentation to the Floor only to find its bill all too often, held up by an obstructive coalition of Members of the Rules Committee.

A better substitute for this provision would be to simply authorize the Legislative Committee to draft its own rule for presentation of the bill to the House immediately prior to its consideration. In that way, the House could vote its will on an appropriate rule, drafted by the Committee having jurisdiction over the legislation, divide the time, and consider questions and points of order. After having approved the rule, the House could commence consideration of the bill without unnecessary obstructionism by the Rules Committee.

(4) OVERSIGHT OF FEDERAL PROGRAMS AND AGENCIES

Under existing rules of the House, Committees already have adequate oversight responsibilities and, in accordance with previous Caucus instructions, have established mechanisms to carry out these responsibilities.

(5) COMMITTEE STAFF

The increase in professional staff members under H. Res. 988 would be desirable and would be supported by almost all Members.

The proposed increase in minority staff would be most objectionable and has already been forbidden by Caucus action. For example, if one-third of the staff is assigned to the minority, that one-third of the staff would serve only the minority. The balance of the staff, under the rules of the House, has a duty to serve Members of both the majority and minority without discrimination or distinction. Thus, the majority party would find itself sharing two-thirds of the staff with the minority, while the minority would have total control of the remaining one-third of the staff—by any stretch of the imagination, a most curious allocation of the resources of the Committees.

I believe the minority traditionally has had full staff representation and service. This is the case on the three Committees on which I serve.

(6) MEMBERSHIPS ON CONFERENCE COMMITTEES

The Rules and traditions of the House already require that the majority of House Conferees support the House position. To enunciate this in reform legislation, would serve no purpose other than to continue a practice much honored in the breach and little adhered to by the Speaker. One must ask how this pious pronouncement would improve an evil situation.

(7) CONTINUING REVIEW OF COMMITTEE JURISDICTION

This would be another raid upon the jurisdiction of other Committees by the Rules Committee which was heavily represented on the Select Committee. One must ask why the Rules Committee should further expand its powers and prerogatives in light of its long record of obstructionism, delay and active thwarting of the will of the majority of the Members of the Caucus and the majority of the Members of the House.

(8) RESOURCES FOR THE WORK OF THE HOUSE

The Select Committee recommendations in this area are extremely curious:

(a) House Commission on Information

The Commission would be duplicative of the work of the Committee on House Administration and would require the instrusion of a commission of outsiders into the functioning of the House of Representatives. In my view this would raise broad Constitutional questions and yet broader questions of the prudence of establishing a precedent where outsiders may be intruding, Constitutionally or otherwise, into the day-to-day functions of the House of Representatives.

Bodies of this kind have a way of persisting long after the appointed day for their departure from the House. It should be noted that under this proposal, two representatives of public affairs institutions or groups, and two representatives of the general public, will commence reviewing internal House matters which are rightfully the responsibility of the Members of the House. The kindest thing I can say is we don't need this type of intrusion into the affairs of the House of Representatives.

(b) The House Commission on Administrative Services and Facilities

All of the functions of this institution are presently under the Committee on House Administration or should be under that body.

Again, outsiders, some six in number, members of the general public with backgrounds in administrative service and space utilization, would move in to participate in the conduct of the affairs of the House of Representatives. A sensible Member of Congress should look with great apprehension on both the precedent and the implications of this action.

(c) Legislative Classification Service

Again, an institution would be developed, the functions of which properly should be under the House Administration Committee and which offers great opportunity for additional patronage and further interference in the orderly functioning of the House of Representatives.

(d) Law Revision Council

The Law Revision Council would afford the greatest imaginable opportunity for mischief.

Revisions of laws have traditionally caused great problems. One of the events which transpires is that in such revisions, existing laws tend to get changed in unforeseen ways.

A number of years ago I learned in law school that law revisions often result in mischief, controversy and disorder. Whether this kind of device should be set up inside or outside of the Congress is a matter of great concern and which should be approached by a Legislative Committee of the House with appropriate jurisdiction and expertise and not by a Select Committee which has proven itself inept in understanding the functions of the House.

(e) Scheduling of House Committee Meetings

There is some merit in the provisions with regard to scheduling of House Committee meetings and this, I believe, could be safely included in the recommendations of your Committee.

(f) Early Organization of the House

I believe this is a highly desirable provision which offers considerable benefits to the House as an institution and I support it without question.

In general, I believe the provisions for the rules of procedure for Committees would be desirable but should be open for amendment.

In summary, I believe the intrusion of the Select Committee panel into the day-to-day functioning of the Committees is not as desirable as the Chairman and his associates might believe. For special reasons Committees might wish to arrive at arrangements different than those which would be mandated in H. Res. 988.

This proposal again would impinge upon the prerogatives of the Committee on House Administration and would afford opportunities for unwise change in long established and effective practices inside Committees.

I hope this communication is responsive and helpful to your task of rectifying the gross and obvious abuses readily apparent in the Committee Reform Amendments of 1974 to which you referred in your communication.

On behalf of John E. Moss and myself, I thank you for your attention.

All good wishes,

Sincerely,

JOHN D. DINGELL,
Member of Congress.

DR. MARY McLEOD BETHUNE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RODINO. Mr. Speaker, many of us in this Chamber may recall that June day in 1960 when a joint resolution authorizing the construction of a memorial honoring Dr. Mary McLeod Bethune was signed into public law. "The Secretary of the Interior is hereby authorized and directed," the law stated, "to grant authority to the National Council of Negro Women to erect, on public grounds, in the District of Columbia, owned by the United States—a memorial in honor of Mary McLeod Bethune and in commemoration of the 100th anniversary of the signing of the Emancipation Proclamation."

The National Council of Negro Women has worked long and hard to realize this dedication to their founder. A tremendous effort has been demonstrated by every member of the NCNW throughout our Nation to make Wednesday's unveiling possible. Over the past few weeks, major preparations have been underway in Lincoln Park in anticipation of this momentous celebration. I have received a beautiful letter from Mrs. Ada Cole of the Newark, N.J., section of the National Council of Negro Women stressing the deep pride and excitement the chapter members feel for tomorrow's opening ceremonies.

And, indeed, as one reflects upon the courage, the commitment, and accomplishments of Dr. Mary McLoed Bethune, the importance of tomorrow's dedication is given added intensity.

President Franklin Roosevelt once exclaimed:

> I'm always glad to see you, Mrs. Bethune, for you always come asking help for others—never for yourself.

And so it was, through the course of her remarkable career, Dr. Bethune thought always of others. "I have been dreaming all my life, down yonder in the cottonfields, in the classroom, singing in the Chicago slums, dreaming, dreaming of big buildings and little children, of my own institution." The achievements of this 15th child out of 17, born on July 10, 1875, in a cabin on a South Carolina plantation, of parents not long out of slavery, laid the foundation of the black man's quest for equality of opportunity in "learning, earning, and living."

With $1.50 in initial assets, five pupils, and soapbox furniture, Bethune-Cookman College in Daytona, Fla., was founded. Dr. McLeod Bethune served as president from its inception in 1904 until 1942. Through her untiring efforts, strong leadership, and confidence in her beliefs, she built her dream. The college today is fully accredited by the South Association of Colleges and Schools, having a faculty of over 100 and a student body exceeding 1,000.

During the depression, Dr. Bethune served as special adviser to FDR on minority affairs in the National Youth Administration. And, in World War II, she served as special assistant to the Secretary of War in selecting officers candidates for the Women's Auxiliary Corps.

In 1935, at the age of 60, Mary McLeod Bethune founded, almost single handed, the National Council of Negro Women. Recognizing the need for women to unite and deal with the problems confronting the black community, Dr. Bethune organized her membership of 800,000 and immediately concentrated her efforts on the pressing problem of the acute unemployment of black Americans. Time and again she testified before our congressional committees, laying considerable groundwork for what later became the Fair Employment Practices Committee, fighting always to eliminate discrimination in hiring practices.

Today, the NCNW reaches over 4 million women, working always to carry forward the concern and spirit so much a part of its heritage. Her members have worked in such critical areas as racism, drug addiction, poverty, housing, hunger, child care, education, consumer rights, day care, and aging.

In Mary McLeod Bethune's last will, she left behind for all who knew, loved, respected, and followed her the task of carrying forward the essence of her great work. I would like to share these words with all my colleagues in the Chamber today:

> I leave you love. I leave you hope. I leave you the challenge of developing confidence in one another. I leave you a thirst for education. I leave you a respect for the use of power. I leave you faith. I leave you racial dignity. I leave you a desire to live harmoniously with your fellow man, I leave you, finally, a responsibility to our young people.

STRIPPER OIL WELLS ARE ENERGY PLUS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. COLLINS of Texas. Mr. Speaker, for more energy for America, one of our greatest potentials in the oil industry is stripper wells.

Most stripper wells are old producers drawing from reservoirs discovered many years ago. But, regardless of age, stripper wells contribute 13 percent of this Nation's total crude oil production, or over 2 of every 20 gallons pumped into your car's gas tank. The percentage could be much higher, too, if Congress would assist the industry by providing improved incentives to encourage companies to work these wells.

During 1972, Texas alone produced over 116,600,000 barrels of crude oil from its stripper wells, and the 1973 statistics being compiled show no substantial change. At the present wellhead crude price, this production was worth about $1.1 billion to producers and related industry, with more than $125,000,000 going directly to farmers, ranchers, and landowners.

A survey of 1972 statistics conducted by the Interstate Oil Compact Commission showed that 2 billion more barrels of crude oil would be recoverable either by primary or secondary methods, if the recovery were more economically practical. Yet during the 5 years from 1968 to 1972, 19,811 stripper wells in Texas were abandoned as they dropped below the break-even point economically. These wells would still be producing, at an approximate rate of 3 barrels a day per well, if past economic incentives had been more attractive. In other words, Mr. Speaker, we have been buying oil from the Arabs at $15 a barrel—none of which channeled back into our economy—when

22 million barrels—which could move at $10 each—have been just sitting under our own stripper wells, too costly for the independent operator to retrieve.

The Congress is, in a great part, responsible for the abandonment of these over 20,000 wells, due to its short-sighted legislation in this area. And revenue has been lost to the country. Sales of production from stripper wells generate local income, support the community through taxes and oil related businesses, create employment, and provide an economic reason for the small, independent operators, who operate the majority of stripper wells, to continue active. Once abandoned, it is not economically practical to redrill a well. Yet many of these wells, under economic encouragement provided by the Congress, could have been converted to secondary and tertiary retrieval projects, making available as much as 25 to 30 percent of the oil already produced.

The usual secondary recovery method is water-flooding, a process where water is injected into the drill hole until it forces the oil deposits to rise to the surface. I have been told that right now the Bureau of Mines, in cooperation with Cities Service Oil Co., is beginning a massive recovery test-program involving the use of polymer compounds to stimulate oil resources once thought of as unretrievable, under the former price structure. These polymers, when injected into the well, mix with the oil and work like dishwater detergent.

The polymer cuts the oil loose from the surrounding materials, and then the water-flooding, like an automatic dishwasher, can sweep the oil out and up to the surface. Yet at the current rate of abandonment, 4,000 stripper wells a year will be lost, unless we act now to improve the general economics of stripper well operations.

Mr. Speaker, the energy crisis in this country is not yet a thing of the past. I hope Congress will be far-sighted in supporting a phase of the oil industry which has definite, immeasurable potential. Why should we pay higher prices for Arab oil? We can produce oil here in the U.S.A. for a price well below the Arabs by encouraging stripper well production.

TRIBUTE TO U.S. DISTRICT JUDGE ERNEST GUINN

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. WHITE. Mr. Speaker, many of my friends and constituents in El Paso share a deep sense of sadness with me over the recent death of a singularly compassionate, dedicated, and accomplished man: U.S. District Judge Ernest Guinn. Contemporary opinion of Judge Guinn was summed up by the Most Reverend Sidney M. Metzger, bishop of the Catholic Diocese of El Paso, who noted in his eulogy at the judge's funeral Mass:

> He was always for the underdog and his compassion for the poor was very evident. He had wisdom in the distribution of justice.

These thoughts about Judge Guinn were elaborated by U.S. District Judge John H. Wood, Jr., who entered the following statement in the court records upon reopening Federal court proceedings following a short period of mourning:

> Judge Ernest Guinn's brilliant, capable and tireless dedication to the administration of federal justice are the obvious reasons why the El Paso Division of the Western District of Texas has the most current and one of the best administered criminal and civil dockets of any U.S. District Court Division in America. This record of achievement is indeed a most fitting tribute and memorial to this splendid jurist whose varied and diverse legal and judicial qualifications will be difficult, if not impossible, to ever replace. All of those who have known me were always aware of my ardent admiration for his judicial fairness, ability and sound legal philosophies. I was indeed most fortunate to have Judge Guinn's sincere and unswerving support, counsel and advice as my loyal and intimate personal friend and colleague. I will always respect, revere and remember him as a truly great jurist, a really God fearing and highly Christian gentleman, a devoted family man and a patriotic American who dedicated his entire legal life to outstanding public service.

Judge Guinn was born September 29, 1905, in Palestine, Tex. He attended El Paso High School, and then went on to the University of Texas, and its law school, where his destiny of juristic greatness was indicated when he graduated at the age of 22 with the highest grade point average which has ever been recorded at the prestigious institution. Judge Guinn has broad family ties to the law. He was admitted to the bar on the 100th anniversary of the admission of his grandfather to practice law in Tennessee. His great-grandfather and great-granduncle were partners in one of Texas' earliest law firms starting in 1845 at Burke. Today, his widow, Mary Vance Guinn, and two sons, Ernest A. Guinn, Jr., and Dick H. Guinn, are all respected practicing attorneys in El Paso.

Judge Guinn was a member of the El Paso and American Bar Associations, had served as El Paso County Democratic chairman, and on the boards of St. Margaret's Home of Children and Loretto Academy. He was a member of the Catholic Church. Following his bent for humanity, Judge Guinn chose to put his prodigious legal talents to work for the general public instead of for his own gain.

Except for a few brief years at the very outset of his career, and again when he enjoyed a short sojourn in private practice with his barrister wife just prior to assuming the Federal bench, he spent his entire professional life in public service—as a city and then county attorney in El Paso, and finally as U.S. district judge for the Western District of Texas as the appointee of President Lyndon Johnson. The Honorable Ernest Guinn leaves behind an enviable record of service to his fellow man—and uncountable numbers of friends.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD each month the monthly calendar of the Smithsonian Institution. The July calendar of events follows:

JULY AT THE SMITHSONIAN

TUESDAY, JULY 2

Film: *Mark Tobey Abroad*. Tobey discusses his artistic philosophy and reveals the free spirit behind his work as he is shown in his studio/home and walking about the city of Basil, Switzerland, his adopted home. 11:45 a.m., 12:30 and 1:15 p.m. National Collection of Fine Arts. Shown in conjunction with the current exhibition *Tribute to Mark Tobey*. Free.

FRIDAY, JULY 5

Rehabilitation Medicine Films: *Goodwill Documentary*, distributed by the Goodwill Industries; *Harlem Hospital Center*, Columbia University. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Films are scheduled each Friday in conjunction with the current exhibition *Triumph Over Disability*. Free.

TUESDAY, JULY 9

Museum Talk: *Inside the Festival of American Folklife*. Speaker: Susanne Roschwalb, Smithsonian Division of Performing Arts. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

Film: *Mark Tobey Abroad*. 11:45 a.m., 12:30 and 1:15 p.m. Repeat. See July 2 for details. Free.

WEDNESDAY, JULY 10

Research Fellows Lecture Series: *Hans Hofmann*. Speaker: Peter Morrin, doctoral candidate, Princeton University. This lecture begins a series of five on various aspects of American Art presented by NCFA Research Fellows as a result of their dissertation research. 12:30 p.m. National Collection of Fine Arts. Free.

THURSDAY, JULY 11

Creative Screen: *The Real West*. A re-creation of one of the most colorful eras in American history, narrated by the late Gary Cooper. The film depicts life as it really was when the pioneers moved westward, putting the legends in historical perspective. 11:30 a.m., and 12:45 p.m. The Renwick Gallery. Free.

FRIDAY, JULY 12

Rehabilitation Medicine Films. *Within Our Grasp*, distributed by the Veterans Administration; *Home for Supper*, Burke Rehabilitation Center. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

SUNDAY, JULY 14

Bastille Day Celebration: *Concert for Heroes*, presented by the Baltimore Symphony Orchestra, conducted by Sergiu Comissiona. The program includes French, Italian and Russian works from the Age of Romanticism and concludes with the 1812 Overture by Tchaikovsky, with an accompanying fireworks display. Wine provided for a picnic supper. 2:30 p.m. Merriweather Post Pavilion. $7.*

Summer Shorts: *Blotto*, Laurel and Hardy: *The Violinist*, by Ernest Pintoff; *Harvesting* by The National Film Board of Canada; *The Tempest by* Robert Brown and Frank Ogilvie; *Muggins* by Steve Wax; *Incredible Jewel Robbery*, Marx Brothers. Complete program begins 3:30 p.m. Carmichael Auditorium, History and Technology Building. $1.25. Series ticket (July 14 through August 25) $7.50. Tickets will also be sold at the door.*

TUESDAY, JULY 16

Museum Talk: *Shipbuilding in the Age of the Computer*. Speaker: Melvin H. Jackson, Curator, Transportation. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

Film: *March Tobey Abroad*.—11:45 a.m., 12:30 and 1:15 p.m. Repeat. See July 2 for details. Free.

WEDNESDAY, JULY 17

Research Fellows Lecture Series: *The World's New Art Center: New York Exhibitions of Modern Art in the Aftermath of the Armory Show*. Speaker: Judith Zilczer, doctoral candidate, University of Delaware. 12:30 p.m. National Collection of Fine Arts. See July 10 for series details. Free.

Children's TV Seminar: Consumer, business and government leaders discuss the controversy over regulation of the hard-sell commercials on children's TV shows. The panel will include Robert B. Choate, Chairman, Council on Children, Media and Merchandising; William Tankersley, Vice President, Council of Better Business Bureaus, Inc.; Lawrence Secrest, Legal Assistant to the Chairman, Federal Communications Commission; J. Thomas Rosch, Director, Bureau of Consumer Protection, Federal Trade Commission, 8 p.m. Carmichael Auditorium, History and Technology Building. $4.*

FRIDAY, JULY 19

Rehabilitation Medicine Films: *So They May Walk*, distributed by the Sister Kennedy Institute; *The Person Within*, Clarke School for the Deaf. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

SATURDAY, JULY 20

Exhibition: *Butterflies*. Approximately 23 watercolors by William Howe, showing butterflies in their natural settings. 2nd floor rotunda, Museum of Natural History. Through August.

SUNDAY, JULY 21

Summer Shorts: *Music Box*, with Laurel and Hardy; *Ballet Adagio* by Norman McLaren; *K-9000* by the Haboush Company; *Secret Cinema* by Paul Bartel. 3:30 p.m. Carmichael Auditorium, History and Technology Building. $1.25. Tickets will be sold at the door.*

TUESDAY, JULY 23

Museum Talk: *Submarine Telegraph: The Grand Victorian Technology*. Speaker: Bernard S. Finn, Curator, Electricity. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

Film: *Mark Tobey Abroad*. 11:45 a.m., 12:30 and 1:15 p.m. Repeat. See July 2 for details. Free.

WEDNESDAY, JULY 24

Research Fellows Lecture Series: *Roberta Tarbel*, doctoral candidate, University of Delaware, discusses the American sculptor *William Zorach*. 12:30 p.m., National Collection of Fine Arts. See July 10 for series details. Free.

THURSDAY, JULY 25

Creative Screen: The Real West. 11:30 a.m. and 12:45 p.m. the Renwick Gallery. See July 11 for details. Free.

FRIDAY, JULY 26

Rehabilitation Medicine Films: *Lights Out, No Sound*, distributed by Schmidler; *Everything But Hear*, Clarke School for the Deaf. 12:30 p.m. Carmichael Auditorium. History and Technology Building.

Exhibition: *Contemporary Nigarian Art: Craftsmen from Oshogbo*. Seventy-three textiles and metal works by eight Nigerian artist-craftsmen. Approximately half the objects are sculpted figures and pieces of jewelry by Jinadu Oladepa including bracelets, rings, neck pieces and belt buckles. Also displayed are tapestries, batiks, appliques, low relief sculpture and mosaic tables. The exhibition is from the collection of Mrs. Jean Wolford, under the patronage of the Ambassador of Nigeria, His Excellency John M. Garba. The Renwick Gallery, through October 28.

Children's Theatre: *Aladdin*, performed by Archaesus Productions in commedia dell' arte style with audience participation. 10 a.m. Carmichael Auditorium. History and Technology Building. $2.50.*

SUNDAY, JULY 28

Summer Shorts: *Case of the Mukkinese Battlehorn* with Peter Sellers; *Bugs* by Tadeus Wiklosz; *How Now Boing Boing; This is the Home of Mrs. Levant Graham* by Eliot Noyes and Claudia Weill. 3:30 p.m. Carmichael Auditorium, History and Technology Building. $1.25 Tickets will be sold at the door.*

Oriental Rugs and Brunch: Anthony Landreau, Director of the Textile Museum, will examine and identify rugs brought in by attendees. Brunch and music will be provided in the gardens. 11 a.m. The Textile Museum. $15.50*.

TUESDAY, JULY 30

Museum Talk: *Facts About Flags*. Speaker: Herold D. Langley, Associate Curator, Naval History. 12:30 p.m. Carmichael Auditorium, History and Technology Building. Free.

WEDNESDAY, JULY 31

Research Fellows Lecture Series: *Barbara Zabel*, doctoral candidate, University of Virginia, discusses *Louis Lozowich and Urban Optimism of the 1920's*. 12:30 p.m. National Collection of Fine Arts. See July 10 for series details. Free.

Lecture/Performance: *The Moiseyev Dancers*—a two-part program. *Lecture:* Martin Feinstein, Director of performing Arts at the Kennedy Center, discusses Igor Moiseyev, his technique and dance troupe. 8 p.m. History and Technology Building. *Performance:* The Moiseyev Dancers in a program of folk art of the Soviet Union at the Kennedy Center August 7. $18.50.*

FOOTNOTE

*Indicates programs sponsored by the Smithsonian Resident Associate Program. Discounts are available for members and students. For attendance or other information call 381-5157. Unless otherwise indicated, tickets should be purchased in advance.

FESTIVAL OF AMERICAN FOLKLIFE

July 3–14, 1974

Eighth annual festival, co-sponsored by the Smithsonian and the National Park Service. Music, dance, crafts, workshops and food featured daily in four theme areas between 11 a.m. and 5 p.m., along the Reflecting Pool by the Lincoln Memorial. Additional activities . . .

Regional America (July 3–7): Mississippi—fiddlers convention and contest July 6; auction July 7. Cotton—from plant to finished product Calf-cutting demonstrations daily. Evening program: July 4 and 16.

Native Americans: Fifteen tribal groups of the Western U.S. present Sports and Games, Crafts and Food and a Multi-Media Learning Center. Archery competitions and canoe races daily. Evening programs: July 5, 6, 7, 11, 12, 13.

American Working Man: Nine groups including representatives of six unions, in cooperation with the U.S. Department of Labor and the AFL–CIO, depict textiles, iron and steel and communications. Festival newspaper published daily on presses at the site. Evening program: July 12 Hootenanny.

Old Ways in the New World: July 3–7: Scandinavia (Finland, Norway, Sweden), northwest and midwest regions of the U.S.—Fiddlers' procession daily. *Kaffestova* (Norweigian coffee shop) with informal music and dancing. Evening program July 5. Tunisia and Montreal—*Cafe Tunis* with food and informal musical performances. July 10–14: Greece—representatives from Northern Greece and the islands of Karpathos, Rhodes and port of Athens; Balitmore, greater New York City and Vancouver. *Kafaneion* (Greek cafe) *a geldi* (community celebration) held July 12 and 14. Evening program July 13.

African Diaspora: Black culture from its African origin through Caribbean influences to African-American communities of the U.S. Carnival parades July 6, 13; religious ceremonies July 7, 14. Evening concerts: July 3 and 10. *Informal concerts only will be held through the day on July 8 and 9.*

A Tunisian weaver will be among the participants from eight foreign countries participating in the 1974 Festival of American Folklife.

INSECT ZOO

Live insects and arachnids—including ants, bees, termites, tarantulas, and a wide variety of other local species—are exhibited with insect zookeepers on hand to explain the habits and background of the arthropods. National Museum of Natural History, through August.

DEMONSTRATIONS

Museum of History and Technology
No Demonstrations on July 4

Spinning and Weaving—Tuesday through Thursday, 10 a.m.–2 p.m. 1st floor, and Sunday, June 2 and 16, 1–4 p.m.

Printing and Typefounding: Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3rd floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American folk instruments, Hall of Musical Instruments, 3rd floor, 1:30 p.m., Mondays and Fridays—keyboard; Thursday—folk.

MUSEUM TOURS

No Tours July 4

Walk-In Tours—Monday through Friday—Museum of History and Technology. Every half hour beginning 10:30 a.m. Last tour 4:30 p.m.

National Air and Space Museum. Every 45 minutes beginning 10:15 a.m. Last tour 4:30 p.m. Tours begin in the NASM building and include the Arts and Industries Building.

Pre-Arranged Group Tours—Call 381-6471—Highlights of the Museum of History and Technology, Museum of Natural History, or National Air and Space Museum.

EXPERIMENTARIUM

National Air and Space Museum

To see the Earth as it truly is. A new show that begins in Washington, D.C., travels past the moon, the solar system, the Milky Way galaxy to a hypothetical distant cluster of galaxies, and looks back at each point to see the earth and its place in the universe. Tuesdays through Sundays, 11 a.m., 12 noon, 1, 2:30, 3:30 and 4:30 p.m.

Discovery Room, Museum of Natural History: An area where visitors of all ages can touch, handle and smell a wide variety of natural history specimens of all shapes and sizes ranging from whale fossils to petrified wood. Now open seven days a week—Monday through Thursday: 12 noon to 2:30. Friday through Sunday: 11 a.m. to 3 p.m. On weekends, free tickets are required and may be picked up at the rotunda Info desk.

Labor (workers), etching and aquatint, 1935, by Will Barnet. *Two Decades of American Prints: 1920–1940*, an exhibition currently at the National Collection of Fine Arts.

PUPPET THEATRE

What if . . .? Fifteen brightly colored life-sized puppets and the Allan Stevens and Company puppeteers in a comic space fantasy of the adventures of visitors from the planet Poggarpobbybaloobanop as they meet the people, animals, plants and customs of earth. Wednesdays through Fridays, 10:30 and 11:30 a.m. Saturdays and Sundays, 11 a.m., 12:30 and 2:30 p.m. Summer schedule begins June 12: Wednesday through Sundays, 11 a.m., 1 and 2 p.m. Arts and Industries Building. Admission $1.25 with discounts for groups of 25 or more through July. For reservations call 381–5395.

Calendar Requests: Mail to Central Information Desk, Great Hall, Smithsonian Institution Building, Washington, D.C. 20560. For changes of address, please include mailing label.

Zoo Train: Transportation around the zoo is provided between 10 a.m. and 5 p.m. daily. Fare 50¢, with stopover privileges at three locations—the Main Station by the cafeteria, the Panda House and the Free Flight Bird House (shown above).

OTHER ACTIVITIES

Sponsored by the Smithsonian Associate Program

Tours: Call 381–5157.

Merchant Seafaring Training Facilities—July 7.

Twilight on the Mall—July 31.

Train Trip to Cumberland, Md.—July 27–28.

Walking Tour, LeDroit Park—July 14 or 21.

Geological Study of Loudoun County—July 7 or 14.

St. Mary's City and County—July 7, 21 or 28.

Classes and Workshops: Beginning in August for both children and adults. For a complete schedule and registration information, call 381–6722.

DOMESTIC STUDY TOURS

For information on the following tours, contact Mrs. Howe, Room 106–SI, Smithsonian Institution, Washington, D.C. 20650, or call 381–5910.

Berkshire Music Festival: July 20–26, 1974
North Carolina Crafts: Aug. 18–24, 1974.
Iceland: Aug. 17–31, 1974.
Northwest: Sept. 8–18, 1974.

THE SMITHSONIAN IS JUST A BUS RIDE AWAY

Metrobus brochures are now available with information on bus routes to the Smithsonian and convenient fringe parking lots. For information for your area, call 381-6264.

Deadline for August calendar entries: July 5. The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire.

View of Venice, 1891, by Thomas Moran. Painting has been partially cleaned of discolored varnish. On display as part of the exhibition on conservation and preservation of art. National Collection of Fine Arts.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for July:

7th—*Food: Is There Enough?* A talk with Ambassador Edwin Martin, Special Assistant to the Secretary of State in charge of U.S. preparation for the World Food Conference, to be held in Rome in November. *Hello Earth—Greetings from Endeavor*, Former astronaut Alfred Worden reads and talks about his poetry, inspired by his flight on Apollo 15.

14th—*The Future of the Sea,* discussed by Navy Commander Don Walsh, a "political oceanographer" and former bathyscaph researcher.

21st—*In the Minds and Hearts of the People.* A look at a new exhibit at the National Portrait Gallery, focusing on the period just prior to the American Revolution.

28th—*Are There Evil Forces in Our Society?* A discussion by psychiatrists Rollo May, Thayer Green, and Charles Taylor.

Hours

Open 7 days a week

Freer Gallery of Art, National Collection of Fine Arts, National Portrait Gallery, The Renwick Gallery, Smithsonian Institution Building—10 a.m.-5:30 p.m.

Anacostia Neighborhood Museum—10 a.m.-6 p.m. Monday through Friday; 1-6 p.m. weekends.

Extended Hours:

Arts and Industries Building, National Air and Space Museum, National Museum of History and Technology, and the National Museum of Natural History—10 a.m. to 9 p.m.

National Zoo Building—9 a.m. to 6 p.m.

Dial-A-Phenomenon—737-8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

Dial-A-Museum—737-8811 for daily announcements on new exhibits and special events.

Docent Applicants

Hirshhorn Museum & Sculpture Garden

Applications are being accepted for docent tour guides at the Hirshhorn Museum and Sculpture Garden. Those persons selected will be required to take one course in modern art history as well as attend at least five tours of the musem dring the fall. Training will then be given at the Hirshhorn in Janary. For further details call the Education Office 581-6713.

Use of funds for printing this publication approved by the Director of the Office of Management and Budget, June 3, 1971.

SEND THE SUN, NOT THE ATOM, TO EGYPT

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. GUNTER. Mr. Speaker, I would like to enter into the RECORD a copy of the letter which I have sent to the chairman of the Joint Committee on Atomic Energy, my distinguished colleague from Illinois, Mr. PRICE. I hope that the letter will stimulate interest in the House and among the general public about the possibilities of exporting safe, clean, nonnuclear energy to developing nations like Egypt.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 8, 1974.

Hon. MELVIN PRICE,
Chairman, the Joint Committee on Atomic Energy, Capitol.

DEAR MR. CHAIRMAN: As are many of my colleagues, I find myself becoming increasingly concerned about the proposed agreement for nuclear cooperation that the President has promised Egypt.

The prospect of nuclear cooperation with Egypt is not just the prospect of cooperation with any single state at some point in time. It represents the export of nuclear technology to a belligerent in the most volatile area in the world. A great number of scientists have already expressed doubts about the wisdom of a decision to provide such aid, irrespective of the safeguards that may be written into any agreement. The dangers of Egypt, or any country in the area, developing nuclear weapons are too grimly obvious for me to dwell upon here.

But even beyond the multiplicity of questions that we must have regarding the provision of nuclear capability to Egypt lies a second, perhaps more obscure, question: what is our energy export policy going to be in the next two decades?

The developing world is clamoring for power. Many third world nations would be eager for the opportunity to purchase expensive, prestigious nuclear generating equipment for themselves, Our provision of such equipment to Egypt represents something of a precedent—it implies a decision to meet the demand for new energy sources with nuclear power. I am not convinced that this is the best decision we can make.

As you may know, during the past year and a half I have been active in promoting the development of solar energy in Congress. This is not just the relatively primitive heating and cooling energy of which most people think when they hear the term. Solar energy incorporates a number of highly sophisticated energy producing concepts: solar thermal conversion, wind and oceanic energy conversion, geothermic conversion. Developed solar energy can turn power-generating turbines and electrify cities, as well as provide heating and cooling for the smallest residential unit.

But solar energy's greatest value to us, and to the world, may lie in the tremendous potential that it holds for the developing world. For it represents a renewable, readily available, non-polluting energy source without limit.

Egypt, for example, would be particularly well suited to take advantage of what solar energy has to offer. She is situated in a climate which is calculated to provide optimum exposure to the sun. She has a long coastline, adaptable to a oceanic energy conversion project. Her agricultural hinterland might easily bear wind-powered generator stations to bring power to the countryside.

Of course, we cannot provide solar energy to Egypt immediately. But the National Science Foundation's RANN (Research Applied to National Needs) project has demonstrated that solar energy is not just a dream. Most of the solar energy programs pose no basic problems to our research; what is needed is sufficient funding to enable scientists to reduce the cost of installing and maintaining solar, wind, and ocean energy plants.

The MITRE Corporation, in its "Recommendations to RANN/NSF" (M74–21) estimated that wind and ocean energy, and solar heating and cooling, would be economically competitive with conventional fuel systems before 1985. The report noted that "it is considered entirely feasible for solar energy to provide the majority of U.S. energy supplies by the year 2020 . . ."

Now this report is based on a currently funded, non-accelerated research program. Imagine what an accelerated program might be able to provide for a country with Egypt's energy needs and optimum location.

It would be foolish, of course, to claim that Egypt's energy needs could be met by solar energy next year. Refinement of solar energy will probably take another decade. But even a nuclear reactor would not be operational in Egypt before the 1980s. Furthermore, American aid in the further development of the potential of the Aswan Dam (which is only operating at half-power—5 billion kilowatts) and of Egyptian oil fields could provide Egypt with ample energy to meet her needs until solar energy is fully operational. As the reliable London magazine *The Economist* has reported: "Only about a quarter of Egypt's present potential capacity of electric power is now being used—mainly because military expenditure has held up industrial development." (May 15, 1971)

Congress can now take an important step forward in insuring that the whole world shares a future with abundant, safe, and environmentally non-polluting energy resources. We can eschew the easy path of offering quick, glamorous power to nations in nuclear form, and, instead, help them to develop an environmentally-based power resource that will make them self-sufficient and keep their environment sound, while preventing the further spread of nuclear technology. Following such a course would require that we resolve to apply our technological capabilities towards the harnessing of the elements so that all might share. Certainly future generations enjoying a purer earth might thank us for such resolve.

So, Mr. Chairman, I urge you strongly to consider holding up an American agreement for nuclear cooperation with Egypt and other developing countries, so that we can extend solar and environmental energy aid to those countries, and thus better help them, and ourselves, prepare for the 21st century.

Yours sincerely,

BILL GUNTER, MC.

INDIANA DUNES: MICROCOSM OF "PARKS FOR PEOPLE" MOVEMENT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. SEIBERLING. Mr. Speaker, Indiana Dunes National Lakeshore, a unit of the national park system, is a 5,600-acre park, almost totally encased by industrial development and a rapidly expanding urban complex. It has long been immersed in controversy and compromise. Indeed, it is a microcosm of the whole "parks for people" movement.

Our distinguished colleague from Indiana (Mr. ROUSH) has introduced legislation to add 5,300 acres to this national lakeshore. Twenty-five Members of the House, including myself, have cosponsored this legislation. As a resident of a neighboring State and one who is deeply concerned with preserving critical open space near our Nation's major cities, I was pleased to add my support to Mr. ROUSH's effort to expand and further protect this magnificent resource.

The issues which surround Indiana Dunes must be faced, to varying degrees, by advocates of similar park proposals in other parts of the country—the Cuyahoga Valley between Akron and Cleveland, the Chattahootchee River near Atlanta, the Santa Monica Mountains outside Los Angeles. All face competing demands for the use of precious open space near their cities. If these areas have "park values," then they usually have other values as well—for industry and commerce, for sprawling suburbs and second homes.

It would be nice if the city and State governments could themselves preserve these valuable lands. But as the Indiana Dunes situation well illustrates, the pressures are too great, the prices too high, and the time too short.

Yet it is not good enough to do half the job, as we did with Indiana Dunes. A 5,600-acre park is only a small answer to the outdoor recreation needs of the 10 million people who live within 100 miles of it. Doubling the size of the park will do more than increase the region's recreational base: It will preserve portions of a unique ecological system and help maintain the integrity of the existing park.

I am disappointed that the Department of the Interior has not given this bill its wholehearted support, particularly as it would increase and enhance an existing Federal park. Unfortunately, the Department has long treated the Dunes as a stepchild, giving it low priority in the hierarchy of the national park system.

Instead of welcoming the opportunity to significantly expand this lovely area and make it a truly magnificent park, the Department has whittled down the proposed additions to a mere 1,100 acres. It omits several key areas that are ecologically important and would protect the dunes from further industrial development. In its justification for the few parcels it recommends, the Department makes no mention of the recreational value of this land to the millions of people who live near it, or to the critical need to preserve the land now, before it is lost forever to development.

INCREASING FUNDS FOR URBAN PARKS

The Interior Department has, during this session of Congress, consistently rejected urban park proposals because of the expense of land acquisition, despite the merit of the proposals on recreational or environmental grounds. I think this represents a defeatist attitude which clings to the park policies of the past and ignores the urgent needs of a rapidly changing, increasingly urban society. It also ignores the fact that some of our country's most precious land resources, like Indiana Dunes, are the ones most threatened with development and least able to protect themselves.

Furthermore, the pressures on our great national parks and our fragile wilderness areas would be greatly lessened if more opportunities for a true outdoor experience were available closer to home. Wilderness areas will be kept wild only to the extent that people can experience nature in their everyday lives and learn to cherish its values.

To help achieve this end, I recently introduced a bill to increase the land and water conservation fund from $300 to $900 million a year. This would ease the financial burden of both the States and the Federal Government. The increased funding would allow the Federal Government to expand its role in preserving critical open areas, like the Indiana Dunes, and would allow States to assist the many local projects that have gone begging for lack of funds. Sixty-one Members have joined me in sponsoring this legislation, including the distinguished chairman of the House Interior Subcommittee on National Parks and Recreation, Mr. TAYLOR of North Carolina.

MODEL FOR THE FEDERAL ROLE

The Indiana Dunes is a superb natural resource, located in the largest industrial region in the United States. It could become—like the two new Gateway parks in New York and San Francisco—a model for the Federal role in urban outdoor recreation. But if we do not act now, the dunes will remain only a fraction of the park it could be, and the opportunity for achieving its full potential will be lost forever.

"MINIPLANS" FOR NEW YORK NEIGHBORHOODS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. RANGEL. Mr. Speaker, the New York City Planning Commission recently announced three "miniplans" for the first time. Thanks to Mr. John E. Zuccotti, the commission's chairman, city planning is being approached from the local rather than the citywide level. In this manner city planners will now give top priority to considering the individual, unique needs of New York neighborhoods.

I commend this article which recently appeared in the New York Times for the further information of my colleagues:

[From the New York Times, June 26, 1974]

PLANNING UNIT INTRODUCES NEIGHBORHOOD "MINIPLANS"

(By Glenn Fowler)

A new concept in neighborhood planning, epitomized by a series of "miniplans" tailored to the needs of individual communities, is being inaugurated by the City Planning Commission.

The approach is in marked contrast to the master plan for New York City, drawn up with much fanfare six years ago but shelved by the commission last year as little more than a handy reference tool.

"This, we think, is planning for the seventies," said John E. Zuccotti, the commission's chairman, in making public the first three miniplans—for the Kingsbridge, Soundview and Hunts Point sections of the Bronx.

"The glossy-covered brochure may have had their place," Mr. Zuccotti said, referring to the expensively produced volumes of the citywide master plan, complete with elaborate graphics. "But times have changed. With a city the size of New York, in a democratic society that is as diverse as ours, there is clearly a need for more attention to local needs and desires."

Mr. Zuccotti, who became a member of the commission in 1971 and took over as chairman a year ago last February, has fostered the neighborhood approach in planning. He has sought greater involvement by the 62 community boards and local civic organizations in the planning process.

MEETINGS START TONIGHT

Abandonment of the master plan does not mean that controls on development in the city will be diminished, but rather that they will be reoriented toward community participation. Under the city's zoning resolution, the Planning Commission has continuing responsibility for balancing local and citywide priorities and its approval is required for all zoning changes and for major new projects.

The three miniplans will be discussed at a public meeting of the Planning Commission this evening at 6 o'clock in the auditorium of Intermediate School 131, at 855 Bolton Avenue in the Soundview section.

Tonight's session initiates a decentralized schedule for Planning Commission meetings. The commission will hold one in four of its regular biweekly meetings in a borough other than Manhattan. It will meet in Staten Island on July 24, in Brooklyn on Sept. 11, and in Queens on an October date still to be selected.

Tonight's Bronx meeting will include public hearings on several specific matters encompassed within the miniplans for the Soundview, Hunts Point and Kingsbridge areas. This, Mr. Zuccotti said, is in line with the commission's belief that plans promulgated for a neighborhood should not be merely academic studies of problems and possible solutions, but should instead be geared to actionable proposals.

In Kingsbridge, for example, the main problem as determined by the Planning Department's Bronx staff and by Community Board 14, which covers the area, is the compatibility of recently built high-rise apartment houses with the older one-family and two-family residences in the neighborhood.

At tonight's meeting, public comment will be invited on a commission proposal to rezone an area bounded generally by Kingsbridge and Irwin Avenues and by 232d and 283d Streets as a means of preserving low-density development. The rezoning would cover property that has been assembled by a developer with a view toward erecting a high-rise building, and would effectively bar such development.

In the Soundview peninsula, a series of zoning and mapping changes are proposed, flowing from a conclusion of the miniplan for the area that preservation of open space and provision of new park and recreational facilities are needed to protect the several residential communities that have survived changes there.

One change would rezone the Harding Park neighborhood to retain the basic low residential density of the southern part of Soundview. Another would demap an extension of the Bronx River Parkway and part of Randall Avenue to assure that the future Soundview Park along the Bronx River will be uncluttered by roads.

Community Board 8 has approved the Soundview Peninsula proposals. The miniplan for the Hunts Point area, across the Bronx River to the southwest of Soundview, was prepared by the South Bronx Community Planning Unit, one of three specialized agencies created recently by the Planning Commission to deal with matters affecting neighborhoods that span more than one community board. Besides the South Bronx unit, which covers Mott Haven and Morrisania as well as Hunts Point, there are specialized units in Harlem and in northern Queens.

The Hunts Point miniplan, approved by Community Board 2, focuses on preventing 7,000 units of older housing considered to have potential for rehabilitation, and on rearranging traffic circulation within the peninsula so that commercial vehicles, most of them going to and from the growing Hunts Point wholesale food market, do not impinge on residential areas.

ALLEN P. WHIPPLE NAMED TO BICENTENNIAL RESEARCH INSTITUTE

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. BRINKLEY. Mr. Speaker, I was delighted to learn that one of my constituents, Mr. Allen P. Whipple of Perry, Ga., was recently honored by being named to the America Bicentennial Research Institute. Mr. J. Frank Antil, executive director of the Bicentennial Research Institute, in making the announcement noted that Mr. Whipple's selection was "in recognition of his professional and civic attainments within the community of American man—and is entitled to all due honor and respect accorded to outstanding contributions to the growth and development of this American Republic."

As a member of the Bicentennial Committee in my hometown of Columbus, Ga., I would like to take this opportunity to extend my highest personal congratulations to Mr. Whipple. Mr. Speaker, at this point I am inserting for the review of my colleagues an article concerning Mr. Whipple which appeared in the Houston Home Journal of June 13, 1974.

The article reads:

PERRY'S WHIPPLE NAMED TO BICENTENNIAL RESEARCH INSTITUTE

Allen P. Whipple, Realtor and Insuror of Perry, has been named in The America Bicentennial Research Institute (1776–1976) of America according to an announcement made by J. Frank Antil of Dallas, Texas, Executive Director.

Whipple is a former Professional Scout Executive of the Peach Belt District. He is a graduate of Emory University and opened his own business, Whipple Realty and Insurance Co. in 1955.

The American Bicentennial Chairman stated, "Allen P. Whipple is hereby acknowledged as an important and valuable Human Resource of the United States of America, living during the closing decade of the First-American Bicennium (and, as such has been selected for inclusion in Library of Human Resources of the America Bicentennial Research Institute in recognition of his professional and civic attainments within the Community of American Man. Accordingly, he is, therefore, duly recognized by his countrymen and is entitled to all due honor and respect accorded to outstanding contributions to the growth and development of this American Republic."

Whipple is Immediate Past State Chairman of Publicity for the Ga. Assn' of Realtors. He is immediate past Chairman of the Public Relations Committee for the Perry Kiwanis Club. He is past Chairman for the Perry Board of Realtors Ethics, and Arbitration Committees.

In 1974, he was named to Who's Who of America, Inter-National Who's Who, and selected to England's "The Two Thousand Men of World Achievement".

He was among six realtors in the state nominated for the Most Outstanding Realtor in Georgia and was Perry's Realtor of the Year in 1973.

Whipple serves on the Executive Board of the Boy Scouts of America, is Scout Finance Chairman for the Thunderbird District's Guardian program, serves on the Advisory Board of Directors for the Georgia Lung Assn. and is a member of the U.S. Naval Institute of Maryland.

Presently he is Vice Pres. and Publicity and Promotion Chairman for the Perry Board of Realtors.

SENATE—*Wednesday, July 10, 1974*

The Senate met at 11:30 a.m. and was called to order by Hon. JAMES ABOUREZK, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Bless the Lord, O my soul: and all that is within me, bless His holy name. Bless the Lord, O my soul, and forget not all His benefits: Who redeemeth thy life from destruction; who crowneth thee with loving kindness and tender mercies;—Psalms 103:1, 2, 4.

The righteous shall be in everlasting remembrance.—Psalms 112:6.

Thanks be to Thee, O God, for Thy servant Earl Warren, for the greatness and goodness of his manhood, for his home and his family, for the magnitude of his service to his State and Nation, for his love of humanity, his outgoing friendship, his courageous convictions, his faith in democratic institutions, his commitment to the divine law, and his abiding trust in Thee.

Grant to all who mourn the consolations of Thy Holy Spirit and the sure knowledge that as we walk with Thee here so shall we walk with Thee eternally.

Through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 10, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES ABOUREZK, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ABOUREZK thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 3703) to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3477) to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia, with an amendment in which it requests the concurrence of the Senate.

The message further announced that the House had passed the bill (H.R. 5686) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act of 1925, and for other purposes, in which it requests the concurrence of the Senate.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Mills, Mr. Ullman, Mr. Burke of Massachusetts, Mr. Schneebeli, and Mr. Collier were appointed managers of the conference on the part of the House.

HOUSE BILL REFERRED

The bill (H.R. 5686) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act of 1925, and for other purposes, was read twice by title and referred to the Committee on the District of Columbia.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, July 9, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FORMER CHIEF JUSTICE EARL WARREN

Mr. MANSFIELD. Mr. President, one of the great jurists in the history of the Republic passed away yesterday. I refer to the late Chief Justice of the United States, Earl Warren.

I do not have enough words at my disposal to express my great admiration and deep respect and affection for Earl Warren, but I do have enough words to express to him, even though he has gone, and to his family, my great admiration for what he has done to bring about equality in this country; for the forthrightness with which he faced up to his responsibilities, and for the fact that he never dodged an issue and, while not always right, he was always there when the time came for a decision.

I ask unanimous consent that an editorial which appeared in today's Los Angeles Times, entitled "Earl Warren," be inserted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Earl Warren

It was a case of little significance—nothing like the great issues that so often came before the U.S. Supreme Court under the long tenure of Chief Justice Earl Warren. And the decision stirred up none of the controversy surrounding the landmark rulings of the Warren court's era.

Yet the decision was a symbol both of the man and the judge.

A savage Alabama law cut off state aid to dependent children of mothers who had extramarital relations with a man in the home. Speaking for the court, Chief Justice Warren struck down the statute. It was inconceivable to him that children should go hungry because of the conduct of their mother.

That Alabama law was not justice, and equal justice under the law was Warren's abiding ideal. When he immediately sought through his power and influence in that great office to give substance to this principle, many friends and critics alike were confounded.

If they had been more familiar with the man and the official, whose public life went back to 1919, they would have been less astonished—or not surprised at all.

Nearly 50 years ago, an aggressive, 34-year-old district attorney said, "It is a shame to think that there should be one law for the poor and one for the rich." His name was Earl Warren. It was essentially the same man who nearly 30 years later became chief justice of the United States. In the intervening years, his beliefs as a young man had been reinforced by a remarkable public career. He had been elected governor of California for an unprecedented third term when he was named chief justice by President Eisenhower.

The storm that beat against the Warren court began in his very first term when the chief justice wrote the unanimous opinion that segregation in public schools no longer could be tolerated. The decision that compelled legislative reapportionment was bitterly attacked. The fury of the critics was kindled again by the one man-one vote opinion that ruled unconstitutional the composition that then characterized most state legislatures.

But these controversies, furious as they once were, have faded. The nation has come to recognize that discrimination by race in any area of public life cannot be accepted in a democratic society. The nation has come to understand that representative government must be representative in fact as well as in theory. Otherwise democracy is poisoned at the well.

Still the center of controversy is the concern expressed by the Warren court for the protection of the rights of criminal suspects. The court's decisions on criminal procedure were a natural outgrowth of the struggle for civil rights. Dean A. Kenneth Pye of Duke law school observed:

"If (during this period) the court's espousal of equality before the law was to be credible, it required not only that the poor Negro be permitted to vote and to attend a school with whites, but also that he and other disadvantaged individuals be able to exercise, as well as possess, the same rights as the affluent white when suspected of crime. It required that the values expressed in the Bill of Rights have meaning to the vast majority of our citizens whose contact with the criminal process is limited to local police and local judges . . ."

What got the Warren court in trouble, said a noted Illinois judge some years ago, was the attempt to put "flesh and blood" on our ideals. Genuine fear also was a factor in the hostility generated by the court's decisions strengthening the rights of criminal suspects. These changes coincide with a time of rising crime and violence. One writer described this as a "monumental incongruity"—the court placing "rigid limitations" on the police "at a time when the United States had the most serious crime problem of any so-called advanced nation in the world."

Simpler critics put their criticism in simpler and more appealing terms. The Warren court, they said, took the handcuffs off criminals and put them on the police.

After he left the court, Mr. Warren answered the critics. "Those who would adhere to the Bill of Rights in our common cause against crime," he said, "are accused of being 'soft on crime' and therefore responsible for the lawlessness, which is largely born of slums, ignorance, bad health conditions, race discrimination and lack of economic opportunity."

The spirit of the man, who sought to convert the ideals of justice into a living reality for every citizen, was best reflected, perhaps, when he came to Los Angeles, the city of his birth, three years ago to address a religion convocation.

Retired from his labors on the court and approaching his 80th birthday, he said, "The foundations of a new world must be laid by those who have the courage to change the old; by those who arteries are still soft and clear, whose minds are still active, and hearts still generous."

Was Earl Warren a great chief justice? In a poll several years ago, 65 "academic experts" ranked him among the 12 "great justices" in the court's history. Yet history must supply the definitive answer long after the tumult of this age has died away.

But he was a great man. Of that we can be certain, if humanity and courage and a generous heart are placed on the scale.

Mr. HUGH SCOTT. Mr. President, I have the warmest recollections of Earl Warren, whose death we mourn, whose passing has taken a giant from us.

I campaigned for him in 1948, as the chairman of my party, when he was the candidate for Vice President.

I had known him before that as Governor of California and Attorney General, and after that as Chief Justice of the Supreme Court.

He will be remembered for his landmark decision in regard to the one-man, one-vote principle, by which the equality promised in the Declaration of Independence and guaranteed in the Constitution was finally, after long and bloody encounters, brought to pass.

He will be remembered, too, for the Brown case, in which he, through his tact and skill, brought about a unanimous decision of the Supreme Court in which the Court was finally brought to say that its previous decisions were wrong and that indeed equality in education was a must in this country, and that separate but equal was separate enough and utterly unequal.

He was a fine man, a pleasant man, a good friend. We will miss him very much, and I extend my condolences to his wife and to his family, and I hope that time will soften the burden of their grief and that remembrance will sweeten their days.

I have referred heretofore to Cicero's Oration for Milo, but it is applicable peculiarly to Earl Warren, when Cicero said of his friend that he was "Vir et fortissimus in publica re et firmissimus in re suscepta." That is, a man both very brave in public life and very strong in a cause which he had undertaken.

Mr. President, I join with my colleagues and all of America today in mourning the loss of the former Chief Justice of the United States, Earl Warren. An outstanding leader, a fair jurist, a former attorney general in California, a man with impeccable character and possessor of a great record of achievement as Governor of the State of California, and Vice Presidential candidate of the Republican Party in 1948.

Just last month, the former Chief Justice was the commencement speaker on a number of campuses. He placed great confidence in the young people of this land. And at these commencements, he challenged those who hold the future of this Nation urging them, as I have done so often, to have faith in our system of government because it is the best in this world. And he knew this well because for 16 years he was the Nation's Chief Justice.

Mr. President, in today's New York Times, a summary story on the death of the late Earl Warren presents some reflections by his colleagues. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EARL WARREN IS DEAD IN CAPITAL AT 83; CHIEF JUSTICE IN VAST SOCIAL CHANGE

(By Anthony Lewis)

WASHINGTON, July 9.—Earl Warren, who as Chief Justice of the United States presided over extraordinary constitutional change, died tonight at Georgetown University Hospital. He was 83 years old.

The retired Chief Justice had entered the hospital a week ago with what was diagnosed as coronary insufficiency and congestive heart failure—his third hospitalization with heart problems this year. He suffered a cardiac arrest at 8:10 this evening, according to a hospital spokesman.

Mrs. Warren, the former Nina Meyers, was with him. Other survivors are his sons, James, Earl Jr. and Robert, and daughters, Virginia (Mrs. John Charles Daly), Dorothy (Mrs. Harry Van Knight) and Nina (Mrs. Stuart Brown).

Warren E. Burger, who became Chief Justice in 1969 upon the retirement of Mr. Warren, issued the following statement tonight upon learning of Mr. Warren's death:

"Earl Warren's life epitomized the American dream. His unique half-century of public service as prosecutor, Attorney General, Governor and Chief Justice spans one of the most dynamic eras in our history and his contribution was large indeed.

"During my tenure in office he was constantly available for consultation on the growing problems of the Federal courts and his wise counsel was invaluable.

"In retirement he continued to be active, speaking to students on college campuses all over America. He constantly expressed his faith in young people and his confidence in America and its future."

Associate Justice Thurgood Marshall, the first black named to the Court, said of Mr. Warren: "When history is written, he'll go down as one of the greatest Chief Justices the country has ever been blessed with. I think he is irreplaceable."

Justice Marshall said that Mr. Warren had been a catalyst not only in civil rights "but the right of the individual."

"And I would say individual rights are more important than civil rights, and I think he was the focus point of the government, emphasing the individual's rights," Justice Marshall said.

16 YEARS ON BENCH

Mr. Warren was Attorney General of California for four years, Governor for 12 and the Republican candidate for Vice President in 1948. But his long political career was entirely overshadowed by his nearly 16 years as Chief Justice, from 1953 to 1969.

It was often said that no Chief Justice since John Marshall had had so profound an impact on American law and life. During the Warren years the Supreme Court, usually a conservative influence, became a force for libertarian reform.

The school segregation case, Brown v. Board of Education, was the best-known symbol of those years. Decided on May 17, 1954, just eight months after Mr. Warren took his seat, the case held segregated schools unconstitutional, overruling the 60-year-old separate-but-equal doctrine. Later cases applied the new rule to all racial barriers imposed by law.

The Chief Justice's role in the Brown case was hidden by the Supreme Court tradition of secrecy in deliberation. But many students of the period believe that he had a crucial role in achieving unanimity on the Court.

The public knew the racial segregation cases better than any others in the Warren years. But changes just as sweeping came in two other areas: criminal law and legislative apportionment.

The Warren Court interpreted the Constitution to provide many new rights for those suspected or accused of crime. For example, all poor defendants were for the first time guaranteed the right to free counsel. Evidence secured by illegal police methods was excluded from use at trials.

Then, in 1966, came the landmark case of Miranda v. Arizona. The Court held that all arrested persons had a right to see a lawyer before being questioned by the police—a free lawyer if they could not pay for one—and had to be advised of that right.

Chief Justice Warren once said himself that he regarded the apportionment cases as more important than those dealing with either race or criminal defendants' rights.

Precedents had barred Federal courts from even considering challenges to legislative districts that were gerrymandered or grossly unequal in population. Then, in 1962, the Court turned away from that history and said that Federal judges could consider apportionment cases.

Two years later, in a massive opinion by the Chief Justice, the Court held that every house of every state legislature had to be districted substantially on the basis of equal population. The result was the redistricting, in a short time, of almost all American state legislatures.

These cases made Earl Warren a highly controversial figure, very likely the most controversial judge of the century. Southern segregationists ran campaigns to "impeach Earl Warren." Liberals honored him more than they did most Presidents.

A LIBERAL RECORD

Ironically, this liberal reformist judge had been appointed by a conservative President, Dwight D. Eisenhower. Privately, President Eisenhower made clear in later years he had been surprised and not always pleased by the judicial record of the man he moved from the governorship of California to the Supreme Court.

But in fact Mr. Warren had been a notably liberal Governor, who occupied the center of the political spectrum in California and made a habit of winning both Republican and Democratic nominations.

He was a large man with a hearty manner, who loved the outdoors and felt at ease with ordinary working people. But his plain exterior concealed a powerful character that bridled at any suggestion of impropriety.

From his seat on the bench Chief Justice Warren would often indicate a distaste for something that the Federal government or a state had done to some individual. He would ask counsel, as if the latter were personally responsible, "was that fair?"

THE 99TH ANNIVERSARY OF THE BIRTH OF THE LATE DR. MARY McLEOD BETHUNE

Mr. HUGH SCOTT. Mr. President, on another matter on which I solicit the attention of my friend, the distinguished majority leader, today is the 90th anniversary of the birth of the late Dr. Mary McLeod Bethune, founder and first president of Bethune-Cookman College and the National Council of Negro Women and former president of the Association for the Study of Afro-American Life and History, and its executive committee and its membership throughout the United States have urged us to have our respective bodies make note of this important anniversary.

She was a highly respected, internationally renowned educator and leader, and because she lived America was truly enriched. I make note of this and call attention of the Senate to this anniversary because Dr. Bethune had a most important impact on our times and what she has done deserves to be long remembered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HUGH SCOTT. I would be glad to yield.

Mr. MANSFIELD. I am glad to join the distinguished Republican leader and to note that during her lifetime Mary McLeod Bethune was recognized for the many contributions which she had made to the welfare of this Republic, and that she was recognized because she had vitality, understanding and a prophetic idea of what the future held for this country. She was truly a great woman.

Mr. HUGH SCOTT. I thank the distinguished majority leader.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed beyond 11:45 a.m., the statements therein to be limited to 5 minutes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Abourezk) laid before the Senate the following letters, which were referred as indicated:

Amendment to Budget Request for the Department of Transportation (S. Doc. No. 93–94)

A communication from the President of the United States transmitting an amendment to the request for appropriations transmitted in the budget for the fiscal year 1975 in the amount of $5 million for the Department of Transportation (with accompanying papers). Ordered to be printed and referred to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S. Con. Res. 79. A concurrent resolution expressing the sense of the Congress with respect to the celebration of the 100th anniversary of the birth of Herbert Hoover (Rept. No. 93–993).

H.R. 8543. An act for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu (Rept. No. 93–994).

By Mr. HRUSKA, from the Committee on the Judiciary, with amendments:

H. Con. Res. 283. A concurrent resolution requesting the President to proclaim the 7-day period of July 16, through 22, 1973, as "United States Space Week" (Rept. No. 93–992).

By Mr. HUGH SCOTT, from the Committee on the Judiciary, without amendment:

S. Res. 186. A resolution to refer the bill (S. 2571) entitled "A bill for the relief of Sperling and Schwertz, Inc.", to the Chief Commissioner of the U.S. Court of Claims for a report thereon (Rept. No. 93–995). Considered and agreed to.

By Mr. METCALF (for Mr. Ervin), from the Committee on Government Operations:

S. Res. 355. An original resolution authorizing supplemental expenditures by the Committee on Government Operations for an inquiry and investigation relating to budget and accounting measures and operations (Rept. No. 93–990).

THE FEDERAL JUDICIAL SYSTEM—REPORT OF THE COMMITTEE ON THE JUDICIARY (REPT. NO. 93–991)

Mr. BURDICK, from the Committee on the Judiciary, submitted a report entitled "The Federal Judicial System," pursuant to section 10, Senate Resolution 56, 93d Congress, 1st session, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HARTKE, from the Committee on Commerce:

Roger Lewis, of the District of Columbia; and

Gerald D. Morgan, of Maryland, to be members of the Board of Directors of the National Railroad Passenger Corporation.

(The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENTSEN:

S. 3741. A bill to exempt from Federal taxation the obligations of certain nonprofit corporations organized to finance student loans and to provide that incentive payments to lenders of those student loans shall not be regarded as yield from the student loans for the purpose of determining whether bonds issued by such nonprofit organizations are arbitrage bonds. Referred to the Committee on Finance.

S. 3742. A bill designating San Angelo Dam and Reservoir on the North Concho River as the "O. C. Fisher Dam and Lake." Referred to the Committee on Public Works.

By Mr. STEVENS:

S. 3743. A bill to provide additional funds for certain projects relating to fish restoration, and for other purposes. Referred to the Committee on Commerce.

By Mr. METCALF (for himself and Mr. Mansfield):

S. 3744. A bill to amend the Interstate Commerce Act in order to establish a 2-year moratorium on the abandonment of certain electric railroad facilities. Referred to the Committee on Commerce.

By Mr. METCALF:

S. 3745. A bill to amend the Legislative Reorganization Act of 1946 to authorize the appointment of hearing examiners by congressional committees. Referred to the Committee on Rules and Administration.

By Mr. LONG:

S. 3746. A bill to increase the amount of a loan that the Secretary of Commerce may guarantee from 75 percent to 87.5 percent of the cost of certain vessels, and for other purposes. Referred to the Committee on Commerce.

By Mr. HUMPHREY:

S.J. Res. 225. A joint resolution relating to the issuance of a special postage stamp commemorating the 20th anniversary of the Food for Peace program. Referred to the Committee on Post Office and Civil Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 3741. A bill to exempt from Federal taxation the obligations of certain nonprofit corporations organized to finance student loans and to provide that incentive payments to lenders of those student loans shall not be regarded as yield from the student loans for the purpose of determining whether bonds issued by such nonprofit organizations are arbitrage bonds. Referred to the Committee on Finance.

Legislation to Increase the Availability of Student Loans

Mr. BENTSEN. Mr. President, I am today introducing a bill which will enable nonprofit corporations, which were organized to finance student loans, to issue tax-exempt municipal bonds if the proceeds of these bonds are used to provide student loans in accordance with title IV–B of the Higher Education Act of 1965.

There are several higher education authorities in the State of Texas that desire to issue tax-exempt municipal bonds to finance student loans made in accordance with the Higher Education Act of 1965. The bill that I am introducing today will amend the Internal Revenue Code to enable nonprofit corporations in Texas and any other State to do so.

The South Texas Higher Education Authority, for example, was established under the Texas Nonprofit Corporation Act for the purpose of arranging for the financing of student loans. Many worthy students will be denied the opportunity to receive a college education in the absence of this much needed source of student loans. This would have a particularly damaging effect in many economically disadvantaged areas where it is particularly important to provide young people with as great an educational opportunity as possible in order to foster community development.

Mr. President, one of our highest national objectives is to provide all young people with an opportunity to attain as much education as possible. The bill I am introducing today will help promote that goal by providing student loans that might not be otherwise available to our young people.

By Mr. BENTSEN:

S. 3742. A bill designating San Angelo Dam and Reservoir on the North Concho River as the "O. C. Fisher Dam and Lake." Referred to the Committee on Public Works.

O. C. Fisher Dam and Lake

Mr. BENTSEN. Mr. President, I rise today to introduce a bill which would, upon the date of January 3, 1975, change the name of the San Angelo Dam and Reservoir, in Texas, to the "O. C. Fisher Dam and Lake."

O. C. Fisher has never lost sight of the fact that he is a servant of the people. Through 16 Congresses, O. C. Fisher has served the people of the 21st District in Texas, with honesty, dedication, and a devotion to the American constitutional system of government. In his more than 20 years on the House Armed Services Committee, Congressman Fisher has supplied a firm and thoughtful approach to our country's defense needs.

The 21st District of Texas, which Congressman Fisher has so ably served, is a part of Texas subject to long droughts and torrential rainfall. It was the uncertainty of the weather in this part of Texas that made the San Angelo Dam and Reservoir a necessity. A devastating flood, which had ravaged the city of San Angelo in 1936 prompted the building of this vast flood control project. The project still serves a vital protective function, as well as a valuable recreational service to the people of the area.

Congressman Fisher has authored many water conservation and flood control projects similar to the San Angelo Dam and Reservoir project, in his years in the Congress. We are all fortunate to call him Congressman, and I am proud to call him friend. It is for these reasons, Mr. President, that I feel it only fitting that the San Angelo Dam and Reservoir permanently bear his name, as a reminder to the citizens of the 21st District, the State of Texas, and the United States, of Congressman FISHER's steady, uncompromising devotion to his constituents and his country.

By Mr. STEVENS:

S. 3743. A bill to provide additional funds for certain projects relating to fish restoration, and for other purposes. Referred to the Committee on Commerce.

Mr. STEVENS. Mr. President, I introduce today a bill which would amend the Federal Aid in Fish Restoration Act, commonly known as the Dingell-Johnson program, which is funded by a manufacturer's excise tax on certain items of fishing equipment, has made an invaluable contribution to the sport fish conservation programs of State fish and wildlife agencies. My bill would increase the level of funding by expanding the tax base and also remove some present inequities in the program.

According to the 1970 National Survey of Fishing and Hunting, the period between 1955 and 1970 witnessed a 59-percent increase in the number of sport fishermen in the United States along with a 77-percent increase in the number of fishing days. During the 1960's the increase in number of sport fishermen was double that of the increase in population.

This upward trend is not expected to level out, according to data compiled by the Outdoor Recreation Resources Review Commission—ORRRC—report. The ORRRC report predicted that by 1976 some 37.5 million U.S. fishermen would fish some 750 million days. The ORRRC report also pointed out that the cost of fish management programs was outstripping funds available to support them. If fish conservation programs of the future and the provision of new sport fishing opportunities are to meet the increasing demands on the sport fish resource of this country, additional funding must be developed.

Accompanying these increasing pressures for recreational fishing opportunities have been objections regarding some aspects of the funding of the Dingell-Johnson program. Manufacturers of fishing tackle have observed that only a few items of sport fishing equipment are subjected to the present 10-percent excise tax with the result that only some segments of the industry account for all of the funds available to support the program.

I know that there will be some arguments raised against expanding the tax base of the Dingell-Johnson program. Some will argue that the benefits would be too small or that the expansion places an unfair burden on those who do reap the benefits of the Dingell-Johnson program.

All States with ocean, large lake or river fishing may set up Federal aid projects to benefit those waters. In 1972 alone, 44 States have availed themselves of the Dingell-Johnson program. A tax on underwater sport swimming equipment is, I feel, equitable since a healthy fish population is of both direct and indirect benefit to the nonconsumptive underwater sports enthusiasts viewing pleasure. Industry sources have estimated that additional revenues raised by expansion of the Dingell-Johnson tax base has been estimated as high as $3 million. This would be highly significant in terms of State budgets and resulting angler benefits. Thus the broadening of the Dingell-Johnson tax base would be both equitable and substantial.

In addition, some manufacturers object that they are responsible for paying the excise tax at the time they sell their merchandise rather than when payment is received from the vendee. Manufacturers frequently do not receive payment from retailers until months after shipment of the merchandise. In consequence, many manufacturers, especially smaller companies, are forced to borrow funds to pay the tax or lose a competitive edge by requiring immediate payment from the retailer.

Today, all manufacturers operate under this same procedure. The fact that the date the tax is due is nondiscriminatory does not, in my opinion, mean that it is fair. Because of the number of small companies in the fishing tackle industry—approximately half of the estimated 250 companies in the industry have annual volumes of less than $200,000—they must meet their Federal excise tax liability by borrowing from the bank. It is only good sense to allow these companies, as well as others in the industry, to meet their tax obligation when they receive payment for the sale.

In terms of equity to the industry, therefore, compelling reasons exist for alleviating problems created by the present program. Various alternatives have been reviewed by the Department of the Treasury, Internal Revenue Service, the American Fishing Tackle Manufacturers Association, and the International Association of Game, Fish and Conservation Commissioners, and the bill I am today introducing is designed to resolve the inequities mentioned as well as to supplement existing levels of funding.

Under the amendments proposed, the 10-percent excise tax would be extended to cover all sport fishing equipment, parts, and accessories including hooks, lines, leaders, sinkers, minnow buckets, tackle containers, rod holders, nets, stringers, fish finders, depth locators, and down riggers. At present, the tax extends only to fishing rods, reels, creels, and artificial lures, baits, and flies. In addition the bill would impose the excise tax on articles of underwater sport swimming equipment such as wet suits, face masks, and spear guns. Second, the bill would amend the present system by delaying the time for payment of the excise tax generally from time of sale to time of payment to the manufacturer.

These amendments would make available each year some $2 to $3 million in additional funds, an increase of approximately 20 percent, for support of approved State programs for sport fish restoration. No appropriation would be required by Congress and no additional manpower in the Bureau of Sport Fisheries and Wildlife would be needed.

Increased funding is important to the sport fish programs of many States, including Alaska. Although Alaska encompasses a tremendous geographic area, it is sparsely populated. Since 1952, when the first distribution was made of Dingell-Johnson funds, through fiscal year 1974, Alaska has received $7.2 million for sport fish restoration projects. Without that contribution, effective management of the sport fish resource by the Alaska Department of Fish and Game would not have been possible.

The same story may be told for all the other States. Great progress has been made in achieving the purposes of the original program—restoration of the Nation's sport fisheries. Nevertheless, much needs to be done. A growing human population will require more diligent and far-reaching fishery conservation efforts to supply an essential recreational need.

My proposals will supplement the funds available for this important work and eliminate a needless impediment to the fishing tackle industry.

Mr. President, I ask that my bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FISH RESTORATION FUND

SEC. 101. (a) The first sentence of section 3 of the Act entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for for other purposes", approved August 9, 1950 (16 U.S.C. 777b), is amended to read as follows: "To carry out the provisions of this Act, there is authorized to be appropriated an amount equal to the revenue accruing from tax imposed with respect to articles taxable at 10 percent by section 4161 of the Internal Revenue Code of 1954 (relating to sport fishing and underwater swimming) during the fiscal year ending June 30, 1976, and each fiscal year thereafter.".

(b) The amendment made by subsection (a) of this section shall take effect July 1, 1975.

TITLE II—TAX ON SALE OF SPORT FISHING AND UNDERWATER SWIMMING EQUIPMENT

SEC. 201. (a) Section 4161(a) of the Internal Revenue Code of 1954 (relating to the imposition of tax on the sale of certain articles) is amended to read as follows:

"(a) SPORT FISHING AND UNDERWATER EQUIPMENT.—

"(1) There is hereby imposed upon the sale by the manufacturer, producer, or importer—

"(A) of any article of sport fishing equipment; and

"(B) of any article of underwater sport swimming equipment, including, but not limited to, wet suits, underwater face masks, snorkles, swimming fins, air tanks, air tank regulators, and spear guns; a tax equivalent to 10 percent of the price for which so sold.

"(2) As used in this subsection, the term 'sport fishing equipment' means—

"(A) fishing reels, rods, fabricated poles, organic, synthetic, and metallic lines testing 80 pounds or less, fishing spears, and items of terminal tackle including, but not limited to, leaders, artificial lures, baits and flies, fishhooks, bobbers, sinkers, snaps, drayles, swivels, underwater riggers, and underwater spreaders;

"(B) fishing supplies and accessories including, but not limited to, tackle containers, fish stringers, creels, bags and baskets, portable bait containers, landing nets with handles not more than 6 feet in length and hoops not more than 36 inches in diameter, and gaff hooks with handles not more than 6 feet in length;

"(C) fishbook disgorgers, fish knives, scalers, rod holders, line and fly dressing, fly tying materials, preserved packaged bait, floaters, and waders;

"(D) tip-ups, tilts, ice augers (both manual and power), ice spuds, ice skimmers, and manufactured ice houses and windshields; and

"(E) portable fish finders (including both thermometers and depth finders), outriggers of 10 feet or more in length when extended, down riggers, rod belts, fishing chairs, and fishing harnesses.

"(3) The tax imposed by this subsection is due and payable upon receipt of the payment from the vendee but not later than the close of the eighth month after the date of the sale.".

(b) The amendment made by subsection (a) of this section shall apply with respect to articles sold by the manufacturer, producer, or importer hereof on or after July 1, 1975.

By Mr. HUMPHREY:

S.J. Res. 225. A joint resolution relating to the issuance of a special postage stamp commemorating the 20th anniversary of the food-for-peace program. Referred to the Committee on Post Office and Civil Service.

TWENTIETH ANNIVERSARY OF FOOD FOR PEACE

Mr. HUMPHREY. Mr. President, today marks the 20th anniversary of the enactment of Public Law 480, which has been popularly titled the "food for peace" program.

As one of the originators of this program, I am extremely proud of its usefulness during the past two decades. At a time when parts of the world are facing famine, it is useful to recall the good which has been accomplished under this great humanitarian effort.

We in the United States have never had to worry about food shortages; our production capacity far surpasses the demand of our people. However, all nations are not as fortunate. Approximately 100 countries with 70 percent of the world's population have been termed "less developed countries." By far, the most pressing need in these nations is nutritious food. Public Law 480 initiated the U.S. policy to utilize our abundant food to "combat hunger and malnutrition and to encourage economic development in the developing countries."

The act, as it now exists, contains two major sections. Title I authorizes the President to sell our excess farm commodities to foreign nations on credit terms. The goal of this provision is to promote the improvement of agricultural productivity in countries that have the resources but lack the impetus to get an appropriate program off the ground. Our title I sales program has given these countries the necessary extra time to initiate their own agricultural programs.

Beginning in 1967, all Public Law 480 title I sales agreements were required to contain self-help measures to be taken by the recipient countries. These measures have encouraged the recipient nations in expanding their food production. Unfortunately, much more remains to be done.

The food-for-peace program has generated foreign currencies that have been available for a variety of purposes beneficial to the United States and friendly nations throughout the world. A number of scientific, medical, cultural, and educational activities have been fostered through these funds.

Medical and health-related research has benefited greatly through the utilization of excess foreign currencies by the National Institutes of Health, Health Services and Mental Health Administration, and the Food and Drug Administration. These agencies have used these funds to carry out projects aimed at providing better health services. In 1972, 300 such projects were provided for in eight excess-currency nations.

Title II of the Public Law provides agriculture commodities on a grant basis "to meet famine and other urgent or extraordinary relief requirements, to combat hunger and malnutrition especially in children, and to promote economic and commnuity development in friendly developing areas."

In fiscal year 1973, over $38 million in title II Public Law 480 assistance was provided to countries suffering from disasters such as droughts, floods, cyclones, and earthquakes.

In 1973, food-for-peace commodities were used in the case of the Nicaraguan earthquake. Within 4 days, enough food was on hand to feed all 300,000 earthquake victims for a month.

The hunger and starvation in Bangladesh following the cessation of hostilities was also alleviated through the use of title II commodities; 500,000 metric tons of food, including 300,000 tons of wheat, were committed for Bangladesh. Since independence, additional quantities of food have been provided, with the total estimated value of $109.4 million. These food donations have meant that thousands of Bengali people are alive today who otherwise would have perished.

Title II of the Public Law 480 program also provides the means whereby American nonprofit voluntary agencies participate in humanitarian development programs. Agencies such as CARE, Catholic Relief Services, Church World Service, Lutheran World Relief, American Jewish Joint Distribution Committee and Hadassah have taken very active roles in the implementation of these vital programs.

The U.S. voluntary agencies contribute heavily from their own resources in carrying out these programs in developing nations. Thus, the value of the food is stretched because administrative costs to the U.S. Government are reduced.

It is hard for us to envision the contribution that this program has made around the world in saving lives and giving hope.

I had the privilege yesterday to meet with Mother Theresa, who has been carrying on her great humanitarian work among the dying of Calcutta. She pointed out how useful our food assistance had been and how much it was still needed.

I have attempted in this brief statement to point out some of the major accomplishments of Public Law 480 on its 20th anniversary. We can already look back on this program as one of the landmarks, not only of our history, but in the annals of mankind as well.

To serve as a reminder of this occasion, Mr. President, I am submitting a joint resolution, calling for the issuance of a stamp commemorating the 20th anniversary of the food-for-peace program. Such a step is certainly appropriate, and I urge my colleagues to join in its support.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 406

At the request of Mr. Robert C. Byrd (for Mr. Nelson), the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 406, to amend the Federal Food, Drug, and Cosmetic Act, relating to food additives.

S. 2845

At the request of Mr. Robert C. Byrd (for Mr. Nelson), the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 2845, to amend the Federal Food, Drug, and Cosmetic Act in order to protect consumers against food additives which have mutagenic or teratogenic effects on man or animals.

S. 2863

At the request of Mr. Buckley, the Senator from Michigan (Mr. Griffin) was added as a cosponsor of S. 2863, to amend the National Traffic and Motor Vehicle Safety Act of 1966 in order to provide that certain seatbelt standards shall not be required under such act.

S. 3374

At the request of Mr. Buckley, the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Javits), the Senator from Oklahoma (Mr. Bartlett), and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 3374, to amend the Small Business Act to assist in financing of small business concerns owned by persons who are disadvantaged because of certain social or economic considerations.

S. 3516

At the request of Mr. Brock, the Senator from Minnesota (Mr. Humphrey), was added as a cosponsor of S. 3516, to provide for the issuance of special series of postage stamps, in conjunction with the Bicentennial celebration of the United States, depicting the flags of each of the 50 States, Guam, the District of Columbia, Puerto Rico, and the Virgin Islands.

S. 3517

At the request of Mr. Brock, the Senator from Minnesota (Mr. Humphrey), was added as a cosponsor of S. 3517, to provide for the issuance of special series of postage stamps for the Bicentennial celebration depicting an historical event or individual from each of the 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

S. 3571

At the request of Mr. Percy, the Senator from California (Mr. Tunney) was added as a cosopnsor of S. 3571, the Higher Education Expenses Tax Deferment Act.

S. 3625

At the request of Mr. Domenici, the Senator from New Jersey (Mr. Williams) was added as a cosponsor to S. 3625 to provide for the recycling of used oil, and for other purposes.

S. 3660

At the request of Mr. Stevenson, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 3660, to amend the Export-Import Bank Act of 1945.

S. 3680

At the request of Mr. Tunney, the Senator from Minnesota (Mr. Humphrey) and the Senator from Rhode Island (Mr. Pell) were added as cosponsors of S. 3680, a bill to prevent the unfair taxation of recent college graduates.

SENATE CONCURRENT RESOLUTION 100—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF "CONFIDENCE AND CONCERN; CITIZENS VIEW AMERICAN GOVERNMENT—A SURVEY OF PUBLIC ATTITUDES"

(Referred to the Committee on Rules and Administration).

Mr. MUSKIE submitted the following concurrent resolution:

S. Con. Res. 100

Resolved by the Senate (the House of Representatives concurring), That the compilation entitled "Confidence and Concern: Citizens View American Government—a Survey of Public Attitudes," prepared by the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations that there be printed two thousand additional copies of such document for the use of that committee.

SENATE CONCURRENT RESOLUTION 102—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO REGULATORY REQUIREMENTS ON DISTILLED SPIRITS AND WINE

(Referred to the Committee on Finance.)

Mr. COOK. Mr. President, I am pleased to join with my distinguished colleagues, Senator James Buckley and Senator Walter Huddleston, in introducing a concurrent resolution calling for a congressional study to determine whether additional regulatory requirements should be imposed on packages of distilled spirits and wine.

For the past 40 years, the production and distribution of distilled spirits and wine have been subject to a much higher degree of governmental supervision than any other consumer products. All standards of identity are prescribed by the Government for approval; and all production processes are inspected and supervised by the Government. These safeguards adequately protect the public against the use of any harmful ingredients or processes.

And yet, the Bureau of Alcohol, Tobacco, and Firearms now proposes to broaden its supervision over these highly regulated industries by requiring that all ingredients be listed on each label. There are some 300,000 active distilled spirits and wine labels. To require a separate listing of ingredients for each of these labels would impose a heavy and costly burden on Government as well as on industry, which costs ultimately must be borne by the consuming public, and there is serious doubt that it would serve any useful purpose.

No country in the world requires ingredient labeling of government-standardized distilled spirits or wines. Such a unilateral action by the United States would generate serious problems in international trade.

Before our country adopts such a requirement, Congress should consider its broad implications and determine whether it truly is needed in the public interest. This is particularly important at this time, when we are attempting to reduce the costs of Government by eliminating unnecessary Federal programs. Meanwhile, until all relevant facts are assembled and carefully studied, the proposed administrative action by the Bureau of Alcohol, Tobacco, and Firearms should be deferred—not necessarily canceled, but merely postponed during a reasonable study period.

I urge my colleagues to give this concurrent resolution their most careful consideration. I ask unanimous consent that the text of the resolution be printed in the Record immediately following my remarks.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

S. Con. Res. 102

Resolved by the Senate (the House of Representatives concurring),

Whereas, the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department proposes to promulgate regulations which would require a statement of ingredients on every bottle of distilled spirits and wine produced and sold in or imported into the United States; and

Whereas, the production of distilled spirits and wine involves a higher degree of governmental supervision than any other consumer product; and

Whereas, under the Internal Revenue Code and the Federal Alcohol Administration Act each producer must obtain federal approval for all ingredients used in each distilled spirits and wine product before it reaches the marketplace; and

Whereas, federal agents conduct frequent on-site inspections of all distilled spirits and wine production procedures; and

Whereas, each bottler must obtain prior federal approval for each distilled spirits and wine label; and

Whereas, federal chemists test samples of distilled spirits and wine to make sure that no harmful ingredients are present and that the product is properly labeled; and

Whereas, each producer must comply with strict standards of identity which are established under federal law for all distilled spirits and wine beverages; and

Whereas, federal officers investigate all suspected violations and take punitive actions where warranted; and

Whereas, each distilled spirits bottle must be labeled with the brand name, class and type, alcohol content, net contents, name and address of manufacturer, country of origin for imports, and where applicable, coloring or flavoring, percentage of neutral spirits and statement of age; and

Whereas, each wine bottle must be labeled with the brand name, class, type or other designation, alcoholic content or type designation in lieu thereof, net contents and the name and address of the bottler or importer; and

Whereas, the requirement of listing the ingredients on the labels or bottles would add greatly to the cost to Government due to the regulation, inspection and supervision of such labeling; and

Whereas, the proposed regulations not only would impose an undue financial burden on business but also would impose a great and undue burden on the consumer who ultimately would bear the cost of such labeling; and

Whereas, no other country in the world requires the listing of ingredients on distilled spirits or wine whose composition and processing are regulated by its Government; and

Whereas, the imposition of such regulations would be an enormous hindrance and undue burden on international trade;

Now, therefore, be it resolved by the Senate (The House of Representatives concurring), That it is the sense of Congress that the Bureau of Alcohol, Tobacco and Firearms of the United States Treasury Department not promulgate the intended regulations until the Congress of the United States be given the opportunity to consider this matter and its broad implications in full.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 88

At the request of Mr. Nelson, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of Senate Concurrent Resolution 88, relative to a national economic emergency.

SENATE RESOLUTION 355—ORIGINAL RESOLUTION AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

(Referred to the Committee on Rules and Administration.)

Mr. METCALF (for Mr. Ervin), from the Committee on Government Operations reported the following resolution:

S. Res. 355

Resolved, That Senate Resolution 269, 93rd Congress, agreed to March 1, 1974, is amended as follows:

(1) In section 3, strike out "$2,079,000" and in lieu thereof insert "$2,099,000".

(2) In section 7(a), strike out "$189,000" and in lieu thereof insert "$209,000".

(3) In section 10, strike out "$2,099,000" and in lieu thereof insert "$2,119,000".

AMENDMENT OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970—AMENDMENT

AMENDMENT NO. 1543

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970, to provide appropriations to the Drug Enforcement Administration on a continuing basis.

SENATE CONCURRENT RESOLUTION 40 HONORING SIX VOCATIONAL STUDENT ORGANIZATIONS—AMENDMENT IN THE NATURE OF A SUBSTITUTE

AMENDMENT NO. 1544

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. BROCK. Mr. President, for myself and the Senator from Colorado (Mr. Dominick), I am today submitting an amendment in the nature of a substitute to the Senate Concurrent Resolution 40, honoring the six vocational student organizations: Distributive Education Clubs of America, Future Business Leaders of America, Future Farmers of America, Future Homemakers of America, Office Education Association, and Vocational Industrial Clubs of America.

When I first introduced this resolution last July 13, I wanted to call public attention to these outstanding student organizations and to praise them for their exceptional accomplishments in promoting career awareness and occupational understanding among the young people of our country. In addition to career development these six organizations have taken an active role in building the civic, social, and leadership capabilities of their student members. The organizations have long believed, as we all do, that these qualities of character are most important to successful careers and well informed citizens. Their programs and activities have strived to combine the elements of education, dedication to country, and motivation for success in a way few groups have ever achieved.

At a time when many young people are troubled in spirit about the quality of life and specifically about how they can make a contribution to the betterment of society, it has been my experience that the more than 2½ million student members of these six organizations have found a unique and harmonious way of improving their communities as well as themselves. During this past year I have had several opportunities to meet and talk with these vocational students both in my home State of Tennessee and in other States throughout the country. I have been continually impressed with the maturity and clarity of their thoughts. Their sense of direction at such a young age, which I believe comes from their career orientation, is refreshing and uplifting to one's spirit. Their enthusiasm and motivation to accomplish occupational as well as community goals is the key to their individual and collective success.

There are many who are quick to criticize the ills and faults of our country and hopefully in a positive and constructive manner all of us can work together to correct and elimiate these faults. But all of us are sometimes slow to acknowledge those who are already improving our country and performing a job well done. The six vocational student organizations have not only demonstrated their beliefs in our free enterprise system, our democratic form of government, and individual opportunities, they have also been working to correct our Nation's problems and build for a better future. BICEP—a program of youth muscle for environmental action—is one such project where the six organizations are jointly working together on environmental clean up projects throughout the Nation. It was the first youth program to seek the Bicentennial Administration's approval.

I believe these six vocational student organizations: Distributive Education Clubs of America, Future Business Leaders of America, Future Farmers of America, Future Homemakers of America, Office Education Association, and Vocational Industrial Clubs of America which are the major such organizations in the country, deserve the respect and appreciation of all Americans for their truly outstanding contributions to career development among our young people.

They have provided an invaluable service for millions of young Americans by providing the connecting link between education and occupation and cementing the relevance of education to a promising and productive business career. The amended version of Senate Concurrent Resolution 40 would bestow the proper recognition and respect upon these vocational student organizations and upon their millions of past, present, and future members. Never before has any such recognition and praise been accorded to them and the time has come to correct this shortcoming.

I call upon each and every one of my distinguished colleagues to join with me in supporting these fine organizations and recognizing their exceptional contributions to education. This support and recognition can be most appropriately given by swift passage of Senate Concurrent Resolution 40 in its amended form. I ask unanimous consent that the text of this amended concurrent resolution be presented in the Record at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT NO. 1544

Strike out all after the resolving clause, and insert in lieu thereof the following:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the following student organizations provide exceptional motivational and learning experiences in career preparation, leadership development, occupational understanding, civic responsibility, and social consciousness which improve the quality and relevance of their respective instructional programs for America's young people:

Distributive Education Clubs of America.

Future Business Leaders of America/Phi Beta Lambda.

Future Farmers of America.

Future Homemakers of America.

Office Education Association.

Vocational Industrial Clubs of America.

Sec. 2. It is further the sense of the Congress that the activities of vocational student organizations be encouraged by the states in which they are active.

Mr. DOMINICK. Mr. President, I am pleased to see that the distinguished Senator from Tennessee (Mr. Brock) has taken this occasion to amend his concurrent resolution honoring the six vocational student organizations. As an original cosponsor of this resolution, I welcome these improvements, and now believe that all of my colleagues can wholeheartedly support this measure which properly recognizes the Distributive Education Clubs of America, Future Business Leaders of America, Future Farmers of America, Future Homemakers of America, Office Education Association, and Vocational Industrial Clubs of America.

The six vocational student organizations have been quietly going about the business of developing future leaders of this country for over 25 years. Indeed, some of the past national officers of these six organizations are, today, Members of Congress, successful businessmen, and respected educators. Their accomplishments speak well of the dedication and determination that has been shown by these organizations as they develop the civic, social, and leadership capabilities of their student members.

In addition to developing good citizens, the six vocational student organizations are also developing productive citizens who have occupational excellence and lifetime careers.

As an integral part of vocational educational programed instruction, they: the Distributive Education Clubs of America, Future Business Leaders of America, Future Farmers of America, Future Homemakers of America, Office Education Association, and Vocational Industrial Clubs of America are helping to promote not only career awareness among students, but also occupational proficiency so that as students finish their formal education they can make an easy transition into the world of work, and become productive members of our society. Greater career awareness among students is of tremendous significance in demonstrating the relevance of education to future occupational and career goals and for this reason alone, the six vocational student organizations deserve our thanks and appreciation.

These six student organizations, because of their integral role in the different programs of vocational education, have served vocational education teachers as a means of motivating and providing interest for their students.

They have helped to bridge the gap between the classroom and the real world by providing teachers with solid opportunities to involve many elements of society, business, agriculture, government, and others in the educational process.

From my vantage point on the Education Subcommittee, I have seen the outstanding achievements of these six organizations and know of their contributions to improving education. I have been most distressed, however, that they have not received the public recognition for their exceptional efforts which they have earned. Senate Concurrent Resolution 40 in its amended form, will provide for the first time, that much deserved recognition. Senate Concurrent Resolution 40 will also provide the incentive for these organizations to redouble their efforts to attract and involve even more students; to promote and encourage even greater career awareness and occupational excellence among our young people; and to develop and build the leadership and civic characteristics that are important to the future of our country.

I join with my distinguished colleague Senator Brock in asking that Senate Concurrent Resolution 40, in its amended version, be given prompt consideration, and I urge my other distinguished colleagues to acquaint themselves with these fine student organizations.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1487

At the request of Mr. Nelson, the Senator from Ohio (Mr. Metzenbaum), the Senator from Connecticut (Mr. Weicker), the Senator from Minnesota (Mr. Mondale), the Senator from California (Mr. Cranston), the Senator from New Mexico (Mr. Montoya), and the Senator from Hawaii (Mr. Inouye) were added as cosponsors of Amendment No. 1487 to repeal the "no knock" provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the District of Columbia Code, intended to be proposed to the bill S. 3355, a bill to provide appropriations to the Drug Enforcement Administration.

NOTICE OF HEARING ON JUROR FEES AND EXPENSES

Mr. BURDICK. Mr. President, the rate of inflation in the past 6 years has created a growing concern that the existing fee structure for grand and petit jurors in our Federal court system may have become inadequate. A careful study by the Judicial Conference of the United States has indicated that congressional action is needed to authorize and increase in the amounts permitted for juror attendance fees, travel and parking expenses, and subsistence expenses for jurors who cannot travel to and from their places of service each day. Jury service is a fundamental civic responsibility and an essential element in our constitutional system of justice. I believe we must act expeditiously to reduce any danger that, in order to comply with his or her duty to serve on either a grand or petit jury in our Federal district courts, a citizen must suffer unreasonable financial hardship. I am therefore announcing that the Subcommittee on Improvements in Judicial Machinery will hold a public hearing on July 23, 1974, commencing at 10 a.m. in room 6202 Dirksen Office Building, to review the recommendations for changes in juror fees and expenses suggested by the Judicial Conference of the United States. At that time the subcommittee will also appraise alternative recommendations set forth in S. 3265.

Communications relative to this hearing should be directed to the subcommittee staff, 6306 Dirksen Office Building, extension 5-3618.

NOTICE OF HEARINGS ON S. 2591, THE FINANCIAL INSTITUTIONS ACT OF 1973

Mr. McINTYRE. Mr. President, I am pleased to announce that the Subcommittee on Financial Institutions will continue hearings on July 24 and 25 and July 30 on S. 2591, the Financial Institutions Act of 1973, to improve the efficiency and flexibility of the financial system of the United States.

This set of hearings will focus on the ability of financial institutions to attract and retain deposits, particularly in periods of high interest rates and strong competition for funds in the capital markets.

The need for congressional inquiry into this area is accelerated by the issues presented in the proposed Citicorp offering of $850 million of securities which are designed to be attractive to the small consumer saver and may therefore have the effect of diverting funds from financial institutions.

Senator Bennett, the ranking minority member of the subcommittee, along with our colleagues on both sides of the aisle, have expressed their desire to explore these issues in an expeditious and orderly fashion.

Testimony will be received from regulatory agencies and representatives of various segments of the financial community. The hearings will commence each morning at 10 a.m. in room 5302, Dirksen Senate Office Building.

Anyone who wishes further information regarding these hearings should contact Mr. William R. Weber, room 5300, Dirksen Senate Office Building, 225-7391.

NOTICE OF HEARINGS ON OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. WILLIAMS. Mr. President, I wish to announce that the Subcommittee on Labor of the Committee on Labor and Public Welfare will again review the operation of the Occupational Safety and Health Act of 1970, with public hearings. The initial hearings are scheduled for Monday, July 22, Monday, July 29, Tuesday, July 30, and Wednesday, July 31, in room 4232 Dirksen Office Building at 9:30 a.m. Additional hearings are anticipated. A number of bills to amend OSHA are also pending before the subcommittee and witnesses wishing to present testimony on these bills are invited to do so at the hearings. The pending bills are S. 586, introduced by Senator Dominick; S. 976, introduced by Senator McIntyre; S. 1147, introduced by Senator Dominick; S. 1249, introduced by Senator Curtis; S. 2823, introduced by Senator Chiles; S. 3147, introduced by Senator Clark; S. 3454, introduced by Senator Stafford; and S. 3654, introduced by Senator Bellmon. Representatives of interested organizations or individuals wishing to make an appearance or submit a statement should contact Donald Elisburg, counsel, Subcommittee on Labor, 202-225-3674.

NOTICE OF HEARING ON AMENDMENT OF THE RURAL ELECTRIFICATION ACT

Mr. McGOVERN. Mr. President, I wish to announce that the Subcommittee on Agricultural Credit and Rural Electrification, of the Committee on Agriculture and Forestry, will hold a hearing on H.R. 12526, a bill to amend sections 306 and 308 of the Rural Electrification Act of 1936, as amended, with respect to loan guarantees.

The hearing will commence at 10 a.m. on Thursday, July 18, in the Agriculture Committee hearing room, 324 Russell Senate Office Building.

Witnesses who desire to testify should contact the committee clerk before the close of business on Friday of this week.

ADDITIONAL STATEMENTS

MARY McLEOD BETHUNE: A PROUD AND LIVING LEGACY

Mr. HUMPHREY. Mr. President, I am pleased to call to the attention of my colleagues a 3-day celebration in honor of Mary McLeod Bethune—public servant, educator, civil rights leader, and great American.

Mary McLeod Bethune personified the pride, courage, and tenacity that guided the earliest days of the struggle for human rights in America. Born of former slaves, Mary Bethune very early identified and grasped her responsibilities to the Negro community in the United States—to a people to whom had been pledged the blessings of liberty, but who continued to struggle under legal, social, and economic barriers to full participation.

She was keenly aware of the cruel and arbitrary distinction which existed in the laws and practices of the land she loved, and established as her mission the correction of injustices which blocked the enhancement of human life.

Mary Bethune grew up in a time when "emancipation" meant freedom to work the soil and be poor. She was hungry for knowledge. After a late start in school, she sought and obtained higher education. But the fulfillment of these goals was not for her the final satisfaction. For Mary Bethune clearly understood that liberation has to mean more than freedom from slavery. She knew that ignorance and poverty are the cruelest enemies of true emancipation—emancipation of the human spirit.

It is most appropriate that the statue of Mary Bethune stands in Lincoln Park, facing the statue of our famous President. For Mary Bethune, and others with whom she worked, understood that, in a sense, the torch of freedom had been passed on to her—that to make freedom real, education and employment and complete equality were yet to be wrested from the hands of Jim Crow.

In my view, one of the reasons that Mary Bethune was able to have such a vital influence on our society was that she understood the totality of human existence. She knew that in order to be liberated, her people must have an opportunity to get a decent education, to have meaningful employment, to house their families in clean and comfortable homes, and to have pride and confidence in themselves and in their fellow human beings around the world. And her efforts were directed at improving the total life of black people.

She was a great believer in youth, and it was most appropriate that as one of the top officials of the National Youth Administration she was able to prepare literally thousands of young people for jobs in industry, and for careers in education.

She observed firsthand the special barriers which existed to keep black women from the mainstream of American life, and she always managed to see that they were included in national meetings held around the country during the Roosevelt administration.

As founder and, for many years, president of Bethune-Cookman College, she worked to instill pride and ambition in young people. Hers was a promise of hope, backed up by solid accomplishment.

Mary Bethune, and the people with whom she worked in the first half of this century, were the solid rock—the major driving force—in the development of national policies which have brought us toward universal equality.

Like all truly great leaders, Mary Bethune's work was dictated by her love for people, and by a deep and abiding respect for human potential.

Her legacy for blacks is a beautiful legacy to be cherished by all people who yearn for peace and brotherhood. Beyond these things, she left a legacy of the uplifted spirit, of the oneness of mankind with each other and with our Creator.

Mr. President, this woman is one or many in our Nation whose contributions have meant progress in all facets of our national life. Yet there is little in the history books to record these accomplishments. I have noted in this Chamber that our distinguished minority citizens are sadly underrepresented in the art works which stand in the Capitol. I have introduced legislation which will provide for greater representation of minorities among the statues, busts, and portraits which our citizens view when they come here. I am hopeful that this proposal will move through the Congress so that we may get about the business of giving due credit to persons like Mary McLeod Bethune, whose lives were dedicated to an America where equality is a living symbol.

Mr. President, I ask unanimous consent that two articles appearing in the Washington Post, on the unveiling of the statue of Mary McLeod Bethune in Lincoln Park in Washington, D.C., and related events, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Honoring Mary Bethune: A Proud, Principled Woman

(By Angela Terrell)

Once during the days of segregated waiting rooms in Southern railroad stations, Mary McLeod Bethune was in a new railroad station in Cincinnati, says Clarence Mitchell Jr. of the late educator and black women's leader. "She noticed a lot of blacks, just up from the South who were used to shabby jim crow facilities, hesitating to venture into the bright, new waiting room. She walked into the center of the room, beckoned and said loudly, 'Come in children, this is for you.' "

On Wednesday, on what would have been Mrs. Bethune's 99th birthday, a statue of her handing her legacy on to two children will be unveiled in Lincoln Park, 12th and East Capitol Streets.

The 17-foot bronze statue, sculptured by Robert Berks, who did the bust of John F. Kennedy in the Kennedy Center, will be the first memorial of a black American or of a woman to be erected in a public park in the nation's capital.

The three-day celebration, which will include an awards ceremony for black women Wednesday night and a concert at the Kennedy Center Thursday, is the result of a 13-year fund-raising effort by the National Council of Negro Women (NCNW). An affiliation of women's organizations united to deal with problems in the black community, NCNW was founded by Mrs. Bethune in 1935.

Dorothy I. Height, president of the NCNW, says it is significant that the $400,000 raised by the council to pay for the statue came "dollar by dollar" from the pockets of private citizens, not government agencies.

"She always said, 'Leaders should be concerned about the masses,' " says Mitchell, director of the Washington bureau of the National Association for the Advancement of Colored People. Mitchell worked with Mrs. Bethune in President Franklin Roosevelt's "black cabinet," a group of black advisers serving in various government agencies.

"She was a very, very dignified person at all times," says Mitchell of the person he credits for bringing him to Washington. "You always acted respectful in her presence, but never felt intimidated—she was warm. Impressive looking, she always sat erect, reminding you of the imperial manner of a Queen Victoria."

Mary McLeod was born in Mayesville, S.C., the 15th of 17 children. Her parents were former slaves who became sharecroppers. Unable to begin her education until she was 11, she nevertheless went on to Scotia Seminary at Concord, N.C., and finished at Moody Bible Institute in Chicago. Within half a century, Mrs. Bethune was awarded degrees by 14 colleges or universities and was decorated by several foreign governments.

In 1904, with $1.50, some orange crates and five young girls, Mrs. Bethune founded in Florida the Daytona Normal and Industrial School for Negro Girls, which subsequently became Bethune-Cookman College. Mrs. Bethune, who had a brief marriage to Albert Bethune and had one son, Albert Jr., served as president of the college from 1904 to 1944, when she was named president emeritus.

"My mother sold sweet potato pies and fish sandwiches at church after services to help raise money for the school," says Louise Maxienne Dargans Fleming, former administrative assistant to the late Harlem congressman Adam Clayton Powell Jr. Her older sister, Maude Dargans, was one of Mrs. Bethune's first students.

"Mrs. Bethune was like a godmother to me. When Powell first offered me a job, I went to her for advice," said Dr. Fleming, now director of research for the House Education and Labor Committee. "She was one of the first persons to encourage Adam to go to Congress. She stood in his pulpit (New York's Abyssinian Baptist Church) and publicly urged him to go. She was always willing to lend a hand.

"Mrs. Bethune was a principled woman of great bearing—proud. She was the kind of woman who once told the Ku Klux Klan 'you are not going to parade in the colored town tonight' and they didn't, because they knew all of the blacks would fight back," said Dr. Fleming.

In 1936, Mrs. Bethune joined President Roosevelt's National Youth Administration as director of the Office of Negro Affairs. She became friend and co-worker of Eleanor Roosevelt, and when the President died, Mrs. Roosevelt gave Mrs. Bethune one of his canes, which she kept with her until her death in 1955. She was mentioned by Roosevelt biographer, Joseph P. Lash, as having "the most marvelous gift of affecting feminine helplessness in order to attain her ends with masculine ruthlessness."

Agreeing with this was another colleague during that time, Robert Weaver. He later became the first black to hold a Cabinet post when President Kennedy appointed him Secretary of Housing and Urban Development.

"She was a remarkable woman. She was our spokesman," said Weaver, now professor of urban affairs at Hunter College. "In those days we had no political strengths—it was like building bricks without straw. We had to create our own pressures to get things done. Through Mrs. Bethune, I learned much about the political process."

Mrs. Bethune strongly believed in what today would be called "black power." Her favorite saying was, "I believe in God, and so I believe in Mary Bethune." Clarence Mitchell remembers that while speaking to a crowd she'd say, "Of course I'm black but I'm also beautiful," and then pause to be challenged.

"No one ever did," Mitchell said. It was part of a talk to blacks about taking pride in themselves as a matter of course and not in self-defense. "She personified this image," he said.

In her last will and testament, written a few years before her death. Mrs. Bethune left a legacy of love and leadership for blacks. It reads: "I leave you love . . . hope . . . the challenge of developing confidence in one another . . . thirst for education . . . respect for the use of power . . . faith . . . racial dignity . . . desire to live harmoniously with your fellow man . . . finally a responsibility to our young people."

The Bethune Legacy

(By Angela Terrell)

Cramming into a half hour the eventful 90-year life span of Mary McLeod Bethune is no easy task. But a small team of writers, producers, and technicians has done a first-rate job in "Last Will and Testament: The Bethune Legacy," which airs tonight on WMAL–TV (Channel 7) at 7:30.

The film was made to coincide with a three-day celebration here beginning today, highlighted by the dedication of a 17-foot bronze statute in Lincoln Park, honoring the late black educator, presidential adviser and black women's leader. Its success lies mainly in its close focus on two phases of Mrs. Bethune's life: the founding and growth of Bethune-Cookman College in Daytona Beach, Fla., and her role as adviser on black affairs to President Franklin D. Roosevelt.

The story unfolds through a combination of Bethune memorabilia—Franklin Roosevelt cane given her by Eleanor Roosevelt and old, brown photographs of events in her early life—interspersed with live interviews of people who knew and worked with her.

Richard V. Moore, president of Bethune-Cookman College, told how Mrs. Bethune talked a prospective benefactor into becoming a trustee. After being shown an expanse of empty land, the prospect, who was "Gamble of Procter and Gamble," asked Mrs. Bethune where this school was. She told him it was in her head, an idea," said Moore Gamble, and later John D. Rockefeller, became prime supporters of the college.

The story of Mrs. Bethune comes to life in the script written by a young black man, **K. P.** Waters. She is depicted first an 9-year-old Mary Jane McLeod, daughter of former slaves-turned-sharecroppers, picking cotton in Mayesville, S.C., instead of attending school, even pulling the plow when the family's mule died. She was the only one of the 17 children in her family to attend school, which she finally began at age 11. She taught the others to read in the evenings when they returned from the fields.

Not many people know that Mrs. Bethune's original ambition was to be a missionary in Africa, and she attended the Moody Bible Institute for that reason. However, she was rejected by the Presbyterian Mission Board and decided to return to the South to teach school. "It wasn't enough being a wife and mother," says narrator Waltye Resulala. "She saw that her people needed help and felt it was her duty. . . ."

The major problems faced by producers Jean Thornton and Thursa Thomas, who did most of the research, was in determining the facts of Mrs. Bethune's life. Information sources were scattered, and in some instances scarce, as is the case in much of black history.

Many of the photographs used, for example, were in poor condition, and had to be restored for the screen by the station's film technicians. Fortunately, Mary McLeon Bethune was known well enough by persons still living to enable the writer and producers to piece together an effective story.

The Bethune legacy to black people includes love, respect, hope and responsibility, and is an ongoing monument to this great black woman. Her will reads in part, ". . . My worldly possessions are few . . . my experiences have been rich. . . . I have distilled principles and policies. . . . Perhaps, in them there is something of value. . . ."

IN SUPPORT OF THE CHINESE NATIONALIST REGIME

Mr. GOLDWATER. Mr. President, I rise today to respectfully, but vigorously, disagree with my good friend from the State of Washington, Senator Jackson, on his recent statement to the effect that the United States should turn its attention away from the Chinese Nationalist regime on the island of Taiwan.

I realize that Senator JACKSON has only recently returned from Communist China where he was accorded the red carpet treatment and given the honor of a hospital bed chat with Premier Chou En-lai, the No. 2 man in the Communist government on the Chinese mainland.

Mr. President, I believe we do ourselves and the country a disservice when we go on these trips to foreign lands, take a fast look around, talk with some of the top leaders, and return with a conclusion of enormous importance.

Mr. President, I am certainly not unaware of Senator JACKSON's status as a possible candidate for the Democrat Presidential nomination. He is an old friend of mine, and I wish him well in his future endeavors. However, I am afraid that he might do irreparable harm at this time by downgrading our longtime and faithful ally on the island of Taiwan.

It is my feeling that the American people and the Chinese people, working together, can do important things for world peace, but this is a process that will take long and cautious diplomatic moves and conferences. It certainly cannot be brought about if the Nationalist Chinese believe we have turned our backs on them and cast our lot with the millions of Chinese under Communist domination on the mainland. It is my hope that Senator JACKSON will alter his position after he has had time to think through the full consequences of our moves in the Far East and does this in the quiet of his home surroundings.

COL. STEVE SKELTON, OF HARTWELL, GA.

Mr. TALMADGE. Mr. President, today I wish to pay tribute to a great Georgian and a great American, Col. Steve Skelton of Hartwell, Ga.

Colonel Skelton has made innumerable contributions to the people of Georgia during his long career as an attorney, former distinguished solicitor-general and as a public leader in many civic organizations. His career has been totally dedicated to the happiness and progress of the people of Georgia.

On July 4 Colonel Skelton celebrated his 96th birthday, and was paid tribute by WAIM–WCAC–FM radio stations in Anderson, S.C. I ask unanimous consent that a transcript of that broadcast be printed in the RECORD.

There being no objections, the transcript was ordered to be printed in the RECORD, as follows:

TRIBUTE TO COLONEL SKELTON

Today it is a genuine honor for Stations WAIM and WCAC-FM to pay tribute to a great Georgian and an American Statesman, Colonel Steve Skelton of Hartwell, Georgia.

Colonel Skelton has an outstanding record as an attorney, former distinguished solicitor-general, and public leader in everything that has been for the welfare, advancement and happiness of the people of GEORGIA and of this whole area of the South!

We extend to him a 21-gun salute . . . and greetings and million fold good wishes on his 96th Birthday, which he will be observing on July 4th.

In this we are joined by thousands of his friends and admirers in his native state and in a wide area of the whole Southland—for he is well and favorably known and honored in far-flung areas for his Americanism, and leadership in the fields of law, good citizenship, cultural, religious and civic achievements and statesmanship.

An entire book could easily be written about this beloved citizen. He is a native of Hartwell, and his lovely wife and inspiration, who is 91 and very active, is a native of Laurens, South Carolina and before her marriage was Miss Caroline Nabors.

As Colonel Skelton approached his 96th Birthday, he gave expression to these timely thoughts:

"The moral fiber of our nation has recently rapidly degenerated."

"An over supply of legal loop-holes have been manufactured in legislative bodies and the legal profession at present is woefully lacking in tall timber."

"Our government, and the courts, legislative bodies, and law enforcement agencies at all levels are never any stronger than the people want them to be, and sometimes not that strong."

"Good citizenship in this nation is at a low ebb."

"If our nation falls, it will be from internal moral decay."

"As has been stated, 19 of the 21 great civilizations of the world have died, not from outside force, but from internal decay, and their average life has been 200 years. In 1976, the United States will reach its 200th birthday. What will our future be!

"If our nation is to survive, there must be an about face and quick adaptation of the principles of Christianity."

"The depth of our commitment as citizens, determines the height of our achievements."

For 35 years, Colonel Skelton has taught a class of men in the Hartwell First Baptist Church, where he and his family have been an active and constructive force for decades.

On behalf of the owner of these stations, Mr. Wilton E. Hall, and our entire staff of associates, we join today in saying: "Happy, Happy Birthday, Colonel Skelton! And congratulations to you and Mrs. Skelton and all of your fine family and relatives on the many good things you have accomplished.

May God bless each of you and keep you in his care, this day and always!

IN TRIBUTE: EARL WARREN

Mr. HATFIELD. Mr. President, I share with all my colleagues a sense of deep sorrow at the death last evening of former Chief Justice Earl Warren.

It is the legacy he leaves that serves as one measure of any person, and by this yardstick, Earl Warren will be classed as a great man. His legacy crosses the spectrum of American life, and touches nearly every aspect of our lives in 1974. His legacy lives within each individual, for it is in the area of individual rights that Earl Warren's feelings are reflected best. One need not agree with all of the Warren court decisions to recognize that it is a concern for the rights of the individual that framed many of them.

When a fitting memorial to Earl Warren is considered, I would suggest that everyone in the country all do our best to respect the individual rights that were so precious to him. How more fitting a tribute than one in stone would be a living memorial we all contributed to in the way we live. Respect for the rights of others, a recognition of people's dreams, a conscious effort to help others, and a humanitarian reaching out to help those less fortunate all were hallmarks of Earl Warren's legacy from his tenure on the Supreme Court. All would be worthy goals for us to reflect on again in our minds as we examine Earl Warren's contributions to American society.

Certainly some of the Court rulings

caused substantial problems in the way we had been living and in our activities. The Brown, the Miranda, the Gideon, the Baker cases all altered American society. All reflect a deep concern for the individual and his rights—again, a fundamental concern of the Warren court.

Mr. President, as we pause today, and in the next few days, to pay tribute to Earl Warren, it is a measure of the man's greatness that nothing we can say, or nothing that will be written, can equal the man. No tribute can equal the changes in our lives which he helped create. At a time when neither the executive nor the legislative branches were in the forefront of enlarging individual rights, it was the Warren court that moved to secure these rights. To many elements of American society, it is the Court whose actions touched their lives, and their hopes, the most.

In closing, I join with my colleagues in extending my sympathies to Mrs. Warren and the family at this time of personal sorrow.

I ask unanimous consent that an article describing Earl Warren's life, from this morning's Washington Post, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Chief Justice Warren: His Court Reshaped the Nation

(By Alan Barth)

By nearly every standard that can be said to measure judicial stature, Earl Warren must be counted among the great chief justices of the United States—the greatest, in all probability, since John Marshall.

Like John Marshall, Earl Warren presided over the Supreme Court during a period of dramatic change in the character of American Life. The "Marshall court" at the inception of the Republic wrote upon a clean slate in giving vitality to the United States Constitution and in delineating for itself a decisive role as a shaper of the national destiny. The "Warren court" adapted the institutions of a developing society to the needs of a fully developed nation, a great military and economic power in a world made intimate by scientific and technological advances altogether beyond the imagination of the Constitution's framers.

It is apt to be misleading to designate a court by the name of a Chief Justice who is, after all, but *primus inter pares* among its members. But in the case of Earl Warren as in the case of John Marshall, the designation seems justified not alone as the mere indication of a time period but as a recognition of leadership and influence.

The court over which Warren presided was an extraordinarily vigorous one, replete with powerful personalities. He was surpassed by several of its members in legal learning, in felicity of expression, in depth of judicial perception and philosophy. As administrator of the court's affairs, however, he gave the disparate justices a measure of unity and a sure sense of the tremendous political role the court had to play in its time.

In ceremonies marking the conclusion of Warren's term as Chief Justice and the installation of Warren E. Burger as his successor, President Richard M. Nixon remarked: "Sixteen years have passed since the Chief Justice assumed his present position. These 16 years, without doubt, will be described by historians as years of greater change than any in our history."

A society once overwhelmingly rural in residence and agricultural in occupation had become predominantly urban and industrial. This shift was accompanied by a vast migration from small towns and villages into great metropolitan centers and brought with it a social upheaval entailing immense alterations in social values and immense problems of social adjustment. An important part of the population movement involved great numbers of Negroes uprooted by technological change from the Southern cotton fields where they had worked first as slaves and later as sharecroppers and who now found themselves penned in the decaying slums of inner cities wholly unequipped by reason of illiteracy and ignorance to compete for a livelihood in an advanced industrial economy.

These black Americans were clamoring for civil rights and for economic opportunity. Migration to the cities made the disproportionately rural representation in state legislatures seem altogether inequitable and anachronistic. Education, police authority, social institutions, media of communication, esthetic and moral values, even religion, were all undergoing dramatic changes. The law, indeed the whole relation of the state to the individual, had to change with them. And it was over that transformation of the American community that the Warren court presided.

"No decade in American history has brought to the Supreme Court such a diversity of deeply troublesome and controversial questions," this newspaper commented editorially on the 10th anniversary of Warren's appointment as Chief Justice. And a member of Congress remarked, not happily, that "our entire way of life in this country is being revised and remolded by the nine justices of the Supreme Court."

Earl Warren was born in Los Angeles, Calif., on March 19, 1891, the second child of a railroad worker named Methias H. Varran, brought to this country in infancy from Norway. The name was anglicized to "Matt Warren." Matt was not a man of much education but he was intensely interested in reading and in learning—for his children no less than for himself. The family fortunes were not resplendent. John D. Weaver, in a biography of Earl Warren, says that the boy once asked his father why he had no middle name. "Son," Matt Warren answered, "when you were born, we were too poor to enjoy any luxury of that kind."

But Matt Warren was industrious and provident, saving money and investing it shrewdly. He was determined that his children should have the education he had missed. He worked his way up on the Southern Pacific from a mechanic to a master car builder. In 1938, when Matt had retired from his railroad job and when his son, Earl, was district attorney of California's third largest county, the body of the father, then 73 years old, was found in the kitchen of his home, bludgeoned to death with a lead pipe. It was a case of robbery—evidently by someone who supposed the old man had concealed wealth on his premises. The murderer was never found.

Earl did odd jobs when he was young, working for a while as a call boy for the railroad. He did well enough in school but was more interested in sports than in study. He put himself through college and law school at the University of California.

Warren spent about three years in private practice after his graduation from law school and before he enlisted in the Army upon America's entry into the first world war. He saw no service overseas but he rose to the rank of second lieutenant. Following his discharge from the Army, he obtained an appointment as a deputy in the Alameda County district attorney's office and remained a public employee for all the rest of his working years until his retirement as Chief Justice of the United States.

Warren was elevated to the office of district attorney in 1925 and, in the course of 13 years in that post won a reputation as a crusading prosecutor, tough but compassionate and fair. "The only way the racketeers can get control in any community," he once said, "is by alliance with politics, and control of your public officials, your courts, your sheriff, your police chief, your district attorney, and other law enforcement agencies."

Earl Warren was a strict law and order man, known much more for his personal probity and prosecutorial skill than for any sociological pioneering. During Prohibition, he became a teetotaller, not out of any dislike of drinking but out of a disciplined sense of duty. "How can I drink bootleg liquor at a party on Sunday night," John Weaver quotes him as having said, "and then on Monday morning send my deputies to prosecute bootleggers?"

Politically, he was aligned with the right wing of the Republican Party in California. He was an ardent champion of states' rights. As attorney general he was vehement in his denunciation of Communist radicals and as governor vociferously supported the military decision, after the attack on Pearl Harbor, to remove all persons of Japanese ancestry from the West Coast and put them in detention centers in the interior of the country.

He grew prodigiously in office, however. In 1945, during his first term as governor, he became convinced that California needed a state program of prepaid medical insurance. The California Medical Association regarded this, of course, as "socialized medicine" and fought it ferociously. No doubt the sheer irrationality of its opposition served to move the governor into even more shocking forms of progressivism. He undertook the reorganization of the state's antiquated Department of Mental Hygiene, inaugurating a modernization of mental institutions which put California in the forefront in this field. He put through the legislature stringent legislation regulating lobbyists. He fought the petroleum interests to a standstill in obtaining enactment of an equitable highway development bill and in the face of bitter opposition from the private power lobby championed the Central Valley project for the public development of hydroelectric energy.

When Warren ran for a second term as governor of California in 1946, he did so on a record of legislation which extended enlightened and progressive help to the state's unemployed, handicapped, elderly and mentally ill. Moreover, the state was free of debt, and taxes had been cut by about 15 per cent. He won the nomination of both major parties and was resoundingly reelected—the second governor to serve a second term in a century of California experience.

A Democratic governor who served California some years later—Edmund G. (Pat) Brown—said of Earl Warren: "He was the best governor California ever had. He faced the problems of growth and social responsibility and met them head on. He felt the people of the state were in his care, and he cared for them."

Warren had by then, of course, become something of a national figure and certainly the outstanding Western Republican politician. Somewhat reluctantly, as a matter of party loyalty, he accepted the GOP nomination for the vice presidency in 1948 as the running mate of Gov. Thomas E. Dewey. They went down to defeat. It was the only election Warren ever lost. But Warren had a third term to serve in the gubernatorial mansion in Sacramento.

In 1952, Warren was a serious contender for the GOP presidential nomination at a convention in which Gen. Eisenhower and Sen. Taft were considered the frontrunners. The California delegation, including the state's junior senator, Richard M. Nixon, was pledged to the governor.

According to John D. Weaver, "Nixon was suspected by the governor's political tacticians of having made a deal to deliver to the general the secondary strength he would have had to demonstrate if he had failed to get the nomination on the first ballot." The first ballot nomination, in any case, went to Eisenhower, and the nomination for the vice presidency went to Nixon. Whatever the merits of the matter, an enduring coolness developed between Nixon and Warren.

In the final days of this third term as governor, Warren announced that he would not be a candidate for re-election. A few days after this announcement, in September, 1953, Fred M. Vinson, then Chief Justice of the United States, died. President Eisenhower promptly nominated Gov. Warren for that great office, remarking that he made the choice on the basis of the governor's "integrity, honesty, middle-of-the-road philosophy . . ."

Warren came to a court diminished in prestige and deeply divided not alone by ideological differences but by personal hostilities among its members. It was a measure of his qualities of leadership that the new Chief Justice managed, from the very outset of his tenure, to heal, or at least to bridge, these divisions. He won at once the warm regard as well as the respect of all his associates. The achievement contributed immeasurably to a restoration of the court's prestige and influence.

One of the great controveries of American history came before the court at the very beginning of Warren's chief justiceship; the question whether state-enforced segregation of Americans on the basis of race is constitutionally impermissible because it entails a denial of the equal protection of the laws.

Historically, the court had held that racial segregation was not unconstitutional provided the facilities afforded the two races were essentially equal. For more than a decade, however, the court had recognized in a series of decisions that the schools, hospitals and other public facilities provided for Negroes were, in fact, markedly inferior to those provided for white persons.

Brown v. Board of Education came before the court in Warren's first term. When it was decided on May 17, 1954, the opinion of the court, written by the new Chief Justice himself, had the unanimous concurrence of his associate justices and represented one of the great landmarks in American jurisprudence. "We conclude," Warren wrote, "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal . . ."

The ruling was soon applied, of course, and with continuing unanimity to fields other than public education. The unanimity of the court achieved under Warren's leadership was a testimonial to his judicial statesmanship and contributed significantly to the impact and effectiveness of the dramatic change in race relations required by the decision. That impact and effectiveness were diminished, however by the failure of the Eisenhower administration to give the court moral and political support. Massive resistance to the decision began to develop in the Southern states; and from that time forward the Chief Justice became the target of vicious attacks by demagogues and reactionaries, including even a campaign, sparked principally by the John Birch Society, for his impeachment.

A decade later, in 1964, the Chief Justice wrote opinions for the court in six cases decided simultaneously in which the residents of half a dozen states challenged the validity of apportionment in legislatures where sparsely populated rural districts enjoyed the same representation as much more populous urban districts. Under this arrangement, rural residents of the states wielded much more political power than city dwellers.

For a court divided this time 7 to 2, Warren held that this inequality violated the constitutional promise of equal protection. He ruled, moreover, that the requirement of population equality in election districts applied to both branches of bicameral state legislatures, rejecting any analogy between them and the national Congress where the federal Constitution provided for equal representation of states in the Senate regardless of their size or population.

"Legislatures," Warren wrote, "represent people, not acres or trees. Legislators are elected by voters, not farms or cities or economic interests . . . The weight of a citizen's vote cannot be made to depend on where he lives."

This decision was quite comparable in importance and in political impact to the school desegregation ruling and evoked an almost equal sense of outrage among those who viewed it as a judicial intrusion into the legislative domain. It confirmed the view of Warren's critics that he was an inveterate judicial activist. On the other hand, it corrected a political injustice and imbalance that, given the rural ascendency in state legislatures, had no real possibility of correction through legislative action.

The Warren court outraged conservative sensibilities in one additional area, the field of criminal law. Over a decade or more the court wrought a revolution in extending to defendants in state courts the protections guaranteed to them in federal courts by the Bill of Rights. The Chief Justice's most signal contribution in this process was in regard to the admissibility of confessions. A confession, no matter how reliable, must be excluded from a criminal prosecution, he ruled, if it were obtained by coercion, threat or trickery of any sort. "The abhorrence of society to the use of involuntary confessions," he wrote in Spano v. New York, decided in 1959, "does not turn alone on their inherent untrustworthiness. It also turns on the deep-rooted feeling that the police must obey the law while enforcing the law; that in the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves."

The strongly held views of the Chief Justice regarding the rights of persons charged with crime found its culmination in what was perhaps the most controversial of all his opinions, handed down in the Miranda case in 1966. The decision held that the police must warn any arrested person, before questioning him in connection with a crime, that he has a right to remain silent, that any statement he makes may be used against him and that he is entitled to consult an attorney (to be provided for him by the state if he cannot afford to hire one himself) before or during any interrogation. Omission of any of those requirements would make a confession inadmissible.

These procedural rights have been an immemorable part of the folklore of American justice. How far they were from observance in reality was attested by the tornado of indignation that the Warren opinion generated from law enforcement officers and district attorneys. It is perhaps profoundly significant, however, that the opinion came from a judge who had had long and ripe experience as a public prosecutor.

To Chief Justice Warren, Anthony Lewis remarked in a distinguished monograph, "justice consisted not of providing a fair mechanism of decision but of seeing that the right side, the good side, prevailed in the particular case . . . Often the framework of the argument seems ethical rather than legal . . ." This appraisal seems in large measure just as discerning. In a speech delivered in 1962, the Chief Justice spoke of law as floating "in a sea of ethics." In a profoundly conscientious sense, he thought of the Supreme Court as a force for "good."

The whole of his career was devoted to public service in an activist sense of the term. He believed, above all else, in righting wrong. His thinking was robust and healthy rather than subtle or sinuous; and it rested on elementary American values—confidence in the good sense of the people, in the utility of freedom, in the ultimate triumph of truth over error. "A prime function of government," he wrote in the only book he ever published—"A Republic, If You Can Keep It"—"has always been . . . to protect the weak against the strong."

Warren's devotion to the public service was marked by an impeccable personal integrity. It is perhaps unique among public men, and certainly unusual, that from the moment he entered public service in California, Earl Warren never took a dime from anyone for a speech, article or any other kind of private or public activity. And once he accepted appointment to the chief justiceship he never manifested the slightest interest in any political office or influence. His commitment to the court was all-embracing.

If his opinions were not particularly notable for elegance or eloquence, they were nevertheless soundly reasoned and made powerful by the feeling of decency and compassion that informed them. At least in the fields of politics and law enforcement, where he had rich experience, his views commanded great respect and influence.

As the leader of an embattled court engaged in adapting the law to new economic and political circumstances, moreover, he displayed a high degree of judicial statesmanship. He was a man of clear conviction and of granitic strength. Once he quit elective office for the bench, he became wholly indifferent to popular favor and to public excoriation. He will be counted, undoubtedly, as one of the titanic figures in the history of the Supreme Court.

Once he joined the court, the only major interruption in his work came when President Johnson persuaded him to become chairman of the commission to investigate the assassination of President Kennedy. The Chief Justice undertook that assignment reluctantly. He apparently believed that a member of the court should not engage in non-judicial activities, but had been convinced by President Johnson that his personal prestige and the prestige of his office was needed to calm public fears that the investigation would be a whitewash. The report of the commission did much to quash fears that the assassination was part of a large conspiracy.

After stepping down as Chief Justice in 1969, Warren remained active in judicial affairs, speaking largely on matters of judicial administration and working at his office in the Supreme Court building. He maintained his lifelong interest in sports and was a regular spectator at football games of the Washington Redskins.

In 1925, Warren married Nina Palmquist Meyers, the widow of a musician who had died when their son, James was three weeks old. Her mother had died when Nina was three years old, her father when she was 13; and she had been self-supporting ever since. James was adopted by his stepfather, and the family was enlarged in succeeding years by the birth of Virginia in 1928, Earl Jr. in 1930, Dorothy in 1931, Nina Elizabeth (known as Honey Bear) in 1933 and Robert in 1935. It was an extraordinarily close and loving family, retaining its sense of warm unity throughout the whole of Earl Warren's life.

CONCENTRATION OF STOCK MARKET INVESTMENTS BY LARGE FINANCIAL INSTITUTIONS

Mr. BENTSEN. Mr. President, recent event on our stock markets clearly demonstrate the adverse consequences to our Nation if large institutional investors such as banks, insurance companies, and other large managers of pension funds concentrate their investments in a small number of select stocks. Two of the stocks favored by institutional investors—McDonald's and Polaroid—suffered substantial declines in value during very short time periods of just a few hours.

These developments demonstrate the necessity of imposing reasonable limits on the amount of stock in any one company that pension managers such as banks and insurance companies may hold. Today more than 20 million Americans participate in private retirement plans and the great bulk of the assets in these plans is invested by large institutional investors. The retirement incomes of these 20 million Americans depend directly upon the safety of the pension investments. Excessive concentration of investments in only a few stocks jeopardizes the safety of these assets since a major decline in value of only 2 or 3 of these select stocks will substantially reduce the value of the pension assets.

These developments further demonstrate that our stock markets require the participation of a large number of individual buyers and sellers to help prevents volatile price fluctuations that result from uniform decisions by a small number of participants. The health of our stock markets depends upon widespread public participation. Yet it has been estimated that as many as 800,000 individual investors have left the stock market since 1972. In order to achieve the most efficient evaluation of stock prices and hence the most efficient allocation of our financial resources, our stock markets must have a multiplicity of decisionmakers—a large number of individual as well as institutional investors.

Just 1 year ago the Senate Finance Committee created the Financial Markets Subcommittee to study the tax-related problems of our stock markets and selected me as chairman. As a result of extensive hearings at which a wide range of witnesses testified—academic experts, corporate executives and leaders of the securities industry—I introduced legislation aimed at diversifying the billions of dollars of pension investments as well as encouraging greater individual investment in the stock market. This bill, S. 2842, is known as the "Stockholders Investment Act." It has been introduced in the House of Representatives as H.R. 13466. Earlier this year, the Financial Markets Subcommittee held hearings on my proposal and the bill is awaiting Finance Committee action as soon as the committee considers general tax legislation.

Mr. President, I would now like to briefly describe the developments concerning the stock of McDonald's and Polaroid.

On Wednesday, June 26, the value of a share of stock in McDonald's Corp.—the popular drive-in hamburger chain—declined in value by 12 percent. In just 1 day the stock dropped in value from $55.75 to $49 a share which resulted in a loss to shareholders of about $267 million. This rapid decline resulted from a recommendation by an institutional research firm that long-term holders start scaling down ownership of the stock.

An article in the Washington Star-News described the McDonald's development in the following terms:

> Investors dumped huge quantities of stock in McDonald's Corp. yesterday after a widely respected brokerage firm suggested that stockholders should begin scaling back holdings in the Nationwide hamburger chain.
>
> The deluge—267,000 shares of McDonald's were traded—was a classic example of the effect a sudden switch in recommendation can have when made by a brokerage firm with a large institutional clientele.
>
> It also is an example of the herd instinct of financial institutions—mutual funds, bank trust departments and the like—that buy and sell huge quantities of a stock simultaneously, while individuals watch their investment wither.

On Tuesday, July 2, the value of a share of stock in the Polaroid Corp., declined in value by nearly one-third. In just 1 day the price of a share of Polaroid dropped from 35⅝ to 24¼. This precipitious decline followed an announcement by the company of reduced earnings prospects. A Wall Street Journal article pointed out that—

> Since the start of the year, one of the largest bank trust departments, which owned 3.5 million shares, has lost an estimated $160 million on paper in Polaroid's decline. From the stock's high in 1973, the decline on paper of that one holding is more than $400 million.

Mr. President, these developments are important to all Americans because the health of our stock markets is of vital importance to our Nation. Although most Americans view our stock markets simply as a vehicle for investing money in the hope of making a profit, this overlooks the fact that our stock markets serve a much more important and basic function for our entire economy. They provide a source of equity capital to help industry raise money for expansion and modernization toward several ends:

To deliver useful products to the consumer at reasonable costs.

To create new jobs for our growing work force.

To effectively compete in a growing world market so that we can maintain a favorable balance of trade.

To pay the costs of meeting environmental standards.

To achieve reasonable energy and mineral self-sufficiency.

Our economy faces a huge demand for new capital in the years ahead and only with stock markets that function smoothly can we expect to meet that need. Capital requirements in the environmental area alone are enormous. The Council on Environmental Quality and the Environmental Protection Agency estimated in March 1972, that meeting pollution standards between 1972 and 1980 would cost industry some $26 billion.

Annual capital needs for all businesses for all purposes are expected to increase from $105 billion in 1973 to $233 billion in 1985, a gigantic rise of 120 percent.

However, both the declining number of individual investors and the tendency of large institutions to concentrate their investments in a small number of select stocks raise the prospects that American industry may not be able to raise anything approximating that figure.

These two trends are very disturbing because our economy cannot flourish solely on the basis of the health of a small number of glamour companies, nor can our economy survive without the participation of a large number of individual investors. Every large corporation depends upon thousands of small enterprises, as suppliers of components, as generators of ideas and products and as producers of income for their owners and shareholders who buy the products of large corporations.

Both individual investors and these smaller companies play an indispensable role in our economy. Small companies depend upon the smaller, noninstitutional investors for equity investment, and all companies, small and large—as well as the institutions themselves—depend upon the individual investor to supply liquidity depth and continuity to the market.

The importance of maintaining broadbased stock markets—with a multitude of participants—cannot be overestimated and it is essential that our tax laws be structured to encourage this diversity.

Without viable stock markets we will be unable to provide sufficient jobs for a growing work force and the American workers will be the loser. Without viable stock markets, we will be unable to prevent shortages of scarce resources and manufactured goods and the American consumer will be the loser.

Mr. President, at this point in the RECORD I would like to print two newspaper articles explaining recent stock market developments. One of these articles was written by Mr. Stephen Aug in the June 25, 1974, issue of the Washington Star News and the other was written by Mr. Robert Metz in the July 3, 1974, issue of the New York Times. In addition, I would like to print a fact sheet describing S. 2842, my proposed "Stockholders Investment Act."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Selloff in McDonald's: Falling Arches

(By Stephen M. Aug)

Investors dumped huge quantities of stock in McDonald's Corp. yesterday after a widely respected brokerage firm suggested that stockholders should "begin scaling back holdings" in the nationwide hamburger chain.

The deluge—267,000 shares of McDonald's were traded—was a classic example of the effect a sudden switch in recommendation can have when made by a brokerage firm with a large institutional clientele.

It also is an example of the herd instinct of financial institutions—mutual funds, bank trust departments and the like—that buy and sell huge quantities of a stock simultaneously, while individuals watch their investment wither.

In this case, the result of the trading was disastrous for McDonalds, which since it first sold shares to the public in 1965 has been a favorite of growth-oriented investors.

The huge sales yesterday—McDonald's was the most active stock on the Big Board, with about 7 percent of its 39 million shares changing hands—resulted in a paper loss to shareholders of about $267 million as the stock sank $6.75 to $49 a share.

The reason for the selloff was a report issued late Tuesday, after the New York Stock Exchange ended trading, by Baker, Weeks & Co., Inc., of New York.

The 25-page report concludes that there are a number of uncertainties about the future growth trend of McDonald's.

"We have become increasingly concerned with respect to current 'real growth' trends and the company's ability to implement further marketing innovations that will meaningfully expand existing store volumes in future periods," the report said.

It contends that McDonald's "is entering a transitional growth period during which earnings improvement will moderate, show greater sensitivity to economic conditions and inherently enjoy less visibility."

In view of such uncertainties, and of the stock's relatively high price in relation to McDonald's earnings, the report says, "we are no longer recommending new commitments and have removed the stock from our recommended list. Long-term holders should, in our judgment, begin scaling back holdings to reduce exposure to those uncertainties during this transitional period."

The relatively moderate language still spelled out SELL quite clearly to institutional portfolio managers.

Jon Masters, vice president and general counsel at Baker, Weeks, said the report was put in the mail Tuesday evening. But he added that the company had telephoned some clients it felt would be interested in acting promptly.

The results of the firm's phone calls were evident. In fact it was one hour and 28 minutes after the opening of trading on the Big Board yesterday before McDonald's stock could be traded because of an overnight accumulation of "sell" orders and not enough buyers.

When it did open, at 11:28 a.m. 27,900 shares were traded in one transaction, followed by another 2,500, all at $51.50, down $4.25 from Tuesday's close.

It was still about two hours before most investors found out why McDonald's stock had slumped.

Dow Jones News Service reported at 1:37 p.m.—by then McDonald's was trading down six points on a volume of 146,700 shares—that the reason for the activity was that "several analysts and money managers report that a major investors' advisory service pulled its buy recommendation on the issue. However, the report wasn't made public and officials of the company have not been available for comment . . ."

The first comment came from McDonald's (Baker, Weeks was not to issue one) at 1:49 p.m., when the company's president, Fred Turner, was quoted as saying the firm's sales so far had met expectations and he expects "the favorable trend to continue and expects another good year."

Eleven minutes later, Dow Jones said "McDonald's confirms negative report has caused stock decline." It then proceeded to quote Treasurer Boylan as identifying Baker, Weeks as the source and added he disagreed with the report.

As a result, an ordinary investor who owned McDonald's stock would not have discovered for four hours why the value of his investment was slipping away so rapidly.

On the other hand, probably every major institutional investor had the bad news available the night before—and could dispose of its shares early.

Market Place: Picture Awry for Polaroid

(By Robert Metz)

When the Polaroid Corporation designed the SX-70 electronic camera, the battery powering this remarkable picture-making system was tucked into the individual film packages.

Unfortunately that limited use of the film pack to five months, the life of the battery, or less than half as long as the shelf life of film generally.

This meant that Polaroid had to tailor production to sales so that customers would get the film packs in fresh condition and thus have a reasonable time span in which to use the film.

It has been obvious for some time that the film packs were causing problems of one sort or another and on May 1 Polaroid began a new policy of allowing dealers to return aging, unsold film packs.

This is important because the SX-70 system is one of enormous significance to Polaroid. It was regarded by the company and Wall Street alike as a new dimension in amateur photography and one that could lead to immense rewards for Polaroid and its army of shareholders.

In the early SX-70 days enthusiasm was rampant. It seemed that at last Polaroid, a Wall Street favorite despite a lack of super growth in earnings, was on the right track.

Institutional analysts put out buy recommendations on Polaroid reflecting these high hopes and Polaroid shars reached 143½ in the summer of 1973. Since then, however, there has been one delay after another in the anticipated earnings growth that was to arise out of tht SX-70 system.

And on Monday of this week the company spoke of reduced earnings prospects commenting that "until production rates reach a larger fraction of the capacity for which the SX-70 plants are designed we can expect fluctuations in quarterly results."

The news was released after the close of trading on Monday. But it didn't take much imagination in this dread market to guess what would happen when trading resumed yesterday. Polaroid already dumped in great quantities over recent months, was hit again.

Polaroid trading was delayed until about 12:29 P.M. when 175,000 shares traded at 26¼. Before the day was over, Polaroid traded at 23⅝ and closed at 24¼, off 11⅜ from the previous trading level on the day's most active volume of 387,700 shares. It was a day's loss or nearly a third of its value.

Polaroid traders had thus wiped out nearly a decade of stock market gains—not to mention the fact that the Polaroid setback yesterday touched off a general selloff in the stock market that carried the Dow-Jones industrials below the 800 level, a psychological resistance point.

Brenda Landry, White Weld & Co.'s Polaroid analyst, sent a wire to clients saying the company's remark about possible earnings fluctuations was bad news indeed.

"We interpret this statement to imply that there is a fair possibility that unfavorable quarterly comparisons could extend into the second half of the year," the wire stated.

Miss Landry said she was tentatively "guesstimating" earnings for the current calendar year could fall below the $1.58 earned in 1973 and "possibly could fall between $1.10 and $1.50.

She thought that Polaroid would find the answers to the SX-70 problems in time and views improvements in the system as "important to the company's long-trm viability."

Henry Goldberg of the specialist firm bearing his name said that the firm, which handles Polaroid, had purchased "substantial quantities" of Polaroid shares at the opening. "We had put out at least three indications before the opening so that the public was on fair notice" (that the price would be considerably lower than before.)

Fact Sheet S. 2842, Senator Lloyd Bentsen's Proposed "Stockholders Investment Act of 1973"

1. LIMITATIONS ON THE STOCK HOLDINGS OF PENSION MANAGERS

No pension fund could qualify for favorable tax treatment unless the assets of the fund were placed in the hands of a manager who invests no more than 5% of its aggregate discretionary pension assets in any one equity security and, in addition, who acquire no more than 10% of any equity security of any one company with respect to the aggregate discretionary pension accounts. This limitation would not apply retroactively. Managers of pension accounts would *not* be forced to dispose of current stock holdings to meet these limitations, but they could not acquire additional shares of any security in which the pension manager had reached the limitation.

If any manager of tax-exempt pension funds exceeds these limitations (for example, by purchasing an additional 1% of the total equity securities of a company in which it already holds 10%), a penalty tax equal to 5% of the excess holdings would be imposed on the manager by the Internal Revenue Service. In the event that the manager fails to dispose of the excess holdings within 180 days, IRS will impose an additional penalty of 100% of the excess on the manager.

Excess holdings that result exclusively from fluctuations in market values will not be subject to a penalty tax. These limitations will not apply to investments in companies with a capital account of less than $25 million. These limitations apply only to pension plans and not profit-sharing plans.

Limits on institutional holdings are necessary to protect the more than 30 million private pension plan participants from excessive concentration of pension investments in only a few select stocks and to encourage greater institutional interest in well-managed small and medium-size companies. In addition, these limits would help prevent a small number of large institutional investors from achieving too much control over our economy.

2. VENTURE CAPITAL FROM PENSION FUNDS

Pension managers would be given leeway to invest 1% of the assets of any pension plan in companies with capital accounts of less than $25 million. This would be an exemption from any prudent man rule for 1% of the pension assets. However, the "leeway clause" would not relieve fiduciaries from any prohibitions against self-dealing or fraudulent transactions. The "leeway clause" would relieve a fiduciary from liability with respect to the *risk of an investment*.

This provision would facilitate the flow of pension investments to new and expanding smaller companies that are in great need of equity capital and which present a higher than normal risk but offer the possibility of a higher than normal return.

3. GRADUATED CAPITAL GAINS TAX

Under present law, the maximum capital gains rate is 35% without regard to the special minimum tax provisions or any other provision. This legislation would decrease the maximum rate annually over the holding period of a capital asset until the maximum rate was reduced to about 14% for assets held fifteen years. Capital losses would be provided comparable sliding-scale treatment over the holding period of the asset. The present six month holding period for capital gains treatment would be extended to twelve months. This would be phased in by one month per year.

This provision would help reduce the "lock-in" of long-term assets and provide greater liquidity in our capital markets. A graduated capital gains rate would also encourage the risk-taking spirit in America which has been so important to economic growth and the creation of new jobs.

4. LIBERALIZED CAPITAL LOSS TREATMENT

Today, if an individual's capital losses exceed his capital gains, he can deduct up to $1,000 against his ordinary income each year. This hasn't changed since 1942, yet per capital disposable income has risen over 400% since then. This bill would allow the individual to deduct up to $4,000 of capital losses against ordinary income. It would also allow a three-year carryback of capital losses against captial gains.

Liberalized loss treatment would encourage more risk investment which is so important in starting new businesses and creating new jobs. It would also encourage investors to take their losses, thus providing greater liquidity in our capital markets.

DEBUNKING DEFENSE MYTHS

Mr. GOLDWATER. Mr. President, once again we are getting into a debate over strategic forces and once again we are being subjected to all types of misconstruction, misinterpretation and at times I feel willful distortion. Appearing in the Air Force magazine of July 1974, is a very interesting editorial entitled "Debunking Defense Myths," which is based on a paper written by Albert Wohlstetter of the University of Chicago.

Dr. Wohlstetter is a former member of the Rand Corp., and is a highly respected individual in the field of defense studies. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Debunking Defense Myths

(By John L. Frisbee)

The debate over strategic forces, a subject that ought to be dealt with in cold logic, has generated more emotion than any other defense issue of recent times outside of the Vietnam War. Like all emotionally charged subjects, it has developed its own mythology. High in the pantheon of myths are two that invariably surface in any attack on US strategic defense policy, whether from Capitol Hill, the academic world, or the media.

The first myth is that the military always overestimates the threat to our security as a scare tactic to extort larger appropriations from the Congress.

The second is corollary to the first—namely, that US strategic forces, sized to match already overestimated opposing forces, touch off what former Secretary of Defense Robert S. McNamara labeled an "action-reaction phenomenon," with the USSR increasing its forces to match ours, and so on ad infinitum.

Through more than a decade of constant repetition, these two myths have become endowed with something approaching the sanctity of natural law. Without always being able to document specifically our position, Air Force Magazine has frequently questioned the validity of the myth of overestimation. And it always has seemed to us that if the "action-reaction phenomenon" has the inevitability attributed to it, it should work both ways. Its proponents generally apply it only to US actions that are said to trigger an arms race by stimulating a Soviet reaction. We can recall little talk of Soviet actions having a similar effect.

Now, Albert Wohlstetter of the University of Chicago has let most of the air out of these myths in a two-part article, "Is There a Strategic Arms Race?", the first part of it appearing in the current issue of Foreign Policy magazine. A former member of the RAND Corp., Dr. Wohlstetter is a respected veteran in the field of defense studies.

Dr. Wohlstetter's article is based on recently declassified information contained in the annual Posture Statements presented to Congress by successive Secretaries of Defense from 1962 to 1972. He has compared each Posture Statement's estimate of the number of missiles and bombers the Soviets were expected to have five years in the future, against the numbers actually deployed when that time arrived.

The estimates all included a range, from a predicted low to a predicted high. Out of a total of fifty-one estimates covering Soviet ICBMs, SLBMs, heavy bombers, and medium bombers, the low end of the range of estimates *never* exceeded the actual levels deployed by the USSR five years later. The mean between low and high estimates exceeded actual Soviet numbers only *twice in fifty-one times*, and high estimate surpassed actuality only *nine* times. For ICBMs alone, the low- and mid-range estimates *never* exceeded actual Soviet strength, and the high level was too high just *twice* in *eleven* years. This record clearly refutes charges that the military overestimates the threat for self-serving reasons.

How explain the consistent underestimation of future Soviet strategic capabilities? Dr. Wohlstetter thinks it was in part a reaction to the one gross overestimate of Soviet potential at the time of the "missile gap" of 1960-61, and in part the result of a misreading of Soviet intentions, based on the belief that their concept of deterrence is a mirror image of our own.

From his study of military history, Dr. Wohlstetter further concludes that the action-reaction phenomenon, which "has an aura of mechanical inevitability . . . is simply a portentous tautology." In real life, inaction by one side can just as well lead to action by the other. (We give as our own example the US decision to reduce our bomber force and hold the ICBM force to 1,054 missiles, which apparently encouraged the USSR to go all out for strategic superiority.) Equally plausible, action (or anticipated action) by one side can lead to inaction by the other in an action-inaction sequence. This sequence, Dr. Wohlstetter says, "was McNamara's chief argument against undertaking a thick ABM defense." In short, Mr. McNamara believed that an anticipated buildup of the Soviet missile force would make our proposed ABM defense ineffective, and do so at a relatively low cost to the USSR. Thus did the discoverer of the "inevitable" action-reaction phenomenon demonstrate his intellectual agility.

Widespread public acceptance of the myths that Dr. Wohlstetter has exposed no doubt has been a prime factor in the decline of US military power in relation to that of the USSR. Certainly a further reduction of this country's relative military strength based on continued repetition of these myths, would be a good deal more than merely unwise. It would be downright foolhardy.

Albert Wohlstetter has demonstrated conclusively that the military has *not* overestimated Soviet strategic force levels for selfish purposes. And he argues convincingly that maintaining a level of military strength appropriate to the threat *does not* lead inevitably to an arms race through a mythical action-reaction process.

These truths call for wide circulation as an antidote to what Dr. Wohlstetter calls "a kind of naive cynicism" on the part of the public. Thanks to him, the ammunition that can shoot down two dangerous myths is now at hand. Let's use it.

MENOMINEE INDIANS—SPIRIT OF SELF-DETERMINATION

Mr. PROXMIRE. Mr. President, in December 1973, the President signed into law the Menominee Restoration Act—a landmark reversal of the Federal Government's policy of terminating recognition and support for Indian tribes.

The Menominee Indians can be justifiably proud of their success in winning congressional recognition of Indian self-determination for survival as a unique cultural group.

Now that the Menominee are being restored to full Indian status, there is hope that this spirited tribe will once again flourish on the land they have struggled so long to preserve. The Menominee have always had the will to sustain their heritage. Now they have the opportunity to preserve it always for their descendents in the ruggedly beautiful land of their ancestors.

The August 1974 edition of National Geographic presents an excellent portrait of the Menominee land, people and the spirit that binds them together. Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the National Geographic, August 1974]

Wisconsin's Menominees: Indians on a Seesaw

(By Patricia Raymer)

The late August sun peered between darkening thunderclouds above the great green Wisconsin woods. My husband, Steve, and I heard the muted morning sounds and felt the wet earth beneath our boots. We sensed it in our bones—today, we were certain, would be *the* day. For the fourth misty morning in a row we waded into the woods with our Indian friends Sanome Sanapaw, his son, Joey, and Dude Valliere, to trap the black bear.

Sanome, stout and barrel-chested, set the pace as he lumbered through the ancient unaxed forest. Like his father before him, the 59-year-old Menominee had taught his sons all they needed to know about setting bear traps, tracing deer tracks, and hauling in a sturgeon bigger than a man.

August, we learned, was early for bear trapping. Winter-born cubs, only half-grown, were not yet meaty. But it was a lean summer on the wild Wolf River, long a source of trout and northern pike for the Menominees. Inflation hurt too, in this land of hard work and low incomes. And for the big Sanapaw family, summer supplies had run low.

As we hiked through pine and hemlock toward the traps, we nibbled on wild blackberries, plump as grapes, growing in the lush forest clearings, and wondered whether Mercilene Sanapaw's offering to Manitou, the Great Spirit, had been accepted. In the tradition of her great-great-great-grandfather, Menominee Chief Ah-Kenepoway, Mercilene—Sanome's wife—had ceremoniously made a tobacco offering near one of the traps the night before.

I followed the men through the waist-high ferns at a distance, because I sensed it went against tradition for a woman to join in the hunt. Almost before I knew it, they had reached a trap site, and from the whooping and hollering, I knew they had bagged a bear.

The Sanapaws, their relatives, and friends would eat well tonight. One swift shot from Joey's rifle and the animal was dead. As Joey hoisted the 75-pound carcass over his shoulder, I saw pride in his eyes. But I was sad, knowing that, like the bear, the Menominees were caught in a trap.

"FREEDOM" TAKES ITS TOLL

Lured by the promise of independence, the Menominees had surrendered their official status as Indians, and since 1961 had been struggling to survive without the economic support of the Federal Government. Now, deep in poverty, their culture eroding, they were fighting for a return to their old status. Neither they nor I realized last August that victory was only months away.

For the Sanapaws, as for most Menominees, the big problem last summer was not the white man's broken promises or forgotten treaties but the immediate practical one of getting food. The bear had solved the problem for that day—our last with them—and as the men readied it for dinner, I wandered off alone to gather blackberries for dessert.

As I plucked the ripe berries, I thought of our Menominee friends—the teachers, the sturdy millworkers, the quiet-eyed children with their ever-present ponies, the tribal elder too blind to weave any more sugar-scented sweet-grass baskets. They taught us the Indian way of life—and showed us they could not, would not, be absorbed into a white culture. Above all, the Menominees taught us that Indian land goes hand in hand with Indian culture, that it stands for the tribe, their tradition, their fundamental Indian rights, and that it cannot be shaved away without endangering their survival.

Within an hour I'd picked enough berries for two tartly luscious pies and a batch of fresh jam to spread on Sanome's homemade fry bread. Shedding my mackinaw, I began the long hike back toward the Sanapaw home.

OSHKOSH TREATY SHRANK DOMAIN

It had been a wet, chilly spring day when we first met the Sanapaws. Mercilene, Sanome, and their son Jerry were taking an elementary school class on a field trip. It was May, a time for gathering herbs and wading in the icy Wolf River.

Rambling along in a battered school bus, we came to Keshena Falls on the Wolf, where in 1854 Chiefs Oshkosh and Keshena had a fateful meeting with federal Indian agents. There, in the last of several major treaties that had already whittled away most of their aboriginal homeland—nine and a half million acres of dense forest stretching from Lake Michigan to central Wisconsin (map, page 231)—the Menominees agreed to retain only 275,000 acres. One final session, in 1856, reduced the reservation by another 40,000 acres. As part of the settlement for their once-vast domain, which the Menominees called Weesechosek, "A Good Place to Live," the chiefs and their followers were promised eternal government protection.

In 1954 Congress voted to withdraw that eternal protection and support, and in 1961 the vote became reality. The Menominees, then numbering 3,270, became partners in a dubious federal experiment in Indian self-government. They, together with several smaller tribes in the South and West, were officially "terminated"—reservation lands were turned over to the tribe to run without federal help or interference. Land that had been exempt from taxation became taxable; the Bureau of Indian Affairs discontinued all services.

Today the Menominees insist—and BIA officials agree—that the tribe never freely consented to termination. The consent vote, in which only 5 percent of the tribe took part, was tied to an eight-and-a-half-million-dollar claim against the Federal Government for mismanagement of their forest and mill. In short, Menominees believed they had to accept termination to receive their money.

Upon termination, the Menominee Reservation became the only Indian-run county east of the Mississippi. It remains—at least for the moment—Wisconsin's newest, smallest, and poorest county.

LOVE FOR THE LAND MADE THE DIFFERENCE

The Menominees faced a new and frightening way of life, involved with stocks, bonds, and corporate business deals. Because officials of the BIA had always handled the tribe's finances, few Menominees were equipped to take on the job of running their community. The tribal council was dissolved and replaced with a board of directors. Each Menominee became a stockholder in a corporation formed to manage tribal assets. The Menominees were no longer Indians in the eyes of the government.

In one respect at least, the Menominees looked after themselves prudently. Though financial headaches forced the other terminated tribes to sell virtually all their lands, the Menominees held fast to their territory. They knew the one thing that kept the tribe together was the land, and they meant to hang onto it. Last December Congress finally made their tiny county a reservation again.

It is a land full of meaning and mysteries. On that May bus ride with Mercilene, I tumbled out with her rambunctious group of seventh graders and we gathered round a worn brown rock surrounded by a log fence.

Mercilene spoke softly. "This rock, Spirit Rock," she began, "once stood six feet high. For years the Menominee people have come here to offer their tobacco to the spirits in hopes that they would look upon our tribe with kindness. The legend says that when the rock disintegrates, it will mark the end of the Menominee people."

Although the rock, a poor-quality granite, probably will crumble before long, I doubt that the spirit of the Menominees will die.

Jerry Sanapaw offered to take Steve and me to a sacred Menominee burial ground while the schoolchildren ran off to gather roots and herbs. We rode in his beat-up beige jalopy, traveling along a narrow, tree-canopied highway. Jerry's car slowed as it approached the old sawmill town of Neopit, one of only three communities in Menominee County. Children romped with a yapping mongrel along the road. We went through in a few minutes and into the woods again.

I remarked about the tough-guy reputation of Neopit's sawmill hands. Jerry felt it did not reflect true Menominee character. "We have always been a peaceful people. We have seldom been involved in wars with other tribes, because we always believed you could talk things out."

Jerry went on to explain that the Sanapaws, like their ancestors, are leisurely people. The land knows no eight-hour day or five-day week. Harvest and hunting become social times. Life is lived day by day, and each moment cherished for its own.

"We're a content people, content with our Indian ways, with the woods, with being close to nature," Jerry said.

Yet I sensed that uneasiness lurked behind his words. At 26 he does not seem content. Jerry fought in Viet Nam, like dozens of other young Menominees. Unlike many of his friends, though, he is a high-school graduate and has tried college studies.

Jerry is different in another way, too. Of the county's 2,600 inhabitants, most are either below the age of 18 or above 60. Many young people leave tribal lands for the promise of more opportunity in Milwaukee, Chicago, or Minneapolis. And why not?

The tribe's one source of employment is a 66-year-old, financially pinched lumber mill—one of the largest sawmill operations in the Midwest States. The outdated, steam-powered mill employs about 200 Menominees, and is the county's chief economic asset. Though profits are up, the tribal corporation, Menominee Enterprises, Inc., has borne a heavy tax burden, which gobbled up meager earnings during the period of termination. Instead of looking for work in the mill, Jerry helps an older brother with his private tree-trimming firm in a neighboring community.

OLD BURIAL RITES LIVE ON

Jerry, dark-eyed and muscular, wants to remain with his people. But he is superstitious about being too successful among them. "You know, my brother LeRoy, he died a year ago," Jerry recalled. "His bad luck came, I know, because he was better than the rest. He was an Indian dancer, winning awards, ribbons, recognition all over. When you're a Menominee you can't stand out, you can't be better off than your brothers."

We arrived at the small burial plot, its grass thick with wood ticks. Instead of gravestone markers, I saw long, low wooden huts covering the graves. I learned later of other burial grounds scattered in the high grass off the back roads.

"When an Indian dies," Jerry told me, "one of the family builds the hut. Then the body is carried out through the west window of the family home. The drums beat all night long as the family gathers to tell of all the good things the dead person did while alive. You know the spirits are listening and that the person is on the way to heaven, the place we Indians call the happy hunting ground."

In this land of the Menominees, where 90 percent of the tribe is nominally Catholic, Jerry's story seemed incredible. People had told me of the old medicine-lodge religion, and these huts in the thorny brush were proof that it had not died.

"For four days after a death," Jerry continued, pointing to an opening in the hut, "the family brings offering and puts them through this window, so the dead person doesn't get hungry on the journey."

At dusk, we returned to the Sanapaw home along the Wolf. Children played around the battered homestead. Some teased a caged pet coyote while others took turns riding the family pony.

Inside, Sanome prepared his specialties, fry bread and boiled Indian coffee.

"Survival, that's how we live," Sanome said. "It's been tough, very tough, since termination. When the Menominees were terminated, we had to buy our family land. Like others in the tribe we owned the home we built, but the land. . . ." He was silent. "The land"—quietly now—"the land belonged to everyone in common. This is the Indian way."

After termination the Sanapaws had to buy their property from the newly established tribal corporation at about $300 an acre, and then pay taxes on it. But Sanome said, "We just can't afford it."

A World War II veteran, Sanome supports his family with a pension plus earnings from a tourist-concession stand he runs.

"Over the years, I've worked about every job around," he told me. It wasn't hard to see in Sanome's ruddy face a strong millworker, a pulp-cutting woodsman, or a tough highway-construction laborer.

One of the nine Sanapaw children still lives at home, as do about a dozen of 35 grandchildren and some assorted relatives. Their wood-frame home, like half the homes in the county, has electricity, but the family must haul water from a hand-dug well nearby. Sleeping and eating space is at a premium.

FAMILY CLINGS TO WILD-RICE TRADITION

We sat down to dinner with about twenty members of the Sanapaw family. Because there were guests, Mercilene served up hearty portions of venison and wild rice to complement the usual dinner of boiled potatoes, grease, and fry bread.

"We harvested this rice last fall on the Wolf," Jerry said, waving toward a hand-fashioned rice boat in the backyard.

The Sanapaws are one of the few Menominee families still wild-ricing. Only a scattering of rice beds remains along the west branch of the Wolf. (Menominee means "people of the wild rice" in the old Algonquian tongue.)

In the past the Menominees believed that the Great Spirit had granted the tribe two foods to be their own forever—wild rice and maple sugar. But the Sanapaws are the only family still tapping sugar maples in the spring.

Over dinner, Mercilene talked of how she and Sanome tried to hand down the precious remnants of Menominee heritage to their youngsters. "You know, it's ironic," Mercilene said, looking much younger than her 61 years. "When I was five, I was sent off to a boarding school run by the BIA, not knowing a word of English, just Menominee. But they wouldn't let us speak Menominee. At night girls would huddle together and repeat the legends we knew, in Menominee and when the teachers found us, they'd punish us."

She laughed, but the humor never reached her voice. "Well, today I'm paid to teach Menominee traditions in the schools, to teach beadwork, and to take children on field trips, as we did today."

SECRET OF TRIBAL MEDICINE: BELIEVE

The colorful assortment of roots, herbs, leaves, and tree barks bundled in a corner of the kitchen spoke for the success of the day's harvest. There was crinkleroot, which could be preserved and used like horseradish to flavor meats and vegetables; blackberry root, to be made into a tea to treat diarrhea; and catnip, for babies' colic.

According to Mercilene, these remedies have no medicinal effect unless the user believes in their powers. In days gone by, herb doctors, or medicine men, learned from the Great Spirit the specific qualities of each plant, and only after offering tobacco to the spirits could they treat their patients.

Talk of the Great Spirit filled my mind as we left the Sanapaws that night. The forest seemed alive with legends, warriors in moccasins, medicine men praying over the campfires. But like the Menominees themselves, I could not forget the bitter realities of high taxes, poor health, and soaring unemployment that ate at the soul of this community.

What reassured me was that unlike many Indian tribes that have few natural resources, the Menominees have their woods. Ninety percent of their land is forest—pine, hemlock, maple, birch, and oak. "The trees are thick as hair on a dog's back," Menominee Enterprises forester Jim Heinz told us. "The tribe works the woods on a sustained-yield setup, cutting only the mature timber."

In his office overlooking the mill, Heinz mapped out a 15-year cutting plan with all the flash of a Pentagon general. "As long as we manage the woods intelligently," Heinz said, "the Menominees will have enough timber here for their grandchildren's grandchildren, and beyond."

Yet, ironically, it was the Menominees' success as woodsmen that led to most of their present-day problems. The Menominees were terminated because, by Indian standards, they were financially well off. Before 1961 the Menominee lumber-mill profits paid the government for most of the services of the Bureau of Indian Affairs—a hospital, schools, highways, and power plant. During most years federal aid to the Menominees was the lowest of any tribe in the nation.

BANK BALANCE TUMBLED AFTER TERMINATION

But with self-government, the Menominees' fortunes plunged. By 1972 the tribe's bank account had sunk from some $10,000,000 to $59,000. Where did it all go? Shortly after the termination act was passed in 1954, the Menominees elected to distribute nearly $5,000,000 in $1,500 payments to each of the 3,270 members of the tribe. That money was part of an $8,500,000 judgment granted the Menominees in 1951 for government mismanagement of their forest land. Legal fees took $900,000 of the award.

In 1955 more than $2,260,000 was distributed in $750 payments when the Bureau of Indian Affairs discovered that for 13 years it had erroneously been assigning to the tribe's general account certain funds that should have gone to individual Menominees for timber cut.

The $1,840,000 left in the account was eaten up by the financial burdens of getting a new county on its feet. Standards that had been good enough for a BIA sawmill were not good enough for the State of Wisconsin. The tribe had to spend $1,500,000 upgrading the old mill. Much of the rest went to revamp the tribe's electrical-power plant.

Worst of all, there was the new tax burden. Although the mill was clearing more than $500,000 most years, the bulk of it was used to pay property taxes on the tribe's forest land. Left without expansion capital, the Menominees were unable to increase mill profits or to diversify their business.

The Menominees were broke, but they refused to give up. Ada Deer made sure they didn't. A tough, aggressive, determined, and optimistic woman (page 242), this 37-year-old Menominee social worker and community organizer led the movement to make the Menominees Indians again.

One of a handful of Menominees to go from log cabin to college classroom to the "white man's world," Ada acts as the tribe's lobbyist, carrying the message of the Menominees not only to government officials but also to the nation on whirlwind speaking tours. Officially, she is the elected chairwoman of the Menominee stockholders.

VICTORY AT LAST FOR A MODERN WARRIOR

Beginning in June 1972 Ada camped out in Washington, D.C., determined to convince members of Congress that they should reverse the 1954 termination decision. By December 1973 she had won the battle. Under the congressional bill formulated by the Menominees and lawmakers, the services of the Bureau of Indian Affairs are being restored to the Menominees as the land—their precious link with the past and their hope for the future—returns to federal-trust status. Tribal land will again be tax-exempt, but the tribe will continue to control its government, mill, and forest. Those Menominees who paid for their acreage may give it back to the tribe to avoid taxation.

Termination was supposed to give Indians power over their lives and land, but it forced them to sell their property to make ends meet. Even the land-proud Menominees had to yield to a degree. To add much-needed tax dollars to the county treasury, the Menominees sold 5,000 acres of lakefront property to whites in search of a summer playground.

Today those white landowners live in a separate world. Ada and I drove past a summer-home development, with its man-made swimming beaches and electric hookups for camper trailers. "Selling this land was like selling your furniture to make house payments," Ada said. "Or like burning down your house to keep warm in a blizzard."

In the end tribal leaders realized that land sales would only prolong their financial woes.

The economic situation continued to worsen, until nearly half the tribe was collecting welfare and 40 percent of the families had incomes below the federal poverty level.

I asked Ada why the Menominees felt they must again seek aid from the Bureau of Indian Affairs—the often-criticized government agency that since 1834 has dominated every aspect of U.S. Indian life.

"Because there is no alternative, no other way to hold on to our land."

A former official of the Bureau of Indian Affairs seconded Ada's view: "The only thing worse than being an Indian under BIA control is being an Indian not under BIA control."

The Menominees think restoration can work, and the congressionally authorized Menominee Restoration Committee is now working out the details.

And the Menominees had President Nixon behind them. Signing the restoration bill, he said: "By restoring the Menominee Indian tribe to federal-trust status, the United States has at last made a clear reversal of a policy which was wrong, the policy of forcibly terminating Indian tribal status."

TERMINATION TAUGHT SOME LESSONS

There are Menominees who still have doubts about a return to the fold. "All my life BIA has been the fly in the ointment, and it's one thing I question about restoration," said Delores Boyd, director of the Child Development Center. "I certainly wouldn't want youngsters today to grow up feeling the Menominees are just getting handouts from the government. But is there any other way to save our land? Though termination was wrong, it did have some good effects. Ten years ago we believed whatever the white man told us. Termination made people a bit more demanding of their rights."

Mrs. Boyd took me on a tour of the rambling old Bureau of Indian Affairs school that the Menominees had turned into a child-care center. Eyeing the 90 children in her charge, she said: "I hope we can give our children the pride they need. The real aim of our program is to make the kids Indians, and to do something about the major health problems that can hold them back all their lives."

The old bureau hospital is closed now—turned into a courthouse after failing to meet modern standards. Two communty-health nurses and a part-time National Health Service doctor bring medical care to the Menominees. Anemia, tuberculosis, and alcoholism are the major problems.

Indian teachers like Mrs. Boyd are being recruited and Indian culture is being emphasized in the primary grades, but the effort is dissipated further along. High-school students are bused to a neighboring county that has no Indian teachers and no Indians on its school board. Racial tensions have flared, and federal investigators have found discrimination. Under such conditions, more than 75 percent of the Menominees fail to graduate from high school and fewer than 4 percent see the inside of a college classroom.

Carol Dodge has helped organize a community school for high-school dropouts as the first step in gaining local control of all Menominee schools.

"Our pubic-school children just aren't given adequate backgrounds in the primary level," she complained. "They leave fifth grade two years below their level, and, well, they just can't compete."

Miss Dodge, a Menominee with a graduate degree in education, sees the community school as a stopgap measure, but a beginning. "We have to spend too much time re-teaching the basic skills," she told me. "In a few years these young people will be looking for jobs, and they can't even read or add."

TROUBLED BOYS GET ANOTHER CHANCE

One day Steve and I drove to Thunderbird Ranch, a rolling 40-acre farm 20 miles outside Menominee County, to see another social and educational program in action. For three years Thunderbird Ranch has been home to several dozen Menominee boys who, because of school and family problems, are branded "delinquents" and taken over as wards of the County Welfare Department.

Lou Hawpetoss, the director of the ranch, greeted us. *"Poso,"* he said, which means both hello and good-bye in Menominee, depending on the accent. In the fields half a dozen energetic 13-year-olds were riding bareback (page 240) as the sun set behind the gleaming, whitewashed farmhouse.

"These boys were at rock bottom," Lou said. "Most have records that could put them in jail for a long time. Many have only one parent, often an alcoholic. They'd all been kicked out of school in Shawano, and something had to be done."

Lou, 33, is a huge, robust, good-natured man in braids with a beaded headband. He hardly cuts the figure of the Chicago advertising executive he was before returning to "do something for my people." Today he is tutor, father figure, pal, and official guardian.

Adjusting his floppy felt hat Lou told us the boys' success story.

"We put them in a different school, away from the racial problem of Shawano. Here, they aren't automatically expected to fail, and they're developing a new self-image. Now most are getting B and C grades and learning a bit about small-scale farming at the same time. I wouldn't be surprised if one day—maybe 15 years from now—these kids were running a ranch for boys like themselves."

There are many Menominees like Hawpetoss, those who left the reservation in search of a better life, but were drawn back to their people by a sense of responsibility and a deep longing for home roots. Ted Boyd, 33-year-old vice-president of the Menominee corporation, spent 11 years in Milwaukee studying accounting and working as an accountant.

"I always wanted to come back here some day," Boyd said, "and I was lucky. My people neded someone with business experience. Many educated Menominees would like to come back, but there isn't much opportunity."

A NEW ERA DAWNS FOR MENOMINEES

As vice-president for financial affairs, Boyd has seen the Menominee economy seesaw. Corporation profits rose during the years Menominees sold the lakefront parcels of land. When land sales were halted in 1972, corporation net profit fell to zero. But by March 1973 profits were up, chiefly because of the lumber operation, and Boyd now detects a trend toward "recovery and improvement."

He told me, "I think our workers' attitude has improved because we are returning to reservation status. Now people really care and want to make it work."

My talk with Ted Boyd filled me with hope for our friends. As Steve and I took a final late-night walk through their land, our heads throbbed to the drums of an Indian powwow. The drums seemed to be saying that the fighting Menominee spirit and binding tribal ties would not be weakened.

At the county's edge, I look back and saw a sign I had casually passed many times before Somehow, tonight, it means much more. Its message was simple. Shining in the moonlight, it read: "Land of the Menominees—We'll make it!"

THE ROOT CAUSES OF OUR INFLATIONARY MALAISE

Mr. BROCK. Mr. President, today I would like to share with my colleagues an article by Irving Kristol in the June 13 edition of the Wall Street Journal.

With penetrating insight, Mr. Kristol has diagnosed the root causes of our present inflationary malaise. He points out that while capitalism is a revolutionary movement that emerged from the dissatisfaction with the old order, it was a moderate revolution. In recent times, this spirit of moderation has been lost. And it is this loss that has given birth to our present inflationary state.

However, Mr. Kristol is optimistic for the future. He sees the 1970's as a period in which we are slowly becoming disillusioned with the utopian promises of yesterday. He argues that reality is slowly taking hold; economists are no longer exclusively focusing on economic growth and the electorate no longer believes the extravagant promises made to it at regular intervals.

I commend Mr. Kristol's article to my colleagues and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 13, 1974]

INFLATION AND THE "DISMAL SCIENCE"

(By Irving Kristol)

Just about every thoughtful observer is agreed—indeed, has always agreed—that inflation is essentially a political phenomenon, created by the fiscal irresponsibility of government. Economic circumstances can raise the prices of some commodities (e.g., oil or domestic help), and a major crisis (e.g., war) can temporarily raise the prices of all commodities. But a general, enduring, and accelerating rise in the price level will only come about when government itself spends—or permits its citizens to spend—more money than there are resources available for purchase at stable prices.

All this is true enough, but as stated it is somewhat misleading because oversimplified. It encourages us to regard "politics" as a world apart, "politicians" as a breed apart, and allows us to blame it and them for our problems. This has its convenience, and might even be relatively true for pre-democratic or non-democratic societies. But in a democratic society such as ours, politics is not really a world apart, nor are politicians really much different from the rest of us. Just as—to cite F. Scott Fitzgerald—the rich are different from us in that they have more money, so politicians differ from us merely in that they have more power. The uses to which that money and power are put, however, are determined in a democracy by our common culture—by those beliefs about how things are, and those expectations as to how things ought to be, which we jointly share.

It is this culture, as it finds articulate expression in what we call "public opinion," but also as it finds tacit expression in the habits of everyday life, that ultimately governs in a democracy. And if inflation becomes an organic disorder of democracy, it can only be because it has deep cultural roots both in our way of life and our way of thinking about life.

MR. SOMMERS' ASSERTION

This, I think, is what Albert T. Sommers, the immensely shrewd chief economist of the National Industrial Conference Board, had in mind when he recently asserted that the explanation for our inflationary condition lay in a "profound historical shift in the social conditions and value systems of democratic capitalism." In the democratic countries, he went on to say, modern economic systems "are living in an explosion of expectations that carry the demands for output far beyond their finite resources. The failure of our political system to contain the growth of social demands witin limits tolerable to the free market is the essential first cause of inflation in this society."

Quite right. Only, who incited this "explosion of expectations," and who transformed the "value systems of democratic capitalism" so as to make this explosion so difficult to contain? Well, oddly enough it is our economists themselves who have to shoulder some of he responsibility. True, it is mainly economists who today are most alarmed by inflation and are most vociferous in demanding that something be done about it. Nevertheless, ever since the end of World War II, economists have been as busy as anyone else in fueling that "revolution of rising expectations" which, *when divorced from the spirit of moderation*, gives birth to the inflationary state and its various disorders.

I have italicized that phrase—"when divorced from the spirit of moderation"—because it is so crucial. Capitalism itself emerges historically from dissatisfaction with the stationary society, and is intrinsically allied with *some kind* of revolution of rising expectations. It was such a revolution that brought capitalism into existence, and it is the satisfaction of increased expectations that has legitimated its existence until this day. But this was, from the outset, a moderate revolution that sought to satisfy moderate expectations. And what, above all, imposed a spirit of moderation on this continuing revolution was the science of economics—the "dismal science" as it came to be called, precisely because it set itself so firmly against the utopian extremism which all revolutions stir up, and because it kept insisting that there are no benefits without costs, that reality is so structured as to make hard choices inevitable, that a "free" lunch is pie in the sky. Up until the New Deal, politicians functioned within a climate of opinion shaped by "the dismal science." They didn't understand economics any better than they do today. But they were much more respectful of reality—and of the limits which reality inevitably imposes on our desires—than they are today.

Economics ceased being a "dismal science" with the rise of Keynesian theories during the Great Depression. But Keynes was no utopian, and his economics was originally conceived very much in a spirit of moderation. What Keynes said was that massive depressions were unnecessary and could be avoided by fairly simple governmental action which would help restore economic equilibrium. He anticipated that, once this was achieved, the capitalist system would resume its long-term rate of growth. That rate was, by our present standards, modest to the point of timidity in the U.S., it meant an average annual increase in GNP of perhaps 2.5%. Paltry though that statistic seems to us today, it meant a doubling of national income every thirty years or so—an achievement no previous economic system could even have imagined.

After World War II, the moderate optimism created by the Keynesian confidence that great depressions could be avoided became an immoderate and extravagant optimism. "Economic growth" replaced "economic stability" as the focus of attention, and economists began to assure us that growth rates of 5% or even 8% were possible, if only we did the right things—which, as it happens, turned out to be the inflationary things. These assurances seemed all the more plausible at the time because some nations—notably the Soviet Union, and West Germany—were indeed achieving such impressive rates of growth. There was even a great deal of chatter in respectable academic circles that, unless the United States could radically improve its performance, the Soviet economy would soon surpass it—and we were warned that all the "underdeveloped" nations (they had not yet been promoted to "developing" nations) would then promptly opt for communism. Those economists and social critics who were skeptical of this scenario were peremptorily informed that their thinking was out of date.

And so our present inflationary climate was born. The stock market boomed—at those projected rates of growth, you couldn't go wrong by buying common stock. Corporations plunged head over heels into debt—at those projected rates of growth, massive indebtedness seemed positively sensible, since the return on capital would easily cover repayment and leave a tidy profit besides. Individuals, too, began to go heavily into debt—what was wrong with pre-spending tomorrow's increased "guaranteed" income? And politicians began to pre-spend the "fiscal dividend" which the tax system, under these conditions of rapid and sustained economic growth, would pay out to the Treasury.

I vividly recall a dinner meeting, eight years ago, when a Washington official brought us the glad tidings that the major political problem facing the nation was how to spend that fiscal dividend (then estimated, I think, at $6 billion a year). When someone—not an economist—dared suggest that it was all just too good to be true and that life wasn't really like that, he was silenced by an uncomprehending stare.

And all of this took place in a decade when the media—television, especially—converted this nation into a vast echo chamber, in which fashionable opinions were first magnified and then "confirmed" through interminable repetition. Gradually it came to be believed that, in the immortal words of a 19th-Century utopian Socialist, "nothing is impossible for a government that *wants* the good of its citizens." As a matter of fact, this proposition doesn't even sound particularly utopian today—it sounds almost banal.

THE REALITY PRINCIPLE

The 1970s are slowly disillusioning us of all these fantasies, and it is pleasing to report that, just as the economists were the leaders of yesteryear's "revolution of rising expectations," so today they are the most eloquent in affirming the reality principle, in the traditional accents of their "dismal science." But such reversals of established opinion do not occur overnight, and bad habits are not so easily discarded. Corporation executives still feel compelled to promise their shareholders growth rates of at least 7% to 10%—though, if stock prices are any indicator, no one is believing them, which is a good thing. Politicians, too, still feel that they are required to come up with new and glittering promises to the electorate at frequent intervals. It seems clear that the electorate, which has more common sense than economists, corporate executives, or politicians, doesn't believe them either. The media naturally calls this disbelief "apathy" and "cynicism," and deplores it.

I suspect that, had it not been for the insanities of the Watergate Affair, we would be much further along the sobering-up process than we now are. Mr. Nixon's overwhelming majority in 1972 can be fairly interpreted as a vote for political and economic sobriety. Mr. Nixon may be discredited, but that majority is still out there, and is still a lot more sober than the politicians realize. But politicians are always suffering from cultural lag, and we shall have to give them some time to catch up. Meanwhile, it is to be hoped that our economists will stay "dismal" and thereby help revive the spirit of moderation which they had earlier helped to subvert.

(Mr. Kristol is Henry Luce Professor of Urban Values at New York University and co-editor of the quarterly The Public Interest. He is also a member of the Journal's Board of Contributors, four distinguished professors who contribute periodic articles reflecting a broad range of views.)

FEARS OF SUGAR GROWERS OF THE UNITED STATES

Mr. INOUYE. Mr. President, I wish to share with my colleagues an article in the July 3 New York Times entitled "Prosperous Sugar Growers Fear a Cloud," by Douglas A. Kneeland. This article provides some insight into the fears instilled in the sugar growers of this country by the failure of Congress to extend the Sugar Act.

The situation in California is similar to that which I find in Hawaii. While sugar farmers are currently enjoying high prosperity, the future is indeed dark without an extension of the Sugar Act. We too fear, as do the farmers of the Imperial Valley, that 5 to 10 years from now there will be no sugar industry in the United States.

Such a development would be disastrous for the sugar growers of Florida, Louisiana, California, the upper Midwest, Colorado, and other areas. In no place would it spell greater disaster, however, than in my own State of Hawaii where sugar is our predominant agricultural crop, providing twice the income which we now get from pineapple.

We have witnessed what has happened to our pineapple production as a result of lower cost foreign labor. The prospects of a similar transfer of production to foreign areas with lower labor costs is frightening to contemplate. The instability which would result in riches today and bankruptcy tomorrow would ill serve the needs of our Nation whether we speak of the producer, the labor, which is employed in that industry, or the consumer. The need to continue the Sugar Act must be recognized by the Congress.

I wish to share Mr. Kneeland's article with my colleagues and for that purpose request unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROSPEROUS SUGAR GROWERS FEAR A CLOUD

(By Douglas E. Kneeland)

EL CENTRO, CALIF.—Hoxsie Smith should be happy. He isn't. So should Fred Jenkins and John Borchard and Jack Fleming. They aren't.

Not that anyone ever expects farmers to be very happy, even the businessmen growers of the Imperial Valley with their air-conditioned pickups and downtown offices and their suburban-style homes in this dusty county seat of 21,000 or in Brawley, a smaller agricultural center a few miles north on Route 86.

But Messrs. Smith Jenkins, Borchard and Fleming raise a lot of sugar beets, and the price of sugar has risen to levels they never dared fantasize about.

In a supermarket here in El Centro sugar was up to $1.59 for a five-pound bag the other day, about twice what it was at the beginning of the year.

What is more, with the refined product that spews out of the area's Holly Sugar Corporation's Carlton plant selling to wholesalers for 30 cents a pound, it seems certain to cost housewives considerably more before long.

Messrs. Smith, Jenkins, Borchard and Fleming are among 200 growers who have a total of about 65,000 acres in sugar beets in the valley, making Imperial County the largest beet-sugar producing county in the country. Since they are paid under contract a percentage of the processors' selling price, they might be expected to be ecstatic.

WILL "RUIN" INDUSTRY

But they fear that there is a big, black cloud on the horizon. In fact, most of them seem to be convinced that Congress has already rained on their parade to prosperity by unexpectedly killing on June 5 the Sugar Act, ending among other things import quotas that had guaranteed them a large share of the American market for 40 years.

"We never had it so good, I won't kid you," said Hoxsie Smith, a heavy-set, florid man in his late middle years, as he sipped a martini on the rocks at the bar in the Airporter Inn's darkened lounge. "But we've been down some rough roads in the past, so we'll take it while we can get it."

Mr. Smith is a district president of the California Beet Growers Association, which represents almost all of the slightly more than 1,500 growers throughout the state who produce 30 per cent of the nation's beet sugar. And, like the other growers, he is worried about the demise of the Sugar Act.

"In the short run, it probably won't have very much effect," he said, "but in the long run, in my opinion, it's going to ruin the domestic industry."

The Sugar Act, which is now due to expire at the end of the year, establishes import quotas from 32 countries. The United States uses about 12 million tons a year and under the act, domestic cane and beet-sugar producers and processors are allocated about seven million tons, with the remainder being divided among the foreign producers. Beet sugar, which is indistinguishable from cane sugar, accounts for somewhat more than half the domestic production.

Processors are rigidly limited to their assigned share of sugar production. Therefore, they contract with growers for a stated supply for their mills and the farmer has no other outlet even if he wanted to increase his crop.

For years, this has kept the price of sugar relatively stable, since an adequate supply was guaranteed and an over-supply was prevented by the controls on imports and production.

FEAR OF FOREIGNERS

Now, however, there is a shortage on the world market. Demand has grown at a time when many countries had cut back on production. For the last four years, world consumption has exceeded the sugar produced, cutting inventories from about 20 million metric tons to about 15.5 mililon, or about 70 days' supply. Prices have accordingly risen on the world market and the domestic price has followed.

Without the controls provided by the Sugar Act, the normal assumption would be that domestic producers and processors would expand production to take advantage of the higher prices and seize a larger share of the United States market.

However, they fear that foreign countries, with cheaper labor and other lower production costs, will rush back into cane planting and flood the market, driving the price so low that American producers will no longer be able to compete.

"With a yo-yo sugar market," Mr. Smith declared, "it's unlikely anyone will go out and spend $40-million or $50-million for a new factory. And in sugar, we're limited by processing capacity."

Summer is really going to settle in soon in Imperial County. Lately daytime temperatures have been flirting with 114 degrees or so. And people in these parts say that means it will not be long before it starts to get hot.

120-DEGREE HEAT

By all odds this vast expanse of desert wedged into the southeastern corner of California along the Arizona and Mexican borders, where the temperature often exceeds 120 in July and August, should be uninhabitable.

But by tapping the waters of the Colorado River 50 miles to the east, farmers have created an oasis of about half a million irrigated acres in the table-flat Imperial Valley. With the rotation of crops and intensive year-round farming the valley has been developed into a huge agricultural factory whose output last year sold for almost half a billion dollars.

Just about everything from alfalfa to watermelons, including cotton and cattle, food and feed grains and an endless variety of garden vegetables, is grown here. For the most part, the farmers have prospered, but none is doing better this year than the sugar-beet grower.

Fred Jenkins, a rapid-talking baldish grower who majored in business law and accounting and minored in philosophy at Loyola University in Los Angeles before he moved here 25 years ago, has always had faith in the sugar beets. More than any other farmer in the valley, perhaps, he has concentrated on them. This year he has 1,700 acres.

27 TONS PER ACRE

Standing under the blistering sun the other day, he watched his mechanical digger rip the long white beets, which weigh about three pounds each, from the dusty soil and deposit them in a 25-ton truck.

From each acre, he expects to get about 27 tons of beets, over three tons of sugar when processed at the Holly Mill. Holly Mill handles 6,500 tons of beets a day from the beginning of the harvest in April until it ends Aug. 1, when the heat becomes so fierce it will rot the crop in the ground.

This will be the richest harvest ever for Fred Jenkins, who could be earning close to $50 a ton for much of his beet crop, or $1,350 an acre, compared with production costs of about $500 an acre. But he is too concerned with the future to enjoy it.

Like Messrs. Smith, Borchard and Fleming and the other growers, he wants Congress to give them back their Sugar Act.

"With no Sugar Act," he warned, "I'd say within five or 10 years you'll have no sugar industry in the United States."

HOW TO MIRV A COW

Mr. MATHIAS. Mr. President, we all have a haunting memory of last year's energy crisis and an uneasy feeling that it may happen again. Thoughtful Americans are beginning to worry about the potential effect of global shortages of metals vital to modern industrial economies. Few people are, however, seriously considering the impact of the growing worldwide scarcity of food. Many are lulled into complacency by the successes of the green revolution and are oblivious to the awe-inspiring growth of demand that has resulted from the world population explosion. On Sunday, July 7, 1974, Mr. James Reston explored this problem in a valuable column which I ask unanimous consent to have printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

HOW TO MIRV A COW

(By James Reston)

During the worst of the oil crisis, Americans complained that the nations of the Middle East monopolized the world's oil reserves and created great hardship by charging the highest prices possible.

Now, with less publicity, the world is facing a food crisis and the main question this time is what the United States and Canada will do about it. For North America now controls a larger share of the world's exportable supplies of food grains than the Middle East does of oil.

The analogy, of course, is not precise, because the U.S. is not withholding grain from nations for political purposes, but the price of wheat, soybeans and corn has more than double in the last twenty months and the nations that need food the most are precisely those least able to pay for it.

This raises some hard political and even moral questions. As Lester Brown of the Overseas Development Council put it to the Rockefeller Commission on Critical Choices for Americans: Can we rely primarily on the marketplace to set the price and determine the distribution of so essential a commodity as food? And should Americans continue to consume as much fodder as they now do, most of us consuming more than we actually need?

"There is little doubt," Mr. Brown told the Rockefeller Commission, "but that a year from now we will see the largest food deficit of any region in history unfolding in Asia—a situation where political leaders in the more affluent countries, including the United States, may have to decide whether to throw up our hands and sort of cast Asia adrift . . . or go to consumers and ask the food equivalent of turning the thermostat down six degrees—that is, reducing consumption of, say, livestock products in order to free up many millions of tons of grain to move into Asia."

World demand for food because of rising population and marginal improvement of living standards in some countries is increasing by 30 million tons a year. In 1961, we had reserves amounting to 95 days of world food consumption. Now, despite very good crops in the major grain-producing countries last year, reserves are down to 27 days and declining by 10 million tons a year.

The U.S. farmers and the Department of Agriculture have probably made as great a contribution to world peace as the soldiers at the Pentagon or the diplomats at the State Department. Nobody can say they didn't do their part. In the last twenty years, they have increased corn production at a phenomenal rate. So great has been the demand for soybeans that one acre out of six in the U.S. is now planted to that crop, and U.S. soybean exports now bring in more money than all our high technology exports such as computers or jet aircraft.

Meanwhile, enormous progress has been made in increasing the production of poultry, eggs and milk. Mr. Brown notes that the average milk production of a cow in India today is about 600 pounds a year. In the U.S., it averages 10,000 pounds a year.

This, however, does not satisfy the Department of Agriculture experts. They want to know why a cow in the state of Washington produced 44,000 pounds of milk last year, and why the average American hen, even when tricked by controlled lighting, produces only 232 eggs a year, while the Japanese actually induced one hen to lay 365.

It is a particular disappointment in Washington that the scientists have not been able to produce multiple births in cattle. This is really, to use Henry Kissinger's term, the "conceptual breakthrough" the agricultural scientists are looking for. They would rather MIRV a cow than a missile, but so far they haven't managed to do it, and supply keeps running behind demand.

There are other reasons. The U.S. is running out of idle acres. Fertilizer is in short supply because of the rising price of oil and the increased demand. While the average person in poor countries consumes about 400 pounds of grain a year, the average North American is now consuming nearly a ton of grain a year, about 100 pounds of it in the form of beer and whisky.

Also, while we are now putting much marginal land back into production in the U.S., we are also taking out of production about a million good acres a year for highways, shopping centers and golf courses.

It is true, of course, that the Malthusians had been predicting disaster in this race between people and food for a very long time, but the surplus of people and the shortages of water, land, energy and commonsense are beginning to catch up with us again.

The guess here is that the U.S. could make more friends and progress in the world by solving the food crisis than by fiddling with the missile crisis. But this will take some doing.

The rich world doesn't really believe in the coming food crisis any more than it believes in the oil crisis, but it will. One day we'll all be Weight Watchers, including Henry Kissinger, but not until the crisis is really much better understood.

THE DEPARTMENT OF LABOR HAS CUT NEIGHBORHOOD YOUTH CORPS SUMMER RECREATION FUNDS FOR BIG CITIES

Mr. HUMPHREY. Mr. President, I have long been a strong supporter in the development of the Neighborhood Youth Corps. Therefore, I was very disturbed to learn recently that this administration has cut the summer recreation and transportation funds of the Neighborhood Youth Corps to the largest 122 cities in the United States.

You have to watch this administration very closely. I was very pleased last May when the Senate Appropriations Committee took into account the new minimum hourly wage and the need for transportation and recreation in its supplemental appropriation for the Corps, over the objections of the U.S. Department of Labor. I thought the battle was over when the President signed the supplemental appropriation into law. I was hopeful there would be no new obstacles to sound funding of this program which has so successfully helped the poor youth of our large cities.

Now I learn that the Department of Labor has changed its program of allocating recreational funds through the Neighborhood Youth Corps, from the 122 largest urban areas to over 500 cities.

On the surface, this change in formula seems innocuous, but the result is that the large cities which are in dire need of this program and which have received the funds in the past, will face reductions of up to 50 percent for this summer.

The Department of Labor is subverting the purpose of the program. The money in the past has been used in a very responsible and successful manner. It has provided summer recreation programs for poor children too young to work but who have nothing to do in the central city. It has been used for arts and crafts, sports and playground activities. These funds have been used for trips outside the neighborhood for cultural and educational programs.

I want to commend Senator WARREN G. MAGNUSON, chairman of the Senate Appropriations Subcommittee on Labor, Health, Education and Welfare for reminding Secretary of Labor Peter Brennan that these funds are to be used for recreational programs for the poor children in our central cities. That is where there is a high concentration of poor youth.

Mr. President, I ask unanimous consent that an article on this topic by Bradley Graham, entitled, "Lack of U.S. Funds Cuts Big-City Recreation Programs," which appeared in the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 7, 1974]

LACK OF U.S. FUNDS CUTS BIG-CITY RECREATION PROGRAMS

(By Bradley Graham)

Many big cities are cutting back recreation programs this summer because allocated federal funds are going to smaller communities.

Big-city children aged 9 to 13 will find fewer city-sponsored games, field trips and camping opportunities.

A number of big-city administration started planning summer programs months ago based on assurances from Congress that the amount of money awarded this summer would match last year's figure.

But the Labor Department, in allocating the funds, has been accused of acting contrary to congressional intent, and the big cities are charging that the allocations are politically motivated.

"The impact (of the cutbacks) will be devastating," said Joe Davidson, commissioner of recreation for New York City. "Millions of kids are involved. We're going to fight. We're planning caravans to Washington. We'll bus the children there. Washington is going to hear about this one."

At issue is $17 million in summer recreation and transportation funding authorized by the Comprehensive Employment and Training Act. Last summer this money was apportioned among 122 cities. This year the Labor Department wants to spread it among 500.

The result: large cities that received most of the money in the past will face reductions of up to 50 per cent. For New York, Los Angeles, Chicago, Philadelphia, Detroit and elsewhere, this means losses of hundreds of thousands of dollars.

Washington was spared the cutbacks, and will be receiving $25,000 more recreational support money this summer.

The money, which provides summer recreation for poor children too young to work, pays for playground activities, sports, arts and crafts, trips outside the neighborhood, and other cultural and educational programs.

"Somebody is playing politics with the lives of people," said James Smith, Baltimore's special projects supervisor. "These young people are too important for us to play political games."

"They're not dummies over there in the Labor Department," added Loran Fraser, senior associate of the National Parks and Recreation Association. "They know that when they spread the money around, they have a good program. I"m sure there must be some political considerations."

But Labor Department officials denied politics was a factor. "It just seemed like a more equitable way of distributing the funds," said Jack Hashian, spokesman for the department's manpower program.

Some members of Congress, however, have charged the Labor Department with violating the intent of the congressional appropriation.

Sen. Warren G. Magnuson (D-Wash.), chairman of the Senate Labor-HEW Appropriations Subcommittee, wrote Labor Secretary Peter Brennan stating that equitable distribution was not the original purpose of the allocation.

"It was the clear intent of Congress . . . to allow cities which operated summer youth recreation and transportation programs last year to maintain them," Magnuson said.

The department replied that the intent of the legislation is vague. The vagueness apparently stems from a change in authorization acts that occurred during the year.

Last summer's recreation support money came from the Manpower Development and Training Act. But that act expires at the end of this month and the comprehensive Employment and Training Act will replace it.

The Labor Department contended the switch in legislation permits it to allocate the money differently.

"There's nothing in the new act which makes allowance for running the program as in previous years," said Hashian.

Magnuson disagreed. "If we had intended the money to be spread out among the more than 500 prime sponsors designated under CETA, we would have said so," he wrote Brennan.

A "prime sponsor" is any governmental entity of 100,000 population or more eligible to receive Training Act appropriations. The Labor Department is using this figure as a primary criterion in allocating the recreation money.

Magnuson said the recreation programs are to meet the needs especially of the major cities which have a high concentration of poor youth.

He added that if the programs were intended to be spread among the smaller communities, a much larger appropriation would have been authorized.

Reps. Dan Rostenkowski (D-Ill.) and Thomas P. O'Neill (D-Mass.) are circulating a petition also critical of the Labor Department's decision.

For the big cities, word of the cutbacks has come at the last minute. Many commitments to poverty agencies, small businesses and community groups within the cities have already been made.

"If we had known months ago, we could have tried other avenues," said Bob Crawford, commissioner of recreation in Philadelphia, where summer programs were slated to begin within two weeks.

The total amount of summer youth program money being allocated to the big cities is, in fact, up this summer over last.

The increase is due largely to more funding for jobs for the 14-to-22-year-old age group, however. And under CETA, money allocated for jobs cannot be redirected by localities into recreation activities.

CLEAN COMBUSTION RESEARCH AT ARGONNE

Mr. PERCY. Mr. President, the Argonne National Laboratory in Illinois is one of the most highly regarded centers of nuclear energy research in the United States. But Argonne's research is not limited to nuclear technology. This respected laboratory, which is directed by Dr. Robert G. Sachs, is also doing research and development into nonnuclear energy sources such as the clean uses of coal and oil.

I ask permission to print in the RECORD at the close of my remarks an explanation of a new technique being investigated at Argonne to burn high sulfur coal without polluting the atmosphere.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, this technique, known as fluidized bed combustion, has been proved effective in removing over 90 percent of the sulfur dioxide pollutant resulting from burning high sulfur coal. The same principle can be equally effective using high sulfur residual oil as fuel.

In the next few weeks, the Senate will have the opportunity to vote on S. 2744, sponsored by Senator RIBICOFF, myself, and other Senators. This bill, which has been reported by the Government Operations Committee, would establish two new Federal agencies. It would create an Energy Research and Development Administration—ERDA—to consolidate and redirect the Government's energy research and development activities—both nuclear and nonnuclear—which are now scattered among several departments and agencies. It would also create a Nuclear Safety and Licensing Commission—NSLC—which would devote its full time to the regulation of the nuclear industry. The present Atomic Energy Commission would be abolished and its functions divided between the two new agencies.

Under S. 2744, Argonne and the other national laboratories would be transferred to ERDA. In keeping with the spirit of S. 2744, which is designed to assure that no single energy technology will enjoy an unwarranted priority, it is encouraging that Argonne is conducting this important nonnuclear research.

EXHIBIT 1

FLUIDIZED BED COMBUSTION AT ARGONNE NATIONAL LABORATORY

Scientists and engineers at the U.S. Atomic Energy Commission's Argonne National Laboratory are investigating a technique to burn high sulfur coal without polluting the atmosphere.

The technique utilizes a "fluidized bed" to burn coal while absorbing the sulfur dioxide resulting from combustion. The fluidized-bed principle was originated by the petroleum and chemical industries to produce high-grade gasoline and chemical products. It was further developed by Argonne and other nuclear research organizations as an effective means of processing atomic fuels.

The fluidized-bed combustion investigations are being conducted by the Chemical Engineering Division of Argonne. The program is sponsored by the Environmental Protection Agency and the Office of Coal Research, Department of Interior. The Argonne studies have dealt primarily with the development of a pollution-free combustion process. Research into other phases of fluidized-bed combustion is being conducted by various industrial organizations and a large pilot plant is currently being constructed.

In the fluidized-bed system small particles of noncombustible material, such as ash or other refractory material, are held in a dense suspension by a stream of air passing upward through them. This fluidized-bed is heated to about 1600 degrees Fahrenheit and crushed coal is injected into it. As the coal mixes with the bed material it burns, perpetuating the heating cycle. A proportionate amount of powered limestone is also added to the bed. The limestone reacts with the sulfur dioxide released by the burning of the coal creating calcium sulfate, an inert substance, which is retained in the bed and discharged as a potentially useful byproduct. The process is continuous and readily controlled by varying the volume and velocity of the airstream and fuel feed.

The fluidized-bed combustion technique has been proved to be effective in the removal of over 90 percent of the sulfur dioxide pollutant resulting from burning coal with a high sulfur content. The fluidized-bed combustion principle can be equally effective using high-sulfur residual oil as fuel. In addition the superior heat transfer characteristics of the system are expected to allow plants to be smaller and more economical to construct. Steam generating tubes can be located directly in the combustion area. The constantly-moving particles of burning fuel surround the steam tubes, giving maximum heating efficiency with far fewer tubes than required for conventional systems.

A small scale fluidized-bed combustion system capable of operation at high pressures has been constructed by the Laboratory to determine experimentally the efficiency of the pollutant removal additives and to investigate system characteristics. Additional research is being undertaken to discover potential uses for the sulfated limestone byproduct materials and/or means for regenerating and recycling this additive. Other studies that are being conducted show that the emission of nitrogen oxides, another pollutant, can be limited by this combustion process.

With adequate funding for research and development, the fluidized-bed combustion process could become commercially viable by the end of this decade.

REPORT FROM VIETNAM

Mr. GOLDWATER. Mr. President, over the past several weeks I have placed in the RECORD six investigative reports on Vietnam by my legal assistant, Mr. J. Terry Emerson, who visited that country in late May of this year.

Mr. Emerson has now completed the final report of his study of Vietnam, in which he probes the fundamental subject of the U.S. commitment to the government and people of South Vietnam. The commitment does exist, and in this report its roots are traced back a quarter century through the administration of five Presidents from President Nixon to President Truman.

The commitment has been made with the concurrence of Congress in scores of military and foreign aid appropriations, and it has been sanctified with the blood of 46,000 Americans who died in combat and 304,000 Americans who were wounded in battle over the course of 11 years of U.S. military involvement in the Vietnam war.

Shall we fulfill the purpose of these honorable sacrifices by completing with financial assistance the task of restoring peace in an independent South Vietnam, or shall we accept the self-destructive urgings of historical revisionists who contend these great American sacrifices were made in vain? As Mr. Emerson writes, to ask the question is to answer it.

Mr. President, in order that this and all of the reports from Vietnam may be reprinted as a single paper, I ask unanimous consent that the complete eight part study, "Report From Vietnam," shall be printed in the RECORD at this point.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

REPORT FROM VIETNAM

(By J. Terry Emerson, Legislative Assistant to U.S. Senator BARRY GOLDWATER)

INTRODUCTION

Ten professional staff aides to United States Senators and Congressmen, including myself, were invited to spend a week in South Vietnam to see the truth about the country for ourselves. Our host was the Vietnam Council on Foreign Relations, a private, nonprofit educational association dedicated to advancing objective and complete information about all aspects of life in South Vietnam. The membership of the Council consists primarily of Vietnamese private citizens, though many foreign friends of free Vietnam belong as well. Our schedule was arranged around our own requests.

We determined where we wished to go and whom we wished to see, and the Council made the appropriate arrangements for us.

Accordingly, the Council not only gave us the opportunity to meet with our own Embassy and nearly every Cabinet Minister of the Vietnam government, but with several local opposition leaders and writers also. This program enabled our group to see far beyond Saigon into simple farm hamlets accessible only by dirt roads and areas of the country extending from a Marine outpost near the 17th parallel to the rich rice-growing bowl of the Southern Mekong Delta.

All of our group had arrived by Sunday evening, May 26th. Our schedule of study began early Monday morning with a meeting at the office of the Minister of Information and Open Arms, Mr. Nha. From that hour on, our visit to South Vietnam was filled with meetings, briefings and field trips that lasted until at least 7 p.m. each day, followed by a late business dinner. On Friday, May 31, our last day of excursions, we did not begin our final work session (as it happens with the Minister of Social Planning) until 7 p.m. That morning we had departed our hotel at 6 a.m. to embark upon a day long tour of Military Region I.

Even meals were study oriented. For example, Mr. Cuong, Minister of Trade and Industry, capped a late supper which he hosted with a documentary film displaying the range of Vietnamese industries.

What follows is a summary of impressions and information gained from this extensive and highly concentrated visit to free Vietnam. Instant expertise may not be easy to come by, but surely no one could physically pound more territory and subject matter into their consciousness than our group crowded into these several 15 to 18 hour work days and surely we had learned more by critical investigations on the scene within Vietnam than we possibly could have had we never set foot on its soil.

I. CONFIDENCE IN MRI

"Ammunition. Ammunition is what we need," Lt. General Lam Quang Thi was telling the visiting group of Americans. We were eating a box lunch of Vietnamese chicken and French bread from Hue, sitting in a clearing not more than 800 yards from a company of Communist soldiers.

We were at a Republic of Vietnam outpost on Thach Han River, near the 17th parallel. In Easter of 1972, three divisions of North Vietnamese forces had crossed in the same area during a massive invasion which almost reached the imperial city of Hue, before being repelled.

We would have made a tempting target for a new attack, across the Cease-Fire line which separates the current Northern and Southern forces. Our group consisted of ten Americans, senior staff aides to U.S. Congressmen and Senators. The South Vietnamese party included our host, General Thi, Commanding General of Republic of Vietnam I Corps. Forward Headquarters, and

Brigadier General Bui The Lan, Commander of the lone division of South Vietnamese Marines.

Confidence filed the Republic forces. Confident the enemy would not attack us, although we were gathered in direct and open eye-shot of the Communist post. Confidence in their ability to defeat the enemy should he mount another major battle. The same determination and dedication to win for their country marked these military leaders as we had noticed in a week of visiting with free Vietnamese forces in three military regions.

Earlier that morning, we had rested briefly at a refugee resettlement village in Quang-Tri Province, about half-a-mile from Communist occupied territory. A narrow river separated us from contested ground. Yet, we sat with the two Generals at the river's edge, in a picnic-type area, enjoying a cool drink after visiting a refugee city and village being constructed by the military for the homeless victims of the 1972 Communist attack.

This was a major role of I Corps—rebuilding. This is why General Thi mentioned ammunition when we asked him what kind of help he needed most from the United States. Ammunition not for killing, but for protection. For making Quang-Tri Province secure for people to rebuild their lives in freedom.

I Corps intends to construct enough homes for 630,000 refugees by the end of this June. Last year there was not one single house standing in Quang Tri; homes are now rising on absolutely desolated lands. Trees, vegetation, buildings, everything had been wiped away from the face of the earth because of the 1972 invasion.

Now, out of the former barrenness, the new city of Quang-Tri is rising and innocent people are returning to decent homes with an opportunity of a happy survival.

Will these people, beautiful school children, dressed in the traditional white gown and black pants, young infants smiling shyly at their doorsteps, farmers working with the soil they love, will all these living faces we saw be given a chance of life as they enjoy it? Or will many of these same people be condemned to the peace of a living tomb, to be buried alive as thousands of their compatriots suffered in the Tet uprising?

Death or misery are the options the Communists offer to those whom they cannot manipulate. Will America condemn the people of South Vietnam to a life of slavery or the loss of all life, or are we willing to make the small financial sacrifice needed for only two or three more years so that the Vietnamese economy and military can truly be made capable of self-sufficiency?

This is the question which the South Vietnamese people are asking themselves in 1974. The way America answers it may determine not only the fate of South Vietnam, but whether Americans of future generations will look at themselves with pride or shame.

II. POLITICAL PRISONERS

There are not over 33,000 civilian prisoners of all types in the Republic of Vietnam. There are no remaining prisoner-of-war camps.

Charges of up to 200,00 "political" prisoners in South Vietnam are sheer fabrication—totally false, unproven hysteria, or intentional lies.

On May 30, we visited Con Son Island, home of the so-called "tiger cages." A now-defunct magazine had portrayed these isolation cells as underground pits, inhuman cages allegedly suffocating the spirit of civilian opponents of the government.

Actually, a photographer would have to strain his ingenuity in order to distort the conditions he was viewing. Taken in dark hours, from one flight above the true ground level, aimed into the center of the cell, away from the windows, waiting for the right mood of somberness by the prisoner, a journalist could have created a picture designed to shock.

But he would have had to have mounted a stairway nine to ten feet above the prison floor and to have ignored the ample window ventilation openings of the cell. He must also have stood close to the inside walled corners of the cell so as to avoid showing its true dimensions of almost five feet in width and eleven feet in depth.

Our study group easily moved ten people into the cell without nearly filling it. It was used and large enough for two or three persons, unlike the real isolation cells of the Communists. The Communist cells for South Vietnamese soldiers are oven-shaped structures, six feet long, three feet wide, and two and one-half feet high, made out of cement. Where cement block is not available, the North Vietnamese substitute bamboo, making an enclosure so small the isolated prisoner must crouch, never having enough room for standing or even stretching out.

The original Con Son isolation cells are no longer in use. The 5,400 civilian prisoners of Con Son Island are now in compounds, lines of cells surrounding large central yards lush with trees and plant life. The two South Vietnamese compounds we saw were far more attractive physically than one American-designed detention facility we visited.

The prisoners of Con Son Island engage in an active existence. Far from the mainland, this locale of tourist-quality scenery is virtually escape proof, though one prisoner at least has succeeded in fleeing it by boat.

Nevertheless, nearly all prisoners are trusted to move about daily outside their cells. Some illiterates attend reading classes; some work in the industry area, shaping handsome walking sticks or fashioning shell decorations which are sold for their own earnings they are allowed to keep.

Other prisoners engage in farming, planting and caring for the produce of seeds they are given by the government. Still others are permitted to fish, one boat leaving shore regularly with prisoners aboard to set nets.

These are not political prisoners, incarcerated because of making expressions of opposition to the government. Two-thirds of the prisoners on Con Son Island are civilians who have committed normal civilian crimes for which offenders are jailed in civilized societies around the globe. Another one-third of the prisoners are military persons who have committed civilian-type crimes.

Are there "political" prisoners held elsewhere in South Vietnam? Certainly, if a terrorist shells a village schoolhouse to intimidate local residents, and is apprehended, he is subjected to the civil processes and will be detained. But this is not a "political" prisoner, even if the marauder happens to be a VC.

The U.S. Embassy has canvassed the entire country-wide system of prisons, jails. and other detention facilities. The Red Cross has made over 195 visits to Republic of Vietnam prisoner installations. American penal specialists trained in such things have searched throughout the South Vietnamese detention system without finding shackles or other signs of cruelty.

Two American Embassy surveys of jails, detention centers, and prisons in South Vietnam prove beyond any reasonable doubt that the total of all civilian detainees of all types is about 35,000, close to the current South Vietnamese figure of 33,000.

Anti-Government activist Father Chan Tin charges there were 202,000 "political" prisoners allegedly held by the Republic of Vietnam. His statistic has been inserted into the Congressional Record as gospel.

This figure, however, exceeds by over a hundred fifty thousand the total capacity of all prisons and detention units in the entire Republic of Vietnam, including informal village lock-up stations. Even if the occupancy of these facilities did exceed their capacity in certain instances, it is impossible that the total number of prisoners could begin to approach 200,000, let alone the much higher total that must be projected as being imprisoned since Father Chan Tin's figure did not include what even he would recognize as offenders sentenced for common crimes. Significantly, one of our group who requested it was freely permitted to visit with Father Chan Tin and his recorded conversations should do much to dispel the falsity and unfounded exaggeration of most of Father Chan Tin's claims.

Using exhaustive methods of canvassing, the U.S. Embassy at Saigon has documented the total prisoner and detainee population being held in national prisons, provincial prisons, interrogation centers, and local lock-up stations as a *maximum* of 35,139. This statistic is backed up by the personal knowledge of American Public Safety Advisors who had been on the spot and is a figure that can be accepted as reliable.

This report can not end without a brief discussion of the South Vietnamese penal system. For unlike the persons under Communist rule, the citizens governed by the Republic of Vietnam enjoy an extensive program of political rights, including a true public trial and defense.

Once convicted and sentenced, a prisoner is ordinarily allowed outside in the open, some seven hours each day. As I observed at Con Son, prisoners in South Vietnam may farm, do craft work, or attend normal educational classes. Inmates are permitted to write letters regularly, receive gifts, and have a weekly visit from their relatives, except for at least four times a year at Con Son Island, which is far from the mainland.

In contrast, the objective observer should ask what is the treatment of Communist-held prisoners—the true political prisoners of Vietnam. How many Red Cross observers or outside inspectors have been allowed a thorough study inside Communist jails and prisons?

In twenty years, the Communists have kidnapped more than 70,000 South Vietnamese civilians. The names, addresses, and personal data about these individuals are identified in a book openly available for inspection. What is their plight today?

What efforts to relieve the human suffering of these documented victims of political terror are being made by the same groups who parrot unproven fabrications about the Republic of Vietnam?

How many of these captured 70,000 have been massacred? Or are being held in real concentration camps? Or are being forced to slave labor?

The true story of political prisoners is not to be found in the prison or detention system of South Vietnam. The real evidence of brutality is buried under the soil held by Communist soldiers or hidden from all impartial inspection by the secrecy of the Communist system.

III. AN OBSESSION FOR EDUCATION

"Who is it who has shortened your days on earth?
At three you went into class, at five you would come out
Your parents expected you for the evening meal . . .
It was Saturday, Sunday would be a day of rest.
Who would have thought your going away was forever?"

The above poem was read by an eleven year old Vietnamese school child who was honoring the memory of classmates who had been killed in a Viet Cong mortar attack on the Cai Lay Primary School on March 9 of this year. Communist gunners had fired an

82 mm mortar round as the children were lining up in the playground, preparing for afternoon lessons to start after a recreation period.

A single Chinese-made mortar round, of a special kind which has a very large killing zone as it explodes, caused the death of 45 small children instantly or at the hospital and wounded another 83. A tail section of the murder weapon, the Communist mortar shell, was found and identified by an International Commission of Control and Supervision Team (ICCS) at the site of the playground.

On May 4, the Communists repeated their massacre tactics by shelling Song Phu elementary school. This time three Communist mortar rounds killed at least eight children ages six to fourteen and left another 30 of them wounded. Indonesian and Iranian members of the ICCS have investigated the massacre, but the two Communist delegations, Poland and Hungary, have refused to look into the attack.

Of the three rounds that fell into this school, one exploded in the rear, in front of a grocery shop. That was where Nguyen Tien, the Deputy Principal, found his six year old girl. Her two legs were blown off and she was already dead. The shell that killed his daughter also killed three other boys.

At Song Phu, eleven of the children are still in the hospital. At Cai Lay, care is still being given to about 50 children who have shrapnel left in their legs and hands.

The attacks on these two primary schools are part of an extensive campaign of terrorists' tactics which the Communists have undertaken since the signing of the Paris Cease-Fire Agreement in January of 1973 in order to disrupt the stability of the South Vietnamese Government and to physically force villagers to come over to Communist-controlled areas. The dead school children are among the more than 2,300 civilians in South Vietnam who have been killed by the Communists after the cease fire went into effect.

But school goes on. Education is an obsession with the people of South Vietnam. If there is one impression that stands out from the many one gathers after an exhaustive tour of the Republic of South Vietnam, it is the truth that the people have a great thirst for knowledge.

Not only in sophisticated Saigon, but in every village and hamlet one visits in South Vietnam, he encounters scores of school children, easily identifiable in the case of girls because female students in South Vietnam wear a type of uniform, white blouse or dress over black pants. While traveling along dirt roads in the most distant village, one sees rows of these school children walking beside the road in contrast to their elders who are stooping in the wet farmlands which seem to stretch endlessly in the remote areas.

The achievement of the South Vietnamese Government in the field of education is nothing short of remarkable. In the current 1973–74 academic year, there are over three million children attending primary schools in South Vietnam, over one million pupils in High Schools, and over one hundred thousand in higher education.

The three million children in primary schools represent 90.4% of all children in the six to ten age group and the one million children in high schools constitute about 55% of all children from eleven to seventeen. The percentage of children starting school now that can expect to complete the twelfth grade of high school is seventy percent, based on present schooling trends.

The success of the Republic of Vietnam in the field of education is a major achievement for an under-developed nation. Its results stand very favorably in comparison with other free world undeveloped countries and its progress far out-shines its direct antagonist, North Vietnam, which, with 5 million more citizens than the South, has only about as many youngsters in school.

Twenty years ago, South Vietnam lacked even one indigenous university. Now, it has nearly twenty institutions of higher education, with a total student population exceeding one hundred thousand. Saigon University is the largest with over fifty thousand students, but several smaller, private universities have also started up in the last few years. The skills that can be learned in South Vietnam represent a spectrum from the humanities and social sciences to engineering, medicine and the law.

For a nation which has suffered continuous war on its own territory, which has much of its resources necessarily locked into the national effort of self-survival, and which is facing deliberate Communist attacks against school children and teachers, the people of South Vietnam have marked a tremendous development in education. The United States can be proud to assist the government and people of South Vietnam, who are making a dedicated effort to advance themselves into a Western-style society of highly educated, free-thinking citizens.

IV: A NEW LIFE IN SUOI NGHE

Suoi Nghe lies about 80 miles northeast of Saigon in a beautiful valley stretching to the nearby seacoast on one side and bordered by rolling mountains that revive childhood memories of my native West Virginia scenery. A comfortable breeze sweeps the lush farmland cleared from the thick, inland forest, in contrast to the more humid atmosphere at Saigon.

Suoi Nghe is one of 140 resettlement sites in South Vietnam in which some 550,000 refugees are being given an opportunity to establish a safe life of their choosing. If Suoi Nghe were situated on the east coast of the United States, it undoubtedly would have been developed as a city dwellers' retreat, part of a resort land boom campaign.

But Suoi Nghe is the home of eleven thousand refugees who have settled here since early 1972. In this village, the average homesite given to each family is 1,300 square meters, ample room for a family residence and some gardening. In addition, each family is provided one acre and a half for cultivation purposes. When the adjacent land is fully reclaimed from the forest, each family will be granted up to three hectares, or over seven acres, for farming.

The Government provides this land free of charge, without compensation, to the families who are resettled here and in other refugee villages and cities throughout the country. The individual family itself must volunteer a wish for resettlement and lists of approximately 5,000 such volunteers are compiled. Then four or five representatives of the people within the group accompany officials of the government to three or four possible locations in different provinces.

Once a location is finally selected with the agreement and participation of the people who wish to move there, the land itself is cleared and prepared with the assistance of the national government. Eventually, the various lots are determined upon and assigned to individual families who select the corresponding numbers.

For the first two years, each individual family is given a temporary title to their land. With this, they may borrow from the Agricultural Bank and begin cultivating their land. If they make a reasonable effort at working the land, their titles will be confirmed to them without cost by the Ministry of Agriculture at the end of the two-year period.

Anyone who loves the land would enjoy living at Suoi Nghe. To be let alone, with a chance to develop rich soil in a vibrant climate amidst a picturesque environment is a dream come true for many a pressure-driven, smog-bound city dweller. For nearly all the residents of Suoi Nghe, it is a way of life for which they would choose no replacement. Farming is the calling which these people want above all else.

Tragedy has filled the lives of hundreds of thousands of villagers in South Vietnam because of the Communist design for conquest. Of course, if the people submit passively to the Communist invaders and allow their lives to become manipulated by the whims of totalitarian despots, in other words if they are willing to submit to slavery, these refugees need not have left their original homes. But one of the remarkable facts about the war in Vietnam is that the refugees from battles have always run to the South Vietnamese side. Their clear vote is for life in the Republic of Vietnam and against Communism.

The Government of South Vietnam deserves applause for its success in properly handling the resettlement or return to home of over 550,000 persons in a period of some fifteen months. Of about 737,000 refugees who were in camps in 1972, there are now remaining in refugee centers fewer than 185,000. At least 40,000 of these unfortunates are new refugees who were created in 1974 as a result of Communist violations of the Cease-Fire Agreement.

The successful refugee program by the South Vietnamese Government is not only a tremendous humanitarian undertaking, but it has great economic importance as well to the stability of life in South Vietnam. The land reform program, which has accompanied the refugee resettlement project, has given approximately three million acres to one million families. This is a truly major achievement done in a bloodless way by a government who is concerned about its people. It stands in sharp contrast to the so-called Communist land reform, where the individual peasant only retains at best a tiny plot in his backyard.

The true land reform effort by the Republic of Vietnam has resulted in the intensive cultivation of rice lands. Even with the Communist cease-fire violations, South Vietnam is well on its way to resuming its natural status as being a rice surplus and exporting area.

In summary, the South Vietnamese Government is providing valuable services to its population and the people have demonstrated their will to be free from Communism. American assistance for a short while longer can guarantee that the residents whom I saw in Suoi Nghe will enjoy a continued opportunity to make their lives in freedom rather than slavery.

V: POLITICAL FREEDOM

One American participant in the free press seminar held in Saigon May 27 through May 31 was overheard to remark: "I don't know about censorship in Vietnam, but there is one thing I am very sure about and that is there is plenty of freedom of speech in this country." The five day series of events at which press freedom was thoroughly dissected coincided with the fact-finding visit to Vietnam of our group of ten staff members from U.S. Congressional offices.

The occasion of the media seminar was symbolic of the great extent of freedom of thought and expression which clearly exists in South Vietnam. The event was sponsored by the U.S. Information Service and held at the Vietnam-American Association Little Theater. All sessions were in both Vietnamese and English; posters announcing the seminar were distributed in various Saigon schools about two weeks ahead of the event. Journalist students and journalists themselves were fully alerted to the event at least a week ahead of time. The interested Vietnamese public was adequately informed about the schedule beforehand.

By the third day of the sessions, three hundred people attended, mostly Vietnamese students of journalism and newspapermen. At the seminar, the audience and panelists engaged in a free exchange of questions and ideas. Students were not afraid to complain about the situation of the press in South Vietnam and many Vietnamese newspapermen voiced complaints about difficulties they felt they encountered in their profession.

No one was locked up who complained. No one was thrown out of a job who criticized. No troops stormed the doors of schools or newspapers whose representatives challenged the government. In fact, the seminar was given extensive coverage in the fifteen Vietnamese language newspapers published daily in Saigon.

The press seminar reflects most of the elements about the press situation in South Vietnam. The sessions were made known to the public. Anyone could attend who wanted to do so. Reporters could write freely about what went on at the meetings. The local press widely covered the sessions. Reporters took the opportunity to demand more freedom than they now say they have.

In other words, the Saigon media seminar revealed the presence of an active and diverse press in South Vietnam. Of the fifteen daily newspapers published in the Vietnamese language at least three are oppositionist, five are generally independent, one is allied with the Catholic Church, three might be styled as sensationalist, and only the three remaining are pro-Government.

Do these papers have total, unbridled discretion to print whatever they choose? No, apparently not. But the Government does tolerate criticism. The Government does allow the printing and distribution of positions critical of its own administration. Government scandals, if and when they occur, and news about opposition political activities can be and are printed. Journalists can make a living who question the Government policies.

There are some wartime restrictions. I was told by one opposition columnist, who apparently is a follower of General "Big" Minh, that the Government can confiscate particular issues of papers. He even contended this might happen as often as once a week. He further charged that publishers or reporters who persist in disseminating the wrong kind of news can be taken to court, where they are subject to a possible fine or "tax."

But, when I asked him if the fines were so severe that they endangered the continued existence of a newspaper, he did not contend that this was a device for extinguishing unfriendly papers. The presence of fifteen Vietnamese daily newspapers of a wide variety of positions alone would refute this argument. Moreover, there is a special immunity granted to publishers or journalists who are Deputies or Senators in the Parliament. Nor did I learn of any documented instances in which opposition journalists are being jailed for the views they print.

Given wartime conditions, it is not unexpected that temporary restrictions are set concerning reports about the military defense effort and protecting the fundamental survival of the Republic. The significant factor is that an opposition can exist; the critic is not removed from his job or dispatched to a mental institution; and the opposition can pressure for improvements in the system. The Vietnamese public is highly literate and supports a variety of publications.

Newsstands are proliferate with papers, magazines, and books of all descriptions. The contrast between being in Saigon and in Moscow or Leningrad, the showcase of Communism, as this writer has been, is dramatic. Where one is starved for outside news in the Soviet Union and cannot find Free World publications in any language, not even in the major tourist hotels, the visitor to Saigon easily and quickly can purchase printed materials with which he is familiar, many of which will be critical of the Government of South Vietnam.

One of our group was able to locate or purchase a copy of the Paris Peace Accord, which some American politicians who have never visited Saigon charge is not available there, and the same individual even found some Communist writings for sale.

If the American critics of South Vietnam would only visit the country for themselves, and, in particular, compare the situation in the Republic of Vietnam with that in a Communist-governed society, which is the alternative that must be considered, he would readily see extensive and healthy signs of a strong, free press competing for the attention of an educated and inquisitive public.

When our Congressional staff delegation was in South Vietnam, we saw at least six opposition personalities. I wonder how many "opposition" persons one would be allowed to meet in a Communist society? Among the non-Government aligned individuals our group met, and enjoyed a long and free conversation with, are Senators Nguyen-Duy Tai and Tran Quang Thuan, both connected with the Buddhist faction; Duong Minh Kinh, a Catholic Independent Deputy of Parliament; Nguyen Huu Chung, a Deputy supporter of "Big" Minh, a former editor, and now a columnist for the Vietnamese newspapers, Dai Dan Toc and Dien Tin; Professor Nguyen Ngoc Huy, Chairman of the Progressive Party, allied with the Vietnamese Labor Union; and Tran Cuoc Buu, President of the Vietnamese "AFL–CIO," the Vietnam Labor Union.

One member of our party, who requested it, was able to arrange independent interviews with Madame Ngo Ba Than, a spokeswoman for the radical "Third Force," and Father Chan Tin, the anti-Government activist who has publicized the political prisoner attack against the Thieu Government.

The fact that our group was allowed to arrange visits with anybody in the country whom we desired to see, and to travel to any facility or location throughout the Government-controlled territory of South Vietnam that we wished, is proof in itself that South Vietnam is an open society. The Government does not hide the fact that it has its doubters. It is willing to meet them on the ground of an honest presentment of the truth.

Men and women of intelligence and good will differ in their interpretations of Government actions and the priorities they would set upon different goals. The opposition leaders in South Vietnam do want to change the position of the Government in many areas. But, one theme that comes through intensely from the varied message of the oppositionists in South Vietnam is their universal agreement that the Republic must survive against the challenge of the Communist invaders.

The oppositionists know of the terror and calamity that follow Communist rule. They are aware that over a million and a half refugees have fled from Communist tyranny either in the North or in Communist-occupied territory of the South. They know there would be no room for doubters such as themselves in a Communist ruled society. They know the press situation in South Vietnam today is a paradise compared with the stiffling censorship that would accompany a Communist regime.

Opposition does exist today in South Vietnam and not only in the newspapers. I have mentioned some oppositionist or independent figures with whom our group met. In all there are nineteen Anti-Administration members in the Senate of Parliament, out of a total membership of sixty. In the Lower House, there are 58 oppositionists, and seven independents, among the 158 Members of the entire Chamber. These Deputies and Senators who oppose the Government are granted parliamentary immunity.

But the South Vietnamese Government claims that the convincing proof of its reliance upon, and acceptance by the general citizenry, is demonstrated by its action in dispensing arms to half a million local militiamen and a million members of the People's Self Defense Force, in addition to the 500,000 man regular Army. The Government asks, if it was widely unpopular with its own people, would it put into the hands of these same people the guns and ammunition which could be turned against it? Obviously, the Government trusts the people and the people regardless of any disagreements they may have with individual Government policies, support the Government against the Communist alternative and are making a deliberate choice to defend the Republic and regime which governs it from the disaster that would surely follow its collapse.

To understand the Vietnamese situation, Americans need only remember their own history, when in the aftermath of the War of Independence and the internal turmoil accompanying the French Revolution, the political followers of the most diametrically opposed philosophies, led by Thomas Jefferson and Alexander Hamilton, could agree among themselves that George Washington must remain at the helm or the Government would founder. The good sense of the American people caused them to fear that a total and irresponsible opposition to the new central Government headed by Washington would bring ruin to the American political experiment in popular self-rule.

As Americans of the Federalist period feared to cross the brink to the extreme opposition that would pull apart the solidarity of the central Government, so the divisive forces in South Vietnam recognize that the Government of their Republic is not yet so firmly established that they can risk attempting to topple the Government, or so weaken it that it could not govern. The opponents know that the greatest evil that could befall their country at the present time is the disappearance of the general Government without an acceptable alternative.

The oppositionists believe their country will stay together if they have the present Government, giving time for what they see as wise changes in policy to be made over future years, Indeed, much of the country, probably the majority, accepts the present Administration as their first choice, but what Americans must realize is that the failure of the opposition to muster enough strength to defeat the Thieu Government in elections or in the Parliament does not mean the people are prevented from doing so by a dictatorial military regime, but by their own sensible judgment that the destruction of the Present Government would be critically hazardous to the safety of the Republic.

Here, in the analogy with our own birthpangs as a young Republic, lies the secret of comprehending the political situation in South Vietnam. Where our emerging nation was threatened by Indian Warfare incited by the British and Spanish within our borders, by the continued British occupation of forts inside the American Northwest contrary to the peace settlement ending the Revoluntionary War, by the Spanish blockade of American trade on the Mississippi River, and by the intrigues of European nations to draw the United States into their wars, the Republic of Vietnam faces similar external threats that endanger the stability of self-government before the population has had time to solidify its unity as a free Republic

The Thieu Administration continues in office not because it is a dictatorship, but because it is the choice of the people not to risk the anarchy and eventual tragedy that would follow any other presently available alternative and because it is responsive enough to the basic needs of the people to hold onto their support. The issue in South Vietnam is whether tyranny from outside will prevail or whether a republican government shall be granted the right to govern.

VI. COMMUNIST CEASE-FIRE VIOLATIONS

The cruelest violation of the Paris Cease-Fire Agreement by the North Vietnamese and Viet Cong from the American standpoint is probably the blatant sabotage of United States efforts to account for the remaining United States military personnel and civilians who are listed as missing in action. Article 8(b) of the Vietnam Peace Agreement unequivocally provides that:

"(b) The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhaumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action."

Despite this clear language, carefully separated from being conditioned on any other of the provisions of the Peace Agreement, the Communists have refused American requests to enter Communist-controlled territory to conduct searches of probable crash or grave sites. Most tragic of all, the Communists committed a cold-blooded attack on the last, unarmed American MIA search team that investigated a known crash site in territory of the Republic of Vietnam.

On December 15, 1973, a United States unit of the four party joint military team, which has the single responsibility of implementing the MIA article of the Peace Accord, was attacked immediately upon landing at a site where the team had conducted a publicized operation for the preceding two days. The American team leader raised his hands in the international sign of surrender and shouted in Vietnamese that the group was unarmed. He was killed almost instantly by the attackers. One of the South Vietnamese assisting in the search was also killed. Four other Americans and three Vietnamese were wounded.

The Communist attack on an openly announced, peaceful mission was a precursor of Communist shellings of innocent school children lined up for classes at Cai Lay on March 9, 1974, and Song Phu on May 4, 1974. These massacres, which resulted in the killing of more than 50 young school children and the wounding of over an additional 100 children, are discussed in detail in my Report III. The Communists have even been so flagrant as to shoot down a helicopter operated for the International Commission of Control and Supervision, causing the death of 9 passengers and crew members, including 4 ICCS delegation members.

Returning to the subject of Article 8(b) violations, the North Vietnamese and Viet Cong have not allowed official United States' teams to enter areas they control. Yet it is in these areas that some 95% of the known crash and grave sites are located. At the time of the signing of the Peace Agreement, the United States had listed more than 1900 Americans as being captured or missing. Since the signing, this list has been reduced to 1100. If these remaining Americans are to be accounted for, our Government must find some means for pressuring compliance by the Communist side with the terms of the Peace Accord.

One technique guaranteed to end all hope for American efforts to search for our missing in action, in this writer's opinion, is to walk away from South Vietnam entirely. By continuing to some extent American financial assistance to the economy and military capability of South Vietnam, the United States will visibly demonstrate its continued interest in the situation. So long as there is some American identity in South Vietnam, the Communists must be uncertain as to how great this aid will continue to be or how sudden it might be enlarged. This uncertainty will bring at least some influence to bear upon the Communists which they must reckon with in calculating how much they shall comply with the Paris Peace Agreement.

Except for one or two possibilities, I must regretfully report of learning of no new information that indicates that any of the listed MIA's are known to be still alive; but the possibility always exists and the United States government would not live up to its humanitarian heritage of caring for each individual as a valued creation of the Divine Being unless we persisted in our efforts to be certain what happened in the case of each and every one of these MIA's.

Continuing my report of the Communist violations of the Paris Agreement, it cannot go unnoticed that Communist terrorist actions against villagers and refugees have averaged almost 1,000 instances a month since the signing of the Agreement. If elementary principles of civilized society are not adequate to condemn these practices, Article 3(c) of the Paris Agreement provides that:

"(c) The regular forces of all services and arms and the irregular forces of the parties in South Vietnam shall stop all offensive activities against each other and shall strictly abide by the following stipulations:

"All acts of force on the ground, in the air, and on the sea shall be prohibited.

"All hostile acts, terrorism and reprisals by both sides will be banned."

In the face of this provision, the Communists have conducted a regular program of violence against civilians in government-held areas of South Vietnam. While in Vietnam for a one-week investigation, from May 26 to June 1, I visited a temporary refugee camp where villagers were awaiting the recovery of their homes by the South Vietnamese forces. Communist attackers had already been repulsed from the Village, but they were still bombarding it from a distance with artillery in order to prevent the population from returning and resuming normal lives. The sounds of the firings were distinctly heard at the refugee camp.

The Communists have violated the Cease-Fire Agreement by numerous military activities. Major Communist attacks have occurred against several South Vietnamese defense posts. Swollen with military aid from Communist nations, the Communists are firing mortars and artillery like fireworks against the South Vietnamese bases. On the other hand, I learned from the Commanders in three military regions of South Vietnam about the strict rationing of fuel and ammunition which is forced upon the armies of the Republic.

Since the Cease-Fire, there have been drastic reductions in materials, weapons, and ammunition for troops of the Republic of Vietnam. Even C-rations are in poor supply which causes losses to the enemy because the army cannot avoid ambushes by the Communists when its troops must stop at known water spots for the nourishment which could have been supplied by the absent C-rations. In sharp contrast with the stringent rationing and shortage of supplies by the South Vietnamese defenders, since the Cease-Fire, with no bombing, the Communists are now able to reinforce their armies in ten days instead of three to four months. Formerly at least half of these Communist reinforcements were lost in bombing.

American intelligence confirms Vietnamese reports that the Communists have brought in enormous quantities of ammunition, weapons and troops since the signing of the Cease-Fire. For example, the Communists now have at least two SAM missile sites located within the Republic of South Vietnam. At least fifteen SAM-2 and SAM-3 missile launchers have been installed below the 17th parallel after the Cease-Fire. Related to these sites are two Communist air fields which have been built since the Cease Fire, one of which is suitable for Communist MIG aircraft.

In MR I alone, the Communists have infiltrated after the Paris Agreement, some 87 tanks and 570 artillery pieces. In all, American intelligence evidence shows that the North Vietnamese have tripled the strength of their armor in the South since the Agreement by moving in, by various means, 400 new armored vehicles, mostly Soviet and Chinese built T-54, T-55, and PT-76 tanks. These tanks have been used in battle by Communist armies against the South Vietnamese troops in at least two military regions, MR I and MR II.

The Communists have also added numerous light artillery pieces, plus well over 100 heavy artillery, mostly Soviet and Chinese built 130mm and 122mm field guns. I was shown photographs of these field guns openly being pulled down the Communist supply route into the South.

I was also told by both United States and South Vietnamese experts of a very serious build-up in anti-aircraft artillery and devices by the North Vietnamese. The Communists have sent South more than 1,000 field artillery and anti-aircraft pieces. These include hand-held devices which radically change the picture in some areas of the South and create a situation which did not exist at the time of the 1972 offense by the Communists.

Moreover, the Communists have brought into the South new troops on the order of 120,000 men after the Cease Fire. These deployments have not only replaced the sick and wounded who were incapable of fighting, but resulted in a net increase of North Vietnamese forces in the South by approximately 50,000 troops. At the same time, the North Vietnamese have significantly improved their logistic system, especially the road network leading into the South and have replenished their depleted armament stock piles.

The ironic development to this observor is that the more the Communists violate the Cease-Fire Agreement, even to the extent of staging an attack on an American MIA recovery team, the more vocal becomes the resistance in the United States Congress to continuing the military and economic assistance which is required in order to fulfill our past commitments to enable the South Vietnamese to have a serious chance of defending their own homeland and building a new Republic.

This writer returned from a week's visit to South Vietnam convinced of the will and capacity of the people to establish their own style of freedom closely aligned with the American model. It would be a human tragedy of gigantic proportions if America would abandon the people who admire and seek to follow in our footsteps at the moment when they are so close to self-sufficiency, but still need infusions of financial assistance to bridge the gap between the previous major United States involvement and a self-reliant capability on the part of the South Vietnamese people to stand alone in their quest for freedom.

VII: THE UNITED STATES COMMITMENT

Why should the United States continue its financial support of the government and people of South Vietnam? One might as well ask, "Why does the United States support freedom?" Why does the United States value human life? Why should we honor our own commitments? Why should we complete what we set out to do?

First and foremost, the United States owes an obligation to the memory and families of the 46,000 Americans who died in combat during the 11-year period of United States military participation in the Indo-China War. These Americans gave the full measure of service to their country. They and the 304,000 Americans wounded in battle over the same period did what was asked of them.

To what end did these human lives and disabled bodies make their sacrifices? To provide a great and lasting opportunity for their countrymen and for all mankind to survive in peace, or to serve as pawns moved by the transistory passions of a fleeting public opinion?

To ask the question is to answer it. The goal of the United States throughout its military participation in the Vietnam War was to build conditions in which a peace that will last could exist. It was an undertaking dedicated to deterring aggression before it reached our doorstep and, in the process, to support the quest of a people to govern themselves in freedom. If we are to put this purpose to the test, to determine whether the beliefs and policies which guided our government for over two decades are correct, we must consecrate the sacrifices and services of the millions of Americans who saw duty in Indo-China by following their efforts through to their logical end.

In other words, we must not assume that our Government under five Presidents has been wrong in supporting the goal of restoring peace and security in Southeast Asia. We must not accept blindly the urgings of historical revisionists who would write off the selfless service of millions of American servicemen and women as the dupes of Asian military regimes. Rather than to accept these negative and self-depreciating appraisals of American motives and actions, the country owes it to the American wounded and fallen in battle, and to their families, to give their sacrifices a chance to prove themselves.

By continuing with needed financial aid for only a few additional years after our fighting role has ended, the United States can assure that the results of past American sacrifices will be fixed. By stopping all aid now, or severely reducing it, we would be destroying nearly all chance of knowing if the stable peace for which so many Americans fought will come and endure. To fail to pursue the opportunities for peace which have been created by the honorable endeavors of millions of Americans will be to self-destruct these chances for a better world. America must recognize and reject these preachings of nihilism that would undermine the very peace the doubters profess to seek.

Second, the United States should continue its humanitarian, economic, and military assistance to South Vietnam because we have together made a commitment to freedom. This commitment began and continued with the concurrence of both the Executive and Congress.

All that those who question the existence of our commitment to the people of South Vietnam have to do is to survey our own history. The truth is the elected representatives of the American people in Congress have known about and have been personally involved in all the movements of basic national policy with respect to Southeast Asia from the late 1940's to date.

Critics of aid to South Vietnam overlook the fact that military assistance by the United States to Vietnam was begun by President Truman. In fact, by 1951, military aid alone amounted to more than half a billion dollars. During the following Administration of President Eisenhower, the United States ratified the SEATO Treaty, a document that was signed by two United States Senators, including the present majority leader, Senator Mansfield.

Laos, Cambodia, and Vietnam each came under the umbrella of protection which the treaty furnished by being named in a protocol which was signed on the same date as the treaty. In reporting the SEATO Treaty on January 25, 1955, the Senate Committee on Foreign Relations openly identified South Vietnam as one of the countries where Communist aggression would have to reckon with the United States. Five out of the six Senators who discussed the Treaty, prior to approval by the Senate of the Resolution of Ratification, specifically mentioned the preservation of an independent government in South Vietnam as a primary objective of the Treaty.

Senator George, the Chairman of the Foreign Relations Committee, expressed the mood of the entire American public when he explained the reasons for ratification of the SEATO Treaty, as follows:

"[T]he nations of the free world sustained a serious setback in Southeast Asia with the loss of Northern Vietnam to the Communists. The peril to the Southern area, the free territory of Vietnam, as well as to the remaining associated states, Laos and Cambodia, is serious, continuing, and unrelenting.

It is important that our Government should act promptly to give approval to this Treaty as an act of confidence in the determination of other governments in the area to defend their freedom, individual liberty, and independence. We should be proud to join with them in the cause of peace in this instrument of mutual trust and protection."

The nature of the United States' obligation under the SEATO Treaty was explained by Secretary of State Dulles to the Senate Committee, and by a signatory to the treaty, Senator Smith of New Jersey, to the Senate, as similar to the pledge of action made by President Monroe in 1823 when he served notice that the European colonial powers shall not encroach further on the Western Hemisphere. As every American schoolchild knows, the United States acted under the Monroe Doctrine to repulse foreign intervention in Latin America on several occasions, including an eight year war in Nicaragua from 1926 to 1933 which foiled the first attempt of Communism to infiltrate the Western Hemisphere.

In 1963, a Foreign Assistance Act requested by President Kennedy and providing both economic and military aid, stated the sense of Congress that assistance should be extended to Vietnam "to further the objectives of victory in the war against Communism." Prior to the Gulf of Tonkin Resolution, President Johnson requested and obtained from Congress an increase of $125,000,000 in military aid funds primarily for South Vietnam.

During debate in the Senate on the Tonkin Resolution, Senator Fulbright, then the Chairman of the Foreign Relations Committee, agreed in a colloquy with Senator Cooper that the Resolution gave the President "advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense."

Pursuing this question, Senator Cooper asked: "Then looking ahead, if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this Resolution?" Again, Senator Fulbright agreed, saying: "That is the way I would interpret it."

Less than 9 months later, President Johnson sent to Congress a new request for a supplemental appropriation of $700 million solely related to the war in Vietnam. The money was approved by a vote of 408 to 7 in the House and 88 to 3 in the Senate. A year later, President Johnson submitted to Congress a 13.1 billion dollar supplemental appropriations request chiefly to meet the cost of military operations in South Vietnam. The bills implementing his request were the subject of nationally televised hearings by the Senate on United States policy in the war. Once again Congress resoundingly granted to the President all the funds for waging the war that he had sought.

The trail continues on and on, with Congress at each stage willing to appropriate the necessary funds to support the fight for freedom in Vietnam. Indeed, from 1966 through 1972, there were 145 votes taken in Congress on various proposals to restrict United States military involvement in the war and not one restriction was enacted contrary to the policy of the President. A *Congressional Quarterly* study concluded: "From 1965, when the first Vietnam supplemental was enacted, through the end of 1972, between 95 and 96% of the Members of Congress present and voting approved the war-related appropriations bills on final passage. . . ."

Then, on January 23, 1973, when President Nixon announced the Vietnam Peace Accord, he coupled his announcement of the end of United States military activities with an assurance that America did not settle for a peace that would betray our allies or that would end the war for us but continue it for the 50,000,000 people of Indo-China. President Nixon clearly pointed to what was expected by promising that, "We shall continue to aid South Vietnam. . . ." The text of the Cease-Fire Agreement itself anticipates the continuation of this assistance by expressly preserving the right to unlimited military replacement and economic aid for the Republic of Vietnam.

Surely a continuous flow of economic and military assistance, with the knowing and broad support of Congress, over the duration of nearly a quarter century and sanctified by the blood of American defenders, has raised a commitment by our country and people to join with the South Vietnamese people who are struggling to establish an independent Republic in freedom. However some Americans may view it who wish to ignore or forget their history, the credibility of the United States is at stake. The outside world of friends and possible enemies alike perceive the existence of this commitment and are watching to see how the United States will complete that commitment.

The way America pulls out of Vietnam is important to the way people perceive us in the rest of the world. Judgments as to our readiness to fulfill our world-wide network of agreements and commitments will be made by the leaders of nations around the globe based upon our readiness to complete the cause we started in Vietnam. Uncertainty of American intentions created by an abandonment of our assistance to Vietnam before the South Vietnamese have a strong capability of financial self-reliance might well enflame the eruption of a crisis that will be the harbinger of a conflict more serious than the world has ever known.

Equally important is how the American people will perceive ourselves. If we retain our sense of pride, we will know our commitment is not yet satisfied, as great as American sacrifices have been; and we may thereby internally weaken the future confidence and resolve of the greatest resource for human freedom and advancement which the world possesses, the will of the American people.

For if the United States totally abandons South Vietnam to the uneven contest of a small, developing nation standing alone against the on-slaught of a larger totalitarian regime supported by the world's two largest Communist states, we will in effect have created a modern-day sacrificial lamb on an alter of falsehoods, a false reading of America's commitment and of what will happen if we fail to meet that commitment.

The total refusal of the United States to provide adequate amounts of military, humanitarian, and economic aid to South Vietnam for the short while longer that is needed will probably be the most severe blow possible to the morale of the South Vietnamese people. This shattered morale, in turn, would likely be the very circumstance that would tempt the Communists to make a major effort at take-over of the entire territory of South Vietnam. The horrible war and bloodshed that would follow would be directly on the hands not only of the Communist aggressors, but at least in a moral sense, on the hands too of the ally who had deserted another people at a time when our mutual commitment to freedom had almost run successfully.

Third, it is important for the American people to know that the government and people of South Vietnam are worthy of our support. The South Vietnamese people are able, highly literate, and industrious.

The people themselves are probably the greatest resource of Vietnam. They are energetic, adaptive, and constitute a labor force that is more disciplined and knowledgeable about modern technology than in other developing countries. This is true not only of industrial skills, but of agriculture as well, where the farmers have shown themselves ready to adopt new technology, by using, for example, miracle rice, which gives three times the usual production.

The government of South Vietnam is responsive to the needs of its people, and the land and the people offer the resources which will make the government a viable and stable force. I have discussed in earlier reports the major advances being made by South Vietnam in the field of caring for refugees, land reform, education, and political participation. To this, I can add that great potential exists for the further development of agriculture. This can occur both by increasing the cultivated area, which is now only about half the total available land and by improving current yields.

South Vietnam clearly has a capacity to be self-sufficient in the production of rice and, if it can find foreign markets, to resume its status as a rice exporter. The once principal export crop, rubber, could regain its prominence. There also is a possibility of self-sufficiency in sugar.

South Vietnam also has great untapped forestry and fishery resources. Frozen shrimp is already a major export commodity and with the development of cold storage facilities there is an enormous potential of processing frozen fish for export.

America should take note also of the possibility that South Vietnam will eventually become self-sufficient in oil production. Geological data points to the real promise of offshore oil deposits. In fact, four oil companies have already been granted exploration rights in the South Continental Shelf and more biddings will occur this year. Exxon, Mobile, Sunningdale, and Shell have signed multimillion dollar agreements. Drilling will start at any time and perhaps within the year oil will be pinpointed. Pumping could start no later than three years afterwards.

In all, South Vietnamese exports have reached a hundred million dollars, climbing from a base of only twelve million dollars in 1970. Exports as high as one hundred and sixty million dollars are projected for 1975. It is true that commercial imports currently total approximately nine hundred million dollars, but this must be balanced against the high potential of self sufficiency by South Vietnam in several fields. Over one-third of the import value could be eliminated once Vietnam regains its position of meeting its own needs for rice. Also, the gigantic effort of the government to curtail the import of expensive prestige items must be given due recognition.

For example imported sugar consumption has declined by more than 100% from 1970 to 1974. Even gasoline consumption has been reduced 30% recently. The government policy is to keep petroleum imports down to no more than one hundred and fifty million dollars a year until the country acquires its possible standing as an oil producer.

In short, South Vietnam is not facing mismanagement. It is not wasting valuable natural and financial resources, and it is not inducing its people to squander available resources on luxuries.

VIII: CONCLUSION

Vietnam has given rise to many myths. It is hoped that these reports have dispelled most of them. The people of South Vietnam are highly literate, skilled and devotedly anti-Communist, anti-totalitarian. The government of South Vietnam is responsive to the basic needs of the people. The Communist forces lack popular support in the South and the Viet Cong infra-structure has dwindled to such an extent that less than 20% of the Communist military units within South Vietnam are indigenous.

The bugaboo of the political prisoner issue has been exposed as sheer hysteria. The true story of some 70,000 political civilian prisoners lies hidden behind Communist lines. These reports also have revealed massive and cruel violations of the Cease-Fire Agreement by the Communists, including the armed attack on an American MIA recovery team and the massacre of young school children.

Evidence presented in these reports also put the lie to the preposterous new myth that the United States is providing eight to twenty nine times the amount of military aid to South Vietnam as the Soviet Union and China are providing to North Vietnam. Comparing apples with apples, that is hardware with hardware, Communist military aid to North Vietnam is only slightly less, if that, than the comparable level of United States military aid to South Vietnam.

Congressional critics of United States support for South Vietnam would compare estimates of hardware aid alone, such as weapons and ammunitions, by the Communists, with the total program of our aid to the South which includes not just the cost of hardware, but the cost of rations, clothing, transportation from the United States, training, and so forth. These same critics would calculate our program over the period *prior* to the conclusion of the Cease-Fire Agreement, a period when the war was still in full progress, while ignoring Communist shipments *since* the Cease-Fire which, as these reports have revealed, enabled North Vietnam to send illegally over 50,000 soldiers, 1,000 artillery and anti-aircraft pieces, 400 tanks and enormous stockpiles of ammunition to its invading forces in South Vietnam.

In summary, the myths about South Vietnam have sprung up like dragons teeth in the polemics of radicals and new isolationists. What these groups fail to realize is that there is a very real contest going on in the world between the forces of slavery, under the various hues of Communism, and the forces of Freedom. There is no higher priority that the American people can have than the cause of freedom, and continued support for the effort of the South Vietnamese people to create a free and independent Republic is part and parcel of our own quest for freedom at home and peace in the world.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the act of killing one's fellow man, whether in peace or in war, has troubled ethical thinkers, political leaders, and indeed all men since the days of Cain and Abel. The distinction between murder and justifiable self-defense has often been difficult to ascertain. The accelerating pace of technological and commercial change in the 20th century, with its accompanying growth in interdependency among both nations and individual citizens, has further obscured the moral dimensions of this distinction, while at the same time increasing its importance.

But no such difficulty confronts reasonable and just men when they consider the crime of genocide. The systematic extermination of ethnic, racial, or religious groups is clearly an outrage against all fundamental human values. It is clearly a crime against all mankind.

The International Convention on the Prevention and Punishment of the Crime of Genocide provides an international means for inhibiting and punishing those nations or individuals who plan or commit genocidal actions. The United States, through the ratification of this convention by the Members of this body, should join the more than 70 nations which have already made this ethical commitment against genocide. So long as we continue to fail to take such action we continue to neglect our moral obligations as responsible leaders of free men.

MR. REPUBLICAN: H. G. TAYLOR

Mr. PERCY. Mr. President, within both the Democrat and Republican Parties there are many unsung heroes who through the years have carried on the work our our two-party system and our two great parties. They are the precinct committee men and women, the county chairmen, the State central committeemen, the finance chairmen, who labor in the vineyards to keep the parties strong and vigorous.

I have been privileged to be the benefactor of the support, counsel, and assistance through the years of H. R. "Skinny" Taylor, who in Macon County, Ill., is known as Mr. Republican and who has served in that post for 26 years. I first knew him when he was president of the Illinois Republican County Chairmen's Association. His untiring service to the party and to the art of politics in this country in its best form has been recognized by his hometown newspaper, the Decatur Sunday Herald and Review and I ask unanimous consent that an article from their edition of April 14, 1974, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, I only regret that the CONGRESSIONAL RECORD does not have provision for the excellent full page of photographs taken by Herb Slodounik.

EXHIBIT 1

MR. REPUBLICAN: H. G. TAYLOR

(By Herb Slodounik)

H. G. "Skinny" Taylor is a Republican who has never run for public office but you can be sure he's either right behind the Republican who is or he's pushing him out in front.

In Macon County he's probably Mr. Republican but officially Taylor is chairman of the Macon County Republican Central Committee and has held that post for the last 26 years. In addition, he is a former president of the Illinois Republican County Chairmen's Association.

Why does "Skinny" do it? He answers simply: "I enjoy it, and I suppose it also satisfies my pride and ego."

And he adds, as if reading a thought,

"I've never been on a payroll although a lot of people think I am. I want to keep my independence and be in a position to tell what's wrong when it is."

Taylor says he's been offered jobs by every Republican governor and U.S. senator over the years but has declined. He is independently wealthy and recently sold his business, Decatur Warehouse. Now 65, he is semi-retired from business but certainly not politics.

But being active in politics also has its unsavory aspects.

"I get a lot of crackpot calls and anonymous letters. You have to take it all in stride."

Taylor also thinks of his role as performing a public service.

"It goes along with other things I've done such as being a past director of the Kiwanis Club, director of the association of county chairmen; deacon and elder of my church, and president of the Millikin Alumni Association."

One recent election day Taylor was up at 6 a.m. setting up booths at various polling places. Later on in the morning he went from precinct to precinct, checking on the progress of the voting.

Most of the polling is done in neighborhood garages and schools.

In one garage, remnants of a recent rummage sale was very much in evidence as merchandise on the walls still displayed price tags.

Two propane heaters blasted heat for the five women behind the tables awaiting the voters.

"Hello ladies," said Taylor.

"Hello, Mr. Taylor."

"How's the vote going?"

"I don't think we'll hit 90," said one woman.

"Ninety-five" quipped the woman next to her.

Taylor smiled. "Do you have a pool going on the voting?" he knowingly asked.

"Yes," they laughed.

At another polling place Taylor saw a woman he didn't recognize.

"You must be a Democrat," said Taylor. He was then introduced to Mrs. Karen Camp and before shaking her hand took off his hat.

Still grasping her hand, he then added jokingly, "But you're too pretty to be a Democrat."

She broke up laughing.

Later Taylor explained that he and his committeemen appoint the Republican judges and since he didn't know the lady she had to be a Democrat.

After making the rounds of the various precincts, it was evident that the voting was going to be light.

When it was totaled there were about 10,000 votes.

Taylor was upset. "The people will gripe and complain about the graft and corruption but they'll stay at home and not do a thing about it.

"If they don't vote they get what they deserve. Naturally I'd like them to vote Republican but the main thing is that they vote.

"Even if we lose, I'd rather lose big, as long as the people vote.

"And, you can quote me on that."

Taylor likes to talk about people he's brought into politics.

He takes credit for getting Sen. Charles Percy, then president of Bell & Howell, into politics.

"I made four trips to Bell & Howell to convince him to run for office.

"I convinced him it was also a patriotic thing to do.

"He felt the country had been good to him and he wanted to repay it by getting into public life."

Stay with Taylor for any length of time and he'll mention other people he's interested in politics: Even a current member of the Macon County Board who used to babysit for the Taylor boys—now attorneys.

After a while the inevitable question: "Would you say people who gravitate around you tend to get into politics?"

The reply included a pause, a broad smile and . . . "yes, you might say that."

EARL WARREN

Mr. TUNNEY. Mr. President, Earl Warren has stepped into history.

Personally, and as a nation, we shall miss his quiet courage and his tenacious faith in our constitutional system.

In 1953, when he left California to become Chief Justice, he said:

> The Supreme Court is the interpreter and the defender of the Constitution. If through the years its work is well done, the home of every American will always be his castle, every human life will have dignity, and there will forever be but one law for all men.

In his 16 trail-blazing years on the court, he upheld those standards.

Under his leadership, the Court was in the vanguard of great social change: the Brown decision on school desegregation; the one-person one-vote rule to liberate legislatures into the hands of all the people; and the decisions to protect the rights of defendants in criminal cases.

White-maned, gentle, courteous, unfailingly considerate of others, nonetheless, he was tough, for burning deep beneath his tranquil exterior was a fire for reform and for justice.

In 1925, he became a racket-busting district attorney in Alameda County in California, then beginning in 1938, he served four terms as attorney general of California and then a similarly unprecedented three terms as Governor of my home State.

As Governor, he built more schools and hospitals than perhaps any other Governor in history.

He led reform in mental institutions, revamped the State's prison system to emphasize rehabilitation rather than mere incarceration, instituted child care centers for working parents.

Progressive, thoughtful, he worked within and beyond his own Republican Party to forge a dynamic coalition in California.

He carried the same qualities of leadership to the bench of the Nation's highest court, and he made the Court an instrument for vindicating the rights of all Americans, regardless of race.

He brought to fruition the true logic of the men who founded our Nation and who wrote the Constitution, unquestionably the greatest instrument of Government ever written.

By so doing, Mr. Warren rightfully will stand in history with James Madison, and Alexander Hamilton, and other authors of our Constitution, and with John Marshall and with Charles Evans Hughes and other giants of our Supreme Court.

Mr. Warren cared intensely about people, and his entire career in public service demonstrated this abiding concern.

Furthermore, he believed fervently in America.

He believed in her democracy and in the liberties and freedoms of her people.

And, to an extraordinary degree, he defended and defined those rights, and left a heritage of a stronger, more united America.

ENCOURAGEMENT FOR MR. KISSINGER

Mr. BROCK. Mr. President, I call my colleagues' attention to an article published in the Wall Street Journal entitled "Mr. Kissinger Fights Back." I am in total agreement with the views and opinions expressed in this editorial, and I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Kissinger Fights Back

About the same time Henry Kissinger was holding a press conference in Salzburg and threatening to resign, former Watergate prosecutor Archibald Cox was speaking to the Harvard Chapter of Phi Beta Kappa, warning that some of the leaks of Watergate material smack of the tactics used by Senator Joseph McCarthy in the 1950s.

We were struck by the counterpoint, and particularly so in the context of one widespread reaction to Mr. Kissinger's threat—that he was overreacting, that he was tired, even that he was petulant over the lack of celebration of his Middle Eastern exploits. We think the matter has an importance transcending any one personality, and that Mr. Kissinger's instinct was right; the charges against him deserved a serious and even extraordinary reaction.

The Senate Foreign Relations Committee, which has already been over the evidence once, is now reviewing the question of how deeply Mr. Kissinger was involved in wiretapping in 1969 and 1970, and in particular whether his testimony before the committee was accurate. We do not pretend to know the definitive truth. Perhaps Professor Kissinger concocted the whole plot and forced it down the throat of J. Edgar Hoover, John Ehrlichman and other squeamish types. But somehow we doubt it.

It seems to us more plausible that the operation arose much the way Mr. Kissinger testified. He admitted, after all, that his concern over security leaks was an important input into the decision, and that he and his staff provided the names of some of those tapped. Given this, we have trouble understanding the significance of the debate over what seems to be a question of the precise point in this ongoing program any one tap could be considered to have been "initiated."

Human nature being what it is, we assume that Mr. Kissinger's account, and for that matter Mr. Kissinger's memory, paints his own role in the best possible light. Similarly, we would expect that other agencies and individuals involved in the wiretapping program would be protecting their flanks, trying to diffuse responsibility as widely as possible. There would be any number of ways President Nixon could come to believe Mr. Kissinger asked for wiretaps, or that Mr. Kissinger's name could appear as the initiator in an FBI document. Perhaps the document has an "initiator" blank that needs to be filled in. No single piece of evidence is likely to be conclusive.

So you have conflicting accounts and conflicting memories about what almost certainly was even at the time an ambiguous course of events. Assuming that the truth of the matter runs something along this line, it is the perfect raw material for the kind of process that disturbs Mr. Cox. For at the moment we are in the grip of an alchemy that seizes on any available ambiguity and presents it in the worst possible light. In this atmosphere a semantic argument can easily become an accusation of perjury.

The alchemy of course arises from the climate of the moment. Everyone naturally interprets new events in the light of experience, and our recent experience has been Watergate. So a Congressman reading the documents, or a reporter writing about them, sees the available material in this context, applying to it unconscious stereotypes evolved from a record of official dissembling. The application of such stereotypes often highlights an important part of reality, but typically at the cost of obscuring much else that is also true. An artificial order is imposed on an unordered reality.

When the stereotype of duplicity is applied to high officials it highlights some truth, but it also has an especially destructive potential. For the very purpose of high officials is to deal with questions that are both weighty and ambivalent. Even if miraculously there were no mistakes, there will always be ambiguities that can fit the theme of dishonesty. The stereotype can easily acquire an existence of its own, sooner or later carrying us beyond reality and obscuring more than it reveals.

Admittedly it is difficult to tell precisely where reality does end, and perhaps the charges against Mr. Kissinger do deserve more exploration. But of this we are quite sure: At some point a corrective will be necessary, and this cannot take place until someone like Mr. Kissinger starts to fight back.

HEALTH MANPOWER RESOURCES

Mr. INOUYE. Mr. President, I have become increasingly convinced that if we in the United States are to fulfill our dreams of providing truly comprehensive health care to every citizen, we must begin to take a long, hard look at our present utilization of our health manpower resources.

Every one of us is aware of the staggering increase in cost of providing health care; yet, few of us seem to be aware of the rich potential we possess if we would only seek to effectively utilize such skilled health personnel as our nurse practitioners and physician's assistants. These dedicated individuals are capable of performing many of the tasks that even today, we still insist must be done by much more expensive physicians.

Accordingly, I wish to now bring to my colleagues attention two articles recently written by Dr. Richard Smith of the University of Hawaii, in which he describes their MEDEX program. I believe that the ultimate fate of our Nation's health care depends upon the development of such innovative programs.

I request unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TOWARDS SOLVING THE "GREAT TRAINING ROBBERY"

(By Richard A. Smith, M.D., M.P.H)

THE CRIME

A large metropolitan medical center training 100 hospital aides over a three year period. Its own needs were for 25 such personnel. Thus, 75 hospital aides floundered around a large eastern city looking for jobs elsewhere. Many of those who were lucky enough to find employment had to go through another training program, since the employing institution considered its own training program for hospital aides a necessary prerequisite for employment. There were few preparations made for graduates and an inadequate receptive framework available to these newly trained health workers.

The thrust for space prestige stimulated many young men to enter fields related to the technologies of the space age. That was a decade ago. Now that priorities have changed, there are those who are creating the myth that space age technology can cure higher priority social ills. Engineers in the northwest and southwest are not prepetuators of this myth as they seek nonexistent jobs.

One of the most competent voice teachers in the United States developed a method of dissolving singers' modes by vocal exercises. Rather than submit their patients to laryngeal surgery, otolaryngologists often referred opera stars to this genius, whose exercise methods often made surgery unnecessary. He accomplished an unbelievable feat when he placed three of his students among the ten finalists of the Metropolitan Opera Scholarships a few years ago. In spite of the fact that he has trained some of the world's most acclaimed voices, he was dropped from the faculty of a major American university because he did not have a bachelor's degree.

Six months before their scheduled graduation, four nurses were dismissed from a large metropolitan school of nursing because of alleged political overactivism. They fought the dismissal and through the intercession of a governor and a mayor were reinstated one month before their scheduled graduation. They took their final examinations with the rest of their class and maintained their top four academic rankings by scoring the four highest grades on the final examination. However, school officials forced them to spend an additional five months in training before awarding them their degrees, because they were five months shy of the required time to be spent in training. In this instance, form took precedence over competence, time spent in a classroom being more important than knowledge gained in that classroom.

For a significant number of the more than 800,000 annual college graduates in America, a rude awakening greets the dawn of confronting the job market. Our credential-oriented society has not guaranteed them a job befitting their liberal arts baccalaureate. Perhaps there will be benefits accruing to the dual devaluation of the dollar and degree. Perhaps there will be more attention paid to education as a means to an end rather than education as an end in itself. This option should belong only to the student. An institution of learning has a moral obligation to promote education as a means to an end. (It should be stated here that education is being defined as training and development of knowledge and skills.)

Any number of early morning news and talk shows allow the television viewer to share news of a crime in education as a public service announcement pleads: "Mr. Employer, where are you? Many people trained for your jobs are awaiting your call."

As unemployment rises, education and training programs do not appear to diminish. In fact, they seem to be flourishing. Aspiration levels are elevated and achievement potential is lowered—a *potpourri* of social trouble is being brewed.

Time spent in a classroom is equated with education. Ivan Illich describes our society as being one that is "schooled" to confuse a diploma with competence.[1] Ivan Berg declares that educational credentials have become the new property in America. Further, he debates whether or not the credentials are important for doing the job—or just getting it?[2]

It is not only that "future shock" has caught us with our educational plants down, it has caught us promulgating yesterday's education today.[3] It has become complex now that the education planner has to consider a multisystems approach to his trade. Rather than being concerned with only educational machinery, the relevant planner must consider those other systems upon which education impinges and systems that impinge in return upon the educational system.

If *crime* can be defined as a wrongdoing that affects the whole public, then one can find an excellent description of the offense in Professor Berg's book *Education and Jobs: The Great Training Robbery*.

A THEORETICAL SOLUTION

Since my own knowledge of education has severe limitations and since even the surface problems that have been scratched are so complicated, the following is a description of an approach to only one small segment of the problem, which nonetheless may serve to stimulate the development of additional alternatives.

The manpower problem addressed is in those fields that have highly trained professionals in short supply at the top of an hour glass, and numerous performers of nonprofessional tasks at the bottom. The narrowed middle of the hour glass is devoid of manpower capable of performing some of the tasks performed by, but not requiring the sophisticated training and experience of, the highly skilled professional. This paraprofessional is desperately needed in some fields (e.g., law, medicine, dentistry, theology). He or she probably would not serve a useful purpose at this time in some other fields (e.g., professional athletics, nuclear physics, or aviation, navigation and air traffic control).

The development and utilization of paraprofessionals to the point where they can make a significant contribution in a field requires a total systems or global approach to the planning, implementation, and operation of a manpower program. The following elements of a theoretical model are offered as such an approach to solving some of the problems of manpower development alluded to in the anecdotes above.

1. The collaborative model

To obtain as much information as possible regarding the reasons the program will *not* work as well as reasons why it *must* work, groups with vested interests in seeing the field (law, medicine) become more efficient and/or responsive to societal needs should be brought together at the beginning. This would include those professionals at the top of the hourglass, whose control of the field should not be threatened. The major professional organization as well as organizations tangentially involved with the new paraprofessional should be brought into the group to work cooperatively rather than competitively towards common and urgent goals.

The final facet of the *collaborative model* should be a highly respected training institution (law school, medical school), which would serve three major functions. Primarily, it would provide quality academic input into a relatively short academic training phase. Secondly, it would provide program stability and overall certification of professional competence. Finally, the respected training institution would provide the necessary imagery to instill confidence in the paraprofessional's work as viewed by his employer (the highly trained professional) and the consumer of his services (the public).

2. The receptive framework

Without preparation of the milieu for a new arrival within a profession's operating system, progress may be impeded. For exam-

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Footnotes at end of article.

ple, training should be undertaken only after a needs assessment has identified a specific employment slot. Training people for nonexistent jobs or jobs that underutilize them should be looked upon as components of the great training robbery.

The highly trained professionals must be involved in the process of developing corresponding paraprofessionals. Only in this way can the former simultaneously learn how to delegate tasks to these new colleagues, tasks that heretofore had only been performed by lawyers, doctors, dentists, while the latter are being trained. The involvement of professionals assures their receptivity to the newcomer in their professional lives.

Legal aspects of the framework in which they are to work must be considered and worked out to the point of definitive legal status for the paraprofessional. Where applicable, malpractice insurance must be made available for him also.

In addition to preparing a receptive framework within the profession in which the paraprofessional will work, the larger community must also be prepared to accept him. The judicial system, hospitals, congregations, professional organizations, the lay public, service organizations, *et al.*, must be contacted and prepared to receive the paraprofessional as an adjunct to improve the delivery of specific services. Community psychiatrists are especially adept in this and other aspects of developing the necessary receptive framework.

Often mysterious, and thus neglected, is the matter of imagery. This is a critical facet for acceptance of paraprofessionals. It entails an appreciation of the variations of image perceptions, developing and guiding the desired imagery, and understanding how media affect those images. It requires skills in the fields of communications, which specialists such as community psychiatrists and others can best bring to bear on breaking down barriers to change.

3. Professional involvement

Recognition of the need for change within one's field of endeavor is the first step of leadership towards that change. Important to the success of the change process is involvement by professionals in the process. If professionals themselves act as change agents, development of innovations such as paraprofessionals are skewed to succeed. If their involvement takes the form of performing job/task analyses, they can be certain that training can be directed toward development of paraprofessional skills that will be used on the job.

If the professional participates in the selection of the trainee whom he will ultimately hire as a paraprofessional, not only is the professional going to be extremely careful in the selection process, he is also going to have an interest in seeing to it that his selection decision demonstrates good judgment.

In situations where the bulk of the paraprofessional's training occurs on the job with his potential employer, the vested interest of the trainer will insure higher quality than if the trainee is one of several preceptees of uncertain destination rotating through an office. Further, preceptorships that follow relatively short courses of academic preparation also place minimal additional responsibilities on already overburdened professional schools.

Professional involvement also serves the dual function of stimulating professionals to delegate some of their tasks as well as training them how to share responsibilities and be comfortable with the delegation. Increasing the "effective demand" for paraprofessionals will depend upon increasing professional involvement.

4. Competency-based training

If it can be hypothesized that competency is more important than diplomas or degrees at the mid-level of the hour glass, development and deployment of his new breed called the paraprofessional can be approached rapidly. For our purposes, competency-based training is directed towards the competent performance of tasks dictated by a job/tasks analysis. It also takes into consideration competencies developed previously in other employment or training settings.

Using the approach of a short, intensive academic training phase to provide the necessary knowledge foundation in the professional discipline, and a longer period of on-the-job training in a preceptorship with a professional, provides the trainee with an opportunity to develop pragmatic competencies. This is contrasted with a totally academic route, which often consumes a significant percentage of time while the trainee gains interesting but non-functional knowledge. Competency-based training is geared to meet today's identifiable needs. Preparation for meeting needs to be identified at some time in the future should be the responsibility of a built-in program of continuing professional development. (See the sixth element below.)

5. Deployment system

Unless a training institution is developing manpower solely for its own needs, it usually has no actively expressed concern for effective utilization of its graduates. Rather, the trend is to develop and maintain education programs because that is felt by many to be the function of an educational institution. There is some attention paid to national needs assessments. However, little attempt is made to assess local needs. Educational programs thus continue in many instances to promote education as an end in itself.

In order to direct educational programs towards realistic needs, those developing the theoretical model suggested for paraprofessionals could and should build in a system to deploy graduates into geographic areas of need. This can be accomplished by implementing a training program that actively involves professionals in the selection, training, and employment of the paraprofessionals. Those professionals who, by virtue of their recognized need for help, agree in advance not only to train paraprofessionals but also to employ them when they graduate, will initiate a socialization process, which, in many instances, will insure the paraprofessional remaining geographically in his training site as his place of employment. Thus, where the new manpower will work can be predetermined in most instances.

Not to be overlooked is the fact that this model also leads to the identification of specific jobs and positions for employment before an individual begins his training. No one should dispute the merits of such an approach to meet certain goals. What can be questioned is why we are not using this modality on a large scale now.

6. Continuing professional development

Once a competency-based training program is set into motion, it becomes obvious that if the program is to remain viable and relevant to a rapidly changing society, a mechanism must be included to promote the professional growth of the paraprofessional. Thus, in addition to filling in gaps in knowledge identified by the paraprofessional himself and his professional employer, a planned and executed program of continuing education should be a significant responsibility of the training institution and/or other elements of the collaborative model. It is the promotion of the paraprofessional's education as a dynamic continuum that allows competent (and perhaps non-degreed) personnel to extend the capacity of professionals to meet the staggering needs of our society.

A WORKING MODEL

Application of the theoretical model described is not as difficult as it might appear initially. The basic requirements for its application in any field are that there is a need for paraprofessionals and that there are some professionals in the field who want to do something about that need. The development of the MEDEX Program is a response to such a need in the field of medicine.

The MEDEX demonstration program at the University of Washington in Seattle has demonstrated the capabilities of nonphysicians performing at the paraphysician level (performing some of the tasks heretofore performed only by physicians). It should be emphasized that the tasks these medex are performing under the supervision of physicians are not the delicate and profound responsibilities requiring broad theoretical and practice training. Rather they are tasks heretofore performed by physicians that do not require the physician's extensive educational background and intricate decision-making abilities (e.g., suturing minor lacerations, taking histories, performing specific parts of physical examinations, making nursing home visits, assisting at surgery).[4][5][6]

To take advantage of the training and experience of former military medical corpsmen (which may total up to 2,000 hours of formal medical training and 2 to 20 years of patient-care experience at an advanced or independent-duty level), the MEDEX Program has taken a sizable public investment in the defense system's medical care operation and adapted it to the civilian medical care setting.[7]

Physician/preceptors of the medex state that these highly skilled professionals are demonstrating ability significantly to increase physician productivity and medical care accessibility while maintaining or improving the quality of medical care provided to patients in the physician's practices. Initial evaluation studies confirm that physicians who have a medex working with them are able to handle 50.2 per cent more patients than when they were without the services of this paraprofessional.[8] There has been almost universal patient acceptance of the medex, and indications are that programs of this type hold promise in assisting the medical profession to meet the demands that will challenge us in the years to come.

The role of organized medicine (the Washington State Medical Association) in stimulating and supporting the development of the *collaborative* model with the University of Washington School of Medicine and private practitioners has demonstrated that those groups with the strongest interests in patient care can enhance their abilities to provide medical services by cooperative efforts such as MEDEX. This cooperation has led to additional significant input by the state's hospital and pharmaceutical associations.

These elements of the collaborative model in concert have produced the necessary *receptive framework* required for the new health professional called a medex. The legal basis as well as professional and nonprofessional acceptance are the critical components of this receptive framework. The necessary legal structure is developed or being developed in a number of states. Malpractice coverage for these new professionals has been obtained without difficulty. Another aspect that has posed few problems has been payment for services by third-party carriers. These potential problems appear to be minimized by having a program in operation (as opposed to a program still in the planning stages) request necessary changes within a collaborative framework. Variations on this type of operational model are thus suggested to develop and deploy appropriately skilled physician support manpower.

Problems of professional identity, status,

Footnotes at end of article.

and mobility should be anticipated with the development of new categories of manpower. These problems were considered in the development of MEDEX. Although a medex is a physician's assistant generically, we have avoided calling him a physician's assistant, as the phrase connotes nothing of the individual's training, skills, or competence. Now that the functional analysis of the MEDEX Program is completed, a medex has been shown to be a health professional who can perform certain parts of physical examinations, take histories, apply and remove casts, interpret laboratory results over the telephone, suture minor lacerations. The word "medex" is short, has two quickly pronounced syllables, and is appropriately used as a title when this professional is addressed by patients as well as other professionals. In settings where medex are working physicians, the medex title is synonymous with a certain level of performance in the practice setting under the supervision of a physician.

The use of blue jackets instead of the doctor's white has aided in the establishment of a distinct identity for the medex in the university training phase as well as in the private practice settings in the state of Washington.

Although it remains to be verified by evaluation of the MEDEX Program, the single most important criterion for selection of former military corpsmen to be trained as medex appears to be their past performance in the medical care setting. A second important criterion, which is more difficult to evaluate, is the applicant's knowledge of his limitations and his willingness to work within them. Other criteria used in medex selection were judgment, potential for learning, and motivation. Also to be evaluated with large numbers of trainees are tests of manual dexterity, which may be more related to performance than the standard screening tests often administered (e.g., intelligence quotient, General Aptitude Test Battery, Kuier, Strong). It is probable that all of these criteria for selecting former military corpsmen will not be applicable in the selection of trainees in other categories. However, they should be borne in mind.

Before a training program is initiated, a needs assessment of the community to be served should be completed. This assessment should then be followed by a task analysis of "what is to be done" by the trainee upon graduation. There will be learning materials common to all programs in the same categorical cell. However, there will be specific course work peculiar to each community, learning that makes the training relevant and more usable in the practice setting.

The three-month university training phase of medex emphasizes areas in which they have had the least amount of exposure in the military, i.e., pediatrics, chronic diseases, and the psychodynamics of civilian medicine, in addition to history taking and physical examinations. This is followed by on-the-job training consisting of a twelve-month preceptorship with the physician who will ultimately employ the medex. The preceptorship provides immediate assistance to the preceptor, which continually increases with time in training. Thus, as the trainee is increasing in productivity, he is learning relevant skills that will definitely be used in the practice setting.

The shorter the time lag between the first participation in the total process (the selection of the trainees) and the arrival of the trainee to begin his on-the-job training, the higher will be the interest of the preceptor. If the preceptor/employer has to wait for a long academic program (e.g., two years) to be completed, he may lose interest in training and/or employing a paraprofessional.

Academic training programs can be shortened if the trainee learns only those basic tasks that will be required of him in his job. If gaps in his knowledge are identified in changing job settings, the educational institution should be prepared to augment his training. Thus, paraphysicians can be trained according to the specific competencies required of them. This *competency-based training* calls for establishing a training program directed towards the development of specific competencies. The training program also must consider the student's knowledge and skills upon entry based on prior training and experience. Duplication of previous skills development is wasteful and discouraging to the trainee.

Training for the sake of training, or training simply because a gross statement of need is made, is training in a vacuum. In medical education, specifically in the allied health fields, training should be undertaken when needs assessments and tasks analyses validate the demands of specific settings (if this is possible). If this can be accomplished, the potential users of paraphysicians can be involved in a manner that not only relates the training to performance, but also gives them a vested interest in the training program (and thus in its success).

The MEDEX concept encourages *practitioner involvement* not only to assure placement of medex, but also to relate training received during the university training phase to the specific tasks the medex will perform once in their work setting. The physicians who had agreed to train and supervise medex helped develop a list of tasks that they wanted the new paraprofessional to perform in practice. Physicians' interviews of corpsmen candidates were the crucial factors in the final selection of the trainees. Physician-preceptors ranked their preference of medex (as the medex ranked the preceptors) whom they wanted to train and subsequently employ. In addition to involving university faculty in the three-month initial training period preceding the twelve-month preceptorship, this approach utilizes a large, almost untapped source of medical education: the practicing physician.

By selecting physicians in areas of need to be preceptors, this method of training gives rise to a *deployment system* that allows the program to send assistance where it is most needed. Thus, MEDEX is a technique that concerns itself with maldistribution of health manpower and does something constructive about it.

The final element of MEDEX is *continuing medical education*. Two-day-long seminars and workshops are held periodically during the preceptorship. Following the end of the fifteen-month training program, such classes will continue to be held under the guidance of state medical associations.

Some of the problems that have been successfully faced include getting hospitals to change traditional policies to allow the medex to work with his physician, unbased concern of other health professionals that medex would take over some jobs they were already performing, and formation of the identity of a new health professional. The success in solving many of these problems and the over-all development of MEDEX is attributed to the pioneering leadership exhibited by the greater health profession actively concerned with patient care.[9]

The MEDEX Demonstration Program originated at the University of Washington in Seattle. The MEDEX Program at the University of North Dakota School of Medicine has medex in North Dakota, South Dakota, Wisconsin, and northern Minnesota. In February 1972, the Dartmouth Medical School MEDEX Program trainees finished preceptorships and are now employed by overworked general practitioners in New Hampshire, Maine, Vermont, Massachusetts, Connecticut, and Rhode Island. The Department of Health, Education and Welfare's National Center for Health Services Research and Development has also funded a replication of this program at the University of Alabama (for medex in Alabama, Mississippi, Tennessee, South Carolina, and Georgia) and at the Charles Drew Postgraduate Medical School/University of California at Los Angeles. The University of Utah School of Medicine deployed its first class of medex in September 1971. Approximately 200 medex are working with physicians in 27 states. Additional MEDEX programs are in the final planning stages at four other medical schools.

The basic elements of the MEDEX Program (collaborative model, receptive framework, deployment system, competency-based training program, practitioner involvement, and continuing education) have provided new perspectives in health as well as a technological tool for strengthening the delivery of health services. This tool can be used not only to train former military corpsmen to be medex, but can also be used for training new types of needed health manpower who may or may not have had previous medical training. It is possible now to adapt the concept's techniques of training and deployment of health personnel to the existing needs and available resources in many geographic locations.

DISCUSSION

I must confess a bit of serendipity. The working model of MEDEX was developed through an operations approach described elsewhere as global community health.[10] The MEDEX model was developed before the theory behind it evolved, which is not the usual course of events. Nevertheless, one led to the other even though the order may have been reversed.

It must be acknowledged that Ivar Berg's *Education and Jobs: The Great Training Robbery* was the primary stimulus to explore the MEDEX approach for possible application to other disciplines. Inquiries about the process of MEDEX from fields other than medicine led to the development of the theoretical model.[11] Now that the concept has been proven valid, it remains for professionals to determine its applicability in other fields that are attempting honestly to meet the needs of the society we serve.

SUMMARY

A theoretical model is described that is designed to meet manpower needs in professions top heavy with highly skilled professionals. This situation usually leaves a void of mid-level manpower that potentially could increase the efficiency and productivity of that profession. Application of the theoretical model has been attempted and has proven so successful that broader application is suggested for professions that desire to train and deploy paraprofessional manpower appropriately.

FOOTNOTES

[1] Illich, I.: Deschooling Society. New York, Harper and Row, 1970, pp. 1–24.

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[11] Personal communications.

[12] The MEDEX Program at the University of Washington was supported by Public Health Service research grant 1 R18 HS00558–01 from the National Center for Health Services Research and Development, Health Services and Mental Health Administration, DHEW. The program is jointly sponsored by the University of Washington and the Washington State Medical Education and Research Foundation (Washington State Medical Association).

MEDICAL ALLIANCE—MEDEX

(By Richard A. Smith)*

A technology aimed at helping to solve the growing worldwide crisis in health manpower has been developed and successfully applied in the United States of America under varying geographical conditions. Medex† (these are new providers of primary health care services) is now deployed in thirty States, including remote areas of Alaska. In addition, medex are being trained to provide primary health services to some of the most remote populations in the world in the vast Pacific expanse known as Micronesia. The image of such health services being provided only by physicians is being changed in America.

MEDEX is a systematic way of increasing health services to a large number of people in a relatively short time. The concept is derived from analyses of health-manpower development in numerous countries, including the United States. Its basic elements can be applied with relatively little capital investment. It can then be continued until the desired level of medical-care accessibility is reached, with modest maintenance expenditure. MEDEX has characteristics which make it adaptable (as opposed to transplanable) into many areas. It uses only the human and fiscal resources available and trains health manpower according to the specific needs of a community or country. Medex are integrated into existing health systems by extending the reach of physicians, rather than by substituting for them. In the United States the recruits are former medical corpsmen and nurses; in Micronesia they are former nurses and health assistants. Individuals with or without previous health backgrounds can be trained to become physician extenders when the MEDEX concept is applied to enhance the delivery of health services in various countries.

MEDEX has developed over the four years since the demonstration programme was initiated at the University of Washington in Seattle. Since then, eight additional American medical schools (serving as regional training centers) have begun training and deploying medex into areas where health services were hard to secure. The reasons for emergence of this kind of system were partly stated last year at the First International Conference on Education in the Health Sciences. Dr. Bror Rexed, head of the Swedish health system, described some of the pressures and are bound to produce change in the "scenario of medicine of the future"—among them, increasing cost, expansion of demand for ambulatory care, and introduction of new technology.[1] Prof. Isador Gordon has pointed up the problems of trying to train only traditional categories of health professionals. In his view, present efforts to meet the global crisis in health care solely by training more physicans are likely to fail.[2]

It is against the background described by Rexed and Gordon that MEDEX has been developed. The programme is also a response to the call by Fendall and others to take much of the stored knowledge reaped by basic research and apply it to the staggering health needs of many nations.[3] Using applied research methods, a flexible system to increase primary health services has been devised which has six basic elements, adaptable as dictated by local needs and resources.[4] These six basic elements of MEDEX are described below.

1. COLLABORATIVE MODEL

To obtain as much information as possible regarding the reasons a programme will *not* work, as well as reasons why it *must* work, groups with a vested interest in seeing the health field become more efficient and responsive to social needs are brought together at the beginning. This includes professionals at the top of the medical hierarchy, whose control should not be threatened. Major professional organisations, as well as organisations only tangentially involved with the new paraprofessional, are also brought into the group. They are encouraged to work cooperatively rather than competitively towards common and urgent goals. An essential facet of the collaborative model must be a respected medical training institution (preferably a medical school or teaching hospital). This serves three major purposes. First, it ensures good teaching during the relatively short academic-training phase. Second, it gives the programme stability and permits certification of professional competence. Third, it provides the sort of credibility absolutely necessary to instil confidence in the medex's work, in the eyes of both employer/supervisor (the highly trained doctor) and consumer (the public). These collaborative elements are given the opportunity to establish programme policy, especially if medex are going to work in "supervised remote practices" at considerable distances from physicians to whom they are responsible.

2. RECEPTIVE FRAMEWORK

Creation of a new health professional demands careful preparation of the milieu in which he will work, to encourage acceptance by the medical profession, by other health personnel, by patients, and by supporting systems such as hospitals, the legal profession, and insurance companies. All groups and systems affected are contacted and are prepared for the arrival of the medex. Community preparation is of paramount importance, and here the skills developed by community psychiatry are particularly useful. Overcoming cultural barriers will in many instances make the difference between success and failure. Building an acceptable image and acquiring a special identity are difficult obstacles MEDEX seems to have hurdled. The importance of these cannot be overestimated in contemporary health-manpower programmes. Legally, too, the status of the medex needs to be clearly defined. Where applicable, malpractice insurance must be made available.

3. PROFESSIONAL INVOLVEMENT

Recognising the need for change in any endeavour is the first step towards that change. Important to a successful outcome, where paraprofessionals are concerned, is leadership by professionals. If doctors act as the agents of change, innovations such as MEDEX are skewed to succeed. Because physicians are involved from the beginning of the programme they are receptive to the newcomers. Their involvement includes participation in job/task analyses to ensure that training is directed toward paraprofessional skills that will be used on the job. The physician also participates in the selection and training of the trainee whom he will ultimately hire or supervise as a medex. This personal involvement tends to make the physician more careful about selection; and he is anxious, too, that his selection decision should demonstrate good judgment. Involvement helps to stimulate medical practitioners to delegate some of their tasks, as well as train them to share responsibilities and be comfortable with the delegation. If the "effective demand" for medex is to increase, this will depend upon increasing physician involvement.

4. COMPETENCY-BASED TRAINING

If the emphasis at the mid-level of the medical hierarchy is placed on development of competence to perform specific tasks, rather than on accumulation of diplomas or degrees, medex can be produced and deployed rapidly. An assessment is completed before the start of training in order to document the community's health-service needs. Then task analysis is done to determine what the trainee will be doing upon graduation. The programme also takes into account the student's previous training and experience on entry, so as to avoid wasteful and discouraging retraining. If, for example, the individual is a nurse, a former military medical corpsman, or a health assistant, much basic material can be left out of the curriculum.

From analysis of data accumulated during the needs assessment and task analysis, and by taking into account the students' entry-level skills, a curriculum emphasising the primary needs of the community is laid down which makes the training relevant to the practice setting. The academic training programme can be shortened if the trainee learns only those skills which will be required of him in his job. Training people for nonexistent jobs or jobs which underutilise them is avoided.

These steps are linked to today's identifiable needs. Preparation for meeting future needs should be in the hands of an integrated programme of continuing professional education (see the sixth element below).

5. DEPLOYMENT SYSTEM

In order to direct training programmes toward realistic requirements, MEDEX has a built-in system to deploy graduates into areas of need. This is accomplished in part by involving physicians in the selection, training, and employment/supervision of these new paraprofessionals. Such physicians should be selected, whenever possible, from among primary-care physicians working in or near areas of need. They should agree to assist in the training and subsequently in supervision of the new manpower. After an intensive academic (didactic) training phase in a medical school or teaching hospital, medex trainees are integrated into the office, clinic, and hospital environment quickly, by having the bulk of their remaining training (preceptorship) take place on the job, in surroundings similar to their future work situations.

This model of training means that an individual knows where and for whom he will be working before he begins his training.

6. CONTINUING PROFESSIONAL DEVELOPMENT

For a MEDEX programme to remain relevant to a rapidly changing society, a mechanism is included to promote professional growth of the medex. Thus, in addition to filling gaps in knowledge identified by the trainee himself and his professional employer/supervisor, a planned programme of continuing education is regarded as an essential responsibility of the training institution and/or other elements of the collaborative model. It is promotion of the medex's education as a dynamic continuum that allows competent (and perhaps non-degreed) personnel to extend the capacity of physicians to meet the needs of societies.[5-7]

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*Formerly director of the MEDEX Program at the University of Washington in Seattle (1969–72).

†MEDEX is derived from the French words, MÉDecin EXtension, meaning an extension of the physician. Two words with identical spelling but different meaning are distinguished in this paper by use of capital letters; MEDEX refers to the programme or to the concept of this new technology; medex (used both for the singular and for the plural) refers to this new paraprofessional, and is also used as a title.

Footnotes at end of article.

Each of these six elements reflects the designing-out of specific problems encountered in health-manpower programmes in various countries. Competency-based training is a considerable departure from the traditional training of health professionals.

Newer training technologies such as algorithms and video-tape packages substantially reduce the time needed to train these new professionals. A short (three-month) but intensive didactic training phase is followed by a nine-month preceptorship training phase. Building upon the previous competencies of medical corpsmen, nurses, or health assistants, competency-based training does not waste time by teaching inappropriate material. Rather, it assists individuals to acquire additional skills dictated by analysis of the jobs to be performed. For students with no previous health background, the training is longer.

The MEDEX approach is producing individuals who already are increasing physician efficiency (measured by patient visits and hours spent in practice) by 75–125%.[8] In "supervised remote practices" medex alone may adequately handle 80% or more of the problems in an outpatient clinic.[9, 10] This is possible because these new paraprofessionals perform many of the routine, repetitive medical tasks that have hitherto been the sole domain of the physician but which do not require the sophisticated training and experience of a fully trained doctor. Medex are taught which patients require the physician's more intricate and profound diagnostic and therapeutic skills.[11]

By far the most important elements in MEDEX as a tool for enhancing and expanding delivery of health services is the building of the receptive framework. Two usually neglected facets—community preparation and imagery of the medex—require the skills of the emerging sphere of community psychiatry. To augment the public's perception of the providers of primary health services requires the development of a new identity. Creation of an image of a competent primary-health-care professional, working within his/her limitations, requires skills in group dynamics and communications not usually considered important in health-manpower development. Further, the invention of a bisyllabic title and form of address (*Medex* Jones, *Medex* Guernet) has aided in the creation of a new and distinct nonpejorative identity which Fendall[12] and Kesic[13] regard as essential if health-man power development is to progress.

The MEDEX system is now being adapted to multiple socioeconomic, cultural, and geographical settings. Medex is being adopted by medical-care systems in highly industrialised as well as less developed settings. Taking advantage of advances in task analysis, competency-based training, and community psychiatry, this approach to the training and deployment of physician extenders into areas of need is one of the most encouraging developments in health manpower in recent decades.

FOOTNOTES

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FORMER CHIEF JUSTICE EARL WARREN

Mr. DOLE. Mr. President, the death of Earl Warren marks the passing of one of the foremost public figures of recent American history.

While earning lasting prominence as one of the most influential men to serve as Chief Justice of the United States, he had already built a nationally recognized reputation in public life in his native State of California before coming to the Supreme Court in 1953. Republican nominee for Vice President in 1948, three-term Governor of California, State attorney general, and Alameda County prosecutor, he was a man of politics, an administrator, and citizen who gave his entire life to public service. But above all he was a man of absolutely unquestioned personal integrity and unshakable committment to the public good as he saw it.

Of course, Earl Warren will chiefly be remembered for his 16 years as Chief Justice and his leadership in shaping some of the most dramatic changes in American society that have ever been set in motion over so short a period. School desegregation, legislative apportionment, the balance between police authority and individual rights and a host of other vital issues were dealt with the "Warren Court" in important and often highly controversial decisions that frequently bore the unmistakable stamp of the Chief Justice's leadership.

The Senator from Kansas is one of those who often found himself in substantial disagreement with the Court's decisions over that period. Far too often the majority exceeded the bounds of what many Americans viewed as reasonable and prudent judicial policymaking—particularly in the area of criminals' rights. However, these disagreements and concerns were always with the underlying philosophy of the Court and its Chief Justice, and never were the motives, integrity or sincerity of those decisions questioned—even by their most vigorous critics.

As administrator, politician, and jurist, Earl Warren will long be recognized as one of the major figures of the Supreme Court and the highest tradition of public service in America. The Nation mourns his passing, not because everyone always agreed with his views and decisions, but because he was a man of honor and great achievement who served America faithfully throughout a long and distinguished life.

RODERICK MacLEISH—THE ELMER DAVIS MEMORIAL LECTURE OF 1974

Mr. KENNEDY. Mr. President, at the end of April, Mr. Roderick MacLeish, the distinguished journalist, author, and longtime observer of the political scene, delivered the Elmer Davis Memorial Lecture at the Columbia Graduate School of Journalism.

In the course of his address, entitled "News, Importance and Reality; An Inquiry Into the Ways That Journalism Thinks," Mr. MacLeish deals with an issue of timely importance—the power that journalists, particularly those in television, have gained over the world's vision of itself.

Speaking with clarity and eloquence, he challenges the conformity to the collective definition of what is news, what is important, and what is reality. By redefining these terms, he presents us with a sound alternative to our world and insists that a broader range of possibilities exists within the definitions of news, importance, and reality—these terms, he says, can be better defined in terms of what is critical to human lives.

Mr. MacLeish has grasped an important insight into human experience and his address provides a significant contribution to our own understanding. As he states, in speaking of the profession of journalism:

> In our confusion of events with facts and facts with truth we limit ourselves and, as a consequence, we limit our fellow citizens. . . .
>
> The true sum of human affairs is everything that takes place within human affairs. Since we propose ourselves as the relaters of those affairs to the human community, we must endeavor to grasp as much as we can. We cannot encompass it all, but it is more than we now say it is. Watergate; war, international economics, the politics of the City of New York and the fate of the latest kidnap victim are all news, all important, all real.
>
> But out there also, sparrows are falling, dreamers dream and a computer is trying to reduce St. Thomas Aquinas's five demonstrations of God's reality to immutable numbers. If we liberate our minds, pursue our educations until we die, and thereby admit ourselves to a broader range of possibilities within the definitions of news, importance and reality, then we will do better. What we do is to hold a mirror to the world's face and the reflection is broader than we now think."

Mr. MacLeish issues a challenge to everyone to understand the reality of our onrushing society and world. I believe his lecture will be of interest to all of us in the Senate, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEWS, IMPORTANCE AND REALITY: AN INQUIRY INTO THE WAYS THAT JOURNALISM THINKS

(By Roderick MacLeish)

I am honored, indeed, to be this year's lecturer in the Elmer Davis Memorial series. The sense of honor is not abstract but is. rather, specific for three reasons. First. to speak at a forum dedicated to the memory of Elmer Davis is to participate in the annual celebration of the best that our trade has produced. In honoring Mr. Davis, we do honor to ourselves. Second, I stand here in association with distinguished colleagues—Louis Lyons, Eric Sevareid and David Brinkley. Samuel Johnson once encountered George the Third in a bookshop and chatted with him. That evening the great doctor wrote in his journal, "It does a man good to be spoken to by his Monarch." The principle can be altered to read: "It does a man good to speak where his betters have spoken." Third, it is a great honor indeed to be, at my age, on the young side of a generation gap. All of those who stood at this podium before me were friends and intimates of Elmer Davis, his contemporaries give or take a decade or two. But not me. I am something new in the Elmer Davis Memorial lecture series. I was Mr. Davis' copy boy. I was in awe of him as I ripped the AP "A" wire for him in the newsroom of the American Broadcasting Company in 1947 or thereabouts; I recognized him for what he was each time I brought him coffee—he took it black with sugar. I was glad, with the true elation of the servitor, when, during the 1948 Democratic convention, I was dispatched to Philadelphia on a train to deliver some papers to Mr. Davis. But I was not his intimate. I was his squire. I admired him, even loved him. But from a respectful distance.

Now we are come to the early middle age of the broadcast news business which Elmer Davis helped to nurture through its puberty. Like all adults, the broadcast news business is caught between the assaults of the world upon it and the knowledge of its own frailties. It has assumed a mature dimension in our national affairs but that does not, necessarily, mean that it has achieved a stable or incontrovertible dimension in our affairs. Maturity, as a state of being, is an arrival at a certain chronological milestone; we are mature as much for the number of years we have lived as for the recognitions and realizations we have achieved.

I wonder what Mr. Davis would have made of our present state of maturity. In the process of being an exemplary practitioner of our trade, he established many of its perimeters. The most notable of them were defensive perimeters. Elmer Davis—along with Edward R. Murrow—made that great insistence which held that we too were the beneficiaries of the First Amendment, that "press", in the epochs after Marconi, had to mean those who *spoke* their perceptions of the world as well as those who wrote such perceptions and had them printed on paper. It was a landmark of civility, the application of a great ideal to the evolving process of time. Unlike Wordsworth's exalted view of the French Revolution, it was not bliss in that dawn of the new era of communication to be alive; to be young, as broadcasting news was, was hardly heaven. In the hands of authority which distrusted us and a public which sometimes could not make a qualitative distinction between the values of the A. and P. Gypsies and Elmer Davis, establishing the constitutional principle all over again could, sometimes be hell. And often it was.

That battle for our rights is durable. It will never go away simply because Constitutions that are written for the ages must be re-interpreted in each new age and there are always severe personages of authority who are willing to rid themselves of the nuisance we represent by that very process of constitutional re-interpretation. That is our endless struggle. But it is not what is most important about us as we proceed in our maturity.

Much has changed since Mr. Davis sat down nightly before a microphone at the WMAL-Evening Star studios in Washington or in studio 2F in New York City and delivered himself of literate notions that would have done credit to Addison and Steele. The largest single change lies not in the static quality of that power which opposes our trade. The largest change is in the power that we, ourselves have gained over the world's vision of itself. To define and have people accept your definitions is vast power indeed. In that magic by which we select significance from the tide of human affairs and hand it back to a human community confused by the multiplicity of its own life and time, we are the very zephyrs of a reality which our fellow citizens largely see through the office of our trade. Like some secular priesthood we hold before our American brethren the mitre of a supposed truth. Seeing us, seeing our arrangement of facts, notions and nuances projected into the national evening, the public is asked to accept our awesome declaration: "This is what is, this is the tidy meaning of the world's vast and disorderly life." That is, indeed, an awesome thing to do, it amounts to a staggering assumption about ourselves, our way of thinking, our wit and the world in which we deal.

Given the awesome dimension of our assumption, it is fair to ask a question about the minds which so perceive the times to such a heavily responsible end. How do we think? By what intellectual means do we arrive at those definitions of news, importance and reality which we project upon the country as its main source of information about itself and the world?

That question is vast, obvious and crucial. To begin with the simplest part of the answer—it seems to me that we in journalism are still adherents of the scientific method, that system of thought in which problems are perceived through the evident data that surrounds them, in which answers are sought by experimentation that leads to tangible proof.

There's nothing wrong in thinking that way—men have been engaged upon inquiry using forms of the scientific method since Aristotle at least. But is such a means of thinking adequate to an age of breathtaking discovery, of dazzling scientific innovation, of supposition whose premise would change the very nature of man's view of himself?

Put the question in another way, in two parts; do we in journalism portray the world in anything like the full dimension of its contemporary reality, a reality which includes possibilities? And, if we don't, can we portray the world in such broad dimension?

I do not pose the question or even set up the problem in order to denigrate modern journalism, television or any other. TV news is, obviously, the best part of television. Its' services to American history—especially right now—are incalculable. Rather, one poses the question in order to see if we cannot perform with even more telling and civilizing effect, the function which we now do so well.

The answer to the question about how we define news, importance and reality begins with a problem of evolution. Nobody knows where journalism really began. It is hard to say precisely because nobody can agree on a definition of what journalism really is. In our time we have come up with a limited definition, it seems to me.

Was the unknown, pre-historic genius who illuminated the walls of a French cave at Lescaux with wondrous pictures of the primitive hunt—was that Boticelli of the post-Neanderthal age a journalist? Not by our contemporary definition. We maintain—by practice if not by admission—that journalism must base itself on specific, unusual events. If the hunt celebrated by that dawning human mind contains the same tension and the same yearning for order as our own minds—well, that, we feel, doesn't concern us any longer. Besides, the event portrayed was normal.

Was Thucydides a journalist, was he engaged in our profession when he set down for eternity the pain and meaning of the Peloponnesian war? He wrote long after that event, he wrote with abstraction which dissolved time and wrought universality out of action and happenstance. So, by our contemporary definition of journalism, we must strip our great Athenian brother of the title of our calling. We maintain—again, by practice if not by admission—that journalism is the setting down of what just happened and then forgetting it, by and large, in the pursuit of what is going to happen next.

Was Fyodor Dostoyevsky a journalist? No, especially not him, we protest. We look into the pages of his masterpiece, "The Brothers Karamazov" and we see the structure of a multi-tiered human existence that makes us shudder. Of the tragedy-stalked brothers, Ivan the political obsessive is acceptable—we've seen him before, we can translate Ivan into a thousand prototypes of our own time from Pierre Poujade and George Wallace to any other passionate searcher among the stars and old ideas for that central truth of the cosmos which will make all other truths fall into place. Another brother, Dmitri, is acceptable. He is power, especially power gone wrong in his obsessions. God knows and so does every contemporary practitioner of political journalism in Washington know, about the hunger for power gone wrong. Even Smerdyakov, the fourth, least and bastard brother of the house of Karamazov is acceptable to the modern journalist. By hanging himself in the wash house Smerdyakov became the alienated outsider—familiar enough. But Alyosha, who was ultimately the centerpiece of the Brothers Karamazov, automatically disqualifies his creator, Dostoyevsky, as a journalist. Alyosha was preoccupied with the most enduring of human problems—he was indeed the ultimate nineteenth century literary symbol of that incessant yearning for (and anguish over) the half-suspected joke and tyrant of the human condition—God. He who writes about God as a practical matter is no journalist; God can't be deduced by the scientific method, he cannot, therefore, be computed in the sum of late twentieth century affairs and, besides, you can't videotape God. Ergo, Dostoyevsky was not a journalist. Such is the tyranny of our definition of ourselves.

I do not give you these examples to bedevil you, to make you sigh with the tedious hairsplittings of the half-educated. Rather, I offer them as argument to those two questions: are we successful in the process by which we select those events that we broadcast as essential reality each evening? And, if not, are we equipped to be successful?

What we do share in common with the prehistoric genius of Lescaux, Thucydides and Fyodor Dostoyevsky is one fact; like them, we are the practitioners of a craft. Or, it used to be a craft. A craft is basically, a solitary occupation whose means and ends are contained within itself. You may need specialized tools and training to practice a craft, but you don't need anybody else—unless the other people involved with you are, themselves, of the status of tool or teacher.

Journalism was, fundamentally, a craft wherever its beginning began. It was, basically, the business of one man or woman observing an event and writing it down so that others might know of the event.

There are several implications to the fact that journalism was, once, a craft; one person arrived at the definition of the event, the event was conveyed to others through one, self-sufficient medium, the written word. The recipients of the written account had to make a leap of faith in order to accept it. They had to assume that the person who wrote for their enlightenment was neither an idiot, a drunk or a liar and that he was doing the best he could to translate a real event into a view of it that was not hopelessly warped by his opinion.

The craft was not infallible and, of course, journalism in that simpler era did not conform completely to the definition of craft. An editor had to permit the solitary writer to perform his task; the result was then edited and printed. But, by and large, craft it was.

Now, with the advent of radio, television, the weekly newsmagazines and other such marvels of technology that are the conveyers of word about events, journalism's fundamental nature has changed.

The craft is gone. It has been replaced by institutional group endeavors, especially in television. And when you adapt the simplicities of a craft to the complexities of institutions, you court trouble.

You court trouble, simply, because groups of people think in less flexible ways than individuals. Because of the natural tensions and disagreements within groups, the tendancy is to set fixed definitions of the group's function for the convenience of those who labor at the function within the group itself. Everybody, in other words, comes to a point where they do things in the same way so as to co-ordinate the various activities of the function. Originality, imagination and intuition are often the victims.

This is demonstrated as our great craft with its tradition of solitude and subjectivity becomes institutionalized in the new art form of television news.

In looking at two weeks' logs of the three great television news programs—those of A.B.C., N.B.C. and C.B.S.—one finds a remarkably similar pattern in the selection and ranking of each day's events. During two weeks in February each of the news programs contained an average of fifteen stories. Seven out of the first ten were the same on all three programs. Two great newspapers—the New York Times and The Washington Post—were studied over the same two week period. Fifty percent of the events seen by their editors as worthy of inclusion on the front pages of both were the same. Local stories in two cities tended to dissipate the uniformity of the mix. The selection process that went on at the two leading news magazines over the same two weeks showed a similar conformity to the collective definitions of what's news, what's important, what's reality.

There is nothing wrong in that uniformity of judgement by this country's top editors. It simply illustrates the commonality of definitions that inevitably overtakes institutions.

But if looked at from another perspective—from the perspective of the news consumer in general and the television news consumer in particular—the limitations on definitions of what's news, important and reality disturb one. I choose network television news here not because we of the group broadcast trade believe ourselves to be beyond journalistic sin—God knows, and so do we, that that is not true. One mentions network news here simply because it is the American public's most important single source of information. Some fifty million people sit down every evening as light leaves our landscape and look into that delphic square for a reveiw of mankind's passage since the previous evening.

And it is our definition of what, in that passage, is most important, that worries me. I think we've got trouble.

We've got trouble with our definition of news . . . which is another way of saying that we've got trouble with our concept of what's important to the lives of our fellow citizens. We've also got trouble with our vision of what's real.

For one thing, we seem to confuse events and facts. This is evident not only in television news, but in most modern news judgments. An event takes place—something involving violence or governments, or something that is a new chapter of a previous happening or something involving someone of great power, fame or celebration. The event triggers us to action. We gather what facts we can about the event, but the event is, to our way of thinking, a fact in itself.

The peril in that assumption is obvious; non-events—facts with no event connected to them—become non-news. For example, an event occurred long ago, in the early and middle nineteen fifties. New drugs that were the spin-off from the development of histamines became a critical factor in the treatment of schizophrenia. The advent of the new drugs was duly noted in the specialized journals available to, but unbought by, the general public. It was noted in those newspapers and magazines which venture into specialization and do a laudable job of popularizing. Today, the success of the new drug treatment for schizophrenia is more and more manifest. Yet no single contemporary event draws that historic fact to the notice of journalism; no action provides us with a take-off point from which to tell the public the important news that schizophrenia, which will strike one out of every one hundred Americans sometimes during his lifetime, is now far more susceptible to cure than it used to be. That is a fact. But because of its lack of a catalytic event, it is a fact that is largely unknown to the general public because those of us in broadcasting especially, have too narrow a definition of news, importance and reality—and because we confuse events with facts.

There is another peril in the confusion of events and facts; an event can turn a bit of trivia into a fact when it really does not warrant such category—or at least not the category of important fact. There is a relief to our lives—of sorts anyway—in gossip. It is good entertainment, it is psyche-soothing, it helps us to feel that the humdrum of our own lives is morally superior to the lives of those celebrated folk who fall off bridges, take lovers publicly, sue each other in court or hold dinner parties for their pet alligators. Yet the importance of whether Mr. and Mrs. Richard Burton are living with each other this week or whether they are living with other parties—is limited. The Burtons, however, are an event, a continuous one. Being an event, they become important facts. A dubious proposition.

The second problem with the way we think about news, importance and reality is that we confuse facts with truth. Truth—that elusive condition of mind and being which, for centuries, has fled just out of reach of the panting ranks of lawyers, philosophers, journalists and other people who spend their time messing around with absolute—is often more than a collection of facts. Truth is sometimes less than a sum of facts. And occasionally facts are missing altogether from the anatomy of truth. It is true—because our tradition holds it to be true—that selflessness is a virtue. The chronicle of our species recounts innumerable, factual examples of that truth. But there are absolutely no facts to add up to the truth itself.

We persist, nonetheless, in believing that facts and truth are, somehow, the same thing. And that gets us into even more trouble . . . including our tendancy to create truths out of the facts that we gather in the pursuit of journalism. How many of us have sat in courtrooms or stood outside in the corridors swearing to each other that that creature in the dock is guilty because the following eighteen facts prove it? And how many times have we, subsequently, watched the jury come in and announce that creature's innocence? A jury's decision is the law's way of proclaiming a truth. Hence, by announcing the defendant's innocence, the jury makes him innocent. The truth that the rest of us had been operating on goes marching backward off a cliff of our own making and we are left with a handful of useless facts.

The only reason for afflicting you with this tiresome bit of metophysic is to suggest that we don't really define news, importance and reality in a very satisfactory way. We report events. We assemble facts. But in doing that we sharply limit the world's vision of what may be true, or what may be possible.

Let us, once again, approach this equation about news from its consuming end. Let us ask that question—it is really a series of questions—which may illuminate the trouble with contemporary journalism's answer; what is important to people's lives? What is important to most people's lives? What is important to all people's lives?

Well, the last question is the key one. Very few things are important to all lives everywhere, but death is surely one of them. Let us, for a moment, examine, journalism's treatment of death.

What do we convey to our fellow diers about that eternal conundrum which hangs as a supreme qualification over our mortal assumptions? Well, we talk about kidney and heart transplants, super drugs, pills, lotions, arcs of the surgeon's knife and other wondrous replacements of dead organs with live ones. In ritual duty we employ medical reporters and commentators who invest their days in the pursuit of that which medicine and the chemical arts can do to prolong life and banish its pain. We engage our audiences in the moral problems of physical death, televising news stories about hospitals which permit hopelessly flawed infants to die, about the profound dilemma of whether or when to cut off life support for the irredeemably maimed. But our threnody as we address man's universal dilemma, is limited to the problem of physical death, of the staving-off, of the possibility of adding a few years to life when death is, after all, inevitable. These are facts and we report them. But we do not ask the broader questions; is the cessation of the body really death? Must we die? Indeed, do we die?

Man has always wondered. From that first primate to raise its head from the gravel of Leakey's pit in east-central Africa and feel the wondrous stirrings of that divine sense of "I am" which distinguishes us from all else that lives—from that first articulation of self until this evening of April 25, 1974, the question has proceeded with the wonder at life itself; must I die? Is death what our distinguished colleague Cy Sulzberger of the New York Times called him—our brother? Is he an inseperable part of ourselves? That's another way of asking whether our physical and provable selves are all of ourselves.

The supreme question.

But, I suspect, journalism is too embarassed to ask it. Or, perhaps, we consider it beyond us, or a question too frivolous in its abstraction to be raised in the general flow of really important events—Watergate, scandal, wars and the partings and re-arrivings of Mr. and Mrs. Burton. Besides, we tell ourselves, nobody has any facts.

Until recently, as western civilization reckons its time, death was considered a two-fold matter. It had to do with the body, yes. But it also had to do with elements of ourselves, time and space that were insusceptible to proof or precise definition . . . the spirit, or dimensions beyond the familiar world. Journalism doesn't venture into such realms comfortably. They violate the standard procedures of the scientific method.

Yet science, in this, is way ahead of us. Ten years ago there were only two reputable educational institutions conducting systematic studies of that vast panorama of the inexplicable known as parapsychology. Today there are over ninety of them, some pursuing their inquiries with the assistance of federal grants.

In contrast to that gesture of serious intent on the part of science, that investment in the possible as reality, look at the treatment rendered the subject of psychic phenomenon, parapsychology or whatever you want to call it in a cover story put out by one of the important news magazines recently.

Reporters were marshalled and rushed out in search of what's going on. Editors rolled up their sleeves, the date came gushing in, the rewrite men pounded their machines and then, suddenly, it seems, the magazine fell into a fit of embarassment. What the hell, it seemed to be asking itself, am I doing bothering with this stuff? It does not conform to my definition of what's real. The cover story that was finally produced dealt largely with the considerable amount of fakery and foolishness that is a part of the serious pursuit of parapsychological explanation. It was as if news magazine, seventy years ago, had started out to do a piece on the theories and experiments of those two bicycle mechanics from Ohio named Orville and Wilbur Wright and ended up publishing one hundred and eleven reasons why their damned machine would never get off the ground.

Obviously, the story was written that way because parapsychology at the moment is richer in possibilities than facts. Possibilities—however important they may be to the lives of people to whom we speak—are, by our habits of thought, relegated to the basement of journalism.

Perhaps the sleep labs are better examples of the real which we consider unreal. At universities in Scotland and the United States—indeed, in a Brooklyn hospital not five miles from where we sit tonight—science is hovering on the threshold of the last total wilderness accessible to man's redeeming curiosity—the inner terrain of his own mind. Unlike space, the terra of the human unconscious is really incognito. There are no maps. Unlike space which became a fact that enthralled us through a series of events starting with the Russian sputnik, the deep probe of man's unconscious with the tools and measuring devices of hard science has no events to proclaim its significance. To date there are also few facts which explain what goes on there.

And yet each of our lives is driven, shaped, and made wretched or glad by what happens in that unknown country. These olympic achievements of the human intellect which we reverse as culture, invention and artistry have their origins in that shadowed world. And now science—investigative science, not the speculations of Freuds, Jungs and Adlers—begins its voyage into that mysterious neighborhood of the human structure. In laboratories where it is forever night, where human minds busy themselves with the epic journey through the chartless landscape of sleep—science watches, records and, from its evidence, raises further questions.

The questions themselves postulate excitement and hope for every human life; they may even promise that further freedom which is better understanding of the self. Science now asks—is there something out there, something beyond the ken of our concious lives and intellects, which only the sleeper, unshackled as he is from the rhythm of the upper world, can perceive? Who dreams my dreams? What do I really say to myself when I close down the tyranny of my days and speak, asleep, in the timeless certitudes of archetype, myth and legend—those holistic jottings with which man has always mapped his true voyages and wanderings? What is that enigmatic gift which thunders in my unconscious, creating truth and realization which seem to come from nowhere? We call it intuition, but we don't know what it is. The facts of its creations lie before us—the volcano of Beethoven's torrential genius, the fact that Joann Sebastian Bach really was, in his exaltations, a witness to the miracle of Christ; the cosmic sanity of "King Lear" which erupted from so deep a level of Shakespeare's mind that it is entirely possible that he, himself, did not understand it.

All of that now lies before the possibilities of science. The possibilities themselves stagger the imagination and may wrench human experience around onto a new direction.

Not a bad news story—if news, importance and reality are better defined in terms of what's critical to human lives.

My argument is this: magic is abroad in the late twentieth century world—if magic is the doing of what we could not, heretofore, do, of knowing what was, before, unknown. There is magic in science, in the new revelations of art. Above all, the most daring of intellects are now, as never before, releasing themselves from the rigid and pristine proprieties of thought and ways of thinking. Truths which can assist us all in the entry upon a new renaissance of individual and social being swirl from the dust of this ancient world as our time treads the roads that man has always walked. In our stumblings there may be actual progress toward a new civility; the laboratories which create the immense possibilities of megadeath, also seek those new dimensions of our reality which will make for megalife. In terms of our new self-knowldege, the old question of who watches as the sparrow falls takes on a fresh validity.

We do not report much of the coming renaissance because of the skepticism which naturally rises from our fidelity to the scientific method. That is not to say that what we do report is not news, importance and reality. It is. And we report it well. But it is only a limited portion of what's going on, of what's important to the lives and visions to which we speak. In our confusion of events with facts and facts with truth we limit ourselves and, as a consequence, we limit our fellow citizens who, as the evening closes down the day, turn on the television set to get a reckoning of where we are now.

We really must liberate ourselves from the tyranny of events, from the thralldom of facts. Use events, base reportage on facts, yes, by all means. But use more. Look farther. Open the mind to possibility as news, to uneventful importance.

We must be arrogant enough to say, "There are things which are of vast importance to our lives. I cannot demonstrate them. But they may be true." Had other craftsmen not done that, we would never have known of the wondrous life that our brothers in time lived outside the caves of Lescaux, of how the hope and rage so familiar in the world's affairs are not all that new because they were seen long ago in the Peloponnesian war; of how man himself is the sum of the possibilities and damnation that wrapped the lives of the Brothers Karamazov. All of those beings and things are really parts of what we are now, of where the world is now. They were created to instruct us and to make us wonder because three great craftsmen who were better journalists than most of us may ever hope to be, set them down in great love that we might know of great events.

Henry Adams, who had the annoying habit of speaking of himself in the third person, wrote this of his obsession: "He graduated from Harvard College and spent the rest of his life in search of an education."

We laugh at that, it mocks the attempt to formalize the adventure of learning. But, as a prescription to our calling, there's something in it. None of us is really fit for that calling unless, upon graduation from Harvard, this esteemed institution or anywhere else, he spends the rest of his life in search of an education, in attuning himself to as much of the reality around us as his mind can absorb.

The true sum of human affairs is everything that takes place within human affairs. Since we propose ourselves as the relaters of those affairs to the human community, we must endeavor to grasp as much as we can. We cannot encompass it all, but it is more than we now say it is. Watergate, war, international economics, the politics of the City of New York and the fate of the latest kidnap victim are all news, all important, all real.

But out there also, sparrows are falling, dreamers dream and a computer is trying to reduce St. Thomas Aquinas's five demonstrations of God's reality to immutable numbers. If we liberate our minds, pursue our educations until we die and thereby, admit ourselves to a broader range of possibilities within the definitions of news, importance and reality, then we will do what we do better. What we do is to hold a mirror to the world's face and the reflection is broader than we now think.

That broadening is imperative to us if we are to faithfully serve the genius of the excellent profession of journalism.

The oldest cry of all echoes loudly in our dying century.

"Where am I now?" It pleads to know "What's going on?"

That is a statement of the earthly traveller's eternal problem and, as of now, we are not adequate to the reassuring business of offering an answer.

The genius of our calling demands that, in our own enlightenment, we become more adequate.

Because we are almost all that the traveler has.

EXPORT-IMPORT BANK RESPONDS TO CHANGING MARKET CONDITIONS

Mr. PACKWOOD. Mr. President, yesterday the Chairman of the Export-Import Bank, Bill Casey, announced the decision by the Board of Directors of the Bank to place future credit extensions by the Bank on a floating basis.

The proposal essentially will provide that future loans will be made at a rate of between 7 percent and 8½ percent. The Bank's former policy was to extend their portion of the direct credit on a flat 7-percent basis.

Another change that has been operating for the last couple of months has to do with the portion of a transaction that Eximbank will finance directly. Under present policy, the Bank will vary its participation in a transaction between 30 and 45 percent of the cost of American goods being exported. Coupled with this variable participation ratio will be continued urging by the Bank for private financial institutions to furnish credit on their own without an Eximbank credit guarantee.

Each of these factors will vary according to the precise needs of the specific transaction. The Bank's Board of Directors will apply their considerable knowledge and expertise on a case-by-case basis to determine the appropriate mix of interest rate, participation ratio, and term of the credit.

Frankly, Mr. President, I have some reservations as to the wisdom of the Bank's stated policy change. I fear that the increased interest rate, potentially coupled with a declining share of the total financing package, will lead to a substantial reduction in the ability of

American producers to meet the competition they face from foreign producers who receive a much more generous financial support package from their official export credit agencies. Time will tell on that point.

Nevertheless, I am impressed by the Bank's continuing willingness and ability to adapt their policies to reflect changing conditions in the marketplace for goods and credit. It is this flexibility that insures that the Bank will continue to operate in the dynamic and imaginative manner it has in the past.

Above all, I should think that the Bank's action yesterday, coupled with their unblemished record of the past, should be sufficient proof to dissuade critics from sponsoring legislation or amendments to legislation that would rob the Bank of the badly needed flexibility they presently have. To do so will result inevitably in the development of a moribund, unimaginative, stick-in-the-mud agency of which we frankly have entirely too many in the Federal Establishment today.

As the day draws closer when the Senate will be debating legislation to extend and amend the Export-Import Bank Act, I would sincerely urge my colleagues to study the record of the Bank very closely. Upon doing so, I am convinced that they will conclude, as have I, that there are very few agencies in the Federal Government that are more deserving of the continued support of the Congress than is the Export-Import Bank.

I BELIEVE IN AMERICA—BY BISHOP LOUIS E. GELINEAU

Mr. PASTORE. Mr. President, on July 4, 1974—at the town of Bristol's Fourth of July celebration—the Most Reverend Louis E. Gelineau, bishop of the Roman Catholic Diocese of Providence, R.I., delivered the principal speech which I should like to share with all the readers of the Congressional Record.

For this reason, I ask unanimous consent that the bishop's address be printed in the Record at this point.

There being no objection, the address was ordered to be printed in the Record, as follows:

I Believe in America

My dear friends . . . for my theme today, I have chosen the words of a man beloved by men of all faiths for his devotion to the ideals of this great Nation, in war and peace: the late Francis Cardinal Spellman of New York. During the dark days of World War Two, Cardinal Spellman, then Archbishop Spellman of New York wrote an American creed. I would like to share some of his words with you today as we celebrate the birthday of this great Nation:

"I believe in America. In her high destiny under God to stand before the people of the earth as a shining example of unselfish devotion to the ideals that have, under God, made us a great Nation; the Christian ideal of liberty in harmonious unity, 'builded' of respect for God's image in man, and every man's right to life, liberty and happiness. . . . I believe in America. Because I believe in God . . . I am confident of his merciful forgiveness of our national sins and his awareness of our national virtues . . . believing in God's providence, I am confident that this fair land . . . shall never lose its initial consecration to the common fatherhood of God, so that we and our children's children shall live in peace and harmony among ourselves and with our neighbors. . . ."

"Blessed is the nation whose God is the Lord" . . . thus the Bible tells us. Our great Nation was founded by people who sought to have the freedom to worship God as they wished. Our very purpose of national existence is set forth in the Pledge of Allegiance as "one nation under God". To be sure, this country has always sought to maintain a separation of institutional church and government of the secular society.

This separation has, no doubt, been healthy for all concerned. But yet, today, we are faced with a time of change, an age of uncertainty, distrust, and apathy in our Nation. At a time when, on the one hand, we should rejoice that the glimmer of peace has been seen in other lands, so long torn by the ravages of war, we see our own country beset by sinister growths of deceit, a slow cancer which eats away at our faith in government and its chosen administrators.

The forces of evil are portrayed daily in the mass media: kidnapping, extortion, political wrongdoing, the loss of moral values in general. Are we still, then, a nation under God.

As we pause today to remember those fearless men who rose up against tyranny to set forth the principles of democratic freedom, we must ask ourselves, "Have we lived up to their dream?" "How have we as Americans treated the heritage left us by our forefathers who, in the interest of liberty and justice, formed the American Nation?"

Sadly, for many of us, the traditional concepts of those early days are gone. The refuge we once found in family and other community relationships is a fading concept.

The technology of our urbanized society, with mass transit and instantaneous communications, have changed the scope of our lives beyond our control. Many of the old ethics and values held so dear are threatened by new ones. It seems, today that everyone wants to "do his or her own thing."

In other words, self expression and individualism at all costs: at the expense of the familiar disciplines of family, school, church and community.

Perhaps the basic ethic of the "new morality" is that the individual owes little or nothing to either traditional authority or values. Rather, one's only obligation is to his or her own desires.

For example, I call your attention to a recent story in the press about the flourishing new business of producing college theses and term papers, available for sale to the thousands of students who practice cheating.

Wholesale cheating in college examinations has left many schools to the abandonment of any pretense of an honor system. And what of the lessening of sexual values on the part of many young people today? Perhaps the greatest threat of all is the lessening of the value of the family unit, mother and father, husband and wife, parent and child.

The concept of the home, held for centuries as the most sacred of all human relationships, is threatened so very seriously today.

Equally dangerous is the tendency of so many of us to sit by the side of the road and heap self-criticism upon our Nation, its leaders and our way of life. Many would say: "Religion is irrelevant" . . . "Democracy is a sham" . . . "America is materialistic, racist, and selfish." There is nothing wrong, of course with criticism, provided it is well directed and well balanced.

It may be, however, that in our concern for the present and its problems . . . the uncertain peace in the Middle East, inflation, Watergate, and so on . . . that we are losing a proper perspective of history.

This is not the first time that our Nation has been beset by problems which, at first glance, seem to be insurmountable. Through the mirror of history, we can see "how far we have to go," balanced against the satisfaction of seeing "how far we have come" along the path of human struggle and progress.

But one thing stands above all: Our forefathers have given us a faith: A faith in the concept of a form of government and free enterprise which has made this Nation the envy of so many other nations in the world.

Strong men have given their lives, made great sacrifices, to bring us to this point in time. Their heritage of freedom under God is passed down to us today with a duty and obligation to see that our Nation continues to grow and prosper, not so much in terms of wealth, but in terms of moral strength and ideals.

This concept of freedom under God cannot survive as a mere intellectual expression. We must seek to rediscover the faith of our fathers: A dynamic and witnessing faith in God, His justice, His wisdom and His love, which is imperative, not only for our time, but for all ages. Freedom under God is not permanently secured. It is maintained only with great personal responsibility and dedication. It is only one generation away from extinction at all times.

It must be won, understood, guarded and enriched in each age. We must renew our confidence in our values of America, and we must put this confidence to work to destroy the creeping apathy which would devour us.

We must do battle with those forces which, if unchecked, would bring this Nation to ruin. Do power groups have vested interests in our Government? Is our crime rate too high, our moral value too low? In our zeal to protect the rights of the accused, have we compromised the rights of the innocent? These are the issues to which we must address ourselves in the light of God's mercy, and wisdom. We must seek his guidance in their solution. But we must not expect that he will lead us.

His guidance and love will be there, as it has always been, but it is up to us to rekindle the fires of faith and hope that are so sorely needed today. There are those who say that this country is headed down the road to ruin. That is not the case. We have in our hands the power to shape history, and shape it we *must*, into a spirit which will turn the apathy of today into the strength and vitality of a society which embodies pride in Government, trust in one's fellows, and most of all, hope in God.

How shall we overturn those seeds of indifference? By getting involved. Getting involved in a movement of decency, honor and character, directed against those forces which have turned against our Nation's heritage.

Voice your determination to others. Let them know what you stand for. The basic will is still burning beneath the surface of our tarnished society. Thoughtful people will come forward. The late President Harry S. Truman once said, "We must hold fast to our heritage as free men. We must renew our confidence in one another, our tolerance, our sense of being neighbors; fellow citizens, our ultimate strength lies not alone in arms, but in the sense of moral values and moral truths that give meaning and vitality to the purposes of free people. These values are our strength, and our indomitable determination."

Yes, my dear friends, if we are to keep America as the country we have loved and cherished, we must work as one people. Work, not for the material pleasures which we all enjoy, to be sure; but work for a spirit of unity and faith, a spirit of community, a spirit of love.

If we are to foster a renewed sense of freedom under God, then we must couple this sense of freedom with a strong sense of religious faith. A strong faith will serve to remove the spirit of apathy and timidity with which we view the world around us. A strong faith in God will transform us from a mood of indifference into a life of active conviction.

Let us seek within this life to foster social justice for all men, enlarge the hopes of our youth, dissolve fear, and seek to develop the untapped resources of our democracy with a faith in those concepts which freedom was fought for and founded in America.

With a unity of purpose and a renewed faith in God, we can eradicate the forces of self-interest, materialism, and faithlessness from our Government, our communities, our daily business life, and our families, and in short, whenever and wherever we detect the influences of those forces of evil.

Here in Rhode Island we are at the edge of new developments which, we hope, will bring new prosperity and security to our State. Rhode Island has been traditionally a place of religious and political freedom. Our fathers gave us much in terms of heritage and values which we may execute today in search of a better world, a more stable society.

Let us seek to emulate those courageous men and women who walked so long ago upon the ground on which we stand today. May their courage stand as an inspiration for us in the future as we seek to revitalize our American spirit, to renew our heritage as "one Nation under God, indivisible with liberty and justice for all." With pride in the accomplishments of the past, with determination to correct our failings, and with hope for a bright future, each of us can take part in this Nation's birthday, as the Nation today might say: "I am the Nation".

I was born on July 4, 1776, and the Declaration of Independence is my birth certificate. The bloodlines of the world run in my veins, because I offered freedom to the oppressed. I am many things, and many people. I am the Nation.

I am over 250 million living souls and the ghost of millions who have lived and died for me.

I am Nathan Hale and Paul Revere. I stood at Lexington and fired the shot heard round the world. I am Washington, Jefferson and Patrick Henry. I am John Paul Jones, the Green Mountain Boys and Davy Crockett. I am Lee and Grant and Abe Lincoln.

I remember the Alamo, the "Maine" and Pearl Harbor. When freedom called, I answered and stayed until it was over, over there. I left my heroic dead in Flanders Fields, on the Rock at Corregidor, on the bleak slopes of Korea and in the steaming jungle of Vietnam.

I am the Brooklyn Bridge, the wheat fields of Kansas and the granite hills of Vermont. I am the coalfields of the Virginias and Pennsylvania, the fertile lands of the West, the Golden Gate and the Grand Canyon. I am Independence Hall, the "Monitor" and the "Merrimac."

I am big. I sprawl from the Atlantic to the Pacific . . . My arms reach out to embrace Alaska and Hawaii . . . 3 million square miles throbbing with industry. I am more than 5 million farms. I am forest, field, mountain and desert. I am quiet villages . . . and cities that never sleep.

You can look at me and see Ben Franklin walking down the streets of Philadelphia with his breadloaf under his arm. You can see Betsy Ross with her needle. You can see the lights of Christmas, and hear the strains of "Auld Lang Syne" as the calendar turns.

I am Babe Ruth and the World Series. I am 13,000 schools and colleges; and 320,000 churches where my people worship God as they think best. I am a ballot dropped in a box, the roar of a crowd in a stadium and the voice of a choir in a cathedral. I am an editorial in a newspaper and a letter to a Congressman.

I am Eli Whitney and Stephen Foster. I am Tom Edison, Albert Einstein and Billy Graham. I am Horace Greeley, Will Rogers and the Wright brothers. I am George Washington Carver, Daniel Webster and Jonas Salk.

I am Longfellow, Harriet Beecher Stowe, Walt Whitman and Thomas Paine.

Yes, I am the Nation and these are the things that I am. I was conceived in freedom and, God willing, in freedom I will spend the rest of my days.

May I possess always the integrity, the courage and the strength to keep myself unshackled, to remain a citadel of freedom and a beacon of hope to the world.

This is my wish, my goal, my prayer in this year of 1974 . . . one hundred and ninety-eight years after I was born.

CAPTIVE NATIONS WEEK

Mr. BUCKLEY. Mr. President, since Public Law 86–90 was passed in 1959, the third week in July has been set aside as Captive Nations Weeks, dedicated to the commemoration of the fate of the millions of people denied basic human rights by Communist oppression. It so happens that this year the Government of the United States can help to alleviate the suffering of those in Eastern Europe who are now under Communist control.

The 35-nation Conference of Security and Cooperation in Europe, which opened in Helsinki nearly 1½ years ago, presents a unique opportunity for our Nation to help the captive nations.

The difficult—but basic—question confronting the 35 nations at the conference is this: Is it possible to establish a permanent structure for long-term cooperation and security among the nations of Europe without at the same time agreeing to the principle of self-determination for the peoples of Eastern Europe? In short, has not the time come for a candid and full discussion of the fate of the Captive Nations?

The Western nations, including our own, have agreed in principle that freedom of information and a free exchange of views are absolutely necessary to any lasting policy of security in Europe. It is at this point we come upon what might be called the chicken-and-egg problem: does freedom of information come about only from a previous lifting of political repression, or does the lifting of such repression come as a result of an evolutionary process begun by increased freedom of information? There are solid arguments on both sides. One thing, however, is clear: freedom of information and political freedom are directly and irrevocably linked. You cannot demand one without implicitly accepting the inevitability of the other. Perhaps at this point it might be useful to introduce into the RECORD remarks made by Western foreign ministers at the Helsinki talks held 1 year ago. To list only a few:

France's Foreign Minister Jobert stated:

> We believe that peace is achieved by the exchange of ideas and goods, by free circulation movement of individuals, as well as by their free self-determination.

British Foreign Secretary Douglas Home said:

> If our Conference is to be about people, and about trust, then it is essential that we should do something to remove the barriers which inhibit the movement of people, the exchange of information and ideas.

West Germany's Foreign Minister Scheel said:

> Who does not observe everywhere in Europe today the urge for more contacts, more information, more meetings? People wish to partake at long last in their daily lives of the fruits of detente, to feel these fruits with their hands. . . . We must make it clear that detente implies an improvement in human contacts. The inviolability of frontiers only assumes its full meaning if frontiers do not disrupt natural ties, and if it is possible to maintain and establish contacts across frontiers.

The then-Secretary of State William Rogers stated at that time:

> Of paramount importance (are) . . . human contacts, the freer dissemination of information and the broadening of cultural and educational cooperation. . . .

Mr. President, there is an aphorism that states a logical truth: he who says "A" must say "B." Anyone who states that freedom of information and the free exchange of ideas are necessary to security must logically conclude that such freedom is linked to an even more basic freedom: the freedom of self-determination of the peoples and the nations of Eastern Europe. Inexorably, the idea of freedom for the Captive Nations has become not merely a desirable idea but a realistic necessity for world peace and security.

When we discover that all of the Western nations have stated, through their foreign ministers, that freedom of information is absolutely necessary to avoid war—then the time has come to face the fact that such freedom—and thus the safety of hundredss of mililons of human beings—depends upon acceptance of the universally recognized right of each nation to choose its own path, to determine its own goals, and to exchange its own ideas and information—not the ideological dogmas of the group who happens to be holding power—with other nations.

The time has come, in short, to recognize the inescapable logic of the Western position as demonstrated in the Helsinki talks. There can be no security without freedom of information and ideas. There can be no freedom of information and ideas without a lifting of the internal repression in the captive nations. There can be no lifting of the internal repression without an acknowledgment on the part of all the signatories of the Helsinki talks that self-determination is a legitimate and necessary goal.

Mr. President, we in the West have, in effect, said "A." The time has come, I believe, to say "B." I therefore propose that in the Conference of Security and Cooperation in Europe, our own Nation lead the way in making it clear to the Soviet Union that there can be no true détente, no real security unless the issue of self-determination for the captive nations is frankly, fully, and openly discussed as a legitimate concern of the conferees. The people of the captive nations and the security of the world deserve no less.

ALBERTA KING—A TRIBUTE

Mr. CRANSTON. Mr. President, in the past I believe most of us thought of Alberta King simply as the mother of one of our greatest champions of civil rights, Martin Luther King, Jr. Now, when her tragic death focuses our tardy thoughts on Alberta King, the woman, we realize the impact that her life of quiet inspiration had on her son, her husband, and the entire civil rights movement.

Martin Luther King, Jr., was—in his own terms—a drum major for justice, for peace, and for righteousness. But the orchestration which inspired him during those hard, weary years came from a deeper source, to whom his mother was a devoted witness.

There can be no greater sorrow in the life of any parent than to bury his or her child. At the time of Martin Luther King's death, I am sure Alberta King reflected upon her son's accomplishments, goals, and dreams for a world of peaceful coexistence. For Alberta King, her son was gone. But the work to which he devoted his life remained to be completed.

The highest human instincts have a life of their own—a momentum beyond physical laws which the faith of Alberta King exemplified. As Dag Hammarskjold so poignantly expressed:

> Keep alive the incentive to push on further, that pain in the soul which drives us beyond ourselves.

Now Alberta King is gone. Dr. Martin Luther King, Sr., is left to preach about love, peace, and brotherhood in the Ebenezer Baptist Church. And the cause lives on. None of us should rest until we have achieved those goals for which mother and son labored so passionately.

THE DEATH OF DEL WEBB

Mr. FANNIN. Mr. President, Arizona and America lost a great citizen in the passing of Del E. Webb.

Del Webb was one of the most remarkable men I have had the good fortune to know.

Beginning as a carpenter in Phoenix in 1928, Del Webb built one of the Nation's largest construction companies. His life was affirmation that the American dream can and does come true, that hard work, dedication, and perseverance do have awesome rewards.

His secret of success was simple: he observed the needs of the people in Arizona and around our country, and he provided the product to meet these needs. He provided the homes, the offices, and other facilities which are necessary for the people.

Even in his affiliation with organized baseball he gave our Nation what we needed: an enormously successful team to respect and admire. It is not surprising to those of us who knew him that Del Webb was a principal owner of the New York Yankees during the postwar period when that team was at the pinnacle.

Mr. President, Del Webb has passed on but there are many monuments to him across this country. Last week the Arizona Republic and the Phoenix Gazette had editorials paying tribute to this great man, and I ask that these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, July 5, 1974]

THE DEL WEBB STORY

Del Webb, who died yesterday at the age of 75, was a man who walked with kings but never lost the common touch. His biography in "Who's Who in the West" reports that he was a carpenter in Fresno from 1917 to 1926 and in Phoenix during 1927 and 1928. Not many tycoons are likely to recall such humble beginnings.

Webb also was proud of the fact that he played professional baseball to augment his income from 1916 through 1926. After a stay in the hospital he combined the technical skill of a carpenter with the competitive drive of a baseball player and went into business as a building contractor. The rest is history.

He built great resort hotels, planned and constructed fine office buildings, was part owner of the New York Yankees baseball team, erected employe housing at the Houston space center. His company became a multimillion-dollar corporation, listed in the New York Stock Exchange.

But nothing in his career, he told the Phoenix Rotary Club in 1973, gave him more satisfaction than creating the retirement community of Sun City.

"When residents who have come to Sun City tell me how happy they are to live there, to play golf and to enjoy the Arizona sunshine, it makes me feel good," he said.

Now boasting a population of 30,000, Sun City may well provide a "new way of life" for 100,000 retirees in the decades ahead. The current investment in Sun City totals $500 million, and the spendable income of Sun Citians is estimated at $175 million a year. The benefits to Arizona's economy are obvious.

Del Webb was a personal friend of President Franklin D. Roosevelt and hobnobbed with business magnates, governors and members of Congress. He knew scores of prominent athletes. He was a Democratic Party member, who took a keen interest in politics.

But his main interest was in people. Whether they lived in the White House, spent their time on a baseball diamond, or bought his houses in Sun City wasn't really important. What they thought and how they reacted was important to Webb.

The Del Webb Corp. has had its ups and downs. Once Webb was asked to contribute to a local museum.

"Last year we were on our backs," he answered. "This year we are on our knees. Next year we will be on our feet. Come and see me then."

The solicitor returned a year later and received a substantial contribution from a man who knew a city needs museums and schools and hospitals as well as hotels and apartment houses and office buildings. It is to his credit that Del Webb helped Phoenix acquire both.

DEL E. WEBB BUILDING GIANT

"I just apply baseball to business and it works."

That was the explanation once given by Del E. Webb for his remarkable success as a builder and entrepreneur.

Considering that Webb, who died July 4, quit school at 16 to work as a carpenter and to play semi-professional ball on weekends, his testimony to the value of team sport experience is an impressive one.

But, of course, there is more to the Webb success story than that.

For one thing, Webb caught the wave of Arizona's phenomenal growth and made the most of it. At the age of 25, after an injury and illness forced him to give up baseball, he moved to Phoenix and got a job as a carpenter with a small contractor.

The contractor left Webb in the lurch. Webb took over completing construction of a small grocery store and thus, in 1928, was founded the Del E. Webb Construction Co., today one of the nation's largest construction firms.

His interest in baseball and golf, along with his farflung business activities, made Webb a national and even international business figure.

As far as Arizona is concerned, Webb's renown is centered mainly on his development of Sun City, the community for "lively adult living" now numbering about 32,000 residents and destined to grow to more than 50,000.

With the creation of Sun City, Webb set a pattern and an image for Arizona as a people-magnet state, drawing new residents from far and wide.

Arizona's great growth hasn't just happened by accident. It has been in large measure the result of vigorous promotion of the area as a wonderful place to live, and a great share of that promotion must be attributed to the modern pioneering efforts of this building giant.

In accordance with his instructions, Webb's ashes are to be spread over Arizona. They will not begin to make the impact, even symbolically, that the legacy of Webb's economic and social contributions will continue to make on Arizona for years to come.

THE DEATH OF FORMER SENATOR ERNEST GRUENING

Mr. KENNEDY. Mr. President, it was with great sadness that I learned just before the recess, of the death of my dear friend and former colleague, Ernest Henry Gruening. Although the disease of cancer finally ended Ernest Gruening's vigorous life, he exemplified until the very end the lines of Dylan Thomas he loved so much:

Do not go gentle into that good night,
Old age should burn and rave at close of day,
Rage, rage against the dying of the light.

However it was throughout his dynamic and forceful life, not just at the end, that he raged. The quality I admired most about Ernest Gruening was his spirit of genuine enthusiasm, loyal dedication, and personal involvement in every principle he fought for and every matter he dealt with since the beginning of his career as a reporter for the Boston Herald.

As I think back on all of his achievements here in the Senate, it strikes me how much ahead of his time he was. Although the social mores and values of our country have undergone a change, there was a time when it was not in vogue to support social justice and the rights of minorities; or to attack large private power interests; or to pursue the cause of population control and the rights of women; or to oppose the war in Vietnam. Yet, Ernest Gruening, sometimes without the aid of one other Senator, fought for the causes in which he believed. He symbolizes the man Thoreau spoke of when he said:

> If a man does not keep pace with his companions, perhaps it is because he hears a different drummer. Let him step to the music he hears, however measured or far away.

And the music to which Ernest Gruening stepped was the wisdom and knowledge a few years would bring.

Ernest Henry Gruening was a man of principles. On March 10, 1964, in protest against the U.S. intervention in Vietnam, he declared:

> I consider the life of one American boy worth more than this putrid mess. I consider every additional life that is sacrificed in this forlorn venture a tragedy. Someday—not distant—if this sacrificing continues, it will be denounced as a crime.

In the next few years, Senator Gruening's prescience was vindicated as more and more Americans began to comprehend the horrible reality of the war.

During his passionate liaison with Alaska, Ernest Gruening led the fight for her statehood. He was instrumental in the expansion of air transportation in and throughout Alaska, and also in the development of the Alcan Highway. As one of her first two Senators, Ernest Gruening demonstrated his captivation with Alaska by vigorously supporting every endeavor that would strengthen and advance his beloved adopted State.

Since the time I first met Ernest Gruening, I have admired and respected him as an able and determined man. He knew what he wanted and he pursued his ideal in a persistent manner. He was never one to lower his standards or to compromise his principles. "For," as Adlai Stevenson once said, "it is often easier to fight for principles than to live up to them." Ernest Henry Gruening embodied both of these abilities. We shall be the poorer without him.

To his wife, Dorothy, and his son, Huntington Sanders, I offer my deepest sympathies.

Mr. President, I ask unanimous consent that the obituary of June 27 and the editorial of June 28 which appeared in the Washington Post, and Senator Gruening's first major Senate speech on the war, of March 10, 1964, may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ERNEST HENRY GRUENING

For its rich variety and vigorous dedication to principle, few careers in American public life compare with that of former Sen. Ernest H. Gruening, the Alaska Democrat who died on Wednesday at the age of 87. He is best remembered for his vigorous advocacy of statehood for Alaska and for his early opposition to American involvement in the war in Indochina. He and former Senator Wayne Morse were twice the sole opponents of crucial Senate action that helped move this nation further into that tragic conflict.

The vigorous and active later years of his life exemplified the lines of Dylan Thomas that he loved so much: "Old age should burn and rave at close of day." Yet they were only the continuation of a career always remarkable for its versatility and for the fidelity it revealed to certain ideas. Born in New York City, Mr. Gruening went on to Harvard with the intention of following the footsteps of his father into medical practice. He finished medical school, but gave up his internship for a chance to become a journalist. He wrote criticism and editorials before becoming, at age 27, managing editor of the Boston Traveler. One of his contributions to American journalism in that job was to change the policy of designating the race of persons in the news. His was one of the first major metropolitan newspapers to take that step. He moved on to The Nation magazine, reported on the Mexican war and eventually became director of the new Division of Territories and Island Possessions in 1935.

That was the beginning of his love affair with Alaska, to the development of which he made incalculable contributions. As the appointed governor, he was instrumental in the development of the Alcan Highway, and he ran afoul of the absentee exploiters of Alaska's resources by subjecting them to taxation.

He worked for statehood after the Alaskans elected him as unofficial "senator," a capacity in which he lobbied vigorously. When that battle was finally won in 1958, he went home and was elected one of Alaska's first two senators. He worked for the statehood of Hawaii and was proud of the day the Senate took that vote. It was his opposition to the war in Vietnam that marked the last of his Senate service. He opposed our involvement in the war at every opportunity. His party turned him out in the primary of 1968, but Mr. Gruening continued to speak out on the war, on the need for population control and on the key political issues of the moment. His was a rare, determined and consistent life, full of the spirit that keeps people young at any age.

[From the Washington Post, June 27, 1974]

SENATOR ERNEST GRUENING, FATHER OF ALASKA STATEHOOD

(By Jules Witcover)

Ernest H. Gruening, generally regarded as the father of Alaska statehood, one of its first two U.S. senators and among the earliest and strongest voices raised in the Senate against the Vietnam war, died yesterday evening at 87.

Sen. Gruening died at 6:20 p.m. at Doctors Hospital, where he had been undergoing treatment for cancer.

In a career that started with formal training to be a doctor, Sen. Gruening was in turn a newspaper reporter and editor, magazine editor, foreign correspondent, author, historian, publicist, diplomat, territorial governor and lobbyist before entering the Senate in 1959.

In his two terms, he was one of the Senate's most outspoken liberals, a pioneer in the fields of birth and world population control, and one of its two most steadfast and bitter foes of U.S. intervention in Vietnam.

He was probably best known for his vote, along with fellow Democratic Sen. Wayne Morse of Oregon, against the Gulf of Tonkin resolution of August, 1964, that President Lyndon B. Johnson used as blanket authorization to escalate U.S. involvement in Southeast Asia.

Ten months earlier, in October, 1963, he criticized on the Senate floor the "sheer hypocrisy" of sending 12,000 U.S. troops into Vietnam and calling them "technicians." On March 10, 1964, he made the first major Senate speech calling on the United States to get out of Vietnam. In it, he decried the loss of American lives "in seeking vainly in this remote jungle to shore up self-serving corrupt dynasts or their self-imposed successors," and declared:

"I consider the life of one American boy worth more than this putrid mess. I consider every additional life that is sacrificed in this forlorn venture a tragedy. Some day—not distant—if this sacrificing continues, it will be denounced as a crime."

To the last, Ernest Gruening was an outspoken battler for the causes he espoused and an uncompromising critic of his political foes.

From his bed at Doctors Hospital in early June, he followed the progress of the impeachment inquiry against President Nixon in the daily newspapers and discussed it vigorously and with a sense of outrage with callers. He insisted not only that the President should be impeached, but that he should be convicted of high crimes and misdemeanors, thrown out of office, then prosecuted as a citizen, convicted again and put in jail as an example that American justice still worked.

He embraced and lived the admonition of the Welsh poet, Dylan Thomas, that the elderly not let their lives trickle out meaninglessly and obediently:

"Do not go gentle into that good night,
"Old age should burn and rave at close of day;
"Rage, rage against the dying of the light."

Ernest Henry Gruening raged in his youth, his middle age and at the close of his days in as varied a public career as any man who ever sat in the United States Senate. His colleague and friend, Sen. Hubert H. Humphrey, once called him "the 20th century Benjamin Franklin," but he might have compared him to the versatile Thomas Jefferson as well.

Born in New York City on Feb. 6, 1887, to Emil Gruening, a prominent eye and ear surgeon, and Phebe Fridenberg Gruening, he attended local schools and then Harvard, planning to follow his father into medicine. He received a bachelor of arts degree in 1907 and then entered Harvard medical school.

But a doctor's life did not appeal to him; he was already a young man of broad interests in public affairs, literature and people, and those interests, and some of his friends, pulled him inexorably toward the newspaper business.

His best friend, Earl Derr Biggers, later the author of the Charlie Chan detective stories, was drama critic for the Boston Traveler, and on nights when there was more than one opening, Biggers asked Sen. Gruening to review one for him.

While still attending medical school, Sen. Gruening took a job on the Boston American for $15 a week, giving up an internship at the Boston City Hospital. On his father's advice, he later went back and finished school, receiving his doctor of medicine degree in 1912, but he never practiced—nor regretted not having done so.

In 1913, he joined the Boston Herald as a reporter, rewrite man and copy editor, and a year later, after the Herald was absorbed by the Boston Traveler, became an editorial writer and then the Traveler's managing editor at the age of 27.

His championing of social justice and the rights of minorities was manifested in one of his first directives to the staff. He ordered that identification of individuals by race be dropped unless "it is of particular and special interest and when the story is manifestly incomplete and inaccurate if the color of the person involved is concealed." The Traveler became one of the first metropolitan newspapers in the country to adopt such a policy.

Sen. Gruening also clamped down on a practice of granting favorable theater reviews in return for advertising. Later when he moved to the Boston Journal as managing editor, he successfully fought efforts by major advertisers in the city to control the paper's editorial contents.

When the United States entered World War I in 1917, Sen. Gruening came to Washington to help organize the bureau of imports of the War Trade Board. After a brief time as managing editor of the New York Tribune, he enlisted in the Army, rejecting a medical commission and instead went to field artillery officers' training at Camp Zachary Taylor, Ky., where he was a candidate for an Army commission when the war ended.

Next he became business manager of the Spanish language newspaper La Prensa for a year, helping to convert it from a weekly to a daily, and then in 1920 became managing editor of The Nation, where he recruited such writers as H. L. Mencken, Dorothy Canfield, Sinclair Lewis, Willa Cather and Theodore Dreiser.

At The Nation, Sen. Gruening wrote articles and editorials attacking U.S. military intervention in Haiti, the Dominican Republic and Nicaragua, helping to trigger a Senate investigation in which he was invited and agreed to participate on the scene.

He also wrote articles critical of U.S. policy in Mexico, where 10 years of revolution had brought much foreign exploitation and internal political turmoil.

In 1923, he resigned from the magazine and went to Mexico on a reporting assignment for Collier's Weekly and The Nation. From that experience and extensive reading, he wrote "Mexico and Its Heritage," published in 1928 and called by the New York Herald Tribune "the most vigorous, useful, and comprehensive picture yet made of the complex present-day conditions below the Rio Grande."

In 1963, he received the Order of the Aztec Eagle, the Mexican government's highest decoration, for the book, which the then Mexican ambassador to the United States, Antonio Carrillo Flores, called "the best book written by a non-Mexican about my country."

Meanwhile, Sen. Gruening continued freelance writing, taking time out in 1924 to serve as director of national publicly for the presidential campaign of the progressive candidate, Robert LaFollette of Wisconsin.

In 1927, he helped found and became the first editor of the Portland, Maine, Evening News, and in five years built it into a crusading liberal newspaper. His major battle fought and won there was the blocking of a private power empire's effort to reverse longtime Maine policy and export the state's water power. Later he wrote a book attacking private-power interests, "The Public Pays," published by Vanguard Press in 1931.

In 1933 Senator Gruening returned to the editorship of the The Nation, making regular trips to Washington to report on the New Deal of the new President, Franklin D. Roosevelt. Aware of Sen. Gruening's experience in Latin America, Roosevelt appointed him an adviser to the U.S. delegation at the Seventh Inter-American Conference in Montevideo at which the FDR "Good Neighbor" policy long sought by Sen. Gruening was formulated.

After a brief and contentious tenure as editor of the New York Post, in which he fought with the owner over suppressed stories, Sen. Gruening received a second appointment from FDR, one that was destined to have the greatest impact on his life and on his role in American political affairs. He was named director of a new Division of Territories and Island Possessions in the Department of the Interior, with jurisdiction over Hawaii and a host of small Pacific Islands, Puerto Rico the Virgin Islands and Alaska.

After more than a year of concentrating his attentions on the severe poverty problem in Puerto Rico, Sen. Gruening made his first trip to Alaska in 1936. He became immediately enamored of the place, but was struck by its inaccessibility.

He pioneered in expanding air transportation to and throughout Alaska and in the eventual construction of the Alcan Highway, linking the territory through Canada with the United States, or "the lower 48" as it was called in Alaska.

Throughout his tenure, Sen. Gruening was involved in a running battle with Secretary of the Interior Harold L. Ickes, but in 1939, apparently against Ickes' wishes, Roosevelt appointed him governor of Alaska. He immediately won approval of a new system of taxation that outraged absentee exploiters of the territory's raw materials, particularly the large salmon industry, but helped launch development of improved school and public services.

He successfully waged a campaign against discrimination against native Alaskans in eating places throughout the territory, and throughout World War II oversaw the influx of military and governmental installations that in 1945 provided the base and population for a postwar boom.

Sen. Gruening served nearly 14 years as territorial governor and capped his tenure as leader of the fight for Alaskan statehood. He personally sought to educate editors, members of Congress and fellow governors about the territory's readiness for statehood—its citizens approved a referendum in 1946—and spoke and wrote extensively about Alaska.

In 1954, his book, "The State of Alaska," chronicled the territory's history since its discovery in 1741, and in 1956 the voters of Alaska, to nudge Congress, elected him unofficial "senator" to lobby for statehood in Washington.

Sen. Gruening undertook the assignment with vigor and conviction, bombarding congressmen and senators with statistics and other information about Alaska and arguing that it had great growth potential that needed statehood to realize. He persuaded Edna Ferber to write a novel about Alaska, called "Ice Palace," that later was called by Clifton Fadiman "the Uncle Tom's Cabin for Alaska." In June, 1958, Congress voted statehood.

Two months later, Sen. Gruening was nominated in the Democratic primary to be one of the new state's first two senators, and he won in the fall, beating Republican Mike Stepovich. He was an indefatigable campaigner, as one voter found out when he told the candidate that "I'd sooner vote for the devil."

Sen. Gruening replied, "You know, he'd be a tough guy to beat. But if he decides not to run, do you suppose you could switch to me?"

The voter eyed him for a moment, then said, "Why you SOB, I might vote for you yet."

Even before he entered the Senate, Sen. Gruening had also been a staunch advocate of Hawaiian statehood, and he continued the effort there. He was on the Senate floor in March, 1959, when the Senate voted to make Hawaii the 50th state.

In two terms in the Senate, Sen. Gruening compiled a strong liberal and civil rights voting record, generally aligning himself with Northern Democrats, and was a leader in pressing for expanded federal research into birth control methods, an interest he pursued after he left the Senate.

But it was his outspoken early stand against the war in Vietnam that highlighted his Senate service. He and Morse were the only senators to vote against appropriations bills for Vietnam in 1965, as well as casting their lonely votes against the Gulf of Tonkin resolution.

Sen. Gruening continued his opposition to the war in the Senate until he lost the Democratic primary in 1968 in his bid for a third term, and thereafter as a private citizen. He backed and campaigned for Sen George McGovern (D-S.D.) in the New Hampshire primary of 1972 and later in the general campaign against President Nixon.

In his last years, Sen. Gruening pursued the cause of population control and of the rights of women, testifying on the abortion issue before a Senate subcommittee in 1974. He also appeared on television shows, calling for the impeachment of Mr. Nixon.

In his autobiography, "Many Battles," published in late 1973, Sen. Gruening wrote: "Whatever his part in Watergate, Nixon's undeniable guilt has been his attempted and partly successful subversion of our free society into a police state . . . I intend to devote my remaining years, however few they may be, to exposing this sinister subversion, to alerting my fellow countrymen, and to trying to help restore the America that has been and has served us so well."

Sen. Gruening is survived by his wife, the former Dorothy E. Smith, of the home, 7926 West Beach Dr. NW., and a son, Huntington Sanders Gruening, of Federal Way, Wash. Two other sons, Ernest J. and Peter Brown, are deceased.

THE UNITED STATES SHOULD GET OUT OF VIETNAM

Mr. GRUENING. Mr. President, the mess in Vietnam was inherited by President Johnson.

Over 10 years ago, after a careful study of the situation in Indochina, a report was made to the Senate outlining the following conditions for success in that troubled area of the world:

"The basic problem which confronts all three governments and particularly that of Vietnam is to put down firm roots in their respective populations. They will be able to do so only if they evolve in accord with popular sentiment and they deal competently with such basic problems as illiteracy, public health, excesive population in the deltas, inequities in labor, and land tenure, and village and agricultural improvements. Finally, it is essential that there be a constant rising of the ethical standards of government and a determination to use the armies, now in the process of formation, strictly for national rather than private purposes. Failure in these fundamental responsibilities of self-government will result in the achievement of the shadow rather than the substance of independence. It could also mean the rapid reduction of the three nations to chaos and the subsequent intrusion of some new form of foreign domination from close at hand."

The date of that report was October 27, 1953, over 10 years ago.

The person making the report was our very able and distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], whose knowledge of that area of the world is most extensive. With respect to South Vietnam, the recommendations of the Senator from Montana, were prophetic, but they went unheeded.

History shows that the major causes of the deterioration, not only of the U.S. position, but also of the position of the South Vietnamese governments, have been actions by the South Vietnamese government contrary to the advice offered by the distinguished majority leader 10 years ago.

The war in South Vietnam is not and never has been a U.S. war. It is and must remain a fight to be fought and won by the people of South Vietnam themselves. The will to fight and win must come from the spirit of the South Vietnamese. The United States cannot instill that will in them.

For 14 years now the United States has helped the South Vietnamese with men, money, and material in generous amounts. I ask unanimous consent that there be printed at this point in my remarks a table showing the amounts of aid loaned or granted for this area over the years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. MILITARY AND ECONOMIC AID TO LAOS, CAMBODIA, AND SOUTH VIETNAM, FISCAL YEARS 1954 TO 1963, INCLUSIVE

[In millions of dollars]

Year	Laos	Cambodia	South Vietnam
1954			0.1
1955	40.9	38.2	325.8
1956	76.5	70.8	383.6
1957	48.7	55.3	391.6
1958	36.9	36.1	242.0
1959	32.6	29.6	249.0
1960	55.5	26.0	251.4
1961	64.2	28.1	209.6
1962	64.1	39.9	287.2
1963	36.8	29.2	208.1

Mr. GRUENING. Why have these been unavailing in bringing security to South Vietnam from the Communist-led attacks of the Vietcong? As Sam Castan, Look senior editor, wrote on January 28, 1964:

"But in spite of our noble intent, our massive aid and all the small acts of selfless heroism our men have performed in its behalf, South Vietnam's path to peace is cluttered by the debris of mistakes that America either made or endorsed."

I ask unanimous consent that the entire article by Mr. Castan entitled "Vietnam's Two Wars" be printed in full in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. It is to the past then, rather than to the events of recent days and months, that we must look for the answer to the "why" of the present dilemma of the United States in South Vietnam.

When President Eisenhower took office in January 1953, the war in Indochina was not going well. It was a French war, fought with French troops as well as the troops of Laos, Cambodia, and Vietnam. U.S. military and economic aid had been going to the French in ever-increasing amounts as the drain of maintaining a fighting force of a quarter of a million men and of supporting three Indochinese national armies numbering 120,000 men increased.

In reviewing the situation on January 27, 1953—6 days after taking office—Secretary of State John Foster Dulles stated:

"Now the Soviet Russians are making a drive to get Japan, not only through what they are doing in northern areas of the islands and in Korea, but also through what they are doing in Indochina. If they could get this peninsula of Indochina, Siam, Burma, Malaya, they would have what is called the rice bowl of Asia. That's the area from which the great peoples of Asia, great countries of Asia, such as Japan and India, get in large measure, their food. And you can see that if the Soviet Union had control of the rice bowl of Asia, that would be another weapon which would tend to expand their control into Japan and into India. That is a growing danger and it is not only a bad situation because of the threat in the Asian countries that I refer to but also because the French who are doing much of the fighting there are making great effort and that effort subtracts just that much from the capacity of their building a European army and making the contribution which otherwise they could be expected to make."

In terms of fighting men, France was there as the only major power on the scene because the three countries had been and were French colonies. While they had been given independence in 1949, the independence was with respect to internal affairs only. They were still within the French Union and France had an obligation to them to help fight the Communist-supported internal fighting they faced.

But the long supply lines and the fierce fighting continued to sap French strength.

Then came the tragic events at Dienbienphu in March 1954. The Communists under Ho Chi Minh attacked that fortress in force.

Those were the days of brinkmanship, of massive retaliation and of the domino theory—policies proclaimed by Secretary of State John Foster Dulles.

While the fighting was taking place, Gen. Paul Ely, French chief of staff, flew to Washington to inform the Eisenhower administration that the French could not hold out much longer and needed direct U.S. intervention.

This request precipitated a behind the scenes struggle at the highest levels of Government circles both here in Washington and in London.

While General Ely was still in town, Secretary of State Dulles held a news conference in which he stated that what military aid was given to France was a military matter and that "if there are further requests of that kind that are made, I have no doubt that our military or defense people will attempt to meet them."

I ask unanimous consent that the text of Secretary Dulles' news conference on March 23, 1954, be printed in full in the RECORD, at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRUENING. Mr. Fletcher Knebel, well-known Washington correspondent, in an article in Look on February 8, 1955, gave a forceful account of maneuverings in high places in Washington and London in those fateful, early days of 1954 when the United States stood on the brink of an all-out invasion of Vietnam.

According to Mr. Knebel, Adm. Arthur W. Radford, then Chairman of the Joint Chiefs of Staff, advocated an immediate airstrike from carriers; Gen. Matthew B. Ridgway, Army Chief of Staff, was opposed since he believed that such a strike could lead to all-out intervention; Admiral Carney, Chief of Naval Operations, and Gen. Nathan F. Twining, Air Force Chief of Staff, felt that, while an airstrike might help the French at Dienbienphu, more force would be needed to win the fight in Vietnam.

President Eisenhower, according to Knebel, agreed with Admiral Radford on two conditions: That the United States be joined in the action by other allies; namely, Great Britain; and that congressional approval be obtained for the action. Since neither condition could be met, the United States moved back safely from the brink.

I ask unanimous consent that that portion of Mr. Knebel's article dealing with Indochina be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GRUENING. Dienbienphu fell on May 7, 1954.

At Geneva on July 21, 1954, delegates from Great Britain and the U.S.S.R., France, the United States, Communist China, Cambodia, Laos, Vietnam, and Vietminh came to a settlement to resolve the fighting in Vietnam. The main provisions of the agreement concerning Vietnam were as follows:

First. Vietnam was to be partitioned along the 17th parallel into North and South Vietnam.

Second. Regulations were imposed on foreign military personnel and on increased armaments.

Third. Countrywide elections, leading to the reunification of North and South Vietnam, were to be held by July 20, 1956.

Fourth. An International Control Commission—ICC—was to be established to supervise the implementation of the agreements.

The United States was not a signatory of the agreement, but issued a statement, unilaterally, stating that—

"It (1) will refrain from the threat or the use of force to disturb the Geneva Agreements; (2) would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security," and (3) shall continue to seek to achieve unity through free elections, supervised by the U.N. to insure that they are conducted fairly."

Mr. MORSE. Mr. President, will the Senator yield?

Mr. GRUENING. I yield with pleasure.

Mr. MORSE. I may say to the Senator from Alaska that I had planned to sit through every word of his speech. I had expected it would come earlier this afternoon. Unfortunately, I must go to an official conference. I assure the Senator from Alaska that I have read every word of his speech. I would have the RECORD today show that the senior Senator from Oregon thinks this is one of the great speeches in this session of the Congress on foreign policy. I associate myself with every word of the speech.

I am awaiting my Government's answer to it. In my judgment, there is no answer to the Senator's speech. There is no justification for killing a single American boy in South Vietnam. It is about time the American people awakened to what is going on in South Vietnam and recognized that South Vietnam is beyond the perimeter of American defense. There is no justification for murdering a single American boy in South Vietnam, for the issue has now become one of murder.

Everyone knows that if we got into a war with Russia or Red China it would be a nuclear war, not a conventional war. I do not know what we are doing over there with a conventional program.

Furthermore, as the Senator pointed out, where are our alleged allies in South Vietnam? In contrast with South Korea, where are our friends there? So long as we are willing to pay 99 percent of the bill and spill American blood, they will be satisfied.

If my Government wants to make this an issue across the land, I am willing to have it become an issue; but I do not intend to vote for a single dollar for operations in South Vietnam or to give support to the American Secretary of Defense who is bespeaking American foreign policy with no right to do so.

South Vietnam is not worth the life of a single American boy. I say to my administration that I have no intention of giving any support whatsoever to continuing the cost in blood and money for operations in South Vietnam that cannot be justified on the ground of American defense or on any other ground.

The Senator from Alaska has set forth the issue in his speech in terms so unanswerable that the American people have a right to say to the administration, "What is your answer?" I wait for the answer.

Mr. GRUENING. I thank the Senator for his helpful comment.

Within 2 months, on September 8, 1954, the Governments of Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom, and the United States signed a collective security pact at Manila, known as the Southeast Asia Collective Defense Treaty. Laos, Cambodia, and Vietnam were not parties to this treaty, but by a simultaneous protocol to the treaty all the parties to the original treaty agreed to include the territories of those three nations in the territory protected by the treaty from "armed attack and counter subversive activities directed from without against their territorial integrity and political stability."

The United States made it clear to all the signatories that the type of aggression it considered itself bound to prevent was Communist aggression. As Secretary of State Dulles explained it:

"We stipulated on behalf of the United States, however, that the only armed attack in that area which we would regard as necessarily dangerous to our peace and security would be a Communist armed attack."

In his address to the Nation on September 15, 1954, explaining the action taken at Manila, Secretary Dulles first reiterated his concept of the domino theory of possible events in southeast Asia in the following words:

"Any significant expansion of the Communist world, would, indeed, be a danger to the United States, because international communism thinks in terms of ultimately using its power position against the United States. Therefore, we could honestly say, using the words that President Monroe used in proclaiming his Doctrine, that Communist armed aggression in southeast Asia would, in fact, endanger our peace and security and call for counteraction on our part."

Secretary of State Dulles had explained the domino theory at an earlier news conference on May 11, 1954, in the following words: Asked if the plan for collective security could succeed if one or more of its segments were lost to the Communists, Secretary Dulles replied:

"The situation in that area, as we found it, was that it was subject to the so-called domino theory. You mean that if one went, another would go? We are trying to change it so that would not be the case. That is the whole theory of collective security. You generally have a whole series of countries which can be picked up one by one. That is the whole theory of the North Atlantic Treaty. As the nations come together, then the domino theory, so-called, ceases to apply. And what we are trying to do is create a situation in southeast Asia where the domino situation will not apply. And while I see it has been said that I felt that southeast Asia could be secured even without perhaps Vietnam, Laos, and Cambodia, I do not want for a minute to underestimate the importance of those countries nor do I want for a minute to give the impression that we believe that they are going to be lost or that we have given up trying to prevent their being lost. On the contrary, we recognize that they are extremely important and that the problem of saying southeast Asia is far more difficult if they are lost. But I do not want to give the impression, either, that if events that we could not control and which we do not anticipate should lead to their being lost, that we would consider the whole situation hopeless, and we would give up in despair. We do not give up in despair. Also, we do not give up Vietnam, Laos, or Cambodia."

In his nationwide address on September 15, 1954, on the Southeast Asia Treaty, Secretary of State Dulles also expounded his massive retaliation theories of how to contain communism anywhere in the world, anytime, at the least cost:

"We considered at Manila how to implement the treaty. One possibility was to create a joint military force. However, I explained that the U.S. responsibilities were so vast and so far flung that we believed that we would serve best, not by earmarking forces for particular areas of the Far East, but by developing the deterrent of mobile striking power, plus strategically placed reserves.

"This viewpoint was accepted. Thus, the treaty will not require us to make material changes in our military plans. These plans already call for our maintaining at all times powerful naval and air forces in the Western Pacific capable of striking at any aggressor by means and at places of our choosing. The deterrent power we thus create can protect many, as effectively as it protects one."

I ask unanimous consent that a summary of events in Vietnam from the time of the Geneva agreements as prepared by the Library of Congress be printed in the Record at the conclusion of my remarks.

The Presiding Officer. Without objection, it is so ordered.

(See exhibit 4.)

Mr. Gruening. Mr. President, by January 1, 1955, U.S. aid began to flow directly to South Vietnam and on February 12, 1955, a U.S. military assistance advisory group took over the training of the South Vietnamese army. Previously, U.S. aid had been given through France.

In October 1955, the Eisenhower administration picked Ngo Dinh Diem to rule South Vietnam.

There may be some room for disagreement as to whether Diem was a poor choice for the job to begin with or whether, after having come to power, the thirst for more and more power on his part and on the part of his many relatives, whom he placed in high governmental posts, became insatiable.

Seven months before the former emperor, Bao Dai, was deposed on October 23, 1955, in a national referendum in which Diem received 98 percent of the votes, Diem met and greatly impressed Secretary of State Dulles. In a nationwide broadcast on March 8, 1955, Secretary Dulles said:

"I was much impressed by Prime Minister Diem. He is a true patriot, dedicated to independence and to the enjoyment by his people of political and religious freedoms. He now has a program for agricultural reform. If it is effectively executed, it will both assist in the resettlement of the refugees and provide his country with a sounder agricultural system. I am convinced that his Government deserves the support which the United States is giving to help to create an efficient, loyal military force and sounder economic conditions."

Ngo Dinh Diem ruled South Vietnam from October 23, 1955, until the coup of November 2, 1963, deposed him. As the guerrilla fighting intensified through the years, so did the mismanagement and corruption of the Diem government. It became increasingly oppressive, trampling the rights of individuals and ignoring the necessity for economic reforms to benefit the people.

There is no room for disagreement concerning the fact that the United States condoned or ignored actions by Diem and his ruling relatives calculated to antagonize the people on whose support any stable South Vietnamese Government must rest—or fall.

As Jerry A. Rose stated in the New Republic on October 12, 1963:

"For some reason, diplomats, soldiers in the field, and politicians in Washington are unable to grasp the importance of the people. While forever raising wet fingers to the wind of public opinion in the United States, the policymakers appear to operate on the belief that Asian people have no opinions, and even if they did have an opinion, it would carry no weight. A good Gallup poll would easily disprove the former proposition, and history has proved time and again the fallacy of the latter."

I ask unanimous consent to have Mr. Rose's article entitled "Dead End in Vietnam" be printed in full in the Record at the conclusion of my remarks.

The Presiding Officer. Without objection, it is so ordered.

(See exhibit 5.)

Mr. Gruening. The recent spate of optimistic announcements from the Pentagon on how well the war in South Vietnam is going—despite contrary reports from trained observers on the scene—only carries on a tradition begun in the earliest days of U.S. participation in the fighting in Vietnam.

Thus, in July 1956, in the face of continued Vietcong sabotage and virulent propaganda, Vice President Nixon addressing the first Constituent Assembly of South Vietnam, stated that "the militant march of communism has been halted." But by the middle of the next year, Vietcong guerrilla bands stepped up their attacks, bombing U.S., MAAG and USIS installations and attacking settlements near Saigon.

Mr. Nixon's overoptimistic statement in July 1956 is on a par with his statement in October 1960, when he stated:

"As far as Indochina was concerned, I stated over and over again that it was essential during that period that the United States make it clear that we would not tolerate Indochina falling under Communist domination. Now, as a result of our taking the strong stand that we did, the civil war there was ended, and today we do have a strong free bastion there."

Vietcong guerrilla activities, reinforced by arms and men from North Vietnam, increased greatly during Diem's regime.

So did corruption and the oppression of the people.

As Castan states in his article already referred to:

"To his [Diem's] personal credit, he allegedly managed, again with American aid, to amass a personal fortune of some $50 million during the same period. Diem changed—too slowly for our then Ambassador Frederick J. Nolting, an intimate friend of both Diem and his charming sister-in-law, Mme. Ngo Dinh Nhu, to notice. Too slowly for Gen. Paul D. Harkins, boss of our military-assistance command, to notice. No one, in fact, noticed until we found that we had been duped into complicity, and were compounding by assent the mistakes of Diem and his family."

In the face of increasingly serious guerrilla activity, the so-called strategic hamlet plan was instituted in 1961. It was copied from Malaya, but served only to make it easier for the guerrillas to capture arms and supplies. It was a failure also as a means of isolating Diem's opponents.

Two accounts illustrate the hows and the whys of the failure of the strategic hamlet plan:

The first is related in the article before referred to by Castan:

Plei Ia Miah, one of the hamlets, is an example. "The soldiers forced us out of our huts," said the village chief, shortly before the November coup d'etat, "and told us that a fortified village was ready for us in the valley. 'Can we take our land?' we asked. Two men refused to leave our ancestral home and were shot. It took us 60 days to march here. We have no land to farm, and if the Government doesn't give us food soon, we'll have to sell the pigs and buffalo we brought with us. The Vietcong come at night for our weapons. We give them the weapons. Why should we die for weapons?"

The second is from a Reporter article by Bernard Fall in the October 24, 1963, issue. I ask unanimous consent to have the article printed in the Record at the conclusion of my remarks.

The Presiding Officer. Without objection, it is so ordered.

(See exhibit 6.)

Mr. Gruening. Reading from the Fall article:

"There is not one plantation that has not been attacked or partly pillaged several times by the Vietcong during the past 5 years, and which has not seen several of its French personnel kidnaped and held for ransom or killed. During the Indochina war, the plantations had been allowed to arm themselves and maintained militia forces at their own expense. When Ngo Dinh Diem came to power he ordered all plantations disarmed and they thus became military liabilities.

"The plantation managers now keep in business by closing their eyes to the Vietcong emissaries who come to the workers' villages and exact tribute; they silently pay millions of piasters of ransom to the Vietcong—and as much again to bribe South Vietnamese authorities to allow them to operate. Here and there, the Saigon-controlled press announces that a French plantation was fined tens of millions of piasters (a million dollars or more) for 'economic violations.' Everybody knows what that means, and business goes on as usual."

The oppression of the people by Diem's secret police was intensified.

In the summer of 1963, Diem turned on the Buddhists and the students, with wholesale arrests and imprisonments.

And yet all through these years from 1955 to the November 1963 coup, Diem was shored up and kept in office with billions of American dollars and as at present as many as 17,000 American troops. The people of South Vietnam knew this. The United States won no friends and influenced no Vietnamese people when Buddhist priests were driven off to concentration camps in AID vehicles by Diem's secret police, who were paid by U.S. funds.

In the light of Diem's long years of corrupt and repressive rule, the two coups in Vietnam last year should have come as no surprise to anyone. The surprise lies in the fact that they did not occur sooner.

As I have said, the roots of the present dilemma of the United States reach back to 1955 and to the years of condoning corruption, misrule, and repression. Diem lost whatever support he had from the people through the use of U.S. money and U.S. arms

Where do we turn now for our solution in South Vietnam?

The United States must start with one basic truth which should be constantly reiterated: the fight in South Vietnam can be won only by the South Vietnamese. Even if the United States would or could, the fight in South Vietnam cannot be won by making of that country a colony of the United States. The French tried and failed even though they used a quarter of a million troops.

The question is this. After 20 bloody years of conflict, have the people of South Vietnam and the Government of South Vietnam the will and the capacity to fight to win? Putting it in other terms. Mr. President, has the present Government of South Vietnam the ability and the stability to wage the fight or is it obliged to look over its shoulder constantly in fear of another coup?

If there is no heart to fight in the people of South Vietnam, the sooner we face that fact the better off we shall be. Since a victory in South Vietnam can come only through a victory by the South Vietnamese themselves, if the people and the Government do not want to continue the fight in a manner conducive to victory, it is contrary to the best interests of the United States to remain there.

Some urge stepped-up military activity on the part of the United States, including caarrying the war to North Vietnam. Even disregarding—which we should not—the grave possibility of drawing Red China into the fray in a Korean-type engagement, there are serious drawbacks to such a course of action. The first is the unwillingness of the South Vietnamese to follow such a course of action. The second, of course, is the fact that this is not solely an engagement between South and North Vietnamese. South Vietnamese are fighting South Vietnamese in a country divided within itself.

A comparison with Korea is not appropriate. There we had South Koreans who had the will to fight and win. And secondly, South Korea was not a country divided withn itself.

And finally, there is one important difference between the situation as it exists in Vietnam and the situation as it existed in Korea. This is a difference which many people who are urging an escalation of U.S. armed effort in South Vietnam conveniently do not mention. In Vietnam we are alone—in Korea we were in there as part of a United Nations effort.

Fighting side by side with American troops in Korea were troops from Australia, Belgium, Britain, Canada, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, New Zealand, the Philippines, South Africa, Thailand, and Turkey.

Where are our allies in South Vietnam?

The 1954 Southeast Asia Collective Defense Treaty was signed by eight nations—Australia, France, New Zealand, Pakistan, the Republic of the Philippines, Thailand, the United Kingdom, and the United States.

We do not read in the headlines about the officers and men of the other signatory countries being killed in the jungles of South Vietnam. We do not read about them because they are not there. Over 200 Americans have been killed in South Vietnam, 115 of them in direct combat. The United States is all alone in the fight there and the prospects are that it will continue to fight alone there.

To give my colleagues some idea of the confusion prevailing in South Vietnam in the military command there and of the conditions under which U.S. troops are fighting, I ask unanimous consent that an article in the Washington Daily News by Jim Lucas on March 6, 1964, be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. GRUENING. Mr. President, describing the "Spoils for Generals" after the most recent coup by Maj. Gen. Nguyen Khanh, Time magazine for February 14, 1964, stated:

"It is far from certain that all the military are behind him. But he has rewarded his chief collaborators handsomely. Maj. Gen. Tran Thien Khiem, whose III Corps troops arrested former Junta Boss General Duong Van (Big) Minh, got the No. 2 military job as Defense Minister and Commander in Chief. But among the ranks of Khanh's new, expanded, 53-man junta (8 major generals, 9 brigadier generals, 25 colonels, 10 lieutenant colonels, 1 major), there was endless wrangling over the lesser spoils. Many a junior officer was disgusted."

The theory has been advanced that the Untied States has no alternative but to remain in South Vietnam regardless of the course of action followed by the people and the government of South Vietnam. This theory follows the line that if we pulled our support out of South Vietnam now, it would quickly be taken over by the Vietcong who in turn would be controlled by North Vietnam which in turn would be controlled by Red China. The theory then continues that if this happens then Cambodia and Laos would also fall "like a row of dominoes" to Red China. This is a continuance 10 years later of Secretary Dulles' domino theory.

Recent actions on the part of Cambodia in seeking its own neutralization cast considerable doubt on this theory. Cambodia, the middle domino, fell out of its own accord. The $300 million we have spent there was totally wasted. Moreover Cambodia action took the United States by surprise. We were ill informed. How well informed are we in this whole area? The repeated optimistic statements of our officials in the past have been promptly refuted by events.

The distinguished majority leader [Mr. MANSFIELD], on Monday, March 2, stated:

"I think the best thing our country can do is reassess its foreign policy insofar as it is possible to do so, face up to the realities of today, and not depend so much on the wishes of yesterday."

In no area of our foreign policy is such a reassessment of our foreign policy needed than with respect to the policy we are pursuing in Vietnam.

The United States should no longer permit the dead hand of past mistakes to guide the course of our future actions in South Vietnam.

President Johnson, by virtue of the fact that his control of U.S. foreign policy is so recent, is in the best possible position to make the reassessment of our foreign policy suggested by Senator MANSFIELD and not permit himself to be bound by a past made by his predecessors. The domino theory is not President Johnson's—it is a theory advanced by Secretary of State Dulles during the Eisenhower administration and, as in the case of Cambodia, already proven fallacious.

A few days ago, the senior Senator from Montana (Mr. MANSFIELD) took an enlightened stand with respect to the attempt by the President of France to put forth a solution for the deteriorating situation in South Vietnam. He stated:

"It seems to me most glib to make light of the admittedly unsatisfactory situation in Laos or the unhappy state of our relations with Cambodia as a basis for any offhand rejection of De Gaulle's essay at a new approach to Indochina and southeast Asia."

I commend the majority leader for his statesmanlike approach to an admittedly difficult situation and join him in his statements on this subject. His statement of February 19, 1964, should be carefully studied in any reevaluation of our foreign policy in Indochina.

I also wish to commend my able colleague, Senator BARTLETT, for his excellent analysis of the Vietnam situation a few weeks ago and for his plea for less rigidity in our policy in Indochina; he stated:

"It is important, however, in our Asian policies, that we strive to achieve flexibility, flexibility which our policies in recent years have failed to have. We cannot allow ourselves to be frozen forever with a rigid policy hoary with age. In Asia as elsewhere we must be willing to discuss anything with anybody who is willing to discuss in a rational and responsible manner. We are the greatest power on earth and we have no need to fear Red China and no need to fear negotiations."

I also wish to commend the able senior Senator from Oregon [Mr. MORSE] for his splendid speech last week on this same topic. Senator MORSE pointed out cogently that—

"American unilateral participation in the war in South Vietnam cannot be justified and will not be justified in American history * * * we have always considered Southeast Asia to be beyond the perimeter of U.S. defense. Southeast Asia is not essential to U.S. defense. Southeast Asia may very well be essential to the defense of some of our allies, but where are they? They ran out on us."

And more pointedly, in response to a question from Senator ELLENDER what Senator MORSE would advise we should do in South Vietnam, Senator MORSE answered with his usual forthrightness:

"We should never have gone in. We should never have stayed in. We should get out."

And Senator ELLENDER seconded that clear—and in my judgment thoroughly correct and realistic counsel—by saying:

"I have been advocating such a course of action. After my last visit there, I again stated that we should never have gone in there and that we should get out. My advice was never heeded. That is my advice today."

Had this advice of Senator ELLENDER given some time ago, now repeated by him and reaffirmed by Senator MORSE been heeded 200 precious American lives would not have been lost. These are far more important than the billions of dollars we have now wasted in seeking vainly in this remote jungle to shore up selfserving corrupt dynasts or their self-imposed successors and a people that has conclusively demonstrated that it has no will to save itself.

I consider the life of one American worth more than this putrid mess. I consider that every additional life that is sacrificed in this forlorn venture a tragedy. Some day—not distant—if this sacrificing continues, it will be denounced as a crime.

I would ask my colleagues and indeed American fathers and mothers this question:

"If your drafted son is sent to Vietnam and is killed there would you feel that he had died for our country?"

I can answer that question for myself. I would feel very definitely that he had not died for our country, but had been mistakenly sacrificed in behalf of an inherited folly.

Let us do a little hard rethinking. Must the United States be expected to jump into every fracas all over the world, to go it all alone, at the cost of our youngsters' lives, and stay in blindly and stubbornly when a decade of bitter experience has shown us that the expenditure of blood and treasure has resulted in failure?

Shall we not, if taught anything by this tragic experience, consider that of the three alternatives: First, to continue this bloody and wanton stalemate; second, to go in "all out" for a full-scale invasion and the certain sacrifice of far more lives and a scarcely less doubtful outcome; or, third, to pull out with the knowledge that the game was not worth the candle.

This last is the best of these choices.

In the event of determining on that last and least unhappy alternative, we shall no doubt be told by some that the United States will lose face in Asia.

I doubt whether we should lose face, whatever that may mean. But if it be so interpreted by some whose opinion should give us small concern, I say better to lose face than to lose the life of another American boy, or a score, or another 200 of them, doomed in varying numbers as long as we stay on.

President Johnson, let me repeat, inherited this mess. It was not of his making. As he approaches the difficult task of making the necessarily hard decisions with respect to the problems in South Vietnam, problems created long before he was President, he should feel no compunction to act in such a way as to justify past actions, past decisions and past mistakes. He should feel entirely free to act in such a manner and to make such decisions as are calculated best to serve the interests of the United States and the free world—a world changed greatly from the time President Eisenhower and Secretary Dulles initiated our southeast Asia policies.

Would South Vietnam go Communist if we get out? Probably, but it will doubtless do so in any event. What would the loss of a million men, or 2 million, or 5 million matter to the jam-packed nation of 700 million that is mainland China, that can and will unconcernedly pour its cannon fodder into an adjacent, long-coveted area, and peopled with its fellow Asiatics. Their lives mean nothing to their own bloody rulers who have liquidated vast numbers of their own. But our American boys' lives would mean everything to our own Government and people if sacrificed in a cause in which we should never have engaged.

Of course, it is a source of regret whenever a new political entity appears to be falling behind the Iron or Bamboo Curtain. But why should we persist in seeking to prevent what is ultimately inevitable, in impossible terrain, for a people who care not, in the most distant spot on the globe. It makes no sense.

Moreover there is considerable question whether South Vietnam, even if overrun by the indigenous Vietcong, or by the North Vietnamese, will not constitute another problem for Peiping as it was for the French, as it has been for the United States. It might well prove an aggravation of Red China's considerable internal troubles.

But surely we have no business there any longer, if indeed we ever had.

The time has come to reverse our policy of undertaking to defend areas such as South Vietnam, whose people are so reluctant to fend for themselves. Let us keep on, by all means, supplying them with arms. Let us continue to give them the means if they wish to use them. But not our men.

The time has come to cease the useless and senseless losses of American lives in an area not essential to the security of the United States.

Only yesterday the report came in of two more American fighting men killed in Vietnam.

Last Wednesday the report was made that three American officers had been killed there. Part of the UPI story reads as follows:

"Two U.S. officers were killed yesterday in separate battles with the Vietcong, military sources reported. A U.S. Navy officer was killed yesterday in a helicopter crash.

"'One of the Army officers died as he attempted to rally Government paratroopers for an assault on a Communist position near the Cambodian border.

"There were few details on the death of the other Army officer. Reports reaching Saigon said he was killed in a battle at Trung Lap village 27 miles northwest of Saigon."

It is obvious from this story, as it has been for some time now, that the United States so-called training mission is actually engaged in fighting the Vietcong in a war which the South Vietnamese are themselves reluctant to fight.

I urge the President to take steps to disengage the United States immediately from this engagement.

All our military should immediately be relieved of combat assignments. All military dependents should be returned home at once. A return of the troops to our own shores should begin.

I also urge the President to go to the American people and explain in detail how the United States got involved in Vietnam; when we got involved in Vietnam, and why we are getting out of there.

I sincerely hope that President Johnson will heed the advice of our distinguished majority leader, Mr. Mansfield, and others in this body, as knowledgeable as Senators Morse, Ellender, and other reassess the Dulles doctrine of seeking to engage communism on its own grounds—12,000 miles away—and bring our boys home.

This is a fight which is not our fight into which we should not have gotten in the first place. The time to get out is now before the further loss of American lives.

Let us get out of Vietnam on as good terms as possible—but let us get out.

President Johnson is in an excellent position to reverse the previous unsuccessful policies in Vietnam which did not make

(Exhibits omitted.)

AN INNOVATIVE APPROACH TO THE DEBATE SURROUNDING NATIONAL HEALTH INSURANCE

Mr. BROCK. Mr. President, on June 19, 1974, I introduced the Medical Expense Tax Credit Act, S. 3670, which I believe is an innovative approach in the debate surrounding national health insurance. Yesterday, I was privileged to testify before the House Ways and Means Committee regarding my bill, and I ask unanimous consent that this testimony be printed as part of the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Remarks by Senator Bill Brock

Mr. Chairman and Members of the Committee:

You have been holding hearings on this subject since April 24, and I am sure that by now you have heard enough expert background testimony to make anything I could add redundant. Thus, I intend to present this morning more of a concept than a finished bill, but one that seems to have been overlooked in the other bills. Because I intend to talk more of concepts than of specifics, let me begin my testimony with first some general thoughts, then, second, some specific criteria that I set for myself in addressing the problem of excessive health costs for a family. Although we often talk about health care, delivery systems, extending life expectancies and the like, what we are really talking about is two items, first, "insurance," and second, "what role the government should play in health care." These are the basic questions, yet we seem to forget what both of these mean in the deeper, more philosophical sense.

What is "insurance" all about? Insurance, almost by definition is something that people buy to protect themselves against risk. The greater the risk, the greater the need for insurance. Therefore, for any given dollar amount or item, the greatest risk should be taken care of first. Our plan should assist in a family situation which can wipe out savings, affect future earnings capacity, or which is simply not within their means.

"What is the proper role of government?" In our free enterprise society, the proper role of government is to protect people against those unforseeable events or catastrophes that will affect their way of life in a major way. We have a tradition of this. We have National Disaster Insurance. We grant the President emergency powers during natural disasters such as floods, fires and tornadoes. We also have a social insurance tradition of helping people when they need help. In other words, the proper role of government, by tradition, is, again to protect people against those situations with which they cannot deal.

I set down four criteria for guidelines that I wanted my bill to meet:

1. Simplicity.—I realize that this can be, and is, a terribly, complex question, but our approach simply must be understandable to every citizen. My desire took on more urgency after trying to read the complexities, intricacies, exceptions, etc. of some of the bills now proposed.

2. Equitable.—I wanted a bill that would be fair to all Americans, whether they are poor, elderly, middle American, and, yes, even the more affluent, for they too can face financial ruin. I am, naturally, most concerned about those who cannot afford proper care, but any attempt to achieve equity for those people by actually having discriminatory sections against others will work against our ultimate objective. All too often, our taxpayers are asked to shoulder a new burden without receiving equal protection.

3. Easily administratible.—I agree with those who testify that too much of the health care dollar goes into administration, yet I have not seen any bills that will actually cut administration costs. Many will shift this burden, but not minimize it. In short, I wanted something that would either use

existing procedures or even simplify and reduce them.

4. Efficiency.—Our bill must be one the average family can afford. They simply cannot stand more shocks in this day of double-digit inflation.

I am proposing that we add only four lines to the present Internal Revenue Service form in order to give each citizen a tax credit, or direct refund, to cover excessive health care costs. These four lines are:

Line 1. Eligible medical expenses—now clearly defined by IRS.

Line 2. The deductible—I propose we protect against those medical costs which exceed 15% of IRS adjusted gross income, minus the personal ($750) exemption.

Line 3. The difference between lines One and Two, if any.

Line 4. A copayment multiplier which establishes the tax credit or refund. I would ask we refund 85% of all excess medical expenses.

Let me give you an example. Assume a family of four with a $9,000 income having health care expenses of $2,000. Their modified IRS adjusted gross would be $6,000; that is $9,000 minus $3,000—(four times $750).

Line 1: Eligible medical expenses	$2,000
Line 2: 15% (deductible) of income	900
Line 3: Difference	1,100
Line 4: Tax credit or refund (Line 3 multiplied by .85)	935

Does this plan answer my four criteria? I think so.

First, on simplicity, it applies to everyone, requires no forms, no regulatory authority, and no administrative machinery. Too, this approach deals only with those instances where an individual family faces disaster, and leaves the remainder free of forms or controls, or unnecessary costs.

Second, this plan is fair. All are treated alike. My plan does not put the elderly and the poor into separate sections, which could be discriminatory, nor does it burden them. We should remember that welfare payments, social security payments, disability payments, and the like, are not even considered income, so immediately, the elderly and the poor would be eligible for benefits, or what would probably be in their case a "negative income tax" for health care payments. Equally covered would be the working poor, middle income families, etc.

Third, the administration of this plan appears obvious. Already about 180 million Americans are covered by the IRS form, and all could and can use the form. And, we should remember that if you look at average family income and average medical expenses, the great majority of Americans would never use the plan, although they would have the assurance they could do so if faced with medical costs that could ruin their lives.

Fourth, and finally, the efficiency is also self-evident. We would be buying a program to cover only those emergency, or even chronic, situations which can ruin the family, but not to pay those items which can be met by the family on its own. Anything more simply adds to costs without increasing benefits, and places a basically strong and free system in jeopardy.

Since I opened on a philosophical note, let me end on the same vein. Whatever plan is passed, I think that the maximum family burden is really what we are arguing about in many cases, should be based on a percentage of income. Using arbitrary deductible figures are too high for many, and obviously too low for others. By using a percentage of income, we can bridge this "comprehensive-catastrophic" debate, especially if it is based on IRS adjusted gross minus the family deductibles. The poor and elderly would automatically be covered and our middle class would pay "manageable" costs.

Finally, this approach allows us to proceed with caution in other areas now covered by Medicare and Medicaid. HEW has commissioned a study of various plans, many, incidentally, using a percentage of income, such as I propose, that will be completed in 1979. In my estimation, 1979 is not that far away when major decisions such as health care are being considered. The wrong decision can effect not only our physical health, but the economic health of this country.

THE DEATH OF CHIEF JUSTICE WARREN

Mr. BAYH. Mr. President, today the Nation is greatly saddened by the loss of one of the most distinguished figures in modern American government, Earl Warren. Few in public life could match the diversity and devotion of his service to the American people. His career of public service began over 50 years ago as a district attorney in California. Subsequently he served as the attorney general of that State, and from 1943 to 1953 as its Governor. Appointed as Chief Justice of the United States by President Eisenhower, he headed our highest court for 16 years. By any standard one can apply his place in history will be that of one of the great Chief Justices—perhaps second only to the first man to hold that office, John Marshall.

I will honor his memory for what I regard as his two greatest accomplishments—his timely and essential leadership in casting into history the racist concept of "separate but equal," and his great vigilance in protecting and preserving our personal liberties. As to the former, he deserves virtually single-handed credit for taking the Nation around that sharp corner that marked the turning point of racial justice. As to the latter, perhaps only present circumstances have brought home to us the value and importance of what he did to protect civil liberties.

He lived a full and long life. I know he departed from us with a justifiable pride in having given his full measure in devoted service to his countrymen.

LEAD SHOT FOR WATERFOWL HUNTING

Mr. DOMENICI. Mr. President, my friend and colleague, Senator James McClure, has been active in trying to get the Interior Department to stay an order that could ultimately end the use of all lead shot for waterfowl hunting in this Nation. Officials in my home State of New Mexico report that they are fully capable of dealing with this problem, if one exists, and that they are actively investigating its extent. I have always been, as has Senator McClure, an advocate of local government. Since this problem is primarily one that local game and fish authorities are involved in, I believe that their input is essential before any action is taken by the Interior Department.

Surely it is not to much to ask that a Government agency hear all sides of an argument before it acts? Senator McClure's proposal—that Congress consider all sides of this controversy before definitive action is taken—is reasonable and prudent. We must stop jumping to conclusions before we have all the facts.

I am pleased that "Petersen's Hunting" of June 1974 has editorially endorsed Senator McClure's approach. I ask unanimous consent that the editorial from this magazine be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Editorial

Attention hunters—There is someone in Washington who cares. The following is a press release received from the office of United States Senator James A. McClure (R-Idaho).

Washington, D.C.—U.S. Senator James A. McClure has introduced a bill to place a freeze on any decision to ban lead shot for hunting "until the Congress has an opportunity to hear the evidence and takes legislative action on the issue."

"The Interior Department is very close to issuing an order that could ultimately end the use of lead shot for waterfowl hunting across the nation," the Idaho Republican said, "and nowhere in the process of making these new regulations have there been either public hearings or consultations with the Congress."

"I am sick and tired of seeing bureaucrats make arbitrary decisions in a vacuum. They may go through a ritual of filing environmental impact statements with the bare trappings of public input, but what the American people want or need has nothing to do with the end result," McClure said.

"In this case, the Bureau of Sport Fisheries is locked to an idea without sufficient scientific evidence or expert opinion on all sides of the issue to warrant a fair decision. Certainly there is evidence of waterfowl kills from lead poisoning through shot ingested in feeding, but there is ample evidence that a ban of lead shot without a suitable alternative is no answer at all," McClure said.

The Senator continued, "In fact, there is much scientific weight to show that the alternative steel or iron shot that will be ordered by Interior as a replacement will bring about more needless waterfowl mortality than any now attributed to lead poisoning."

He said that under his bill the Secretary of the Interior would be prohibited from issuing any order banning or replacing lead shot until the proper committees of the Congress can weigh both the practical and scientific arguments on all sides and for all alternatives.

"As it is now, we will be seeing a totally one-sided decision from bureaucrats who care nothing about hunters, and worse, understand nothing of the real contributions our hunters make to conservation," McClure added.

It is gratifying indeed to see someone with authority finally getting into the act on the question of steel shot. It seems that common sense is not going to be forgotten after all. All too often decisions are made on questions such as this without taking into consideration all the possible alternatives. And as we all know, once a change of this magnitude is on the books it is almost impossible to reverse. We are not trying to imply that there isn't a lead poisoning problem or that steel shot may not be the answer. Rather, we need all the data it is possible to obtain, more time and more studies to insure the correct decision.

Throughout our great and glorious history, the United States has had the tendency to make one mistake over and over; we recognize a potential problem and immediately go to work on a solution, with little thought given to the long-term effect. And conservation is usually the area that suffers most.

Just because we had to feed the railroad workers didn't mean we had to almost wipe out the entire species of the buffalo. Now, 20 years later, we've finally realized the disastrous effects of DDT.

As hunters we have a responsibility to all wildlife, waterfowl included. This responsibility goes well beyond today's hunt. But includes the hunts to be enjoyed by our sons and grandsons as well.

What will the effects of steel shot be in 20 years? Could the crippling loss of waterfowl eliminate the birds as we know them today? Is the problem of lead poisoning exclusively that of lead shot? Or is lead poisoning a product of our polluting the air and water as well? If we were to eliminate lead shot tomorrow, how many birds would we save and where? Compare this number with the number of birds that will die from crippling with steel shot. When we have taken the time to seek out the answers to these and many more questions we can then make the right decision; but only then.

Senator, we applaud your forethought and action. And as the hunters of America you have our full support on your proposal to "not run off half-cocked" but take the time to look into the problem and make the best decision possible for all concerned—wildlife and hunter.

THE DEATH OF FORMER CHIEF JUSTICE EARL WARREN

Mr. CRANSTON. Mr. President, I'm deeply saddened by the passing of former Chief Justice Earl Warren, a great and sage man and a personal friend upon whom I frequently relied for advise and counsel over the years. A distinguished former Governor of my State he represented all that is best in the progressiveness and bipartisanship of California politics.

He also reflected all that is best in justice, compassion, and understanding of his fellow man.

Chief Justice Earl Warren was many times the subject of controversy. But that was to be expected; change is often the occasion for controversy.

Some people who disagreed with the Warren Court's decisions on segregation, the rights of the accused, freedom of speech, freedom of press, and freedom of religion, expressed their disagreement in personal attacks on its Chief Justice. But Justice Warren withstood those attacks and remained undaunted by the rhetoric of his critics. He consistently stood for the ideals which he believed represented the true spirit of America.

I am sure that history will find that his judgment was correct. Earl Warren will be remembered as a great Chief Justice.

What concerns me today is whether we and those who come after us will have the good sense to realize the greatness of Earl Warren's legacy to America and to act upon that legacy while we still have time.

In an era of doubt and confusion and turmoil, Earl Warren reaffirmed the dignity and the worth of the individual and insisted that every citizen, no matter what his color or what his status in life, is entitled to the equal protection of our laws. That concept is the very essence of law and order—and justice. Without it, we would be without true law, true order, true justice.

In an era of bigness and computer banks, of nuclear bombs and urban tension, at a time when some of the fearful predictions of Kafka, Orwell, and Huxley appear to be coming the Earl Warren returned America to the sources of its greatness: her Constitution and her Bill of Rights.

Earl Warren had a clear, majestic vision of his country's history and its Constitution. He was a good, a decent, a compassionate man in an age when such virtues are sadly lacking. He reaffirmed the dignity of the individual human being and urged us to realize the long unrealized American ideal of equal rights for every individual, under law.

I hope historians will say that America heard the message, that the Civil Rights, Housing, and Economic Opportunity Acts of the sixties were expanded and strengthened by equally imaginative programs in the seventies and eighties. And that America and Americans grew together in spiritual greatness in the years that followed; that individual liberty and the promise of equality were fulfilled by a growing spirit of fraternity in the land.

I hope this is what history will say. But that, of course, depends upon what we do to confirm the magnificient vision of America which Earl Warren held out to us.

LEADERSHIP, THE FORGOTTEN JOB OF MANAGING

Mr. BROCK. Mr. President, today I would like to submit for the Record an interview conducted by Floyd Lawrence with Lemuel R. Boulware that recently appeared in Industry Week of April 15, 1974.

I firmly feel that the present managers of American business must acknowledge their leadership responsibilities. As Mr. Boulware has stated:

> The management requirement today clearly has expanded from the purely economic—from mere metal cutting and paper shuffling—to leadership in a fundamentally political sense.

Managers, along with all citizens, should take cognizance of their leadership responsibilities in community, State, and national affairs. Leadership is a resource that must be developed and utilized in all its dimensions if we are to meet the challenges of the last half of the 20th century.

Mr. President, I ask unanimous consent to have the interview printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

[From Industry Week, Apr. 15, 1974]

Leadership, the Forgotten Job of Managing

(An interview with Lemuel R. Boulware)

(By Floyd G. Lawrence)

"Nothing in wrong with American business except management failure to step up today's leadership responsibility.

"The management requirement today clearly has expanded from the purely economic—from mere 'metal cutting and paper shuffling'—to leadership in a fundamentally political sense.

"While management has failed to grasp this concept over the years, the union officials like Walter Reuther embraced it right from the beginning. They say that the way to take charge of institutions like government and business is not directly but through people. That is, not by working on the few at the top but through exercising leadership in influencing the many at the grass roots.

"That's why business is now in the deepest trouble ever with the public and its political representatives."

Lemuel R. Boulware relaxes in the living room of his oceanfront Florida winter retirement home. Operations vice chairman of the War Production Board during World War II with a business career behind him that included the posts of public accountant, purchasing agent, comptroller, factory manager, marketing manager, and then general manager successively for three companies, Mr. Boulware certainly has earned retirement.

But Mr. Boulware at 79, though retired, remains untiring.

DO RIGHT VOLUNTARILY

In two recent books, *The Truth About Boulwarism—Trying to Do Right Voluntarily* and *What You Can Do About Inflation, Unemployment, Productivity, Profit, and Collective Bargaining*, Mr. Boulware has set forth lucidly his continuing grave concern "that if we continue as we are going, we cannot last long as a free people because we are increasingly becoming unfit to be free.

"Freedom is based absolutely upon people knowing what is the right thing to do in the individual and the common interest and, at the same time, being willing to do that voluntarily. We have no 'inalienable rights' not subject within the hour to a change of public opinion. So there is no security except in an economicaly enlightened sovereign majority.

"Yet, as the decisions the public must make become more complex, we know the economics of freedom less well. Through the media, educators, union officials, clergymen, and government representatives, the public is being led increasingly to think and act contrary to its own interests.

"The resulting contrived hostility to business in general and to profit in particular is preventing business from being as useful as it otherwise could be in solving the very problems for which it is being blamed.

"Nor is business alone threatened by this sustained attack. Inescapably in the same deepening trouble are all private property and all personal freedom. The present spread of misinformation is damaging not just some few 'fat cats' for what is erroneously assumed to be the benefit of the many; rather, the majority is really damaging itself.

PROMISES, PROMISES

"This illiteracy means that in the political processes of government and of unions each candidate must promise his constituents something for nothing. Unless he is actually stupid he knows these are promises he cannot fulfill.

"So through our own ignorance we really are forcing too many of our representatives to be liars. Then, in effect, we too often elect the biggest liar.

"Now this means that the problem must be attacked at the grass roots. For when you try, as some major business association do, to influence those in political office directly, you are simply making those few politicians who are sympathetic uncomfortable. They may very well agree with what you say. But they cannot vote for things that are not good politics back home.

"So if you want to influence a politician, you should start with the public and then go to [the politician] to tell him what you are doing back home to build up support for your position. You outline the issue clearly and why it is important to his constituents. And then you show him that as the support you are building materializes he can be a leader by joining in.

"Union officials early recognized this process and its opportunity. They go to the public with persuasion to achieve political power not only over business but also over government and the public itself. Business management, in contrast, has never taken anything like due note of this public persuasion process. Instead, it has continued to narrowly define its scope as one of striving to improve excellence in technological, financial, and commercial activities.

UNEQUALS DON'T "BARGAIN"

"The most obvious evidence of this is in collective bargaining. To serve its presumed purpose, bargaining would have to be between equals and would be concerned with economic and working-condition equity. But the so-called collective bargaining process has been allowed to degenerate to almost solely a political process.

"After typical negotiations [that result] in wage increases far in excess of the productivity improvement to pay them and with restrictive work practices and other costs damaging to the future employment of the union members and the survival of the company, what does the company spokesman so often say?

"He says, 'This was an equitable settlement, a settlement good for everybody.' It is intolerable—and completely unnecessary—that the corporate official should feel thus forced to be so untruthful.

"But what he's really doing, if he has thought about it, is recognizing that he has just been part of a political process. Because a union negotiation has become a political matter which will not respond to economic consideration and reasoned procedures.

"Any settlement reached *must* lie within what the public—of which the employees are simply a part—rightly or wrongly judges to be equitable. And in that circumstance the business negotiators are in no position going in to stand out against the unrealistic expectations of the employees and the related public.

"But, by the same token, neither are the union negotiators except within a very narrow range. For they, too, are caught up in their own whirlwind of misinformation and false expectations.

"So while the union officials have largely created it—and no matter how much some might come to prefer a sounder settlement when they have examined the facts—they will remain limited in what they can do in a constructive direction until doing so becomes 'good politics' with the constituents.

BARGAINING IS NOT

"Responsible citizens in and out of management must begin to understand that such a settlement is *not the result* of what happens at the bargaining table *but what happens prior to sitting down at the bargaining table.*

"The only way on this earth that management can change what happens at the bargaining table is by frankly and honestly working long and hard in advance to present the facts that will change the economic understanding and the expectations of the employees and the public.

"That communication has got to reach every employee and the public to be fully effective. And it has got to explain clearly what makes jobs, what makes the most jobs for the most people, what makes real job security and the best and steadiest jobs.

"Moreover, it has got to make clear just what makes pay raises possible and who pays them. I think this is still one of the biggest problems—having people understand that business is an organization of people brought together to do things for each other, that not stockholders but consumers pay wage increases, and that profits are not the source of inflation but of jobs.

"Because management has neglected its job of correcting the misrepresentations in this area, the public has come to feel exactly the opposite: that profits are the inflationary factor and that wage increase, unmatched by productivity increases, are simply helping the employees 'catch up.'

"And these misconceptions have continued so long without a management voice being raised that the public has come to feel not only that the union cause is just but that business is so strong and the union so weak that any means is justified.

"That same principle of neglected grass roots effort on the part of management applies elsewhere, of course. Some in industry think the media is antibusiness and antienterprise in its coverage because it's hiring the wrong people or because it's poorly led. And they think if they simply talk to the media people they can change that.

"That's wrong. The media won't change, and, in fact, *the media can't change* until the listening, viewing and reading public is ready to welcome or even demand that change.

"You don't change the media. You change the market, and the media will change itself. Right now that market demands wishful thinking and phony scapegoats. And whether or not the editors and commentators believe what they communicate is irrelevant. They're communicating what their market wants.

"Or look at our educational system. It's politicized in the same way. And can you really think of anything less sophisticated than businessmen contributing money derived from business and private enterprise to colleges and universities doing absolutely everything they can to undermine business and private enterprise?

"Businessmen are supposed to be aware of return on investment. Well, what kind of return on investment is suicide?

"If you ask a businessman about it, he'll contend that he's supporting freedom of education. But freedom of education means all points of view must be considered and private enterprise is seldom if ever mentioned except in derision. And it's important to understand why.

"Even that minority of educators who might like to make their teaching more constructive and factual don't dare risk their jobs and their futures by offending powerfully placed people. They can't change until others have made it possible for them to change by creating a demand for sound education by students and by those paying the education bill.

"Until that happens, our educational system will go right on teaching students what they already wrongly believe is the truth.

MARKET FOR ENLIGHTENMENT

"Polls show that public disillusionment is growing, not only with business, but with unions and government and nearly all institutions in our society. People are aware that something is seriously wrong. And that awareness constitutes a market for enlightenment.

"What I'm suggesting is that if we would only adopt in the private enterprise selling area what we have known for years in the product selling area we could serve that market for enlightenment. For business can respond to what customers like or dislike about products even though it works with most customers at a distance.

"Yet, in contrast, every businessman has direct contact with investors, with customers, with employees, with suppliers, and with neighbors in the plant community.

"He sees them. He knows them. He talks to them. And they are in a position to ask questions, to understand, to know, and to respect him. They are the grass roots that control our institutions, as Walter Reuther so well understood.

"The broadside approach simply won't work. There are too many national organizations today 'studying the problem.' And their usefulness is in question, not only because of lack of results, but also because they're giving managers the false impression that someone else can do for them what they can do only for themselves.

"Investors, customers, suppliers, employees, and neighbors in the plant community are the first people upon whom the businessman must look as *his* market—that special market which is his alone and to which he has wide-open access and to which only he is at all likely to supply the needed enlightenment in time.

"Nobody else can do it. Nobody else will do it."

For additional reading

The Truth About Boulwarism—Trying to Do Right Voluntarily, published by Bureau of National Affairs, 1231 25th St. NW., Washington, D.C. 20037, cloth cover $7.50, paperback $2.85 postpaid.

What You Can Do About Inflation, Unemployment, Productivity, Profit and Collective Bargaining, published by Loeffler & Co., Box 9622, San Diego, Calif. 92109, paperback $1.35 postpaid.

CHIEF JUSTICE EARL WARREN

Mr. HUMPHREY. Mr. President, I rise to pay tribute to the late former Chief Justice Earl Warren. This great man will be missed by his friends and by his country.

His 16-year tenure as Chief Justice was marked by courageous decisions which reinforced this Nation's commitment to equal justice under the law for all Americans. America was changed by the decisions rendered by the Supreme Court under Earl Warren—and I believe that it was changed for the better. This quiet and strong man's contribution to our system of justice will long be remembered.

Earl Warren's role as Chief Justice was one that certainly strengthened the prestige and public regard for the Supreme Court. President Eisenhower's appointment of Earl Warren as Chief Justice in 1953 led to a judicial career marked by a resolve to right wrong, to protect the weak, and to strengthen the American commitment to individual liberty and equality. The landmark decisions he wrote will serve as monuments to an American jurisprudence of the highest calibre. In the Brown against Board of Education decision in 1954, and later decisions on one-man-one-vote, the rights of arrested suspects, and on many other decisions, Earl Warren's role in adapting the law of the land to a fast-changing America was preeminent.

These decisions which had such a tremendous impact on American life reflected the thinking of Chief Justice Warren that the Supreme Court was a force for good. Indeed it was, and Earl Warren's integrity and commitment to the Court were integral parts of this force.

The decisions rendered by the Warren Court generated great controversy. But Chief Justice Warren never waivered—

he became wholly indifferent to popular favor or political influence. He was a leader. Not in the political sense. But he led by his wisdom, by his integrity, and by his commitment to justice. I am personally saddened by his passing and the realization that our Nation will no longer benefit from his wise counsel and high ethics.

I ask unanimous consent that two articles, one from the Washington Post, the other from the Washington Star, reviewing the life and work of Earl Warren be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 10, 1974]

EARL WARREN DIES AT 83

(By Martin Weil)

Earl Warren, 83, the retired Chief Justice of the United States, who presided over the Supreme Court in an era of landmark decisions and great social change, died of cardiac arrest at 8:10 o'clock last night at Georgetown University Hospital.

In 1954, early in his 16-year tenure, Mr. Warren wrote for a unanimous court the Brown vs. Board of Education opinion, which struck down segregation in the public schools and led to the end of legally sanctioned segregation elsewhere.

In what has been described as another revolution in American jurisprudence, Mr. Warren led the court in enlarging the rights of criminal suspects, particularly by extending to the state courts the constitutional protection guaranteed in the federal courts.

Of all his decisions, Mr. Warren was said to have considered most important the "one-man, one-vote" ruling that required district lines for congressional and state elections be drawn to give city-dwellers representation equal to that of rural residents, who had often been dominant.

In a statement issued last night, President Nixon described himself as "deeply saddened" by the death of Mr. Warren, whose service to the nation, he said "will continue to shape the course of Americn life for generations to come and will reflect the highest purposes of America forever."

In a career in public life that began in 1920 with service as deputy district attorney in Alameda County, Calif., Mr. Warren served successively as district attorney, state attorney general and from 1943 to 1953 as governor of California. He also ran for Vice President on the Republican ticket headed by Thomas E. Dewey that was defeated in 1948.

He "gave each task his full energy and ability," Mr. Nixon said last night. "Much honor was paid him and he gave much honor in return."

Mr. Warren, who also headed the commission that investigated the assasssination of President Kennedy, was also described by Mr. Nixon as "one of the nation's finest public servants . . . a man to whom the public trust was a sacred trust" and who "fulfilled his duty as he saw it."

Warren E. Burger, the present Chief Justice, called his predecessor's contributions "large indeed," both as Chief Justice and in his earlier posts, and said his life "epitomized the American dream."

Burger also said that Mr. Warren—who continued to live in Washington, at the Sherator-Park Hotel—had been "constantly available for consultation on the growing problems of the federal courts and his wise counsel was invaluable . . ."

Associate Justice Thurgood Marshall called Mr. Warren "one of the greatest chief justices . . . ever . . ."

Funeral arrangements were not available last night.

Mr. Warren had suffered from longstanding coronary artery disease and severe angina pectoris, according to hospital statement. After being a patient at Georgetown from May 24 to June 2, he was readmitted to the hospital July 2.

Although the diagnosis of congestive heart failure and coronary insufficiency announced by the hospital implied that his heart was failing to pump enough blood to his bulky 6-foot-one body, he appeared recently to be improving, according to his secretary.

Death came after "a very sudden turn for the worse," the secretary, Margaret McHugh, who had worked for Mr. Warren since 1953, said last night.

She said that his wife Nina, and their youngest daughter, Mrs. Stuart Brien, were with Mr. Warren in his private room on the hospital's sixth floor when he died.

Both, she said, had been paying him a routine evening visit. "There was no time to call anybody else," she added. "This was all very sudden."

A Supreme Court spokesman said that Justices William O. Douglas and William J. Brennan had visited Mr. Warren during the afternoon and stayed until 5:30 p.m.

Of all the opinions he handed down in the years between his appointment in 1953 and retirement in 1969, perhaps the most controversial was the Miranda decision, requiring that prior to questioning, arrested suspects receive a detailed description of their rights.

In criminal law, among the specific safeguards extended to defendants in state courts were the right to be secure against "unreasonable searches" and the right to counsel.

In addition the court under Mr. Warren ruled out certain religious exercises, including prayers in public schools, set liberal standards for obscenity, and restricted the power of the federal loyalty apparatus.

Specific decisions that helped bring about the social revolution initiated by the Brown ruling were those that struck at discrimination in voting, in marriage laws, in the use of public parks, airports and bus terminals and in housing sales and rentals.

[From the Washington Star-News, July 10, 1974]

FROM GENTLE PREMISES, DECISIVE RULINGS

(By Lyle Denniston)

Earl Warren started humbly and finished strong.

His life was like that. And so were his 16 years as chief justice of the United States.

From origins that were pathetic if not deprived, he came to know ultimate power at the very core of American government.

And from gentle, almost apologetic premises he read in the Constitution, he came to develop and use a decisive authority that changed American public life.

Kindly, he had long seemed to be grandfather to Everyman. He chose, determinedly, to avoid spectacle. And yet he came close to dominating personally an entire era in United States history.

He had been so prominent for 16 years, from 1953 to 1969, that in the five years of his retirement, he had seemed almost to have vanished. He kept his silence, mostly, even as the Supreme Court—after him—moved swiftly, sometimes eagerly, away from his approach to the law.

Paradox regularly seemed to pursue him. He was accused, often, of being arrogant, dangerous—or even subversive, an enemy of the Middle Class.

Still, he apparently never used his judicial power in a way that he did not feel most Americans, down deep, would agree with if they had been in his place.

A simple man, unspoiled by the sophistication of daring ideas that "his" court routinely embraced, Earl Warren's contribution was also his problem: He was a mild but committed revolutionary on behalf of the simplest virtues of American constitutionalism. That earned him both enmity and admiration. Few who watched him stayed neutral about what they saw.

Through his Supreme Court years, Warren spoke—as a preacher, not an evangelist—of human dignity, sovereign citizenship, the good life, fair play, the integrity of truth, freedom of will, society's right to maintain its moral fiber, freedom of ideas, the solidarity of marriage.

The Constitution, Warren always felt, embraced those ideas. And he considered it the Supreme Court's job to "enforce"—and that was his word—the Constitution.

Warren often said that if lawyers brought deep and novel controversies to the court, there was no choice but to hear and decide them. And, in his time, lawyers lost any hesitancy that remained to take the "hard cases" to the highest tribunal.

If the court ever was inclined to start fresh in one or another area of the law, a case or cases would be there to provide the occasion. And the court, with Warren at its head, often was so inclined.

The succession of landmark—sometimes even revolutionary—decisions that resulted made it inevitable that Warren would be compared with John Marshall, almost every historian's nominee for the greatest chief justice.

As Marshall and his court had helped found a nation, constitutionally, Warren and his court helped make it over in a much more complicated age, using much the same Constitution.

The likeness of the two best-known chief justices was even closer. Both came from poor beginnings, both rose—sometimes by harsh partisanship—through politics, both had a keep sense of how far they could press judicial power, both ultimately appeared to grow beyond their pasts.

But the change that came over Warren seemed the more profound. Although Richard Nixon once referred to him as "our great Republican chief justice," the more typical reaction from the GOP probably was the one voiced by President Dwight Eisenhower. His appointment of Warren to the court, "Ike" said, was "the biggest damned-fool mistake I ever made."

Warren had come out of the "liberal" wing of the GOP—the wing that brought Eisenhower into presidential politics. Warren himself helped give the nomination to Eisenhower in 1952 when, as governor of California, he led his delegation to the general's side on key test votes. Four years earlier, the "Liberal" GOP had put Warren on its national ticket as the party's vice presidential nominee.

His own background in public life had been distinctly that of a moderate. As a district attorney and as California's attorney general, he had been an aggressive prosecutor—some said to avenge the never-solved bludgeoning murder of his father. But he also was considered fair, and he insisted he was "nauseated" whenever a jury would find the accused guilty after he had prosecuted.

Regularly supported by labor and liberals in a succession of landslide political victories, Warren's career seemed to contain only one real lapse from moderation: His demands for isolation and confinement of Japanese-Americans during World War II. "If the Japs are released," he said, "no one will be able to tell a saboteur from any other Jap."

But, after his decade and a half as chief justice, his political and philosophical past seemed beside the point. The catalog of that court's truly historic decisions, most expanding civil rights and liberties, was long enough to unsettle anyone who expected the Californian to be a moderate as a judge.

From the court during his years, there emerged such nearly revolutionary cases as these:

Brown v. Board of Education, outlawing racial segregation in public schools.

Baker v. Carr and Reynolds v. Sims, the "one-man, one-vote" decisions that equalized representation and led to wide expansion of voting rights.

Gideon v. Wainwright and Miranda v. Arizona, guaranteeing the right to a lawyer to accused persons.

Yates v. United States, limiting federal power to prosecute or punish suspected "subversives."

Engel v. Vitale, barring prayer in public schools.

Roth v. United States, limiting prosecution of "obscene" publications or films.

The list goes on, touching nearly every sensitive question aggravating the national government between the presidencies of Harry Truman and Richard Nixon.

Many of the most important rulings were not the personal work of Warren. His approach, and the way he cast his vote and wrote his opinions, were so nearly like the work of the court as a whole that the public found it easy to call the tribunal the "Warren court."

Many have assumed that the signs of his outward mastery of the court reflected an internal reality. But Warren, in fact, never was much more than one of nine.

On many key cases, the most that he brought to bear was a vote. Many of the constitutional and legal theories that the court put into reality in his 16 years there were the creations of others. He did endorse most of them, to be sure.

But there is a distinct Warren mark in the 50 volumes of United States Reports which formally record the cases of the 1953–69 period.

These "Warrenisms" are ideas or premises that, apparently, were brought into the court's judging process mainly or wholly by Warren.

Some of the more significant are these doctrines:

That citizenship cannot be taken away.

That the mere right to cast a ballot is not enough to assure the equality of the vote.

That equality may turn upon merely the state of mind.

That the mere presence of authority can be menacing to a free person.

That a man's actions can turn innocent ideas into criminality.

Fundamentally, each of these is a variation of Warren's basic theory about the rights of a free citizen in the public order. As he has put them into the court's case results, each has become a kind of "civil right"—a legal guarantee for the individual as he comes face to face with authority, public or private.

It is a virtual certainty that Warren never thought of them as making up a philosophical "system." He spoke disparagingly of judges who followed a "metaphysical point of view."

Moreover, some of the "Warren doctrines" are, in some ways, contradictory. Most of them do not take into account fine distinctions, and thus they have been able to serve Warren in reaching sometimes opposite conclusions.

But they may be considered kinds of dogma for the Warren court, since each became the guide for a whole series of rulings in particular cases. They were more than precedents, because precedents usually are confined within separate branches of the law, while the Warrenisms came to have quite wide utility.

Probably the central theme of Warren's dogma is that involving citizenship—the view that, once gained by birth or by decree, citizenship cannot be wiped out by anyone except the citizen acting voluntarily. Warren wrote in 1958: "Citizenship is man's basic right for it is nothing less than the right to have rights."

Thus, it became the key to much that he and his colleagues did in defining the duties and opportunities of Americans. Of course, the theory did its most direct service in invalidating a series of laws that made loss of citizenship the price of wartime desertion, voting in a foreign election, or staying too long abroad.

But for Warren himself, the citizenship doctrine lay beneath much that he did in the field of voting rights—including the reapportionment of state legislative districts, and the opening of the ballot to minor-party or independent candidates.

The electoral status of Americans, the chief justice repeatedly said, has to do with "the attributes of citizenship."

His basic statement of it, in a famous dissent in the "Perez case" in 1958, shows that Warren was pursuing a simple theory of American civics:

"This government was born of its citizens, it maintains itself in a continuing relationship with them and, in my judgment, it is without power to sever the relationship that gives rise to its existence. . . . The people who created this government endowed it with broad powers. They created a sovereign state with power to function as a sovereignty. But the citizens themselves are sovereign, and their citizenship is not subject to the general powers of their government."

This was the best clue available to Warren's view of the priorities when a citizen and the government—any unit of government—come into a clash. When the citizen arrives at the point of clash, Warren saw him as the possessor not only of basic "human dignity" but as the holder of a wide range of rights and guarantees.

That explained some of the philosophy behind his many rulings in favor of better treatment of citizens holding Communist views or having a Communist membership in their past and about the posture of the citizen as he faces accusations before any tribunal: A congressional committee, or merely a squad of police interrogators.

Of course, there was a clear and distinct link between the Warren view of citizenship and his view about the right to vote.

While he was not solely, or even predominantly, the source of pressure to bring the court more deeply into the machinery of politics, once the justices were in it, he became dominant. And so did his theories of citizenship and the voting right.

He repeated, in virtually every voting case, that the "dilution" of the vote by any means—racial discrimination, unequal districting, whatever—not only was wrong, but also might take away the claim of "legitimacy" of representative government.

As Warren saw it, those were anything but abstract notions. He repeatedly insisted that the citizen, as the ultimate sovereign, had to be able to conclude that the practical procedures of government work not only well but fairly. He said that this assurance of "fairness' or "equal treatment" was basic, because it was the key to citizen confidence.

In this, of course, he borrowed somewhat from another of his theories: Having rights in America means more than having formal rights; it also means believing in one's own mind that those rights will be respected in fact.

Warren's classic use of that theory came in the school desegregation ruling in 1954. Black children in the South and in some border states, he conceded, had been treated equally in terms of buildings, teacher salaries, and other such "tangible" factors. That would have satisfied the court's old standards, Warren commented.

But he went on to conclude that equality simply could not exist for blacks who were kept separate, by law and custom, from whites.

Applying current "psychological knowledge," he wrote that to separate school children from others of similar age and qualifications "soley because of their race" gave them "a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

That notion—that one's mental attitude about his status could have constitutional significance—was, at the least, a theoretical breakthrough at that time. Over the years after that, it came to be a working principle of the Warren court's racial discrimination cases.

It became common, in cases affecting such widely varied matters as mixed marriage, buying or renting housing, or running for political office, for the court's opinions to condemn the "badge of inferiority" fastened on American blacks by segregation and discrimination.

When such an opinion was written by the chief justice, it usually would include some variation of his underlying theory about individualism. Expressions like "the worth of the person" or "human dignity" would phrase the idea, so basic as to be assumed without labored argument. For any lawyer who had sought to exalt authority or custom or necessity over those qualities, the burden was monumental.

Indeed, there was a certain impatience in Warren's opinions when he dealt with blunt claims to authority over the individual. He seldom, if ever, stood prepared to assume that authority had priority. Of course, he did not always vote to overturn claims to governmental power. But his apparent tendency was to begin with doubts that power had compelling presumptions in its favor.

As the contests between government and individual came before the court, there was already a claim of abuse of power. Otherwise, no controversy would have risen to the court's level.

Passing upon the claimed abuses term after term, Warren seemed to attach increasing prominence to his theory that the mere presence of governmental authority might be expected to overwhelm the individual. He applied that doctrine most tellingly in a long series of rulings on congressional or executive branch probes into the lives of persons suspect of disloyalty or "subversion."

In 1957, he condemned the loyalty investigations on the ground that they were "a broad-scale intrusion into the lives and affairs of private citizens." He came very close, on that occasion, to putting the House Un-American Activities Committee out of business.

He felt the same, and said so, about loyalty review boards sitting throughout the government in the 1950s, and about Red-hunters in state and local government.

As Warren insisted, then and since, he was not condemning the nation's basic eagerness to survive. As far as he could determine, that was never the issue. Rather, the question was whether the individual and his rights had been put aside in easy assumptions about the source and nature of the "national security" threat.

To Warren, the contest between authority and the individual was no contest. Authority had to be surrounded by safeguards and "neutral" devices to make the contest equal. That conviction, somewhat alerted, lay beneath the court's controversial rulings on police questioning of suspects at the stationhouse.

To be sure, the suspect in custody had no "right" to the activities that police were interested in probing. But he had a right, as

Warren saw it, to have the contest between police authority and his own will made more nearly equal.

His reputation, and that of "his" court, of course, was that the court was so insistent upon it notions of fairness and equality that it would allow virtually no criminal conviction to stand.

But, for all of Warren's seeming reluctance to endorse any conviction, he was prepared to accept—on the basis of a theory that seemed almost exclusively his—the punishment of those who were "plainly engaged in the commercial exploitation of the morbid and shameful craving" for dirty firms, books and magazines.

In 1957, he spelled out the theory which, nine years later, was to be the basis of the court's first ruling upholding an obscenity conviction. "The conduct of the defendant," he wrote in 1957, "is the central issue, not the obscenity of a book or picture."

Publications or films which could, on their own, pass the court's legal tests, Warren said, could be converted into terms of criminality by the actions of their distributor or promoter.

It was, in fact, the most complicated of Warren's basic theoretical contributions. Firmly opposed to checks upon ideas or "expression," and absolutely opposed to "book-burning," as he called it, he nonetheless was prepared to have books, publications and films take on the elements of criminal liability if their purveyors were willing to give them label by exploiting them in the "smut market."

By a further puzzle of reasoning, that became a "civil right," because it left the publications and movies free from the direct reach of the censor, and left the individual who wished to obtain them or the one who wished to avoid them the option to do so.

The net result of his own contributions, and of the way he cast his vote most of the time over 16 years, was that Warren ended his service classified as a "liberal."

That apparently did not bother him. In an interview he granted to Alden Whitman of the New York Times, for publication upon his death, Warren conceded that his views had changed because he saw things "in a different light."

He commented:

"No man can sit on the court over 16 years and remain parochial, for he must look out over all the United States. I do not see how a man could be on the court and not change his views substantially over a period of years."

If Warren was parochial at all while he was chief justice, it was in his almost complete absorption in the court's work in deciding cases. He showed almost no interest in running the federal judiciary, and actually avoided purposefully any involvement in the work of lawyers' associations. So far as is known, he never yielded to the temptation of some justices to spend time advising presidents.

But Warren did step out of his judicial role once, and he seemed later to regret it deeply. He served as chairman of the commission that investigated the assassination of President John F. Kennedy in 1963.

"The only reason I undertook the commission," Warren said in the interview for the Times, "was the gravity of the situation . . . But it isn't a good thing for a justice to undertake such duties."

Throughout his life, Warren also kept a strong religious faith. He read from the Bible daily, often at bedtime.

Much of his personal life was simple and unsophisticated. He loved professional sports and fishing and hunting. In Washington society, he was an eager party-goer, but never seemed an intimate with the fashionable set.

Apparently, his closest friend was Warren Olney, whom he named U.S. courts administrator. But he also had close associations with the late Drew Pearson, a columnist, and with Ben Sweig, owner of the Fairmount Hotel in San Francisco.

His wife of nearly 50 years, Nina Palmquist Meyers, was a constant companion of his in public life. After he became chief justice, she regularly sat in the front row of the Supreme Court's VIP section.

She survives him. There are six children—five born to the Warrens—Virginia, Earl Jr., Dorothy, Nina Elizabeth and Robert—and his wife's son by a former marriage, James Meyers, whom Warren adopted.

LAWRENCE LUNT, A PRISONER IN CUBA SINCE 1965

Mr. DOMINICK. Mr. President, for some time now, I have been working with a number of my colleagues in the Senate and the House, and with members of the family of Lawrence Lunt in an effort to persuade the Cuban Government to return Mr. Lunt, a prisoner in Cuba since 1965.

Until recently, the details of our efforts and those of the State Department had not been publicly discussed. During these months, the most hopeful sign that some progress was being made was an indication by the Cubans—given on three separate occasions—that they would be willing to exchange Mr. Lunt for one of their own men, a military officer being held by the Portugese. The first indication of a willingness to exchange the men came in the form of a pledge by Fidel Castro to Pope Paul 3 years ago.

The recent change of governments in Lisbon has resulted in pressures from some groups within Portugal to return the Cuban officer without regard for the commitment of the government in Havana to release Mr. Lunt. In the wake of demonstrations in the streets of Lisbon, the Lunt case became public knowledge, both here and in Europe.

It is my hope that the government in Havana will live up to its promise to exchange Lawrence Lunt for the officer held by the Portuguese and I join his family and friends in urging that a message be conveyed to the Cuban government that any failure to honor their previous commitment would be regarded as a breach of faith and an indication that they are not worthy to be considered a member of the international community.

Mr. President, an article by Benjamin Welles in the June 9 edition of the Washington Post contains a detailed account of the Lunt case. In order that my colleagues may have a better understanding of the situation of Mr. Lunt, I ask unanimous consent that the news account be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 9, 1974]

POPE, CASTRO AND A PRISONER SWAP

(By Benjamin Welles)

A pledge by Fidel Castro to Pope Paul VI could well rank as one of the rarest of modern diplomatic commitments, especially when it concerns freeing an alleged CIA agent.

Nonetheless, just such a promise made by the Cuban premier to the Holy See three years ago and repeated to the Belgian government six months ago is the key to intensive, behind-the-scene negotiations involving the U.S., Cuba, Portugal, Belgium, the Vatican and possibly guerrillas of the armed independence movement in Portuguese Guinea-Bissau.

The object of this unpublicized maneuver is Lawrence K. Lunt, an American, now 50, who has spent the last nine years in various Cuban jails.

Born in Massachusetts, Lunt drifted out West as a young man and became a ranchhand. One of his cowboy friends at the time was Sam Steiger, now a conservative Republican congressman from Arizona.

Lunt served in the U.S. Air Force in World War II and Korea. In time, after marrying a Belgian girl, he settled down in Cuba to raise cattle in the Pinar del Rio province. Partly because of his marriage to a non-American, partly because expansion of the cattle industry had been a goal of successive Cuban governments, Lunt was allowed to remain on after Castro came to power.

The Cubans later claimed that during a family visit to Washington in 1961 he was recruited by the CIA to collect political-military-social information about conditions in the island.

Whatever happened—the evidence is conflicting—and despite warnings from family and friends that life in Cuba was becoming increasingly risky for Americans, Lunt went back.

In June, 1963, he was arrested on charges of espionage and of harboring at his ranch counterrevolutionaries; e.g. persons seeking to leave Cuba. During his trial after six months of harsh interrogation, Lunt displayed what some called reckless bullheadedness, others, raw courage.

His case coincided with the nadir in U.S.-Cuban relations: a time when Castro feared for his life. Castro also was claiming that the CIA might try again to overthrow his government. The U.S. landings in the nearby Dominican Republic early in the year had stimulated Castro's phobia about U.S. plans to crush him.

So, in 1966, Lunt received the unusually severe sentence of 30 years in jail. He will be 71 when his term ends in 1996, unless he is released before then.

For six years after the sentence, Lunt's Belgian wife, Beatrice; his brother, Dr. John Lunt of Littleton, Colo., and his sister, Mrs. Donaldson Magill of Washington, struggled against a slack U.S. bureaucracy, defeatist in the face of Castro's severity. In 1971, came the first glimmer of hope.

In response to the pleas of the family, Pope Paul sent a private diplomatic message to Castro urging "benevolence" for Lunt. The papal appeal initially was successful.

OFFER REJECTED

Within weeks, the Cuban government, in an aide-memoire to the Vatican, agreed to free Lunt. The price: release from Portuguese imprisonment of one Pedro Rodriguez Peralta, a Cuban army captain. Rodriguez (whom the Portuguese call Peralta, his mother's family name) is now 34, an avowed Communist proud of his mission and a close friend of Castro.

He was wounded and captured by Portuguese troops in November, 1969, while accompanying armed militants of the PAIGC independence movement in Portuguese Guinea-Bissau.

Cuba's offer to the Pope—Lunt for Rodriguez—apparently fell on deaf ears in the Portuguese capital. The then premier, Marcel Caetano, an ultra-conservative trained in the rigid Salazar school, coldly rejected "unofficial" hints by the Americans, the Belgians and the Vatican that he set free Rodriguez, a Cuban army officer and acknowledged Communist caught stirring up dissidence in Portugal's war-wracked African territories.

"What benefit would this be to Portugal?" Caetano is said to have demanded. "We release a foreign Communist, tried and sentenced by our courts, for an American imprisoned in Cuba on charges of spying? No!"

In fact, so strongly did Caetano and his ministers feel about the Rodriguez affair that they had the initial light sentence imposed by the Portuguese army in Guinea—18 months and a small fine—set aside. A new trial was held in Lisbon and Rodriguez' sentence was increased to 10 years.

In retrospect, Caetano's obduracy appears to have stemmed, in part, from the cool relations between Washington and Lisbon. Portugal felt ill treated; it had allowed the U.S. to help build vital air bases during World War II in the Azores and to use them since in return for minimal economic aid.

But, as a charter NATO ally, portugal resented strictures about her "colonialist" policies in Africa—especially from the U.S., whose own racial problems seemed far from solved. Feeling dangerously isolated, on the one hand, form its traditional Western friends, Portugal hesitated about expelling the U.S. from the Azores. But on the other hand, characteristically, it draped itself in a mantle of offended dignity.

Given this hurt prid and with the continuing need for the Azores very much in mind, the State Department tended to look the other way. Only when prodded did it even mumble under its breath to Portugal about the Lunt case. So months passed.

AMNESTY DECREED

Gradually, however, Caetano's feeling of isolation began eating away at his initial inflexibility. Last October, for instance, during the Arab-Israel Yom Kippur war, Portugal, alone of the NATO allies, let the U.S. use its territory to fly through arms for the hard-pressed Israelis. After the war, at Secretary of State Kissinger's suggestion, the U.S. publicly thanked Portugal for having allowed the C-130s and C-5As to refuel in the Azores.

On April 25, everything changed. Caetano's regime was dismissed by a military junta led by Gen. Antonio de Spinola, a former troop commander in Guinea-Bissau. Mario Soares, a young Portuguese socialist, flew back from exile in France to become foreign minister.

One of Soare's first acts was to fly to London and begin negotiating a cease-fire with delegates of the same PAIGC movement with whom Rodriguez had been captured. It is virtually certain that the fate of Rodriguez was at least a topic of discussion. He was the PAIGC's comrade-in-arms.

As Soares was confering in London and various junta chiefs in Portugal were pledging "self-determination" for Portugal's African territories, an amnesty issued by Spinola's provisional government decreed that all Portuguese "political" prisoners jailed by preceding regimes were to be freed.

In Cuban eyes the situation now swung around 180 degrees. Under the amnesty, Rodriguez, who had four operations on his wounded arm while in Portuguese custody, could expect shortly to be released. With each passing day there seemed less reason to honor the pledge made to the Pope and to others.

It was at this point that the Cuban foreign ministry informed the Belgian government and the Vatican that the deal was off. No longer, said the Cubans, did they feel any need to adhere to their 1971 undertaking; in fact they were now seeking Capt. Rodriguez' "unconditional" release because, they added significantly, they felt on "very good" terms with the new revolutionary government in Portugal.

The Cubans appear to have misread Spinola. Those acquainted with his policies say that while the provisional government intends to be liberal—there are, after all, two communists in the cabinet—it will still continue backing NATO and, especially, it will seek closer ties with the U.S.

Spinola, for instance, has blocked the release of Rodriguez despite protests by Portuguese leftists and by the Cubans. He has noted that Rodriguez hardly fits the category of a Portuguese "political" prisoner. In a highly significant move he has also, within the past few days, called in the Cuban charge d'affaires for a private talk. His colleagues have told U.S. officials that U.S. and Belgian "interests" in the case will not be ignored.

Speculation in Lisbon now suggests that Spinola told the Cuban charge d'affaires of his personal interest in the Lunt-Rodriguez case and that he is now waiting to see whether the Cuban government intends to honor an offer it made voluntarily in 1971.

The Cubans have reacted both legally and politically. As counsel for Rodriguez they have engaged Manoel Joao da Palma Carlos, a left-leaning attorney who, by singular coincidence, happens to be a brother of the new moderate prime minister Adelino da Palma Carlos.

More important, Portuguese—or Cuban—leaks to the local press have led to headlines accusing the U.S. of "meddling" in Portugal's affairs. Crowds have been demonstrating before the Lisbon military hospital where Rodriguez is being held and have been demanding the "unilateral release of Comrade Peralta."

CONGRESSMEN ACTIVE

Interest in Lunt's case is now beginning to surface in Congress. Rep. Steiger has been urging the White House to intervene. Lunt's elderly mother is gravely ill in Colorado and Sen. Peter Dominick (R-Colo.) has enlisted the support of a non-partisan group of senators including several who favor better ties with Cuba, to press for Lunt's release.

"Castro not only promised the Pope in 1971 that he would exchange Lunt for Rodriguez," said one source familiar with the case "but this promise was repeated to Lunt's wife that same year when she visited Cuba by Maj. Manuel Pineiro, Castro's intelligence chief. It was repeated for the third time last December by Cuban President Dorticos to the retiring Belgian ambassador."

State Department and CIA officials decline to discuss the case publicly; each hints that it's the other's responsibility. And with the Azores negotiations still in limbo as the Spinola regime tackles more immediate problems, the Lunt case conceivably could get sidetracked.

Nonetheless, the Spinola government unlike past Portuguese governments, seems intent on ending its isolation, winning back old friends and particularly closing the gap with the U.S.

Spinola and his colleagues are said to be well aware that current agitation for Rodriguez' release—unilaterally—may signify a mounting challenge from the left to his untested regime.

It is a challenge that Castro is almost certainly watching and one which, if allowed to succeed, could have far reaching repercussions in Portugal's huge, rich and increasingly confused African territories.

Spinola and his aides recently have begun stressing the "sanctity" of international obligations; Castro's pledge to the Pope is, in their view, an undertaking that should be fulfilled. They have made it known through private channels that Rodriguez will only be released in exchange for Lunt.

Among the myriad problems confronting Spinola, the exchange of Capt. Pedro Rodriguez Peralta, Cuban army, for Lawrence K. Lunt, U.S. civilian, may well have more political significance than meets the eye.

THE SELLER'S RIGHTS

Mr. BROCK. Mr. President, as an integral part of the necessity for public protection agencies, we need to remain aware of the seller's rights, as well as those more frequently emphasized consumer demands. The situation which has developed with Marlin Toy Products Inc., is a prime example of this need, as cited in a Washington Post commentary by Nicholas von Hoffman.

Two of their products designated as unsafe by the Consumer Product Safety Commission in 1972 were modified acceptably and put back on the market in 1973, but the Commission failed to remove these products from the banned toy list. The subsequent results were devastating to the Marlin Toy Co., and left them in a defenseless position.

I ask unanimous consent that Mr. Hoffman's pertinent article be printed in the Record for the benefit of my colleagues.

There being no objection, the article was ordered to be printed in the Record, as follows:

Caveat Emptor—And Vendor Too

(By Nicholas von Hoffman)

You might say that politically what they did was like mugging Marcus Welby or evicting The Waltons. Can you imagine an agency of government that would put a toy factory out of business when it was owned by a widow and located near Beaver Dam, Wisc., the mythical small town we all left for the sins and disappointments of the big city?

Ideally Marlin Toy Products, Inc., of Horicon, Wisc., should also have elves working for it instead of the 85 humans company vice president Ed Sohmers says it had before the Consumer Products Safety Commission went into action. Marlin's troubles date from November 1972 when the government informed it that its "Butterfly Flutter Ball" and its "Birdie Ball," both products it had been selling with success and safety for a number of years, were hazardous to children because they contained little plastic pellets infants might choke on if the transparent balls were broken apart.

Marlin took both off the market, swallowed their losses, redesigned the toys without pellets, submitted the modified balls to the commission, which found them acceptable, and then proceeded to market them. The commission, however, failed to remove the products from its new list of banned toys so that the 1973 season was a jolly wipe-out for Marlin.

All last fall Sohmers wrote letters beseeching the commission to rectify the mistake so that stores would stock the toys but the most he could get was a letter saying the mislisting "resulted from an editorial error and will be corrected on the next issue of the list."

Subsequently commission chairman Richard Simpson said he thought that should have been enough but hundreds of thousands of banned toy lists had gone out. Some state consumer agencies had put the toys on *their* lists. Birdie Ball and Butterfly Ball even got dishonorable mentions on the radio.

Yet the government which demands that companies send out letters and telegrams notifying their customers of errors and defects won't do the same thing when it booboos. Had the commission done so Ed Sohmers might not now be saying. "This is going to cost us $600,000 and for our sized business that's death . . . I can't tell you the effect of laying off 85 people in a small town . . . Damn it, I hate to close the doors on these people. Me? I can always get by robbing liquor stores, but not some of the others . . ."

"We wanted justice so we went to the Justice Department but they said 'we only prosecute people,'" says Sohmers who now understands that you may not sue the government for damages unless Congress passes a law allowing you to. No one would introduce such a bill until the Beaver Dam Citizen broke the story and Sen. Helms, the North Caroline right winger, interested himself in the case.

Recently bills have been introduced in both houses but for all this loss and aggravation Marlin isn't your ordinary tale of yawning bureaucratic indifference. The commission has a far better reputation than most commissions around here. Simpson admits the mistake and says his forces are at least willing to consider recommending passage of the law that will allow Marlin to sue. Any other office in this town and they would have said, "Tough luck, Birdie Ball, we're infallible."

Marlin shows that it's not so easy to protect the public, even if you are one of those rare ones who wants to. Simpson, for instance, says it's possible that the toys shouldn't have been put on the list in the first place. The regulations themselves are ambiguous unsusceptible to precise understanding. What does it mean that a toy shouldn't have "sharp" edges? What's sharp? Beyond that no regulation can protect a small child left alone by parents who don't love it wisely enough to watch over it.

This case shouldn't be used as an argument to abolish the commission. In an era when even children's toys are made of exotic materials and by the most advanced technologies no lay person can be an informed buyer without help. Now the question is how can the public administration learn to protect the buyer and the seller too.

U.N.: OUT OF THE VALLEY

Mr. McGEE. Mr. President, in a recent column which appeared in the Washington Post, writer Stephen Rosenfeld once again demonstrated his unique grasp of international affairs.

In his column entitled "U.N.: 'Out of the Valley,'" he demonstrates the increasing necessity of the world community to rely upon the United Nations in dealing with economic and political problems which pose serious threats to international stability.

Mr. Rosenfeld discusses the role of the United Nations in the latest Middle East conflict; the role of the U.N. in the Iran-Iraq border dispute; the role of the U.N. in mobilizing action on the development, sea resources, population, food, and energy fronts.

In essence, he sets out in a very thoughtful manner, the advances being scored by the United Nations. Mr. Rosenfeld's column adds a refreshing new dimension to the oft-times short-sighted debates we witnesses in the Congress on the efficacy of a strong U.S. participation in the U.N.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

U.N.: OUT OF THE VALLEY

(By Stephen S. Rosenfeld)

UNITED NATIONS.—Secretary General Kurt Waldheim, confident and assertive in his third year on the 38th floor, is pleased to report that the United Nations is now quite fully seized of what he regards as the three big problems on the international agenda, the Mideast, world poverty and "decolonization in southern Africa."

He sees Henry Kissinger regularly, talks with him often and admires the Secretary of State's Mideast prowess—though, he adds, making a balancing gesture with his hands, "the Russians play their role." At the same time, he wants Americans to know that in the Mideast, American bilateral diplomacy is complemented by the multilateral efforts of the UN.

The UN has successfully provided peacekeeping forces on the Israeli-Syrian and Israeli-Egyptian lines: no one else could. In "a turning point in the history of peacekeeping," the "East bloc" has furnished manpower (Polish logistical units) and political support for UN peacekeeping for the first time. NATO (Canadian units) is represented too. The Israelis, previously scornful of the UN, now find it useful, as do the Arabs. "They both want a UN umbrella. They find our forces fair and our political role acceptable."

Waldheim stresses, though, that the road ahead will be long and hard: the Arabs insist on retrieving all lost territory, the Israelis on retaining some of it. In respect to the Palestinians, who are "crucial," he says, "various ideas have been ventilated, such as an independent state. There is the question of who should represent the Palestinians. These questions must be clarified." This should be done before the Geneva conference resumes—not until sometimes in the fall, Waldheim figures.

He pauses to point out that, virtually unremarked in this country, a shooting-hot border dispute between Iran and Iraq was quietly cooled in March by his special representative, Mexican diplomat Luis Weckmann-Munoz, who got the two sides to agree that much of their difficulty lay in decades-old difference in their border maps.

Waldheim acknowledges that he and the world organization have been steadily tugged in recent years toward dealing with the economic concerns which create the basic dilemmas of most of the UN's membership.

So the UN and Waldheim, personally, are into development, sea resources, population, food, energy—though, in truth, it is a bit jarring to see someone as suave and pinstriped as Waldheim waxing over the world's poor.

He concedes that the recent special session of the General Assembly—the first such session (of six) devoted to the economic-social area—took a "political approach." That means, in American translation, the United States and other Western states took a rhetorical beating. But Waldheim is satisfied that machinery was created and momentum achieved to focus the UN more effectively on producing a "new economic order," and in a spirit more of consensus than confrontation.

The special session's emergency-aid campaign for the countries most in duress—"mostly from high energy prices"—has gotten started with a Common Market pledge conditioned on yet-to-come American and Arab pledges. The $3 billion emergency goal can include bilateral as well as multilateral aid. Waldheim notes: "We will coordinate."

Conceding that Americans may not see it that way, Waldheim cites as the third big UN concern African decolonization, which he describes as the "Portuguese territories, Namibia, Rhodesia, et cetera"— the "et cetera" I took to mean South Africa, toughest nut of all.

From Portuguese Foreign Minister Manuel Seares last week he got the "firm impression" that Lisbon is sincerely moving to respect UN appeals for negotiations, self-determination and independence for its African colonies. Portugal is asking for local referendums, which the "liberation movement" want to skip, but Waldheim is "confident that can be worked out . . . through of course we have to see that it is really done."

Waldheim is plainly hopeful to convert the UN's recent activities—in Mideast peacekeeping and in providing a forum for global economic collaboration—into American esteem for the world body. He says: "We're getting out of the valley we were in for a number of years when the Western public said about us, 'They have debates but where are the deeds'?" He is, of course, right.

EARL WARREN

Mr. BROOKE. Mr. President, the passing of Earl Warren fills us all with great sorrow. Few individuals have so profoundly affected the course of American history.

In a succession of public posts, Earl Warren demonstrated consistently the wisdom and foresight that made him one of America's finest national leaders.

During his 16 year tenure as Chief Justice, the Supreme Court handed down some of the most important decisions in the history of our country. These landmark rulings reflected the Warren court's reverence for the civil liberties of all Americans.

The Nation will sorely miss the leadership of Earl Warren, especially in these most difficult times. But Americans can be proud that our country produced a man who was so right for his time and whose accomplishments will continue to serve as a beacon for future generations.

MRS. KING AND CHIEF JUSTICE WARREN

Mr. HART. Mr. President, within the past 10 days two persons who understood and joined the battle to eliminate discrimination from our society died.

Mrs. Martin Luther King, Sr., black, wife, mother, deeply involved in church work and the civil rights movement in the South, knew first-hand the cruel effects and despair bred of racial discrimination.

Former Chief Justice Earl Warren, white, among the politically elite and powerful, came to appreciate why a nation which would be free must be free for all its citizens.

Though they approached the problem from different situations and in different ways, they shared the goal and the faith that peaceful change through law can correct the flaw which has been with our Nation from its beginning.

Only time will tell what if any lasting changes will result from the efforts of Mrs. King and her family and from the Supreme Court decisions reached during Mr. Warren's term as Chief Justice.

But if at this point we can only guess and hope that their work will live after them, Mrs. King and Mr. Warren did leave us a message to help us through the present.

In his book, Mr. Warren said that in a republic "a prime function of government has always been to protect the weak against the strong." If we remember that, we can move toward the type of society which Mr. Warren believed is called for by our Constitution.

In his remarks at his wife's funeral, the Reverend King said:

> I knew I was going to be strong enough to stand here today. I'm not going to quit, I'm not going to let nothing stop me . . . So, "Bunch," Im going to miss you. You know that . . . I know one thing, you're resting. You were tired, I am, I'm tired. Let him come back, he can't do nothing but kill this old broken body . . . we shall overcome. It is in my heart, and it's in my soul, and I really believe we shall overcome.

If each of us can be strong enough to stand fast for the ideals of equality in these difficult times, if each of us, like the Kings, refuse to quit in face of setbacks, disappointments and even tragedies, then indeed our country may yet reach that mountaintop where the accidents of birth are no longer a standard of judgment.

We should be grateful to Mrs. King and Chief Justice Warren for their efforts to move us toward that summit.

LET US DECENTRALIZE OUR GOVERNMENT

Mr. BROCK. Mr. President, in my 12 years of elected office I have seen many of our Founding Fathers' principles of government simply go by the boards. A matter of special concern to me has been the number of regulatory agencies that are accountable only to the executive branch of Government.

Mr. President, I think it is time to put some teeth in all the calls to decentralize our Government. We must remember that this is supposedly a democracy, and lawmakers are answerable to the people, and the people only.

Mr. Howard Philips, in an article in the Federal Times, has recommended to Congress different ways to remedy this situation, and return us from technocracy to democracy. I strongly recommend this article to my colleagues, and ask unanimous consent that it be printed in the Record in its entirety.

There being no objection, the article was ordered to be printed in the Record, as follows:

Issue: Technology of Democracy

(By Howard Phillips)

In his first inaugural address, President Thomas Jefferson observed, "Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him?"

In setting forth "the essential principles of our government" which "ought to shape its administration," Jefferson prominently included "absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism."

Surely there is no clearer test of how well democracy survives in America in 1974 than to measure the extent to which "we, the people" are to control the operations of our government and the uses to which our taxes are put through the electoral process.

The measure is accountability. To whom do our institutions respond? To the general interest, expressed by means of free elections, or to special interests, which have established themselves as the principal constituencies of Executive Branch decision-makers and legislative authorizing committees alike. As Congress considers the question of budget reform, it should also face the corollary issue of *political* accountability for subsidized programs. The two matters are inescapably intertwined.

As a seventh grade student, I was first warned by a wise teacher of the Latin language that America was threatened by technocracy—the rule of experts. At that tender age I tended to discount that warning, even as I failed to fully comprehend its meaning. Now, after several years in Washington, including four as an official of the Executive Branch, its meaning is all too plain.

Important decisions of national policy and programmatic priority are too often decided in anonymity by men and women whose values and biases, however enlightened, structurally bypass control by the electorate.

Nowhere is this more true than in the social agencies, where decisions about whom to fund, which regulations to draft, which rules to enforce and which priorities to put forward cannot help being rooted in the preferences and values of those who draft and "sign off" on the bureaucratic documents which, taken together, come to shape and constitute agency, departmental and national policy.

Truly, as former Sen. Eugene McCarthy once said, "operations is policy." Furthermore, the decisions made by bureaucrats tend to become irremediable, under the prevailing political philosophy of "once funded, forever funded"—once placed in print, never to be erased, save by specific, precise, overt legislative corrective.

Indeed, the federal establishment has become so large, and the visibility of its working components so low, that decisions of the first magnitude are made each day in a manner which escapes press attention and limits the possibility of effective political response.

Both Congress and the President have too few tools to control the bureaucratic behemoth which decades of inattention to the issue of accountability have allowed to grow to its present size.

The Nixon administration has, with some hesitation and uncertainty, sought to confront the problem through such tools as managing by objective, revenue sharing, and governmental reorganization.

I applaud the President's stated goal of returning "power to the people," "reversing the flow of power," "returning power to elected officials at the local level" and creating new opportunities for citizen participation in decision making, yet must lament his corollary failure to surround himself with men and women sufficiently well-equipped to understand and advance those stated goals, and his failure to insist that the policies and programs of his government correspond to the social values and political objectives with which he effectively identified himself during the 1972 campaign.

All of these failures diminish the capacity for accountability of Mr. Nixon's government. From a technical standpoint I believe this administration has advanced governmental management techniques. In that sense it is a success. Its failure derives from treating the management and budget process as inherently neutral, in terms of values.

Budget-making is anything but neutral, from a policy standpoint. Neither is good management policy-neutral.

Yet Mr. Nixon has essentially turned over responsibility for management and budget-making in the domestic policy area to civil servants whose political values and social beliefs more closely parallel those of John F. Kennedy and George McGovern than of the 1972-model Nixon who won support from 62 percent of the electorate.

Moreover, missing from the budget process are sufficient opportunities for assessment of (a) the worth of a program, in its own right, even without respect to competing priorities, and (b) assessment, within statutorily permissible range, of its consistency with the overall philosophy and objectives of the administration in power. If elections are to mean something, this kind of policy analysis must take its place side by side with assessments of cost-effectiveness and PPBS.

The latter are necessarily policy-neutral. They are not designed to measure whether the government is advancing results consistent with the democratically-expressed will of the people.

With respect to proposals for a more effective legislative branch role in budget control my views are similar. Of course, Congress should play a greater role—its failure to be effective is its own fault. But if Congress deals only with budget control in the sense of setting its own ceiling or even in the sense of assigning resources within that ceiling, it will still fall short of its duty to the voting public.

It will still be only tangentially effective in making public policy accountable to the legislative will.

Here are a few of my own tentative recommendations for Congress:

First, adopt Senator Brock's idea of zero-based budgeting, reassessing program authorizations at least once each three years.

Second, get away from the whole system of composite appropriations, wherein congressmen often feel constrained to support the "bad" in order to secure the "good."

Let's have item by item decisions in Congress as well as in the Executive Branch. The item veto as part of that process, might strengthen Congress far more than the Presidency, particularly if item overrides can be by majority vote.

Third, Congress should reduce the power of the regulatory agencies and, wherever practical close them down. These are, after all, law making bodies. One argument for their independence and unchecked authority has been "freedom from politics," but haven't we simply replaced small "d" democratic politics with bureaucratic, special interest-representation politics?

Finally, in regard to accountability generally, let us work to reduce the impact of well-organized, vocal special interests, which thrive in the rarefied Washington atmosphere where the appearance of their popular strength is magnified many times by access to the media, physical presence in legislative and administrative corridors, and concentration of other lobbying resources.

Let us advance the *general* interest by reducing the size of bureaucracy, reprivatizing governmental functions, and dispersing power back to the people—through lower taxes, more authority to elected officials, and by *structurally* encouraging greater visibility for the decisions which are made.

Moreover, let us be honest enough to admit that civil service has in many cases become an excuse for preserving in power persons whose beliefs run directly counter to the policies supported by the people at the ballot boxes.

Only if we say, in the words of Carl Sandburg—and pre-Watergate Nixon—"The People, Yes" can we again become worthy of the political heritage left us by men like Thomas Jefferson.

To cite Jefferson once more:

"The same political parties which now agitate the U.S. have existed thro' all time. Whether the power of the people, or that of the "artistoi" (elite) should prevail, were questions which kept the states of Greece and Rome in eternal convulsions."

That is the issue today: Technocracy or Democracy.

EARL WARREN

Mr. MONDALE. Mr. President, it was with great sorrow that I learned of the death last evening of former Chief Justice Earl Warren. Although his passing marks an extremely sad event for all of us who count themselves among his admirers, we all can know for certain that Earl Warren was a man whose deeds will have effects that will continue long after his death.

Mr. Chief Justice Warren was a man who loved America, who believed in the viability of its institutions, and who had a deep respect for its Constitution. He presided over the Supreme Court for 16 important years. During his tenure, the Court took the first steps toward guaranteeing every American true equality of opportunity—in education, in employment, in the use of public facilities, in all of the attributes of citizenship. Chief Justice Warren was one of the acknowledged leaders in the struggle for equality. He never waivered in his belief that the 14th amendment means equality for all Americans.

When asked what was the most important issue resolved during his years as Chief Justice, Earl Warren always replied that the decisions guaranteeing every qualified voter an equal vote would surely stand as the most important. Beginning with the Court's decision in Baker against Carr, holding reapportionment questions justiciable, the so-called Warren Court enshrined the principle of "one man, one vote" in our legal firmament. The reapportionment decisions will surely stand as a lasting memorial to the work of Earl Warren and to the principle of equal political participation.

One could say many complimentary things about Chief Justice Warren. One could compose a seemingly endless list of the landmark opinions that bore his name. One could quote at length his eloquent and farsighted thoughts on the nature of our constitutional system, the permanence of our institutions, and the American people, who he loved. I think that one of the best ways to remember Earl Warren is through one of the last speeches which he gave before his fatal illness disabled him.

Chief Justice Warren delivered the commencement speech at Morehouse College in Atlanta, Ga., on May 21, 1974. He touched upon many subjects, but his comments on two subjects deserve special mention.

He spoke of the political process and about citizen participation in that process. He said:

> Everyone, no matter how humble, can have some influence on American life, and one never knows when his acts as an individual might have profound effects.

This is what Earl Warren deeply believed and what the decisions issued by the Supreme Court during his tenure as Chief Justice will forever protect.

He also reflected upon recent political events and reactions to some of the recent scandals at the highest levels of government. He said:

> The sponsors fail to recognize that the conditions they recoil against do not flow from public officials following constitutional procedures, but, on the contrary, from circumventing them. As a result, they ignore the old truism that we do not tear down good buildings merely because they have been occupied by bad tenants.

Mr. Chief Justice Warren resisted attempts to tamper with our constitutional system, because he understood its theory, marveled at its flexibility, and respected its endurance.

Many will miss Mr. Chief Justice Earl Warren. But, many will long continue to be the beneficiaries of his important work.

Mr. President, I ask unanimous consent that Earl Warren's speech at Morehouse College be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS DELIVERED BY THE HONORABLE EARL WARREN

It is not unusual on occasions of this kind to tell graduates of our colleges that they are emerging into a bright new world, vibrant with opportunities for them, or that they are entering a world of chaos and destruction destined for imminent Doom's Day.

In an effort to escape either of these conclusions, I would like to soften those approaches, and merely point out for your serious consideration that while I trust there will be ample opportunity for each of you to carve out a life of satisfaction during your half century or more of active years that our Nation is passing through troubled waters at the present time, and how we emerge from them depends upon us—you, me, all of us.

The scandal, compendiously referred to as Watergate, has shaken the faith of people, not only in the individuals involved, but also in the procedures which brought them to their high stations. Many people are so shocked by the disclosures that they are distrustful of all persons in public life and, what is even worse, they are becoming doubtful about the institutions upon which we have relied for so long to bring about the freedom which was promulgated in the Declaration of Independence two centuries ago.

As a result, there are movements at the present time to alter our governmental structure in a variety of ways. It has been urged in some quarters that because of the scandal in the White House and the charges of criminal conduct against members of the Cabinet, including two Attorneys General, that the Department of Justice be taken from the Executive Branch to be placed in an independent agency under the supervision of the Congress. A similar suggestion has been made concerning the Federal Bureau of Investigation because of the derelictions of a recent Director.

Also, because the Vice President has recently resigned in disgrace and been disbarred by his State Supreme Court that the office be abolished, and succession to the Presidency be transferred either to the Speaker of the House, the President of the Senate, or to some member of the Cabinet.

These are all changes of constitutional dimension born of the cynicism which follows from derelictions in the highest echelons of Government. But they are dangerous suggestions because in time of discord and confusion, such as we are experiencing today, we are not in a situation conducive to a careful appraisal either of the need for the changes or of the consequences which might flow from them.

The sponsors fail to recognize that the conditions they recoil against do not flow from public officials following constitutional procedures, but, on the contrary, from circumventing them. As a result, they ignore the old truism that we do not tear down good buildings merely because they have been occupied by bad tenants.

The Supreme Court of the United States has not escaped from such suggestions. There is no proposal to abolish the Court, but under the guise of helping to relieve it of its workload, there is a suggestion that a new court between it and the present lower federal courts be established to which would be delegated important parts of the jurisdiction of the Supreme Court, thus eliminating the free access of even the poorest or most underprivileged person in America to its jurisdiction.

The proposal does not even contemplate a regular court of permanent tenure or of fixed jurisdiction, but one of rotation of circuit judges for a short period of time on a voluntary basis and with a fluctuating jurisdiction.

There is not time here today to discuss this proposal further than to say that it is now weaving its way through the American Bar Association to give it the appearance of a consensus which it does not deserve because in fact not one lawyer in a hundred has even heard of it.

The proposal should challenge the interest of every person who believes that the Supreme Court was intended to be and should always remain the last forum to which all Americans have free access for the adjudication of their constitutional rights.

I submit to you that in troubled times such as those we are now experiencing that there is danger of some such half-baked ideas finding their way into the law unless people like yourselves will give time and personal attention to the affairs of Government on all its levels. I refer to you specifically because Government will mean more to you than the rest of us for the simple reason that you will live longer under it than those of us who are older.

The great virtue of our Government is that people can do something about it. They elect our representatives on all levels of Government, our Mayors, our Legislators, our Governors, and our President. Where they have made a mistake, they can rectify it in a subsequent election.

I know that because of the complexity of our governmental affairs many people believe that any effort they might make would be inconsequential, but such is not the case. Everyone, no matter how humble, can have some influence on American life, and one never knows when his acts as an individual might have profound effects.

Let me give you an example of current history. As you will remember, less than two years ago when the political burglars broke into the Watergate offices during the Presidential campaign, they were armed not only with burglary tools but also with crisp hundred dollars bills from illegal funds to buy their way out of any trap they might fall into. They were detected by an humble night watchman who was not susceptible to bribery. He did his duty, and his action caused all of them to be arrested, tried and convicted of the burglary. Had he not been faithful to duty, they would have gone on their way, and the entire Watergate investigation in all probability would never have been heard of. Thus, this plain citizen triggered a chain of disclosures which has greatly changed the history of the United States.

Let me give you another example in a different context. A number of years ago in my State of California in an election for Congress, the two candidates tied. Neither side claimed that there was any irregularity in the election, and not being willing to undertake the expense and the uncertainty of a recount both agreed to follow the statute provided for such occasions, and drew straws to determine who would be entitled to the office.

Many voters, of course, did not vote in the election, and the moral of this story is that if any one person who stayed at home on that occasion had voted his vote alone would have elected a Congressman.

There are a myriad of instances where one individual has profoundly changed the course of history, and under our system it will always be possible.

I believe it is appropriate to mention the importance to American life of actions of individuals in this company because Morehouse College has been in the forefront of preparing students for such responsibilities for more than a century. Coming into existence only three years after the greatest holocaust in American history, only two years after slavery was abolished, and one year before the great Fourteenth Amendment to the United States Constitution was adopted, it has prepared the underprivileged and oppressed for their rightful position in American life in accordance with the resounding words of that declaration:

"Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

It has been a task far more difficult than that undertaken by most American colleges and universities, but judged by its graduates it has succeeded in establishing itself among the prestigious institutions of higher learning in the Nation. Through the near century of restricted application of the due process and equal protection clauses of that Article and particularly during the last half century under the perfidious "separate but equal" it kept alive the spark of human dignity and the hope for a brighter day until it saw a rift in the clouds through *Brown* v. *Board of Education*.

Men who were in the same status at Morehouse as you are in today helped mightily to bring about that result. There were many of them, but I mention only two of them because they were my friends for many years, Dr. James M. Nabrit, Jr., one of the lawyers in that great case, and Dr. Mordecai Johnson, distinguished educator and civil liberitarian.

Life has changed greatly and for the better for many people since that time, but the struggle, of necessity, goes on here and with conscience stricken citizens throughout the Nation. While a goal of equality has not yet been achieved, we can look forward to the day when the rights of all Americans will be equated, and we can with honesty and pride fulfill our pledge of "One Nation, under God, indivisible, with liberty and justice for all."

We are only part way up the mountain we have essayed to climb. We must not falter in the face or recalcitrance born of race prejudice. Many forms of this resistance have been overcome, but the one which is still pervasive and perhaps the most insidious of all is the one to the effect that race discrimination cannot be overcome by law, but, on the contrary, only in the hearts and minds of people. This euphemism is a false creedo. While race prejudice, like hatred, bigotry, acquisitiveness and cruelty, cannot be eliminated by law from the inner sanctums of the mind, the infliction of any of them upon others can be and must be eliminated if the plural society we have proudly established in America is to have the tranquility its high purpose justifies.

In this work, the help of each of you who are graduating today is called for, and I commend you to it along with my best wishes for your continued success and happiness.

DEATH OF SENATOR ERNEST GRUENING

Mr. BROOKE. Mr. President, the playwright Webster once wrote:

> Integrity of life is fame's best friend, which nobly, beyond death, shall crown the end.

So it is with Ernest H. Gruening, whose life—both public and private—was marked by that quality of penetrating sincerity which we call integrity. He never turned away from the great public issues of his time. In everything he upheld the cause of the oppressed and the deprived, and served tirelessly the larger good.

In these troubled and sometimes discouraging days it is heartening to recall the achievements of his life and the inspiring example of his dedicated, courageous service. It reaffirms for us all that basic faith in the possibilities of man which is at the heart of our democratic system.

An indefatigable campaigner, outspoken in his views, good humored in his style, Senator Ernest Gruening compiled a progressive voting record, especially in the area of civil rights. Never one to shy away from controversy, he took vigorous stands on such issues as abortion, birth control, women's rights, and, above all, the war in Southeast Asia, which he forthrightly opposed. His vote was one of two to be cast in 1964 against the Gulf of Tonkin resolution.

More recently, Senator Gruening spoke out with characteristic vigor regarding the Watergate investigations and the impeachment issue. His autobiography, called, fittingly enough, "Many Battles," appeared in 1973.

Ernest Gruening believed in the viability of the democratic system because he believed in the intelligence and good sense of the electorate. He was fearless in his advocacy of what he held to be right, yet respectful of dissent and open to criticism. He earned the respect of men and women in both parties, and retained the love of the people of Alaska. It has been said that he "established the basis of—our—civilized life" in Alaska, where he will always be remembered as one of the great men of this century.

But it is here in the Halls of the Congress that he will be best remembered by his colleagues and perhaps by the Nation, too, for his steadfast commitment to conscience during a deeply unpopular war and in a deeply troubled time. I extend to his widow and son my heartfelt sympathy in their—and the Nation's loss, a loss which is the more grievous in these days of trial for our country. Yet, I know that they, even as we, will find consolation and strength in the memory of his character and achievements. He will be numbered among the great Members of this body, not least for helping to reaffirm our faith in democracy and in the integrity of public service.

ENVIRONMENTAL LAW: THE CONGRESS, THE COURTS, OR THE EXECUTIVE

Mr. MUSKIE. Mr. President, in the rapidly evolving field of environmental law, one of the most controversial issues concerns the respective roles of legislative, executive, and judicial branches of Government in environmental decisionmaking. There is one school of thought that advocates a very active role in environmental decisionmaking for the Federal judiciary. Many States have enacted legislation which provides a statutory base for such judicial, and thereby ad hoc, decisionmaking.

Similar legislation is pending before the Congress. This concept of judicial establishment of the character of environmental quality on a case-by-case basis is drawn from our common law, Anglo-Saxon tradition. The proponents of this school of thought would specifically extend the authority of the Federal district courts to decide environmental issues on a common law or "reasonable man" basis.

Historically, we have enacted statutes which grant broad discretion to executive agencies to engage in environmental decisionmaking through promulgation and implementation of regulations with only the most general goals and policies to guide them. More recently, however, Congress has provided specific guidance for executive agencies as to the nature of environmental quality improvement mechanisms, specific procedures, and more rigorous duties in the Clean Air Act and the Federal Water Pollution Control Act.

These new statutes also provide specific judicial review provisions which set both the duration and scope of the Federal courts' authority to determine if environmental decisions conform to the instructions of Congress. Similarly, these environmental statutes have extended concepts of enforceability to provide, in addition to agency action, citizen access to the courts.

These subjects are complicated, and the attendant controversy has generated a great deal of heat with precious little light. In a recent conference on environmental law at Airlie House sponsored by the American Bar Association, Eliot R. Cutler delivered a cogent statement concerning the respective authority of the three branches of Government in environmental decisionmaking. I think Mr. Cutler has penetrated the oftentimes academic rhetoric and focused on the reality of the three branches of Government, their capability and their limitations. To those interested in the current dynamics in the field of environmental law, I commend Mr. Cutler's comments. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

REMARKS OF ELIOT R. CUTLER

Federal agency decision makers with environmental responsibilities have discovered the hidden truth which Lincoln forgot to mention. It is, in fact, possible to please *none* of the people *all* of the time.

No one is satisfied with the performance of adminstrative agencies in the area of environmental protection. For example, the mission agencies may for the most part comply with NEPA's *procedural* requirements, but that act has brought few *substantive* changes to those agencies' views of their missions. And the Environmental Protection Agency may respond on its own to the specific directives of the Clean Air Act, but it has tackled the Clean Air Act problems of non-degradation, transportation controls, and complex source regulation only in response to court orders.

Do these patterns of glacial change in the mission agencies and reluctant creativity in EPA suggest that the administrative process is inherently inadequate and that we must look increasingly to the judicial process for the development of environmental law? I think not. We should examine the judicial competence in this area with some skepticism, but that is the reponsibility of the afternoon panel. Assuming, however, for the purposes of this discussion, that the courts are *not* fully competent to solve the myriad dilemmas of developing environmental law, I would like to take a more positive view of the agencies' potential role in this area. Can we postpone sounding the alarm and calling for the full assistance of the courts in developing, as opposed to enforcing, environmental law?

I think there are some ways to improve the administrative agencies' capacity to deal with environmental issue, and there are some important reasons for pursuing that course as an alternative to abandoning the agencies in favor of increased reliance on the courts.

First, however, I would urge that we beg the question a bit and enlarge somewhat our institutional frame of reference. Neither the courts nor the administrative agencies operate independently of the Congress. Some agencies may be more insulated than others from legislative direction and control, but the facts of life are that both the agencies and the courts depend on the Congress for the definition of their authority and responsibilities and for the enlargement or limitation of their powers. The nature of the legislative decisions to be implemented by the courts or by the agencies can vary from the general (i.e., the arguably substantive rights in NEPA) to the specific (i.e., the automotive emissions standards established by the Clean Air Act).

Indeed, the extent to which the quality of the agencies' performance depends upon the quality of the legislative decisions was illustrated by the reluctance of the EPA to establish transportation control and complex source regulations under the Clean Air Act and by the shortcomings in the rules which were finally issued by the agency.

Although the ultimate issue of EPA's authority to establish these regulations is being litigated at the present time, it is apparent that the Congress recognized when it passed the Clean Air Act that some authority to implement and enforce land use and transportation controls would be necessary if the primary ambient air quality standards were to be achieved and maintained.

But the act itself says no more than that, and the legislative history is of little help in spelling out what form these controls should take. EPA was reluctant to venture into this uncharted area, and the Natural Resources Defense Council was forced to obtain a court order requiring, in effect, that the Agency promulgate the necessary regulations.

The rules which have been promulgated predictably have provoked a storm of protest from affected industries, states, and cities and towns, since they threaten many localities with stringent restrictions on economic growth and on the use of automobiles. The quality of those regulations, to say the least, has been questioned.

In fact, there are persuasive reasons for giving the legislative-administrative process a chance to work.

Traditionally in America, we have committed to the special wisdom of legislatures the task of resolving basic social, economic, and political conflicts.

The more fundamental are the values at stake (so long as they are not constitutionally protected), the less removed from politics should be the resolutions of conflicts among them. These democratic notions have particular relevance in the development of a body of environmental law, where the conflicts to be resolved are seldom simple and straightforward, but rather cut across a seamless web of basic social economic, and political values.

The fact that decisions about these matters require the weighing of conflicting values is, for one practitioner of environmental law, the reason why "the weigher should be a court, a generalist, rather than an administrative agency whose outlook is organically developmental and provincial." But ultimately the same argument which favors courts over agencies should also favor Congress *and* the agencies over the courts.

The resolutions of these conflicts ought to be made by popularly elected and politically responsible legislators.

Right now, however, many of these conflicts have not—by and large—been resolved by the Congress. This lack of resolution, along with grossly inadequate funding, are the principal reasons for many of the shortcomings of agency decision-making in the environmental area.

The Clean Air Act at once offers the best example of how the relationship between Congress and the agencies *can* work in this area, and a good example of why it often *does not* work.

In enacting the Clean Air Act, the Congress determined that the nation required ambient air quality protective of public health. In many respects, the statutory guidance on this point is so detailed that EPA is left little room for the exercise of discretion.

The Congress made a number of decisions which bore such far-reaching political, social, and economic consequences that only it among the branches of government was likely to assert the authority to do so. For example, no court or administrative agency acting on its own would have excluded considerations of economic and technologcial feasibility and required that ambient air quality standards be set *solely* on the basis of public health.

The Act also recognized that specific, detailed standards and regulations to cover a multitude of parties and activities must be prescribed and enforced in order to achieve and maintain the required ambient air quality standards.

As far as automotive emissions were concerned, the Congress gave EPA little discretion; if any change other than a one-year extension from the requirements set forth in the Act was necessary, the Congress retained the authority and responsibility to make that change. This decision was appropriate, given both the economic and social impact of the 90% reduction in emissions which the act required, on the one hand, and the consequences of delay in those reductions on the other hand.

But the Congress did not legislate so specifically with respect to transportation and land-use controls. The Act gave the Agency little guidance as to what kinds of controls would be appropriate or acceptable. Yet the economic and social impact of these regulations potentially is even greater than the impact of the automotive emissions requirements.

At the same time, the Agency is faced with a serious shortage of data regarding the health effects of pollutants and the ways in which automobile use and growth patterns affect the concentrations of those pollutants. To a large extent, this shortage of data—and manpower—is due to the fact that appropriations for the Agency have not kept pace with the demands made upon it.

But could the courts have done a better job, could they have resolved the conflicts more equitably, could they have better implemented the legislative intent? Could the courts have come up with better transportation control plans or indirect source regulations, given the meager legislative guidance? Would they have tried?

I doubt it.

These comments apply in much the same way to the development-oriented, mission agencies as they do to the regulatory agency.

Yes, many agencies tend to favor development interests—but only so far as they are allowed to do so by the statutes under which they function. Specific, substantive statutory guidance—analogous to some of the provisions of the Clean Air Act—can reform and restrict the substance of Agency decision-making. Section 4(f) of the Highway Act and the Water Pollution Control Act restrictions on Agency licensing activities are two examples.

But *procedural* guidelines, or even arguably substantive guidelines when phrased in the broad, general terms of NEPA Section 101, will not and have not reformed the substance of Agency decision-making.

And although there may be "law to apply" in Section 101 of NEPA, can the courts define and apply that vague rhetoric more consistently, more effectively, and more equitably than the agencies? Will they try?

Again, I have real doubts.

So I don't believe that we ought to give up on the legislative-administrative partnership before we fully test its potential. And that potential will not be tested fully until the Congress provides precise, legislative definitions of the substantive policies which it expects the agencies to implement.

That is not an impossible task. The Congress has demonstrated that it is capable of making the necessary kinds of difficult public policy decisions in parts of the Clean Air Act, the Water Pollution Control Act, and other similar "standards-setting" statutes.

Few other areas of public policy require the balancing of conflicting interests and the consideration of trade-offs in such agonizing detail, but those requirements should not be an excuse for deferring to the courts. Congress ought to define the substance of environmental policy through detailed descriptions of operative principles and specific standards on the basis of which agencies can act and courts—where necessary—can adjudicate.

I am not talking about procedural guidelines here, or even procedural guidelines phrased as substantive instructions, with an invitation to the courts to substitute their wisdom.

I am suggesting that the Congress make the important public policy decisions by issuing substantive, detailed instructions to the agencies, and by requiring that Agency decisions be made strictly according to those instructions . . . with respect to every program or agency which has an essentially unregulated environmental impact.

One set of general instructions, by definition will not be sufficient. Different considerations must be applied in dealing with different elements of environmental quality; the policy considerations that support the provisions of the Clean Air Act would not have been correctly applied to cope with the problems of water pollution. On the contrary, detailed policy decisions must be made and precise, substantive instructions for the protection of environmental quality must be issued for every program and/or every agency which has an environmental impact unregulated by existing statutes, criteria, and standards. These legislative decisions should form the basis for the rules and regulations that have been missing in the pattern of environmental law and that the courts have been asked to create.

The practical problems associated with the enactment of these laws should not be understated. Obviously, the organic statutes authorizing specific programs or controlling specific agencies could be amended, or a series of new laws could be enacted to provide the criteria and standards for the programs and agencies affecting each sphere of environmental concern. The jurisdiction divisions among House and Senate committees clearly pose a serious obstacle to any meaningful effort in this area, and a successful effort will require either jurisdictional changes or accommodations by many committees with respect to their jurisdictional prerogatives. The unresolved problems associated with committee jurisdiction, along with the quality of the laws which the Congress writes, should be two central concerns of any serious attempt to revitalize the legislative-administrative partnership and to improve the way it works. It may be a less glamourous battle than those that can be fought, and perhaps won, in the courts, but winning that battle could well have a more lasting and salutary impact upon the quality of environmental law than any number of victories in court.

ACCOMPLISHMENTS OF GEORGE C. HAYWARD

Mr. TAFT. Mr. President, my home city in Cincinnati has for many years been in the forefront of sound metropolitan planning which has recently arrived at a consummation in the downtown area that has made the city one of the envies of the Nation. As much responsible as any man for the planning and implementation of the plan is George C. Hayward. George is about to retire from active participation in this area and his feats have been commented on favorably in the press on this occasion.

I ask unanimous consent that a copy of an article reviewing his accomplishments be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

City Skyline a Monument to Retiring Master Planner

(By Sheryl Bills)

George C. Hayward came to Cincinnati for the first time in 1945 and the Queen City has been the better for it.

Hayward is a city planner by profession and he was one of two principal planners who drew Cincinnati's famed 1948 Master Plan.

He is not what is referred to in some circles as a "phony" planner—one who dreams theoretical "pie in the sky" dreams which are too impractical to come true.

He is, rather, a realistic planner proven by the fact that Cincinnatians today are using, walking and driving on and benefiting from many of the fruits of his thinking.

In an interview at the Cincinnati Club recently, Hayward called Cincinnati's 1948 Master Plan the "most complete, up-to-date, comprehensive and most realized" master plan of any large city in the nation. And he was quick to point out that it is recognized as such all over the world.

Typical of his quiet, behind-the-scenes manner, however, he was just as quick to shun credit for the plan's success.

Instead he chose to attribute the success to a number of other influences:

The natural aptitude and appreciation of the citzenry of Cincinnati for planning.

The force of persons who saw ways to accomplish the plan's recommendations.

The creation of the Citizens Development Committee (for which Hayward returned to Cincinnati in 1948 to serve as executive secretary for 18 years). The committee, Hayward said, worked to implement the plan as a "continuing, quiet, hard hitting group who knew its effectiveness came from submerging its identity"—description also befitting Hayward himself.

The kind of city administration which encompasses a professional city manager and career personnel who can work across political differences.

This is not to say, of course, that all was smooth sailing in the fulfillment of the plan.

But, all told, with a few revisions and only two major exceptions, the 1948 Master Plan IS Cincinnati as the city was set forth on paper 25 years ago.

And now, at 65 and after 25 years of continuous service to the Queen City and a record to which he can boast "mission accomplished," George Hayward is retiring.

His retirement, actually from the Greater Cincinnati Chamber of Commerce where he has been group executive of community affairs and director of planning and development since the 1968 merger of the Citizens Development Committee with the Chamber, is more in body than in spirit, however.

Perhaps it's not even in body.

"They're going to provide a desk for me at the Chamber and pay me $1 or $2 a year," Hayward said with his always easy grin.

He will continue to be active in affairs mostly of a civic nature and specifically as secretary of the Bicentennial Commission.

Hayward's long in coming "spare" time will be devoted to "things around the house which have been waiting for 15 years." The house, designed by Hayward, is a contemporary tri-level in Mt. Washington overlooking both Lunken Airport and the Ohio River.

He will also spend more time on his second love in life—music.

An accomplished violinist, trombonist (he worked his way through the University of Michigan blowing the trombone), pianist and organist, Hayward says his favorite music is "all kinds of music" and he wonders aloud whether he should have become a professional musician.

In teaching piano and organ to 15 students, among them Joseph B. Hall, developer and former president of Kroger's, and Paul Rottmueller, advertising manager for Cincinnati Magazine, he insists upon exposure to popular as well as classical compositions—"so they can at least play 'Happy Birthday' to their mothers."

Father of two sons, grandfather of three and a natty dresser, Hayward also has a dream for the future.

The dream is to see a new master plan for Cincinnati that will pick up where the '48 plan stopped—and you can bet that if the plan begins to evolve Hayward will be in there prompting as persuasively and persistently as ever before.

A native of Richmond, Ind., who has lived and worked in cities across the nation as diverse as Flint, Mich., and Washington, D.C., Hayward was quoted in 1960 as saying "Cincinnati is the best."

He still believes that and, when asked why, he rattles off a list of reasons with unhesitating conviction.

"It's honestly the scenic setting of Cincinnati," he begins, "it's the kind of people with their civic consciousness, their successful livelihood pursuits and their cultural appreciation; it's that Cincinnati saw fit to reform its government along the best available lines and it's the diversification not only of industry but also of the kind of people and their likes. Then it's a revival of desire and ways to get things accomplished and a good, active, effective Chamber. . . ."

A COMMUNIST "NEUTRAL" VIEWS THE SUMMIT

Mr. HARTKE. Mr. President, I should like to bring to the attention of my colleagues the unique role Romania plays in international affairs. It is one of the few East European countries which has managed to remain free of Moscow's foreign policy dictates, while at the same time developing closer economic and political ties with the United States.

I have at an earlier date introduced legislation which would provide Romania with "most-favored-nation treatment" in her economic dealings with our country. Poland and Yugoslavia already have most-favored-nation status with us. It seems only logical that the same status ought to be offered to the Romanians.

Mr. President, I ask unanimous consent that an article which appeared in the U.S. News & World Report of July 8, 1974, describing Romanian President Ceausescu's views on the Moscow summit, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Romania's President Ceausescu Speaks Out—A Communist "Neutral" Views the Summit

ON DÉTENTE

The Rumanian President sees it as a policy shaped, not by individual leaders, but by powerful international forces. There is, in his view, a growing desire by people everywhere for "a policy of co-operation" that would not be affected basically by a change in leadership either in the U.S. or the Soviet Union. "Individuals have their role to the extent that they understand the people's aspirations and the changes occurring in the world. . . . But no one can halt these trends."

Russia, Mr. Ceausescu stresses, is anxious to promote *détente* "for its own interests" as well as for "reasons of socialist principle." Why? "Because the Soviet Union wants to create conditions for a general program of more-rapid economic development, for building a communist society and for a general policy of world peace."

The Rumanian President leaves no doubt that improved Soviet-American relations benefit his own country, making possible closer links "between Rumania and Western countries and nations all over the world."

THE NIXON-BREZHNEV SUMMIT

Top-level meetings between leaders of the superpowers and the agreements negotiated in their first two encounters are welcomed. It is hoped that the latest round of meetings in Russia will produce further understandings that will expand collaboration between the U.S. and the Soviet Union. "These talks," the Rumanian President adds, "should contribute to the progress of *détente* in keeping with the interest of all countries to develop freely and independently."

THE ARMS RACE

Mr. Ceausescu argues that both the Western and the Communist alliances are building up their military strength. On the one hand: "NATO member countries are adopting a series of measures to intensify arming." On the other hand: "It is only natural" that the Warsaw Pact countries "should take corresponding steps to strengthen their defenses."

This ongoing arms race, he warns, poses a "permanent danger" for *détente*. Therefore, he suggests, "measures are urgently necessary for the reduction of armaments, disarmament—first of all, nuclear disarmament—and for the abolition of military blocs."

U.S. TROOPS IN EUROPE

The Rumanian President favors the withdrawal not only of American but of foreign forces from "the territory of other nations." He feels their presence to be "a permanent source of insecurity for all countries. That is why the withdrawal of troops of the U.S. and of other countries from Europe can only help *détente* and contribute to strengthened security and lead to better and more co-operative relations between nations."

TRADE WITH THE UNITED STATES

President Ceausescu complains that the failure by Washington so far to grant most-favored-nation treatment for Rumanian exports is a major obstacle to expanding commerce between the two countries. "It's obvious," he says, "that duties which sometimes amount to 50 per cent of a product's value render satisfactory trade impossible."

Stressing the importance to his country of getting these restrictions eliminated, the Rumanian leader makes this forecast: "We would like the United States to have an important place in Rumania's international relations. With most-favored-nation status, I think our trade with the U.S. could reach 800 million to 1 billion dollars annually within a few years—more than four times its present level."

American credits, in his view, would not "play a very important role" in raising trade to such a level. "We want balanced trade and to have the balance of payments in equilibrium, not to trade on credit."

If restrictions were eliminated, the Rumanian President believes, his country could increase its exports to the United States of such things as chemicals, tractors, textiles, footwear, furniture and steel products.

U.S. INVESTMENT IN RUMANIA

It's still very modest—with only two joint companies established so far by American firms and Rumanian state enterprises. But Mr. Ceausescu reports that "negotiations are under way with other American firms that could lead to the establishment of other joint ventures" in the months ahead. Foreign investors are limited by law to a maximum of 49 per cent share in any enterprise. Is that a deterrent? The Rumanian President doesn't think so.

"Actually, 49 per cent offers a good groundwork for collaboration. In the final analysis participation percentage is not all that important. Management procedures are firmly established so that no problem can arise for those with whom we are setting up joint companies."

ON FREEDOM OF EMIGRATION

Mr. Ceausescu rejects categorically a view in the U.S. Congress that American trade and credit concessions should be tied to freedom of emigration, as in the case of Russia. He maintains that such proposals can only "limit the possibilities for expanding economic relations and slow down the process of improving international relations. In my opinion, it will be necessary to abandon such attitudes completely." But he adds that "questions of emigration can find a solution" within the policy of *détente*.

PRIVACY FOR STUDENT RECORDS

Mr. PERCY. Mr. President, I have received a letter from Warren Cheston, chancellor of the University of Illinois at Chicago Circle. Chancellor Cheston enclosed with his letter a copy of his policy statement concerning the release of information pertaining to student records. These guidelines, which are to be followed by all staff and faculty members at this Illinois University, are an excellent example of what we hope to accomplish on a broader scale with our privacy bill, S. 3418. Mr. President, I ask unanimous consent that Chancellor Cheston's report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

CHANCELLOR'S REPORT

For some time, many faculty, students, and staff have identified the need for a policy on the release of student information. Such a policy, if it is to be effective, should be known to everyone and applied uniformly. The Office of the Dean of Student Affairs has taken the initiative in developing such a policy through widespread consultation with many groups of students, faculty, and staff over a period of eighteen months. The statement below was concurred in by the Student Advisory Committee to the Chancellor and approved as campus policy by the Executive Committee. Any exceptions to uniform and consistent application of this policy must be approved in advance by those campus officers authorized to grant those exceptions indicated in the policy statement.

POLICY ON THE RELEASE OF INFORMATION PERTAINING TO STUDENTS

As custodian of student records, the University assumes an implicit trust. This trust involves recognition that student records, both academic and personal, are confidential to the student and the institution and are accumulated by the institution in order to facilitate its operation in the best interests of its students. Accordingly, the University will use extreme care and concern in recording and disseminating information about students by exercising professional discretion at all times. Student records will be released only to appropriate college or University authorities within the University, except for items of public information or where the student or former student has given his or her formal written consent to the external release of records. Requests for information on a student's personal records, beliefs, or associations will not be honored when the principle of confidentiality is challenged.

The need for educational institutions to make information about students available for research purposes is recognized. In releasing data for research, however, the University will take great care to protect the identity of individual students. Under no circumstances will the University abdicate the responsibility it bears to its students to keep their records confidential. Before submitting information from student records to researchers from outside the University, the University will remove any identifying information on students whose records are involved unless the University has obtained from each student a formal written consent to the release of their records . . .

The primary concern is that students know what information University personnel may release about them. Aside from a minimum number of items that are considered public information (as defined in 1, below), University personnel will not release information without specific written authorization from the student indicating the kind of information to be released and to whom it may be released. Where a student record contains public information generated by a source other than the University, such as a court arrest record, the University will not release that information. No information about students will be released by nonacademic staff members or student employees, either in writing or over the telephone, without specific authorization to do so from supervisory professional staff.

The following are guidelines that relate to the interpretation of the above statements of policy:

1. The student's name, dates of attendance, degrees earned, major field of study, honors earned, and any information available in a public directory, such as an address and telephone number, are considered public information and will be furnished to anyone who demonstrates a legitimate "need to know" without the written authorization of the student involved. With the exception of student addresses and telephone numbers, which are published in a directory that is available to the public, great care will be taken to identify originators of telephone requests for information about students. Where possible, these requests should be submitted in writing.

2. Disciplinary records are for intramural use and will not be made available to persons outside the University except on formal written request of the student involved or when state or federal laws require release of such information. Even in cases of intra-institutional use, disciplinary records should be released only by the Dean of Student Affairs and then only to personnel in the University who, in his opinion, require the information in order to properly discharge their official duties. The only exception to the above will occur when disciplinary action against a student results in "Disciplinary Suspension" or "Disciplinary Dismissal"; in such a case an appropriate notation will appear on the transcript as long as the disciplinary action remains in force.

3. With the exception of information considered to be public, information from student records will not be sent to prospective employers in the private or public sector or to educational institutions without the formal written consent of the student involved. Written reports for prospective employers and educational institutions will normally be released only by the Director of Admissions and Records or the Dean of Student Affairs, and information of a derogatory nature will be handled with extreme care.

4. A government agency may routinely obtain only that information which is classified as public information, regardless of the purpose for which it is requested. Any other information must be obtained by subpoena or written release from the student. In such cases, the Director of Admissions and Records will release information to government agencies.

5. Grades are considered confidential and are reported only to the student unless release is otherwise authorized under the terms of the foregoing policy. The only exceptions occur when the parent or guardian of a minor student (one under the age of eighteen) requests a copy of his son's or daughter's grades. The grades are to be released in such cases by the Director of Admissions and Records.

6. Questions requiring judgments about a student's academic achievement will not be answered unless the particular University employee has been named by the student as a personal reference. The inquirer who needs academic information should ask the student to authorize the release of his academic records.

7. A University employee will refuse to answer questions about a student asked by extra-University agencies or persons if such questions require personal judgments (such as the student's leadership ability, his adjustment to University life, and like queries) unless the particular employee has been specifically named by the student as a personal reference.

8. Where a specific University officer has been named as having primary responsibility for releasing certain kinds of informa-

tion about students, he or she will designate in writing those persons who may release information under the responsibility vested in said University officer.

9. Class schedules will not be released to unauthorized personnel within or outside the University. If a student must be located in case of an emergency, the Office of the Dean of Student Affairs or the Office of Admissions and Records will take responsibility for contacting the student by telephone or by mail or by a note to the student in class conveying the information that someone is trying to reach him or her. The student may then respond appropriately.

10. Generally, all University records pertaining to an individual student are subject to review by the student, with exceptions as exemplified below:

A. Psychiatric records may be reviewed solely at the discretion of the psychiatrist.

B. Medical records may be reviewed only in the presence of the attending physician or the Director of the Health Service.

C. Subjective evaluations maintained by a faculty member or counselor in his or her private file and used solely for professional purposes need not be available to students.

D. Information about the student which the University has obtained with the guarantee of the confidentiality of this information shall not be reviewed by the student.

These exceptions are not inclusive. Any questions about the release of information to students should be referred to the Legal Counsel.

11. The University's records are subject to subpoena, and the University will respond to subpoena for such. Upon issuance of a subpoena, the student is notified by the party at whose instance it is issued. All subpoenas of student records served upon the University will be referred immediately to the University Legal Counsel who will then instruct the chief administrative officer of the department holding the records to respond accordingly. The Legal Counsel will transmit a copy of the subpoena to the Dean of Student Affairs who will attempt to notify the student that a subpoena has been served upon the University and that the University is responding to it. Upon request the Dean will also advise the student of his right to seek legal assistance.

SENATOR RANDOLPH HONORED BY AMERICAN LIBRARY ASSOCIATION'S ROUND TABLE ON LIBRARY SERVICE TO THE BLIND

Mr. MANSFIELD. Mr. President, the 93d annual conference of the American Library Association is underway in New York City, with 10,000 library representatives from across the Nation present. At a special awards luncheon today, the ALA's Round Table on Library Service to the Blind presented its coveted Francis Joseph Campbell Award to my distinguished colleague, Senator JENNINGS RANDOLPH of West Virginia.

I have, on several occasions, spoken of the long and dedicated service to the Nation's handicapped performed by the senior Senator from West Virginia. As chairman of the Senate Subcommittee on the Handicapped of the Committee on Labor and Public Welfare, he has been actively involved in producing legislation to benefit this Nation's 12 million handicapped persons. In recognition of his work, particularly on behalf of the visually handicapped, the Round Table named him the 1974 recipient of its highest honor. The Francis Joseph Campbell Award was named for the noted blind educator of the 19th century.

It was, I am sure, particularly pleasing to Senator RANDOLPH that the presentation was made by a fellow West Virginian, Mrs. Hortenzia S. Rapking of the West Virginia Library Commission. Other West Virginians present were:

Elliott R. Horton of the Morgantown Public Library; Mrs. Regina Weaver of the Brooke High School Library; Nancy Jo Canterbury, program specialist of library services for the West Virginia Department of Education; Joanne Vance Muchoney, Judy K. Rule, and James Fields of the Cabell County Public Library; Dorothy S. Muse of the Carnegie Public Library at Parkersburg; Nick Winowich of the Kanawha County Public Library; and Fred Glazer of the West Virginia Library Commission.

Mr. President, Senator RANDOLPH's remarks in accepting the award explains the operations of the library services for the blind and the legislation on which these services are based. I ask unanimous consent that Senator RANDOLPH's speech, together with the Round Table on Library Service to the Blind's citation and a copy of the program be printed in the RECORD.

There being no objection, the speech and citation were ordered to be printed in the RECORD, as follows:

LIBRARIANS COMMENDED BY SENATOR RANDOLPH FOR SERVICE TO THE BLIND

I am grateful and honored to receive the Francis Joseph Campbell Award. I share it with each of you who have worked together over the years to bring new knowledge and hope to our Nation's blind and physically handicapped.

Library service to the blind and physically handicapped is not only a humanitarian program, it is a vital effort to assure that those unable to read and communicate in a normal manner will not be denied the advantages of library services.

This work involves many thousands of dedicated persons at the Federal, State and local government levels, and religious and volunteer organizations throughout the country.

Volunteers, in fact, have played an indispensable role in library services for the blind for more than a hundred years. Today, more than two dozen philanthropic and nonprofit organizations continue to augment the national program in valuable ways.

In service to blind persons, volunteers have been an active factor in making communities aware of library needs and resources. The contribution of such organizations as the Telephone Pioneers of America, in tape-recording needed materials, and in repairing and maintaining the talking-book machines, assumes increasing significance as the program expands. The National Multiple Sclerosis Society took on the initial distribution of the phonographs to eligible persons, and gave instruction in their use. These voluntary efforts have greatly reduced the cost of the talking books program and relieved State agencies of an enormous workload.

The Library of Congress, through its Division for the Blind and Physically Handicapped, provides overall administration and guidance. But it is at the local levels of government, in the regional and subregional libraries, where the necessary labor is done in finding and accommodating those disabled people who need these special services.

The Division for the Blind and Physically Handicapped maintains close liaison and carries forward cooperative projects with such organizations as Recording for the Blind, Science for the Blind, the National Braille Association, the Hadley School for the Blind, and others active in producing and/or circulating reading materials. Valuable assistance is provided by professional organizations such as the American Library Association's Round Table on Library Services to the Blind, the American Association of Workers for the Blind, and the Association for Education of the Visually Handicapped.

It is important, I feel, that we retrace some of the significant legislative landmarks which have brought us to this day, beginning 43 years ago when President Hoover signed the Pratt-Smoot Act.

Three years later, the basic legislation was amended to include talking book service at no cost to the readers. In 1952, the Act was further amended to delete the word "adult," thus permitting service to both adults and minors. In 1962, Public Law 87–765 established a National lending library of musical scores and texts in the Division for the Blind.

Finally, in 1966, Congress recognized the fact that many handicapped people who are not legally blind are unable to read conventional print because of a variety of physical and visual handicaps. With passage of Public Law 89–522, the reading program was expanded to include the severely handicapped. So the challenge has grown from a potential reading audience of 500,000 to an estimated two million or more handicapped persons who could benefit from these library services.

I commend the American Library Association for its leadership in selection and distribution of reading materials for the blind. In developing and adopting the Standards for Library Services for the Blind and Physically Handicapped, the Association has accepted a major educational role of great importance to a relatively small segment of our society.

The following quotation from the "Standards" illustrates the dedication of librarians across the Nation in this important work:

"Responsibility for blind and . . . handicapped readers does not stop at Federal and State levels. Every kind of library should make a special effort to include blind and handicapped people in all the services provided for sighted persons. It is the aim of these principles and standards to provide a guide for librarians, trustees, government officials, and interested citizens, that they may evaluate the library services now rendered to the blind and handicapped, and plan wisely for wider and more effective service."

The challenge you have accepted brings sunshine into the hearts of millions of our citizens and promises a brighter tomorrow for millions more to come.

THE ROUND TABLE ON LIBRARY SERVICE TO THE BLIND OF THE AMERICAN LIBRARY ASSOCIATION PRESENTS THE FRANCIS JOSEPH CAMPBELL CITATION IN THE YEAR 1974 TO JENNINGS RANDOLPH

Few members of the United States Congress can match Senator Jennings Randolph's dedicated efforts on behalf of the handicapped person. Since the enactment of the Randolph-Sheppard Act in 1936, Jennings Randolph has been an outspoken advocate for the development and continued financial support of programs to serve the handicapped. His legislative expertise, combined with a knowledge and sensitivity of the needs of the handicapped, has given this country an established national policy of equal services for the handicapped.

It is with gratitude and sincere appreciation that we of the library profession honor Jennings Randolph with this award.

FRANCIS JOSEPH CAMPBELL LUNCHEON

Trianon Ball Room, New York Hilton.

Presiding, Mona Werner, Chairman, Round Table on Library Service to the Blind. Introduction of Guests.

Introduction of Harold Krents by Katherine Prescott, Chairman-Elect.

An Address by Harold Krents. Author—To Race the Wind.

Presentation of the Francis Joseph Campbell Citation and Medal to Jennings Randolph. Presentor—Hortenzia S. Rapking, Chairman of the Award Luncheon.

This program was designed and produced by the West Virginia Library Commission.

The Francis Joseph Campbell Citation and Medal is awarded this year to Jennings Randolph.

The Honorable Jennings Randolph, United States Senator from West Virginia for the past fifteen years:

Library services for the blind needs creative participation by organizations and individuals. Jennings Randolph has been a founding sponsor and spokesman in behalf of public legislation and few persons in the halls of Congress can match his long career efforts in behalf of the handicapped person. He has been a major force in the development and continued financial support for legislation designed to serve handicapped persons. He is actively associated with many national organizations, encouraging them to to be concerned with serving the handicapped.

It is with deep appreciation that we of the library profession award this citation to Jennings Randolph who has advocated and provided legislation not only for library servives, but services to meet all needs of the handicapped.

The citation is named for Sir Francis Joseph Campbell, who assumed leadership in the latter half of the nineteenth century in educating blind persons and promoting the use of braille at a time when such ideas had little acceptance. Educated at the Tennessee School for the Blind, he later became head of the Music Department in Perkins School for the Blind and founded the Royal Normal College and Academy of Music in London. For his services he was knighted in 1909 by King Edward VII.

The designer of the medal, Bruce Moore, has been honored for his outstanding contribution to medal design by the American Numismatic Society. His versatility ranges from sculpture, such as the Billy Mitchell statute in the Smithsonian Institution, to glass design, including the Steuben glass bowl presented by President Eisenhower to Queen Elizabeth on her state visit to the United States.

COVERAGE OF NONPROFIT HOSPITALS UNDER THE NATIONAL LABOR RELATIONS ACT—CONFERENCE REPORT—PRIVILEGE OF THE FLOOR

Mr. TAFT. Mr. President, I ask unanimous consent that Robert Hunter of the minority staff of the Labor Committee and Mr. Randy Stayin of my staff be allowed the privilege of the floor during the debate on the business scheduled at 11:45.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOOD FOR PEACE: 20 YEARS OF SHARING

Mr. DOLE. Mr. President, this is an historic day in world history—a day which should be remembered as one of this Nation's most honorable and humanitarian anniversaries. For it was on July 10, 1954, that the great leader—and 34th President of the United States—Dwight D. Eisenhower signed the Agricultural Trade and Development Act—known all over the world as Public Law 480. In terms of lives saved and improved this was and is the most constructive letter number combination in all history. It should be memorialized, and those who were so effective in bringing into being this bipartisan legislative giant should take great pride in their accomplishments.

THE WORK OF MANY

As I looked around the Senate Chamber yesterday and again today, I saw and see some great supporters and sponsors of this legislation—and one former food for peace administrator. There are many unsung heroes in this continuing struggle, such as the bureaucrats who helped draft this proposal and who, with care and a strong humanitarian sense, have been administering it. There are the dedicated men and women of the great voluntary agencies for overseas relief and rehabilitation, such as CARE, the Protestant Church World Service and Lutheran World Relief, Catholic Relief Service and its Charitas counterparts, the American Jewish Joint Distribution Committee, and a number of similar privately supported humanitarian organizations helping to carry out the U.S. Government's food for peace program.

HELPING MILLIONS

The latest reports indicate that these programs are now reaching, for at least some supplemental feeding, some 45 million school-age children and another 10 million preschool infants, and pregnant or nursing mothers, scattered around the world in 100 countries.

Even that is just scratching the surface. Related to need, only a dent has been made.

There are the men and women in the agribusiness complex whose genius for assembling, processing, and transporting great quantities of food is bridging the distance between producer and ultimate consumer.

Starting with President Eisenhower, the legislation has had the support of every succeeding President. Witness the following Presidential comments:

President Eisenhower:

> My earnest hope is that our people will put their hearts as well as their minds into this effort. It is more than surplus disposal, more than an attempt to foster ties and sympathies for America. It is an effort that I consider in full keeping with the American tradition—that of helping people in dire need who with us are devoted to upholding and advancing the cause of freedom. It is an undertaking that will powerfully strengthen our persistent and patient efforts to build an enduring, just peace.

President Kennedy:

> American agricultural abundance offers a great opportunity for the United States to promote the interests of peace in a significant way and to play an important role in helping to provide a more adequate diet for peoples all around the world. We must make the most vigorous and constructive use possible of this opportunity. We must narrow the gap between abundance here at home and near starvation abroad. Humanity and prudence, alike, counsel a major effort on our part.

President Johnson:

> Today the Food for Peace Program is a shining example of human compassion. It is more than a monument to a high moral purpose—it is a living legacy of practical economic wisdom. Besides meeting the most elementary human need, our food resources are being used around the world to build schools, dig irrigation ditches, pay U.S. bills abroad, and create new markets for American agriculture.

President Nixon:

> Food for Peace, which completed its fifteenth year of operation during 1969, is a landmark among humanitarian efforts to improve diets in the developing areas of the world. It plays an important part in the work of developing nations to improve their own agricultural production, marketing, and distribution. Although many of these countries are becoming better able to feed their people, the need for substantial food assistance continues.
>
> The Food for Peace Program enables the United States to pursue its food assistance goals and development objectives in a number of ways: bilaterally, through concessional sales programs and government-administered donations programs; privately, through religious and charitable voluntary agencies such as CARE; multilaterally, through institutions such as the World Food Program.

DECLARATION OF POLICIES

In the 20 years since the Public Law 480 program was devised out of the hearts and minds of brilliant men, I have watched it with keen interest and with growing awareness of what it has accomplished, and what tasks lie before us.

It is important that all of us understand the great objectives of Public Law 480, as set forth in the preamble of the act. It follows:

> The Congress hereby declares it to be the policy of the United States to expand international trade; to develop and expand export markets for United States agricultural commodities; to use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in developing countries, with particular emphasis on assistance to those countries that are determined to improve their own agricultural production; and to promote in other ways the foreign policy of the United States.

EXPANDING EXPORTS

It is to be noted that one objective of Public Law 480 is the development and expansion of export markets for U.S. agricultural products. As we look back at the export figures since the inception of this program to the present, one would have to conclude that there has been no period in American history in which we have done as well in our agricultural exports. In the fiscal year just ended we had total agricultural exports in excess of $20 billion. Of this, dollar sales set a new record of $19 billion.

One of the objectives of Public Law 480 has to do with encouraging economic or is it providing strength to help them development. Is the program mainly a crutch for the less-developed countries—or is it providing strength to help them stand on their own feet? This is a critically important question.

A good test of economic development is a country's improving ability to buy the things it wants in the commercial marketplace. Already a number of countries that once received food aid have become important commercial customers. The classic examples are, of course, Japan, Italy, and Spain. Under Public Law 480 and earlier aid programs, they received considerable assistance. Today they are among our best cash customers.

These countries, at a critical time in their economic developments, were aided by Public Law 480. They were ready to carry out their own self-help programs, but they needed some help in getting started. Once started, they have moved forward of their own momentum.

BENEFITS ABOUND

Other countries can be cited that are dramatic in their transition from aid to trade; they started with less and have had further to go.

The benefits of exports are shared by nonfarm people. Hundreds of thousands of workers and businessmen across the country owe part or all of their incomes to the activities created by agricultural exporting—handling, transporting, warehousing, processing, packaging, freight forwarding, insuring, financing, and related activities. Exporting has, in itself, become a vast industry.

BALANCE-OF-PAYMENTS IMPACT

Another benefit to the United States of expanded foreign markets for our farm products is a better balance of payments.

It is not generally known—but it is a fact of which we should be very proud—that American agriculture, through its export earnings, is today doing more than any other segment of the Nation to hold back the critical outflow of dollars.

As food for peace embarks on its 21st year, there is growing indication of the program's substantial contribution to the development of commercial markets for our farm products. In a large sense, these commercial exports constitute food for peace at its best—mutually beneficial, multilateral trade using the efficiency of commercial trade channels. The soundest and the simplest way to maintain our balance of payments would be to utilize to the maximum the productive efficiency of our farmers by findings ways to increase our agricultural exports even more.

IMPORTANT ELEMENT OF FOREIGN POLICY

The food for peace program is far more than just a farm program. It is truly a national program, to support national foreign policy objectives. It reflects the fact that we have wed our world leadership responsibilities with our breakthrough in agricultural technology.

Food and fiber from American farms have saved the lives of millions of people.

There are millions of boys and girls today, throughout the world, who regularly receive school lunches through this program.

KEY TO WORLD DEVELOPMENT

It makes sense for the United States and other exporting countries to share abundance—God-given abundance—with millions who lack that abundance. In our foreign aid programs, we recognize more and more that a key factor in economic development will be the future ability of people to feed themselves—the ability to really close the world's food gap. Thus we seek not only to share our abundance of production with developing nations, but also our abundance of know-how and technology.

Beyond the obvious political and moral reasons for our assistance, there is also a good economic reason.

The real market development for agricultural output has been and is in increasing total dollar markets of the world—not just in dividing existing markets.

Our assistance programs are helping to build future export markets for American farm products—by increasing living standards and purchasing power of the great populations in developing areas of the world.

INTERDEPENDENCE OF NATIONS

These are the lessons of today. That all of us in this Nation, and in this world, are interdependent—that none of us is isolated from his neighbor.

It is not easy to measure the accomplishments of a program with such multiple objectives as U.S. food aid. During the 20 years, U.S. farm products amounting to $20 billion were exported under Public Law 480 programs. Food has been furnished to meet emergency situations and to meet nutritional needs as a contribution to the development of the economies of the recipient countries. Loans to foreign governments for economic development are the largest item in the uses of foreign currencies generated under the program.

PROGRAM SAVES LIVES

Malnutrition takes its worst toll in the first 5 years of human growth, blunting the physical development of preschool children, and very often retarding their mental growth as well. In countries where food shortages are both chronic and widespread, this irreversible process affects up to 50 percent of the infant population.

Millions of youngsters in many lands are alive today as a result of American compassion and American know-how—and as a result of a unique partnership between the public and private sectors of this country.

FLEXIBILITY AND PROTECTION

U.S. commodities have played a major role in maintaining the precarious balance between world food production and world food consumption for a number of years. The current act no longer limits food aid to surplus commodities, but encompasses commodities determined to be available by the Secretary of Agriculture. U.S. set-aside acreage has been returned to production as needed for U.S. uses, commercial exports, and food assistance exports.

However, it should be noted that section 401 of the act provides the following:

> No commodity shall be available for disposition under this Act if such disposition would reduce the domestic supply of such commodity below that needed to meet domestic requirements, adequate carryover, and anticipated exports for dollars as determined by the Secretary of Agriculture at the time of exportation of such commodity.

We should not overlook the need to be reliable suppliers to dollar customers—nor should we repeat the soybean mistake with export controls.

Actually, export controls would have to be associated with an embargo on Public Law 480 exports.

CALL TO OTHER NATIONS

There should be an international call upon other highly developed countries to contribute their share to the solution of the world food deficit. The threats which accmpany hunger and starvation are so great and the issues so complicated that the experience, ideas, skills, and resounces of as many countries as possible must be brought to bear upon the problem. The world community should support the expansion of international food and agricultural assistance programs, including the United Nations world food program.

The world community should call upon those countries with oil rich billions to set aside at least a modicum of these riches to implement an oil dollar for food program. This would be a practical recognition that the net effect of their pricing formulae has been to reduce food production especially in developing countries. This would be a great act of mercy worthy of responsible men.

MILESTONE OF MAN'S CONCERN

As we look back on two decades of effort, the accomplishments are remarkable by any test. Historians of future generations may well look back on this expression of America's compassion as a milestone in man's concern for his fellow man.

Let us, then, who share in the miracle of American agriculture, continue to work for a future in which our energies and our productivity will be devoted to making life happier, freer, and more abundant for the whole family of man.

The Nation's founders insisted on "a decent respect to the opinions of mankind." This food-for-peace program is a continuing major action on our part in that direction. Today is a birthday to uplift the hearts and minds of men.

COVERAGE OF NONPROFIT HOSPITALS UNDER THE NATIONAL LABOR RELATIONS ACT—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK). Under the previous order, the Senate will now proceed to the consideration of the conference report on S. 3203, which will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3203) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of July 3, 1974, at pp. 22130–22131.)

The ACTING PRESIDENT pro tempore. The Chair wishes to state that the official papers pertaining to the conference report on S. 3202 are not available to the Senate at this time and until such time as they are made available, the Senate cannot proceed to the consideraion of the conference report.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that I may yield 2 minutes to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

DEATH OF CHIEF JUSTICE EARL WARREN

Mr. KENNEDY. Mr. President, Earl Warren was a giant of American justice, and his death deprives the Nation of perhaps its foremost living symbol of integrity and moral leadership.

For generations to come, Earl Warren will be remembered as one of the Nation's greatest Chief Justices, and history may well rank him as the greatest since John Marshall. Certainly, the two together—Marshall and Warren, touching each other across the centuries—are easily seen as the two great shapers of the Supreme Court in the American system of government—Marshall at the beginning, who forged the Court's enduring role as a strong and coequal branch of government and as the ultimate keeper of the Constitution, and Warren in the modern era, who led the Court in the contemporary judicial revolution that has brought such powerful and important change to every aspect of American life, but most especially in civil rights, in civil liberties, in reapportionment, and in criminal justice. Just as President John Adams once said that his proudest act was his gift of John Marshall to the people of the United States, so it can be said that Earl Warren was President Eisenhower's finest gift.

In addition to the monumental achievements of Earl Warren in public life, my family and I will always remember his friendship and the quiet kindness and comfort he brought at the time of the assassination of President Kennedy. His private courage at the time was a source of strength for us at a difficult period for our family, and his public courage in assuming the leadership of the Commission to investigate the tragedy was a source of strength to the American people at a difficult period for the Nation. Thanks to his personal leadership, the Warren Commission became one of the most influential forces in allaying the fears of that era and in allowing the Nation to return vigorously to its course.

To his wife and children, I give my deep sympathy. Perhaps it is of comfort now to know that his life was so rich and full, and that his contributions to our Nation were so immense. So long as American history is studied, Earl Warren will be celebrated by future generations, not only in this country, but throughout the world. So long as lawyers argue cases before the Supreme Court, they will recall his famous question from the bench. "Yes, but was it fair?"

Mr. President, I ask unanimous consent that an article on Chief Justice Warren in this morning's Washington Post by Mr. Alan Barth may be printed in the Record, as well as excerpts from remarks I made in 1970, on the occasion of the presentation by the JFK Lodge of B'Nai B'Rith of the Profiles in Courage Award to Chief Justice Warren. I also ask unanimous consent that the following additional materials may be printed in the Record: the proceedings in the Supreme Court on June 23, 1969, on the retirement of Chief Justice Warren; a tribute to Chief Justice Warren by Archibald Cox that appeared in the Harvard Law Review in 1969; an interview by Anthony Lewis with Chief Justice Warren; and a chapter on Chief Justice Warren from John P. Frank's book, "The Warren Court".

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, July 10, 1974]

Chief Justice Warren: His Court Reshaped the Nation

(By Alan Barth)

By nearly every standard that can be said to measure judicial stature, Earl Warren must be counted among the great chief justices of the United States—the greatest, in all probability, since John Marshall.

Like John Marshall, Earl Warren presided over the Supreme Court during a period of dramatic change in the character of American Life. The "Marshall court" at the inception of the Republic wrote upon a clean slate in giving vitality to the United States Constitution and in delineating for itself a decisive role as a shaper of the national destiny. The "Warren court" adapted the institutions of a developing society to the needs of a fully developed nation, a great military and economic power in a world made intimate by scientific and technological advances altogether beyond the imagination of the Constitution's framers.

It is apt to be misleading to designate a court by the name of a Chief Justice who is, after all, but *primus inter pares* among its members. But in the case of Earl Warren as in the case of John Marshall, the designation seems justified not alone as the mere indication of a time period but as a recognition of leadership and influence.

The court over which Warren presided was an extraordinarily vigorous one, replete with powerful personalities. He was surpassed by several of its members in legal learning, in felicity of expression, in depth of judicial perception and philosophy. As administrator of the court's affairs, however, he gave the disparate justices a measure of unity and a sure sense of the tremendous political role the court had to play in its time.

In ceremonies marking the conclusion of Warren's term as Chief Justice and the installation of Warren E. Burger as his successor, President Richard M. Nixon remarked: "Sixteen years have passed since the Chief Justice assumed his present position. These 16 years, without doubt, will be described by historians as years of greater change than any in our history."

A society once overwhelmingly rural in residence and agricultural in occupation had become predominantly urban and industrial. This shift was accompanied by a vast migration from small towns and villages into great metropolitan centers and brought with it a social upheaval entailing immense alterations in social values and immense problems of social adjustment. An important part of the population movement involved great numbers of Negroes uprooted by technological change from the Southern cotton fields where they had worked first as slaves and later as sharecroppers and who now found themselves penned in the decaying slums of inner cities wholly unequipped by reasons of illiteracy and ignorance to compete for a livelihood in an advanced industrial economy.

These black Americans were clamoring for civil rights and for economic opportunity. Migration to the cities made the disproportionately rural representation in state legislatures seem altogether inequitable and anachronistic. Education, police authority, social institutions, media of communication, esthetic and moral values, even religion, were all undergoing dramatic changes. The law, indeed the whole relation of the state to the individual, had to change with them. And it was over that transformation of the American community that the Warren court presided.

"No decade in American history has brought to the Supreme Court such a diversity of deeply troublesome and controversial questions," this newspaper commented editorially on the 10th anniversary of Warren's appointment as Chief Justice. And a member of Congress remarked, not happily, that "our entire way of life in this country is being revised and remolded by the nine justices of the Supreme Court."

Earl Warren was born in Los Angeles, Calif., on March 19, 1891, the second child of a railroad worker named Methias H. Varran, brought to this country in infancy from Norway. The name was anglicized to "Matt Warren.' Matt was not a man of much education but he was intensely interested in reading and in learning—for his children no less than for himself. The family fortunes were not resplendent. John D. Weaver, in a biography of Earl Warren, says that the boy once asked his father why he had no middle name. "Son," Matt Warren answered, "when you were born, we were too poor to enjoy any luxury of that kind."

But Matt Warren was industrious and provident, saving money and investing it shrewdly. He was determined that his children should have the education he had missed. He worked his way up on the Southern Pacific from a mechanic to a master car builder. In 1938, when Matt had retired from his railroad job and when his son, Earl, was district attorney of California's third largest county, the body of the father, then 73 years old, was found in the kitchen of his home, bludgeoned to death with a lead pipe. It was a case of robbery—evidently by someone who supposed the old man had concealed wealth on his premises. The murderer was never found.

Earl did odd jobs when he was young, working for a while as a call boy for the railroad. He did well enough in school but was more interested in sports than in study. He put himself through college and law school at the University of California.

Warren spent about three years in private practice after his graduation from law school and before he enlisted in the Army upon America's entry into the first world war. He saw no service overseas but he rose to the rank of second lieutenant. Following his discharge from the Army, he obtained an appointment as a deputy in the Alameda County district attorney's office and remained a public employee for all the rest of his working years until his retirement as Chief Justice of the United States.

Warren was elevated to the office of district attorney in 1925 and, in the course of 13 years in that post won a reputation as a crusading prosecutor, tough but compassionate and fair. "The only way the racketeers can get control in any community," he once said, "is by alliance with politics, and control of your public officials, your courts, your sheriff, your police chief, your district attorney, and other law enforcement agencies."

Earl Warren was a strict law and order man, known much more for his personal probity and prosecutorial skill than for any sociological pioneering. During Prohibition, he became a teetotaller, not out of any dislike of drinking but out of a disciplined sense of duty. "How can I drink bootleg liquor at a party on Sunday night." John Weaver quotes him as having said, "and then on Monday morning send my deputies to prosecute bootleggers?"

Politically, he was aligned with the right wing of the Republican Party in California. He was an ardent champion of states' rights. As attorney general he was vehement in his denunciation of Communist radicals and as governor vociferously supported the military decision, after the attack on Pearl Harbor, to remove all persons of Japanese ancestry from the West Coast and put them in detention centers in the interior of the country.

He grew prodigiously in office, however. In 1945, during his first term as governor, he became convinced that California needed a state program of prepaid medical insurance. The California Medical Association regarded this, of course, as "socialized medicine" and fought it ferociously. No doubt the sheer irrationality of its opposition served to move the governor into even more shocking forms of progressivism. He undertook the reorganization of the state's antiquated Department of Mental Hygiene, inaugurating a modernization of mental institutions which put California in the forefront in this field. He put through the legislature stringent legislation regulating lobbyists. He fought the petroleum interests to a standstill in obtaining enactment of an equitable highway development bill and in the face of bitter opposition from the private power lobby championed the Central Valley project for the public development of hydroelectric energy.

When Warren ran for a second term as governor of California in 1946, he did so on a record of legislation which extended enlightened and progressive help to the state's unemployed, handicapped, elderly and mentally ill. Moreover, the state was free of debt, and taxes had been cut by above 15 percent. He won the nomination of both major parties and was resoundingly reelected—the second governor to serve a second term in a century of California experience.

A Democratic governor who served California some years later—Edmund G. (Pat) Brown—said of Earl Warren: "He was the best governor California ever had. He faced the problems of growth and social responsibility and met them head on. He felt the people of the state were in his care, and he cared for them."

Warren had by then, of course, become something of a national figure and certainly the outstanding Western Republican politician. Somewhat reluctantly, as a matter of party loyalty, he accepted the GOP nomination for the vice presidency in 1948 as the running mate of Gov. Thomas E. Dewey. They went down to defeat. It was the only election Warren ever lost. But Warren had a third term to serve in the gubernatorial mansion in Sacramento.

In 1952, Warren was a serious contender for the GOP presidential nomination at a convention in which Gen. Eisenhower and Sen. Taft were considered the frontrunners. The California delegation, including the state's junior senator, Richard M. Nixon, was pledged to the governor.

According to John D. Weaver, "Nixon was suspected by the governor's political tacticians of having made a deal to deliver to the general the secondary strength he would have had to demonstrate if he had failed to get the nomination on the first ballot." The first ballot nomination, in any case, went to Eisenhower, and the nomination for the vice presidency went to Nixon. Whatever the merits of the matter, an enduring coolness developed between Nixon and Warren.

In the final days of his third term as governor, Warren announced that he would not be a candidate for re-election. A few days after this announcement, in September, 1953, Fred M. Vinson, then Chief Justice of the United States, died. President Eisenhower promptly nominated Gov. Warren for that great office, remarking that he made the choice on the basis of the governor's "integrity, honesty, middle-of-the-road philosophy . . ."

Warren came to a court diminished in prestige and deeply divided not alone by ideological differences but by personal hostilities among its members. It was a measure of his qualities of leadership that the new Chief Justice managed, from the very outset of his tenure, to heal, or at least to bridge, these divisions. He won at once the warm regard as well as the respect of all his associates. The achievement contributed immeaurably to a restoration of the court's prestige and influence.

One of the great controversies of American history came before the court at the very beginning of Warren's chief justiceship: the question whether state-enforced segregation of Americans on the basis of race is constitutionally impermissible because it entails a denial of the equal protection of the laws.

Historically, the court had held that racial segregation was not unconstitutional provided the facilities afforded the two races were essentially equal. For more than a decade, however, the court had recognized in a series of decisions that the schools, hospitals and other public facilities provided for Negroes were, in fact, markedly inferior to those provided for white persons.

Brown v. Board of Education came before the court in Warren's first term. When it was decided on May 17, 1954, the opinion of the court, written by the new Chief Justice himself, had the unanimous concurrence of his associate justices and represented one of the great landmarks in American jurisprudence. "We conclude," Warren wrote, "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal . . ."

The ruling was soon applied, of course, and with continuing unanimity to fields other than public education. The unanimity of the court achieved under Warren's leadership was a testimonial to his judicial statesmanship and contributed significantly to the impact and effectiveness of the dramatic change in race relations required by the decision. The impact and effectiveness were diminished, however, by the failure of the Eisenhower administration to give the court moral and political support. Massive resistance to the decision began to develop in the Southern states; and from that time forward the Chief Justice became the target of vicious attacks by demagogues and reactionaries, including even a campaign, sparked principally by the John Birch Society, for his impeachment.

A decade later, in 1964, the Chief Justice wrote opinions for the court in six cases decided simultaneously in which the residents of half a dozen states challenged the validity of apportionment in legislatures where sparsely populated rural districts enjoyed the same representation as much more populous urban districts. Under this arrangement, rural residents of the states wielded much more political power than city dwellers.

For a court divided this time 7 to 2, Warren held that this inequality violated the constitutional promise of equal protection. He ruled, moreover, that the requirement of population equality in election districts applied to both branches of bicameral state legislatures, rejecting any analogy between them and the national Congress where the federal Constitution provided for equal representation of states in the Senate regardless of their size or population.

"Legislatures," Warren wrote, "represent people, not acres or trees. Legislators are elected by voters, not farms or cities or economic interests . . . The weight of a citizen's vote cannot be made to depend on where he lives."

This decision was quite comparable in importance and in political impact to the school desegregation ruling and evoked an almost equal sense of outrage among those who viewed it as a judicial intrusion into the legislative domain. It confirmed the view of Warren's critics that he was an inveterate judicial activist. On the other hand, it corrected a political injustice and imbalance that, given the rural ascendency in state legislatures, had no real possibility of correction through legislative action.

The Warren court outraged conservative sensibilities in one additional area, the field of criminal law. Over a decade or more the court wrought a revolution in extending to defendants in state courts the protections guaranteed to them in federal courts by the Bill of Rights. The Chief Justice's most signal contribution in this process was in regard to the admissibility of confessions. A confession, no matter how reliable, must be excluded from a criminal prosecution, he ruled, if it were obtained by coercion, threat or trickery of any sort. "The abhorrence of society to the use of involuntary confessions," he wrote in Spano v. New York, decided in 1959, "does not turn alone on their inherent untrustworthiness. It also turns on the deep-rooted feeling that the police must obey the law while enforcing the law; that in the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves."

The strongly held views of the Chief Justice regarding the rights of persons charged with crime found its culmination in what was perhaps the most controversial of all his opinions, handed down in the Miranda case in 1966. The decision held that the police must warn any arrested person, before questioning him in connection with a crime, that he has a right to remain silent, that any statement he makes may be used against him and that he is entitled to consult an attorney (to be provided for him by the state if he cannot afford to hire one himself) before or during any interrogation. Omission of any of those requirements would make a confession inadmissible.

These procedural rights have been an immemorial part of the folklore of American justice. How far they were from observance in reality was attested by the tornado of indignation that the Warren opinion generated from law enforcement officers and district attorneys. It is perhaps profoundly significant, however, that the opinion came from a judge who had had long and ripe experience as a public prosecutor.

To Chief Justice Warren, Anthony Lewis remarked in a distinguished monograph, "justice consisted not of providing a fair mechanism of decision but of seeing that the right side, the good side, prevailed in the particular case . . . Often the framework of the argument seems ethical rather than legal . . ." This appraisal seems in large measure just as discerning. In a speech delivered in 1962, the Chief Justice spoke of law as floating "in a sea of ethics." In a profoundly conscientious sense, he thought of the Supreme Court as a force for "good."

The whole of his career was devoted to public service in an activist sense of the term. He believed, above all else, in righting wrong. His thinking was robust and healthy rather than subtle or sinuous; and it rested on elementary American values—confidence in the good sense of the people, in the utility of freedom, in the ultimate triumph of truth over error. "A prime function of government," he wrote in the only book he ever published—"A Republic, If You Can Keep It"—"has always been . . . to protect the weak against the strong."

Warren's devotion to the public service was marked by an impeccable personal integrity. It is perhaps unique among public men, and certainly unusual, that from the moment he entered public service in California, Earl Warren never took a dime from anyone for a speech, article or any other kind of private or public activity. And once he accepted appointment to the chief justiceship he never manifested the slightest interest in any political office or influence. His commitment to the court was all-embracing.

If his opinions were not particularly notable for elegance or eloquence, they were nevertheless soundly reasoned and made powerful by the feeling of decency and compassion that informed them. At least in the fields of politics and law enforcement, where he had rich experience, his views commanded great respect and influence.

As the leader of an embattled court engaged in adapting the law to new economic and political circumstances, moreover, he displayed a high degree of judicial statesmanship. He was a man of clear conviction and of granitic strength. Once he quit elective office for the bench, he became wholly indifferent to popular favor and to public excoriation. He will be counted, undoubtedly, as one of the titanic figures in the history of the Supreme Court.

Once he joined the court, the only major interruption in his work came when President Johnson persuaded him to become chairman of the commission to investigate the assassination of President Kennedy. The Chief Justice undertook that assignment reluctantly. He apparently believed that a member of the court should not engage in non-judicial activities, but had been convinced by President Johnson that his personal prestige and the prestige of his office was needed to calm public fears that the investigation would be a whitewash. The report of the commission did much to quash fears that the assassination was part of a large conspiracy.

After stepping down as Chief Justice in 1969, Warren remained active in judicial affairs, speaking largely on matters of judicial administration and working at his office in the Supreme Court building. He maintained his lifelong interest in sports and was a regular spectator at football games of the Washington Redskins.

In 1925, Warren married Nina Palmquist Meyers, the widow of a musician who had died when their son, James, was three weeks old. Her mother had died when Nina was three years old, her father when she was 13; and she had been self-supporting ever since. James was adopted by his stepfather, and the family was enlarged in succeeding years by the birth of Virginia in 1928, Earl Jr. in 1930, Dorothy in 1931, Nina Elizabeth (known as Honey Bear) in 1933 and Robert in 1935. It was an extraordinarily close and loving family, retaining its sense of warm unity throughout the whole of Earl Warren's life.

Remarks of Senator Edward M. Kennedy Upon the Presentation of the Profiles in Courage Award to Chief Justice Earl Warren—J.F.K. Lodge, B'nai B'rith, April 28, 1970

Just five years ago, I was pleased to be with you to honor the memory of the first recipient of the Profiles in Courage award, Edward R. Murrow. In the four years since then, the winners have been giants in American life and American liberty, Judge Simon Sobeloff, Charles Weltner, Paul Douglas, and Ramsey Clark. And today that proud tradition continues as we pay tribute to Chief Justice Earl Warren.

I feel a deep sense of privilege and awe in performing my role tonight. For the life of the Warren Court spanned my entire adult life. I was 21 when Earl Warren became Chief Justice, and perhaps my generation will be the last to understand, from personal experience, why the Warren Court was the subject of so much controversy and so much emotion.

Indeed, for many of us, the key rulings of the Warren Court have already come to seem, in retrospect, merely the necessary articulation of self-evident constitutional precepts. It hardly seems radical to have decided, nearly 90 years after the 13th, 14th and 15th Amendments, that officially forced separation of citizens, by skin color, was unacceptable. It hardly seems surprising that after 175 years of increasingly irrational legislative apportionment, the Court decided that "Legislators represent people, not acres or trees." It certainly does not shock us now to hear that poor defendants are entitled to the same Constitutional protections as rich ones, that these protections attach as soon as a suspect is deprived of his liberty, and that the suspect must be told of his rights before he can be assumed to have waived them.

These, stripped to their essentials, are the three major, and most controversial, decisional themes of the Court which Earl Warren led for 16 years, and it is a sign of that Court's impact on national life that today most of us take them for granted.

Yet the fact is that each of these developments in the law was earthshaking in its day, and reflected the courage and confidence of Chief Justice Warren and his fellow Justices.

For in those days the constitutional promises of equality and liberty and justice were often shams in the courts, in the legislatures, in the precinct houses, and in schools and public facilities. And few with the power to act had been willing to recognize those shams, to mark them for what they were, to destroy them, and to replace them. The legislative branch would not. The executive branch could not. And the judicial branch had failed to appreciate that, by refusing to decide cases, or by deciding to acquiesce in the status quo, it was exercising its power just as fully as if it took cases and altered the status quo. It would not admit that, by choosing not to address problems which it could have addressed, it assumed a share of the responsibility for those problems. There appeared to be a judicial code of silence on many great issues and hard issues, a code which said, if the problem is difficult and complex and the correct judicial solution would raise its own difficulties, then the courts had better abstain from seeking a solution, no matter how pressing the need for change. The theme seemed to be that only easy problems with easy answers were fit for judicial solution, and that drastic problems with difficult answers should remain unsolved. Judicial restraint became judicial abdication, and since there were no other sources of relief, judicial abdication became the last step in America's toleration of constitutional hypocrisy.

But within a year after he joined the Court, Earl Warren changed all that. With the Chief Justice as catalyst and spokesman, the Court's unanimous opinion in *Brown* showed forcefully that the Court was prepared to address large issues and hard issues, and to tear away the Constitutional facade behind which we had been living.

The first years of the Warren Court were historic not merely for the advances in judicial responsiveness which they produced, but perhaps more strikingly for the political context in which they occurred. In Congress, where an effective combination of political forces was resisting all social progress and generating novel legislative dilutions of liberty, there had developed a pattern of individual demogoguery, and fear-mongering, that threatened to destroy any person or any institution working in the public interest, and especially those who sought to strengthen and promote and avail themselves of Constitutional liberties and individual freedoms. In the Executive, there was not just a benign neglect of pressing national challenges, but a benighted preference for low profile government which would not make waves—even when it saw that the waters were already troubled. And the public quietly accepted this attitude. Tired from two wars, cowed by McCarthyism, worried for the first time since World War II about their pocketbooks, the nation did not have the emotion, or inclination, or social activism. Even those who suffered most, and most directly, from the system's failures—the black, the city dwellers, the poor, the ignorant—suffered in comparative silence—without demonstrations, without violence, without rebellion, with just an occasional lawsuit seeking to test the honesty and validity of the system.

So it was left to the courts, and with Earl Warren leading, the courts responded.

Earl Warren had been a great and successful politician. He had been elected district attorney, attorney general, and, 3 times, governor of California. He knew the Nation and its people. He knew what they wanted and what they needed, and what they would accept. He knew that politics was the art of the possible, but he also recognized, in the words of a quote which Congressman John F. Kennedy saved and used, that "the best politics is to do the right thing." Earl Warren's vision of the "right thing" changed over time. What seemed necessary to him in 1941, probably seemed inconceivable in 1961. But it was this growth and perspective which gave him strength.

He knew what he wanted the Supreme Court to be. While he did not find it necessary to articulate a comprehensive theory of how the Court should go about deciding cases, his record on the Court spoke deep and thoughtful messages about his philosophy of judicial behavior. Jim Clayton has summarized the Frankfurter and Warren philosophies this way:

"Frankfurter saw it as a Court in which only principles were established; Warren often sees it as a place where justice is done." But I think that contrast does not stand up, and does not fairly reflect the meaning and importance of the Warren philosophy. For when a supreme instrument of government does justice, it also establishes principles. It demonstrates that the government, the institutions of organized life, the Establishment, if you will, is alive and well, is responsive and responsible, is vital and functioning. It restates the principle that justice can be done and should be done and must be done by all instruments of government. It keeps alive the faith of the people in the system, stimulates them to seek more justice from the system, shows them how the system should operate so that they will recognize its malfunctions.

It broadcasts the clear lesson that the Constitution is not just a piece of parchment to be kept in helium at the Archives for schoolchildren to look at, and for lawyers to genuflect to, but that the Constitution is a living force, a guide for finding contemporary answers to contemporary questions, a working tool for every citizen, meant to be used, and strengthened by use.

And when the instrument which establishes thse principles is the Supreme Court, they have special meaning. For when the Supreme Court finds it necessary to intervene, that is a strong warning to other institutions of government that they may be failing in their own responsibilities.

Of course, that warning came through loud and clear from the Warren Court, first to the Executive Branch, and then to the Congress. The first change of Administrations during the Warren era found a new commitment to social justice. The Executive worked in tandem with the judiciary, taking strong initiatives in civil rights, and laying the groundwork for an upheaval in criminal and civil justice by focusing on the problems, ventilating them, and proposing administrative and legislative reforms. By the end of the first decade of the Warren Court, Congress also began to complete what the Court had started. The Civil Rights Acts of 1960, 1964, and 1965, provided massive legislative solutions which facilitated, or replaced, the excruciating case-by-case pursuit of equality. The Criminal Justice Act, Narcotics Addict Rehabilitation Act, Bail Reform Act, Law Enforcement Assistance Act, and others, recognized the need for overhauling the machinery of justice. With OEO, education, health, and Manpower legislation, the Congress assumed even broader responsibilities for social progress. A misguided effort in Congress to turn the clock back on *Baker* v. *Carr* was rebuffed not once but twice, and the Court's demand for equality of representation remained intact.

And so, as the Warren era drew to its close, our national government was strong enough to withstand the twin challenges of urban violence and political dissent. By and large, the institutions of order, especially at the federal level, were able to respond firmly when necessary. but with flexibility, compassion and due respect for legitimate rights. I think it is a mark of the contribution of the Warren Court that we were able to get through the last half of the decade of the 60's with our liberties and our institutions intact . . .

Thus, there is hope. There are Americans who can carry on the fight for justice which Earl Warren led so bravely. But they must step forward now, for it is late in the game.

When Earl Warren stepped down from the Bench, he said, "We serve only the public interest as we see it, guided only by the Constitution and our own consciences, and conscience is a very severe task master." And so we have seen his courage not just in profile but in full face, for he has devoted his whole being to liberty and to justice, for all and forever. There was always something very special about the Chief's courage. Archie Cox described it this way: "not merely the will to decide and decide according to his convictions, but the courage that preserve equanimity, tolerance, and good nature in the face of provocation." That kind of courage is welcome in any man, vital for a good Justice, and absolutely essential in a great Chief Justice. Earl Warren had it, and that is why we are proud to honor him today.

[From 395 U.S. VII]

RETIREMENT OF MR. CHIEF JUSTICE WARREN, SUPREME COURT OF THE UNITED STATES, MONDAY, JUNE 23, 1969

Present: **Mr. Chief Justice Warren, Mr. Justice Black, Mr. Justice Douglas, Mr. Justice Harlan, Mr. Justice Brennan, Mr. Justice Stewart, Mr. Justice White,** and **Mr. Justice Marshall.**

The Chief Justice said:

We are honored today by the presence of the President of the United States as a member of this Bar.

Mr. President, my I recognize you at this time.

President Nixon said:

Mr. Chief Justice, may it please the Court:

I am honored to appear today, not as President of the United States but as a member of the Bar admitted to practice before this Court.

At this historic moment I am reminded of the fact that while this is the last matter that will be heard by the Chief Justice of the United States, the first matter to be heard by this Court when he became Chief Justice was the occasion when, as Vice President of the United States, on October 5, 1953, I moved the admission of Warren Olney III and Judge Stanley Barnes to be members of [the Bar of] this Court.

I have also had another experience at this Court. In 1966, as a member of the Bar, I appeared on two occasions before the Supreme Court of the United States. Looking back on those two occasions, I can say, Mr. Chief Justice, that there is only one ordeal which is more challenging than a Presidential press conference and that is to appear before the Supreme Court of the United States.

On this occasion, it is my privilege to represent the Bar in speaking of the work of the Chief Justice and in extending the best wishes of the Bar and the Nation to him for the time ahead.

In speaking of that work, I naturally think somewhat in personal terms of the fact that not only is the Chief Justice concluding almost 16 years in his present position, but that today he concludes 52 years of public service to local, State, and National Governments:

As District Attorney in Alameda County, as Attorney General of the State of California, as Governor of the State of California, the only three-term Governor in the history of that State.

The Nation is grateful for that service.

I am also reminded of the fact that the Chief Justice has established a record here in this Court which will be characterized in many ways. In view of the historical allusion that was made in the opinions just read, may I be permitted an historical allusion?

Will Rogers, in commenting upon one of the predecessors of the Chief Justice, Chief Justice William Howard Taft, said that "It is great to be great. It is greater to be human."

I think that comment could well apply to the Chief Justice as we look at his 52 years of service. One who has held high office in this Nation, but one who, in holding that office, always had the humanity which was all-encompassing, the dedication to his family, his personal family, to the great American family, to the family of man.

The Nation is grateful for that example of humanity which the Chief Justice has given to us and to the world.

But as we consider this moment, we also think of the transition which will shortly take place. We think of what it means to America, what it means to our institutions.

Sixteen years have passed since the Chief Justice assumed his present position. These 16 years, without doubt, will be described by historians as years of greater change in America than any other in our history.

And that brings us to think of the mystery of Government in this country, and for that matter in the world, the secret of how Government can survive for free men. And we think of the terms "change" and "continuity." Change without continuity can be anarchy. Change with continuity can mean progress. And continuity without change can mean no progress.

As we look over the history of this Nation, we find that what has brought us where we are has been continuity with change. No institution of the three great institutions of our Government has been more responsible for that continuity with change than the Supreme Court of the United States.

Over the last 16 years there have been great debates in this country. There have been some disagreements even within this Court. But standing above those debates has been the symbol of the Court as represented by the Chief Justice of the United States: fairness, integrity, dignity. These great and simple attributes are, without question, more important than all the controversy and the necessary debate that goes on when there is change, change within the continuity which is so important for the progress which we have just described.

To the Chief Justice of the United States, all of us are grateful today that his example, the example of dignity, the example of integrity, the example of fairness, as of chief law official of this country, has helped to keep America on the path of continuity and change, which is so essential for our progress.

When the historians write of this period and the period that follows, some with a superficial view will describe the last 16 years as the "Warren Court" and will describe the Court that follows it as the "Burger Court."

I believe, however, that every member of this Court would agree with me when I say that because of the example of the Chief Justice, a selfless example, a nonselfish example, this period will be described, not only his but that of his successor, not as the Warren Court, not as the Burger Court, not in personal terms, but in this hallowed moment in this great chamber, the Supreme Court. It was always that way; may it always be that way. And to the extent that it is, this Nation owes a debt of gratitude to the Chief Justice of the United States for his example.

The Chief Justice said:

Mr. President, your words are most generous and are greatly appreciated. I assure you. I accept your pesonal, kind words, but in doing so I must confess that I sense in your presence here and in the words you have spoken your great appreciation of the value of this Court in the life of our Nation and the fact that it is one of the three coordinate Branches of the Government and that it is a continuing body.

I might point out to you, because you might not have looked into the matter, that it is a continuing body as evidenced by the fact that if any American at any time in the history of the Court—180 years—had come to this Court he would have found one of seven men on the Court, the last of whom, of course, is our senior Justice, Mr. Justice Black. Because at any time an American might come here he would find one of seven men on the Bench in itself shows how continuing this body is and how it is that the Court develops consistently the eternal principles of our Constitution is solving the problems of the day.

We, of course, venerate the past, but our focus is on the problems of the day and of the future as far as we can foresee it.

I cannot escape the feeling that in one sense, at least, this Court is similar to your own great office and that is that so many times it speaks the last word in great governmental affairs. The responsibility of speaking the last word for not only 200 million people, but also for those who follow us is a very awesome responsibility.

It is a responsibility that is made more difficult in this Court because we have no constituency. We serve no majority. We serve no minority. We serve only the public interest as we see it, guided only by the Constitution and our own consciences. And conscience sometimes is a very severe taskmaster.

But the Court through all the years has pursued a more or less steady course, and in my opinion has progressed and has applied the principles set forth in the 5,000 general words of the Constitution in a manner that is consistent with the public interest and consistent with our future so far as it can be discerned.

We do not always agree. I hope the Court will never agree on all things. If it ever agrees on all things, I am sure that its virility will have been sapped because it is composed of nine independent men who have no one to be responsible to except their own consciences.

It is not likely ever, with human nature as it is, for nine men to agree always on the most important and controversial things of life. If it ever comes to pass, I would say that the Court will have lost its strength and will no longer be a real force in the affairs of our country. But so long as it is manned by men like those who have preceded us and by others like those who sit today, I have no fear of that ever happening.

I am happy today to leave the service of my country with a feeling of deep friendship for all these men whom I have served with for 16 years, in spite of the fact that we have disagreed on many occasions. In the last analysis, the fact we have often disagreed is not of great importance. The important thing is that every man will have given his best thought and consideration to the great problems that have confronted us.

It was ordered by the Court that the accompanying correspondence between members of the Court and Mr. Chief Justice Warren upon his retirement as Chief Justice of the United States be this day spread upon the minutes and that it also be printed in the United States Reports.

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., June 23, 1969.
Hon. EARL WARREN,
Chief Justice of the United States,
Washington, D.C.

DEAR CHIEF: Your retirement today from our Court brings us mingled feelings—regret that you are leaving and gratitude that you have served the Court and the Nation with such eminent distinction.

We, your brethren, cannot let you leave without expressing our admiration and affection for you. Through our years of service together we have been constantly impressed by your patriotism and your unswerving devotion to liberty and justice. For us it is a source of pride that we have had the opportunity to be members of the Court over which you have presided during one of the most important and eventful eras of our Nation.

We are happy that you leave the Court in good health and wish you many more years of health and happiness in your well-earned retirement.

Sincerely,

HUGO L. BLACK,
W. O. DOUGLAS,
JOHN M. HARLAN,
WM. J. BRENNAN, Jr.,
POTTER STEWART,
BYRON R. WHITE,
THURGOOD MARSHALL.

SUPREME COURT OF THE UNITED STATES,
Washington, D.C., June 23, 1959.
Mr. JUSTICE BLACK, Mr. JUSTICE DOUGLAS, Mr. JUSTICE HARLAN, Mr. JUSTICE BRENNAN, Mr. JUSTICE STEWART, Mr. JUSTICE WHITE, and Mr. JUSTICE MARSHALL.

DEAR BRETHREN: Your letter of today concerning my retirement was heartwarming for me.

To have been able to serve with you through these many eventual years is one of the great satisfactions of my life, and to retire with the friendship of all of you fills my cup to overflowing.

I shall always be interested in you and your work, and I trust that each of you will, for many years, enjoy continued good health and happiness.

Sincerely,

EARL WARREN.

[From 83 Harvard Law Review (1969)]

CHIEF JUSTICE EARL WARREN

(By Archibald Cox) *

A great man represents a great ganglion in the nerves of society, or, to vary the figure, a strategic point in the campaign of history, and part of his greatness consists of his being *there*.[1]

What Holmes said of Marshall upon the centennial anniversary of the day he took his seat is equally applicable to Earl Warren. The retired Chief Justice of the United States—less formative of the structure of government than the Marshall era despite *Baker v. Carr*[2] but enormously important in defining the relation between people and the State. It will be recognized a century hence, I venture to think, no less than many of us suppose today, that the responsibility of government for equality among men, the openness of American society to change and reform, and the decency of the administration of criminal justice received both creative and enduring impetus from the work of the Warren Court.

Greatness is not merely being there, and Holmes did not suggest it was. He spoke of "a great ganglion" much as Galen did—as the center of the intelligence and nervous system receiving messages from all parts of the body, appreciating their meaning and its needs—comprehending the body within itself, as it were—and sending back the critical impulses to shape the body's growth and action. *Who* sits at the nerve center of society makes all the difference. To grasp the point one need only suppose that the fourth Chief Justice had been Spencer Roane instead of Marshall.

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When Earl Warren took his seat as the fourteenth Chief Justice in 1953, his political career gave reason to hope that he would indeed understand and express in public the long range needs and aspirations of the American people. Raised at a time and place still near to the frontier tradition yet governor of the most rapidly growing of all forty-eight states, he knew the country and the city, the past and the future. The great Chief Justices Marshall and Hughes had like him been shaped by intimate association with the political process. Earl Warren's politics were not easy to stereotype unless in terms of Hiram Johnson and the Bull Moose tradition, but he was progressive and a little left of center. That too suggested that the Court's decisions, to the extent that he could influence them, would be in keeping with the idealistic yet pragmatic character of the American people.

Increasingly often during the next fifteen years lawyers at the bar found that arguments based upon precedent, accepted legal doctrine, and long range institutional concepts concerning the proper role of the judiciary and the distribution of power in a federal system foundered upon Chief Justice Warren's persistent questions, "Is that fair?" or "Is that what America stands for?" Such questions were profoundly disturbing to those engrossed by the intellectual and institutional side of the law, its history, and sheer professional expertise. No one could successfully argue in simple elemental terms that a poor man charged with crime should not have as much chance to have a lawyer at the preliminary hearing as one who was rich, or that cows and trees should have as much voting power as people. If accepted legal doctrines and institutional concepts called for a different conclusion, was not the fault in the legal and intellectual stratum and in the indifference, blindness, and compromise it reflected rather than in the basic ideal? What the Chief Justice was saying of the legal system parallels the message of the student explaining his generation with simple honesty: "*We* take seriously the ideals we were taught at home and in Sunday School."

I do not mean to suggest that it is enough for constitutional law to reflect a sense of justice and political idealism. Ability to rationalize decisions into an ongoing legal system is probably indispensable to preservation of the rule of law. The two should go hand in hand, but perhaps it is inevitable that our necessarily complex and highly developed legal system sometimes becomes so overly concerned with "the internal perfecting of its own categories" as to forget the goals of the enterprise. "What drives us back from time to time to search further, to question outright what are our purposes," Lord Radcliffe observed, "is the insistence of the layman, the man who is not versed in law, that it shall stand for something more, for some vindication of a sense of right and wrong that is not merely provisional or just the product of a historical process."[3] More unusual but much more effective is the insistence of a lawyer who is also the Chief Justice of the United States.

Of course, the goals of the enterprise are not self-defining, and even those who believe (as I do) that the sensitive reading of history and appreciation of the current condition of the community will enable the great judge to discover its ulterior values still must acknowledge a delicate symbiotic relation. To a degree the Court serves as a symbol. Its opinions are sometimes the voice of the spirit telling us what we are by reminding us of what we may be. But while the opinions of the Court can help to shape our national understanding of ourselves, the roots of its decisions must be already in the Nation. The aspirations voiced by the Court must be those the community is willing not only to avow but in the end to live by. For the power of the great constitutional decisions ultimately rests upon the accuracy of the Courts perception of this kind of common will and upon the Court's ability, by expressing its perception, ultimately to command a consensus.

It is in this area that Earl Warren and the Court he led achieved greatness. One may criticize the craftsmanship of some opinions, doubt whether the lines of distinction were always drawn meaningfully between borderline cases, and argue that sometimes the Court pressed its enthusiasms beyond their proper limits. Yet it is infinitely more important that on the great occasions and in the consistent thrust of lesser rulings the decisions of the Warren Court brought the law more nearly into accord with the best and truest aspirations of the American people. No one seriously supposes that the legal revolution led by the Warren Court will be undone even though a few of the extremely controversial decisions may be modified. The number and length of the strides taken measure the needs that were waiting to be filled as well as the accomplishment.

Indeed, the decisions of the Warren Court seem to me always to have had deeper and stronger support in the country than the volume of professional criticisms and vocal public resentment might seem to indicate. The reapportionment cases are the clearest example. The resistance to the desegregation cases is still both widespread and genuine; they aroused new fears as well as old prejudices by upsetting habits so ingrained that their vice could be conveniently forgotten. Still, I cannot believe that when forced to face up to the question many Americans would want the courts to hold that their Constitution sanctions apartheid. Similarly, I suspect that, even in the face of deep concern for the law and order, the sober second thought of the community approved the essential thrust of the constitutional reforms in criminal procedure. Only history can confirm or belie my impressions, but we may perhaps draw a hint of the future from the fact that the strongest support for the decisions of the Warren Court comes from the rising generation, as is partly evidenced by the Editors' decision to dedicate this issue of the *Harvard Law Review* to the retired Chief Justice.

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[1] 178 Mass. 619, 625 (1901) (Chief Justice O. W. Holmes, Jr., of the Supreme Judicial Court of Massachusetts, responding to a motion that the court adjourn on February 4, 1901, the one hundredth anniversary of the day on which John Marshall took his seat as Chief Justice) (emphasis in original).

[2] 369 U.S. 186 (1962).

[3] C. Radcliffe, the Law and Its Compass 78 (1960).

The fashion in some intellectual circles is to decry the habit of associating the constitutional trends of a particular period with the Chief Justice who presided. The Chief Justice is only one of nine, it is contended, and others may have more original minds and greater intellectual power. Similiarly, the Chief's administrative duties and role as presiding officer are said to carry little power in the process of decision. Perhaps so; it is not given to those outside the Court to know what influence any Justice has upon his brethren. For myself I am inclined to think that in that small, tightly knit, and in many ways isolated circle, the degree to which the Chief Justice embodies the human qualities that make for leadership among men has vastly more significance for the character and direction of the Court's work than can be discerned from purely intellectual analysis of the opinions. On the great constitutional occasions, moreover, it is usually the Chief Justice who delivers the opinion. He speaks for the Court; the ideas in the opinion come from varied sources, some his own, some from his associates, perhaps occasionally a few from counsel. But it is the Chief who speaks. Not only the position of the speaker but his personal qualities—the image he projects, if you will—are determinants of the way the decision is received by the country and of countless little-noticed rulings in lower courts.

Earl Warren brought other extraordinary personal qualities to the fulfillment of this office in addition to in intuition I have sought to describe. Foremost perhaps was courage—not merely the will to decide and decide according to his convictions but the courage that preserves equanimity, tolerance, and good nature in the face of provocation. Some years ago I joined the Chief Justice on an early flight to attend the dedication of a law school building, at which he was to deliver the principal address. He was met at the Raleigh-Durham airport by a noisy crowd of pickets with signs, demanding his impeachment. Walking beside him I could almost feel him suffer. The years on the political hustings and long familiarity with "Impeach Earl Warren" demonstrations had not made an extremely sensitive nature indifferent to personal affront. Outwardly his composure was undisturbed; the pickets ten feet away saw only friendliness, warmth, and dignity.

That we expect and usually receive courage from our Justices should not blind us to its importance, especially in times of high public emotion. I know from their testimony that Earl Warren's example made the choices plainer and the path easier for the numerous federal judges who were required to aid in working out great constitutional changes in such controversial areas as civil rights and the administration of criminal justice. It must equally have strengthened his own Court.

Earl Warren's warm friendliness and simple dignity must also have influenced his brethren. Certainly they were felt by the bar. Once in a while counsel—usually counsel for the prosecution in a criminal case—felt the sting of rather blunt interrogation about the fairness of his posture, but even in such an instance he would usually leave the courtroom feeling that, although defeat appeared inevitable, the Chief Justice in presiding had accorded him a full and kindly hearing. The response of lawyers on the occasion of their admission to practice before the Supreme Court of the United States is revealing. Their numbers are great, especially in the tourist season, and an habitué of the chamber can easily find himself sitting through the hundreds of motions, as I soon began to do, with growing boredom. The Chief Justice never allowed the motions to become only a ritual. Each lawyer or each group received a genuine welcome, often spoken with personal direction. A few conversations with these men and their wives and children soon dissipated my insensitivity. It was not just that the occasion was intensely important to them. The warmth of the Chief Justice's greeting had made the Court *their court*. The bond would be enduring.

Much more than courtesy or even friendliness was involved. Chief Justice Warren desired above all else, I suspect, to have both the Court and the law belong to people—to have it serve their needs, speak to them, and voice their aspirations. Perhaps the wish fathers the thought but I am also inclined to believe that much of the country sensed his desire, and that this understanding was a source of great institutional strength in a time of necessary innovation.

[From the New York Times magazine, Oct. 19, 1969]

A TALK WITH WARREN ON CRIME, THE COURT, THE COUNTRY

(By Anthony Lewis)

(Anthony Lewis, who formerly covered the Supreme Court for The Times, is chief of its London bureau.)

Since he retired last June as Chief Justice of the United States, Earl Warren has spent much of his time traveling with Mrs. Warren. Last month, shortly before the Supreme Court reconvened under his successor, Warren Burger, he was in London and agreed to an interview.

He naturally avoided comment on the record about politicians, past and present, and such partisan matters: The restraints on a Supreme Court Justice do not end with his retirement. But he gave his general views on a number of important subjects, and in the course of the conversation there were clues to the nature of the man who for 16 years was one of the most powerful influences on American life.

The most striking impression was what an old-fshioned American figure he is. He thinks people are essentially good; he believes in the genius of the American political system. His virtues are fairness, dedication to public service, courage. The baseball pennant races were still on, and he said he hoped the New York Mets would win just to show that Leo Durocher was wrong about nice guys.

His simplicity is a wonder in the year 1969. He thinks judges and other men are obligated only to do their best—and if in conscience they do, they need not lie awake at night. He believes in progress.

The interview follows.

CRIME

Mr. Chief Justice, what do you think are the reasons for the amount of crime that so deeply disturbs the United States today? Where do we look for solutions—to the courts, to the police, to general social reform?

WARREN. Well, of course there is no simple answer to that, but I believe that in the main it demonstrates that we have a disrupted society.

One thing that I think is really basic to our whole situation is that the people who are now, let's say, 30 years of age in the United States have never known anything but war conditions in our country and in the world. From the time they could learn to talk they have learned that we are in the war business, and young people are taught to kill and to recognize violence as a part of life.

Many hundreds of thousands, even millions of our young people have been thrust into actual warfare, have seen violence and all of the degradation that it brings about, and it has no horrors to them as it would to someone who had never been influenced by that kind of life. I think that that's had a great effect on our people.

Then also we have people in our big cities who are living in ghettos, without any employment of any kind. They are ignorant, they have had no schooling, they have no skills with which to compete in the economic market, they are easy prey to all kinds of bad influences in the community.

I think one of the things that must be done in order to eliminate much of that is to improve the condition of our cities. We must get rid of the ghettos, we must see that every youngster who comes into being in our country is afforded a decent education and is given some skill through which he can compete in the market.

Then, I think, he must not only have that skill but he must have the opportunity to get a job, he must be able to join a union. We must eliminate the discrimination that is so prevalent in many places if we are to have a society that in general will accommodate itself to the law.

You are saying in effect that the causes of crime are deep.

Why do you think it is that the public and a number of politicians seem to blame crime rather on judges?

WARREN. Someone always has to be a scapegoat when there is crime, and the only people who cannot talk back, who cannot argue their case are the courts. The police can take their case to the public. The prosecutors can take their case to the public. The only people who cannot talk back but must do their job day by day are the courts. I don't mean by that, that the courts are faultless, but I mean that they are defenseless when it comes to entering into a debate as to who is the cause for crime.

What would you say were the most important criminal law decisions during the years of the Warren Court?

WARREN. I think one of the most important cases we had was the case about which you wrote your book, the Gideon case. That was the case which interpreted the Constitution to say that it meant just exactly what it said, that a man was entitled to counsel in a criminal proceeding.

Before that case in many places throughout the country a man was afforded counsel if he couldn't pay for it only if he was charged with a capital offense, and of course that means that hundreds of thousands of men every year were arrested and tried and perhaps had no legal advice at all. The Gideon case made it a living thing that every man charged with a serious offense ws entitled to have counsel at his trial. That is basic, and I believe it was of tremendous importance.

Then also, I think, the case of Escobedo was a very important case, because in that case it was determined that when a man was in jail and asked for his lawyer and his lawyer was available, he was entitled to have him there.

There we had a case of a man who was in the police station and his lawyer was down the hall. He called for his lawyer, his lawyer called for him and the police told both of them that they could see each other only when they got through with Escobedo. And then they went through him and against his protests they took his confession and convicted him on his confession.

Then we come to the Miranda case, and the question arises: If he's entitled to a lawyer when his lawyer is present, when is he first entitled to a lawyer? Miranda simply said that when the law puts upon a man by putting him in restraint and taking him away from his home and his family and his friends and starts to put him behind bars, that he's then in the toils of the law in a criminal case and is entitled to have representation of counsel.

That doesn't stop the prosecution of the case at all. But so far as making him talk and convict himself by what he said is concerned, his right to a lawyer starts when he is put in durance vile.

What do you say to the complaint widely heard from the police, and even I think it is fair to say from the present Attorney General of the United States, that the Miranda rule—whatever its base just makes it too difficult to deal with criminals?

WARREN. That same argument could of course be applied to almost any rule that keeps the law enforcement agencies of the state from excesses. It is always easier to obtain a conviction if you are permitted to use excesses that are prohibited by the Constitution, and thereby avoid the necessity of going out and convicting a man on independent evidence.

It would be easy to let anyone come and crash into your home at any time and search it and see if you possibly were committing any crime, but the Constitution says that you can't do that. Of course, that makes it more difficult to convict people; but there are certain things that an ordered society must honor in the rights of individuals—and things that cannot be countenance in a decent society.

There is a more general concern about American criminal law, I think expressed by your successor, namely that our criminal law system has become too complicated, that the trial and appeal of cases goes on for years. There is a contrast, for example, with the situation in Britain, where ordinarily the whole conduct of the criminal law is short and swift and therefore has more impact on the potential criminal. What do you think about that?

WARREN. That's not new doctrine of any kind. That's been bruited around since long before I was a District Attorney 40-odd years ago. It is true in a sense that our whole society is more complex, our whole governmental system is complex. Here in England you have a small compact nation that in size is only half the size of my state of California, and as a consequence they can have a unitary system that will operate efficiently and smoothly and go right through to a quick conclusion.

They are not hampered by a Federal system such as we have, where for instance they can go through the state courts and then after that they have a right to come to the Federal system or to the Supreme Court on constitutional and Federal questions.

Now I wouldn't defend everything that exists in our Federal judicial system. We have great ills, and I think that many of them can be improved if not eliminated. I want to refer first to the great backlogs that we have in our courts today, whether it's in state courts or in Federal courts. I found recently that in Brooklyn, in the eastern district of New York, in the Federal court the average length of time between indictment and trial in a criminal case was 22 and 2/10ths months. Now you add to that the time between arrest and indictment and you'll find that you have a solid two years of delay there before a man has a jury trial. Now, if a man is innocent that is a practical destruction of his life, and if he is guilty and is out on bail during that period committing other crime it's a great injustice to society.

Those things must be changed, they can be changed, and I think so far as the courts' responsibility is concerned it is largely one of administration. The answer to it isn't just putting on more new judges. When you have a bad system, even though new judges come in with great vigor and earnestness and a desire to make the system work properly, they find out that they cannot do what they had hoped to do, and they gradually fall into the same pattern as the others.

You wouldn't want to see us abandon our Federal system—the whole complicated relationship between the states and the Federal Government that you spoke of?

WARREN. No, in no sense. It is just one of those situations that does make our system more complicated and more time-consuming, but it does afford us certain protections against the centralization of power that, it seems to me, are just basic to our way of life.

That may strike some as ironic, since you and your Court were always accused of destroying states' rights and state powers.

WARREN. I could argue that, but I don't think there is any necessity. If anybody could show me anything that we have done in the time that I have been on the Court other than to insist that a man is entitled to counsel at all times after he has been put upon by the Government in a criminal case, and entitled to fair treatment, to due process in the trial of his case, I would concede that we had perhaps done something wrong. I can't think of any such thing.

Remembering your years as a District Attorney and State Attorney General, what do you think has changed about the problem of crime? Why does it seem to be growing so much worse?

WARREN. People are prone to forget that we have had enormous crime problems in other eras. I can refer particularly to the era in which I was a District Attorney, from 1925 until 1938. If you will remember, most of those years were years of the Prohibition era, and in it we had the bootlegging, the high-jacking, the rum-running and all of the crimes that surrounded that liquor business, and particularly the gang murders that were involved.

To my mind, that was about as badly criminalized an era as we have had, and the public was contributing to it through their refusal to obey the Prohibition laws. We have situations that are comparable to that at the present time, but it is a different kind of crime that is dominating the situation. Now the things that people are terribly concerned about are the robberies and the burglaries and the muggings and the rapes and all these other individual crimes that largely emanate from the slums in our cities. The public is very much aroused about these, but even at the present time it is not aroused about organized crime. Where do we find the people crusading against organized crime, the crime in which there is a big business, the narcotic business for instance?

Are you saying that the public on the whole disregards the big crime, the organizations that rake in millions from narcotics and gambling particularly?

WARREN. I am. And furthermore I will say that that kind of crime cannot exist and flourish in any community unless there is corruption in some form, in some segment of law enforcement. It might be the police, it might be the prosecutor, it might even be contributed to by the courts.

How do you feel about the use of wiretapping by law enforcement officials on the ground that it is necessary to fight criminals at their own level?

WARREN. I think that any invasion of the privacy of the home or of business that is not within the limitations of the Constitution is destructive of our security in this nation. While of course there have to be searches and seizures under given circumstances, they must under the Constitution be reasonable and the courts must determine what are reasonable. The indiscriminate use of wiretapping is an outrageous violation of the privacy of individuals and can lead to the grossest kind of abuse.

The prosecutor under our system is not paid to convict people. He's there to protect the rights of people in our community and to see that when there is a violation of the law, it is vindicated by trial and prosecution under fair judicial standards.

THE COURT

Mr. Chief Justice, you have said that the reapportionment cases were the most important decided by the Court during your 16 years. It was predicted by some people that those decisions would not be accepted by the country and would lead the Court into great difficulties—the political thicket. Why do you think that did not in fact happen?

WARREN. I think it did not happen largely because almost everyone recognizes that ours is a representative form of government, and if it is to be representative it must have fair representation, and by fair representation we mean that everyone should have an equal voice. There had been such a departure from that standard for so many years, with no remedy of any kind available, that the nation was ready for the decision.

While those who were in office did not acquiesce, there was general recognition of the principle that your vote should be as good as mine and mine as good as anybody else's. It is consistent with our institutions and, I think, with the intention of the founding fathers, and I also believe that it will be conducive to better government. I say that because I believe in government by the people and I believe in the wisdom of the people when they are throughly informed and everyone participates.

As Governor of California, you defended that state's apportionment system, which gave grossly unequal representation to people in different parts of the state. Why did you take a different view as Chief Justice?

WARREN. Because on the Court I saw it in a different light. Politics has been said to be the art of the possible, and in it we accomplish what we can accomplish by compromise and by getting agreement with people. We look at a problem from that standpoint, not perhaps from a standpoint of exact principle, because politics is not an exact science.

But when we come to the Court and we face a similar problem where the question of constitutionality is raised, we then test it by constitutional principles; if it violates the constitutional principles, we no longer can compromise, we no longer can change to bring people into agreement, we have to decide the matter according to the principle as we see it.

Now in California, when I was Governor, we did have a malapportioned Legislature. Los Angeles County with 6 million people had one State Senator, and so did a mountain district with somewhere between 50,000 and 100,000 people.

That was not equal representation by any manner of means, but our system was getting along and the people were having an opportunity to vote upon it. There was no question of constitutionality raised. At that time I didn't reflect seriously on the constitutionality of it, and I went along with the thoughts that we were doing pretty well and we would leave well enough alone.

Now, when I got to the Court, I found what was happening in some of these other states—Tennessee, for instance, where the matter first arose under *Baker* v. *Carr*, and other states where they had a constitutional provision that the representation must be equal. They had had terribly malapportioned legislatures for over 60 years, and those who were in office and had sole control of whether there should be a reapportionment absolutely refused to permit any change of any kind because it would affect their possibilities for election. When we ran across that and applied the constitutional provision, we found that it was not fair representation and we so held.

Also I think we'll find that when men go on the Supreme Court that the empirical views that they've had in certain fields do change. I don't see how a man could be on the Court and not change his views substantially over a period of years.

I think you said to me that he comes to realize that he has the last word.

WARREN. That's right. It is purely a matter of principle with him and not a question of accommodation.

Can you remember any specific area in which you felt your own views changing on the Court aside from reapportionment? I remember one case, *Irvine* v. *California*, that was decided soon after you came on the bench and that involved eavesdropping in a gambler's home in California. The conviction was upheld despite the use of this eavesdropping evidence, and you were with the majority. I would be fairly certain myself that in more recent years you would not have voted to sustain that conviction. Can you tell us anything about that?

WARREN. Yes, I was shocked by the Irvine case. I thought it was a terrible abuse of power on the part of the police, a shocking invasion of privacy. If you will remember, I joined Justice Jackson in an opinion which suggested, because of that violation of privacy, that the Federal Government should investigate it as a violation of civil rights.

But just a few years before that we had had the case—not we, I wasn't on the Court at that time—the Court had had the case of *Wolf* v. *Colorado* in which it had held that an illegal search was a violation of the Constitution but that it was within the power of the states to remedy this situation. The Federal Government, the Court, withheld its hand in that field. That having been a very recent case and a majority of the Court having agreed not to overrule it at that particular moment, and I being a new Justice on the Court still groping around in the field of due process, I went along with that opinion, shocked as I was at the conduct of the police.

That leads me to ask you something else. On reflection now, after the 16 years, how free should a Supreme Court Justice be to overrule a prior decision in a situation like that, where he is shocked? What are the pressures on you to stick with the past decision?

WARREN. I don't believe that there is any simple answer that I could give to it. I would say that I have been in dissent on a few constitutional cases in my career on the Court, and where I have been and the majority has held one way, normally I have gone along with it until and unless some flagrant thing developed to reaffirm my view that I was right in the first instance. If there was no new element in it, I would be inclined to go along and I've done that in a number of cases and I think that is the right approach.

But at the same time we have always had the view that in constitutional cases stare decisis is not absolute, that constitutional questions are always open for re-examination, and I believe that too. It's a combination of those two things that I've just talked about that I would say one must judge it by.

I suppose it is inevitably the case that the arrival of a new Justice or Justices on the Court may reopen a question because men have different views.

WARREN. Oh yes, oh yes, without doubt. In fact, even men of the same Court are entitled to change their minds when they are confronted by new conditions and have done so.

Do you think the constitutional decisions of the Warren Court in the three great areas of reapportionment, race and the criminal law—the sweep of those decisions, their general tendency—will last?

WARREN. In all three of those areas, of course, I believe that our decisions are consistent with the principles of the Constitution and that they were but implementations of those principles to be in accordance with the conditions of American life that confront us. I would, of course, believe that the decisions should stand, but I would not predict.

Different men see things in different ways, and it might be that others will see them differently. That is for those who are on the Court and have the keeping of the Court in their hands to determine in accordance with the Constitution. But I believe the decisions are wholesome, in the best interests of society according to constitutional principles, and in keeping with the life of our nation. Naturally I would hope that they would remain.

How much pressure does a Supreme Court Justice feel from the outside world? You came in as Governor of California, appointed by President Eisenhower, with certain relationships with the Republican party, although you were, of course, a very independent politician. Does all that drop off when you go on the Court? Do you still feel that you need the approval of people you have related to?

WARREN. To be on the Supreme Court is an entirely different kind of life, an entirely different responsibility. I think my change from being Governor of California to Chief Justice of the United States was almost a traumatic thing for me; but change you must if you are to do your duty on the Supreme Court.

In the first place I felt it necessary to divorce myself from every political activity of every kind and to try to bring myself to act in as non-partisan way as it is possible for a human being to do. I tried also to eliminate every influence from personal contacts that could be brought to bear upon me. As you know I secluded myself from the press.

I also adopted the practice of not reading my fan mail, whether it was good or bad, because I had the idea that if you were going to believe the good things that were said about you, you'd probably have to put some thought to the accuracy of those who were against you also.

In other words, I led pretty much of a monastic life on the Court, contrary to what I had been before—because I had visited with and exchanged views with people in every part of my state and I loved to discuss matters with newspaper people.

There is no pressure on the Court from individuals, because I think practically every American realizes that it would be improper for him to try to influence a member of the Supreme Court by any contact with him on a given case, and so the only pressure comes from the pressure of these problems that you are daily confronted with.

What about your relationships with your colleagues? It must be difficult at times living in that secluded way with just eight other people.

WARREN. There is no more intimate association, other than that of man and wife, I should say, than the association that we have on the Supreme Court of the United States. It can be a very agreeable and stimulating association, or it could be a bedlam and almost hell for a person.

But I want to say that during my term on the Court our relationships have been as fine as any that I could conceive of with eight other men.

It's true that we write differently and sometimes critically and sometimes with a little feeling, but that has not been carried over to our personal relationship. I can say, after 16 years and my association with—how many?—about 16 different Justices, that I have had nothing but admiration and affection for each one of them. I believe they were trying as hard as I was to be independent and to vote their convictions and their willingness to live with their convictions, and you can't ask more of people.

As you look back at the 16 years, is there a one day that stands out in your memory as a particularly happy day?

WARREN. I do not think at the moment of any day that was particularly joyful. Almost every day on the Court is a great day of responsibility. It doesn't lend itself to levity, and even when some very important cases are decided in conformity with one's views one must have a great feeling of responsibility and wonderment as to what the consequences may be. There is no exuberance, but there may be real satisfaction.

I didn't mean to suggest only exuberance; I think satisfaction is better. I remember the day that you delivered the opinions in Reynolds v. Simms, for example, laying down the rule of one man one vote, and I had very much a feeling of history that particular day. I wonder whether you felt it.

WARREN. Yes, I did. I think Baker v. Carr was the most important case that we decided in my time, because that gave to the courts the power to determine whether or not we were to have fair representation in our governmental system, and Reynolds v. Simms was merely the application of that principle.

It was a case in which I derived real satisfaction, although I was thoroughly cognizant of the controversy that it was going to start. As a matter of fact, people in California have said to me since, "Why on earth did you have to take that case of Reynolds v. Simms?" While I didn't respond to them in this manner, my real reason for it was because I had viewed the matter in a different way when I was Governor, and when I had to face it on the Court, I just thought that as long as I had to face it I would face it directly myself.

You mean you assigned the opinion to yourself.

WARREN. Yes.

How important do you think that function is—the function of assigning opinions? Does it give the Chief Justice a very different weight on the Court from his colleagues?

WARREN. No— I don't think it gives him any additional weight. But I do believe that if it wasn't done with regard to fairness, it could well lead to great disruption in the Court.

During all the years I was there I never had any of the Justices urged me to give them opinions to write, nor did I ever have anyone object to any opinion that I assigned to him or to anybody else. I did try very hard to see that we had an equal work load, that we weren't all writing in one field where one person would be considered the expert. Everybody, regardless of length of time they were on the Court, had a fair opportunity to write important cases.

There wasn't any of the backbiting that one senses in Mason's biography of Chief Justice Stone?

WARREN. Never one, never one shred of that—never have I had one indication of that in all the time I have been on the Court.

There were a lot of peppery exchanges between you and Justice Frankfurter over the decision of cases. Did that affect your relationship at all?

WARREN. No, no, no. I've been in dissent with Justice Black, too, recently where Black has been very, very incisive in his remarks, but that makes no difference at all.

No, Justice Frankfurter by nature was a very decisive fellow in his speech. Sometimes he could raise hackles, you know, but he was a delightful companion, and our relationships throughout the years I was there were always very friendly as they have been with all of the rest of the Justices.

Mr. Chief Justice, do you have thoughts about American lawyers and the American bar and how they have changed? Have the law schools been turning out better lawyers, or what do you think of our legal profession?

WARREN. I think the products of the law schools these days are infinitely better than they were in my day. I have a lot of contacts, as you can imagine, with youngsters out of law school, having had three or four law clerks each year. I deal with them on an intimate basis, and I come to know them almost like you would know a son, and when they leave me I feel almost like I used to feel when one of my boys would leave home to go to college. You just feel a sense of loss.

They are great people, and they couldn't have been as good as they were without having much better instruction, much more comprehensive instruction than we had when I was in law school. And you have to bear in mind also that the law now is infinitely more complex and voluminous than it was when I was admitted to practice in 1914.

Over the years various people have charged that the law clerks play a secret, powerful role on the Supreme Court. What do you think of that?

WARREN. I remember when President Eisenhower appointed Loyd Wright, the former president of the American Bar Association, to head up a commission on subversion, and he reported that great possibilities for subversion stemmed from these young law clerks who were just out of the law school. He referred to them as a group of young radicals and proposed in his commission report that all of them be given complete F.B.I. investigations and that they be confirmed by the Senate before they could be employed by the Supreme Court.

Now, the fact was that at that particular time our law clerks were more conservative than any young lawyers that I had ever seen. They were in that phase; at that time law schools were very, very conservative.

Since then, I want to say, the law clerks have become far more interested in public affairs, interested in the defense of people, interested in teaching and law schools, interested in constitutional questions.

Really they are a rare lot, and I think they are a great institution. The Court uses them normally only for one year, because it doesn't want to build up a bureaucracy. We bring new young men right out of the law school, and it's great for them, it's wonderful for the Court. We get great help from them, and I think that they can be a real force in our profession throughout the country.

If the law clerks have become less conservative, have the law school also?

WARREN. You know now that the big law firms in New York, Chicago, San Francisco and Los Angeles are recruiting young men just like universities recruit football players. They go out and pay their way back to New York—you know, to visit with their office, show them the theaters and so forth, let them mix with their elders in their offices and invite them to come to the firm.

They tell me that in New York some firms are up to $17,000 a year now right out of the law school, and the graduates are not beating a path to their door either. The firms are having difficulty in getting them because a lot of these boys work for the Peace Corps, they work in the Poverty Program, they go to work in district attorneys' offices, in public defenders' offices and in the Federal and state governments, and for Ralph Nader.

In other words, we'll put it they are interested in public causes where 15 years ago, or even 10 or 12 years ago, it was very difficult to get young lawyers to be interested in public causes.

I have only one real quarrel with the law schools—I don't know one in the country where they give an adequate course on the responsibilities of lawyers to the cause of justice, or where they give a comprehensive course on the reciprocal responsibilities of court and lawyers to the administration of justice, and I think that that has kept our bar from being alert to many of these problems that have confronted our courts.

The Court has suffered from that fact, too, because the great debate on important issues has never been developed as it should be. Take this proposal of Senator Dirksen's, that came through the Council of State Governments, for a new constitutional court of 50 members, the Chief Justices of every state of the Union to constitute a court above the Supreme Court of the United States—and then the other constitutional amendment on reapportionment. Those things went through Legislature after Legislature till almost two-thirds of them passed some kind of resolution on them, and there was no debate of any kind on the part of the bar in the country. To think of coming that close to a constitutional amendment on important subjects of that kind without the bar taking an interest is almost a frightening thing.

Perhaps you are saying that the organized bar in the United States has not improved quite so much as the law schools have improved.

WARREN. That is true. The American Bar Association for many years, particularly during the McCarthy era, never had a kind word to say for the Supreme Court. Everything was critical.

There have been some splendid men in recent years as president of the American bar. Last year Mr. William Gossett was the president, and he was a very enlightened person and has done a great deal to improve the situation, it seems to me. Mr. Bernard Segal, who's the new president of the American bar, is also a very enlightened, forward-looking man, and I'm sure he will make a real contribution to the work of the bar.

THE COUNTRY

Mr. Chief Justice, is there a day that you remember as the most unhappy of your years in Washington?

WARREN. That is not a difficult question to answer. The saddest day I remember, the saddest week I remember, the saddest year I remember all started one Friday afternoon when we were in conference and I received a note from my secretary, Mrs. Margaret McHugh, to the effect that President Kennedy had been shot.

We immediately adjourned, and by the time I was back in my office Mrs. McHugh informed me that it had just come over the radio that the President was dead. And that and the following week were the saddest days I've ever seen not only during my 16 years but, I think, the saddest I've ever seen in any community in my life.

It was only a day or two after he was buried that President Johnson sent the Solicitor General [Archibald Cox] and the Deputy Attorney General [Nicholas deB. Katzenbach] to see me to ask if I would head a commision to investigate the facts of the Kennedy assassination. I told them that I wished they would tell the President I thought I could not do that, because the Court did not look with favor upon extracurricular commissions of that kind. I myself had expressed an aversion to it, and I thought it would be much better if he would get someone else, and I proposed a couple of names to them.

I thought that was the end of it. But in about an hour I received a message from the President asking if I could visit him at his office. I did so, and he told me of the wild stories that were going around the world and what this might mean internally if there were not a thorough probe of the facts and some conclusion reached as to who was responsible for the assassination.

He told me that he had conferred with the leaders of both parties in the Congress and that he was going to set up a commission to explore the facts, and he said they would all serve if I would be the chairman of it. He thought that no less a personage than the Chief Justice of the United States, the chief judicial officer of the nation, should head it up. He told me it was of paramount importance; I remember him saying, "You served the country in uniform, and this will be a more important service than anything you could do in a uniform." And so I said, "Mr. President, in spite of my feelings about the matter, if you consider it of that importance, of course, I will do it."

I spent 10 months on that. I think that, too, was the unhappiest year of my life, because I spent at least half of each day and night on that—the rest on my Court work—and to review the terrible happenings of that assassination every day for 10 months is a traumatic experience.

Those days were the unhappiest days I ever spent in the public service.

And you didn't get much in the way of applause for doing that job, did you?

WARREN. No, that is very true. But up to the present time no one has produced any facts that are contrary to the findings of that commission. A great many people have written to the effect that it might have been this, it might have been that, and some inferences could be drawn other than those that the commission drew. But there has been no confrontation of the facts at all to discredit anything that is in that report.

You are now in retirement, Mr. Chief Justice. How do you think you will like it, a person who's been as active and as engaged in issues as you have been?

WARREN. I'm not so sure how I will like it when I get back to Washington, in my new office in the Court, and the term opens and others all are working and I am not. I haven't felt the strain at all up to the present time because I remained on the Court until the end of the term, and I have been traveling since then.

I can say that I want to cure the problem by doing something that is worthwhile in three fields that I have been interested in. How much time I can or will give to each of them I don't know, but I hope in the aggregate that I will fill my days as I have in the past.

I am interested, of course, in peace, in our country being a leader in the movement for peace around the world. I am interested naturally in court administration; I think there is much to be done, and I have offered my services to the new Federal judicial center which I have worked to have established for many years. And then I am interested in the conservation of our environment, and there is so much to be done in that field thta I may find some little niche where I can be of help.

In general, are you optimistic for the United States, or do you think that with all the troubles we've been having we are in a period of some kind of moral decay?

WARREN. I am optimistic, of course, about the United States. For many years I have been at odds with those people who feel that we are living in a mature society, that the society is starting to disintegrate and that the institutions based on that society are themselves deteriorating and becoming degraded. I do not believe that.

I believe that this is a young nation, that we haven't yet reached our potential in any sense of the word. I believe that our forms of government are still on trial, that we are still going through the growing process, that we are learning from day to day.

And I think that many of the problems we have today are the result of more active conscience than they are of degradation or of decadence rather than degradation. I have been in the public service now for 52 years, and when I first went into the service of my state 50 years ago I found moral standards in government far below what they are today.

The standards of government today are head and shoulders over what they were in those days, and I am speaking now of local government, of state government and of Federal Government as well. There are a lot of things brought to light today that create real scandal, that in those days would never have been mentioned—they would just be overlooked.

So I think there is improvement. I think in spite of the travail we are going through now that we will emerge a better nation and a stronger nation, because I believe the things that we are learning will convince us that our system, being a pluralistic system, must also be a system of equality.

Do you take seriously the warning that President Eisenhower gave in his final speech, against what he termed the Military-Industrial Complex?

WARREN. Yes, I do, and I wish that General Eisenhower had said that before the day he left the White House. I think there is a great danger. One can find the industrial world linked with the military today in almost every request of the military.

I received something of a shock about six months ago when I read an article in one of the Sunday papers that was an interview with the top executives of the 10 largest defense contractors in the country, and each one of them said their companies were not expecting any decrease in their military contracts even if the war in Vietnam ended tomorrow.

It seems to me that the armed forces are always interested in improving their forces to the point of perfection as they see it, and with the alliance of the business world this becomes almost impossible to resist.

I also have some concern about bringing our universities and colleges into that same complex. You will find that a major portion of the budgets of our great universities these days is in the field or research for military purposes, and many have expanded to such an extent that it would be very undesirable from their standpoint to cut back to the size they were before.

I take it from what you said right at the beginning of this talk that you regard the ending of violence as vital for the future of the United States, and specifically the end of the war in Vietnam.

WARREN. I do indeed. I don't believe that we can continue to be in war, and continue to teach our young people that war is an essential part of their lives, and still expect our young people to grow up normal and quiescent.

[From "The Warren Court"]

CHIEF JUSTICE EARL WARREN—CHAPTER 2

(By John P. Frank)

In Chief Justice Warren's first year on the Supreme Court a little ceremony was repeated for 1,567 lawyers admitted to Supreme Court practice. Each newcomer stepped before the Court. As his name was called, some already established bar member moved the admission of the new man. Warren paused, called the man by name, and gave him the famous Warren smile of welcome.

Time passed. Ten years later, an observant person paid a first visit to the Supreme Court chamber. Warren was ten years older, and by this time the number of lawyers who had been admitted was not 1,500, but 15,000. When the new lawyers were being admitted, each with Warren's flash of cordiality, the observer was heard to whisper, "He actually makes each one feel personally welcome!"

This little courtesy was unnecessary. The lawyers could be admitted in the clerk's office without taking Court time at all. Even with the traditional open Court ceremony, they could certainly be admitted without the Chief taking time to address each one—a nod of the head would do it. Yet after ten years Warren was treating each person as individually as when he began.

But there was a difference. When Warren came to the Bench, each new lawyer was admitted upon a statement by his sponsor that "I have examined his credentials in the office of the Clerk and am satisfied that he possesses the necessary qualifications." Ten years later the little sentence had been shortened; it was obviously immaterial where the sponsor had seen the credentials, and all he said was "I am satisfied that he possesses the necessary qualifications." The thirteen eliminated words, if said in a dignified way, take about four seconds. Four seconds repeated a thousand times (sometimes several lawyers are admitted together), is four thousand seconds, sixty-six minutes, a little over an hour. The Court could save that hour of time, could put it to more constructive use. The cordial greeting, the hour saved—these are two sides of the Warren personality. He wants the judicial machine to run as swiftly and efficiency as possible, but never at the expense of the individual.

The Chief Justiceship of the United States is, beyond most offices, what its holder makes of it. The Constitution makes no special provision for the Chief Justice; the only reference to him is that in the case of a trial for the impeachment of the President, the Chief Justice shall preside; happily, this has occurred only once in American history. George Washington's Congress of 1789 created the Court providing for "a Chief Justice and five associate Justices" as the number then was. The title of the position as "Chief Justice of the United States" was stabilized by law in the year 1866 and has continued. What the wearer of the title does is a mixture of tradition and the personality of the particular Chief Justice. His two most important special functions are first, that he is Chairman of the conferences of the Court, and so leads the discussion when the Justices gather together each week to decide their cases. Second, he assigns the writing of the opinions, for while each Justice may, if he wishes, write on every case, the practice since John Marshall's time in 1801 has been to strive for one opinion of the Court. If the Chief himself is in the majority, it is up to him to choose who shall write.

Warren has put a whole new dimension on the job. He came to the Court after ten years of experience as Governor of California, which was then on its way to being what it has since before, the nation's largest state. The administrative problems of a Governor of California are prodigious; it is one of the greatest executive jobs in America. The Governor is responsible for the performance of thousands upon thousands of employees engaged in hundreds of projects, for the making of great budgets, for leading the legislature, for an endless number of appointments.

As Chief Justice, Warren is the administrative head of the Supreme Court, but giving him the traditional or obvious administrative duties is a little like giving the head of America's largest bank a child's savings account to manage; it is not likely to take him very long. Superintending the few employees of the Supreme Court building, having the reports properly published, seeing to it that the clerk's office keeps proper track of the cases—such chores if put into the hands of an able staff, cannot occupy Warren much.

Warren, therefore, has taken over ultimate responsibility for the management of the judicial system of the United States. In days now gone, the management of the work of the federal courts around the country was no one's responsibility. Each district judge was a local lord responsible for his own domain. If he got the job done, good. If he did not, the people of that state could simply endure it and wait for the next judge to be appointed. If conditions became too bad, perhaps because of expanding population, the state might hope for an Act of Congress under which a new judge could be appointed. But there was no central management of this system at all.

This condition began to change in 1922 when William Howard Taft was Chief Justice and obtained the passage of an act for the creation of a Judicial Conference of the United States. Under his leadership, this was a gathering of the senior federal appeals judges from each region of the country. The Conference came in time to be an old gentlemen's club, pleasant but giving very little actual leadership.

Succeeding Chief Justices have attempted to make more of the Conference, but it remained for Warren really to take hold. What followed was a quiet revolution. When Warren became Chief, the members of the Judicial Conference averaged about eighty years of age, and the Chief Justice, while he presided over their discussions, did not vote. Warren changed all this. He quietly saw to it that when a judge became seventy he would no longer be in charge of administration in his circuit nor represent it at the Conference. Warren himself is seventy-three, but he recognizes that, on the average, few judges can carry administration after this age. Instead, that responsibility passes to a younger man.

The next step, after cutting down the average age of the Conference, was to bring in the trial judges. Up to this time, the Judicial Conference had consisted of the senior judges of the eleven appeals courts which cover the United States. These appeals judges believed that they could reflect the views of the trial judges of their own regions. Warren doubted that this was so, but he prefers to lead gently where he can, so he simply suggested that the trial judges be asked whether they felt that the appeals judges adequately represented them. Upon a poll, 75 per cent of the trial judges declared that they would prefer to speak for themselves. Warren then brought them in.

Having made the group younger and broadened its base, it remained to furnish leadership. It seemed to Warren that if the Chief was to be a participant, he should really participate, and so he does, voting along with the others.

Having thus created a workable institution of young and vigorous men, it remained to give them plenty of good solid work to do; and this Warren has also done. All legislation concerning the federal courts is likely either to start with the Conference or be referred to it for check. All rules for all federal courts are basically the responsibility of the Conference. The local divisions of the Conference have the responsibility of managing affairs in their own areas.

At the same time Warren took charge of the Administrative Office of the federal courts. With an exceptionally able man of his own choosing as Director and a valuable second-in-command for the important statistical work of the office, Warren began personally to direct the operation of the federal court system. If one region of the country now falls behind in its work because of a sudden burst of new cases or because a judge is ill, the Administrative Office will find someone to help carry the load. If any particular judge is failing to carry his load, his record will look very bad in the annual statistical reports. The federal district judges remain powerful and useful figures in their states; their independence is fiercely preserved. But the days of the local tyrant whose whim could victimize a region are now largely gone.

Warren's final instrument to improve the federal court system has been by rule making. In the 1930's the detail was too great for Congress, which gave the Supreme Court power to make rules for the federal courts. These rules are laws governing how the courts shall work, laws that are made by the Supreme Court itself rather than Congress. The rules cover countless matters—who can be included in a lawsuit, what questions each side has to answer for the other before the trial begins, how come matters are to be presented to the judge for his decision and others to the jury for its holding, and so on. These rules matters involve not hundreds but thousands of details. The two standard texts on only one portion of the rules run seven fat volumes apiece.

Rule making flourished for a time, but after 1949 it ground to a total halt. One of Warren's first problems how to get the rule making off the ground and working again. After meeting with the Judicial Conference, he finally led the way to a whole new system, had six separate committees appointed to do rules work, and now has the machinery at full blast. Warren personally is the heart and soul of what makes these committees go. He selects their membership with great care, drawing on lawyers, judges, and law professors around the country; one of the most hardworking committees, for example, is headed by Mr. Dean Acheson, who is head of a great law firm as well as former Secretary of State and who himself works as hard at his committee duties as any other member. Warren personally meets for at least some of the time with each committee, giving the closest possible attention to its work and sometimes joining in its discussion. The committees, not unnaturally, take the view that if what they are doing is worth the bother of the Chief Justice of the United States it is worth renewed effort on their part, and they buckle into their jobs a little harder than before. The committee reports then go to the Judicial Conference, to the Supreme Court, and finally to Congress with Warren personally guiding each step of the way.

This does not mean that Warren is personally actually doing what the Conference, committees, and staff get done. He is a dedicated believer in delegation of responsibility on the Supreme Court just as he was as Governor. The Director of the Federal Courts, for example, comes from his office in the Supreme Court building to bring his problems in to the Chief, receives some general guidance, and then tends to the details himself. But Warren realizes completely that the Chief must participate and must take the lead if the system is to work successfully. If he chooses able subordinates, he can expect others to follow once he shows the way.

The result is that Warren is the first true "Chief Justice of the United States," as distinguished from being the "Chief Justice of the Supreme Court," that the country has ever had. There have been prodigiously able men in the office of the past; the Chief Justiceship has earned the greatest tradition of ability of any office in American life ever since the days of John Marshall. But no one has ever taken hold of the entire system in this manner before.

In no place is Warren's personal hold on the court system more clearly shown than at the annual meeting of the American Law Institute. This is an organization of some 1,500 lawyers and judges from about the country which meets annually in Washington to consider matters of concern in the legal systems of all courts of the country, state and federal. The Chief Justice regularly attends these meetings and makes an annual report of his own. When in attendance, he follows the discussion with the extraordinary attention of an intense listener, following each speaker with his eyes and his ears, attention completely focused. When he makes his own report, what is remarkable is not his planned speech, because doubtless the administrative office supplies paragraphs which could be presented by anybody. What is more impressive than the planned remarks are the spontaneous comments and observations he makes as he goes along. The topics in his planned text bring his mind to other related illustrations, and so he spontaneously speaks of problems of improving the probation system of one area of the country or of bringing down the costs of bankruptcy administration in another. As one listens, the realization washes over the audience that the legal system of the United States is not simply a headless juggernaut; there is one single individual in authority who actually knows what is going on from coast to coast and is concerned about making it go better.

Warren's name is Americanized from his ancestral Norwegian; his grandfather was Halvar Varran. His father was a railroad mechanic. He was himself born in Los Angeles on March 19, 1891, and attended the University of California from which he received his basic college and law degrees in 1912 and 1914. From 1914 to 1917 he practiced law in the San Francisco area. In 1917 and 1918 he was in the Army, finishing as a first lieutenant in the infantry.

From the end of World War I until the present, Warren has been active in public life. He was a city and county prosecuting attorney from 1919 to 1939, serving as district attorney for Alameda County from 1925 to 1939. For the next four years he was Attorney General of California. Then, in 1943, Warren hit the big time. He became Governor of California and continued in that office until he went to the Supreme Court ten years later.

The migration to the American West, and particularly to California, after World War II has been the largest movement of people in the history of the United States and one of the largest mass migrations in the history of the world. Between 1940 and 1960, the population of California increased from about 7,000,000 to about 16,000,000. An increase of this magnitude is not simply growth, it is an explosion, and Warren was in the Governor's chair just in time to pick up the pieces. The community responsibilities in terms of schools, water supply, public health, law enforcement, roads, and in terms of the taxes necessary to pay for it all created prodigious burdens which Warren met with skill, good humor, and poise.

Warren's politics were Republican; but the political lines in California were far too fluid to make party identifications of great importance and Warren was about as non-partisan a party member as any governor could be. Each California candidate ran his campaign pretty largely by himself, and since Warren was by far the most popular political figure in the state, lesser known Republicans struggled to find ways of riding in on his coattails. As Governor, Warren appointed William Knowland to the Senate to fill a vacancy in 1945, but he put Knowland largely on his own when that Senator ran for the full term the next year. Warren's relations with Richard Nixon were never close, and he did not involve himself very deeply in Nixon's campaign for the Senate in 1950. Warren was himself twice re-elected as Governor, having the astonishing compliment of being nominated for his third term by both the Republican and the Democratic parties.

What were the ingredients of the Warren appeal? Here is a man who from 1925 to 1953 never lost an election in California. Living as he did in a state that was constantly changing, with ever-increasing problems, he could never simply coast on voting habits. Probably three-quarters of the people who voted for him in his last campaign were not even inhabitants of the state at the time of his first. The key ingredients of repeated victories were three:

1. He did his job honestly and effectively. There is no Warren scandal, no skeleton in the closet, nothing to be explained away.

2. He had a manner of dignified kinship with those he represented. He radiates sincerity of purpose, good will, and trust in others, the kind of trust which evokes trust in return. "The more we in public office trust the people, the more the people will trust us," he said, and he meant it; it was never Warren's way to ram things through but always to let them be discussed to a point of decision. At the same time, his was a dignified camaraderie. Without being stuffy, Warren was never the backslapping, sideshow performer type of politician.

3. Warren spoke for a deep-seated liberal tradition in California. California was progressive territory in Theodore Roosevelt's day. Its longtime Senator, Hiram Johnson, was one of the great progressives. The Democratic Governors whom Warren followed were among the most liberal in the country. By taking a stand as a liberal Republican, Warren picked up the progressive strain of his own party, gave the Democrats nothing to complain about, and left more conservative Republicans with nowhere else to go. Warren was, at all times and at all places, an outspoken progressive. As he saw it, "a nation that abandons its social objectives is on the road to decadence. Within the limits of our financial means, every social objective of the American people must be advanced not only to relieve undue hardship and to afford equal opportunity for the good life, but also to demonstrate to an observing and critical world that our governmental and economic systems can work hand in hand in the elimination of poverty, suffering and degradation."

On the Supreme Court, Warren has been a consistent and vigorous supporter of the Bill of Rights, and of racial equality. The foundations of these views were all expressed when he was Governor of California. In 1947, he told the California Constitutional Convention that "the heart of any Constitution consists of its Bill of Rights, those provisions that secure to the people their liberty of conscience, of speech, of the press, of lawful assembly, and the right to uniform application of the laws and to due process of law. Every other provision of the Constitution should be designed in the spirit of these basic rights in order to make sure that they become not mere theoretical rights, but actual rights."

He spoke on equal rights in 1948 to a Jewish organization, saying, "Because intolerance has been directed against the Jews does not make it merely the problem of the Jews. Whenever and wherever intolerance rears its ugly head, it is the job of Americans—not of some Americans, but of all Americans—to suppress it."

The Governor was perfectly willing to take the unpopular side on this principle. When a Chinese in California moved into a neighborhood which seemed to be hostile to him, the Chinese decided to put it up to his potential new neighbors as to whether he should feel free to live there. The neighbors voted no. Warren wrote to the Chinese, "I am not at all proud of this action of the people in the neighborhood of your home. I am sure this is a disappointment to you and I agree with you that it is just such things that the Communists make much of in their effort to discredit our system."

In 1948, Warren made his first appearance in national politics as a candidate for Vice President with Thomas E. Dewey. The defeat following by President Truman was the only defeat Warren ever sustained as a candidate. In 1952, he actively sought the Republican presidential nomination. In that year, the fight was primarily between General Eisenhower and Senator Taft; but there was a possibility of a deadlock between the two and so a chance that Warren might be chosen. He had the California delegates solidly, or almost solidly, in his pocket. This was a block of seventy votes, enough to make a great difference to either of the main candidates. Under California law, the delegation was obligated to stand firm for Warren until he released it, and Senator Knowland, who led the delegation in Warren's behalf, issued strict instructions that no one in the delegation was to talk compromise with anyone.

But the then Senator Nixon had his own supporters within the California group. Amidst charges of "sellout," Nixon did give some indications to Governor Dewey and others behind the Eisenhower boom that he would be available himself for the Vice Presidency if Eisenhower was nominated. While the California delegation stood firm for Warren on the first ballot, the widespread impression that Nixon would lead a substantial secession toward Eisenhower undoubtedly assisted the General in picking up votes from other delegations which put him over on that ballot.

Though he was not nominated, Warren was still an immense power at home. In the campaign following, he was courted by both sides; the Democratic candidate, Governor Stevenson, saying good-naturedly at a Los Angeles appearance that "I think some Republicans are just about as good as Democrats. And, within that very limited category, I include the great Governor of this, my native state, Earl Warren." Warren, however, loyally backed his party's choice.

In January of 1953, General Eisenhower became President Eisenhower, and in September of the same year, Chief Justice Fred Vinson died. The President chose Warren for the succession. Eisenhower considered a number of other possibilities. Arthur T. Vanderbilt, Chief Justice of New Jersey, was certainly one, and according to one report, the President at least joked with his Secretary of State, John Foster Dulles, about the possibility of moving him over to the judicial job. One published account by a writer credited with inside information attributes the selection to Warren's prestige, to the fact that Eisenhower liked him personally and respected his integrity, and to the fact that Eisenhower liked his position on every issue which had come to his attention.

Warren came to the Supreme Court at the nadir of its fortunes. Chief Justice Stone, who had served in that capacity from 1941 to 1946, was a very great Justice, but far less successful in the special duties of a chief. Chief Justice Vinson, who followed him, was a man of splendid character and great dedication to his country, but had no particular talent for the business of being Chief Justice of the United States. The Court's opinion output had been on a downward spiral so that, for example, in the year 1950, the Court had decided fewer cases than in any year since 1850. Not since the term of Charles Evans Hughes, a truly great chief who stepped down in 1941, had there been a completely effective chief; and it was time for a strong hand at the helm.

Warren had not been on the Court a year when it fell to him to hand down the most momentous opinion of American life after World War II. On May 17, 1954, he spoke for the Court in a unanimous decision holding segregated education unconstitutional.

The Warren opinion was the final step in a course of legal development which had been under way for many years. The Civil War was followed by three constitutional Amendments. The Thirteenth gave the Negroes their freedom, the Fourteenth gave them the "equal protection of the laws," and the Fifteenth gave them the right to vote.

The key open question was just what they had received by the grant of "equal protection of the laws." Segregation, a device of enforced legal separation of whites and Negroes, largely began after the Civil War. Many who had sponsored the Fourteenth Amendment felt that this was a denial of equal protection, and in an early and little noticed post-Civil War decision, the Supreme Court did hold that separation even on an identical basis was not "equality."

But, by the end of the nineteenth century, the country and the Court had abandoned the fight. Segregation was upheld by the Supreme Court during the 1890's with only one Justice dissenting. Immediately thereafter, and on a rising spiral until the beginning of World War I, there was a great intensification of segregation in the United States. Whole new methods of separation were found, separation in stores, restaurants—everything, including cemeteries.

Beginning about 1920, the Supreme Court began to chip away at the separation concept. During the Chief Justiceship of Charles Evans Hughes in the 1930's, there was strict insistence that segregation, if it were to exist, must in truth be equal in fact. Before Chief Justice Warren came to the Court, two landmark decisions had been handed down, one that no state could require segregation in the holding of land and another holding that there could be no segregation in higher education.

The case before the Warren Court was the validity of segregation in primary schools. Every person participating in the case from beginning to end was aware of its momentous quality. The case was argued, and then reargued a year later. The briefs were prodigious. Every scrap of law or history or any other knowledge which could be offered to the Court was included. Any opinion which attempted seriously to canvass all these materials would have been hundreds of pages long.

Warren concluded to deal with the problem briefly. He began by recognizing that the best lesson history could teach was inconclusive. Public school education in the Civil War period had not reached a point at which anyone gave much consideration to its relation to the meaning of the Fourteenth Amendment. By the 1950's conditions were very different. In our own time, said Warren, "education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship." Undoubtedly, he said, the opportunity for education "is a right which must be made available to all on equal terms."

This brought him to the great question: "Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does." Referring to colored children, he said, "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." Segregation, continued Warren, necessarily instills a feeling of inferiority which would be bound to retard the educational and mental development of the children. Hence, "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

There remained the question of what was to be done about it. Warren and his fellow Justices were prepared to declare that segregated education was unconstitutional, but they also were anxious to give the segregated areas an adequate opportunity to adjust to the new order. How the decision was to be enforced was set for new argument, the practical effect being to postpone the decision itself for a year. At the end of this additional year, Warren in a second opinion declared that it was the duty of the trial courts to cause "a prompt and reasonable start toward full compliance." The trial courts were instructed to consider the problems of administration of school transportation, the revision of school districts, and all the other genuine difficulties of enforcement. But having taken all this into account, the trial courts were instructed to see to it that there should be school admissions on a racially non-discriminatory basis "with all deliberate speed."

The biggest work of the Warren Court has been these decisions and their aftermath. The immediate holding covered only the parties to the particular cases there involved, but new cases followed at once. President Eisenhower forthwith ordered desegregation of schools in the District of Columbia, and his order was carried out. Other areas voluntarily accepted the principle of the decision with more or less grace, notably Missouri, Kentucky, and West Virginia. But elsewhere there was turmoil, as new patterns began to emerge.

This is Warren's story, not an account of desegregation, and the details of that great excitement may be put aside. Nonetheless, the desegregation controversy has been for the balance of Warren's judicial career an everlastingly important offstage noise. All estimates of Warren, now and hereafter, are likely to be colored by attitudes on this. Case after case has come up on the same theme, segregation in restaurants, on golf courses, on buses, and in schools, and more schools. The tremendous triumph of Warren and the Warren Court together is that it has been able to stand as a unit for ten years on all these topics with almost no divisions within itself. The process of desegregation has been difficult and frequently tragic and ugly. It might have been an impossibility if the Court had not consistently spoken with but one voice. The simple and precise adherence of the Court to its position in case after case is a credit to each individual Justice, but it is also attributable to Warren as a distinct leadership accomplishment. By 1962 the Court had buried the segregation question as deep as it is ever possible to bury a constitutional issue, holding that the unconstitutionality of segregation was so overwhelmingly established that it was no longer open to discussion.

Meanwhile, the Court had much other business to concern it. There was the administration of the whole federal legal system of which Warren rapidly took hold. There was the matter of bringing the Court back to a reasonable productivity, which also occurred. But another great issue of the day arose from the activities of legislative committees which, in the course of investigating possible subversive activities menacing the United States, appeared frequently to focus on exposure for its own sake. This in turn led to character destruction, which in some cases might be completely unjustified. An offhand observation which Warren made early in his service, while not having the polish of an opinion, expressed his point of view: "To the extent that anyone indiscriminately charges individuals or groups of individuals with dishonesty or subversion or whatever it might be that would destroy a reputation, that is, in my opinion, not in the American tradition and should not be encouraged."

Warren certainly did not encourage it. In a 1957 opinion, he made very clear that the Congressional power of investigation is extremely broad, "But broad as is this power of inquiry, it is not unlimited. There is no general authority to expose the private affairs of individuals without justification in terms of the functions of the Congress." As he saw it, the Congress is not "a law enforcement or trial agency . . . investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible."

The two cases just discussed—the segregation case and the legislative investigation case—illustrate a range of Warren techniques. The segregation case is brief. It dealt with a matter on which the country had been in debate for many years. No further talk could be fruitful. It was a time to state conclusions concisely, and the Court did. The investigation matter on the other hand was one on which the country was not fully informed. There was a need for education both for Congress and for the public. Warren dealt with the subject comprehensively, fully considering the function of legislative investigations from earliest to most recent times. The opinion is not only a decision, it is an education.

The key to the Warren attitude in the investigation case is his observation that trials are for the Courts. The phrase reveals one of the deepest premises of Warren's whole character. He is a man who believes in due process of law with a spirit of complete attachment. To understand the Warren of today, one must never forget that he was a county attorney for twenty years of his life. Not the most experienced of his brethren on the Court—and several have very substantial experience in criminal matters—can come close to equaling the intensity of his experience. He knows precisely what a good, fair, orderly trial is and he is determined that every American accused of crime shall have one.

Warren wants trials to be trials, and not sideshows. This is why he feels so intensely that television and photography should stay out of the courtrooms. It is scarcely too extreme to say that the first photographer or broadcaster who gets into a federal court will have to do so over the dead body of the Chief Justice. In 1962, when the then head of the Federal Communications Commission recommended that radio and television should be allowed into courtrooms and proposed that the American Bar Association should relax its standards in this regard, the Chief Justice gave the matter deep thought. The result was the adoption by the Judicial Conference of a clear-cut directive that under no circumstances would there be pictures or broadcasts in the federal courts; and this strong position so firmly buttressed the American Bar Association's position that it is unlikely that there will be any change in the states. So far as Warren is concerned, the person accused of crime has enough on his mind without worrying about how he is going to look to the curious.

In matters of trial procedure, Warren draws on his experience as a district attorney for highly practical distinctions. Take the two cases of secret electrical recording. In the first, decided before Warren came to the Court, a government agent with a small portable broadcaster up his sleeve engaged a defendant in a conversation. The conversation, unknown to the defendant, was being transmitted and recorded at a nearby point. The recording was used against the defendant without having the agent available for cross-examination. In the second case, an agent also engaged the defendant in a conversation secretly recorded by a pocket device. In this case the agent did appear and was subject to cross-examination, and the recording served only as confirmation or added proof of the agent's testimony.

When this second case came before the Court in 1963, Warren thought the second practice constitutionally acceptable and the first not. He recognized "that the fantastic advances in the field of electronic communication constitute a great danger to the privacy of the individual." In the first case, the agent was not present; if he had been examined, the whole matter might have looked different. In the second case, the recording simply served to defend the agent from a charge that he was not telling the truth. Warren thought this only fair, saying: "In the performance of their duty, agents are thus often faced with situations where proof of an attempted bribe will be a matter of their word against that of a tax evader and perhaps some of his associates. They should not be defenseless against outright denials or claims of entrapment, claims which if not open to conclusive refutations will undermine the reputation of the individual agent for honesty and the public's confidence in his work. When confronted with such a situation, it is only fair that an agent be permitted to support his credibility with a recording as agent Davis did in this case."

One of Warren's key jobs is to serve as Chairman of the Conference of the Justices. Here he makes a preliminary statement of each case. To prepare himself, he has his clerks make memos on each of the applications to be heard. He then reviews their notes and the actual papers. He makes a few handwritten notes on each case, a sort of shorthand of his own which no one else could read, in which one letter may stand for a word and a couple of letters for a phrase. Possessed of these notes, he outlines the problem to the Court. If there are practical as well as legal consequences to the ruling, he brings those out as well. He then gives his recommendation to the Court and passes the discussion on to the next Justice.

In preparing his decisions Warren's system is to dictate a memorandum in every case which someone else might call a first draft but which he regards simply as a memorandum. Then he calls in one of his clerks and goes over the memorandum with him for as much as two or three hours and studies the briefs. All oral arguments are recorded as they are made and Warren may play them back at this point. He then has his clerk prepare a second draft based on the extensive discussion and on the memo from which they started. This second draft is then worked and reworked as may be necessary. When the opinion itself is finally ready to be released, Warren regularly replays the oral argument in full. He recognizes that he can't always remember every detail, and something may turn up on that last replay which shows that he had missed something important.

Warren conceives of the Supreme Court in relation to the courts of the country as he conceives of his own handling of his own work. The job is leadership plus delegation. He recognizes that most of the decisions must be made by the federal courts of appeal and takes great satisfaction in what he thinks is their thorough co-operation. He feels that these lower federal judges are doing their best to keep acquainted with the Supreme Court's rulings and to carry them out. At the same time, Warren feels that Supreme Court Justices have no spare time and he thinks it extremely undesirable for them to engage in any avoidable non-judicial work. Hence, it was with the most extreme reluctance that he accepted the request of President Johnson to head the Commission investigating the assassination of President Kennedy. However, he was persuaded by President Johnson that his acceptance of the assignment was absolutely essential to the public interest.

Because Warren has been a vigorous leader of a vigorous Court, he has been subject to an extraordinary degree of personal vilification. He is a favorite target of the extremists of the far right. The John Birch Society would love to impeach him, and he is a favorite object of attack of extreme segregationists.

None of this troubles the Chief particularly. He enjoys his work on the Court and his association with his colleagues. He has a splendid personal relationship with all those currently serving. He married Nina Meyers in 1925, and she is his constant companion; and he takes keen interest in his six children and his grandchildren.

Certainly the Birchers are not moving Warren from the path of his convictions. In a 1963 decision, he held that the House Committee on Un-American Activities had failed to comply with its own rules and that therefore a witness before it was excused from answering its questions. He has governed himself from the beginning to the end of his public service by principles he expressed in a lecture at New York University in 1962:

> I am one who believes firmly that the Court must be vigilant against neglect of the requirements of our Bill of Rights and the personal rights that document was intended to guarantee for all time. . . . Democracy under our Constitution calls for judicial deference to the co-ordinate branches of the Government and their judgment of what is essential to the protection of the Nation. But it follows no less for a steadfast protection of those fundamentals imbedded in the Constitution, so incorporated for the express purpose of insulating them from possible excesses of the moment.

But while Warren finds Birch Society picket lines no more than unpleasant, he does as a calm and reasonable man regret the rise of passions and intemperateness as a national vice. He spoke of this at the ceremony over the body of the late President Kennedy:

> We are saddened; we are stunned; we are perplexed.
>
> John Fitzgerald Kennedy, a great and good President, the friend of all men of good will, a believer in the dignity and equality of all human beings, a fighter for justice, an apostle of peace, has been snatched from our midst by the bullet of an assassin.
>
> What moved some misguided wretch to do this horrible deed may never be known to us, but we do know that such acts are commonly stimulated by forces of hatred and malevolence, such as today are eating their way into the bloodstream of American life.
>
> What a price we pay for this fanaticism.
>
> It has been said that the only thing we learn from history is that we do not learn. But surely we can learn if we have the will to do so. Surely there is a lesson to be learned from this tragic event.
>
> If we really love this country, if we truly love justice and mercy, if we fervently want to make this Nation better for those who are to follow us, we can at least abjure the hatred that consumes people, the false accusations that divide us, and the bitterness that begets violence.
>
> Is it too much to hope that the martyrdom of our beloved President might even soften the hearts of those who would themselves recoil from assassination, but who do not shrink from spreading the venom which kindles thoughts of it in others?

The Chief Justice has had less opportunity than a President to be an apostle for peace; but surely he too has been the friend of all men of good will, a believer in the dignity and equality of all human beings, and a fighter for justice.

LEGAL SERVICES CONFERENCE REPORT—PRIVILEGE OF THE FLOOR

Mr. CRANSTON. Mr. President, I ask unanimous consent that when H.R. 7824, the legal services conference report, comes before the Senate, the following staff members of the Committee on Labor and Public Welfare may have the privilege of the floor: Dick Johnson, Larry

Gage, Jon Steinberg, John Scales, and Bob Nagle.

Mr. TAFT. Mr. President, if the Senator will yield, I wonder if he would add to his unanimous-consent request the names of Robert Hunter and Randy Stayin of the minority staff.

Mr. CRANSTON. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered.

COVERAGE OF NONPROFIT HOSPITALS UNDER THE NATIONAL LABOR RELATIONS ACT—CONFERENCE REPORT

The Senate continued with consideration of the conference report on S. 3203, a bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that instead of consuming the hour already agreed to by the Senate in the discussion of the pending conference report, that the vote occur at the hour of 12:30 p.m., the time to be equally divided between the manager of the conference report and the distinguished Senator from Ohio (Mr. TAFT).

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. TAFT. Mr. President, I ask unanimous consent that during the consideration of this matter, the privilege of the floor be extended to Tom Zimmerman and Gene Mittelman of the minority staff.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I ask unanimous consent that Mr. Bob Bohan, of the minority staff, be permitted the privilege of the floor during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. WILLIAMS. To be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS. Mr. President, the conferees have reached agreement on S. 3203 by resolving the two matters which were at issue—the handling of labor disputes, and individual religious convictions.

Except for these two provisions, the measures which passed the House and the Senate were identical in every respect. The bill will extend the coverage and protection of the National Labor Relations Act to some 1.4 million employees of nonprofit hospitals.

We must not forget that nonprofit hospital workers were covered by the original Wagner Federal Labor Relations Act in 1935 and were regrettably excluded in 1947 with the Taft-Hartley amendment. As a result of this unfortunate exclusion, these deserving workers were left out of the Nation's economic mainstream for far too long.

I am most pleased that the Congress is finally in a position to correct this oversight. During the course of the recent debates the principal purpose of the bill—the extension of collective bargaining rights, was never the subject of serious challenge or controversy. Hopefully this unanimity will be interpreted to mean that employees of nonprofit hospitals will no longer have to maintain their status as second-class citizens in this area of labor relations.

When S. 3203 was being drafted by the Senate Committee on Labor and Public Welfare, it was also recognized that labor relations in the health care industry required special considerations. Almost from the start the Senate Labor Committee sought to fashion a mechanism which would insure that the needs of patients would be met during contingencies arising out of any work stoppage or labor dispute.

The bill which emerged from committee represented a sound and equitable reconciliation of the competing interests involved. It was arrived at after more than 6 months of discussion with those groups representing employers, employees and the administration. The Senate as a whole concurred, and passed S. 3203 which contained a number of unique provisions designed to facilitate the collective bargaining process, reduce the opportunity for negotiation impasses and, provide recognition of the need for continuity of patient care. In brief the Senate bill provisions included the following:

First. The present law calls for a 60-day notice of termination or expiration of a contract—the bill provided an additional 30-day notice requirement or 90-day notification. Thus, bargaining will commence 90 days prior to the expiration of the agreement rather than 60 days.

Second. Present law calls for the Federal Mediation and Conciliation Service to receive a 30-day notice with no obligation on either party to engage in mediation. The bill provided an additional 30-day notice, with mandatory mediation binding upon the parties.

Third. Under present law there is no notification requirement to any party with regard to initial contract negotiations.

The bill provided a 30-day notice requirement to the employer, to the Federal Mediation and Conciliation Service, and to appropriate State agencies.

Fourth. Under present law there is no special notice requirement that must be given before any picketing or strike can take place, other than those referred to above. The bill provides a 10-day notice by a labor organization before any picketing or strike could commence.

Fifth. Violations of the above provision would constitute an unfair labor practice on the part of the labor organization, which is subject to remedial injunctive action under section 10(j). Such provisions are not available under present law.

Because of the unique problems associated with hospital administration, it was deemed desirable that employees of all health care institutions, including those already covered by the National Labor Relations Act, should be subject to these same procedures. Thus, these new provisions will apply equally to all proprietary and private nonprofit hospitals, convalescent hospitals, health maintenance organizations, health or medical clinics, nursing homes extended care facilities, and other institutions devoted to the care of sick, infirmed, or aged persons.

The disagreement between the House and Senate versions of this bill concerned with the fashioning of an appropriate mechanism for resolving labor disputes. The unresolved issue was one of degree and procedure. All of the conferees recognized the need for continuity of patient care services.

The House provision reflected a view that the Senate bill did not contain sufficient assurances that disruption of critical hospital services would be minimized in the event of a labor dispute or work stoppage. It added to the Senate impasse procedure a 60-day "cooling off" period in which the status-quo would be maintained while a board of inquiry investigated the dispute and made a report to the Director of the Federal Mediation and Conciliation Service.

It was the consensus of the Conference Committee that this additional provision would neither eliminate work stoppages or reduce the tensions associated with such labor disputes as its sponsors had intended. Furthermore, the conferees agreed that such a procedure might have the opposite effect, and heighten tension between the parties, as well as unnecessarily prolong any labor dispute in which the procedure were invoked. The conferees concluded that such an interference with the normal collective bargaining process would, in the long run, be detrimental to all parties concerned.

Nevertheless, the Senate Conferees yielded to the House demand that additional safeguards be built into the bargaining procedure. The Senate conferees offered an amendment to the House provision that will permit the Director of the Federal Mediation and Conciliation Service to convene an impartial board of inquiry to help settle a potential or existing labor dispute before it reaches the critical strike stage which could close a health care facility or facilities upon which a community may be dependent.

Within 30 days after the notice of a contract expiration or within 10 days after the notice of new contract negotiations, the Director may convene such a board, which would be obligated to make a report within 15 days. This board would not only be empowered to investigate the labor dispute, as the House envisioned, but would be required to make findings of fact together with recommendations for settling the dispute. During the period, the status-quo is to be maintained.

I believe that the agreed upon procedure will in fact achieve the statutory objective of bringing about a prompt, peaceful, and just settlement of labor disputes in the health care industry.

The only other matter in which there was disagreement concerned the House provision permitting employees of health care institutions with religious convictions to be exempted from having to join or support a labor organization.

The Senate conferees accepted this provision with an amendment that each individual so exempted could be required to make payments to a nonreligious charitable fund in lieu of periodic union dues and initiation fees.

Mr. President, in all other respects the House bill was the same as that which passed the Senate by a vote of 63 to 25 on May 7.

At this point I would like to express my deepest appreciation to the ranking Republican member of the committee, Senator JAVITS, and to Senator TAFT, for their special efforts, and to all the members of the Senate Labor Committee who played a role in bringing about this much needed and long overdue legislation, restoring the right of employees of nonprofit hospitals to protection under the National Labor Relations Act.

As chairman of the committee and sponsor of the legislation which originated in the Senate, I wish to note that this legislation is the product of intensive efforts over a long period of time by the Congress and the parties to focus upon adapting general principles of the Taft-Hartley Act to the concrete problems that are encountered on a day-to-day basis in the health care industry. The Senate Committee strove for a balanced solution, and the language of its bill and its report and the explanations thereon by its managers, reflect the precise results of its studied effort to deal specifically and in an evenhanded manner with these problems. This legislation is the product of compromise, and the National Labor Relations Board in administering the act should understand specifically that this committee understood the issues confronting it, and went as far as it decided to go and no further and the Labor Board should use extreme caution not to read into this act by implication—or general logical reasoning—something that is not contained in the bill, its report and the explanation thereof.

Other statements, of course, appear in the record and form an integral part of the legislative history, in my judgment, to the extent that the views expressed by an individual Senator or Congressman accord with the language of the bill, and the committee report.

I am concerned for two reasons. First, there appear individual views in the CONGRESSIONAL RECORD on May 7, 1974 at 13559–60, which in my judgment do not accord with these standards and, second, an address delivered by the General Counsel of the National Labor Relations Board on June 13, 1974, containing his interpretations of S. 3203 and H.R. 13678, grossly misapplies these standards. I feel constrained, therefore, to express my views on certain issues raised therein, in the light of the bill's language, its report and the explanation by its managers.

First, the bill specifically covers any and all clinics, et cetera, devoted to the care of such infirm or aged persons. Therefore, the committee did not require that doctors' offices and clinics would be subject to previous Board jurisdictional standards, much less that the Board should give consideration to enforcing more exclusionary standards. Nor is there any warrant for the statement that the committee intended that assertion of jurisdiction over health maintenance organizations would be restricted to those defined in the Health Maintenance Organization and Resources Act of 1973. To the contrary, the intent of the committee was to cover the entire nonpublic health care industry.

Second, it should be clear that the exception to the section 8(g) notice was never intended to be limited to the precise facts found in *Mastro Plastics Corp.* v. *NLRB*, 350 U.S. 270 (1956). Mastro Plastics involved a strike against an employer within the 8(d) waiting period and in the face of a no-strike clause solely because the employer discharged an employee because of his organizational activities in support of the union. The Court held that neither section 8(d) nor the no-strike provision prohibited employees from engaging in a strike to protest an employer's unfair labor practice. The committee intended to make clear that the section 8(g) provision could not be interpreted so as to preclude a union from striking to protest an employer's unfair labor practice without serving a 10-day notice period.

Even though such conduct reflects a flagrant example of interference by the employer with the section 7 rights, obviously there have been thousands of different examples in the history of the act. The committee used the term "flagrant" to distinguish such cases as where a union seeking to avoid giving a section 8(g) notice strikes without notice where an employer has engaged in a purely technical violation of the act, or where a union seizes upon a technicality as an excuse to avoid giving an 8(g) notice.

Third, a violation of section 8(g) will not also constitute a violation of section 8(b)(3). Consideration was given to various alternatives, but the committee voted to make it a separate unfair labor practice. If the committee had intended to also make it a refusal to bargain, it would have said so plainly.

Fourth, the committee never passed upon, much less intended to approve the recent Supreme Court decision, *NLRB* v. *Bell Aerospace Co.*, (slip opinion No. 72–1598, April 23, 1974).

Fifth, the National Labor Relations Board has shown good judgment in establishing appropriate units for the purposes of collective bargaining, particularly in wrestling with units in newly covered industries. While the Board has, as a rule, tended to avoid an unnecessary proliferation of collective bargaining units, sometimes circumstances require that there be a number of bargaining units among nonsupervisory employees, particularly where there is such a history in the area or a notable disparity of interests between employees in different job classifications.

While the committee clearly intends that the Board give due consideration to its admonition to avoid an undue proliferation of units in the health care industry, it did not within this framework intend to preclude the Board acting in the public interest from exercising its specialized experience and expert knowledge in determining appropriate bargaining units. (*NLRB* v. *Delaware-New Jersey Ferry Co.*, 128 F. 2d 130 (3d Cir. 1942)).

Sixth, the question of cession of jurisdiction under the proviso to section 10 (a) of the National Labor Relations Act is one which is enormously difficult, particularly where attempts to deprive the NLRB of such jurisdiction have been turned back by both the House and Senate bills. Here, again, the National Labor Relations Board should carefully consider the effects of any such cession of jurisdiction. As the debates showed, there is no history of the Board ever having done so. While there was considerable favorable comment, particularly by the Senators from Minnesota, about the operation of the State's act regulating collective bargaining as it applies to hospitals, nevertheless, the general purpose of the National Labor Relations Act, as interpreted by the Board and the courts, is to attempt to establish a uniform pattern of collective bargaining rules nationwide, without local variation.

Seventh, I reject any interpretation that this committee intended to create a new unfair labor practice, whenever mention is made of an intent to withdraw services in violation of section 8(g). Clearly, the committee meant precisely what it said and no more, for if it had intended to make such a "threat" a violation of section 8(g), it would have said so, precisely as the Congress amended the act in 1949 to make a "threat" to violate section 8(b)(4), itself a violation of the act.

Eighth, the NLRB General Counsel expresses a willingness to litigate many technical issues which he says are not clear in this bill. One would hope that both the General Counsel and the Board would not search around for technicalities but put the desire to litigate in the background and instead adhere to the will of the Congress.

In this connection, I note the statement that section 8(g) would be violated if less than 12 hours notice was given. Suppose, for example, that the union gave 11 hours notice. Clearly, the committee never intended that the General Counsel dissipate the efforts of his office and the Board by litigating such technical minutae.

Tenth, the NLRB General Counsel poses a situation where a previously noticed strike begins, and then for some reason the strike "ceases for a while." Under these circumstances he opines that he will issue a complaint where the union then resumes picketing without giving another 10-day strike notice. This is yet another instance where the General Counsel is seeking to expand upon the actions of this Congress. Had the committee intended to require another 10-day notice to be served under these circumstances it knew how to so provide. The Board has no license to intrude upon otherwise protected activities except as provided by the Congress.

Eleventh, I am greatly alarmed by Mr. Nash's statements that employees would automatically lose their "employee" status if they participated in a strike, outside such time frames of 72 and 12 hours. Surely the committee never intended such a harsh result.

Twelfth, it was the intention of the committee to modify the Ally doctrine in order to permit a neutral hospital to supply essential personnel and equipment to a hospital involved in a labor dispute, or accept that hospital's critically ill patients so that a continuity of medical treatment might be maintained. However, the committee did not intend to extend this exception to a hospital which provides personnel other than for the above purposes, and in so doing enmeshes itself into the primary dispute. In such a case, the intervening hospital should no longer enjoy the immunity intended by the bill, and should be subject to the Ally doctrine. Thus, under these circumstances it would be quite inconsistent with the bill's intent to require a second 10-day notice to a hospital employer, who of necessity, must have already been aware of the existence of the labor dispute at issue.

Thirteenth, it is clear that organizational or recognitional picketing is not banned by the amendments, provided that section 10(g) notice requirements are faithfully fulfilled. Under existing case law, courts have upheld 8(b)(7) violations where picketing has occurred for less than 30 days only in those circumstances where a pattern of violent picketing has prevailed. The Committee wished to make certain that in the health care industry—even in the absence of violence—the Board should not necessarily be foreclosed in all instances from finding that a period of nonviolent picketing of less than 30 days in the health care industry would be inappropriate. Declarations by supporters of the bill that the availabilities of election procedures in the nonprofit hospital field should eliminate the need for recognitional picketing should not be perverted to mean that the bill contemplates that recognitional or organizational picketing is to be prohibited in the health care industry.

My overriding point is that in this carefully tailored legislation Congress decided to treat the health care industry uniquely in certain respects. It decided to go so far, and no more. I trust this bill will be treated by the NLRB and its General Counsel in the same spirit, and not as an excuse to search out and litigate all possible situations, or substitute its will for that of the Congress.

I also wish to state that the administration fully supports this conference report and has urged speedy passage. Mr. President, I ask unanimous consent that a letter from Secretary of Labor Brennan in support of the conference report be included in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Labor,
Washington, D.C., July 8, 1974.

Hon. Harrison A. Williams, Jr.
U.S. Senate,
Washington, D.C.

Dear Senator Williams: We would like to take this opportunity to again express this Department's support for legislation "To amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes."

Although reasonable minds may disagree as to particular provisions of the Conference Report, we feel that the Conferees have resolved the differences between the House of Represntatives and Senate in a reasonable way.

According, we fully support the Conference version of this bill, and hope that this important and much needed legislation will receive quick and favorable action.

Sincerely,

Peter J. Brennan,
Secretary of Labor.

Mr. WILLIAMS. Mr. President, I urge my colleagues to ratify this conference report so that S. 3203 may be swiftly enacted into law.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. MONDALE. I wish to congratulate the distinguished chairman of the Labor and Public Welfare Committee on a most impressive measure.

As the Senator knows, this proposal does create certain problems for the State of Minnesota where we have a unique and highly successful statute concerning labor relations in nonprofit hospitals which has been in effect for several years. It has been strongly supported by the Minnesota Hospital Association, the State AFL–CIO, and other unions.

During the consideration of this bill in the Labor and Public Welfare Committee, I offered an amendment to the pending measure which would have avoided preemption of the Minnesota Charitable Hospitals Act. Unfortunately, my amendment was defeated by the committee.

Mr. WILLIAMS. I am well aware of the existence of the Minnesota Charitable Hospitals and of its long record of successful operation.

Mr. MONDALE. I am wondering if, under section 10(a) of the National Labor Relations Act, there is any possibility of the National Labor Relations Board ceding jurisdiction to States such as Minnesota which have comprehensive, effective, and workable statutes dealing with labor relations in nonprofit hospitals?

Mr. WILLIAMS. The pending measure does not affect section 10(a) of the National Labor Relations Act in any way. Under section 10(a) the Board is empowered to cede jurisdiction to any State agency over cases in any industry unless the Board determines that the State statute is inconsistent with the corresponding provision in the National Labor Relations Act. The NLRB would be free to exercise that option in this instance. I would hope that the Board would consider the successful operation of the Minnesota Charitable Hospitals Act and would give serious consideration to ceding in this instance.

Mr. MONDALE. I am glad to know that section 10(a) leaves open that possibility. I would join the Senator in urging the National Labor Relations to seriously and favorably consider ceding jurisdiction under section 10(a) to the appropriate Minnesota State agency over disputes involving nonprofit hospitals if, as I believe it will, the Board determines the Minnesota Charitable Hospitals Act to be substantially equivalent to the Federal legislation.

Mr. CRANSTON. Will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from California, who has done so much to bring us to this hoped-for point of passage of the legislation.

Mr. CRANSTON. I thank the chairman for all the hard work he has done and for his very effective work on this legislation. I am delighted that we are now passing a fine bill that culminates an effort that was launched when Senator Javits and I introduced S. 794 over a year ago, designed to deal with the general problems with which this legislation finally comes to grips.

Mr. President, Senator Javits, Senator Taft, Senator Dominick, Senator Williams, and others, have all been very helpful, very constructive, and very fair in considering this legislation.

Mr. President, I rise to support the conference report on S. 3203, a bill which will extend the coverage and protection of the National Labor Relations Act to employees of private nonprofit hospitals.

As comanager of the Senate bill, I was particularly pleased that the conferees were able to reconcile their differences on the two matters in which there was disagreement. The first issue concerned the handling of labor disputes, while the second one involved individual religious convictions. In every other respect, the Senate version was the same as that passed by the House.

The conferees on both sides recognized that health care institutions require special consideration in the area of labor relations because of the essential nature of their functions in the community. However, there was disagreement as to what would be the most effective procedure to minimize the likelihood of disrupted patient services if a labor dispute should occur. The House felt that a 60-day cooling off period in the event of a strike would be the most appropriate mechanism. However, the Senate conferees were unable to accept the House-passed impasse procedure because it was felt that the end result might produce more disputes and more tension between the parties, then would otherwise have been the case. We came to this conclusion because so-called cooling-off periods in labor relations have historically been as much an aggravating factor as they have been a settling force.

The Senate's representatives maintained that S. 3203 already contained sufficient safeguards to reduce the likelihood of a strike. The thrust of the Senate bill was to aid in settling labor disputes before they reached the critical strike stage by providing a series of procedures which would be compatible with the collective-bargaining process.

The bill as passed by the Senate provided that:

First, the requirement for notice of termination or expiration of a contract be 90 days;

Second, the Federal Mediation and Conciliation Service (FMCS) be given 60 days notice of such termination or expiration;

Third, in initial contract negotiations a 30-day notice of a dispute to FMCS be required;

Fourth, the health care institution and labor organization be required to participate in mediation at the direction of the FMCS; and

Fifth, the health care institution be given a 10-day notice by a labor organization before any picketing or strike—whether or not related to bargaining—can take place.

Despite a strong feeling by the Senate conferees that S. 3203 already contained sufficient protections to insure continuity of patient care services, the House conferees insisted that additional safeguards be built into the bargaining process.

A mechanism was agreed to which will permit the Director of the Federal Mediation and Conciliation Service to convene an impartial board of inquiry in the event a labor dispute threatens to close a health care facility or facilities upon which a community may be dependent.

Within 30 days after the notice of a contract expiration or within 10 days after the notice of new contract negotiations, the Director may convene such a board, which would be obligated to make a report within 15 days. This board would not only be empowered to investigate the labor dispute, as the House envisioned, but also would be required to make findings of fact together with recommendations for settling the dispute. During the period, the status quo is to be maintained.

The second matter before the conference concerned the House provision permitting employees of health care institutions with religious convictions to be exempted from having to join or support a labor organization. Although the Senate version of the bill contained no similar provision, we accepted the provision with an amendment that each individual so exempted could be required to make payments to a nonreligious charitable fund in lieu of periodic union dues and initiation fees.

Mr. President, it is my hope that the passage of this bill as reported by the conference committee will do much to bring about peaceful and just settlements of labor disputes in the health care industry.

Mr. President, I most strongly urge the acceptance of this conference report on S. 3203.

Mr. JAVITS. Mr. President, will the Senator from New Jersey yield to me for a few minutes?

Mr. TAFT. Mr. President, I believe the time, or the Senator has the time——

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. President, I rise to concur in this report, and to commend it to the Senate.

I wish to point out in connection with our chairman's note that we are going to place some reliance upon the Federal Mediation Service, that we have letters from the presidents of the four major unions involved in organizing hospital employees, adopting, as a matter of policy, the use of voluntary binding arbitration to settle disputes which threaten to disrupt essential health care services.

These assurances are in the record of the debate on the bill, and came to me from Presidents George Hardy, of the Service Employees International Union; Leon Davis, of Local 1199 of the National Union of Hospital and Nursing Home Employees; President Peter Fosco of the Laborers International Union, and President Frank Fitzsimmons of the International Brotherhood of Teamsters.

Mr. President, because of the importance of these policy commitments and the action being taken by Congress, I ask unanimous consent that the text of the letters may be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Committee on Political Education,
Washington, D.C., April 4, 1974.

Hon. Jacob Javits,
Old Senate Office Building,
Washington, D.C.

Dear Senator Javits: During the hearings on S. 794 you expressed concern about assuring the continuity of essential patient services in the event of a labor dispute involving health care institutions. Our organization shares this concern, and for that reason we support S. 3203, the clean bill, recently ordered reported by the Senate Committee on Labor and Public Welfare. The 10 day notice, extended bargaining period and mandatory mediation required by S. 3203 should operate to minimize the necessity for strike action involving any health care institution.

In addition, in the event that a settlement cannot be achieved by the parties through direct collective bargaining, our organization fully endorses the use of voluntary arbitration as a technique for obtaining peaceful settlements if a strike would result in disrupting essential health care services in the community. In fact, many of the contracts that have already been negotiated with health institutions contain arbitration provision. This provision obviously was negotiated voluntarily.

Naturally, I am extremely pleased that the Committee has acted favorably with respect to this legislation. We sincerely believe that prompt enactment of S. 3203 will lead to less, not more, tension in labor-management relations in the health care industry.

Sincerely,

George Hardy,
International President.

National Union of Hospital
and Nursing Home Employees,
March 18, 1974.

Hon. Jacob K. Javits,
U.S. Senate
Washington, D. C.

Dear Senator Javits: With respect to legislation which is currently under consideration by the Senate Labor Committee to extend the collective bargaining act to employees in Voluntary Hospitals, an inquiry has been made to our Union as to our views on voluntary arbitration.

Specifically, we were asked whether or not our Union favors voluntary arbitration in a labor dispute where a strike or stoppage is threatened against a Hospital and where such strikes or stoppages may affect the life and limb of patients. It has been our policy in the past, it is our present policy and I expect that it will continue in the future that in such event our Union will favor submitting the disputed issues to voluntary and binding arbitration as a means of resolving the issues in dispute and thus avoiding the consequences of such a strike or stoppage.

I would like to call your attention to the fact that our recent stoppage in New York was not due to the refusal of our Union to abide by the arbitration process, it was our desire to have the arbitration awards enforced which led to the unfortunate result, It has been our experience that workers in hospitals are as conscious of their responsibility as the public generally.

Very truly yours,

Leon J. Davis,
President.

Laborers' International
Union of North America,
Washington, D.C., April 8, 1974.

Hon. Jacob K. Javits,
Senate Office Building,
Washington, D.C.

Dear Senator Javits: In the course of the hearings on proposed legislation to bring nonprofit hospitals under the National Labor Relations Act, you raised the question of how the continuance of essential patient services could best be assured in the event of a strike or lock-out involving a health care institution. We fully understand your concern regarding this question, and have ourselves given this matter a great deal of thought. We believe that the positions embodied in S. 3203 will greatly facilitate settlements through the normal process of collective bargaining. In addition, the bill will make available time-tested procedures for determining organizational and recognitional issues through the NLRA.

In those cases where a peaceful settlement cannot be achieved through collective bargaining, we believe as a matter of policy, in the use of voluntary arbitration if a strike or lock-out would result in the disruption of essential health care services. We further believe that voluntary arbitration is far preferable to any governmentally imposed solution.

We are grateful that the Senate Committee on Labor and Public Welfare has reported out S. 3203 and are very hopeful that the full Senate will soon act favorably on this bill. We strongly believe that this legislation is not only in the best interest of employees of nonprofit hospitals, but also will serve to reduce rather than increase the number and intensity of labor-management disputes in this industry.

Very truly yours,

Peter Fosco,
General President.

International Brotherhood of
Teamsters
Washington, D.C., April 22, 1974.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: We wish to thank you for your efforts on behalf of workers employed by non-profit hospitals who would be covered by the National Labor Relations Act under S. 3203. Since 1947 these workers have been denied the protection accorded to most other American workers and we believe that there is no rational justification for this special exemption.

We are aware of the concern you expressed during the hearings about possible interruptions in patient care because of a labor dispute at health care institutions. We believe that the special provisions embodied in S. 3203 will serve to minimize any possible disruption in essential services. Furthermore, in those instances where a settlement cannot be reached by the parties, we believe that voluntary arbitration would be an appropriate technique to achieve a settlement re a strike or other economic action would result in the disruption of essential health care services.

Respectfully yours,
FRANK E. FITZSIMMONS,
General President.

Mr. JAVITS. Mr. President, my other purpose in rising at this time is to commend two of my colleagues of the minority on the Committee on Labor and Public Welfare who I feel have made major contributions to what we are about to do.

The Senator from Ohio (Mr. TAFT) took a very special interest in this bill because of his longstanding feeling in labor matters, which is a great tradition in his family, and his particular concern with the philanthropies of his own family in respect to hospitals.

It is rare that a Senator, in such a self-effacing way, takes an initiative in order to bring a matter to a conclusion. I have been here a long time. I have done it in other cases, and I know how gratifying it is, whether anybody speaks appreciation or not. I should like to express my appreciation to Senator TAFT for his action that is in the best tradition of the Senate and at the same time of such enormous service to probably as depressed a group as exists among workers.

It is not realized what nasty, difficult work it is to work in hospitals at the lower levels, and how underpaid it has been for years.

The Senator from Ohio has done an excellent job, and I am delighted that it is now being consummated with what I hope will be success today.

Although Senator DOMINICK is opposed to this conference report—and he will shortly be heard—he has realized the importance of what we are doing. Yet, as is his wont, whether he agrees with his colleagues on the committee or not, he has thrown himself into the situation.

I believe we would not have had the ability to compromise; we would have had an absolutely hard-and-fast position without any give at all, if Senator DOMINICK, on the other side—without in any way derogating from his opposition to this conference report—had not pushed what he considered to be the legitimate need of the hospitals for a cooling off period, and so forth.

So, Mr. President, as the ranking member, I am very grateful to my colleagues for the outstanding service they have rendered.

For the reasons I have stated, I highly commend the conference report to the Senate and hope it will be adopted today.

Mr. President, I ask unanimous consent that Mr. Don Zimmerman and Mr. Dunn, of the minority committee staff, may have the privilege of the floor during the debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. JAVITS. The passage of this legislation will end long-standing discrimination against employees of nonprofit hospitals by granting these workers collective bargaining rights under the National Labor Relations Act. The conferees have reached what I regard to be a most satisfactory resolution of the differences between the House and Senate versions of this legislation. This legislation represents long and careful study by the committee and negotiation between representatives of organized labor and hospital management. Its provisions have been carefully tailored to meet the particular problems of labor-management relations involving health care institutions.

The conference committee had before it two issues raised by House amendments to the Senate-passed bill. The first provided for an exemption from mandatory membership in, or financial support of, a labor organization for employees of a health care institution who hold religious beliefs opposed to such membership. The second amendment would have established an additional impasse procedure providing a 60-day cooling-off period after the conclusion of the contract term, during which time the status quo would be preserved and a board of inquiry would investigate and report on the dispute.

The conference committee was successful in reaching an accommodation on both issues. With respect to the exemption from union membership and support on the basis of religious conviction, the conference report provides that an employee may be so exempted, but that he may be required by collective bargaining agreement to contribute an amount equal to the dues and initiation fees he would otherwise pay to one of three nonreligious charitable funds designated by the bargaining parties. If the parties fail to designate these funds, the employee himself may select an appropriate fund.

On the issue of the impasse procedures, the conferees agreed to a provision eliminating the 60-day cooling-off period and providing instead that the Director of the FMCS is to decide, within the first 30 days after receiving the required 60-day notice of contract termination, whether a threatened work stoppage would substantially interrupt the delivery of health care services in a locality. He will then appoint an impartial board of inquiry to investigate the issues in the dispute. That board will report its findings of fact and recommendations for settlement within 15 days. This compromise preserves the mandatory mediation procedures of the FMCS to resolve disputes in the health care industry before they reach the impasse stage.

It is my belief that the agreement worked out by the conference has preserved the spirit and content of the bill originally passed in the Senate, while providing a special dispute procedure to help maintain the delivery of health services in each community.

I am satisfied that adequate protection for the public will be provided by enactment of this bill. It is, of course, essential that we do our utmost to insure against interruption in the delivery of health services to the people. It is my belief that we can best achieve this objective by promoting peaceful and harmonious labor relations in the health care industry.

I am further reassured by the statements concerning voluntary arbitration by the presidents of the four major unions involved in organizing hospital employees, to which I have already referred.

There are, of course, some who will still argue that to rely upon the voluntary assurances of unions and management, and to place faith in the development of harmonious labor relations, involves an unacceptable risk to the continuance of essential health care services. I agree that there are risks involved in depending upon voluntary action to avoid disruptions in essential health care services, but note that our experience demonstrates that no new procedure can possibly avoid all such risks. The recent hospital strikes in New York this past fall, and in San Francisco this spring, were conducted in direct violation of court orders. We, of course, cannot condone illegal strikes, but it is necessary to point out that there is no warrant for assuming that just because the law says you cannot strike, that there is not going to be a strike. In short, there are risks involved in whatever course of action we choose to follow. In my judgment, however, the best guarantee we can get is the commitment of the parties involved to use peaceful and lawful means, including the use of voluntary arbitration, to avoid disruptions in essential health care services.

I urge my colleagues to vote for this conference report in an effort to bring more—rather than less—stability to labor-management relations in the health care industry.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield 5 minutes to the Senator.

Mr. TAFT. Mr. President, I thank the Senator for the most generous recognition he has given to me and to other members of the committee in the work that has gone on over a very protracted period. Without his leadership and without the leadership of the distinguished chairman, the Senator from New Jersey (Mr. WILLIAMS), I do not think this bill possibly could have arrived at the point where it is about to become enacted. He has at all times contributed to playing the roll he is so famous for, in working out differences and difficulties, and at the same time trying to come up with practical answers to the problems that he knows so well from his own State and which all of us know exist in this field.

Mr. President, the National Labor Relations Act, the Nation's principal labor law, governs the collective bargaining relationship of millions of workers including employees of proprietary hospitals, proprietary nursing homes, and nonprofit nursing homes. Coverage of employees employed in the health care field is not a new phenomena or concept. Presently, the law specifically exempts from coverage employees of private nonprofit hospitals. The original Wagner Act of 1935 did not contain this exemption and the courts in 1942 upheld employee coverage. In 1947, the Wagner Act was amended by the Taft-Hartley Act. Included in these amendments was a provision, added as a floor amendment in the Senate, to exempt nonprofit hospitals. This amendment was retained in conference. Thus, employees of proprietary hospitals and nursing homes, including nonprofit nursing homes, have had the benefit of coverage of the National Labor Relations Act since its passage in 1935, and generally, the coverage has resulted in a favorable experience for the public and for those employees who are employed in these sectors of the health care industry.

The bill under consideration removes the existing exemption in section 2(2) of the National Labor Relations Act for employees of nonprofit hospitals and extends the protections of the act to such employees to the same extent as currently applicable to employees of nursing homes and proprietary hospitals. There is no logical reason why employees engaged in the same industry should be treated differently; employees of nonprofit organizations being deprived of statutory benefits while another segment of employees is accorded rights. This bill will eliminate the disparity of treatment. It further seeks to resolve through the orderly procedures of the National Labor Relations Act the bitter and wasteful confrontations which have resulted in some cases in the past. For instance, extension of the NLRA to this industry should considerably alleviate one of the most serious problems in hospital labor relations today, the recognitional strike.

In summary, the time has come to place private, nonprofit hospitals under the salutary provisions of the National Labor Relations Act. Labor relations legislation to meet the needs of this industry and its employees must apply evenly to all private health care institutions whether or not organized to make a profit.

An essential element of Federal national labor relations policy is the promotion of collective bargaining. It is no longer seriously questioned that employees do have the right to self-organization and to form, join, or assist labor organizations and to bargain collectively through representatives of their own choosing. Employees have the right to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, including the right to resort to economic action to support their economic and other demands.

I especially want to express my agreement with the remarks of the distinguished Senator from New York as to the need of this particular group of employees—working as they do in a nonprofit enterprise, but at the same time working on very difficult jobs—at many times to have protection given them under the law for the concept I have just mentioned.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. Mr. President, I yield an additional 3 minutes.

Mr. TAFT. However the Senate, in carrying out its responsibilities in this area, should not be unmindful of the unique responsibilities and problems of the health care industry. Straight application of the National Labor Relations Act would not recognize these considerations. Therefore, I have pressed for safeguards embodied in the proposed legislation which would avoid mechanical application of standard National Labor Relations Act procedures.

The bill contains several additional special provisions designed to facilitate collective bargaining settlements and to provide advance notice of any strike or picketing involving a health care facility, as follows:

First. The requirement for notice of termination or expiration of a contract will be 90 days as opposed to 60 days notice required for other industries. Thus, employees and labor organizations engaged in the health care field are afforded, among other things, a longer period for hopefully productive bargaining.

Second, the Federal Mediation and Conciliation Service (FMCS) must be given 60 days notice of such termination or expiration.

Third, in initial contract negotiations, a 30-day notice of a dispute to FMCS will be required.

Fourth, the health care institution and labor organization will be required to participate in mediation at the direction of the FMCS. Unlike private industry, where mediation is discretionary with the disputants, parties in the health care industry are statutorily obligated to utilize FMCS services. This provision insures the active involvement of the Federal Mediation Service who will attempt, by the use of its expertise, to adjust the disputes expeditiously.

Fifth, to further assist in the resolution of a collective bargaining dispute, the FMCS Director may, after determining that the dispute substantially threatens to interrupt health care in the affected locality, appoint a board of inquiry to investigate the issues and report with respect to such dispute. The board must be appointed within 30 days after the FMCS is notified of the intention of either or both of the parties to terminate the contract, or 10 days after the FMCS is notified in the case of an initial contract. The report of the board of inquiry will be issued within 15 days of its appointment and the status quo must be maintained for another 15 days thereafter. Once issued, the board's report shall contain findings of fact, together with the board's public recommendations for the settlement of the dispute.

The appointment of the board will not interrupt the mandatory mediation process. Mediation will continue while the board performs its crucial function. These procedures are intended, and should go a long way, to achieve a prompt and peaceful adjustment of the dispute. The new procedures not only provide the parties more time to reach a settlement, without resorting to strike, but also afford FMCS a greater and more meaningful opportunity to work with them toward that end.

Finally, the health care institution must be given a 10-day notice by a labor organization before any picketing or strike—whether or not related to bargaining—can take place. This 10-day requirement provides an adequate length of time to develop plans for assuring proper patient care.

I believe these safeguard procedures will substantially aid health care institutions and their employees settle their disputes responsibly and peacefully, while not significantly restricting either party's freedom of action. All these activities occur within the collective bargaining framework and assure the greatest possible success of that process prior to the need to resort to strikes or other economic sanctions.

A word concerning the appropriateness of a cooling-off period following the expiration of the mediation procedures and the 10-day strike notice as I have outlined. I do not support the concept of a cooling-off period primarily because it merely prolongs and unduly interferes with the parties' mandatory obligations to meet and bargain in good faith during the term of a contract. Experience gained under the NLRA has demonstrated that cooling-off periods will not achieve the desired objectives of preventing strikes or work stoppages. Viewing labor relations realistically and knowing there is no known guarantee to prevent strikes or lockouts, I think it more beneficial and in the public's interest to require the parties bargain in good faith for 90 days prior to contract expiration. Mandatory mediation, including the appointment of a factfinding board, is a positive force in adjusting disputes. I believe extension of the NLRA in accordance with the several built-in safeguards will promote and facilitate the parties' mutual bargaining responsibilities. In turn, the prospects for the uninterrupted delivery of health care services and the free flow of commerce are enhanced.

I, too, support the religious conviction exemption with the modifications proposed by me during the joint Senate-House conference. An employee, because of his bona fide religious tenets or teachings, should be able to avoid financial support for and membership in a labor organization and continue to maintain his employment without fear of discharge. Inherent in this exemption, however, is the possibility of abuse by the concealment of what are known in labor parlance as "free-riders." To balance the equities involved, the bill will require an employee, claiming the exemption, to nevertheless tender a sum equal to the labor organization's periodic dues and initiation fees, to a nonreligious, charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

To further facilitate the exemption, I

offered an amendment which provides that the employer and labor organization should agree in bargaining on at least three alternative qualifying fund designations. The individual employee then has a degree of freedom in selecting the organization of his choice within the list of alternatives agreed upon.

I was also disturbed by the prospect that requiring the parties to bargain concerning the alternative fund designations might result in an impasse which would then be a further obstacle to successful bargaining. To avoid this possibility, I suggested again, by way of a clarifying amendment, that the employee be given the right to select a qualifying organization upon the parties' failure and/or refusal to agree upon proper potential recipients.

In conclusion, over an extended period, the only thing that prevents strikes is the establishment and maintenance of a good collective bargaining climate. I believe the best way to assure that kind of climate is by covering employees in the private health care field under the National Labor Relations Act in essentially the same manner that employees in other industries are covered. To that end, and within the context of the safeguards I have proposed, I favor and support the concepts of extending the proven benefits of the National Labor Relations Act coverage to nonprofit hospitals.

The PRESIDING OFFICER (Mr. BENTSEN). Who yields time?

Mr. DOMINICK. Mr. President, will the Senator from New York or the Senator from New Jersey yield me further time?

I need 10 minutes, I think.

Mr. JAVITS. How much time do we have, Mr. President?

The PRESIDING OFFICER. The Senator from New York has 9 minutes.

Mr. JAVITS. I will yield 5 minutes.

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes.

Mr. WILLIAMS. I yield 5 minutes, 5 and 5.

Mr. DOMINICK. I thank the distinguished chairman and the ranking member. I thank the Senator from New York for the gracious comments he made earlier about both Senator TAFT and myself. We may have our disagreements on bills, but I very much appreciate his selflessness.

Mr. President, I was a member of this conference and I declined to sign the conference report. Representative ERLENBORN did the same thing on the House side and declined to sign the report.

I urge my colleagues to consider my views before deciding how they are going to vote.

When this bill was originally reported from our committee, I indicated at that time that I believed the paramount public interest in having unimpeded and unhindered access to the best possible health care necessitated consideration of adding safeguards to maximize the opportunity to resolve labor impasses without a strike or work slowdown. I am not opposed to the right of employees to form collective bargaining units in dealing with management, but I am concerned that in certain fields in which an impasse between management and employees is reached a resultant slowdown or strike could adversely affect the public interest. The health-care field is one such area.

This was pointed out last fall in a strike in my distinguished colleague's city of New York in which patients were discharged from hospitals and other health-care institutions.

Obviously, this bill does not prohibit striking. I know that nurses, staff physicians, and others are in favor of the principle of collective bargaining. I talked to a number of nurses in Colorado over the recent July 4 recess, however, and many of the ones that I talked to would have been willing to have a "no-strike" clause in the bill, and this is a concern of mine.

I recently talked to a very fine nonprofit hospital in Colorado, the Bethesda Mental Health Hospital, where there are some 75 psychiatric beds. I asked them what would happen if they had a strike and where the patients would go. The answer was "Nowhere, because there are not sufficient facilities in the metropolitan area of Denver qualified staffwise and facilitywise to be able to take care of those people."

The bill has a 30-day period, for fact-finding by a special board. In addition we did get the "conscience" clause in conference. The question is, Is that enough?

The 30 days is a so-called cooling off period in an effort to add an additional safeguard to the rights of patients which I think are paramount. As my colleagues will recall, on the Senate floor, I introduced a limited form of a cooling off period in an effort to add an additional safeguard. This amendment, I would point out, would have had limited use, and its mechanism would have been used only when the Director of the Federal Mediation Service found that a threatened strike or work slowdown would have threatened health-care delivery in an area. The Senate turned down this proposal as well as tabling my amendment which would have allowed an employee in lieu of joining a union to pay dues to a charitable organization if he held religious convictions against union membership. Our colleagues in the House did adopt both the 60-day cooling off period and a form of the "conscience" amendment. It is my belief that the conscience clause is in keeping with basic first amendment rights guaranteed by our Constitution.

I hope that the Senate would be willing to support such a "conscience" clause, and I would like to thank my colleagues in the conference.

However, I believe that the conference's treatment of the 60-day "cooling off" period, rather than promoting a resolution to disputes, will prove to be cumbersome and without benefit. The compromise reached by the conference provides that the Director of the Federal Mediation and Conciliation Service may appoint a Board of Inquiry to investigate and report with respect to a labor dispute. The investigation, however, and report occur prior to the termination of a contract when there is a contract in existence. Already written into this bill is a provision by which notice is given to the Federal Mediation and Conciliation Service 90 days prior to the termination of a contract and the Service is directed to use its best efforts by mediation and conciliation to bring the parties to an agreement. I believe the addition of a special Board of Inquiry on top of the Federal Mediation Service is not needed, and in fact, is not in keeping with the purpose of "cooling off" periods.

As I understand it, "cooling off" periods allow the parties, once an impasse is reached, an additional period of time for solution to the impasse while maintaining a status quo. Under the conference report, in fact an impasse would not even be reached prior to the appointment of this Board of Inquiry by the Federal Mediation Service. In addition, the Board could be appointed regardless of whether or not the parties were going to settle the dispute with or without the aid of the Federal Mediation Service.

Once this Board has been appointed, I expect that the parties to the dispute rather than attempting further efforts to resolve their dispute will merely wait until the Board of Inquiry makes its recommendations. If so, this would completely undermine the bill's provisions for a 90-day notice of termination of a contract and overrides the safeguards written into this bill which could be used to resolve a dispute prior to the termination of a contract.

Mr. President, all of us recognize that the health-care industry is a unique industry. We have seen that at times the public interest may be damaged because of a dispute between management and labor such as the New York hospital strike in last November. Solutions to the need for the protection of the public interest while protecting collective bargaining rights are difficult. Interestingly, I have been assured by some health-care employees that they would continue to work in a hospital even if a strike were to occur, called by another bargaining unit, because of their commitment to the providing of health care to the public.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. JAVITS. I yield the Senator 2 additional minutes.

Mr. DOMINICK. Mr. President, I am sure as dedicated professional nurses, staff physicians, and other hospital employees serving the public's health care needs would never jeopardize their patients well being. The balancing of these groups' rights as employees to form bargaining units with the public interest in access to health care has given us some special features in this bill such as the 10-day notice prior to a strike. If, in fact, we had been able to reach agreement on adding an impasse resolution without a strike, I would support this bill. If we had retained some type of limited "cooling off" period which I believe affords some extra measure of protection to States such as mine where we have 25 counties with a total of 600,000 residents with only 1 hospital per county, I would support this bill. I believe additional safeguards could be added to this bill without jeopardizing rights to collective bargaining.

Mr. President, there exists in hospitals the possibility of multiple collective bargaining units. If one unit should reach an impasse with management and strike, we could face the serious problems of having to transport patients at times up to 50 miles in order to obtain health care if a strike were recognized by all other units. Such a situation would not be in the public interest, and I would urge my colleagues to carefully consider whether or not additional protection such as a true "cooling off" period should be provided.

It is my basic feeling, and I close with this, that the purpose that we are working on is to provide health care for people who need it, and we are not working just to determine the rights between a hospital association on one side and the employees on the other. Certainly they are important; but far more important is the ability to take care adequately of the patients who are there.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I have heard with the greatest interest the views of the Senator from Colorado (Mr. DOMINICK), which have been expressed before. I can appreciate the sincerity of those views. But, Mr. President, in balancing the interests of organized labor and the hospital associations, even in my own city, which has suffered such a dreadful strike in this field, and in considering the disposition of major international unions to seek voluntary but binding arbitration in health-care field, together with the urgency of regularizing employment in this field through the application of the National Labor Relations Act, I believe the balance falls heavily on the side of approval of the conference report, and I hope the Senate will approve it.

S. 3203—AGAINST THE PUBLIC INTEREST

Mr. BUCKLEY. Mr. President, the product of the conference report on S. 3203 seriously disappoints all those who are concerned about protecting the sick and the public in general against the interruption and loss of essential hospital care caused by strikes.

The House bill contained a provision essential to the public interest—a 60-day cooling off period which the Director of the Federal Mediation and Conciliation Service could use, after all other NLRA procedures to resolve an impasse had failed, to help settle a hospital strike which seriously threatens to interrupt the provision of hospital services to the citizens in a particular community or area.

Unfortunately, this important measure was removed in conference and an "empty" compromise was substituted that would insert an additional fact-finding-mediation procedure into the latter part of a labor-management contract negotiation period. The result is the elimination of the cooling off protection provided for in the House bill. In fact, the compromise could even substantially interfere with and undermine the basic impasse resolution procedures that are contained in S. 3203.

The American Hospital Association strongly opposes the conference report on S. 3203, and in a recent letter on the report, it pointed out with regard to the alleged "cooling-off compromise" that:

> 1. Is not, in fact, a "compromise";
>
> 2. It is not even a cooling-off period—that is a complete misnomer. (In reality, it is an abbreviated 30-day fact-finding/mediation procedure that can only be utilized concurrently with the other impasse resolution mechanisms included in S. 3203. It would be available only prior to contract termination and, therefore, by statute unavailable at any other time!);
>
> 3. Thus, by its very terms, it could not protect the public in major health care emergencies caused by labor disputes, e.g., the New York City Metropolitan Area hospital Francisco Bay Area nurse strike against 40 hospitals; and
>
> 4. It would undermine the present Congressionally-mandated mediation period now contained in S. 3203.

Another disappointing aspect of this legislation is the lack of a provision to cede NLRB jurisdiction to States with substantially equivalent labor relations laws already in existence. There is no justifiable reason why the NLRB must supercede equivalent State labor relations laws and agencies. In fact, in some States their labor relations provisions are superior to the NLRA, and the substitution of the Federal provisions could harm the very people they are intended to help.

In my own State, the Convention of the Licensed Practical Nurses of New York recently passed a resolution on S. 3203 which stated:

> Whereas, S. 3203 would authorize and encourage strikes and at the same time destroying compulsory arbitration in contract impasse situations established by New York State Labor Law,
>
> Now, therefore, be it resolved that the House of Delegates of the Licensed Practical Nurses of New York—opposes the passage of S. 3203 in its present form.

Mr. President, I ask unanimous consent that the resolution, as well as the letter and memordanda of the American Hospital Association, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, this bill is an illusion. It offers the prospect of encouraging more disputes and hospital strikes, with the resulting loss of hospital services for the sick and the public in general. Therefore, in the public interest, I urge that this report be defeated in its present form.

EXHIBIT 1

AMERICAN HOSPITAL ASSOCIATION,
Washington, D.C., July 5, 1974.

DEAR SENATOR: As you may know, S. 3203, the bill to extend coverage of the National Labor Relations Act to employees of nonprofit hospitals, as passed by the House contained a 60-day cooling-off period provision which could be utilized by the Director of the Federal Mediation and Conciliation Service—after all other impasse resolution procedures under the NLRB had failed—to help settle a hospital strike which threatens substantially to interrupt the delivery of health care to the citizens of a community or area.

The intent of this cooling-off period is to provide a genuine opportunity for parties at impasse:

1. to resolve a dispute where a work stoppage would likely cause a community emergency;

2. to find an adequate substitute for the negotiation process which had failed; and

3. to achieve all this without either compulsory arbitration or a surrender of the right to strike.

The House/Senate Conference on S. 3203 did not adopt a cooling-off period provision, but instead, approved a labor-sponsored "compromise" to insert an additional fact-finding/mediation procedure into the latter part of a labor-management contract negotiation period. This action completely drops the cooling-off protection of the House-passed amendment and, in fact, could seriously interfere with the present impasse resolution procedures contained in S. 3203 as approved by both House and Senate.

In view of increasing national concern for safeguarding the continuity of patient care interruption in the delivery of essential health care services due to hospital strikes—we would strongly urge you to vote to recommit the conference report when it is brought up for floor action—in order that further conference consideration may result in agreement on a workable and effective cooling-off amendment in the final bill before it is passed by Congress into law.

For your information, I am enclosing a more detailed fact sheet on the labor-sponsored "compromise", as adopted by the House/Senate Conference. In summary, the labor amendment:

1. Is not, in fact, a "compromise";

2. It is not even a cooling-off period—that is a complete misnomer. (In reality, it is an abbreviated 30-day fact-finding/mediation procedure that can only be utilized concurrently with the other impasse resolution mechanisms included in S. 3203. It would be available only prior to contract termination and, therefore, by statute unavailable at any other time!):

3. Thus, by its very terms, it could not protect the public in major health care emergencies caused by labor disputes, e.g., the New York City Metropolitan Area hospital strike last November, or the recent San Francisco Bay Area nurse strike against 40 hospitals; and

4. It would undermine the present Congressionally-mandated mediation period now contained in S. 3203.

From a labor-management relations standpoint, it would be preferable to have no cooling-off provision at all in S. 3203 than to have the labor-sponsored proposal superimposed in statutory language on the present impasse resolution procedures included in the NLRA, as amended by S. 3203.

Also enclosed is a revised 45-day cooling-off period amendment which has been proposed in an effort to find common ground for resolution of the differences between the House and Senate versions of S. 3203—without sacrificing the essential elements of the cooling-off mechanism whenever it might be needed to settle a labor dispute that threatened to disrupt vital health services to a community or area.

Again, I would urge you to vote to recommit the labor-sponsored conference report, so the Conference Committee can work out a genuine cooling-off amendment that will effectively help safeguard the public interest.

Sincerely,

LEO J. GEHRIG, M.D.,
Vice President.

COMMENTS ON THE LABOR-SPONSORED "COMPROMISE" COOLING-OFF PROPOSAL ADOPTED BY THE HOUSE-SENATE CONFERENCE COMMITTEE ON S. 3203

1. The House-passed 60-day cooling-off period amendment to S. 3203 would apply to any strike or labor dispute which substantially threatened to interrupt the delivery of health care to the citizens of a community or area, but only after all collective bargaining procedures provided under the NLRA and in S. 3203 have, in fact, been exhausted. The selective use of this mechanism to attempt to resolve a labor dispute while preserving the

continuity of patient care would be available whenever necessary: in a threatened strike resulting from a bargaining impasse during contract renegotiation, or resulting from a bargaining impasse during negotiation of an initial agreement, or in a strike situation which arises during the period of a contract, but nevertheless threatens to disrupt essential health care in a particular locality.

The intent of the cooling-off period originally enacted by the House was to provide genuine opportunity for parties at impasse: (1) to resolve a dispute where work stoppage would likely cause a community emergency; (2) to find an adequate substitute for the negotiation process which had failed; and (3) to achieve all of this without either compulsory arbitration or surrender of the right to strike.

2. Labor proposed a "compromise", which was adopted by the Conference Committee on S. 3203. This proposal, which in fact is not a compromise (and is not even a true cooling-off period, but is in reality a fact-finding/mediation period), contains two key elements. First, it would permit an abbreviated 30-day so-called "cooling-off" period to take place, but only prior to the expiration date of a contract (or, in the case of bargaining for an initial agreement, during the period for negotiation and notice as provided in S. 3203). Secondly, it would not apply in any way to strikes which occur either after the end of a contract, or during a contract, except for this brief 30-day period just before the end of a contract.

3. Because the Labor "compromise" proposal would be statutorily time-limited to use just before the end of a contract, it would destroy the basic purpose of the House-passed amendment, which is to provide, after all negotiation efforts of S. 3203 have failed, a viable mechanism for fact-finding and focusing community pressures on both management and labor to settle their differences amicably whenever a hospital strike threatens substantially to interrupt the delivery of health care to an entire community.

4. Since the "cooling-off" period contained in the Labor "compromise" cannot be implemented except between 60 and 30 days prior to expiration of a contract, it would not apply in any way to strikes which occur either during the period of a contract, such as the week-long strike in New York City in November 1973, when 30,000 employees struck 48 hospitals and nursing homes during the second year of a two-year contract, or after the contract has expired, as in the recent three-week San Francisco Bay Area strike of 4400 nurses against 41 hospitals and clinics, which occurred several months after a contract period.

5. Additionally, the use of a "cooling-off" period before all existing mechanisms to resolve a collective bargaining impasse have been exhausted would undermine the value of the period of mandatory mediation now called for in both House and Senate versions of S. 3203. This vital mediation period was intended by Congress to be the primary focal point in negotiations designed to encourage management and labor to arrive at a mutually agreed setttlement. The use of a so-called "cooling-off" period before it is even known if an impasse will develop, and before it is known if a strike is likely to occur, can only serve to weaken this important Congressionally-mandated collective bargaining mediation procedure.

The parties would simply wait until after the fact-finders had submitted their report and recommendations, and no serious mediation or negotiation would take place until the final few days prior to contract expiration.

6. In summary, the labor "compromise" proposal of inserting the "cooling-off" period into a time frame before the expiration date of a contract is unacceptable because (1) it subverts the basic purpose of a colling-off procedure by effectively preventing its use in the event of a health care emergency; and, (2) it would undermine the value of the collective bargaining process during the period of mandatory mediation now included in S. 3203. From a labor-management relations standpoint, it would be preferable to have no cooling-off provision at all in S. 3203 than to have the labor proposal superimposed in statutory language on the present impasse resolution procedures included in the NLRA, as amended by S. 3203.

In the interest of assuring that all reasonable steps have been taken to preserve the continuity of patient care for communities across the country, it is strongly urged that the conference report on S. 3203 be recommitted, and a workable and effective cooling-off amendment be included in the final bill before it is passed by Congress into law.

Forty-Five-Day Cooling-Off Period Amendment

(f) Title II of the Labor Management Relations Act, 1947, is amended by adding at the end thereof the following new section:

"Conciliation of Labor Disputes in the Health Care Industry; Interruptions

"Sec. 213. (a) If a labor dispute between a health care institution and its employees or a threatened or actual strike or lockout affecting a health care institution is not settled under the National Labor Relations Act, and, in the judgment of an impartial committee, composed of no less than three individuals, appointed once or from time to time by the Director of the Federal Mediation and Conciliation Service for the purpose of making such judgment within 48 hours after the committee is appointed, threatens, if permitted to occur or continue, substantially to interrupt the delivery of health care in the locality concerned, the Director shall create a Board of Inquiry to investigate the issues involved in the dispute and report thereon with findings of fact together with recommendations, with the objective of achieving a prompt, peaceful and just settlement of the dispute. The board shall be composed of such number of persons as to the Director may seem desirable. Such board shall be created separately in each instance and it shall investigate promptly the facts as to the labor dispute and make a report thereon to the Director within 15 days of its creation. No committee or board member appointed under this section shall have any interest or involvement in the health care institutions or the employee organizations involved in the dispute.

"(b) After the creation of such Board of Inquiry and for thirty days after such board has made its report to the Director, no change in the status quo, in effect prior to the expiration of the contract in the case of negotiations for a contract renewal, or in effect prior to the time of the impasse in the case of an initial bargaining or other negotiation, shall be made except by agreement of the parties to the controversy: *Provided, however*, That the notification as provided in section 8(g) of the National Labor Relations Act may be given within the final ten days of the said thirty-day period.

"(c)(1) Members of any committee or board established under this section who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this section.

(2) Members of any committee or board established under this section who are not subject to subparagraph (1) of this subsection shall receive compensation at a rate prescribed by the Director but not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including travel for each day they are engaged in the performance of their duties under this section and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this section.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

Licensed Practical Nurses of New York, Inc.

This Resolution passed by the House of Delegates of Licensed Practical Nurses of New York, Inc., in the 1974 Convention, at Swan Lake, New York.

Whereas, Licensed Practical Nurses of New York, Inc., is a professional organization of 5,000 LPN's in the State of New York dedicated to the best care and treatment of patients in all health care institutions, and

Whereas, LPN, N.Y., INC. has collective bargaining contracts with numerous hospitals and nursing homes throughout the State of New York, and

Whereas, LPN, N.Y., INC. is vitally concerned with continuing, without interruption or strikes, the care of the sick, the injured and the aged, who are patients in said institutions, and

Whereas, S. 3203 would authorize and encourage strikes and at the same time destroying compulsory arbitration in contract impasse situations established by New York State Labor Law.

Now, therefore, be it resolved that the House of Delegates of LPN, N.Y., Inc. assembled in convention on this 8th day of May 1974, support the right of 1,500,000 employees of non-profit health care institutions to engage in collective bargaining. However, LPN, N.Y., Inc., opposes the passage of S. 3203 in its present form.

LPN, N.Y., INC., urges that S. 3203 be amended so as to require that the National Labor Relations Board cede jurisdiction over employees in such institutions to State agencies where the State law prohibits strikes in such institutions but substitutes instead compulsory arbitration in the event of contract disputes leading to impasse.

Mr. McGOVERN. Mr. President, the conference report on H.R. 13678 and S. 3203, while providing National Labor Relations Act coverage for the employees of our nonprofit health facilities, still falls short of protecting both employees and patients. We have noted in the recent past serious strikes among hospital workers which have seriously endangered the care patients were receiving.

To me, the denial of a 60-day cooling off period jeopardizes the ability of hospitals and nursing homes to maintain continuity of patient care in the event of labor disputes. The creation of a substitute cooling off period which is prior to a contract deadline is unfair to the hospital in its efforts to maintain uninterrupted patient care because the cooling off period is superimposed on a period where negotiations are already taking place and attempts are being made to avert a strike.

I am certainly sympathetic to coverage of these employees by the National Labor Relations Act. It does seem, however, that there should be reasonable opportunity for negotiations which, in the best of cases, might be found unexpectedly difficult.

I am voting to reject the conference report because it omits the 60-day cooling off period.

The PRESIDING OFFICER. Who yields time?

Mr. WILLIAMS. Mr. President, I have no further requests for time.

Mr. JAVITS. I yield back the remainder of my time.

Mr. WILLIAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. The vote on the conference report is set for 12:30.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum, to alert Senators.

The PRESIDING OFFICER. Has all remaining time been yielded back?

Mr. WILLIAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now proceed to vote. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from West Virginia (Mr. RANDOLPH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

The result was announced—yeas 64, nays 29, as follows:

[No. 292 Leg.]

YEAS—64

Abourezk
Aiken
Allen
Bayh
Beall
Bentsen
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Clark
Cook
Cranston
Domenici
Eagleton
Eastland
Fong
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
McGee
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Schweiker
Scott, Hugh
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Weicker
Williams

NAYS—29

Baker
Bartlett
Bennett
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Church
Cotton
Curtis
Dole
Dominick
Ervin
Fannin
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
McClellan
McClure
McGovern
Roth
Scott, William L.
Thurmond
Tower
Young

NOT VOTING—7

Bellmon
Fulbright
Johnston
Magnuson
Mathias
Randolph
Stennis

So the report was agreed to.

Mr. HATHAWAY. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF ATOMIC ENERGY ACT OF 1954

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 3698, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 3698) to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, the following request is being made at the direction of the distinguished majority leader and has been cleared with the distinguished assistant Republican leader and with Mr. PASTORE, the manager of the bill, with Mr. JAVITS, with Mr. PROXMIRE, and other Senators:

I ask unanimous consent that time on the pending measure be limited to 2 hours, to be equally divided between Mr. PASTORE and Mr. AIKEN; that time on any amendment to the bill be limited to 1 hour; the time on any amendment to an amendment, a debatable motion or appeal to be limited to 30 minutes; the time on the amendment to be offered by Mr. PROXMIRE to be limited to 2 hours, and that the agreement be in the usual form, with the understanding that an amendment by Mr. JAVITS, which would deal with procedure, would be in order regardless of its germaneness—

Mr. PROXMIRE. Would that be by this Senator and Mr. JAVITS——

Mr. JAVITS. Will the Senator yield?

Mr. ROBERT C. BYRD. And that the amendment by Mr. PROXMIRE be in order, likewise.

Mr. JAVITS. Will the Senator yield? It is another amendment I am talking about.

Mr. ALLEN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. May we have a clarification as to who has the floor?

Mr. ROBERT C. BYRD. Mr. President, I have made my request and the Senators are reserving their right to object.

Mr. GRIFFIN. Mr. President, reserving the right to object, the only reservation I have is the matter of agreeing to allowing amendments to come in on a nongermane basis without knowing what the amendments are. Concerning the amendment of the Senator from Wisconsin, if it is the one we talked about earlier, clearly it would be germane.

Mr. PROXMIRE. Mr. President, this is my understanding, and I assumed it was germane until a couple of minutes ago. I asked the Parliamentarian. He believed that the amendment would be germane, but he has not had the opportunity to study it.

Mr. GRIFFIN. Is it the same amendment?

Mr. PROXMIRE. It is the same amendment. It would simply affect procedure.

Mr. GRIFFIN. Mr. President, with respect to the amendment to be offered by Mr. JAVITS, a procedural matter, I understand that has to do with debate——

Mr. JAVITS. Mr. President, I will explain it. I just wanted to have the right to propose an amendment, if we are left with a formula which at least prevents the 60 days from being eroded away by procedures in the House or the Senate. Indeed, I am hopeful to work it out. That is all I have.

Mr. GRIFFIN. With the understanding that any other amendment would be germane, I withdraw my reservation.

The PRESIDING OFFICER. Is there further objection? The Chair hearing none, it is so ordered. Who seeks recognition?

Mr. PASTORE. First of all, Mr. President, I ask unanimous consent that the following staff members be granted the privileges of the floor: Mr. Martin Donovan, Mr. Edward Bauser, Mr. George Murphy, Mr. James Graham, and Mr. Randall Stevens.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I had hoped in the beginning that we could, in a very, very simple, practical way, resolve the thorny problems in order to lead us down the road of success, rather than end up with a nightmare of a veto by the President of the United States.

Starting way back in 1954, when President Eisenhower made his famous speech at the United Nations advocating atoms for peace, the following year it was my privilege to be selected as a delegate to the U.S. mission to the 10th General Assembly of the United Nations.

It was also my privilege to advance, on behalf of the U.S. Government before the first political committee, a draft resolution that created the International Agency for the Peaceful Uses of Atomic Energy.

Today, more than 100 nations of the world are members of the International Agency for the Peaceful Uses of Atomic Energy. This agency is housed in Vienna, Austria.

Mr. President, over the years this agency has been working assiduously—assiduously—in order to provide and promulgate certain safeguard regulations whereby any of the fuel that was given over for reactors by any of the nuclear countries would not be diverted from peaceful uses into the manufacture of weapons.

They have worked at these safeguard regulations. I daresay that up to this day—up to this day—there has not been a single violation in the case of any reactor or any agreement that was made by the United States of America with various foreign countries of the world.

Mr. President, we have negotiated more than 30 of these agreements.

It was announced only recently that in all probability we might enter into a bilateral agreement with Egypt and with Israel—and perhaps later on even with Iran. As a consequence of the announcement that was made by the President of the United States, because of the sensitivities that are involved in the Middle East members of the joint committee became quite concerned with the law as now existing on the books. This is the law on the books, Mr. President.

Under section 123(c), the procedure to be followed is exactly this: The Atomic Energy Commission negotiates with a foreign government a bilateral agreement for the construction by American manufacturers of a nuclear plant in that particular country, and we, by arrangement, provide for the fuel. We provide in the bilateral agreement that all of this operation comes under the surveillance of the standard regulations of the International Agency for the Peaceful Uses of Atomic Energy.

When that announcement was made, because of the sensitivities in the Middle East, as I have already said, many of us thought the law should be reviewed, and I am one of those who were convinced that it should be reviewed.

What is the trouble with the present law under these circumstances? Under section 123(c), when the Atomic Energy Commission negotiates an agreement, that agreement has to go to the President. The President has to review the agreement, and then he has to send it to the joint committee, under section 123 (c), with the assurance that it will in no way risk the national security.

It might be said, "Well, all right, it is sent to the joint committee for 30 days. What can the joint committee do about it?" Under the present law, the joint committee cannot do very much about it. All we do is hold hearings. We have the arrangement inserted in the RECORD, and that is where it stands.

If we wanted to reject it, we would have to introduce a bill. If we introduced a bill, the President of the United States would have to approve the bill. If he disapproved the bill, we would have to override his veto. This raises a very serious situation, because we actually would be disputing the person who has the right of command in the first place.

In view of that, we thought we should do something about changing section 123(c).

Under section 123(d), which is the following section of the Atomic Energy law, in the case of military exchange, this is what happens: Under the law, once the agreement is negotiated by the Atomic Energy Commission and is sent to the President, the President has to send it not to the Joint Committee but to Congress, which in turn refers it to the Joint Committee. That agreement must remain with Congress for 60 days, within which time Congress, by concurrent resolution, can either reject or approve. But if neither happens, it automatically becomes an agreement, after 60 days.

What did we do with the amendment I proposed? We lifted from section 123 (c), which has to do with peaceful applications of atomic energy, all the reactors above 5 megawatts of heat. Why do I make that exception? I make the exception of five megawatts of heat because, first of all, all American reactors that are up to 5 megawatts have enriched uranium and do not produce plutonium. So, rather than have agreements involving reactors above five megawatts of heat come before Congress and be debated, we would leave those as they now are under section 123(c), because there is hardly any danger at all. We would have to be asleep for 15 or 20 years in order for anyone to get that kind of plutonium, in order to make a bomb out of that kind of reactor. That is the kind of reactor we have at many of our universities in the United States. They are research reactors. We have one in Rhode Island. There may be one in Missouri. We have many of them.

What are we doing with the reactors above 5 megawatts? We are saying that in that case, they ought to be treated as we are now treating the military exchange. And what is that?

No. 1, the President has to send it to Congress, with the assurance that it does not involve a risk to our security. No. 2, Congress will refer it to the Joint Committee on Atomic Energy. Within 30 days or sooner, we have to return it to the floor of the Senate and to the floor of the House. Then, within 60 days from the time it is sent up by the President, we have a right, by concurrent resolution, either to reject or to approve.

If we do neither, in that particular case, if both branches cannot agree, then automatically the administration, or the Presidency—and I am not talking about President Nixon now; I am talking about the Presidency—will be given the benefit of the doubt, and it will become a consummated agreement.

The question might be asked as to why we do not go the whole way, as Senator PROXMIRE and some other Members of Congress would like us to go, and say, "Oh, no, unless we definitely approve the agreement, it cannot become an agreement."

I have never been a crystal-ball gazer, but I have been around for a long time. I have been in public life for 40 years. I have been a member of the Senate for 24 years. I think I am a pretty good judge of what is going to happen. If it is done the PROXMIRE way, it will be vetoed by the President. Frankly, if I were the President, I would veto it, too, because it would be handcuffing the President, and that should never be done.

I think that Congress should be a partner, that Congress should have a right to debate it, that Congress should have a right to make up its mind. But if Congress cannot make up its mind in 60 days, then we should say to the President of the United States, "You have the benefit of the doubt." That is what it amounts to.

I am not talking about one President as against another. I have served under five Presidents. I have agreed with some, and I have disagreed with most, whether Republican or Democrat.

Mr. President, that is what this is all about. I think it is a practical, sensible way of correcting something that needs to be corrected. If we become too dogmatic, if we become too extreme, if we allow ourselves to be carried away by false fears, we are going to end up, I am sorry to say, with the law the way it presently is. Frankly, that is a dangerous situation, because Congress will have no alternative but to pass a bill to reject, which has to be approved by the President. It is hard to imagine that that ever will occur.

It might be asked of me, "What have you done?" I have taken the course that I think is the practical solution. I do not believe I have created a nightmare. The bill that I introduced was supported by every member of the Joint Committee, Republicans and Democrats alike.

It was voted on unanimously by the entire committee of 18 members—nine from the House and nine from the Senate.

We are halfway to success. All I am pleading to the Senate, at this 11th hour, is not to spoil it—just do not spoil it. I question no one's motive. I question no one's sincerity. But if we begin to monkey around with this amendment today, we are going to end up with zero.

Mr. President, I yield the floor.

Mr. BAKER. Mr. President, I welcome the opportunity to speak on S. 3698, a bill to amend section 123 of the Atomic Energy Act. I am a cosponsor of this measure and strongly support the right of Congress, and particularly the Senate, to express its will on international agreements of such potential import. As a member of the Joint Committee on Atomic Energy, I have become increasingly aware of the respective benefits and liabilities inherent in the use of nuclear power.

The benefits to a world confronted by an ever-increasing energy shortage are obvious. But, the liabilities are not; and the detonation of a nuclear device by India last May is tragic proof of the need to not only reexamine the potential hazards associated with all so-called peaceful applications of nuclear energy, but also to renew our efforts on behalf of nonproliferation.

The measure pending before the Senate would clarify and enhance the right of either House to concur or disapprove of proposed international cooperative agreements. This measure is particularly timely in that the number of States in possession of nuclear weapons has increased for the first time in 10 years, and the President has proposed the introduction of nuclear power reactors in what must still be considered the most unstable part of the world. Thus, it is entirely appropriate that proposals of this nature be considered by the Congress prior to their implementation. Indeed, it has been suggested by some that the agreements be formally submitted to the Senate for ratification as treaties.

Although I can sympathize with such a proposal, I would oppose it because of the unique method by which atomic energy matters are considered by the Congress. That method consists of the Joint Committee on Atomic Energy, created and empowered by the Atomic Energy Act of 1954, as amended. In view of the fact that the Atomic Energy Act has provided for the consideration of this subject by both Houses simultaneously, I believe it would be inappropriate for the Senate, at this point, to assert its right to advise and consent on treaties. Rather, I prefer the approach offered by the distinguished Senator from Rhode Island, and presently pending before the Senate, empowering both Houses to concur or disapprove of proposed international cooperative agreements.

It is essential, in my judgment, that both Houses be involved in the consideration of this issue because of its complexity and potential impact on the stability of the world. That stability, as it relates to the possession and deployment of nuclear weapons, has been strengthened in the last 10 years by the conclusion of a number of bilateral and multilateral arms control agreements. Foremost among those is the Nuclear Non-Proliferation Treaty concluded in 1968, and implemented in 1970. The intent of that treaty is to prevent the further spread of nuclear weapons to nations which do not already possess them, as well as providing for the appropriate safeguards to prevent the diversion of peaceful plutonium into weapons production.

Thus far, over 100 states have signed the treaty and over 75 have ratified it. Nevertheless, the Indian nuclear test must be considered a significant setback to the cause of nonproliferation; and it would be reasonable to assume that further setbacks are likely unless international efforts to tighten control of nuclear energy are augmented.

This is not to say that we have failed to make significant progress in the area of safeguards, for the International Atomic Energy Agency has done a remarkable job of concluding safeguard agreements with both signatories and nonsignatories of the nonproliferation treaty. Moreover, the IAEA is constantly in the process of improving its own methods of inspection and monitoring. However, their resources are limited; and immediate consideration should be given, in my judgment, to the necessity for increasing the resources of the IAEA on a multilateral basis, so that they might continue to adequately discharge their growing global responsibilities.

I also firmly believe that new incentives must be found to encourage nations which are not party to the Non-Proliferation Treaty to sign and ratify the agreement. It should not be done through super-power threats or coercion, but rather by reasoning with those who possess the capability to develop weapons and reducing the tensions which might prompt those nations to pursue such a policy.

Proposals to require nations to ratify the NPT before receiving nuclear power technology are commendable, but impractical. They are impractical, because the most likely result of requiring ratification in return for power reactor technology is to send the prospective recipient elsewhere to buy the necessary material and equipment. This is undesirable for not only commercial reasons, but primarily because other nations may not impose as strict a level of safeguards as the United State requires. Indeed, if a nation is determined to devleop nuclear power, I would prefer that they acquire the technology from the United States with our accompanying safeguards.

It is neither realistic nor desirable to expect that the United States would be the only nation capable of exporting nuclear power reactor technology. In fact, there are probably more than 10 nations that have that capability at the present time. What would seem important is not to discourage the sale or transfer of such technology by these nations, but rather to urge the adoption of the strictest safeguards practicable as part of any and all bilateral agreements. This is particularly important when such agreements are concluded between two nonsignatory nations.

Although we have long passed the point where we could effectively control all applications of atomic energy, we can and must continue to endeavor to prevent the wholesale proliferation of nuclear weapons. This can be done, in my view, by continuing to reduce the reasons why States would pursue such a policy, and in the meantime, urging broader adoption of the strict level of safeguards presently required by the United States and the International Atomic Energy Agency.

Mr. JACKSON. Mr. President, I support the passage by the Senate of S. 3698, which amends the Atomic Energy Act of 1954 to permit the Congress to concur in or disapprove of any international agreement providing for the export of a nuclear reactor capable of producing more than 5 megawatts of thermal energy. My colleague, the distinguished Senator from Rhode Island (Mr. PASTORE), is the author of this bill, and he is to be congratulated for the clear and timely manner in which it deals with the issue of Congressional authority over this program. An identical bill, H.R. 15582, has been introduced in the House by Chairman PRICE and is before the House Rules Committee today. I would expect that the House would give full consideration to this legislation at an early date so that congressional action could be completed soon, certainly well before the completion of the negotiations for the agreements for cooperation with Egypt and Israel which will govern the acquisition by each of these countries of a 600 megawatt, electric, nuclear power reactor to be provided by the United States.

It is the announcement of these negotiations, coming less than a month after the May 18 detonation of a 14-kiloton device by India, that has focused national attention on the proliferation of nuclear technology. The Mideast has been a tinderbox, producing major conflicts between national armies twice in the last 7 years, numerous threats of military action by a number of Mideastern nations and a background of recurring terrorist activity involving a confusing jumble of organizations, some of which operate in a manner which is almost totally clandestine. The Indian nuclear explosion makes it clear that the ability to construct a nuclear weapon is not limited to just those countries with a highly developed technological base. In fact, the sorts of expertise and funds which are available to subnational organizations or even terrorist groups are sufficient to lead to the production of a nuclear explosive device if and only if these persons are able to acquire enough fissionable material to produce a critical mass.

The availability of this material is the key to the proliferation of nuclear weapons. So it is not surprising that national debate should be provoked by proposals by the United States to make nuclear technology and fissionable materials available to two countries who, within the space of only the past year, were at war with each other.

Until now congressional responsibility for the possibility that the export of nuclear technology for peaceful uses might act to increase the proliferation of nuclear weapons has been slight. The Atomic Energy Act provides for congressional veto of an individual project only in the case that what are clearly military applications of atomic energy are involved in the project. However, recently the inevitable connection between the peaceful uses of energy generated from nuclear fission in reactors, for such purposes as basic research, desalinization of water, the generation of electric power, and the potential for destructive uses involving nuclear weapons or radioactive contamination has been widely recognized.

There are two important links which provide the connection between the destructive potential of nuclear fission to its peaceful uses. Because of this connection, passage of the legislation before us today is essential in order that the Congress play the role it should in controlling the diffusion by the United States of any nuclear technology which has a potential for destructive use.

The first important link in the connection is plutonium, an element available to us in significant quantities only as a byproduct of the operation of a uranium-fueled reactor. This element is always contained in the used fuel rods of such a reactor.

Plutonium is easily fissioned and can itself be reprocessed for use as reactor fuel. The element is extremely toxic, comparable to anthrax in its effects when absorbed into the lungs or the blood stream. More importantly, however, plutonium can be separated from spent reactors' fuel with far less effort than is required to enrich uranium and it can then be used to produce a nuclear explosive. Thus wherever uranium-fueled reactors operate, plutonium is produced, and the potential to separate it for use in nuclear weapons exists. Each of the reactors planned for Egypt and Israel will produce enough plutonium each year they operate for at least 20 nuclear explosive devices.

The second link in the connection is the inevitable spread of scientific knowledge and technological know-how. The most important result of the enormous research efforts that went into the Manhatten project to develop a nuclear explosive is known by nearly everyone. That is that nuclear weapons work. Since the explosion of the first bomb the understanding of nuclear processes has grown and spread in a way which could not have been stopped. Today the scientific expertise and technological know-how required to mount a successful effort to produce a nuclear explosive device exists in nearly every area of the world.

The combination of circumstances under which the United States places fissionable material essential to the production of nuclear weapons in the proximity of groups with the ability and the inclination to use those materials to actually fabricate the weapons cannot be ignored by the Congress. Congressional concurrence with the details of each such arrangement must be made essential in order that any export of nuclear technology may go forward. The bill offered today by Senator PASTORE and cosponsored by every Senate member of the Joint Committee on Atomic Energy, myself included, insures the Congress of an opportunity to scrutinize each of these proposals with the utmost care.

With passage of this bill the job of the Congress begins. It is evident that the time is ripe for a searching and careful review of our programs for the export of nuclear technology and for a fundamental analysis of the risks and benefits associated with these programs. Accordingly, I was pleased to note in the June 14 Federal Register that the Atomic Energy Commission has announced that it is preparing an environmental impact statement on its International Nuclear Power program. Hopefully, this study in the context of the export of nuclear technology will weigh carefully the alternatives to nuclear power, its economic advantages and disadvantages, and will assess the magnitudes of the inherent risks associated with the proliferation of nuclear technology, such as the standards to be applied in foreign countries for reactor construction and operation, the potential for diversion of fissionable material by national and subnational groups and all measures which are essential to prevent the use of nuclear fission by participants in the program for destructive uses.

But over and above the overall and general analysis to which the AEC and the Congress, acting independently, must subject to International Nuclear Power program, the specific sales of power reactors to Egypt and Israel must receive special and individualized analysis discussing, at minimum, the issues involved in any general analysis. Each of the programs placing the enormous potential for destructiveness in the hands of a foreign power must have the full and careful consideration of the Congress and the public before it is to go forward on a case-by-case basis. A vote today for passage of S. 3698 is the first step in obtaining such a detailed analysis of the program supplying the Egyptian and Israeli reactors. In the months ahead, it will be the duty of the Congress to see that the full story with regard to the program in general and these sales in particular are brought before the public.

Mr. **HART**. Mr. President, in recent months, Members of Congress and others have repeatedly called for Congress to exercise more influence on the great policy questions that affect the Nation and the world.

Not surprisingly, such calls for leadership are greeted with applause by most Senators and Congressmen.

This is not the moment for a general discussion on what type of leadership Congress can give, but it is the moment for us to take a narrow but important stand on a question of vital importance to this and other nations.

The question, simply put, is whether Congress should have a full voice in approving agreements to send nuclear technology abroad.

A decision to sell or donate such technology in other countries will have wide ramifications.

We, of course, must ask ourselves what safeguards, if any, can be constructed to insure that such transactions will not speed the proliferation of nuclear bombs to nations big and small, stable and unstable.

We must ask ourselves the wisdom of exporting a device which must operate perfectly for its lifetime to nations with limited technological skills.

And we must ask ourselves the morality of sending abroad technology which is yet to be accepted as completely safe in this country.

These are the types of questions that Congress should have a full voice and responsibility in deciding, for the answers could move those hands on the nuclear destruction clock still closer to midnight.

S. 3698, as reported to the Senate floor, gives the Congress half a voice in making such decisions, for only a negative vote by both Houses of Congress could kill such an agreement.

If we required a positive vote of both Houses on the most minor of bills, I do not see the logic of permitting such important decisions to be approved by just one branch of Congress. To accept that approach is to suggest either that Congress cannot act responsibly on such questions or that somehow Congress should not have a leadership role equal to that of the executive branch on such questions. I reject and think the Senate and the House should reject that position.

Rather, we should adopt the amendment now before us which would require an affirmative vote by both Houses of Congress before an agreement to export nuclear technology could be be carried out.

I am aware that there is concern that under such an approach a filibuster might kill a nuclear transaction which a majority of both Houses approves. It is my understanding that the amendment goes far to forestall this possibility.

So I urge the adoption of the amendment.

On the question as to whether any type of nuclear transaction should be excluded from the bill's coverage, it is my understanding that the Senate Banking, Housing, and Urban Affairs Committee will consider that issue in connection with legislation dealing with exports. In voting for this bill, I do not support the exemption of any type of nuclear transaction and will support future efforts to close that exclusion.

Mr. **KENNEDY**. Mr. President, during the past 2 months, a number of events have again raised serious concern about the possible spread of nuclear weapons around the world.

First, on May 18, India tested a nuclear device, thus becoming the world's sixth nuclear power. There is little doubt that the plutonium used by India came from a nuclear reactor acquired from Canada. Canada claims that India violated the agreement between the two countries limiting the uses of the reactor to peaceful programs. India denies this, claiming that its nuclear detonation was, indeed, peaceful.

Nevertheless, the widely held belief that firm safeguards existed against the diversion of nuclear materials from reactors to the manufacture of explosives, has proved false. Another country has "gone nuclear," smashing international efforts to limit the size of the nuclear club.

Second, at the recent summit, the administration passed up the chance to press for a comprehensive test ban treaty, despite clearly expressed Soviet interest in such a treaty. Instead the two powers concluded a limited threshold treaty, which does nothing to convince nonnuclear nations that the superpowers truly intend to limit their own nuclear arms race. It does nothing to erect new barriers against the spread of nuclear weapons.

Third, last month the United States agreed to sell nuclear fuel and reactors to both Egypt and Israel. Since then, a number of disturbing questions have been raised about the wisdom of these agreements. Whatever the safeguards placed on these reactors and materials, these agreements must inevitably raise doubts in the minds of Middle East leaders about the prospects for stability in that part of the world. This is particularly so in light of India's recent diversion of nuclear materials for explosive purposes, despite what Canada believed to be safeguards against just such an event.

Finally the Export-Import Bank last week announced a $176 million loan to Yugoslavia for the purchase of a large nuclear reactor, thus continuing the U.S. policy of almost routine approval of the spread of nuclear technology, reactors, and fuel.

Each of these recent events must lead to a simple conclusion: that the continuing transfer of nuclear technology, ostensibly for peaceful purposes, has raised grave issues that must be thoroughly debated by the Congress and the American people. These issues are too important to be decided by one branch of Government alone. They are too important to be decided on a business-as-usual basis. Secretary of State Kissinger has rightly called for a national debate on the major issues of our nuclear relations with the Soviet Union. But at the same time, there must be a national debate on the whole range of issues that relate to the deadly spread of nuclear weapons around the globe.

Mr. President, I am pleased that Congress has moved swiftly to consider this issue. I commend the distinguished Senator from Rhode Island (Mr. PASTORE) and his colleagues on the Joint Atomic Energy Committee for their prompt action in preparing this legislation. By establishing tighter provisions for congressional review of proposed agreements involving nuclear technology, this bill is a move in the right direction. It will give Congress a greater opportunity to exercise its responsibilities in the making and execution of American foreign policy.

Therefore, Mr. President, I urge the Senate to support this important legislation.

The PRESIDING OFFICER (Mr. HATHAWAY). Who yields time?

Mr. PROXMIRE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanmious consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 2, line 3, immediately before "a period" insert "to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate and (1)."

On page 2, beginning with "but" in line 7, strike out all down through line 18, and insert in lieu thereof the following: "and (2) both Houses of Congress have, within such sixty day period and pursuant to the procedures specified in section 132A, agreed to a concurrent resolution approving such proposed agreement for cooperation. In computing such sixty day period, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days. Prior to the elapse of the first thirty days of any such sixty day period, the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed agreement."

On page 2, between lines 18 and 19, insert the following:

SEC. 2. Chapter 11 of the Atomic Energy Act of 1954, as amended, is amended by inserting after section 123 a new section as follows:

"SEC. 123A. Congressional Action on Proposed Cooperative Agreements.—

"a. This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rules of each House, respectivley, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supercede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rule (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"b. For the purpose of this section, 'resolution' means only a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress approves/disapproves of the proposed agreement for cooperation described as follows: .', the blank space therein being appropriately filled and either approval or disapproval being appropriately indicated; but does not include a resolution which specifies more than one action.

"c. A resolution with respect to a proposed agreement referred to in section 123d. shall be referred to the Joint Committee, by the President of the Senate or the Speaker of the House of Representatives, as appropriate.

"d. If the Joint Committee has not reported a resolution which has been referred to it at the end of 30 calendar days after its introduction, it is in order to move to discharge the committee from further consideration of such resolution.

"e. A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"f. If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

"g. When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"h. A resolution with respect to a proposed agreement referred to in section 123d. agreed to by one House of the Congress shall be placed on the calendar of the other House and shall become the pending business of such other House immediately upon agreeing to a motion, made by any Member of such other House, to proceed to the consideration of such resolution. Such a motion shall be in order at any time after the elapse of three calendar days following the day on which such resolution is received by such other House. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to reconsider the vote by which the motion is agreed to or disagreed to.

"i. Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

"j. Motions to postpone made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

"k. Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate."

On page 2, line 19, strike out "Sec. 2" and insert in lieu thereof "Sec. 3".

Mr. PROXMIRE. I yield myself such time as I may require and I ask unanimous consent that Ron Tammen of my staff be allowed to remain on the floor during the remainder of the debate on this amendment and the vote on the same.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the purpose of my amendment is to close a gaping loophole in the bill which would allow the President to thwart the will of the Senate or the House of Representatives and to conclude international agreements without Congress following the normal procedure for issues of this importance.

BACKGROUND

A few words of background are necessary. On June 25 I offered an amendment to the extension of the Export Administration Act which would have required a vote by both houses of Congress before any proposed agreements of cooperation were put into effect. Such a change in procedure was desperately needed since over 30 international nuclear reactor agreements had been concluded without a single vote in either vote on Congress. Not one vote on these measures. The executive department simply submitted the proposed agreement to the Joint Committee and after 30 days it was put into effect.

After I announced my intent to bring my amendment to a vote, the Joint Committee on Atomic Energy met to approve its own version of a similar measure. That bill is the one before us today. I withdrew my amendment when it became clear that the Joint Committee bill would be voted upon early. During the debate on the earlier amendment it was pointed out that quick action was required in view of the impending action by the Atomic Energy Commission to enter into contract with Egypt and Israel for nuclear fuel.

Those fuel agreements have now been concluded and the administration is one more step down the road to implimenting these international agreements without the consent of Congress.

S. 3698 CONTAINS LOOPHOLE

The bill before us is deficient in one meaningful way. It will allow the President to work around a divided or uncertain Congress.

Let me give an example. Let us presume for a moment that the President proposes an agreement of cooperation with Cuba that would ship U.S. nuclear technology to that island in exchange for some quid pro quo. And let us further presume that the House of Representatives, for whatever reason, decides that the President's actions are wise.

But the Senate, in its wisdom decides that it cannot go along with the President this time. Then what would happen under S. 3698?

The proposed agreement would go into effect. Since it takes a negative vote by both Houses of Congress under 3698 to kill any proposed action by the President, there can be a substantial dispute between the two bodies and the President will have his way.

Now let us be honest about these proposed agreements of cooperation. These are treaties by any other name. They are international agreements with widespread ramifications if the immediate past is any indication. Under the provisions of the AEC Act section 123(d) which S. 3698 amends, military technology as well as civilian technology is exported to foreign countries. Therefore the Senate under certain conditions could object to the transfer of nuclear technology to a foreign country and still see that technology transferred regardless of its opposition.

That is the loophole that is allowed under the proposed bill.

WHY GIVE UP AUTHORITY TO THE EXECUTIVE BRANCH?

What we have here is a question of basic congressional responsibility that for too long has been dormant. It is time to reassert that right which is ours to jointly determine foreign policy with the executive branch.

Congress has been at the mercy of a powerful executive for years. I am not talking simply about President Nixon. It has been true through the administration of a number of Presidents.

We have been at the mercy of a powerful Executive that finds ways to reach agreements that in effect are treaties but without a corresponding vote in Congress. We must resist the temptation to legislate only one-half of our responsibilities. Why should we willingly give up the power of positive consent in these matters of international relations? Why should we voluntarily hand over to the administration a portion of our powers by saying that a split opinion or inaction by either body means consent to go ahead with any proposed agreement?

In my view, Mr. President, this is not the way to legislate on something as important as the proliferation of nuclear technology.

Mr. President, there can be no doubt that we need corrective legislation.

The Atomic Energy Commission and its Chairman recognized that, that is why they brought the bill up today. I think this bill is a step in the right direction, but it is not enough.

Why should not the Congress have the same authority it has with everything else we have passed?

Why should either House be stopped from effectively acting in a matter as grave as exporting nuclear technology?

This bill is a step in the right direction. But it contains such a glaring loophole that it is difficult to support this bill even though it does provide a required remedy. Unfortunately the established procedure is flawed and that is the fatal mistake in this legislation.

The Proxmire-Javits amendment to this bill would correct this flawed procedure in a very simple way. Instead of requiring a negative vote by both Houses to kill a proposed agreement of cooperation, I would substitute the requirement of a vote of approval in both Houses before any proposed agreement could go into effect. Instead of legislating by inaction or legislating by division of opinion, there would have to be a clear statement by both Houses of Congress that they approve such an agreement.

This would restore the proper balance and perspective to the process. This would give us the basic rights which belong to the Senate. And I might say it would allow the House of Representatives to participate directly, and in the same manner as the Senate, in the international decisionmaking process.

Now, Mr. President, to refer to part of the amendment that was not read, but is, I think, very important.

Mr. PASTORE. Could I ask the Senator a question?

Mr. PROXMIRE. Yes.

Mr. PASTORE. What if both branches of the Congress did not agree under the Senator's amendment, what happens then?

Does it not kill it?

Mr. PROXMIRE. That would kill the proposed arrangement——

Mr. PASTORE. In other words, the Senator is talking about inaction. In other words, by inaction a good negotiated agreement could be killed.

Mr. PROXMIRE. The Senator is correct insofar as an agreement could be killed.

Mr. PASTORE. Of course I am correct.

Mr. PROXMIRE. I would say kill it, if it was a bad agreement.

Mr. PASTORE. I know, but the Senator has been saying it should not become anything through inaction. Now the Senator's proposal is saying, you see, I have got an instigation in there, I am saying that now we act in 60 days, one way or the other, and if we do not, then we pay the consequences, then we do not have the authority to complain because we have been inactive. We refused to carry out the responsibility.

But under the Senator's amendment all there is to do is stall this thing and stall it and do nothing at all, and end up with nothing.

Mr. PROXMIRE. Mr. President, I have the floor, let me say——

Mr. PASTORE. I know the Senator has the floor.

Mr. PROXMIRE. Mr. President, it is not that we cannot stall and stall it. As a matter of fact, as I understand it—I have not had a chance to study the measure completely, but I am advised by other Senators that the stall is possible under the Pastore proposals. It is not possible under my proposal.

It is true, however, that if either House votes against permitting the export of this technology, it does not take place.

The difference between the Senator from Rhode Island and the Senator from Wisconsin is that the position taken by the Senator from Rhode Island is that if there is inaction, then this measure will take effect.

Mr. PASTORE. And give the benefit of the doubt to the President.

Mr. PROXMIRE. The position taken by the Senator from Wisconsin is, if there is inaction by either House, it does not take effect.

Mr. PASTORE. That is right.

Mr. PROXMIRE. So that in either case, inaction can be effective. The Senator's point is valid. I accept it, but the point I want to stress is that his should not take effect unless we get positive affirmative action by the House and the Senate.

The position taken by the Senator from Rhode Island is that this should take effect unless both houses say it should not.

ANTIFILIBUSTER PROVISION

Mr. President, the amendment contains a second major provision. It has an antifilibuster provision. The effect of this antifilibuster language is to force a vote on any proposed agreement during the 60-day waiting period without the threat of an extended debate.

It would not be possible by inaction to kill the bill if my amendment passes. It would only be possible to kill the bill by the Senate or the House voting against it. In a sense, this is inaction because the House or Senate cannot agree.

The Senator from Rhode Island is right about that, but there must be a vote. Under my amendment, a nuclear agreement is not killed by a filibuster, it is not killed by delay, it is not killed by not coming up, there must be a vote under the amendment I provide.

The language is taken mainly from the D.C. home rule bill, and I am sure all Senators know how it works. Basically after 30 days, the joint committee is required to submit a report to the Congress of its views and recommendations respecting the proposed agreement of cooperation.

If the joint committee has not reported out a resolution within 30 days of the time one is submitted to the committee, a discharge motion can be made and is limited in debate to 1 hour. Following that, a nondebatable motion to consider the resolution is in order followed by a time-controlled 10-hour period of debate on the resolution itself.

This procedure will insure that any resolution of a proposed agreement of cooperation will be debated upon by both Houses and that only a vote of approval will allow the resolution to go into effect.

So let me reiterate once again, it cannot be killed by delay in the Senate. It is not something that a Senator or a group of Senators can filibuster. This amendment would not permit that. Nor can any House Member, House committee, or House group pigeonhole it or kill it. The Senator is correct, that either House could vote against it, and by that kind of "inaction" it would not take effect.

Mr. SYMINGTON. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. SYMINGTON. Mr. President, has the Senator given any consideration to the problem of the proliferation of plutonium? The Senator from Rhode Island is vice chairman, next year will be chairman, of the Joint Atomic Energy Committee. I know that he knows only too well the problem that is developing because of the proliferation of plutonium.

There was an article published Sunday in the Washington Post, which made some interesting points about the growing danger incident to plutonium being spread all over the world. We now have information that a large majority of the wealth of the world, fiscal and monetary reserves, will by 1980 be in the hands of the oil-producing countries, and therefore available for them to continue to develop plutonium production, which we will all agree is probably the most dangerous material in the world today. It could replace gold as a unit of value in various countries.

What would be the objection to having an agreement of this character subject to treaty?

Mr. PROXMIRE. Mr. President, I would be delighted to do that. I would be in favor of it. I think that would make it more difficult than my amendment does to get it enacted, inasmuch as, as the Senator knows, it would require a two-thirds vote: It would be subject to filibuster and it could be delayed by one-third of the Senate, therefore, in two different ways.

But I would agree with the Senator that it is of great importance. Let me put it this way. I can think of very few, if any, agreements that would be more important than agreements to provide for transfer of nuclear energy or nuclear power. So I would agree that a treaty might be an advisable way.

However, as the Senator knows very well, the House of Representatives has been in partnership with the Senate in this matter. So I am taking the position that both the House and the Senate should approve.

As I say, I can imagine a situation in which we could pass this kind of an agreement by a majority vote of both Houses, but could not get it past two-thirds of the Senate. It would be very rare that something would pass two-thirds of the Senate and be blocked in the House of Representatives.

So my proposal would not go so far as the Senator from Missouri suggests, but it would serve a similar end result.

Mr. SYMINGTON. The Senator's point about House participation is very well taken. I would point out that the French, according to press reports, have sold to a foreign country four reactors. France has neither ratified nor signed the Nonproliferation Treaty; and if these reactors are as large as press reports indicate the country in question, from those reactors alone, could make several bombs of Hiroshima size per day, if they made full arrangements to obtain the plutonium residual in the waste, this based on the size of the reactors.

What worries me is extensive proliferation of plutonium. I have the greatest respect for my chairman of the Joint Committee, and would appreciate his comments.

Mr. PROXMIRE. I am happy to yield to the Senator from Rhode Island for that purpose.

Mr. PASTORE. Mr. President, I will respond on my own time. Naturally we are all very much concerned with this. We are dealing with a very risky substance; there is no question at all about it. I hope the joint committee is not being misunderstood with regard to this. We have held 89 meetings and 89 hearings on this whole subject. We do that every day behind closed doors; it goes on ad infinitum. We are very careful, very cautious, and very much concerned about safeguards.

There is nothing in my bill or in Mr. PROXMIRE's bill that precludes sending up a treaty. The only trouble with that is, it will go over to the Foreign Relations Committee. I have no fault with that, because it may involve a matter of policy; but Senators will have to admit that the joint committee has the expertise necessary in making sure we have proper safeguards. We have been dealing with this thing since 1954.

We have sold, all over the world, power-producing reactors that now produce 7 million kilowatts of electricity. Let me tell the Senate what 7 million kilowatts of electricity will do. It will light up the entire city of New York. Further there are now under construction in these foreign countries, or on order, U.S.-type reactors with a total capacity of 75 million kilowatts, which means enough electricity to light up 10½ cities the size of New York.

That is a lot of power.

Mr. SYMINGTON. Mr. President, will the Senator from Wisconsin permit me to ask a question of the Senator from Rhode Island?

Mr. PROXMIRE. Yes, indeed.

Mr. SYMINGTON. Would the rejection of an agreement of this character, requested by the administration, require the approval of both Houses, or would one of the Houses, if it rejected the agreement, be enough?

Mr. PASTORE. Unless both Houses approved or rejected it—they have the privilege to either approve or reject, and my guess is that if it is a good agreement they will approve and if it is a bad agreement they will reject it—they are going to follow the recommendation of the joint committee, and I think both Houses will work in unison, because we have a committee composed of nine Members of the House of Representatives and nine Members of the Senate. I do not think the potential trouble is there. But it is true that we have to get the approval, one way or another, of both Houses in order to either effectuate or reject the agreement.

Mr. PROXMIRE. That is the difference between the position of the chairman and my position, in that I feel it is essential that we get a majority vote of both the House of Representatives and the Senate before this measure is approved, which I think is essential.

Once again, it must be remembered that this amendment does not deal with the substance of the bill before us. It simply corrects a procedural flaw that at times would allow the will of the Senate or House to be circumvented by executive action. And we cannot allow this to happen when the issue involves the transfer of nuclear technology or weaponry.

What we are dealing with here is no less than the potential power to blow entire nations off the map. I recognize that there are safeguards and that many people feel they are adequate.

But, Mr. President, as this technology becomes more and more common, as 30 countries, then later 40 countries, and then later 100 countries acquire this capability, I think we are kidding ourselves if we do not proceed with the greatest caution and the greatest care. We are going to have to be extremely fortunate if this material does not fall into the hands, either of a country headed by an irresponsible, reckless, military dictatorship, or into the hands of fanatics who are able to steal it or find a way to fabricate it and be able to threaten this country in a way that is almost beyond imagination.

The other day there was an explosion in Pittsburgh by this violent group, the Weathermen, in which they blew up an entire floor of a building. Fortunately, through a miracle, nobody was hurt. If they could get plutonium, and in the event that somehow they could get their hands on a nuclear device, it is conceivable they could blow up an entire city.

This is not a matter of frightening anybody. It is a matter of looking at the facts, looking at what might happen, recognizing the tremendous importance of exercising the greatest possible care and discretion. And it would seem to me it would be far better to err on the side of proliferating less, disseminating this enormous and dangerous power less, than to err on the side of proliferating it too much. And my amendment is a cautious amendment.

There are reputable scientists who think the safeguards are not adequate in any sense and that shipment of this technology abroad will mean the inevitable development of nuclear weapons by many countries.

How can we allow such transfers to take place when there is a bitter dispute between the two Houses of Congress? How would this body feel if the President were able to ship nuclear technology to some country in total opposition to the will of the Senate?

This is not only possible under the present bill, but would actually be encouraged by the requirement for dual negative votes. The White House would be in the position of being able to successfully lobby only one House of Congress to work its will.

Mr. President, at a time when many nations of the world are considering developing atomic weapons and the Non-Proliferation Treaty is without widespread support, how can we stand by and say to the executive department, "Here is a loophole—exploit it?"

The best procedure is to have a vote of approval in both Houses before any proposed agreement is entered into. This will allow the will of the American public to be expressed in a straightforward manner by all the elected public officials of Congress.

Mr. President, the chairman of the Joint Committee has made one argument—and I listened to his speech as carefully as I could. He made one principal argument against this amendment, and that argument is that if we pass this amendment the bill would be vetoed.

Mr. President, maybe it will, maybe it will not. I have been in a housing conference all morning in which we were told by the House that unless we knuckled under and gave the administration the kind of housing legislation they want we will get a veto.

I think our duty here is to determine this on our own responsibility. It is possible the President will veto the bill the chairman of the Joint Committee proposes to the Senate this afternoon. Maybe he will, maybe he will not. He probably will not. He may sign the bill I have proposed. In the event he does veto this then, it seems to me, the Senate can either try to pass the bill over his veto or can then proceed to enact legislation that the Senator from Rhode Island is proposing here.

Mr. President, at any rate, the Senator from Rhode Island argues, that the President knows better than the Senate, since the Senate can enact legislation against a proposed agreement and still have it go into effect. I do not know whether the President knows better than the Senate or not. Maybe he does. He may well know better. This may be true whether it is President Nixon or some other President. But when in doubt on something like this, it seems to me that the overwhelming majority of the American people would vote for caution, vote on the side of the body—whether it is the executive branch or the House or the Senate—on the side of those who say, "Let us not proliferate; let us not make this available; let us not take the chance."

Mr. President, I reserve the balance of my time.

Mr. PASTORE. Mr. President, I might take just a moment to say that I never said that the President knows more than the Senate. As a matter of fact, I have made a lot of speeches on that. The fact still remains that maybe the Senate would reject it and the House would approve it, and then we would have a contest as to whether the House is right or the Senate is right.

All I am saying is this: After all, under the Constitution the President of the United States has the right and the responsibility to conduct our foreign policy. No one disputes that. All I am saying is that what we have now on the statute books is nothing—let me repeat, nothing. If the Egyptian agreement came up tomorrow it would go to the Joint Committee on Atomic Energy for 30 days, and that is where it would stay—let me repeat, that is where it would stay—and if we did not like it there is nothing one could do except to pass a bill, and the bill would have to be signed by the President, who sent up the agreement. That is all I am saying here, and we have a chance to do something about it.

There has been a discussion here that it ought to be debated on the floor of the House, it ought to be debated on the floor of the Senate. That is what my bill is permitting; that is what we want.

If it is a good agreement it ought to be approved. If it is a bad agreement both Houses ought to reject it. Of course, we get into this game of whether the House will do it, whether the Senate will do it. The fact still remains that here we are, we have nothing, nothing under the present law, and the one chance we have to do something about it is if we pass the bill that was suggested by the Joint Committee.

If we go the extreme way—and I have no real objection to it if I thought for 1 minute it could become the law—we have got so much razzmatazz in there, we have got in there about antifilibuster, what is that going to do on the floor of the Senate? The minute we say "filibuster" around here we scare half of the Senators out of the room.

All this came about because of the Egyptian matter, and everybody knows that we have a very sensitive problem, and the name of the game here is standards—safeguards; that is the name of the game.

Now, the Senator is talking about a government in the hands of terrorists. Well, I was the father of the resolution that led to the Nonproliferation Treaty. I introduced that resolution, and it passed by a vote of 82 to nothing—I am corrected, 84 to nothing, I am selling myself short. I was sent by John Kennedy to Moscow to witness the signing of the Nuclear Test Ban Treaty; I went with Senator BAKER of Tennessee and inspected our depositories in Europe where we keep our bombs. We wrote a very critical report and we sent it to the President and sent it to the Secretary of Defense. We cannot publish it because it is highly classified.

Nobody can tell me that I have not been careful about how we use this material. I have been working at it since 1952 as a member of the Joint Committee on Atomic Energy, and I do not tip my hat to anyone when it comes to safeguards. That is the name of the game, and that is why I say when that comes to that Joint Committee we are going to make sure, we are going to make doubly sure, that the fuel that we put into that reactor does not get out of the hands of the country before they can convert it or divert it.

If we do not do that we are fools; and we can do that. Everyone knows that one-third of the fuel rods can be taken out, they are expendable; they are put in cooling water, and they cannot be touched because they are contaminated; and then they are placed in containers and they have to be sent back to be recycled. We should insist that all recycling be done in the United States of America. That is how we can protect ourselves. I do not know if we ever will have an agreement on selling a reactor or giving a reactor to Egypt; I do not know if we will ever have an agreement on selling a reactor or giving a reactor to Israel; I do not know if we will ever have an agreement on selling a reactor or giving a reactor to Iran. I do not know whether we are going to do that, but that is not the question here. However, whatever we are going to do I want the Senate and the House to debate it. I would like to have a law that permits that debate to become law, because the President might veto it. At the same time, we would allow Congress to become a partner in this effort.

With regard to this idea that we are trying to scare to death half of the people of the United States of America because this may happen or that may happen, all I know is that we had one scientist before our committee who said, "If you have too few red blood cells you will have leukemia." We know that. The name of the game is to do the safe thing. We can do that; we have done it up to now so why not in the future.

With regard to the idea that it is impossible that Congress knows better than the President or the Atomic Energy Commission, I do not think we know any better, but I think we know as much. I do not want to deprecate anyone. I have been critical of the President in many respects, and I have been critical of the Atomic Energy Commission. If we are confronted with this agreement that comes here from the President, what are we going to do with it? What are our rights? Today we have no rights. All we are trying to do is give ourselves some rights.

The Senator from Wisconsin says, "PASTORE is not going far enough." All I am saying is, "If we go the Senator's distance, we will end up with nothing."

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BAKER. Mr. President, I support the measure introduced by the distinguished Senator from Rhode Island (Mr. PASTORE) of which I am a cosponsor. I am also sympathetic to the proposal made by the distinguished Senator from Wisconsin (Mr. PROXMIRE) as I understand it.

I was intrigued particularly with the colloquy of the Senator from Wisconsin and the Senator from Missouri about whether or not to require submission of these agreement treaties. If we were to go that far, we would have to do so in a constitutional way; that is, to require submission of the international agreement to the Senate and require ratification by a two-thirds vote.

However, the Senator from Rhode Island has put his finger on the reason why the treaty approach is unwise, as well as the Proxmire amendment. It is because we would be beyond our constitutional rights as I understand them and as the Joint Committee on Atomic Energy does. Although it is clear we have the 30-day period with respect to civilian nuclear cooperative agreements and 60 days for weapon proposals, the law is uncertain and confused with respect to what we can do after that.

Nevertheless, it is clear to those of us who serve with the Senator from Rhode Island (Mr. PASTORE) on the Joint Committee on Atomic Energy that it is essential for us to have more than the idle opportunity to observe these proposed agreements, for 30 days or 60 days. The Pastore bill gives the Senate and the House an opportunity to consider, hear recommendations, after the Joint Committee on Atomic Energy has debated it, and decided to approve it, if it so chooses, or disapprove. I think that this is an eminently practical way to handle it, which in the absence of any other statute gives no real voice to Congress. If there were no Atomic Energy Act the President could enter into those agreements as he may wish except as they require the advice and consent of the Senate; and I doubt very much that that authority will be called into play any time soon.

Therefore, I think we are doing all that is practical in passing the Pastore legislation. If we go further, we are going to infringe directly on the authority of the President to formulate and administer the foreign policy of the United States; and this is a very poor time to do that.

The Pastore amendment is unique in its duality. It gives Congress, the House and the Senate, the opportunity to hear and debate. It does not give us the opportunity to stymie or take away from the President the opportunity to negotiate with foreign powers, as he has done with the United Arab Republic, and no doubt will do with others.

Sometimes in the midst of our own rhetoric, and especially our atomic energy rhetoric, we get caught up in our own fears as if this were the first time we had ever entered into an agreement with anyone on nuclear power reactors from which plutonium could be extracted or reprocessed, and perhaps diverted into a weapon form or device. But, this is not the first time we have faced this situation. It is the 20th or 21st time the United States has entered into an agreement of some sort about nuclear power reactors around the world, and it was done without the Pastore amendment simply by submitting it to the Joint Committee on Atomic Energy pursuant to section 123 of the act.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. BAKER. I yield.

Mr. PASTORE. And no one ever complained about it.

Mr. BAKER. No one ever complained about it; no one ever raised a voice.

I think this strengthens Congress, but at the same time we should not deprive the President of the right to initiate the opportunities for safeguards in the Middle East.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PASTORE. I think the Proxmire amendment could raise very serious constitutional questions also.

Mr. BAKER. I think it does, too. Aside from the legal standpoint, however, it is important for us to look at this initiative by the President as an opportunity to bring the UAR and even the Israelis into the orbit of those countries that will sign the nonproliferation treaty and have membership in the International Atomic Energy Agency, as well as enabling us to accomplish the impossible in a forum where there is no veto. This measure gives the opportunity for all these things as a possible condition precedent. Let us not take that away from the President of the United States. I think the Pastore proposal is a good mixture of what we can and should do without diminishing the rights of the President.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. SYMINGTON. In connection with the statement made by the able senior Senator from Tennessee, to emphasize my apprehension about this entire matter also my respect for the apprehension of the distinguished Senator from Wisconsin, I ask unanimous consent that at the end of this discussion there be printed in the RECORD an article I have already presented in the RECORD July 8, entitled "The Proliferation of Plutonium," by Thomas O'Toole.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PROLIFERATION OF PLUTONIUM

(By Thomas O'Toole)

When nuclear scientists were collecting plutonium for the world's first atomic bomb, they measured it out in thimbles. Today, enough plutonium leaks out of the nation's bomb factories every year to make the equivalent of five bombs. There is in storage in the United States alone plutonium for 20,000 atomic weapons. Around the rest of the world, there is plutonium enough for another 5,000 bombs.

The mind reels when one considers how plutonium will multiply in the next 25 years. By 1985, the world will be producing 220,000 pounds of the gray-colored metal every year, enough for 10,000 bombs with a force of 20 kilotons each. By the year 2000, plutonium will be a commonplace metal and part of the world's nuclear energy economy. There is one stark fact about plutonium. Twenty pounds of it will make a crude but convincing explosive. India did it with less, and there was nothing crude about the bomb they exploded in May.

At no time in the nuclear age has the specter of atomic spreads loomed so large. India joined the "club" by diverting plutonium out of a research reactor built for it by Canada. Egypt has a similar reactor the Soviet Union built. Israel has one built by France. Most weapons experts assume Israel has already assembled several bombs, but has not tested one for fear a test would goad Egypt to do the same.

More than 20 countries have failed to sign the Non-Proliferation Treaty forbidding them from developing their own atomic weapons. Another 28 have signed the treaty, but have not ratified it. At least 10 countries are considered "threshold" nuclears who have not signed or ratified the treaty because they're keeping their atomic options open.

West Germany is one, Japan another, Sweden and Italy and even Switzerland are European possibilities. Argentina and Brazil are South America's near-nuclear nations. Pakistan may want the bomb because India has it. Australia and Indonesia are outside choices for the same reason. South Africa is a likely candidate because of its fear of Black Africa. South Korea has a different fear of North Korea, but is a candidate too.

There is a growing belief among the world's nuclear diplomats that atomic spread is inevitable. The many nations that have neither signed nor ratified the proliferation treaty should have done so by now if they ever planned to do so. India set the example this year for the others. The heat is off. They can decide to go nuclear without the worry of worldwide reprimand.

The superpowers were oddly mute in their criticism when India tested its bomb. They expected it. The next nation to get the bomb will probably get the same silent treatment. Again, the superpowers expect nuclear spread to take place. What they don't expect is that any nation choosing to acquire atomic weapons will ever choose to use those weapons.

The Atomic Energy Commission's Edward B. Giller is an articulate witness to this expectation. He points out the differences between acquiring a bomb and building a nuclear force. He says he doesn't expect any nation to develop one weapon and then use it against a neighbor, but if one did that it could expect to be repaid in kind.

"I don't know what a country can do with a bomb these days except blackmail its own neighbor," Gen. Giller said the other day. "But even if you get your neighbor, there are a lot of other guys around the world who will want to make an example of you. You might find the Russians and the Americans falling all over themselves to make a world example of what happens to nations who tinker with nuclear weapons."

There are those who worry that any nuclear exchange between emerging nations would be the spark to ignite World War III. The fear here is that the superpowers would take sides, in roughly the same way they took sides in the Mideast. Taking sides once an atomic attack has taken place might lead to nuclear escalation.

When Defense Secretary James R. Schlesinger was with the Rand Corp. seven years ago, he wrote an article for the Yale Review about the dangers of nuclear spread. He took the approach then that a nuclear attack by an emerging nation would not be enough to trigger a world nuclear war. He says today that he hasn't changed his thinking.

"Any initiation of nuclear weapon use by third parties would instantly stimulate the alertness and sobriety of the major powers," Schlesinger wrote. "Prudence would become the watchword, and tendencies toward rash action reduced. Rather than a quick escalatory spiral, the likely outcome would be an attentive search for means to dampen or settle the local conflict."

Not that Schlesinger is in favor of nuclear spread. Seven years ago, he wrote that proliferation brings "serious risks in its train." He said it could lead to the political unsettlement of much of the world, could destabilize the Third World and might even threaten the risk of a small-scale attack on the United States. Most seriously, it might disrupt the nuclear strategies of the superpowers that have served to keep the world from nuclear war these last 20 years.

"It is with good reason," he said then, "that American policy seeks to avoid nuclear spread."

Unhappily, it gets harder and harder to avoid nuclear spread. The reason is straightforward. The world is slowly running out of oil and gas at a time that emerging nations need both to energize their economies. The only thing left is nuclear power, the very instrument (through plutonium diversion) of nuclear spread.

The U.S. is in a tough position to deny emerging nations their own nuclear power stations. If we do deny them then France, West Germany or the Soviet Union could supply it, out of pure competitive reasons to get the business. The risk of resentment against those who deny nuclear power also runs high, a risk that could incite terrorism and revolution inside the Third World.

The genie has been out of the bottle for almost 30 years, which suggests that the world has found a way to live with the bomb. There is a natural tendency to view nuclear spread with nothing but alarm, but such a viewpoint brings to mind the comment of one Washington observer who said 10 years ago that coping with proliferation required the services of only two men—one to count and the other to wring his hands.

Mr. BAKER. Mr. President, I had not quite finished my remarks. With respect to the concern of the senior Senator from Missouri about treaty applications, I fully sympathize with that point of view. There are now six countries that have one form of nuclear device or another. Precisely how many countries could export the necessary materials for a weapon, I do not know. Perhaps 10 countries or so. Moreover, there are probably a half-dozen corporations that could build a nuclear device. There is no great secret about it. Thus, we may be in for a tough time. It could become a major issue for us and maybe of such magnitude that it would require ratification as a treaty by the full Senate but I do not believe that to be likely; and I prefer the Pastore approach.

I have one further thing to say. The Senator from Rhode Island mentioned a trip that he and I made to inspect nuclear installations.

At some future time, no doubt, the Senate will have an opportunity to discuss this further, but we live in a nuclear age and we cannot turn the clock back. There are weapons around the world, American and French, Russian, and Chinese, British, and goodness knows how many others. The Indian explosion was an enormous setback for nonproliferation, but we cannot turn the clock back. We will never learn to love the bomb, but we are going to have to learn to live with it.

To me, it is far more important that we increase the incentives to accept inspection and ratify the Nonproliferation Treaty, than it is to go around, as the young child said, scaring ourselves.

I propose, Mr. President, that we look at the Pastore amendment as a desirable one, and one that should be passed now.

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

The Senator from Tennessee said that in his view nothing is more important or nothing will be more important than stemming nuclear proliferation. I agree wholeheartedly with that. I think as the years pass, it is going to become more and more vivid to us. It can be a nightmare.

Mr. President, this is why today I predict future Congresses and the American people are just going to insist that we exercise real caution and real control on the question of transferring nuclear technology.

The Senator from Rhode Island said that his proposal would provide for more debate in the Senate than in the House. Well, I hope it does. But it would not provide for as much debate as my proposal does. Obviously, for example, Mr. President, if the House should say, "Yes," to an agreement, there would be no point in the Senate debating it or bringing it up. That is it. If the House goes along, there is no way it can be killed. We would just be spinning our wheels and wasting our time. Why have a debate?

I think this debate we have had this afternoon, the first debate on the floor of the Senate on this subject in some time, has been most constructive and most useful. I hope it means that we are going to have a debate if the President sends down a proposal to disseminate nuclear technology to Egypt, Israel, or any other country. But it will not mean that if this amendment that I propose fails, and in the event the House should proceed to approve it. It would means that there would be no debate in the Senate, or vice versa.

Mr. President, the distinguished Senator from Rhode Island said that there is razzmatazz in this amendment, providing an antifilibuster provision.

Mr. President, all that antifilibuster language does is to guarantee that it is necessary to act on this agreement, guarantee that you have a vote on the agreement, guarantee that it cannot be stopped by a filibuster or by delay. The Senators would have an opportunity to stand up and be counted on the agreement. That is what we are elected to do. It seems to me that that kind of provision is most desirable and vital.

Mr. President, I would also like to make one other point before I yield to my good friend from New York.

The United States-Egyptian agreement, I think, is a good case in point. The Senator from Tennessee brought it up. It indicates to me why we should proceed with the greatest caution and greatest care in providing this kind of deliberation, why the Senate ought to have an opportunity to say "no," and if it says "no," to have that position respected, regardless of what the House does.

There will not be dissemination, in other words, to Egypt, if the Senate disagrees.

I would like to quote from four distinguished scientists, Daniel F. Ford, Henry W. Kendall, George B. Kistiakowsky and George W. Rathjens:

> IV. THE UNITED STATES-EGYPTIAN AGREEMENT
>
> There are other considerations associated with the proposed agreement aside from those related directly to a possible Egyptian weapons program or the diversion or theft of Plutonium by third parties.
>
> It cannot be argued that Egypt needs nuclear reactors as a source of electric power. That country, which is in the midst of an area that contains the world's largest identified reserves of petroleum, has not exhausted her own identified reserves, nor completed a program of exploration for additional reserves. There is presently no shortage of electric power for the 1000 megawatts provided by the Aswan Dam hydroelectric installation is not yet entirely utilized. Forecast shortages of electricity could be eliminated entirely by oil-fired plants. It appears imprudent to encourage the introduction of an uncertain and difficult technology, as well as an expensive one, for generating electricity in an area with an abundance of oil.
>
> The uncertainty and difficulty of nuclear power is well illustrated in the present sharp controversy over safety in the U.S. nuclear program. U.S. attempts to export reactors to Great Britain is now beclouded by the controversy. In Britain, a proposal was made by the Central Electricity Generating Board last year, supported by Britain's nuclear reactor manufacturers, to purchase American nuclear reactors. The British Parliament's Select Committee on Science and Technology opposed the proposal on the ground that American reactors were unsafe. Britain's chief nuclear inspector, in testimony before that Committee, rejected U.S. claims about the safety of these reactors. The British Government's Chief Scientific Advisor, the metallurgist, Sir Alan Cottrell, opposed the plans to construct U.S. reactors in Britain on the ground that his studies had shown the reactor pressure vessels to be susceptible to catastrophic rupture without warning.
>
> Nuclear reactors with their great inventories of radioactivity may be sabotaged or destroyed by acts of war by a variety of techniques so as to cause the massive release of radioactivity into the surrounding regions. The frequency of both terrorists' acts and war in the Middle East is the gauge of the importance we attach to the problem of deliberate release of radioactivity.
>
> It is important to recognize that the "assured safeguards" to be provided against diversion of Plutonium from U.S. nuclear reactors in Egypt would not be likely to include physical control of that material by U.S. personnel. At any time then a change of view of the governing regime, or a change of the regime itself, could result in the immediate diversion of Plutonium to weapons use.

Mr. President, this is why in this particular instance, and I imagine it will be multiplied many times as the years go by, I think the Senate and the House both should be required to act affirmatively before we agree to a further dissemination or proliferation of this nuclear technology.

I yield such time as the Senator from New York may desire.

Mr. JAVITS. I wish 10 minutes.

Mr. President, I have joined in this amendment with Senator PROXMIRE and other Senators because I consider it to be one of the most important things to come before us in this or any other session of Congress. One feels, as one speaks in the Chamber with practically no one present, as if Members have just been literally scared out of here by the awfulness of this proposition.

I do not yield to anybody in my esteem for the distinguished chairman of the Joint Committee on Atomic Energy. I might tell him quite publicly that one of the most gifted things he has done is to describe what this weapon means, and the respect in which the nations of the world must hold it at the peril of their own extinction.

So first, whether we win or lose, or he wins or loses, I deeply indicate the fact that there does not seem to be that outflow of interest which should be enormous and practically unanimous that this particular propostion deserves. But still it is our duty, and Senator PROXMIRE has really been a great stalwart in the Congress in his way, to espouse the positions in which we believe, in the interest of the country, the faith in our fellow Senators and countrymen, that we really want to strive to do the thing that is best for us and best for the secuirty of the world.

What has awakened us to this problem is not the existence of the agreements respecting atomic power. We have some 35 such agreements, as has been said time and again in this debate.

This question has not arisen before. Up until now the law is that it has been pretty much in the hands of the Joint Committee on Atomic Energy. But the genie has escaped from the bottle. The reason for it is the fact that as far as anybody can tell, the ability of India to explode a device which could be a nuclear weapon arises strictly from the fallout of plutonium in respect of these rather conventional fission-type reactors such as we are going to contract for, according to the President, with Egypt and with Israel.

Mr. President, the reason there was such a surprise over this development, and such an expression of concern and worry, was the fact that, coupled with the experience of India, as based on a Canadian allegedly peaceful type reactor, there was deep concern that we were already beginning to proliferate nuclear weapons.

I agree thoroughly with Senator BAKER—and I heard his argument—that probably the greatest safeguard will be public knowledge, discussion, and openness in respect to whatever is done in the nuclear weapons field.

So, Mr. President, I respectfully submit that that very argument is the best argument for the amendment we are presenting, because that is exactly what we are seeking. We are seeking open covenants, openly arrived at, in the most awesome field known to man today.

What terrible thing are we doing? We are asking that Congress, with deliberation and responsibility, in the same spirit as it recaptured its powers in the War Powers Resolution and in the congressional Budget Priorities Act, should recapture its powers in respect of this even more awesome matter and should be willing to vest its own responsibility in the exercise of the authority affirmatively to approve these agreements. Then, at least the aggregate number of minds which are capable of being enlisted in such a situation—to wit, the 535 Members of Congress as well as the Chief Executive—will be able affirmatively to have their say.

The difficulty with the plan presented to the Senate is twofold. One, as has been pointed out by Senator PROXMIRE, if one House thoroughly disapproves and the other House thoroughly approves, only one House will prevail, the President having made the agreement and the concurrent resolution being incapable of being passed.

Second, a band of "wilful men" in this body, even if one less than two-thirds of this body, in order to reverse the executive action, would be prevented from doing so. There is no built-in safeguard whatever in the 60-day provision as it is presented to the Senate which prevents a filibuster from being effected.

Mr. President, it is effected if one House is kept from acting within the 60-day period. Then an agreement such as I referred to in the proposed legislation goes into effect. I think these are two very fatal defects.

I do not see why anybody, in a matter of this gravity, should fear the concurrence of congressional action with that of the executive. On the contrary, it should be welcomed.

One final point: We passed in the Senate the commitments resolution, under the gifted authorship of Senator CASE, in which we held it as a matter of policy that anything which committed the forces or resources of the United States in the way of an agreement with a foreign power should be subject to congressional approval. I cannot think of anything that commits more the resources and the power of the United States to a foreign country than the potential which is inherent in the fallout from these allegedly civilian nuclear plants.

Mr. President, I find it extremely difficult to see why we shy away from this. I think it is still a heritage, still a hangover, from the fact that, so far as the people are concerned, we find it difficult, because of all our antecedents—ours and our traditions as well—to understand the demands of the modern time, which is to share everything we know with people who may be obliterated if we do not share it.

Mr. President, it is in that spirit that I feel we have presented this amendment to the Senate. I think it was our profound duty to do so, under these circumstances.

I do not know what the Senate will do with this amendment on this occasion. I believe that this is the voice of the times, as well as the voice of the future, and that we should share this power, all of us, as well as sharing the responsibility. I emphasize very strongly the latter. We will treat this power with infinitely more respect if we have to make a commitment and stand up to that commitment before the people in the successive elections which are a blessing of our kind of democracy.

So, Mr. President, I present two propositions, by way of summation. First, in this field particularly, they should be open covenants, openly arrived at; and the people, through Congress, should affirmatively have the authority, and therefore the responsibility, to be required to vote upon them before they are put into effect.

Second, we should not allow our own rules, including the filibuster provision of rule XXII, to deprive even one House of the opportunity which is to be afforded by the proposed legislation as it is brought to the Senate by the Joint Committee on Atomic Energy.

If any of us can do anything to bring about a success for both or either of those propositions, I consider it a high public responsibility to do exactly that.

I thank the Senator for yielding.

The PRESIDING OFFICER (Mr. GRIFFIN). Who yields time?

Mr. PASTORE. I yield 2 minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, we are now discussing what is probably one of the fastest growing industries in the world—the development of energy from the atom, through the nuclear reactor. It is an industry which is prompting a great deal of intense consideration in many countries. I will not undertake to say how many countries, but it is taking place in probably 20, several of which could, without too much delay, go into the business of furnishing nuclear reactors to those who have the money to pay for them.

It is my opinion that the approval of the Proxmire amendment would have the effect in diverting much of this potentially great industry from the United States to other countries. We had an example only last week, when the Government of Iran placed an order with France for $5 billion worth of nuclear reactors—presumably for peaceful uses, presumably for the development of clean water.

Other countries also are interested in the same thing, particularly countries that are producing a great deal of oil but are short of water. We know that they are very interested in developing their countries.

Iran and Saudi Arabia have money enough for their own reactors. Others will have to borrow the money. It offers a field for investors, including investors from the United States, who even now are concerned with making very substantial loans to countries that earlier we would not have considered dealing with.

It has been said that there is a risk in a nuclear reactor. I do not know of any industry, any occupation, that is 100 percent free from risk. I would say that the human error element would enter into the nuclear power business just as much as it does into other power businesses, into mines, into lumbering, and other such activities.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. I yield the Senator 1 additional minute.

Mr. AIKEN. Mr. President, this bill, which has been approved by all the Senate members of the Joint Committee on Atomic Energy, is one which we consider safe. We know that there is opposition to the development of nuclear power. Some opposition stems from one source and some from another. Some opposition is honest provided by those who sincerely fear atomic power; other opposition is in the field of competition.

I believe that this bill, which is the best that can be devised by people who supposedly know what they are talking about and what they are writing about, should be approved by the Senate. I am not in favor of diverting one of the greatest industries in the world to other countries.

Right now, France is in a position, with investment from whomever she can get it, to take over this industry. I believe we had better keep what we can of it here.

Mr. PASTORE. Mr. President, I only want to say one further word, and then I shall yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, will the Senator yield in order to permit me to ask for the yeas and nays?

Mr. PASTORE. I yield.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I merely want to say, in conclusion, that we on the Joint Committee on Atomic Energy studied this matter in all its phases.

What we did, we followed the precedent which was set under 123(d) which had to do with military exchange, and that is the reason why we took that route feeling that the administration would be more amenable in passing and approving the bill.

The one thing that concerns me is that if we go to the extreme as suggested by this amendment, the possibilities are very, very great that there will be a veto and we will end up with nothing.

My amendment is a practical solution. The amendment that was approved unanimously by the Joint Committee on Atomic Energy, will give us an opportunity to not only thwart the administration in negotiating an agreement, but at the same time, Mr. President, it will allow the Senate and the House to become a partner in these agreements and be allowed the opportunity to debate it.

I yield back my time.

Mr. AIKEN. Mr. President, may I have just 2 minutes more?

The PRESIDING OFFICER (Mr. TAFT). The Senator from Vermont.

Mr. AIKEN. Mr. President, since I finished speaking, I have received certain information relative to the extent to which other countries are supplying nuclear reactors around the world.

The United Kingdom supplied natural uranium reactors to Japan, 166 megawatts, and Italy, 150 megawatts, many years ago.

West Germany supplied 318 megawatt natural uranium heavy water reactor to Argentina; 692 megawatt water reactor to Austria; 920 megawatt water reactor to Switzerland; and 450 megawatt water reactor to the Netherlands.

Canada has been selling reactors; Sweden supplied a 660 megawatt reactor to Finland. France has supplied different countries and, it is mentioned, has now received a $5 billion order from Iran.

Japan has bid on foreign sales, but has not as yet sold reactors.

Italy has, and Russia, of course, is the other country which could supply them in quantity, and which will.

No doubt, American investors will put big money into these businesses in foreign countries. Now, why not keep it here?

Mr. STEVENSON. Would the Senator yield for a question at this point?

Mr. AIKEN. I yield.

Mr. STEVENSON. Can the Senator tell us how many of those countries which the Senator knows are selling U.S. technology, either technology licensed by U.S. companies or by U.S. companies operating in those countries?

Mr. AIKEN. France, I believe——

Mr. PASTORE. I can answer that question.

Westinghouse in Germany cooperates with the German Government. They are a shareholder in the enterprise. I think we have American interests all over the world, but it is not exclusively that.

The question of selling the reactors to Iran was strictly a French deal, there is no question about that.

As I pointed out, in the world today there has been a supply in foreign countries exclusive of the United States of America to the tune of 75 million kilowatts of electricity which, as I said before, is enough to light up 10½ cities like the city of New York.

We have only exported about 7 million kilowatts as against the 75 million kilowatts.

It is true, General Electric and Westinghouse, and many other big American combines, do have some interest in foreign manufacture, but principally the idea comes from America, principally the concepts are American and much of the manufacturing is American insofar as our American export is concerned, but there is a tremendous amount of foreign export insofar as what they export, and that goes for France and it goes for Canada.

For instance, one of the first reactors in India, was a Canadian reactor, and what appears to have happened there is that when that reactor was first built they used Canadian fuel, that was the first fuel supply, but then the Indians began to use their own natural uranium fuel and the basic plutonium came from the Indian material which apparently was not under any international safeguards.

So this idea that it is not going to go on by foreign countries is really whistling in the dark.

The fact still remains, as the Senator from Tennessee pointed out and as we have pointed out time and time again, this at least gives us a foothold and all we need to do is have the proper safeguards, and if we take these rods as they are taken out and have them brought back to the United States of America for reprocessing and recycling, that is the protection we need.

When we boil it all down, it all comes down to the safeguards. We can dictate from now until the cows come home, to reject or approve, but if we did not have a good binding agreement, with safeguards that can be enforced, we would be wasting our time.

Mr. STEVENSON. How can that be enforced if the other party to the agreement, the other government, foreign country, simply chooses not to perform its part?

Mr. PASTORE. We stop it, we stop it. We do not give them any more fuel.

Mr. STEVENSON. After they have——

Mr. PASTORE. Absolutely.

Not only that, we do not take all fuel out at one time, we only take out one-third.

We take out one-third of the rods and they have to go in the water for cooling.

We will see that they come back to America, that has to be in the deal.

Mr. STEVENSON. Is it not possible that these countries can obtain fuel from other sources after that?

Mr. PASTORE. There is nothing that stops it now. Germany can sell a reactor, Canada can sell a reactor, and as the Senator from Vermont pointed out, we could put ourselves right out of the market, if we wanted to.

Mr. STEVENSON. The point, the possibility of safeguards, especially, as the Senator points out, once they get the reactor they can get it from other sources.

Mr. PASTORE. Right, but they come under the peaceful uses of atomic energy, and we have 100 nations as members. They are the ones. We do not sell a reactor unless they agree to come under that inspection.

Mr. STEVENSON. Was the Canadian reactor and the Canadian technology which was transferred to India developed without any licensing and cooperative arrangements with the U.S. Government?

Mr. PASTORE. Not with the U.S. Government.

Mr. STEVENSON. U.S. companies?

Mr. PASTORE. We have our own reactors that we built, that comes under the international safeguard.

Mr. STEVENSON. I was asking about GE or Westinghouse, U.S. companies, was there no commercial U.S. involvement in the development of the technology of the reactors which went from Canada to India?

Mr. PASTORE. Not that I know of, but I could be mistaken about that, I would not know positively, but I doubt it.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Before the Senator yields back his time——

Mr. PASTORE. I am happy to yield time.

Mr. JAVITS. Mr. President, the debate has gone on, on some questions of whether we should or should not approve these agreements with Israel and Egypt and also whether we should or should not associate ourselves with the job of providing civilian atomic reactors.

In all fairness to the proponents of the amendment, we raise neither of these questions, but simply the question before us is a very narrow one.

Well, Congress has to say, do not do it, in both Houses, or does it require an affirmative, that both Houses will say, yes, we do it with or without conditions.

So I simply take this minute or two to put the question we are voting on and focus it for myself.

I have lots of points of disagreement.

Mr. PASTORE. Will the Senator yield?

Mr. JAVITS. Of course.

Mr. PASTORE. I do not take that position whatsoever.

The position I am taking here this afternoon is that under the present law we have no rights at all on these agreements.

If we remain the way we are today, the President only has to set up an agreement, it goes to the joint committee, stays 30 days, and there is nothing we can do about it. It becomes a binding agreement and sometimes we waive the 30-day element.

All I say is, if we go as far as the Senator from Wisconsin wants us to go, we are going to end up with a veto.

We have debated this in the committee and have come up with what we feel is a fair compromise. It gives us a share of partnership, a chance to debate it.

At the same time, we do not have the administration in such a position, I would say, as to say, "From now on you have nothing to do with this. We are going to guide even the foreign policy of this country," and that is where it is dangerous.

Mr. JAVITS. I understand. I just make one correction.

We do not say to the administration, "You have got nothing to do with us."

On the contrary, on the stipulation, to move on as heretofore, they get the AEC certification, they make the agreement, and they send it up here.

They do that in executive agreements time and again. The President did it with respect to the atomic limitation agreement of arms, or SALT I, with the Soviet Union.

There is nothing unusual at all in what we are asking for, but I do think it is valuable to narrow the quest, and that is all I am trying to do.

Mr. GRIFFIN. Mr. President, will the Senator from Rhode Island yield me 2 minutes?

Mr. PASTORE. I yield 2 minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, we all know that legislating is the art of the possible. I rise to support the Senator from Rhode Island in what he has said.

I do not do that as a spokesman for the administration. Frankly, as I understand it, the administration would rather not have the Pastore bill. The administration would prefer, I assume, to be able to negotiate such agreements and not have to depend upon approval by Congress.

However, the Senator from Rhode Island has forged a very practical and reasonable compromise, which would give the Congress an important and responsible role.

As one Senator, I believe the administration's position of opposition to the Pastore bill is extreme and impractical. And I respectfully say that the amendment proposed by the Senator from Wisconsin is extreme on the other side, and impractical.

If the Senate were to adopt the amendment of the Senator from Wisconsin (Mr. PROXMIRE), I believe that without question, as the Senator from Rhode Island has suggested, there would be a veto. Certainly, that veto would be sustained in one House or the other.

So, it seems to me that we are about to vote on whether or not we do want to increase the role of Congress. Those who want to increase the role of Congress should vote down the Proxmire amendment and support the Pastore bill.

Mr. PROXMIRE. I yield myself such time as I may require.

Mr. President, I am about to yield back the remainder of my time, and we will vote in just a minute or two. But I would like to emphasize and underline what the Senator from New York has said. This is a matter of procedure: How do we decide these matters? What Senator JAVITS and myself have proposed is that these proposals should come before the House of Representatives and the Senate, so that we could have a vote up or down in the House and the Senate.

Under the proposal before us, there is no guarantee that we would have a vote in either place. It is possible for a Senator to filibuster the provision. If he did so, under the Pastore proposal, providing nuclear technology to Egypt would take effect without any action by the House of Representatives and without any effective action by the Senate, because we might not be able to get cloture.

What we require is that we pass on it, as we pass on every law we pass, no matter how trivial it is, by having both the House and the Senate act affirmatively. Furthermore, we would prohibit a filibuster. There is no way under my amendment by which action by the House and the Senate could be held up. We must act within 60 days. We must have a chance to stand up and be counted.

There is nothing extreme about that. All we provide is that we act here the same as on all other legislation. It seems to me that this is a fair and reasonable way to proceed. If there is a veto, which I doubt very much, we can confront that when the time comes. We can enact appropriate legislation later, if we cannot summon the votes to override a veto.

Mr. PASTORE. Mr. President, there is nothing in the amendment of the Senator from Wisconsin that guarantees a vote either in the House of Representatives or in the Senate. It can be pigeonholed here in committee or there in committee, either in the Senate or in the House. You can find any kind of reason or excuse not to bring it up in either the Senate or the House of Representatives. By inaction, we could cut off an appropriate agreement.

I am not talking about Egypt, Israel, France, Canada, or any other country; I am merely saying at this point this gives us an opportunity which we do not have now, that has the possibility of becoming law. If we go beyond it, I am afraid we would end up with nothing, as we are now.

Mr. PROXMIRE. If the Senator will yield on the point he makes, there is no way that the antifilibuster provisions in the pending amendment can be abridged. There must be a vote within 60 days. There is no way to stand up and delay it. It requires 10 hours of debate, equally divided; we have the limitation of 10 hours on the time, so there is no way to filibuster it.

So it cannot be killed by inaction.

I am prepared to yield back the remainder of my time, if the Senator is.

Mr. PASTORE. I yield back the remainder of my time.

Mr. CHILES. Mr. President, I call for a division of the amendment, the first part consisting of the first 11 lines on page 1.

The PRESIDING OFFICER. The Senator has that right. The amendment will be so divided.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. CHILES. I yield for that purpose.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. The yeas and nays would then relate separately to each part?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHILES. Mr. President, I send to the desk an amendment in the nature of a substitute, and ask for its immediate consideration.

The PRESIDING OFFICER. This is as to part 1 of the amendment?

Mr. CHILES. That is correct.

The PRESIDING OFFICER. That is the only part open to amendment. The amendment will be stated.

The legislative clerk read as follows:

In lieu of the language proposed insert the following:

"Submitted to the Senate as a treaty, and the Senate has given its advice and consent with respect to that treaty,"

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, how much time does a substitute amendment have available?

The PRESIDING OFFICER. Thirty minutes to a side.

Mr. CHILES. I yield myself 5 minutes.

Mr. President, the purpose of this amendment is to bring the nuclear agreement before the Senate in the form of a treaty. I think the Senator from Wisconsin is making progress in his attempt to allow an affirmative vote by the Congress on this question, but my feeling is that we are dealing with something which seems to me of so much import, in the way of an agreement with a foreign country, that we ought to be talking about a treaty.

When I think back to what was the purpose of a treaty and what they were for, what we envisioned as we set up the Constitution and provided for the right of the Senate to advise and consent, it would seem to me this would be such a major agreement.

The PRESIDING OFFICER (Mr. BUCKLEY). The Chair would state to the Senator that the Chair was in error. Because this is an amendment in the second degree, there is 15 minutes to a side.

Mr. CHILES. I thank the Chair. As we know, the provisions for ratification of a treaty have fallen into disrepute in their use by the Executive over recent years, and more and more we have seen that major agreements have been concluded with foreign countries in which the ones that were of most controversy and most major have habitually, now, come to be handled by the President as executive agreements, excluding the Congress and excluding the constitutional provisions that provided that the Senate would have the right to advise and consent.

When I think of the import of what we are doing in introducing plutonium to the Mideast, of all places, certainly that is the kind of issue that should be debated in the Halls of the Senate. That was the kind of provision for which I think we set up the provision in the Constitution providing for advise and consent and a two-thirds vote.

I am convinced that the American people want to see a debate on this issue. The fact that Senators say we have introduced these plants to Mexico and Canada and some other places might be true, in the past, but we know the kind of explosive situation that exists in the Mideast, with active terrorist groups and governments that can be completely stable one moment, and completely changed the next.

All of those are items I think the American people are entitled to have debated, and I think it should be done, and that the Senate should not be considering surrendering its power to advise and consent on matters of major importance dealing with foreign policy through any kind of procedure where we have a concurrent resolution or any other kind of action, other than the constitutional provision that provides for the right to consider a treaty, the right to a debate, and the right for a two-thirds vote of the Members to be necessary to conclude that debate.

I have the strongest feelings that this is an item that the American people would like to see come in by way of a treaty and for debate, and about which they have great apprehension and great fear now.

We talk about whether somebody is going to get some business, whether we are going to sell a plant or not; that is the situation we have gotten into in the nuclear proliferation area, I think. We have France trying to make money from it. We have people trying to determine whether it is going to be a profitmaking venture.

If we give some terrorist group plutonium and the ability to make the bomb and the ability to hold us up for goodness knows what or to blow us up, we are not going to be concerned with whether we have helped American industry or whether we have helped American business.

All of those items, of course, upon their merits and their demerits could best be debated by virtue of a proposal in the form of a treaty. I think we would be saying to the President, no matter who he is in this country, "When you start concluding agreements like this or entering into agreements like this, remember that Congress is going to demand that they not surrender their function, their constitutional function, to see that these are brought before us in the nature of a treaty and that we have adequate debate and that the American people will be protected on it."

I reserve the remainder of my time.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. PROXMIRE. I want to commend the Senator for his proposal. It has a great deal of support.

Senator SYMINGTON earlier asked if this treaty approach might not be a better route. There is a lot of logic in what the Senator says.

There are, however, several problems. Problem No. 1 is this would take away the jurisdiction from the Joint Committee on Atomic Energy, which has done an excellent job, which has expertise it has developed. It has developed a tremendous amount of experience and has a very knowledgeable staff. The Joint Committee gives us advice with respect to nuclear technology, but this substitute takes jurisdiction away from the Joint Committee and gives it to the Foreign Relations Committee, which is also an excellent committee, but with no expertise or knowledge in this field.

No. 2, it would take jurisdiction away from the House of Representatives. They would have to act on this bill, and I cannot imagine the House of Representatives, with their proper and appropriate jurisdiction with respect to the nuclear business, saying, "Take us out of the act. We do not care that much about it. Let the Senate handle it under their procedures."

As I say, the Senator has enormous logic behind this.

I think if we had started with a different history and a different background the Senator would be right. Under these circumstances, however, I think these obstacles make it extremely difficult.

Mr. CHILES. I thank the Senator from Wisconsin for his remarks.

Let me say, first, I do not think this would be taking this question away from the jurisdiction of the Joint Committee because the Joint Committee would still get the reference, would still be able to study the matter, would still be able to present their findings to the floor of the Senate before we had our debate, and nothing I would do would try to change that or their expertise. With all deference to their expertise and the work they have done on it, I think our history goes back a little further to the Constitution in saying that the Senate has the right to advise and consent.

That is a treaty provision. That predates the Joint Committee, and I think it predates any expertise that they have. But we get to utilize this expertise because they would still have the right to study the question before it was referred to us.

Now, with respect to the Senator's second remarks——

Mr. PROXMIRE. Does the Senator's amendment provide that these proposals would be referred to the Joint Atomic Energy Committee?

Mr. CHILES. We made no change with respect to that so the reference could still be made.

As to the second point that the Senator raised that we run into the practical considerations that the House is going to want to have something to say on this, as I understand it, foreign policy has been the prerogative of the Senate. The House is concerned with initiating tax matters, with initiating appropriations, and they do not want us to initiate any appropriation bills. They do not allow us to do that. That is something I do not find in the Constitution anywhere, but I find that habit and custom have allowed that to grow up so that they initiate that. So we are talking about an area that has belonged to us traditionally. It is provided for in the Constitution which provides for us.

We are going to say now because this is something they would like to be involved in that we are going to say that no longer do we have to consider treaties. Are we going to do that on all matters that should come before us as treaties? Are we going to say that we will now have concurrent resolutions rather than treaties? I do not see the logic of the Senator's proposition in that.

If we feel that this is a treaty matter, if we feel that under the Constitution it should come before us as a treaty, just as the Senator thinks we should vote what we think is the best provision and worry about whether the President is going to veto the Proxmire amendment or not, then I think we should consider this in the most logical and reasonable way that we think it should be considered, and determine that we would be able to convince the House of that logic, especially when we defer to them in tax matters and we defer to them in appropriating matters.

This certainly is a matter dealing with foreign policy which has been and, I think, should be, the role that the Senate has as it is set forth in the Constitution.

Mr. PASTORE. I yield whatever time the Senator from Vermont wants, Mr. President.

Mr. AIKEN. Mr. President, on March 6, 1973, the Foreign Relations Committee reported out the Genocide Treaty, as it is called. That has now been on the calendar for about 15 or 16 months. The amendment offered by the Senator from Florida would permit an agreement to furnish a reactor to another country, even a friendly country to be held up for as long as this Genocide Convention has been held up. Such action would be immensely pleasing, I am sure, to certain producers of competitive fuels, and also to certain investors who put their money in foreign fields at 13 percent plus. I do not think we should accept this amendment.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. AIKEN. I realize it would be very pleasing for some people in having the nuclear reactor trade held back.

Mr. CHILES. Mr. President, would the Senator yield?

Mr. AIKEN. I yield.

Mr. CHILES. I wonder if the Senator would like to have the Genocide Treaty concurred in by joint concurrent resolution which Congress would not even have to vote on, so that they would only be able to express themselves by that treaty, and if they failed to express themselves that way, then automatically something as important as that question would go through. I do not think the Senator would want that.

Mr. AIKEN. Under the Senator's proposal then any plan for any contract to furnish a nuclear reactor to another country, would also require the same number of votes in the Senate as would the Genocide Treaty, two-thirds or more. I just cannot see that. I just cannot see—well, I just cannot see the House of Representatives agreeing to let the Senate have the full say on this matter anyway.

Mr. CHILES. Mr. President, I just happen to think that it is more important for two-thirds of the Senate to agree on where we are putting plutonium than it is on whether we adopt the Genocide Treaty or not as far as the real protection and safety of the American people are concerned.

Mr. PASTORE. Mr. President, maybe I should have minded my own business in the first place and not bothered with this at all and just left everything the way it is, which is nothing at all.

Under section 123(c), as I have said many times this afternoon, at the present time all the President has to do is send an agreement up here. It goes to the joint committee for 30 days. We have no power to do anything but bring out a bill that would have to be signed by the President then you know what he would do with that bill.

Now, after all, there is nothing in the amendment that is suggested by the joint committee or even the amendment suggested by the Senator from Wisconsin that precludes the President from sending it up in the form of a treaty if he so chose to do.

But now this is the practical proposition. I am not opposed to its coming up in a treaty, but the minute we write this in and we preclude the Members of the House, what are they going to do with this bill? What does the Senator think they are going to do to this bill? Here we are trying to amend the atomic energy law; we have a Joint Committee on Atomic Energy which has legislative power, the only joint committee that does in Congress. It is comprised of nine Members of the House and nine Members of the Senate. The bill that I reported out was unanimously reported out by the full committee and now we are telling the House, "You sign a bill that puts you out of the picture completely." What does the Senator think is going to happen or have I lived,in vain for 67 years?

The PRESIDING OFFICER. Who yields time?

Mr. CHILES. Mr. President, I yield myself 3 minutes.

I again applaud the action of the Senator from Rhode Island in taking the initiative here, and I think that is good. The Senator from Florida also introduced a bill that would require that these agreements must have a treaty provision, and that bill, of course, is somewhere over in the committee. That is not before us on the floor.

Therefore, my initiative here is to try to amend this bill and provide that we deal with the matter in the form of a treaty. I can understand the problems of the House and the fact that some of them sit now on the Joint Committee on Atomic Energy. I am coming to understand all of the problems relating to committee jurisdiction and the feelings that go with that kind of jurisdiction. But still it seems to me that the provision of the Constitution is just as persuasive and just as strong in that regard. This is a matter in which I think the American people would be well served if we had debate and the requirement of a two-thirds vote.

Mr. PASTORE. Mr. President, I yield back the remainder of my time if the Senator from Florida is ready to yield back his time.

Mr. CHILES. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. CHILES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), and the Senator from West Virginia (Mr. RANDOLPH) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Florida (Mr. GURNEY) are necessarily absent.

The result was announced—yeas 17, nays 78, as follows:

[No. 293 Leg.]

YEAS—17

Biden
Case
Chiles
Church
Clark
Eagleton
Ervin
Fulbright
Hathaway
Helms
Hollings
Huddleston
Hughes
Inouye
Nunn
Schweiker
Symington

NAYS—78

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd. Robert C.
Cannon
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Fong
Goldwater
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hatfield
Hruska
Humphrey
Jackson
Javits
Kennedy
Long
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—5

Bellmon
Gurney
Johnston
Magnuson
Randolph

So Mr. CHILES' amendment to Mr. PROXMIRE's amendment was rejected.

The PRESIDING OFFICER. The question occurs on the first part of the amendment by Mr. PROXMIRE.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

On this vote, the Senator from West Virginia (Mr. RANDOLPH) is paired with the Senator from Washington (Mr. MAGNUSON). If present and voting, the Senator from West Virginia would vote "yea" and the Senator from Washington would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), and the Senator from Florida (Mr. GURNEY) are necessarily absent.

The result was announced—yeas 46, nays 49, as follows:

[No. 294 Leg.]

YEAS—46

Abourezk
Bayh
Bentsen
Biden
Buckley
Burdick
Case
Chiles
Church
Clark
Cook
Cranston
Eagleton
Ervin
Fulbright
Gravel
Hart
Hartke
Haskell
Hathaway
Helms
Huddleston
Hughes
Humphrey
Javits
Mathias
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Percy
Proxmire
Ribicoff
Roth
Schweiker
Stafford
Stevenson
Talmadge
Tunney
Weicker

NAYS—49

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Bible
Brock
Brooke
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Fong
Goldwater
Griffin
Hansen
Hatfield
Hollings
Hruska
Inouye
Jackson
Kennedy
Long
Mansfield
McClellan
McClure
McGee
Montoya
Pastore
Pearson
Pell
Scott, Hugh
Scott, William L.
Sparkman
Stennis
Stevens
Symington
Taft
Thurmond
Tower
Williams
Young

NOT VOTING—5

Bellmon
Gurney
Johnston
Magnuson
Randolph

So part 1 of Mr. PROXMIRE's amendment was rejected.

Mr. JAVITS. I would appreciate it if the Senator would yield me 2 minutes.

Mr. PASTORE. I yield to the Senator.

Mr. JAVITS. Mr. President, as to the second part of this amendment which is now to be voted on, it seems very clear, and I hope the Senator will give his attention for a minute, that something needs to be done because the 60-day period allowed for expressing the negative on a Presidential agreement of this character can be completely eroded in this body by a filibuster and the other body by the usual hassle within the Rules Committee.

Mr. PROXMIRE and I have suggested, rather than the long form which is now to be voted on and which comes out of the Reorganization Act, a very brief amendment which we submitted to the manager of the bill, which will enable the conference committee at least to do something about this question.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. Yes.

Mr. PASTORE. I am quite familiar with the purpose of this amendment, which is the second part modified, and if unanimous consent will be ordered to withdraw the yeas and nays I will be very happy to carry it to conference and see if we cannot iron something out in that regard.

Mr. JAVITS. I ask unanimous consent that the order for the yeas and nays be vacated on the part still open, part No. 2.

The VICE PRESIDENT. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, I think for the information of the Senate that some brief explanation of what this would do——

Mr. PROXMIRE. Mr. President, I have sent the amendment to the desk; I ask that the Clerk read the substitute amendment.

The VICE PRESIDENT. The clerk will read the substitute amendment offered by the Senator from Wisconsin (Mr. PROXMIRE).

The Assistant Legislative Clerk read as follows:

> On page v, line 18, after the period insert the following:
>
> "Any such concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) within 25 days and shall be voted on within 5 calendar days thereafter, unless such House shall otherwise determine by yeas and nays."

Mr. GRIFFIN. Now, if I may ask, further reserving the right to object, Mr. President, under the present bill that the Senator from Rhode Island has offered, the committee must make a report to both houses within 30 days, in any event, is that correct?

Mr. PASTORE. That is correct.

Mr. GRIFFIN. And the only addition here, as I understand it, is that it requires that it not just go to the calendar, but it be made the pending business?

Mr. PASTORE. That is right. So that it will not die on the vine. It might be that we will have to protect this in conference, but it does make sense.

In effect, it overcomes this doubt on the part of some that by inaction or by a prolonged debate, we may never get to a decision to have a vote, and this guarantees the vote.

Mr. GRIFFIN. Mr. President, I personally shall not object to the withdrawal of the yeas and nays.

The VICE PRESIDENT. Is there objection to the withdrawal of the yeas and nays?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, under the Senator's substitute amendment for his own amendment, as I understand the reading of it by the clerk, an amendment to the resolution reported would be in order.

Mr. PROXMIRE. That is my understanding, that is correct.

Mr. ROBERT C. BYRD. Also, in listening to the language read by the clerk, a motion to reconsider the vote by which the resolution is agreed to or rejected would be in order.

Mr. PROXMIRE. That is correct.

Mr. ROBERT C. BYRD. Mr. President, I have no objection to the substitution of the amendment. I think it is a great improvement over the language for which it is being substituted, because that language is strictly boilerplate language lifted out of the President's reorganization plan resolution. No amendment by the Senate would be in order, no motion to reconsider would be in order, and any resolution reported from the House of Representatives would go directly on the calendar, so that the Senate could only rubberstamp the action of the House, or reject it.

Mr. PROXMIRE. I thank the majority whip. May I say the reason why I am willing to accept the modification Senator Javits has suggested is because of the objection of the Senator from West Virginia and the points he made against the amendment.

Mr. JAVITS. Mr. President, one further thing. The Parliamentarian tells me we should have unanimous consent that it be in order to substitute what we have submitted as a complete substitute for the item 2 that was to be voted on.

The VICE PRESIDENT. Is there objection to the offering of this amendment by the Senator from New York as a substitute for the whole second part of the amendment offered by the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. PASTORE. Mr. President, I yield back my time.

The VICE PRESIDENT. Is there objection to the withdrawal of the order for the yeas and nays on part 2? Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from New York (Mr. Javits) as a substitute for the second part of the Proxmire amendment.

The substitute amendment was agreed to.

The second part of the Proxmire amendment, as amended, was agreed to.

The VICE PRESIDENT. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. STEVENSON. Mr. President, nuclear assistance to foreign nations raises deadly serious issues which have received little examination in the Congress. Nuclear proliferation conjures up terrifying images of nuclear holocaust and international blackmail. The Joint Atomic Energy Committee and the Senator from Rhode Island, Mr. Pastore, have acted with commendable dispatch to bring these issues to the Senate floor. But the issues have still not been examined in depth by the Congress. And they will not by any means be settled by whatever action the Senate takes today.

Procedural questions remain to be settled. For example, the Atomic Energy Act applies to agreements for the transfer of nuclear technology. To what extent does—or should—the Export Administration Act procedures apply to actual exports or the procedures for control of exports to Communist countries, recently approved by the Senate in the military procurement bill apply? Such substantative questions as the enforceability of safeguards raise serious doubts about the wisdom of nuclear exports from the United States or by U.S. companies from other countries.

I do not pretend to know how all such questions should be answered—but they should be answered. And the issues should be ventilated and debated in full. The Senate Banking Committee has recently marked up legislation to extend the Export Administration Act which expires at the end of July. That legislation affords the Senate another opportunity to examine this subject. It will offer the Senate an opportunity to take such additional action as may be indicated. I have, therefore, scheduled hearings in the subcommittee on international Finance for this Friday, July 12, and Monday, July 15, on nuclear proliferation, its adequacy of export controls and the procedures for establishing and enforcing them. Members and all interested parties are invited to contact Stanley Marcuss, subcommittee counsel, or Chuck Levy in my office.

Mr. HARTKE. Mr. President, the administration's plans to give or sell nuclear power plants to Middle East and other countries involve important questions concerning the risks which the public will be exposed to as irradiated fuel and nuclear wastes are transported overseas. Hearings before the Commerce Subcommittee on Transportation, which I chaired, revealed alarming evidence of the probability and consequences of accidents involving the transportation of nuclear material within the United States. These dangers can only be compounded when such material moves abroad.

Each large nuclear power plant generates an enormous quantity of nuclear fission, over 2,000 pounds each year of which about 600 pounds consists of plutonimum, one of the deadliest substances known to man. Reputable scientists have estimated that 1 pound of plutonium is sufficient to cause 9 billion cancers if plutonium particles are injected into the lungs of human beings.

The transportation of the irradiated fuel from nuclear plants overseas back to the United States has been suggested in order that the fuel reprocessing take place in this country where safeguards can be established to insure against the diversion of plutonium to nonpeaceful purposes. But the transportation of highly radioactive material is a major problem in itself. Testimony before the Transportation Subcommittee has raised questions as to the adequacy of the design and fabrication of the containers in which the fuel is shipped. The possibility of collisions at sea cannot be ruled out with the attendant horror of the spillage of long-lived radioactive elements into the ocean. And some of these substances are long-lived indeed. Plutonium has a half-life of 24,000 years and is lethal to human beings for perhaps 250,000 years. There was no one who testified at the hearings who could give absolute assurance that no spillage would occur.

A report by the Michigan Public Interest Research Group contained the following comments with regard to the integrity of containers holding the radioactive material:

> The AEC continually says that none of its containers have been breached. But the General Accounting Office has found the reporting procedures required by the AEC are so vague that casks may arrive leaking and neither the AEC nor the public would ever know it. For example, the GAO discovered that between 1969 and 1972, there were 64 unreported instances in which containers on the vehicles were contaminated above the specified levels. Over a period of 2–3 years two types of containers continually experienced contamination problems. Many of these occurrences of contamination exceeded the allowable limits. These instances were not reported, and were found out only by the GAO's special research.

Dr. Marc Ross, a respected physicist from the University of Michigan has made a special study of the transportation of radioactive material, especially as it involves cesium. He concludes that the possibility of leakage is real, that inadequate safeguards exist to prevent this poisonous gas from escaping and that the consequences of such escape from just one shipment could involve thousands of deaths.

Furthermore, the subcommittee obtained evidence that the Department of Transportation, which has the responsibility for monitoring the movement of radioactive material has failed to do an adequate job. While 95 percent of all hazardous materials move by truck in the United States there are only 120 general investigators and 9 specialists to cover the entire country. Only a small portion of the time spent by these men in the field involve checking against violations of the Department's safety regulation for movement of hazardous material.

Thus, there are major unresolved questions with regard to transportation hazards involved in the sale or grant of nuclear powerplants to foreign countries. Some of these include the following:

a. Will irradiated fuel be reprocessed in the country having the nuclear powerplant or in the United States? If the later, because of national security reasons, who shall establish safety requirements for transportation and who shall insure that such requirements are met?

b. Will radioactive wastes be stored in the United States or abroad and if the latter under whose control?

c. What are the respective roles of the AEC, Department of State, and Department of Transportation in opposing the safety of the movement of radioactive material to and from foreign countries?

d. Can these agencies provide unequivocal assurances to the Congress and to the public that the movement of toxic radioactive material to and from foreign countries can be undertaken with absolute assurance that no leakage will occur?

Until these issues are thoroughly reviewed by the Congress, I would urge the administration to hold off on signing any international agreements for the sale or grant of nuclear powerplants.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Florida (Mr. GURNEY) are necessarily absent.

The result was announced—yeas 96, nays 0, as follows:

[No. 295 Leg.]

YEAS—96

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—4

Bellmon
Gurney
Johnston
Magnuson

So the bill (S. 3698) was passed, as follows:

S. 3698

An act to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 123 d. of the Atomic Energy Act of 1954, as amended, is revised to read as follows:

"d. The proposed agreement for cooperation, together with the approval and determination of the President, if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of sections 53, 54, 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith, has been submitted to the Congress and referred to the Joint Committee and a period of sixty days has elapsed while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days), but any such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement for cooperation: *Provided,* That prior to the elapse of the first thirty days of any such sixty-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed agreement and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed agreement for cooperation. Any such concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) within twenty-five days and shall be voted on within five calendar days thereafter, unless such House shall otherwise determine by yeas and nays."

SEC. 2. This Act shall apply to proposed agreements for cooperation and to proposed amendments to agreements for cooperation hereafter submitted to the Congress.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

REPORT ON THE INTERNATIONAL COFFEE AGREEMENT—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ABOUREZK) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance. The message is as follows:

To the Congress of the United States:

In accordance with the International Coffee Agreement Act, as extended and amended, I transmit herewith my annual report on the operations of the International Coffee Agreement in 1973.

The overproduction and surpluses in coffee which prevailed when the 1962 and 1968 coffee agreements were negotiated no longer existed when the 1968 agreement expired on September 30, 1973. In fact, the agreement's price-quota provisions had lapsed nine months earlier and it was clear that producers and consumers would be unable to reach agreement on similar provisions in a new coffee agreement. The 1968 agreement, therefore, was extended for two years effective October 1, 1973, but without its operative economic clauses.

A decade of international cooperation on coffee as represented by the 1962 and 1968 agreements should not be ignored. The prevailing atmosphere has not been conducive to agreement on the terms of any new coffee agreement containing operative economic provisions. However, it has been felt desirable to keep together the experienced secretariat staff of the International Coffee Organization to serve as a competent authority for the collection and dissemination of coffee statistics and other information on world production, trade and consumption while maintaining a framework in which consultations on coffee and negotiations for a new agreement could take place.

In the absence of operative economic provisions in the extended agreement and with a view to effecting some control over prices, a number of the producing nations have been attempting to concert their efforts to support coffee prices. We have repeatedly emphasized, during the negotiations for the modified extension of the 1968 International Coffee Agreement and on other occasions, our strong view that such unilateral producer actions are incompatible with the concept of international producer-consumer cooperation on coffee problems.

RICHARD NIXON.

THE WHITE HOUSE, *July 10, 1974.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BENTSEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ORDER TO PLACE H.R. 15275 ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 15276, the Juvenile Delinquency Prevention Act of 1974, be placed on the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the measures listed on the whip notice, S. 2619, H.R.

11537, S. 3355, and S. 3164 be laid aside temporarily for the purpose of taking up four conference reports. They can be laid aside either until the end of the day or until the conference reports are cleared, whichever is the earlier.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not know that I will—what conference reports are going to be taken up?

Mr. MANSFIELD. We are going to take up the national cancer program authorization, diabetes mellitus research, Public Health Service Act amendment, and legal services.

Mr. GRIFFIN. Three of them are very noncontroversial. I have no objection myself, and other Senators who have an interest are in the Chamber.

The PRESIDING OFFICER (Mr. BROCK). Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, in what order?

Mr. MANSFIELD. In the order I announced them. This is only to the end of the day or until they are disposed of.

Mr. HELMS. I think the distinguished majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a 10-minute limitation on each of the following measures: the conference report on the National Diabetes Mellitus Research and Education Act (S. 2830), the conference report on the National Cancer Act Amendments of 1974 (S. 2893), and the conference report on Health Services Research, Health Statistics, and Medical Libraries Act of 1974 (H.R. 11385), the time to be equally divided between the Senator from Massachusetts and the Senator from Pennsylvania (Mr. SCHWEIKER).

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL CANCER ACT AMENDMENTS OF 1974—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on S. 2893, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2893) to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next 3 fiscal years, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 27, 1974, at pp. 21697–21698.)

Mr. KENNEDY. Mr. President, the Senate now has an opportunity to approve one of the most important health bills of the 93d Congress—the National Cancer Act of 1974. This bill will extend the program for another 3 years. It authorizes approximately $2.7 billion for continuation of the national cancer program being conducted by the Cancer Institute at the National Institutes of Health. Based upon our hearings, I am pleased with the progress of the program to date. And I believe that this bill provides the necessary tools for the program to continue to make progress for the next 3 years.

Most of the amendments which this bill makes are the direct result of the recommendations of the President's cancer panel, which is chaired by Mr. Benno C. Schmidt. Benno Schmidt is a truly distinguished American who has been selfless in his willingness to dedicate his energies and his creative talents to public service. The country owes this man a great debt.

Now, Mr. President, there were only two issues of contention between the House and Senate in this legislation. The Senate bill contained two provisions, which were not included in the House bill. The first called for the creation of a President's Biomedical Research Panel to assess, review, and make recommendations to the President and the Congress on the overall progress of this Nation's biomedical research program. I am pleased to report to my colleagues that this vitally needed panel is included in the conference report.

Second, the Senate bill contained a permanent extension of the antiimpoundment legislation, which prohibits the President from impounding funds which are appropriated under the Public Health Service Act or the Mental Retardation Facilities and Community Mental Health Centers Act. I also want to point out that this provision is also included in the Conference Report.

Mr. President, this is an excellent bill. It merits the support of every Member of the Senate. I urge my colleagues to support the conference report on S. 2893.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. SCHWEIKER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the conference report.

The conference report was agreed to.

HEALTH SERVICES RESEARCH, HEALTH STATISTICS, AND MEDICAL LIBRARIES ACT OF 1974—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on H.R. 11385, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11385) to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of July 2, 1974, at pp. 21195–22000.)

Mr. KENNEDY. Mr. President, the Senate now has the opportunity to approve the conference report, which will extend and improve three crucial health programs. These programs cover medical libraries, health statistics and health services research.

The bill extends these programs for an additional 3 years. The conference report is a fair compromise between the House and Senate bills. There was in the Senate bill only one preeminent issue. This was the requirement in the Senate bill that the National Center for Health Statistics and the National Center for Health Research be continued as separate identifiable programs. The House bill proposed to merge these two programs. Based upon the hearings of the Senate Health Subcommittee, we determined that such an amalgamation would be a mistake. We believe, that while these two programs need to be closely coordinated, that their functions are sufficiently different such that they must remain independent.

The conference report continues these programs as separate and identifiable, though I expect that efforts to better coordinate these programs must be made by HEW.

Mr. President, I urge my colleagues to support the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

NATIONAL DIABETES MELLITUS RESEARCH AND EDUCATION ACT—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on S. 2830, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2830) to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 25, 1974, at pages 21081–21084.)

Mr. KENNEDY. Mr. President, I am indeed pleased to bring to the Senate the conference report on the National Diabetes Research and Education Act. This report contains the major features of the bill which originally passed the Senate. It calls on the Director of the National Institutes of Health to establish a National Commission on Diabetes. This Commission will formulate a long-range plan to combat diabetes. This plan will include a coordinated biomedical research program, evaluation of drug therapies and treatment approaches, field studies including prevention and control programs, and programs of education and training for health professionals in the research into and treatment of diabetes.

In addition the bill calls for the creation of diabetes research and training centers throughout the Nation. And in this respect the bill authorizes a total of $40 million for the next 3 years.

Mr. President, at this time I want to pay tribute to the ranking minority member of the Health Subcommittee, Senator SCHWEIKER. This bill is to a very substantial degree the product of his concern, dedication, and leadership. I want to compliment him on the creatively constructive role he has played in the initiation and development of this legislation. The legislation which emerges from the Senate Health Subcommittee frequently bears the imprint of his imagination, wisdom and commonsense. I want him to know how much I appreciate his valued cooperation on vital health legislation.

Mr. SCHWEIKER. Mr. President, I thank the distinguished chairman of the Health Subcommittee, the Senator from Massachusetts, for his constructive, positive and helpful support on this bill.

Mr. President, the Senate has before it the conference report on the National Diabetes Education Act, S. 2830. It is a major milestone in the development of an expanded Federal effort against diabetes. This legislation represents a major first step in dealing with a chronic disease which afflicts nearly 10 million Americans. It will be the first legislation designed to deal with this major health problem. The adoption of this conference report which has already passed the House of Representatives, when signed into law will assure that for the first time a national program will be inaugurated. For some time, I have been involved in efforts to bring this issue to the forefront of congressional activity. I was pleased to introduce the first Senate bill to deal exclusively with diabetes, and last year I chaired the first hearings into the problem.

The bill as adopted by the House-Senate conferees would provide for the establishment by the Director of the National Institutes of Health of a national task force on diabetes to formulate a long-range plan to combat diabetes. The task force will provide specific recommendations for the utilization and organization of national resources for that purpose. The plan will be based on a comprehensive survey investigating the magnitude of diabetes, its economic and social consequences, and on an evaluation of available scientific information and the national resources capable of dealing with the problem. Included will be a plan for a coordinated research program encompassing the programs of a number of the institutes of the National Institutes of Health and other Federal and non-Federal programs.

Mr. President, in the area of diabetes prevention and control, a program which was included in the Senate bill, the conferees added diabetes to the list of diseases for which prevention and control programs are supported through the Center for Disease Control in Atlanta.

The bill also provides funding for diabetes research and training centers, located geographically on the basis of population density and in environments with proven research capabilities. This provision will allow for the development or substantial expansion of such centers so that satisfactory diabetes teaching for both professional and lay personnel will be available throughout the Nation. The centers will conduct basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, detection, and treatment methods for diabetes.

The Secretary of Health, Education, and Welfare is authorized to establish a new position of Associate Director for diabetes within the National Institute of Arthritis, Metabolism and Digestive diseases who would be responsible for programs with regard to diabetes within the Institute. In addition, the legislation establishes a diabetes coordinating committee composed of the directors, or their designated representatives, of each of the institutes and divisions involved in diabetes related research and will include representatives from all Federal departments and agencies whose program involve health functions or responsibilities related to diabetes as determined by the Secretary.

The committee will be chaired by the Director of the National Institutes of Health or his designated representative.

Mr. President, may I emphasize my strong support for the National Diabetes Research and Education Act, and I recommend to my colleagues the adoption of the pending conference report.

The need for a national diabetes program as embodied in S. 2830, the National Diabetes Research and Education Act, is clear. I am particularly pleased that the Senate took the initiative and lead in developing this legislation providing for a massive national effort to combat diabetes.

My interest in diabetes began some time ago and resulted in my introduction of my first legislative proposal in recent history to address itself to the problem of diabetes. I was prompted to introduce the bill because, as ranking Republican member of the Senate Health Subcommittee, I was becoming increasingly aware that as our population was becoming older, fatter, more affluent and urbanized, the incidence of diabetes was increasing at an alarming rate. I was stunned to learn that it is estimated that by 1980, one in five Americans will have diabetes or its genetic trait and that diabetes is the second or third leading cause of death in the United States if you consider it is the major factor in many chronic and disabling illnesses. For example, diabetic retinopathy is currently the second leading cause of blindness. Soon it will be the first.

At this point, it became clear to me that we needed much more adequate information on the origin of diabetes, its effects on the human body, and the best methods of treating it to prevent long-term complications from developing. It became obvious that a vastly expanded diabetes research program was needed.

Mr. President, the needs of persons with diabetes in the United States are not being met at the present time. These needs cannot be met in the future unless the Federal Government expands its leadership role in this area and provides the financial support that is essential to implement effective programs aimed at problems related to diabetes.

The seriousness of diabetes to the individual diabetic and to the Nation is not yet widely appreciated, partly because it has relatively low visibility. Diabetes which is, in effect, hidden by being either undetected or well controlled does not convey an impression of seriousness, which it should. Moreover, as serious as the problem is now there is every indication that it will become even more so in the years ahead. In the 15 years between 1950 and 1965 it has been estimated that the number of diabetics in this country very nearly doubled. The prevalence of diabetes is still increasing dramatically.

There has been a progressive increase in disability and death due to the vascular complications of diabetes. Today about 70 percent of diabetic patients die from the degenerative vascular complications which effect the blood vessels of the heart, brain, extremeties, eyes, kidneys, and nerves. It is these changes which are responsible for the striking increased incidence of heart attacks, stroke, blindness, kidney failure, amputations, and obstetrical mishaps in the diabetic. The present state of knowledge of the vascular complications of diabetes can only be described as very inadequate.

Much remains to be done. Not enough is known about diabetic vascular disease to apply scientific knowledge to its prevention and treatment. Although it is important to detect diabetes early and educate both the physician and the patient for the optimal care of his diabetes, it is only as the consequence of expanded research in diabetes and related diseases that we can hope to avoid the ever-increasing economic and emotional toll which the diabetic in the Nation are bearing.

The need to provide for greater and more effective efforts in research, professional training, and public education is obvious. Mr. President, it can be accomplished by expanding the national attack on diabetes, the objective of S. 2830.

Mr. President, I strongly urge the adoption of the conference report.

Mr. McGEE. Mr. President, I rise in support of the adoption of the conference report on S. 2830, the National Diabetes Mellitus Research and Education Act. Both the House and Senate have worked hard in arriving at a final compromise on this legislation.

As you know, Senator SCHWEIKER and I early last year introduced two separate bills which have resulted in the final version which we are considering here today. Although the bill reported out of conference does not go as far as the original bill which I introduced in providing a comprehensive program to combat diabetes, I wholeheartedly support this measure and urge the adoption of the conference report.

As we all recognize, this disease is the fifth leading cause of death in this Nation. It is also the second most common cause of blindness, and within 10 years, it is expected to become the leading cause. Diabetes-related sicknesses result in absenteeism, disability, and lifetime productivity losses due to premature death. It is estimated that these ailments result in the loss of $2 billion of earnings per year. Included in disabilities and related sicknesses are heart attacks, kidney failures, and circulatory ailments.

Mr. President, the programs which are provided for in S. 2830 are indeed miniscule compared to the suffering and the losses which are directly attributed to the disease of diabetes. The bill would authorize the sum of $8 million for fiscal year 1975, $12 million for fiscal year 1976, and $20 million for fiscal year 1977 for the purpose of establishing research and education centers throughout the country. This effort is indeed long overdue.

I was certainly encouraged by the unanimous support in the Senate for this legislation when S. 2830 was passed on December 20 of last year. I also wish to compliment the conferees on their efforts to approve an equitable compromise between the Senate and House versions.

Mr. President, I believe the Senate should approve the conference report so that this legislation can become effective as soon as possible.

Mr. SCHWEIKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Maine (Mr. HATHAWAY), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Washington (Mr. MAGNUSON) are necessariy absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), and the Senator from Florida (Mr. GURNEY) are necessarily absent.

The result was announced—yeas 94, nays 0, as follows:

[No. 296 Leg.]

YEAS—94

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Hansen
Hart
Hartke
Haskell
Hatfield
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—6

Bellmon
Fulbright
Gurney
Hathaway
Johnston
Magnuson

So the conference report was agreed to.

Mr. SCHWEIKER. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. HUGH SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. FANNIN). The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, I ask unanimous consent to yield 3 minutes to the distinguished minority leader without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUGH SCOTT. I thank the distinguished Senator.

SPERLING AND SCHWARTZ, INC.

Mr. HUGH SCOTT. Mr. President, from the Judiciary Committee, I report favorably Senate Resolution 186 and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 186) to refer the bill (S. 2571) entitled "A bill for the relief of Sperling and Schwartz Incorporated", to the Chief Commissioner of the United States Court of Claims for a report thereon.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 186) was considered and agreed to, as follows:

Resolved, That the bill (S. 2571) entitled "A bill for the relief of Sperling and Schwartz, Incorporated", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator yield to me, without losing his right to the floor?

Mr. NELSON. I ask unanimous consent that I may yield to the majority leader, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVICES FOR THE LATE CHIEF JUSTICE OF THE UNITED STATES, EARL WARREN

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Republican leader (Mr. HUGH SCOTT), I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

S. CON. RES. 101

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol is authorized and directed to transfer to the custody of the Chief Justice of the United States the catafalque which is presently situated in the crypt beneath the rotunda of the Capitol so that the said catafalque may be used in the Supreme Court Building in connection with services to be conducted there for the late Honorable Earl Warren, former Chief Justice of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 101) was considered and agreed to.

ESTABLISHMENT OF LEGAL SERVICES CORPORATION—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on H.R. 7824, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. FANNIN). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7824) to establish a Legal Services Corporation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of May 13, 1974, at pp. 14170–14174.)

Mr. NELSON. Mr. President, I will, in a short period of time, move to lay on the table the pending conference report on H.R. 7824, the Legal Services Corporation Act.

Adoption of the motion to table the conference report would leave the legislation in the following status: The Senate would revert back to the point at which the Senate passed its version of the legislation as a substitute amendment for the House-passed bill. At that point, assuming adoption of the motion to table the pending conference report, I will then move that the Senate further insist upon its amendment to the text of the House bill.

The purpose and effect of these motions will be to send the bill back to the House of Representatives where the managers of the bill will move to concur in the Senate amendment with a further amendment: To substitute the text of the conference agreement with the one exception that the authority for backup centers would be replaced by the language of the House-passed bill prohibiting grants and contracts for backup centers.

Assuming the House takes such action, the revised conference agreement will then come back to the Senate for our concurrence, at which time the legislation would be cleared for the President's signature.

Mr. President, it is clear that legislation to establish a Legal Services Corporation is not going to become law unless the authority to make grants and contracts for back-up centers is removed. It is now a certainty that the bill faces a Presidential veto unless this change is made. There are simply not the votes to override a veto, as evidenced by the fact that when the House of Representatives considered the conference report it failed by only seven votes to recommit the conference report with instructions to insist upon striking out the authority to contract for back-up centers—183 for recommittal; 190 against.

Mr. President, the legal services program for the poor has been one of the most effective components of the war on poverty. For the first time, free legal assistance has been available to poor persons to press their valid claims in our system of justice. Legislation to transfer the legal services programs from the Office of Economic Opportunity to a new independent Legal Services Corporation has been under consideration before Congress for 3 years. We have met the administration's concerns in all essential respects. We have done our best to reach a reasonable compromise.

Let me make clear that I personally think that it would have been wise to leave to the Legal Services Corporation's board of directors the judgment of whether or not to make grants or contracts for back-up centers. I believe that the conference report was therefore a good one on its merits. However, almost half of the Members of the House of Representatives are of the opinion that contracts for back-up centers should not be authorized and felt strongly enough to vote to recommit the conference report on that ground.

Obviously, a Presidential veto could not be overridden in the House. The prudent course, in my judgment, is to face the legislative situation realistically and save this carefully worked-out conference agreement with the one change removing the authority for grants and contracts for back-up centers. The business of transferring the program of legal services for the poor from the Office of Economic Opportunity to the Legal Services Corporation can then move forward without further delay.

Mr. President, I ask unanimous consent to yield 10 minutes to the distinguished Senator from New York (Mr. JAVITS) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so sordered.

Mr. JAVITS. I thank my colleague very much.

Mr. President, the Senate is entitled, I think, to a very complete explanation of what we have endeavored to do, and also as to its timing.

Literally, I represent to the Senate that what we have endeavored to do has come together within the last few minutes—so many parties were required in order to deal with it.

Those of us who are deeply convinced that a Legal Services Corporation is very desirable and that the legal services effort is one of the principal elements of the war on poverty which has proved itself to be most effective in breaking the syndrome of poverty—by giving a poor individual the sense of dignity derived from representation by a lawyer—wish to see this effort continued. The American Bar Association and a great many of the other bar associations of this country, including the most prestigious, believe the way to do this is through an autonomous corporation of the kind provided in the conference report. The President of the United States, indeed, himself was a principal author of the proposition that we have such an autonomous corporation.

It would therefore have been indeed a strang miscarriage of justice if we in Congress should have fallen out with the President, after such a long effort, so many hearings, floor debates, conferences, and so on.

So an effort was undertaken by me and a very distinguished partnership of the Senator from Ohio (Mr. TAFT), the ranking minority member of the Senate Subcommittee on Poverty, the chairman of that subcommittee the Senator from Wisconsin (Mr. NELSON), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MONDALE), and their colleagues on the other side of the aisle in an effort to see if—as it turns out, by swallowing hard some of our own deep feelings about these backup centers including those in New York, which I value very highly and I think are critically important—we could finally come to some understanding that the bill approved in conference would be signed.

So, Mr. President, I state to the Senate first that it is my judgment, everything taken into account, that if we simply approved this conference report and sent it on to the President, he would veto it. I concur with my colleague from Wisconsin that this would be a vain act, and that we do not have the votes to pass it over a veto with the specific authority for the backup centers in. But with the backup centers authority out, Mr. President, I am satisfied, with the assurances which I have received, that the President would sign the measure.

Under those circumstances, I have joined, with Senator NELSON, Senator TAFT, and all of the other Senators I have mentioned in an effort to work out the procedural program which Senator NELSON has set forth.

I wish to represent to the Senate that we do not see any deviation in that program as far as we are concerned. We will go through with it step by step. That is our commitment to each other and our commitment to our colleagues in the House of Representatives, and we are satisfied that our colleagues in the House in the same positions we occupy are fully prepared to cooperate to see that this gets done.

Mr. President, if we can go forward as necessary, since a few Senators feel very strongly about it, certainly their views should be heard, but if they persist in trying to bring down everything we have done, we shall have to, of course, lend ourselves to whatever the remedies are under the Senate rules to correct that situation.

I would close by saying that in all honor, in this matter on which we have worked so hard even our opponents ought to be content. They, too, have fought very hard, and this bill is essentially, even without the backup center proposition dropped out, what the President wanted. It seems to me, therefore, that this is the consummation of the kind of activity in the country, in making law which should be favored and not discouraged. I hope very much, therefore, that we may be able—in any case we will give it our best effort—to consummate the procedural plan which Senator NELSON has laid out.

May I say to the Senator from Wisconsin that I know a lot of this has been very hard for him, because he feels very keenly about the terms of the Senate bill as we had it, as do I. I very much appreciate the way in which he has been willing to defer some of the details in order to reach the main point, which is an autonomous Legal Services Corporation.

Mr. NELSON. Mr. President, without relinquishing the floor, I would like to ask the Senator from New York one question. I was momentarily discussing another matter at the beginning of the Senator's remarks. Did the Senator from New York comment on the assurances that he had that this bill would be signed if the backup centers were removed?

Mr. JAVITS. Mr. President, I wish to repeat what I said. I believe I can repeat it exactly as I said it.

I said I have received assurances which I considered entirely satisfactory that if the bill comes to the President with the specific authority for the backup centers dropped out and the language of the House of Representatives, in that respect restored—the specific language for which I shall insert in the RECORD—the President will, if presented with this measure, sign it.

I ask unanimous consent that excerpts from the conference report showing the proposed changes to be effected be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

"SEC. 1006. (a) To the extent consistent with the provisions of this title, the Corporation shall exercise the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (except for section 1005(o) of title 29 of the District of Columbia Code). In addition, the Corporation is authorized—

"(1) (A) to provide financial assistance to qualified programs furnishing legal assistance to eligible clients, and to make grants to and contracts with—

"(i) individuals, partnerships, firms, corporations, and nonprofit organizations, and

"(ii) State and local governments (only upon application by an appropriate State or local agency or institution and upon a special determination by the Board that the arrangements to be made by such agency or institution will provide services which will not be provided adequately through nongovernmental arrangements),

for the purpose of providing legal assistance to eligible clients under this title, and (B) to make such other grants and contracts as are necessary to carry out the purposes and provisions of this title;

"(2) to accept in the name of the Corporation, and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise; and

"(3) to undertake directly and not by grant or contract the following activities related to the delivery of legal assistance—

"(A) research,

"(B) training and technical assistance, and

"(C) to serve as a clearing house for information.

"(b) (1) The Corporation shall have authority to insure the compliance of recipients and their employees with the provisions of this title and the rules, regulations, and guidelines promulgated pursuant to this title, and to terminate, after a hearing in accordance with section 1011, financial support to a recipient which fails to comply.

"(2) If a recipient finds that any of its employees has violated or caused the recipient to violate the provisions of this title or the rules, regulations, and guidelines promulgated pursuant to this title, the recipient shall take appropriate remedial or disciplinary action in accordance with the types of procedures prescribed in the provisions of section 1011.

"(3) The Corporation shall not, under any provision of this title, interfere with any attorney in carrying out his professional responsibilities to his client as established in the Canons of Ethics and the Code of Professional Responsibility of the American Bar Association (referred to collectively in this title as 'professional responsibilities') or abrogate as to attorneys in programs assisted under this title the authority of a State or other jurisdiction to enforce the standards of professional responsibility generally applicable to attorneys in such jurisdiction. The Corporation shall ensure that activities under this title are carried out in a manner consistent with attorneys' professional responsibilities.

"RIGHT TO REPEAL, ALTER, OR AMEND

"SEC. 1013. The right to repeal, alter, or amend this title at any time is expressly reserved.

"SHORT TITLE

"SEC. 1014. This title may be cited as the 'Legal Services Corporation Act'."

TRANSITION PROVISIONS

SEC. 3. (a) Notwithstanding any other provision of law, effective ninety days after the date of the first meeting of the Board of Directors of the Legal Services Corporation established under the Legal Services Corporation Act (title X of the Economic Opportunity Act of 1964, as added by this Act), the Legal Services Corporation shall succeed to all rights of the Federal Government to capital equipment in the possession of legal services programs or activities assisted pursuant to section 222(a) (3), 230, 232, or any other provision of the Economic Opportunity Act of 1964.

Mr. JAVITS. I have said also that it is my judgment that if we send the conference report to the President as is, he would veto it, and that we do not have the votes to pass it over his veto with the backup centers in.

That is, I believe, exactly as I said it before.

Mr. NELSON. Mr. President, I thank the distinguished Senator from New York.

I might say that I have been advised by two sources independently representing the White House that the bill would not be signed, in their judgment, if the backup centers remained in.

Mr. President, I ask unanimous consent to yield 10 minutes——

Mr. TAFT. Mr. President, 3 minutes will be adequate.

Mr. NELSON. Three minutes to the distinguished senior Senator from Ohio (Mr. TAFT) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. I thank the Senator for yielding.

I merely want to supplement what has already been said and to compliment the distinguished chairman of the subcommittee as well as the ranking minority member who worked hard and long and, I think, with a great deal of understanding with the objective of getting affirmative legislation under what looked like the most difficult circumstances.

I would like to repeat that I have been in touch for some time with the executive branch in discussions with respect to this entire matter, and I concur completely in what the distinguished Senator from Wisconsin and the distinguished Senator from New York have said regarding the likelihood of the bill being vetoed if the changes in the Senate version are not made.

I also concur in the fact that assurances would be entirely appropriate that if the change is now worked out in the way it is proposed to be worked out, that the bill will receive favorable consideration by the Chief Executive.

I thank the Senator.

Mr. NELSON. Mr. President, may I say this proposal for an independent Legal Services Corporation was first considered in 1971 and, after extensive hearings on both the House and the Senate side, we finally reached an agreement on an independent Legal Service Corporation which the administration itself initiated and proposed.

It went to the President and it was vetoed because of objections by the President to that particular bill regarding appointment of members of the Board of Directors of the Corporation.

Then in 1972 we went to great lengths to work out another independent Legal Services Corporation bill and we could not agree in conference with the House on a bill that both Houses could accept and could be signed into law.

Then again in 1973, more than a year ago, we proceeded with hearings and markup on another independent Legal Services Corporation bill.

We finally went to conference, holding seven sessions over an extended period of time. We finally reached agreement on the conference report that is before us.

I regret very much the necessity for removing the backup centers, but it is perfectly clear that without removing the authority to make grants and contracts for backup centers the bill will not be signed.

This bill is the result of carefully extended bipartisan consideration within the committees in the Senate and in the House. It represents 3 years of effort and compromise, and I would hope that we would be able to reach a final conclusion after 3 years of work on this bill.

Mr. President, I ask unanimous consent that there be printed in the RECORD an excerpt from the Senate Committee Report No. 93–495, on the Legal Services Corporation on the consideration of this legislation by the Senate Labor and Public Welfare Committee before the bill was reported to the Senate.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CONSIDERATION OF LEGISLATION

On May 15, 1973, Senators Javits, Nelson, Taft, Schweiker, and Beall introduced the administration's proposed legislation to establish a Legal Services Corporation.

The bill reported by the committee is based upon the Administration's proposal. It was considered in executive session by the Subcommittee on Employment, Poverty, and Migratory Labor on October 2 and 3 and was ordered reported by the full Labor and Public Welfare Committee on October 10.

The framework of and the essential principles embodied in the committee-reported bill have been thoroughly considered by this committee during the past 3 years.

During the 91st and 92d Congresses, the Poverty Subcommittee held 8 days of hearings specifically devoted to the legal services program. In addition, many witnesses have testified concerning legal services at hearings on Economic Opportunity Act programs in general, both in Washington and at field hearings around the Nation this year.

A title to establish a Legal Services Corporation was included in the Economic Opportunity Amendments of 1971. That legislation passed the Senate on September 9, 1971, but the conference agreement was vetoed on December 10, 1971. While much of the veto message related to matters in the bill other than legal services, the President in his veto message stated his objections to the make-up of the board of directors and certain transition provisions.

Again in 1972, both the House and Senate included a title to establish a Legal Services Corporation in the Economic Opportunity Amendments of 1972. However, differences between the House and Senate relating to Administration concerns about the appointment of members to the board of directors and other matters proved irreconcilable and the joint conference committee was unable to reach agreement on a legal services title.

Mr. HELMS. Mr. President, will the Senator yield for a question?

Mr. NELSON. I would yield to the Senator for a question.

Mr. HELMS. Did I understand the Senator to say hearings on this bill were held in January 1973? Is that the way the Senator stated it?

Mr. NELSON. I misspoke. We had held hearings on this bill in the two previous Congresses. We did not reach agreement on that bill in conference, but it was substantially the same bill we began with this session, so we did not hold hearings in 1973.

Mr. HELMS. One further question, Mr. President, if the Senator will yield.

Mr. NELSON. Yes.

Mr. HELMS. That makes the situation one in which this 93d Congress, and this Senate, as now constituted, has not had hearings on this legal services corporation bill; is that correct?

Mr. NELSON. That is correct. There was not anything left to have hearings on, since we had been over it many times.

Mr. HELMS. If the Senator will yield further——

Mr. NELSON. I yield for a question without losing my right to the floor.

Mr. HELMS. Mr. President, is the Senator aware that the distinguished Senator from Tennessee and the Senator from North Carolina had a legal services corporation bill that was never considered?

Mr. NELSON. Yes. Counsel advises me it never came to our committee so it would not have been my responsibility. I understand that it went to the Judiciary Committee.

Mr. HELMS. But insofar as the distinguished Senator from Wisconsin knows neither Senator BROCK nor I was invited by your committee to express any opinion about this legislation, let alone advocate our own proposal for providing legal services for the poor.

Mr. NELSON. That would not be my recollection, Senator. The distinguished Senator from Tennessee and the distinguished Senator from North Carolina expressed their opinion at considerable length on the floor of the Senate on the pending bill.

Mr. HELMS. Yes, but that was after, if the Senator will forgive me, the distinguished committee had drafted its ideas of legislation, and information that has been available to me is that this bill was marked up by your committee in secret or in executive session. Without being critical of anyone in this matter, the rest of us simply did not have a look-in until it was a fait accompli.

I thank the Senator for yielding.

Mr. CRANSTON. Mr. President, would the Senator yield?

Mr. NELSON. I would just like to add that after we had exhausted all administration testimony, had exhausted all testimony from interested parties from all over the United States, and had exhausted the committee itself, under the theory of the Senator from North Carolina the distinguished junior Senator from Ohio would have the right to stand on the floor when he was appointed and arrived here a few months ago and say, "Senator, I did not get a chance to appear before your committee; therefore, I object to the bill."

Mr. HELMS. The difference being——

Mr. NELSON. I will yield for a question without losing my right to the floor.

Mr. HELMS. Very well. I do not know that I can state it in a question, but I will do the usual and say, is it not correct that this was new legislation at the beginning of this session of Congress?

Mr. NELSON. There was not very much new about it because we have been hashing, rehashing—hashing, rehashing—the question of the continuation of a legal services program which has been around for several years. In fact, all the fundamental principles of legal services, of this corporation, all the sections that are in the legislation here either from the old legislation or from modifications that were more restrictive than the old legislation have been exhaustively discussed.

Mr. HELMS. Mr. President, if the distinguished Senator will yield further—and I will try to phrase it in the form of a question again——

Mr. NELSON. I am perfectly willing to let the Senator do so without asking a question, if I do not lose my right to the floor.

I ask unanimous consent to allow the distinguished Senator from North Carolina to make whatever observations he would like to make, without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I thank the distinguished Senator for his courtesy.

Mr. NELSON. For 5 minutes?

Mr. HELMS. Oh, much less than that. I would simply comment that the distinguished proponents of this legislation now find themselves in a box of their own making—perhaps because the rest of us were not given a look-in on this proposition. I hope that in the future interested parties will be permitted to participate—and I do consider myself an interested party. I reiterate, as the distinguished Senator well knows, that there was no way I could participate in any hearings prior to 1973. I was not elected to the Senate until November of 1972 and took office on January 3, 1973—the beginning of the 93rd Congress. At that time and, in perfectly good faith, the distinguished Senator from Tennessee and I submitted a bill which, frankly, we were prepared to demonstrate, if given an opportunity, is far superior to the bill now pending before the Senate.

We wish our bill had been given consideration. It was not given consideration. We made a request of the distinguished chairman of the subcommittee of the Judiciary Committee that we be heard on it, and nothing ever came of that.

We made other inquiries and, again without any suggestion of impropriety or discourtesy on the part of anyone, the fact remains that we were shut out from any participation in this legislation until it was an accomplished fact. I wish that somehow the proposal of the Senator from Tennessee (Mr. BROCK) and I could have been given consideration, to let the Senate decide whether it has merit or not. We happen to think it does. I thank the distinguished Senator for yielding.

Mr. NELSON. I thank the Senator from North Carolina. I will submit for the RECORD prior to the conclusion of the discussion of this measure all the days of hearings and a list of the witnesses who appeared. Actually I would say to the Senator from North Carolina we did not have any more witnesses by 1973 who wanted to appear. Now it may have been that if the distinguished Senator from North Carolina had asked the committee, we would have set aside a day for him to appear. We could not think of anybody in the United States who, after all this period of time, had not been heard. I realize the Senator from North Carolina——

Mr. HELMS. Mr. President, I hope the RECORD will show the Senator from North Carolina is shaking his head because I certainly wanted to be heard on this, and I never was.

Mr. NELSON. As to the question of the bill the Senator submitted, it was referred to the Judiciary Committee. I don't know why a hearing was not held over there, but my recollection in any event, is that, the Senator had his opportunity to persuade the Senate because he offered his amendments on the floor during the 8 days this legislation was before us; is that not correct?

Mr. HELMS. The Senator is entirely correct, but as is the custom in this body, 4 or 5 Senators, or even fewer than that, were on the floor at the time, and the Senator knows the name of the game. Few Senators heard or read the proposed amendments by the Senator from North Carolina. There was no consideration of our position in the matter. I realize this is the way it goes with a great deal of legislation in the Senate, but in this case it is my ox that is being gored—and the ox of the people of this Nation—and certainly I regret it.

But let me proceed, for a few minutes, with an assessment of this conference report.

Mr. President, today we are considering the conference report on H.R. 7824, the bill to set up an independent legal services corporation. The bill, we are told, is a compromise between the Senate and House versions. We are told that politics is the art of compromise, and, the compromise having been reached, the moment has arrived to back down from tentative negotiating positions, and accept what has been bargained for in good faith. Any bill, we are told, is better than no bill. Under this reasoning, all Senators are urged to accept the conference report and the President is urged to sign the bill into law.

But this superficially reasonable argument falls to pieces when the special circumstances are examined. It is always wise to ask just what kind of a compromise this is. We must ask what is compromised. Technically speaking, it is a compromise between a permissive, though heavily amended House bill, and a very permissive Senate bill. The advocates of an independent legal services corporation have fought the battle in both Houses, and in both cases came up with bills that fundamentally reflected their views on the nature of the corporation and its role in American society. Some restraints were imposed by the House, but nothing to alter the fundamental character of the institution being created. A few amendments were added in the Senate. The conference made technical adjustments in the two bills. But even more of the House-passed safeguards were watered down.

Indeed, there were nearly a hundred points listed in the conference report where the conferees made concessions. But in scarcely half a dozen of these concessions were the provisions improved—and those mainly in minor areas of recordkeeping and audits. In most of the cases, the House conferees agreed to recede from their bill whenever their bill was toughest; and the Senate conferees cooperated by receding from their language whenever the Senate bill was the toughest. In other words, whoever, on either side, had the toughest language, backed down. So the "compromise" is not in the direction of the House bill or the Senate bill; the "compromise" is back toward the permissive concept of legal services that both Senate and House implicitly rejected in their versions of the bill.

Now I have used the term "permissive" and alternately the term "safeguards." What is being "permitted?" And what is being "safeguarded" against? Is there an implication that the poor will get too much legal counsel, or that they are somehow worthy of only second-rate professional assistance? Nothing could be further from the truth. I myself have been a strong advocate of improving the delivery of legal services to the poor. From the standpoint of my constituents in North Carolina alone, I would have to be an advocate of improving legal services, since the present system—and there is nothing in the proposed system to alter the situation—has cheated and shortchanged the poor people of North Carolina of millions of dollars that would be due to them if the available funds were distributed equitably on the basis of need.

It is my belief that every poor individual in North Carolina should have access to the courts at the time of need; and the same is true of individuals in every other State who are so poor that the courts of justice are denied to them. But I further believe that the only way to provide high quality service, experience, and wisdom is to provide it through the local bar—through men who are engaged in the ordinary practice of law of all kinds, and who are responsible to the local and State-elected officials, and through them to the people as a whole. In other words, any such corporation, financed with public funds, must be accountable to the public.

Over a year ago, in company with the distinguished Senator from Tennessee (Mr. BROCK), I introduced a bill, S. 1990, to establish a legal services corporation embodying this concept. The corporation would have provided money directly to the States to set up local projects in conjunction with the local bar. This bill was introduced before the bill which passed the Senate last fall was written. No hearings were held on our bill, S. 1990, even though it was an entirely new concept and even though it was introduced after a great public debate had arisen over the nature of the Office of Legal Services in OEO. In fact, no hearings at all were held before the Senate bill was written and reported to the floor, despite the great changes which had been wrought in OEO in the meanwhile.

But the advocates of an independent legal services system do not want a legal services delivery system that is accountable. With all due respect to their intentions, I submit that the very nature of the system they propose is to render the corporation not accountable to the people.

First of all, the corporation is independent. By independent they mean that it is free of political control. They mean that local bar associations, local governments, even State governments will have little power to interfere with the activities funded by the project. Yes, indeed, even the Congress of the United States will have very little power to control the corporation once the Board of Directors has been appointed and the money appropriated. The implication seems to be that the elected officials of this Nation—local, State, and Federal—are so benighted and unjust that they will abuse their powers and prevent poor people from getting what is rightfully theirs.

Second, the present Office of Legal Services, and its funded recipients, are in the hands of a radical group, with pronounced social views; and the transition procedures in the bill before us are such that it would be impossible to extricate them from the apparatus, even if the new Board of Directors wanted to do so. The structure of this new corporation will be based upon the same staff-attorney system as at present, which frequently brings in out-of-State attorneys with little knowledge of the local scene, eager to attack what they conceive to be the local power structure.

The staff-attorney system insulates the attorney from the normal constraints of the legal profession and provides him with a salary, no matter what his level of social irresponsibility.

Third, the proposed corporation is independent of the poor people it is supposed to serve. It is ironic that the whole purpose of this system is to deliver legal services to the poor, but the poor have the least to say about it. To be sure, the self-proclaimed "leaders of the poor" will see to it that they, themselves, are institutionalized into the decisionmaking—and funding process. But the poor people themselves will have little to say about the priorities, about what kind of cases will be handled, and how many. Because of the staff-attorney system and the national guidelines, we may expect to see a great portion of resources programed toward social revolution and manipulation of the law. We may expect to see more class action suits of the sort that destroyed our abortion laws, increased welfare payments, forced busing upon suburban educational systems, attacked the property tax as the basis of local funding of schools, and so forth. "High quality legal services" is a euphemism for unfettered social agitation in the courts.

It is strange that we hear much about the necessity to leave the attorney free to practice as he sees fit—on taxpayers' money—but we hear little about the desirability of allowing the poor client to choose an attorney as he sees fit. Is it not degrading for the client to have to go stand in line, and hope that the quota on his type of case will not be filled before he gets there? Instead of contributing to the individual dignity of the poor citizen, the proposed corporation collectivizes him, just as it socializes the practice of law. The poor man, already burdened with his legal problem, is crushed by the weight of another insensitive bureaucracy.

Finally, we must come to the conclusion that this so-called independent legal services corporation is not really interested in the poor person as an independent citizen. It is interested in exploiting poor people in the name of class warfare. This bill is frankly deceptive to those who do not understand the special code language employed. For example, everywhere that one reads the term "eligible client," one would ordinarily think of some poor individual having landlord trouble, or domestic trouble, or credit trouble. And indeed, there will be many cases where such is true.

But it is also true that "eligible client" means an organization composed of poor people or that advocates issues in the name of the poor, or both. With this in mind, one has to think through the impact of this bill by substituting the name of an issue-advocacy organization wherever one sees "eligible client." Thus, wherever we see political activity proscribed, with the qualifier, "other than legal advice and representation," we have to remember that the "eligible client" may well be the "National Welfare Rights Organization," the "United Farm Workers Organizing Committee" of Cesar Chavez, the "American Indian Movement," the "National Tenants Organization," and the like. This is not the place to argue the merits or lack of merits of such organizations; there are doubtless some strong supporters of some of these organizations in the Senate. I think all would agree, however, that it is unjust for Federal funds—the common taxpayers' funds—to be expended in support of the goals of these groups, particularly when they assert the interests of one group over those of other groups.

Mr. President, advocacy organizations do not represent the common interest, whether they are based on narrow special interests—such as the welfare rights groups, or the Cesar Chavez operations—or whether they assume the pose of broad-based support, such as many of the self-proclaimed "public interest" groups organized by Ralph Nader and others. They are all advocating a particular point of view. And, like all activist groups, this view is formulated by an intellectual elite. Through agitation, mobilization, organizing, or whatever you want to call it, they attempt to inculcate a sloganized and simplified version of this point of view in their membership of self-selected constituency. Let us face the fact that, whatever their intentions, revolutionary and reformist groups are always composed of an organized elite that uses various techniques of psychological warfare and sometimes violence to impose their views upon the multitude.

It is a basic tenet of American society that we are bound by our Constitution, our laws, and our democratic process. If any of these are subverted, our freedom will be lost. Our system of social justice assumes the basic rectitude of our social system. If injustices are present, we work to change these through the democratic process. At one time, the integrity of the Constitution was guarded by the U.S. Supreme Court; but now the Court can interpret the Constitution as it pleases, without regard to its original meaning and interpretation. The judicial branch of the Federal Government is specifically nonrepresentative. And, because it specifically does not represent the people, the judicial branch has become the target for action-minded advocacy groups that claim to represent special interests. In other words, intense pressure upon the judiciary through legal action is the weak point in our national structure. It circumvents the democratic process. It unbalances the system of checks and balances. And it nullifies the delicately interconnected legislative system that has been our pride and heritage since 1789.

It is the wholesale attack upon the will of the people—as expressed through State legislatures, through the House of Representatives, and through the Senate—that is the fundamental error of the proposed Legal Services Corporation. Advocacy groups are restrained somewhat by the multitude of their numbers, their lack of real support from their self-selected constituency, the difficulty of organizing legal talent across the board, and the problem of coordination of legal strategies. Until recently, their funding came from private and charitable sources. They were simply one other voice in our pluralistic society advocating their own view, and had to contend in the struggle on the same basis as every other point of view. But if they are able to tap Federal money without Federal restraint—and that means money taken from all taxpayers, even the majority that they oppose—then they become an unelected fourth branch of government accountable to no one. They become the only branch which is unrestrained by the democratic process.

So, even though the Legal Services System does indeed represent individuals in individual cases, it has, in the past, represented advocacy groups and will continue to represent them. Moreover, legal representation of advocacy groups, as specifically permitted by the conference bill, is the strongest weapon these groups have to attain their partisan goals.

Yet, the Legal Services Corporation set up by this bill goes beyond mere representation of other advocacy groups; it becomes the most powerful such advocacy group in the Nation. It has its staff of nearly 3,000 lawyers, joined together in a supernetwork by various communications techniques: Clearinghouse services, conferences, and the employees of the national corporation. In addition to the lawyers, the legal services network has the assistance of thousands of trained activists and paraprofessionals who are not members of the bar. Is it for this reason that proponents of the Legal Services Corporation concept have been so anxious to keep authorization and funding for "training programs" and authority for funding attorneys who are "admitted or otherwise authorized by law, rule, or regulation to practice law?" Thus, a legal services attorney does not have to be admitted as a member of the local bar, or, indeed, any bar; and paraprofessionals not admittable to the bar can perform functions designated by the guidelines.

Behind this broad field of operations, of course, are the so-called backup centers. It is in the backup centers that the legal strategy is prepared to attack the laws passed by Congress. But their functions go beyond ostensible research. The backup centers provide the initiative for law reform; they write amicus briefs; they engage in advocacy training so that the trainees can do the things that the corporation itself and its recipients are prohibited from doing; they draft model legislation on the State and Federal level; they draw up proposed changes in the regulations of executive branch agencies, and so forth. The backup centers are the think tanks for the program, but they operate in many fields other than mere research.

The conference bill provides that the authority of the Corporation to make contracts for research terminates on January 1, 1976. But, in further language that is a masterpiece of sleight of hand, the next paragraph after this authority provides that during the 6 months previous to that date, Congress, by concurrent resolution, may end or extend that authority. And further: That if Congress fails to take action, the authority is automatically extended for 1 year.

Bear in mind that this authority is authority to make contracts, so that the actual operation of backup centers for research could extend for 2 or 3 years or more beyond. Yet, this insignificant restriction applies only to research functions, and not to the myriad of other functions which they presently perform. So, even if the backup centers were to be eliminated for research, they could remain for other purposes, or the functions could be transferred to other legal services recipients.

Mr. President, it is a vain hope that the appointment of a "responsible" Board of Directors—that would write purportedly "tight" guidelines—would place restraints upon the proposed Corporation and its recipients. In the first place, there is no political control over the directors once they have been appointed. And even if they wished to write tight guidelines, they are prevented from doing so by this bill, which lacks in permissive standards on lobbying, picketing, outside compensations, and other forms of social manipulation.

In the second place, most of the present personnel will be carried over en masse into the new Corporation, with special protections written into this bill enabling them to have a special status conferred by regulation.

In the third place, there is a grandfather's clause protecting the grants of present recipients whose boards of directors do not have the requisite number of attorneys to qualify.

Finally, funding cannot be suspended for recipients. The bill provides for automatic interim funding of any current recipients until their applications for refunding have been approved or denied; if refunding is denied—even for violating regulations and prohibitions—the recipient still has a lengthy process of trial-like proceedings before the funds can be cut off. Therefore, the present employees and recipients, with their peculiar views of social activism, are locked in for as long as they want to stay.

Mr. President, the issue here is not the delivery of legal services to the poor. If the proponents of this bill really were interested in providing poor people with the same kind of access to the courts as ordinary citizens who engage attorneys in private practice, then they would have provided a client-oriented system. They would have chosen a system that would allow the poor client to choose the attorney that he wished to work on the type of problems that were important to his individual needs. They would have chosen a system responsive to the democratic process.

But they did not. They chose to perpetuate a staff-attorney bureaucracy. Under their system, the client has no choice whatsoever. If he wants help, he must go to the local project, where only the staff attorneys or paraprofessionals are available to him; and often as not he does not even have the choice of which one will work with him. Indeed, he has no guarantee that they will take his case, if the quotas of cases in the area of his need have been exhausted.

And, at the same time, the proponents of this bill have chosen to institutionalize legal advocacy for social change and manipulation. They are setting up a system that circumvents the normal and proper democratic process, and that is insulated from the normal accountability channels of our political system. For, even though there are apparent prohibitions on partisan political activity, the broader political questions, the politico-philosophical questions about the distributions of rewards and benefits, are what is at stake. Are we to handle these questions through political give-and-take of our system, thereby achieving a strong consensus of popular support? Or shall the taxpayers set up and finance an unaccountable independent agency—an instrument that is not even a Federal agency—to attack the basic interests of the majority?

Mr. President, the only way to settle this question equitably is to vote to reject the conference report on H.R. 7824.

Mr. NELSON. Mr. President, I ask unanimous consent that I may yield 3 minutes to the distinguished senior Senator from California without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from California is recognized.

Mr. CRANSTON. I thank the Senator very much. I thank the Senator from Wisconsin for his very long, hard, and arduous work in this matter. And I want to note, too, the great contribution of the Senators from Minnesota (Mr. MONDALE), New York (Mr. JAVITS), and Ohio (Mr. TAFT), in bringing us to this point today.

Mr. President, it is with a heavy heart that I rise to urge the Senate to support the tabling motion of the distinguished Senator from Wisconsin (Mr. NELSON), the floor manager of the Legal Services Corporation Conference Report on H.R. 7824, in which motion I most reluctantly join. The best judgment of those best able to make a judgment about the likely action of the President with respect to this conference report is that the President will veto it. There is, of course, no way to know this for sure expect for the Senate to approve the conference report and send it down to the President.

But, Mr. President, we have heard the viewpoints expressed by the senior Senator from New York (Mr. JAVITS) and the senior Senator from Ohio (Mr. TAFT) that, based on their best judgments after consultations with administration officials at the highest level, the conference report as is, would, in fact, be vetoed by the President.

Mr. President, based on the 223 to 146 vote in the House of Representatives, which would act first on a vote to override a Presidential veto on this bill, there seems little possibility that the votes would exist in the other body to override a Presidential veto of the conference report. The alternatives available to us if this conference report were thus so defeated would be, I am sorry to say, very much more unfortunate—under any realistic assessment—than the compromise which we have agreed to with the President and with leaders of the other body on this conference report; that is, to revert to the language of the original House bill prohibiting grants or contracts for backup centers.

Mr. President, there is absolutely no valid reason for the deletion of this provision except to bring about the enactment of this measure. Backup centers have placed a useful constructive responsible role in providing justice for the poor.

Mr. President, the alternatives that would be available after the demise of this conference report would be to attempt to deal with the future of legal services programs in the context of the legislation to extend the Economic Opportunity Act provisions or reenact them in a new piece of legislation as the House has already done in H.R. 14449. Since the House bill contains new provisions dealing with the legal services program, we in the Senate would be at an extraordinary disadvantage in any conference and subsequent action in attempting either to develop further legislation to establish an independent Legal Services Corporation or to transfer the program from the Office of Economic Opportunity to the Department of Health, Education, and Welfare. In either case, such a legal services provision would almost certainly have to go back to the House floor for separate consideration and separate voting outside of any conference report on that OEO legislation.

Thus, Mr. President, we have come to a conclusion, albeit hesitantly and sorrowfully, that we have no alternative but to proceed with this compromise procedure so that the House may act expeditiously to add a substitute amendment after the bill is returned to it which would contain the provision of the conference report on H.R. 7824 modified so as to adopt the House provision on backup centers.

Mr. President, this sort of procedure should never had been necessary if we had had a President and an administration truly committed to equal justice under law. When we worked out a compromise with the administration on the Senate version of the bill, they agreed they could live with it. Now they say they will veto a bill very substantially altered to reflect numerous provisions of the weaker House version. This is hardly good faith negotiation. Neither the 1971 nor the 1973 bills which the President submitted to establish an independent Legal Services Corporation included these kinds of restrictions on the funding of backup centers.

I will not make my basic floor statement on the legal services bill at this time but will do so upon final Senate action on this compromise version.

LEGAL SERVICES CORPORATION ACT:
A POSITIVE STEP

Mr. PROXMIRE. Mr. President, our legal system is based upon the principle that every American is the equal of all his fellow citizens in his relation to the laws of this Nation. But this theoretical equality is hollow unless every American has access to the tools which can make our courts work toward truly just ends. I am supporting the Legal Services Corporation Act of 1974, recently approved by a House-Senate conference committee, because it establishes an important mechanism for insuring that such tools are made available to all Americans.

The act creates a nonprofit corporation to provide low-cost legal services to American citizens. The Corporation would be able to contract with individual attorneys or with firms to provide this assistance, and would also serve as a national clearinghouse and research center for legal aid programs. An especially important focal point of this research would be the analysis of alternative means of furnishing adequate legal assistance for every American.

In addition the act defines the boundaries of federally supported legal aid efforts. It prohibits lawyers employed by the Corporation from engaging in any partisan political activities during the time of their employment, and from encouraging or participating in any form of civil disobedience. And it forbids expenditure of Federal moneys on criminal proceedings, abortion litigation, and school desegregation cases. Under the terms of the act the Corporation has the power to establish eligibility criteria which would permit those with incomes above the poverty level to qualify for help. Also, persons who refuse to accept or seek a job would be ineligible for federally financed legal aid.

The Legal Services Corporation Act is an important step toward adjusting our legal system to meet the needs and demands imposed by contemporary mass society. It establishes an institutional framework which can provide our citizens with the capability to seek the full protection and relief to which they are entitled under our laws. In sum, it can give substance to our traditional dedication to equality and justice under law.

Mr. COOK. Mr. President, it is very likely that the Senate will soon vote on H.R. 7824, which will establish an independent Legal Services Corporation within the Economic Opportunity Act. As we all know, this legislation has been the subject of much controversy, and the supporters of this bill have delayed this final vote because they were afraid the President would veto it, even though it is very similar to the administration's proposal.

I have favored legislation of this nature since I came to the Senate, and in 1971, I introduced a bill which would have established an independent Legal Services Corporation.

I still strongly support legislation of this nature, and as a member of the Subcommittee on Representation of Citizen Interests, I have attended hearings which have repeatedly stressed the impotrance of providing legal services to those unable to afford representation by an attorney. I believe this bill will make such assistance possible.

I urge my colleagues to support this bill and vote for its final passage.

At this time, I ask unanimous consent to include in the RECORD several letters which I have received in support of H.R. 7824.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Courier Journal, July 9, 1974]

WILL MR. NIXON DARE REPUDIATE "LEGAL SERVICES"?

The votes of all four Kentucky and Indiana senators most likely will be cast in favor of creating an independent legal services corporation to serve the poor, when a bill on that subject comes up for consideration tomorrow. Both senators from each state were on the right side on January 31, when the upper chamber finally approved the measure. We hope all four senators will vote tomorrow—when the Senate-House conference report on the bill will be considered—since the highest possible total is needed to discourage a presidential veto.

In the January vote on final passage, Senator Hartke was paired for the bill, and Senator Cook was announced for it. Senators Bayh and Huddleston were on hand to vote "yes". The final count was 69-17 for passage.

According to the Action for Legal Rights lobby in Washington, an even bigger margin is "imperative" this time. Since mid-May White House officials have warned of enormous pressure exerted on the President to veto this bill, and the pressure is supposed to be coming from the very conservative members of Congress on whom Mr. Nixon might depend for survival in an impeachment trial. The President's Domestic Council has had heated debates on this question, almost daily.

BILL ALREADY WEAKENED

The friction within the administration is understandable, since to veto the bill the President would have to repudiate his own past position. Moreover, he would have to desert a compromise arranged for his benefit. The President had refused to sign any bill which wouldn't give him the power to appoint all members of the legal services corporation board, so the bill was rewritten to meet his objection, even at the price of giving the President too much control over the corporation.

The bill ought to be passed in its present form and sent to the President. More weakening simply isn't justified. The bill has been over-compromised to achieve a broad range of support. And the current support is extraordinarily broad, including governors from South Carolina to Massachusetts, bar associations from Arizona to New York and newspapers from Indianapolis to Washington.

If that sort of support out in the country won't convince the President he should sign the bill, maybe the roll call in the Senate chamber tomorrow will do the trick.

AMERICAN BAR ASSOCIATION,
Washington, D.C., July 8, 1974.

DEAR SENATOR COOK: I am pleased to transmit herewith a resolution urging favorable Senate action on the Conference Report on H.R. 7824, the Legal Services Corporation Act.

The resolution was adopted by the Board of Governors of the American Bar Association at its meeting on May 23, 1974, in Washington, D.C.

Sincerely,

HERBERT E. HOFFMAN,
Director.

AMERICAN BAR ASSOCIATION RESOLUTION

Whereas, The American Bar Association since 1970 has vigorously supported the enactment of legislation authorizing a federally-funded, nonprofit corporation to succeed the Legal Services Program of the Office of Economic Opportunity; and

Whereas, The U.S. House of Representatives on May 16, 1974, passed H.R. 7824, the Legal Services Corporation Act of 1974, as reported by a Committee of Conference of the House and Senate; and

Whereas, H.R. 7824 reflects a compromise of differing versions of legislation passed by both Houses of Congress after four years of Congressional consideration of the concept of a legal services corporation during which period the interests and concerns of all interested constituencies, including the organized bar, have been fully considered, debated and resolved; and

Whereas, H.R. 7824, in its current form provides a framework which will allow the continuation of a professional program of legal services to the poor;

Now, therefore, be it resolved, That the American Bar Association reaffirms its support for a National Legal Services Corporation; and

Further resolved, That the American Bar Association urges the United States Senate to expeditiously act favorably on H.R. 7824: and

Further resolved, That the President of the United States is urged to approve and enact H.R. 7824 if and when it is approved by the Senate; and

Further resolved, That the President of the American Bar Association is authorized to communicate the position of the Association to the Senate, the President and to state and local bar associations.

APPALACHIAN RESEARCH AND DEFENSE FUND OF KENTUCKY, INC.,
Prestonsburg, Ky., July 5, 1971.

Hon. MARLOW W. COOK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOK: I appreciated speaking with you in Washington recently, and I want to thank you again for your continued support of the Legal Services program and the current proposed legislation to create an independent legal services corporation.

As you know, the Legal Services Corporation bill is scheduled to come up for a vote in the Senate on July 10. I hope you will be able to be present and to speak in favor of the bill, or to submit any remarks that you feel may be appropriate to emphasize to the White House the importance and need for the legislation, for we continue to hear and fear the possibilities of a veto.

To that end I have enclosed a copy of an editorial from the Louisville Courier Journal which appeared prior to meeting of the conference committee but which I hope you will find helpful. I know you realize that the bill, as now written, is virtually the bill as proposed by the White House, and meets the objections of the President's 1971 veto message.

Thank you for your continued assistance in this matter.

Sincerely,

JOHN M. ROSENBERG,
Director.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, D.C., July 8, 1974.

DEAR SENATOR: It is our understanding that the Conference report on H.R. 7824, the bill to establish the National Legal Services Corporation, is scheduled to be considered by the Senate shortly, probably this Wednesday, July 10.

On behalf of the 135 member organizations of the Leadership Conference on Civil Rights, I want to express our support for the measure. Legal Services has proved to be one of the most effective programs ever developed by the Office of Economic Opportunity. It must be continued. H.R. 7824, in spite of its shortcomings, would continue this vital program. The demise of Legal Services would be a tragedy not only for the Nation's poor who look to this program to help them win their rights, but for every American who believes that all citizens are entitled to a system of equal justice. The issue is so clear, we see no reason to belabor it with a lengthy letter. We urge you to be present when the Senate takes up the Conference report and to vote for it.

Sincerely,

CLARENCE MITCHELL,
Chairman, Legislative Committee.

Mr. McGEE. Mr. President, I rise in support of the conference committee report that is before the Senate today. The legal services program was begun as a modest experiment under title II of the Economic Opportunity Act of 1964. I believe that it has developed into one of the most successful programs funded through the Office of Economic Opportunity—one well worth continuing.

In my State, the legal services programs are small. Nevertheless, the handle over 3,000 cases per year, thereby making an important contribution to the welfare of those who cannot afford an attorney. These programs have been popular in the communities they serve, both with clients and with the bar. For example, the local bar in Casper has contributed over 700 hours of work, serving clients referred by the legal services program. In addition, the director of that program is working with our State bar to implement a statewide program to provide legal assistance for the poor.

The bill we have before us is the product of months of negotiations and compromises. While no one is completely satisfied with the conference report, I believe we must adopt it in order to insure the continuation of the legal services program. Hopefully, within the framework we are creating, the work of providing meaningful access to our legal system for the millions who have always been unrepresented will be developed and expanded.

For the same reason, I fully expect that the President will sign the legal services corporation bill. The conference report is essentially the same as the bill he sent to Congress back in May 1973. It incorporates the structure he requested, and provides for an independent corporation, free from political pressures, and with more than adequate safeguards to insure that legal services programs will operate in a responsible manner.

Mr. MONTOYA. Mr. President, I am pleased to speak once again in support of the Legal Services Corporation Act (H.R. 7824) and to indicate to my colleagues the broad-based support this meaningful piece of legislation has in my home State of New Mexico.

The cornerstone of American jurisprudence—equal justice under law—has little meaning to those deprived of access to our system of justice because of their inability to afford legal counsel. During the past 9 years the noble experiment which is the OEO legal services program has demonstrated that equal justice can be a reality for the poor as well as the rich, and that opening the doors of justice to the poor is of vital importance to society as a whole. I agree wholeheartedly with President Nixon's summary of our experience with legal services when he said in his message of May 11, 1973:

> [M]ore than anything else, we have learned that legal assistance for the poor, when properly provided, is one of the most constructive ways to help them to help themselves. During this period, we have also learned that justice is served far better and differences are settled more rationally within the system than on the streets. Now is the time to make Legal Services an integral part of our judicial system.

The Legal Services Corporation Act of 1974 can insure that legal services becomes an integral part of our judicial system, and I urge that this body forthwith adopt the conference report accompanying that act. In so doing, I note that this bill is markedly similar to the original bill submitted by the President in May 1973; that differing versions have passed both Houses of Congress; and that the conference committee after full and fair consideration has resolved those differences. The good faith efforts to preserve the independence and integrity of this vital program require our wholehearted support.

There are currently six legal services programs serving the poor of six counties and two Indian tribes within the State of New Mexico. These programs are providing high quality and effective services to the low-income citizens in their respective areas, and the support for their continued efforts is widespread. I have received numerous letters of support for this bill from individuals and community groups throughout our State. The dean and faculty of the University of New Mexico Law School have endorsed this legislation.

The Governor, Lieutenant Governor, and Speaker of the House of Representatives of the State of New Mexico have endorsed the Legal Services Corporation Act. Mayors, local bar associations, church and civic leaders have all expressed support, and the Albuquerque Tribune editorialized its support for the Corporation.

I know that the support for this program in New Mexico is typical of the support which exists throughout the Nation. By responding to that support with an affirmative vote on this measure we are in a sense reaffirming our belief in the American system of justice.

I ask unanimous consent that a numbers of letters, telegrams, and documents in support of the Legal Services Corporation Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF NEW MEXICO,
Albuquerque, N. Mex., October 31, 1973.

Hon. JOSEPH M. MONTOYA,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONTOYA: The undersigned members of the faculty of the University of New Mexico School of Law urge your support of the Legal Services Corporation bill without further restrictive amendments.

We would also like to take this opportunity to thank you for your continued support of Legal Services.

Fred M. Hart, Hunter L. Geer, Pamela B. Minzner, Hugh B. Muir, J. Michael Norwood, Robert J. Desiderio, Leo M. Romero, Robert W. Walker, Cruz Reynoso, Albert Utton, Leo Kanowitz, Anne K. Bingaman, Helene Simson.

President RICHARD M. NIXON,
The White House,
Washington, D.C.:

As president of the Albuquerque Bar Association, the largest local bar association in the State of New Mexico, I urge you to sign the Legal Services Corporation Act. It represents a good compromise between House and Senate versions, and is markedly similar to the administration bill offered in March 1973.

Quality legal services on behalf of the poor is important to the bar and public alike, and enactment of this bill is necessary to assure that those services continue.

PHILLIP D. BAIAMONTE,
President, Albuquerque Bar Association.

JOINT TELEGRAM TO HOUSE AND SENATE CONFEREES FROM STATE AND LOCAL BAR PRESIDENTS

We support the legal services program and endorse the concept of an independent and professional legal services corporation. Thus we were disturbed when the corporation bill reported by the Education and Labor Committee was so destructively amended on the House floor last June. The constructive compromise of the Senate Committee on Labor and Public Welfare and the Administration recognizes the concerns of House members, yet restores to the bill the balance which the House Committee worked so hard to achieve. The Senate-Administration bill provides a framework for the delivery of services in accordance with the Code and Canons of our profession. We therefore urge its prompt adoption by the Conference Committee meeting later this month.

JOHN F. MCCARTHY, Jr.,
President, First Judiciary District Bar Association, New Mexico.

[From the Albuquerque Tribune, March 6, 1973]

LAWYERS FOR THE POOR

President Nixon's proposal to improve and expand legal services to the poor—under a new name and with independent status—deserves the support of both parties and swift action in Congress this year.

The program is based on the sound principle that every American, rich or poor, should be given reasonable access to legal counsel, even if it requires a tax-financed subsidy in some cases.

In 300 cities around the country, 2,500 young lawyers have been offering advice and services in non-criminal matters to the neighborhood people who simply couldn't afford legal aid if they had to pay for it themselves.

That's why it's important that legal services be maintained during the current dismantling of the Office of Economic Opportunity (OEO).

Under questioning by Congress, the OEO's new Acting Director, Howard J. Phillips, has promised to extend the old program for as long as a year. This should give Nixon's new program a chance to take root.

No one denies that poverty lawyers have been an irritant to public officials—especially in California, where they've often successfully challenged the welfare policies of Governor Ronald Reagan.

Vice-President Agnew has called some poverty lawyers "ideological vigilantes" more interested in social change than in the day-to-day needs of their clients.

But for every "vigilante" in the program, there must be 50 or 100 lawyers who help poor families get into public housing projects; or protect them against loan sharks; or make sure they are being treated fairly in city halls and county courthouses.

In his budget for 1973, President Nixon has set aside $72 million for a new legal services corporation—a separate agency with its own board of directors and operating staff.

The new agency, as visualized by the President, would be an independent organization, insulated as much as possible from political agitation and from any partisan point of view.

In the meantime, the administration should continue the existing legal services program until the new corporation can be formed.

JOINT TELEGRAM TO THE PRESIDENT FROM GOVERNORS AND MAYORS

We have long supported the national legal services program as an instrument which moves our nation toward its ideal of "equal justice under law." We therefore applaud the constructive efforts made during the last few months by representatives of your Administration and the Senate Committee on Labor and Public Welfare to fashion a workable compromise on the legal services corporation bill. The Senate-Administration compromise not only eliminates Senate and Administration differences regarding the composition of the Board, it also incorporates the concerns expressed by House members when they considered similar legislation last June. The Senate-Administration compromise is the culmination of a three year legislative process which now deserves enactment.

We understand that the legislation goes to conference shortly, and we urge your support of the Senate-Administration version of that legislation.

Hon. Bruce King, Governor of New Mexico, Hon. Philip Cantu, Mayor, Taos, New Mexico, Hon. Ray Baca, Chairman, City Commission, Albuquerque, New Mexico, Hon. Joseph E. Valdes, Mayor, Sante Fe, New Mexico.

JOINT TELEGRAM TO HOUSE AND SENATE CONFEREES FROM CHURCH, LABOR, CIVIL RIGHTS, AND OTHER CIVIC LEADERS

We strongly support the national legal services program and endorse the concept of a legal services corporation. While the compromise bill worked out by the Administration and the Senate Committee on Labor and Public Welfare establishes a corporation which is less independent and more restricted than we had hoped, it still provides the framework for a viable program. Since the Senate-Administration bill already reflects the concerns expressed by House members, we trust it will be adopted by the Conference Committee without further restrictive changes.

Hon. Robert Mondragon, Lieutenant Governor and President of the State Senate, New Mexico, Hon. Walter Martinez, Speaker, House of Representatives, New Mexico, Hon. Leo D. Catanack, Chairman County Commission, Sante Fe County, N. Mex., Father George Salazar, Arroyo Seco, N. Mex., Rev. Robert Salazar, Taos, N. Mex., Rev. Martin Graebner, Taos, N. Mex.

Mr. GRAVEL. Mr. President, the Senate will be voting soon on the conference report of H.R. 7824, the Legal Services Corporation Act, and I want to take this occasion to urge Members to approve of this vital measure.

I speak with particular reference to the work of the Legal Services in my State where since 1966, the program has ably represented Alaskan indigents, particularly in bush areas where no such service previously existed.

Alaska Legal Services has been a model of intergovernmental cooperation. Earlier this year, ALS joined with the State of Alaska in a suit to delineate the rights of minor shareholders under the Alaska Native Land Claims Settlement Act who were in the State's custody. In a similar fashion ALS is cooperating with the Bureau of Indian Affairs in representing Native allotment applicants in the Department of Interior appeal process. The assistance provided by Legal Services in the proper implementation of the Native Claims Act has been invaluable and has often served to clarify provisions of that complex and historical law which settled a century-old dispute of land ownership.

Another valuable service which ALS has rendered is the work on routine problems that would go unsolved without the presence of the legal services program. For example, in 1973 Alaska Legal Services processed 143 adoptions, most of which involve the legalization of traditional Native adoptions. Without such legalization there could be no proper disposition of benefits under the Alaska Native Claims Settlement Act.

The economic disaster in Bristol Bay and the ever increasing legal demands of village people in Alaska have necessitated opening offices in Dillingham and Kiana, two remote locations. Bristol Bay, an area comprised of about 10,000 Native fishermen and their families, is facing a season of near-depletion salmon runs and has been declared a national disaster by the President. Despite the addition of these needed offices, Alaska Legal Services program budget has not been increased to handle the expansion nor the growing allotment caseload due to th unsettled situation of the legal services program nationally.

Further, Legal Services' staff in Alaska earn from 25 percent to 50 percent less than comparable attorneys in other agencies. The present circumstances hinders retention and recruiting at a time when legal expertise for eligible Alaskans is urgently needed. I have been advised that the present quality and level of service will be difficult to maintain unless the national program of Legal Services is secured.

Therefore, I urge speedy passage of the conference report and plead with the President that the legislation not be vetoed. Legal Services has proven its usefulness nationwide and to lose this opportunity for attaining justice for all, regardless of financial ability, would be a tragedy.

With permission, I would like to insert in the Record an editorial from the Anchorage Daily News of June 26, 1974, which attests to the responsiveness of the Legal Services program in Alaska.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Legal Action

The justice in the bush conference in Minto this month could have been all wind-up and no delivery. But that hasn't been the case.

Within two weeks after the close of the conference, Alaska Legal Services has announced the opening of a new office in Kiana to serve the Kotzegue area. This little Kobuk River village will be the legal seat of a region that extends from Point Hope to Selawik. The action divides up the unwieldy Nome district which took in the entire poor, sparsely populated and almost exclusively Native northwest section of the state.

With an honest regard for human needs, setting up an office in a small village will bring legal services closer to the Native people. It is part of Alaska Legal Services plan to decentralize their program and "bust" the concept of the big agency town that draws scattered villagers to it. To bring two trained attorneys to the tiny settlement of Kiana should raise local pride a few notches, as well as serving some serious needs.

The two attorneys, a man and wife team, have already spent almost three years in Nome, circuit-riding to neighboring villages. In taking this new position, the two have also agreed to a cut in salary, to bring their income down to a more typical village level.

The Kiana office should open in late summer, followed by the opening of another similar office in Barrow to serve the Arctic Slope.

Once a substantial case load is built up in these areas, a legal center may grow, with the court system and other agencies pulled in to aid villagers. This of course could mean faster and more satisfactory resolutions of legal problems in these regions—and more justice in the bush.

There was much protest in Minto over the sad lack of adequate legal representation in the bush. Alaska's outback is awesome in the disparity between its size and population, and getting legal skill to the people is not easy. But Alaska Legal Services acted promptly and resolutely with an answer to the problem, and they are to be commended.

Mr. NELSON. Mr. President, before I make the motion to table, I wish to make one other point so that the Record shows that the language permitting contracting for research backup centers is almost identical with the language that was used in the administration bill. In fact, we are now removing the right of the Legal Services Corporation to contract for backup centers under the threat of a veto, even though that right was in every bill ever proposed by the administration.

Mr. President, I move to lay on the table the pending conference report on H.R. 7824, the Legal Services Corporation Act.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I move that the Senate further insist on its amendments to the bill H.R. 7824, the Legal Services Corporation Act.

The PRESIDING OFFICER. The question is on agreeing to the motion.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion and ask that it be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read the cloture motion, as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of Rule XXIII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion that the Senate further insist on its amendments to the bill H.R. 7824, to establish a Legal Services Corporation.

Mike Mansfield, Gaylord Nelson, Jacob K. Javits, Edmund S. Muskie, Alan Cranston, Thomas J. McIntyre, Claiborne Pell, Harold E. Hughes, Dick Clark, Jennings Randolph, Walter D. Huddleston.

Vance Hartke, Richard S. Schweiker, Edward M. Kennedy, Clifford P. Case, Robert Taft, Thomas F. Eagleton, Hubert H. Humphrey, Harrison A. Williams, Hugh Scott, Marlow W. Cook, John V. Tunney.

Mr. HELMS. Mr. President, let me say further that I find myself a bit astonished at the suggestion voiced several times here this afternoon that the President has made some sort of agreement that he will sign this particular Legal Services Act, provided only the backup centers are eliminated. This is not the information available to me. As I said earlier, there are many, many reasons the President should veto the measure—in addition to the backup centers. So removal of the backup centers—and they are not really being removed, only consolidated—will not make a silk purse out of this sow's ear.

Some Senators are suggesting that if only H.R. 7824 is changed to eliminate direct funding of the so-called backup centers there would be no real difference between the conference report on H.R. 7824 and the original administration proposal. That simply is not accurate. I wish to mention only some of the fundamental differences.

First. The administration bill prohibits all lobbying, except testimony before legislative committees. H.R. 7824 permits all kinds of lobbying when done on behalf of a client—with eligible clients including such groups as the American Indian Movement and the National Welfare Rights Organization.

Second. The administration bill bars representation of juveniles without parental consent. H.R. 7824 permits representation without consent for emancipated juveniles or in cases where it is claimed that the loss of a benefit or service might otherwise result. This opens the door to involvement, as in the past, on behalf of May Day demonstrators, student protest cases, sterilization and abortion issues, and a host of others.

Third. The administration bill prohibits involvement in "prisoners' rights" issues, including organizing and representation. H.R. 7824 permits such activity, except in the minority of cases where the conviction of the prisoner is also being challenged.

Fourth. The administration bill places control over general policy on when appeals may be taken to higher courts in the hands of the national board of directors and its staff. H.R. 7824 lets the grantees establish such policies on appeals and class actions.

Fifth. The administration bill prohibits involvement in State ballot proposition campaigns; H.R. 7824 permits such involvement when representing an eligible client.

Sixth. The administration bill prohibits the "outside practice of law"—the customary cover story to which staff attorneys resort when accused of improper activity. H.R. 7824 permits use of the "outside practice" cover, as long as the attorneys are not compensated. This provision is nothing other than a license to circumvent the prohibitions, since it is unlikely that many of the political action groups to which they lend assistance "on their own time" would be in a position to pay for all the resources and services they could now receive free. The staff attorney does not need compensation because he has a full-time salary anyway.

Seventh. The administration bill required lawyer majorities on the boards of local Legal Services projects. H.R. 7824 waives such requirements for all present grantees and some future ones—and, unlike the Administration bill, guarantees almost perpetual refunding.

Eighth. The administration bill requires that no less than 10 percent of available funding be reserved for client-oriented Judicare plans. H.R. 7824 locks in the staff-attorney system.

Ninth. The administration bill provides for citizen suits against the corporation to enforce prohibitions at a local level. H.R. 7824 includes no such provision.

Tenth. The administration bill requires that all persons providing legal services be admitted to practice law in the jurisdiction where representation is initiated. H.R. 7824 permits waiver of such requirement by rule, regulation, or similar authorization, thus permitting a lower standard for delivery of legal services to the poor than the standard available to private legal practice.

Eleventh. The administration bill permits revenue-sharing approaches to legal services, approaches which would decentralize program control away from the national staff bureaucracy. H.R. 7824 allows grants only to private groups and not to State and local elected officials, except to supplement existing grantees—grantees often controlled by such groups as the National Lawyers Guild and the American Civil Liberties Union.

The most important difference between the administration bill and H.R. 78244 is that the administration bill flatly prohibits the funding of public interest law firms. H.R. 7824 broadly authorizes such funding. Thus, even if the backup centers were eliminated in name, the functions they have performed could be carried out in the guise of public interest law. The same functions could also be distributed into the activities of other Legal Services grantees. Indeed, for some months now, the Office of Economic Opportunity has, in fact, been converting programs which were not intended originally as backup centers to include many backup center functions. Thus many staff programs which represent individual clients have also become involved in "law reform," amicus briefs, advocacy training, issue advocacy research, draft model legislation, proposed changes in regulations of executive branch agencies, and so forth. So if the backup centers are eliminated in name, their substance will be around for a long while anyway.

It is clear that the elimination of the backup centers from Legal Services legislation would not be sufficient to bring the bill in line with the administration bill introduced last year. Nor, as I indicated in my statement on the Senate floor on Monday, would it bring the conference report in line with the bill which passed the House on June 21, 1973. The conference report is far to the left of both bills, and minor surgery can never bring it in line with the President's pledge to veto anything to the left of the administration bill, or to the left of the House bill.

Mr. STENNIS. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. I am glad to yield to my distinguished friend from Mississippi.

Mr. STENNIS. Mr. President, I associate my thoughts and position with the Senator from North Carolina. He has done a lot of fine work on this matter.

Mr. HELMS. I appreciate the Senator's gracious remarks and his support. The Senator knows of my immense admiration and affection for him.

Mr. STENNIS. I endorse his position.

Mr. HELMS. I do thank the Senator.

Mr. McCLURE. Mr. President, will the Senator yield to me briefly for a comment?

Mr. HELMS. I yield to my distinguished friend from Idaho.

Mr. McCLURE. Mr. President, first I wish to join in the comments expressed by the Senator from Mississippi (Mr. STENNIS) for the very fine work the Senator from North Carolina has done in the analysis and presentation of criticisms of this legislation.

I would like to join with an earlier statement that the Senator made that while the senior Senator from New York may have had the assurances from the White House that the President will, indeed, sign this legislation if the backup centers are eliminated. I, too, have had assurances from the White House that the President will not sign this legislation simply with the deletion of the backup centers. We all recognize the White House has many voices and several occupants.

Mr. HELMS. That is one of the problems.

Mr. McCLURE. That is one of our problems in determining where the White House really stands and what will happen. Of course, only one man will ultimately decide what the White House will do and that is the man the people of the United States elected as President of the United States.

But the assurances that have come to me from people within the White House have been unequivocal. There is no room for any doubt concerning their position, and there is no doubt that those assurances given to me are that the President will veto this measure without the backup centers. Perhaps the Senator from New York or the Senator from Wisconsin have different assurances. Ultimately, that will be resolved if we pass this legislation.

I assume the vote count indicates they have the vote to pass the legislation or they would not be indulging in this exercise. I do not think it is intended to be simply a waste of time. I suspect they believe they have the gouge and they know how it is going to go.

Mr. President, I only want to make this record as plain as it could possibly be for those who may pay attention to the debate on the floor of the Senate, that at least some Senators have had assurances different from those already expressed emanating from sources in the White House, those assurances from people whom I regard as credible. They are people whom I think are in a position to speak with authority. They are people with whom I have had a number of conversations, and I believe them to be honest and honorable people.

I thank the Senator for yielding to me. I take this time to make the record abundantly clear at this point at least as to what my understanding of the White House position is.

I thank the Senator for yielding.

Mr. MANSFIELD. Will the Senator yield?

Mr. HELMS. Let me make one final comment and then I will be delighted to yield. There were contradicting reports about the President and his purported position on this bill at the time of final passage of H.R. 7824 earlier this year. Now we have the same contradictory reports. Mr. President, I am running into some of the most curious lobbying activities that I have even seen on any level of Government. I have received letters from presidents of State bar associations of a number of States indorsing this legislation. On just a spot check basis I called presidents of five bar associations and asked simply, "Have you read the bill?" I put it to them squarely. I asked, "Do you honestly know what you are endorsing?"

I would say to the distinguished Senator from Montana that five out of five said "No," that they knew nothing whatsoever about it.

What had occurred, I surmise, Mr. President, was this: A very small clique in the American Bar Association decided that this was the kind of legislation that they wanted, so they, in typical association style, shoved it through, and it carried all of the prestige of the ABA—whatever that is. It filtered down to the State bar associations and automatically went to committees composed of people who favor the most liberal kind of legislation in this field.

It was reported out of these committees, few of whose members, I daresay, had even read the legislation.

Then I began to get letters in support of this legislation. This is the curious thing, Mr. President: I would say to the distinguished Senator from Ohio, who is on the other side of this proposition, that five out of five State bar association presidents acknowledged to me that they knew nothing whatsoever about the substance of this bill. Yet they signed letters endorsing it.

Mr. President, this is why we should not have this bill before us. It certainly should not be enacted into law. We should take a fresh look at this legislation and let all sides be heard, not just one side.

I submit, with all admiration and respect for the distinguished colleagues who are proponents of this legislation, that both sides have not been heard, certainly not since this Senator has been a Member of the U.S. Senate.

I do not think this is the way to legislate. I certainly do not think this is the way to make good legislation.

Mr. President, I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I appreciate the courtesy of the distinguished Senator from North Carolina.

It appears from what I have heard on the floor this afternoon—and I do not know too much about this legislation or what has been going on in conference or between Members of Congress and the White House—that evidently if the conference report had been sent down as reported back to this body, it would have been vetoed by the President.

Mr. President, there are various stories as to what would happen with the motion, if it is agreed to, which is now before the Senate, if that is agreed to by the House and goes to the White House for final disposition.

There are some Members who say that the President will sign the bill on that basis. Others, such as the distinguished Senator from Idaho (Mr. McCLURE), and the distinguished Senator from North Carolina (Mr. HELMS), have indicated an opposite point of view.

May I suggest that, in order to resolve this question that the Senate agree to the motion before it, that the matter then go back to the House, which I understand the House will agree to, and that the matter then be sent to the President.

As the Senator from Idaho (Mr. McCLURE) has said, the President is the only one who knows what he is going to do. Why do we not both take that chance?

Mr. CURTIS. Will the Senator yield?

Mr. HELMS. I yield to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, I want to commend the distinguished Senator from North Carolina (Mr. HELMS) for his work on this legislation. There is always confusion about whether or not the President is going to sign or veto certain legislation.

The White House has gotten to be a good-sized bureaucracy. I suppose on any subject you can get a sympathetic reply to any question that might be proposed. None of this relieves the Senate and the House from acting responsibly.

Mr. President, this is not good legislation. It is not good legislation in the form agreed to by the conference committee. It is not good legislation were it to be sent to the White House under the arrangement now proposed.

Mr. President, I have a strong feeling that any objective study of the bill on the part of the advisers to the President would result in a veto of the bill. As a matter of fact, much has been said here concerning the elimination of the backup centers. I am sure that what is in the minds of those who have objected to this is a certain procedure or a certain practice—or the opportunity for certain practices—to which they are opposed. It is not based merely on words.

I believe that they could remove the backup centers, and, by organizing public interest law firms in the same strategic points, they can carry on the work of the backup centers. In other words, what is proposed here is a change in words but not a change in the proposed law under which our people must live.

This matter took many of us by surprise. We had every reason to believe that the conference report would be voted upon, as such. I could not support it. I do not favor this legislation. But I certainly believe that if, after the legislation has proceeded this far, some other proposal is offered in lieu thereof, there should be hearings and a chance for those entities in the country who are opposed to this legislation to examine the legislation and come in to an open hearing and state their objections to it.

I do hope that there will be a change in what is proposed to be done. I think we will be sending to the House of Representatives a very bad piece of legislation.

I thank the distinguished Senator for yielding.

Mr. HANSEN. Mr. President, will the distinguished Senator from North Carolina yield?

Mr. HELMS. I am delighted to yield to the able distinguished Senator from Wyoming.

First, let me say that I appreciate the comments and the very fine assistance of the distinguished Senator from Nebraska.

Mr. HANSEN. Mr. President, I simply want to say that, insofar as I am aware, there is nothing new in the proposal now being discussed to indicate that by eliminating the direct funding of the backup centers, the President will sign this measure. I think that numerous differences still would occur between the position of the White House and as it was spelled out in the proposals that were called for in the first place and what would remain in this bill.

I compliment the distinguished Senator from North Carolina for his interest in this matter, the followthrough that he has given it, his taking the time to inquire of various State bar associations. We have no indication in my office that this legislation is desired by the Wyoming Bar Association.

I hope very much that we do not hastily agree to a compromise or two that in the judgment of some would make it acceptable and warrant its being acted upon by the Senate.

I thank the Senator from North Carolina very much.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. HELMS. I yield.

Mr. TAFT. Mr President, I have no desire to belabor this matter.

For the edification of those who want to see what the details of the matter are, as to whether there is a similarity or lack of similarity with respect to particular provisions, I invite attention to the fact that on June 6, on page 17958 of the RECORD, I introduced an analysis of the Legal Services Corporation bill as introduced, as passed by the House, as passed by the Senate, as approved by the conference.

I also have made comparisons with the original bill as introduced in 1971 and 1973, at both of which times there was general approval of the concept by the administration.

It is unfortunate that we have on the floor of the Senate a discussion back and forth as to what the position might be with regard to assurances as to the signing of this bill. Obviously, I do not wish—and I am certain other Members of the Senate do not wish—to put on the spot, so to speak various representatives of the executive branch insofar as the public record is concerned.

I would repeat again, however, that I have had personal assurances from a number of authorities in the White House for the positions I have indicated, and I have no doubt about them. It may be that the positions have changed from what the positions were thought to be at an earlier time. The assurances I have received have been within the last day or so with regard to the representations that have been made, and I do not think there is any doubt about the representations that have been made on the floor of the Senate.

If the Members of the Senate who have indicated to the contrary wish to consult with me or with the distinguished Senator from New York, I think they can receive assurances that will quickly resolve any doubts they might have as to what this position is, and they will find out that it is as has been represented on the floor of the Senate.

So far as the backup centers are concerned, one thing ought to be said that is perfectly clear, and that is that the House language that is expected to be adopted still permits a full degree of research and backgrounding by the corporation itself. It merely prevents the contracting out of that service to other institutions, and I think that is very proper. If any legal services organization does not want to duplicate the work it has been involved in previously, it should have a source, as any good law firm should have, of research that has already been done by that organization.

I also invite the attention of some of the recent speakers to the fact that the bill, as it came from conference, has already received many assurances and changes in language that I think prevent the corporation from misusing the program.

It is basically a good program, as we have experienced, but there have been problems with it. In the colloquy earlier, I discussed with the distinguished Senator from Arizona the problems I had in my own campaign in 1966 with the Legal Services operation running a registration drive on a very selective basis, obviously a very partisan basis.

I think we have put in the language of the bill, as it came from the conference, all kinds of assurances that it cannot be misused into an improper use, politically or otherwise, or misused for purposes about which some Members have been concerned in the past, in connection with broad use in class actions. These assurances—if Senators will study the bill—are all in the proposed legislation.

If we see further abuses, we can call them to the attention of the Corporation and can take further action very quickly. I am sure that we will wish to do so, if we see that happen.

This bill represents the best possible compromise we could get in this direction at this time. It has been debated on and on, and I think that it is time we brought it to a close.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. JAVITS. Mr. President, I am pleased that the Senator has spoken as he has. I have not heard anything back and forth on our assurance that we are acting on a measure in a way which will bring about enactment into law by the President. I repeat that. The Senator from Ohio has repeated that. There is nothing back and forth on it.

If anybody has any doubts about it, why do we not do exactly as Senator Mansfield has said? Or would we rather, as those who oppose this measure today, try to kill the measure by having this conference report accepted because everybody knows it is going to be vetoed?

It seems to me that if one thing has been confirmed here today, it is that the opponents of this measure want this conference report accepted. That is pretty telltale and pretty clear, and it hardly ever has to be put into words.

Mr. President, one other thing: This measure has very substantial and distinguished support. I ask unanimous consent to have printed in the Record the resolution of the American Bar Association, adopted by its board of governors, dated May 23, 1974, approving of this measure, even containing the specific authority for backup centers. The ABA had not become a wildly radical organization by May 24, 1974.

I also ask unanimous consent to have printed in the Record a summary of the major provisions of the conference agreement—which will be modified by the proposed action in respect to item 4 dealing with the backup centers authority—prepared by counsel for the minority on the subcommittee, Mr. Scales, who is sitting beside me.

There being no objection, the material was ordered to be printed in the Record, as follows:

American Bar Association Resolution Adopted by Board of Governors

Washington, D.C.,
May 23, 1974.

Whereas, The American Bar Association since 1970 has vigorously supported the enactment of legislation authorizing a federally-funded, nonprofit corporation to succeed the Legal Services Program of the Office of Economic Opportunity; and

Whereas, The U.S. House of Representatives on May 16, 1974, passed H.R. 7824, the Legal Services Corporation Act of 1974, as reported by a Committee of Conference of the House and Senate; and

Whereas, H.R. 7824 reflects a compromise of differing versions of legislation passed by both Houses of Congress after four years of Congressional consideration of the concept of a legal services corporation during which period the interests and concerns of all interested constituencies, including the organized bar, have been fully considered, debated and resolved; and

Whereas, H.R. 7824, in its current form provides framework which will allow the continuation of a professional program of legal services to the poor;

Now, therefore, be it resolved, That the American Bar Association reaffirms its support for a National Legal Services Corporation; and

Further resolved, That the American Bar Association urges the United States Senate to expeditiously act favorably on H.R. 7824; and

Further resolved, That the President of the United States is urged to approve and enact H.R. 7824 if and when it is approved by the Senate; and

Further resolved, That the President of the American Bar Association is authorized to communicate the position of the Association to the Senate, the President and to state and local bar associations.

Summary of Major Provisions of the Conference Agreement on H.R. 7824—The Legal Services Corporation Act

(1) *Board:* Establishes a non-profit corporation governed by a Board of eleven members, appointed by the President with the advice and consent of the Senate; a majority must be lawyers and no more than 6 from same party. (Section 1004(a) at page 3).

(2) *State Advisory Councils:* The Governor of each state shall appoint a nine member advisory council, with a lawyer majority, for the program in each state (after receiving recommendations from state bar associations). (Section 1004(f) at page 3).

(3) *Grantees:* Corporation may provide financial assistance to individuals, partnerships, firms, organizations and state and local governments; in the latter case, a special determination must be made by the Board that the arrangement will provide services that will not be provided adequately through non-governmental arrangements. (Section 1006(a) (1) (A) at page 5).

(4) *Back-Up Centers:* Corporation retains authority to fund back-up centers, provided, however, that that authority terminates on January 1, 1976; during the period June 30, 1975 to January 1, 1976, the Congress may by concurrent resolution act with respect to the duration of the authority, but if the Congress fails to take action, the authority automatically extends until January 1, 1977. The Corporation must conduct a study and report to the Congress no later than June 30, 1975. (Section 1006(a) (3) at page 5; Section 3 at page 14).

(5) *Lobbying:* The Corporation shall not itself undertake to influence passage or defeat of any legislation, but it may testify when formally requested to do so by a legislative body, or so act in connection with legislation or appropriations directly affecting the activities of the Corporation. (Section 1006(c) at page 6).

No funds made available to recipients shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation, except as is necessary to representation by an attorney as an attorney for an eligible client (but nothing shall be construed to permit solicitation) or where a governmental agency, legislative body or committee requests personnel of the recipient to make representations. (Section 1007(a) (5) at page 8).

(6) *Political Activity:* "On-time" political activities are strictly prohibited. With respect to "off-time," staff attorneys (those who receive more than one-half their income from a recipient organized solely for the provision of legal assistance) are subject to the provisions of the Hatch Act, prohibiting interference in an election, coercing of political contributions, or taking an active part in political management or political campaigns, whether partisan or non-partisan. (Section 1007(a) (6) at p. 8).

(7) *Other Restrictions and Significant Provisions*

(a) No class action suits except with the express approval of the project director. (Section 1006(d) (5) at page 7).

(b) Court may assess legal cost and fees against corporation where it finds recipient's plaintiff "maliciously abused legal process". (Section 1006(f) at page 7).

(c) Corporation shall not interfere with any attorney in carrying out his professional responsibilities. (Section 1006(b) (3) at page 5).

(d) Attorneys must refrain from any compensated outside practice of law, and any uncompensated practice except as authorized by the corporation. (Section 1007 (a) (4) at page 8).

(e) Recipients must solicit the recommendations of the organized bar in the community being served before filling staff attorney position and give preference to qualified persons who live in the community. (Section 1007(a) (8) at page 9.)

(f) Attorneys must refrain from persistent incitement of litigation. (Section 1007(a) (10) at page 9).

(g) No funds may be used with respect to any criminal proceeding or in civil cases of persons who have been convicted of a criminal charge, where civil arises on acts or failures to act, and action is brought against officers of court to challenge a criminal conviction (Sec. 1007(b) (1) at p. 9).

(h) No assistance to any unemancipated persons of less than 18 years of age, but with certain exceptions. (Section 1007(b) (4) at page 9).

(i) Funds cannot be used for training persons for the purposes of advancing particular public policies. (Section 1007(b) (5) at page 10).

(j) Funds can not be used to organize any organization except for the provision of legal assistance to eligible clients. (Section 1007 (b) (6) at page 10).

(k) Legal assistance may not be provided with respect to any proceeding or litigation relating to the desegregation of any elementary or secondary school or school system. (Section 1007(b) (7) at page 10).

(l) No legal assistance shall seek to procure a non-therapeutic abortion, or compel to perform an abortion contrary to beliefs. (Section 1007(b) (9) at p. 10).

(m) No legal assistance with respect to any proceeding or litigation arising out of a violation of the Selective Service Act or of desertion from the Armed Forces. (Section 1007(b) (9) at page 10).

(n) The corporation will establish maximum income levels for eligibility, but each recipient will apply factors; preference given to persons least able to afford. (Section 1007 (a) (2) at page 7).

(o) Each project will have a governing body, principally of lawyers. (Section 1007(c) at page 10).

(p) Corporation will provide for a comprehensive independent study of existing staff attorney program (including demonstration) and report after 2 years. (Section 1007(g) at page 11).

(q) Attorneys may not engage in any public demonstrations, picketing, boycott or strike. (Section 1006(b) (5) at page 6).

(8) *Financing:* $90.0 million for FY 1975; $100.0 million for FY 1976; and "such sums" for FY 1977.

Non-federal funds must be separately accounted for; and are subject to restriction with two exceptions:

(a) public or tribal funds are exempt; (b) recipients, such as legal aid societies are exempt, (Section 1010 at page 12).

Mr. JAVITS. Mr. President, simply by way of summing up and making clear what has been argued here, I repeat—I do not think we are sensitive around here—that the Senator from Ohio and I have said that we have assurances sufficient to represent to the Senate that if this bill is passed this way—without the specific authority for backup centers—the President will sign it. I have yet to hear anybody make any comparable assertion to the contrary, and I would like to hear it, if one exists. I believe it is due us as Senators.

I say again that if anybody has any doubt about it, let us do what the distinquished majority leader said: Pass it and send it to him, and we will soon find out.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Roger Carloff and Mark Schneider may have the privilege of the floor during the consideration of this conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, there will be no further business tonight.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NUNN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

UNANIMOUS-CONSENT AGREEMENT ON S. 2619

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Calendar Order No. 929, S. 2619, a bill to provide for access to all duly licensed psychologists and optometrists without prior referral, there be a time limitation for debate thereon of 1 hour, to be equally divided and controlled by the Senator from Wyoming (Mr. MCGEE) and the Senator from Hawaii (Mr. FONG); that time on any amendment thereto be limited to 30 minutes; that time on any debatable motion or appeal be limited to 20 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the conference report on legal services be temporarily laid aside and that the Senate return to the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered. Under the previous order, the Senate will proceed to the consideration of S. 3355, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That section 709 of the Controlled Substances Act of 1970 (Public Law 91–513; 84 Stat. 1284; 21 U.S.C. 904) is amended by inserting immediately before the period at the end thereof the following: ", $125,000,000 for the fiscal year ending June 30, 1975, $150,000,000 for the fiscal year ending June 30, 1976, $175,000,000 for the fiscal year ending June 30, 1977, $200,000,000 for the fiscal year ending June 30, 1978, and $225,000,000 for the fiscal year ending June 30, 1979".

ORDER FOR RESUMPTION OF THE UNFINISHED BUSINESS FOLLOWING TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, under the order previously entered, the Senator from Wisconsin (Mr. PROXMIRE) is to be recognized for not to exceed 15 minutes after the two leaders or their designees on tomorrow; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I ask unanimous consent that following the remarks of Mr. PROXMIRE, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes each, at the conclusion of which the Senate resume the consideration of the then unfinished business, S. 3355.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

VACATION OF ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. PROXMIRE on Friday, which order was entered on yesterday, I believe, be cancelled.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 11 o'clock a.m. tomorrow. After the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes each, at the conclusion of which period the Senate will resume the consideration of S. 3355. Yea and nay votes are expected on that bill or on amendments thereto, and presumably Senators will be ready for such yea and nay votes on tomorrow.

ADJOURNMENT UNTIL 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 11 o'clock tomorrow morning.

The motion was agreed to; and at 5:23 p.m. the Senate adjourned until tomorrow, Thursday, June 11, 1974, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 10, 1974:

DEPARTMENT OF STATE

The following-named Foreign Service Officers for promotion from class 1 to the class of Career Minister:

Alfred L. Atherton, Jr., of Florida.
Frank C. Carlucci, of Pennsylvania.
Richard T. Davies, of Wyoming.
Arthur W. Hummel, Jr., of Maryland.
Robert J. McCloskey, of Maryland.
Terence A. Todman, of the Virgin Islands.
George S. Vest, of Virginia.
Charles S. Whitehouse, of Virginia.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Harold Arthur Kissinger, [redacted], Army of the United States (brigadier general, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Leo E. Benade, [redacted] Army of the United States (brigadier general, U.S. Army).

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

To be lieutenant general

Lt. Gen. Dale S. Sweat, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

COUNCIL ON INTERNATIONAL ECONOMIC POLICY

William D. Eberle, of Connecticut, to be Executive Director of the Council on International Economic policy. (New position.)

HOUSE OF REPRESENTATIVES—*Wednesday, July 10, 1974*

The House met at 12 o'clock noon.

The Reverend Joseph Mezzanotte, Our Lady of Mount Carmel Church, Orange, N.J., offered the following prayer:

Our Heavenly Father, grant to these, our chosen legislators, that which they seek most earnestly. Beyond human intelligence, however refined by education and experience, they need wisdom, Your wisdom. Their tasks are monumental and far reaching. Their deliberations are awesome and exhausting—strength and energy beyond all technology is imperative.

Grant, we beg of You, their fundamental need—Your wisdom.

And at this time, let us make our own the words and prayer of St. Francis of Assisi:

"Lord, make me an instrument of your peace. Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

"O divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 22, 1974:

H.R. 1961. An act for the relief of Mildred Christine Ford;

H.R. 2514. An act for the relief of Mrs. Gavina A. Palacay;

H.R. 5477. An act for the relief of Charito Fernandez Bautista;

H.R. 7685. An act for the relief of Giuseppe Greco;

H.R. 13839. An act to authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended;

H.R. 13998. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and

H.R. 14368. An act to provide for means of dealing with energy shortages by requiring reports with respect to energy resources, by providing for temporary suspension of certain air pollution requirements, by providing for coal conversion, and for other purposes.

On June 24, 1974:

H.R. 12165. An act to authorize the construction, operation, and maintenance of certain works in the Colorado River Basin to control the salinity of water delivered to users in the United States and Mexico.

On June 30, 1974:

H.R. 8586. An act to authorize the foreign sale of the passenger vessel steamship *Independence;*

H.R. 14354. An act to amend the National School Lunch Act, to authorize the use of certain funds to purchase agricultural commodities for distribution to schools, and for other purposes;

H.R. 14434. An act making appropriations for energy research and development activities of certain departments, independent executive agencies, bureaus, offices, and commissions for the fiscal year ending June 30, 1975, and for other purposes;

H.R. 14832. An act to provide for a temporary increase in the public debt limit;

H.R. 14833. An act to extend the Renegotiation Act of 1951 for 18 months;

H.J. Res. 1056. Joint resolution to extend by 30 days the expiration date of the Defense Production Act of 1950;

H.J. Res. 1057. Joint resolution to extend by 30 days the expiration date of the Export Administration Act of 1969;

H.J. Res. 1061. Joint resolution making further urgent supplemental appropriations for the fiscal year ending June 30, 1974, for the Veterans' Administration, and for other purposes; and

H.J. Res. 1062. Joint resolution making continuing appropriations for the fiscal year 1975, and for other purposes.

On July 8, 1974:

H.R. 1376. An act for the relief of J. B. Riddle;

H.R. 8747. An act to repeal section 274 of the Revised Statutes of the United States relating to the District of Columbia, requiring compulsory vaccinations against smallpox for public school students;

HR. 8823. An act for the relief of James A. Wentz;

H.R. 9800. An act to amend sections 2733 and 2734 of title 10, United States Code, and section 715 of title 32, United States Code, to increase the maximum amount of a claim against the United States that may be paid administratively under those sections and to allow increased delegation of authority to settle and pay certain of those claims;

H.R. 12412. An act to amend the Foreign Assistance Act of 1961 to authorize appropriations to provide disaster and other relief to Pakistan, Nicaragua, and the drought-stricken nations of Africa, and for other purposes;

H.R. 12799. An act to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes; and

H.R. 15124. An act to amend Public Law 93-233 to extend for an additional 12 months (until July 1, 1975) the eligibility of supplemental security income recipients for food stamps.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 12628) entitled "An act to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and other persons; to make improvements in the educational assistance programs; and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Hartke, Mr. Talmadge, Mr. Randolph, Mr. Hughes, Mr. Cranston, Mr. Hansen, Mr. Thurmond, Mr. Stafford, and Mr. McClure to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 424. An act to provide for the management, protection, and development of the national resource lands, and for other purposes;

S. 3500. An act to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate and to promote physical fitness, and for other purposes;

S. 3528. An act to amend the Mineral Leasing Act of 1920, and for other purposes; and

S. Con. Res. 93. Concurrent resolution relating to an inflation policy study.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 15323, REVISING AND AMENDING THE PRICE-ANDERSON INDEMNITY PROVISIONS OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1196 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1196

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15323) to amend the Atomic Energy Act of 1954, as amended, to revise the method of providing for public remuneration in the event of a nuclear incident, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I

yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 1196 provides for an open rule with 1 hour of general debate on H.R. 15323, a bill to amend the Atomic Energy Act of 1954.

H.R. 15323 amends and extends the bill commonly known as the Price-Anderson Act. It was originally enacted in 1957 and was extended in 1965 and 1966. The act is designed to protect the public and the nuclear industry by assuring the availability of funds for the payment of claims in the unlikely event of a catastrophic nuclear incident.

H.R. 15323 provides funds for public liability in the event of a nuclear incident up to a total amount of $560 million, including $110 million of private insurance.

H.R. 15323 extends the act from its present expiration date in 1977 to 1987.

Mr. Speaker, I urge the adoption of House Resolution 1196 in order that we may discuss, debate, and pass H.R. 15323.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as noted, House Resolution 1196 provides for the consideration of H.R. 15323, revising and amending the Price-Anderson indemnity provisions of the Atomic Energy Act of 1954, as amended, under an open rule with 1 hour of general debate.

The purpose of H.R. 15323 is to extend the Price-Anderson Act and amend several of its provisions.

The Price-Anderson Act was enacted initially in 1957. It was designed to assure public funds for the payment of claims in the event of a catastrophic nuclear incident. The existing law is scheduled to expire on August 1, 1977. Because of the long lead times involved in building nuclear powerplants, the Joint Committee on Atomic Energy recommends extending the act well in advance of its expiration.

H.R. 15323 would extend the Price-Anderson Act for 10 years, to 1987, with provision for a formal review and report to Congress after 6 years, in 1983.

Mr. Speaker, I recommend adoption of the resolution.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 391, nays 2, answered "present" 1, not voting 40, as follows:

[Roll No. 368]

YEAS—391

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Camp
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cotter
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Kluczynski
Koch
Kyros
Lagomarsino
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
Luken
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Traxler
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, S.C.
Young, Tex.
Young, Ill.
Zablocki
Zion

NAYS—2

Abzug
Harrington

ANSWERED "PRESENT"—1

Chamberlain

NOT VOTING—40

Brasco
Breaux
Broyhill, N.C.
Carey, N.Y.
Carney, Ohio
Chisholm
Clay
Collier
Conyers
Culver
Davis, Ga.
Diggs
Dorn
Evins, Tenn.
Giaimo
Gray
Gunter
Hansen, Idaho
Helstoski
Hillis
Jones, Tenn.
Kuykendall
McEwen
Macdonald
Montgomery
Powell, Ohio
Reid
Roe
Rooney, N.Y.
Shipley
Skubitz
Staggers
Steele
Stokes
Thompson, N.J.
Wilson, Charles H., Calif.
Wyatt
Young, Alaska
Young, Ga.
Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Dorn.

Mr. Rooney of New York with Mr. Montgomery.

Mr. Shipley with Mr. Zwach.

Mr. Staggers with Mr. Young of Alaska.

Mr. Carey of New York with Mr. Wyatt.

Mr. Macdonald with Mr. Steele.

Mr. Charles H. Wilson of California with Mr. Stokes.

Mr. Young of Georgia with Mr. Gray.

Mr. Giaimo with Mr. Broyhill of North Carolina.

Mr. Conyers with Mr. Culver.

Mr. Diggs with Mr. Reid.

Mr. Roe with Mr. Collier.

Mr. Clay with Mr. Helstoski.

Mrs. Chisholm with Mr. Gunter.

Mr. Brasco with Mr. Hillis.

Mr. Breaux with Mr. Kuykendall.

Mr. Carney of Ohio with Mr. McEwen.

Mr. Davis of Georgia with Mr. Powell of Ohio.

Mr. Evins of Tennessee with Mr. Skubitz.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 8217, EXEMPTION OF CERTAIN EQUIPMENT AND REPAIRS DUTY FOR U.S. VESSELS

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8217) to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. MILLS, ULLMAN, BURKE of Massachusetts, SCHNEEBELI, and COLLIER.

FEA IGNORES CONGRESS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, the Federal Energy Administration is officially 4 days old and it is not off to a very good start.

When in March, the House of Representatives first passed the Federal Energy Administration Act and included an amendment to speak to the problem of the skyrocketing costs of propane gas, I do not believe there was any doubt that this provision represented a mandate of Congress to lower the price of this gas.

Yet, in some areas of the country, the price has continued to rise and FEA has refused to take any action toward implementing this portion of the law, saying that Congress did not intend for it to be a mandate.

This callous disregard of congressional intent and policies, as well as their hardened attitude toward the welfare of the poor and older residents of the countryside dependent on propane for heating and cooking, are all too typical of the Federal Energy Administration. FEA habitually ignores even congressional mail. Letters I wrote on May 21 and May 28 to Administrator Sawhill still remain unacknowledged and I am informed by staffers at FEA that this is the case with all congressional mail which is apparently sacked with other incoming mail and thrown into a vault for a couple of months until it is pulled out and matched with the nearest form letter response.

If FEA is not any more responsive than this to Members of Congress, it cannot be meeting the needs of the citizens we represent.

It is a shame this new agency is already falling into the bad habits so frequently exhibited by the other departments of the executive branch.

THE LATE CHIEF JUSTICE EARL WARREN

Mr. ALBERT. Mr. Speaker, it has been my sad duty today to order the flag that flies above the House side of the Capitol lowered to half mast.

This, of course, follows the death last evening of one of the great Americans; one of the great public servants; one of the great jurists of all time, Earl Warren. All of us who knew him in his lifetime, during his long and distinguished career as Governor of his State and as Chief Justice of the United States, know that the Earl Warren era stands out as one of the great judicial eras in the history of our country.

He takes his place alongside some of the most preeminent men to occupy the highest judicial office in the land. He joins John Marshall, and others in leading the Court at a time of landmark decisions. He made an imprint on this generation and on generations to come. He has given new dimension to the Constitution and all it stands for. He recognized that it is a living document, capable of providing the fundamental basis for the government of this Nation as it exists today.

I know that I am joined by all my colleagues in this tribute to not only one of the great men of our generation, but one of the great jurists and human beings of all time.

Mr. RHODES. Mr. Speaker, will the distinguished Speaker of the House yield?

Mr. ALBERT. I am happy to yield to the distinguished minority leader.

Mr. RHODES. Mr. Speaker, I thank my distinguished friend, the Speaker, for yielding to me.

It was with great sorrow that I learned of the passing of a great American, former Chief Justice of the United States, Earl Warren. He was a great Governor of California. He was a great practitioner of the law. He made a record as Chief Justice of the United States which will long live in history.

Not only was he great in public affairs, but he also was a family man. He had a wonderful family—a close family, and it is to them that I express my sorrow and sympathy at this particular time in the bereavement which is theirs. It is shared by all of the citizens of the United States, most particularly by those who had the privilege of knowing personally the kind man who was the Chief Justice, Earl Warren.

Mr. ALBERT. Mr. Speaker, I thank the distinguished minority leader for his remarks.

I am sure that the Members will desire to set aside a special order at a later date to commemorate the great life and distinguished service of the late Chief Justice of the United States.

Mr. FINDLEY. Mr. Speaker, I am gratified that our distinguished speaker and our minority leader have taken this opportunity to lament the passing of the great former Chief Justice of the United States, Mr. Warren.

Mr. Warren will be best remembered, I am sure, for the landmark decision, Brown against the Board of Education, which signaled the beginning of the end of racial segregation in public education.

In that notable decision the Court set in motion events that finally, after a century of delay, gave substance to the 14th amendment. More than any other event since the Civil War, it gave meaning and reality to the noble idealism expressed in the Declaration of Independence.

Undoubtedly, this decision motivated the Congress finally to act to assure for blacks voting rights, housing, public accommodations—statutes enacted during the 1960's. I was in the Congress during those great historic decisions and I count as my proudest, most satisfying moments in this body, the votes I cast in support of all of these civil rights measures.

Earl Warren was often reviled. I recall that "Impeach Earl Warren" billboards were for a time commonplace across the country. His name was sometimes used as an epithet. I once wrote him a letter—it was during my freshman term, I believe—expressing my regret at these unjustified slurs.

His response was simple and direct. If I recall correctly, he said, "I've learned to expect such attacks. They really don't bother me."

Speaker ALBERT, a Democrat, was the first today to speak in lament of Earl Warren's death, and this is much to his credit and shows a greatness of spirit on the part of the Speaker.

As a Republican, I take special pride that Earl Warren came to the high position of Chief Justice as a Republican. His type leadership was completely consonant with the traditions of the party of Lincoln, and always a source of great satisfaction to me.

May the Republic—and the Republican Party—be blessed in the future with people of the intellect and commitment to noble causes of Earl Warren.

Mr. BENITEZ. Mr. Speaker, I rise to render homage today on behalf of the people of Puerto Rico to one of our great fellow citizens of this century, Chief Justice Earl Warren. In searching for a lasting and diamantine bond linking the people of Puerto Rico to this beloved figure I have chosen that which we hold dearest, common citizenship. It was in the enhancement of the meaning, the dignity, and the universality of values inherent in citizenship that Chief Justice Warren made his greatest contribution to human solidarity and to American constitutional history.

By unanimous consensus of followers and opponents alike, only two Chief Justices have given their names in lasting form to the Court over which they have presided; John Marshall and Earl Warren. The Marshall Court and the Warren Court are ways of referring to and of identifying great achievements of constitutional wisdom. In the perspective of time they stand together and by themselves. Marshall because his Court provided the essential unity of the federal system and Warren because his Court validated within that system the preeminence of human, individual, personal equality destined to prevail over all other social, economic, political, or racial consideration.

The people of Puerto Rico have special reasons to feel a sense of deep identification with Chief Justice Warren over and beyond our solidarity with him in his vision, his idealism, his integrity and his courage in exemplifying the meaning of citizenship. Warren understood, as things must be understood, with the heart as well as with the mind, the meaning and potentials of the Free Associated State of Puerto Rico, which he described during one of his memorable visits to our island as "perhaps the most notable of American political experiments of our lifetime." Two decades ago he perceived that our relationship, based on mutual affection, common historical experience, intense loyalty to human rights and human duties, all of them encompassed in his and in our own concept of citizenship, allows for a broadening development in lasting associations of free peoples united in diversity.

It was my privilege on that occasion to confer upon Earl Warren the highest honor we could bestow, the degree of doctor of laws honoris causa of the University of Puerto Rico. Chief Justice Warren honored me in return addressing me as his friend. Today I mourn the loss of this exceptional man, eminent in virtues, outstanding in moral and in constitutional authority, this mighty champion of democracy, Earl Warren.

Mr. CORMAN. Mr. Speaker, this is an especially sad occasion for me, as I join my colleagues in paying our last respects to Chief Justice Earl Warren. His death is a deep personal loss.

The many years of friendship and associations deepened my respect and admiration tremendously for this great and good man. It was a rare privilege to have known him personally and to have shared the time in our history when he served as Chief Justice of the Supreme Court. He remained, even in retirement, a bulwark against any erosion of the landmark decisions that were rendered by the Supreme Court under his leadership over the course of 16 years—decisions that voiced the Chief Justice's fervent devotion to the cause of justice for every American citizen.

The words of an ancient Roman came to my mind when I learned that the Chief Justice had passed away:

> Death comes to all, but great achievements raise a monument which shall endure until the sun grows cold.

His achievements were many, both as Governor of our home State of California and as Chief Justice of the Supreme Court. The historic decisions of the "Warren Court" that exemplified the highest ideals of a Nation committed to government under the rule of law have been memorialized in court decisions in law schools, in legislatures, lay magazines, newspapers and books. In Mallory, in Miranda, Mapps, Gideon against Wainwright, in Brown against Board of Education, in Reynolds against Sims—the Court under the brilliant leadership of Chief Justice Warren fulfilled the promise of the Constitution that men, rich or poor, black or white, have equal rights under law.

The Chief Justice once told me he believed that these historic decisions will remain untouched by time—not because they came during his tenure as Chief Justice—but simply because they are fair. The Chief Justice's sense of history and understanding of people permitted him to take nothing for granted. After his retirement he wrote a book, brief in size but tremendous in content—and its title alone, "A Republic If You Can Keep It"—sums up his deep and abiding concern that the American people retain their courage, tolerance, and conviction to see that the constitutional promises of liberty, equality, and justice will be secured for all of us and our posterity.

The Chief Justice's death leaves a great void in the hearts and minds of many of us. His passionate commitment to the rule of law, his sense of history and understanding of human failings, his decisiveness and courage, the wisdom and compassion with which he reached his decisions and administered the Supreme Court have been an inspiration to everyone concerned about the rights of citizens. On the historical Monday morning of May 17, 1954, with every seat in the Court taken and deep lines of people waiting outside, Chief Justice Warren, speaking for a unanimous Court in Brown against Board of Education, declared that "separate education facilities are inherently unequal," and thus signaled the demise of racial segregation in American life.

In 1965, in Reynolds against Sims, holding to the cardinal principle of "one man, one vote," the Chief Justice, in reading the opinion, declared with characteristic simplicity and clarity that—

> Legislators represent people, not trees or acres . . . and are elected by voters, not farms or cities or economic interests.

With such phrases, in these and in many other decisions reinforcing the Bill of Rights, the Chief Justice left monumental legacies to this Nation. These are the foundations of the Republic, which he hoped that "We, the people" can keep.

Mr. Speaker, in June 1969, with the approval and assistance of my colleagues, the House paid tribute to the Chief Justice on the occasion of his retirement. A House document was duly printed and my presentation to him of this document will remain one of my most precious memories. In my remarks to the House, I quoted an open letter to the Chief Justice from Mr. Charles Morgan, Jr., then director of the Southern Regional Office of the American Civil Liberties Union, which had appeared in a Nebraska Law Review issue dedicated to the Chief Justice. I have thought of this letter many times, for it symbolizes to me what Mr. Warren means to our country. It seems fitting on this occasion to include Mr. Morgan's letter to the Chief Justice, in which he related a warm personal incident at a baseball game:

> Several years ago I took my wife and our then eleven year old son to the baseball game at Yankee Stadium. Searching for a taxicab to the airport we stood near the Yankee club house exit. Hundreds of children clamored for autographs from Ralph Houk and shouted 'Yogi! Yogi!' You and two other men walked unnoticed to a waiting automobile. My son waved at you. You waved back.
>
> I felt it strange that children sought the Yankee catcher and let the Chief Justice of the United States, out of uniform and unrecognized, walk by. But those children were happily seeking their own heroes at an age when others not too long ago marched stiff-legged as part of the Hitler youth.
>
> Our children do not yet have an equal chance to grapple with the opportunity that is the hope of this land, but the Warren Court has opened doors and kept alive the chance that their dreams may be realized. And, perhaps our children will do more to make a still better life for all of us.

Mr. Morgan continued—

> And then—I thought—why should those children have recognized you? It sometimes takes time for men—let alone children—to recognize those who've fought their battles for them and kept them free.
>
> So thank you, Mr. Chief Justice, for fifteen years of building constitutional walls of protection and bridges of equal access for all Americans.

Yes, Mr. Speaker, Chief Justice Warren's great achievements have raised a monument which all of us fervently pray "shall endure until the Sun grows cold."

Mr. EDWARDS of California. Mr. Speaker, I rise to note the passing of a giant of the judiciary, a wise and thoughtful Governor, a defender of civil rights and liberties for all Americans, and my fellow Californian, the Honorable Earl Warren.

He presided over the Court during one of the most eventful decades in American history. A mere listing of decisions emanating from the Court during that period inspires both our respect and awe. He will long be remembered for Brown against the Board of Education which, for the first time in American history, lent the authority of the law to the struggle of black Americans for equality. The Miranda decision, which recognized that the Federal Government had a right and responsibility to require that at least minimal constitutional rights be accorded criminal suspects by law enforcement personnel, stands today as a tribute to his courage and deep regard for the Constitution of the United States.

Courage, sensitivity, and intelligence were the characteristics of Earl Warren that saw him through some of the most difficult questions the Supreme Court has yet faced. He never wavered from his dedication to the document that is the basis of our free form of government, the Constitution. Constantly criticized and attacked for his farsighted and far-reaching views, he continued to lead the Court to new and exciting decisions—decisions that demanded all Americans be granted the rights and liberties guaranteed by the Founding Fathers in our Constitution.

After his retirement from the Court, Earl Warren did not surprise those of us who knew him when he continued to speak and fight for the ideals in which he believed so deeply. For these last few months he had been traveling throughout the country, raising his voice in opposition to proposed plans that would reorganize the Supreme Court and would, he believed, have destroyed the essential powers and independence of the judiciary. Just this May he came to the University of Santa Clara Law School in my congressional district and delivered an address alerting us to this proposed reorganization plan. He was alert, active, and public-spirited until the very end of his long and fruitful life. No man can ask more for himself.

My deepest sympathy goes to his loving wife, Mrs. Nina Warren, and his children. We all share this great loss with them.

Mr. HANNA. Mr. Speaker, I join with my colleagues today in paying tribute to a great man, former Chief Justice Earl Warren. I first became aware of the greatness and compassion of this man early in my public career. During his years as Governor of California, I was working for the California Department of Mental Health. At that time, Governor Warren was mapping out his historic position of improving and humanizing the mental institutions of our State. He was creating precedents of leadership in this area for which the State of California became quite well known.

His abilities and dedication were recognized by the people of California, who elected him to three terms. His popularity and service rose above party lines, as the voters of both parties in California nominated him for his second term as Governor. At that time, California was free of debt and taxes had been cut by over 15 percent. Earl Warren had an instinctive ability to recognize that American society was changing, that new problems were arising that had to be dealt with in new ways. His unswerving dedication to finding and implementing new solutions to new problems made him an outstanding Governor, probably the best the State of California has ever had. His career in public service was altered in the middle of his third term as Governor, and altered in a dramatic way both for himself and for the Nation.

In 1953, Earl Warren was appointed Chief Justice of the Supreme Court of the United States. He was only the 14th man in the history of this country to achieve this high and singular honor. In his role as Chief Justice, his service and performance were historic. Under his leadership, the Supreme Court handed down decisions which have and will continue to affect the quality of life for every American. He did not lose his knowledge of the realities of present-day American society, gained by his political experience. He put it to work, in such landmark decisions as Brown against Board of Education, Miranda, and the one-man, one-vote cases. These decisions will stand as a tribute to the memory of Earl Warren for generations to come.

Earl Warren was a great man. He served his State and country with dedication and honor. Earl Warren's career was a long and successful one. Americans, both present and future, have lost a true friend and champion. His contributions and accomplishments will not soon be matched by another. We will all miss his wisdom and experience in the future.

Mrs. Hanna joins me in extending our sincere sympathy to the Warren family.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks on the subject of the death of the late Chief Justice Earl Warren.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GEOTHERMAL ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1974

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1195 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1195

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14920) to further the conduct of research, development, and demonstration in geothermal energy technologies, to establish a Geothermal Energy Coordination and Management Project, to amend the National Science Foundation Act of 1950 to provide for the funding of activities relating to geothermal energy, to amend the National Aeronautics and Space Act of 1958 to provide for the carrying out of research and development in geothermal energy technology, to carry out a program of demonstrations in technologies for the utilization of geothermal resources, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1195 provides for consideration of H.R. 14920, which, as reported by our Committee on Science and Astronautics, would create an administrative mechanism for Federal coordination and management of research, development, and demonstration activities in geothermal energy. The resolution provides an open rule, with 1 hour of general debate. The time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics.

After general debate, the bill would be read for amendment under the 5-minute rule. At the conclusion of such consideration, the committee will rise and report the bill to the House with such amendments as may have been adopted, and the previous question will be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Speaker, the enactment of H.R. 14920 is the next logical step forward from the Geothermal Steam Act of 1970 (Public Law 91-581). Under that legislation Congress authorized the Secretary of the Interior to issue leases on Federal lands for the development and utilization of geothermal steam and associated geothermal resources for the generation of electricity. The Geysers field in Sonoma County, north of San Francisco, is a notable, but unfortunately the only, example of geothermal energy utilization in the United States today.

The current national energy shortage makes it imperative that we expand our knowledge of geothermal steam resources and develop new technologies in their utilization. H.R. 14920 will help us to achieve this goal.

The proposed legislation would create a geothermal energy coordination and management team consisting of the Administrator of the Federal Energy Administration, an Assistant Director of the National Science Foundation, an Assistant Secretary of the Department of the Interior, an Associate Administrator of the National Aeronautics and Space Administration, and the General Manager of the Atomic Energy Commission. The team, with the Administrator of the Federal Energy Administration as its Chairman, will have interim administrative authority and responsibility to review and coordinate the efforts of the various participating agencies in the field of geothermal energy, including the projects and programs initiated by this legislation. Once the permanent Energy Research and Development Administration (ERDA) is established, it will have transferred to it the functions of this management team.

Since fiscal year 1975 funds for geothermal energy have already been included in the Special Energy Appropriations Act that was passed by this body on April 30, 1974, H.R. 14920 provides that for each of the next 5 fiscal years, starting with fiscal year 1976, only such sums may be appropriated as Congress may authorize by law after enactment of this legislation.

One of the new programs, for which H.R. 14920 authorizes an appropriation of $2.5 million for fiscal year 1975, is one which requires the Administrator of NASA to prepare, in consultation with various public and private agencies and organizations, a comprehensive program definition with respect to the development of geothermal energy resources.

As a means to further research, development, and utilization of geothermal resources by the private sector, a loan guaranty program would be initiated by H.R. 14920, and the sum of $50 million is authorized to be appropriated to carry out this program. The legislation is designed to encourage, not to replace, private enterprise in geothermal research, development, and utilization.

Mr. Speaker, I urge the adoption of House Resolution 1195 in order that H.R. 14920 may be considered.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as explained, House Resolution 1195 is an open rule with 1 hour of general debate on H.R. 14920, the Geothermal Energy Research, Development and Demonstration Act of 1974.

The primary purpose of H.R. 14920 is to provide an administrative mechanism for Federal coordination of research activities in geothermal energy.

At present, there are three agencies heavily involved in geothermal energy research: The National Science Foundation, the Atomic Energy Commission, and the Department of the Interior. This bill would direct the National Aeronautics and Space Administration to undertake a program definition for a national program to demonstrate the use of geothermal energy resources by the end of fiscal year 1980. H.R. 14920 also provides for a loan guaranty program to further geothermal energy research and use in the private sector.

The committee report describes this bill as "in interim step, awaiting the establishment of the Energy Research and Development Administration (ERDA) or some similar agency."

The costs of the bill are: First, $2,500,000 for fiscal year 1975 to NASA to conduct the comprehensive program definition; second, $50,000,000 annually, to be placed in a special fund to insure loans; third, funds for implementing the bill for fiscal years 1976–79 have not been determined. The bill authorizes such sums as may be appropriated.

The Speaker, I urge the adoption of this rule.

Mr. MATSUNAGA. Mr. Speaker, having no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remaks on the bill under consideration (H.R. 14920).

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14920) to further the conduct of research, development, and demonstrations in geothermal energy technologies, to establish a Geothermal Energy Coordination and Management Project, to amend the National Science Foundation Act of 1950 to provide for the funding of activities relating to geothermal energy, to amend the National Aeronautics and Space Act of 1958 to provide for the carrying out of research and development in geothermal energy technology, to carry out a program of demonstrations in technologies for the utilization of geothermal resources, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14920, with Mr. Preyer in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Teague) will be recognized for 30 minutes, and the gentleman from California (Mr. Goldwater) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. TEAGUE. Mr. Chairman, H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974, is designed to further development of the technology required to make geothermal energy practical on a large scale. H.R. 14920 provides for an interim management framework for Federal geothermal energy R. & D., so that this effort can proceed rapidly while we await the establishment of a permanent Federal organization with responsibility for all federally funded energy R. & D. The bill also directs a thorough study or program definition of the effort needed to make the utilization of geothermal resources technically feasible by the end of fiscal year 1980.

The specific technological goals of this legislation fall into three categories: resource exploration and assessment, research and development, and demonstration. In all cases, a special emphasis on the necessary environmental controls will be included. To encourage the private sector to participate in geothermal energy research, development and demonstration, H.R. 14920 also sets up the mechanisms for a loan guaranty program.

This legislation received extensive examination before being reported unanimously out of the committee. I wish to commend Chairman McCormack and the members of his Energy Subcommittee: Mr. Fuqua, of Florida; Mr. Symington, of Missouri; Mr. Hanna, of California; Mr. Roe, of New Jersey; Mr. Bergland, of Minnesota; Mr. Pickle, of Texas; Mr. Brown, of California; Mr. Milford, of Texas; Mr. Thornton, of Arkansas; Mr. Gunter, of Florida; Mr. Goldwater, of California; Mr. Wydler, of New York; Mr. Esch, of Michigan; Mr. Conlan, of Arizona; Mr. Cronin, of Massachusetts: Mr. Martin, of North Carolina; Mr. Ketchum, of California, for their tireless efforts in bringing this legislation into existence.

Before going into further detail on the bill, I should like to discuss some background information that will help to put geothermal energy into perspective. There are several forms of geothermal resources. In this country, the only form we have developed to any significant degree is dry steam. The resource base for dry steam appears to be very limited. Other geothermal resources, however, are considerably more abundant. These include hot dry rock, geopressured water and hot water.

To give you a feel for the potential of these other geothermal resources, let me briefly discuss one: hot dry rock. Hot dry rock is formed when the heat from inside the earth is concentrated in impermeable rock—such as granite. Enterprising American scientists are already at work determining how to effectively release this stored energy. If 40 cubic miles of this hot dry rock were cooled from 500° F. to 140°F., the energy extracted would be equal to that consumed by our entire Nation in 1970—or, in terms we have become familiar with in the last year, about 30 million barrels of oil per day.

What stands between us and this energy resource? Years of concentrated, effective research and development followed by experimental demonstrations of the practical and environmentally acceptable uses for geothermal resources. To make sure this intensive, sustained effort is undertaken promptly and carried to an early conclusion, we need to take positive Federal initiative.

Beginning in 1971, after the convening of the 92d Congress, the Science and Astronautics Committee formed a Task Force on Energy. This group gave close attention to geothermal energy. Several task force members took a field trip to the only geothermal field in the United States which is actually generating electricity, at the Geysers, north of San Francisco, Calif. Here the Pacific Gas & Electric Co. is using dry steam taken directly from wells to produce electricity. At the present time, the installed capacity of the generating equipment there is about 400 megawatts.

At the beginning of the 93d Congress, the energy situation was such that I felt the task force should be constituted as a full subcommittee to pursue actively legislation to meet our Nation's growing energy needs.

Again, and this time with legislation in mind, the subcommittee conducted a thorough review of the Federal effort in geothermal energy research and development. At the September 1973 hearing on H.R. 8628 and H.R. 9658 nine witnesses testified before the subcommittee. Fifteen additional statements were entered in the record. The February 1974 hearings on H.R. 11212 brought testimony from 21 additional witnesses and 10 more statements for the record. Finally, two more witnesses spoke before the subcommittee at the May 1974 hearing on H.R. 14172. I believe this comprehensive hearing record provides thorough documentary support of the objectives and methodology contained in this bill.

Since 1971, Federal funding of geothermal energy R. & D. has grown by leaps and bounds to a current level of $45.2 million for fiscal year 1975. This growth has not been without problems, however. Each year seems to add new agencies to the list of those performing research in geothermal energy. Today, about half of the funding is authorized for the National Science Foundation; the remainder goes to the Atomic Energy Commission, and various agencies of the Department of Interior. Yet these agencies do not have the means to coordinate and effectively manage the many diverse efforts they are undertaking. It is the intent of H.R. 14920 to provide the required management capability on an interim basis until ERDA is established. Not only do we need these new administrative mechanisms now, but they will be essential in making a smooth transition to ERDA when it is established.

Now, let me discuss for a moment the particulars of this legislation. H.R. 14920 proposes to create a Geothermal Energy Coordination and Management Project. It will be composed of members from the National Science Foundation, the Atomic Energy Commission, the National Aeronautics and Space Administration, and the Department of the Interior. Serving as Chairman will be the Administrator of the Federal Energy Agency. This project will coordinate the Federal geothermal energy R. & D. programs in the various agencies and will actively work to insure effective participation by non-Federal institutions and private industry.

The Project will not set up research laboratories of its own. Federal R. & D. will be carried out through existing agencies. The immediate goal of the Project will be to eliminate unnecessary duplication and increase the effectiveness of our Federal effort.

For fiscal year 1975, funding of the participating agencies has already been accomplished through H.R. 14434, the special Energy Appropriations Act which the House passed on April 30, 1974. H.R. 14920 authorizes an additional $2.5 million to NASA in fiscal year 1975 for a program definition on which funding for the remainder of the program outlined in the bill covering fiscal year 1976 through fiscal year 1980, will be based. At present, there exists no detailed analysis evaluating the scope of the R. & D. effort required to render geothermal energy usable. The NASA program definititon will determine what work is needed to put 6 to 10 demonstrations plants on line by June 30, 1980. NASA will submit interim reports on the study by October 31 of this year, and January 31, 1975, so that its conclusions can be incorporated into fiscal year budget planning.

One roadblock to timely development of geothermal resources may be the lack of trained personnel. A section on technical education in this field was added during the subcommittee markup and received strong bipartisan support both in subcommittee and in the full committee.

The present uncertainties associated with geothermal development has discouraged many financial institutions from providing capital to companies wishing to engage in geothermal energy projects. The loan guaranty program established by H.R. 14920 would foster private research and commercial development of geothermal energy by enabling the Government to share some of this risk. At the same time, by promoting the investment of private capital, we will be going a long way toward reducing the overall Federal expenditure required to achieve the goals of the geothermal program.

Section 303 of the bill provides for the transfer of geothermal program management and coordination responsibilities to the Energy Research and Development Administration, or any other future organization charged with the conduct of our national energy R. & D. program.

This legislation represents a significant step in developing a new energy technology. It demonstrates that Congress can take the initiative in planning and implementing a coordinated national energy policy. I urge the support of each Member of the House of Representives.

Mr. Chairman, I yield 10 minutes to the gentleman from Washington (Mr. McCormack), the chairman of the subcommittee.

Mr. McCORMACK. Mr. Chairman and members of the Committee, in 1971 the Federal Government spent $200,000 for geothermal energy research and development. In 1974, the fiscal year we are just closing, we spent $10.9 million for geothermal energy research and development.

In this fiscal year, 1975, we have appropriated $45 million for geothermal research, development, and demonstration. Yet today we have no coordinated Federal programs for developing geothermal energy.

The purpose of H.R. 14920, the Geothermal Research, Development, and Demonstration Act of 1974, is to correct this situation, to establish an orderly program within existing agencies, so that we may by 1980 have some 6 to 10 small demonstration plants on the line generating electricity from presently undeveloped types of geothermal energy. In order to describe what we are talking about when we say, "geothermal energy," it might be a good idea to briefly describe it.

There are four types of geothermal energy. The first is dry steam we find blowing out of the ground, as it is in the case of the Geysers, California; the second type consists of large pockets of hot water trapped underground, as in the Imperial Valley in California; the third type is what we call hot, dry rock formations which occur along mountain ranges in earthquake zones, and primarily in the West around volcanic areas; and the fourth is what we call geopressured zones along the gulf coast of Louisiana and Texas.

Of these four types of geothermal energy, the first type, that is, the dry steam blowing out of the ground, is so easy to develop that it is already in commercial use. It is the other three are what we are directing our attention to primarily in this legislation. This is because these other three sources of geothermal energy are unknown in extent and potential, and because they are suspected to be much larger in quantity and to offer a long-range, significant source of inexpensive, environmentally acceptable energy, particularly for the production of electricity.

Mr. Chairman, this bill is not really new. Its predecessor was cosponsored by 99 Members of this House about a year ago. However, the original bill was much more limited than the bill we have before us today.

After about 8 days of testimony from more than 50 expert witnesses, either appearing before the committee or submitting written testimony, a new, comprehensive approach was formulated, and this is embodied in H.R. 14920.

This bill has been unanimously reported by the subcommittee and the full Committee on Science and Astronautics.

At this time, Mr. Chairman, I would like to pay tribute to the chairman of the committee, the gentleman from Texas, Mr. Olin Teague, the ranking minority member of the full committee, the gentleman from Ohio Mr. Charles Mosher, and to the ranking minority member of my subcommittee, the gentleman from California Mr. Barry Goldwater, Jr. I would also like to thank my colleagues, the gentleman from Oregon Mr. Al Ullman, the gentleman from Arizona Mr. John Rhodes, and the gentleman from California (Mr. Veysey), for their testimony and their help in assisting us to bring this more comprehensive bill to the floor.

This bill provides a management framework for Federal geothermal energy research, development, and demonstration so that a coordinated national program may be initiated without delay no matter what else is done with respect to other energy legislation. This bill would also provide for a thorough program definition study of the effort needed to make the utilization of geothermal resources technically feasible by the end of fiscal year 1980.

Mr. Chairman, there are three specific categories of goals in this legislation. Of the three categories, the first is research, exploration, and assessment in order to find out what resources we have and how much there is and where it is located. The second is research and development in order to develop the technology that we need to convert this geothermal energy to useful electricity. The third category is a demonstration that can be carried out which is economically feasible.

In addition to this, we have provided machinery to encourage the private sector to participate in this geothermal energy research, development, demonstration, and utilization. We have set up mechanisms for loan guarantee programs and mechanisms to have industry and municipalities participate in the program.

The bill creates a geothermal energy coordination and management project to be composed of the agencies which are now involved in geothermal energy R. & D. as follows: The National Science Foundation, the Atomic Energy Commission, and the Department of the Interior. In addition, we have included the National Aeronautics and Space Administration in order to take advantage of its managerial expertise and its availability for doing remote assessment of geothermal resources. To provide an independent Chairman, we have included in the bill the provision that the Administrator of the Federal Energy Administration will act as Chairman. This management project will coordinate the Federal geothermal energy research and development programs within these agencies to insure effective participation not only by the agencies but also by non-Federal institutions and by private industry.

The project will not set up its own research and development facilities, but will use existing agency capabilities. The goal is to eliminate all unnecessary duplication that exists, and thereby to increase the effectiveness of Federal expenditures.

Funding has already been accomplished for this year. We have appropriated $45 million for fiscal year 1975. The only additional appropriation that is authorized in the bill is $2.5 million to go to NASA in fiscal year 1975 for the Administrator to perform a program definition to determine just what is required to accomplish this program between now and the end of fiscal 1980. At present there exists no detailed analysis and evaluation of the scope of the research, development, and demonstration effort required to render important forms of geothermal energy economically feasible. One of the roadblocks to timely development of geothermal energy will be the locating and training of technical personnel. So we have included a section for technical education in this field managed, of course, through the National Science Foundation.

In other words, we have attempted to deal with the present uncertainty associated with geothermal energy development which has discouraged many financial institutions from providing capital for companies wishing to participate. We have established a loan-guarantee program which would foster private research and commercial development in geothermal energy.

In addition, we provide that if an Energy Research and Development Administration is brought into being that this program will transfer into it in an orderly manner, and thus we will eliminate, again, duplication of effort.

This legislation represents a significant step in the development of a new energy technology which is environmentally safe and virtually unlimited in quantity. It demonstrates again that Congress can take the initiative in the planning and implementation and coordination of a national energy policy.

Mr. Chairman, I urge support for H.R. 14920.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Texas.

Mr. CASEY of Texas. Mr. Chairman, I want to commend the gentleman in the well and the chairman of the full committee, and the members of the Committee on Science and Astronautics for bringing out this piece of legislation which I wholeheartedly support.

Mr. Chairman, I join in urging the passage of H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974.

The bill we consider today is the result of careful and deliberate work of the Committee on Science and Astronautics and includes the best points of legislation cosponsored by a great number of our colleagues. I am proud to say that I am one of those cosponsors and I can only commend the work of the committee under the able direction of Chairman TEAGUE and of the Subcommittee on Energy and Chairman McCORMACK.

The passage of this bill will be but one more positive mark for the 93d Congress in facing the challenge of providing for our Nation's future energy needs while there is time to avert a certain crisis that looms ahead.

It would be misleading to portray geothermal energy as the sole answer to this Nation's energy needs of the future, but we already know that geothermal energy can be successfully harnessed and put to the use of man. And there is every reason to believe that, with proper development, it will one day make a substantial contribution to the national energy supply.

In my home State, we have already identified three areas suitable for development of geothermal energy: In a Far West Texas area known as "hot rocks," in the area along the Rio Grande River from El Paso to the Big Bend National Park, and along the Texas gulf coast.

In some of these areas, the hot water and steam from below the Earth's surface could not only be used to drive electric generators, but captured as it cools to provide valuable supplies of fresh water for municipal and irrigation use.

Similar conditions exist in virtually all parts of the Nation.

While we have this abundant resource at our disposal, and have studied it to a minor extent through some excellent projects of the Bureau of Reclamation, we must do far more before we can effectively and efficiently utilize the power locked within the Earth's inner structure to make it significant to our total energy production.

We must determine where the usable geothermal energy lies and whether it can be extracted without causing damaging side effects, such as earthquakes and faults.

We must develop new methods for extracting the various forms of geothermal energy and getting the most power from it.

That is the purpose of this bill. By authorizing $2.5 million during fiscal 1975, we would allow the National Aeronautics and Space Administration to develop a comprehensive program definition of the national effort necessary for commercial development of geothermal energy.

Ultimately, the program would bring together the talents and resources of the National Science Foundation, the Federal Energy Administration, the Atomic Energy Commission, the Department of the Interior and NASA.

Our goal is to develop, by 1980, sizable demonstration projects to produce electricity from the various types of geothermal formations, including hot dry rock, geopressured water, and hot water systems.

Mr. Chairman, I am convinced that this legislation is sound and that its objectives are strongly in the national interest. I am confident that it will contribute significantly toward our overall objective of making the United States self sufficient in its energy resources.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I wish to commend the gentleman from Washington (Mr. McCORMACK) for the leadership he has assumed and is demonstrating not only in the area of geothermal energy and the area of solar energy, but nuclear energy as well.

As is well known, the gentleman from Washington (Mr. McCORMACK) is the only nuclear scientist in this body, and has given guidance to the committee and to this body that has hitherto been unknown.

I also wish to commend the gentleman from Texas (Mr. TEAGUE) for bringing this measure to the floor.

Mr. Chairman, as a sponsor of virtually identical legislation, I am pleased to express my support for H.R. 14920, the proposed Geothermal Energy Research, Development, and Demonstration Act. It was more than 7 years ago, in 1967, that I first testified before a congressional committee on the subject of harnessing the Earth's own heat to serve the purpose of man. Indeed, the possibility of geothermal energy has intrigued me ever since I first observed the emission of steam from crevices in the ground in the Kilauea Volcano area of the island of Hawaii, in my native State.

It is imperative that this Nation find solutions to a problem that affects all Americans, from the housewife in Hawaii to the banker in New York: the energy shortage. It is therefore essential that geothermal energy from the Earth's "underground boilers" be systematically developed as an additional source of power for the United States.

This new source of power has already been successfully commercialized in Italy, New Zealand, Japan, Mexico, Russia, Iceland, and elsewhere. In our own country, most of the Western States, Hawaii, and Alaska show potential for geothermal development. Up to the present time, however, our only significant use of geothermal steam is in the Salton Sea and the Geysers area of California. At the Geysers, the steam is being used to power two turbines which produce 27,500 kilowatts of electricity.

The development of geothermal steam as a source of energy is not only sophisticated, but also has a very practical basis as well. This Nation's future requirements for electric power stagger the imagination. In 1964, the Federal Power Commission, using 1960 as a base year, predicted that the total electric energy requirements of the United States would rise some 330 percent by 1980. It is significant that in the Western States, where the country's greatest known geothermal potential exists, power needs by 1980 will be 45 percent greater than those of the remaining areas of the United States.

There are, Mr. Chairman, several advantages in using geothermal resources:

First. It requires no fuel to generate the steam.

Second. The source of power is not subject to sharp fluctuation. In hydroelectric operations, droughts and floods are often a problem.

Third. Valuable byproducts can sometimes be recovered from the minerals in geothermal steam or brine, such as sulfur and boric acid.

Fourth. The productive life of a steam well is fairly long, averaging 10 to 20 years. Some wells in Italy have been producing for more than 30 years.

Fifth. The amount of untapped heat energy in the Earth is tremendous. The natural heat flow from just five of the known U.S. hot-spring areas totals about 70 trillion British thermal units a year.

It is to bring this resource into productive use as quickly as possible that H.R. 14920 was developed. As I stated earlier, the chairman of the Science and Astronautics Committee, the gentleman from Texas (Mr. TEAGUE), along with the subcommittee chairman, the gentleman from Washington (Mr. McCORMACK), and other committee members deserve commendation for their long and careful efforts, which have yielded a well-thought-out, progressive piece of legislation.

The result of its enactment, in my judgment, will be a coordinated, well-managed research and development effort in the geothermal field. Moreover, an ambitious loan guarantee program will insure adequate participation of private entities in the development of this precious resource.

Mr. Chairman, this Nation must bring new sources of energy to commercial reality. The development of geothermal energy is a vital step toward solution of the energy crisis and the establishment of energy self-sufficiency for our country. I therefore urge the passage of H.R. 14920.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman from Hawaii for his kind comments.

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I am happy to yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. Mr. Chairman, the gentleman from Hawaii (Mr. MATSUNAGA) has already preempted a number of my thoughts commending the committee, that I had intended to make, especially insofar as the gentleman in the well is concerned. The gentleman in the well is a nuclear chemist, and is a man who worked at Hanford, and who is one of the most valuable members on the subject of atomic energy of our JCAE, a committee on which I am proud to serve.

I would like to express concern, however, about certain language appearing in the bill, and I refer specifically to the provision appearing on page 12, lines 18 and 19, that would apparently provide an opportunity for the Atomic Energy Commission to attempt recovery of geothermal energy through the use of nuclear fracturing.

I have talked with staff members on the Committee on Science and Astronautics, as well as members of the committee, regarding this language, and I do now want the legislative intent of this bill to prohibit the nuclear fracturing of rock for geothermal energy purposes. And I would like to ask whether this is not permitted in the legislation, so that we will have the legislative intent of the bill clear, and so that I will not need to introduce an amendment to prohibit nuclear detonations in geothermal fields.

Mr. McCORMACK. I thank the gentleman from Wyoming for his question, and I would assure the gentleman that we do not in any way permit the use of nuclear explosions for geothermal energy stimulation.

Mr. RONCALIO of Wyoming. So that the statement in this legislation appearing on page 12, lines 18 and 19, does not permit and does not authorize nuclear detonations for obtaining heat energy from rocks? Is that correct?

Mr. McCORMACK. That is correct. As the gentleman from Wyoming knows, the Atomic Energy Commission would undertake no underground nuclear explosions for any purposes whatever without specific authorization.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TEAGUE. Mr. Chairman, I yield such time as he may require to the gentleman from Washingon.

Mr. McCORMACK. I yield to the gentleman from Wyoming.

Mr. RONCALIO of Wyoming. I thank the gentleman for yielding.

Again I want to express my appreciation for the tremendous work that they have done to the chairman of the full committee and the chairmen of the subcommittee. I appreciate the fact that they have reported this bill to the floor. It is excellent, and the Nation needs it.

I commend it to all of the members of the committee.

Mr. McCORMACK. I thank the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I want to commend the gentleman in the well for the yeoman service he has performed in bringing this legislation to the floor of the House, along with the gentleman from Texas, the chairman of the full committee. Mr. Chairman, I rise in support of H.R. 14920, the Geothermal Energy Research, Development and Demonstration Action of 1974. This is the kind of legislation which will assure utilization of alternate energy resources such as geothermal energy at the earliest possible time. Adequately implemented, this bill will provide for electricity and other geothermal resources to be fed into the veins and arteries of our industrial complex years before they would, if we let the natural course of technological evolution proceed undisturbed.

One of the most important aspects of the bill which we are considering today is its provision for adequate coordination and management of our total geothermal technology development activity. This is particularly needed because of the rapid growth of geothermal R. & D. funding. A mere 3 years ago, in 1971, the Federal Government spent about $200,000 for geothermal energy research and development. In fact, the Committee on Science and Astronautics had difficulty verifying the separate existence of geothermal energy research and development funding before fiscal year 1972. Beginning in fiscal year 1972, however, a dramatic up-swing in support of geothermal energy research and development occurred—$1.4 million obligated for that purpose in fiscal year 1972 rapidly grew to over $11 million in fiscal year 1974. The appropriation for fiscal year 1975 is about $45 million—a fourfold increase over present expenditures.

Rapidly growing budgets such as this require special attention to assure coordination and coherent management of the related programs. Unless adequate management guidance is forthcoming, waste and duplication might occur. The organizational framework into which these millions of dollars of geothermal energy research and development funds will be dispersed must be given careful consideration not only by the executive branch, but by the Congress as well.

Within the executive branch, the National Science Foundation has been designated the lead agency for geothermal energy research and development activities. It has been appropriated appropriated approximately half of the fiscal year 1975 funds—over $22 million. Two other agencies, however, are also heavily involved in geothermal energy activities: The Atomic Energy Commission expects to obligate over $12 million for such programs in fiscal year 1975, and the Department of the Interior—specifically, the U.S. Geological Survey, expects to spend over $10 million for joint activities associated with geothermal resources assessment. NASA will also participate in fiscal year 1975, as in previous years, through its remote sensing research.

Within the Federal Government, geothermal energy is the only energy source which is subject to the degree of fragmentation which I have mentioned above. Research, development and demonstration on oil, gas, oil shale, coal, nuclear fission and fusion, and solar energy are all assigned with the overwhelming responsibility lodged in one particular department or agency. Geothermal energy, therefore, is an exceptional case in its fragmented management character.

Mr. Chairman, H.R. 14920 provides an organizational framework to assure adequate coordination and efficient management of future research, development, and demonstration programs. I emphasize the need for unity in our geothermal technology program all the way up through the demonstration phase, because the present lead agency approach used by the administration is inadequate to insure this long-term integration. The present lead agency, as I mentioned earlier, is the National Science Foundation. NSF has done a creditable job of basic and applied research in many energy-related fields, including geothermal. However, NSF lacks the statutory authority and management capability for carrying research ideas through to the technology demonstration phase. Clearly, if we are going to enunciate specific goals for geothermal technologies—and expect their accomplishment within as short a timeframe as possible—we must provide the necessary management capability to implement those goals.

The Geothermal Energy Coordination and Management Project established by this legislation accomplishes this management integration objective. It does so in such a manner that the existing expertise of all of the Federal agencies involved in geothermal energy research and development is optimally utilized in order to insure the earliest possible accomplishment of the program goals. The project consists of five members: The chairman will be the Administrator of the Federal Energy Administration, presently Dr. John Sawhill. Other members are: an Assistant Director of the National Science Foundation, an Assistant Secretary of the Department of the Interior, and an Associate Administrator of the National Aeronautics and Space Administration, and the General Manager of the Atomic Energy Commission.

The project will have broad responsibility for the effective management and coordination of all Federal geothermal activities related to the development of needed technologies. These technologies will be associated with the evaluation and determination of our geothermal resources base; extraction and utilization of geothermal resources; and the demonstration of those geothermal energy technologies which appear most promising on the basis of research and development activities.

In carrying out the specific activities associated with this program, the Management Project will be expected to utilize the capability of the National Science Foundation for basic and applied research; Department of the Interior for evaluation and examination of the geothermal resources base; National Aeronautics and Space Administration for management capability and technology development, as well as evaluation and examination of geothermal resources base through space-related technologies such as the Earth resources satellite; and the AEC for research and development activities associated with various geothermal energy technologies.

Mr. Chairman, I am a member of the Committee on Government Operations which earlier this year reported out a bill which would establish an Energy Research and Development Administration. I strongly believe that centralization of research and development responsibilities in the field of energy is a laudable national goal. The bill before us today is entirely compatible with the House-passed legislation which would establish an ERDA. There is a section in H.R. 14920 that provides for the transfer of the functions assigned to the project under this act to ERDA—or a similar agency, if and when established by law. That section also provides that ERDA or any other Federal organization or agency having jurisdiction over national energy research and development may utilize the expertise of the members of the project in an advisory capacity after the authority of the project is transferred, if such an arrangement seems desirable.

Another role which the Management Project can play is to provide for an orderly transfer of the organizations within the Federal Government involved in geothermal activities into a centralized agency such as ERDA. The lines of authority and coordination activities which the Management Project will initiate will assure that the incorporation of geothermal energy activities will be smooth and efficient when ERDA or its equivalent comes into being.

In summary, Mr. Chairman, I believe the Management Project approach contained in H.R. 14920 is sound. It is compatible with the earlier legislation passed by the House of Representatives to create an Energy Research and Development Administration. It will save valuable time by launching an integrated geothermal energy research, development and demonstration program now, to assure the earliest possible utilization of this resource for all of the citizens of this country. Mr. Chairman, I urge the passage of this legislation.

Mr. McCORMACK. I should like to thank the gentleman from Florida, not only for his remarks, but for his steady, continuous support in the committee. Without his strength and many fine suggestions made in the committee, we would not have been in the good position we are in today. I appreciate his efforts.

Mr. Chairman, I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, I thank the gentleman for yielding. Let me begin by expressing my appreciation to our distinguished chairman, the gentleman from Texas (Mr. TEAGUE) and to the chairman of our subcommittee, the gentleman from Washington for once again bringing before us legislation to encourage development of another alternative source of energy to supplement our limited supplies of fossil fuels. I am aware of the growing concern within the Nation and Congress with respect to our country's energy supply situation. MIKE McCORMACK has made an important contribution to the resolution of these energy problems through the sponsorship of this bill and others like it.

This bill, H.R. 14920, is an important first step toward the development and utilization of this Nation's vast geothermal resources. Although we cannot expect geothermal energy alone to solve our continuing shortages of energy, it can make an important contribution to our overall energy supply before the year 2000. To realize this potential, we must start now to conduct the basic research and develop the needed technology.

One of the most important aspects of H.R. 14920 is its provision for a program to educate and train scientists, engineers and other professionals to enable them to better meet the challenges associated with developing geothermal energy.

Back in 1957, when the Soviet Union launched sputnik, we were suddenly and spectacularly placed on notice that scientific research and technology is available to any nation. In order to reestablish our leadership in space, we undertook a massive research and development program. A major aspect of that program was the encouragement and financial support of science education in public schools and universities. This course of action was truly a farsighted one. While all of the benefits were not immediately apparent, the added emphasis on science training in the late 1950's paid off by providing the country in the 1960's with the human resources necessary to put a man on the Moon and with the scientific and technical base to develop world leadership in aviation, advances in medicine, and the capability to create permanent energy resources.

Today we face a similar challenge. It is vital that we establish wise and diverse programs to maintain and improve our energy reserves. As I remarked more than a year ago here in the House, the energy challenge has an impact on our while economy. Upon its solution will rest—

> Our agricultural productivity and our industrial capacity and basically our ability to feed, house, educate, and clothe the people who live here.

To successfully meet these future demands, we must solve innumerable technical problems—problems that require the expertise of technically trained persons.

Energy research cannot be done by fiat. The human skills must be available before the research objectives can be reached. This will require training scientists, engineers, lawyers, environmental specialists, and many other persons in various disciplines to enable them to understand and hopefully resolve the special problems of developing and utilizing new energy technologies.

Mr. Chairman, section 107 of H.R. 14920 authorizes the National Science Foundation to support programs of education to carry out the provisions set forth in the act. While this section is only a small part of the broad geothermal energy research, development, and demonstration program established by this act, manpower training is vital to the achievement of its goals.

The first stages of our effort to develop the Nation's geothermal resources will require geologists, geophysicists, and many other specialists capable of carrying out a comprehensive assessment of potential geothermal resources. The pinpointing of sites and the measurement of their size, heat content, temperature, and other characteristics is one of the many tasks that will require trained personnel.

To conduct systems capable of tapping and generating electricity from geothermal steam and hot water will also require the skills of specially trained engineers and technicians. Geothermal steam and hot water are often highly corrosive and sometimes contain valuable minerals worthy of extraction. These are examples of the highly technical problems which require attention.

Finally, the demonstration of commercially viable geothermal energy technologies will require the expertise of managers, environmental scientists, and others capable of monitoring and evaluating system performance.

The committee's legislative report states that—

> An adequate supply of trained manpower is necessary for the success of this effort. . . . NSF is authorized to implement the educational programs designed to assure that scientific manpower will not be a limiting factor in developing geothermal energy.

As the committee report acknowledges, NSF has taken the lead in its designated traineeship programs. In February of this year, NSF announced a new program called energy related graduate traineeships. This program will provide funding to support the training of graduate students in fields related to geothermal energy as well as other energy technologies.

While this program is a good first step, the effort needs to be broadened to include the retraining of professionals already in the work force and students in many fields of science and engineering. H.R. 14920 would establish a broad program which will authorize support to both academic institutions and private industry for the training of the needed specialists in geothermal energy technologies.

Mr. Chairman, H.R. 14920, the Geothermal Energy Research, Development and Demonstration Act of 1974 is timely, reasonable, and responsible legislation. I gladly support its passage.

Mr. McCORMACK. I thank the gentleman for his remarks.

Mr. Chairman, I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr.

Chairman, I should like to add my commendation for the chairman of the full committee, the able gentleman from Texas (Mr. TEAGUE), and the chairman of the subcommittee, the gentleman from Washington (Mr. McCORMACK).

This is truly a landmark piece of legislation.

I would not go quite so far as the gentleman from Arkansas in saying that this would enable us to substitute geothermal power for fossil fuels. Nevertheless, I think that this certainly is the type of approach that we must take toward the production of clean fuel in the future.

Following up the question of the gentleman from Wyoming, I note that the Atomic Energy Commission, and presumably its successor, ERDA, will be spending a great deal more on geothermal energy research and development in the coming year. I wonder if the gentleman from Washington could enlighten us as to the nature of this atomic expenditure, particularly since he is on the Joint AEC Committee, and how this expenditure relates to the bill under consideration.

Mr. McCORMACK. The efforts being made by the AEC and the scientists working for the AEC are at the present time leading other research and development in the area of geothermal energy today. In the Los Alamos area, which is a massive area of hot dry rock formations sitting on an old volcano, the scientists at Los Alamos Scientific Laboratory have drilled into this rock and have learned how to fracture it. They have underway a project in which they can drill a second hole, into which they will be able to pump water and get out hot, dry steam.

There are a couple of questions involved, however. First, can they hydrofracture this rock the same way they hydrofracture rock in drilling oil wells?

Second, will it continue to fracture as they draw the heat from it? If it will, it becomes a viable economic source. If it does not and heat does not flow in fast enough, it will not be a viable source.

So these problems will have to be worked out, and these facts will have to be learned from this type of research and development.

The AEC is also workng on what is called a subterrane melting device, which is melting a hole in the ground just about as fast as a hole can be drilled. They can melt right down through plasticized rock. At Livermore in California the AEC scientists are working on techniques for recovering geothermal energy and converting it to electricity from hot water formations in the Imperial Valley.

So there is a broad spectrum of activities which is leading the field at the present time.

Mr. HECHLER of West Virginia. I thank the gentleman from Washington. I am very pleased that nuclear explosives are not going to be used in this process.

Mr. McCORMACK. I yield now to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I want to add my own commendation for the chairman of the subcommittee and the work he has done in bringing this bill to the floor, and the work of the chairman of the full committee. I think the House is fortunate to have as a Member a man with the technical and scientific background of the chairman of the subcommittee, the gentleman in the well.

I would like to point out, however, that the gentleman's contribution to this legislation may well be more in the political field than in the scientific field. We are in a period of relative chaos in the organization of our energy research and development activities, and what this bill proposes is an innovative concept to bridge the interim period until we can resolve this chaos. This legislation will allow us to go forward with the necessary planning and programing to achieve the results we need in the field of energy.

I do not think enough attention has been placed on this aspect of the legislation.

The administration has not been wholeheartedly in support of this legislation, not because it does not agree with the goal but because it has not formulated and put into effect its own program. This bill recognizes that fact and provides that at such time as there is a permanent executive organization to administer energy research and development, it will take over. This bill moves us forward in a vitally important area.

The fact that the bill is so well tailored is attested to by the fact that the committee voted it out unanimously. It has the support of the minority, who contributed throughout the drafting of this legislation and who recognize the importance of moving ahead.

So I say the gentleman in the well and the chairman of the full committee are to be commended for their political and administrative innovation as well as for their recognition of the technical importance of this field.

Mr. Chairman, before elaborating further on my reasons for supporting this bill, I would like to make a few comments about the Committee on Science and Astronautics, of which I have been a member for nearly 8 years, and the Energy Subcommittee of which I have been a member since its formal existence. The committee, under the capable leadership of the distinguished gentleman from Texas (Mr. TEAGUE), and the subcommittee, working under the innovative direction of Mr. McCORMACK of Washington State, have provided the Nation with numerous examples of valuable congressional leadership. In a time of executive agency inaction, the Nation is fortunate to have the abilities of these gentlemen to provide the leadership in the energy field that this country wants and needs.

The bill before us, as I said before, has not gained the approval of the administration. This should not detract from this bill. Others have already explained what this bill seeks to accomplish, and these rather modest goals can hardly be criticized. What we do today is begin a process of more fully developing our geothermal resources, which are a very significant future energy source in my State of California.

The State of California and the University of California have each recognized the near term practical application of geothermal energy, as well as potential long-term applications in the areas of dry steam, wet steam, hot dry rocks, and geopressure deposits of geothermal energy.

The University of California has been extensively involved with the research and development of geothermal resources for some years. Their primary involvement with Federal funds has been through the Lawrence Livermore, the Lawrence Berkeley, and the Los Alamos Laboratories, which are operated for the Atomic Energy Commission by the University of California. However, significant work has been done at the University of California at Riverside, which is one of the general campuses and also located in my congressional district. This campus is where much of the early work with the Imperial Valley geothermal fields was and is going on. The work of the universities in the geothermal field deserves high praise for expanding our knowledge base while energy corporations ignored this subject.

The State of California, through the leadership of its State legislature, has passed an "Energy Resources Conservation and Development Act" which sets up a central agency for energy conservation and development. This State agency, which is a model the Federal Government should consider, will have the power and the will to encourage the development of geothermal energy. The California State Resources Agency estimates that even without any significant technological breakthroughs, the power generation from geothermal energy will be 76 million killowatt hours per day, or 130 thousand equivalent barrels of oil, by 1985. This conservative estimate would be about 3 percent of California's total energy demand.

An example of the worldwide interest in geothermal energy and the leadership of California is the Second United Nations Geothermal Symposium which will be held in San Francisco, Calif., in the late spring of 1975. This scientific symposium is a followthrough from the First United Nations Geothermal Symposium which was sponsored by the United Nations and the Government of Italy in 1970. This symposium, to be held 5 years later, is being hosted by the United States in association with the State of California and the Secretariat of the U.N. It is pleasing for me to note that two of the prime movers of this conference are from the University of California at Riverside.

I mention this background mainly to put this bill in its proper perspective. Geothermal energy is a source of energy that has worldwide significance. Its true potential is unknown because the deposits of geothermal energy; hot-dry rock; dry steam; wet steam; and geopressure; have not been adequately assessed by any institution. Geothermal energy is potentially cheaper and certainly less polluting than fossil fuels. There are technological problems that have to be solved, but so little effort has been made to solve them that the future is very uncertain for some sources of geothermal energy. The Federal Government can and should take a leadership role in solving the problems associated with geothermal energy.

Mr. Chairman, the bill before us, H.R. 14920, provides for the effective management of a coordinated, comprehensive Federal research, development and demonstration program for all currently underdeveloped geothermal resources. There is at present a Federal vacuum that this bill will help fill. My colleagues on the Science and Astronautics Committee have already explained other aspects of the bill, and I do not need to comment further on this aspect.

I urge the passage of this bill and hope that the other body and the administration will cooperate with this body and support this bill when it comes before them.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman from California for his remarks.

I would point out how important one facet of his remarks is. Even if we should create a Federal agency such as an Energy Research and Development Administration next month this bill, if it is promptly passed into law by Congress, can easily save us a year's time in getting a geothermal energy program on the way to accomplishing the goals we need to attain. This is what is important, so we must pass this legislation whether or not we have an Energy Research and Development Administration or any other overall R. & D. agency.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, I rise merely to ask the gentleman a question. I notice this innovative scheme is to give NASA the interim administrative duties of preparing the definition and so forth. Is NASA willing to take on this duty in addition to its many other duties?

Mr. McCORMACK. I would say in reply that NASA is not only willing but it is anxious, and they have probably the most qualified people to do it. They have Dr. Harrison Schmitt a geologist and Apollo 17 astronaut. He is assigned by NASA to lead their energy effort, and he has already gathered a group of people who have done a great deal of advanced thinking in this area.

Mr. SMITH of New York. Then they are not only willing and able but also eager to do it?

Mr. McCORMACK. They are.

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, I would like to congratulate the chairman of the subcommittee for the excellent work he has done with the cooperation of the Members on both sides on this extremely important bill.

If we are going to get energy independence within the next decade we have got to explore every possible alternative. This is an extremely exciting one which has been proven in northern California and Italy since the turn of the century. We ought to explore it.

Mr. Chairman, I congratulate the gentleman in the well.

Mr. Chairman, I rise in support of H.R. 14920, the Geothermal Research, Development, and Demonstration Act of 1974. I am pleased to have been an original cosponsor of this bill, which establishes a formal Federal structure to coordinate geothermal research and development activities. It was subjected to over 20 hours of testimony before the Subcommittee on Energy began its deliberations and markup. We think it provides a significant step forward in the conduct of geothermal energy research.

A key provision of the bill is section 104, dealing with resource exploration and assessment. Basic to the effective utilization of any resource buried beneath the surface of the Earth is the precise knowledge of the location and extent of that resource. If we wish to realistically consider geothermal energy as a future energy resource, we must immediately embark upon an aggressive program to discover and evaluate the variety of geothermal resources found beneath the Earth's surface.

In the past, the U.S. Geological Survey has taken the lead in performing this necessary assessment in our country because the vast majority of geothermal resources in the United States are thought to lie beneath public lands. As with all Federal energy R. & D. projects this year, the fiscal 1975 budget for the Geological Survey has enjoyed a dramatic increase to nearly $10 million. While the Geological Survey is to be congratulated for its far-reaching work in resource evaluation of every type, we must not exclude the expertise that exists within other Federal agencies and the many State and local governments around the Nation in planning for the development of our geothermal resources.

Mr. Chairman, it is the intent of H.R. 14920 to see that, through the effective coordination of our resource exploration and assessment program, all Federal agencies and State and local authorities are consulted and participate in the program in a manner which will enhance the overall assessment of this national resource.

NASA is one such Federal agency. In testimony before us on February 5 of this year, Dr. Fletcher, the Administrator of NASA, outlined ongoing NASA programs that would have direct impact on any effective geothermal resource exploration. The Earth Resources Technology Satellite, or ERTS-1, facilitates the detection of geothermal resources in an indirect manner by observing such things as melt patterns of snow. Another NASA program helpful in this regard was the Skylab mission. On board Skylab was the Earth resources experiment package, which included a thermal infrared channel having direct application for measuring heat flow from the surface of the Earth. Changes in the heat flow pattern are known to indicate subsurface thermal activity. For the future, Dr. Fletcher testified that:

> To continue work in this area, NASA has proposed a Heat Capacity Mapping Mission (HCMM) in the fiscal year 1975 budget. The spacecraft for this mission is designed to develop medium spacial resolution thermal maps of the surface of the earth. These maps will aid in the identification of certain subsurface rock types which will assist in mineral and energy exploration. The HCMM will make use of a sensor that has been tested and demonstrated as part of an earlier mission.

Mr. Chairman, I might add that just as the development of our oil and gas resources were directly helped by the improvement of detection and drilling techniques, so will the advanced techniques developed by NASA in the space program directly and favorably improve our capability of accurately locating geothermal resource sites.

Because one direct goal of this extremely important geothermal demonstration program is the establishment of energy-producing plants, we cannot and must not proceed to that stage without a current and aggressive resource exploration and evaluation program. In fact, without such a program, no demonstration plant could or should be realistically considered. This legislation has attempted to stress the overall importance of coordinating this very important resource assessment program.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I would like to ask the gentleman in the well why he thinks geothermal energy warrants special treatment such as is given in this bill rather than such other sources as solar energy?

Mr. McCORMACK. It requires special attention only insofar as we need to get an organized program under way. As the gentleman is aware, we have already passed one solar energy bill, the Solar Heating and Cooling Demonstration Act, H.R. 11864, and that is in conference now. We expect to have the conference report on the floor in a week.

In addition, we have a omnibus long-range solar energy bill in committee which will soon be considered in hearings, and there is a similar omnibus solar bill about to be reported out of committee in the Senate.

What we are having to do is to plug holes in what should be an overall systems approach to an integrated national energy policy. But such a policy does not now exist. We have special agencies working in nuclear energy and the Interior Department is working in the area of fossil fuels. But no agency has been designated to work in these new sources. What we are doing is trying to get these on the track as quickly as possible and in advance of an overall national energy development policy into which this will obviously eventually fit.

Mr. ICHORD. I thank the gentleman and I commend the gentlemen of the committee.

Mr. McCORMACK. Mr. Chairman, today the House has before it H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974. This is the second important energy bill to emerge from the subcommittee this year.

The first, the Solar Heating and Cooling Demonstration Act of 1974, was passed overwhelmingly by the House in February and is now in conference. We hope the differences in the House and Senate versions will be speedily resolved and that the first congressionally initiated energy research and development program will soon become public law.

Without the leadership and foresight of the distinguished chairman of the Committee on Science and Astronautics—my colleague and friend from Texas (Mr. OLIN E. TEAGUE), we would not have had the Subcommittee on Energy to review and consider important legislation such as this. His superb judgment in recognizing the importance to the Nation of energy research and development has resulted in a congressional capability for studying, analyzing, and acting on needed legislation.

The subcommittee has invested many hours and days of hard work in the legislation before us today. More than a year ago, H.R. 8628 first received subcommittee consideration. Hearings were held in September 1973 on that and similar geothermal research and development legislation. During the time since then, we have held a total of 8 days of hearings and heard from 32 witnesses. An additional 25 experts have submitted written statements for the record—statements which were given careful study by the committee in evolving this final legislative format.

Ninety-nine Members of the House of Representatives joined in sponsoring geothermal energy legislation considered by the subcommittee. During the hearings on H.R. 11212, the bill which led directly to the clean bill before us today, we received testimony and advice from Congressmen AL ULLMAN, VICTOR VEYSEY, and JOHN RHODES. It was their feeling that our Nation needs a comprehensive, integrated geothermal energy research, development and demonstration program. Their concerns contributed significantly to the subcommittee's decision to report out the legislation in its present form. I want to thank these Congressmen, as well as the many others who have cosponsored similar legislation, for their strong support.

These comprehensive hearings brought a broad spectrum of technological and policy advice to the attention of the subcommittee. Careful sifting through this advice resulted in a large number of changes in the bill. The bill in the form before us today is quite different from that which was introduced more than a year ago. I believe that the evolution of this particular legislation is an excellent demonstration of how the hearing process, when used to produce a thorough record drawing on all sectors of our society, can produce the meaningful, relevant, and practical legislation which our country needs.

I should also like to point out the strong bipartisan nature of support for this legislation. I previously mentioned the direct inputs of Congressman RHODES, the minority leader of the House, and Congressman VEYSEY to the hearing process. I would also be remiss in not pointing out the valuable contributions of the ranking minority member of the Committee on Science and Astronautics—CHARLES MOSHER, of Ohio—and the superb leadership of the ranking minority member of the subcommittee—BARRY GOLDWATER, JR., of California. Both in the actions of the subcommittee and in full committee deliberations, approval of the legislation was unanimous. Mr. Chairman, I am proud of the way in which Republicans and Democrats have been able to work together on this legislation—and I am pleased that is has attracted such broad-based support.

Mr. Chairman, the energy crisis which commanded so much of our attention last year and early this year is not over. Just because the lines are gone at the gas stations does not mean that we have solved the problems associated with assuring an adequate energy supply today and in the years to come.

The fact that the gas lines are no longer with us, does, however emphasize that the real nature of the energy crisis is quite different from the way it is generally perceived by the public. The energy crisis is long range in nature and predominantly technological in character. It is clear that we, as a nation, and, indeed, the entire world, cannot just continue to produce and use our energy resources as we have done in the past. We cannot just continue our nonpolicy.

What we need in this country is a systems approach to an integrated national energy policy. That policy must have a carefully defined and coordinated research and development component. It will have to have many aspects—organizational, financial, and regulatory.

This country has made progress in its consideration of comprehensive energy policies over the past few months. The debate has been widespread and useful—but we have a very long way to go. To attain this goal of a national energy policy will require meaningful congressional initiatives. We need these congressional initiatives for at least two reasons. First, the administration has not provided the kind of leadership which we need. I personally have been quite impressed with the capabilities of many individuals presently within the executive branch who have energy-related responsibilities. While I think the administration has made progress in many aspects of dealing with energy-related problems, it is clear that at this point in time they do not have all the answers.

Second, I firmly believe that we must have the strong support of the people of this country for any workable national energy policy. This means that our elected Representatives must be involved in the setting of that policy—through the legislative process. Discussion of bills such as the one before us today plays a valuable role in bringing the power, influence and expertise of the Congress to bear on this.

In the long run, Mr. Chairman, it is clear that we must utilize energy resources which have been overlooked in the past. But in order to do so, we must develop the technologies which would permit this utilization. It is also clear that, since we cannot wait as long as we would like to develop these alternative energy sources, we must "force feed" the development of the necessary technologies if we are to break free from our dependence on the traditional, depletable, resources we have exploited in the past.

It is the responsibility of the Congress to show the Federal bureaucracy and private industry that Congress is paying attention to the development of new energy technologies, cares about them, and will see to it that public funds are efficiently and effectively utilized to that end.

To accurately assess this legislation and evaluate its needs, one must take a look in at where we are now and where we wish to go. The Federal effort in geothermal energy has increased from $200,000 in fiscal year 1971 to an appropriated $45.2 million in fiscal year 1975. With this rapid growth has come confusion and a proliferation of Federal agencies that has so often slowed the progress of many new technologies and concepts.

Mr. Chairman, we need to know the extent of our geothermal resources. Today we are at the stage that oil exploration was 100 years ago—if geothermal steam or hot water comes out of the ground, we know its there. The less we know about a geothermal resource the larger is the estimate of its size by the optimist—and the smaller is the estimate by the pessimist. Our geothermal potential is critical to the solution of this Nation's energy problems. Its development will also provide us with a new, high technology item to export to the other nations of the world which have geothermal resources. We must begin now to accurately determine the size of our various types of geothermal resources in their country, and be prepared to develop the necessary technology to utilize these resources.

This legislation takes the necessary interim step to lessen the current confusion within our own Federal geothermal effort by creating a more efficient management and coordination framework, and providing the agencies with clear and obtainable national goals. With this in mind, let me briefly review this legislation and expand upon appropriate sections.

DEFINITIONS

In preparing this legislation we felt that it was appropriate to retain terminology and definitions originally contained in the landmark geothermal energy legislation, the Geothermal Steam Act of 1970, Public Law 91-581. However, we found that one such term, a definition of by-product, specifically excluded oil, natural gas, and helium as by-products. For the purposes of this demonstration program we felt it was inappropriate to exclude these by-products since we want to develop integrated systems approaches to utilizing geothermal energy. Furthermore, we know that natural gas occurs in conjunction with geopressured water found along the gulf coast of the United States. This dissolved natural gas may be in concentrations as high as 30 cubic feet per barrel of the geothermal water. Therefore, for the purposes of the demonstration programs under this bill I feel it is necessary to include all by-products in attempts to establish the commercial feasibility of this resource. Let me also point out that this inclusion of additional by-products for demonstration purposes in no way changes any mineral leasing act—including the Geothermal Steam Act of 1970.

GEOTHERMAL ENERGY COORDINATION AND MANAGEMENT PROJECT

The National Science Foundation has been designated by the Office of Management and Budget as the lead agency in Geothermal Energy Research and Development. However, the National Science Foundation does not have fiscal or administrative control over the programs of the other two agencies funding geothermal research and development—the Atomic Energy Commission and the Department of the Interior. While all three agencies are to be congratulated for their early, scientifically sound and far-reaching efforts in geothermal energy, the 300 percent increase in budget of fiscal year 1975 over fiscal year 1974 and the stated intent to couple this income to the objectives of Project Independence, requires that an administratively stronger management and coordination mechanism be utilized.

The National Aeronautics and Space Administration—NASA—is known for its work in resource assessment by remote means, particularly through its satellite program. Additionally, the NASA has a proven management capability for high technology programs. They are capable of undertaking a task and meeting the goals set out for them within cost estimates and within time goals. To complement the skills of the three agencies presently involved, NASA has been added to provide management capabilities and remote sensing capabilities.

In testimony before the Subcommittee on Energy, Dr. John Sawhill, the Federal Energy Administrator, pointed out its role in the important task of Project Independence—a task, which I might add, intends to add 20,000 megawatts of electricity produced from geothermal energy by 1985. As a result of its role in the formulation of programs and policies to carry out Project Independence, and the importance of geothermal energy to that effort, it is certainly appropriate that the Administrator of the Federal Energy Agency be designated as the chairman of this project. It is also consistent with the responsibilities of the REA for short-term problems. The Management Project is an interim step to a viable permanent, overall energy R. & D. management organization. It is, I also believe, a necessary step.

PROGRAM DEFINITION

There does not exist today, an adequate, comprehensive study of the national technical, managerial, and financial effort required to realize the goals set out for geothermal energy utilization by either this legislation or Project Independence.

A good discussion of the promise of geothermal energy and an estimate of a 10-year effort to exploit it on a wide scale is contained in the report of the Geothermal Resources Research Conference. This conference, chaired by the Honorable Walter J. Hickel, met in the fall of 1972 to review the promise of geothermal energy and review possible efforts to meet that promise.

The results of that conference provide a starting point from which to begin a comprehensive program definition. This program definition is to be mission oriented, utilizing the systems analytic methodology that has worked so successfully in defining and implementing large technology programs in the past. With that consideration in mind, the Administrator of NASA, with a round background in this methodology, adequate staff support, and broad experience in geothermal resource assessment by remote sensing is a natural selection for undertaking this task.

NASA does not presently have a major role in geothermal energy, nor is the agency identified as a proponent of other energy sources. NASA can bring its expertise to bear in an unbiased and technical manner.

The program definition must be timely to be useful. The legislation directs that interim reports be filed by October 31, 1974, and January 31, 1975, so that the information can be usefully incorporated into the fiscal year 1976 budget review process.

GEOTHERMAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM

The specific national goals outlined in this bill for developing our geothermal energy resources are broken into three categories: The first is resource exploration and assessment; the second is research and development; and the third is demonstration. Work on all is to be carried out concurrently and benefit from the progress in each.

It is the goal of this program to have on line by the end of fiscal year 1980 6 to 10 electrical power generating stations of from 1 to 10 megawatts each and, where appropriate, the associated plant and equipment to utilize nonelectric geothermal resources and byproducts. Work has begun in several Federal agencies already that will help attain this goal.

The U.S. Geological Survey is undertaking a broad program of resource assessment today. Under this legislation private organizations and State agencies will also be brought into this effort to carry out a truly national resource assessment to determine the size and location of geothermal resources of all types.

At the present time in the United States we utilize only dry steam to produce electricity. Elsewhere in the world wet steam or hot water resources are also being used for this purpose. But in those cases it is also steam that is utilized since steam is separated from the liquid as the high pressures are released. The water is then returned to the ground or discarded.

This legislation is aimed at the less conventional and certainly less developed types of geothermal energy: hot dry rock, geopressured waters, and high and low salinity convective systems.

In testimony in February before the subcommittee, the National Science Foundation outlined three proof of concept experiments that they were undertaking in geothermal energy. These included: a high temperature—above 180° C—convective system at an unspecified location; a low-temperature convective system—possibly in conjunction with the Bureau of Reclamation—in the Imperial Valley; and a hot-dry-rock system currently under investigation near Marysville, Mont.

Chairman Dixy Lee Ray of the Atomic Energy Commission outlined five major geothermal demonstration programs in her testimony before the Subcommittee on Energy: a high-temperature convective system and a low-temperature convective system, both containing low-salinity fluids; a high-temperature convective system with a high salinity fluid; a hot-dry-rock system utilizing work which is currently underway at Los Alamos, N. Mex.; and feasibility studies for exploiting geopressured water fields.

Clearly the beginning of a national effort in developing geothermal energy technology and evaluating our geothermal resource base has begun. Yet, the future of this effort remains unclear. However, with the passage of this legislation with its carefully delineated goals and strong management capability, we can move decisively from our basic research activities into technology development and demonstration phases.

SCIENTIFIC AND TECHNICAL EDUCATION

Testimony before the subcommittee also revealed a concern that the supply of trained technical manpower may be a real limiting factor in carrying out both the research and development effort and the following commercial demonstration of geothermal technologies. Therefore, this bill contains a section which provides for both the project and the National Science Foundation to make a strong and effective effort to train and retrain scientists, engineers, technicians, and others needed to assure that the goals of this legislation will be accomplished.

LOAN GUARANTEES

Without a strong effort by private industry to develop our proven geothermal resources and complement the Federal effort in research, development, and demonstration, we cannot exploit our geothermal resources on a time scale that will make this source of energy a realistic economic alternative for this Nation during the present century. While there exist many institutional, social, and legal barriers to full development of this resource, we do have at hand today one policy option that can aid in increasing private participation—loan guarantees. Benefiting from the fine work of the Senate Interior Committee on this aspect of geothermal technology development, this legislation contains a loan guarantee program in which the Federal Government will guarantee loans made by private financial institutions to companies to carry out work in 1 of 4 categories: First, resource assessment; second, research and development; third, acquiring rights to geothermal resources; fourth, demonstration and/or commercial production of energy or byproducts from geothermal resources. The Government will guarantee up to three-quarters of the value of the loan, if the loan does not exceed $25 million for a single project, or a sum of $50 million for a series of projects by any single company.

In geothermal energy development, just as in the development of our oil resources years ago, much of the work that will advance the commercial development of the resource will be done by small, daring companies who take big risks to locate and prepare for sale subsurface geothermal resources.

While this legislation calls for $50 million yearly to be set aside for a period of 10 years for use within this loan guarantee program, much of this will probably never be used and returned to the Treasury at a later date. I also expect that such industrial participation will, in the long run, lower the total costs to the taxpayer of bringing these new resources to commercial demonstration and will hasten the day of full exploitation of geothermal energy resources.

PROTECTION OF THE ENVIRONMENT

Since geothermal energy appears to pose less environmental problems than many other current sources of electrical power, the resource is quite attractive to those of us who want to protect our physical environment. Yet, we cannot assume that full development of the resource will be without environmental problems. The legislation before us today provides that a strong and special emphasis be made to provide proper and adequate environmental protection at all stages of research, development, and demonstration. It provides that R. & D. programs on the environmental aspects of geothermal energy utilization be adequately supported. We have here a unique case in which environmental controls can be developed along with the other geothermal energy technology, and not have to be added or retrofitted in a costly, time-consuming manner.

REPORTING REQUIREMENTS

H.R. 14920 requires that Congress and the President be fully advised of the progress of this geothermal energy program. Reports will be made by the project to Congress and the President every 6 months. Additionally, at the end or completion of each demonstration project, a special report shall be prepared and transmitted that provides information concerning the results of that project and, where appropriate, suggestions for future Federal action.

TRANSFER OF FUNCTIONS

Since the objective of this legislation is to provide an appropriate step in the coordinated management of geothermal energy research and development, H.R. 14920 provides for the orderly transfer of the functions of the project into the Energy Research and Development Administration or any other similar agency created by law. It also provides that the Director of any such agency may utilize the members of the project in an advisory capacity if he feels this is desirable.

I should also like to point out that H.R. 14920 expands the authority of the Energy Research and Development Administration with regard to geothermal energy. The House-passed version of the ERDA bill, H.R. 11510, provides for only geothermal power development to be transferred from NSF. It completely neglects the Department of the Interior's research and development activities related to geothermal resources assessment. The bill before us today will more adequately coalesce the planning and funding activities related to geothermal energy when and if the ERDA is enacted into law.

AUTHORIZATION OF FUNDS

For fiscal year 1975 $2.5 million is authorized to NASA for the Administrator to conduct the comprehensive program definition. H.R. 14920 requires congressional review of authorizations for the period fiscal year 1976 to fiscal year 1980—$50 million per year will be placed in a special fund for a period of 10 years to administer and carry out the elements of the loan guaranty program.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Michigan.

Mr. ESCH. Mr. Chairman, I rise in support of H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974. All of the Members of this Chamber should be proud to associate themselves with this bill and all that it stands for: to move the country forward toward environmentally acceptable sources of energy.

Our recent energy crisis has been accompanied by the call that we look for new energy sources within the United States. This admonition is followed both figuratively and literally for geothermal energy. Geothermal energy refers to the energy trapped below the Earth's crust by virtue of its extreme pressures and ensuing heat reservoir.

The Geothermal Energy Research, Development, and Demonstration Act is not aimed at verifying this scientific reality but rather is geared toward perfecting its efficient extraction and commercial utilization. The potential of geothermal energy is of little value unless we can convert it to a readily useful form. H.R. 14920 seeks to raise geothermal energy from the inchoate state to "on line" status.

The bill establishes a three-pronged attack on the geothermal energy problem. The first prong involves an exploration and resource assessment program. The currently known geothermal resource areas often were discovered because they were readily visible; for example, geyser sites, and required no deliberate search. Because we are confident that geothermal energy can be shown to be commercially feasible, we need to identify all areas of geothermal energy potential. For example, oil was initially collected from open pools but since then we have had to explore and drill for oil. The location of geothermal resource areas is analogous to the early oil status. The methodical identification of geothermal resource areas will lead to a catalog of such areas which will be available for private enterprise to pursue by the time geothermal energy's large-scale viability is proven.

The act's second prong is a research and development program to carry out the research necessary to overcome the technical difficulties which are holding up the commercial readiness of geothermal energy. This program will investigate a wide variety of topics ranging from better resource extraction equipment to improved geothermal conversion methods. The R. & D. effort also will pay close attention to the environmental impact. While no serious adverse consequences are expected, the program will study emission and waste control and disposal. Being alert to the environmental effect of geothermal energy early in the program will allow that any such problems may be neutralized by appropriate design changes. This is in contrast to most existing energy sources where environmental factors were only an afterthought and hence insuing problems have been rectified with great inconvenience and expense.

The third prong draws upon the results of the first two. It concerns the actual demonstration of geothermal energy's viability as a commercial energy source. This phase will include designing and constructing demonstration projects to produce electrical power from geothermal energy; operating such plants for a period of time; and providing experimental test beds for continued onsite refinements of geothermal components and systems. The programs currently anticipate from 6 to 10 demonstration projects of from 1 to 10 megawatts capacity each. The projects will be so distributed as to investigate a number of different resource areas. This is important to show that geothermal energy is not merely suited to isolated areas but is applicable to many parts of the West.

When geothermal energy's commercial viability has been successfully demonstrated the Federal effort will terminate. The target date for this accomplishment is 5 years. Then it will be time for private enterprise to begin utilizing geothermal energy in providing for the power needs of the public. The act encourages farsighted private groups to become involved in the demonstration projects themselves by setting up a loan guaranty provision. This will underwrite loans made to parties engaged in geothermal research, development, and demonstration programs.

Mr. Chairman, I believe the Geothermal Energy Research, Development, and Demonstration Act of 1974 offers an innovative approach to our current energy crisis. Geothermal energy is not subject to capricious stoppages. The realization of geothermal energy will signify a return to the old-fashioned tradition of native American ingenuity. I enthusiastically support H.R. 14920 and feel confident that all my colleagues will join me.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman from Michigan and I thank the chairman and the members of the committee for their tremendous bipartisan effort.

Mr. **GOLDWATER.** Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 14920, the "Geothermal Energy Research, Development, and Demonstration Act of 1974." I compliment the committee chairman, the gentleman from Texas (Mr. TEAGUE), and the subcomittee chairman, the gentleman from Washington (Mr. MCCORMACK), for their leadership in drawing up this imaginative proposal. This measure was reported out unanimously and has the complete support of the Republican members of the committee.

Mr. Chairman, geothermal energy has now established itself as a highly feasible means of supplementing other forms of electrical power generation. In fact, this Nation's energy experts currently predict that geothermal energy could furnish as much as 20 percent of our electrical power capacity by the year 2000. But tapping the Earth's underground reservoirs of hot water and steam is only as far advanced at the present time as the petroleum industry was approximately 100 years ago.

Geothermal energy has been demonstrated to be a cheap, clean, accessible fuel which can be readily harnessed to generate vast quantities of electricity. The problem is, however, that before geothermal power can make a measurable contribution, a broad variety of technical problems must be solved. These are problems involving geothermal sources, drilling the wells, transferring the heat efficiently, and, handling the accompanying materials detrimental to equipment and environment alike. This then is the purpose of H.R. 14920—to identify and solve the myriad of technical problems which have thus far restricted the full potential of geothermal energy from being realized.

In essence, this legislation provides for a research, development, and demonstration program directed to geothermal energy. The work is to be carried out under a Coordination and Management Project with key participation by the National Science Foundation, the Atomic Energy Commission, the Department of the Interior, and NASA. One of the primary factors inhibiting the development of geothermal power is the fragmentation of the research and development effort on the Federal level. Thus, through the coordinating mechanism provided for in the legislation, these wide-ranging Federal efforts will be brought under closer control, permitting a better organized and more effective pursuit of the necessary technology. Management of the project would be assumed by the Energy Research and Development Administration (ERDA) or some similar agency if such legislation is approved.

I would also emphasize that the committee recognizes that the detail of management and fiscal requirements necessary to establish a national geothermal energy program have not yet been fully determined. The legislation, therefore, provides that the Administrator of NASA will conduct a comprehensive $2 million program definition during fiscal year 1975. Three interim program definition reports are to be filed in the course of fiscal year 1975 in order to spell out the nature of the budget commitment necessary for fiscal year 1976 and ensuing years.

The evental goal under the bill in terms of demonstration projects is to establish 6 to 10 such projects which will utilize the most promising technology which has been developed. In other words, there will be a strong filtering process between concept identification and implementation. In addition, the economic potential will have to be clearly identified before such demonstration programs are initiated.

Mr. Chairman, although the private sector has done much of the pioneering work in this concept, progress has been slow. The ideal geothermal source is a dry steam field, from which steam emerges untainted by corroding materials ready for injection directly into low-pressure turbines. So far, however, only two such fields are operating. One is in Italy and the other is the Geysers, about 80 miles north of San Francisco. The Geysers field is now supplying enough steam to generate almost 300,000 kilowatts of electricity for Pacific Gas & Electric Co.

But these two steam fields are unusual occurrences of nature. The other fields with which private industry and private utilities have been working are reservoirs of mineral laden, briny hot water, which require extensive processing before being used by a turbine. Before this steam can be used it must be "cleaned" to prevent corrosion to the turbines. In addition, the hot waste water, loaded with the polluting minerals, must be disposed of without damaging the environment.

These are some of the areas to which research must be directed if this Nation—and in fact the world—is to tap available geothermal power sources. If these problems can be solved, NSF estimates indicate that by the year 2000, 390 million kilowatts of geothermal power capacity can be operating in the United States. This would be more than the present total U.S. electric-generating capacity of 350 million kilowatts.

The other major provision of H.R. 14920 is a loan guaranty program under which incentives would be provided for private participation. This program is designed to eliminate the financial risk associated with not only research, development and demonstration, but also, exploitation. Under this provision the Government would assume part of the risk associated with generating the capital necessary to develop this new technology. Involvement of private industry in this effort is essential to the successful outcome but it is first necessary for the Government to provide some sort of a catalyst for more aggressive and accelerated private sector involvement.

The chairman of the coordination and management project is to designate a Federal agency to manage the loan guaranty program with the guaranty not to exceed 75 percent of the total cost of the specific project. Furthermore, the stipulations are strict in terms of the rate of interest for the loan, repayment terms, and borrower assurance of repayment. The limit for any single loan for which a Federal guaranty will be provided is $25 million.

Mr. Chairman, I strongly endorse this farsighted proposal now under consideration. Geothermal energy represents a new energy frontier and I see the present legislation as the most expeditious and effective means to pursue development of this concept. I therefore urge my colleagues to give H.R. 14920 their complete support.

Mr. **MILFORD.** Mr. Chairman, will the gentleman yield?

Mr. **GOLDWATER.** I yield to the gentleman from Texas.

Mr. **MILFORD.** Mr. Chairman, I wish to add my strong support for H.R. 14920, the Geothermal Energy Research, Development and Demonstration Act of 1974, which we are considering here this afternoon.

Geothermal resources have the advantage of substantial versatility. Their impact on our energy supply could be very dramatic and need not be limited to the production of electrical power.

Mr. Chairman, it would be useful, I believe, to describe one particular type of geothermal resource as an example. That is "geopressured water fields" or "zones."

These geopressured zones exist along the gulf coast States and consist of undercompacted sand and clay in which water has been trapped. They were formed by successive depositions of sediment carried down the Mississippi and Rio Grande during the past 40 million years.

The trapped water has become "geopressured" by the weight of successive layers of sediment. Since water is a relatively poor thermal conductor—compared to the surrounding sand and clay—it has absorbed the heat that is continually emanating from the Earth's interior. This explains the exceptionally high temperatures of the water in these geopressured zones. Because it has been trapped, the water also is generally of low salinity.

Methane, or natural gas, has been found to be dissolved in this water in large amounts. The amount of dissolved natural gas in these zones is a function of both the temperature and the pressure of the trapped water. It may be as much as 30 to 40 cubic feet of gas per barrel of water, or for the field as a whole, as much as 2,700 trillion cubic feet.

For comparison, our known U.S. reserves, estimated on the basis of drilling, amount to 300 trillion cubic feet. Our natural gas consumption during 1973 was 23.6 trillion cubic feet.

Admittedly, the 2,700 trillion cubic foot estimate is speculative, but it is so very large—fully nine times our known reserves—that it surely will be worth our while to take a careful look at geopressured zones.

The very fact that we have to speculate points up the need for present legislation. It makes possible the necessary detailed resource assessment needed to determine accurately the extent of this resource and its potential value to us.

Not only will the geopressured zones yield natural gas, but they will also provide two other important sources of energy—thermal energy from the heat of the water and kinetic energy due to its high pressure.

Kinetic energy can be extracted from the water by means similar to those in hydroelectric projects, by means of turbines. The thermal energy can be used to run steam turbines.

We can separate steam from the hot water and channel it directly into the turbines, or we can use the heat of the water to boil another fluid that has a power boiling point than water, thus producing proportionally more vapor to feed into the turbines.

Both the hydraulic and the gas turbines will probably be used to generate electricity. Alternatively, if there is a need for heat nearby for space heating, industrial processes, or agricultural needs the hot water could be used directly for these purposes. Since the trapped water, especially at the lower depths, has low salinity, it may even be usable as a water supply.

Mr. Chairman, the many exciting potentials of geopressured fields demand investigation. Is this resource attractive because we know so little about it? Or will research confirm optimistic estimates and provide not only the Southeast, but the entire Nation with a viable energy resource?

We need an aggressive, well coordinated program of resource assessment, research, and demonstration to answer these questions fully. H.R. 14920 will provide just such a program.

There will be technical problems to solve, but they by no means appear insurmountable. As far as natural gas is concerned once we extract it, we will have no problem integrating it into our national distribution network. All the necessary tie-ins are already there on the gulf coast.

We owe it to ourselves as an energy-using nation to determine what we can do with geopressured fields and then get on with the task of developing them. With the estaimated natural gas reserve alone, we could supply the Nation's needs for natural gas for a hundred years in the future at present rates of consumption. And it must be reemphasized that this is only one of the many potential geothermal resources that this Nation may ultimately utilize.

Mr. Chairman, I urge all my colleagues to vote in favor of H.R. 14920.

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Kansas.

Mr. WINN. Mr. Chairman, I rise to offer my support for H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974. The Subcommittee on Energy has done an excellent job of drafting this legislation and I strongly urge my colleagues to vote for its passage.

Mr. Chairman, the evidence of geothermal resources was noted by man as early as 2,000 years ago; however, it was not until the early part of this century that any useful amount of electrical energy was produced by utilization of geothermal reservoirs. Even today in the United States, only one significant power project exists—in northern California—where geothermal wells power a generating facility with an installed capacity of approximately 400 megawatts. Worldwide generating capacity resulting from geothermal resources totals only twice this figure with these "reservoirs" found mainly in Italy, Japan, Mexico, New Zealand, and Russia.

Development has been limited for a number of reasons, not the least of which are the various types of reservoirs which characterize geothermal energy sources. First, there is the vapor-dominated or dry steam type of reservoir which yields superheated steam and other gases with little or no water. These beds give off little or no noxious waste with the steam suitable for immediate injection into turbines. Unfortunately, there are very few known reservoirs of this type.

The second type of geothermal reservoir is the hot water-dominated reservoir where water "flashes" to steam as the pressure decreases upon withdrawal of the liquid from the earth. Most known geothermal reservoirs in the United States are of this variety. The problem is that these reservoirs generally yield a saline water, and in some cases, a highly concentrated brine. These fluids pose a substantial disposal problem in addition to threatening equipment corrosion difficulties.

A third type of geothermal reservoir involves hot dry rocks deep within the earth. It has been suggested that this heat can be extracted directly from the heated rock material by piping water to the rock formation which would in turn create steam. Very little is known about this technique although conceptually it appears to hold the greatest promise.

Thus, if I were to summarize the present state of activity in this country with regards to geothermal energy, I would emphasize that numerous geothermal reservoirs have been located and that many more suitable beds exist, but that a concentrated research and development effort is required to fully exploit the geothermal concept.

In short, lack of information about the resource, coupled with insufficient experience in drilling and production techniques, make geothermal development a very risky although potentially rewarding venture.

It is my conclusion therefore—a conclusion reflected in the legislation under consideration—that a program of such financial risks and technological complexity requires a strong measure of Federal financial encouragement before the private sector will participate. There is certainly no assurance that early attempts to tap geothermal energy of the three kinds discussed will result in reliable or economic ventures. But, by the research and development effort proposed, coupled with a limited demonstration program, prototype plants will provide the necessary "data points" upon which private industry, and particularly the electric utilities, can base their future programs.

Unfortunately, at the present time there is no concerted Federal program for research and development in geothermal resources. There are a few agencies which have rather limited and tentative activities underway but all such efforts are characterized by lack of urgency. However, through this legislation, not only is the federally sponsored geothermal effort consolidated within a central Geothermal Energy Coordination and Management Project, but in addition, the total effort is focused in the higher priority work.

Mr. Chairman, because of the critical nature of our present energy situation, this country cannot afford to overlook the potential of this important and attractive domestic resource. This committee has studied a number of proposals for developing this resource and I strongly believe that the approach recommended—an approach involving initial Federal involvement with participation by the private sector through a loan guaranty program—is the most desirable alternative. The present bill has received the most careful study by members of the committee, in addition to undergoing the scrutinization of dozens of outside witnesses, and I urge my colleagues to provide this proposal their unqualified support.

Mr. PETTIS. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from California.

Mr. PETTIS. Mr. Chairman, I rise in support of H.R. 14920.

The importance of this legislation cannot be overemphasized in light of our national energy problems and the excellent potential for utilizing geothermal steam as a major new domestic power resource.

The Geysers, the only commercially developed geothermal plant generating electricity that exists in the United States today, is located in the northern part of my home State of California. According to the U.S. Geological Survey, there are also vast geothermal fields throughout southern California and the rest of the country as well, with great energy development potential.

The need to proceed with this development is obvious. And, I believe the thrust of H.R. 14920, provides an excellent approach to do so by coordinating Federal programs in geothermal R. & D., as well as providing the incentive to insure continued private sector involvement in the field.

I want to commend my colleagues on the Science and Astronautics Committee who put this bill together and urge this Chamber to pass it.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Chairman, I certainly join in complete support of this legislation. I am proud of the job the committee has done.

However, for the record, I think it needs to be noted here that the administration spokesman did oppose this bill, notably Mr. John Sawhill. They oppose the bill not because they are opposed to the purpose of the bill; they are very strongly in support of the proper emphasis on the geothermal research and development, but they argue that if we approve this legislation, we would tend to fragment the organization structure in energy, and they urge us to wait until ERDA, the Energy Research and Development Agency, is approved.

I think we are now aware that ERDA soon will be approved and will become law, and this legislation specifically provides the mechanism by which this effort, as we are approving it today, will be picked up by ERDA and carried on.

In the committee, we strongly feel that as a matter of emphasis and as a matter of focus, this legislation as we are proposing it today does deserve our support, and I strongly urge all members of the committee to support it.

Mr. Chairman, I am proud to endorse H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974. This bill lays the foundation for the realization of a significant new source of energy. H.R. 14920 merits our unequivocal support.

H.R. 14920 represents the synthesis of several earlier bills as well as weeks of hearings on the potential of geothermal energy. The bill has received enthusiastic bipartisan support. The cosponsors to this bill and its predecessors almost read like a list of "Who's Who" in the House of Representatives.

I deem myself privileged to have been able to work on this bill with Messrs. TEAGUE and McCORMACK, chairman of the full Science Committee and Energy Subcommittee, respectively. Mr. McCORMACK has spearheaded this effort. TIGER TEAGUE has given his full support. We on the minority side have been involved throughout this bill's evolution. Our minority leader, the gentleman from Arizona (Mr. RHODES), testified before our committee, his recognition of the importance of geothermal.

Mr. Chairman, today the necessity for new energy sources in the United States needs no elaborate justification or support. It has become a truism. In past years the United States has focused its attention and money on sophisticated and esoteric projects, such as nuclear fission and fusion research—research which I am confident will contribute its fair share to our energy inventory. But we have neglected several straightforward, long-recognized energy sources; namely, solar and geothermal energy.

Earlier in the year this Chamber took the initiative to rectify this imbalance by passing the Solar Heating and Cooling Demonstration Act of 1974. We now have a similar opportunity with the Geothermal Energy Research, Development, and Demonstration Act of 1974.

The potential of geothermal energy has been recognized for many years but until now there has been no concerted effort to bring it to fulfillment. Geothermal energy is certainly a huge, but as yet incalculable source, and nonpolluting. In past years other energy sources were so readily available, this discouraged investment to solve the technological problems impeding the commercial utilization of geothermal energy. Now, because of its great potential, it is appropriate that the Federal Government lead the way in solving such technical problems, to demonstrate the viability of geothermal sources.

The Federal Government has begun that effort but it is as yet a fragmented effort with no focal point. The National Science Foundation, the Atomic Energy Commission, and the Department of Interior each have given recent attention to geothermal.

H.R. 14920 first copes with this splintered approach by establishing a Geothermal Energy Coordination and Management Project to oversee and coordinate the efforts of Federal agencies working on geothermal energy.

That Project will be an interim step, awaiting the establishment of the Energy Research and Development Administration (ERDA).

Mr. Chairman, I feel it appropriate to point out that the administration opposes this legislation in its present form.

The administration does not oppose the development of geothermal energy; however, administration witnesses, and in particular Dr. Sawhill, of the Federal Energy Administration, favor withholding all action on specific projects until an Energy Research and Development Administration, or equivalent, is established. The administration is concerned at what they feel to be the potential for fragmentation of the various energy projects within the bureaucracy.

However, as the Congress is well aware, the ERDA legislation has been under consideration for a lengthy period of time—time which the Science Committee feels would be better spent in pursuing energy research such as reflected in H.R. 14920. For that reason, the Science Committee is recommending immediate pursuit of a geothermal program but with provision for the transfer of the effort into an ERDA or equivalent immediately upon its establishment.

The Project will be composed of the Administrator of the Federal Energy Office; an Assistant Director of the National Science Foundation; and Assistant Secretary of the Department of Interior; an Associate Administrator of the National Aeronautics and Space Administration; and the General Manager of the Atomic Energy Commission.

The Project is not meant to be a distinct agency. Instead, it will review specific programs which will then be carried out by existing Federal agencies.

Another immediate objective of the bill is to direct the Administrator of NASA to prepare a comprehensive program definition of geothermal development to insure an integrated effort. The Administrator will solicit views from other Federal agencies, State and local government agencies, and private organizations. Interim progress reports are to be provided by the President and the Congress by October 31, 1974, and January 31, 1975, so that its findings may be incorporated into the fiscal year 1976 budget cycle. Such a study will give a better assessment of the cost and administrative needs of this 5-year funding level for H.R. 14920 is a $2.5 million authorization to NASA in order that it may begin the program definition.

Most importantly, beyond these two initial objectives the ultimate aim of H.R. 14920 is to demonstrate the commercial viability of geothermal energy. The effort will peak by the end of fiscal year 1980 with from 6 to 10 electrical power plants in operation of 1 to 10 megawatts capacity each. To achieve this goal three distinct programs are set out. These are: Exploration and resource assessment; research and development; and demonstration.

The exploration and resource assessment phase will determine the nature and extent of our geothermal resources. To further this work the Project may endorse an intensive research and development effort to develop any technology needed to better identify geothermal resources. For example, remote sensing by satellite will be refined for application to this area. The result of this effort will be a comprehensive national inventory of geothermal resource areas. The inventory will be published and thereby stimulate commercial interest.

At the same time as the exploration and resource assessment progresses, a major research and development effort will begin to identify and carry out the research and development necessary for the economic extraction and utilization of our geothermal resources and accompanying useful byproducts. We anticipate that areas of investigation will include work on better drilling methods, improved extraction equipment, and more effective geothermal energy conversion methods.

In developing these new technologies there are important aspects which will benefit our energy capability in general. For example, one aspect of work on more effective geothermal energy conversion methods involves the improvement of the heat bottoming cycles of thermal energy reservoirs. This can result in improved heat exchange techniques which would improve the efficiency of heat converters in many existing powerplants—in particular our steam-driven turbines, be they powered by fossil fuels or nuclear energy. In short, better heat exchangers will enable us to extract more energy from these latter sources; energy which is now lost.

The third major step will be to demonstrate the commercial potential of geothermal energy by designing, constructing, and initiating plants generating electrical power from geothermal sources and capturing valuable byproducts such as oil and gases. Each demonstration project will dispose of the electrical energy and any useful byproducts. This will be achieved as much as possible by their sale to the local community.

In addition, the Science Committee is aware that an adequate supply of trained manpower is essential. In order to meet this need, the Project is authorized to fund training programs for the span of the effort—5 years. The National Science Foundation has already taken the lead in this area and its role now will have an even greater impact.

A key ingredient to the successful national utilization of geothermal energy is the fostering of interest and participation by the private sector. To promote such participation H.R. 14920 provides for a loan guaranty program for private enterprise engaging in geothermal energy development. The bill contains safeguards to insure that the loans which the Government underwrites will be for work directly related to this area and will in any event not exceed 75 percent of the total cost of any one project site. This assures that private developers invest a sizable portion of their own funds.

Geothermal energy also shares one of the principal aspects of solar energy, that is, it would be nonpolluting. While experts anticipate no adverse environmental effects from geothermal energy projects, the bill directs that attention be given to this concern throughout the program. If any negative features do surface they will be identified early and steps will be taken to neutralize them.

Mr. Chairman, I believe that the development of geothermal energy is long overdue. Today's legislation establishes a deliberate attack on the problems of geothermal energy. By applying ourselves with prudent haste we can resolve those remaining roadblocks. The resolution of our energy crisis does not necessarily entail lofty theories or exotic achievements. What it does call for though is that we exploit our native ingenuity and traditional American resourcefulness. H.R. 14920 is right on point with that well established American characteristic.

Mr. Chairman, H.R. 14920 offers a streamlined, hard-hitting, and concise approach to realizing the potential of geothermal energy. It assures the expeditious resolution of the problems impeding geothermal energy's widespread utilization.

The initiative which this bill embodies is a credit to the legislative branch of our Government. I am confident that geothermal energy will become a valuable energy source and that this bill will provide the wherewithal for achieving that end.

I give my full support to H.R. 14920 and urge my colleagues to do likewise.

Mr. GOLDWATER. Mr. Chairman, I thank the gentleman for pointing out the reservations the administration has. Obviously, it is the thinking of all members of the committee that we cannot afford to wait any longer to bring some kind of organization and direction to this area of geothermal energy.

Hopefully, the Congress will respond and create a mechanism under which we can foster geothermal energy as well as other similar efforts and develop a coordinated, comprehensive energy policy.

Mr. CRONIN. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Massachusetts.

Mr. CRONIN. Mr. Chairman, I would like to point out that I rise in support of this legislation, and I congratulate the gentleman in the well (Mr. GOLDWATER) as well as the gentleman from Washington (Mr. MCCORMACK), and the gentleman from Texas (Mr. TEAGUE) for the tremendous efforts they have given to this committee to recognize the congressional initiatives to solve our energy deficiencies.

I come from a part of the country that has faced some of the most acute energy shortages so far in our Nation, and it has affected us very directly. I think we recognized, perhaps sooner than some of the other areas in our country, that the whole question of energy is a serious one and one of shortages that will be with us for many years. Even though the New England area is perhaps one of the least likely areas in the Nation to use geothermal energy, the fact that it will be available in other parts of the country means that it will free up some of the traditional sources of energy for areas such as New England. I think the sooner we get to work in utilizing all the energy resources in this country, the better off we will be.

Mr. Chairman, the Geothermal Energy Research, Development, and Demonstration Act of 1974 is yet another instance of congressional initiative coming to grips with the energy crisis.

The United States has supported both basic and applied scientific research and development for many years. In the past there were times when our research achievements outpaced the rate at which they were absorbable by the economy. We had solutions in search of a problem. That situation has reversed dramatically with regard to our national energy posture. We must now focus and accelerate the normal development cycle of new technology designed to cope with this problem.

The attractive feature of geothermal energy development is that half the work has already been done. Geothermal energy rests below the Earth's surface waiting to be drawn out. The major thrust of the Federal effort will be to demonstrate that it can be efficiently extracted and utilized. At that point private power companies will be willing to invest capital into building commercial geothermal powerplants. What's more, the successful demonstration of geothermal energy will encourage investors to back such ventures; ventures which might otherwise not attract adequate funds because they would be considered speculative.

Thus, our goal is to show that geothermal energy is a viable source of energy available for widespread use. The results of this research will not be lost in some distant laboratory but will be as close as the nearest light switch.

To foster the initial participation of private industry in tackling the geothermal energy problem, H.R. 14920 provides for a loan guarantee program. Private groups which engage in activity directly related to geothermal energy may have loans for such purposes guaranteed up to 75 percent of the total cost of the project. No loan guarantee will exceed $25 million for any one project nor may any group have more than $50 million guaranteed. Approved activities include geothermal resource assessments, research, development, and demonstration or operation of a geothermal power site. The loan guarantee aspect is a reasonable way to spur private involvement in geothermal energy at an early stage.

An additional concern of the Science and Astronautics Committee was the adequate supply of trained manpower. This is especially true in an area of rapidly expanding technology such as geothermal. Anticipating this point, the bill contains a provision for the support of training programs. The National Science Foundation has funded geothermal studies in past years and the bill reinforces the Congress concern and support of such activity.

Mr. Chairman, the energy crisis we face will not be resolved by any single, dramatic breakthrough. Rather, it will be met by a methodical marshaling of our many different resources. We must develop different energy sources and then integrate them into a unified energy network. For example, our nuclear energy capability is prominent in the East and Midwest; geothermal energy is best suited for the West; and solar energy is applicable across the country.

In keeping with this move toward consolidating different energy sources, the bill provides for the transfer of the Geothermal Energy Coordination and Management Project (Project) to the proposed Energy Research and Development Agency (ERDA) after it or a similar agency is established. The Project has authority to review and coordinate the geothermal programs of Federal agencies. The Project will provide a centralized source of direction and planning.

Mr. Chairman, I believe that the Geothermal Research, Development, and Demonstration Act of 1974 is a timely measure which will provide the necessary impetus to opening up a whole new source of energy—an energy source which is nonpolluting, not subject to arbitrary stoppages, and not subject to continual price increases.

I am pleased to give my endorsement to H.R. 14920 and I exhort my colleagues who are concerned with our energy crisis to join me.

Mr. HANNA. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from California.

Mr. HANNA. Mr. Chairman, I thank the gentleman for yielding to me. I would like to speak in support of this legislation and add to what has been said.

In this instance we see another place where the Congress itself has taken the initiative. This is a great need of the country, and I want to commend the chairman of this subcommittee and its members, and the chairman of the full committee, for demonstrating to the people of the United States once again that Congress does respond and can take the initiative.

Mr. Chairman, I rise in support of H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974.

As we have so painfully learned this past winter, we cannot afford to allow ourselves to become too dependent upon a single commodity—be it an energy resource or a material resource. To alleviate this problem, we must equip ourselves with alternative energy sources. A prime candidate for early development is geothermal energy.

In the hearings of the Subcommittee on Energy last September, we received testimony on the worldwide occurrence of geothermal resources. Thermal springs have been discovered in over a hundred countries. Another form of geothermal resources, geopressured zones, are likewise widely distributed. If many of these geopressured zones contain dissolved natural gas, as those on our gulf coast do, the impact of their exploitation alone on the world's energy supply will indeed be significant.

Today geothermal energy is being utilized to produce electrical power in Italy, New Zealand, Japan, the U.S.S.R., Iceland, China, and Mexico, as well as the United States. The current capacity amounts to a little over 1,000 megawatts. Another 800 megawatts are in the development stage and should be on line by 1977. In addition, El Salvador, Guadeloupe, Taiwan, and Turkey will soon be joining the roster of nations with geothermal electrical powerplants.

At the forefront in the use of geothermal energy for space and process heating are Iceland, New Zealand, and the U.S.S.R. In Iceland, 40 percent of the population lives in houses heated by natural hot water. This percentage will be increased to 65 percent in the next 5 years. Reykjavik, the capital, is almost totally heated by geothermal water at a cost estimated to be about 60 percent of fuel oil heating.

As the price of oil increases or remains uncertain, the numerous emerging nations of the world will see their opportunity for progress threatened. Many nations will turn to alternatives such as solar heating and cooling and geothermal energy.

Geothermal energy planning activities are already underway in many developing nations. The Philippines has been conducting mapping and feasibility studies in preparation for the construction of a proposed geothermal powerplant. This effort and similar, though less advanced projects, in Nicaragua and Indonesia are being carried out with funding from the U.S. Agency for International Development funding. The Chilean Government, in cooperation with the United Nations, is investigating the development of a multiple purpose geothermal facility which would produce electricity, desalinated water supply, and mineral byproducts.

The Government of Ethiopia, also aided by the United Nations, has completed a resource assessment project which indicated that the exploitable geothermal potential of Ethiopia may be sufficient to meet the present need for electric power for the whole of Africa.

As these nations move toward geothermal energy utilization, they will look to the United States for the technology and scientific expertise they will need. Many technical problems must be solved in order for us to obtain the maximum benefit from geothermal resources with the minimum adverse environmental consequences. New turbines must be designed to better withstand the tremendous pressure of geopressured water and the corrosive properties of hot brine. Methods of preventing noise pollution, thermal pollution, and possible air or ground water pollution due to the escape of gases and minerals from geothermal steam must be perfected. The potential for subsidence or increased seismic activity in areas where geothermal steam or water is being extracted must be accurately determined and counteracted. Even techniques for locating geothermal fields are far from a hundred percent reliable at present.

Mr. Chairman, I feel that H.R. 14920 will insure that the United States will be able to exercise the technological leadership in geothermal energy development which these emerging nations expect from us.

We can no longer provide other nations with fossil fuel resources, but we can and must see that they are able to develop the untapped energy resources they already have. If we can open the way for the utilization of all geothermal resources, we will not only have provided this Nation with one more rational energy option, but we will have provided many other nations with a realistic and promising future.

Mr. GOLDWATER. Mr. Chairman, I thank the gentleman from California for his remarks. I recognize his fine efforts in bringing this legislation to the floor of the House.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to my colleague, the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I join the gentleman in the well in supporting this legislation.

Mr. Chairman, I would like to point out something that I am sure is not known to many Members of this Congress, that already in the United States of America, at the geysers, north of San Francisco, we have the largest geothermal electrical energy producing facility in the world. There are many other areas in California and throughout the country where that kind of development can occur, and this legislation will be of great assistance in developing this important energy resource.

Mr. CONLAN. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Arizona.

Mr. CONLAN. Mr. Chairman, I rise in support of H.R. 14920 the Geothermal Energy Research, Development, and Demonstration Act of 1974. This is a far-sighted piece of legislation which merits the enthusiastic support of the Congress.

The energy crisis demands that we maximize our energy resources by developing new energy supplies as well as by using our current energy resources more efficiently. The legislation proposed today can contribute to both of these goals.

The potential of geothermal energy has long been known to man. However, until now our supply of fossil fuel energy was so abundant, and inexpensive that there was never any real push to tackle the problems impeding the widespread utilization of geothermal energy. The events of this past year have demonstrated to us that we must develop all of our potential energy sources. This is precisely what our Committee on Science and Astronautics has done in reporting the Solar Heating and Cooling Demonstration Act of 1974, passed by the House and Senate earlier this year, and in presenting the geothermal development bill today.

Mr. Chairman, coming from Arizona I wish to assure you that the Sun's energy shines down on us every day just waiting to be effectively collected and utilized by man. So too, the Earth's geothermal energy lies beneath our surface waiting to be effectively tapped. Both solar and geothermal energy have the attractive features of being virtually without limit and having no known adverse environmental consequences.

This bill is aimed at overcoming the technological problems currently impeding full utilization of geothermal energy by providing for an intensive effort in research and development. Many of the topics to be investigated will, at the same time, help in improving our energy posture in other fields. For example, one area of research will explore better drilling technology and resource extraction techniques. Success here will increase our capability in the mining of coal and in oil and natural gas extraction.

Another area involves research on heat exchange technology. Heat exchangers play a key role in converting steam and heat energy into useful energy forms such as electricity. Improving heat exchanger efficiency will permit the extraction of more useful energy from heat reservoirs—energy which otherwise would be wasted. Progress here would find application in nuclear and fossil fuel powerplants. Thus, many of the advances which will accompany research on geothermal energy will have a widespread positive effect.

One hopeful feature of the research to exploit geothermal energy is that effective utilization is achievable after only a relatively short period of concentrated R. & D. effort.

This is in apparent contrast to much of the nuclear fission and fusion research which has often required considerable expenditures toward identifying the problems before engaging in research to solve these problems. In the geothermal area, the problems are more defined and manageable. Their resolution, therefore, should be reasonably straightforward.

While we are pursuing solutions to the technical problems of geothermal energy, the Department of the Interior will be carrying on a program of exploration and resource assessment. This will be a comprehensive effort to identify and catalog the geothermal resource areas in the United States. Such an identification effort will insure that by the time geothermal energy's commercial feasibility is demonstrated, there will be available a complete listing of geothermal resource areas ready for private enterprise development. The exploration and assessment effort will make use of the latest technology. I look forward, for example, to the successful use of the remote-sensing capabilities of our Earth satellites to contribute to this task.

Mr. Chairman, this bill lays out a concise "game plan" for the realization of geothermal energy's full potential. The legislation consolidates and coordinates the Federal geothermal effort by having the programs of individual agencies reviewed by a geothermal energy coordination and management project. Early in fiscal year 1975 the National Aeronautics and Space Administration is directed to review the overall geothermal energy situation to yield a more accurate assessment of the work remaining to be done. This will provide the Congress and individual agencies with a valuable reference point by which to gage our future geothermal activities.

Mr. Chairman, I urge my colleagues to support H.R. 14920 and the energy self-sufficiency which it can bring.

Mr. GOLDWATER. Mr. Chairman, I yield to my colleague, the gentleman from California (Mr. Veysey).

Mr. VEYSEY. Mr. Chairman, I thank the gentleman in the well for yielding to me.

Mr. Chairman, I would also like to commend my good colleague, the gentleman from California (Mr. Hanna), who observed that this is a notable and I think a rare example in which the Congress has taken the initiative, seeing a problem, identifying the dimensions of that problem, and then reaching out for solutions. I think we ought to do that more often.

This bill stands out as a very excellent example of that type of congressional initiative, so I do back this legislation.

I want to commend the gentleman in the well as well as the chairman of the committee, the gentleman from Texas (Mr. Teague), and particularly the gentleman from Washington (Mr. McCormack), the chairman of the subcommittee, for showing this type of initiative in this much needed area.

Mr. GOLDWATER. Mr. Chairman, I thank my colleague, the gentleman from California, and would like to recognize him for his contribution to this legislation and his excellent testimony before the subcommittee and also because of the fact that of all the Members of Congress, he is probably one of the most knowledgeable on this particular source of energy, having worked in this area for many years, conducting hearings and educating himself personally to become knowledgeable, and thus making a fine contribution to our labors on the subcommittee.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to my colleague, the gentleman from California.

Mr. KETCHUM. Mr. Chairman, I rise in support of H.R. 14920, the Geothermal Energy Research, Development and Demonstration Act of 1974. I would also like to commend the chairman of the full committee, Congressman Teague, and the Chairman of the Subcommittee on Energy on which I serve, Congressman McCormack, for their leadership in proposing this innovative legislation.

Mr. Chairman, geothermal energy is one of the most acceptable of all the new energy resources which this Nation is seeking to develop. It is clean; it does not pollute; and in practical terms, it is virtually limitless in abundance. In addition, in terms of economic feasibility, studies have shown that geothermal energy will be able to provide electrical power at less expense than any alternative source of electricity with the exception of hydroelectric power—a resource which has not been fully developed.

I take personal pride in the present legislation because much of what we are proposing to accomplish has been pioneered in my State of California. California has been the focal point of geothermal work within the United States because we possess one of the outstanding sites—the Geysers.

However, development of geothermal energy in California, as it is in most of the country, is in a very primitive State. Indeed, most of the exploitation work has been little more than harnessing steam eruptions from faults in the Earth. In fact, in the Geysers area in northern California, approximately 400 megawatts of power is being developed from this simplest form of geothermal energy, pure steam coming up from the ground and being directed through a turbine. But this form of geothermal energy is not widespread throughout the United States; thus the thrust of the legislation is to develop energy sources more common to and useful throughout the rest of the country.

For example, a second form of geothermal energy which exists on a far greater basis than pure steam is a mixture of hot water and steam. But problems can and often do exist in tapping such a resource; particularly when mineral or saline waters are present. Such a mixture can result in major corrosion of the piping, heat transfer, and turbine equipment. In addition, there are problems associated with handling the byproducts. Thus, much research is needed.

In addition, the bill addresses itself not only to research and development, but also to demonstration. It is anticipated that the most promising concepts developed—most promising in terms of technical as well as economic criteria—will be placed "on line" in order to establish the promise of the geothermal concept. The bill contemplates that between 6 and 10 demonstration projects will be set up over the next 5 years to serve as limited or pilot models to power firms contemplating entering the field.

Mr. Chairman, the long-range goal of this legislation is to develop the full technology base to stimulate the installation by private industry of tens of thousands of megawatts of generating capacity by the middle of the next decade. This goal will require much effort in areas such as resource exploration and assessment, materials research, Earth sciences research, and environmental research, to mention only a few of the major areas. The present legislation reflects careful consideration of the scope and extent of the geothermal energy research program which will be required by this Nation and very wisely directs NASA to develop a detailed program definition plan for the fuller exploitation of this resource.

I am confident that the present legislation will not only result in the eventual proof of concept but also will serve as the all important catalyst in involving the private sector more heavily in this type of work. It is through this type of commitment by the Federal Government—a commitment of relatively modest scope in terms of resources and time—that geothermal energy will come to play a major role in this Nation's power capacity. I, therefore, look forward to the Federal Government assuming the initial leadership in a role which will lead to the development of geothermal systems for commercial use at the earliest practical time. I strongly support the present legislation and urge that my colleagues adopt it without amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in support of H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974.

In representing an area in which the largest dry steam electric generating plant in the world, the Geysers, is located, I am mindful of the key role that geothermal energy can and must play if we are to meet our stated goal of energy independence by the 1980's, and I recognize that a large share of our Nation's geothermal resource potential is located in California.

With this in mind, I strongly support this bill, which is designed to upgrade and expand the governmental role as an active partner with the private sector in the coordination and management of research, development, and demonstration activities in geothermal energy.

As Dr. Sawhill said recently, we must achieve the proper balance between Government and private involvement in all our energy research and development efforts, if we are to achieve energy self-sufficiency. In this regard, I am confident that the legislation we are considering here today will help us to move forward toward that objective in the geothermal energy field. In addition to providing the

National Science Foundation and the National Aeronautics and Space Administration with new authority in identifying and developing new geothermal energy resources and technologies, this measure also provide for a loan-guaranty program to provide incentives to the private sector.

It is my understanding that my colleague from California (Mr. VEYSEY) will be offering an amendment to this legislation directed toward minimizing redtape in bringing new geothermal energy resources "on line" by encouraging States to establish geothermal energy clearinghouses. In view of reports we have received that a number of geothermal energy developers have been and are encountering problems in meeting all local, State, and Federal laws, rules and regulations governing such development and delays in the processing of permit applications and environmental-impact statements, I strongly believe that the clearinghouse approach is absolutely necessary to insure the uniformity and coordination required to bring about maximum geothermal development at the earliest possible date, and I strongly urge my colleagues to support this amendment.

Mr. GOLDWATER. I commend the gentleman from California (Mr. DON H. CLAUSEN), for the pioneering geothermal work which has been performed in Sonoma County. In addition, this early geothermal energy development was carried on by the private sector of our economy. Their farsighted efforts are a tribute to our native American ingenuity. I am pleased that this progressive work took place in California and I hope that others in the United States will follow the fine example which those in Sonoma County have set.

I yield to my colleague, the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN of North Carolina. Mr. Chairman, I rise in support of H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974. This bill will enable our country to develop a significant new source of energy.

Mr. Chairman, the recent energy crisis has prompted our Nation to look toward developing new sources of energy. This impetus has sparked a renewed interest in several energy sources which have been known but neglected for many years. One of these is geothermal energy. Men have known for centuries that the interior of the Earth is tightly compressed and contains an endless reservoir of heat. In the past, men tapped this natural supply of energy by means of hot springs and geysers. However, no concerted effort was ever made in this country to harness it for general widescale use. Recently, several Federal agencies have begun to give some attention to this topic. This is certainly a step in the right direction. But to achieve its full potential within a reasonable time, the Federal effort must be coordinated and given a focus.

H.R. 14920 would give the Federal program in geothermal energy the leadership and direction necessary to realize the successful development of this energy source. The bill establishes a Geothermal Energy Coordination Management Project to oversee and coordinate the Federal program. The Project would be composed of representatives from those Federal entities concerned with geothermal energy. The Project is not intended to be a new agency in itself. It will review the Federal geothermal energy program of individual agencies which themselves will retain the primary responsibility for carrying out of specific research topics. The Project's coordination role will reduce duplication and optimize the distribution of our investigative resources.

Closely allied with the Project's oversight work will be the task of analyzing the geothermal energy situation in order to draw up an accurate set of guidelines which the Federal Government could rely on in planning its programs for the duration of this 5-year effort. The National Aeronautics and Space Administration (NASA) was selected as the appropriate agency to undertake this program definition task because of its experience in managing extensive research programs. NASA will solicit input from other Federal agencies, State and local government agencies, and private groups. Thus, its ultimate findings and recommendations should reflect the views of all interested parties.

The culmination of this effort will be the successful demonstration of the commercial viability of geothermal energy. When this is accomplished, the path will have been cleared for private enterprise to use the technology in commercial powerplants. During the demonstration exercises themselves, the output of energy and other useful byproducts will be available to the public in order to augment existing energy supplies. The useful byproducts may include minerals and dissolved gases.

Geothermal energy will be a welcome addition to our inventory of energy sources. It will be a relatively nonpolluting, virtually endless power source. Furthermore, the ultimate source of geothermal energy is "free" except for costs of capital facilities and extraction and conversion to electricity. This is in contrast to such other Earth-contained resources such as coal and oil which have all of these extraction and conversion costs, plus the high cost of original fuel itself. Over the long term, geothermal energy may well serve to stabilize energy prices by serving as a counterbalance to the rising costs of the world's nonreplaceable fossil fuels.

Mr. Chairman, I believe H.R. 14920 is a sound piece of legislation which deserves our enthusiastic support. It will set the stage for dividends which we will collect for many years to come. I urge all my colleagues to join me in voting for the Geothermal Energy Research, Development, and Demonstration Act of 1974.

Mr. GOLDWATER. Mr. Chairman, I yield to my colleague, the gentleman from Colorado (Mr. BROTZMAN).

Mr. BROTZMAN. Mr. Chairman, I am pleased to rise in support of the Geothermal Energy Research, Development, and Demonstration Act. For some time man has had the capability of harnessing the steam and hot water below the Earth's surface for the generation of electricity. Congress is now provided with the opportunity to seize the initiative and move toward total development of this vital energy source.

I wholeheartedly support research and development of geothermal energy, which I urged when formulating my own legislation to develop this resource, because it focuses American expertise and technology directly upon the development of the abundant energy sources in this country. It has been estimated that 17 percent of the West is underlaid with dry rock that reaches temperatures of 250° C. In the East, vast quantities of this dry rock exists at lower temperatures. This bill will establish an administrative mechanism to increase our knowledge of these dry rock beds as well as other heretofore undeveloped geothermal resources which include geopressured water, and high- and low-salinity convective systems.

This bill will bring an end to the major impediment to the development of geothermal energy: the fragmentation of Federal efforts in research and development. A Geothermal Energy Coordination and Management Project will be created and composed of the Administrator of the Federal Energy Administration, an Assistant Director of the National Science Foundation, an Assistant Secretary of the Department of Interior, an Associated Administrator of the National Aeronautics and Space Administration, and and the General Manager of the Atomic Energy Commission. The Administrator of the Federal Energy Administration will serve as chairman of the Project.

The Project will have the administrative authority and responsibility to review and coordinate the diverse efforts of the various participating agencies, and shall be responsible for developing, managing, and coordinating national geothermal development and demonstration programs. The detailed management and fiscal requirement necessary for the Project to accomplish its goal will be developed by the Administrator of NASA.

To encourage participation in geothermal development from small industry, the bill sets up a system of loan guarantees and a Federal role in covering interest payments on loans to private industry.

Other provisions in this bill which I regard well thought out and useful include programs for research and development to assure environmental protection, the safety of persons and property, and a program of scientific and technical education to be implemented by the National Science Foundation.

Mr. Chairman, I agree with the findings of the Committee on Science and Astronautics that technologies for the development of most geothermal resources are potentially economical and desirable. This bill recognizes that Federal financial assistance is necessary for the development of this abundant energy source. It also recognizes the important role the private sector will have to play to bring this Nation ever closer to our goal of energy self-sufficiency by developing our geothermal resources. It is an alternative we must not overlook.

Mr. GOLDWATER. Mr. Chairman, I have no further requests for time.

Mr. TEAGUE. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, this is indeed a very, very important piece of legislation. It has great implications for meeting our future energy needs, and we must make sound decisions which are precedent-setting in their character.

I would just like to observe that the gentleman from Washington, who had a great career as a research scientist and teacher, which he gave up to come to the Congress, shows that Ph. D.'s like the gentleman from Maryland, the gentleman from Washington, and others who become politicians are master craftsmen in the art of legislation as well.

This morning, the House Committee on Rules began its hearings on strip mine legislation. Perhaps we may be debating a strip mining bill next week in the House of Representatives.

As a resident of the Appalachian Mountains, I am very disturbed by the devastation which strip mining has wrought in our area. I think every effort must be put forward, as it is in this legislation, to develop new and clean forms of energy, such as geothermal, solar, and other forms of energy in the future so that we will not have to devastate our land and impoverish our people by the curse of strip mining.

There are several questions I have set forth in my additional views concerning this bill, and I would like to include these at this point in the RECORD:

ADDITIONAL VIEWS OF MR. HECHLER OF WEST VIRGINIA

I strongly support legislation for research, development, and demonstration in geothermal energy. At a time when our Nation is gravely concerned about energy sources for the short and long term, this legislation promises to get us off to a fast start in developing geothermal energy, a key environmentally sound energy source. However, I do have some serious questions about certain sections of H.R. 14920.

During the full committee markup, I raised a number of questions concerning the adequacy of protection for both consumers and taxpayers who are investing in geothermal development. Since the majority of geothermal resources are located on Federal lands, I feel strongly that the public interest in geothermal development must be protected, not necessarily by Federal ownership and development but by insuring that a giant give-away does not develop. I am concerned that section 106(b)(4) would require that at the conclusion of the demonstration program, "the agencies designated by the Project to conduct demonstration projects under this section shall, by sale, lease, or otherwise, dispose of all projects which they have undertaken pursuant to this section." This in effect means that the Federal Government will develop the geothermal powerplant, do all the spade work, and then turn it over for private exploitation. I think this may be questionable given the fact that one of the major advantages of geothermal plants over conventional or nuclear plants is that it is economical to begin on a small scale and add generating units as the reservoir is developed or as demand increases. In short, disposing of these projects is not the same as getting rid of surplus Army vehicles—these facilities may be of considerable value to the public as well as to any private owners. Congress must consider whether these facilities should be expanded and developed as a source of power which will clearly benefit the public or be turned over to private industry.

Title II of the bill sets up a system of loan guaranties and a Federal role in covering interest payments on loans to private industries. The rationale here is to encourage small businesses to move into the geothermal energy area. This is certainly a laudable goal. However, title II contains no requirements limiting the size of the corporation or business utilizing the loan guaranty program nor does it require any demonstration of need on the part of the borrower. Given the fact that the huge major energy companies have completely dominated the leasing of geothermal resources under the Geothermal Steam Act of 1970, I would question whether this title would be any more than just another break for the conglomerates. The limitations on the amount any one borrower can borrow are not sufficient to prevent the participation of all of the big energy companies.

I am a little concerned about our national policy with respect to the use of geothermal energy on public lands. Although H.R. 14920 deals only with very minimal amounts of megawattage in terms of these experimental and demonstration projects, nevertheless I feel that it may set a precedent in terms of Federal and taxpayer investment in these demonstration projects, which are then developed and turned over to private industry after the Federal Government and the taxpayers of the Nation have invested in them.

Mr. Chairman, I wonder whether it is necessary that we make this decision here today in this piece of legislation as to how we are going to dispose of these projects or whether we should hand them over to private industry. May we not defer that decision until some future date, at which time we will know the precise value of these projects?

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding.

I recall the discussion which we had in the committee with regard to this particular aspect of the bill. I think the gentleman from West Virginia is to be commended for focusing on this problem, because it does raise a troubling question.

I, frankly, am not prepared to reach a judgment as to what the proper solution of this problem is at the present time. I think this House is soon going to be forced to grapple with the problem represented by our posture toward the participation of private industry in a number of areas such as that which the present legislation covers.

We have similar problems in connection with the cost to the Federal Government with regard to loan guarantees, which are also included in this bill. We offer loan guarantees to small business, and then we turn around and offer them to Lockheed. We will have agricultural legislation before us shortly which will contain loan guarantees.

Although I am not opposed to this particular type of legislation, I think it has to be dealt with within very strict and recognized limits, and we have not yet set these limits.

The same principle applies to the role of private enterprise in activities which are largely going to be federally funded and from which the private business interests may reap an undue benefit if we are not extremely careful.

Mr. Chairman, I wish to repeat my commendation to the gentleman from West Virginia for bringing up this point. I hope the Congress will be able to look at it and to resolve it on an acceptable basis in the near future.

Mr. HECHLER of West Virginia. Mr. Chairman, I thank the gentleman from California for his thoughtful and preceptive comments.

The gentleman from California mentioned loan guarantees. In title II of this legislation, which covers the loan guarantee program, beginning on page 17 of the bill, this section, as I understand it, was put in for the purpose of enabling or encouraging small businesses to participate in the geothermal program contained in the bill.

Mr. Chairman, I would like to ask the gentleman from Washington if that was not the real design of the loan guarantee program which is contained in title II?

Mr. McCORMACK. Mr. Chairman, if the gentleman will yield, this loan guarantee program was not inserted in this bill just to assist small businesses. Clearly it is not for that purpose. The building of a geothermal energy plant or any other sort of a powerplant is not a small business.

In addition, throughout the country, whenever anyone sets up a demonstration plant, they are operating in an area where the State public utilities commission or its equivalent has already established a franchise for the generation and distribution of electricity.

Thus, one may be dealing with a large municipality such as the city of Burbank, which is interested in developing geothermal energy in the Imperial Valley.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TEAGUE. Mr. Chairman, I yield one additional minute to the gentleman from West Virginia.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield further?

Mr. HECHLER of West Virginia. I yield further to the gentleman from Washington.

Mr. McCORMACK. Thus I think we are dealing with this sort of a concept where we are trying to encourage public and private utilities, to get into the geothermal business; providing this encouragement because they cannot be certain at the present time as to whether or not this geothermal energy program will pan out. We are clearly not limiting this exclusively to small business.

Mr. HECHLER of West Virginia. Mr. Chairman, I appreciate the comments made by the gentleman from Washington. I certainly hope that this legislation will be amended so as to encourage not only the major companies, but also to encourage small businesses. That was my understanding of the purpose of the loan guarantee program. At the appropriate time I expect to offer two amendments which will cover the disposition of these projects and also to clarify the extent to which both major energy conglomerates and small businesses may participate in this program.

Mr. BERGLAND. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I yield to the gentleman from Minnesota.

Mr. BERGLAND. Mr. Chairman, in the past year the term "energy," and along with it "energy R. & D." have become almost household words. One bright aspect that we can all be proud of, however, is the initiative that this Congress has taken in establishing realistic and far-reaching programs in energy R. & D. These programs will in the long run solve the real energy crisis that this Nation faces—a crisis that still lies predominantly in the future and requires technological solutions. Just as I did in February of this year when the House passed the Solar Heating and Cooling Act, I again rise today to support another important bill, the Geothermal Energy Research, Development, and Demonstration Act of 1974, H.R. 14920.

While the term "research" is often thought to describe work that has no immediate use or urgency, research when combined with development becomes a necessary element in attaining the goals of H.R. 14920: The bringing on line of powerplants that will demonstrate the commercial feasibility of production of electricity and byproduct utilization of the many currently unexploited types of geothermal resources that lie beneath the soil of this Nation.

It has been my privilege as a member of the Committee on Science and Astronautics to annually review the work and programs of the National Science Foundation. Since 1971 they have been active through their program of research applied to national needs in supporting applied research on geothermal energy. Characteristic of NSF's RANN research is a project currently being conducted near Marysville, Mont. This area, not far from the State's capitol, Helena, was first discovered by researchers headed by Dr. David Blackwell of Southern Methodist University as they were making heat flow measurements under a National Science Foundation grant. Here heat flows with a magnitude 10 times normal were recorded.

As a result of this discovery, and following a thorough RANN review. NSF decided to further investigate the nature of the thermal anomaly. There existed no surface manifestations such as the presence of steam or other heated fluids. At that time it was thought that the Marysville site might be a hot dry rock region. However, this was speculative and NSF realized the necessity to accurately evaluate this potentially new type of geothermal resource. Therefore, the Foundation continued its support until a proof of concept experiment aimed at utilization of this resource could be demonstrated.

This was accomplished by funding a major project under the direction of the Pacific Northwest Laboratories of the Battelle Institute of Richland, Wash. Continuing their innovative work is Southern Methodist University. Other participants in this project are the Rodgers Engineering Co. of San Francisco and Systems Science and Software of La Jolla, Calif. And I might add that cooperative work in the area by the U.S. Geological Survey rounds out this major effort. This coming year, and particularly now as we move from spring into summer, should be the most productive yet. Soon work will begin on the next step in the project which will be to drill to 6,000 feet and conduct extensive experiments that will determine the magnitude and nature of this subsurface activity.

The payoff on this research and development is tremendous. As noted in the New York Times, Sunday, June 2:

> A cubic mile of hot rock might yield $1 billion worth of energy at present electric power rates.

This project and all other research and development projects in geothermal energy need to be effectively integrated and coordinated to produce such optimal results. H.R. 14920 specifically addresses and answers this need. I urge that today we favorably consider this legislation to that we can immediately begin a more concentrated effort to exploit geothermal energy.

Mrs. GRASSO. Mr. Chairman, last winter's fuel shortage spurred interest in the need for developing nonfossil fuel resources. The crisis has temporarily passed, but the possibility of future energy shortages remains strong.

Consequently, the Federal Government must act decisely to insure that a concerted program of research and development is undertaken to ascertain the economic viability of new and potential sources of power. In recent months, the House has passed several bills which would improve our ability to develop domestic sources of energy. For example, last February the House passed the Solar Heating and Cooling Demonstration Act.

A necessary complement to that legislation is the bill before us today—H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act. The bill, similar to one which I cosponsored, would serve as a driving force for public and private research into the uses of geothermal energy.

At the present time, Federal geothermal energy research is fragmented. Pending final creation of the proposed Energy Research and Development Administration, H.R. 14920 would establish an interim group to coordinate and manage existing Federal geothermal projects.

As the Subcommittee on Energy of the Science and Astronautics Committee has shown, geothermal energy is now generating power throughout the world, including the United States. However, our knowledge of this potential source should be improved and existing geothermal technology should be further developed before geothermal energy becomes an economically viable alternative source of power in this country.

Passage of H.R. 14920 will help this research and development, particularly in our Western States which contain numerous sources of geothermal power. Practical development of geothermal energy would also help ease the fuel shortage in the eastern part of the Nation. The use of geothermal power could decrease dependency on fossil fuels and allow these resources to be transferred to other areas.

Mr. Chairman, we can ignore new and promising sources of energy only at the risk of drastically altering our present way of life and standard of living. As the user of one-third of the world's energy, the United States must establish a progressive energy policy which accentuates the development of economically viable, environmentally safe sources of power. Geothermal energy is one source which can help us meet our future energy needs.

I am confident that most of my colleagues realize the importance of this legislation and will join me in supporting H.R. 14920.

Mr. TIERNAN. Mr. Chairman, we have an obvious, urgent energy situation in this country. Our reliance on limited fossil fuels and an ever increasing demand has precipitated what is known as an energy crisis. The crisis has taken the forms of gas lines, smaller cars, and loosened neckties; but these irritating anomalies are but a portending of possible consequences. The future of the United States is inextricably bound to its energy supplies. The crisis of 1974 is the first indication that a strange combination of public ignorance, industrial manuvering, and legislative lassitude has divided our Nation-energy balance. As I see it, the solution is twofold: To decrease wasteful energy consumption; and to increase our power reserves.

The measure before us today, H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974, concerns the former. It supports R. & D. in the science of extracting heat energy from below the Earth's surface and converting that heat to usable electric power. Toward that end it establishes an administrative mechanism for Federal coordination of our badly splintered geothermal effort. Federal initiative is necessary because we cannot wait for the normal mechanics of the marketplace to provide incentives for private participation.

The Geothermal Energy Coordination and Management Project will organize a three-part geothermal program. First it will conduct a thorough resource exploration and assessment program that will determine the nature and extent of all geothermal resources. The second major effort will begin concurrently with resource development and exploration and will involve identifying and carrying out the research and development necessary for economic extraction and utilization of the Nation's geothermal resources and useful byproducts. The final phase, demonstration, will draw on the results of the first two. It will undertake the design, construction and initiation of plants generating electric power and producing valuable electricity.

H.R. 14920 will also develop an adequate supply of trained manpower in the geothermal field and seek to further industrial involvement by way of low-cost loans.

In conclusion, we must develop a coordinated national energy plan. Geothermal energy is an integral part of that plan. While the potential is limited and its nationwide application relatively slight—except via a national power grid—it will do much to attenuate the power shortage until such time as the feasibility of the limitless forms of thermonuclear fusion and solar energy can be demonstrated.

Mr. CONTE. Mr. Chairman, as one of the original cosponsors of this legislation, I rise to enlist the support of my colleagues.

Geothermal energy promises to be a great new energy source for the United States. It is a relatively "clean" energy source, with only modest emissions of sulfur and salt. And in the Western States, geothermal energy may be abundant.

Four years ago, the Congress appropriated just $200,000 for research and development on geothermal energy. But in April, the House passed a special energy appropriations bill that provides over $45 million for geothermal energy. It is apparent that the Federal interest in geothermal has increased rapidly—in direct proportion to the need for this new energy resource.

Of the four sources of geothermal energy, only two—"dry steam" and "wet steam"—have been put to commercial use. The other two geothermal sources—"hot dry rock" and "geopressured water"—remain undeveloped, even though their potential for commercial use is much greater.

The energy that can be recovered from geothermal sources is significant. The United States currently produces 350 million kilowatts of power. But the demand for electricity doubles every 8 years. A recent report from the National Science Foundation estimates that by 1985 geothermal resources in the United States have the potential of supplying 132 million kilowatts of electricity. And by the year 2000, geothermal sources could provide 395 million kilowatts.

Mr. Chairman, if I have one reservation about the future of geothermal energy, it stems from the fact that the big oil barons are trying to monopolize the leasing of potential geothermal lands. The Wall Street Journal calls this a "new gold rush." A recent article on geothermal energy stated that:

> Practically every major oil company, ready to apply drilling skills in a new area, has either acquired geothermal leases in the Imperial Valley (of California), is negotiating for leases or is already drilling for hot water.

In hearings before the Select Committee on Small Business, on which I am the ranking minority member, we have seen other instances where the major oil companies have sought to monopolize control over competing forms of energy. They have done it to coal, uranium, and oil shale, and now they are trying to control geothermal energy. This is part of the big "energy grab."

While pushing for the development of geothermal energy, I hasten to warn my colleagues about this trend. I encourage their close attention to this matter, so that this energy source is allowed to develop unfettered by artificial restraints and anticompetitive schemes.

For the Record, I submit the article from the Wall Street Journal:

Steam Below Ground Seen Giving Big Boost to U.S. Energy Supply

(By Earl G. Gottschalk, Jr.)

El Centro, Calif.—With its year-round growing season and irrigation from the Colorado River, the Imperial Valley of California is one of the richest agricultural areas in the nation. Lettuce, cabbage, sugar beets, alfalfa, and cotton thrive in the warm sunshine on land reclaimed from the desert.

But beneath the fertile soil is a far greater treasure—a vast reservoir of subterranean hot water that geologists say can provide 30 times the power generated by the Hoover Dam.

In a power-hungry nation racked by a shortage of natural gas and oil and worried about the safety of large atomic power plants, the relatively pollution-free geothermal power beneath the Imperial Valley looks like a godsend. Leading oil companies and utilities have stopped asking questions about how much geothermal power will cost and now are intensely engaged in a wildly competitive scramble to find and develop it.

Practically every major oil company, ready to apply drilling skills in a new area, has either acquired geothermal leases in the Imperial Valley, is negotiating for leases or is already drilling for hot water. Two major West Coast utilities, Southern California Edison Co. and San Diego Gas & Electric Co., have teamed with oil companies in the search for and development of geothermal power here. San Diego Gas will begin construction of a $3 million geothermal pilot power plant here in a few weeks; the utility has already budgeted $8 million to $10 million to acquire rights of way for power lines to transport the power 80 miles to San Diego.

BONANZA AHEAD?

Imperial County officials and landowners, seeing a bonanza of industrial development and other riches, couldn't be more delighted. Leasing fees for geothermal lands have shot up to as high as $10 to $15 an acre annually from about $1 an acre a few years back. Companies have already promised to locate here when the power is developed.

And what has happened here on private land is certain in a few months to be repeated in known federal geothermal prospects throughout the rest of the western U.S. as the federal government puts these lands up for lease for the first time. The Department of the Interior will lease 59 million acres of potential geothermal land in 14 states, of which about one million acres are pinpointed as "prime" because natural steam vents or hot water pools have confirmed the existence of thermal wells there.

"It'll be a new gold rush," predicts one oil company executive. "No one is tipping his hand right now, but all the major companies have already leased private lands and many are drilling in California, Oregon, New Mexico, Arizona, Colorado, Utah, and Idaho."

Geothermal energy isn't immediately going to solve the nation's energy shortage, but it may be a significant new source of power for the long run. A National Science Foundation report estimates that by 1985, geothermal resources in the U.S. have the potential of supplying 132 million kilowatts of electricity, and by the year 2000 they could provide 395 million kilowatts. The U.S. currently produces 350 million kilowatts, but it's estimated that power needs double every eight years.

AN OLDTIMER

Electric power now is being produced commercially from geothermal energy in seven countries, including New Zealand, Japan and the Soviet Union. In Italy, steam from a field near Larderello has been generating kilowatts since 1904.

Geothermal resources occur naturally in more than 80 countries in two basic reservoir forms: dry steam and hot water. Dry steam systems produce steam with little or no water, and the steam can merely be directed through turbines to generate electricity. In the more prevalent hot water systems, the hot water must either be pumped to the surface and turned into steam or run through a heat exchanger. The leftover hot water is reinjected into the ground or it can be desalinated and processed for mineral extraction.

In the U.S. there is only one commercial geothermal field now producing power. That is a dry-steam field at the Geysers, 75 miles north of San Francisco in Sonoma County. Here Pacific Gas & Electric Co., Northern California's big utility, has been buying steam since 1960.

A three-way combine of Magma Power Co., Union Oil Co. and Thermal Power Co. has drilled more than 80 steam wells in the mountainous steam field at the Geysers. The Geysers field currently produces 302,000 kilowatts of power. By 1975 Magma Power says, its capacity will exceed 600,000 kilowatts, or enough to supply the power needs of the city of San Francisco.

HUGHES INVOLVED, TOO

Another company active at the Geysers is a relatively new one, Pacific Energy Corp., which has an unusual backer—Hughes Aircraft Corp., the giant electronics firm owned by the Howard Hughes Medical Foundation (of which Mr. Hughes, the billionaire recluse, is sole trustee). Through a wholly owned subsidiary, Hughes Aircraft owns 58% of Pacific Energy's stock and has put about $3.7 million in the company to buy and develop geothermal leases at the Geysers.

Pacific Energy's chairman is John B. Callon, at Natchez, Miss., oil and gas man. Directors of Pacific Energy include Pat Hyland, general manager of Hughes Aircraft, and Jack Valenti, president of the Motion Picture Association of America and former aide to President Johnson.

Pacific Energy officials say they have a letter of intent from Pacific Gas & Electric to purchase electricity from the steam wells on Pacific Energy's leases, but Pacific Energy won't be seeing any profits until 1975 or 1976. Pacific Energy plans to bid on the federal geothermal land leases offered by the U.S. and is exploring elsewhere for geothermal deposits. To beef up its technical expertise, Pacific lured Robert Rex, a University of California geologist who is the leading expert on the Imperial Valley geothermal resources, to take a year's leave of absence to be vice president for exploration.

Signal Oil & Co. is also negotiating with Pacific Gas & Electric to sell electricity from leaseholds at the Geysers.

But although the Geysers is the only field now producing electricity, the vast hot water deposits beneath the Imperial Valley are a far greater geothermal resource. Even though intense private activity has begun here, it's at the Mexican end of the valley that power is nearest to being produced.

The Mexican government is ready any day now to start up a 75,000-kilowatt geothermal generating station at Cerro Prieto, about 30 miles across the border from Calexico, Calif. Cerro Prieto is an extinct volcano; the molten rock lying beneath the surface around its base heats ground water that can be extracted, changed to steam and run through turbines.

At a recent United Nations conference, however, Mexican authorities conceded their plant won't be totally pollution-free. In addition to steam and water from the deep wells at Cerro Prieto, the Mexicans said there will be a discharge of sulfuric gas that could cause air pollution if prevailing winds fail.

DWINDLING ENTHUSIASM

People have long known that there were hot waters beneath the Imperial Valley because of hot mineral springs bubbling to the surface in many areas. There was drilling in the area as early as 1920, but the valley's recent history of geothermal exploration began in the early 1950s when Allen T. Van Huisen, drilling for oil, instead hit 500-degree hot water at 5,000 feet. Immediately, a land rush occurred, with companies like Standard Oil of California, Shell Pure and Morton International leasing land.

The oil companies' enthusiasm dwindled, however, in the mid-to-late 1960s when they discovered that the hot waters were much saltier than they had expected and the brine corroded their pipes and turbine engine blades. Geothermal hopes were abandoned in the Imperial Valley.

But when the Mexicans found hot water that was only about as salty as sea water, interest began anew. Other wells in the Imperial Valley disclosed less-salty water. And by the early 1970s utilities like Southern California Edison and San Diego Gas & Electric found themselves in a bind. Antipollution forces were halting construction of their big power plants, and the utilities were so desperate for power they began to search for any new source. Shortages and rising prices of natural gas and oil and worries about the safety of atomic plants suddenly made geothermal power seem the most feasible new energy source.

The oil companies and utilities decided it now was worth their while to explore and develop the Imperial Valley. So the land rush has started all over again.

DRAFTY ROOMS, NO RECEPTIONISTS

The man who probably holds the key to development of the Imperial Valley's geothermal potential is the same man who developed the Geysers—a genial 76-year old veteran of the geothermal business named Burton C. McCabe. Mr. McCabe operates Magma Power Co. out of an office in one of the oldest homes still standing in downtown Los Angeles—a Charles Addams-type house in which the company has several rooms on the second floor. The drafty rooms, with a few desks and filing cabinets, are a sharp contrast with the skyscraper offices of the giant oil companies and utilities that are Mr. McCabe's competitors and collaborators. There is no receptionist or battery of secretaries acting as buffers at Magma Power; you just walk in.

But appearances can be deceiving, and as Mr. McCabe likes to say, "Economic necessity makes strange bedfellows." San Diego Gas & Electric Co. is impressed enough with Mr. McCabe to put up $3 million to build a pilot plant in the Imperial Valley based on his Magamax closed-circuit process for extracting the heat from geothermal hot water to make electricity. The plant is expected to be completed by August, and if it works as San Diego Gas expects it to, geothermal development will receive a tremendous boost.

A San Diego Gas subsidiary has already given Magma $700,000 for drilling expenses on Magma Power's acreage in the Imperial Valley and has promised more. Magma holds 17,000 acres of leases in key spots in the valley. Magma also has geothermal leases elsewhere in California, Nevada and Oregon.

Standard Oil of California also has large acreage in the Imperial Valley, but the company is operating in secrecy and won't disclose how much acreage it has or how much it's spending on geothermal research and development. "We have considerable holdings," says Bob Greider, head of Standard's geothermal group. "We've acquired leases and drilled shallow and deep geothermal wells. We don't know if we have a commercial well or not."

THREE-WAY COMBINE

Another powerful combine with large holdings in the Imperial Valley is a three-way link-up of Southern California Edison Co., Southern Pacific Land Co. and Phillips Petroleum Co. The combine's first project is to see if it can produce electricity from the 30,000-acre Buttes geothermal field in the Imperial Valley Southern Pacific Land is interested in the minerals in the hot water. The three partners also plan to explore for geothermal power in other areas of the U.S., including Southern Pacific holdings in Nevada and Utah.

Southern California Edison's subsidiary, Mono Power, is also linked up with Getty Oil Co. in a jont venture to drill for geothermal power in five western states.

Union Oil Co. of California is heavily involved in geothermal power—more so than any of the other major oil companies—with at 50% interest in steam-producing wells at the Geysers, geothermal wells in the Philippines, extensive holdings in the Imperial Valley and leases in New Mexico and Nevada. First reports of drilling in the Philippines are "encouraging," Union says.

Many problems remain to be solved before the promise of geothermal energy comes to pass in the Imperial Valley and the rest of the U.S. although San Diego Gas is building a closed-system pilot plant to transfer the energy of hot water into electricity, no such plant is in operation now. Without a closed-system plant, the noise and fumes of other gases from the changing of water into steam cause a pollution problem.

There is also the problem of subsidence. The earth sinks when water is pumped out, so the water must be reinjected. At last one expert, Prof Paul T. Grose of the Colorado School of Mines, thinks that reinjecting water into the earth might cause earthquakes.

Practically all geothermal experts disagree with this thesis. Kyushu Electric Power Co. in Japan reported no seismic activity from reinjection of water despite careful observation during four years in earthquake-sensitive Japan. The U.S. Bureau of Reclamation will install a network of earthquake observation points in the Imperial Valley to monitor the seismic effect of geothermal drilling.

Mr. JOHNSON of California. Mr. Chairman, today the House of Representatives has the opportunity to take another major step in our effort to develop alternative sources of energy. President Nixon has set as a goal for this Nation, self-sufficiency in the field of energy by 1980. To accomplish this far-reaching objective, we must turn our research and development to the alternative sources of energy now being used only on a small scale. One of the most important of these sources of energy is energy derived from the heat of the Earth itself—geothermal energy.

In February of this year, the House passed the Solar Heating and Cooling Demonstration Act. We will soon be asked to agree to the conference report on this legislation. Following in the path of this earlier legislation, the House can now approve the Geothermal Energy Research Development and Demonstration Act.

This measure, as recommended by the House Astronautics and Science Committee, is designed to encourage and support research and development of geothermal energy. Through demonstration projects, this program would provide the American public with a concrete example that this recently tapped source of energy is a viable alternative to conventional forms of energy.

Programs currently conducted by the Atomic Energy Commission, the Department of Interior, and the National Science Foundation would be gathered together and supplemented in a coordinated Federal program of research, development, and demonstration of the uses of geothermal steam.

The Director of the National Aeronautics and Space Administration would be charged with undertaking a program to demonstrate the effective utilization of the many geothermal energy resources. This program would be expected to be in full operation by the end of fiscal year 1980.

As a means of encouraging and furthering research and development of geothermal resources by private industry, the Government would establish a system of loan guarantees. Administration of the funding program would be handled by the National Science Foundation.

Until an Energy Research and Development Administration is established by law, this bill provides for the creation of an Interim Geothermal Energy Coordination and Management Project. The project would be a coordinated effort between various Federal agencies and would be governed by the Administrator of the Federal Energy Administration, who would act as Chairman of the group, the Assistant Director of the National Science Foundation, the Assistant Secretary of the Department of Interior, the Associate Administrator of the National Aeronautics and Space Administration, and the General Manager of the Atomic Energy Commission.

Mr. Chairman, I strongly believe that this source of energy can help our country to become self-sufficient. In my own State of California, we have one of the few geothermal steam generated power plants. I am well familiar with the successful operation of the plant at the geysers, and feel that this concept could easily be applied in other geothermal regions.

It is the goal of this legislation to establish as many as 10 electrical power plants by the end of 1980. An exploration and resource assessment program would be another objective of this program. This assessment program would be coupled with an equally strong research and development program.

With congressional approval of this legislation, we can expect an active demonstration of economical energy production systems and components, construction of plants to produce electrical power and utilize byproducts and low temperature heat, and development of experimental test beds for geothermal systems and components.

One of the most important parts of any demonstration project is the dissemination of scientific and technical information. This too will be an important objective of the legislation.

Finally, Mr. Chairman, a loan guarantee program will be designed to finance up to 75 percent of any project undertaken by private industry. Ceiling limits of $25 million per project and $50 million per borrower would also be imposed.

I am confident that geothermal energy has an important part in our energy future. That role can be adequately fulfilled with the support of Congress today. I take this opportunity to urge my colleagues to demonstrate their commitment to solving the energy crisis by supporting this program for research, development, and demonstration of the many practical uses of geothermal energy, another of our nonpolluting sources of energy.

Mr. LUJAN. Mr. Chairman, I rise in support of the Geothermal Energy, Research, Development, and Demonstration Act of 1974. I will not bore you and my colleagues with dialog about the energy shortage. We all know it is here and that it is real.

What I hope to do is to urge that we proceed with all possible haste to make geothermal energy a fact of life. This Nation has been blessed with some of the finest scientific brains in the world. Our scientific community has the technical know how for geothermal energy. What the community needs now are the resources to make that technology a reality. This bill will provide these resources.

To procrastinate over this bill would be a great disservice to the citizens of this country and all peoples of the world.

Mr. Chairman, I have heard some adverse comment, not much, but adverse comment nonetheless, about the development of geothermal research and development. Most of that comment appears to be based on the idea that geothermal energy would benefit only one small segment of this Nation—the West and Southwest.

I debate that theme of thinking. While it may be true that those two segments of the country, at this particular time, appear to be the most affluent in geothermal energy, use of geothermal energy cannot help but to benefit all sections of this Nation. The fact is simply this—whatever fossile fuels we are able to conserve in one part of the country increases the supply of those sections not equally blessed.

I submit, Mr. Chairman, that if geothermal energy is implemented in the areas where it is presently known to be in abundance, the savings of fossil fuels will be more than enough to satisfy the needs of those areas without geothermal for many many years to come.

Geothermal energy is not a "shot in the dark" hope. It is already a reality in many parts of the world. It is a proven fact that geothermal energy is abundant, inexpensive, and practical. I remind you and the Members of this Congress of the success our neighbor, Iceland, has had with geothermal energy.

To delay on this most important matter would be most fool hearty. We have the resource. We have the technology. We must now proceed as quickly as possible to put "the show on the road," so to speak, and apply this project to our needs.

To use an old, old cliche, Mr. Chairman, "God helps those who help themselves." I say that the Almighty has given us this most valuable resource and if we fail to utilize it we are failing to help ourselves. To delay, for any reason, whatsoever, would be most wasteful and costly.

Mr. FISH. Mr. Chairman, the legislation before us today, H.R. 14920, authorizes a coordinated Federal effort to develop the Nation's geothermal energy resources. This measure, which I wholeheartedly supported from its inception, can lead to a whole new spectrum of energy resources.

This bill provides for the creation of a Geothermal Energy Coordination and Management Project. The project, consisting of representatives from five Federal agencies, will coordinate what has been previously a fragmented program for the development of geothermal energy resources. The program would consist of three stages: First, resource exploration and assessment; second, research and development; and third, demonstration. The demonstration phase shall utilize the results of the first two stages in developing geothermal energy production systems for use in the operation of 6 to 10 electric powerplants. These plants are to be on line by the end of fiscal year 1980.

An important element in this program is the role of private industry. In addition to contractual arrangements, the legislation provides a loan guaranty program for private participation in geothermal energy development. This involvement of private industry is essential to effectuate full commercial growth of geothermal technology.

Mr. Chairman, geothermal energy is being used in many parts of the world to generate electricity. San Francisco has already utilized a geothermal field to produce its electricity. This legislation, along with the Solar Heating and Cooling Demonstration Act demonstrates a congressional commitment to the development of alternate forms of energy.

We have all seen the results of our dependency on oil—rising utility rates. Nuclear energy poses grave issues of safety that are as yet unresolved. Coal, our most abundant energy resource, releases combustion products which must be controlled. In the use of geothermal energy, no surface land disturbance from mining is involved, and the transportation hazards of oil or nuclear materials would not be incurred.

Our energy demands are increasing at a rapid rate. Safe, new sources of energy, must be developed. I therefore urge all of my colleagues to join in supporting passage of this bill to develop a source of energy that could have great economic significance.

Mr. PARRIS. Mr. Chairman, I rise to offer my enthusiastic support for H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974. I am privileged to serve on the Science Committee's Subcommittee on Energy which was responsible for drawing up this legislation and I am confident the approach we recommend is the most direct and desirable in terms of exploiting this very valuable resource.

As many of my colleagues are aware, geothermal energy is nothing new. Virtually all Americans are familiar with Old Faithful in Yellowstone National Park or various hot springs located throughout the Nation. And there have even been a number of very successful efforts in harnessing this energy to heat buildings and water and to generate electricity. In fact, electrical power has been generated from geothermal sources in Italy since the turn of the century. In this country, we are also tapping dry steam beds on a relatively large scale at the geysers north of San Francisco. This source will soon be generating more than 500 megawatts of electrical energy—enough to furnish electrical power to a city of 250,000 people.

But, thus far geothermal energy has made only small inroads in contributing to this Nation's electrical generating capacity. The impact has been trivial as measured against our total energy requirements with the three categories of geothermal energy which have been exploited at the present time—dry steam, wet steam, and hot water—assisting only in the immediate geographical vicinity of the source.

The question that arises is why with the clearly identified potential of this source has progress been so slow? The answer is that the cost of alternative sources of electrical power had been so low as to make unattractive investment in geothermal. The exception has been such geothermal beds as the geysers in which the steam or water is of such pressure and purity that it is suitable for immediate injection into a turbine. However, the most promising source of geothermal energy is the extraction of heat from hot dry rock formation. Such formations are widely disbursed below the surface of the Earth but it is unknown whether this heat can be withdrawn on an economical basis by circulating a fluid through the formations. If the technology is developed, and with alternative resources less cost attractive, much of our total energy supply could come from this source.

Mr. Chairman, the U.S. Geological

Survey has now classified almost 60 million acres of Federal land in 14 different States as having a significant geothermal potential.

In addition, there exists State and private land with geothermal potential with some tentative estimates indicating a total of 100 million acres which contain geothermal resources. The point of these figures is to indicate the very large exploration targets which exist and the significant potential which this form of energy holds.

Specifically, the National Science Foundation, in a recent report on geothermal energy prepared under the chairmanship of former Secretary Hickle, has suggested that it is within the capability of the United States to develop 130 megawatts of geothermal electric capacity by 1985. Further, NSF projects the development of 395,000 megawatts—more than the present installed capacity of the entire United States—by the year 2000.

Based on these figures, NSF has estimated that the 1985 power generating capability would save the import of more than 4 million barrels of oil per day, and by the year 2000, almost 13 million barrels of oil per day. By today's import prices, the foreign exchange savings by 1985 would exceed $6 billion per annum and by the year 2000, measured by today's oil prices, more than $20 billion per annum.

But the only means by which the potential of geothermal energy will be realized is by the Federal Government making a relatively small investment—in effect, providing "seed" capital—to assist in locating sites and in developing the basic techniques and technology. If this necessary step is taken, I predict that geothermal energy will become a major U.S. resource in the very near future. Given the attractive features of geothermal energy, the priority which the present legislation establishes is long overdue.

I also compliment the committee for its approach on this bill. Because there are a number of unknowns involving such major considerations as technology availability and economic feasibility, the committee is proposing that no major money be spent prior to the completion of a comprehensive program definition study. In this way, the committee, and the entire Congress, will have further opportunity for in-depth study of concept as well as specific programs. I strongly endorse this emphasis—a type of a "fly-before-you-buy" method—as it offers the promise for much stronger oversight by the Congress.

Mr. Chairman, the present legislation is the result of extensive debate and study by the Subcommittee on Energy. I feel this to be an excellent piece of legislation, certainly one which carries the potential of a manyfold return on the taxpayers' investment, and I recommend adoption of the proposed bill without amendment.

Mr. COTTER. Mr. Chairman, I rise in strong support of H.R. 14920, the Geothermal Energy Research and Demonstration Act of 1974.

I was proud to be an original cosponsor of this legislation and before describing the reasons for my support of this innovative legislation, I wish to compliment my colleagues on the House Science and Astronautics Committee for their continued leadership in spurring development of productive energy technologies that can be utilized to meet our ever-increasing energy demands.

Mr. Chairman, although there is some advanced technology for utilizing dry steam to produce electrical power, there must be more intensive research on wet steam and hot water which is more abundant, albeit more difficult to convert into electrical energy. Technology in the area of wet steam and hot water is still in the early stages of development and this bill is designed to accelerate this development, but at a reasonable and prudent rate.

Currently, geothermal power provides only 400 megawatts of electricity in the United States, but according to testimony before the House Science and Astronautics Committee, if there is favorable development of wet steam and hot water technology, electrical generation from geothermal sources could advance to 20,000 megawatts by 1985.

There is another compelling reason to support geothermal development. Geothermal energy is environmentally one of the cleanest means known to produce electricity. For this reason, many Federal agencies and commissions are now actively involved in geothermal research, but this dispersion of the Federal effort can lead to duplication and delay. This new legislation attempts to coordinate and organize the Federal effort in geothermal research.

This bill creates a new Geothermal Energy Coordination and Management Project which will be responsible for development, managing and coordinating the entire Federal effort in geothermal energy research, development, and demonstration programs. This high-level panel will have representatives of the Federal Energy Administration, the National Science Foundation, NASA, and the Atomic Energy Commission.

The bill is specifically designed to catalog geothermal resources, especially those on Federal lands, and to initiate a prudent R. & D. program for testing the commercial feasibility of utilizing geothermal energy.

Therefore, the bill requires the implementation of a three-part programatic effort to assure systematic testing of the potential of geothermal power. There is an exploration and resource assessment program which will determine the nature and extent of all geothermal resources within the United States. The second provision is an extensive research and development program to determine the economic feasibility of utilizing geothermal resources and potentially useful byproducts. And finally, the third provision is the establishment of a demonstration program to actually build geothermal powerplants. This program establishes a loan guarantee program to establish 6 to 10 electrical powerplants of approximately 1- to 10-megawatt electrical powerplants by the end of fiscal 1980. This Federal loan guarantee program will not exceed 75 percent of the aggregate cost of a specific project to encourage private industry to participate in the demonstration program.

In conclusion, Mr. Chairman, I believe that this bill should pass overwhelmingly because it is a financially prudent effort to develop a new power source, geothermal energy. This latest effort parallels the constructive work of the House Science and Astronautics Committee on the Solar Heating and Cooling Act which is now in conference. When these two bills are enacted into law, I believe that the United States will have added to its energy potential for the future.

Mr. PODELL. Mr. Chairman, the Geothermal Research Development and Demonstration Act (GERDD) does not come before us a moment too soon. In a time when this Nation is suffering a critical shortage of energy, there needs to be a total commitment made to all avenues of research and development of all forms of energy.

The administration, although forewarned, neglected this Nation's energy policy until we were in a crisis. Mr. Nixon's policy has been highlighted by indecision and, even worse, partiality toward the energy industry, in particular the oil companies, at the expense of the consumer.

The United States, with only 6 percent of the total world population, uses more than one-third of the world's energy. We produce only 20 percent of the world's oil, and our consumption exceeds our production of domestic oil. This administration has hampered our efforts for conservation. The President in his February 1974 state of the Union address stated that the worst of the energy crisis had passed. Any one of us who drives a car, uses gas and/or electricity knows that this is simply not true. It seems that the only people who feel that there is less than urgency in this matter are the administration and the large energy companies who have increased their prices astronomically; a burden which is being borne by the consumer. The oil companies are making exorbitant profits and on not one but two occasions the President has vetoed a rollback on oil prices.

To add to this insult to the American people, Treasury Secretary William E. Simon states that he is putting the "finishing touches" on an "action program" that would provide even more Federal tax benefits to the Nation's investor-owned electric utilities, including a scheme to raise the utility tax credit from 4 to 7 percent on money invested in new plants and equipment.

Simon says that "they need assistance" and will also ask State regulatory commissions to join in the effort. This is an outrage. Instead of attempting to utilize our energy and cut costs which have grown disproportionately, the administration has chosen to favor the large industry and let the consumer suffer. I urge you to pass this bill with all speed and also urge the administration to begin to be constructive in this area rather than indecisive and partial.

Mr. FREY. Mr. Chairman, I am pleased to rise in support of H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act of 1974. This bill was reported out unanimously by the Committee on Science and Astronautics and I strongly commend this imaginative proposal to my colleagues.

Testimony before the Science Committee has convincingly established that the exploitation of geothermal sources of energy can and should be an important element in the overall strategy of alleviating this Nation's energy shortages. Although we recognize that the currently charted reserves of energy available from geothermal dry steam and hot water are not major resources in terms of our total energy requirement, nevertheless, the conclusion is that these reserves will be able to make a meaningful contribution in providing adequate energy to meet our future needs.

Furthermore, the present legislation is not limited to investigating the more conventional geothermal resources in the regions in which we know they exist. Rather, this bill will also investigate the potential of less understood geothermal resources, such as hot dry rock and geopressured areas.

Mr. Chairman, one of the strengths of the proposed legislation is the key role of the Geothermal Energy Coordination and Management Project. In effect, this five-member project team composed of the Administrator of the Federal Energy Administration, an Assistant Director of the National Science Foundation, an Assistant Secretary of the Department of Interior, an Associate Administrator of NASA, and the General Manager of AEC will be assigned the overall responsibility for the effective management and coordination of a truly national geothermal energy effort. Much of the problem which has plagued past programs of this nature has been the decentralization of management responsibility. Federal agencies failed to coordinate with one another with the result being the potential for wasteful duplication and nonproductive programs. Hopefully, this will no longer be a problem.

I am also very pleased at the key role assigned to NASA. Exploration for, and exploitation of, geothermal resources is primarily a problem of applied earth sciences. NASA has clearly demonstrated its ability in providing valuable support for locating, inventorying, and assessing geothermal resources through its years of involvement in space and aircraft remote sensing systems. As one example, the Earth Resources Technology Satellite (ERTS-1), which is presently orbiting the earth, allows this Nation to locate many of its geothermal resources indirectly by observing features such as ice and snow melt patterns and certain other distinctive geological features. As a means of accelerating this effort, NASA is now preparing to launch the second ERTS satellite—ERTS-B.

In addition, the actual extraction and storage of geothermal resources is related to rock mechanics and fluid chemistry and engineering. This work will require a significant and challenging expansion of technology. While the Atomic Energy Commission, the major oil companies, and others have considerable experience in the major facets of this type of operation, NASA should be able to offer key technological assistance in selected areas.

For example, one of the problems in obtaining geothermal energy is the release of noxious and corrosive byproducts in the form of gases, minerals, and salts. Because of NASA's experience with the space program, the agency has considerable background in the handling of both noxious and corrosive liquids and gases such as rocket fuels and liquid metals over an extreme range of pressure and temperature. As part of this same experience, NASA has also performed in developing new materials to withstand extreme environments. It is therefore expected that NASA will provide technological assistance in these complex areas. Similarly, NASA should also be able to offer its broad technology base to aid in solving problems associated with position sensing, underground guidance and control, fluid flow systems, safety, data management, data analysis, and in many other areas. In short, NASA has much to contribute in the field of geothermal energy research and development and I welcome congressional recognition of this impressive ability through the passage of H.R. 14920.

Mr. Chairman, this bill has received close consideration by the Science Committee's Subcommittee on Energy and I believe the approach proposed is sound. Geothermal energy represents a new "energy frontier" and I urge my colleagues to join with me in supporting this far-sighted legislation.

Mr. RHODES. Mr. Chairman, H.R. 14920 represents a great step forward for our overall national energy program. Geothermal energy is destined to play an important role in furnishing energy in many States over the next decade.

Now that the gas pumps are open again, the energy crisis has faded in the minds of many Americans. It is the responsibility of this Congress to "remember ahead," to translate the message of last winter's petroleum crisis into action to ward off future energy crunches. This mandates development of practical alternative sources. Geothermal steam can provide a measurable increase in our total energy picture. For every 1 percent of our needs we can shift to other sources, we can save 100 million barrels of oil a year. If we move decisively, and wisely, we can continue to operate our vehicles, and still have power for our homes and factories.

We laid out $20 billion to send men to the Moon. Now it is time that we invest some of our fiscal resources in our own backyard to develop our energy potential. The provisions of this bill are modest. Essentially, it provides for overseeing funds allocated in the Special Energy Research and Development Appropriation Act, which this body approved on April 30. It provides $45 million for geothermal research and development.

The incentive feature of H.R. 14920 is especially significant. By guaranteeing $50 million worth of loans we are inviting private enterprise to come into the geothermal energy field, to conduct vigorous research programs, to develop the technology that will unlock the power potential we know is there.

My home State of Arizona has an intense interest in geothermal energy. Plants have been developed and research is under way to harness more fully the sizeable sources of energy under our lands. I, and several of my colleagues, have introduced legislation aimed at furthering geothermal research.

The legislation we consider today is not an expenditure. It is an investment in tomorrow. We have been creeping up on exploitation of our geothermal resources for 12 years. This bill would shift gears—put our programs into motion, and bring us much closer to reaping the benefits of geothermal energy. I urge that my colleagues accept our responsibility, and exercise leadership in meeting our Nation's future energy needs, by passing H.R. 14920.

Mr. BIESTER. Mr. Chairman, I am pleased to rise in support of H.R. 14920, the Geothermal Energy Research, Development, and Demonstration Act.

As a cosponsor of a similar measure, H.R. 12029, I am once again encouraged that Congress is moving ahead in another area of promising energy technology. Earlier this year we passed legislation increasing R. & D. efforts in the field of solar energy, and the legislation before us now will appropriately focus more attention in this sector as well. Our recent energy shortage problems and a more aware evaluation of our future needs have demonstrated, I believe, that we do not want to become overly reliant either on limited foreign sources or on limited resource alternatives to fulfill the energy demands we will have in the years ahead. At this point, a national energy policy which promotes diversification is a sound one.

In the case of this legislation, we are seeking to improve Federal coordination of activities in the geothermal area and give impetus to private efforts in the development of this resource through a loan guarantee program involving research or commercial activities.

Enactment of this and other legislation in newer types of energy technology are necessary steps if we are to determine which avenues can be most productively pursued on a larger scale. The commitment represented in this legislation is an initial one which is an acknowledgement of potential, but I am convinced it is a necessary and wise investment of our efforts.

Mr. ULLMAN. Mr. Chairman, this country has been built and our national philosophy shaped on the premise that we have available to us an endless supply of natural resources. Last winter's energy shortage showed us that this was not necessarily true. Yet since the end of the Arab oil embargo, our energy demands have shot up again to their old level, and as a nation we appear to be proceeding blithely forward to the next crisis of supply.

The New York Times, in a July 6 editorial, has accused Congress of "a dismal failure to make decisions and to fix priorities until the very moment that a jolting energy shortage appears out of the blue. In the paralyzing apathy between such crises," the editors charge, "bills to authorize energy research and set up responsible agencies to deal with the problem move but glacially through Congress."

The Times in these words has thrown down the gauntlet, and I for one would be happy to accept the challenge. We have before us today a bill to further the research, development, and demonstration of geothermal energy technologies, H.R. 14920.

Geothermal energy is a resource of enormous promise, and one that has been, thus far, almost totally ignored. The only large commercial exploitation of geothermal energy in this country, the Geysers in northern California, was developed and funded by the private sector. This is fine; in fact, this sort of creativity and pioneering spirit in the private sector is just what we in Congress hope for. It is one of the vital forces that keeps our economy alive and ever on the move. Yet the Geysers was completed in the 1920's, and there geothermal technology in this country has rested ever since. At a time when our sources for electric power generation are so evidently in short supply, can we afford to keep waiting for the private sector to make the next move?

Most of the known geothermal resource areas in this country are on Federal lands. We now have a program for leasing those lands, which it took Congress 8 years—from 1962 to 1970—to pass and have signed into law. H.R. 14920 gives the Government, under the aegis of NASA, a chance to plan for the logical, orderly development of this federally owned energy resource.

The public has a right to expect intelligent decisions from Government about how our future energy needs will be met.

The bill that the Committee on Science and Astronautics has presented to us today has been tailored down from a far more ambitious proposal. Wisely recognizing that we at present have no real handle on what we would have to commit to fully develop our geothermal resources, the committee has asked us to authorize the preparation of a comprehensive program definition by NASA. This is a modest proposal, and yet it is a very sound one. I can think of no finer way to demonstrate our willingness to confront the Nation's future energy needs than by giving our full support to H.R. 14920.

Mr. PRICE of Illinois. Mr. Chairman, in the past few months the problem of the energy situation in the United States has been graphically illustrated. Rising fuel prices, long lines at service stations, and the possibility of gasoline rationing all have brought to the public eye a problem against which my colleagues and I have long warned; namely, that the United States cannot continue to use energy at its current rate without somehow replenishing its supply.

As our oil resources are depleted, we must turn to other forms of energy production. Coal is the most obvious choice of underground wealth and I am proud that my State of Illinois has vast deposits of this energy source to be used in the future. However, in addition to continuing coal research we must also work with any other possible energy source, such as that proposed by H.R. 14920, the Geothermal Energy, Research, Development, and Demonstration Act of 1974.

Energy from geothermal resources has been proven effective in many parts of the world from Italy to Iceland. Additionally, there are many geothermal deposits within the United States itself, some of which are combined with natural gas deposits—a double incentive to developers of these deposits and a boon to the energy-hungry Nation as a whole.

As chairman of the Joint Committee on Atomic Energy, I am particularly aware of and concerned about the pressing energy needs of this country. And I believe that I can say without a doubt that the time for discussion of our energy problems is long past. Decisive action must be taken immediately to prevent last winter's crisis from becoming a continuing reality. The Geothermal Energy Act is not by any means the answer to all of this Nation's energy problems, but it is one more step along the path to America's energy independence. I, therefore, strongly urge all my colleagues to support this measure.

Mr. CLEVELAND. Mr. Chairman, as a cosponsor of an earlier version of this geothermal energy bill, I rise in support of H.R. 14920 and strongly recommend its passage.

I regard this measure as one of many things this body must do to advance the objective of energy sufficiency across a broad front, including research, resource development, environmental protection and energy conservation.

Energy self-sufficiency would not come easily and it would not come all at once; but it will come through a series of many steps like the one we are taking today.

I note with encouragement the large number of cosponsors of this bill and those which preceded it in the evolution of this measure. We have come a long way in the past year since the time when, on June 28, 1973, a modest increase in the Atomic Energy Commission's budget for geothermal energy research passed by a vote of 206 to 205. It is inspiring to welcome the legions of new believers. I only regret that it took the Arab embargo and escalating energy costs to produce the conversions.

Energy no longer rates the media attention it once did before import shipments resumed. But the people of New Hampshire do not need gas lines or headlines to remind them of our critical national need in this field. In responses to my 12th annual questionnaire, which I discuss at another point today, they rank energy as second only to inflation among priority concerns urgently demanding action by Congress. In this connection, I have found over the years that responses to my constituent surveys quite closely mirror national sentiment as determined by professional polling organizations.

I recognize that most geothermal energy resources are located in the West and Southwest, and that potential for such developments in the East are at best extremely limited. But every ton of coal or barrel of oil or n number of cubic feet of natural gas we save through geothermal energy in any one part of the country frees up those conventional fuels for use elsewhere.

In that spirit I urge colleagues to join me in supporting this bill.

Mr. TEAGUE. Mr. Chairman, I have no further requests for time.

Mr. GOLDWATER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Geothermal Energy Research, Development, and Demonstration Act of 1974".

FINDINGS

SEC. 2. The Congress hereby finds that—

(1) the Nation is currently suffering a critical shortage of environmentally acceptable forms of energy;

(2) the inadequate organizational structures and levels of funding for energy research have limited the Nation's current and future options for meeting energy needs;

(3) electrical energy is a clean and convenient form of energy at the location of its use and is the only practicable form of energy in some modern applications, but the demand for electric energy in every region of the United States is taxing all of the alternative energy sources presently available and is projected to increase; some of the sources available for electric power generation are already in short supply, and the development and use of other sources presently involve undesirable environmental impacts;

(4) the Nation's critical energy problems can be solved only if a national commitment is made to dedicate the necessary financial resources, and enlist the cooperation of the private and public sectors, in developing geothermal resources and other nonconventional sources of energy;

(5) the conventional geothermal resources which are presently being used have limited total potential; but geothermal resources which are different from those presently being used, and which have extremely large energy content, are known to exist;

(6) some geothermal resources contain energy in forms other than heat; examples are methane and extremely high pressures available upon release as kinetic energy;

(7) some geothermal resources contain valuable byproducts such as potable water and mineral compounds which should be processed and recovered as national resources;

(8) technologies are not presently available for the development of most of these geothermal resources, but technologies for the generation of electric energy from geothermal resources are potentially economical and environmentally desirable, and the development of geothermal resources offers possibilities of process energy and other nonelectric applications.

(9) much of the known geothermal resources exist on the public lands;

(10) Federal financial assistance is necessary to encourage the extensive exploration, research, and development in geothermal resources which will bring these technologies to the point of commercial application; and

(11) the advancement of technology by private industry for the production of useful forms of energy from geothermal resources is important with respect to the Federal responsibility for the general welfare, to facilitate commerce, to encourage productive harmony between man and his environment, and to protect the public interest.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) the term "byproduct" means any mineral or minerals which are found in solution or in association with geothermal steam and associated geothermal resources and which have a value of less than 75 percent of the value of the geothermal steam and associated geothermal resources or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(2) the term "geothermal steam and associated geothermal resources" has the meaning given it by section 2(c) of the Geothermal Steam Act of 1970 (30 U.S.C. 1001(c)) as in effect on the date of the enactment of this Act;

(3) the term "known geothermal resources area" has the meaning given it by section 2(e) of such Act (30 U.S.C. 1001(e)) as in effect on the date of the enactment of this Act;

(4) the term "fund" means the Geothermal Resources Development Fund established by section 204(a); and

(5) the term "Project" means the Geothermal Energy Coordination and Management Project established by section 101(a).

TITLE 1—GEOTHERMAL ENERGY COORDINATION AND MANAGEMENT PROJECT

ESTABLISHMENT

SEC. 101. (a) There is hereby established the Geothermal Energy Coordination and Management Project.

(b)(1) The Project shall be composed of five members as follows:

(A) the Administrator of the Federal Energy Administration;

(B) an Assistant Director of the National Science Foundation;

(C) an Assistant Secretary of the Department of the Interior;

(D) an Associate Administrator of the National Aeronautics and Space Administration; and

(E) the General Manager of the Atomic Energy Commission.

(2) The Administrator of the Federal Energy Administration shall act as Chairman of the Project.

(c) The Project shall have overall responsibility for the provision of effective management and coordination with respect to a national geothermal energy research, development, and demonstration program, including—

(A) the determination and evaluation of the resource base;

(B) research and development with respect to exploration, extraction, and utilization technologies;

(C) the demonstration of appropriate technologies; and

(D) the loan guaranty program under title II.

(d)(1) the Project shall carry out its responsibilities under this section in cooperation with the following Federal agencies:

(A) the Department of the Interior, the responsibilities of which shall include evaluation and assessment of the resource base;

(B) the National Aeronautics and Space Administration, the responsibilities of which shall include the provision of management capability, evaluation, and assessment of the resource base, and the development of technologies pursuant to section 103(b);

(C) the Atomic Energy Commission, the responsibilities of which shall include the development of technologies; and

(D) the National Science Foundation, the responsibilities of which shall include basic and applied research and overall funding pursuant to section 102(b).

(2) Upon request of the Project, the head of any such agency shall detail or assign, on a reimbursable basis or otherwise, any of the personnel of such agency to the Project to assist it in carrying out its responsibilities under this Act.

(e) The Project shall have exclusive authority with respect to the establishment or approval of programs or projects under this Act, except that the agency involved in any particular program or project shall be responsible for the operation and administration of such program or project.

AMENDMENT TO NATIONAL SCIENCE FOUNDATION ACT OF 1950

SEC. 102. (a) Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) The Director shall provide support for programs relating to geothermal energy research, development, and demonstration, as provided in section 102(b) of the Geothermal Energy Research, Development, and Demonstration Act of 1974.".

(b)(1) The Director of the National Science Foundation shall support and fund geothermal energy research, development, and demonstration programs initiated and approved by the Project.

(2) The provisions of paragraph (1) shall not be construed as a restriction upon the authority of the Director to support and fund basic research. Such provisions shall not be construed as authorizing the Director to support and fund any demonstration project not included in a program initiated and approved as described in paragraph (1) if such authority is not otherwise granted by any other provision of law.

AMENDMENT TO NATIONAL AERONAUTICS AND SPACE ACT OF 1958

SEC. 103. (a) Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall carry out research, development, and related activities in geothermal energy technology, as provided in section 103(b) of the Geothermal Energy Research, Development, and Demonstration Act of 1974.".

(b) The National Aeronautics and Space Administration is authorized to undertake and carry out those programs assigned to it by the Project.

(c)(1) The Administrator of the National Aeronautics and Space Administration is authorized and directed to prepare a comprehensive program definition of an integrated effort and commitment for effectively developing geothermal energy resources. Such Administrator, in preparing such program definition, is authorized to consult with other Federal agencies, State and local government agencies, and private organizations.

(2) The Administrator shall transmit such comprehensive program definition to the President, each House of the Congress, the Chairman of the Project (or the head of any permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States, should such organization or agency be enacted into law). Interim reports shall be transmitted not later than October 31, 1974, and not later than January 31, 1975. Such comprehensive program definition shall be transmitted as soon as possible thereafter, but in any case not later than June 30, 1975.

RESOURCE EXPLORATION AND ASSESSMENT PROGRAM

SEC. 104. (a) The Project shall initiate a resource exploration and assessment program with the objective of making regional and national appraisal of all types of geothermal resources, including identification of promising target areas for industrial exploration and development. The specific goals shall include—

(1) the improvement of geophysical, geochemical, geological, and hydrological techniques necessary for locating and evaluating geothermal resources;

(2) the development of better methods for predicting the power potential and longevity of geothermal reservoirs;

(3) the determination and assessment of the nature and power potential of the deeper unexplored parts of high temperature geothermal convection systems; and

(4) the survey and assessment of regional and national geothermal resources of all types.

(b) The Project, acting through the Geological Survey and other appropriate agencies shall—

(1) develop and carry out a general plan for the orderly inventorying of all forms of geothermal resources of the Federal lands and, where consistent with property rights and determined by the Project to be in the national interest, of non-Federal lands;

(2) conduct regional surveys, based upon such a general plan, using innovative geologic, geophysical, geochemical, and drilling techniques which will lead to a national inventory of geothermal resources in the United States;

(3) publish and make available maps, reports, and other documents developed from such surveys to encourage and facilitate the commercial development of geothermal resources for beneficial use and consistent with the national interest;

(4) make such recommendations for legislation as may from time to time appear to be necessary to make Federal leasing policy for geothermal resources consistent with known inventories of various resource types, with the current state of technologies for geothermal energy development, and with current evaluations of the environmental impacts of such development; and

(5) participate with appropriate Federal agencies, State governments, and private organizations in research to develop, improve, and test technologies for the discovery and evaluation of all forms of geothermal resources, and conduct research into the principles controlling the location, occurrence, size, temperature, energy content, producibility, and economic lifetimes of geothermal reservoirs.

RESEARCH AND DEVELOPMENT

SEC. 105. (a) The Project shall initiate a research and development program for the purpose of resolving all major technical problems inhibiting the fullest possible commercial utilization of geothermal resources in the United States. The specific goals of such program shall include—

(1) the development of effective and efficient drilling methods to operate at high temperatures in formations of geothermal interest;

(2) the development of reliable predictive methods and control techniques for the production of geothermal fluids and reservoirs;

(3) the exploitation of new concepts for fracturing rock to permit recovery of contained heat reserves;

(4) the improvement of equipment and technology for the extraction of geothermal energy from reservoirs;

(5) the development of improved methods for converting geothermal energy and associated fluids and byproducts to useful forms;

(6) the development of improved methods for controlling emissions and wastes from geothermal utilization facilities, including new monitoring methods to any extent necessary;

(7) the development and evaluation of waste disposal control technologies and the evaluation of surface and subsurface environmental effects of geothermal development;

(8) the improvement of the technical capability to predict environmental impacts resulting from the development of geothermal energy resources, the preparation of environmental impact statements, and the assuring of compliance with applicable standards and criteria;

(9) the identification of social, legal, and economic problems associated with geothermal development (both locally and regionally) for the purpose of developing policy and providing a framework of policy alternatives for the commercial utilization of geothermal resources; and

(10) the provision for an adequate supply of scientists to perform required geothermal research and development activities.

(b) The Project shall implement a coordinated program of research and development in order to demonstrate the technical means for the extraction and utilization of the resource base, including any byproducts of such base, and in order to accomplish the goals established by subsection (a).

DEMONSTRATION

SEC. 106. (a) The Project shall initiate a program to design and construct geothermal demonstration plants. The specific goals of such program shall include—

(1) the development of economical geothermal energy production systems and components which meet environmental standards;

(2) the design and construction of plants to produce electrical power and, where appropriate, the large-scale production and utilization of any useful byproducts;

(3) the continuous operation of such plants for a period of time;

(4) the provision of experimental test beds for component testing and evaluation by laboratories operated by the Federal Government, industry, or institutions of higher education;

(5) the involvement of engineers, analysts, technicians, and managers from industry field and powerplant development, which shall lead to the early industrial exploitation of advanced geothermal resources; and

(6) the provision for an adequate supply of trained geothermal engineers and technicians.

(b)(1) In carrying out its responsibilities under this section, the Project may provide for the establishment of a separate demonstration project with respect to each geothermal resource base involved, which shall include, as appropriate, all of the exploration, siting, drilling, pilot plant construction and operation, demonstration plant construction and operation, and other facilities and activities which may be necessary for the generation of electric energy and the utilization of geothermal resource byproducts.

(2) Plants and other real property utilized or involved in any demonstration project under this section may be purchased, leased, constructed, or otherwise established or obtained by the Project, through the appropriate Federal agencies. Such agencies may obtain such plants and other real property under appropriate contracts or arrangements with other public or private persons or agencies.

(3)(A) During the conduct of any demonstration project under this section the agency designated by the Project to conduct such project shall take such steps as may be necessary to dispose of all of the electric energy and other geothermal resource byproducts of such project, in such manner and on such terms and conditions as such agency may determine to be feasible and in support of the objectives of this Act.

(B) To the maximum extent possible the disposition of byproducts under paragraph (1) shall be accomplished through the sale of such byproducts for commercial utilization, on such terms and conditions and in accordance with such plans as such agency may prescribe or develop.

(4) At the conclusion of the program under this section or as soon thereafter as may be practicable, the agencies designated by the Project to conduct demonstration projects under this section shall, by sale, lease, or otherwise, dispose of all projects which they have undertaken pursuant to this section (including mineral rights therein) on such terms and conditions as such agencies determine to be reasonable, or, if the disposition of any such project or any part thereof on reasonable terms and conditions is not possible or feasible, the agency involved shall under appropriate contracts or other arrangements provide for the disposition of all of the electric energy and other geothermal resource byproducts of such project or part thereof.

(5) In making any selection of a siting for each demonstration plant, preference shall be given to know geothermal resources areas.

SCIENTIFIC AND TECHNICAL EDUCATION

SEC. 107. (a) It is the policy of the Congress to encourage the development and maintenance of programs through which there may be provided the necessary trained personnel to perform required geothermal research, development, and demonstration activities under sections 104, 105, and 106.

(b) The National Science Foundation is authorized to support programs of education in the sciences and engineering to carry out the policy of subsection (a). Such support may include fellowships, traineeships, technical training programs, technologist training programs, and summer institute programs.

(c) The National Science Foundation is authorized and directed to coordinate its actions, to the maximum extent practicable, with the Project or any permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States, in determining the optimal selection of programs of education to carry out the policy of subsection (a).

(d) The National Science Foundation is authorized to encourage, to the maximum extent practicable, international participation and cooperation in the development and maintenance of programs of education to carry out the policy of subsection (a).

TITLE II—LOAN GUARANTIES

ESTABLISHMENT OF LOAN GUARANTY PROGRAM

SEC. 201. (a) It is the policy of the Congress to encourage and assist in the commercial development of practicable means to produce useful energy from geothermal resources with environmentally acceptable processes. Accordingly, it is the policy of the Congress to facilitate such commercial development by authorizing the Chairman of the Project to designate an appropriate Federal agency to guarantee loans for such purposes.

(b) In order to encourage the commercial production of energy from geothermal resources, the head of the designated agency is authorized to guarantee, and to enter into commitments to guarantee, banks or other financial institutions against loss of principal or interest on loans made by such institutions to qualified borrowers for the purposes of—

(1) the determination and evaluation of the resource base;

(2) research and development with respect to extraction and utilization technologies;

(3) acquiring rights in geothermal resources; and

(4) development, construction, and operation of facilities for the demonstration or commercial production of energy from geothermal resources.

(c) Any guaranty under this title shall apply only to so much of the principal amount of any loan as does not exceed 75 per centum of the aggregate cost of the project with respect to which the loan is made.

(d) Loan guaranties under this title shall be on such terms and conditions as the head of the designated agency determines, except that a guaranty shall be made under this title only if—

(1) the loan involved is at a rate of interest which does not exceed the prevailing interest rates for conventional construction loans;

(2) the terms of the loan require full repayment within thirty years after the date thereof;

(3) in the judgment of the head of the designated agency, the amount of the loan (when combined with amounts available to the qualified borrower from other sources) will be sufficient to carry out the project; and

(4) in the judgment of the head of the designated agency, there is reasonable assurance of repayment of the loan by the qualified borrower of the guaranteed indebtedness.

(e) The head of the designated agency shall not guarantee any loan for any project the amount of which exceeds 25,000,000, nor guarantee any combination of loans for any single qualified borrower in an amount exceeding $50,000,000.

(f) As used in this title, the term "qualified borrower" means any public or private agency, institution, association, partnership, corporation, political subdivision, or other legal entity which (as determined by the head of the designated agency) has presented satisfactory evidence of an interest in geothermal resources and is capable of performing research or completing the development and production of energy in an acceptance manner.

PAYMENT OF INTEREST

SEC. 202. (a) With respect to any loan guaranteed pursuant to this title, the head of the designated agency is authorized to enter into a contract to pay, and to pay, the lender for and on behalf of the borrower the interest charges which become due and payable on the unpaid balance of any such loan if the head of the designated agency finds—

(1) that the borrower is unable to meet interest charges, and that it is in the public interest to permit the borrower to continue to pursue the purposes of this project, and that the probable net cost to the Federal Government in paying such interest will be less than that which would result in the event of a default; and

(2) the amount of such interest charges which the head of the designated agency is authorized to pay shall be no greater than an amount equal to the average prime interest rate for the preceding fiscal year as determined by the Secretary of the Treasury, plus one-half of 1 per centum.

(b) In the event of any default by a qualified borrower on a guaranteed loan, the head of the designated agency is authorized to make payment in accordance with the guaranty, and the Attorney General shall take such action as may be appropriate to recover the amounts of such payments from such assets of the defaulting borrower as are associated with the project.

PERIOD OF GUARANTIES AND INTEREST ASSISTANCE

SEC. 203. No loan guaranties shall be made, or interest assistance contract entered into, pursuant to this title, after the expiration of the ten-calendar-year period following the date of enactment of this Act.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

SEC. 204. (a) There is established in the Treasury of the United States a Geothermal

Resources Development Fund, which shall be available to the head of the designated agency for carrying out the loan guaranty and interest assistance program authorized by this title, including the payment of administrative expenses incurred in connection therewith. Moneys in the fund not needed for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

(b) There shall be paid into the fund the amounts appropriated pursuant to section 304(c) and such amounts as may be returned to the United States pursuant to section 202(b), and the amounts in the fund shall remain available until expended, except that after the expiration of the ten-year term established by section 203, such amounts in the fund which are not required to secure outstanding guaranty obligations shall be paid into the general fund of the Treasury.

(c) Business-type financial reports covering the operations of the fund shall be submitted to the Congress by the head of the designated agency annually upon the completion of an appropriate accounting period.

TITLE III—GENERAL PROVISIONS

PROTECTION OF ENVIRONMENT

SEC. 301. In the conduct of its activities, the Project and any participating public or private persons or agencies shall place particular emphasis upon the objective of assuring that the environment is effectively protected and that such activities do not threaten the safety of persons or property; and the program under title I shall include such special research and development as may be necessary for the achievement of that objective.

REPORTING REQUIREMENTS

SEC. 302. (a) The Chairman of the Project shall submit to the President and the Congress at least every six months a full and complete report of its activities, including such projections and estimates as may be necessary to evaluate the progress of the national geothermal energy research, development, and demonstration program and to provide the basis for as accurate a judgment as is possible concerning the extent to which the objectives of this Act will have been achieved by June 30, 1980.

(b) No later than one year after the termination of each demonstration project under section 106, the Chairman of the Project shall submit to the President and the Congress a final report on its activities related to each project, including his recommendations with respect to any further legislative, administrative, and other actions which should be taken in support of the objectives of this Act.

TRANSFER OF FUNCTIONS

SEC. 303. (a) Within sixty days after the effective date of the law creating a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States (or within sixty days after the date of the enactment of this Act if the effective date of such law occurs prior to the date of the enactment of this Act), all of the research and development functions (and other functions) vested in the Project under this Act, along with related records, documents, personnel, obligations, and other items to the extent necessary or appropriate, shall, in accordance with regulations prescribed by the Office of Management and Budget, be transferred to and vested in such organization or agency.

(b) Upon the establishment of a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States, and when all research and development (and other) functions of the Project are transferred, the members of the Project shall provide advice and counsel to the head of such organization or agency, in accordance with arrangements made at that time.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 304. (a) For the fiscal years ending June 30, 1976, 1977, 1978, 1979, and 1980, only such sums may be appropriated as the Congress may hereafter authorize by law.

(b) There are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration not to exceed $2,500,000 for the fiscal year ending June 30, 1975, for the purpose of preparing program proposals under section 103(c).

(c) In addition to sums authorized to be appropriated by subsection (b), there are authorized to be appropriated to the fund not to exceed $50,000,000 annually such sums to carry out the provisions of the loan guarantee program by the Project under title II.

Mr. TEAGUE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: On page 16, strike out lines 4 through 16 and renumber (5) as (4).

Mr. HECHLER of West Virginia. Mr. Chairman, the purpose of this amendment is simply, as I discussed it during general debate, to defer the decision on the disposition of these projects until after the Congress and the Nation have a clearer idea as to the value of these projects.

I will be glad to yield to any Member for a question.

I do not wish to be a party to what may later prove to be a great giveaway of resources which properly belong to the taxpayers, consumers, and people of this Nation. Here we have vast new potential developed on public lands, at public expense, public capital, with opportunity for lower guarantees, and even forgiveness of interest. Why should we not wait and assess the true value of these projects, small as they may now seem, before we commit ourselves to disposing of them at a loss to the Government, but at a great possible profit to the recipients?

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, what the gentleman from West Virginia proposes to do through this amendment is to strike from the bill the provision for disposing of these demonstration facilities when the program is completed. The question then arises: What will the Federal Government do with these demonstration facilities if not disposed of? Are we to keep them in the business of generating dibs and dabs of electricity at various spots all across the country, or just let them sit there idle, and do nothing at all with them?

The primary goal in this bill is the construction of from 6 to 10 demonstration projects generating from 1 to 10 megawatts each. Thus the maximum capacity under this demonstration program would be 10 plants of 10 megawatts capacity each, or 100 megawatts, and these would be scattered all the way from the Louisiana and Texas coasts up to New Mexico, and up the Pacific coast of California, Oregon, and Washington, and then over to Montana and probably also to Hawaii.

The gentleman from West Virginia seems to be inferring that there is some threat that we will be giving away something of great value, and that some great corporation is going to come and swallow up. But the total value of these facilities is insignificant in terms of what the utilities already have in place on these sites.

When the demonstration program is over, the Federal Government can get out of the business and can get rid of the equipment for whatever value it may have—and it may have no value at all to anybody—to the utility that happens to be licensed to operate in each area.

I think the time may come when we will want to resolve the question under appropriate legislation from the appropriate committee on the management of geothermal lands, and perhaps the production of energy by the Federal Government from geothermal sources, but that is not the purpose of this research and development demonstration bill, and I do not believe we should make this bill a vehicle for that particular debate.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield briefly?

Mr. McCORMACK. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I thank the gentleman for yielding.

It would seem to me that this is not making a decision as to whether or not one is for Government ownership or against Government ownership. It is merely deferring that decision until some future date. Geothermal energy in various forms can be found on public lands, the property of the taxpayers of this Nation. We are also investing Government funds for research and development, for demonstration projects, in addition to loan guarantees and forgiveness of interest in some cases. Even though these be very small geothermal projects, I still feel that in the course of their development their value could be enhanced tremendously. I believe we ought to wait until we know what we are disposing before we set up terms of disposal. These geothermal projects may be worth far more than surplus Army jeeps when we get ready to dispose of them.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I want to point out that the value of this program is the knowledge we gain from it, not in physical possessions. The amount of land involved in these projects probably would be less than 800 acres in total out of some 60 million that the Department of the Interior is talking about leasing for geothermal energy. The amount of land is insignificant, and the value of the generating plants in terms of the capital costs and capital requirements and utilities is also insignificant. I think this is the wrong place to introduce this philosophical question.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. GOLDWATER. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to this amendment. I think the gentleman from Washington raised a question, What do we do with it if we do not dispose of it? I, for one, am hopeful that my colleagues would agree that we do not want to see the Federal Government getting into the business of generating electricity any more than it is doing now. I believe that there is enough latitude in this bill to provide for protections against which the gentleman from West Virginia is concerned about, and I would hope that my colleagues would vote against this amendment.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

What would be the harm of postponing the decision on this? What is the urgency for making a decision now? It seems to me that postponing the decision has some value because it keeps some options open.

Mr. McCORMACK. Of course, as the gentleman knows, there is nothing permanent in legislation. If, between now and 1980, the House, in its wisdom should decide that it wanted to undertake a Federal program for geothermal lands or distribution, it could do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TEAGUE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, we needed some kind of language at this point in the legislation. This is not final. I would assume that we would later have very definitive legislation when we know what we want, but there is no way of knowing right now exactly what kind of legislation we need, but this does indicate to our Federal Government that we do not expect them to hold onto these forever.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

I do not think the gentleman from Washington had time to answer my question.

What is the harm of postponing a decision on this?

Mr. TEAGUE. As I said, it is not specific. It is really very broad. It is just really telling the Federal Government we do not expect to hold onto these forever; we expect to get rid of them later. We can come back in with legislation to spell out exactly what we are to do with it.

Mr. LONG of Maryland. The gentleman does not feel that we commit ourselves in any way?

Mr. TEAGUE. I think we only commit ourselves to the fact that we do not expect the Federal Government to hold onto these forever.

Mr. LONG of Maryland. I thank the gentleman for his comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was rejected.

Mr. PICKLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the legislation before us today. This legislation does not involve pipedreams and whimsey, but a real and vital alternative source of power in an increasingly power-short world.

Use of the vast geothermal resources in the world has already begun. Recently I inserted in the RECORD an article detailing geothermal use in the capital city of Iceland, where 99 percent of the buildings are now heated by geothermal steam at one-quarter the price consumers used to pay for heating oil. The city also recycles the hot geothermal waters to heat their swimming pools and to maintain greenhouses so they can grow their own fruits and vegetables—including bananas—otherwise hard to get in this decidedly nontropical land.

One of the most prolific sources of very hot water known on Earth is the Texas portion of the gulf coast basin. Already excitement over the possibilities of using this power source has developed to the point that feasibility studies have been recommended. Importantly, these studies are to be directed toward very near term commercialization of the gulf geothermal resources.

In many geothermal resources there can be beneficial side products as well. The Texas gulf area, for instance, is believed to contain an abundance of natural gas—enough to add significantly to our reserves of this valuable fuel.

In addition, the waters found at depth along the gulf coast are also so fresh they may be used for irrigation in the arid crop-growing regions of the Texas valley.

Geothermal electric power is not new or farfetched. It was first developed commercially in Larderello, Italy, in 1904. This power source, still in operation, generates over 380 megawatts of power—or enough power to supply a typical city of about a quarter of a million people.

After World War II, acute power needs led to the development of geothermal resources and power-generating facilities in Japan, New Zealand, Iceland, and in parts of the U.S.S.R. Lately, Mexico, the Philippines, El Salvador, and others have joined the list of geothermal users.

Although some development has occurred in this country, the United States has not made use of its geothermal potential. My Texas people tell me geothermal resources in this country may be able to supply over 10 percent of our energy needs in a few short decades of development.

I am proud that the University of Texas has already begun a substantial geothermal program, but more needs to be done and done nationwide.

The committee has worked hard on this legislation, listening to all points of view and soliciting the best expert advice available in its development.

It began with a much smaller, $80 million 6-year program for bringing hot dry rock and geopressured resources to commercial demonstration. By the end of the hearings, however, the committee had realized a much larger effort was in order.

Of all the potential new sources of energy, solar and geothermal clearly offer the most immediate hope, and geothermal may even prove to be the quicker on the draw than solar.

The bill before us takes that into account.

It seeks to provide both the impetus and a crucial orderly framework for a nationwide development of our geothermal resources. It has been expanded so that both government and private development of this valuable power source are included. It does not center on certain sources of geothermal energy but includes all forms of geothermal potential. It aids not only demonstration, but also research and development and exploration and assessment of our geothermal energy resources. Perhaps most importantly, it provides a mechanism to insure adequate funding. So many of our efforts like this are given barely enough to get going and limp along. We cannot afford that where our energy needs are concerned.

I think, again, that this is a good bill, a bill that will help us significantly in meeting our future energy needs.

I hope the House will see fit to give it a strong vote of approval.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: Amend section 201(f) to include the following sentence beginning on page 20, line 4: "Further, a 'qualified borrower' for the purposes of Sec. 201(b)(3) and Sec. 201(b)(4) must meet the definition and criteria of a small business as established by the Small Business Administration."

Mr. HECHLER of West Virginia. Mr. Chairman, this amendment will not prevent loan guarantees to large businesses but it will confine the loan guarantees which are involved in the acquisition of rights and in the development and construction and operation of facilities to small businesses. It would seem to me since the major attraction under the Geothermal Steam Act of 1970 has been to the huge major energy companies, that if we are going to give loan guarantees in order to protect against risk that in some aspects of this program—and this amendment has been discussed with the gentleman from Washington and the staff and it is confined only to subsections (b) (3) and (4) of section 201—I would suggest this would help achieve the objective that the gentleman from Washington is trying to achieve in spreading the action among both those large companies and small companies.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to this amendment also.

Mr. Chairman, the major purpose of this legislation is the development of geothermal energy so that we can have it as an economically viable source of energy for the production of electricity.

What the gentleman is attempting to do with his amendment is to restrict the entities that can participate in these loan programs to acquire geothermal resources or development of construction and operation of facilities for the demonstration of commercial production from geothermal energy sources.

This would in effect defeat, to a very substantial degree, the purpose of the bill itself. We are not talking about people in garages going out and developing geothermal energy. We are talking about the major utilities and municipalities developing geothermal energy.

The representatives of the city of Burbank, for instance, were in my office just 2 weeks ago discussing participation in this program.

Nobody knows today when he goes out to drill a site for geothermal energy, even when he has already assessed it, how well it is going to work as far as the geothermal energy source is concerned, and whether or not he can amortize the plant over a 5-year or 10-year or 20-year period.

This is the reason why we included this loan program in the bill; it is why we have set the limits at $50 million for a given borower and $25 million for a given site.

To say now that this is for only people who are qualified under the definition of small business and restrict it now to those who meet the definition of small business is to defeat the purpose of the bill. I know the gentleman is well intentioned in his idea that we should get small entrepreneurs into this business, but there is very little place for the small entrepreneur in producing large amounts of electricity from geothermal energy. We are dealing with existing municipalities and existing utility companies, both public and private, and they need this loan program in order to get started.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield briefly?

Mr. McCORMACK. I yield to the gentleman.

Mr. HECHLER of West Virginia. The gentleman is aware, is he not, that my amendment applies only to subsections 3 and 4, lines 15 and 16, page 18, and does not apply to lines 11 through 14; so that the language of my amendment does not cover determination and evaluation of the resource phase of research and development with respect to extraction and utilization technologies. It merely applies to acquiring rights in geothermal resources and development, the construction of facilities for the demonstration of energy from geothermal sources.

Mr. McCORMACK. I thank the gentleman. He makes my point for me. We do not separate these phases of activity. The city of Burbank is not going to go out and spend a lot of its own money for research and development and then not go any farther.

We need this money to support the entire spectrum of activities from the concept to the production of electricity.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. HOLIFIELD. I support the position the gentleman has taken on this matter. No one is more for small business than I am; but this is a field that is going to require tremendous expertise and also the expenditure of moneys for identifying the so-called loan privileges. Many private industries are working in this field.

I think that the gentleman's well-meaning amendment is nevertheless mischievous in its final effect on the legislation, or anticipated legislation.

I support the gentleman's position in opposition to the amendment.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Chairman, I rise in opposition to this proposed amendment.

I would like to point out that the business of generating power tends in most instances to be big business.

I share the concern of the gentleman from West Virginia and would hope that the administrators of this program would not preclude the small business leadership from becoming involved if they can qualify and demonstrate capability and concern, as well as technical expertise; but obviously, in an instance such as in Burbank, there is a very good potential for such a project up in northern California in the city of Susanville.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(At the request of Mr. GOLDWATER and by unanimous consent Mr. McCORMACK was allowed to proceed for an additional 2 minutes.)

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield further?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. GOLDWATER. The city of Susanville would like to develop a potential hot rock area and would certainly qualify, but not necessarily be considered small business, but a municipality; so I think that this amendment is restrictive and does not allow the flexibility to provide not only for small business, as would be allowed under the 75-percent loan, but also for larger concerns who have the capability and would be excluded from participation.

I would urge that our Members vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. VEYSEY

Mr. VEYSEY. Mr. Chairman, I offer an amendent.

The Clerk read as follows:

Amendment offered by Mr. VEYSEY: Page 13, strike out line 18.

Page 13, line 21, strike out the period and insert in lieu thereof "; and".

Page 13, immediately after line 21, insert the following new paragraph:

(11) the establishment of a program to encourage States to establish and maintain geothermal energy clearinghouses, which shall serve to (A) provide geothermal energy developers with information with respect to applicable local, State, and Federal laws, rules, and regulations, (B) coordinate the processing of permit applications, impact statements, and other information which geothermal energy developers are required to provide, (C) encourage uniformity with respect to local and State laws, rules, and regulations with respect to geothermal energy development, and (E) encourage establishment of land use plans, which would include zoning for geothermal energy development and which would assure that geothermal energy developers will be able to carry out development programs to the production stage.

Mr. VEYSEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VEYSEY. Mr. Chairman, I am offering an amendment which I think will bring attention, through this legislation, to one of the most serious problems now facing producers seeking to begin exploration for or development of geothermal power.

I have testified before the Energy Subcommittee in its hearings, to the fact that, in southern California, in Imperial County, to be specific, we have determined that a company or an individual, in attempting to develop this promising new and much needed source of electrical energy, must run a gauntlet of 46 different Federal, State, and county licenses, permits, and other regulatory reports, most of which are redundant and most of which were not designed to apply to geothermal energy.

My amendment approaches this problem by asking that among the objectives to be carried forward under this bill would be a program to encourage States to establish a clearinghouse on local, State, and Federal rules and regulations governing geothermal development and to bring together the information that an entrepreneur must have in order to move into the field. Hopefully, this will facilitate the process of speeding forward total development.

Just a few days ago, it came to my attention that the one pending geothermal development in the United States, that is, the Geysers area in my State of California, has now come to a screeching halt. Eleven units, 11 powerplants, have either been built and are in operation or are soon to be completed in that area, and yet units 12, 13, 14, and 15 are now blocked entirely by a court order which has required that the Public Utilities Commission of California prepare a new environmental impact statement and go through a prolonged new procedure all over again.

This will mean a delay of at least 1

year, and perhaps 2 or 3 or 4 years, in carrying forward this much needed development. I should point out that at the present time the Geysers area is furnishing one-third of the electrical energy used by the city of San Francisco, and is doing so in a way which is environmentally acceptable, is lower in cost than any alternative fuel source, and reduces our reliance on imported oil.

In May 1973, I had the honor of chairing, and sponsoring, the National Conference on Geothermal Energy in Palm Springs, Calif. The primary focus of the conference was on an examination of the role of the various State and Federal regulatory procedures affecting the area of geothermal resource development.

One of the key findings was that often well-designed programs are needlessly delayed by requirements imposed by regulatory agencies that are unknown to the developer until he is well along in the preliminary stage of his program. Often the developer has no assurance when applying to drill and explore that the program can eventually be carried on to the production stage.

A lack of coordination and, in some cases, a state of conflict exists between county, State, and Federal regulatory agencies causing needless delay and costly duplication of effort.

Obviously we cannot, and should not, usurp the regulatory jurisdiction of the counties and States, but I believe the formation of a geothermal regulatory clearinghouse, preferably within the States, could provide a one-stop office where a developer could be informed of the numerous regulatory agencies he must deal with, the fees and bonds required, the procedures to follow, and the appropriate rules and regulations. This would go far in correcting this serious problem. Hopefully, it would also encourage State and county governments to bring about uniformity in their statutes and regulations. We need to strip away these overlapping layers of regulatory authority.

Mr. Chairman, I hope that my colleagues will look favorably upon this amendment and bill. I believe it is a very positive step toward energy self-sufficiency in the foreseeable future.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. VEYSEY. I yield to my colleague from California.

Mr. BROWN of California. Mr. Chairman, I appreciate the gentleman yielding to me.

I think he has offered an excellent amendment, and I would expect that because of his great familiarity with this subject and because of the fact that one of the larger developments in geothermal energy is in his own district, he would continue to exercise the kind of leadership represented by this amendment.

Mr. Chairman, I might say, perhaps on a note of parochial pride, that California has taken the leadership, in my opinion, in seeking to rationalize the processes by which the improved siting and processing of energy projects can be achieved, as a result of recent State legislation enacted there. I think the gentleman's amendment proposes to have this present legislation serve as a pilot for achieving the same kind of improvements in other States.

I think the gentleman is to be highly commended for it.

Mr. TEAGUE. Mr. Chairman, will the gentleman yield?

Mr. VEYSEY. I yield to the gentleman from Texas.

Mr. TEAGUE. Mr. Chairman, members of the committee on this side of the aisle feel that the gentleman's amendment does improve the bill, and we will accept the amendment.

Mr. BURGENER. Mr. Chairman, will the gentleman yield?

Mr. VEYSEY. I yield to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Chairman, I thank the gentleman for yielding to me.

I rise in support of the bill and of the amendment, and commend the gentleman in the well for his leadership in this important field of energy, particularly in California and in the Imperial Valley area.

Mr. Chairman, I rise not only in support of this important piece of legislation but also in support of the amendment offered by my colleague from California (Mr. VEYSEY).

The merits of the Geothermal Energy Research, Development, and Demonstration Act are apparent to the entire House. This is a means by which the Federal Government can make a substantial contribution to the future technology necessary for the utilization of this tremendously important resource.

Geothermal resources can provide an economically viable, environmentally acceptable source of energy in the years to come.

If there is one thing we have learned the hard way in the last year, it is the fact that advance research, development and planning are absolutely essential if this Nation's future energy needs are to be met. This is a lesson we dare not forget. And time is of the essence. Passage of this bill now could save a full year of leadtime.

The amendment offered by Mr. VEYSEY addresses itself to a very real problem. For those working in the field of geothermal energy the variety of regulations, standards, and procedures which may be required by the various levels of government present a very confusing spector.

The establishment of a single source of information on such standards, regulations, and procedures could well aid in the research and development effort as much as Federal funds or Federal loan guarantees. It would enable an organization to undertake a geothermal project with some sense of assurance that they will not belatedly discover further regulations which could block progress.

This is precisely what Mr. VEYSEY's amendment will do. It will encourage the States to set up clearinghouses for information of this sort which relate to geothermal energy projects.

This amendment can make this a better bill. The bill can make a very real contribution to the solution of future energy problems. I urge my colleagues to support both the amendment and the bill.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. VEYSEY. I yield to my colleague from California.

Mr. GOLDWATER. Mr. Chairman, members of the committee on this side of the aisle have no objection to this amendment, and feel it does improve the bill in an area which should be of great concern.

We hope that through all the technical processes developed in the State of New York and in other areas that we will actually have something and that it will not run into local or economic obstacles. Obviously, we should be aware of those and do what we can to coordinate them.

I think the gentleman has made a great contribution to the overall purpose of the development of geothermal energy.

Mr. VEYSEY. I thank the gentleman for his remarks.

Mr. PETTIS. Mr. Chairman, will the gentleman yield?

Mr. VEYSEY. I yield to the gentleman from California.

Mr. PETTIS. Mr. Chairman, I thank my colleague for yielding to me, and commend him for his leadership in this particular amendment.

Mr. Chairman, I am delighted that the leadership of the committee is accepting this amendment. I am also delighted to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. VEYSEY).

The amendment was agreed to.

Mr. HOSMER. Mr. Chairman, I move to strike the necessary number of words.

I rise only briefly to make a record here. I want to congratulate the committee on the excellent work that it has done on this bill, and I certainly endorse the desirability of the optimum development of geothermal steam resources in the United States. Any way that we can augment our domestic energy sources is certainly to the benefit of the Nation.

I do want to point out an historical fact here and make the record that most of the land which is available in this country for either wet geothermal or dry geothermal steam resource development is on the public lands of the United States.

It was not until the last Congress, after about 4 or 5 years of intensive effort, then that there was authority given to the U.S. Government to lease land for geothermal steam exploitation. That law was passed about 4 years ago. It was not until the last several months that the Department of the Interior got around to writing regulations under which geothermal steam leases on Federal land could actually be issued.

This is an outrageous kind of thing to happen in a bureaucratic agency of the U.S. Government, to delay by 36 months or more the development of this resource following the time that actual legal authority was given by the Congress to issue these leases.

Today the regulations which have been written and are in effect by the Department of the Interior are so restrictive and so difficult of interpretation and so hard to comply with that the geothermal leasing program of the United States still is not underway at the pace that it should be. There is still work which must be done down in the Department of the Interior to rewrite these regulations and get them in a reasonably workable shape.

I simply want to make the record in this Congress today that at least one of its still looking to the Department of the Interior to reform itself and do the right kind of job in issuing regulations which will allow us to get to work fast in exploiting geothermal steam in the United States.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. O'NEILL) having assumed the chair, Mr. PREYER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14920) to further the conduct of research, development, and demonstrations in geothermal energy technologies, to establish a Geothermal Energy Coordination and Management Project, to amend the National Science Foundation Act of 1950 to provide for the funding of activities relating to geothermal energy, to amend the National Aeronautics and Space Act of 1958 to provide for the carrying out of research and development in geothermal energy technology, to carry out a program of demonstrations in technologies for the utilization of geothermal resources, and for other purposes, pursuant to House Resolution 1195, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. McCORMACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 3, not voting 27, as follows:

[Roll No. 369]

YEAS—404

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
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Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
Luken
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Traxler
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—3

Crane
Landgrebe
Mallary

NOT VOTING—27

Brasco
Breaux
Carey, N.Y.
Clay
Collier
Culver
Davis, Ga.
Diggs
Dorn
Evins, Tenn.
Fisher
Gray
Gunter
Hansen, Idaho
Helstoski
Jones, Tenn.
McEwen
Macdonald
Montgomery
Reid
Rooney, N.Y.
Shipley
Steele
Stokes
Thompson, N.J.
Wilson, Charles H., Calif.
Young, Alaska

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Gunter.

Mr. Charles H. Wilson of California with Mr. Helstoski.

Mr. Rooney of New York with Mr. Gray.
Mr. Carey of New York with Mr. Collier.
Mr. Macdonald with Mr. Hansen of Idaho.
Mr. Diggs with Mr. Culver.
Mr. Shipley with Mr. Stokes.
Mr. Reid with Mr. Clay.
Mr. Brasco with Mr. McEwen.
Mr. Breaux with Mr. Dorn.
Mr. Evins of Tennessee with Mr. Fisher.
Mr. Jones of Tennessee with Mr. Montgomery.
Mr. Davis of Georgia with Mr. Steele.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REVISING AND AMENDING THE PRICE-ANDERSON INDEMNITY PROVISIONS OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Mr. PRICE of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15323) to amend the Atomic Energy Act of 1954, as amended, to revise the method of providing for public remuneration in the event of a nuclear incident, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15323, with Mr. MAZZOLI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes and the gentleman from California (Mr. HOSMER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Chairman, I yield myself 5 minutes. This bill H.R. 15323 provides for a 10-year extension and modification of the Price-Anderson Act, which provides for assured protection for the public against losses in the unlikely event of an accident involving a nuclear facility or nuclear material.

The principal features of the proposed modification and extension are as follows:

First, the bill phases out governmental indemnity by the early 1980's and replaces it with a mandatory system of utility retrospective insurance premiums administered by insurance companies. This system would be similar to deferred premium insurance plans used by mutual insurance groups.

Second, the bill would increase the total coverage from $560 million to $1 billion and beyond as the number of reactors with commitments for retrospective premiums increases.

Third, the bill would continue the no-fault and prompt payment features of the current act as to third-party liability coverage.

Fourth, the bill adds to the activities covered by the act by including floating nuclear powerplants and transportation between U.S. licensees via routes which pass outside the U.S. territorial limits.

Finally, the bill extends the Price-Anderson Act, as modified, to 1987 and requires the Atomic Energy Commission Congress in 1983.

The Price-Anderson Act applies only to licenses issued prior to August, 1977. Nuclear powerplants now in the planning and design phases would not receive construction permits until about 1977–78. Thus there is uncertainty as to whether these plants would receive protection in the form of government indemnity.

The Joint Committee on Atomic Energy has received numerous letters from companies and organizations in the nuclear industry, urging extension of the Price-Anderson Act in its present or a modified form. These letters as well as testimony at the extensive hearings we held on this legislation have stressed the importance of the act in removing a deterrent to development of the nuclear industry, and the need for prompt action to clarify the situation that will prevail after 1977. If Congress fails to act soon, we are likely to see significant shifts in utility planning from nuclear plants to plants using scarce fossil fuels with their soaring prices and environmental problems.

An independent study by the Columbia University Legislative Drafting Research Fund examined the situation that would prevail if the Price-Anderson Act were to be allowed to expire. The study concluded that the resulting legal situation in the event of a nuclear incident would be chaotic. Injured parties would be subject to whatever tort law prevailed in the State in which the incident occurred or in which they suffered harm. There would be wide variation in the grounds for recovery, the standards of proof, and the defenses available to the defendants. Recovery would be uncertain and could be delayed for many years. The potential for unlimited liability might drive smaller manufacturers, architect-engineers, and component suppliers out of the nuclear business and could serve as a deterrent to entry by other firms.

The Price-Anderson Act has been in effect for 18 years. During that time, there has not been a single nuclear accident which has resulted in injury or loss to the public. This unparalleled safety record testifies to the intense efforts by the Joint Committee and by the Commission to insure that nuclear power was developed in a safe manner. The Commission maintains a continuous safety research effort of over $100 million a year and a rigorous regulation program to keep this record spotless.

A vigorous nuclear industry has developed and is now beginning to reach maturity. This industry has operated since its inception without harm to the public. Nevertheless, there remains a need to continue to provide for the extremely remote possibility of a catastrophic nuclear accident. This bill provides for an extension of the assurance provided to the public by the Price-Anderson Act and an orderly transfer of responsibility to the nuclear industry as its ability to assume this responsibility develops.

I urge the Congress to enact this legislation.

Mr. HOSMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the 1957 Price-Anderson Act was designed to guarantee that the public would be compensated in the event of a nuclear powerplant accident, and to set a limit on the liability of private industry in order to remove the obstacle to significant private participation in the development of nuclear energy. The solution set forth by the act combined private insurance with an unprecedented provision for Government indemnification of anyone held liable under the law. The aggregate liability limit was set at $560 million per incident.

In 1957, the $560 million limit represented a $500 million Government indemnity and $60 million in private insurance. Since 1957, available private insurance has increased so that the private insurance share now stands at $110 million and the Government indemnity is $450 million per incident. The 1957 Price-Anderson Act provided that in the event that claims exceeded the overall $560 million limit on liability, the money would be prorationed among claimants.

In recognition of the fact that the act had been drafted without benefit of prior experience in insuring nuclear risks, Congress made its provisions applicable only to licenses issued before August 1, 1967. It was hoped that experience during the 10-year period while indemnity provisions were in force would provide a better foundation upon which to construct a permanent scheme for insuring nuclear risk. However, in 1965, the act was amended and extended for an additional 10 years, through August 1, 1977, on the grounds that too little experience had been obtained to warrant changing its structure. Since enactment of the Price-Anderson Act, there has not been a single accident which has resulted in indemnity payments for public injury under its provisions.

Under the current law, indemnity will not be extended to new facilities licensed after August 1, 1977, though coverage will be maintained for those licensed prior to that date. As the 1977 termination date for limited liability approaches, the private nuclear power industry is laboring under increased uncertainty. Considerable time is involved in evaluating the nuclear alternative for additional electric generating capacity, selecting a site, and completing licensing procedures. Utilities are now involved in negotiating contracts for construction of plants for which construction permits may not be issued until after the critical date. Contractors and suppliers are beginning to express reluctance to enter into agreements for the construction of facilities in the absence of assurances that their liability will be limited.

PROVISIONS

The bill extends the Price-Anderson legislation limiting nuclear liability for 10 years and makes three major changes in existing law: First, it provides for the phasing out of Government indemnity, second, it provides for gradual increase in the liability limit, and third, it extends indemnity coverage to incidents occurring outside the territorial limits of the United States for certain activities.

PHASING OUT GOVERNMENT INDEMNITY

This bill grants the Atomic Energy Commission—AEC—authority to regulate the terms and conditions of nuclear liability insurance. By August 1, 1976, the AEC must include in determining the maximum amount of private liability insurance available any private insurance available under an industry retrospective rating plan which meets certain conditions. Under a retrospective rating plan a deferred premium, set between $2 and $5 million per reactor, will be assessed at the time when public liability after a nuclear incident appears likely to exceed the level of financial protection provided by the private insurance pools. The bill thus provides an additional source of private financial protection.

The primary source of private protection, which currently stands at $115 million, is that available through the insurance pools. The secondary source will be that derived from the assessment of deferred premiums in the event of an accident. The AEC will continue to provide an indemnity for damages exceeding the combined primary and secondary layers, to bring coverage up to $560 million. As the number of reactors grows, the secondary level of insurance will gradually increase and phase out the Government indemnity.

The bill further authorizes AEC to establish measures necessary to assure the availability of funds to meet any assessment of deferred premiums. Any agreement by the Commission to guarantee the payment of deferred premiums may contain terms to insure reimbursement to the Commission in the event that the indemnitor fails to meet such premiums when due. The Commission will establish the maximum amount of aggregate deferred premiums that may be assessed from each facility in any one year.

INCREASED LIMIT ON LIABILITY

The bill does not immediately change the limit on liability set at $560 million by the original Price-Anderson legislation. However, it does provide that as the level of secondary protection rises with the increase in the number of reactors, the Government indemnity will be phased out. Then, as the sum of required primary and secondary protection begins to exceed $560 million, the liability limit will rise correspondingly.

The bill proposes no ultimate limit on the level to which overall coverage can rise. However, because AEC will have the authority to set the maximum deferred premium anywhere in a range from $2 million to $5 million, the Commission may reduce the standard premium when it determines that total financial protection has risen to a level where further increases are unnecessary.

At the lowest premium level—$2 million—Government indemnity is projected to end by 1984 and the overall liability limit is expected to rise to $939 million by 1990, as more reactors are constructed. At a $3 million per reactor premium, Government indemnity would end by 1980 and the overall liability limit is projected to reach $1 billion in about 1987 and rise to $1.346 billion in 1990. At the highest premium level— $5 million—Government indemnity would be eliminated by 1977, and the overall limit on liability is projected to reach $1 billion as early as 1982, and rise above $2 billion by 1990.

EXTENSION OF INDEMNITY TO INCIDENTS OUTSIDE THE UNITED STATES

The bill extends the definition of "nuclear incident" to cover incidents occurring outside the United States with the exception of accidents: First, occurring within the territorial waters of another nation; second, resulting from the import or export of nuclear material; and third, involving nuclear material used for nuclear ship propulsion. The definition of "person indemnified" is also modified to include nuclear incidents outside the United States.

This extension of indemnity to incidents outside the United States is intended to provide full indemnity to offshore nuclear powerplants and to shipments of nuclear material between licensees in the United States when the shipments are routed beyond territorial waters. The Government's indemnity for incidents occurring outside the United States is limited to $100 million by existing law.

OTHER CHANGES IN EXISTING LAW

The bill provides that, in the event that public liability claims from a single incident exceeds the limit on liability, any plan for distributing funds between classes of claims and claimants must establish priorities among such classes to insure the most equitable distribution. Also, the bill would allow the AEC to reduce the indemnity fee—$30 per 1,000—kilowatts of capacity charged for administering the Government's indemnity—in reasonable relation to increases in financial protection required of licensees above a level of $60 million or, in other words, as the Government's indemnity declines. The authority of the AEC to enter into indemnity agreements with licensees who are nonprofit educational institutions for public liability in excess of $250,000 is extended until 1987.

The AEC reporting requirements are broadened to include reports on accidents which are likely to result in public liability claims in excess of $560 million. Currently, the law requires reports on nuclear incidents which are likely to result in any payments by the U.S. The amendment thus anticipates the time when public liability may fully be covered by private insurance. Furthermore, the AEC is required to submit to Congress by August 1, 1983, a report and recommendations concerning the need to continue or modify the Price-Anderson legislation.

Two other minor provisions of the bill adjust existing law in anticipation of the Government indemnity phaseout. Thus, the bill provides an alternative definition of "person indemnified" as one who is required to maintain financial protection, rather than merely one with whom the AEC executes an indemnity agreement. Additionally, the bill changes the specifications for licensing so that an indemnification agreement with the AEC is no longer a requirement after Government indemnity has been phased out.

COSTS

With the exception of minimal administrative costs associated with determining the terms and conditions acceptable in the proposed retrospective premium plan, the AEC will incur no additional costs as a result of carrying out this legislation. As under current law, in the event of a nuclear incident involving a Government contractor or a licensee with whom an indemnity agreement has been executed, the AEC may incur costs up to $500 million each such incident. However, the potential costs for an incident involving a licensee, other than a nonprofit educational institution, will diminish and eventually disappear by 1981–85 as Government indemnity is phased out. There will be potential costs to the Government in the event of defaults on retrospective premiums for which the Government serves as reinsurer and where full recovery against the defaulter is not possible.

This bill represents the best efforts of almost a year's review of the subject of nuclear liability protection by this committee, the Atomic Energy Commission, and an impressive array of advisers from the Government, industry, the legal profession, and public citizen groups. The committee held hearings over a period of 6 months. During that time, we were advised by a planning committee representing all interested sectors. H.R. 15323, in my opinion, is one of the most thoroughly researched and carefully developed pieces of legislation you will see this year.

Finally, I would like to point out that the fundamental basis for the legislation before you today arose out of a proposal from the private sector itself, in response to the Joint Committee's early call, in July 1973, for a reevaluation of the existing legislative framework. The fact that the nuclear industry itself is willing to pick up the Government share of the burden is a clear sign of its developing maturity and confidence.

I therefore join with Mr. Price in urging prompt and favorable action on H.R. 15323.

Mr. PRICE of Illinois. Mr. Chairman, I yield 6 minutes to the gentleman from Wyoming (Mr. Roncalio).

Mr. RONCALIO of Wyoming. Mr. Chairman, my colleagues, this bill should not be passed today, but in lieu thereof I recommend an amendment which will extend the present legislation 1½ years instead of 10 years.

The reasons I feel this way are these:

In case of any utility which defaults under present law or under this legislation and in the payments of its premiums has a nuclear accident, the legislation guarantees the AEC will pay the defaulting organization. While the bill also guarantees the Atomic Energy Commission subrogation rights, in reality the ultimate insurer remains the Federal Government, and the Government participation is, in fact, increased under this type of legislation.

Here are my objections to this legislation, and I have tried very, very hard not to object to this and to go along with my colleagues on the committee: if the members will view the report that accompanies the legislation and the separate view, they will find much devoted to the so-called Rasmussen report imminently to be issued by Dr. Rasmussen of the Massachusetts Institute of Technology. To now extend the expiration date of the Price-Anderson Act another 10 years from August 1977—which is still a good, healthy piece away from now—before the Rasmussen report becomes available, in my opinion, is an act against the public interest. It is an act of obviously being scared about something.

Information provided by the report may shed some light, and it may not shed some light. We have heard him say both these things before the Joint Committee.

Said Dr. Rasmussen:

> Yes, it may shed some light, but it ought not to affect the extension of the Act.

So, let us wait for this tremendously detailed report into which has gone the thinking and the efforts of a great many professional men and women, and let us have some time to read and absorb it. It may shed some light on how the public can best be protected from nuclear accidents. Certainly, no matter what the report says, it deserves to be studied with regard to the entire area of nuclear information.

Mr. Chairman, I want to stress most of all my observations in the separate report, that when the present Secretary of Defense, fine and excellent Dr. Schlesinger, former AEC head and one of the noble men left in this administration—left the Atomic Energy Commission, his parting words were:

> Let me say this, in passing, since I am on my way out of this job, that I would recommend, I would personally feel that when the Price-Anderson Act comes up for reexamination that we substantially amend or phase out that act because this industry has built up to the point that it can underwrite the cost itself of these very improbable accidents.

I submit that that should be given heavy credit authority by our lawmakers here.

I say that the extension of the act for 10 years is dangerous because the AEC estimates have indicated that damages from one nuclear disaster could be as high as $17 billion. Yet, premium assessments are predicted to amount to only about $1 to $2 billion by the 1990's.

I believe it is unfair to carefully protect the assets of the utility shareholder from liability for actions of the utility beyond the assessed retrospective premium when we do not protect the public against major losses of life, health, property, and income.

That is what I say is unfair, that a major share of the cost of this act should be borne by the victims and the taxpayers rather than by the risk creator, the nuclear power industry, and that great guardian of free enterprise, the private insurance sector of our Nation, being dealt out of opportunities to cover. Please do not tell me that they cannot come up with the required insurance coverage. Lloyd's of London would be glad to offer the coverage.

The utilities are not required to hold their retroactive premiums as cash or make cash payments into an insurance pool, or in escrow. Thus, compensation of accident victims may be foiled by the unavailability of assets. Therefore, exacerbation of an already critical situation would be the result.

I say in conclusion that to extend the Price-Anderson Act now, in view of the evidence, for 10 years is a consummate act of hypocrisy.

On the one hand, my friends, the proponents of nuclear power—and I am one of them; I fight for nuclear power; I think we have to have it in America, including the generation of electricity by nuclear power—but to say that nuclear power is so safe that the public need not worry when, on the other hand, we say the plants are so risky as to require the special protection for stockholders provided by the Price-Anderson Act is hypocritical. If nuclear power is safe enough for Americans to risk their lives on, it is safe enough for stockholders to risk their assets on. The public is entitled to full compensation, with utilities being liable fully for the risks they create.

I, therefore, hope that the amendment I offer, which will extend for 1½ years the life of the act, will be adopted.

If not, the gentleman from Massachusetts (Mr. CONTE) will offer a motion to recommit, if my amendment fails, so that it will have to go back to the committee for reconsideration.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I rise in support of H.R. 15323, the bill to amend the Price-Anderson indemnity provisions of the Atomic Energy Act of 1954. This measure is designed to change the method of providing for public remuneration in the event of an accident. There has been some concern this bill is not needed as yet, since the Price-Anderson provisions have another 3 years to run. However, a delay beyond the date of the widely heralded Rasmussen study would effectively preclude action during this Congress. Uncertainty on the extension of the Price-Anderson Act could cause disruption in utility planning since the leadtimes for nuclear powerplants are from 2 to 4 years.

I have learned Prof. Norman Rasmussen gave his support during hearings on May 16 and during markup on June 13 to this bill before us now.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. BAKER. Certainly, I yield to the gentleman from California.

Mr. HOSMER. That, indeed, is the case. On June 13, preceding the markup of this bill, Dr. Rasmussen was in the committee chamber, and the issue that has been made by the gentleman from Wyoming and others came up. The charge and the allegation were made that the Rasmussen study has not been finished yet, so we would just have to wait to see how big a potential accident the Rasmussen study would indicate.

So at this point Dr. Rasmussen, the author of the Rasmussen study which is in the process of final preparation, was in the room and was asked:

> Dr. Rasmussen, what is the maximum credible accident that your figures are going to show?

His answer was simply this:

> No larger an accident from a nuclear incident than the loss that would be occasioned by the crash of a large airplane such as the 747, the DC-10, or the L-1011.

So we do know that the figure has been quantified, and I compliment the gentleman for anticipating that in the remarks which he is now making.

Mr. BAKER. Mr. Chairman, I thank the gentleman for his observations and his comments.

Mr. Chairman, Professor Rasmussen, as director of the Institute of Nuclear Engineering at MIT and as author of the safety-related study commissioned by the AEC, has said he supports the bill and sees no reason for increasing the indemnity levels.

In addition, under the bill now before us, the AEC will be required to make a reappraisal by August 1, 1983, on the operation of the Price-Anderson Act and any continued need for it. It just does not make sense to extend the present act for 18 months when the bill now before us transfers more of the indemnity costs to the utilities. If we extend the present act, we then leave the utilities in a precarious position.

Mr. Chairman, it came as a surprise to me to find the group here in Washington which represents workers in nuclear-related industries also advocating the delay of commercial application of nuclear power. This seems to be founded on the idea the Rasmussen study may shed more light on the matter of nuclear powerplant safety. But the preliminary results of the study tend to show that the probability of a nuclear accident is very small, probably less than we have thought in the past. I do not understand why those representing atomic workers would use Nader-like tactics to delay construction providing jobs for atomic workers—like those in Oak Ridge, Tenn.

I can understand the concern about nuclear safety. However, the AEC is working on safety-related problems. Witness the $2 million Rasmussen study which is part of the $100 million safety research program being conducted by the AEC. We must all remain most concerned about nuclear accidents, but this does not mean we should stop development of nuclear power. Nuclear power has the potential, along with solar and geothermal power, to take over an increasing share of our energy demand from fossil fuels. As it becomes more and more difficult to either import fossil fuels or develop domestic reserves, we must continue to press ahead on a program of energy supply diversification. Mr. Chairman, I urge the adoption of this bill.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. McCORMACK).

Mr. McCORMACK. Mr. Chairman, I rise in support of this bill.

As a members of the Joint Committee on Atomic Energy and a longtime activist in the field of nuclear energy, I have, of course, been aware of the Price-Anderson Act. I have been curious about the questions it raises, and I have been curious what we would do when the time came to reconsider it.

It seems to me that many Members may be missing the fact that the purpose of this bill is to phase out Government underwriting of insurance for nuclear powerplants. According to some comments I have heard, some seem to think that because this is a renewal of the Price-Anderson Act, it is a continuation of Federal underwriting.

What it actually is is a phaseout. Under this act we will within 10 years have no Federal underwriting at all of insurance for nuclear power reactors.

We have a number of antinuclear advocates who have opposed the Price-Anderson bill. Over and over again they have asked: If nuclear reactors are safe, why do we have a Federal insurance program? Now, when the committee comes forward with a bill to phase out Government insurance, these antinuclear advocates stand up and oppose the bill.

Well, what kind of sincerity is that? Where is the intellectual integrity of an individual who has campaigned to phase out the Price-Anderson bill, who then stands up and opposes the very bill that will do just exactly that?

Mr. RONCALIO of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I will yield to the gentleman when I finish my presentation, and if I have time.

Mr. Chairman, I think it is important that we get this thing in the proper perspective. There has been a great deal of talk about the Rasmussen report as if this report will produce some sort of magic. The Rasmussen report will simply give the odds that Dr. Rasmussen's studies indicate exist for various types of nuclear accidents. In no way will the results of the Rasmussen report change the nature of this act, or the nature of insuring nuclear powerplants. The only thing it will do, if our advanced readings on the Rasmussen report are correct, will be to lower the estimate of damages resulting from maximum credible accidents. It would in no way affect how the coverage could be best provided.

There is also a great deal of loose talk as if the utilities are completely unconcerned; as if they have nothing at all to risk because they have the Price-Anderson Act. That is simply nonsense.

Let us suppose that a utility were indeed reckless, as Mr. Nader likes to pretend, and let us suppose that it experienced a melt-down, one of those accidents that would occur in 1,000 to 10,000 years, 1 time, if we had 1,000 reactors operating in this country. This does not mean that there will be any damage or any threat whatsoever to any human being outside of that plant, or even the operators in the plant, because a meltdown does not necessarily mean that there will be any loss of radioactivity whatsoever. What does it insure? It insures the loss of the plant to the utility. It insures that the utility will lose a $500 million plant, and its ability to produce 1,000 megawatts of electricity, in that plant. This is the equivalent; I think it is important to keep this in perspective.

The idea that somehow or other this bill is meant to give utility companies carte blanche to be irresponsible is simply ridiculous.

Under this bill the utilities buy $120 million worth of insurance. This would, over the years, grow. This is the insurance they are buying. In addition, the utilities are committed to providing from $2 million to $5 million per reactor as insurance in case there is some sort of an accident. This is very similar to insurance companies reinsuring each other, spreading the risks.

Mr. Chairman, we need rational consideration of this important subject, and I urge support of this bill.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, I thank the gentleman from California for yielding to me at this time.

Mr. Chairman, during the committee deliberations and the final markup of this bill, I opposed it because of the fact that at the time we did not have this Rasmussen report that is being talked about. I am not even sure the figure of $560 million as total indemnity is a correct figure, I rather believe that it came about by the private insurance industry saying we can insure for $60 million, and then the Government saying we will throw in a half billion dollars, and that is how the figure of $560 million came in.

I am bothered with whether I should or should not support the extension. I think I probably will, along with the amendment of the gentleman from Wyoming for 18 months. But in either case I think, whether it is for 18 months or for 10 years, that we have taken a good approach in this complex matter.

What it really boils down to is that the utility companies will have to put up anywhere between $2 and $5 million every time a plant is constructed. Dividing that $560 million by the number of plants that are needed for, say, $3 million each, by the time we have 150 plants built in this country, we will be completely phased out.

The $3 million that each company puts up will be sufficient to insure the risk. So I see that as a positive step forward. For that reason I think that I will end up supporting the bill. After all, we already have some 45 plants in operation. With another 100 or so, the full indemnity would be met.

Mr. PRICE of Illinois. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, at the appropriate time, I intend to offer an amendment to H.R. 15323 that is designed to fill a serious gap in the extent of indemnity coverage provided for in the legislation. This gap, which is acknowledged in the Joint Atomic Energy Committee report accompanying the bill, involves the failure to extend insurance coverage to important and potentially hazardous atomic-related activities. These include: First, fuel processing or fabrication facilities; second, transportation of nuclear materials; and third, radioactive waste storage.

The Joint Committee report stated the following with regard to these gaps in coverage:

> Financial protection and indemnity for plutonium processing facilities is discretionary with the Commission under the present law. . . . The Commission has indicated that it will undertake a thorough review of this matter. The Joint Committee has not proposed a legislative change in this area, pending the outcome of this review. The Commission is urged to give appropriate consideration to this matter."
>
> Transportation of nuclear materials is not specifically provided for under the Price-Anderson Act, although carriers are generally covered either as AEC contractors or under the omnibus aspects of licensee financial protection and indemnity. The Association of American Railroads has proposed that transportation be specifically covered because of gaps in the existing system for such situations as transportation of materials for a shipper or receiver not required to maintain financial protection. Although insurance is available to carriers, it is limited to the amount of $60,000,000. The Joint Committee has not proposed legislation to deal with this matter but encourages the Commission to review the situation to determine if procedural or legislative changes are in order.

Mr. Chairman, the need for Price-Anderson coverage of these areas has already been recommended by a prestigious study group and there is no need to await the results of more studies by the AEC. The importance of extending the coverage of the Price-Anderson Act was affirmed in a study by Columbia University under a contract with the AEC.

FUEL PROCESSING OR FABRICATION FACILITIES

The Columbia University study unequivocally recommended broadening the Price-Anderson coverage. Their report stated:

> The AEC has not yet determined to extend the protection of Price-Anderson to fuel fabricators. Such an extension may be warranted, particularly as plutonium comes into increasing use in the fuel fabrication process. That the hazard is indeed real is evidenced by the fact that a few fuel fabrication facilities which use plutonium carry the full amount of insurance provided by the pools. It seems clear that the full range of financial protection should be available to cover such facilities.

The dangers to the public from the operations of plutonium processing facilities are real enough. Plutonium, which does not exist in nature but is a manmade byproduct of the nuclear fission process, is one of the most deadly poisons in the world. One pound of plutonium, if dispersed into the atmosphere and ingested by human beings, is sufficient to cause 9 billion lung cancers according to reputable scientists. Each large nuclear powerplant will generate about 600 pounds of plutonium annually. The dreadful toxicity of plutonium is becoming more apparent as more studies are completed. Recently scientists at the National Resources Defense Council completed investigations which led them to conclude that the present AEC levels for exposure to radiation from plutonium should be lowered by a factor of 100,000. Most important from an insurance point of view is the fact that because plutonium combines readily with oxygen, there is a substantial fire hazard wherever this material is used. One such fire occurred in 1969 at the

Dow Chemical plant at Rocky Flats, Colo.

TRANSPORTATION OF NUCLEAR MATERIALS

There is also no reason why the transportation of radioactive material from nuclear facilities should not be covered by the Price-Anderson Act. Hearings before the Senate Commerce Committee a few weeks ago disclosed the serious deficiencies in control and supervision of the transportation of radioactive material.

To give some idea of the magnitude of the transportation problem, let me cite some figures from a December 1972 report by the AEC. By the year 2000, the AEC plans call for the operation of about 1,000 nuclear powerplants. This will require 60,000 truck shipments of highly irradiated fuel by truck each year, 10,000 shipments by rail, and 5,000 by barge. In addition, radioactive wastes will have to be shipped: 46,000 trips by truck and 10,000 by rail. The total distance covered by these shipments will be astronomical: 75 million miles each year for irradiated fuels and 28 million miles for radioactive wastes.

The AEC report estimates, on the basis of available transportation statistics, that a shipment "would be involved in a transportation accident offsite about once for each 5 years of reactor operation." With 250 reactors operating in 1985, about one accident can be expected each week and by the year 2000 we can look forward to the unhappy prospect of 4 accidents each week involving radioactive materials.

The Public Interest Research Group in Michigan recently completed a study entitled "The Hazards of Transporting Radioactive Wastes in Michigan" in collaboration with Dr. Marc Ross and Dr. Robert Blanks. Dr. Ross analyzed the consequences of the release of just one of the radioactive elements—cesium—which is contained in the casks of irradiated fuel shipped by truck and rail. The Michigan PIRG study concludes:

> The harm caused by this release of cesium would depend upon who and what happens to be downwind of the accident, and on the weather. Under fairly stable weather conditions, with wind at about one mile an hour, the gaseous cesium will emerge from the cask like a plume of invisible smoke. It continues to emerge from the cask and to travel as long as the cask contents are coming out. A person about one-half mile downwind could receive a dose of about 160 rems. Deaths of infants, young children, and susceptible people will occur at this dose. About two persons of the people under the radioactive plume will die of cancer. A substantial area would have to be evacuated. Land would remain contaminated for over 14 years."
>
> Based on average population densities of large Michigan cities, the following numbers of people would die of cancer within 25 years after a rail cask accident involving irradiated fuel: Detroit—5000 people; Ann Arbor—1230 people; Flint—1580 people; Saginaw—1420 people; Lansing—1070 people; Grand Rapids—1180 people; Kalamazoo—940 people.

RADIOACTIVE WASTE STORAGE

Finally, with regard to the serious gap in Price-Anderson coverage of accidents at radioactive waste storage facilities, the Columbia University study made the following recommendation:

> A final and potentially serious problem which can be identified in the Price-Anderson scheme is its failure to cover the nonmilitary noncontracted activities of the AEC which are conducted by its own employees. As the earlier description of the role of the AEC in operation of the nuclear energy industry indicates, this gap relates primarily to the possibility that the AEC will itself manage the disposal of radioactive wastes. This problem is, however, unlikely to arise for nearly a decade, because, under current regulations, wastes can be kept at reprocessing facilities, which are covered by Price-Anderson, for a period of ten years. But after these wastes have been transported to AEC facilities, and if the facilities are operated by AEC employees, Price-Anderson will not apply. Although the AEC may be liable without any monetary limitation under the Federal Tort Claims Act for injuries resulting from its waste disposal activities, as pointed out in Chapter 3, there are serious limitations on a plaintiff's ability to recover under this Act. The Price-Anderson Act thus fails to afford public protection in an area which has the potential to create a significant safety hazard.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I support this legislation, H.R. 15323. This bill has been carefully worked out by the Joint Committee with three objectives in mind: First, to continue to assure the public of immediate and adequate relief for damages resulting from an accident involving a nuclear plant in the event such an unlikely accident should occur.

Second, to eliminate the uncertainty in the minds of the nuclear industry and the financial community as to the situation that would prevail after 1977 so that the growth of this essential energy source will not be stunted.

Third, to provide for an orderly assumption by the developing nuclear industry of the full burden of protection against such an accident.

It provides for a 10-year phaseout of the insurance program, as the gentleman from Washington (Mr. McCORMACK) said.

The gentleman from Illinois has already pointed out the nuclear industry's unparalleled safety record. In over 200 reactor years of operation, there has not been a single accident which injured a member of the public. I am confident that the intensive safety research and regulation programs of the AEC will make certain that this record is maintained. The Joint Committee's careful scrutiny of the Commission's operations will see to this.

Nevertheless, it is still advisable for Congress to provide in advance to assure that if an accident were to occur, injured members of the public would be provided promptly with relief without waiting for congressional action. The Price-Anderson bill and this bill do just that.

There are now 100 nuclear power reactors in operation or under construction. These reactors produce electricity which would require over a billion barrels of oil a month to produce. There are another 100 reactors on order by utilities. When these reactors are built, they will save an additional billion barrels of oil each month. I do not have to tell the Members what this means for our balance-of-trade situation as well as our energy supply situation.

It might shock the Members to learn that in 1973 we sent $7½ billion out of this country for oil, and in this year we will send better than $22 billion out because of the increase in the price of the oil, and that is what I am talking about—the saving of that amount of money and the saving of our being under the thumb of the sheiks in the Middle East. That is what this is all about.

If we fail to extend the Price-Anderson Act, we will jeopardize the further growth of nuclear power, there will be a lag in the planning phase for the nuclear reactors we need so badly today and we will need even more drastically when they are completed during the years of the next decade. We are all aware of the financial problems utilities are presently undergoing. Even their bond issues are being turned down, as was Consolidated Edison just recently in New York. The injection of further uncertainties into this situation can only compound the problem. Responsible financial institutions are understandably cautious about funding major projects if there is any possibility, however remote, that the investment will be lost.

If the Price-Anderson Act is allowed to expire, the result will be increased difficulty in funding nuclear powerplants. This means we would need more fossil fuel plants. Where we would get the fuel for them is anybody's guess.

Critics of the Price-Anderson Act want to see it expire so that utilities would be subject to unlimited liability for damages from a nuclear accident. But what good would unlimited liability be to a plaintiff against a defendant with severely limited resources? The Price-Anderson Act assures $560 million for victims of a nuclear accident and in the 1980's will increase to over $1 billion. Unlimited liability against certain utilities today would be very unlikely to produce a recovery in an amount anywhere near that much. Expiration of the act would be a disservice to the public.

Critics of the nuclear power program have a demagogic campaign underway to delay consideration of the extension of Price-Anderson. I repeat, they are critics of the nuclear power program. They bought an advertisement into today's Washington Post with the theme of "What is the rush." As my colleagues have pointed out, this extension of Price-Anderson has been under consideration for more than a year. An independent study by Columbia University was submitted at the end of 1973, as well as a study by AEC. Hearings with considerable notice were begun in January of this year. Two series of hearings were held—one set on background and one set on specific bills.

Chairman PRICE approved the establishment of an informal planning committee with respresentation of all points of view. Our critics were invited to these meetings and hearings, but they made little or no constructive contributions.

In view of this thorough and lengthy consideration of this matter my question would be: "Why delay?" I am afraid the answer is that most of those who propose delay are basically opposed to nuclear power and are seizing on Price-Anderson as a means to accomplish this objective. I repeat that: Those who oppose delay are basically opposed to nuclear power and are seizing on Price-Anderson as a means to accomplish this objective.

The advertisement also referred to my original opposition to parts of the original Price-Anderson bill in 1957, 17 years ago. I did oppose certain features and particularly wanted to require the AEC's Advisory Committee on Reactor Safeguard (ACRS) to approve the safety of each commercial nuclear powerplant. The Joint Committee and Congress decided to provide that the ACRS should provide an advisory report on each reactor, which did not go as far as I would have liked. But I have consistently supported this type of legislation ever since, and I am in support of it now.

However, experience with the ACRS and with the Price-Anderson Act has shown that AEC and the industry has been able to operate consistently and safely with low cost insurance to protect the public. And not one dime from the taxpayers has been paid under the Price-Anderson Act, as critics well know and as we on the committee well know.

This bill is essential for the interests of the public both in protection for damages from accidents and in maintaining the supply of energy. It is also essential to the nuclear industry. I advise its passage.

Now my friend, the gentleman from Wyoming (Mr. Roncalio), made several assertions but I want to correct some of the things he said. He quoted Dr. Ray accurately when she had been on this Commission only a few months. Later on she appeared before the Joint Committee in June 1974 and testified she was in favor of extension of Price-Anderson, which was, as the gentleman from Washington said, providing for a phase-out over a 10-year period while continuing to protect the public against possible accidents to those reactors that are in existence and those that may be built within this time period.

Dr. Schlesinger is not against this legislation, although there was one thing he said, that he thought it should be phased out, and it will be. The chairman has a letter, July 3, 1974, which was last week, to the effect that Dr. Schlesinger is in support of this legislation we present today.

Dr. Rasmussen has also testified in open session as well as in executive session that he is in favor of this legislation.

So let us keep the facts clear on this matter.

Mr. O'NEILL. Mr. Chairman, I rise in support of the extension of the Price-Anderson Act as outlined by the gentleman from Illinois (Mr. Price) and as recommended by the Joint Committee on Atomic Energy.

Today, we have 46 operating nuclear powerplants. Their outstanding safety record has given no cause for third-party claims; consequently, there has been no disbursement of any of the so-called insurance fund.

But this situation is changing rapidly. In the nuclear power pipeline there are presently 54 plants under construction, 110 plants on order, and 12 expressions of intent to build. Thus, we are talking about a nuclear powerplant program that will require the investment of some $82 billion, so that by the year 1982 there will be 225 nuclear plants, with the capacity to handle the industrial and home electric needs of approximately 100 million American citizens.

This means that there will be seven times the power-generating capacity we currently draw from nuclear sources. The nuclear powerplant program is the electric utilities' answer to combat the shortages and rising prices of fossil fuels. It is the only technology currently available that can hold down the power costs spiral that ultimately would severely damage our industrial productivity and further erode our household budgets. And most significantly, it is our best guarantee for managing prudently and economically our oil, coal, and gas resources for the multiplicity of other requirements of our progressive society.

There is no question that this Nation must move forward expeditiously in the development of new powerplants, and while we can only applaud the safety record of the nuclear power industry since the first plant was begun 21 years ago, we are still ever mindful of the fact that accidents can and sometimes do happen.

We have a responsibility and obligation in the Congress to continue to protect the public by assuring that available funds exist for any claims that may occur in the future. We have a right as Members of Congress to require reports on any nuclear incidents or developments, and on powerplants now in the planning and design stages so that we will be able to respond quickly and effectively to changing nuclear circumstances.

Failure to extend the Price-Anderson Act as recommended by the Joint Committee on Atomic Energy will seriously handicap obtaining adequate financing of this large, vitally needed program to meet the energy needs of our country. We all know that sufficient funding of these projects will not be forthcoming unless adequate insurance against liability for damages can be provided.

Therefore, I urge all my colleagues to support the extensions of the Price-Anderson Act as recommended by the Joint Committee.

Mr. BROWN of California. Mr. Chairman. I rise in opposition to the bill H.R. 15323, as reported by the Joint Committee on Atomic Energy. I was one of the cosigners of the letter to the JCAE urging them to not report out this bill at this time. The main reason that a postponement was urged is that a major study, the Rasmussen report, is due shortly, and that report relates directly to this legislation and its merits or demerits. There are other reasons for opposing the JCAE bill, but I do not need to repeat them here. I would urge every Member who has not yet done so to review the dissenting comments of the gentleman from Wyoming (Mr. Roncalio) in the report of the bill JCAE on H.R. 15323.

One of the measures that we will vote on today is an amendment that would substitute 18 months for the 10-year extension of the Price-Anderson Nuclear Insurance Act that is granted in this bill. This is a compromise measure, and one that I can reluctantly support. This compromise would allow the JCAE and the public an opportunity to review and utilize the still to be released Rasmussen report, and at the same time remove any legitimate fears that failure to pass this bill today will result in chaos in the nuclear industry.

Mr. Chairman, the arguments against this bill being passed today are sound, and it should not pass as reported.

I yield the remainder of my time.

Mr. ROBISON of New York. Mr. Chairman, the debate which has emerged over the extension of the Price-Anderson Act is far more extensive than the substance of the bill before us. In my conversations with opponents of H.R. 15323, I have usually asked: "Why must this particular bill be used as a podium for opponents of nuclear power? Why do we not carry your arguments over nuclear safety to a more appropriate forum, such as the atomic energy authorization bill; so we can talk about nuts and bolts of the safety program, and the civilian reactor program?"

There has not been a good answer, so I have had to answer for myself; and I think the response is that the Price-Anderson Act extension offers a much more clear-cut issue than the complicated technical thicket of the AEC authorization bill, packed as it is with a catalog of confusing and highly sophisticated programs. For better or worse, then, the measure now under debate, has come to stand for far more than what it intends to do; and that fact has made my vote far more difficult than it might have been.

What we have before us is a 10-year extension of the $560 million ceiling on liability stemming from any nuclear power accident. Presently, the Price-Anderson Act guarantees that the Federal Government will supply up to $500 million of that funding, depending on how much has already been obligated by private insurance pools. We are told in the report on H.R. 15323 that private insurance is now providing $110 million maximum coverage in the event of a nuclear accident, and that the size of that coverage is expected to increase year by year.

The amendments recommended by the Joint Committee in H.R. 15323 extend the terms of the act for an additional 10 years—its present expiration date being August 1, 1977—and provide that the Government portion of insurance coverage will be reduced by any increase in private coverage.

According to the new amendments, once private insurance coverage surpasses the $560 million statutory ceiling on liability, that ceiling will disappear.

In addition, H.R. 15323 extends Price-Anderson coverage to offshore nuclear plants, and to any shipments conveying materials to such plants.

The report on the measure argues—along with the Atomic Energy Commission—that it is important that an extension of Price-Anderson be enacted now, so that long-term planning for nuclear powerplants can continue uninterrupted; and, also, so that the AEC, under the terms of the new bill, can phase out Federal participation in nuclear liability insurance and pass that responsibility on to the private insurance industry. Without immediate action on the extension, the AEC contends, an element of uncertainty will enter private industry's plans for new plants, and the civilian nuclear power program may suffer the result.

There is another very germane reason for passage of the bill at this time—one not so apparent on or between the lines of the committee report. Much to my own regret, and to that of many of my colleagues, the Joint Committee on Atomic Energy will lose the considerable talents and energies of its two most senior Members. The departure of CRAIG HOSMER and CHET HOLIFIELD will be a distinct loss to the civilian nuclear power program, and it adds, as well, an element of uncertainty as to the disposition of the Joint Committee during the next Congress. Rather than wait to see what the mood and composition of the Joint Committee will be during the 94th Congress, the thinking seems to be it is simply good politics to move the bill this year.

The major objection to an immediate extension of Price-Anderson is made by the gentleman from Wyoming (Mr. RONCALIO) in his separate views in the committee report. He argues that Congress should not act until it has had the chance to review the "Rasmussen study" on the probabilities for nuclear accident. That AEC study is a $2 million effort which has been underway for a little more than a year. Using methodologies derived from the space program, the study will attempt to place some perspective on the likelihood of a nuclear powerplant accident. Its findings are expected to be available this November.

"Why not wait"—opponents of nuclear power say—"until we have the 'Rasmussen study' before we attempt to rewrite the terms of liability?" It seems, in reply, the Atomic Energy Commission would rather not wait because of the congressional uncertainties which face that agency in the future. Yet, those uncertainties may be bolstered by the questions asked of this bill, and by what I believe to be a fast growing restiveness over the safety of nuclear power. This is really the heart of the question, and of my own dilemma over the proper resolution of contending forces which converge on this bill.

My major concern here is one which I have frequently expressed while serving on the Atomic Energy Commission Appropriations Subcommittee: Neither the AEC nor the Congress have been successful enough in translating the technicalities of nuclear power generation into a language which can be understood and appreciated by our constituents. Like other high priority scientific programs, the nuclear power program has largely rested upon the faith of our constituents that Congress and the AEC are doing what is good for the country and each individual citizen. Americans have trusted us to make the necessary decisions on the proper rate of nuclear power development and the proper safeguards for protecting those served by nuclear power.

Well, trust in public institutions is a vanishing species these days, as the public opinion polls frequently remind us, and increasing numbers of citizens are asking serious questions about our decision on nuclear power. I am convinced that if those questions are fully answered, and answered in relevant terms, the nuclear power program will benefit, and Congress will be vindicated in its long support for civilian nuclear power. Yet, if we continue to expect unquestioning support of our legislative actions relating to nuclear power, Congress will be surprised one of these days, by a highly emotional grassroots movement which will seriously threaten the entire program.

We must do more than vote. We, along with the AEC, must make a serious effort to "get out the message" on nuclear power in terms that can be understood. In other words, we must communicate, in many ways, the expertise and care which has gone into this program, and the highly conscientious effort which has made the civilian nuclear power program so safe and so successful.

My strong regret is that this bill does precisely the opposite. For those who wish to believe so, and who wish to solicit more believers, everything about this bill smacks of a covert program to "slip one by" the public. Of course, I know that is not so, and I have been as forceful as I know how in arguing against that contention. Yet, it is there, and it will flourish, as long as the AEC and the Congress continue their insensitivity to serious and legitimate questioning of nuclear power.

I will vote for H.R. 15323 today because I believe that, in substance, it is a necessary and forward looking revision of the present Price-Anderson insurance program. However, I dearly wish that I did not have to vote on it now. It would have been far more appropriate, and far more contributory to the future of nuclear power, if the AEC had worked a little harder or a little faster on the Rasmussen study, or if Congress had waited a little longer to extend a program which still has 3 years of life.

Mr. BOLAND. Mr. Chairman, I would like to announce my support today for a move to defer extension of the Price-Anderson provisions of the Atomic Energy Act. These provisions, which would be renewed for an additional 10 years by H.R. 15323 now before us, deal with the insurance coverage which must be provided in the case of an accident at a nuclear powerplant. At present the limit for each accident is set at $560 million. Part of that amount is provided by private insurance companies. The remainder is guaranteed by the Federal Government.

I support my fellow Massachusetts Representative SILVIO CONTE in opposing the law's extension. This legislation deals with an issue that has not been sufficiently researched. It is my understanding that a study now being conducted at MIT under the direction of a Dr. Rasmussen will soon be available to the Atomic Energy Commission. The study directs itself to the probability that any future nuclear accident may exceed $560 million in damages to life and property. I am personally inclined to believe that the limit presently found in the law is woefully inadequate. The Rasmussen reactor safety study, however, ought to help enlarge the record on that score very shortly. It therefore seems both foolhardy and premature to rush ahead to renew the old limits so close to the release of the Rasmussen report.

The present law does not even expire for another 3 years. To act so far in advance when questions have been raised concerning highly important issues of public safety would be very wrong. For instance, the fact that the private insurance percentage of the total liability coverage is so low—presently it is $110 million—indicates to me a great deal of scepticism by private insurers as to the adequacy of safety features at nuclear powerplants. We have never had a nuclear accident in this country and I feel that one reason for that record is the extreme care and caution that has marked our approach to the problems involved.

My objections also stem in part from a feeling that the Congress would be shirking its duty to carefully oversee regulatory bodies if it approved this bill, which contains language that in effect shifts the burden of final review in the area of accident insurance reform to the AEC. That is not the job of the AEC. Representatives are sent to Washington to make decisions on what changes are in order. I am inalterably opposed to passing the responsibility off to some Government agency. It indicates unwillingness to be thorough and fully objective. I want the Congress to consider all the issues involved—safety features, insurance limits, and premium assessments—in light of all available information and without an artificially imposed deadline.

Mr. DRINAN. Mr. Chairman, I rise in opposition to H.R. 15323 which would extend the Price-Anderson Act through July 31, 1987. This legislation, first enacted by Congress in 1957 and extended in 1965, was designed to insure and indemnify the American public against damage caused by a nuclear accident. The primary purpose of Price-Anderson, I reiterate, is to protect the public against the tragic consequences of an accidental nuclear disaster.

The need for such protection is greater now than it has ever been before. Our recent energy crisis has sparked widespread support for accelerated development of nuclear power. The Atomic Energy Commission predicts that the number of nuclar reactors in operation throughout the United States will increase to 96 by 1977 and rise to 312 by 1987.

This projected growth in our reliance upon nuclear power heightens the risk of nuclear accident. Thousands of pounds of dangerous radioactive material must be transported each day to fuel these generators. The construction of nuclear power facilities will will no longer be restricted to sparsely inhabited, remote areas. Even today, new reactors are being built closer and closer to our major population centers. The Indian Point Plant, for example, is only 26 miles north of New York City. I shudder to think of the toll in human life and suffering should a serious accident ever occur at such a facility.

In 1965, an updated version of the AEC's WASH-740 study of nuclear reactor safety was reported. The report stated that a major reactor accident resulting from a loss of coolant could cause as many as 45,000 deaths, 100,000 injuries, and $17 billion in property damage. Such an accident could also contaminate an area as large as Massachusetts for up to half a million years.

Thankfully, the horrible statistics cited in this AEC report have never become reality. Yet we cannot allow the fine safety record of the nuclear power industry over the past two decades to lessen our commitment to provide full protection to the public against an accident which might take place sometime in the future. On the contrary, the 1965 estimates of the possible consequences of a major disaster should probably be revised upward. With the construction of reactors closer to major American cities and the continuing presence of inflation, both the human and economic tolls of a serious nuclear accident would probably be greater than the estimates made in 1965. Although it may be unpleasant to discuss a possible catastrophe, we must responsibly confront the need to protect the public against such an accident should it ever occur.

In my view, adequate nuclear insurance would contain several key elements. First, the public must be guaranteed full compensation for all damages which result from a nuclear accident. Second, compensation must be awarded promptly and with a minimum of litigation. Third, all conceivable accidents occurring at any point in the nuclear power production cycle must be covered. Fourth, the utilities, not the taxpayers, must bear the burden of insuring their nuclear facilities against a catastrophic accident.

If the Price-Anderson Act did meet these basic criteria in providing adequate protection of public health and safety, I would be advocating the adoption of H.R. 15323 here today. But the facts show otherwise. Under its present provisions, the Price-Anderson Act provides compensation for damages up to a maximum of $560 million. Although the bill before us establishes a formula which would increase total liability to $1 to $2 billion by 1990, the public would remain uncompensated for the bulk of the $17 billion in damages which might result from a major accident. In actuality, no one knows exactly how much protection is enough. For that reason, any fixed limit, such as the present $560 million, is inadequate. Adequate protection should provide for unlimited compensation. If a fixed limit on liability must be imposed, it should be placed at a level far above the $1 to $2 billion set by the legislation before us.

The Price-Anderson Act also fails to satisfy the second criterion for adequate coverage—prompt compensation. As my distinguished colleague from Wyoming (Mr. RONCALIO) points out in separate views to the committee report, speedy compensation for damages requires an available fund of liquid assets from which to draw. The bill before us establishes no such fund. Rather, it calls for the creation of an imaginary reserve-fund which is little more than an entry in the utilities' accounting books. If a disaster should occur, there is no guarantee that utilities would have funds available with which to compensate the public. The results, as Mr. RONCALIO suggests, could be agonizing delay and economic havoc. The burden for repayment under these circumstances would probably revert to the taxpayers through the Federal Government.

It seems to be that nuclear insurance is one area where loopholes cannot be tolerated. Yet the Price-Anderson Act fails to protect the public against accidents which might occur at several points of the nuclear power cycle. Radioactive fuel processing, transportation of nuclear materials, and radioactive waste storage are not covered by the provisions of Price-Anderson. Moreover, the public is not protected against accidental discharges of radioactivity from nuclear reactors. Until these dangerous loopholes are plugged, I cannot characterize the insurance provided by the Price-Anderson Act as fully adequate.

Finally, I cannot support the extension of a nuclear insurance program which requires the American taxpayer to subsidize the nuclear energy industry. One of the fundamental principles of our free enterprise system is full accountability. If nuclear energy is entirely safe and economically viable—and the nuclear industry assures us that it is—that industry should stand on its own feet and pay the legitimate operating cost of insuring its facilities against nuclear catastrophe. If, for some reason, the utilities are unable to provide adequate protection to the public, we should perhaps reconsider our commitment to rely upon nuclear energy as a prime alternative to diminishing supplies of fossil fuels.

I urge my distinguished colleagues to reject this fault-ridden and outmoded legislation before we suffer the consequences of its deficiencies. The expiration of the Price-Anderson Act now on the books is more than 3 years away. There is ample time for us to design a system of nuclear insurance which will provide the American people with confidence that they are adequately protected against the possibility of an accidental nuclear catastrophe.

Mr. HOSMER. Mr. Chairman, I have no further requests for time.

Mr. PRICE of Illinois. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 15323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Atomic Energy Act of 1954, as amended, is amended by amending subsections q. and t. to read as follows:

"q. The term 'nuclear incident' means any occurrence, including an extraordinary nuclear occurrence, within the United States causing, within or outside the United States bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material: *Provided, however,* That as the term is used in subsection 170 l., it shall include any such occurrence outside of the United States: *And provided further,* That as the term is used in subsection 170 d., it shall include any such occurrence outside the United States if such occurrence involves source, special nuclear, or byproduct material owned by, and used by or under contract with, the United States: *And provided further,* That as the term is used in subsection 170 c., it shall include any such occurrence outside the United States if such occurrence arises out of or results from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material licensed pursuant to chapters 6, 7, 8, and 10 of this Act, other than for import or export or for nuclear ship propulsion, which takes place outside the territorial limits of the United States or any other nation."

"t. The term 'person indemnified' means (1) with respect to a nuclear incident occurring within the United States or outside the United States as the term is used in subsection 170 c., and with respect to any nuclear incident in connection with the design, development, construction, operation, repair, maintenance, or use of the nuclear ship *Savannah,* the person with whom an indemnity agreement is executed or who is required to maintain financial protection, and any other person who may be liable for public liability; or (2) with respect to any other nuclear incident occurring outside the United States, the person with whom an indemnity agreement is executed and any other person who may be liable for public liability by reason of his activities under any contract with the Commission or any project to which indemnification under the provisions of subsection 170 d. has been extended or under any subcontract, purchase, order, or other agreement, of any tier, under any such contract or project.".

SEC. 2. Subsection 170 a. of the Atomic Energy Act of 1954 as amended, is amended to read as follows:

"a. Each license issued under section 103 or 104 and each construction permit issued under section 185 shall, and each license issued under section 53, 63, or 81 may, for the public purposes cited in section 2 i. of the Atomic Energy Act of 1954, as amended, have as a condition of the license a requirement that the licensee have and maintain financial protection of such type and in such amounts as the Commission in the exercise of its licensing and regulatory authority and responsibility shall require in accordance with subsection 170 b. to cover public liability claims. Whenever such financial protection is required, it may be a further condition of the license that the licensee execute and maintain an indemnification agreement in accordance with subsection 170 c. The Commission may require, as a further condition of issuing a license, that an applicant waive any immunity from public liability conferred by Federal or State law.".

Sec. 3. Subsection 170 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"b. The amount of financial protection required shall be the amount of liability insurance available from private sources, except that the Commission may establish a lesser amount on the basis of criteria set forth in writing, which it may revise from time to time, taking into consideration such factors as the following: (1) the cost and terms of private insurance, (2) the type, size, and location of the licensed activity and other factors pertaining to the hazard, and (3) the nature and purpose of the licensed activity: *Provided,* That for faciilties designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the amount of financial protection required shall be the maximum amount available at reasonable cost and on reasonable terms from private sources. Such financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination of such measures and shall be subject to such terms and conditions as the Commission may, by rule, regulation, or order, prescribe. In prescribing such terms and conditions for licensees required to have and maintain financial protection equal to the maximum amount of liability insurance available from private sources, the Commission shall, by rule initially prescribed not later than August 1, 1976, include, in determining such maximum amount, private liability insurance available under an industry retrospective rating plan providing for premium charges deferred in whole or major part until public liability from a nuclear incident exceeds or appears likely to exceed the level of the primary financial protection required of the licensee involved in the nuclear incident: *Provided,* That such insurance is available to, and required of, all of the licensees of such facilities without regard to the manner in which they obtain other types or amounts of such financial protection: *And provided further,* That the standard maximum amount of any deferred premium which may be charged under such a plan shall be not less than $2,000,000 nor more than $5,000,000 for each facility required to maintain the maximum amount of financial protection. The Commission may establish amounts less than the standard maximum premium for individual facilities taking into account such factors as the facility's size, location, and other factors pertaining to the hazard. The Commission shall establish such requirements as are necessary to assure availability of funds to meet any assessment of deferred premiums within a reasonable time when due, and may provide reinsurance or otherwise guarantee the payment of such premiums in the event it appears that the amount of such premiums will not be available on a timely basis through the resources of private industry and insurance. Any agreement by the Commission with a licensee or indemnitor to guarantee the payment of deferred premiums may contain such terms as the Commission deems appropriate to carry out the purposes of this section and to assure reimbursement to the Commission for its payments made due to the failure of such licensee or indemnitor to meet any of its obligations arising under or in connection with financial protection required under this subsection including without limitation terms creating liens upon the licensed facility and the revenues derived therefrom or any other property or revenues of such licensee to secure such reimbursement and consent to the automatic revocation of any license.

Sec. 4. Subsection 170 c. of the Atomic Energy Act of 1954, as amended, is amended by deleting the phrase "and August 1, 1977, for which it requires financial protection," in the first sentence and substituting therefor the phrase "and August 1, 1997, for which it requires financial protection of less than $560,000,000," and by deleting the date and substituting therefor the date "August 1, 1997".

Sec. 5 Subsection 170 d. of the Atomic Energy Act of 1954, as amended, is amended by deleting the phrase "until August 1, 1977," in the first sentence and substituing therefor the phrase "until August 1, 1997,".

Sec. 6. Subsection 170 e. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"e. The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and setting claims and defending suits for damage, shall not exceed (1) the sum of $500,000,000 together with the amount of financial protection required of the licensee or contractor or (2) if the amount of financial protection required of the licensee exceeds $60,000,000, such aggregate liability shall not exceed the sum of $560,000,000 or the amount of financial protection required of the licensee, whichever amount is greater: *Provided,* That with respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection 170d. is applicable, such aggregate liability shall not exceed the amount of $100,000,000 together with the amount of financial protection required of the contractor.".

Sec. 7. Subsection 170 f. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"f. The Commission is authorized to collect a fee from all persons with whom an indemnification agreement is executed under this section. The fee shall be $30 per year per thousand kilowatts of thermal energy capacity for facilities licensed under section 103: *Provided,* That the Commission is authorized to reduce the fee for such facilities in reasonable relation to increases in financial protection required above a level of $60,000,000. For facilities licensed under section 104, and for construction permits under section 185, the Commission is authorized to reduce the fee set forth above. The Commission shall establish criteria in writing for the determination of the fee for facilities licensed under section 104, taking into consideration such factors as (1) the type, size, and location of facility involved, and other factors pertaining to the hazard, and (2) the nature and purpose of the facility. For other licenses, the Commission shall collect such nominal fees as it deems appropriate. No fee under this subsection shall be less than $100 per year.".

Sec. 8. Subsection 170 i. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"i. After any nuclear incident which will probably require payments by the United States under this section or which will probably result in public liability claims in excess of $560,000,000, the Commission shall make a survey of the causes and extent of damage which shall forthwith be reported to the Joint Committee, and, except as forbidden by the provisions of chapter 12 of this Act or any other law or Executive order, all final findings shall be made available to the public, to the parties involved and to the courts. The Commission shall report to the Joint Committee by April 1, 1958, and every year thereafter on the operations under this section.".

Sec. 9. Subsection 170 k. of the Atomic Energy Act of 1954, as amended, is amended by deleting the date "August 1, 1977" wherever it appears and substituting therefor the date "August 1, 1997.".

Sec. 10. Subsection 170 o. of the Atomic Energy Act of 1954, as amended, is amended by adding at the end of the second sentence in subparagraph (3) the words "and shall include establishment of priorities between claimants and classes of claims, as necessary to ensure the most equitable allocation of availbale funds.".

Sec. 11. Section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding subsection p, to read as follows:

"p. The Commission shall submit to the Congress by August 1, 1987, a detailed report concerning the need for continuation or modification of the provisions of this section, taking into account the condition of the nuclear industry availability of private insurance, and the state of knowledge concerning nuclear safety at that time, among other relevant factors, and shall include recommendations as to the repeal or modification of any of the provisions of this section.

Mr. PRICE of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 2, line 5: delete "Unted" and insert "United".

Page 5, line 14: delete the word "standard".

Page 5, line 16: after the word "charged", insert the phrase, "following any nuclear incident".

Page 5, line 18: Following the sentence ending with the word, "protection.", add a new sentence, to read as follows: "The Commission is authorized to establish a maximum amount which the aggregate deferred premiums charged for each facility within one year may not exceed."

Page 6, line 21: delete the figure "1997" and substitute therefor the figure "1987".

Page 6, line 22: Following line 22, insert the phrase, "August 1, 1977" in the last sentence wherever it appears".

Page 6, line 23: delete the figure "1997" and substitute therefor the figure "1987".

Page 7, line 2: delete the figure "1997" and substitute therefor the figure "1987".

Page 9, line 9: delete the figure "1997" and substitute therefor the figure "1987".

Page 9, line 20: delete the figure "1987" and substitute therefor "1983".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. PRICE OF ILLINOIS

Mr. PRICE of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Price of Illinois: H.R. 15323, as amended, is amended by deleting the language in Section 1, page 2, beginning with line 15 and ending with line 23; and substituting therefor the following: "*And provided further*, That as the term is used in subsection 170 c., it shall include any such occurrence outside the United States or any other nation if such occurrence arises out of or results from the radioactive, toxic, explosive or other hazardous properties of source, special nuclear, or byproduct material licensed pursuant to Chapters 6, 7, 8, and 10

> of this Act, which is used in connection with the operation of a licensed stationary production or utilization facility and/or moves outside the territorial limits of the U.S. in transit from one person licensed by the Commission to another person licensed by the Commission."

Mr. PRICE of Illinois. Mr. Chairman, this amendment rewords the portion of section one of the bill which adds to the coverage of the Price-Anderson Act two new categories. These categories are: First, offshore nuclear powerplants; and second, transportation of nuclear material between AEC licensees when part or all of the route involved lies outside the U.S. territorial limits.

The inclusion of these activities is provided in H.R. 15323 by language which includes all occurrences outside the United States with the specific exceptions of import or export of nuclear material and of nuclear ship propulsion. This amendment clarifies the language by expressing it in terms of the specific activities being added, rather than in terms of a general inclusion with specified exceptions.

The amendment serves two purposes. First, it clarifies the intent of this section. Second, it makes it clear that, although the Congress is not at this time extending the act to cover nuclear ships, the decision not to do so is not intended to preclude further consideration of this matter. The question of liability and indemnity for nuclear ships is one that requires detailed study, and it has not yet been analyzed in depth.

The amendment makes no substantive change to the bill. It is merely a matter of clarification and emphasis. I urge that this amendment be accepted.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, as stated by the chairman, this is purely a clarifying amendment. It has been cleared with the minority, and I urge its passage.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I want to be clear as to what is being proposed in this—I guess we could call it "Q" section of the bill. I note some weird use of references to sections of paragraphs not often seen in legislation. I am curious to know why these references are used.

I would ask the chairman of the committee, where do we get "Q" and "T" to donate sections or paragraphs?

Mr. PRICE of Illinois. Which section is the gentleman referring to?

Mr. GROSS. I am referring to page 2. There is a "T" paragraph at the bottom of the page for instance. We do not often see "T" used in a bill. Why would we use "T"? Why would we use "Q"? We do not often go down that far in the alphabet.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, these sub-sub-subparagraphs are found in the original Atomic Energy Act which established definitions. As the gentleman knows, the atomic energy business is a new business and a lot of things tend to be defined. Therefore, we get down as far as "Q" and "T" and down to "W."

Mr. GROSS. And perhaps "X," "Y," and "Z"?

Mr. HOSMER. Well, when we get to them we will have to start all over again, I guess, wtih some new kind of designation.

Mr. PRICE of Illinois. The gentleman refers to sections and paragraphs in the original authorizing legislation.

Mr. GROSS. Mr. Chairman, I thank both gentlemen for their explanations.

Now, do I understand that this bill will indemnify for "nuclear incidents" or extraordinary nuclear occurrences outside the United States? In other words, let me put it this way: Suppose we build a reactor in Egypt. Are we, through the terms of this legislation, going to provide indemnification to Egyptians who might be injured or lose their lives in the construction or operation of a nuclear reactor?

Mr. PRICE of Illinois. No, the answer to that is an emphatic "No." What we referred to was offshore, the possibility of building a nuclear plant 2 miles or so off of our shores.

Mr. GROSS. I see no limiting language on page 2 of the bill, which reads as follows:

> q. The term "nuclear incident" means any occurrence, including an extraordinary nuclear occurrence, within the United States causing, within or outside the United States bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material:

Now, if that does not include operations beyond the continental United States——

Mr. HOSMER. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, this is a definition. The definition of a nuclear incident is an all-encompassing thing It applies universally around the globe.

What the gentleman is worried about is liability for a nuclear incident, and that does not apply universally around the globe. It only applies in the United States, and by these definitions, in certain instances outside the territorial limits of the United States, such as the gentleman from Illinois has explained, where we build a reactor and float it offshore.

There could be another instance in which we had a merchant ship, a U.S. merchant ship sailing the high seas, or in the third instance, where we would have fuel elements in shipments, and those are generally hot items, containing radioactivity. They are shipped in cargo vessels. They are brought back to the United States so that we can recover the ingredients, so that we can make sure they do not get into the wrong hands.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(On request of Mr. HOSMER, and by unanimous consent, Mr. GROSS was allowed to proceed for 3 additional minutes).

Mr. GROSS. Then, reading further:

> *Provided, however,* That as the term is used in subsection 170 l., it shall include any such occurrence outside of the United States.

There is no limitation as to U.S. liability.

Mr. HOSMER. That section deals only with the matter we are talking about, such as when we have U.S. merchant ships operating outside the United States. It applies to nothing else. We certainly would not have a nuclear merchant ship confined to our own territorial waters, and we are also going to be liable for any incident.

Mr. GROSS. But I submit that there is no limiting language contained in this proviso.

Mr. HOSMER. The gentleman must read that proviso in connection with all the other sections or provisos of the Atomic Energy Act. If he does, he will find that the language is limited to the nuclear merchant ship situation, as I just explained. The gentleman is trying to read a little piece of it to get the whole meaning. He has to read the whole thing in its proper context. If he does, he will understand it.

Mr. GROSS. What must I do, read the entire Atomic Energy Act?

Mr. HOSMER. I am sure the gentleman has read the whole Atomic Energy Act.

Mr. GROSS. No, I have not read it. That is why I am trying to find out just what we are getting ourselves into here.

Mr. HOSMER. The gentleman does not have to read it if he will accept my explanation.

Mr. GROSS. Could there not be saving language in this bill? We are dealing with $560 million.

Mr. HOSMER. There might have been some saving language, but generally when we get a bill like this, which was first written back in the late 1940's, and has been amended time and again since, we try to preserve the original language so that it does not have to be reinterpreted by everybody all over again. It may be anachronistic.

Mr. GROSS. So the Members of the House can be reassured that under no circumstance will the United States be liable in any way as the result of an explosion in Egypt or in Israel, or wherever else the United States may build a reactor under this blossoming program of the Nixon administration?

Mr. HOSMER. Not in other people's territories or under other people's sponsorship; we have no responsibility whatsoever.

Mr. GROSS. We do not indemnify them?

Mr. HOSMER. There were three instances that I mentioned: One, the merchant ship, another, the offshore nuclear powerplants, and the third, the transportation of fuel elements outside the territorial limits of the United States.

Mr. WYLIE. Mr. Chairman, I move to strike the last word.

I would like to direct my remarks to those of the gentleman from Iowa (Mr.

GROSS). I think the gentleman from Iowa is making a valid point. It seems to me that there ought to be some clarifying language because on page 2, line 1, it says:

> The term "nuclear incident" means any occurrence, including an extraordinary nuclear occurrence, within the United States causing—

And then if one goes down to the line 15, where it says:

> *Provided further*, that as the term is used in subsection 170 c, it shall include any such occurrence outside the United States . . . which takes place outside the territorial limits of the United States or any other nation.

Now, that seems to be fairly clear to me, that if a nuclear incident occurs in any other nation, it would be included within the purview of this bill.

If we go on over to page 5, it says at line 19, as follows:

> *And provided further*, That the maximum amount of any deferred premium which may be charged following any nuclear incident—

And we look back to page 2 in order to see what the term, "nuclear incident," means—

> under such a plan shall be not less than $2,000,000 nor more than $5,000,000 for each facility * * *.

Mr. Chairman, I would like to ask the gentleman from California about that language. I will ask him if he does not think that perhaps some clarifying language should be added which would specifically state that we are not talking about a nuclear powerplant which might be constructed in Egypt, for example.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I think it is clear that the act establishes nowhere any liability for the kind of thing which the gentleman mentions. It is so clear that there is no need to include that kind of language.

As a matter of fact, it is so clear that the inclusion of that type of language might establish ambiguities, because it would imply that there is some other authority for some other liability somewhere in the bill that is to be nullified, when as a matter of fact, there is no such liability.

Therefore, I suggest to the gentleman that it would not be a wise drafting move to make that change.

Mr. WYLIE. Mr. Chairman, I thank the gentleman for his explanation.

However, I will just say that in the bill we have before us it seems to me as if the definitions are complete within themselves and would apply to an incident occurring in another nation, if we are the licensor.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I would like to have some Member point out the exclusionary language; the language that removes our liability or that says we are not liable, contrary to the provisions on page 2 of this bill.

Mr. WYLIE. Mr. Chairman, I would be glad to have that language pointed out also, because, as I say, this bill would add a new section 3 b. which would provide for liability insurance, for loss from any nuclear incident. And then the term, "nuclear incident," is defined back on page 2, and section q does not contain any exclusionary language. As a matter of fact, it very specifically says, "any occurrence" taking place outside the territorial limits of the United States or any other nation.

So I would be glad to have an explanation given as to how a nuclear incident in Egypt would be excluded by language found on page 2.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I will be glad to yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, in reference to subsection 170 l., and so forth, which says that it shall include any occurrence outside the United States, the key to the situation is that the indemnity provisions apply to licensed facilities and the Commission cannot by law issue a license to anyone except a U.S. corporation or a U.S. citizen, and it ties down very tightly the fact that the Commission cannot issue a license to anyone outside the United States who is not a U.S. citizen, and the Commission has the control over the decision as to whom the license will be issued and where the facility will be located.

Mr. WYLIE. Mr. Chairman, I see the point the gentleman is making.

Let us assume for a moment the license would be issued to a basic U.S. corporation to build a nuclear powerplant in Egypt.

Mr. PRICE of Illinois. Mr. Chairman, if the gentleman will yield further, the location of the plant, the ownership and everything of that type must be taken into consideration.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I think what is bothering us here is a misunderstanding of the conjunctive word, "or."

This amendment talks about "outside the United States or any other nation," which is another way of saying, "on the high seas." The "or" should be read as "and." So what the amendment is referring to is an occurrence on the high seas that results from radioactive materials which are being used in connection with a U.S.-licensed, stationary production or utilization facility. That means one licensed by the United States, not by Egypt.

We are talking about a powerplant operated by the United States and owned by the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROSENTHAL

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ROSENTHAL: On page 7, at the end of line 13, add the following:
>
> Subsection 170 d. is further amended by deleting the phrase 'production or utilization facilities' in the first sentence and substituting therefor the phrase 'production utilization facilities, fuel processing, waste storage facilities and the transportation to and from such facilities,'."

Mr. ROSENTHAL. Mr. Chairman, this amendment is designed to fill a serious gap in the extent of indemnity coverage provided for in this legislation. This gap, which is acknowledged in the report accompanying the bill, involves the failure to extend insurance coverage to important and potentially hazardous atomic-related activities. These include: First, fuel processing or fabrication facilities; second, transportation of nuclear materials; and third, radioactive waste storage.

The Joint Committee report states that whether or not to extend indemnity coverage to plutonium processing facilities and all transportation of nuclear materials should await further study.

Mr. Chairman, the need for Price-Anderson coverage of these areas has already been recommended in a study by Columbia University under a contract with the AEC.

The Columbia University study unequivocally recommended broadening the Price-Anderson coverage. Their report stated:

> The AEC has not yet determined to extend the protection of Price-Anderson to fuel fabricators. Such an extension may be warranted, particularly as plutonium comes into increasing use in the fuel fabrication process. That the hazard is indeed real is evidenced by the fact that a few fuel fabrication facilities which use plutonium carry the full amount of insurance provided by the pools. It seems clear that the full range of financial protection should be available to cover such facilities.

The dangers to the public from the operations of plutonium processing facilities are real enough. Plutonium, which does not exist in nature but is a manmade byproduct of the nuclear fission process, is one of the most deadly poisons in the world.

There is also no reason why the transportation of radioactive material from nuclear facilities should not be covered by the Price-Anderson Act. Hearings before the Senate Commerce Committee a few weeks ago disclosed the serious deficiencies in control and supervision of the transportation of radioactive material.

By the year 2000, AEC plans call for the operation of about 1,000 nuclear powerplants. This will require 60,000 truck shipments of highly irradiated fuel by truck each year, 10,000 shipments by rail, and 5,000 by barge. In addition, radioactive wastes will have to be shipped: 46,000 trips by truck and 10,000 by rail.

A December 1972 AEC report estimates, on the basis of available transportation statistics, that a shipment "would be involved in a transportation accident offsite about once for each 5 years of reactor operation." With 250 reactors operating in 1985, about one accident can be expected each week and by the year 2000 we can look forward to the unhappy prospect of four accidents each week involving radioactive materials.

Finally, with regard to the serious gap in Price-Anderson coverage of accidents at radioactive waste storage facilities, the Columbia University study made the following recommendation:

> After these wastes have been transported to AEC facilities, and if the facilities are operated by AEC employees, Price-Anderson will not apply. Although the AEC may be liable without any monetary limitation under the Federal Tort Claims Act for injuries resulting from its waste disposal activities, as pointed out in Chapter 3, there are serious limitations on a plaintiff's ability to recover under this Act. The Price-Anderson Act thus fails to afford public protection in an area which has the potential to create a significant safety hazard."

I urge the adoption of the amendment.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the necessary number of words, and I rise in opposition to the amendment. The main reason for my opposition to it is that it is not needed. The Commissioner does already have discretionary power to cover any of these items, if any one of them were considered sufficiently hazardous to do so. They do cover reprocessing. They were thinking about looking at the area of plutonium fabrication, but the proposed amendment would make coverage of that mandatory under the act that we are considering.

The normal type of accident that could happen there is already covered by industrial insurance. This is not a serious matter liabilitywise. If any of these areas should indicate that they would be hazardous, the Commission does have authority and discretionary power to cover it.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from New York.

Mr. ROSENTHAL. I thank the gentleman for yielding.

Am I correct that on page 12 of the committee report the committee itself says:

> Transportation of nuclear materials is not specifically provided for under the Price-Anderson Act. . . .

The committee itself says that.

Mr. PRICE of Illinois. That is correct.

Mr. ROSENTHAL. And the committee went on to state:

> The Joint Committee has not proposed legislation to deal with this matter, but encourages the Commission—

I assume the gentleman meant the Atomic Energy Commission—

> to review the situation to determine if procedural or legislative changes are in order.

Mr. PRICE of Illinois. That is correct.

Mr. ROSENTHAL. If this amendment is not necessary, I cannot see the logic of any objection to it. It merely authorizes this kind of coverage. There are people who are worried about this thing.

Mr. PRICE of Illinois. We would have blanket coverage for a lot of areas that are not in the hazardous category.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from California.

Mr. HOSMER. I thank the gentleman for yielding.

I think the gentleman from New York has clouded the issue. He just read these words from page 12 of the report:

> Transportation of nuclear materials is not specifically provided for under the Price-Anderson Act—

The rest of that sentence is as follows:

> although carriers are generally covered either as AEC contractors or under the omnibus aspects of licensee financial protection and indemnity.

Mr. ROSENTHAL. Would the gentleman read the next section.

Mr. HOSMER. Somebody can yield time to the gentleman from New York to read that. All right, I will read it.

> The Association of American Railroads has proposed that transportation be specifically covered because of gaps in the existing system for such situations as transportation of materials for a shipper or receiver not required to maintain financial protection.

Mr. ROSENTHAL. That is the reason for offering the amendment.

Mr. HOSMER. Yes, but as the gentleman from Illinois pointed out with reference to section 170(d) of the act, the language he quoted, "or activities under contract of the United States" already covers that situation. It already covers the situation at any time that the United States, AEC, or other authoritative body feels that such coverage should be applied in these transportation cases, it should do so.

The thing is that the amounts of plutonium are so small that it would be an unwarranted imposition on the industry to require this extensive type of coverage against a special nuclear incident, when the amount involved of fissionable materials is below the critical mass that might cause a special nuclear incident.

Mr. ROSENTHAL. If the gentleman will yield, apparently people are deeply concerned about this, and in view of the fact that the increase in the number of plants and reactors and further additional transportation is involved, people are worried about this. I can see no objection to including this coverage.

Mr. HOSMER. If the gentleman will yield further, people generally are not worried about this. Certain railroad lawyers who are looking for every last possible contingency are the only people who are really worried about this. They suggested this, but, believe me, if they were worried about it, they would stop the transportation of this material on their railroads and they have not done so.

Mr. PRICE of Illinois. Further, the Columbia University study recommended this type of coverage.

Mr. HOSMER. That may be, but this committee, in its wisdom, has not accepted all of the recommendations that have been received.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PRICE of Illinois was allowed to proceed for 1 additional minute.)

Mr. PRICE of Illinois. The Columbia study suggested that this be considered. So has the Joint Committee suggested consideration of this.

The main problem with this type of amendment the gentleman suggested and one problem we would be concerned with is whether or not it puts an additional burden on the industry, on the people who will be the licensees.

This has been called to the attention of the Commission and I assure the gentleman we will carry this further and meet with the Commission and go more deeply into this matter, but I do not see any reason why without further study and a real need for it we should be putting an additional financial burden on the licensees.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROSENTHAL).

The question was taken; and on a division (demanded by Mr. ROSENTHAL) there were—ayes 8, noes 22.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CONTE: Page 10, immediately after line 13, insert the following new section:
>
> "SEC. 12. The provisions of this bill shall not come into effect unless and until the Reactor Safety Study, announced by the Atomic Energy Commission on June 27, 1973, has been completed, and the Joint Committee has reported to the Congress its evaluation of the results of such study."

Mr. CONTE. Mr. Chairman I offer an amendment to delay the date on which this bill would become effective. My amendment seeks to postpone the effective date of this bill until after the Congress has received and evaluated an important report concerning the safety of nuclear powerplants.

I am referring to the reactor safety study, a $2-million project announced by the Atomic Energy Commission on June 27, 1973. This study was undertaken by Dr. Norman Rasmussen, a respected nuclear energy expert from the Massachusetts Institute of Technology.

The Rasmussen reactor safety report is due to be published next month, or soon thereafter. My amendment would delay the implementation of this bill, the extension of the Price-Anderson Act, until the Congress receives this study and a report on this study from the Joint Committee on Atomic Energy.

A month ago, I joined two dozen other Members of the House in urging the Joint Committee to delay reporting this bill until after the Rasmussen study became available. This plea was ignored.

I cannot understand why there is such a rush to pass this extension of the Price-Anderson Act. I cannot understand why it was presented to the House before the Rasmussen study became available. In other words, the House is being asked today to vote on an important issue before it has been given the facts.

When it announced the Rasmussen reactor safety study last summer, the Atomic Energy Commission assured the Congress that this study would provide a realistic assessment of nuclear safety. Well, where is that realistic assessment? I do not like voting on legislation with only half the facts, and I know my colleagues share this sentiment.

Today there are 44 nuclear powerplants in operation. By 1985, that figure should increase to 231. Before the Congress passes important legislation that will effect this vast increase in our nuclear energy capacity, it is essential that all the facts be at hand.

I understand that during hearings in the Joint Committee on this bill, Dr. Rasmussen was called to testify. I understand that he testified that his study was not needed for consideration of this bill. I respectfully disagree. On an issue as important as this, I want to review the facts for myself and draw my own conclusions. Before I can accept Dr. Rasmussen's statement, I want to read his study.

I am keenly aware of the wariness and fear about nuclear safety. In my district, there are plans to build a huge nuclear power complex. It will cost over $1½ billion. I have heard from scores of constituents who live near the proposed site. They have raised many difficult and legitimate questions about nuclear safety. At this point, I cannot give them all the answers That is why I demand an opportunity to study the Rasmussen study before this bill becomes effective.

Before I can vote on an issue of this magnitude, I want to be fully informed. In this case, I am being shortchanged by the hasty presentation of this bill.

I urge my colleagues to support my amendment, so that this bill will be delayed until the Rasmussen report is available to all Members.

Mr. HOLIIELD. Mr. Chairman, I rise in opposition to the amendment.

As I understand the gentleman's amendment, and I would like to have the gentleman's attention, if I understand the gentleman's amendment, I have just read it, it provides that the bill would not become effective until the Rasmussen report is out.

Mr. CONTE. Yes.

Mr. HOLIFIELD. And the committee would have an opportunity——

Mr. CONTE. To evaluate and study it.

Mr. HOLIFIELD. Well, I might say we have had access to the fundamental results of the study from the testimony of Dr. Rasmussen.

I am going to quote for the benefit of the Members his testimony.

Mr. CONTE. That is page 29?

Mr. HOLIFIELD. No, page 8 of his statement.

Mr. CONTE. I have read it.

Mr. HOLIFIELD. I will read it, because some of the Members may not have heard it. I am quoting the testimony that Dr. Rasmussen made before the committee on the 16th of May, 1974:

> I hope our study will help people understand that the most likely consequence of a core melt accident, which itself is unlikely, would be quite modest, in fact, no worse, than many other kinds of accidents such as fires and airplane crashes that society has experienced. Just as it is possible to imagine an airplane crash producing 10 or 100 times more serious consequence than the average under a very unlikely set of circumstances, it is also possible to identify an unlikely set of circumstances in which reactor accidents could produce much more serious consequences.
>
> The question that now arises is whether Price Anderson legislation is still needed. We now have about 40 nuclear plants in operation and more than 110 more under construction or on order. These 150 plants represent about a 70 billion dollar investment. According to several recent studies, they can be expected to produce electricity for about one half a cent a kilowatt hour less than fossil fuel plants at current fuel prices. If these plants have a load factor of 70% they will represent an annual savings to society of more than 4 billion dollars over the cost of electricity produced by fossil plants. It should thus be clear that even if a reactor accident were to occur that caused significant property damage, the savings in cost of electricity due to use of nuclear power combined with the low likelihood of such an accident indicates that the property damage costs would not represent a large burden on our economy. It seems to me that by the middle 1980's the nuclear power industry should be quite capable of dealing with any loss it might possibly encounter.
>
> I believe the present legislation you are considering which provides for a gradual phasing out of the Price-Anderson insurance and a take over by the insurance pools and the nuclear industry is a good approach to this problem. At this time, I see no reason for changing the current 560 million dollar limit. Of course, completion of the Reactor Safety Study may shed more light on this matter.
>
> While it is possible there may be nuclear accidents with more severe consequences, so are there accidents possible in many other industries that go beyond the levels of insurance obtainable. It is also possible to imagine very unlikely circumstances in many industries that would lead to public consequences beyond the financial capabilities of these companies. This is true of some of those companies that process and transport large quantities of explosives, poisonous, or flammable materials. It may also apply to some of those companies that supply large quantities of food and medicine.
>
> Society accepts these risks because the commodity being handled is considered essential, because the event is so unlikely that it is not considered to be credible, or, perhaps in a few cases, because it is not understood how large the consequences might be.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Is the gentleman reading word for word the testimony of Dr. Rasmussen before the Joint Committee on Atomic Energy during consideration of the Price-Anderson Act?

Mr. HOLIFIELD. The gentleman from California is reading those exact words.

Mr. Chairman, I quote further:

> Past history has shown that when natural or man-caused events such as this occur, society, usually through its government, acts to help the victims of the unfortunate event. I have no doubt that should an event of this type happen in the nuclear or any other industry the Congress and the government would take whatever action was necessary to help those involved.
>
> In summary I believe that the proposal before you represents a reasonable way to phase out the Government responsibility for nuclear insurance and shift the responsibility to the insurance companies and the nuclear industry. I believe that the current 560 million dollar limit is reasonabale value at this time and will cover all combinations of circumstances which can reasonably be considered credible. The National Safety Council now reports that accidents in the U.S. are currently causing 100,000 fatalities per year and an economic loss of 30 billion dollars per year. Any reasonable estimate of probability and consequences of nuclear accidents indicates that they would not have a significant impact on this already large accident burden that society bears.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. HOLIFIELD was allowed to proceed for 2 additional minutes.)

Mr. HOLIFIELD. Mr. Chairman, I want to say to my friend, and I know he is well motivated in putting his amendment forward, that we have considered this and other material which has not yet been released publicly because it is being edited and being printed and that sort of thing, but the gentleman's amendment is unnecessary. It is not needed at all, and I would hope that the House would realize the reference to Dr. Rasmussen's study is really in the light of his open public testimony before the committee; that Dr. Rasmussen himself has assured us that the Rasmussen report in its entirety will, in his opinion, not deviate from this in the main. There may be some editorial changes in it, but in the main the thrust is as he has given it to the committee in public session.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the gentleman from Massachusetts rightly indicated, either formally or informally, that this amendment he has offered really does not mean very much, and in a substantive way it does not.

This June 27, 1973, atomic energy study, the Rasmussen study, will be filed before long. It will not take long for the Joint Committee to review it because it has been through all of the conclusions of the report time and again, with Dr. Rasmussen himself. However, what disturbs me about the statement of the gentleman from Massachusetts is that he says that the delay his amendment calls for would allow Congress to be much better informed in making this decision. That implies that the Joint Committee on Atomic Energy has just rushed off in an abandoned fashion on this issue and drummed up some kind of hastily written bill and is trying to put it over on the membership of this committee.

This is certainly not the fact. If the gentleman will refer to the report, he will find out that hearing after hearing after hearing after hearing was had. Some of the best experts in the country were called before the committee, including Dr. Rasmussen. Time and again we went into discussions on this matter. This is a subject which the Joint Committee on Atomic Energy has kept informed about, not only last year and this, when these particular words that are before you today were commenced to be written, but for over 20 years now the Joint Committee on Atomic Energy has been following this liability subject in hearings that have recurred constantly.

Since the last 10-year extension of this bill, the committee has reviewed this Price-Anderson matter several times. Therefore, the implication from the gentleman's amendment that the committee has not done its homework and that the Congress would not be doing its homework in handling this matter today is totally incorrect. Over and above that, it gives the impression of our being a bunch of nervous Nellies, an unsure body, a group that is dealing with something that it has not really handled responsibly. Of course, nothing could be further from the truth.

Two gentlemen in this Chamber today were also in this Chamber over 25 years ago when the Atomic Energy Act was first written. They are the pioneers in this area. They are Messrs. PRICE and HOLIFIELD. A lot of the younger people in the nuclear business today think that these are gods in a temple somewhere because they have heard about them so favorably and for so long. But here they are, these same gentlemen who for over a quarter of a century have been developing the expertise that today they bring before you in the form of this bill, and they say, "We stamp our certification on this. This is needed."

As is pointed out in the report, passage of this bill is something that should be done in order to smoothly transform our country from an energy-short nation into a nation of abundant energy supply once again. It is something we need in order to make certain that we can properly function in this area with the assurance that in the unlikely event a nuclear incident occurred, there would be full responsibility for liability.

This is something we should do not only on our own certification, but according to the certification of Dr. Rasmussen himself that this bill should pass. You have heard today reiterated his words that were uttered in the committee chamber little more than 3 weeks ago, on June 13. These gave you the conclusions of everything that report will contain. Dr. Rasmussen's own words endorsed this legislation and certified it. That expert source, the man who has conducted the $2 million study, who is now in the process of putting all the pages together and submitting a final report, stated that this is what we should do, pass the bill the committee has brought you.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take a moment to lay to rest this charge that has been read in the paper and in a joint letter signed by so many Members of the other body and the House that this bill is being pushed through.

I would like to point out that the study on this particular legislation, the extension of the Price-Anderson Act, began as long ago as July of last year. Hearings were announced in November of last year. In January a panel was set up consisting of some of the outstanding people in the field, including environmentalists, Friends of the Earth, and many segments of industry and the insurance field. There were about 20 to 30 members and observers on the panel, including attorneys who are experienced in this field. That panel worked since January, and we awaited the work of the panel before we started our second set of hearings, which were begun early in May.

We held a series of hearings beginning in January. There were 8 days of hearings, during which we heard 27 witnesses.

So this charge that this bill is being pushed though just does not hold water at all. This seems to be one of the main things everybody is crying about. They are saying, "Let us take it a little slower. Let us wait another month. Let us do this, let us do that."

Mr. Chairman, I think this bill has been one of the most thoroughly studied pieces of legislation we have brought up, considering the fact that it is an extension of an existing act, and considering the fact it is designed to do the things most of these people have said they always wanted done, and one of those things is to get the Government out of the liability insurance business. That is exactly the objective of this legislation.

If this legislation is adopted, we will be out of this business sometime in the early 1980's. So this should be a bill that every Member ought to be in favor of and should support.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Illinois. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I want to endorse everything the gentleman has said. I want to make this further observation:

We hear Members say, "Why should we pass this legislation today? Why not wait until 1977, the year it expires?"

The reason for that is that it is taking something like 2 or 3 years' time to draw the plans and to get the sites approved and to make the financial arrangements to fund these $400 and $500 million reactors and also to get the construction permits, because those people who are opposed to nuclear power are going into court and they are using every strategem a smart attorney can devise to try to delay. The fact that they are eventually put down by the courts is beside the point; the point is that they have achieved this delay.

This is one of the reasons why we are in here with this legislation today, in order to provide for the planning for something like 100 nuclear reactors to go on. That is the reason for pushing it, because they must have assurance by the Congress that we will continue to do what we have been doing.

I say that what we have been doing has been right. It has not cost the taxpayers of this Nation one thin dime; it has paid its own way. In fact, there have been refunds to the people who have paid the premiums.

We have said in this bill that if an accident does occur, there is a new factor in there under which they can be charged up to $5 million; the institution itself can be charged up to that amount for a nuclear incident, in addition to the premiums paid.

Mr. PRICE of Illinois. Mr. Chairman, the gentleman is exactly right in his observations. The longer we delay this, the worse the situation will become. If we delay this 3 months, it means that this session of Congress is going to be over and there will be fewer reactors built. As a matter of fact, there are plans for some which they are already making, and in that event I know they will not be built, because they have to count on a license in 1977.

Unless we pass this bill this session of the Congress they will not proceed—and each reactor rendering 1,000 megawatts saves 14 million barrels of oil a year. I think the people of this country recognize this problem, and they know that this is an essential program to do something about the energy crisis in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. CONTE). After listening to our distinguished chairman and the original sponsor of this legislation, I do so rather hesitantly, because I have the greatest respect for their work over the past years and for their attempt to move the country forward in this field which hopefully will produce environmentally acceptable sources of energy at a low cost.

Yet I do so because I believe that, with due respect to the action and analysis of the committee, the amendment offered by the gentleman from Massachusetts is one which is a reasonable amendment, and would accomplish two purposes: First of all, it would not unnecessarily delay future construction of nuclear plants. Indeed, the time lag in terms of construction is normally such that a 3- to 4-month delay would not stop the cycle of the plant construction or the planning process involved in their construction.

Equally important, I think, is the observation that most of the companies in the industry obviously must not be concerned about the lack of guarantee for any future insurance, because they already have made plans for a specific number of plants carrying far beyond the 1977 expiration deadline.

So that the question of possible delay of future construction caused by this amendment is apparently a moot one.

Equally important, however, is the matter of what procedures ought this House follow utilizing the so-called Rasmussen report. The chairman of the committee has presented as documentation the testimony of Dr. Rasmussen, but let me read one sentence which he indeed read, and let me reemphasize that sentence. Dr. Rasmussen himself said that the completion of the report, and I quote on this, "may shed some light on this matter." Let me repeat that: Dr. Rasmussen in his testimony said that the completion of the report "may shed more light on this matter."

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Not at this time.

Mr. Chairman, I think it is important for us to recognize that in the present context Dr. Rasmussen's testimony before the committee by and large (and both the chairman and the ranking member have emphasized this point) is such that the committee has gained all the information needed. However, it is important to note that in Dr. Rasmussen's testimony, as quoted by the chairman, this one phrase, this one clause, stands out: that, indeed, the report may shed more light.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Not at this time.

Mr. Chairman, I would think that it is the better part of wisdom for this committee to carefully consider the amendment offered by the gentleman from Massachusetts (Mr. CONTE). Rather than defeating the entire bill, what we are asking for is for the bill not to impact until after that report has been issued and analyzed.

Ideally, perhaps, we should delay the entire bill, but the gentleman from Massachusetts is not asking for that, and so, because indeed the maker of the report suggests that there may well be additional evidence coming forth, even though that information may be slight, and indeed because there will not be a delay of construction by reason of this amendment, I would ask the Members of the Committee to support the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

I want to take this opportunity to compliment the gentleman from Michigan on his excellent and cogent statement here today.

I should also like to take issue with my good friend, the gentleman from California on the minority side, who sort of chastized us for offering the amendment, saying that the committee had Dr. Rasmussen before them and Dr. Rasmussen said this and that, and, therefore, none of us in the House have the right to even inquire or to even read the report. All I am saying is that I want to see the report. I am just as important on this vote as he is. I think that every other Member from every other district in the United States is as important as he is, and they should be allowed to see that report before they vote on this very important issue.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 27, noes 13.

Mr. PRICE of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

Mr. PRICE of Illinois. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. The gentleman cannot object to the vote on the ground that a quorum is not present in the Committee.

Mr. RONCALIO of Wyoming. Mr. Chairman, the objection comes too late.

The CHAIRMAN. No point of order can be made objecting to the vote on the ground that a quorum is not present in the Committee.

The gentleman from Illinois could make, if he chooses to so persist, a point of order that a quorum is not present.

Mr. PRICE of Illinois. No, Mr. Chairman.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: Page 8, line 6, after the word "contractor," strike out the comma, insert a colon and insert the following: "*Provided further,* That notwithstanding any other provision of this Act the indemnification provisions shall not apply to any 'nuclear incidents' occurring in any nation other than the United States."

Mr. GROSS. Mr. Chairman, this amendment seeks to clarify the uncertain language contained in the bill with respect to the responsibility of the United States to indemnify for nuclear incidents, as they are called, beyond the territorial limits of the United States. We are told that we are about to embark upon the construction of nuclear reactors, one in Egypt, one in Israel, two in Iran, and another in Yugoslavia. It seems to me that the time has come to take any uncertainty out of this bill with respect to nuclear incidents that may occur where we are constructing nuclear reactors and see to it that the citizens of the United States are not made liable for any explosions that may occur as a result of the construction and/or operation of reactors in foreign countries.

I would hope that the chairman of the committee, the gentleman from Illinois (Mr. PRICE), and the ranking minority member, the gentleman from California (Mr. HOSMER), would see fit, in the interest of clarification of this bill, to accept the amendment.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I thank the gentleman from Iowa for yielding.

I commend the gentleman from Iowa for his amendment. I think he has performed a great service by offering it. I support the gentleman's amendment because it merely clarifies or makes clear what the gentleman from Illinois (Mr. PRICE) and the gentleman from California (Mr. HOSMER) have already said is intended by the bill anyway, so if it is intended why should we not say so in language that is not subject to ambiguity? I do not think the taxpayers of the United States ought to be indemnifying for such losses occurring in other nations. I think we ought to make that clear.

I thank the gentleman from Iowa and want to associate myself with his remarks.

Mr. GROSS. I appreciate very much the statement made by the gentleman from Ohio.

As I have said, we are apparently on the way toward building a reactor in Yugoslavia, the first nuclear reactor that we will have built in any Communist country in the world. It seems to me that we ought to make very sure and certain the American people are not saddled with any loss or damage occurring from any nuclear accident in that or any other country.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am in complete sympathy with what the gentleman is trying to do here. He wants to make sure that a nuclear incident which occurs outside the United States, in any other nation than the United States does not involve liability on the part of the United States or its citizens. He cites the incidents of reactors which would be built under agreement for cooperation with Israel and with Egypt, and I might say we have agreements for cooperation with over 30 nations around the world and in connection with those agreements for cooperation many nuclear reactors have actually been built and are in operation today and totally without any liability on the part of the United States or its citizens. What the gentleman from Iowa wants is already the law.

This is because the law today does exactly what the gentleman from Iowa says he wants to do with his amendment. The difficulty with the amendment offered by the gentleman from Iowa however is that it is ineptly written. It would cover some areas that he does not realize would be covered. I hesitate to use that language in connection with a parliamentarian as experienced as the gentleman from Iowa, but let me give the Members an example of what might be involved here.

As the Members will recall, the United States put a reactor in the Antarctic. The United States put a reactor in Greenland. The United States put a reactor on a barge down in Panama. All these were for U.S. purposes. In those instances the United States logically should assume liability for whatever operation it carries on outside the United States. But, this amendment offered by the gentleman from Iowa would interfere in those instances and eliminate liability for our own acts and therefore make it impossible for us to operate overseas for purely U.S. purposes.

I am sure the gentleman does not intend that. I am sure he does not intend to abolish any possibility for the U.S. merchant marine with nuclear power to operate, on the high seas and in foreign ports, because that is exactly what this amendment would do. The minute we took a nuclear merchant ship under a U.S. flag outside of U.S. territory, this amendment would prevent the application of the Price-Anderson coverage and as a consequence we could not put that ship into any port in the world. They would not let us in.

The amendment offered by the gentleman would have the effect of abolishing our opportunity to do fuel element reprocessing here in the United States from overseas reactors because we would not have liability or this coverage while we were transporting hot fuel elements back to the United States. And one of the very important reasons why we want to transport those fuel elements back to the United States before they are cut up is so we may cut them up here and get the plutonium out of them and keep it away from the possibility of being diverted out of peaceable channels into the surreptitious manufacture of nuclear weapons.

So I say, I fully sympathize with the gentleman's amendment, but the consequences of its passage would, indeed, be mischievous in relation to these legitimate activities that we have for over two decades carried on overseas for our own benefit and certainly we would not want in the future to be estopped from continuing its performance because we had hastily adopted an amendment that was presented to us to accomplish one purpose, but rather than that purpose, accomplished another one, a self-defeating one.

I do sincerely ask that the amendment be defeated.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman.

Mr. HOLIFIELD. I want to compliment the gentleman for bringing up the different usages which are involved and might be affected by this amendment. One of the things we have done in these 30 international agreements is to bind those countries to return the fuel elements after they have been spent in the reactors, because they contain the element of plutonium. We bring them back and process it in our own plants or in plants that we are monitoring with other nations.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. Holifield and by unanimous consent, Mr. Hosmer was allowed to proceed for an additional 2 minutes.)

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield further?

Mr. HOSMER. I yield.

Mr. HOLIFIELD. Now, it was the policy of the United States to help build a reactor in Tarrapur, India. That is under the Safeguards Agreement. We have received back, or to an accredited place for processing, these spent fuel elements. The Indian bomb was made from material from a reactor that was built by the Canadians for them. It was a joint effort on their part with India. That reactor did not have the safeguards that we have on all of these 30 agreements we have abroad.

If the proposal of the President in Yugoslavia—and I mark the word "if"—if it is approved, and in Egypt, it will have to come under the international safeguards which we have on the other 30 reactors.

It will not be like the French or Canadian reactors without this protection. We have protected our own security and the vital world security on those reactors we have sold or exported abroad.

So I think the gentleman's amendment accomplishes something that I do not believe he wants to accomplish. I ask that the amendment be voted down.

Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Fifty-nine Members are present, not a quorum.

The Chair announces that he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Mr. WYLIE. Mr. Chairman, I move to strike the last word.

The distinguished gentleman from California (Mr. Hosmer) has said that he is opposed to the Gross amendment because it goes too far.

The reason the Gross amendment was offered is because the language in the present bill before us, in my judgment, goes too far the other way in what it says:

> The term "nuclear incident" means any occurrence . . . which takes place outside the territorial limits of the United States or any other nation.

The language of the amendment the gentleman from Iowa (Mr. Gross) has offered says that the United States shall not indemnify any person for any nuclear incident occurring in "any other nation" than the United States.

The exact language which is found on page 2, line 23 refers to a nuclear incident which takes place in "any other nation." It does not apply on the high seas. The Gross amendment refers to any other nation.

The reason this language is also needed, in my judgment, is found additionally on page 7 of the bill where it says that aggregate liability for a single nuclear incident—and we have to go back to page 2 to see the definition of the term "nuclear incident"—could go as high as $500 million.

I say we need the proposed language of this amendment because in response to a question which I asked the distinguished gentleman from Illinois (Mr. Price), as to how the language would apply in the case of a nuclear powerplant which might be constructed in Egypt, he said that there are safeguards in that the Atomic Energy Commission would have to issue a license first.

If the language of this bill is passed, what is to prevent the Atomic Energy Commission from issuing a license to a corporation to build a nuclear powerplant in Egypt or Israel or any other nation of the world and provide for full indemnification for any loss as a result of a nuclear incident?

Many learned nuclear experts have contended that the nuclear plants are safe; that the backup safety equipment is adequate, as it should be, and I certainly hope that it is.

I wonder whether the United States should be in the business of indemnifying nuclear powerplant mishaps, at the present time, anyhow. Should the Federal Government act as an indemnitor or as an indemnifying agency, as an insurer as to liability resulting from nuclear powerplant mishaps if they are indeed safe?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. I submit to the Members of the House that they can find no provision in this bill, on page 2 or on any other page, that confines the payment of damages exclusively to citizens of the United States.

To the contrary, it provides on page 2 that we will indemnify those in foreign countries if there is a nuclear incident.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, it is not in this bill because it is in the act.

I think maybe some around here may have been raised on a farm, and everybody knows that if you are on a farm, you do not close your eyes and stick your fingers in a piece of machinery, because if you do, you will pull back a stump.

Mr. Chairman, this act and this bill are two parts of a complicated, interwoven piece of legislation which we have had before us and have been perfecting for 20 years. We just cannot take parts and pieces of it and try to interpret them on the floor. We will just pull back a stump.

What we are telling the Members is that what the gentleman from Iowa (Mr. Gross) is trying to do is one thing and what the language that he has submitted is something else; it would accomplish something entirely different from what he wants to do.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. Yes, I will be glad to yield, but first I want to make this observation:

I had asked the gentleman from California a little earlier if there was not an ambiguity in what was intended, and the gentleman said, if I understood him, in his answer that it was intended that there would be no indemnifications for liabilities resulting from any nuclear mishap in any other nation and that is why the language of the Gross amendment is not necessary.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Wylie) has expired.

(On request of Mr. Gross and by unanimous consent, Mr. Wylie was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the trouble is that this bill is ineptly drawn. The act may say one thing, but the bill says something else.

I defy any Member in this House to point out to me a single prohibition on page 2 of this bill or anywhere else, but particularly on page 2, wherein the language prohibits the payment of indemnities or compensation—call it whatever you want—to a foreign country in a case where there has been a nuclear incident and with which we have been associated.

Mr. WYLIE. Mr. Chairman, the gentleman makes sense to me. The language on page 2 of the bill is very clear, when it says a "nuclear incident" means any occurrence which takes place in the United States or which takes place in any other nation and so the gentleman's amendment is necessary to carry out what has been mentioned as the intent of the present law.

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, the language is "owned by the United States." This is specific and, it does go back to the basic law. There is a definite prohibition against indemnifying foreign reactors.

Mr. RONCALIO of Wyoming. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Gross amendment.

Mr. Chairman, I know it is getting late and we are anxious to get home. I know that I should save some time for the amendment which I intend to introduce, the one which comes up next. However, I cannot avoid speaking for just 1 minute on what I think is a most important new direction for this great Nation of ours toward leadership in the world.

In the first place, we have a lot of explaining as to why we think it is a good policy to put two nuclear powerplants in the two hotbeds of terrorism in the world, one in Israel and one in Egypt, and then to allow liability on the part of the taxpayers of America in the case of terrorists setting off an accident, or a melt-down of fuel, or a loss-of-coolant accidents. And then we must consider the horrible result of that type of an accident.

Next, we must explain why we are putting nuclear power generators on the very periphery of trillions of barrels of oil, then mine our uranium in Wyoming, and enrich it in Tennessee, and send it to the Middle East and put it into power generator stations, and then import Arab oil at $12 a barrel.

Now, let us have some global "Catch 22" type of economist explain that to us, if he will.

Through this amendment, in effect what the gentleman from Iowa (Mr. Gross) is saying to us is: Let us have commonsense to recognize that a plant constructed anywhere outside the jurisdiction of this Nation for the purpose of power generation must not carry with it blanket liability provisions for the taxpayers of this Nation.

I think it is an excellent amendment, and it ought to be adopted.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO of Wyoming. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I would ask the gentleman from Wyoming if it is not true that where we need to put nuclear reactors are in the energy consuming countries, and not in the energy producing areas? And these have been put there strictly on a prestige basis, or for diversionary purposes.

Mr. PRICE of Illinois. Mr. Chairman, if the gentleman will yield, would not the gentleman from Wyoming concede that the question asked by the gentleman from Maryland (Mr. Long), had nothing to do with the legislation under consideration?

Mr. RONCALIO of Wyoming. I did not understand the question. In fact, I did not hear it. I did not hear the gentleman. Will the gentleman please state his question more slowly, and talk into the microphone?

Mr. PRICE of Illinois. The gentleman from Maryland asked a question which pertained not to the issue of the Price-Anderson Act.

Mr. RONCALIO of Wyoming. I would say it would involve the utilization of power, the peaking and the dumping, and more or less distribution of power that is generated.

Mr. PRICE of Illinois. Which has not anything to do with the pending legislation.

Mr. RONCALIO of Wyoming. I think it precisely does, it has much to do with atomic energy, what else are we doing if we are not trying to solve the energy problem?

Mr. PRICE of Illinois. But not this particular legislation.

Mr. RONCALIO of Wyoming. I do not know about that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment by the gentleman from Iowa (Mr. Gross). I have admired the gentleman's long and distinguished career in this Chamber, and I believe that the amendment he is offering here today may be one of his most important and valuable contributions to the Nation's laws.

The gentleman's amendment seeks to clearly limit coverage under the Price-Anderson Indemnification Act to domestic incidents and liabilities arising among Americans. As presently constituted—and for the next decade—the Price-Anderson Act imposes a serious contingent liability upon the American Government and taxpayer. This nuclear incident contingent liability is part of a constantly growing potential liability facing the American taxpayer. Already, this potential debt stands at approximately a trillion dollars. There is no reason or justification to extend this contingent liability and indemnification coverage to foreign citizens or nations who in no way contribute to meeting the burden of the Federal budget.

Mr. Chairman, while urging the adoption of the amendment, I would like to take this opportunity to ask the Committee several questions about nuclear power and safety.

Mr. PRICE of Illinois. Mr. Chairman, would the gentleman yield?

Mr. VANIK. I will yield to the gentleman in one moment.

Then with respect to the response of the gentleman from California (Mr. Hosmer), the gentleman said something about something being owned by the United States. I do not want to get into a quandary here because these reactors may be the property of our country, but if they are in another country then they are our liability under the Price-Anderson Act.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. VANIK. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, in response to the statement made by the gentleman from Ohio, let me refer to the reactor in India; we helped them build the reactor. They furnished most of the financing, but we did put some money into it in the form of a loan. We have an agreement with them that concerns the international safeguards against diversion of plutonium. Under that agreement, the United States and AEC have no Price-Anderson liability whatsoever and under the proposed extension in this bill AEC would have no such liability. This is also true under the 30 or more other foreign agreements for cooperation. But under the amendment offered by the gentleman from Iowa, it could mean that we might lose control such as we now have in the 30 safeguard agreements as far as it affects the spent fuel rods.

That is what we are talking about.

Mr. VANIK. If what the gentleman from California says is true, why should not there be language in the bill to spell this out? I am simply afraid very much that——

Mr. HOLIFIELD. The language is under the act. We are operating under the original act, and all of these safeguard agreements are covered in the original act, the safeguard agreements are authorized by the original act, not this bill.

Mr. VANIK. There is so little access, even among Congressmen, to find out actually what is going on in these areas, that I feel very concerned about the title remaining in the United States, and having to assume responsibility.

The committee states in its report—on page 10—that the possibility of an accident causing damages of more than $560 million appears to be quite remote. Has there ever been an AEC study of the worst possible type of accident?

Mr. PRICE of Illinois. Yes.

Mr. VANIK. What would it mean? Theoretically, what would that mean? Am I right in saying that one single accident could mean as much as $17 billion in costs and 45,000 deaths? Is that true? Mr. Chairman, if an accident of this size is possible, how would those injured—and still alive—be compensated? Would it be an appropriation out of the Treasury?

Mr. PRICE of Illinois. Those figures may have been used in somebody's study.

There have been studies made, conjecturing some of the worst possible, almost inconceivable, accidents. The gentleman can conjecture on it, but we have never had a single minor accident for which an indemnification has yet been paid under 18 years of this act.

Mr. VANIK. I would rather concentrate our efforts on increasing the coverage in this country rather than extending the coverage in any foreign country.

Mr. PRICE of Illinois. We are not extending the coverage in any other country. It is only in this country. We have never extended coverage to other nations.

Mr. VANIK. Mr. Chairman, with potential accidents of this magnitude, it is no wonder that the private insurance companies have been reluctant to assume full insurance coverage or full liability. Even Lloyd's of London—which has insured such items as Betty Grable's legs—refuses to assume full liability for a nuclear powerplant.

This raises the nagging, unanswerable question—if nuclear powerplants are so safe—why is everyone afraid to insure them? The Atomic Energy Commission assures us the plants are foolproof. Therefore, it would seem that an insurance company could make an easy and foolproof profit by insuring nuclear powerplants. But apparently, the companies consider such a policy foolish—apparently they do not believe the assurances of the Atomic Energy Commission. If the insurance companies do not believe the AEC—why should the people who live near the nuclear powerplants believe the AEC?

Mr. Chairman, the legislation before the House today amends and extends the Price-Anderson Act. This act is an insurance program which limits the liability of both the Federal Government and the utilities that operate nuclear reactors. The most significant part of the act has been the fact that almost 80 percent of the extended coverage is provided by the Government. This means that the public is paying for the industry's insurance. The remaining insurance is provided by a pool of private insurance companies.

The purpose of the act has been well documented. As was stated in the 89th Congress, the act is intended to "remove a deterrent to private industrial participation in the atomic energy program posed by the threat of tremendous potential liability claims" and "protect the public by assuring the availability of funds for the payment of claims arising from a catastrophic nuclear accident."

Of course the legislation has other effects as well. By absolving reactor manufacturers of all liability in the event of an accident, Price-Anderson eliminates an established deterrent to negligence.

The bill before the House today extends the Price-Anderson program 10 years—until 1987. In addition, it provides for a phaseout of the Federal liability and a gradual increase in the total amount of compensation available in case of a nuclear accident.

The fact remains that total liability would be limited to an absurdly low level. The fact is the committee recognizes this and in several places in the committee report indicates that if there is a major nuclear accident—the Congress would then pass a special emergency relief bill to aid the disaster victims. This assistance, of course, would be paid out of the public treasury—not by the companies who are liable.

What kind of "accident" are we talking about? There has been a great deal of controversy about the risks involved in the operation of nuclear powerplants. The magnitude of the risk is a point of controversy—but that it exists is irrefutable. In talking about the probability of a serious accident it is important to maintain perspective. The accident we are talking about could conceivably result in property damage and personal injuries that would make all previous disasters seem miniscule by comparison.

The industry and Commission maintain that although the possibility of an accident is not insignificant, the probability of a catastrophic occurrence is so slight as to be unimportant. William Doub, a Commissioner for the Atomic Energy Commission, has stated publicly that the now famous 1957 AEC commissioned study and its 1965 revision—"Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Power Plants—WASH 740"—were both "macabre mathematical exercises almost totally divorced from reality."

Mr. Chairman, "almost totally divorced from reality" is not good enough, because the 1965 study estimated damage from 1 big nuclear plant accident to be $17 billion and 45,000 fatalities.

Perhaps the AEC study can be dismissed as being so grossly exaggerated as to be of little value in evaluating the safety of the nuclear power industry. However, to date, it is the only comprehensive examination of the consequences of an accident at a reactor site.

Mr. Chairman, in its report to the House concerning the 1965 extension of the act until 1977, the Joint Committee on Atomic Energy said that—

> During the ten year period, it is hoped that there will be enough experience gained so that the problems of reactor safety will be to a great extent solved and the insurance people will have had experience on which to base a sound program of their own.

In the interim, the insurance companies apparently have gained the experience referred to by the committee. The result is that the act must now be extended if the industry is to continue to expand. Admittedly the proposed extension includes a provision which would slowly decrease the amount of Federal indemnification. But the schedule is gradual at best and the intent of the act remains intact, namely, to limit the amount of recovery.

The central question surrounding Price-Anderson is why must it be extended for another 10 years now that the industry has had almost 10 years to evaluate the safety and performance of the nuclear program?

The real issue here is the credibility of the Atomic Energy Commission. The Commission maintains that the safety of the program is impeccable and that there is little chance that Price-Anderson will ever be utilized. In its 1965 report, the Joint Committee stated that it was "determined to place the nuclear liability insurance program on a normal commercial basis as soon as possible." And yet the Congress is now asked to extend the act to 1987, almost 30 years since the inception of Price-Anderson in 1957.

The reasons for the apparent contradiction are easily discernible. Although we can agree that there has never been a major nuclear accident, the safety record of the AEC is not as flawless as the agency claims. Moreover, the history of the Commission licensing hearings reveals that the public is not receiving all the information it deserves. And there is also the problems that the AEC has had in complying with the provisions of the National Environmental Protection Act of 1969.

The main point is that the Commission has long engaged in the policy of defiance and possible deception. The case histories support such a contention.

Probably the most famous safety-related incident concerned the Fermi reactor in Michigan. In 1961, "the Supreme Court ruled that the Commission did not have to make a definitive finding of safety to issue a construction permit for a nuclear reactor." Instead the Court said that before an operating license could be issued, the Commission would have to make a definitive finding and the costs already incurred would have to be disregarded in deciding the question of the issuance of the license. Despite the AEC's assurances, an accident at the site occured a short time later. The AEC had argued that such an accident would not happen. The reactor is now being decommissioned. The Fermi occurrence is not an isolated incident. Other occurrences are well documented. For example, the nuclear plant near San Clemente suffered an accident on October 21, 1973, and closed down for several months.

In addition, the safety systems of the reactors have not been fully tested. The emergency core cooling system is the most obvious example. In its only test, the system failed and a number of technical experts believe the system is unreliable. Not only have there been inadequate experiments, but analytical methods have been found defective and critical tests have been suspended or delayed.

The hearing process has been another point of controversy. The now famous Calvert Cliffs' case is an example of the AEC's stubbornness in matters relating to the public welfare. In that case, the Calvert Cliffs' Coordinating Committee, Inc., argued that recently adopted AEC rules to govern considerations of environmental matters failed to satisfy the demands of the National Environmental Protection Act. The U.S. Circuit Court for the District of Columbia Circuit agreed. In his opinion, Circuit Court Judge Wright stated that the "Commission's crabbed interpretation of NEPA makes a mockery of the act." In referring to the Commission's rules which govern matters of determining environmental values, the court says that the "period of the rules' gestation does not indicate overenthusiasm on the Commission's part." In another part of the opinion the duration of this period is characterized as "shocking," in view of the importance of environmental considerations during the agency review process.

The Calvert Cliffs' case, like the two occurrences referred to, is not unusual There have been a series of court cases which involve the failure of the AEC to prepare adequate impact statements as is mandated under the NEPA. Moreover, important information is excluded from public hearings on the construction and licensing of nuclear reactors. The result is that important safety and environmental information is often unavailable at the hearings and decisions are made without the kind of public accounting which should be required.

And yet the AEC and the industry maintain that Price-Anderson should be extended so that the industry can continue to grow. The Congress is asked to extend the act for 10 years despite the fact that the safety record of the AEC is not as perfect as it claims, despite the fact that the history of the AEC reveals the suppression of important safety records, despite noncompliance with the NEPA, and despite hearings which are structured to exclude controversial matters. And now we are asked to believe that the Price-Anderson Act is sufficient protection for the American public and that, in fact, the act will probably never be utilized. Such a statement must be carefully and critically evaluated in the face of the AEC's past performance. After all, it is an agency responsible for both the promotion and regulation of an industry that poses dangers of an unprecedented magnitude. The constitutionality of this very scheme is presently being challenged in a divestiture suit—that is Conservation Society of South Vermont against Atomic Energy Commission.

In its 1965 report, the Joint Committee stated that by 1977 a significant amount of data will have been accumulated "which should enable the industry and Congress to assess much more accurately the likelihood of a major nuclear incident and the insurance requirements of the nuclear industry." It goes on to say that this data, in conjunction with an AEC decision to develop improvements in reactor design "should provide the basis for another critical evaluation of the subject—of nuclear insurance—toward the end of the proposed period of extension."

Presumably, the committee's intention was to extend the act and then carefully evaluate the important safety systems and performance of the industry. The Rasmussen report—soon to be published—is apparently the evaluation referred to by the committee in 1965. No other comprehensive study has been conducted since the act was last extended.

Mr. Chairman, there is no justification for another extension of Price-Anderson at this time. The policies and history of the AEC reveal an attitude of concealment. The full disclosure of the safety and operating record of nuclear reactors has never been publicized. Certainly a Federal agency responsible for the regulation of an industry with such a calamitous potential should be more responsive to the demands of the public welfare. Impact statements should be comprehensive and voluntarily offered which would thus eliminate the need for expensive litigation.

Mr. Chairman, I urge the modification of this legislation to permit unlimited liability, or to limit its extension to 18 months so that the Rasmussen study may be evaluated. Failing these amendments, I urge the defeat of this legislation.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from New York.

Mr. PIKE. I thank the gentleman for yielding.

It seems to me that I have heard a lot of people say that these safeguards are contained in the act, but I have not heard anybody read the language of the act which contains the safeguards.

I also get the impression that the only way we can safeguard our agreements with these other nations is to guarantee to indemnify them in the event of a nuclear explosion, and that in itself seems to me as to be a pretty fair reason to vote for the amendment offered by the gentleman from Iowa (Mr. Gross) and I should like to join in support of the amendment.

Mr. VANIK. I thank the gentleman for his comments.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from California.

Mr. HOSMER. I thank the gentleman for yielding.

These questions, I would assure the gentleman, are handled on page 2 of the bill before us which redefines section 2 of the Atomic Energy Act.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. Hosmer, Mr. Vanik was allowed to proceed for 2 additional minutes.)

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from California.

Mr. HOSMER. I thank the gentleman for yielding.

If the gentleman will look at page 2, line 1:

> The term "nuclear incident" means any occurrence, including an extraordinary nuclear occurrence, within the United States.

Then the rest of this deals with something that happens outside of the United States. If the gentleman will read it carefully, he will see that it refers to section 1701. That is U.S. nuclear merchant ships outside the United States. We have assumed liability for them.

The next portion, down at lines 12, 13, 14, and 15 on page 2 has to do with reactors overseas like we have in the Antarctic. The next liability would be for offshore plants which we might have on the high seas, and other liability would be for fuel elements in shipments, and that by a specific statement here is the only overseas liability.

What the gentleman from Iowa in his amendment would do would be to repeal essentially page 2 of the bill which specifies the liability on our part later if we are conducting activities overseas which are legitimate.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

On page 2 of the bill, the language to which he alluded says nothing about ships. It says nothing about the high seas. It says any occurrence in or outside the United States.

Mr. HOSMER. If the gentleman will read section 1701, on line 9, that is the merchant ship program. If the gentleman would just read it instead of talking about it—look at it—he will see what we are talking about. It is a road map. It is right there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 255, noes 151, not voting 28, as follows:

[Roll No. 370]

AYES—255

Abdnor
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard
Bennett
Bevill
Biaggi
Biester
Blackburn
Boggs
Boland
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cohen
Collins, Tex.
Conable
Conlan
Conte
Cotter
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis, S.C.
Davis, Wis.
Delaney
Denholm
Dent
Devine
Dickinson
Dingell
Donohue
Drinan
Dulski
Duncan
Edwards, Ala.
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flynt
Fountain
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Green, Oreg.
Gross
Grover
Gubser
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Harsha
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hillis
Hinshaw
Holt
Huber
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Kazen
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Lagomarsino
Landgrebe
Landrum
Latta
Lent
Litton
Long, Md.
Lott
Luken
McKay
McKinney
McSpadden
Mahon
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Melcher
Michel
Milford
Mills
Minish
Minshall, Ohio
Mitchell, N.Y.
Mizell
Mollohan
Montgomery
Moorhead, Calif.
Murtha
Myers
Natcher
Nedzi
Nelsen
Nichols
Owens
Parris
Passman
Patman
Patten
Perkins
Pettis

Peyser
Pickle
Pike
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Runnels
Ruth
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schroeder
Sebelius
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Thornton
Tiernan
Towell, Nev.
Traxler
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
White
Whitten
Widnall
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, S.C.
Zion
Zwach

NOES—151

Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Ashley
Aspin
Badillo
Baker
Barrett
Bell
Bergland
Bingham
Bolling
Bowen
Brademas
Brown, Calif.
Brown, Mich.
Broyhill, Va.
Burke, Calif.
Burton, John
Burton, Phillip
Butler
Chamberlain
Chisholm
Cleveland
Cochran
Collins, Ill.
Conyers
Corman
Daniel, Dan
Danielson
de la Garza
Dellenback
Dellums
Dennis
Derwinski
Downing
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fisher
Flowers
Foley
Ford
Forsythe
Fraser
Frelinghuysen
Fulton
Goldwater
Gray
Green, Pa.
Griffiths
Gude
Hanna
Hansen, Wash.
Harrington
Hastings
Hawkins
Hicks
Hogan
Holifield
Holtzman
Horton
Hosmer
Howard
Hudnut
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kluczynski
Leggett
Lehman
Long, La.
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
Madden
Madigan
Mallary
Mathias, Calif.
Meeds
Metcalfe
Mezvinsky
Miller
Mink
Mitchell, Md.
Moakley
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nix
Obey
O'Brien
O'Hara
O'Neill
Pepper
Podell
Price, Ill.
Rees
Regula
Riegle
Robison, N.Y.
Rodino
Rostenkowski
Roybal
Ruppe
Ryan
Sandman
Schneebeli
Seiberling
Sisk
Smith, N.Y.
Stark
Steelman
Sullivan
Thompson, N.J.
Thomson, Wis.
Treen
Udall
Ullman
Van Deerlin
Vander Veen
Waldie
Wampler
Ware
Whalen
Whitehurst
Wiggins
Williams
Wilson, Bob
Wyatt
Wydler
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NOT VOTING—28

Blatnik
Brasco
Breaux
Breckinridge
Carey, N.Y.
Clay
Collier
Culver
Davis, Ga.
Diggs
Dorn
Evins, Tenn.
Gunter
Hansen, Idaho
Helstoski
Jones, Tenn.
McEwen
Macdonald
Poage
Reid
Rooney, N.Y.
Rousselot
Shipley
Steele
Stokes
Teague
Wilson, Charles H., Calif.
Young, Alaska

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RONCALIO OF WYOMING

Mr. RONCALIO of Wyoming. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Roncalio of Wyoming: Strike out everything after the enacting clause and insert in lieu thereof the following: That section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) is amended by striking out "August 1, 1977" wherever it appears and inserting in lieu thereof "February 1, 1979".

Mr. RONCALIO of Wyoming. Mr. Chairman, I want to recognize the contribution, as I said earlier, of two men in this body, the gentlemen from California (Messrs. Hosmer and Holifield) to the cause of atomic civilian control of weaponry, and of atomic energy progress over the past quarter-century.

This may be the last occasion, I suspect, that these two great gentlemen will be on the floor managing a JCAE bill. I am proud to work with them. I have respected them for several years.

I would like to call the attention of all the Members that this may well be the crowning event of their lives. In any event, I hope that they will stay alive and active for many, many years and help in the many problems still plaguing our Nation in the nuclear area.

Now to proceed to my amendment, which neither gentleman will vote for, of course.

If the Members do not like this bill, all they have to do is vote for my amendment because my amendment is in the nature of a substitute for this bill. And all it does is extend the present Price-Anderson Act for a mere 18 months. That is all it does. It does not do any more or any less.

I submit that the amendment offered by the able and excellent gentleman from Massachusetts is, in fact, a compressed approach to this business because the Rasmussen report may well be accepted in about 30 or 60 days, and the law then would be in effect. It then extends this act for 10 more years, which, in my opinion, is an unwise thing to do.

Again, I say to the Members that the results of all of this are set forth in my separate views in the report that accompanies this piece of legislation. Give everyone more time to absorb the report. No one can absorb the report in less than a year. Give the people time to work on this.

Also, I believe that the amendment is in accordance with what will be brought up in the other body, where some 27 Members of the Senate will also vote an 18-month extension, as recommended in amendments by the Senator from Oregon (Mr. Hatfield), and the Senator from Minnesota, Mr. Humphrey.

My amendment will make their work much easier for the managers when they meet in conference.

The amendment is recommended by the Oil, Chemical, and Atomic Workers, the Wilderness Society, the National Wildlife Federation, Friends of the Earth, and other conservation and consumer groups, which have voiced concern about enactment of this bill without further review.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO of Wyoming. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I wish to commend the gentleman. I think the gentleman's amendment is reasonable, and I hope the Members will adopt it.

The Price-Anderson Act was originally enacted in order to cover nuclear power facilities adequately for any liability which would arise should an accident occur. Were a nuclear powerplant to have problems resulting in a melt-down, radiation could literally blanket a large area with deadly radiation. Millions of people could be killed or injured by such an accident, and the financial liability would be enormous—hundreds of millions of dollars.

Clearly, then, one major consideration in our decisionmaking on this legislation is the central question of nuclear powerplant safety. We have all been assured, time and time again, that nuclear powerplants as we know them today are virtually foolproof. But assumption of this contention at face value could mean that a major share of the costs of a nuclear accident could be borne by the victims and the taxpayers rather than by the risk creator, the nuclear power industry.

The Atomic Energy Commission, in an effort to determine a more up-to-date estimate of nuclear powerplant safety, has commissioned a study now being conducted by Dr. Norman Rasmussen, due to be completed in August of this year. The AEC is spending $2 million on this study.

In studying this legislation, then, the obvious question which occurs is to question why we are even taking up such a bill prior to the release of the Rasmussen study. In dealing with a problem so very serious, and important to our Nation's energy needs, as nuclear power, I believe that we have an obligation to act on the basis of the very best and latest information available. By supporting the gentleman from Wyoming's amendment we can have time to properly evaluate the Rasmussen report and develop a nuclear insurance program which is fair to all the citizens.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO of Wyoming. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, before I offered my amendment, I, of course, spoke to the gentleman from Wyoming, and we collaborated on it. I want to thank the gentleman for the help he gave me.

I strongly support the gentleman's amendment because, as the gentleman mentioned—and he made a very good point—it would give the Rasmussen study a lot more time and a lot more elbow room, and it would give the Joint Atomic Energy Committee a lot more time in which to evaluate the report, as was mentioned in the debate on the amendment adopted by the House. The two amendments are compatible, and I urge adoption of the gentleman's amendment.

I want to make clear that the study which I have in my amendment should be considered to be a major exploration of the issues which will be raised by the Rasmussen report. I intend that this study should entail a 9- to 12-month investigation of the issues in order to take testimony from an independent group of scientists who are not associated with the Atomic Energy Commission. The concept of public hearings on this issue is integral to my study. I believe that independent scientific input is extremely important in an area which is as complex as assessing the likelihood and consequences of nuclear accidents. I also expect that input will be solicited from the National Academy of Sciences to take advantage of their scientific expertise.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would provide for a simple 18-month extension of the existing provisions of the Indemnification Act, ostensibly to give the Congress more time to consider the safety-related study of nuclear accident probability and its consequences now being concluded by Dr. Norman Rasmussen, of the Massachusetts Institute of Technology.

The amendment should be rejected for a number of reasons. First, the linkage of the Rasmussen study and the Price-Anderson Act is a relatively recent device, one which has been seized upon by the opponents of nuclear power to defer consideration of any renewal or modification of the Price-Anderson indemnification, notwithstanding the testimony we had from Dr. Rasmussen himself that we should proceed now with the extension of this act.

We have heard Dr. Rasmussen in testimony in at least two of our hearings on this particular act.

It has been suggested that the availability of the Rasmussen study is critical to consideration of the Price-Anderson indemnification provisions of the Atomic Energy Act. The Joint Committee on Atomic Energy has made the judgment that the Rasmussen report, although relevant, is not essential to consideration of the financial protection provisions, and its nonavailability should in no way impede congressional action on this legislation.

Mr. Chairman, we cannot have a simple extension of this act without doing harm to the nuclear industry in this country. The Rasmussen study itself will not be available for quite a few months. The working draft that he will circulate among the scientists and the people in the nuclear industry will not be available for almost another month, and he expects that to be circulated for at least 2 months in order to receive comments on what his findings are and how others will judge them and evaluate them. So it can be as many as 4 or 5 or 6 months before the Rasmussen study is available.

Dr. Rasmussen himself has said that it is not necessary to await the findings of this study to extend this act. He has testified in no uncertain terms that the act should be extended. He has also testified to the effect that the studies that he will submit will not in any way change the requirements of this act or raise the requirements for any additional ceiling on it.

Mr. Chairman, what are we trying to do here today? We are trying to pass legislation that will put the Government out of the indemnification business. Any delay in that would just put off the time when the private insuror and when the industry itself will be supporting this thing instead of the taxpayers of this country. This is what everybody says they want, and yet here we are trying to delay this. A vote for the Roncalio amendment would just extend that delay. The main, basic principle of the legislation we are considering here today is to phase out the public indemnification, the taxpayers putting up the money.

If we delay this program we are just delaying this goal, just setting that goal back further, and we can accomplish that goal, because this legislation sets up a formula in which to do that.

So I hope that the members of the committee will not be misled, and that they will support the Joint Committee which has been studying this particular subject that we have under consideration today. We have held hearings on the legislation to extend the Price-Anderson Act, and the studies began a year ago in 1973. We announced the hearings in November of 1973. We set up a panel composed of some of the most distinguished and most experienced people in this field in January of this year, and they held numerous meetings and made recommendations. This was not an exclusive group representing only one side of the picture, but it was a group that represented the Government, it represented the scientific fraternity, it represented industry, it represented the Friends of the Earth, it represented people who are leaders in the environmental efforts, it represented the legal fraternity, and they all had an input into this legislation.

Columbia University did a special study on this at the request of the committee, and they studied it for months. All of them came up with one final conclusion, and that was that this was good legislation. They helped write the legislation, as a matter of fact.

So we are not trying to put anything over on anybody. We are trying to set a deadline to eliminate the liability of the public, the Government's liability, but then when we have a chance to do that then we should have the support of this House, and I hope that the Members will give the committee that support.

We held open hearings for 8 days. We heard 27 witnesses, most of whom were experienced people in this field, and those who were not so experienced had some interest in the environmental area, and some of the legal fraternity, and so forth. We did not turn away any witness. I think that this has been one of the most thoroughly studied pieces of legislation that has ever come to the floor of this House.

I hope the Members will give the committee their support this afternoon.

Mr. HOSMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to take the full 5 minutes. I rise in opposition to the amendment.

First, Mr. Chairman, I want to extend my appreciation to the gentleman from Wyoming, the author of the amendment, Mr. RONCALIO, for all of the nice words the gentleman said of me and Mr. HOLIFIELD. It is kind of like receiving a benediction before getting executed—which the gentleman would like to do.

Mr. Chairman, as I said, I rise in opposition to this amendment. But, let me tell you who the Members are who ought to vote for this amendment:

If you are dead set against nuclear power, if you want to kill it off in this country, then vote for this amendment. Vote for it, because it is the kind of a vote—and if this amendment passes it will be a signal to the world—that the greatest nation in the world in nuclear progress has abandoned the field.

The antinuclear forces, the environmental extremist forces, have been holding out against nuclear power in this country. They are the people who are the most ardent supporters of what the gentleman from Wyoming wants to do.

They would like to cut off nuclear power absolutely, not as of yesterday only because that is impossible. They would like to do it as of today. But that is not in the realm of possibility either. So, 18 months from now—by only extending this act for 18 months—they could certainly start to bring things to a halt, because the leadtimes in the nuclear business are not as short as 18 months. They are as long as 3 years to put a project together in the planning stage, and then as long as 10 years for getting it built.

So we have these long times ahead for which we can plan for nuclear liability insurance.

The amendment offered by the gentleman from Wyoming would cut this down to 18 months. Why does he want to do that? Ostensibly he says that he wants us to be able to hear this Rasmussen report. But Dr. Rasmussen, Professor Rasmussen from MIT, the author of the report, came up to the Joint Committee on June 13 and told us what he was going to say in this report. What he was going to tell us in this report is that the maximum nuclear incident that could occur would be equivalent to the damage and destruction that would happen from the crash of one large airplane. For that, under this bill, we are providing, to begin with, $560 million liability insurance and a formula by which this liability limit would even be increased as the years go on.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Minnesota.

Mr. FRASER. I thank the gentleman for yielding.

The gentleman made a statement that the Roncalio amendment would cut down the time to 18 months. That is not my understanding of the amendment. I should like to ask the gentleman if I am right that if the Roncalio amendment is adopted, my understanding is that the existing Price-Anderson Act will not expire for 4½ years during which the committee will have ample time to study our Rasmussen report and report on another bill. Am I correct in my statement?

Mr. HOSMER. The gentleman is correct in that it would cut the leadtime from 10 years to 18 months in which this would expire, which would be 18 months from a date in 1977. But we do not need that time to study the Rasmussen report. We already know what is in the Rasmussen report, so this from that standpoint is a futile act, and it supports my charge that the real reason anybody would vote for this is just simply to kill off nuclear power.

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want to re-emphasize what the gentleman from California (Mr. HOSMER) has just said. If any Member really wants to damage the nuclear program in this country without thinking what the consequences will be, let him vote for this amendment.

Now, let us get into context just what it is we are talking about.

For a number of years there have been complaints from antinuclear sources in this country saying we should not have the Price-Anderson bill. If reactors are safe, they say, we should not have a federally supported insurance program. So now the committee, after a year's study and consideration of this particular point, has come up with this bill to phase out Federal support under the Price-Anderson Act. Now that this bill is before us for an orderly phase out within 10 years, these very same people who have been objecting to the existence of the bill object to this bill to phase it out in an orderly manner.

What they want to do instead is to run this mischievous-making amendment in at this time to upset the orderly processes that the utilities of this country go through in planning the long-range procedures in establishing a nuclear reactor.

Let me say again, this bill does not provide for a continuation of Federal support; it is a phaseout. Within 10 years there will be no more Federal support. Insurance will all be provided by the nuclear industry itself.

Second, we already know what the Rasmussen report is going to say. We know that such changes and refinements as will come in the Rasmussen report will in no way affect the manner of coverage that we have under the Price-Anderson Act.

The only thing the Rasmussen report is going to do is say that the maximum credible accident would cause less damage than has been previously assumed, but it will not change the way in which we provide indemnity coverage for accidents, or the type of insurance we have.

Under this bill, we start out with a pool of $120 million of insurance purchased by the utilities. We start out with a commitment that each utility with a nuclear reactor on the line makes to have from $2 to $5 million available for an indemnity pool if it is needed. By the time this bill has expired in the mid-1980's, we will have more than the coverage that is now provided by the Federal insurance under the bill. Then the Federal insurance will phase out.

The thought has been presented to us that the utilities assume no risk under the Price-Anderson Act. Nothing could be further from the truth. The real hazard of a nuclear accident is not to the public, but to the utility. The chances of a meltdown are extremely remote. According to the Rasmussen report, if we had 1,000 reactors operating in this country, then we could expect, according to the odds, to have a meltdown within 1,000 to 10,000 years. But this does not mean any real harm to anybody outside the reactor or even the operators of the reactor. It does mean the utility would lose a $500 million, 1,000-megawatt reactor and millions of dollars of revenue it could produce every year. Merely because we have Federal liability does not mean that the utilities could be careless. This is not realistic.

This is simply a bill to phase out Federal underwriting in an orderly manner.

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Ohio.

Mr. LUKEN. Mr. Chairman, am I correct, over and above the $100 million the present Federal liability will be substituted by the assessment against the licensees? Is that correct?

Mr. McCORMACK. The Federal liability will be in a phaseout, yes.

Mr. LUKEN. But that would be in the form of retrospective treatment. Is that correct?

Mr. McCORMACK. That is correct.

Mr. LUKEN. Mr. Chairman, then it seems cogent to me, if all these utility companies, the licensees, if there should be a catastrophic loss, then at one time they would have to be raising $2 to $5 million, something in that amount, and that could cause delays and some financial chaos if they are all out raising this kind of money. They would have to issue bonds. They would not have that kind of money lying around all at one time in a utility company. That has been suggested.

Mr. McCORMACK. This question has been raised and discussed in committee, and the Atomic Energy Commission assures us that this money will be available, that the utilities can take out insurance policies or have the money in escrow or use any of a number of other procedures.

Mr. LUKEN. Mr. Chairman, I rise in support of the amendment offered by my colleague from Wyoming (Mr. RONCALIO).

Mr. Chairman, I am deeply concerned over passage of legislation that fails to meet the requirements for quick and complete compensation to victims of nuclear accidents.

I urge that the findings of the Rasmussen reactor safety, commissioned at an expense of over $2 million to the American taxpayer, be considered by the Joint Committee prior to any renewal of the Price-Anderson Act. This study will provide a more precise quantification of the probabilities and implications of nuclear accidents to aid the committee in making informed decisions regarding a comprehensive insurance scheme that will adequately protect the public.

I am sorely concerned in seeing that the public be adequately compensated in the event of a major nuclear powerplant accident. The present provisions requiring nuclear facilities to maintain $110 million in private liability insurance with the Federal Government insuring anything in excess of this figure up to $560 million, appears to me to be woefully inadequate. An AEC study in 1965 included that the loss of lives and property damage in case of a major nuclear power catastrophe could run into the tens of billions of dollars.

Who is to account for these damages and loss of lives?

For Congress to pass supplementary appropriations in the event of an accident will result in too long a delay in compensating the victims.

The bill attempts to solve these problems by the establishment of a "retrospective" or "deferred" premium in which premiums would only be assessed in the event of a nuclear powerplant disaster. Here again, the artificial limit is cruelly inadequate to cover the possible extent of destruction. The $5 million ceiling imposed by the Commission on each facility as the premium they be required to pay in case of just one nuclear accident will not cover the costs if the damage runs to the billions of dollars. Since the premiums were not required to be in cash, this could wreak havoc within our financial system with several hundred utilities borrowing money or floating new bond issues at the same time. And if the utility should default, there should be available Federal money to insure compensation.

Mr. Chairman, this is a matter of great concern to me for many reasons, not the least of which is the fact that within 50 miles of Cincinnati area there are two major installations that handle highly dangerous radioactive material. Citizens in the southwestern corner of Ohio have already experienced considerable alarm when an extremely hazardous material, plutonium 238, was found in a stream outside the Mounds Laboratory in Miamisburg.

Because of this, I believe that we should await the final conclusions of the Rasmussen study before granting a 10-year extension to the Price-Anderson Act. We should fully explore all other possible insurance programs which would provide full liability coverage or we should explore the possibilities more fully of allowing the Price-Anderson to lapse.

While I believe the nuclear industry should be a strong partner in any new funding formula, no price shall be too high to pay to insure complete protection to Americans in the event of a nuclear accident.

Mr. Chairman, I urge my fellow colleagues to adopt the Roncalio amendment, an amendment that will give us time to analyze not only the Rasmussen study, but alternative proposals to insure quick and complete compensation to victims of nuclear disasters.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from California asserted that under the amendment there would be only an 18-month leadtime. The present law will not expire, as I understand it, for another 3 years.

If the Roncalio amendment is adopted, it puts the expiration date back another year and a half, for a total of 4½ years. As I understand it, the purpose of this is to give the Joint Committee time to look at the most extensive and the most expensive study of nuclear safety that has ever been undertaken, a report which will be available within the next 4 to 6 months. An 18-month delay would mean that the present act will last another 4½ years in order to give the committee a chance to really look at this study very carefully. This is eminently sensible and does not prejudice the committee's opportunity to come out with the same bill if they decide that is what they want to do or to come out with an improved bill if that is what the study indicates.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I also support this amendment and I concur in what the gentleman has said.

It seems to me there are a number of questions that need to be looked at. One that I have not heard discussed at all today is whether the amounts provided in Price-Anderson are large enough. As I understand, some of the studies have shown that the damage that might follow from the worst case accident could be far greater than $700 million. They could be even in the billions of dollars. What then?

This is one of the questions that ought to be considered and apparently has not been considered up to now.

So I strongly support the amendment which would, in effect, give us another chance to look at this measure after the Rasmussen report has been studied.

Mr. PRICE of Illinois. Mr. Chairman, this legislation has been studied maybe as thoroughly as any legislation that has come to the floor. As I stated earlier, we have been working on this since early July 1973.

Mr. FRASER. May I make the point that the first witness was not called until January of this year and that most of the hearings were in the last 60 days.

Mr. PRICE of Illinois. The first witness might not have been called, but all the witnesses were on notice. We had our panel since January working on it every day; but the reason it is necessary to pass this legislation now, even though the act does not expire for 3½ years, is because industry is interested now in getting a license in 1977. If they do not get their finances and make arrangements now, they will not be able to get a license in 1974.

Mr. FRASER. Would the gentleman not agree that extending the Price-Anderson Act another year and a half, that would make 4½ years, does not that give the committee enough time to study the Rasmussen report?

Mr. PRICE of Illinois. The committee has done that and there is no need to do it on a piecemeal program. I would think the gentleman wants to phase out this present program and would want the matter to go to industry itself. I do not see any need of taking a piecemeal approach on a matter that has been so thoroughly studied. We have to face the danger of a complete stop—and I mean a complete stop—right now to any new entry in the field of nuclear power.

Mr. FRASER. I just make the point, all we are asking for is additional time for the committee to study this very important report. I do not think there will be any slowdown in nuclear construction that is already being planned.

THE RASMUSSEN STUDY

The argument for the Federal Government's assuming liability for a nuclear powerplant accident has been that, without the actual experience of accidents, the statistical probability of such accidents could only be deduced or inferred indirectly. It has been argued that this kind of calculation does not provide a firm enough basis for private company insurance.

The report accompanying H.R. 15323 states:

> The improvements in the development of statistical methods in the space program and defense program in the past ten years have led to the belief that adequate statistical probabilities can be developed for nuclear plants.

And in fact such a statistical study has been undertaken for the AEC over the past year and a half by Prof. Norman Rasmussen of MIT.

The committee report describes the Rasmussen study as "perhaps the most comprehensive effort in this area so far." If so, if this is the first direct statistical computation of the probability of major nuclear accidents, then Congress should wait until the whole report, not just first conclusions are made public. If this report is as comprehensive as the committee claims, perhaps after its release the nuclear power industry and private insurance companies will have the confidence to carry the full burden. Apparently at this point the AEC, the nuclear power industry and Dr. Rasmussen are unable to persuade private insurance companies to provide coverage.

CONTINUED ORDERLY PLANNING FOR THE NUCLEAR INDUSTRY

The committee warns that if we do not pass its bill now, "uncertainty over the future of the Price-Anderson Act" will cause "unwarranted disruption in the planning process for nuclear power plants."

But planning has gone forward well beyond the current expiration date. Utilities are planning to build nuclear reactors into the mid-1980's, reactors which will not be licensed before August 1, 1977. Uncertainty is apparently not holding up the planning of these companies.

The existing law expires in 3 years. There is sufficient time to permit thorough consideration of the Rasmussen study, which should be released in final form later this year. The last renewal of the Price-Anderson Act took place less than 2 years before the act was then due to expire. Under the amendment offered by the gentleman from Wyoming, the expiration date would be extended to 4½ years from now. That is certainly more than enough time to allow continued orderly planning for the nuclear industry.

GRAVE QUESTIONS ABOUT H.R. 15323

There are grave questions about the bill before us. It claims to make two major, needed changes in existing law: First, to phase out Government indemnity over a period of years; and second, to increase the limit of liability when that phaseout is completed.

But under the committee bill, it appears: First, that the Federal Government would remain the ultimate source of financial protection to the public in the event of a nuclear accident; and second, that the level to which this liabiltiy would be raised would remain wholly inadequate.

The limit on liability would continue at the present level of $560 million and would be permitted to rise gradually to $1 billion in 1987 and to $1.346 billion by 1990. Contrast this to the AEC's 1965 estimate of $17 to $280 billion for a worst case accident.

Furthermore, the committee report, on page 10, states that Congress might make special appropriations for damages resulting from a particular incident should the need arise:

> In the event of a national disaster of this magnitude it is obvious that Congress would have to review the problem and take appropriate action.

In other words, the Federal Government would remain the ultimate insurer.

Furthermore, the deferred premium plan, which does not require actual payments by the nuclear industry, invites default by individual companies if a major nuclear accident occurs. Section 3 of the bill before us makes the Government the guarantor of any defaulted premiums.

CHAIRMEN SCHLESINGER AND RAY QUESTION PRICE-ANDERSON

Both the current and past Chairmen of the Atomic Energy Commission have gone on record in favor of letting the nuclear industry insure itself. Chairman James R. Schlesinger, before his retirement in January 1973, declared that when the Price-Anderson Act came up for reexamination, it should be substantially amended or phased out, because the nuclear industry has built itself up to the point where "it can underwrite the cost itself of these very improbable accidents."

Chairman Dixy Lee Ray, in the March 17, 1973 National Journal, in a statement which she has since retracted, agreed with her predecessor that the nuclear industry was able to assume full liability. She thought the industry would probably develop pool insurance as other industries have, and that "the only thing that has prevented it is the Price-Anderson Act." "Why," Dr. Ray asked, "should the industry do it if the Government will?"

PUBLIC CONFIDENCE IN NUCLEAR POWER

Public confidence in the safety of nuclear power reactors is at the center of the controversy surrounding the Price-Anderson Act. First, the power industry argues that there is virtually no chance that a nuclear accident will involve damages exceeding $560 million. If this is true, why place a limit on liability? Why not remove all limits if there is virtually no chance of such an accident? Congress and the public is led to surmise that there is a clear and present danger of excessive damages which the industry is unwilling to risk.

Second, it is argued that private insurance companies are unwilling to back nuclear power because of insufficient data and experience. Yet the Rasmussen study, which the committee report has described as "perhaps the most comprehensive effort in this area so far," purportedly does just that. It provides direct statistical evidence on which insurance risks can be calculated.

It has been argued that legal liability ordinarily serves as a deterrent against overly swift, technologically unsafe expansion. The nuclear industry is emphatic in its assurances to the public that nuclear power plants are safe. Why then is there reluctance to assume a normal responsibility of our free enterprise system, one that in this case could only have healthy results, as far as both safety and public confidence are concerned. Could it be, as has been suggested, that the atomic power industry fears the invisible hand of Adam Smith might punch it in the nose?

I choose to believe that this is not the case, but that the temptation to rely on Federal subsidies is too great. As Dr. Ray has said, "Why should the industry do it, if the Government will?"

Because I believe there are many unanswered questions in this bill, because I believe that a better bill could result after we have the full benefit of careful analysis of the first direct statistical study of the probability of a nuclear accident, I ask you to support the amendment before you. Extending the Price-Anderson Act for 18 months will allow time for answering these questions without disrupting the orderly development of nuclear power and would permit rebuilding of public confidence in the future of nuclear power.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, 28 years ago the May-Johnson bill was brought to the Congress. The gentleman from Illinois (Mr. Price) and I were Members of the old Military Affairs Committee. At that time we fought for civilian control in the Atomic Energy Committee. We signed a dissenting report against the May-Johnson bill. All the other members of the committee were for military control of atomic energy.

It went over to the Senate and some 7 or 8 months later it came back with civilian control, because we had worked up enough information in the country through the universities and the scientific community to convince the Members of the Senate that civilian control was better than military control. At that time in 1946, at the beginning, the complete appropriation for atomic energy was for military purposes.

The gentleman from Illinois and I, with other people helping us in the Joint Committee, people who are now gone from the Congress so that he and I are the only original ones left, were appointed to the Joint Committee by Speaker Rayburn because of our fight for civilian control. I might add that at that time the complete appropriation was for military purposes. Today, more than 55 percent of the budget goes for peacetime application of atomic energy because we had the vision that this great new power could be used for the benefit of mankind and not for the destruction of mankind. That was the vision that we had. Fifty-five percent of it is now being used for peacetime application, including electrical reactors; but including also the help for medicine in every hospital in the United States where they are using radioactive material in place of radium, which was very expensive and very scarce.

My daughter is in the hospital now for cancer of the lung, and she has been receiving this radiation treatment. What the end will be, God will dispose.

But, we worked hard to bring this terrible power, this terrible force, into a form which would benefit the human race, and not destroy it.

We are facing an energy crisis in this country, believe it or not. In 1973, we sent out $7½ billion for oil at $3 a barrel. We are now sending it out at $12 and higher per barrel. We are sending out this year between 20 and 24 billions of American dollars to buy the sheiks' oil from the Middle East and from South America. What is at stake in building these reactors for our country is to make us independent of the Middle East and South America from the standpoint of fossil fuel.

These people who are ill-informed on this matter in regard to the possible hazards of these reactors to our people, are unknowingly working against themselves. It takes energy to clean air. It takes energy to process sewage. It takes energy to reprocess newspapers and metals and bottles and other forms of throw-away waste. Without energy, we cannot do those things. We cannot take care of pollution in this country without energy to do it, and I am talking about electrical energy.

I am looking forward to about the year 2000 when we will receive 50 percent of our electrical energy from nuclear reactors. So, the people who are opposing nuclear power today are opposing their own aims and their own goals. Where can one find any industry that has existed for more than 20 years which has no—no—no incidence of damage to the people who work in the atomic plants? Some of the people who worked in the mines were exposed in the early days because we did not know about it, but we have cured that now.

There has never been a nuclear accident in a commercial reactor which has caused any person damage. We have over 100 submarines in the ocean and from 100 to 135 or 140 boys are in each of those submarines. Many of them sleep close to these reactors, and none of them have been damaged by radioactivity. A watch with a radium dial will set off the alarms in a nuclear submarine.

Members should think of what they are doing here today. The Committee on Atomic Energy comes to the floor today and it has done its work and done it well. We have produced the greatest strength in the world from the standpoint of weaponry, in the last 20 years.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. Holifield was allowed to proceed for 2 additional minutes.)

Mr. HOLIFIELD. We have brought up the strength of this country in nuclear weapons and have brought it up in nuclear submarines, which are our first line of defense, and done it without damage to the people of America. We stand on the brink of bringing to the people of America an inexhaustible supply of energy long after fossil fuels have gone. This is the goal we have been working toward. Do not vote for a quick amendment here because of fear, because of any kind of concern.

Stand by the committee on this bill. We will watch this carefully, and we will bring back to you remedial legislation if it is needed, but do not stop the nuclear program because we need to go ahead. The country needs the power to run the factories, to take care of the people in their homes, to clean the air, to reprocess sewage, to get all the things which we need in a good society.

I ask the Members to support the committee and vote down this amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Wyoming (Mr. Roncalio).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RONCALIO of Wyoming. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 267, not voting 29, as follows:

[Roll No. 371]

AYES—138

Abdnor
Abzug
Adams
Addabbo
Aspin
Badillo
Barrett
Bergland
Biester
Bingham
Boland
Brademas
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Calif.
Burton, John
Burton, Phillip
Carney, Ohio
Cohen
Collins, Ill.
Conte
Conyers
Cotter
Coughlin
Cronin
Dellenback
Dellums
Denholm
Dingell
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Fascell
Findley
Fish
Flood
Foley
Forsythe
Fraser
Frenzel
Gilman
Grasso
Green, Pa.
Gross
Grover
Gude
Hanrahan
Harrington
Hawkins
Hechler, W. Va.
Heckler, Mass.
Hicks
Holtzman
Howard
Hungate
Johnson, Pa.
Kastenmeier
Kemp
Koch
Kyros
Lehman
Lent
Litton
Long, Md.
Luken
McCloskey
McDade
McKinney
Maraziti
Mayne
Meeds
Melcher
Metcalfe
Mezvinsky
Mink
Mitchell, Md.
Mizell
Moakley
Mollohan
Moorhead, Pa.
Nedzi
Nix
Obey
O'Hara
Owens
Patten
Perkins
Pickle
Pike
Podell
Pritchard
Randall
Rangel
Rees
Reuss
Riegle
Rinaldo
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rosenthal
Roush
Roy
Roybal
Ruppe
St Germain
Sarbanes
Schroeder
Seiberling
Shriver
Skubitz
Smith, Iowa
Stanton, J. William
Stanton, James V.
Stark
Steelman
Studds
Symington
Tiernan
Udall
Van Deerlin
Vander Veen
Vanik
Waldie
Whalen
Wilson, Charles, Tex.
Winn
Wolff
Wydler
Wylie
Yates
Yatron
Young, Ga.

NOES—267

Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Bafalis
Baker
Bauman
Beard
Bell
Bennett
Bevill
Biaggi
Blackburn
Boggs
Bolling
Bowen
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler

Byron
Camp
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conable
Conlan
Corman
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Fisher
Flowers
Flynt
Fountain
Frelinghuysen
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffiths
Gubser
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Harsha
Hastings
Hays
Heinz
Henderson
Hillis
Hinshaw
Hogan
Holifield

Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kazen
Ketchum
King
Kluczynski
Kuykendall
Lagomarsino
Landgrebe
Landrum
Latta
Leggett
Long, La.
Lott
Lujan
McClory
McCollister
McCormack
McFall
McKay
McSpadden
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Michel
Milford
Miller
Mills
Minish
Minshall, Ohio
Mitchell, N.Y.
Montgomery
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers
Natcher
Nelsen
Nichols
O'Brien
O'Neill
Parris
Passman
Patman
Pepper
Pettis
Peyser
Poage
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.

Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Rogers
Rooney, Pa.
Rose
Rostenkowski
Rousselot
Runnels
Ruth
Ryan
Sandman
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shuster
Sikes
Sisk
Slack
Smith, N.Y.
Snyder
Spence
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Traxler
Treen
Ullman
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wright
Wyatt
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOT VOTING—29

Blatnik
Brasco
Breaux
Breckinridge
Carey, N.Y.
Clay
Collier
Culver
Davis, Ga.
Diggs
Dorn

Evins, Tenn.
Ford
Gunter
Hansen, Idaho
Hansen, Wash.
Hébert
Helstoski
Jones, Tenn.
McEwen
Macdonald
Reid

Rooney, N.Y.
Shipley
Steele
Stokes
Teague
Wilson, Charles H., Calif.
Young, Alaska

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MAZZOLI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15323) to amend the Atomic Energy Act of 1954, as amended, to revise the method of providing for public remuneration in the event of a nuclear incident, and for other purposes, pursuant to House Resolution 1196, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. SCHERLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 360, nays 43, not voting 31, as follows:

[Roll No. 372]

YEAS—360

Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Bafalis
Baker
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.

Clawson, Del
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conlan
Conte
Conyers
Corman
Cotter
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Downing
Dulski
Duncan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo

Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffiths
Gross
Grover
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harsha
Hastings
Hawkins
Hays
Heckler, Mass.
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jordan
Karth
Kazen
Kemp
Ketchum
King
Kluczynski
Kuykendall
Kyros

Lagomarsino
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
Luken
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Mills
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers
Natcher
Nedzi
Nelsen
Nichols

O'Brien
O'Hara
O'Neill
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rangel
Rarick
Regula
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rostenkowski
Roush
Rousselot
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.

Snyder
Spence
Staggers
Stanton, J. William
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Traxler
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolf
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—43

Abzug
Badillo
Barrett
Biaggi
Biester
Bingham
Brown, Calif.
Burton, John
Burton, Phillip
Coughlin
Dellums
Dingell
Drinan
du Pont
Eilberg

Esch
Forsythe
Fraser
Green, Pa.
Gubser
Gude
Harrington
Hechler, W. Va.
Jones, Okla.
Kastenmeier
Koch
Maraziti
Mitchell, Md.
Nix
Obey

Owens
Randall
Rees
Roncalio, Wyo.
Rosenthal
Roy
Roybal
Seiberling
Stanton, James V.
Stark
Tiernan
Vanik
Waldie

NOT VOTING—31

Abdnor
Aspin
Brasco
Breaux
Breckinridge
Buchanan
Carey, N.Y.
Clay
Collier
Conable
Culver

Davis, Ga.
Diggs
Dorn
Evins, Tenn.
Gunter
Hansen, Idaho
Hébert
Helstoski
Jones, Tenn.
McEwen
Macdonald

Reid
Rooney, N.Y.
Shipley
Steele
Stokes
Teague
Wiggins
Wilson, Charles H., Calif.
Young, Alaska

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Carey of New York against.

Until further notice:

Mr. Macdonald with Mr. Gunter.

Mr. Aspin with Mr. Breaux.
Mr. Dorn with Mr. Helstoski.
Mr. Teague with Mr. Steele.
Mr. Rooney of New York with Mr. Diggs.
Mr. Culver with Mr. Wiggins.
Mr. Breckinridge with Mr. McEwen.
Mr. Jones of Tennessee with Mr. Collier.
Mr. Charles H. Wilson of California with Mr. Young of Alaska.
Mr. Brasco with Mr. Hansen of Idaho.
Mr. Shipley with Mr. Conable.
Mr. Evins of Tennessee with Mr. Abdnor.
Mr. Clay with Mr. Buchanan.
Mr. Reid with Mr. Davis of Georgia.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONABLE. Mr. Speaker, my attention has been called to rollcall No. 372 on the Atomic Energy Act of 1954 amendment of yesterday, that I am recorded as not voting. I was here and voted in the affirmative.

I ask unanimous consent that this statement may appear immediately following that rollcall in the permanent RECORD.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title in which concurrence of the House is requested.

S. Con. Res. 101. Concurrent resolution to authorize the transfer of the catafalque to the Supreme Court for funeral services for the late Chief Justice Warren.

AUTHORIZING ARCHITECT OF THE CAPITOL TO TRANSFER CATAFALQUE FOR FUNERAL SERVICES FOR THE LATE CHIEF JUSTICE WARREN

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 101), to authorize the transfer of the catafalque to the Supreme Court for funeral services for the late Chief Justice Warren.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 101

Resolved by the Senate (the House of Representatives concurring), That the Architect of the Capitol is authorized and directed to transfer to the custody of the Chief Justice of the United States the catafalque which is presently situated in the crypt beneath the rotunda of the Capitol so that the said catafalque may be used in the Supreme Court Building in connection with services to be conducted there for the late Honorable Earl Warren, former Chief Justice of the United States.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF IMPEACHMENT INQUIRY HEARINGS

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 559) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 559

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for use of the Committee on the Judiciary twenty thousand additional copies of all parts of its hearings concerning the impeachment inquiry, pursuant to H. Res. 803.

SEC. 2. There shall be printed for the use of the House Committee on the Judiciary fifty thousand additional copies of its final report to the House.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman from Indiana give us a brief explanation of this apparently huge printing bill?

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I will be glad to yield to the gentleman from Indiana.

Mr. BRADEMAS. The purpose of this resolution, Mr. Speaker, is to provide for printing of additional copies of the hearings concerning the impeachment inquiry, pursuant to House Resolution 803, as well as additional copies of the final report on the impeachment inquiry of the Committee on the Judiciary.

I should say to the gentleman from Iowa that this includes copies of both the hearings, when they are ready, and the copies of the hearings that are presently being printed in the form of a committee print. Passage of this resolution, will allow the printing of additional copies concurrently with the original press run of some of these volumes and thereby effect substantial savings. In the event that the House does not agree to this resolution today, it is almost certain that the House and Senate will not be able to complete consideration of this concurrent resolution for at least a week, and that the delay would lead to an additional expenditure for the printing of the further copies that the Committee on the Judiciary deems necessary.

I should explain further to the gentleman from Iowa that this resolution has been introduced by the distinguished chairman of the Committee on the Judiciary, and I have been advised that it has the support of the distinguished ranking minority member of the Committee on the Judiciary, the gentleman from Michigan (Mr. HUTCHINSON).

Mr. GROSS. What is the total cost of the request?

Mr. BRADEMAS. The total estimated cost is $989,094.72.

Mr. GROSS. In round figures, a million dollars?

Mr. BRADEMAS. The gentleman is correct.

Mr. GROSS. Does the gentleman think it is necessary to print 20,000 in 1 instance and 50,000 in the latter instance?

Mr. BRADEMAS. I would say to the gentleman from Iowa that this resolution which has been offered by the chairman of the Committee on the Judiciary, as I have earlier said, is necessary because, I am sure all of us would agree, of the enormous interest on the part of the people of the United States in this inquiry. There is, I suppose we will all agree, no more important matter before the House of Representatives at this time, and the purpose of this resolution is to insure that this very important information will be available to the people of the United States.

Mr. GROSS. Mr. Speaker, I noted in the CONGRESSIONAL RECORD of last Wednesday that the gentleman from Indiana, presently addressing the House, consumed some 42 pages of the RECORD——

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield, the figure was 47, I think.

Mr. GROSS. All right. I thank the gentleman for the correction.

Mr. Speaker, the gentleman consumed 47 pages of the RECORD on the printing of the petition that was filed in the U.S. Supreme Court on the part of the Government and the response by the President of the United States.

Mr. BRADEMAS. The gentleman is correct.

Mr. GROSS. That was done at a cost of $13,200 and some odd dollars.

Mr. BRADEMAS. The gentleman is correct.

Mr. GROSS. Mr. Speaker, that filing in the Supreme Court was already in print, and it had cost the Federal Government, the White House, and perhaps the Supreme Court some $8,000. I am trying to collect the information on it now.

I believe that was available to every Member of Congress. I do not know what the purpose was in consuming 47 pages of the RECORD.

Mr. BRADEMAS. Mr. Speaker, if my colleague, the gentleman from Iowa, will yield further, I was advised that in fact the briefs of the President's counsel, Mr. St. Clair, and of the special prosecutor, Mr. Jaworski, were not widely available. That is the reason I felt, given a matter of such importance, to the Members of Congress, and to the people of the country, that those briefs on the case should be made available.

Mr. GROSS. Mr. Speaker, I am trying to find out how many hundreds of copies were printed prior to the gentleman's insertion in the RECORD. Be that as it may, we were allegedly being economical a year ago in the printing business. The Committee on House Administration decided not to print the reports of expenses of junketing Members of Congress traveling overseas; the committee decided not to print those reports in the RECORD on the grounds that the total cost of printing would, I believe, be $6,000, or approximately that amount.

I am wondering where economy begins and extravagance ends.

Mr. BURGENER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. BURGENER. Mr. Speaker, if the gentleman from Indiana will respond to an inquiry, I will ask this:

Is it to be contemplated that these reports resulting from this million dollars worth of printing will be sold to interested parties so that the taxpayers may recover their investment?

Mr. BRADEMAS. No. I will say to the gentleman from California, if the gentleman from Iowa will yield further, that as the requisition indicates, these matters would be available to the Committee on the Judiciary for distribution presumably to interested citizens, to the press, and to Members of Congress.

As a matter of fact, I might say, if the gentleman from Iowa will allow me to respond further to the gentleman from California, that last night, while walking through the corridor by the television gallery temporarily set up in the Rayburn Building, I noticed some television correspondents looking over the document that was released yesterday by the Committee on the Judiciary. I took a look at it. I walked over to the office of the Committee on the Judiciary and asked if I might have a copy of it.

I was told, no, that none was available.

I said, "Well, how do you like that? Members of the press seem to be able to have access to these documents even before Members of Congress do."

So in a certain sense this is an effort to insure that, on matters of enormous importance to the country, and especially to Members of the House, we, too, will have an opportunity to have access to these documents.

Mr. MARAZITI. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. MARAZITI. Mr. Speaker, I thank the gentleman for yielding.

I certainly appreciate the right which the gentleman from Iowa has to reserve his right to object, and I do agree that ordinarily we should not spend any tremendous sums of money to reprint committee reports. However, I must say that in this instance I believe this is a matter of great importance, not only to Members of the House but also to the members of the general public. Certainly the Members of the House should have these reports.

Mr. Speaker, I concur with the position taken by the gentleman from Indiana that we have now commenced, as I understand it, the printing of the 20,000 copies of the material that has been released by the Committee on the Judiciary.

If we can have a continuous printing, as I understand it, going on to the 20,000 of the reports incorporated in one of the printings, probably we will save a considerable sum of money. I hope that in consideration of these figures that the gentleman from Iowa will not object.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Iowa for yielding to me.

I have a question that maybe someone can answer. This resolution would require the printing of 20,000 additional copies of the hearings, and 50,000 additional copies of the final report. Without this resolution how many of each of those would be able to be printed?

Mr. BRADEMAS. If the gentleman from Iowa will permit me to answer, there would be 1,000 of each.

Mr. YOUNG of Florida. One thousand of each?

Mr. BRADEMAS. That is correct.

Mr. YOUNG of Florida. So that for the million dollars we will be getting 19,000 additional and 49,000 additional, respectively?

Mr. BRADEMAS. If the gentleman from Iowa will yield still further, we will be getting an additional 20,000 copies of the hearings concerning the impeachment inquiry, and, I might say to the gentleman, that the hearings include the transcripts of the eight Presidential tapes, and a comparison of the White House and committee versions of those tapes, the evidentiary submissions to the committee hearings, and the testimony of the witnesses. So, as the gentleman from Florida can see, this represents a significant number of volumes of material. It is not as if it was simply one volume.

With respect to the final report, the resolution would provide for the printing of 50,000 additional copies of the final report when it becomes available.

Mr. YOUNG of Florida. So that I am sure that I understand it, the total number of reports printed of all parts of the hearings would be 20,000 copies, plus the 1,000 copies that the committee normally gets printed, or a total of 21,000 copies?

Mr. BRADEMAS. That is correct, and 50,000 additional copies of the final report in addition to the 1,000 that would be printed in any event by the committee.

Mr. YOUNG of Florida. And that would make how many in total?

Mr. BRADEMAS. 51,000 copies.

Mr. YOUNG of Florida. So that we are talking about 51,000 copies in the one instance and 21,000 copies in the other?

Mr. BRADEMAS. That is correct.

Mr. YOUNG of Florida. I thank the gentleman.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, with the permission of the gentleman from Iowa, I would like to ask a question.

As I understand from the gentleman's explanation, this is going to include transcripts of the eight tapes; that is, the printed report will contain a transcript of those eight tapes?

Mr. BRADEMAS. If the gentleman from Iowa will yield further to me, among the several items to be included with the publication of the hearings is one volume—which I have in my hand—entitled "A Transcription of Eight Recorded Presidential Conversations, May, June, 1974."

Mr. DENT. All right.

Mr. BRADEMAS. That is one of the items.

Mr. DENT. And, as I understand, I thought I heard the gentleman to say, and I think that I am right, that this would also contain certain sections of the transcript of the so-called Presidential version of these tapes as well as the transcript of the House Committee version of these tapes?

Mr. BRADEMAS. That is correct.

Mr. DENT. Already in the newspapers today, without the transcript of the Committee on the Judiciary which was coming out yesterday, already the question is being argued in almost every article that one reads, and it being fueled by a statement from the White House attorney in which he says that if you have three people listening to three tapes, the same tapes, you will have three versions, unless you print these tapes verbatim, word for word, the biggest controversy is going to be who heard right, and who transcribed right.

This is such a serious matter that I believe unless we do, we ought to defeat this resolution, unless this House commits itself to the total truth for once in this whole picture of what is at least the truth. Whether it is either harmful or helpful to the President has nothing to do with it.

Mr. BRADEMAS. If the gentleman from Iowa will allow me to respond to the gentleman from Pennsylvania, the gentleman from Pennsylvania as a member of the Committee on House Administration will, of course, understand that I would not feel it appropriate as chairman of the Subcommittee on Printing to pass judgment on the integrity of the particular materials that might be printed in the form of a report by a committee of the House.

Mr. DENT. Will the gentleman yield?

Mr. GROSS. Of course, I yield.

Mr. DENT. Yes, but the gentleman has that jurisdiction and the authority and the prerogative of the committee to discuss this matter in committee, and it is on the floor in a discharge petition against the committee's ever hearing it. The gentleman knows that if I had been in the committee, I would have made a motion and in all probability it would have passed that these tapes must be printed verbatim, or we can forget about them. The question is, Who is telling the truth? That is the controversy. Who has changed this and who has deleted what? What is in this that has been said by people?

These are all supposed to be honorable men. Maybe some women are mixed up in it; I do not know. But why cannot the tapes once and for all be something that can be listened to without deletion?

Mr. BRADEMAS. If the gentleman from Iowa will yield for a response, all I was saying is that the point the gentleman makes is not a point that it seems to me is appropriate for me as chairman of this subcommittee to resolve.

I do not feel it appropriate to talk about whether the transcripts that are contained therein are accurate or not. These transcripts have been published under the imprimatur of the gentleman from New Jersey, Chairman RODINO, and the ranking minority Member, the gentleman from Michigan (Mr. HUTCHINSON). I would not want to challenge their judgment on the matter.

Mr. DENT. The gentleman from Indiana has just made the greatest argument for doing what I am asking for. He said he is not going to be a judge as to whether it is a correct interpretation. Who is going to be the judge? Who is going to be the one who says, "This is what the tapes say without adulteration?" Who is going to be the one person in the United States who says this is an accurate interpretation without adulteration, without deletions? What kind of a report is the gentleman giving us? He is not creating an answer to something; he is creating a new controversy.

Mr. MEZVINSKY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Iowa.

Mr. MEZVINSKY. I thank the gentleman for yielding.

In response to those remarks, I might say that they have been printed in toto except for material that was viewed as defamatory, degrading, or embarrassing.

Mr. DENT. Will the gentleman yield?

Does the gentleman think the people in the United States are so sensitive to foul language that they cannot stand the truth?

Mr. MEZVINSKY. If the gentleman from Iowa will yield further, let me just say that as far as these transcripts are concerned, these transcripts have been printed in full by the committee, and the committee has made the determination based on what they listened to, so I can only say that for all intents and purposes these transcripts have been printed in full, and there is no reason for the gentleman's concern.

Mr. DENT. I have real good judgment, but it is not my judgment.

Mr. GROSS. Mr. Speaker, I yield to a member of the Committee on the Judiciary, the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. I thank the gentleman for yielding.

First of all, I should like to address myself to the question: What is the great hurry about printing these tapes that no one can get an understanding from at this time? I should like to know the answer to that.

The important thing here is these tapes depend on who listens to them to get what interpretation he wants. They are not that audible, to start with. So if we are trying to find someone who is going to judge exactly whose interpretation is accurate, I do not know where we are going to find him.

Second, the committee has already done something which is a precedent that never happened in the history of mankind before. They have agreed to release all of the information that they have before the committee has made its first deliberation upon that information. This is how dangerous this is.

This morning one of the worst pieces of reporting appeared in the Washington Post, a glaring headline tying the President in with everything happening by innuendo and a split interpretation of what is in the committee transcript, and it conveniently left out an explanatory sentence and buried it on page 12.

Now as far as the committee is concerned, Mr. Speaker, I have yet to find one individual who believes that he should delegate his vote to anybody. Maybe we are still trying to play up to the public to find which is the safe way to vote, I do not know, but as far as this Member is concerned, the only report we really have to make is the one that the committee must file with this House if and when a resolution is adopted by the committee, and we will not reach that time until sometime in the early part of August. This is what I think we should consider at this moment.

I thank the gentleman from Iowa for yielding.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I impose myself on the House at this time to ask if the gentleman will yield to the gentleman from Indiana, so I may ask this. When the original transcripts came out, all within 24 hours I bought a copy for $1.25, a paper back copy at the airport, whereas it is only the copies in the large blue book that we got which cost $12.50. Why can we not just let the paper back companies print this?

Mr. MEZVINSKY. Mr. Speaker, on February 6 of this year the House of Representatives, by a vote of 410 to 4, authorized and directed the Committee on the Judiciary to investigate fully and completely whether sufficient grounds exist for the House to exercise its constitutional power to impeach the President of the United States and to report to the House such resolutions, articles of impeachment or other recommendations as it deems proper.

On May 9, the committee's impeachment inquiry staff began its initial presentation to the committee of information and evidence compiled during 4½ months of investigation. The material was presented in 36 notebooks. Each notebook contained statements of information and supporting evidentiary material, including transcripts prepared by the inquiry staff of tape recordings of selected Presidential conversations.

Public release of this material began yesterday with the single volume of eight House Judiciary Committee transcripts of Presidential conversations together with a comparison of a number of passages in which there were differences between the committee's transcript and the White House edited transcript. During the next 2 weeks, over 20 additional volumes of information and evidence will be released by the committee.

The committee believes it to be in the national interest to release publicly the information and evidence which it has considered to date. It is our hope that this vitally important information will be widely read and carefully considered by citizens and by their elected representatives alike. It is in this hope that we ask, on behalf of the Committee on the Judiciary for passage of this resolution.

Mr. ANNUNZIO. Mr. Speaker, I am calling for regular order. The gentleman will either object or we vote. I demand the regular order.

The SPEAKER. Regular order has been demanded.

Is there objection to the request of the gentleman from Indiana?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNUAL REPORT ON THE OPERATIONS OF THE INTERNATIONAL COFFEE AGREEMENT IN 1973—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means.

To the Congress of the United States:

In accordance with the International Coffee Agreement Act, as extended and amended, I transmit herewith my annual report on the operations of the International Coffee Agreement in 1973.

The overproduction and surpluses in coffee which prevailed when the 1962 and 1968 coffee agreements were negotiated no longer existed when the 1968 agreement expired on September 30, 1973. In fact, the agreement's price-quota provisions had lapsed nine months earlier and it was clear that producers and consumers would be unable to reach agreement on similar provisions in a new coffee agreement. The 1968 agreement, therefore, was extended for two years effective October 1, 1973, but without its operative economic clauses.

A decade of international cooperation on coffee as represented by the 1962 and 1968 agreements should not be ignored. The prevailing atmosphere has not been conducive to agreement on the terms of any new coffee agreement containing operative economic provisions. However, it has been felt desirable to keep together the experienced secretariat staff of the International Coffee Organization to serve as a competent authority for the collection and dissemination of coffee statistics and other information on world production, trade and consumption while maintaining a framework in which consultations on coffee and negotiations for a new agreement could take place.

In the absence of operative economic provisions in the extended agreement and with a view to effecting some control over prices, a number of the producing nations have been attempting to concert their efforts to support coffee prices. We have repeatedly emphasized, during the negotiations for the modified extension of the 1968 International Coffee Agreement and on other occasions, our strong view that such unilateral producer actions are incompatible with the concept of international producer-consumer cooperation on coffee problems.

Richard Nixon.

The White House, *July 10, 1974.*

HELP NEEDED FOR FOREIGN STUDENTS

(Mr. BROWN of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, on April 19, 1974, Immigration Commissioner Leonard F. Chapman, Jr., announced that those foreign students seeking summer employment would have to obtain their work permits from the Immigration and Naturalization Service rather than from school officials. The publicized basis for this decision was the protection of summer jobs for American youth through the use of stricter controls over the issuance of work permits. Foreign students must prove that their economic status has changed, an unforeseen change, which means famine at home or a death in the family. That type of need only affects a few.

The results of this decision are numerous. First, let me explain the situation.

There are approximately 170,000 foreign students in the United States. Of these, 20,000 have immigrant visas, and 62 percent of the remaining 150,000 have grants, scholarships, or ample funds from home to pay for their entire education. That leaves 57,000, of which only 17,000 are reported as actually applying for work permits each year. If one divided that figure by the number of colleges in this country, about 2,500, the resulting amount of foreign students per campus that might be taking jobs away from American students is very small.

If this policy change was encouraged by a desire to place stricter controls on illegal aliens, which has been hinted at by various individuals, the tactics chosen were a little misguided. The announcement was not made until late April, giving the foreign students no warning before summer. These students have come to the United States with the expectation of working during the summer months to help finance their education. They planned to do so this summer. Now, many of them are being refused work permits and have no money to support themselves or to continue their education. I have lists of names on my desk of foreign students that have borrowed from all their relatives just to come to the United States to get a good education. They have nowhere to turn, they are ashamed to go home without a degree or money to repay their debts, and they cannot find work here. Many will turn to working illegally, out of need for funds, or they will try to take all the school campus jobs that require no work permits.

In direct contradiction to this new policy, the State Department is sponsoring a summer work program that brings in about 5,000 foreign students to work and travel in the United States for 4 months. Thus, one Federal department is taking jobs away from foreign students and another is handing them out to foreign students that are not even using our educational institutions during the year.

The following article by John Mathews of the Washington Star-News outlines this State Department program:

Resident Students Restricted: Jobs Going to Visitors

(By John Mathews)

The State Department is allowing about 5,000 foreign students to work and travel for up to four months here this summer, while the Immigration and Naturalization Service has severely restricted summer work for thousands of foreign students already enrolled fulltime in American colleges.

The student visitors under the State Department program are virtually all from Western European countries, mainly England and Ireland. Many of the full-time students here who are suffering most financially from the summer job restrictions, come from underdeveloped Asian, African and Latin American nations, student groups have charged.

Two months ago, INS Commissioner Leonard F. Chapman Jr. tightened issuance of summer job permissions for resident foreign students. He required students to get permits from INS offices, rather than their colleges, and directed permits should be granted only because of unforeseen financial circumstances.

The more restrictive policy, Chapman said, was designed to protect summer job opportunities for American youth, particularly Vietnam veterans and minority groups. In the past, INS had allowed liberal issuance of summer job permits, determining that the foreign policy benefits outweighed the labor market impact.

An official at the State Department, which opposed the INS summer job restrictions, said yesterday the summer travel program was continued even though the U.S. Manpower Administration had advised that unemployment is of such magnitude that foreign student summer employment deprives Americans of jobs.

Paul A. Cook of the Bureau of Educational and Cultural Affairs said the department felt so many plans had already been made for the work-travel program, including charters and sponsors here, that it should continue. A review of the program, however, will be conducted, he added.

Irving Becker, an official of the Council of International Educational Exchange in New York City, which arranges for the bulk of the visiting foreign students in the summer program, said most wind up with jobs washing dishes, sweeping floors or pumping gas.

He contended that few American youths will be deprived of jobs as a result. Most of the students come from families with moderate or low incomes, he added.

The apparent conflict between the State Department travel-work program and the INS restriction on summer jobs for resident foreign students was pointed out yesterday by a Lansing, Mich., businessman, who is trying to aid jobless students.

Shrikumar Poddar said the majority of students affected by the summer job policy are those with limited financial means from underdeveloped countries in Asia, Africa and Latin America. INS, he added, has been using "police state tactics" and has "terrorized" the foreign student community in its enforcement of the job restrictions.

"As a result, foreign students are in terror at the knock on the door and their concept of this country is changing," Poddar said.

Poddar and William Plymat, a state senator in Iowa, have formed the International Students Emergency Fund, headquartered in Lansing, in hopes of raising $1 million. The money would be used to aid jobless students financially.

A native of India, Poddar now has immigrant status, and is eligible for citizenship next year. While a student in the early 1960s, he founded a magazine subscription service which now grosses $2 million annually from sales on campuses.

I have not even touched on the purpose of our past policy toward foreign students, which is of utmost importance. Foreign students are allowed to study and work in this country so that the people of the United States and those of other countries will grow in mutual understanding. It strengthens the ties which help to unite us with other nations by demonstrating educational and cultural interests and thus assists in the development of friendly relations throughout the world.

In the light of this past international policy, which has brought great rewards through the exchanges that have helped our children familiarize themselves with other cultures, I must take a stand against Commissioner Chapman's new policy which will only serve to destroy the purpose of allowing foreign students into the United States. It will reduce the number of foreign students to only those wealthy few that can afford our educational system, thus discriminating against the poorer nations.

I will introduce legislation today that will reverse this new procedure back to the one which authorized school campuses to give out these work permits. I urge my fellow colleagues to join me in getting this bill through Congress as quickly as possible so this situation can be rectified.

BAT BOY SPEECH

(Mr. MILFORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MILFORD. Mr. Speaker, for a moment let us turn our attention from the weighty problems of international affairs and inflation.

We have a problem in my district which could affect 163 other Congressmen and their districts—immediately, and every other Member eventually.

Some amendments we passed last spring to protect children from labor exploitation have, instead, led to the loss of summer jobs for 173 young people in my district.

These young people sold popcorn and Cokes at the Texas Rangers baseball games in Arlington.

What is preventing them from working is the 9 p.m. curfew written into the law, which was amended to extend the curfew to youths under 16 who are employed by State and local governments.

The kids working at Ranger games were employed by the city of Arlington, Tex.

I have tried going through the Department of Labor for another interpretation of that law.

But the process is slow and any results would be many months away. As a matter of fact, it appears that the wording of the present law will not allow an administrative exemption.

It is my firm belief that Congress did not intend to deprive these youngsters from working at summer baseball games, autumn football, or other sports, high school, college or professional. Therefore, I am introducing an amendment.

This amendment would merely lift the curfew so these youngsters could work at public sporting and recreational events that run past 9 p.m., as most of them do. My amendment would maintain the hourly restrictions in the present law.

I urge your support of this amendment and I view support of this to be a vote to help enterprising young people who want summer jobs to help pay school expenses, or set aside savings for college.

Let me reiterate. I am not just talking about 173 young people in the Dallas-Fort Worth metroplex.

The laws being enforced in Arlington, Tex. this week, must also be enforced in Chicago, Atlanta, San Francisco, Detroit, New York, San Diego, Philadelphia, Pittsburgh, Houston, St. Louis, Los Angeles, Minnesota, Milwaukee, Cleveland, Baltimore, Oakland, Kansas City, or Boston tomorrow.

And it is not just the major league ball team workers who will be cut out of jobs.

Of course, there are the minor leagues.

And then there are high school football games, soccer, basketball, the varsity sports of college.

Now, Mr. Speaker, many, if not most, of these games run past 9 p.m. In summer and all of them will run past 7 p.m. during school sessions.

My bill does not open the door for exploitation of industrious young people. My amendment still restricts the number of hours a young girl or boy under 16 can work.

During school such a youth can work no longer than 13 hours a week.

In nonschool weeks that young person cannot work more than 40 hours a week.

These are good restrictions. They allow a youngster to earn some extra money and learn the disciplines of the world of work while still assuring he will have time for sleep and studies.

But, also during school weeks, the curfew beyond which a pre-16 person can work is 7 p.m.

Most athletic events that will be played at night do not even begin by that time.

Let me take a few moments to tell you how this keg of worms was opened in the 24th District of Texas.

On May 1, 1974, our 1974 labor amendments became law. On that date 173 vendors at the Ranger games were laid off until they reach their 16th birthday.

Following the vendors, the Rangers' batboys were dismissed. These kids are under 16 and work for glory more than money. But with their attention drawn to the batboys, the Labor Department ruled that they could not work either because of the 9 p.m. curfew.

These boys asked if they could work for no pay, but Labor regulations said "No."

We asked them to consider these youths who just want to wear the Ranger uniform as volunteers, much like hospital "candy striper," but the Labor Department said "No," because the Rangers are a profitmaking organiaztion.

So on July 5, the batboys for the Rangers turned in their uniforms and management started looking for replacements 16 or over.

These three batboys became the focus of resentment of the kids working in concession stands. This is the problem we are trying to correct today, not just for batboys of every major team, but for those young men and women who are selling popcorn, Cokes, and peanuts at all kinds of sporting and recreation events throughout this country.

I will appreciate your support and I am hoping for an early resolve for these young enterpreneurs.

HOLD YOUR HORSES

(Mr. GAYDOS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, the July 8 issue of U.S. News & World Report states foreign investments in American interests more than doubled between 1972 and 1973, increasing from $2.4 billion to $4.9 billion.

The surge continued in 1974, according to the magazine, with more than $1 billion scheduled for investment in American chemical, machinery, textile, and other production facilities during the first quarter of the year.

Estimates differ greatly as to the total value of the foreign investments. Some experts place it at more than $75 billion while the Federal Government pegs their worth at $14 billion. Some studies indicate there are between 1,200 and 1,400 foreign-owned companies now operating in the United States. That is 200 to 400 more than our State Department estimates.

In short, no one really knows how many foreign investors there are, who they are, where they are, or what they are. But there is substantial evidence that foreign investors are continuously engaged in obtaining control over American corporations through extensive investments at this time.

This certainly points up the necessity for a study to determine the facts, as has been proposed in S. 2840, which has passed the other body, and H.R. 15487, which I understand the Foreign Affairs Committee of the House has cleared and hopes to bring before us by the end of this month.

However, I would suggest to my colleagues we would be saddling the wrong horse if we authorized a study into the problem before controlling the source. I would ask them to hold their horses and not go galloping into a legislative ambush. By authorizing a 2½-year study into the impact of foreign investments, we may actually be compounding the problem.

There are certain dangers involved should vital American industries and resources fall under the control of foreign interests. I certainly agree every facet of this matter should be given immediate and careful scrutiny. But let us put our feet down one at a time when we go into this and not stumble over them. Let us first control the flow of investments and then find out who, what, and where they are.

I have cosponsored legislation now in the House Interstate and Foreign Commerce Committee which would limit foreign ownership in American firms to no more than 5 percent of the voting stock and 35 percent of nonvoting stock. Others have introduced similar legislation, but, unfortunately, hearings have not been held on the bills.

But, the committee still can move at any time it chooses; unless, we act prematurely and approve the proposed 2½-year study proposal. If we do that, we will not be affecting foreign investments but, in fact, will be inhibiting the ability of the Interstate and Foreign Commerce Committee to cope with the problem. We would, in effect, be authorizing a 2½-year moratorium on any corrective legislation because no bills would come to the floor during the time the study was underway.

I think this is particularly significant in the case of foreign takeovers of existing American companies. A 2½-year delay in passing legislation to prevent future foreign takeovers could well mean increased activity by foreign investors. Given the present severely depressed state of the American stock market, many American companies are mere "sitting ducks" for foreign investors.

I would like to see the committee move quickly and bring a bill to limit foreign control of American corporations to the floor. I would not like to see it hamstrung in its efforts. I would not like to see myself or my colleagues placed in the awkward position of having to vote against the study bill simply because it is so obviously ill-timed.

It is necessary legislation, and I could gladly support it at the proper time. This is not the time. By passing it now, we would be trying to find the cause of the fire while the building is burning. Let us control the flames first, then find the cause.

NEW PEANUT LEGISLATION

(Mr. JONES of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JONES of North Carolina. Mr. Speaker, I asked unanimous consent to revise and extend my remarks on June 21 when the House was considering the Agriculture Appropriations Act for fiscal 1975, and at that time in opposition to pending amendment I made a statement that new peanut legislation would be brought before this House at the earliest possible moment. This promise was made in good faith for at that time successful negotiations were being conducted by the subcommittee of which I am chairman and the U.S. Department of Agriculture. Since then circumstances beyond my control make it impossible for me to fulfill this promise at this time and a more thorough explanation can be found in the CONGRESSIONAL RECORD of this date.

Mr. Speaker, on Friday, June 21, 1974, while having under consideration the Agriculture appropriations bill for fiscal 1975 an amendment was offered by the Honorable PETER PEYSER of New York. This amendment would have prevented the use of Federal funds for the administration and supervision of the present peanut program, which of course, for all practical purposes would have terminated said program. I opposed this amendment and during the debate I made the following statement which can be found on page H5567 of the June 21, 1974 CONGRESSIONAL RECORD:

> Mr. Chairman, I think this amendment, whatever it may have or may not have is certainly one of the most ill-timed on the appropriation bill that I know of since I have been here, particularly in view of the solemn promise of the subcommittee chairman that, unless I am outvoted in the committee or subcommittee, the Members will have the right within a few short weeks to pass judgment on new legislation which I am positive would answer whatever criticism, if at all possible, the gentleman from New York (Mr. PEYSER) has.

On that date satisfactory negotiations, which had begun several months ago, were being conducted between our subcommittee and the U.S. Department of Agriculture regarding the language of new peanut legislation which I have just mentioned, and as far as I am concerned, there was complete agreement on the language and as a matter of fact, H.R. 15755, later introduced by me and others was sent to me by the USDA and in light of prior agreements, was their own language.

This bill was introduced on July 2, 1974 and I promptly scheduled committee hearings on same for July 9. A somewhat similar bill was introduced by the Honorable DAWSON MATHIS of Georgia on the same date.

All this was done in an effort to fulfill the promise that I had previously made on the floor of this House. But on July 8, a most incredulous event took place. I was informed that the Secretary of Agriculture, Earl Butz, visited the office of Chairman BOB POAGE and advised him that, "the Department did not approve of either of these bills and would not offer guaranteed, unqualified support for their passage." This statement was later verified by Department witnesses. Those of us concerned with agriculture legislation are aware that for any legislative success, a bill requires complete, wholehearted support of the administration. Since this had been withdrawn, we can only conclude it would be an exercise in futility to try to report this bill out at this time.

So, therefore, I apologize to the House for making a statement which I was positive was true at the time, only to become unable to fulfill my promise due to circumstances beyond my control. Whatever criticism might exist of the present peanut program, the records will show where the fault lies, and certainly it does not rest with the subcommittee which I am privileged to chair.

FEA SHOULD ROLL BACK PROPANE PRICES

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO of Wyoming. Mr. Speaker, legislation authorizing the Federal Energy Administration also included action to deal with dramatic and unjustifiable propane price increases. Propane prices over the past year have increased by over 300 percent in some areas.

Although the former Federal Energy Office forecast that propane prices would stabilize, one Wyoming distributor, whose propane prices have proven to be fairly representative in Wyoming, has had a total of 9.06 cents increase per gallon in just the past 6 weeks.

Our rural citizens often have no alternative but to use propane to heat their homes and cook. Many of these people are on low or fixed incomes and suffered a severe strain on their incomes last winter. If the prices continue to increase on propane during the summer months, the fall and winter high-use period will find people simply unable to afford to heat their homes in parts of rural America. I have already received hundreds of angry and frustrated letters from propane consumers which are only an indication of the justifiable indignation our propane users feel.

Congress included in the enacting legislation of the FEA authorization to rollback propane prices to the level of May 15, 1973, with allowable cost increase passthroughs. This was not an exercise in rhetoric. The legislative intent and record is clear. People need relief and their Representatives were responding to that need.

The FEA came into being on July 7. It was that date, too, when a final decision was to be made on whether or not the firm action would be taken on propane prices. It is now apparent that the FEA intends to disregard the will of Congress and the welfare of our rural citizens and not take the action required to remedy the propane price situation. Today I am writing to Administrator Sawhill asking him to reconsider and implement the provisions in the enacting legislation in regard to propane.

We are told that the energy crisis is over, but the resulting high prices from an end to abundant fuel is having its impact. Increases in propane prices have been proportionately greater than for other fuels, though, and have singled out a particuar segment of American society. As this new agency moves into full operation, let it begin in a reasonable manner by fulfilling this mandate from our rural citizens and Congress.

EMERGENCY LIVESTOCK LOAN BILL

(Mr. MAYNE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAYNE. Mr. Speaker, I have just appeared before the Rules Committee urging them to grant a rule moving H.R. 15560, the emergency livestock loan bill to the floor for action at the earliest possible time.

When I first filed a similar bill, H.R. 15137, on May 30, cattle feeders had already been hit by 8½ months of relentlessly declining prices for fat cattle. These had inflicted ruinous losses on many family livestock producers who found themselves unable to get credit and on the verge of being forced out of the cattle feeding business altogether if some kind of emergency assistance were not immediately forthcoming. I made a careful investigation throughout Iowa's Sixth District and verified the urgency of the situation from hundreds of farmers and businessmen.

The bill as reported by the Agriculture Committee H.R. 15560 is by no means perfect and should certainly be tightened up on the floor to make sure its benefits go primarily to small- and medium-sized family operators rather than the huge commercial feedlots and outside investors and tax shelter operations.

I intend to reoffer my amendments which were defeated in committee limiting guarantees to bona fide full-time farmers and disqualifying corporations and partnerships who do not have at least 50 percent of their stock owned by stockholders and partners who are themselves engaged fully and primarily in agriculture. The individual loan guarantee limit should be reduced to not more than $250,000. Loans to huge commercial feedlots should be excluded.

But this bill can be strengthened and tightened only if we first get it to the floor through the granting of a rule by this committee. It is the only available vehicle for getting necessary emergency credit legislation to the floor.

Despite some improvement in prices for fat cattle during the past month, feeders are still taking losses in Iowa of as much as $75 a head. This means 10 straight months of losses which have wiped out equities accumulated over a lifetime of successful feeding operations under normal conditions. I want to emphasize it is not just marginal operators who are affected, but many established feeders with proven records of sound operations and financial stability over the years now find themselves unable to obtain adequate amounts of credit. Unless the guarantees provided in this bill become available within the next 30 to 45 days, thousands of family feeders will be forced into liquidation.

This is temporary legislation designed to carry livestock producers and feeders through the present crisis so that they can continue to produce wholesome meat at reasonable prices for the American consumers. It is very much in the interest of the consumer to have these individual family feeders units continue their production in competition with the huge commercial feedlots which are already threatening to monopolize production. I pledge to do everything I can on the floor to limit the benefits of this bill to small- and medium-sized family producers. It will then be a bill in the best interests of consumers and family livestock producers alike.

HERBERT STEIN: THE NO-FAULT ADVISER

(Mr. VANIK asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, I was shocked—and I am sure the American people were shocked at the statement of Herbert Stein, Chairman of the Council of Economic Advisers, as he laid the blame for the current crush of inflation on the American people.

It is cruel to trace any responsibility for our current high prices to the citizens of America and the American consumer. They are the victims of the reckless economic policies which have driven this country to a chaotic rate of inflation. They had little part in these decisions.

The record clearly shows that the first unmanageable wave of inflation occurred through the policies of Agriculture Secretary Earl Butz. Mr. Butz urged the wholesale export of our agricultural commodities at a time when foreign buyers were especially interested because of price bargains resulting temporarily from devaluation. There has always been a shortage of food in the world—but it was devaluation which brought our produce within the reach of the advanced nations of the world.

In America the surge of export demand skyrocketed the price of food. Millions of Americans were forced to readjust their diets to substitute less nutritious foods. In short, the prosperity in American agriculture over the past 2 years has come at the expense of the American consumer who has had to suffer a reduction in diet, a shrinking of spending power, and a depletion of savings.

The second thrust of administration-inspired inflation resulted from the confused nonpolicy of controls which froze wages but not profits. What bitter medicine. The system of on-again, off-again controls established a space platform for prices rather than a ceiling. That space platform was jerry-built by the Council of Economic Advisers, of which Mr. Stein is Chairman.

The third and crushing force of inflation came in the tidal wave set off by administration policies with respect to oil. These policies inflated the price of domestic oil and enriched domestic producers with an additional $38 billion in a single year. This enrichment developed through the weighted price system which increased the value of every drop of domestic oil as the price of foreign oil spiraled. Domestic oil producers who made comfortable profits at $3.25 per barrel now receive $5.25 per barrel. On any oil they can relabel as newly discovered, they can get as high as $10 per barrel. These policies were made in the White House.

When one group of Americans can become $38 billion richer it stands to reason that the rest of us have become $38 billion poorer.

We have yet to know the dimensions of the oil inflation spiral. We will meet it head on in our gas bill, our light bill, and virtually every other purchase we make. Only the fertile, ingenious mind of Herbert Stein could lay the blame on the bleeding victim.

THE SLOW-MOVING FEDERAL RESERVE WAITS UNTIL THE LAST MINUTE ON THE CITICORP ISSUE

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, the events of the past few weeks once again raise serious questions about Congress' wisdom in giving the Federal Reserve Board regulatory powers over bank holding companies.

The Federal Reserve has administered the law in a crazy quilt fashion and has done nothing to foresee the dangers and the abuses of the holding company device.

Nowhere is this more evident than in the current Citicorp case. Citicorp, the parent holding company of the First National City Bank of New York, announced on June 19 that it was issuing floating interest rate notes which would be redeemable at 6 month intervals—an obvious attempt to circumvent the interest rate ceilings imposed under Regulation Q. This proposed issue has created great concern in view of the unsettled money markets and the already tremendous drain on savings which can be used for housing mortgages.

This is something that the Federal Reserve, as a regulator, should have foreseen as it allowed the holding companies to become more expansive and aggressive. Even though the Citicorp announced these notes on June 19, we heard nothing from the Federal Reserve Board or its illustrious Chairman, Dr. Arthur Burns. It was not until July 2 that the Federal Reserve sent a weak-kneed letter to the Securities and Exchange Commission vaguely lamenting the issue and stating that it had no power to deal with the problem.

This letter was signed by the Vice Chairman of the Board and apparently the Chairman was elsewhere, not too concerned about the growing storm over the Citicorp issue.

While I did not hear from the Chairman of the Federal Reserve Board during these critical hours, I do want to commend those individual members of the Board who did contact me and who expressed concern over the issue. In fact, if the Chairman of the Federal Reserve Board had shown some of this same type of vigor, this problem might well have been avoided.

Finally, yesterday—on the eve of the release of the issue to the public—Dr. Burns got around to contacting the Citicorp and asking that the issue be delayed for 2 weeks. This effort on the part of Dr. Burns came only after I had written the Federal Reserve Board the previous day asking that it wake up and do something in the public interest.

Mr. Speaker, it is regrettable that the Congress, after passing a law and after giving an agency the power, must constantly follow behind and urge it to do what it should be doing in meeting its day-to-day responsibility. The Federal Reserve, on its own, should long since have stepped in against this issue at least until the ramifications could be studied. In fact, the Federal Reserve, with its great contacts throughout the banking community, should have known what was going on and it should have a better idea today of just what the ramifications of this type of activity will be on the money markets.

The apathy and the inaction on the part of the Federal Reserve is heightened by the fact that the press seldom calls this agency to task. For example, this morning's newspapers carry the announcement of Dr. Burns' telegram to the Citicorp as if the Federal Reserve was acting as a vigorous regulator when, in fact and in truth, the agency had to be prodded and pushed and pulled into some kind of definitive step.

The public might be better served if the press was just a little more vigorous in covering the Federal Reserve and demanded something more than the simplistic handouts and background briefings.

Mr. Speaker, we are going to continue to have major problems in the economy and extremely poor bank regulation until such time as the Federal Reserve is held fully accountable by the press, the public, and the Congress.

Mr. Speaker, I place in the Record three letters which I have written on the Citicorp itself, and to Dr. Burns. I am also inserting in the Record a copy of a telegram which Dr. Burns sent to the Citicorp late yesterday afternoon:

U.S. House of Representatives,
Committee on Banking and Currency,
Washington, D.C., July 3, 1974.

Hon. Ray A. Garrett,
Chairman, Securities and Exchange Commission, Washington, D.C.

Dear Mr. Chairman: As you know, there is great concern in the financial community about the proposal to issue floating interest rates notes by the Citicorp—the parent holding company of the First National City Bank of New York. These notes, as they have been described publicly, would be a highly volatile form of financing and I think it is important that their effect on the First National City Bank and the financial industry generally be determined before they are issued to the public.

The First National City Bank and the Citicorp are leaders in the financial community and it appears almost certain that other holding companies will enter into similar schemes if this issue is successful. Therefore, we are talking about something which affects the entire financial community at a time of great concern over disintermediation and liquidity, not to mention the adverse effects on the housing industry. The Federal Reserve has expressed to you a concern about these notes but has stated that it has no statutory power to control their issue. However, there is pending in a House-Senate conference legislation which would provide the Federal Reserve with "cease and desist" powers over holding company operations and this could possibly be construed as giving the Federal Reserve authority in the kind of situation which is now before us. It may well be that other legislation of a broader nature would be required to deal with this situation.

As Chairman of the Banking and Currency Committee of the House of Representatives, I am very anxious that all of the ramifications of the proposed Citicorp issue be taken into consideration before these notes are actually sold. I have already discussed some of these issues with regulatory authorities and it is my intention to expand these discussions as quickly as possible to determine what, if any, additional courses of action should be taken by the Congress. I feel certain that other Members of the Committee are also anxious that the situation be fully studied before any final steps are taken. In addition, we do have before us the "cease and desist" bill in the conference and this too should be considered prior to final action on the Citicorp issue.

With these points in mind I am therefore asking that the Securities and Exchange Commission stop the issuance of the proposed Citicorp notes until the Congress has an opportunity to complete its study of the issues in consultation with the various bank regulatory agencies. I want to assure you that we would move as rapidly as possible so as to impose no inordinate delays in a final resolution of this matter. It may well be that nothing can or should be done to prevent the issue, but this is something that should be determined before such an important step is taken. Once again, let me remind you that this device will almost certainly spread through every element of the financial community once the Citicorp notes are sold.

With best regards, I am

Sincerely,

Wright Patman,
Chairman.

U.S. House of Representatives,
Committee on Banking and Currency,
Washington, D.C., July 5, 1974.

Mr. Walter B. Wriston,
Chairman, Citicorp,
New York, N.Y.

Dear Mr. Wriston: As you know, your corporation's proposed issuance of $850 million of floating interest rate notes has created a great deal of concern. This concern, I am sure, is heightened by the current unsettled conditions in our economy and by the problems created by prolonged periods of extremely high interest rates. From a monetary standpoint, I cannot think of a worse time for this issue to have been introduced; it almost certainly will cause more disruptions in an already unsettled money market, particularly if similar issues are undertaken by other large holding companies.

In your promotion of this new issue you have spoken repeatedly about the need for the smaller saver to receive high returns on his money and it is certainly commendable when a large international bank holding company expresses concern for the consumer. While I am not certain just who the prospective customers might be for this particular issue, I share the concern that the smaller saver have equity and I am convinced that we must develop monetary conditions where this is truly possible. However, I am not convinced that the saver is helped when he is priced out of the housing market and when other credit needs of the community and the nation cannot be met because of ever increasing interest rates.

With the entire housing market severely starved for funds and while potential disintermediation and liquidity problem abound in the financial community, I find the proposed notes of Citicorp to be highly disruptive and as the Federal Reserve has noted "not in the public interest." While there is great need to provide a better competitive situation among financial institutions and for savers of all sizes, the proposed Citicorp issue at this time can do nothing but make a bad situation worse. As a banker of long experience, you are aware of just what an adverse impact a large volume of the type notes proposed by Citicorp would have on housing needs and on the financial markets generally.

In any event this is a major step and I feel that the Congress and the regulatory agencies should be fully apprised of the ramifications before the issue is sold and before the device spreads throughout the financial community. Consultations are underway at this moment and in a short time I feel we will be able to assemble the facts necessary to place this issue in context and to provide any safeguards which might be needed to protect the broadest public interest.

Therefore, I am asking that you voluntarily, as Chairman of the Citicorp, temporarily withhold the issue from the market until the bank regulatory agencies and the Congress can study the problem and to determine what, if any, steps should be taken. We would carry out this fact-finding and consultation with dispatch and I do not feel that there should be any inordinate delay in a final resolution of the matter. So, I appeal to you as a public citizen and as a leader in the financial community to put the public interest first in this matter and voluntarily agree to a delay.

Sincerely,

Wright Patman,
Chairman.

U.S. House of Representatives,
Committee on Banking and Currency,
Washington, D.C., July 8, 1974.

Hon. Arthur F. Burns,
Chairman, Board of Governors, Federal Reserve System, Washington, D.C.

Dear Mr. Chairman: As you know, Citicorp is scheduled to issue $850 million in floating interest rate notes this week and it appears that the Securities and Exchange Commission will not take any steps to halt the offering. The Federal Reserve, while expressing concern about the nature of this offering, has stated that it has no statutory powers to regulate the issuance of the notes.

While the Federal Reserve's reading of the law may be open to question, it is a fact that your agency, as a result of its wide-ranging regulatory powers, has great moral suasion over what is and is not done in the banking community. As a result of the expanded powers given the Federal Reserve in the 1970 amendments to the Bank Holding Company Act, this moral suasion is even greater over bank holding companies.

Therefore, Dr. Burns, I am calling on you to engage in what has become commonly known as "jawboning" to persuade your good friend, Mr. Walter Wriston, chairman of the Citicorp, to temporarily withhold the issuance of these $850 million of floating interest rate notes until such time as the Congress and the bank regulatory agencies can determine the full ramifications of this proposed action. I know that some of your fellow members of the Board are deeply concerned about the impact of this issue and while they may hesitate to talk about it publicly I am sure that they would approve of their Chairman moving in vigorously to halt this issue. In fact, it appears that only such "jawboning" can fill the real or imagined gaps in existing law and regulation and protect the public interest.

The Federal Reserve's letter of July 2 to S.E.C. described the outflows of savings from the thrift institutions which provide the great majority of funds for housing in this nation. This is a very dangerous situation and the problems are heightened by the fact that other bank holding companies will follow the lead of Citicorp in issuing similar securities in the coming months. The end result could have devastating effects in the money markets and could all but crush an already severely depressed housing industry. It is obviously something which calls for more than a technical rendition of the law and official responsibilities and that is why I am calling on you to take the extraordinary step of personally calling on the Citicorp to act in the public interest.

The proposed issuance of these new notes is simply the latest in a series of moves in the endless competition for funds during prolonged periods of high interest rates. These high interest rate policies have been pursued by your agency, over the objections of many of us in the Congress, and I feel that you have a moral responsibility to do everything possible to correct the tremendous problems which result from these policies. It is also true that the bank holding companies have become more aggressive and more expansive under the regulation of the Federal Reserve and it is regrettable that your agency, as the sole regulator of these holding companies, did not foresee the kind of problems which would be created by the issuance of securities as contemplated by the Citicorp. So, here again, I think a heavy responsibility rests on your shoulders to correct the situation and to prevent the dislocations in the financial community.

This episode illustrates the inherent weaknesses of the competitive relationships in the financial community and the inadequacies of Regulation Q. We have never developed a competitive situation which allows equity for all savers and at the same time provides a steady and adequate flow of funds into the housing market. Obviously, the Citicorp issue is not a solution to the problem, particularly when it comes at a time when well over half the population is priced out of the housing market and when other credit needs of the community and the nation cannot be met because of ever-increasing interest rates.

Therefore, Dr. Burns, I call on you to:

1. Immediately contact the Citicorp and ask that the issue be withheld pending a full study by the bank regulatory agencies and the Congress.

2. Immediately draft legislative proposals to provide regulation over such issues as contemplated by Citicorp.

3. Immediately draft legislative proposals on interest rate regulation designed to improve the competitive situation among the various entities of the financial community and to provide equity for savers of all classes. It is suggested that these proposals be undertaken in coordination with the other bank regulatory agencies and the Federal Home Loan Bank Board.

I would hope that these efforts would be undertaken by the Federal Reserve Board on an emergency basis and I will assure you that the Banking and Currency Committee will give immediate consideration to the proposals.

Sincerely,

Wright Patman,
Chairman.

Telegram

July 9, 1974.

To Walter Wriston, Chairman, Citicorp.

In view of some concern on the part of Congress and the regulatory agencies, I most earnestly request that you postpone for an interval of two weeks Citicorp floating interest rate issue. Such an interval would enable the Congress and the Government officials principally concerned to study with due deliberation the economic and financial implications of this novel type of issue.

Arthur F. Burns,
Chairman, Federal Reserve Board.

BORDER PATROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Fish) is recognized for 20 minutes.

Mr. FISH. Mr. Speaker, a recent decision by the Office of Management and Budget has reaffirmed the historical role of the Immigration Service's Border Patrol of protecting the 1,900 miles along this country's Southwestern border between major ports of entry. The OMB decision was necessitated by the October 1973, revival by the Customs Service of their Customs Patrol, an organization which the Customs Service abandoned in 1948.

This addition by the Customs Service of about 400 agents to the same area now patrolled by the INS Border Patrol has resulted in a divided law enforcement effort with instances of wasteful, duplicative programs. Single agency administration in specific areas is needed to counter the two major threats of illegal entry of aliens and narcotics and dangerous drugs in this country. After conducting a thorough study, it was concluded that border law enforcement could be conducted with a maximum of efficiency and a minimum of expense by: First, designating the Immigration Border Patrol as the single agency for routine patrol of the land border between ports of entry; second, designating the Customs Service as the lead agency for border air interdiction; and third, directing the Customs Service to undertake a study of whether single agency management should be implemented at Mexican border ports of entry.

A description of the Immigration and Naturalization Service's border patrol and its present work supports the merits of this decision. Since 1924, the border patrol has maintained the responsibility for securing the vast open areas between major ports of entry on the United States-Mexican border. The 1,770 officers of the border patrol—all of them fluent in Spanish and thoroughly trained after a 16-week course prior to entry on duty—have demonstrated themselves to be sensitive to the Mexican culture found below the border and the Mexican-American heritage encountered on this side of the border.

The southwestern region of the Immigration Service is organized into 10 sectors with a total of 68 stations and 1,600 border patrolmen. In fiscal year 1973, the Immigration Service apprehended 453,171 illegal aliens along the southwest border; 170,538 of these illegal aliens were picked up crossing the border.

The smuggling of most dangerous drugs is confined to the ports of entry. But the smuggling of marihuana is a different matter. Last year, operating along the border between ports of entry, the Immigration border patrol intercepted 194,229 pounds of marihuana. This fiscal year, estimating on the basis of 10 month's seizure, the border patrol will probably seize 231,190 pounds of marihuana.

Probably the most important reason that the Congress should support the decision to keep the border patrol on duty between ports of entry in that the border patrol is an in-place, in-stride organization which can readily accept the dual responsibility for the interception of illicit drugs and illegal aliens.

Mr. Speaker, the border study has resulted in declaration of responsibility and accountability which can only result in an assurance that this country's border security forces are deployed in the most efficient and most effective fashion possible. I think that it is incumbent upon the Congress to support the Immigration Service's responsibility for securing the border between major ports of entry.

CLEVELAND GIVES QUESTIONNAIRE RESULTS—ANSWERS IT HIMSELF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 60 minutes.

Mr. CLEVELAND. Mr. Speaker, during each of my 12 years in Congress, I have sent a legislative questionnaire to the residents of the Second District of New Hampshire. The results together with my own answers and comments are then sent to my constituents. Over the years, this has been an important method of communicating with the people I represent.

Last year only a disappointing 8,000 people responded, but this year I am pleased to report that the number is approximately 18,000 with some returns still coming in. This is particularly heartening as the questionnaire this year was significantly more complicated than in previous years.

The questionnaire was mailed out this year with a covering letter, the following paragraph of which I would like to bring to my colleagues' attention:

> Although these have indeed been troubled times, I would like to repeat an often expressed view. If difficult times and events are treated as opportunities and challenges, they can often pave the way for overdue reform and real progress. It is regrettable this often takes so long, but there have been stirrings. In several important areas Congress is moving to strengthen its role and improve its performance. Individuals have been made painfully aware of the consequences of wanton waste. The demagogic promise of any easy solution to a complex problem is beginning to raise more eyebrows than hopes.

A large number of constituents included additional comments with their questionnaires. It is too bad that space does not permit their inclusion here, as many of them were thought-provoking and perceptive. As has usually been the case, a number of people complained about the difficulty of answering some of the questions with a simple yes or no. Certainly we can all sympathize since we are often faced with the same problem here on the floor of the House when Members must vote on complicated legislation containing numerous separate provisions with a "yes" or "no" on the final package.

This year I received, as usual, a goodly number of harshly critical comments. Although reading these was not pleasant, it is good to remember that sharply differing views help forge on the anvil of public opinion better approaches to the problems we face. As always, a number of constituents described the questions as "loaded," while others took the time to praise the presentation of the issues.

Mr. Speaker, over the years I have found that the residents of the Second District of New Hampshire reflect with amazing accuracy national opinions as reported by more scientific polls than mine.

The questions I asked and my comments thereon follow:

CAMPAIGN FINANCING

1. *Campaign Financing:* Should federal tax money be used to directly assist in paying for congressional election campaigns? Yes, 34 percent; No, 60 percent; Undecided, 6 percent.

I strongly believe that Federal tax money should not totally replace private contributions for congressional election campaigns.

But, a very limited form of Federal matching assistance for congressional elections designed to stimulate a larger number of small gifts would have my support. Under existing law, we have attempted to encourage a large number of small gifts by giving the donor a limited tax credit or deduction. A plan under consideration—part of the Anderson-Udall bill, of which I am a cosponsor—would also encourage a candidate actively to seek such gifts by having the Government match them up to $50 within exacting top and bottom limits. Because the House Administration Committee legislation has strictly limited the amount any person can give and the amount any congressional candidate can spend, the need for this approach has been diminished.

Campaign reform legislation put together with my support in the House Administration Committee, however, does provide for financing of Presidential elections and to a limited extent primaries through the voluntary $1 income tax checkoff fund.

Those of us who have for a long time felt that incumbents have an unfair advantage were encouraged by the recent referendum in California, which gives challengers permission to spend 10 percent more than incumbents. In this connection, it is ironic that many of the national organizations and spokesmen who have hailed the California vote have failed to support my efforts to permit lower State limitations on congressional campaign spending; instead these organizations want the new Federal law to override State laws relating to congressional candidates.

ABORTION

2. *Abortion:* The Supreme Court has ruled that a woman has the right to obtain an abortion during the first three months of pregnancy with her physician's approval; that during the second three months, the states may regulate the procedures employed only to protect her health; and that thereafter, a state may prohibit abortions except those necessary to her life or health. Do you agree? Yes, 70 percent; No, 26 percent; Undecided, 4 percent.

I cannot agree with the majority, although the Court's decision does embody at least some elements of my own thinking on this tortured question, including: first, the life and health of the mother are dominant considerations and second, unlimited abortions cannot be countenanced.

A major concern for me is that the Court overstepped its bounds and entered the realm of legislation, a view shared by two dissenting Justices. Mr. Justice White said:

> This issue, for the most part, should be left with the people and to the political processes the people have devised to govern their affairs.

Added Mr. Justice Rehnquist:

> The only conclusion possible from . . . history is that the drafters did not intend to have the Fourteenth Amendment withdraw from the States the power to legislate with respect to this matter.

The fact that the Court indeed was legislating is apparent from its fabrication of three totally artificial categories of constitutional mandate concerning three stages of pregnancy. The question of whether a matter is decided by a representative body subject to the will of the people, rather than with absolute finality by the Court, goes far beyond abstract principle. The composition of the Court can change. Those who applaud this particular decision may in the future find themselves outraged by other rulings in this or any other field and politically powerless to challenge the outcome.

The situation reminds me of my strong opposition to excessive delegations of power to the President by Congress during the 1960's. My warnings fell on deaf ears, because they ran counter to the then prevailing doctrine of a strong Presidency. What is happening now is that because the incumbent President has become unpopular the national preoccupation has shifted to a concern that the Executive has too much power and Congress too little. This may be all to the good and probably is, but unfortunately it is distracting from the equally important potential for imbalance presented by judicial "overreach" of truly alarming and accelerating proportions. Besides the immediate example of the courts legislating a national abortion law, their rulings in such areas as obscenity, voluntary prayer, forced busing and requiring both houses of the State legislatures to be proportioned solely on the basis of population, indicate how far afield the courts have gone.

This issue is deeply divisive, in large part because for many the question is essentially a moral or religious one. For this reason, a strong case can be made that the issue cannot be subject to solution by legislative fiat or judicial decision. It is too personal.

Moreover, it is not simply a matter of "abortion—yes or no." There are alternatives to this drastic step. Voluntary family planning services, which should be made available regardless of income, is one such option. As a supporter of this approach, I was an early cosponsor of the first Federal legislation providing assistance for such programs, and it is now law and working successfully.

DEFENSE

3. *Defense:* Have world tensions relaxed to the point where the U.S. should substantially reduce our defense establishment and expenditures? Yes, 29 percent; No, 67 percent; Undecided, 4 percent.

I agree with the response to this question. It is heartening and came as a pleasant surprise, in view of the clamor for really substantial defense cuts.

Recent events in the Middle East are a useful reminder, if any is needed, that détente is yet in its early stages and that our moves toward preserving peace are more credible and persuasive when backed by meaningful military power and determination. Successful negotiation from weakness is virtually impossible.

It is encouraging, too, in view of a rising trend toward isolation. The people of New Hampshire have not been misled by exaggerated attacks on defense spending. Arguments to the effect that Russia and the United States have the capability for mutual destruction many times over, ignore the need for modernized conventional defense capability.

In this connection, it is also worth noting that our Defense Establishment is plagued by the same inflationary pressures facing all of us. The transition to an all-volunteer Army has resulted in 60 percent of the defense budget going for personnel costs compared to about 25 percent for Russia.

An added note here appears relevant. Following my writing of the above, I was struck by the words of our President upon his return to the U.S.A. from Russia:

> It is because we are strong that such a relationship that we are now developing is possible.
>
> In his first annual message to the Congress—George Washington said: "To be prepared for war is one of the most effective means of preserving peace."

DAYLIGHT SAVING TIME

4. *Daylight Saving Time:* Do you favor continuation of year-round Daylight Saving Time? 1974—Yes, 70 percent; No, 27 percent; Undecided, 3 percent. 1973—Yes, 58 percent; No, 29 percent; Undecided, 9 percent.

Following last year's results, I again cosponsored legislation to introduce year-round daylight saving time and believe its continuation justified in the interests of safety, energy conservation, supression of crime, and extended time for recreational activities.

The response suggests the value of the questionnaire as a means of determining constituent sentiment, in that most of the mail I have received on the subject has been from those who oppose year-round DST. This indicates that a Congressman's mail is sometimes more useful in identifying specific reasons for supporting or opposing a piece of legislation that for gaging the division of overall public sentiment on an issue.

This question, as with most of the others, could not be wholly comprehensive. It did not seek opinion on compromise proposals designed to permit exceptions so as to allow many schoolchildren and workers to start their days in daylight, during the winter months.

SPEED LIMIT

5. *Speed Limits:* Should the 55 m.p.h. maximum be cotinued? Yes, 82 percent; No, 16 percent; Undecided, 2 percent.

Federal 55-mile-per-hour speed limit legislation originated in my Public Works Energy Subcommittee and I was an original cosponsor of the bill. It has had the dual effect of saving energy and saving lives and should be maintained.

Surprisingly, to me at least, some comments accompanying returns suggested that this question was hardly important enough to include. I disagree, and would submit that any real progress in reducing America's No. 1 cause of violent death is indeed worth exploring.

As a supporter of highway safety measures on the Transportation Subcommittee of the same Public Works Committee, I find it an interesting commentary on our legislative process that it would have been impossible to enact this speed-limit reduction as a safety measure alone and it took the Arabs' turning off the oil spigot to do the job. Because the present limit imposes serious economic burdens on the trucking industry, compensating adjustments in the area of permissible weights are being considered in my Committee on Public Works.

TRANSPORTATION

6. *Transportation:* Should spending for highway improvements in rural and small urban areas be reduced in favor of increased spending for mass transit in urban areas over 50,000? Yes, 42 percent; No. 53 percent; Undecided, 5 percent.

Here, too, the majority sentiment coincides with my position. I actually think the majority would be larger if the real facts of the situation were more widely understood.

Unfortunately, and due principally to national media misrepresentation, the public has seriously misunderstood the mass transportation issue in this country. It is not usually a matter of mass transit versus highways. Claims to that effect are misleading and factually unsound. Those of us who stress the need for better and safer highways are equally aware of other transportation needs. For this reason, I have supported many proposals for strengthened rail and bus transportation; for example, Amtrak, urban mass transit, and so forth.

The real issue is money. Some mass transit people want to "steal it" from the highway trust fund. The fund consists of revenues from the automotive users in the country. As an excuse for the raid on the trust fund, it is alleged that it has more money than it needs. This is demonstrably untrue.

New Hampshire's immediately identifiable primary and secondary highway needs total some $156 million in projects which are recognized to be necessary. Most of these projects are supported locally and are not controversial, but only $9 million a year is currently available for this type of project.

These funds are not to be used for the large interstate projects. They are required for a backlog of projects associated with the safety of travel; the relief of traffic congestion in our cities and towns and the preservation of our environment. The elimination of hazardous sections of highway alignment and the reconstruction of old, worn-out bridges enhances safety of travel; highway bypasses reduce traffic congestion and thus retain the quality and character of our cities and towns; highways are now being located and designed to display places of scenic interest; and they provide, through present-day landscaping techniques, for the enhancement of our environment.

Here I would also like to respond to several comments that this question was loaded in its phrasing. It was not. Actually, it was a faithful representation of an administration bill recently before our Public Works Committee. During my brief questioning of him at a hearing, the Secretary of Transportation tried to slide over the big-city bias in the bill. But when I sent him two dozen questions for his reply on the record he confirmed the validity of my concerns.

The committee has buried the administration bill, partly because other members shared my view.

NEWS MEDIA

7. *News Media:* Do you believe that the news you read, see, and hear is generally accurate and fair? 1974—Yes, 44 percent; No, 50 percent; Undecided, 6 percent. 1973—Yes, 46 percent; No, 42 percent; Undecided, 10 percent. 1972—Yes, 34 percent; No, 49 percent; Undecided, 12 percent. 1971—Yes, 36 percent; No, 48 percent; Undecided, 11 percent.

Always closely divided, majority sentiment has again shifted this year and at the moment coincides with my view. Media performance in the past year—with extensive publication of leaks, which many in the media used to decry editorially in past years—may account for the shift.

Some people have questioned my purpose in even raising this issue, suspecting an inclination on my part to support repressive legislation. Nothing could be further from the truth as I have stated frequently that a legislative response to the question is not constitutionally available. As the Chief Justice of the Supreme Court stated in a recent unanimous decision:

> A responsible press is an undoubtedly desirable goal, but press responsibility is not mandated by the Constitution and like many other virtues, it cannot be legislated.

On the other hand, I believe the problem of communications and the dissemination of factual information is of high priority. Having lived with the manner in which the energy issue was mishandled by the national media, not to mention the Congress and Government agencies, I can state this with special fervor. In recent months, I have been heartened by the large number of distinguished people of widely differing views who have addressed the problem. Justice Douglas, Archibald Cox, Marshall Field, a number of columnists, and even Time magazine with a cover story have sounded serious warnings on the issue of media fairness.

A particular concern to me at the moment is that the press has largely ignored bipartisan efforts to reform Congress and improve its performance. Up to a point, this can be explained by the fact that procedural matters are complex and most particularly dramatic.

Few issues, however, more directly affect our lives than the way Congress functions. The antidemocratic implications of such developments as the use of a party caucus by the House Democrats to decide major issues outside the regular legislative process should be understood by all. Thus, the failure of the national media to report this story adequately constitutes a major disservice to the people.

It is easier to focus on the problem than to offer remedies. There are plenty of villains in addition to the media: politicians who make self-serving or demagogic statements, Government officials who refuse to admit mistakes, teachers who forget to teach objectively, national organizations which stir up concern on issues more to impress their members than to solve problems, and the list could go on.

Increasing national awareness of the problems may well lead, as so often happens in our country, to solutions—self-imposed perhaps by the media themselves—or demanded by an informed public.

THE ENVIRONMENT

8. *The Environment:* In your opinion are efforts to reduce air, water, and other forms of pollution now receiving adequate attention and effort by various levels of government? 1974—Yes, 45 percent; No, 50 percent; Undecided, 5 percent. 1973—Yes, 41 percent; No. 50 percent; Undecided, 7 percent.

Considering environmental needs as a whole, it is correct to say that we are not doing enough. In some areas, the effort is far from adequate. In others, there seems to be an imbalance in priorities. Imposing too high a degree of environmental protection results in the final increment of cleanup being achieved at costs far in excess of benefits.

We are not doing enough in energy conservation, which offers both economic and environmental gains; nor in noise abatement; nor in solid waste disposal, in which the Federal expenditure will be only $20 million next year—and this is a 33-percent increase.

Air pollution regulations, however, appear excessive. Automobile emission controls needed for only the most polluted metropolitan areas are required nationwide. It will be difficult to shift from scarce oil to plentiful coal because of environmental restrictions, even in areas where no harm would result.

In water pollution, the Environmental Protection Agency has recently accelerated grants for municipal sewage treatment plants. But there is concern that restrictions on industrial discharges are excessive. For example, it may cost the average American household as much as $250 a year by 1983, just to meet requirements to cool water discharged from electric generating plants.

I think it fair to say the cost for this purpose, conservatively estimated at $25 billion, could result in far cleaner water if some of it were spent on further construction of sewage treatment plants.

Here may be the appropriate place in this essay to offer a fundamental observation. Regardless of how many laws we pass and how much money we spend, the battle against pollution cannot be won without the personal commitment of our entire population.

LAND USE

9. *Land Use:* Do you favor federal legislation encouraging states to establish overall development policy involving environmental, economic and energy matters, and to override local government decisions which conflict with such policy? Yes, 30 percent; No, 64 percent; Undecided, 6 percent.

This question described the so-called Udall land use bill which with my support was killed in a rare display of congressional wisdom.

For a bill of major significance, this was one of the least publicized and most widely misunderstand pieces of legislation of the session. Citing preliminary questionnaire returns in the House, I opposed it as a violation of the traditional home rule principle in New Hampshire, reaffirmed as recently as the dispute over the Durham oil refinery.

The bill would have required States, to be eligible for funds, to impose the interests of the State government when they conflicted with local interests concerning major land use decisions. It could have an environmental or an antienvironmental thrust, cutting either way.

Planning that recognizes all development implications is necessary and too often lacking in land use decisions in this country. The issue is not whether it should be done but at what level and by whom. I believe the authority should rest with local citizens through local government to the extent possible.

I think it is significant that the principal author of the bill, which has been before Congress for several years, belatedly recognized this type of problem and at the 11th hour put forth 21 amendments dealing, among other things, with the fundamental Federal-State and State-local government issues involved. His action was eloquent testimony that much more work was needed on the bill in committee before final consideration by the full House.

PRIORITIES

Priorities: Using the following scale of 1 to 5, rate each of the following issues as to the urgency of its consideration by Congress. (1)—Most important. (2)—Very important. (3)—Important. (4)—Somewhat important. (5)—Not important.

Issues are ranked in this report in order of votes as "Most important."

	Percent				
	1	2	3	4	5
1. Inflation	72	18	7	2	1
2. Energy shortages	61	26	10	2	1
3. Confidence in Government	61	18	11	6	4
4. Government waste	59	23	11	5	2
5. Tax reform	45	27	19	7	2
6. Crime	44	26	22	6	2
7. Conservation of natural resources	43	27	21	7	2
8. Reform of welfare system	41	27	22	8	2
9. Water pollution	33	32	25	8	2
10. Drug abuse	32	26	26	12	4
11. Congressional reform	32	23	25	15	5
12. Consumer protection	31	28	25	11	5
13. Air pollution	30	27	28	11	4
14. Protection of private pensions	28	23	26	16	7
15. National health insurance	28	21	22	15	14
16. Social security reform	25	25	28	15	7
17. Unemployment	25	27	31	12	5
18. Campaign financing reform	25	21	24	17	13
19. Poverty	22	25	31	15	7
20. Education	21	26	31	15	7
21. Land use	21	24	29	17	9
22. Transportation	19	23	32	18	8
23. Economic development	17	26	33	17	7
24. Postal Service	17	17	29	24	13
25. Trade legislation	13	21	34	24	8
26. Housing	13	20	34	23	10
27. Amnesty	13	9	12	17	49
28. Foreign aid	7	9	22	29	33

Determination of priorities is central to any rational decisionmaking process, whether in Government—in Washington or elsewhere—or in private life. Any realistic assessment of the Nation's problems reveals that Washington cannot do everything, and what it does do should be approached in terms of first things first.

Therefore, this year's questionnaire laid out 28 areas and solicited constituent opinion as to their urgency as congressional concerns. This was a departure from previous questionnaires which treated priorities in open-minded fashion by asking constituents to list their three greatest concerns.

Interestingly enough, this format drew critical comments from some who interpreted it as a suggestion that Congress could or should solve all the problems enumerated. This reaction squares with my own philosophy of restraint in Government as opposed to trying to smother problems in dollars.

The results were useful in confirming views expressed by constituents in person during my periodic rounds of my district, unfortunately made all too infrequent by the year-round schedule of Congress and by our inability to plan for time in the district, because of chaotic legislative scheduling.

My most recent intensive round, during 10 days in April, disclosed that confidence in Government has been badly shaken, but of even greater concern than Watergate was wasteful Government spending and inflation, particularly the increase in the cost of essentials, including energy and food. My mail since that time and the questionnaire results appear to bear this out.

I think it is a tribute to the people's basic common sense that energy ranks just behind inflation as a matter of concern despite the improvement in the supply picture. While energy is no longer the focus of massive media attention, the public does not need either headlines or gas lines to maintain this constructive concern.

At the other end of the scale we find amnesty and foreign aid. As to amnesty, my position remains unchanged from last year when I opposed general across-the-board amnesty but favored consideration of individuals on a case-by-case basis.

As to foreign aid, however, there appear to be increasing grounds for reassessment of my longstanding opposition. I still feel that needs at home must come first, although I have supported aid in pursuit of specific objectives in South Vietnam and the Middle East. To the extent that our foreign aid becomes less general in nature and more hard-headed and targeted toward specific objectives, it increasingly will merit support. Certainly, the contribution to world stability represented by Secretary Kissinger's negotiations in the Middle East is worth backing up with essential aid. The cost to the country in dollars alone would be far less than the price of seeing conflict break out anew and spread beyond the region. Businessmen in my district and elsewhere also make an increasingly strong argument that selective aid can increase opportunities for export sales, which is consistent with our national economic objectives.

Proof of the care with which this series of questions was answered, and proof of the concern New Hampshirites feel for this issue, is the fact that the No. 1 priority happened to appear 17th on my random list of 28 concerns.

PRESIDENT NIXON

President Nixon: Which one of the following five choices most closely coincides with your views?

(1) Should remain in office? (2) Should resign? (3) Should be removed? (4) Any judgment should await findings and report of the House Judiciary Committee inquiry? (5) Undecided.

1. Should remain in office, 27 percent.
2. Should resign, 12 percent.
3. Should be removed, 23 percent.
4. Any judgment should await findings and report of the House Judiciary Committee inquiry, 36 percent.
5. Undecided, 2 percent.

As one who supported a complete investigation of all facts surrounding Watergate—including the impeachment inquiry by the Judiciary Committee—I agree that we should await the outcome of its deliberations before making a final judgment.

Out of respect for the constitutional processes by which we both elect our Chief Executives and provide for their removal, I must, therefore, decline to advocate either retention, resignation, or removal of the President at this juncture. Any other position would diminish my ability to make an impartial judgment.

At this writing, the Judiciary Committee has recently completed its analysis of documentary evidence and is proceeding with the taking of live testimony from witnesses. This process should be allowed to run its full course unimpeded, without being prejudged by House Members who have been cast in the role of potential grand jurors responsible for rendering a decision on the basis of evidence yet to be presented.

INFLATION

Inflation: In the face of the present high inflation, which one choice of the following policies should Congress follow?

(1) Curb inflation through decreased investment and spending at the risk of higher unemployment? 20 percent

(2) Increase spendable income through higher Federal spending and tax reductions, at the risk of even greater inflation? 4 percent

(3) Reinstitute wage and price controls? 26 percent

(4) Take more steps to encourage increased productivity and output in coming years? 46 percent

(5) Take no additional action at this time? 4 percent

If this country is ever going to restore economic stability and sustainable improvement of living standards, it will be through resumption of increases in the productivity which has already brought us closer to this goal than any other major nation.

Reinstitution of wage and price controls, except in the case of far greater inflation than we have yet seen, should be rejected as creating such rigidities and misallocation of resources as to doom prospects for long-range gains in productivity.

Reducing Government spending alone to cure inflation is, alas, politically unrealistic; but spending restraint is clearly one of the tools needed.

Some relief in the way of social security and welfare reform will have to be implemented to ease the burden of inflation on those least able to cope with it.

I oppose the tax-cut approach at this time and was interested in the negative response to that choice as well as the "no-action" option.

TRAIN BACKS MINE BILL WHITE HOUSE OPPOSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STEELMAN) is recognized for 5 minutes.

Mr. STEELMAN. Mr. Speaker, the administration's leading defender and protector of the environment has taken a courageous stand by endorsing the effective surface mining legislation, H.R. 11500. According to the Washington Post, Environmental Protection Agency Administrator Russell Train, presently inspecting surface mine operations in the Western States, called for a "strong" bill, citing H.R. 11500, the bill reported jointly by the Environment and Mines and Mining Subcommittees of the Interior and Insular Affairs Committee.

Mr. Speaker, those of us on the subcommittees who have worked diligently for months to produce a strong, workable bill that will allow production, but insure reclamation, are bolstered by Mr. Train's forthright, onsite evaluation. Once more, when the chips are down and there is often more heat than light, Russell Train has come forward with his usual straightforward, pragmatic analysis of the situation. Russell Train is a credit to this administration and a courageous public servant.

The text of the July 9, Washington Post article follows:

TRAIN BACKS MINE BILL WHITE HOUSE OPPOSES

(By George C. Wilson)

DICKINSON, N. DAK., July 8.—Administrator Russell E. Train of the Environmental Protection Agency today broke with the administration and endorsed the House interior Committee's strip mining bill.

Train in an interview during an airplane swing around the West to study environmental issues said a "strong" bill is needed to regulate strip mining.

The EPA administrator said the bill reported to the floor by the House Interior Committee—sponsored by Rep. Morris K. Udall (D-Ariz.)—offers the best chance to achieve the goal of obtaining additional energy while at the same time protecting the natural environment.

He thus took issue with the Nixon administration position as espoused by Secretary of the Interior Rogers C.B. Morton and Federal Energy Administrator John C. Sawhill.

Morton and Sawhill in letters to Congress said the House Interior bill would handicap the production of coal. Their assertions have been assailed by at least one Senate subcommittee chairman as "scare tactics."

Train himself, in a stop at Fargo said "surface mining should produce under very strong federal control."

As for the planned strip mining of the Northern Great Plains Train told his North Dakota audience that "the lesson of Appalachia is, don't let it happen here in terms of unreclaimed areas."

Unreclaimed areas are places where coal companies have stripped away the coal in the mountains without filling in the cavities and otherwise restoring the landscape to something approaching its original condition.

Train's host in his travels through North Dakota today was Rep. Mark Andrews of North Dakota, a ranking Republican on the House Appropriations Committee. Andrews, too, endorse the House Interior Committee bill, but said he wanted it strengthened so that ranchers would have to give their permission before companies with mineral rights could stripmine their land for coal.

The letters from Morton and Sawhill opposing the bill contained figures that Chairman Lee Metcalf (D-Montana) of the Senate Minerals Subcommittee has described as "totally unwarranted and very misleading."

Metcalf faulted Sawhill for quoting the "maximum potential leased" of coal production from regulating stripmining as the House Interior Committee bill recommended rather than using the lower estimates of "probable losses" made by the Bureau of Mines.

Complained Metcalf "Your letter that the requirement for restoration to approximate original contour and the limitation on placement of spoil on the downslope would cause "an immediate annual loss in production of up to 67 million tons' completely ignores Bureau of Mines estimates of probable losses of from 5.1 to 7.5 million tons a year."

Train in discussing the pending strip-mining legislation, indicated that he, too, felt the production losses were overstated. But he did not criticize the letter sent by Sawhill and Morton.

Train has disagreed with the Nixon administration recently on two other environmental issues. He fought relaxation of clean air standards as much as the White House had recommended to allow more industries to burn coal. On another occasion, he opposed transferring testing of new cars for mileage from EPA to another agency—something Roy L. Ash, director of the Office of Management and Budget, had been considering.

On coal Train's position for some time now has been that most of it lies deep underground where it can be mined with a minimum disruption of the surface environment. Therefore, he has argued that the emphasis should be switched as quickly as possible to deep mining rather than take high risks in strip mining certain areas of the country.

At a luncheon stop in Beulah, N.D., Gov. Arthur Link, a Democrat, said that if it were not for the "needs of the country," it would be "a safe assumption" that people favor no strip mining at all in North Dakota.

The governor said he was insisting on "total reclamation" of any of North Dakota's rich agricultural land of deep black earth. His definition of "total reclamation," he said, is to make sure that the land stripped would produce "as good or better" afterward "as it does today."

GEOTHERMAL ENERGY RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. Heckler) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Congress is today considering a key piece of legislation in the energy field—the Geothermal Energy Research, Development, and Demonstration Act of 1974. I strongly support this bill which would provide for a coordinated research, development, and demonstration program for the use of geothermal energy as an alternate power supply to the United States.

Or Nation is currently suffering from a critical shortage of expendable energy. The energy that is available is becoming increasingly expensive. Every Member of Congress is keenly aware of our precarious energy situation.

Present sources for electrical power generation are nearly exhausted. And yet, the need for electrical power continues to grow. The potential of vast resources of geothermal energy exists, yet the technology for development and the means for a coordinated effort are missing. At present, this country has neither adequate means of producing the necessary output nor sufficient funds to finance the discovery of new methods of production.

Nearly every American felt the effects of the energy shortage during this past winter. We in the New England area were hit most severely. The lack of sufficient energy caused great inconveniences in the heating and lighting of our homes and business. We were forced to pay exorbitant prices for the power we did receive.

With the hot summer days closing in on us, cities nationwide are once again threatened by brownouts and energy cutbacks. Our experiences in the past winter and recent summers vividly illustrate this Nation's critical need for new sources of electrical energy. For these reasons, I strongly feel that the undeveloped, potentially large sources of geothermal power are a very promising means of heading off some of the major energy problems Americans must face.

In addition to leading to discoveries which could help alleviate our present shortages, enactment of this legislation could help deter future crises. Impressive geothermal resources could put this country on the road to sufficient power supplies at affordable prices.

Mr. Speaker, I recognize the desperate need for new sources of electrical energy. For this reason, I strongly support this bill and urge my colleagues to do likewise.

SENATOR JACKSON'S TEA LEAVES OF DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Ashbrook) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, once again the issue of full diplomatic relations for Communist China has been raised. Upon his return from a trip to mainland China, Senator Henry Jackson stated:

> A closer relationship between the People's Republic of China and our own Government is in our self-interest, in the interest of China and above all in the interest of world peace.

I have high regard for Senator Jackson and was shocked at this apparent aberration.

Full diplomatic relations with Red China would mean the breaking of diplomatic relations with the Republic of China. We have already seen Red China's obstinancy in the United Nations where the Communists refused to "accept" admission unless free China was expelled. Red China will not accept diplomatic relations with countries which recognize free China.

The question that must be answered is whether or not such relations with Red China and a break in relations with free China is in our interest, in the interest of China and in the interest of world peace.

Taking the question of our interest first, it is difficult to see any benefits accruing to us while, on other other hand, the problems are evident.

The United States and free China have a long history of friendship and good relations—political, economic, and military. Trade between both nations is important. Numerous cultural exchanges take place daily with American students in Taiwan and Chinese students in the United States.

As for the argument that the interests of China would be served by such relations, some definition must take place of what is meant by China. If by China is meant the regime in power—Mao, Chou, and other Communists, there is obviously some truth to the statement. But few deny that Chou is both old and sick. Who will follow Chou is unknown and what policies will be followed are even more unknown. To think that granting full diplomatic relations to mainland China will in some way guarantee or institutionalize a pro-U.S. policy in that land shows a lack of knowledge of Chinese history and a lack of understanding of Chinese communism.

If China is meant to be the people of the mainland, the stabilization of the present regime would seem to provide little boon for the Chinese people. Senator Jackson has done good work in pointing out the persecution of dissidents in the Soviet Union. Unfortunately, the same persecution exists in Communist China. Dissidents to the prevailing dogma are not allowed. Religious believers are refused the right to practice their religions. Confucianism, a mainstay of the Chinese family and cultural life, is constantly attacked. The Communists have attempted through numerous methods to destroy family life.

The thousands of refugees, many of whom are young and have known nothing but communism, fleeing to Hong Kong bear witness to the persecution that is mainland China. The same principle of the right of free emigration that Senator Jackson applies to the Soviet Union also should be applied to Communist China. I cannot see how this China would be benefited by full diplomatic relations.

Also, I doubt that the people of free China will benefit by full diplomatic relations with Red China. And the 16 million on Taiwan and the other islands who enjoy one of the highest standards of living in Asia are Chinese and part of China.

As for the benefits to world peace by full American diplomatic recognition of Red China, I am doubtful. We must remember that in Asia there are many smaller independent countries who fear Communist Chinese influence and power. Indonesia remembers Communist Chinese efforts several years ago in a coup d'etat. South Korea remembers the millions of Communist Chinese who invaded their country. U.S. diplomatic recognition of Red China would have a further unsettling role in that part of the world. Small independent countries would have to make arrangements with Communist China on Communist Chinese terms. Is this in our interest? I think not.

Red China has not changed in any substantive way since its bloody and brutal takeover of the China mainland. Millions of Chinese were executed by the Chinese Communists as recently as two decades ago. The same leaders, the same government, the same repressive and murderous policies are intact. They have not changed. Have we become so lacking in moral leadership that we can condone 20th century barbarism as practiced by the Communist Chinese?

I think it an unwise policy to punish a country that has been a good ally—the Republic of China—by removing diplomatic relations and making its existence more unstable. Even worse, why reward 20th century bandits and murderers? How would this serve the cause of peace or our own interests?

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS ADMINISTRATION CANNOT BLAME THE PUBLIC FOR THE NATION'S ECONOMIC ILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, the Nixon administration is still scratching around for excuses for its own economic mismanagement.

This time it has come up with a whopper. Mr. Stein, the chairman of the economic advisers, said on television that the whole public is to blame for inflation. It is all our fault, Mr. Stein said, because we would not accept tax increases to pay for the Nixon administration's ruinous economic policies.

This has to be one of the most colossal episodes of buckpassing I ever heard of. The causes of today's inflation are eminently clear to anyone who looks at the administration's record.

It was this administration that deliberately reduced food supplies to drive prices up—that ignored warnings of a fuel shortage until it hit us full blast. It was President Nixon who delayed for 1 year, long past the danger point, before he used the wage-price control authority that Congress gave him. It was his administration that managed those controls in such an unfair and erratic manner as to discredit them entirely.

You cannot blame the public for all this. The responsibility belongs squarely on the policies concocted at the executive offices on Pennsylvania Avenue.

Never has a President received so much bad economic advice, or followed it so thoroughly.

THE HOUSING AND COMMUNITY DEVELOPMENT ACT, S. 3066

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, in a letter to the conferees for the Housing and Community Development Act, S. 3066, a bipartisan group of 51 House Members has indicated concern about the Community Development Funding Formula authorized in the House-passed bill.

Under the House bill, more than 200 cities could face the prospect of sharp cuts in Federal community development aid when the new legislation takes effect in 1975.

Both the House and Senate bills establish a new Community Development Block Grant program as a replacement for current HUD categorical program. But the two bills differ in their funding arrangements for the new program. The House version makes use of a three-part formula which provides each eligible community with an automatic entitlement. Cities spending at a rate higher than their formula allocation are protected in part against funding cuts through a "hold harmless" system. The Senate bill, on the other hand, lacks an automatic entitlement formula. In effect, it maintains all eligible communities at recent funding levels for the first 2 years of the new program. During the third and fourth years of the program, the Secretary of HUD is given the discretion to cut or increase a city's funding by 20 percent.

We would like to see the conferees maintain the basic framework of the House formula system, while, at the same time, providing more adequate support for those communities that will experience sharp cuts under the House bill. Our proposals are spelled out in more detail in the letter to the conferees. A copy is reprinted below:

JULY 3, 1974.

Hon. WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, many of us are deeply concerned about the community development funding formula in Title I of H.R. 15361. This new funding system will mean a sharp drop in federal support for hundreds of cities most actively involved in the current categorical programs.

In an effort to protect communities' existing program capacity, we urge the conferees to include the following provisions in Title I of the housing bill:

1. Addition of a past program performance factor to the three-part entitlement formula.
2. Expansion of "hold harmless" protection to include credit for model cities activities after the fifth year of a community's model cities program.

Thank you for your consideration.

Sincerely,

Donald M. Fraser, Frank Horton, Robert N. Giaimo, Robert F. Drinan, Edward R. Roybal, Ronald A. Sarasin, Donald W. Riegle, Jr., Orval Hansen, Ralph H. Metcalfe, Frank Thompson, Jr., Dante B. Fascell, Sam Gibbons, Paul S. Sarbanes, Bob Traxler.

Ronald V. Dellums, Bo Ginn, Parren J. Mitchell, Henry Helstoski, Joseph P. Vigorito, Ogden R. Reid, Andrew Young, Thomas Luken, Michael Harrington, Patricia Schroeder, Hugh L. Carey, Edward Koch.

Hamilton Fish, Jr., Charles Whalen, Jr., Spark Matsunaga, Robert O. Tiernan, Lionel Van Deerlin, Joseph P. Addabbo, John F. Seiberling, Peter W. Rodino, Jr., Melvin Price, Brock Adams, Al Ullman, Joe Moakley, Shirley Chisholm, John Conyers, Jr.

Robert A. Roe, Peter N. Kyros, Charles C. Diggs, Jr., Herman Badillo, Ella T. Grasso, William Whitehurst, Edward J. Patten, John A. Blatnik, Morris K. Udall, Thaddeus J. Dulski, Joseph E. Karth.

Mr. Speaker, in a recent editorial, the New York Times has effectively expressed the concerns that many of us have about the House bill. I would like to take this opportunity to insert the Times editorial in the RECORD:

THE COSTING OF A HOUSING ACT

The good news in housing legislation is that for the first time since 1968, there will probably be some comprehensive community development. The bad news is that unless the House conferees and Administration officials approach the Senate-House conference with a good deal of flexibility, the final product is apt to hurt many of the cities that have worked hardest at solving the great urban problems.

The Housing Act of 1968 in the Johnson Administration set major housing goals for the nation; 26 million housing units—six million of them for the poor—were to be built in a decade. Between 1969 and 1973, housing starts averaged over two million per year, and 1.5 million of those eight million units were designated for low-income families. Despite this record, the present Administration declared the subsidized housing programs for poor and moderate income families to be failures and in January 1973 froze new Federal commitments to them.

Last March, the Senate passed an omnibus housing bill which the Administration promptly threatened to veto. Subsequently, the House labored to produce a bill which the President would accept and, in doing so, developed a package differing markedly from the Senate bill.

Both bills adopt the block grant approach to community development, favored both by the Administration and by city executives, who want administrative procedures simplified. But, while the Senate bill sets forth well defined priorities for the expenditure of community development funds, the Administration opposes them and they have been sharply limited in the House bill.

In addition, there is a vast difference in the fund distribution schemes adopted by the two houses. The Senate bases allotments on the average funding a community received in the period from 1968 through 1972.

The net effect of the House distribution formula would be to reduce dramatically—in some cases by as much as 50 to 60 percent—the community development funds available to the vast majority of the cities that had been most deeply involved in community development activities in the past. Suburban areas and Southwestern cities which have in the past demonstrated only a limited need for or minimal interest in community development programs would benefit.

Finally, the House in a major break with the past has scrapped the principal housing subsidy programs in favor of a leased housing and direct subsidy program. Opponents of this approach argue that it would drive the poor, unprotected, into an open market with little increase in the housing available to them. The result, it is argued, would be a small increase in housing for the poor, but a substantial increase in what they pay for it.

Proponents of the House bill call it a "small city bill" and an achievable compromise. They acknowledge that it edges the Federal Government away from the leadership role it has taken in confronting the most urgent concerns and in alleviating the problems of the urban poor. They argue that the political realities of the Administration's attitudes, increased non-urban representation in Congress and growing problems in suburbia must be faced if legislation is to be achieved this year.

The price of achieving housing legislation this year may be high; but we think the cost which the House approach would extract from the cities and from the poor is far too high.

ACTION NEEDED NOW ON EMERGENCY LIVESTOCK BILL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 30 minutes.

Mr. ALEXANDER. Mr. Speaker, I have introduced legislation which I believe is essential to the survival of the livestock industry in our country today. As a representative of a district which produces cattle, hogs, and poultry, I am most anxious to see the immediate enactment of the Emergency Livestock Credit Act so that we can save many small businesses and farms from financial ruin.

Some of my colleagues are saying that prices are beginning to rise and that we should wait on this legislation a little longer to see if conditions improve. The situation in Arkansas indicates that if we do hold off much longer on enacting this measure, some of our livestock people will not be around to appreciate the higher prices. As the President of the Arkansas Cattlemen's Association says:

> The increase in the last two weeks only means we're losing $100 per head rather than $200.

This is not a great incentive for staying in the business. And the condition of depressed prices is not peculiar only to the cattle industry but has spread to hogs and poultry as well. Turkey producers are losing up to $2 per bird. Poultry producers are killing their baby chicks because they cannot afford to feed them.

Help is needed now to avoid disaster. We can figure on a 2- to 3-year cycle for raising, feeding, and getting cattle to market. If our cattlemen are forced to unload all their beef on the market this year, we may see an extreme shortage in the next 2 years. And, once they have gone out of business under such circumstances—where the Government has not even tried to help them—why should we expect them to back into the same business and run similar risks in the future?

The next person affected in the pipeline will be the feedgrain producer. Livestock feeding today consumes about 5.3 billion bushels of grain a year. If a surplus of grain develops, prices would become depressed, seriously damaging the economy of small communities and eventually affecting the urban communities where farm machinery is manufactured. In short, we might be seeing a good example of the domino theory at work when the problem spreads from the beef industry to the grain industry to the merchant on main street to the entire economy.

This is why I believe all of us need to be seriously concerned with the resolution of this problem.

Let me emphasize that the Emergency Livestock Credit Act does not provide for grants—merely loans which would be 80 percent guaranteed by the Federal Government. Our livestock people neither want nor expect the Government to "bail them out" through gifts of subsidies, but they must have additional means of using their equity in their total capital investment to produce the funding immediately necessary to avoid total disaster for a large percentage of red meat producers.

In hearings in the Agriculture Committee, we have looked at the roots of the problem and at possible solutions. Rising transportation, labor and feed costs, as well as the opening up of our country to imports, all account for why we are where we are today. However, perhaps the primary explanation has to do with the price freeze in the spring of 1973 which was clamped on without corresponding retail regulations. Last year at this time, beef prices were so high that our consumers simply learned new eating habits and have failed to return to the beef counter at the corner grocery.

The administration says they will not allow this country to become a residual dumping ground for the beef of other nations. However, they have refused to act to reimpose import quotas. USDA says they are trying to negotiate with foreign nations to voluntarily limit their exports into the United States and with other nations to increase their imports of U.S. beef. Let us examine these possibilities more closely.

There is simply no cold storage space left in the European countries. Britain was a major importer of our beef but has joined the Common Market whose countries have shut off imports forcing beef producing nations such as Australia and Argentina to turn to the United States to buy their beef.

Japan, saying it already has more than it can eat, has also shut off imports. Actually the Japanese have never eaten beef as we do. Now because of their need to conserve foreign exchange to buy oil, they are discouraging meat imports.

We are also trying to persuade the Canadians to buy more beef. Right now, Canada will not buy U.S. beef unless it is certified to be free of DES—the artificial growth stimulant—and we can not get our cattle certified fast enough. Besides, since Canada is a major producer herself, this is a very small market.

And, then, there is Australia who imports beef into the United States. We encouraged Australia to overproduce last year in order to lower beef prices in this country. Now we are trying to tell them to keep this surplus beef at home.

In an international situation such as this, it does not appear to me that merely "jawboning" with these nations, as USDA proposes, is going to do much good.

I believe it is time for us to become a bit nationalistic and start thinking of the people back home—the small farmer, as well as the consumer at the supermarket. This is why I support the reimposition of the import quotas. And, if we can continue to make low-interest loans to foreign countries, I cannot see the reasoning behind not making them to our own citizens.

After all, because of the unevenly applied Government price controls, the Government in a way is responsible for getting our people into this mess. We owe it to them and the consumer to straighten it out.

In previous years, we have pitched in to help the railroads, the airlines, and other labor-intensive industries. For some inexplicable reason, we hesitate when it comes time to help out the people who are responsible for supplying this country with its food.

We have to change this attitude if we are to continue to be an independent Nation in which small businesses and small farms can provide a living to the person who chooses this way of life to support his family.

For these reasons, I urge my colleagues to take immediate action to adopt this legislation which is important not only to the survival of livestock producers but to the American consumer.

ON PRISONS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, 2 weeks ago I spoke before 200 members of the clergy who are members of Network, an organization that is concerned with the urgency of reform in our correctional systems. It did not surprise me that the nuns and priests and I were so in accord on the shortcomings of these systems, since we all know that Federal and especially State prisons leave much to be desired. Most prison authorities concur that the rate of recidivism of released inmates can indicate the degree of success or failure of a prison system. A recent report from the House Select Committee on Crime states that two-thirds of all offenders released from prison are rearrested within 4 years—a nationwide recidivism rate of 66⅔ percent.

Let me list some of the problems inherent in the prison system. One is the predomination of rural locations for most large prisons, where the land is cheap and the staff can be paid lower wages. These prisons suffer from an inability to secure sufficient professional staff, and from a lack of access to work, study, and volunteer opportunities for prison rehabilitation programs. Placing prisons in rural areas tends to isolate prisoners from their family and community ties, and serves to further inmate demoralization and dehumanization.

Minorities make up a disproportionate number of prison inmates, and the minority inmate is more likely to have been convicted of a crime of violence. This imbalance often creates an ambiance of racial tension in the many prisons where the vast majority of guards are white.

Prisoners freely procure such illicit drugs as heroin, Methedrine, and LSD, and drugs prescribed by prison doctors sometimes find their way into the inmate black market. The inmates at the Lorton Reformatory in Virginia have been described as uninhibitedly buying and selling dope, and the increased number of assaults and stabbings there have been partially attributed to such drug abuse.

Just as serious a problem are homosexual assaults, which are said to account for the greatest proportion of prison violence next to racial tensions. An article in the Southern California Law Review described sexual attacks in Philadelphia prisons during 1968 as "epidemic" and went on to state that—

> Virtually every slightly built young man committed by the courts was sexually approached within a day or two after his admission to prison. Many of these young men are reportedly raped by gangs of inmates.

Even children have been confined in jails where they are placed among adults who may be mentally ill, hardened criminals, or sexual offenders. Moreover, juveniles have been incarcerated for offenses that would not be classified as crimes if committed by adults, such as "truancy," "running away," and being "uncontrollable." Confining juveniles in adult penal institutions does not serve to rehabilitate them, but simply to augment their knowledge about crime.

If we are to reduce the rate of recidivism, it is not enough to simply correct the injustices that I have just described. Effective rehabilitative programs must also be established.

An appropriate example is the high degree of idleness in correctional systems. Inmates are neither engaged in productive work nor given an opportunity to learn a trade to help themselves become self-supporting. This idleness must be replaced with work rehabilitation programs, for, as the American Correctional Association stated:

> Unless a large portion of the sentence of the prisoner can be utilized in plain hard work with habit-forming and other training values, the expenses of his detention, education, medical care, etc. will have been wasted.

In conjunction with this work, prisoners should have the opportunity to develop some basic skill. When returned to the outside world, in which the prisoner would have to compete, he would be equipped with a marketable trade and the pride that is concomitant with that trade.

Rehabilitative substitutes must also be implemented in lieu of incarceration itself, for many inmates do not belong in prison and are frequently being converted into repeating offenders. Offenses such as alcoholism and drug abuse need not be criminalized. We could also emulate several foreign prison systems as well as a few forward-looking States which divert offenders into varied and versatile community-based programs and provide a monitored life with strict work and leisure supervision.

The effectiveness of these rehabilitation programs is dependent upon the quality of prison personnel. Unfortunately, they are currently inadequate. Ninety percent of total correctional expenditures goes for custody and administration. Only 20 percent of the corrections personnel are assigned to rehabilitate inmates, and only 1 percent of the prison population comes in contact with innovative programs. The average guard is poorly trained both before and after employment, since less than half of the correctional institutions have inservice training. He is also poorly educated, and previous professional experience is for the most part not a prerequisite for employment. What is more, the staffs of our correctional systems are overworked and are not large enough to be effective.

The success or failure of prison reform hinges on the qualifications of the personnel who administer it. For the laws that we enact to ameliorate the conditions in our prisons will remain ineffective unless they are implemented by the proper personnel. As Justice Warren Burger stated:

> Just as the faculty of a university is far more important than its plant, the personnel of a correctional institution are the keys—if there really are ways to rehabilitate people in prisons.

In the face of such a list of inequities, one might conclude that Federal and State prison systems are inalterably deficient. I believe, however, that we can pragmatically deal with their shortcomings, and with this philosophy in mind, I have introduced five bills on prison reform since coming to Congress. I would, at this time, like to describe two of them that have in substance been enacted into law.

H.R. 677 provides for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions. In 1970 the Omnibus Crime Control Act was amended to establish a program for the improvement of State and local correctional facilities. Under this law, grants for these facilities are made after a State submits a plan which meets certain minimum requirements. H.R. 677 adds a new requirement—that States make necessary provisions for the establishment and development of narcotic treatment programs in their prisons and in their probation and parole programs.

The Family Visitation Act, H.R. 684, gives prisoners in Federal institutions from 12 to 30 days of furlough during each year of confinement, subject to the prisoner's good behavior. This decision would be made by the chief executive officer of the prison after consultation with the classification committee or treatment team, the mental health supervisor, and the prisoner's caseworker. Any violation of the furlough privilege would be deemed an escape and would be subject to penalties under existing law.

My bill would have given prisoners the right to family visitation if they met the appropriate criteria. However, the legislation actually enacted into law, Public Law 93-209, vests total discretion with the Attorney General. Many prisoners have complained that they have been unfairly denied what is now a privilege instead of a right. Public Law 93-209, unlike my bill, does not grant the prisoner an annual visit to his or her family and does not provide for a minimum number of days per year for such visits.

Three other bills I have introduced, H.R. 687, H.R. 686, and H.R. 685 are currently pending before the House Judiciary Committee. H.R. 687, the Pretrial Crime Reduction Act—originally introduced by former Congressman Mikva in the 92d Congress—seeks to reduce crimes committed by people who are free on pretrial release or after serving a prison sentence. This bill requires that criminal trials be held within 60 to 120 days after arrest. It provides a system of time limitations and requires Congress to provide the money and personnel needed to clear up presently clogged dockets. H.R. 687 also establishes improved controls over probationers and parolees charged with crimes of violence.

The Correctional Services Improvement Act, H.R. 686, attempts a sweeping reorientation of existing State and local jails and prisons. This bill was originally introduced by Mr. **Ervin** in the Senate, and the Senator's bill is now up before an executive session of the Senate Judiciary Commitee. The Attorney General would be empowered to build, staff, and turn over to the States model correctional facilities. They would be small in size with less than 300 inmates each, and would implement innovative corrections techniques, including work release, school release, and extensive personal counseling. Halfway houses would also be used to ease the transition from prison life back into normal society.

H.R. 685 deals with one of the essential problems of our correctional systems—the inferior quality of State and local prisons in relation to Federal institutions. A study by the Library of Congress on inmate employment programs illustrates the imbalance between the two systems. The study states that on the average, hourly wage scales for prisoners engaged in paid labor in Federal institutions were much higher than their State counterparts. The State scales ranged from 4 cents to 17 cents per hour for men's prisons and from 6 cents to 13 cents per hour for women in women's correctional institutions. This compares to a scale ranging from 21 cents to 51 cents per hour for work done in the Federal Prison Industries.

H.R. 685 would provide minimum standards for the State and local correctional institutions which receive Federal financial assistance. It amends the Omnibus Crime Control and Safe Streets Act of 1968 by creating a Federal Prison Review Board. This board would establish minimum standards relating to: First, the construction, operation, and administration of correctional institutions, and second, the training of personnel and the implementation of probation, parole, counseling, and other rehabilitative programs. The board could conduct studies and investigations, consult with Federal, State, and local personnel, and hold any hearings which are necessary to determine the extent of compliance with the standards.

While these bills will not eliminate recidivism, it is my belief that if passed and effectively applied, we would be taking a significant step toward this goal. The immediate and complete solution of current prison inequities is not possible, but there are bills now pending in this Congress which do present a pragmatic approach.

I would like to list at this time some of the other pending bills on prison reform that my colleagues in the House and the Senate have introduced. These bills would take positive action on a broad range of injustices in our correctional systems.

The list of pending legislation follows:

PENDING LEGISLATION

1. DECARCERATION

A. Speedy Trials—3 bills provide for speeding up trials and for effective supervision of defendants released prior to trial: **H.R. 207** (Metcalfe), **H.R. 773** (Matsunaga), and **S. 754** (Ervin), **H.R. 207—H.R. 687** (Koch).

B. Decriminalization—

Drugs.—H.R. 11981 (Young) would require probation for certain marihuana offenders. H.R. 677 (Koch) would transfer drug abusers from correctional institutions to treatment centers.

Juvenile.—H.R. 1751 would facilitate the return of runaway youths by methods outside of the law enforcement structure (W. Ford). H.R. 7661 (Rodino) amends the U.S. Code with respect to the applicability of juvenile delinquency proceedings in petty offense cases.

H.R. 10616 (Rodino) provides U.S. magistrates alternative means of disposition of certain offenders in minor offense cases, prior to trial.

S. 1309 (Burdick) provides for setting aside convictions in certain cases.

H.R. 677 (Koch) amends the U.S. Code to conditionally suspend the application of certain penal provisions of the law.

2. JUVENILE OFFENSES

A. H.R. 45 (Railsback) and S. 580 (Percy) adds a new chapter to the U.S. Code to establish an Institute for Continuing Studies of Juvenile Justice.

B. H.R. 6024 (Esch) assists schools and community agencies to prevent juvenile delinquency.

C. H.R. 13119 (Walsh) establishes a Bureau of Missing Persons and develops a comprehensive program for the transient youth population.

D. S. 821 (Bayh) provides a coordinated approach to juvenile delinquency.

3. REHABILITATION

A. Vocational Training and Job Placement—

H.R. 1792 (Helstoski) would create innovative programs of vocational training, job placement, and on-the-job counseling.

S. 2161 (Percy) relates to the employment and training of criminal offenders.

B. Prison Work—

H.R. 5353 (McKinney) permits the interstate transportation of goods manufactured by prisoners and permits the employment—of such prisoners under Federal contract.

C. Supervision—

H.R. 9007 (Railsback) and S. 798 (Burdick) place certain prisoners in programs of community supervision and service

4. CIVIL RIGHTS

A. H.R. 8706 (Gibbons) would assure the restoration of civil rights to released prisoners.

B. H.R. 9020 (Kastenmeier) and S. 2162 (Percy) restore voting rights of former offenders.

C. H.R. 6852 (Stokes) and S. 934 (Humphrey) restrict medical experimentation on prisoners.

5. PERSONNEL

A. H.R. 410 (Conte) would establish a National Corrections Academy to train prison personnel.

B. H.R. 298 (Bennett) and H.R. 686 (Koch) would strengthen the administration of Federal correctional systems.

C. S. 1645 (Javits) would provide assistance to States in alleviating shortages of qualified professional personnel, and provide for the recruitment and the training of such personnel.

6. COMMUNICATION

A. H.R. 3690 (Rangel) would establish an agency to hear prisoner complaints.

7. RURAL SETTINGS

A. H.R. 12697 (Pepper) would encourage States to develop smaller correctional institutions in urban areas.

8. IMPRISONMENT

A. H.R. 587 (Green) would provide increased assistance to correctional programs.

B. H.R. 660 (Koch) would allow the donation of surplus commodities by the C.C.C. to penal institutions.

C. H.R. 684 (Koch) to provide for family visitation furloughs for Federal prisoners.

D. H.R. 685 (Koch) would provide minimum standards in correctional institutions.

E. H.R. 2583 (Dellums) would also establish minimum standards.

As would H.R. 3690 (Rangel).

As would H.R. 4188 (Badillo).

As would S. 1643 (Javits).

9. PAROLE

A. S. 2164 (Percy) relates to the parole of D.C. offenders.

B. S. 1765 (Bayh) would establish an independent parole board. As would H.R. 978 (Rodino).

C. H.R. 2583 (Dellums) would establish minimum parole standards.

I hope, Mr. Speaker, that I have outlined some of the major inequities in our correctional systems and the proposals that I and my colleagues in the House and the Senate have submitted to ameliorate the environment of these systems. Prison reform not only benefits the public through reducing recidivism; it is also a question of our humanity. And while it is true that prison reform does not have a voting constituency, it is also true today, as it was in the day of Dostoevski, that "the degree of civilization in a society can be judged by entering its prisons."

A DEMOCRAT'S CRITIQUE OF NIXONOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, my colleague from Wisconsin (Mr. REUSS) has offered the readers of the New York Times Magazine an insightful discussion of the state of economy and the present administration's unwillingness to tackle the tough economic issues.

I commend my colleague's article which provides a comprehensive blueprint for the Democrtic Party and Congress to solve our fundamental economic problem.

The article follows:

[From the New York Times Magazine, July 7, 1974]

INFLATION AS "THE RIP-OFF OF THE MIDDLE CLASSES": A DEMOCRAT'S CRITIQUE OF NIXONOMICS

(By HENRY S. REUSS)

While Watergate and related scandals continue to dominate the front pages, today's inflation is the preoccupying issue for most Americans. The two subjects are not unrelated, of course. While Watergate is sapping public confidence in political institutions, inflation—rapid and persistent—is altering economic foundations long taken for granted. Americans are disoriented, bewildered and increasingly resentful of this two-pronged assault on their security.

President Nixon recently addressed the economic issue publicly for the first time in many Watergate-obsessed months, in a radio speech on inflation, followed three days later by the transmittal to Congress of his Council of Economic Advisers' midyear economic report. The President's statements are both interesting and alarming; interesting, because they show how greatly the economy has deteriorated since he took office five years ago (7 per cent inflation and over 5 per cent unemployment are presented as good news?); alarming, because they show a passivity and lack of constructive policy which augur poorly for future economic recovery. As in politics, so in economics: Mr. Nixon's reaction to crisis is to "tough it out"—this time with tight money, a tight budget, and words of would-be Churchillian inspiration. I believe that President Nixon has misjudged the nature of the current economic crisis; the extent to which, together with Watergate, it is causing the disaffection of the majority of Americans; and the remedies it requires.

We are witnessing the ripping-off of the lower-middle and middle classes—roughly, those earning between $8,000 and $15,000 a year. What has happened to these families since 1968? From 1947 through 1968, Census Bureau data show that the income shares—percentage of pretax total income—of poor and middle-income families increased, while the share of the richest one-fifth declined. In 1969, the trend began to reverse. By 1972—the most recent census figures—close to $10-billion had been redistributed from the bottom three-fifths of American families to the richest one-fifth.

Unemployment has been the greatest cause of this shift. In 1968, the unemployment rate was 3.6 per cent, with 2.8 million people out of work. Today the rate is 5.2 per cent, or 4.5 million jobless. Rising unemployment normally takes the jobs of the unskilled and semiskilled first (although the energy crisis added some skilled workers to the number), and these workers also tend to be the last rehired when the economy turns up. Thus, unemployment is primarily at the expense of low- and moderate-income people.

Rising prices, too, take a heavier toll of low- and middle-income consumers than of the well-to-do. They spend a higher proportion of their income on basic necessities. The soaring costs of food, fuel and housing make sharp inroads on their real income. The bottom three-fifths of American families have paid for a disproportionate share of the 40 per cent rise since 1968 in the Consumer Price Index.

Tax increases must be added to rising prices as the special burden of those earning under $15,000, and particularly of the second and third fifths from the bottom. While the real income of the very poorest families has been boosted by Federal programs—food stamps, housing subsidies, Medicaid—the next lowest two-fifths are generally not eligible. Their taxes, however, get heavier and heavier. The only general tax increases of the last few years have been payroll tax increases. On Jan. 1, 1973, the Social Security rate was increased from 5.2 to 5.85 per cent, and the wage base on which the tax is computed raised from $9,000 to $10,800. On Jan. 1, 1974, the wage base was again raised from $10,800 to $13,200. A family earning $12,000, for example, in 1972 paid a payroll tax of $624. Today, on those same earnings, the family must pay $702—a 12.5 per cent increase in a little over 15 months.

As a result of tax increases and inflation, real spendable weekly earnings—computed by adjusting gross weekly earnings for inflation and Federal taxes—for the average nongovernment worker have declined 7 per cent in the last 19 months, and are actually lower today than in 1968.

Clearly, moderate-income Americans are getting the short end of the stick these days. President Nixon's economic passivity is thus all the more perplexing. Income distribution? The aggregate income pie is bigger than it was five years ago, so never mind whether distribution has become more unfair, he seems to say. Unemployment? It may have to rise still higher this year. Inflation? The main threats are economic expansion and wage increases, so let's keep a tight budget and money supply, and urge labor to forgo the pay raises which inflation has made necessary. Inequitable tax burden? Tax cuts would be inflationary, so let's not touch the status quo. Mr. Nixon's economic pronouncements all add up to a big zero as far as the average worker is concerned.

Grown restive in its role of loyal opposition through the food crisis, the energy crisis, the credit crisis, a Democratic Congress is moving to reassert its traditional activism in economic affairs. In May, 64 Congressmen signed a petition requiring the Steering and Policy Committee of the House Democratic Caucus to prepare an economic action program to clarify Democratic economic goals and to serve as a basis for legislation. The committee is now preparing such a program for caucus action.

A growing number of Democratic members see the recent explosion of wage-increase demands as something more than an inflationary threat. Labor's new assertiveness at collective-bargaining tables reflects a growing belief (fostered by the political as well as the economic climate) among workers that the Government simply will not protect the interests of the average man. The task ahead is how to give workers their very just due while avoiding the inflationary impact which exorbitant wage increases would produce, to the eventual detriment of the workers themselves.

The economic program toward which Democrats are moving is based on a time-honored concept strangely lacking in present-day public affairs: a social contract between the Government and the majority of citizens, For too long, the Government has been all too responsive to the persuasive spokesmen of the rich and the powerful.

Now a new commitment must be made to the economic well-being of average Americans. The Government must pledge a good-faith effort to provide jobs, stable purchasing power and a fair tax burden. Workers, seeing this new commitment to their economic interests, would have every reason to moderate their wage-increase requests. Thus both social justice and economic recovery would be served. Such a social contract would have to address itself to the problems of jobs, prices and taxes.

The present unemployment rate of 5.2 per cent is still way above any definition of full employment. Moreover, the Council of Economic Advisers, in a rare moment of candor, admitted that unemployment will probably rise to 5.5 or 6 per cent before the year is over.

President Nixon's proposals for dealing with unemployment are disappointing. As with almost every other recent economic evil, the rise in unemployment is largely attributed to the energy crisis: citing Labor Department statistics, Mr. Nixon blames the crisis directly for the loss of 150,000 to 225,000 jobs mainly in service stations and airlines, and 300,000 jobs in "industries like motor vehicles, motels, recreational vehicles, small aircraft, boats, etc." This would account for fully one-tenth of all the unemployment of the past months. And this assessment is very convenient for the President, since it allows him to conclude that positive action is not necessary now: As the energy crunch diminishes (which it may not do in the long run) energy-related unemployment will follow suit. Perhaps so for the moment, but even that policy—passive, based on faith and hope—does nothing to attack the extensive unemployment which is *not* energy related.

For the millions out of work or threatened with losing their jobs, the best the President can do is hold up the promise of extended unemployment benefits through his proposed Job Security Assistance Act, which is quite obviously misnamed. It does nothing to improve job security; it does nothing to reduce unemployment. There are no easy solutions to the job problem, of course, but there are a number of positive things that can be done. Millions of unskilled workers need jobs, and hundreds of companies are searching in vain for workers with particular, not necessarily very complicated, skills; so increased manpower training and development would clearly help. Workers' lack of mobility between declining industries and expanding industries is another employment problem that can be dealt with. Improved adjustment assistance and advance economic forecasting would allow workers to make the transition more easily and more intelligently. A third problem is the imperfect information which exists about available jobs. Redesigned employment services—regional labor exchanges with comprehensive computerized job data banks—would help make more efficient use of existing manpower resources.

But while job training and placement are vital parts of the fight against unemployment, there must be a job at the end of the road. The fastest and cheapest way to assure jobs is simply to create them through public-service employment. Except for a small budget request this year, Mr. Nixon has dismissed the valuable functions which public-service employment can provide as "leaf-raking projects" and "dead-end jobs."

"Dead-end"? The need for the social services which these jobs would provide is greater all the time. Teachers are beaten up in schoolyards for lack of police protection; passengers shake their teeth out in AMTRAK trains because the roadbeds need smoothing out; the water and air we drink and breathe are dirtier every day for lack of pollution-control workers; millions of young mothers are prevented from working because adequate day-care centers just do not exist; health care has become more expensive and time-consuming for want of paramedical personnel.

How many such jobs would we need? The Nixon Administration has requested a mere 50,000 jobs for fiscal 1975. Given projected unemployment rates for the remainder of this year and next, we should aim at closer to 500,000 jobs. Creating 500,000 public-service posts would reduce unemployment almost immediately by more than one-tenth, above and beyond any reduction occurring if the energy crisis eases.

Public-service jobs of the kinds listed above are the least costly, least inflationary, and least energy-consuming. Creating 500,000 such jobs would cost approximately $3.5 billion per year, to be recouped through cutting an equivalent, amount of waste in the 1975 Nixon budget, especially in military expenditures. With 4.5 million men and women unemployed, what on earth are we waiting for?

Although unemployment has markedly hurt a significant segment of American workers, inflation eats away at us all. One searches in vain in Mr. Nixon's radio address and the Council of Economic Advisers' report for any cohesive program to fight this malignancy. Mr. Nixon relies throughout on forecasts, expectation, hopes, studies and voluntarism to justify his optimism that "the worst is behind us," and that food and fuel prices should come down this summer. But nowhere does he put forth an active program. Rhetoric aside, his major economic initiative turns out to be appointing Mr. Kenneth Rush as Counsel for Economic Policy to mediate among his warring economic advisers: Federal Reserve Chairman Arthur F. Burns; the Director of the Office of Management and Budget, Roy L. Ash, and Treasury Secretary William E. Simon. We are thus left with the usual Nixon response of optimistically waiting for inflation to "turn the corner," a "policy" singularly reminiscent of Mr. Hoover's response to the Depression, and so far, singularly unsuccessful.

Tight money policies—that is policies restricting the supply of money banks may lend—and tight fiscal policies—keeping Federal spending as close to revenues as possible—have been the traditional tools for fighting inflation. They are still essential but they are no longer enough. Unfortunately, they are the only tools that Mr. Nixon and his Council of Economic Advisers seem prepared to use, despite their high costs in terms of unemployment, skyrocketing interest rates and a crisis in homebuilding and consumer buying.

The inflation currently plaguing us is fundamentally new and different. Soaring costs of food and energy have dominated inflation during the past year—price rises which were exacerbated by extraordinary crop failures around the world and by the oil embargo. Although these particular problems will no doubt pass, the growth of world population and income can lead to similar scarcities in the future, especially if cartels such as OPEC (Organization of Petroleum Exporting Countries) are formed by countries producing other primary commodities. We may be seeing only the beginning of rising prices, so the time has come for major new anti-inflation policies.

First, the Government needs to protect important interest-sensitive sectors of the economy from the harmful effects of tight money. When money is short and interest rates high, the credit allocation process goes away. Banks have limited amounts of credit to allocate among competing alternatives. Left behind in the queue are many worthy uses of credit which are readily priced out of the market by high interest rates—low and moderate-income housing, business long-term plant and equipment, small businesses, farms. Instead, lending increases to less worthy causes where the opportunity for extraordinary profits makes high interest costs largely irrelevant—speculative real estate, conglomerate take-overs, loans for building up inventory and supplies in anticipation of future price rises.

The Federal Reserve Board needs the power to control not only the total amount of credit available, but also where it goes. The board must be able to direct more credit to high-priority needs like productivity, increasing investment and low- and moderate-income housing, and away from backyard swimming pools, Las Vegas casinos, conglomerate mergers and other nonproductive uses. The best way to do this is to let the Fed reward banks that make a high percentage of priority loans by varying reserve requirements to allow them to immobilize less of their lending power.

Second, the Government needs to undertake measures to expand supplies of basic commodities. Advance planning and sensible import and export policies will be needed to increase the supplies of scarce materials and to eliminate future shortages. Ironically, the Administration frequently does just the opposite. For months and months, in 1972 and 1973, the Department of Agriculture, despite the growing beef shortage, refused to let cattlemen graze their livestock on the 60 million acres set aside from production under the farm price-support program. As a result, fewer beef cattle came to market, and the price of meat jumped.

Again, in early 1973, Secretary of Agriculture Earl L. Butz sent a bulletin out to the turkey growers of this country, advising them to keep turkey production down in order to keep the price up. And up indeed it went—so much so that last Thanksgiving and Christmas, a turkey cost almost double what it had cost a year before.

The milk price scandal is another case in point: an agreement was made by the Administration to raise the price support for milk—a large campaign contribution was made, the support price was raised. One day a jury will determine whether this was bribery. We don't need to wait to know that it was a giant rip-off for the milk consumer.

Or take oil. We can't blame the energy crisis entirely on the Arabs. It has been obvious for years that the United States, with its energy demand growing exponentially, faced eventual shortages of crude and refined oil. The President's own Cabinet Task Force on Oil Import Control warned him of this in 1970, and advised, as did other experts, that the oil import quotas should be abolished. But faithful to the oil interests who financed his election, the President refused to subject domestic producers to the competition of cheaper foreign oil. Had he done so, we would have a stockpile of oil today to help cushion the fuel shortages exacerbated by the oil embargo.

If only the Administration had repented. But no—like so many rogue elephants crashing through the canebrake—various Government agencies are today carrying off scarce goods and credit from the United States economy, and thus worsening inflation. It is misguided to give perverse incentives willy-nilly to export scarce goods, like wheat, cotton, scrap and lumber and to export equally scarce credit—that is vitally needed domestically for housing, small businesses and capital investment generally—for the benefit of rich countires well able to buy at market prices. Yet that is precisely what the Government is now doing. Some examples:

The Commodity Credit Corporation, unabashed by the Russian wheat fiasco of 1972, continues to lend to foreign countries so that they can buy American wheat, soybeans and other scarce commodities at discount prices. In the fiscal year that ended in June 30, 1974, the C.C.C. issued $286-million in new credits. Even more astounding, the Department of Agriculture is now preparing a big promotion campaign for the current fiscal year for $415-million in new credits. Who gets these allocations of credit? Oil-rich Iran for one. Last year Iran got a C.C.C.-administered $45-million 15-year loan for American wheat. While the Iranians gouge the Americans on oil, the C.C.C. gouges the Americans on wheat! With our wheat dissipated, of course bread prices here rise. With our credit diverted to Iran, of course, housing here languishes. With our grain reserves gone, hope of helping the starving millions of the Sahara margin and of the Indian subcontinent dwindles. And, of course, the taxpayers pay for the program.

Furthermore, the local currency counterpart of these easy-money loans is supposed to be used to expand future United States exports. But instead of building a promised port facility, the Iranian Government, with the help of the Department of Agriculture, has used these funds to subsidize model kitchens for middle-class Iranian housewives! The Department of Agriculture wanly hopes that one day modern kitchens in the suburbs of Teheran will have an American chicken in every pot!

Or take the Export-Import Bank. It recently guaranteed a $48-million, seven-to-ten-year loan at 6 percent interest to German Lufthansa to purchase American, wide-bodied commercial planes. Since West Germany is choking with reserves, and the mark is very sound, Germany should obviously have bought them for cash. The Export-Import Bank is also making cut-rate taxpayer-subsidized loans to Japan for commercial aircraft, for nuclear-power-plant fuel and for cotton at a time when shortages are causing the cost of cotton goods in this country to soar.

Or take the I.R.S.'s DISC (Domestic International Sales Corporation) program created back in 1971 when we were still laboring under fixed exchange rates. DISC gives a tax deferment to American companies to induce them to expand exports. But frequently these exports are scarce items like lumber, plywood, or scrap—whose domestic prices, again, are driven up.

This is not to say that free trade itself is not a worthwhile goal. It provides more goods for lower prices, jobs for American workers and the most efficient use of world resources. But the current Administration policy of *indiscriminately subsidizing* exports is misguided. Partly as a result of this policy, farm products and raw materials, whose domestic price leaped 50 to 60 per cent in the last two years, now account for one-third of American exports, up from one-fourth in 1969. American consumers bear the brunt in high prices.

The final irony is that the Federal Reserve is now so worried about excessive exports that it wants to intervene in the market to raise the dollar's exchange rate. Would it not be more sensible to cut down on the excessive exports in the first place by curtailing the agencies that are using the taxpayers' dollars to bring them about? Government, in a nutshell, must reverse its generally restrictive outlook on supply. The Congress is, in fact, moving to repeal or curtail DISC and to restrict the indiscriminately subsidized lending by the Export-Import Bank. The C.C.C. should certainly be re-examined as well.

To insure that the Government vigorously pursues proper price and supply policies, and that private industry does the same, we need a Congressional Price-Supply Ombudsman. The ombudsman would have the power to hold hearings, summon witnesses and examine records (by subpoena, if necessary); challenge Government agencies when they act to restrict supply or raise prices; needle the health industry, for example, to improve supply and efficiency; recommend to Congress T.V.A.-type yardstick competition for the oil industry; recommend antitrust action against industries when it will reduce prices; focus public opinion on unconscionable price hikes. By acting as the public's watchdog on inflation, the ombudsman could be a significant factor in restraining prices.

Though it is essential that we see it through, the battle against unemployment and high prices is going to be a long one. Unfair tax burdens, on the other hand, are within our power to rectify now. The two elements of tax redistribution are tax relief and tax reform, both of which President Nixon has long opposed. In his recent radio address, he called tax reduction "the gravest danger to the economy today," and condemned "the notion that a large tax cut can be given to the vast majority of the American people and that [sic] the money made up by taxes on a few people who are rich, or corporations." He put the matter even more clearly at campaign contribution time in April, 1972. At a party given by John Connally, Secretary of the Treasury at the time, at his Texas ranch, the President told the assembled oil, banking, and industrial oligarchy: "There has been a lot of talk lately about the need for tax reform, and a great deal of criticism of so-called tax loopholes." He reminded his audience that "this Administration has been subjected to considerable criticism on the ground that we are for big business and we are for rich oil men and against people." Nevertheless, he continued, "As far as I am concerned . . . I strongly favor not only the present depreciation rate, but going even further than that."

Congress must not be flummoxed by Mr. Nixon's ingenuities. A tax reduction specifically for low- and middle-income taxpayers, financed by loophole-plugging tax reform, is clearly an essential part of a new social contract. The tax relief (accompanied by a thoroughgoing welfare reform for those too poor for the tax rolls) could take several forms, such as (1) reducing the employe's payroll tax; (2) increasing the income-tax standard deduction and the low-income allowance; or (3) changing the personal income-tax exemption to a credit.

To avoid excessive fiscal stimulus, the cost of tax relief should be offset through closing tax loopholes. Prime loophole candidates for revision or elimination, particularly those which now have untoward economic effects, are: (1) capital gains untaxed at death, a loophole that discourages *inter vivos* gifts and tends to lock in investment capital; (2) foreign oil bonanzas, which discourage domestic exploration and production (the House Ways and Means Committee is already moving against them); (3) hobby-farm tax deductions, which bid up the price of agricultural land; (4) the I.R.S.'s DISC policies; (5) tax-exempt interest on state and local bonds, which results in a loss of revenue to the Federal Treasury far outweighing the benefit to state and local governments and restricts the market in municipal bonds to the very rich (these bonds could be supplemented by higher interest, taxable bonds with a Federal subsidy paid to the state and local governments to make up the difference in the interest rates).

There are three reasons for tax redistribution now; the first is simple fairness. The tax system is supposed to be progressive. The most visible tax, the Federal income tax, is progressive—to the extent the numerous loopholes permit. But the total tax burden, Federal (including payroll), state and local, falls quite differently. A 1974 Brookings Institution study shows that the incidence of all taxes combined is merely proportional. Thus the rich do not pay a much greater percentage of income in taxes than modest-income families do, and the redistributive impact of the tax system—the degree to which it smooths out income differentials between those who have money and those who need it—is minimal. Tax redistribution is needed to restore progressivity to the system.

The second reason is the need for a partial cost-of-living adjustment. The effect of unemployment, inflation, and rising payroll taxes since 1968 has been to undermine the economic status of modest-income people. Tax relief is necessary to redress the special hardships suffered by the lower three-fifths of families.

The third, and related, reason is the need to avoid a serious cost-push inflation due to large wage increases. Tax relief means more money in the worker's pocket. Perhaps more than any other element of the social contract outlined in these pages, sure tax relief is most likely to persuade the average wage-earner, left way behind by spiraling prices, to moderate his demands for a wage increase. Mr. Nixon's reply to the wage-price problem is to suggest that "labor organizations should recognize that except for the period of the energy crisis the compensation, including fringe benefits, of nonfarm workers has more than kept up with the prices of the things they produce; they have fallen behind prices of farm products and imports." This is a strange notion—a worker in a widget factory is asked to gauge his wage to the price of widgets rather than the price of food and gas? It gives no incentive to workers to moderate wage demands, especially in light of the fact that corporate profits rose during the end of 1973 and the beginning of 1974 at an annual rate of over 46 per cent. Tax relief, balanced by revenue-raising tax reform, on the other hand would provide such an incentive.

These, then, are the elements of a new social contract—jobs, improved purchasing power and a fairer tax redistribution. A real commitment to the interests of the low- and middle-income three-fifths of American families involves more than a pious commitment of principle. It requires that we make these goals our first priority and devote to them our full attention, dedication and ingenuity. The Administration seems unable to exercise the necessary leadership.

It is up to the Democratic Congress to lead the way to economic recovery and restored social tranquility by making and standing by a real social contract.

WASTE OIL: THE EPA YAWNS AGAIN

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, for the past week I have been trying to understand why the Environmental Protection Agency is reluctant to deal forthrightly with the problem of waste oil. As most of my colleagues know, I have been deeply interested in the waste oil recovery for several years now. Since 1971, I have sponsored legislation to provide Federal encouragement to State and local governments for the establishment of effective programs of waste oil recovery. Thus far progress on this legislation has been frustrated by the unwillingness of the EPA to take a firm stand on this policy question.

On October 18, 1972, Congress passed over Presidential veto, Public Law 92–500, the Federal Water Pollution Control Act Amendments of 1972. Section 104(m) of this legislation mandated that the EPA conduct a comprehensive waste oil study. This study was to be submitted to Congress 18 months after enactment—April 18, 1974.

Soon after the passage of this legislation, it became clear that the EPA was not going to take any policy stand on the waste oil problem until the completion of its report. Administrator Russel Train wrote to Chairman MILLS of the Ways and Means Committee on December 13, 1973, with regard to my proposed legislation. Mr. Train wrote:

> Until additional information is available our studies have been completed, and the report has been made, we believe that enactment of new legislation in the waste oil area would be inappropriate.

Understandably, it was with some anticipation that I awaited completion of EPA's waste oil study. Last week, the report was finally released.

The results are disappointing. To the credit of EPA and its staff, the final waste oil report is the best compendium to date of primary data on the waste oil problem. What is disheartening is that EPA, after 18 months of thorough study, is still unable to define a clear policy position on the waste oil problem.

At issue is whether or not EPA should call for the reversal of two administrative rulings which have the effect of discouraging the rerefining of waste oil. The first was a 1965 ruling by the Federal Trade Commission that all rerefined oil shall be marketed with the label "Previously Used Oil." The second was a ruling—also made in 1965—by the Internal Revenue Service to disallow rerefiners from claiming an "off-highway" exemption for the excise tax rerefiners pay on the new oil with which they manufacture their final product. The impact of this ruling has been to place rerefiners at a competitive disadvantage to new oil marketers in the crucial off-highway market—primarily railroads and farm vehicles.

Regarding both issues, the EPA final report merely recommends further evaluation and study.

Mr. Speaker, we have no more need for paltry, weak-kneed recommendations. After 3 years, we need action. There is clear evidence—much of which is contained in the EPA report—which supports the repeal of both rulings. But in the face of this evidence the Administrator is willing to sit back and continue his 3-year-long yawn.

Before the final report was issued, I talked with Assistant Administrator John R. Quarles and voiced my dissatisfaction with the recommendations of the report. I further spelled out my dissatisfaction with the report in a subsequent letter to the Assistant Administrator.

My letter outlined the contradictions and inconsistencies contained in EPA's recommendations. Mr. Quarles, in his response, stood by his recommendations. He stated:

> The total body of evidence did not seem strong enough to those who prepared the report, however, to warrant a stronger stance at this time.

A close reading of the report and further investigations by my staff indicate that Mr. Quarles statement is at least misleading. For example, on page 87 of the report the staff states:

> . . . the IRS ruling 68–108 should be reversed to permit the non-highway user of rerefined oil to obtain refunds of taxes paid on virgin oil blended with the rerefined

Subsequent inquiries by my staff indicates that the staff economist working on the report supported this conclusion. Why, in the face of the recommendations of the staff, does the EPA merely advocate a "reevaluation" of the ruling?

The answer to this question is difficult to determine, but it apparently is linked to an unwillingness of the upper management at EPA to become involved with the waste oil question. Stronger recommendations than were contained in the final report were forwarded by the staff for review to the Assistant Administrators within the Agency. It was during this review process that the staff recommendations were "modified."

It is disturbing to me that EPA's upper echelon has buckled under on waste oil recovery. After all, advocating a reversal of an IRS ruling is hardly comparable to the other tasks EPA has taken on. Why is an agency which is willing and able to control major sources of pollution reluctant to take even a small step to remedy the waste oil problem? EPA's poor performance in its waste oil study does nothing more than undercut the reputation which it has worked so hard to establish.

For the interest of my colleagues, I would like to insert at this point in the RECORD my correspondence with Mr. Quarles:

JUNE 27, 1974.

Mr. JOHN R. QUARLES,
Deputy Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. QUARLES: I appreciate the opportunity to talk with you concerning EPA's waste oil study. As you know, I am dissappointed with the recommendation contained in this report. Briefly stated, your study recommends that two administrative actions—one by the IRS, the other by the FTC—should be reviewed due to their adverse impact on the rerefining industry.

Since 1971, I have been sponsoring legislation to reverse these actions. EPA has failed to support this legislation pending the completion of its waste oil study. On December 13, 1973, Administrator Russell Train wrote to Chairman Mills of the Ways and Means Committee concerning this legislation (H.R. 5902):

"The Environmental Protection Agency does not support enactment of the 'National Oil Recycling Act.' The Agency believes that legislation on this subject at this time would be premature."

Further, Mr. Train wrote:

"Until additional information is available, our studies have been completed, and the report has been made, we believe that enactment of new legislation in the waste oil area would be inappropriate."

Now that the report is about to be issued, EPA calls for further study. There is no policy recommendation. There is no legislative initiative.

There is indication that this stance was determined in the review process and does not follow the recommendations of the staff. For example, on page three of the draft report under the section entitled, "Recommendations," the report states:

"IRS ruling 68–108 should be re-examined to determine the feasibility of allowing non-highway users of rerefined oil to obtain refunds of taxes paid on virgin oil blended with rerefined lube."

Yet on page 87 the report states:

". . . the IRS ruling 68–108 should be reversed to permit the non-highway user of rerefined oil to obtain refunds of taxes paid on virgin oils blended with the rerefined lubes."

This latter recommendation is supported by additional material submitted by the Environmental Law Institute included in Appendix E, page 293.

"Reversal of Revenue Ruling 68–108 is suggested because, on its face, it places rerefiners at a disadvantage in the nonhighway lubricating oil market. It permits rebate of excise taxes on virgin oil products without permitting a rebate on taxes on reprocessed products, it appears to run contrary to congressional intent, and it produces an anomalous situation in which railroads may pay subsidies to their highway competitors."

How can EPA bypass the recommendations of its own staff and the respected opinion of a major contractor and seek further study of the matter?

A similar situation pertains to the FTC labeling requirement for rerefined oil. Although EPA recommends revision of the FTC labeling requirement on rerefined products, there is no extensive policy discussion of this alternative in the body of the report. Appendix F, submitted by the Environmental Law Institute discussed this matter in depth, but EPA states in the Preface to its report that ELI's work does not represent the views of EPA. As you know, the ETC is currently reviewing its labeling regulations for all recycled products. It is unfortunate that the EPA does not take this opportunity to make more substantive policy recommendations regarding the discriminatory labeling requirements for waste oil. At the very least, the EPA could provide guidance to the FTC in establishing labeling guidelines for waste oil in accordance with performance specifications.

It should be pointed out that the Defense Supply Agency in a study released in September, 1972—almost two years ago—cited the adverse impact of administrative actions by the FTC and IRS on the rerefining industry. In fact, legislation I introduced on December 2, 1971 was geared to correct these inequities.

As a matter of fact, it was a college intern who first identified these problems and brought them to my attention. You can understand that I am less than startled by the recommendations of this report.

After two years of study it is indeed a disappointment that EPA has not developed a policy on waste oil. Although existing statutes do provide significant regulatory authority to control the irresponsible disposal of waste oil, it would be a grievous mistake for the EPA to assume, as it apparently has, that no new legislation is needed to cope with the waste oil problem.

Aside from the remedial steps of correcting the labeling and tax treatment of rerefined oil, Federal legislation is needed to provide a framework for effective state and local action. As you may know, Governor Malcolm Wilson of New York State recently wrote to each member of the New York Congressional delegation to urge enactment of Federal Waste oil recovery legislation.

I have been concerned about effective waste oil recovery for over three years. Thus far, discussion of the problem has been stalled for lack of a policy position by EPA. It is indeed a discouragement that the draft waste oil report does not formulate an EPA position on this matter. After two years of waiting and thousands of taxpayers dollars, it is tragic that we are no closer to developing a Federal policy on waste oil than we were in 1971.

Sincerely yours,

Charles A. Vanik,
Member of Congress.

U.S. Environmental
Protection Agency,
Washington, D.C., July 3, 1974.

Hon. Charles A. Vanik,
House of Representatives,
Washington, D.C.

Dear Mr. Vanik: I very much appreciate having your thoughtful letter of June 27, about the report on waste oil which the Environmental Protection Agency has transmitted to the Congress.

After our telephone conversation, I reviewed the report and its recommendations in some depth. As you recognize, the issues involved are extremely complex and not easily resolved. Our investigations did show that both the Internal Revenue Service ruling and the Federal Trade Commission's labelling requirement operate to the detriment of the re-refining industry and discourage the use of recycled oils. We recommended, therefore, that consideration be given to changing both of these policies. The total body of evidence did not seem strong enough to those who prepared the report, however, to warrant a stronger stance at this time.

Your comments are extremely helpful. I shall be continuing to consider this matter, and I have asked Miss Susan Walker of my staff to contact Mr. Vaughan after the recess to discuss it further.

With best wishes,

Sincerely,

John R. Quarles, Jr.,
Deputy Administrator.

A NEED TO PRESERVE OUR FARMLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. Udall) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, I have today introduced H.R. 15840, a companion bill to H.R. 15035, introduced by my colleagues from Maryland, Mr. Byron and and Mrs. Holt. Senator Mathias is sponsoring identical legislation in the Senate. This bill seeks to prevent the estate tax law from operating to encourage the loss and destruction of farm, forest, and open space land and is, in my opinion, a very significant legislative proposal. I hope that the Ways and Means Committee will give it prompt consideration and include it as part of the tax reform package they expect to report this year.

One of the most serious problems facing this country is the continuing loss of our best agricultural land to developments of all kinds. Indeed, thousands of acres are bulldozed and paved and thus converted from food and fiber production each month. In Maryland, 17 percent of that State's farmland has been lost since 1964. This land is irreplaceable.

It is high time that the Congress addressed what is now a national problem that is beginning to jeopardize our very ability as a Nation to provide for necessary food production. We are facing a world food crisis with dire predictions of massive starvation and famine in the near future. At home, our storage bins are emptying rapidly, yet we continue to allow our best agricultural land to be swallowed up by urban sprawl, parking lots, and more shopping centers.

This is but one dimension of the national land use problem that has concerned me and many other Members who worked for the development and enactment of the Land Use Planning Act. In my opinion, States are going to have to take stock of the situation and do some planning to insure that ample farm and forest land remains for their future needs and those of the Nation.

This bill is an attempt to do something constructive on the Federal level to encourage and assist farmers who want to continue farming but who are being forced out by high taxes and the pressures of developers and speculators. Many States have already taken steps to provide preferential tax treatment for agricultural land. I applaud those efforts and believe that this bill adds strength to that movement.

Specifically, under this act, farm land, forest land, open space and land listed on the National Register of Historic Places, if committed to those purposes, would be subject to lower rates for estate tax purposes. Heirs would not have to sell off their farms to pay the estate tax.

A significant provision would also guard against the prospect of speculators taking advantage of this preferential treatment for later profiteering. This provision would allow the Federal government to recapture any lost estate taxes if the land is later sold at a higher value or developed.

I commend my colleagues from Maryland for their innovative idea and I am pleased to join them as a cosponsor. We must put a stop to a scene that is being repeated over and over again—not just in Maryland, but across the country—where farmers find it no longer profitable to farm, or find it financially impossible to do so. We can do something about that and this bill is an important step in the right direction.

EDMESTON HONORS VIETNAM CASUALTIES

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, this Saturday, July 13, the Otsego County Firemen's Association will hold their annual parade in Edmeston, N.Y. This year, the firemen's association has chosen to model the theme of the activities in memory of four men the town of Edmeston lost in the Vietnam conflict, and to others, of no less importance, who died while serving in Southeast Asia.

I would like to spend a few moments in tribute to this county, its people, the Otsego Firemen's Association, and most importantly to those men for whom this parade is dedicated.

Briefly, may I put on record the stories behind the four young men from Edmeston. In a community the size of Edmeston, where the streets are named after the four directions in which they run, the whole town watched these boys grow and learn, win football, basketball, and baseball games, heard other students and townspeople cheer them on, shared fellowship and community with the boys and their families, watched them go off to fight in Vietnam and finally saw them laid to rest. They meant more to the community of Edmeston than anyone from a bigger impersonalized place can begin to imagine because their community had a place for them, a place for them to fit.

All four of these men graduated from Edmeston Central School. Sgt. Allen Robert Miller, son of Charles and Mary Miller, was born on October 11, 1947, in the town of Edmeston. He entered the service in Albany, N.Y., on January 23, 1968. Prior to his death he was awarded the National Defense Service Medal and the Vietnam Service Medal, among other distinguished awards. Allen Miller was killed in action on March 24, 1969, after which he was awarded the Purple Heart, Honorable Service Award, the Governor's Conspicuous Service Citation from the State of New York, and additional awards.

Sp. 4 Brian T. Cady, son of Norman and Doris Cady, was born on August 7, 1947. He entered the Service on October 26, 1966, and received training at Fort Jackson, S.C. On January 15, 1968, he was reported killed in action. Brian received many outstanding awards including the Bronze Star, Purple Heart, Vietnam Service Medal, and the National Defense Service Medal.

Pfc. Andrew C. Rose, son of Kenneth and Grace Rose, was born on November 13, 1949. He entered the Army on June 24, 1968, and went through basic training at Fort Dix, N.J., and Camp Polk, La. Andrew Rose was killed in action on June 3, 1969. Like Specialist Cady and Sergeant Miller, Private Rose received various distinguished awards and medals. Some of them include the National Defense Service Medal, the Bronze Star, the Purple Heart, and the Silver Star.

Second Lt. Terrence C. Graves, son of Leslie and Marjorie Graves, was born on July 6, 1945, in Corpus Christi, Tex., after which his parents moved to Edmeston. Terrence entered service as a student at the Marine Corp schools in Quantico, Va., in June of 1967. He served as a platoon commander while in Vietnam and lost his life after being wounded and personally taking charge of the evacuation of the rest of his unit, without regard to personal welfare, and while under intense hostile enemy fire. For his heroism, Lieutenant Graves received the Congressional Medal of Honor, as well as other awards including the Purple Heart, the Vietnam Service Medal, and the National Defense Service Medal.

It seems most appropriate and admirable that these four men, who among them earned 22 medals and awards for their outstanding service and gallantry in Vietnam, be honored on this day of dedication. These four men the community of Edmeston lost, and others like them, were there to assist because they were proud of their heritage and their representation as ambassadors, with disregard to their obscurity to the rest of the world.

While this parade is giving special recognition to the four young men from Edmeston, it will also recognize and pay tribute to the men from other areas of Otsego County, N.Y., who lost their lives while fighting in Southeast Asia. I have taken the liberty of including those names in memory of their service to the United States of America:

Robert W. Atwell, Cooperstown, N.Y.; Clarence Baldwin, Cherry Valley, N.Y.; Gerald Baldwin, Cooperstown, N.Y.; Daniel M. Bennett, Oneonta, N.Y.; Lawrence W. Breitnitz, Schenevus, N.Y.; Ronald J. Crandall, Mount Vision, N.Y.; Arthur P. Elmandorf, Oneonta, N.Y.; William B. Jones, Oneonta, N.Y.; Richard Kohland, Oneonta, N.Y.; Albert E. Peterson, Hartwick, N.Y.; George T. Reynolds, Oneonta, N.Y.; Donald A. Rittlinger, Oneonta, N.Y.; Ronald S. Rossini, Oneonta, N.Y.; Frans Tines, Cherry Valley, N.Y.; Burdette Townsend, Oneonta, N.Y.; Richard F. Walton, Gilbertsville, N.Y.; Leon E. Waters, Milford Center, N.Y.; James C. Wheeler, Oneonta, N.Y.; Robert A. Weideman, Oneonta, N.Y.; and John K. Winslow, Hartwick, N.Y.

The citizens of the town of Edmeston and of Otsego County can look forward to a well planned, meaningful, and enjoyable parade on July 13. We can be proud of the Otsego County Firemen's Association for their choice of theme and their hard work and dedication. In particular, Mr. Al Jennings of Edmeston deserves praise for his tireless efforts to make this parade a success. My colleagues and I join the citizens of Otsego County in their tributes to the young men who lost their lives serving the United States in Southeast Asia.

KEEP AN EYE ON UDALL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, my colleagues, I am sure, who have not seen it will be pleased to see an article by Mr. James A. Eldridge, editorial page columnist and book critic of the Chillicothe Gazette of Chillicothe, Ohio, in the issue of June 17, 1974, entitled "Keep an Eye on Udall." In this column Mr. Eldridge surveys the Presidential activities of our distinguished colleague, Mo UDALL, and finds him not only making very commendable progress but developing very substantial strength as a candidate for the Democratic nomination for the Presidency. We of the House would be very pleased and proud to see Mo, as one of our outstanding Members, recognized as one of the principal contenders for the Democratic Presidential nomination. Indeed, we would be pleased to see him the Democratic nominee. We are confident he would be elected and would serve the country with integrity, dedication, and wisdom. I include the article by Mr. Eldridge in the body of the RECORD following these remarks:

KEEP AN EYE ON UDALL

(By James A. Eldridge)

In the more than 30 years that I have spent reporting or participating in American politics and public affairs I have never taken to my typewriter in a spate of political forecasting. That is, until today.

The occasion for this piece of pontifical journalism is that I sense the 1976 Democratic presidential sweepstakes are beginning to shape up. The first trial runs will be made in the next few months.

As a matter of fact, Sen. Henry Jackson of Washington has not stopped running for the '76 nomination since he lost the '72 nomination.

And there is Sen. Edward Kennedy of Massachusetts—undeclared but jockeying for a pole position.

In recent weeks a new horse has been seen on the track testing the presidential turf to see if he can attract any backers for the big race in 1976.

The jockey, Congressman Morris K. Udall, is wearing a cactus flower in honor of his home state, Arizona.

Udall's candidacy—as yet lacking a formal declaration—is being carefully tested on the hustings among professional politicians. He has made exploratory trips to Wisconsin, Missouri, and Florida in recent weeks and he is beginning to catch the attention of the media.

The Washington Star-News, the New York Times, the Miami Herald, the St. Paul Pioneer Press and the Madison (Wis.) Capital Times have carried interviews with Udall on his presidential aspirations. A few days ago CBS News devoted considerable film to Udall's activities and he got some plus exposure on a recent NBC Today show.

Who is Congressman Udall and what are his qualifications to be considered as a serious contendor for the 1976 Democratic presidential nomination?

"Mo," as he is widely known, is from a pioneer Arizona family—with Mormon roots—and a history of public service. His father, Levi S. Udall, died in 1960, while serving as Chief Justice of the Arizona Supreme Court. His mother, Louise Lee Udall, who died this year, was active in civic affairs and had an intense interest in Indian life and culture and was the author of "Me and Mine," the life story of a Hopi woman. His brother, Stewart, served as Secretary of the Interior in the Kennedy and Johnson Administrations.

The Congressman was born on June 15, 1922, in St. John's, a small northern Arizona town. He lost an eye in an accident at the age of six but his six-foot, five-inch frame, coupled with his athletic ability, enabled him to play basketball in college and later professionally—with the Denver Nuggets.

During World War II, he served four years in the Air Force in the Pacific Theatre and was discharged with the rank of captain. He then attended the University of Arizona where he received his law degree with distinction in 1949.

Until 1961, when he was elected to Congress to succeed his brother Stewart, he practiced law and served as Pima County (Tuscon) attorney.

In the House, Udall is considered a liberal Democrat, but solid enough to be returned to his seat six times by a conservative district.

In legislative battles, he has served as a floor leader on medicare, the elementary and secondary education act, the housing act and civil rights.

He broke with President Johnson on the Vietnam War in 1967 at a time when his brother, Stewart, was in the Johnson cabinet.

Udall challenged the entrenched House leadership in 1969 when he ran against John McCormick for Speaker of the House—a futile move—but one which helped catalyze reform elements in the House.

He considers the environment his principal bailiwick. In this posture he has been on top of environmental and energy legislation in the House. Presently he has pending before the House a strip mining control bill. He is not one to dodge the controversial.

Currently, he is the leading House sponsor of the national land use planning act and also a $3 billion energy research and development act.

Udall has also joined forces with one of the House's most respected conservatives, Republican Congressman John Anderson of Illinois, in sponsoring a campaign finance reform act.

"Mo's" skill as a legislator, combined with his reputation as a committee member who does his homework, has lead to an impressive list of legislative accomplishments. In conservation alone these include the Wilderness Act and those establishing the Redwoods National Park, North Cascades National Park, Indiana National Dunes Lakeshores, the Assateague and Gateway Seashores.

His amendment to the Alaska Native Claims Settlement Act saved more than 80 million acres of this frontier from private exploitation and preserved them for national parks and wilderness areas.

An "egghead," Udall has written two books, "The Job of the Congressman" and "Education of a Congressman," both published by Bobbs-Merrill.

Both books examine in depth the troubling issues of our time.

His present presidential campaign activities began quietly and almost by accident. Two House members, Congressmen Henry Reuss and David Obey, both of Wisconsin, launched the Udall balloon this past spring. In part, their action was in behalf of the House of Representatives, which in recent years has failed to field a presidential candidate.

But their effort was quickly supported by more than 30 House Democrats, including Don Edwards of California, John Seiberling of Ohio, Robert Kastenmeier of Wisconsin and Claude Pepper of Florida. These four are among the most powerful and respected Democrats in the House.

Let it be noted the last man to go directly from the House to the White House was James A Garfield of Ohio in 1880.

So far, Udall seems to be treating his exploration with a mixture of humor and thoughtfulness—two of his most attractive characteristics.

"I don't flatter myself that I am the only one around. I have considerable doubt whether this will fly or not, but I have decided, within the limits of my time and resources, to accept the invitations of groups around the country that want to take a look at me," he recently said.

I predict that Udall will formally enter the 1976 presidential foray and that he will be a formidable candidate—albeit a dark horse.

He will offer the Democrats an opportunity to break the present deadlock between the conservatives now grouping around Senator Jackson and the liberals who are awaiting word from Ted Kennedy.

As each day passes it is more obvious that both of these contenders are less and less acceptable to more and more organization Democrats for a myriad of reasons.

Udall brings to the hustings brains, integrity, leadership ability and the proven ability to win votes. One political pundit said of him, "He is Lincolnesque figure, the antithese of Watergate . . . an untarnished alternative for a deeply disenchanted electorate." And he is a powerful orator and fighting debater.

Watch Udall as he moves toward the battle. The 1976 Democratic presidential is not yet within the grasp of any one candidate nor has any single faction within the Democratic Party the power to deliver the nomination. It is still an exciting horse race.

TRADE KEY TO LATIN AMERICA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter).

Mr. PEPPER. Mr. Speaker, in Flordia Trend, a monthly magazine about Florida, my congressional assistant in Miami, Ellis Vaughn, and I write an article about what our attitude should be toward Latin America and the approach we should make to giving assistance to these neighbors and friends and some of the things we are doing and should do to be of real help in promoting the health, progress, and prosperity of these sister nations of the Western Hemisphere. Since this is a matter so vital to our country, Mr. Speaker, I include this article under my name in the body of the Record following my remarks:

Trade, Not Aid, Seen as Key to Latin America

(By Claude Pepper)

The future of Florida is closely interlocked with Latin America, as is our past. For many decades, we have been engaged in a variety of programs designed to strengthen ties with our neighbors to the south in an effort to improve their standard of living and thereby improve the quality of life for our hemisphere.

Some of these programs have been limited in concept and design; others have been comprehensive and elaborate, such as the Alliance for Progress. Regrettably, none have been completely successful in accomplishing the job.

The reason for this lack of success is quite clear to me. It is because we have never given Latin America the priority status it deserves in committing our talents and resources in carrying out our foreign policy.

I submit to you that we, as Floridians, being the Americans closest to Latin America in geographical, cultural and historical ties, should lead our nation in changing its outlook and giving Latin America the attention and respect it deserves. After this is accomplished, we can more effectively carry out our foreign policy by continuing to provide technical knowledge, helping the Latin American develop markets and in making available direct grants in the fields of education and health. Let me elaborate on each of these programs.

INDEPENDENTS

Like most people of the world, the Latin Americans want to be able to produce for themselves rather than be dependent on other nations for their well being. With our great technical and scientific knowledge we are well equipped to help them leap great expanses of time in catching up with the rest of the industrially and economically powerful nations of the world in their attempts to make the wisest and most efficient use of their vast natural resources.

Our federal government already has in operation a variety of programs designed to provide technical assistance and I would like to see these expanded. But I would also like to see our own state government get into the picture and provide technical assistance of its own which is uniquely and directly related to the needs of Latin America.

An example of this type of assistance would be for the Florida Department of Agriculture to send technicians to various countries to teach farmers and ranchers how to increase crop production and improve livestock management.

Various agencies under the Florida Department of Natural Resources concerned with marine life could provide information on stocking bodies of water with fish, controlling aquatic diseases and protecting the fragile marine environment.

TRADE, NOT AID

An important concept that we should keep in mind when planning assistance programs is that what the Latin American primarily wants and needs from us is "trade, not aid." A form of assistance that reflects such a policy and can be mutually beneficial is that of helping the Latin Americans develop markets for the various goods they produce.

This will, of course, require some aggressive participation on their part. Soon to be constructed in South Florida is Interama, the Inter-American Cultural and Trade Center, which when completed and in operation in 1976 will help immeasurably in accomplishing this task of developing markets for the nations of this hemisphere.

Some of the provisions of the recently enacted Trade Bill provide the President with the authority to initiate programs which will give priority status to the Latin Nations and establish new markets for countries most needy or worthy of this assistance.

Closer contact between such organizations as the International Center, the Customs Brokers and Freight Forwarders of Miami and the International Division of the Florida Department of Commerce can aid even further in pursuing a policy of "trade, not aid."

HEALTH, EDUCATION

In the fields of health and education, I believe the United States, with its great wealth and resourcefulness, can most effectively be of assistance by providing direct grants to the Latin Americans.

It is interesting to note that, in 1973, the United States gave $4 million more to Asia in direct health grants than it did to Latin America.

We can also broaden our efforts in this direction by encouraging the great medical and educational institutions of our state and nation to expend programs in existence and establish others which would send their students and staff to Latin America and bring up from those countries individuals to study and learn in our institutions.

As Floridians, we must now recognize the economic emergence and importance of Latin America in our future. Furthermore, we must work closely with our government and its officials by encouraging and supporting them and the leaders of our great institutions in their efforts to initiate programs reflecting this priority status.

THE KIDNAPING PROBLEM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on May 8 of this year, Mr. Fred Rayne, director of Burns International Investigation Bureau of Miami, Fla., appeared before the House Internal Security Committee and gave valuable testimony in respect to the kidnaping problem we face in the country today. Since this is a matter of such serious concern to so many people, I think it would be informative to the Members of Congress and to those who read this Record to be able to read Mr. Rayne's able presentation. Hence, I present it for the Record immediately following my remarks:

Mr. Chairman and Members of the Committee:

On behalf of the Burns International Security Services, Inc. and the Burns International Investigation Bureau, I wish to thank you for the opportunity to appear before you in connection with your current study of terrorism.

I personally would also like to express to you my own appreciation for having been invited to appear before you, for which I am most grateful.

Because of the alarming number of successful or attempted kidnapings that have occurred in various parts of the world, more than a year ago our organization formed the Burns International Investigation Bureau, not only to conduct professional investigative services in all parts of the world through a network of Burns offices and personally selected correspondents, but also to assist our many international clients in connection with threats of terrorism and, in particular, kidnapings overseas.

In 1973 Burns serviced 18,600 clients throughout the world, and many of them, particularly in South America, became more and more concerned with the problem at hand. The Burns Bureau immediately set to work and devised plans and programs on how to assist American and foreign businessmen overseas, and in October of 1973 the first seminar and briefing on the subject was given to corporation executives and directors of security at the Four Ambassadors Hotel in Miami, which was attended by approximately 80 individuals. Each one of those who attended was given a copy of the Security Handbook for Businessmen Overseas as well as a booklet entitled "Industrial Defense Against Civil Disturbances, Bombings and Sabotage."

As a result of an article which appeared in Business Week, dated September 29, 1973, in regard to the kidnapping of executives overseas, the Burns Bureau received numerous requests for information on seminars and briefings and for our handbook. Consequently, because of the numerous requests by clients as well as potential clients, a second seminar was given in New York City on January 23, 1974 at the Time & Life Building which was attended by approximately 80 executives. As a result of national and international publicity, another seminar has now been set for San Francisco on June 11, 1974 at the Westbury Hotel and on June 13 at the Hilton Hotel in Chicago. In the meantime, several thousands of booklets, now entitled "The Executive Protection Handbook," have been requested and provided to industrial concerns, particularly throughout the United States as a result of the recent spate of kidnappings.

The Burns International Investigation Bureau offers businessmen seminars on how to guard against terrorism and how to minimize the risk of being kidnapped. Reliance on guards and bodyguards as well as electronic systems is only a partial answer to the problem, and actually our motto is "brains not guns." Terrorism has now become not only the concern of private industry within the United States as the threats continue daily, but also to the average American, the banker, the business executive, the housewife, the children, all of whom are now turning to detective and security agencies for advice for themselves and their families. The kidnappings of Patricia Hearst and of Reg Murphy have brought home to the executives the dangers of terrorism and extortion as that could be applied in the United States.

Admittedly, there is no easy solution to the wave of kidnappings which appear to be the latest form of dissent in the United States. However, much can be done to minimize the risk. A good number of our suggestions are entailed in the Executive Protection Handbook. While these suggestions are not completely tentative and complete, as must be any list of precautions in dealing with such a complex and unsettled crime as kidnapping, their observance may do much to reduce the possibility of kidnapping.

To our mind, business must become more security-conscious. Too often "Security Official" is simply an additional title attached to an already harassed and busy company official. As a result, efficient guard forces are not enough to prevent sabotage, espionage, collusion, terrorist attacks and kidnappings. Many companies within the United States are still using yesterday's methods to cope with today's complex security problems, and it is essential that management realizes that they cannot afford to wait any longer to provide sufficient security for themselves. Inadequate security is a threat to any profitable operation, yet not until they hit home, until a problem is already upon them, that security precautions are taken.

There is no question in my mind that more terrorism is ahead of us, yet the businessman need not be frightened if he takes proper precautions. Fear accomplishes little. If the businessman is aware of what he must and must not do in the best interest of his security and acts accordingly, he can feel confident and lead a relatively normal life. Our Executive Protection Handbook speaks for itself as to what some of our recommendations are, and of course in addition, we also recommend certain electronic alarm equipment which I would like now to demonstrate. First of all, I would like to introduce Mr. Joe Sheehan, Vice President of the Commercial Department of Bell and Howell Communications Company, whose Tax II Alarm System we find most recommendable as a first warning system. Actually, our recommendation calls for a positive security program as follows:

1. Train management and security and safety personnel in effective handling of emergency situations so that they can, within their own organization, set up the necessary plans. Such plans must be tailored to their specific needs and requirements, so that all emergency situations can be handled effectively and safely by their own personnel.

2. Establish a communication link with local law enforcement so that emergency programs can be effectively set up in order to establish proper communication in connection with these vital problems.

3. Establish within each department of industrial concerns, factories, offices, etc., an assistant security official who would be responsible for security in his particular department. Such individuals must receive a certain amount of security training and should attend security meetings and briefings where potential problems will be discussed. This is a KEY unit which can make internal security programs effective.

4. Provide for management control; i.e., undercover services in order to guard against industrial espionage and sabotage.

Such operation, even though it is under the responsibility of the security director, should not be handled by him personally, but an outside individual. This individual would, of course, provide the director of security with any collected information.

5. Conduct an up-to-date security survey and include residences of V.I.P.'s and executives.

6. Conduct up-to-date personnel security checks on all employees, regardless of length of service with company, including guard force if "in-house" guards are utilized. If an outside agency is employed, the matter should be discussed with the head of the security company.

7. Conduct, on an irregular basis, monthly security checks to assure that maximum security is implemented and this is to include homes and offices of V.I.P.'s as well.

8. Establish security duties for certain employees in case emergency situations arise. Hold briefings for such employees.

9. Establish the *"Early Warning Network."* An effective information system is vital and should include electronic radio alarm systems. Some equipment which could be of great value is the Burns *new* tactical alarm equipment.

10. Establish a firm plan and procedure in regard to possible kidnappings:

A. What plans and procedures have actually been established in regard to kidnappings? Have these procedures been approved by top management?

B. If a large amount of ransom has to be paid, who are the individuals who can give authority for payment of millions of dollars?

C. Is it the president who is the only one authorized for any payment? What happens if he is away on a trip to Europe and cannot be reached? But you need to pay the money within 24 hours to save one of your top executive's life!

D. Even if you do have the authority and you have the "green light" to effect payment, how are you going to get, say, half a million dollars on a Saturday, Sunday, or holiday when the banks are closed?

E. Some employees must know what the procedures are in case someone from the company is kidnapped—are these procedures known and well understood?

F. Are details of a company plan known to would-be victim's wives? Are wives fully instructed in regard to company's intended procedures? Does the security office know exactly where the wives can be reached? Does the security office know what day the wives might attend? PTA meetings, for instance, and where these would be held?

G. Have the school teachers received instructions not to release any children to anyone unless a certain code word is given?

H. Do the executives know what signals to give after being kidnapped during a phone conversation, which will give certain information to the company? If the victim smokes "Kent" cigarettes and after being captured indicates over the telephone that ransom should be paid as the kidnappers demand and that he is dying to also get a pack of "Marlboro," do you know what this means?

I. Does the security office know the licenses and descriptions of all cars used by executives, at a moment's notice?

J. Have index cards been prepared on all individuals who might be kidnap victims?

K. Do these index cards give full information and description of the person in question?

L. Does the security office have at least 30 photos of each would-be victim that can be immediately distributed to law enforcement agencies?

M. Have all arrangements and plans with the various law enforcement agencies been adhered to?

N. Have the necessary instructions been given on how to handle the news media?

O. Has the domestic help and have the chauffeurs been properly trained in case of an emergency? And have the proper background checks been conducted previously on such individuals?

RECOMMENDATIONS

We at Burns Bureau sincerely believe that if our suggestions for a *positive security program* are implemented and if some of the suggestions outlined today, and as explained in the Handbook, are followed, the growing threat of *kidnappings, bombings, sabotage,* and *industrial espionage* will be minimized.

Inadequate security can be a significant threat to the profitable operation of any American firm.

Proper security in today's complex world demands *flexible* and *experienced professionalism* and *continuous* supervision of personnel. We at BURNS believe that we can help and assist here as well as overseas.

Sometimes I feel that it would greatly help the non-security minded businessman to read a book by Carlos Marighela entitled "For the Liberation of Brazil—Handbook of Urban Guerrilla Warfare." He was one of the leading communists in Brazil and this book has been translated into many languages and has actually become the Handbook for Guerrillas in many countries. Unfortunately this book has now found its way into the United States and is considered the Handbook for Terrorist Activities. You might be interested in the following excerpts:

"Attacks by the urban guerrillas have the following objectives: To shake the basis upon which both the state and the domination of North America depends; to prove our readiness to fight, our determination, our perseverance and our strength, so as to lead all who dislike the situation to follow our example and, like us, use the tactics of urban guerrilla warfare. If this happens, the dictatorship will have to send soldiers to guard banks, industries, gunsmiths' shops, barracks, prisons, administration buildings, radio and television stations, North American firms, gas stations, oil refineries, ships, planes, ports, airports, hospitals, embassies, food warehouses, the homes of ministers, generals, other leading figures in the regime, police headquarters and so on." End of quote.

Some excerpts from "Urban Guerrilla Strategy." Quote "Urban guerrilla techniques are composed of guerrilla tactics and armed activities of all kinds such as ambushes and surprise attacks, expropriations, arms and explosive raids, revolutionary terrorism, sabotage, occupation of our attacks on property, punishment of North American spies or police torture, pamphlet distribution, and slogan-writing by armed groups or others. The urban guerrilla is an implacable enemy of the government, and *systematically* works *against* the authorities, and those who rule the country and wield power. His major job is to baffle, discredit and harass the military and other forces of repression, and to destroy or loot goods belonging to North Americans, the heads of foreign firms, or the Brazilian upper classes.

Effective sabotage requires study, planning and perfect execution. The most characteristic kinds of sabotage are dynamiting, arson and mining. A few grains of sand, a tiny escape of fuel, inadequate lubrication, a pin not properly screwed in, a short circuit, poorly cut pieces of wood or metal—any of these may cause certain disaster.

Sabotage is used to weaken, render defective, or even wholly destroy such vital supports of the enemy's system as:

The economy of the country, with special reference to the whole network of commerce at home and abroad, and the sectors of foreign exchange, banking and revenue; agricultural and industrial production; the transport and communications systems; the work of repression by army and police, in particular their buildings and depots; the firms and goods of North Americans living here." End of quote

Gentlemen, finally I would like to quote from the part describing terrorism.

Quote *"By terrorism* I mean the use of *bomb attacks*. These should be undertaken only by those who are *technically proficient* in using explosives, and completely levelheaded in *any crisis*. Terrorism may also include destroying human lives, and setting fire to North American business establishments or certain plantations. The North

American must be expelled from the country. Kidnapping American personalities or those who will come to visit here, is a most important form of protest against the penetration of U.S. imperialism into our country. The kidnapped person will only be set free when the conditions demanded by the kidnappers have been fulfilled." End of quote.

It *must* be apparent from this book, that terrorists *mean business*. They are willing to risk their lives to achieve their objectives. It is up to private industry to provide the necessary protection and precautions to *minimize* the threat and *save lives*. *The potential* for American firms here and overseas is, as we all know, enormous. Billions of dollars have been invested and this investment *must* be protected. U.S. exports to Latin-America have grown rapidly in '73 and are expected to total well over 9 billion when final figures are reported. In 1974 shipments of U.S. goods to the region should easily top the 10 billion mark. We can well imagine how much there is *to be protected of private industry within the United States*.

I personally feel that the Government and private security industry must work hand-in-hand to minimize the present situation.

Inadequate security can be a significant threat to the American private industry. An adequate professional and positive security program for the Government and private industry is now a *must*, and should no longer be delayed. I believe publicity in this regard directed toward private industry would be the first step to take, so that they can help themselves. The Government can help greatly in making the American businessman security-conscious, because only then, can we solve the problem which confronts all of us. Only yesterday the FBI in San Juan, Puerto Rico reported that they had joined the search for two youngsters whose kidnappers threatened to chop their bodies to pieces next Saturday if $80,000 in ransom was not paid.

Kidnapping, whether for money or political ends, preys upon the basic order of society. It should have no support in no form whatsoever. Solid public unity on the issue is needed to make the authorities and the anti-kidnapping programs effective as such programs evolve. Public education as well as our seminars and briefings are, to my mind, the answer to the problem; and I hope the Government will make funds available so as to also provide such seminars to local law enforcement agencies so that they are fully briefed and prepared to deal with any unforeseen situation. Finally, my own recommendations are that as far as the U.S. Government is concerned, a high level, very special intelligence unit, be established, which could on an international basis direct, coordinate, etc., all efforts to seriously fight international terrorism and to gather the much needed intelligence information which is needed to combat all of their efforts. This would entail close cooperation with other countries.

Should we allow International subversive groups to join forces for political or financial reasons, the United States would be faced with a most serious threat to the general security of the individual and the free business world.

On behalf of the Burns Organization, may I thank you for your time and courtesy extended to me today.

AMENDMENTS TO H.R. 11500

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I strongly favor the abolition of all strip mining of coal, and plan to offer my bill, H.R. 15000, as a substitute for H.R. 11500 when the issue is debated on the House floor. In the unhappy event that a majority is not present and voting at the time H.R. 15000 is considered, I intend to offer a series of amendments to H.R. 11500. These strengthening amendments are absolutely necessary if H.R. 11500 is to provide protection for the people of both East and West, and unless H.R. 11500 is materially strengthened I plan to vote against H.R. 11500.

The following amendments, numbered 1 through 35, are set forth to qualify for the necessary time to present them to the House:

1. Page 145, after line 17, insert the following:

ADMINISTRATION

SEC. 103. It shall be the duty of the Administrator of the Environmental Protection Agency to administer and enforce all aspects of this Act, and any reference to the Secretary of the Interior or to the Department of the Interior shall be deemed to be a reference to the Administrator of the Environmental Protection Agency or to the Environmental Protection Agency, as appropriate.

[Technical Amendment]: Page 140, amend the table of contents by inserting the following item after "Sec. 102. Purpose." as follows:

Sec. 103. Administration.

2. Page 146, line 4, after the word "with" strike all through Page 153, line 7 inclusive and insert therein the following:

"the environmental protection performance standards of Sec. 211.

(c) On and after one hundred and twenty days from the date of enactment of this Act, all surface coal mining operations existing at the date of enactment of this Act shall comply with the standards in Sec. 211 with respect to lands from which the overburden has not been removed. During the one hundred and twenty day period commencing on the date of enactment of this Act, the regulatory authority shall review and amend permits in order to incorporate in them the standards of Sec. 211."

3. Page 146, line 10, after the word "seam" strike all through page 147, line 2 inclusive.

4. Page 151, line 8, strike all through page 152, line 11 inclusive.

5. Page 152, line 21, strike all through page 153, line 7 inclusive.

6. Page 158, line 3, strike the words "one public hearing" and insert therein: "three regional public hearings".

7. Page 164, line 23, strike all through page 165, line 4 inclusive.

8. Page 165, line 21, after the word "person" strike all through the word "affected" on line 22.

9. Page 169, line 22, after the word "designation" strike all through the parenthesis on page 170, line 2 inclusive.

10. Page 170, line 20, strike the word "irreparable".

11. Page 171, line 8, after the word "sites" strike all through line 12 inclusive.

12. Page 171, line 15, after the word "forests" insert "including but not limited to the National Grasslands".

13. Page 171, line 19, after the word "Act", strike all through line 25 inclusive.

14. Page 172, line 4, strike the word "and" and insert therein the following subsection:

"(12) the area proposed to be mined does not include any terrain with slopes greater than 20 degrees from the horizontal; and"

(Renumber the following subsections accordingly)

(Technical Conforming Amendment)

Page 195, line 8, strike all through page 197, line 20, inclusive.

15. Page 172, line 4, strike the word "and" and insert therein the following subsection:

"(12) no coal seam which serves as an aquifer will be mined or otherwise disturbed; and"

(Renumber the following subsections accordingly)

16. Page 172, line 4, strike the word "and" and insert therein the following subsection:

"(12) the area or region in which the mining is to take place has an annual average precipitation of at least ten inches; and"

(Renumber the following subsections accordingly)

17. Page 172, line 4, strike the word "and" and insert therein the following subsection:

"(12) no lake, river, stream, creek, or watercourse, will be moved, interrupted, or destroyed during the mining or stabilization process; and that no mining or reclamation activities will be conducted within one hundred feet of any lake, river, stream, or creek during the mining and reclamation process, except that reaffectation and reclamation activities may be permitted within one hundred feet of such bodies of water where it will help alleviate an existing water pollution problem or restore a previously mined but unstabilized area; and"

(Renumber the following subsections accordingly)

18. Page 186, line 14, strike the words "control as effectively as possible" and insert therein: "prevent".

19. Page 186, line 16, strike all through line 20 inclusive and insert therein the following:

"(7) segregate materials constituting a fire hazard, toxic materials and those acidic, alkaline, and saline materials which are toxic when uncovered during excavation or created in connection with the mining operation and promptly bury, cover, compact and isolate such materials during the mining and reclamation process to prevent contact with ground water systems and to prevent leaching and pollution of surface or subsurface waters;"

20. Page 191, line 1, strike the words "minimize the disturbances to the prevailing" and insert therein: "maintain the" and on page 191, line 3, strike the word "to" and insert therein: "maintain"

21. Page 192, line 2, strike the semicolon and insert: "and preventing any discharge of silt from such structures during or after removal"

22. Page 192, line 3, after the word "the" insert "aquifer at the"

23. Page 192, line 6, after the word "process" strike all through the word "country" on line 8 and insert: "alluvial valley floors and stream channels"

24. Page 192, line 14, strike all through page 193, line 4 inclusive and insert therein:

"(16) refrain from the use of impoundments for the disposal of coal mine wastes, coal processing wastes or other liquid or solid wastes, and drain all existing waste impoundments insuring that pollution to surface or ground water systems is prevented during the draining process and insuring that the site can and will be stabilized and revegetated according to the provisions of this Act;"

25. Page 194, line 1 strike all through line 13 inclusive and insert therein the following:

"(B) refrain from blasting—

"(i) where the course or channel of any surface or subsurface stream will be changed as a probable result of the blast; or

"(ii) where the banks of a stream will be ruptured permitting water to enter the strip mining pit; or

"(iii) where vibration or concussion will be felt beyond the licensed area unless prior written consent of the property owner or owners (where such vibrations or concussions will be felt) has been obtained; or

"(iv) where the stability of the roof strata of an operating underground mine or the watercourse entering such a mine will be adversely affected as a probable result of the blast; or

"(v) where the safety of the public or private property or natural formations of more than local interest are endangered.

"(C) before an explosion is to be set off, give sufficient warning so that any person approaching the area shall be given ample time to retreat a safe distance. Any public highway or entrance to the operation shall be barricaded and guarded by the operator if the highway or entrance is located within one thousand feet of any point of the blasting site; and

"(D) before an explosion is to be set off within one thousand feet of occupied buildings or dwellings, notify any person within the area in a manner approved by the Administrator within twenty-four hours prior to the blast. The Administrator shall designate the time period during which such blastings may be done. Any blasting shall be done between the hours of sunrise and sunset;"

26. Page 194, line 22, after the number "(20)" insert therein: "operate any auger only to the dip of the resource and".

27. Page 195, line 20, after the word "seam", strike all through page 196, line 2 inclusive.

28. Page 196, line 9, after the word "highwall", strike all through line 14 inclusive.

29. Page 196, line 22, strike all through page 199, line 9, inclusive.

30. Page 200, line 19, strike all through page 201, line 9 inclusive and insert therein:

"(4) refrain from the use of impoundments for the disposal of coal mine wastes, coal processing wastes or other liquid or solid wastes, and drain all existing waste impoundments insuring that pollution to surface or ground water systems is prevented during the draining process and insuring that the site can and will be stabilized and revegetated according to the provisions of this Act;".

31. Page 201, after line 18 insert the following subsection:

"(8) with respect to underground mines opened after the enactment of this Act and to the extent physically and technologically possible, incorporate practices of backfilling all mine wastes and coal processing plant tailings in mine voids or other equally effective disposal methods;"

32. Page 205, line 16, after the word "person" strike all through the word "interest".

33. Page 215, line 17 after the word "person" strike all through the word "interest".

34. Page 287, line 14, after the word "involved" insert the following: "and any person holding an interest in such surface including but not limited to the lessees of said surface".

35. Page 289, after line 12, insert the following subsections:

"(e) In those instances where the mineral estate proposed to be mind by surface coal mining operations and the surface is owned by the same person and there exists an interest in the surface in the form of a lease or permit, the application for a permit shall include the written consent of the permittee or lessee of the surface lands involved to enter and commence surface coal mining operations on such land.

"(f) No owner shall evict a lessee for the purpose of authorizing surface mining without a minimum of one year's notice and without providing just compensation for any improvements of said lessees. If the owner and said lessees are unable to reach agreement on just compensation, the district court in which such surface area is located shall have jurisdiction without regard to the amount in controversy or diversity of citizenship to consider and decide any action filed by the lessees to determine such compensation."

ABOLITION OF STRIP MINING: A MORAL ISSUE

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, a large number of church leaders of all denominations have recognized that strip mining of coal and its effect on people is indeed a moral issue. On March 14–16, a national panel of Protestant and Roman Catholic Church leaders issued the following statement:

"Strip mining for coal is morally wrong, and should be phased our immediately."

So stated a national panel of Protestant and Roman Catholic church leaders who conducted three days of public hearings in Appalachia on strip mining and the energy crisis.

The panel sent this and other recommendations in a letter to the 450 members of the House of Representatives this week. The House is expected to vote on legislation regulating the destructive process of strip mining in the next few weeks.

Rev. Max Glenn, executive director of CORA, stated, "We cannot allow this administration to solve the energy crisis at the expense of the land and people." The Nixon administration is opposed to the regulatory legislation presently being considered by the House of Representatives.

The strip-mining hearings were co-sponsored by ICCR and CORA.

A copy of the letter to Congress is enclosed, including excerpts from the panel's recommendations bearing on federal legislation and identification of the panel members and their religious affiliations. The panel's full report of findings and recommendations is in preparation for publication later this summer.

INTERFAITH CENTER ON
CORPORATE RESPONSIBILITY,
New York, N.Y.

As you may know, on March 14–16 of this year a panel of 15 national church representatives convened in Wise, Virginia near the heart of central Appalachia to conduct three days of intensive hearings on the issue of strip mining, its effects on the land and people in relation to the energy crisis. The hearings were co-sponsored by the Interfaith Center on Corporate Responsibility and the Commission on Religion in Appalachia. These organizations in turn are sponsored by over 30 Protestant and Catholic institutions.

A full report on these hearings, including summaries of the testimony and a record of the panel's findings and recommendations will be published later in the summer. At this crucial juncture, as you consider legislation on the subject, I have been asked by the panel to convey to you their recommendations in the areas relevant to the federal government.

Enclosed therefore, please find excerpts from the panel's recommendations as well as a listing of panel members along with their religious affiliations, for purposes of identification.

I would like to emphasize that after careful consideration of the issues, a majority of the panel adopted the position that strip mining for coal should immediately be phased out and that legislation towards that end should be actively pursued. In the interim of a timetable for the phase-out of strip mining, the panel was unanimous in recommending rigorous legislation regulating strip mining.

I am confident you will give the panel's views appropriate consideration as you prepare legislation so vital to the peoples of Appalachia and the Northern Plains. As churches, we will continue to address social and environmental issues related to strip mining.

Sincerely yours,

OTTO SAM FOLIN.

The National Church Panel on Strip Mining and the Energy Crisis recommends:

I. Strip mining for coal is morally wrong and should be phased out immediately.

Strip mining is destructive to the human and natural environment. As a full-scale policy of coal utilization, its costs far outweigh the benefits of meeting the nation's energy needs, particularly when this nation should actively pursue ways to reduce its high energy consumption rate. Churches are urged to evaluate fully the moral issues underlying strip mining, and work pragmatically for the phasing out of strip mining.

II. Congress should immediately adopt legislation that establishes a specific timetable for the termination of strip mining. While strip mining is being phased out, this legislation should, at a minimum, insure the following:

(a) complete elimination of all dumping of spoil on the downslope in contour mining (including prohibition on dumping the first cut);

(b) prevention of all sedimentation, acid and other toxic drainage into surface and ground water systems;

(c) preservation of all aquifers and ground water systems;

(d) provision for those affected by the phasing out of strip mining.

In addition, the following strong provisions included in pending legislation designed to regulate strip mining must be preserved intact:

(a) prohibition on strip mining of lands whose mineral rights are owned by the federal government, but whose surface is privately owned;

(b) prohibition on strip mining without the written consent of the surface owner;

(c) prohibition on strip mining in National Forests;

(d) equalization of the costs of deep mining to those of strip mining;

(e) full public access and public participation in al phases of the regulatory process;

(f) enforcement of regulatory provisions.

* * * * *

III. Corporations and the Congress should take steps to develop a safe and productive deep mining industry. Churches are urged to communicate the need for a viable deep mining industry to government, corporate and labor leaders.

The bulk of the nation's coal reserves can only be recovered through deep mining, and thus this constitutes the long-term solution to the nation's energy needs.

* * * * *

XI. Strip mining in the Western states should be phased out. Churches are urged to fully evaluate the consequences of strip mining in the West. Long-range schemes of strip mining companies (e.g. powerplants, urbanization, coal conversion plants, etc.) should be investigated as a first step in recognizing what future generations will inherit as a result of this development.

The rapidly developing pressure to strip mine in Western states (Dakotas, Montana, Wyoming, Arizona and other states) poses incalculable consequences for the human and natural environment. The scarcity of water makes reclamation unpredictable, if not virtually impossible. Water systems now supportive of ranch and farm industries will be destroyed, a source of "food" energy that, given food shortages, becomes a priority in assuring its survival. Urbanization and industrialization threaten the traditional lifestyles in the West. Finally, strip mining in the West, if allowed, will spell disaster for the deep mining industry in Appalachia.

Reverend Glen R. Hatfield, American Baptist Churches.

Sister Rosalie Murphy, Leadership Conference of Women Religious.

Dr. Elizabeth Bettenhausen, Lutheran Church in America.

Father Donald Bargan, OMI, National Federation of Priests' Councils.

Father Edward Flahavan, National Federation of Priests' Councils.

Reverend Hugh U. Leach, Presbyterian Church in the U.S.

Reverend Douglas Fleet, Jr., Protestant Episcopal Church.

Reverend Larry Baldridge, Southern Baptist Convention.

Dr. Sandra Bell, Unitarian Universalist Association.

Reverend Harry W. Bredeweg, United Church of Christ.

Reverend John Bischoff, United Methodist Church.

Reverend Stewart MacColl, United Presbyterian Church in the U.S.A.

Dr. David Hunter, National Council of Churches.

Mr. Stephen Bossi, United States Catholic Conference.

Most Reverend Ernest L. Unterkoefler, United States Catholic Conference.

TELEGRAMS FROM EPISCOPAL BISHOPS OF WEST VIRGINIA

CHARLESTON, W. VA.,
July 5, 1974.

I wish to be counted among the many voices raised against the thoughtless devastation of strip mining in America. Strip mining must be stopped to end the incredible hardship and abuses to people, and to end the devastation of our land for profit.

There can be no compromise with this obscene evil.

The sufferings, even injuries and deaths in the devastation of millions of acres of land is a moral issue which must be forcefully dealt with now. I give my support of H.R. 15000, and a phasing out of strip mining in America.

WILBURN C. CAMPBELL,
Bishop of the Diocese of West Virginia and President of the Appalachian Peoples Service Organization.

JULY 5, 1974.

Recognizing that the shift of the coal industry from the east to the western plains will have disastrous economic and social impact on the people of the Appalachian region, I give my support to H.R. 15000, calling for an immediate phase-out of strip mining in America.

The vast majority of our recoverable coal reserves can be obtained only by deep mining and it is clear that the development of viable deep-mining industry in the east, which would be safe for our miners, is essential to our nation's energy supply, and the future of the people of the Appalachian region.

ROBERT P. ATKINSON,
Bishop Coadjutor of the Diocese of West Virginia.

OTHER TELEGRAMS

BETHLEHEM, PA.,
July 6, 1974.

Support H.R. 15000 No time for continued ravishing of resources human and natural.

The Right Reverend LLOYD GRESSLE,
Bishop of Bethlehem.

July 6, 1974.

Strongly urge support for H.R. 15000 to save scenic areas in Ohio from destruction by strip mining.

JOHN M. KRUMM,
Bishop of the Episcopal Diocese of Southern Ohio.

BEAVER FALLS, PA.,
July 7, 1974.

I support phase out and H.R. 15000.

ROGER HARDY.

LAKE CITY, TENN.,
July 8, 1974.

Save our Cumberland Mountains Inc., a citizens group of the Tennessee coal fields, wholeheartedly supports Congressman Ken Hechler's H.R. 15000.

J. W. BRADLEY,
President, Save Our Cumberland Mountains, Inc.
PETROS, TENN.

JULY 8, 1974.

I beg you and your fellow congressmen to consider not only the ecological effects of strip mining but also its human costs in working for the passage of HR 15000 I am willing to pay more in order to bring about more adequate stewardship of Americas natural resources. I believe many citizens will respond positively to actions in this direction on the part of our government.

WILLIAM H. MARMION,
Bishop, Episcopal Diocese of South Western Virginia.

BOARD RESOLUTION, 1973: STRIP MINING

(The following resolution on strip mining was adopted by the Church of the Brethren General Board meeting in Fresno, Calif., June 1973)

The earth is the Lord's and the fullness thereof, the world and those who dwell therein.—(Psalm 24).

In 1971, the Church of the Brethren Annual Conference passed a resolution on ecology, in which the hope for a brighter, cleaner and healthier tomorrow was expressed. Some suggested steps for achieving this goal were to *encourage governmental adoption of adequate legislation controlling and where possible eliminating pollution, both industrial and private, and to encourage all citizens of our world to be conservative with the wonderful world of nature which God has provided.*

A flagrant abuse in modern times of land, property, and people is the ever-growing practice of strip mining the land for coal, a process by which the earth is removed from the coal, laying the coal bare for easy access. Seams of coal as deep as 185 feet below the earth's surface are extracted in this manner. In its wake is left virtually complete destruction of the land surface and subsurface. Surrounding waterways are so polluted that they are no longer fit for human use and can no longer support aquatic life. Threat of landslides, erosion (at a rate estimated to be 1,000 times as great as from adjacent natural land) and siltation remain long after the strippers have gone. Acid and mineral run-off from stripmined areas is 126 times greater than from adjacent natural lands, making plant and animal life virtually impossible.

Reclamation of this land has been minimal at best. Regulations seem designed not to prevent damage from strip mining, but to minimize damage. Enforcement of reclamation laws is weak and with too little money being spent in places where reclamation is practiced. Costs are often less than $500 an acre—sometimes only $150—even in steep mountain terrain. In England and Germany, where strip mining is permitted only for special kinds of coal, and then only on gently rolling and flat terrain, reclamation costs are $4,000–$9,000 per acre. To reclaim mountainous terrain in America would greatly reduce the amount of profit to coal companies. Money, not land or people, has become the supreme consideration.

But the people suffer most. Their homes are damaged or destroyed by boulders raining down on them and from mudslides, floods, and erosion. Their water supplies are polluted and property values depreciated. The people are forced to abandon the land. Areas with heavy strip mining in Kentucky and West Virginia showed some of the greatest losses of population in the 1970 census.

Strip mining is a desecration of life; the people—the victims, the land—the waste. As one man in Appalachia said, "It looks like we have been in an atomic war and lost . . . lost badly."

Already 3,000 square miles of land have been affected by strip mining, with an estimated 10,000 by the end of the century. A U.S. geological survey calculates that to strip mine all recoverable resources of coal by this method would affect as many as 71,000 square miles—an area larger than Pennsylvania and West Virginia.

Because we believe in the moral obligation to preserve the rights of people, as well as the beauty of the earth which God has given us, and because we believe strip mining for coal is violence to people and to land, we urge the Congress of the United States to pass legislation:

1. banning both contour and area strip mining;

2. placing responsibility for enforcing the reclamation of stripmined lands with the Environmental Protection Agency, to assure just and uniform reclamation.

Adopted by the Church of the Brethren General Board, June 1973.

TELGRAMS

CHARLESTON, W. VA.,
July 8, 1974.

We urge enactment of H.R. 15000 to end onslaught of strip mining for coal. In pursuit of only two percent of West Virginia's coal, strippers continue to encroach on rights of others. The law is not strictly enforced and resulting landslides and siltation still cause property damage, decreased recreational value of streams and forests, and increased flood danger near and far from strip operation. Productive forests are destroyed and tons of precious agricultural fertilizer are poured on to strip Hillsides in futile effort to stop erosion. All evidence and experience indicates that the only successful way to control strip mining is to stop stripping. We urge adoption of H.R. 15000.

R. H. HANDLEY,
President of Citizens to Abolish Strip Mining.

FREDERICK, MD.,
July 6, 1974.

Wish you to know of my whole-hearted support for your HR15000. We Americans must accept responsibility for cost of energy we use and stop the terrible waste of life, property and environment.

Also feel total abolition strip mining will force expediting other sources of energy.

Rt. Rev. WILLIAM J. COX,
Suffragan Bishop of Maryland.

JULY 7, 1974.

As Bishop of Pittsburgh I strongly support your strip mining bill (HR15000) phasing out strip mining and its adverse effects on our population and land.

Bishop ROBERT B. APPLEYARD.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 30 minutes, today, and for 30 minutes, July 11, 1974, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Bauman) to revise and extend their remarks and include extraneous material:)

Mr. Fish, for 20 minutes, today.
Mr. Cleveland, for 1 hour, today.
Mr. Steelman, for 5 minutes, today.
Mr. Findley, for 5 minutes, today.
Mrs. Heckler of Massachusetts, for 10 minutes, today.
Mr. Kemp, for 30 minutes, today.
Mr. Ashbrook, for 15 minutes, today.

(The following Members (at the request of Mr. Litton) to revise and extend their remarks and include extraneous material:)

Mr. O'Neill, for 5 minutes, today.
Mr. Fraser, for 5 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. Alexander, for 30 minutes, today.
Mr. Koch, for 10 minutes, today.
Mr. Aspin, for 5 minutes, today.
Mr. Vanik, for 5 minutes, today.
Mr. Bingham, for 5 minutes, today.
Mr. Udall, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Albert to extend his remarks preceding debate on House Resolution 1195.

Mr. Brademas to revise and extend his remarks on House Concurrent Resolution 559.

Mr. Mezvinsky to revise and extend his remarks on House Concurrent Resolution 559.

(The following Members (at the request of Mr. Bauman) and to include extraneous material:)

Mr. Hanrahan in two instances.
Mr. Steelman.
Mr. Cochran.
Mr. Findley.
Mr. Veysey in two instances.
Mr. Rinaldo in two instances.
Mr. Roncallo of New York.
Mr. Quie.
Mr. Rhodes in two instances.
Mr. Hosmer in three instances.
Mr. Zion.
Mr. McCollister in six instances.
Mr. Gross.
Mr. Derwinski in three instances.
Mr. McClory.
Mr. Lujan.
Mr. Chamberlain.
Mr. Huber.
Mr. Wyman in two instances.
Mr. Symms.

(The following Members (at the request of Mr. Litton) and to include extraneous matter:)

Mr. Addabbo.
Mr. Albert.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Anderson of California in three instances.
Mr. Benitez.
Mr. Rogers in five instances.
Mr. O'Hara.
Mr. Hamilton.
Mr. Traxler.
Mr. Symington.
Mr. Corman in five instances.
Mr. Young of Georgia.
Mr. Tiernan in three instances.
Mr. Mahon in two instances.
Mr. Stokes in 10 instances.
Mr. Rangel in 15 instances.
Mr. Koch in five instances.
Mr. Eilberg in 10 instances.
Mr. Roy.
Mr. Badillo in three instances.
Mr. Mazzoli.
Mr. Bingham in 10 instances.
Ms. Abzug in five instances.
Mr. Harrington in two instances.
Mrs. Collins of Illinois.
Mrs. Boggs.
Mr. de la Garza.
Mr. Moorhead of Pennsylvania.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 424. An act to provide for the management, protection, and development of the national resource lands, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3500. An act to promote and coordinate amateur athletic activity in the United States and in international competition in which American citizens participate and to promote physical fitness, and for other purposes; to the Committee Education and Labor.

S. 3528. An act to amend the Mineral Leasing Act of 1920, and for other purposes; to the Committee on Interior and Insular Affairs.

S. Con. Res. 93. Concurrent resolution relating to an inflation policy study; to the Committee on Rules.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on July 9, 1974, present to the President, for his approval, a bill of the House of the following title:

H.R. 7130. An act to establish a new congressional budget process; to establish Committees on the Budget in each House; to establish a Congressional Budget Office; to establish a procedure providing congressional control over the impoundment of funds by the executive branch; and for other purposes.

ADJOURNMENT

Mr. LITTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, July 11, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2540. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of judgment funds awarded in docket 175–B to the Nez Perce Tribe of Idaho before the Indian Claims Commission, pursuant to Public Law 93–134 (87 Stat. 466); to the Committee on Interior and Insular Affairs.

2541. A letter from the Acting Secretary of the Interior, transmitting a proposed plan for the use and distribution of the judgment funds of the Eastern Band of Cherokee Indians, as awarded in dockets 282–A through L before the Indian Claims Commission, pursuant to Public Law 93–134 (87 Stat. 466); to the Committee on Interior and Insular Affairs.

2542. A letter from the Secretary of Health, Education, and Welfare, the second special report on alcohol and health describing information and progress made since submitting the first report, February 1972, pursuant to section 102(2), Public Law 91–616, as amended by Public Law 93–282; to the Committee on Interstate and Foreign Commerce.

Received From the Comptroller General

2543. A letter from the Comptroller General of the United States, transmitting a report on home health care benefits under medicare and medicaid (Department of Health, Education, and Welfare); to the Committee on Government Operations.

2544. A letter from the Comptroller General of the United States, transmitting a report of the audit of financial statements of the Saint Lawrence Seaway Development Corporation for the year ended December 31, 1973 (Department of Transportation) (H. Doc. No. 93–323); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE: Committee on Science and Astronautics. Report on Federal policy, plans, and organization for science and technology (Rept. No. 93–1184). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 13002. A bill to amend the Public Health Service Act to assure that the public is provided with safe drinking water, and for other purposes; with amendment (Rept. No. 93–1185). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELANEY: Committee on Rules. House Resolution 1224. Resolution providing for the consideration of H.R. 14215. A bill to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act. (Rept. No. 93–1186). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 1225. Resolution providing for the consideration of H.R. 15416. A bill to amend the Atomic Energy Act of 1954, as amended, and the Atomic Weapons Rewards Act of 1955, and for other purposes. (Rept. No. 93–1187). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1226. Resolution providing for the consideration of H.R. 15560. A bill to provide temporary emergency financing through the establishment of a guaranteed loan program for livestock producers. (Rept. No. 93-1188). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 1227. Resolution providing for the consideration of H.R. 15582. A bill to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology. (Rept. No. 93-1189). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS (for himself and Mr. HORTON):

H.R. 15818. A bill to amend title 44, United States Code, to redesignate the National Historical Publications Commission as the National Historical Publications and Records Commission, to increase the membership of such Commission, and to increase the authorization of appropriations for such Commission; to the Committee on Government Operations.

By Mr. BROWN of California:

H.R. 15819. A bill to permit nonimmigrant foreign students to be employed during school vacations with the approval of the individual's school; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 15820. A bill to amend the Internal Revenue Code of 1954 to allow an individual to take the deduction for penalties incurred because of the premature withdrawal of funds from time savings accounts or deposits in banks or other savings institutions whether or not the individual itemizes his deductions; to the Committee on Ways and Means.

By Mr. COCHRAN:

H.R. 15821. A bill to amend title VII of the Civil Rights Act of 1964 (relating to equal employment opportunity) to make certain changes in the procedures established for determining violations of the provisions of title VII; to the Committee on Education and Labor.

H.R. 15822. A bill to amend the Occupational Safety and Health Act of 1970 to provide that no civil penalty may be assessed with respect to the initial issuance of a citation for any violation of such act; to the Committee on Education and Labor.

By Mr. COHEN (for himself, Ms. MINK, Mr. KYROS, Mr. PODELL, and Mr. MANN):

H.R. 15823. A bill to establish a Marine Fisheries Conservation Fund; to the Committee on Merchant Marine and Fisheries.

By Mr. CRANE:

H.R. 15824. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 15825. A bill to establish university coal research laboratories and to establish energy resource fellowships, and for other purposes; to the Committee on Science and Astronautics.

By Mr. FINDLEY:

H.R. 15826. A bill to terminate age discrimination in employment; to the Committee on Education and Labor.

By Mr. LANDRUM:

H.R. 15827. A bill to amend the Appalachian Regional Development Act of 1965 to extend its coverage; to the Committee on Public Works.

By Mr. LENT:

H.R. 15828. A bill to authorize the establishment of an older worker community service program; to the Committee on Education and Labor.

H.R. 15829. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 15830. A bill to amend the Small Business Act to provide for loans to small business concerns affected by the energy shortage; to the Committee on Banking and Currency.

By Mr. MILFORD (for himself, Mr. WRIGHT, Mr. TEAGUE, and Mr. ROBERTS):

H.R. 15831. A bill to amend section 13(c) of the Fair Labor Standards Act of 1938 to exempt from the child labor provisions of such act certain individuals employed at public sporting or recreational events; to the Committee on Education and Labor.

By Mr. MOSHER:

H.R. 15832. A bill to amend title XVI of the Social Security Act to provide that inmates of county homes and similar institutions for the elderly who are contributing to their own support and maintenance may qualify for supplemental security income benefits; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 15833. A bill to require the Secretary of the Army to remove Shooters Island from lower Newark Bay to improve navigation; to the Committee on Public Works.

By Mr. O'BRIEN:

H.R. 15834. A bill to provide that, after January 1, 1975, Memorial Day be observed on May 30 of each year and Veterans Day be observed on the 11th of November of each year; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 15835. A bill to authorize the Judicial Conference of the United States to fix fees and cost in the U.S. district courts and for other purposes; to the Committee on the Judiciary.

By Mr. SANDMAN (for himself and Mr. PATTEN):

H.R. 15836. A bill to provide property tax relief to low-income elderly homeowners through direct reimbursements; to the Committee on Ways and Means.

By Mr. STEELMAN (for himself, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. MOSHER, and Mr. WON PAT):

H.R. 15837. A bill to amend section 552 of title 5 of the United States Code to clarify certain exemptions from its disclosure requirements, to provide guidelines and limitations for the classification of information, and for other purpose; to the Committee on Government Operations.

By Mr. THONE:

H.R. 15838. A bill to prevent the estate tax law from operating to encourage or to require the destruction of open lands and historic places, by amending the Internal Revenue Code of 1954 to provide that real property which is farmland, woodland, or open land and forms part of an estate may be valued, for estate tax purposes, at its value as farmland, woodland, or open land (rather than at its fair market value), and to provide that real property which is listed on the National Register of Historic Places may be valued, for estate tax purposes, at its value for its existing use, and to provide for the revocation of such lower evaluation and recapture of unpaid taxes with interest in appropriate circumstances; to the Committee on Ways and Means.

H.R. 15839. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax from $60,000 to $120,000; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 15840. A bill to prevent the estate tax law from operating to encourage or to require the destruction of open lands and historic places, by amending the Internal Revenue Code of 1954 to provide that real property which is farmland, woodland, or open land and forms part of an estate may be valued, for estate tax purposes, at its value as farmland, woodland, or open land (rather than at its fair market value), and to provide that real property which is listed on the National Register of Historic Places may be valued, for estate tax purposes, at its value for its existing use, and to provide for the revocation of such lower evaluation and recapture of unpaid taxes with interest in appropriate circumstances; to the Committee on Ways and Means.

By Mr. DIGGS:

H.R. 15841. A bill to increase compensation for teachers in the District of Columbia; to increase annuities payable to retired teachers in the District of Columbia; to reorganize public higher education in the District of Columbia; and for other purposes; to the Committee on the District of Columbia.

By Mr. DIGGS:

H.R. 15842. A bill to increase compensation for District of Columbia policemen, firemen, teachers; to increase annuities payable to retired teachers in the District of Columbia; to reorgnize public higher education in the District of Columbia; to establish an equitable tax on real property in the District of Columbia; to provide for additional revenue for the District of Columbia; and for other purposes; to the Committee on the District of Columbia.

By Mr. FOLEY:

H.R. 15843. A bill to amend the act of August 24, 1966, as amended, to assure humane treatment of certain animals, and for other purposes; to the Committee on Agriculture.

By Mr. LONG of Maryland (for himself, Mr. CONLAN, Mr. GREEN of Pennsylvania, Mr. PARRIS, Mr. DAVIS of Georgia, Mr. YATES, Mr. CRANE, Mr. LEGGETT, Mr. DRINAN, Mr. ROYBAL, Mr. MOAKLEY, Mr. DINGELL, Mr. TRAXLER, Mr. OWENS, Mr. EDWARDS of California, Mr. MITCHELL of Maryland, Mr. FISH, Mr. MATSUNAGA, Mr. RIEGLE, Mr. JAMES V. STANTON, Mr. KETCHUM, and Mr. CARNEY of Ohio):

H.R. 15844. A bill to prohibit the transfer of atomic technology to foreign powers without the express approval of the Congress; to the Committee on Joint Committee on Atomic Energy.

By Mr. NEDZI (for himself and Mr. BRAY):

H.R. 15845. A bill to amend the National Security Act of 1947, as amended, with regard to the activities of the Central Intelligence Agency and for other purposes; to the Committee on Armed Services.

By Mr. RARICK:

H.R. 15846. A bill to amend the Internal Revenue Code of 1954 to provide for annual adjustments in the amount of personal exemptions and the amount of the standard deduction to reflect increases in the cost of living; to the Committee on Ways and Means.

By Mr. REES:

H.R. 15847. A bill to establish an equitable tax on real property in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SPENCE (for himself and Mr. YOUNG of South Carolina):

H.R. 15848. A bill to name a Federal office building to be located in Columbia, S.C., the Strom Thurmond Federal Building; to the Committee on Public Works.

By Mr. SYMINGTON:

H.R. 15849. A bill to extend the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT:

H.R. 15850. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 15851. A bill to amend the Federal Boat Safety Act of 1971 in order to increase the Federal Government's share of the costs of State boat safety programs during fiscal year 1975 and thereafter, and to increase the authorization for appropriations for such programs; to the Committee on Merchant Marine and Fisheries.

By Mr. FRASER:

H.J. Res. 1086. Joint resolution relating to the issuance of a special postage stamp commemorating the 20th anniversary of the food for peace program; to the Committee on Post Office and Civil Service.

By Mr. O'BRIEN:

H.J. Res. 1087. Joint resolution to authorize and request the President to issue annually a proclamation designating January of each year as "March of Dimes Birth Defects Prevention Month"; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 1088. Joint resolution to proclaim October 1974, as UHF television month; to the Committee on the Judiciary.

By Mr. RODINO:

H. Con. Res. 559. Concurrent resolution to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry; to the Committee on House Administration.

By Mr. RUNNELS (for himself, Mr. RARICK, Mr. VIGORITO, Mr. MELCHER, and Mr. THONE):

H. Con. Res. 560. Concurrent resolution to declare the sense of Congress that Smoky Bear shall be returned on his death to his place of birth, Capitan, N. Mex.; to the Committee on Agriculture.

By Mr. STEELMAN (for himself, Mr. ANDERSON of Illinois, Mr. RHODES, Mr. RUPPE, Mr. BEARD, Mr. DICKINSON, Mr. HOSMER, Mr. J. WILLIAM STANTON, Mr. THOMSON of Wisconsin, Mr. CRONIN, Mr. POWELL of Ohio, Mr. VANDER JAGT, Mr. WALSH, Mr. WIDNALL, Mr. MICHEL, Mr. PRICE of Texas, Mr. VEYSEY, Mr. HILLIS, Mr. HUDNUT. Mr. TOWELL of Nevada, Mr. SMITH of New York, Mr. KETCHUM, Mr. RINALDO, Mr. FINDLEY, and Mr. CEDERBERG):

H. Res. 1222. Resolution providing for the consideration of House Resolution 988; to the Committee on Rules.

By Mr. WOLFF (for himself, Mr. ADDABBO, Mr. BURKE of Massachusetts, Mr. DOMINICK V. DANIELS, Mr. DELANEY, Mr. GROVER, Mr. HANLEY, Mr. MOAKLEY, Mr. PODELL, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. PATTEN, Mr. DRINAN, Mr. GREEN of Pennsylvania, Mr. RODINO, and Mr. GILMAN):

H. Res. 1223. Resolution expressing the sense of the House of Representatives concerning the rights and civil liberties of the Irish minority in Northern Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLLINS of Texas:

H.R. 15852. A bill to direct the Secretary of the Army to sell certain real property, in the vicinity of the Lewisville Dam, Tex., to the person or persons from whom the United States originally acquired said property; to the Committee on Public Works.

By Mr. MOLLOHAN:

H.R. 15853. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager; to the Committee on Armed Services.

By Mr. ROSENTHAL:

H.R. 15854. A bill for the relief of Ricardo Bardales-Alfaro; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 15855. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

THE 1975 BUDGET SCOREKEEPING REPORT NO. 4, AS OF JULY 3, 1974

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. MAHON. Mr. Speaker, I am inserting for the information of Members, their staffs, and others, excerpts from the "Budget Scorekeeping Report No. 4, as of July 3, 1974," as prepared by the staff of the Joint Committee on Reduction of Federal Expenditures. The report itself has been sent to all Members.

EXCERPTS FROM 1975 BUDGET SCOREKEEPING REPORT NO. 4

This Budget Scorekeeping Report No. 4 is published in abbreviated form. It shows the impact of congressional action on the President's revised 1975 budget recommendations through July 3, 1974.

This report includes analysis of the scorekeeping highlights together with the main scorekeeping tables. It also includes summarized background information with respect to the revised budget requests and certain other significant budgetary factors and, on tables 4 and 5, the current status of appropriation bills and necessary authorizing legislation. Reference to an earlier report in this series is suggested for full detail and historical comparisons. (See 1975 Budget Scorekeeping Report No. 2 as of June 7, 1974.)

It should be understood, of course, that action on significant legislation is still pending and may be expected to materially affect calculation of the impact of congressional action on the President's fiscal 1975 budget authority and outlay requests.

SCOREKEEPING HIGHLIGHTS

Fiscal year 1975—Outlays

The impact of congressional action through July 3 on the President's fiscal year 1975 budget outlay requests, as shown in this report, may be summarized as follows:

[In millions]

	House	Senate	Enacted
1975 budget outlay estimate as revised and amended to date	$306, 312	$306, 312	$306, 312
Congressional changes to date (committee action included):			
Appropriation bills:			
Completed action	−269	+198	−195
Pending action	−779	−13	
Legislative bills:			
Completed action	+899	+1, 186	+1, 325
Pending action	+487	+2, 335	
Total changes:			
Completed action	+630	+1, 384	+1, 130
Pending action	−292	+2, 322	
Total	+338	+3, 706	+1, 130
Deduct portion of congressional action included in May 30 revisions	+135	+135	+135
1975 budget outlays as adjusted by congressional action to date	306, 515	309, 883	307, 307

Completed actions: A summary of major individual actions composing the $1,130 million total outlay impact of completed congressional action to date on budgeted 1975 outlays follows:

COMPLETED ACTION OF BUDGETED OUTLAYS (EXPENDITURES)

Bills (including committee action) and congressional changes in 1975 budgeted outlays

[In thousands]

Appropriation bills:	
Special energy research and development	+$20, 000
Second supplemental, 1974 (1975 outlay impact)	−$215, 000
Further urgent supplemental, 1974 (1975 outlay impact)	−30
Legislative bills:	
Veterans educational benefits—extend delimiting period	+759, 100
Child nutrition and school lunch	+225, 000
Civil Service minimum retirement	+172, 000
Veterans disability benefits increase	+134, 800
Postponement of postal rate increases	+45, 200
Food assistance and special milk programs	+40, 000
Civil Service survivor benefits	+4, 600
Civil Service—early retirement, hazardous occupations	+3, 400
Congressional Record, reduced postage fees	−8, 486
Military flight pay incentive	−16, 700
Rejection of salary increases for federal executives	−34, 000
Total, 1975 outlay impact of completed congressional action	+1, 129, 884

Pending actions: The major pending legislative actions affecting 1975 budget outlays which have passed or are pending in one or both Houses of Congress are shown in detail on Table 1, and are summarized below. It should be noted that incomplete action is shown for nine of the fourteen regular 1975 appropriation bills and some major legislation has not yet reached the reported stage.

MAJOR PENDING ACTIONS ON BUDGETED OUTLAYS (EXPENDITURES)

Bills (including committee action)	Congressional changes in budgeted 1975 outlays (in thousands) — House	Senate
Appropriation bills:—Cont.		
Agriculture, Environmental and Consumer Protection	+$65,000	
Public Works and Atomic Energy	+32,000	
Legislative Branch	−5,400	−$13,000
District of Columbia	−15,000	
HUD, Space, Science, Veterans	−30,000	
Treasury-Postal Service	−77,000	
State, Justice, Commerce, the Judiciary	−79,000	
Labor, Health, Education, and Welfare	−315,000	
Transportation and related agencies	−355,000	
Legislative bills (backdoor and mandatory):		
Veterans educational benefits	+195,500	+977,500
Housing and Community Development Act	(1)	+553,000
Emergency energy unemployment	Rejected	+500,000
Military retired pay—recomputation		+288,000
Civil Service survivor annuity modification	+202,000 (2)	
Public safety officers death gratuity	+43,700	(2)
Hopi and Navajo Tribes relocation	+28,800	

[1] Undetermined at this time.
[2] Action taken last session.

Fiscal year 1975—Budget authority

The impact of congressional action through July 3 on the President's fiscal year 1975 requests for new budget authority, as shown in this report, may be summarized as follows:

[In millions]

	House	Senate	Enacted
1975 budget authority requests as revised and amended to date	$325,749	$325,749	$325,749
Congressional changes to date (committee action included):			
Appropriation bills:			
Completed action	+66	+16	+32
Pending action	−649	−4	
Legislative bills:			
Completed action	+899	+1,224	+1,363
Pending action	+2,247	+5,532	
Total changes:			
Completed action	+965	+1,240	+1,395
Pending action	+1,598	+5,528	
Total	+2,563	+6,768	+1,395
Deduct: Portion of congressional action included in May 30 revisions	+135	+135	+135
1975 budget authority as adjusted by congressional action to date	328,177	332,382	327,009

Completed actions: A summary of major individual actions composing the $1,395 million total impact of completed congressional action to date on 1975 budget authority requests follows:

COMPLETED ACTION ON BUDGET AUTHORITY REQUESTS

Bills (including committee action) and congressional changes in 1975 budget authority requests

[In thousands]

Appropriation bills: Special energy research and development	+$32,361
Legislative bills:	
Veterans educational benefits—extend delimiting period	+759,100
Child nutrition and school lunch	+$225,000
Civil Service minimum retirement	+172,000
Veterans disability benefits increase	+134,800
Postponement of postal rate increases	+45,200
Civil Service — early retirement, hazardous occupations	+41,100
Food assistance and special milk programs	+40,000
Civil Service survivor benefits	+4,600
Congressional Record—reduce postage fees	−8,486
Military flight pay incentive	−$16,700
Rejection of salary increases for Federal executives	−34,000
Total, 1975 budget authority impact of congressional action	+1,394,975

Pending actions: The major pending legislative actions affecting 1975 budget authority which have passed or are pending in one or both Houses of Congress are shown in detail on Table 1, and are summarized below. It should be noted that incomplete action is shown for nine of the fourteen regular 1975 appropriation bills and that some major legislation has not yet reached the reported stage.

MAJOR PENDING ACTIONS ON BUDGET AUTHORITY REQUESTS

Bills (including committee action)	Congressional changes in 1975 budget authority requests (in thousands) — House	Senate
Appropriation bills:		
Public Works	+$63,159	
Legislative Branch	−5,878	−$4,033
District of Columbia	−16,600	
Agriculture, Environmental and Consumer Protection	−27,168	
HUD, Space, Science, Verterans	−41,519	
Treasury, Postal Service and General Government	−73,052	
State, Justice, Commerce, the Judiciary	−100,355	
Labor, Health, Education and Welfare	−106,456	
Transportation and related agencies	−341,400	
Legislative bills (backdoor and mandatory):		
Federal Home Loan Bank System-temporary increase in standby borrowing authority		+2,000,000
Housing and Community Development Act	+1,500,000	+1,650,000
Veterans educational benefits	+195,500	+977,500
Emergency energy unemployment	Rejected	+500,000
Civil service survivor annuity modification	+362,000	(1)
Military retired pay—recomputation		+288,000
Private pension protection	+100,000	+100,000
Public safey officers death gratuity	+43,700	(1)
Hopi and Navajo Tribes relocation	+28,800	

[1] Action taken last session.

Fiscal year 1974

The impact of Congressional action and inaction in the current session on the President's revised fiscal year 1974 requests for budget authority and budget outlays, are summarized below. This report shows final congressional action relating to fiscal year 1974, ended June 30, 1974.

[In millions]

	House	Senate	Enacted
1974 budget outlay estimated (revised May 30)	$269,546	$269,546	$269,546
Congressional changes to date (current session):			
Appropriation bills	−875	−775	−880
Legislative bills	+162	+151	+151
Inaction on legislative proposals	−93	−90	−380
Total, changes	−806	−715	−1,109
Deduct: Congressional action included in May 30 revisions	+161	+161	+161
1974 budget outlays as revised and adjusted by Congressional changes to date	268,579	268,670	268,276
1974 budget authority requested (revised May 30)	308,683	308,683	308,683
Congressional changes to date (current session):			
Appropriation bills	−1,722	−1,455	−1,799
Legislative bills	−27	−38	−38
Inaction on legislative proposals	−2,996	−3,105	−3,394
Total, changes	−4,745	−4,598	−5,232
1974 budget authority as revised and adjusted by Congressional changes to date	303,938	304,085	303,451

The scored impact of completed appropriation and other legislative action and inaction this session affecting fiscal year 1974, ended June 30, 1974, includes the following major items:

[In millions]

Bill (including committee action)	Budget authority	Outlays
Second supplemental appropriation bill	−$1,798,756	−$880,000
Unemployment benefits extension		+161,000
Veterans educational benefits	+44,800	+44,800
Social security benefit extension for presumptive disability		+24,000
Rejection of salary increases for Federal executives	−7,000	−7,000
Military flight pay incentive	−21,200	−21,200
Veterans disability benefits increase	−49,600	−49,600
Inaction on legislative proposals:		
Consolidated education grants	−2,851,985	
Payment to Postal Service fund	−284,667	−284,667
Asian Development Bank	−120,635	−9,600
Other	−137,100	−85,600

Congress was asked to act this session on proposals to increase 1974 revenue by $1.2 billion, mainly the windfall profits tax on the oil industry. Such action was not taken.

The $1.1 billion impact of Congressional action and inaction on 1974 budget outlay proposals this session, and the failure to act on $1.2 billion in revenue proposals, have the combined effect of increasing the 1974 deficit by about $100 million.

The May 30 revised 1974 deficit estimate of $3.5 billion already reflected congressional inaction on $1.2 billion in revenue proposals. Giving effect to a net reduction of about $1.3 billion in congressional action and inaction on outlays not reflected in the May 30 deficit revision, a 1974 deficit level of approximately $2.3 billion is indicated.

BALANCED BUDGET: A MUST

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 10, 1974

Mr. HELMS. Mr. President, on numerous occasions during this Congress, I have remarked on the need for a balanced Federal budget. Six times I have cosponsored legislation to require the President to present Congress with a balanced budget. As Senators will recall, on one such occasion this legislation was tabled by only three votes.

The lack of fiscal responsibility on the part of Congress, and the Federal Government generally, has contributed substantially to the current rate of spiraling inflation. I am convinced that the unstable condition of our Nation's economy is one of the primary problems facing America today.

One need only glance through the business periodicals to understand the growing concern of the financial sector with this condition. Senators need only listen to their constituents to learn of the extreme difficulty involved in obtaining a home loan. Business financing is becoming increasingly less available. Interest rates continue to soar. Corporate stocks continue to decline.

There is only one ray of hope in this entire dismal situation: An increasing public awareness of the problem and a desire for a solution. Of course, the only real solution is reduced Federal spending and a balanced budget. The American people now realize that the promise of deficit spending, the proverbial "free lunch," is indeed no more than an assurance of continued inflation. We cannot persist in spending more money than we take in without courting economic disaster.

Congress has passed budget reform. We have set up a mechanism to help us manage the budget problems of the appropriations process. But the budget reform system will not in and of itself produce less spending and a balanced budget. We will still need to impose fiscal discipline upon ourselves, the discipline of a balanced budget. The public is demanding such discipline, and it is reflected in public opinion in the State of North Carolina. Two recent newspaper editorials call upon Congress to exert such discipline, and I call them to the attention of the Senate.

Mr. President, I ask unanimous consent that an editorial from the Dunn Dispatch of June 24, 1974, as well as an editorial from the Charlotte Observer of June 25, 1974, be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Dunn Dispatch, June 24, 1974]

BALANCED BUDGET NEEDED

When Congress finally moves to implement the law it is now preparing to establish control over its own spending habits it will learn one hard fact of life. Over the years Congress has taken away from itself much of its own capability to control spending.

That, however, is not usually the picture that the national legislators try to project. As a result, the generally accepted stereotype is that the powers of the president have increased so much in this century that Congress doesn't have a chance to do much more than exercise general supervision over each appropriations bill and hope that everything balances at the end of the year.

Undeniably the president has acquired immense powers over national spending, particularly since the New Deal days of the 1930s opened the door to Pandora's box of social experimentation regardless of price. On the other hand, however, Congress has hardly done much to assert its authority or to streamline its antiquated fiscal procedures.

The measure in the House-Senate conference committee seeks to remedy this longstanding oversight. One aspect of the law would prevent the president from impounding any funds appropriated by Congress unless the legislative body gives its approval.

Another aspect of the proposed law would establish in Congress for the first time a professional budget staff comparable to the Office of Budget and Management in the executive branch. The congressional office and a new agenda for the budgetary process should give Congress a total picture of the budget at any time during its progress through the House and Senate and, hopefully, a chance to bring it into balance before it is approved.

The intention of Congress cannot be faulted. If Congress overhauls its backward procedures it will be better able to strike a balance with the executive branch during annual budgetary drills, particularly if the president and the majority of Congress are of different political parties.

However, everybody is familiar with the common fate of good intentions. Improved procedures alone won't necessarily achieve the results that Congress is seeking if individual members of the body do not have the will to bite the economy bullet.

The preset situation has developed precisely because the liberals in Congress did not want to risk the disciplines and responsibilities of an efficient budget-making process, preferring the back door approach for the mountain of social programs that are mainly responsible for the annual federal red ink.

All of the good procedures in the world will not help unless the majority in Congress is of the mind that the budget just be in balance, whether it takes ruthless suppression of the appetite for spending or an equally ruthless increase in taxes.

[From the Charlotte Observer, June 25, 1974]

BIG SPENDER—CONGRESS SHARPENS ITS KNIFE

Before he leaves for Moscow this week, President Nixon will be asked to sign a bill relinquishing part of his supremacy over national fiscal affairs. After two years of study, Congress has passed the much-needed Budget Act, aimed at reasserting the legislative branch's control over the purse strings.

The President is said to dislike many provisions in the bill, especially those that severely limit his ability to impound money appropriated by Congress. But he would veto the bill at his peril; it passed the House 401 to 6 and the Senate 75 to 0, margins clearly indicating that a veto could be overridden.

In drafting the bill, Congress took the President at his own word. He repeatedly has complained about "reckless spending" by the legislators and criticized Congress for not paying greater attention to national fiscal policies.

Previously, congresses have spent money through some 26 different committees and without giving much overall attention to the total effect of that spending upon taxes, the economy or the national debt. This was a product of the way the Congress is organized; no single committee was charged with oversight for the entire federal budget.

The Budget Act will create such a body. It will also create a Congressional Budget Office to rival the executive branch's Office of Management and Budget. The Congressional Budget Office will be staffed and equipped to challenge the claims of the thousands of executive branch spokesmen, who in years past have often overwhelmed legislators with their expertise and computerized information. The Congressional Budget Office will have computers and expertise of its own.

In terms of changing congressional procedures, the bill promises to be more far-reaching than any that Congress would have been expected to approve this time last year. It calls for dramatic reform of the appropriations process. Chairmen of the 26 independent appropriations committees (13 in each house) must surrender their power over parts of the federal government to one committee with authority over all the budget.

The proposal also is likely to encourage fiscal changes in the private sector. For instance, it calls for changing the federal fiscal year from a July-to-June calendar to an October-to-September calendar. Accounting convenience may force local and state governments and many private corporations, especially those doing business with the government, to adopt similar fiscal calendars.

There may be some conflict and confusion at first, but if the result is a more stable appropriations process, one that relates federal expenditures to federal revenues and uses the federal budget to manage the nation's economy, the inconvenience should be worthwhile. With a national debt approaching $500 billion and world concern over the American dollar, Congress has to find a better way to conduct the public's business.

EARL WARREN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. RANGEL. Mr. Speaker, it is somewhat ironic that at a time when the Supreme Court is confronting the momentous case of the United States of America against Richard Nixon, one of that body's greatest leaders has passed away. For no Supreme Court Justice confronted and brilliantly dealt with more momentous cases than Earl Warren. Today, I join with my colleagues in Congress and millions of fellow Americans in remembering and paying tribute to a truly important individual.

In his 16 years as Chief Justice of the Supreme Court, from 1953 to 1969, Earl Warren presided over a judicial body that significantly changed the texture of American society, by interpreting the Constitution in the direction of justice and equal rights for all. The many decisions of the Warren Court stand out as landmark actions of boldness and fairness:

In 1954, the Brown against Board of Education Supreme Court decision declared "that in the field of public education the doctrine of 'separate but equal' has no place." Written by Warren, the decision helped give birth to the fight for civil and human rights that would grow to maturity in the 1960's.

A decade later, the Chief Justice wrote opinions for the Court in deciding cases which gave urban districts the same voting and political representation as the rural districts. Termed "the one-man, one-vote law," the Court directive helped promote a degree of political and legislative justice in the United States.

In 1966, the famous Miranda decision afforded arrested persons the right to be told their legal rights by the law enforcement officer involved in the arrest. In this and other decisions, the Warren Court respected and acted to defend the full rights of the suspect in criminal cases.

Earl Warren brought to the Supreme Court and to this country an overriding urge to do what was morally right. Of Warren, Anthony Lewis wrote:

> Justice consisted not of providing a fair mechanism of decision but of seeing that the right side, the good side, prevailed. . . .

At a time when laws are ignored in the White House, when personal principles are abrogated in the halls of Congress, and when decency is apparently no longer a virtue to strive for, Earl Warren stands as a lonely example of what America should and could be, but is often no longer about.

FORMER CHIEF JUSTICE EARL WARREN

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. BADILLO. Mr. Speaker, I join with many of our colleagues and others throughout the country in mourning the loss of the former Chief Justice of the Supreme Court, Earl Warren.

During his 16-year tenure as the Nation's chief magistrate, Earl Warren played a leading role in correcting many of the social inequities which plagued the country and in affirming numerous individual rights. Certainly one of the greatest landmarks in American jurisprudence was the historic Brown decision of 1954 and equal educational opportunities began to be made available to all citizens. It was particularly appropriate that the Chief Justice himself wrote the Court's opinion, which had the unanimous concurrence of the other members of the Court.

Another major decision occurred a decade later when the Supreme Court ruled that district lines for congressional and State elections must be drawn in such a manner as to give urban citizens representation equal to that of those in rural areas. The "one-man, one vote" decision was reportedly considered by Mr. Warren to be the most important during his tenure.

The right of the individual defendant was vigorously protected by the Warren Court and the basic guarantees of the Bill of Rights were actively defended and reinforced by several major decisions made during Earl Warren's service as Chief Justice.

As Alan Barth so aptly observed in his article on Mr. Warren's death in this morning's Washington Post:

> By nearly every standard that can be said to measure judicial stature, Earl Warren must be counted among the great chief justices of the United States—the greatest, in all probability since John Marshall.

This is a statement with which very few can take issue and I believe that Mr. Warren has left a very positive and permanent mark on American jurisprudence. The Supreme Court under Earl Warren gave new vitality to the Constitution and actively guided the Nation in properly adjusting to the changes of a developing and maturing society, primarily during some particularly troublesome periods. Mr. Warren's loss is great, but the outstanding contributions he made to his country will serve as a lasting monument to his work in the Supreme Court.

DR. PHIL THOMSEN CITED FOR 40 YEARS SERVICE

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. HANRAHAN. Mr. Speaker, a very good friend of mine, Dr. Philip Thomsen, was recently honored for his 40 years of service at Thomsen Clinic in Dolton, Ill. I wish to extend my admiration and best wishes to Dr. Thomsen. The following article from the Star-Tribune should be of interest to my colleagues:

DR. PHIL THOMSEN CITED FOR 40 YEARS SERVICE

Dr. Philip Thomsen of Thomsen clinic on Lincoln avenue in Dolton, was honored at a surprise gathering of almost 800 friends and patients at the Lexington House, for his 40 years of practice.

Dr. Thomsen, a physician and surgeon on the staff at St. Francis hospital since 1935, not only has won respect within his medical practice but for his involvement in political and community affairs as well.

Among those honoring him were dignitaries such as former governor Richard Ogilvie, guest speaker; Representative Edward Derwinski, who presented the doctor with citations from President Nixon and Vice President Ford and Representative Thomas Miller who presented him with a citation from the State of Illinois that was adopted in the 78th General Assembly of the House of Representatives. There were many Dolton, Riverdale and South Holland officials present also.

Serving as Master of Ceremonies was Frank Stewart, immediate past president of Riverdale bank. The program included the invocation by Rev. Matthias Hoffman, a family friend; a speech by Oglivie and presentation of gifts by Eugene Scherba, president of Thomsen clinic.

Entertainment was provided by "The Tiffany's" quartet of the Sweet Adelines, Inc. and winners of the national quartet competition.

Two cakes, baked by Delores Peters, were replicas of the "Then Clinic" where Dr. Thomsen began his practice in Riverdale on Indiana avenue, near 138th street, in a rented home from the Schmidt family in 1935 and the "Now Clinic" built in 1947.

An Indian Ink sketch of the clinic was made by Frances Deady and provided the cover for the program. A larger copy of the sketch will be framed and hung in the clinic.

The tribute to Dr. Thomsen was made possible through the efforts of Ann Russell, planning committee chairman, Frances Deady, co-chairman, Jean Berschinski, clinic administrator and the planning committee.

True appreciation by all for Dr. Thomsen's efforts may be summed up in the letter from President Nixon to Edward Derwinski on behalf of Dr. Thomsen; "It pleased me greatly to know that you will be taking part in a special tribute to your good friend Dr. Phil Thomsen. I certainly share your own admiration for the professional skill and humanitarian spirit that marks his outstanding service to the people in your area. His dedication to the Dolton community has richly earned him this expression of appreciation by the fellow citizens he has served. I hope you will take this opportunity to convey my personal high regard for him and for a practice so replete in selfless devotion to others."

The marquee outside the Lexington House tells it all, "Thanks, Dr. Phil Thomsen." It was signed, "Your many friends."

THE ECONOMY AT MIDYEAR

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my Washington Report entitled "The Economy at Midyear":

THE ECONOMY AT MID-YEAR

At mid-year the vaunted American economic machine appears stalled. After a slide during the first 3 months of the year, production is neither rising nor falling, as the worst peacetime inflation in history rages and interest rates have reached record heights. The slowdown is not uniform, however, because the business sector looks good, and many plants are running flat out. The imbalance in the slowdown caused one economist to remark that the recession did not look like a recession.

Economic forecasters, who have had a tough year in 1974, don't really seem to know when production will pick up or where the prices are headed. They are not even sure if the danger is inflation or unemployment. The present combination of inflation and stagnation in the economy presents an awful dilemma for economic policymakers: should economic policy be stimulative to head off higher unemployment or restrictive to check inflation?

The President has been preaching restraint in spending and a tight monetary policy. His Secretary of the Treasury has even suggested that the right economic medicine at the moment might be a budget surplus. This approach risks a recession to curb inflation, and it represents a change from the attitude at the first of the year when the President and his economic advisors were talking of further stimulus to the economy. Others, including some Congressmen and Senators, fear a rise in unemployment and want to cut taxes. They argue that, while inflation is serious, it may not get worse if selective measures are taken to stimulate the economy. The rise in unemployment can be softened through unemployment insurance and public employment programs, public spending could rise, and taxes could be reduced. The risk of this approach is over-stimulation of the economy and even more rapid inflation.

Since World War II the government's response to a sluggish economy has been to cut taxes and raise spending in order to increase demand. It may seem strange for the policymakers to plan increasingly tighter fiscal and monetary policies just as the economy is stagnating, but inflation is the obvious reason for the restraint. Policymakers are afraid moves to stimulate the economy by more spending or a reduction in taxes would increase inflation. Efforts to reduce taxes in the Senate have been decisively defeated, and most officials apparently believe the slow pace of the economy should be accepted for the moment in the hope of reducing inflation.

The chances of getting inflation under control quickly, however, are not favorable. Industrial wholesale prices have exploded (up 36% from January to May of this year), strikes have poliferated, and wage settlements have moved up to the 9% or 10% level. At best, prices in December may be climbing by 6% or 7%—a pace previously inconceivable in peacetime America, particularly during a year of slow growth like 1974.

On this prime issue of how hard to crack down on inflation there is no ready-made solution. To put the economy through a stiff recession would stop inflation, but at a fearful cost in unemployment. Other steps, like wage and price controls and steps to improve the structure of the labor market, have not met with resounding success.

The choice between these broad lines of policy is based partly on the economic forecast for the balance of 1974 and partly on a judgment of the social costs of unemployment and inflation. The Administration expects a rebound in the second half of 1974, while the critics believe decisive steps are required to get the economy moving.

My view is that appropriate policies can at least curb inflation without resorting to steps that would result in a long recession and high unemployment. The case for a tax cut does not look strong, and it would not be prudent to cut taxes now. There is plenty of evidence that the tax burden is inequitable and that lower and middle income persons deserve a tax reduction, but the net effect of any tax change on the federal budget should not be a reduction in revenues. Fiscal and monetary policy should be marked by restraint, and more attention should be given to how money is spent. Expenditures which are wasteful and counterproductive should naturally be eliminated. Unemployment, which should not be allowed to increase above present levels, must be cushioned by unemployment insurance programs to try to protect unemployed workers, and public employment programs, targeted for areas that have been particularly hard hit by the slowdown, should be extended. Experience in recent years with public employment has been favorable. The strategy is to try to ease the impact of economic problems on those least able to deal with them. Much more effort must be directed toward increasing supply and forestalling shortages with sensible export, import, subsidy, and market policies.

Finally, the economy should be constantly and carefully monitored because changes in policy may become quickly and urgently required.

ON THE APPOINTMENT OF RICHARD D. HEFFNER

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. KOCH. Mr. Speaker, I was delighted to learn of the appointment of Richard D. Heffner as chairman of the Rating Board of the Motion Picture Association of America. Mr. Heffner is eminently qualified for his new position, bringing to it a vast amount of practical experience in the communications media as well as a distinguished academic career.

A pioneer in public broadcasting, he was instrumental in the acquisition of channel 13, WNET, as New York's educational television station. He was responsible for putting channel 13 on the air and served as its first general manager. In his earlier work in commercial television, Heffner had produced and moderated "Man of the Year," "The Open Mind," and other prize winning television program series, and had served as director of public affairs programs for WNBC–TV, channel 4, in New York. He also was director of special projects for the CBS television network and editorial consultant to the CBS, Inc., Editorial Board, and had been a radio newsman for ABC.

Beginning his career as an historian, Heffner taught at the University of California at Berkeley, Sarah Lawrence College, Columbia University, and the New School for Social Research, New York. His many reviews and articles have appeared in such publications as the New York Times, Saturday Review, and the American Historical Review. He is currently university professor of communications and public policy at Rutgers University.

This appointment also pleases me because I consider Richard Heffner a good personal friend. It is gratifying to see a friend with such an outstanding background receive the recognition he deserves. I am certain that his intelligence and sense of good judgment will insure the fairness and integrity of the motion picture rating system. My best wishes go with him.

TRIBUTE TO THE HONORABLE JOHN J. ROONEY

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. MAHON. Mr. Speaker, sometime ago when our distinguished colleague from New York, John J. Rooney, chairman of the Appropriations Subcommittee on State, Justice, Commerce, and Judiciary, announced that he would not seek reelection, I had occasion to make some remarks in the Record concerning his outstanding career.

I have received an excellent tribute in regard to Mr. Rooney from Rabbi Bernard Weinberger of Brooklyn, which I present for printing in the Record:

JOHN J. ROONEY

Those of us who live in the 14th Congressional District of Brooklyn, New York, were deeply saddened by the news that "our Congressman", John J. Rooney has, because of ill health, decided not to stand for reelection. Thus thirty years of unmatched service in the august halls in the House of Representatives will come to a close. Undoubtedly, it will be years before the full impact of the loss of John Rooney's services can be adequately measured, but already we know that we of the 14th District will be without the services of a man whose door was always open in moments of need.

The 14th Congressional District is made up of a constituency that is multi-racial, multi-ethnic and multi-religious. John Rooney was the rallying point around which all diverse groups could join hands in a common effort. He was a man of all seasons and a congressman for all people. Jews, Poles, Irish, Italians, Blacks and Puerto Ricans all were able to point to Congressman Rooney as their spokesman because he understood their needs and always had an attentive ear to the peculiar nuance of each group.

John Rooney met with Kings, dined with Royalty, knelt before Popes, received Clergymen of all faiths, mingled with the elite in Washington but never lost the capacity to commiserate and empathize with the lonely and the distressed, the disadvantaged and the poor. He wielded enormous power in watching over the expenditure of the U.S. Government dollar, was an enemy of waste and yet, was lavish in his compassion for the impoverished.

In the last decade, John Rooney was challenged by a host of different adversaries but he enjoyed the loyalty of those he had served so well and was returned by the electorate fifteen times. No man could wish for more eloquent testimony of the esteem and regard with which he is held by his constituency.

We can only hope and pray that he now will enjoy together with his wife Katie, the tranquillity and serenity that he so richly deserves, in good health and in the knowledge that he leaves behind a constituency that remains eternally grateful for his remarkable career of services to the people.

THE SOCIAL SECURITY RIPOFF

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. SYMMS. Mr. Speaker, Mr. Rusher's musings on his favorite Government hoax were of interest to me. I would like to share them with my colleagues in this Congress and the "workers of the world" to whom the author refers who might be among the readership of the Record:

"NEW DEAL" LEGACY: THE SOCIAL SECURITY RIPOFF

(By William A. Rusher)

Whenever my faith in human gullibility begins to flag, I spend a few minutes contemplating Social Security. Of all the hoaxes perpetrated on the American people by Franklin Roosevelt's New Deal, this one is my very favorite.

It began, like most New Deal reforms, with the discovery and proclamation of a human need, in this case the need to provide for people in their old age. Thus stated, there was surely nothing wrong with the idea.

To this insight, the New Deal liberals added another—their own firm, paternalistic conviction that the American people are incapable of coping with the problem themselves. As an individualist I always found this a tough proposition to swallow, but I have finally managed to get is down. Unquestionably there are plenty of reckless types around who just don't have enough foresight—who will spend, all their lives long, every penny they can lay their hands on, and then wind up in a tearful heap on the city hall steps in their 60s or 70s.

From this it followed quite naturally, in the eyes of the New Dealers, that Big Daddy would have to do for people what they were too dumb to do for themselves: compel them to set aside a part of their savings as a retirement fund. So far so good.

At this point, however, the Houdinis of the New Deal got busy. If you can follow the pea from shell to shell the rest of the way I will paste a gold star in your book.

First, they brusquely removed a Social Security premium from every worker's pay before he even got his hands on the check—thus, they correctly calculated, dulling his sense of loss. Then they required the employer to match the employe's contribution—a piece of rigamorole that didn't cost the employer a cent (since it merely became an item in the total cost of labor, which continued to be negotiated freely as before), but gave the worker an obscure and meretricious feeling that he was getting something extra.

And then, instead of investing or even saving the money, they took the whole caboodle—employer and employe contributions alike—and spent it on the high purposes of the New Deal, including their own salaries, trusting to future Social Security contributions, or general tax revenues if need be, to pay the pensions of the elderly when these started falling due in substantial amounts a quarter of a century later.

Beautiful. Simply beautiful. Even the side benefits were, from a social planner's standpoint, impressive. For example, every American must have a Social Security number, which tags him as efficiently as the tattoo on the forearm of an Auschwitz inmate—thus creating a potential for big brotherhood that even libertarians have only lately begun to dread.

Best of all, Roosevelt managed to sell this scheme, which is really just a ruthlessly regressive payroll tax, to the American people as one of the major "benefits" he was conferring upon them. To this very day, as Barry Goldwater discovered to his sorrow, an unkind word about the Social Security system is enough to convince millions that you are about to snatch away their only hope of a dignified old age.

And yet Social Security is, and always was, a ripoff pure and simple. There was no reason on earth why a system of old-age insurance had to be set up the way his one was. By 1977, the maximum Social Security payment (by employer and employe) will rise to nearly $100 a month. A person, 21, paying this same amount for private insurance, would receive $158,700 of immediate insurance protection, plus a cash value growing to $96,600 at age 65, and dividends worth, if reinvested, at least $150,000 at retirement. What's more, he could leave to his heirs any of the cash he didn't spend, and could earn as much as he pleased on the side. Does this sound to you very much like what he will get under Social Security?

Workers of the world! With friends like that you don't need enemies.

DOW CHEMICAL CO.

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. TIERNAN. Mr. Speaker, I would like to take this opportunity to commend Dow Chemical Co. in Midland, Mich., for supplying Moltic, Inc., a manufacturing firm in Woonsocket, R.I., with a shipment of scarce high-density polyethylene resin.

Acute shortage of plastics materials still continues in the United States, and companies like Moltic, Inc., are confronted daily with supply problems which very often involve worker security. According to Emile A. Benoit, president of Moltic, Inc., 20 employees of Moltic were faced with dismissal, because of a resin, and it was only through the cooperation of Dow Chemical that these jobs were saved. I think that Dow Chemical should be complimented for taking an active interest in the future of small manufacturers.

Below is the letter I received from Mr. Benoit regarding this matter:

MOLTIC, INC.,
Woonsocket, R.I., June 17, 1974.

Congressman ROBERT O. TIERNAN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR BOB: Although the above plant is not located in your congressional district, I thought I would write to you anyway to let you know that the Dow Chemical Company of Midland, Michigan has sold us some scarce high density polyethylene resin just in the nick of time to salvage the jobs of 20 employees among whom are some very needy and underprivileged ones.

If you can cite Dow in some way for their cooperation, please do so.

Very truly yours,

EMILE A. BENOIT,
President.

TECHNOLOGY IN AN URBAN ENVIRONMENT

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. RONCALLO of New York. Mr. Speaker, I recently had the opportunity to read a most interesting and thought-provoking speech given by Dr. Lee A. DuBridge, president emeritus of the California Institute of Technology, at the University Club in New York under the sponsorship of Polytechnic Institute of New York. I feel sure that my colleagues will find Dr. DuBridge's comments to be of value:

TECHNOLOGY IN AN URBAN ENVIRONMENT

(By Lee A. DuBridge)

I am going to open my remarks by citing a truism: viz. that from the dawn of history—and even long before—the advance and development of human civilization has been closely intertwined with, profoundly influenced by and indeed, dependent on the advance of science and technology.

From the very earliest times the original transformation of Nomadic tribes into settled communities came as a direct result of the discovery of the technology of agriculture. Similarly, the invention of the controlled use of fire, the invention of the wheel, the domestication of animals as beasts of burden and sources of food, the development of techniques of hunting, the conversion of the weapons of the hunt into weapons of war, the improvement of human dwellings from the cave or tent to the more comfortable homes and public buildings of wood or mud, or stone or brick. All these things occurring over a period of hundreds or thousands of years, made possible the first towns and later the great cities of ancient times in which remarkable structures were built—some of them, like the pyramids of Egypt representing extraordinary feats of engineering skill and of human effort and ingenuity.

Long before the dawn of history also men made patient and painstaking observations of the sun, the moon and the stars from which they developed the concept of time, the hour, the day, the month, the seasons and the year. Thus were laid the early foundations of modern science. Even as early as 85 B.C., Archimedes had apparently developed an intricate clockwork mechanism of gears and wheels and indicators to measure time and predict eclipses of the moon. This remarkable mechanism discovered in artifacts recovered from a sunken Greek ship, and only recently analyzed and interpreted, was the forerunner of the modern clock and indeed, of many other types of modern machinery, including the differential gear of the modern automobile. It was, in fact, a pioneering achievement of modern technology.

We often think of technology as being a characteristic of very modern civilization, say, since the industrial revolution. But, in fact, ingenious and inventive technology was one of the earliest achievements of ancient man and enabled him to live a better life than his predecessors. Indeed, early man survived in the evolutionary struggle against competitive creatures largely because he learned to use tools—clubs, knives, hammers, fire—the early products of technology.

It is true of course that the discovery and use of the principles of mechanics, the use of heat energy (as in steam) and of electricity have produced even more profound and more rapid changes in civilization in the past 300 years. So now we live in a technological age which would have been inconceivable, or even unbelievable, to our grandparents. Today technology is inextricably linked to almost every aspect of our daily lives. It is technology which has made our lives different from those of the caveman, but this has always been true.

Now some people don't like all this. They apparently think that being a caveman would be better than living in a, well I won't mention any place names.

Others of us take all this modern technological world for granted. Like the elderly lady who was disgusted with some of the antics of young people and asked, in indignation, "Why can't they just stay home and watch TV as God intended they should?"

Yet, like it or not, technology is here to stay. And, in all truth there is really very little of it that we would want to give up even if we could. We really don't like to live like caveman, or even like our grandparents.

And yet, we do have troubles. Bad troubles. We have traffic jams and pollution and overcrowded cities and power blackouts and gasoline shortages, highway wrecks and airplane hijackings, wars, and threats of wars—catastrophic wars perhaps. We are, on the whole, healthier and we live longer than our parents, but if we do get sick or injured, our medical bills may spell financial disaster. We can get from New York to Los Angeles in a fantastically short time, once we make it to the airport. We can talk easily by phone to anyone on the continent, but in case of a storm or a flood the whole system seems to bog down.

Has technology engulfed us, trapped us, dehumanized us—have our political and social institutions failed to keep pace with our scientific knowledge and engineering skills or have our ethical standards failed us just at the time when they were more vitally important than ever?

The answers are both yes and no, or possibly simply, we don't know.

I do know that technology is not an uncontrollable Frankenstein, bound to ride rough shod over all human values. Technology is a tool to be used. It is a product of human beings. The motivation behind its progress has always been, and continues to be, a desire to make a better life for human beings. And the uses of technology are determined and controlled by people, not by machines. Ignorant people sometimes, cruel people sometimes, selfish people sometimes, but generous, humane and farsighted people sometimes.

And all these people work through our social, political and economic institutions to put technology to work. Our challenge today is valid, human desires and ideals; and resistive to the cruel, or selfish, or thoughtless desires of the few.

Shall the ills of our society, some of which have been caused by the misuse of technology, be cured then by stopping technology, by stopping the search for new knowledge and its application? Certainly not. Even if we could suppress the curiosity and ingenuity of the human mind.

Our ills of population, environmental deterioration, the wastage of natural resources, the scarcity of food in a world of burgeoning population, the shortage of healthy, decent living conditions for billions of people and the uncontrolled growth of population itself, all call for more and better technology and its intelligent use.

We have dumped our waste products into the air and the water for centuries because that seemed a cheap and harmless thing to do. But our air and water in many places are being saturated by growing burdens so we need better technology to dispose of wastes in other ways and to render them harmless or inoffensive.

Our resources in minerals found in the earth are limited and are being rapidly used up. So we need better technology to find new sources, to reclaim our once-used materials, to find substitute materials which are more plentiful or can be replenished.

Everywhere we turn we see opportunities for better technology based on more scientific knowledge and every day we see the urgency of bringing to the country's decision makers in government, business, industry and the professions, a better appreciation of the fact that the laws of nature cannot be changed by legislation; that new technological ideas cannot be brought into existence by waving a wand or even by appropriating a billion dollars. Yet, the advance of science and technology must be encouraged through the support and encouragement of new ideas.

New ideas come from the minds of people and they are put to use by imaginative people, well trained people, educated people, people with a sense of responsibility for the welfare of other people.

Where do we find such people?

Our colleges and universities, of course, are the source of young people who will be leading our country in the coming generations. Not every college and university! We may have tended in this country to worship too much a college degree from any college for its own sake as a passport to an affluent life. "It ain't necessarily so." For not all colleges are the same. It is no accident that institutions like Harvard, Yale, Columbia, Princeton, Stanford, MIT and Cal Tech and others have turned out far more than their share of our country's leaders in science, in engineering, in business, law, medicine or public affairs and of course, in higher education itself. It is no accident that, here and there, a great institution has revolutionized the economic or cultural or industrial life of its community and of the nation. It is no accident that so many of the nation's thriving cities can boast of excellent educational institutions—Cambridge, Chicago, Palo Alto, Los Angeles—you can name others.

And what of New York?

Surely the greatest metropolitan center of the world deserves great educational centers. It must have them to remain great. And surely, such a city must support its great centers of learning generously, encouraging and supporting high excellence, in teaching in research, in the pursuit of new ideas, in many fields of human endeavor.

New York, indeed, does have some of the world's great medical centers. It has schools of business and law of great distinction and in Columbia University, an institution with a long tradition of excellence in many fields.

But what about science and engineering—the mainstays of our technological civilization? Is there an MIT or Cal Tech, or Stanford, or Berkeley, or Ann Arbor here in New York? Must New York depend on the rest of the country for its engineering leadership? Shall a city with the biggest engineering problems and opportunities in the world look elsewhere for its trained leadership?

It need not!

For across the river, in Brooklyn, there is an institution (formerly Polytechnic Institute of Brooklyn, now Polytechnic Institute of New York) which for 120 years has been quietly building a foundation of excellence in engineering, science and technology. For all these years it has been feeding into the mainstream of New York's business and industrial life, thousands of highly trained men and women. It has produced more advanced degree engineers, by far, than any other institution in the state. One single company in this area now employs 1600 Polytechnic graduates. Polytechnic has provided more graduates to the Bell Telephone Laboratories than any other college or university in the country.

And has the City of New York recognized its debt to this fine private institution by providing it with adequate private financial resources to pursue and improve its work?

Not quite!

Poly has a minuscule endowment, an inadequate and partially obsolete physical plant and extremely low level of annual giving. In spite of this, Poly has a distinguished and devoted faculty, highly motivated students and, in certain fields, teaching and research of the highest distinction.

It is a private institution—not a part of a New York State system. As a private institution it has the opportunity to rise to new levels of distinction. For in the American system, private institutions have been the leaders and innovators of educational progress.

But Poly must seek far greater levels of private support than it has ever had before. Poly's lively and imaginative new president, George Bugliarello and his associates have new visions of Poly's future which deserve the backing of the entire metropolitan area. An investment in the future of Poly is an investment in the future of New York City—an investment sure to pay rich dividends.

I have personally been a part of two of the greatest technological universities of the country—MIT and Cal Tech. I have seen the contributions which they have made to their communities and to their country.

I have also had the opportunity in recent weeks to get better acquainted with the Polytechnic Institute of New York. I have talked at length with members of the faculty and administration. I have had an opportunity to look at the past achievements and the present potentialities of that institution. I have seen the way in which, for many years, Poly has addressed itself to the many urban problems of this area—the development of sound engineering building codes, investigating the problems of pollution and an active program of fire prevention research. I know of Poly's many achievements in Polymer Chemistry, in Microwave Electronics and in Aerospace Engineering. I have seen excellent departments in mathematics, physics, electrical engineering and others. I have seen the way in which Poly is integrating studies in the humanities and social sciences into an engineering curriculum, to make better engineers and better citizens.

I have seen how Poly has quietly and continuously contributed to the technological advance of this area. I have seen too their problems, their inadequate resources, their new responsibilities to become not just Poly of Brooklyn, but Poly of all New York. I have seen the steps they are taking to meet these responsibilities and opportunities.

But the Polytechnic staff cannot do it alone anymore than could MIT or Cal Tech or any other fine university of science and engineering. Poly needs the understanding support of the whole community. And surely this great city as it sees the opportunities ahead, will respond, in the light of self-interest alone, to the chance of building here one of the greatest technological institutions of the country. Nothing less is good enough for New York. Nothing less will meet the needs of this city in the years to come.

The next few years will be decisive ones in the history of technological education in New York City—decisive years for the history of the whole city. In only a few years it will be clear whether the people of New York have met or have failed to meet this great opportunity. I shall continue to believe that you will not fail.

THE KISSINGER SYSTEM

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. CARTER. Mr. Speaker, not only has Dr. Henry Kissinger served his country well in securing a cease-fire in the Middle East, a lifting of the oil embargo by the Arabian nations, and by securing a détente with Russia and peaceful relations with the People's Republic of China, he is also building the State Department into an energetic, forward-looking, and effective arm of our Government.

I include for the RECORD the remarks of the erudite editorialist, Marquis Childs, taken from the Washington Post of July 9, 1974:

[From the Washington Post, July 9, 1974]

THE KISSINGER SYSTEM

(By Marquis Childs)

We are three-fourths of the way through this grimmest of centuries that marked, after 1940, America's rise to unparalleled power. Whether given our deep domestic divisions we can use this power wisely to keep the peace in a world with the fearful overhand of nuclear annihilation, is still in uncertain balance.

In 1900 those two dour brothers, Brooks and Henry Adams, the last intellectual lights of the great New England family, examined Brooks' prophecy of America's coming economic supremacy. They took a dim view of our capacity to hold the line against war and anarchy as the British had held it for the preceding century.

To this observer, a test of our maturity turns on the fate of Secretary of State Henry A. Kissinger and the future of the Department of State over which he is attempting to preside. The question is not merely whether he is to be brought down by those chivying him over the wiretaps.

Under the star system for which the press and Kissinger himself are responsible, it is made to appear that the Secretary of State is the end all and be all of American foreign policy. If he resigns in the fall, and those close to him believe the chances of this are 50–50, then the glue factory, as the Department is known by its more contemptuous critics, falls into a great big hole in Foggy Bottom.

For several reasons this is deeply disturbing. First, it is simply not true. In the nine months he has been Secretary, Kissinger, despite his long absences from Washington, has moved in several respects to make the Department a more effective agent to implement foreign policy.

He has put able career officers into important posts. For example Joseph Sisco, with a broad background in the Mideast was persuaded to refuse an attractive outside offer and stay on to be Under Secretary for Political Affairs. Others in assistant secretary posts are carrying on the work of the Department.

Whether Kissinger is in the Mideast, in Russia or wherever, they work at the liaison task with Congress—16 separate appearances during the Secretary's latest absence—so important to the continuity of policy. That is another reason to correct the impression that Kissinger's departure would leave a void for the remaining two years of the administration; foreign governments would feel that they had no place to turn in their relationship with the United States.

Unlike his immediate predecessors, Kissinger keeps in close touch with the most important elements of policy while he is away. A large volume of traffic passes both ways through the efficient communications system. Increasingly Kissinger leaves decisions to associates.

One problem is the duality of his roles as Secretary and adviser in the White House an national security affairs. The NSC staff he heads has been reduced in size with several members brought into the State Department. At a meeting in the White House just before the latest SALT talks, Acting Secretary of State Sisco sat next to the President while Kissinger in his NSC role sat across the table.

Ever since the United States moved into the big power orbit; the State Department has been a scapegoat with foes and even friends blaming the messenger for the bad news. Before 1940 it was a tight little operation dominated by a few senior foreign service officers. Except for the five years under Dean Acheson, morale in the sprawling colossus has been low.

Returning to Washington with presumably six to eight weeks at his desk in the Department Kissinger will spend a certain number of days before the Senate Foreign Relations Committee in the investigation he requested into his previous testimony on the wiretaps. He will also be interrogated about his association with David Young and the plumbers unit in the White House. In the opinion of this observer, an objective inquiry will absolve him of the insinuation of perjury and similar charges hurled at him at his press conference when he returned from the Mideast.

Kissinger, the immigrant, has served his country well. The uses of power in a divided and chaotic world are often abhorrent to idealistic Americans. The blame has been heaped on Kissinger as an agent of that power. The American dilemma is whether any agent can serve confronted by a nation divided over the legitimacy of the power role.

HEW REPORTS SURPLUS—TIME TO BALANCE THE BUDGET NOW

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. HUBER. Mr. Speaker, in the Washington Star-News of July 3, 1974, Mr. Cramer's "9 to 4:30" column reported the astounding revelation that the Department of Health, Education, and Welfare will wind up the current fiscal year with $3 billion unspent. No one should need further convincing of the fact in our national budget. This $3 billion reverted to the U.S. Treasury on June 30, 1974. Happily, this was $3 billion not spent that did not contribute to inflation. I am asking Secretary Weinberger for a detailed report today which I shall also place in the CONGRESSIONAL RECORD, when it is available. The article from the Washington Star-News follows:

COMPROMISE

The Federal Times reports that the Health, Education and Welfare Department will wind up the 1974 fiscal year with a nigh unbelievable $3 billion unspent from its appropriation.

Social Security spent something like $1 billion less than it had estimated, the bulk in Medicare, but part in old age and survivor benefits.

Spending by the Social and Rehabilitation Service was about $200 million below estimates.

The Office of Education was $60 million below.

Bureaucrats ordinarily find ways to spend all of their appropriations. Baffled HEW officials have organized an interagency task force, including members for Office of Management and Budget, Treasury and General Services Administration to find out just why their estimates went so far astray.

PROPOSED RECLAMATION FEE FOR H.R. 11500

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. SEIBERLING. Mr. Speaker, the House will soon consider H.R. 11500, the Surface Mining Control and Reclamation Act of 1974. Although not perfect in every detail, this is a reasonable and workable bill that comes to grips with a very technical and highly controversial subject. It will do much to assure that coal strip mining will not further degrade our Nation's land and water and that strip mined lands will be adequately reclaimed in the future.

But what about the devastation still left from coal mining in the past? According to the latest survey by the U.S. Soil Conservation Service, over 2.5 million acres of stripmined lands lie unreclaimed. To correct these conditions would cost over $9 billion at today's prices. In Ohio alone, it will cost $750 million to reclaim the 370,000 acres of strip mined land and to correct water pollution caused by abandoned deep mines.

The bill, in its present form, would do little to restore these abandoned, unreclaimed lands. The small reclamation fee provided in the bill would require at least 45 years to solve this serious national problem. Forty percent of the fee collected would be turned over to the States for nonreclamation purposes. And for many years to come, the people who live in these blighted coal mining communities must continue to face the physical hazards and economic deprivation of their wasted land and polluted water.

TO DIG OR TO STRIP

What about the direction the coal mining industry will go in the future? Only 3 percent of the Nation's coal can be recovered by strip mining. The other 97 percent is too deep for stripping. Yet it is this 97 percent that constitutes the Nation's major energy resource. If we accept a strategy of maximum reliance on surface mining to expand coal production we will totally exhaust the surface mine reserves in the West by 1996.

The bill does little to revitalize the deep-mining industry, which has been plagued in recent years by increased costs added by Congress for health and safety activities and black lung benefits. In fact, the reclamation fee amendment in the bill would further penalize Appalachian and Midwestern coal by favoring low energy content Western coal which industry plans to strip rather than deep-mine. And if the coal industry has its way, consumers throughout the East and Midwest will pay in the form of greatly increased rates for electric power if they must depend on coal hauled in from the West, at transportation costs already running as high as $14 a ton.

This is not a mere threat, it is rapidly becoming a reality. In the June issue of the Mining Congress Journal, a vice president of Burlington Northern, Inc.—which has rights to a good share of America's large Western coal reserves—boasts of their plans to transport strip-mined coal from Montana, North Dakota, and Wyoming to the East—including Appalachia which has some of our Nation's finest and richest coalfields.

Burlington Northern and other coal mining companies would rather make a fast buck at the expense of the Eastern consumer and the Western rancher or farmer. No matter that stripable coal reserves will be rapidly exhausted or that our children may be faced with a far greater energy crisis in the year 2000. The goal of the industry seems to be to do what is easiest and fastest, and most profitable, regardless of the consequences.

STAY EAST AND DIG DEEP

When H.R. 11500 comes to the floor, I plan to introduce a substitute reclamation fee that comes to grips with these serious problems. It would provide for reclaiming the abandoned mines in one-third the time required by the current bill and without imposing any significant burden on the coal industry or on consumers.

The substitute fee would also encourage the coal industry to stay East and dig deep. The basic fee of $2.50 a ton would be reduced on the average to $.94 per ton by credits for statutorily imposed costs of health and safety equipment and activities and black lung benefits and for reclamation activities required by the bill. The fee would take into account the energy content of coal without penalizing Eastern coal. Up to 16 percent of the gross fee could be deducted for any severance tax paid to States to support reclamation activities. In addition, 37.5 percent of the money would be returned to the coal mining States, giving prime consideration to the needs of communities which supply the major part of the workforce for coal mine operations.

These credits would tend to even out the regional differences in stripmine reclamation costs and Btu content. The result would be that the average reclamation fee for stripmine coal in each major mining area—Appalachia, Midcentral, and the West—will closely approximate the national average of $1.60 per ton. The average for deep mines, with their high credits for safety costs, would be only 25 percent per ton. And mine operators would have a financial incentive to do a better job of coal mine safety.

OHIO ILLUSTRATES THE NEED

To illustrate the need for this reclamation fee, I would like to insert in the RECORD a copy of an article from the Cleveland Plain Dealer of July 8, 1974, which describes the current situation in Ohio and how it must be corrected.

As the article points out, Ohio has a strong stripmine law, which took effect in April 1972. But the 4-cent reclamation fee provided in the Ohio law is too small, and the $730 million price tag too large, for the State of Ohio to reclaim the 370,000 acres of stripmined land or to correct the water pollution caused by abandoned deep mines. Only a substantial Federal program which puts the burden fairly on the various sectors of the coal industry can do the job effectively and with a minimum of interference with normal competition. I am pleased with the support the substitute reclamation fee proposal has received in Ohio and elsewhere. The Plain Dealer article follows these remarks:

THE $730 MILLION TAB IS UNPAID—STRIP MINING LEAVES BIG BILL

(By Richard C. Widman)

ST. CLARKSVILLE, OHIO.—Sixty years of strip mining has produced a billion or more tons of coal while leaving Ohioans an unpaid bill for $730 million.

According to a study commissioned by the Ohio General Assembly, it would cost that much to reclaim the 370,000 acres of 28 eastern and southeastern Ohio counties ravaged by strip mining and to correct water pollution caused by abandoned deep mines.

Why reclaim the land?

"We have only one Ohio," said William B. Nye, director of the Ohio Department of Natural Resources.

"If it lies fallow and unproductive it is an economic loss to the state of Ohio."

Tough new strip mine laws which took effect April 10, 1972, provide some measure of protection of the land for the future. With strict enforcement of the law the abuses of strip mining's past history will not be repeated.

But it was too late for large areas converted to moonscape by the big shovels, too late for streams polluted by acid mine drainage and sedimentation.

That land will be needed someday for the sites of new cities, for parks, for forest products and other uses difficult to foresee now.

The legislation setting Ohio strip mining reclamation rules and standards created a Board on Unreclaimed Strip Mined Lands to guide restoration of lands and waters affected by strip mining prior to the effective date of the new law in 1972.

Members of the board are officers of the legislature and the Department of Natural Resources and others appointed by them.

Their report, compiled with the assistance of Department of Natural Resources experts and private consultants, states that more than 370,000 acres of strip mined land will require some form of reclamation.

Of this total, 24,000 acres are active mines and will be reclaimed by the mines, according to the report: 166,000 acres will require occasional spot treatment; the remaining 180,000 acres require major reclamation effort.

This effort will cost $290 million, the board reported.

In addition, the board reported that abandoned coal mines discharge more than 1 million pounds of acid each day into Ohio streams.

Forty per cent of the acid drains from strip mined areas and would be corrected with the surface reclamation treatment proposed in the $290-million cost, but 60% of this pollution comes from abandoned deep mines and would cost an estimated additional $440 million to eliminate.

The total cost would be $730 million.

The board suggested the year 2000 as a goal for completion of the massive reclamation.

The state has not, however, moved to implement the recommendations. The money is not available.

The state mining reclamation funds established by the legislature in the new strip mining legislation, based on a severance tax of 4 cents on each ton of coal mined, is inadequate to do the job.

Raymond L. Lowrie, chief of the Ohio Division of Reclamation, acknowledged that no reclamation of land strip mined before the laws took effect in 1972 is being done, with the exception of several small experimental projects.

Nye said state officials are considering a suggestion that voters be asked next year to approve a bond issue to finance the reclamation program. But Nye's suggestion flies in the face of Gov. John J. Gilligan's pledge not to raise taxes.

Nye would not indicate how seriously a bond issue was being considered or when a decision might be reached.

The Appalachian Regional Commission, a federal agency dedicated to rehabilitating the economically depressed coal mining regions of the nation, could be approached for funds to pay for reclamation projects, Nye said.

However, Congress has been miserly in funding ARC, according to some critics.

Nye said the best hope lies in federal financing through the new strip mining legislation being considered by Congress.

A bill passed by the U.S. Senate last year would authorize $100 million initially for a reclamation program.

Ohio would have a high priority for a large share of the initial funding and the moneys that Congress would set aside later for the purpose, Nye said.

But the chances of significant federal aid would dim if the coal companies and utilities are successful in crippling a House bill which comes up for a vote soon.

Lobbyists for environmental interests are fighting to restore to the bill an amendment sponsored by Rep. John F. Seiberling Jr., D-14, Akron.

Seiberling's amendment would create a federal reclamation fund, based on a tax of $2.50 on each ton of coal mined, with the proceeds to be apportioned to the states.

Before the bill emerged from the House Interior Committee, Seiberling's amendment was stricken and an amendment was substituted that would base the coal severance tax on the amount of heat energy in each ton, producing an estimated 30 cents a ton.

Ohio officials favor and have testified for the Seiberling amendment which, some say, would help the Ohio coal industry by putting the industry nationally under strict reclamation standards similar to Ohio's while producing more revenue for reclamation programs.

Western strip mined coal, which the big coal companies and utilities are rushing to mine and which could put some Ohio mining industries out of business, is much poorer in heat value as measured in BTU's (British Thermal Units) than Ohio coal.

Some western coal has as little as 6,000 BTUs per ton, Ohio coal up to 15,000 BTUs.

A spokesman for Seiberling said last week the congressman will reintroduce his amendment on the floor of the House, with revisions that may meet some of the objections of the coal industry and utilities.

RAGWEED ERADICATION GOAL OF NEW YORK GROUP

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. BIAGGI. Mr. Speaker, a nonprofit group in my district has established itself to put an end to the affliction many of us call "hay fever" but which in fact is ragweeditis pollenution. New York City took a step toward eliminating this problem by requiring property owners to cut down ragweed plants. No law, however, is any good without enforcement.

The Hay Fever Prevention Society, founded by Mr. Louis V. Fucci of my district is seeking to encourage enforcement of existing laws against the spread of ragweed and to promote similar laws in other jurisdictions. The following press statement sets forth the goals of his group:

PRESS STATEMENT

Louis V. Fucci, founder, Hay Fever Prevention Society, Inc., 2300 Sedgwick Avenue, Bronx, sponsoring national hay fever ragweed eradication program, calls upon all airborne noxious pollen sufferers and humanitarian citizens for better health to unite to help the society to petition our cabinet and Congress to wipe out Ragweeditis-Pollenution wrongly called "Hay Fever" not caused by hay or fever, but chiefly by noxious ragweed pollen.

Now that the summer is here, the society calls the attention of property owners to the city's health anti-ragweed law which makes it a violation to permit weeds to grow to maturity during the months of June and July, especially after August 5. Reason: Because after that date the weed's beads open up and its dust-like noxious pollen, which is invisible to the naked eye, causes harmful sneezing and many miserable allergenic symptoms.

Imagine, there are 11,800,000 sick from ragweeditis pollenution, of which 30% are asthma sufferers in our nation, this according to government statistificians 1967 report to the U.S. Department of Allergies and Infectious Diseases. Prior to that date no authoritative estimate was available, except conjecture estimates of 3 or 5% of population. Notwithstanding, it is not a "problem", that it is feasible to solve. It is a man-made prolonged selfish project playing upon the misery of a preventive disease which is specifically a public health service to be exclusively administered by the U.S. Department of Health, Education & Welfare.

Yes, says, Louis V. Fucci, the Law of Physics proves where there is no ragweed, there is no ragweeditis and assures liberation from the harmful ragweed airborne pollen; witness the fact, we have free from ragweed resorts which provide relief from this chronic miserable culprit during the "good" old summertime for vacations not only to "keep physically fit", but to "Keep America beautiful" and healthier.

Further, Fucci proclaims this noxious pollen is a national menace, despite the fact we have a Federal Clean Air Control Law which includes the removal of harmful ragweed to humans and other species of weeds damaging vegetation. In addition hospitals, and allergy clinics are always filled and causes the doctors shortage. Is there room for the betterment of such?

The society, therefore, is calling for volun-

teers to obtain petition forms for signatures, which should get the authorities in our plight appeal when we show we are seriously concerned and care for our health. Shouldn't they be more realistic to do something about this national health menace? They can in the same manner our government in the past subsidized the eradication of swamps and mosquitoes, the cause of malaria, and it was a costly project because of water involved, whereas not ragweed and it is the land property owners responsibility to remove in compliance with the law. And no subsidizing. It is a self-service operation nationally. Result: Today we hardly hear of Malaria and we ragweeditis victims can help by sending a token donation to the Society, a state legal chartered nonprofit, all volunteers include officers. We never had a professional. Won't you join us and give our cause a day or two of your liberal time?

MORE DISHEARTENING NEWS FROM CHILE; STILL NO U.S. RESPONSE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. HARRINGTON. Mr. Speaker, the Washington Post yesterday carried a very short dispatch from Santiago, Chile, which aptly described in three paragraphs just what kind of government has ruled in Chile since the military coup in September, 1973. The article reads:

> Chile's military government ordered the destruction of the country's electoral registers, which contain the names of 4 million people eligible to vote in national elections.
>
> A government spokesman said the 24 tons of documents were destroyed because the government of the late President Salvador Allende had introduced thousands of fake names onto the rolls to improve its position in congressional elections.
>
> The spokesman said that a study on methods to avoid abuses in voting registration would start "in a few years," and that registration itself, when it came, would take "a long time."

The Junta obviously intends to rule in Chile for a long time without the hindrance of democratic elections or voter registration rolls. While all Americans who are concerned about the fate of democracy in the Western Hemisphere ought to deplore such activities, what I find even more appalling is the continued U.S. insistence that the ruling Junta deserves more military support. Even more than an insensitivity to fundamental political freedoms, such a policy reveals a basic contradiction that has plagued American relations with Chile over the recent past. It is precisely this kind of American activity—supplying arms to a military junta and encouraging internal instability in the process—that is at odds with our stated goals of world peace and hemispheric cooperation. As regards Chile, this policy deserves a thorough reexamination, so that we may learn the lesson that Chile is teaching us, as shown by stories like the one I have reprinted here.

CONTAMINATION OF LIVESTOCK

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. TRAXLER. Mr. Speaker, the agriculture industry in Michigan is currently faced with one of the most serious and exasperating problems it has seen in its history. Contamination of dairy herds, beef cattle, poultry, and swine may bring a number of farmers to the brink of economic disaster. I have introduced legislation designed to guarantee emergency loans to prevent the bankruptcy and demise of these farms. I would like to explain the background and purposes of this legislation.

The problem arose from the contamination of livestock feed with a toxic chemical fire retardant known as polybrominated biphenyl—PBB—apparently mistaken for the mineral supplement magnesium oxide.

Because of uncertainties about the effect of PBB contamination on public health, nearly 40 dairy and beef herds—as many as 5,000 sick cattle—130,000 hens and 150 swine have been quarantined. More contaminated herds and flocks may still be discovered. All milk from these contaminated herds had to be dumped and animals in the contaminated herds cannot be sold.

Ultimate blame for the toxic PBB reaching the farmers' feed has yet to be determined. The compound was sent by the Michigan Chemical Co. to the Farm Bureau Services, where it was mixed with other chemicals to form feed. The feed was sold to the farmers. Some blame the chemical company, others the Farm Bureau, and still others question why the proper State and Federal agencies did not prevent or discover the contamination. In any case, it is clear that the farmers themselves were not to blame. There was no way they could have discovered the presence of the contaminant.

Those dairymen with contaminated herds now find themselves operating at a great financial loss. They must continue to feed and care for their cows, even though the chemical action of the PBB is causing the cows to starve to death. The cows must be milked twice a day just like always; but the milk must be dumped. Not able to sell the milk or the animals, the farmers' main source of income for themselves and their families has been cut off. In sales of raw milk alone, it is estimated the dairymen are losing $10,000 daily because of the quarantine. And when the 2,000 to 3,000 cows go to slaughter, the farmers will stand to lose $400 to $800 per cow. Owners of beef cattle, poultry, and swine face the same kind of problem.

These farmers are thus experiencing considerable operating expenses at the same time that their income has ceased. They cannot survive for long. Many of them are already mortgaged to the hilt and could not obtain emergency loans on their own to tide them over until they can get a settlement.

We hope that insurance claims against the guilty parties will eventually result in full compensation to the farmers for their losses. The problem exists, however, if those farmers are to survive until those settlements are made. It is the purpose of my bill to provide emergency loans to cover the great losses during this interim period—to prevent these losses from driving the farmers out of business before they can receive compensation from those to blame for the chemical mixup. If we can keep these otherwise successful farms operating, we can assure a continued supply of milk and other products to the consumer and a continued flow of tax revenues from these farmers.

In response to the plight of these Michigan farmers, and all other farmers who may find themselves in similar situations, I have introduced H.R. 15603, the Emergency Livestock Loan Insurance Act of 1974. This bill would permit the Department of Agriculture to insure loans made by private lenders up to $100,000 to those owners of livestock whose animals or animal products are condemned or quarantined for reasons of public health not the fault of the negligence of the owner. The interest rate of these insured loans would be limited to 5 percent annually, with the Department of Agriculture making up the difference between the interest rate charged by the lender.

H.R. 15603 would bridge a startling gap in Federal programs for the Nation's farmers. The Federal Crop Insurance Act, the Dairy Indemnity Act, and various programs under the Farmers' Home Administration all offer financial and other assistance to farmers in cases of crop disease, natural disaster, or economic hardship. Yet, none of these programs directly apply to the contamination of livestock as happened in Michigan. The Dairy Indemnity Act is inapplicable because PBB is not a registered chemical.

Farmers with quarantined livestock are thus in a financially troublesome and uncertain situation. In Michigan, the State legislature has just passed legislation authorizing the Department of Agriculture to condemn and destroy these contaminated cows. Thus, settlement of the insurance claims may be forthcoming. In the meantime, however, these farmers are reaching the end of their ropes. Also, this situation could happen again, eleswhere, and we should have a program to provide emergency relief to keep these otherwise profitable, taxpaying farmers in business.

Mr. Speaker, a bill to provide such loan relief for the entire cattle industry is currently pending in the House. The cause for this relief is simply the economic situation faced by the cattle industry. Surely, if we can provide such massive aid in this case, we can help those dairy farmers whose economic disaster was created by chemical mixups, a much more limited situation.

Through no fault of their own, livestock and poultry owners are confronted with pending bankruptcy, liquidation and economic disaster. There is no question about the immediate need for answers and action to help the farmers involved deal with the problems confronting them. Yet outright indemnity sets a bad precedent. Since 1965, more than

$1.5 million has been granted in indemnity payments to dairy farmers and manufacturers of dairy products. I offer H.R. 15603 as an alternative to those bills that deal on a one-by-one basis with the losses periodically incurred by livestock farmers and commodity producers.

Yet, my bill establishes only a 2-year program of assistance. For the longer run, more permanent programs and regulations are needed to handle this problem effectively. Thus, I have cosponsored H.R. 15458, a bill directing the Secretary of Agriculture to investigate the feasibility of a Federal insurance program covering livestock, sheep, swine, horses, goats, bees, poultry and their byproducts not now covered by the Federal Crop Insurance Act. Specifically, the Secretary is directed to analyze whether the crop insurance program should be expanded to cover these additional agricultural products.

Mr. Speaker, I want to emphasize that my bill is not designed to "bail out" unsuccessful farmers, nor to subsidize them. Nor will it prevent those who are actually found negligent in this case from having to pay damages. This bill is designed to allow those farmers who have suffered these losses to cover their expenses while waiting for settlements. It will keep them in business, on the tax rolls, and insure a continued supply of milk and other products for the consumer.

Farmers should not be placed in the untenable position of having their livelihood cut off by governmental officials, only to be left to face the anguish of heavy financial losses, bankruptcy, and tremendous loan obligations. Moreover, without any governmental assistance, it is the small individual and family farms which will suffer the most, since they may not have access to other financial assistance.

The current situation clearly points to the need for programs and procedures to deal effectively with this type of problem in the future. For this reason, I offer this legislation.

H.R. 15603 follows:

H.R. 15603

A bill to amend the Consolidated Farm and Rural Development Act to establish a loan insurance program for owners and processors of livestock or livestock products which have been condemned or quarantined by a Federal or State official for reasons of public health

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Livestock Loan Insurance Act of 1974".

SEC. 2. (a) The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by redesignating subtitle D, and all references thereto, as subtitle E, and by inserting immediately after subtitle C the following new subtitle:

"Subtitle D—Emergency Loans for Owners and Processors of Livestock or Livestock Products Quarantined or Condemned for Reasons of Public Health

"SEC. 331. (a) For a period of two years from the date of the enactment of the Emergency Livestock Loan Insurance Act of 1974, the Secretary shall insure loans made by a lender other than the United States, or made by the Secretary and sold to such lender, to a borrower in any State who, as determined by the Secretary, is—

"(1) an owner of contaminated livestock or livestock products which have been condemned or quarantined on or after May 6, 1974, by a Federal or State official for reasons of public health as a result of causes other than the willful or negligent actions of the owner; or

"(2) a processor of livestock products who—

"(A) would have received, but for the quarantine or condemnation described in paragraph (1), the livestock or livestock products directly from the owner for the purpose of processing them for resale; and

"(B) did not contribute to the contamination of the livestock or livestock products through willful or negligent actions.

"(b) Loans insured under this subtitle must be expended for the purposes of—

"(1) financing the normal operations of breeding, buying, raising, or selling livestock, or processing livestock products; or

"(2) financing any special expenses resulting from the condemnation or quarantine described in section 331(a)(1).

"SEC. 332. (a) The amount of the principal of any loan insured under this subtitle shall not exceed $100,000.

"(b) The aggregate amount of the principal obligations insured under this subtitle and outstanding at any one time shall not exceed $3,000,000.

"SEC. 333. (a) The Secretary shall from time to time establish the interest rate which may be paid by any borrower on a loan insured under this subtitle, but such rate shall not exceed 5 per centum per annum.

"(b) Whenever the Secretary determines it necessary that a lender be paid a higher interest rate on a loan than is to be paid by the borrower on such loan in order for the Secretary to be able to enter into a contract of insurance with a lender with respect to such loan, the Secretary may contract to pay the difference between the interest rate to be paid by the borrower and the interest rate to which the lender is to be entitled under the contract.

"SEC. 334 (a) The Secretary shall determine whatever security he deems necessary for the obligations entered into by him in connection with loans insured under this subtitle.

"(b) When entering into any security instrument in connection with loans insured under this subtitle, he shall provide, whenever practicable, that such instrument constitutes a lien running to the United States even though the notes are held by lenders other than the United States.

"SEC. 335. Loans insured under this subtitle shall be insured, or made to be sold and insured, in accordance with and subject to sections 308 and 309 of this title.

"SEC. 336. For purposes of this subtitle—

"(1) the term 'livestock' includes beef and dairy cattle, sheep, swine, horses, mules, goats, and poultry; and

"(2) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.".

(b) Sections 331 through 344 of the Consolidated Farm and Rural Development Act, and all references thereto, are redesignated as sections "341" through "354", respectively.

SEC. 3. (a) Section 308 of the Consolidated Farm and Rural Development Act is amended—

(1) by inserting "and under subtitle D" immediately after "under this subtitle" each time it appears; and

(2) by inserting in subsection (a) "and under subtitle D" immediately after "hereunder".

(b)(1) Sections 309 (a) and (d) of such Act are amended by inserting ", under subtitle D", immediately after "under this subtitle" each time it appears.

(2) Section 309(c) of such Act is amended by inserting ", under subtitle D" immediately after "under this section" in the first sentence.

(c) Section 309(f)(1) of such Act is amended—

(1) by inserting "and under subtitle D" immediately after "under this subtitle"; and

(2) by striking out "The aggregate" and inserting in lieu thereof "Except for loans insured, or made to be sold and insured, under subtitle D, the aggregate".

SEC. 4. (a) Section 343(a) of the Consolidated Farm and Rural Development Act, as redesignated by section 2(b) of this Act, is amended by inserting "except for loans insured under subtitle D," immediately after "(a)".

(b) Section 343(b) of such Act is amended by striking out "and 321(b)(2), the county committee" and inserting in lieu thereof ", 321(b)(2), or loans insured under section 331, the county committee".

(c) Section 343(c) of such Act is amended by inserting "except for loans insured under section 331," immediately after "(c)".

NOTEWORTHY GRADUATION

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. SCHERLE. Mr. Speaker, I recently had the privilege of attending the commencement exercises at an exceptional high school—the Kendall Green Model Secondary School for the Deaf located in Washington, D.C. Dr. Malcolm J. Norwood of the Bureau of Education for the Handicapped delivered the graduation address which was an inspiration not only to the students involved, but for those of us with the opportunity to join in this occasion. Dr. Norwood's remarks speak to the rich experiences and knowledge this high school imparts to its students. I was greatly impressed by this institution and by Dr. Norwood's presentation and feel it should be made a matter of record.

The remarks follow:

COMMENCEMENT ADDRESS: MODEL SECONDARY SCHOOL FOR THE DEAF, MAY 17, 1974

(By Malcolm J. Norwood)

It is a privilege and a great pleasure to be here with you this morning on this very special occasion. In fact I take much more than ordinary pleasure in my role as speaker because you are special. As high school graduates you represent a dream come true. Our first public school for the deaf in the United States was established in Hartford, Connecticut, in 1817. Our first college was established here in Washington, D.C. in 1864. It took only 47 years to go from our first school for the deaf to our first college, but we had to wait another 102 years before we had our first high school for the deaf.

And why is a high school so important? It is important because MSSD provides the missing link in the education chain for the deaf. At no time in our past history have deaf teenagers had the opportunity to experience a real high school environment which would make available opportunities to learn, to grow and to mature in the same way that hearing teenagers do. These opportunities have permitted you to develop self-confidence, self-motivation and self-determination. You have had the chance to be on your own, to accept the responsibility of deciding what kind of a person you want to be and to be better able to set your own future goals. You have shared with each other the ways you can best live with deafness and how to make the most of what you have as individuals.

Today, it is particularly important to feel very deeply about these things not because it is your graduation day, but because it is May 17, a special anniversary. I reflect on this date because on May 17, 1954, exactly 20 years ago, today, just shortly before all or most of you were born, the Supreme Court of the United States made a decision that opened the door to greater public education for Black people. This was the beginning of the Civil Rights Movement which has as its promise—equal citizenship—absolute equality before the law and in the eyes of all men.

Deaf people, *have been carrying* on our *own* civil rights movement for more years than we can remember. The ultimate objective is the same, absolute equality. This goes back to Laurent Clerc, the first deaf teacher of the deaf in the United States, who convinced many people in high places, including Congressmen, that the deaf could learn, that we could compete with anyone, anywhere, anytime—if given the opportunity. We have had many giants in this movement, both hearing and deaf, but most important has been the direct involvement of deaf persons at all levels in affairs that concern our education, training and social development so that we all may achieve maximum potential.

In recent years this involvement has resulted in MSSD, National Technical Institute for the Deaf, Technical Vocational Institute and a host of community college programs as well as programs such as at California State University at Northridge. It has also resulted in the fact that we are in charge of our own clubs and our own state and national organizations. Examples of national organizations are the National Association of the Deaf and the National Fraternal Society of the Deaf. Not to be overlooked is the Junior National Association of the Deaf which has provided an opportunity for young deaf people to prepare for civic responsibility and is doing much to equip young deaf persons with vital leadership skills.

Last month as the income tax deadline approached a friend said to me, "Pay your income tax with a smile." I told him I would like to, but the Government demands cash. My point here is that in this world of rapid change and progress, society does not stand still. You are our cash. Your high school education is like money in the bank which in time gathers interest and grows so that when it is needed, it is there to go to work for us.

Some of you will be going immediately into the world of work. Some of you will be entering technical programs, junior colleges or four year college programs leading to a degree. It doesn't matter which course you chose to take as long as you have a goal. As you graduate today, each of you will inherit the traditions of the past—for better or worse—and will become involved in our efforts to control our own destiny. One thing, however, we must all accept is that we are a minority. No power on earth can change this but we can, we have made and we will continue to make minority decisions which affect us. To succeed in making minority decisions we need to control our environment and this requires discipline, perserverance and faith in each other. Minorities are always on trial. For this reason each of us must always keep our best foot forward constantly keeping in mind that whatever we do to better ourselves as individuals will help our fellow deaf men. Whatever we do to hurt ourselves in the eyes of others will hurt our fellow deaf men. In other words we must let our conscience be our guides. We must not let temptation or personal greed permit us to do what our training has taught us is morally wrong. Greatness at any level is the ability to make the hard decision because it is the right thing to do.

This requires discipline. Perserverance is the quality that will help us and others achieve recognition while faith is our trust in each other to work together for full acceptance by society.

The experiences you have had here at MSSD have prepared you for involvement and have taught you flexibility. Let us remember that each of us in our life time will experience some failure, some discouragement, some disappointment and some criticism. But let us also remember that involvement and flexibility can change failure to success, discouragement to enthusiasm, disappointment to happiness and criticism to praise.

Wherever you go, whatever you chose to do, continue to use well the lessons you have learned here. Continue to be involved and flexible. Continue to speak out in as many ways as possible on issues you know are right. Continue to show by action that you and others are capable. Continue to create a dialogue so that issues and your actions may be shared among yourselves and with society. The deaf community needs this kind of activity to continue to be recognized. This is the challenge that faces you and without doubt you will meet this challenge. Think about where you are going! Think about where you might have been if not for this high school, an important link in the chain of life experiences. With this, let me once again express my appreciation for being asked to share this wonderful occasion with you and to tell you that the future of the deaf community is in good hands. Good luck and best wishes to each of you.

BUREAU OF TRAVEL AGENTS REGISTRATION

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. TIERNAN. Mr. Speaker, most of us can remember when Europe was merely a dreamy collection of magazine pictures—the Eiffel Tower, Trafalgar Square, and the Spanish steppes. Only wealthy Americans could afford to travel on romantic steamliners and have their vacation dreams come true. All of us can remember when expensive plane travel was a limited extravagance for only a chosen few, who were considered both exotic and courageous.

Today, the travel business has boomed into a multibillion-dollar industry. Although millions of Americans can now travel abroad annually, the travel industry has remained antiquated in the area of consumer protection.

News reports have revealed frequent instances of fraudulent air-charter companies that have left Americans stranded in airports throughout the world. Deceptive and irresponsible charter agents have victimized students as well as organization members whose vacations were ruined because of the unscrupulous practices of unreliable agents. We must enact legislation to protect the traveling public which now includes a large and diverse cross section of our society.

On January 23, 1973, I reintroduced legislation to establish a Bureau of Travel Agents Registration within the Department of Transportation. The purpose of my bill would be to register travel agents and promulgate a code of ethics for the travel agency industry.

On behalf of the 18 cosponsors of this bill, the traveling public, and the legitimate travel agents, I am deeply dismayed by the fact that the Committee on Interstate and Foreign Commerce has not yet acted upon this legislation. I, therefore, call upon my colleagues, who serve on that honorable House committee, to respond to the needs of millions of Americans who will be traveling abroad in the near future.

We must update the travel industry to meet the growing consumer demand for efficient and reliable travel service. I am hopeful that the Travel Agents' Registration Act, H.R. 2752, will receive prompt committee attention so that Congress can fulfill its obligation to American travelers during this congressional session.

ALGONQUIN FOUNDER'S DAY HONORS PHYLLIS AND OSCAR KOEPPEL AND ZERN LUSTED

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. McCLORY. Mr. Speaker, the traditional Founder's Day celebration in Algonquin, Ill., in my congressional district is of special significance this year, the 25th anniversary of this community event.

In addition to the great local support and enthusiasm generated by this annual event, Algonquin Founder's Day attracts many thousands of visitors from surrounding areas in the Midwest to this attractive community, spanning the shores of the Fox River.

Mr. Speaker, the Founder's Day Committee has selected as Founder's Favorites for 1974, Phyllis and Oscar Koeppel, who participated in establishing this significant observance. Oscar Koeppel has been an Algonquin resident since his early childhood, and has spent almost his entire life there. He attended the Algonquin schools and graduated from the old Dundee High School in 1944. Married to Phyllis Field, formerly of Elgin, the Koeppels are respected and beloved citizens of the Algonquin community.

Mr. Speaker, without recounting their many civic and community contributions, let me recall simply that they were selected as "Outstanding Citizens" by the Algonquin Jaycees in 1972. They have served on the Founder's Day Committee since 1969, and they developed and edited a "Founder's Day booklet" which is such an important part of the Founder's Day celebration today.

Mr. Speaker, I wish also, to call attention to the fact that Zern Lusted of Algonquin has been named as the Founder's Honoree for 1974. Zern's versatility is perhaps highlighted by his particular contributions to the Boy Scouts of America. Awarded the highest honor in Scouting in 1971—the Silver Beaver Award—

Zern Lusted holds many offices in scouting, and has made particular contributions in that area of community and citizen activity.

In the words of one of his neighbors:

> Zern Lusted has made this world a much better place than he found it, because of all the boys out there who are much better men for having known him.

Mr. Speaker, my wife, Doris, and I intend to take part again in the Founder's Day celebration in Algonquin on August 10, at which time we will pay special tribute to Mayor Ray Bangert and to the citizens of Algonquin, including, particularly, the Founder's Favorites of 1974, Phyllis and Oscar Koeppel, and the Founder's Honoree of 1974, Zern Lusted.

BILL TO OUTLAW MANDATORY RETIREMENT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. FINDLEY. Mr. Speaker, I propose that this Nation begin its 200th year by outlawing an outrageous form of discrimination that weakens our society and depresses and debilitates millions of citizens each year.

In the first two centuries of our Nation's existence, we have outlawed discrimination based on religion, national origin, race, and sex. But one of the ugliest forms of discrimination remains, affecting virtually everyone—laws and policies which force people to leave their chosen occupation, or prevent them from securing a new job simply because they have reached a certain point in life.

I think this is outrageous. For this reason, I have introduced a bill to make illegal discrimination in employment based solely on advancing years. My bill would outlaw mandatory retirement at a predetermined age.

As we approach the year of our Bicentennial, which is the effective year of the act, it would be fitting for our Nation to reaffirm to older citizens the founding principle of the equality of all Americans, regardless of age. This principle is the very cornerstone of our democracy. But, until it is applied to every American, our Nation cannot be truly free.

If a mandatory 65-year-old retirement age were suddenly imposed on Capitol Hill, six Supreme Court Justices, about 60 Representatives, and fully a quarter of the Senate would be forced to retire by the end of this year.

Congress does not have a mandatory retirement age because we know that there are many other factors which determine fitness for public office. It would be absurd to dismiss a diligent Congressman merely because he has reached a certain birthday.

But is it not just as absurd to require other Americans to retire when they have reached their 65th birthday?

The disregard of the needs of our senior citizens and the rich national resource they represent is a national scandal.

Only in the United States is old age scorned to such an extent. In few other countries is an entire group of citizens arbitrarily forced at a predetermined age to seek a new occupation or accept, in effect, a sedentary life.

The leaders of American industry are being pushed from their board seats and the production people whose skill and hard work have made this country an industrial giant are being dismissed from the assembly lines. Not because of incompetence. Not because they cannot keep up. Not because they are too feeble mentally or physically to attend to their duties. But because they have reached the magical—some say doomed—age of 65. Their proven productivity and knowledge, drawn from years of experience, are lost to a nation which needs every resource now as never before.

Life does not end at 65. For many it is the prime of life. Many citizens, forced by mandatory retirement, push into new careers at age 65.

Senior citizens deserve the same opportunities afforded younger people. They do not want to be told that they are too old to work. They do not want to be put out to pasture.

If 65 is the age at which creativity ceases, when the brain calcifies and the intellect begins to dim, let us not tell Arthur Fiedler, Clare Booth Luce, Lowell Thomas, Pearl Bailey, Mike Mansfield or Hugh Scott.

These men and women, like thousands of others, have made some of their most important contributions to mankind in their post-65 years. Millions of others would like to do the same and continue their calling of a lifetime, but instead they must dolefully accept a wristwatch or a clock at a farewell party, and through misty eyes contemplate the pasture beyond.

Not only does forced retirement deprive industry and Government of proven valuable employees, it often has a tragic, traumatic effect on the individual.

The forced retiree often suffers depression, shortened life, low self-esteem, wasted talent and productive capacity, and lost income.

The American Medical Society has charged that forced retirement often leads to "physical and emotional illness and premature death."

At a time when our Nation is learning to conserve its limited resources, we must stop squandering this most precious resource of all—the skill and experience of senior citizens.

I believe that this resource should be nurtured and utilized. We will all benefit and it will be a richer and happier America for it.

NATION'S ELDEST PAPER CARRIER—MARY JOHNSTON

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. ALBERT. Mr. Speaker, I am honored today to call to the attention of Congress the accomplishments of one of Coalgate, Okla.'s most revered citizens, Mrs. Mary Johnston.

Mrs. Johnston, who is 88 years of age, has been delivering newspapers for the last 34 years. She delivers the Ada Evening News and Sunday News, covering a distance of 5 miles six times a week in any type of weather.

The title of the Nation's oldest paper carrier belongs to Mary Johnston, according to the general manager of the International Association of Newspaper Circulation Managers, Washington, D.C.

Mrs. Johnston's customers are some of the luckiest in the world. She carefully folds her papers each day and places them in their doors and mailboxes. They have at times tried to convince her to retire from her route, but she insists that it is the greatest contributor to keeping her limbered up and going.

This octogenerian is a fine example to all of us. She knows the value of honest work and has experienced its rewards and benefits. I take great honor in testifying to the Congress about this fine woman.

CECIL A. RUNYAN

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. O'HARA. Mr. Speaker, recently, one of the most distinguished and public spirited citizens of the 12th District of Michigan, Mr. Cecil A. Runyan of St. Clair, Mich., passed away.

Mr. Runyan was the chairman and chief executive officer of the Southeastern Michigan Gas Co. and, although he was 88 years old and had been in failing health for some time, Mr. Runyan had continued to be active in the affairs of his company and his community until his death.

Mr. Runyan's career in the gas utility industry spanned more than seven decades, for he had entered the business as a stoker at the age of 17, and a year later he had become a gas plant superintendent, the youngest person to hold such a post in the State of Michigan. He subsequently worked at almost every job in the gas business—from drilling wells to owning utilities in Michigan, Indiana, and Wisconsin. In addition, during his long and active career, Mr. Runyan had been the owner and manager of a hotel, a steamship line and a coal mine.

Cecil Runyan has been described by many who knew him as a towering figure in community life, and it is certain that he made a major contribution to the economic development of St. Clair County, Mich. In addition to the impetus which his own company gave to economic development, Mr. Runyan furthered the cause of economic growth by his service as a director of the Industrial Development Corp., which was organized to attract business investment to the Port Huron and Marysville area.

His contribution went far beyond the economic. Mr. Runyan was a member of the Advisory Board of Mercy Hospital in Port Huron, and was an active supporter of, and advisor to, numerous humanitarian and charitable organizations, frequently contributing generously to their programs on an unheralded basis. At his death, Cecil Runyan willed his body to science and left a generous share of his wealth to the upcoming generation represented in Little League baseball.

One of the most fitting tributes ever paid to this fine man came in 1972, when Albion College presented him with its Distinguished Service award for "outstanding services to society." No man was more entitled to such an honor, for he was, in every respect, a servant to society.

Mr. Speaker, it was my personal privilege to have numbered Cecil Runyan among my closest friends. He was gifted with a gentleness of spirit, a boundless good nature and readiness of wit, and to these he added an incisive mind, a concern for his fellow man, and a steadfast loyalty to his friends.

I will deeply miss Cecil Runyan, Mr. Speaker. I will miss his counsel, which I confess I did not always take, and his friendship, which I possibly may not always have merited. Cecil Runyan was a good and kind human being, and the world is a shade the lesser now that he is no longer among us.

MARY McLEOD BETHUNE

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mrs. BURKE of California. Mr. Speaker, today, July 10, 1974, marks the anniversary of the birth of one of this country's greatest leaders, Dr. Mary McLeod Bethune.

Dr. Bethune was born in Maysville, S.C., the 15th of 17 children. Her parents were former slaves turned sharecroppers. Although her impoverished conditions precluded her from initiating formal educational training until age 11, Dr. Bethune graduated from the Moody Bible Institute in Chicago. This was the first of more than 14 degrees awarded to Dr. Bethune by colleges and universities. In addition, Dr. Bethune was decorated for her notable achievements by several foreign countries.

In 1904, with no funding to speak of, Dr. Bethune founded the Daytona Normal and Industrial School for Negro Girls, which today is the Bethune-Cookman College. Dr. Bethune served as president of the college until 1944 when she was named president emeritus.

Dr. Bethune was a remarkable person who overcame the burdens of poverty and racial and sexual discrimination to become one of the most vibrant and moving forces in the drive for racial and social equality. Her deep sense of pride in her race and womanhood serves as a hallmark for us all.

Today, the 99th anniversary of her birth, a statue of Dr. Bethune will be unveiled in the District of Columbia's Lincoln Park. This statue is the result of a 13-year fundraising effort by the National Council of Negro Women which Dr. Bethune founded in 1935. It is the first such memorial of a black American or a woman to be dedicated in the Nation's Capital.

The 17-foot bronze statue depicts Dr. Bethune handing her legacy on to two children. This legacy, written 4 years before her death in 1955, bears a message of hope and love which bears repeating.

MY LAST WILL AND TESTAMENT

(By Mary McLeod Bethune, Ph.D.)

Sometimes as I sit communing in my study I feel that death is not far off. I am aware that it will overtake me before the greatest of my dreams—full equality for the Negro in our time—is realized. Yet, I face the reality without fear or regrets. I am resigned to death as all humans must be at the proper time. Death neither alarms nor frightens one who has had a long career of fruitful toil. The knowledge that my work has been helpful to many fills me with joy and great satisfaction.

Since my retirement from an active role in educational work and from the affairs of the National Council of Negro Women, I have been living quietly and working at my desk at my home here in Florida. The years have directed a change of pace for me. I am now 76 years old and my activities are no longer so strenuous as they once were. I feel that I must conserve my strength to finish the work at hand.

Sometimes I ask myself if I have any other legacy to leave. Truly, my worldly possessions are few. Yet my experiences have been rich. From them I have distilled principles and policies in which I believe firmly, for they represent the meaning of my life's work. They are the products of much sweat and sorrow. Perhaps in them there is something of value. So, as my life draws to a close, I will pass them on to Negroes everywhere in the hope that an old woman's philosophy may give them inspiration. Here, then, is my legacy.

I leave you love. Love builds. It is positive and helpful. It is more beneficial than hate. Injuries quickly forgotten quickly pass away. Personally and racially, our enemies must be forgiven. Our aim must be to create a world of fellowship and justice where no man's skin color or religion is held against him. "Love thy neighbor" is a precept which could transform the world if it were universally practiced. It connotes brotherhood, and to me, brotherhood of man is the noblest concept in all human relations. Loving your neighbor means being interracial, interreligious, and international.

I leave you hope. The Negro's growth will be great in the years to come. Yesterday, our ancestors endured the degradation of slavery, yet they retained their dignity. Today, we direct our economic and political strength toward winning a more abundant and secure life. Tomorrow, a new Negro, unhindered by race taboos and shackles, will benefit from more than 330 years of ceaseless striving and struggle. Theirs will be a better world. This I believe with all my heart.

I leave you the challenge of developing confidence in one another. As long as Negroes are hemmed into racial blocs of prejudice and pressure, it will be necessary for them to band together for economic betterment. Negro banks, insurance companies, and other businesses are examples of successful racial economic enterprises. These institutions were made possible by vision and mutual aid. Confidence was vital in getting them started and keeping them going. Negroes have got to demonstrate still more confidence in each other in business. This kind of confidence will aid the economic rise of the race by bringing together the pennies and dollars of our people and ploughing them into useful channels. Economic separatism cannot be tolerated in this enlightened age, and it is not practicable. We must spread out as far and as fast as we can, but we must also help each other as we go.

I leave you a thirst for education. Knowledge is the prime need of the hour. More and more, Negroes are taking full advantage of hard-won opportunities for learning, and the educational level of the Negro population is at its highest point in history. We are making greater use of the privileges inherent in living in a democracy. If we continue in this trend, we will be able to rear increasing numbers of strong purposeful men and women, equipped with vision, mental clarity, health, and education.

I leave you a respect for the use of power. We live in a world which respects power above all things. Power, intelligently directed, can lead to more freedom. Unwisely directed, it can be a dreadful destructive force. During my lifetime I have seen the power of the Negro grow enormously. It has always been my first concern that this power should be placed on the side of human justice.

Now that the barriers are crumbling everywhere, the Negro in America must be ever vigilant lest his forces be marshalled behind wrong causes and undemocratic movements. He must not lend his support to any group that seeks to subvert democracy. That is why we must select leaders who are wise and courageous and of great moral stature and ability.

I leave you faith. Faith is the first factor in life devoted to service. Without faith nothing is possible. With it, nothing is impossible. Faith in God is the greatest power, but great too, is faith in oneself. In 50 years the faith of the American Negro in himself has grown immensely and is still increasing. The measure of our progress as a race is in precise relation to the depth of the faith in our people held by our leaders. Frederick Douglass, genius though he was, was spurred by a deep conviction that his people would heed his counsel and follow him to freedom. Our greatest Negro figures have been imbued with faith. Their perseverance paid rich dividends. We must never forget their sufferings and their sacrifices, for they were the foundations of the progress of our people.

I leave you racial dignity. I want Negroes to maintain their human dignity at all costs. We, as Negroes, must recognize that we are the custodians as well as the heirs of a great civilization. We have given something to the world as a race and for this we are proud and fully conscious of our place in the total picture of mankind's development. We must learn also to share and mix with all men. We must make an effort to be less race conscious and more conscious of individual and human values. I have never been sensitive about my complexion. My color has never destroyed my self-respect nor has it ever caused me to conduct myself in such a manner as to merit the disrespect of any person.

I have not let my color handicap me. Despite many crushing burdens and handicaps, I have risen from the cotton fields of South Carolina to found a college, administer it during the years of growth, become a public servant in the government and country and a leader of women. I would not exchange my color for all the wealth in the world, for had I been born White, I might not have been able to do all I have done or yet hope to do.

I leave you a desire to live harmoniously with your fellow man. The problem of color is worldwide. It is found in Africa and Asia, Europe and South America. I appeal to American Negroes—both North and South, East and West—to recognize their common problems and unite to solve them.

I pray that we will begin to live harmoniously with the white race. So often, our difficulties have made us supersensitive and truculent. I want to see my people conduct themselves naturally in all relationships, fully conscious of their many responsibilities and deeply aware of their heritage. I want them to learn to understand Whites and influence them for good, for it is advisable for us to do so. We are a minority of 15 millions living side by side with a White majority. We must learn to deal with people positively and on an individual basis.

I leave you, finally, a responsibility to our young people. The world around us really belongs to youth, for youth will take over its future management. Our children must never lose their zeal for building a better world. They must not be discouraged from aspiring toward greatness, for they are to be the leaders of tomorrow. Nor must they forget that the masses of our people are still underprivileged, ill-housed, impoverished, and victimized by discrimination. We have a powerful potential in our youth, and we must have the courage to change old ideas and practices so that we may direct their power toward good ends.

If I have a legacy to leave my people, it is my philosophy of living and serving. As I face tomorrow, I am content, for I think I have spent my life well. I pray now that my philosophy may be helpful to those who share my vision of a world of Peace.

GETTING AFTER THE GOUGERS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. GAYDOS. Mr. Speaker, the Ohio Farm Bureau Federation, according to the Associated Press, is going to take a giant step toward forcing the food price situation back into some kind of equitable balance. The organization is launching a campaign to identify the price gougers.

At a recent meeting in Columbus, 86 county Farm Bureau presidents lined up behind this effort. The idea is that, if the food markets charging unjust prices can be revealed to the public, then prices can be forced down, consumption stimulated, and, in the end, more money made available to the farmers.

I am certain the Farm Bureau people have much evidence on their side. The prices paid farmers have declined in recent weeks as surpluses have developed, particularly in beef, but those charged the foodstore shopper, in many cases, have not decreased proportionately.

Explained Mike Lafferty, spokesman for the Ohio Farm Bureau:

> Farm prices have been down long enough, retail prices have been up long enough and it's time they got back into line.

The Ohio plan is to have Farm Bureau agents police retail stores, making lists of those with the highest and lowest prices, and fingering the price gougers. These lists, in turn, will become available to the public at the Farm Bureau's county offices, either to those who call in person or by telephone. If this plan does not work, Mr. Lafferty stated, the names of the gougers may be published.

Mr. Lafferty told the Associated Press that, according to the bureau's reckoning, prices paid farmers in Ohio have dropped 12 percent since the first of the year. Although some tickets in the supermarkets—at least many of them—have reflected the downtrend, food prices overall still are climbing.

Mr. Lafferty added:

> No factory worker has taken a cut in salary, but a lot of farmers are being forced to take a big cut.

I believe the Ohio bureau has good economics behind it in this matter. If a justifiable margin of profit can be restored, then more food products can be sold and the farmer rescued from the price bind. The opinion expressed at the bureau's Columbus meeting was that the sharp beef price drop at the farm and feeding lot was caused in large part by declining consumption brought on by exorbitant prices at the meat counters.

The question raised in consequence of this Ohio drive on gougers is how much gouging actually is taking place. Certainly, in fairness, it must be pointed out that a great number of retailers are making conscientious efforts to get their prices in decent relationship with the new costs they are meeting in the wholesale markets. But there are exceptions, as any inflation-harassed housewife can tell you, and they need to be exposed.

We already have seen in this inflation era the practice of inventory markups exercised widely by merchants who owed their customers more consideration than they received. Constituents have brought to my attention food containers with higher price stamps applied over lower ones in arrogant defiance of fairness and customer goodwill. Millions, I am sure, have been run up in profits by this kind of business—the taking advantage of the public because circumstances have permitted it.

I commend the Ohio Farm Bureau Federation for acting boldly in the interest of their members. Price gougers in this critical economic time are internal enemies—the doers of great damage—and they need to feel not only the wrath of their customers but the penalties which should be in store for those who ill serve society. I hope the Ohio campaign against them succeeds and that similar campaigns take place in my State of Pennsylvania and elsewhere.

NEED FOR LEGISLATIVE ACTION ON ABORTION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. RHODES. Mr. Speaker, since the Supreme Court's 1973 decision on abortion it has become apparent that some sort of legislative action is needed. Our society is becoming polarized on this issue and I believe that Congress must face up to its responsibility.

I do not favor abortion on demand. There is surely more sanctity to human life than that. There are instances, however, where I feel abortion is warranted: First, to save the life of the mother; and second, where rape, incest, or other overriding circumstances are involved.

The Supreme Court's decision is too rigid. Some sort of legislative action is needed to change the guidelines established by the Court. I am willing to support whatever action is necessary to mitigate the effects of the Supreme Court's decision so that standards similar to those that I have just mentioned could be adopted by the States if they so desired.

GEOTHERMAL ENERGY

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. GUNTER. Mr. Speaker, we have become a great country with great productivity and great reliance on fuels to supply energy to maintain the high living standards we have achieved. In attaining this greatness we have also seen the devastation to the environment of our country where we have mined the coal from our mountains, pumped the oil from our coastlands, and burned the fuel in our cities. Now we have reached the point where some of these fuels are in increasingly short supply. We must look toward the development of other energy sources. Let us look toward this developemnt with an eye toward preserving our physical environment.

In looking for alternative energy sources, I cannot help noticing the many environmental advantages of utilizing geothermal resources. These advantages are evident when comparisons are made to the problems derived from other means of energy production. For example, where coal is mined great areas of the country have been stripped bare or men have toiled under hazardous conditions deep beneath the ground. This coal is then transported to our factories and cities where it is burned releasing particulate matter, sulfur dioxide, and other gases. Finally, after the energy has been extracted disposal areas must be provided for the residues of combustion.

Petroleum development also has its hazards. Valuable fishery areas and marshlands have been destroyed to extract natural gas and petroleum. Millions of dollars have been spent cleaning up the results of massive spills that occasionally occur. There are indications that through normal tanker operations vast areas of the oceans are already polluted with tar and oil residue. Petroleum also contains sulfur which must be removed if present in too high concentration.

Nuclear fuels have been offered as clean methods of generating electricity. They may be clean insofar as combustion products are concerned but they are not totally clean environmentally. Uranium must be mined and processed into suitable fuels. When these fuels are exhausted highly radioactive wastes remain. Safe storage of these wastes for great lengths of time has become a major concern. Furthermore, there is always a possibility of accidental loss of radioactive materials to air or water.

Geothermal energy has many environmental advantages. Geothermal development has no surface land disturbances as does mining. Geothermal fluids are extracted from the ground through wells and used onsite to generate electrical power or for heating. Since geothermal fluids cannot be economically transported more than about 1 mile, there are no attendant transportation hazards such as oil spills. Consequently, there is no need for investment in and no environmental damage from long-range transportation of the geothermal energy before conversion to electricity.

An additional land use benefit in the development of geothermal resources is that there is no need to provide additional areas for waste disposal. There are no ashes as from coal combustion, and no spent radioactive materials to be monitored for many years. After the useful heat has been extracted from geothermal fluids, they can be pumped back—reinjected—into the reservoir through return wells. This minimizes the environmental impacts of disposal problems.

Since there are no combustion products and no hazards from radiation exposure, air and water quality can be preserved through geothermal development. The other major options at hand: Petroleum, coal, and nuclear power cannot offer these environmental advantages.

Although I have emphasized the environmental advantages of geothermal energy, I should also point out that there are some problems, these include land subsidence at the geothermal well site; noise during geothermal field development; noxious gases escaping into the atmosphere from the geothermal fluids; thermal pollution of required cooling water; and stream pollution when waste fluids are not reinjected. These problems can be solved before the commercial exploitation of a geothermal field—and this bill will help assure timely implementation of these solutions.

Mr. Speaker, I fully support the Geothermal Energy Research, Development, and Demonstration Act of 1974. In the energy supply shortage that we face today we must develop our energy resources, but we must do so in the most environmentally acceptable manner. To do this we must balance one option against another and weigh advantages against disadvantages. We must relate development to total national needs. Geothermal energy will not supply the Nation's total energy requirements, but it will conserve other fuels and perhaps allow us to leave marginal fuel resources undeveloped in environmentally fragile areas.

THE LATE MRS. CHARLES H. WILSON

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1974

Mr. SISK. Mr. Speaker, my wife and I wish to express our deepest and most sincere sympathy to my colleague, CHARLES H. WILSON, and to the entire family on the untimely passing of Betty Wilson.

Betty was a close personal friend of my wife and a person that will be most deeply missed by the entire California delegation and their families, because of her outstanding leadership qualities. She was a tower of strength to her entire family as well as her husband in his service in the Congress and I am sure she will be greatly missed by them as well as by all of us who had the pleasure and honor of knowing her.

DRUG ENFORCEMENT ADMINISTRATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. WOLFF. Mr. Speaker, I would like to call to my colleagues attention a recent release on an operation by the Drug Enforcement Administration. The described operation underlines the effectiveness of this organization and is a strong testament to the necessity of international efforts to control the flow of heroin.

I would also like to remind my colleagues of the recent decision by the Turkish Government to resume the cultivation of the opium poppy. National boundaries are easily crossed, and if this decision is not rescinded we will soon be faced with the necessity of far more serious and complex international efforts to prevent heroin from reaching our shores.

The release on the DEA operation follows:

DRUG ENFORCEMENT ADMINISTRATION

Drug Enforcement Administrator John R. Bartels, Jr., announced today the seizure off the coast of South Vietnam of a fishing trawler laden, not with fish, but with two-and-a-half tons of raw opium bound for Hong Kong.

Mr. Bartels said the seizure was based on information supplied by DEA and was the result of close cooperation between DEA agents and the Governments of South Vietnam, Thailand and Hong Kong authorities. The seizure was one of the largest ever in Southeast Asia, Mr. Bartels said.

The trawler was en route from Thailand to Hong Kong last Wednesday, June 26, when it was intercepted by a South Vietnamese Navy destroyer escort in Vietnamese waters. The trawler and its nine-man crew of Thai nationals were taken under tow on Thursday to Cat Lo Naval Base in South Vietnam.

Mr. Bartels said that a search completed early today disclosed that the contraband cargo consisted solely of 55 burlap sacks containing a total of 2,005 kilograms—about two-and-a-half tons—of raw opium.

The opium was taken by truck to Saigon and is stored in a Vietnamese government warehouse. The nine crew members are in custody in Saigon undergoing interrogation.

Generally, Asian opium is consumed by the local population. However, if the opium were converted into heroin (10 pounds of opium make one pound of heroin) it would bring about $230 million on the streets of New York City at current prices, Mr. Bartels said.

Mr. Bartels said the joint investigation involved the Thailand Marine Police, the Vietnamese Navy and Hong Kong officials. He paid particular credit to Thai and Vietnamese authorities.

Mr. Bartels noted that, because of the close working relationship among DEA agents and government officials in Southeast Asia, prices of narcotics have doubled and tripled over the last 18 months, and many existing trafficking routes have been disrupted.

The previous largest seizure of opium in Southeast Asia came in April, 1973, when DEA and Thai officials jointly announced the seizure of 5,568 kilos of raw opium and 126 kilos of morphine on a trawler 300 miles from Bangkok.

LAND USE BILL—ANOTHER ENCROACHMENT

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. GROSS. Mr. Speaker, the Waterloo, Iowa, Courier of June 27 contained an excellent editorial on the so-called National Land Use Planning Act that was recently rejected by the House.

Because this is such dangerous legislation and because the Courier editorial effectively points out its major faults, I commend it highly and include it for insertion in the RECORD at this point:

LAND USE POLICIES NEED LOCAL CONTROL

There is both good and bad news in the recent U.S. House rejection of the National Land Use Planning Act.

The good news is that the bill was defeated. The bad news is the narrow seven-vote margin—211-204—which poses a bad omen.

This measure would have created a monstrous and costly new federal bureaucracy under the pretense of being a land use cure-all. It would have cost $10 million to administer, plus a total tab of $800 million for what amounted to a nationwide zoning plan.

But even worse, the bill would have continued the trend of over-riding local control—a trend which leads to ever-increasing governmental intervention into the daily lives of the citizens whom government supposedly serves.

Federal government—indeed, no government—harbors a monopoly on wisdom. Adoption of a federal land use policy would have put local government affairs even more firmly into the hands of a Washington bureaucracy.

Rep. William Scherle, R-Iowa, lauds the House action in killing the bill. He points out that legislators "were loath to turn over delicate questions of land use to those who could not see beyond the shores of the Potomac."

An especially bad aspect of the bill provided for what amounted to an abridgment or rip-off of individual property rights which most Americans have long felt were secured by the U.S. Constitution.

For example, land could have been tagged a "critical environment area" and taken out of private control—without compensation to its owners.

Few can quarrel with the goals of wise land use planning and the preservation of treasured national resources.

But the tough questions of what is "wise" are best answered at the local level—as close to the people themselves as possible so that individual citizen input is more feasible and thus greater.

Rep. Scherle, incidentally, says that in four years of committee study on the federal land use policy bill, "field hearings were never held and the indispensable input of citizens was totally neglected."'

Furthermore, local and regional land use planning concepts already are being intensified and implemented across the nation, including Iowa where regional councils of government are involving themselves in helping local governments establish and coordinate such policies.

In this connection, there was earlier good news for Iowans when the last session of the General Assembly failed to adopt a land use policy bill. It passed the Iowa House by a 66–26 margin in April but didn't clear the Senate.

Unfortunately, it is likely that such bills again will come before the Iowa Legislature and the U.S. Congress.

And these measures probably will win approval eventually—unless Iowans and all Americans make it clear to their elected representatives that they want less, not more, bureaucratic encroachment into their daily lives.

MEDICAL GROUP AMENDMENT TO HEALTH MAINTENANCE ORGANIZATION ACT OF 1973

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. ROY. Mr. Speaker, on December 29, 1973, the President signed the Health Maintenance Organization Act of 1973 into law. One important goal of the HMO legislation was to foster the growth and development of group medical practices which provide comprehensive health-care benefits.

The latter goal has been somewhat frustrated by the language in the final bill. This is because the definition of a medical group provides that the members of such groups as their principal professional activity and "as a group responsibility engaged in the coordinate practice of their profession for a health maintenance organization."

The requirement that physicians in group practices be principally engaged in the coordinated practice of their profession is desirable and an inherent and essential characteristic of group practice. I feel strongly that existing fee-for-service group practices offer a great opportunity for the development of HMO's. But to require that these groups convert more than 50 percent of their practice to an HMO is not reasonable.

The proposed regulations recently issued by the Department of Health, Education, and Welfare ameliorate this problem by allowing a 3-year phase-in. Experience has shown that existing fee-for-service group practices can and have converted more, as well as less than 50 percent of their resources to prepayment, both with desirable and successful results. However, the mandate of the law requiring a majority of physicians' time to be for the HMO at the end of a 3-year time frame is unreasonable in that it requires an organizational commitment to a goal over which the professional group has little control and, in some cases, may be impossible.

Accordingly, I would offer an amendment to section 1302 of the Health Maintenance Organization Act of 1973. This amendment changes the definition of a medical group by deleting the words "for a health maintenance organization."

The amendment follows:

H.R. 15739

A bill to amend section 1302 of the Health Maintenance Organization Act of 1973 by redefining the term "medical group."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 1302(4) (c) (i) of the Public Health Service Act is amended by striking the words "for a health maintenance organization."

THE 198 YEARS AND REASON FOR PRIDE

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. CHAMBERLAIN. Mr. Speaker, on the Fourth of July, the 198th birthday of the United States, The State Journal of Lansing, Mich., ran an editorial which I commend to every Member of the Congress. In commemorating the founding of our Nation, the editorial discussed the meaning and challenges of a democracy and pointed up most convincingly that today, more than ever before, the system is working and the will of the people is being translated into action. In these days of uncertainty, that fact seems oft forgotten. I am grateful to the State Journal for declaring the message loudly and clearly—and with the same sense of purpose that our liberty was proclaimed almost 200 years ago:

THE 198 YEARS AND REASON FOR PRIDE

On this 198th birthday of the United States it is easy enough for the cynics to suggest there is not much to celebrate. The nation is clouded by the spectacle of its President under impeachment threat and many of his former aides in jail or facing that prospect.

There are the continuing problems of inflation and economic instability along with the sporadic outbursts of violence in the land.

Yet this nation can and must continue to demonstrate to the world that the principles upon which it was founded will prevail over tyranny and especially over those discouraged by failures who preach the doctrine of repression as the easy way to solutions. Democracy has never worked that way and it never will.

Americans, perhaps, become so preoccupied with the daily business of making democracy work and hearing the bad news of such things as Watergate, that we may sometimes forget that this is part of the process of making the goals of two centuries ago stay alive.

And for those in this nation who may long for the so-called good old days when everything seemed to be apple pie, when few voices of dissent were heard and all was "quiet and normal," perhaps they should look again. There has never been such a time in this nation because in a democracy it is a continual process of adjustment and change to meet the needs of all people.

We have recently witnessed a spectacle in the Soviet Union in which Kremlin leaders sent into exile a famous Russian author because he openly criticized government tyranny and demanded reforms. Had he been a lesser figure, no one doubts that Alexander Solzhenitsyn would have gone to prison—and not for the first time.

Shortly before this happened, a couple of Washington Post newspaper reporters who helped expose corruption in high levels of the U.S. government won a Pulitzer award. Their efforts helped set in motion the investigations and prosecutions to clean house in government.

The two episodes tell a great deal about why the fouding fathers drafted the Declaration of Independence in 1776 and how they intended the new-found democracy to work even in this 198th year. It is working.

QUESTIONNAIRE RESULTS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. VEYSEY. Mr. Speaker, I would like to share with my colleagues the following summary of the results of a questionnaire mailed to residents of the 35th Congressional District of California.

The 35th is a new district. Essentially, the population is concentrated around a dozen cities in the San Gabriel and Pomona Valleys and the west end of San Bernardino County. Nearly 28,000 responses were tabulated during April and May, and although this is the first time in recent history that these areas have been combined in the same congressional district, few significant variations in voter sentiment appeared:

THE 35TH CONGRESSIONAL DISTRICT QUESTIONNAIRE

1. During the energy crisis, should we delay application of tougher emission requirements on autos?

	Percent
Yes	50.9
No	49.1

2. Should federal taxes be used to finance political campaigns?

Yes	34.3
No	65.7

3. Do you favor the elimination of price and wage controls?

Yes	54.8
No	45.2

4. a. Should President Nixon resign?

Yes	37.5
No	62.5

b. Should President Nixon be impeached?

Yes	40.6
No	59.4

5. Should defense spending be increased to keep pace with Russia?

Yes	63.3
No	36.7

6. Should we increase taxes to pay for more Federal medical care?

Yes	37.5
No	62.5

7. Should oil prices be rolled back to redistribute oil company excess profits?

Yes	78.3
No	21.7

(NOTE.—The questionnaire was mailed to approximately 100,000 homes in the 35th Congressional District. Its purpose was to obtain comments from the general public on current issues. The responses reported herein are a simple tabulation of the returns and are not represented to be a scientific measurement of public opinion.)

On question No. 4, relating to impeachment or resignation, a majority of all people responding favored the President completing his term of office. A separate tabulation of approximately 500 ballots that were received after the transcript of taped White House conversations was published did not reveal any changes in voter sentiment. Approximately the same percentage of respondents continued to oppose both resignation and impeachment.

Increased spending for research and development of tactical military weapons—question No. 5—to keep our Armed Forces on an equal footing with the Russians received a strong endorsement.

The results of the poll leave little doubt that the respondents are opposed to the use of Federal moneys to finance political campaigns—question No. 2—or to pay for additional Federal medical care programs—question No. 6. Only a few percentage points separated the two issues as more than 60 percent registered their opposition to these programs if they result in higher taxes.

To identify problems that need congressional action, I asked each respondent to rank a series of priorities from 1 to 10. A tabulation of only the first priority resulted in the following scale:

Problem area and percentage voted as No. 1 priority

	Percent
1. Inflation	30.4
2. Integrity in government	20.4
3. Pollution	11.8
4. Crime	10.9
5. Defense	7.6
6. Welfare	6.5
7. Taxes	6.1
8. Energy	4.0
9. Unemployment	3.3

Taking all 10 problem areas into consideration in the analysis gives a slightly different perspective. Inflation remains the most frequently mentioned problem, closely followed by crime, integrity in Government, taxes, and pollution. These five categories account for more than 65 percent of the vote cast.

YEAR-ROUND DAYLIGHT SAVING TIME

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. DE LA GARZA. Mr. Speaker, the Department of Transportation, after making a study of the matter over the last several months has come up with the conclusion that year-round daylight saving time is no good.

Many of us knew that all along. I personally am among those who think no scheme of daylight saving is any good. I express my sentiments about this in my weekly report to the people of the 15th District of Texas and would like to share my feeling with my colleagues by inserting in the RECORD this portion of my newsletter:

WASHINGTON, D.C.—To the surprise of practically nobody, and certainly of nobody in South Texas, the Department of Transportation has come out with a report saying that year round daylight saving time isn't a good thing.

After a months-long study the Department has concluded that the phony time has not made a significant contribution to energy conservation, may have caused an increase in gasoline consumption at certain times of the year, and was responsible for increases in the death of children during the early morning hours of the darkest winter months.

You might think DOT, in view of these findings, would recommend the abolishment of daylight saving time. But no. What it recommends instead is that, "as part of a continuing experiment," the Nation observe daylight saving for eight months of the year and standard time from the last Sunday in October of this year through the last Sunday of next February.

This isn't even half a loaf and it's not enough.

A number of House members, including me, have introduced bills designed to remedy this situation. My own bill proposes to exempt Texas from daylight saving completely. I am informed that the Chairman of the House Interstate and Foreign Commerce Committee has not yet set hearings on these bills and that when he does all of them will be considered. I'll be in there pushing for my own measure. Let's get rid of this fooling around with the clock once and for all!

MARINA GARCIA'S NEWER WORLD

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. STARK. Mr. Speaker, some individuals possess an extraordinary sensitivity to touch people's souls. Their mark is deep and lasting. To some touched by that impression, it means a whole new outlook on life—a door that opens or a mind that is never again closed. Robert Kennedy possessed this ability to enter one's consciousness and illicit will and purpose.

A constituent of mine, Marina Garcia of San Leandro, Calif., recently composed a song expressing some of her own impressions about Robert Kennedy.

In that Tennyson quote Kennedy was so fond of citing, the most telling remark alludes to a matter of time. It offers consolidation and hope to cynic and idealist alike that "it's not too late." It is not too late to strike out against injustice, stand up for an ideal, or act to improve the lives of those around us. On the contrary, it is never too early for that brand of advocacy.

I commend to my colleagues, Marina's lyrical message and hope they will work to construct that newer world we all desire.

TO SEEK A NEWER WORLD FOR ROBERT KENNEDY

To seek a newer world, to seek a newer world
Blue eyes shining, his brother beside him,
He's gone to seek a newer world.

To seek a newer world, to seek a newer world
He's the one who said it.
Those who love love can't forget it.
Open the door.
What did you think that it was there for?
It's there to seek a newer world.

The old ones say turn away from this world.
They say you can't recreate this world.
O but we won't play the hating game.
We know peace it ain't a waiting game.
And we won't, no we won't live in vain.
We're gonna seek a newer world.

—MARINA GARCIA.

TRAIN IS ON THE RIGHT TRACK AS WHITE HOUSE DERAILS

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. RONCALIO of Wyoming. Mr. Speaker, time and again the Administrator of the Environmental Protection Agency, Russell Train, has stood alone in the administration in his support for strong legislation to protect our environmental resources and values. I commend the distinguished Mr. Train for his courageous stand and personal integrity in supporting H.R. 11500, the House surface mining bill.

Contrary to volumes of rhetoric circulated in Congress, H.R. 11500 remains a workable bill with requirements essential to the orderly development of Western coal in our arid lands. Today, Administrator Train will be in the Sheridan, Wyo., area inspecting existing strip mine operations.

Yesterday's Washington Post carried an article including his thoughts on H.R. 11500 and relating the support of North Dakota officials including our colleague MARK ANDREWS. The article follows:

[From the Washington Post, July 9, 1974]

TRAIN BACKS MINE BILL WHITE HOUSE OPPOSES

(By George C. Wilson)

DICKINSON, N. DAK., July 8.—Administrator Russell E. Train of the Environmental Protection Agency today broke with the administration and endorsed the House Interior Committee's strip-mining bill.

Train, in an interview during an airplane swing around the West to study environmental issues, said a "strong" bill is needed to regulate strip mining.

The EPA administrator said the bill reported to the floor by the House Interior Committee—sponsored by Rep. Morris K. Udall (D-Ariz.)—offers the best chance to achieve the goal of obtaining additional energy while at the same time protecting the natural environment.

He thus took issue with the Nixon administration position as espoused by Secretary of the Interior Rogers C.B. Morton and Federal Energy Administrator John C. Sawhill.

Morton and Sawhill in letters to Congress said the House Interior bill would handicap the production of coal. Their assertions have been assailed by at least one Senate subcommittee chairman as "scare tactics."

Train himself, in a stop at Fargo said "surface mining should produce under very strong federal control."

As for the planned strip mining of the Northern Great Plains, Train told his North Dakota audience that "the lesson of Appalachia is, don't let it happen here in terms of unreclaimed areas."

Unreclaimed areas are places where coal companies have stripped away the coal in the mountains without filling in the cavities and otherwise restoring the landscape to something approaching its original condition.

Train's host in his travels through North Dakota today was Rep. Mark Andrews of North Dakota, a ranking Republican on the House Appropriations Committee. Andrews, too, endorses the House Interior Committee bill, but said he wanted it strengthened so that ranchers would have to give their permission before companies with mineral rights could strip-mine their land for coal.

The letters from Morton and Sawhill opposing the bill contained figures that Chairman Lee Metcalf (D-Montana) of the Senate Minerals Subcommittee has described as totally unwarranted and very misleading."

Metcalf faulted Sawhill for quoting the "maximum potential losses" of coal production from regulating strip-mining as the House Interior Committee bill recommended rather than using the lower estimates of "probable losses" made by the Bureau of Mines.

Complained Metcalf, "Your letter that the requirement for restoration to approximate original contour and the limitation on placement of spoil on the downslope would cause 'an immediate annual loss in production of up to 67 million tons' completely ignores Bureau of Mines estimates of probable losses of from 5.1 to 7.5 million tons a year."

Train, in discussing the pending strip-mining legislation, indicated that he, too, felt the production losses were overstated. But he did not criticize the letter sent by Sawhill and Morton.

Train has disagreed with the Nixon administration recently on two other environmental issues. He fought relaxation of clean-air standards as much as the White House had recommended to allow more industries to burn coal. On another occasion, he opposed transferring testing of new cars for mileage from EPA to another agency—something Roy L. Ash, director of the Office of Management and Budget, had been considering.

On coal, Train's position for some time now has been that most of it lies deep underground where it can be mined with a minimum disruption of the surface environment. Therefore, he has argued that the emphasis should be switched as quickly as possible to deep mining rather than take high risks in strip mining certain areas of the country.

At a luncheon stop in Beulah, N.D., Gov. Arthur Link, a Democrat, said that if it were not for the "needs of the country," it would be "a safe assumption" that people favor no strip mining at all in North Dakota.

The governor said he was insisting on "total reclamation" of any of North Dakota's rich agricultural land of deep black earth. His definition of "total reclamation," he said, is to make sure that the land stripped would produce "as good or better" afterward "as it does today."

ELECTRONIC SURVEILLANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. KOCH. Mr. Speaker, I am appending material from Prof. Herman Schwartz's article entitled "A Report on the Costs and Benefits of Electronic Surveillance—1972" for the information of our colleagues. The material follows:

C. THE RESULTS: CONVICTIONS, ARRESTS, AND INCRIMINATING CONVERSATIONS

Given this great and growing amount of electronic surveillance, the key question is of course whether the results warrant the costs, both in invasions of privacy and threats to individual and group freedoms, and in quite tangible dollars. As the discussion above shows, the dollar cost is very high indeed—in the heavy millions—and there is reason to think that not only are the costs indicated in the statistics incomplete, but many are implausibly low. First, however, the results, for that is where the claims are greatest.

There are three kinds of results in descending order of importance: convictions, arrests and incriminating statements. So far, the record as to *convictions* is at best poor, and probably not even that; the record as to *arrests* is spotty, and the record as to *incriminating statements* is varied and inconclusive.

The discussion here is probably best handled by treating state and federal eavesdropping quite separately, with the state surveillance discussed first, since that is where most of the electronic eavesdropping has been done so far.

1. THE RESULTS OF STATE EAVESDROPPING

a. Convictions:

1968: It will be recalled that in 1968, state prosecutors—almost exclusively in New York—installed some 167 electronic surveillance devices, overhearing some 4250 people. From 1968 through 1970, no convictions were reported for any of these, but in 1971, the Westchester, N.Y. District Attorney reported some success in connection with two installations—7 convictions in a case involving a multiple crime (but no indication of what the convictions were for) and 9 convictions in a narcotics case. These are the only convictions reported for 1968 installations, but this may be the result of inadequate reporting.

1969: In 1969, it will be recalled that there were some 260 installations, involving the interception of about 10,400 people in some 136,760 conversations at a reported cost of $470,000, with the actual cost figure probably much higher. By 1971, 55 of these 260 installations were associated with [1] some 167 convictions. The breakdown was as follows, by offense:

Convictions

Gambling	33
Drugs	32
Homicides	3
Kidnapings	0
Others	99
Total	167

Installations

Gambling	17/78
Drugs	10/80
Homicides	1/19
Kidnapings	0/1
Others	27/82
Total	55/260

The homicide convictions are for "attempted murder" and "conspiracy," not for a consummated homicide.

It will be recalled that these installations cost about $470,000; the gambling and drug taps each cost an average of $1303 and $1453 respectively. The gambling taps thus each cost almost $6000 per person convicted for wiretapping alone; the 10 drug convictions each cost an average of $11,624 per person convicted, for the wiretapping alone.

Geographically, the convictions break down as follows:

Gambling

Maryland	4
New Jersey	13
Georgia	1
New York	15
Total	33

Drugs

New Jersey	2
New York	30
Total	32

Other

Georgia	2
Maryland	4
New Jersey	13
New York	47
Rhode Island	33
Total	99

Pulling out the New York and New Jersey figures is particularly interesting, since they accounted for so much of the total state tapping: Of New York's 185–190 installations, only 39 were associated with a conviction; of New Jersey's 45 only 9 were.

The New York efforts in 1969 cost $305,304; the New Jersey wiretapping effort that year cost $85,226.

When we break New York down by important counties, we find the following:

	Installations	Installations with conversion	Conversions	Cost
Queens	49	17	29	$39,960
Bronx	23	7	28	65,118
New York	19	8	14	70,685
Kings	19	1	5	53,300
Nassau	4	0	0	11,150
Total	94	33	76	240,213

1970: In 1970 there were 410 installations catching some 15,654 people in 234,085 conversations, at a reported cost of almost a million dollars ($938,000). This eavesdropping was associated with some 332 convictions in 1970 and 1971, broken down as follows:

Gambling	212
Drugs	65
Homicides	1
Other	55
Total	333

The number of installations with which convictions were associated, set against the total installations, were:

Gambling	49/204
Drugs	20/84
Homicides	1/20
Other	24/95
Total	94/410

In some cases, several installations were related to each other—approximately 37. Thus, if we reduce the 410 figure by that, to adopt a very conservative position, the result is still 95/373, or about 25%.

Geographically, the convictions are divided as follows:

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[1] For reasons to be discussed below, "associated with" is preferable to "resulted in" since the causal connection is uncertain.

Gambling

Florida	7
Maryland	2
Massachusetts	30
New York	109
New Jersey	64
Total	212

Drugs

Florida	1
New York	55
New Jersey	6
Wisconsin	3
Total	65

Homicides

New Jersey, 1 (murder).

Extrapolating costs per conviction as was done with the 1969 figures is probably inappropriate at this time, since the 1970 returns are not yet all in. It appears that in federal cases—and it has been so stated by Senator Hruska—it takes some two years for convictions to be obtained; this probably applies to state cases, and it is thus likely that there will be more state convictions reported for 1969.

1971: For the reasons set forth in the prior paragraphs, the 1971 results are incomplete, and we are not likely to know most of the 1971 story until the 1973 figures are published in May 1974.

The tentative figures and results are that 511 installations overhearing 17,410 people in 239,909 conversations, at a reported cost to date of about $1.5 M, have so far been associated with 210 convictions in 43 installations. The breakdown is as follows:

Convictions

Gambling	117
Drugs	55
Homicides	8
Others	30
Total	210

Installations

Gambling	22/304
Drugs	11/104
Homicides	1/18
Others	9/84
Total	43/511

b. Arrests and Incriminating Conversations:

The figures for "results" here are of course much greater, but it is difficult to know what to make of them. For one thing, many arrests result in no convictions;[1] secondly, a wiretap order is not supposed to be granted unless and until there is already probable cause to believe that someone—generally the target of the surveillance—has committed or is committing a crime, or in other words, could be arrested. And as to "incriminating" conversations, this involves such ambiguous, subjective and self-serving judgments that it is difficult to know how much credence to give the figures.

All of these factors go to reduce the significance of any great claims about the number of arrests. As a matter of fact, however, the results in both arrests and incriminating" conversations are quite meager; with respect to non-gambling and non-drug offenses, they are quite low.

1968: The figures for arrests associated with the 1968 interceptions, as of December 31, 1971, show the following:

Arrests

Gambling	69
Drugs	97
Homicides	6
Kidnapings	7
Others	83
Total	262

Installations

Gambling	14/18
Drugs	26/69
Homicides	4/20
Kidnapings	1/1
Others	18/60
Total	63/167

It will be recalled that we have almost no conviction figures for 1968—just 16 for 2 installations in Westchester, N.Y.—so that what these arrest figures really mean is unclear.

As to incriminating conversations, the proportion is very low indeed—the average number of intercepts overheard per installation was approximately 414, of which 98 were incriminating, or only 22%. In Brooklyn, for example, of 466 intercepts on 68 taps, 73 were incriminating; in the Bronx, only 45 out of 244 intercepts were incriminating, in Nassau of 911 intercepts, only 68 were incriminating; in Suffolk County, New York, of 400 intercepts, only 1 was deemed incriminating; in Georgia, of 506 intercepts involving 466, only 121 were incriminating. In Erie County, New York, on the other hand, 745 out of 760 intercepts were deemed incriminating.

1969: In 1969, state wiretapping was associated with 645 arrests. The breakdown per offense, and the numbers of installations with which these were associated are:

Arrests

Gambling	302
Drugs	86
Homicides	41
Kidnapings	2
Other	218
Total	645

Installations with arrests

Gambling	63/78
Drugs	27/80
Homicides	8/19
Kidnapings	1/1
Others	39/82
	138/260

The difference between arrests and convictions can be seen from a simple comparison between arrests and convictions for these same offenses, and of the number of installations associated with these convictions.

Convictions

Gambling	33
Drugs	32
Homicides	3
Kidnapings	0
Other	99
Total	167

Installations

Gambling	17/18
Drugs	10/80
Homicides	1/19
Kidnapings	0/1
Other	27/82
Total	55/260

The difference between the two categories may decline somewhat if more convictions are obtained on these 1969 cases, but if the normal lag is some two years, it is unlikely though possible that there will be very many more convictions.

It is quite unlikely, incidentally, that there will be substantially more arrests—these are likely to occur fairly soon, and the figures bear this out: the 1971 arrests came to only 40 out of the 1969 total of 645; the 1970 arrests, however, accounted for the lion's share—476, of which exactly half (238) were gambling.

When we turn to the "incriminating" conversations percentage, the figure is still very low—in 133 out of 260 installations, less than 20% of the conversations were incriminating. Broken down by offense, these were as follows:

Number of installations in which less than 20 percent are incriminating

Gambling	20/78
Drugs	49/80
Homicides	11/19
Kidnapings	0/1
Other	54/82
Total	133/260

For all installations, and using the figures in the Admin. Off. Rep. (total incriminating conversations less the federal share) we get some 31,452 incriminating conversations out of 128,771 state intercepted conversations, or about 28% overall.

It should be noted that there is a direct correlation between lack of success in convictions, and a low proportion of incriminating conversations: over half of all installations for Drugs, Homicide and Other offenses intercepted conversations of which less than 20% were incriminating, and these in turn had the lowest percentages of installations associated with convictions. Specifically, the arrests and convictions associated with these installations in which 20% or under of the conversations were incriminating, are:

	Total	Gambling	Drugs	Homocide	Kidnaping	Other
Installations	133/260	20/78	49/80	11/20	------	54/82
Arrests	156	45	41	11	------	60
Convictions	2					2

Furthermore, in 1969, there were 52 installations without any incriminating conversations. These overheard 862 people in 13,820 conversations.

The high proportion of non-"incriminating" conversations is significant not only with respect to the utility of electronic surveillance but also with respect to its controllability. A concession that over 70% of conversations overheard do not provide evidence of any crime—even where gambling accounts for a high proportion of the total surveillance—indicates that electronic surveillance is doing precisely what its opponents feared: overhearing numerous conversations and people who have nothing to do with crime. That a very high proportion of these are in the non-gambling area, together with the low success rate, shows how dangerous the device is, and this is borne out by whatever reliable information we have as to later years, though this information is still necessarily incomplete.

Incidentally, the figures for "incriminating conversations" may well be overstated, as the discussion of the facts disclosed in some federal cases indicates.

ARMENIAN GENOCIDE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. MOAKLEY. Mr. Speaker, my conscience compels me to rise today to condemn the most unfortunate language which the U.S. delegate to the Human Rights Commission used in his discussion of the genocide of 1.5 million Armenians during World War I.

It ill befits the representative of a nation which has traditionally led the fight for human dignity to seem to rationalize such as offense to human dignity. Yet this is precisely what the U.S. delegate seems to have done in his attempt to draw attention to "the other side" of the story of the Armenian genocide. In his criticism of the progress report on a commissioned study of the question of the prevention and punishment of the crime of genocide, the U.S. delegate urged the inclusion in the report of the genocide that "of a government engaged in a world war and under heavy attack." How can this statement not imply that the evil of genocide is mitigated by the condition of war? And how can the land of liberty and justice allow its representatives to paint any act of genocide in pastel colors?

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[1] See, *e.g.*, *State of Md.* v. *Siegal*, — Md. —, —— A. 2d —— (Ct. App. Md. 7/3/72).

I hold no bitterness for the heirs of the nation which accomplished the Armenian genocide. I do not wish to villify them or anyone else. But I despise the crime of genocide, the systematic slaughter of a people, with all my heart.

Yes, let us study the crime of genocide so that we can learn to prevent it. But may we never allow a clinical curiosity to blind ourselves to the unspeakable evil of that most horrible act.

THE LEGAL SERVICES CORPORATION ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. RANGEL. Mr. Speaker, the Legal Services Corporation Act was created for the purpose of providing support in noncriminal matters to persons unable to afford legal assistance. H.R. 7824 was passed by the house last summer, by the Senate in January and approved by the Senate in January and by the Senate-House conferees. It is now awaiting Senate acceptance of the conferees report.

I strongly support this legislation and urge the Senate to move expeditiously on this crucial matter. I would like to include at this point in the RECORD a statement issued by the New York State Bar Association, the Association of the Bar of the city of New York, the New York County Lawyers Association, the Legal Aid Society, the Community Law Offices, and the Community Action for Legal Services urging the immediate enactment of the Legal Services Corporation bill. This statement is followed by an editorial from the July 9 edition of the New York Times:

THE PROPOSED NATIONAL LEGAL SERVICES CORPORATION (H.R. 7824)

We join in urging immediate enactment of the Legal Services Corporation Bill, H.R. 7824, as reported out of Conference on May 13, 1974, and passed by the House on May 16, 1974.

In earlier joint statements issued by our organizations in July and December, 1973, we urged the creation of a National Legal Services Corporation which

"(a) is adequately funded to meet the compelling need for legal representation of eligible indigent clients;

(b) permits legal services lawyers to provide the same representation to indigents clients that the private bar provides to its clients;

(c) has sufficient flexibility in its personnel policies and in the use and application of its funds to permit an innovative attack on the problem of providing legal representation to the indigent; and

(d) is not restricted by statute in the kind of cases that it can take or the nature of the legal assistance it can provide to eligible clients." [1]

We concluded in our July statement that H.R. 7824, as it passed the House, failed to meet the standards for an acceptable program. On the other hand, we did support, in our December statement, the version of the bill reported out by the Senate Committee on Labor and Public Welfare, although it was in our view "only minimally adequate to assure an independent and professional program."

Provisions contrary to our standards were added in the Senate and the Conference Committee, so that the bill now contains several unfortunate restrictions on the kinds of cases that can be taken and on personnel policies. It does, however, preserve the basic structure of an independent corporation contained in the President's original bill and endorsed by the organized bar.

The current uncertainty over the future structure and funding of the legal services program is causing severe problems within local legal services offices; further delay in the legislation might imperil the continuation of the entire legal services program. We therefore urge speedy passage by the Senate of the legislation in its current form, and ask that the President promptly sign the bill, so that the future of this vital program may be secure.

New York State Bar Association: Ellsworth A. VanGraafeiland, President; Edwin L. Gasperini, chairman Committee on the Availability of Legal Services.

The Association of the Bar of the City of New York: Cyrus R. Vance, President.

New York County Lawyers Association: Henry N. Ess III, President.

The Legal Aid Society: Orison S. Marden, Chairman of the Board.

Community Action for Legal Services: Marvin M. Karpatkin, Chairman of the Board.

Community Law Offices: Stephen L. Kass, Chairman.

ACTION ON LEGAL SERVICES

As the Senate returns to work, it can tune up for its tough summer schedule by approving with dispatch the legal services bill, which is as ripe for final action as any measure could be. This legislation would create a corporation to house legal services activities and insure the continuation of that program.

President Nixon proposed in 1971 to preserve the program—begun initially in the Office of Economic Opportunity—by creating a corporation which would keep it out of politics and insure its efficiency. That year, Congress passed such a bill; but the President vetoed it, principally because he felt his role in selecting the members of the board to be too limited. The current version—passed by the House last summer, by the Senate in January and approved unanimously by the Senate-House conferees—now awaits only Senate acceptance of the conferees' report and the President's signature.

The arguments for completion of work on this legislation are overwhelming. Legal services has been viewed by many as the most effective and efficient of the programs designed to deliver services to the poor. In a sense, the program has wrought a revolution of elemental fairness. It has opened wide the doors of the system of justice to America's poor for the first time.

The compromise now before the Senate represents months of tedious legislative efforts to accommodate Mr. Nixon's reservations and those of conservative Congressional critics of the program. It does all of that and more. It is even more restrictive than the proposals sent up by the White House a year ago. It now needs only to be endorsed promptly by the Senate and signed into law by the President.

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[1] Joint Statement of New York State Bar Association, Association of the Bar of the City of New York, New York County Lawyers Association, The Legal Aid Society, Community Action for Legal Services, and Community Law Offices, July 1973, accepting the principles contained in a Resolution adopted by the House of Delegates of the New York State Bar Association on June 29, 1973.

SOCIAL SECURITY—THE CRUELEST TAX

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. CRANE. Mr. Speaker, the Department of Health, Education, and Welfare prints a booklet entitled, "Social Security." In it there is a passage which describes this system. It states:

> The basic idea of social security is a simple one; during working years employees, their employers, and self-employed people pay social security contributions which are pooled in special trust funds. When earnings stop or are reduced because the worker retires, dies or becomes disabled, monthly cash benefits are paid to replace part of the earnings the family has lost.

Rodger LeRoy Miller, writing in Harper's magazine, contributes significant information on the many misconceptions and inequities that have occurred in the social security system. Mr. Miller identifies a major problem with this particular system. He explains thus:

> In fact, the higher the income, the lower the effective percentage payroll tax for social security. This particular tax is therefore regressive.

Mr. Miller adds further validity to the belief that the social security program isn't what it is reputed to be. He expressly amplifies his feelings on this program when he states:

> To call social security an insurance scheme requires a special skill in deforming the meaning of words in the English language.

Mr. Miller is an expert in the areas of economics and the social security system. He is the author of over a dozen books in these fields. In addition, he is a professor of law and economics at the University of Miami.

It is my belief that Mr. Miller offers us some sound advice when he explicitly declares:

> It is quite clear that some drastic changes are called for in the social insurance system as it now stands. The most obvious change is to cut out the rhetorical nonsense and let the American public know the true nature of social security.

It is in this vein that I wish to submit this article to my colleagues:

[From Harper's magazine, May 1974]

SOCIAL SECURITY: THE CRUELEST TAX

(By Roger LeRoy Miller)

"Your account number of your Social Security card identifies your old age and survivors insurance account. Your card is the symbol of your insurance policy under the Federal Social Security law." So reads the Social Security Administration's booklet *Insurance for You and Your Family*. Another booklet put out by the Department of Health, Education, and Welfare tells us that "the basic idea of Social Security is a simple one: during working years employees, their employers, and self-employed people pay Social Security contributions which are pooled in special trust funds. When earnings stop or are reduced because the worker retires, dies, or becomes disabled, monthly cash benefits are paid to replace part of the earnings the family has lost."

Social Security, then, would seem to be nothing more than a compulsory insurance scheme for almost all employed and self-employed workers in the United States. Ever since its beginnings thirty-nine years ago, this compulsory "insurance" program has been considered a politically unassailable sacred cow. After all, isn't it right that everyone should provide for his or her old age? And after all, isn't it appropriate that families be protected against unexpected reductions in family income? Most Americans have answered yes to these questions. If the facts about Social Security had been known, however, it is doubtful that it would have continued, much less expanded, during these past four decades. Let the facts be known: Social Security is not an insurance program; contributions do not go into a trust fund that is used to pay you an annuity when you retire; furthermore, you are guaranteed nothing by "contributing" your social insurance payments every year. Perhaps the easiest way to uncover what's behind SSA propaganda is to separate the two basic aspects of Social Security: how it is financed, and what the benefits are.

THE POOR PAY MORE

In 1935, the basic Social Security payroll tax applied to the first $3,000 of income earned in a year. At that time, approximately 95 percent of workers were making only this much or less. Today, in 1974, the Social Security payroll tax applies to the first $13,200 earned, but today more than one in four workers makes more than $13,200. Hence, more than one in four workers gets a break on Social Security taxes. The rate of "contribution" that the employee pays directly is 5.85 percent on that first $13,200. If, however, the worker makes, say, $26,400, the effective payroll tax, as a percentage of total earned income, drops by half. In fact, the higher the earned income goes, the lower the effective percentage payroll tax for Social Security. This particular tax is therefore *regressive*, unlike, for example, the individual income tax for which rates are higher and higher as incomes go higher and higher.

The regressiveness of the Social Security tax is even more than first meets the eye, for it allows no exemptions, as does the individual income tax, and it does not apply to interest, dividends, rent, or capital gains. It would be a fair statement, then, to say that the payroll tax for Social Security is perhaps the most regressive tax this nation has.

Moreover, while individual income-tax rates have been steadily falling, Social Security taxes have been steadily rising, at least since the 1950s. In 1974 total "contributions" may be well over $60 billion. This sum represents almost one-fourth of all federal revenues. It greatly exceeds revenues from the corporate income tax, and is more than half the yield of the individual income tax. Compare this balance of percentages with the years immediately following World War II, when in 1949, for example, Social Security taxes represented only 4 percent of total federal revenues. The fact is that the Social Security tax has increased faster than any other tax since World War II.

Perhaps one of the reasons that taxpayers have never rebelled is that the myth has been perpetuated that the employer pays an equal tax. For example, today—in principle—the worker pays 5.85 percent on the first $13,200 he earns, and his employer "'contributes" another 5.85 percent. It is naive, however, to assume that in fact the employer acts so benevolently. His contribution constitutes another cost to him, just like the cost of materials or anything else that he must pay for. Consequently, in the long run, workers' salaries are reduced by up to the amount that the employer is obliged to pay into Social Security. Hence, in 1974 Social Security tax on workers is not 5.85 percent, but rather 11.7 percent. (The myth of equally shared cost obviously affects legislators, too. The self-employed pay a rate of only 7.9 percent. Since this rate is probably on incomes over the mean, the result is more regressiveness.) A family with one person earning $13,200 accordingly pays $1,544 in Social Security payroll taxes. A family with two such income earners pays $3,088.[1] For many Americans, these taxes exceed those paid on personal income. In fact, for the 15 million Americans who pay no personal income taxes at all because their taxable income is not sufficient, the Social Security tax represents a major reduction in their income.

Ignoring for the moment the poverty problem and how it is exacerbated by Social Security, the relatively large payroll taxes might seem appropriate if in fact there were a relationship between what is "contributed" and what is received in return. In other words, if Social Security were truly an insurance program or pension plan, not unlike those provided in the private sector of the economy, there would be fewer grounds to complain about the particular way the system is financed.

WHO BENEFITS?

Those who view the payroll tax as a contribution to a trust fund would have trouble understanding how Social Security actually works. The trust fund in 1974 is approximately $50 billion, enough to cover perhaps one year of benefits. A private insurance program or pension fund must by law have a trust fund which at any moment could finance all of the benefits promised to its members. But, actually, the benefits owed members of Social Security are valued at more than $500 billion! Those who have suggested that individuals be allowed to voluntarily withdraw from the system have been lambasted by such supporters of Social Security as Nelson Rockefeller and the late President Johnson. Rockefeller predicted that such withdrawal would lead to the collapse of the Social Security system. If this is so, then we must conclude the system is not actuarially sound.

Rockefeller's prediction is unquestionably correct. Note, however, that at the system's inception in 1935 it was hoped that by around 1960 it would in fact be actuarially sound. The reason this hope was not realized was that the trust fund built up huge surpluses immediately. Thus, although in 1940 the Social Security tax was to go up, it did not. The increase was delayed for a long time. In fact, it was not until 1950 that it did rise to 3 percent (1.5 percent on each party). Additionally, coverage has been greatly expanded.

What is actually taking place is that those who are working today are paying taxes to finance retirement payments to those who are no longer working. Each year there has been a slight surplus, which has been put into the relatively small trust. But what the trust really does with those "surplus" Social Security contributions is purchase U.S. Government bonds, thus helping to finance such things as military expenditures. If you and I were really contributing to a quasiprivate trust fund, such use of our contributions would be deemed inappropriate, to say the least.

If you contribute to a private insurance or pension plan, what you ultimately receive is based on how much you put in. There is, to be sure, a relationship between how much you put into Social Security and how much you get out, but it is a tenuous relationship at best. In 1971 the maximum wage-related benefit was about three times the minimum, whereas the maximum so-called average monthly wage on which benefits were based was eighty times the minimum sufficient to qualify. This is not even the correct range because it does not take account of the total number of years the worker has paid into Social Security. The fact is that the benefits received are much more closely related to a person's marital status or the number of children in the family than to how much money he has paid in.

There are other anomalies in the benefit payment system that could not be justified if Social Security were truly an insurance system. For example, the later you enter the system, the better off you are, because so long as you work the minimum number of quarters, you will receive the same benefits as someone else who has worked many, many more. Who profits by this? Generally, the more wealthy in our society benefit because they start work later. But this is not the only benefit to the high-income class. People with higher incomes generally have longer life expectancies and will therefore tend to receive payments for a longer period. Blacks are discriminated against doubly because they go to work sooner and die much earlier. And because of the regressive nature of the tax, the higher your income, the higher is the ratio of benefits received to taxes paid. It is not surprising that Social Security has been labeled the poor man's welfare payment to the middle class.

There are millions and millions of people who pay Social Security taxes and will never receive one penny in Social Security benefits because they do not work the requisite number of quarters or because they will receive payments in their capacity as a spouse. A wife or widow cannot receive Social Security benefit payments based on her earnings as well as on her husband's earnings.

What can be said about the benefits paid to Social Security members is the following: benefits received by individuals who have paid in "contributions" of exactly the same amount can be vastly different; conversely, benefits can be exactly the same for individuals who have paid in vastly different "contributions."

The government has on occasion contradicted itself when referring to the insurance principle of Social Security. More precisely, it has been selective in its invocation of that principle. For example, in a court test of the constitutionality of the rule prohibiting benefit payments to persons deported for subversive activities,[2] the Social Security Administration rejected entirely the insurance concept: "The OASI [Old Age, Survivors Insurance] is in no sense a federally-administered 'insurance program' under which each worker pays 'premiums' over the years and acquires at retirement an indefeasible right to receive for life a fixed monthly benefit, irrespective of the conditions which Congress has chosen to impose from time to time."

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[1] For an empirical verification of this assertion, see chapter three of the massive study done by J. A. Brittain, *The Payroll Tax for Social Security*, The Brookings Institution, Washington, D.C.

[2] *Fleming* v. *Nestor*, 363 U.S., 603 (1960).

There we have it. The insurance principle is officially endorsed in support of all Social Security *taxes* and rejected when benefits are denied.

To call Social Security an insurance scheme requires a special skill in deforming the meaning of words in the English language.

THE OLD STAY POOR

The government has recently raised not only the income on which Social Security taxes are paid but also the benefits to those now receiving retirement income. In addition, the government in all its magnanimity has decided to increase the allowable amount of income a worker between the ages of sixty-five and seventy-two can receive without losing Social Security benefits. Before 1973 the allowable amount was $1,680. Now it's a whopping $2,400. But what happens if someone in this age bracket earns $2,401? He is then treated to an effective tax of at least 61.7 percent! Why? Because for every dollar earned over $2,400, Social Security benefits are reduced by 50 cents. Moreover, Social Security taxes must be paid, even by workers over age sixty-five, on all income up to $13,200. Add to these taxes whatever local, state, and federal taxes must be paid and people between sixty-five and seventy-two years of age end up with an effective tax burden that is otherwise experienced only by the highest-paid income earners in this nation. If, however, an elderly person is able to obtain so-called unearned income from dividends, interest, or pensions, he may receive millions and millions of dollars and still get his full Social Security benefits.

In a nation devoted for so many generations to the Protestant work ethic, it is odd that gainful employment by the elderly is so discouraged. It is difficult to imagine how it can be necessary to tax workers over sixty-five for the purpose of providing them with benefits later on. We know, however, that the "contribution" is a mere smoke screen for an ill-defined transfer system in which those who work transfer income to those who don't. Presumably the government wishes those fortunate enough to be able to work after age sixty-five to partake in this system. Actually, the government's attitude toward taxing gainfully employed workers over sixty-five is little different from its attitude toward taxing some of the neediest members of society—that is, very low-paid income earners. As I said earlier, the benefit program of Social Security favors higher-income classes. The payment plan, on the other hand, discriminates against lower-income classes, including the working elderly, for in 1971 the median income of those families headed by someone over sixty-five was fully 50 percent less than the median income for all families in the United States. Presumably, since one in every five older persons is officially designated as poor, the work disincentive aspects of Social Security are totally unjustified.

Although these disincentives of the Social Security tax per se on other poor people are certainly not as pronounced, they may be as important in effect. After all, the Social Security tax paid by the working poor in the United States is much greater than any income taxes they pay, and in fact may represent over one-tenth of their earnings. Moreover, the working poor, just as everyone else who works for a living, are given no choice in the matter. They are forced to "contribute" to Social Security. If the system were truly an insurance scheme, it would seem appropriate to allow at least the poorer members of our society the choice between present and future consumption.[3] Once it is realized, however, that the insurance analogy is a total sham, then Congress must be asked why it is forcing the working poor to pay taxes that go to support the nonworking. Since Social Security is basically a transfer between generations, it does not require that *every* working member of the younger generation contribute to the retirement of older generations.

WORKING FOR OTHERS

The benefit system of Social Security is basically welfare, pure and simple. Those now employed transfer income to those who are unemployed. However, the current recipients of Social Security benefits are getting approximately two to four times what they put into the system. How is that possible? How can each generation receive so many more benefits than it put in? The answer is quite easy to ascertain once we realize that the labor force has been steadily growing, as has total income. Even if the Social Security tax were constant (as it evidently hasn't been), a growing work force and population would guarantee future generations ever-higher benefits. This is something that a private insurance or pension plan certainly cannot provide. The government's ability to continually muster increased taxes from the working population is what allows Social Security to yield such high benefits.

However, the benefits paid to you and me depend on what the Congress legislates, and presumably what the Congress legislates depends on the will of the people (at least in the long run). Hence, there is an implicit "compact between generations"; each generation will provide for the retirement of each past generation. This is obviously not a trust fund, but rather a trust in our children and their generation to provide for our old age. This is a moral, not a legal, commitment of each generation.

I would predict that future generations, and maybe even those who are now in their thirties, will be in for trouble because this compact may disintegrate as the effective Social Security tax burden on future generations becomes greater. And the burden *will* become greater because this nation is tending toward (or is already at) zero population growth. Eventually, the work force will no longer be growing. Incomes may continue to grow, but, nonetheless, if Social Security benefit payments are to rise at the same rate at which they have been rising in the past, tax rates will have to rise even faster to make up for the reduction in the growth rate of the labor force. Today's young workers may find that the benefits they receive from Social Security will not be anywhere near two to four times what they put in.

We can safely predict that the public will realize what's happening by the year 2000. After all, what we've been discussing above is a form of chain-letter, or pyramid scheme. The government certainly got upset with Glenn Turner's Dare To Be Great cosmetic franchise empire based on just such a scheme, but when the government has a similar program, we're supposed to accept it. If current increases in Social Security benefits were to continue, they would exceed national income by the year 2000. Obviously, well before this happens there will be rapid rises (perhaps at an even greater rate than in the past) in Social Security payroll taxes coupled with declines in the growth rate of benefits.

A TIME FOR CHANGE

It is quite clear that some drastic changes are called for in the social insurance system as it now stands. The most obvious change is to cut out the rhetorical nonsense and let the American public know the true nature of Social Security. It is not an insurance program; taxes are not contributions to a trust fund in each individual's name; there is little relationship between contributions and benefits; there is no guarantee that benefits will be paid in the future; and the employer does not pay half of the so-called contribution.

Next, the regressive nature of the Social Security tax can be eliminated by eliminating the tax completely and making up for it by increases in the individual income tax. For a nation presumably committed to redistributing income from the nonpoor to the poor, it is certainly inappropriate to allow such a tax to continue.

However, perhaps an even better way to slay the sacred cow called Social Security would be to force it to make itself actuarially sound. The Old Age, Survivors, Disability, and Hospital Insurance fund embodies a huge implicit and largely unrecognized national debt today valued somewhere between $500 billion and $1 trillion. We should fully recognize right now the debt implied in the program and issue bonds from the Federal Reserve to the OASDHI fund to cover it. Once this is done, we can allow anyone to opt out of the program when he wants to, as long as he purchases private protection (an annuity and/or survivors' insurance). This will force the Social Security Administration to be on its toes. It will also make Congress act in a responsible manner. Our lawmakers will be able to bring in new groups or increased benefits only by issuing bonds to cover the debt incurred. Nothing is wrong with making our parents and grandparents better off, as long as all of us are aware of the price we are paying.

If the SSA doesn't change its ways, I would want to opt for private, government-certified insurance. The facts speak for themselves. The chain-letter scheme is going to blow up in the face of the system just about the time I want to be able to collect on all my "contributions." If you happen to be middle-aged or younger, your conclusion might be the same.

THE NORTH CONTINUES THE WAR

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. ZION. Mr. Speaker, a series of three well-informed articles on the current situation in Vietnam has appeared in the Indianapolis News. The articles derive from a visit to Vietnam earlier this year by the authors, James Dornan, a staff aide to House minority leader John Rhodes, and Peter Hughes, a legislative assistant to Senator HARRY F. BYRD, Jr.

The first of their articles makes it clear that the North Vietnamese are only using those parts of the cease-fire agreement which will further their unchanged aim of conquest of the South—58,000 Vietnamese were killed in the first year of the so-called cease-fire, a year which saw a continuing pattern of Northern violations and terror activities. The article also shows how support in the South for the Vietcong and the North Vietnam regime is absolutely minimal, and how the morale and the effectiveness of the Vietnamese defense forces has improved considerably.

I insert the first article in the series as it appears in the Indianapolis News dated April 5, 1974:

NO END TO VIETNAM WAR

(By James Dornan and Peter Hughes)

"Gentlemen may say 'peace, peace,'" said Patrick Henry, "but there is no peace, the war has only begun."

Such is the situation in South Vietnam,

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[3] Or allow them to pick a government certified plan from the private sector.

one year after the promulgation of the Nixon-Kissinger "peace with honor" in January 1973. To be sure, the massive and direct United States involvement has ended, and Vietnamese affairs, when covered at all by the national media, are now relegated to the inside pages. It is in the largest sense, as an unnamed State Department official recently asserted, now "their war."

In the year since the cease-fire accord 58,000 Vietnamese have been killed (more than America's total 12-year loss) and military contacts between the two sides have averaged at least 3,000 per month. For the Vietnamese, then, the war continues unrelentingly.

In 1973 more than half of the North Vietnamese enemy activity was in the Delta region (the so-called Rice War) as the Viet Cong have attempted to capture the rice supplies necessary to sustain their activities in the South.

Since the cease-fire agreement the North has infiltrated more than 30,000 troops into the South, bringing its total troop strength (as of December 1973) to approximately 270,000. But the Viet Cong political infrastructure in the South is in serious disarray. As a result the Viet Cong have had to resort to increased terrorist activities in an effort to stabilize their declining control (which Saigon officials now place at 5 per cent) over the civilian population in the South.

The North also hopes to rebuild its infrastructure through what has been called the "Third Vietnam" strategy, often discussed as a possible interim policy for Hanoi. Capture of a major portion of Quang Duc Province, plus additional advances in Phuoc Long, and Binh Long, would give the Communist forces control of a broad belt of South Vietnam stretching from the Parrot's Beak to the former DMZ.

This area could then be administratively consolidated with the extensive contiguous territories in eastern Cambodia and Laos now controlled by the North, and the existence of a new state formally proclaimed. A functioning political alternative to the Saigon government with full international status would therefore be established. It is perhaps with this end in view that Hanoi has recently resettled 40,000 civilians in areas near I Corps and farther South along the Cambodian border.

While no one doubts that Hanoi still intends to gain control over the South by force, recent U.S. intelligence data indicate the North does not now consider it the tactical time to attempt any major advances. Hanoi is handicapped by the shortcomings of its own rice crops, as well as its inability to exploit Sino-Soviet differences.

The North is also concerned that any blatant violations of the cease-fire accord would bring about the resumption of U.S. bombing. Thus, for the time being, the North seems content to continue its strategic raids, to attempt to expand Viet Cong control over both population and territory in the South, and to force Saigon to accept the North's interpretation of the cease-fire agreement.

For Hanoi and her Viet Cong allies the purpose of the Paris Truce was to eliminate American air power from the war, speed up the withdrawal of U.S. ground forces, and restrict, if possible, the flow of American military aid to the Saigon government.

If political arrangements which would insure the triumph of the People's Revolutionary Government could be forced on Saigon, so much the better; if not, the war could be resumed whenever and at whatever level seemed most likely to topple the Thieu government and bring a Hanoi-dominated Communist regime to power.

The effectiveness and morale of the ARVN are improving, and the armed forces of the South appear to have the capability to isolate and reduce the significance of many of the "leopard spot" zones during the months to come. All of this, of course, depends on a continued flow of military aid from the United States.

DALLAS INVESTMENT ANALYSTS INITIATE SELF-POLICING

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. STEELMAN. Mr. Speaker, I want to commend the Dallas Association of Investment Analysts for taking the leading role among members of the Financial Analysts Federation in adopting strict new standards of professional conduct and ethics. All too often today we see attempts at industry self-regulation only after outside pressure threatens Government intervention. This sort of farsighted leadership would make Government regulation unnecessary in most cases.

I call to my colleagues' attention the following article from the Dallas Morning News concerning the actions of the Dallas Association of Investment Analysts:

DALLAS INVESTMENT ANALYSTS INITIATE SELF-POLICING

(By David Clark)

Equity Funding . . . United States National Bank . . . Investors Overseas Services . . . Penn Central . . . U.S. Financial . . . National Student Marketing Corp.

What do these organizations have in common?

One, they are all bankrupt.

Two, they went into bankruptcy under public disclosure of fraud and-or indictment of some of their top management.

Three, investors took a bath on their securities. In the case of Equity Funding, some 100 banks and many of the country's most sophisticated financial institutions were stuck with 2 million of its common shares. Their losses are estimated around $100 million.

Four, institutional investors took that bath largely on the advice of a small cult of experts terming themselves "investment analysts". Some were not qualified to own that term: some were simply defrauded from doing accurately what that term implies; and a few took advantage of that term, and so-called "insider information", to defraud others.

This has not been pleasing to the larger cult of "real" investment analysts, some 13,000 strong in the Financial Analysts Federation (FAF). They daily advise banks, insurance companies, brokerage houses, pension funds, labor unions, corporations and individuals where to place billions of dollars of personal and collective wealth to see it do the most good—for themselves and their investment targets.

"Most good" is not the same as "least bad" in this function, because more is riding on the line than just the credibility of the analyst or the real value of the few hundred million dollars he may help manage. As Lippincott & Margulies Inc., financial communications consulting firm, observes:

"The reports the (investment) analyst delivers on what he sees can raise or lower the price of a company's stock, smooth or make difficult the road to financing, open or shut the door on mergers and acquisitions, turn loyal shareholders into drop-outs or vice-versa."

This is pretty heady stuff for most investment analysts—much less the general public—but a small band of the Dallas cult, called the Dallas Association of Investment Analysts, appears to be the first in the nation to have taken it to heart, officially.

That organization, at the end of May, became the first of many similar FAF affiliate associations across the country to adopt stringent new FAF standards of professional conduct and ethics.

These standards and ethics are self-administered, self-regulatory in nature, and as such, are subject to the same "ho hums" and "haw haws" that any organization meets when trying to minimize the compromising of its own idealistic principles.

However, as Ralph Waldo Emerson once capsulized, we learn geology the morning after the earthquake. Now, investment analysts nationwide, if not learning from the examples of Equity Funding and United States National Bank (San Diego), have at least learned that the Securities and Exchange Commission and the attorney general's office of the State of New York are hot to unlearn some of those practices that some of those in their profession have learned to damage the credibility of the entire group.

Consequently, on April 28 of this year, delegates representing the 13,000, including the approximately 220 members of the Dallas investment community, met to devise and revise standards which would improve the qualifications of investment analysts as a whole.

Meeting in Los Angeles, these delegates approved a plan whereby the standards of entry into the "fellowship" on investment analysts would be elevated, the standards of practice would be subject to continuous scrutiny of a national review board, and tough new enforcement against violations of those standards would be enacted.

In a letter to FAF member chapters, chairman Eugene H. Vaughan Jr. summarized:

"The crux of the plan is to permit local societies to shift the burden of enforcement of professional conduct standards to the national level. . . .

"Higher professionalism is our primary goal. Considerable progress is being made but, along with numerous lesser factors, we are currently lacking two essentials:

"(a) entry standards, to keep the unqualified from passing themselves off to the public as investment analysts and money managers; and

"(b) effective enforcement methods to discipline and, when needed, weed out those who violate our standards of ethics and practice. . . .

"As a profession, we cannot afford to say with St. Augustine, 'Lord, give (us) chastity and self-restraint—but do not give it just yet.'"

The entry standards Vaughn talks of, while not quite enough to separate the wheat from the chaff, are at least enough to allow a corporation to establish that the man it is considering to manage its $10 million to $800 million investment portfolio at least knows the fundamentals of accounting, investment and economics. This knowledge is established through a day-long CFA-1 (Certified Financial Analyst—first level) examination, which requires one year's experience in the profession, almost six months of studied preparation, and in this community, is administered each June by staff of Southern Methodist University.

"If you blow one of these examinations, you've blown it for the entire year," David M. Reichert, C.F.A., vice-president of Southwestern Life Insurance Co., and immediate past-president of the Dallas investment analysts, summarizes.

The "C.F.A." behind his name means that he has passed CFA-1, 2, and 3 examinations, which require progressively higher experience (five years in the field before CFA-3) and knowledge (CFA-3 requires application of analytic skills to portfolio management) before the awarding of the designation, started here in 1963.

About 65 members of the 220 in the Dallas chapter hold this designation. It appears to be the intent of Vaughn and others in the business that the designation carry the prestige of C.P.A. to accountants, C.L.U. to insurance agents, Realtor to real estate agents, and the like.

Right now, however, it simply means that one investment analyst can simply claim superior skills over another, with no claim as to his or her ethical standards in applying those skills.

The latter, however, may be changed by the creation of a national Investment Analysis Standards Board, which will be given free rein to upgrade qualifications, and a Professional Conduct Committee, which will be given free rein to police against abuses by FAF members, with benefit of insurance against lawsuits.

"Obtaining of inside information is the most frequnt abuse" the conduct committee is likely to engage in, according to Reichert, and this is because it appears as the most frequent violation of ethics and standards. However, the Dallas chapter, since its 1951 founding, has not had a single disciplinary action on this or any other abuse, he noted to The News.

If it were to have a disciplinary action, however, it would likely come in the form of suspension from FAF, and automatic suspension from Dallas chapter, membership, he pointed out. The teeth that these suspensions would have would depend upon the esteem that outsiders, namely employers of investment analysts, would place on FAF membership.

And it is this esteem, or the promise of it, that the Financial Analysts Federation has used to stave off encroachment by the New York Attorney General's Office (which postponed legislative action scheduled for the spring) and the SEC (whose chairman, Ray Garrett, told the FAF he hoped its program "is approved and gets going").

If successful in getting program approval of 80 per cent of the represented chapters (only five other than Dallas have joined thus far, with New York, representing 25 per cent of FAF membership, not yet voting approval), investment analysts may get a crack at policing themselves.

DR. A. ALBERT BARBERIO

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. RINALDO. Mr. Speaker, on June 8 of this year, a testimonial dinner was held in honor of one of the outstanding physicians in Union County, N.J. Dr. A. Albert Barberio has a record of service to the people of my district and community that is without parallel.

He has been a practicing physician in Union for over 30 years; he has conducted Union Township's Baby-Keep-Well station since its inception; and he was appointed a township doctor by the Board of Health, functioning in that capacity for many years. In addition, Dr. Barberio has been an active member of the Lions and Elks Clubs and is a past president of the Better Businessmen's Bureau.

Dr. Barberio's contributions to the community were recognized by the mayor of Union, who presented him with a plaque commemorating his long years of service. The members of the Union Township Committee voted unanimously to award this plaque to Dr. Barberio.

Mr. Speaker, such outstanding humanitarians as Dr. Barberio deserve the recognition of their community. I am pleased that this has been the case.

But just as importantly, I would like my colleagues in the House of Representatives to be aware of this fine public servant and the time and talent he has contributed to the community.

The likes of men such as Dr. Barberio come rarely in one's lifetime. I am honored to join in this effort to applaud his record of service to Union County.

H.R. 11500—A BALANCED APPROACH FOR REGULATING ENVIRONMENTAL IMPACTS OF STRIP MINING

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. UDALL. Mr. Speaker, last Monday the Wall Street Journal printed another editorial in support of H.R. 11500, indicating that the proposed legislation strikes them "as a reasonable attempt to reconcile environmental and energy needs."

Yesterday, the Washington Post carried a story reporting that Russell Train, the Administrator of EPA, endorsed H.R. 11500 stating that it offers the best chance of achieving the goal of obtaining additional energy while at the same time protecting the natural environment.

Both the editorial and news article follow:

COAL AND ITS CRITICS

On the page opposite we publish a letter from National Coal Association President Carl E. Bagge taking exception to our qualified support of the House Interior Committee's proposed strip mining control and reclamation act. We would like to add a few words to clarify some of the issues involved, and because clarification may say something about the coal industry's opposition to the act.

Longwall mining takes place in underground mines, and is done by huge machines that remove most coal in the deposit. After the machine passes, the underground passage is allowed to collapse, and the surface above the mine sinks, or subsides, in a rapid but controlled manner. The traditional room-and-pillar method leaves pillars supporting the mine roof, and subsidence often occurs when these collapse, after long and unpredictable periods of time.

The House bill contemplates rules "to prevent subsidence to the extent technologically and economically feasible." The word "prevent" led to fears, expressed by Secretary of the Interior Morton, that the effect would be to outlaw longwall mining, with its obvious subsidence. The Secretary estimated that if the bill passes, it would possibly cut coal production by 187 million tons; of this 117 million resulted from the assumption of a prohibition of longwall mining.

In fact, the bill's sponsors consider longwall mining ecologically preferable, and it and other methods of controlled subsidence are explicitly endorsed. So there is no disagreement as to what the bill ought to say, and a few changes in wording would take care of the great bulk of Secretary Morton's worries about coal production.

As this rather simple controversy emerges in Mr. Bagge's letter, one might gather that the issue is whether longwall mining will be required, not whether it would be allowed. He manages to suggest, without of course ever quite saying so, that if the bill passes 1,849 continuous mining machines will grind to a halt. If anything like that were remotely possible, we would have thought that Secretary Morton would have taken note of it in his calculations of the possible effect on coal production. He might also have noticed if, as Mr. Bagge claims, the bill would close down "most" of the nation's surface mines.

Now, we are sure the House bill can be badly administered. We have worries about how approximate "approximate" contours will be when bureaucratic rules are issued. We know that a lot of environmental legislation has been half-baked, and that once in place it is difficult to modify. But even understanding all of that, the strip mining bill strikes us as a reasonable attempt to reconcile environmental and energy needs.

Indeed, it seems to us that if you were trying to think up ways to ensure that environmental regulations are unreasonable, the best one would be for industry to resist reasonable efforts by resorting to confusing the issue and crying doom.

TRAIN BACKS MINE BILL WHITE HOUSE OPPOSES

(By George C. Wilson)

DICKINSON, N. DAK., July 8.—Administrator Russel E. Train of the Environmental Protection Agency today broke with the administration and endorsed the House Interior Committee's strip-mining bill.

Train, in an interview during an airplane swing around the West to study environmental issues, said a "strong" bill is needed to regulate strip mining.

The EPA administrator said the bill reported to the floor by the House Interior Committee—sponsored by Rep. Morris K. Udall (D-Ariz.)—offers the best chance to achieve the goal of obtaining additional energy while at the same time protecting the natural environment.

He thus took issue with the Nixon administration position as espoused by Secretary of the Interior Rogers C. B. Morton and Federal Energy Administrator John C. Sawhill.

Morton and Sawhill in letters to Congress said the House Interior bill would handicap the production of coal. Their assertions have been assailed by at least one Senate subcommittee chairman as "scare tactics."

Train himself, in a stop at Fargo said "surface mining should produce under very strong federal control."

As for the planned strip mining of the Northern Great Plains, Train told his North Dakota audience that "the lesson of Appalachia is, don't let it happen here in terms of unreclaimed areas."

Unreclaimed areas are places where coal companies have stripped away the coal in the mountains without filling in the cavities and otherwise restoring the landscape to something approaching its original condition.

Train's host in his travels through North Dakota today was Rep. Mark Andrews of North Dakota, a ranking Republican on the House Appropriations Committee. Andrews, too, endorses the House Interior Committee bill, but said he wanted it strengthened so that ranchers would have to give their permission before companies with mineral rights could stripmine their land for coal.

The letters from Morton and Sawhill opposing the bill contained figures that Chairman Lee Metcalf (D-Montana) of the Senate Minerals Subcommittee has described as "totally unwarranted and very misleading."

Metcalf faulted Sawhill for quoting the "maximum potential losses" of coal production from regulating strip-mining as the House Interior Committee bill recommended rather than using the lower estimates of "probable losses" made by the Bureau of Mines.

Complained Metcalf "Your letter that the requirement for restoration to approximate original contour and the limitation on placement of spoil on the downslope would cause 'an immediate annual loss in production of up to 67 million tons' completely ignores Bureau of Mines estimates of probable losses of from 5.1 to 7.5 million tons a year."

Train, in discussing the pending strip-mining legislation, indicated that he, too, felt the production losses were overstated. But he did not criticize the letter sent by Sawhill and Morton.

Train has disagreed with the Nixon administration recently on two other environmental issues. He fought relaxation of clean-air standards as much as the White House had recommended to allow more industries to burn coal. On another occasion, he opposed transferring testing of new cars for mileage from EPA to another agency—something Roy L. Ash, director of the Office of Management and Budget, had been considering.

On coal, Train's position for some time now has been that most of it lies deep underground where it can be mined with a minimum disruption of the surface environment. Therefore, he has argued that the emphasis should be switched as quickly as possible to deep mining rather than take high risks in strip mining certain areas of the country.

At a luncheon stop in Beulah, N.D., Gov. Arthur Link, a Democrat, said that if it were not for the "needs of the country," it would be "a safe assumption" that people favor no strip mining at all in North Dakota.

The governor said he was insisting on "total reclamation" of any of North Dakota's rich agricultural land of deep black earth. His definition of "total reclamation," he said, is to make sure that the land stripped would produce "as good or better" afterward "as it does today."

CONGRESSMAN RINALDO LAUDED FOR ANTI-INFLATION EFFORTS

HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mrs. BOGGS. Mr. Speaker, as a Member of Congress who has long regarded excessive Government spending as one of the primary causes of inflation, I am always gratified when a colleague who shares my concern about this serious problem receives recognition for his efforts. This is why I was especially pleased to read the comprehensive and detailed editorial that appeared in the Courier News on June 14. It dealt with the efforts of my colleague, the Honorable Matthew J. Rinaldo of New Jersey's 12th Congressional District, in the battle against runaway Government spending.

Because I believe that efforts like Congressman Rinaldo's deserve commendation, I would like to enter this editorial into the Record.

The text of the editorial follows:

[From the Courier News, June 14, 1974]

Government, Too, Needs Fiscal Restraint

There's no quick or easy solution to the economic mess inflation has created for America. If there were, government leaders surely would long since have grabbed the opportunity.

The grim fact is that inflation and its menacing side effects is like a fever for which no acceptable cure has yet been found.

It's an economic sickness confusing not only to its victims but the "doctors"—economists—too.

The Federal Reserve System, Chairman Arthur Burns says, "could stop this inflation dead in its tracks" by sharply slowing the growth of the nation's money supply. But as he cautions, that also would stop the nation's economy dead in its tracks—making the cure worse than the problem.

As things are, consumer prices have soared by more than 10 per cent in the past year, a rate not experienced since the Korean war. In this year's first quarter, the consumer price index rose at an annual rate of 14.5 per cent—the sort of double-digit inflation rate Americans used to think existed only in Latin America.

Suffering and damage caused by soaring inflation can be seen everywhere. There isn't a town in which families aren't having to reassess their spending patterns and living standards, cutting back on vacations and even on food purchases in an effort to make ends meet.

Some aren't making it.

The Mortgage Banks Association of America, whose members service 6.4 million home mortgages, reports the number of homeowners falling behind on mortgage payments reached a new peak during the last three months of 1973, the most recent period for which figures are available.

A similar trend has surfaced in installment loan delinquency. The American Bankers Association has found that during the first two months of this year the delinquency rate on installment loans for the purchase of cars, appliances, home improvements and so on rose from 1.89 to 2.69 per cent.

What's happening is clear: Many people are shuffling their monthly bills, deciding which they can afford to pay and which must be deferred. The result is an inevitable rise in foreclosures—a rise already being experienced.

Meanwhile, with mortgage interest rates being pushed higher and higher, the task of financing a home has become a perplexing challenge for millions.

While the price of houses in New Jersey has been rising during recent years at a rate of about 10 per cent a year—and higher in some areas—the cost of mortgages has risen at an even faster rate during the past year or so. At the same time the availability of mortgage funds has diminished.

Restraint in consumer spending will help battle inflation and for this reason must be encouraged. But there's an equal, if not greater, need for economy and restraint in governmental spending.

Suffering as they are, consumers have a right to expect elimination of wasteful spending at national, state and local government levels.

There have been encouraging signs of awareness in Washington and state capitals of the need to join consumers in belt-tightening exercises. But not enough.

What's needed now is a forceful public clamor against wasteful government spending, particularly at federal level. It needs to be more widely realized, for instance, that the average cost of federal programs for every man, woman and child has more than doubled to $1,500 since 1965—a trend that feeds inflation and aggravates other adverse effects of federal deficit spending.

While taxpayers are struggling to cope with inflation and the dwindling value of the dollar, elected officials in Congress should be sharing the kind of pledge made by Rep. Matthew J. Rinaldo, R-N.J.,—a pledge to fight unnecessary government spending.

When reliable economists like Burns caution that because of inflation "the future of our country is in jeopardy," it's time for Congress to share the penny-pinching habits forced on so many taxpayers.

Rinaldo, whose district comprises much of Union and Essex counties, says that unless Congress clamps a tight lid on its wasteful spending, efforts to check inflation are doomed to failure.

The congressman has condemned what he describes as a "spending madness" gripping the federal government.

His call for massive economies in government spending is justified by a financial record showing that government costs have risen from the equivalent of 10 per cent of the dollar value of our national output in 1929 to 35 per cent today.

As part of a drive for more economy in government, Rinaldo has called for a reevaluation of more than 650 federal grant-in-aid programs that cost taxpayers $45 billion a year and account for a third of the federal government's domestic spending.

Such a goal is commendable. But much more than this is needed. Cost cutting across the whole range of government spending is essential.

Some graphic examples of the kind of waste tolerated in government have been provided by Rinaldo. They include appropriations like these:

$117,250 a year to the U.S. Board of Tea Tasters.

$468,000 a year to England's Queen Elizabeth for not planting cotton on her Mississippi plantation.

$302,979 to Los Angeles to extend travelers' aid to migrants lost on the freeways.

$205,000 a year to the Interdepartmental Screw Thread Committee which was established at the end of World War I as a "temporary agency."

$20,000 to learn about the mating calls of Central American toads; $70,000 to classify the population biology of Indo-Australian ants and $20,000 to study the blood group of Zlotnika pigs.

There's a lot more senseless federal spending Rinaldo will find as he keeps digging.

He'll find, for instance, that $5,000 of tax funds went this year to study the evolution of the chin in Polish skeletal populations between 2000 BC and 1800 AD. More tax dollars went to pay for an analyses of U.S.-Canadian fur trade from 1770 to 1820!

Then there's an array of 868 federal assistance programs administered by 49 different agencies at a cost of more than $100 billion a year. To think that all this goes on without waste and excessive staffing is to stretch the imagination in a way that might justify another federal survey.

Chopping away at government waste and at the same time reducing bureaucracy must be regarded as a key part of America's war against inflation. It's a war that needs to be waged at state and local government levels as much as in Washington.

There's no justification for lavish spending in government operations at a time when taxpayers, who foot the bill, are having to count pennies to make ends meet.

Rinaldo deserves a lot of company in Congress in his crusade toward the goal of reducing government spending "as one of the most effective ways of battling inflation and restraining the power of government over the lives of our citizens."

THE OIL DAILY

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. TIERNAN. Mr. Speaker, the Oil Daily, the oil industry magazine of fair play and the American way, has come up with an interesting set of statistics. These figures purport to show that we are really not paying much for gasoline at all; that if we ran our automobiles on cough syrup or after shave lotion, we would have been much worse off. The reasoning is obvious; anyone who drove into a service station and said, "Fill me with Thousand Island," only to be charged $5.12 a gallon would flip his croutons. Could you picture John Sawhill and his boys over at the FEA grouped around a table discussing the shortages of hair spray and export controls on mouth wash? Or President Nixon delivering a nationwide address on the ketchup crisis now merely a buttermilk problem? King Feisal pounding his fist on a table and with a straight face demanding that the United States change its Mideast policies or he would cut off our supply of seasoned tomato juice?

Sounds funny? Well, the energy industry is replete with people who, according to the Oil Daily article, think with just such a reasoning. It is no wonder congressional accusations of excess profits, horizontal integration, and unlawful manipulation can be so easily ignored. Just think how lucky we are. For those Members of Congress whose spoiled, selfish attitude has precluded their realizing just how good we have it, the article is included:

WEST COAST REPORT—GASOLINE CHEAPEST LIQUID AROUND

(By Stark Fox)

(Stark Fox, executive vice president of the Independent Oil and Gas Producers of California, subs for Bill Gregg in this week's report from the West Coast.)

By volume, gasoline at 60 cents per gallon, including a 14-cent total tax, is the cheapest liquid, or fluid, in common use that the Southern California resident can buy, with the possible exception of tap water.

Consider the cost of food-type liquids at Los Angeles market chains, each of which advertises that he offers the biggest discounts.

A few items:

	Per gallon
Salad dressing	$5.12
Vegetable oil	5.12
Ketchup	2.05
Milk	1.40
Buttermilk	1.16
Wine vinegar	2.56
Frozen orange juice (after a 3 to 1 dilution with tap water)	1.16
Seasoned tomato juice	2.52
Apple juice	1.79
Cola	1.53
Club soda	1.68

These prices were calculated from per ounce advertised prices in a recent edition of the Los Angeles Times.

A few other items, not in the food category, but somewhere in the bathroom or kitchen of most households:

	Per gallon
Blood builder	$31.25
Antacid	20.16
Laxative	10.03
Cough syrup	59.31
Hair spray	7.78
After shave lotion	35.84
Hand lotion	14.08
Mouth wash	6.40
Shampoo	10.24
Liquid detergent	2.76
Disinfectant	3.20

And then, there is liquor:

	Per gallon
Beer	$2.56
Wine	3.76

The average price of the foregoing 28 items is 9 cents per ounce. For teetotalers, the average of the 22 items excluding liquor is 8 cents per ounce.

None of the items is essential to the consumer. His life will go right on whether or not he makes individual purchases of any of them. It is his option, but so is his individual purchase of a gallon of gasoline at a service station, which costs him five tenths of a cent per ounce.

His life will go right on if he never buys another gallon.

It won't be the same, of course. The change in his lifestyle will be drastic, but the fact remains that he can get along even if he can't, as an individual, buy gasoline for his personal two-door hardtop or his RV. Consider the Amish.

None of this is to argue that, in today's world, gasoline is not necessary. It is, and it will be for the foreseeable future. It is merely to point out that, in their professed zeal to protect the consumer, the politicians have not only overblown the essentiality of gasoline, but have coupled that essentiality with a denunciation of its cost, which the foregoing tabulations show is minimal.

More broadly, the politicians use the blown-up essentiality of oil as a reason for slapping more controls on the industry. Witness the continued controls on oil prices, while everything else has been freed. The rhetoric goes like this: Oil is so essential to the nation's economy and the people's well-being that its management and direction can't be entrusted to private corporations; the public must be protected by the active intervention of the government, even to the extent of creating a Federal oil corporation.

There also is Washington talk of a bill to require a federal charter for all energy companies. A company would be required to disclose any and all information requested by a federal chartering board, which would grant a charter only if it found that the public interest would be served.

The bill reportedly provides for "public" members to be appointed to the board of directors of such chartered companies with an unrestricted right of access to all company records and a duty to initiate suits against the company to enjoin it from taking certain actions considered by the "public" board members not to be in the public interest.

The reason—make that "excuse"—for the bill? You guessed it: energy is essential.

Very well. Energy certainly is essential to today's economy. But what about steel? Steel is in short supply; steel prices have increased; the nation could not get along without it; isn't it time to create a federal steel corporation to make sure that the public interest is served? And a federal copper corporation? Isn't it time to charter those industries?

The purpose here is not to downgrade the essentiality of oil. It is, rather, to raise the question: Is oil the one essential in the complex economy of today's United States? If it is thought to be and therefore must be completely dominated by government, but then some other industry also turns out to be essential, logic demands that the other industry be dominated as well.

VIOLENCE AND YOUTH

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. ADDABBO. Mr. Speaker, the problems of violence and crime in our public schools and in our communities at large have posed serious challenges in our urban areas. A most thoughtful letter on this subject was recently written by Mary L. Chrichlow, Queens director of the National Conference of Christians and Jews. The "Open Letter to a Young Rioter" appeared in the June 21, 1974 edition of the New York Voice.

As community leaders search for solutions to the tragic incidents of violence in our midst, it is particularly important to improve communications with our young people. The "Open Letter to a Young Rioter" is such an attempt and for that reason I am inserting the text of the letter in the RECORD for the benefit of my colleagues in the House:

NATIONAL CONFERENCE OF
CHRISTIANS AND JEWS,
Floral Park, N.Y., June 14, 1974.

OPEN LETTER TO A YOUNG RIOTER

(By Mary L. Chrichlow)

Dear Johnny: Believe me, I am as sad as anyone about young Clifford Glover's death a year ago caused by a police bullet. His death, like any person's death, diminished us. And probably not unlike you I do not feel that ultimate and dispassionate justice was rendered at the recent trial looking into the shooting incident.

Where does this leave us—you and me?

I say let us gather all of the forces of good will, be they black or white, and by our combined strength bring about not only a more equitable system of criminal justice, but a whole revision of our social attitudes in which a human life is of supreme value and not lightly taken by the muzzle of a soulless gun.

You do not seem to see it that way.

You join your buddies in a combined hostility against practically everyone. Together you roam up and down New York and Sutphin Boulevards; you smash windows; you wreck cars; you stop the buses from running—and whom do you hurt? The little black man struggling hard to eke out a living so that he can send his son (perhaps you) to school; your tired parents, friends and neighbors desperately wanting to get home from an exhausting day of work.

If you consider yourself an avenger of injustice—and I still have a flicker of hope that there must be a morsel of rationality behind your actions—how can you justify your destructiveness that is not hurting anyone but your own?

But follow me one little step of reasoning further: Whom do you help, in which way do you improve "the system" by blindly lashing out against any passing white motorist innocently traveling through our neighborhood? What good purpose was served when the white police officer was injured and possibly crippled for life? Johnny, is white bad or black good—just because of white and black?

Allow me to be personal: I have struggled all of my life against prejudice, discrimination and racism. I had hoped that by now your generation had put such outmoded categories aside and come to think in human terms. I still harbor that hope for the majority of your generation. Could it be that you are just a throw-back to the past of violence and hatred, destructiveness and killing?

I wish so much that I could call on the better and nobler instinct and aspirations that I know are in you. If we only could sit down and reason together, I believe that none of you would get killed any more in riots and rebellions and just plain vandalism.

Now let me assume that you brush me aside as a sentimental woman who does not know what's happening—"what the score is." Well, here is the ultimate sadness and inherent tragedy of your riotous behavior:

You defy your own community with its own codes of behavior and strivings for decent human relationships. Why should anyone in this community endowed with reason sympathize with you?

In the final analysis you riot and rebel against the society of which you are a part. I warn you not to believe that "revolution" is a romantic game. In every country in any corner of the world, revolutions and rebellions are put down with the utmost physical force. You could die for it.

Surely there have been revolutionaries wiling to die for an ideal.

But what is your ideal?

CONSUMERS' BEEF

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. PEYSER. Mr. Speaker, sometimes forgotten in the arguments pro and con over the "Emergency Livestock Credit Act" is the group which will pay most dearly if this singular example of misguided governmental largesse is enacted.

Many consumer groups have written me expressing their opposition to the bill which provides a $2 billion Government guarantee on loans to cattlemen. They have pointed out that the real beneficiaries of this bill are the banks who are given a risk-free guarantee on loans at the current high prime interest rates. The bill represents a terrific way for the banks to recoup potential losses where the worth of collateral has gone down.

And all at the taxpayers' expense. This is another point they have made. Taxpayers are being called upon to support the same industry which already digs deeply into their pockets with the current high prices of meat.

The bill does nothing to solve the real problem of the industry. Consumers are simply unwilling to buy meat at the current prices. These prices are largely the result of beef stockpiling by middlemen who wish to keep supply down and prices high.

The bill does not address this problem. It simply maintains the status quo for another year—at the consumer's expense. This is the last thing we should want.

Certainly it is the last thing the consumer groups want. Among those who have registered their opposition to the bill are the Federation of Homemakers, Inc., the National Consumer Congress, the National Consumers League, Consumers Action, the Corporate Accountability Group, and Public Citizen. I insert their statements in the RECORD at this point:

STATEMENT IN OPPOSITION TO H.R. 15560, "THE EMERGENCY LIVESTOCK CREDIT ACT OF 1974"

(By Beverly C. Moore, Jr.)

The per capita consumption of meat in the United States declined by 7.1 percent between the fourth quarter of 1970, when consumption was at its peak, and the first quarter of 1974. However, meat consumption increased by 9.3 percent between the third quarter of 1973, when consumption hit its low point, and the first quarter of 1974. These fluctuations in consumer demand for meat are closely related to changes in the price that consumers must pay for this product. By the third quarter of 1973 retail meat prices had climbed nearly 30 percent higher than 1972 levels. Consumers purchased less. By the end of 1973, however, beef prices declined by 9.4 percent, and consumption rose. Yet by the end of the first quarter of 1974 beef prices had again climbed to the high point reached in the third quarter of 1973. This increase signals a further decline in meat consumption in the near future, if there is any validity to something called the Law of Supply and Demand.

The above statistics indicate that there is such a Law and that it works. When meat prices declined, consumers bought more; when prices rose, consumers bought less meat, preferring to spend their limited purchasing power on other goods and services whose prices had not risen as much as the price of meat had. This process by which consumers adjust the quantities of their purchases of different products on the basis of relative changes in prices and quality is known as Maximizing the Value of Consumer Purchasing Power. It is facilitated by the Principle of Consumer Choice. Furthermore, when consumers determine, for any reason, including an increase in price, to *permanently* buy less meat, the same quantity of livestock can no longer be brought to market as had been the case when consumption was higher. Rather, fewer livestock must be produced, and this means that some meat producers must go out of business and others must cut back on the level of their production. The resources formerly devoted to producing meat which consumers no longer wish to buy will then be shifted into the production of other goods and services which consumers do wish to purchase. This is called the Law of Efficient Resource Allocation.

All of these laws and principles, together with other laws relating to vigorous competition, adequate consumer purchasing information, government non-intervention in the market mechanism, and the profit motive, form the basis and justification for an economic system labeled Free Enterprise Capitalism. It has been contended by various economists that this economic system is preferable to all others that have been proposed because of its ability to attain the greatest possible output from the limited economic resources available. It is, however, an economic system that is often preached but seldom practiced. Only a few powerless consumer groups and detached academics appear to be willing to allow the marketplace to impose temporary hardships on a few in order to confer far greater benefits upon the many.

Among the many examples of the success of special interest groups in thwarting the will of the market are (1) tax loopholes, regressive taxes, and untaxed inheritances, (2) price fixing and/or competition exclusion by the ICC, FCC, CAB, FMC, SEC, and USDA; (3) government granted monopolies for labor unions, farm cooperatives (milk), professional sports, and for lawyers, doctors, and other "professionals"; (4) tariffs, import quotas, and other trade barriers; and (5) various direct subsidies, loan guarantees, cost overruns, and other "bail-outs" such as have recently been seen with respect to Lockheed, Penn Central, and Franklin National Bank and proposed for TWA, Pan Am, and various railroad corporations. The consequences of all such payoffs are enormous economic waste and maldistribution of wealth.

It is in this context that the House Agriculture Committee, after deliberation lasting a full 20 minutes, has sent to the floor H.R. 15560, the Emergency Livestock Credit Act of 1974, already whistled through the Senate, by which U.S. taxpayers would guarantee meat producers up to $2 billion in "loans" during the next year, so that they may continue to produce meat in amounts in excess of the quantities that consumers are willing to purchase at the prevailing prices.

A principal justification advanced for this legislation is that the meat producers' present plight springs from the government's own unwise action in freezing beef prices, prompting cattlemen to withhold their animals from the market until the freeze was lifted and prices rose. What, of course, happened was that, after prices did rise, consumers cut back on their purchases and the supply withholding action did not reap the gains that the cattlemen expected. The argument founders on the point that this price increase and the subsequent decline in consumer demand would have occured had there been no beef price freeze—and perhaps even sooner. The price freeze cannot be used as an excuse for the central problem that meat producers face, which is that consumers are not going to buy as much meat at today's higher prices as they bought at yesterday's lower prices.

To the extent that high meat prices are determined by high production and marketing costs, unless these costs can be reduced the least efficient meat producers are simply going to have to exist from the industry. And it is in the public interest that they do so promptly, so that they can begin using their scarce economic resources to produce something that consumers will buy at the prices charged, rather than being subsidized to remain in an industry that can no longer afford them. If there were any need for government guaranteed loans, it would be to help such meat producers to leave the industry rather than to stay in.

Much has also been said about supermarkets and other middlemen not fully passing along to consumers reductions in prices received by meat producers. But to subsidize the victims of monopoly is no way to deal with this problem. The solution is to break up the monopoly. Nor, incidentally, can the Justice Department justify turning its head while meat producers attempt to form their own monopoly, through agreement to withhold livestock from the market, in order to combat other alleged monopolies.

It will of course be argued that this legislation confers not "subsidies" but "loans" which will be repaid. So confident of this outcome are the bill's sponsors that they neglected even to specify any maximum interest rate above which the government will not guarantee their loans' repayment. However, if meat producers cannot obtain loans now, without government guarantees, it must be that bankers fear that meat producers will be unable to repay them. Simply having the government guarantee the loans does not increase the farmer's ability to repay. Only an increase in consumer demand and/or greater efficiency in meat production can enable the farmer to repay debts that, precisely because of the absence of these factors, are not extended by private lenders. Unless there is something wrong with the manner in which bankers make loan decisions, a problem whose solution must be addressed not to farmers but to bankers, it follows from the above premises that the "loans" provided by this proposed legislation will ultimately convert into subsidies.

It could be argued that farmers will be able to repay these loans because, given the government guarantee, banks will be able to extend credit at lower interest rates reflecting the elimination of risk, and that, indeed, the problem that meat producers face is not that they are unable to obtain credit at any rate, but that they are unable to obtain it at a rate which they are able to repay. But if this would be the effect of this legislation, it would still grant a subsidy, although one which in form is more hidden to the casual observer than the ordinary straightforward variety. This subsidy operates through a misallocation of credit. At a given point in time, there is only so much credit available to be rationed among competing applicants, through interest rates reflecting the degree of risk associated with the projects seeking financing. A law which enables meat producers to obtain more credit at a given interest rate than they would obtain in a free market has the effect of reducing the amount of credit that is available to be rationed among competing producers in the rest of the economy, such as the construction of new housing and the development of new energy supplies. Because these other applicants for credit will have less to bid for, after the misallocation of capital to beef producers, they will have to pay higher interest rates (the Law of Supply and Demand), and these higher rates will of course be largely passed along to consumers in the form of higher prices for goods and services other than meat—and will also reduce the net economic output.

Aside from the resource misallocation waste of continued production of unwanted meat that is associated with this subsidy, there will also be income redistribution consequences. On the assumption that the subsidy operates through a misallocation of credit, as explained above, the general price level will rise to subsidize the price of meat. Income will be redistributed toward the wealthy to the extent that more affluent consumers spend more income on meat. On the assumption that the loans will not be repaid, so that the taxpayers bear the subsidy burden, and given that the overall tax structure is proportional rather than progressive, this legislation will also concentrate wealth. This will occur to the extent that meat producers are wealthier than the average citizen and to the extent that the wealthier meat producers obtain larger shares of the subsidy than the less affluent meat producers, which will inevitably be the case, since the larger a meat producer's net worth, the larger the secured loan, guaranteed by the government, he may obtain. In light of the fact that one percent of the population now holds 33 percent of the total private wealth, and five percent own 53 percent, measures to further concentrate wealth do not appear necessary at this time. It is, indeed, measures such as this that have refuted the proposition advanced by President Nixon that, in America, people get what they work for and work for what they get.

Because the enactment of this legislation will subsidize the continued production of meat, which will then be sold at whatever price consumers are willing to pay, consumers will ingest more meat, and thus more animal fat and cholesterol, than would be the case under a free market. There is strong evidence that the consumption of cholesterol and animal fat from meat is the leading factor in the arteriosclerotic process (hardening of the arteries) that leads to heart attacks. Heart disease is responsible for roughly half of all American deaths. There is also considerable evidence that fatty meats are responsible for many cancers of the colon, killing 50,000 Americans annually, and of the breast, prostate, pancreas, gallbladder, and bile duct, taking 75,000 American lives each year. Legislation which subsidizes the production of meat increases the incidence of these diseases. So do the free advertising services given the meat industry by Earl Butz & Company, in his nationwide television appeals to Americans to buy more meat, and the efforts of U.S.D.A. to shore up meat demand and prices by purchasing additional supplies for school children recently having embarked upon the decades long journey to arteriosclerotic heart disease.

It should also be noted that the production of livestock is an extremely expensive means of obtaining nutrients relative to such alternative sources as grains, fruits, and vegetables.

Although this legislation was initially aimed at bailing out the producers of cattle and hogs, it has been amended to bestow its largesse upon the producers of sheep, goats, swine, chickens, turkeys, and dairy cattle. Although the sponsors of this bill would no doubt be appalled at a proposal to give *everyone* a subsidy, such as Senator McGovern's retracted suggestion that every American citizen be given an annual grant of $1,000, it is not explained why, if any subsidies at all ought to be dispensed, they should go to the producers of these livestock animals. There are others who are at least equally in need of such "loan guarantees", such as prospective house purchasers, supermarket shoppers, and even consumer groups, who could well use the money to lobby against legislation such as this. Despite their financial woes, meat producers do not appear to have run into great difficulty in amassing the resources required to ram this legislation through the Congress.

No Member of Congress who votes for this legislation can elsewhere champion the virtues of a free enterprise system without engaging in hypocritical conduct. Unfortunately, that will not deter them, for their constituents, among whom taxpayers always heavily outnumber meat producers, will be unlikely ever to learn of their elected representatives' inconsistencies.

Public Citizen,
Washington, D.C., July 8, 1974.

Dear Representative: On Wednesday HR 15560, the livestock loan guarantee bill, is scheduled on the calendar of the Rules committee. For the good of both the American consumer and the national economy, we urge you not to grant this bill a rule. A few of the many reasons for opposing this legislation are:

(1) The notion that the government is somehow responsible for the cattle producers' misjudgment of their market is both unprecedented and could lead to a significant drain on the United States Treasury. William Simon, Secretary of the Treasury, has said of this legislation: "Who's next? Maybe I should bring down all my friends from Wall Street who have gone broke and get a subsidy for them too." (quoted in the Wall Street Journal, 7/3/74)

(2) Bankers rather than ranchers would be the great beneficiaries of HR 15560. Faced with the prospect of large losses if cattlemen go bankrupt, banks would, under the terms of this bill, be able to refinance existing short term obligations with the taxpayer guaranteeing 80% of the possible loss (90% in the Senate version, S. 3679).

(3) In rescuing overextended bankers, HR 15560 assists those at least partly to blame for any credit shortage in the cattle industry. Credit for cattle producers was the subject of a June 13, 1974 letter from Federal Reserve Board Chairman Arthur Burns to Robert Mayo, President of the Federal Reserve Bank of Chicago. Burns stated that "country banks may be reluctant to make adequate funds available locally because of the very high returns that can be obtained by them on money market instruments, including loans to city banks in the federal funds market." He instructed Mayo to "remind" the bankers that their "first obligation is to the credit requirements of their service area." Mr. Ralph Nader in a letter of July 3, 1974, called on Chairman Burns to explain to the public the Federal Reserve Board's position in this matter. Congress should not act until the full story of these banks' lending policies and the extent to which any credit shortage can be alleviated through traditional fiscal policy is known.

(4) HR 15560 would make consumer's pay twice. First it refuses to confront the true issue of decreased consumption and seeks rather to preserve the status quo of large beef stockpiles and high prices while producers await some unspecified change in consumer buying habits. Secondly, it leaves the taxpayer holding the bag for the cost of the inevitable construction in beef production.

(5) Although its supporters claim that HR 15560 is an emergency measure to assist cattle producers, this legislation could in fact provide loan guarantees to a broad spectrum of the livestock industry. Producers of virtually anything with fur, feathers, or hair could have their loans guaranteed under this bill The potential for the inadvertent creation of an enormous agricultural welfare scheme is great.

(6) Many cattlemen are themselves against this legislation. A telephone poll of Idaho cattle producers by the Idaho Cattle Feeders Association released June 28, revealed unanimous opposition to this loan guarantee program. (Idaho Cattle Feeders Association press release, 6/22/74)

(7) HR 15560 is fatally vague in stating the financial conditions that trigger its benefits. Only where the guaranteed loans are sought to refinance existing obligations must the applicant certify that such refinancing is absolutely essential for him to remain in business. In addition, it is unclear whether the provisions of HR 15560 will apply only to the family farm unit or will be equally available to the largest agribusiness.

Perhaps the greatest irony of this proposal is that the same producers who blame their troubles on government economic policies now advocate further government influence on the marketplace. HR 15560 can only increase the uncertainty and disequilibrium of the cattle market and should be rejected as an unwarranted suspension of the laws of supply and demand.

Sincerely,

Joan Claybrook.

National Consumers League,
Washington, D.C., June 28, 1974.

Congressman Peter Peyser,
Longworth Building,
Washington, D.C.

Dear Congressman Peyser: The National Consumers League, the nation's oldest consumer organization, is concerned about the passage of a bill that will aid neither farmers nor consumers. The Emergency Livestock Credit Bill (H.R. 15560) rather than benefiting the farmers during this critical time, will benefit the interests of the banking industry.

National Consumers League recognizes that the cattle producers are in a crisis situation, but, we are opposed to H.R. 15560 as a remedy to the situation. It will not alter the basic problems that have brought us to this point.

Consumers are opposed to subsidizing the already thriving banking industry, when both the producers and those who pay high prices for beef are in need of meaningful solutions.

Very truly yours,

Ellen Haas,
Associate Director.

Consumer Action,
Washington, D.C., June 28, 1974.

Hon. Peter A. Peyser,
Longworth House Office Building,
Washington, D.C.

Dear Mr. Peyser: This is in response to your letter asking our comments on H.R. 15560, the Emergency Livestock Credit Bill of 1974.

It is not at all clear that any legislation is necessary. However, it is clear that this bill subsidizes the banking interests' and not the farmers' interests. H.R. 15560 will neither help the farmer nor the consumer and should not in its present form be voted into law.

Thank you for expressing an interest in our views.

Sincerely,

James S. Turner,
Co-Director.
Cathy Sulzberger,
Co-Director.

NATIONAL CONSUMERS CONGRESS,
Washington, D.C., June 27, 1974.
Congressman PETER A. PEYSER,
Agriculture Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PEYSER: The bill H.R. 15560, which was originally designed to assist the cattle industry in their present crisis, has become so diluted that it serves neither the cattlemen nor the consumer. If this bill is allowed to pass it is apparent that the only real benefits will be those accrued by the bankers.

The National Consumers Congress, therefore, joins you in opposing this legislation.

Sincerely,

AILEEN GORMAN,
Executive Director.

FEDERATION OF HOMEMAKERS, INC.,
Arlington, Va., July 1, 1974.

Re Opposition to *H.R. 15560* and *S. 3679*—Taxpayers' Guarantee of Livestock Loans.

Hon. PETER A. PEYSER,
House Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN PEYSER: The officers of this grassroots organization are in accord with your common sense views on the ineffectiveness of *H.R. 15560* to help solve the problems confronting the beef raisers who have withheld their cattle from market—hoping for higher prices, but instead now facing losses on over-fat cattle. The Federation's approximately 7,000 members would also join in opposition to this bailout type of legislation—since they endorsed this group's opposition to the cyclamate compensation bills, and recently opposed tax money for the poultry raisers who had to sacrifice their Dieldrin contaminated chickens.

This bill (H.R. 15560) appears—as you pointed out at the hearing of the full House Agriculture Committee on June 27th—to be beneficial mainly for the bankers who will be able to re-finance their loans to the cattle raisers at the current high interest rates, knowing their loans will be guaranteed at least 80% by the taxpayers. The House Bill has a ceiling of $2 Billion but in conference with *S. 3679*—this ceiling could be deleted by the conferees—also the loans could be extended for a longer period than specified by the House legislation.

This emergency, bailout legislation has the taxpayers furnishing loan guarantees up to 80% but no promise, let alone a guarantee, that the marketplace prices of beef for consumers will be lower. It would appear this emergency financing might keep beef prices high for the harassed housewives. Unless the facts are faced squarely regarding this unhappy state of both beef producers and consumers and resolved the taxpayers can anticipate more bailouts of said cattle raisers. If the processors and the chain stores do not share their profits with the ranchers and feedlot owners—then the consumers will have to pay the high store prices for beef or forego it—as many are doing today.

The Washington Post for July 1, 1974 (Food Section, pgs El and E2) carries an article "Battling the Budget" by Mary Knight of the Christian Science Monitor of a survey of California housewives who are watching their food budgets carefully. This informal survey indicates that most of them buy roasts only for entertaining or special occasions. These California homemakers are serving fish and chicken regularly and also supplementing with egg and cheese dishes. Chopped beef is substituted for steaks and roasts. This has become a way of eating for these housewives and their families for more than a year. This survey indicates that until the processors and the huge supermarkets are willing to be reasonable in their dealings both with the beef raisers and the consumers the problem will not be resolved. Most shoppers will resist cuts of any meats which are inflated in price.

Warnings that meat prices will be still higher if the taxpayers do not come to the financial bailout of the beef raisers and their bankers will probably cause housewives to invent even more tasty recipes for serving fish, chicken, egg, and cheese—especially casseroles.

The term "livestock" is so broad in *H.R. 15560* that dairy cattle, sheep, goats, swine, chickens and turkeys are included with cattle. The precedent of passing *H.R. 15560* could result in taxpayers guaranteeing many other high interest loans for livestock as defined by said bill.

It is this Federation's understanding that the USDA is purchasing large quantities of beef and pork for the school lunch program—which should help this problem of disposing of excess quantities of beef. If Canada is persuaded to purchase USDA certified DES-free beef from the U.S. this too will temporarily aid this problem of surplus beef. When taxpayers help the beef raisers through USDA purchase of excess beef—they should not be asked also to bailout the bankers at current interest rates.

In behalf of its members, this Federation's officers have asked me to extend their thanks for your efforts in behalf of all consumers in opposing *H.R. 15560*, which would create a dangerous precedent.

Sincerely,

RUTH G. DESMOND,
President.

PROGRESS IN MINORITY HOUSING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. RANGEL. Mr. Speaker, a week and a half ago, Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity at the Department of Housing and Urban Development, presented a major address to the National Association of Minority Contractors at their fifth annual convention in San Francisco.

In her presentation, Dr. Toote carefully examines HUD programs aimed to stimulate minority housing programs and minority business in general. Dr. Toote's substantive speech is now submitted for the thoughtful consideration of my colleagues:

REMARKS PREPARED BY DR. GLORIA E. A. TOOTE

It is always a pleasure to be able to come to San Francisco, and a special pleasure today to have a part in this Fifth Annual Convention of the National Association of Minority Contractors.

Just about three months ago, in my column in San Francisco's Metro Reporter, I wrote:

"In 1963 minorities marched for 'Jobs and Freedom.' Entering into the promise of 1974, we have Freedom, but not the economic well being that should go hand in hand with meaningful freedom. Energy crisis or not, the thrust of our Nation must be to improve the economic plight of the minority American, keeping in mind a basic fact, 'The bottom must move for the top to go up.'"

If anything, this thesis is more pertinent today than when that column was being written last March. Then it appeared that the long-awaited turnaround in housing was about to become a reality. Since that time, however, we have seen that hopeful predictions, forecasts and analyses carry no guarantees of fulfillment. Inflation continued to rage, and the Federal Reserve had tightened the supply of money.

Interest rates had climbed to new highs, and—after six months of net inflows to thrift institutions—savings banks and savings and loan associations reported a net outflow of close to a billion dollars in April.

The obvious result is that mortgage money had dried up again, and where it was available, it commanded premium interest rates that eliminated a large part of the market.

The situation was so forbidding that on May 10th President Nixon made available more than 10 billion extra dollars of mortgage money for the housing market during 1974. His actions included a 3.3-billion-dollar extension of the Ginnie Mae Tandem Plan beyond the 6.6-billion commitment made in January; a 3-billion-dollar commitment for the Federal Home Loan Mortgage Corporation to buy up new conventional mortgages; and up to 4 billion dollars in advances by the Federal Home Loan Bank System at a rate below the current market.

These actions have indeed helped to alleviate a deteriorating situation, but it would be naive to expect that they can do much more than keep things from getting much worse. To commit many more billions to prop up the market would only be self-defeating; the resultant impetus to further inflation would more than wipe out any possible gains.

As Dr. Saul Klaman of the National Association of Mutual Savings Banks put it recently, "Real help for housing will not be forthcoming until soaring prices and interest rates are whipped. The hard fact is that hope for housing is tied directly to hope for the economy."

Acknowledging these hard facts, what of the minority contractor, who in the best of times has to scramble. If majority contractors are hurting—and Lord knows they are—what hope is there for the minorities?

My purpose here today is to assure you that there is concern; to tell you that we in HUD—together with other Federal agencies—are doing a great many things to alleviate the obvious economic oppressiveness of the time, which you are surely experiencing. I'd like to advise you of some of the steps government has taken and suggest how you can take advantage of them.

In general, in the housing sector as in some other parts of the overall economy, there is a smaller pie to share at the present time. One of the deepest concerns of my office—and my personal commitment—is to make sure that minority enterprise is accorded its fair share of that pie. That is one of the vital aspects of Equal Opportunity; *not* that minorities get a piece of the action when everything is booming—but that minorities get a fair share of *whatever* action is available at *any* time, all the time.

The bottom must move for the top to go up—in good times *and* bad.

So we in HUD Equal Opportunity, and throughout the Department, ask one primary question: "How can we put dollars into the pockets of minority contractors and marginal firms?"

The fundamental answer, of course, is that we must set *goals* for that purpose—and then assure, on a continuing basis, that the goals are met.

I'm certain that some in this audience are about to sit back and ask, "So what else is new?"

And that is a quasi-valid question. Admittedly, good and earnest people in HUD before my time wrestled with this problem. Goals were set for minority contractors—in the Section 235 and 236 subsidy programs, as one example. They initiated a Registry of Minority Contractors. They worked with the Treasury Department on a Minority Banking Program.

However—and this is by no means a reflection on the scope or sincerity of their efforts—these kinds of things were done on a sporadic, spasmodic, hit-or-miss basis. The old subsidized programs were in trouble, and the time was perhaps not ripe for concerted, continuous effort with comprehensive follow-through.

The Civil Rights movement achieved a momentum that cannot be denied; and in the wake of what I believe historians will call its greatest period evolved a grand strategy for minority enterprise that now not only is possible, but indispensable.

Government was challenged to design a comprehensive continuous portfolio of programs. President Nixon clearly called upon his administration to fulfill this mandate. Though embryonic, and called by some insufficient, the development is pervasive and wide-ranging.

For the first time in HUD, to begin with, we have finally established an 8(a) procurement program, in close cooperation with the Small Business Administration and in pursuance of Section 8(a) of the small Business Act, for small minority firms. Goals have been set, in definitive quantitative terms that can be measured and assessed.

Obviously, to be meaningful, the goals we establish must be in some way quantifiable and measurable or else they are not true goals. Void of such measurement, there is no way to know whether government has attained its goals or not—or to determine how far short we may have fallen—or to know how to close the gap between what we meant to achieve and what we did accomplish.

Every Assistant Secretary at HUD has been assigned a goal of 15 percent of his direct procurement to be channeled to minority firms. To that end, each Assistant Secretary has a small business specialist on his staff; and each of our field offices is also staffed with an expert on small business.

How meaningful will this program be? Here is a clue. James Lynn, the Secretary of the Department of Housing & Urban Development, formerly was Under Secretary of the Department of Commerce and was responsible for the Minority Business Enterprise program. And let me tell you, he thinks he's *still* in charge by the depth of his commitment. You would believe he still feels responsible for the Program effectiveness. There is no question that all of us at HUD are determined to meet our goals, and I, as the Assistant Secretary of general programmatic responsibilities am committed to assure the Department's success.

As this fiscal year closes out—two days from now—my office will take a hard look and detailed review of our success; shortly thereafter new goals will be set for fiscal 1975.

Beyond direct procurement, my office was joined by the Assistant Secretary for Administration in encouraging each Assistant Secretary or program officer to contract when possible a good percentage of his *general* procurement activity to minority firms. I consider this vitally important, as many minority firms across the country were virtually paralyzed or destroyed during recent lean periods of Federal funding.

Another area of possible contract award within the Department is the grant and contract budget of the Assistant Secretary for Policy Development and Research.

His grant and contract budget for the upcoming years comes to 70 million dollars. The Office of Fair Housing and Equal Opportunity has provided him with an extensive list of minority firms qualified to bid on research programs in housing, community development, energy matters, housing management, urban problems and a host of related disciplines.

My office also has an agreement and a close working relationship with the Assistant Secretary for Housing Production and Mortgage credit, who is also the FHA Commissioner. Jointly, we are extending the old construction goals program with a new emphasis on goals for Section 236 subsidized rental construction and 221(d)(3) market housing construction. While we did not set quantitative goals for FY 1974, specific targets *will* be set for fiscal 1975. Lloyd Davis, Director of the Office of Voluntary Compliance, and staff are preparing recommendations for our consideration now.

All of HUD's field offices have been instructed to vigorously pursue minority contractor involvement in all their programs.

Other Assistant Secretaries are becoming increasingly involved in the minority goal program. The staff of the Assistant Secretary for Housing Management, for one, working closely with my staff, is engaged in establishing meaningful goals for training minorities and getting minority contractors involved in HUD's Property Disposition program. Assistant Secretary Crawford estimates a volume of home repair work of as much as 100 million dollars a year across the country. This year he initiated a series of workshops in six cities to inform contractors and local real estate brokers about this program.

Two weeks ago, the SBA, OMBE and HUD signed a tri-agency agreement to increase participation of minority and small construction contractors in our Property Disposition program. HUD provides the rehabilitation projects; SBA provides financing and surety bonding assistance; and the Office of Minority Business Enterprise offers technical and managerial support.

Actually, we accomplish two important objectives with this program. First, we reduce HUD's inventory of foreclosed properties—75,000 single-family dwellings alone. And, at the same time, we build the resources and skills of minority contractors so that they can more effectively compete and perform within the mainstream of the economy.

The second series of Assistant Secretary Crawford's workshops began in New York City on June 12th and Los Angeles on the 22nd. Others will be held in Kansas City on August 22nd, Philadelphia on September 18th, and in other cities with dates yet to be determined.

I am indeed encouraged, as you should be, by the great promise and potential of these kinds of programs. I am vigorously encouraging all of our Assistant Secretaries to fully cooperate in the Department's minority entrepreneurship program.

Also we have published a new Registry of Minority Professionals and Contractors—10 volumes with more than 8,000 listings—in all the fields connected with housing and community development. We have generously distributed copies to private sources and to most agencies within the Federal Government.

Now a Manual of Opportunities is in preparation—for contractors, subcontractors, developers, architects, planners, appraisers . . . the full spectrum. My office's intent is to provide a dual information program. With the Registry, those seeking minority contractors will have the best available information on minority resources available. And, at the same time, minority individuals and firms in housing and community development will have knowledge of available opportunities.

Then there is the Minority Banking Program, directed by the Secretary of the Treasury. The Treasury Department certifies minority banks—our HUD field offices have been directed to encourage their funded agencies to deposit their money in minority banks.

Another approach that offers great promise is my office's Minority Distributorship Program. We encourage corporations involved in housing and community development supply products to look to minority firms as distributors, suppliers, feeders to the market area. This involves everything from doorknobs and bricks to major appliances—all of the myriad products that go into a residential unit—obviously such distributorship activities can be quite profitable.

So far—working with the National Association of Manufacturers, the National Association of Home Builders, the New York Urban Development Corporation, the Small Business Administration, OMBE and others—we have identified more than 100 corporations that could involve themselves in this very promising program. The success of this program has not been as rapid as I would like, however, our first sixth months of office involvement has been rewarding.

Now I suppose I should relate to Section 3, since the NAMC has requested priority consideration of this subject by HUD. I am delighted to be able to say that last October my office was finally able to get the Section 3 regulations of the Housing and Urban Development Act of 1968 published in final form as most of you know, the "reg's" were published twice in the Federal Register for comment—with an extremely long delay before final publication. I am proud of the role my office played in securing the final publication. The Regulations are now out and the implementing HUD Handbook is being prepared.

My staff meets almost daily with the staff of other HUD program offices for appropriate inclusion of Section 3 in all Department programs. Just yesterday I received a staff briefing relative to Section 3 inclusion in the 701 program. To say that the implementation of Section 3 in all our programs is an intricate detailed matter is the understatement of the year.

In preparing my office goals for both FY'75 and '76, Section 3 is a priority matter. The cooperation of the Labor Department and other Federal agencies, and of course Congressional Appropriations, must be sought if Section 3 is indeed to be meaningful to America's poor.

In everything I've said so far, I think you can see that there is responsiveness internally and administratively at HUD. For the Federal government to truly be responsive to the needs of minority contractors, coordination and cooperation is essential within the total perimeters of the Federal government.

Some 15 departments and agencies were involved, for example, in the Interagency Task Force for Minority Construction, a program of the Department of Commerce, of which I was at one time the Chairperson. The Task Force was recently merged with the federal procurement task force. I am delighted to say that the specific goals set when I was chairing the Construction Task Force have been adopted for their minority construction Action Plan. We were able to "plant the seed," and it is now bearing fruit.

Finally, allow me, if I may, to offer my view as to the priorities that should be set by minority contractors for maximizing profits.

First, whenever possible, consider bidding on major projects. If your company is not large enough for this scale, consider joint ventures with other minority contractors. Or, as R. Eric Castro pointed out in his excellent article in the March-April issue of *Minority Builder*, joint ventures between minority and non-minority contractors also have advantages.

Second, if the large venture is not feasible, bid on smaller contracts within our capability to perform. It is certainly better to succeed small than to fail big. The important thing is to make a profit, have a viable business, and prepare yourself for better times and larger involvement.

And third, a final resort is property rehabilitation. In too many cases, the hiatus between abandonment of a building and all the intervening legalities leading to rehabilitation is so long that vandalism and neglect drive up the rehabilitation cost. Thus the potential profit is substantially reduced.

That is not to say that money cannot be

made in rehabilitation if your bidding acumen is sound. I have already mentioned the HUD/SBA/OMBE Property Disposition Program, and of course the Department recommends that LHAs provide minority contractors the opportunity for increased participation in public housing modernization programs. There are millions of dollars involved in both programs and goals set for minority participation.

Also, some thought should be given to substantial rehabilitation under the Section 23 program, particularly in cities such as New York with solid brick structures. If you do not bid too closely, allow for adequate profit, and for inflation factors, a reasonable profit can be made.

The assurance I wish to leave you with is that we do finally have at the Department a strategy for getting more dollars into the pockets of minority contractors. My office is aware of your needs, your concerns, and your commitment. I pledge to you the responsiveness of the Office of Fair Housing and Equal Opportunity.

Economically, these may seem like the worst of times for anyone connected with housing. But from the point of view of opportunity, I am thoroughly convinced that minority groups are now entering the best of times. I urge you to make the most of them.

CONGRESSMAN RIEGLE AT WEU ASSEMBLY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. ROSENTHAL. Mr. Speaker, the Honorable DONALD W. RIEGLE, JR., a colleague from the Committee on Foreign Affairs and a member of the Subcommittee on Europe which I have the honor to chair, recently represented the House at the 20th session of the Western European Union Assembly which met in Paris last month. During the 4-day meeting, the WEU parliamentarians considered a number of major issues of importance to the United States in the context of the major defense issues of Europe which are the principal responsibility of the organization.

In the course of his participation, Congressman RIEGLE presented an excellent paper on the Atlantic alliance which I include below for the benefit of our colleagues:

RESPONDING TO NEW REALITIES WITHIN THE ATLANTIC ALLIANCE

(By Congressman DONALD W. RIEGLE, JR.)

I—INTRODUCTION

It is an honor for me as an American member of Congress to be a guest at this Western European Union Assembly meeting—and to be given the opportunity to discuss with you several of the important issues within the general topic of Consultations and Decisions within the Atlantic Alliance.

The thoughts and ideas I would like to share with you are my own—and while many would be shared by my government—and my colleagues in Congress—I will not be presenting what anyone could properly call *the* American position.

But after 8 years in the U.S. House of Representatives—with 6 years of service on the Foreign Operations Subcommittee of the Appropriations Committee—and two years on the House Foreign Affairs Committee and its Subcommittee on Europe, I hope I bring a practical perspective on our Atlantic Alliance and the new realities we are facing together.

As one who has changed political party affiliation while serving in Congress (spending my first six years as a Republican and my last two years as a Democrat)—I would hope that I also reflect a certain bi-partisanship in addressing problems and issues of mutual interest.

I am here with certain very strong personal feelings concerning the past and future of Europe—and these feelings should, for reasons of clarity, be set forth early. To my mind, the best of Western civilization is rooted in the Atlantic Alliance—we, whether European or American, spring from a common heritage. Our love of life and liberty—our human values—our belief in justice, equity and freedom are a common blood line among us.

While I am an American—my mother's maiden name was Fitchett, a French name; my maternal grandmother's name was Waterman, an English name; my parternal grandfather's name, Riegle, is German. Like most Americans, my family heritage is European—and while the languages we now speak may be different—our concept of man and his destiny is a common bond that is indivisible across our national boundaries.

Whatever our national differences—we belong to the same family—and it is important that we start our discussions from this point.

II—POLITICAL AND ECONOMIC CHANGES

Never in the lifetimes of any of us in the room today, have international events moved so swiftly—or on such a massive scale. We must struggle to comprehend and respond to change of unprecedented dimension. In a period of months we find our world profoundly and permanently changed—not only have old crises been replaced by new ones—but we must follow the news on a daily basis to keep track of the new leadership assuming power in virtually all the Western countries. In America where we are in the midst of serious impeachment proceedings and other investigative inquiries—we may well also see a change in our national leadership before the year ends.

Along with enormous political changes, we have had to cope with other profoundly significant developments. The interruption of the energy supply—the huge increase in the cost of energy—the sharply higher price of food—and the readjustments of the dollar and the U.S. financial position in the world have combined to create difficult new realities. These new realities have necessarily contributed greatly to the difficulty of maintaining effective communication and consultation. Crises make shambles of good intensions—and we must now make a very special and concerted effort to talk candidly about our mutual problems—listening to, understanding and respecting necessary differences in individual and national viewpoint.

For these reasons and others, consultation within the Atlantic Alliance has not been adequate. That can and must change! I welcome the opportunity to discuss this vital issue with you—in a common search for answers that can help us all.

III—NO INSTANT ANSWERS

Before answers can be found to new problems however—whether within individual countries—within the Western European Union—within the Atlantic Alliance—or within the world community—we must first better understand these new realities. Only then can we work to formulate a process by which we can freely exchange our differing perceptions, develop an agenda of priority items for joint action, and then begin the careful and difficult work of adjusting our differences and begin to build a sound future that serves our common interests.

We would deceive ourselves if we sought instant answers—one-nation solutions—or relied on one-man diplomacy. There are no short cuts or magic answers. Our common problems are brutally difficult and lasting—to find sound and equitable solutions will require lengthy analysis—full participation by all Western nations—and comprehensive institutional diplomacy that involves all levels of our respective national governments and private sectors. Finally, of course, everything we seek to do must come down to the level of the individual citizen—and more than ever before our respective citizens at the grassroots must be brought into the debate. We cannot hope to succeed without their counsel, creative genius and sustained commitment.

As Western nations, we face great threats in many forms—military, economic, political—and we find ourselves in a period where our historic Atlantic relationship has been bruised by careless talk, insensitivity and needless arrogance—sadly, much of it has been done by my own government.

IV—RECENT STRAINS IN ALLIANCE

I will not endeavor to review the long history of tht Atlantic Alliance since World War II—the record is familiar to all of us. Let me refer only to the more recent history of the Atlantic relationship during the latter part of the '60's and early '70's.

During that period, American foreign policy, in my view, was substantially pre-occupied with East/West questions and with our miserable involvement in Vietnam which drained away an enormous quantity of our physical and moral resources and most of our foreign policy energy. Many of our European friends saw the Indo-China issues differently than we did. This had a certain abrasive effect on our relationship. Perhaps it is a flaw in human nature that causes willful nations to resent well-intentioned advice from allies who wish to save us from self-defeating policies.

It is now well known that prominent Americans who dissented from the Vietnam policies and other practices of the Nixon/Kissinger Administration were placed on domestic "enemy" lists and subjected to harassment and intimidation. Having glimpsed that kind of reprisal psychology at work in the current Executive Branch of the American government, one should not be surprised to see that unfortunate behavior rears its head from time to time in matters of foreign policy. Hopefully, those days are now a part of the past.

V—GOVERNMENT OF LAW, NOT MEN

With the intent of trying to explain—rather than excuse such a tactic—I would add that while we in the Western world seek governments of law, rather than of men, we sometimes find that the administration of law is bent to express the particular character and will of the men in charge. As you know, we in America are now living through an extremely painful experience in this regard. But the lessons are important to all of us.

In overly centralized governments we frequently find excessive executive isolation—impatience with those who hold differing views—and secretly formulated international grand designs that can become dictatorial in tone and practice. When these tendencies occur, we must work to counteract them—for they are destructive to mutual cooperation and good will.

Perhaps now is as good a time as any for those of us who cherish our heritage of Western civilization and truly democratic institutions—to reflect upon the natural processes by which we come to know and express the collective will and conscience of our people. What constitutes legitimacy? At its heart it must be a collective decision-making process whether within nations—or between nations. The true strength of democracy is found in diversity—it is the sum of all the voices that finally gives true meaning to what we do. Perhaps history's starkest lesson is that one-man rule—or one-nation rule—is a certain prescription for disaster.

VI—STRENGTHENING DEMOCRATIC PROCEDURES

As democratic governments have disappeared, one by one, around the world—and have been replaced by tightly centralized authoritarian regimes—we might well pause to consider how we can strengthen and preserve the essential character of our individual liberty and the integrity and effectiveness of democratic institutions.

While the leaders in the Kremlin—or any authoritarian regime—may be able to conduct efficient negotiations with outsiders—it is because individual liberties have been crushed and consolidated in an iron grip. By contrast, the democratic ethos of negotiation, consultation, and a search for mutual interest between democratic nations is more diffuse and timeconsuming—it requires patience, tolerance, good will, and respect for differing views.

There is no way to short-cut the full democratic process without killing part of its integrity. That is true within free nations—and in negotiations between free nations. Those who really understand and revere the democratic process know that it requires open and full consultation—truthfulness—a sense of dignity and honor—and collective decision-making.

VII—RESISTING SHORT CUTS

These qualities and principles legitimize all we do. We know that some among us would alter this process—arguing there is more to be gained by stealth, secrecy and blind faith—that the full-blown democratic process is too slow and cumbersome in matters of national security.

I believe we must resist the pleas of leaders who say to us: "This issue is too complicated to fully explain—give me the benefit of the doubt—I'll only do what is necessary—and we can sell it to our people later." There is more than the obvious authoritarian danger here—for in such cases we also forfeit broad public consensus based on full disclosure, open debate, and legitimizing expressions of national will. It is a classic and worrisome example of government from the top down—rather from the people upward. Why should we ever consent to become like our adversaries? I have no interest in a government that wishes to think *for* me—I seek one that wishes to think *with* me and with my fellow citizens.

VII—LEARNING FROM THE PAST

Within the Atlantic Alliance, I believe we must also insist on the *full* democratic process—open and full consultation—truthfulness—a sense of dignity and honor—and collective decision-making. No head of state or foreign secretary, however brilliant or well-motivated, can ever speak *for* us—until he first speaks *with* us.

We have come a great distance since the 19th century when citizens were mere pawns in the conduct of foreign affairs—used at will by heads of state on a balance of power chess board. Much blood and effort has since gone to change that—to secure our individual freedom—to elevate us to the point where we are now self-governing—to free us from the imposition of grand designs devised by others.

I would hope that between us we could strive to elevate these guiding principles within the Atlantic Alliance—and within our respective nations. It is a matter that each one of us can do something about.

IX—FUTURE OF EUROPEAN UNION

There is much comment today—and some question about—the goal of complete European unity—of a consolidated Europe that is integrated militarily, economically and politically—a Europe which speaks with one voice. Who knows to what extent such ultimate consolidation is practical and possible? Certainly we have already seen major progress in European cooperation and common purpose in recent years.

Much has been accomplished, and one senses that further consolidation is in the offing. From an American point of view, this seems a most healthy and encouraging development. A stronger more unified Europe is fully consistent with the moral, philosophical, strategic, and economic interests of the United States—and is so viewed by many Americans.

As an American trying to view the issue from a European perspective, I believe that there would be virtue and added strength in full European union. A united Europe speaking with one voice on strategic matters would have enormous influence—within the Atlantic Alliance and throughout the world. But clearly, full European union, if it is to occur, must be conceived and produced by Europeans. The initiative, creative genius, and will must come from this side of the Atlantic—from you and others. And while we Americans would welcome and encourage this movement, we Americans should be very sensitive to the fact that Europe must speak and act for itself—that true Atlantic partnership must preserve and respect the unique character and differing national interests found on both sides of the Atlantic. In adjusting our differences to reach a common interest or position—one voice should never be louder than the others. The stronger we are country by country—in Europe as a whole or in America—then the stronger our Atlantic Alliance will be. In the end, a strong Atlantic Alliance is essential to the peace, liberty, and future prosperity of the citizens of all our respective nations.

So we must not allow our vital cooperative efforts to be slowed or injured—whether by bad manners—excessive national selfishness—harsh outbursts of reprisal psychology—institutional sluggishness and short sightedness—or by clinging to familiar old habits and ideas that are irrelevant in the face of new realities.

The future of European political and economic union is closely related to the question of European defense. I believe there is a special responsibility for the countries of the European community to study, and if you judge it useful or even necessary, to propose initiatives in the area of improved European defense cooperation.

X—COLLECTIVE DEFENSE EFFORTS

Under the new circumstances of severe economic and political stress, one wonders how much collective military defense we will be able to afford within the Atlantic Alliance—and who will pay for it. It would appear that the economic pressures I cite below will force reductions in planned governmental spending in all the Western nations.

Yet we know that collective security within the Alliance requires a careful and rational balance of forces—properly deployed—with the cost distributed on a reasonable and just basis. We also know that whether we face good times or bad times we can never afford defense arrangements that fall short of our basic security needs. But just as clearly—and in light of the new realities we face together—we owe it to ourselves to provide these necessary defense arrangements at minimum cost. Multiple, overlapping and competitive weapons systems not only increase our collective cost, but also reduce the aggregate amount of security we are able to purchase with available resources. The same questions apply to the make-up and deployment of military manpower.

XI—IMPROVED DEFENSE EFFICIENCY

It seems to me the time has come for the members of the Atlantic Alliance to seriously work together toward the common goal of achieving a more efficient and effective Western defense establishment. Such a step would of course require an honest exchange between Western countries on military research and development information—a sensitive but profoundly important necessity. It would mean working to achieve advance agreement on standardized weapons design—and opening up the procurement process to competitive bidding within an agreed-to framework that balanced contract production between member nations.

Economic realities, security needs and common sense would all seem to indicate that the time has come to formulate a unified Alliance defense procurement policy. Obviously this is a very complicated and sensitive task—but can we really afford to do otherwise? I think not.

XII—FUTURE OF NATO

Speaking as an American, I would first emphasize that the U.S. conventional defense forces stationed here in Europe and the nuclear shield we maintain for Europe and the free world exist for one purpose—to protect our individual and collective freedom. No knowledgeable person on either side of the Atlantic should doubt the permanence of that American commitment no matter what adjustments are discussed and mutually agreed to in our overall defense arrangements with Europe.

This leads to the question of the future of NATO. In reviewing the successful 25 year history of NATO—one wonders how the organization should be modernized and reshaped to meet new realities and changing conditions. History suggests that the next 25 years will require an integrated defense structure quite different from that which we have known in the past.

Current American preoccupation in other foreign policy spheres—and an apparent American complacency with existing NATO arrangements—have made it difficult for Europeans to engage the American government in direct consultation about the future structure and direction of NATO.

With recurring U.S. pressures for American troop reductions in Europe, and changing military and budgetary capabilities within the various Western European countries, it seems to me that the time has arrived for direct transatlantic discussions on the future of NATO. Repeated indications on the European side of the Alliance of a desire to move in the direction of seeking some consolidation and stream-lining of European-based defense capability should be met by American encouragement and participation. Whether the European initiative centers itself within the Eurogroup—within the Western European Union or in some other separate institution—it is vitally important that the U.S. engage in a dialogue and provide clear signals as to its own future intentions in Atlantic Alliance defense matters.

Pressing economic considerations suggest that major cost efficiencies must be sought and accomplished in the overall areas of weapons systems and military manpower. Most observers feel that some fat has accumulated in the NATO defense structure—if so, we must determine where it exists—how much can wisely be trimmed—and how we can improve the ratio of our combat ready forces to support personnel—both within the U.S. manpower component and among all other allied manpower. These issues and others are both relevant and timely—and I hope that those of us who share these concerns can continue to apply constructive pressure to bring about direct transatlantic discussions on NATO arrangements and other military issues of mutual interest.

XIII—PUBLIC SUPPORT OF NATO

Another important issue directly affecting Atlantic Alliance defense requirements and capabilities is that of shifting generational attitudes toward large-scale and permanent military mobilization. Europeans age 40 and over have a vivid recollection of World War II and tend to support more willingly the maintenance of ready military capability equal to any threat that might come from the Soviet Union or Eastern Europe. Those under the age of 40 tend to feel less alarm—and we are expressing a growing reluctance to bear the heavy financial and social burdens of continued large-scale military mobilization. With each passing year, the balance of public opinion is tending to shift away from support for full-scale military readiness—and one wonders how best to deal with this problem.

As one who was 6 years old in 1944—I, too, have difficulty fully visualizing the ravages of World War II—and while I support the maintenance of Western military force levels adequate to assure deterrence—my European and American friends over 40 do so with a passion born of searing personal experience.

This issue serves to illustrate why public policy in democratic societies must be fully and openly discussed—and finally hammered out in the public arena for all to see and hear. If we are to convince emerging generations to maintain military preparedness—it must come from persuasion—from open and full debate—from carefully building an informed public consensus that is durable. Diplomatic or political shortcuts around public opinion are self-defeating—for after all it is finally our citizens who must pay the bills, fight the wars—and ultimately provide the human energy for all our national policies. We must do more to bring our people into the debate on these important questions—and I especially applaud the new government of France for moving to lower the voting age to 18 years—for it is an important step in that direction.

XIV—WHY DEFENSE REFORM IS URGENT

It is critical that we realize that if we fail to engage the post-World War II generations in this process, we cannot hope to succeed in the urgent task of reforming our defense organization. We will either undertake this reform with the fullest support and understanding of those newer generations or we commit ourselves—as parliamentarians and as defense planners—to the sterility of increasing isolation from a majority of our constituents. Defense cooperation must be a democratically-based procedure or NATO, however successful today, will increasingly become a museum reflecting endeavors of the past.

If we, as parliamentarians, can help stimulate greater public interest and participation in the issues of national and foreign policy—we provide our governments with greater vitality, stronger collective purpose and naional solidarity. If each country within the Atlantic Alliance is so strengthened, then the Alliance itself can achieve its maximum strength and potential.

XV—ATTITUDES IN CONGRESS

Let me now share with you my perceptions of current attitudes and realities within the U.S. Congress so that we might better understand how Congress in the months ahead might behave toward issues and policies affecting the Atlantic Alliance. First and foremost, all Members of Congress are today particularly sensitive to the urgent human problems they find within their respective districts across the United States.

In my own case, I represent an industrialized automotive community centered around Flint, Michigan. Over 80,000 of my constituents are members of the United Auto Workers Union. The energy crisis has had a devastating effect on my district—producing an unemployment level that has ranged from 12% to 20%. In addition, my people are struggling to cope with rampant inflation, running at an annual rate of 13.5% in the first quarter of this year.

Within the past two months I mailed a public opinion questionnaire to my 450,000 constituents—and some 25,000 citizens responded. In answer to a question asking, "What are the three most important problems facing you and your family today?", 91% of the respondents listed inflation as the major problem facing them, 31% listed taxes, and 23% listed energy problems.

You will see that the percentage responses to the question posed below reinforce the strong public concern about current economic issues.

Excerpt from questionnaire

As you try to look ahead for 1974, how concerned are you about the economic outlook? Which answer best describes your current feeling about the next 12 months?

a. Not too concerned—think it will turn out to be a pretty good year, 4.2%

b. Somewhat concerned—think things may be tough temporarily but will probably straighten out in a few months, 32.0%.

c. I'm as worried as I've ever been—deeply concerned. I have real doubts about the economic future, 63.8%.

XVI—THE CITIZEN AND FOREIGN AFFAIRS

Clearly, my district is demanding national policies which will confront and solve these immediate problems. Citizen interest in foreign affairs is a distant second to the immediate problems of meeting the monthly mortgage payment on the house and car—and feeding one's family.

When my constituents are directly questioned about their attitudes on foreign affairs there are three principal concerns usually expressed: 1) that we avoid another Vietnam, 2) that we take steps to see that American jobs are not lost to foreign workers—particularly in the manufacture of automobiles, and 3) that the American government spend less time and money on foreign affairs—and put more emphasis on solving urgent domestic problems. There is considerably less interest at the citizen level about such distant and complex foreign policy issues as the SALT talks—MBFR—American troop levels in Europe—and international monetary policy.

For the moment the American people are angry about the sudden reduction of their living standard brought about about by rising prices—they are worried about their economic future—and they are demanding governmental action that will protect their economic well-being.

The U.S. Congress, suffering as it does from certain organizational deficiencies, does not as yet know how to respond to this condition. Normally a strong Executive Branch would take the national initiative in America and formulate a policy response—but Watergate paralysis has left the Executive Branch badly crippled and leaderless.

XVI—CONSTITUENT PRESSURES

If serious inflation continues, citizen pressure can build in a way that might ultimately force radical policy changes in the United States. As America's focus is drawn inward—toward immediate domestic problems—one can sense potential important negative foreign policy repercussions just over the horizon.

Should inflation continue at a high rate, for example, and the American agricultural harvest fall significantly below projected levels—we could expect to see mounting public pressure for governmental embargoes on the export of American food commodities. If unemployment rises further in America, one can logically expect growing pressure for restrictive foreign trade barriers—to keep out competitive foreign products. If Federal Government budget reductions are required to slow the inflation rate, one can expect increasing public pressure for cuts in American military expenditures abroad and for further cuts in our already shrunken foreign aid program.

I suspect that most parliamentarians here today face similar pressures and problems within their constituencies; inflation, particularly, is a world-wide disease that spares no one.

If so, then we can see how citizen pressures in America to fight inflation and cut government spending are really no different from what we would find in European countries. As fellow parliamentarians, we will be called upon to exercise an extraordinary measure of leadership and legislative skill during this difficult period. Whatever answers are found must ultimately come from the parliaments of the countries in the Atlantic Alliance. It is an awesome responsibility that we face together.

XVIII—ADJUSTING TO NEW ECONOMIC REALITIES

As we in Western parliaments struggle then to understand and deal with the new economic realities facing us, there are certain inescapable agenda items that are vitally important to the relationships among our countries—and therefore bear on the future of the Atlantic Alliance.

The first of these is the need to move ahead in the development of a new international monetary system which will establish and maintain more stable currency exchange relationships among nations.

Secondly, as part of a new world monetary system, we must develop better mechanisms for handling the adjustment of balance of payments surpluses or deficits among nations, with the burden of adjustment more equitably shared than has been the case in the past.

A third matter concerns the need to better understand and take account of significant changes in the character of our trading relationships. The existing trading rules and patterns were developed in a period of relatively abundant and cheap raw materials. This situation has now changed. In coming decades the question of the adequacy of supply will receive as much attention as the question of the adequacy of demand, which has been the major preoccupation of recent economic policy. These changing world realities support the need for serious trade negotiations—and it is vitally important that the American Congress act this year on a trade bill and I believe we will.

A fourth item concerns the real and urgent needs of the less developed nations—and the fact that the industrialized nations must do more to assist them. The developing countries must participate in designing a new monetary system and new trade policies.

A fifth consideration concerns the need to undertake a fundamental re-examination of the basic premises of our tradtiional economic behavior. Economic growth has many virtues. However, growth in the future must be carefully weighed against other qualitative factors. The question of quality of life versus quantity of life is a real one which must be addressed.

We have reached a point where a number of potential obliterating forces have combined to suspend the very survival of mankind in the center of a delicately balanced equation. More of the old ways—arms races—wars—an exploding world population—unlimited resource consumption—continued harm to our environment—can only spell disaster for mankind. In short, we must change our ways if we are to avoid future chaos and misery.

XIX—MORE LEADERSHIP FROM PARLIAMENTARIANS

I have saved for the end the words of appreciation I wish to express for this opportunity to share my candid thoughts and observations with you.

While I have spoken at length about vital issues of mutual interest—and have suggested some steps that might be taken together—I hope my remarks have conveyed the positive feelings of hope and promise that I have about the future of Europe and the Atlantic Alliance.

Working together I believe we are equal to all the challenges that confront us. While the way forward is not precisely clear—I believe that with full consideration and good will we can find equitable and sound ways to deal with the new realities facing us.

I would emphasize again the expanding role I believe parliamentarians must play in helping formulate new foreign policy awareness and support for the initiatives we finally take. As elected leaders privileged to have the most intimate and regular contact with our citizens—I believe we are best equipped to voice our national aspirations—and to thus help shape our collective aspirations—and actions within the alliance.

Of all the new realities—I hope a growing foreign policy role of Western parliamentarians will prove to be the most beneficial.

Thank you.

AMERICAN NO-SPEAK

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. QUIE. Mr. Speaker I wish to draw the attention of my colleagues to an editorial by Walter Hauser appearing in the July 7 Washington Star-News. Mr. Hauser is a member of the history faculty at the University of Virginia and co-chairman of the South Asia Committee at that university.

The article eloquently states the need for continued funding of foreign language and area centers programs in colleges and universities across the Nation. It is foolhardy to think that the United States can remain a leader of the free world unless it has specialists trained in the language and cultures of the various countries in the world. As the article so aptly points out, the United States could not adequately deal with Vietnam problems because there were so few of our citizens who understood the culture of Southeast Asia and the motivation of its citizens.

Federal assistance for training in foreign languages and area studies is fully justified and I hope my colleagues in the House and Senate will share my views and together provide the necessary funding for this program.

The article follows:

AMERICAN NO-SPEAK

There is a Russian story abut a mouse who dived into a hole in the wall for safety from a pursuing cat. Waiting for the cat to go away, the mouse heard a dog barking and came out, confident that the cat would not remain in the vicinity of a barking dog. Whereupon the cat, as he pounced upon the emerging mouse, said exultantly, "Ah, how useful it is to know a foreign language."

The story is pertinent in 1974, because there is a danger that President Nixon's budget proposals for foreign language and area studies may put Americans in the position of the untutored mouse as we move into an increasingly complex and interdependent world in the mid-1970s.

There is an irony in all of this at a time when the secretary of state and the President are carrying their initiatives for peace and detente personally to the nations and peoples of the world. One might assume that these initiatives would be accompanied by increased levels of funding for international education not only to train specialists and technicians to provide the nation a pool of experts for work in government, business and education, but to create a broader citizen awareness necessary to support Mr. Nixon's programs for a peaceful world. That is not the case.

At a time when the administration is requesting nearly $100 billion for the Pentagon in Fiscal Year 1975 for increased military expenditures, it is seeking to reduce funds for training language and area specialists under the National Defense Education Act to $8.64 million. This recommended level is about $4 million less than the Congress appropriated last year after the administration recommended no funding at all for this program. It is nearly $10 million less than the $18 million for Fiscal Year 1975 being urged by educational associations across the country. This figure is also less than the administration promised in 1970 through Patrick Moynihan, then special counsel to the President. Moynihan maintained that a level of $18 million for foreign language and area study programs funded through NDEA would be supported until the establishment of the National Foundation for Higher Education. The foundation has not been created nor has the administration maintained its commitment. That is why the story of the cat and the mouse continues to have meaning in 1974.

In 1958, through the National Defense Education Act, administered by the Office of Education in HEW, the Congress made a clear statement about the importance of languages in providing for the education of future citizens and specialists trained to know something about other parts of the world. In 1974 the networks of our relationships with other nations are infinitely more complex than they were in 1958, both in hard political and economic terms and in the broad range of cultural contact, and other interactions having to do with the environment, health, space, science and technology.

The fact is, we will continue to have to make judgments about the Middle East, Africa, South Asia, East Asia, Southeast Asia, the Soviet Union and Latin America involving our specific national interests and the well-being of the larger community of nations.

If we learned anything from our grim experience in Vietnam in the 1960s it is that we were not in a position to make sensible judgments about the issue as it arose. This was in part because we did not have even a handful of people in this country who knew the language, politics or culture of Vietnam. Our decisions were made largely in ignorance.

Through programs such as NDEA and the Special Foreign Currency Program of the Office of Education we have begun to develop in the United States an educational capability in our colleges and universities to fill this gap and to meet our responsibility effectively. The need to enhance this capability is great, the importance of maintaining it is crucial.

The effects of reduced funding and program re-allocations can be seen both at national and institutional levels and the results are equally disturbing. For example, in 1972–73 there were 106 language and area centers in American colleges and universities assisted by the Office of Education under Title VI of the National Defense Education Act.

In 1973–74 the Office of Education funded only 50 language and area centers, and equally important, substantially reduced the number of National Defense Foreign Language fellowships for students engaged in long-term specialized training programs in these critical languages and areas.

The reduction of the Office of Education Special Foreign Currency Program from $3 million to $1 million in Fiscal Year 1974 has had much the same effect, for example, reducing the number of fellowships for intensive summer language study in India and other fellowship programs of the American Institute of Indian Studies and similar agencies.

Any university exists to expand the limits of man's knowledge and understanding of the universe in which he lives. There is an intrinsic importance therefore in studying the languages and social, political and cultural forms of peoples and nations with whom we inhabit this planet.

Ultimately, however, there is also a national responsibility, a federal responsibility to share with the universities the cost of academic programs that are directed to meet specific national needs. The programs described here represent such needs, not only to train specialists and technicians to provide the nation a pool of experts for work in government, business and education, but to create a broader awareness of today's interdependent world at all levels of American society.

By any philosophy of government, however conservative, the federal government has a role to play jointly with the universities, the states and the foundations.

TRIBUTE TO THE HONORABLE JOHN D. CALAS, SR.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. ANDERSON of California. Mr. Speaker, it has been said that recognition by one's peers is the highest accolade that can be accorded a person; and this is true, since only one's friends, associates, and colleagues know the true measure, the total worth, the faults, and the strengths of an individual.

According to this definition, the Honorable John D. Calas, Sr., mayor pro tempore of Carson, Calif., and a good friend of mine, has attained the "highest accolade that can be accorded" an individual, since he was recently recognized by both local and areawide citizens for his years of dedicated service in the Los Angeles locale.

Certainly one of the most influential and effective leaders in the area, John was honored by his peers as the "Democrat of the Year" in the 44th Assembly District; and as "Democrat of the Year" in the entire county of Los Angeles, including 79 incorporated cities, with almost 2 million registered Democrats—the first such award ever given a South Bay resident.

And, Mr. Speaker, the reasons that he was chosen to receive these awards are obvious when you examine his records of achievements covering nearly a half century.

A resident of Carson for the past 43 years, John Calas is a successful businessman and an active and dedicated leader in numerous State and local governmental, political, civic, educational, youth, and fraternal organizations.

John has devoted a great deal of his time and talents to the Democratic

Party on the city, county, and State levels. He is a charter member and president of the city of Carson Democratic Club, as well as a member of the Lakewood Democratic Club. Since 1970, John has served on the Los Angeles County Democratic Central Committee, and has ably represented our area for a number of years on the Democratic State Central Committee.

He was first elected to the Carson City Council to fill a vacancy, and was subsequently reelected to a 4-year term in 1972. He presently serves as the city's mayor pro tempore, as well as Carson's "Senior Citizens" representative in Los Angeles County. In addition, Mr. Calas is a member of Carson's Redevelopment Agency.

John D. Calas' record in civic affairs is a long and illustrious one, highlighted by his seven terms as president of the Carson Chamber of Commerce. In this capacity, and as a member of numerous ad hoc committees, he has worked tirelessly for the improvement of the Carson area, especially in the fields of health, safety, and education. He will long be remembered for his successful efforts in helping to establish California State College at Dominguez Hills in the city of Carson, and for his influence in the college's development.

Even with all his other activities, John D. Calas, Sr., has found time to zealously support philanthropic and charitable programs such as the United Fund, March of Dimes, Red Cross, Shriners Hospital for Crippled Children, and the City of Hope. He has also established a "Calas" yearly scholarship for Carson High School.

Mr. Calas' fraternal affiliations include life memberships in the Redondo Beach Elks Lodge No. 1378, the Redondo Beach Masonic Lodge No. 328, and the Los Angeles Al Maliaka Shrine Temple. He is a charter member of the Dominguez-Carson Rotary Club and the Carson Odd Fellows Lodge No. 500.

John D. Calas certainly could not have achieved this long list of accomplishments without the support and assistance of his lovely wife Kay. They have been married for 28 years and are the proud parents of Chuck, John, Jr., Frank, Jim, and Tom.

Mr. Speaker, it is with great pride that I rise to honor a successful businessman, and Government, political, and civic leader—a truly fine and exemplary American—the Honorable John D. Calas, Sr.

HIGH PRAISE FOR MAYOR TOM BRADLEY OF LOS ANGELES

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. REES. Mr. Speaker, 1 year ago Tom Bradley became mayor of Los Angeles. In his 12 months in office he has not only become a leader in southern California, but indeed a national leader in seeking a better way of life for those who live in cities.

I include in the RECORD an article from the Los Angeles Times assessing Tom Bradley's first successful year in office:

[From the Los Angeles Times, June 30, 1974]

TOM BRADLEY: CONFIDENCE, WIT AND WARMTH

(By David Shaw)

Tom Bradley walks down the hallway of the new Central City Community Mental Health Center, having just had lunch with the men most responsible for building and staffing the center.

Bradley is going to be a few minutes late for his next appointment, at City Hall, but as he strides briskly toward his car, he hears the applause and squealing of young children.

"What's that?" he asks his escort.

"Graduation. A grammar school."

"Which one?"

"West Vernon."

Bradley grins and turns on his heels, away from his waiting car, toward the room with the schoolchildren.

As he walks in, the students and their parents and teachers rise to give him a spontaneous standing ovation.

Bradley steps on stage and speaks briefly to the students.

"I remember when I was where you are now," he says in those soft, measured tones. "There wasn't much hope for me or the others who went to 20th St. Elementary School then, but there's a great deal of opportunity for all of you now.

"The only thing that can stop you is you. Dream big dreams, work hard, study hard and listen to your teachers. Above all, get along with each other.

"You can be anything your heart wants you to be."

It is a short speech, entirely unprepared, but it is warm and moving.

On his way back to the car, Bradley pauses: "I just remembered. I should have thanked them. Last year, during the campaign, the students at that school got interested in me; they brought their pennies and nickels to school, and their teacher sent me their contribution.

"It came to $4.36."

The Tom Bradley who walked, uninvited, into the West Vernon Elementary School graduation and delivered, unsolicited, that impromptu speech is a different man, in some small but significant ways, from the Tom Bradley who was inaugurated as mayor one year ago tomorrow.

The "old" Tom Bradley would not have walked into that ceremony.

Tom Bradley never really has been a public politician because he never really has been a public man. He's a very private man, in fact, a man who values his own privacy and so values the privacy of others.

He is uncomfortable intruding on others, as a campaigning politician is required to do almost constantly, but he is a little more willing to intrude now than he was a year ago—perhaps because he realizes that what may seem an intrusion to him is often a favor to others: A visit from a campaigning politician may be an imposition; a visit from the mayor is a compliment.

More important than the change brought about by Bradley's new status, though, is the change in the man himself.

Bradley always has been confident, but he has rarely projected that confidence in public. He always seemed stiff, awkward, ill at ease, unsure of himself.

Not now.

The Tom Bradley who spoke to the West Vernon graduates was supremely self-confident. You could see it in the buoyancy of his stride, hear it in the timbre of his voice.

It is the same with the Bradley sense of humor—heretofore rarely displayed in public, yet ever present in private.

Mayor Bradley, as opposed to Officer Bradley and City Councilman Bradley and candidate Bradley, has become quite a jokester. Oh, he's no Buddy Hackett yet. He never will be. Humor has, however, become an integral part of his public posture, usually improvised, no longer strained or forced.

At a recent luncheon, Bradley noticed that a rapidly melting dessert of ice cream and strawberries was being delayed until after his remarks.

With a stern face, pulling himself up to his full 6 feet 4 inches, he gestured toward the waitresses and said:

"If I may lend some additional executive authority to these young ladies before they turn into schizophrenics, perhaps they could serve the dessert now."

Two nights later, when he was named "Man of the Year" by the Harvard Club of Southern California, Bradley told the club's 160 guests he was especially proud of so prestigious an award because it would prove to his wife how important he really is.

"You know," he said, "that behind every successful man, there's a woman saying, 'You ain't nothing.'"

A few days ago, speaking to a group of businessmen in Century City, Bradley said he was a little late because a radio broadcast in the car had mentioned a national hookers convention, "and we had quite a time convincing the two reporters traveling with me to come here first.

"I did promise them," he said, "that we'd try to get through here early so they could catch the tail end of it."

Even Bradley's aides were surprised by that remark. For all his loosening up, he has remained remarkably straitlaced for a man of 56, and they consider it a triumph of political strategy and humanization when they can prompt him to swear a little.

One aide who recently left her City Hall job was thrilled when Bradley told her, "I'm going to miss you like hell."

"For Tom," she said, "that's using bad language; it shows he really thought I'd done a great job."

Bradley is equally conservative about his dress, rarely taking off his jacket, even at his City Hall desk.

Another manifestation of Bradley's personal conservatism is his continuing discomfiture with the rhetoric and hyperbole of the political arena.

Bradley is the kind of man who will look around on a hot and gloriously clear summer day and say quietly:

"It's a good day for the beach." Not a "great" day, mind you; not a "sensational" day or a "fantastic" day. A good day.

Thus, when Bradley was introduced at a Democratic Party reception last week as the man whose election marked a turning point in the party's history, he seemed clearly uneasy with the accolade. Similarly, when—moments later—he urged the party, "On to victory in November," it sounded more like an obligatory proclamation than a ringing call to arms.

In time, perhaps, even these scenes will become easy for Bradley to play. But for now, he's far more content being mayor than playing politician.

For Tom Bradley, being mayor means essentially three things:

Work. Work. Work.

The two keynotes of the Bradley administration have been activism and accessibility, and both require an immense investment of time and energy.

Bradley leaves his home by 8 a.m., often earlier, every day, and rarely returns before 11 that night—partly because he almost invariably insists on remaining for a full program, rather than leave as soon as he has made his speech or accepted or presented his award. ("Only a creep leaves early," he says.)

Bradley has been able to eat dinner with his wife only about once every two weeks, and he has had only six days off in the last year.

Unless he has a noon meeting, he usually eats lunch at his City Hall desk—generally an egg salad sandwich and a glass of milk—without even bothering to take off his jacket.

"I have trouble keeping up with him," says one of the police officers assigned to Bradley's personal security force. "When I get home at the end of one of those 15-hour days, I'm beat. Thank God, we get a day off every three days. I don't know how he keeps going."

Bradley has a tight schedule, and he moves quickly from appointment to appointment, literally running up and down the three flights of stairs from the City Hall garage to his office, still agile on legs that ran the quarter-mile at UCLA more than 30 years ago.

"The only complaint I have about my job," Bradley says, "is that there just isn't enough time in the day to get all the things done I want to do."

That is especially true of those days—one each month—when Bradley visits different parts of the city to meet with concerned citizens.

Last Thursday, for example, was West Los Angeles' day. It began with breakfast, a short speech and a question-and-answer session with members of the Century City Economic Development Group. From there, Bradley visited a group of Indians, then walked in and out of several Hollywood Blvd. stores, talking to merchants and shoppers.

He next visited a church to talk about various community programs, had lunch with senior citizens and toured Century City stores to visit again with merchants and shoppers. After a two-hour work session in City Hall, he returned to West Los Angeles for a well attended community meeting.

Everywhere he went, people praised Bradley for his accomplishments and his accessibility.

"You're the first mayor we ever had who cared enough to come ask what we think," one shopper in Century City told him.

Bradley's aides think he may be too accessible.

"He'll talk to anyone about anything, sometimes without going through proper channels," says Dep. Mayor Maurice Weiner.

But that is exactly the spirit Bradley wants to foster in the city.

One day a couple of weeks ago, a new City Hall secretary walked into his private office, without an appointment, just to introduce herself. Bradley was delighted that she knew she could do that.

Accessibility requires patience, though. Often Bradley must endure long, boring visits from people he has neither the time nor the inclination to see.

Fortunately, the one quality, above all others, that he possesses in abundance—sometimes to his own detriment—is patience.

He may have a dozen pressing matters awaiting his attention—and six aides all but pounding on his door to get in—but he will sit calmly listening to a Canadian tourist drone on about the House of Lords, Canadian radio programing, her Scottish upbringing, long-distance telephone rates and the problems of old age.

He not only listened to the woman, seemingly with rapt attention, but asked a few questions, laughed at all the appropriate points and offered to have his picture taken with her.

Bradley says he thinks his accessibility—and visibility—are essential to his program for the city, and toward that end, he has been holding open house in his office once a month.

On "open-house" day, any citizen can come talk to the mayor, without an appointment or any preliminary screening. The first open house drew more than 300 citizens. The most recent drew 189.

Bradley realizes that his frenetic pace and constant public activity give rise to the criticism that his first year in office has been all show and no substance. He resents that charge.

"For too long," he says, "people were given the impression that the mayor of Los Angeles didn't have the power to do anything. What we're doing is showing that just isn't true.

"We're laying the groundwork for what lies ahead. We've shown people that they have a working mayor who can and will get things done. We've shown them they have a mayor that anyone in the city can come see personally if they want to. We've established lines of communication and a spirit of cooperation that didn't exist before between the city and other levels of government. All that is very important."

Kenneth Hahn, chairman of the county Board of Supervisors, agrees.

"I don't think I ever was in Sam Yorty's office in 12 years," Hahn says. "I've been in Bradley's office four or five times already."

Beyond the intangibles of activism and accessibility and cooperation, Bradley points to "real accomplishments" by his administration in three areas:

Race relations.

The energy crisis.

Rapid transit.

"It took only about three months, at most," Bradley says, "for people to stop talking about me as 'the black mayor' and start talking about me as 'the mayor'."

Even the death threats Bradley receives reflect the fulfillment of his campaign promise to be "the mayor of all the people."

In the first few months of his administration, he received countless threats that called him "nigger." Like any public figure, he still receives threats. But now, says appointments secretary Phil DePoian, "They just want to kill him because he's the mayor." No more "nigger."

Bradley tends to bridle at questions about what it is like being a black mayor in a predominantly white city, but he does not ignore the issue. He even jokes about it on occasion.

Praised at an Indian function for arriving "on paleface time, not Indian time," Bradley grinned broadly and said, "What do you mean 'paleface' time?"

Many prominent conservatives who were apprehensive at the thought of Bradley in City Hall have come to accept and respect him. That respect was obvious one day recently when Bradley ate with a group of such men—known as the committee of 25—at Perino's.

"It began as relief," one committee member admits, "but now it's genuine respect. They see how hard he's working and what a good job he's doing."

One guest at the committee of 25 dinner was Harold Williams, dean of the UCLA Graduate School of Management. Bradley recruited Williams to coordinate the city's efforts during the energy crisis early this year, and the manner in which he was recruited tells something about Bradley's activism.

When Williams' name was proposed to him, Bradley called to make an appointment. Unfortunately, Bradley had a dinner engagement that evening, he told Williams. Williams suggested they meet the next day.

No, Bradley said, "How about later tonight? Can I come by your house about 10?"

Bradley was subjected to tremendous pressure during the energy crisis, especially by businessmen who saw imminent financial disaster in the Department of Water and Power proposals for a 50-hour work-week and rolling blackouts.

But the city survived the crisis, and Bradley remained unflappable throughout—another of his dominant traits.

When he is angry, he speaks in more measured tones, and there is a slight tightening of the skin around the eyes. That's all. Even last week, when he repeatedly had to interrupt his West Los Angeles activities to answer newsmen's questions about his daughter's altercation with police over a traffic citation, he remained calm and imperturbable.

Once, when a television cameraman ran out of film in the middle of a question about the incident, Bradley not only waited for him to reload—rather than use the delay as an excuse to hustle off to his next appointment—he actually helped the cameraman reload.

"There's not another politician in the country who would have stayed around for that question," said one Bradley aide, his voice tinged with the awe and adulation so common to the Bradley staff.

The only subject Bradley was questioned on more frequently that day than his daughter's troubles was rapid transit. It is the same everywhere he goes.

"Rapid transit," he says, "is constantly on the front burner."

During his campaign last year, Bradley promised to break ground on a rapid transit system within 18 months after his inauguration.

That, he now realizes, is impractical. But he insists the passage of Proposition 5 earlier this month and the scheduled vote on another rapid transit financing measure this November "puts us right on schedule."

He can, he says, symbolically break ground somewhere if the November ballot measure passes. That would enable him to say he had fulfilled his campaign pledge.

"But that would just be a hollow political gesture," he says. "Passing the ballot measure will be a real symbol. After all these years and all those studies, it will mean Los Angeles is finally going to have a rapid transit system.

"Sam Yorty said the mayor didn't have the power to do anything about rapid transit. We're going to show that's not so. We've been meeting with city and county and federal officials and we're going to work for victory on the ballot in November."

Bradley is certainly not power-hungry—far from it—but he clearly enjoys the exercise of power for what he perceives as just ends. He's far more comfortable, he says, as an executive than he ever was in 10 years as a city councilman.

"The council debates used to bore me," he says. "That's why I had them install a special telephone on the east wall of the council chambers. I spent most of my time talking on the phone during the debates."

Bradley still spends much of his time talking on the telephone, and—unlike most top-level executives, in business or politics—he places all his own calls himself.

"I don't have time," he says, "to play the game of having my secretary call their secretary. It doesn't take all that much energy to dial my own phone."

There have been other changes in City Hall—a number of them winning Bradley converts among previously hard-core Yorty supporters.

One man who has been very close to both administrations and was initially quite hostile to Bradley now says simply, "I voted for the wrong man."

Tom Bradley has yet to use the helicopter that used to carry Sam Yorty to and from work, and he has been equally assiduous in avoiding some of the other trappings of his predecessor's regime.

He has greatly reduced the size and activity of mayor's press staff, for example, saying, "Their job is to communicate what we're doing, not promote me."

As a symbolic economy measure, he has also taken the telephone out of his official car and insisted that his press aides make coffee for themselves for press conferences, rather than buy it from the cafeteria.

"We don't even put out whole doughnuts for the press any more," laughs press secretary Bob Kholos. "Tom has us cutting each one in quarters now."

Bradley has visited Sacramento and Washington to lobby for the city, but he has traveled little outside of that, despite being president of the National League of Cities.

He has turned down all but a handful of out-of-state speaking engagements, for example, although the flow of invitations averaged 100 a day last year and still averages 50 a day.

There's enough to do in Los Angeles without going anywhere else," he says.

TRIBUTE TO LEWIS DESCHLER, HOUSE PARLIAMENTARIAN

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. EILBERG. Mr. Speaker, to the many tributes accorded Lew Deschler on his retirement as our Parliamentarian, I wish to add my own deeply felt praise and congratulations as this outstanding public servant relinquishes what is generally regarded as the most important post on the staff of the House of Representatives.

His service has been long and of extraordinary distinction. Parliamentarian of the House of Representatives since 1928, Lew Deschler has been an integral part of the history made in this Chamber. He has made advisory decisions of momentous consequence in the conduct of the American people's business here in our Nation's greatest public forum.

He has risen to every occasion where his vast knowledge and eminent fairness have been sought to resolve difficult parliamentary matters. His reputation for wise counsel and impartiality has been an important part not only of the successful performance of his own complex duties but of the efficient execution of this body's lawmaking responsibilities.

Lew Deschler is retiring in his 50th year of House service. Appointed a House employee at the Speaker's desk in 1925, he became Assistant Parliamentarian in 1927. And Parliamentarian of the House of Representatives in 1928. At all times, he has served at the pleasure of the Speaker of the House and has done so at the pleasure of no less than nine Speakers. They accurately judged their man, and he has given us his evaluation of them.

Of these Speakers of the House, he has recently written:

> No one ever becomes Speaker of the House of Representatives unless he has great intelligence and ability and high probity, and unless he commands the respect of his colleagues. All of these nine Speakers were eminently qualified to follow and enhance the traditions of the House of Representatives. Their wisdom, fairness, and non-partisanship in filling the high post of Speaker is shown by the fact that from the beginning of the 70th Congress, in 1927, there have been only eight appeals from decisions of the Speaker, and in seven of these eight cases the decision of the Speaker was sustained by the House of Representatives. On the one occasion when the Speaker was overruled (on February 21, 1931), the House was actually following the wishes of Speaker Longworth, for he in effect appealed to the House to overrule him in order to correct what he regarded as an erroneous precedent.

This appraisal of a long line of Speakers of the House was part of Lew Deschler's letter to Speaker ALBERT, resigning as Parliamentarian. It is characteristic of Lew Deschler, that, even in a letter of resignation, he is informative and to the point. Moreover, the qualities for which he expresses admiration, possessed by the Speakers he has served, are the very same qualities that we respect in him.

We know the high regard in which he has been held by Speakers and Members of the House for almost half a century. What is his opinion of the many Members he has known so well over so many years?

In his letter of resignation, he expressed that opinion in these words:

> The challenges presented by my work as Parliamentarian have been heightened by the caliber of the men and women who have served in the House of Representatives while I have been associated with it. Truly representing all parts of the country and all their constituents, their individual and collective wisdom and their unceasing dedication to this country and its Constitution have always been a source of inspiration to me. I shall always treasure the many deep and abiding friendships which have developed through my associations with the Members over these years.

I can personally testify to Lew Deschler's helpfulness to new Members of the House as well as to those with whom he had developed the longstanding friendships to which he refers. He was always available and always thoroughly well informed when I discussed parliamentary questions with him upon first coming to the House. I observed then, and have seen since, that new Members have beaten a path to the Parliamentarian's office located just off the Speaker's lobby and the party cloak rooms, where Lew Deschler would advise them on whether amendments they wished to propose, or parliamentary inquiries they intended to make, were in order. He has explained:

> I did that to save them embarrassment. If they had brought up a point of order on the floor and the Chair overruled them, it would indicate that they didn't know the rules.

This is the kind of thoughtfulness that has characterized the wise counsel, generously given, of the man appropriately described by Speaker ALBERT as "the greatest Parliamentarian in the world."

Fortunately for the House, his services, even in retirement, have been retained as a parliamentary consultant in order that he may compile the most comprehensive study ever undertaken in the history of American parliamentary law, that of the House precedents set during the decades he has been its Parliamentarian.

He has already left a permanent legacy to this House in the body of parliamentary rulings he has advised upon during his years as Parliamentarian, and now he will again place the institution he loves in his debt. I thank him for his kindness and wisdom and for his half century of devoted service to this House and to his country. May his well-merited retirement, which we nevertheless all regret, be a long, productive, and happy one.

THE MARY McLEOD BETHUNE MEMORIAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. RANGEL. Mr. Speaker, this afternoon I had the opportunity to witness one of the most impressive ceremonies in recent memory. On the west front of the Capitol, thousands of citizens from all over the country gathered to celebrate the unveiling of a memorial to Dr. Mary McLeod Bethune.

The Mary McLeod Bethune memorial in Lincoln Park is the first tribute to a black person—and the first to a woman—on public land in our Nation's Capital. The National Council of Negro women has worked with diligence and patience for the past 15 years to realize this monument to their founder. I commend them for this remarkable achievement—they have provided an eloquent and moving inspiration for all Americans.

I include at this point in the RECORD an article which appeared in Colliers magazine shortly before Dr. Bethune's death so that my colleagues can share the reality of impact of this remarkable woman upon our society.

"LOVED, FEARED AND FOLLOWED"

(By Genevieve Forbes Herrick)

Some time ago in the lobby of Washington's Mayflower Hotel I came upon a friend, bound as I was for a dinner honoring a distinguished woman government official. I suggested we sit together. I always enjoy a visit with her, for she is a woman of attainment, head of a powerful organization of 800,000 women, founder-president of one college and possessor of honorary degrees from half a dozen others.

We were early. I led the way to a table up front and asked the two gentle-faced women already there if we might join them. They gave us a friendly nod and we sat down.

Presently, after some conversation with her companion, one of the women whispered softly to me that her friend had asthma; she feared that the vibrations of the loudspeaker, directly above us, might bring on an attack. I said I'd never heard that theory and urged them to remain. A few moments later she repeated her worries, this time in a louder voice. Still I didn't tumble.

The third time she was more urgent. She was sorry, but they'd simply have to find seats farther from the amplifier. They bowed, rather elaborately, and left.

Suddenly I saw through the asthma alibi. For my companion was a black woman, probably the most influential black woman, and certainly one of the blackest, in the country.

I fumbled for the right words to relieve her embarrassment. She found them to relieve mine.

"I feel sorry for them." Mary McLeod Bethune, friend of the high and the humble of both races, spoke with compassion. Then, thoughtfully, and with some satisfaction:

"Twenty years ago they wouldn't have bothered to think up that ridiculous story. They'd have jumped up the minute I sat down. We've made progress—some progress."

Mrs. Mary McLeod Bethune—nearly everybody uses the full, rhythmic name—has not only witnessed progress, she has helped make it. Today, at seventy-five, this woman—born in a cabin on a South Carolina plantation to parents not long out of slavery—is loved, and feared, and followed.

She is loved and revered by hundreds of graduates of Bethune-Cookman College in Daytona Beach, Florida, which she founded 46 years ago. She is frequently feared by public officials and private employers the nation over who realize her power and recognize her persistence in her fight for her race. She is followed, almost to a woman, by the 800,000 members of the National Council of Negro Women, which she found in 1935, and from whose continuous presidency she retired last November.

Mary McLeod Bethune may not make the headlines, like a Marian Anderson, a Joe Louis, or a Ralph Bunche—who overcame their hazard of color to achieve outstanding personal success against white competition. But she will find a place in history, not so much on account of what she has accomplished for herself which is plenty, but because of what she, as a Negro, has done for America's 13,000,000 Negroes, and for what she has inspired them to do for themselves.

Mrs. Bethune can whip up a regular Old Testament wrath when the rights of Negroes are challenged. When she herself is treated shabbily, she keeps her temper, striving always to "meet personal humiliation with grace and dignity." And sometimes with a dash of shrewd humor.

For instance, that time she was in the parlor car of a train up North. The conductor came up the aisle, calling out, "Tickets, please."

At her chair, he commanded: "Gimme your ticket, Auntie."

She continued to read. "Hey, gimme your ticket, Auntie." She turned a page of her book. He shouted, "Auntie, hand over your ticket." She looked up, in feigned surprise and said calmly, but so others could hear:

"And which of my sister's sons are you, John or Joe?"

She recalls with relish that "the passengers roared with laughter, the conductor got pretty red, and said, oh, so politely, 'May I have your ticket?' "

As she acts out the incident, she adds ringingly, "I have no inferiority complex." Far from it. Her organlike voice rises to a proud cresendo: "My mother was a descendent of African tribal rulers. She held her head high."

The daughter, too, holds her head high. It is a massive, majestic head, framed in white hair. As she sits in the great chair in her office, a blue silk robe flung over her broad shoulders like a ceremonial mantle, aides grouped deferentially around her, Mary McLeod Bethune might, herself, be an African queen.

Mrs. Bethune employs no "ghost" to write her talks and articles and the column which she conducts in the Chicago Defender, a Negro newspaper. Others, with more time, may furnish the facts and figures. She alone weaves them into the fabric of words. Her prose is frequently picturesque and poetic, as when she urges her people: "Be a Daniel. Take the vow of courage. Be militant. But let the weapons of determination be coupled with the armor of justice and forgiveness."

She tells the story of her life with self-revelation and self-respect. Mary Jane McLeod, fifteenth child in a family of 17, was born on a plantation near Mayesville, South Carolina, July 10, 1875. By the time she came along, her parents, who had continued to work "for the master" after freedom, had earned five acres of land, and what her mother called their own "vine and fig tree." The fig tree was really a cotton patch; the vine covered a rude cabin built by her father and the boys.

Mary was eleven before the community had a school for colored children—a one-room affair established by the Presbyterian Board of Missions. She walked the five miles each way every day. At night she taught her older brothers and sisters to read and write.

Finishing the school's limited course, she had no place to go but back to the cotton fields. But one sunny morning as the family worked in the field, her former teacher appeared. Another rural schoolteacher had written the Board of Missions that, by doing dressmaking on the side, she had saved enough money to give an education to a colored girl, "providing you can find one you know will make good."

Mrs. Bethune's voice lingers over that prophetic phrase—"one you know will make good."

She pauses, and we are back in that cotton field, hearing the teacher say, "Aunt Patsy, we have chosen your Mary."

We see "Aunt Patsy" McLeod extend her arms to heaven. We hear her reverent, joyous cry: "Thank you, Master." (We know it is not the "master" for whom she had worked to earn the five acres.)

A few weeks later, Mary, who had never seen a train, boarded one to ride 150 bewildering miles to Concord, North Carolina, where, for eight years, she studied at Scotia Seminary. She then went to Chicago to spend two years at the Moody Bible Institute. For the first time in her life she found hers the only black face in the group. It was, and still is, a challenge, and sometimes a painful experience. "White men's eyes piercing me, piercing. Some of them are kind eyes; others would like to be but are still afraid."

At Moody Institute, her mezzo soprano voice (at seventy-five it still has the vibrancy of a cello) won her a place on the Gospel Choir Team that toured the Northwest. One day she was billeted at a farmhouse in a remote part of Minnesota, among the first of her race to come that way. As the farmer's wife bustled about the kitchen, her small daughter sat in the parlor, fascinated by the strange lady. When mother called, "Dinner's ready, Miss McLeod," the little girl burst out, "Mama, the lady's got to wash her face and hands. They're awful dirty."

"I didn't blame that little tot. She'd never seen a black face before." Mrs. Bethune doesn't wince at the word "black." She regards bitterness as a worthless weapon.

When she left Moody Institute, she turned to teaching. In 1897 she met and married a fellow teacher, Albertus Bethune. He died in 1919, leaving her one son, Albert, now on the faculty of his mother's school.

At mention of the school, she closes her eyes and, in the rhythm of a spiritual, chants:

"I'd been dreaming, all my life, down yonder in the cotton fields, in the classroom, singing in the Chicago slums, dreaming, dreaming, of big buildings and little children—my *own* institution." She opens her eyes and asks, "But where to put it?"

In the South—there the need was greatest. And in an inexpensive community—she had no money. These were the two firm lines in her blueprint. The rest she left to chance, which she prefers to call God.

In Florida on a mission, she found some "friendly folks" who directed her to a piece of land and a miserable house she could rent for almost nothing. She had a "hunch" it was the right place. So one October day in 1904 found her in this shack at Daytona Beach. She had a dollar and a half; a few soapboxes for furniture, five little colored girls for pupils. She also had faith and gumption.

Wih a flourish she founded the Daytona Educational and Industrial Training School, and became its president. She started a one-woman campaign for funds, going from door to door. To help out, she often sold fried fish and sweet-potato pies. No cook herself, she had friends provide the food, while she furnished one of her best commodities, salesmanship.

At the end of a toilsome day vending fish and education, she would wash out her one shirtwaist, cut new cardboard soles for her shoes, count her money, say her prayers, and go to sleep, ready for a new day.

A BAD FIRST IMPRESSION

Money came in, but slowly. Mrs. Bethune invited the industrialist and philanthropist James N. Gamble, son of the founder of Procter & Gamble, to visit her project. Gamble had a winter home in Daytona Beach, and had been attracted to Mrs. Bethune's struggling experiment because it was "a Christian effort on behalf of Negro children." When he entered her office, furnished with a wooden crate and a wobbly chair, he demanded sternly, "And where is this school of which you wish me to be a trustee?"

She fired back: "In my mind, Mr. Gamble. And my soul."

He gave her financial assistance and advice, becoming chairman of the school board and so remaining for 20 years until his death. To him she gives great credit for the school's development. In 1923 the former grade school for girls was merged with the Cookman Institute to become the Bethune-Cookman College. At the same time, it began to receive aid from the Board of Education for Negroes of the Methodist Episcopal Church.

Today the college is fully accredited by the Southern Association of Colleges and Secondary Schools. It has a faculty of 100. Its 27 buildings are dominated, appropriately, by Faith Hall. Its 1,000-odd regular students include three boys from Nigeria who are sons of tribal chiefs. Sixty-five per cent of its graduates are teachers. Five per cent are in professions. Most of the others are skilled laborers, secretaries and in domestic service.

Life at Bethune-Cookman hasn't always been placid. One Election eve, Ku-Klux Klansmen marched across the campus as a warning to Negro teachers and older students not to vote. Mrs. Bethune ordered every light in all the buildings turned on and kept them burning until dawn. The next morning she led her flock to the polls, unmolested.

In reviewing the school's growth, its founder puts first its most intangible asset—her partnership with God.

She says simply:

"I believe in God, and so I believe in Mary Bethune."

When she says that, she is stating what is to her a plain fact; she's been facing facts all her life. As a child she faced her first racial fact when she realized, with a shock, that "we Negroes are regarded as different."

She didn't like that classification then; she doesn't like it now. She points out that she doesn't want to be "Jim Crowed" into a back seat just because she's black; nor does she want to be ushered into a front one simply because she's not white, and "they want to palaver over me."

She does want, for herself and her people, what most of her people want: equality of opportunity in learning and earning, and in living. In the middle thirties she felt that this opportunity, never very great, was slipping away—particularly the chance for the Negro to obtain employment. Other Negro women all over the country were also troubled, but they did nothing about it. They had their clubs and societies, but there was not unity among the groups.

By 1935, Mary Bethune had made her place as an educator. She was sixty years old and she suffered greatly from asthma. But she felt there was still a job for her to do.

On the fifth of December of that year, she summoned representatives of leading Negro women's organizations and outlined to them her plans, big plans, for a federation. Almost singlehanded she founded the National Council of Negro Women, then went to work to put flesh on its paper frame.

Every night a handful of women volunteers, their own day's work done, came to her small flat in Washington and did all the clerical jobs which they couldn't afford to hire done. Mrs. Bethune did the talking and the walking, in an effort to sell the council to Negro women's organizations.

With very little money and limited personnel, the council decided to concentrate on one problem, the problem it considered the most pressing at the time—the growing unemployment of Negroes. Mrs. Bethune recalls how she "bothered" government officials and testified at Congressional hearings, speaking now as the leader of organized Negro women. She laid a considerable piece of the groundwork on which, several years later, was to be established the Fair Employment Practice Committee—a federal group set up to work for the elimination of discrimination in employment. This success made the council popular, and clubs all over the country began to sign up.

Having done something for her people, she quickly followed through with a demand that they do something for themselves, and launched a "Hold Your Job" campaign designed to impress on Negroes the need for good relations with their employers and fellow workers: and this attracted the attention of businessmen. White "angels" came forward; notably millionaire Marshall Field III, who helped the council get its headquarters in a mansion in one of the best Negro residential districts in the capital.

During World War II, the council worked for the admission of Negro women into all branches of the service on the same basis as other women. When Oveta Culp Hobby was appointed director of the Women's Army Auxiliary Corps, many Negroes were disturbed by the selection of a woman from Texas. Many were ready to protest vigorously.

Mrs. Hobby, aware of the problem, turned to Mrs. Bethune. After a series of conferences between the two women. Mrs. Bethune, satisfied that Mrs. Hobby's place of birth did not condition her idea of justice, reported her conclusion so convincingly that most council members withdrew their objections to the Hobby appointment.

Subsequently, Mrs. Bethune became the only Negro member of the women's committee selected to choose candidates for the first officers' training school for the corps. Mrs. Bethune's recommendations for the selection of Negro candidates were so strict that she was criticized by some of her people. She insisted:

"I won't vote for an unqualified girl just because her face is black."

Since the war the council has worked for such legislation as the anti-poll tax and the antilynching bills; a broadened Social Security program, and a bill for the establishment of a permanent Fair Employment Practices Commission.

Congressmen and businessmen, labor leaders and Cabinet members know that when Mrs. Bethune walks into the office, she not only speaks for 800,000 Negro women, but that most of those 800,000 speak for Mrs. Bethune—the words she wants them to speak.

AMONG HER SEVEREST CRITICS

Like every leader, she has her critics. Ironically, some of her most severe are the young Negro women whom she most wants to help. They think she belongs to what they call the "Uncle Tom" school—in other words, that she is not militant enough. Mrs. Bethune, however, believes that a series of little wins can add up to a great victory.

Here's an example of her step-by-step strategy. She goes before Southern legislators and asks, with assumed innocence:

"Don't you want to let the Negroes learn to read?" They can make but one answer—"Yes." What she means, and of course they know it, is that she's going to fight to get Southern Negroes enough education so that some of them can step out of the cotton fields and into a business office.

In spite of Northern critics and Southern foes, Mary McLeod Bethune has gone far in the South. She was perhaps the first Negro to receive an honorary degree from any white college in the South—Rollins College at Winter Park, Florida, made the award last year.

"First" and "only Negro" are familiar phrases in her biography. As director of the Division of Negro Affairs of the National Youth Administration, she was the only member of her race operating in that organization at a top level. In 1939, typical of the seven years she spent with the administration, she traveled 35,000 miles to address 41 meetings in 21 states; dedicated six Youth Centers, and made three commencement addresses—all this at the age of sixty-four. At the United Nations Conference in San Francisco, she was associate consultant to the American delegation. After working hours she addressed 52 California meetings.

Honors, awards, medals—she has them by the score. Some are mere token payments on a debt to a member of a minority group. Others are real tributes to a real leader—sex, color or race aside.

She rejoices, too, in her collection of personal mementos of the famous. She has a trunkful of autographed photographs of international celebrities. She has known five Presidents.

She has a boxful of Rockefeller dimes that she's going to have made into a bracelet someday. During his winter sojourns in Florida the financier got to be a friend. After John D. Rockefeller's death, his cousin gave her one of his favorite woolen scarves. She loves to wear it. She is also never seen without a cane, one of Franklin D. Roosevelt's, which she asked for and received from Mrs. Roosevelt after his death.

She first met the late President, through friendship with his wife, when he was governor of New York. She is fond of relating that when he was at the White House he would often ask her to consult with him on race problems and that his customary greeting was:

"I'm always glad to see you, Mrs. Bethune, for you always come asking help for others—never for yourself."

THE NURSE-MIDWIVERY PROGRAM

HON. THAD COCHRAN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. COCHRAN. Mr. Speaker, I would like to bring to the attention of my colleagues an article which appeared in the June issue of Nursing Outlook, describing the success of the nurse-midwivery program operating in my State and the Southeast region.

This program has been strongly endorsed by the Mississippi Nurses' Association and is an example of the contribution nursing and those dedicated to the profession are making to our health and well-being.

Mr. Speaker, the article follows:

NURSE-MIDWIVES MAKE A DIFFERENCE

(By Marie C. Meglen and Helen V. Burst)

Mississippi's maternal and infant mortality and morbidity rates have been, for many years, among the highest in the country. In 1965, for instance, the infant death rate per 1,000 live births was 41.5 compared to 24.2 nationally, and maternal mortality was double the figure for the country as a whole. But in less than three years (1968–1971), infant mortality in one target Mississippi county was dramatically reduced to 21.3.

What made the difference in this county? Most professional observers would agree that the educational preparation and use of nurse-midwives, working with county physicians and other health team members, helped expand care for this predominantly rural, medically indigent population.

That effort began in 1969. Before that time nurse-midwives did not practice in the state. Since the creation of the program to prepare nurse-midwives at the University of Mississippi Medical Center in Jackson, there are now five nurse-midwifery services functioning in Mississippi and a sixth in Lousiana affiliated with our program. In addition, graduates of our program are teaching in associate, baccalaureate, and graduate nursing programs in our state.

As our program moves from pilot program to proven project on the threshold of regionalization, a review of its development, assessment of its present status, and speculation on its future seem timely. At the same time, we and others in the program feel an obligation to share our experiences and conclusions with those who may wish to take this route to improved maternal-infant care in their regions.

BEGINNING OF PROJECT

Our nurse-midwifery program was developed as part of a "parent" project, The County Health Improvement Program (CHIP). CHIP was the result of a study begun in August, 1967, by representatives (mostly physicians) from the University of Mississippi Medical Center, the state medical and surgical associations, and the state board of health. The aim was to design and implement a model of improved health services that could be adapted for almost any common health care problem in any community in the state with large numbers of medically indigent people. After a year's study, the group decided to focus on our tragically high maternal and infant mortality and to establish a demonstration health care program to meet the health needs of mothers and their infants.

With funding from private foundations and state and federal sources, CHIP was established in 1968. Five delta counties were to have been included in the target area. But grant funds fell below expectation, so CHIP planners decided to concentrate on Holmes County alone.

Located in the Mississippi delta, this county was typical of many rural areas in the state. The county's rural poor were often malnourished, had inadequate housing and sanitation, and little means of obtaining professional health care. Some 72 percent of the families subsisted on less than $3,000 a year. Half of all births were at home, either unattended or by a "granny" midwife, and the county's infant mortality rate was 39.1 per 1,000 live births (1968). Seven physicians tried to serve the entire population of 28,000. There were two small hospitals, totaling 76 beds in urban settings in the county.

Rather than set up a parallel delivery system, the CHIP plan was to reinforce existing health care resources with added physicians from the University Medical Center, some

60 miles away, and to introduce nurse-midwives and indigenous community health aides to the health team. Family-centered quality care was to include hospitalization of high-risk mothers, family planning, sanitation and nutritional counseling, home visits, food supplements for mothers and infants, prenatal care, delivery by professionals, and infant follow-up for one year.

Key figure in the proposed health team was the nurse-midwife, then not practicing in Mississippi. The head of obstetrics at the medical school, in consultation with the American College of Nurse Midwives (ACNM), recognized that the preparation of nurse-midwives would be a pivotal point in the overall effectiveness of the CHIP plan. The medical center then applied for and obtained a contract with the Division of Nursing, DHEW, to prepare nurses for an expanded role in comprehensive health care for mothers and infants through the development of an educational program to prepare nurse-midwives. Because of state needs, preparation of nurse-midwives in our program includes the ability to supervise normal infants through the first year of life, as well as management of patients throughout the normal maternity cycle.

SETTING UP THE PROGRAM

By mid-1969, a certified nurse-midwife was employed to direct the nurse-midwifery program. The legal status of nurse-midwifery practice (total care of the low-risk patient during the entire maternity cycle including hospital delivery, under physician supervision/standing orders) in our state was clarified soon after, and standing orders agreed upon. Standing orders, of course, vary somewhat from service to service, but generally Mississippi nurse-midwives may prescribe vitamins, iron, and some other medications in the prenatal period. They may also give some analgesics and local, pudendal, and paracervical blocks for labor and delivery, and they may cut and repair episiotomies.

Because our first class had to be enrolled by September 1969, to meet the requirements of the Division of Nursing contract, our planning time was at a minimum. But a curriculum was designed, and seven other nurse-midwives educated in five different nurse-midwifery programs were recruited as faculty, along with one obstetrician. The faculty had combined experience in both rural and urban nurse-midwifery practice and were all committed to this approach as a means of reducing maternal-infant mortality and morbidity. Six students were eventually admitted to our first class.

Almost simultaneously with student enrollment, a university nurse-midwifery service was started as a site for clinical experience along with outpatient services, including family planning, offered in cooperation with the Holmes County Health Department. However, the university service had to be staffed by nurse-midwifery faculty who were teaching in the program. This double load on faculty became a pressing problem as the program grew. It was eventually resolved when a service not dependent on faculty was established with a grant from the Field Foundation.

We also knew the curriculum would probably need modification and revision. Originally planned along traditional lines, it consisted of nine courses offered in three academic quarters, plus a 12-week preceptorship. The courses included a broad base of maternal and child health, with emphasis on the special needs of poor, rural populations and on the cultural, political, and historical background peculiar to Mississippi. In addition, methods for evaluating students' clinical performance were developed.

During the initial year, faculty came to realize the difficulty a student has in making the role change from nurse to nurse-midwife and designed methods to ease this transition. This adjustment proved most difficult for the mature woman with years of experience in nursing who was resuming a student role at the same time she was assuming responsibility for patient management. We found it took, on the average, eight to ten months for students to gain confidence in their ability to make the critical decisions of a nurse-midwife.

EXPANDING THE PROGRAM

For the second year, faculty modified the curriculum by consolidating the nine courses into four and placing earlier emphasis on basic nurse-midwifery skills such as pelvic exams and delivery maneuvers. During the academic year, the theory-clinical ratio reversed so that students spent more time in clinical practice. Eight students successfully completed the program using this revised curriculum. Four were graduated the first year.

In December, 1970, a full nurse-midwifery service was initiated in Holmes County. This was in addition to the nurse-midwifery service at the University Medical Center that was not dependent on the faculty. Also during this year, support from several sources helped to extend and expand our program. A Commonwealth Fund grant permitted us to institute a refresher program for inactive nurse-midwives; a National Foundation grant supported efforts to create regional awareness of nurse-midwifery; and the National Center for Health Services Research and Development funded a study of the cost-effect-potential of this new maternal-infant health care team. The study results, we believe, will further substantiate the value of this maternal-infant care team concept. Inclusion of these programs rounded out the total nurse-midwifery effort to embrace basic education, graduate education, research, and service.

The University Medical Center is the responsible educational unit for the nurse-midwifery program. All nurse-midwifery faccuty hold appointments in both the department of obstetrics-gynecology in the school of medicine and in the school of nursing. Joint appointments foster coordination between the nurse-midwifery education program and the graduate program in the nursing school. All nurse-midwives in the program, either on faculty or in service, participate in supervising and instructing students during their didactic, hospital, or field experiences. Additionally, all nurse-midwives and nurse-midwifery students participate in conferences, siminars, and rounds offered by the department of obstetrics and gynecology.

Initially, only baccalaureate-level nurses were eligible for enrollment. But after our first two classes, we instituted a certificate program to enable RN's without a bachelor's degree to obtain nurse-midwifery education through this program. We saw this as one solution to the scarcity of applicants from Mississippi, where the pool of baccalaureate-prepared nurses is small.

Retention of nurse-midwives in the state and region is critical if we are to make a lasting contribution to the health of the area's citizens. Recruitment of indigenous students is thus essential. To this end, the program also waives tuition and pays stipends to students who agree to practice in a regional site approved by the program for one year after graduation.

Students may now enter the program through two routes: a graduate credit program in the medical sciences for students who have a bachelor's degree in nursing; or a certificate program, without academic credit, for registered nurses offered through the medical school's obstetrics and gynecology department. In addition, the graduate program in the school of nursing offers its master's students a curriculum pattern that includes nurse-midwifery.

ANOTHER REVISION

Three classes of nurse-midwifery students focused attention on a prime curriculum complaint: it was too rigid and did not take into account a student's previous experience or education. Therefore, after many faculty meetings, we produced a mastery learning curriculum that utilizes a modular approach. It individualizes the educational process and provides students with immediate correlation of didactic instruction and clinical experience. Each module has identified terminal behaviors. Mastery of the terminal objectives is the critical factor. Students may complete a module within a time span that can be lengthened or shortened, according to students' needs. Flexibility is therefore built in.

The new curriculum includes seven modules with a concurrent pediatric component (neonatology, infant care, and pediatric physical diagnostic screening examination), which is followed by advanced clinical experience and a preceptorship. The first three modules focus on base-line skills—physical diagnosis, pelvic examination and gynecology, and such techniques as microscopic urinalysis or analysis of vaginal discharge. Students rotate through those areas that provide these learning experiences until the behavioral objectives for each are met.

They then move on to the next four modules: antepartum, intrapartum, postpartum, and family planning. Students decide which of the four areas they will complete first. Those with advanced education or experience in one or more of these areas may be able to meet the learning objectives for the module in a shorter time. Evaluation of students' clinical performance has also been revised to reflect program objectives and is ranked on a simple scale: achieved, progression, or no experience yet. Students' reaction thus far is favorable.

By the end of our third year, 25 graduates had received university certificates and had successfully taken the American College of Nurse-Midwives certification examination. Twenty-three of those graduates are still practicing in Mississippi.

IN RETROSPECT

Perhaps the most important advice we can offer any group who contemplates initiating a nurse-midwifery education program is: (1) establish an independent nurse-midwifery service first, so that faculty do not have to bear the burden of maintaining both service and educational programs; (2) allow time at the outset for faculty to work together and develop the program, including the curriculum, and to become familiar with the established health care system, patient needs, and local environment; and (3) establish the program, as we were fortunate to do, where there is strong medical support and freedom for creativity within a setting in which a primary goal is improved health care for patients as well as professional education.

The success of our program, we believe, is due in part to its having been stated at precisely the time when the value of the nurse-midwife and nurse practitioner in general was being recognized. It profited from being in the right place at the right time and from being part of a larger program anchored in the health care structure.

Because of its comprehensive nature and adaptability, we believe a nurse-midwifery program is applicable to most other geographic locations and to all socioeconomic groups. Our ultimate goal, which we share with other nurse-midwifery programs, is to educate a sufficient number of nurse-midwives to help bridge the health manpower gap and assure that all the nation's mothers and babies have quality care.

THE U.S. TUNA FISHERMAN—A POSSIBLE ENDANGERED SPECIES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. ANDERSON of California. Mr. Speaker, action is currently being considered which could lead to the destruction of nearly 80 percent of California's vital commercial fishing industry. I am referring to proposals to extend the fishing zone to 200 miles. Unfortunately, this action is being proposed in the guise of protecting the U.S. fishing industry. However, nothing could be more misleading. Any unilateral action to extend the fishing zone to 200 miles would not only cause tremendous economic and political repercussions throughout the world, but it would also virtually destroy the U.S. tuna industry.

Tuna are a species of fish which cannot be subject to the exclusive jurisdiction of a few nations. This is because of the unique biological characteristics of the highly mobile tuna who undertake long migration.

Ninety percent of the tuna caught by the United States has been in areas which have been considered international waters. However, a few countries are beginning to carve up these international waters by unilaterally claiming a 200-mile fishing zone; and, therefore, prohibiting U.S. tuna fishermen from fishing in areas which have been recognized for centuries as international waters.

The present, well-established fishing zone of 12 miles is currently being challenged, not only by those who support legislation to extend the U.S. fishing zone to 200 miles currently proposed in Congress, but also by some of the representatives currently meeting in Caracus, Venezuela, for the third United Nations Conference on the Law of the Sea.

Before tampering with the current international law, we need to take into account the damage that might be created by allowing reciprocal actions by other nations to extend their territorial seas to 200 miles. And we need to realize the unique characteristics of the various species of fish, combined with the special needs of various U.S. fishermen as they attempt to harvest them.

For if we fail to preserve our well-established fishing zone and allow a worldwide extension of nearly 17 times the present size to 200 miles, then not only would nearly 40 percent of the oceans waters be enclosed in the exclusive domains of a few nations; and not only would this action interfere with the international straits; but it would cause havoc to the U.S. fishing industry.

Naturally, I believe that we should support conservation efforts to preserve our fishing resources; and I recognize the problem of fishermen competing on the high seas. But, I believe that we should seek a solution which is equitable to all fishermen.

If the United States and other coastal states are permitted to extend their fishing jurisdiction pellmell to 200 miles, this would, according to August Felando of the American Tunaboat Assocation, destroy the tuna industry of California, Puerto Rico, and American Samoa.

I am very disturbed with the prospects of any action which would lead to the destruction of this important industry in California which represents 79.8 percent of all total landing of fish and shellfish; and, I am concerned with the impact of the loss of this essential industry on the port of San Pedro. San Pedro, which I am proud to represent, has been for the past quarter of a century the Nation's leading commercial port in terms of landing value of fish and shellfish.

We as a nation cannot afford the loss of this important industry which:

Provided 80 percent of U.S. households with over $1 billion of canned tuna in 1973—50 percent of the entire world supply.

Employs over 16,000 U.S. processing plantworkers who earn more than $90 million annually.

Purchases $70 million annually in cans, labels, cartons, and vegetable oil—and thereby provides thousands more U.S. jobs in these and transportation-allied industries.

Possesses U.S. tuna fishing vessels worth almost $500 million which required $12 million for fleet maintenance last year in addition to the $72.5 million spent for new vessel construction.

Provides a livelihood for U.S. tuna fishermen who earn about $65 million annually, and requires $5.4 million spent for provisions for fleet supplies.

Utilized $11 million in fuel to operate these vessels; paid $8 million to insurance companies in premiums for fleet protection; and paid $17.5 million to banking, lending, and leasing institutions in interest, rentals, and service charges during 1973.

Mr. Speaker, I firmly believe we must protect this important tuna industry which contributes many millions of dollars to our economy, provides thousands of jobs, and provides an inexpensive source of rich protein food. Therefore, I am hopeful that a species-by-species approach is used to resolve this complex problem in order to prevent any action which would destroy this worthwhile U.S. industry and possibly make the U.S. tuna fisherman an endangered species.

FREEDOM OF THE PRESS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. RHODES. Mr. Speaker, one of the livelier—and important—debates in recent years has concerned the constitutional rights and professional responsibilities of the American press. This subject has occupied the thinking of Members of Congress, as well as many thoughtful members of the media. It has been observed that conflicting interests frequently give rise to instances of unfairness and even injustice—such as occurs when the press sets out to explore various aspects of Government. However, I think we do well to note that we have in our country an atmosphere of media freedom that is unmatched. We must continue to pursue this important debate. But we should also be proud that ours is a nation where freedom prevails.

Mr. Speaker, the Arizona Republic editorialized on July 8, 1974, about freedom of the press, or lack of it, in the Soviet Union. For the purposes of comparison, I feel that it is instructive:

FREEDOM A LA RUSSE

All was not sweetness and light during President Nixon's visit to Moscow. The 300 American and European newsmen who accompanied the President received a refresher course in freedom of the press, Soviet-style.

It started only minutes after they arrived, when they learned that Julian Nundy, a correspondent for Reuters, the British news agency, had just been expelled for writing stories critical of the Kremlin. And it continued almost until the moment they left.

To add insult to injury, the Intourist Hotel, where the correspondents stayed, charged them $105 a night.

Two correspondents, Robert F. Kaiser of The Washington Post and John Shaw of Time Magazine, were manhandled by the KGB, the Soviet secret police, when they attempted to visit the wife of Vittali Rubin, a leading Jewish intellectual, who had been arrested a few hours earlier.

The same treatment was meted out by uniformed police to a television crew from ABC, who attempted to interview another leading Jewish intellectual, Viktor Polsky.

When Kaiser, at a press conference, asked the Soviet spokesman to explain a mysterious deletion in the Russian translation of a statement by the President, the spokesman first refused to answer, then ridiculed him and denounced him as a "disrupter."

A White House aide, Tim Elborn, sought to help reporters and photographers get a better view of Mrs. Nixon and Mrs. Brezhnev at a school circus. Three KGB men grabbed him and threw him out.

Ron Ziegler, Nixon's top communications aide, was grabbed by a guard when he attempted to enter the press room set aside for the visiting correspondents.

On the Tuesday night following the President's arrival, all three U.S. networks were blacked out. When they attempted to explain to American viewers why the picture had disappeared from the screen, they were cut off the air in midsentence.

The Russians apologized and promised it wouldn't happen again. On Wednesday night, CBS attempted to broadcast an interview with Andrei Sakharov, the renowned Soviet physicist, known as "the father of the Soviet H-bomb," who had been fasting in protest against political oppression in his country.

The technicians walked out and that was the end of the broadcast.

Many Americans feel the U.S. press sometimes abuses its privileges under the First Amendment. Many newsmen feel they are sometimes harassed by government officials and government agencies anxious to suppress the news.

They should both count their blessings.

LEGISLATIVE SUMMARY, JANUARY 1, 1974, THROUGH JUNE 30, 1974

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. MAZZOLI. Mr. Speaker, in keeping with my policy of providing periodic reports to my constituents describing my legislative activities, I am inserting the following summary covering the past 6 months of the 93d Congress in the CONGRESSIONAL RECORD:

JANUARY THROUGH JUNE: A LEGISLATIVE SUMMARY

Although the Watergate affair has dominated the headlines for the past six months, Congress has not neglected the other important business of the nation during this period.

Some of the most important legislative efforts of the past six months are now in conference committee where differences between House and Senate-passed measures are being ironed out. It is expected that agreement will be reached on many of these key measures before the end of this session of Congress.

This six-months summary is divided into subject categories. The categories will help readers find the subjects of their special interest.

1. DISASTER STRIKES

On April 3, nature's caprice expressed itself in a tornado which struck Louisville as well as other communities in our area. Although the response of the federal government to the devastation could have been better in some areas, the response of local citizens was nothing short of inspiring.

And the services rendered to disaster victims by the City and County governments and the Governor's Office were indispensable.

In the wake of the tornado, I met in Louisville with Federal Disaster Administration officials, Secretary of Housing and Urban Development James Lynn, and Senators Domenici and Burdick, members of the Senate Committee on Public Works, to discuss the federal government's response to our tragedy.

In part because of our community's experience in the tornado's aftermath, the Congress approved amendments to the Federal Disaster Relief Act providing additional assistance for the communities victimized by natural disasters.

Although the Disaster Relief Act Amendments became public law in May, a Presidential Executive Order is still required to set the wheels in motion and make the full range of aid available to communities like ours. On June 25, I wrote to the President to urge that he issue an Executive Order so that assistance for the reconstruction of our beautiful Cherokee and George Rogers Clark Parks would be made available immediately.

2. BETTER GOVERNMENT

Unquestionably, more attention is directed to the Presidential impeachment inquiry today than any other matter before the Congress. In this, the Congress faces an awesome challenge.

The challenge is to be fair in the investigation of the impeachment charges despite the emotional nature of the question, despite the inevitable partisanship, and despite the different interpretations which persons can place on the evidence.

In whatever way the impeachment question is finally decided, the process itself is a demonstration that our Constitution is a living, breathing document—protecting the innocent, punishing the guilty and guarding the rights of all.

Perhaps this process, as painful as it is to everyone, will help some of our citizens regain their confidence in our system of government—a confidence that has been shaken badly by the Watergate scandals.

But "better government"—as far as the Congress is concerned—doesn't stop with settling the impeachment question.

For example, the Congress approved an important bill creating a new system for handling the federal budget. The bill also specifies the conditions under which the President may impound (refuse to spend) funds appropriated by the Congress.

This legislation will not only enable the Congress to hit its spending targets, but will also curb program uncertainties due to budget delays, and help ensure that each federal dollar is spent wisely. This legislation should help to curb excessive federal spending while not shortchanging worthy programs.

The Senate has approved a bill providing public financing of elections for federal offices and imposing stringent controls on campaign contributions and expenditures. This bill is similar to a bill I cosponsored in the first session of this Congress. A House Committee has just reported a somewhat different campaign reform bill, Final action on a reform package is expected before adjournment later this year.

This legislation is badly needed to protect the electoral process from being held hostage by monetary influences.

The House is likely to also consider a plan to reform its own committee structure in the near future. The plan—called the Bolling Committee Report—was originally intended for floor action in May, but the measure was sidetracked by action of the Democratic Caucus.

I strongly opposed allaying consideration of the plan. The proposal—which, among other changes, will revamp committee jurisdiction to eliminate overlap and duplication—in my judgment would increase the effectiveness and upgrade the work product of the House. I am hopeful the Bolling Report will be acted on before the end of summer.

And, by a bare seven-vote margin, the House in May rejected a law permitting the registration of voters by mail. I supported the mail registration plan. Such a law would help remove the barriers which now inconvenience persons in registering to vote. It would have brought many more eligible voters into the electoral process.

3. ENERGY AND ENVIRONMENT

The House may soon consider H.R. 11500, a federal strip mining control bill. If enacted, the bill would require that all strip mined land be reclaimed.

Although Kentucky and several other States already have strip mine control laws, federal legislation is needed nonetheless. Not all States measures provide for adequate reclamation of stripped lands.

I am inclined to support H.R. 11500, a compromise measure, though many feel it could harm the coal industry in Kentucky.

The energy crisis is not over, although some of us may be lulled by the shorter gasoline station lines and the end of the oil embargo.

Now in conference between House and Senate is the new solar energy demonstration program bill. Energy from the sun is a clean and limitless energy source. This bill will help develop the technology to harness the sun's energy for heating and cooling our homes, schools and office buildings.

The establishment of the Federal Energy Administration by Congressional action earlier this spring will also help the energy situation by coordinating the government's financial and scientific resources. I voted for the bill establishing this office.

Another bill, the National Energy Emergency Act, was passed by the Congress but was vetoed by the President. Among other things, this bill would have rolled back the prices of petroleum and oil products. I voted for the bill, but the President's veto was later sustained by the Senate.

Air pollution control standards have come under sharp attack during the energy shortage. These standards, it is argued, cannot be met except by the installation of sophisticated and extremely expensive control devices—raising the costs to the consumer—by using clean forms of energy such as natural gas and low-sulphur coal—which are in the shortest supply—or, by curtailing the amount of energy available to individuals and to industry.

However, I am not convinced that our energy and environmental goals are incompatible. Stretching out the timetable for meeting certain pollution target levels and standards is prudent in my judgment. But, I believe that it would be most unwise to ease standards to a degree which might endanger public health.

Deciding which standard to ease and which to retain is where the rub comes in. I voted against a bill to suspend nationwide motor vehicle pollution standards, but voted for a postponement of a tightening of these standards originally scheduled for next year. In the end product, it's all a matter of judgment.

4. FOREIGN POLICY AND THE NATIONAL DEFENSE

Peace in the Middle East and continued detente with the Soviet Union have captured our interest in the area of foreign policy. Secretary of State Henry Kissinger has been particularly active in both areas. And, the President made visits to both the Middle East and Russia this spring to emphasize America's interest in a peaceful world.

The Congress, however, also has a crucial role to play under the constitution in shaping American foreign policy. The Senate must ratify all treaties. And the House must approve all bills providing money for foreign economic and military assistance and for the national defense.

In fact, a cornerstone of American foreign policy is a strong national defense capability. The House has approved $22.6 billion for military procurement for the fiscal year 1975. These funds and other expenditures will provide very adequately—in some ways, too adequately—for our national security.

I voted for three amendments to the military procurement bill which—in my judgment—would have kept military spending at adequate levels, but chopped fat from the current budget.

I supported efforts to reduce U.S. troops overseas by 100,000 by the end of 1975; to reduce military aid to South Vietnam by $400 million; and to establish a military spending ceiling. The efforts, however, failed to attract majority support in the House.

The United States has always come to the aid of friends abroad who are in need. This year the Congress approved, with my enthusiastic support, emergency aid to the disaster-stricken nations of Pakistan and Nicaragua, and assistance to the Sahelian nations of Africa, which face a drought which may starve millions of people to death. This bill is now in conference, but should pass with ease when the work on it is completed.

5. THE ECONOMY

Congress permitted wage and price controls to expire on April 30 by declining to extend the life of the Economic Stabilization Act. Although the transition from a controlled economy to a free market economy may be difficult, I believe that it is the wisest course of action to take under the present set of somewhat unusual circumstances.

First, we must remember that the use of the controls was only of limited help. At the very time controls seemed to be curbing inflation, the Administration removed them. Inflation again surged, and controls were reimposed. Such inconsistency, obviously, did not create economic stability and, as a partial result, we now face the most serious inflation since World War II.

What can we do about it? First, we ought to let the free market exert its considerable forces to stabilize the economy. Second, we must keep federal spending at prudent levels. And finally, we must address the rising prices in those sectors contributing most to inflation: food and energy.

If the price control apparatus still largely covering sources of energy does not do the job, perhaps a rollback of prices will be needed.

And, this fall, the new federal farm program—passed by Congress last year—should begin to take effect. The new program encourages farm production (rather than discouraging it as the earlier farm program did) and should help to increase supplies of food and fiber, thus reducing prices to the consumer.

6. FOR THE GOOD OF ALL

The nation's health is everyone's concern. Some form of national health plan, I believe, should be enacted by the Congress.

Several such plans have been offered. Among them are those offered by Senator Edward Kennedy and Representative Wilbur Mills, by Rep. Martha Griffiths (the most comprehensive plan of all), by the Administration, by the American Medical Association, and by Senator Abraham Ribicoff (which deals solely with catastrophic disease and injury).

The status of these many plans is uncertain. Clearly, compromise among the authors of the various systems is needed to obtain an acceptable bill. The Congress, however, is more acutely aware than ever before of the burdens of high health care costs. So the Congress is likely to take action on health care either this year or next at the latest.

Much more than a system of health care financing is needed to improve the nation's health, however. A bill authorizing a new plan for an attack on diabetes mellitus is now in a House-Senate conference. The Congress passed a bill, now public law, creating a National Institute on Aging. And included in a supplemental appropriations bill was $4.5 million for child abuse prevention and treatment programs.

I voted for all of these measures.

A bill to reform the system of private pensions is reportedly near agreement in a conference committee. The reform is needed to protect pension plan participants from such hazards as unfair length-of-service requirements and inadequately funded plans.

The Congress also acted to increase and expand the coverage of the minimum wage law. I supported this measure, which is now public law.

The busing of schoolchildren is a concern of many parents in the Louisville area. Although I am convinced that the best approach to this problem is a Constitutional Amendment, I supported an amendment to the Elementary and Secondary Education Act (ESEA) to make busing the last-resort desegregation effort, and to prohibit busing beyond the next-nearest school to a child's home.

The measure is now in conference, and the House has voted twice to insist that its conferees not settle for the less stringent busing provisions contained in the Senate version of the bill.

Also in conference is a bill to create a Legal Services Corporation, which would provide professional legal aid to those who could not otherwise afford it. I supported this bill on the House floor.

7. VETERANS

Both the Senate and the House have approved significant increases in educational benefits for veterans. Although the Senate bill provided benefit increases totaling $1.9 billion and the House bill provided an estimated $1.3 billion in increased benefits, both versions of the legislation raise benefit levels and lengthen the time of eligibility for the aid from 8 to 10 years after discharge.

Should agreement by the House and Senate on their differences be achieved in conference, as expected, America's veterans will have two extra years of eligibility for education and training assistance at levels significantly increased from their previous inadequacy.

Increased compensation rates for disabled veterans and their dependents have become law. Widows and survivors' benefits were increased 17 percent, disability allowances by 15 percent, and dependency allowances by 15 to 18 percent. I supported both measures.

8. TRANSPORTATION

In June the Department of Transportation announced that the Louisville and Jefferson County Transit Authority would receive a federal grant of over $8 million to finance the acquisition of the Blue Motor Coach and Louisville Transit Companies and to purchase new buses and equipment. The federal funds will finance about 80 percent of the switch to a publicly-owned transportation system.

Although the Congress agreed on legislation to create a new program of federal subsidies to defray the operating costs of urban mass transit systems, the threat of a Presidential veto prevented the return of the conference report to the House floor. Operating subsidies would help keep fares low and service from being cut back.

An Administration bill to provide operating subsidies out of the Highway Trust Fund revenues—rather than out of general revenues, as in the earlier bill—is now under consideration. I am hopeful that some operating subsidies can be approved before the end of this Congress.

BIASED OPINIONS ON WATERGATE

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. HANRAHAN. Mr. Speaker, the newscasters of all networks have been denounced lately for their biased opinions on the Watergate issue. The following article from the Washington Star-News tells of the different reactions viewers have to network reporters. I insert this article for the benefit of my colleagues:

MAIL IS UP AND RATINGS DOWN AS NETWORKS FRET

(By Bernie Harrison and Patricial Simmons)

The TV neworks' news divisions are getting an unprecedented amount of mail these days and they're reading it closely. Some of it is pretty angry stuff.

While critical mail is considered normal, the recent heavy volume—double last year's at CBS and NBC is fueling debate in executive offices over news policies in general and Watergate coverage in particular.

No red-blooded network news official will admit that critical mail would influence what they insist is objective reporting, but the mail coupled with the impact of recently declining Nielsen ratings, showing that fallen off by one million, make it understandable that ABC, CBS and NBC are concerned.

Here are random excerpts from over 42,000 pieces of mail CBS and its correpondents received so far this year:

"Why doesn't 'turnip head' (Dan) Rather get away from the White House?" . . . "What is it, this overpowering, bright red, obviously apparent 'thing' you (Cronkite) have about Richard Nixon? I wonder if you realize how strong your prejudice comes over the airwaves?" . . . "It would seem to me that you are no better at picking your news staff than Mr. Nixon is at picking his White House staff" . . . "Impeach Rather."

The theme is virtually the same at ABC, which only began keeping a mail count in January. For instance, letter-writers "are sick and tired" of (television's) obsession with Watergate or "reject the interpretation of the liberal press in analyzing presidential addressess" or "feel ABC is the best of an unfair and scurrilous group."

Letters addressed to NBC's John Chancellor ask pretty much the same questions as those sent to ABC's Howard K. Smith—to wit: "Why don't you spend more time on the important issues" of world hunger and inflation? And: "Why not give us some good news?"

Mail to NBC and CBS, both of which *did* keep comparative figures from last year, accuses those networks of pro-liberal bias on nearly a 2 to 1 ratio. A count of mail since January at ABC shows 504 letters accusing the network of "bias against President Nixon" and 288 saying the network has been "fair to the White House."

At all three networks there have been many letters in praise of both the news shows and their commentators.

For instance, this compliment was sent by mistake to NBC but forwarded to CBS: "Let's cheer for our champ Dan Rather/who works slippery Dick to a lather./It's with delirious delight that we look for the fight with Dick on the ropes with his blather." Other expressions of approval sent to CBS include: "I'd rather be Dan than President" and "I just want you to know that I am tired of having Richard Nixon get prime time because of his office. If one of your TV programs had a rating as low as his, you'd take it off the air."

CBS's morning-news host Hughes Rudd is one newsman who has received mostly favorable comments, among them this one: "Hang onto Hughes Rudd and treat him well, for you have someone very special there."

This year, through May 24, in mail sent directly to the networks, Walter Cronkite's CBS News program has received 488 favorable comments, 901 unfavorable. During approximately the same period, ABC News, with Howard K. Smith, has received 519 favorable letters and 764 unfavorable.

CBS and NBC do not keep count on pro or con letters sent directly to the commentator. However, ABC, which does, says that in mail sent directly to Howard K. Smith he tallied 3,029 pro and 605 con. Smith's personal secretary, who reads the mail and reports the figures to the network, says she has learned to get through an average of 300 letters a day.

The mail, per se doesn't upset network officials. For instance, John Lynch, chief of Washington's ABC News Bureau, recently observed that it would be a dark day indeed if the networks shaped their news-gathering efforts to appease its critics. But, still, there is a repetitive motif to it that easily leads one to visualize a public tired of Watergate and fed up with the snowballing problems of the Nixon administration.

For CBS, this has been an especially unsetting few months. Aggregate ratings for the three network evening newscasts declined the equivalent of one full rating point during the January-May period, compared with last year, and the brunt of the loss appears to have been suffered by CBS News, which many journalists feel has been the most aggressive of the three networks in covering Watergate. Veteran TV reporter Les Brown referred to the critical mail from viewers as support for the theory that Watergate's dominance was responsible.

NBC News, which virtually caught up with CBS in the ratings during the latter's current slump, testily pointed out that Brown forgot to weigh this year's (early, crisis-induced) Daylight Saving Time switch, which always causes a rating slump. On the other hand, it might be argued that the energy crisis should have added viewers by keeping them at home.

The bad news from Nielsen follows another distracting experience for CBS. The network had quietly kept to itself the protests from owners of affiliate stations over its "pro-liberal bias," but at the recent CBS affiliates convention in New York, the only way Richard Salant, president of CBS News, could get on the program was by agreeing to answer the bias charges. He defended his department and correspondents, and mollified his critics by agreeing that Dan Rather had erred in parrying a presidential aside with a sharp rejoinder at a Houston press conference. ("Are you running for something?" Nixon asked. "No, are you?" Rather replied.) Salant said "most of us" wish Rather hadn't said that, and he suspected that Rather also wishes he hadn't.

Rather's mail took a huge jump immediately after his encounter with Nixon in Houston. Through the week ended May 24, CBS received 3,071 comments favorable to Rather, 4,686 accusing him of bias. Through the week ended March 15—the last full week before the Houston incident—Rather had received only 20 favorable letters, and 99 unfavorable. Figures jumped to 94 pro and 280 con for the week ended March 22; 193 pro, 703 con for March 29; and 1,547 pro, 1,904 con for two combined weeks ending April 12.

Several affiliate stations had complained that the Nixon-Rather incident was clear proof of an anti-Nixon bias on Rather's part. Others felt it an impertinence, worthy of reprimand, but more a proof of an inflated ego than an indication of bias.

Indeed, the problem may not be bias, which is difficult to prove, but rather the medium's own terrifying power to magnify and this is a classic example of what happens when networks daily feature developments of the same traumatic story.

Former FCC Chairman Newton Minow is among public figures who feel that Congress needs special treatment from television in order to counter the White House's ability to reach the electorate via TV. But that presidential power is still less than the cumulative power of the daily reporting by the networks on Watergate.

Former Assistant U.S. Atty. General William Ruckelshaus believes the press and TV now rival the government in their ability to set "the national agenda."

It is in the nature of the television medium that perspective—the importance of a development in a story—is easily lost. Network newsmen, whose income varies sharply with the number of network appearances they make, develop a style they seldom vary. Rather, for example, is crisp, forceful, uses few equivocating words, and like any reporter seldom downplays his story by calling it a minor development.

Searching for bias is not easy. What a news reporter says, and how he says it, is open to as many interpretations as the mumbled lines in the Watergate transcripts.

And if TV coverage weren't already difficult enough to compare and evaluate, the recent "show-biz" trend in style adds additional complications. Eric Sevareid was grumbling about this recently, saying that he wished TV news would follow the lead of the entertainment division, which announced that it would have more programs next fall dealing with "human values." Said Sevareid: "I expect an anchorman to sing the news some night while doing a buck and wing." He added that the controversy over where burlesque had gone could now be settled. "It's back," said Sevareid, "and in the damndest disguise."

BROOKS HAYS TALKS ABOUT SENATOR FULBRIGHT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. HAMILTON. Mr. Speaker, our distinguished former colleague, the Honorable Brooks Hays of Arkansas and North Carolina, wrote an article entitled "A Tear for Fulbright," that recently appeared in the Arkansas Gazette and the Raleigh News and Observer.

As my colleagues know, Brooks Hays served in this body with distinction for 16 years and was a member of the Foreign Affairs Committee. He has also served as president of the Southern Baptist Convention, an assistant to the late President Kennedy, a member of the Board of the TVA, and a visiting professor at Rutgers and other universities.

Mr. Hays has just completed serving a term as president of Former Members of Congress, of which he was a cofounder.

Mr. Speaker, I was moved by this tribute to Senator FULBRIGHT by a person who was elected to Congress at the same time from the same State as Mr. FULBRIGHT was and who has also suffered the sting of defeat. Mr. Hays and Senator FULBRIGHT can both sympathize with the old saying that—

> The people can defeat a candidate for a good reason, a bad reason, or no reason at all.

I commend this article, which follows, to my colleagues:

[From the Arkansas Gazette, June 25, 1974]

BROOKS HAYS SHEDS A TEAR FOR FULBRIGHT

(By Brooks Hays)

(*This article by Brooks Hays, the former Arkansas Congressman, appeared in the Raleigh News and Observer.—Editor.*)

In defeat Senator Fulbright was, as expected, magnanimous, so I will try to be, even as I am acting out a line in the old hymn, "To Shed a Sympathizing Tear."

The Senator and I were elected to Congress on the same day in 1942, and two years later I rejoiced over my brilliant young colleague's election to the Senate. In the House during his single term I think he regarded me as an elder confidant and counselor. He had had no buffetings of consequence and he knew of my three previous defeats. Perhaps in this 1974 previous reverse he will know that my message of sympathy is not perfunctory.

My feelings can best be expressed by sharing comments from two friends when I was defeated in 1958 after sixteen years in the House. A dinner was given for my wife and me. Later Congressman Henry Reuss of Wisconsin said, "I noticed you and Mrs. Hays didn't shed a tear." "Of course not," I said, "it was a happy occasion."

But the Congressman added, "I sat with John Sherman Cooper and Ken Keating and they blubbered all evening."

Not taking that too seriously, I later repeated it to Senator Cooper hoping to induce a smile. The smile did not appear. In all seriousness, he said, "I was not weeping for you; I was weeping for my country." Without suggesting that my defeat bore dimensions comparable to the Senator's, I do weep, at least figuratively, for my country over the removal from public service of one of our greatest men.

Here is another test of faith in popular government, and I can meet it. My classroom expositions have always included the conviction that "government by consent of the governed" was never predicated on the assumption that the majority would, in the choice of officials or policies, always exhibit wisdom. I have been defeated often enough to know that the majority can be terribly wrong. But Arkansans are fiercely jealous of their democratic traditions. (The State motto is "Let the People Rule"). I share that devotion.

So to my old and revered friend, Bill, I say as I said to our fellow warrior, Adlai Stevenson, "'Tis not always ours to command success. We can do more. We can deserve it." (Addison).

I used to enjoy a little joke on Bill, involving a situation for which we both blamed my wife. When she was a college student doing practice teaching at the University of Arkansas, Bill was in her seventh grade English class. That she left a glaring gap in his instruction was revealed years later, when he was debating Congresswoman Clare Boothe Luce during a House session. At one point he objected to a statement she had made.

"Where did I say any such thing," she demanded.

"Why, the gentlewoman inferred it throughout her speech."

"I beg your pardon!" she said haughtily. "The gentleman may have inferred it—I certainly did not imply it."

Bill said to me later, "So help me, I didn't know what she was talking about." Gleefully, I suggested our alibi: "We can just blame Marion for that."

He was popular and glamorous, as well as scholarly. Not many public men wind up in the Senate in their thirties, and only two years after entering politics. His resolution on postwar foreign policy, pledging us to cooperation with other nations for peace, quickly made his name known around the world. However, he derives greatest satisfaction from the Fulbright scholarship program which has benefited 150,000 young scholars and greatly strengthened our hopes for peace.

Apparently, he recognizes that a bit of luck abetted his natural endowments. Few men have reached the top of the political pile with such meager personal acquaintanceship with a constituency and such limited experience in campaigning. Shortly after he became a senator he phoned me, "Brooks, who is (name withheld)?", naming someone I knew in south Arkansas. I told him, "Just about the most effective political leader you had in your corner in that country."

But he rapidly closed the gap, and with an easy smile and an attractive wife who knows how to supplement his efforts, he developed a firm following which many had deemed impregnable.

I never quite understood the impression among some that he is aloof and even arrogant. Sure, he is no back slapper, and his style is low-key, but he has gentle ways, and the biting characterizations that occasionally cropped out in the Foreign Relations hearings during the Vietnam inquiries did not reflect ill-temper, but rather firm judgments over what he believed to be a dangerous policy. * * *

I could feel for him in the short "Issues and Answers" joint appearance with his opponent on Sunday before the primary—the only opportunity he had to confront Governor Bumpers during the agonizing campaign.

Bill Fulbright sincerely believes that it is the duty of candidates to discuss issues—that the voters are entitled to know the difference between the respective positions. Whatever else might be said about that program it certainly proved that Dale Bumpers was not running because of any clash in philosophies. Conceivably his victory was another case of a good young man upsetting a good older man.

Still, we, who from close and extended observation, are aware of the tremendous debt the United States owes the Senator, are perplexed that a competent and friendly man like Governor Bumpers, apparently having admiration for Fulbright, would choose to oppose the Senator, whose difficulties were produced largely by his opposition to the Viet Nam engagement, a position that the Governor did not condemn.

Another source of discontent was the charge that the Congress is involved in international problems at the expense of domestic affairs. In Senator Fulbright's case this cannot be sustained. He has recognized the interlocking relationship of the two interests, and the State has profited by his statesmanship in both areas. His concern over markets for exportable farm products, notably poultry and rice, projected him into the field of trade legislation and, indirectly, international negotiation with resultant benefits for the Arkansas economy.

The Senator's courage has been shown in numerous votes and actions. He recognized, before scarcely a single other Senator did, the dangers from McCarthyism. He voted, after listening to Senator Ervin on the Prayer Amendment, against an attempt to undo the Supreme Court's decision in which a prescribed prayer was required by the State of New York. This vote by Bill was not very popular in Arkansas.

The one controversy in his period of service in which he did not exemplify the basic ideas which make up his political philosophy was, of course, that of civil rights. There were times in that legislative drama when I felt a bit wistful about him, particularly when I would have welcomed some support in my efforts to achieve a non-violent acceptance of Court orders for desegregation in Little Rock. But I never at any time condemned him or my other colleagues for their silence. At least, Senator Fulbright was among those Southern politicians who did not exploit the issue. And he gracefully, though slowly, assumed a viable relationship with the black community.

With these lines depicting my grief that Fulbright's voice in the Foreign Relations Committee and in the Senate is stilled, I want to register also my belief that the loss to politics will be a gain to education. He will doubtless have more offers of professorships than any modern figure has received, and more invitations to speak than he can conveniently accept or expeditiously decline * * *

Governor Bumpers has already made a terrific impact on Southern politics. I will try to suppress my hurt feelings over the course he took this year. I may continue to insist that his own future as a leader in State and national life would have been better served, had he not paid this price of Fulbright's removal from the scene, but he will find me applauding his independence and his ethical standards * * *

I will hope, therefore, for the healing of wounds and for the emergence of a leader who can demonstrate that personal ambitions even of the giant proportions he possesses may be accompanied by a statesmanship that overshadows opportunism.

THE RIGHT TO PRIVACY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. KOCH. Mr. Speaker, in the New York Law Journal of July 8, 1974, there appears an excellent editorial on the right to privacy authored by James A. Finkelstein.

Aside from the fact that the editorial is well written on an important subject and should be read by as many people as possible, I am delighted it also happens to be written by a good friend:

[From the New York Law Journal, July 8, 1974]

Our Privacy Is Being Eroded

(By James A. Finkelstein)

More than 900 government data banks maintain files on millions of Americans in computerized eternity. The dossiers, according to Senator Sam J. Ervin, Jr., contain at least 1 billion, 52 million different records. They detail individual memberships and associations, remarks and public statements, attendance at meetings and participation at demonstrations, sexual activities, drinking habits and personality quirks. Much of the data is raw and unverified and frequently accumulated through interviews with gossipy neighbors.

In the private sector, data banks are maintained by credit bureaus, associations of insurance companies, distributors of mailing lists and an almost endless variety of other organizations. Just the five largest credit bureaus maintain files, in varying degrees of accuracy, on over 54 million Americans and in just one year distributed to their clients almost 40 million investigative reports.

Under the Bank Security Act, banks are required to maintain microfilm records of every customer transaction in excess of $100 and to turn those records over when requested by federal investigative agencies.

In response to public concern, President Nixon established in February a cabinet-level committee, headed by Vice President Ford "to draw up safeguards for the protection of the privacy of individual citizens against misuse of information about them stored in computers."

Congress has been grappling with this problem for the past five years on a non-partisan basis. The acknowledged leaders in the effort to preserve the right to privacy have been liberal Manhattan Democratic Congressman Edward I. Koch, and conservative California Republican Congressman Barry Goldwater, Jr. On the Senate side, that effort is led by senators of such diverse views as Sam J. Ervin, Jr., Barry Goldwater, Edward M. Kennedy and Charles H. Percy.

Proposed legislation would include the right of an individual to examine his files and make corrections, the rights of an individual to challenge the accuracy of his files, and to enforce privacy through administrative and judicial processes. In addition, such legislation would require public disclosure of data banks when established and that access to the files be explicitly defined and controlled and that dissemination be strictly limited.

The Constitution guarantees that protect the privacy of individuals have been eroded by access of both government and private access to the records of individuals. As Senator Ervin put it: "When people fear surveillance, whether it exists or not, when they grow afraid to speak thier minds and hearts freely to their government or anyone else, then we shall cease to be a free society."

Facts that have emerged from various Watergate investigations demonstrate the extent to which government power can be exerted on the individual's right to privacy, through the preparation of an "enemies list," the breach of the confidentiality of income tax returns, warrantless wiretaps under the imperatives or pretext (depending upon one's point of view) of "national security," burglary of a psychiatrist's office to invade the privacy of an individual's medical record. The many forms that an individual fills out become, in the Solzhenitsyn metaphor, "hundreds of little threads radiating" from each person who necessarily then fears those who manipulate the threads.

Before the 93d Session of Congress adjourns, it should act on pending legislation to preserve the individual's right to privacy; the right, as defined by Justice Brandeis, "to be let alone."

After an exhaustive study of military surveillance of civilian politics, the Senate Subcommittee on Constitutional Rights warned: "The Orwellian nightmare of a government always watching, and, armed with knowledge of a citizen's thoughts and ambitions, silencing their adverse views with real or presumed threats of reprisals, is a vision which has haunted twentieth century Americans since it was conceived. Yet those charged with the operation of government continue to ignore the warning."

Congress can no longer evade the warning. It can and must act now to put an end to the nightmare.

2,4,5-T HERBICIDES: EPA BACKDOWN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. RANGEL. Mr. Speaker, one of the many profound lessons this country should have learned from our Indochina experience is that poisonous chemicals have no morally useful role in war or in peace. For 8 long years, the United States dropped ton after ton of 2,4,5-T herbicide on the land and people of Vietnam. Besides inflicting immediate damage upon Indochina, these poisons may very well have caused genetic damage to the Vietnamese people for generations to come. Recent newspaper accounts and scientific studies clearly illuminate this depressing possibility:

[From the New York Times, Apr. 6, 1973]

Contamination of Vietnam River Fish Laid to Defoliant

Two Harvard biochemists have found that a component of a defoliant chemical used by United States forces in South Vietnam has contaminated fish and shellfish in Vietnamese waters and they say it may pose long-term hazards for the human population.

[From the Daily News, May 2, 1973]

South Viet Shrimp Called Tainted by Defoliant

Japanese newspapers have quoted a South Vietnamese botanist as saying that marine life in the South China Sea has been contaminated by defoliant chemicals dropped on forests by American planes during the Vietnam war.

Clearly, there is no place for 2,4,5-T herbicide in an environmentally responsible society. One would think we would have learned that lesson by now. Yet, just days ago, the Environmental Protection Agency announced that it was withdrawing its notice of cancellation of registrations for the use of 2,4,5–T on rice, and withdrawing notices of intent to hold hearings on all uses of the substance. I am in firm opposition to the EPA backdown on this matter and urge the appropriate officials to swiftly reconsider their decision. On June 28, the Environmental Defense Fund wrote to the Deputy Administrator of the EPA, John Quarks, to express their dissenting views on the herbicide decision. The letter, written by William A. Butler, the Washington counsel of the Defense Fund, is now submitted in full for the thoughtful consideration of my colleagues:

ENVIRONMENTAL DEFENSE FUND,
Washington, D.C., June 28, 1974.

Re 2,4,5–T; Silvex and Erbon: I.F. & R. No.'s 295 et al. and 302.

JOHN QUARLES, Esq.,
Deputy Administrator, Environmental Protection Agency, Washington, D.C.

DEAR JOHN: The Environmental Defense Fund wishes the record to show that it is in fundamental disagreement with two positions in which EPA has apparently acquiesced by its actions of June 24, i.e., actions withdrawing notice of cancellation of registrations for use of 2,4,5–T on rice and withdrawing notices of intent to hold hearings on all registered uses of 2,4,5–Trichlorophenoxyacetic acid and all registered uses of herbicides potentially containing tetrachlorodioxin, including Silvex and Erban. These positions apparently now taken by EPA are:

1. that if information obtained after a pesticide is registered indicates that continued registration may pose a hazard to public health, the registration need not be suspended or cancelled while the newly discovered hazard is being evaluated; and

2. that the burden of proving or disproving newly appreciated hazards properly falls upon EPA, rather than upon the registrant, and that if EPA cannot provide such proof, registrations must be continued.

In contradistinction to the above, EDF believes that the mere existence of a substantial doubt as to whether a pesticide is injurious to public health is in itself sufficient grounds for suspension and/or cancellation of registrations of the pesticide;[1] that the suspension or cancellation notices should be continued until such time as the *registrant* is able to submit data showing that the pesticide can be used with an adequate margin of public safety; and that although EPA may assist in developing such data, legal responsibility for the provision of such data may not be assumed by the agency. The responsibilities of EPA in this area are to determine whether there is a credible doubt concerning possible adverse effects of the pesticide and, if so, to suspend and/or cancel registrations unless and until the doubt is resolved. If EPA takes upon itself the ultimate burden of proof regarding a toxic product's safety, not only will it remove much incentive on the part of registrants to do so, but will also impose upon itself an impossible task in direct conflict with its own earlier policy and the legislative intent of the Federal Environmental Pesticide Control Act of 1972.

Therefore, we request that EPA suspend (and/or reinstate cancellation notices) for all registrations of 2,4,5-T and other herbicides derived from trichlorophenol during the period in which hazards of these herbicides are being evaluated. In light of Dr. Upholt's statement at the conference of all parties that EPA does not question (1) that tetradioxin (TCDD) itself is highly teratogenic, (2) that the purest commercially available 2,4,5-T is itself teratogenic, and (3) your statement that existing suspensions and cancellations of 2,4,5-T other than on rice will remain in effect (i.e., use around the home and garden, and recreational areas, or where water contamination would occur), we are at a loss to understand why for the larger volume and food uses of 2,4,5-T EPA is willing to permit continued use of the environment as registrants' laboratory, and the population at large as their unwilling guinea pigs. We are further perplexed why EPA permits Silvex, almost identical to 2,4,5-T in all pertinent chemical particulars, to be continued to be used for the very purposes (home and garden, recreational areas, and areas where contamination of drinking water could occur) for which 2,4,5-T has long since been cancelled, a cancellation you have now just affirmed. Surely this anomaly demands redress.

At the conference of all parties you agreed that we and our clients, as well as industry, might have an opportunity to participate in the planning of EPA's ongoing research in these matters. We would like an opportunity to meet with your research administrators as soon as possible to exchange ideas with them. We also request that EDF be kept informed of the progress of the research programs as they are conducted to assess the hazard of these herbicides; that the concentration of TCDD in current production runs of Silvex and Erbon be determined, with EDF being notified of the results; that the research programs include studies to assess the teratogenicity of both commercial and purified grades of all of the herbicides in question, especially Silvex; that a reaffirmation of the responsibility of a registrant for establishing the safety of his product, that the registrants be required to reimburse EPA for the cost of the research program; and that EPA publish a public warning that until the degree of hazard can be assessed, all direct or indirect exposure of pregnant women or animals to these herbicides should be avoided.

We trust that the above requests will not appear strident, but candidly, we are deeply concerned both by the specific of the June 24 decisions, and by the ominous policy shift they seem to portend. We trust that within the next year or two these issues will receive the public review they deserve.

Sincerely,

WILLIAM A. BUTLER,
Washington Counsel.

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[1] In view of the fact that both the registrants and the EPA have embarked on major research programs in order to resolve some of the still unanswered questions concerning possible adverse effects of 2,4,5–T and related herbicides, we presume that neither question the existence of a continuing substantial doubt in the present case. In fact, your notice and statement clearly imply as much.

SENATE—*Thursday, July 11, 1974*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Rev. Edward L. R. Elson, D.D., offered the following prayer:

Where there is no vision, the people perish: but he that keepeth the law, happy is he.—Proverbs 29:18.

Eternal Father, who made man to dream dreams and see visions, keep us ever erect in spirit that we may always see the horizon and the promise of a better world.

Deliver us from the small vista, the cramped intellect, the narrow view, the tiny thought, which first diminishes and then destroys a nation. Keep our eyes open to the everlasting hills, the illuminated skies, the bright sunrises of hope and beauty and truth. Keep ever before us the holy vision of Thy perfect kingdom when all men are brothers and the law is fulfilled in love.

We pray in the name of Christ, who never forsook the vision, even on a cross. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, July 10, 1974, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House agreed, without amendment, to Senate Concurrent Resolution 101, to authorize the transfer of catafalque to the Supreme Court for funeral services for the late Chief Justice Warren.

The message also announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 14920. An act to further the conduct of research, development, and demonstrations in geothermal energy technologies, to establish a Geothermal Energy Coordination and Management Project, to amend the National Science Foundation Act of 1950 to provide for the funding of activities relating to geothermal energy, to amend the National Aeronautics and Space Act of 1958 to provide for the carrying out of research and development in geothermal energy technology, to carry out a program of demonstrations in technologies for the utilization of geothermal resources, and for other purposes; and

H.R. 14323. An act to amend the Atomic Energy Act of 1954, as amended, to revise the method of providing for public remuneration in the event of a nuclear incident, and for other purposes.

The message further announced that the House had agreed to House Concurrent Resolution 559 to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry.

HOUSE BILL REFERRED

The bill (H.R. 15323) to amend the Atomic Energy Act of 1954, as amended, to revise the method of providing for public remuneration in the event of a nuclear incident, and for other purposes, was read twice by title and referred to the Joint Committee on Atomic Energy.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 559) to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry was referred to the Committee on Rules and Administration.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 953 and 954.

The PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. SPACE WEEK

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 223) requesting the President to proclaim the 7-day period of July 15 through 21, 1974, as "U.S. Space Week," which had been reported from the Committee on the Judiciary with an amendment on page 1, at the end of line 3, strike out "July 16 through 22, 1973," and insert "July 15 through 21, 1974,".

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The title was amended so as to read: "Concurrent resolution requesting the President to proclaim the 7-day period of July 15 through 21, 1974, as 'U.S. Space Week.' "

THE 100TH ANNIVERSARY OF THE BIRTH OF HERBERT HOOVER

The concurrent resolution (S. Con. Res. 79) expressing the sense of the Congress with respect to the celebration of the 100th anniversary of the birth of Herbert Hoover was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

> Whereas Herbert Hoover, the thirty-first President of the United States, was born August 10, 1874, in a simple two-room cottage in the town of West Branch, Iowa;
>
> Whereas the Congress of the United States, by Act approved August 12, 1965 (79 Stat. 510), authorized the establishment of the Herbert Hoover National Historic Site, consisting of the Herbert Hoover birthplace and the place where he and his wife, Lou Henry Hoover, were buried, in West Branch, Iowa, to be administered by the Secretary of the Interior for the education and enjoyment of the public; and
>
> Whereas pursuant to the Presidential Libraries Act of August 12, 1955, the Administrator of General Services operates the Herbert Hoover Presidential Library at West Branch, Iowa, containing the personal and official papers of President Herbert Hoover: Now, therefore, be it
>
> *Resolved by the Senate (the House of Representatives concurring)*, That the Congress hereby calls upon the Secretary of the Interior and the Administrator of General Services to cause to be conducted on or about August 10, 1974, appropriate ceremonies in celebration of the one hundredth anniversary of the birth of Herbert Hoover, thirty-first President of the United States, in the town of West Branch, Iowa.

FUNERAL SERVICES FOR THE LATE CHIEF JUSTICE OF THE UNITED STATES, MR. EARL WARREN

Mr. MANSFIELD. Mr. President, for the information of the Senate, I would like to make a statement on the funeral services for the late Chief Justice of the United States, Mr. Earl Warren.

The body arrived at 10 o'clock this morning. Church services will be conducted at the National Cathedral, at 1 p.m. Friday afternoon.

Final services will be at Arlington Cemetery, at 3 o'clock Friday afternoon.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

WHAT IS RIGHT WITH THE FEDERAL GOVERNMENT: TECHNOLOGY—DEVELOPMENT AND ASSESSMENT

Mr. PROXMIRE. Mr. President, less than a week ago, we observed America's celebration of its independence, and I could not help but reflect, as I toured through the State of Wisconsin, how far beyond the early dreams and aspirations of our Nation's architects we have developed. Last week in Wisconsin, I participated in a demonstration of firefighting equipment, worked as a laborer at a construction site of a water pollution abatement plant at a paper mill, worked briefly as a lumber scaler at the mill, assisted in tending a papermaking machine, and worked in a pea-packing operation. I was impressed with the unique combination of imagination and vision with the practicality of application displayed in the machinery, the complex processes, and the human understanding which have been developed to create products that meet human needs and attempt to solve society's problems. I am led to the conclusion that America's spirit of aspiration is nowhere so dramatically manifested as in the Nation's technological developments over the last 20 years. It is remarkable to consider that more than half the scientifically developed products on the market today did not even exist two decades ago.

Mr. President, in this 19th of my series of speeches on "What's Right With the Federal Government," I would like to acknowledge the role the Federal Government has played in promoting technological development and in taking steps to provide the proper mechanisms to assess the far-reaching effects of those developments. I believe that the Federal Government has given appropriate support to the Nation's technology which aspires to an improved living environment, increased opportunities, better health, and a generally higher quality of life for all citizens. Hand in hand with these improvements, however, comes change—some beneficial and some potentially disastrous.

When one defines "technology" as the systematic application of scientific knowledge to the solution of a problem or to the modification of the environment, one assumes that the intended consequence is to the good of society. We must, however, be constantly aware of potential negative aspects of our rapid technological growth. There is an inherent danger in the gap between man's ability to change his universe and his power to comprehend and deal with the changes he has wrought.

ACCELERATED RATE OF TECHNOLOGICAL DEVELOPMENT

In the short history of our country, technology has developed rapidly. Each development creates its own ripple effect, and a single development can and often does set into motion social and environmental changes which affect the whole society. For example, the development of agricultural technology brought millions of rural land workers to cities ill equipped to assimilate them. John Eberhardt, a noted contemporary architect and technologist, writes that cities as we know them are the consequences of six inventions occurring during the 11-year period from 1877 to 1888—the electric trolley, steel beam construction, elevators, electric lights, the automobile, and the telephone.

The rapid rate of technological development is not a new phenomenon. In 1844, the same year Charles Goodyear of New York received Patent No. 3,633 for an "Improvement in the Manner of Preparing Fabrics of India-Rubber," the first Commissioner of Patents, Henry L. Ellsworth commented in his annual report that—

> The advancement of the arts from year to year, taxes our credulity and seems to presage the arrival of that period when human improvement must end.

Henry's remarks gave rise to the myth of a Patent Office official who resigned because everything had been invented. His credulity would certainly be taxed if he could be a witness to the rapid technological explosion of the past 20 years.

The accelerated progress in the growth of our technology continues to be astonishing. When I first came to the Senate in 1957, it took more than 7 years to get a chemical product from the laboratory to the production stage. Now that process takes from 1 to 3 years.

ENERGY TECHNOLOGY

One significant development in the energy field is the chemical coal gasification process by which pulverized coal is converted to gas. Several gas demonstration plants are in operation or under construction in the United States. If successful, they will provide the basis for industry to begin building and operating commercial plants based on U.S. technology to produce synthetic natural gas by the end of the 1970's. Although the process is not new, the increased need for energy sources has greatly accelerated research and development in this area in the last 3 years. The approximately $225 million Congress appropriated for coal gasification and liquefaction R. & D. in 1975 could result in widespread use from cooking and heating to generating plants. Since the United States currently imports much of its natural gas, development of an economical U.S. technology in this area could save from 20 to 50 percent over foreign technologies.

As the United States seeks independence in meeting its own oil and gas needs, sights have turned to offshore sources. In 1968, the Deep Sea Drilling project was formed under the auspices of the National Science Foundation. Out of this project came at least two technological developments essential to offshore oil and gas drilling—these are known as dynamic positioning and reentry. Dynamic positioning makes it possible for free-floating vessels to remain stationary over one spot. Reentry mechanisms enable a drill bit to be guided into a previously drilled hole with the help of a sonar scanner. Such technology makes it possible for us now to drill as deep as 13,000 feet into the crust of the Earth through 20,000 feet of water, while previous methods allowed us to drill at no greater depth than through 600 feet of water. We currently have 25,000 producing offshore wells, and such wells have yielded 55 million barrels of oil since 1968.

The point I am making, of course, is that we see the ads by the big oil companies, from which we get the impression that this is entirely a venture of private capital. Indeed, private capital has contributed greatly. But the Federal Government, by our own actions, by the actions of Congress, has played a very vital role in advancing this technology.

Several new technological developments which have significant implications for increased energy resources have the happy dual effect of easing our society's environmental and economic problems. Resource recovery—the systematic diversion of waste from disposal to reuse—has become a national goal of increasing dimension. Passage of the Solid Waste Disposal Act by Congress in 1965 signaled the start of extensive Federal involvement in developing new techniques in this area. This Federal role was further defined by the Resource Recovery Act of 1970. The Environmental Protection Agency was given major responsibility for its implementation. One dramatic example of the technology supported by EPA is a demonstration project in St. Louis. For the past 2 years, a plant has been operating there which produces a low-cost, low-polluting fuel, with a heat value half that of coal. This fuel is a result of a process which initially shreds trash, then separates out heavier materials such as glass, metals, rock—which may then be further processed for reuse—and finally processes remaining wastes for fuel. Plans are now underway to utilize this process in several urban areas.

An electric power company which participated in the St. Louis demonstration, intends to expand the St. Louis operation into a $70 million system which will yield about 6 percent of the company's electricity by the end of the 1970's.

Recent work has shown that cellulose, a major component of solid waste, can be converted into fuel oil. The Bureau of Mines of the U.S. Department of the Interior has been a prime mover in developing this process to yield a low-sulfur fuel oil. Two techniques have been developed: first, a pyrolysis technique, in which organic waste material is heated in a closed vessel in the absence, or near absence of oxygen to cause a decomposition into gas, oil, char, or a combination of these; second, a hydrogenation technique, whereby organic waste is heated under pressure in a closed vessel in the presence of carbon monoxide, steam and a catalyst, producing neither gas nor char, but rather oil—about 2 barrels per ton of dry waste.

When we consider that the amount of urban, animal, and agricultural waste produced annually in the United States in sufficiently concentrated areas to allow economic utilization is about 60 million tons, we realize that the conversion of this material to fuel would represent a highly creative form of disposal. In addition, if this amount were to be converted to oil, up to 230,000 barrels per day could be produced. This is about 1 percent of the Nation's total daily energy requirement.

A related process which my staff was successful in discovering, and we did our best to specialize it, is very exciting and offers tremendous promise and was recently successfully researched by the Army's Natick, Mass., research laboratories would have made the medieval alchemists green with envy. This effort literally converts "garbage to gasoline." I have recently held hearings in the Joint Economic Committee during which we learned that every year nature provides over 100 billion tons of cellulose, most of which ends up as waste and garbage. The Natick lab discovered an enzyme which breaks down cellulose into glucose, which can then be converted into ethyl alcohol at a cost of 20 cents a gallon and of course the raw material is free, and you can get paid to dispose of the garbage. Previous processes to produce the same ethanol had cost $1 a gallon.

With a slight modification in automobile carburetors, as much as a 25 percent mixture of ethanol and gasoline can be used with as good or better miles per gallon than with gasoline.

Now, in addition to this, Mr. President, I might point out, we asked two eminent experts at MIT to study the process. They were very enthusiastic about it. We asked Shell and, I believe, Mobil. They testified that this had great promise and were most encouraging about it.

So this is something that the Army has done that can be very helpful in advancing our technology.

On top of that, ethanol used as fuel for cars spews out fewer pollutants than gasoline. What a potential dual solution to our disposal of solid waste and scarcity of energy problems.

We have, so far, failed to harness our greatest energy resource—the Sun. Although solar energy is clean, inexhaustible and safe, private industry—seeing no way to assure sole rights to the Sun—continues to develop other energy sources. The Government has been a day late and a dollar short in investing in this effort. Recently, the Chairperson of the Atomic Energy Commission recommended to the President that about 2 cents of every Federal energy dollar be spent on developing solar energy, thereby slashing fivefold the recommendation of her own scientific advisers.

ENVIRONMENTAL TECHNOLOGY

Technology to mitigate the pollution in our environment continues to grow dramatically. The development of flue gas desulfurization systems to curb sulfur dioxide in the environment has been promoted by the Environmental Protection Agency, and the first United States systems are now in operation in Minnesota, Missouri, Massachusetts, and Alabama. Congress has been quite conscious of the air pollution problem.

In 1970, it passed the Clean Air Act. As a result increased use was made of low-sulfur oil and gas. But when recent shortages demanded burning the more readily available high-sulfur coal, flue gas desulfurization systems became an important weapon to combat the resulting air pollution. Such systems can be used in conjunction with all types of fuel but are especially appropriate for cleaning gases from the combustion of medium-to-high-sulfur coals, which constitute the largest segment of the Nation's fuel reserves.

Water pollution has also been a recent concern. As one technology evolves to increase man's productivity, another technology is needed to deal with the negative by-product of the first. The use of ozone in the treatment of wastewater has been of recent interest to the Environmental Protection Agency as well as to private industries. Ozone, a hyperactive variant of oxygen, has been long known as a powerful cleansing agent. When coupled with high-frequency sound waves, it removes all microscopic contaminants from wastewater which remain after sedimentation and filtration processes. Ozone treatment will probably be widespread in a short time. It is cheap—operating costs may be less than with a conventional system which would take up from 5 to 10 times the space. It also quickly reverts to oxygen once it has done its work, whereas chlorine, now used, lingers and becomes a pollutant itself. Ozone completely obliterates all bacteria and organic material and reduces odor, discoloration and turbidity. In this case, the Government is cognizant of potential negative effects of this new technology. Because exposure to large quantities of ozone can be dangerous, the EPA is backing studies in Michigan to determine whether there are any adverse effects associated with ozonated materials.

Another example of the need for a technology to solve pollution caused by another technology is the possible danger of electromagnetic pollution in the form of radiation from electrical power machinery, long-wave, short-wave, AM, FM radio, TV, radar and microwave equipment.

Because most Americans are being continuously and increasingly exposed to such radiation from man-made sources, there is a need to determine if there are adverse physiological effects. The Federal Government is taking the lead in making such an assessment. The Office of Telecommunications Policy in the Office of the President began in 1972 to conduct an interagency program for control of electromagnetic pollution of the environment. The assessment program currently consists of about 114 projects in the Department of Health, Education, and Welfare, the EPA, the Department of Defense, and other agencies.

A new technology with implications for energy, pollution, transportation, and the economy is the hydrogen injection engine. It is an automobile engine modified to burn hydrogen along with gasoline. The process is expected in the short run to increase the thermal efficiency of the engine, reduce gasoline consumption, and lower pollution levels. If successful in the automobile, it may be feasible to use in aircraft. In the long run, the project being carried out by NASA could be the first step toward the "hydrogen economy," which is a concept in which hydrogen produced from water would replace conventional fuels for a variety of uses, including automobiles, and other modes of transportation, as well as home heating and cooling, and industrial applications. In this "hydrogen economy" the energy to decompose water into hydrogen and oxygen would be provided by solar, nuclear, or other advanced power sources. Hydrogen would then be transported through pipelines to urban centers where it would be used as a power source in itself completing the cycle by burning with oxygen to produce water. This is, of course, many years away, but our present technological developments and projects in this area are certainly provocative.

TRANSPORTATION TECHNOLOGY

We are receiving myriad benefits from our present transportation technology. Yet today, our memories of the severe crisis of recent months clouded, we use our transportation vehicles in a shamefully wasteful manner. Speed limits are broken and unenforced. Little planning is done to assure economic use of personal vehicles. In contrast, other transportation technologies have been of great economic benefit. In 1959, the first civilian jet-powered air transports went into service. Their productivity quickly outweighed their higher costs than piston engined planes. The new jets could deliver twice the number of passenger miles per hour. Time out of service for maintenance was sharply reduced. The jets, each capable of more work than two or three piston-engined planes of similar seating capacity, could also be made in sizes greatly exceeding the upper practical limits of piston engine planes. All parts of the continental United States were brought within about 4 hours of each other along with unparalleled comfort for the traveler. At the same time, the direct and indirect savings to the airlines enabled them to hold air fares throughout the 1960's at an almost constant level, even though inflation during that decade was 28 percent. Considering this factor, and computing fares based on the buying power of a 1960 dollar, it may be seen that during that decade, air fares were effectively decreased by more than 25 percent due to this transportation technology.

It is interesting to consider the consequences had we rejected jet power for civil air transports. Our civil fleet now numbers about 2,500 aircraft, only a few hundred more than we had in 1960. However, if we were still using piston engined aircraft, such as the DC-7, about 8,500 of them would be needed for today's air traffic, which would require at least three times our investment in airports, navigation equipment and air traffic control systems. Clearly, jets have saved the taxpayer billions of dollars.

Federal involvement in the evolution of civil air transport was extremely high. The military had undergone a transition to jet power in the late 1940's, bearing the R. & D. costs of jet engine development, high speed aerodynamics research, and airframe development.

Federal investment may soon bring into civilian use an air-cushioned vehicle indifferent to surface conditions, providing a capability for routine transportation to areas isolated by swamp, marsh, ice and water. It is a remarkable high speed vehicle which rides a foot or two above the surface resting its weight on nothing but a cushion of air, which it maintains through the use of fans. In 1968, these vehicles, known as "Hovercraft," began passenger service between England and France, across the English Channel. They currently carry 250 people and 30 cars smoothly over the choppy water at about 70 miles per hour. This function only serves to introduce the incredible potential of these vehicles. They can, for example, provide life saving operations under weather conditions too severe to permit other types of vehicles. On a grander scale, ACV engineers visualize oil tankers capable of freely navigating the ice of the arctic seas and continuing inland across marsh and tundra to reach oil supplies. They could then return with their cargo at speeds of over a hundred miles per hour, cross the shoreline when they reach their destination and proceed to a prepared, dry land unloading site. Deep harbors would not be needed by these tankers, nor would the pipelines now used to carry oil to ocean loading sites.

Although development of the ACV's in the United States is presently limited to military programs, this Federal investment is bringing the cost of producing civil craft within the range of economic feasibility.

AGRICULTURAL TECHNOLOGY

Mr. President, as I am sure the occupant of the Chair, the Senator from Minnesota (Mr. MONDALE) recognizes in agriculture, developments in the area of mechanical equipment have saved inestimable hours of labor. Agricultural Research Service engineers have designed bulk boxes, padded or filled with water, to prevent bruising of fruit and vegetable products at a great benefit to the American consumer and public.

They also developed the mechanical shaker, believed to be the most universally used tool for detaching fruit. Over the past 20 years, the utilization of mechanical harvesting equipment and the development of special containers has made possible the prompter harvesting of many kinds of agricultural products. For example, more than half the commercial crop of tart cherries is mechanically harvested and delivered to the processor in containers of water. For a variety of other fruits, nuts, berries, and vegetables, these technologies have resulted in better quality on the market, increased availability, elimination of manual labor and replacement with upgraded jobs involving machinery operation, increased American exports, and lower production costs.

Another agricultural technology being developed by the Federal Government is known as "integrated pest management"—an approach that employs a combination of techniques to control pests threatening crops. The Department of Agriculture is heavily committed to pest research. In fiscal year 1971, it budgeted over $75 million for pest control research. New techniques are being developed under a $3.5 million a year program in which the National Science Foundation, EPA, and USDA cooperated. With about 350 million acres in agricultural crop production in this country, the overall economic advantage of integrated pest management is obvious. Present beneficiaries of the approach are such crops as cotton, apples, and citrus which have been large users of pesticides in the past.

Another development with dual benefits to agriculture and to unpolluting the environment, is the use of domestic and industrial sewage to irrigate land. This land application of wastewater was pioneered in States such as Iowa, Wisconsin, Minnesota, and Ohio.

Of course, agriculture is the area where technology has really given this country the greatest advantage over other countries than we have in any area.

Our agriculture is literally 10 times as productive as the Soviet Union. They have eight times as many people engaged in agriculture as we have, and we produce 20 percent more food.

This is because, of course, of the tremendous technological improvements and also because of our much greater motivation with our family farms.

Waste water is beneficial to crops because of the natural fertilizers and nutrients. Congress played a major role in this development by allotting a substantial role to land application of waste water to attain the goals of the Federal Water Pollution Control Amendments of 1972.

EPA has published a nationwide survey of existing facilities, and has given grants to communities such as Muskegon, Mich., for land treatment of wastes.

SOCIAL AND ECONOMIC TECHNOLOGY

Commerce, industry, and the private citizen have reaped incalculable benefits from recent advance in computerization. Small solid state devices to perform a wide range of computations have reached mass markets within the last several years. These include adding machines, analog computers, and special-purpose calculators. The development of the pocket computer has brought into being a new industry, increasing the efficiency of individuals in their homes and jobs. Federal funds supported the development of several components of such systems, including microcircuitry, solid state transistors, miniaturized condensers, to name a few.

Mr. President, right now economists and others are deeply concerned about our inflation and, of course, we have a very serious problem with the expectation of our people for a higher standard of living.

What I am talking about here is a really basic answer. If we can employ technology and productivity, we will produce much, much more, we will have a higher standard of living. Technology not only will help solve problems, we can also go a long way toward solving the most serious inflation problem that confronts us. Technology has transformed our social institutions. In the area of law enforcement, for example, a greatly enhanced information technology has developed.

In 1957, the University of Pittsburgh Health Law Center began efforts to develop man-machine procedures for storing and retrieving legal information in a computer. The Federal Government in 1964 established Project LITE—Legal Information Through Electronics—under the aegis of the U.S. Air Force. This advanced legal information handling system features the storage of such often used information as the United States Code, the Comptroller General's Decisions, the Armed Services Procurement Regulations and selected international agreements. In 1972, the Justice Department developed its own system and certain regulatory agencies are also developing limited holdings of machine-readable legal information. Such information technology has proven exceptionally useful in expediting the formerly painstaking retrieval process and in providing senior decisionmakers with information requisite to the performance of their planning and oversight roles.

The Federal Government has invested funds and technical assistance in the development of a prototype automatic fingerprint reader in 1972. This has had tremendous impact at the FBI Identification Division, where over 30,000 fingerprint inquiries are received each day which must be searched against a file of over 20 million arrest fingerprint records.

We must steadfastly maintain vigilance over our hard-won civil liberties as new information technologies threaten individual privacy.

RESULTS OF SPACE TECHNOLOGY

Despite my apprehensions about the role of our space program today, I acknowledge the new developments in communications, weather forecasting, earth resources monitoring and medicine which space technology has brought. I plan to discuss our great strides in biomedical technology in which NASA as well as other governmental agencies participated in the next of this series of speeches.

At this time, I would like to note the significant dimension the space program has added to our worldwide communication during the last decade. A mere decade prior to the 1972 Summer Olympics in Munich, the idea of the sports fan settling into his favorite easy chair to watch that event "live" would have seemed a fantasy. Yet such a phenomenon was on the road to reality with the launching of Telstar I in 1952 and the development of more sophisticated global satellites. Since then Americans have been witnesses to the Coronation of Pope Paul XI in 1963, the funeral of Winston Churchill in 1965, and Nixon's visit to China in 1972—participating in these historic events as they happened.

In the environmental area, thanks to the space program's meteorological satellites, weather prediction has shed much of the "guessing" element, and the result has been the saving of lives which might have been lost. The TIROS series of weather satellites must be credited for our improved ability to anticipate and prepare for serious storm developments. Meteorologists and disaster relief officials acknowledge that without early detection and monitoring via satellite, Hurricane Agnes would have had a drastically higher death toll.

NASA's Earth Resources Technology program, building upon the success of the ERTS-1 satellite, has applied infrared remote sensing techniques to studies of pollution control, agriculture and forestry, and cartography with significant results. A series of maps of a selected area—the Central Atlantic Regional Ecological Test Site—CARETS—documents the rapidly changing character of land use. Reflected on these maps are extensive urban changes, conversion of forest land to agriculture, and new development in many coastal resort areas. When computerized, statistics can be compiled to reflect accurately the general transformation of the land to both more intensive and more extensive uses. Data gathered are helping us zero in on new sources and impacts of pollution. They can help the farmer to detect vegetation problems before serious losses of crops and income occur.

INTERNATIONAL POSITION OF U.S. SCIENCE AND TECHNOLOGY

All of the technological developments I have mentioned so far go a long way to describe "what's right" with the Federal Government's support and promotion of scientific and technological activities. But how does the United States rate in its effort with other leading technological nations of the world? According to a report by the National Science Board of the NSF, several indicators would place the U.S. high.

In the scientific areas of physics, geophysics, molecular biology, systematic biology, psychology, economics, mathematics and engineering, the U.S. has produced over recent years a larger share of literature than any other country by far.

Literature produced by the United States in most scientific areas is more frequently cited than that produced by other countries.

During the period from 1960 to 1971, the United States gained an increasingly favorable position in the sale of technical know-how—that is patents, techniques, formulas, franchises, and manufacturing rights. Also through those years, the U.S. balance of trade doubled in product areas related to technology, such as chemicals, electrical, and nonelectrical machinery, aircraft and parts, and scientific and professional instruments.

Other indicators do not place the United States quite so favorably. The proportion of the gross national product spent for research and development between 1963 and 1971 declined in the United States, France, and the United Kingdom, but increased in the U.S.S.R., Japan and West Germany. By 1971, the U.S. expenditures for R. & D. were 2.6 percent of GNP, as compared with an estimated 3 percent for the U.S.S.R., 2 percent for the United Kingdom and West Germany, and 1.8 percent for Japan and France.

I might say that our ratio probably is not quite as favorable as that seems to be, because we put much more into military technology and military research, whereas Japan and West Germany have put in far less.

The number of scientists and engineers engaged in R. & D. per 10,000 population declined in the United States after 1969 but continued to increase in the U.S.S.R., Japan, West Germany, and France, with the result that by 1971, the number per 10,000 population for the U.S.S.R. was 37 compared with 25 for the United States and Japan, 15 for West Germany, and 12 for France.

FEDERAL ROLE IN ASSESSING IMPACT OF TECHNOLOGY

Whether on an international or on a domestic basis, technology, like all power, is good or bad, depending how we use it. I have spoken in positive terms of the Government's involvement in and support of technological endeavor. Yet there are two aspects of this involvement which are in great need of improvement. First is best serving the public's interest by maximum utilization of Government-owned inventions. Second is the long range assessment of the consequences of our technology on the part of Congress in order that our legislation may be more enlightened to meet problems of the future.

To elaborate on the first concern, a Presidential statement of Government patent policy issued in October, 1963, serves as an early indication of the low level of commercial interest in and development of Government-owned inventions. This statement tried to effect flexible but uniform patent policies which would optimize expenditures of public funds to serve public interest. A 1971 Executive statement and a variety of congressional activities conducted over the past decade testifies to a continued and expanding interest in improving Government patent policy.

In 1972, the Department of Commerce began to investigate methods to promote the licensing of Government-owned patents and to obtain domestic and foreign patent protection for technology owned by the Government. Through its National Technical Information Service—NTIS—the Department developed an announcement mechanism to disseminate information on Government-owned inventions and conducted a small-scale experiment to determine the extent of commercial interest in Government patents. As a result, an experimental program was recently initiated to serve the public interest by identifying means to optimize public investment in R. & D., to promote technological advance and to encourage economic growth.

My even greater concern is for Congress to develop its ability to assess the consequences of its acts where technology is involved, and to plan to meet the dangers that are the long-term byproducts of technology employed for short-range benefit. Much of my discussion of examples of technological advances here today, were developments to deal with the destructive results of man's applied knowledge. We need technology to undo what technology has done—to unpollute our environment—to rehumanize our education, our art, our advertising which have been dehumanized through misapplication of technology.

What is the scope of Congress' need to equip itself to cope with these problems? In 1972, the Senate Rules Committee estimated that as much as 40–60 percent of all legislation considered by Congress contained a technological component crucial to a bill's intent and execution.

Shortly before that, Stanford University surveyed the Congress and found general agreement that Senators and Representatives had inadequate sources of information and advice on technical issues involved in legislation—that public and congressional discussion of technical issues is unjustifiably handicapped by executive privilege and military classification—that new sources of technical assistance would be welcomed whether they be graduate science interns, a congressional agency with technological oversite, or research corporations to do technical studies.

With the establishment of the Office of Technology Assessment by Congress in 1972, we now have, in theory at least, a policy research tool for the more intelligent awareness of options, attainment of national goals, and protection of public welfare. But in practice, little has been accomplished so far. OTA is operating on a $2 million budget for fiscal year 1974, having requested $5 million. The current areas which the Board has approved for assessment include oceans, food, agriculture, energy and solar energy, materials, health and bioequivalence of drugs and transportation.

Some technology assessment has been implemented through the executive branch. The National Science Foundation has awarded about $1 million for support of technology assessment studies for the last several years through the Office of Exploratory Research Applied to National Needs Program. The Department of Commerce maintains an Office of Technology Assessment and Forecast, and several Federal agencies are supporting technology assessment studies such as:

Department of Transportation, Climatic Implications of Atmospheric Pollution;

Impacts on Industry of Alternative Types of Power Plants;

Environmental Protection Agency, The Electric Auto in Los Angeles.

Federal efforts in long term planning have been uncoordinated and uncomprehensive. As we reap the positive benefits of our technology which have raised not only the standard and quality of life, but the length of life as well, we must do far more to predict and plan for the negative effects—and the Federal Government must assume a greater share of the burden of comprehending the consequences of our technology.

Mr. President, I would like to devote the remaining minute or two that I have on another subject.

THE PRESIDENT MEETS WITH BUSINESS LEADERS

Mr. PROXMIRE. Mr. President, this morning the President is meeting at the White House on the economy with some of the leading businessmen of the country. He is meeting, among others, with representatives of the Bank of America, Alcoa, General Electric, Mobil, Sears Roebuck, Jewel Tea, General Motors, E. I. duPont, Burlington Industries, United States Steel, International Paper, Swift & Co., and so forth. He is also meeting with a number of economists.

Unfortunately, only two of the 30 or so people meeting with the President represent a view different from his own. I am afraid, therefore, that the President will simply be told that what he is dong is fine, to keep it up and not change it.

I think it is fine that the President is meeting with these eminent people. They are all very able, and can make a substantial contribution. But I do hope he will broaden his inquiry, because the problems confronting our economy today are so serious in the inflation area, and our policies are obviously not working, that the President needs some direct criticism and some alternative proposals that will work.

The PRESIDING OFFICER (Mr. Inouye). The Senator's time has expired.

Mr. PROXMIRE. I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes. Is there morning business?

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESENTATION OF A PETITION

INCREASE IMMIGRATION QUOTA FOR CAPE VERDE ISLANDS

Mr. PELL. Mr. President, the distinguished senior Senator from Rhode Island (Mr. Pastore) and I have presented to the Senate a resolution from the General Assembly of the State of Rhode Island and Providence Plantations memorializing the Congress to increase the immigration quota for applicants from the Cape Verde Islands of Portugal from 200 to 600 annually.

There is already legislation before the Congress introduced by the distinguished senior Senator from Massachusetts (Mr. Kennedy) which would authorize this increase. Section 4(3)(b) of S. 2643, of which I am a cosponsor, would authorize such an increase. It is also provided for in H.R. 981 which has been passed by the House and is now before the Senate Judiciary Committee.

Even an increase to 600, however, would fail to take care of the current backlog. The increase will probably cover the applications within the first to fourth preferences but not the 800 applicants in the fifth preference, who will have to wait for following years.

Nevertheless, the above legislation will afford relief in response to the general assembly's resolution, and I urge that the Senate act at an early date to enable the provision to become law.

To do so will make the Congress responsive to one of New England's finest ethnic groups, the Cape Verdeans, many of whom descend from those men who went courageously down to the sea in ships in the era of Moby Dick.

In Rhode Island, the Cape Verdeans are an industrious, alive community, mindful of their responsibilities and privileges as American citizens, and rightly proud of their island origins. They form a contributing part of the unique American tradition of diversity within unity. This cultural, intellectual, and artistic diversity is the well-spring of American genius.

In future, I hope the United States can give greater attention to the Cape Verde Islands, which have given us these fine citizens. We have too little information on what is going on there. For instance, I have heard that the islands are suffering from the same drought that is so cruelly afflicting much of Africa; that assistance is needed. Yet over here there is little information on the subject. I am suggesting that the State Department make a special survey of the situation on the islands, which culturally and politically are, of course, a part of Portugal. Perhaps such a survey will point to the need of establishing a U.S. consular post for the Cape Verde Islands.

The United States will always be happy to receive those Cape Verdeans who wish to join their American cousins in helping keep America great. S. 2643 will enable us to extend more generous hospitality in this respect.

The resolution, which was referred to the Committee on the Judiciary, reads as follows:

[State of Rhode Island, &c in General Assembly, January Session, A.D. 1974]

House Resolution Memorializing the Congress of the United States To Enact Legislation To Increase the Immigration Quota for People From the Cape Verde Islands of Portugal From 200 to 600 Annually

Resolved, That the general assembly of the state of Rhode Island hereby respectfully memorializes the congress of the United States to enact legislation to increase the immigration quota for people from the Cape Verde Islands of Portugal from 200 to 600 annually; and be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

S. Res. 356. An original resolution providing permission for Senator John V. Tunney to appear as a witness in the U.S. District Court for the District of Columbia (considered and agreed to); and

S. Res. 357. An original resolution to authorize Peter Stockett, Jr., chief counsel and staff director of the Committee on the Judiciary, and Floyd M. Riddick, Parliamentarian of the Senate, to appear as witnesses in the case of United States against Reinecke (considered and agreed to).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2749. A bill for the relief of Miss Carmen Diaz (Rept. No. 93–997).

By Mr. McGEE, from the Committee on Post Office and Civil Service, with amendments:

S. 3647. A bill to clarify existing authority for employment of White House office and executive residence personnel, and employment of personnel by the President in emergencies involving the national security and defense, and for other purposes (Rept. No. 93–998).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 2579. A bill for the relief of Alexander Choquette (Rept. No. 93–996).

By Mr. PELL, from the Committee on Foreign Relations, with amendments:

S. 1791. A bill to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes (Rept. No. 93–999).

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 445. A concurrent resolution authorizing additional copies of oversight hearings entitled "State Postsecondary Education Commission" (Rept. No. 93–1000);

H. Con. Res. 474. A concurrent resolution authorizing the printing of additional copies of a report issued by the Committee on Foreign Affairs (Rept. No. 93–1001);

S.J. Res. 220. A joint resolution to provide for the reappointment of Dr. William A. M. Burden as citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 93–1002);

S.J. Res. 221. A joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 93–1003);

S.J. Res. 222. A joint resolution to provide for the appointment of Dr. Murray Gell-Mann as citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 93–1004);

S. Res. 346. A resolution authorizing supplemental expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations (Rept. No. 93–1005);

S. Con. Res. 98. A concurrent resolution authorizing the printing of additional copies of the Senate committee print entitled "The Recreation Imperative" (Rept. No. 93–1006);

S. Res. 350. A resolution authorizing supplemental expenditures by the Committee on Finance for inquiries and investigations (Rept. No. 93–1007); and

S. Res. 355. A resolution authorizing supplemental expenditures by the Committee on Government Operations for an inquiry and investigation relating to budget and accounting measures and operations (Rept. No. 93–1008).

By Mr. CANNON, from the Committee on Rules and Administration, with an amendment:

S. Res. 349. A resolution authorizing the printing of the report entitled "Material Needs and the Environment Today and Tomorrow" as a Senate document (Rept. No. 93–1009).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Marmaduke Robert Ligon, of Oklahoma;

Leonard B. Pouliot, of Virginia;

John W. Weber, of Connecticut; and Eric Roger Zausner, of Virginia, to be Assistant Administrators of the Federal Energy Administration.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSION OF AUTHORITY FOR THE COMMITTEE ON FOREIGN RELATIONS TO FILE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Committee on Foreign Relations, I ask unanimous consent that the deadline for the report from the committee under Senate Resolution 174, relating to the U.S. commitment to the Southeast Asia Collective Defense Treaty and Organization, which was agreed to November 2, 1973, be further extended to October 31, 1974.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF S. 3743, REFERRING TO FISH RESTORATION, TO THE COMMITTEE ON FINANCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that if and when S. 3743, a bill to provide additional funds for certain projects relating to fish restoration, and for other purposes, should be reported by the Committee on Commerce, it be referred to the Committee on Finance for its consideration of matters falling within its jurisdiction.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHILES:

S. 3747. A bill to designate as wilderness certain lands within the Great White Heron Refuge, National Key Deer Refuge, and the Key West National Wildlife Refuge, Fla.;

S. 3748. A bill to designate as wilderness certain lands within the Chassahowitzka National Wildlife Refuge, Fla.; and

S. 3749. A bill to designate as wilderness certain lands within the St. Marks National Wildlife Refuge, Fla. Referred to the Committee on Interior and Insular affairs.

By Mr. HARTKE:

S. 3750. A bill to amend the Atomic Energy Act of 1954 to revise the method of providing for and increasing the amount of public remuneration in the event of a nuclear incident, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. KENNEDY (for himself and Mr. Brooke):

S. 3751. A bill to amend the Endangered Species Act of 1973 to make it more consistent with the Marine Mammal Protection Act of 1972. Referred to the Committee on Commerce.

By Mr. GRIFFIN:

S. 3752. A bill to amend section 103(c)(4) of the Internal Revenue Code of 1954 to permit industrial development bonds to be issued to finance recycling facilities. Referred to the Committee on Finance.

By Mr. McCLURE:

S. 3753. A bill to amend the Funeral Transportation and Living Expense Benefits Act of 1974 (88 Stat. 53) to also provide memorial transportation and living expense benefits to the families of deceased servicemen classified as prisoners of war or as missing in action. Referred to the Committee on Armed Services.

By Mr. MONDALE (for himself, Mr. Javits, Mr. Abourezk, Mr. Clark, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Hatfield, Mr. Hathaway, Mr. Hart, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. Metzenbaum, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Stafford, Mr. Stevenson, and Mr. Williams):

S. 3754. A bill to provide for services to children and their families, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. PELL:

S. 3755. A bill to exempt from social security taxes individuals 65 and over who are eligible for social security benefits and who earn wages below the poverty level. Referred to the Committee on Finance.

By Mr. HUMPHREY:

S. 3756. A bill to amend title 23, United States Code, the Federal-Aid Highway Act of 1973, and other related provisions of law, to increase safety on the Nation's highways and establish a national urban-rural transportation policy. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 3747. A bill to designate as wilderness certain lands within the Great White Heron Refuge, National Key Deer Refuge, and the Key West National Wildlife Refuge, Fla.;

S. 3748. A bill to designate as wilderness certain lands within the Chassahowitzka National Wildlife Refuge, Fla.; and

S. 3749. A bill to designate as wilderness certain lands within the St. Marks National Wildlife Refuge, Fla. Referred to the Committee on Interior and Insular Affairs.

Mr. CHILES. Mr. President, the Wilderness Act of 1964 declared it the policy of the Congress to secure for present and future generations of Americans the benefits of a lasting resource of wilderness, and for that purpose the act established the National Wilderness Preservation System. It also provided for the orderly review of most of the units of the National Wildlife Refuge System to determine whether those areas did qualify for wilderness designation. Inclusion in the wilderness system provides the assurance that a small part of this Nation will remain natural forever, as it was when we founded this country. I am delighted this morning to introduce three bills which would designate certain lands as wilderness within five national wildlife refuges in the State of Florida. It is very fitting to be talking about wilderness this year, as 1974 is the 10th anniversary of the Wilderness Act, and these areas that I propose today for inclusion in the National Wilderness Preservation System are excellent examples of the types of areas that the spirit and the intent of the Wilderness Act intended to protect.

The first bill would designate wilderness within the three refuges in the Florida keys, the Great White Heron Refuge, Key Deer Refuge, and the Key West National Wildlife Refuge. This bill considers the same area as that in a bill I introduced in the last Congress. The Senate Interior Committee held a hearing on this measure in May of 1971, and has recently held another series of hearings on the proposal. The second measure would designate wilderness within the Chassahowitzka National Wildlife Refuge, located on the Gulf of Mexico in Citrus and Hernando Counties.

The Wilderness Act defines a wilderness area as one that is undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions. It further defines wilderness as an area that generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, and has at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition. These areas that I propose today for wilderness designation meet all of the criteria of the Wilderness Act.

The Great White Heron Refuge, Key Deer Refuge, and Key West National Wildlife Refuge are all located adjacent to each other in the Florida Keys and contain types of plants and animals that are unique to the United States. The proposed Florida Keys Wilderness will incorporate lands from all three refuges and provide wilderness protection for this critical habitat. The Key West Refuge was established by President Theodore Roosevelt in 1908 to protect the habitat for a number of birds that were fast becoming rare. The Great White Heron Refuge was established in 1938 by President Franklin Roosevelt to further protect many avian species, but especially to protect the habitat of the great white heron. The Key Deer Refuge was established in 1957 through congressional action sponsored by Congressmen FASCELL and BENNETT, which provided the needed protection for the habitat of the rare key deer.

It is important to note that no additional land acquisition will be necessary as part of this proposal. Water bottoms and State and private lands within the boundaries of the three refuges are not included within the wilderness proposal. This bill represents the same proposal that I introduced into the Senate during the last Congress and that Congressman FASCELL has sponsored in the House during the last two Congresses. Inclusion of these lands in the national wilderness preservation system will assure that the critical wildlife habitat that is unique to this area will be preserved and maintained in its natural condition. The rare species that inhabit these refuges are best protected through the level of protection that wilderness can provide, therefore, this proposal can best serve the purposes of the refuges and that of the American people.

The Chassahowitzka National Wildlife Refuge was established in 1943 to protect the rich wildlife habitat that is the home of a variety of plants and animals found on the Florida Sun Coast. Large populations of waterfowl, wading birds, shore birds, alligators, manatees, mink, and a variety of other animals all call this refuge home. The Bureau of Sport Fisheries and Wildlife in its wilderness study report indicated that the refuge has been maintained in as near a natural condition as possible and that this has superbly sustained the natural wildlife populations.

A mixture of sawgrass marsh interspersed with cabbage palm—Red Cedar Tree Islands and combined with the salt water bays make this area a great treasure for wildlife and for the visiting public. The rich salt marsh attracts numerous varieties of waterfowl and a mixture of marine avian species. Several rare, endangered or otherwise threatened species, including the brown pelican, wood ibis, bald eagles, and ospreys are part of the biological community that is Chassahowitzka. The waters of the refuge are extremely clean and highly productive. The crystal clear waters of the Homosassa and Chassahowitzka Rivers and the numerous limestone springs flowing into the Gulf of Mexico here join together to produce an ideal aquatic situation for vegetative and animal growth and development.

The refuge is a place for people too, as over 30,000 visitors make their way to the refuge each year to enjoy its natural beauty, representative of the way this area of Florida has been for thousands of years. Approximately 2,500 acres of the refuge in Citrus County are open to the public for hunting each year, and the waters of the refuge are popular for a variety of sport hunters and fishermen who come to this fertile area. The use of airboats as well as motorboats has been an established use here and is a valid existing use of the refuge and its waters.

The Bureau of Sport Fisheries and Wildlife and the Department of the Interior have proposed 16,900 acres in one unit as wilderness. The first unit of my proposal would designate the same area as that contained in the entire Bureau proposal. This unit is located entirely within Citrus County and would include, in addition to much of the lands above the mean high tide, those submerged lands which are in Federal ownership. And while the submerged lands would be designated wilderness, the waters would not, and those uses currently accepted on those waters would be allowed to continue, while forever protecting the integrity of the waterbottoms.

The second unit in my proposal would designate approximately 6,100 acres of Federal lands within the refuge as wilderness. Most of these lands in this unit are located within Hernando County and the wilderness would include only those lands above the mean high tide. This second unit would provide wilderness protection for an additional portion of the refuge that is strongly deserving of such designation. The wildlife populations here are best maintained when the habitat is protected in its natural state, and wilderness would provide the maximum amount of protection for this critical wildlife habitat.

In the Bureau of Sport Fisheries and Wildlife booklet stating the results of their wilderness study, the agency indicates that most of the wildlife management within the 30,514-acre refuge is conducted within a 5,000-acre tract bounded by Seven Cabbage Cutoff, the Chassahowitzka River, and the interior boundary of the refuge from Porpoise Bay to the Chassahowitzka River. Recognizing the need of the Bureau to conduct some types of management within this area of the refuge, the proposal as outlined in the legislation I have introduced would exclude this area.

As indicated through the publication of the Bureau, the refuge is managed through the protection of its natural habitat, except for the 5,000-acre tract mentioned. Therefore, it must be the intent of this agency to maintain the natural habitat in the area I have proposed for a second unit of wilderness. This is an area that is fully qualifying for wilderness designation and would definitely meet the needs of the refuge: therefore, this area would make an excellent addition to the national wilderness preservation system and I would sincerely hope that the Congress would move to designate this area as wilderness. The designation of some 23,000 acres of wilderness within the Chassahowitzka National Wildlife Refuge would serve the needs of the people of this country well and would provide the assurance that at least a small part of this valuable estuary area would remain in its totally natural state.

The destruction of our valuable estuarine habitats throughout the country has continued at an increasing rate that has resulted in the loss of some of the truly great natural areas of our country. This area within the Chassahowitzka refuge is one of the finest estuaries in Florida, and the country. Its protection as wilderness is only fitting in order to provide a permanent level of protection to this great area, and to insure its continued importance to the biological productivity of this aquatic region.

Mr. President, there has been some confusion as to the impacts of wilderness within the Chassahowitzka National Wildlife Refuge. Motorboats and airboats continue today to be a valid existing use of the waters within the refuge. These waters serve as an important recreational area to those hunters and fishermen who seek these rich lands for the pursuit of important recreational experiences, and the waters continue today to serve as the basis for a livelihood for many commercial fishermen and guides who have lived in harmony with the natural habitats of the refuge.

Under this proposal, these activities would be allowed to continue. Wilderness designation will not preclude these individuals from pursuing their chosen activities. It was never the intent of the Wilderness Act to stop such activities. Section 4(d)(1) of the Wilderness Act, the following provision is made, that within wilderness areas designed by this act, that the use of aircraft or motorboats, where those uses have become established, may be permitted to continue subject to such restrictions as the Secretary deems desirable. In addition, such measures may be taken as necessary in the control of fire, insects, and diseases subject to such conditions as the Secretary deems desirable. While this statement is actually referring to those areas established as wilderness within national forests by the passage of the Wilderness Act, it has become clear to me that this provision was intended to include all wilderness areas later established by action of the Congress. And that it was the intent of the Congress that such existing uses would not be precluded. Therefore, I have included language in this legislation that clarifies this intent of the Congress. It should be noted that many of my colleagues have shared this belief in the intent of the Congress as many of the bills recently introduced that would establish wilderness contain the same sort of provision. To further clarify this intent for the purposes of the Chassahowitzka National Wildlife Refuge, I have included a section in the bill that states that nothing in this act shall be construed to prohibit uses within the navigable waters of the Chassahowitzka wilderness of motorboats, commercial fishing, and guiding activities which are compatible with primary refuge objectives but subject to such regulations as the Secretary of the Interior deems necessary. This provision would insure that those use modes would not change. Those areas within the refuge are today subject to the regulation of the Secretary of the Interior, and these uses have been determined by the Secretary to be an appropriate use of the refuge. Thus wilderness would not change this status, and the Wilderness Act did not intend to stop these uses.

While these uses may seem to some as a use that is not consistent with wilderness, the wilderness would be designated on the submerged lands, not the surface of water. Thus wilderness can work to provide the assurance that these valuable, highly productive lands will continue to play an important role in the region's ecosystem, through the guaranteed protection of their well-known values. And this is completely consistent with the intent of the Wilderness Act. Therefore I strongly urge the Congress to adopt this proposal.

These bills that I have introduced today would provide superb additions to the national wilderness preservation system. The Bureau of Sport Fisheries and Wildlife has held hearings on these proposals in Florida and the people indicated that they do want these areas as wilderness. While some have offered objections to the Chassahowitzka proposal, the special provisions that I have included in this bill should alleviate any concerns about this proposal.

The third bill I wish to introduce today would designate wilderness within the St. Mark's National Wildlife Refuge.

The St. Mark's National Wildlife Refuge, which was established in 1931, covers some 64,000 acres on the coast of the Florida Panhandle. A biologically rich area, the refuge serves the needs of more than 300 species of birds and numerous species of mammals which make the refuge critically important for the protection of the ecosystem of this portion of Florida. The area serves as an excellent example of what the varied Florida habitats are like, and provides an important base for recreational uses.

Many species of wildlife including ducks, geese, herons, egrets, pelicans, loons, and alligators use the variety of marsh and water habitat found at St. Mark's refuge. The large populations of ducks and geese that use the adjacent bay are well known to people throughout the country as important wintering grounds for migrating birds. The marsh has increased importance as in its natural condition it provided important nutrients to the bay, adding to its biologically rich features. The maintenance of the regional ecosystem depends upon the continued relationship of the natural habitat within the refuge to the bay. The refuge also contains some beautiful representative strands of pine flatwoods so characteristic of the Florida Panhandle, and in decreasing abundance as it appears in its natural state.

The Bureau of Sport Fisheries and Wildlife conducted a commendable study of the refuge and came up with a basically sound proposal of 17,700 acres. This includes most of the critical marsh habitat and those areas of the refuge that would best be served through the designation of wilderness. In the bill that I have introduced today, I recommend the designation of some 19,400 acres as wilderness within the refuge. This adds about 1,700 acres of pine flatwoods to the north side of one of the wilderness units proposed by the Bureau. The agency has contended that the additional 1,700 acres does not qualify because of the occasional control burning that takes place on those lands. It is not on a yearly burn, rather it is burned only when it is felt to be necessary to maintain the natural habitat of the pine flatwoods. Actually this sort of management approach really maintains the wilderness character of the area and keeps the lands in their natural condition. The role of fire in the Florida ecosystem has been well documented. The Tall Timbers Research Station, located north of Tallahassee and not too far north of the refuge has conducted detailed scientific research in the area of fire as an element of the ecosystem, and have demonstrated that in certain habitats occasional fire is normal and nature's method of keeping a particular habitat type in its natural state, over the years we have protected many of our natural areas from fire, which for the most part have been important for the protection of critical habitat and the protection of personal property and human safety. It now has been demonstrated that in some areas fire is a natural force and important to the ecosystem, and the pine flatwoods of St. Marks is such an example. So the sincere efforts of the Bureau of Sport Fisheries and Wildlife have acted to actually return this habitat to its true wilderness character. Thus this area does qualify for wilderness designation and would make an excellent addition to the wilderness system. It would also serve to provide permanent protection for a small portion of this habitat type in north Florida and serve as an excellent wilderness backdrop to the salt water marsh.

Through the designation of wilderness within the areas designated in these three bills we will be providing the badly needed protection of the valuable habitats, and will insure that they will continue to remain in their natural state for all future generations of Americans to enjoy. I strongly urge the Congress to adopt the proposals as presented in these bills, and ask that they be printed in the RECORD at this point in my remarks.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 3747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands within the Great White Heron Refuge, National Key Deer Refuge, and the Key West National Wildlife Refuge, Florida, which comprise about four thousand seven hundred and forty acres and which are depicted on a map entitled "Florida Keys Wilderness—Proposed", and dated August 1969, which shall be known as the "Florida Keys Wilderness".

SEC. 2. As soon as practicable after this Act takes effect, a map and legal description of the wilderness shall be on file with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such legal description shall have the force and effect as if included in this Act: *Provided*, however, that correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Florida Keys Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

S. 3748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands within the Chassahowitzka National Wildlife Refuge, Florida, which comprise about twenty-three thousand acres and which are depicted on the map entitled "Chassahowitzka Wilderness—Proposed" and dated March 1974, which shall be known as the "Chassahowitzka Wilderness": *Provided,* That nothing in this Act shall be construed to prohibit established uses within the navigable waters of the Chassahowitzka Wilderness of motorboats, commercial fishing, guiding and other activities which are compatible with primary refuge objectivities but subject to such regulations as the Secretary of the Interior deems necessary.

SEC. 2. As soon as practicable after this Act takes effect, a map and legal description of the wilderness shall be on file with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the force and effect as if included in this Act: *Provided,* however, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Chassahowitzka Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

S. 3749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands within the St. Marks National Wildlife Refuge, Florida, which comprise about nineteen thousand four hundred and fifty acres and which are depicted on the map entitled "St. Marks Wilderness—Proposed" dated March 1974, which shall be known as the "St. Marks Wilderness".

SEC. 2. As soon as practicable after this Act takes effect, a map and legal description of the wilderness shall be on file with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the force and effect as if included in this Act: *Provided,* however, that correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The St. Marks Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as Wilderness areas, except that any reference to such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

By Mr. HARTKE:

S. 3750. A bill to amend the Atomic Energy Act of 1954 to revise the method of providing for and increasing the amount of public remuneration in the event of a nuclear incident, and for other purposes. Referred to the Joint Committee on Atomic Energy.

NUCLEAR INCIDENT PUBLIC REMUNERATION ACT OF 1974

Mr. HARTKE. Mr. President, the search for new and available sources of energy to run and maintain our mobile society has turned many of our communities and cities into potential disaster areas.

Today, I introduce a bill which will guarantee a dollar-for-dollar payment by the Government to private landowners for any damage done to their property not covered by a present Government indemnification program, an insurance pool or by private insurance companies, when that property is damaged by a nuclear incident.

The building of new nuclear devices to generate more power and energy for our Nation should move along only when information available to nuclear experts indicates the possibility of damage by explosion to be zero. That may be an impossibility in terms of absolute assurances that no explosion or damage from leakage may occur. Thus, the Government enacted the Atomic Energy Act in 1954 providing indemnification to private property owners for damage done incident to nuclear accidents.

The enactment of Government indemnification legislation was in part the result of the failure by the private insurance business to move into the nuclear insurance business, because of the tremendous possibility of loss. If one nuclear powerplant were to explode close to an urban area, the damage to life and property startles the imagination.

The indemnification provided by the 1954 act is limited to $560 million, part of which comes from a nuclear insurance pool. With the present rate of inflation upon us, and with the construction of industrial sites and facilities worth far in excess of the Government indemnification, we must enact legislation to provide coverage to the private owners of property prior to a nuclear holocaust.

A constituent of mine has capably researched the aspects of nuclear insurance and testified before the Atomic Energy Commission and the Joint Committee on Atomic Energy of the Congress concerning the fears many private property owners have over the development and construction of nuclear powerplants in their backyards.

Mr. President, I ask unanimous consent to have Mr. Elmer Anderson's testimony of January 31, 1974, before the Joint Committee on Atomic Energy, printed in the RECORD following my remarks.

Mr. President, a further area of concern has been voiced by several Senators and citizens of late in relation to the theft of nuclear materials. It is reported that any sophomore student of chemistry in possession of the refined materials could make a crude homemade device which could cause extensive damage to life and property if exploded. I urge all persons involved with the safety of nuclear materials to take extraordinary precautions in the security of those materials. However, this is but another reason for the early enactment of legislation this year to protect property owners from loss due to a nuclear incident.

I believe many of us are aware of the recent occurrences at nuclear reactors. Mr. President, I ask unanimous consent to have printed in the RECORD as exhibit 2 an article entitled "Recent Occurrences at Nuclear Reactors and Their Causes" by William R. Casto, published in the November–December 1973 issue of Nuclear Safety.

I do not include a list of the occurrences for any purpose other than to bring to the attention of my colleagues the significant number—about 130—of nuclear incidents between June 1 and August 22 of 1973.

Billions of dollars have been invested by citizens, banks, mortgage institutions, contractors, industrial investors and other interested business people into the construction and development of real and personal property. While we must be ever mindful of the loss of life that may result from a nuclear incident, we should hope that the loss of life will be minimal, and expeditiously return all property affected to its condition prior to the nuclear incident. This can be accomplished by foresight, rather than hindsight, if we enact legislation during this session of Congress.

The cost of indemnification in the event of a nuclear incident should be borne by society rather than by those affected. The race to provide energy sources for the people is taxing consumers beyond their ability to pay.

No one knows if and where a nuclear incident might occur. In most cases the private property owners have established their communities before the construction of the nuclear powerplant begins. The only two alternatives available to the property owners are: move to a location away from the danger of a nuclear incident, or remain where they are without adequate protection and petition their Government for legislation which will indemnify them in the case of an explosion. We, in Congress, have a responsibility to the people to enact legislation which will adequately restore property that might be damaged.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Nuclear Incident Public Remuneration Act of 1974".

SEC. 2. That subsection i. of section 2 of the Atomic Energy Act of 1954 is amended to read as follows:

"i. In order to protect the public and to encourage the development of the atomic energy industry, in the interests of the general welfare and of the common defense and security, the United States shall make funds available for the portion of damages to personal or real property suffered by the public from nuclear incidents not indemnified by private insurance.".

SEC. 3. Subsection q. of section 11 of the Atomic Energy Act of 1954 is amended by striking out all after the word "involves", and inserting in lieu thereof the phrase "any source, special nuclear, or byproduct material owned by, and used by or under contract with the United States.".

SEC. 4. Subsection j. of section 11 of the Atomic Energy Act of 1954 is amended by striking out the second sentence.

SEC. 5. Subsection c. of section 170 of the Atomic Energy Act of 1954 is amended by striking out "August 1, 1977" wherever it appears and inserting in lieu thereof "August 1, 1987".

SEC. 6. Subsection d. of section 170 of the Atomic Energy Act of 1954 is amended by striking out "until August 1, 1977" in the first sentence and inserting in lieu thereof "until August 1, 1987".

SEC. 7. Section 170 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following:

"p. Notwithstanding any other provision of this section—

"(1) each maximum dollar limitation on the aggregate indemnity of the Commission shall be increased (A) effective on the date of enactment of this subsection, by a percentage equal to the percentage increase in the consumer price index from September 2, 1957, through such date of enactment, and (B) effective on July 1 of each year beginning after the date of enactment of this subsection, by a percentage equal to the percentage increase in the consumer price index from the effective date of the next preceding increase to such July 1; and

"(2) the amount of any payment to any person as a result of any incident shall be (A) the applicable dollar ceiling, or (B) the fair market value of the property damaged or destroyed, whichever is less, reduced by any payment pursuant to insurance contract or other indemnification arrangement.

As used in this subsection, the term 'consumer price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics of the Department of Labor. No payment under the provisions of this subsection shall be made to a person who is an insurer of any such property who is a producer of nuclear energy, or who has an interest in a nuclear facility on account of his interest as an insurer, producer, or on account of such interest therein, respectively.".

SEC. 8. There are hereby appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. KENNEDY (for himself and Mr. BROOKE):

S. 3751. A bill to amend the Endangered Species Act of 1973 to make it more consistent with the Marine Mammal Protection Act of 1972. Referred to the Committee on Commerce.

SCRIMSHAW AND SCRIMSHANDERS

Mr. KENNEDY. Mr. President, I am introducing today legislation designed to protect the art of scrimshaw and the livelihood of scrimshanders in Massachusetts and throughout New England.

The Marine Mammal Protection Act of 1972 which I strongly supported placed a ban on the taking, catching, importing or exporting of marine mammals except under permit for scientific purposes. One of the central purposes of this legislation was to end any further U.S. involvement in the destruction of threatened whale resources.

Then Endangered Species Amendments of 1973 prohibited whale ivory from entering interstate commerce and included whale ivory taken prior to the Marine Mammal Protection Act. While we all favor the strongest possible restrictions to prevent any further killings of whales, this provision as implemented has jeopardized scrimshaw art and the livelihood of those who deal in buying or selling antique scrimshaw products.

The legislation I introduce today and Congressman GERRY E. STUDDS is introducing in the House of Representatives will not in any way affect the prohibitions designed to discourage the destruction of whales.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of the telegram Congressman STUDDS and VANIK and I sent to Secretary of Commerce Dent regarding implementation of provisions of the Fishermen's Protective Act and the Trade Expansion Act of 1962 in order to end the violations by foreign nations of the conservation regulations on whaling, and the responses we have received.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. FREDERICK B. DENT,
Office of the Secretary,
Department of Commerce,
Washington, D.C.:

We are contacting you to urge your personal review of implementation of provisions of the Fishermen's Protective Act (22 U.S.C. 1978) and the Trade Expansion Act of 1962 (19 U.S.C. 1323) with regard to the conservation of fishery resources. The agreements reached at the ICNAF meeting in Ottawa, we agree, are most significant in the three-year program to begin replenishing the stocks. And we are particularly pleased that fishermen from all parts of the nation have joined together in an effort to seek legislative remedies to conserve the fish resources off our shores. But during these particularly crucial years for the fishing industry and for the future of our fish and marine resources, it is most important that existing authority to protect and preserve these resources be exercised. In addition, there is a great deal of concern in many parts of the world that violations of international whaling regulations continue. We ure again that sections 1978 and 1323 be implemented, and we would appreciate your comment on the amount of relief that would be available to our domestic fishermen if this action were taken.

Senator EDWARD M. KENNEDY.
Congressman CHARLES A. VANIK.
Congressman GERRY E. STUDDS.

U.S. DEPARTMENT OF COMMERCE,
Rockville, Md., May 31, 1974.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: On May 6, in reponse to your request, I wrote you about steps which could be taken by NOAA under the Pelly Amendment to the Fisherman's Protective Act. Since then, representatives of NOAA have returned from a visit of all but two of the members of the International Whaling Commission to seek support for the United States position on a moratorium on the commercial taking of whales. The trip was very beneficial and there is a much greater understanding of what the United States is attempting to achieve in the International Whaling Commission.

Prior to the trip of our representatives, and as a result of discussions with the representatives of the Department of State, we felt it advisable to proceed with notification of representatives of the Governments of Japan and the Soviet Union that we are proceeding with all considerations to a certification that the actions of the Japanese and the Soviets in failing to observe quotas passed at the last meeting of the International Whaling Commission did represent a significant weakening of an international conservation measure, and hence, would require such a certification, by the Secretary of Commerce to the President, under terms of the Pelly Amendment to the Fisherman's Protective Act. Our representatives, in their visit to Tokyo, found that the Japanese were considerably concerned about this development and we have had a request from the Japanese for a continuation of discussions on whaling problems here in Washington.

In order to provide for a continuation of the discussions with the Japanese, and also because the catch statistics presently available to us are tentative in nature and will not be validated as official until the International Whaling Commission meeting during the last week in June, in London, we have decided to postpone our final determination regarding the applicability of the Pelly Amendment until immediately after the International Whaling Commission meeting.

The next whaling season will not begin until December, hence the postponement of a month or so will not have any adverse effect on the catch, and should provide for a beneficial atmosphere in which negotiations can take place.

We look forward to the meeting in London next month with hope of making progress in the international conservation of whales. I will keep you posted as things develop.

Sincerely,

ROBERT M. WHITE,
Administrator.

THE SECRETARY OF COMMERCE,
Washington, D.C., May 6, 1974.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In response to your telegram of March 8, 1974, we have reviewed the embargo provisions of the Fishermen's Protective Act of 1967, as amended (22 USC 1978), and the provisions for the increasing of import duties on fish contained in the Tariff Act of 1930, as amended (19 USC 1323), from the standpoint of conservation of fishery resources.

Section 1978 of Title 22 (The Fishermen's Protective Act) allows the President, following the certification of the Secretary of Commerce, to impose an embargo on the import of all or part of the fish products of any country whose nationals are directly or indirectly conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program. Such embargo must not violate the General Agreement on Tariffs and Trade.

Section 1323 of Title 19 allows the President to increase the import duty rate not more than 50 percent above the rate existing on July 1, 1934, on any fish of any country which has failed or refused to engage in good faith negotiations at any conference on the use or conservation of international fishery resources. Imposition of any such increase in the rate of duty would, again, have to be considered in the light of the General Agreement on Tariffs and Trade.

With respect to the Fisherman's Protective Act, we have not certified to the President that any country is conducting fishing operations in a manner which diminishes the effective of an international fishery conservation program. We recognize the serious problem with respect to whales. The whaling season in the South Atlantic and Pacific oceans, which began in December, is nearing its close, and we are receiving statistics on whale catch from the International Whaling Commission. These statistics are expected to be complete by the end of April. We will then be in a position to consider the determination called for by the Act.

The preliminary statistics which are already available to us have prompted us to ask the Marine Mammal Commission whether, upon certain assumptions as to catch, a situation exists which, from a scientific point of view, is diminishing the effectiveness of the conservation program of the International Whaling Commission; and if such be the case, whether they would care to make a recommendation to us under § 202(a)(4) of the Marine Mammal Act. This section requires the Commission to "recommend to the Secretary [of Commerce] and to other Federal officials such steps as it deems necessary or desirable for the protection and conservation of marine mammals." The activities of the United States under the International Convention for the Regulation of Whaling and its implementing legislation are specifically within the field of study of the Commission under § 202(a)(1).

You have asked specifically concerning the amount of relief which would be available to U.S. fishermen if §§ 1978 and 1323 were implemented. Both of these sections involve the exercise of Presidential discretion, as to the scope of the embargo (§ 1978), or as to the scope or amount of the duty (§ 1323). It is therefore impossible to predict just what the effect would be, although it is clear that a careful study would have to be made to the effects of any contemplated action on the U.S. economy before it was taken.

Although the history of the Acts herein discussed shows no case of the application of the import sanction provisions, it is nonetheless true that the threat of their application may have persuaded certain nations to alter conflicting policies and to refrain from acts that would diminish the effectiveness of internationally agreed-upon fishery conservation measures. Cases in point in recent years include the Danish situation with regard to conservation of Atlantic salmon, and the recent Canadian situation regarding haddock, with both of which you are probably familiar.

Frederick B. Dent,
Sincerely,
Secretary of Commerce.

Mr. KENNEDY. Mr. President, I sent Dr. Robert White, Administrator of the National Oceanic and Atmospheric Administration a telegram so that he might emphasize during the meeting of the International Whaling Commission in London in June, the very deep concern of the Congress that effective international action be taken to save the whales, which I ask unanimous consent to have printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Robert M. White,
Administrator,
Department of Commerce,
Rockville, Md.:

Thank you so much for your letter regarding implementation of the Pelly amendment to the Fishermen's Protective Act. I fully understand your decision to postpone further consideration of applicability of the Pelly amendment in the case of whaling regulation violations until after the June meeting of the International Whaling Commission. I am hopeful that catch statistical information will be available as a result of the meeting. And I am hopeful that representatives of NOAA will express the concern that I share wtih so many members of Congress that action must be taken to end the violations. I wish you every success for the meeting. And I am certain that the Congress and the National Oceanic and Atmospheric Administration working together can assure that whales will be protected from further devastation. I look forward to hearing from you regarding the decisions reached as a result of the meeting.

Edward M. Kennedy, U.S.S.

Mr. KENNEDY. Mr. President, the amendment to the Endangered Species Act of 1973 which we introduce today will not in any way lessen the effectiveness of those efforts to protect the whales. What it will accomplish will be the preservation of an art form which is an integral part of our New England heritage and our Nation's history.

Mr. President, I ask unanimous consent to have printed in the Record at this point a description of scrimshaw taken from an outstanding book by E. Norman Flayderman titled "Scrimshaw and Scrimshanders."

There being no objection, the material was ordered to be printed in the Record, as follows:

The Romance of Scrimshaw

In the colorful panorama of American history there are scores of heroes, nearly all of them the product of war. By comparison, peace time pursuits provide considerably less opportunity for heroism. Yet, in all of our history and folklore no men were braver nor fought a more dangerous or powerful foe than did the American whalemen. Largely anonymous, and certainly unheralded, these men fought and defeated Goliaths of the deep as a matter of routine.

If the reader will allow me the liberty—the feat of St. George versus the dragon pales beside the vision of a single man balanced in the rocking bow of a frail whale boat about to heave a harpoon into the side of a 65-foot long multi-ton monster. His importance and individual deeds have been slighted because of his anonymity and despite the great frequency in which he engaged in combat.

These same whalemen developed and perfected the nautical folk art called "scrimshaw," the product of idle hours on endless cruising searches for the elusive leviathan. The art grew and reached its height during the first half of the nineteenth century when the whaling industry and crew were dominated by the Yankee sailor.

During that time hundreds of American whaling vessels roamed the oceans of the world carrying many thousands of American sailors with them, each of whom most likely tried his hand at the art at one time or another. Crews on American vessels, for the most part were from the northeast and included some native Indians.

With the advent of time ever larger of numbers of Portuguese from the western islands were signed on, with billets also being filled in many foreign ports from Africa to the Pacific Islands, Hawaii supplying a goodly share of native "green" hands. Eventually the typical Yankee whaling crews became a United Nations in miniature; the only native American, in some instances left aboard the ship were its officers. Each crewman shared the heartache of having left behind a mother, a sweetheart, or a wife and children for years on end.

The range of objects they made reflects the many influences to which these sailors were exposed and has culminated as a unique art form. The objects vary from those with utilitarian applications both on shipboard and ashore to purely decorative creations.

In each of them is preserved a small but recognizable part of the history of whaling. A great many of these artifacts mirror the emotions of the men who carved them and in themselves are symbolic of the spirit of a romantic and important bygone era.

To understand scrimshaw it is important to tie the story directly to the history of whaling and to have an understanding of the life and activities of the whaleman himself. Scrimshaw reflects the activities in which the whalemen participated and it is essential for the student and collector to understand the details of shipboard living and of the whaling industry as each played its role in forming the ultimate scrimshaw product. It also would add much to one's ultimate interest in and love of these items to know in some depth the background and surroundings of the scrimshander when the items were made.

The development and flowering of the art of scrimshaw parallels the development of the American whaling industry; it was affected by every phase of it. It is amazing that so highly developed an art and one so important in the life of many people associated with the whaling industry was almost totally free of commercialism during its day. Nowhere were we able to find mention of this art in any commercial publication, periodical or otherwise.

A great many whaling acocunts were written during the period, and scrimshaw is prominently mentioned in each as the idle-time activity of the whaler. Its practice was as commonplace as the heroism of the whaleman himself and both were obviously just taken for granted!

Scrimshaw has often been called an "indigenous American folk art." This is not quite accurate. No doubt the art fluorished and reached its pinnacle at the hands of the American South Sea whaleman and his product dominates fine collections the world over. In all fairness it must be pointed out that sailors of both our own and other nations' navies and merchant fleets often, and with obvious great skill, did engage in the art of carving scrimshaw exactly as the whalemen did, and their product must be included and classed as "true" scrimshaw.

In the field of Americana, scrimshaw has always been recognized as a specialized collecting pursuit. Until the recent decade, a small, though very active group of collectors and nautical museums have had the field to themselves. The fact that the late President John F. Kennedy was an avid collector contributed immensely to the blossoming interest in scrimshaw over the last ten years and the burgeoning number of collectors now in the field. At present it seems to be one of the most eagerly sought after of collectibles of Americana. The word itself was relatively obscure and much is owed to the late President for bringing it to prominence among collectors, historians, and the general public. He loved these scrimshaw artifacts and displayed many of them on his desk.

American whaling days are gone. Although the era can never be relived, the intriguing artifacts that remain are highly significant reminders of a wonderful era of our past that succeed in catching the spirit of a magnificent and departed period. In each of them you can see—just for a fleeting moment—the spirit of the men who produced them, and if you have a bit of the romanticist about you, you can smell the salt water, the tarred rope, and feel the gentle roll of the ship as you handle the piece.

Mr. KENNEDY. Mr. President, President John F. Kennedy's love for scrimshaw is well known and I would like to recall at this time the words of President Kennedy included in the outstanding "John F. Kennedy Scrimshaw Collector" by Clare Barnes, Jr.

President Kennedy's words at the dedication of President Franklin D. Roosevelt's naval print collection apply as well to his own collection of scrimshaw which covered his desk:

> It serves two very useful purposes. First, it tells us more about a very important part of our lives—our lives at sea. We think of ourselves, I think, as land animals in a sense, but we really look to the sea—the Atlantic and the Pacific—which have defended us and have secured us and have enriched us.

Most importantly, President Kennedy's scrimshaw collection reminded him of the sea that he loved:

> I really don't know why it is that all of us are so committed to the sea, except I

> think it's because in addition to the fact that the sea changes, and the light changes, and the ships change, it's because we all came from the sea. And it is an interesting biological fact that all of us have in our veins the exact same percentage of salt in our blood that exists in the ocean, and, therefore, we have salt in our blood, in our sweat, in our tears. We are tied to the ocean. And when we go back to the sea—whether it be to sail or to watch it—we are going back from whence we came.

Mr. President, the Congress has expressed its overwhelming concern that the killing of whales must end. The legislation I offer today will allow the Congress to likewise express its appreciation and love for an American art form that reminds us of our history and of "that most admirable of human virtues" our courage.

By Mr. GRIFFIN:

S. 3752. A bill to amend section 103(c)(4) of the Internal Revenue Code of 1954 to permit industrial development bonds to be issued to finance recycling facilities. Referred to the Committee on Finance.

Mr. GRIFFIN. Mr. President, I send to the desk for appropriate reference a bill to amend section 103(c)(4) of the Internal Revenue Code of 1954. This section of the code accords tax-exempt status to certain industrial development bonds issued by municipalities.

Recently the city of Menominee, Mich., authorized issuance of industrial development bonds totaling $13 million to assist in converting a local paper mill to a plant that would recycle waste paper.

Attorneys for the city were under the impression that bonds issued for such a purpose would qualify under section 103(c)(4)(E) so that interest on such bonds would be tax exempt. That code provision exempts such bonds if the proceeds are used to construct "sewage or solid waste disposal facilities. . . ." However, the city's application to establish tax-exempt status for these bonds has been rejected by the Internal Revenue Service.

IRS agrees that the bonds would qualify in other respects but it has denied tax-exempt status to these bonds because, as I understand it, the IRS does not regard a plant which recycles wastepaper to be a waste disposal facility.

IRS reached that conclusion because it narrowly construes the term "waste material" to include only useless, unused, unwanted, or discarded solid material which has no value whatever at the place it is located.

In this case the waste material would be of some value. Furthermore, instead of disposal, if that word is defined so as not to include recycling, the waste would be recycled for reuse.

The decision made by IRS in this case falls hard on the city of Menominee. Unless this plant is converted it may have to close down, with a resulting loss of $25 million a year. Even if the plant is not closed down completely, there necessarily would be a substantial reduction in the work force. This comes as a serious blow to the upper peninsula of Michigan, an area which is already economically depressed.

The bill I introduce would amend section 103(c)(4) of the Code to make clear that industrial development bonds will be tax exempt not only when proceeds are used for facilities to dispose of waste material but also when facilities are to be used to recycle waste material for reuse.

At a time when there is so much legitimate concern about our environment and when the need to preserve our resources through recycling is so clear, it is ironic and tragic that our existing tax laws, as interpreted by IRS, operate to encourage disposal—rather than recycling—of waste material. Surely, in the interest of common sense—and in the interest of the environment—something should be done about this situation.

I understand that it would be necessary to cut down 4,900 trees a day to produce the same amount of new paper as the Menominee plant plans to produce by recycling waste paper.

Surely, this is a bill that should be considered and enacted at the earliest possible date.

Mr. President, I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that

(a) Sec. —. (a) Section 103(c)(4) of the Internal Revenue Code of 1954 (relating to certain exempt activities) is amended—

(1) by striking out "or" at the end of subparagraph (F),

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new subparagraph—

"(H) facilities for the recycling of used solid materials."

(b) The amendment made by subsection (a) shall apply with respect to obligations issued on or after the date of the enactment of this Act.

Br. Mr. MONDALE (for himself, Mr. Javits, Mr. Abourezk, Mr. Clark, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Hatfield, Mr. Hathaway, Mr. Hart, Mr. Hollings, Mr. Hughes, Mr. Humphrey, Mr. Kennedy, Mr. McGee, Mr. Metzenbaum, Mr. Nelson, Mr. Pell, Mr. Percy, Mr. Randolph, Mr. Ribicoff, Mr. Stafford, Mr. Stevenson, and Mr. Williams):

S. 3754. A bill to provide for services to children and their families, and for other purposes. Referred to the Committee on Labor and Public Welfare.

CHILD AND FAMILY SERVICES ACT OF 1974

Mr. MONDALE. Mr. President, today I am privileged to introduce with the distinguished senior Senator from New York (Mr. Javits), and Senators Abourezk, Clark, Brooke, Case, Cranston, Hatfield, Hathaway, Hart, Hollings, Hughes, Humphrey, Kennedy, McGee, Metzenbaum, Nelson, Pell, Percy, Randolph, Ribicoff, Stafford, Stevenson, and Williams, the Child and Family Services Act of 1974.

Mr. President, a companion bill is being introduced in the House of Representatives today by Representative John Brademas, who chairs the House Select Subcommittee on Education and is a creative and forceful leader on this effort and many other efforts designed to improve opportunities for families and their children. Representative Brademas is joined by Representatives Orval Hansen, Patsy Mink, and Margaret Heckler as major sponsors of the companion bills and by over 50 other cosponsors.

Our bill is designed to provide financial assistance to help States and localities upgrade the quality and expand their services for children and families. This measure incorporates the fundamental principles and elements contained in both the child development provisions in S. 2007, the Economic Opportunity Amendments of 1971, which passed the Congress in 1971, and was vetoed by President Nixon, and in the Comprehensive Head Start, Child Development and Family Services Act of 1972 which passed the Senate by a vote of 73 to 12 on June 20, 1972.

PURPOSE

Our bill seeks to help families better meet the need for quality, family-oriented, preschool programs for millions of young children whose mothers are working, or who because of inadequate resources are denied adequate health care, nutrition, or educational opportunity.

It recognizes and specifically provides that child care programs must be totally voluntary, and must build upon and strengthen the role of the family as the primary and fundamental influence on the development of the child.

It assures that parents will have the opportunity to choose among the greatest possible variety of child and family services—including prenatal care, nutrition assistance, part-day programs like Head Start, after school or full day developmental day care for children of working mothers, in-the-home tutoring, early medical screening and treatment to detect and remedy handicapping conditions, and classes for parents and prospective parents.

THE NEED

Mr. President, the need for adequate care for the millions of children whose parents are working has increased drastically in recent decades, and continues to grow. Hearings I conducted recently in my Subcommittee of Children and Youth concerning trends and pressures affecting the American families have provided a real understanding of the needs. Permit me to cite just two findings.

First, there has been a tremendous increase in the numbers of mothers who are working. Consider the facts:

In 1971, 43 percent of the Nation's mothers worked outside the home, compared to only 18 percent in 1948.

One out of every three mothers with preschool children is working today, compared to one out of eight in 1948.

Thirteen percent of all children—some 8.3 million—are living in single parent families, and 65 percent of these parents are working.

Yet, there are only about 700,000 spaces in licensed day care centers to serve the 6 million preschool children whose mothers work.

Some of these children are receiving adequate care while their mothers work, but many are not. Many are left in purely custodial and unlicensed day care centers, and many others are left alone to look after themselves, because that is all their parents can afford. For example, it is estimated that 10 percent of the elementary school children, aged 6 to 11, whose mothers work are left alone after school to look after themselves.

In addition, Mr. President, the need for adequate child care has increased since my previous bill was vetoed. Between 1970 and 1973, for example, there has been an increase of 650,000 in the number of children whose mothers are working. And since that veto, the average family's real spendable earnings has fallen by 3.4 percent—increasing the difficulties of working families who do not have enough money to pay for the decent child care they want for their children.

And although some existing Federal programs, such as title IV of the Social Security Act, help provide day care for these children, much of it is inadequate. Dr. Edward Zigler, the dedicated and talented former Director of HEW's Office of Child Development stated that in "many instances we are paying for service that is harmful to children."

The need for improved and upgraded day care opportunities among families near but above the poverty line can hardly be overemphasized. There are 1 million children of working mothers in families with incomes between $4,000 and $7,000—incomes which are just a little too high to qualify for most federally assisted day care programs such as those under Head Start and title IV of the Social Security Act, and too low to afford quality day care in private programs. Indeed, these families living in near poverty have perhaps the greatest unmet need for quality day care.

Some people would like us to believe that the day care needs of the near-poor and working parents have been adequately met by the recently enacted liberalization of income tax deductions for child care. But the facts do not support this optimism.

In response to my inquiry concerning the tax savings under this new income tax deduction, the Treasury has provided the following information:

> A family of four with an income of $5,000 which spends $500 for child care would realize no tax savings;
>
> A family of four with a $7,000 income which spends $700 for child care would realize a savings of only $77;
>
> A family of four with a $10,000 income which spends $1,000 for child care would realize only $190 tax savings;
>
> A family of four with an income of $18,000 and child care expenses of $1,000 would save $250 in taxes.

Mr. President, our hearings on the American families revealed a second striking trend that has paralleled the dramatic increase of working mothers. Over the past several decades, America has experienced the virtual disappearance of the extended family. Testimony showed that at the turn of the century, for example, 50 percent of the homes in Boston contained parents, their children, and at least one other adult—a grandparent, an aunt, or other relative. That figure today is about 4 percent. This is representative of the decline in extended families nationally. And this has meant a tremendous decrease in the availability of relatives to look after children when both mother and father are working.

These inadequacies in our child care system can have a lasting and detrimental effect on children. Every parent knows the importance of the first 5 years of life. We know that these beginning years are the most important for child's growth and development. These early years are the formative years—they are the years in which permanent foundations are laid for a child's feelings of self worth, his sense of self respect, his motivation, his initiative, and his ability to learn and achieve.

Yet, the statistics I have cited already make it clear beyond any doubt that we are not offering the support many families need; and that we have particularly neglected families and children with the greatest economic and human need.

Mr. President, today there are over 3 million preschool children whose families have incomes below the poverty level, and probably an equal number of families living in near poverty. In spite of the love and attention these children receive from their families, many are growing up without the nutrition and health care during their early years that are necessary for a child to have a real chance in American life.

These are what I call "cheated children"—children who simply do not have the access to the fundamental kinds of health, nutritional, and educational care that most Americans take for granted.

Recent findings by the Mississippi Medicaid Commission indicate the magnitude of health needs alone. The extent of undetected and untreated health problems among poor children examined by that commission are frightening. The commission found 1,301 medical abnormalities in the 1,178 children it examined, including: 305 cases of multiple cavities; 97 cases of faulty vision; 217 cases of enlarged tonsils; 57 cases of hernia; 48 cases of intestinal parasites—mostly hookworms; 53 cases of poor hearing; and 32 other medical conditions requiring immediate treatment.

Many poor children—Mexican Americans, Indians, Eskimos, Puerto Ricans, and members of other minority groups—grow up learning English as a second language, or not at all. They are confronted with an alien language and an alien culture when they begin school, often with very little preparation.

GROWING NATIONAL AWARENESS

Mr. President, our Nation is paying far too great a cost—in both human and economic terms—for this neglect. And there is growing public awareness of these needs. Of all the individuals and organizations which have identified child care and preschool education as a top priority in recent years—and the list is simply too long to include at this point—let me cite just two examples.

The 1970 White House Conference on Children—composed of a broad cross-section of over 2,000 delegates representing every walk of life across our Nation—identified as its No. 1 priority among children's services the provision of "comprehensive family-oriented child development programs including health services, day care, and early childhood education."

Specifically, the White House Conference said:

> We recommend that the Federal Government fund comprehensive child care programs, which will be family centered, locally controlled, and universally available, with initial priority to those whose needs are greatest. These programs should provide for active participation of family members in the development and implementation of the program. These programs—including health, early childhood education and social services—should have sufficient variety to insure that families can select the options most appropriate to their needs. A major educational program should also be provided to inform the public about the elements essential for quality in child care services, about the inadequacies of custodial care, and the nature of the importance of child care services as a supplement, not a substitute, for the family as the primary agent for the child's development as a human being.

Mr. President, the need for the legislation we are introducing today was eloquently stated by President Nixon in February of 1969 when, in a message to Congress, he stated:

> So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

CHILD AND FAMILY SERVICES ACT

Mr. President, I would like to summarize at this point the key elements and principles in the legislation we are introducing today.

First, and above all, this legislation is grounded on the belief and recognition that families are the primary and most fundamental influence on children, and that child and family services programs must build upon and strengthen the role of the family. That is why our bill is designed to maximize parent control and strengthen family life. That is why the programs under this legislation are totally voluntary—available only for children whose parents request them. That is why parents whose children are served under these programs will compose at least 50 percent of the governing boards—which decide what services will be offered, which programs will be funded, and what curriculums, policies, and personnel shall be approved.

And that is why our bill provides a wide variety of services—including part-day child care such as Head Start, in-the-home services to children and their families, full-day child care, after school child care, prenatal care, medical services for new mothers to reduce the incidents of preventable birth defects, and health diagnosis and treatment programs. By a combination of these provisions—the totally voluntary nature, the parent control, and the wide variety of programs available—we are assuring that families will have the options and supports available that they find are necessary.

Second, our bill is designed to assure that any services made available are quality services. Programs funded under this act must meet the 1968 Federal interagency day care requirements, and any improvements thereto promulgated after enactment of this bill. It is not enough simply to provide mind numbing, custodial care for children while their parents work, or health and education services that are third rate, and our bill is drafted specifically to prevent that.

Third, our bill is designed to make services available to a broad range of families who need them. For that reason, services would be free for families with incomes below the lower living standard budget as determined annually by the Bureau of Labor Statistics in the Department of Labor. This is our Government's most realistic measure of the minimum amount a family needs to survive in this country. Currently, the lower living standard budget for an average family of four is $8,118. Under our bill services would be free to families of incomes up to that level, adjusted for family size, and a sliding fee schedule would begin at that point to permit families with incomes above that level to participate at fees they could afford. Sixty-five percent of the funds under this bill would be reserved for serving children from families with incomes up to the lower living standard budget, with up to 35 percent of the funds available to serve children with families with higher incomes.

Fourth, the authorizations in our bill are designed to provide a for a 1-year phase-in for planning and training and then steady growth at amounts that could be efficiently and effectively absorbed. During the first year of the bill, we provide $150 million for planning, training, and technical assistance.

This unique planning year is designed to assure that money which becomes available in subsequent years can be used to its full effectiveness. In the second year of the bill, $200 million are authorized for continued planning and preparation, with $500 million available for upgrading and improving programs. The third and final year of this bill provides a $1 billion authorization for upgrading and improving services and programs.

Fifth, the bill provides heavy emphasis on training. Assistance is authorized to local programs for inservice-preservice training, for professional and paraprofessional personnel, especially family members and members of the community. We view this as one of the key elements in our effort to upgrade the kind of care available to children of working parents.

Sixth, the administrative or delivery system in this bill provides that programs would be administered through a system of State and local governmental "prime sponsors," if they meet the criteria and can administer programs effectively, efficiently and in a coordinated fashion. But I want to emphasize at this point that we do not have the final answer to the question of what delivery system is best. Our goal is to explore this question very deeply throughout the hearings and investigations of this bill. We want to develop a system that will insure parental involvement, local diversity to meet local needs, and appropriate State involvement to assure coordination and maximum use of sources available. We intend to invite testimony and views from representatives from Federal, State, and local governments, child and family service specialists, as well as other experts as we seek to discover the best allocation of administrative responsibility among the various levels of government.

Mr. President, before inserting additional material in the RECORD describing the bill, as well as a copy of the bill itself, let me emphasize one final point. This bill is designed to provide the substance necessary to achieve the national commitment called for 5 years ago. It is our best thinking, after 5 years of legislative investigation, and passage of several previous bills, about the way to best provide for the wide variety of programs and services that families need. But nothing in this bill is etched in stone.

We want the advice and counsel of families, and of a wide variety of individuals and organizations experienced and knowledgeable about child care and child services from all sections of the country as we begin hearings and investigations on this bill. I believe I speak for all the sponsors of this legislation, when I say that we are open, indeed anxious, to receive suggestions and recommendations about ways to strengthen and improve this bill.

Mr. President, I ask uanimous consent that a copy of the bill itself be printed at this point for the information of my colleagues and interested citizens.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3754

A bill to provide for services to children and their families, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child and Family Services Act of 1974".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the family is the primary and the most fundamental influence on children;

(2) child and family service programs must build upon and strengthen the role of the family and must be provided on a voluntary basis only to children whose parents or legal guardians request such services, with a view toward offering families the options they believe are most appropriate for their particular needs;

(2) although there have been increased services for children of working mothers and single parents and although Head Start and similar programs have provided supplemental educational and other services for children, such services have not been made available to families to the extent that parents conside necessary, there are many other children whose parents are working full or part time without adequate arrangements for their children, and there are many children whose families lack sufficient resources who do not receive adequate health, nutritional, educational and other services;

(3) it is essential that the planning and operation of such programs be undertaken as a partnership of parents, community, private agencies and State and local government with appropriate supportive assistance from the Federal Government.

(b) It is the purpose of this Act to provide a variety of quality child and family services in order to assist parents who request such services, with priority to those preschool children and families with the greatest economic or human needs, in a manner designed to strengthen family life and to insure decisionmaking at the community level, with direct participation of the parents of the children served and other individuals and organizations in the community interested in child and family service (making the best possible use of public and private resources), through a partnership of parents, State and local government and the Federal Government, building upon the experience and success of Head Start and other existing programs.

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems necessary and appropriate to plan for the implementation of this Act, there is authorized to be appropriated $150,000,000 for the fiscal year ending June 30, 1975, and $200,000,000 for the fiscal year ending June 30, 1976, to be allocated as prescribed in section 103.

(b) There is authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1976, and $1,000,000,000 for the fiscal year ending June 30, 1977, except that no funds are authorized to be appropriated for either fiscal year, unless funds appropriated to carry out the Project Headstart program described in section 222(a)(1) of the Economic Opportunity Act of 1964 for such years, or for any successor program are at least equal to the greater of (1) the amount appropriated to carry out such program for the fiscal year ending June 30, 1974, or (2) the amount appropriated to carry out such program for the fiscal year ending June 30, 1975. Any such amounts appropriated for a fiscal year which are not obligated at the end of such fiscal year shall remain available for obligation until expended.

FORWARD FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which it shall be available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

TITLE I—CHILD AND FAMILY SERVICE PROGRAMS

OFFICE OF CHILD AND FAMILY SERVICES; SPECIAL COORDINATING COUNCIL

SEC. 101. (a) The Secretary shall take all necessary action to coordinate child and family service programs under his jurisdiction. To this end, he shall establish and maintain within the Office of the Secretary of the Department of Health, Education, and Welfare an Office of Child and Family Services administered by a Director appointed by the President with the advice and consent of the Senate, which office shall assume the responsibilities of the Office of Child Development and shall be the principal agency of the Department for the administration of this Act.

(b) A Child and Family Services Coordinating Council, consisting of the Director of the Office of Child and Family Services established under subsection (a) (who shall serve as chairperson), and representatives from the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act of 1965 and from the National Institute of Education, the National Institute of Mental Health, the National Institute of Child Health and Human Development, the Office of Economic Opportunity, the Department of Labor, and other appropriate agencies, shall meet on a regular basis, as they may deem necessary, in order to assure coordination of child and family service activities under their respective jurisdictions so as to assure—

(1) maximum use of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this Act;

(3) the establishment and maintenance of procedures to insure that each office or agency of the Federal Government conducting child and family services and related activities is aware of the administrative actions of other offices or agencies with respect to the provision of financial assistance to eligible applicants; and

(4) recommendation of priorities for federally funded research and development activities related to the purposes of this Act.

FINANCIAL ASSISTANCE

SEC. 102. (a) The Secretary of Health, Education, and Welfare through the Office of Child and Family Services, shall provide financial assistance for carrying out child and family service programs for children and their families under this title to prime sponsors (including educational agencies) and to other public and private nonprofit agencies and organizations pursuant to applications and plans approved in accordance with the provisions of this title.

(b) Funds available for this title may be used (in accordance with approved applications and plans) for the following services and activities:

(1) planning and developing child and family service programs;

(2) establishing, maintaining, and operating child and family service programs, which may include—

(A) part-day or full-day child care programs, in the child's own home, in group homes, or in other child care facilities, which provide the educational, health, nutritional, and social services directed toward enabling children participating in the program to attain their maximum potential;

(B) other health, social, recreational, and educational programs designed to meet the special needs of children and families including before- and after-school and summer programs;

(C) family services, including in-home and in-school services, and education and consultation for parents, other family members functioning in the capacity of parents, youth, and prospective and expectant parents who request assistance in meeting the needs of their children;

(D) social services including information, consultation and referral to families that request such services to help them determine the appropriateness of child and family services and the possibility of alternative plans;

(E) (i) prenatal and other medical care, including services to expectant mothers who cannot afford such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other handicapping conditions, and (ii) postpartum and other medical services to recent mothers;

(F) programs designed (i) to meet the special needs of ethnic groups, including minority groups, Indian, migrant children, and children from families with special language needs, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of ethnic groups including minority groups which belong to their communities and the role of members of such groups in the history and cultural development of the nation and the region in which they reside:

(G) food and nutritional services;

(H) diagnosis, identification, and treatment of visual, hearing, speech, medical, dental, nutritional, and other physical, mental, psychological and emotional barriers to full participation in child and family service programs;

(I) special activities designed to identify and ameliorate identified physical, mental, and emotional handicaps and special learning disabilities as an incorporated part of programs conducted under this title;

(J) programs designed to extend child and family service gains (particularly parent participation) into kindergarten and early primary grades, in cooperation with local educational agencies;

(K) other such services and activities as the Secretary deems appropriate in furtherance of the purposes of the Act;

(3) rental, lease or lease-purchase, mortgage amortization payments, remodeling, renovation, alteration, acquisition and maintenance of necessary equipment and supplies, and to the extent authorized in section 110, construction or acquisition of facilities, including mobile facilities;

(4) preservice and inservice education and training for professional and paraprofessional personnel, including parents and volunteers, especially education and training for career development and advancement;

(5) staff and other administrative expenses of child and family service councils established and operated in accordance with section 105, and of project policy committees established and operated in accordance with section 107; and

(6) dissemination of information in the functional language of those to be served to assure that parents are well informed of child and family service programs available to them and may participate in such programs.

(c) Assistance under this title shall be made only for a program which

(1) provides for establishing and maintaining a parent policy committee to be composed of parents of children served by such program, which shall directly participate in the development and operation of such program (as described in section 107),

(2) provides for the regular and frequent dissemination of information to assure that parents of children served by such program are fully informed of program activities, and

(3) provides for regular consultation with the parents of each child regarding their child or children's development, with ample opportunity for such parents to observe and participate in their children's activities.

SEC. 103. (a) (1) From the amounts available for planning and carrying out child and family service programs under this title the Secretary shall reserve the following:

(A) not less than 10 per centum of the total amount available for carrying out this title, which shall be made available for the purposes of section 102(b) (2) (I) of this title (relating to special activities for handicapped children.).

(B) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children of migrant agricultural workers on an equitable basis;

(C) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children in Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving children in Indian tribal organizations on an equitable basis;

(D) not more than 5 per centum of the total amount available for carrying out this title, which shall be made available under section 104(e) (2) of this title (relating to model programs).

(E) not less than 5 per centum of the total amount available for carrying out this title for the purposes of section 203 of this Act. (relating to monitoring and enforcement of standards)

(2) The Secretary shall allocate the remainder of the amounts available for this title (except for funds made available under section 3(c) of this Act), among the States, and within the States among local areas, so as to provide, to the extent practicable, for the geographical distribution of such remainder in such a manner that—

(A) 50 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of economically disadvantaged children in each State and local area, respectively;

(B) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children through age five in each State and local area, respectively; and

(C) 25 per centum thereof shall be apportioned among the States, and within each State among local areas, in proportion to the relative number of children of working mothers and single parents in each State and local area, respectively.

For the purposes of clauses (A), (B), and (C) of this paragraph, there shall be excluded those children who are counted under clauses (B) and (C) of subsection (a) (1) of this section.

(b) Not more than 5 per centum of the total funds apportioned for use within a State pursuant to subsection (a) (2) may be made available for grants to the State to carry out the provisions of section 108 of this title.

(c) Any portion of any apportionment under subsection (a) for a fiscal year which the Secretary determines after notice to the States and local areas involved will not be required, for the period for which such apportionment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, to other States or local areas on an equitable basis, taking into account the original apportionments to the States and local areas. Any amount reapportioned to a State or local area under this subsection during a year shall be deemed part of its apportionment under subsection (a) for such year.

(d) In determining the numbers of children for purposes of allocating and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available to him.

(e) As soon as practicable after funds are appropriated to carry out this title for any fiscal year, the Secretary shall publish in the Federal Register the allocations and apportionments required by this section.

STATE AND LOCAL PRIME SPONSORS

SEC. 104. (a) In accordance with the provisions of this section, a State, locality, or combination of localities meeting the requirements of this part may be designated by the Secretary as a prime sponsor for the purpose of entering into arrangements to carry out programs under this title, upon the approval by the Secretary of an application for prime sponsorship which—

(1) describes the prime sponsorship area to be served;

(2) demonstrates the applicant's capability of administering a child and family service program meeting the requirements of this title, including the coordination of delivery of services within the prime sponsorship area of other public agencies operating programs relating to child care necessary for efficient delivery of services under this Act;

(3) provides assurances satisfactory to the Secretary that the non-Federal share requirements of the Act will be met;

(4) sets forth satisfactory provisions for establishing and maintaining a Child and

Family Service Council which meets the requirements of section 104;

(5) provides that the prime sponsor shall be responsible for developing and preparing for each fiscal year a plan in accordance with section 106 and any modification thereof and for selecting or establishing an agency or agencies to administer and coordinate child and family service programs in the prime sponsorship area;

(6) sets forth arrangements under which the Child and Family Service Council will be responsible for approving child and family service plans, basic goals, policies, procedures, overall budget policies and project funding, and the selection or establishment and annual renewal of any agency or agencies under paragraph (5) of this section and will be responsible for annual and ongoing evaluation of child and family service programs conducted in the prime sponsorship area according to criteria established by the Secretary;

(7) provides assurances that staff and other administrative expenses for the Child and Family Service Councils and Local Program Councils and Project Policy Committees will not exceed 5 per centum of the total cost of child and family service programs administered by the prime sponsors unless such per centum limitation is increased to give special consideration to initial cost in the first operational year, in accordance with regulations which the Secretary shall prescribe;

(b) The Secretary shall approve a prime sponsorship application submitted by a locality which is a (1) city, (2) county, or (3) other unit of general local government, or by a combination of such localities, if he determines that the application so submitted meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out comprehensive and effective child and family service programs in the area of such locality. In the event that the area under the jurisdiction of a unit of general local government described in clause (1), (2), or (3) of the preceding sentence includes any common geographical area with that covered by another such unit of general local government, the Secretary shall designate to serve such area the unit of general local government which he determines has the capability of more effectively carrying out the purposes of this part with respect to such area and which has submitted an application which meets the requirements of this section and includes adequate provisions for carrying out comprehensive child care and family service programs in such area.

(c) The Secretary shall approve a prime sponsorship plan submitted by a State, except for areas with respect to when local prime sponsors are or will be otherwise designated pursuant to this section, if he determines that the plan so submitted meets the requirements of this section and sets forth adequate arrangements for serving all geographical areas under its jurisdiction, and that the plan:

(1) meets the requirements of subsection (a) of this section and includes adequate provisions for carrying out child and family services programs in each such area;

(2) divides those areas within the State for which no prime sponsor has been designated under subsection (c) of this section into local service areas, with due consideration in making such decisions being given to compactness, contiguity, and community of interest;

(3) provides:

(A) for establishing and maintaining with respect to each local service area a local program council composed so that (i) not less than half of the members who shall be chosen initially by parents who are recipients of federally assisted day care services, with equitable and appropriate consideration to parents selected by the parent members of Headstart policy committees where they exist, and at the earliest practicable time by the parent members of project policy committees, and (ii) the remainder shall be public members broadly representative of the general public, appointed by the chief executive officers or the governing bodies, as appropriate, of the units of general local government within the local program area;

(B) that the comprehensive child care and family service plan to be submitted by the State which affects each such area is developed and prepared with the full participation and approval of the appropriate local program council; and

(C) that contracts for the operation of programs through public or private nonprofit agencies or organizations shall be entered into only if previously approved by the local program council for the appropriate local service area; and

(4) contains assurances that any local program council may appeal directly to the Secretary whenever such council alleges that with respect to its portion of the child and family service plan the State has failed to comply with the provisions of such plan or the provisions of the Act.

(e) In addition to prime sponsors designated under subsections (a), (b), and (c) of this section, the Secretary may fund directly:

(1) an Indian tribe on a Federal or State reservation if he determines that such Indian tribe has the capacity to carry out child and family service programs in the area to be served;

(2) a public or private nonprofit agency, including but not limited to an educational agency or institution, a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization or migrant agricultural workers, organization of Indians, employer organization, labor union, or employee or labor-management organization, which submits a proposal:

(i) to provide child and family services in an area possessing a commonality of interest where no prime sponsor has been designated, or where the prime sponsor is found not to be satisfactorily implementing child and family services programs;

(ii) to provide child and family services programs on a year-round basis to children of migrant agricultural workers and their families; or

(iii) to carry out model programs especially designed to be responsive to the needs of economically disadvantaged, minority group, or bilingual children and their families.

(f) When any prime sponsor is maintaining a pattern or practice of discrimination against minority group children or economically disadvantaged children, the Secretary shall designate for prime sponsorship an alternative unit of government of public or private agency or organization in the area which will equitably serve minority group children and economically disadvantaged children.

(g) The Governor shall be given not less than thirty nor more than sixty days to review applications for prime sponsorship designation submitted by any applicant within the State other than the State, to offer recommendations to the applicant, and to submit comments to the Secretary.

(h) A prime sponsorship application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided (1) written notice of intention to disapprove such application, including a statement of the reasons therefor, (2) a reasonable time in which to submit corrective amendments to such application or undertake other necessary corrective action, and (3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(i) (1) If any party is dissatisfied with the Secretary's final action under subsection (h) with respect to the disapproval of its application submitted under this section or the withdrawal of its prime sponsorship designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

CHILD AND FAMILY SERVICE COUNCILS

SEC. 105. (a) Each prime sponsor designated under section 104 shall establish and maintain a Child and Family Service Council composed of not less than ten members as follows—

(1) not less than half the members of such Council shall be parents of children served in programs under this Act chosen in accordance with the provisions of paragraph (1) of subsection (b) of this section;

(2) the remaining members shall be appointed by the prime sponsor, in consultation with the parent members described in paragraph (1) to be broadly representative of the general public, including representatives of private agencies and organizations concerned with or operating programs relating to child and family services and at least one person who is particularly skilled by virtue of training or experience in child and family services;

(3) at least one-third of the total membership of the Child and Family Service Council shall be persons who are economically disadvantaged. Each Council shall select its own chairperson; and

(4) in establishing a Child Development and Family Service Council under this section, the prime sponsor shall give due consideration to the membership of child care and day care coordinating bodies then existing in the area to be served.

(b) In accordance with procedures which the Secretary shall establish pursuant to regulations, each prime sponsor designated under section 104 shall provide, with respect to the Child and Family Service Councils established and maintained by such prime sponsor, that—

(1) the parent members described in paragraph (1) of subsection (a) of this section shall be democratically selected by parents as follows:

(A) in the case of Councils established by prime sponsors which are States, by the parent members of local program councils established under section 104(d)(3); and

(B) in the case of Councils established by prime sponsors other than States (and by States with respect to local program councils), initially by parents who are recipients of federally assisted child care services, with equitable and appropriate consideration to parents selected by the parent members of Headstart policy committees and, at the earliest practicable time, by the parent members of project policy committees established under secton 107(b)(2);

(2) the terms of office and any other policies and procedures of an organizational nature, including nomination and election procedures, are appropriate in accordance with the purposes of this Act;

(3) such Council shall be responsible for approving child and family service plans, basic goals, policies, procedures, overall budget policies and project funding, and the selection or establishment and annual renewal of an administering agency or agencies and will be responsible for annual and ongoing evaluation of child and family service programs according to criteria established by the Secretary; and

(4) such Council shall, upon its own initiative or upon request of a project applicant or any other party in interest, conduct public hearings before acting upon applications for financial assistance submitted by project applicants under this part.

CHILD AND FAMILY SERVICE PLANS

SEC. 106. (a) Financial assistance under this title may be provided by the Secretary for fiscal year 1975 and any subsequent fiscal year to a prime sponsor designated pursuant to section 104 only pursuant to a child and family service plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title.

(b) Any such plan shall set forth a program for providing child and family service in the prime sponsorship area which—

(1) provides that programs or services under this title shall be provided only for children whose parents request them;

(2) identifies child and family service needs and goals within the area and describes the purposes for which the financial assistance will be used, giving equitable consideration to the needs of children from each minority group and significant segment of the economically disadvantaged residing within the prime sponsorship area;

(3) meets the needs of children and families in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, with priority for services to children who have not attained six years of age;

(4) provides that programs receiving funds under section 3(b) will give priority to providing services for economically disadvantaged children by reserving not less than 65 per centum of such funds for the purpose of serving economically disadvantaged children;

(5) gives priority thereafter to providing services to children of working mothers and single parents not covered under paragraph (4);

(6) provides that, to the extent feasible, each program within the prime sponsorship area shall include children from a range of socioeconomic backgrounds;

(7)(A) provides that no charge will be made with respect to any child who is economically disadvantaged, except to the extent that payment will be made by a third party; and

(B) provides pursuant to criteria established in regulations promulgated by the Secretary as required by Section 205, an appropriate and flexible fee schedule for children who are not economically disadvantaged, designed to permit enrollment or continued participation in the program as family income increases and based upon the size of the family, and its ability to pay, which shall provide for appropriately reduced charges for less than full day care, and shall provide that payment may be made in whole or in part by a third party in behalf of a family, with provision for waivers in cases of need.

(8) provides comprehensive services—

(A) to meet the special needs of minority group children and children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for the development of skills in English and in the other language spoken in the home, and

(B) to meet the needs of all children to understand the history and cultural background of minority groups within the prime sponsorship area;

(9) provides for direct parent participation in the conduct, overall direction, and evaluation of programs;

(10) provides that, insofar as possible, unemployed or low-income persons residing in communities being served by such projects will be employed therein, including in-home and part-time employment and opportunities for training and career development, provided that no person will be denied employment in any program solely on the grounds that such person fails to meet State or local teacher certification standards;

(11) includes a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(12) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and other interested persons in the community are fully informed of the activities of the prime sponsor, Child and Family Service Council, project applicants, and project policy committees;

(13) sets forth provisions describing any arrangements for the delegation, under the supervision of the Child and Family Service Council, to public or private agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this Act or for planning or evaluation services to be made available with respect to programs under this Act;

(14) provides procedures for the approval of project applications submitted in accordance with section 107, including procedures for priority consideration of applications submitted by public and private nonprofit agencies and organizations with ongoing child development programs;

(15) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination where appropriate to meet the needs of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(16) provides for coordination of other child care and related programs (including those relating to manpower training and employment) within the prime sponsorship area with the programs assisted under this Act, including procedures and mechanisms to provide continuity between programs for preschool and elementary school children;

(17) provides for such monitoring and evaluation procedures including licensing, inspection, and enforcement activities as may be necessary to assure that programs in the prime sponsorship area funded under this Act meet the applicable Federal standards as prescribed in section 201 of this Act;

(18) provides, to the extent practicable, for the use of financial assistance and services available from state and local government, federal sources other than those provided in this Act, and private charitable sources with respect to activities and services under the plan; and

(19) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor.

(c) No child and family service plan or modification thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines, in accordance with regulations which the Secretary shall prescribe, that—

(1) the educational agency for the area to be served and other appropriate educational and training agencies and institutions have had an opportunity to submit comments to the prime sponsor and to the Secretary;

(2) each community action agency or single-purpose Headstart agency in the area to be served responsible for the administration of programs under this part or under section 222(a)(1) of the Economic Opportunity Act of 1964 has had an opportunity to submit comments to the prime sponsor and to the Secretary;

(3) in the case of a plan submitted by a prime sponsor other than the State the Governor of that State or the State Child and Family Service Council has had an opportunity to submit comments to the prime sponsor and to the Secretary.

(d) A comprehensive child and family service plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

(1) written notice of intention to disapprove such plan, including a statement of the reasons therefor,

(2) a reasonable time to submit corrective amendments to such plan or undertake other necessary corrective action, and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

PROJECT APPLICATIONS

SEC. 107. (a) Funds may be provided by the prime sponsor for carrying out any program under such prime sponsor's comprehensive child and family service plan only to a qualified public or private agency or organization, including but not limited to an educational agency or institution, a community action agency, single-purpose Headstart agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Indians, organization interested in child care, employer or business organization, labor union, or employee or labor management organization.

(b) Financial assistance under this title may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted to the Child and Family Service Council by a public or private agency and which—

(1) describes the project, identifies the children and families it is designed to serve, and provides for the necessary such comprehensive services.

(2) provides for establishing and maintaining a parent policy committee composed of not less than ten members as follows—

(A) not less than half of the members of each such committee shall be parents of children served by such project, democratically selected by parents of children served by the project, and

(B) the remaining members of each such committee shall consist of (i) persons who are representative of the community and who are approved by the parent members, and (ii) at least one person who is particularly skilled by virtue of training or experience in child care, child health, child welfare, or other child care services, except that the Secretary may waive the requirement of this clause where he determines, in accordance with regulations that such persons are not available to the area to be served;

(3) provides for direct participation of such parent policy committee in the development and preparation of project applications under this title;

(4) assures that the parent policy committee shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, and for planning, overall conduct, personnel budgeting, location of centers and facilities, and direction and evaluation of projects, including approval of the project director and any project applications and modifications thereof;

(5) makes adequate provision for training and other administrative expenses of such parent policy committee (including necessary expenses to enable low-income members to participate in committee meetings);

(6) assures that services shall be provided without charge to any child who is economically disadvantaged except to the extent that payment will be made by a third party, and that charges will be made to any child who is not economically disadvantaged

according to the fee schedule established pursuant to section 106(b)(7)(B);

(7) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

(8) provides opportunities for the direct participation of parents, older, siblings, and other family members in the daily activities of the programs in which their children are enrolled;

(9) assures, to the extent practicable, employment of paraprofessional aides and use of volunteers, especially parents, older children, students, older persons, and persons for careers in child development and family service programs;

(10) assures that children will in no case be excluded from the programs operated pursuant to this title because of their participation in nonpublic preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

(11) provides for such fiscal control and fund accounting procedures as the prime sponsor shall prescribe to assure proper disbursement of and accounting for Federal funds.

(c) A project application may be approved by a prime sponsor upon its determination that such application meets the requirements of this section and that the programs provided for therein will otherwise further the objectives and satisfy the appropriate provisions of the prime sponsor's comprehensive child and family service plan as approved pursuant to section 106.

(d) A project application from a public or private agency seeking funds under section 104(d) shall be submitted directly to the Secretary, and may be approved by the Secretary upon his determination that it meets the requirements of subsection (b) of this section.

(e) A prime sponsor may disapprove a project application only if it provides to the project applicant a written statement of the reasons therefor. Such project applicant may submit an appeal to the Secretary requesting the direct approval of such application or modification thereof. Any such appeal shall include such comments, including the project applicant's response to the prime sponsor's statement of reasons for disapproval, as the project applicant may deem appropriate or as the Secretary may require.

SPECIAL GRANTS TO STATES

SEC. 108. (a) Upon application submitted by any State, the Secretary is authorized to provide financial assistance for use by such State for carrying out activities for the purposes of—

(1) establishing a child and family services information program, in order to improve their quality and availability and improve the accessibility of such services to parents who need them;

(2) identifying child and family service goals and needs within the State;

(3) coordinating all State child and family services, and encouraging the cooperation and participation of State agencies in providing such services, including health, family planning, mental health, education, nutrition, and family, social and rehabilitative services where requested by appropriate prime sponsors in the development and implementation of comprehensive child and family service plans;

(4) encouraging the full use of resources and facilities for child and family service programs within the State;

(5) developing, enforcing, and assessing State codes for licensing child and family service facilities within the State;

(6) assisting public and private agencies and organizations in the acquisition or improvement of facilities for child and family service programs;

(7) assisting in the establishment of Child and Family Service Councils and strengthening the capability of such Councils to effectively plan, supervise, coordinate, monitor, and evaluate child and family service programs;

(8) developing information useful in reviewing prime sponsorship applications under section 104 and of comprehensive child and family service plans under section 106.

(b) In order to receive funds under this section, a State shall establish a Child and Family Service Council as prescribed in section 104(a).

(c) Funds received by the State under this section shall be in addition to any funds such State may receive under this title pursuant to an approved prime sponsorship application and comprehensive child and family service plan.

ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION OR ACQUISITION

SEC. 109. (a) Applications for financial assistance for projects including construction or acquisition may be approved only if the prime sponsor, or the Secretary in cases of applications submitted for his approval, determines that construction or acquisition of such facilities is essential to the provision of adequate child care services, and that rental, lease, or lease-purchase, remodeling, or renovation of adequate facilities is not practicable.

(b) If any facility assisted under this title shall cease to be used for the purposes for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rate shall not be less than 3 per centum per annum and the period within which such loan is to be repaid shall not be more than twenty-five years.

(e) The Federal assistance for construction, remodeling, renovation, alteration, or acquisition of facilities, may be in the form of grants or loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this title. Not more than 15 per centum of the total financial assistance provided to a prime sponsor under this title shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction. Financial assistance for construction or acquisition of facilities pursuant to this Act shall be available only to public and private nonprofit agencies, institutions and organizations.

USE OF PUBLIC FACILITIES FOR CHILD AND FAMILY SERVICE PROGRAMS

SEC. 110. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within eighteen months after enactment of this Act report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private agencies and organizations, through appropriate arrangements, for use as facilities for child and family service programs under this title during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such use.

(b) The Secretary may require, as a condition to the receipt of assistance under this title, that any prime sponsor under this title agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor, or by other agencies in the prime sponsorship area, could be made available, through appropriate arrangements, for use as facilities for child and family service programs under this title during times and periods when not utilized fully for their usual purposes, together with the prime sponsor's proposed actions for such use.

PAYMENTS

SEC. 111. (a) In accordance with this section, the Secretary shall pay from the applicable allocation or apportionment under section 103 the Federal share of the costs of programs, services, and activities, in accordance with plans or applications which have been approved as provided in this title. In making such payment to any prime sponsor, the Secretary shall include in such costs an amount for staff and other administrative expenses for the Child and Family Service Councils and for parent policy committees, consistent with limitations contained in this title.

(b) The Secretary shall pay from funds appropriated under section 3(a) for fiscal year 1975 an amount equal to 100 per centum of the cost of planning, training, and technical assistance.

(1) Except as provided in paragraphs (2) and (3) of this subsection, the Secretary shall pay from funds appropriated under section 3(b) for fiscal year 1976 an amount not in excess of 90 per centum and from funds appropriated under section 3(b) for fiscal year 1977 and subsequent years an amount not to exceed 80 per centum of the cost of carrying out programs, services, and activities under this title. The Secretray may, in accordance with such regulations as he shall prescribe, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child and family service needs of economically disadvantaged children.

(2) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child and family service programs for children of migrant agricultural workers under this title.

(3) The Secretary shall pay an amount equal to 100 per centum of the costs of providing child and family service programs for children in Indian tribal organizations under this title.

(c) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union or employer contributions. Fees collected for services shall not be used for the non-Federal share, but shall be used by the prime sponsor to improve and expand programs under the comprehensive child development and family service plan.

(d) If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions or any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements, for such contributions for the subsequent fiscal year under this title.

(e) No State or unit of general local government shall reduce its expenditures for child development or child care programs by reason of assistance under this title.

TITLE II—STANDARDS, ENFORCEMENT, AND EVALUATION

FEDERAL STANDARDS FOR CHILD CARE

SEC. 201. (a) (1) Within six months after the enactment of this Act, the Secretary may after consultation with other Federal agencies and with the approval of the committee establish pursuant to subsection (c) of this section, promulgate a common set of program standards which shall be applicable to all programs providing child care services under this or any other Federal Act, to be known as the Federal Standards for Child Care. If the Secretary disapproves the committee's recommendtaions, he shall state the reasons therefor.

(2) Such standards shall replace but shall be consistent with the Federal Interagency Day Care Requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968. The 1968 requirements will continue to apply to all applicable programs until program standards authorized by subsection (a) are in effect.

(3) Not less than 60 days prior to implementation of program standards pursuant to paragraph (a) of this section, the Secretary shall submit such proposed program standards to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Upon majority vote of either Committee within such sixty days disapproving such proposed program standards, such standards shall not take effect.

(b) The Secretary shall establish policies and procedures, in accordance with regulations which he shall prescribe, to assure that all programs and projects assisted under this Act address, on a continuing basis, the individual needs of and the appropriateness of child and family service for very young children served—

(1) any program or project providing care outside the home for very young children shall be reviewed and evaluated periodically and frequently by the Secretary, to insure that it meets the highest standards of quality; and the Secretary may reserve such funds as he deems necessary from funds available under this Act for the purpose of evaluation, by appropriate persons, of programs under this Act in order to insure compliance with subsections (a) and (b) of this section.

(2) no program or project described in clause (1) of this subsection shall be approved for assistance under this Act unless it is specifically authorized and approved by the Secretary.

(c) (1) Upon determination that a prime sponsor or project is in violation of one or more of the provisions of this section, the Secretary shall give immediate public notice of such determination to such prime sponsor or project and, if such violation or violations have not been corrected, shall commence action within ninety days of such determination to withhold funds under section 204.

(2) Upon determination that a project is in violation of one or more of the provisions of this section, the prime sponsor shall give immediate notice of such determination to such project and, if such violation or violations have not been corrected, shall commence action within ninety days of such determination to withhold funds under section 204.

(d) The Secretary shall, within sixty days after enactment of this Act, appoint a Special Committee on Federal Standards for Child Care, which shall include parents of children enrolled in Headstart and child care programs, representatives of public and private agencies and organizations administering such programs, specialists, and other public and private providers of child and family services, individuals engaged in licensing activities, and others interested in services for children. Not less than one-half of the membership of the committee shall consist of parents of children participating in programs conducted under title I of this Act and section 222(a) of the Economic Opportunity Act of 1964 and title IV–A of the Social Security Act, or other public programs providing child and family services. Such committee shall participate in the development of Federal Standards for Child Care and modifications thereof as provided in subsection (a).

(e) In no event shall any prime sponsor or program or project receiving assistance under this Act reduce the quality of services provided under this Act below the standards established in this section.

DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

SEC. 202. (a) The Secretary shall, within sixty days after the date of enactment of this Act, appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing child and family services facilities. Such standards shall deal principally with these matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for child care developed under section 201.

(b) The special committee appointed under this section shall include parents of children enrolled in comprehensive child services programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering comprehensive child services programs, and national agencies or organizations interested in services for children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222 (a) (1) of the Economic Opportunity Act of 1964, and title IV of the Social Security Act.

(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance under this Act or in which programs receiving such Federal financial assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

PROGRAM MONITORING AND ENFORCEMENT

SEC. 203. The Secretary shall provide, through the Office of Child and Family Services, for regular and periodic monitoring of programs under this Act to assure compliance with the child care standards and other requirements of this Act, and shall provide for the establishment and maintenance of sufficient trained staff in such office to accomplish the purpose of this section.

WITHHOLDING OF GRANTS

SEC. 204. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any prime sponsor, or project applicant, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of any such prime sponsor approved under section 106; or

(2) that there has been a failure to comply with applicable standards pursuant to section 201; or

(3) that there has been a failure to comply substantially with any requirement set forth in the application of any such project applicant approved pursuant to section 107; or

(4) that in the operation of any plan, program, or project carried out by any such price sponsor, or project applicant or other recipient of financial assistance under this Act there is a failure to comply substantially with any applicable provision of this Act or regulation promulgated thereunder;

the Secretary shall notify such prime sponsor, project applicant, or other recipient of his findings and that no further payments may be made to such sponsor, project applicant, or other recipient under this Act (or in the Secretary's discretion that any such prime sponsor shall not make further payments under this Act to specified project applicants affected by the failure) until he is satisfied that there is no longer any such failure to comply, or that the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this Act which is being carried out pursuant to such plan or application and which is not involved in any noncompliance.

CRITERIA WITH RESPECT TO FEE SCHEDULE

SEC. 205(a) Not later than 180 days after the enactment of this Act, the Secretary shall by regulation establish criteria for the adoption of fee schedules by prime sponsors as provided in Section 106(b) (7) (B) of this Act. Such criteria shall be designed to permit enrollment or continued participation in the program as family income increases, shall be based on family size, and ability to pay, and shall provide for appropriately reduced charges for less than full-day care, and shall be appropriately adjusted for regional and urban-rural differences in the cost of living or determined by the Bureau of Labor Statistics.

(b) Not less than 60 days prior to implementation of the criteria established by the Secretary pursuant to paragraph (B) of this section, the Secretary shall submit such proposed criteria to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Upon a majority vote of either committee disapproving such proposed criteria, such criteria shall not take effect and the Secretary shall within 60 days promulgate revised criteria. Such revised criteria, and any revision to criteria established pursuant to this section shall be subject to the requirements of this section.

EVALUATION

SEC. 206. (a) The Secretary shall make an evaluation of Federal involvement in child and family services, which shall include—

(1) enumeration and description of all Federal activities which affect child and family service programs;

(2) analysis of expenditures of Federal funds for such activities and services;

(3) determination of the effectiveness of such activities and services;

(4) the extent to which preschool, minority group, and economically disadvantaged children and their parents have participated in programs under this Act; and

(5) such recommendations to Congress as the Secretary may deem appropriate.

(b) The results of the evaluation required by subsection (a) of this section shall be reported to Congress not later than two years after enactment of this Act.

(c) The Secretary shall establish such procedures as may be necessary to conduct an annual evaluation of Federal involvement in child and family services programs, and shall report the results to each such evaluation to Congress.

(d) Prime sponsors and project applicants assisted under this Act and departments and agencies of the Federal Government shall, upon request by the Secretary or the Comptroller General of the United States make available, consistent with other provisions of law, such information as the Secretary determines is necessary for purposes of making the evaluation required under subsection (c) of this section, or the Comptroller General determines is necessary for an independent evaluation.

(e) The Secretary may enter into contracts with public or private nonprofit agencies, organizations, or individuals to carry out the provisions of this section.

(f) The Secretary shall reserve for the purposes of this section not less than 1 per centum, but not more than 2 per centum, of the amounts available under section 3(b) of this Act for any fiscal year.

TITLE III—RESEARCH AND DEMONSTRATIONS

SEC. 301. (a) The Secretary is authorized to carry out a program of research and demonstration projects, which shall include but not be limited to—

(1) research to develop techniques to measure and evaluate child and family services, and to develop standards to evaluate professional and paraprofessional child and family service personnel;

(2) research to test preschool programs emphasizing reading and reading readiness;

(3) preventive medicine and techniques and technology, including multiphasic screening and testing, to improve the early diagnosis and treatment of diseases and learning disabilities of preschool children;

(4) research to test alternative methods of providing child and family service;

(5) evaluation of research findings and the development of these findings and the effective application thereof;

(6) dissemination and application of research and development efforts and demonstration projects to child and family service and related programs of early childhood advisory services where feasible;

(7) production of informational systems and other resources necessary to support the activities authorized by this Act;

(8) a study of the need on a nationwide basis for child and family services programs and of the resources, including personnel, which are available to meet this need.

(b) In order to carry out the program provided for in this section, the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or nonprofit private agencies (including other Government agencies), organizations, institutions, and individuals.

(c)(1) The Secretary shall coordinate, through the Office of Child and Family Services established under section 101(a), all child and family services, research, training, and development efforts conducted within the Department of Health, Education, and Welfare and, to the extent feasible, by other agencies, organizations, and individuals.

(2) Funds available to any Federal department or agency for the purposes of this title shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary through the Office of Child and Family Services established under section 101(a), for the purposes for which the transfer was made.

(d) The Secretary shall conduct special demonstration, and model programs, which demonstration, and model programs shall be subject to the fullest extent practicable to each of the requirements with respect to project applications under section 107.

(e) The Secretary shall report to Congress not later than September 1, 1975, summarizing his activities and accomplishments under this section during the preceding fiscal year and the grants, contracts, or other arrangements entered into and making such recommendations (including recommendations for legislation) as he may deem appropriate.

TITLE IV—TRAINING OF PERSONNEL FOR CHILD AND FAMILY SERVICES

PRESERVICE AND INSERVICE TRAINING

SEC. 401. The Secretary is authorized to make payments to provide financial assistance to enable individuals employed or preparing for employment in child and family services programs assisted under this Act, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by any agency carrying out a child and family services program, or any institution of higher education, including a community college, or by any combination thereof.

TECHNICAL ASSISTANCE AND PLANNING

SEC. 402. The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis, to assist them in planning, developing, and carrying out child and family services programs.

TITLE V—GENERAL PROVISIONS

DEFINITIONS

SEC. 501. As used in this Act, the term—

(1) "Secretary" means the Secretary of Health, Education, and Welfare;

(2) "State" means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(3) "child and family service programs" means programs on a full-day or part-day basis which provide or arrange for the provision of the educational, nutritional, health, and other services needed to provide the opportunity for children to attain their full potential, including services to other family members;

(4) "children" means individuals who have not attained the age of fifteen;

(5) "economically disadvantaged children" means any children of a family having an annual income below the lower living standard budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics at the Department of Labor;

(6) "handicapped children" includes mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

(7) "program" includes any program, service, or activity, which is conducted full- or part-time in the home in schools, or in child facilities;

(8) "parent" means any person who has primary day-to-day responsibility for any child;

(9) "single parent" means any person who has sole day-to-day responsibility for any child;

(10) "working mother" means any mother who needs child or family service in order to undertake or continue full- or part-time employment, training, or education outside the home;

(11) "minority group" includes, but is not limited to, persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental, and, as determined by the Secretary, children who are from environments in which a dominant language is other than English and who, as a result of language barriers, may need special assistance, and, for the purpose of this paragraph, "Spanish-surnamed Americans" includes, but is not limited to, persons of Mexico, Puerto Rican, Cuban, or Spanish origin or ancestry;

(12) "bilingual" includes, but is not limited to persons who are Spanish-surnamed Americans, American Indian, Oriental, Portuguese, or others who have learned during childhood to speak the language of the minority group of which they are members and who, as a result of language barriers, may need special assistance;

(13) "local educational agency" means any such agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965;

(14) "unit of general local government" means any political subdivision of a State having general governmental powers.

NUTRITION SERVICES

SEC. 502. In accordance with the purposes of this title, the Secretary of Health, Education, and Welfare shall establish procedures to assure that adequate nutrition services will be provided in child and family services programs under this Act. Such services shall make use of the special food service program for children as defined under section 13 of the National School Lunch Act of 1946 and the Child Nutrition Act of 1966, to the fullest extent appropriate and consistent with the provisions of such Acts.

SPECIAL PROVISIONS

SEC. 503. (a) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program, program participant, or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation or beliefs.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as effecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

(c) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations and make such payments in installments and in advance or by way of reimbursement, or otherwise allocate or expand funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. Subject to the provisions of section 504, the Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act on any term or condition of assistance under this Act.

(d) The Secretary shall not provide financial assistance for any program, service, or activity under this Act unless he determines that persons employed thereunder, other than persons who serve without compensation, shall be paid wages which shall not be lower than whichever is the highest of—

(1) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 206), if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof;

(2) the State or local minimum wage for the most nearly comparable covered employment; or

(3) the prevailing rates of pay for persons employed in similar occupations by the same employer.

(e) The Secretary shall not provide financial assistance for any program under this Act unless he determines that no funds will be used for and no person will be employed under the program in the construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place for religious worship.

SPECIAL PROHIBITIONS AND PROTECTIONS

SEC. 505. (a) Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, physical, or other development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which are otherwise provided by law.

(b) The Secretary is directed to establish appropriate procedures to insure that no child shall be the subject of any research or experimentation under this Act unless the parent or guardian of such child informed of such research or experimentation and is given an opportunity as a right to except such child therefrom.

(c) A child participating in a program assisted under this Act shall not undergo medical or psychological examination experimentation or research, immunization (except to the extent necessary to protect the public from epidemics of contagious diseases or in cases of medical emergencies where parental consent cannot be readily obtained), or treatment without the written permission of his parent or guardian based upon full understanding of the procedures and possible consequences.

PUBLIC INFORMATION

SEC. 506. Applications for designation as prime sponsors, comprehensive child development plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

SEC. 507. (a) After consultation with the head of any agency of the Federal Government immediately responsible for providing Federal assistance for and family services, child care, and related programs, including title I of the Elementary and Secondary Education Act of 1965, section 222(a)(2) of the Economic Opportunity Act of 1964, title VII of the Housing and Urban Development Act of 1966, title I of the Demonstration Cities and Metropolitan Development Act of 1966 and titles IV and VI of the Social Security Act, the Secretary of Health, Education, and Welfare shall establish regulations to assure the coordination of all such programs with the programs assisted under this Act.

(b)(1) Section 203(j)(1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out "or civil defense" and inserting in lieu thereof "civil defense, or the operation of child care facilities".

(2) Section 203(j)(3) of such Act is amended—

(A) by striking out, in the first sentence, "or public health" and inserting in lieu thereof "public health, or the operation of child facilities.";

(B) by inserting after "handicapped," in clause (A) and clause (B) of the first sentence the following: "child care facilities"; and

(C) by inserting after "public health purposes" and the second sentence, the following: ", or for the operation of child care facilities,"

ACCEPTANCE OF FUNDS

SEC. 508. In carrying out the purposes and provisions of this Act, the Secretary is authorized to accept and use funds appropriated to carry out other provisions of Federal law if such funds are used for the purposes for which they are specifically authorized and appropriated.

Mr. JAVITS. Mr. President, I am pleased to join with Senator Mondale in the introduction of the Child and Family Services Act of 1974. This bipartisan measure, cosponsored by 22 of our colleagues, including Senators Brooke, Case, Hatfield, Percy, and Stafford, would provide for quality child care and other vital family services; a similar measure is being introduced in the House of Representatives by Congressman Brademas, joined by Representatives Hansen, Mink, and Heckler.

Under our proposal, the Secretary of Health, Education, and Welfare, would be authorized to fund a variety of quality child and family services assisting children and families in the Nation. Services provided under the bill would include in-the-home tutoring, education for parenthood, prenatal services, part-day and full-day and after-school programs, food and nutrition services, and information and referral services to aid families in selecting child and family services.

The program would be administered by the Office of Child and Family Services, essentially a renaming of the current Office of Child Development in the Department of Health, Education, and Welfare, through a system of State and local prime sponsors as well as educational and other institutions and, in specific circumstances other public and private grantees.

Each prime sponsor would submit a comprehensive child and family services plan which would have to be approved by a representative Child and Family Services Council. Localities demonstrating capability to administer programs would do so within their jurisdiction. State governments would administer programs in other areas and have specific funds for coordination and specific statewide efforts.

This measure builds upon the child care title which was included in the Economic Opportunity Act Amendments of 1971, which the President vetoed in December of that year, and upon the Comprehensive Headstart, Child Development and Family Services Act of 1972, jointly sponsored by Senator Mondale and myself, which passed the Senate on June 20, 1972, but as to which no action was taken by the House of Representatives.

We are introducing this measure today—and the similar bill is being introduced in the House, in order to prompt the national debate on the need for child care which the President urged in vetoing the 1971 measure.

As evidence of our desire to enter into that debate freely and with flexibility, the measure we introduce today, while designed basically to the same objective as the previous measures, differs from them in a number of important respects.

First, the bill authorizes an aggregate of $1.8 billion over a 3-year period, compared with the 1972 Senate-passed measure which authorized $2.8 billion over a 2-year period.

Second, we have not included in this measure authority for the continuation of the Head Start program. The Economic Opportunity and Community Partnership Act of 1974, which I shall introduce shortly, with Senators Kennedy, Dole, and Johnston, will extend the Head Start program for 3 fiscal years, through fiscal year 1977, with increased authorization of appropriations for that effort. As these bills are considered by the committee, the relationship between the efforts shall be addressed.

Third, we have not included a population requirement for localities to qualify as prime sponsors; the vetoed bill required a population of 5,000 and the 1972 passed bill required 25,000. We have left this matter open so as to be free to achieve in the final legislation the best allocation of responsibility among various levels of government, which will insure parental involvement, local diversity to meet local needs, and appropriate State participation to insure coordination and maximum utilization of available resources.

Mr. President, with this general background I shall now comment on various aspects of this bill which are particularly important to New York City and New York State.

First in terms of the need for this legislation, I note that in New York City alone there are over 1.9 million children under the age of 14 of which 742,000 are under age of 6. On the welfare roles, there are over 400,000 children under the age of 14 in families receiving AFDC. In contrast, there are approximately only 42,000 licensed day care slots funded publicly.

For New York State overall—including New York City—there are approximately 4.5 million children under the age of 14, of which 1.8 million are under the age of 6; 729,553 children are in families on the AFDC roles. Precise estimates of the number of publicly funded child care positions in the State are not available, but the number is under 70,000.

Exact allocations under this measure to the State cannot, of course, at this point in time, be determined, but as a general rule, we expect New York State to receive at least 8 percent of the total of funds available for programs in each of the 2 years of actual operation.

At a cost of approximately $2,200 for each preschool slot, this would mean that 18,182 opportunities could be funded in fiscal year 1976 and 36,364 in fiscal year 1977, from New York State's share of $500 million and $1 billion respectively.

Second, under the bill no charge would be made for services for children in families below the Bureau of Labor Statistics lower living standard, now at $8,100 a year for a family of four. This provision is crucial to families in New York City and New York State where the costs are so high that any fees below that point would effectively make it impossible for families to participate in the program. The provisions of this bill are much more realistic in this respect than those in the vetoed measure which permitted a fee schedule to be imposed above the level of $4,320 a year for a family of four.

Third, the bill includes, as did previous measures, the requirements not only that parents participate in the programs, but that they have a leading role in the development of the programs. This would be accomplished through the requirement that each prime sponsor have a Child and Family Services Council of which one-half of the members must be parents as well as a number of other provisions. The current programs in New York City and State have these elements in practice and this aspect has been a key element in their effectiveness.

Mr. President, currently in the Nation there are only 700,000 licensed day care places for 6 million preschool children with working mothers; even beyond that, as overall fact, 43 percent of the Nation's mothers work outside the home compared with 18 percent in 1948.

It is now time that the administration face up to these economic realities and the social realities which arise therefrom as well as other sources, abandon its past reluctance to make a full national commitment to providing services for families, and work with the Congress, with this measure as the vehicle, toward a proper legislative framework in which these services may be provided.

This Nation, with all of its resources, is way behind most of the other industrialized nations of the world in the provision made for children and families—a "crying" if not "fatal" gap, in terms of long-term costs to individuals and society, in our social legislation.

We seek to fill that gap through legislation which will insure, compatible with the principles of our Nation, a completely voluntary program, and in the nature of service to the family and the child with Federal, State, and local government providing only the resources and the administrative framework in which family needs may be met.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF CHILD AND FAMILY SERVICES BILL

Section 1. *Title*—"Child and Family Services Act of 1974."

Section 2. *Statement of Findings and Purpose*—Finds that the family is the primary and most fundamental influence on children; that child and family services must build upon and strengthen the role of the family; that such services must be provided on a voluntary basis to children whose parents request them with priority for preschool children with the greatest economic and human need; that there is a lack of adequate child and family services; and that there is a necessity for planning and operation of programs as partnership of parents, community, state and local governments, with appropriate federal supportive assistance.

Purpose is to establish and expand children and family service programs, build upon the experience of Headstart, give special emphasis to preschool children and families with the greatest needs, provide decision making with direct parent participation through a partnership of parents, State, local and Federal government.

Section 3. *Authorization of Appropriations*—Authorizes $150 million for fiscal 1975 and $200 million for FY 1976 for training, planning, and technical assistance and $500 million in FY 1976 and $1 billion in FY 1977 for program operation. Headstart would be funded under separate authority, and its funding protected by a requirement that no operational funds could be appropriated for this new program unless and until Headstart is funded at the level it received in FY 1974 or FY 1975, whichever is higher.

Forward funding is authorized.

TITLE I—CHILD AND FAMILY SERVICES PROGRAMS

Section 101. Establishes office of Child and Family Services in HEW as principal agency for administration of this Act; and Child and Family Services Coordinating Council with representatives from various federal agencies to assure coordination of federal programs in the field.

Section 102. *Financial Assistance*—Defines purposes for which federal funds can be used: (1) planning and developing programs, including pilot programs; (2) establishing, maintaining and operating programs, including part-day or full-day child care in the home, in group homes, or in other child care facilities; other specially designed programs such as after-school programs; family services, including in-home and in-school services; information and referral services to aid families in selecting child and family services; prenatal care; programs to meet special needs of minorities, Indians, migrants and bilingual children; food and nutrition services; diagnosis of handicaps or barriers to full participation in child and family services programs; special activities for handicapped children within regular programs; programs to extend child and family service gains, including parent participation, into the elementary schools; (3) rental, renovation, acquisition or construction of facilities, including mobile facilities; (4) preservice and inservice training; (5) staff and administration expenses of councils and committees required by the Act; and (6) dissemination of information to families.

Section 103. *Allocation of Funds*—Reserves funds proportionately for handicapped children and for migrant and Indian children, and up to 5% for model programs.

Allocates the remainder among the states and within the states, 50% according to relative number of economically disadvantaged children, 25% according to relative number of children through age five, and 25% according to relative number of children of working mothers and single parents.

Allows use of up to 5% of a state's allocation for special state programs under Section 108.

Section 104. *Prime Sponsors*—States, localities, combinations of localities or public and non-profit organizations are eligible to serve as prime sponsors.

The bills current provisions establish performance criteria for prime sponsor: demonstrated interest in and capability of running comprehensive programs, including coordinaton of all services for children within the prime sponsorship area; assurances of non-federal share; establishment of a Child and Family Service Council (CFSC) to administer and coordinate programs.

Public or private non profit organizations can serve as prime sponsors with priority on governmental units. Any locality or combination of localities which submits an application meeting the performance criteria may be designated prime sponsor if the Secretary determines it has the capacity to carry out comprehensive and effective programs. The state may be designated prime sponsor for all areas where local prime sponsors do not apply or cannot meet the performance criteria, provided that the state meets the performance criteria and divides its area of jurisdiction into local service areas and local child and family services councils which approve the relevant portions of the state's plan and contracts for operation of programs within the local service areas.

The Secretary may fund directly an Indian tribe to carry out programs on a reservation. He may also fund public or private non-profit agencies to operate migrant programs, model programs, or programs where no prime sponsor has been designated or where a designated prime sponsor is not meeting certain needs.

Provides opportunity for Governor to comment on prime sponsorship applications and provides appeal procedure for applicants who are disapproved.

The sponsors want to particularly emphasize that as the bill is considered they intend to invite the testimony of representatives of Federal, State, and local government, as well as other experts, with respect to the best allocation of responsibility among various levels of government which will insure parental involvement, local diversity to meet local needs and appropriate State involvement to assure coordination and maximum utilization of available resources.

Section 105. *Child and Family Service Councils*—Sets forth composition, method of selection, and functions of councils. Half of members must be parents, selected by parents of children served by programs under the Act. The remaining members appointed by the prime sponsor in consultation with parent members, to be broadly representative of the general public, including representatives of private agencies in the prime sponsorship area operating programs of child and family services and at least one specialist in child and family services. At least one-third of the total council to be economically disadvantaged. The council selects its own chairperson.

A state prime sponsor must establish councils at the state level and for each local service area. Parent members of the state council to be selected by parent members of local councils.

Council approves goals, policies, action and procedures of prime sponsor, including planning, personnel, budgeting, funding of projects, and monitoring and evaluation.

Section 106. *Comprehensive Child and Family Services Plan*—Requires that prime sponsor submit plan before receiving funds. Plan must: provide services only for children whose families request them; identify needs and purposes for which funds will be used; give priority to children who have not reached six years of age; reserve 65% of the funds for economically disadvantaged children, and priority thereafter to children of single parents and working mothers; provide free services for children of families below the Bureau of Labor Statistics lower living standard budget and establish a sliding fee schedule based on ability to pay for families above that income level; include to the extent feasible, children from a range of socioeconomic backgrounds; meet the special needs of minority group, migrant, and bilingual children; provide for direct parent participation in programs, including employment of parents and others from the community with opportunity for career advancement; establish procedures for approval of project applications with special consideration for ongoing programs; provide for coordination with other prime sponsors and with other child development and related programs in the area; provide for monitoring and evaluation to assure programs meet federal standards.

Requires that the Governor, all local education agencies Headstart and community action agencies as well have the opportunity to comment on the plan.

Establishes appeal procedures if plans are disapproved.

Section 107. *Project Applications*—Provides for grants from prime sponsor to public or private organizations to carry out programs under the prime sponsor plan, pursuant to a project application approved by the CFSC.

The project applicant must establish a parent policy committee (PCP), 50% parents of children served by the project, at least one child care specialist, and other representatives of the community approved by the parent members. The PPC must participate in the development of project applications and must approve basic goals, policies, action and procedures of the applicant, including personnel, budgeting, location of centers, and evaluation of projects.

The application must: provide for training and administrative expenses of the PPC; guarantee free services for economically disadvantaged children with fees according to the fee schedule for other children; assure direct participation of parents and other members, including employment opportunities; provide for dissemination of information on the project to parents and the community; and assure inclusion of children regardless of participation in nonpublic school programs.

Section 108. *Special Grants to States*—Authorizes special grants to the states, on approval of Secretary, to establish a child and family services information program to assess goals and needs in state; to coordinate all state child development and related services; to develop and enforce state licensing codes for child development facilities; and to assist public and private agencies in acquiring or improving such facilities. A State must establish a Child and Family Services Council to receive a special grant.

Section 109. *Additional Conditions for Programs Including Construction or Acquisition*—Allows federal funding for construction or acquisition only where no alternatives are practicable. Provides that no more than 15% of a prime sponsor's funds may be used for construction, and that no more than half of that may be in the form of grants rather than loans.

Section 110. *Use of Public Facilities for Child and Family Services Programs*—Requires that federal government and prime sponsors make available for child and family service programs, facilities they own and lease, when they are not fully utilized for other purposes.

Section 111. *Payments*—Provides 100% federal share for planning in first year, 90% federal share for fiscal 1976 and 1977, 80% for subsequent fiscal years. Provides 100% federal share for programs for migrants and Indians, and allows waiver of part or all of non-federal share where necessary to meet needs of economically disadvantaged children.

Non-federal share may be in cash or in kind. Revenues generated by fees may not be used as non-federal share but must be used by prime sponsor to expand programs.

TITLE II—SUPPORTIVE SERVICES AND SPECIAL ACTIVITIES

Section 201. *Federal Standards for Child Care*—Requires a national committee on federal standards, with one-half parent participation, to establish standards for all child care services programs funded by this or any other federal act. The 1968 Interagency Day Care Requirements would continue to apply until such standards are promulgated, and those standards must be consistent with the 1968 Requirements.

No prime sponsor or project applicant is allowed to reduce services below these standards.

Section 202. *Development of Uniform Code for Facilities*—Requires a committee to develop a uniform minimum code dealing with health and safety of children and applicable to all facilities funded by this Act.

Section 203. *Evaluation*—Requires the Secretary to make annual evaluations and report to Congress on federal child family services activities.

TITLE III—RESEARCH AND DEMONSTRATIONS

Section 304. *Research and Demonstration*—Authorizes child and family services research and requires that the Office of Child and Family Services coordinate research by federal agencies.

TITLE IV—GENERAL PROVISIONS

Section 401. *Definitions*—Defines terms used in the Act.

Section 402. *Nutrition Services*—Requires that procedures be established to assure adequate nutrition services in programs under the Act, including use of Section 13 (special food service programs) of the School Lunch Act and the Child Nutrition Act.

Section 403. *Special Provisions*—Antidiscrimination provisions, including separate provisions on sex discrimination. Requires that programs meet the minimum wage. Prohibits use of funds for constructing, operating, or maintaining facilities for sectarian instruction or religious worship.

Section 404. *Withholding of Grants.*—may be withheld from a prime sponsor or a Establishes conditions under which grants project applicant, and procedures for doing so.

Section 405. *Special Prohibitions and Protections*—Provides that no child may be the subject of research or experimentation without parental approval, and that no child may be forced to undergo examination or treatment if parents object. Requires approval of the Secretary for child development programs for very young children.

Section 406. *Public Information*—Requires that all applications, plans, and written material pertaining thereto be made available to the public without charge.

Section 407. *Repeal or Amendment of Existing Authority and Coordination.*

By Mr. PELL:

S. 3755. A bill to exempt from social security taxes individuals 65 and over who are eligible for social security benefits and who earn wages below the poverty level. Referred to the Committee on Finance.

LOW-INCOME ELDERLY WAGE EARNERS SOCIAL SECURITY ASSISTANCE ACT OF 1974

Mr. PELL. Mr. President, today I am introducing legislation which would exempt individuals aged 65 or over who are eligible for social security benefits and who earn wages below the poverty level from paying social security payroll taxes. This bill, the "Low-Income Elderly Wage Earners Social Security Assistance Act of 1974," would simply allow the elderly, low-income worker to keep a little more of his or her paycheck.

In this time of inflation I believe we must give the elderly worker every reasonable support to encourage self-reliance, and independence. I believe that this measure would accomplish this goal in an important respect, by freeing up some extra earned income. I do not believe that we as a Nation should tax our citizens into poverty, and I am hopeful that my colleagues who share this conviction join me in support of this measure.

Mr. President, I request unanimous consent that the text of the bill be printed at this point in the RECORD.

S. 3755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3101 of the Internal Revenue Code of 1954 (relating to tax on employees) is amended by inserting "(other than an individual who is exempt under subsection (c))" after "every individual" in subsections (a) and (b).

(b) Section 3101 of such Code is further amended by adding at the end thereof the following new subsection:

"(c) EXEMPTION FROM TAX IN CASE OF CERTAIN INDIVIDUALS WHO HAVE ATTAINED AGE 65.—No tax shall be imposed under subsection (a) or (b) with respect to wages received during any pay period by any individual if—

"(1) at the close of such pay period such individual has attained age 65 and is entitled, or would upon filing application therefor be entitled, to monthly insurance benefits under section 202 of the Social Security Act, and

"(2) if the wages received during such pay period are at a level which would produce, on an annual basis, an income which is less than the poverty level for the calendar year in which such wages are received.

The Secretary of the Treasury (after consultation with the Secretary of Labor and the Secretary of Health, Education, and Welfare) shall determine and publish the dollar amount of the poverty level which shall be in effect for purposes of this subsection for any calendar year. The dollar amount of the poverty level for any calendar year shall be determined and published not later than December 1, of the year immediately preceding such calendar year."

(b) The amendment made by subsection (a) shall be effective with respect to calendar years which commence after the date of enactment of this Act.

By Mr. HUMPHREY:

S. 3756. A bill to amend title 23, United States Code, the Federal-Aid Highway Act of 1973, and other related provisions of law, to increase safety on the Nation's highways and establish a National urban-rural transportation policy. Referred to the Committee on Public Works.

RURAL TRANSPORTATION LEGISLATION NEEDED

Mr. HUMPHREY. Mr. President, it gives me great satisfaction to introduce legislation designed to make improvements in our rural transportation system.

This bill deserves widespread support because the benefits will go beyond our rural areas.

A companion bill, H.R. 14283, has been introduced in the House of Representatives by Congressman BILL ALEXANDER of Arkansas.

I have pointed out many times the critical transportation problems which exist today in our rural areas. With greatly increased truck weights, our rural roads have taken a serious beating.

During some seasons of the year, our rural communities are cut off or seriously inconvenienced by broken down roads and detours.

With the decline in rail service and the abandonment of trackage in our rural areas, our farmers are increasingly dependent on road transportation.

Senator MONDALE and I have introduced S. 3438 to deal with the problems of declining railroad service in the rural areas. But, we cannot wait and hope for improvement in rail service. We need a program to make improvements in our rural roads since they are so vital to our rural economy.

In last year's Department of Agriculture Appropriation Act, we directed that a study be conducted to analyze existing data relative to the current crisis in rural transportation and provide the House and Senate with a summary of the information. An interim report was provided on April 15, 1974.

While the report's conclusions are not yet final, it indicates that the average load on rural roads has increased by more than 70 percent from 1960 to 1970.

There also has been a clear shift from railroads to trucks in the movement of fresh fruits and vegetables. And poultry and livestock also rely heavily on trucks for shipment to market.

It also is worth noting that the interim report points out the importance of transportation in shaping rural development.

Mr. President, I am deeply concerned over the growing deterioration of the countryside transportation system. This situation affects all of our people, and it impairs our ability to make timely shipments abroad.

This bill would provide a congressional declaration of intent to establish a national transportation policy taking into account the interdependence of cities and the countryside. We cannot afford to treat our rural and urban transportation needs as separate and discrete.

The bill also provides a necessary stimulus by providing an additional $550 million in funding in fiscal year 1975 and a further increase of $950 million in fiscal year 1976 for ongoing rural road and bridge programs.

Of these amounts, funding for primary roads would be increased by $300 million in fiscal year 1975 and $700 million in fiscal year 1976. The above-mentioned total authorization increases also include an additional $100 million in fiscal year 1975 and $100 million in fiscal year 1976 for secondary roads. Finally, in each of fiscal 1975 and fiscal 1976, authorizations for the bridge replacement program would be increased by $75 million and authorizations for projects to remove hazardous locations would be raised by $75 million.

In addition, the bill provides a new emergency bridge replacement program. This one would be for use on non-Federal aid system public roads. It would be financed by funds produced by the taxes paid into the highway trust fund by consumers of petroleum products. This would not mean a new tax, but the same tax which these drivers have been paying since such taxes have been collected.

The program which I propose would be administered at the county level by the appropriate official, officials, or agency with responsibility for highway and road programs. Provisions of my proposal are designed to help insure that the local bridge replacement decisions are made in coordination with the existing regional and State transportation plans.

I urge that these proposals be given close and careful scrutiny.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 796

At the request of Mr. PELL, the senior Senator from Tennessee (Mr. BAKER) and the Senator from Massachusetts (Mr. BROOKE) were added as cosponsors of S. 796 to improve museum services.

S. 1811

At the request of Mr. CHURCH, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1811 to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income.

S. 1921

At the request of Mr. METCALF, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 1921 to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes.

S. 2363

At the request of Mr. HARTKE, the Senator from Iowa (Mr. HUGHES) was added as a cosponsor of S. 2363 to amend chapter 38 of title 38, United States Code, relating to automobiles and adaptive equipment for certain disabled veterans and members of the Armed Forces.

S. 2422

At the request of Mr. MATHIAS, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 2422 to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape.

S. 2868

At the request of Mr. CHURCH, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2868 to provide for tax counseling to the elderly in the preparation of their Federal income tax returns.

S. 3182

At the request of Mr. MCCLURE, the Senator from Wyoming (Mr. HANSEN), the Senator from Arizona (Mr. FANNIN), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 3182 to prohibit the banning of lead shot for waterfowl hunting.

S. 3363

At the request of Mr. PELL, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 3363, the Open Windows Act of 1974.

S. 3451

At the request of Mr. MCCLURE, the Senator from Idaho (Mr. CHURCH) and the Senator from Colorado (Mr. DOMINICK) were added as cosponsors of S. 3451 to exempt range sheep industry mobile housing from regulations affecting permanent housing for agricultural workers.

S. 3541

At the request of Mr. MATHIAS, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor to S. 3541 to prevent the estate tax law from operating to encourage or to require the destruction of open lands and historic places, by amending the Internal Revenue Code of 1954 to provide that real property which is farmland, woodland, or open land and forms part of an estate may be valued, for estate tax purposes, at its value as farmland, woodland, or open land—rather than at its fair market value—and to provide that real property which is listed on the National Register of Historic Places may be valued, for estate tax purposes, at its value for its existing use, and to provide for the revocation of such lower valuation and recapture of unpaid tax with interest in appropriate circumstances.

S. 3648

At the request of Mr. TUNNEY, the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 3648 to amend the Urban Mass Transportation Act of 1964 to insure that transportation facilities built and rolling stock purchased with Federal funds are designed and constructed to be accessible to the physically handicapped and the elderly.

S. 3657

At the request of Mr. RIBICOFF, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3657 to exempt State lotteries from certain Federal prohibitions, and for other purposes.

S. 3680

At the request of Mr. TUNNEY, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 3680 to prevent the unfair taxation of recent college graduates.

S. 3722

At the request of Mr. DOMENICI, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3722 to amend the Internal Revenue Code of 1954 to allow a deduction for certain expenses incurred for installation of solar heating and cooling systems.

S. 3738

Mr. SYMINGTON. Mr. President, as Secretary of the Air Force at the time a great American ace performed his epochal feat on October 14, 1947, I ask unanimous consent that I be added as a cosponsor of a bill introduced by the two Senators from West Virginia (S. 3738) to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager.

SENATE JOINT RESOLUTION 184

At the request of Mr. MAGNUSON, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S.J. Res. 184 to protect whales and certain other living marine resources.

SENATE CONCURRENT RESOLUTION 103—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE AUTHORITY OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

(Referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. SPARKMAN (for himself, Mr. PROXMIRE, Mr. BROOKE, Mr. WILLIAMS, and Mr. CRANSTON) submitted the following concurrent resolution:

S. CON. RES. 103

Whereas the Congress under the Constitution has the power to coin money and regulate the value thereof;

Whereas the Congress has delegated that authority to the Board of Governors of the Federal Reserve System, as its agent;

Whereas the Ninety-first Congress authorized the Board of Governors of the Federal Reserve System to determine what types of obligations, whether issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, shall be deemed a deposit and thus subject to regulation under section 19 of the Federal Reserve Act;

Whereas a bank directly or indirectly receives the use of benefit of funds obtained by its non-banking affiliates through the issuance of obligations of a type that if issued by the bank directly would be a deposit; and

Whereas the issuance of such obligations thus provides funds to be used in the banking business: Now, therefore, be it *Resolved by the Senate* (*the House of Representatives concurring*), That it is the intent of Congress that the Board of Governors of the Federal Reserve System exercise the authority conferred by section 19 of the Federal Reserve Act with respect to any obligation issued directly by a member bank or indirectly by an affiliate of a member bank or by other means, regardless of the stated use of the proceeds of the issue.

SENATE RESOLUTION 358—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. EASTLAND, from the Committee on the Judiciary, reported the following resolution:

S. Res. 358

Resolved, That S. Res. 255, Ninety-third Congress, agreed to March 1, 1974, is amended as follows:

(1) In section 2, strike out "$4,073,000" and insert in lieu thereof "$4,085,500".

(2) In section 18, strike out "$150,000" and insert in lieu thereof "$162,500".

SENATE RESOLUTION 359—ORIGINAL RESOLUTION REPORTED INCREASING THE LIMITATION ON EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. EASTLAND, from the Committee on the Judiciary, reported the following resolution:

S. Res. 359

Resolved, That section 3 of Senate Resolution 56, 93d Congress, agreed to February 27, 1973, is amended by striking out "$3,000" and inserting in lieu thereof "$8,000".

PER DIEM AND MILEAGE EXPENSES OF EMPLOYERS AND OTHERS—AMENDMENT

AMENDMENT NO. 1545

(Ordered to be printed and referred to the Committee on Government Operations.)

Mr. ABOUREZK. Mr. President, the Senate Government Operations Committee will soon be considering S. 3341, the bill to revise certain provisions of the law to increase the per diem and mileage reimbursement rates of Government employees and other individuals traveling on official business. With unprecedented rises in the cost of fuel, transportation, and lodging, there seems to be little question that present reimbursement rates are inadequate.

Although I wholeheartedly support this legislation, there is a serious discrepancy in the present law which I feel needs to be corrected, and could be corrected by this bill. Present law provides for a per diem allowance of $25 in most cases and an 11 cents per mile allowance for most Government employees. Yet, the reimbursement rates for veterans traveling on official business to veterans facilities, for treatment or for other official veterans business is significantly less. Current reimbursement rates have been set at only $12 a day and 6 cents per mile.

I know of no discounts which veterans are entitled to for fuel, transportation or lodging to warrant this embarrassingly low rate. Yet, the more than 80,000 veterans who are required to travel to veterans facilities on a daily basis are expected to make ends meet with this meager amount of reimbursement. Letters which I have received from veterans in South Dakota indicate that the problem is so severe that many veterans simply fail to make hospital appointments and other veterans business meetings at veterans centers because of the high cost of travel. Figures from the Department of Transportation certainly underscore the graveness of the problem. According to their figures, DOT has estimated that it now costs over 14 cents a mile to operate an automobile and the American Automobile Association states that the figure is probably closer to 16 cents—a full 10 cents higher than the present veterans reimbursement rate and a good deal higher than the 11 cents now allotted Government employees.

There seems to be no justifiable reason why there must be two significantly different figures for two U.S. citizens traveling on official Government business. Veterans should have the same privileges under law that are granted to others traveling in a Government related capacity.

For this reason, I am introducing an amendment to S. 3341 which would provide that the amount paid under title 38 for expenses of travel or mileage allowance for veterans be equal to the amount paid under title 5 for Government employees traveling on official business. This simple provision would mean a great deal to the thousands of veterans who must rely on this reimbursement of their expenses to obtain the vital treatment required in the VA hospitals in their States.

It may be significant to note that in recent meetings, both the American Legion and the Veterans of Foreign Wars officially recognized the severe problem that presently exists in this regard. Each organization drafted and approved a resolution calling on the Congress for action in solving this problem during the current legislative session. I wholeheartedly concur with these resolutions and urge my colleagues to heed the advice of these knowledgeable organizations by supporting S. 3341 and the amendment to include the veteran.

Mr. President, I ask unanimous consent that the two veterans' organizations resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NATIONAL EXECUTIVE COMMITTEE MEETING OF THE AMERICAN LEGION, MAY 1–2, 1974

Resolution No. 3.

Commission: National Veterans Affairs and Rehabilitation.

Subject: Sponsor and support legislation to increase travel allowances paid to veterans performing VA authorized travel to and from VA facilities.

Whereas, the current mileage allowance of 6 cents per mile paid to VA beneficiaries who perform VA authorized travel to and from VA facilities was established by Executive Order 11429, dated September 9, 1968, to cover the expenses of operating an automobile; and

Whereas, VA Regulations MP–1, Part II, Chapter 2, Section 5707 of Title 5, United States Code, authorize a VA employee performing travel in service for the Government to be paid not in excess of 12 cents a mile for the use of a privately owned automobile; and

Whereas, an accurate cost analysis made by the Washington, D.C. Division of the American Automobile Association indicates that the current average variable cost of operating a standard size automobile has risen to 16.6 cents per mile from a cost of 3.3 cents per mile in 1968; and

Whereas, the current maximum daily rates authorized to be paid to VA beneficiaries performing VA authorized travel for meals and lodging when required based on VA medical and administrative determination is $12.00; and

Whereas, VA regulations and Section 5707 of Title 5, United States Code, authorize a VA employee performing service for the Government to be paid not in excess of $25.00 per day in travel status inside the continental United States; and

Whereas, there is a gross disparity in the maximum mileage allowance and per diem rates payable to VA beneficiaries and VA employees, despite the authorization and direction of the performance of the travel pursuant to Federal regulations; now, therefore, be it

Resolved, by the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 1–2, 1974, that The American Legion sponsor and support legislation to amend title 38, United States Code, to provide that travel allowances paid to veterans on authorized travel to and from Veterans Administration facilities shall not be less than those paid to employees of the Federal Government traveling on official business.

RESOLUTION NO. 630: INCREASE TRAVEL ALLOWANCE FOR VA CARE

Whereas, veterans who have entitlement to hospitalization, outpatient treatment, disability benefits, educational assistance, rehabilitation, etc., from the Veterans Administration are in many cases citizens who are in the lower income bracket in our society; and

Whereas, when a veteran must report for hospitalization, outpatient treatment, follow-up care, examinations or counseling, the expense of traveling to the place where he has been authorized to report is a hardship that many cannot afford; and

Whereas, the monetary amount which is authorized to be paid for mileage by the Veterans Administration is not adequate to defray the expenses of travel, meals and lodgings; now, therefore

Be it resolved, by the 74th National Convention of the Veterans of Foreign Wars of the United States, that the travel allowance paid to a veteran by the Veterans Administration shall be increased to twelve cents per mile.

At the end of the bill add a new section as follows:

SEC. . Section 111(a) of title 38, United States Code, is amended by adding at the end thereof a new sentence as follows: "In no event shall the amount paid under this section for expenses of travel or mileage allowance be less than the amount paid therefor under section 5702 or 5704, as appropriate, of title 5 in the case of employees of the United States traveling on official business."

COMMUNITY SERVICES ACT OF 1974—AMENDMENT

AMENDMENT NO. 1546

(Referred to the Committee on Labor and Public Welfare)

Mr. JACKSON. Mr. President, today I am introducing legislation to establish a National Veterans Outreach Program. This legislation is closely modeled after the highly successful Veterans Education and Training Service Program—VETS—currently operated by the National League of Cities-Conference of Mayors in 19 cities through a grant of OEO discretionary funds. The purpose of this program is to better provide essential services in the areas of educational counseling, job training and placement, and a variety of other health-welfare services needed by Vietnam era veterans. I offer this legislation as a proposed amendment to H.R. 14449, the Economic Opportunity Act Amendments of 1974, now under consideration by the Senate Subcommittee on Employment, Poverty, and Migratory Labor. Accordingly, I have written a letter to the subcommittee chairman, Senator NELSON, urging that this legislation be included in the bill that will soon be reported by the subcommittee.

The need for a positive program to aid Vietnam era veterans is generally recognized and agreed upon. Thousands of young men who served their country in the longest and most difficult war in our history face serious problems of unemployment, lack of education and training, and variety of health-welfare problems including drugs, legal difficulties, housing problems, and so on.

The GI bill and other programs that provide assistance for veterans are in many cases inadequate in light of inflation and in any case they are underutilized by large and important segments of the veteran population. The Congress is moving to increase benefits under the GI bill and to improve other veterans benefit programs and I strongly support these actions. However, I believe that we also need to act to assure better utilization of the intended benefits of the GI bill and the many other Federal, State, local and private programs under which veterans are eligible for benefits.

The legislation I am introducing would provide for a national veterans outreach program to provide comprehensive services for veterans. The success of this type of program has been fully demonstrated by the tremendous success of the league-conference vets program I mentioned earlier. Using the peer outreach concept, VETS has been extremely effective in providing total services for veterans in the areas of employment, housing, medical and legal problems, and the many other problems confronting today's veteran.

VETS was originally funded through OEO discretionary funds in 1971 to establish peer outreach and counseling projects in 10 cities.

Through the OEO grant, the league and conference subcontracted with a variety of local sponsors to establish model outreach counseling and referral operations encompassing Federal, State and local governmental agencies, as well as private institutions, colleges, veterans organizations, churches, and community groups. These sponsors include city governments, community action agencies, human resources departments, manpower Commissions, CAMPS, a State employment commission, and colleges. In all cases, the local sponsors have been designated by the mayors of those communities. Significantly too, several of the local VETS projects serve wide areas encompassing several cities.

The program was so successful that discretionary funds were also made available in 1972 and 1973 and the program has expanded to include 19 cities at present. The goals and objectives of my legislation closely parallel the purpose of VETS. My bill would provide continued support for a program to establish veterans service centers to:

First, assist veterans in enrolling in educational and training opportunities under the GI bill,

Second, assist veterans in obtaining full-time and part-time employment for themselves and their dependents,

Third, assist veterans with health and welfare problems, that is medical, drugs, housing, et cetera,

Fourth, assist veterans with legal problems, especially problems related to or resulting from their service in the Armed Forces of the United States or the terms of their discharge.

Fifth, to meet whatever other needs veterans may have—directly or through referral—to insure that veterans are fully apprised of the options and benefits available to facilitate their reassimilation into civilian life.

The principal target group for this program will be veterans from lower income families and minorities who have a high school education or less. Other veterans who have a high school education are a secondary, but an important target group.

These groups have had the greatest difficulty in readjusting to civilian life and finding rewarding and productive jobs. In addition, these groups have been the hardest to reach in order to assure that they fully understand the opportunities and services which are available to them as veterans. This is why it is so important that an aggressive veterans outreach program like Vets be continued under the new OEO program.

The Vets program has been uniquely effective in reaching these target groups in its three years of operation. About 55 percent of the over 40,000 veterans that have been served by Vets are minorities. Better than 70 percent of those served have been educationally and economically disadvantaged.

The key to the success of this program has been and will continue to be the active involvement of veterans in the operation of the service centers. Recent veterans, especially those now enrolled as students have been utilized to the maximum extent possible both as volunteers and as paid staff. Assistance from student veterans organizations has been obtained and where no organization exists, recent veterans have provided organizational help so they may become better able to provide assistance to the program.

Vets has been cost effective with per capita costs running at about $75. In addition, the program has been extremely effective in generating other Federal, State, and local government participation as well as strong support from the private community. Existing service agencies, the mass media, and other organizations have been strongly utilized and OEO's investment of approximately $3 million over 3 years has generated other financial and in-kind support of a value exceeding $10 million. These contributions have come from public employment moneys and model cities moneys at the Federal level. At the local government level contributions approach $3 million, a fact that is especially significant in light of the fact that the league and conference have not required a local match in order to establish an outreach program. In addition, church groups, colleges and universities, and private service agencies have participated in and supported the Vets program. This strong and broad based support for the Vets program is very desirable and should be encouraged to continue.

The need for cities to have local mechanisms to reach out and assist veterans is as evident now as it was 3 years ago when the Vets program began. Veterans returning with little or no skills, poorly educated and "turned off" by traditional institutions need this type of program.

"Bad" discharges, drugs, poor housing, and other deprivations team up to exacerbate the already acute problems of disadvantaged veterans returning to our central cities. During the first quarter of this year, unemployment among young veterans in the overall 20–34 age group leaped a staggering 125 percent for nonwhites, and 52 percent for whites over the last quarter of 1973. Experience with veterans over the past 2½ years has proven the value and reception of the "peer outreach" concept. The veterans-helping-veterans approach has penetrated the barriers of distrust and allowed for meaningful assistance.

I hope that the good work that has been done for Vietnam era veterans through this program will not die in the process of legislation transferring the functions of the Office of Economic Opportunity to a new agency. We must act to assure that these veterans do not become "forgotten men," "prisoners of peace," or the "invisible army" as they are characterized in popular slogans. We must seize this opportunity to preserve a program of proven effectiveness and value by requiring that it be continued under the new OEO program.

The problem of reassimilating Vietnam era veterans into meaningful roles in society is soluable if we will only devote some time, effort and resources to the problem. This is a problem that can be solved in a relatively short period if we act now. But if we fail to act; if we fail to meet our responsibilities to these men, the Nation will live with the consequences of this failure for a full generation.

I am confident that the Senate will recognize the value of this program and establish the veterans outreach program that I have suggested as a special program under the new economic opportunity authorization.

AMENDMENT OF THE STANDBY ENERGY EMERGENCY AUTHORITIES ACT—AMENDMENT

AMENDMENT NO. 1547

(Ordered to be printed and to lie on the table.)

Mr. DOLE (for himself, Mr. Bartlett and Mr. Curtis), submitted an amendment intended to be proposed by him to the bill (S. 3267) to provide standby emergency authority to assure that the essential energy needs of the United States are met, and for other purposes.

THE DESIGN PROTECTION ACT OF 1973—AMENDMENT

AMENDMENT NO. 1548

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. GURNEY (for himself, Mr. Thurmond, and Mr. Ervin), submitted an amendment intended to be proposed by him to the bill (S. 1361) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes.

THE INDIAN HEALTH CARE IMPROVEMENT ACT—AMENDMENT

AMENDMENT NO. 1549

(Ordered to be printed and to lie on the table.)

Mr. DOMENICI. Mr. President, today I am submitting an amendment which would affect titles II and III of S. 2938, the Indian Health Care Improvement Act, and I would like to state for the Record how this measure would serve to meet some of the very critical health needs of our Nation's Indian children.

Last year during informal hearings I conducted on the health needs of Indians in my State of New Mexico, major shortcomings in the school health programs for Indian children were revealed. To my amazement, I was made aware of the fact that many BIA elementary and high schools in New Mexico do not have onsite organized health facilities and programs for their pupils—facilities taken for granted by other public school children in this country.

Subsequently, as a result of the testimony I received from concerned Indian leaders, I requested a thorough investigation by the Bureau of Indian Affairs into all BIA schools located on reservations throughout the country. I ask that the results of the study be made part of the Record at the conclusion of my remarks as exhibit 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOMENICI. Mr. President, an analysis of this BIA report indicates there are at least 50 schools in the country without adequate health facilities. These 50 Indian schools represent student bodies of as few as 15 children up to as many as 494 students. Furthermore, the nearest health facility could be as far away as 75 miles. In one instance, 108 students in the Muskogee area are required to travel 75 miles for the most elementary first-aid care.

It was concluded by the BIA representatives working on the study that a visiting health official, a person who visited only on a rotation basis, represented inadequate health care. It is highly unlikely that accidents and illnesses occur on only a one day, once a week basis—or only from 9 to 10 in the morning.

Furthermore, at my request and based on the BIA findings, the Indian Public Health Service prepared a cost evaluation for the renovation of existing classrooms into a school health center and the needed staffing requirements. I ask unanimous consent to have this report be printed at the end of my remarks as exhibit 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DOMENICI. Mr. President, the estimated construction costs during the next 5 years would total $7,500,000 under title III. This estimate includes the addition of mobile trailers in the case of those schools where existing space is not available. These costs are nonrecurring once the basic space and equipment is made available.

The IHS estimated a total cost for staff to be $17 million under Title II over the same 5-year period. The report indicated the number of positions needed for each reservation area. Title II proposes to eliminate "backlogs in Indian health care services and to supply known, unmet medical, surgical, dental, and other Indian health needs." I believe this proposal would redress one such significant known and unmet health need.

Staffing would include registered nurses where schools and needs are large enough, and first-aid paramedics for smaller student bodies. These health professionals would also be integrated into the educational system at each school, instructing youngsters on proper health care and hygiene.

Mr. President, in earlier remarks I made before this body, I indicated my support for S. 2938 as I felt the special, acute health needs of all Indian people demand a national commitment. I will not reiterate now those unique health needs except to emphasize a statement made by an Indian Health Service representative before the 1974 appropriations hearings:

> In spite of very substantial program achievements, morbidity and mortality among Indians remains considerably higher than in the general population. Significant strides have been made in recent years, particularly in the prevention of the infant deaths and deaths from tuberculosis. However, the environment, both physical and economic, in which the Indians find themselves, predisposes them to the ravages of disease to a far greater degree than found in the general population.

The children attending BIA schools are carrying the load of inadequate health care. These children need proper attention, health instruction, and dependable health services as offered in all other public schools. The Federal Government has a special commitment to the Indian people, and I believe this commitment extends to the best health care possible. Through the utilization of funds made available with the passage of this bill with this amendment, health care and education to schoolchildren can also be extended.

The total financial commitment for the implementation of this proposed amendment for the next 5 years is estimated to be $24,500,000—a relatively low figure when considering the goals involved.

It is hoped that such a modest proposal would go a long way toward meeting those medical emergencies which are unpredictable and which occur with understandably regular frequency in the school setting. What is more, it is intended that such an amendment would have a larger and greater impact on the general level of health among American Indians. Health care is more than episodic treatment of illness or accident. Quality health care entails early detection, screening, and referral also involving prevention and health education. Above all, quality health requires an ongoing, organized, and highly visible program and setting.

I need not point out how critical these aspects of quality health care are for the child—and the community. The Indian Health Service agrees that these very simple, yet most basic and fundamental functions could be quite adequately performed at school health facilities staffed with trained health personnel. A lifetime of good or poor health for the individual Indian may be at stake, and I urge my colleagues' support of this proposal.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record at the conclusion of my remarks.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT NO. 1549

On page 13, insert between lines 6 and 7 the following:

(d) For the purpose of providing staffing of health care personnel in primary and secondary schools which serve the Indian people covered by this section there are authorized to be appropriated $1,000,000 for the fiscal year ending 1975; $2,100,000 for the fiscal year ending 1976; $3,300,000 for the fiscal year ending 1977; $4,600,000 for the fiscal year ending 1978; and $6,000,000 for the fiscal year ending 1979.

On page 14, insert between lines 3 and 4 the following:

(d) Primary and secondary school health facilities: There are authorized to be appropriated $1,500,000 for the fiscal year ending 1975; $1,500,000 for the fiscal year ending 1976; $1,500,000 for the fiscal year ending 1977; $1,500,000 for the fiscal year ending 1978; and $1,500,000 for the fiscal year ending 1979.

EXHIBIT 1

School	Enrollment	Health facility on campus	Distance to health facility (miles)	Staff
Albuquerque area:				
Acomita	238	No	5	
A.I.S	284	Yes		Part time.
I.A.I.A	189	Yes		Full time.
Isleta	277	Yes		Part time.
Jemez	154	No	¼	
Laguna	411	No	4	
San Ildefonso	28		20	
San Felipe	220	Yes		Do.
San Juan	117	Yes		Do.
Santa Clara	114	Yes		Do.
S.I.P.I	476	Yes		Do.
Taos	186	Yes		Do.
Tesque	17		10	
Zia	70	No	½	
Anadarko area:				
Chilocco	236	Yes		Full time.
Concho	216	Yes		Part time.
Fort Sill	185	Yes		Full time.
Haskell	907	Yes		Do.
Riverside	266		40	
Billings area: Busby	326	Yes		Do.
SOUTHEASTERN AGENCIES				
Choctaw Agency:				
Bogue Chitto	174	Clinic		Do.
Chitimacha	66	No	12	
Choctaw Central	623	Clinic		Do.
Conehatta	179	do		Part time.
Red Water	108	do		Do.
Standing Pine	74	No	18	
Tucker	54	No	7	
Muskogee area:				
Carter	96	No	35	
Eufaula	108	No	75	
Jones Academy	171	Yes		Do.
Seneca	176	Yes		Do.
Sequoyah	290	Yes		Do.
Phoenix area:				
Phoenix Indian High School	565	Yes		Full time.
Sherman Indian High School	587	Yes		Do.
Stewart Indian School	393	Yes		Do.
Fort Apache Agency:				
Theodore Roosevelt Building	196	Yes	5	Part time.
Cibecue Day School	267	Yes		Full time.
J. F. Kennedy Day School	105	Yes	20	Part time.
Salt River Agency: Salt River Day School	246	Yes		Full time.
Papago Agency:				
Santa Rosa Bdg. School	404	No	35	
Santa Rosa Day School	17	No	38	
Kerwo Day School	46	No	70	Do.
Vaya Chin Day School	70	No	55	
Pima Agency:				
Blackwater Community School	39	No	14	
Casa Blanca Day School	137	Yes		Part time.
Gila Crossing Day School	156	Yes	11	Full time.
Hopi Agency:				
Keams Canyon Boarding School	252	Yes		Do.
Polacca Day School	147	Yes	14	Part time.
Second Mesa Day School	240	Yes		Do.
Hopi Day School	139	Yes	35	Do.
Hoteville Day School	87	Yes		Do.
Moencopi Day School	60	No	1	
Truxton Canyon Agency: Supai Day School	32	Yes		Full time.
Portland area: Chemawa Indian School	433	Yes		Do.
SOUTHEASTERN AGENCIES				
Cherokee Agency:				
Cherokee Elementary School	723	Yes		Do.
Cherokee Central High School	441	Yes		Do.
Aberdeen Area:				
Cheyenne River Agency:				
Bridger Day School	24	No	70	
Cherry Creek Day School	129	No	45	
Promise Day School	21	No	60	
Swift Bird Day School	39	No	48	
White Horse Day School	46	No	40	
Cheyenne-Eagle Butte	755	Yes		Do.
Do	198			
Fort Berthold Agency:				
Mandaree Day School	230	Yes		Do.
Twin Buttes Day School	74	Yes		Do.
White Schield Day School	169	Yes		Do.
Lower Brule Agency: Lower Brule Day School.	236	Yes		Do.
Crow Creek Agency: Fort Thompson Community Day.	249	Yes		Part time.
Sisseton Agency:				
Big Coulee Day School	29	No	12	
Enemy Swim Day School	15	No	15	
Standing Rock Agency:				
Bullhead Day School	85	Yes	14	
Little Eagle Day School	99	No	11	
Standing Rock Community Day	520	Yes		Do.
Turtle Mountain Agency:				
Dunseith Day School	104	No	14	
Turtle Mountain Community School	1497	Yes		Full time.
Fort Totten Agency: Fort Totten Community School.	199	Yes		Do.
Aberdeen Area—Continued				
Pine Ridge Agency:				
Allen Day School	151	Yes		Full time.
Little Wound Day School	413	Yes		Do.
Manderson Day School	234	Yes		Do.
Loneman Day School	329	Yes		Do.
Porcupine Day School	188	Yes		Part time.
Wanblee Day School	264	Yes		Full time.
Oglala Community School	960	Yes		Do.
Boarding schools and dormitory:				
Pierre Indian School	93	Yes		Do.
Flandreau School	480	Yes		Do.
Wahpeton Indian School	244	Yes		Do.
Rosebud Dormitory	220	Yes		Part time.
Juneau area:[1]				
Bethel Agency:				
Alakanuk Day School	144	Yes		Full time.
Hooper Bay Day School	194	Yes		Do.
Nome Agency:				
Gambell Day School	103	Yes		Do.
Kotzebue Day School	655	Yes		Do.
Unalakleet Day School	141	Yes		Do.
Fairbanks Agency: Barrow Day School	589	Yes		Do.
Southeast Agency: Klukwan Day School	18	No	[2]9	
Boarding schools:				
Mt. Edgecumbe School	407	Yes		Do.
Wrangell Institute	109	Yes		Do.
Navajo area:				
Off-Reservation Bdg. School: Intermountain School.	656	Yes		Do.
Eastern Navajo Agency:				
Baca Boarding School	36	No	44	Do.
Chi Chil Tah Boarding School	76	No	25	
Crownpoint Boarding School	600	Yes		Do.
Dlo'ay Azhi Boarding School	98	No	30	
Dzilth-Na-O-Dith-Hle School	254	No	70	
Lake Valley Boarding School	74	No	35	
Mariano Lake Boarding School	64	No	19	
Pueblo Pintado Boarding	139	Yes		Part time.
Standing Rock Boarding	34	No	16	
Torreon Boarding School	49	No	75	
Whitehorse Lake Bdg	20	No	23	
Wingate Elementary Boarding	686	Yes		Full time.
Wingate High School (boarding)	641	Yes		Do.
Alamo Day School	48	Yes		Part time.
Bread Springs School	73	No	25	
Jones Ranch School	48	No	25	
Ojo Encino Day School	74	Yes		Do.
Magdalena Dormitory	221	No	25	
Huerfano Dormitory	115	No	50	
Canoncito Boarding School	53	No	35	
Chinle Agency:				
Chinle Boarding school	645	Yes		Full time.
Low Mountain Boarding School	52	Yes	28	Part time.
Lukachukai Boarding School	195	Yes	40	Do.
Nazlini Boarding School	106	Yes	18	Do.
Pinon Boarding School	198	Yes	48	Do.
Many Farms Junion High	559	Yes	20	Do.
Cottonwood Day School	365	Yes		Full time.
Fort Defiance Agency:				
Chuska Boarding School	494	No	1	
Crystal Boarding School	107	No	25	
Dilcon Boarding School	415	Yes		Do.
Greasewood Boarding School	426	Yes		Do.
Hunters Point School	149	No	10	
Kinlichee Boarding School:	216	No	8	
Pine Springs Boarding School	44	No	50	
Seba Dalkai Boarding School	97	No	7	
Tohatchi Boarding School	316	Yes		Do.
Toyei Boarding School	602	Yes		Do.
Wide Ruins Boarding School	163	Yes		Do.
Holbrook Dormitory	517	Yes		Do.
Snowflak Dormitory	103	No	66	
Winslow Dormitory	231	Yes		Do.
Shiprock Agency:				
Aneth Community Boarding School	245	Yes	30	Part time.
Nenahnezad Boarding School	311	No	22	
Sanostee Day School and Boarding School.	466	Yes	37	Do.
Shiprock Boarding Jr. High	341	Yes		Full time.
Teecnospos Boarding School	470	Yes		Do.
Toadlena Boarding School	197	Yes	50	Part time.
Beclabito Day School	59	No	10	
Cove Day School	128	No	45	Do.
Red Rock Day School	80	No	30	
Aztec Dormitory	118	Yes		Full time.
Tuba City Agency:				
Dennehotso Boarding School	223	Yes		Part time.
Kaibeto Primary Bdg., Day, Elementary Bdg., and Day School.	643	Yes		Full time.
Kayenta Boarding School	578	Yes		Part time.
Leupp Boarding School	449	Yes		Full time.
Navajo Mountain Bdg	32	Yes		Do.
Rocky Ridge Boarding School	60	Yes		Part time.
Shonto Boarding and Day School	983	Yes		Do.
Tuba City Boarding School	1002	Yes		Full time.
Chilchinbeto Day School	130	No	24	
Red Lake Day School	207	Yes		Part time.
Flagstaff Dormitory	223	Yes		Full time.
Richfield Dormitory	113	Yes		Do.

Note: Health facilities may mean health rooms, examination rooms, a clinic, or in some instances a hospital. On campus facilities may be within a Bureau school or a separate Public Health Service unit.

[1] All of the other 46 Alaska BIA schools have a health room in the school or village doctors and nurses from public health service make regular visits to these schools. Emergencies are taken care of by the use of shortwave radios for diagnosis and treatment. Patients can be flown out of these villages if necessary, in less than a day and treated at agency public health service hospitals—weather permitting.

[2] By highway.

EXHIBIT 2

INDIAN HEALTH SERVICE—SCHOOL HEALTH CENTER DATA—SUMMARY

	Schools		Nonrecurring amount [1]	Recurring [2]	
	Estimated total	Inadequate		Positions	Amount
Aberdeen	36	30	$75,000	78	$754,000
Alaska	55	6		6	72,000
Albuquerque	14	11	360,000	11	166,000
Billings	2	2		2	34,000
Navajo	70	47	504,000	40	480,000
Oklahoma	10	5	1,383,000	87	2,170,000
Phoenix	16	15	1,149,000	33	539,000
Portland	1	1	1,842,000	28	683,000
Tucson	4	4	400,000	5	90,000
United Southeastern Tribes	11	11	182,000	30	333,000
Dental needs (all areas)			810,000	36	540,000
Nurse practitioners training			600,000		
Total	219	132	7,305,000	328	5,861,000

	1975	1976	1977	1978	1979	Total
Nonrecurring (title III)	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000
Recurring (title II)	[3] 1,000,000	[4] 2,100,000	[5] 3,300,000	[6] 4,600,000	[7] 6,000,000	17,000,000

[1] Includes facilities construction and renovation, equipment.

[2] Includes staffing and operating cost.

[3] 55 positions.

[4] 115 positions.

[5] 180 positions.

[6] 250 positions.

[7] 328 positions.

INDIAN HEALTH SERVICE, SCHOOL HEALTH NEEDS

	Nonrecurring cost [1]	Recurring cost		Adequacy of school health needs
		Positions	Amount	
Aberdeen area	$75,000	78	$754,000	
Bridger Day School				Inadequate service.
Cherry Creek Day School				Do.
Promise Day School				Inadequate service and space.
Swift Bird Day School				Inadequate service.
White Horse Day School				Do.
Cheyenne-Eagle Butte (1)				Do.
Mandaree Day School				Do.
Twin Buttes Day School				Do.
White Shield Day School				Do.
Lower Brule Day School				Do.
Fort Thompson Community Day School				Do.
Big Coulee Day School				Inadequate service and space.
Enemy Swim Day School				Do.
Bullhead Day School				Inadequate service.
Little Eagle Day School				Inadequate service and space.
Standing Rock Community Day School				Inadequate service.
Dunseith Day School				Inadequate service and space.
Turtle Mountain Community School				Do.
Fort Totten Community School				Inadequate service.
Allen Day School				Do.
Little Wound Day School				Do.
Manderson Day School				Do.
Loneman Day School				Inadequate service and space.
Porcupine Day School				Inadequate service.
Wanblee Day School				Do.
Oglala Community School				Do.
Pierre Indian School				Inadequate service and space.
Flandreau School				Inadequate service.
Wahpeton Indian School				Do.
Rosebud Dormitory				Do.
St. Michaels				Adequate service.
St. Francis				Do.
Red Scaffold				Do.
Fort Berthold				Do.
Crow Creek Tribal, Cheyenne-Eagle Butt (2)				Do.
Albuquerque area	360,000	11	166,000	
Acomita				Inadequate service and space.
AIS				Adequate.
IAIA				Do.
Isleta				Inadequate service and space.
Jemez				Do.
Laguna				Do.
San Ildefonso				Do.
San Felipe				Do.
Santa Clara				Do.
SIBI				Adequate.
Taos				Inadequate service and space.
Tesque				Do.
Zia				Do.
San Juan				Do.
Alaska area		6	72,000	
Kasigluk				Inadequate service.
Otlik				Do.
Pilot Station				Do.
Toksook Bay				Do.
Tununak				Do.
Mekoryak				Do.
Billings area		2	34,000	
Busby				Do.
Intermountain School				Do.
Navajo area	504,000	40	480,000	
Baca Boarding School				Inadequate service and space.
Borrego Pass				Do.
Chi Chil Tah Boarding School				Do.
Crownpoint Boarding School				Adequate.

	Nonrecurring cost [1]	Recurring cost [2]		
		Positions	Amount	Adequacy of school health needs
Navajo area—Continude				
Dlo-ay Azhi Boarding School				Inadequate service and space.
Dzilth-Nah-O-Dith-Hle School				Do.
Lake Valley Boarding School				Do.
Mariano Lake Boarding School				Do.
Pueblo Pintado Boarding School				Do.
Standing Rock Boarding School				Do.
Thoreau Boarding School				Do.
Torreon Boarding School				Do.
Whitehorse Lake Boarding School				Do.
Wingate Elementary Boarding School				Inadequate service.
Wingate High School (Boarding)				Do.
Alamo Day School				Do.
Bread Springs School				Inadequate service and space.
Jones Ranch School				Do.
Ojo Encino Day School				Do.
Magdalena Dormitory				Do.
Huerfano Dormitory				Do.
Canoncito Boarding School				Do.
Chinle Boarding School				Adequate.
Low Mountain Boarding School				Inadequate service (Hopi SU).
Lukachukai Boarding School				Inadequate service and space.
Nazlini Boarding School				Inadequate service.
Pinon Boarding School				Do.
Many Farms Junior High School				Do.
Cottonwood Day School				Do.
Rough Rock School				Do.
Rock Point School				Inadequate service and space.
Chuska Boarding School				Do.
Crystal Boarding School				Do.
Dilcon Boarding School				Adequate.
Greasewood Boarding School				Do.
Hunters Point School				Inadequate service and space.
Kinlichee Boarding School				Do.
Pine Springs Boarding School				Do.
Seba Dalkai Boarding School				Do.
Tohatchi Boarding School				Inadequate service.
Toyei Boarding School				Do.
Wide Ruins Boarding School				Adequate.
Holbrook Dormitory				Do.
Snowflake Dormitory				Inadequate service and space.
Winslow Dormitory				Adequate.
Twin Wells School				Inadequate service.
Seventh Day Adventist				Do.
Aneth Community Boarding School				Inadequate service and space.
Nenahnezad Boarding School				Inadequate service.
Sanostee Day School and Boarding School				Adequate.
Shiprock Boarding Junior High				Do.
Teecnospos Boarding School				Do.
Toadlena Boarding School				Do.
Beclabito Day School				Inadequate service and space.
Cove Day School				Do.
Red Rock Day School				Do.
Aztec Dormitory				Adequate.
Dennehotso Boarding School				Inadequate service and space.
Kaibeto Primary Boarding, Day, Elementary Boarding and Day School				Adequate.
Kayenta Boarding School				Do.
Leupp Boarding School				Do.
Navajo Mountain Boarding				Do.
Rocky Ridge Boarding School				Do.
Shonto Boarding and Day School				Do.
Tuba City Boarding School				Do.
Chilchinbeto Day School				Inadequate service and space.
Red Lake Day School				Adequate.
Flagstaff Dormitory				Do.
Richfield Dormitory				Do.
Oklahoma area	$1,383,000	87	$2,170,000	
Chilocco				Do.
Concho				Inadequate service and space.
Fort Sill				Adequate.
Haskell				Inadequate service and space.
Riverside				Do.
Carter				Inadequate service.
Eufaula				Adequate.
Jones Academy				Do.
Seneca				Inadequate service and space.
Sequoyah				Adequate.
Phoenix area	1,149,000	33	539,000	
Theodore Roosevelt Boarding School				Inadequate service and space.
Cibecue Day School				Do.
J. F. Kennedy Day School				Do.
Blackwater Com. School				Do.
Casa Blanca Day School				Adequate.
Keams Canyon Boarding School				Inadequate service and space.
Polacca Day School				Do.
Second Mesa Day School				Do.
Hopi Day School				Do.
Hoteville Day School				Do.
Low Mtn. Day School				Do.
Phoenix Indian High School				Do.
Sherman Indian High School				Do.
Stewart Indian School				Do.
Salt River Day School				Do
Gila Crossing Day School				Do.
Portland area	1,842,000	28	683,000	
Chemawa				Do.
Tucson subarea	450,000	5	90,000	
Santa Rosa Boarding School				Inadequate service.
Santa Rosa Day School				Do.
Kerwo Day School [3]				Inadequate service and space.
Vaya Chinn Day School [3]				Do.

Footnotes at end of table.

INDIAN HEALTH SERVICE SCHOOL HEALTH NEEDS—Continued

	Non-recurring cost[1]	Recurring cost[2]		Adequacy of school health needs
		Positions	Amount	
United Southeastern Tribes	$182,000	30	$333,000	
Bogue Chitto				Inadequate service.
Chitimacha				Do.
Pearl River				Do.
Conehatta				Do.
Red Water				Do.
Standing Pine				Do.
Tucker				Do.
Cherokee High and Elementary				Do.
Snowbird				Do.
Ahfachkee				Do.
Miccosukee				Do.
Dental, all areas	810,000		540,000	
Training, nurse	600,000			

[1] Includes facilities construction and renovation, equipment and training.

[2] Includes staffing and operating costs.

[3] New boarding school at San Simon to replace Kerwo and Vaya Chinn Day Schools.

AMENDMENT OF FOREIGN ASSISTANCE AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 1550

(Ordered to be printed and referred to the Committee on Foreign Relations.)

AMENDMENT ON INDOCHINA AID

Mr. KENNEDY. Mr. President, I am submitting today an amendment to S. 3394, the administration's pending foreign assistance authorization bill for fiscal year 1975. The amendment involves the bill's provision on "Indochina postwar reconstruction."

I am offering this amendment because reports from the field, and the administration's foreign aid presentation to Congress, tell us once again that the President has failed to redirect or change, in any meaningful way, the basic character and purpose of our aid policies toward the countries of Indochina.

The amendment is an effort to help remedy some serious shortcomings in the adminstration's proposal for Indochina. It is the result of extensive inquiry by the Subcommittee on Refugees, which I serve as chairman, and of discussions we have had in many quarters and with many experts in this country and overseas. The amendment continues and strengthens some initiatives taken by Congress last year, and reflects what I firmly believe broadly represents the will of the American people on the issue of future assistance to the countries of Indochina.

PURPOSES OF THE AMENDMENT

The amendment seeks these basic objectives.

First, it affirms the President's authority to furnish assistance for the relief, rehabilitation, and reconstruction of the peoples and countries of Indochina.

Second, it provides that people problems—especially the needs of refugees, civilian casualties, orphans, and others disadvantaged by the war—and the reconstruction of civilian facilities—such as housing, hospitals, clinics, and schools—shall be the overriding concern and objective of American assistance to the area.

Third, it provides that, "wherever practicable," American assistance to Indochina shall be distributed "under the auspices of and by the United Nations, other international organizations or arrangements, multilateral institutions, and private voluntary agencies with a minimum presence and activity of U.S. Government personnel." In this connection, the amendment also "urges the President to solicit the cooperation of other governments" to support and participate in such international efforts.

Fourth, the amendment reaffirms and strengthens last year's congressional ban on American support "of police, or prison construction and administration, within South Vietnam." The amendment states that—

> No assistance shall be furnished under this section or any other provision of law, and none of the local currencies accruing under this section or any other provision of law, shall be used to furnish funds, commodities, equipment, advice, training, or personnel for the support of detention facilities, prisons, police, other internal security forces, or any program of internal intelligence or surveillance in South Vietnam, Cambodia, and Laos.

Fifth, the amendment seeks to establish a firm ceiling, within the Foreign Assistance Act, on funding for Indochina postwar reconstruction. It provides that no funds may be transferred by the President from other parts of the act, including part I for development assistance, for use in Indochina during fiscal year 1975. This is necessary, Mr. President, in light of the administration's record last year of transfering some $55,524,000 in development and other funds, for use in Indochina, rather than for the purposes these funds were intended.

Thus, while Congress acted in 1974 to reduce the administration's request from some $630 to $504 million, we find at the end of the fiscal year that the administration, by robbing other foreign aid accounts, violated the intent of Congress. Moreover, if there had been no supplemental of $49 million, the administration was even prepared to transfer an additional $60 million to Indochina from AID's worldwide program loan fund. This is a distressing commentary on the administration's attitude toward the will of Congress and the American people, and underscores the need again for Congress to establish guidelines for the allocation of tax dollars.

Clearly, a ceiling is required on our authorization for funding in Indochina. And what my amendment recommends on this issue is at least a start. Hopefully, the Foreign Relations Committee will pursue the concept further. Perhaps the committee will consider funding restrictions along the lines of section 655 of the Foreign Assistance Act, which was sponsored in 1971 by the distinguished senior Senator from Missouri (Mr. SYMINGTON).

Section 655 sets an absolute ceiling on assistance to Cambodia. Perhaps this section should be extended to all of Indochina, and for all funding sources. The importance of section 655 can be measured by the administration's attempt, in this year's bill, to nullify section 655 as it applies to the granting of excess defense articles to Cambodia. I urge the committee to reject this effort by the administration and instead move to apply the restrictions of section 655 to all of Indochina, so as to control this administration's ability to do and spend as it pleases.

And finally, the amendment reduces by one-half the administration's budget request for assistance to South Vietnam, Laos, and Cambodia. Instead of the $943,300,000 requested by the President, the amendment authorizes some $475 million.

This is an ample American contribution for humanitarian purposes—as well as for the general support of Saigon, Vientiane, and Phnom Penh—in their transition from nearly total dependence on American aid, to belt tightening on their part and growing assistance from others in the international community.

Mr. President, we must finally end the master-client relationships between Washington and the capitals of Indochina. We must finally disengage from our direct and often manipulative involvement in the remaining political and military confrontations of the area. We must finally chart some new beginnings in helping to repair the damage of conflict and heal the wounds of war. And we must finally shift our focus from fueling death and destruction to accomplishing the political goals of the cease-fire agreements.

Along with continuing congressional initiatives—and appropriate diplomacy by this administration—the amendment

I introduce today contributes to these ends.

THE ADMINISTRATION'S PROPOSAL

Mr. President, a crucial issue for Congress—and all Americans—is the character, purpose, and massive level of the administration's budget request this year from Indochina. Every indicator—including reports from the field, my correspondence with Secretary of State Henry A. Kissinger earlier this year, and the administration's foreign assistance presentation to Congress—suggests that we are continuing to maximize American presence and influence in the area. Every indicator suggests that the administration is prepared to continue our client relationships with governments and political factions in Indochina—and our direct involvement in the confrontations among political elements throughout the area. And so today—after more than a decade of war, and after ceasefire agreements that afforded the opportunity for change—foreign aid remains a hostage of an unreasonable obsession with Indochina, because the administration needlessly chooses to continue the tired patterns and attitudes of the past.

Instead of coming clean on where we stand in our assistance to Indochina, the administration persists in misleading Congress and the American people on the true purpose and nature of our involvement in the area. There is much talk, for example, about how we are reducing our involvement in Indochina. But the fact remains that the administration's budget request of some $943 million for fiscal year 1975 is at least a third more than the same request for fiscal year 1974.

The congressional presentation says that the administration's proposal this year "is consonant with the objectives for relief and reconstruction, especially humanitarian assistance, in Indochina set forth in section 801 of the Foreign Assistance Act of 1973." But a closer look at the presentation suggests that while the humanitarian assistance allocation to South Vietnam has increased in absolute terms, it has actually decreased as a percentage of the total assistance requested. The situation is the same for Laos—as well as for the total budget request for all Indochina.

Moreover, this year, as last year, new cosmetics and euphemisms have been found in an apparent effort to meet congressional and public concerns, and to coverup the tired patterns and policies of the past. Nowhere is this more evident than in the administration's presentation on South Vietnam. What was called "supporting assistance" in 1973, was labeled "stabilization" assistance in 1974—and today it is called "support for specific sectors."

A first look at the presentation tells us that the controversial commercial import program has been abolished. But a second look tells us that this program is merely covered by new labels. And in the absence of any meaningful efforts to carry out the political goals of the ceasefire agreement—which is all but ignored in the administration's presentation—the purposes of the massive expenditures are not, in the main, to carry out "postwar reconstruction" or development, but to buy more time for the Thieu government and to keep Saigon's war-economy afloat.

In this connection, Mr. President, I would like to comment briefly on a claim being made by our Ambassador to Saigon and others in the administration. Again and again we are told by these officials that we must not let up on our support for South Vietnam. If we can spend as the President requests, they say—for 2 or 3 years more—we can finally disengage, because South Vietnam will have "takenoff" and become economically self-sufficient. As others before them, these officials see light at the end of new tunnels—and needlessly perpetuate America's heavy involvement in Indochina.

Given our past experience with such speculation over developments in Vietnam, Congress and the American people have good cause for skepticism. Moreover, we are confronted with an interesting anomaly as we consider the administration's justifications for the different sectors of our assistance to South Vietnam. For example, in past weeks, during the Senate's consideration of various military aid requests, the administration was suggesting that a critical military situation existed in South Vietnam. We were even told of a possible invasion by North Vietnam, and dire predictions were made if Congress failed to meet the President's budget requests. But at the same time the administration was suggesting relative calm in South Vietnam to justify its massive request for postwar reconstruction and "take-off" funds. The presentation to Congress was suggesting that "the fighting in South Vietnam has subsided," and that "the military situation is relatively stable."

But the administration cannot have it both ways—on the one hand portraying South Vietnam as facing a desparate military threat, and on the other hand suggesting conditions are ripe for investment, economic development, "take-off," and self-sufficiency. On this point, as well, World Bank reports deserve consideration. According to their estimates, South Vietnam, even under the best of circumstances, will be dependent upon massive levels of outside aid until at least the 1980's.

One of the most glaring omissions in the administration's budget request relates to promoting and strengthening international cooperation in helping to heal the wounds of war. As I suggested in this Chamber on June 27, an important theme in discussions over assistance to Indochina—especially over humanitarian assistance—has been the hope in many quarters that a good share of this effort could be carried out under some form of international auspices—if not on a regional basis, then at least for some of the special people problems and needs which exist in the separate war-affected areas.

I have shared this hope. And, along with other Members of the Senate, I have long advocated that our Government actively encourage and support initiatives for the expanding participation of the United Nations, its specialized agencies, the International Red Cross, and similar organizations in relief and rehabilitation programs in Indochina. Senators may recall that last year, the Senate adopted my amendments for this purpose to the fiscal year 1974 foreign assistance authorization bill.

The record is clear that a number of governments are prepared to support and contribute to expanding humanitarian programs under the international auspices. This record is clear that the International Red Cross is prepared to upgrade and expand their efforts. The record is clear that the United Nations stands ready to help. The record is clear that UNICEF has new programs underway, that the United Nations High Commissioner for Refugees—UNHCR—is soliciting international support, and that other offices and agencies of the United Nations are also prepared to move on meeting humanitarian needs in Indochina.

But the administration's policy toward internationalizing assistance for Indochina has been ambiguous to say the least. Despite public statements to the contrary—before the Refugee Subcommittee and elsewhere—our Government has done very little to encourage and support humanitarian initiatives by the United Nations and other international bodies. In fact, apart from indicating some token contributions to International Red Cross programs, the administration's presentation on foreign aid totally ignores the creative possibilities in this area of public policy and concern. And even though in recent weeks a more positive attitude seems to be developing within our Government, the administration is attaching unreasonable conditions to our support of international programs—and some high officials in our Government seem determined to scuttle some small programs already in operation.

I submit that such attitudes on the part of our Government undercut the effectiveness of such organizations as UNICEF and UNHCR, and threaten to unravel the international framework needed to meet the massive needs of orphans and children and war victims throughout Indochina.

Mr. President, the time is long overdue to stop the foot-dragging and negativism. The time is long overdue for America to be generous in its concern for war victims—and in its support of international efforts to meet their needs. The amendment I am introducing today would help to accomplish this end. And I appeal to the administration to break with the past, and actively support new directions in our assistance policy toward the countries of Indochina.

FUNDING FOR INDOCHINA

Mr. President, as I suggested earlier, the amendment I am introducing today reduces the President's request for assistance to South Vietnam, Laos, and Cambodia—from some $943,300,000 to $475 million—pending our development of a new national assistance policy toward Indochina, and a more stable political and military situation throughout the area. This $475 million is a generous amount, I feel, to meet our immediate humanitarian responsibilities—and to provide some basic transition support to the governments involved. If we apply the tests of humanitarian and basic support objectives to our proposed assistance, a great deal can, and must, be cut back or eliminated from the President's request.

The President's pending request for $943,300,000 is allocated as follows:

South Vietnam	$750, 000, 000
Laos	55, 200, 000
Cambodia	110, 000, 000
Regional development program	9, 400, 000
Aid support costs	18, 700, 000

My amendment authorization of $475 million could be allocated along these lines:

South Vietnam	$375, 000, 000
Laos	33, 000, 000
Cambodia	47, 000, 000
Regional development program	10, 000, 000
Aid support costs	10, 000, 000

Again, in applying the tests of humanitarian and basic support objectives to the administration's allocation to South Vietnam, relief and rehabilitation projects for war victims—and related projects to improve health care and education and agricultural production—should be given full support. But I strongly feel that the number of American personnel should be substantially reduced, that several projects recommended by the administration should be totally eliminated, and that still others should be drastically cut back.

The projects labeled trade union development, highway advisory assistance, Vietnamese engineering and construction company, industrial park, export processing zone, and some others should be eliminated. Such projects lack humanitarian priority and are part of the illusion that Saigon's wartime economy is ready for "take-off."

Drastic cuts should be made in other projects—such as rural credit—and also in the commercial import program, which, despite administration claims, continues. In fact, serious consideration should be given to phasing out the commercial import program in favor of a multilateral stabilization program along the lines currently operative in Laos and Cambodia. This would end, once and for all, America's direct and singular responsibility for supporting Saigon's foreign exchange needs.

In the case of Laos, we should do what we can to support the newly established Provisional Government of National Union—PGNU—which is a coalition between the former Royal Lao Government and the Pathet Lao. Reports suggest that our projected contribution of some $17,500,000 to the multilateral foreign exchange operations—stabilization—fund will serve this purpose. But several indicators—including the administration's presentation to Congress and a June 10 GAO report prepared for the Subcommittee on Refugees—suggest that much of the remaining part of the administration's request for Laos is slated for one faction of the coalition government and for operations in territory controlled by the former Royal Lao Government forces.

I fully appreciate the difficult problems in bringing normalization and peace to the people of Laos, and the added problems in bringing a unified administration to all areas of the country after many years of civil war. We must surely recognize the need for a time of transition; but we must not loose sight of our obligation to give the new government a chance to work. We must guard against using our rehabilitation and reconstruction assistance to Laos to perpetuate old relationships and the division of that country, which can only deter the hopeful process of accommodation and reconciliation, and threaten renewed conflict in several areas.

I am extremely hopeful, therefore, that the administration will make every possible effort to channel basic humanitarian assistance to Laos through international organizations—such as UNICEF, UNHCR, and others—with the clear understanding that the purpose of our aid is to assist in the rehabilitation of war victims and the renewal of cropland and agricultural production in all areas of the country. Longer term development projects recommended by the administration—such as the Vientiane water control and Mekong Vientiane dike projects—should probably be deferred until greater stability is achieved in the new government and the projects can be undertaken with greater international participation.

The situation in Cambodia is dismal at best—with a truly desperate crisis of people and dwindling territory under the control of the Phnom Penh government. Clearly, the overriding need in Cambodia today is a cease-fire agreement and a political resettlement along the lines of recent developments in neighboring Laos—and we should do everything possible to accomplish this end. Meanwhile, our immediate responsibilities are the emergency relief and medical needs of refugees, civilian war casualties, orphans, and others in distress—whose numbers tragically grow with each day of continuing war. We should also continue, along with other governments, our support of Cambodia's exchange support—stabilization—fund. But the administration's request of $71 million for the commodity import program should be drastically reduced, if not eliminated altogether.

Mr. President, although my amendment does not include any reference regarding military assistance to Laos and Cambodia, which is also contained in S. 3394, I want to express my deep concern over the administration's rerequests for these countries. Especially distressing is the $86,100,000 allocated for Laos. The purpose, intent, and level of these requests should be carefully reviewed by the Foreign Relations Committee—and appropriate reductions should be made in the administration's proposal.

I have outlined briefly what I feel are some of the principal issues facing our country regarding assistance to Indochina. And a great deal more will be said by all of us in the coming weeks and months. I believe Congress acted responsibly last year in its effort to limit our funding in Indochina. That wise decision—that our aid must go down, not up—should not be reversed now. And in the absence of any new directions and initiatives from our national leadership, it is incumbent upon Congress that it contribute to develop responsible alternatives.

In conclusion, Mr. President, let me say that our future aid to Indochina can no longer be seen or considered in isolation from our other pressing commitments and responsibilities here at home and abroad. For too long our entire foreign aid program has been held as a hostage to our involvement in Indochina. For too many years we have seen other important foreign assistance programs sacrificed in order to meet the exorbitant demands of Indochina. We have watched congressionally appropiated funds for poor countries shifted to pay bills in Saigon. And we have seen critically important humanitarian assistance programs in other areas neglected or abandoned, because money was needed to fuel war and conflict in Southeast Asia.

We are told by Secretary Kissinger that our foreign assistance program is—

> A faithful expression of our moral values . . . it reflects the humanitarian dimension of the American character.

But if money for guns and for security assistance are reflections of "moral values," words have then lost their meaning, even as our foreign assistance program has lost its bearings. It is a sad reflection on "the humanitarain dimension of the American character" when—even in the budget request for Indochina—only a very small fraction of the request goes to help the millions of people really in need.

Recent history tells us that instability and "threats to the peace" involve more than balances of power or arms races or military confrontations. Famine can be a threat to the peace. Pervasive, spreading poverty—a widening gap between the rich nations and the poor nations—spawn conflict and instability around the globe. Uncontrolled competition for food and energy resources threaten peaceful relations. And disasters, such as the drought in Africa and hunger in Asia, have produced human tragedy as great as a war. Our foreign assistance program can no longer be blind to the real and growing threat to the peace and security of the world: famine, poverty, disease, and dwindling resources.

The time is long overdue to lose our obsession with the war economies of Indochina, and to begin the needed effort to renew our concern for people in the allocation of our tax dollars overseas.

Mr. President, I ask unanimous consent that the full text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1550

On page 4, strike out line 7 through 16, and insert in lieu thereof the following:

SEC. 4. Sections 801 and 802 of the Foreign Assistance Act of 1961 are amended to read as follows:

"SEC. 801. GENERAL AUTHORITY.—(a) The President is authorized to furnish, on such terms and conditions as he may determine, assistance for the relief, rehabilitation, and reconstruction of Indochina, especially humanitarian assistance for refugees, civilian war casualties, war orphans, and other persons disadvantaged by hostilities or conditions relating to those hostilities, and reconstruction assistance for the rebuilding of civilian facilities damaged or destroyed by those hostilities in the war affected areas of Indochina.

"(b) Assistance for such purposes shall be distributed wherever practicable under the auspices of and by the United Nations and its specialized agencies, other international organizations or arrangements, multilateral institutions, and private voluntary agencies with a minimum presence and activity of United States Government personnel. The Congress urges the President to solicit the cooperation of other governments to support and participate in the humanitarian relief, rehabilitation, and reconstruction of the people and countries of Indochina under international auspices.

"(c) No assistance shall be furnished under this part or any other provision of law, and none of the local currencies accruing under this part or any other provision of law, shall be used to furnish funds, commodities, equipment, advice, training, or personnel for the support of detention facilities, prisons, police, or other internal security forces, or any program of internal intelligence or surveillance in South Vietnam, Cambodia, and Laos.

"SEC. 802. AUTHORIZATION.—(a) There are authorized to be appropriated to the President to furnish assistance for relief, rehabilitation, and reconstruction of Indochina as authorized by this part, in addition to funds otherwise available for such purposes, for the fiscal year 1974 not to exceed $504,000,000, and for the fiscal year 1975 not to exceed $475,000,000 which amounts are authorized to remain available until expended: *Provided,* That a significant portion of the funds authorized by this part shall be distributed for humanitarian purposes under the auspices of and by the United Nations and its specialized agencies, other international organizations or arrangements, multilateral institutions, and private voluntary agencies.

"(b) The provisions of section 610(a) and 614(a) shall not apply with respect to funds made available under this part. No funds shall be made available to any country of Indochina under part I of this Act."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1457

At the request of Mr. MATHIAS, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of amendment No. 1457, to H.R. 14832, the public debt limit bill.

AMENDMENT NO. 1449

At the request of Mr. TUNNEY, the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of amendment No. 1449, intended to be proposed by him, to S. 3035 to amend title 23, United States Code, the Federal Highway Act of 1973, and other related provisions of law, to establish a unified transportation assistance program, and for other purposes.

AMENDMENT NO. 1542

At the request of Mr. DOMENICI, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of amendment No. 1542, that would exempt small businesses from mandatory compliance of CPA issued interrogatories, intended to be proposed to S. 707, the Consumer Protection Agency Act.

NOTICE THAT THE SECRETARY OF STATE WILL APPEAR BEFORE THE SUBCOMMITTEE ON APPROPRIATIONS FOR FOREIGN OPERATIONS

Mr. INOUYE. Mr. President, in connection with its fiscal year 1975 hearings the Subcommittee on Appropriations for Foreign Operations has been keenly anticipating the appearance of the Secretary of State. Unfortunately, it has been necessary to schedule and reschedule the Secretary's appearance a number of times since he was first scheduled to appear on May 23.

This has understandably created some confusion both in Congress and the executive branches supporting the congressional justifications of the foreign assistance program.

I am now in a position to advise, however, that the Secretary will appear before the subcommittee at 10 a.m., Wednesday, July 24, in room 1114 of the Dirksen Senate Office Building.

ANNOUNCEMENT OF A PUBLIC HEARING BEFORE THE WATER AND POWER RESOURCES SUBCOMMITTEE OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. CHURCH. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Water and Power Resources Subcommittee of the Senate Interior and Insular Affairs Committee.

The hearing is scheduled for July 18, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding S. 3740, a bill to amend the act of August 16, 1972 authorizing construction, operation, and maintenance of the Fryingpan-Arkansas project, Colorado, to provide for the incorporation of pumped storage hydroelectric facilities.

For further information regarding the hearing, you may wish to contact Mr. Dan Dreyfus of the subcommittee staff on extension 51076. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Water and Power Resources Subcommittee, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.

ANNOUNCEMENT OF HEARINGS ON S. 2801, THE FOOD SUPPLEMENT AMENDMENT OF 1973

Mr. KENNEDY. Mr. President, I wish to announce hearings by the Subcommittee on Health of the Committee on Labor and Public Welfare on S. 2801, a bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes.

The hearings will be held in room 4232 of the Dirksen Senate Office Building on August 14 at 10 a.m. and on August 21 at 10 a.m. Persons wishing to testify should contact Ms. Jessica Silver, subcommittee counsel, at 225-7675 not later than July 26, 1974.

ANNOUNCEMENT OF HEARINGS ON S. 3548

Mr. PELL. Mr. President, it is with great pleasure that I announce a hearing by the Subcommittee on Education of the Senate Committee on Labor and Public Welfare on S. 3548, which would establish the Harry S Truman Memorial Scholarships, which will be held on Thursday, July 18, at 10 a.m. in room 4232, Dirksen Senate Office Building.

This measure, introduced by Senator SYMINGTON and cosponsored by 62 Senators, has great support throughout the country. Those who wish to testify or submit statements should contact Stephen J. Wexler, counsel to the Education Subcommittee.

ANNOUNCEMENT OF PUBLIC HEARINGS BEFORE THE WATER AND POWER RESOURCES SUBCOMMITTEE OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. CHURCH. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of public hearings before the Water and Power Resources Subcommittee of the Senate Interior and Insular Affairs Committee.

One hearing is scheduled for July 18, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding S. 3568, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Cibolo project in Texas.

A second hearing will be held on July 19, beginning 10 a.m. in room 3110 of the Dirksen Senate Office Building. Testimony is invited regrading two bills which are presently before the subcommittee. The measures are: S. 3513, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Neuse River project in Texas, and S. 3704, a bill to amend section 1 of Public Law 90-503 (82 Stat. 853) in order to provide for the construction, operation, and maintenance of facilities to deliver a water supply to the city of Frederick Okla., from the Mountain Park reclamation project.

For further information regarding the hearings, you may wish to contact Mr. Daniel A. Dreyfus of the subcommittee staff on extension 51076. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Water and Power Resources Subcommittee, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.

NOTICE OF HEARING ON MORTGAGE CREDIT

Mr. SPARKMAN. Mr. President, on June 20, 1974, I announced that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs would hold 2 days of hearings, on July 10 and 11, 1974 on S. 3436, a bill introduced by Senator Brooke to increase the availability of mortgage credit for residential housing, and S. 3456, a bill introduced by Senator Cranston to provide emergency mortgage relief for middle-income families.

Because of a conflict, these hearings have been rescheduled and will now be held on August 6 and 7, 1974, beginning at 10 a.m. each day, in room 5302, Dirksen Senate Office Building.

The subcommittee would welcome statements for inclusion in the record of hearings.

ADDITIONAL STATEMENTS

U.S. ARMS SALES TO MIDDLE EAST COUNTRIES

Mr. KENNEDY. Mr. President, I would like to call the Senate's attention to an article in yesterday's New York Times, regarding the massive increase in U.S. arms sales to Middle East countries during the past year. Total arms sales doubled during 1973–74, and nearly $7 billion went to the Middle East, not including arms support for Israel and Jordan. Equally striking, the Export-Import Bank has lent Iran $200 million in low-interest loans to buy arms, although Iran's oil earnings have risen by a staggering amount during the past year.

Many of us here in the Senate are deeply concerned by this trend. To be sure, arms sales help our balance of payments; to be sure, they help pay for the oil we need from the Middle East. But in arming the nations of the Persian Gulf—seemingly without thought or discrimination—we may be buying ourselves more trouble for the future than could possibly be offset by even far higher levels of earnings from the sale of arms.

Unfortunately, the Congress has little or no control over the bulk of these sales. At the same time, the administration does not seem to have a coherent policy toward that important region, that would allow it to decide whether arms sales either help or hinder our long-term interests there. By default, our policy is being made by the Pentagon's Defense Security Assistance Agency—an agency whose very title obscures its function. And our policy there is being made by thousands of arms salesmen—including hundreds of military attachés—without effective control by our Nation's civilian leaders.

We in the Congress must look carefully at these arms sales, and reassert our constitutional function to review the foreign policy of the Nation. Someday we may be called upon to pay the bill that is being run up now by this unguided policy of selling arms in the Persian Gulf; surely we should have some say, now, before it is too late.

Mr. President, I ask unanimous consent that this article, by Leslie Gelb, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Arms Sales Doubled in 1973–74; Reach $8.5 Billion

(By Leslie Gelb)

Washington, July 9.—The United States sold some $8.5-billion in arms for the fiscal year that ended last month, almost double the arms sales for the previous fiscal year and almost $2-billion more than all the arms sold or given away by all nations in 1971, according to official Pentagon estimates.

The bulk of American arms sales, some $7-billion, went to the Middle East and the Persian Gulf area. This total does not include the $1.5-billion in arms provided free of charge to Israel plus several million dollars in arms grants to Jordan and Lebanon.

While the United States remains the world's leading arms supplier, other nations are also selling more.

SOVIET SOLD $2 BILLION

Pentagon estimates for arms sales in 1973 show the Soviet Union with over $2-billion, its East European Allies with over $500-million and American allies with over $2-billion. These figures are all expected to be higher for 1974, but official estimates are not yet available.

Soviet arms sales—Moscow does not provide free arms—went mainly to nations in the Middle East such as Egypt, Syria and Iraq.

Arms control experts in the Government estimate that worldwide arms sales in the nineteen-seventies thus far have about equaled total arms sales for all of the sixties, even discounting for inflation.

The goal of the American program, according to Government sources, has been to pile up balance-of-payments dollars at least as much as to meet defense and diplomatic requirements.

WITHOUT POLICY REVIEW

The increase in American arms sales, Pentagon and State Department officials said, has taken place without a policy review of the program and with decisions on specific contracts made on an ad hoc basis.

By law, Congress has authority only over arms sales covered by Defense Department sales credits and credit guarantees, about 15 per cent of the total. Congress has no voice and little knowledge of 85 per cent of the effort involving Pentagon-sponsored cash sales and commercial sales.

American sales included over $4-billion for Iran, over $1-billion for Israel and around $700-million for Saudi Arabia. Sales to the area included modern aircraft, the F–4, F–5, and F–14, plus helicopters and various types of missiles.

The F–14 is a long-range, high-performance aircraft firing the most modern missiles and is just now coming into use by American forces. The cost of one F–14 to the United States is about $20-million. Its cost to other nations is somewhat higher.

In addition to the large sales to Iran, Israel and Saudi Arabia, there were about $100-million to Kuwait, several million dollars to the United Arab Emirates, Lebanon and Jordan as well as Pentagon-sponsored cash sales and commercial sales.

EXIMBANK LOAN TO IRAN

In a recent report to Congress, the Export-Import Bank reported that the Pentagon had arranged for the bank to provide a direct long-term low-interest credit to Iran of $200-million in 1974 "for exports of defense articles and services." Iran has earned billions of extra American dollars since the rise in oil prices.

Secretary of Defense James R. Schlesinger recently described the sales program in the Middle East as an attempt to "strengthen deterrence and promote peaceful negotiations by helping our friends and allies to maintain adequate defense forces of their own."

He added the need to match Soviet arms sales and to maintain "continuing access" to oil.

Other officials speak of the program in the Middle East more in terms of maintaining the American arms industry and labor market and earning balance-of-payments dollars against the new high deficits created by the current price of oil.

Several officials cited a directive by President Nixon, dated Dec. 20, 1973, to establish an interdepartmental committee on export expansion, as giving full approval to an open-ended arms sales effort.

OTHER POTENTIAL SELLERS

All the officials interviewed said that if the United States was not willing to sell arms, other nations should. Some said there had been an influx of European sellers into the Latin-American arms market while Washington restrained its sales.

Many officials noted an ambivalent Congressional attitude toward the sales program. For years Congress has urged an end of free arms grants and wider sales programs. Now that this is being done, Congressional committees have begun attacking the sales.

In last year's report, the Senate Foreign Operations Subcommittee stated: "We must visibly deny ourselves the short-range advantage of military equipment sales as a step toward de-escalating the build-up of military facilities throughout the world."

While there has been a sharp rise of American arms sales to the Middle East, sales to other parts of the world have remained relatively constant. The 1974 totals were: East Asia and the Pacific, $320-million, Western Europe $655-million; Africa $35-million; Latin America $220-million. These do not include commercial sales.

PROJECTIONS FOR 1974–75

Projected sales for the current fiscal year, according to Pentagon estimates, will be $650-million in Pentagon credit sales and guarantees of private sales, $3.3-billion in Pentagon-sponsored cash sales, and about $615-million in private commercial sales for a total of nearly $5-billion.

The American arms are sold by thousands of civilian and military attachés and advisers. They tell prospective customers what is available and find out what the customers want. At the center of this network is the Defense Security Assistance Agency in the Pentagon, now headed by Vice Adm. Ray Peet.

Salesmen from this agency coordinate all activities, arrange for various kinds of financing or cash sales, and close the contracts. At the State Department, the Office of Munitions Control is in charge of licensing arms exports for commercial sales, but not for most sales under the cash program.

Policy-level officials from the Treasury and Commerce departments are involved in certain phases of the arrangements as are policy-level officials in the Pentagon and State Department.

TAKE A BITE OUT OF GOVERNMENT

Mr. McCLURE. Mr. President, Boise, Idaho, was the site of a tremendously successful testimonial dinner recently. The event honored Congressman Steve Symms and proved to be the most well-received dinner of its kind in recent Idaho history. Guests at the dinner arrived in charter flights from throughout Idaho. The Honorable Ronald Reagan, Governor of California, was the main speaker for the evening, along with Congressman SYMMS. Political observers had to admit it had been quite a long time since they had seen anything like it.

Recent polls indicate that more and more Americans think of themselves as conservatives. They feel more comfortable with a philosophy advocating an increase in individual freedom and less Government control. For this reason, I would like to bring a page from the printed program to your attention, as it eloquently expresses not only the mood of the evening, but also the feelings of a growing number of Americans. I ask unanimous consent that the excerpt to which I refer be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

TAKE A BITE

The 1972 campaign theme, "Take a bite out of government," has come to mean far more than the clever slogan of a freshman congressman. Government, today, has become too big, too complex and too intrusive. It has usurped the basic purpose given it by the founding fathers who envisioned this country rich in individual liberty, responsibility, and accountability. Each citizen should be free to do his own "thing" so long as that "thing" does not encroach upon the life and liberty of another. The purpose of government is clearly stated in the Declaration of Independence: "All men are endowed with certain inalienable rights, such as life, liberty and the pursuit of happiness. To secure these rights governments are instituted among men."

We think a political candidate should be judged on the principles he holds more than on just the immediate issues at hand. Issues will change. Principles must remain firm. One cannot be in favor of more individual liberty and more government. The two just do not go hand in hand. Reduction in government means balanced budgets, free trade and exchange, and freedom to produce. Limited government also means individual initiative and responsibility—not interventionism. Creative progress and release of human energy have been greater in America than in any other country in history because government restrictions were fewer. The "American Experiment" has truly been a phenomenon to world history. It is predicated upon the positive human initiative and restricted government. Its fundamental truths are simple: life, liberty, equal opportunity and equal justice for all.

The elements of this American life style are found in the Declaration of Independence, the Ten Commandments, and the Golden Rule.

The Symms' "Bite" then, stands for the positive and challenging elements of our lives—limiting the restrictive and encouraging the inventive.

If we leash man we produce more government control of our lives. If we harness the government we free the creative energies of man.

With this general reasoning we support Steve Symms' stewardship of the First Congressional District as the most enthusiastic positive political effort in recent Idaho history and hereby extend our genuine thanks to him for doing just what he said he'd do—namely: "Take a Bite Out of Big Government." We wish his, and our, good luck for yet another "Bite" this coming November.

JIM MERTZ,
Chairman, Symms for Congress.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the horrors of Nazi-sponsored mass exterminations in World War II spurred the creation of the International Convention on the Prevention and Punishment of the Crime of Genocide. Adopted unanimously by the General Assembly of the United Nations in 1948, it has since been signed by more than 75 nations. Regrettably, the United States has not yet ratified the convention.

Perhaps the principal reservation cited by those who have opposed ratification of the treaty is based upon the belief that the United States should not seek to further expand its international commitments. Acceptance of the convention, these critics assert, may obligate the United States to take action against its own citizens at the behest of an international tribunal. This potential for invasion of American sovereignty, however, could easily be quashed by simply attaching declarations of understanding to the final Senate ratification resolution. The Senate Foreign Relations Committee, in fact recommended four such declarations—statements that would clearly preclude any violation of our national sovereignty—when it reported favorably on the treaty in May of 1971. Fear for our country's independence is thus not justified; rather, we are confronted with a moral choice.

For more than 25 years this body has failed to ratify the genocide convention. For more than 7 years I have each day sought to remind my fellow Senators of the value of and the need for prompt approval of the treaty. I intend to continue to do so until we recognize our collective moral obligation to act against this most depraved of crimes.

SHOULD EARL SILBERT BE PROMOTED?

Mr. ERVIN. Mr. President, during the past several months the Senate Judiciary Committee has been considering the nomination of Mr. Earl Silbert to be U.S. attorney for the District of Columbia. I have expressed my concern about this nomination because of the serious questions which have arisen about the government's investigation and prosecution of the Watergate burglary of June 17, 1972. Mr. Silbert, then an assistant U.S. attorney in the District of Columbia, had principal responsibility for the conduct of this investigation and prosecution.

In an article published by the Washington Post, on July 11, 1974, Walter Pincus sets forth some of the questions about the conduct of the Watergate investigation and prosecution which have concerned some members of the Judiciary Committee including myself. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PROMOTION FOR EARL SILBERT?

(By Walter Pincus)

Earl J. Silbert, who as an assistant U.S. attorney for the District of Columbia who directed the original Watergate investigation and prosecution, is up for promotion. But his nomination by President Nixon to be the U.S. Attorney for the District has run into trouble in the Senate Judiciary Committee.

It should.

My review of court records, plus the testimony and documents available since, raise questions about Silbert's original approach to the prosecution and about the manner in which he conducted his initial investigation.

Silbert and his supporters maintain these days that the prosecutor and his staff always had suspicions that higher-ups were involved, but claim they couldn't break the conspiracy until they had convicted the original Watergate seven. Then they planned to put those individuals involved back before the grand jury, this time with immunity. It was that strategy, Silbert now maintains, that led to the break down of the cover-up.

In February 1973, immediately after conclusion of the Watergate trial, Silbert was telling a different story. He told me it was a waste of time to plow through the trial transcripts and courtroom exhibits for a story because he believed the case was over. Sure, Silbert said, the seven convicted conspirators were going to be put back before the grand jury with immunity, but he did not expect them to say anything. Silbert told me and other newsmen in those days he was convinced the Watergate affair was just as he had portrayed it to the trial jury—an escapade thought up and run by G. Gordon Liddy, off on his own to gain favor with his bosses.

On July 5, 1972—less than three weeks after the burglars were discovered in Democratic headquarters—Alfred C. Baldwin III, the man who monitored some 200 phone calls over a bugged phone, agreed to cooperate with the prosecutors in return for a promise he would not be indicted. By July 10, Baldwin had told his whole story to Silbert and the FBI. With all the other potential defendants and suspects remaining silent and with neither of the two bugs Baldwin described having been uncovered by the FBI, Baldwin's statement was the first solid indication that a wiretap had actually been operating.

That changed the case from a "third rate attempted burglary"—as the White House had described it—to a successful burglary and wiretap followed by an unsuccessful second attempt. Baldwin also told the prosecutors of the participation of E. Howard Hunt and Liddy. And he reported that on the night of the arrests, he had taken to the home of James McCord—one of the arrested burglars—and given to McCord's wife the radio receiver over which he heard the bugged phone conversations and the walkie-talkies he and Hunt used. Baldwin also told the prosecutors about an attempt to bug McGovern headquarters prior to June 17, 1972.

What happened to those leads on the bugging? Although Baldwin had identified the phone of Democratic aide Spencer Oliver as the one tapped, Silbert did not immediately send the FBI in to check Oliver's phone. He told the Judiciary Committee he was assured the FBI already had checked all the Democrats' phones and didn't find a bug on any of them. In at least one instance Silbert told a questioner he could not forward information about the Oliver bug because he had been asked by Baldwin to keep his cooperation confidential. That's nonsense, since an FBI agent sat in on the Baldwin interview and a summary of his information was contained in the July 21, 1972, FBI report sent to the White House.

There is another questionable twist involving Silbert and the Oliver bug. On Sept. 13, 1972, the Democrats themselves uncovered that bug which was still on Oliver's phone. It was turned over to the FBI, whereupon the Bureau launched an extensive investigation of Democratic Party and McGovern campaign employees aimed at finding out who among them had planted the device. Within three weeks, 102 employees had been interviewed—a startling figure when compared with the 65 Nixon reelection committee aides and 21 White House staff members who were questioned by the FBI during the months of the Watergate inquiry.

Silbert now claims he always knew the bug found on Oliver's phone was the original one planted by McCord. Yet the FBI, whose efforts he directed, waited over a month, until Oct. 16, 1972, before testing the bug itself and finding that it transmitted on the exact frequency Baldwin had earlier said he tuned to when listening to the phone conversations.

Then Attorney General Richard Kleindienst announced in a September public television interview he believed the Oliver bug had been planted by the Democrats. Silbert never contradicted his boss. He now says he was unaware of Kleindienst's remarks, yet a story about them was carried prominently in The Washington Post.

Back in July 1972, when Silbert first learned of Baldwin's delivery of the receiver and walkie-talkies to McCord's home, the logical action of a prosecutor would have been to swear out a search warrant. Silbert did not do that. He now says he doubts the equipment would have been there since McCord had been released from jail and would have hidden it. He had. But months later, Silbert's resourcefulness and desire to get the receiver led him to do stranger things than putting out a possibly unsuccessful warrant.

In September, about the time the indictments were finally brought against the original seven, Silbert called McCord's wife and his daughter to the grand jury to testify about the equipment. When that did not get him what he wanted, he called McCord's lawyer and threatened to indict McCord's wife as an accessory if the receiver and other equipment were not turned over. That worked. Why wasn't something like that done earlier?

While Silbert bore down on McCord, he treated the higher officials at the Nixon reelection committee and the White House staff with kid gloves. He agreed to let Kenneth Parkinson and other Nixon committee lawyers sit in on FBI interviews of the campaign employees. Even when the FBI complained that lawyers were telling interviewees which questions to answer, Silbert continued the practice. Finally, he now says, he moved the investigation into the grand jury. Nonetheless, Parkinson and his colleagues still played a major role in arranging for witnesses.

One specific instance is worth exploring. Herbert Porter was scheduling director for the campaign. About 10 days after the burglars were caught, Porter agreed to back up a phoney story devised by Jeb Stuart Magruder, the purpose of which was to cover-up the money given Liddy to pay for the Watergate operation. At the request of Parkinson, Porter and Magruder put their story down on paper. It was only after that was done that—on July 19—the FBI asked to interview Porter. At Parkinson's suggestion, a Nixon lawyer sat in. In early August, according to Silbert, the prosecutors considered Magruder a potential target of their investigation. Porter's story was the only thing that corroborated Magruder on the purpose of the cash he approved to be given Liddy. It was Parkinson, however, not Porter with whom Silbert spoke about getting Porter to the grand jury. And when Parkinson told Silbert that Porter was too busy to have an interview prior to his grand jury appearance, Silbert accepted that. Thus a key witness was never questioned privately by Silbert before going to the grand jury to tell his story.

Silbert also was restrained in directly investigating Magruder, though he now says he always was suspicious of the deputy campaign director. Silbert never had the FBI interview Robert Reisner, Magruder's administrative assistant. (Parkinson told Porter not to mention Reisner in front of the grand jury.) Nor when Magruder's datebook showed a key meeting of Liddy, Magruder, Attorney General John Mitchell and John Dean, did Silbert question Magruder's appointment secretary—even after Magruder testified (falsely) that the meeting had been canceled.

On Oct. 25, 1972, while pre-trial motions were being heard before Judge John Sirica, Silbert offered McCord a chance to plead guilty to one count if he would become a government witness. Why was that done? In an amazing statement to the Judiciary Committee, Silbert said his intention was "to secure McCord's cooperation, particularly disclosure from him as to what he did with the (wiretap) logs, so that prior to the election, through his plea, the public might know." It is hard to believe that Silbert, given his caution up to that point, would have been planning public release of McCord's statements—had he given any—within weeks of a presidential election. What makes the proposition less believable is that in November Silbert made a second, less attractive offer to McCord—not mentioned in his Judiciary Committee statement—because, according to McCord's lawyer, Silbert said they had less need for his testimony.

Should the Judiciary Committee approve the Silbert Nomination, the Senators would be indicating to future career Justice Department prosecutors that his handling of the difficult Watergate investigation and prosecution was a standard to be emulated. The committee's action would also be interpreted as supporting the President's contention that the Watergate case was handled correctly from the start; and that a cover-up hidden from an able, aggressive prosecutor could easily be hidden from a President busy running the country.

Perhaps Silbert has—thanks to hindsight—received more criticism than he deserved. But, based on the record, does he deserve a promotion?

NORMAN KIRK

Mr. HARTKE. Mr. President, at a time when leaders and governments around the world are coming under increasing public scrutiny, it is interesting to note one leader who is secure and who is moving his country in a new direction leading to international recognition. I am referring to a friend of mine, the Honorable Prime Minister of New Zealand, Norman Kirk.

Mr. President, I ask unanimous consent that an article appearing in the March 8 issue of "To the Point" by Russell Gault entitled, "Kirk: Master of Kiwi Politics," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KIRK: MASTER OF KIWI POLITICS

(By Russell Gault, Wellington)

In spite of dramatic fluctuations in popularity few political observers doubt that New Zealand's Labour Party ruled by "Big Norm" Norman Kirk will romp home for another three years next year. And Kirk is the reason.

He stands far above all the lightweights in his cabinet, and the majority of the National Party Opposition dominated by ageing conservatives of a bygone era. He is the master of New Zealand politics today.

At home he is the "doer" of the government's impressive record of new policies over the past year. He seems to have limitless energy and a capacity for work that has not been seen in Dominion politics for many years. He is also the champion of the Little Man. He appears determined to coddle him from the cradle to the grave as the old derisory maxium says of the welfare state mentality.

Since he came to power with a 23-seat majority in the 84-seat Parliament 14 months ago, Kirk has:

Regularly reviewed income limits for three per cent state loans.

Raised loan limits.

Extended loans.

Increased the number of state houses for rental.

Bought existing homes to increase the pool of state rental houses.

Increased pensioner and other benefits three times and instituted special Christmas payments.

Established a fund to ease high interest rates and to assist refinancing of high interest second mortgages.

Fought lawlessness by having the police hound motorbike gangs relentlessly.

His measures, including increased state rental housing for lower and middle income families, have been well received by the country's 1½-million voters. Most New Zealanders tend to relate Kirk with the government's progressive policies since it came to power, but for unexplained reasons the bad moves are deflected from Kirk on to the party instead. The South African rugby tour fiasco and the futile protest at French nuclear tests in which a New Zealand frigate stood to one side as a French warship comandeered a New Zealand protest yacht, the Fri, and beat up its crew, both backfired but harmed the Labour party rather than Kirk. Soon after the incident a national poll showed the Government's popularity dangerously far below that of the Opposition.

Recent national surveys have indicated Labour's popularity has waned but that Kirk's is higher than even before. Much of the reason seems to be Kirk's ability to communicate with the electorate. In comparison, his National predecessors who had been in power since 1960 were often criticised for being pompous and out of touch with the man in the street.

Kirk is certainly more in touch. But he is also less diplomatic. His prejudices are damned as patronising. For example his dislike of South Africa is extreme. Political journalists know he would like a reason to suggest to the South Africans that they withdraw their consular representation. When Petone Rugby Club announced its intention to tour South Africa this year he said: "I really wish people would not do this sort of thing. One would hope that sporting bodies would look at the effect of their decisions on the reputation of their country." He was pressed to deny Uganda entry into the Dominion to compete in the British Commonwealth Games because of General Amin's treatment of Asians. But he would only express disgust with Amin's statement about the Jews and Nazis.

In international affairs Kirk has probably been more active than any Prime Minister in the country's history.

He has given priority to establishing contact with Asian and Pacific nations and to convincing them that regional co-operation is a necessity. He told a meeting of these nations in Jogjakarta, Central Java, that politically and culturally they could have much in common. He has held talks with Malaysia, Indonesia, Papua, New Guinea, India, Bangladesh and handed out millions of dollars of aid. In Malaysia he gave a television set to a jungle village—together with a diesel generator to supply the electricity.

He has been to Australia to tell the Aussies he wants a better trade deal with them although it currently runs 2½ to 1 in their favour. He was described by local commentators there as "a very moderate man".

Kirk has also been to the United States, where he told President Nixon that New Zealand's future policies would concentrate on the rights and requirements of the world's smaller nations. And he cancelled a visit to China because of the looming problems of the fuel crisis.

Kirk's popularity stems from his determination to do things, whether right or wrong. Kiwis like it because it is a style of politics they have not seen for years.

With Australian Prime Minister Gough Whitlem looking like a raging radical and without control of his own party just across the Tasman Sea, New Zealanders seem to believe they have much the better deal with Kirk.

They could be right. On defence matters Kirk has refused to emulate the Australians by withdrawing Kiwi troops from Singapore. He is continuing to support the ANZUK Force established in 1971 under a five power defence arrangement involving Singapore, Malaysia, Britain, Australia and New Zealand. This replaced the British command which had dominated in the Far East from the last century.

Kirk's philosophy is that New Zealand should retain forces in the area so long as Malaysia and Singapore want them.

In line with his Asia-Pacific region thinking Kirk has fended criticism that he should establish diplomatic representation in Africa. In spite of increasing trade, particularly with South Africa, he says diplomatic priorities are with "our own region".

HECHINGER'S SUPPORTS CONSUMER PROTECTION AGENCY

Mr. PERCY. Mr. President, some in the business community have expressed forward-looking support for the proposed Consumer Protection Agency Firms like Zenith, Motorola, and Marcor—parent company of Montgomery Ward and Container Corporation of America—recognize that what is best for the consumer is best for responsible business.

Recently, Hechinger Building Materials, Inc., a retail chain with stores throughout Maryland, Virginia, and the District of Columbia, has joined the ranks of corporate supporters of the Consumer Protection Agency.

In a letter to me, John Hechinger, the company's president, declared:

> I think business' challenge for the Seventies is to act affirmatively and speedily on both consumer and government sensitivity to the new climate set by consumerism . . .
>
> I propose the opposition [to the CPA] stop, and that there be a move toward the restoration of public trust by supporting the passage of the Consumer Affairs Agency bill.

Mr. President, I ask unanimous consent that the letter to me from Mr. John Hechinger dated July 1, 1974, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Hechinger,
July 1, 1974.

Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.

Dear Senator Percy: As the Senate nears the vote on the Consumer Protection Agency bill, I want you to know that there are some of us in the business community who urge its passage.

I base the success of my 63-year-old firm on our consumer relations.

I think the cynicism that the average citizen has toward government and its officials in the wake of Watergate is just as pervasive in the citizen's mind relative to business.

I think business's challenge for the 'Seventies is to act affirmatively and speedily on both consumer and government sensitivity to the new climate set by consumerism.

There isn't a reform since the beginning of our national history that business hasn't opposed, only to find that the reforms take place anyway.

I propose the opposition stop, and that there be a move toward the restoration of public trust by supporting the passage of the Consumer Affairs Agency bill.

Sincerely,

John W. Hechinger,
President.

FAIR DISTRIBUTION OF ALASKAN NATURAL GAS

Mr. BAYH. Mr. President, for several months now I have been working with the distinguished minority whip (Mr. Griffin) and a bipartisan group of 25 Senators in support of proposals to transport the vast natural gas reserves in Alaska to the lower 48 States via Canada so this national energy resource can be used equitably throughout the United States.

Applications have been filed here in Washington and in Ottawa by a group of gas pipeline companies which propose to build a trans-Canadian pipeline and several distribution lines to transport Alaskan natural gas throughout the United States from southern California to New England. This proposal will insure adequate gas deliveries to Indiana and other Midwestern and Eastern States which will have no access to Alaskan oil because of the decision last year to proceed with the trans-Alaska oil pipeline.

The terms and conditions for a gas pipeline through Canada will be the subject of negotiations between our two countries later this year. The pipeline has wide support in Canada, and has been endorsed previously by Interior Secretary Rogers Morton who has now retreated to a neutral position.

Despite the probability of a sympathetic attitude toward the pipeline in Ottawa, there had been some concern expressed that the U.S. negotiators might use the pipeline discussions to raise other bilateral energy issues and thus impede progress on gas pipeline negotiations.

However, just prior to the recent Fourth of July recess a newspaper story appeared with a report that the State Department was prepared to conduct pipeline negotiations independently from other U.S.-Canadian energy issues. This news account by Ed Zuckerman, a respected reporter with the Ridder newspaper chain, is quite encouraging since such a reasonable negotiating posture increases the chances that terms can be worked out for the trans-Canadian gas pipeline. Because this development could have a major impact on this issue, Senator Griffin and I have contacted the State Department to get formal confirmation of Mr. Zuckerman's story.

Mr. President, the decision on how to deliver our natural gas reserves in Alaska to U.S. markets goes to the heart of national energy policy. It will be debated before the Federal Power Commission, in the Interior Department, and may well involve future judicial and congressional action. Mr. Zuckerman's news story provides a useful insight into this issue, and I request unanimous consent to include this well-written and balanced account in the Record at this point.

There being no objection, the news story was ordered to be printed in the Record, as follows:

Gas Pipeline Proposal Gets State Department Boost?

(By Ed Zuckerman)

Washington.—A proposal to construct a natural gas pipeline through Canada may have received a timely boost from the U.S. State Department.

Sources in Washington are speculating that the State Department has abandoned its desire of negotiating an elaborate energy agreement with Canada, and when discussions between the two governments begin this fall, the pipeline proposal will be the sole topic on the agenda.

Several weeks ago, the sources said, the State Department notified the Canadian embassy that the U.S. is prepared to begin the negotiations.

PARAMETERS OF AGENDA

A Capitol Hill source claims the memo establishes "the parameters of the agenda," and that it exclusively covers pipeline issues.

A Canadian embassy official said "there has been no public exchange" on the subject and refused to furnish any details about the memo.

In addition, a State Department official said he didn't know if any decisions "are even close to being made."

But, adding to the speculation, the State Department source said, "We are talking about separate things separately."

If the State Department has abandoned its desire of linking the upcoming pipeline talks to an elaborate, long-term energy policy between the countries, the decision will be advantageous for a consortium of 27 U.S. and Canadian energy companies which have proposed the $6 billion project.

Believed to be the costliest project ever financed by private enterprise, the envisioned pipeline will carry natural gas from Alaska's North Slope to "the lower 48" via a trans-Canadian route.

PROVIDES DIRECT LINK

It would provide the midwest and northeast sections of the country with a direct link to the Alaskan natural gas fields which holds about 10 per cent of the nation's proven gas reserves, an estimated 26 to 30 trillion cubic feet.

Before the project can get started, it must survive an extremely complicated procedure before the first earth can be turned.

In addition to an overall agreement between the State Department and Canada's Ministry of External Affairs, the project must also win certification and right-of-way permits from several other U.S. and Canadian agencies.

The consortium—known in the U.S. as Alaskan Arctic Gas Pipeline Co. and in Canada as Canadian Arctic Gas Pipeline Ltd.—has already filed the necessary permit applications.

In the U.S., Alaskan Arctic Gas must obtain certification from the Federal Power Commission (FPC) and right-of-way from the U.S. Interior Department. The company's Canadian counterpart must win similar permits from Canada's National Energy Board and the Department of Indian Affairs and Northern Development (DIAND).

SECOND PIPELINE

While Arctic Gas has begun the arduous task of winning the approval of half a dozen U.S. and Canadian agencies after spending $50 million on planning, tests and environmental studies, another company—El Paso Natural Gas—is preparing its own permit applications to construct a pipeline along a route similar to the trans-Alaska Alyeska Oil Pipeline now under construction.

El Paso wants to build its pipeline from the North Slope to the Southern Alaskan Coast and transport the natural gas in liquefied form to the West Coast.

"The competition (between El Paso and Arctic Gas) is big potatoes," commented a State Department spokesman.

Interest in the upcoming negotiations has been keen on Capitol Hill where supporters of the trans-Canada route are eager to avoid the type of debate which ensued last year over the Trans-Alaska Pipeline Bill.

CAUSE FOR WORRY

While most lawmakers assume that the natural gas pipeline will follow the route which Congress rejected for the oil pipeline, the emergence of a trans-Alaska proposal has given some cause for worry.

A bi-partisan group of 25 senators led by Democrat Birch Bayh of Indiana and Republican Robert Griffin of Michigan are working on the Interior Department side of the coin, and a group of midwestern House members are concentrating their efforts on the FPC.

As an initial step, the Senate group has been trying to pin down Interior Secretary Roger Morton's position on the proposed natural gas pipeline route. He originally endorsed the trans-Canada route but later became neutral at the request of President Nixon, who asked that both proposals be studied.

ECONOMIC FEASIBILITY

Last week, while visiting in Anchorage, Secretary Morton admitted he initially endorsed the trans-Canada route but indications of the economic feasibility of conveying gas by tanker from Southern Alaska have caused him to give "serious consideration" to a proposed trans-Alaska route.

Meanwhile, the House group led by Democrat Les Aspin of Wisconsin and Republican John Anderson of Illinois have been granted permission to intervene in hearings before the FPC on behalf of Arctic Gas.

So far, the State Department's apparent decision to negotiate the single pipeline issue has been the most significant development.

A Capitol Hill aide and a veteran Washington observer of the pipeline industry reacted to the speculation with identical words.

"These negotiations have been El Paso's ace in the hole," both said.

The Capitol Hill aide explained that El Paso has been hoping that the upcoming negotiations would involve every conceivable energy issue, thus making the talks extremely complicated and an agreement unlikely.

"Without an overall agreement between the two governments," he said, "Arctic Gas would be left without any chance to construct, and El Paso would be left free to pursue its own project."

MASSIVE TAX INJUSTICE

Mr. TUNNEY. Mr. President, as many Senators now know, the Internal Revenue Service recently initiated a tax collection campaign against thousands of recent college graduates. Under Revenue Ruling 73–256 issued in June 1973, the forgiven portion of educational loans was henceforth and retroactively declared to be income subject to taxation. An estimated 150,000 students have so far been billed for back taxes in amounts as high as $1,000 a year, for up to 3 years.

Mr. President, the IRS made no special effort to inform students of this ruling and most loans were assumed with the implicit understanding that the forgiven portion was nontaxable. As a result, the first a recent graduate learns of a hugh tax liability is the day the postman arrives with the bill. Adding insult to injury, the recent graduate may be charged interest on back taxes he or she did not even know were owed.

On June 20 of this year, I introduced S. 3680, a bill to correct the massive tax injustice caused by the IRS decision. Under the terms of my bill, the portion of student loans forgiven because certain loan conditions were met after graduation may not be deemed taxable income, either now, retroactively, or in the future. S. 3680 has already received the support of many educational organizations including the National Education Association, the American Association of Junior Colleges and Community Colleges, the American Association of Medical Colleges, the Association of Jesuit Colleges and Universities, American Nurses Association, the American Federation of Teachers, and the American Society of Hospital Pharmacists.

As of this date Senators ERVIN, HATFIELD, HELMS, HUMPHREY, PELL, RANDOLPH, and STEVENSON have joined me in cosponsoring S. 3680. In the other body, Congressman IKE ANDREWS has introduced similar legislation which has been cosponsored by 121 Members of the House. Congressman ANDREWS has been assured that the Committee on Ways and Means will consider his bill at an early executive session.

I am most hopeful the Committee on Finance will give S. 3680 early and favorable consideration and I invite other Members of the Senate to join me in sponsoring this measure to terminate a wholely unjust, bureaucratic assault on American college students.

Mr. President, I ask unanimous consent that the text of S. 3680 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 117 of the Internal Revenue Code of 1954 (relating to scholarship and fellowship grants) is amended by adding at the end thereof the following new subsection:

"(c) CANCELLATIONS OF STUDENT LOANS.—

"(1) IN GENERAL.—In the case of an individual, no amount shall be included in gross income by reason of the discharge of all or part of the indebtedness of the individual under a student loan if such discharge was pursuant to a provision of such loan under which all or part of the indebtedness of the individual would be discharged if the individual worked for a certain period of time in certain professions or certain geographical areas or for certain classes of employers.

"(2) STUDENT LOAN.—For purposes of this subsection, the term 'student loan' means any loan to an individual to assist the individual in attending an educational institution (as defined in section 151(e)(4))—

"(A) by the United States, or an instrumentality or agency thereof, or a State, a territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia, or

"(B) by any educational institution (as defined in section 151(e)(4)) pursuant to an agreement with the United States, or an instrumentality or agency thereof, or a State, a territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia under which the funds from which the loan was made were provided to such educational institution.".

SEC. 2. The amendment made by the first section shall apply with respect to all taxable years.

CHARITIES: WHICH ONES ARE WORTH GIVING TO?

Mr. HARTKE. Mr. President, Americans contribute more than $60 million a day to charitable organizations. Each of us is accustomed to hearing the pleas of these organizations on television and radio and to having our neighbors knock on our doors to collect money. Each of these appeals present us with a cause which needs our money, and we are hard put to turn our backs on others who are less fortunate.

Unfortunately, Mr. President, some of the charitable organizations making these appeals may not be worthy recipients. I refer to those organizations which spend excessive amounts of money on fundraising or executives' salaries or which fail to open their activities to public inspection. They are a small minority, but important nevertheless.

As chairman of the Subcommittee on Foundations, I intend to hold hearings on this subject later this year and invite any of my colleagues with an interest in the activities of charitable organizations to give me their thoughts and to appear before the subcommittee if they so desire.

Mr. President, I ask unanimous consent that the text of an article which appeared in the February 1974, issue of Reader's Digest be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHARITIES: WHICH ONES ARE WORTH GIVING TO?

(By Carl Bakal)

(In contributing $60 million a day to charities now, Americans are setting an all-time record for generosity—and for gullibility. Here are some tips for distinguishing the worthy causes from the unworthy.)

During a recent five-month period, one Long Island businesman found in his mailbox 93 requests for money from 54 different charities. Many of the solicitations were accompanied by "gift" items such as key chains, cookie cutters and miniature auto-license tags.

In addition, several times a week he answered his telephone or his doorbell to find someone soliciting money for some supposedly worthy cause. "In January it was the March of Dimes and the cerebral-palsy people, and in February the heart campaign and the blind," recalls the businessman. "Then in March the Red Cross, in April Easter Seals and cancer, and in May the Arthritis Foundation, with a lot of other diseases and causes in between."

Most people get this almost daily appeal for funds. And each one raises the question: how do you distinguish between the worthy and the unworthy organizations? It is an important question, because in 1972 alone Americans gave charities $60 million a day, or a total of nearly $22 billion, establishing an all-time record for generosity—and gullibility.

A classic example of gullibility was demonstrated by a wag in Memphis, who solicited for the "Fund for the Widow of the Unknown Soldier." In just a few minutes he collected

$11. (He promptly returned it to the red-faced givers.) In New York City a phony rabbi raised $75,000 for a nonexistent synagogue and school in Israel before he was arrested. In Westchester County, New York, a so-called "blind shop" sold $2,000 worth of concert tickets for a benefit in its behalf before authorities discovered the shop to be a store that sold venetian blinds.

Other charities, though legitimate enough, often receive little of the money contributed in a fund-raising campaign.

Several years ago in Washington, D.C., for example, the United Police Fund was launched "to aid the widows and orphans of slain policemen." In less than a year the fund, with the aid of an emotional solicitation letter signed by a Congressman, raised $140,121. Of this, the "widows and orphans" received $18,000. The rest went for "expenses, fees and a salaried employe."

Not one penny of the $218,000 reportedly raised on a telethon in 1972 for the Foundation for Research and Education in Sickle Cell Disease has gone to that organization. The telethon promoters claimed that their expenses had exceeded donations by $78,000, but the Sickle Cell Foundation has charged that it was never provided with complete and accurate records.

It is not so much such marginal operations or outright frauds that gobble up most of America's charity dollars, however, as it is highly respected organizations. Many are efficiently run and dedicated to a real social need. But others, although equally sincere in purpose, are badly run or directed toward an outmoded or not particularly urgent need. It is not always easy to distinguish between the two. And reputation alone is no surefire guide to wise giving.

Most people, for example, know of the National Tuberculosis and Respiratory Disease Association (recently renamed the American Lung Association), a pioneer in the health-agency field and famous for its Christmas seals. The Association deserves ample credit for its role in helping reduce the prevalence and effects of active tuberculosis. In recent years the Association has added other lung diseases such as chronic bronchitis and emphysema to its program. But critics point out that although chronic bronchitis and emphysema are serious and prevalent, they cause significantly fewer deaths than several other diseases being fought with inadequate funds. They note, too, that assets of the Association and its chapters now exceed $55 million. Over 90 percent of these funds, most of which go for operating expenses, are in the hands of local chapters, not all of which, say the critics, are spending their funds to the best advantage.

A far greater offender is Disabled American Veterans, which keeps building its assets at the rate of over $3 million a year. Its accumulated excess funds in 1972 totaled nearly $18 million. Only 16 percent of the $22 million DAV received was spent on its major function of counseling veterans.

Another charity that may have more money than it knows what to do with is Father Flanagan's Boys' Home, internationally renowned as Boys Town. In 1972 Omaha's Sun Newspapers revealed that although Boys Town had net assets of $191 million, primarily in cash and securities, it continued to receive some $25 million a year in public donations and investment income—about four times as much as it needed to take care of its declining population of some 600 boys. Despite this, Boys Town last year sent out millions of poverty-pitched letters implying that it was in desperate financial straits. The organization's 1973 mailing was termed a "progress report" and didn't specifically ask for money; but it did close with the phrase "with heartfelt gratitude and thanks." Then, at Christmastime, it made an appeal for funds to held finance a new institute to be devoted to learning and communication for the boys.

Few people can fail to be moved by ads showing a starving orphan overseas, and asking help for the child. But how many would be so moved if they knew that in at least two agencies only a little more than half the money received actually goes for the support of the child. Fund-raising and administrative expenses, including cost of photographs and translations involved in correspondence with "your" child, take the rest.

And so it goes: the New York City division of the American Cancer Society has been criticized for offering help to "medically indigent cancer patients," when all too frequently its "help" is nothing more than referral to community agencies (which, in turn, are often unable to help); or the local chapter of the Easter Seal Society is refused a solicitation permit by the city of New Orleans because its fund-raising program is considered excessively expensive. How, then, is it possible to judge whether you are giving wisely?

Melvin Van de Workeen, executive director of the 53-year-old National Information Bureau (NIB), a private non-profit agency that evaluates charities, suggests that before you give to any organization you get the answers to these questions:

1. Does the organization operate with reasonable efficiency and use ethical methods of fund-raising, publicity and promotion? Never, says NIB, contribute in response to telephone calls from strangers until after you have received full details by mail. Say "no" to any organization that mails you an unordered item of merchandise, such as name-and-address stickers, key rings, medallions, neckties, greeting cards or similar "gifts." (In fact, don't even acknowledge or return the gift.) This method of fund-raising, intended to appeal to your sense of guilt, often costs more than 90 cents of every dollar contributed. In contrast, the fund-raising and administrative costs of most health-agency members of the National Health Council range between 20 and 30 percent. (Exceptions: American Lung Association, 35; Epilepsy Foundation of America, 47.)*

2. Does the organization fill a legitimate need, with no avoidable duplication of the work of other sound organizations? Many organizations pass the fund-raising-cost test yet have completely ineffective programs and accomplish very little.

3. Is the organization governed by an active, responsible board, no member of which receives any compensation from the organization? Remember, a letterhead filled with big names doesn't necessarily mean much. Although many prominent people serve on charity boards with dedication, others accept board membership indiscriminately and may even be unaware of the true nature of the enterprise to which they are lending their names. Among those listed on the "honorary advisory board" of the American Kidney Fund (not to be confused with the National Kidney Foundation) are four Senators, four Congressmen, former New York City Mayor John V. Lindsay and entertainer Barbra Streisand. This fund asks for help to "pay for more kidney machines and more treatment for people with kidney failure." However, only five cents of every dollar raised has gone directly to help in this way.

4. Does the organization make available to anyone requesting them a budget and an annual report that includes an audit prepared by an independent certified public accountant? If it doesn't, be suspicious of it. Further, remember that even detailed financial data don't necessarily show that a charity is efficiently run. With no generally required uniform accounting procedures, annual reports often mask fund-raising costs under such euphemisms as education, public information, administration or program services.

Here's what I discovered, for example, when I investigated the Tusla-based David Livingstone Missionary Foundation—the missionary arm of evangelist Billy James Hargis' ultra-conservative Christian Crusade Church of Tulsa, Okla. The foundation was formed in 1970 to help orphans, lepers, disaster victims and other unfortunates in various parts of the world. I wanted to know how much of the million dollars or more the foundation collects every year, mostly through mail solicitations, actually goes to the unfortunates.

When I visited Hargis last March he said he would tell me anything I wanted to know about the foundation's finances and handed me an unaudited report for the first ten months of 1972, which showed mail contributions of $1,794,000 and expenditures abroad of $702,000 on mission work. Hargis also gave me a sheet of paper with a breakdown of expenditures for the last ten months of 1972 in each country: $243,000 in India, $217,000 in Korea, $130,000 in the Philippines and so on.

But how was the money spent in each country? Hargis and the foundation's president, Jess Pedigo, gave me only vague data, none of it substantiated by any records. Pedigo told me that the foundation had made "an initial outlay of $4000" for an orphanage in Nasik, 130 miles south of Bombay, and planned to purchase a dozen acres of farmland there. The foundation's missionary in Nasik said he knew nothing about the orphanage. A check for $7000 that Pedigo told me had gone to Hong Kong to be used to "establish a church" actually went for a down payment on an apartment there for the foundation's missionary who, I learned, said there were no present plans to establish a church. All this, despite Pedigo's assurance that "all our work can endure the most careful scrutiny and come out with flying colors."

What protection against misinformation, then, do you have? Twenty-three states and the District of Columbia and several dozen cities do have laws regulating charities, but most of these are ineffectual, unenforceable or unenforced. There are no federal regulations, but Rep. Lionel Van Deerlin of California has sponsored a federal "truth-in-giving" proposal, which would require all organizations soliciting contributions through the mail to clearly disclose on the solicitation itself just how the contributions are to be used, and a detailed breakdown of fund-raising costs. Recently, the American Institute of Certified Public Accountants approved for its membership an audit guide establishing specific criteria, including full disclosure of all fund-raising costs. After June 30, 1974, if a charity refuses to accept these standards, it will not be given a "clean" audit statement by any certified public accountant.

On the theory that something is better than nothing, you may at times decide to give money to that starving orphan or agency for the handicapped anyway, even after you learn that only a small portion of your contribution will reach those in need. For if you do not give, the people in need may get no help at all.

In making your decision, however, remember: Money unwisely given may perpetuate an unworthy charity or even an outright racket. Money wisely given will not only reach those who need it most, but will also discourage incompetent or unethical charities or encourage them to mend their ways.

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*Your local Better Business Bureau— or the Council of Better Business Bureaus, 1150 17th Street, NW., Washington, D.C. 20036— will furnish free reports on many charities. And for an annual membership fee of $15, the National Information Bureau, 305 East 45th Street, New York, N.Y. 10017, will send you reports on any of some 500 national charity organiaztion (but not religious, fraternal or political organizations), indicating whether or not the charity meets NIB's standards.

TRIBUTE TO ADM. CHESTER R. BENDER, RETIRING COMMANDANT, U.S. COAST GUARD

Mr. THURMOND. Mr. President, Adm. Chester R. Bender, commandant of the U.S. Coast Guard, concluded an outstanding career when he retired June 30, 1974, after 4 years as leader of the Coast Guard.

Under his leadership the Coast Guard made significant progress in fulfilling its important mission as an element of national defense and in providing for improved marine safety.

In particular, Admiral Bender showed outstanding leadership in spearheading significant breakthroughs in the fields of marine safety and environmental protection.

He successfully directed Coast Guard participation in the Vietnam conflict by supervising the training of South Vietnamese personnel and directing the transfer of Coast Guard equipment to that country. He also aided Thailand officials in a similar manner.

Of particular importance, Admiral Bender was instrumental in bringing about new navigation systems in this country, especially on the west coast.

Mr. President, Admiral Bender has distinguished himself through his long career in the Coast Guard which began with his graduation from the Coast Guard Academy in 1936.

In closing, Mr. President, I ask unanimous consent that a biography of Admiral Bender's record be printed in the Record at the conclusion of my remarks.

There being no objection, the biography was ordered to be printed in the Record, as follows:

Biographical Sketch: Adm. Chester R. Bender, U.S. Coast Guard, Commandant, 1970–74

Chester R. Bender was born March 19, 1914, at Burnsville, West Virginia, the son of John I. and Inez (Harbert) Bender. He received elementary and high school education in Burnsville and Plant City, Florida, where he moved with his family in 1925.

He was appointed a cadet and entered the Coast Guard Academy in New London, Connecticut in 1932. He was a member of the Academy boxing squad for two years. During his first class (senior) year, he was gun captain and served as humor editor of "Tide Rips", the cadet yearbook. On June 8, 1936, he became the first Floridian to graduate from the Coast Guard Academy when he received his bachelor of science degree and commission as ensign.

Ensign Bender's initial duty was as a line officer aboard the cutters Mendota and Bibb, both on Atlantic patrol. In 1938, he was transferred to the cutter Ossipee, operating in the Great Lakes. During this tour he met his future bride, Annamarie Ranson of Sault Ste. Marie, Michigan. They were married September 1, 1939.

He was selected for flight training in 1939, and in June of that year began training at the U.S. Naval Air Station at Pensacola, Fla. A year later he received his aviator's wings and was assigned to flight duty at the Coast Guard Air Station at Elizabeth City, N.C. With the start of World War II, Lieutenant Bender flew anti-submarine patrols out of Elizabeth City.

Lieutenant Commander Bender served as commander of an air-sea rescue squadron at the Coast Guard Air Station at San Diego, Calif., from June 1943 to December 1944. He was promoted to the rank of Commander half-way through that tour of duty. Commander Bender then served as air-sea rescue advisor and liaison officer with the Far East Air Force Headquarters in the Philippines for the remainder of the war. He was awarded the Bronze Star Medal for this service.

In December 1945, he was assigned to Coast Guard Headquarters, Washington, D.C. as executive officer of the Air-Sea Rescue Agency. The following September he became pilot and personal aide to the Commandant of the Coast Guard.

In June 1950, Commander Bender became executive officer of the Coast Guard Air Station at St. Petersburg, Fla. Three years later he went to Traverse City, Mich. to command the air station there.

He returned to Headquarters in June 1955 to head the War Plans Division. He was promoted to Captain in 1958 and assumed command of the Coast Guard Air Detachment at Barbers Point, Hawaii. The following year, after 20 years in aviation, he returned to sea in command of the 311-foot cutter Bering Strait, operating on ocean station duty out of Honolulu.

In July 1961, he began a one-year assignment as mobilization and readiness officer on the staff of the Western Area Commander in San Francisco, Calif. He then returned to Washington, D.C. as Chief of the Administrative Management Division and later Chief of the Program Analysis Division at Coast Guard Headquarters.

In January 1964, Captain Bender was nominated by the President for flag rank and on July 1 of that year, he was promoted to Rear Admiral. At that time, he took command of the Ninth Coast Guard District headquartered in Cleveland, Ohio. A year later he was assigned as Superintendent of the Coast Guard Academy, relieving Rear Admiral Willard J. Smith, who later became Commandant of the Coast Guard.

During his two years as Superintendent, Admiral Bender continued the Academy's major construction program with Roland Hall Field House, one of the East Coast's most complete and modern athletic facilities nearly completed during his tour. He also established a Coast Guard museum at the Academy, to preserve and display artifacts of the early Coast Guard. Construction is due to begin soon on a building to house these items in New London.

In June 1967, he assumed command of the Twelfth Coast Guard District and Coast Guard Western Area, with offices in San Francisco, Calif. In the former position, he had responsibility for all Coast Guard units in Northern California and most of Utah and Nevada as well as areas in the Pacific. In the other assignment, he was the senior Coast Guard officer in the Pacific and exercised certain operational controls over Coast Guard commands throughout that ocean.

On April 16, 1970, President Richard M. Nixon nominated Chester R. Bender to be Commandant of the Coast Guard with the four-star rank of Admiral. The nomination was confirmed by the Senate on April 30. Admiral Bender relieved Admiral Willard J. Smith as Commandant on June 1, 1970.

Admiral Bender retired as Commandant effective June 1, 1974, after being relieved by Admiral Owen W. Siler, USCG, at formal change-of-command ceremonies held at the Washington Navy Yard, May 31, 1974. The cutters USCGC Eagle and USCGC Ingham were brought in to participate.

AWARDS

In addition to the Bronze Star Medal, Admiral Bender's World War II campaign service medals and ribbons include: American Area; American Defense; Asiatic-Pacific with two bronze stars (ribbon) for participation in the Southern Philippine and Luzon campaigns; Philippine Liberation with two bronze stars; Philippine Presidential Unit Citation; World War II Victory.

Later awards include the National Defense Service Medal. On May 28, 1970, Admiral Bender was presented the Legion of Merit by Secretary of Transportation John A. Volpe in recognition of his services in the last three tours of duty preceding his appointment as Commandant. On October 13, 1972, Admiral Bender received the Distinguished Service Medal from Secretary Volpe for exceptionally meritorious service in his post as Commandant. He was presented a Gold Star in lieu of a Second Distinguished Service Medal by Secretary of Transportation Claude S. Brinegar at change-of-command ceremonies, May 31, 1974.

NATIONAL HEALTH INSURANCE NEEDED NOW

Mr. RIBICOFF. Mr. President, it is long past time for Congress to enact a national health insurance bill now.

There are thousands of Americans suffering from burdensome health costs. They need help and they need it now.

I would like to share with you a story I know about a family from Connecticut. The story is true. I will change the names.

The Smiths of Groton, Conn., are an average family. He works as a designer at General Dynamics-Electric Boat. The Smith's daughter, Linda, suffered from aplastic anemia, a red blood cell deficiency which halts the formation of bone marrow. During the first 2 years of her life, Linda was in Yale-New Haven Hospital and Newington Hospital. Following hospitalization, Linda was treated at outpatient clinics until November of 1972, when she was brought to Yale-New Haven and then to Boston Children's Hospital Medical.

Linda, 5 years old, died in April of 1973. She had the finest possible medical attention. National health insurance would not have helped to save her life.

But her illness left the Smith family with a debt of $28,000 for hospital bills alone. That did not even count doctor bills.

Mr. Smith was not wealthy. He made $260 a week but the bills for months at a time amounted to $200 a day.

The $10,000 major medical insurance coverage the Smith family carried still left him with a debt of over $17,000.

The Smith family was luckier than most. His colleagues at work cared. Since June of 1973, they have collected $7,500 out of their own paychecks to help him pay the health bills.

But he is still deeply in debt and struggling to pay his bills and keep a roof over his family's head.

It is tragic that in a country like this a family can be wiped out by health bills. It does not have to happen. Congress can enact a bill to protect against these large costs, and it can do it now at a price everyone can afford. And it can be implemented quickly.

Mr. Smith has no place to turn. But others will have a place to go for help if we take the steps necessary to protect every American against health costs which lead to financial disaster.

WATERGATE AND THE CULT OF THE ROBE

Mr. ERVIN. Mr. President, Philip B. Kurland, of the University of Chicago law faculty, and the chief consultant on the Senate Judiciary Subcommittee on Separation of Powers, delivered an address to the Illinois State Bar Association at its 1974 annual meeting in Lake Geneva, Wis., on June 17, 1974, on the subject "Watergate and the Cult of the Robe."

Since Professor Kurland's remarks on that occasion illustrated his usual penetrating insight in respect to a current problem of great magnitude, I ask unanimous consent that a copy of this address be printed in the RECORD.

There being no objection, the address was ordered printed as follows:

WATERGATE AND THE CULT OF THE ROBE

(By Philip B. Kurland)

Assuming that the so-called "keynote" address at a state bar meeting should be concerned with a topic that is both timely and significant, I have chosen as my subject, "Watergate and the Cult of the Robe." Perhaps, in light of the locus of this meeting, I should better have addressed myself to the cult of the disrobed, but my chosen subject affords greater coverage.

The phrase "The Cult of the Robe" is not mine. So far as I can tell, it was invented about 30 years ago by a former member of this association, Judge Jerome N. Frank. His theme then was that the judicial robe was a symbol of significance because it implied "that the past is sacred, and change impious." While I have adopted his phrase, I would give it somewhat different meaning. Like Frank, I am of the view that: "The legislature is, par excellence, the democratic instrument"; that judicial power is basically "anti-democratic." But my objections to the dogma of the cultists is not that which commits them to a belief in conservatism, but rather the dogma which suggests that the judiciary is the omniscient and omnipotent corps to whom the American people should take all their social, economic, and political problems for resolution.

Judge Frank, writing in the aftermath of President Roosevelt's controversy with the "Nine Old Men," found judicial supremacy to be anathema, essentially because it thwarted the effectuation of New Deal programs. The story is well told in Robert H. Jackson's all but forgotten book, *The Struggle for Judicial Supremacy*, a book I recommend to those of you who can't or won't remember the liberals' attack on the Supreme Court in the late 1930s.

It turns out, however, that doctrinaire liberals were not really objecting to the exercise of judicial supremacy so much as they disliked the substance of the decisions that the judiciary was then rendering. The evil they ultimately saw was not the perversion of the Constitution's allocation of governmental power. It remained for conservatives like Learned Hand to continually protest the assumption of more and more authority by what he called "a bevy of Platonic Guardians." The newer liberal creed has not been judicial restraint of the kind they suggested in Roosevelt's first and second terms, but a demand that that branch of government should be empowered to act which was most responsive to their personal desires. And so, for a long time now, certainly since 1954, we are told to be tolerant of an expansive judiciary. Equally, we have been told by these same forces, at least since 1933, that great powers—never mind what the Constitution contemplated—should be vested in the executive branch of the national government.

In more recent days, we have, or should have, become disillusioned with the notion of what has come to be called, especially by those who once created it, "the imperial presidency." We have, or should have, in these days recognized that the basic concept of the American constitutional scheme has been division of power rather than its concentration. My own views, which I have expressed elsewhere, are that the essence of the Watergate mess derives not merely from the expansion of presidential power but rather from the creation of a fourth branch of government called the White House which is, theoretically but not actually, subject to the control of the President. I am talking of those officers in the White House itself and those agencies that have no political responsibility for the vast powers that they exercise, frequently under the guidance of an administrator whose appointment is not even subject to Senate approval. I am speaking of presidential assistants and councillors, of the Office of Management and Budget, the Council of Economic Advisers, of the C.I.A., of the "energy czar," and so on.

We suffer from a government like that of England at the end of the 18th century, where power was concentrated in the hands of the king's advisers, and which called forth the American Revolution. This power must be abated, if we are to remain a constitutional democracy.

We have become, too, as a people, prisoners of a different, non-governmental power. And I would use Learned Hand's words to tell you about it. For here too we are concerned with an organ of control that is also politically irresponsible. Writing at a time when the free world was locked in struggle with the dark powers of Nazi Germany, Fascist Italy, and Imperial Japan, Learned Hand described this other evil in inimitable words that are applicable even today. He said:

"The day has clearly gone forever of societies small enough for their members to have personal acquaintance with each other, and to find their station through the appraisal of those who have any first hand knowledge of them. Publicity is an evil substitute, and the art of publicity is a black art; but it has come to stay; every year adds to its potency and to the finality of its judgments. The hand that rules the press, the radio, the screen and the far-spread magazine, rules the country; whether we like it or not, we must learn to accept it. And yet it is the power of reiterated suggestion and consecrated platitude that at this moment has brought our entire civilization to imminent peril of destruction. The individual is as helpless against it as the child is helpless against the formulas with which he is indoctrinated. Not only is it possible by these means to shape his tastes, his feeling, his desires and his hopes. But it is possible to convert him into a fanatical zealot, ready to torture and to destroy and to suffer mutilation and death for an obscene faith, baseless in fact and morally monstrous. This, the vastest conflict with which mankind has ever been faced, whose outcome still remains undecided, in the end turns upon whether the individual can survive; upon whether the ultimate value shall be this wistful, cloudy, errant You or I, or the Great Beast, Leviathan, that phantom conjured up as an ignis fatuus in our darkness and a scapegoat for our futility."

Although World War II was thought to have been brought to a successful conclusion, the basic question remains, to what degree are individuals to be subordinated to the exercise of total power over them by institutions both within and outside government. The danger of governmental monopoly over power is one that was foreseen by the Founding Fathers who attempted to avoid it by a principled separation of powers. And I speak here not of the phony cries from the White House that would merely protect personal prerogative. I speak rather of the establishment of a federalism, of the division of authority in the national government, first to Congress, second to the executive, and third to the judiciary. And I submit that this ordering by the Constitution's authors was a meaningful one.

We have tended to reject their carefully constructed protections in favor of expediential allocation of authority. We have been bribed to exchange the grant of power for favors received. Our social, political, educational, and economic structures have all suffered from monopolization and, what Brandeis called, "the curse of bigness." And when these monopolies of power have come into the hands of those who are less than beneficent, as they are wont to do, we cry and wring our hands and take no effective steps to reduce that usurped and embezzled authority.

Certainly monopoly may afford a counterbalance for other monopolies. This was the thesis of that statesman of wide reknown, His Excellency, John Kenneth Galbraith. But the danger remains that the monopolies we have tolerated will not act in opposition to each other but will be joined together, that big government, and big labor, and big business, and big news machines will have a joint interest that permits no tolerance for individual freedom or individual tastes.

Thus, there may be irony but no pleasure in the recognition that those who would have manipulated the media to exercise their willful power have become victims of the media. Presidents, like presidential candidates, who may be created by the media, may also be destroyed by them. Those who would understand the evils of Watergate should read not only the transcript of the presidential tapes, but the recently published confessions of Jeb Stuart Magruder who, somewhat ingenuously but all the more honestly for it, describes what life in the White House has been like. For the clear concerns of the executive branch are shown to be image not substance. As elsewhere in our lives, what Judge Hand called "the black art" of "publicity" has become for government not merely a means to an end, but the end itself. It should come as no surprise, although it does to Henry Kissinger, that there might be doubts about the veracity of statements made by what he called "senior governmental officials." The overwhelming evidence of the Watergate affair is that government officials do lie, to the people, to grand juries, to Senate committees, to courts. The primary characteristic of the Nixon administration—not to speak for the moment of those that immediately preceded it—is its asserted right to lie. Nowhere has there been shown an interest in revealing the truth, all efforts have been bent to concealing it. Whatever the merit of the motive behind such actions, it should surprise no "senior governmental official" that his government, at least at home if not in Egypt, totally lacks credibility. The father of Justice Holmes, "the autocrat of the breakfast table," once perceptively noted: "Sin has many tools, but a lie is the handle which fits them all."

Admittedly, in recent days, the media are to be credited with the revelations of wrongdoing by highly placed public officials. At the same time, it should be seen that, as concerned as the media are with affixing blame and punishment on individuals, they have shown no interest in the institutional problems that have been revealed by their exposes. For myself, I think that it matters not so much whether certain White House and Republican party officials go to jail, if we leave available to their successors the authority to abuse the same powers in the same or different ways. We must see that power is limited so that its abuse will be less significant. Just think how accidental the uncovery of Watergate's effluence has been. If the invaders had not stupidly caused a door to remain open, the guard would never have called the police. If a police unit had not, accidentally, been working overtime in the immediate vicinity, they would have arrived too late. Even the discovery of the presidential tapes was all but accidental. It was Pascal who said: "Had Cleopatra's nose been shorter, the whole history of the world would have been different."

The same kind of abuse of institutional power that characterizes Watergate gives rise to my concerns about the cult of the robe. I think that no good can come from the widespread belief that the judiciary is the ultimate forum for resolution of every major political, economic, or social question that confronts our society. For one thing, experience tells us that such solutions as the judiciary can in fact afford are frequently chimeras. The Court purported to provide the solution for the most endemic problem of American society, the separation of the black and white races. And the Court can take credit for focusing governmental attention on the problem. But to the degree that there have been partial resolutions of the difficulties, they have tended to come from the legislature and the executive rather than the courts. The Court undertook to solve the problem of prosecutorial abuses. But its solutions have not deterred prosecutorial abuses; they have only afforded exoneration for some who would otherwise have been punished for crimes they admittedly committed.

Suppose, however, we had a belief in the effectiveness of the judiciary for solving such basic problems. And I would emphasize that the judiciary's effectiveness in resolving disputes between individuals or between the government and an individual is not doubted, but largely because the other branches of government are prepared to enforce such judicial actions. I would submit, nevertheless, that the effective concentration of power that the worshippers of the robe would accomplish would be as dangerous to our fundamental freedoms as similar concentration in the executive has proved to be. However benevolent the Court may be thought to have been, there can be no assurance of the benevolence of the inheritors of the power acquired by those we admire.

Professor A. A. Berle—one of F.D.R.'s original brain trust—wrote in 1967, "Ultimate legislative power in the United States has come to rest in the Supreme Court of the United States." While he approved the result, he was nevertheless concerned that the Court obviously lacked adequate resources, staff, and machinery to solve the vast problems of social, political, and economic conditions in this country. He could solve this difficulty by affording the Court a group of councillors, much as the 1939 Reorganization Act afforded the President a group of councillors which grew into the fourth branch of national government. And even Berle conceded that: "The will of the most enlightened Court is not the same as the will of the elected representatives of the people, and may cease to be the will of the people itself. Acceptance of its mandates based on respect for the Court is not the same as acceptance of active laws commanding popular assent after political debate."

In short, to make of the Supreme Court the ultimate legislative power in the United States—which is the dogma of the cult of the robe—may lead to impotence on the part of the Court to perform even quintessential function, protection of the individual from the tyrannies of government. Certainly it means destruction of democratic principles.

Yet, it must be admitted, that the members of the cult that now worships judicial power is large. The low esteem in which both of the other branches of the national government are now held is a large factor in making converts to the cult. Lawyers are among them in large numbers. The high priests of the cult are academic lawyers and professorial political scientists. And today, I submit, there is none more certain of the omnicompetence of the judiciary than the judiciary itself, and not least the federal judiciary led by the Supreme Court itself.

I would suggest that the most recent example of the Supreme Court's faith in its own wisdom and power is it's decision to undertake to resolve the Watergate mess. At the behest of Special Prosecutor Jaworski, the Court took the extraordinary step of authorizing him to bypass the Court of Appeals for the District of Columbia so that the Court could quickly decide whether he was entitled to evidence that he wanted from the President in order to prosecute the Watergate coverup defendants. Up to that point, the Court had lacked the opportunity to resolve the fundamental political problems that had bemused and confused the two political branches of the government as well as the people. It leaped at the chance this afforded it like a trout jumping at a carefully cast fly, with possibly the same result.

Why should the Court take this case for expedited hearing and disposition? Certainly the case itself did not call for such display of energy.

The issue afforded it for decision was all but unique. The question whether a prosecutor has the right to compel his superior to produce evidence for his use is not one likely to arise with any frequency. The question is clearly different from the issues of executive privilege that are created where the demand on the executive comes from the legislature or even where the demand eminates from a defendant. Denial of the legislature by the executive is almost commonplace and refusal of defendant's claims for evidentiary matter from the prosecution is not uncommon. But refusal of the executive to supply itself with usable evidence is a rarity. I submit that it cannot be the issue itself that called for such premature certiorari.

Similarly, even if the question is "certworthy," what was the need for such despatch? It could not be that a criminal case demands such immediate trial that a postponement of a few months could not be afforded. I can think of no issue in a criminal case that has been so rushed to judgment except for the *Saboteurs* case at the beginning of World War II and the *Yamashita* case at the close of World War II. And I do not hesitate to suggest that neither of these judgments covered the Court with glory. Nor can we say that some of the Court's more recent escapades in hurried judgments afforded examples of brilliant or even persuasive opinions. Nonetheless, it may be said of the *Pentagon Papers* case and of the *Democratic Convention* case that time was of the essence. And that cannot be said here.

Judgment by deadline is inconsistent with the proper role of the judiciary. Political decisions may be made quickly because they need not be rationally justified. But, as Mr. Justice Frankfurter told us in *Kinsella* v. *Krueger*:

> "Time is required not only for the primary task of analyzing in detail the materials on which the Court relies. It is equally required for adequate reflection upon the meaning of these materials and their bearing on the issues now before the Court. Reflection is a slow process. Wisdom, like good wine, requires maturing.
>
> Moreover, the judgments of this Court are collective judgments. They are neither solo performances nor debates between two sides, each of which had its mind quickly made up and then closed. The judgments of this Court presuppose full consideration and reconsideration by all of the reasoned views of each. Without adequate study there cannot be adequate deliberation and discussion. And without these, there cannot be that full interchange of minds which is indispensable to wise decision and its persuasive formulation."

No, there is nothing intrinsic in the case that would warrant such a speed-up of the judicial process. It would have to be matters extrinsic to the case that have caused the Court to leap into the fray. The only explanation of the need for such undeliberate speed is the potential importance of the decision to the impeachment process, which might well be concluded before the Court expressed its opinion, if the Court were to proceed in the ordinary course of business.

Indeed, had the case presented to the Court derived from an attempt to enforce the subpoenas of the House Judiciary Committee, one might have acknowledged the need for speedy resolution. But the fact remains that the House Judiciary Committee has chosen not to enforce its subpoenas through the courts. The only way for the Court to participate in the impeachment processes, then, was by this indirect means. And, it would appear, that such an opportunity was not to be missed. Never mind that few things are quite so clear about the Constitution as the decision of its authors to exclude the Supreme Court from any role in the impeachment processes.

How will the decision in this cause affect the impeachment processes? There are several possibilities. First, although the executive privilege question raised here is very different from that which would be presented by a House or Senate subpoena or that which might derive from Judge Gesell's decision relating to Ehrlichman, the opinion—or more likely the eight opinions—may paint with broad brushes. The subject of executive privilege in the absence of statutory guidelines is *terra incognita*. There are no real precedents. The case will have to be decided on first principles, however short of time the Court may be to frame those principles on the basis of adequate study. And so, a decision here may well prove to be controlling on the obligation of the President to respond to the House subpoenas.

Second, if the Court does order the production of the data here, should the President refuse to obey, he will certainly be faced with the charge of an impeachable offense in refusing compliance with a high court judgment, an offense that is most likely to afford a base for conviction in the Senate. Should he obey the subpoena, the data thus afforded would quickly become evidence in the impeachment process in the House, evidence which might not otherwise have been available to it.

Third, if the Court finds that the President need not comply with Jaworski's subpoena, the conclusion that could quickly be reached is that he has acted lawfully not only with regard to the Jaworski subpoena, but equally so with regard to the demands of the House and Senate. In that event, such Presidential success could very well bring the impeachment proceedings to a screeching halt, however unwarranted the inferences. In short, victory in this battle by either side may well be dispositive of the impeachment processes, although in fact none of the substantive issues in the impeachment case will have been decided by the Court.

It is possible that the Court may say that this conflict between a prosecutor in the executive branch and the head of the executive branch is not mete for judicial review. Depending on how the Court says this, it might leave the question of definition of executive privilege for future delineation by the courts or by the conflicting political branches.

No matter how it decides the case, however, unless the opinion is decided by a unanimous Court, which is a most unlikely possibility when it is on as short a time schedule as it is, the judgment will be viewed as a purely political resolution, not a judicial one. The Court's credibility will be hurt whatever the decision. And it should be remembered that the only power that the Court can assert is the power of public opinion.

It is not too late, of course, for the Court to dismiss the writ of certiorari as improvidently granted. But then it would deny itself a leading role in the impeachment of a president which, we may be thankful, is a phoenix that rises only once a century.

The perfume of Watergate is the odor of arrogance. It smells no better on the judiciary than on the executive, the legislative, or the media. I can only wish that the Justices of the Supreme Court of the United States were not such ardent adherents of the cult of the robe.

INTERNATIONAL ADOPTION BY UNMARRIED CITIZENS

Mr. HARTKE. Mr. President, I have learned of an outmoded law being religiously adhered to by our Immigration and Naturalization Service to the detriment of unmarried citizens attempting to return to the United States with children they adopted while residing in a foreign country. Under 8 U.S.C. 1101(b)(1)(F) a child adopted by a married U.S. citizen is given immediate relative status upon petition, thereby clearing away the requirements for coming into the United States under an immigrant visa status which may take up to several years.

Mr. President, contemporary considerations of human decency and values live long in the eyes of these observers who witness the justices or injustices within the U.S. social order. The outmoded immigration law has touched my home State of Indiana in a most poignant and peculiar fashion. I received a letter from Mrs. J. Russell Parrish detailing the difficulty her daughter, Dr. Rosemary Messick, is having in bringing with her to the United States her adopted baby.

Many States have changed their adoption laws during the past decade to allow unmarried individuals the right to adopt children. While in the past it was felt only married individuals had the time and opportunity to give love and warmth to unwanted children, we now have provided adoption laws which allow unmarried individuals equal opportunity. I believe those States that have changed their laws are socially conscious of the love unmarried mature adults can give to a child. Yet, our immigration laws in the Federal Government have not progressed as far as many of the adoption laws of the various States.

The case of Dr. Messick is one that requires expediency on the part of the Senate Judiciary Committee and the full Senate. Her assignment with the U.S. Agency for International Development to Brazil expires the 1st of June, and unless we favorably act on House of Representatives bill, H.R. 7555, which has been passed by the House, and is now being considered by the Senate Judiciary Committee, Dr. Messick will be required to either return to the United States to assume her teaching assignment at San Jose State University without her child or remain in Brazil with her child and relinquish her position on the university faculty.

Mr. President, I ask my colleagues of the Senate to favorably express their approval of this important legislation, and expeditiously move this needed reform to conclusion prior to the 1st of June.

I ask unanimous consent to have printed in the RECORD the letter I received from Mrs. J. Russell Parrish, and a letter I have sent to Chairman JAMES O. EASTLAND, of the Committee on the Judiciary.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DANVILLE, IND.,
April 15, 1974.

Senator VANCE HARTKE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: I have a special request of you.

My daughter Dr. Rosemary G. Messick is in Brazil since June 1972 on a USAID project working in a San Diego State University team. She is working with the Director of Elementary Education in the National Secretariat of Education there. She spent her Peace Corps years 1964–'66 in Brazil. In the summer of '69 she worked on an educational research project there which she used for her Doctoral dissertation. The summer of '61 she worked on the San Diego team also. This June her contract is up; she will return to her position as Associate Professor of Education in the Department of Elementary Education in San Jose State University in California.

Here is her problem for which we are asking your help and your influence. She has recently adopted a Brasilian baby which she wants to bring home with her in June. The H.R. 7555 has passed the House and is in the Judiciary Committee of the Senate. This bill, if passed in the Senate, would make it possible for a single person to bring in an adopted child. If it is not passed she will have to leave it there to come in on an immigration quota.

Will you use your influence to get that bill out of committee and into the Senate for a vote.

We would appreciate it if you would give this matter your attention and your influence.

Yours Sincerely,
Mrs. J. R. (MARY) PARRISH.

U.S. SENATE,
Washington, D.C., May 23, 1974.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN EASTLAND: Recently, a constituent brought to my attention considerations relevant to the passage of a bill, H.R. 7555, presently being considered by your distinguished Committee. I have examined the legislation with care, and would like to express my interest in the bill.

The adoption laws of the various states and of the United States have a long history of protection of the children of this land. In addition, we have provided monies and procedures for funding and maintaining organizations that facilitate the placement of children in the international community in homes in the United States filled with love and understanding.

I believe that we in the Congress should make a concerted effort to encourage rather than discourage the adoption of children by our citizens when their love and care will provide the warmth and gentle touch a child needs. While the pros and cons of adoption by unmarried individuals versus married individuals may weigh heavily upon your decision to report the bill to the Senate for further consideration, I believe an individual willing to make the sacrifice of adoption in a foreign country and provide a home, facilities, transportation, and many other considerations relevant to increasing one's family, will provide the love and warmth a child needs.

I enclose a copy of the letter I received from Mrs. J. Russell Parrish for your further consideration.

With my best wishes and thanks for your attention to this matter, I am

Sincerely,
VANCE HARTKE.

STATE ATTORNEYS GENERAL ENDORSE CONSUMER PROTECTION AGENCY

Mr. PERCY. Mr. President, at its 68th annual meeting in Coeur d'Alene, Idaho, on June 26, 1974, the National Association of Attorneys General passed a resolution urging the 93d Congress to enact legislation creating a Federal Consumer Protection Agency.

With this action, the attorneys general join other groups of experts in law and government in recognizing the need for a CPA. The American Bar Association, American Trial Lawyers, Association of the Bar of the City of New York, Chicago Council of Lawyers, Administrative Conference of the United States, and 31 State Governors have already expressed strong support. The attorneys general, as well as members of these other organizations, have become eminently aware of deficiences in consumer protection. These deficiencies are repeatedly encountered by them in the daily discharge of their responsibilities.

The resolution also endorses Federal grants-in-aid to strengthen State and local consumer programs. However, the grants-in-aid sections of the Senate bill were deleted in connection with discussions the sponsors of this legislation conducted with administration representatives.

The National Association of Attorneys General also endorsed a resolution affirming that "consumer law will be served best if primary enforcement responsibility remains entrusted with the attorneys general for the States." Consistent with this view, the Consumer Protection Agency proposed in both the House and Senate bills has no regulatory or enforcement power. It cannot grant or deny rates, routes, applications, or licenses. It cannot penalize or reward.

I am particularly pleased to point out to my colleagues the distinguished record that the attorney general of Illinois Hon. William Scott, has made in the field of consumer protection and I welcome his support of legislation to create a Federal Consumer Protection Agency.

Mr. President, because I believe that the State attorneys general are so uniquely qualified to speak out on consumer protection needs, I ask unanimous consent that the resolutions passed by their national association be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION—CONCERNING PRIMARY CONSUMER ENFORCEMENT RESPONSIBILITY

Whereas, the Attorneys General of the individual states of the United States of America are in the forefront in the vital area of consumer law enforcement; and

Whereas, the experience and the cooperative efforts of the National Association of Attorneys General in state-to-state, state-to-federal, and state-to-local communications have resulted in authoritative support for upgrading our legislative, investigative, and enforcement procedures; and

Whereas, any diminution of the enforcement authority of state Attorneys General can only result in fragmentation and dilution of efforts to protect the consumer; and

Therefore, the National Association of Attorneys General meeting at Coeur d'Alene, Idaho, on this 26th day of June, 1974, resolves that while the Attorneys General of the States do welcome the corporation and need the support of all consumer advocate agencies—city, county, regional, and federal, the Association reemphasizes its long standing commitment to the principle that consumer law will be serve best if primary enforcement responsibility remains entrusted with the Attorney General for the States.

RESOLUTION—CONCERNING FEDERAL CONSUMER ADVOCACY

Whereas, the National Association of Attorneys General, whose members have provided leadership for consumer protection law enforcement in their respective States, wholeheartedly support the creation of an independent and effective Consumer Protection Agency to afford consumer advocacy at the Federal level; and

Whereas, it is the Association's firm belief that the consumer should be afforded adequate protection through the coordinated efforts of local, state and federal enforcement agencies; and

Whereas, this goal can best be achieved through insuring adequate funding to strengthen each agency's ability to respond quickly to consumer needs,

Therefore, be it resolved, that the National Association of Attorneys General urge the United States Congress to pass legislation which establishes an independent and effective Federal Consumer Protection Agency to afford consumer advocacy involving only interstate transactions and designed to strengthen State and local consumer programs through Federal grants-in-aid, and which would recognize the necessity for maintaining effective control of our consumer protection laws on a state and local level.

Signed this the 26th day of June, 1974 at the Annual Meeting of the National Association of Attorneys General at Coeur d'Alene, Idaho.

CONGRESS MUST REVIEW NUCLEAR COOPERATION AGREEMENTS

Mr. HUMPHREY. Mr. President, President Nixon has announced his intention to enter into cooperative nuclear power agreements with Egypt and Israel. The legislation passed yesterday by the Senate, S. 3698, to amend the Atomic Energy Act, would enable Congress to play a responsible role in assuring that such agreements would contribute to the peaceful development of these two countries—and that they would not increase the likelihood of an even more devastating conflict between them than has already occurred.

We must have no illusions about the danger of introducing significant nuclear power into this volatile part of the world. We certainly cannot assume yet that the peace between Israel and Egypt is a secure one. We have seen in the case of India that assistance in the development of nuclear power for exclusively peaceful purposes can be used to develop a military nuclear capacity. Any agreement for nuclear cooperation with Israel and Egypt must be carefully reviewed to assure that under no circumstances will the technology and materials provided be used for military purposes.

Before the United States enters into any agreement on the development of nuclear power for peaceful purposes in the Middle East, the following points must be carefully considered:

Nuclear power is being used increasingly as other forms of energy become more scarce and more costly. These and other developing countries might well receive assistance in building nuclear plants from other countries that possess this technology. The United States has a special interest in seeing that nuclear technology in the Middle East is used exclusively for peaceful economic development. And it may be that the best way of assuring this is for us to provide the technology ourselves with adequate safeguards for its use.

It could be, however, that no safeguards are adequate to assure that the nuclear capacity we supply to the Middle East will never be used for military purposes. The situation there is still unstable and unpredictable. The governments with which these agreements are negotiated will not necessarily always be the governments in control of the technology provided. Nations may make promises when peace is at hand that they cannot keep when their security is being threatened. Those who advocate these agreements must provide assurances that in every possible contingency the safeguards provided are adequate.

On the other hand, it may be that we could accomplish the objective of assisting in energy development with less risk by entering into agreements with Israel and Egypt to develop other forms of energy instead. Israel is already making use of solar energy. We might consider entering into a joint effort with both countries to research and develop this form of energy. Hydroelectric energy might also be more fully developed in this area.

Those who advocate these agreements might not have considered fully the risks involved. They might well be overly optimistic about the possibility of a successful, permanent peace settlement in the Middle East. Or they might be so eager to win the friendship of Egypt while maintaining that of Israel that they have not given thorough and sober consideration to the implications of their promises.

Those who fear the possible outcome of nuclear cooperation agreements with Israel and Egypt might be overly cautious. The safeguards in our nuclear cooperation agreements so far have been adequate—more adequate than those in similar agreements made by other countries.

We must explore as fully as possible all the reasons for and all the implications of entering into nuclear power agreements with Egypt and Israel. It would be irresponsible indeed for Congress to decide in advance of these agreements that we will take no responsibility for them, that we do not want to ask the difficult questions about such a potentially significant commitment.

Mr. President, the decision by President Nixon to offer both Egypt and Israel American nuclear technology for peaceful uses has raised the issue of continued proliferation of nuclear weapons. We are faced in the coming years with the fact that a number of countries will be able to produce nuclear devices after having embarked on a program of peaceful nuclear development. It is known that many nations who profess to want nuclear reactors only for energy generation are seriously contemplating the development of atomic weapons. I am truly alarmed that the new international status symbol seems to be an atomic bomb.

Decisions to provide another nation with nuclear technology are of such a serious nature and have such a tremendous impact on the peace and stability of the world that the Congress must have a role to play in this decision-making process. I withhold judgment on the President's recent decision to provide nuclear technology to Egypt and Israel until such time that I can be assured that we are not encouraging the further proliferation of nuclear weapons in the Middle East.

COYOTES AND THE M-44

Mr. CHURCH. Mr. President, the Department of the Interior recently announced a decision to authorize emergency use of sodium cyanide for killing coyotes in selected areas of the country on both public and private lands.

In exercising his authority to use the emergency provisions of the Presidential Executive order of February 1972 which banned the use of all toxicants on Federal lands in predator control, Secretary Morton took a step which many Idaho farmers and sheepmen have advised me is greatly needed. Since the President's order banning the use of toxicants, my concern has been that effective alternatives to chemical poisons be available to livestock operators in Idaho. As the Secretary of the Interior indicates in a recent news release:

> Stepped up efforts with traps and other mechanical control methods have been underway since 1972, but field surveys indicate that this spring and summer may witness a sizable increase in coyotes in certain areas.

I ask unanimous consent that a news release describing the new procedures for use of the M-44 cyanide ejector be printed at this point in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

CYANIDE AND COYOTE: BEHIND THE HEADLINES

Secretary of the Interior Rogers C. B. Morton said today that his recent decision authorizing emergency use of sodium cyanide for killing coyotes in selected areas of the country underscores the tough environmental decisions natural resource managers must make.

"We are trying to balance environmental goals wtih economic goals. The fact that reasonable men can agree on such efforts strengthens the entire environmental movement," Morton said.

The Secretary decided on May 30 to exercise the emergency provisions of the Presidential Executive Order of February 1972 which banned the use of all toxicants on Federal lands in predator control.

"Cyanide is not as frightening as it may seem, because it is one poison that does not linger in the environment," Morton said. "As a matter of fact, it breaks down into a harmless chemical. Moreover, the device it is used in—the M-44 cyanide ejector—is selective and is a humane weapon for use against the coyote, as death is instantaneous."

The coyote issue bristles with fact and fancy, truth and half-truth, and emotions run both hot and cold. Must coyotes be killed? To what extent do they prey on livestock? Does the coyote face extinction because of the organized campaign against it? What methods are used? Will they harm the environment? These and other related questions deserve answers.

The problem centers in the 17 Western States where livestock raising is a leading element of the economy with close to 60 million cattle, about 12 million sheep, and just under 2 million goats grazing in a given year. All of these animals are targets for coyotes, but the major impact of predation is felt in sheep and goat flocks, which are easier prey for the coyote.

The problem of controlling coyote losses assumes a more meaningful dimension when the wide open spaces involved are considered. Only one-third of the 1,000-plus counties in the 17 Western States have over five sheep grazing per square mile. Another third graze only from one to five sheep per square mile, and the remaining counties have less than one sheep grazing per square mile.

As to losses of sheep from coyotes, there are as many sets of figures as there are parties to the dispute. Moreover, there are an equal number of criteria for measuring losses. One source's survey in 1972 showed the average percentage of total ewe losses caused by coyotes to be 7.2 and the average percentage of total lamb losses caused by coyotes to be 11.5. Another survey showed an overall average percentage estimate of 5.3 predator loss to the total sheep inventory. Still another shows losses to predators at 48 percent of all losses. A fourth study reported predator losses ranging from 5 percent to 25 percent of total losses.

Obviously, more data are needed, and field studies are continuing to get a better handle on what is happening in predator-prey relationships. The level or degree of predation may vary from ranch to ranch depending, for example, on whether the ranchlands are open grassy plains, heavy brush areas, high meadows, or steep terrain. Weather also has a major influence in some situations. A general view held by the U.S. Fish and Wildlife Service, used smply to portray the dimension of the problem throughout the West, holds that predator losses appear to range from 1 percent to 4 percent of the total flock. This suggests that as many as 500 thousand sheep may be lost to coyotes each year in the 17 Western States.

The coyote, it's been said, will howl atop the grave of the last man. It faces no danger whatsoever of extinction in spite of man's efforts to control its numbers. Not only is it expanding numerically—an index from six Northwestern States showed a 32 percent higher coyote breeding population in 1972 over 1971—but it also is expanding its range from the Plains States through the highly populated Midwest and on to the Virginias. Pennsylvania, New York, and the New England States. It is tougher and smarter than its cousin the wolf, which couldn't adapt to man's presence. One brush with a trap and a coyote is "trap-wise." It can live in sight of man, yet evade him.

A strong factor in its hardiness is its ability to eat almost anything—livestock, rabbits, snakes, insects, fruits and vegetables, even cactus. Its populations rise and fall in the Southwest and elsewhere as its food supply fluctuates. If the rabbit population experiences a dieoff, the coyote numbers the next year will be less, but never enough to endanger their survival, for the hunger-driven coyote will grub out an existence with any other available food source.

Coyotes prey on young sheep, cattle, and goats more than on the adults. In most Western States the majority of livestock give birth in the spring, which coincides with the coyote whelping period when the coyotes must provide food for their young and readily do so by preying on lambs. Coyotes and livestock share the same range for the same reasons—food, water, and shelter. Coyotes are most active at night and into the early morning, returning to their dens in daylight and not resuming the hunt until sundown.

As a rule coyotes do not mate for life, but some pairs may remain together for a number of years. There is evidence the female may breed when she is one year old. The breeding season is from February to March and the gestation period is 60 to 63 days. Females have been known to deliver as many as 17 to 19 young, although 5 to 7 is the usual litter.

Federal coyote control efforts have been underway since 1916. Prior to the early 1940's the major control techniques were trapping, hunting, denning—which is locating and digging out dens in the spring when pups are small—and the use of strychine baits.

The "coyote-getter," a cartridge-powered cyanide gun, was introduced in the early 1940's and put to widespread use. Thallium sulfate and a chemical known as 1080 appeared in the late 1940's, but the use of thallium was soon abandoned because of its high toxicity. Cyanide and 1080 remained in use until 1972 when the use of all poisons was banned by Executive Order because of the potential for environmental harm by some of the chemicals in use.

The Executive Order (11643) banned the use of chemical toxicants for predator control in all Federal programs and on Federal lands except in emergency situations. Stepped up efforts with traps and other mechanical control methods have been underway since 1972, but field surveys indicate that this spring and summer may witness a sizeable increase in coyotes in certain areas.

In areas where field surveys indicate increased levels of coyote depredations and where the use of nontoxic control methods has proven ineffective because of factors such as topography and vegetation, the M-44 cyanide ejector device will be selectively reintroduced this spring and summer under the emergency provision of the Executive Order.

The M-44 is a spring-loaded cyanide ejecting tube placed in the ground. Death occurs almost instantly when a coyote, tugging at a scented bait, triggers a puff of cyanide into his mouth. When used professionally, it is safe and selective. There is little hazard to human beings. The toxicant either decomposes or is metabolized rapidly. It does not persist in the environment or enter the food chain. Areas where these devices are used will be clearly marked with warning signs.

The Federal agencies involved have jointly developed new procedures to permit the use of the M-44 in the emergency period. Under the new procedure a rancher, land user, or land administrator, when faced with losses that cannot be avoided by the usual methods, may request emergency consideration from Regional Directors of the Fish and Wildlife Service. The request for emergency action will be immediately appraised and documented in the field by Fish and Wildlife Service personnel. An authorization to provide relief will be issued by a Fish and Wildlife Service Regional Director if it is within the guidelines approved by the Federal agencies, and if it is determined that a true emergency situation exists and that other methods are not applicable. His decision will be relayed immediately to the Fish and Wildlife Service field force who will place and control the M-44 devices.

An emergency will be considered to exist for sheep and goat raising areas when it has been found that mechanical control methods have proven futile in controlling stock losses caused by coyotes and there is an unusually high rate of loss to coyotes equal to 2 percent or more of a flock in a seven day period, or when coyote losses project to 8 percent or more of the flock over the growing season despite traditional efforts at control.

The use of the M-44 will conform to all applicable Federal, State, and local laws and regulations. The device will be placed in spots where minimal encounter with humans, pets, and other animals is likely. Signs will be placed in the general vicinity of M-44 use, and each device will be clearly marked with an elevated sign warning people not to handle it.

The M-44 device will be used only by Fish and Wildlife Service supervised employees who have received careful training in its use. These men will carry cyanide antidote kits with them at all times, and spent cases will be collected and burned. Each device will be regularly inspected in the field.

The M-44 will not be used in National Parks and Monuments under any circumstances, nor will it be used in areas where endangered species such as the San Joaquin kit fox or the red wolf might be affected. Maps showing the locations of all endangered species in the West are in the hands of Fish and Wildlife Service field personnel.

Monthly notices of the actual use of the M-44 will be published in the Federal Register, and the Fish and Wildlife Service will cooperate with the Environmental Protection Agency to document its efficiency and use and to collect information on its possible effect on the environment.

Legislation has been introduced and is being considered by Congress which would transfer a portion of the predator control program to the States. In the meantime, the Service is working with State governments in approaches to their assuming a greater responsibility in predator management.

MARY McLEOD BETHUNE

Mr. KENNEDY. Mr. President, I am pleased to take this opportunity to join the thousands of Americans who are paying tribute to the life and works of Mary McLeod Bethune. Because today marks the 99th anniversary of her birth, this is an especially appropriate occasion for all Americans to honor an outstanding citizen whose love for her country was matched only by her faith in gaining social justice for her people.

Mrs. Bethune labored for the equality of black Americans and for women's rights in era when this country was not sensitive to these important social goals. She struggled against rigid social codes and discriminatory regulations and rulings to insure decent educational opportunities for black children, long before Justice Earl Warren led the Supreme Court in its historic ruling to overturn segregation in our Nation's public schools.

Her life was a stirring symbol of the hope and devotion that comes only from a sincere love of mankind. For she was truly a marvelous person whose legacy to all Americans epitomizes respect and consideration.

Mrs. Bethune's memory can be appropriately preserved in the ceremonies scheduled for this week to honor her life. Generations to come will know of her works by the monument memorializing her contributions, unveiled this morning not far from the Capitol, in Lincoln Park.

Members of the National Council of Negro Women deserve every commendation for their untiring efforts to erect this sculpture for the people of our Nation to reflect upon one great American life.

This is truly a significant event in American history and I am honored to join those who are celebrating this important occasion.

KENTUCKY'S COURIER-JOURNAL AND TIMES

Mr. COOK. Mr. President, I would like to call to the attention of my colleagues an article and accompanying item that appeared today in the Wall Street Journal.

They are in regard to the interesting story of the operation of Kentucky's Courier-Journal and Times, a morning and evening newspaper combination, published at Louisville.

While admitting that I have found cause to take exception on occasions with these papers, I am pleased to see them receive this justifiable recognition.

I ask unanimous consent that the articles of July 11 be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

"MESSRS. CLEAN" LOUISVILLE NEWSPAPERS CHERISH INDEPENDENCE, GUARD IT JEALOUSLY

(By David P. Garino)

LOUISVILLE, Kentucky.—Most publishers turn up in the pages of their own newspapers only in the act of giving or receiving awards or, in tuxedo, attending fancy parties. Not so Barry Bingham Jr., editor and publisher of the Louisville Courier-Journal and Times.

In the past several years, he has been portrayed in his papers as something of a desperado: His $10 fine for running a red light was duly reported, as was his arrest and $50 fine for hunting doves in a baited field.

Mr. Bingham contests the justice of the second rap (he says he didn't know someone had sprinkled grain around), but he doesn't complain about being persecuted in the press. Indeed, he directed that the stories be prominently displayed. "If we go around sticking pins in others, we have to be willing to be stuck in return," he says.

Clearly, the 40-year-old Mr. Bingham is no ordinary publisher, just as the papers his family has headed for three generations are no ordinary newspapers. To begin with, they are better than most; they have won a handful of Pulitzer Prizes and a slew of other national awards, and consistently show up in periodic surveys of the "top 10" newspapers.

PAYING THEIR OWN WAY

Moreover, the Bingham papers are the acknowledged Messrs. Clean of the newspaper industry. This is no small distinction at a time when the ethics and credibility of the American press are undergoing their closest scrutiny in recent memory.

The Courier-Journal (a morning paper with an average daily circulation of 233,000) and the Times (afternoons; circulation 175,000) make it strict policy not to accept gifts or junkets from news sources. Though this is fairly common practice for newspapers, the Bingham papers go further than most, insisting on buying tickets for performances attended by their movie, theater and music reviewers, and paying rent for space they use in government buildings in the course of their coverage. The papers' policy of paying for copies of books they review has been appealed by at least one publisher, who claims to have no way of accounting for their checks.

In addition, the papers are doggedly self-critical. They were among the first major publications in the country to appoint an "ombudsman" to see that corrections are published when they are warranted. And recently, the Louisville Times hired a columnist to evaluate the performance of both papers, as well as other news media.

"HOLIER-THAN-THOU"?

All this is a bit much for some in the newspaper business. Ralph Otwell, managing editor of the Chicago Sun-Times and president of Sigma Delta Chi, a journalists' group, calls the Louisville papers' ethical standards "admirable" and wishes they were more widely shared. Yet he adds that "things like paying for review copies of books seem to be gilding the lily." Says another admirer: "Sometimes they seem to have a 'holier-than-thou' attitude that can really be grating." Some staffers also have reservations. One reporter grumbles, "Integrity is one thing, but it gets tiresome wrestling people for $5 lunch checks."

Mr. Bingham isn't about to change, however. "Newspapers have a responsibility to be fair and neutral and I think that goes double for papers that are in a monopoly situation like we are," he declares.

Concern with fairness has marked the papers since Robert Worth Bingham, a lawyer, judge, diplomat and onetime mayor of Louisville, bought them in 1918. He got into the newspaper business mainly because he wanted an outlet for his internationalist, pro-League of Nations views.

The Courier-Journal's editor at that time was Henry Watterson, who was nearing the end of a lengthy career that had brought Louisville journalism its first national recognition. Mr. Watterson was a fiery, distinctive writer; his 1917 Pulitzer Prize-winning editorial urging U.S. involvement in World War I included the rallying cry, "To Hell with the Hapsburgs and Hohenzollerns." He was as passionately anti-League as Judge Bingham was pro-League, but he kept his job. The two men took turns blasting and praising the world organization on the editorial page until Mr. Watterson retired a year later.

When Judge Bingham died in 1937, direction of the paper fell to his son, Barry. During his 34-year tenure, the papers—especially the Courier-Journal—gained recognition for their reporting as well as for their liberal editorial stands.

The papers' ethical rules were set largely during the regime of Barry Bingham Sr. "Here was a man of means whose basic interest was with the quality of his newspapers, not the business side," observes Norman Isaacs, former executive editor of both papers and now associate dean of Columbia University's Graduate School of Journalism.

BARRY JR. PROVES HIMSELF

Barry Bingham Jr. became editor and publisher in 1971, when his father, now 88 years old, assumed the post of chairman. Barry Jr.'s older brother, Worth, who died in a 1966 auto accident, had been groomed for the newspaper posts, while Barry was to have taken over the family's broadcasting interests, including Louisville radio and television stations WHAS.

Barry Jr.'s lack of newspaper training caused some concern among the papers' editors and writers. More serious fears arose soon after his appointment, when it was discovered he had Hodgkin's disease, a cancer of the lymph glands.

His medical treatment began immediately, and it apparently has been successful; he's been on the job daily for more than two years now. The suspicions about his ability to run the newspapers also have been allayed. "Barry Jr. has carried on everything we did before and then some," says Michael J. Davies, managing editor of the Louisville Times. "Working here is like living in Camelot," he continues. "It's so good to go home at the end of the day with clean hands."

LOCAL COVERAGE EMPHASIZED

In terms of news coverage, few papers blanket their areas the way the Courier-Journal and Times do. Their combined news staff totals 337 persons, usually large for papers of their size. The two papers share a three-person Washington bureau, as well as sports, photography and Sunday-section departments; otherwise they employ separate staffs of writers and editors.

Like most papers, the Courier-Journal and Times concentrate on local and regional reporting. Each maintains a sizable staff in the Kentucky state capital of Frankfort and at New Albany in Southern Indiana. The Courier-Journal, which has a broader regional circulation, also stations reporters in Hazard and Madisonville, Ky., (the paper won a Pulitzer Prize in 1967 for documenting the ravages of strip mining in Kentucky) and in Indianapolis and Bloomington, Ind.

Neither paper has a foreign staff, long ago deciding not to engage in "buying date-lines" by sending reporters overseas. Instead they subscribe to the Associated Press and services of the Chicago Daily News, Los Angeles Times, Washington Post and New York Times. Even the Washington bureau "doesn't run with the herd and attend presidential press conferences," as one editor puts it. Instead, it mainly develops stories of regional interest and importance.

A WOMAN AT THE HELM

The Louisville Times has a four-person investigation team that, among other things, has detailed instances of lax sentencing of drunk-driving offenders. The paper says that since its disclosures, the courts have tightened up procedures and handed down stiffer penalties.

The Courier-Journal has no such team. "We think all our staff should be investigative reporters," explains George N. Gill, until recently managing editor and now vice president and general manager of the company. (Mr. Gill was succeeded as managing editor by Carol Sutton, formerly editor of the paper's "Today's Living" section. Miss Sutton is believed to be the first woman to head the news department of a major U.S. metropolitan daily.)

Sports reporting, a weak point with many papers, is through. A staff of 38 writers and deskmen covers the Southeastern Collegiate Conference (the University of Kentucky is a member); the Missouri Valley Conference (which includes the University of Louisville) and the Big 10 (Indiana University), as well as local professional and high-school events. Sports coverage is also distinguished at times: Two staffers recently won national news prizes for exposing scandals at Kentucky race tracks.

Though the papers' reporting is highly regarded within the profession, some observers feel its business coverage could be strengthened. Other critics maintain that the Sunday magazine relies too much on syndicated material.

A LIBERAL TRADITION

Editorially, both papers stick closely to traditional Bingham family positions. They are staunchly liberal, pro-civil rights and internationalist. They have supported every Democratic presidential candidate since Judge Bingham bought them, and they usually back that party's candidates for state and local office. Such views frequently draw ire from generally conservative Kentuckians, so the papers devote a larger-than-usual space to readers' letters. And the Courier-Journal carries conservative syndicated columnist James J. Kilpatrick, while the Times carries William F. Buckley Jr. Hugh Haynie, a widely syndicated editorial cartoonist, is a Courier-Journal staffer. Robert York, a 1955 Pulitzer Prize winner, fills that spot for the Times.

Because of their liberal reputation, both papers have long attracted young reporters.

In the past, reporters often used the Courier-Journal and Times as a stepping-stone to larger papers, notably the Washington Post. But turnover has slowed down dramatically in recent years. While the tight job market has been a major factor, executive editor Robert P. Clark suggests, "People may be realizing that Louisville isn't such a bad place to live and raise a family."

Salaries on the papers are relatively low, though the cost of living in Louisville isn't as high as in most larger cities. A starting reporter with a bachelor's degree makes $160 weekly, only $10 more than in 1970.

Most reporters are attracted by the papers' independence as well. Besides the ban on "freebies" for staff members, this is manifest in a strict avoidance of any hint of commercialism in stories, even those about sports events with a promotional twist. For instance, the papers call the Buick Open golf tournament the "Flint Open," after the Michigan city where it is held. The practice "drives businessmen up the wall," says Mr. Gill.

Such strictures also apply to the papers' internal business dealings. Purchases from firms in which the Binghams or any other member of management have an interest are forbidden.

When a Bingham-connected story appears, candor is the rule. Earlier this year, the Times' restaurant critic, Richard Des Ruisseaux, wrote a glowing review of a new local eatery. When he learned later that Barry Bingham Sr. owned a 15% piece of the establishment, Mr. Des Ruisseaux included the information in his next column. "I honestly didn't know about the Bingham tie at the time, but I wouldn't have written it any differently had I known," the critic says. "If I didn't like the place I would have panned it." Recently Mr. Bingham sold his interest in the restaurant because the owner decided he wanted to advertise in the papers. (Executives aren't permitted to hold an interest in any business that advertises in either paper.)

FIELDING READERS' GRIPES

The papers also have taken measures to assure their own accountability. In 1967, they were among the first major U.S. dailies actively to solicit readers' questions and complaints. John Herschenroeder, a former Courier-Journal city editor, was appointed to handle the 4,000 letters and telephone calls received annually.

Mr. Herschenroeder says most people just want to let off steam about a story or editorial they didn't like. When a factual error is claimed, he takes the matter up with the reporter involved, and if he thinks the complaint is justified, writes a correction to be run promptly and in a conspicuous place. "Some reporters didn't like the system at first, but most have come to accept it," he notes.

In 1972, the papers followed up the ombudsman innovation with the establishment of an office to look into the ethics of their advertising. At this unit's recommendation, the papers dropped mail-order health-insurance ads until standards of truthfulness could be drawn up for them. Officers of the papers say the ban cost about $100,000 in lost ad revenues.

NEEDLING MR. BINGHAM

Early this year, the papers carried their candor campaign one step further by hiring a columnist to write a twice-weekly critique of the media. "Barry Jr. told me to stick my needle nose into things, and that's what I've done," says Bob Schulman, who was imported from the Bingham broadcasting company to do the job.

Mr. Schulman, whose column is titled "In All Fairness," has taken both Bingham papers to task for such things as violating the ban on plugging sponsors of sports events (the Courier-Journal slipped by identifying a New York horse race as the Marlboro Cup, after its cigaret sponsor).

Publisher Bingham himself was a recent Schulman target because of comments he made after reporters for both papers were caught eavesdropping on a closed meeting of the local Fraternal Order of Police. The police were supposedly discussing charges that the police chief had authorized the installation of an electronic listening device in the car of a detective. Mr. Bingham said that he considered the reporters' tactics "morally wrong" but that considering the issue, "the public right to information at least rivals the organization's right to privacy." He praised the reporters involved for their "vigorous enterprise and competitive spirit."

But Mr. Schulman asked: "Does that sound right coming from newspapers that have consistently berated the Nixon White House as 'sleazy and immoral' for having excused improper acts to achieve the ends sought?"

Mr. Bingham's characteristic response to the column was that Mr. Schulman wasn't tough enough on him. "Instead of asking a rhetorical question, he should have come right out and said I was wrong," he says.

PAPERS, USUALLY CANDID, ARE COY ABOUT PROFITS

LOUISVILLE, KY.—For all their candor about other things, officers of the Louisville Courier-Journal and Times won't discuss details of the company's finances, other than to peg annual profits at about 3% of sales. The papers aren't required to disclose figures, because they are closely held.

The relatively low profit margin results from continually pumping revenues back into the news and editorial functions. For instance, at a cost of over $27,000, the papers published the entire White House version of the Watergate transcripts in a recent Sunday edition.

The Bingham family pays far closer attention to the financial side of the business than did Henry Watterson, the noted editorial writer who once ran the Courier-Journal.

Mr. Watterson, who wasn't much interested in the fine points of accounting, was in the habit of grabbing money from the till whenever he felt the need. The paper's bookkeeper finally prevailed on him to at least leave some record of his withdrawals.

One afternoon, the bookkeeper returned from lunch to find the following note in the cash drawer: "I took it all—H.W.."

IMPEACHMENT: THE HISTORICAL PROSPECTIVE

Mr. HARTKE. Mr. President, the Indiana State Bar Association publication Res Gestae, June 1974, contained an interesting and informative article written by an Indiana attorney, Calvin Bellamy, setting forth the historical perspective of impeachment.

Mr. President, I ask unanimous consent that the article be printed in the RECORD following my remarks, for the review of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IMPEACHMENT: THE HISTORICAL PROSPECTIVE

EDITOR'S NOTE. We believe you will find the following paper to be a vauable " refresher" and reminder of the purposes, nature, challenges and protection provided constitutionally by the impeachment process. We believe you will appreciate, especially, the research, the writing and reporting accomplished by our author. We commend this article as an impartial approach to what seems now to have become a deeply emotional subject.

(By Calvin Bellamy)

In the nearly two hundred years of our Constitutional government, more than fifty impeachment resolutions have been filed in Congress, but only twelve have survived examination by the House Judiciary Committee and come to a vote before the full House of Representatives.[1] As the nation prepares for what may become its thirteenth impeachment trial, the American people are beginning to show great interest in the impeachment process. What follows is an attempt at a concise review of the history and scholarship of impeachment—a framework for evaluating whatever specific allegations may emerge against Mr. Nixon.

MECHANICS OF IMPEACHMENT

Article I, Section 2 of the Constitution vests the House of Representatives with the sole power to initiate impeachment proceedings. Any member of that body may file an impeachment resolution in the same manner he would routinely introduce legislation. The Speaker generally refers impeachment resolutions to the Committee on the Judiciary for study and recommendation. If the committee recommends impeachment and if the full House concurs by vote of a simple majority, the official named in the impeachment resolution is thereby impeached. Whether he is also removed from office depends on the action of the Senate.

The House approved articles of impeachment are presented to the Senate by a group of Managers selected by the House from its own members. Throughout the Senate trial, the Managers serve in a capacity analogous to that of a prosecutor. The Vice President generally presides over the trial unless the President is being tried in which case the Constitution names the Chief Justice to officiate. The switch in presiding officers for a Presidential trial is undoubtedly based on the unseemliness of having the presiding officer in a position to benefit from the removal of the President.

The Senate trial is conducted with many of the same formalities found in a court room. The Constitution requires each Senator to take a special oath much as any juror would in a normal criminal trial. The impeached official is permitted to file a written answer to the House approved Articles of Impeachment. He is entitled to be represented by Counsel and may call witnesses in his behalf.[2]

Whether or not the impeached official offers a defense, he cannot be convicted unless two-thirds of the Senators present find him guilty of an impeachable offense. There are no default judgments in impeachment. Upon conviction, he is removed from office and forever barred for holding "any office of honor, trust, or profit under the United States." While the Senate cannot fine or imprison an official convicted of impeachment, the Constitution does provide that "the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to the law" for any of his actions that may also constitute an indictable crime. (Article I, Section 3)

OFFICERS SUBJECT TO IMPEACHMENT

Article II, Section 4 of the Constitution describes the Officers subject to impeachment as "the President, Vice President and all civil officers." Of course, the definitions is unambiguous as it relates to the President and Vice President, but who is included in the term "civil officer"?

It is universally agreed that the term does not include military officers.[3] Beyond that point, the meaning has not always been clear. The definition of "civil officer" has been an important factor in two of the twelve impeachment trials. The nation's very first

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Footnotes at end of article.

impeachment trial involved United States Senator William Blount who was impeached by the House of Representatives for his dealings with a foreign power. By a vote of 14 to 11 the Senate dismissed the charge against the Senator on the ground that it "ought not to hold jurisdiction."[4] This result has usually been cited for the proposition that members of Congress are exempt from impeachment because they are not civil officers.

Nearly 100 years after the Blount trial, the Supreme Court in *United States v. Mouat* had occasion to define "officer of the United States":

> Unless a person in the service of the government holds his place by virtue of an appointment by the President, or of one of the courts of justice or heads of departments, he is not, strictly speaking, an officer of the United States.[5]

Admittedly the Court was interpreting a clause unrelated to the impeachment provision, but the definition involves a similar term and it clearly excludes Congressmen.

The verdict in the Blount impeachment may also relate to another aspect of the definition of "civil officer"—whether a person can be impeached after he has left office. In a provision independent of the impeachment power, the Constitution empowers either house of Congress to expel any of its members for any purpose. The Senate made use of this power to expel Blount so that by the time of his impeachment trial he was no longer a United States Senator. Arguably, his departure from office provided another reason for the Senate vote finding a lack of jurisdiction.

This issue was raised more directly in 1876 when the House voted to impeach Grant's Secretary of War William W. Belknap for having required kickback payments from his appointees. On the eve of the vote in the House, Belknap hurriedly resigned his office. Despite the resignation, the House still voted articles of impeachment against him and the Senate proceeded with the trial. However, Belknap was acquitted when the Senate vote fell below the required two-thirds. Twenty-two of the twenty-five Senators voting against conviction cited Belknap's resignation as the basis of their negative votes. His resignation, they argued, terminated his status as a civil officer.[6]

While these two cases do not completely dispose of the point, they certainly add weight to the proposition that departure from office effectively cuts off further impeachment proceedings because the former officer holder is no longer a "civil officer." Presumably the same would hold true if the President or Vice President resigned in the face of an impeachment threat.

Impeachment proceedings terminated by either resignation or conviction serve the same immediate purpose: the individual leaves his public office. There is, however, an important difference in the long run. An official who resigns under threat of impeachment can, at least theoretically, serve again as a "civil officer" of the United States. However, an official impeached and convicted is forever barred from any future service.

IMPEACHABLE OFFENSES

The Constitution in Article II, Section 4 defines an impeachable offense as "treason, bribery or other high crimes and misdemeanors." Neither of the first two standards has yet been used as a specific basis for impeachment. All the articles of impeachment voted to date have asserted some conduct which the House has labeled "high crimes and misdemeanors." The British and American precedents examined in the following paragraphs lead to two conclusions about the meaning of this term: (1) impeachable offenses arise from a gross misconduct of office, but (2) they do not necessarily have to be indictable crimes.

The phrase "high crimes and misdemeanors" is not well known in our law. The Constitution contains no definition of it and it has no widely accepted meaning in common law. The only similar term in the present federal code is the declaration that the practice of law by a federal judge is a "high misdemeanor."[7]

The phrase was born in an English impeachment setting, probably making its initial appearance in the impeachment trial of the Earl of Suffolk in the late 1300s.[8] By the time of our Constitutional Convention, the British had had hundreds of years of experience with its use as a basis for impeachment. We know that the Framers were familiar with the British interpretation of the term because the notorious, eight year impeachment trial of Warren Hastings was in progress during our Convention and was referred to during the proceedings.[9]

Because of the specialized nature of the phrase "high crimes and misdemeanors" and because it was a matter of public discussion on both sides of the Atlantic while the Framers met in Philadelphia, scholars have given great weight to the meaning the term had acquired in England. Professor Berger, for example, has distilled the British precedent into seven categories of offenses: misapplication of funds, abuse of official power, neglect of duty, encroachment of Parliament's prerogatives, corruption, betrayal of national trust and giving "pernicious advice" to the King.[10] The crucial point is that many of these categories do not necessarily involve indictable crimes. In fact, Berger points out that at the time of the Earl of Suffolk's impeachment, the term "misdemeanor" had not yet come into the criminal law and would not be thought of as a crime until 150 years later:

> In addition . . . to the gap of 150 years that separates "misdemeanors," from "high misdemeanors," there is a sharp functional division between the two. "High crimes and misdemeanors" were a category of political crimes against the state, whereas "misdemeanors" described criminal sanctions for private wrongs.[11]

Another scholar has expressed a similar position by summarizing the English precedent on impeachable offenses as involving "acts of a criminal nature, grave misuse of one's official position, or treasonous-like conduct."[12]

AMERICAN CONSTITUTIONAL HISTORY

Considering the unique and technical nature of "high crimes and misdemeanors" in England, the most logical assumption is that the Framers intended to incorporate a somewhat analogous procedure in our Constitution. There are only a few places during the proceedings of the Convention where something like the phrase "high crimes and misdemeanors" was actually discussed. One of the most helpful discussions took place during debate on the extradition provisions found in Article XV of the Constitution. An early draft called for extradition of a fugitive charged with "treason, felony or high misdemeanor." The delegates quickly struck "high misdemeanor" and replaced it with "other crime," expressing the belief that "high misdemeanor" had a "technical meaning too limited."[13]

In the debate on the impeachment clause itself, the delegates did not attempt a specific definition of the term. Initially, the impeachment standard included only "treason and bribery." After the delegates recognized the standard as being too narrow, George Mason moved to add "maladministration." James Madison, however, felt "maladministration" was too broad. He feared that mere disagreements on policy would lead to impeachment and that the President would be reduced "to a tenure during the pleasure of the Senate." Not wanting a parliamentary system, the Convention apparently turned to the English impeachment precedent for the specific terminology of "high crimes and misdemeanors," which was then carried verbatim into our Constitution.[14]

Beyond that, there is no further discussion of impeachment at the Convention. However, there are several other sources contemporaneous with the Convention that discussed the meaning of impeachment. For example, Hamilton, writing in *The Federalist* No. 65, referred his readers back to the British precedents as "the model, from which the idea of this institution has been borrowed. . . ."

Some of the state conventions called to ratify the Constitution also provide guidance on the meaning of "high crimes and misdemeanors."[15] In the South Carolina convention, Charles Pinckney noted that impeachment reaches "those who behave amiss, or betray their public trust."[16] North Carolina's James Iredell opined that impeachment "will arise from acts of great injury to the community, and the objects of it may be such as cannot be easily reached by an ordinary tribunal."[17] James Wilson, arguing the advantages of a single chief executive in the Pennsylvania convention, explained that the President "cannot roll upon any other person the weight of his criminality; no appointment can take place without his nomination; he is responsible for every nomination he makes. . . ."[18]

The prestigious Virginia convention discussed impeachment at some length. George Mason argued that impeachment would be appropriate if the President used his pardoning power to "pardon crimes which were advised by himself" or if the President should use his office "to stop inquiry and prevent detection" of such crimes.[19] Madison added that if the "President be connected, in any suspicious manner, with any person, and there be grounds to believe he will shelter him, the House of Representatives can impeach him. . . ."[20]

In the first Congress following the ratification of the Constitution, Madison again discussed the power of impeachment. Commenting on the floor of the House of Representatives during debate on whether the President has the power to dismiss an appointee who has been confirmed by the Senate, Madison argued that the President had the absolute power to remove such officials and one consequence of his removal power is to "subject him to impeachment himself, if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct, so as to check their excesses."[21]

The types of offenses mentioned by the first leaders of our nation seemed to be "offenses against the government and especially abuses of constitutional duties."[22] This conclusion is certainly consistent with Professor Berger's characterization of "high crimes and misdemeanors" from the British precedents.

AMERICAN IMPEACHMENT CASES

The American impeachment cases have been relatively few in number and have arisen under diverse circumstances. Some of them have been blatantly partisan, the most egregious case being that of the impeachment of President Andrew Johnson. Since the Senate has one hundred judges and issues no written opinion supporting its decisions, it is difficult to identify precedent, especially since only four of the trials have resulted in convictions. The cases are, of course, a mixture of law and fact—usually with no certain way of determining whether the Senate acquitted the accused because the House failed to prove the charge or because the Senate felt the charge did not constitute an impeachable offense.

The four convictions voted by the Senate have all been obtained against federal judges. Judge Pickering was convicted in a partisan atmosphere largely on the basis of continuous drunkenness and profanity while holding court. Judge Humphreys was convicted for joining the Confederacy and abandoning his duties as a federal judge. Judge

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Footnotes at end of article.

Archbald was removed for using his office for purposes of profiteering.[23] The most recent conviction, that of Judge Ritter in 1936, is in someways the most interesting. He was charged wtih six counts of specific abuses including fee splitting, practicing law while a judge and income tax evasion. The Senate was not able to muster a two-thirds vote on any of these specific charges, but instead removed him on the basis of the seventh charge, which stated that the 'reasonable and probable consequence of the actions" charged against the Judge would be "to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice."[24] Even though the Senate was unable to convict him on specific allegations, they did find his general demeanor so grossly incompatible wtih the dignity of the office that they voted to remove him from office.

An interesting additional basis for impeachment may arise from an official's failure to cooperate with an impeachment investigation. In 1846, President Polk conceded wide latitude to Congress when investigating official misconduct in connection with its impeachment powers. Polk wrote to the House that "the power of the House in the pursuit of this object would penetrate into the most secret recesses of the Executive Department. It could command the attendance of any and every agent of the Government and compel them to produce all papers, public or private, official or unofficial, and to testify on oath to all facts within their knowledge."[25] President Nixon expressed a similar view in 1970 during the impeachment investigation of Justice Douglas when he stated "the executive branch is clearly obligated, both by precedent and by the necessity of the House of Representatives having all the facts before reaching its decision, to supply relevant information to the legislative branch . . . to the extent compatible with the public interest."[26] The Supreme Court in dictum in *Kilborn v. Thompson*[27] also recognized a broad Congessional power to compel testimony in an impeachment proceeding.

With Professor Berger's study of British impeachment precedent and the record of our own Constitutional history and precedents, it is possible to draw some conclusions about the nature of an impeachable offense. Certainly there is enough data to reject Gerald Ford's 1970 position that there are no standards governing impeachment[28] Whatever the difficulties in defining "high crimes and misdemeanors," it is an important effort so that impeachment will become neither a lifeless process never used nor a too lively device used carelessly to subvert our finely balanced tripartite government.

History and commonsense tell us that an official should be impeached only for some action or omission that is serious in nature. Certainly failure to obey an order of the Supreme Court or the commission of an indictable felony would be a serious offense, but indictable crimes do not define the limits of impeachable offenses. Professor Berger's English impeachment precedents contain many examples of nonindictable offenses. Judging from contemporary comments, the object of the Framers of our Constitution was that officials who grossly abused their public trust, even in non-criminal ways, should be removed from office. Professor Irving Brant, although greatly concerned about the ex post facto nature of non-criminal impeachment grounds, also recognizes a large category of such grounds which he groups under the heading of "violations of the oath of office," a category which he says includes "gross and willful neglect of duty."[29]

JUDICIAL REVIEW OF IMPEACHMENT

Only once has an impeachment decision been challenged in the courts. In 1936, after Judge Ritter had been removed from office, he brought suit in the Court of Claims for backpay. He alleged his removal was unconstitutional because the Senate exceeded its jurisdiction by trying to remove him from office on a charge that did not constitute an impeachable offense. He further argued that having been acquitted on the first six charges, the seventh, which merely summarized the other six, could not support a conviction. The Court of Claims dismissed the suit on the ground that the Constitution vested the Senate with the sole jurisdiction to try impeachment, holding that ". . . while there was some suggestion . . . [at the Constitutional Convention] that the Senate might abuse its power, there was no intimation by anyone that the impeachment proceeding might be reviewed or set aside by the courts.[30] Since the Supreme Court denied certiorari, this case is not a firm precedent. Moreover, in the forty years since the Ritter case, the Supreme Court's concept of its jurisdictional limits has changed dramatically.

In any future challenge to an impeachment conviction, an important role will undoubtedly be given to the Supreme Court's recent decision in *Powell v. McCormack*.[31] The case arose from the misdeeds of flamboyant Harlem Congressman Adam Clayton Powell. A House Committee found Powell had improperly diverted official funds and made false reports on the expenditure of certain foreign currency under his control. Because of these transgressions, he was barred from taking his seat in the House of Representatives. Powell sued arguing that he met the Constitutional standards (set forth in Article I) of age, citizenship and residency and that having been elected by his constituents in a manner unchallenged by anyone, he must be seated. The attorneys for the House of Representatives moved to dismiss the suit on the ground that the Constitution made each house of Congress the sole judge of the qualifications of its members.

The Court held for Powell finding that the House was required to test the qualifications of its members only on the basis of the standard set forth in the Constitution. Having exceeded that standard, the House unconstitutionally barred Mr. Powell from his seat. The impact of this decision on the impeachment question is obvious. Despite the apparently exclusive right of the House to judge the qualifications of its own members, the Court accepted jurisdiction and decided against the House when it exceeded the Constitutional standard. Similarly, the Court might intervene if the House impeaches and the Senate convicts a civil officer of the United States on some basis that the Court finds exceeds the Constitutional standards of "treason, bribery or other high crimes and misdemeanors."

An additional basis for judicial review of impeachment was recently suggested by former Supreme Court Justice Arthur Goldberg. He would permit judicial review "on a very narrow ground—that is, where there was a failure to give due process."[32] Consequently, even if the Congress were properly operating within the Constitutional standards for impeachment, its decision might still be subject to attack on the grounds of procedural unfairness if the Goldberg position is accepted by the Court.

On the other hand, it should be noted that the Constitutional standard in the *Powell* case is a very easy one for the Court to apply. The impeachment standard, being less objective, may be less susceptible to judicial definition. While this definitional problem would not necessarily deter the Court, it might lead the Court to forebear except on a case involving only the most blatant abuse by Congress.

Another important point about judicial intervention is the unparalleled confusion that could result in the judicial review of the impeachment of a President. Judicial review of the explusion of one member of Congress or of the impeachment of one judge or lesser federal official does not prevent the functioning of that branch of government. But the judicial review of a Presidential impeachment could paralyze the Executive branch. All the legislation enacted during that period might be subject to challenge. Our ability to conduct foreign affairs and the American people's conception of the legitimacy of their government could be severely impaired.

CONCLUSION

The procedural unfairness of Andrew Johnson's trial has given impeachment a bad name. And even though impeachment has been voted six times by the House of Representatives since then, the procedure has never fully regained respectability. Andrew Johnson, who was given only about three weeks to prepare his case for trial and who was victimized by unjust procedural decisions throughout his trial,[33] nevertheless survived his ordeal. But the mistakes made by Congress in the Johnson case should not obscure the fact that the Framers of our Constitution crafted a system for the removal of officials who exceeded the Constitutional bounds of their office or behaved in a manner grossly incompatible with proper function of the office or used their office for improper personal gain.

In the period since the Johnson trial, we have focused our attention on the grave consequences of using the impeachment power. But we should also recognize that there may be serious consequences to our system and style of government if we fail to impeach when the need arises. While our Founding Fathers did not intend to make it easy to remove a federal official from office, they did intend that option to be available.

FOOTNOTES

[1] Smith, "Due Process for the President," N.Y. TIMES MAG., May 27, 1973, p. 52 and Fenton, "The Scope of the Impeachment Power," 65 NW. U.L. REC. 719 (1971).

[2] See detailed discussion of Senate trial procedures in Simpson, "Federal Impeachments," 64 U. PA. L. REV. 651, 667–676 (1916).

[3] BLACK'S LAW DICTIONARY 1235 (4th ed. 1951).

[4] R. Berger, IMPEACHMENT: THE CONSTITUTIONAL PROBLEMS 214 (1973). See also Yankwich, "Impeachment of Civil Officers under the Federal Constitution," 26 GEO. L.J. 849, 852 (1938).

[5] 124 U.S. 303, 307 (1888).

[6] Swindler, "High Court of Congress: Impeachment Trials 1797–1936," 60 A.B.A.J. 420, 425 (1974). For argument that resignation should not terminate impeachability, see Bestor, Book Review, 49 WASH. L. REV. 255, 278–281 (1973).

[7] 28 U.S.C.A. § 454 (1968).

[8] R. Berger, *supra* at 59. Also see Simpson, *supra* at 681 and Yankwich, *supra* at 849.

[9] Feerick, "Impeaching Federal Judges," 39 FORDHAM L. REV. 1, 9 (1970) and STAFF of HOUSE COMM. ON THE JUDICIARY, 93rd CONG., 2D SESS., REPORT ON CONSTITUTIONAL GROUNDS FOR PRESIDENTIAL IMPEACHMENT 12 (Comm. Print 1974).

[10] R. Berger, *supra* at 70–71. Justice Story, writing more than a hundred years earlier, saw many of the same categories. 1 J. STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES 565–566 (4th ed. 1873).

[11] R. Berger, *supra* at 61.

[12] Feerick, *supra* at 8.

[13] R. Berger, *supra* at 74 and Simpson, *supra* at 662.

[14] Staff of House Comm. on the Judiciary, 93rd Cong., 2d Sess., Report on Constitutional Grounds for Presidential Impeachment 11–12 (Comm. Print 1974) and R. Berger, *supra* at 74.

[15] In determining the true meaning of the Constitution, Madison established what he

considered the correct priority of sources. In his view, the best source was the state ratifying conventions, secondly public writings on the Constitution during the period of the state ratification process, thirdly the proceedings of the early Congresses and only lastly the views expressed at the federal convention. Dewey, "James Madison Helps Clio Interpret the Constitution," (15 Am. J. Legal Hist. 38, 39 (1971).

[16] STAFF REPORT OF HOUSE COMMITTEE ON THE JUDICIARY, *supra* at 13 and R. Berger, *supra* at 89.

[17] Feerick, *supra* at 25.

[18] STAFF REPORT OF HOUSE COMMITTEE ON THE JUDICIARY, *supra* at 9.

[19] *Id.* at 13.

[20] *Id.* at 13–14.

[21] *Id.* at 15.

[22] *Id.* at 14–15.

[23] A recent concise summary of the charges against each of the twelve impeached officials can be found in Swindler, *supra* at 427. Also see Fenton, *supra* at 748–758.

[24] Yankowich, *supra* at 858.

[25] Schlesinger, "What If We Don't Impeach Him?" HARPERS, May, 1974, 248:14.

[26] Smith, *supra* at 52.

[27] 103 U.S. 168, 190 (1880).

[28] In leading the fight for the impeachment of Justice Douglas in 1970, Mr. Ford said, ". . . an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history. . . ." 116 CONG. REC. 11913.

[29] I. Brant, IMPEACHMENT: TRIALS AND ERRORS 20 (1972).

[30] 84 Ct. Cl. 293, 298 (1936), cert. denied 300 U.S. 668 (1937).

[31] 395 U.S. 468 (1969).

[32] Press conference statement in Chicago reported in Chicago Sun-Times, April 26, 1974, p. 50, col. 1 (three star edition).

[33] R. Berger, *supra* at 267–8 and Swindler, *supra* at 425.

DEATH OF FORMER CHIEF JUSTICE EARL WARREN

Mr. MUSKIE. Mr. President, Earl Warren is dead.

He was a part of history while he lived; and history will continue to record and bless his influence upon the lives of his fellow Americans and their children for generations to come.

That influence will not die. He breathed new vitality into the life of our political system. He recommitted it to the sovereignty of the people.

The constitutional purpose, as he saw it, was not the enshrinement of the powers of Government, or any of its branches. It was, rather, to subject Government, and governmental authority, to the needs and the will of the people.

In the age-old relationship between Government and citizen it is the citizen who must be protected against abuses of the powers delegated to those in authority. And so he committed himself to the attainment of equal justice under law—equal educational opportunities—equal political opportunities—and a fair chance at the bar of justice—for every and any citizen.

Yes, Earl Warren will live in history.

But we have lost his presence among us—that simple, courtly, kindly man—who knew no malice, whose compassion knew no bounds, whose friendship was a joy to be treasured as long as memory lasts.

There was no pretension about him—no false pride—no condescension. Wherever he walked, he was welcome. As he said in a recent speech, "Each of us can make a difference." To him, each of us—whoever we are—is vested with a dignity and a worth that make us equals. Believing that, in his innermost being, he exuded a warmth that reached out to all mankind.

Some lines by James Russell Lowell describe him better than anything I can find to say:

His magic was not far to seek—
He was so human! Whether strong or weak
Far from his kind he neither sank nor soared,
But sate an equal guest at every board.
No beggar ever felt him condescend,
No prince presume; for still himself he bare,
At manhood's simple level, and where'er
He met a stranger, there he left a friend.

Mrs. Muskie and I are deeply saddened by his loss; but we rejoice in the friendship we were privileged to share.

Mr. President, I ask unanimous consent that there be printed in the Record an eloquent and perceptive sketch of Chief Justice Warren's career by Alan Barth which appeared in the Washington Post on July 10, 1974.

There being no objection, the article was ordered to be printed in the Record, as follows:

Chief Justice Warren: His Court Reshaped the Nation

(By Alan Barth)

By nearly every standard that can be said to measure judicial stature, Earl Warren must be counted among the great chief justices of the United States—the greatest, in all probability, since John Marshall.

Like John Marshall, Earl Warren presided over the Supreme Court during a period of dramatic change in the character of American life. The "Marshall court" at the inception of the Republic wrote upon a clean slate in giving vitality to the United States Constitution and in delineating for itself a decisive role as a shaper of the national destiny. The "Warren court" adapted the institutions of a developing society to the needs of a fully developed nation, a great military and economic power in a world made intimate by scientific and technological advances altogether beyond the imagination of the Constitution's framers.

It is apt to be misleading to designate a court by the name of a Chief Justice who is, after all, but *primus inter pares* among its members. But in the case of Earl Warren as in the case of John Marshall, the designation seems justified not alone as the mere indication of a time period but as a recognition of leadership and influence.

The court over which Warren presided was an extraordinarily vigorous one, replete with powerful personalities. He was surpassed by several of its members in legal learning, in felicity of expression, in depth of judicial perception and philosophy. As administrator of the court's affairs, however, he gave the disparate justices a measure of unity and a sure sense of the tremendous political role the court had to play in its time.

In ceremonies marking the conclusion of Warren's term as Chief Justice and the installation of Warren E. Burger as his successor, President Richard M. Nixon remarked: "Sixteen years have passed since the Chief Justice assumed his present position. These 16 years, without doubt, will be described by historians as years of greater change than any in our history."

A society once overwhelmingly rural in residence and agricultural in occupation had become predominantly urban and industrial. This shift was accompanied by a vast migration from small towns and villages into great metropolitan centers and brought with it a social upheaval entailing immense alterations in social values and immense problems of social adjustment. An important part of the population movement involved great numbers of Negroes uprooted by technological change from the southern cotton fields where they had worked first as slaves and later as sharecroppers and who now found themselves penned in the decaying slums of inner cities wholly unequipped by reason of illiteracy and ignorance to compete for a livelihood in an advanced industrial economy.

These black Americans were clamoring for civil rights and for economic opportunity. Migration to the cities made the disproportionately rural representation in state legislatures seem altogether inequitable and anachronistic. Education, police authority, social institutions, media of communication, esthetic and moral values, even religion, were all undergoing dramatic changes. The law, indeed the whole relation of the state to the individual, had to change with them. And it was over that transformation of the American community that the Warren court presided.

"No decade in American history has brought to the Supreme Court such a diversity of deeply troublesome and controversial questions," this newspaper commented editorially on the 10th anniversary of Warren's appointment as Chief Justice. And a member of Congress remarked, not happily, that "our entire way of life in this country is being revised and remolded by the nine justices of the Supreme Court."

Earl Warren was born in Los Angeles, Calif., on March 19, 1891, the second child of a railroad worker named Methias H. Varran, brought to this country in infancy from Norway. The name was anglicized to "Matt Warren." Matt was not a man of much education but he was intensely interested in reading and in learning—for his children no less than for himself. The family fortunes were not resplendent. John D. Weaver, in a biography of Earl Warren, says that the boy once asked his father why he had no middle name. "Son," Matt Warren answered, "when you were born, we were too poor to enjoy any luxury of that kind."

But Matt Warren was industrious and provident, saving money and investing it shrewdly. He was determined that his children should have the education he had missed. He worked his way up on the Southern Pacific from a mechanic to a master car builder. In 1938, when Matt had retired from his railroad job and when his son, Earl, was district attorney of California's third largest county, the body of the father, then 73 years old, was found in the kitchen of his home, bludgeoned to death with a lead pipe. It was a case of robbery—evidently by someone who supposed the old man had concealed wealth on his premises. The murderer was never found.

Earl did odd jobs when he was young, working for a while as a call boy for the railroad. He did well enough in school but was more interested in sports than in study. He put himself through college and law school at the University of California.

Warren spent about three years in private practice after his graduation from law school and before he enlisted in the Army upon America's entry into the first world war. He saw no service overseas but he rose to the rank of second lieutenant. Following his discharge from the Army, he obtained an appointment as a deputy in the Alameda County district attorney's office and remained a public employee for all the rest of his working years until his retirement as Chief Justice of the United States.

Warren was elevated to the office of district attorney in 1925 and, in the course of 13 years in that post won a reputation as a crusading prosecutor, tough but compassionate and fair. "The only way the racketeers can get control in any community," he once said, "is by alliance with politics, and control of your public officials, your courts, your sheriff, your police chief, your district attorney, and other law enforcement agencies."

Earl Warren was a strict law and order man, known much more for his personal probity and prosecutorial skill than for any sociological pioneering. During Prohibition, he became a teetotaller, not out of any dislike of drinking but out of a disciplined sense of duty. "How can I drink bootleg liquor at a party on Sunday night." John Weaver quotes him as having said, "and then on Monday morning send my deputies to prosecute bootleggers?"

Politically, he was aligned with the right wing of the Republican Party in California. He was an ardent champion of states' rights. As attorney general he was vehement in his denunciation of Communist radicals and as governor vociferously supported the military decision, after the attack on Pearl Harbor, to remove all persons of Japanese ancestry from the West Coast and put them in detention centers in the interior of the country.

He grew prodigiously in office, however. In 1945, during his first term as governor, he became convinced that California needed a state program of prepaid medical insurance. The California Medical Association regarded this, of course, as "socialized medicine" and fought it ferociously. No doubt the sheer irrationality of its opposition served to move the governor into even more shocking forms of progressivism. He undertook the reorganization of the state's antiquated Department of Mental Hygiene, inaugurating a modernization of mental institutions which put California in the forefront in this field. He put through the legislature stringent legislation regulating lobbyists. He fought the petroleum interests to a standstill in obtaining enactment of an equitable highway development bill and in the face of bitter opposition from the private power lobby championed the Central Valley project for the public development of hydroelectric energy.

When Warren ran for a second term as governor of California in 1946, he did so on a record of legislation which extended enlightened and progressive help to the state's unemployed, handicapped, elderly and mentally ill. Moreover, the state was free of debt, and taxes had been cut by above 15 per cent. He won the nomination of both major parties and was resoundingly reelected—the second governor to serve a second term in a century of California experience.

A Democratic governor who served California some years later—Edmund G. (Pat) Brown—said of Earl Warren: "He was the best governor California ever had. He faced the problems of growth and social responsibility and met them head on. He felt the people of the state were in his care, and he cared for them."

Warren had by then, of course, become something of a national figure and certainly the outstanding Western Republican politician. Somewhat reluctantly, as a matter of party loyalty, he accepted the GOP nomination for the vice presidency in 1948 as the running mate of Gov. Thomas E. Dewey. They went down to defeat. It was the only election Warren ever lost. But Warren had a third term to serve in the gubernatorial mansion in Sacramento.

In 1952, Warren was a serious contender for the GOP presidential nomination at a convention in which Gen. Eisenhower and Sen. Taft were considered the frontrunners. The California delegation, including the state's junior senator, Richard M. Nixon, was pledged to the governor.

According to John D. Weaver, "Nixon was suspected by the governor's political tacticians of having made a deal to deliver to the general the secondary strength he would have had to demonstrate if he had failed to get the nomination on the first ballot." The first ballot nomination, in any case, went to Eisenhower, and the nomination for the vice presidency went to Nixon. Whatever the merits of the matter, an enduring coolness developed between Nixon and Warren.

In the final days of his third term as governor, Warren announced that he would not be a candidate for re-election. A few days after this announcement, in September, 1953, Fred M. Vinson, then Chief Justice of the United States, died. President Eisenhower promptly nominated Gov. Warren for the great office, remarking that he made the choice on the basis of the governor's "integrity, honesty, middle-of-the-road philosophy . . ."

Warren came to a court diminished in prestige and deeply divided not alone by ideological differences but by personal hostilities among its members. It was a measure of his qualities of leadership that the new Chief Justice managed, from the very outset of his tenure, to heal, or at least to bridge, these divisions. He won at once the warm regard as well as the respect of all his associates. The achievement contributed immeasurably to a restoration of the court's prestige and influence.

One of the great controversies of American history came before the court at the very beginning of Warren's chief justiceship: the question whether state-enforced segregation of Americans on the basis of race is constitutionally impermissible because it entails a denial of the equal protection of the laws.

Historically, the court had held that racial segregation was not unconstitutional provided the facilities afforded the two races were essentially equal. For more than a decade, however, the court had recognized in a series of decisions that the schools, hospitals and other public facilities provided for Negroes were, in fact, markedly inferior to those provided for white persons.

Brown v. Board of Education came before the court in Warren's first term. When it was decided on May 17, 1954, the opinion of the court, written by the new Chief Justice himself, had the unanimous concurrence of his associate justices and represented one of the great landmarks in American jurisprudence. "We conclude," Warren wrote, "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal . . ."

The ruling was soon applied, of course, and with continuing unanimity to fields other than public education. The unanimity of the court achieved under Warren's leadership was a testimonial to his judicial statesmanship and contributed significantly to the impact and effectiveness of the dramatic change in race relations required by the decision. That impact and effectiveness were diminished, however, by the failure of the Eisenhower administration to give the court moral and political support. Massive resistance to the decision began to develop in the Southern states; and from that time forward the Chief Justice became the target of vicious attacks by demagogues and reactionaries, including even a campaign sparked principally by the John Birch Society, for his impeachment.

A decade later, in 1964, the Chief Justice wrote opinions for the court in six cases decided simultaneously in which the residents of half a dozen states challenged the validity of apportionment in legislatures where sparsely populated rural districts enjoyed the same representation as much more populous urban districts. Under this arrangement, rural residents of the states wielded much more political power than city dwellers.

For a court divided this time 7 to 2, Warren held that this inequality violated the constitutional promise of equal protection. He ruled, moreover, that the requirement of population equality in election districts applied to both branches of bicameral state legislatures, rejecting any analogy between them and the national Congress where the federal Constitution provided for equal representation of states in the Senate regardless of their size or population.

"Legislatures," Warren wrote, "represent people, not acres or trees. Legislators are elected by voters, not farms or cities or economic interests. . . . The weight of a citizen's vote cannot be made to depend on where he lives."

This decision was quite comparable in importance and in political impact to the school desegregation ruling and evoked an almost equal sense of outrage among those who viewed it as a judicial intrusion into the legislative domain. It confirmed the view of Warren's critics that he was an inveterate judicial activist. On the other hand, it corrected a political injustice and imbalance that, given the rural ascendency in state legislatures, had no real possibility of correction through legislative action.

The Warren court outraged conservative sensibilities in one additional area, the field of criminal law. Over a decade or more the court wrought a revolution in extending to defendants in state courts the protections guaranteed to them in federal courts by the Bill of Rights. The Chief Justice's most signal contribution in this process was in regard to the admissibility of confessions. A confession, no matter how reliable, must be excluded from a criminal prosecution, he ruled, if it were obtained by coercion, threat or trickery of any sort. "The abhorrence of society to the use of involuntary confessions," he wrote in Spano v. New York, decided in 1959, "does not turn alone on their inherent untrustworthiness. It also turns on the deep-rooted feeling that the police must obey the law while enforcing the law; that in the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves."

The strongly held views of the Chief Justice regarding the right of persons charged with crime found its culmination in what was perhaps the most controversial of all his opinions, handed down in the Miranda case in 1966. The decision held that the police must warn any arrested person, before questioning him in connection with a crime, that he has a right to remain silent, that any statement he makes may be used against him and that he is entitled to consult an attorney (to be provided for him by the state if he cannot afford to hire one himself) before or during any interrogation. Omission of any of those requirements would make a confession inadmissible.

These procedural rights have been an immemorial part of the folklore of American justice. How far they were from observance in reality was attested by the tornado of indignation that the Warren opinion generated from law enforcement officers and district attorneys. It is perhaps profoundly significant, however, that the opinion came from a judge who had had long and ripe experience as a public prosecutor.

To Chief Justice Warren, Anthony Lewis remarked in a distinguished monograph, "justice consisted not of providing a fair mechanism of decision but of seeing that the right side, the good side, prevailed in the particular case . . . Often the framework of the argument seems ethical rather than legal . . ." This appraisal seems in large measure just as discerning. In a speech delivered in 1962, the Chief Justice spoke of law as floating "in a sea of ethics." In a profoundly conscientious sense, he thought of the Supreme Court as a force for "good."

The whole of his career was devoted to public service in an activist sense of the term. He believed, above all else, in righting wrong. His thinking was robust and healthy rather than subtle or sinuous; and it rested on elementary American values—confidence in the good sense of the people, in the utility of freedom, in the ultimate triumph of truth over error. "A prime function of government," he wrote in the only book he ever published—"A Republic, If You Can Keep It"—"has always been . . . to protect the weak against the strong."

Warren's devotion to the public service was marked by an impeccable personal integrity. It is perhaps unique among public men, and certainly unusual, that from the moment he entered public service in California, Earl Warren never took a dime from anyone for a speech, article or any other kind of private or public activity. And once he accepted appointment to the chief justiceship he never manifested the slightest interest in any political office or influence. His commitment to the court was all-embracing.

If his opinions were not particularly notable for elegance or eloquence, they were nevertheless soundly reasoned and made powerful by the feeling of decency and compassion that informed them. At least in the fields of politics and law enforcement, where he had rich experience, his views commanded great respect and influence.

As the leader of an embattled court engaged in adapting the law to new economic and political circumstances, moreover, he displayed a high degree of judicial statesmanship. He was a man of clear conviction and of granitic strength. Once he quit elective office for the bench, he became wholly indifferent to popular favor and to public excoriation. He will be counted, undoubtedly, as one of the titanic figures in the history of the Supreme Court.

Once he joined the court, the only major interruption in his work came when President Johnson persuaded him to become chairman of the commission to investigate the assassination of President Kennedy. The Chief Justice undertook that assignment reluctantly. He apparently believed that a member of the court should not engage in non-judicial activities, but had been convinced by President Johnson that his personal prestige and the prestige of his office was needed to calm public fears that the investigation would be a whitewash. The report of the commission did much to quash fears that the assassination was part of a large conspiracy.

After stepping down as Chief Justice in 1969, Warren remained active in judicial affairs, speaking largely on matters of judicial administration and working at his office in the Supreme Court building. He maintained his lifelong interest in sports and was a regular spectator at football games of the Washington Redskins.

In 1925, Warren married Nina Palmquist Meyers, the widow of a musician who had died when their son, James, was three weeks old. Her mother had died when Nina was three years old, her father when she was 13; and she had been self-supporting ever since. James was adopted by his stepfather, and the family was enlarged in succeeding years by the birth of Virginia in 1928, Earl Jr. in 1930, Dorothy in 1931, Nina Elizabeth (known as Honey Bear) in 1933 and Robert in 1935. It was an extraordinarily close and loving family, retaining its sense of warm unity throughout the whole of Earl Warren's life.

THE FUNCTIONING OF OUR GOVERNMENTAL SYSTEM

Mr. HATHAWAY. Mr. President, over the last 10 years, a period during which I have served in the other body as well as this one, I have had the opportunity to observe and reflect upon the functioning of our governmental system. I have gradually reached the conclusion that the time has come to reexamine our present constitutional structure and consider changes in some of the institutions and institutional relationships that have evolved over the past 200 years.

Recent events have dramatically highlighted the swollen authority of the executive branch and the diminished role of the legislature. And the pattern of fragmented government we have seen over the past 30 years has resulted in a continuing inability to deal effectively with the problems that beset our people. Watergate and all its ramifications have, for the moment, obscured this fact. But the plummeting levels of respect shown by the ordinary citizens for all of their institutions and leaders indicate that the people know that something is fundamentally wrong.

The art of government, it seems to me, involves meeting the needs of the people—being responsive, while at the same time remaining under the control of those people—being accountable. We all learned in school that totalitarian regimes were often more efficient in the sense of being able to identify problems and act more decisively than democracies. But democracies, we learned, were accountable to their citizens, and this accountability was worth the price it cost in efficiency. But I would submit, Mr. President, that changes in the size and nature of our society and the resultant changes which have taken place in our institutions of government have produced a structure which in many ways fails both tests—it is neither responsive nor accountable. It is this situation we must seek to remedy.

I feel that the eve of our 200th birthday as a Nation is an appropriate time to renew the search for the secret of self-government. We will almost certainly find that the principles underlying the Constitution are still valid—but we may also find that there are governmental forms which will more successfully embody those principles. I am well aware of the risks involved in such an undertaking; but I have confidence in our people and feel that the present need and the potential for good of such an enterprise justify the acceptance of this challenge.

Mr. President, in the most recent issue of the New Yorker magazine, the editor makes some comments along the lines I have been suggesting. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOTES AND COMMENT

It is not often that one is tempted to date precisely the opening of an era. A remarkable article in the *Times* by Marvin and Bernard Kalb, however, tempts us to name Saturday, October 20, 1973, as the day when the political era that mankind is now living in began. It is an era characterized, if one is to judge from such a brief glimpse of it, by a nearly all-pervading and bottomless uncertainty—an uncertainty that includes doubts about the continuance of constitutional democracy in the United States, doubts about the fundamental health of the world economy, and the abiding, ever-present doubts about the survival of humanity in the nuclear age. On October 20th, the human race was in the opening stages of one of its periodic brushes with its collective mortality: four days later the United States would begin a worldwide alert of its armed forces, including its nuclear forces. In the Middle East, the Yom Kippur war was under way.

The Israelis had gone on the offensive, and the situation on the battlefield was fluid. In Washington, President Nixon was preparing to dismiss Special Prosecutor Archibald Cox. Secretary of State Henry Kissinger, who apparently had no inkling of the imminent dismissal of Cox and the resultant "firestorm" that was about to engulf the domestic scene, was airborne on his way to Russia, where he planned to talk over the situation in the Middle East with General Secretary Leonid Brezhnev. One of Kissinger's hopes, certainly, was to forestall the possibility of a nonmetaphorical firestorm that might engulf the whole world if things in the Middle East went further awry. While he was aloft, the Kalb brothers report, he received two messages of great importance. Each, in its own way, was like a warning shot signalling the advent of the new era. One was a message from the President, entrusting Kissinger with what the Kalbs call a "power of attorney" to make agreements with Brezhnev in the President's name. The President, preoccupied with his own survival, had temporarily handed the world's survival over to Kissinger; later it would be Kissinger who, acting under an even more sweeping grant of authority, would order the nuclear alert while the President remained virtually incommunicado on another floor of the White House. The second message was that Saudi Arabia had decided to impose an oil embargo on the United States. The oil crisis, which has threatened ever since to throw the world economy out of whack, was upon us, but for the moment, according to the Kalbs, Kissinger didn't give the matter much thought. Whether he knew it or not, the airborne Secretary of State, who now literally held the fate of the earth in his hands, had been buffeted in mid-flight by shock waves spreading out from two historical events of the first magnitude: the dismissal of the Special Prosecutor, which would precipitate impeachment proceedings by the House Judiciary Committee against the President; and the energy crisis, which would force the world to recognize that there were global limits to certain key resources. Yet the Secretary was probably in a worse position than most American newspaper readers to grasp the meaning of the events. He was puzzled by the President's sudden grant of authority. Not until he had left the Soviet Union and arrived in England (where there is a free press) did he see the enormous headlines from Washington and understand the gravity of the crisis at home and the extent of the President's preoccupation with it.

And not until some time after that was he able to turn his attention to the question of energy. The Secretary had been making decisions having a bearing on the future of the world, but at the time he did so he had been all but out of touch with the world.

The scene of Secretary of State Kissinger at thirty thousand feet on his way to Moscow receiving messages of tremendous but partly obscure import is one more vivid illustration, if any were needed, of the merging of all major events that confront the United States, whether they occur at home or abroad, into a single political field, which turns out, the impeachment inquiry notwithstanding, to be increasingly dominated by the executive branch. Not even a President is required for executive supremacy. When he is incapacitated for some reason, the Secretary of State can take charge. It is not the man that counts but the centralized machinery for making decisions and then carrying them out. If Secretary Kissinger's predicament on his way to Moscow shows who makes the decisions in our country, it also shows how they are made. The political structure within which we confront our uncertain future presents us with the anomalous fact that unimportant decisions are weighed carefully and at great length in open, democratic forums while the important decisions are made by a few men in secret. The Congress fully debates this or that detail of policy before taking any action—and the action is often overridden by a veto or by Presidential impoundment. The President and his men, acting in virtual isolation, weave the broad pattern of national and global affairs. Each of these branches of government has become distorted. On the fringes of power, Congress sits like a bank of spectators. The pressure is low, the debate is close to frivolous, the actions taken are futile. At the center, the President and his men try to cope with an onslaught of events too vast for them to handle. The pressure is crushingly intense, the debate is often perfunctory, and the actions taken are sometimes reckless. We Americans have now organized things in such a way that our control is greatest where it matters least and is least where it matters most. The route of the school bus and the price of beef we deliberate with ponderous care and hedge about with restrictions. The survival of the world we suspend from a thread.

RETIREMENT OF ADM. ELMO R. ZUMWALT, JR.

Mr. THURMOND. Mr. President, I rise to bring to the attention of the Congress the retirement of Adm. Elmo R. Zumwalt, Jr., Chief of Naval Operations, who for 4 years brought bold leadership to the U.S. Navy.

When selected for this high position, Admiral Zumwalt was moved ahead of many higher ranking officers because of his outstanding record and leadership, demonstrated during a period of naval service which began following his graduation from the U.S. Naval Academy in 1942. Prior to his selection as CNO, he served as commander of the cruiser-destroyer Flotilla Seven and as director of systems analysis for the Department of the Navy in the late 1960's. Prior to that he had served in many important command and administrative positions both at sea and in Washington.

The period of Admiral Zumwalt's stewardship as CNO was one in which the Navy underwent possibly the greatest changes in its history. This was occasioned by a tremendous buildup in the Soviet fleet which occurred at about the same time that large numbers of U.S. ships had reached an advanced age.

Also, during this turbulent period he directed with skill the involvement of the U.S. Navy in the Vietnam War. The Navy was actively engaged in this conflict over a prolonged period of time and in a manner not previously experienced by our naval forces. At times our total military effort was being handled by the Navy and Air Force aircraft. His advice to the President as a member of the Joint Chiefs and his counsel in the Congress was respected and followed.

To counter the massive expansion program of the Soviet Navy he formulated new strategies and encouraged the design and construction of new types of ships and aircraft. Some of these included the hydrofoil and the surface effect ship, aircraft such as the vertical-takeoff Harrier and the F-14 fighter-bomber which has been hailed as one of the finest fighter aircraft in the world today.

Faced with the same fiscal constraints which beset all Government agencies, he evolved the carefully balanced "high-low" mix of forces which set the Navy on a new course. This policy involved a minimum necessary number of expensive, highly effective ships balanced against larger numbers of less expensive, selectively efficient units. He also took a truly bold step in approving the premature retirement of some older, marginally effective ships, to free moneys for diversion to accelerated production of new units.

In carrying out the duties of his office, Admiral Zumwalt, has stated his deep personal commitment to three basic goals. These were:

1. To achieve and maintain the highest level of combat effectiveness possible;
2. To maintain the good order and discipline that is essential to the accomplishment of that mission; and
3. To carry forward, promptly and faithfully a human goals effort designed to ensure that all members of the Naval service would enjoy true equality of treatment and freedom of opportunity.

In all of these, his performance, marked with dignity, humility and professionalism, has been outstanding. The Navy and the Nation stand in his debt.

Mr. President, I ask unanimous consent that the following items concerning Admiral Zumwalt be printed in the RECORD at the conclusion of my remarks: a biography of Admiral Zumwalt's career; an article entitled "Admiral Zumwalt, the Rarest of Breeds in the Navy" which appeared in the June 1974 issue of the Los Angeles Times; an article entitled "A Candid Conversation with the Controversial Chief of Naval Operations" which appeared in the June 1974 issue of Playboy magazine and an article entitled "Zumwalt Leaving His Changed Navy", authored by Bill Anderson in the June 28, 1974 issue of the Chicago Tribune.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SUMMARY

Full Name: Elmo Russell Zumwalt, Jr.
Date of birth: 29 November 1920.

PROMINENT ASSIGNMENTS

Nominated on 14 April 1970 by President Nixon to serve as Chief of Naval Operations. Became CNO with rank of Admiral from 1 July 1970.

Served as Commander U. S. Naval Forces, Vietnam and Chief of the Naval Advisory Group, U. S. Military Assistance Command, Vietnam, from 1 October 1968 to 15 May 1970.

As Director of the Chief of Naval Operations Systems Analysis Group from August 1966 to August 1968, he organized and directed the Systems Analysis Division and served as Deputy Scientific Officer to the Center for Naval Analyses.

Served as Commander Cruiser-Destroyer Flotilla SEVEN from July 1965 to July 1966.

EDUCATION

1938—Valedictorian of Tulare High School, Tulare, Calif.
1939—Rutherford Preparatory School, Long Beach, Calif.
1942—Graduate of U. S. Naval Academy, Annapolis, Md.
1953—Naval War College, Newport, R.I.
1962—National War College, Washington, D.C.

OTHER HIGHLIGHTS

Served as Commanding Officer of the first ship built from the keel up as a guided-missile ship—USS DEWEY (DLG-14).

Was prize crew officer of captured Japanese gunboat ATAKA, captured at mouth of Yangtze River near end of WWII.

At age 44, the youngest naval officer ever promoted to Rear Admiral.

At age 49, the youngest four-star Admiral in U.S. naval history, and the youngest to serve as Chief of Naval Operations.

Married to the former Mouza Coutelais-du-Roche of Harbin, Manchuria, and has two sons and two daughters.

ADMIRAL ELMO RUSSELL ZUMWALT, JR., U.S. NAVY, CHIEF OF NAVAL OPERATIONS

TRANSCRIPT OF NAVAL SERVICE

29 Nov 1920—Born in San Francisco, California.
7 Jun 1939—Midshipman, U.S. Naval Academy.
19 Jun 1942—Ensign.
1 May 1943—Lieutenant (junior grade).
1 Jul 1944—Lieutenant.
1 Apr 1950—Lieutenant Commander.
1 Feb 1955—Commander.
1 Jul 1961—Captain.
1 Jul 1965—Rear Admiral.
1 Oct 1968—Vice Admiral.
1 Jul 1970—Admiral.

Ships and Stations

USS *Phelps* (DD-360)—From Jun 1942 to Aug 1943.
USS *Robinson* (DD-562)—From Jan 1944 to Oct 1945.
USS *Saufley* (DD-465)—From Dec 1945 to Mar 1946.
USS *Zellars* (DD-777)—From Mar 1946 to Jan 1948.
NROTC Unit, Univ. of No. Carolina at Chapel Hill, N.C. (Asst. Professor of Naval Science)—From Jan 1948 to Jun 1950.
USS *Tills* (DE-758) (Commanding Officer)—From Jun 1950 to Mar 1951.
USS *Wisconsin* (BB-64) (Navigator)—From Mar 1951 to Jun 1952.
Naval War College, Newport, R.I. (Student)—From Jun 1952 to Jun 1953.
Bureau of Naval Personnel, Washington, D.C.—From Jun 1953 to Jul 1955.
USS *Arnold J. Isbell* (DD-869) (Commanding Officer)—From Jul 1955 to Jul 1957.
Bureau of Naval Personnel, Washington, D.C. (Lieutenant Detailer)—From Jul 1957 to Dec 1957.
Office of the Assistant Secretary of the Navy for Personnel and Reserve Forces (Special Assistant for Naval Personnel)—From Dec 1957 to Nov 1958.
(Special Assistant and Naval Aide)—From Nov 1958 to Aug 1959.
USS *Dewey* (DLG-14) (Commanding Officer)—From Dec 1959 to Jun 1961.
National War College, Washington, D.C. (Student)—From Aug 1961 to Jun 1962.
Office of the Assistant Secretary of Defense for ISA (Desk Officer)—From Jun 1962 to Dec 1963.
Office of the Secretary of the Navy (Executive Assistant and Senior Aide)—From Dec 1963 to Jun 1965.
Commander, Cruiser-Destroyer Flotilla SEVEN—From Jul 1965 to Jul 1966.
Office of the Chief of Naval Operations (Director, Systems Analysis Division)—From Aug 1966 to Aug 1968.
Commander, U.S. Naval Forces, Vietnam and Chief, Naval Advisory Group, Vietnam—From Sep 1968 to May 1970.
Chief of Naval Operations—From Jul 1970 to Jul 1974.

Medals and decorations

Distinguished Service Medal with two Gold Stars.
Legion of Merit with one Gold Star.
Bronze Star with Combat "V".
Navy Commendation Medal with Combat "V".
Navy Unit Citation.
China Service Medal.
American Defense Service Medal with Bronze Letter "A".
American Campaign Medal.
Navy Occupation Service Medal.
National Defense Service Medal with one star.
Korean Service Medal with two stars.
Vietnam Service Medal with seven stars (1 Silver, 2 Bronze).
World War II Victory Medal.

Asiatic-Pacific Campaign Medal with seven stars (1 Silver, 2 Bronze).

Order of Military Merit (Korea) Third Class.

Order of the Rising Sun (Japan)—First Class.

National Order of Vietnam Medal—Third Class.

Vietnamese Gallantry Cross with Palm.

Vietnamese Navy Distinguished Service Order—First Class.

Philippine Republic Presidential Unit Citation.

Korean Presidential Unit Citation.

Republic of Vietnam Gallantry Cross with Palm Unit Citation.

Philippine Liberation Ribbon with two stars.

United Nations Service Medal.

Republic of Vietnam Campaign Medal with Device.

Gran Maestre De La Orden De Mayo Al Merito Naval (Argentina).

Naval Merit in the Grade of High Officer (Bolivia).

Medal of Grand Official of the Order of Naval Merit (Brazil).

Order of the Southern Cross, Degree of Grand Cross (Brazil).

Great Star of Military Merit of Chile.

The Order of Admirante Padilla in the Grade of Gran Official (Colombia).

Order of Merit of Duarte, Sanchez y Mella, in the Grade of Great Silver Cross (Dominican Republic).

Legion D'Honneur in the Rank of Commander (France).

Grand Cross—Second Class of the Order of Merit (Germany).

Grand Cross of the Division of King George I (Greece).

Jalasena First Class (Indonesia).

Grande Croce Del Ordine Al Merit Repubblica Italiana Medale (Italy).

Order of Orange—Nassau (Military Division) (Grand Officer) (Netherlands).

Knighthood Grand Cross of the Royal Order of the Sword (Sweden).

Naval Order of Merit First Class (Venezuela).

First Class Civil Actions Medal (Vietnam).

Order of National Security Merit Tong-Il (Korea).

Honorary degrees

Doctor of Law, Villanova University.

Doctor of Human Letters, United States International University.

Doctor of Public Service, Central Michigan University.

ADMIRAL ELMO RUSSELL ZUMWALT, JR., U.S. NAVY, CHIEF OF NAVAL OPERATIONS

Elmo Russell Zumwalt, Jr., was born in San Francisco, California, on 29 November 1920, son of Dr. E. R. Zumwalt and Dr. Frances Zumwalt. He attended Tulare (California) Union High School, where he was Class Valedictorian and the Rutherford Preparatory School, at Long Beach, California, before his appointment to the U.S. Naval Academy, Annapolis, Maryland, from his native state in 1939. As a Midshipman he was President of the Trident Society, Vice President of the Quarterback Society, twice winner of the June Week Public Speaking Contest (1940, 1941), Company Commander in 1941 and Regimental Three Striper in 1942, and participated in intercollegiate debating. Graduated with distinction and commissioned Ensign on 19 June 1942, with the class of 1943, he subsequently progressed to the rank of Admiral, to date from 1 July 1970.

Following graduation from the Naval Academy in June 1942, he joined the destroyer USS *Phelps*, and in August 1943 was detached for instruction in the Operational Training Command, Pacific, at San Francisco, California. In January 1944 he reported on board the USS *Robinson*, and for "heroic service as Evaluator in the Combat Information Center . . . (of that destroyer), in action against enemy Japanese battleships during the Battle for Leyte Gulf, 25 October 1944 . . ." he was awarded the Bronze Star with Combat "V." The citation further states: "During a torpedo attack on enemy battleships, Lieutenant Zumwalt furnished information indispensable to the success of the attack . . ."

After the cessation of hostilities in August 1945, until December 8th of that year, he commanded (as prize crew officer) HIMJA *Ataka*, a 1200-ton Japanese river gunboat with two hundred officers and men. In that capacity he took the first ship since the outbreak of World War II, flying the United States flag, up the Whangpoo River to Shanghai. There they helped to restore order and assisted in disarming the Japanese.

He next served as Executive Officer of the destroyer USS *Saufley*, and in March 1946 was transferred to the destroyer USS *Zellars*, as Executive Officer and Navigator. In January 1948 he was assigned to the Naval Reserve Officers Training Corps Unit of the University of North Carolina at Chapel Hill, where he remained until June 1950. That month he assumed command of the USS *Tills*, in commission in reserve status. That destroyer escort was placed in full active commission at Charleston Naval Shipyard on 21 November 1950, and he continued to command her until March 1951, when he joined the battleship USS *Wisconsin* as Navigator.

"For meritorious service as Navigator of USS *Wisconsin* during combat operations against enemy North Korean and Chinese Communist forces in the Korean Theater from 21 November 1951 to 30 March 1952 . . ." he received a Letter of Commendation, with Ribbon and Combat "V," from Commander Seventh Fleet. The letter continues: "As Navigator his competence and untiring diligence in assuring safe navigation of the ship enabled the commanding officer to devote the greater part of his attention to planning and gunfire operations. His performance of duty was consistently superior in bringing the ship through dangerously mined and restricted waters, frequently under adverse conditions and poor visibility. He assisted in the planning of the combat operations . . . (and) piloted *Wisconsin* into the closest possible inshore positions in which maximum effect could be obtained by gunfire . . ."

Detached from USS *Wisconsin* in June 1952, he attended the Naval War College, Newport, Rhode Island, and in June 1953 reported as Head of the Shore and Overseas Bases Section, Bureau of Naval Personnel, Navy Department, Washington, D.C. He also served as Officer and Enlisted Requirements Officer and as Action Officer on Medicare Legislation. Completing that tour of duty in July 1955, he assumed command of the destroyer USS *Arnold J. Isbell*, participating in two deployments to the Seventh Fleet. In this assignment he was commended by the Commander, Cruiser-Destroyer Forces, U.S. Pacific Fleet for winning the Battle Efficiency Competition for his ship and for winning Excellence Awards in Engineering, Gunnery, Anti-Submarine Warfare, and Operations. In July 1957 he returned to the Bureau of Naval Personnel for further duty. In December 1957 he was transferred to the Office of the Assistant Secretary of the Navy (Personnel and Reserve Forces), and served as Special Assistant for Naval Personnel until November 1958, then as Special Assistant and Naval Aide until August 1959.

Ordered to the first ship built from the keel up as a guided missile ship, USS *Dewey* (DLG–14), building at the Bath (Maine) Iron Works, he assumed command of that guided missile frigate at her commissioning in December 1959, and commanded her until June 1961. During this period of his command, *Dewey* earned the Excellence Award in Engineering, Supply, Weapons, and was runner-up in the Battle Efficiency Competition. He was a student at the National War College, Washington, D.C., during the 1961–1962 class year. In June he was assigned to the Office of the Assistant Secretary of Defense (International Security Affairs), Washington, D.C., where he served first as Desk Officer for France, Spain, and Portugal, then as Director of Arms Control and Contingency Planning for Cuba. From December 1963 until 21 June 1965 he served as Executive Assistant and Senior Aide to the Honorable Paul H. Nitze, Secretary of the Navy. For duty in his tour in the offices of the Secretary of Defense and the Secretary of the Navy, he was awarded the Legion of Merit.

After his selection for the rank of Rear Admiral, he assumed command in July 1965 of Cruiser-Destroyer Flotilla Seven. "For exceptionally meritorious service . . ." in that capacity, he was awarded a Gold Star in lieu of a Second Legion of Merit. In August 1966 he became Director of the Chief of Naval Operations Systems Analysis Group, Washington, D.C., and for exceptionally meritorious service . . . as Director, Systems Analysis Division, Office of the Chief of Naval Operations, Deputy Scientific Officer to the Center for Naval Analyses, during the period from August 1966 to August 1968 . . ." he was awarded the Distinguished Service Medal. The citation further states in part:

"Rear Admiral Zumwalt, by direction of the Chief of Naval Operations, established the Systems Analysis Division and rapidly developed it into a highly effective, responsive organization. Under his leadership, the division has assisted in generating within the Navy a better understanding of requirements, problems and a more effective presentation of those requirements in major program areas which will strongly influence the combat capabilities of U.S. Naval Forces through the next generation. (He) has displayed exceptional acumen, integrity, tact and diplomacy as personal representative of the Chief of Naval Operations, not only in dealings within the Department of Defense, but also in testifying before Congressional Committees. Among the major analyses completed under his direct supervision were the major Fleet Escort, Antisubmarine Warfare Force Level, Tactical Air, Surface-to-Surface Missile, and War-at-Sea Studies. Additionally, under Rear Admiral Zumwalt's guidance, the Center for Naval Analyses has been restructured, and its methodologies clearly defined with such precision as to ensure that completed studies will reflect thoroughness, comprehensiveness, and accuracy when subjected to closest scrutiny . . ."

In September 1968 he became Commander Naval Forces, Vietnam and Chief of the Naval Advisory Group, U.S. Military Assistance Command, Vietnam. President Richard M. Nixon nominated him as Chief of Naval Operations on 14 April 1970. Upon being relieved as Commander Naval Forces, Vietnam, on 15 May 1970, he was awarded a Gold Star in lieu of a second Distinguished Service Medal for exceptionally meritorious service. He assumed command as Chief of Naval Operations on 1 July 1970 and retired from that position on 1 July 1974.

Admiral Zumwalt's official home address is Tulare, California. He is married to the former Mouza Coutelais-duRoche of Harbin, Manchuria, and they have two sons, Elmo R. Zumwalt III, and First Lieutenant James Gregory Zumwalt, USMC, and two daughters, Ann F. Zumwalt and Mouza C. Zumwalt.

[From the Los Angeles Times, June 22, 1974]

ADMIRAL ZUMWALT, THE RAREST OF BREEDS IN THE NAVY

Historians should start now to assess the custodianship of our Navy by Adm. Elmo R. Zumwalt, who is retiring June 29 as chief of naval operations. He is clearly the rarest of breeds in the Navy, the perfect iconoclast. He dared to rock the boat!

Reaction to this was predictable. Elder statesmen, free of responsibility and far from the fray, grew apoplectic and vilified him. On the other hand, the young who manned the fleet toasted him jubilantly and hailed him as a man who understood and respected them.

Specifically, the gentry charge him with heresy claiming he did not adhere to Navy's time-honored customs, traditions and practices. Guilty as charged. He did indeed discard many of these dead relics of the old Navy, notably those in the form of antiquated personnel management and administrative policies and practices, which are no less anachronistic today than the pigtail coiffure and the 13-button fly once in great vogue. In the vernacular they are best described as "Mickey Mouse." Also, they are no less irritating, frustrating and counterproductive today than we all found them a generation and more ago.

The fact escapes many of us that we have been inclined to perpetuate the status quo. At best, personnel and management standards are far in the wake of hardware progress made by science, technology and industry as it applies to the Navy.

It was clearly the time for Zumwalt with his imagination and progressive philosophy, especially in view of personnel complications stemming from the end of the draft and the low esteem the young in our society held for military service following the Vietnam war.

The progressive leadership and management policies he instituted recognized the changing times, the majority of our personnel, and their heavy burdens, responsibilities and sacrifices in carrying out the Navy's missions today. His policies have been successful in attracting and retaining the caliber of personnel the Navy needs.

Zumwalt's legacy is profound and enduring. He broke the shackles that bound our Navy to the past and retarded its forward progress. The progressive leadership he displayed was classical and exemplary for progressive times now and in the future.

Even old sea dogs must join young neophytes in saluting a man like Zumwalt with that rare combination of intellectual integrity, refreshing candor and daring moral courage; a priceless asset in any organization, who in good conscience and in the best interest of the Navy dared to ignore the commandment, "Thou shalt not rock the boat." It is deeds such as Zumwalt's that constitutes the Navy traditions in their best and truest sense, the type of tradition all generations of Navy men and women will observe and perpetuate.

FRANK A. ZIMANSKI.

CORONADO.

(NOTE.—Zimanski is a retired Navy captain who had served as director of personnel research—Ed.)

PLAYBOY INTERVIEW: ADM. ELMO ZUMWALT

A CANDID CONVERSATION WITH THE CONTROVERSIAL CHIEF OF NAVAL OPERATIONS

In its 198-year history, the United States Navy has had its share of colorful heroes. Never, however, has it had a head man as controversial as its present Chief of Naval Operations, Admiral Elmo Russell Zumwalt, Jr., an officer whose retirement this month at the end of his four-year term as C.N.O. will be greeted with decidedly mixed reactions in and out of the Service. "There's a good deal of indecision," admits Zumwalt, "as to whether I'm a drooling-fang militarist or a bleeding-heart liberal." For good reason. Admiral Zumwalt—who at 49 was the youngest man ever to be made Chief of Naval Operations—has been one of the nation's foremost salesmen for massive American military might. He is pushing for a fourth, billion-dollar nuclear-powered aircraft carrier at a time when some believe carriers are sitting ducks for modern weaponry; he supports immediate development of the new Trident submarine and missile system, when, says his opposition, a slower schedule would spread out the cost and produce a better craft. At the same time, Zumwalt has drastically overhauled barnacle-encrusted Navy regulations to humanize life for naval personnel and their families, thus winning the enmity of hard-line traditionalists.

Any attempt to understand this paradoxical man must start with the fact that Zumwalt's job requires him, along with his fellow Service chiefs, to rehearse war day after day, asking—and answering—such questions as: In a conventional war, could the U.S. Navy defeat the Soviet navy? Are America's atomic weapons systems powerful enough—and invulnerable enough—to deter the Soviet Union from attacking America? Years of studying such problems have convinced Zumwalt that the public is being taken in by myths, that we are presently in a state of military emergency. Our atomic arsenal, he says, does not have the capability of obliterating Russia. Our sea power is not vastly superior to Russia's. We are not spending a large enough fraction of our resources on defense. Over the long run, Russia is not interested in détente and coexistence. In fact, says Zumwalt, while our sea power diminishes rapidly—80 ships per year going out of service—the Soviet Union has been outbuilding the U.S. at the rate of three and a half to one for more than ten years. If these trends continue, he believes, Russia will soon—and decisively—be the number-one naval power on earth. Our resulting inability to control and use the seas will allow Russia to have a devastating impact on the U.S. economy, and that, thinks Zumwalt, will finish America as we know it.

Even more serious than its relative paucity of ships and planes, Zumwalt found on taking over as C.N.O., was the Navy's manpower problem. Fewer than ten percent of first-tour enlisted men were signing on for another tour of duty; furthermore, he felt the Navy was in danger of being "lily-white, racist." So he set about his famous program of "Z-grams," directives liberalizing Navy rules, and right away he raised hackles on the necks of all those retired admirals who have clotted around the palm-fringed beaches of Coronado, near San Diego. To their horror, Zumwalt's Navy permitted longer hair, beards and sideburns; allowed sailors to wear civilian clothes on base during off-hours; even installed beer dispensers in enlisted men's barracks. Service clubs now throb to acid rock; minorities, through their own Ombudsmen, have a direct line to commanding officers; and, in what may be the most revolutionary development of all, female sailors are going to sea alongside their male counterparts. To date, Zumwalt has originated 119 Z-grams in a determined effort to air out the tradition-bound Service that lived by the motto: "If it moves, salute it. If it doesn't move, pick it up. If you can't pick it up, paint it."

Today, four years since Zumwalt took office, re-enlistments are up to 23 percent for first-tour sailors and have risen from the 80s to 91 percent for career personnel. And 7.24 percent of the Navy is now black. But that development did not take place without incident; as the percentage of blacks increased, discrimination became more apparent and the blacks became more vocal. The carrier Kitty Hawk was wracked by a well-publicized battle between black and white sailors. Another fight took place on an oiler in Subic Bay, and 100 blacks and some 20 whites staged a sit-down strike on the carrier Constellation. Zumwalt's reaction was to tell the Navy, in effect, to try harder. "Equal," said he, "means exactly that. Equal."

The racial incidents, however, were just what the fleet of retired admirals had been waiting for. Arguing that his reforms had created an atmosphere of "permissiveness" that was leading to lax discipline, they set out to get Zumwalt removed. And they very nearly did. The admirals had the ear of men in Congress—even that of the President. Some telephoned reporters who covered the Pentagon. Others put so much pressure on Secretary of the Navy John Warner that he hinted publicly that he was not entirely sold on Zumwalt's revisions. But an investigation by a House Armed Services subcommittee into "disciplinary problems in the U.S. Navy" misfired, and the subcommittee couldn't come up with a single reason to keelhaul Zumwalt.

Today, his Navy has nothing more to offer Admiral Zumwalt. There's just no higher post available than the one he is leaving, so he'll return to the civilian life he left as a young man, 35 years ago. Nothing in his early youth had hinted at his eventual choice of career. He grew up in the little central California town of Tulare, where both of his parents were physicians; he always thought he'd be one, too. An A student in high school, he played tackle on the football team and was valedictorian of his class. Fortunately not too good to be true, he was arrested one Halloween for throwing eggs and pumpkins at passing automobiles. His sentence, to wash the dinner dishes for a month.

One night at the Zumwalts', an Irish friend of his father's spent an evening hypnotizing Elmo—mercifully called Bud—with yarns about the sea and life on whaling ships. So when Senator Hiram Johnson offered the young man a berth at Annapolis, he took it. A winner in debate at the Naval Academy, Zumwalt finished 34th in a class of 615—except in conduct, in which he ranked 275th. "There were an awful lot of well-disciplined members of my class," says the admiral. To this day, he's more impressed by simple courtesy than "chicken protocol." "He's the only senior officer I know," says a colleague, "who always apologizes when he interrupts anyone, no matter how low his rank."

Zumwalt's first sea duty was aboard the destroyer Phelps, where a superior's report said, according to Zumwalt's recollection

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good officer, but it is difficult to tell, because he was seasick for the first three months." Once he got his sea legs, Zumwalt rose in the Service, winning a Bronze Star during the battle of Leyte Gulf and finessing a postwar "occupation" of Shanghai by sailing up the Yangtze and Hwang Pu rivers and bluffing thousands of Japanese troops—who, as he put it, "hadn't quit yet"—into disarming. While in Shanghai, he met a beautiful French-White Russian girl, Mouza Coutelais-du-Roche, feigned an avid desire to learn Russian and, after five weeks of lessons, married the lady. They live today with their youngest daughter, aged 16, in the C.N.O.'s official residence, an enormous Southern mansion on the grounds of the Naval Observatory off Embassy Row in Washington. Another daughter is in college, a son is a Marine first lieutenant and another son is an attorney.

At work, Zumwalt is regarded as a computer. Nothing interrupts its steady whir, the constant blinking of its tiny lights. One time, walking down a corridor while making a point to a companion, Zumwalt turned off too soon, opened the door to a mop closet, walked into it, walked out—and never missed a beat in his discourse. So constantly engaged is his mind that his wife has to lay out his clothes for him in the morning or he would don whatever first came to hand—

as he did once when he appeared wearing a civilian tie with his naval uniform. At a meal, he automatically eats whatever is put in front of him, no matter what or how much or how little.

Zumwalt's aides like to have his schedule timed to the minute, because a quarter hour of Zumwalt left to himself can mean two weeks' worth of deciphering and carrying out instructions written out in a nearly illegible scrawl on a yellow pad. The admiral takes home two to four bulging briefcases every night, works until one A.M., is back at his office by seven in the morning. The only time the computer shuts off is during Zumwalt's two-mile morning run, rain or shine, around the observatory grounds. At 175 pounds, he is under his playing weight as tackle at Tulare High School.

A sizable fraction of the C.N.O.'s time is spent traveling around the nation, speaking to civilian gatherings and spreading his word about the state of the U.S.-Russian face-off. It was on one such expedition—a morning round trip to Miami to address a National Maritime Union convention—that free-lance writer Richard Meryman interviewed Zumwalt for PLAYBOY. "We flew out of Andrews Air Force Base," recalls Meryman, "where I met the admiral beside the plane, a converted Navy bomber. It had rained that night and slicks of water on the runway gleamed in that first, barely blushing light of dawn. It brought back

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ensign in World War Two—the sense of adventure, of male camaraderie in the tail end of the night.

"As the plane took off, I sat in one of two cramped seats across a small folding table from the admiral. In his bulky olive-green flight jacket, he seemed to fill the tiny cabin. There was an eagle quality about him: the beetling eyebrows, the graying hair, the face with that slight gauntness of a disciplined man in superb physical condition. One hand a sense, in this cramped capsule rocketing through the air, of invisible lines going out from him to all those engines of destruction, to all those men and ships whose capabilities are so appalling—and so comforting.

"As we talked, it became clear that Zumwalt would turn out to be a unique interview subject. His answers were precise, complete, categorical—and it seemed unlikely that I could come up with a question for which he did not already have a response fully formulated. No matter how challenging, even offensive my questions, there was always a feelng in the air that the two of us were waging a game: Could I trip him up, or had he plugged all the holes? Each time I did succeed in leading him out onto thin political ice, he would transparently evade the question—and smile. He also had a way of grinning at the anomalies his positions seemed to create. At one point, after proclaiming that 'the Hanoi regime stays in power by merely shooting dissidents and brainwashing the survivors,' he asked off the record, 'How does that fit in with my liberal, permissive image?' I began to feel a little sympathy for any Congressman who had to take him on.

"After a while, it became clear to me that Zumwalt himself sees no inconsistency between his hard line and his liberal stances. At the center of this man are both idealism and an inexorable, kiln-dried logic. Given the facts as he sees them, both Z-grams and massive naval power seem eminently sensible. And as the interview proceeded, I also saw that the rather steady drizzle of criticism that falls on the C.N.O. had left him both bemused and impatient. 'Sometimes,' he said at one point, 'I get pretty frustrated by the seemingly endless constraints through which one has to wend his way.' Significantly, the one time he got angry was not when I challenged his morality for serving in Vietnam (where he commanded U.S. naval forces before being summoned to his present job) but when I alleged that, when figuring the price of an aircraft carrier, one must include the cost of all its necessary support ships. 'That's just so irrational and illogical,' he replied, 'that it's infuriating to even have to deal with it.' Nevertheless, the cost of those support ships—and other items in a defense budget that to many observers is something that must be discussed. So I started the interview by talking about money."

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PLAYBOY. Admiral, the Pentagon has been under persistent attack over its allegedly inflated budgets for superfluous weaponry—particularly for nuclear arms when we already have the power to destroy Russia several times over. How can such extravagant expenditures on overkill be justified?

ZUMWALT. Overkill is a very misused word—one of those simplifications that get wide circulation. The fact is that it's absolutely wrong to say we have the capacity to destroy Russia several times over. Even if we fired our entire nuclear arsenal *first*—which we would never do—a viable society would survive in Russia.

PLAYBOY. We wouldn't reduce Russia to rubble?

ZUMWALT. No. We would destroy many Russian cities and we would kill millions of Russians in a kind of Armageddon that's almost frightening to discuss, and we believe they consider that unacceptable destruction. But a much larger fraction of the Soviet population is outside the cities than is the case in the United States. And not every one of our warheads would reach its target, in any event. Many would be shot down in the aircraft attempting to deliver them and some missiles would malfunction. And, as I said, we would be firing only in retaliation—*after* the Russians had had a chance to destroy our weapons on the ground. Our entire missile strategy has been based on second-strike capability; it was the conventional wisdom of the Sixties that we should settle for a capability to wound the Soviets so grievously in a second strike that they would never attack us first.

PLAYBOY. But there have been recent reports that our missiles are being redirected—at enemy military targets rather than population centers. Is this strictly a humanitarian move, or does it imply a change in emphasis, away from a second strike at cities in the direction of a first strike at missile silos?

ZUMWALT. That is a question of policy being worked on at the highest levels of Government, and it would not be proper for me to attempt an interpretation of it.

PLAYBOY. *Could* we strike first, in the unlikely event we wanted to?

ZUMWALT. At this moment, I consider that the Soviets have a possible first-strike capability, whereas we do not.

PLAYBOY. Exactly how do we stack up with the Russians?

ZUMWALT. The Soviets have applied the strategy of Attila the Hun—destroy and scorch the earth—to their nuclear weapons. They have gone in for huge megaton weapons that will sow thousands of square miles of land with radioactivity, leaving it absolutely uninhabitable. If they maintain their present building program, the Soviets will have by 1980 roughly 7000 one-megaton or larger warheads on their land-based systems. One megaton equals 1,000,000 tons of TNT. The Soviets are also improving their accuracy. So, in a first strike, they will have the capability to destroy our land-based missile systems almost totally.

We, on the other hand—believing that both sides should be rational—have developed warheads that deny ourselves such widespread effects of radio-activity. We have only 3000 land-based missiles, and these have much smaller warheads—averaging about 170 kilotons, one kiloton being tons of TNT, only 1/1000 of a megaton. Since these warheads are so small, they would have to be extremely accurate, score virtually direct hits—in order to destroy Russian missile silos. All this means, among other things, that the U.S. must concentrate vigorously on the *survivability* of its systems, and we simply cannot afford to take any risk with our sea-based missiles.

PLAYBOY. But wouldn't our missiles and bombers be in flight before their missiles arrived?

ZUMWALT. Russian Yankee- and Delta-class nuclear submarines, with their 1300- and 4000-mile-range missiles, are constantly in position off our East and West coasts. They are within range of even the farthest U. S. targets. A missile can travel approximately 11,500 miles per hour, so there would be very little time to get anything of ours aloft.

PLAYBOY. But wouldn't there be enough time? Surely the President has the capacity to trigger within seconds the launching of our missiles and bombers.

ZUMWALT. That's true, but there is only a very critical interval of a few minutes. Those bombers that are on alert could get off, and as we get the new B-1 bombers, they will be able to take off even faster. But the amount of time available is diminishing by a significant factor as more and more Soviet missile submarines are deployed off our coasts.

PLAYBOY. But what about our ICBMs? Wouldn't they all be launched almost instantaneously?

ZUMWALT. Put yourself in the position of a President of the United States who receives a report that missiles are en route. First he asks himself, "Is this an accurate report?" Second he asks for a recheck to make absolutely *sure* it's an accurate report. About that time, the missiles arrive.

PLAYBOY. But even so, the destruction wrought by our own bombs, the ones that get through, would be so great—every one being more powerful than what fell on Hiroshima—that seemingly very few would need to get aloft to inflict what the Russians would consider unacceptable damage. And we have tremendous numbers of them. A publication called *The Defense Monitor*, widely circulated on Capitol Hill, states that the U. S. now has 7100 atomic weapons, as against 2300 for the Soviet Union. And it says our goal for 1976 is 10,000 weapons.

ZUMWALT. I don't recognize those figures. That publication is put out by a retired rear admiral named La Rocque, and its data is not consistent with any analysis done by any respectable organization. Some of it can most charitably be described as distortion, apparently designed entirely to achieve major reductions in the defense budget, regardless of the facts.

I suspect that the figures you quote fail to distinguish between numbres of missiles and numbers of warheads. It's true that we have a larger number of multiple warheads in our MIRV program—Multiple Independently Retargetable Vehicles. Our missile posture relative to the Soviets is controlled by the first Strategic Arms Limitation Agreement, called SALT I. That gives the Soviets a 41 percent superiority in land-based missiles, a 34 percent superiority in sea-based missiles and a 50 percent superiority in strategic submarines. We, in turn, have a MIRV advantage that gives us a 104 percent superiority in total number of warheads. That, however, is only temporary, because MIRV wasn't included in SALT I. So we will be overtaken rather rapidly now that the Soviets have tested their MIRV capability on their four new ICBMs, which they will begin to deploy by 1975.

PLAYBOY. You make it sound as though we came out on the short end in SALT I.

ZUMWALT. We were able to get a treaty on the defensive, anti-ballistic-missile side, since we were ahead of the Soviets in that area. On the offensive side, they were willing to go into a five-year freeze on strategic missiles while they did the research and development necessary to eliminate our technical superiority, both offensive and defensive. And I supported giving them superior numbers of missiles. They were building at an impressive rate and we were doing almost nothing. It was simply the best deal that could be gotten under the circumstances.

But the President, the Secretary of Defense and the Joint Chiefs of Staff all agreed that the deal made sense only if we built sufficient *offensive* nuclear weaponry to make it clear that we were going to stay equal with them, whether or not there was any SALT II agreement. So what is now going on is a very complex military-political game in preparation for SALT II. If we're willing to demonstrate an intention to match the Soviet Union one way or another, they will probably be rational about taking the least expensive route to parity; i.e., an agreement. That's why it's so crucial to return the Trident submarine program to its original schedule and to move ahead with the development of the Air Force B–1 bomber.

Playboy. Despite everything you say, one cannot escape the feeling that all these new programs—offensive and defensive—and all these additional missiles are dangerously redundant as well as wasteful. How much deterrent is enough; where do we draw the line?

Zumwalt. I can only repeat that, because we will never strike first, the question isn't so much one of numbers of missiles as of survivability. How much can the Russians destroy in their first strike? How much can we destroy as their defenses get more and more sophisticated?

Playboy. Are our current Polaris submarines, with their Poseidon missiles, capable of inflicting enough damage on the Soviets to deter them from a first strike against us?

Zumwalt. If nothing but the Polaris subs survive, it would really depend on the numbers of our Poseidon missiles that penetrate the Soviet defenses. That, in turn, would depend on whether or not the Soviet Union had been successful in cheating with regard to the anti-ballistic-missile treaty. It would also depend on whether or not the Soviets had developed the technology to track our Polaris submarines—a capability they do not now have.

Playboy. But the Polaris can circle the globe without surfacing and hide in 3000 square miles of ocean while in range of Russia. How invulnerable can you get? Why do we even need the new Trident submarine?

Zumwalt. Today the Polaris isn't vulnerable at all: But its noise level is based on the technology of the Fifties. In view of the increasing vulnerability of land-based missiles and the increase of Soviet-warhead size and accuracy, we can't risk letting the Polaris system become vulnerable through as-yet-unforeseen Russian technological developments. A new system that is quieter and has a longer-range missile will be much more secure in the Seventies and Eighties.

Playboy. Do you expect the Soviets to try to cheat on the ABM treaty?

Zumwalt. Yes, I do. Though at the present time our intelligence apparatus has no information that they *have* cheated, the Soviets have never failed to cheat when they believed they could get away with it.

Playboy. Do the Russians consider us honest—and, if so, do they consider that a sign of weakness?

Zumwalt. I have no way of knowing what the Soviets really think. But I do believe that under their ideology, they consider the free and democratic way of life to be somewhat naïve and foolish. And I'm confident of one thing: that the Soviets believe, as I do that it's impossible for the United States to cheat. In our free and open society, any American policy decision to cheat, however unlikely, would be detected very quickly not only by the Soviets but by our own media. The Soviets have complete access to our free press, to published report of Congressional hearings, to chamber-of-commerce literature—and they can simply get into a panel truck and drive out and look. At the same time, neither we nor the Russian people have a good way to find out what's going on in the Soviet Union.

Playboy. Can't our highly touted CIA find out?

Zumwalt. I think the capability of the CIA and all the rest of the intelligence community who would check on Soviet cheating is far from perfect, whereas the Soviet capability to know what we are doing is almost perfect.

Playboy. In light of that, and of what you consider the Soviet willingness to cheat, could any supervisory system ever be devised that could give us complete security in a disarmament treaty?

Zumwalt. Yes. The simplest test of all: on-site inspection.

Playboy. But suppose the Soviets concealed some sites from us—say in remote areas of Siberia or the Urals.

Zumwalt. Our agreements for on-site inspection would have to authorize a certain number of visits per year at the option of the inspector, the limitation being to prevent the inspection from just being open harassment or an effort to gain industrial intelligence. Let's assume that we're talking about anti-ballistic-missile systems that had been fabricated and laid away for sudden deploying. If all other intelligence means couldn't reassure us that the warehouses were innocent, we might want to inspect those areas. The same would be true for missile silos, and so forth. But this is all a very theoretical thing, because there is no discussion of any inspection at the present time.

Playboy. Many people in America—even on Capitol Hill—believe that rigid inspection may not be necessary, that Russia is no longer out to bury the U.S., that the Soviets want a peaceful, stable world as much as we do. They believe that continued military build-up simply feeds our mutual paranoia, that if we stopped building arms, the Russians would stop, too.

Zumwalt. Back in 1962, at the 18-nation disarmament conference at Geneva, the head of the Soviet delegation. Ambassador Zorin, gave an impassioned speech using the classic pseudoidealistic line of Moscow: "Let's disarm overnight. Let's both destroy our nuclear weapons immediately and we'll enter a bright new peaceful world"—without any regard, of course, to how one side would check on the other. So, during the coffee break, I said to Ambassador Zorin, "Let's assume that both sides in good faith proceeded to destroy every missile and nuclear warhead they had. And let's assume that quite by accident the Soviet Union discovered later that it had overlooked 100 missiles with nuclear warheads. What do you suppose would happen?" The ambassador came back with what I consider a very honest answer from one professional to another. He said, "First we would tell you that we had found them. Then we would deliver our ultimatum."

Playboy. But at this time of *détente*, is there any proof that Russia is still as expansionist as it once was?

Zumwalt. Russia's Communist *ideology* is expansionist. Brezhnev, in his private discussions with the Communist leadership in the Warsaw Pact, has said—and this has been confirmed by our own intelligence sources—that "we Communist have got to string along with the capitalists for a while. We need their agriculture and their technology. But we're going to continue massive military programs, and by the middle Eighties we will be in a position to return to a much more aggressive foreign policy designed to gain the upper hand in our relationship with the West."

Playboy. In view of the President's interest in *détente* with Russia, is there a new, olive-branching Nixon, risen phoenix like from the fire-breathing anti-Communist Nixon?

Zumwalt. No military man should try to evaluate his Commander in Chief. But I happen to think his policy of *détente*, coupled with his policy that *détente* can be achieved satisfactorily only if we maintain military superiority, is a good policy.

Playboy. If the Soviet Union is so aggressive, why is Nixon so eager to establish most-favored-nation trade arrangements? And weren't we being patsies to supply Saudi Arabia with Phantom jets when they've blackmailed us by refusing us oil? Aren't we being suckers all around?

Zumwalt. Regarding Saudi Arabia, these programs were initiated before the oil embargo. So the policy question was whether to drive them further into cement and tempt them to offer their long-term friendship elsewhere, or to continue to work with them on their naval-expansion program while negotiating with them to solve our oil difficulties. I think the President's trade policy toward Russia is based on the judgment, which I share, that it's a safer world if the United States and the Soviet Union are striving, however imperfectly, to dampen down the competition between them and to have as many points of agreement and cooperation as possible. I also believe that the trade arrangements are a carrot during times of good Soviet behavior, and the threat that such arrangements could be broken is the stick to discourage bad behavior.

Playboy. Do you believe that the Soviets' grand plan is really along the ominous lines described by Brezhnev in his recent discussions with other Communist leaders?

Zumwalt. I think the Soviet Union regards the ideal world as one in which states move gradually from a free-world orbit into states as client states. And toward that end, I think the Soviets want a clear superiority in strategic and conventional military power. When we had clear superiority, there were times like the Cuban Missile Crisis when we marshaled our power to protect our vital interests and required the Soviet Union to back down. With their much more aggressive foreign-policy design, it seems naïve to assume that, when the Soviets achieve conventional military superiority, they won't use their power in similar fashion.

Playboy. Does America still have conventional military superiority?

Zumwalt. Admiral Moorer, the Chairman of the Joint Chiefs of Staff, has stated in unclassified testimony that the Soviets have a significant capability today to interdict our sea lanes. I agree with that. And I think that that statement is an *upper* estimate of our capabilities. Since the Cuban Missile Crisis, the Soviets have embarked on the most massive nuclear strategic building program in history. At the same time, they've built three and a half times as many ships as we have—including an aircraft carrier, cruisers, destroyers, submarines, amphibious ships and auxiliary ships. During the past five years, the U.S. Navy has given up more than 400 ships, a net reduction of 80 ships per year, and will drop to 511 ships by the end of the fiscal year 1974. Of that, 30 percent need replacement as soon as possible. If this pattern continues, it's absolutely unarguable that the trend lines of U.S. and Soviet naval capability are going to cross.

Playboy. Is it possible that they've intersected already?

Zumwalt. I think it's better for me not to answer that question for the public record. I've given my views to the committees of Congress.

Playboy. When Admiral Moorer says that the Russians have a "significant" capability to interdict our sea lanes, what does that mean to you?

Zumwalt. It means that the question is now uncertain as to whether or not we could control and use the sea lanes in a crisis—uncertain whether or not we could reinforce our allies in Europe or in Japan, uncertain whether we could keep our overseas imports moving across the seas. And I believe that, despite the massive energy-development program now being launched, our appetite for energy is growing so rapidly that we will be requiring about 50 percent of our oil from overseas in 1980. And at this moment, 69 of our 72 critical raw materials come to us by sea.

Playboy. But if the Soviets cut our sea lanes, isn't that war?

Zumwalt. As long as one side is clearly superior and both sides know it, one side will back off. It's during that period of uncertainty, as the trend lines cross, that we have to be very uncomfortable. One side might *believe* that the other side recognizes its superiority, but the other side might not agree and refuse to back down.

Playboy. Could you give a hypothetical scenario of how Russia plans to bring about domination?

Zumwalt. I think it will be by a series of salami slices in which they take a stand, or change the political orientation of a nation, and we feel unable to do anything about it. Let's assume that it's 1980 and present Soviet strategic building programs—and our own limited programs—have continued at their current levels. That means the Soviets will probably have strategic superiority—greatly superior numbers of missiles, greater megatonnage, superior throw weight and more warheads—because they will have had time to deploy all their MIRVs. And if Soviet naval building programs continue, they will have maritime superiority as well. With half our oil still coming from the Middle East, it's clear that the Soviets would have a great temptation to tighten their hold on that jugular.

Now, let's assume that in a Middle East nation, a socialist rebel faction, beholden to the Soviets, is threatening to take over the government. The legitimate, friendly regime has asked our help. Our decision would be whether or not to support our friends and try to break through, knowing that if the Soviets take us on with conventional power, we would lose or be forced to escalate to nuclear weapons. And, of course, the Soviets would give us a graceful, face-saving way to back down.

Playboy. What would that be?

Zumwalt. If I were the Soviets, I would assure the U.S. that if it would accommodate to this change in regime, I would ensure the uninterrupted flow of oil. Then, as soon as I had the situation fully shaken down and stabilized, I would begin to raise the price of oil a little bit at a time. I would continue at just the rate necessary to ensure that the economy of the U.S. was kept very unstable. I would always get the U.S. to accommodate to each new act of economic aggression before going on to the next—until I was in a position to dictate whether or not America had access to world markets.

Playboy. In a situation like that, wouldn't there be a public outcry for military intervention if necessary?

Zumwalt. Yes, in the scenario I've described, there would be a very strong chauvinistic demand on the part of our public to go in at any price. This would happen after several confrontations in which we had backed down—and the nation was beginning to get very, very cold and the economy very, very bad. It would then be the responsibility of the top leadership to make it clear to the nation that we lacked the military capability to win.

Playboy. In the alert against Russia during last year's Middle East crisis, were we really prepared to go to war with Russia, on the assumption that we could win?

Zumwalt. I can't answer that. I don't participate in that process. That's a decision for the President himself.

Playboy. If that alert wasn't just a Nixon political ploy, how close were we to war?

Zumwalt. It was unquestionably an authentic alert—a DEFCON 3 alert, third in the hierarchy of alerts.

Playboy. Was this confrontation on a level with the Cuban crisis?

Zumwalt. The Cuban crisis was of longer duration and was one in which the relative power balance was so clearly in favor of us, and so clearly recognized by both sides, that I don't think there was as much inherent danger as there was in this one. This time the power balance wasn't as clear to everybody on both sides.

Playboy. In a sense, the Israeli-Arab war was a laboratory test of what our arms would do against Russian-made weaponry if we decided to go up against the Soviets. In that conflict, some people feel the Russians came up with technology we couldn't match, most notably their Sagger antitank missile, which is visually guided by a wire that unreels from the launcher.

Zumwalt. There was much to be sober about in that conflict. But the most important sobering feature, I think, was the prolific quantity of equipment that the Soviets were able to provide. That was something we couldn't do, given the state of readiness of our forces and inadequate funding. The second most important feature of that conflict was the obvious confidence that the Soviets must feel about their own military position to be able to give so prolifically and take the resulting hazards. Remember that for several years, we were spending 20 to 30 billion dollars in Southeast Asia, while the Soviets were able to devote that much money plus everything else they were investing, to their hardware.

Playboy. But in terms of specific weaponry, how did we stack up?

Zumwalt. There were some areas in which the Russian technology was surprisingly good—such as the antitank missile you mention. We were also impressed by their SAM ground-to-air missiles, though no comparison was possible, since we had none of *our* missles over there and their aircraft didn't get close to any Israeli missiles. But there were other areas in which U.S. technology was clearly superior. For instance, the Israelis were flying our F–4s and A–4s, which dramatically outperformed the Soviet-provided aircraft-weapons systems.

Playboy. Did the Arabs have the most sophisticated planes that the Soviets have developed?

Zumwalt. No. Nor did Israel have the most sophisticated U.S. aircraft.

Playboy. You mean the F–14. But isn't it true that the F–14, when it becomes operational, won't even equal the best fighter Russia has right now?

Zumwalt. No. The missile system of the F–14 is undoubtedly the best tactical missile system in the world today. And its fire-control system is the best in the world today. The airplane is the world's best fighter, and will be for many years. Which is very fortunate, since it's the first new fighter aircraft this country has produced in nearly 19 years.

Playboy. Hasn't there been considerable criticism about the amount of money the plane has cost, the delays, the bugs during development?

Zumwalt. I disagree with those allegations. First, we're spending less money on the F–14 than we would have to spend for an equally effective alternative. Within the altitude range of the existing F–4, the F–14 is three times as effective. So we are forgoing the procurement of three times as many F–4s and reducing the number of carriers and the military personnel in the Navy by virtue of having the F–14. And above 80,000 feet, there is no equally effective alternative to the F–14 and its Phoenix missile system. It's the only aircraft that can reach up and get the Russian Foxbat flying above 80,000 feet. There *have* been development problems in the F–14, as there are in any project—but relative to most systems, they're minimal. The only problem has been Grumman's fiscal survivability.

Playboy. Why should the American public have to pay—in taxes—for Grumman's inefficiency, its inability to build the F–14 within its low bid, below McDonnell Douglas Corporation's?

Zumwalt. Because of inflation and loss of business base, Grumman lost money on each of its five annual deliveries. That meant a corporate loss of some $85,000,000 before the contract was revised to keep them from going bankrupt. Douglas couldn't possibly have taken over at that point and produced the F–14 without a loss of a number of years, and we were already behind the Soviets in fighter capability by a significant factor. This decision made it possible for the U.S. to regain its capability to control and use the seas through naval air power.

Playboy. You've been quoted as saying that the U.S. fleet is the key obstacle to Russian ambitions for world domination. Why is that?

Zumwalt. Because man has still not learned to walk on water, and the one man who did wasn't able to carry enough logistical matériel to support a military effort overseas. Russia can fly only a limited quantity of men and matériel. Some six percent of all our millions of tons to Southeast Asia, for example, went by air. The other 94 percent had to go on the surface of the sea.

Playboy. We've been discussing only Russia. What about China? When will it become a factor in the world military equation?

Zumwalt. I think the long-term national goal of the Chinese is to be a primary superpower and to begin the process of changing uncommitted nations to client states. It's going to be a good 20 to 25 years before they can begin to use the same salami-slice confrontation technique against us. But China will be a naval threat to Japan considerably sooner.

Playboy. What is China's short-term goal?

Zumwalt. I see no evidence that the Soviet-Chinese antagonism is going to ease. I think China's immediate goal is to survive against what it perceives to be a very serious threat from the Soviet Union—from the much better equipped armies and tactical air force arrayed along the Chinese border. And I think it fears Russia's overwhelming strategic nuclear power. So at the present moment, the interests of the People's Republic of China vis-a-vis the Soviet Union converge sufficiently with our own that they have tended to be more helpful than harmful since the President's visit to Peking.

Playboy. That vision of America, Russia and China elbowing one another to gain primacy is rather terrifying.

Zumwalt. That's why it's so terribly important that we maintain military superiority along with *détente*.

Playboy. But at the same time, isn't there a terrible dilemma over allocation of what is a finite quantity of resources? A very large number of Americans feel that if we don't stop spending so much money on defense, there will be no America the beautiful left to defend.

Zumwalt. I think it's a question of how much life insurance a nation should buy in order to preserve its way of life. We're talking about spending less than six percent of our gross national product on defense—less than six percent of the total value of all goods and services the country produces in a year.

Playboy. But whatever happened to that peace dividend we were told would come when the Vietnam war was over?

Zumwalt. I think the idea that there has been no peace dividend—and that defense budgets continue to grow—has been one of the greatest misconceptions in this country. In the last several years, the fraction of our Federal budget spent for defense has dropped from around 55 percent to less than 30 percent—nearly a 50 percent reduction. We are spending 33 percent less on defense than we were at the height of the war. Meanwhile, expenditures for human resources have gone from around 30 percent to nearly 45 percent—a 50 percent increase. I might add that I think we've gone too far. We've gone beyond a peace dividend to a point of absolute imprudence.

Playboy. In one of your speeches, you said that many social programs haven't paid off in terms of results. Did you mean to suggest that we should spend more money on weapons because the social programs aren't getting us anywhere?

Zumwalt. No. My point is that defense expenditures—which are lower, in terms of percentages of the Federal budget, than at any time since 1950—get an overwhelming degree of scrutiny, first by those responsible for producing cost-effective systems, and second by all the critics of defense expenditures. And I firmly believe that we've wasted billions in domestic programs that haven't made a contribution nearly equivalent to the money spent—and in some cases have been counterproductive. There seems to be a point of view that if you just increase the amount of money, the program is going to get better.

Playboy. But didn't Eisenhower warn of defense expenditures' being inflated by a military-industrial complex?

Zumwalt. I think that was an artful speech, written by a good speechwriter, which came across his desk at just the right time and has achieved much more acclaim than was really due.

Playboy. Once we've bought a vast military capability, doesn't that tempt us to use it—to get drawn into foreign confrontations that could become new Vietnams?

Zumwalt. It's quite clear that if you don't have the military power, you can't get involved. It's also quite clear that you can't defend yourself. We can't afford that.

Playboy. But isn't there already too much American presence abroad?

Zumwalt. It's a simplistic slogan that we've become the world's policeman. Our leadership is simply trying to assure preservation of our way of life and economy. And the fact is that the American presence abroad has gone down dramatically. We ended World War Two with something like 1100 major overseas bases; we're down to about 50. Our ability to apply power overseas is shrinking at an impressive rate. And the Soviets' is going in just the reverse direction as they acquire access to bases in Egypt, Iraq, Somalia, Yemen, India. So if your theory is right, you should be very reassured. And if my theory is right, then there is great cause for concern.

Playboy. One of the prime instruments used to proclaim an American presence is the aircraft carrier. In a speech, you went so far as to say that if the carrier can't survive. America can't survive. Surely that's an enormous overstatement.

Zumwalt. It's an absolutely correct statement. It's really all so simple, you just want to cry. A carrier is a floating sovereign airfield whose purpose, besides reinforcing our allies' and our own forces overseas, is to protect the sea lanes from air attack and to help protect them from submarine attack. If the aircraft carrier can't survive to do that, then America can't continue to bring in by ship almost all of its critical resources or reinforce our allies or evacuate U.S. forces.

Playboy. Why can't the sea lanes be protected by land-based aircraft?

Zumwalt. Because land-based air power simply doesn't have the range to protect the middle of the oceans. Nor can land-based planes in Europe be counted on to apply power overseas. NATO nations will not necessarily allow us use of their airfields—or even overflight rights—to support a non-NATO confrontation. Incidentally, a number of the Senators who had spoken strongly against carriers were in touch with the Pentagon urging their deployment in support of Israel during the Middle East crisis.

Playboy. There is a school of thought, which includes many members of Congress, that aircraft carriers are dinosaurs out of the past, "floating coffins" completely vulnerable to modern weaponry.

Zumwalt. The vulnerability of aircraft carriers is, I consider, one of the most dramatically misstated assections in the body politic today. I think you have to ask yourself: Relative to *what* are they vulnerable? In a nuclear war, every important fixed target—New York, all Strategic Air Command bases, virtually all fixed missile-launching facilities—would be destroyed. Some ships, however, would survive. It's just that much harder to hit a moving target. I'd rather be on a carrier bridge than on any land target when the missiles start to fly. But let's consider a conventional war. In the Southeast Asia war, our aircraft carriers went into the Gulf of Tonkin, surrounded on three sides by hostile or potentially hostile territory. They stayed there for seven or eight years of the war; no aircraft was ever destroyed by enemy action on one of those carriers. Yet, during the same period, over 400 aircraft were destroyed on airfields ashore and over 4000 were damaged. In the Korean War, all the airfields in South Korea were overrun in the first few weeks. The aircraft carriers weren't touched. They stayed off the Pusan perimeter and saved it and covered the amphibious landing at Inchon that turned the war around.

You have to go all the way back to World War Two to find carriers that were attacked. In World War Two, Essex-class carriers were struck by as many as four of the most intelligent missiles ever devised: the kamikaze aircraft. Yet none of these carriers was sunk and most could have been back in action in a matter of hours. Since then, we've built much more survivability into our carriers. The most recent involuntary laboratory test was aboard the nuclear carrier Enterprise a few years ago, when a tragic fire exploded U.S. bombs—the equivalent of eight or nine missiles—but the carrier could have been back in action very quickly.

Playboy. Were the carriers that were deployed in the Gulf of Tonkin left alone because the North Vietnamese didn't have missiles of sufficient sophistication to damage them severely?

Zumwalt. They had MIG aircraft. And the Soviets could have given them missiles if they thought it was the intelligent thing to do.

Playboy. Exactly. Does the fact that our carriers weren't attacked in Korea and Vietnam prove that they *couldn't* be attacked?

Zumwalt. Well, the Communists had the advantage of observing what happened in World War Two when carriers were attacked. So they made an intelligent decision not to attack them. In other words, the Communists are militarily more knowledgeable than some of those in this country who are claiming the vulnerability of carriers. And they knew they would lose far more politically than they would win militarily if they initiated such attacks.

Playboy. But surely a guided missile with an atomic warhead could obliterate a carrier with ease.

Zumwalt. A missile has to be fired with good target information originating from an aircraft, ship or submarine. That information-relay station can be dealt with by a carrier. At sea there is open territory through which the enemy cannot sneak—no hills to hide behind, no valleys to hide in. And you have a target that's constantly moving.

Playboy. A nuclear warhead exploded in the air wouldn't have to be particularly close to the target.

Zumwalt. True, if the fire-control information was accurate and the bomb was delivered in a matter of minutes before the carrier—which can do about 35 knots—could steam out of the blast area.

Playboy. How about radioactivity?

Zumwalt. You simply run in such a direction that the wind takes the radioactivity away from you. I might add that under water, an atomic warhead has to be exploded surprisingly close to a submarine to destroy it.

Playboy. Do the Russians share your conviction that carriers aren't sitting ducks?

Zumwalt. Their first carrier is launched already and is completing its fitting out. Their second is under construction. They are about the size of our Essex-class carriers and can handle only vertical-takeoff aircraft and helicopters. Once they've gained experience with these ships, I believe they will immediately start the design of second-generation carriers able to handle sophisticated tactical aircraft. And I believe their objective is to have a larger number of carriers than we do.

Playboy. Would a conventional sea battle today be significantly different from those of World War Two?

Zumwalt. No. It would be similar in strategy and the weapons systems, while different, aren't dramatically so. But the naval ship of the future, the surface-effect ship that travels on an air cushion, could revolutionize war at sea. A ship the size of a small cruiser might do 80 to 100 knots.

Playboy. Last October, there was a motion in the Senate to trim the military budget by $500,000,000, and it passed 51 to 47, although the cuts were eventually restored. Congressional authorization for a new nuclear carrier and a new schedule for the Trident submarine took a tremendous lobbying effort by the Pentagon. There seems to be many legislators who either don't hear you or don't believe you.

Zumwalt. You will recall that during the rise of Hitler and Mussolini, the voices speaking out about the need to arm—Winston Churchill's being foremost among them—were in a distinct minority. In America, the vote to restore the draft in the last critical months prior to the breakout of World War Two carried by only a single vote. The fact that a democracy allows such major divergencies in public opinion is both its strength and its weakness. But it's very hard to persuade the people of a free society to be overly concerned when they themselves don't feel directly threatened.

Playboy. Do you believe that the men and women in Congress who believe in lower military budgets are fools?

Zumwalt. There are some members of Congress who simply don't believe what the people in the Pentagon are telling them. There are others who feel that we're wrong about how much force is required, that we already have enough force. But I don't believe that any of these men have gone through it in the detail that those of us responsible for military-contingency planning have. And then there are other Congressmen who just feel that you can trust the Soviet Union to behave. And there is another small group who attack the military and its programs because they feel that it will advance their political careers—and I'd better not say what I think of them. It's important to note, however, that in Congress the support for our defense is such—and the respect for the Armed Services Committee is such—that almost all amendments to cut the committee's authorization bill have been defeated by a solid majority.

Playboy. When you were criticized for lobbying so intensively on Capitol Hill, you said you should have at least the same lobbying privileges as the Russians.

Zumwalt. Regrettably, that was a rather flip remark I made, but it's true that the Soviet Embassy has some personnel who keep in touch with members of the staffs of various Congressmen and Senators. Senator Jackson stated on the floor of the Senate that we should have seen the lobbying pressure he received from the Soviets when he was trying to get his ABM-treaty amendment through.

Playboy. How are your own relations on Capitol Hill?

Zumwalt. I've been a very hard target on the Hill. By and large, my opponents have had only half a bull's-eye to shoot at. Some of those who have tended to disagree with my views on strong defense have felt that we were right in trying to modernize lifestyles in the Navy, allowing things like longer hair and sideburns and trying to produce racial integration. And some of the Congressmen who were opposed to those personnel changes have tended to back me in my defense views.

Playboy. You sent out 119 directives, nicknamed Z-grams, that have made the Navy far and away the most liberalized of the three Services.

Zumwalt. I wouldn't use the word liberalized but rather modernized. We brought in groups of naval personnel from all over the world for two weeks at a time to come up with suggestions. Then they met with me, my principal deputies and the Secretary of the Navy, when he could be there, to discuss their grievances and their suggestions. Between 50 and 75 percent of their ideas were acted upon. I was personally amazed, on listening to the minority groups, to find out in how many ways, subtle and unbeknownst, there was discrimination—such as lack of qualified barbers and beauticians, black-oriented foods, magazines, books, music.

Playboy. Why hadn't these needs been communicated long before to their immediate superiors?

Zumwalt. The trust is that hearing about it as a single request from a single person on a single piece of paper, we don't grasp the intensity of feeling that one gets when one listens to a group.

Playboy. What sorts of things did the Z-grams do for minorities?

Zumwalt. Well, for example, Z-gram number 66 directs that each base station, aircraft squadron and ship have, on a concurrent-duty basis, a minority group officer or senior petty officer as an assistant for minority affairs; and that this man have direct access to the commanding officer. We also set up a Navy Wives' Ombudsman program, and there must be a minority wife in that.

Playboy. Why are there so few black officers in the Navy?

Zumwalt. When I became detailing officer in the Bureau of Naval Personnel—that's the office that writes officers' orders—someone passed on to me what he thought was bona fide policy for dealing with black officers: Send them immediately into recruiting duty, which at that time was very poor professional duty. Then, this man went on to say, you extend their tour as long as you can. Next, send them to the worst kind of sea duty you can find—a broken-down auxiliary ship, for example. When they've completed that tour, they generally get passed over, because they haven't had adequate professional background. That's all been changed for some time, but we still haven't done a good enough job of bringing in adequate numbers of minority personnel. At the Naval Academy this year, however, we took in over 100 blacks in a class of about 1200, so we're getting close to the national fraction.

Playboy. What is the highest rank held by a black?

Zumwalt. We have one black rear admiral—Sam Gravely—formerly director of Naval Communications, now in command of a destroyer flotilla. It's indicative of the problem that he is the first black who has ever been eligible for flag rank, and there hasn't been another eligible since he was selected three years ago.

Playboy. Did the opposition to the Z-gram program have to do mostly with race?

Zumwalt. There is no doubt in my mind that a significant and perhaps primary source of the concern expressed was, in fact, concern about racial integration rather than the issues raised: "permissiveness," "lack of good order and discipline." When the change in naval hair standards came, there were also those who felt there was a correlation between close-cut hair, smooth-shaven faces and good character. They had to be reminded that our great-grandfathers—with their beards, mustaches, sideburns and long hair—were a pretty sturdy lot.

Playboy. How about women in the Navy—how many are on sea duty now?

Zumwalt. Sixty-five, on a hospital ship.

Playboy. In what capacities do they serve?

Zumwalt. Any way a man does. If the equal-opportunity amendment is ratified, you realize, it will be *illegal* not to send women to sea. In principle, there is no reason why a woman shouldn't be a commanding officer of a ship, an executive officer, a chief engineer. The Russians and Israelis use their women in interchangeable roles with their men. In an era of an all-volunteer Navy, that increases by exactly twice the pool from which we can draw.

Playboy. What about the problem of what some call friggin' in the riggin'?

Zumwalt. I think that the average military individual will seek nonmilitary activity off the ship.

Playboy. Isn't that a considerable risk, boys being boys and girls being girls?

Zumwalt. The overwhelming majority will follow the rules, so that problem won't debilitate a ship any more than any other kind of misbehavior. There's just a lot more emotion associated with it than common sense would dictate.

Playboy. There is also concern about the possibility that successive younger generations, increasingly more antimilitary, might be capable of devastating sabotage if ever forced into the Service. The carrier Ranger was crippled by a paint scraper and two bolts thrown into its main reduction gear, and in Vietnam there was fragging—the "accidental" killing of unpopular officers during combat.

Zumwalt. There are extremely small percentages in all the Services who engage in that kind of activity, and there always have been. But it's my judgment that it won't ever assume major proportions. I think every young generation's approach to the world is to generalize ilealistically—dissatisfied with what they see—hoping for a better world. The process of maturing improves the society as they work to achieve their ideals. They also learn that the only way in which they can arrive at positions of influence sufficient to improve society is to make certain compromises. It seems to me that the essence of growth is to learn how to do that without giving up one's fundamental beliefs and aspirations. When people achieve positions of importance, the real test, for naval officers or petty officers or anybody, is whether they recall those youthful aspirations and measure themselves aganist those early ideals, modified by maturity, but hopefully not too much.

Playboy. A naval officer, as the enforcer of discipline on a ship, would seem to wield very considerable power and to be surrounded to a very considerable degree with the obvious trapping of power—the uniforms, the salutes, the "Sirs," the feeling that his word is law to those beneath him, especially to the enlisted men. The captain of a ship has, in effect, a small town completely in his control. Can't this power become corrupting?

Zumwalt. An officer really doesn't have the kind of dictatorial power that corrupts—or much chance to get carried away by the authority he does have. I well recall when I reported aboard my first ship as an ensign and was made division officer of the electrical division. The division's senior petty officer was a wonderful old chief electrician's mate named Harrison. He walked up to me and said, "Ensign Zumwalt, there's only two times of the day that I want to see you. One of them is at morning quarters and the other is when I bring someone around that I want you to put on report." I had to earn his respect, and only then did he delegate responsibility upward. That kind of experience doesn't exactly make you feel all-powerful. If you throw your weight around too much, unreasonably or unfairly, it isn't long before your chief petty officer, through another chief petty officer, manages to get word to your department head—or, if that doesn't work, to your executive officer. If you managed in some way to defeat that, one of your seamen would write a letter to his Congressman—and you would find you didn't have the control you thought you did. And, frankly, there are the old traditions of honor and integrity and pride in service and love of country that most officers still live by.

Playboy. But from time to time, some very ugly things have surfaced that make a deep impression on the public and help feed a strong antimilitary feeling in America. So you get the distrustful faction in Congress and Americans who believe the military is quite willing to deceive the public. An obvious example is the secret bombing in Cambodia and Laos.

Zumwalt. I have to reject that as an appropriate accusation to level against the military. I don't know of any other organization in the U.S. in which there is such an overwhelming dedication to meticulous obedience to civilian authority in foreign or military affairs. I think that our Secretary of Defense. Dr. Schlesinger, was right in making the point some time ago that the military was not responsible for the decisions in Laos and Cambodia—that we were carrying out orders.

Playboy. Hasn't that statement, "We were carrying out orders," become anathema? It was said in Germany after the war. It was said by Nixon aides during Watergate. There is a tremendous feeling in America that too many people have just been following orders.

Zumwalt. Let me come right back at you on that one. I don't feel the slightest qualms about my position as a military man. I believe in carrying out every order I get to the letter, as long as I think it's consistent with my Christian ethics and my moral values. If I were asked to do something inconsistent with my conscience, I wouldn't hesitate to resign my job and return to civilian life. On the other hand, I think the public wouldn't want a military organization in which each man said to himself, "Do I like that order or not? Do I think it's a good idea or not?" That's the kind of thing that leads to the coups we see going on in other countries.

Playboy. If you were told to lie to the American public—and to Congress—about bombing in Cambodia, would you go right ahead and do it?

ZUMWALT. To the best of my knowledge and belief, no military man was told to lie about bombing.

PLAYBOY. Reports were falsified.

ZUMWALT. I wouldn't describe the acts that were perpetrated as falsification of reports. Those who had a need to know in the Executive and Legislative branches knew where the bombs were falling and knew that the reports were being submitted in two ways. Those that had to go into the computer for purposes of determining logistics and other data were entered to indicate that the targets had been in South Vietnam. It seems to me it was a reasonable decision for a Commander in Chief to make for foreign-policy reasons at the time. I further think that the bombing of Cambodia made a significant contribution toward the reduction of loss of American lives and was considered to be very important in accelerating the day we could withdraw our forces. It's very easy, in the light of Monday-morning quarterbacking, to go back and criticize those decisions.

PLAYBOY. By bombing territory in neutral countries and not telling most of Congress, didn't the military and the Executive branch usurp Congress' warmaking powers?

ZUMWALT. It's obviously a very gray area upon which honorable men can disagree. But given the overriding need to keep that information quiet at the time to save U.S. lives. I think notifying just the key Congressional leadership was as far as one could go without its becoming public information.

PLAYBOY. Do you think, then, that the American people are unreasonable to feel they've been lied to by their institutions?

ZUMWALT. I don't feel that way with regard to *everything* that's happened. I think the American people do have the right to feel in some ways that they were misled in the way in which this country became involved at the outset of the Vietnam war. I don't think there was an open and free dialog between the Executive and the Congress and the public at that time.

PLAYBOY. If there had been, would we have gone in?

ZUMWALT. I think the odds are that we wouldn't—but that's very iffy.

PLAYBOY. At that time, you wrote a position paper that said we shouldn't get involved.

ZUMWALT. That was in 1962, when I was on the staff of the Assistant Secretary of Defense. My reasoning was that, first, the issues there weren't at that time ones of vital interest to the U.S. and, second, that it would be a very long and costly war if we were going to try to do it as a land war. I did say that if we went in, we should do it with a decisive use of force. But I recommended that we should *not* go in.

PLAYBOY. You told us that if you were asked to do anything that violated your moral code, you would resign. But you served as Commander of Naval Forces in Vietnam—a war you didn't feel was called for. And this was a war in which the Navy dropped a third of all the bombs, a war in which 22,000 square kilometers of cropland and hardwood forests were defoliated, in which nearly half of the 22,500,000 population became refugees, often several times over. There were 1,390,000 casualties, half of them caused by U.S. and South Vietnamese firepower. Many Americans felt that we were destroying a nation in order to save it. Wasn't there any moral dilemma in all that for you?

ZUMWALT. No, I have no qualms at all about my role in Vietnam. And it's always interesting to me that those kinds of statistics are accumulated about the Vietnam war, a war I abhorred, but they're not accumulated about World War Two, a much more brutal war in which we went in and cut out the most lucrative and civilized parts of the enemies' cities—not jungle or forest. War is hell—whether it's Sherman marching through Georgia to bring down the South or whether it's the kind of war we fought in South Vietnam. But it seems to me that the question of destruction in South Vietnam has been applied differently from the question of destruction in our other wars.

PLAYBOY. Wasn't there a very big difference between getting the Germans and the Japanese before they got us and getting the North Vietnamese and the Viet Cong before they got South Vietnam?

ZUMWALT. Well, I think it's right to ask ourselves whether or not we should be more careful about putting our national honor behind commitments to nations. But when I took over my command in 1968, I agreed with the Administration that it could be very bad for this country's future if we abandoned an ally to whom we had committed our national honor—and turned over the majority of a non-Communist society to a Communist regime it detested. Our failure to meet the commitment, however unwise the initial decision, could have destroyed our whole network of alliances around the world. The long-term ramifications could not have been overstated.

PLAYBOY. What stuck in the craw of so many Americans was that the peasants, remote from their leadership, seemed to be the chief casualties of our international politics. Trying to win an unwinnable war for our national honor, we poured in more and more men with sophisticated weaponry that rained down destruction on very ill-defined targets, devastating vast areas of "suspected Viet Cong concentration"—inflicting 200,000 or more civilian casualties from U.S. and South Vietnamese bombardment. In a 1946 U.S. military court, a Japanese general was convicted and hanged becaused his troops killed 25,000 noncombatants in the Philippines. Why shouldn't our own military be tried for similar crimes?

ZUMWALT. Let me say first that I don't have any basis for assuming that your figures are accurate.

PLAYBOY. They come from the Congressional subcommittee changed with investigating war-related civilian problems in Indochina.

ZUMWALT. I don't have any basis for assuming that *their* figures are accurate. Now, there's no doubt that innocent civilians were killed as a result of U.S. military action—but it wasn't military policy to kill citizens, as it was in the case of that Japanese general. And, therefore, I don't think that the cases are similar at all. And finally, I don't think that an officer in command should be tried where civilians were killed as the result of a mistake—unless the mistake could have been prevented by prudence.

Furthermore, I spent 20 months in South Vietnam, and I was in the field almost every day. I never saw an example of indiscriminate pattern bombing. I saw several occasions when, through error, a populated area was hit when gunfire went astray or a bomb missed its target. But in every case. I saw the most vigorous efforts to investigate what had happened, what had gone wrong, whether it could have been prevented, and efforts to ensure that a repetition of that kind of mistake didn't happen.

PLAYBOY. Be that as it may, it was frequently reported in the press that the peasants regarded us as just as dangerous as the Communists.

ZUMWALT. That's a perception with which I don't agree, as I saw the Vietnamese. As we expanded their navy from 17,500 to 40,000, Vietnamese young men came in from the villages and hamlets throughout the entire country. There is absolutely no question that those young men had been raised by their families to detest the idea of being subjugated by a Communist insurgency. They were ready to fight like tigers against Communist tyranny. However imperfect the Saigon regime, it maintained a better two-way communication with its populace than does Hanoi. I believe that 80 to 90 percent of the North Vietnamese are uncommitted and, in order to survive, have learned what to say and what not to say—or they actually disbelieve and are afraid to speak up. The Hanoi regime stays in power by merely shooting dissidents and brainwashing the survivors.

PLAYBOY. How can you feel such outrage about that when the Saigon regime, which we fought to preserve, imprisons its political opponents—under horrifying conditions?

ZUMWALT. Their regime is not one that operates in the image we believe in in this country. But it's improving and it's far from the absolute tyranny of the North. But I'd like to say something else about our conduct of the war. In my opinion, the devastation in Vietnam was because of the way the Communists fought the war, not the way we did. It was a Communist insurgency that entwined itself within the social fabric—that threw hand grenades into market places just to destroy and maim, or into a community meeting where innocent women and children were watching a TV set—an insurgency that assassinated, fired into backs, burned crops and houses, destroyed village chiefs one after another. On our part, I recall numbers of cases where our men didn't even return fire because it was coming from a place surrounded by lots of settlements. Our tactics to deal with that type of enemy were designed to minimize the loss of American lives. I saw many wonderful men die because they wouldn't fire back in the face of enemy fire when it came from villages in which there were women and children. I've seen many cases of American sailors' adopting children and looking out for their mothers and fathers—slipping handouts to them in the way of food and other things. The average American was a good man and he was a much maligned man in that war, as a result of some very biased reporting.

PLAYBOY. But, Admiral, isn't that vision of the high-minded American soldier versus the savage Viet Cong somewhat simplistic in the light of all the testimony by veterans about U.S. atrocities? A colonel has testified that every large combat unit had its own, perhaps smaller version of My Lai. Soldiers have testified that pilots mounted sirens on their helicopters to terrify peasants working in the fields and, when the peasants ran, gunned them down. A rifleman described men bringing back ears of dead Viet Cong for body counts; some wore the ears on cords around their necks; and at headquarters, there was an "ear board." To get prisoners to talk, it was reputedly common practice to attach field-telephone wires to testicles or pound dowels into ears. Others were pushed out of helicopters to get surviving prisoners to talk. Village houses were burned down with the occupants inside during "Zippo" raids. And at the Calley trial, it came out that we drove civilians ahead of our troops to detonate any mines or booby traps.

ZUMWALT. Unquestionably, there were cases of individual transgression, but I reject absolutely the conclusion that the average American fighting man was a sadistic beast. He was not. There were undoubtedly individual officers who condoned such practices, but they were in a very small minority. The policy was against it and almost every officer with whom I came in contact not only recognized that but spent a lot of time talking to his men about the proper attitude toward the war.

PLAYBOY. However we fought it, could the war have been won?

ZUMWALT. As I said, I don't think we should have gone in in the first place, but having made that decision, I think we should have applied air power much more directly at the vital targets—as was done finally in 1972 by President Nixon with the bombing of Hanoi and the mining of the seaports.

That stopped the flow of supplies for the first 30 to 60 days and they never got back up to their original level of flow. So I think we could have achieved much earlier the result that finally was achieved.

Playboy. Many Americans fear that they must be prepared to die in little wars in obscure foreign countries to protect America's "vital interests." Do you think that's a legitimate fear?

Zumwalt. I think rather that there is a prospect, if the United States maintains necessary military programs, that the leavening process within the Soviet Union and the People's Republic of China can, over a time, begin to produce a series of treaties, understandings, arrangements that will reduce the prospect of armed conflict. It's going to be a very long, very difficult, very painstaking process taking decades, not years. I think one of the toughest things to get across in a democracy is the idea of having to gird our loins for a 30-year struggle for peace. The Communists have no problem whatsoever in getting Hanoi to think in terms of a 30-year struggle to take over South Vietnam.

Playboy. You talked earlier about how, if present trends continue, it's inevitable that we will lose control of the seas and even our ability to negotiate with the Communists. One gets the feeling that perhaps you think the totalitarian system is proving more effective than the democratic system.

Zumwalt. Over the last several hundred years, nations have used a combination of power and politics. I think the new element in the modern era is a theology that has converted itself into a bureaucratic system for retention of power against the wishes of its people. It has maintained a vicious control over public opinion and the press and has linked all of its assets in ways that democratic nations will never be able to do. But I believe that over the long haul, the dreadful practices of the Soviet regime toward its own people and its client states will become a significant liability to the Soviet Union. So the key factor is for the West to retain sufficient military superiority to deter the Soviet Union from militant foreign-policy adventures until this weakness of theirs can eat away at their vitals.

Playboy. There are those who believe that many of our own values and faiths have gone down the drain—endangering the nation's ability to respond to its leadership, and perhaps even to survive.

Zumwalt. One of the hopes of this country is that out of each frustration comes renewed dedication to getting on with those things to which the country is truly committed. The popularity of any given leadership may rise or fall, but underneath I think a very large majority has an unchanging dedication to what I call our national idealism. The greatest strength we have going for us is the motivation, spirit and drive that can truly be marshaled in a democratic way of life. The problem is that our people must be adequately forewarned of danger so that this motivation can be marshaled before it's too late. If we can do that, we have a *chance* to survive.

[From the Chicago Tribune—June 28, 1974]

Zumwalt Leaving His Changed Navy

(By Bill Anderson)

Annapolis, Md.—Adm. Elmo R. [Bud] Zumwalt steps aside here tomorrow as chief of naval operations with honors at the academy where he began as a young sailor 32 years ago.

Zumwalt's physical appearance casts him as an admiral. He is a big man, tall and rather stern-looking with bushy eyebrows. My guess is that he would have been a gentleman and a top professional without holding the rank of an officer. This is a view shared by many members of Congress and a very high percentage of the younger people serving in the Navy.

But some of the older brass, many of them retired—and determined to preserve, in today's nuclear Navy, traditions that were born in the days of sailing ships—hold opinions that don't rank Zumwalt that high professionally. The views of these would-be helmsmen developed largely because Zumwalt has shaken the personnel policies of the Navy right down to its bell-bottomed trousers.

In four years as the chief, Zumwalt has made life a great deal better for the enlisted personnel and opened doors of opportunity for junior officers as well—literally thousands of sailors who were calling it quits in the old Navy.

The admiral has led a special drive to give an equal break to the once-limited minorities—people like blacks and women. Family life is better in the Navy today because a huge effort has been made to reduce long, solitary tours at sea.

Yet, not even Zumwalt thinks the Navy is in as good condition as it should be. For example, we aren't replacing airplanes as fast as they wear out; we have given up 47 per cent of our surface ships in the last five years. A lot of our remaining ships are too old and in poor repair. On a real basis, the Russians continue to build while the United States slides.

At this moment it appears that the United States has given up its capability to control the seas; the possibility of success in the event of a confrontation with the Soviets declines each year. In a way, Zumwalt has been America's Winston Churchill, because he has warned both Congress and the public of this erosion.

Yet the factors that have caused a general American military decline—political, and social unrest in the aftermath of the Viet Nam War—have in some ways displayed the very real strength of Zumwalt to meet and match change.

From the very beginning, Zumwalt's career has been a series of firsts—and therefore tradition-breaking. He was a very junior naval officer at the end of World War II when his destroyer was the first American ship to reach Shanghai. There he met and married the beautiful Mouza Coutelais-du-Roche. Tradition had it in those days that a future chief of naval operations would likely be wed immediately upon graduation from Annapolis.

Many years later in the War College, Zumwalt wrote a military posture statement so brilliant that it found its way to the desk of Paul H. Nitze, then the director of the International Security Affairs office of the Pentagon. When Nitze became Navy secretary, he took Zumwalt along as an aide. It was in this position that Capt. Zumwalt began to reshape once rejected budgets to enable the Navy to maintain a better posture than previously.

Zumwalt went off to Viet Nam [as the Navy's youngest admiral] to work on the line with the generations that fought the losing war. When he became the chief [also the youngest], Zumwalt wasn't very far removed from either the reality of officers' wardrooms, the cloakrooms of Congress, or the often restless and sometimes ugly mood of the fleet sailors.

A staggering 90 percent of the enlisted ranks were getting out at the first opportunity when he took command. Maintenance suffered as men with critical specialties found a better life among civilians. Enlistments were also off, and education levels were far too low for operation of a computer electronic fleet.

Against great opposition, Zumwalt initiated the personnel changes. He also found a lot of support. Today approximately 27 per cent of the first-termers are staying in—and therefore saving the taxpayers millions of dollars that would otherwise go for the cost of new training. The highly personal effort of Zumwalt [and others] in Congress to gain approval for the new Trident submarine gives promise of maintaining one element of this nation's strategic force.

We know from interviews that many sailors here—and around the world—will salute Zumwalt tomorrow with more than usual respect because he has fought for their dignity. In doing so, the 53-year-old admiral picked up a great deal more himself.

PASTOR OF THE POOR

Mr. KENNEDY. Mr. President, Archbishop Dom Helder Pessoa Câmara, an advocate for the poor, for human rights, and for the end to repression in Brazil, was recently conferred an honorary doctor of laws degree at Harvard University.

The archbishop has also been nominated for the Nobel Peace Prize several times, and in 1973 received a "People's Peace Prize" in Norway—$300,000 raised by European church and student groups, trade unions, and political parties. He immediately used this peace prize money to help fund a model land-distribution program that has given a group of local sugarcane farmers their own land to harvest.

His commitment to the poor, his outspoken defense of human rights, and his leadership in the drive for social reform have earned him worldwide admiration and recognition.

I commend the following article concerning Dom Helder's efforts to the attention of my colleagues, and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Time magazine, June 24, 1974]

Pastor of the Poor

The plot seemed like something out of *Becket*. The conspirator's accomplice, a poor man, was to go to the city or Recife in northeastern Brazil and there seek out a certain troublesome archbishop. "That priest," the accomplice was told, "must be eliminated." As it happened, the 1968 scenario was never played out. The would-be assassin was too softhearted to go through with the murder. Instead, he went to his intended victim, confessed the plot and warned him that others might try.

A certain grace seems to touch the life of the diminutive (5 ft. 4 in.) Archbishop of Olinda and Recife, Dom Helder Pessoa Camara. Better known to the world simply as "Dom Helder," Brazil's famed voice of the poor and preacher of nonviolent revolution is a persistent nettle in the breeches of his country's military regime. At least eight of Dom Helder's associates have been arrested and tortured. He has been castigated as a "Fidel Castro in cassock" and disdainfully dubbed "the Red bishop." Lately he has been so judiciously ignored by Brazil's censored press that some educated people in Rio are surprised to learn that he is still alive.

Outside Brazil, though, his name is very much alive—and widely honored. He has several times been nominated for the Nobel Peace Prize and in 1973 received a "People's Peace Prize" in Norway—$300,000 raised by European church and student groups, trade unions and political parties. Last week he was at Harvard University to accept an honorary degree as a doctor of laws.

HUMAN WORLD

It is on such trips abroad—three or four a year—that Dom Helder now pins many of his hopes, since in Brazil, he concedes, "we are crushed." At times he has used his foreign platforms for stinging denunciations of terror and torture in Brazil, more often he tries to prick the conscience of the First World for its complicity in the Third World's troubles. He had prepared a biting acceptance speech—not knowing there would be no time to deliver it—for the Harvard commencement. In it he assailed, among other things, "the greed of multinational corporations" and "the injustices of international trade politics [that kept] two-thirds of humanity in misery." Yet, characteristically, Dom Helder's undelivered speech ended on an optimistic theme: his contention that there are courageous minorities everywhere who want to "construct a world that is more breathable, more just, more human."

Dom Helder (the *dom* is an old Portuguese title of respect) was born 65 years ago in the northeastern Brazilian city of Fortaleza in the back room of a schoolhouse where his mother taught the primary grades. His father, an anticlerical journalist, chose the boy's name from a dictionary rather than the calendar of saints but did not keep his son from studying for the priesthood. Ordained at 22, Father Câmara soon moved into religious education—and flirted briefly with the Brazilian version of fascism before moving to Rio in 1936.

Not until a few years after Dom Helder became an auxiliary bishop in 1952 did he turn his organizational talents to helping the poor, building apartments for slumdwellers, organizing a "Bank of Providence" to provide various social services as well as no-interest loans to the city's needy. So popular did Câmara become that Brazil's President Juscelino Kubitschek offered to appoint him mayor of Rio. He declined.

Dom Helder was named Archbishop of Olinda and Recife in 1964, just before the leftist government of President João Goulart fell; since then, his hopes for social reform have been increasingly frustrated. His most ambitious project—a movement called Action, Justice, and Peace, which aimed at recruiting citizens in a revolutionary restructuring of society—scarcely got beyond the launching stage in 1968 when Brazil's regime clamped on harsh new dictatorial controls that made the movement impossible. These days Dom Helder has to settle for more modest projects. One of the latest, which he helped fund with some of his peace-prize money, is a model land-distribution program that has given a group of local sugar-cane farmers their own land to harvest.

Dom Helder remains resolutely nonviolent in his call for "revolution." He respects the angry fervor of men like Che Guevara or Camilo Torres, who were willing "to sacrifice their lives" in their struggle. But he has only disdain for "the facile violence of armchair guerrillas." His deepest scorn is reserved for those who provoke revolutionary action in the first place: "The small, privileged groups who maintain thousands of God's children in subhuman condition." This stand, not unlike Pope Paul's own, has helped ensure for the embattled bishop the Pope's warm support.

For all Dom Helder's fame, the people of his archdiocese revere him most as a compassionate pastor, and often greet his slight, black-cassocked figure with a bear-hugging Brazilian *abraço*. He abandoned his episcopal palace in 1968, and lives in two small rooms attached to a Recife parish church. The big official residence remains in use, though, both as Dom Helder's office and as a sort of Jacksonian White House, where crowds of visitors gather each day to seek advice or assistance.

Only a habit that dates back to the seminary gives Dom Helder any time to himself—two hours when the rest of Recife is asleep. Every morning he rises from his hammock at 2 a.m. to pray, meditate, write letters or poetry until 4. Then he slips back into the hammock before rising again at 5 for early Mass—and another day as pastor of the poor.

KIDNEY DISEASE PROGRAM

Mr. HARTKE. Mr. President, as the coauthor of the medicare kidney disease program, together with my distinguished colleague, Senator Long, I have been deeply concerned about reports of continuing difficulties in the administration of the program.

The kidney disease program has great import for thousands of Americans; it is also the forerunner of national catastrophic health insurance. If we cannot get this program to work effectively, I question whether we will be able to get a broader catastrophic program to work properly. Doctors, hospitals, and patients have joined in criticizing the unnecessary redtape and the poorly constructed regulations.

Mr. President, earlier this year, I placed in the Record the comments of Indiana doctors and hospitals on the kidney disease program. I have since surveyed each of the States to determine their experience under the program. The information from that survey is now being analyzed, and I will soon be able to share it with my colleagues. I ask unanimous consent that an article on this subject appearing in the Des Moines, Iowa, Evening Tribune on May 22, 1974, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Des Moines Evening-Tribune, May 22, 1974]

United States Behind in Pay to Iowa Hospitals for Kidney Dialysis

(By Virgil Oakman)

The federal government has fallen hundreds of thousands of dollars behind its payments to nine Iowa hospitals that are supposed to be reimbursed by the government for up to 80 per cent of the cost of treating patients with severe kidney failure.

The program, which went into effect last July 1, is intended to relieve the financial burden from persons who need expensive and continuing treatment on kidney dialysis equipment.

RED TAPE

However, hospital officials say—and federal officials confirm—that the program has been bogged down in red tape.

The hospitals have received only a portion of their scheduled reimbursements during the past 11 months—a situation that hospital officials say has caused a financial hardship, forcing them to borrow money in some cases to keep kidney treatment programs going.

Officials at Iowa Lutheran Hospital in Des Moines said they have not been reimbursed at all under the program since January.

Charles Bittick, vice-president of finance at Iowa Lutheran, said the federal government is $345,000 behind in its payments to the hospital.

As a result, Iowa Lutheran had to borrow $250,000 at 9.75 per cent interest, partly to pay for costs of treating kidney disease patients, he said.

The other eight Iowa hospitals that have had problems getting paid are Mary Greeley Memorial Hospital in Ames, Trinity Regional Hospital (West) in Fort Dodge, University Hospitals in Iowa City, Veterans Administration Hospital in Iowa City, Henry County Memorial Hospital in Mt. Pleasant, St. Luke's Hospital in Davenport, St. Vincent's Hospital in Sioux City and St. Francis Hos-

* * * * *

SHORTCOMINGS

Hospital officials cite these shortcomings in the federal program, administered by the Social Security Administration in Baltimore, Md.:

Practically no reimbursements were made to hospitals and physicians during the first five months of the program.

Reimbursements received since November have been slow in coming, and have been many months overdue.

The maximum allowed for treating renal disease patients is not nearly enough to cover the costs of treatment.

The program has been hampered by red tape, unnecessary paper work, lack of coordination, ambiguity in regulations or no regulations at all and feuds between the Social Security Administration and the Veterans Administration.

Senator Vance Hartke (Dem., Ind.), a strong backer of the program, said in a speech before the Senate earlier this year that the program was in "chaos." He said he had received complaints about it from hospitals, physicians and patients throughout the country.

A Hartke aide, Dwight Jensen, formerly an aide to U.S. Senator Harold Hughes (Dem., Ia.), said that hearings will be held within the next several months to investigate handling of the program.

COST CONTAINMENT

Philip Jos, chief of the chronic renal disease staff at the Social Security Administration's Baltimore offices, acknowledged in a telephone interview that the program was bogged down for at least five months in its early stages.

But, he said the program was "new and unique" and it took time to work out administrative procedures for handling claims.

"I suppose there are ways" the Social Security Administration could have got the program off to a better start, Jos said, but he added:

"There has got to be some reasonable containment of cost."

He said much of the paperwork and red tape that prevented prompt reimbursements to hospitals and physicians resulted because "we just didn't let everything go."

Jos said that "if you take a loose approach at the beginning, it is hard to cut back later."

GUIDELINES

A big problem during early months of the program, according to Iowa Lutheran's Bittick was supplying the Social Security Administration with information required to get claims numbers assigned to patients.

"This seemed to take several months," he said.

After that, he added, "it was several months before the billing forms became available."

Then came another problem as hospital officials began meeting with Blue Cross-Blue Shield officials to work out details about the medical information that was needed for each patient and to establish which laboratory tests were essential to meet federal guidelines.

Bittick said that Iowa Lutheran applied for and received $70,000 from the Social Security Administration as an "accelerated payment" during the first few months of the program.

But he said when the hospital again attempted to receive such a payment, "they said it was a one-time deal."

$1 MILLION PAID

Bittick said the federal government at one point owed the hospital $450,000, but that claims now have been paid up through January, cutting the back claims to $345,000.

The Social Security's Jos said that $1 million had been paid to Iowa hospitals and physicians by the end of April. He said he did not know how much was owed to them in back payments.

Nationwide, more than $55 million was paid out during the first 10 months of the program, he said. But other federal officials said the cost of the program up through June 30, 1974, originally was set at $200 million to $240 million, an indication that only about one-fourth of the claims had been paid as of April 30.

While the federal program will pay up to 80 percent of the cost of treating renal disease patients, the maximum allowed for each treatment is $150 for hospital and doctor care.

The remainder is paid by the patient's insurance or, in some cases, the Iowa State Department of Public Health.

In most cases, Iowans with severe renal disease must receive two or three treatments a week.

During these treatments, renal dialysis equipment is used to cleanse the patient's blood. The patient must be hooked up to the renal dialysis equipment for periods that range up to eight hours at a time.

UNCLEAR

Hartke, author of the legislation for the renal disease treatment program as a part of Medicare, asked Iowa hospital officials in mid-March for comments on the program.

Kenneth H. Yerington, director of financial management and control at University Hospitals in Iowa City, in a letter to Hartke dated Apr. 16, said the government owed $600,000 to University Hospitals.

Yerington said the payment "has not been made to us because of lack of clarity in the implementation regulations."

Donald W. Dunn, executive vice-president of the Iowa Hospital Association, Inc., said the program "has not improved" since Senator Hartke asked for comments from Iowa hospital officials.

Gary Edwards, acting administrator of Trinity Regional Hospital in Fort Dodge, said it takes a full-time person at his hospital to handle the paperwork for treating five patients.

The federal regulations require doctors to contract their services to hospitals in order to treat renal disease patients, he said, adding that he has not been able to get a doctor to enter such a contract.

LONG WAITS

Lynn Byrne, administrator of Henry County Memorial Hospital at Mt. Pleasant, said that at one point the government owed his hospital $90,000. "It (the financial situation) was getting pretty tight" before the hospital received its money, he said.

C. J. McGuire, controller of St. Vincent Hospital in Sioux City, said the program "is gradually getting better" but that the government owes his hospital about $50,000 in claims all the time.

This is because hospitals can only submit claims to the government once a month. It then takes another month to process the claim and receive the check, he said. As a result, the nine Iowa hospitals have to wait at least two months before they can be repaid, and it often takes longer than that.

"Sometimes it takes four or five months," said McGuire.

Robert Watson, a Blue Cross-Blue Shield official in Des Moines, which handles about three-fourths of the renal disease treatment claims in Iowa, blamed most of the problems on the Social Security Administration.

He said Blue Cross-Blue Shield received "almost a constant flow of information" from the Social Security Administration, most of it intended "to clarify the regulations" issued earlier.

Watson added, however, that "the paper work has pretty much stabilized now" and the program should start running more smoothly.

Most of the problems so far, he said, resulted because "it was a new experience and things were being defined."

[From the Des Moines Register, May 29, 1974]

KIDNEY PROGRAM RED TAPE

Beginning last July, persons afflicted with chronic kidney disease became eligible for Medicare coverage. The federal program absorbs the cost of kidney transplants and 80 per cent of the cost of renal dialysis, a treatment in which a patient's blood is pumped through an artificial kidney machine to remove impurities.

Although the program has been a boon to patients, who were faced with astronomical costs, it has been a financial headache to hospitals providing dialysis, including nine hospitals in Iowa.

The Social Security Administration fell behind—six months or longer in most cases—in reimbursing hospitals for their costs. Regulations governing the programs have been delayed and often confusing. Some fiscal restrictions were unrealistically low, based on the costs to the hospitals.

Government officials acknowledge early deficiencies in the program, but they insist that corrective measures have been taken, assuring a smoother operation in the future. Senator Vance Hartke (Dem., Ind.), chief sponsor of the aid legislation, has requested a congressional investigation of what he termed the "chaos" resulting from Social Security shortcomings.

The government's deficiencies in handling this new program are not reassuring at a time when there is growing talk in Congress of giving the Social Security Administration responsibility for overseeing a national health insurance program covering medical care for all Americans.

PART-TIME JOBS IN THE CIVIL SERVICE

Mr. TUNNEY. Mr. President, last year I introduced S. 2022, the Flexible Hours Employment Act in order to expand the availability of part-time jobs in the civil service. To this date, 15 other Senators, including three members of the Committee on Post Office and Civil Service, have joined in cosponsoring this bill.

I am delighted that the committee has agreed to consider this legislation at its next executive session. Mr. President, I ask unanimous consent that an article from Women in Action, vol. 4, No. 2 entitled, "Part-Time Workers: Five Success Stories" and the text and section-by-section analysis of the Flexible Hours Employment Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PART-TIME WORKERS: FIVE SUCCESS STORIES

Dr. Lorraine Eyde is a senior research psychologist with a doctorate in industrial psychology. She joined the U.S. Department of Health, Education and Welfare in 1961 to do personnel selection research and transferred to the U.S. Civil Service Commission in 1971. Ten years ago, after the birth of her first son, Dr. Eyde began working on a part-time basis.

In her current position, Dr. Eyde is acting as project director for a reimbursable technical assistance project for the New York State Police. She is involved in developing selection standards for State Troopers and deals with related matters which involve the whole spectrum of personnel management.

Though her work week is normally 22 hours, Dr. Eyde must frequently travel on business which involves many additional hours on the job. During last January and February, she took five trips to New York for a total of 19 days. Before her current project, Dr. Eyde normally made four or five trips a year.

Dr. Eyde's two sons attend public school in Arlington, Virginia which has an Extended Day Program in operation. According to Dr. Eyde, "The program which originated in Arlington is a marvelous breakthrough for working mothers. Because of it, my children can arrive at their school for supervised recreational activities as early as 7:30 A.M. and may stay until 6:00 P.M. when my schedule occasionally requires work after regular school hours. It saves me a great deal of anxiety."

Dr. Eyde feels highly satisfied with her part-time working arrangement. "I think my job makes me a better mother and a more interesting wife and person. It gives me a chance to have the best of both worlds," states Dr. Eyde.

Dr. Anneke Levelt Sengers is a GS–15 physicist in the Heat Division, Institute of Basic Standards, National Bureau of Standards. She is an international authority in the field of physics of fluids and critical phenomena. In the fall of 1972, Dr. Sengers won the Department of Commerce's Silver Medal Award for her distinguished experimental and theoretical research and authorship.

On the average, Dr. Sengers produces one or two substantive, and one or two smaller papers per year. She gives from three to six invited talks per year, one of which is usually given abroad. In addition, she often presents talks at scientific meetings of various kinds.

Since 1964, after the birth of her first child, Dr. Sengers has been working on a part-time basis. She works six hours per day in the laboratory but often resumes working at home after her three children are asleep. Not only has the part-time arrangement worked out quite well for her, giving her more time for the children and household chores, but Dr. Sengers feels it has also been a good arrangement for her employer. "He receives my 'prime time', and could therefore not expect an appreciable increase in my output if he would employ me full-time." Dr. Sengers also feels that "part-time work should be available as an option to both men and women, with the same rights and duties as full-time work."

Since 1967, Helen Devay, a GS–14, has been the Chief of the Systems and Actions Branch of the Office of Personnel Management at the National Institutes of Health. She has been a Federal employee for 34 years and a part-time worker for 18 of those years.

For the first twelve years of her career, Ms. Devay was employed full-time at a variety of jobs, beginning as a junior stenographer in 1940 and moving through clerical jobs to become an organization and methods examiner with the Civil Service Commission, and later a personnel management specialist. In 1955, Ms. Devay resigned her job as a personnel management specialist with the Air Force Headquarters Civilian Personnel Directorate which she had held for seven years, to devote more time to her family.

In 1956, Ms. Devay returned to the Air Force to work on a special project. She began by working a 16-hour week but through the years, that increased to a 20-hour week. In retrospect, Ms. Devay believes that the Air Force did not really expect the part-time arrangement to be useful for any continuing period. "They learned differently," reported Ms. Devay.

In 1964, Ms. Devay was hired by the National Institutes of Health. Currently working an 80% tour of duty, Ms. Devay is in charge of personnel publications development, personnel data system operation, and appointing office responsibilities. She supervises a staff of 33.

Ms. Devay is an advocate for increasing part-time employment opportunities. "If any kind of business, including the Federal Government, does not make use of part-time workers, they are depriving themselves of valuable talent. I feel my part-time experience has been mutually beneficial to myself and the office."

Edna Susman is a medical technologist. As her family has moved around the country since 1953, Mrs. Susman has worked in the Veterans Administration hospitals near her homes. She began working on a parttime basis in the VA hospital in Hines, Illinois after the birth of her daughter in 1956. Her workweek over the years has varied from eight to 24-hours.

Mrs. Susman has been working part-time at the Washington, D.C. VA hospital since 1971. She normally works three days per week but if the workload is especially heavy or one of the other medical technologists is out, Mrs. Susman works an extra day or evening. She may work up to 39 hours per week.

Working in the routine hematology laboratory and the blood bank at the VA hospital is very challenging to Mrs. Susman. In order to improve her skills, she is taking a course on Wednesday evenings in solving blood transfusions problems at the National Institutes of Health. The VA hospital is paying her tuition. Mrs. Susman says, "I simply want to do the best job possible and keeping abreast of the latest developments in the medical field is important."

Mrs. Susman is enthusiastic about working part-time. She states, "I enjoy working part-time for several reasons. First, it allows me to keep my skills from becoming rusty. I also feel I can make a comfortable home for my husband, teenage daughter and aging mother-in-law. I spend three days working with sick veterans and am at home with my own healthy family for four days—a good balance for me."

In March, 1973, following the birth of her son, Bonnie Polk returned to work with the Food and Nutrition Service of the Department of Agriculture on a part-time basis. She continued in her previous capacity, as editor of the Food and Nutrition magazine and newsletter.

In the summer of 1973, Ms. Polk became Assistant to the Director of Information. This past fall, her supervisor asked her to become branch chief in charge of five full-time information specialists who cover program operation.

Ms. Polk works a three-day week and feels it has created no office problems. "I review all the work of the information people under my supervision—and if there is a tight deadline, I take the work home and do it in the evenings, on the weekends, or on my days off. Fortunately, this doesn't happen too often. On my days off I also frequently check with my people to discuss any problems they might have. They know, too, that they can call me any time at home. I have also changed my work schedule if something is pressing at the office and I need to be there."

Ms. Polk's supervisor is extremely pleased with the way her position is working out. He has recommended her for promotion.

Ms. Polk feels that as a part-time employee, she has the best of both worlds. "By working three days and spending four days a week with my son, I feel as if I can still be the person who is primarily responsible for raising my child, and at the same time give valuable service to the organization for which I have worked for many years."

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Flexible Hours Employment Act".

SECTION 1. As used in this Act, the term—

(1) "Executive Agency" means an Executive department, a Government corporation, and an independent establishment, including the United States Postal Service;

(2) "flexible hours employment" means part-time employment, as for example, 4 hours per work day or, 1, 2, 3 or 4 days per work week, and includes such other arrangements as the Secretary establishes consistent with the policy set forth in section 2(a) and

(3) "Secretary" means the Secretary of Labor.

SEC. 2. (a) It is the policy of the United States Government that, unless adjudged impossible by the Secretary, at least two per centum of the positions at each and all levels in all Executive Agencies shall be available on a flexible hours employment basis for persons who cannot work or do not desire to work full-time within one year after the date of enactment of this Act. Not later than two years after the date of enactment of this Act, four per centum of such positions shall be available for such persons. Not later than three years after the enactment of this Act, six per centum of such positions shall be available for such persons. Not later than four years after the enactment of this Act, eight per centum of such positions shall be available for such persons. Not later than five years after the date of enactment of this Act, ten per centum of such positions shall be available for such persons.

(b) Each Executive Agency shall adopt and maintain procedures, continuously conduct activities and projects, and undertake such other efforts as may be appropriate to carry out the policy of subsection (a) of this section. The Secretary shall promptly formulate and implement and thereafter supervise a program to assist Executive Agencies in carrying out such policy.

(c) Each Executive Agency shall report quarterly to the Secretary on the procedures, activities, projects and other efforts undertaken to carry out the policy of subsection (a) of this section. The quarterly reports shall contain documentation concerning the extent to which the employment requirements of subsection (a) have been fulfilled and an explanation of any impediments to their fulfillment and of measures undertaken to remove these impediments.

(d) The Secretary shall report annually to the Congress on the procedures, activities, projects and other efforts undertaken to carry out the policy of subsection (a). The annual reports shall contain documentation concerning the extent to which the employment requirements of subsection (a) have been fulfilled and an explanation of any impediments to their fulfillment and of measures undertaken to remove these impediments.

SEC. 3. (a) The Secretary shall carry out all his or her functions relating to the welfare of wage and salary earners through the Employment Standards Administration of the Department of Labor, or any Administration of the Department of Labor that may, after the effective date of this Act, be charged with responsibilities similar to those of the Employment Standards Administration, including—

(1) the conduct of research and experimentation projects and any other activities designed to promote, in public and private employment, the advancement of opportunities for persons who are unable or who do not desire to work standard working hours;

(2) the promotion and supervision of programs for flexible hours employment in the Executive Agencies; and

(3) the encouragement of adoption of flexible hours employment practices by all public and private employers.

(b) The Secretary shall carry out all of the functions of this Act through the Employment Standards Administration of the Department of Labor, or any Administration of the Department of Labor that may, after the effective date of this Act, be charged with responsibilities similar to those of the Employment Standards Administration.

SEC. 4. No person who is otherwise qualified for full time Federal employment shall be required to accept flexible hour employment as a condition of new or continued employment.

SEC. 5. All persons employed in flexible hours employment positions pursuant to the policy established by section 2(a) of this Act shall receive, on a pro rata basis, all benefits normally available to full-time employees of all Executive Agencies in similar position or grade.

SEC. 6. No Executive Agency subject to the provisions of this Act shall, for the purpose of determining that agencies personnel ceiling requirement, count any employee employed on a flexible hours employment basis other than on a pro rata basis according to the percentage of hours such employee works in each 40 hour work week.

SEC. 7. No person employed as an expert or consultant pursuant to section 3109 of title 5, United States Code, and no person who is employed for more than 20 hours in any 40 hour work week by any employer other than an Executive Agency may be counted for the purpose of determining compliance with the policy established in section 2(a) of this Act.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SECTION-BY-SECTION ANALYSIS

Section 1 defines the terms "Executive Agency", "Flexible Hours Employment" and means part-time employment as, for example, four hours per work day or one, two, three, or four days per week and other similar arrangements that the Secretary of Labor finds to be consistent with the basic policy set forth in Section 2.

Section 2, Subsection (a) sets forth the basic policy established by this legislation. It requires that, unless adjudged impossible by the Secretary of Labor, 2 percent of the positions at each and all levels in all Executive Agencies must be made available on a flexible hours employment basis within one year of the date of enactment. Two years after enactment, 4 percent must be so available. Three years after enactment, 6 percent must be so available. Four years after enactment, 8 percent must be so available. Five and all subsequent years after enactment, 10 percent must be so available. These positions shall be made available for persons who cannot or do not desire to work full time.

Subsections (b), (c) and (d) establish reporting procedures through which the Secretary of Labor administers the review and oversight of the implementation of Subsection (a) policy and through which the Congress is kept informed as to the extent of, barriers to and development of measures to increase fulfillment of Subsection (a) policy.

Section 3 requires the Secretary of Labor to promote expansion of flexible hours employment practices by all public and private employers.

Section 4 provides that no person can be forced, against his or her will, to accept flexible hours employment as a condition of new or continued employment. This is to protect present full-time employees in the Civil Service against the possibility that they might be forced into changing their own currently satisfactory working arrangements in order that their employing agencies might meet the policy goals stated earlier.

Section 5 provides that persons employed in flexible hours employment positions shall receive, on a pro rata basis, all benefits normally available to full-time employees working in similar Federal positions or grades.

Section 6 requires that, when counting employees for purposes of determining compliance with agencies' personnel ceiling limits, persons in flexible hours employment positions shall not be counted on other than a pro rata basis according to the percentage of hours each person works in each forty-hour workweek.

Section 7 says that persons employed as outside experts or consultants or persons who work more than twenty hours per week outside the Federal government may not be counted for the purpose of determining compliance with the policy and goals established by this legislation.

Section 8 authorizes to be appropriated such sums as are necessary to carry out the purposes of this legislation.

BASTILLE DAY

Mr. PERCY. Mr. President, on July 14 the people of France celebrate their great national holiday, Bastille Day. This year marks the 185th anniversary of the creation of the French Republic.

I would like to take this occasion to greet the French people, our close friends and oldest allies, and especially the many French families who reside in the United States. Throughout our history, mutual respect and trust have created strong bonds and warm relations between our two peoples. I look forward to continued amity and a further strengthening of our traditional ties.

SENATOR JACKSON'S CHINA VISIT

Mr. JACKSON. Mr. President, my visit to the People's Republic of China from July 1 through July 6 provided an unusual opportunity for indepth exchanges with top Chinese leaders on major foreign policy questions. On my return I indicated a number of key impressions arising from these discussions, and would like to call them to the attention of my colleagues.

Mr. President, I ask unanimous consent to print in the RECORD my statement of July 8, 1974.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HENRY M. JACKSON, ON RETURN FROM THE PEOPLE'S REPUBLIC OF CHINA, JULY 8, 1974

My view that the Chinese think realistically about the geopolitical situation on the Eurasian land mass has been strongly reinforced by my talks in Peking. I found that there are many areas in which American interests parallel those of the Chinese. Even though we use different language to express our positions and even though we start from different premises, there are a range of matters in which the national interests of our two countries are compatible. I found that many of my own positions on vital issues now being debated in America were understood and sympathetically appreciated by the Chinese.

During my stay in China I had over 15 hours of detailed and frank conversations with Premier Chou En-lai, Vice-Premier Teng Hsiao-p'ing, Vice-Minister of Foreign Affairs Chiao Kuan-hua, and other high officials of the People's Republic of China. I came away from these discussions with a number of key impressions of the way in which the Chinese view the developing world situation and of some of the problem areas that both we and they face.

At the center of Chinese concern is what they perceive to be the expansionist and unreliable nature of the Soviet Union. While they are convinced of their capacity to defend themselves on the basis of self-reliance, they see Soviet policy as in part directed at the encirclement of China.

It is my judgment that the Chinese recognize the importance of NATO and the danger of any immediate withdrawal of U.S. troops from Europe. Their present position is that the Soviets are "feinting to the East in preparation for an attack on the West." That is, they are concerned about the weakness of Europe and the need for greater unity among the Western allies.

One concern that I perceived is related to Soviet involvement on the Indian subcontinent and in the Persian Gulf, particularly their pressure on Iran and Pakistan. The Chinese expressed concern over their perception of the limited extent of American understanding of persisting threats to the territorial integrity of Pakistan.

Two years have elapsed since the Shanghai Communique and we should now be pressing on toward new departures in Sino-American relations, including the establishment of resident correspondents in each country, more substantial programs of cultural and educational exchanges, and the settlement of the assets issue. On the matter of diplomatic recognition, we should try to reverse the location of our embassy and liaison office as between Taipei and Peking.

I was struck by the Chinese spirit of self-reliance which is manifest in many areas, from security planning to their handling of foreign trade. The American people will welcome the news that trade with China is evolving on a solid commercial basis. Unlike the Russians, the Chinese are not seeking special subsidies.

I was able to explain to the highest Chinese officials the nature of the American decision-making process and the increasing importance of Congress in foreign policy matters. I believe that the U.S.-China relationship must be strengthened by moving beyond contacts between a limited number of personalities to a more institutionalized process and a far wider range of exchanges and other relationships.

To the Chinese one's word of honor is more important than formalistic agreements on paper, and they profoundly distrust the Soviet Union for failing to act with integrity. The Chinese have learned from bitter experience that their treaties are of little value with the Russians, and they value the frankness with which Americans have spoken with them. I found that while they and I could easily identify a wide variety of issues on which we could agree, they also respected my frankness when we identified matters on which we disagreed. At no point did ideology prove to be a hindrance to precise communication.

I met with Premier Chou En-lai in his suite in a hospital where he is convalescing. He was alert and keen minded. He was thoroughly familiar with my talks with the other officials and thus we were able to move directly to a discussion of key issues. On leaving he graciously accompanied me out of his suite where further photographs could be taken.

I must make further mention of how warmly received I was by all the Chinese with whom I dealt and I particularly appreciate the cordial hospitality of my host, the People's Institute of Foreign Affairs. When I visited Soochow, the birthplace of Mrs. Jackson's mother, the teachers and students at the college greeted us enthusiastically. I also want to thank the American Liaison Office in Peking and particularly my old friend Ambassador David Bruce for their many courtesies.

My trip was short but because we concentrated on working sessions rather than sightseeing, I was able to learn a great deal that hopefully will contribute to better relations and expanding contacts between the United States and China. It is clear to me that in the future there are going to be an increasing number of American policy problems the solution of which must involve considerations of Chinese interests and views.

We must grasp this moment in history when geopolitical considerations have brought our two countries closer together to build a web of relations which will promote peace, especially as China moves ahead to become a nuclear and industrial power. I trust my visit has been a significant event in the essential process of expanded and more frank discussions and consultations between Chinese and Americans about world issues.

THE DEATH OF FORMER SENATOR ERNEST H. GRUENING, OF ALASKA

Mr. HOLLINGS. Mr. President, I join in the Nation's sadness at the passing of our former colleague, Senator Ernest H. Gruening, of Alaska. And I share the Nation's pride in the many accomplishments of this wise and good man.

Ernest Gruening's career was long and fruitful. A man of intellect and scholarship, our late friend was equally at home in the fields of government, politics, publishing, medicine, and the arts and letters. His standard was excellence in whatever he did; and throughout his many years of service to the Nation, his performance matched that high standard.

In 1936, with recognition and prominence long since attained, Ernest Gruening made his first trip to Alaska. From that time onward, he devoted his untiring efforts to the development of that last, vast frontier. He utilized his every skill in the fight to achieve statehood, and it was largely thanks to his efforts that statehood was won in 1958.

He fought ceaselessly and vigorously for the causes in which he believed. Whether it was social justice for the underprivileged, or statehood for Alaska, or extrication from the quagmire of Vietnam, Ernest Gruening gave it his all.

Mr. President, it was an honor for me to serve in this Chamber alongside Ernest Gruening, although I was here for only the last 2 years of his senatorial career. In that time, I came to know him as a man of judgment and courage, always willing to give wise counsel, and generous and warm in his friendship.

He is gone now, but he leaves behind a proud record of accomplishment. He leaves, too, a beacon of integrity and compassion and dedication that gave meaning to his life and can give direction to ours. His family, his friends, his State, and his nation will remember him with affection and gratitude. This is a better land for his having come our way.

FIRST EMERGENCY MEDICAL GRANTS

Mr. CRANSTON. Mr. President, California will receive $3.7 million out of a total $17 million for the Nation under a new Federal program for improving emergency medical services.

The grants are the first to be made under the Emergency Medical Services Systems Act of 1973, a bill I authored which was signed into law last fall. The money will save thousands of lives by bringing fast, sure medical care to the scene of an accident or medical emergency and by improving hospital emergency rooms.

Los Angeles County will receive more than $2 million and will use it to send its famous paramedic teams to an additional 1 million people in 11 cities not now covered by the service.

In San Francisco, $381,206 will be used to modernize San Francisco General Hospital's emergency room, train paramedics and implement a citywide system of emergency medical services. Alameda County will receive $660,500 for ambulances and other first aid and rescue equipment needed to establish a comparable countywide system.

It is a continuing America tragedy that 175,000 people die needlesly each year in this country because of inadequate medical care in an emergency. Another 25,000 are left permanently crippled because of inept handling by untrained ambulance attendants and rescue workers.

The funds now being made available under my bill will help increase the number of survivors of accidents and restore them as quickly and fully as possible to productive lives.

PEER REVIEW SYSTEM IN THE UNITED STATES

Mr. BENNETT. Mr. President, I am delighted with the improved climate that seems to be developing around the PSRO program and happy to be able to share with my colleagues a recent news release from the Columbia University College of Physicians & Surgeons, which demonstrates a grassroots physicians' support for the PSRO concept. I ask unanimous consent that it be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

News Release From the Columbia University College of Physicians and Surgeons

A national study of physicians indicates grass-roots support for a peer-review system in the U.S., strenuous opposition to the plan notwithstanding.

According to the study, conducted by a group of researchers at Columbia University's Faculty of Medicine, three quarters of the physicians interviewed would prefer a national health insurance plan "under which the work of doctors is routinely reviewed by a panel of practicing doctors," rather than a plan without such a system of reviews. Moreover, "leaders" and members of the American Medical Association were in esesntial agreement on this and other aspects of peer review. The study identified AMA leaders as those who had been officers or committee chairpersons on the AMA national, state, or local levels in the past five years.

"The heavy majority of physicians who favor peer review under a government-sponsored program such as National Health Insurance is surprising," said Dr. John Colombotos, associate professor in the Division of Sociomedical Sciences of the School of Public Health, "in view of the common impression that doctors—particularly members of the AMA—are split on the issue." Dr. Colombotos heads the study under a grant from the Bureau of Health Services Research, Department of Health, Education and Welfare.

Further, four out of five physicians (82 per cent of AMA leaders and 81 per cent of AMA members interviewed) favored "reviews of doctors' work in hospitals by other doctors."

Support drops for office reviews, the study found. Just under one-half of doctors interviewed (43 percent of AMA leaders and 48 per cent of AMA members) favored "reviews of doctors' work in their offices by other doctors."

Physicians who are not AMA members, many of whom are teachers, researchers, and administrators, were more favorable to such reviews.

In releasing information pertaining to the current discussion on professional standard reviewing organizations (P.S.R.O.'s), Dr. Colombotos emphasized the relevance of data, "despite the fact that they were collected in the spring, 1973, before the P.S.R.O.'s became front-page news."

Always a lively topic of discussion in medical circles, peer reviews appeared in the 1972 Social Security amendments calling for the establishment of a federally mandated review system for doctors. Under the plan, review organizations composed of physicians monitor care paid for by the Federal government, such as Medicaid, Medicare, and possibly national health insurance.

The information from the Columbia study is based on the responses of 2,700 physicians out of a nationally representative sample of 3,600 physicians in all major professional activities.

Dr. Colombotos and his associates, Corrine Kirchner and Michael Millman, also surveyed large groups of medical students, interns, residents and special groups of other physicians to explore major issues in the organization of health care in the United States. Only the information dealing with peer review is being released now because of its timeliness, Dr. Colombotos said. The data on other aspects of health care such as national health insurance are still being analyzed.

NATIONAL COUNCIL OF SENIOR CITIZENS SPEAKS OUT ON SOCIAL SECURITY

Mr. CHURCH. Mr. President, the National Council of Senior Citizens conducted its 12th Constitutional Convention this month—June 12–15—in Washington, D.C., and provided a major forum for discussion of issues affecting older Americans. Among those issues was one of vital concern to all age groups in our Nation: The present status and future soundness of our social security system. Mr. George Meany, president of the AFL–CIO, was the major speaker, and he was emphatic in his criticism of recent "scare" stories which suggest that the social security trust fund would not have enough money to pay benefits within the next decade or so. He said:

> The Social Security Trust fund is not in danger of collapse, unless the Congress and the White House fail to respond to warning signals. And those who pretend otherwise have a political axe to grind. They hope their campaign will hurt the drive for genuine national health legislation.

Mr. Meany's point about "warning signals" is well taken. As chairman of the Senate Special Committee on Aging, I am conducting several hearings on "Future Directions in Social Security." Witnesses have made suggestions for changes in social security in order to meet challenges of the future, but they have not suggested desertion of its fundamental concepts, including the contributory payroll tax.

Their suggestions deserve careful consideration, but not in an atmosphere of fear or hastiness. We have time to make changes as they are needed.

Another point made by Mr. Meany is also worthy of attention and concern. He said that a leading union president, Mr. Floyd E. Smith of the International Association of Machinists & Aerospace Workers, was denied a place on the Social Security Advisory Council, apparently because he supported George McGovern for President. Mr. Smith is chairman of the AFL–CIO Standing Committee on Social Security; he also is an active articulate spokesman on matters of social justice for all Americans. Outraged by this apparent political bias, several other labor representatives refused to become members of the Advisory Council.

Mr. Meany's comments about Mr. Smith provide additional reason for early action on a bill I have introduced, S. 3143, to establish the Social Security Administration as an independent, nonpolitical agency outside the Department of Health, Education, and Welfare.

Another view of the strengths of social security was expressed by Nelson Cruikshank, NCSC president and former social security director of AFL–CIO. Mr. Cruikshank has been a magnificent ally to Congress over the years in efforts to improve social security and one of its most important components, medicare. I took note of this fact at the NCSC convention when I received the Council's Award of Merit, and I also pointed out that Nelson Cruikshank is often a tactful and patient teacher to Members of Congress on matters of fundamental importance about social security and medicare.

In his report to the convention, Mr. Cruikshank described progress made on those and other programs during the past few years. His commentary is timely and informative; I ask unanimous consent to have this portion of his report printed in the Record.

There being no objection, the portion of the report was ordered to be printed in the Record, as follows:

Because of this extremely unfriendly climate which seeps down from the White House and permeates every branch of government we have to rely on our friends in Congress, not only for favorable legislation, but to help us police the legislation that has been enacted into law. Time and again for the past two years when proposed regulations have been published in the Federal Register putting us on notice that some further reduction in an existing program is contemplated, and we have filed a formal protest which we have no reason to believe is ever even read by the policy makers, we have had to go to our friends in Congress—and bring to their attention the Administration's schemes for overruling the intent of Congress. In instance after instance our friends have exercised their Congressional authority to keep the Administration in line to keep them from cutting back programs as much as they obviously would like to do.

But let me tell you, this is a dismal occupation. During the years I have been in Washington, a good bit of my time has been spent with Administration leaders suggesting improvements in programs or working with them to develop new programs of benefit to working people and the elderly. Our primary problem was with the Congress even though Congress in those early days was often more liberal than the present one. But the Administrations that I worked with—yes, even including the Eisenhower Administration—were providing leadership to the country in forward movements, not sitting there with a heavy foot on the brake trying to hold back existing programs.

The present Secretary of Health, Education, and Welfare comes to his post with no experience or competence in either field of health or education or welfare, but with training only in the expertise of budget cutting. He is one of the most heartless men I have ever known, apparently completely lacking in any compassion or feeling for human beings. It is no wonder that he is known unaffectionately in the whole public interest and welfare community of this city as "Cap The Knife".

But working with our friends in Congress has been rewarding. Probably our most outstanding achievement and one for which we can modestly take some credit was the improvements in Social Security benefits. Again, facing bitter Administration opposition and veto threats, we secured in 1973 a 20 percent increase effective September of that year. We have also secured a two-stage "cost-of-living" increase with 7 percent effective in March and the remaining 4 percent in June of this year. We secured legislation providing 100 percent of the primary insurance amount for widows and dependent widowers up from 82½ percent. Amendments to the Social Security Act also provided for automatic cost-of-living increases in Social Security benefits and the retirement test levels were increased by 43 percent.

For those who depend entirely on Social Security benefits the levels are still too low to provide adequate income especially in these times of rampant inflation. The time lag in the cost-of-living increases now built into the Social Security Act results in benefits always being behind the cost of living and when the cost of living increases are rocketing up at present rates this lag can be serious. However, the increases in Social Security benefits themselves have, in fact, far out-paced the cost-of-living increases. The Consumer's Price Index has increased by 15.7 percent since June of 1972 whereas the average retired worker's Social Security benefit has increased by 40.3 percent. The increase for aged widows, because of the special provision in the new legislation, has done even better. As against this 15.7 percent increase in the Consumer's Price Index, the average aged widow's benefit has increased 46 percent in the last two years. Those percentages look impressive but the average benefit still is only $174 a month and, while we can take pride in the great forward movement that has taken place with our active participation in the last two years, we certainly cannot say that enough has been done.

Improvements in Social Security legislation that have taken place in the last two years have also provided for the first time a guaranteed annual income for three categories, namely, the aged, the blind, and the disabled. This is an important principle even though the level of benefits is so low that they cannot alone lift many of the aged, or blind, or disabled out of poverty. However, we have in the past had the experience of having benefits introduced at very low levels and, once having established the principle, have been able to raise the benefit amounts substantially.

The implementation of this Supplemental Security Income Program has required a vast effort to find the newly eligible people estimated to be about three million in number. It is clear to us now that again the Administration wants to have something to talk about, maintaining that they are carrying on a vigorous effort to find these people, hoping and meaning all the time that they not be found. The law was passed in the middle of last year. It was to become effective January of this year. Some three million people on State welfare rolls could be transferred almost automatically but it was estimated that there was nearly another three million people who had to be searched out and found. An effort was launched under the guidance of the Administration on Aging which I think sincerely wanted to find these people but operating under the general restrictive attitudes of "Cap the Knife" they were hindered at every point. Now, five full months after the program was to have been in full operation, according to the latest figures we've been able to obtain, only about one in eight of the newly eligible persons are actually receiving benefits. That seems like a miserable record, but let me tell you that in this Administration in programs designed for the welfare of people that's about par for the course.

With respect to the Medicare program we have seen the Administration taking every administrative device available to cut back on the effective protection of the program. When they have proposed legislation to cut back the program they have been effectively thwarted by Congress. Neither Congress nor the public was deceived by the Administration labeling their cut backs as "Improvement in Medicare." Congress rather than cut back Medicare has, with our active support, and the support of our membership across the land, extended the Medicare program to cover the disabled and those with severe kidney diseases.

Further legislative accomplishments are found in the extension and expansion of the Older Americans Act and the programs operated under this Act. Two call for special mention: (1) the establishment of the Older American Community Service Program under Title IX. This program is based on the very successful demonstration program, Operation Mainstream, from which our Senior AIDES Program is operated, and (2) establishment of the Nutrition Program for the Elderly under title VII. Under this program over two hundred thousand, low-income older people, are now receiving hot, nutritious meals in a socially constructive environment.

We have worked with our friends in the labor movement to secure effective, acceptable pension reform legislation. Bills have passed both the Senate and the House with technical differences now in conference.

We were active also in the encouragement of the enactment of the Health Maintenance Organization (HMO) legislation and we let our wishes be known with respect to the amendment to the Highway Financing Bill which permits States and localities to use part of the Trust Funds for mass transit services. Finally we supported the enactment of a provision to establish a National Institute on Aging. After twice vetoing the measure, the President finally signed it reluctantly on June 1st of this year.

DEFENDING SOCIAL SECURITY

We had thought that after 39 years since the passage of the first Social Security Act that the principles of a contributory social security insurance system designed to protect workers and their families against loss of wages through retirement, disability or death of the family bread winner were firmly established in our national policy.

We had thought that the wide popularity and acceptability of this system and the principles on which it is based was a sufficient bulwark against the attacks of the selfish interests who had in the early years fought to destroy it. We find now, however, to our dismay, a new upsurge of challenges to these principles clothed in the pretense that they speak for the tax burdened worker and buttressed by the pseudo-intellectualism of outfits like the Brookings Institution, popular writers who never took the trouble to study the system and engulfing the nation in a flood of propaganda attacks against Social Security. In this field, therefore, we are called upon to fight a two-front war. The needs of our membership demand that we continue to fight for improvements in both the benefit and the financing of the system while, at the same time, we have to defend the basic principles of the system against those who would destroy it and with that destruction, destroy the best defense that working people have against poverty and deprivation.

ECONOMIC FORECASTS

Mr. BENTSEN. Mr. President, for those of us concerned about national economic policy the present disarray among academic economists is unsettling to say the very least.

As chairman of the Joint Economic Committee's Subcommittee on Economic Growth, I have just completed two sets of hearings on the long-term performance of our Nation's economy.

In reviewing the prominent forecasts, I have observed a large diversity of opinion and a general pessimism within the economic profession about the economic outlook for our country.

Mr. President, I wish to say that I am deeply concerned. I believe we have economic problems ahead which cannot be adequately dealt with in the absence of some changes in Government policy and even a hard rethinking of some of our basic economic theories. Ours has been a country where we have generally enjoyed a higher standard of living as the years went by. I am afraid we have entered a period in which far too many of our people will be fighting just to stay even.

Mr. President, I do not believe in the trickle-down theories which seem to have governed so many of our Government's recent economic policies. It has been my experience that when average working men and women in this country are doing well, business does well and the country as a whole does well.

But businesses are facing a problem right now which affect all of us—and that is their inability to raise adequate capital to expand capacity. Capacity shortages are causing inflation in a number of areas of basic manufactured goods—and inflation hits the average American worker very hard. I believe we must find ways of directing capital to areas where we need expansion such as basic manufacturing, mineral production, and homebuilding. Over the last decade we have concentrated on stimulating or restricting "demand" as a means of dealing with economic fluctuation and have been inclined to let "supply" take care of itself. By relying on policies which reduce demand as the principal means of fighting inflation, Government has caused the inflationary impact of shortages and high borrowing costs to be reflected in almost everything we buy.

If this is fine tuning the economy—then someone has a poor ear for music.

The long-term forecasts I have studied now indicate high levels of inflation through 1982 and beyond, and the higher levels of inflation are distorting the picture of what kind of economic growth we can expect.

A recent article in Business Week points out some of the problems economists have encountered in making short-run forecasts. Of course these problems are compounded as we try to look further into the future. The crux of the problem for either long- or short-term forecasting lies in its dependence upon past patterns of events recurring. When the structure of the economy changes, the forecasts go awry. And the structure of our economy and its place in the world is changing. History has become a poorer guide in formulating our expectations about the future. I believe this article raises some question to which we need very desperately to find some answers.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEORY DESERTS THE FORECASTERS

Economists will remember 1974 for many things: for the squeeze on energy, for the breathtaking rise in prices, and perhaps for events yet to come. But mainly they will remember 1974 as the year the forecasters blew it.

Passing the midpoint of the year, the forecasters are scrambling to revise the projections they made so bravely last November and December (table, page 52). They disagree not only about the prospects for the economy in 1975 but also about the outlook for the remainder of 1974. They cannot decide whether the U.S. is going into a recession. They cannot even agree on the trend of production, income, and employment at the end of the second quarter.

Such confusion among the experts is frustrating for businessmen and government officials who must make commitments and choose economic policies on the basis of forecasts. It is equally frustrating for the economists themselves. For a forecast, essentially, is the statement of a theory with specific values instead of abstractions. When the forecast goes seriously wrong, it suggests that something is wrong with the theory. And when all forecasts miss the mark, it suggests that the entire body of economic thinking—accumulated in the 200 years since Adam Smith laid the basis for modern theory with his *Inquiry into the Wealth of Nations*—is inadequate to describe and analyze the problems of our times.

Somehow, today's economists must revise and extend this body of thinking so that it will apply to an inflation-prone world beset with shortages and far more unified economically than politically, like the "Keynesian Revolution" of the late 1930s. Some economists are already looking for a modern Keynes whose sudden insight will generate a theory to explain what is happening today, but the majority think that understanding will come piece by piece, as they accumulate experience with the new problems that face them. Until it comes, one way or the other, the forecasters will be flying blind.

Both business and government lean heavily on forecasting as a basis for decision-making. The auto industry, for instance, makes elaborate projections of incomes and output and uses them to estimate consumer demand, which in turn determines sales targets for the year ahead. Company treasurers forecast money market conditions in deciding when and where to raise the funds they need. The Federal Reserve usually adjusts its monetary policy to expected conditions, "leaning against the wind" when it thinks the economy is moving up too fast and relaxing when it wants to stimulate faster growth. The Administration and Congress base tax and revenue decisions on forecasts of incomes, prices, and employment.

A DETERIORATING RECORD

All these users now have to face the fact that the chances of serious error in forecasting have increased alarmingly.

As Robert H. Parks, chief economist for Blyth Eastman Dillon Co., says in a footnote to his latest forecast: "Our caveat is that probability theory (and economic theory) has not been of much help recently. The unprecedented and the dismal seem to come with a regular and stepped-up frequency." Economists, he concludes, are "forced to make economic projections more frequently."

In other words, even the best forecasts are now out of date shortly after they are constructed.

The sudden failure of the forecasts is particularly galling to economists because the performance record in the second half of the 1960s was extremely good. A majority of forecasters, including the best known of the econometric projections, the Wharton model at the University of Pennsylvania, accurately predicted the 1969-70 recession. They did equally well in calling the turn and estimating the dimensions of the recovery that followed. As the recession deepened in 1970, the forecasters saw a shift coming and predicted a modest increase in real output in 1971. This came through right on schedule, and the forecasts of price increases and levels of unemployment also checked out neatly with actual performance.

Again, in 1972, the typical prediction of accelerating business activity proved accurate. But 1973 was another story. The forecasters called the shots on economic growth pretty well. They failed utterly to foresee the explosive inflation. The average forecast of price change for the year (the deflator used to put gross national product on a constant-dollar basis) was 3.4%. The average change for the year was actually 5.4%, with the rate shooting up to 8.8% in the final quarter.

If 1973 was a bad show, 1974 promises to be worse. At the midpoint of any year, economists have usually settled on a consensus forecast for the remaining six months. This year there is not even an agreement as to whether the U.S. is in a recession or a temporarily interrupted boom.

Economists at New York's First National City Bank say, "The recession is still there even though many businessmen are persuaded that it was just a downtick." And the economic research arm of the Chase Manhattan Bank, Chase Econometrics, writes flatly: "The economy is still moving in the downward direction."

But Sam I. Nakagama, chief economist for Wall Street's Kidder, Peabody & Co., says that the latest figures indicate that business has picked up since the end of the oil embargo. And Donald E. Woolley, chief economist for Bankers Trust Co., says, "I am more concerned that business will be too strong later this year than I am that it will be too weak." He adds: "Of course, that assumes no liquidity crunch."

Behind this disagreement is an uncomfortable fact: Economists no longer know what to make of figures that they once thought they could interpret with confidence. The prime statistical series that every forecaster watches for clues to evolving trends have begun to give bewildering signals.

Take, for instance, one of the most widely used instruments in the economist's tool kit, the "leading" indicators. These indicators typically change direction well in advance of broad shifts in business conditions. For 24 years, economists have watched a composite average of 12 series that have been particularly consistent in warning of changes in the making. This so-called "short list" includes such items as hours worked, unemployment claims, new orders for hardgoods, contract awards for capital goods, stock market prices, and corporate profits.

The 24-year record of the short list in calling significant economic turns, either up or down, is good. But this time around, it gave no warning of the first-quarter spill in business activity. Since the economy began to slow in December, the leading indicators should have been going down before that. Instead, the index read 166.8 in October and has continued an erratic climb from there.

This should mean clear sailing ahead, but economists are beginning to suspect that the roaring inflation has injected a new and confusing factor into the dependable old series. Much of the apparent strength comes from series that are dollar-denominated. Their gains reflect the upsurge in prices rather than gains in real output. Economists are not sure how to—or even whether to—try to adjust for this bias.

They are equally mystified by the spectacle of sagging stock prices in the face of a general upswing in profits. They know that the climb of interest rates to record levels has all but demolished the equity market, but they do not know how to allow for that in their forecasts.

Consumer surveys are another important tool that has been behaving peculiarly in the past year. Consumer optimism, as measured in survey indexes, slid to recession levels, touching the lowest points ever recorded. On the basis of past experience, this should have led to severe retrenchment in spending, and a substantial number of economists predicted just that. Instead, high prices seem to have forced consumers to spend more than they intended just to maintain living standards. Jay Schmiedeskamp, consumer survey director of Michigan University's Survey Research Center, says resignedly: "Let's face it. One of the problems of consumer surveying is that we are in a completely new ball game as far as consumer behavior is concerned."

Yet another case of deceitful statistics is the operating rate of U.S. industry. Traditionally, a high operating rate has indicated mounting inflationary pressure. A relatively low rate has meant that there was ample slack in the system to take care of growing demand.

But in the first quarter of 1973, just when inflation was beginning to pick up speed, the Federal Reserve's index of capacity utilization in manufacturing registered only 81.3% (since revised to 82.9%). This over-all figure concealed what was going on in basic materials. When the Fed came up with a new series in late summer, economists suddenly realized that major materials industries were operating at 93% of capacity—the tightest utilization rate since World War II.

Improved statistics, like the new capacity series, will help economists work their way out of the trap. But the problem is much more fundamental than just flaky figures. The basic technique of forecasting is to observe the past and look for clues to what will happen in the future. But there is nothing in the past comparable to the inflation-wracked, shortage-ridden U.S. economy of today. The forecaster must work without analogies, which is to say, he must work in the dark.

NO HELP FROM THE PAST

This is particularly hard on the econometric forecasters, the economists who build huge mathematical structures representing the interrelations of various elements in the economy. The equations for forecasting automobile sales, for example, have been built up from years of data on actual sales. They state an assumed relationship among sales and the growth of incomes, the state of business, and a number of other factors that influence buyers. The statement was accurate in past years, but the fuel crisis has changed the rules. The problem now is to factor in the fuel crisis, but nothing in past experience suggests how this can be done. The forecasters know that the rising price of gasoline will encourage buyers to shift to smaller cars. At some point, the rise in fuel costs will affect total sales of automobiles. But how much?

The judgmental forecasters—the seat-of-the-pants analysts—have not done much better than the econometricians. They, too, must look to the past, and it tells them very little that is relevant today. They can make an arbitrary allowance for the effects of higher gas prices, but so can the model makers. When the computer spins out something that does not square with common sense, the econometricians never hesitate to introduce a "fudge" or "fiddle" factor. The basic trouble today is that forecasters need something more than fudges and fiddles. They need new insights into a complex world that is not analogous to anything in the past. They need a sweeping advance in economic theory.

Today's economic theory is a massive body of thought that began building two centuries ago when Adam Smith tried to describe the way a market economy sets prices, allocates resources, and satisfies demand. Smith's free market economics was elaborated on by David Ricardo, footnoted by Parson Thomas Malthus with his concern with excessive population growth, and contradicted and stood on its head by Karl Marx, who nevertheless contributed some important insights. It probably reached its peak in the elegant formulations of Alfred Marshall, whose scissor-shaped curves still serve as a portrait of the "law" of supply and demand.

The complex world of the 20th Century forced more and more changes in Smith's concept of a world in which an "invisible hand" coordinated the self-serving decisions of individuals to produce optimum results for all. Irving Fisher, a pioneer in the invention of index numbers, stressed the relation between price changes and the money stock, thereby introducing to America the line of thinking later elaborated by Milton Friedman and the monetarists. He also made significant contributions to interest rate theory. Joseph A. Schumpeter showed that big business rather than "free enterprise" explained the gigantic progress in economic development and technological innovation, and he argued that the clustering of innovation and therefore of investment was the basic cause of the business cycle.

THE LIMITS OF THEORY

In 1936 John Maynard Keynes demonstrated to a world sunk in what looked like permanent depression that an economy could stabilize at levels far below maximum employment and production. The unseen hand could fumble, and if nothing was done about it, the Marxian prophecy of total collapse might come to pass. The remedy Keynes suggested—aggressive government spending —became the almost universal prescription for economic policymakers. Neo-Keynesians amplified and modified the doctrine, and out of it eventually came the "new economics" of the Kennedy and Johnson administrations—the belief that through fiscal and monetary policy the government could steer the economy at high speed along the road of noninflationary growth.

As a body of thinking, economic theory is still sound. There is nothing wrong with Marshall's supply and demand curves or Fisher's price indexes, nothing wrong with Ricardo's principle of comparative advantage, nothing wrong with Keynes' proof that economies can get caught in a sort of stagnant stability. The trouble is that economic theory does not tell us much about what is going to happen in the world in the next six months or the next two years.

The basic difficulty, of course, is that the world changes too quickly. Yesterday's shrewd observation becomes today's fallacy. The economists are not dealing with constants. As Robert M. Solow of Massachusetts Institute of Technology says, "One advantage the physicist has over the economist is that the velocity of light has not changed over the past thousands of years, while what was in the 1950s and 1960s a good wage and price equation is no longer so."

In particular, three great changes have overwhelmed economic theory in recent years:

Inflation has become a dominating influence, instead of just an irritating aberration, in practically all the industrialized economies.

Serious supply shortages have developed, especially in basic materials.

International markets and international money flows often override national economic policies.

These changes have not invalidated the old theories. But they have deprived the economic analyst of one of his most useful devices: the *ceteris paribus* assumption, the stipulation that other things must remain unchanged for a theory to work. In the modern world, other things are moving far too fast to be locked up in what Marshall called the "pound" of *ceteris paribus*. The challenge that faces economists today is to incorporate these changes into the theories.

Much of the most fruitful work in economics in the past 40 years has been directed toward stimulating growth. Since the Great Depression, the government of every major nation has formally acknowledged responsibility for maintaining maximum levels of employment, production, and incomes. In combination with the trend toward regulation and intervention, this has created what is usually called a "mixed economy," a system in which performance at any time is determined not only by the market and the interaction of producers and consumers but also by government policy.

Government has moved more and more toward modifying the market system by establishing welfare programs, subsidies, and unemployment insurance and by providing a variety of public goods and services. Even when the economic policymakers are willing to clamp down—which they often are not—the mixed economy has a strong inflationary bias.

Says Nobel laureate Paul A. Samuelson: "It is a terrible blemish on the mixed economy and a sad reflection on my generation of economists that we're not the Merlins that can solve the problem. Inflation is deep in the nature of the welfare state. Even when there is slack in the system, unemployment doesn't exert downward pressure on prices the way it did under 'cruel capitalism.' But I don't think that anyone wants to turn the clock back."

Professor James Tobin of Yale, a veteran of the Council of Economic Advisers, goes further. In his recent book, *The New Economics One Decade Older*, he maintains that no President or political candidate from either major party has ever dared to admit to the people that price stability and full employment are incompatible goals.

Not only does it appear that inflation is the price of full-employment, but the price seems to be getting higher all the time. The idea of a trade-off between the unemployment rate and the inflation rate was developed in the late 1950s by A. W. Phillips, a British economist, who studied unemployment and wage rates in England over a full century. The Phillips Curve presented economists and policymakers with a neat picture of various rates of unemployment, each associated with a level of inflation. The curve sloping downward to the right indicated that the lower the unemployment rate, the higher inflation rate would be. This is certainly still true, but now it appears that the whole curve has shifted upward. Each level of employment seems to be associated with a higher rate of inflation.

One reason for the change, suggests Solow, is the successful record of avoiding serious depressions since World War II. "The fear of unemployment and excess capacity in substantial amounts for long periods of time has now disappeared," he says. "People have less inclination to hold back on price and wage demands in the fear that goods or workers can be priced out of the market."

President-elect Robert Aaron Gordon of the American Economic Assn. says, "The very success with full employment policy is building an increasingly strong inflation potential into the economy." He believes that this is also connected with the growth of unionization and the spillover to the nonunionized sector of the economy. But Otto Eckstein and Roger Brinner conclude in a paper presented to the Joint Economic Committee: "On the whole, the degree of unionization has not changed significantly in the last 15 years. . . . The relative bargaining power of business and labor, at given economic conditions, does not seem to have changed measurably."

Whatever the causes, the inflationary bias of today's economy is a problem for theorists and forecasters alike. Economic theory is at its best when it is describing equilibrium positions, in which supply is equal to demand and prices are clearing the market. But, argues Tobin, the behavior of the economy in the past few years has been characteristic of a system in disequilibrium: Markets are not cleared, supply does not equal demand. "Lots of people are working on the dynamics of markets," he observes, "but it's going to be a long time before this gets synthesized into current theoretical structure."

THE NEW SCARCITIES

Like inflation, the sudden shortages of key materials catch economic theory in a weak spot. When modern theory was born in the 1930s, materials, like manpower, were abundant. No one wasted much time on theories describing a world in which fuel, energy, steel, timber, and a variety of other staples would be painfully short.

Sir John R. Hicks, a Nobel winner, noted in a 1936 review of Keynes's *General Theory of Employment, Interest and Money* that in its overriding concern with stimulating demand, Keynesian theory neglected the supply side of the equation. But it took nearly 40 years for the deficiency that troubled Hicks and others to catch up with the forecasters. The recent shortages in key materials and capital equipment have suddenly made the supply side of the equation intensely important because they not only contribute to sudden price jumps but also limit the ability of the economy to grow. Says Gordon: "The forecasters fell flat on their faces in predicting price changes because they didn't have any way of estimating sectoral supply scarcity."

This may or may not be a short-term phenomenon, but at the moment, the econometricians are hustling to take account of it. Otto Eckstein of Data Resources, Inc., concedes, "We are always one inflation too late in specifying the exact form of the price forecasting equations." He has built into his own DRI model an implicit stage-of-processing approach to prices. His previous forecasting model, like most others, used wages as the basic ingredient for determining prices, with some modifications for capacity utilization and productivity increases. The new approach focuses on raw material commodity prices, moves to semifinished goods, and then to wholesale and retail prices.

THE SHRINKING ECONOMIC WORLD

In some respects, the supply problems that now beset the U.S. economy are part of a larger change. The world has gone a long way toward unification, economically if not politically, in the years since World War II. With trade barriers coming down and with all currencies freely convertible into one another, a world economy is evolving, and it is something different from the sum of the national systems that make it up. Economic theory is not yet ready to deal with the huge flows of goods and capital that it generates.

Classic theory begins with the behavior of individuals and firms (microeconomics) and then goes on to describe the behavior of a national economy (macroeconomics). The links between two or more economies have traditionally been assigned to the theory of international trade. For generations, economics courses in U.S. colleges have been split into two parts: Economics 101 (Macro) and Economics 102 (Micro) with international trade as an elective. The economics of the future may very well begin with the world and work back down.

The fault of the theory again creates a fault in the forecasts. "At present, especially in the U.S.," says Arthur B. Laffer of the University of Chicago "the preponderance of models of economic behavior as well as economic policies are geared to the assumption that individual countries' markets are principally independent of each other, that there is no such thing as a unique world market."

The current models of the U.S. are basically closed-economy models that make only a gesture toward foreign trade. By and large, their foreign sector consists of only two equations—one for total imports and one for total exports. A key factor in determining each is the domestic price relative to the foreign price. Foreign prices are assumed, while domestic prices are determined by the overall model.

What happens to such a model when the exchange rate of the dollar changes relative to other currencies, when foreign demand surges into the U.S. market, when supplier cartels in oil and bauxite hold a gun on customers? The slaughter of the forecasters, that's what.

In the beginning, of course, it did not matter much. From the end of World War II to around 1960, it was safe to treat the U.S. as a closed economy. Only 4% of the total GNP was sold overseas, and only 3% of the value of the GNP was bought abroad.

Even in the next decade, when the balance of payments swung strongly against the U.S., due mainly to capital movements, economists continued to think in terms of national units. The focus was on the international payments problem—how to finance the deficits without lessening the international role of the dollar and how to stop the outflow of gold.

LINKING THE MODELS

The double devaluation of the dollar, the floating of all currencies, and the development of a worldwide business boom finally drove the lesson home. Devaluation made U.S. goods relatively cheap compared to foreign goods. Foreign demand exploded into U.S. markets and to a great extent accounted for the upsurge in agricultural and industrial wholesale prices.

Model builders are now trying to incorporate foreign demand into their forecasting machinery. But it is not easy. With the dollar floating, they must forecast exchange rates as well as prices. And they must somehow allow for the fact that exchange rates will be changed by the very demand factors they are trying to forecast.

The dilemma has given a sudden new push to a project begun five years ago by Lawrence R. Klein of the University of Pennsylvania, who developed the Wharton model. Klein hooks together the models of the major countries and arrives at a world forecast consistent with the forecasts for each individual country. The main objects of the project are to see how the business cycle and inflation are transmitted through trade and how world trade patterns react to shocks like the oil crisis.

In Project Link, the computer-generated models developed independently by experts in each country are linked and solved simultaneously. Invariably, exports come out too high. The "linkers," using the best judgment of economists from the individual countries have export estimates. They also try to guess what steps policymakers will take to shore up their economies—import controls, for instance, or tax changes. These new factors are plugged in, and the model is rerun until world exports equal world imports, and the GNP estimates look reasonable.

But the model has some serious holes. It does not yet have a mechanism for determining exchange rates, international money flows, or most world commodity prices.

Much of what remains to be done is in the field of international money. Economists have never dealt with anything like today's huge flows of short-term capital from one market to another. They do not really understand the Eurodollar market, now estimated—very shakily—at $170-billion. They cannot agree on whether Eurodollars are limited to the actual amount of dollars sent overseas or can be created by fractional reserve banking, just as dollars in the U.S. are. They cannot tell whether the flow of funds into and out of the U.S. frustrates Federal Reserve policy. They have not yet decided whether floating rates give a country more or less freedom in determining levels of production, inflation, and employment at home.

THE FUTURE OF FORECASTING

Economists all over the world are now trying to come up with theories that will explain this strange, frightening world of inflation, shortages, and international repercussions. Obviously, the one who can put it all together and achieve a new insight will sit with the saints.

A number of economists think the basic trouble is that they are defining their science too narrowly. Robert J. Heilbroner of the New School for Social Research sums up this viewpoint: "Economists are beginning to realize that they have built a rather elaborate edifice on rather insubstantial, narrow foundations." In his opinion, economics must resume its original name, "political economy," and draw on political science, sociology, and psychology as well as on its own traditions. The result would be an eclectic theory that "asks questions economics doesn't ask and answers some questions that conventional economics asks in a rather unconventional way."

Others argue that the answer does not lie in widening the foundations but in strengthening those already in place—that is to say, in going back to microeconomics. Says Nobel winner Kenneth Arrow: "The weakness in inflation theory goes right down to the micro level, to the theory of price determination at the level of the individual firm."

Most economists, however, think there will be no great breakthrough in any area of economics. "There are no signs," says Samuelson, "that we're converging toward a philosopher's stone that will cause all the pieces to fall neatly into place."

"There's no new Keynes on the horizon," says Tobin. "I'm afraid that we're in for a long period of slogging it out with a lot of complex problems."

Meanwhile, there is the bread-and-butter problem of forecasting tomorrow. Says Eckstein: "I'm not going to wait for some political economist to solve the relationship between power, class structure, and the economy before I turn my model loose to get a GNP forecast."

PRIVACY ABUSE OF SENSITIVE MEDICAL AND PSYCHIATRIC RECORDS

Mr. PERCY. Mr. President, I have received a number of letters from people who are shocked by the careless communication of medical and psychiatric records. Many insurance investigators, it seems, persist in prying information about individuals from their doctors. Doctor-patient confidentiality suffers as a result. Once-private data can end up in the hands of employers, for example, without our knowledge or approval. This is wrong. It is also damaging, and it is causing a decline in the quality of medical and psychiatric records.

I have received the text of a speech delivered by Benjamin Lipson at the Life Underwriter's Sales Congress. Mr. Lipson surveyed 247 psychiatrists practicing in Massachusetts and found that many are reluctant to make accurate disclosures of patient information to insurance companies. They fear misinterpretation of psychiatric records and unjustified discrimination by life insurance companies and others against their patients. The result is a decay in the quality of highly sensitive information that ought to be maintained accurately.

Mr. Lipson suggests several reforms that could be implemented by the insurance industry to improve the quality of the health data they keep. First, insurance companies should have a clinically trained staff psychiatrist to evaluate psychiatric cases. Second, the insurance industry should develop improved reporting forms that require a physician's professional judgment about the relationship of a psychiatric illness to the shortening of life expectancy. These steps would permit insurance companies a more accurate assessment of the risks they face. Even more important, though, would be a smaller risk to the individual that misleading and even false information of a highly confidential nature will be spread about recklessly.

Mr. President, I would like to share excerpts from Mr. Lipson's address, and I request unanimous consent that these be in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

IRRATIONAL UNDERWRITING

(By Benjamin Lipson, Benjamin Lipson Insurance Agency, Boston, Mass.)

It's hard to believe the insurance industry continues to practice a form of discrimination resulting in outright rejection or unfair ratings of a vast majority of applicants who have had mental health problems.

Many are so heavily rated that Life Insurance costs are unduly burdensome, some cannot get adequate amounts of insurance and some cannot get any.

Many Americans are afraid to seek needed psychiatric help. They quite properly fear that when they first enter the doctor's office they are automatically in trouble with the underwriters and their insurability is placed is jeopardy.

The Lipson Insurance Agency, because it specializes in the placement of difficult life insurance cases, recently undertook and completed a pilot research project among psychiatrists in Massachusetts. Nearly 250 psychiatrists participated in this study. When I detail the survey findings, you will see unfolding the discrimination and blindness that exists in our business today.

I will ask you to join with me in demanding that the iron curtain of fear and stupidity be lifted so that all who seek insurance and are entitled to it shall be able to buy it at a fair and reasonable price.

Now why would insurance companies pass up vast fortunes in premium income that this market offers? Is it the actuarial experience that tells them so? I think not. We believe that underwriters paint almost everyone who has sought psychiatric help with the same broad brush. Sheer ignorance, built on years and years of fear for the very dreaded word "psychiatry".

DISCRIMINATION AND FEAR

I am not alone when I ask questions like this:

Is the life insurance business discriminating against people like you and me and our clients? The answer is "yes".

Are individuals who are currently in or have been in psychiatric treatment afraid to apply for life insurance? The answer is "yes".

Are these patient's psychiatrists afraid to release data to insurance companies because they fear breach of confidentiality? The answer is "yes".

Is the insurance industry protecting itself and its stockholders by its attitudes and underwriting practices? The answer is "no".

I undertake here and now to try to prove to you that on a straight dollars and cents basis, all human values aside, and, God knows the human values are enormous, life insurance companies are foregoing vasts amounts of premium income because of their rejection of people on whose necks someone has hung the albatross of psychiatric history.

WHAT HAPPENS WHEN A PSYCHIATRIC PATIENT APPLIES

At the outset I am going to over-simplify what I believe to be a typical case history and detail what usually happens when an individual who has had or is having psychiatric treatment applies for life insurance.

When Harry Smith applies for life insurance he may or may not disclose he had psychiatric treatment. On the one hand, his subconscious may blot this fact out of his mind at the time of the examination and he may not think it pertinent to his insurance. He may be afraid to talk about it, he may lie about it, or he may make a complete disclosure.

Should he fail to disclose his psychiatric treatment, he runs the risk of his policy being contested by the insurance company in the event of his death during the first two years of coverage, and further, under certain cases, if he were to die after the expiration of the contestable period, and if it was determined that the failure to disclose psychiatric history constituted fraud, the insurance company could void his contract.

Even if he does not disclose the history at the time of the examination as we all know there are other avenues of securing non-disclosed information such as physicians, hospitals, Medical Information Bureau, the retail credit check, or other insurance companies.

Let us assume that he discloses that he went to Dr. Friendly to whom the insurance company will send the Attending Physician's Statement. Since most psychiatrists are very busy, they tend to pay little attention to paper work. Some doctors charge between 40 and 60 dollars per hour; it does not make economic sense to consume their time with paper work for which the companies pay minimal fees. They, therefore, will often provide minimal information and will usually give a reason for the psychiatric treatment using such terms as "depression," "trauma," "emotional disturbance," 'neurosis," or other vague psychiatric terms. The method of treatment, such as psychotherapy, and medication such as various tranquilizers may be outlined.

The Attending Physician's Statement is then sent to the insurance company and in most cases it is first seen by a lay-underwriter who simply tags it with a rating from a manual. In some instances, the larger cases go to a senior or more experienced underwriter and the medical director of the insurance company.

The agent is then advised that his client either has to be rated or cannot get insurance at all. Then the fun really begins! How does the information get back to the applicant and his doctor without anyone getting hurt. It is just about impossible.

The agent's relationship with his client will never be the same. The doctor will fear that the sanctity of his confidential relationship with his patient will be polluted.

Upon occasion, however, some psychiatrists will then take the time and write a detailed letter to the insurance company giving the reasons behind the conditions that called for the psychiatric treatment such as emotional trauma at home, concern about one's sexual potency, job pressure, concern that one's spouse is having extra curricular marital activities, or a host of other reasons that mainly require the supportive action of a trained therapist.

Many of these situations are temporary in nature and the medication prescribed is only for a limited period of time.

There are other more serious psychiatric conditions which involve intensive therapy and at times hospitalization, but the outlook and prognosis even in these cases is much better than the insurance company thinks they will be.

Upon receipt of this additional data, it is very seldom that the original insurance company will reverse its decision, as any underwriter is loath to reverse himself.

However, with all this data there are other insurance companies who, looking at the case for the first time, may give the entire story a much better shake than the original insurance company.

If the poor unfortunate applicant happens to have a medical condition as well, such as diabetes, ulcers, hypertension, etc., he is in real trouble. The case is seen as too complex.

NO ONE ESCAPES EMOTIONAL PROBLEMS

With the preceding case as a background, I should like to give you my observations on the subject and I will then conclude with the results of the survey and how I interpret these results.

Is there a home or a business in America that at some point in time is not involved in an emotional trauma, depression, hostility, frustration, or expression of feelings that tend to undermine the tranquility of the family unit and interfere with the successful operation of a business?

Many of these situations work themselves out in time. In some situations, professional help is sought and in others that don't work themselves out and where no professional help is sought, deterioration sets in and the resultant adverse consequences take over.

Just why should the business man who seeks help for his problems or the husband and wife who seek help to keep their family together be penalized by the insurance industry?

Why should a stigma be attached to their identity as psychiatric patients?

Why are some considered lepers by the insurance industry?

An individual under psychiatric care presently or in the past for any reason—in-patient or out-patient—appears to be playing Russian roulette when applying for life insurance for the purpose of preserving his business or his family.

Why should the benefits of the life insurance product be denied or made difficult for this category of individual?

Why should they be demeaned in their humanitarian efforts to provide peace of mind for their families and businesses?

While the 1972 presidential campaign will be remembered for Watergate, let us not forget the Eagleton affair that came out of the 1972 presidential campaign. The fear of disclosure and misinterpretation of psychiatric treatment inhibited a United States Senator from talking freely about his condition and deprived him of the opportunity to run for the second highest office in the land.

WHAT PSYCHIATRISTS SAY

Let me now read to you several letters sent by psychiatrists along with their replies. No names will be quoted to protect their identity.

"Dear Mr. Lipson: I welcomed your inquiry because several of my patients have had difficulties with life insurance in the past and I felt very strongly that they were unjustly treated. In both cases they had conscientiously answered yes to questions about previous psychiatric treatments, and I hated to conclude that they would have saved themselves unnecessary trouble if they had lied or refused to answer.

In brief, both were in psychotherapy for personal problems that had absolutely no life-threatening (or even disabling, if it had been disability insurance) potential, and they were finally accepted after I had written several letters to this effect."

"Dear Mr. Lipson: One of the grievances that I have is that I never have used correct psychiatric diagnosis and always avoid depression or any mention of suicide when commenting for a patient's insurance risk. I have learned from experience that the minute this is picked up by insurance companies regardless of the consultation of the reasons of the participating event or the extenuating circumstances the insurance policy is declined. Therefore, you will probably note that I am not the only one that uses 'character and behavior disorders' when reporting to not only life insurance companies, but any insurance company.

I would like to see more accurate criteria developed by the underwriters and by life insurance companies in general, to very carefully distinguish between those patients which will have no bearings or shortening of their life expectancy as compared to medical diseases. In addition, I sometimes encourage people not to even tell their insurance company that they see a psychiatrist. That way it puts me in a position of having to send a report, and I always feel no report is better than a report that may reflect upon their case.

I am very happy to hear that you are undertaking a study in this area because very careful data collection and education, both of the underwriters as well as the private psychiatrist, should be undertaken."

REASONS PSYCHIATRISTS DON'T COMPLY

"The crucial issue is confidentiality. When the insurance company profit motive demands public dissemination of private medical information, it is time to change the financing system, not subject people to humiliation and discrimination."

"Patients under psychiatric treatment are aware of the existence of some emotional problems and want to solve them. Some of those who do not, may be sick or emotionally ill."

"Psychiatric patients are discriminated against by life insurance companies, as well as many health carriers

"No awareness of underwriter's commitment to protect the patient."

"Diagnosis and record of treatment contact should be enough. Other information such as precipitating events are an invasion of patient's privacy."

"I believe that psychiatric patients are as good a risk in majority cases as the general population. Insurance companies' evaluation of risk do not keep pace with progress of medicine."

"Questions on insurance applicants asked not truly pertinent to psychiatric illness."

"No question about the fact that patients under psychiatric treatments are sometimes better risks than those who are not. Careful studies by insurance industry in Germany and other European countries show this conclusively."

"Medical information does not belong in the hands of clerks."

"Releasing of patient's medical records for life insurance purposes is, per se, a breach of medical confidentiality as it breaches the sanctity of medical confidentiality to promote a business (insurance) contract."

"I feel that insurance companies do not need this kind of information to determine insurability, and often misuse information supplied."

"It has not come up more than once or twice in my 25 years of practice. (I suppose my patients conceal it)."

"I believe the only reason for declining life insurance would be a suicidal risk. Most patients in treatment are not a suicidal risk. Most suicides have never seen a psychiatrist."

"They ask the wrong questions of psychiatrists. They should ask: Is there any reason to believe that the patient's emotional difficulties make him a poor risk?"

"The rising current of intrusion by insurance companies has been on the increase the last two years."

"Two major studies (Midtown Manhattan and Stirling County studies) have shown that about 80% of the people are in need of psychiatric treatment or medical health guidance—why penalize those who seek it?"

"I do not comply. I fear breach of confidentiality most important."

"Depends on nature of request and permission of patient. Companies often ask wrong questions—aren't equipped to translate medical terminology—need to find other ways to "state their business."

"Concern that psychiatric diagnosis may be misunderstood by nonpsychiatrists."

"Adequate data is not published to support practices of insurance companies. I have seen unnecessary discrimination for patients with even minor psychiatric history and I deplore this practice in the insurance industry."

"Your cause is a good one! Incidentally, I have two insurance underwriters in therapy at this time."

SURVEY RESULTS

Now I will detail for you the exact results of our survey replies from 247 psychiatrists practicing in Massachusetts.

35% indicate that they do not comply fully and promptly with requests for life insurance underwriting data.

43% feared that release of information to an insurance company could cause breach of confidentiality.

40% indicated that information in the wrong hands might unnecessarily prejudice patient's employment.

92% of the physicians (who furnish life insurance underwriting data to insurance companies) indicated that they believe that patients under psychiatric treatment are sometimes better risks than those who are not.

From our study we draw these net conclusions:

(1) The attending physicians are reluctant to comply fully with insurance company requests on their patients psychiatric history, as they justifiably feel that the confidentiality so vital to successful psychiatric treatment is oftentimes breached by the life underwriting process.

(2) Insurers do not possess the level of competence—or sufficiently accurate criteria on which to make prima facie judgments on applications and medical reports. Decisions are being made by untrained amateurs—too often resorting to the rating book for the final answer.

(3) Insurers are overlooking the fact that in most cases chronic psychological difficulties may have no bearing on shortening life expectancy.

(4) Many people under psychiatric care are better insurance risks than those who should be getting help but are not. Getting rated without in-depth case study, is a bitter pill to take.

RECOMMENDATIONS TO INSURANCE INDUSTRY

Now I ask the insurance industry to consider my suggested ideas for alleviating these problems:

1. Have a clinically trained experienced psychiatric director on your staff in addition to your medical director; or join forces with others to secure specialized evaluation of psychiatric cases.

2. Don't let a lay-underwriter pass on any case. Have the application reviewed by an expert.

3. Develop improved information gathering documents so that reports from attending physicians will yield more accurate information about the relationship of the malady to the shortening of life expectancy. Solid clinical and social data will eliminate guess work.

If you were starting in the life insurance business today, not as an agent, but as a company, you might ask yourself where is there a special market opportunity? You might ponder figures which suggest that many millions of Americans are in need of psychiatric treatment or mental health guidance.

These are people the psychiatrists say may be suffering from chronic psychological difficulties which have no bearing on the shortening of their life expectancy.

These are people who when treated for their illness may be better risks than those not under treatment.

These are people who can be made friends of the company and industry.

Now I realize that it is easy for me to make these recommendations . . . That it is easy for me to offer solutions to the problem of underwriting the psychiatric case. And as easy as it is for me to make these suggestions, that's how hard it is for the companies to follow them. I am no psychiatrist . . . I am just an insurance broker from Boston who specializes in the placement of difficult life insurance cases, but here and now I plead that our industry join forces with the American Psychiatric Association to expand this data and to preserve the rights and integrity of these individuals.

The Stain on Our Industry That Produces Immorality Must Be Eradicated.

The Consumer Will Be Served.

Fairness and Justice Is Long Overdue.

UNEQUAL UTILITY RATE STRUCTURE

Mr. METCALF. Mr. President, on May 22, 1974, I inserted data in the CONGRESSIONAL RECORD—pages 16031–16034—pertaining to unequal utility rate structure. As printed in the RECORD, the chart accompanying the remarks contained several typographical errors. Therefore, I ask unanimous consent that the table listing 1972 average cost per kilowatt hour of class A and B utilities by class of service be corrected as follows in the permanent RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Utility name	Cents per kilowatthour			
	Residential	Commercial	Industrial	Overall sales
Indiana:				
Alcoa Generating Corp			0.4581	0.4581
Northern Indiana Public Service Co	2.6916	3.2275	1.2254	1.6551
Southern Indiana Gas & Electric Co	2.6143	2.1519	1.1833	1.8370
Iowa: Iowa Southern Utilities Co	2.7640	3.2697	1.5333	2.3827
Louisiana: Central Louisiana Electric Co., Inc	2.5156	2.7130	1.0803	1.9285
Maine: Maine Public Service Co	3.0327	3.2472	1.6543	2.6111
Maryland: Delmarva Power & Light Co. of Maryland	2.7340	2.9237	1.8439	2.5800
Massachusetts: Boston Gas Co	4.2888	3.2543	1.9837	2.6947
New Hampshire Public Service Co. of New Hampshire	2.6212	2.9496	1.3427	2.1156
New Jersey:				
Jersey Central Power & Light	2.8248	2.6489	1.4762	2.3659
Rockland Electric Co	3.0457	2.9768	1.6523	2.6153
New York:				
Central Hudson Gas & Electric	2.6111	2.7962	1.3907	2.1845
Orange & Rockland Utilities, Inc	3.0750	3.0955	1.7557	2.6360
Rochester Gas & Electric	2.6254	2.5314	1.8193	2.3747
Pennsylvania: Duquesne Light Co	2.9284	1.9642	1.2561	1.8558

A BALANCED FEDERAL BUDGET

Mr. MATHIAS. Mr. President, a number of us within the Congress, and a large portion of American citizens, have been concerned for many years about the size of the annual Federal budget deficit. Each of us knows that there is a large amount of waste in Government, as elsewhere. And each of us knows that if this waste were eliminated, the budget could be brought closer to a true balance of revenues with expenditures.

Toward this goal, a number of us recently wrote the President asking him to submit a special budget to the Congress which would earmark those programs which, in his opinion, should be reduced or eliminated so that the budget could be balanced. Each of us might disagree with some of the President's recommendations, but this would give us a concrete proposal with which to work.

This effort complements the continuing efforts of the Appropriations Committee, on which I am privileged to serve, which was able, during the last fiscal year, to reduce total appropriations more than $3 billion below the amount requested by the executive branch. I am hopeful that we can do even better in the future, particularly since the Congress has now passed the Federal Budget Reform Act which will reform the way we deal with the huge Federal budget each year.

All of these actions are of special importance to the American citizen at this time of special economic strain. I ask unanimous consent that the letter which we recently wrote to the President, and his reply, be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Interior and
Insular Affairs,
Washington, D.C., June 19, 1974.

Hon. Richard M. Nixon,
President of the United States, The White House, Washington, D.C.

Dear Mr. President: We, the undersigned members of the United States Senate, are deeply concerned about the financial crisis confronting the United States.

We are convinced that the spending practices of the federal government are a substantial contributing factor to the intolerable inflation which the nation is now experiencing.

As a result of continuing budget deficits, the debt of our country has risen almost $200 billion in the last ten years. We have sustained annual deficits, with a few notable exceptions, for the last 43 years. It is estimated that the national debt will exceed one half trillion dollars by the end of this year.

Respected economists are sounding dire warning of the results of continuation of our past and present spending practices.

We believe remedial, dramatic action is called for by the Administration and the Congress.

We believe the only way to turn the situation around is to bring an immediate halt to government spending in excess of government income.

Therefore, we respectfully request that you submit to us a proposed balanced budget for fiscal year 1975, incorporating changes in programs and funding of programs you believe necessary to meet that objective.

With such a budget available, we will be able to intelligently offer proposals for appropriation reductions, with the goal of attaining a balanced budget.

We consider this project of utmost importance and will appreciate your cooperation.

——— ———.

The White House,
Washington, D.C., June 24, 1974.

Dear Senators: I welcome your letter of June 19 calling for a balanced budget. Needless to say, I certainly agree with the concern you express.

Over a year ago, when I submitted my budget for the fiscal year now ending, I stated, "The surest way to avoid inflation or higher taxes or both is for Congress to join me in a concerted effort to control Federal spending". That budget set out a series of administrative actions and proposed legislation to achieve necessary expenditure reductions.

I regret that Congress did not support either the actions I took to reserve various program funds or the cost reducing legislation and proposed terminations of wasteful federal programs that were set out in the 1974 budget. On the contrary, Congressional actions since that budget was submitted have added considerably to outlays for 1974 and especially for 1975.

You have asked that I submit proposed changes in programs and funding to meet the objective of a balanced budget for fiscal year 1975. We both know the difficult choices that must be made to restrain expenditures. Having indicated my own thinking in the budget submitted a year and a half ago, it would be my suggestion that the Congress reconsider the specific proposals made in that budget, along with the increased spending actions authorized and appropriated by the Congress since that time.

I would also take this occasion to strongly urge the Congress not to vote tax reductions. Such action would simply create an additional imbalance in the budget.

Finally, with regard to action in the Executive Branch I have instructed the Director of the Office of Management and Budget to do everything within his power to hold down 1975 expenditures, consistent with existing legislation, and to develop a budget for 1976 that will be in balance.

The American people should be encouraged to know that so many of their elected representatives in the Congress are taking a firm line on Government spending. I welcome your support.

Sincerely,

Richard Nixon.

DESERT CONSERVATION AREA

Mr. CRANSTON. Mr. President, one of the top environmental issues in California took a giant step forward this month with Senate passage of my bill S. 63, creating a 16 million acre desert conservation area in the southern part of the State, as an amendment to S. 424.

These vast desert lands do not have to be acquired the Federal Government already owns them. But they do have to be managed properly to preserve their unique resources for future generations.

The same desert that once seemed remote and limitless is being eroded by unrestricted use of off-road vehicles, criss-crossed with roads and utility rights-of-way, pockmarked by mining operations, littered with trash and debris, and plundered of its natural and scientific values.

My bill funds a Bureau of Land Management desert use study and gives BLM the enforcement authority it needs to make the plan work. Off road and other recreational vehicles will continue to use the desert in areas designated in the plan.

Desert dwellers, local government, recreationists, archeologists—everyone who now uses the desert—will have a say in the formulation of the plan through an advisory commission set up by my bill.

The House Interior Committee is now considering a companion bill.

THE ECONOMIC DEVELOPMENT ADMINISTRATION

Mr. BENTSEN. Mr. President, the Senate will soon consider legislation extending the authority of the Public Works and Economic Development Act of 1965. The Subcommittee on Economic Development, under the distinguished leadership of its chairman, Senator Montoya, has been diligently working on a bill, and I am confident that the measure will soon be reported to extend and strengthen the act.

Earlier this year, the White House announced its intention to terminate EDA in its present form and to introduce a system of revenue-sharing block grants. That decision elicited such widespread opposition that the Administration has now decided to withdraw its proposal.

Late last month, the House demonstrated its confidence in the EDA program by overwhelmingly approving a 2-year extension and a greater funding authorization. The House vote was 402 to 11.

Mr. President, I have long been a proponent of EDA and the concept that underlies it. I will be working to insure that the program is extended and strengthened with the funding needed for an expansion of its very productive efforts.

The Public Works and Economic Development Act was first enacted in 1965 to permit Federal assistance to areas and regions suffering high unemployment and underemployment. It emphasizes long-range planning for economic growth and provides technical assistance, public facility grants and loans, business loans and guarantees, and other needed tools to implement comprehensive development plans.

Since its inception, EDA has fostered healthy and productive ties between the Federal and local governments. It has meshed the resources of our public and private sectors and evoked a joint cooperation and enthusiasm almost without parallel in our Nation's history. It has increased employment, stimulated previously depressed economies, and generated a variety of flourishing enterprises.

I have, however, been most impressed with EDA's profound impact on the lives of individual Americans. EDA has given many Americans new pride, a pride that results from productive labor, steady employment, and a sure income. And, it has given those Americans hope, both for themselves and their home areas, where there was little hope before.

Mr. President, I have personally witnessed the impact of EDA in my home State of Texas. Within the past several years, a Council for South Texas Economic Progress—COSTEP—has been established. Business leaders have joined local government leaders in the endeavor to stimulate and promote economic growth in south Texas. Many of the projects proposed, however, would not have been possible without the financial assistance of EDA.

Thanks to EDA, a health and welfare center in Laredo has been built, a facility that will improve the health of the entire community. Another project in Laredo provided funding for paving and drainage construction which permitted the location of 12 new businesses and the generation of 160 new jobs. An EDA grant permitted construction of a completely bilingual Texas State Technical Institute campus in Harlingen, and since its opening in 1969, the school has placed more than 4,000 students in better paying jobs. In Corpus Christi, EDA assistance has generated 640 jobs and helped establish 139 minority businesses.

These are only a few of the many EDA-assisted projects in Texas. Without the seed money provided by EDA. I fear that very few would have been possible.

Mr. President, Lyndon Johnson has said that he was most proud of the educational assistance programs enacted during his Presidency. I believe, however, that EDA—and the impact it has had on the lives of so many of our citizens—is an equally important part of his legacy, and I shall join Senator Montoya and his subcommittee to insure its continuation.

I urge my colleagues to examine the profound impact of EDA on so many areas of our Nation and to support an extension and expansion of the EDA program.

MONEY NOOSE TIGHTENS AND TIGHTENS

Mr. McINTYRE. Mr. President, the Washington Post today concluded an excellent five-part series by James L. Rowe, Jr. on the compounding difficulties of the financial industry to operate in an orderly fashion at a time of exorbitant inflation and tremendous competition for funds.

The Subcommittee on Financial Institutions will shortly hold hearings to explore these problems in further details as part of the continuing examination into structural reform within the financial industry.

Mr. President, I ask unanimous consent that this series be printed in the Record.

There being no objection, the series of articles was ordered to be printed in the Record, as follows:

[From the Washington Post, July 7, 1974]

Fund Crunch Hits Housing Once Again

(By James L. Rowe Jr.)

Interest rates have skyrocketed to record levels, mortgage funds are drying up and the home building industry is close to chaos.

While the situation seems more tense than usual, the current housing crunch is only the latest installment in a saga that has been played out four times in the last eight years.

When the Federal Reserve Board tightens its monetary policy and allows interest rates to rise to fight inflation, those high interest rates invariably choke off home buying and new-home building before they batten down prices.

Although most companies face dislocations because of ups and downs in the business cycle, those associated with the housing industry of late seem to be particularly volatile. Home sales are dependent on the availability of financing and the cost of that financing. It is the rare consumer who can buy a home without taking out a mortgage loan.

When interest rates rise, as they are now doing, home buyers are discouraged—not only by the high cost of money—but by its scarcity. Savings and loan associations, which make more than half of the home loan mortgages, discover that, during periods of high interest rates, the flow of new deposits slows substantially and, in some months, customers actually withdraw more money than they put into their accounts.

The Department of Housing and Urban Development estimates that the amount of money available for home loan mortgages fell to $14.8 billion in the first three months of the year from $15.5 billion during the last quarter of 1973. "It's safe to say it fell further during the second quarter," said HUD housing specialist Rudy Penner.

Scarce money first strikes at buyers and sellers of older or previously occupied homes. Before they break ground, new-home builders generally get guarantees from a savings and loan or bank that there will be money available for qualified buyers when the homes are built.

But buyers of older homes cannot go looking for financing until they have found the home they wish to purchase. Today, those buyers face not only high interest rates but financial institutions reluctant to make loans because they are husbanding their funds to make good on commitments made to builders months or even years before.

"We've pretty much been out of the market since last July," said Henry L. Bouscaren, senior vice president of National Permanent Federal Savings and Loan, the area's second biggest S&L.

Serious home buyers, when they can find an institution willing to lend them money, are often faced with interest rates of 9 or 9.5 per cent and down payment requirements of 25 or 30 per cent. It becomes even harder to find loans in states with usury laws that put ceilings on the amount of interest a home buyer may be charged.

Maryland just raised its usury ceiling from 8 to 10 per cent and the District of Columbia is contemplating a similar change.

In addition to scarce money and rapidly rising interest rates, home buyers are shying off because of rapidly rising prices both for previously occupied homes and for new homes.

It is mainly because of the financial obstacles that the homebuilding industry is in its worst shape for decades, according to the chief economist of the National Association of Home Builders, Michael Sumichrast.

One sign of this is the sharp increase in construction firm failures for the first four months of this year to 580 from 433 last year, according to Sumichrast. The impact of those failures totalled $150.8 million compared with $101.1 million in 1973.

Nationwide, builders have 449,000 unsold homes and, as long as prices and interest rates are high, they will have trouble whittling that number down.

Builders, who were starting units at an annual rate of 2.33 million in May 1973, slowed to a 1.45 million pace last month, according to Commerce Department figures. Moreover, building permits, an indication of future housing starts, tapered off to a 1.055 million annual rate in May, down substantially from 1.838 million in May 1973.

The dropoff reflects not only the high inventory of unsold homes, but the inability of savings and loans or other financial institutions to guarantee builders that they will finance purchase of the homes when completed.

The gyrations of home building add other innumerable costs to the economy that are hard to calculate. For example, when skilled laborers take non-construction jobs during bust periods, they are often lost to the permanent home-building labor force.

The ups and downs of the housing industry are caused in part by the same factors that produce other industries' good and bad periods. But the normal cycles of the industry are sharply magnified because the builders rely so heavily on financing from the savings and loan industry.

Savings and loan associations, whose assets are primarily tied up in long-term mortgages with fixed interest rates, find themselves ill-equipped to pay competitive rates on deposits during periods of rapidly rising interest rates.

When interest rates zoom, as is now the case, S&Ls have to hold off making new mortgage loans because of the trailoff—and sometimes net decline—in deposits.

According to the United States League of Savings Associations, S&Ls had a net decline in deposits of $204 million in April and a gain of $350 million in May. Early indications are that the S&Ls fell back into a net outflow situation in June.

So far this year, the gain in deposits is 30 per cent below last year's and mortgage loans made by those institutions are off by 20.4 per cent.

Mutual savings banks have lost even more deposits than savings and loan associations.

The Nixon administration has proposed a plan, based on a 1971 report of a Presidential commission, to solve the problems by substantially overhauling the nation's financial structure. But even if the administration's plan would work, it is a long way from fruition.

In the meantime, the effects of tight money on the mortgage market present economic policy makers with the dilemma of how to fight inflation by concentrating on high interest rates without simultaneously upsetting the critical and politically sensitive housing sector.

Arthur F. Burns, whose Federal Reserve Board is primarily responsible for pursuing higher interest rates to fight inflation, told reporters in a rare press conference last April that combatting rising prices is more important than the "fortunes of home building."

The government knows that it cannot sit by and do nothing: the housing lobby is too well organized for that.

The Federal Home Loan Bank Board, which regulates the savings and loan industry in much the same way the Federal Reserve system oversees the nation's banks, has been lending money to S&Ls to help replace the deposits they have lost.

In total, according to bank board chairman Thomas R. Bomar, the system has $17 billion in loans (called advances) outstanding to S&Ls.

The Nixon administration also has announced a special program designed to inject $10.3 billion in various ways to help ease the crunch.

Rick Sullivan, an official of Page Corp., an area builder, said his firm has been able to make use of some of that money promised by the administration. The program that Page, a subsidiary of U.S. Home Corp., uses is a $3 billion commitment by the Federal Home Loan Mortgage Corp. designed to permit home builders to "start houses with confidence."

The FHLMC guarantees that it will buy the mortgage from the S&L which makes the loan up to 12 months from the date the S&L makes its commitment to the home builder. In a sense, then, the savings and loan association acts as a broker.

Sullivan said that, while his sales are not suffering terribly, purchasers are adverse to paying 10 per cent for a mortgage. Many savings and loan associations are making it together for potential home buyers to "qualify' for a loan, he added.

Sullivan said his company, which builds "starter homes" aimed at young couples, can utilize the special mortgage corporation program because nearly all the mortgages are under the $35,000 ceiling specified by the government. Page built the Cinnamon Tree complex of homes in Columbia, Md.

Other builders, selling more expensive homes, cannot be guaranteed the financing under that program because of the $35,000 limit. They are not beginning new projects.

Most projects, however, have guaranteed financing now, although new projects are having their difficulties. Purchasing a home that is already occupied is getting close to impossible.

Lack of financing has transformed many a would-be seller into a reluctant landlord, often renting his home to the very person who would buy it if mortgage money were available.

"When someone comes to me and tells me he wants to sell his house, the first thing I ask him is if he needs cash," said an official of Shannon and Luchs, a major area real estate firm. If he is moving into an apartment, "I suggest that he finance" the buyer himself.

The situation of a Washington professional who could get normal financing neither for the house he bought nor for the house he sold is illustrative. He became the "reluctant" financer of the couple which bought his house just as the retired chemist he purchased his new house from financed him.

He bought a $68,000 house in Northwest Washington and sold his $57,000 house on which he had $17,300 remaining to pay off on his mortgage. The chemist wanted a down payment of $15,000, a lower one than normal.

After cashing in $2,500 in mutual fund shares and taking out $3,000 in savings, the professional needed $9,500 for the down payment plus $17,300 to pay off his mortgage. He found a couple who put together enough between their savings and loans from their families to come up with nearly half of the $57,000 purchase price. He is financing the rest at 8 per cent interest, the legal limit in the District.

"It was hairy getting down to closing day," he said. "Trying to figure out all your money, to make sure you were getting enough. I had to learn a lot more about real estate financing than I ever wanted to know."

In some sense, he was luckier than most who try to finance their homes. He found a couple with more than $25,000 who was willing to buy a $57,000 house.

"Most people with $25,000 or $30,000 to put down are looking for a $100,000 or a $125,000 home," one real estate agent said. "It's a real scramble to find financing. It used to be if you sell one, you settled one. Now you may sell two, but only settle one because the other one cannot get financing. We're having to work a lot harder."

As a result, homes are remaining on the market for weeks or months, when, two years ago they would have been sold in several weeks.

"We tell 50 people a day that we can't make them a loan," said an official of another major S&L. "We won't make any commitments to home builders and we're scrambling for money to make sure we honor commitments we already made."

[From the Washington Post, July 8, 1974]

Links of Housing, Thrift Industries Bring Trouble to Both

(By James L. Rowe, Jr.)

The interdependence of the housing industry and the thrift institutions—savings and loans and savings banks—creates problems for both in a time of tight money and high interest rates because many deposits flee thrift institutions in search of higher returns elsewhere.

Big investors, such as corporations and millionaires—have always had investment opportunities. But smaller savers of late have been moving their funds around.

Those with $10,000 or more to invest have been buying short-term Treasury bills at a weekly clip of about $700 million. The bills have been yielding about 8 per cent.

To capture some of that money, the parent corporation of First National City Bank of New York will offer $850 million of notes yielding more than Treasury bills. The investor only needs $5,000 to buy in and can redeem the notes every six months if the Treasury bill rate declines.

Savings and loan associations complain the Citicorp offering will attract money from their coffers. The plan has already spread. Chase Manhattan Corp, announced a similar $200 million offering.

Savings and loans are only one of many types of financial institutions servicing the nation's credit needs. There are, as well, commercial banks (which have business customers and individual savings accounts), mutual savings banks, credit unions and life insurance companies.

All but the credit unions make some home loans. But, for the past several decades, home mortgage financing has become the special province of the S&Ls.

Since World War II, commercial banks have shied away from making home mortgage loans to avoid a concentration of large parts of their loan portfolios in long-term commitments. Savings and loans, on the other hand, are permitted special tax breaks only if they have more than 60 per cent of their assets in home mortgages.

To get the maximum break, they must have 82 per cent of their portfolio in residential loans. This has made them fierce competitors for home mortgages.

Mutual savings banks also do most of their lending to home buyers, but these banks exist only in 18 states and do not make nearly as many loans as the bigger S&Ls.

A quick look at the figures demonstrates the importance of S&Ls to home building. At the end of 1973, S&Ls held $188.05 billion of the $386,489 billion of mortgages outstanding on one-to-four-family dwellings. That was nearly three times commercial bank holdings of $67.998 billion and more than four times the mutual savings banks' mortgages of $44.247 billion.

The figures are even more decisive for recent years. Last year, S&Ls wrote 59.6 per cent of all mortgages made through non-government channels, a total of $19.2 billion. That was 51.3 per cent of all home loans, including government ones.

In 1972, when builders started a record 2.357 million housing units, savings and loans made 60 per cent of all new mortgage loans—$22.9 billion of $38 billion—and accounted for 66.9 per cent of all privately made mortgages.

Although savings and loans have existed for well over a century as institutions specializing in housing finance, they have become dominant in housing finance only since World War II. By the end of last year, their assets of $272 billion were second only to commercial banks, who had resources of $835 billion.

In the relatively calm financial period between 1946 and 1966, savings and loan associations flourished. While commercial banks did not abandon home mortgages, the increasingly affluent American home buyer began to turn to S&Ls.

Commercial banks did not actively compete for savings deposits until the 1960s because they had large quantities of lendable funds and relied heavily on checking deposits for which they paid no interest. Savings and loans offered higher interest rates to savers and attracted many consumer savings accounts.

S&Ls could not make money unless they reinvested their deposits in earning assets. Since they were restricted by law to investing mainly in housing, they became aggressive seekers of home buyers, to whom they could make loans.

As savings and loans have increased their deposits (30-fold since World War II, while banks have increased theirs five-fold), more and more citizens became home owners.

In 1940, 43.6 per cent of the population owned their own homes. In 1970, 62.9 per cent did.

In 1966, however, trouble began for the S&Ls. Money got tight that year as the Federal Reserve Board tried to fight inflation by raising interest rates. Interest rates on short-term securities rose to or above the levels savings and loans were paying on their deposits.

Savers began to take their money out of S&Ls and put it into investments which gave them a higher rate of return. For the first time since World War II, the steady growth of S&L savings came to a halt. Not counting interest paid depositors, S&Ls had net withdrawals of $1.37 billion, according to the U.S. League of Savings Associations.

In 1969, a tight money period re-appeared, and again savers began to take their money out of S&Ls. The institutions suffered net withdrawals of $2.37 billion that year.

In the summer and fall of 1973, S&Ls lost several billions of dollars, but for the year as a whole had net savings of $8.48 billion, well below the $22.4 billion of 1972 and $19.72 billion of 1971.

Economists call this type of money outflow "disinter-mediation." It can happen to commercial banks, S&Ls, savings banks, credit unions or life insurance companies.

All these institutions are financial "intermediaries," that is, standing between savers and borrowers. They accept deposits from the public and re-lend those deposits to individuals, corporations or governments needing credit. The intermediaries pay their bills and make their profits from the difference between what they pay savers and what they charge borrowers.

When interest rates rise rapidly, however, these intermediaries often find it difficult to increase the earnings of their assets fast enough to be able to offer potential savers a high enough return on their money.

Some investors, then, take their money out of banks or S&Ls and place their funds directly in the market by purchasing bonds from corporations, government securities such as Treasury bills, or any of a variety of devices (called debt instruments) issued by companies to raise money.

The potential for disintermediation from the new offering by the parent company of First National City Bank of New York is overwhelming. For $5,000, a small investor can get a yield that is a percentage point higher than the Treasury bill rate.

The Citicorp offering has sent shudders down the spines of savings and loan associations officials, who fear that most of the money will come from their coffers. The bank regulators do not like the offering by the bank holding company, but say they are unable to regulate it under current law.

The small investors' response has been "tremendous," according to Leslie Silverstone, vice president of the brokerage firm of Dean, Witter and Co. "They initially filed for $250 million, then upped it to $850 million—that should be indicative," Silverstone said.

Disintermediation tends to strike S&Ls and mutual savings banks the hardest because they are least able to accelerate the rates they can pay savers. The reason: so much of their assets is tied up in long-term mortgages with fixed interest charges.

"We've still got a lot of mortgages yielding us as low as 4 per cent," one official of a large area S&L said. His problem is typical.

"If I raise the interest on my passbook accounts, like we did when the government said we could last summer, I increase my costs across the board, but I only get bigger earnings on the new mortgages I make," another official said. Furthermore, he said, it is doubtful that the slight increase in rates picked up much more money for his institution.

Banks tend to suffer less because many of their assets are in short-term loans, and a sizeable portion of their lending has an interest charge that goes up and down as other market rates go up and down.

Norman Strunk, executive director of the U.S. League of Savings Associations, contends that disintermediation is not as "deep and persistent and pernicious as it seems to be." He said it is primarily a phenomenon experienced in larger cities. S&Ls are not hurt by it, he said, but "if I'm a home builder or house buyer, it's bad. With disintermediation or the threat of it, there's a lot less money to lend."

In April, when S&Ls had net deposit losses of $204 million out of total deposits of $230 billion, mutual savings banks had net outflows of $600 million on deposits of less than $100 billion. Mutual savings banks are concentrated in the Northeast and in cities, places where savers are generally more aware of other investment opportunities.

In May, the S&Ls recouped a bit, but savings banks lost another $190 million. The figures are not in for June yet, but experts think that both S&Ls and savings banks lost deposits.

[From the Washington Post, July 9, 1974]

Ceilings Worsen Financing Woes

(By James L. Rowe Jr.)

The intricate financing problems of the housing industry during periods of tight money and high interest rates are complicated because the federal government sets ceilings on the maximum interest return banks, savings and loan associations and mutual savings banks may pay their depositors.

These ceilings were designed to prevent ruinous interest-rate wars among the various financial institutions, but also have the unintended effect of encouraging savers to withdraw their money to invest elsewhere when interest rates on other investments surpass the government interest ceiling.

For example, the maximum interest a savings and loan can pay a saver with less than $100,000 is 7.5 per cent. To get that return, the saver must agree to keep at least $1,000 on deposit for four years. The ceiling is 7.25 per cent for a commercial bank.

If the saver has $10,000 he can get in the neighborhood of 8 per cent by purchasing a Treasury bill and only have to tie up his funds for three or six months. Other government issues sell for as little as $1,000 but have much longer maturities.

Big savers not only can buy Treasury bills, but can invest in commercial paper which is essentially an IOU issued by companies with a need for cash. Banks, and recently, S&Ls, have been given authority to issue high-rate certificates of deposit for those with $100,000 or more to deposit.

So, as other interest rates rise above the ceilings imposed on banks and S&Ls, they scramble for ways to come up with money to satisfy potential borrowers. The financial regulatory agencies which set the ceilings often recognize the problems and make changes designed to help banks and S&Ls obtain funds. Other times, they write new rules or Congress makes new laws to close loopholes.

The result is a crazy-quilt of regulations with layers of different interest-rate ceilings for different types of deposits.

Consumer savers can get a little more for their money at S&Ls than at banks. The higher ceilings for S&Ls were designed to keep money available to finance housing, since S&Ls do the lion's share of home mortgage lending.

But consumer savers with more than $10,000 to invest can find a better return elsewhere than the bank or the S&L. When any savers—big or small—take their deposits out of those institutions, known as financial "intermediaries," and put their money directly into investments such as Treasury bills or corporate bonds, a process called "disintermediation" occurs.

In 1970, when bank deposits slipped sharply, the Federal Reserve Board removed the ceilings on the amount of interest banks could pay big savers who promised to leave $100,000 on deposit between 30 and 90 days. At the same time, the Treasury closed off an investment opportunity for small savers by raising from $1,000 to $10,000 the minimum purchase of a Treasury bill.

Last spring, to keep corporate money flowing into banks, the government suspended ceilings on deposits of $100,000 or more on deposits for over 90 days as well. Banks are not permitted to pay corporations interest on passbook-like accounts which can be withdrawn on a moment's notice.

On July 5, 1973, the federal government raised the remaining interest ceilings across the board and introduced for the first time a consumer-sized certificate of deposit which had no ceiling.

A certificate of deposit (CD) is a receipt which the bank or S&L gives an individual or corporation for a deposit. A CD specifies the interest rate and the length of time the money must remain on deposit with the bank.

Large-size CDs—$100,000 or more—are negotiable, which means that, if the corporation or big depositor needs the money before the end of the deposit period, he can sell the CD to someone else who can redeem it later. Smaller CDs, including the ceilingless four-year, $1,000 CD, cannot be resold.

But the consumer-sized CD upset the savings and loan industry which quickly dubbed it a "wild card."

"We can take a little disintermediation," said the U.S. League of Savings Associations director, Norman Strunk. "We can't compete with both the banks and the market."

Banks generally make loans of much shorter duration than the home mortgages S&Ls concentrate on. As a result, S&Ls argued before Congress, banks can offer consumers more money for the "wild card" deposits and would drain money from the politically sensitive housing sector.

S&Ls had large net outflows of funds last fall, although most analysts discount S&L contentions that the money flowed from S&Ls to bank. Whatever the case, Congress bought the S&L argument and ordered that ceilings be put on the wild card as of Nov. 1. These ceilings are 7.25 per cent at banks and 7.5 per cent at S&Ls. The big CDs are yielding an average of 11 to 12 per cent.

Congress has also stepped in to stop mutual saving banks from offering what are essentially interest-bearing checking accounts, called negotiable orders of withdrawal (NOW).

Congress restricted NOW accounts to the two states which hatched them—Massachusetts and New Hampshire—and permitted banks and savings and loan associations in those two states to get in on the act as well. Last month, several mutual savings banks in New York state announced that they were setting up the equivalent of checking accounts, although they would pay no interest on them. Commercial banks are fighting this development.

The latest move in the interminable scramble for more money to lend out comes from the company which owns the giant First National City Bank, New York's largest and the nation's second biggest. The development threatens to spawn the most serious source of "disintermediation" yet experienced.

Citicorp announced that it will offer $850 million of notes aimed at the small saver. Even though most of the money will find its way to Citibank as a loan from the parent company, the Federal Reserve Board said it is powerless to regulate the issue because it is a genuine securities offering, not a deposit.

Nonetheless, the Citicorp issue has many characteristics of a bank time deposit, even though it is a 15-year note which probably will be listed on the New York Stock Exchange.

The minimum purchase is $5,000—half as much as a Treasury bill—and the notes will carry a floating interest yield one percentage point higher than three-month Treasury bills. Interest will be paid every six months, at which time Citicorp will readjust the rate.

At those dates, however, the investor may cash his note in for face value if he gives Citicorp 30 days notice. This characteristic is most disturbing, according to Federal Reserve Board governor Andrew F. Brimmer.

This means the small investor can get his money back if interest rates fall below what banks or S&Ls pay on deposits, but he won't have to undergo the usual costs or face the market uncertainties he would have if he sold the note like a normal security on the stock exchange.

Leslie Silverstone, Washington regional vice president of Dean Witter, agreed that the offering has tremendous appeal. "It's a higher yield which gives the small guy the option of pulling out whenever he wants," he said.

The initial offering was $250 million and small-investor interest was so high that Citicorp upped the offering to $850 million, reportedly the largest single issue ever floated by an American company.

House Banking Committee chairman Wright Patman (D-Tex.) warns that the Citicorp offering will encourage similar offerings by other bank holding companies and Sen. William Proxmire (D-Wis.), who will probably head the Senate Banking Committee next session, has introduced a bill giving the financial regulatory authorities powers to limit the interest that bank holding companies can offer on their securities.

Even the Federal Reserve, which generally favors interest rate competition and which pressured the Federal Home Loan Bank Board into approving the now-defunct wild card, is upset. In the current high-interest situation, vice chairman George Mitchell said, the offering is "not in the public interest."

Thomas R. Bomar, chairman of the Federal Home Loan Bank Board, said the Citicorp issue and prospective issues by other bank holding companies "have threatening implications for thrift institutions." They cannot pay the same amount of interest as banks. The Citicorp issue will initially pay 9.7 per cent.

Already, the holding company which controls New York's third biggest bank, Chase Manhattan, has announced a similar $200 million offering. Industry experts think between $4 billion and $10 billion more of such offerings can be expected if the Citicorp issue is permitted to go through and is successful.

Even if Congress acts, one top federal official said, it will only close off another avenue around the interest rate ceilings, often called Regulation Q ceilings after the Treasury rule which permits them to be imposed.

"We'll add another complicated rule to a set that is already too complicated and anti-consumer," he lamented. "It'll be only a matter of time before someone like Wriston (Walter B. Wriston, chairman of Citicorp) thinks up another way around Reg. Q."

The administration, many bankers and those who regulate savings associations do not believe that ceilings on interest payouts serve a useful purpose any more. They were imposed on banks shortly after the Depression to prevent ruinous interest rate wars. They "served the purpose for a long time, especially when market rates were below the ceilings and banks didn't need deposits," another official said.

"Today, they do nothing but hold down the amount of interest the little guy can get and exacerbate the disintermediation problem. They also channel more lending and borrowing into areas that are not regulated by the government, increasing the potential for disasters," he contended.

What the administration has proposed is a sizable overhaul of the financial system that it claims will permit savings and loan associations to earn more money and therefore be more competitive for deposits.

The proposed system is intended to make all financial intermediaries more competitive with the market, and smooth out the ups and downs in home building by encouraging a wide variety of lenders, not specialized institutions, to finance housing.

[From the Washington Post, July 10, 1974]

Deposit Loss Puts Housing Into Tailspin

(By James L. Rowe, Jr.)

The flight of deposits from those financial institutions which specialize in making home mortgage loans has tossed the home building industry into a tailspin.

It is the fourth time in the last eight years that rising interest rates have convinced large numbers of depositors to take their money out of savings and loan associations and commercial banks in search of better returns elsewhere.

A special presidential commission studied the problems of financial institutions during periods when the government is fighting rising prices by permitting interest rates to rise.

That commission concluded in 1971 that many of the problems were inherent in a financial system that chained institutions to specialized roles.

The administration put forth proposals last year, based largely on the commission report, that would permit S&Ls and mutual savings banks to make different types of loans allowing them to earn more money. To assure a flow of funds to housing, the proposals would seek to encourage more types of lenders—not just S&Ls and savings banks—to make home loans.

Thomas R. Bomar, chairman of the Federal Home Loan Bank Board, said that the bank board feels the administration's proposals would go a long way toward solving the basic problems of savings and loan associations.

Part of those problems are rooted in "good" years. During those years, savings and loan associations are like deposit magnets. Harris Friedman, chief economist of the bank board, said that, for some reason, S&Ls tend to pay the highest interest rates permitted by law, even when competing interest rates are much lower.

Investors who are now putting their money in Treasury bills (yielding 8 per cent this week) were putting their funds in S&Ls yielding 5 or 6 per cent when Treasury bills were yielding 4 per cent.

"Smart savers go to the highest rates," Friedman said. During 1971 and 1972, deposits at S&Ls grew by more than 25 per cent, from $146.4 billion at the end of 1970 to $206.7 billion at the end of 1972.

"Perhaps it would have been better if their deposits grew by 10 percent," Friedman suggested. If they had, S&Ls might not have driven mortgage rates down as much as they did, competing with one another to make mortgage loans. Those lower-yielding mortgages put them in more of bind when interest rates are rising.

Bank board chairman Thomas R. Bomar said that the average S&L portfolio is now yielding between 7 and 7.5 percent. A savings association is hard-pressed to compete with the 9.7 per cent interest that the parent company of First National City Bank of New York is offering small investors, or the 11 or 12 per cent interest that big banks are offering on large certificates of deposit.

Banks can increase their portfolios' earnings with relative speed because they make mostly short-term loans. S&Ls cannot because nearly 80 per cent of their assets are in long-term, residential mortgage loans.

The government has been pumping some money into S&Ls to replace lost deposits. But "money coming in to S&Ls above a certain rate has no value," Bomar noted, not only because ceilings on the amount of interest that can be charged on mortgage loans prevent S&Ls in many states from re-lending the money at a profit, but also because consumers balk at paying 9 or 10 per cent interest for a mortgage loan.

Last year, the administration proposed that the solutions to the problems of thrift institutions and home building lie in a substantial restructing of the financial system, one which decreases the role of the specialized lending institution.

The proposals, contained in the so-called Financial Institutions Act, seek to increase the earnings potential of thrift institutions by permitting them to make a much higher percentage of their loans in short-term consumer loans—such as car loans—and in higher-yielding, short-term commercial building and real estate loans. Under the proposals, S&Ls and mutual savings banks would be given more latitude in the kind and amount of securities investments they could make.

At the same time, the proposals would permit S&Ls and mutual savings banks to accept checking accounts, a source of funds from which they have been almost totally excluded under present law.

With increased earnings and more sources of deposits, these thrift institutions should be better equipped to compete with banks and other investment opportunities. So the President's proposals also phase out gradually all restrictions on the amount of interest banks, S&Ls, and savings banks may pay for deposits.

Implicit in the President's proposals is the conclusion that there is no longer a need for institutions which do almost nothing else but make home loans. To assure a constant but less volatile flow of money into housing finance, the President would provide a tax credit on home mortgages that would be available to all lenders with at least 10 per cent of their assets in mortgages.

The credit would permit a bank or S&L to deduct from its tax bill 3.5 per cent of the income from its mortgage loans if it has 70 per cent or more of its assets in mortgages. For each percentage point below that, the lender loses one-third of one percentage point of the credit.

With 10 per cent of its assets in home mortgages, the lender could deduct 1.5 per cent of its income. Below that, there would be no tax credit.

If a savings and loan had $1 million in mortgage interest income and 70 per cent of its assets in home mortgages, it could deduct 3.5 per cent of $1 million, or $35,000, from its tax bill.

The President said his proposals would increase the ability of financial institutions to compete with each other and the market, a situation which better serves the "public interest." The Federal Home Loan Bank Board agrees with him. "For the savings and loan association to do thc home financing job, it needs access to new kinds of money," asserts FHLBB chairman Bomar.

Norman Strunk, executive director of the U.S. League of Savings Associations, the major S&L trade group, disagrees. The problems of S&Ls and home building are not rooted in the financial structure, he argues, but in poor economic policy.

"The problems are basically the result of inflation," he charged. He said everything went well until the inflation of 1966.

"Make no mistake about it. At the heart of the administration's proposals is nothing less than the elimination of the savings and loan system as we know it," the U.S. League itself charges in a position paper.

Savings associations would like the authority to make more varied consumer and commercial loans as well as the ability to offer checking accounts. "We need those to stay even with constantly aggressive commercial banks," Strunk alleges.

But they don't want to see the ceilings removed on the amount of interest banks or S&Ls can pay on deposits. They also want to see those ceilings kept higher for S&Ls than for banks and would like to see the differentials widened.

"We can live with disintermediation," Strunk said, referring to the situation in which deposits flow from institutions to other investment opportunities such as Treasury bills. "We can't live with both disintermediation and loss of deposits to banks."

When he proposed the legislation last summer, the President said that interest ceilings deny the small saver a "fair market return on his savings."

William F. Ford, chief economist for the American Bankers Association, says he has some reservations about the proposals, but argues that they go in the right direction.

Keeping ceilings on deposit rates is "anticonsumer," Ford said. Not only do ceilings fail to keep funds flowing to the housing market during periods of rising interest rates, but they also are set with the assumption that "the interests of consumers as mortgage buyers should be put ahead of the interests of consumers as depositors." Theoretically, S&Ls can charge less for mortgage loans if they have to pay less for their deposits.

But a paper of the bankers association contains the argument that, at any given time, the maximum number of "actual and potential mortgage applicants will not exceed 8 million," while there are 160 million passbook savings accounts at banks and S&Ls representing at least 80 million individuals.

A top congressional aide concedes that the present ceilings on interest rates are inequitable. But the debate on who does and who does not benefit "from interest on savings ends up being largely an argument among the more affluent in our society," he said. Even among the better off, "most families are net borrowers, and it takes a great deal of interest on savings to offset the increased cost of borrowings on mortgages, education and other typical needs," the aide said.

Unless interest ceilings are eliminated, however, another observer argues, the dislocations of financial institutions during periods of high interest rates will continue. "It does no good to save him money on mortgage he cannot get," another congressional aide observed.

But it is assuring that flow of funds into the housing market that gives even proponents of the administration's plans some pause.

"Removing the interest ceilings and expanding lending and deposit powers will keep money going into financial institutions, all right," one banking authority said. But even with the tax credit, the administration's proposals could adversely affect the amount of money those institutions direct to home mortgages. The administration's proposals, broad as they may be, do not deal with the fundamental defect of the mortgage: its fixed return during periods of rising interest rates.

[From the Washington Post, July 11, 1974]

United States Backs Reforms for Aiding S&Ls

(By James L. Rowe, Jr.)

Reforms designed to enable savings and loan associations to better compete with banks during periods of rising interest rates are supported by the administration and the Federal Home Loan Bank Board which regulates S&Ls.

While those reforms deal with many of the defects of the financial system which choke off the flow of funds to institutions which make mortgage loans, the reforms do not deal with the fundamental defect in the home mortgage: its long-term, fixed rate of return.

The reforms proposed last year by the administration in the Financial Institutions Act would allow S&Ls, which now make mostly mortgage loans, to make short-term consumer loans, and some commercial and real estate loans. With broader lending power, the administration reasoned, S&Ls would not be so locked in to long-term, fixed-rate mortgages that they are seriously hindered in boosting their earnings when short-term interest rates rise rapidly.

With better earnings, thrift institutions such as S&Ls should be better equipped to pay competitive rates on deposits, so protective ceilings on rates that banks and S&Ls may pay savers would be eliminated under the Presidents' proposal.

Because restructured S&Ls would lend to car buyers some of the funds they now lend to home buyers, for example, the administration proposed a mortgage tax credit to encourage a variety of lenders to make home loans. Using the tax credit rather than specialized lending institutions to channel money into mortgages should even out the flow of funds to home building, the administration contends.

The housing industry now suffers severe ups and downs depending on whether thrift institutions are flush with deposits and making lots of mortgage loans or, as is the case today, running out of deposits and making almost no mortgage loans.

Many critics argue that the proposed tax credit will not channel enough new funds in to replace the money lost. Even under the new reforms, most S&Ls still would be making more than half their loans as home mortgages, but substantially less than the 80 per cent or so they do today. Other institutions, mainly banks, will have to take up some of the slack.

Until mortgages are structured so they do not lock the lender into a fixed rate of return during periods of rising interest rates, they will remain unattractive investments to lenders with a choice.

Thomas R. Bomar, chairman of the Federal Home Loan Bank Board and a strong supporter of the Financial Institutions Act, says that, in addition to the President's proposed reforms, long-term mortgages must be made responsive to short-term interest rate fluctuations.

Most industry specialists agree with Bomar that the answer is the variable rate mortgage. With this type of loan, the borrower agrees to pay a higher rate during those periods of the loan when other interest rates are rising and a lower rate when other interest charges are declining.

For years, commercial banks have made many loans—generally to businesses—with floating interest rates.

Maurice Mann, president of the Federal Home Loan Bank of San Francisco, calls the variable-rate mortgage a "vitally needed" reform.

The idea is not new. It has been tried in Great Britain and Israel with limited success at best and a few times in the United States with marked failure. Last year, when many Wisconsin S&Ls invoked a little-noticed variable-rate clause in their loan agreements, some mortgage rates jumped by 1 or 2 per cent overnight. The Wisconsin legislature, amid much clamor, overruled the boosts.

The variable rate transfers some of the risks of up and down movement in interest rates from the lender to the borrower. "To get me to take a variable rate, I'd want a better deal, too," chairman Bomar said. "If I'm going to share some of the risks, I'd want a lower rate to start."

Adequate safeguards, to forestall experiences like those in Wisconsin, are needed before the variable-rate mortgage can be used widely.

The rate charged on the mortgage must be linked to an index that "can be proven to go up and down parallel to other money market interest rates," Bomar asserts.

Tying it to the consumer price index, which seldom does anything but rise, would be unwise and unfair. The index also must be one that can be controlled neither by the lender nor the borrower, Bomar argues.

Kenneth Plant, research director of the Federal Home Loan Mortgage Corp., thinks his staff has come up with the proper formula. Plant s index relates the interest a home buyer would pay to the average of the interest returned on three- to five-year government bonds and seasoned corporate bonds.

Bomar insists that other safeguards are necessary, too, including limits on both the amount by which the interest charge could move up or down at any one time, as well as an overall limit on how high or low it could go over the life of the loan. Adequate notice of a change also would be necessary.

The bank board is hard at work devising rules to make variable-rate mortgages workable, yet fair to both lenders and borrowers. The board also has to work out technical factors such as whether the size of the monthly payment should change when the interest rate changes or whether the size should remain constant and the number of payments change.

It is basically the lack of safeguards that has hindered the use of variable-rate mortgages. Few state laws would prohibit them.

The 20 or so state laws which place limits on the amount of interest consumers may be charged on loans would complicate the use of variable-rate mortgages. These ceilings would place an arbitrary upper limit on how high the rate could go.

Usury laws were originally enacted to protect the consumer from powerful institutions which could gouge him. But in periods of rising interest rates, such laws often hurt the consumer by preventing him from bidding for loan money that then goes to business.

During the recent credit pinch, many states, including Maryland, have boosted their usury ceiling. The District is considering such a move.

In some situations, such as those in which a savings and loan association already has agreed to finance all of the homes in a development, the higher usury ceiling simply means the consumer must pay more for a loan he would have received anyway.

But in other situations, the higher interest ceilings may permit a home buyer who is willing to pay more for a loan to find one that a savings and loan association would have been reluctant to make at a lower rate.

The State of Pennsylvania, in an attempt to balance the protection of usury laws and the reality of higher interest rates, in February established a "floating" usury ceiling on mortgages under $50,000. That ceiling goes up and down with long-term government bonds.

Initially, it was 8.75 per cent but it has floated up to 9.5 per cent for June and July.

Although ideas abound on long-run changes in thrift institutions and their relationship to the finance of home building, serious reforms are a long way off.

Government and quasi-government agencies are using various techniques to keep money flowing to S&Ls to replace some of the deposits lost to other investment opportunities.

But those funds are high-cost and often of limited use to the S&Ls either because of usury ceilings or because consumers balk at paying 9.5 or 10 per cent for a loan.

Unless the Fed Reserve changes its tight money policy or short-term interest rates suddenly go down, the amount of money available for home mortgage lending will continue to contract. Neither course of events seems likely soon.

The slump in home building will continue for some time. If history is a good predictor, the current sage of high interest rates will play itself out again and again in the future.

THIRTEENTH ANNUAL NCOA INTERNATIONAL CONVENTION

Mr. TOWER. Mr. President, the Non-Commissioned Officers Association recently met in San Antonio, Tex., for their 13th annual NCOA international convention. At that convention the association honored me and I would like to take this opportunity to once again express my appreciation to them. As the only enlisted reservist in the Senate, I can take special pride in the activities of the NCOA. At the convention, the association passed a number of important resolutions that I think express the feelings of the membership not only on issues of national defense but also on the human condition. I am proud to present these resolutions to the Senate and would urge my colleagues to consider them with care. I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objections, the resolutions were ordered to be printed in the RECORD, as follows:

1974 Resolutions

The following resolutions were voted on and approved by the general membership:

Be it resolved: That the worldwide Non Commissioned Officers Association establish programs through its Chapters and members to provide support and assistance to retarded people of all ages.

Be it resolved: That the Non Commissioned Officers Association establish a special program which will provide all veterans and members of the military upon leaving active duty assistance in employment and second career opportunity.

Be it resolved: That the Non Commissioned Officers Association, through all available programs, provide assistance in the recruitment of highly qualified young men and women into the military service and to provide support to the retention programs of all branches of the military service, to include Reserve components and National Guard.

Be it resolved: That the Annual Meeting of the members of the NCO Association be held at such location as designated by the Board of Directors. The time, date, and location will be published in the NCOA JOURNAL not less than 60 days in advance of such Annual Meeting.

Be it resolved: That the Missing In Action (MIA) never be forgotten as long as their status remains "missing in action" and that their families be given moral support during these trying times and be it further resolved that our Government be continually appraised of our position on this matter.

Be it resolved: That the members of the Non Commissioned Officers Association authorize and direct that the International Board of Directors appoint one or more persons as their representative or representatives upon the Board of Directors of AMMEST

Group, Inc. and its subsidiaries and for other corporation in which the Association owns a substantial stock interest, so that the Association may be kept better informed as to the operations of our consultant firms and to represent our ownership herein.

Be it resolved: That we, the members of the Non Commissioned Officers Association, signify a sincere vote of appreciation by publicly recognizing the NCOA Resident Counsellors worldwide for the many benevolent, fraternal, and humanitarian actions that they have undertaken of their own free will.

Be it resolved: That at one hour before sunset on April 20, 1974, our Legislative Committee Representative, with appropriate ceremony, secure our coveted American Flag; that he transport it by the most expeditious means possible, and have it raised over our nation's capitol building as a one-day symbol of the NCOA's rededication to our government and American people, of the NCOA's patriotism, benevolence, integrity, and our love of our country. Be it further resolved that our flag be returned with haste, dignity and honor; and that it again be raised above our headquarters with pomp and ceremony so that it may serve to constantly remind us all of our rededication to our beloved country.

Be it resolved: That Associate members in the Non Commissioned Officers Association be restricted from the vote and not be allowed to hold office at any level. The "grandfather law" applies. Be it further resolved that organization and operation of Associate Member Chapters be referred for staff study.

Be it resolved: That members of the Non Commissioned Officers Association publicly recognize the services of the ladies auxiliaries throughout the world who support the ideals and goals of our great Association by their invaluable assistance to all our members.

Be it resolved: That the members of the Non Commissioned Officers Association in attendance at the 13th Annual Convention show their appreciation to the President and members of the International Board of Directors for an outstanding year in the history of our Association by a roaring round of applause and a standing ovation.

"It is with the conception and full understanding that many things of great need and importance can be accomplished in unity and cooperation, but otherwise impossible, that the Members of the Non Commissioned Officers Association of the United States of America have agreed to join their efforts and strength to work together for the well-being of the individual, the group, and for the greatest benefit of our beloved Nation."

PREAMBLE

The past year is now history. Among the major events in national and international affairs that highlighted 1973 and affected the Association's membership or the national security were the following:

(1)—Dramatic reductions in the strength and effectiveness of the United States active forces of the armed services.

(2)—The Middle East War (involving Israel and the Arab nations of Egypt and Syria).

(3)—A confrontation of the alliance between the United States and its European NATO allies.

(4)—The Soviet Union's continued strengthening of its armed forces; the effective testing of its Multiple Independently Targeted Reentry Vehicle (MIRV) Missiles; its reluctance to abide by or continue with further detente and arms control agreements with the United States; and its growing influence on Arab nations exporting oil to the United States and European NATO countries.

(5)—The energy crisis in the United States.

(6)—The increased pressure on Congress to reduce the appropriation for the Department of Defense and the U.S. armed forces; to dilute, curtail, reduce, and/or delete certain pay, allowances, and benefits that are now available to the military community.

(7)—The latest effort by certain factions to reduce the size of the U.S. Reserve and National Guard forces.

(8)—Congressional efforts to continue substituting civilians for military personnel billets on the false assumption that civilians are less costly to the federal government.

(9)—The effort by the Department of Defense to revamp the retirement annuities for military personnel and without an equal recommendation for its civilian employes.

(10)—The hearings in Congress on the amnesty issue.

(11)—The showing of dissatisfaction with the Administration's treatment of Vietnam veterans in particular, and of earlier veterans, their families, and survivors.

(12)—The second defeat of the Recomputation of Military Retired Pay Amendment by the Senate and House Armed Services Committees' conferees.

(13)—Congress' continued refusal to repeal, revoke, or change the existing military laws that are discriminate against regular enlisted members of the armed forces.

(14)—And the continued efforts by certain elements of the federal government to (a) give away the Panama Canal, (b) curtail or phase out the activities of the House Internal Security Committee, (c) strike down the oath of allegiance to the United States when applying for a passport, and (d) insure that the All-Volunteer Force will work even if the size of the armed services is reduced according to the number of accessions of volunteers recruited.

Of the events related above, the Association should primarily concern itself with matters that will affect the United States in its internal and foreign affairs. Secondly, its efforts should be turned toward those issues that greatly affect the majority of its members, and, last but not least, actively promote its efforts to assist in the needs of minor collective groups within its membership.

This is the NCOA Creed, and in this respect the membership is obligated by its contents to determine and analyze the issues, propose mandates that will correct or stabilize the problem areas, and subsequently direct that the Association use its combined efforts to have the mandates brought to the attention of the proper officials of the federal government, and to actively pursue legislative measures that will influence their stabilization, correction, and enactment.

Accordingly, the following resolutions are offered for adoption.

LEGISLATIVE RESOLUTION NO. 1

National defense posture

The President's budget for the Department of Defense for Fiscal Year 1975 totals nearly $85.8 billion. By functional component, the appropriations bill contains the following requests:

1. For active duty military personnel with an end strength of 2,152,123, $22,090,700,000.
2. For National Guard and Reserve Personnel with an end strength of 892,066, $1,732-200,000.
3. For Retired Pay, Defense, $5,687,600,000.
4. For Operations and Maintenance, $26,-043,943,000.
5. For Procurement, $19,866,617,000.
6. For Research, Development, Test and Evaluation, $9,322,469,000.
7. For Currency (Foreign) Program, $2,900,000.
8. For Petroleum Reserve, $6,900,000.

The budget, although the largest in the history of the nation, is the lowest in terms of percentage expenditures for the national budget since World War II. Where it once consumed nearly 80 percent of the total annual outlay in 1945, the FY 1975 DOD Budget is but 30 percent.

The defense budget, regardless of size, is necessary to insure peace for the United States in an era of so-called detente—one that finds the Soviet Union continuing to build and reinforce its armies, improving its missile capabilities and deliveries, exerting its political and military influence particularly in the Middle East, and concentrating its efforts to build the greatest naval armada in the world today.

There is at present no free nation other than the United States that has the potential to offer a deterrent to the Soviet's dream of world conquest. America must remain strong and heavily armed or it may perish, or become dominated by communism.

The United States is on the brink of losing its major role as a world power for peace. It may have the largest nuclear stockpile, and undisputedly the greatest air armada, but its land and naval forces are definitely inferior in size and power to that of the Soviet's.

Recent history has proved beyond a doubt that nuclear power has prevented nuclear war; that air power cannot seize and control the land and seas; that land and naval forces are vital to the offensive and defensive capabilities of any nation.

Therefore, let it be resolved that the Non Commissioned Officers Association supports the Administration's Fiscal Year 1975 Defense Budget and encourages all members of Congress to do likewise. For those who may oppose a strong defense posture, the NCOA urges that they consider the youth of our nation and ask themselves a question that should be haunting those U.S. lawmakers following World War I, World War II, and the Korean War; "is the blood of our Nation's youth cheaper than money?"

Let it further be resolved that the United States should pursue a defense posture second to none. That until the Soviet Union, by deeds and not mere words, either stabilizes or decreases its armed strength, the United States will:

(1). Maintain an active duty armed force of not less than 2.3 million military members;

(2). Maintain a national guard and reserve force of not less than one million military members;

(3). Develop and procure sufficient nuclear and conventional weapons that are superior to those of any other nation or coalition of nations;

(4). Rebuild the Army and Navy so that its strength and military posture is at least equal to that of the Soviet Union;

(5). Authorize the U.S. Navy to expand facilities at Diego Garcia in the Indian Ocean in order to protect the interests of the United States, and to prevent the Soviet Union from seizing control of that vital area through its ever-increasing naval power; and

(6). Insure that the United States maintains sovereignty over the Panama Canal, a most vital link in the nation's defense.

LEGISLATIVE RESOLUTION NO. 2

Equity for enlisted military personnel

Congress, and rightfully so, has over the years enacted legislation that offers protection in many ways to many members of the military community; on active duty, retired, in the reserve or national guard, and their dependents and survivors.

The majority of the measures, contained in either title 10 or title 37, United States Code, may readily be described as "laws normally protecting the well-being of the military member."

Yet, in most military laws enacted by the federal government, the regular enlisted member of the U.S. armed forces is not the beneficiary of, nor is included in those protective measures that pertain to regular commissioned and warrant officers, or reserve and temporary commissioned and warrant officers, or even certain enlisted personnel of other than the regular components.

Specifically stated, under present federal law, in particular title 10, U.S. Code, regular enlisted members of the U.S. armed forces are not protected from their initial enlistment to the date of their retirement—a situation that does not exist for regular commissioned and warrant officers.

Therefore, let it be resolved that the Congress of the United States be petitioned to enact corrective legislation that will:

(1). Provide severance pay or readjustment pay for regular enlisted members of the U.S. armed forces;

(2). Allow certain enlisted members of the U.S. armed forces to credit their reserve time when computing their retired pay, the same that is now provided for certain commissioned officers;

(3). Change incentive pay and hazardous duty pay for enlisted members of the U.S. armed forces that will offer a more equitable system based on assignments of duty and responsibility and comparable to the pay rates now in effect for commissioned and warrant officers, and provide under law that enlisted aircrew members must receive notice of terminal flight pay at least 120 days in advance of the date final flight pay is due for performing such duty;

(4). Entitle enlisted members to legal counsel in the event they are to be involuntarily discharged for administrative purposes, or denied reenlistment for cause when the character of service has been honorable, and that a review board be established for the latter group to appeal such denials if the enlisted member so requests an appearance before such a board;

(5). Provide that any enlisted member of the U.S. armed forces on active duty having a minimum of 18 years of honorable service cannot be denied reenlistment or continued active duty until he or she has sufficient active service for retirement purposes;

(6). Provide that an enlisted member of the U.S. armed forces on active duty, who maintains an acceptable standard of honorable service, and is in pay grades E–9, E–8, or E–7, shall have a comparable protection of tenure of service as is now provided for commissioned officers in pay grades O–7, O–6, and O–5;

(7). Provide that noncommissioned and petty officers having violated certain punitive articles of the Uniform Code of Military Justice (UCMJ) may accept an administrative discharge rather than stand trial by court-martial, the same as a commissioned officer is allowed to resign his or her commission;

(8). Provide that an enlisted member retired or released from active duty without pay for physical disability may request reviews of his or her case up to 15 years from the date of retirement or separation;

(9). Provide that enlisted members not permitted to complete a period of enlistment, may if the service has been honorable and the separation not voluntary, receive payment for the unexpired period of the enlistment if they are not entitled to severance or readjustment pay; and

(10). Provide equal per diem entitlements to enlisted members as now authorized for commissioned officers.

LEGISLATIVE RESOLUTION NO. 3

Retired military members

In 1958 and 1963, Congress passed legislation that provided for termination of recomputation of retired military pay and substituted cost-of-living raises based on the Consumer Price Index (CPI). Subsequently the new law created an inequitable annuity system, in particular for those retirees of the pre-1968 period.

Although the law, as changed, has been upheld by the civil courts, there still remains a moral and ethical obligation on the part of the federal government to support its promises of recomputation to certain career military members on active duty prior to 1958.

In addition further attacks are being launched today by many members of Congress, and the Administration, on military retirees and future retirees, their dependents and survivors. Future retired pay reducing present annuities is to be considered under proposed legislation introduced in the 93rd Congress. Other legislation is being introduced, or has been proposed, that will either curtail, reduce or revise certain benefits that are now available to military retirees or future military retirees.

Furthermore, there are a few laws presently in the U.S. Code that are discriminate to the military retiree and should be repealed or revised at the earliest.

Therefore, let it be resolved that the Non Commissioned Officers Association petition the Congress of the United States to enact the following measures calling for:

(1). Enactment of legislation that provides for recomputation of retired military pay as provided in H.R. 14081, and companion bills, H.R. 14082 and H.R. 14083, 93rd Congress, introduced by the Honorable Bob Wilson, M.C. from California, and others;

(2). Revision of legislation that will change the method of recomputing retired pay to reflect later active duty;

(3). Rejection of legislation that will provide for a new Military Nondisability Retirement System, as contained in H.R. 12505, 93rd Congress, if the provisions do not exclude those members on active duty on the date of enactment of the measure, and further excludes the payment of severance or readjustment pay to members voluntarily separating from the armed forces;

(4). Enactment of legislation that will grant to retired members of the armed forces who are federal employes full retention preference credit in reductions in force;

(5). Enactment of legislation that will provide that certain additional amounts received by retired servicemen employed in the Jr. ROTC shall be treated as allowances or communications of quarters;

(6). Enactment of legislation that will extend from one to three years the period that a member of the armed forces has following his or her retirement to select a home for purposes of travel and transportation allowances;

(7). Rejection of legislation, as contained in H.R. 10368, 93rd Congress, that provides for the continuation of reductions in pay for military retirees if the spouse predeceases the sponsor (Public Law 92–425);

(8). Enactment of legislation that will amend the Survivors' Benefit Plan, Public Law 92–425, that will provide for an election of an annuity for a dependent child if one is not elected for a spouse, and terminates the provision calling for integration of social security annuities at age 62 for spouses in receipt of SBP annuities;

(9). Rejection of legislation that provides for the attachment of military retired pay for purposes of paying alimony;

(10). Enactment of legislation that will provide for the payment of federal employment compensation concurrently with the receipt of retired military pay for certain federal employes injured on the job;

(11). Enactment of legislation that will provide for military retirees a choice of selection to participate in Champus or Medicare upon attaining the age of 65;

(12). Enactment of legislation that will provide for the attraction and retention of sufficient medical professionals to adequately provide medical services and treatment for military retirees, their dependents and survivors in existing military medical facilities of the armed forces; and the

(13). Enactment of legislation that will amend existing law to provide that military retirees will not be denied their full retired pay if they are employed by the federal government.

LEGISLATIVE RESOLUTION NO. 4

Regular military

The regular active duty military member is presently being equated by the Administration and certain members of Congress as allegedly receiving comparable pay with his or her civilian counterpart.

Subsequently legislation has been introduced in the 93rd Congress, and has been recommended by the Administration, and certain Department of Defense regulations have been changed. These changes will curtail or have curtailed, will delete or have deleted, or will reduce or have reduced certain pay, allowances and benefits now authorized or were authorized previously for military personnel, their dependents and survivors.

However, a review of the pay and allowances (and benefits) provided to federal and railroad employes vividly points to the undisputable fact that the military receives a lesser amount in comparison.

For example, of all military members on active duty, 67 percent are in paygrades E–5 and below drawing an annual salary of pay and allowances amounting to less than $7,000. On the other hand, a comparison of Defense General Schedule Civilian Employes indicates that 66.88 percent are in grades GS–9 and below averaging an annual salary of less than $9,000.

Since it is apparent that most military members do not receive a comparable salary with the majority of civil service employes or railroad workers, whose salaries and benefits are subsidized by the federal government, requests to improve legislation and certain regulations in behalf of the military member are not out of order.

Therefore, let it be resolved that the members of Congress of the United States be petitioned by the NCO Association to:

(a). Support and enact the following legislative proposals that will:

(1). Require that the armed forces continue to provide special education services for certain eligible military dependents who have learning disabilities;

(2). Provide additional dental care for dependents of active duty members;

(3). Convey certain real properties for use to surviving spouses and dependents homes;

(4). Provide continued use of military medical facilities for the care and treatment of dependents and survivors of military members;

(5). Provide adequate bonuses to attract and retain sufficient medical and dental officers for the armed forces to adequately care for and treat the medical and dental needs of the military community at existing military medical facilities;

(6). Provide continued or additional tax relief for members of the armed forces, who were POWs or MIAs during the Vietnam conflict, who are in a combat zone or hospitalized as a result of wounds or injury incurred during service in a combat zone, who die while serving in a combat zone from wounds or disease or injury incurred therein, who sell or exchange residences, who die as a result of serving in a combat zone and leave an estate, who moves as a result of military orders, or who receives tuition and educational expenses as a result of a scholarship at an educational institution or as a fellowship grant

(7). Provides continued federal financial assistance, as authorized by Public Law 81–815, to local school districts providing free public education for children living on, or whose parents are employed on federal property, or in the uniformed services;

(8). Provide for adequate housing and maintenance of existing housing on military installations;

(9). Provide for special housing or cost-of-living allowances for military members assigned to high-cost areas in the continental U.S.:

(10). Amend certain Status of Forces agreements that will provide better protection and economic indiscrimination for military personnel serving in foreign countries; and

(b). To reject legislation that will;

(1). Change the present military pay system that would authorize that future pay raises may and can be distributed between basic pay and certain allowances;

(2). Curtail or provide certain limitations on the present space available system (except that which might regulate certain discriminate practices afforded to senior commissioned officers and not to other members of the armed forces); and

(3). Curtail, cut-off or gradually erode the present exchange and commissary privileges and facilities now available to military members.

LEGISLATIVE RESOLUTION NO. 5

Passports

A United States District Court in 1972 ruled that there was no statute authorizing the Secretary of State to require the oath of allegiance when applying for a passport.

A passport is now required in order to travel abroad and to return to the United States, except for travel to and from North, Central and South America (excluding Cuba).

Americans traveling abroad expect the protection of the United States and should be willing to abide by the constitutional process of the U.S. government by acknowledging the simple oath of allegiance.

In January 1974, the Non Commissioned Officers Association of the USA urged the President of the United States, the Secretary of State and the Attorney General of the United States to appeal the court's decision. The NCOA sent the following message:

"Our members have affirmed their support of the Constitution and feel that every U.S. citizen should stand tall in bearing true faith and allegiance to this Nation. Those that refuse should not be entitled to the protection of our government."

Subsequently the NCOA was advised that the federal government would petition Congress to introduce and enact legislation that would require all U.S. citizens to sign the oath prior to being issued a passport.

Therefore, let it be resolved that the Non Commissioned Officers Association shall continue to petition members of the Congress of the United States to enact legislation that will require all U.S. citizens to attest to the oath of allegiance when applying for a passport to travel abroad.

LEGISLATIVE RESOLUTION NO. 6

House Internal Security Committee

A recent proposal introduced in the House of Representatives recommends passage of legislation that will transfer the House Committee on Internal Security to another standing committee. The result of such a move, if enacted, will result in the committee's eventual demise as the bill does not require that the committee's staff and files will also be transferred.

The executive branch of the federal government has, as a matter of political and minority group pressure, reduced its surveillance of un-American activities. What information is obtained is normally unavailable to congressional legislators or to the American public. It is inherent upon all patriotic citizens of the United States to maintain a constant vigil of subversive elements. There is no organization other than the House Committee on Internal Security that can and will do the job openly without malice, and in the interest of national security.

Despite efforts for detent, the Soviet Union, by its mere existence, is dedicated to the principle of world conquest. Some years ago the then Russian premier "promised to bury the United States within." There is no reason today to believe that they will do otherwise.

The hidden enemy exists today more than at anytime in the history of the nation. They are around us, within us, and worst of all, a part of us. As freedom loving people believing in a democratic form of government, the United States cannot tolerate the existence of subversive groups lending themselves to the internal destruction of this nation.

Our country is in danger. The peril bears maximum vigilance at any cost.

Therefore, let it be resolved that the members of the Congress of the United States be petitioned by the Non Commissioned Officers Association of the USA (NCOA) to reject any legislative efforts that will provide for the restructure or abolishment of the House Committee on Internal Security.

LEGISLATIVE RESOLUTION NO. 7

Amnesty

The amnesty issue has once again reared its head in the nation's capital. A recent hearing before a Subcommittee of the House Committee on Judiciary considered legislative proposals for and against the granting of amnesty or earned immunity to draft evaders and deserters from the U.S. armed forces.

The NCO Association appeared before this Subcommittee opposed to amnesty, as mandated by the members of the Association assembled in convention at San Antonio, Tex. during April 1973.

Therefore, let it be resolved that the NCO Association shall continue to be opposed to the granting of amnesety or "earned immunity" to male citizens who willfully avoided the draft by refusing to be inducted into the armed forces, or who willingly deserted the armed forces, during the Vietnam conflict.

LEGISLATIVE RESOLUTION NO. 8

The National Guard and Reserve

The present strength of the regular armed forces of the United States is at an alarming low level. With a projected force of only 2.1 million members, the regular components are numerically inferior to that of the Soviet Union with over 3 million. Should the United States be required by necessity to face the massive forces of the Soviet Union in a conventional war, the regular Army, Marine Corps and Navy elements in particular would be hard-pressed to supply more than a basic deterrent in a total U.S. defensive effort.

Therefore, it is imperative to the national defense that the United States maintain a Reserve and National Guard force of at least one million members. Such a strength is necessary to provide the vast and varied military skills required by the regular forces in the event of major hostilities. The recent Middle East War should be a lesson to the United States that its reserve forces are vitally needed, but most of all, maintained at the ready at all times.

Therefore, let it be resolved that the Non Commissioned Officers Association will continue to support a Reserve and National Guard force of at least one million strong, and that the United States should maintain that level even if it needs to enact legislation that provides for universal military training of all qualified U.S. male citizens over the age of 18. However, in light of the all-volunteer force concept, the NCO Association recommends that the Congress of the United States should first enact legislation that would provide incentives to attract and retain volunteers for these components of the Nation's armed forces. Such legislation should contain provisions that will provide:

(1). Full-time SGLI coverage for all reserves and national guardsmen;

(2). Enlistment and reenlistment bonuses;

(3). Earlier retirement age at reduced annuities;

(4). Comparable educational benefits for those reservists and guardsmen completing an honorable commitment.

LEGISLATIVE RESOLUTION NO. 9

Veterans' Affairs

The status of veterans' affairs, despite the continued efforts of Congress, has diminished because of the inflationary spiral consuming the country today. Of particular concern are the Vietnam veterans who face greater difficulties than their predecessors of World War II and the Korean War, and the veterans of World War I who are drawing minimal pensions that provide little if any relief to their poverty statuses.

The plight of veterans is the concern of the Non Commissioned Officers Association. Although primarily a quasi-military organization devoted to the well-being of the enlisted military members, it cannot stand idly by while the veterans, most who served as enlisted men and noncommissioned and petty officers in the U.S. armed forces, are denied certain benefits, or are faced with continued cost-of-living increases that threatens the effectiveness and value of the benefits to which they are entitled.

Therefore, let it be resolved that the Non Commissioned Officers Association of the USA (NCOA) will petition the members of the Congress of the United States to enact legislation that will provide for the well-being of the American veteran, his dependents and survivors. Primary concern should be given to the early passage of legislation that will provide for:

(1). Adequate monetary increases for veterans enrolled under the GI Bill, and the extension of time limits for participation therein;

(2). Automatic cost-of-living increases for veterans' compensation rates, widows' compensation rates, and DIC rates, the termination of the disparity in DIC ratings based on grades-in-service, and equalization of the rates of compensation for widows and surviving children of veterans, military members, federal employes and railroad workers;

(3). Increases in pensions for certain World War I veterans;

(4). Additional compensation and benefits for service-connected, totally disabled veterans, their dependents and survivors;

(5). The payment of compensation for certain service-connected disabled veterans who are retired members of the uniformed services concurrently with retired pay without deduction from either;

(6). Increases in social security benefits will not cause a reduction in veterans' pension and compensation payment;

(7). Increased rights of veterans for preference treatment when reductions in force are mandated for federal and state employes;

(8). The removal of existing limitations on the amount of educational assistance which may be received by certain persons entitled to both war orphans' and veterans' educational assistance; and

(9). The change of Memorial Day and Veterans Day back to May 30 and November 11 respectively.

LEGISLATIVE RESOLUTION NO. 10

The U.S. Soldiers and Airmens Home and the U.S. Naval Home áre facilities available to retired and discharged military persons who are old, disabled, infirmed, or have other major difficulties, providing that they meet certain entrance requirements.

However, because of certain restrictions, entrance to the homes may be denied to military members having mixed service in other branches of the armed forces.

For example, a retired Army member having served earlier in the naval service, is not eligible for admission to either home.

Therefore, let it be resolved that the Non

Commissioned Officers Association shall petition the U.S. Soldiers and Airmens Home and the U.S. Naval Home to change the entrance criteria to include members having mixed service in certain other branches of the armed forces.

LEGISLATIVE RESOLUTION NO. 11

Whereas the assembled membership of the Non Commissioned Officers Association of the USA (NCOA) cannot foresee the activities of the Congress of the United States, and

Whereas the members of the NCOA are vitally concerned with legislation affecting any or all of its membership, let it therefore be

Resolved that the membership of the NCOA assembled in International Convention this 19th day of April, 1974 in San Antonio, Tex., authorizes the International Headquarters Legislative Committee to recommend the initiation of any action to the International Board of Directors necessary to support or oppose legislation that affects any or all of the membership of this Association. The International Board of Directors will in turn instruct the National Capital Office, Washington, D.C., to carry out the necessary actions as recommended by the Committee.

THE DEATH OF FORMER SENATOR ERNEST GRUENING

Mr. McGEE. Mr. President, the Nation suffered a great loss recently with the death of a former colleague and friend, Senator Ernest Gruening.

Ernest Gruening was a remarkable man and each of us fortunate enough to know and work with him was enriched by that association. As a member of the U.S. Senate, he was a forceful and effective leader of many causes associated with civil rights, domestic social issues affecting the critical needs of our citizenry, and women's rights.

As a colleague, we gained a deep appreciation and admiration for his judgment, spirit, experience, and strength. His knowledge on a vast range of issues was unmatched in quality and depth.

Ernest Gruening brought to the Senate a remarkable record of public service. He earned an M.D., became a newspaper reporter, an editor of many leading newspapers, a foreign correspondent, author, historian, publicist, diplomat, and finally, the territorial Governor of Alaska. In each of these pursuits, he exhibited a pioneering spirit which few could match.

Few would disagree that had it not been for Ernest Gruening's perseverance and indefatigable efforts, Alaska would not have achieved statehood when it did. Indeed, he is recognized as the father of that great State.

Upon leaving the U.S. Senate, he continued pursuing his work, particularly in the field of population control, with the same vigor that earned him the admiration and respect of so many of his colleagues in this body.

Those of us who were fortunate to serve with him and know him prized his friendship. I will miss Ernest Gruening and all that he stood for.

CIRCUS CAPITAL OF THE WORLD: PERU, IND.

Mr. HARTKE. Mr. President, two circuses were recently in Washington, D.C., simultaneously, and the crowds at both day after day testified to the love which Americans of all ages have for the circus. Perhaps it is the lion trainer who defies death to go into a cage filled with representatives of that species which has been called the King of the Jungle; or it may be the high wire artists whose sense of balance is exceeded only by their seeming lack of fear. The clowns are always a favorite as are the animal acts. There is so much in the circus which brings enjoyment to millions of Americans each years as troupes tour the country.

Peru, Ind., is the home of the American circus. At one time, several circuses made their winter headquarters there. Its deep involvement with the circus has earned Peru the designation "Circus Capital of the World."

Each year, thousands of Americans visit the Circus Capital of the World and spend time at the festival which features an amateur three-ring circus. It is a wonderful event performed in an arena half as big as a football field.

Mr. President, I invite my colleagues to join me at Circus City this year on July 12 and 13 and on the 17th through the 20th and ask unanimous consent that the text of a brief brochure describing the circus days be printed in the RECORD.

There being no objection, the brochure was ordered to be printed in the RECORD, as follows:

TEXT OF CIRCUS BROCHURE

No vacation in America's Midwest is complete unless you spend a day in the "Circus Capital of the World", Peru, Indiana. Each summer during the second and third weeks of July, residents of this community present a full amateur three-ring circus which is so good that many visitors have to be told that it is not a professional show. NBC has done an hour-long documentary TV program about it.

It is very fitting that Peru is the setting for this yearly extravaganza. During the heyday of the professional circus, Peru was the winter quarters for seven of the world's major circuses. At the site of one of these, now the Paul Kelly animal farm, circus animals can still be seen. It is about six miles south of Peru on U.S. 31.

Children and young adults take a part in staging this colorful display. Thrilling trapeze acts, aerial artistry, all expertly rendered, whisk the audience back to the late 1800's and the early 1900's.

In 1969 the Festival finished roofing its remodeled lumber yard. Now it has a performing arena half as big as a football field. There is also a museum area to house the collection of circus relics, one of the finest collections in the world.

One of the highlights of the Circus City Festival is the big Circus Parade held on the final Saturday at 10 a.m. Entries from all over the Midwest make up this magnificent spectacle.

During its first years under roof, several civic, cultural and recreational events have been held when the building isn't being used for circus practice. The goal is to attract many such events for a community development and create a source of income to fully complete the building's interior. Each year new acts are put in and older acts are retired for a few years. Tickets are priced from 50¢ through $3.00. Clip and mail the coupon on the back page for your ticket orders.

A BILL OF RIGHTS FOR JUVENILES

Mr. MATHIAS. Mr. President, the Senate Judiciary Committee has recently considered S. 821, the Juvenile Justice and Delinquency Prevention Act of 1974. This legislation was drafted in the Subcommittee on Juvenile Delinquency, of which I am a member. It would provide for a bill of rights for juveniles, for the expansion of Federal assistance to States for juvenile programs, and for a number of other important efforts.

The problem of juvenile justice in America is one that requires our most serious attention. The consequences of juvenile crime go beyond the criminal acts themselves and reach into the future where the failure to adequately rehabilitate and deal with juvenile problems can reap a whirlwind of more serious criminal acts perpetrated by adults. I hope that the Senate will soon take action in this area.

I ask unanimous consent that a letter to Chairman JAMES O. EASTLAND, from Andrew L. Sonner, State's Attorney, Montgomery County, Md., and Chairman, Region IV, Criminal Justice Planning Board of the Maryland Governor's Commission on Law Enforcement and the Administration of Justice, be placed in the RECORD at this point, together with a resolution concerning S. 821 adopted by the region IV Criminal Justice Planning Board. I also ask unanimous consent that the names of the board members, contained on the letter, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Maryland Governor's Commission on Law Enforcement and Administration of Justice]

REGION IV PLANNING BOARD,
Washington, D.C., June 24, 1974.

HON. JAMES O. EASTLAND
Chairman, Committee on the Judiciary, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR EASTLAND: Attached for your consideration is a Resolution to support S.B. 821, a Bill entitled: "**Juvenile Justice and** Delinquency Prevention Act of 1974". This Resolution has been drafted by the Region IV Criminal Justice Planning Board of the Maryland Governor's Commission on Law Enforcement and Administration of Justice. The Region IV Planning Board has the responsibility for administering the Law Enforcement Assistance Administration's Block Grant Program in Montgomery County, Maryland and Prince George's County, Maryland.

The Region IV Planning Board, which is composed of elected officials, representatives of criminal justice and juvenile justice agencies and citizen members, is very much concerned with the prevention and rehabilitation of juvenile offenders.

The Region IV Criminal Justice Planning Board has resolved to support fully the provisions of S.B. 821 and urges its passage with all deliberate speed.

Sincerely yours,

ANDREW L. SONNER,
State's Attorney, Montgomery County, Md., Chairman, Region IV Criminal Justice Planning Board.

BOARD MEMBERS

Hon. Andrew L. Sonner, Chairman; Mr. Edward P. Camus, Vice Chairman; Sheriff Don Edward Ansell, Judge Thomas R. Brooks; Dr. Lloyd E. Church, Mr. Richard J. Ferrara.

Hon. John J. Garrity, Hon. James P. Gleason, Hon. David H. Goldsmith, Hon. William W. Gullett, Mr. Bruce R. Harrison, Hon. Sidney Kramer.

Mr. Walter N. Liebert, Hon. Arthur A. Marshall, Mr. Raymond L. McKane, Hon. Kenichi Nishimoto, Mr. Larry E. Sander, Col. Roland B. Sweitzer, Mayor Decatur W. Trotter, Mr. Leonard M. Walters, Col. Kenneth W. Watkins.

Resolution To Support Senate Bill No. 821, Entitled: "Juvenile Justice and Delinquency Prevention Act of 1974"

Whereas, juveniles account for almost half the arrests for serious crime in the United States today; and

Whereas, juvenile courts, probation services and correctional facilities are not generally able to provide individualized justice or effective help; and

Whereas, juvenile courts, foster and protective care programs and shelter facilities are inadequate to meet the needs of neglected, abandoned and dependent children, who, because of this failure, may become delinquents; and

Whereas, existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse drugs; and

Whereas, existing Federal programs have not provided the resources required to meet the crisis of delinquency; and

Whereas, this Bill proposes to establish the Office of Justice and Delinquency Prevention within the Law Enforcement Assistance Administration of the U.S. Department of Justice; and

Whereas, the Office of Justice and Delinquency Prevention is authorized to make grants to States and local governments to assist in planning, establishing, operating, coordinating and evaluating projects to improve the juvenile justice system; and

Whereas, the Region IV Criminal Justice Planning Board has the responsibility for planning and administering the Law Enforcement Assistance Administration's Block Grant Program in Montgomery County, Maryland and Prince George's County, Maryland; and

Whereas, the Region IV Criminal Justice Planning Board is composed of twenty-one (21) members, a majority of whom are elected officials, in addition to representatives from the police, courts, corrections and juvenile justice agencies in Montgomery County, Maryland and Prince George's County, Maryland; and

Whereas, the Region IV Criminal Justice Planning Board has indicated that prevention of juvenile crime and rehabilitation of juvenile offenders is its first priority;

Now, therefore, be it resolved by the Region IV Criminal Justice Planning Board:

That Senate Bill No. 821, entitled: "Juvenile Justice and Delinquency Prevention Act of 1974", submitted in the Senate on February 8, 1974, should be enacted into law with all deliberate speed; and be it further resolved that Senate Bill No. 821 be amended where necessary to ensure compatibility with the "Crime Control Act of 1974", and its Block Grant System for planning and fund distribution; and be it further resolved that the supervisory boards appointed by the Governors (Title IV, Sec. 482, a, 1, 2) to administer this program be composed of a significant representation of officials who are engaged in juvenile delinquency and justice services at the State and local level.

FIRST ANNUAL AWARD DINNER OF THE RALPH BUNCHE INSTITUTE ON THE UNITED NATIONS

Mr. McGEE. Mr. President, recently two great Americans—I. W. Abel and the late Ralph Bunche—were honored at the first annual award dinner of the Ralph Bunche Institute on the United Nations.

As guest of honor, Mr. Abel, international president of the United Steelworkers of America, was awarded the following citation which stated:

In profound appreciation of his outstanding service to his fellow man. He has dedicated his life to the permanent revolution of American democracy; he has worked tirelessly for genuine brotherhood at home and abroad; he has generously and selflessly offered opportunity to the voiceless and powerless; and he has pioneered new concepts of industrial peace and labor-management cooperation.

As United States representative to General Assembly sessions of the United Nations and the International Labor Organization and to many other international meetings, I. W. Abel has contributed significantly to furthering the aims and purposes of the United Nations Charter. He has brought the highest honor to himself, to American labor, and to his country.

The award was presented by Mr. Vernon E. Jordan, Jr., executive director of the National Urban League.

An eloquent tribute to the late Dr. Ralph Bunche was delivered by his closest coworker on United Nations peacekeeping for almost two decades—Mr. Brian Urquhart, who is Under Secretary General of the United Nations for Special Political Affairs. At a time when American peacemaking efforts in the Middle East have reached a new peak, I feel it would be highly appropriate to insert into the Record this tribute to a great American, whose services to the United Nations as a peacemaker won him the Nobel Peace Prize.

I ask unanimous consent that Brian Urquhart's speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Brian Urquhart at the First Annual Award Dinner of the Ralph Bunche Institute

It is a great honour to be asked to address this First Annual Award Dinner of the Ralph Bunche Institute on the United Nations. It is also a pleasure to have the opportunity to talk about two closely related subjects very dear to my heart—Ralph Bunche and the development of the peace-keeping capacity of the United Nations.

Ralph Bunche was by any standard an extraordinary man, but he was so self-effacing that while his work is remembered and lives on in the United Nations in the most practical way, he himself, as he would have wished, seems, for the moment at any rate, to have taken a second place. This tends to happen to dedicated and selfless public servants, and sometimes I think Ralph Bunche's modesty was excessive. Nonetheless, it is refreshing to remember a public figure who refused to write his memoirs on the grounds that writing about himself would bore him to death, and who, until he was overruled by Secretary-General Trygve Lie, refused the Nobel Peace Prize because, as a member of the United Nations Secretariat, he was ineligible and, as he put it, "peace-making at the U.N. is not done for prizes".

I worked with Ralph day and night for more than 20 years, and it was an education as well as a profoundly enjoyable experience. He was the most human and down-to-earth of men, full of kindness, imagination, courage, humor and the best kind of practical idealism. Having an almost fanatical respect for the clear and accurate use of language, he disliked fuzzy, high-minded catchwords, which tended to provoke his sardonic humour. "May I speak a word or two against brotherhood?" he once said. "I used to make speeches about brotherhood, but I never mention it any more. Brotherhood is a misused, misleading term. What we need in this world is not brotherhood but co-existence. We need acceptance of the right of every person to his own dignity. We need mutual respect. Mankind will be much better off when there is less reliance on lip-service to 'brotherhood' and 'brotherly love,' and much more practice of the sounder and more realistic principle of mutual respect governing the relations among all people. There are a hell of a lot of people in the world—black *and* white—that I wouldn't want even as distant cousins, much less as brothers."

Ralph remains vividly in our minds because, while completely lacking in affectation or pretention, he was full of the qualities of character and intellect which come from an unflinching and continuous effort to face the world as it is. He was secure in the simple values and ideals in which he passionately believed—a relentless honesty, a respect for human beings, and a conviction that the life of all people could, and should be, enhanced. Especially in later years, Ralph was torn between his crushing duties at the United Nations and his longing to work on the problems of his own country. If he had not been persuaded by successive Secretaries-General to stay on, the world Organization would have been deprived of one of its most effective resources. He was the model of an international public servant, both by the strength and integrity of his character and the force of his intellect.

In the United Nations Bunche has left his own living monument in the work which is now called peace-keeping—a beachhead of hard-won principles and a series of precedents and practical examples of skill, technique and ingenuity which constitutes the tradition which guides us daily in our various tasks.

In a life full of achievements, Ralph was proudest of his unique contribution to building up this peace-keeping capacity of the United Nations. But his career covered a far wider field. It is worth briefly recalling that career as an indication of what an international civil servant can achieve even in the present very imperfect state of international co-operation and organization—provided, of course, that he has sufficient stamina, imagination, determination, skill and belief in what he is trying to do.

Ralph Bunche came to the United Nations as an expert on colonialism and racial questions—in the late thirties he had collaborated with Gunnar Myrdal on "The American Dilemma"—but in 1947 he was diverted, much against his will, to the Middle East question. Incidentally, his later record has tended to overshadow the leading role which he played in questions relating to decolonization in the post-war years and, in particular, in the setting up and functioning of the international Trusteeship System. In June 1948 he became the Middle East Mediator's chief assistant, and when Count Bernadotte was assassinated in September 1948, Ralph took on the Mediator's job.

On the island of Rhodes from January to July 1949, he was the guiding spirit and mentor in the negotiations which produced the Armistice Agreements between Israel on the one side and Lebanon, Syria, Jordan and Egypt on the other. It was an extraordinary achievement and, in the course of it, Bunche also pioneered the use of United Nations Military Observers on a large scale, to supervise a truce, creating the model for other observer operations.

Bunche then returned, as Director of the Department of Trusteeship and Non-Self-governing territories, to his first preoccupation—decolonization. But when Dag Hammarskjold became Secretary-General, he was soon brought into the Secretary-General's office as one of two Under-Secretaries-General without specific departmental responsibilities, who were to work directly with the Secretary-General on special assignments. In Bunche's case, these assignments were largely in the field which later came to be known as peace-keeping, and he became the architect of the United Nations peace-keeping operations in the Middle East, in India and Pakistan, in Lebanon in 1958, in the Congo in 1960, where he headed the operation for the first months, and, later on, in Yemen and Cyprus. At the same time he was the Secretary-General's chief adviser in critical situations where the quiet diplomacy and good offices of the Secretary-General were deployed, and he was frequently entrusted with the most delicate negotiations. His last major effort, when he was already critically ill, was the successful negotiation over a period of eighteen months in 1969 and 1970 with Iran, Great Britain and Bahrain over the future of Bahrain.

I have given only the briefest outline of an extraordinary twenty-five years of backbreaking effort and achievement. It is not very well known to the public because Bunche himself believed that discretion and confidence were more important than publicity or getting the credit, and he relentlessly discouraged all efforts to publicize his own role in great events.

Nonetheless, his grasp of fundamentals, his pioneering work and infinite capacity for taking pains have a critical relevance for the world—and for the United Nations—of today. On the individual level he exemplified the qualities required for the extremely difficult task of international peace-keeping. On the organizational level he built up the principles and techniques of peace-keeping which are now once again being developed with a new hope and a new momentum. He also kept a critical and realistic eye on a far wider range of national and international issues.

Dag Hammarskjöld once said that "Politics and diplomacy are no play of will and skill where results are independent of the character of those engaging in the game. Results are determined not by superficial ability but by the consistency of the actors in their efforts and by the validity of their ideals." Bunche's ideals included a belief in the essential goodness of men which led him to the conviction that no problem of human relations is ever insoluble. He was also convinced that the United Nations could, and must, be made to work and that no international problem was so hopeless that it was not worth trying to solve it. He knew that in order to grapple with other people's problems, one must first respect them and understand their aspirations, fears and motives. His enormous knowledge and experience of the tangled skein of human affairs was complemented by an institution and a sense of timing that went far beyond sound political judgment and skill. Beneath his scepticism, shrewdness, obstinacy and irreverence of pomp and pretention, there burned a passion for justice, decency and human dignity.

Perhaps I should emphasize here what many in this audience know from personal experience. United Nations peace-keeping is symbolized by the men in blue helmets on troubled frontiers and truce lines. The other, and less known, side of peace-keeping is the continuous and usually unpublicized diplomatic activity here at United Nations Headquarters to maintain the conditions and the delicate balance in which U.N. observers or peace-keeping forces can operate effectively and to ensure that the right directives are given to the men in the field. The Security Council, the permanent representatives of all the Governments concerned and the Secretary-General and his staff are partners in this continuous effort to maintain the position and effectiveness of peace-keeping operations.

Bunche was a very realistic man. He had no illusions about the obstacles confronting the United Nations. He knew that in an organization of equal sovereign states, it is often possible in practice to do more in a given situation by skillful quiet diplomacy and discreet activity than governments are prepared publicly to accept in principle. This is only true, however, as long as those concerned never forget that governments have to be persuaded to co-operate and cannot be forced to do so.

In his relations over the years with government representatives on a huge variety of problems, Bunche observed simple rules. In private conversation he was frank and outspoken, sometimes to the point of bluntness. In public he was discreet, taciturn and even secretive, often to an extent which the press, and even his closest colleagues, found exasperating. It was not possible, however, to deny that this method largely accounted for the great confidence which he inspired.

Bunche was a tireless champion of the notion of international civil service as a key factor in the future world order. He insisted on a rigid practical observance at every level of the spirit of Article 100 of the Charter which states that "the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization." The main strength of U.N. peace-keeping operations is their standing as international and genuinely objective presences, and Bunche never relaxed the day-to-day effort to preserve their integrity and the confidence of governments in that integrity.

Although the nature and conduct of United Nations peace-keeping has been a source of controversy in the United Nations for many years, recent events, especially in the Middle East, have opened up new prospects and a new hope for developing the practical capacity of the world Organization. The combination of bilateral diplomacy and the multilateral efforts of the United Nations has given to both a new effectiveness. The support of the Security Council for a new and more broadly based peace-keeping effort has overcome, for the time being at least, some of the traditional difficulties of peace-keeping and has reasserted the value of impartial international machinery both in defusing conflict and as an alternative to the risks of larger confrontations.

I am sure that Ralph Bunche would have been enthusiastic about the new elements that emerged during discussions last October for the establishment of the present United Nations Emergency Force in the Middle East. As one who was deeply involved in the day-to-day supervision of the peace-keeping operations in the Congo, he experienced at first hand the handicaps of lack of broad political support for United Nations peacekeeping. No one was more conscious of the desirability of broad-based political support, particularly among the Permanent Members of the Security Council, for United Nations peace-keeping operations. He would also have welcomed the increasing role of the developing countries in peace-keeping, a role which he pioneered in the early days of the United Nations operation in the Congo.

Many basic problems remain—among them the development of better means for settling international disputes and minimizing the risks of confrontation, the reconciliation of national sovereignty and international responsibility, and the relationship between the authority of inter-governmental bodies, especially the Security Council, and the responsibility of the Secretary-General. Often these problems seem to give less trouble in practice than when we try to solve them in the abstract. The necessity to respond to urgent and practical challenges, such as the world community faced in the Middle East in late October last year, tends to bring out the latent common interest in peace which in quieter times is sometimes obscured by more superficial international differences. It is in such critical moments that the potential value of the United Nations as a peace-keeping instrument becomes apparent. And it is then that Ralph Bunche's pioneering work in peace-keeping shows its strength and soundness.

To make the peace-keeping and peacemaking capacity of the United Nations more widely effective and more reliable is a continuing task to which many in this room have contributed and are contributing. I am sure that the work of the newly formed Ralph Bunche Institute at the City University of New York will play an important part in that task. There is no challenge which would have appealed more to the man after whom the Institute is named.

SCIENCE AND TECHNOLOGY LEADERSHIP

Mr. MOSS. Mr. President, at one time in the ancient world China was a leader in science and technology. Her engineering produced the first big canal and the Great Wall, which became a wonder of the world. The Chinese invented gun powder, rockets, printing, and paper. Fleets of Chinese vessels, centuries ahead of Western design, explored the East Coast of Africa and began colonization.

In spite of her impressive lead among nations, China allowed herself to fall behind under the Ming dynasty. Why did this occur? Dr. Edward Teller, in a speech to the National Capital Section of the American Institute of Aeronautics and Astronautics on June 11, suggests the reasons.

I would like to commend Dr. Teller's speech to my colleagues and request that it be printed in full in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Dr. Edward Teller to National Capital Section, American Institute of Aeronautics and Astronautics, June 11, 1974

The question that comes up again and again is, what is the advantage, more than that, what is the practical advantage of space exploration. I can respond to that question quite conclusively by telling you that in the late 15th century, when Christopher Columbus was on his fund raising trip to Queen Isabella of Spain, his argument was that the voyage would make possible better trade with China, a purpose which has indeed been accomplished but only recently by Mr. Kissinger.

However, on the way Columbus seemed to have discovered something else. That story is to remind you that what we promise is one thing, what we perform is another. But contrary to expectations what we perform is, and I think will be, more than what we promised, I do not have the wisdom to foresee the actual result.

Having therefore described my crystal ball as appropriately cloudy, I shall now take you into these clouds. But first let me stay with solid and obvious problems where no crystal ball is needed. We have an energy crisis. The crisis is real. The crisis is bad for the United States; it may be catastrophic for other parts of the world. And in this crisis NASA is helping in ways that are small and in ways that are large. Harrison Schmitt, scientist-astronaut, who has gone to the moon and who now has his feet back on the common ground is in charge of the small part of the effort. I had the great pleasure of talking with him about everything between the moon and the earth and I would like to mention a couple of ideas which are modestly funded and which I'm sure fully deserve this funding.

The most popular energy source in astronautics is, of course, solar energy. And why not get the abundant solar energy to solve our crisis? There is just one little difficulty. The capital expenditures are too big by approximately a factor of 100. We have to find ways to mass produce, and produce cheaply, the appropriate apparatus to transform solar light into electricity. It is very doubtful whether this can be done; a factor thousand is not easily obtained, but in new technologies they might be obtained. And it would be of tremendous significance if there would be success. The modest investment that exists in this field is certainly justified.

Let me mention an entirely different project which is connected with the energy crisis a little indirectly but which will certainly work, and which will certainly pay off. We are talking more and more, and we should be talking more and more, about the recovery of materials. For instance all cars should not be junked when they deserve to be junked, but the materials in the cars should be recovered. That is being practiced now, but when it is practiced the car as a whole is junked and what you get back is scrap iron. However the car is more than scrap iron even as far as materials are concerned.

There is chromium, there is copper, there are other materials, and the value that you can recover if you separate out these components and make them available each one in its place is much greater. There is at the same time a saving in energy, because in producing these materials, if you wouldn't recover them, energy would be spent. And this we now can save.

There are plenty of other projects; I happened to think of these two. The ingenuity, the technical know how of NASA is being put to good use.

But let me go back to the big aspect, the field most proper to NASA. One of the possible catastrophic consequences of the energy crisis is in the feeding of the people of the world. Many of the developing nations, for instance India and many others, are hit hard. These nations survive today, their people can be fed today, only on account of the green revolution which has introduced crops growing more food per acre. But the new grains, while they perform better when fertilized, don't perform when not fertilized. And the cost of the fertilizer has skyrocketed. The most important fertilizers, the nitrogen based fertilizers, which are based on gas and oil, are three times as expensive as they used to be a year ago. The result may be starvation for millions of people.

Now what does NASA have to do with this? A great deal. Catastrophies can be avoided; at least they can be rendered less acute, if we foresee them, if we learn where it is that crop failure threatens. In the United States we have good enough reporting and we don't need NASA, but abroad it is a different story. In many of the developing countries it is from space that we can first see that drought is beginning to make an inroad, where blight endangers the crop, where the grasshoppers get going. These troubles might be remedied if seen soon enough and if they can't be remedied at least we shall be forewarned in which areas of the world there is real trouble and where real help will be badly needed.

From a global point of view the situation is even worse. There are people in the world who are powerful and who are less open than we are. Our crop prospects are available. The Russian prospect for the harvest is not. Yet a success or failure of crops in Russia affects the world. By now, the Russians consume per capita almost as much grain as we do and they want it, and they are quite willing to let their allies the Hindus starve. And worse than that, in order to make good wheat deals, they don't give warnings of what their needs on the market will be.

I object to capitalism. I object to the dirty tricks of capitalism. Particularly when practiced by Communists.

Now we can contribute to needed openness in the world because we have satellites that can observe. I would like to see better and I would like to communicate promptly and openly in the interest of feeding all the peoples of the world.

Satellites, in looking back on Earth, are useful in this way and they are useful in many other ways. Dr. Fletcher, I know that you remember a bad and violent girl by the name of Camille. She was a hurricane and she tore Corpus Christi apart. But NASA caught her, reported on her and told the people of Corpus Christi to get out of the way. She killed a few hundred people, but if NASA had not been there with a warning (we would have no stations in the Caribbean which could have warned) 50,000 people may have been killed or at least injured on that one occasion.

Ladies and gentlemen, I do not believe that the money spent on NASA is wasted. In fact I sometimes have a sneaking suspicion that the money that is not spent on NASA may be wasted. I believe that with weather satellites around, the time will come where we shall have good enough global weather reporting from the angels point of view and we can use these data not only to predict weather but to study how weather develops with the help of electronic computers. We will not be able to predict the weather for a year in advance because weather is full of trigger effects. But we can study the trigger effects and when we have understood them we might be able to influence weather and when that happens we shall have lost our last safe topic of conversation. And if that is not an accomplishment I don't know what is.

I have talked about practical applications and left out some that you can fill in. I want to turn to my fields of interest in science, to those fields where we gain nothing but knowledge, where we satisfy nothing but our curiosity. Yet curiosity is the most valuable heritage that we got from our ancestors the monkeys. It has carried us to the Moon, it has made modern technology possible and, as I said in the beginning, the unpredictable results are the best.

What can you do in a place like Skylab apart from looking at the sun? Well, I have said on previous occasions and I want to repeat it now, that the theme song of NASA should be the very old and beautiful song, which I will just recite: "I Have Plenty of Nothing, Nothing Is Plenty for Me." And by nothing I don't mean an absence of dollars, although that may begin to be true. By nothing I mean a vacuum, a real vacuum where you may have not more than a few thousand molecules per cubic centimeter.

We pay a high price for a vacuum on earth in scientific experiments. Think of this pen which I hold in my hand as broken. Think of my fitting the pieces together. Will it be whole again? Well you know I wouldn't succeed and you know why: because the broken pieces are a jagged array of microscopic and submicroscopic hills and valleys, and I can't make them fit. But let me take a piece of graphite and break it. When graphite breaks, it breaks along a crystal surface which is completely plane, because graphite is put together from sheets of tightly bound carbon atoms. As we try to fit that together it won't work either, it won't stick. Why not? Because in a time much shorter than a second, the surface that was originally clean has become dirty.

Molecules from the air will sit down on it, stick to it and the two surfaces no longer stick. If I do the experiments in a vacuum I think we will be able to break graphite and put it together again, which is just a nice demonstration. It might not be a useless demonstration because we can prove that the surface remains clean. It might be a sensitive test of how good your vacuum has been.

Now these surface problems are more than toys, more than mere demonstrations. Many of our instruments in electronics are important in hearing aids, important in television —God forgive us for television (I shouldn't have said that, television after all performed a useful purpose at the time of the Moon landings)—and they are important in making computing machines and even in defending the United States. It's the one and only field in which we are still ahead of the Russians, as far as defense is concerned. Surfaces, the study of them, the making and the modifying of clean surfaces, can be decisive in the further development of electronics. This is a highly practical field.

In the recent experiments in Skylab a very remarkable experiment was carried out. People tried to grow crystals in a gravitationless surrounding, and they built the most perfect crystals ever produced by human hand. Some perfect crystals may be good starting points again for electronics. Clean silica crystals in which you can insert the appropriate perturbations and impurities could be manufactured in space. Here we have something more valuable than gold or diamonds so that you might indeed want to go to space to obtain it.

Ladies and gentlemen, where should the money come from? Of course from Congress. It is very possible that there could be another source and that should not diminish our efforts to persuade our own Congress to go ahead. The United States is not alone in the world. I have already pointed out that our activities in space may be more useful for starving people elsewhere than they are in the United States. In space an international effort is fully justified. Weather predictions are needed around the world and if international cooperation is useful in space, international cooperation in space may serve as a symbol, more practical and more valuable than the United Nations.

This may be a long distance off. But I hear that the Germans are beginning to put money into space for the simple purpose to get more deeply involved in developing technologies. Where the Germans go, the Japanese cannot be far behind. So I wouldn't give up. There seems to be another bidder who might be unexpected, but at least he has some money. I mean the Shah of Iran, who is interested in a satellite so as to be better informed about what's going on in neighboring countries. (That this is an important topic many of you know.) We might have bilateral arrangements and surely we might look for multilateral arrangements which are the really important ones.

All of this of course will be immensely helped by the shuttle program which will allow us to put, at a lower price, many space vehicles into orbit for all the purposes I described and for very many which I did not.

But now I would like to look farther ahead. We have been to the Moon and we got back. We got back rather rapidly and as far as I'm concerned, quite unfortunately. We should have stayed. We should have established a base on the Moon: a laboratory to let some of our students do scientific studies on the Moon and get Nobel Prizes, in astronomy, about many other subjects.

Let me mention to you one point that Jack Schmitt mentioned to me. It is extremely interesting and in a technical sense quite relevant. The top few feet of the Moon contain hydrogen. Hydrogen atoms, protons, coming from the sun have embedded themselves throughout the ages so that from one cubic foot of "green cheese" you can get one cubic foot of hydrogen gas at normal temperature and pressure. Now this to my mind is extremely important. Oxygen we have plenty of on the Moon, water unfortunately we don't—at least none has been found. But hydrogen has been found and oxygen from iron oxides can be obtained relatively easily. From the oxygen and hydrogen we then can get concentrated power. One place where there will not be an energy crisis is the Moon. We need not worry about power on the Moon, there will be plenty. You even can put a refueling station onto the Moon. You send up a rocket and you don't carry the fuel for the return trip and then your rocket can be small and cheap. You refuel and come back to Earth and save your rocket. This might make the trips so cheap that the tourist business even might start. I would apply myself for such a trip except that I have promised my mother on her 70th birthday that I won't go to the Moon.

Refueling on the Moon; there is still another application. To go to the Moon to refuel puts you into a position where you can take off for months, with rockets smaller than have been built so far, or at least no bigger. The manned exploration of the solar system can be made into a reality with existing technology. Not today, because we don't have the money, not tomorrow because we don't have the lunar bases, but the day after tomorrow, not in the distant future.

I'm afraid I've talked too long. I have started with China, I will end with China. I have been very much interested in the history of science and technology. Why did this remarkable mutation, the industrial revolution, occur of all places in Europe in the 15th century? It would have been hard to predict such an event and if somebody predicted it he would have located the revolution in China. The Chinese discovered silk. They built, around the time of Christ, the first big canal. The engineering in the Chinese wall was outstanding. They invented gunpowder, rockets, printing, paper. They invented the proper use of horses. The harnessing of horses came to Europe from China.

Why did they fall behind? Why did we forge ahead? There was a critical time in the 15th century when Africa was explored. The west coast by the people sent out by Henry the Navigator and the east coast by the Chinese who came with the monsoons in one direction and sailed back with the monsoons during the other season. And then the internationally minded Tartar dynasty was overthrown and the Ming dynasty took over, and with it Neo-Confucianism was born. On imperial edict the Chinese started to look inward. They produced in the Ming period the best porcelain ever, the best ancient scholars ever, but technology and interest in the rest of the world withered. The Ming emperors forbade the travel outside China, specifically these expensive, senseless trips to some outlandish portion of the world which contained nothing but savages.

Our Ming emperors in the U.S. made a similar edict recently. I hope they shall not prevail.

ABC NEWS DOCUMENTARY ON HEALTH CARE FOR CHILDREN

Mr. JAVITS. Mr. President, I call to the attention of my colleagues an ABC news investigative documentary on health care for children, which would be on the air at 10 p.m., e.d.t. on Wednesday, July 17.

I believe this program is worthy of our attention and I ask unanimous consent that the full text of the release describing the program be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Myths and Realities of Health Care for Children in the United States Probed on "ABC News Close-Up on Children: A Case of Neglect," Airing July 17

"I know a lot of children who never saw a doctor . . . school age children who never saw a doctor . . . They doctor 'em at home the best they can, the parents do . . . do what they can for 'em. Sometimes they survive and sometimes they don't."—Jay Blevins, disabled coal miner, Little Mud, Kentucky.

ABC News examines the myths and realities of health care in the United States for children whose families find it difficult or impossible to pay, on the documentary special, "ABC News Close-Up on Children: A Case of Neglect," airing Wednesday, July 17 (10:00–11:00 p.m., EDT), on the ABC Television Network.

In announcing the next program in the Peabody Award-winning "Close-Up" series, Av Westin, ABC News Vice President and Director of Television Documentaries, said: "This is a report about everyday health problems we might easily do something about and the price we pay because we do not.

"There is a myth that children of the poor receive more care—for free—than those from middle income families. Yet the most authoritative estimate is that at least 12 million children in this country simply do not receive health care from year to year. Why?

"Immunization is one of American medicine's great success stories. But nearly half of all poor children have not been immunized against polio. Why?

"The United States has one of the higher infant mortality rates in the industrialized world. A child would have a better chance of living through its first year in Iceland or Japan. Why?"

ABC News investigates government failures—and successes—in the child health care field, covering conditions across the country from major cities to remote mountain communities in Kentucky. The report shows, for example, that a child on Medicaid, the federal program established to pay medical costs for welfare families, receives an average of $237 a year worth of help in Wisconsin. But a child in Mississippi receives only $43.

The documentary special also examines the impact of the federal government's failure to implement and fund programs. ABC News reports that today, five years after Congress authorized the start of a program to screen and treat Medicaid children, only 10 percent of eligible children have been tested.

"But we are not talking just about the poor," commented Pamela Hill, producer-director for the program and producer of the prize-winning "ABC News Close-Up on—Fire" "We are talking, too, about children of working people, who most resent those on welfare. The child whose parents make from $6,000 to $10,000 a year has less spent on him or her than a child of any other major economic group."

Covering a successful federal Maternal and Infant Care project to reduce infant mortality rates among low income families, ABC News cameras film the expert care given during the birth of a baby at Jefferson Davis County Hospital in Houston, Texas. ABC News cameras also visit the Carver Clinic in Dallas, one of a limited number of federally financed projects which offer the full range of diagnostic tests and medical services to the disadvantaged.

ABC News Washington Correspondent Herb Kaplow is the narrator for the prime time special. Brit Hume is the investigative reporter and co-writer with Pamela Hill. "ABC News Close-Up on Children: A Case of Neglect" was filmed in Massachusetts, Washington, D.C., West Virginia, Kentucky and Texas.

THE DEATH OF FORMER CHIEF JUSTICE EARL WARREN

Mr. McGEE. Mr. President, I was deeply saddened by the death of former Supreme Court Chief Justice Earl Warren earlier this week. Even though Earl Warren already stands tall on the pages of history of our Republic, in my estimation he will continue growing in stature as the Nation realizes the benefits from his tenure as Chief Justice of the Nation's highest Court.

Earl Warren came to the Supreme Court in 1953 at a time when there was a vital need for our governmental institutions to take cognizance of a dynamic and rapidly changing Republic. He assumed the leadership of the Supreme Court at a time when our institutions were straining to adapt to new social needs and developments. He brought the concept of constitutional equalitarianism and the American tradition of individual freedom into the forefront of the Court's consideration. Yet, while it took time for historic decisions of the high Court on these fronts to generate substantive efforts within the other two branches of Government, the tide was turned within our democratic processes.

As writer Alan Barth noted in the Washington Post yesterday morning:

> By nearly every standard that can be said to measure judicial stature, Earl Warren must be counted among the great chief justices of the United States—the greatest in all probability, since John Marshall.

One of the amazing strengths of our democracy has been our ability to bring individuals of exceptional capability and talent into our institutional processes during critical periods of our development as a nation. Earl Warren was one of these individuals and, as a society, we must remain eternally grateful to his contributions which breathed a new life into our constitutional concepts and processes.

Yet, even though Earl Warren stepped down as Chief Justice in 1969, he continued his dedicated pursuit of human ideals. He was a forceful and active advocate of a strengthened U.S. role in the

United Nations. He retained a strong sense of belief in the United Nations as a vehicle for social and political justice in the world. He worked hard and diligently within the United Nations Association of the United States of America with the same zeal and dedication to the betterment of mankind that he demonstrated as Chief Justice of the Supreme Court.

As a dedicated supporter of the United Nations, I was fortunate in working closely with Earl Warren on a number of occasions involving UN issues. I derived tremendous benefit and inspiration from this association, for which I will always be grateful.

While the Nation is saddened by the death of a truly great American, we will benefit daily from the significant contributions the Supreme Court of Earl Warren made to the enhancement of the individual within our society.

I ask unanimous consent that the Washington Post article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record. as follows:

Chief Justice Warren: His Court Reshaped the Nation

(By Alan Barth)

By nearly every standard that can be said to measure judicial stature, Earl Warren must be counted among the great chief justices of the United States—the greatest, in all probability, since John Marshall.

Like John Marshall, Earl Warren presided over the Supreme Court during a period of dramatic change in the character of American Life. The "Marshall court" at the inception of the Republic wrote upon a clean slate in giving vitality to the United States Constitution and in delineating for itself a decisive role as a shaper of the national destiny. The "Warren court" adapted the institutions of a developing society to the needs of a fully developed nation, a great military and economic power in a world made intimate by scientific and technological advances altogether beyond the imagination of the Constitution's framers.

It is apt to be misleading to designate a court by the name of a Chief Justice who is, after all, but *primus inter pares* among its members. But in the case of Earl Warren as in the case of John Marshall, the designation seems justified not alone as the mere indication of a time period but as a recognition of leadership and influence.

The court over which Warren presided was an extraordinarily vigorous one, replete with powerful personalities. He was surpassed by several of its members in legal learning, in felicity of expression, in depth of judicial perception and philosophy. As administrator of the court's affairs, however, he gave the disparate justices a measure of unity and a sure sense of the tremendous political role the court had to play in its time.

In ceremonies marking the conclusion of Warren's term as Chief Justice and the installation of Warren E. Burger as his successor, President Richard M. Nixon remarked: "Sixteen years have passed since the Chief Justice assumed his present position. These 16 years, without doubt, will be described by historians as years of greater change than any in our history."

A society once overwhelmingly rural in residence and agricultural in occupation had become predominantly urban and industrial. This shift was accompanied by a vast migration from small towns and villages into great metropolitan centers and brought with it a social upheaval entailing immense alterations in social values and immense problems of social adjustment. An important part of the population movement involved great numbers of Negroes uprooted by technological change from the Southern cotton fields where they had worked first as slaves and later as sharecroppers and who now found themselves penned in the decaying slums of inner cities wholly unequipped by reason of illiteracy and ignorance to compete for a livelihood in an advanced industrial economy.

These black Americans were clamoring for civil rights and for economic opportunity. Migration to the cities made the disproportionately rural representation in state legislatures seem altoegther inequitable and anachronistic. Education, police authority, social institutions, media of communication, esthetic and moral values, even religion, were all undergoing dramatic changes. The law, indeed the whole relation of the state to the individual, had to change with them. And it was over that transformation of the American community that the Warren court presided.

"No decade in American history has brought to the Supreme Court such a diversity of deeply troublesome and controversial questions," this newspaper commented editorially on the 10th anniversary of Warren's appointment as Chief Justice. And a member of Congress remarked, not happily, that "our entire way of life in this country is being revised and remolded by the nine justices of the Supreme Court."

Earl Warren was born in Los Angeles, Calif., on March 19, 1891, the second child of a railroad worker named Methias H. Varran, brought to this country in infancy from Norway. The name was anglicized to "Matt Warren." Matt was not a man of much education but he was intensely interested in reading and in learning—for his children no less than for himself. The family fortunes were not resplendent. John D. Weaver, in a biography of Earl Warren, says that the boy once asked his father why he had no middle name. "Son," Matt Warren answered, "when you were born, we were too poor to enjoy any luxury of that kind."

But Matt Warren was industrious and provident, saving money and investing it shrewdly. He was determined that his children should have the education he had missed. He worked his way up on the Southern Pacific from a mechanic to a master car builder. In 1938, when Matt had retired from his railroad job and when his son, Earl, was district attorney of California's third largest county, the body of the father, then 73 years old, was found in the kitchen of his home, bludgeoned to death with a lead pipe. It was a case of robbery—evidently by someone who supposed the old man had concealed wealth on his premises. The murderer was never found.

Earl did odd jobs when he was young, working for a while as a call boy for the railroad. He did well enough in school but was more interested in sports than in study. He put himself through college and law school at the University of California.

Warren spent about three years in private practice after his graduation from law school and before he enlisted in the Army upon America's entry into the first world war. He saw no service overseas but he rose to the rank of second lieutenant. Following his discharge from the Army, he obtained an appointment as a deputy in the Alameda County district attorney's office and remained a public employee for all the rest of his working years until his retirement as Chief Justice of the United States.

Warren was elevated to the office of district attorney in 1925 and, in the course of 13 years in that post won a reputation as a crusading prosecutor, tough but compassionate and fair. "The only way the racketeers can get control in any community," he once said, "is by alliance with politics, and control of your public officials, your courts, your sheriff, your police chief, your district attorney, and other law enforcement agencies."

Earl Warren was a strict law and order man, known much more for his personal probity and prosecutorial skill than for any sociological pioneering. During Prohibition, he became a teetotaller, not out of any dislike of drinking but out of a disciplined sense of duty. "How can I drink bootleg liquor at a party on Sunday night," John Weaver quotes him as having said, "and then on Monday morning send my deputies to prosecute bootleggers?"

Politically, he was aligned with the right wing of the Republican Party in California. He was an ardent champion of states' rights. As attorney general he was vehement in his denunciation of Communist radicals and as governor vociferously supported the military decision, after the attack on Pearl Harbor, to remove all persons of Japanese ancestry from the West Coast and put them in detention centers in the interior of the country.

He grew prodigiously in office, however. In 1945, during his first term as governor, he became convinced that California needed a state program of prepaid medical insurance. The California Medical Association regarded this, of course, as "socialized medicine" and fought it ferociously. No doubt the sheer irrationality of its opposition served to move the governor into even more shocking forms of progressivism. He undertook the reorganization of the state's antiquated Department of Mental Hygiene, inaugurating a modernization of mental institutions which put California in the forefront in this field. He put through the legislature stringent legislation regulating lobbyists. He fought the petroleum interests to a standstill in obtaining enactment of an equitable highway development bill and in the face of bitter opposition from the private power lobby championed the Central Valley project for the public development of hydroelectric energy.

When Warren ran for a second term as governor of California in 1946, he did so on a record of legislation which extended enlightened and progressive help to the state's unemployed, handicapped, elderly and mentally ill. Moreover, the state was free of debt, and taxes had been cut by above 15 per cent. He won the nomination of both major parties and was resoundingly reelected—the second governor to serve a second term in a cenutry of California experience.

A Democratic governor who served California some years later—Edmund G. (Pat) Brown—said of Earl Warren: "He was the best governor California ever had. He faced the problems of growth and social responsibility and met them head on. He felt the people of the state were in his care, and he cared for them."

Warren had by then, of course, become something of a national figure and certainly the outstanding Western Republic politician. Somewhat reluctantly, as a matter of party loyalty, he accepted the GOP nomination for the vice presidency in 1948 as the running mate of Gov. Thomas E. Downey. They went down to defeat. It was the only election Warren ever lost. But Warren had a third term to serve in the gubernatorial mansion in Sacramento.

In 1952, Warren was a serious contender for the GOP presidential nomination at a convention in which Gen. Eisenhower and Sen. Taft were considered the frontrunners. The California delegation, including the state's junior senator, Richard M. Nixon, was pledged to the governor.

According to John D. Weaver, "Nixon was suspected by the governor's political tacticians of having made a deal to deliver to the general the secondary strength he would have had to demonstrate if he had failed to get the nomination on the first ballot." The first ballot nomination, in any case, went to Eisenhower, and the nomination for the vice presidency went to Nixon. Whatever the merits of the matter, an enduring coolness developed between Nixon and Warren.

In the final days of his third term as governor, Warren announced that he would not be a candidate for re-election. A few days after this announcement, in September, 1953, Fred M. Vinson, then Chief Justice of the United States, died. President Eisenhower promptly nominated Gov. Warren for that great office, remarking that he made the choice on the basis of the goverernor's "integrity, honesty, middle-of-the road philosophy . . ."

Warren came to a court diminished in prestige and deeply divided not alone by ideological differences but by personal hostilities among its members. It was a measure of his qualities of leadership that the new Chief Justice managed, from the very outset of his tenure, to heal, or at least to bridge, these divisions. He won at once the warm regard as well as the respect of all his associates. The achievement contributed immeasurably to a restoration of the court's prestige and influence.

One of the great controversies of American history came before the court at the very beginning of Warren's chief justiceship: the question whether state-enforced segregation of Americans on the basis of race is constitutionally impermissible because it entails a denial of the equal protection of the laws.

Historically, the court had held that racial segregation was not unconstitutional provided the facilities afforded the two races were essentially equal. For more than a decade, however, the court had recognized in a series of decisions that the schools, hospitals and other public facilities provided for Negroes were, in fact, markedly inferior to those provided for white persons.

Brown v. Board of Educaton came before the court in Warren's first term. When it was decided on May 17, 1954, the opinion of the court, written by the new Chief Justice himself, had the unanimous concurrence of his associate justices and represented one of the great landmarks in American jurisprudence. "We conclude," Warren wrote, "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal . . ."

The ruling was soon applied, of course, and with continuing unanimity to fields other than public education. The unanimity of the court achieved under Warren's leadership was a testimonial to his judicial statesmanship and contributed significantly to the impact and effectiveness of the dramatic change in race relations required by the decision. That impact and effectiveness were diminished, however, by the failure of the Eisenhower administration to give the court moral and political support. Massive resistance to the decision began to develop in the Southern states; and from that time forward the Chief Justice became the target of vicious attacks by demagogues and reactionaries, including even a campaign, sparked principally by the John Birch Society, for his impeachment.

A decade later, in 1964, the Chief Justice wrote opinions for the court in six cases decided simultaneously in which the residents of half a dozen states challenged the validity of apportionment in legislatures where sparsely populated rural districts enjoyed the same representation as much more populous urban districts. Under this arrangement, rural residents of the states wielded much more political power than city dwellers.

For a court divided this time 7 to 2, Warren held that this inequality violated the constitutional promise of equal protection. He ruled, moreover, that the requirement of population equality in election districts applied to both branches of bicameral state legislatures, rejecting any analogy between them and the national Congress where the federal Constitution provided for equal representation of states in the Senate regardless of their size or population.

"Legislatures," Warren wrote, "represent people, not acres or trees. Legislators are elected by voters, not farms or cities or economic interests . . . The weight of a citizen's vote cannot be made to depend on where he lives."

This decision was quite comparable in importance and in political impact to the school desegregation ruling and evoked an almost equal sense of outrage among those who viewed it as a judicial intrusion into the legislative domain. It confirmed the view of Warren's critics that he was an inveterate judicial activist. On the other hand, it corrected a political injustice and imbalance that, given the rural ascendency in state legislatures, had no real possibility of correction through legislative action.

The Warren court outraged conservative sensibilities in one additional area, the field of criminal law. Over a decade or more the court wrought a revolution in extending to defendants in state courts the protections guaranteed to them in federal courts by the Bill of Rights. The Chief Justice's most signal contribution in this process was in regard to the admissibility of confessions. A confession, no matter how reliable, must be excluded from a criminal prosecution, he ruled, if it were obtained by coercion, threat or trickery of any sort. "The abhorrence of society to the use of involuntary confessions," he wrote in Spano v. New York, decided in 1959, "does not turn alone on their inherent untrustworthiness. It also turns on the deep-rooted feeling that the police must obey the law while enforcing the law; that in the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves."

The strongly held views of the Chief Justice regarding the rights of persons charged with crime found its culmination in what was perhaps the most controversial of all his opinions, handed down in the Miranda case in 1966. The decision held that the police must warn any arrested person, before questioning him in connection with a crime, that he has a right to remain silent, that any statement he makes may be used against him and that he is entitled to consult an attorney (to be provided for him by the state if he cannot afford to hire one himself) before or during any interrogation. Omission of any of those requirements would make a confession inadmissible.

These procedural rights have been an immemorial part of the folklore of American justice. How far they were from observance in reality was attested by the tornado of indignation that the Warren opinion generated from law enforcement officers and district attorneys. It is perhaps profoundly significant, however, that the opinion came from a judge who had had long and ripe experience as a public prosecutor.

To Chief Justice Warren, Anthony Lewis remarked in a distinguished monograph, "justice consisted not of providing a fair mechanism of decision but of seeing that the right side, the good side, prevailed in the particular case . . . Often the framework of the argument seems ethical rather than legal . . ." This appraisal seems in large measure just as discerning. In a speech delivered in 1962, the Chief Justice spoke of law as floating "in a sea of ethics." In a profoundly conscientious sense, he thought of the Supreme Court as a force for "good."

The whole of his career was devoted to public service in an activist sense of the term. He believed, above all else, in righting wrong. His thinking was robust and healthy rather than subtle or sinuous; and it rested on elementary American values—confidence in the good sense of the people, in the utility of freedom, in the ultimate triumph of truth over error. "A prime function of government," he wrote in the only book he ever published—"A Republic, If You Can Keep It"—"has always been . . . to protect the weak against the strong."

Warren's devotion to the public service was marked by an impeccable personal integrity. It is perhaps unique among public men, and certainly unusual, that from the moment he entered public service in California, Earl Warren never took a dime from anyone for a speech, article or any other kind of private or public activity. And once he accepted appointment to the chief justiceship he never manifested the slightest interest in any political office or influence. His commitment to the court was all-embracing.

If his opinons were not particularly notable for elegance or eloquence, they were nevertheless soundly reasoned and made powerful by the feeling of decency and compassion that informed them. At least in the fields of politics and law enforcement, where he had rich experience, his views commanded great respect and influence.

As the leader of an embattled court engaged in adapting the law to new economic and political circumstances, moreover, he displayed a high degree of judicial statesmanship. He was a man of clear conviction and of granitic strength. Once he quit elective office for the bench, he became wholly indifferent to popular favor and to public excoriation. He will be counted, undoubtedly, as one of the titanic figures in the history of the Supreme Court.

Once he joined the court, the only major interruption in his work came when President Johnson persuaded him to become chairman of the commission to investigate the assassination of President Kennedy. The Chief Justice undertook that assignment reluctantly. He apparently believed that a member of the court should not engage in non-judicial activities, but had been convinced by President Johnson that his personal prestige and the prestige of his office was needed to calm public fears that the investigation would be a whitewash. The report of the commission did much to quash fears that the assassination was part of a large conspiracy.

After stepping down as Chief Justice in 1969, Warren remained active in judicial affairs, speaking largely on matters of judicial administration and working at his office in the Supreme Court building. He maintained his lifelong interest in sports and was a regular spectator at football games of the Washington Redskins.

In 1925, Warren married Nina Palmquist Meyers, the widow of a musician who had died when their son, James, was three weeks old. Her mother had died when Nina was three years old, her father when she was 13; and she had been self-supporting ever since. James was adopted by his stepfather, and the family was enlarged in succeeding years by the birth of Virginia in 1928, Earl Jr. in 1930, Dorothy in 1931, Nina Elizabeth (known as Honey Bear) in 1933 and Robert in 1935. It was an extraordinarily close and loving family, retaining its sense of warm unity throughout the whole of Earl Warren's life.

U.S. FOOD SUPPLIES

Mr. HUMPHREY. Mr. President, on July 5, 1974, William Roberts of the New York Times wrote an article entitled "Food Supply Held Ample, Yet United States Could Run Short." This article is an informative and thorough examination of the world food situation.

The article points out the great paradox of our farmers producing far more than Americans can consume while foreign markets are expanding their demand.

As a result of depleted world food reserves, food prices become extremely volatile. Consumers are living in uncertainty about both supplies and food prices.

To assure reliable supplies and more stable prices, we need to establish a food reserve program. Reserves would be available for disaster requirements and would also reduce the uncertainty about adequacy of supplies to meet our export commitments.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOOD SUPPLY FIELD AMPLE, YET UNITED STATES COULD RUN SHORT

(By William Robbins)

WASHINGTON, July 4.—There is no excuse for ever getting into a position where we won't have enough food," Tony T. Dechant, president of the National Farmers Union, told a reporter.

Agricultural experts in and out of Government agree that, barring a national calamity of inconceivable proportions, American farmers will never fail to produce more than Americans can consume. And yet, most of them also agree, the United States could run short of food.

The reasons for this paradox hinge on Government decisions and raise hard questions of policy: Should United States export policy always be an open door? How much does the richest nation owe to the world's poor and hungry? Must the Government accumulate grain reserves if the country is to be a reliable supplier to its customers?

All such questions focus on one generally accepted fact. Under current world conditions, to produce enough food for the United States is not enough, because this country has become the major supplier to food-deficit nations, rich and poor.

Last year, the world depended on the United States for 44 per cent of all wheat exports and for half of the shipments of livestock-feed grains.

On the other hand, American agriculture, which would otherwise smother in its plenty, depended on foreign markets for three-fourths of all farm sales of wheat, half of the farmers' soybean sales and a third of their corn sales.

"Food is power," Secretary of Agriculture Earl L. Butz said in an interview, noting the diplomatic leverage that world dependence on American grain provides. But he also stressed the role of the farmers' exports in preventing unmanageable trade deficits. The United States agricultural trade surplus was $9.3-billion last year.

Despite this country's agricultural resources, the United States very nearly ran out of one basic food commodity, soybeans, last year and perhaps would have run short if the Government had not stepped in to cut off exports. This year, the country's bakers warned at one point that the nation might soon find its wheat bins empty.

Even now, with farmers beginning to harvest a record wheat crop—expected to yield two billion bushels—and with the biggest corn crop ever already planted, grain brokers nervously watch each new estimate of prospective yields. For corn, the Agriculture Department predicts that the harvest will be 6.4 billion bushels, about 750,000 more than last year's record production.

A SENSITIVE QUESTION

So sensitive is the question of supplies, and so narrow the current margin between enough and not enough, that each new development starts gyrations on commodity markets.

And because grains are basic to people's diets—they are the basic ingredients in bread, cereals and feeds for meat production—price changes on commodity markets echo in family budgets, affecting how well middle-class consumers will eat and determining whether the very poor can meet their minimum needs.

A relatively small sale, by Canada to China, made wheat prices spurt one day on the Chicago Board of Trade. They dropped later in the day on news of good weather for harvests in Kansas and Illinois. On the same day, corn prices soared because of an estimate by growers that the crops might not come up to Government expectations.

That kind of sensitivity to food supplies is likely to continue for the next year or so, or until bumper crops in the United States and elsewhere widen the margin between stockpiles and the world's needs.

The sensitivity is partly a result of Government food policy, past and present, or what some economists and politicians say is a lack of policy.

POLICY CALLED CHAOTIC

"Our food policy is chaos," Senator George McGovern, Democrat of South Dakota, who is chairman of the Senate Select Committee of Nutrition and Human Needs, told a reporter. And a Government economist, Kenneth Tedor, administrator of the Cost of Living Council's office of food, said in an interview:

"We don't have a food policy, we have an agricultural policy. We have a Department of Agriculture, not a Department of Food."

But he added that this in itself was a form of policy—or at least a free-market philosophy.

"We do have a food policy—a policy of plenty," the Agriculture Department's chief economist, Don Paarlberg, said. This view was also stressed by Secretary Butz.

In the past, a free-market policy would have led to overwhelming surpluses and plummeting prices. Now, it increases concern on the part of many economists and consumers about food security.

When harvesting began this year, the United States had about a 26-day supply of wheat left in its storage bins, a slender margin against scarcity. Next year, the Government hopes to have twice as much, but that is still regarded as less than a comfortable stockpile.

"The world food supply-demand equation is precariously balanced," Lester R. Brown, an economist with the Overseas Development Council, a private research organization, said. "A poor harvest in any major producing country would send economic shock waves not only throughout the food sector of the world economy but, as it fueled the fires of inflation, throughout its other sectors as well."

THE 1972 HARVEST FAILURE

It was a harvest failure, in the Soviet Union in 1972, that brought a trade mission to buy up one-fourth of this country's wheat crop. That action has been blamed by many economists for the tight supplies and much of the food inflation of the last two years.

Arthur Okun, former chairman of the Council of Economic Advisers and now an economist with the Brookings Institution, estimates that because of increased exports United States domestic supplies were reduced 5 to 10 per cent below normal levels last year.

"That had a dramatic impact," he told a reporter, "instead of 5 per cent inflation, we had 9 per cent. A shortage of food translates into a shortage of money, and that raises interest rates and reduces the availability of money for such things as home building."

Such uncertainty has led many consumers and some economists and businessmen to wonder whether the United States can always maintain an open-door policy to foreign buyers and many of them to think about measures to protect American food interests first.

"If the United States consumer has to compete with export demands of an increasingly crowded and hungry world, providing adequate nutrition to millions of lower-income Americans could become an impossible dream," C. W. Cook, chairman of General Foods Corporation, recently told the Senate's Nutrition Committee.

RATIONING IS SUGGESTED

He proposed that the United States make an estimate each year of domestic needs and expected production, and that the Government then make only the difference between those figures available for export.

Some economists have gone beyond that idea to suggest that available exports be rationed to make sure that the wealthier nations don't outbid the poor and leave them with starving millions in times of scarcity.

Others, such as Peter G. Peterson, former Secretary of Commerce and now chairman of Lehman Brothers; D. Gale Johnson of the University of Chicago, and Mr. Fedor, the Government economist, argue that such a policy would be unworkable.

It would be unthinkable, they say, to leave importing countries uncertain about their available supplies each year until the United States is able to make accurate estimates.

The idea is particularly objectionable to Secretary Butz, who once told a reporter: "You can ration with prices, you know." He hastened to add that the United States would not ignore its humanitarian obligations to nations hit by hardship and unable to feed their people.

There is no question, however, that the needy abroad have been hardest hit by the current squeeze on food supplies. One measure is the amount of food relief shipped by the United States.

SHIPMENTS DECLINE

As grain prices have risen, shipments under the Food for Peace program have declined. After aid in the form of wheat and wheat products had continued for many years at the level of six to seven million tons, the total dropped last fiscal year to 4.1 million. This year, such aid is expected to be no more than 1.24 million tons.

Recent experience and continuing uncertainty have generated growing support among economists for national and international systems of grain reserves, an idea that is likely to be one of the principal topics at the international conference on food scheduled for next November in Rome.

It is an idea that is strongly opposed by Secretary Butz, who has said repeatedly, "We want to keep the Government out of agriculture." In an interview, he argued that incentives for production were the best guarantee against scarcity, that the prospect of good prices was the best incentive for production and that the existence of Government stockpiles would tend to depress prices and thus reduce production incentives.

He argued that the business and costs of holding national reserves should be left to farmers and the grain companies. Foreign countries wishing to guarantee their own supplies are free to buy ahead and even store their grains in this country, he said.

Whether Dr. Butz will be able to resist the rising tide of opinion on food reserves is unclear. A majority of economists on several panels that reported to Senator McGovern's committee recently favored Government action.

"There is no reason to believe that private holdings will even give an adequate cushion", Mr. Okum said, expressing the majority view.

Support for a national reserve came also from a panel headed by Ray A. Goldberg of Harvard University and from a vice president of Cargill, Inc., one of the major grain companies to whom Dr. Butz would leave most of the business of holding supplies. Speaking for a majority on his panel, William R. Pearce, the grain company executive, said:

"We are convinced that the need for reserves outweighs both the costs and the risks."

This is a view long held by Senator Hubert H. Humphrey, Democrat of Minnesota, who has emobodied it in proposed legislation.

Even within the Government, Dr. Butz's view appears to be in the minority. Dr. Paarlberg, along with a number of other Agriculture Department economists, favors a reserve program, and Gary L. Seevers of the Council of Economic Advisers said that he was leaning toward Government acquisition of grain stocks.

For the near future, however, the whole question remains academic. Until a bumper crop creates a wider margin between supplies and needs than is expected within the next two years, no major power can accumulate a substantial grain reserve without driving world food prices to unacceptable levels.

Thus, in the midst, of plenty, American consumers are likely for some time to live in uncertainty about both supplies and food prices.

SENATOR MATHIAS REPORTS ON THE CHESAPEAKE BAY

Mr. BEALL. Mr. President, the Chesapeake Bay is one of our Nation's greatest natural resources. It provides a livelihood for thousands of people in my State, and offers a unique recreational opportunity for literally millions of Americans who live in the Eastern United States.

However, the bay is subjected to many pressures. Located in an increasingly urbanized area, its precious wetlands and marine life must withstand the uses and abuses of more and more people. In short, government at all levels must do everything possible to protect the bay, and all that it represents.

Last summer, my distinguished Maryland colleague, Senator MATHIAS, spent 5 days touring the bay, in an effort to gain a comprehensive overview of this invaluable resource. Recently, he published a detailed report on his investigations, outlining what we have now, and what needs to be done to protect it. His report makes many substantive recommendations regarding the bay, and I hope it will be read by all who are concerned with the welfare of this unique body of water.

I commend him for his deep concern in this matter, and congratulate him on the completion of this major report. So that it might receive the widest possible attention, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A CHESAPEAKE BAY REPORT: WHAT WE HAVE AND HOW WE CAN PROTECT IT

(By Charles McC. Mathias, Jr.)

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Chesapeake Bay problems arise not because of inadequate enforcement powers, but because of a lack of coordination between authorities and a failure to understand all the ramifications of the decisions which are made. Too many decisions are based on a limited view of the Bay.

PART I.—WHAT THE BAY FACES

We can expect continued pressure for residential and industrial development of the Bay. Pressures for development in navigable water and wetlands are unevenly distributed. Most of the proposed projects involve small-scale alterations in the environment. Our present knowledge of the environmental effect of these small alterations does not indicate that standing alone, any one has a significant impact. But though the individual impact may be small, in "hotspot" areas, the cumulative impact of permitted alterations may be very severe.

Government response: The present situation

Two representative permit applications have been chosen to illustrate how our system breaks down in the Port of Baltimore and in the Bay itself.

Recreation development

In most cases, all levels of government have veto power over a permit application. In theory, such elaborate review procedures should ensure a comprehensive analysis and optimum decisions. In practice, such is not the case. One central problem is that all permits are considered in a vacuum. I propose that all permits in a given locality be decided on a set date. The first step in accomplishing this is to section off the Bay shoreline. Applications for Federal and State permits for a given section would be granted, granted with modifications, or denied on a specific date. There are a number of advantages to doing this.

(a) Agencies can concentrate field studies to determine relevant capacities of the region.

(b) Agencies will have a number of applications to consider at the time permits are granted, granted with modifications, or denied, and this should improve the quality of the final decision.

(c) It will ensure that citizen resources will be marshalled efficiently, and that all who participate will understand how each individual permit relates to the larger picture.

(d) Such a system will enable each citizen requesting a permit to know what the immediate future of that particular area will be.

Certain activities would not be subject to the changes I advocate. Exempted would be repairs to existing structures, and activities undertaken by public bodies or utilities. Agencies should also determine whether certain types of projects pose such a minimal impact on the environment that they too should be exempted.

Unevaluated impact

We need to increase the sensitivity of the permit process. Boat discharges are not taken into account properly in granting permits for the construction of marinas.

1. A partial solution is possible and will serve until shipboard marine sanitary devices are improved. New marinas should be required to provide a restroom facility for every (x) number of berths. Existing marinas should be expected to provide these facilities as a condition for license renewal.

2. The agencies should declare a moratorium on marina development or expansion in those few and limited areas which currently do not meet water quality standards on a significant number of days and where boat discharges can be shown as a significant contributing factor.

More communication

We can improve the sensitivity of the permit process by talking to each other. Coordination between the Maryland Departments of Natural Resources and Health and Mental Hygiene can be improved.

1. These two agencies do not use each other's water quality testing results.

2. There is presently little attempt to compile a comprehensive overview of water quality in the Bay. What information is available needs extensive interpretation.

Land development

Sediment and bacteria runoff from upland development pollutes the Bay. It may be that traditional methods of zoning do not effectively respond to the challenges we face. There has been little discussion of the best method for properly managing development. Such a discussion should be stimulated. I would hope that the counties would review the many new ways that land can be managed to provide society's requirements.

The port of Baltimore: At a critical juncture

The Port must continue to develop. This can be done while meeting our commitments to a clean environment. The permit application of the Maryland Port Administration to build a cargo facility at Hawkins Point in the Baltimore Harbor raises three troubling questions.

1. The Fish and Wildlife Service of the Department of the Interior has used unpublished guidelines to evaluate this application. This shocking example of agency secrecy has cost the Port of Baltimore tremendous amounts of time and money. If the Fish and Wildlife Service is serious about protecting the environment, they should immediately make their guidelines public so that applicants for permits can structure their projects so as to avoid conflicts with environmental goals.

2. Baltimore was the only Port required by a Federal agency to provide a master plan. While I believe that a master plan is helpful to both State and Federal governments, Maryland should not be penalized relative to the other states. If we have to provide a master plan which must be deemed "acceptable" before improvements to the Port can be undertaken, then the other states should also. I telephoned most of the major port authorities in this country and the response to the questions I posed bears out the allegation made by officials at the Maryland Port Administration that Baltimore was being singled out.

3. The National Environmental Policy Act was passed by the Congress to ensure that all available data is properly analyzed before decisions having an effect on the environment are made. In too many cases, however, the National Environmental Policy Act is used as an apology or justification for a decision already made.

PART II

We must also provide a long-term planning and coordinating structure for the entire Bay. At the time of my trip I considered at least five possible approaches for this structure. They were:

1. An Interstate Compact.
2. Federal Gateway Legislation.
3. A Federal-State Task Force.
4. Improved coordination of existing laws.
5. Designation of a given unit of government to have primary responsibility for the Bay or a part thereof.

Now, one year later, I still believe there are advantages offered by each of these proposals. In proposing, as I will, that we go beyond the five approaches outlined previ-

ously, I in no way criticize their viability. All can, if properly implemented, be extremely useful in protecting the Bay. But none, for reasons I will detail, should be the very next step in saving the Bay.

Planning for the Bay

There are a number of important functions which any new organizations must perform.

1. It must provide an interface between State and Federal officials concerned with Bay matters and management;
2. It should encourage a unified Federal approach to the Bay and a unified State approach, but neither approach should be in a position to dominate the other;
3. It should provide greater coordination between the two states primarily concerned with Bay affairs, Maryland and Virginia;
4. It should foster thoughtful debate;
5. It should serve to translate on-going Federal efforts into terms which are politically acceptable to the respective states;
6. It should have the ability to establish advisory groups to represent the many Bay interests;
7. It should study the many new proposals for saving the Bay and make recommendations to the Federal government and the respective states concerning their merits.

The Chesapeake Bay Commission

I recommend the establishment of what has been termed a Title II Commission for the Chesapeake Bay. With adequate State and Federal funding, it can be the politically sophisticated and influential organization needed to coordinate Bay activities, foster beneficial debate, ensure that Federal plans for the Chesapeake deal with, and respond to, local concerns, and to study long-range proposals for the Bay. We do not need new laws to bring about this needed interface of State and Federal officials, but rather the governors of the States to be served by this Commission must write to the President of the United States requesting a Title II Commission for the Chesapeake Bay. The important details can be agreed upon by the parties prior to this request. Such details would include voting rights, the process by which a chairman is chosen, and the jurisdiction of the Commission. I believe the experience of other regions of the country with Title II commissions indicates that this is the proper next step to protect the Chesapeake Bay.

CHESAPEAKE BAY REPORT

In June 1973, I embarked upon a five-day tour of the Chesapeake Bay. In those five days I was able to inspect the shoreline of Maryland's portion of the Chesapeake Bay and to stop in a number of counties to confer with state and local officials.

My intention was to gain a comprehensive picture of the Bay's present condition viewed from my perspective both as a United States Senator and as a citizen of Maryland. In my five days on the Bay, I talked with a great many Marylanders, including businessmen, labor leaders, environmentalists, watermen, and boating enthusiasts. As I noted in my preliminary report in August of 1973, not only do their activities have differing impacts on the Bay, but their views of the Bay differ greatly as to priorities and concerns.

The Chesapeake Bay is an uniquely beautiful and vital asset to Maryland. There are many enriching facets to the Bay. Only a short boat ride takes a person from the bustle of the Port of Baltimore to a sleepy creek on the Chester River. Government, to be responsive to Bay concerns, must recognize the great diversity that the Chesapeake offers.

The Bay is finite. Its air, water and land are limited and interrelated. To the extent you tax one of these elements beyond its capabilities, you tax them all. Land use impacts on water and air quality and all impact on the lives of the people of Maryland. Human activities rank highest in harmful impact on the integrity of the Bay system. Natural occurrences such as Hurricane Agnes can, of course, have a significant impact, but even with Agnes the damage is significantly worsened by man's presence.

While many would hope that pressure for industrial and residential development in the Bay area would taper off, this cannot be expected for the forseeable future. So the question is not between growth and no growth, but how growth will occur. At a minimum we must ask three questions:

1. What form will growth take?
2. Is extensive random development inevitable, or are there alternatives?
3. What form might the alternatives take?

There are some general observations which highlight the importance of these questions. Development often comes slowly, the next creek, the next farm, down the road, until finally next door. While there will always be the promise of great wealth, no one-to-one relationship exists. Even more tenuous is the theory that development will in all cases improve the quality of our lives.

What is important to recognize is that each area has geologic and environmental factors limiting its own growth. Some of the areas are too dry, too wet, too exposed to flood, have poor soils, or lack some other component necessary for development. Many of the rivers and creeks of the Bay have little flushing action and water quality is a continual problem. Proper development will avoid the unsuitable areas.

My purpose in preparing this report is to express my views on how we can care for the Bay and to stimulate discussion of Bay issues with the hope that a consensus for sound policies can be developed.

At the outset, let me detail what this report does not attempt to address. While I will touch upon several aspects of water pollution, I will not attempt to analyze the basic permit system for municipal and industrial discharges, except to make two observations. First, the clean-up efforts mandated by 1972 Amendments to the Federal Water Pollution Control Act are now in full swing. Both the Environmental Protection Agency and the State Departments of Natural Resources and Health and Mental Hygiene seem to be pleased with the progress of their operations and the mutual cooperation they are experiencing. Neither have reported a need for special intervention. Second, funding levels for water clean-up continue to be a problem; a problem with two facets. The bifurcation of authority between the Departments of Natural Resources and Health and Mental Hygiene may have resulted last year in a failure to document the State's need for a number of important sewage treatment facilities and this in turn could have been one reason the State received inadequate Federal sewage funds. But what was even more devastating to our clean-up efforts was President Nixon's decision to impound $3 billion of the $7 billion mandated by Congress to be spent for construction of sewage treatment facilities. This nearly halved Maryland's share. I have protested this decision on every possible occasion, and I was pleased to learn of Maryland's recent decision to join one of the lawsuits contesting this impoundment. Since I, with other Senators, insisted on anti-impoundment language in the funding statute, I would anticipate that Maryland's position would be ultimately upheld by the courts.

Air quality is not a subject of this report. While air quality continues to be a problem, it is not particularly a Bay problem. We must always be vigilant, however, that our efforts to abate air pollution do not result in degraded water or that water quality violations are not corrected by discharging into the air.

The siting of power plants also poses a serious challenge in the years ahead. Maryland's power plant siting law is accepted by environmentalists and by industry. I commend it as a model for Federal efforts. The impact on the Bay of power facilities, while critical, is not a subject of this report.

Finally, let me add a word of caution. This report concentrates on what should be done to protect the Bay. It does not detail the many areas of the Bay which are strong and vibrant. It is still possible to enjoy unsurpassed fishing on many of the Bay's tributaries and at the same time watch ospreys wheeling in the sky. We should bear in mind that the Bay has a great capacity to protect itself.

The Resource

The region of particular concern to all of us is the 12,600 square miles encompassing the Chesapeake Bay drainage basin between the Pennsylvania and North Carolina state boundaries. Within that basin we find some 4,600 miles of tidal shoreline. This is more than five times the length of California's coast. The basin is bordered on the west by the fall line, i.e., the line separating the coastal plain from the Piedmont area extending from Baltimore through Washington to Richmond. On the east, the boundaries include the Chesapeake Bay estuarine drainages. The upper reaches of the Potomac and Susquehanna are not included. This is the same geographic area chosen for study by the Center for Natural Areas, Ecology Program, Smithsonian Institute, in an excellent report entitled, Natural Areas of the Chesapeake Bay Region.

The Chesapeake is a massive resource. Much of the shoreline has been relatively undisturbed by man, but other parts are subject to intense pressure for development. Such pressure is not surprising. Historically, people have been attracted to the shoreline of the Bay for recreational opportunity and for residency on or near the water. Industries also desire to locate on the Bay. Its waters serve as an industrial coolant, as a waste disposal system, or as a maritime transportation system. Unfortunately, many of these activities require changes in the Bay. Man has had to dredge, fill, bulkhead, construct piers, piles and jetties and discharge treated, untreated or in some cases heated effluent into the Bay. While many of these activities have contributed to our rising standard of living, they have often come at a high environmental cost.

Existing laws and regulations

Environment concern has fostered a great deal of government regulation of Bay activities. This is appropriate since the foreshore, the waters, and the submerged lands are common property and as such are impressed with a public trust. The Army Corps of Engineers must approve any construction, excavation or filling in navigable waters. Their internal regulations, the National Environmental Policy Act, and the Fish and Wildlife Coordination Act ensure that concerned Federal, State, and local officials are consulted. The Environmental Protection Agency and the State Departments of Natural Resources and Health and Mental Hygiene work together pursuant to the 1972 Amendments to the Federal Water Pollution Control Act in providing effluent limitations and water quality standards. Maryland has a sediment control law which provides dual enforcement by the State and the appropriate county. The shorelands and waters are also controlled through the exercise of zoning and public health powers by the local governments. By and large, Chesapeake Bay problems arise not because of inadequate enforcement powers, but rather because of a lack of coordination between the enforcement authorities and a failure to understand all the ramifications of the decisions which are made. Too many decisions are based on a limited view of the Bay.

PART I. WHAT THE BAY FACES

While it is difficult to provide a definitive picture of pressure on the Bay, an analysis of Federal permit applications in navigable waters is helpful in understanding the challenges the Bay faces. Pressures for development are unevenly distributed. A study by the Chesapeake Research Consortium, entitled, Pressures on the Edges of the Chesapeake Bay—1973, published in April of 1974, indicates that 55 per cent of the applications to the Baltimore Office of the Corps of Engineers in 1973 for which data was available came from three counties. These counties are Anne Arundel, Baltimore, and Talbot. Total requests for permission to dredge, fill, or build structures in navigable waters and wetlands of the Chesapeake Bay numbered approximately 2,500 in 1973.

Several points are worth making based on the analysis of pressures on the Chesapeake Bay. Most of the proposed projects involve small scale alterations of the environment. An example would be Maryland permits for fill where 23 per cent of the applications involved a total of 94,500 cubic yards of material. The remaining 77 per cent only involved 6,190 cubic yards. Bulkheading permits fall into a similar pattern as the typical permit is for 300 feet or less. Our present knowledge of the environmental effect of these small alterations does not indicate that standing alone any one has a significant impact. What is disturbing is the uneven distribution of these alterations throughout the Bay. They are concentrated in just a few locations. In Maryland the "hotspots" are just north of Baltimore City, in Baltimore County, Kent Island, and particularly the Kent Island narrows, Anne Arundel County, the mouth of the Patuxent in Calvert and St. Mary's Counties and Talbot County. Even though the individual impact may be small, in "hotspot" areas the cumulative impact of permitted alterations may be very severe.

Government response: The present situation

We can do a better job in coping with pressures for development and ensuring that they are channeled in the proper direction. A close look at two representative permits will illustrate the weaknesses of the present system. First, a typical application for permission to expand marina facilities on an already busy tributary of the Bay. Second, the application of the Maryland Port Authority to construct a cargo loading facility at Hawkins Point in the Baltimore Harbor. In subjecting these permit applications to detailed analysis, the work of the Chesapeake Research Consortium has been most valuable. I hope to illustrate two very different types of pressures on the Bay. Each project in its own way is fairly typical in purpose, size, and design.

Recreation development

A marina permit application presents a typical interface between recreational and environmental values. My selection of a marina permit does not imply that marina applications necessarily pose greater environmental problems than other alterations. A marina application was chosen to illustrate why the existing permit process does not fully protect environmental values.

The Corps of Engineers, under authority granted to it by the River and Harbors Act of 1899, 33 U.S.C. S401 et seq., serves as the lead Federal agency in evaluating any request to make an alteration in navigable water. Their decision must be based on whether the alteration is in the "public interest."

The Baltimore Office of the Corps of Engineers is severely understaffed in performing this evaluation role. Currently, nineteen people are authorized to handle this responsibility which entails the yearly evaluation of over 1,400 permits. Consequently, the Corps serves as little more than a clearing house for objections. The permit is circulated primarily to the EPA, the Fish and Wildlife Service of the Department of Interior and appropriate State and local agencies. In practice, any of these agencies, Federal, State, or local, have a veto power over the application. The level of citizen participation in the process varies.

In theory, such elaborate review procedures should ensure a comprehensive analysis and optimum decisions. In practice, such is not the case. In areas of the Bay north of the Bay Bridge, pollution problems are most often caused by inadequately treated municipal/industrial waste and storm water runoff. Below the Bridge, the main rivers of the Bay are primarily degraded by storm water runoff and septic tank overflows. Municipal and industrial sewage play a lesser role except in certain key areas. But in the small tributaries where marinas are often sited, boats are a significant factor in degrading water quality.

The sewage, oil and rubbish discharged from boats combines with sediment and bacteria from storm water runoff to create severe pollution problems. What does this mean? While this does not mean that we should ban all marinas, it does indicate that siting marinas in certain areas is unwise. Too often, the creek or river to which the alteration is proposed will be narrow at its mouth, and quite shallow throughout. Such an area should be avoided because there will be little flushing action from the tide. Certainly this is true of parts of the Severn, Magothy, Back, and Middle Rivers. Recent statements by the Queen Annes County Commissioners indicate that the problem is particularly severe in the Kent Island Narrows area. Quite often these waterways receive less than a 1% increase in volume of water during high tide. This is a very small exchange of water between the Bay and the tributary. Runoff caused by development and a heavy boat population will have a measurable effect on water quality.

Many of these waters are classified for Class II water use by the State Department of Natural Resources. A classification which should permit shellfish harvesting and other similar activities. This is a "use" classification, which the people of Maryland have a right to expect. Unfortunately, a number of the Bay tributaries cannot now approach this criteria. Yet we continue to grant permit applications in waters which presently fail to meet water quality criteria on many days of the year. This raises the question as to whether we are pursuing policies which will bring these areas up to an acceptable level of water quality. The answer at this time is no. The solution comes in a number of parts.

A new permit system

The first part relates to the fact that each permit is considered in a vacuum. Generally, any relevant land and water plans promulgated by the State, county or municipality are either too general or out of date. Since each permit is reviewed and judged without an analysis of its relationship to other applications or to a viable master plan, no comprehensive picture emerges. The system stumbles forward reacting to permit applications without ever determining what represents a maximum or optimum level of development.

Changes should be made in the permit process to insure that better decisions are made and particularly that the incremental effects of shoreline alteration are understood. I propose that all permits in a given locality be decided on a set date. The first step in accomplishing this is to section off the Bay shoreline. Applications for Federal and State permits for a given section would be granted, granted with modifications, or denied on a specific date.

Applications in a particular section of the Bay would be submitted to the agencies a set time prior to the designated decision day. The submission date would precede the decision date sufficiently to provide an opportunity for review of these applications. A six month time period would seem adequate. Agency regulations would strictly govern what modifications in the application would be in order following the submission date. Each section of the Bay would come up for review periodically. The considerations in deciding how frequently to accept permit applications for review would be the inconvenience that a time delay would mean to applicants versus the benefits of being able to focus on all permits affecting one area at one time.

I feel strongly that clustering permits in this fashion will yield significant benefits. The benefits would be as follows:

1. Agencies can concentrate field studies to determine the relevant capacities of the region. Studies would be focused on the next section or sections up for review. At present, research efforts are dissipated through a lack of focus as agencies are now required to continually study the entire Bay since an application can come from any part of the Bay at any time.

2. The Agency will have a number of applications before it as the time permits are granted, granted with modifications or denied and this should improve the quality of the final decisions. Studies can be made of the cumulative effects of granting all the applications and should these effects be considered excessive, permits can be scaled down on a pro rata basis or denied entirely. Such a system will force the administrative review process to be exhaustive and equitable.

3. Concerned citizens are now unable to effectively express their views or have a part in shaping decisions. The efforts of environmental and community groups are severely dissipated by the present random permit procedure. One morning there may be an important wetlands hearing in Cecil County, Maryland, and that evening another equally important hearing in York County, Virginia. Certainly such circumstances prevent an effective presentation of views. The changes I recommend will ensure that citizen resources can be marshalled efficiently and that all who participate will understand how each individual permit relates to the larger picture. There will be chance of receiving an agency response to an often asked question, "How does this action today relate to our goals for tomorrow?"

4. Such a system will enable each citizen requesting a permit to know what the future of that particular area will be. An applicant would be able to gain some idea of how many other marinas or other developments will be constructed in that area in the immediate future. Furthermore, projects of any size are usually a long time in the planning and financing stages and therefore the new permit process will not pose a significant problem.

Activities not covered

Certain activities would not be subject to the changes I advocate. Exempted would be repairs to existing structures and activities undertaken by public bodies or utilities. The agencies should also determine whether certain types of projects pose a minimal impact on the environment that they too should be exempted. All these alterations would, of course, be subject to all other laws and regulations. Repairs to existing structures generally have little impact on the environment and therefore should not be delayed. The activities of public bodies and utilities often have a great impact on large numbers of people. These large numbers of people stimulate the review process to function effectively. Agencies receive sufficient information for decisions. Finally, it is not in the public interest to delay projects of such great importance until the next cycle for that particular section of shorefront.

Unevaluated impacts

A new permit process will not be a complete solution. Agencies must also evaluate factors which at present are largely unevaluated. So, the second part will involve increasing the sensitivity of the permit process. The boat which is attracted to a marina is unevaluated. To control municipal waste, we are building treatment facilities; to control industrial discharges we require adherence to effluent standards, to control sedimentation we are now beginning to require effective sediment control plans, but our control of boat discharges is less effective.

The Chesapeake Bay usually has a large population aboard various types of ships. It is estimated that the sewage discharged from all vessels in the Chesapeake Bay is roughly equivalent to that from a city of 20,000 people in terms of its overall impact on the oxygen nutrient budget of the Bay. This would not be of overwhelming concern if spread evenly across the Bay, but it is serious because vessels are most often relatively concentrated at places such as marinas or ship anchorages. If these areas are close to bathing beaches or shell fish harvesting areas, serious health problems may result from the overboard disposal of sewage. There are no meaningful prohibitions on the discharge of human wastes from boats. Even though the Coast Guard has recently promulgated regulations pursuant to Section 312(h) of the 1972 Amendments to the Federal Water Pollution Control Act, I have doubts that these regulations will abate the problem in an acceptable or effective manner. Until we do have a workable system for boat discharges, untreated waste will continue to pour into the Bay and its tributaries. But a partial solution is possible and will serve until marine sanitary devices are improved. Marinas should be required to provide a rest room facility for every (x) number of berths. New permits should not be granted without this requirement and existing marinas should be expected to provide these facilities as a condition of license renewal. It should be further required that the rest rooms be kept sanitary at all times, and that there be no discharges into the waters surrounding the marina. These changes should reduce discharges in the confined tributaries of the Bay where water quality is a particular problem.

The Maryland Department of Natural Resources, the Corps of Engineers, the Department of the Interior, and the Environmental Protection Agency, should consider a further alternative for controlling discharges from boats. This would be to declare a moratorium on marina development or expansion in those few and limited areas which currently do not meet water quality standards on a significant number of days and where boat discharges can be shown as a significant contributing factor. Data furnished to me by the Maryland Department of Natural Resources, the Department of Health and Mental Hygiene and the Annapolis Office of the EPA, indicates that boats may have a measurable impact in confined areas, but that more research is needed on a high priority basis.

More communication

We can improve the sensitivity of the permit process by talking to each other. Coordination between the Departments of Natural Resources and the Department of Health and Mental Hygiene could be improved. The Department of Health and Mental Hygiene takes between 25,000 and 30,000 water samples per year. This work is done pursuant to their public health responsibilities for shell fish and bathing beaches. Sampling takes place in such areas on a continuing basis and is designed to obtain counts of fecal coliform and total coliform. The Department of Natural Resources, with responsibilities to protect the environment, samples in other areas and is concerned with a broader range of water quality indices. But the results of these programs have not been meshed, though in June of 1974, the Department of Health and Mental Hygiene for the first time sent its testing results in the form of a computer tape to the Department of Natural Resources. The Department of Natural Resources grants permit applications for alterations of the environment which have demonstrable effect on both fecal and total coliform counts without studying results obtained by the Department of Health and Mental Hygiene of the alteration site. No wonder many of our shellfish beds must be closed with an annual loss estimated at over $1 million.

In a broader sense, there is presently little attempt to compile a comprehensive overview of water quality in the Bay. The necessary information is found in a number of different locations and is in a form which is not only cumbersome, but meaningless without extensive interpretation. Possibly an annual report to the Governor and the General Assembly would be helpful in ensuring that proper coordination and oversight takes place.

Land development

Also largely unevaluated is sediment and bacteria runoff from upland development, which is in part spurred by the presence of recreational facilities such as marinas. This problem has a significant impact on the Bay and must be addressed by the Department of Natural Resources through its sediment control program and by the counties through their sediment control programs and zoning ordinances. We need to look not only at the severe sediment and bacteria runoff that comes during the construction stage of development, but also at the runoff that occurs long after construction is completed.

Sediment holding ponds may deal with the construction phase, but more fundamental changes are required to reduce the long term problem. The recent controversy over the future of Wye Island raises an important question. Three and five acre zoning, while laudable in its environmental purpose, may have outlived its usefulness. In setting study targets for the Bay, a high priority must be the question of what is the best land management approach. It is possible that traditional zoning wastes too much land and pushes development further and further out into the countryside, forcing counties to pay additional costs associated with providing more sewer, electric, water and other facilities. On the other hand, we should determine whether strict planned unit development (PUD) ordinances really will encourage more open space conservation and efficient siting of community facilities as its proponents claim. Certainly, we have to consider whether it is necessary for the State or counties to require shoreline setbacks and vegetation buffer zones to halt water runoff. Nothing could be worse than to eventually have the Bay ringed by development with no thought for proper planning.

There has been little discussion of what is the best method for properly responding to development. Such a discussion should be stimulated. I would hope that the counties would review the many new ways land can be managed to provide society's requirements.

The Port of Baltimore: At a critical juncture

Hawkins Point lies within the boundaries of the Port of Baltimore. The Port itself is one of the prime cargo centers of the United States. In my opinion, the activities of the Port represent the State of Maryland's most important economic asset. Primary and secondary employment attributable to the Port would appear to be on the order of 155,000 jobs.

I endorse the concept of concentrating heavy industry and development in one location, providing that the location is suitable. Geologic, historic and environmental considerations make Baltimore a most appropriate focal point for these activities. I believe there is a consensus in the State of Maryland that the Baltimore Harbor should continue to develop. But its pollution must be better controlled. This will require a tremendous commitment at all levels of government and in the private sector. In the end, the results will be worthwhile.

Baltimore's municipal and industrial waste can be a great threat to the Bay. We must ensure that harbor pollution is not permitted to spill out into the main stem of the Bay. This will require careful and continual monitoring of the mixing zone between these bodies of water. But it is unrealistic to think we will ever harvest shell fish again in this area. A beneficial effect of being development-oriented in the Baltimore Harbor is that it will tend to deflect the development pressure away from the relatively untouched parts of the Bay where development is inappropriate.

The Port of Baltimore is at a critical juncture. Problems with Federal agencies are significant.

Hawkins Point

The application by the Maryland Port Administration to build a cargo unloading facility at Hawkins Point typifies the difficulties that have been encountered in the Port generally. I have been intimately involved with many aspects of the Hawkins Point proposal for the last year. I have met repeatedly with officials of the Port and with representatives of the Federal agencies involved in the licensing procedures. Concern for this problem led to my suggestion to the Chesapeake Research Consortium that they undertake a case study of this permit application. They applied to the National Science Foundation for the funding necessary to undertake this work, and I was pleased to support that successful application. Over the past months I believe both the Consortium and my office have benefited by a constant exchange of information on this subject. The Consortium's Wetland/Edges Program has recently completed a draft case study, and I will draw at times upon this work in criticizing the way the Federal government has treated the Port of Baltimore.

Background of the Maryland Port Administration Application

On April 28, 1972, the Maryland Port Administration applied to the Baltimore Office of the Army Corps of Engineers for a permit to build a cargo unloading facility on the west shore of the Patapsco River at Thoms Cove—well within the boundaries of the Baltimore Harbor. Application was also made to the Maryland Department of Natural Resources, which approved the application with certain conditions.

The Corps referred the application to the Fish and Wildlife Service. Fish and Wildlife recommended denial of the permit on November 1, 1972, on the grounds that it would destroy a valuable fish and wildlife habitat. Suffice it to say that this contention has been strenuously disputed by the Maryland Port Administration and by scientists in the State of Maryland. Their opinion is that the area is now degraded to the point where it does not support significant fish or wildlife populations. The Fish and Wildlife Service has been just as vigorous in its rebuttal to these charges.

I requested the Maryland Port Administration to prepare a detailed analysis of the situation and in January, 1974, I personally submitted this brief to the Chief of Engineers and the Secretary of the Interior in an effort to break the logjam. In a letter to me on May 15, 1974, the Fish and Wildlife Service responded to the allegations made in that brief. These materials are, of course, available for review. While it is beyond my expertise to resolve the scientific issues presented, I do recommend the soon to be published analysis of the Chesapeake Research Consortium on this subject.

What emerges very clearly, however, is overwhelming evidence of a communications breakdown between the Department of the Interior and the Maryland Port Administration. This is indicated by the tone of these two documents, and is profoundly disturbing.

Issues facing the port

The fundamental issue which goes beyond the merits of Hawkins Point to touch all other projects in the Port is whether the Baltimore Harbor is being treated fairly. I have concluded that in two respects the Port is not treated fairly.

Secret guidelines

My first objection relates to guidelines which the Fish and Wildlife Service uses in determining what position to adopt on individual permit applications. The Southeast Region of the Fish and Wildlife Service prepared these guidelines in October of 1971. Information I have received indicates that they came into general use by all regions shortly thereafter. But stamped on the front page of the guidelines is "preliminary draft—not for public release."

It has been nearly three years since the guidelines were first drafted and yet they are still unavailable. While I did obtain a copy and immediately made it available to the Maryland Port Administration and the Chesapeake Research Consortium, this copy was not received through normal channels or in response to my repeated requests of the Department of the Interior. The Port Administration did not receive a copy of the guidelines in time to base their planning of the Hawkins Point project upon it and I am convinced that this shocking example of agency secrecy has cost the Port of Baltimore tremendous amounts of time and money. I express no objection to the context of the guidelines, when I say that if the Fish and Wildlife Service is serious about protecting the environment they should immediately make their guidelines public so that applicants for permits can structure their projects so as to avoid conflict with environmental goals.

A master plan

My second objection relates to the master plan now required of the Port of Baltimore. A major reason for Fish and Wildlife Service opposition to the original Hawkins Point proposal (a new plan is now submitted and being reviewed) was the absence of a master plan for the Port of Baltimore. The need for such a plan is clear. On April 1, 1973, the Maryland Port Administration prepared and filed a plan, but it was judged unacceptable because they had failed to involve a sufficient number of other planning agencies in the process. Our Regional Planning Council was then given the responsibility for preparing a new plan with the Fish and Wildlife Service, agreeing to consider individual permits in the interim.

Officials of the Maryland Port Administration alleged to me that Baltimore was the only port required to provide a master plan. Since our Port is in direct competition with many other Ports for cargo and since jobs and livelihoods depend on winning that competition, I decided to investigate. My bias is that a master plan is helpful to both the State and Federal governments, but that Maryland should not be penalized relative to the other states. If we have to provide a master plan which must be deemed "acceptable" before improvements to the Port can be undertaken, then the other states should also.

I telephoned and wrote most of the major port authorities in this country and the response to the questions I posed bears out the allegation made by officials of the Maryland Port Administration that Baltimore is being singled out. Approximately one-half have prepared what they describe as a master plan.

I wonder how many of these could have withstood the test which disqualified the Baltimore Plan. The rest are either preparing one now on their own initiative or have no intention to prepare one. I did not receive one report indicating that a master plan had been prepared at the request of a Federal agency. Some ports indicated that a copy of their master plan had never been sent to a Federal agency, others that the Corps alone had asked to receive it; none indicated that the Fish and Wildlife Service had shown any interest whatsoever. In fact, the Port of San Francisco reported no contact whatsoever with the Department of the Interior on any of these matters. Of greatest concern to us in Maryland is that none of the Virginia ports, nor those on the Delaware Bay or River, are currently required to provide master plans. Due to the competition among ports, a uniform national policy is certainly called for and should be quickly implemented by the Department of Interior.

My final objection does not relate to whether Baltimore is being treated unfairly, but rather to whether the regulatory process is being properly conducted. Unlike small scale development of the Bay, large public or private undertakings like Hawkins Point stimulate considerable analysis and debate and generally there is sufficient data on which to base decisions. The National Environmental Policy Act was enacted to ensure that this information would be properly analyzed. The Act requires that when the District Engineer feels that a project will have "a significant effect on the environment" he should initiate the environmental impact statement process. The debate which has enveloped the permit application for Hawkins Point should have signaled the Corps to prepare an EIS. Now that agreement on a new plan for Hawkins Point is close at hand, it would be tragic and ironic if the process were open to legal challenge because of a failure to comply with NEPA.

Summary of recommendations for the port

I am convinced that decisions on major public projects would be greatly expedited and improved by taking the following steps:

1. Publishing all guidelines for permit applications;

2. Providing a uniform national policy requiring master plans in port areas; and

3. Using the National Environmental Policy Act to make the right decisions rather than as an apology or justification for a decision already made.

While the needs for recommendations (1) and (3) are most evident in the Port of Baltimore, these recommendations should be applied to other areas of the Bay as well.

PART II

Part I of this Report emphasizes a number of immediate problems which the Bay faces and outlines the changes that are needed to cope with these problems. All can be implemented through new regulations issued by either the Corps of Engineers or the Maryland Department of Natural Resources. Part II of this Report will concentrate on the question of a long-term planning and coordinating structure for the entire Bay.

My preliminary Report of August, 1973, was primarily focused on the proper structure for dealing with the entire Bay. Such a structure must necessarily include the State of Virginia, and possibly the State of Delaware.

At the time of my trip I considered at least five possible approaches for this structure. They were:

1. An interstate compact, similar to compacts created for the Potomac and the Susquehanna Rivers;

2. Federal "Gateway" legislation similar to that enacted to protect San Francisco Bay and New York Harbor;

3. A Federal-State task force, or series of task forces that would serve in an advisory and coordinating capacity;

4. Improved coordination of the existing framework of Federal laws concerned with navigable waters; and

5. Designation of the states or localities involved as the governmental unit with principal responsibility and authority for the protection and enhancement of the Bay.

Now, one year later, I still believe there are advantages offered by each of these proposals. In proposing, as I will, that we go beyond the five approaches outlined previously, I in no way criticize their viability. All can, if properly implemented, be extremely useful in protecting the Bay. But none, for reasons I will detail, should be the very next step in saving the Bay.

Let me review each of the original five proposals by way of explaining the necessity for a new approach.

A Chesapeake Compact

Interstate compacts have been forged on the Susquehanna and Potomac Rivers. Compacts are also found in other parts of the country. Congressman Bauman, whose district encompasses much of Maryland's Bay country, has recently introduced legislation in the House of Representatives which would confer prior Congressional consent to negotiations between the states of Virginia, Maryland and Delaware to create an interstate compact for the Chesapeake Bay. I am supportive of the Congressman's action because I think it points in the right direction. The states should have an opportunity to explore the possibility of creating such a framework for the Bay. But we should not be blind to the lengthy bargaining process which creating a compact normally entails. It would be foolish to raise our hopes too high for an effective compact in the immediate future. The central tenet for creating such an organization is a strong consensus in all the participating states that identified problems can best be solved through a compact. From surveys that I have conducted in Maryland and Virginia, it is apparent that such a consensus does not exist at the present time. It is necessary, therefore, to find less comprehensive approaches that may help develop the Bay in the meantime. Just as we have to learn to walk before we can run; so we cannot expect a compact to rise from the Bay in whole cloth without extensive preparation.

Federal Gateway Legislation

The concept is that, under a law passed by Congress, all Federal lands within a region like the Bay are coordinated by one special Federal body to maximize their value as recreation spots for all people. Such legislation has met with success in San Francisco Bay and the New York Harbor. A similar program must be a top priority in the years ahead for the Bay. Yet the "Gateway" concept does not respond to the overall management concerns of the Bay. At present there are 581,430 acres devoted to public use in the Chesapeake Bay. This figure includes Federal military reservations, National Wildlife Refuges, and other Federal lands, as well as state forests, parks and wildlife management areas. Topographic maps show that much of the military land is undeveloped forest, marsh, and shoreline. Nine of the 43 reservations and installations contain, or are directly adjacent to, sites which the Smithsonian Institution

Study, which referred to in Part I, determined to be valuable natural areas.

It is quite possible that the military needs for certain of these areas will diminish in the years ahead, and I urge that periodic reviews be undertaken to see what lands can be added to a park system. I also urge that thought be given to providing a unified management approach to such Federal lands. A "Gateway" system could link the Chesapeake's magnificant parks and wildlife refuges, scenic rivers, beaches, forests and bays, as well as historic areas such as St. Mary's City, which is now being restored. By providing a unified approach we can show the best of what we have; all within a day's drive of the major population centers of the East Coast. If there were careful controls over the type of facilities constructed to serve the visitors, it would help preserve the Bay.

As important as Federal "Gateway" legislation is, however, it does not respond to the great majority of the land in the Chesapeake Bay region since private ownership predominates over public. For this reason, Federal "Gateway" legislation should be considered as a subpart of a broader organization to manage the Bay.

FEDERAL-STATE TASK FORCE

A Federal-State task force provides the interface between state and Federal officials which so many informed people consider essential. Unfortunately, the ad hoc nature of task forces severely limits their ability to provide solutions. My experience in government has led me to conclude that temporary advisory groups, no matter how well qualified, are unable to provide the continuing and comprehensive input necessary for sound decisions. The many who responded to my questionnaire on the subject of Bay management express concern that task forces would just add one further overlay without clear responsibility or capacity to plan or advise.

Improving existing laws

While the need for improved coordination of the existing framework of Federal laws concerned with the Bay is clearly documented in Part I of this Report, the vehicle usually suggested for accomplishing this purpose cannot be considered appropriate for overall management responsibility of the Chesapeake Bay. Federal regional councils are interagency committees created by executive order. They were started on an experimental basis in four places in 1968 and were soon extended by President Nixon to the rest of the country.

As of 1973, there are ten of them, one for each of the ten standard Federal administrative regions. Ours is in Philadelphia. The councils are composed of the top regional officials of the major domestic agencies of the Federal government. They are exclusively a forum for coordination and for developing coordination strategies. While I think it would certainly be desirable for the Federal government to coordinate its approach to the Chesapeake Bay, the greatest benefits of such coordination are lost in the absence of input from the State agencies. The Federal regional council system does not provide membership for state officials. Under these circumstances I believe it would be unwise to rely on the Regional Council for solutions to Bay problems.

Designating a governmental unit

It is also suggested that the states or localities be designated with primary responsibility to cope with Bay problems within their jurisdiction. This proposal responds to the confusion caused by overlapping jurisdictions. Sometimes as many as four levels of government are involved in a solution to any one problem, leading to a tremendous waste of time and resources. Unfortunately, the mix of management responsibilities on the Bay makes it impractical to think of designating just one unit of government to exercise sole responsibility over a geographic area. This does not mean that efforts should not be directed to allevating the confusion which results from having so many levels of government involved in final decisions. But we must accept the existence of different levels of government and work towards giving their functions meaning, definition, and clarity.

Planning for the Bay

There are a number of important functions which any new organization must perform.

1. It must provide an interface between state and Federal officials concerned with Bay management;

2. It should encourage a unified Federal approach to the Bay and a unified state approach, but neither approach should be in a position to dominate the other;

3. It should provide greater coordination between the two states primarily concerned with Bay affairs, Maryland and Virginia. In this regard, it should ensure that priorities for research are established, that plans to coordinate research are formulated, and that a free flow of information is engendered;

4. It should foster thoughtful debate. Currently, the Bay suffers because too few people are informed enough to care. While scientists communicate frequently and well on Bay problems, their debate does not involve those who are not professionally involved with the Bay. Simply stated, more citizen participation is needed if the Bay is to be saved. I believe that we need a new organization—politically sophisticated and powerful—to stimulate such a broad debate on Bay matters in Maryland and Virginia;

5. It should serve to translate ongoing Federal efforts into terms which are politically acceptable to the respective states. The Corps of Engineers is currently preparing a Chesapeake Bay Study and is constructing the hydraulic model to duplicate the Bay system. Authority for this work is contained in Section 312 of the River and Harbors Act of 1965, adopted on October 27, 1965, with my support. I have followed closely the Corps' progress, on both the Chesapeake Bay Study and the construction of the hydraulic model, which is now 90 per cent completed, and I have fought to continue full appropriations for these measures. Both are proceeding well. But I am concerned that no matter how excellent the Corps study turns out to be, an institutional problem will prevent its full acceptance and implementation. The Corps of Engineers, while a highly professional planning agency, is a Federal agency. No amount of consultation with state agencies local government, or private citizens, can change that fact. I worry that the Chesapeake Bay Study may guide only the Corps of Engineers and possibly other Federal agencies. There is no reason to waste the money and effort that has gone into what I anticipate to be an excellent Chesapeake Bay Study. We need an organization which can translate the Corps' Chesapeake Bay Study into proposals which are meaningful to the Maryland and Virginia Governors, and regulatory agencies. This work can best be done by an organization combining Federal and State representatives.

6. Such an organization should be able to establish advisory groups to represent the many Bay interests. I would expect that counties and local communities would find this an appropriate and effective means of communicating their views. This would also be a good way for the scientific community to be heard.

7. As I indicated earlier, there is much to recommend other proposals for the Bay, including proposals for an interstate compact and for "Gateway" legislation. There are also many important concepts to be discussed, including novel methods for managing the use of upland areas. All these tasks require a significant education process before the proposals can receive the attention and support they may deserve. It should be the function of this new organization to study and stimulate discussion of such proposals and to make recommendations to the Federal government and to the respective states concerning their merits.

The Chesapeake Bay Commission

I recommend the establishment of what has been termed a Title II Commission for the Chesapeake Bay. Such a Commission would be created pursuant to Title II of the Water Resources Planning Act of 1965. It would be designed to bring together representatives of the states and Federal agencies with an interest in the Chesapeake Bay. With adequate state and Federal funding it can be the politically sophisticated and influential organization needed to coordinate Bay activities, foster beneficial debate, ensure that Federal plans for the Chesapeake deal with, and respond to, local concerns and to study long-range proposals for the Bay.

Federal members would be appointed from and represent their Department. Each state member would be appointed to the laws of the individual state. While no member is compelled by the others to sacrifice the goals or interests of his state government or Federal agency, presently existing commissions have usually operated by consensus. The Water Resources Planning Act presumes that the commissions will be forums for adjusting government and agency interests rather than independent decisionmakers for their regions. In this respect they differ from interstate compacts. The Commission should be not only an agency for the coordination of plans, but it would also prepare and keep up to date a comprehensive, coordinated, joint plan for development of water and related resources. In emphasizing that no government is committed to carrying out a commission plan, it should be understood that the commissions are representative, and it is reasonable to expect that their plans would prove politically acceptable to the legislatures.

This statutory foundation for state participation in what has previously been solely Federal planning by the Corps of Engineers will be a great step forward.

The Commission would have an independent—that is, Presidentially appointed—chairman, who would appoint and supervise the commission staff. Federal appropriations of up to $750,000 per year are authorized. The Federal government would be prepared to match state contributions.

Who serves on the commission and how does it operate?

The Commission functions as follows. Federal agencies concerned with environmental quality in the Chesapeake Bay would be members of the Commission. This might include the Environmental Protection Agency, the Department of the Interior, the Corps of Engineers, and the Department of Commerce. Other agencies can be designated as observers. Joining the Federal agencies as members of the Commission would be Maryland, Virginia, and possibly Delaware. Each of these states would appoint one representative and an alternate. Both would have the right to participate in meetings. As previously stated, the Commission would have an independent—that is, presidentially appointed—chairman, who would appoint and supervise the Commission staff. His salary would be entirely paid by the Federal government. The states would appoint from among themselves a vice-chairman. It would be the responsibility of the chairman to see that the Commission functions. He would also express the majority Federal view. The vice-chairman would express the views of the states. Should there be unanimity, action would be taken. In the event that agreement cannot be reached, the chairman and vice-chairman are authorized to set forth their differing views. While a consensus is often valuable, it can at times be just as important to highlight where differences exist and stimulate debate on the best course of action to be followed. Representatives from the Susquehanna Compact and from the Interstate Commission on the Potomac River Basin would be included as observers at Commission meetings.

Performance of other commissions

There are now seven Title II commissions. Because many of New England's environmental problems are similar to Chesapeake Bay problems, the performance of the New England River Basin Commission is a good yardstick for judging what to expect of a Commission in the Chesapeake. The governors of New England are unanimous in their view that the New England Commission has been most worthwhile. I believe their experience argues strongly for a similar institution on the Chesapeake. Floods struck southern New England in the spring of 1968, not long after the Commission was organized, and the Corps of Engineers was ordered to make a study of flood control, particularly in the Rhode Island area. Upon reflection, it was decided that the Commission was the most appropriate entity to manage the study. The Commission had a technical staff capable of controlling the design of these studies, dominating the study apparatus, and monitoring specific study elements. State and local input was much greater than in most Corps studies, and a good result is expected.

The Commission has also embarked upon an ambitious study of Long Island Sound and interim reports have stimulated a great deal of discussion and public participation. Parallels to the Chesapeake Bay are particularly striking in this undertaking. Yet possibly the most noteworthy project of the Commission has been to work with the Massachusetts Institute of Technology on the effects of offshore oil drilling in New England. The work done by the Commission and MIT served as the core for the later excellent study by the Council on Environmental Quality on the environmental effects of drilling for offshore oil on the entire east coast and the Gulf of Alaska. In fact, researchers at MIT, because of their previous experience with the New England study, were chosen to do the CEQ study. As a member of the National Ocean Policy Study, I chaired hearings which reviewed both these undertakings. I found the New England effort most impressive. Think for a moment if there had been no CEQ study, New England would have been well prepared to make rational judgments concerning offshore oil development because they had commissioned their own study, but Maryland, Virginia, and Delaware would have been completely unprepared. New England has relied upon the New England River Basin Commission to give it the necessary regional view, something the Chesapeake Bay region now lacks.

How to form a Title II commission

Title II commissions have been formed in a number of areas of the country, but for some reason they have received little notice in the Chesapeake. I hope that my recommendation will lead to a full discussion of the management needs of the Chesapeake and I am confident that such a discussion will lead many to conclude that Title II commissions represent a good vehicle for protecting the Bay. I was pleased to note that the Citizens Council for a Clean Potomac expressed support for Title II commissions as a means of safeguarding the Chesapeake. Specifically, they call for serious consideration to be given to alternatives to the proposed Potomac Compact and they particularly emphasized the possibility of creating a Central Atlantic River Basins Commission under Title II of the Water Resources Planning Act of 1965 for the Potomac Estuary and Chesapeake Bay. A report of their action can be found in Volume 30 No. 5, of the Potomac Basin Reporter, Published by the Interstate Commission on the Potomac River Basin.

No new legislation is needed from the Congress to create a Title II commission. All that is necessary is that the governors of the states to be served by such a commission write the President of the United States requesting the establishment of a Title II commission for the Chesapeake Bay. Important details can be agreed upon between the parties prior to this request. Agreement should cover voting rights, the process by which a chairman is chosen, and the jurisdiction of the Commission.

I call upon Governor Marvin Mandel of Maryland and Governor Mills Godwin of Virginia to explore the possibilities of creating such a Commission. My office will always be available to them in their efforts to ascertain whether a Commission should be established. I hope that they will commit the staff resources necessary for a proper review. As thinking develops, the possibility of varying degrees of participation by the District of Columbia, West Virginia, Pennsylvania, and Delaware can be considered.

The Bay is surprisingly healthy considering the care we give it. For the most part, our wetlands are not filled, our fisheries remain, though diminished, and wildlife, from the Canada goose to the smallest life form in the Bay waters, still flourish. Unfortunately, we often take the time to care too late. I hope that the Bay is worth saving when we get around to doing it.

THE WORK OF MOTHER TERESA

Mr. HUMPHREY. Mr. President, yesterday I had the privilege of meeting with Sister Teresa, who has been working to save the very poorest in India. Her order, the Missionaries of Charity, now operates in 54 cities and 4 continents around the world.

Today, she appeared and spoke on behalf of the world's poor at hearings by the Senate Foreign Relations Committee on the world food resolution, Senate Resolution 329.

This wonderful woman embodies the best in Christian life and humanitarian ideals.

Mr. President, articles on Sister Teresa and her work appeared in the July 6 and 10 issues of the Washington Star-News. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star-News, July 6, 1974]

NUN CALLED MODERN-DAY SAINT

(By Genevieve de Chellis)

Special to the Star-News

Those of us who are strong and active this morning, those of us who stride confidently in the unconscious arrogance of youth, of health and success, can we promise that tonight we will not be helpless, in pain or near death? We can only hope that at such a moment we find at our side the kind of compassion that a remarkable woman known as Mother Teresa has come to symbolize.

She is small of stature, she is penniless. She is neither young nor pretty. She is also great and spiritually wealthy. She has a beauty that is ageless.

In this day of impersonal technology, of military conflict, of both moral and spiritual confusion, Mother Teresa is a woman who brings her very simple message to Washington next week, one of love and concern for her children—the poor of the world. She will speak to two ecumenical groups—to all who share her concern—on July 9 at 8:30 p.m. at St. Matthew's Cathedral and the following evening at 8:30 p.m. at the National Presbyterian Church. She also will discuss the world food crisis with key members of Congress.

This woman, who has never been a mother in the physical sense, is known precisely because of her countless children, each of whom she loves with the selfless love of a mother, especially the littlest, the weakest and those most in need.

The littlest, not only unwanted babies and orphans, but the small, the insignificant, those who may be less than insignificant, too often a living reproach, better removed from uneasy eyes. The sick, the infirm, those of failing mind, the hungry, the helpless, those whose lives have lost meaning and usefulness in the eyes of the world. Those who literally have no place to die.

It was in 1952 that the Indian government gave Mother Teresa an old abandoned Hindu temple to which she and her nuns began to bring the disease-ridden outcasts they found dying in the gutters of Calcutta.

"What exactly do you do for them?" Malcolm Muggeridge asked Mother Teresa when he and a BBC camera crew came to Calcutta to do a TV documentary about her work.

"We want them to know that they are wanted," she explained. "We want them to know there are people who really love them, who really want them, at least for the few hours they have to live."

This is Mother Teresa's message to today's increasingly depersonalized and computerized society. Faith in the spiritual value of the human being, in the sacredness of each life, in the redeeming value of suffering, in the all-healing power of love. Of some 30,000 people brought from the streets of Calcutta to Mother Teresa's House of the Dying, more than half have recovered. Many are now able to work again. Currently she has 12 such houses "for the dying" and the results are the same.

The Albanian nun was a teenager barely 17, when she left her home for the missions in India. More than 20 years later, in 1948, in answer to an impelling interior call, she asked permission to leave her order and to devote herself exclusively to the care of the poor in India's slums. It was thus that she founded the order of the Missionaries of Charity who have since spread to four continents.

Her nuns treat half a million patients a year in 125 dispensaries around the world and maintain centers for the poor as well as nursing homes. When Mother Teresa is asked about her work in Harlem, she has been known to point out that hunger for love hurts as deeply as the hunger for bread.

The frail, 64-year-old woman in the white and blue sari was given an $85,000 foundation gift last year by Britain's Prince Philip. The government of India presented the Nehru Award and a citation praising her work for lepers and the Joseph Kennedy Foundation handed her $15,000 to help her sisters' work with the retarded.

Mother Teresa's order, which now numbers 800 nuns, speaks well for the spiritual fiber of today's young. Prospective members are offered a lifetime of stark poverty, of hard work in squalid surroundings, of ceaseless prayer from which to draw strength. They must own nothing, they must share the food and the living quarter's of the very poor in whom Mother Teresa sees "Christ, the poorest of the poor." Yet women from every part of the world continue to ask to be admitted.

"Their life is tough and austere by worldly standards," says British writer Muggeridge, "yet, I have never met such delightful, happy women, or such an atmosphere of joy as they create."

Mother Teresa who will be a guest on the "Today" show July 8 on WRC-4 has been referred to by Barbara Walters—as well as Pope Paul—as a modernday saint.

[From the Washington Star-News, July 10, 1974]

MOTHER TERESA'S GIFT IS AS A SEEKER OF GIFTS

(By Ruth Dean)

A saint came to town yesterday—Mother Teresa, founder of the Missionaries of Charity. A real modern-day saint to many because of the far-reaching effects of her ministry to awaken the world's consciousness to compassion for the poor.

She is penniless, by choice, but infinitely rich in an inner spirit that radiates from her small blue-bordered white habit, a humble person with a smile that seems to say "I love you" and deepest eyes that darken with intensity when she speaks in her soft, low voice about the need for people to love each other more.

Her concern for the poor and the dying, the neglected and forgotten in India's slums, in the past quarter century has etched gentle lines in a face that shows the rugged strength of her Albanian peasant forbears.

Yesterday she had a Kissinger-like schedule climaxed last night by an address in crowded St. Matthew's Cathedral. But she still found time for a quiet interview en route to an appointment with Hubert H. Humphrey in his Senate office.

As aides frantically hurried her to her appointments, she stayed unruffled and composed, explaining she is on a lecture tour of this country to thank America for its generosity over the years in feeding poor countries. But she is concerned about this generosity drying up.

She believes God has blessed the United States with plenty, "so you will be able to give, not just to give but give until it hurts."

She made no direct mention of this country's recent wheat sales to Russia, except possibly an oblique reference—"now the world is getting less, and if they are selling more than they have, then they will have less to give."

Reflectively, she asked, "do we really know the poor? Who they are? They hunger for love and bread. To be unwanted and unloved is a terrible loneliness. You have many poor in your country.

"Maybe the hungry are my next door neighbors. Maybe the hunger is in my own home. There is no more living, loving and sharing together, and if not in our own homes, how can we have it in our towns and in the world?"

Humphrey described his meeting with Mother Teresa with unrestrained enthusiasm.

"I told her it was like a religious experience. She's so marvelous, so gentle, yet persuasively strong. You feel a message and a mission to fulfill."

He said she told him she "hoped America would not deny itself the sense of fulfillment of sharing from your abundance, because I believe it's God's will you shall do this."

Today, Mother Teresa faced another crowded day during which she was to be the luncheon guest of Sen. and Mrs. Mark Hatfield, who became acquainted with her and her work on a visit to India last March, and wind up by addressing another ecumenical service at the National Presbyterian Church.

CONFIDENCE IN SOCIAL SECURITY ESSENTIAL

Mr. FONG. Mr. President, as one who believes strongly in the importance of social security to the American people, I have been taking note of the growing number of articles in the national press which raise some very valid questions about the system's financial soundness and prospects for the future.

The latest article of this type which has come to my attention is a lead article in the July 15 issue of U.S. News & World Report under the title, "Social Security, Promising Too Much To Too Many?"

I request that the article from this distinguished newsmagazine be printed at the conclusion of these remarks because I believe it is important that every member of the Congress become fully aware of what the people are being told about Social Security through the Nation's news media.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FONG. Mr. President, while I am not prepared to vouch for the accuracy of all the conclusions in the U.S. News & World Report article, it underscores my belief that there is a major need for action to establish the National Social Security Commission proposed February 1, 1973 by Senator FANNIN and myself in Senate Joint Resolution 48. Part of the purpose of this Commission would be to fully restore public confidence in Social Security.

That more is needed than words of reassurance is emphasized by the recently released report by the social security trustees which stated that the retirement benefits program is now underfinanced by 3 percent of payroll on a long-term basis. It would appear that too often we in Congress have made changes in this important program on a casual basis without possession of all the facts or adequate information about broad ramifications of our actions.

The Fong-Fannin resolution calls for creation of a permanent blue ribbon panel of highly qualified persons, including experts in economics and actuarial science, which would maintain a constant over-view of the Social Security system from the standpoints of benefit adequacy, fiscal integrity, equitable treatment of beneficiaries and the system's inter-relationship to our whole National economy.

Members of the National Social Security Commission would be named on a bipartisan basis by the President pro tempore of the Senate, the Speaker of the House of Representatives and the President, with confirmation of Presidential appointees by the Senate.

As the biggest business operation in America, social security deserves no less than the continuous, independent, bipartisan review which would be provided through the National Social Security Commission.

Reference is made in the U.S. News & World Report article to the Advisory Council on Social Security recently named with responsibility for reporting recommendations for changes by next January 1. Nomination of such an Advisory Council every 4 years is mandated under present law. The Fong-Fannin resolution would replace this Council with the permanent Commission. I do not believe the limited kind of overview the interim Council now provides is adequate, nor is time which it is permitted to devote to the issues sufficient.

With all due respect to the abilities of the distinguished members on the Advisory Council and ones named in the past, their work inevitably is almost exclusively dependent on inputs from the Social Security Administration. The kind of review that is needed should not be so totally dependent on the system's administrative staff.

Nor is a quadrennial look at social security by such a part-time panel sufficient. As reflected in the U.S. News & World Report article, important changes in factors which influence the program's future are occurring constantly in our dynamic society. Among them, for example, are changes in birth rates, inflation rates and wage levels. The need is for continuous as well as independent study of the impact of such vital factors.

The information and expert opinions which would be forthcoming from the National Social Security Commission, including divergent views as appropriate, should and would be readily available to the public and the Congress, both as a basis for sound future decisions and public confidence in the system. I agree with the U.S. News & World Report that such public confidence is essential to Social Security's future.

EXHIBIT 1

[From U.S. News & World Report, July 15, 1974]

It was a program, begun in the Depression of the 1930s, designed to help the elderly through their retirement years. From that modest start, Social Security has swollen—almost unnoticed by the general public—into something different.

In the course of change, it has grown into a giant that, unless restrained, threatens to run out of control.

Benefits have skyrocketed—and are still on the rise.

Along the way, new ones have been added.

Taxes to pay for all kinds of benefits have soared—and the end is nowhere in sight.

One out of every 7 Americans get cash every month from Social Security. Within a decade, 1 out of 6 will be watching the mails for a monthly check from Washington. What worries people familiar with the system is this:

In just a few years, if inflation is not slowed considerably, Social Security may well be running in the red—paying out each month more than it takes in.

By 1990, just 16 years from now, the system will be running a deficit of about 20 billion dollars a year, by official estimate.

It is such prospects as these that are raising all kinds of questions: Is Social Security promising too much to too many? How safe are people's pensions? Unless something is done, can the system survive as it exists today?

Concern has become widespread. In Congress, talk of reform is beginning—and seems certain to grow. Other experts, in and out of Government, are worried, too.

The search is on for a way to reform—and save—Social Security.

INFLATION AND THE BIRTH RATE

The problem, in a nutshell: Social Security is growing at such an explosive rate that, as things stand now, there won't be enough money collected in the future to pay off all the benefits people have been promised.

Lately, Congress has liberalized benefits so rapidly that all the fat has been wrung out of the trust funds set up to provide reserves to help finance the system.

Ahead, two major problems threaten the system: inflation and the declining birth rate in the U.S.

The way Social Security now operates, benefits—and the taxes to finance them—will automatically rise with inflation and rising wages. The catch is that benefits will increase faster than taxes on wages to foot the bill. That 20-billion-dollar deficit forecast for 1990 will grow even bigger in later years. To compound the problem, the shrinking birth rate is knocking into a cocked hat all the long-range forecasts of how many people will be paying taxes and collecting benefits.

Now the experts, looking ahead, say that, relatively, more and more oldsters will be depending on fewer and fewer workers to finance retirement and other benefits.

Increasingly, the question is asked: How long will workers be willing to shoulder a growing tax burden to support the retired, disabled and their dependents and survivors?

The prospect is that future benefits may have to be scaled back—or income flowing into the Social Security funds boosted through higher taxes.

Either alternative would be politically painful, but the political facts of life make one thing clear: Social Security as an institution is here to stay.

HOW SOCIAL SECURITY HAS CHANGED

To understand how the system came to the fix it's in, consider how Social Security has changed—almost beyond recognition—over the years.

Social Security was created by law in 1935, and a special tax on payrolls was levied. Collections began in 1937 and the first pensions were delayed until 1940, permitting a reserve to be built up.

The starting tax was 2 per cent—1 per cent each on employer and worker—on the first $3,000 of income. The tax now has moved to 11.7 per cent—5.85 per cent each on employer and employe—on $13,200 of annual income.

Pressures of all kinds—social, economic, political—have escalated benefits to levels that were undreamed of in 1940, when 222,000 monthly checks went out from Washington—about half to workers who had retired at age 65.

Checks then were as little as $10 a month, $41.20 at most. Now monthly retirement checks range from a minimum of $93.50 to $305 a month for a man retiring at 65.

The original idea of Social Security was to provide very modest benefits, only for retirement, as a supplement to other resources.

For many, perhaps most, Social Security is still not the sole source of income for those in retirement. Yet millions do depend on Social Security alone as their main source of retirement income. And this idea has developed along the way: Social Security alone should provide for modest retirement, if not for retirement in comfort.

Not only that. The scope of Social Security has been expanded. Benefits have been voted for dependents and survivors, not just for workers themselves. The retirement age has been lowered to 62, with reduced benefits.

Now, workers who are totally and permanently disabled also collect pensions. A massive program of medical insurance—medicare—has been added.

All told, some 80 million workers are covered, including the self-employed, or about 90 per cent of the work force.

THE MYTH, THE REALITY

In one way or another, Social Security touches the life of nearly every living person. Yet misunderstandings persist. Myths have grown up.

One of these myths concerns the very nature of Social Security. The system has been "sold" as a kind of "social insurance."

The typical American seems to believe that his Social Security is much like his insurance policy: He pays his "premiums" and, finally, either he or his family reaps the rewards. His benefits, he believes, are related directly to the "premiums" he pays.

The fact is quite different. The Social Security system is little more than a transfer plan under which younger workers, through their taxes, pay for the benefits of those in retirement or disabled, or their survivors and dependents.

In a true insurance system, reserves are built up somewhere near the level of commitments. No such thing has occurred under Social Security. Look at what has happened to Social Security reserves.

In 1947, reserves on hand were enough to pay annual benefits at that time for 17 years and 6 months.

By 1965, assets on hand were only enough to finance benefits for one year and two months—the last year that the value of assets exceeded annual payments.

Now, today's reserves are sufficient to pay benefits for only nine months.

Thus, as a practical matter, Social Security is now on a pay-as-you-go basis.

Put simply, each generation of workers foots the bill for the old—a never-ending process.

In the willingness of workers—or the lack of it—lies the uncertainty.

HOW BIG THE GIANT

The sheer size of the system itself—and its growing impact on the economy—is a source of mounting concern.

This year alone, benefits totaling more than $68 billion will be paid to 30 million people, or 14 per cent of the total population.

Taxes of 69 billion dollars will be collected over the same span.

You get an idea of the vastness of Social Security by comparing it with the nation's total income or federal budget revenue.

In 1947, Social Security payments accounted for less than 1 per cent of the people's income. Today, benefits account for 6 per cent of all personal income.

In 1947, Social Security taxes accounted for less than 4 per cent of all the money collected by the Federal Government. Now the figure is up to 23.4 per cent—nearly one dollar out of every four of federal revenue dollars.

To run the system, the Social Security Administration employs some 73,000 workers at an administrative cost of 1.8 billion dollars a year. They are concentrated in Washington and Baltimore, the home office of Social Security, but also are scattered throughout the U.S.

Today, the system is far bigger than all the other parts of the Department of Health, Education and Welfare put together. There is even talk of splitting Social Security off as a separate department of the Federal Government.

PAYING FOR THE BENEFITS

A closer look at the way federal taxes are rising to pay for more and more benefits points up the growing unease among Social Security experts—those who are both in and out of Government.

At no time have benefits and taxes been rising so rapidly as in the period since 1968. Since then, Congress has boosted the typical benefit by 69 per cent, far more than the 43 per cent increase in the cost of living.

Higher Social Security benefits means higher taxes.

During these same six years, the maximum Social Security tax has more than doubled—from $343.20 to $772.20 assessed to both the worker and his employer. The maximum tax levied on the self-employed has risen from $499.20 to $1,042.80.

At these levels, taxes are pinching workers' pocketbook nerves severely. Middle-income wage earners have been hit hardest. For employers, taxes are a major cost of doing business.

For millions of Americans—unofficial estimates run as high as half of all taxpayers—Social Security taxes take a bigger bite out of income than federal income taxes. A married man with two children, for example, would under typical circumstances pay about $406 in federal income tax on an annual income of $7,000—and $409.50 for Social Security.

That is a major reason why more and more American workers are asking questions continuously about the concept of Social Security.

AND IN YEARS TO COME—

When the experts look ahead, their concern rises further.

Even if Congress doesn't pass another law on Social Security, benefits and taxes will rise to surprising levels in future years.

That's because the lawmakers, in 1972, decided to hitch benefits and taxes to inflation—providing for automatic boosts in benefits when the cost of living climbs, and automatic increases in the amount of wages taxed when benefits are increased.

In addition, increases in the tax rate are already built into the law.

Assume, as the Social Security Administration does, that inflation will gradually subside, then level off at 3 per cent in the late 1970s and thereafter. Assume, too, that wages rise at about 8 per cent in the next few years, then level off at 5 per cent late in this decade. In that case, this is what happens:

By 1980, the maximum monthly benefit for a man retiring at age 65 will rise to $493.70, from $305 in 1974. By the year 2000—when today's 40-year-olds are ready for retirement—the benefit would be as much as $1,376.50 a month, or more than $16,500 a year.

If the retired worker's wife, in the year 2000, also is 65, their combined annual pension would be nearly $25,000.

This point is made, too:

Much of the boost in pensions will be eroded by inflation that lifted them to such levels.

Taxes to foot the bills will go zooming, too.

It's only six years until 1980. By then, workers alone will be paying as much as $1,180 a year, with employers matching that figure.

By the year 2000:

A maximum tax of $3,386 a year will be imposed on both the worker and his employer.

Huge as such taxes seem, they won't be enough to pay for increased benefits.

Later in this century and in the next one, those lower birth dates, coupled with longer life expectancies, will complicate matters by increasing the ratio of benefit-collectors to taxpayers.

As recently as 1955, there were only 15 people collecting benefits for every 100 workers paying taxes. Today, 38 persons collect for 100 workers taxed. The beneficiary-to-worker ratio will rise gradually until the year 2000, then pick up speed.

By the year 2030, an estimated 66 million Americans will be on Social Security—or 58 people for every 100 workers.

In view of the deficits ahead and the prospect of a shrinking force of workers, some people are beginning to wonder about the safety of their pensions.

Short range, the experts see no serious problems. The crunch comes later.

The outlook is sized up in these words by the system's board of trustees in its recent annual report to Congress:

"After the next five to 10 years, a tax increase or constraints in the growth of benefits will be needed for each of the three programs"—for retirement, for disability and for hospital insurance.

Social Security authorities say there is no way to demonstrate statistically that people's pensions are safe.

Yet they are sure of this:

No one receiving benefits now, nor anyone looking toward retirement need have any fear for the safety of his pension. Says one authority:

"No Congress, now or in the future, would dare to abolish Social Security, or even reduce current benefits. If any Congress should try it, it would mean revolution."

But this is not to say, it's quickly added, that the system will go on just as it is.

Authorities are convinced, in fact, that some kind of change is bound to come.

WHAT'S THE REMEDY?

An Advisory Council on Social Security—representing the public, employers, workers and the self-employed—was recently named to study the system and make recommendations for change by next January 1.

Then, a major debate is expected to begin. Members of Congress will be coming up with their own ideas. What to do about Social Security could well be a major issue in the presidential campaign of 1976.

The experts say there is no pat solution, but they are beginning to think seriously of the possibilities, including:

1. An increase in taxes over and above those already in the works. Already, especially among younger workers, rumbles of discontent are being heard over present tax loads. There is concern that these rumbles will grow louder as the tax burden grows.

2. Scaling down benefits as they are projected to rise in the future. This is one idea that seems certain to be considered—slowing down the escalator so that taxes and benefits would not rise as rapidly as scheduled under present law.

3. Putting a flat ceiling on monthly benefits. For example, maximum benefits might be frozen by law at, say $700 a month beginning with some year far in the future, leaving some future Congress to deal with the problem.

4. Invading the Treasury's general-revenue fund. There is considerable pressure, particularly from "liberal" Democrats, for this approach.

Yet this point is made: Supplementing Social Security from general revenue would convert the system into an outright welfare program—something that nearly everyone up to now has tried to avoid.

Each Congress would be called upon to appropriate funds for Social Security, just as it does now for everything from farm price supports to aid to education and tanks and planes for national defense. The inevitable result of that would be competition among these and other programs for general tax funds—and possibly increases in taxes for everyone.

Each of the alternatives would be painful, each full of drawbacks. Still, whatever the final remedy, the search is getting under way—for the failure to reform Social Security, almost everyone agrees, could lead in the long run to disaster.

FOUR DECADES OF INCREDIBLE GROWTH

On Aug. 14, 1935, President Franklin Roosevelt signed into law the Social Security Act, setting up a federal system of old-age benefits for retired workers. It covered workers in commerce and industry and promised benefits to retired workers when they turned 65.

Since then the scope of coverage and type of benefits has mushroomed.

THE MAJOR CHANGES

1939: Social Security became a family plan, not just one for retired workers. Wives 65 and over were made eligible to collect retirement benefits. Benefits were added for dependents and survivors of covered workers—such as widowed mothers, children under 18 years of age, dependent parents 65 and over.

1950: Coverage was expanded to regularly employed farm and domestic workers and nonfarm self-employed except for professional people. Coverage also was made available on a voluntary basis to many State and local-government employes and workers in nonprofit corporations.

New benefits: Dependents' pensions for wives under 65 caring for an eligible child, for husbands of female retirees and for divorced mothers.

1954: Farm operators and self-employed professionals except for lawyers and doctors were added to the list of those covered, as well as ministers on a voluntary basis.

1956: Coverage was extended to military personnel, the balance of professional self-employed, with the exception of doctors, and to firemen and policemen on a voluntary basis.

As for benefits: New system of insurance for totally and permanently disabled workers after age 50. The age at which women workers, widows and wives of retired workers can collect benefits is reduced to 62—with reduced benefits.

1958: Benefits provided for dependents of disabled workers.

1960: Disability benefits available to workers of any age, not just over 50. Coverage was extended to Americans working in the U.S. for foreign governments or international organizations.

1961: Male workers became eligible for retirement benefits as early as age 62, with reduced benefits. So did dependent husbands, widowers and parents.

1965: New system of medicare enacted for people over 65 providing hospital insurance and, on a voluntary basis, insurance for other doctors' bills.

Coverage extended to self-employed doctors. Full-time students aged 18 to 21 became eligible for survivor or dependent benefits. People aged 72 or over who did not work long enough under Social Security to qualify became eligible for benefits anyway.

1972: Disabled workers under age 65 made eligible for medicare.

3 POINTS ABOUT THE PEOPLE WHO COLLECT SOCIAL SECURITY [1]

1. A rising share of all Americans

In 1947: Less than 2 million people collected benefits—or 1 in every 71 Americans.

In 1957: About 11 million people collected benefits—or 1 in every 15 Americans.

In 1967: Nearly 24 million people collected benefits—or 1 in every 8 Americans.

Now: 30 million people collect benefits—or 1 in every 7 Americans.

By 1990: More than 40 million will be collecting benefits—or 1 in every 6 Americans.

2. A shrinking ratio of workers to pay the bills

In 1955: 7 workers paid Social Security taxes for each person collecting benefits.

In 1960: 4 workers paid taxes for each person collecting benefits.

Now: 3 workers pay taxes for each person collecting benefits.

By early next century: Only 2 workers will be paying taxes for each person collecting benefits.

3. A look at the makeup of beneficiaries

Of the 30.1 million people now collecting benefits—

Barely more than half—15.9 million—are retired people. All but 1.6 million of the retirees are 65 years of age or older, the rest are 62 to 64.

About one fourth—7.5 million—are adult survivors or dependents of beneficiaries, the great bulk of these over age 65.

4.7 million are children collecting as dependents or survivors.

A shade over 2 million are disabled workers.

SOCIAL SECURITY TAXES AND BENEFITS—AND HOW THEY GROW [1]

Taxes

Maximum paid by workers (matched by employers):

1937–49	$30
1950	45
1951–53	54
1954	72
1955–56	84
1957–58	94.50
1959	120
1960–61	144
1962	150
1963–65	174
1966	277.20
1967	290.40
1968	343.20
1969–70	374.40
1971	405.60
1972	468
1973	631.80
1974	772.20

Maximum paid by self-employed persons:

1937–49	
1950	
1951–53	$81
1954	108
1955–56	126
1957–58	141.75
1959	180
1960–61	216
1962	225.60
1963–65	259.20
1966	405.90
1967	422.40
1968	499.20
1969–70	538.20
1971	585
1972	675
1973	864
1974	1,042.80

In years to come: The wage base on which Social Security taxes are levied, now $13,200, will automatically rise with inflation and average wages in U.S., under current law. Payroll-tax rate, now 5.85 per cent for workers and employes, is set to rise gradually over the years reaching 7.45 per cent by the year 2,011, and to 8.5 per cent for self-employed by 1986. Based on assumptions of moderating wage hikes, here are maximum taxes that might be levied in future:

1975	$824.85	$1,113.90
1980	1,179.75	1,579.50
1990	2,070.45	2,728.50
2000	3,386.25	4,462.50
2011	6,705.00	7,650.00

Note: Self-employed people were not covered until 1951.

Benefits

Maximum monthly benefit for a worker retiring at age 65—

1940	$41.20
1951	68.50
1953	85.00
1955	98.50
1959	116.00
1962	121.00
1966	132.70
1968	156.00
1970	189.80
1972	216.10
1973	266.10
1974	304.90

In Years To Come: Benefits will automatically rise with average consumer prices in the U.S., even if Congress votes no further boost in payments. Based on assumptions that inflation will gradually slow to 3 per cent by 1978, then hold level at that figure, here are maximum benefits that might be paid in future:

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[1] Source: U.S. Dept. of Health, Education, and Welfare.

[1] Source: U.S. Dept. of Health, Education and Welfare.

1975	$330.30
1980	493.70
1985	636.30
1990	810.50
1995	1,037.40
2000	1,376.50
2010	2,366.90
2025	5,114.10

Note: Inflation will erode much of the buying power of the increase in benefits.

PEACEFUL USES OF NUCLEAR ENERGY

Mr. GRIFFIN. Mr. President, yesterday the Senate adopted an amendment to the 1954 Atomic Energy Act which, if passed by the House of Representatives and signed by the President, will assure a greater role for Congress in formulating cooperative arrangements with other nations in the peaceful uses of nuclear energy.

This legislation and Senate insistence upon a larger congressional role evolved as the result of two recent events: The detonation of a nuclear explosive device on May 18 by India; and the announcements by President Nixon that the United States will begin negotiations looking toward cooperative arrangements for peaceful use of nuclear energy with Egypt and Israel.

The vote in the Senate, which was unanimous, clearly reflects that there is a serious concern in the Congress about the dangers of continued proliferation of plutonium and its possible use for nonpeaceful purposes.

Frankly, I am troubled about international arrangements now in effect for cooperation in this area with India. It is important that more adequate safeguards be required in the future to assure that nuclear assistance for peaceful purposes is not diverted to development of nuclear explosive devices.

On the other hand, I also recognize that real and substantial benefits can be gained from our continued cooperation with other nations in the peaceful uses of nuclear energy. What is needed, however, is a balanced, carefully considered, rational policy of international cooperation which permits peaceful uses but effectively guards against the use of nuclear materials and technology for nonpeaceful purposes.

THE INDIAN EXPLOSION

On May 18, India exploded a nuclear device which produced a yield of between 10 and 15 kilotons—that is to say, an explosion equal to between 10,000 and 15,000 tons of TNT. In order to obtain plutonium for the device. India irradiated its own uranium in its 40-megawatt Cirus research reactor which was built by Canada.

In 1956, when the Canadian-built reactor first began operation, the United States sold India four shipments, totaling over 20 short tons, of heavy water for use in the reactor. Subsequently India began producing its own heavy water, and direct U.S. involvement with the project ceased. Although this transaction predated by nearly a decade the establishment of the International Atomic Energy Agency—IAEA—and its safeguards system, an agreement entered into between the U.S. Atomic Energy Commission and the Government of India provided that:

> The heavy water sold hereunder shall be for use only . . . for peaceful purposes. Similarly, an agreement between Canada and India expressly stipulated that the Canadian-built reactor was to be used only for peaceful purposes.

India claims that it has not violated the terms of the agreement with Canada, arguing that the explosion was for "peaceful purposes." Instead of producing an atomic bomb, India asserts that it simply conducted "a peaceful nuclear explosition experiment." There are, however, no real differences between a nuclear bomb and a nuclear "device" intended for "peaceful purposes." Both the United States and Canada have made it clear to India that they do not interpret "peaceful purposes" to include development of any form of nuclear bomb or device. Thus far, India has only "taken note" of our positions.

In 1963 the United States began work on a 380 megawatt electrical nuclear power station at Tarapur, India—60 miles north of Bombay. An "Agreement of Cooperation," signed prior to the construction of that facility, provided what appeared at the time to be adequate assurances that the Tarapur reactors would not be used to produce bombs. For example, Article VI (a) provided:

> The parties to this agreement emphasize their common interest in assuring that any material, equipment, or device made available to the Government of India for use in the Tarapur Atomic Power Station, or in connection therewith, pursuant to this agreement shall be used solely for peaceful purposes . . .

Section (d) of the same Article further provided:

> In the event of noncompliance with the guarantees or with the provisions of this article, and the subsequent failure of the Government of India to fulfill such guarantees and provisions within a reasonable time, the Government of the United States of America shall have the right to suspend or terminate this agreement, and require the return of any equipment and devices transferred under this agreement and any special nuclear material safeguards pursuant to this article.

In further clarification, Article VII (a) stated in part:

> The Government of India guarantees that the safeguards in article VI shall be maintained and that:
>
> (1) No material, equipment, or device transferred to the Government of India or authorized persons under its jurisdiction pursuant to this agreement, by sale, lease or otherwise, will be used for atomic weapons or for research on or development of atomic weapons or for any other military purpose * * *.

In 1963 the International Atomic Energy Agency had been created, but at the time it had not developed a system of safeguards appropriate for the type of reactors under consideration. However, the Agreement of Cooperation—article VIII (a)—envisioned eventual negotiation of a trilateral agreement—between India, the United States and the IAEA—for application of IAEA safeguards to the Tarapur Atomic Power Station once appropriate safeguards were developed. Subsequently, on January 27, 1971, such a trilateral agreement went into effect, thus bringing the Tarapur reactors under IAEA safeguards.

According to part I, paragraph 18 of the IAEA Safeguards System:

> In the event of any non-compliance by a State with a *safeguard agreement,* the Agency may take the measures set forth in Articles XII.A.7 XII.C of the Statute [of the IAEA].

These articles provide in part:

> ARTICLE XII
>
> AGENCY SAFEGUARDS
>
> A. With respect to any Agency project, . . . the Agency shall have the following rights and responsibilities to the extent relevant to the project or arrangement:
>
> * * * * *
>
> 7. In the event of non-compliance and failure by the recipient State or States to take requested corrective steps within a reasonable time, to suspend or terminate assistance and withdraw any materials and equipment made available by the Agency or a member in furtherance of the project.
>
> * * * * *
>
> C. . . . The [IAEA] inspectors shall report any non-compliance to the Director General who shall thereupon transmit the report to the Board of Governors. The Board shall call upon the recipient State or States to remedy forthwith any non-compliance which it finds to have occurred. The Board shall report the non-compliance to all members and to the Security Council and General Assembly of the United Nations. In the event of failure of the recipient State or States to take fully corrective action within a reasonable time, the Board may . . . direct curtailment or suspension of assistance being provided by the Agency or by a member, and call for the return of materials and equipment made available to the recipient member or group of members. The Agency may also, in accordance with article XIX, suspend any non-complying member from the exercise of the privileges and rights of membership.

It seems to me that there are some obvious conclusions to be drawn from this information:

So long as India continues to play its semantical game of defining atomic bombs to be "peaceful devices," her promise to the United States and the IAEA to limit the use of American-provided nuclear materials to "peaceful purposes" is meaningless.

If India is allowed to misuse peacefully intended nuclear assistance to manufacture atomic bombs, it is difficult to believe that other nations which have received similar assistance will not follow suit.

While provisions of the existing IAEA Safeguard System appear adequate to detect a violation, it is necessary to take a new, close look at available enforcement procedures.

Certainly, a complete review of our nuclear assistance arrangements with India is in order. At a minimum, if India refuses now to provide meaningful assurances that no U.S.-provided nuclear materials will be used to construct explosive devices—regardless of how they are described by India—the United States should terminate all nuclear assistance to India and demand that materials we have provided be returned.

Second, there is the question of other forms of American aid to India. I am concerned by several recent press reports which indicate that:

In the past 5 years, India has spent no less than $173 million on atomic energy.

In the past dozen years, India's military spending has increased by more than 200 percent, consuming 30 percent of the national budget.

In the next 5 years, India is tentatively set to spend another $315 million on atomic energy.

India is currently planning to develop a three-stage rocket, which within 5 years could give India a nuclear-armed intermediate-range ballistic missile—IRBM.

About 175 million people in India live below a very low poverty line of $30 a year.

Over 70 percent of the population in India is illiterate.

Nearly 80 percent of the children in India are malnourished.

As I understand it, the United States currently provides about $50 million worth of food supplements for India's children under title II of Public Law 480. This is humanitarian assistance, and I have always supported it. In addition, it is anticipated that the United States will soon negotiate $75 million in agricultural loans—mostly fertilizer—for India.

Of course, India is a sovereign nation, and there is no suggestion of a challenge to that status. But India is determined to develop nuclear weapons, surely we have an obligation to reexamine our policies of assistance to, and cooperation with, India.

We have a clear international responsibility under the terms of the 1968 Nuclear Nonproliferation Treaty not to assist India in any way to develop atomic explosive devices.

Furthermore, we have a clear responsibility to the American people—to the American taxpayers—to allocate our own limited resources rationally. We can work with the Government and people of India in trying to alleviate as much of the suffering in that country as possible. But it makes no sense for the American people to send $125 million to India to fight starvation, if the Government of that country is going to allocate its resources to the development of atomic bombs. Why should we provide aid if it merely frees up Indian resources to develop nuclear weapons in violation of its pledges to the United States and to Canada.

The atomic explosion in India serves to point up a dangerous possibility of plutonium in other countries as well. Today there are about two dozen nations which could develop nuclear weapons within the next 10 years, if they so desire. They include Japan, West Germany, Argentina, Brazil, Pakistan, and South Korea. Thus far, none of these nations has signed the Nonproliferation Treaty. Obviously, the Indian explosion could increase the likelihood that one or more of these nations will move to develop "the bomb." As columnist Thomas O'Toole noted in the July 9, 1974 issue of the Washington Post:

> India set the example this year for the others. The heat is off. They can decide to go nuclear without the worry of worldwide reprimand.
>
> The superpowers were oddly mute in their criticism when India tested its bomb. They expected it. The next nation to get the bomb will probably get the same silent treatment.

Because of the Indian explosion, our efforts and the efforts of the international community over the past decade to limit proliferation of nuclear weapons are now in jeopardy. Pakistan, for example, is not likely to sit idly by if India is to continue with its development of nuclear explosives.

Other nations with potential to develop nuclear weapons are bound to be watching now to see how the United States reacts to the Indian explosion; the policies of other nations may well be influenced by our response. If India gains as a result of its irresponsible adventure, other nations will be encouraged to follow suit. It is essential that we bear that point in mind during the months ahead.

NUCLEAR AID TO THE MIDDLE EAST

On June 14 of this year, President Nixon announced that the United States will soon begin negotiating an agreement with Egypt "for cooperation in the field of nuclear energy under agreed safeguards." It was subsequently revealed that the cooperation under consideration would involve construction of a 600-megawatt nuclear power reactor in Egypt. Three days later, the President offered to negotiate construction of a nuclear power reactor in Israel.

It should be emphasized that there is nothing new about American cooperation with other nations in the peaceful uses of nuclear energy. Currently, the United States has 30 agreements with 29 countries for cooperation in nuclear research and/or power. Nuclear plants are now operating in no less than 15 countries, and additional plants are under construction in at least 10 other countries. Plants are on order by another dozen or so. Japan, for example, has expressed its intention to build 16 nuclear powerplants in the near future.

Furthermore, nuclear power is not a new idea in the Middle East. Egypt already has a 2-megawatt research reactor which was obtained in 1961 from the Soviet Union. Israel already has two reactors—a 5-megawatt American-built reactor which began operating in 1960—and is subject to full IAEA safeguards—and a 25-megawatt "Dimona" reactor provided by France.

In an article in the June 26 issue of the New York Times, C. L. Sulzberger wrote that:

> When President Nixon promised to sell nuclear fuel and power plants to Egypt and Israel . . . he was in part carrying out a policy originally conceived by ex-President Eisenhower and his former atomic energy chief (Lewis Strauss) in 1967.

According to Sulzberger:

> The later policy hoped to facilitate peace by developing the barren borderland between Egypt and Israel and . . . between Jordan and Israel. The recommended means of carrying this out was to establish three large nuclear plants in those areas, providing ample power for, among other things, mass desalting of water to irrigate the desert. . . . Not only new sources of power but vast quantities of fresh water would be made available to an area which could then prove capable of absorbing the entire population of unhappy Palestinian Arab refugees.

In conclusion, Mr. Sulzberger asserted:

> The Nixon-Kissinger appreach clearly seeks to create necessary political and human conditions for peace before constructing its economic basis; and this may prove to be sensible. Either way, the goal is the same: a durable settlement in the Middle East and (as the first Strauss draft suggested): "The beginning of a new life in the lands of the oldest civilizations."

Mr. President, I ask unanimous consent that the full text of Mr. Sulzberger's article, "Atoms for Peace in the Middle East," be printed in the RECORD at the conclusion of my remarks

Although the recent discussions with Egypt concerning possible new American nuclear assistance did not begin until April 29 of this year, considerable research looking toward such a development had already been done. For example, in September of last year the International Atomic Energy Agency released a Market Survey for Nuclear Power in Developing Countries on Egypt. After a thorough consideration of such factors as population growth, energy consumption, and various nonnuclear sources of electrical energy, the report examined various alternative expansion plans and concluded:

> The alternative expansion plan selected requires a 600 MW unit [i.e., nuclear power reactor] be added in 1980.

This was determined to be "the near-optimum expansion plan" for meeting Egypt's energy needs of the 1980's, and is precisely the type and size unit currently under negotiation. I mention this to alleviate any suspicion that the proposed new agreement was hastily conceived for strictly political reasons. The development, in fact, is consistent with the recommendations already made by the International Atomic Energy Agency of the United Nations.

There are several important reasons for the United States to move now toward peaceful nuclear cooperation, under adequate international and bilateral safeguards, with key countries in the Middle East. First, such a move should be viewed in the context of a major effort being made by the United States to strengthen relationships with the countries in that area. The success of that effort can clearly be enhanced by cooperation in the economic sphere. In his June 17 press conference, Secretary Kissinger observed:

> This reactor will take from six to eight years to build and in that period will, of course, provide an incentive to concentrate on, among others, economic development rather than on military purposes—a period of time within which we believe that the turn towards peace in the Middle East can be finally accomplished.

Furthermore, it would be unrealistic not to recognize that countries in the

Middle East are going to have nuclear power generating plants, whether or not the United States plays a role. That point was underscored on June 27 when the Government of Iran signed a $4 billion development agreement with France, providing in part for construction in Iran of five 1,000 megawatt nuclear reactors. France is not a member of the International Atomic Energy Agency, and does not normally insist upon strict safeguards in connection with nuclear assistance agreements. There was no public mention of safeguards when the agreement was announced. Fortunately, in the case of Iran there are implied safeguards because Iran has signed and ratified the Nuclear Nonproliferation Treaty of 1968, which requires compliance with IAEA safeguard guarantees. However, Israel has neither signed nor ratified the Treaty. Egypt has signed the treaty but has yet to ratify it.

Since the danger that nuclear materials may be diverted to military uses is especially real in the Middle East, and since neither France nor Russia requires IAEA safeguards, it seems particularly important and desirable that reactors to be built in the Middle East be obtained through cooperation with the United States under meaningful safeguards.

The validity of that reasoning was recognized recently by an editorial statement of the Washington Post, a publication not known for its support of the Nixon administration. Noting that some will try to block any nuclear assistance to Egypt, the editorial said: "We think that would be extraordinarily shortsighted." The Post reasoned:

> Politically, to pull out of the Egyptian nuclear project would be to repeat John Foster Dulles' error of retracting support for the Aswan Dam: in reaction, Nasser nationalized the Suez Canal (which led to Suez War) and went to Moscow for his Aswan Dam. In fact, nothing better serves Israel's security than for Egypt to absorb itself in economic development, with the United States closely watching.

I ask unanimous consent that the editorial from the June 18, 1974 issue of the Washington Post, entitled "Mr. Nixon and the Mideast," may also be printed in the RECORD at the end of my remarks.

CONCLUSION

Accordingly, against the background of these developments and taking into account the limited options available, I believe the move made by President Nixon to negotiate toward nuclear cooperation with Israel and Egypt deserves support. However, I also believe that the action taken by the Senate on yesterday, requiring closer scrutiny of such arrangements with the expectation that meaningful safeguards will be required, also represented a step that serves our national interest as well as the interest of world peace.

There being no objection, the following articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 26, 1974]

ATOMS FOR PEACE IN THE MIDDLE EAST

(By C. L. Sulzberger)

WASHINGTON.—When President Nixon promised to sell nuclear fuel and power plants to Egypt and Israel—the outstanding commitment of his Middle Eastern trip—he was in part carrying out a policy originally conceived by ex-President Eisenhower and his former atomic energy chief in 1967, during the Lyndon Johnson Administration.

The latter policy hoped to facilitate peace by developing the barren borderland between Egypt and Israel and (in the extreme south) between Jordan and Israel. The recommended means of carrying this out was to establish three large nuclear plants in those areas, providing ample power for, among other things, mass desalting of water to irrigate the desert.

The original blueprint was drawn up by Adm. Lewis Strauss right after the June 1967 (Six-Day) war in which Israel defeated its Arab neighbors. Admiral Strauss, who had been Eisenhower's A.E.C. chairman, sent a memorandum on June 23 to the former President at his Gettysburg, Pa., home.

Eisenhower immediately sensed the plan's peace-making possibilities. He drew it to the attention of President Llewellyn Thompson, who had been assigned to brief him on Johnson's colloquy with Soviet Premier Kosygin at Glassboro, N.J. He suggested Johnson raise the subject with Kosygin. There is no sign this was done.

The logic developed by Eisenhower from the Strauss draft was that both Arabs and Israelis would gain something tangible from the proposal, thus removing fundamental causes of tension. Not only new sources of power but vast quantities of fresh water would be made available to an area which could then prove capable of absorbing the entire population of unhappy Palestinian Arab refugees.

Recalling the peacemaking mission of 1955, when he had sent Eric Johnston to the Middle East on a voyage of diplomatic exploration, Eisenhower said to me (July 10, 1967): "This makes the Johnston plan look like a flea against a dog."

As Eisenhower thought, the United States should take the lead in facing the "real issues" of the region: shortage of water and the question of refugees. Two or three large nuclear plants were required with the idea of generating between 750 million and a billion gallons of sweet water daily. He added:

"The bigger the plant, the more economic the operation. This water would cost more than the price of New York City water but it is cheap for a country that doesn't have water at all. And Syria, Jordan, Israel and Egypt would all profit so much from such a plan that the people couldn't permit their government to refuse participation."

Unfortunately, that chance was never officially presented. As far as I have been able to ascertain, President Johnson let the idea drop. Although the Eisenhower-Strauss project envisioned two nuclear plants on the Mediterranean (in the area contiguous to both Israel and Egypt) and a third at the head of Aqaba Gulf (contiguous to Israel and Jordan) nothing ever materialized.

The project conceived of joint U.S. and private financing of a chartered corporation to initiate the program even prior to formalized frontier accords between the states involved. It would have provided the area with perhaps two and a half times the water of the whole Jordan River system and its creation could have absorbed the idle labor reservoir of Arab refugees. Unfortunately, this imaginative approach failed to galvanize State Department or White House thinking in 1967.

The Nixon-Kissinger policy that has been broadly depicted by the President (who, after all, was Eisenhower's Number Two) will serve as a viable if delayed substitute to the stillborn original. It contains some of the same essentials—aimed at helping and also pacifying both Arabs and Israelis and at creating the human and economic climate for peace.

No commitment seems to have been made on the Jordanian-Israeli area of Aqaba. Nor can one yet formally link the two halves of the program—Arab and Israeli—or analyze financing problems and economic implications. Yet nuclear power for desalting water was specifically discussed in Israel by President Nixon and more generally reviewed with President Sadat in Egypt.

The Nixon-Kissinger approach clearly seeks to create necessary political and human conditions for peace before constructing its economic basis; and this may prove to be sensible. Either way, the goal is the same: a durable settlement in the Middle East and (as the first Strauss draft suggested): "The beginning of a new life in the lands of the oldest civilizations."

[From the Washington Post, June 18, 1974]

MR. NIXON AND THE MIDEAST

By his Mideast swing President Nixon put the United States firmly in a position—for the first time in a generation—to pursue good relations with Arabs as well as Israelis and to promote accommodation between them. One can argue whether the United States had and missed earlier opportunities to follow this policy. Much less arguable is the proposition that this is a responsible policy, consistent with broad American interests and with American values too. Many hazards remain. But Mr. Nixon deserves general respect for making the change. He and Dr. Kissinger perceived that the Arabs, by their war effort of last fall, had gone a long way to liberate themselves from old myths and were now prepared to countenance a new approach by the United States. If it was Dr. Kissinger's diplomatic skill which consummated this American opening, it was on Mr. Nixon's political authority that he did so. The President's visit has added an extra and useful level of commitment to the new American policy.

There is a nice symbolism to the fact that Mr. Nixon visited Israel in between his visits to Arab states. Israel sits between Arab states, and the United States has solid reason to be on good terms with them all. For many years it appeared that Washington had to choose between Israeli and Arab friendship. To the extent that the region inches towards settlement, that choice now appears obsolete, if not false. The United States is "rapidly moving into an era of close cooperation and interdependence" with the Arabs, Mr. Nixon now correctly says. Yet he could also reaffirm the United States' traditional friendship with Israel—and sweeten his dealings with Arabs by making the same nuclear offer to Israel as to Egypt, and by making to Israel an unprecedented pledge of substantial and continuing military and economic aid. Surely Congress, which must approve all these offers, will agree that the United States should try to stay on both tracks.

The issue of the nuclear reactors makes the point precisely. Mr. Nixon announced he would supply reactors and fuel to both Egypt and Israel. The economic fruits of nuclear power, though exciting, are uncertain and lie a decade ahead. The political effects are immediate and real. Israelis, ever anxious about their security, at once wondered if Egypt would someday cheat and build a bomb; some Israelis and some Americans would therefore block the nuclear plan. We think that would be extraordinarily shortsighted. Worries about military diversion are legitimate but the way to address them is for the administration to tell Congress fully and publicly how the "safeguards," American and international, are to work. Politically, to pull out of the Egyptian nuclear project would be to repeat John Foster Dulles' error of retracting support for the Aswan Dam: in reaction, Nasser nationalized the Suez Canal (which led to the Suez War) and went to Moscow for his Aswan Dam. In fact, nothing better serves Israel's security than for Egypt to absorb itself in economic development, with the United States closely watching Israel after all, has had its own nuclear reactor, with no foreign "safeguards," for nearly two decades.

The President contributed to a better atmosphere in the Mideast. He did not, of course, resolve the region's great problems. He leaves; they stay. Along his parade route in Damascus, for instance, were posters of the Palestinians who did the murdering at Maalot. The Israelis remain acutely apprehensive, the Arabs equally volatile: fear and emotion have produced war too many times before in the Mideast. The Russians, moreover, may be licking their political wounds, waiting to reassert their fallen influence by, say, egging on extremists of one sort or another. For all of these risks, nonetheless, we think that a relative and cautious optimism is warranted. Mr. Nixon, who carried off his Mideast trip with a sure and purposeful hand, deserves appropriate credit.

NORTH CAROLINA—THE VEIL OF HUMILITY

Mr. ERVIN. Mr. President, Archie K. Davis, one of North Carolina's finest citizens, has written an article entitled "The Veil of Humility" which sets forth many historical facts concerning North Carolina. I ask unanimous consent that a copy of this article be printed in the Record.

There being no objection, the article was ordered printed as follows:

The Veil of Humility

(By Archie K. Davis)

Strange as it may seem, coming from a banker, my subject this evening is humility. This should come as no surprise, however, since I wish to speak about our beloved state of North Carolina. To enjoy the dignity of this forum is a rare privilege indeed, and I am highly honored to have this opportunity of appearing before the seventy-third annual meeting of the North Carolina Literary and Historical Association, an organization which has done so much to emphasize and sustain the cultural heritage of our people.

That we in North Carolina should be the beneficiaries of your inspiration and leadership is but natural; for it so happens we are citizens of a great and good state, a state not unaccustomed to leadership and progress in many fields of social and economic endeavor.

As a lay student of history I have long been intrigued by the average North Carolinian's self-proclaimed spirit of humility. From whence came this penchant for prostration it is difficult to say. Most assuredly, down through the years we seem to have wandered through the wilderness of comparative history until we finally settled in the valley or "*vale* of humility between two mountains of conceit." But I believe this coinage of history to be patiently contrived, as it simply does not ring true. More appropriately, in fact, it might be inferred that we have hidden behind the *veil* of humility. To what end I know not unless for the psychological advantage of disarming our neighbors by feigning frustration and all the while quietly but effectively building a great state.

In this contemporary, materialistic society in which North Carolina finds herself, is it not an incontestable fact that we stand preeminent in a wide variety of accomplishments? For a people who consume more of their own corn and cattle, cut more of their own wood for fuel and fiber, and grow more sweet potatoes than any other state, we simply cannot justifiably deny our capability for creative energy and downright hard work.

How else can one explain the fact that today North Carolina ranks first among the fifty states in the production of tobacco and tobacco products, first in the production of quality furniture, and first in the production of a wide variety of textile products. Among the eight southeastern states, although ranking second in population, North Carolina leads by far in the number of manufacturing employees, in the value of manufactured output, and in capital expenditures for new plant and equipment. While excelling in manufacture we have not neglected agriculture, so vital to a balanced economy; for again North Carolina far exceeds her sister states of the Southeast in the total value of farm output. Turning to international trade which holds such great promise for the future, North Carolina, not uncharacteristically, ranks first in the value of both manufactured and agricultural exports, amounting to $1,350 million or about 25 percent of total southeastern exports in 1972.

So, this Carolinian concern for humility is bound to be a product of the past, and justifiably so; for there is no question but that the contentious attitude of certain of our sister states forced us, time and again, to labor in despair, if not to assume the role of the meek and lowly. But one can "suffer the slings and arrows of outrageous fortune" only so long before counteraction becomes a necessity. And the authority for this is to be found in the report of your fifth annual meeting held in Raleigh on October 18, 1904. The news account in the *Charlotte Daily Observer* the following day carried this revealing headline:

REPLY TO JUDGE CHRISTIAN: NORTH STATE'S WAR RECORD

Committee appointed by the State Historical and Literary Society Presents Its Report—The Challenge of the Virginia Veterans Met with Facts and Figures. . .

The committee report was made by Judge Walter Clark and was in reply to the challenge of Judge George L. Christian of the United Confederate Veterans of Virginia in which he attempted to refute the proud claim that North Carolina was "First at Bethel, farthest to the front at Gettysburg and Chickamauga, last at Appomattox." The report was based upon eyewitness accounts of such outstanding veterans as Major E. J. Hale, Judge W. A. Montgomery, Captain W. R. Bond, Judge A. C. Avery, Senator Henry A. London, and Captain S. A. Ashe. The evidence was irrefutable and, in my judgment, marked the day that North Carolina's veil of humility was cast aside forever. She was ready to stand up and be counted. No longer would she yield to the alleged superiority of others, particularly to the commonwealth of Virginia whose penchant for priority and primacy in all matters historic had been carefully nurtured since the founding of Jamestown on April 26, 1607. To this day Virginia has not forgiven Queen Elizabeth and Sir Walter Raleigh for having established the first English settlement in the Western Hemisphere on North Carolina soil, and she still questions our claim to the first child of English parentage by smugly inquiring why we named her Virginia.

Beginning about 1750, when Governor Robert Dinwiddie secured the services of Christopher Gist of North Carolina to lead young George Washington into the Ohio Territory—and later when Daniel Boone, moving out from his home on Bear Creek in Northwest North Carolina, pioneered what we now know as Tennessee and Kentucky—the commonwealth has unrelentingly persisted in her determination to assert prior claim to almost every important person, place, and event in American history. So, after Boone's early exploits, it was to be expected that Virginia would move swiftly to establish George Rogers Clark as the "Defender of Kentucky" and "Conqueror of the Northwest." To make assurance doubly sure, Meriwether Lewis and Will Clark, both of Albermarle County, Virginia, were quickly dispatched on their famous expedition to the great Pacific Northwest in 1804–1806. Years and years later the temptation could not be resisted to erect a historic marker at what is now Sioux City, Iowa, declaring that Sergeant Floyd was the first white man to die and be buried west of the Mississippi River. He was, of course, a member of the Lewis and Clark Expedition and, above all else, a Virginian.

Had it not been for the commonwealth I doubt seriously there would have been a Southwest or a Texas as we know those areas today. It was President Thomas Jefferson of Virginia who negotiated the Louisiana Purchase. It was Stephen F. Austin, of Carroll County, Virginia, who came to be known as the "Father of Texas," and it was Sam Houston, of Rockbridge County, Virginia, who ensured the presence of the mighty state of Texas among us by defeating the Mexicans at the Battle of San Jacinto in 1836. He was, incidentally, the first president of the Republic of Texas.

And, while on the subject of presidents, it would be an unforgivable oversight if I neglected to mention that in the first thirty-six years of our republic there were only four years in which a Virginian was not serving as president of the United States. Why John Adams and his son, John Quincy, were permitted to break the continuity of the Virginia dynasty is still a mystery. It is not a mystery, however, that Virginia's monopoly was finally terminated in 1828 when the Carolinian and commoner, Andrew Jackson, was elected president. I use the word Carolinian advisedly for there appears to be some question as to whether he was a North or South Carolinian. To me, there is no question. He was born in the Waxhaw settlement of North Carolina. If that area is no longer within our border, then South Carolina is indeed guilty of a serious intrusion upon our territorial integrity.

As we all know, North Carolina has produced three great presidents: Andrew Jackson, James K. Polk, and Andrew Johnson. But in each instance we have been subjected to the predatory claims of others. South Carolina claims one, and Tennessee claims all three. What Tennessee apparently doesn't acknowledge too readily is that she got her start as the western territory of North Carolina in 1663 and only reluctantly became the Volunteer State in 1791. North Carolina's three future presidents, in effect, tarried only temporarily in Tennessee while on their way to the White House.

The word *predatory* perhaps best exemplifies the attitude of our sister states. In establishing our own claims to greatness we in North Carolina have never enjoyed the role of adversary. Only when pressed do we customarily respond. While historians dispute whether there was a Mecklenburg Declaration of Independence on May 20, 1775, they are unanimous in agreeing that the Mecklenburg Resolves were adopted eleven days later, declaring that "the Provincial Congress of each Province under the direction of the great Continental Congress is invested with all legislative and executive powers within their respective Provinces and that no other legislative or executive power does or can exist at this time in any of these colonies." In calling attention to early action by North Carolinians, we do not deprecate the majesty of Thomas Jefferson's Declaration of Independence of July 4, 1776. The fact that we beat Virginia to the draw was merely a matter of timing.

Well, Jefferson never forgave us for claiming this chronological advantage. He waited until July 9, 1819, in a letter to his friend John Adams, to brand the Mecklenburg claims as "spurious." Not until 1831 did our state legislature reply. Both our legislators and Mr. Jefferson could have been spared this belated confrontation had they referred to the Bagge manuscript in the Moravian Records of 1775. For there, specific reference to the Mecklenburg action is to be found, and on July 7, 1775 the visit of Captain Jack to Salem on his return from Philadelphia is faithfully reported.

In this same vein, Virginia's aggressive attitude following the American Civil War has occasioned untold misery for countless historians in their effort to distinguish fact from fiction. That the South lost the war has never been at issue, but to hear Virginia's version one must conclude that she, having claimed such a high degree of participating leadership, must bear some blame for losing it.

Just turn the pages of American history with me, if you will, to July 3, 1863, the third and final day at Gettysburg, the day of Longstreet's assault and repulse, with James Johnston Pettigrew of North Carolina in command of the left flank and George Edward Pickett of Virginia in command of the right. The assault was aimed at Hancock's left, resting on the crest of Cemetery Ridge immediately behind the upper rock wall and eighty paces beyond the lower wall that ran parallel to it. The connecting wall between the two formed what came to be known as the "angle," and it was in this general area that the "high water mark" of the Confederacy was reached on the afternoon of July 3. It was here that the immortal General Lewis A. Armistead of Virginia penetrated the lower wall and literally died at the mouth of a cannon forty paces beyond.

It was this heroic effort that led Virginia to claim almost immediately that her troops went farthest up Cemetery Ridge. In fact, the third day at Gettysburg quickly came to be known as "Pickett's Charge," with little or no credit to the name of James Johnston Pettigrew, whose troops, moving to the left of the "Angle," had fought their way to the very crest of Cemetery Ridge. With over 50,000 casualties on both sides during the three-day Battle of Gettysburg, there should have been ample glory for all, but Virginia, bless her, would simply not admit that North Carolina troops had advanced almost forty paces beyond the point where Armistead fell. North Carolinians bore this slight with characteristic equanimity, but, with some, the dispute quietly simmered for years until, finally, your association could stand it no longer.

At a meeting in Raleigh on November 12, 1903, the Literary and Historical Association adopted a resolution calling for the creation of a committee to investigate and report upon the accuracy of North Carolina's Civil War claims. This report was submitted one year later and should have dispelled forever any doubt as to the magnitude and excellence of North Carolina's contribution to the Confederacy. The report of Judge W. A. Montgomery and Captain W. B. Bond, dealing specifically with the third day at Gettysburg, proved beyond question that Pettigrew and his men went farthest to the front. But even then the dispute would not die. It surfaced again in 1913 upon the occasion of the fiftieth anniversary of Gettysburg.

After reading Captain Bond's account many years ago, I became deeply interested in the subject. There was never any doubt in my mind as to the correctness of his position. But even had there been, it was later put to rest by discovering that Lewis A. Armistead was actually born in New Bern; and, therefore, if indeed Armistead had gone farthest to the front at Gettysburg, it had to be a North Carolinian—not a Virginian! But if our friends in Virginia could not accept this evidence, then I would be forced to point out that the Union leader in command of Hancock's left flank, which bore the brunt of the assault, was none other than General John Gibbon of Mecklenburg County, North Carolina.

It must have been Gibbon's understanding of history, coupled with the generosity of spirit so common to North Carolinians, that prompted him to yield just enough ground, on that memorable third day, to satisfy the innate and almost insatiable yearning for historic eminence so common to Virginians.

Well, I can categorically report to the association that the battle of claims, which you so appropriately joined sixty-nine years ago, is now officially over. It was resolved within very recent times, and you won. No less an impartial authority than the Department of the Interior of the United States of America (the Union side, remember) settled the matter by erecting a marker at the upper wall on Cemetery Ridge which bears the caption "Pettigrew's Charge," with arrows clearly placing Pettigrew at the upper wall and Pickett forty paces behind. The work is done in brass lest, I presume, it be disfigured under cover of darkness by some overwrought claimants from the commonwealth.

But I enjoin the members of the association to accept this disclosure, not with elation, but with calm satisfaction in the knowledge that right does inevitably triumph. In the words of Colonel J. Bryan Grimes, "We would disdain to pluck one laurel from Virginia's brow—we love her still—but we say calmly to our beloved sister that she must pause and give us justice. We are worthy of our appropriate motto *Esse quam videri.*"

Although I wish to join the colonel in his calm but firm call for justice, I must say for the record, however, that North Carolina does not always insist upon primacy. In serving the cause of *The Lost Cause*, for instance, we readily admit:

That North Carolina troops were the last to lay down arms at Appomattox.

That the last major surrender of Confederate troops occurred on North Carolina soil at the Bennett House just outside of Durham on April 26, 1865.

That the last victory of Confederate arms was at Waynesville, North Carolina, on May 10, 1865, when the Indian legion, under the command of Colonel Will Thomas, surrounded and forced the surrender of Stoneman's raiders.

That the last Confederate general to surrender was General Stand Watie at Doaksville, Oklahoma, the old Choctaw capital, on June 23, 1865. His mother was Susannah Reese, a Moravian and a descendant of a well-known North Carolina family.

That the last major port to close was Wilmington, North Carolina, after the fall of Fort Fisher on January 15, 1865. For forty-eight hours Fort Fisher had withstood the heaviest bombardment in naval history up to that time. Fifty-three Union vessels, mounting 600 guns and firing at an average rate of over 1,000 shells per hour, were unable to force surrender of the defending garrison until 10,000 troops stormed the fort from the beach and flank.

And finally, that the last Confederate naval vessel to surrender was under the command of Captain James I. Waddell of Pittsboro, North Carolina. It was not until August, 1865, that he learned of the Confederacy's demise. And it was not until early November that he and his crew steamed into Liverpool, surrendered their vessel and walked off free men. It is with utter chagrin that I confess the name of the vessel. It was the *Shenandoah!*

If I have offended the historic sensitivities of any Virginians who may be among us this evening, I beg their forgiveness. I must confess, however, that it has been a joy and delight to brush away the dust of time and reopen this little vendetta with our sister state. In fact, I accepted this assignment with the thought that I might fire a few friendly broadsides north of the 36°30″ parallel and, at the same time, remind my fellow North Carolinians of the remarkable state in which we are privileged to live.

It is in the general context of both the past and the present that I wish to pursue further this matter of provincial pride and responsibility. For I profoundly believe that the future of these United States depends upon the measure of understanding and devotion that each of us, in word and deed, gives to the place of our birth and well-being.

The effective coordination of widely scattered peoples, with widely different environments, from widely different backgrounds, has been the genius of America. If time and circumstance were to erase these differences in motivation, culture, and outlook; if our federated system of state or provincial governments were ultimately to give way to nationalized uniformity in everything but name; then I say to you we will have lost our birthright. Without belaboring the point, there is every indication we are moving in that direction.

Unquestionably, there has been a substantial erosion of local autonomy. No facet of our lives has been left untouched. Whether civil, social, or economic, the depth of federal penetration is matched only by its breadth. While much can be attributed to justifiable circumstances involving national interest, honesty compels us to recognize that much can also be attributed to dereliction of responsibility at the local level. We the people, supposedly the champions of so-called states' rights, have not been true and loyal defenders.

We have overlooked the key to our constitutional heritage, namely, a government of balance that can only be preserved through the exercise of enlightened and responsible citizenship. The blame lies with us, not with our representatives in government, because their actions are largely expressive of the will of the people, or the lack of it.

And that is precisely why an understanding of state and local history can be so meaningful in terms of individual motivation and responsibility The history of every state, in every region—the East, the Southeast, the Midwest, the Southwest, the Far West—has its priceless record of sacrificial courage and constructive endeavor. Obviously, we are the modern recipients of all that has gone on before. What we are today is in almost exact proportion to who they were and what they did in the yesterdays of our past. Now if we can look back with understanding and pride, certainly we have every reason to look forward with a deep sense of obligation. No North Carolinian can fairly argue this premise; for no citizen of any state has more reason to honor his past, by daily discharging his duty to the present, than does one born and bred in this fair land.

The Old North State means many things to many people. It is a long sweep of territory from Murphy to Manteo, from the Great Smokies to the Blue Ridge, down to the Piedmont and on to the East, to the Coastal Plain country and, finally, to the Tidewater. Each section—its people, its traditions, its economy, its politics—has been strongly influenced by its physical environment; and each has made a distinctive contribution to the overall development of our great state. It has also been a long sweep of time since 1663, the year of our provincial birth, and the vicissitudes of fortune have been many and great. But there have been certain relatively unbroken threads of consistency running through our history which have, in my judgment, set North Carolina apart as something very special to contemplate and revere.

We may not have had our Washingtons, Jeffersons, and Franklins, but our people did place Governor William Tryon under house arrest in 1766, seven years before our friends in Massachusetts ever thought of the Boston

Tea Party. North Carolina did enact the Halifax Resolves on April 12, 1776, but was next to last, followed only by Rhode Island, to adopt the Constitution in 1789. North Carolina was also next to last, followed only by Tennessee, to withdraw from the Union in 1861. Unhappily, therefore, we were too late getting into the Union to vote for our first president, George Washington, and too late getting out to vote for Jefferson Davis, the first and only president of the Confederacy. There were, naturally, divided loyalties in the Revolutionary and Civil War periods, but the actions of our people, as expressed through their elected representatives, bespoke a popular will deeply concerned with an appropriate balance between the rights of individuals and their collective responsibilties to government.

There is a consistency here, in my judgment, that has characterized North Carolina for generations. This desire to avoid extremes, to seek a middle ground wherever possible and to act generally with prudence is, I believe, the reason why we have always been considered a land of moderation. We are the only state in the nation that still refuses to grant veto authority to the governor. We are one of the few states that does not permit the governor to succeed himself, and perhaps the only state that gives to the General Assembly veto power over the rule-making authority of the state supreme court. Here, again, is a consistency of principle unique to North Carolina. It goes back to colonial times. Our people are still sensitive to the possible abuse of executive and judicial privilege, and therefore wish to endow only their duly elected representatives with supreme authority over their lives and property.

At least, that is the way I read North Carolina history, and that, of course, is the beauty of being a lay student of history. Not burdened by professional responsibility, I can exercise a certain license not given the academician. Since history, at best, derives from human interpretation of human thought and action, it lends itself to something less than completely dispassionate discourse. By momentarily lifting the veil of humility it may be that I shall exploit this freedom, but a deep sense of pride in our past does suggest to me that we concentrate on those past achievements, and even failures, that give meaning to the present and guidance to the future.

Within these broad limitations I shall make certain assertions, lift out of context, expand, and condense as it may suit my purpose—my purpose being to emphasize that North Carolina is a great state on the move, not without problems but with a record of past performance that augurs well for the future. It all started, I believe, in 1835. That was the year the Constitution of 1776 was amended. The western part of North Carolina had long suffered from the political domination and neglect of the East. With inadequate means of transportation and little trade, the economic development of the Piedmont had been painfully slow. In fact, for all of North Carolina the period between 1815 and 1835 has been characterized as the Rip Van Winkle era, for growth of any kind was negligible. The state lay dormant, the Eastern leadership was satisfied with the status quo. The West was frustrated and restless. Only immense popular pressure from the Piedmont and the West finally forced summoning of the Constitutional Convention that led to reform and more representative state government.

NORTH CAROLINA

AREA

[Thousands of acres]

Area	Acres
Land	31,267.9
Water	2,467.8
Total	33,735.7
Major categories of land:[1]	
Forestry (1964)	20,027.3
Cropland and pastures (1971)	7,815.8
Recreation (1971)	2,179.3

[1] Categories overlap.

HIGHWAY MILEAGE (JANUARY, 1972)

Type	Miles
Primary:	
Rural	11,767.19
Municipal	1,547.88
Secondary:	
Rural	58,964.70
Municipal	2,088.68

POPULATION

Year	Total population	Migration (percent)	Natural increase (percent)
1950[1]	4,061,929		
1960[1]	4,556,155	−8.1	20.2
1965[2]	4,822,568	−2.01	7.86
1970[1]	5,082,059	−1.01	6.39

[1] April 1.
[2] July 1.

PER CAPITA INCOME

Year	Amount
1958	$1,420
1962	1,732
1966	2,277
1970	3,208

VOTERS' REGISTRATION (APRIL 1972)

Party	Number
Democrat	1,642,603
Republican	481,877
Other	75,456
Total	2,199,936

AGRICULTURE

Year	Acres of harvested and idle cropland	Farm population (Jan. 1)	Estimated farm income
1960	6,571,330	1,268,162	NA
1961	6,538,559	1,178,473	$1,188,047,064
1962	6,356,736	1,107,051	1,274,195,414
1963	6,276,872	1,040,512	1,317,087,587
1964	6,217,682	1,010,696	1,386,376,146
1965	6,203,137	963,878	1,388,513,573
1966	6,286,095	930,717	1,481,498,195
1967	6,317,589	935,594	1,510,780,586
1968	6,109,411	918,368	1,471,791,154
1969	6,007,789	878,472	1,712,781,656
1970	6,093,174	841,550	1,743,405,095
1971	5,981,789	809,134	1,674,014,336

EDUCATION—ENROLLMENT

School years	Public schools	Community colleges (fall)	Higher education undergradation (fall)	
			Public	Private
1960–61	1,123,829	NA	NA	NA
1961–62	1,141,641	NA	NA	NA
1962–63	1,162,171	NA	NA	NA
1963–64	1,186,243	NA	NA	NA
1964–65	1,201,139	NA	NA	NA
1965–66	1,204,351	NA	NA	NA
1966–67	1,208,112	NA	43,520	24,324
1967–68	1,218,188	67,683	46,570	24,337
1968–69	1,220,636	93,169	49,145	24,208
1969–70	1,217,024	117,562	52,464	22,793
1970–71	1,208,021	144,828	57,408	22,753
1901–72	1,197,797	150,552	61,721	24,095

MOTOR VEHICLES

Year	Auto and truck registrations	Accidents	Persons injured	Fatalities
1960	1,704,203	59,734	26,953	1,226
1961	1,771,913	60,844	34,438	1,258
1962	1,838,693	65,338	37,404	1,325
1963	1,922,792	72,810	42,666	1,386
1964	2,011,682	82,070	49,128	1,584
1965	2,136,003	86,839	50,051	1,635
1966	2,286,369	97,301	52,119	1,724
1967	2,402,363	101,615	54,433	1,751
1968	2,534,166	109,383	55,133	1,863
1969	2,635,751	120,493	58,610	1,805
1970	2,742,673	124,784	58,622	1,763
1971	2,915,037	132,986	61,370	1,835

EMPLOYMENT—LABOR FORCE

	Total employment	Manufacturing	Nonmanufacturing	Public administration	Agricultural	Other	Rate of unemployment (percent)	Average wkly. earnings per worker	High school graduates entering labor force (percent)
1963	1,795,000	541,100	573,385	184,350	269,400	226,765	5.2	$76.36	48.1
1964	1,828,600	563,150	596,820	190,350	245,800	232,480	4.8	80.18	46.9
1965	1,886,700	597,700	629,800	196,500	227,800	234,900	4.2	83.99	44.4
1966	1,973,600	645,710	679,660	207,530	208,900	231,800	3.2	88.51	42.6
1967	2,010,100	665,980	701,320	217,100	197,050	228,650	3.4	92.77	43.4
1968	2,064,200	694,060	736,690	226,950	178,200	228,300	3.2	100.09	41.3
1969	2,159,600	722,050	773,580	254,370	172,400	237,200	2.9	106.45	40.1
1970	2,195,200	724,000	797,900	267,900	166,200	239,200	*3.7	112.90	38.0
1971	2,223,200	723,170	825,130	267,200	163,700	244,000	*3.9	120.36	38.0

INDUSTRY—NEW AND EXPANDED

Calendar years	Investment (thousands) New	Investment (thousands) Expanded	Employees New	Employees Expanded
1960-64	$723, 908	$806, 810	83, 936	68, 210
1965-69	1, 491, 969	1, 523, 401	85, 672	75, 953
1970-71	580, 884	753, 320	27, 702	20, 307
Total	2, 796, 761	3, 083, 531	197, 310	164, 470

TOTAL TRAVELERS' EXPENDITURES

[In thousands]

Year	Amount
1963	$467, 000
1965	560, 000
1968	696, 000
1969	752, 000
1970	802, 000
1971	850, 000

SALES AND USE TAX GROSS COLLECTIONS AND GROSS RETAIL SALES

Fiscal	A. Total		B. By business groups				
	Sales and use tax	Retail sales		Sales and use tax		Retail sales	
				Fiscal 1964-65	Fiscal 1971-72	Fiscal 1964-65	Fiscal 1971-72
1960-61	$90, 097, 652	$5, 303, 178, 801	1 percent retail sales	$3, 008, 072. 50	$4, 505, 793. 44	$309, 493, 690	$463, 311, 040
1961-62	131, 984, 135	6, 449, 162, 332	1½ percent auto and planes[1]	11, 011, 976. 83	30, 824, 210. 83	754, 799, 081	1, 584, 650, 498
1962-63	149, 350, 510	6, 768, 429, 653	Apparel	6, 711, 182. 51	11, 438, 043. 76	236, 875, 111	410, 584, 309
1963-64	161, 049, 132	7, 118, 267, 158	Automotive	15, 877, 815. 37	26, 707, 327. 13	1, 351, 687, 727	2, 463, 849, 782
1964-65	173, 479, 606	7, 684, 406, 809	Food	44, 340, 772, 37	84, 106, 667. 16	1, 614, 360, 270	3, 064, 802, 288
1965-66	193, 470, 413	8, 548, 507, 666	Furniture	10, 707, 199. 40	16, 627, 316. 65	426, 997, 147	668, 324, 809
1966-67	208, 806, 689	9, 126, 250, 732	General merchandise	31, 165, 769. 61	63, 345, 327. 42	1, 345, 939, 992	2, 772, 180, 149
1967-68	222, 636, 022	9, 780, 612, 276	Building materials	18, 642, 046. 44	34, 322, 674. 63	745, 857, 700	1, 411, 250, 402
1968-69	248, 078, 668	10, 938, 485, 772	Unclassified group	17, 771, 122. 21	31, 958, 212. 32	898, 936, 091	1, 640, 865, 562
1969-70	273, 161, 758	11, 731, 451, 765	Use tax—1 percent and 3 percent	14, 097, 177. 32	31, 551, 307. 50		
1970-71	294, 676, 686	12, 653, 965, 346	Licenses—Wholesale and reg	146, 471. 85	150, 663. 50		
1971-72	335, 537, 544	14, 479, 818, 839					

[1] See explanatory notes in the introduction.

Note: This recapitulation chart from "Profile of North Carolina Counties" (Raleigh: Office of the State Budget, Department of Administration [3d edition], January 1973) outlines North Carolina's economic and social development for the approximate period 1960 to 1971.

That was the beginning of modern North Carolina. With the advent of the Whig party to challenge the Democrats, the people were given a clear choice between progress and stagnation. Although the Whig star was to rise and fall quickly, the two parties provided an affirmative response to the popular will for social and economic progress. For North Carolina it proved to be an unprecedented change in direction, and the next twenty-five years were to witness substantial growth and improvement—in transportation, manufacturing, agriculture, public education, and in humanitarian, legal, and fiscal reforms.

Almost from a standing start, I revel in the thought that in the short space of only twenty-five years, from 1835 to 1860, North Carolina developed a remarkable transportation system—involving almost 900 miles of state-supported railroad construction which, in 1841, included the longest railroad in the world, from Wilmington to Weldon, a distance of 161 miles—and a system of privately owned plank road which included "the longest plank road ever built anywhere in the world," from Fayetteville to Bethania, a distance of 129 miles. It was this emphasis upon improved transportation that set the stage for rapid agricultural and industrial development and, in turn, set the stage for educational and fiscal reform. Again, I revel in the knowledge that by 1860 the North Carolina system of public education was considered the best in the South, and in the fact that the first colored goods mill south of the Potomac was built at Alamance in 1853. Nor should I fail to remind you that prior to the gold rush of 1849, North Carolina was the leading gold-producing state in the nation.

Before concluding this abbreviated account of antebellum achievement, I am constrained to mention a little-known incident that had a far-reaching impact upon our state. It was the passage of the Distribution of the Surplus Act of 1836, whereby part of the federal surplus, and I emphasize the word *surplus*, would be distributed to the states on the basis of congressional representation. North Carolina's share amounted to $1,433,757.39. After much debate, and largely due to Whig insistence, the General Assembly approved a plan that designated all but $100,000 for investment in bank stock, railroad securities, and internal improvements. These investments were to be assigned to the Literary Fund for the ultimate support of public education. The state still receives dividends from some of its early railroad investments.

More importantly, however, this was landmark legislation in the sense that the state, for the first time, embarked upon a program of positive action in support of the economic, social, and cultural well-being of her people. Since then, our basic philosophy of state government and state responsibility has changed little. Except for private capital in lieu of state capital, our economic system has continued to prosper and expand with state encouragement. And, in the dark days of the 1930s, when our educational and highway systems were imperiled, the state did not falter in assuming her responsibility. I cannot look back upon any period in our history with greater satisfaction than that brief quarter-century immediately preceding the Civil War; for it was then that our people, through the medium of state government, actually engineered their own industrial and social revolution. That philosophy of responsible state action has characterized North Carolina ever since.

The Civil War all but destroyed our surging progress, but here again the state stood up magnificently. Loathe to leave the Union, ironically she suffered the most. With one ninth of the population of the Confederacy, she committed to service more than 125,000 troops or approximately one sixth of all Confederate soldiers. Of this number, over 40,000 never returned. North Carolina was the only state to contract with the Confederate government to supply her men with the necessary essentials of war. She was, therefore, the only state in the Confederacy to operate her own blockade-running vessels which plied irregularly between Wilmington, the Bahamas, and Nova Scotia. Until the fall of Fort Fisher on January 15, 1865, the lifeline to Lee's army was through the port of Wilmington.

What the war failed to destroy, the Reconstruction and twelve years of military rule completed. North Carolina's experience was not unlike that of her sister states. What should have been a period of reconciliation was one of bitterness and despair. Both people and institutions were corrupted; but gradually the congressional desire for retribution began to wane; the iron rule of the military was relaxed, and provincial leadership was allowed to reassert itself. North Carolina then began the long, painful climb back to a position of strength as a proudly contributing member of the Union or States.

And it is here that I wish to proclaim my abiding respect for that generation of men and women who had to take up the burden around the turn of the century. Of necessity, they had to be strong in faith and vision; otherwise, they would have left the state. But how desolate the present and future must have seemed. With a population of almost 2 million, the economy for the year 1900 provided only about $89 million in agricultural output, $94 million in the value of manufactured products, and only 8 million kilowatt hours of electric energy. The average annual industrial wage in 1900 was $196.52. And total bank deposits, both state and national, did not exceed $18 million. This, then, was the economy which our mothers and fathers inherited seventy-three years ago. Since then we have witnessed a remarkable phenomenon, the telescoping of the three stages of economic development—from agriculture, to industry, to the services—into the space of one lifetime. North Carolina has not been alone; other areas of the South can also claim significant progress, but none can match that of our great state.

Through it all has been the steadying, leading hand of state government. Whether in prosperity or depression, our people have been blessed with good government; and it is this continuing desire by the people for good government that holds such promise for the future. In the management of its fiscal responsibilities, the state has not incurred a deficit since 1931. Our people bear one of the highest state per capita tax rates in the nation, as related to per capita income, in order that three fourths of our total general fund income may be allocated to public education. Nor have we neglected our cultural responsibilities. No other state in the nation can claim a state-supported symphony as well as a state-supported school of the arts. Furthermore, North Carolina was the first state to appropriate substantial public funds for the acquisition of paintings and other objects of art before a building to house these and future collections was provided.

And yet with all our progress, we have many problems and, of course, that is good. They range, even now, from inadequate support for public education to comparatively low per capita income, to environmental problems that cry for solution. I sometimes think that we fail to grasp the true relationship between people and events. We must recognize that it took North Carolina 210 years, from 1660 to 1870 to gain her first million in population, and only 40 years to gain her second million. Since 1910 we have averaged about 1 million gain in population every 20 years—and now stand in excess of 5 million, with every indication that the rate of acceleration will continue to increase.

As we look to the future, it is on this one point we must focus. People breed problems, and problems breed events. It is now clearly evident, at least in my judgment, that problems and events are developing almost at a faster rate than is our capacity to handle them. In the old days, speed of governmental response was not as urgent as today. Events moved more slowly then; problems and their solutions seemed to evolve gradually. But today it is a different story. No state administration can afford to temporize. Politics as usual must give way to a determined, intelligent, and persistent effort on the part of government to lead, not follow, events. And government must have the helping hand of its lay leaders in all walks of life.

And therein lies the genius of North Carolina. No state can compare when it comes to commanding the loyalty of her citizens, either individual or corporate. It has been so as long as any in this audience can remember. It is because our state and her people really belong to one another. And it all began in 1835, when the East grudgingly admitted the West into a state partnership that would some day excel all the rest. Having reluctantly yielded to temptation in these assertions, for which I beg your understanding and indulgence, may we now restore the veil of provincial humility as we wend our lonely way among the mighty.

JUSTICE—FOR ALL AMERICANS

Mr. CHURCH. Mr. President, if we have learned one thing from the Watergate chapter of our history, it is that Americans will not tolerate one law for those at the top and another for those at the bottom. Ironically, our American system of justice today does not conform to this belief—it allows protection under the laws of this land provided one has the ability to pay attorney's fees.

I believe that the poor people in America have the same right to have their story told in the courts as do the wealthy. To this end, I support the establishment of an Independent Legal Services Corporation to provide legal assistance in civil cases for the poor. The bill we have before us does just that. It releases the legal services programs of the Office of Economic Opportunity, expands them, and frees them of politics.

In Idaho, Idaho Legal Aid Services, Inc., has been able to serve only 15 of our 44 counties through the funds they received under the Economic Opportunity Act. Even with this limited funding though, the 10 attorneys employed in the program served over 2,900 persons in 1973, and the estimate for 1974 is projected at over 3,600. With the adoption of an Independent Legal Services Corporation, Idaho could at long last provide her poor with equal protection under the laws of our land, and I urge my colleagues to vote to support this worthy program.

Two Idaho newspapers have recently carried exceptionally fine editorials supporting the bill before us, and I ask unanimous consent that they be printed in the Record. I commend these to the attention of my colleagues.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Idaho Statesman, May 31, 1974]

The Legal Service Bill

Americans can be justifiably proud of a legal and judicial system that allows any citizen access to the law and the courts to right wrongs or seek justice.

The trouble is, that a lot of people are in practice denied access to the system. They can't afford legal services.

To correct that situation, a legal services system was created as part of the old War on Poverty. Now Congress has approved legislation to extend the service, with a legal service corporation.

The legislation had to overcome tough opposition. It is loaded with "thou shalt nots" that limit the kind of legal actions that can be filed. It restricts political activity by legal service attorneys.

This program has opposition in part because of its success. Lawsuits have been filed on behalf of consumers, changes urged before utilities commissions, information presented to legislative committees.

Now there is concern that President Nixon may veto the legal services bill. Pressures for a veto is expected from some of the conservative congressmen whose support may be important in impeachment proceedings.

It would be tragic if this successful effort to open the door of the legal system to lower-income Americans is lost to impeachment politics.

This legislation would prohibit assistance for segregation questions, for abortion or for Selective Service issues. The service is limited to civil matters.

In Idaho the legal aid service has offices in Boise, Caldwell and Lewiston, serving 15 of the 44 counties. Much of the assistance is in domestic relations, landlord-tenant disputes, public assistance, consumer transactions and debt problems. Part of the service is counseling, as well as legal action.

Idaho Legal Aid was successful in getting the Public Utilities Commission to change the cutoff policy on utility service. Its efforts sometimes benefit all consumers, not just the poor.

Legal services should be available to people of all income levels. This bill goes at least part way in making them available.

[From the Lewiston Morning Tribune,
May 27, 1974]

Impeachment Politics

The name of the game on Capitol Hill these days is impeachment politics and President Nixon is showing signs of playing it of late with a bill to establish a legal services corporation.

The bill in question would establish a corporation to provide low-income people with legal assistance in civil, non-criminal actions. It would replace the existing legal services program operated by the floundering federal Office of Economic Opportunity.

The corporation concept was first introduced to Congress three and a half years ago. Dozens of bills to establish an independent corporation free of political influence have been hashed over since then. Only one ever made it through both houses of Congress. That was in 1971 and the bill was vetoed by Nixon.

Last spring, Nixon made his own proposal. In a message to Congress asking for such a corporation, he said, "Legal assistance for the poor, when properly provided, is one of the most constructive ways to help them to help themselves."

Early this month, House-Senate conferees reached agreement on a compromise bill which includes everything the President asked for in his message. The bill was quickly passed by the House, 227 to 143, and is expected to be approved by the Senate next week.

Nixon wanted the corporation to deny a lawyer to anyone whose poverty resulted from refusal or unwillingness to seek or accept a job; bar corporation attorneys from participating in political activities of any sort, including voter registration drives, at any time; deny use of corporation funds, directly or through attorney time, to influence passage or defeat of any federal, state or local laws, and deny free legal aid to persons under age 18 without the written consent of at least one parent or guardian or one appointed by a court, except in child abuse or custody cases.

He got all that and more.

The compromise bill prohibits corporation attorneys from participating in any cases involving desegregation, abortion or selective service (Including desertion.) It includes a requirement that the corporation pay the court costs and legal fees of a defendant who is sued and wins his case, if the court finds that the legal services lawyers had acted improperly.

There's a requirement that legal services projects give preference to local lawyers when hiring staff.

These and a dozen other provisions are designed to tone down the program and make it more palatable to moderates and conservatives. The bill is being supported by liberals, even with all the restrictions, because it's the only game in town.

The bill would mean an end to the scramble for financing that has plagued the program since it was established by OEO nine years ago. Legal Services has operated on a budget of $71.5 million for three years. The compromise bill would give it a fiscal 1975 appropriation of $90 million and $100 million in fiscal 1976.

The bill is opposed by a conservative hard core that takes issue with concept of legal services. Legal services lawyers have won too many cases that have advanced the rights of welfare recipients. The conservatives have been appalled at government financing of legal actions resulting in, for instance, removal of residency requirements for welfare payments.

It's this group that Nixon is going after in an effort to duck impeachment in the House or conviction in the Senate. The word from Capitol Hill is that Nixon will veto the corporation bill in return for the right votes on impeachment or conviction.

There are several ironies in this. One of them is that the average cost per client served by the Legal Services program is roughly $30. Nixon's Watergate-related legal bills, all footed by the taxpayers, are expected to hit $1 million by the end of the year.

One million dollars would provide quite a bit in the way of legal services for low-income people.

A veto of this corporation bill would be a political travesty, a hob-nailed dance on the backs of the poor at the expense of equal justice.—C.T.

TRUTH IN SAVINGS

Mr. HARTKE. Mr. President, there is a growing awareness in this country that consumer awareness is lacking in the savings market. Billions of dollars are placed into savings institutions each year, and much of that comes from middle-income families. At the present time, there is far too much confusion and ignorance about the earnings policies of savings institutions.

My proposal, the Consumer Savings Disclosure Act, S. 1052, is designed to reduce that confusion and ignorance.

Mr. President, I ask unanimous consent that an article by Margaret Daily in the April 1974, issue of Better Homes and Gardens, which discusses this subject, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT'S THE BEST PLACE FOR YOUR SAVINGS

A savings account has always been considered a safe investment, but until recent years that was its only advantage. Depositors in the 1930s had to be satisfied with annual interest as low as ½ percent, and in 1960, three or 3½ percent was about as much as you could expect. Today, savings interest rates stand at all-time highs: five percent is common, and yields running as high as 7½ percent and even more are available through special long-term arrangements.

In the light of these new rates, speculative investments may no longer look so attractive. When you put money into stocks or real estate, you get no promises. You can hope for big profits through capital gains, but you must also face the possibility of losing money. You might even lose the whole investment. Savings, by contrast, offer two gorgeous advantages that look all the better as interest rates climb:

1. *Safety of capital.* As long as your money is in a properly chartered, regulated, and insured savings institution, you are almost certain never to lose it. Even if the institution fails, your money up to $20,000 (a maximum that soon may be raised to $50,000) will be refunded by one of several agencies, such as the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC). No bank or savings and loan association ever guarantees to maintain an interest rate indefinitely, and today's high yields could drop in future years—but the guarantee you *do* get is that you can't lose money.

2. *Liquidity.* You can get to your money in most savings accounts fast in an emergency. If you invest in real estate, you must find a buyer before you can get your money back out. Stocks are more liquid—you can sell most stocks or mutual fund shares instantly just by phoning a broker—but if an emergency arises at the wrong time, you could be forced to sell at a loss.

There are disadvantages to a savings account, too, of course. For one thing, it offers no hedge against inflation, in the sense that the dollars you put in it may continue to shrink in buying power. For another, the interest you earn is taxable as ordinary income. Still, today's high-yield savings deals seem attractive to many middle-income families looking for sound, safe ways to build college, retirement, vacation, and emergency funds.

WHAT SHOULD YOU LOOK FOR?

Interest rates are high on savings accounts these days because the savings institutions want your money badly. They are competing for it. Each wants you to think it offers a better deal than its neighbors. Amid all the hoopla, how can you tell where your money really belongs?

There are four main types of institutions that pay interest on savings. They are commercial or "full-service" banks, mutual savings banks (found mainly in the Northeast), savings and loan associations (S&Ls), and credit unions. Each has a different financial structure, operates for different purposes, and is regulated by different state and federal laws. Most of the differences needn't concern you. As a matter of fact, many could well vanish in the near future. Congress in 1974 will consider sweeping reforms of the whole banking structure, proposed by a special commission. The reforms would eliminate many old restrictions—for example, laws that now forbid savings and loan associations and mutual savings banks to offer checking accounts or credit card services.

TABLE I.—WHAT THE DIFFERENT INTEREST RATES AND COMPOUNDING METHODS CAN MEAN

[Suppose you deposit $100 on the 1st of each month for 5 years. How much will you have at the end of the 5th year? It depends not only on the interest rate, but also on the method of compounding. In dollars]

Interest rate	Percent			
	4½	5	5½	6
Simple interest (not compounded)	6,562.50	6,625.00	6,687.50	6,750.00
Compounded:				
Annually	6,589.45	6,658.37	6,727.99	6,798.32
Semiannually	6,670.34	6,750.02	6,830.82	6,912.70
Quarterly	6,711.76	6,797.02	6,883.77	6,971.74
Monthly	6,739.73	6,828.95	6,919.65	7,011.76
Daily	6,740.52	6,830.03	6,921.06	7,013.69
Continuously	6,753.07	6,843.25	6,936.11	7,030.25

Whatever the reforms, what concerns you is how much your money can earn in a given institution, under what circumstances. There are three basic factors to consider: the rate of interest, the yield, and the timing with which interest is computed.

INTEREST

The main determinant of how much your money can earn is the *interest rate*. Laws now limit the rates that various institutions may pay on various kinds of savings plans. (These ceilings would be phased out, too, if the proposed reforms become law; however, there is considerable sentiment against this possibility among many of the savings institutions.)

In general, the lowest rates are paid by commercial banks on regular passbook accounts. (The S&Ls and mutuals offer a bit more.) The advantage of such an account is its liquidity, plus the array of services that a commercial bank offers. You can keep a checking account at the same bank, for instance, and ask to have a stated amount transferred to savings each month—a painless way to save. You might also be attracted to this kind of account if you foresee that you'll want to dip into savings occasionally for small lumps of money, or if you're worried about a sudden emergency need.

If you feel you don't want to touch your savings for several years, you can get higher interest rates at most institutions by committing money in various longer term deals. In some of them you agree to give the institution a certain amount of notice—60 or 90 days, for instance—before withdrawing cash.

Another high-interest arrangement is the so-called *"certificate of deposit,"* or CD, which works very much like a savings bond. It matures in a stated number of years—most commonly one to four. You either pay a penalty for cashing it early, or you absolutely can't cash it early. (In a dire emergency, of course, you can always borrow against it.)

The very highest interest rates now offered to ordinary savers are carried on CDs that mature in four years or longer and are sold in denominations of $1,000. Commercial banks are allowed by law to offer 7¼ percent on these CDs; the S&Ls and mutuals can offer 7½ percent. (*Note:* These ceilings put the lid on the "wild card" CDs allowed for a time last year. On these, interest rates were set by competition, not legal limitation, and some ranged as high as nine or ten percent. If you bought such a CD before October 31, the deal is still valid; however, the rates on new CDs were curbed after that date.)

YIELD

The interest rate isn't the only figure you should look at when shopping for a savings haven. Still more important is the annual *yield*. Senator Vance Hartke of Indiana thinks many financial ads have deliberately tried to confuse savers about the difference between those two terms, and his Truth-in-Savings Bill, presently under federal study, would require banks and other institutions to make the difference clear.

The yield, also called the *"effective rate,"* is the actual amount of money you earn in a year when your interest is *compounded*—that is, when you earn interest on interest. Suppose the rate is six percent a year, for instance, and suppose it's compounded monthly. The savings institution would calculate it at ½ percent per month (6 divided by 12), and would compute each month's interest on the principal plus all the previous month's earnings. Thus a monthly compounded rate of six percent would produce a yield of about 6.17 percent per year.

The more often interest is compounded, the higher goes the yield. Table I, on the preceding page of this article, shows that this can make some difference over a few years, even with a relatively modest savings program.

TIMING

You also should ask questions about *when interest starts and stops*. This can affect the yield drastically.

First, find out when interest starts. Some institutions pay interest only on money that has sat in an account from the beginning of an interest-compounding or *conversion* period. If interest is compounded monthly, for instance, and if you deposit money on the fifth of a month, that money doesn't start earning interest until the first of the next month.

By contrast, other institutions offer a grace period. In a typical deal of this kind any money you deposit by the tenth of a month will earn interest for the full month, exactly as though it had been deposited on the first. This could be important to you if you plan a regular savings program and if, for example, your salary check only comes through on the 15th of each month.

If your savings account is an in-again-out-again affair, you'll want to be especially wary about the various methods of stopping interest when money is withdrawn. Savings institutions handle this situation in different ways and you should be sure to get all the particulars before opening an in-and-out account anywhere. (Don't let just the ads sell you; ask questions, too.) From your viewpoint, the worst and best methods are:

Low balance: Interest is paid only on the smallest amount of money that was in an account during a conversion period. For instance, suppose you have an account on which interest is credited quarterly. There's $5,000 in it, let's say. Late in December, just before the last quarter ends, you withdraw $2,500. When the interest is credited on December 31, you earn interest only on the $2,500 remaining in the account—even though the account contained twice that much money through most of the quarter.

Day of deposit to day of withdrawal is your best bet because every dollar in your account earns interest for every day it actually sits in the account. In the example above, the $2,500 you withdrew would have earned interest until the day you walked out of the bank with it. If that day was December 15, for example, the withdrawn money would have earned about five-sixths of the quarterly interest.

Senator Hartke is particularly concerned about interest-stopping methods and the tendency of many institutions to explain them fuzzily or downright misleadingly. He cites one hypothetical in-and-out account whose yield, over a six-month period, could vary all the way from $29.75 to $75.30—depending solely on which interest-stopping computation the particular institution uses for its figuring.

Note: In late 1973, the Federal Reserve Board began investigating the desirability of standardizing the methods of how money is earned in savings accounts. For instance, one suggestion would be to make interest the only variable. Whatever comes of these explorations, it is quite possible that some succint standardization will go into effect soon, thus making it that much easier for you to compare various savings vehicles.

HOW CAN YOU SAVE REGULARLY?

For some savers, the worst problem of all is self-discipline. "People often ask if we know of any magic discipline medicine," says an American Bankers Association official. "We don't. But we do have two suggestions that seem to help most savers. First, set a goal for yourself—so much money by such-and-such a year. Second, save toward it regularly. Make a routine of it. Your savings 'payment' should be a monthly automatic outlay just like your rent or mortgage payments." Table II shows how some fairly hefty sums can be piled up with surprisingly small monthly deposits.

You car, if you like, ask banks and others to help you discipline yourself. One of the easiest saving methods is the regular, automatic transfer from checking to savings account. You decide on the amount and the frequency, you sign an authorization form, and the bank does the rest. You can achieve similar results by asking your employer to put chunks of your pay into U.S. savings bonds (current yield; six percent if held to maturity). Some companies also will arrange to deposit percentages of pay into an incompany credit union, which often pays a higher rate of return on savings than do other savings institutions.

TABLE II.—HOW LONG DOES IT TAKE TO SAVE HOW MUCH? TAKE 3 TYPICAL SAVINGS GOALS—$5,000, $10,000, AND $20,000. HOW MUCH SHOULD YOU DEPOSIT EACH MONTH TO REACH THOSE GOALS IN VARIOUS SPANS OF TIME AT VARIOUS INTEREST RATES?

To save this much in this length of time	Deposit this much per month at these rates of interest compounded monthly: 4½ percent	5 percent	5½ percent	6 percent
$5,000:				
in 1 year	$408.14	$407.20	$406.27	$405.33
in 5 years	74.47	73.52	72.59	71.66
in 10 years	33.07	32.20	31.35	30.51
in 15 years	19.50	18.71	17.94	17.19
in 20 years	12.88	12.11	11.45	10.82
$10,000:				
in 1 year	816.06	814.26	812.46	810.66
in 5 years	148.70	146.90	145.10	143.33
in 10 years	65.93	64.26	62.63	61.02
in 15 years	38.81	37.29	35.81	34.39
in 20 years	25.59	24.22	22.90	21.64
$20,000:				
in 1 year	1,632.12	1,628.52	1,624.92	1,621.32
in 5 years	297.41	293.79	290.21	286.66
in 10 years	131.86	128.52	125.25	122.04
in 15 years	77.61	74.58	71.63	68.77
in 20 years	51.18	48.43	45.80	43.29

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the pending business, which is S. 3355.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCESS TO PSYCHOLOGISTS AND OPTOMETRISTS UNDER FEDERAL HEALTH BENEFITS PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 929, S. 2619, so that it be the pending business.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2619) to provide for access to all duly-licensed psychologists and optometrists without prior referral in the Federal Employee Health Benefits Programs, reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That section 8902 of title 5, United States Code, is amended by adding at the end thereof the following:

"(j) When a contract under this chapter requires payment or reimbursement for services which may be performed by a clinical psychologist or optometrist, licensed or certified as such under Federal or State law, as applicable, an employee, annuitant, or family member covered by the contract shall be free to select, and shall have direct access to, such a clinical psychologist or optometrist without supervision or referral by another health practitioner and shall be entitled under the contract to have payment or reimbursement made to him or on his behalf for the services performed. The provisions of this subsection shall not apply to group practice prepayment plans.".

SEC. 2. The amendment made by this Act shall become effective with respect to any contract entered into or renewed on or after the date of enactment of this Act.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished senior Senator from Mississippi, the chairman of the Committee on the Judiciary, be recognized without any time being taken out of the bill under consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION PERMITTING SENATOR TUNNEY TO APPEAR AS A WITNESS IN U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Mr. EASTLAND. Mr. President, I send to the desk a Senate resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 356) providing permission for Senator John V. Tunney to appear as a witness in the U.S. District Court for the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. EASTLAND. Mr. President, this is an original resolution from the Committee on the Judiciary granting leave to Senator John V. Tunney to appear as a witness before the U.S. District Court for the District of Columbia, to testify in the case of United States against Howard Edwin Reinecke (Criminal No. 74–155).

Senator Tunney has been subpenaed to appear as a witness before said district court to testify in the Reinecke case.

The resolution states that it is the sense of the Senate that by virtue of the provisions of the Constitution of the United States, that court has no authority to compel the attendance of the Member of the Senate as a witness before that court during his attendance at any session of the Senate.

The resolution further states that under the Standing Rules of the Senate, no Senator may absent himself from the service of the Senate without leave of the Senate.

The resolution then provides that Senator Tunney is granted leave to appear as a witness in this case at a time when the Senate is not in session or at a time when Senator Tunney determines that such appearance will not interfere with his duties in the Senate.

Mr. President, I ask that the Senate favorably consider this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 356) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 356

Whereas Senator John V. Tunney has been subpoenaed to appear as a witness before the United States District Court for the District of Columbia, to testify in the case of United States against Howard Edwin Reinecke (Criminal No. 74–155);

Whereas it is the sense of the Senate that by virtue of the provisions of the Constitution of the United States, that court has no authority to compel the attendance of any Member of the Senate as a witness before that court during his attendance at any session of the Senate; and

Whereas, under the Standing Rules of the Senate, no Senator may absent himself from the service of the Senate without leave of the Senate: Now, therefore, be it

Resolved, That Senator John V. Tunney is granted leave to appear as a witness before the United States District Court for the District of Columbia in the case of the United States v. Howard Edwin Reinecke (Criminal No. 74–155) at a time when the Senate is not in session or at a time when Senator Tunney determines that such appearance will not interfere with his duties in the Senate.

SEC. 2. A copy of this resolution shall be transmitted to such court.

RESOLUTION PERMITTING STAFF EMPLOYEE AND PARLIAMENTARIAN OF THE SENATE TO APPEAR AS WITNESSES IN THE CASE OF UNITED STATES VERSUS REINECKE

Mr. EASTLAND. Mr. President, I send to the desk a Senate resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 357) to permit Peter Stockett, Jr., chief counsel and staff director of the Committee on the Judiciary, and Floyd M. Riddick, Parliamentarian of the Senate, to appear as witnesses in the case of United States against Reinecke.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. EASTLAND. Mr. President, I report an original resolution from the Committee on the Judiciary, granting permission to authorize Dr. Floyd M. Riddick, Parliamentarian of the Senate, and Peter Stockett, Jr., chief counsel and staff director of the Committee on the Judiciary, to appear before the U.S. District Court for the District of Columbia to give testimony and present other evidence with respect to trial proceedings in the case of United States versus Howard Edwin Reinecke (Criminal No. 74–155).

Dr. Riddick and Mr. Stockett are to be served with subpenas to appear as witnesses in the Reinecke case. This resolution is in response to such subpenas.

This resolution is also in response to a letter of July 8, 1974, from the Honorable Leon Jaworski, Special Prosecutor, to me, as chairman of the Judiciary Committee. I ask unanimous consent that the text of said letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 8, 1974.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR CHAIRMAN EASTLAND: The trial of Howard Edwin Reinecke, Criminal No. 74–155, is scheduled to begin on July 15, 1974. We have made repeated requests of defense counsel for stipulations which would cover the possible testimony of Peter Stockett, Jr., and Floyd Riddick. It now appears, however, that defense counsel will refuse this request. While we will continue to seek ways to avoid the necessity of calling these witnesses we must, once again, request your assistance in securing the necessary authorization to allow them to appear at the trial.

The proposed testimony of Mr. Riddick is that it has been the practice of the Senate to refer all nominations for Attorney General to the Committee on the Judiciary and that pursuant to that practice the nomination of Richard G. Kleindienst was referred to that Committee for consideration.

Mr. Stockett will be asked to testify to the fact that the Judiciary Committee held hearings on the nomination of Mr. Kleindienst to be Attorney General, the dates of those hearings, the circumstances that led to the resumption of those hearings on March 2, 1972, the appearance of Mr. Reinecke at those hearings, and to the existence or non-existence of any resolution concerning the scope or holding of these hearings. In connection with this testimony we may offer in evidence the resolution passed by the Judiciary Committee on April 7, 1972 which has previously been supplied to this office. Mr. Stockett may also be asked questions concerning the adoption of the one Senator Quorum Rule by the Judiciary Committee on January 26, 1972 as well as the practice of the Committee in not taking action absent a quorum. In this connection the first, ninth and tenth pages of the minutes of the January 26, 1972 meeting may be offered in evidence.

Thanking you for your continued cooperation in this matter, I am,

Sincerely yours,

LEON JAWORSKI,
Special Prosecutor.

Mr. EASTLAND. Mr. President, in his letter, Mr. Jaworski states that the proposed testimony of Mr. Riddick is that it has been the practice of the Senate to refer all nominations for Attorney General to the Committee on the Judiciary and that pursuant to that practice the nomination of Richard G. Kleindienst was referred to that committee for consideration.

Mr. Jaworski further states that Mr. Stockett will be asked to testify to the fact that the Judiciary Committee held hearings on the nomination of Mr. Kleindienst to be Attorney General, the dates of those hearings, the circumstances that led to the resumption of those hearings on March 2, 1972, the appearance of Mr. Reinecke at those hearings, and to the existence or nonexistence of any resolution concerning the scope or holding of these hearings, and that in connection with this testimony the resolution passed by the Judiciary Committee on April 7, 1972, which has previously been furnished to Mr. Jaworski by the provisions of Senate Resolution 354 may be offered in evidence. In addition, Mr. Jaworski states that Mr. Stockett may also be asked questions concerning the adoption of the one-Senator quorum rule by the Judiciary Committee on January 26, 1972, as well as the practice of the committee in not taking action absent a quorum.

The resolution would allow Dr. Riddick and Mr. Stockett to testify about the matters mentioned in Mr. Jaworski's letter.

The resolution would also authorize Dr. Riddick and Mr. Stockett to testify to any matter determined by the court to be material and relevant for the purposes of identification of copies of documents, papers, communications, and materials made public by the Judiciary Committee or the Senate. Finally, the resolution directs Dr. Riddick and Mr. Stockett to respectfully decline to testify concerning any and all other matters that may be based on knowledge acquired by them in their official capacities either by reason of documents and papers appearing in the files of the Senate or by virtue of conversations or communications with any person or persons, and Mr. Stockett is directed to respectfully decline to testify concerning any matter or matters within the privilege of the attorney-client relationship existing between him and the Committee on the Judiciary or any of its members.

Mr. President, I ask that favorable consideration be given this resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 357) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 357

Whereas, in the case of United States v. Howard Edwin Reinecke (Criminal No. 74–155), pending in the United States District Court for the District of Columbia, subpenas are to be issued by that court and addressed to Peter Stockett, Junior, Chief Counsel and Staff Director of the Committee on the Judiciary, and Floyd M. Riddick, Parliamentarian of the Senate, directing them to appear before that court and to give testimony and present other evidence with respect to trial proceedings in such case: Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession, but by its permission.

SEC. 2. By the privilege of the Senate and by rule XXX thereof, no Member or Senate employee is authorized to produce Senate documents but by order of the Senate, and information secured by Senate staff employees pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate.

SEC. 3. When it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that testimony of an employee of the Senate of the United States is needful for use in any court of justice or before any judge or such legal officer for the promotion of justice and, further, such testimony may involve documents, communications, conversations, and matters related thereto under the control of or in the possession of the Senate of the United States, the Senate of the United States will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate.

SEC. 4. Peter Stockett, Junior, Chief Counsel and Staff Director of the Committee on the Judiciary, and Floyd M. Riddick, Parliamentarian of the Senate, are authorized to appear before the United States District Court for the District of Columbia in response to any subpena ad testificandum or subpena duces tecum issued by that court in the case of United States v. Howard Edwin Reinecke (Criminal No. 74–155) but shall not take with them any papers or documents on file in their offices or under their control or in their possession as such Chief Counsel and as Parliamentarian.

SEC. 5. When that court determines that (1) any of the documents, papers, communications, and memorandums called for in any such subpena duces tecum have become part of the official transcripts of public proceedings of the Senate by virtue of their inclusion in the official minutes and official transcripts of such proceedings for dissemination to the public upon order of the Senate or pursuant to the rules of the Senate, and (2) such documents, papers, communications, and memorandums are material and relevant to the issues pending before the court, then that court, through any of its officers or agents, has full permission to attend with all proper parties to the proceeding, and then always at any place under the orders and control of the Senate, and make copies of such documents, papers, communications, and memorandums in possession or control of the said Peter Stockett, Junior, or Floyd M. Riddick.

However, no other documents, papers, communications, and memorandums (including, but not limited to, minutes and transcripts of executive sessions and any evidence of witnesses in respect thereto) shall be made available or copied except by permission of the Senate.

SEC. 6. In response to any such subpena—

(1) the said Peter Stockett, Junior, and Floyd M. Riddick, may testify to any matter determined by the court to be material and relevant for the purposes of identification of copies of documents, papers, communications, and materials made under section 5;

(2) the said Peter Stockett, Junior, may testify with respect to whether the Committee on the Judiciary held hearings on the nomination of Richard G. Kleindienst to be Attorney General, the dates of those hearings, the circumstances that led to the resumption of those hearings on March 2, 1972, the appearance of the said Howard Edwin Reinecke at those hearings, the existence or non-existence of any resolution concerning the scope or holding of these hearings, matters concerning the adoption of the one-Senator quorum rule by the Committee on the Judiciary on January 26, 1972, as well as the practice of the Committee in not taking action absent a quorum, and any of the minutes of executive sessions of the Committee made available under Senate Resolution 354, 93d Congress, agreed to June 27, 1974; and

(3) the said Floyd M. Riddick may testify with respect to the practice of the Senate to refer all nominations for Attorney General to the Committee on the Judiciary and that pursuant to that practice the nomination of Richard G. Kleindienst was referred to that committee for consideration.

However, said Peter Stockett, Junior, and Floyd M. Riddick shall respectfully decline to testify concerning any and all other matters that may be based on knowledge acquired by them in their official capacities either by reason of documents and papers appearing in the files of the Senate or by virtue of conversations or communications with any person or persons, and the said Peter Stockett, Junior, shall respectfully decline to testify concerning any matter or matters within the privilege of the attorney-client relationship existing between him and the Committee on the Judiciary or any of its members.

SEC. 7. A copy of this resolution shall be transmitted to the court as respectful answers to the subpenas it may issue in such case.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be recognized briefly without any time charged against the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF WAIVER OF CERTAIN CLAIMS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1803.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1803) to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch, which was to strike out all after the enacting clause, and insert:

That section 5584 of title 5, United States Code, is amended as follows:

(1) Strike out "executive" wherever it appears in such section.

(2) In subsection (b) (2)—

(A) immediately after "(2)" insert the following: "except in the case of employees of the Government Printing Office, the Library of Congress, the Office of the Architect of the Capitol, or the Botanic Garden,"; and

(B) strike out "or" at the end thereof.

(3) In subsection (b) (3)—

(A) immediately after "(3)" insert the following: "except in the case of employees of the Government Printing Office, the Library of Congress, the Office of the Architect of the Capitol, or the Botanic Garden,"; and

(B) strike out "the effective date of the amendment authorizing the waiver of allowances, whichever is later." and insert in lieu thereof "October 2, 1972, whichever is later; or".

(4) At the end of subsection (b), add the following new clause:

"(4) in the case of employees of the Government Printing Office, the Library of Congress, the Office of the Architect of the Capitol, or the Botanic Garden, if application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment of pay or allowances was discovered or 3 years immediately following the date on which this clause (4) is enacted into law, whichever is later."

(5) At the end of the section, add the following new subsection:

"(g) For the purpose of this section, 'agency' means—

"(1) an Executive agency;

"(2) the Government Printing Office;

"(3) the Library of Congress;

"(4) the Office of the Architect of the Capitol; and

"(5) the Botanic Garden.".

SEC. 2. (a) A claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation expenses and allowances, on or after the date of enactment of this Act, to the Vice President, a Senator, or to an officer or employee whose pay is disbursed by the Secretary of the Senate, the collection of which would be against equity and good conscience and not in the best interests of the United States, may be waived in whole or in part by the Secretary of the Senate, if the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official. An application for waiver shall be investigated by the Financial Clerk of the Senate who shall submit a written report of his investigation to the Secretary of the Senate. An application for waiver of a claim in an amount aggregating more than $500 shall also be investigated by the Comptroller General of the United States who shall submit a written report of his investigation to the Secretary of the Senate.

(b) The Secretary of the Senate may not exercise his authority under this section to waive any claim—

(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the Vice President, the Senator, the officer or employee, or any other person having an interest in obtaining a waiver of the claim; or

(2) if the application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment of pay or allowances was discovered.

(c) In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

(d) An erroneous payment, the collection of which is waived under this section, is deemed a valid payment for all purposes.

(e) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

(f) The Secretary of the Senate shall promulgate rules and regulations to carry out the provisions of this section.

SEC. 3. (a) A claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation expenses and allowances, on or after the date of enactment of this section, to an officer or employee whose pay is disbursed by the Clerk of the House of Representatives, the collection of which would be against equity and good conscience and not in the best interests of the United States, may be waived in whole or in part by the Speaker of the House, if the claim is not the subject of an exception made by the Comptroller General in the account of any accountable officer or official.

(b) An application for waiver of a claim shall be investigated by the Clerk of the House of Representatives who shall submit a written report of his investigation to the Speaker of the House.

(c) The Speaker of the House may not exercise his authority under this section to waive any claim—

(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the officer or employee or any other person having an interest in obtaining a waiver of the claim; or

(2) if the application for waiver is received in his office after the expiration of 3 years immediately following the date on which the erroneous payment of pay or allowances was discovered.

(d) In the audit and settlement of the accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

(e) An erroneous payment, the collection of which is waived under this section, is deemed a valid payment for all purposes.

(f) This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

(g) The Speaker of the House shall prescribe rules and regulations to carry out the provisions of this section.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

RELIEF OF MARCOS ROJOS RODRIGUEZ

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 724.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 724) for the relief of Marcos Rojos Rodriguez, which was, on page 1, line 6, strike out "$15,000" and insert "$10,000".

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of each side equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCESS TO PSYCHOLOGISTS AND OPTOMETRISTS UNDER FEDERAL HEALTH BENEFITS PROGRAMS

The Senate continued with the consideration of the bill (S. 2619) to provide for access to all duly licensed psychologists and optometrists without prior referral in the Federal employee health benefits programs.

Mr. McGEE. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is S. 2619. All time is equally divided, with 30 minutes for each amendment.

Mr. McGEE. Mr. President, I yield myself such time as I may require. I will use a very few minutes now.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, the Senate has before it a bill that deals with the question of whether or not Federal employees who are covered by Federal health programs should be required to have a medical doctor's or doctor's referral and supervision before they may avail themselves of the services of optometrists or clinical psychologists.

Under the present system there are two major Federal employee insurance groups. One of those two groups already has the freedom-of-choice system; namely, the beneficiaries in the health insurance plan for which they pay permits them, if their medical situation seems to require it, on their own, to pick an optometrist to consult with if the problem relates to the field of optometry, or to pick a clinical psychologist, if the problem relates to that field.

At this time, 46 States already have licensing and certification boards regulating clinical psychologists and we do not intend to tamper with that. We are simply insisting in this bill that in the interest of equity of health insurance beneficiaries should have freedom of choice. As it exists now in the one group, the Blue Cross group, Federal employee subscribers have to be referred and supervised by a physician before qualifying for benefits by a clinical psychologist.

The objection to that is twofold. In the first place, it is an extra charge going through the M.D. and it makes it more expensive; a double charge, in effect. Second, many medical doctors are not prepared to deal with psychological problems and, therefore, we have cases testified to during the course of hearings in which an medical doctor failed to prescribe accurately for the problem of the patient. He may have given pink pills or some other kind of medicine that the patient picks up at the prescription counter when the problem was a psychological problem.

All we are saying is that the limitation that now exists in Blue Cross contracts concerning Federal employees requiring referral and supervision is not a guarantee of anything except it probably increases the cost to employees who carry that particular policy. I underscore that these are group health benefit policies in which employees put their fair share of the cost. All we are trying to do is to establish equity. I repeat that one group already permits freedom of choice—the Aetna Insurance Co. and they testified before the committee. Their testimony was to the effectiveness of their approach.

Likewise, in our hearings, established that there is a foot-dragging operation going on on the part of Blue Cross. It is difficult to change from things that you have always been doing. We believe that the record in the 46 States which now license clinical psychologists and control the licensing, and the record under the Aetna Health Insurance program for the Federal employees, assures us that there is no significant risk in any form in extending this kind of freedom of choice to all Federal employees.

In light of this, Mr. President, we believe that the bill, unanimously reported out of the Post Office and Civil Service Committee, is, indeed, a meritorious measure and would establish a far more equitable case than presently exists.

In rural areas, in low-population areas, this would be a godsend for the reason that for a person in a small town of a couple of hundred people to be required to find a medical doctor to send him to an eye doctor instead of to an optometrist, or to require all of this rigamarole ultimately to get the services of a clinical psychologist, is an added expense, a delay, and an encumbrance on an already heavily loaded medical doctor requirement. We think all things added together recommend that this body adopt the bill as reported out of the Senate committee.

Mr. President, I am prepared to yield to my colleague, the ranking minority member (Mr. FONG).

Mr. FONG. Mr. President, I yield myself whatever time is needed.

Mr. President, S. 2619 is a very simple bill. It only deals with Federal employees who are enrolled in Federal health insurance plans. It gives them direct access to all duly licensed clinical psychologists and optometrists for illness-related treatment without prior referral by a medical doctor.

Under existing law, contracts between the U.S. Civil Service Commission and some Federal employee health insurance carriers provide that participants under these health benefits programs must be referred to a psychologist or an optometrist by a licensed medical physician if the participant is to receive payment or reimbursement for the services performed by the psychologist or optometrist.

Testimony presented to the Senate Post Office and Civil Service Committee on S. 2619 showed that oftentimes this prior referral procedure can work severe hardships on a participant. In many areas of our country where Federal employees work and live, a physician may be many miles away from the employee and his family. A physician may not be as available as an optometrist or psychologist when the need arises for treatment. This measure would insure the availability of such service.

During the hearing, it was revealed that Blue Cross-Blue Shield is the only national plan that requires referrals by a physician for psychologist and optometrist services. Even in my own State of Hawaii, the Hawaii Medical Services Association, a Blue Cross-Blue Shield member, does not require prior referral by a medical doctor to a psychologist. Regarding optometrists, the HMSA plan has an indemnity clause for optometric treatment and no physician referral is required.

I should point out that the peer review and State licensing laws regarding psychologists in Hawaii are very strict and it is on this basis that the HMSA felt assured that it could do without physician referral for psychologists and optometrists.

Again, during the hearings on S. 2619, I was impressed with the need particularly in rural areas, to allow a Federal employee or a member of his family, access to an optometrist or a psychologist without physician referral for an illness-related problem. Oftentimes, a physician may not be readily available. In view of this need, I voted for S. 2619 in committee and urge Senate passage

Mr. McGEE. Mr. President, we are prepared to yield the floor to the Senator from Utah who has an amendment he would like to submit.

Mr. BENNETT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 2, line 12 strike the word "a" and insert "an".

On page 2, line 12 strike out "clinical psychologist or".

On page 2, line 15 strike the word "a" and insert "an".

On page 2, line 16 strike out "clincial psychologist or".

Mr. BENNETT. Mr. President, I yield myself such time as I may require.

I have no disagreement with the committee with respect to optometrists. I cannot quite accept the idea of the committee that clinical psychologists are more plentiful than physicians, and are more apt to be found in rural areas. I have the feeling that there are fewer.

Mr. President, the basic question of whether or not the Federal Government should pay for the services of a clinical psychologist without having the patient first see a physician was argued 2 years ago when an attempt was made to provide similar free access to clinical psychologists by all medicare patients.

That proposal was rejected by the Senate by vote of 57 to 18. One of the reasons that it was rejected was that it was evident that if this were to become so widespread as to include half of the elderly people who are on medicare, it would add about 10 percent to the present cost of medicare, which is $2.5 billion.

Mr. President, I realize we are not talking about that here, but this could be an opening door. If the clinical psychologist can say, "Well, look, the Federal Government authorizes it for their own employees, therefore it should be available to all medicare patients," it may be a little harder to hold the line.

Mr. President, the issue before us is whether or not the Federal employees' program should cover the services of clinical psychology without a physician's referral.

There are a number of reasons why I think it would be a mistake to drop the present requirement for a physician's referral.

First, the physical aspects and the mental aspects of a person's health status are, in most cases, inseparable.

Mental and physical conditions are intimately entwined. Many mental illnesses often show up first in terms of physical symptoms, such as sleeplessness and weight loss. Conversely, many physical problems first appear through emotional symptoms. For example, a drug which a high blood pressure patient may be taking can cause severe depression.

Mr. President, since these mental, emotional, and physical symptoms are all so closely entwined, it makes sense for the patient first to be seen by a physician in order that his complete health status may be evaluated.

If the services of a psychologist are indicated, the patient can then be appropriately referred.

Mr. President, I must say very frankly that there is another compelling reason for retaining the requirement for a physician's referral. I do not mean in any sense to denigerate the profession of clinical psychology, but it seems clear to me that there is strong evidence coming from within the profession, itself, that the profession's house is not entirely in order.

In view of this, it would be prudent, I believe, for us to go slow in modifying the present clinical psychology benefit. The type of evidence I am talking about is perhaps represented by an article by Dr. Frederick C. Thorne, editor of the Journal of Clinical Psychology, in which he takes the profession to task in a number of issues.

Mr. President, I am not going to read the entire article, but I would like to discuss one or two of the points that Dr. Thorne raises.

At a time when societal demands for clinical psychological services are rising geometrically, the field of clinical psychology finds itself oversold and unable to deliver what it traditionally has been expected to provide. Suddenly, as the result of facts uncovered by a host of clinical judgment studies that question the validity and competence of what the average clinical psychologist is doing, clinicians find their very integrity at issue.

We cannot evade the fact that much remains to be desired in the area of clinical judgment.

The profession of clinical psychology that started out so hopefully suddenly finds its whole theoretical background, personnel and methodology under severe attack from many sources, both external and internal, as to validity and justification. Worst of all, psychological practices have become the subject of congressional investigations and patterns of local rejection as clinical actualities do not live up to pretensions.

Our great hangup stems from the fact that the profession of clinical psychology is stuck with itself at its present embryonic state of evolution. The public has been sold on the idea that all it has to do is to raise the money to secure psychiatrists and psychologists and a long list of social problems will be solved. This expectation simply has not achieved a state of development that enables it to provide knowledge and techniques that are as valid and relevant as has been taken for granted.

Even more critical is the issue of exactly what psychological science can contribute to human welfare. One way in which the psychological scientist can make a contribution is simply by protecting the client from misguided case handling on the part of ignorant laymen or even incompetent colleagues. In the midst of current waves of discouragement and loss of morale attendant upon learning that many psychological techniques are either obsolete or invalid, we must not lose sight of the fact that we have made a great positive advance simply in learning what does not work and, therefore, what not to do. A very valuable contribution can be made simply by protecting the client from well-intentioned mishandling.

The clinician often has done his job when he merely supports the client through periods of stress until the client can reintegrate his own resources.

Everybody now seems to be admitting that traditional clinical training has not turned out very well and that something must be done about it. The whole training program is hung up on the fact that much of what is being taught is known to be invalid and/or irrelevant at the very time it is being taught. Something is gravely the matter when highly selected intelligent students cannot find much to learn that turns out to be of much value to them.

Part of the disillusionment in clinical psychology and psychiatry relates to the uncertain status of diagnostic methods, classification systems, and nomenclatures adopted by official organizations that are now somewhat belatedly recognized as being invalid, obsolete, or irrelevant. Unfortunately, the predominant reaction to the defrocking of classical psychodiagnostics was one of nihilism and rejection of the whole business.

If we can make any predictions at all about the future of clinical psychology and psychiatry, it is that the entire field of psychodiagnosis is long overdue for a reevaluation and reworking, starting right from the beginning and building up a more comprehensive system of psychopathology from which more valid psychodiagnosis must naturally stem.

Paradoxically, efforts to develop the field of psychodiagnosis largely have collapsed at the very time when they are most needed in the field of psychotherapy. Disillusioned by the inadequacies of traditional psychodiagnosis concerned mostly with classification and chastened by revelations of their own diagnostic inadequacies, too many clinicans have washed their hands completely of psychodiagnosis.

Our basic contention is that we must reconsider the whole field of psychodiagnosis to reestablish its validity and relevance. Rather than being dismayed over the inadequacies of the state of dependable knowledge in clinical psychology during its first 50 years, we must return to the beginnings and discover where the errors are being made. This will be accomplished quickly only through a cooperative project on the part of the whole profession, which must subject all of its theories, methods and practices to rigorous validation and clinical judgment studies which, hopefully, will result in future generations of truly competent clinicians.

Teachers, researchers, and practitioners should coexist in a mutually interdependent partnership, all with equal status, and all contributing to the final result. Many of the most valuable leads for teaching and research have come from practitioners, and it is the practitioners who ultimately can validate the work of the teachers and researchers.

We need to abandon permanently the "one-way street" attitude that regards scientists and teachers as the font of all learning with the practitioners inevitably in pupil roles.

Mr. President, aside from the problems I have discussed, which were represented by the editor of "Clinical Psychology," there are other reasons for not removing the requirement for physician referral.

The direction in health care is toward coordinated and related treatment. The majority of clinical psychologists today, function in organized settings such as clinics where their treatment is available along with that of other health disciplines. To encourage independent and free-standing services by clinical psychologists would not only lead to further fragmentation of health care but would also be highly inflationary as these practitioners shift from salaried compensation to fee for service.

Often psychological difficulties—such as anxiety and depression—are treatable with appropriate drug therapy. Where the clinical psychologist works with a physician, necessary drugs may be prescribed by the doctor. But, clinical psychologists themselves are not licensed to prescribe. Accordingly, without the prescribing authority of a medical doctor, the independent psychologist—divorced from a plan of care established by a physician—may very well require repeated and costly visits by a patient which could be avoided through proper prescribing by a medical doctor.

For all these reasons, both the Finance Committee and the full committee in 1972 rejected overwhelmingly, by rollcall vote, coverage of clinical psychologists on an independent basis under medicare.

As I said earlier, to a certain extent, in a very real sense, the people who would be covered by this bill are the same kind of people who will be covered by medicare. If we go forward, as I think we may well do in the next year or so, to have a general national system of health care, then we will face this question again. Either this is a foot in the door, or we will have to reconsider the whole matter and decide which of the two decisions we made were right.

The same reasoning is equally valid today. I urge the Senate to demonstrate again its rational attitude in this situation.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in Time, in March of 1972, entitled, "Poetry Therapy," and an article which appeared in "Science," in September of 1971, entitled, "Psychologists Beset by Feelings of Futility, Self-Doubt."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Poetry Therapy

In their efforts to understand the mental illnesses they treat, therapists sometimes encourage their patients to express themselves in painting, music, dance and drama. Now they are turning to yet another art form: poetry.

Across the U.S., according to the current issue of the *Sciences*, there are now about 3,500 mental patients, prison inmates, troubled students and nursing-home residents who are reading and writing poetry under the guidance of some 400 psychiatrists, psychologists, social workers and specially trained English teachers. These programs have shown so much promise that formal training in poetry therapy is now available. Indiana University of Pennsylvania is planning a three-week summer course in the subject, and Indiana Northern University, in conjunction with GROW (Group Relations Ongoing Workshops) in Manhattan, is preparing to grant a master's degree in the new field.

Patients in poetry therapy are encouraged to read verse, write it, or both. The technique seems to be effective in both individual and group treatment, probably because serious poems usually touch on deep, universal emotions. According to Yale Psychiatrist Albert Rothenberg, a patient who suddenly deciphers the message of a great poet may experience a flash of understanding similar to the dramatic insight that can come to patients in ordinary psychotherapy. By writing an original poem, an inhibited, repressed person may tell his doctor much that was previously secret. Poetry, says Rothenberg, "is even more revelatory than dreams."

Writing verses can help "hostile and disruptive students control their chaotic emotions," *Sciences* reports. One such student, an ex-addict at Manhattan's Washington Irving High School, wanted to hit people, leave school or begin mainlining again to get back at guidance counselors who, she felt, had misled her with false hopes. Encouraged to substitute words for deeds, the girl raged in verse: "I don't like what you've done/ I'll put you all up against the wall/ And execute you all./ I'll have you destroyed./ Remember, it's you all/ I intend to kill." Having vented her anger in this and other verse, she became less hostile.

Another youngster, Lorene, who lives in Brooklyn's Bedford-Stuyvesant ghetto, was so withdrawn before being exposed to poetry therapy that she stayed out of school, refused treatment for her disfiguring facial eczema and sought escape in alcohol. Visited at home by English Teacher Morris Morrison, she began to respond and cooperate when he read her two lines from Emily Dickinson, "I'm Nobody! Who are you?/ Are you—Nobody—too?" "In Emily Dickinson," Morrison explains, "Lorene could identify with someone as lonely as herself." Eventually Lorene went for skin treatment and returned to school.

CRY FOR HELP

Poetry always offers clues to the mind of its creator, but those clues are not often as explicit as the suicidal lines of a 15-year-old boy whose fate became known to English Professor Abraham Blinderman of the State University of New York. Blinderman thinks that the boy's teacher should have recognized his deep distress, and he believes that if the youngster had been in poetry therapy, his eloquent poem would have been understood as a cry for help. In that case, psychiatric treatment might have saved him. As it was, his cry went unheeded, and two years later he committed suicide.

Just as poetry can predict suicide, so it can also provoke it. That, says, Psychiatrist Jack Leedy, president of the Association for Poetry Therapy, is one danger of the method in unskilled hands. Reading somber verses with upbeat endings can help unhappy patients by demonstrating that "others have been depressed and have recovered," but despairing poems may deepen the feelings of hopelessness. Psychiatrist Rothenberg cites another danger: poetry used only to get rid of intense feelings can keep a patient from understanding and resolving his conflicts. "Poetry by itself does not cure," he warns. But used by properly trained therapists, he says, it has an advantage over the other arts because it encourages "verbalization, the lifeblood of psychotherapy."

TO SANTA CLAUS AND LITTLE SISTERS

Once . . . he wrote a poem.
And called it "Chops,"
Because that was the name of his dog, and that's what it was all about.
And the teacher gave him an "A"
And a gold star.
And his mother hung it on the kitchen door, and read it to all his aunts . . .
Once . . . he wrote another poem.
And he called it "Question Marked Innocence,"
Because that was the name of his grief and that's what it was all about.
And the professor gave him an "A"
And a strange and steady look.
And his mother never hung it on the kitchen door, because he never let her see it . . .
Once, at 3 a.m. . . . he tried another poem . . .
And he called it absolutely nothing, because that's what it was all about.
And he gave himself an "A"
And a slash on each damp wrist,
And hung it on the bathroom door because he couldn't reach the kitchen.

—A 15-year-old boy two years before he committed suicide.

Psychologists Beset by Feelings of Futility, Self-Doubt

Psychologists have not escaped the spiritual and financial doldrums currently afflicting scientists and scholars; indeed, the profession as a whole seems to be suffering acutely from frustration, lack of direction, and feelings of ineffectuality when it comes to applying their expertise to the problems of society.

The American Psychological Association (APA), which held its 79th annual meeting last week, was bigger and more verbose than ever (an estimated 11,000 persons attended the 4-day meeting), but the proceedings were strongly characterized by aimlessness and boredom. Even the women's liberationists and psychopolitical radicals tended merely to add to the mountains of verbiage. "I used to go to APA conventions and feel in touch with what was quivering and what was dead," said one psychologist. "Now I'm bored to death half the time."

Science talked to several psychologists who felt that psychology was missing the relevance boat but that no one really had any ideas as to how to make the profession an imaginative and influential force for social change. What they do feel, says past APA president George Albee, is "what they're doing isn't working."

Back in the Kennedy and early Johnson years, says Bernard Friedlander of the University of Hartford, there was a sense of optimism and buoyancy as psychologists were sought out to help design antipoverty and other new social programs. "They really felt they were making a difference," said Friedlander. "There was the sense that the psychologist was the agent of social change."

Now, psychologists are feeling ignored, particularly by the Nixon Administration; their advice is neither sought nor heeded, and, after witnessing the dismemberment or failure of programs they helped initiate, they aren't so sure they have the answers anyway.

Leonard Berkowitz of the University of Wisconsin suggested that frustration also stems from the fact that psychology has no comprehensive theoretical model or, as another psychologist put it, "grand old man" of the profession—an integrative personality whose ideas psychologists could use as a reference point in relating their discoveries to a larger picture. Twenty years ago, for example, psychoanalysis was the touchstone, and its methods, it was believed, would unlock the secrets of human behavior. Now, it seems, there is less agreement than ever on the basic nature of man and how to affect it.

Into all this uncertainty has stepped B. F. Skinner, the famed Harvard behaviorist who has been getting a lot of attention lately in anticipation of his forthcoming book, *Beyond Freedom and Dignity*. Skinner, who received the APA's annual Gold Medal for research, is just about the only psychologist around who thinks he has some answers. He believes that all of man's behavior is determined by his environment; ultimately, through a new "technology of behavior," the human milieu can be structured by operant conditioning (the stimulus-response techniques first developed by Pavlov) to compel people to behave in constructive and socially acceptable ways. Most psychologists dislike the narrowness of the Skinner approach, which completely ignores the concept of self-determination and throws psychoanalysis to the winds. But some believe it is a profound statement that extends behaviorist techniques to the manipulation of the cultural as well as the physical environment.

The only other plan of action enunciated at the APA meeting was contained in a speech by Kenneth Clark, the association's president. Clark sent a mild shock wave through the convention with his proposal that mind-affecting drugs be used on political leaders to prevent them from exercising their baser impulses. The imminence of mankind's annihilation through a nuclear holcaust makes resort to the usual civilizing disciplines fruitless, said Clark; therefore, "selective and appropriate medication to assure psychological health and moral integrity is now imperative for the survival of human society."

Clark's speech was widely regarded as an expression of fatigue and disillusionment, and it dismayed many psychologists, who found it "appalling," "depressing," and "pathetic."

At least one professional, however, thought Clark's only mistake was in not speaking out sooner. "A pervasive problem among psychologists," says Lester Turner, a Washington, D.C. psychologist, "is that they have a terrible fear of being wrong. At least Clark had the guts to start a controversy." Turner blames psychologists themselves for their current state of impotence. "Psychologists are totally useless as a resource to the country . . . in the past, at least, they have been academic cowards incapable of functioning in the real world." In support of this view, Turner points out that, until recently, psychologists haven't even pulled themselves together to form a lobby. ("Even the podiatrists have a lobby!")

Alarm over the fact that psychological services are being largely ignored by designers of the new national health insurance plan has finally prompted some APA members to form a lobby. Called CAPPS, for Council for the Advancement of the Psychological Professions and Sciences, the new organization is hoping to have a budget of

$250,000 for its first year of operation. David Shanan, executive director of CAPPS, says the group will be concerned with all legislation relating to the profession, but the health plan is the urgent priority. Of over 100 bills that have been introduced on Capitol Hill, he says, 51 contain provisions for chiropractors, but only one covers psychologists.

While the lobby is outside the APA, there are also signs that that vast organization is trying to streamline its increasingly unwieldy self. Albee, who teaches at the University of Vermont, says there has been a big controversy within the organization over whether it should change its long-cherished tax-exempt status. A report recently produced by APA's Policy and Planning Board suggests that the organization drop its present 31 divisions and form three or more separate societies. One division might be the social activist component, now called Psychologists for Social Action, whose members are also interested in forming a lobby.

The APA is a slow mover, but its current malaise may hasten its climb down from the ivory tower and into the political hustle.—Constance Holden

Mr. BENNETT. Mr. President, I recognize that there are many fine clinical psychologists, many men of ability and capability, who can serve their patients effectively. But I am concerned that we take what seems to be a small step toward a goal which I think would be very dangerous for all the elderly people of the United States.

I cannot agree that if we require the physician to refer the patient to the psychologists, we are going to run a chance of increasing the cost to the Government. If the patient is free, on his own, to go to the psychologist, there are many lonely people, lonely old people, who would be willing to pay $10, $15, $20, or $30 a visit for the privilege of speaking to a friendly listener about their symptoms every month or so, without any real hope of changing the patient's condition.

That is the kind of situation we open up if we alllow the clinical psychologist to serve the patients under the insurance system without involving a physician at some point in the treatment.

So, Mr. President, I hope that my amendment will be adopted, and I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Clark). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I have a couple of things to say, on our time, while sufficient Senators arrive in the Chamber in connection with the request for the yeas and nays.

Mr. President, I think there is some misunderstanding about what this legislation does and I want to point this out to my friend, the Senator from Utah.

There is no existing requirement now on the books as a law that excludes clinical psychologists from providing health services to subscribers to health benefit plans without referral and supervision by a medical doctor. This is something that is written into the contracts by the insurance carriers. We have two major carriers for the great majority of Federal employees. One of them does write it into the contract, the other one does not.

We have the testimony of both groups and the point of it is that Aetna, permits freedom of choice, and they have had no problems with it.

They survey, as well, the qualifications of the clinical psychologist. Forty-six States have licensing boards to certify the clinical psychologists.

The Senate is not, in this bill, intruding into anything, or opening up any doors, that would endanger the basic professionalism of health treatment or health benefits. All we are doing is trying to correct an inequity in the present practice of the contract.

Under the record that has already been written, the experience of Aetna has found this to be a simple and just inclusion in the medical contract. Under the Blue Cross contract, which does require the referral, they have found no additional benefits that flow from that.

Now, of course, they have problems around the country in some matters, as the distinguished Senator read from a tract prepared by a clinical psychologist who raised his eyebrows over clinical psychologists, but we have the same level of articles in medical journals about M.D.'s, we have M.D.'s and we have M.D.'s. We are speaking here of legislative equity, not legislative intrusion.

The result is that because of the present practice, including the Senator's home State of Utah, I might add, where the freedom of choice is now a matter of the law of the State of Utah, most States consider this a matter of equity, and in the light of this, Mr. President, I would hope that the Senate would abide by the unanimous vote of the committee in recommending that the health benefits contracts of the carriers be required at least to permit the freedom of choice in all cases.

Mr. BENNETT. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute.

Mr. BENNETT. In 1 minute, I would just make the point that it would be easier to ask Blue Cross to change the contract.

Now, writing this into the law of the land which can be used as a basis for argument for the change in the medicare bill, I recognize that it is not so serious as it was when we defeated it 57 to 18 in 1972.

I yield back the remainder of my time.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. FONG. In the hearings before the committee, we heard from Aetna Insurance Co., which is one of the largest carriers of Federal employees health insurance, and in that plan, referrals are not required by physicians.

A Federal employee may, if he desires, go and see a psychologist or see an optometrist without referral by a medical doctor, but in the Blue Cross-Blue Shield plan there is that clause which says that they must be referred by the physician before the patient receive payments for treatment by a psychologist or an optometrist.

We felt that this referral by a physician should not be in the Blue Cross-Blue Shield plan, and, therefore, have asked that this bill be passed.

We feel that the cost would not be very prohibitive. We feel that there may possibly be a slight increase in premiums.

We feel that the Federal employee, if he desires, should be able to go directly to the clinical psychologist and to the optometrist, and not have to go to a physician for prior referral. There are times in rural areas when he may not find a physician but may find an optometrist. Under this bill he may not need to visit a physician first to refer him to the psychologist or the optometrist.

We feel that this is a very, very minor thing in favor of the Federal employees who are seeking help in this regard.

Mr. McGEE. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. McGEE. We are prepared to yield back the remaining time.

I understand the Senator from Utah has no time left. I yield back whatever time remains, and we are prepared to vote.

Mr. BENNETT. I am prepared to vote.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Michigan (Mr. Hart), the Senator from Maine (Mr. Hathaway), the Senator from Missouri (Mr. Huddleston), the Senator from Louisiana (Mr. Johnston), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from North Dakota (Mr. McGovern), and the Senator from Georgia (Mr. Nunn) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Nunn) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Arizona (Mr. Goldwater), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The result was announced—yeas 14, nays 72, as follows:

[No. 297 Leg.]

YEAS—14

Bennett
Buckley
Cook
Cotton
Curtis
Fannin
Gurney
Helms
Hruska
McClure
Roth
Scott,
  William L.
Thurmond
Tower

NAYS—72

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bentsen
Bible
Biden
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Dole
Domenici
Dominick
Eastland
Ervin
Fong
Griffin
Hansen
Hartke
Haskell
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tunney
Williams
Young

NOT VOTING—14

Bellmon
Eagleton
Fulbright
Goldwater
Gravel
Hart
Hathaway
Huddleston
Johnston
Kennedy
Long
McGovern
Nunn
Weicker

So Mr. BENNETT's amendment was rejected.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McGEE. Mr. President, so far as we know, we are ready for a third reading. I know of no other amendments that are pending.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McGEE. Mr. President, I also believe there is no demand for the yeas and nays.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. DOLE. Mr. President, the Senate is today considering a measure which will expand the health-care benefits available to our Nation's Federal employees. I supported this bill at the time of its consideration by the Post Office and Civil Service Committee, and wish to restate at this time my approval of the measure.

The bill will, first, provide members of the Federal health-care plan an element of personal freedom in obtaining proper medical treatment that they would not otherwise have, insofar as it will give Federal employees access to psychologists and optometrists without prior referral by a physician. This aspect should encourage wider use of these professional services and thereby promote the general well-being of Federal employees and their families.

Furthermore, S. 2619 will eliminate a number of costly and redundant administrative procedures which currently hamper the efficiency of these health-care facilities. This will be possible through elimination of an unnecessary interim procedure: the securing of a physician's reference for the patient. I have heard from a number of optometrists and psychologists who are opposed to the implications of this prior referral for their own professional status. And in this age of restrictive redtape, it makes sense for us to do all we can to remove such obstacles to better health care for the patients themselves.

The Post Office and Civil Service Committee heard testimony from members of both the medical and insurance professions durings its careful consideration of this legislation, and a significant amount of support was found for the provisions. Many participants cited the critical need to both expedite and improve the medical treatment available through the Federal health-care programs. A good number felt that S. 2619 would provide measurable improvements in this regard. Criticism was leveled at the current standard procedures which require Federal-employee patients with visual or emotional debilities to first visit a physician and secure his referral and supervision before proceeding to an optometrist or psychologist.

I want to join with my colleagues of the committee in urging full Senate approval of S. 2619, so that the quality health care which exists in our country today may not remain less effective because of limited access to it. Federal employees who depend upon Government health care insurance to pay for their medical treatment must not be thereby limited in the services they may seek.

Mr. President, I am hoping for a prompt and favorable vote by the Senate to eliminate that limitation.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. STEVENS. Mr. President, we yield back the remainder of our time.

Mr. McGEE. We yield back the remainder of our time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (S. 2619) was passed.

The title was amended so as to read: "A bill to provide for access to all duly licensed clinical psychologists and optometrists without prior referral in the Federal employee health benefits program."

Mr. McGEE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELIMINATION OF AN ANNUITY DEDUCTION

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 628.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill from the Senate (S. 628) entitled "An Act to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married", which was to strike out all after the enacting clause, and insert:

That (a) section 8339 of title 5, United States Code, is amended as follows:

(1) Subsection (j) is repealed.

(2) Subsections (k) to (n), inclusive, are redesignated as subsections (j) to (m), respectively.

(3) The redesignated subsection (j), formerly subsection (k), is amended to read as follows:

"(j) (1) At the time of retiring under section 8336 or 8338 of this title, an unmarried employee or Member who is found to be in good health by the Commission may elect a reduced annuity instead of an annuity computed under subsections (a)-(i) of this section and name in writing an individual having an insurable interest in the employee or Member to receive an annuity under section 8341(c) of this title after the death of the retired employee or Member. The annuity of the employee or Member making the election is reduced by 10 percent, and by 5 percent for each full 5 years the individual named is younger than the retiring employee or Member. However, the total reduction may not exceed 40 percent.

"(2) An employee or Member, who at the time of retiring under section 8336 or 8338 of this title elects a reduced annuity under paragraph (1) of this subsection and later marries, may irrevocably elect, in a signed writing received in the Commission within 1 year after the marriage, an annuity computed under subsections (a)-(i) of this section. Such latter annuity is effective the first day of the month after such election is received in the Commission. The election voids prospectively any election previously made under paragraph (1) of this subsection.".

(4) The redesignated subsection (k), formerly subsection (l), is amended by deleting "subsections (a)-(k)" and inserting in place thereof "subsections (a)-(j)".

(b) Section 8341 of title 5, United States Code, is amended as follows:

(1) by deleting paragraphs (1) and (2) of subsection (a) and inserting in place thereof the following:

"(1) 'spouse' means the surviving wife or husband of any employee, Member, or annuitant who—

"(A) was married to the employee, Member, or annuitant for at least 1 year immediately before the death of the employee, Member, or annuitant;

"(B) was married to the employee, Member, or annuitant at the time of the retirement of the employee, Member, or annuitant, and at the time of the death of the employee, Member, or annuitant: *Provided,* That such surviving wife or husband was married to the employee, Member, or annuitant for any period or periods of time totalling at least one year; or

"(C) is the parent of issue by that marriage; and";

(2) by redesignating paragraph (3) of subsection (a) as paragraph (2) of such subsection;

(3) by deleting paragraphs (1) and (2) of subsection (b) and inserting in place thereof the following:

"(1) When an annuitant, except an annuitant who did not elect an annuity as provided in paragraph (2) of section 8339(j) of this title, dies and is survived by a spouse, the spouse is entitled to an annuity equal to 55 percent of an annuity computed under section 8339(a)-(i) of this title as may apply with respect to the annuitant.";

(4) by redesignating paragraph (3) of subsection (b) as paragraph (2) of such subsection;

(5) by deleting ", widow, or widower" wherever occurring in paragraph (3) of subsection (b) redesignated as paragraph (2) of such subsection;

(6) by deleting "8339(k)" in subsection (c) and inserting in place thereof "8339(j)(1)"; and

(7) by deleting in subsection (d) "widow or widower" wherever occurring therein and inserting "spouse" in place thereof.

(c) Section 8344(a) of title 5, United States Code, is amended by deleting—

"If the annuitant is receiving a reduced annuity as provided in section 8339(j) or section 8339(k)(2) of this title, the increase in annuity payable under subparagraph (A) of this subsection is reduced by 10 percent and the survivor annuity payable under section 8341(b) of this title is increased by 55 percent of the increase in annuity payable under such subparagraph (A), unless, at the time of claiming the increase payable under such subparagraph (A), the annuitant notifies the Commission in writing that he does not desire the survivor annuity to be increased."

and inserting in place thereof—

"When an annuity is increased under subparagraph (A) of this subsection, then the survivor annuity payable under section 8341(b) of this title is increased by 55 percent of that increase payable under such subparagraph (A).".

SEC. 2. (a) The annuity of a retired employee or Member who, immediately before the date of enactment of this Act, was receiving a reduced annuity in order to provide an annuity for a surviving spouse under subchapter III of chapter 83 of title 5, United States Code, or any prior applicable provision of law, shall be recomputed, and paid as if the annuity had not been so reduced.

(b) The annuity of an employee or Member who separated under section 8338 of title 5, United States Code, or any prior applicable provision of law, prior to the date of enactment of this Act which has a commencing date on or after such date of enactment shall be paid as if the amendment made by paragraph (1) of subsection (a) of the first section of this Act had been in effect at the time of the employee's or Member's separation.

(c) The amendments made by paragraph (3) of subsection (a) of the first section of this Act shall apply to annuities commencing before, on, or after the date of enactment of this Act.

(d) The amendment made by paragraph (1) of subsection (b) of the first section of this Act shall apply in the cases of employees, Members, or annuitants who die on or after the date of enactment of this Act, except that such amendment shall not apply to a spouse to whom an annuitant was married at the time of a retirement which occurred prior to such date of enactment.

(e) The annuity of a surviving spouse who, immediately before the date of enactment of this Act was receiving a survivor annuity under subchapter III of chapter 83 of title 5, United States Code, or any prior applicable provision of law, shall be recomputed, if necessary, and paid in an amount equal to 55 percent of the maximum annuity to which the former employee or Member was entitled at the time of his retirement or separation plus any annuity cost-of-living adjustments applicable to such survivor annuity which were authorized by law prior to the date of enactment of this Act.

(f) The spouse of an annuitant who retired or separated prior to the date of enactment of this Act and who dies on or after such date of enactment shall be entitled to an annuity in an amount equal to 55 percent of the maximum annuity to which the former employee or Member was entitled at the time of his retirement or separation plus any annuity cost-of-living adjustments applicable to the former employee's or Member's annuity which were authorized by law prior to the date of enactment of this Act. For the purpose of this subsection "spouse" means the surviving wife or husband—

(1) to whom an annuitant was married at the time of his retirement;

(2) to whom an annuitant was married for at least 1 year immediately before his death; or

(3) who is the parent of issue by the marriage to the annuitant.

(g) No annuity or increase in annuity resulting from the application of this section shall be paid for any period before the date of enactment of this Act or the commencing date of annuity, whichever is later.

Amend the title so as to read: "An Act to amend title 5, United States Code, to provide for annuities for surviving spouses under the civil service retirement system without reduction in principal annuities, and for other purposes."

Mr. McGEE. Mr. President, I move that the Senate disagree to the amendment of the House on S. 628; agree to the request of the House for a conference on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McGEE, Mr. BURDICK, and Mr. FONG conferees on the part of the Senate.

GEOTHERMAL ENERGY ACT 0F 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business and the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 820, S. 2465.

The PRESIDING OFFICER. Without objection, the unfinished business and the pending business will be laid aside and the clerk will report Calendar No. 820, S. 2465.

The legislative clerk read as follows:

S. 2465, a bill to authorize the Secretary of the Interior to guarantee loans for the financing of commercial ventures in geothermal energy; to coordinate Federal activities in geothermal energy exploration, research, and development.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with amendments on page 3, after line 2, strike out:

(d) Loan guaranties under this title shall be on such terms and conditions as the Secretary determines: *Provided, however*, That no guaranty shall be made under this title if—

(1) the loan involved is at a rate of interest which exceeds the prime interest rate plus one-half of 1 per centum;

(2) the terms of such loan do not require full repayment within thirty years after the date thereof;

(3) in the judgment of the Secretary, the amount of the loan (when combined with amounts available to the qualified borrower from other sources) will not be sufficient to carry out the project; or

(4) in the judgment of the Secretary, there is no reasonable assurance of the repayment by the qualified borrower of the guaranteed indebtedness.

And, in lieu thereof, insert:

(d) Loan guaranties under this title shall be on such terms and conditions as the Secretary determines: *Provided, however*, That guaranty shall be made under this title only if—

(1) the loan involved is at a rate which does not exceed the prevailing interest rates for conventional construction loans;

(2) the terms of such loan require full repayment within thirty years after the date thereof;

(3) in the judgment of the Secretary, the amount of the loan (when combined with amounts available to the qualified borrower from other sources) will be sufficient to carry out the project; and

(4) in the judgment of the Secretary there is reasonable assurance of the repayment by the qualified borrower of the guaranteed indebtedness.

On page 5, line 10, after the word "such", strike out "payments, with interest, from the defaulting borrower" and insert "payments from such assets of the defaulting borrower as are associated with the project"; on page 6, line 15, after the word "Congress", insert "by the Secretary"; on page 7, line 8, after the word "include", strike out "exploration" and insert "resource inventory"; in line 16, after the word "orderly", strike out "exploration" and insert "inventorying"; on page 8, line 2, after the word "such", strike out "exploration" and insert "surveys"; in line 17, after the word "geothermal", strike out "resources" and insert "resources, and conduct research into the principles controlling the location, occurrence, size, temperature, energy content, producibility, and economic lifetimes of geothermal reservoirs."

In line 23, after the word "the", strike out "exploration plan" and insert "inventory authorized by subsection 202(a) and the applied research authorized by subsection 202(e)"; on page 9, line 18, after the word "for", strike out "exploration" and insert "inventorying"; in line 23, after the word "for", strike out "exploration of" and insert "inventorying of and applied research on"; on page 10, line 1, after the word "section", strike out "202(a)" and insert "202"; in line 21, after the word "of", strike out "exploration and development", in line 22, after the word "successful", strike out "discovery and"; on page 11, at the beginning of line 21, strike out "energy" and insert "energy, water supplies, or minerals"; on page 12, line 11, after the word "to", strike out "contribute not less than 25 per centum of" and insert "make contributions toward"; in line 25, after the word "exceed", strike out "$5,000,000" and insert "$10,000,000"; on page 14, line 3, after the word "the", insert "loan guarantee"; and, in line 13, after the word "to", strike out "NASA to carry out the requirements of section 205" and insert "NASA"; so as to make the bill read:

S. 2465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Geothermal Energy Act of 1973".

TITLE I—LOAN GUARANTEE PROGRAM

SEC. 101. (a) The Congress, in consideration of the Federal responsibility for the general welfare, to facilitate commerce, to encourage productive harmony between man and his environment and to protect the public interest, finds that the advancement of technology by private industry for the production of useful forms of energy from geothermal resources is important to all of those areas of responsibility. It is the policy of the Congress, therefore, to encourage and assist in the commercial development of practicable means to produce useful energy from geothermal resources with environmentally acceptable processes. Accordingly, it is the policy of the Congress to facilitate such commercial development by authorizing the Secretary of the Interior to guarantee loans for such purposes.

(b) In order to encourage the commercial production of energy from geothermal resources, the Secretary of the Interior, hereinafter referred to as the Secretary, is authorized to guarantee, to enter into commitments to guarantee, banks or other financial institutions against loss of principal or interest on loans made by such institutions to qualified borrowers for the purposes of acquiring rights in geothermal resources and performing exploration development, and construction and operation of facilities for the commercial production of energy from geothermal resources.

(c) Any guaranty under this title shall apply only to so much of the principal amount of any loan as does not exceed 75 per centum of the aggregate cost of the project with respect to which the loan is made.

(d) Loan guaranties under this title shall be on such terms and conditions as the Secretary determines: *Provided, however*, That guaranty shall be made under this title only if—

(1) the loan involved is at a rate which does not exceed the prevailing interest rates for conventional construction loans;

(2) the terms of such loan require full repayment within thirty years after the date thereof;

(3) in the judgment of the Secretary, the amount of the loan (when combined with amounts available to the qualified borrower from other sources) will be sufficient to carry out the project; and

(4) in the judgment of the Secretary, there is reasonable assurance of the repayment by the qualified borrower of the guaranteed indebtedness.

(e) The Secretary shall not guarantee any loan for any project the amount of which exceeds $25,000,000, nor guarantee any combination of loans for any single qualified borrower in an amount exceeding $50,000,000.

Sec. 102. (a) With respect to any loan guaranteed pursuant to this title, the Secretary is authorized to enter into a contract to pay, and to pay, the lender for and on behalf of the borrower the interest charges which become due and payable on the unpaid balance of any such loan if the Secretary finds:

(1) that the borrower is unable to meet interest charges, and that it is in the public interest to permit the borrower to continue to pursue the purposes of his project, and that the probable net cost to the Government in paying such interest will be less than that which would result in the event of a default, and

(2) the amount of such interest charges which the Secretary is authorized to pay shall be no greater than an amount equal to the average prime interest rate for the preceding fiscal year as determined by the Secretary of the Treasury, plus one-half of one per centum.

(b) In the event of any default by a qualified borrower on a guaranteed loan, the Secretary is authorized to make payment in accordance with the guaranty, and the Attorney General shall take such action as may be appropriate to recover the amounts of such payments from such assets of the defaulting borrower as are associated with the project.

Sec. 103. No loan guaranties shall be made, or interest assistance contract entered into, pursuant to this title, after the expiration of the ten calendar year period following the date of the enactment of this Act.

Sec. 104. There is established in the Treasury of the United States a Geothermal Resources Development Fund (referred to in this title as the "fund"), which shall be available to the Secretary of the Interior for carrying out the loan guaranty and interest assistance program authorized by this title, including the payment of administrative expenses incurred in connection therewith. Moneys in the fund not needed for current operations shall be invested in bonds or other obligations of, or guaranteed by, the United States.

Sec. 105. There shall be paid into the fund the amounts authorized to be appropriated by section 106 of this title and such amounts as may be returned to the United States pursuant to section 102(b) of this title, and the amounts in the fund shall remain available until expended: *Provided*, That after the expiration of the ten-year term established by section 103 of this title, such amounts in the fund which are not required to secure outstanding guaranty obligations shall be paid into the general fund of the Treasury.

Sec. 106. There are authorized to be appropriated (1) to the fund not to exceed $50,000,000 annually, and (2) such amounts as may be required for the administrtaive costs of carrying out the provisions of this title.

Sec. 107. Business-type financial reports covering the operations of the fund shall be submitted to the Congress by the Secretary annually upon the completion of an appropriate accounting period.

TITLE II—COORDINATION OF FEDERAL ACTIVITIES IN GEOTHERMAL ENERGY EXPLORATION, RESEARCH, AND DEVELOPMENT

Sec. 201. The Congress, in consideration of the Federal responsibility for the general welfare, to facilitate commerce, to encourage productive harmony between man and his environment, and to protect the public interest, finds that the advancement of technology with the cooperation of private industry for the production of useful forms of energy from geothermal resources is important to all of those areas of responsibility. It is the policy of the Congress, therefore, to encourage and assist private industry through Federal assistance for the development and demonstration of practicable means to produce useful energy from geothermal resources with environmentally acceptable processes. Such means shall accordingly include resource inventory, research, and financial and technical assistance in the construction of pilot plants and demonstration developments with the objective of reaching commercialization in the most timely and practicable manner.

Sec. 202. The Secretary, acting through the Geological Survey, is authorized and directed to:

(a) develop and carry out a general plan for the orderly inventorying of all forms of geothermal resources of the Federal lands and, where consistent with property rights and determined by the Secretary to be in the national interest, of non-Federal lands;

(b) conduct regional surveys, based upon such a general plan, using innovative geologic, geophysical, geochemical, and drilling techniques, that will lead to a national inventory of geothermal resources in the United States;

(c) publish and make available maps, reports, and other documents developed from such surveys to encourage and facilitate the commercial development of geothermal resources for beneficial use and consistent with the national interest;

(d) make such recommendations for legislation as may from time to time appear to be necessary to make Federal leasing policy for geothermal resources consistent with known inventories of various resource types, with the current state of technologies for geothermal energy development, and with current evaluations of the environmental impacts of such developments; and

(e) participate with the Atomic Energy Commission, the National Aeronautics and Space Administration, and the National Science Foundation in research to develop, improve, and test technologies for the discovery and evaluation of all forms of geothermal resources, and conduct research into the principles controlling the location, occurrence, size, temperature, energy content, producibility, and economic lifetimes of geothermal reservoirs.

Sec. 203. The Secretary shall coordinate the development and implementation of the inventory authorized by subsection 202(a) and the applied research authorized by subsection 202(e) with the geothermal research and development program of the Atomic Energy Commission to insure that information is developed in a timely manner for the optimum progress of geothermal development.

Sec. 204. In preparing or implementing the exploration plan, the Secretary is authorized to:

(a) employ contractors and consultants;

(b) acquire by fund transfers the services of employees and facilities of other Federal agencies; and

(c) cooperate and enter into contracts with State, regional, and local governmental agencies and educational and research institutions.

Sec. 205. The Administrator of the National Aeronautics and Space Administration, hereinafter referred to as NASA, is authorized and directed to prepare and transmit to the Secretary within six months from the date of this Act a proposal for the employment of space technologies and the services and facilities of NASA for inventorying and mapping of geothermal resources.

Sec. 206. The Secretary is authorized and directed to transmit to the President and the Congress, not later than one year from the date of this Act, the general plan including a schedule and objectives, for inventorying of and applied research on geothermal resources required by section 202 and each year thereafter a report on the status of activities authorized to be performed by the Secretary under the provisions of this Act.

Sec. 207. (a) The Atomic Energy Commission in cooperation with private industry is authorized and directed to:

(1) conduct, encourage, and promote basic and applied scientific research to develop effective, economical, and environmentally acceptable procesess and equipment for the purpose of utilizing all forms of geothermal resources for the production of useful energy forms;

(2) pursue the findings of research authorized by this Act having potential applications in matters other than geothermal energy to the extent that such findings can be published in a form for utilization by others;

(3) conduct engineering and technical work including the design, construction, and testing of pilot plants to develop and improve geothermal energy processes and plant design concepts to the point of demonstration on a commercial scale;

(4) conduct laboratory and field experiments and tests of technologies necessary for the successful development of all forms of geothermal resources;

(5) study methods for the reduction and

elimination of undesirable environmental impacts of geothermal development;

(6) study methods for the recovery and marketing of byproducts resulting from the production of energy from geothermal resources; and

(7) undertake engineering and economic studies to determine the potential for energy from geothermal resources to contribute to energy requirements on national and regional levels.

(b) The Commission shall coordinate the research and development activities authorized by this section with the activities of the Department of the Interior relating to geothermal resources research to insure the full utilization of expertise and information and to prevent duplication of efforts.

SEC. 208. (a) The Commission is authorized to investigate, negotiate, and enter into cooperative agreements with non-Federal utilities, industries, and governmental entities for the construction, operation, and maintenance of demonstration developments for the production of electric or heat energy, water supplies, or minerals from geothermal resources.

(b) No agreement shall be entered into under the authority granted by this section unless the Commission determines that:

(1) the nature of the resource, the geographical location, the scale and engineering design of the facilities, the techniques of production, or other significant factors of the proposal offer opportunities to make important contributions to the general knowledge of geothermal energy, the techniques of its development, or public confidence in the technology;

(2) the potential non-Federal cooperating entities are willing and capable to make contributions toward the capital cost of the development, to operate the facilities, and to provide a market for the energy produced;

(3) no benefits have been obtained through the loan guaranty provisions of title I of this Act and applied to development of any facility for which funding assistance pursuant to this title is proposed;

(4) the development or the practical benefits of the development as set forth in clause (1) of this subsection are unlikely to be accomplished without Federal assistance or through the assistance provided by title I of this Act; and

(5) the Federal investment in each such development project will not exceed $10,000,000.

(c) The Commission is authorized to investigate potential agreements for the cooperative development of major facilities to demonstrate the production of energy from geothermal resources and to submit engineering and financial proposals to the Congress for consideration of authorization to proceed with implementation of said proposals. The Commission may consider:

(1) cooperative agreements with non-Federal governmental entities and utilities for construction of facilities to produce energy for commercial disposal;

(2) cooperative agreements with other Federal agencies for the construction and operation of facilities to produce energy for direct Federal consumption.

(d) Before favorably considering proposals under subsection (c) of this section, the Commission must find that:

(1) the nature of the resource, the geographical location, the scale and engineering design of the facilities, the techniques of production, or other significant factor of the proposal offer opportunities to make important contributions to the general knowledge of geothermal energy, the techniques of its development, or public confidence in the technology;

(2) the development or the practical benefits as set forth in clause (1) of this subsection are unlikely to be accomplished without such cooperative development; and

(3) where non-Federal participants are involved, the proposal is not eligible for adequate Federal assistance under the loan guarantee provisions of title I of this Act.

SEC. 209. There are authorized to be appropriated to remain available until expended to carry out the purposes of this title:

(a) $10,000,000 for fiscal years 1974, 1975, and 1976 to the Secretary of the Interior.

(b) $35,000,000 for fiscal years 1974, 1975, and 1976 to the Atomic Energy Commission;

(c) such amounts as may be required in fiscal years 1974, 1975, and 1976 to NASA.

SEC. 210. As used in this Act, the term—

(a) "geothermal resources" means (A) all products of geothermal processes, embracing indigenous steam, hot water, and brines; (B) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; and (C) any byproduct derived from them;

(b) "qualified borrower" means any public or private agency, institution, association, partnership, corporation, political subdivision, or other legal entity which the Secretary has determined has presented satisfactory evidence of a property interest in a geothermal resource identified, in a manner acceptable to the Secretary, as being of sufficient interest for research objectives, or the development and production of energy, and which has the financial responsibility to establish and operate, ultilizing such resource, a commercial facility;

(c) "pilot plant" means an experimental unit of small size used for early evaluation and development of new or improved processes and to obtain technical and engineering data; and

(d) "demonstration development" means a complete facility which produces electricity or heat energy for commercial disposal from geothermal resources and which will make a significant contribution to the knowledge of full-sized technology, plant operation, and process economics.

Mr. BIBLE. Mr. President, the bill we have before the Senate today, S. 2465, the proposed Geothermal Energy Act, if enacted, will authorize the Secretary of the Interior to guarantee loans for the financing of commercial ventures in geothermal energy, to coordinate Federal activities in geothermal energy exploration, research, and development, and provide the needed legislative direction for an emphatic program for the assessment and development of this Nation's geothermal energy resources.

In this measure, the Senate has, once again, the opportunity to consider legislation to provide guidance for the development of our geothermal energy resources. As the Senators will recall, language nearly identical to S. 2465 was included as title II of S. 1283, the National Energy Research and Development Policy Act of 1973, which was unanimously approved by the Senate on December 7, 1973. Senate approval today of S. 2465 will reconfirm our interest in the development of this resource for the benefit of the public and the Nation, and will facilitate final action by the House of Representatives on this important aspect of energy research and development.

The proposed Geothermal Energy Act represents a joint effort by my good friend, the senior Senator from Arizona, and myself, and I want to commend the Senator from Arizona for his initiative and leadership, not only in connection with this bill, but in respect to geothermal resource matters generally. He has demonstrated his dedication to the task of making geothermal power a reality and, in so doing, he shares my great optimism for the future of this technology.

The Geothermal Energy Act is, in a sense, a sequel to the Geothermal Steam Act of 1970, which it was my privilege to author and shepherd through Congress. This new act clearly reflects the longstanding and continuing interest of the Senate Committee on Interior and Insular Affairs in this Nation's geothermal energy resources. Extensive hearings and field investigations by the members of the committee and careful deliberation within the committee pointed the direction to this, the final version of the legislation which we have before us today.

I ask unanimous consent that excerpts from Senate Report 93–849, which accompanied S. 2465 upon its being reported to the full Senate by the Interior Committee, appear in the RECORD at the conclusion of my remarks. The report sets forth in detail the longstanding interest of the Senate Interior Committee in geothermal energy and the legislative history of S. 2465.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. I firmly believe that this Nation's geothermal energy resources represent a vast, potentially clean energy source for the generation of electric power in many of our Western States. Evidence of the resource is well documented in Arizona, California, Idaho, New Mexico, Nevada, Oregon, and elsewhere.

The problems we as a nation face in assuring sufficient energy from domestic sources call for strong efforts on the part of all levels of government and industry. The harnessing of the natural energy found in geothermal resources can and should play a significant role in solving these problems. The Federal Government must mount a concerted and coordinated research and development program to demonstrate the feasibility of harnessing geothermal power and private industry must be encouraged to invest its own resources in geothermal exploration and development. In short, if the Nation is to receive the benefits of geothermal power within the next decade, government and industry are going to have to join forces in a cooperative effort. The Government's lead role in research and development needs new direction and emphasis and meaningful incentives must be provided to encourage private action and investment. The Geothermal Energy Act will provide that direction and the needed incentives.

Essentially, title I of the bill is designed to encourage and facilitate private investment in geothermal exploration and development ventures. It establishes a long guarantee program under which the Secretary of the Interior would be authorized to provide loan guarantees covering up to 75 percent of the aggregate cost of a project, subject to limitations described in the bill.

Title II of the bill proposes to strengthen and coordinate the geothermal research and development programs of the Department of the Interior, the Atomic Energy Commission, and the National Aeronautics and Space Administration. The Department of the Interior would be assigned the primary responsibility for geothermal exploration, mapping and surveys, and other activities needed to define the Nation's geothermal resources inventory. NASA would be called upon to bring the benefits of satellite technology to bear on the exploration problem.

The AEC, which may soon become the nucleus of a new Energy R. & D. Administration (ERDA), would be assigned the primary basic and applied geothermal research and development task. Special emphasis will be placed on the need for cooperative undertakings with private industry to develop and test the technologies required to tap and harness geothermal energy. Special authority is included for cooperative pilot projects designed to demonstrate the economic and technical feasibility of geothermal power production.

We also have pending before us, H.R. 14924, the House passed version of S. 2465. The House bill seeks to provide the same general direction for the Federal Government and incentives for the private sector, as contained in S. 2465. The objective of both bills is the same: the assurance of timely and orderly development of our geothermal energy resources to aid in the solution of the energy shortages facing our Nation.

Both bills would establish a loan guarantee program to facilitate the financing of geothermal resource development ventures undertaken by private enterprise. Both bills also would draw upon the existing expertise of several Federal agencies to initiate a coordinated program to inventory the Nation's geothermal resources and to advance the technological capabilities to develop them. The bills are quite similar in the detailed activities which they contemplate, but they differ in their approach to the coordination and management of the Federal responsibilities.

It is my belief that the Senate should adopt S. 2465 and then amend H.R. 14924 with the language of the Senate bill and send it back to the House. If the House objects to the Senate amendment, and requests a conference, I am confident that a reasonable compromise can be worked out between the conferees.

EXHIBIT 1

EXCERPTS FROM SENATE REPORT NO. 93-849 TO ACCOMPANY S. 2465

GEOTHERMAL ENERGY EXPLORATION, RESEARCH AND DEVELOPMENT

II. Background

The Senate Committee on Interior and Insular Affairs has been concerned with geothermal resources for many years. Under the leadership of Senator Bible, the committee developed legislation which culminated in the Geothermal Steam Act of 1970 (30 U.S.C. 1001–1025).

In June of 1972, as part of the committee's study of National Fuels and Energy Policy being conducted pursuant to Senate Resolution 45, 92nd Congress, hearings were held on geothermal energy resources and research which provided an overview of the state of technology and the potential of the resource as a new energy source.

On June 13, 1973, the Subcommittee on Water and Power Resources began a detailed investigation of the potential for the production of power from geothermal resources with a hearing in Washington, D.C. At that hearing, the following Federal agencies, which have programs related to geothermal energy, were requested to present testimony in response to specific questions posed by the subcommittee:

(1) The Department of the Interior.

(2) The Atomic Energy Commission.

(3) The National Science Foundation.

(4) The National Aeronautics and Space Administration (NASA).

Subsequent to that hearing, the subcommittee conducted field hearings and inspections of existing and potential geothermal developments. On August 8, an inspection was made of the Geysers Geothermal Power Development of the Pacific Gas & Electric Co. in California which is the only operating geothermal electric facility in the United States.

On August 10, an inspection was made by helicopter of geothermal areas in southern Idaho, which are being considered for early development for power production. On that date, also, the subcommittee held a public hearing in Idaho Falls, Idaho, to take testimony from witnesses including public officials, authorities in geothermal energy, representatives of industrial concerns involved in energy and various citizens groups and individuals.

On August 11, a similar subcommitte hearing was held in Klamath Falls, Oreg. The hearing at Klamath Falls was conducted at the Oregon Technical Institute, in a modern academic building complex which is entirely heated from geothermal wells.

The results of the subcommittee's investigations have been compiled in a report to the Senate which will be available shortly.

S. 2465, a bill introduced on September 24, 1973, by Senators Bible, Fannin, Bartlett, Buckley, Church, Hansen, Haskell, Hatfield, Jackson, Johnston, McClure, and Metcalf, is to a considerable extent based upon the evidence of the investigation concerning the need for definition of the Federal role in geothermal energy.

The Subcommittee on Water and Power Resources held a hearing on S. 2465 on November 7, 1973. The text of S. 2465, with minor amendments, was adopted as a new title II of S. 1283 on November 27, 1973.

S. 1283, the "National Energy Research and Development Policy Act of 1973" was passed by the Senate with a unanimous vote on December 7, 1973 including the substance of S. 2465 as a Title II.

Action in the House of Representatives on S. 1283 raises some question as to whether the Geothermal Energy Act can be enacted as Title II of that measure. To insure full consideration of S. 2465 and to facilitate action by the House, the Committee on Interior and Insular Affairs again considered S. 2465 and ordered it reported separately on May 2, 1974.

III. Co-sponsors of S. 2465

The following is a list of co-sponsors of S. 2465:

Mr. Bible, Mr. Fannin, Mr. Bartlett, Mr. Buckley, Mr. Church, Mr. Hansen, Mr. Haskell, Mr. Hatfield, Mr. Jackson, Mr. Johnston.

Mr. McClure, Mr. Metcalf, Mr. Goldwater, Mr. Domenici, Mr. Abourezk, Mr. Gurney, Mr. Nelson, Mr. Stevens, Mr. Tunney.

IV. Need for the measure

The Subcommittee on Water and Power Resources of the Committee on Interior and Insular Affairs conducted a detailed study in 1963 of the potential for energy production from geothermal resource. The Subcommittee subsequently adopted a report including findings and recommendations as follows:

I. Findings and Recommendations

A. Findings

1. Electric power production from geothermal resources has been shown to be technically and economically feasible in certain locations and is presently providing 400 megawatts of electricity in the United States.

2. The geothermal resources of the United States hold a potential for the production of substantial amounts of energy in the form of heat and electric power. They hold special promise for making a significant contribution to regional power supplies.

3. Potential geothermal technologies offer the possibility of providing environmentally attractive energy production techniques.

4. The available information about the resource is not adequate to form reliable estimates on the nature and extent of geothermal resources or to support reliable estimates of the probable rate of geothermal energy development. There is a need for increased exploration and classification of geothermal resources.

5. There is a wide margin of uncertainty concerning the potential magnitude of geothermal energy development and the schedule of achievement of technological capabilities.

6. Geothermal resources occur in a variety of types and situations which pose widely different types of technological problems.

a. Dry-steam geothermal systems have been developed successfully but their total potential is believed to be limited.

b. Wet-steam geothermal systems have been harnessed for useful applications, but the ultimate utility of the resource depends upon development of methods to develop energy from low-temperature brines and the successful resolution of engineering and environmental problems.

c. Hot dry-rock systems may offer the greatest power potential over the long run, but significant research and development work (including drilling technology and advanced binary cycle heat exchange work) will be required to develop this resource.

d. Geopressured brines are believed to have potential for energy development, but exploration and research on this form of geothermal resource are especially limited.

7. There is considerable interest on the part of private industry in developing geothermal energy. However, the lack of a Federal leasing program, financing impediments, and the risk involved in advanced technologies are inhibiting development.

8. There is a lack of aggressive governmental leadership in the development of geothermal energy. There is no lead agency and as a result research and development is sporadic and uncoordinated.

9. The Department of the Interior's implementation of the Geothermal Steam Act, which has been law since 1970, has not yet resulted in regulations which will permit orderly development of attractive resources on the public lands.

10. The present Federal geothermal R.&.D. program lacks clearly enunicated goals and objectives, coordinated management or adequate funding for the exploration, research, and development activities which are needed.

11. There is a need for small-scale demonstration projects which produce power from geothermal resources to provide experience with and confidence in the resource use.

12. There is a need for more Federal assistance in exploration, research, development, and demonstration of geothermal technology and for financial assistance to non-Federal developments.

B. Recommendations

1. The Department of the Interior should take steps to insure prompt issuance of the final environmental impact statement on its leasing regulations formulated pursuant to the Geothermal Energy Act of 1970.

2. A lead agency should be designated to take responsibility for advancing geothermal energy resources research and development.

3. Exploration activity for geothermal energy resources should be greatly accelerated.

4. The level of funding for Federal research and development activities in geothermal energy resources should be greatly increased from the present level.

5. In order to facilitate private development of geothermal resources, a financial assistance program should be initiated to overcome some of the uncertainties associated with new technology development.

The provisions of S. 2465 would carry out the legislative action recommended by the Subcommittee. A discussion of the background for the recommendations is included in the subcommittee's report.

Mr. BIBLE. Mr. President, I move the committee amendments be approved and adopted en bloc.

The motion was agreed to.

Mr. BIBLE. Mr. President, I send some technical amendments to the desk.

The PRESIDING OFFICER. The clerk will report the technical amendments.

The legislative clerk read as follows:

1. On page 1, line 4, strike "1973" and insert "1974."

2. On page 2, line 16, strike the words "to guarantee," where they first appear.

3. On page 14, on lines 8, 10 and 13, strike the word "1974," in each instance.

Mr. BIBLE. Mr. President, just a brief explanation. Simply, two of the amendments are amendments which correct the dates to update it from the time that the bill was originally considered by the committee. One is on page 1, line 4, the next is on page 2, line 16.

The third amendment is to strike the words "to guarantee," because that is repetitious. It has been repeated twice.

Mr. President, I ask that the technical amendments be agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing en bloc to the technical amendments.

The amendments were agreed to.

Mr. BIBLE. Mr. President, I yield to my distinguished colleague, the Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. Mr. President, I rise to join the distinguished senior Senator from Nevada in his remarks regarding S. 2465, the Geothermal Energy Act. The Senator from Nevada is to be commended for his outstanding leadership in geothermal legislation and his firm guidance during consideration of S. 2465 by the Senate Interior and Insular Affairs Committee. I also commend the senior Senator from Arizona (Mr. FANNIN) for his support and leadership in perfecting this legislation. The minority counsel, Mr. Dave Stang, was of great assistance in preparing the bill.

It was my privilege, as chairman of the Interior Committee's Subcommittee on Water and Power Resources, to have this legislation before my subcommittee. I will not dwell upon the significance of energy research to our major national goals. Although our energy situation—or energy crisis—was belatedly discovered, it is well enough recognized today. We live in a society which depends upon intensive energy uses for its well being. Our burgeoning demands for energy have overrun the limited supplies from many conventional domestic sources, making us increasingly dependent upon insecure and economically disastrous imports. The production, conversion, and use of energy, furthermore, are major causes of some of our most pressing environmental problems. Every possible technological option for new, environmentally attractive, domestic energy sources must now be pursued so that we will have the policy choices in the future which we lack today.

The Senate's decision today to give special attention to the geothermal resource, the energy of Earth's heat, is a well-founded one. As a member of the Senate Interior and Insular Affairs Committee, I have been interested in geothermal resources for some time. Many of the most attractive and readily accessible geothermal sources which are known to exist in the United States are on the public lands of the West, and the Interior Committee, under the leadership of the Senator from Nevada, worked for several years on measures which lead to the enactment of the Geothermal Steam Act of 1970. That act established a geothermal leasing policy for the public lands.

Geothermal resources defy generalizations. There are really a great many types of geothermal resources, and they represent varied opportunities and challenges. The most easily developed resource, easily accessible hot dry steam, is not a speculative energy source. It is a reality today.

In California, the Geysers power development of the Pacific Gas & Electric Co. is producing electricity approximately equal to the demands of the city of San Francisco and it is producing it at costs which are easily competitive with the most attractive alternative sources.

The occurrences of dry geothermal steam, unfortunately, do not appear to be extensive. Most known geothermal resources will be technologically more difficult to develop. Where naturally occurring steam is of lower temperature and contains more water, for example, difficult corrosion and brine handling problems are encountered and, in some situations, binary-cycle devices may be necessary to achieve efficient electric power generation.

There does, however, appear to be a good possibility of early and significant development of such resources. Electricity is being produced from wet-steam systems in other nations, and a binary system is being constructed in California. Of course, there are numerous applications of geothermal brines as domestic and commercial heat sources, in my own State of Idaho and elsewhere in the Western States.

There appears to be an attractive potential for the development of small—10 to 25 megawatt—powerplants based upon wet-steam resources. Opportunities for such installations are abundant in the west would welcome alternative installations of small capacity are feasible, they would be an important accomplishment. Most modern fossil fuel plants for base load operation must be very large to achieve the economies of scale. Many small electric utilities serving the rural West would welcome alternative installations of relatively small capacity, and the dispersal of generation would enhance the reliability of major regional power systems.

Dry geothermal resources are a form which, perhaps, offer the most exciting possibilities for the long-term future. Hot formations unusually close to the surface of the Earth are known in a number of localities. If appropriate drilling and heat exchange technologies were developed, the energy of these anomalies could be used for electrical generation and industrial process heat. It is possible that some applications could be achieved in the near future. If the technologies could be brought to a very high degree of sophistication, moreover, the Earth's natural heat would provide a virtually inexhaustible source of energy which occurs everywhere. Along with solar energy, hydrogen fuels, and nuclear fusion, it deserves study as a solution to the inevitable exhaustion of conventional fuels.

Unfortunately, there is no present concerted Federal program for research and development of geothermal resources. There are a few agencies which are interested in the resource and there are some small, tentative activities underway. These efforts lack a sense of urgency. They lack a lead agency with specific authority to coordinate Federal responsibilities for geothermal research and to cooperate with industry in a planned program of exploration, research, and development.

Mr. President, today the Senate has the opportunity to chart the course of geothermal energy resource development for the next decade. It is imperative that we act without delay. I urge my colleagues to adopt S. 2465 which will provide sound guidance for the Federal support of geothermal energy development.

Mr. BIBLE. Mr. President, I appreciate the views of the Senator from Idaho. He has been a long-time supporter in this field of geothermal legislation.

Mr. President, I yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, I am pleased to rise in support of the Geothermal Energy Act of 1973, which I cosponsored, to establish a national program for research, development, and demonstration of commercial geothermal resource technology.

Senator BIBLE is to be congratulated for his leadership in recognizing the importance of geothermal energy and fathering legislation designed to induce its development. Having authored the Geothermal Steam Act of 1970, he is now sponsoring additional legislation in this field. It has been my pleasure to work closely with him in developing this legislation to promote the early commercialization of geothermal energy. We are also pleased by the strong leadership toward this end on the part of the distinguished chairman of the Water and Power Resources Subcommittee, Senator CHURCH, and his colleague from Idaho Senator MCCLURE, also cosponsors of this bill, who contributed generously. The distinguished majority staff member Mr. Dan Dreyfus, too, has performed commendable service in working for many years on this particular program. He deserves much credit for his long hours of work.

Incentives are provided in this bill which would result in the production of useful energy from geothermal resources, within environmentally acceptable standards, and at minimum cost to the taxpayers. A higher level of private activity and innovation would be encouraged by this legislation so that geothermal technology would be perfected to help meet our energy self-sufficiency objectives. The bill stimulates industrial R. & D. in geothermal energy through a loan guarantee program. By coordinating Federal activities in both geothermal energy exploration and research and development, it would ensure improved utilization of new technology.

This resource can soon make a substantial contribution to our electrical generating capacity, particularly in the West. It is important that its existing potential be understood. To date the U.S. Geological Survey has classified as known geothermal resources areas about 1.8 million acres of land in the Western States, much of it on Federal lands. Nevertheless, the Interior Department has been disappointingly slow in implementing the Geothermal Steam Resources Act of 1970, which authorized the development of a Federal geothermal leasing program.

Despite Government policies affecting Federal lands which have served as obstructions to geothermal resource development by private enterprise, the efforts of Geothermal Kinetics Systems Corporation of Phoenix has gone forward. This group of three major Arizona utility companies, by operating on privately owned leased land Arizona's first geothermal well near the city of Chandler, has shown how quickly geothermal resources can be located. This still is an experiment, and the economic feasibility of using the wells is now under study. The most exciting aspect of this project is that it shows how rapidly progress can be made.

As an incentive to stimulate development, the bill in title I would authorize the Secretary of the Interior to administer a guarantee program covering loans made for exploration, development, and construction and operation of geothermal facilities. This loan guarantee program, Mr. President, would induce banks and other financial institutions to take greater risks in their funding of innovative and creative energy-related technologies.

Title II, Coordination of Federal Activities in Geothermal Energy Exploration, Research, and Development, would encourage the orderly development and demonstration of practicable means to produce useful energy from geothermal resources by environmentally acceptable processes. The Secretary, through the Geothermal Survey, would conduct an orderly exploration of all forms of geothermal resources, identifying potential reservoirs of geothermal resources. Data from such explorations would be made available to encourage the commercial development of geothermal resources. In addition, the Secretary would make legislative recommendations on and participate with the AEC, NASA and the National Science Foundation in research to develop and implement technologies for the discovery and evaluation of geothermal resources.

Under title II, the Atomic Energy Commission in cooperation with private industry would conduct, encourage, and promote scientific research to develop effective, economical, and environmentally acceptable processes and equipment to develop geothermal resources. This would facilitate design, construction, and testing of pilot plants. The Commission would also enter into cooperative cost-sharing agreements with private industry for demonstration developments for the production of electric or heat energy from geothermal resources.

The Administrator of the National Aeronautics and Space Administration would be authorized to prepare a proposal for the employment of space technologies and the services of NASA for the exploration and mapping of geothermal resources.

Mr. President, this bill would encourage the commercial development of geothermal resources by funding pilot and demonstration projects. Its loan guarantee provisions would also give a boost to early commercialization of geothermal energy.

The Federal Government must assume partial responsibility for facilitating commercialization of geothermal energy resources so that the Nation's critical energy needs can be met. Our technological options and capabilities must be developed in a timely and efficient manner so that our temporary energy shortages do not cripple us permanently. Geothermal power, a "renewable" and clean source of electric power generation from the heat contained within the Earth, can become a major new source to provide us energy.

In conclusion, I am pleased that the House patterned its bill so closely after ours and I am hopeful that the House will accept our substitute for its bill, H.R. 14920. If not I look forward to cordial and expeditious conference with our distinguished colleagues in the House.

Mr. BIBLE. I thank my distinguished colleague and neighbor to the south of my State. He likewise has a great interest in this area. This offers a great possibility in the future. Italy, Iceland, Australia and other nations have pioneered this into operation, and Lardarello, Italy, since 1904. The interesting part of the Italian geothermal project is that there has been very little diminution of the supply. One only has to look to California, the State neighboring my State and the State of the Senator from Arizona, to Geyserville to see how it supplies electricity. It has great possibilities. This will move the operation forward.

There are differences between the House-passed bill and the bill I expect will be passed here today, but I do not think the difficulties will be too great when we go to conference. We will try to move quickly to get the necessary financing.

Mr. McCLURE. Mr. President, as a cosponsor of S. 2465, I rise in support of the Geothermal Energy Act. Idaho cannot help but benefit from this legislation.

I recall that as part of our efforts within the Interior Committee associated with the preparation of this legislation, last August 10, Senator CHURCH and I conducted a helicopter inspection of geothermal areas in southern Idaho which are being considered for early development for power production. The same day we participated in committee hearings held in Idaho Falls where testimony was heard from many of the Idaho citizens active in the development of geothermal energy.

I am pleased that the bill will soon become law and that because of this legislation Idaho may reap the benefits it so properly deserves for its leadership in developing geothermal energy.

My colleagues here today have ably described the individual provisions of the bill. Suffice it to say that the legislation calls for the creation of a number of geothermal programs which might be of direct and abundant assistance to Idaho.

I also wish, at this time, to commend my colleagues, Senators FANNIN and BIBLE, for their active leadership in moving forward with this very promising and innovative legislation.

Mr. JACKSON. Mr. President, I rise to support the enactment of S. 2465, the Geothermal Energy Act, a bill which will provide congressional policy guidance for the Federal activities in inventorying geothermal resources and in research and development of geothermal technologies. This measure also will establish a program of loan guarantees to facilitate financing of geothermal ventures by private or non-Federal public entities.

Geothermal energy, in the past few months, has begun to receive the recognition it deserves as a potential source of clean, domestic energy. The energy crisis and soaring prices for fossil fuels have focused attention upon the geothermal opportunities which have been used in limited applications for decades.

There are extensive known geothermal areas in the Western United States, but there has been little detailed exploration and the actual potential extent of promising resources may be much greater. Almost certainly, if relatively modest advances in technology can be achieved, geothermal reosources can make an important contribution to national energy supplies.

Until now, there have been only token efforts to accelerate geothermal exploration and development. The fiscal year 1975 appropriation request for Federal geothermal activities—$44.7 million for all agencies—for the first time will provide a level of funding adequate to initiate a sound Federal exploration and R. & D. program.

Funds alone, however, do not insure a good effort. There still is no statement of congressional policy on geothermal research and development. The responsibilities of the several agencies which are involved with geothermal resources—the AEC, the Interior Department, and the National Science Foundation—are unclear. The leadership is constantly shifting. State agencies and private entities interested in cooperative efforts are frustrated in their attempts to deal with the

Federal Government. The authority of the agencies to embark upon field demonstrations is ill-defined. This measure would clearly express congressional policy on these matters.

The loan guarantee program of title I of S. 2465, furthermore, would assist non-Federal entities in obtaining reasonable financing for geothermal ventures. The uncertainties and the lack of experience with geothermal development presently inhibit financing of organizations interested in such ventures. The Federal guarantee would greatly expand the ability of potential participants to undertake the easier types of geothermal development with the minimum of Federal involvement or cost.

The Senate Interior Committee has had an interest in geothermal energy for many years. The Geothermal Leasing Act of 1970 was the result of extensive consideration of the leasing policy for geothermal resources of the public lands. The measure before the Senate today is also the result of extensive committee investigations into the problems of geothermal development. The language has previously been approved by the Senate as title II of S. 1283, a general energy research and development strategy bill which unanimously passed the Senate in December of 1973. It is being proposed today as separate legislation to facilitate House consideration.

I commend the senior Senator from Idaho (Mr. CHURCH) who, as chairman of the Water and Power Resources Subcommittee, conducted the investigations leading to this measure, and the senior Senators from Nevada and Arizona (Mr. BIBLE and Mr. FANNIN) who are the principal sponsors of this bill and who have shown leadership in geothermal policy over the years.

I urge my colleagues to give favorable consideration to the measure.

Mr. HATFIELD. Mr. President, I join with my colleagues who have cosponsored this legislation in expressing my pleasure in seeing the attention geothermal energy is finally receiving. We have long known the possibilities for tapping the heat of the Earth; we have seen the potential unfolding at orders of magnitude beyond our early calculations; but it has taken an energy crisis to overcome the inertia that has unnecessarily delayed our moving aggressively in the geothermal direction.

I would especially like to compliment the unstinting efforts of the distinguished senior Senator from Nevada (Mr. BIBLE), whose leadership in this area will be missed following his retirement this year. We who will carry on in the Interior Committee will have to fill some very big shoes.

Mr. BIBLE. Now, Mr. President, unless other Senators desire to speak I ask unanimous consent that the Senate proceed to the consideration of H.R. 14920, a companion bill passed by the House; that all after the enacting clause be stricken; and that the text of S. 2465, as amended, be substituted therefor.

The PRESIDING OFFICER. Without objection it is so ordered.

The Senate proceeded to consider the bill (H.R. 14920) the Energy, Geothermal Energy Research, Development, and Demonstration Act of 1974.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. MANSFIELD. Mr. President, I have asked the Senator to yield only for a point of information.

We have a geothermal operation going on in Montana at the present time at the site of a well-known mine near Marysville, about 20 miles from Helena. Would a project of that sort be eligible for assistance under this act?

Mr. BIBLE. I do not have the details of the Montana project, but it would certainly improve the opportunities of their receiving additional financing. As I understand the Montana project, and as I am advised by Dan Dreyfus, our expert in this field, the Montana project is presently financed by the National Science Foundation.

Mr. MANSFIELD. That is correct.

Mr. BIBLE. And this bill would improve, implement, and increase the available funding, to try to get the results at the earliest possible time.

Mr. MANSFIELD. Provided it showed promise?

Mr. BIBLE. That is correct. Certainly every geothermal prospect in the United States is not going to work out, but many will.

Mr. MANSFIELD. I thank the distinguished chairman of the committee.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 14920) was read the third time and passed.

The title was amended so as to read:

To authorize the Secretary of the Interior to guarantee loans for the financing of commercial ventures in geothermal energy; to coordinate Federal activities in geothermal energy exploration, research and development; and for other purposes.

The PRESIDING OFFICER. Without objection, S. 2465 will be indefinitely postponed.

ESTABLISHMENT OF LEGAL SERVICES CORPORATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on my motion on the Legal Services bill occur at the hour of 12:30 p.m. on Tuesday next. It is my understanding that this has been cleared with the distinguished Senator from North Carolina (Mr. HELMS); the distinguished Senator from Idaho (Mr. McCLURE); the distinguished Senator from Tennessee (Mr. BROCK); I believe the distinguished Senator from Alabama (Mr. ALLEN); the distinguished Senator from Wisconsin (Mr. NELSON); the distinguished Senator from Ohio (Mr. TAFT); and the distinguished Senator from New York (Mr. JAVITS). That is for a 12:30 vote on the motion to insist on the Senate amendments, which I proposed yesterday.

Mr. NELSON. I did not hear the first part of the Senator's statement.

Mr. MANSFIELD. That the vote occur at 12:30 next on the motion which I offered.

Mr. NELSON. I have no objection.

Mr. TAFT. I have no objection.

Mr. MANSFIELD. I understood that the Senator from New York is agreeable.

Mr. McCLURE. Mr. President, reserving the right to object, will the Senator from Montana yield for a couple of questions?

Mr. MANSFIELD. Surely.

Mr. McCLURE. One is that the request was for a vote upon the motion that is now pending before the Senate that was lodged yesterday on this matter?

Mr. MANSFIELD. That is correct; it is the motion which I offered.

Mr. McCLURE. Yes. Was there also the further understanding that there would be no vote on the cloture motion tomorrow if this unanimous-consent request is agreed to?

Mr. MANSFIELD. Exactly. If that is done, then I will ask that the cloture motion for tomorrow be vitiated.

Mr. McCLURE. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask that the cloture motion on which a vote was to occur 1 hour after the Senate opened for business tomororw, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING ADDITIONAL COPIES OF HEARINGS CONCERNING IMPEACHMENT INQUIRY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of House Concurrent Resolution 559.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 559.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for use of the Committee on the Judiciary twenty thousand additional copies of all parts of its hearings concerning the impeachment inquiry, pursuant to H. Res. 803.

SEC. 2. There shall be printed for the use of the House Committee on the Judiciary fifty thousand additional copies of its final report to the House.

Mr. CANNON. Mr. President, it is with the greatest reluctance that I must say I cannot go along with requests which we have received from distinguished Members of the other body who would like for the Senate to approve today without Rules Committee consideration the proposal in House Concurrent Resolution 559 which would authorize expenditure of $989,094.72 for printing various House Judiciary Committee documents relative to the current impeachment inquiry.

I recognize the tremendous importance of the work being done by the House Judiciary Committee and I know that every effort must be taken to make sure the American public has the fullest possible access to all information about it.

However, I am advised that $921,306.72 of the requested amount would go to pay for publication of 13 volumes of Judiciary Committee staff reports to the committee and to me this would constitute a waste of the taxpayer's money.

I have been advised that if we approve this nearly $1 million worth of printing all at once it would amount to approximately 100 truck loads of documents to be delivered to the House Judiciary Committee and the simple problem of storage for this much paper is a staggering one.

In sum, Mr. President, I feel as chairman of the Rules and Administration Committee I could not support this vast expenditure for printing just one collection of committee documents, because I think it would be an unwise investment of the taxpayers' money.

Mr. HUGH SCOTT. Mr. President, at a time when all Americans feel the crunch of inflation, when prices are rising, when Government spending is skyrocketing, how terribly ill-advised it is to talk about spending a million dollars of taxpayers' money to print over 100 truckloads of material. What an extravagant waste of money.

How can the Congress urge consumer restraint when it turns right around and throws a million dollars to the wind? I object to proceeding in this way, and I hope that our friends in the other body will reconsider their action.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, after line 8, add a new section, as follows:

SEC. 3. The Superintendent of Documents shall make additional copies available for purchase by the general public at no less than cost.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 559), as amended, was agreed to as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for use of the Committee on the Judiciary twenty thousand additional copies of all parts of its hearings concerning the impeachment inquiry, pursuant to H. Res. 803.

SEC. 2. There shall be printed for the use of the House Committee on the Judiciary fifty thousand additional copies of its final report to the House.

SEC. 3. The Superintendent of Documents shall make additional copies available for purchase by the general public at no less than cost.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2830. An act to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus; and

S. 2893. An act to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next three fiscal years.

The PRESIDENT pro tempore (Mr. EASTLAND) subsequently signed the enrolled bills.

AMENDMENT OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT

The Senate continued with the consideration of the bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 3355.

Mr. MANSFIELD. Mr President I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 2465 be indefinately postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I ask unanimous consent that the following persons or aides have the privilege of the floor during the consideration of this amendment: Mark Gitinstein and Britt Snider, on my behalf, and Doug Marvin and Charles Bruse on behalf of Senator HRUSKA.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that Robert Sloan, a member of the staff of the Government Operations Committee, be permitted the privilege of the floor during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE ATOMIC ENERGY ACT OF 1954

Mr. MANSFIELD. Mr. President I ask unanimous consent that the pending business be laid aside temporarily, and the Senate proceed to consider S. 3669, calendar 951.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3669) to amend the Atomic Energy Act of 1954, as amended, and the Atomic Weapons Rewards Act of 1955, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Joint Committee on Atomic Energy with an amendment on page 4, at the end of line 9, to strike out the following:

Provided, however, That (i) notwithstanding this provision, the Commission is hereby authorized, subject to the provisions of section 123, to distribute to the Agency seventy-five thousand kilograms of contained uranium 235, five hundred grams of uranium 233, and three kilograms of plutonium; and (ii) notwithstanding the foregoing provisions of this subsection, the Commission may distribute to the International Atomic Energy Agency, or to any group of nations, such other amounts of special nuclear materials and for such other periods of time as are established in writing by the Commission: *Provided, however*, That before they are established by the Commission pursuant to this subdivision (ii), such proposed amounts and periods shall be submitted to the Joint Committee, and a period of thirty days shall elapse while Congress is in session (in computing the thirty days there shall be excluded the days in which either House is not in session becaue of adjournment for more than three days) unless the Joint Committee by resolution in writing waives the condition of, or all or any portion of, such thirty day period.

and insert in lieu thereof the following:

Provided, however, That, (i) notwithstanding this provision, the Commission is hereby authorized, subject to the provisions of section 123, to distribute to the Agency five thousand kilograms of contained uranium-235, five hundred grams of uranium-233, and three kilograms of plutonium, together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear materials made available by all other members of the Agency to June 1, 1960; and (ii) notwithstanding the foregoing provisions of this subsection, the Commission may distribute to the International Atomic Energy Agency, or to any group of nations, such other amounts of special nuclear materials and for such other periods of time as are established in writing by the Commission: *Provided, however*, That before they are established by the Commission pursuant to this subdivision (ii), such proposed amounts and periods shall be submitted to the Congress and referred to the Joint Committee and a period of sixty days shall elapse while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days): *And provided further*, That any such proposed amounts and periods shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed action: *And provided further*, That prior to the elapse of the first thirty days of any such sixty-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed amounts and periods and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed amounts or periods.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atomic Weapons Rewards Act of 1955 is amended as follows:

(a) The initial section of the Act is amended by striking out the words "Atomic Weapons Rewards Act of 1955" and by substituting in lieu thereof "Atomic Weapons and Special Nuclear Materials Rewards Act."

(b) Sections 2, 3, and 5 of the Act are amended to read as follows:

"SEC. 2. Any person who furnishes original information to the United States—

"(a) leading to the finding or other acquisition by the United States of special nuclear material or an atomic weapon which has been introduced into the United States or manufactured or acquired therein contrary to the laws of the United States, or

"(b) with respect to the introduction or attempted introduction into the United States or the manufacture or acquisition or attempted manufacture or acquisition of, or a conspiracy to introduce into the United States or to manufacture or acquire, special nuclear material or an atomic weapon contrary to the laws of the United States, or

"(c) with respect to the export or attempted export, or a conspiracy to export, special nuclear material or an atomic weapon from the United States contrary to the laws of the United States,

shall be rewarded by the payment of an amount not to exceed $500,000.

"SEC. 3. The Attorney General shall determine whether a person furnishing information to the United States is entitled to a reward and the amount to be paid pursuant to section 2. Before making a reward under this section the Attorney General shall advise and consult with the Atomic Energy Commission. A reward of $50,000 or more may not be made without the approval of the President.".

"SEC. 5. (a) The Attorney General is authorized to hold such hearings and make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.

"(b) A determination made by the Attorney General under section 3 of this Act shall be final and conclusive and no court shall have power or jurisdiction to review it.".

(c) Section 6 of the Act is amended by deleting the words "Awards Board" and by substituting in lieu thereof the words "Attorney General".

SEC. 2. Section 54 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 54. FOREIGN DISTRIBUTION OF SPECIAL NUCLEAR MATERIAL.—a. The Commission is authorized to cooperate with any nation or group of nations by distributing special nuclear material and to distribute such special nuclear material, pursuant to the terms of an agreement for cooperation to which such nation or group of nations is a party and which is made in accordance with section 123. Unless hereafter otherwise authorized by law the Commission shall be compensated for special nuclear material so distributed at not less than the Commission's published charges applicable to the domestic distribution of such material, except that the Commission to assist and encourage research on peaceful uses or for medical therapy may so distribute without charge during any calendar year only a quantity of such material which at the time of transfer does not exceed in value $10,000 in the case of one nation or $50,000 in the case of any group of nations. The Commission may distribute to the International Atomic Energy Agency, or to any group of nations, only such amounts of special nuclear materials and for such period of time as are authorized by Congress: *Provided, however,* That, (i) notwithstanding this provision, the Commission is hereby authorized, subject to the provisions of section 123, to distribute to the Agency five thousand kilograms of contained uranium-235, five hundred grams of uranium-233, and three kilograms of plutonium, together with the amounts of special nuclear material which will match in amount the sum of all quantities of special nuclear materials made available by all other members of the Agency to June 1, 1960; and (ii) notwithstanding the foregoing provisions of this subsection, the Commission may distribute to the International Atomic Energy Agency, or to any group of nations, such other amounts of special nuclear materials and for such other periods of time as are established in writing by the Commission: *Provided, however,* That before they are established by the Commission pursuant to this subdivision (ii), such proposed amounts and periods shall be submitted to the Congress and referred to the Joint Committee and a period of sixty days shall elapse while Congress is in session (in computing such sixty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days): *And provided further,* That any such proposed amounts and periods shall not become effective if during such sixty-day period the Congress passes a concurrent resolution stating in substance that it does not favor the proposed action: *And provided further,* That prior to the elapse of the first thirty days of any such sixty-day period the Joint Committee shall submit a report to the Congress of its views and recommendations respecting the proposed amounts and periods and an accompanying proposed concurrent resolution stating in substance that the Congress favors, or does not favor, as the case may be, the proposed amounts or periods. The Commission may agree to repurchase any special nuclear material distributed under a sale arrangement pursuant to this subsection which is not consumed in the course of the activities conducted in accordance with the agreement for cooperation, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission. The Commission may also agree to purchase, consistent with and within the period of the agreement for cooperation, special nuclear material produced in a nuclear reactor located outside the United States through the use of special nuclear material which was leased or sold pursuant to this subsection. Under any such agreement the Commission shall purchase only such material as is delivered to the Commission during any period when there is in effect a guaranteed purchase price for the same material produced in a nuclear reactor by a person licensed under section 104, established by the Commission pursuant to section 56, and the price to be paid shall be the price so established by the Commission and in effect for the same material delivered to the Commission.

"b. Notwithstanding the provisions of sections 123, 124, and 125, the Commission is authorized to distribute to any person outside the United States (1) plutonium containing 80 per centum or more by weight of plutonium-238, and (2) other special nuclear material when it has, in accordance with subsection 57d., exempted certain classes or quantities of such other special nuclear material or kinds of uses or users thereof from the requirements for a license set forth in this chapter. Unless hereafter otherwise authorized by law, the Commission shall be compensated for special nuclear material so distributed at not less than the Commission's published charges applicable to the domestic distribution of such material. The Commission shall not distribute any plutonium containing 80 per centum or more by weight of plutonium-238 to any person under this subsection if, in its opinion, such distribution would be inimical to the common defense and security. The Commission may require such reports regarding the use of material distributed pursuant to the provisions of this subsection as it deems necessary.

"c. The Commission is authorized to license or otherwise permit others to distribute special nuclear material to any person outside the United States under the same conditions, except as to charges, as would be applicable if the material were distributed by the Commission.".

SEC. 3. Section 57 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"d. The Commission is authorized to establish classes of special nuclear material and to exempt certain classes or quantities of special nuclear material or kinds of uses or users from the requirements for a license set forth in this section when it makes a finding that the exemption of such classes or quantities of special nuclear material or such kinds of uses or users would not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public.".

SEC. 4. Section 81 of the Atomic Energy Act of 1954, as amended, is amended by deleting the word "licensees" and inserting in lieu thereof the words "qualified applicants" in the third sentence of such section and by deleting the fifth sentence of such section.

SEC. 5. Sections 123, 124, and 125 of the Atomic Energy Act of 1954, as amended, are amended by substituting the term "54a." for the term "54.".

SEC. 6. Subsection 153. h of the Atomic Energy Act of 1954, as amended, is amended by striking the figure "1974" and substituting therefor the figure "1979".

SEC. 7. Subsection 161. i of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"i. prescribe such regulations or orders as it may deem necessary (1) to protect Restricted Data received by any person in connection with any activity authorized pursuant to this Act, (2) to guard against the loss or diversion of any special nuclear material acquired by any person pursuant to section 53 or produced by any person in connection with any activity authorized pursuant to this Act, to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security, including regulations or orders designating activities, involving quantities of special nuclear material which in the opinion of the Commission are important to the common defense and security, that may be conducted only by persons whose character, associations, and loyalty shall have been investigated under standards and specifications established by the Commission and as to whom the Commission shall have determined that permitting each such person to conduct the activity will not be inimical to the common defense and security, and (3) to govern any activity authorized pursuant to this Act, including standards and restrictions governing the design, location, and operation of facilities used in the conduct of such activity, in order to protect health and to minimize danger to life or property;".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair lays before the Senate the pending business which the clerk will state.

The assistant legislative clerk read as follows:

> A bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis.

The Senate proceeded to consider the bill.

Mr. BAYH. Mr. President, I speak in support of S. 3355, a bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to extend authorization for appropriations for the Drug Enforcement Administration for 5 years through fiscal year 1970. This bill will provide authorization for appropriations in the following amounts: $125 million for fiscal year 1975; $150 million for fiscal year 1976; $175 million for fiscal year 1977; $200 million for fiscal year 1978, and $225 million for fiscal year 1979. As chairman of the Subcommittee to Investigate Juvenile Delinquency, which has jurisdiction over the 1970 Drug Act, I joined with Marlow Cook, the subcommittee's ranking minority member in introducing this bill on April 11, 1974. To expedite consideration of this matter the measure was not referred to the subcommittee and was favorably reported from the Judiciary Committee on June 12, 1974, and initially passed the Senate by unanimous consent on June 17, 1974. This action, however, was later vitiated when it became apparent that an amendment pertaining to the authorization and execution of "no-knock" warrants would be offered.

One of the principal thrusts of this country's drug effort must be the reduction of illegal drug traffic and reduction of drug related crime. Some inroads have been made with heroin traffic and addiction. The now threatened ban on the cultivation of opium poppies in Turkey appears to have dramatically reduced the availability of heroin, particularly in the eastern seaboard of the United States. Some experts even link the reported decline in the number of heroin addicts to the opium ban. However, much remains to be done. According to June 1974, DEA reports drug deaths have increased substantially at the national level in the last two quarters of fiscal year 1974, with the major increases being made in the heroin/morphine and methadone categories. Geographically, heroin deaths have climbed in the Northeast, Central, and Western sections of the United States. Most methadone deaths reported have occurred in New York City. Mexico is becoming a significant supplier of the heroin reaching U.S. markets for illicit distribution. DEA statistics show that in the year ending June 30, 1972, 8 percent of the heroin seized in the United States was Mexican, but by June 30, 1973, the amount of seized heroin from Mexico had more than quadrupled and accounted for 37.2 percent of all heroin seized in the United States. In any case even if the effort to curb heroin traffic was 100 percent successful we would still be confronted with an epidemic of traffic and abuse.

The source of supply for growing legions of abusers is a domestic one.

Not heroin grown in Asia's Golden Triangle, or in the notorious poppy field of Turkey or Mexico, but drugs produced here in our own country and readily available to millions.

As chairman of the Senate Subcommittee To Investigate Juvenile Delinquency, I have spent as much time in the past 3 years on efforts to deal more effectively with the problem of drug abuse as I have on any other single issue.

Our subcommittee has conducted hearings and investigations in every part of the country.

We have learned how legally produced drugs find their way to illicit markets in large cities and small towns.

We have explored the emerging patterns of abuse and learned that drug abuse can mean a suburban matron popping pills just as it can mean a youth shooting up in an urban jungle.

We understand that a middle-class child who takes a couple of amphetamines from the medicine cabinet can end up in as much trouble as a ghetto child who gets an early introduction to snorting cocaine.

We know that youthful abusers of prescription depressants and stimulants outnumber heroin abusers 17 to 1 and that heroin ranks behind these drugs in terms of death, disability, psychosis, and even addiction.

Thus, if you throw a dart at the map of America it is far more likely to identify a community with a multiple or polydrug problem than one with an exclusive heroin problem.

The President's recent drug abuse message to the Congress, as in years past, reflects little concern for the abusers of legitimately produced drugs. Meanwhile administration spokespeople canvas the country announcing that they have turned the corner on drug abuse.

This administration has been lagging behind the Congress, the public, and even some of the drug companies in its willingness to deal with these problems.

While the public's attention and resources were being directed toward illicit drugs such as heroin and cocaine, our subcommittee was initiating an effort to expand the Federal response to more adequately deal with the diversion and commonly abused drugs.

Following extensive public hearings, which began in 1971, and the introduction of legislation supported by a substantial number of my colleagues in the Senate, we were able to persuade the administration to take some constructive action.

We were able to obtain a drastic, but necessary, reduction in amphetamine production. This year's quota, based on legitimate scientific and medical needs, represents a 92-percent reduction over 1971 levels.

We moved in parallel fashion to control the production and distribution of commonly abused sedatives. Our exhaustive staff study and hearings provided conclusive evidence of the need for more adequate controls as well as treatment and rehabilitation for persons dependent on these drugs.

Despite the reluctance of two profitable and recalcitrant ethaqualone manufacturers—who we had to issue subpenas for in order to get their representatives before the subcommittee—we have secured more appropriate controls over the production, distribution, and prescription of "sopors" and "quaaludes."

On the barbiturates, however, again the administration delayed action. But finally, with sufficient prodding and I might say, when it became evident our legislation would pass, they acted to control some barbiturates. Unfortunately, in spite of findings by HEW that failure to more adequately control other barbiturates constituted a substantial risk to public health, the administration controlled only three. I took strong exception to this shortsighted and piecemeal approach.

It is imperative that the controls on the production and distribution of all commonly abused barbiturates be tightened. If the administration continues to drag its feet in this area, I shall push forward with the necessary—and tough—legislation to see that barbiturates are adequately controlled. We cannot tolerate any longer inaction or half-action in dealing with the abuse of legitimately manufactured drugs.

I was particularly pleased that at my request the Judiciary Committee adopted language in the report on S. 3355 which reflected concern about what is commonly called the nonopiate or "polydrug" abuse epidemic. On page 3 of that report (Senate Report No. 93-925) in the initial paragraph under DEA Objectives the pertinent language is found:

> The Committee's desire is that the Drug Enforcement Administration aim its manpower at responding to the polydrug epidemic by further penetration of illicit traffic in narcotics *and non*narcotic drugs and by increasing regulatory activity at all levels. These efforts should complement other high priority Federal programs of drug abuse prevention, treatment and rehabilitation.

Whether the concern is heroin or nonopiate drugs such as amphetamines and barbiturates, the bill under consideration today, S. 3355, will assist narcotic law enforcement officers in an all-out effort to curb traffic and abuse and prevent legitimately produced drugs from being used for illegal nonmedical purposes. As chairman of the subcommittee, I will persist in my efforts to assure that these goals are being met.

Mr. COOK. Mr. President, over the last several years the Federal Government has mobilized an all-out effort to deal with rapid increases in drug abuse and illegal drug traffic. Since 1969, Federal support for research in this effort has increased fourfold, support for treatment and rehabilitation has increased sixfold, and spending in the areas of education and training has increased nearly tenfold.

The principal thrust of this country's drug effort, however, has been the elimination of illegal drug traffic and the reduction of drug related crime. The Drug Enforcement Administration and, previously, the Bureau of Narcotic and Dangerous Drugs, have led the Government's fight in this regard. In the last few years steady and impressive progress has been made. Confiscations of illegal drugs, both domestically and abroad, have increased dramatically since 1970. Federal arrests for heroin trafficking and use were up to 29 percent in 1973 over the previous year, and convictions for all drug-related arrests increased 54 percent over the same period.

I think it is obvious that this Nation is just beginning to come to grips with its drug abuse problem. It is essential that a vigorous and determined effort be sustained in this area.

For this reason, Senator BAYH and I introduced legislation on April 11 of this year to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Department of Justice on an annual, continuing basis for the operation of the Drug Enforcement Administration. An agreement was reached in the Judiciary Committee, however, that this effort could best be sustained with the continuing oversight of Congress. Therefore, the bill was amended in committee to provide for a 5-year appropriation authorization in order to allow periodic reconsideration. S. 3355 as now amended authorizes $125 million for fiscal year 1975, $150 million for fiscal 1976, $175 million for fiscal 1977, $200 million for fiscal 1978, and $225 million for the 1979 fiscal year.

In addition, there is one other matter which has come to my attention and it should be promptly resolved to insure protection of the Federal officers who are attempting to protect us from the illicit traffic in drugs. At the present time, section 1114 of title 18 of the United States Code makes it a Federal offense for anyone to assault a Federal law enforcement officer. The statute lists the various agencies to which it applies including the officers of the former Bureau of Narcotics and Dangerous Drugs, which has now been merged into the new Drug Enforcement Administration. Because the statute fails to specifically list the DEA, recent circuit court decisions have held that it does not apply to the new agency's personnel. Thus, for all practical purposes at this time drug enforcement officers of the Department of Justice are without any effective redress in the Federal courts for assaults or injuries which criminals may inflict upon them during their apprehension and arrest. This is an unthinkable situation and I would like to offer, for myself and Senator BAYH, an amendment to S. 3355 which will simply strike the reference to the Bureau of Narcotics and Dangerous Drugs which now appears in section 1114 of title 18 and substitute for it "The Drug Enforcement Administration."

AMENDMENT NO. 1487

Mr. ERVIN. Mr. President, on behalf of my distinguished colleague, the Senator from Wisconsin (Mr. NELSON), and other cosponsors, I call up amendment No. 1487 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add the following new sections:

SEC. 2. Subsection (b) of section 509 of the Controlled Substances Act (21 U.S.C. 879) is hereby repealed.

SEC. 3. (a) Section 23-522(c)(2) of the District of Columbia Code is hereby repealed.

(b) Section 23-521(f)(6) of the District of Columbia Code is hereby repealed.

(c) Section 23-524(a) is amended to read as follows:

"(a) An officer executing a warrant directing a search of a dwelling house or other building or a vehicle shall execute such warrant in accordance with section 3109, title 18, United States Code.".

(d) The last sentence of section 23-561(b)(1) of the District of Columbia Code is hereby repealed.

(e) Section 23-591 of the District of Columbia Code is hereby repealed.

Mr. ERVIN. Mr. President, at the suggestion of the Parliamentarian, I modify the amendment in the following respect:

On line 5 after the preamble, after the word "viz", strike out "at the end of the bill" and insert in lieu thereof the words "on page 2 after line 7".

The modified amendment is as follows:

On page 2, after line 7 add the following new sections:

SEC. 2. Subsection (b) of section 509 of the Controlled Substances Act (21 U.S.C. 879) is hereby repealed.

SEC. 3. (a) Section 23-522(c)(2) of the District of Columbia Code is hereby repealed.

(b) Section 23-521(f)(6) of the District of Columbia Code is hereby repealed.

(c) Section 23-524(a) is amended to read as follows:

Mr. ERVIN. Mr. President, I rise today to speak in favor of amendment No. 1487 to S. 3355. This amendment would repeal the two so-called "no-knock" statutes passed by Congress in 1970.

One of the proudest boasts of Anglo-American law and of our constitutional law is that our system of government assures each U.S. citizen that "one's home is his castle." It has been the fundamental law of the land since George Washington first took his oath of office that law enforcement officers could not enter the home of a citizen without knocking and stating their authority and purpose. This basic courtesy, this minimal safeguard to personal privacy and dignity was not invented by the Founding Fathers. It was part of the common law which our forebears brought with them from England.

In 1763, 13 years before our Revolution, William Pitt stood before Parliament and opposed a proposal that would have allowed "no-knock" entry by British tax officials. At the close of his speech William Pitt summarized with his customary eloquence the common law prohibition on "no-knock" entry:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail. Its roof may shake. The wind may blow through it. The storm may enter. The rain may enter. But the King of England cannot enter. All his force dares not cross the threshold of that ruined tenement.

Over 200 years later, in 1970 Congress abrogated this traditional precept and passed two statutes which gave the District of Columbia police and Federal narcotics police, extraordinary powers to break and enter private homes without notice. In these two "no-knock" statutes (18 U.S.C. 839 and 23 D.C. Code 591), Congress gave these law enforcement officers powers which it has not even given agents of the Federal Bureau of Investigation.

I ask unanimous consent that the two "no-knock" provisions be printed at this point in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

STATUTES

Comprehensive Drug Abuse Prevention and Control Act, 84 Stat. 1236, 1274 (1970), § 509(b):

Any officer authorized to execute a search warrant relating to offenses involving controlled substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States magistrate issuing the warrant (1) is satisfied that there is probable cause to believe that (A) the propetry sought may and, if such notice is given will be easily and quickly destroyed or disposed of, or (B) the giving of such notice will immediately endanger the life or safety of the executing officer or another person, and (2) has included in the warrant a direction that the officer executing such warrant shall, as soon as practicable after entering the premises, identify himself and give the reasons and authority for his entrance upon the premises.

District of Columbia Court Reform and Criminal Procedure Act, 84 Stat. 473, 614-15, 627-28, 630-31 (1970):

D.C. Code § 23-521:

(f) A search warrant shall contain—

(6) where the judicial officer has found cause therefor, including one of the grounds set forth in subparagraph (A), (B), or (D) of section 23-591(c)(2), an authorization that the executing officer may break and enter the dwelling house or other building or vehicles to be searched without giving notice of his identity and purpose; . . .

D.C. Code § 23-522:

(c) The application [for a search warrant] may also contain—

(2) a request that the search warrant authorize the executing officer to break and enter dwelling houses or other buildings or vehicles to be searched without giving notice of his identity and purpose, upon probable cause to believe that one of the conditions set forth in subparagraph (A), (B), or (D) of section 23-591(c)(2) is likely to exist at the time and place at which such warrant is to be executed.

D.C. Code § 23-561:

(b)(1) . . . If the complaint establishes probable cause to believe that one of the conditions set out in subparagraphs (A) through (D) of section 23–591(c)(2) is likely to exist at the time and place at which such [arrest] warrant is to be executed, the warrant may contain an authorization that it be executed as provided in section 23–591.

D.C. Code § 23–591:

(a) Any officer authorized by law to make arrests, or to execute search warrants, or any person aiding such an officer, may break and enter any premises, any outer or inner door or window of a dwelling house or other building, or any part thereof, any vehicle or anything within such dwelling house, building, or vehicle, or otherwise enter to execute search or arrest warrants, to make an arrest where authorized by law without a warrant, or where necessary to liberate himself or a person aiding him in the execution of such warrant or in making such arrest.

(b) Breaking and entry shall not be made until after such officer or person makes an announcement of his identity and purpose and the officer reasonably believes that admittance to the dwelling house or other building or vehicle is being denied or unreasonably delayed.

(c) An announcement of identity and purpose shall not be required prior to such breaking and entry—

(1) if the warrant expressly authorizes breaking and entry without such a prior announcement, or

(2) if the circumstances known to such officer or person at the time of breaking and entry, but, in the case of the execution of a warrant, unknown to the applicant when applying for such warrant, give him probable cause to believe that—

(A) such notice is likely to result in the evidence subject to seizure being easily and quickly destroyed or disposed of,

(B) such notice is likely to endanger the life or safety of the officer or another person,

(C) such notice is likely to enable the party to be arrested to escape, or

(D) such notice would be a useless gesture.

(d) Whoever, after notice is given under subsection (b) or after entry where such notice is unnecessary under subsection (c), destroys, conceals, disposes of, or attempts to destroy, conceal, or dispose of, or otherwise prevents or attempts to prevent the seizure of, evidence subject to seizure shall be fined not more than $5,000 or imprisoned for not more than 5 years, or both.

(e) As used in this section and in subchapters II and IV, the terms "break and enter" and "breaking and entering" include any use of physical force or violence or other unauthorized entry but do not include entry obtained by track or stratagem.

Mr. ERVIN. I do not wish to read the statutes at this time, but I do wish to invite the attention of the Senate to the most astounding provision to be found in the United Sates Code. It is the provision in the District of Columbia Act, the no-knock clause, which says that officers of the law do not have to obey the Constitution of the United States if obedience to the Constitution of the United States would be a useless gesture. That is part of one of the statutes I seek to repeal.

In brief summary, these two provisions permit judges to insert a special clause into search warrants in narcotics cases which would allow the police to execute the warrants without first knocking or announcing authority and purpose. It is sufficient for the officer to allege in his affidavit to the judge that narcotics are to be seized and that they will be destroyed if he is not permitted to enter the dwelling without first giving notice. In effect, the court is asked to sanction the methods of a common burglar.

When I opposed these measures in 1970, I believed that Congress was unjustified in its action. In opposing the legislation I contended that "no-knock" authority would not be used very often by police, that when it was used, the likelihood of danger either to police or the occupants of the home searched was great, and, most important, that the provisions themselves were unconstitutional.

"NO-KNOCK" IS DANGEROUS AND RARELY USED

The danger inherent in granting Federal narcotics officers and District of Columbia police this extraordinary power was highlighted last year in the infamous "no-knock" narcotics raids into two homes in Collinsville, Ill. In separate incidents involving the same Justice Department agents, "no-knock" raids were conducted into two different homes in Collinsville. The agents entered the two houses without warrants, kicked in the doors without warning, shouted obscenities, and threatened the inhabitants with drawn weapons. The terrified inhabitants were only temporarily relieved when the agents left after discovering that they had entered the wrong houses. Unfortunately, this is not the only example of abuses of "no-knock" authority. In a statement I delivered on May 10 of last year, I summarized a number of other incidents which have been brought to my attention, and in an article appearing in the New York Times in June of last year, a number of other incidents are chronicled. Last Wednesday I reinserted my May 10 speech and the Times article in the RECORD. See pages S10886 and S10892.

Responsible law enforcement officials have been concerned about the use of "no-knock" authority. They recognize the danger to police inherent in entering a home like common burglars. For example, District of Columbia Police Chief Jerry Wilson stated in an interview in the Washington Post on June 8 that he would not oppose repeal of the District of Columbia provision. According to the article:

> "I won't object," Wilson said yesterday. "It won't affect us one way or another." He said that D.C. police have not used no-knock warrants since October, 1971.

The article continues:

> Geoffry Alprin, chief lawyer for the D.C. police department has said the use of no-knock can increase the possibility of injuries both to police and occupants of homes. " . . There might be a shoot-out; that's not what we want." he said.

When these bills were before the Senate—the no-knock provision and the narcotics bill—I predicted that it would result in the deaths of many law enforcement officers and the deaths of many occupants of homes in this country. Unfortunately, that prediction has been fulfilled.

When an officer of the law is authorized to invade a person's home without first knocking and acquainting the occupants of the building as to his purpose and authority and as to his identity as an officer of the law, there is removed from the officer of the law the restriction imposed upon him for generations; and the only distinction between the act of an officer of the law and a burglar is abolished. So that the occupants of the home do not know whether the person who is surreptitiously attempting to enter is an officer of the law or a burglar. In the absence of such knowledge, they have a right, under the common law, to use the utmost force to prevent an unwarranted entry.

At the Federal level, I have had difficulty ascertaining the usefulness of the "no-knock" authority. I attempted to get information from the Justice Department on how often "no-knock" warrants have been used since 1970, but I have only received a rough estimate. In response to a letter to me on May 24, 1973, Myles Ambrose, Director of the Office of Drug Abuse Law Enforcement—ODALE—stated that about 100 "no-knock" warrants had been issued and executed in the previous year. However, when ODALE was replaced by the Drug Enforcement Administration — DEA — last year, a new set of guidelines were issued in response to the Collinsville raids. According to an October 18, 1973, letter to me from John Bartels, then Acting Director of DEA, only one warrant had been issued and executed in the prior 3 months. According to more recent information made available to Senator NELSON, that one warrant may have been the only one issued in the last year. Judging from the extent of its use, a repeal of this most dangerous provision is obviously not going to bring our Federal narcotics control effort to a standstill.

"NO-KNOCK" IS UNCONSTITUTIONAL

The basic rule that a law enforcement officer must announce his authority and purpose prior to forced entry into a private home is grounded in at least 300 years of Anglo-American jurisprudence. It can be traced back to 1603, over 160 years before William Pitt's famous statement on the floor of Parliament. In the earliest recorded case, the court said:

> The Sheriff (if the doors be not open) may break the party's house, either to arrest him, or to do other execution of the process, if otherwise he cannot enter. But before he breaks it, he ought to signify the cause of his coming, and to make request to open the doors.

That basic common law rule was codified by Congress in section 3109 of title 18, United States Code. It reads as follows:

> The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant.

Because the announcement rule is embodied in a Federal statute, the courts have rarely had the occasion to consider its constitutional implications, but there is no doubt that the 1962 case of *Ker* v. *California*, 374 U.S. 23, can only be read as establishing the rule as a constitutional requirement of the fourth amendment. Mr. Justice Brennan's views for four Justices clearly states that this is his purpose. Mr. Justice Clark's opinion for four Justices make no sense unless it is viewed as proceeding from constitutional premises, because the Supreme Court has no authority to review State criminal proceedings except upon constitutional grounds.

Thus, we are considering a constitutional rule and we cannot expand upon the common law exceptions which the rule embodies. These common law exceptions have been summarized by Justice Brennan as:

> (1) Where the persons within already know of the officers' authority and purpose, or (2) where the officers are justified in the belief that persons within are in imminent peril of bodily harm, or (3) where those within, made aware of the presence of someone outside (because for example, there has been a knock at the door), are then engaged in activity which justifies the officers in the belief that an escape or the destruction of evidence is being attempted.

It is to be noted that every one of the exceptions to the rule that an officer executing a search warrant must announce his presence, his purpose, and his authority, rests upon the facts existing at the time the officer undertakes to execute the search warrant, and not upon some facts or surmises or suspicions or prophesies which the officer may state to the judge or the magistrate at the time he applies for the search warrant.

It has been argued that the "no-knock" provisions do little more than codify these common law exceptions to the announcement rule. However, the common law never excused a police officer from compliance with the rule on the basis of his knowledge prior to the execution of the warrant, as these laws do. It never excused compliance on the basis of the destructibility of the evidence being sought, as these laws do. On the contrary, the common law excused compliance only when certain circumstances became evident to the police officer at the time he executed the warrant.

Under the "no-knock" laws, the officer is allowed to guess whether he will find certain circumstances to exist when he goes to execute the warrant. How can this be a codification of the common law?

It is simply an absurdity to maintain that an officer who goes before a judge or a U.S. commissioner for a search warrant at a place which may be miles and miles from the house to be searched can have any knowledge that the people are going to destroy the narcotics, when they do not even know the officer is coming and have no knowledge of the issuance of the warrant. Are we not really asking the police officer who files an affidavit to support a "no-knock" warrant to swear to a state of facts which may never exist? Does this satisfy the constitutional requirement that warrants be based on "probable cause"?

I wish to direct the attention of the Senate at this point to the fourth amendment, which incorporates in the Bill of Rights the doctrine that every man's home is his castle. That amendment provides:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

I would emphasize, above all things, that the amendment says that "no warrants shall issue, but upon probable cause."

Probable cause necessarily relates to facts existing at the time the search warrant is applied for. It cannot be supplied by suspected future actions. It cannot be supplied by false prophecies as to the future. But these "no-knock" provisions, which my amendment seeks to strike, are based entirely upon facts which the officer prophesies or predicts are going to exist in the future, at the time he undertakes to execute the search warrant, at a place which may be many miles away, hours and hours later, and not upon facts known to the applying officer at the time he seeks to obtain the search warrant.

I do not know of any officer of the law who is gifted with such powers of prophecy, but even if there were such a being, his prophesying would not satisfy the requirement of the fourth amendment that there must be probable cause for the issuance of the warrant.

Ironically, the Supreme Court has never considered the constitutionality of either of these "no-knock" statutes. However, I am confident that it would strike down any warrant based upon the prophesy of a law enforcement officer. It has already held in the case of *Nathanson* v. *United States* 290 U.S. 41 (1933) that mere suspicion is not sufficient to constitute probable cause for the issuance of a search-or-arrest warrant. I submit that a prophecy has as little legal significance as a suspicion. In the Nathanson case, the court voided a warrant which alleged that the officer had cause to "suspect and believe." But that is as far as an officer can possibly go when he applies for one of these no-knock search warrants which are to be issued on the basis of what he predicts will happen in the future. I do not see how the Supreme Court could possibly sustain such a search warrant.

In 1970, when the Senate was considering the Federal "no-knock" provision, much was made of the fact that the provision had been redrafted so that "no-knock" would only be permitted where there is probable cause to believe that evidence "will be" instead of "may be" easily and quickly destroyed or disposed of. I submit that whether one uses "may" or "will" in terms of the evidence being destroyed makes little difference. "Will" no doubt requires that an officer present just a little more to the magistrate to make a showing than "may" does, but the important point is that what has to be established to the magistrate's satisfaction in each case is not that the evidence "may" or that the evidence "will" be destroyed but "probable cause" that the evidence "may" or "will" be destroyed. In other words, the supposed stricter requirement of "will" is illusory, because in any event all the officer has to show is that the evidence probably "may" or "will" be destroyed. At that point in time all he can show to the magistrate is that the evidence is of such nature that it could easily be destroyed. No matter what embellishments he comes up with, no matter what detail he piles on, at the time of the issuance of the warrant, all he can know is the nature of the evidence sought. The supposed protection accorded the privacy of our citizens by having a magistrate pass on the "no-knock" request evaporates upon examination.

The policy underlying the rule of announcement is made up of several strands. One purpose is to protect the officers, both from innocent householders and from criminals. Under the decisions of every State of the Union and in England, a householder has the right to kill an officer of the law who attempts to enter without announcing and his killing under the law would be justifiable homicide. The announcement rule protects the police from criminals because the average narcotics violator, though he might be inclined to shoot unidentified intruders, is highly unlikely to shoot it out with police officers.

As a matter of fact, I know of no provision of law which puts officers of the law in more jeopardy of life and limb than a provision of the law which undertakes to authorize "no-knock" searches of the homes of our citizens. When someone attempts to break into the dwelling house of the average citizen in the night time, the average citizen is not going to wait to ascertain whether it is an officer of the law or whether it is a burglar. He is going to resist to the utmost, even to the taking of life, the unwarranted intrusion into his house by some man who attempts to enter without notice, without identifying himself, without revealing his status as an officer of the law, and who attempts to enter by force, like common burglars.

It is ridiculous to say that breaking in without notice serves as protection for the police officer. The contrary is true. He is more likely to lose his life if he attempts to break in without notice.

Beyond the practical considerations, the announcement rule was established to protect the privacy of the home. Fresh in the minds of the Founding Fathers were the abuses of British power by the infamous writs of assistance and the dreaded general search warrants. There was no reason in 1970 to turn back the clock at this point to allow unannounced forcible entries by the police authorized by a blanket rule based on the type of crime or evidence involved.

The Bill of Rights applies to everyone, even drug peddlers, If our standard is going to be that if a constitutional guarantee serves to protect criminals, we are going to be free to disregard it, then we are in trouble. On that theory, society would have to disregard every basic right given to any person in our society. As Mr. Justice Sutherland said:

> If the provisions of the Constitution be not upheld when they pinch as well as when they comfort, they may as well be abandoned.

In many cases, Congress does not have the benefit of sound judicial advice regarding its legislating in a certain field. But in the area of prior notice before entering, Mr. Justice Brennan, writing for the court in the case of *Miller* v. *United States* 357 U.S. 20 (1958) lays down very sound and plain policy considerations to guide us. He said:

> The requirement of prior notice of authority and purpose before forcing entry into a home is deeply rooted in our heritage and should not be given grudging application.

LEGAL EFFECTS OF THE PROPOSED AMENDMENT

Mr. President, the legal effects of the proposed amendment, sponsored by myself and Senator Nelson, are relatively simple.

In the case of Federal narcotics agents, their authority to obtain a judicial warrant, under the provisions of 21 U.S.C. 879 for the purpose of conducting unannounced searches, is repealed. This means that future searches conducted by such agents will be subject to the requirements of 18 U.S.C. 3109 which applies to all Federal law enforcement officers, namely, the officer must give notice of his purpose and authority prior to entering to execute a search warrant. Any judicially recognized exceptions or applications of the statutory requirements would, a fortiori, obtain as well.

In the District of Columbia, the authority of the District of Columbia police, under section 23–591 of the District of Columbia Code, to enter a dwelling house, or other building, or vehicle under certain circumstances, without first giving notice of their purpose and authority, is repealed. Added is a provision dealing with the execution of search warrants. It provides that District of Columbia police are subject to the requirement of 18 U.S.C. 3109, which applies to all Federal law enforcement officers. This means, in simplest terms, that the legal requirements with respect to unannounced entries by District of Columbia police officers are returned to the same condition which existed prior to passage of the 1970 act. I will explain this point in greater detail.

Prior to the 1970 act, there was no provision in the District of Columbia Code which governed the unannounced entrance of District or Columbia police officers into private dwellings or vehicles. There were, however, several cases—one of which was a decision of the U.S. Supreme Court—which did impose requirements upon District police officers in such circumstances.

The Supreme Court decision in the case of *Miller* v. *United States* (357 U.S. 301) was rendered in 1958. Prior to this, there had been several cases which had established the requirement that District of Columbia police must announce their purpose and authority before entering to execute a search or arrest warrant. In this, the courts were only following familiar common law rules.

The leading early case concerning the announcement requirement was *Palmer* v. *King* (41 App. D.C.) (1914), which dealt with the execution of a civil writ of replevin. The court ruled that a police officer may forcibly enter a dwelling house only after requesting to enter and having that request denied. The same requirement was later applied to entries in criminal cases by the decision in *Woods* v. *United States* 240 F. 2d 37 (D.C. Circ. 1956).

A second criminal case, *Accarino* v. *United States* (179 F. 2d 456), decided by the District of Columbia Circuit Court of Appeals in 1949, held an arrest to be illegal because the officer had not announced the purpose of his entry. Judge Barrett Prettyman, after reviewing the common law on the subject, concluded that "upon one topic there appears to be no dispute in the authorities. Before an officer can break open a door to a home, he must make known the cause of his demand for entry."

The Supreme Court, in its Miller decision, cited approvingly this standard developed by Judge Prettyman in the Accarino case, but decided that the conduct of District of Columbia police officers should be governed according to the standards set out in 18 U.S.C. 3109, which they found to be "substantially identical" to those established in the Accarino case. That statute provides that a Federal officer may "break and enter" to execute a search warrant only if, "after notice of his authority and purpose," he is denied admittance. The Court described this statute as the codification of "a tradition embedded in Anglo-American law."

Thus, the Supreme Court in the Miller case imposed upon District of Columbia police officers the requirements of 18 U.S.C. 3109, which is precisely the effect of the amendment to S. 3355, which I now propose. If this amendment becomes law, the applications and exceptions to 18 U.S.C. 3109 which have been judicially developed in Miller and its progeny would also obtain. This means that in certain limited circumstances, the requirement that an announcement of authority and purpose is excused, and does not invalidate the ensuing arrest or search.

The Court in Miller described one possible exception as being where the officer is "virtually certain" that the person inside the door already knows the officer's purpose, thereby making announcement "a useless gesture." It also alluded to the case where the officer's announcement would "increase the peril" for persons within, as a possible exception to the rule.

The Court in subsequent cases indicated the possibility of still other exceptions. In *Ker* v. *California*, 374 U.S. 23, a 5 to 4 majority found that the fact officers have reason to believe the person to be arrested is in the possession of evidence which is easily destroyed, and that person had indicated that he knew police were following him, officers were justified in not complying with a State law requiring notice of purpose and authority. I have already cited three narrower exceptions identified in Justice Brennan's dissent. While the Ker case did not involve an interpretation of 18 U.S.C. 3109, the Court did attempt to identify certain circumstances which were recognized at common law as exceptions to the general rule of giving notice of purpose and authority. And since 18 U.S.C. 3109 is itself a codification of the common law, these common law exceptions do have relevance insofar as its application is concerned. In fact, in the case of *Sabbath* v. *United States*, 391 U.S. 585, the Supreme Court expressly noted that the exceptions cited by Justice Brennan in the Ker case, might apply to 18 U.S.C. 3109 as well. Unfortunately, the high court has, as yet, come no closer to identifying conclusively those situations which justify noncompliance with the statutory requirements.

The District of Columbia courts have, meanwhile and on occasion, stepped into the breach and engrafted new qualifications and applications on the statutory language of 18 U.S.C. 3109. In *Hair* v. *United States* 289 F. 2d 894 (D.C. Cir. 1961), the Circuit Court of Appeals recognized that in certain "necessitous" circumstances, the belief that the person to be arrested was escaping might obviate the requirements of the statutory rule, and in *Bosley* v. *United States* 426 F. 2d 1257 (D.C. Cir. 1970), it excepted the situation where giving notice would have been a "useless gesture," from the requirements of the statute.

District of Columbia courts have also applied the requirements of 18 U.S.C. 3109 to the execution of arrest warrants as well as search warrants, and have interpreted the statute as requiring notice of purpose and authority even when the "breaking and entering" is not achieved by force. Both applications were approved by the Supreme Court in the Sabbath case, which I have already cited.

I also mention in passing, Mr. President, two other effects which the amendment will have, although neither affects substantially the law which already exists in the District of Columbia.

First, the amendment repeals subsection (d) of the District of Columbia Code 23–591 which made it a specific new crime to destroy or conceal evidence subject to seizure under a search warrant, after the officer has given notice of his presence or, if notice is excused by the statute, after he has entered the home or dwelling place. The same sort of conduct on the part of an inhabitant of a place being searched may be punishable in the District of Columbia under any one of three other criminal statutes: either under the general prohibition against obstruction of justice (D.C. Code 22–703); the general prohibition in the United States Code prohibiting the destruction of evidence subject to seizure (18 U.S.C. 2232); or the District of Columbia Code provision punishing the obstruction of an officer who is authorized to execute a search warrant for narcotic drugs (D.C. Code 33–414 (n)). The effect, then, of the proposed repealer insofar as authorizing punishing of those who destroy evidence sought under a search warrant would be negligible.

Second, the amendment repeals subsection (e) of the District of Columbia Code 23–591, which expressly exempts from the requirement of giving notice and authority, police officers who obtain entry without force by means of a "trick or strategem." Although I have had personal reservations about this subsection, and even about the common law cases which recognized such an exception, I am persuaded that this statutory provision adds little to what the law in the District of Columbia already is. The District of Columbia Circuit Court of Appeals has, in fact, expressly ruled in the case of *Jones* v. *United States* 304 F. 2d 381 (1962) that entry of the police by trick was not illegal, despite the fact that they had failed to announce their purpose and authority before actually entering. I would submit, therefore, that the repeal of subsection (e) of the District of Columbia Code 23–591 really does not change the law in the District of Columbia. It merely diminishes the legal significance of the rule from statutory language to a judicial holding.

In short, Mr. President, the amendment offered by myself and Senator NELSON returns the legal situation to what it was before the passage of the 1970 act. Following the guidance of the Supreme Court in the Miller case, it subjects District of Columbia police officers to the notice requirements of 18 U.S.C. 3109 which applies to all Federal law enforcement officers. It makes no attempt to delineate any exceptions or applications to this general rule. It leaves this to the courts and the body of judicial precedent that has already grown around the interpretation of 18 U.S.C. 3109.

As I have already pointed out, however, it is my contention that the present provision of the District of Columbia Code which excuses compliance with the common law requirement of notice goes far beyond what the common law has traditionally recognized as legitimate exceptions. It is for this reason that I seek its repeal.

It is my opinion any exceptions to the common law requirement must be narrowly drawn if they are to stand scrutiny under the fourth amendment. The three exceptions noted by Justice Brennan in the Ker case should, in my estimation, be taken as guiding principles. But this amendment does not impose them categorically. It leaves that to the courts to be adjudicated on a case-by-case basis.

When Congress enacted the two no-knock statutes, which the amendment offered by Senator NELSON and myself seeks to repeal, we had a period of hysteria. There was a period of fear, there was a period of doubt. People were afraid of the rising crime rates. These have done nothing to militate against the rising crime rates.

They also had doubt about America's commitment to the basic principles of freedom. I recognize the great havoc that has been done to our Nation by the sale and use of narcotic drugs. I recognize that narcotic drugs destroy the character of the addict. I recognize that they destroy the happiness of those who are near by ties of blood and marriage to the addict, but I respectfully submit that what Congress ought to do is to take the people who traffic in drugs and give them the various penalties known to the law.

We ought not to sacrifice on the alter of doubt and fear, which is what these two statutes do, what is the proud boast of our law that every man's home is his castle.

Mr. JAVITS. Mr. President, would the Senator yield?

Mr. ERVIN. Yes, I would be delighted to yield.

Mr. JAVITS. I join with the Senator, Senator NELSON, Senator PERCY and others in this amendment. Senator ERVIN has expressed, I think, our views with the greatest eloquence.

During our debate in the Senate in 1970 on the Comprehensive Drug Abuse Prevention and Control Act, I urged the Senate to vote against the adoption of no-knock provisions both for the Federal system and for the District of Columbia.

Since that time, the American people have reaped an unfortunate harvest of abuse, hardship and sometimes tragedy in connection with the implementation of these laws.

During this period, numerous citizen complaints have been received by Members of Congress concerning the administration of the Federal no-knock law which is found in 21 U.S.C. 879.

Specifically this statute allows unannounced forcible entries by Federal officers in certain drug law enforcement situations. A special no-knock search warrant must be issued by a judge or U.S. magistrate in all such cases.

The provisions of the District of Columbia no-knock law, D.C. Code sections 23–521, 522, 561, 591, cover unannounced forcible entries in cases of search warrants, arrest warrants, and arrest without a warrant based on probable cause. Under this statute no warrant sanctioning entry is necessary if the officers on the scene have probable cause to believe that any of the grounds justifying forcible entry exist at that time.

We all by now must be familiar with the accounts of how certain law enforcement officers—despite the dedication and professionalism of the overwhelming majority of their colleagues—have broken into the wrong homes and have harassed and sometimes harmed innocent victims. On June 25, 1973 the New York Times ran an extensive article alleging that violent drug raids against the innocent were found to be widespread throughout the Nation. Although that article was made part of the record at the time that it appeared, I ask unanimous consent that it be printed again in the context of our debate today because of the grave consequences to our constitutional government which these activities represent.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. After 4 years of experience, the no-knock provisions which we debate today are not necessary to the rigorous enforcement of Federal drug laws or District of Columbia criminal laws. In an interview on June 7, for example, Chief of Police Jerry V. Wilson stated flatly that he would not object to repeal of the no-knock provisions and that repeal of such provisions "won't affect (the D.C. Metropolitan Police Department) one way or another." (Washington Post, June 8, 1974.) Although the Federal Government once used the no-knock authority regularly, more recent statistics indicate that the authority is invoked only rarely today.

On the other hand, the marginal utility of the no-knock provisions is far outweighed by the grave dangers which they pose to the fundamental and constitutionally guaranteed right to privacy.

It is far outweighed by the fact that government agents have abused the no-knock authority to break into the homes of and terrorize unsuspecting and even innocent individuals.

It is outweighed by the fact that the mere existence of the no-knock authority breeds an official attitude which sometimes places government agents above the law.

My opposition to these provisions therefore goes far beyond the constitutional principles which they violate, particularly the gross invasion of the right of privacy which these laws authorize. The most forceful argument for eliminating no-knock is that commonsense and actual experience indicate that its exercise may actually increase the chances of injury and death both to law enforcement officers and citizens whose homes are broken into.

I urge the Senate to adopt this amendment.

EXHIBIT 1

VIOLENT DRUG RAIDS AGAINST THE INNOCENT FOUND WIDESPREAD

(By Andrew H. Malcolm)

WASHINGTON, June 24.—Innocent Americans around the country have been subjected to dozens of mistaken, violent and often illegal police raids by local, state and Federal narcotics agents in search of illicit drugs and their dealers.

An eight-week investigation by The New York Times—consisting of interviews with victims of the raids, policemen and narcotics agents—has shown that, contrary to published reports and some Government assertions, the recent illegal drug raids on two Collinsville, Ill., families were not isolated incidents.

In fact, during the last three years, mistaken raids have been made by narcotics agents on all government levels, often acting on uncorroborated tips from informers.

Such incidents have resulted in at least four deaths, including one policeman slain when a terror-stricken innocent woman shot through her bedroom door as it burst open. In California one innocent father was shot through the head as he sat in a living room cradling his infant son.

Details of each raid vary but generally they involve heavily armed policemen, arriving at night, often unshaven and in slovenly "undercover" attire, bashing down the doors to a private home or apartment and holding the innocent residents at gunpoint while they ransack the house.

A raid victim in Long Island has settled a damage suit with the Federal Government for $160,000. Similar suits are pending.

Sometimes the agents have warrants and identify themselves. Sometimes they do not.

Frequently, the raiding party is rude, abusive and, as in Collinsville, shouts obscenities at its terrified victims.

In Los Angeles a veteran police officer says mistaken raids occur once or twice a month. In Miami complaints of police harassment on drug searches are so frequent that the Legal Services of Greater Miami can no longer handle the caseload.

Taken individually, the raids have been little noticed nationally, apparently because they were believed to be isolated aberrations or unfortunate but understandable errors as hard-pressed police forces sought to combat drug addiction, which President Nixon has called "Public Enemy No. 1."

In addition, the raids occurred in widely scattered areas. Often they involved lower-class families with little access to the media or to advice on possible legal recourse.

Some believe many families kept quiet for fear of reprisals by the agents or perhaps because in their hatred for drugs they condoned the tactics but not the locals.

NO-KNOCK LAWS

But taken together the mistaken raids paint a picture of strong-arm police tactics, shoddy or nonexistent pre-raid police investigation and the pressures and brutalizing impact on the police of constant contact with what they call "society's scum," the drug pusher.

The incidents also underline what some view as an inherent danger in "no-knock" narcotics raids, which were authorized for Federal agents by Congress in 1970. Some states have similar statutes.

Under these laws the police may obtain a special no-knock search warrant authorizing them to break into homes unannounced if there is probable cause to believe that the property sought can be quickly destroyed or disposed of or if giving notice of police presence could endanger an officer or other person.

To some observers such mistaken raids are just that—mistakes caused by an understandable mounting police frustration with the growing drug problem. They say that members of the more vocal middle class are now being subjected to rigorous police techniques that some allege some officers have long used in black communities.

To others, however, the mistaken raids signal the emergence of a dangerous climate of repression.

The drug raids on the homes of Herbert Giglotto and Donald Askew in Collinsville, Ill., occurred the night of April 23. Mr. Giglotto was asleep with his wife in their apartment when more than 15 poorly dressed men broke down two doors, handcuffed the Giglottos, held them at gunpoint, emptied drawers and closets, shattered pottery, threw a television set on the floor and shouted obscenities.

A half-hour later a similar event occurred across town at the Askew's modest home.

CAVEAT VENDOR

In both cases the men were agents of the Office for Drug Abuse Law Enforcement, an umbrella agency established in January, 1972, by President Nixon. Its motto is "Caveat Vendor."

In both cases the men were at the wrong address.

In both cases they had no search or arrest warrants.

In both cases they had no authority from their superiors for the raids. In both cases they did not identify themselves until well into the raid.

The agents, one of whom had been involved previously in incidents involving questionable force, have been suspended with pay but continue to perform limited duties while a grand jury investigates and the families sue.

Three days before the Collinsville raids, at 10:45 P.M. Mrs. Laura Smith heard a tapping on a window of her home on Chicago's tough South Side. Seconds later a sledgehammer came through the back door, she said. It was followed by four armed men in civilian clothes who ran through the house, she continued. They were Chicago policemen.

"They were looking for marijuana and some man named Will," recalls Mrs. Smith, who noticed that the search warrant was originally issued for 9763 South Oglesby, one block away from the Smiths' home at 9763 South Crandon. The original address was scratched off and that of the Smiths written in.

Circuit Court Judge Irving Kipnis, who signed the warrant, said such changes must be made in a judge's presence, but he handles so many warrants these days that he could not recall if that procedure had been followed.

The Chicago police offered no explanation for the raid, nor did they pay for the broken door. "Every time I hear a noise at night now," says Mrs. Smith, "I live it all over again." Her husband, James, is a Cook County deputy sheriff.

On Jan. 26 this year Mrs. Anna Majette was asleep in her apartment at 1420 Barbour Drive in Portsmouth, Va. She heard a noise as her door crashed in.

She rose from bed and, she says, Frank Bonnewell, chief of Portsmouth detectives, stepped in front of her with a gun. "We've heard a lot about this house," he said.

The officer produced a search warrant. His men searched for heroin.

Then Mrs. Majette noticed that the warrant was issued for Apartment A and hers was Apartment J.

"Sorry," said the officer. And they left.

PHILADELPHIA INCIDENT

At a hearing later officers got to talking. "I was on a raid one time," one policeman recalled, "and we got the wrong house. We broke in, went upstairs to a bedroom and found a half-deaf and blind couple that didn't even know we entered the house."

On Jan. 24 in Philadelphia three off-duty patrolmen—John Chopak, James Haney and Harry Herrr—were drinking in a bar near 40th and Market Streets when, they say, a patron said they could find narcotics in a nearby house.

According to a police investigation, the three men went to the house on Wiota Street, ransacked the house and beat three occupants. Not finding any drugs, they forced a passerby into the house and beat him too.

Then the patron took the officers to another house on Baring Street where they beat three other occupants. They found no drugs there either.

The policemen were suspended and arrested.

On Jan. 9 at 10 A.M. in Winthrop, Mass., 15 burly men armed with shotguns broke down two doors and burst into the William Pine residence.

The men did not identify themselves and wore no uniforms. They pushed the family to a couch. "Please don't kill us," screamed 13-year-old Melody Pine.

"Just don't move," came the reply.

Mr. Pine, a night worker, awakened upstairs to face several gun barrels. The men asked his name. "William Pine," he replied.

The men looked at each other and raced from the house. They were state and Federal narcotics agents, it was learned later. And they wanted the green house at 30 Underhill Avenue, not the Pines' green house at 32 Underhill.

"I didn't know police operated like that in America," said Mrs. Pine.

At 6 A.M. Sept. 20, 1972, the James R. Herman family of Rochester, N.Y., was awakening. Suddenly the door jamb splintered under the weight of four men.

They ordered Mrs. Herman from the bathtub, threatened the family's barking dogs and searched the house. "If I'd had a gun," said Mr. Herman, "I'd have fired. I thought they were burglars."

They were not. They were state troopers, part of a force executing 22 search warrants in a Monroe County drug round-up. But they were at the wrong house.

The police said they had overheard a telephone number during a wiretap and when they had called the Rochester Telephone Corporation to get an address for it, their service representative gave them 3 Audobon Street.

It was Herman's address but not their telephone. The police apparently never checked the address further.

Smashing into the wrong house, added Capt. Richard Bolan of the state police, was an "insignificant detail" in what was "one hell of a raid."

In Norfolk, Va., at 3 A.M. May 24, 1972, Mrs. Lillian Davidson, a previous burglary victim, heard someone breaking into her house at 812 Lancaster Street. Then someone began to batter down her locked bedroom door.

SHOT THROUGH DOOR

She grabbed a .32-caliber revolver and shot through the door.

The bullet pierced the chest of Patrolman Lewis W. Hurst Jr., the 22-year-old son of the head of the Norfolk Police Department's narcotics squad. He died minutes later.

The police arrested Mrs. Davidson. They were looking for 2,400 parcels of heroin that an informer, a former drug addict, had said were there. They were not.

The police said it had been an error by the young informer and released Mrs. Davidson. The agents acted on an "immediate entry" clause added to the search warrant. The clause, said Lawrence Wallace, assistant commonwealth attorney, is unwritten common law that dates back to Virginia's founding.

On April 24, 1972, local policemen and agents of the Bureau of Narcotics and Dangerous Drugs moved on the mountain retreat of 24-year-old Dirk Dickenson near Eureka, Calif., to seize a "giant lab" producing drugs.

Arriving on foot with dogs and in a borrowed helicopter, the agents, who were not in uniform and did not identify themselves, assaulted the cabin with rifles and hand guns. Apparently frightened and baffled, Mr. Dickenson ran toward the woods.

An agent, Lloyd Clifton, shot him in the back as he fled. Mr. Dickenson died. It is a violation of bureau rules to shoot at fleeing suspects. No "giant lab" was found.

The United States Attorney in San Francisco said there had been no civil rights violations and the killing had been justifiable homicide.

On Feb. 5, 1973, Mr. Clifton was indicted by a Humboldt County grand jury for second-degree murder and involuntary manslaughter. The Federal Government hired a special defense attorney for Mr. Clifton. The lawyer, James McKittrick, seeks to have the charges dismissed.

Mr. Clifton continues his duties.

SECOND CALIFORNIA DEATH

Mrs. Adeline Garcia has sued Los Angeles and Riverside County for $750,000 for the shooting death of her husband, Francisco, by the police on a drug raid at a ranch near Indio on May 12, 1971.

The police said Mr. Garcia had ignored commands to stop his truck. They shot him and wounded his wife. A substantial cache of marijuana was discovered on the ranch, but Mr. Garcia was never implicated in the narcotics operation.

Here in Washington on May 2, 1970, seven policemen, only one in uniform, broke into Miss Lauretta Whitney's home on Newton Street, knocked her down and ransacked the apartment in search of illegal narcotics. They found none.

The address on the warrant came from a trusted informant, the city police said, but now that Miss Whitney is suing for $100,000 damages, officials say they have no idea where the informer is.

"We're also considering a class action suit," said Mrs. Florence Isbell of the local American Civil Liberties Union as she leafed through files with more than 20 similar cases.

On Oct 3, 1969, a number of state and local narcotics agents in Whittier, Calif., drank beer and highballs for two hours in a local bar as they awaited completion of search warrants for a drug raid on Apartments B and D at 8033 South Comstock.

However, they initially entered the apartment of Mrs. Florence Mehan at 8031 South Comstock. Realizing their mistake, the agents went upstairs to the correct address.

Drawn by the commotion, Mrs. Mehan's son-in-law, Heyward Henry Dyer, 22, and his 22-month-old son, Francis, went to the Mehan apartment.

Suddenly, a bullet crashed through the ceiling. It pierced Mr. Dyer's skull, killing him instanly.

The shot came from an AR–15 military rifle, which one of the agents upstairs, Sgt. Frank Sweeney, was not authorized to carry. He said it had fired accidentally.

No one in that upstairs apartment was arrested. A coroner's jury decided that Mr. Dyer died by criminal means, but the district attorney's office declined to prosecute.

Sergeant Sweeney, among others, was later suspended from duty without pay for a time.

Three weeks ago a court awarded the family $900,000 damages.

COMPLEX REASONS

The reasons behind these mistaken raids are varied and complex. But they are tied intimately to the veritable explosion of Government drug enforcement activities in recent years.

At its formation in 1968 the Bureau of Narcotics and Dangerous Drugs, the main Federal arm against drugs, had 615 agents and a $14-million budget. Now is has 1,586 domestic agents and a $74-million budget. On July 1, a new Drug Enforcement Administration will absorb most of the Federal efforts, including the bureau. These efforts cost about $245-million a year.

With its sudden growth, the bureau has had to do some fast recruiting. "A majority of our people come to us right out of college," said Richard Ulrich, administrative officer for the National Training Institute, the bureau's training arm, "and some of them have law enforcement experience."

The institute runs a 10-week school for new agents and hundreds of local policemen, with 600 hours of instruction, including 26 hours on due process and the Constitution's Fourth Amendment, which prohibits "unreasonable searches and seizures." But apparently attendance is not required; some agents involved in mistaken raids had not taken the course.

The raids are frightening for both raided and raider. The tactics are based in part on the theory that a sudden, overwhelming display of police force will quash any thought of resistance and secure evidence before it can be disposed of.

"You have to go in with the idea that this guy is going to fight," said Clyde Charles, an agent who asked that his real name not be used. "He's always being shaken down by other pushers. So you figure you'll be staring down a gun barrel."

"I've been on 200 or so raids," he continued, "and the no-knock is the scariest. You ask yourself what would you do if your door came crashing down at 3 A.M. and you had a gun. You'd let go, right? Personally, I think the danger might outweigh the value."

Officials of the bureau, which works against big-time pushers, say they have executed "two or three" no-knock raids; officials for the Office of Drug Abuse Law Enforcement, which concentrates on smaller drug dealers, say they have done "above 100."

But the agents themselves admit to some "funny business" regarding the requirement to announce themselves on other than no-knock raids. "You might whisper, 'Open up! Police!' " one said, "or you could yell it the instant before you hit the door."

Another drug official added: "It's hard for outsiders to set a normal standard of behavior. You can't ask an agent to spend three months on a case and then expect him to announce himself politely and listen to every toilet on the floor flush away the evidence. You have to be a saint to do that."

Another agent said, "If you spend weeks undercover, living in a hole and dealing with drug people, your whole life-style changes and perhaps your morals too. Sometimes there's a thin line between the hunted and the hunter."

"This is dirty scummy work," said Myles J. Ambose, head of the Office of Drug Abuse Law Enforcement. "You see these vermin selling drugs and what they do to people and our cities and you get sickened and angry and perhaps you take your hostilities and frustrations out on some guy's bookcase. It's not right. But how are you going to prevent it?"

Mr. JAVITS. I thank my colleague very much for leading and for his leadership in this matter.

Mr. ERVIN. I thank the Senator from New York for his contribution.

The Senator from New York, during the time that he and I have jointly served in the Senate together, has always stood steadfastly for the proposition that you cannot justify in the name of law enforcement the abrogation of the basic rights set forth in the Bill of Rights and the fourth amendment.

Mr. JAVITS. That is what we have learned over thousands of years of travail, that we had better not yield our basic rights or we will yield our most fundamental liberties.

Mr. NELSON. Mr. President, will the Senator from North Carolina yield? Just to be sure the Record is absolutely clear on this, is it not correct that this statute adopted in 1970, authorizing no-knock entries, only applies to the District of Columbia and to Federal narcotic officers for enforcement of the law?

Mr. ERVIN. That is correct.

Mr. NELSON. It does not authorize any other jurisdiction at the State level to utilize a no-knock entry?

Mr. ERVIN. No, it does not.

Mr. NELSON. The Senator commented a few moments ago about his concern, and everyone's concern, about drug abuse and, remembering the debates that were held in 1970——

Mr. ERVIN. In 1970, 1971, and then 1972.

Mr. NELSON. The real argument, which most of us believed and, I think, all constitutional authorities believed, is that the no-knock provisions are in violation of the fourth amendment—but, in any event, the argument made was that this was an effective way to prevent drug abuse; is that not correct?

Mr. ERVIN. That is correct. And the future showed that argument was totally without merit.

Mr. NELSON. That was the point I was going to make.

As was mentioned in the debate a moment ago, it is correct, is it not, that the Police Chief of the District of Columbia has now said it would not make any difference to the District of Columbia police if the no-knock provisions are repealed and, in fact, they have not used the authority in the past 2½ years?

Mr. ERVIN. That is correct; not since 1971.

Mr. NELSON. So the only other jurisdiction in the country that is given authority by the provisions in question is not using that authority.

Mr. ERVIN. Only one search warrant—my latest information is only one search warrant—was issued by Federal authorities in the past year.

Mr. NELSON. I believe, for the record, that the Federal narcotic agents secured permission for three no-knock entries but utilized one in the past year.

Mr. ERVIN. That is my information.

Mr. NELSON. Neither the FBI nor any other agency of Government, in attempting to enforce any laws, has any authority to use a no-knock entry?

Mr. ERVIN. That is correct.

Mr. NELSON. Is my memory correct that at the time of the debates, the late Director of the FBI, Mr. Hoover, commented that this kind of entry was not used or needed?

Mr. ERVIN. Well, I understand that we had evidence before the Watergate committee, when Charles Tom Huston started to set up a new system, that Mr. Hoover was absolutely opposed to such entries as this, and he said that was burglary.

Mr. NELSON. Is this not also correct, that for the first 194 years of the history of this Republic, all the way from its founding to 1970, there was no such authority in the law for this kind of an entry?

Mr. ERVIN. That is correct. The Declaration of Independence set forth as one of the causes of the American Revolution also the use of unlawful search warrants in Boston. It was for that reason the fourth amendment was incorporated in the Constitution, in order to prevent such things from happening.

Mr. NELSON. I thank the Senator.

Mr. President, the distinguished Senator from North Carolina has covered this subject matter in comprehensive detail from all legal aspects. I commend him for his discussion and express complete agreement with it.

Mr. President, approximately 185 years ago, Thomas Jefferson warned that "the natural progress of things is for liberty to yield and government to gain ground."

Unfortunately, that warning has proved prophetic all too often. On too many occasions government needs have been given priority over individual liberties.

Nowhere is this more true than in the enactment of the no-knock provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the District of Columbia crime bill. These no-knock provisions authorize Federal narcotics agents and District of Columbia law enforcement officials to secure court warrants to forcibly enter an individual's home or office without first identifying themselves or the purposes for which they seek entry.

Initial study made clear that these no-knock provisions would undermine the individual's right to privacy—a right which is the cornerstone of our system of democratic self-government. Accordingly, I opposed those no-knock provisions when the Senate debated and voted upon them in 1970.

The same concerns now lead me to join with Senator ERVIN to propose an amendment to repeal the no-knock provisions. For reconsideration of the law and subsequent experience have only reinforced the initial conclusion: the no-knock provisions are unnecessary, dangerous, and unconstitutional.

To begin with, experience has demonstrated that the no-knock provisions are not at all necessary to the rigorous enforcement of Federal drug laws or District of Columbia criminal laws. In an interview on June 7, for example, Chief of Police Jerry V. Wilson stated flatly that he would not object to repeal of the no-knock provisions and that repeal of such provisions "won't affect the District of Columbia Metropolitan Police Department one way or another." In fact, in the interview Chief Wilson reported that the District of Columbia police have not used the no-knock authority at all since 1971. Similarly, although the Federal Government once used the no-knock authority regularly, more recent statistics indicate that the authority is invoked rarely today. Since June 1973, for instance, the Federal Government has invoked the authority only three times.

The need to repeal the no-knock provisions, however, is not dependent on their limited use. For whatever their marginal utility, it is far outweighed by the grave dangers which they pose to the fundamental and constitutionally guaranteed right to privacy. Numerous reports have documented how Government agents have abused no-knock authority to break into homes and terrorize unsuspecting and even innocent individuals.

An exhaustive survey conducted by the New York Times in 1973 found, for example, that—

> Innocent Americans around the country have been subjected to dozens of mistaken, violent and often illegal police raids by local, State and Federal narcotics agents in search of illicit drugs and their dealers.

The Times article observed that the incidents reveal "an inherent danger in no-knock narcotics raids which were authorized for Federal agents by Congress in 1970." Reference to some of the incidents recounted by the Times should make that inherent danger clear to everyone:

A raid by Norfolk, Va., police on a home at 3 a.m. on May 24, 1972, was conducted pursuant to an immediate entry clause attached to a search warrant based on erroneous information from an informer. Because the resident was previously a burglary victim, she had a gun for personal protection. A patrolman was killed when the resident fired a revolver through her locked bedroom door as the police attempted to batter it down. There is no evidence that there were any drugs in the house.

On April 20, 1973, at 10:45 p.m., Chicago police dressed in civilian clothes broke down with a sledgehammer the back door of a home. The resident later noticed that her address had been written in on the search warrant after the original address had been scratched out. Because of the large volume of such warrants handled by the authorizing judge, it is unknown whether the change was made in his presence. But it is known that no evidence of drugs was found in the invaded house.

In Portsmouth, Va., on January 26, 1973, an apartment dweller was awakened by the sound of her door crashing in and confronted by a gun-carrying detective who handed her a warrant. As other officers searched for heroin, the woman pointed out to them that the warrant was issued for a different apartment.

The home of a Rochester, N.Y., family was mistakenly broken into by State troopers executing 22 warrants during a massive drug roundup on the morning of September 20, 1972. The family's address was obtained from the telephone company, supposedly matching a number the police had overheard during a wiretap. The homeowner thought the men were burglars and stated he would have fired if he had had a gun. One higher official of the State police termed the incident an "insignificant detail" in the context of the entire raid.

Another example not included in the Times article is equally instructive. On June 8, 1971, Federal and local law enforcement officials, acting with a warrant, conducted what, in effect, amounted to a no-knock raid on the home of Kenyon Ballew in Silver Spring, Md. The agents—almost all of whom were wearing civilian clothes—did identify themselves before using a battering ram to break down the door to Mr. Ballew's home. But they were making so much noise that the residents inside could not understand them. When the agents finally broke in, Mr. Ballew—not realizing the invaders were law enforcement officials—understandably became frightened and fired a gun. Not one of the agents was injured; but the agents' gunshots struck Mr. Ballew in the head and left him paralyzed. The agents were apparently searching for illegally possessed hand grenades; upon inspection the hand grenades they seized turned out to be dummies.

The no knock provisions are dangerous not only because of the abuse of authority delegated to Federal agents; those provisions are equally dangerous because they breed an official attitude which places Government agents above the law. In numerous cases Federal agents conducted no knock raids without the required court warrant, apparently because they believed the warrant to be a procedural formality which they did not have to honor.

The Herbert Giglotto and Donald Askew families of Colinsville, Ill., for example, were subjected to indiscriminate ransacking of their dwellings and verbal and physical abuse by Federal agents of the old Office of Drug Abuse Law Enforcement the night of April 23, 1973. The agents burst into the residences without warning and without warrants; they did not identify themselves until much later. Not surprisingly, the Federal agents did not find any drugs; they had guessed the addresses of the residences to be searched. At a subsequent criminal trial, the agents were acquitted principally because the prosecutors failed to establish the agents' criminal intent. But the absence of criminal intent is of no solace to the families which endured the terror of the agents' night raid.

The Washington Star of January 4, 1974, detailed another example of the dangerous consequences when Government agents engage in surprise searches. On April 24, 1972, disguised agents of the old Bureau of Narcotics and Dangerous Drugs conducted a massive raid, by helicopter and by foot, on a mountain cabin in Eureka, Calif. The agents carried an arrest warrant—but not a no-knock warrant—to arrest a man believed to be dealing in drugs. Apparently the agents were primarily interested in combing the suspect's premises in search of a large "drug factory." The agents descended on the suspect's cabin without identifying themselves or their purposes. The frightened suspect fled from the unidentified invaders and was fatally shot in the back by an agent who claimed he mistakenly thought a fellow agent had been shot.

The "no-knock" provisions, and the official state of mind which they foster, are clearly at odds with principles of common law and the fourth amendment. According to early English law, the King's agents could not enter a citizen's home without first identifying themselves and their purposes. This fundamental principle was articulated as early as 1603 in Semayne's case (5 Co. Rep. 919, 916, 77 Eng. Rep. 194, 195 (1603) where an English court declared—

> "In all cases when the King is a party, the sheriff (if the doors be not open) may break the party's house, either to arrest him, or to do other execution of the K[ing]'s process, if otherwise he cannot enter. *But before he breaks it, he ought to signify the cause of his coming, and to make request to open doors. . . .*" (Italics added.)

The principle was upheld by subsequent court decisions. But it received perhaps its most eloquent articulation in a statement by William Pitt in the House of Commons in 1763. The Commons was debating a proposal to allow the King's agents to enter an individual's home unannounced to collect an excise tax on cider. In opposing this proposal, Pitt made a forceful statement which warrants repetition here:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail. Its roof may shake. The wind may blow through it. The storm may enter. The rain may enter. But the King of England cannot enter. All his force dares not cross the threshold of that ruined tenement.

It is unthinkable that a power denied to the King of England should be conferred upon Federal agents acting under our Constitution. In fact, the Constitution does not confer such power upon any government; it applies the same restrictions to which the King of England was subject.

These restrictions are embodied in the fourth amendment. That amendment states quite simply that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The purpose of this amendment is clear and unequivocal. It protects an individual's privacy against unreasonable intrusions by the Government. As one legal commentator stated—

> [T]he Fourth Amendment did but embody a principle of English liberty, a principle old, yet newly won, that finds another expression in the maxim "every man's home is his castle." Fraenkel, "Concerning Searches and Seizures." 34 Harv. L. Rev. 361, 365 (1921).

As in the common law which first developed in England, the fourth amendment restrictions require that government agents identify themselves and their purposes before executing any search. This requirement is basic to the Constitution's protection of individual privacy. Discussing it in a case concerning the application of a Federal statute, the Supreme Court stated that—

> The requirement of prior notice of authority and purpose before forcing entry into a home is deeply rooted in our heritage and should not be given grudging application. (*Miller* v. *United States,* 357 U.S. 301, 313 (1958).)

The constitutional underpinnings of the requirement were discussed by the Supreme Court in *Ker* v. *California,* 374 U.S. 23 (1963).

This case concerned the arrest of Ker and his wife for possession of narcotics. After the police observed what appeared to be a sale of the narcotics to Ker, local police officers followed his car. Ker made a U-turn and eluded the police. The officers then found out the address of Ker's home apartment, went to that address, obtained a key from the landlord, and then entered the apartment without knocking on the door to identify themselves or the purpose of their visit. The officers arrested Ker and found some marihuana in his apartment.

The issue before the Court was whether the officers' entry into the apartment and their subsequent seizure of the marihuana violated the fourth amendment. Eight of the justices agreed that the constitutional standards of reasonableness embodied in the fourth amendment applied to the States as well as to the Federal Government. These eight Justices were also agreed that those standards generally require a prior announcement of identify and purpose before police execute any arrest and search. The only exceptions to this general rule occur when exigent circumstances become known to the police immediately prior to the execution of the arrest or search. One set of circumstances include a situation where a suspect is already aware of the officers' presence and purpose.

Applying this principle to the facts of the case before them, four Justices in Ker found that the arrest and search satisfied the constitutional standard of reasonableness. Speaking for these four, Justice Clark acknowledged exceptions to the requirement that police officers give prior notice of their identity and purpose. He stated that—

> The exceptions can be invoked when the police become aware of "exigent[1] circumstances" (374 U.S. at 39) immediately prior to an arrest and search: "Without the benefit of hindsight and *ordinarily on the spur of the moment,* the officer must decide these questions in the first instance." (374 U.S. at 40, quoting *People* v. *Maddox,* 46 Cal. 2d 301, 306, *cert. denied* 352 U.S. 858 (1956) (Italics added).)

Justice Clark then found that a no-knock exception was reasonably invoked in the Ker case:

> Here justification for the officers' failure to give notice is uniquely present. In addition to the officers' belief that Ker was in possession of narcotics, which could be quickly and easily destroyed, Ker's furtive conduct in eluding them shortly before the arrest *was ground for the belief that he might well have been expecting the police.* . . . [T]ime was of the essence. . . . The officers had reason to act quickly because of Ker's furtive conduct and the likelihood that the marihuana would be distributed or hidden before a warrant could be obtained at that time of night. 374 U.S. at 40, 42 (Italics added).

Justice Clark's judgment upholding the reasonableness of the Ker arrest and search—which reflected the reasoning of three other Justices—and was also concurred in by Justice Harlan, who applied a different standard.[2]

Four Justices dissented from that judgment—not because they disagreed with the principle enunciated by Justice Clark but because they believed the facts of the particular case warranted a different conclusion. Justice Brennan, speaking for the four dissenters, cited numerous cases in English and American law to support the requirement that police give prior notice of their identity and purpose before executing an arrest or search. He then summarized the teachings of these cases:

> The protections of individual freedom carried into the Fourth Amendment undoubtedly included this firmly established requirement of an announcement by police officers of purpose and authority before breaking into an individual's home. The requirement is no mere procedural nicety or formality attendant upon the service of a warrant. Decisions of both the federal and state courts have recognized, as did the English courts, that the requirement is of the essence of the substantive protections which safeguard individual liberty, 374 U.S. at 49.

The requirement of prior notice is not only a constitutional necessity; it is also a practical necessity in the enforcement of the law. Justice Brennan, in an insightful passage, offered two basic reasons why this is so:

> First, cases of mistaken identity are surely not novel in the investigation of crime. The possibility is very real that the police may be misinformed as to the name or address of a suspect, or as to other material information. That possibility is itself a good reason for holding a tight rein against judicial approval of unannounced police entries into private homes. Innocent citizens should not suffer the shock, fright, or embarrassment attendant upon an unannounced police intrusion.
>
> Second, the requirement of awareness also serves to minimize the hazards of the officers' dangerous calling. We expressly recognized in Miller v. United States, supra (357 U.S. at 313, note 12) that compliance with the federal notice statute "is also a safeguard for the police themselves who might be mistaken for prowlers and be shot down by a fearful householder." Indeed, one of the principal objectives of the English requirement of announcement of authority and purpose was to protect the arresting officers from being shot as trespassers ". . . for if no previous demand is made, how is it possible for a party to know what the object of the person breaking open the door may be? He has a right to consider it as an aggression on his private property, which he will be justified in resisting to the utmost." Launock v. Brown, 2 B & Aid 592, 594, 106 Eng Rep 482, 483 (1819). 374 U.S. at 57–58.

Exceptions to the "firmly established requirement" of prior notice occur only when Government agents are confronted with exigent circumstances immediately prior to the search. According to Justice Brennan—

> The Fourth Amendment is violated by an unannounced police intrusion into a home, with or without an arrest warrant, except (1) where the persons within already know of the officers' authority and purpose, or (2) where the officers are justified in the belief that persons within are in imminent peril of bodily harm, or (3) where those within, made aware of the presence of someone outside (because, for example, there has been a knock at the door), are then engaged in activity which justifies the officers in the belief that an escape or the destruction of evidence is being attempted. 374 U.S. at 47.

The circumstances which could justify any one of these exceptions obviously could not be known in advance; they could become known only when the Government agents attempted to execute a search. That is why both Justice Brennan and Justice Clark agreed that the exceptions can be invoked when exigent circumstances become known to the police immediately prior to any arrest or search.

In contrast, the no-knock provisions allow a court to make an advance determination that such exigent circumstances will exist and to give government agents prior authorization to dispense with the announcement of identity and purpose before executing their search. This prior determination of exigent circumstances flies in the face of logic; in almost every case it will be impossible for a court to know hours—and perhaps days—before any search that a suspect will know who is at his door, that he will know what they want and that he will then attempt to destroy evidence or escape.

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[1] According to Webster's Seventh Collegiate Dictionary, "exigent" means: "requiring immediate aid or action."

[2] Justice Harlan would apply a standard of "fundamental fairness" under the due process clause of the Fourteenth Amendment rather than the standards embodied within the Fourth Amendment.

The no-knock authority is not only illogical; it also violates fundamental precepts of our constitutional system. As I have already shown, the no-knock provisions are inconsistent with the fourth amendment. For if the Government can have prior authorization to break into an individual's home, of what value is that amendment's protection against Government invasions of individual privacy? The no-knock authority likewise destroys the presumption of innocence which is due every individual. In order to issue a no-knock warrant, a court must presume that an individual, having already committed one crime, will commit at least one more; namely, the destruction of material evidence, the bodily injury of another individual, or an attempt to escape. By abandoning the presumption of innocence in these matters, the no-knock provisions assume many of the worst features of a Star Chamber proceeding. Under those provisions, expedience and not respect for the individual—becomes the law's guiding light.

Many years ago, Oliver Wendell Holmes observed that "the life of the law has not been logic; it has been experience." That observation is of obvious relevance to consideration of the amendment proposed today. For the experiences of the past few years have shown that the no-knock authority is a dangerous affront to the right to privacy guaranteed to every individual under the common law and the fourth amendment. The no-knock provisions condone the kind of Government behavior which inspired the American colonies to revolt in 1776; and such provisions foster an official state of mind which makes the law's protection of individual privacy a meaningless gesture.

There should be no question, therefore, about the wisdom of repealing the no-knock provisions. This is particularly so since they have proved to be a rarely used enforcement tool of dubious utility. After considering the merits of this issue, I am hopeful that the full Senate, and ultimately the House as well, will concur in the need for this amendment.

Mr. President, I ask unanimous consent to insert in the Record some newspaper articles discussing the raid on the home of Ken Ballew and the general dangers of the no-knock provisions.

Mr. President, I ask unanimous consent to have printed in the Record, newspaper articles discussing the raid on the home of Kenyon Ballew, and the general dangers of the no-knock provisions.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Evening Star, June 8, 1971]

Man Shot in Raid on Home

(By Woody West and William Basham)

A 27-year-old Silver Spring man was in critical condition today after he exchanged gunfire last night in his home with federal agents and Montgomery County police looking for illegal hand grenades. The wounded man's wife said she and her husband thought intruders were breaking into their home when the raid occurred.

According to a spokesman for the alcohol, tax and firearms division of the Internal Revenue Service, the raid was carried out at 8:31 p.m. after a lengthy investigation by Montgomery police. He said after shouting several times, "Police," and "Federal officers, open up," the police gave the word to break in the door.

At the Washington Sanitarium and Hospital is Kenyon F. Ballew of 1014 Quebec Terrace. He works as a plate carrier at The Star and The Washington Post and is waiting to become an apprentice pressman.

Earlier last night agents raided another apartment in the building. A copy of the search warrant they left behind said "No items seized."

Living in that apartment are Mrs. Josephine R. Murphy, her 10-year-old daughter, Miriam, and a baby. Miriam said she was alone at home when the agents began knocking on the door and shouting. She said she wasn't sure what they were saying.

She said her mother had told her never to open the door when alone unless she knew the person or unless it was the police. After a bit, Miriam said, it sounded like they were saying "police," and she finally opened the door.

The girl said the agents told her to sit on the couch and then searched the apartment, leaving clothing on the floor. Her mother, who was not there today, returned just before the agents and police left.

ACKNOWLEDGES RAID

A federal spokesman acknowledged the raid there, but said it was based "apparently on bad information."

Ballew's wife, Sara, said that at the time of the raid she shouted through the door several times to find out who was on the other side, but was unable to make out what they were saying because of the beating on the door.

Mrs. Ballew said she then ran to a bathroom where her husband was in the tub and told him someone was trying to break in. She said their neighborhood is "kind of rough."

Mrs. Ballew said she told her husband, "Kenny, Kenny, they're breaking in, where's the gun?" He told her to get a .36-caliber cap and ball revolver from their bed, a weapon he had been repairing.

At that moment, Mrs. Ballew said, her husband ran to a bedroom wall and grabbed one of the guns from his antique reproduction gun collection—a loaded cap-and-ball Colt .44. As the couple started into the living room, she said, they saw two men—one wearing a yellow sweatshirt and with a beard, and the second in blue jeans, sneakers and also bearded.

SIMULTANEOUS SHOTS

Mrs. Ballew said the second man brandished a gun and that she heard "both guns go off at the same time." Her husband then slumped to the floor. A federal spokesman said Ballew fired first and agents and police fired three shots in return.

"I started screaming, "Get the police—murder," Mrs. Ballew said.

"We are the police," she quoted one of the men as saying.

Mrs. Ballew, who was wearing only underpants, said she then was pushed against a wall. She said she did not see uniformed men entering the room at the time of the shooting.

An IRS spokesman said their warnings before the door was broken in "could be heard clearly on the street." He added that the men who entered the room had their badges pinned on the outside of their clothing.

Mrs. Ballew said she was allowed to dress, told she would have to go to the police station, and handcuffed. She said that on their way to a station, a man in a blue suit identifying himself as an agent, intimated that the raid might have been an error, when he said, "These things do happen." This was strongly denied by the IRS spokesman.

DISAGREE ON CLOTHING

Mrs. Ballew said, "If they'd come in in uniforms, there wouldn't have been any shooting. I was sure someone was breaking in when I saw how these two men were dressed—like Yippies." The IRS spokesman said the agents were dressed in civilian clothes, but not in the bizarre outfits described by Mrs. Ballew.

Mrs. Ballew said her husband bought three pounds of black powder three weeks ago from a gun shop. She said they went target shooting with the muzzleloaders about once a month.

The inventory on the back of the search warrant that was left at the apartment noted that agents had seized "1 baseball type plastic body hand grenade; 1 canaster (sic) grenade; 1 hand grenade canaster grenade; 1 military hand grenade fragmentation type."

Mrs. Ballew said all were empty casings. The baseball-type plastic container had been used to store oil at one time, she said, adding that her 7-year-old boy used to play with the heavy, serrated fragmentation shell. She said that is a practice grenade her husband had brought home from the service.

The IRS spokesman said most of the weapons were loaded.

Mrs. Ballew said the 13 reproductions of muzzle loaders and flintlocks were kept loaded in wall racks to save time when they went shooting. She said it takes considerable time to load them.

She said 13 muzzle-loaders or flintlocks were taken by the agents. These, however, were not listed on the inventory space on the back of the search warrant. She said a small electric clock also was confiscated, in addition to her accordian and, a neighbor told her, her new portable sewing machine.

The IRS said agents seized hundreds of shotgun shells of various gauges, 152 rounds of .357-caliber ammunition, 90 rounds of M-1 tracer bullets, 75 boxes of ball ammunition, two pounds of black gunpowder and two pounds of smokeless gunpowder.

Mrs. Ballew said her husband reloads empty cartridge cases and shotgun shells as a hobby, adding that he used to reload and sell cartridges to District policemen.

AQUARIUMS SHATTERED

The basement apartment in the older garden-type development was a shambles. At least 2 of 10 large aquariums in which Mrs. Ballew raised tropical fish were shattered by gunfire. Chair and couch cushions were heaped on floors. In the bedroom, all the clothing had been taken from closets and bureaus and heaped on the floor and bed.

There was still water in the bathtub.

Mrs. Ballew said her husband has been in trouble once before. She said he was arrested near their home and charged with carrying a concealed weapon—a .38-caliber pistol—that he carried with him when working late-night shifts at The Star. She said the charge was not prosecuted because there was a ruling of an illegal search.

The wounded man's stepchildren—the 7-year-old boy and a 20-month-old daughter—have been staying with Mrs. Ballew's mother in Hyattsville for the last month because Mrs. Ballew has been working part time, often until late at night.

[From the Congressional Record,
June 30, 1971]

TRAGIC SHOOTING

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, new evidence has come to light in the tragic shooting June 7 of a Silver Spring, Md., man by Federal agents and county police who smashed down his door, Gestapo-style, to execute a search wararnt.

When I addressed the House on June 14, outlining the circumstances of this sordid episode, it was clear to me that such outrageous and irresponsible operations by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service made it imperative that a thorough investigation be conducted immediately to bring to account those responsible, and put a stop—once and for all—to these storm trooper tactics.

I had written a letter that day to Mr. Connally, the Secretary of the Treasury, informing him that the facts to which I then had access were most disturbing, and were casting his Department—of which IRS is a part—in the worst imaginable light. I strongly urged him to investigate, but I regret to say that I have yet to receive a substantive reply.

Briefly, the background was this: According to newspaper accounts, ATFD agents and Montgomery County police—some of them dressed in casual, or "hippie"-style clothes, and some of them bearded—obtained a search warrant to look for supposedly "unregistered hand grenades" in the Quebec Terrace apartment of Mr. Kenyon F. Ballew, a pressroom employee of the Washington Post and the Evening Star.

The warrant appears to have been issued on the recitation of second- or third-hand hearsay, some of which had no connection whatever either to Mr. Ballew or to any wrongdoing. The agents bashed down his door with an 85-pound battering ram while Mr. Ballew was taking a bath, and shot him.

For all this, what did the officers find? They found four empty, harmless, dummy handgrenade casings of types used by the Army for training or practice purposes. Mrs. Ballew said her husband had had them since he was 15 years old, and their 7-year-old son played with one of them as a toy.

The acting superintendent of police of Montgomery County, Col. Kenneth Watkins, held a press conference last week to justify this deplorable affair. He said that he had conducted an investigation of the incident, but then admitted that he had talked only with the officers who took part in the raid. His conclusion, therefore, was not surprising, but the phraseology must rank among the year's most pretentious. He said:

"The search was legally and procedurally conducted in the proper manner."

Though Colonel Watkins insisted that his department participated in the raid only at the request, and in support of, the ATFD, he found nothing particularly objectionable about using police dressed as thugs to invade private homes. He refused to rule out similar escapades in the future.

Colonel Watkins did not explain why such disguises were necessary to begin with, especially since the proper first step in executing any warrant is to make one's identity as a police officer unmistakably known. If the ATFD has any such explanation, it has not been forthcoming.

Which brings us to the particularly interesting part of the superintendent's statement. The officers allegedly knocked on the door and announced: "Federal agents with a search warrant. Open up." According to the official story, the officers received no response from within. All of them claimed that they heard movement in the vicinity of the door which every one of them described—coincidentally, of course—with exactly the same word: "scuffling." Again, unsurprisingly, even the superintendent adopted that term. In his words, there was "no verbiage, only scuffling." After a few moments, according to this official account, having thus been "denied entry," the six officers—only one of whom was in uniform—broke down the door.

All this is important because officers executing a Federal search warrant have no authority to break down a door unless they have first been denied admittance.

Now, Mrs. Ballew, who was dressed only in panties at that moment, has said all along that she went to the door when she heard violent pounding and shouting outside, and that she asked repeatedly: "Who is it—who's there?" She said she could not understand the response because of all the commotion they were making, so she went to get her husband. It would seem odd indeed that all these officers could so plainly hear what they called "scuffling" inside—which must have been the relatively soft sounds of Mrs. Ballew moving to and from the door—but were unable to hear her voice when she asked who was there.

Well, it has now come to light—from previously unrevealed written statements made by two of these officers at police headquarters the night of the shooting—that in fact they did hear her answering them. Not once, but twice, and that they were unable to understand what she was saying.

So what did they do? They disregarded it completely. Evidently, they made no attempt to find out what she was trying to tell them. They heard her voice—they admit it. They did not know what she had said. And they went ahead and broke down the door anyway.

There were dozens of things this woman might have been trying to tell them, like: "I'm not dressed, wait until I put on a robe." Or, if the door had a double cylinder lock: "Wait until I find the key." In fact, however, Mrs. Ballew was asking who was there. The officers had failed to identify themselves to her, and she hardly can be blamed for not opening the door immediately to shouting and pounding strangers, particularly when she was undressed.

Mr. Speaker, one can conlude only that the behavior of these officers in forcing their way into that apartment, if not an act of criminal negligence, was in reckless disregard of the rights and safety of the persons who lived there. As a direct result of callous indifference and overzealous haste, these officers precipitated a confrontation that left Mr. Ballew critically wounded with a bullet in his brain.

Now I would like the ATFD, or Colonel Watkins, or anybody else to explain how that is "legally and procedurally proper." Until the officers outside know what the person inside is trying to say to them, how can they conclude that they have been denied admittance? And I stress under title 18, United States Code, section 3109, until they have in fact been denied entry, they have no right to break down the door.

This is a very serious matter, for either Colonel Watkins has not been telling the truth, or someone has not been telling him the truth. I might add that these documents which have been brought to my attention are official police reports, and were readily available to him long before his press conference.

Some other interesting facts also have been revealed in the past few days. The search warrant issued for the Ballews' apartment specified on its face that the officers were limited to "serving this warrant and making the search in the daytime." As any first-year law student knows, a warrant is valid only under its terms; in short, it expired at sundown for the night. What time was sundown on June 7? It turns out to have been 8:31 p.m. What time did the officers write in the blank provided on the warrant for time of execution? Exactly—what a coincidence—8:31 p.m.

But even this ingenuity does not save them. The officers served the warrant by making the entry: even if one accepts that they scooted in under the wire, it was physically impossible to even begin let alone complete, a search in the daytime, as specified in the warrant.

It also was claimed by police that they fired only after being fired upon by Mr. Ballew. Mrs. Ballew says she saw her husband's antique cap and ball gun flash as he slumped to the floor, very slowly, after being hit in the head by a police bullet. Police documents now show that Mr. Ballew's gun discharged only one shot, and that a spent slug was recovered from the wall about eight inches from the floor next to where Mr. Ballew fell. The police would not say, but Mr. Ballew's attorney says the slug pierced a bookcase in a direction at right angles to the line of fire between the officers and Mr. Ballew.

By its position, he says, it could have come only from Mr. Ballew's antique revolver. If that is true, it bears out Mrs. Ballew's account that the police opened fire first. The police, it is now conceded, fired a total of seven shots.

This entire evening, insofar as the Internal Revenue and the Montgomery County Police Department were concerned was a complete foul-up from start to finish. It was bad enough that the officers brutally mishandled Mrs. Ballew, shoving her out in the apartment house hallway, half-naked, while they ransacked the apartment and carried away dozens of articles of personal property, without lawful authority. But, in the grisly aftermath, one ATFD agent even chased down to the hospital where doctors were struggling to save Mr. Ballew's life, and proceeded to extract powder residue samples from the unconscious man's hands.

Another search made simultaneously by other ATFD agents in a second apartment directly over the Ballews' was an even more obvious bungle. In this case also, a search warrant specified "unregistered hand grenades." I recently received a copy of the sworn affidavit submitted by ATFD Special Investigator Marcus J. Davis to obtain that warrant from U.S. Magistrate Archie Meatyard.

Incredibly there is not even a mention of hand grenades in that affidavit. Rather, it recites a vague tale of an attempt by one James Russell Thomas to sell some unnamed person a sawed-off shotgun. There was also a discussion of police reports of some unknown persons shooting what sounding like a gun somewhere in the neighborhood of Quebec Terrace on several unspecified occasions in the past. An identical allegation had appeared in the affidavit for the Ballew warrant. In neither case did it have any discernible connection with either Mr. Ballew or with the occupant of the apartment upstairs, who, it turns out, is a Mrs. Murphy and her daughter. The fact that the same allegation appeared in both affidavits clearly shows how nebulous it was—the agent apparently could not make up his mind who to pin it on, so he pinned in on both of them. And incredibly, the magistrate approved them both.

The agents searched the Murphy apartment, but found no hand grenades, no sawed-off shotgun, or—for that matter—no one who had ever even heard of James Russell Thomas. The officers left a copy of the warrant with Mrs. Murphy It read, simply: "No items seized."

It would appear that not only was the anonymous police informant unreliable, but that his information had no more to do with hand grenades than with marijuana or numbers slips. So my question is: did this magistrate even bother to read the affidavit applying for the search warrant? Or does he just rubber stamp any request, no matter how preposterous?

I am appalled to find that the constitutional protections enjoyed by the American people from unreasonable and arbitrary search of their homes have been so completely eviscerated. I have said before, and I say again: If Federal agents are going to be able to obtain search warrants from magistrates based on information that is not only flimsy, but totally irrelevant, the Congress ought to take a hard look at tightening up these procedures to provide more safeguards for the rights and security of innocent citizens.

Mr. Speaker, the issues in the shooting of Kenyon Ballew are of national significance. This was an operation undertaken by an agency of the Federal Government and it could have occurred anywhere in the country. The Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service has acquired enormous power as a result of recently passed firearms laws. If the behavior of ATFD in this matter is representative of its regular procedures, literally not citizen is safe in his home. It appears the agency is totally out of control. One may look for similar situations in nightmares or in the Orwellian age of 1984. It strains the imagination to contemplate a Federal agency with its agents careening wildly about the countryside, costumed as hippies, executing process at doubtful hours by smashing in householders doors, often in the wrong domicile, terrorizing children, frightening citizens, shooting householders, and dishonoring their women. Yet that appears to be exactly what happened in this instance.

Some very grave questions have been raised, and I believe the American people deserve honest and complete answers. So far they have not received them. The Internal Revenue Service has had 3 weeks to frame the answers and to explain its behavior. The long delay and the circumstances are beginning to raise questions as to both integrity and whitewash.

In Montgomery County, the State's attorney's office has announced that the case will be presented to a grand jury July 12. But grand jury hearings are, of course, secret proceedings, and there is no assurance that the jury will receive anything more than the official police story. More important, the grand jury may not have available to it certain facts it must have to blame or absolve anyone. It is still not know, for example, which officer shot Mr. Ballew. Only ballistics tests can tell, and the bullet remains lodged in Mr. Ballew's head, where it cannot be removed at present. And, Mr. Ballew—whose testimony is certainly crucial—is in a coma and cannot testify.

So what is going to be accomplished by a premature presentation to a grand jury? One suspects that the grand jury will be unable to affix fault to anyone, and that the case will then be in a legal posture to be closed and forgotten.

It seems to me that the only way we are going to get to the bottom of this is to have a full, thorough, and—above all—a public disclosure of all the facts. I again call on Secretary Connally to do precisely that. The public interest demands that this case not be buried or whitewashed, and I urge the Secretary not to let that happen. Those responsible for this travesty should be brought to account, and steps taken to insure that it never recurs.

A related investigation by county authorities, according to today's Washington, D.C., Daily News will receive statements only from police officers and perhaps from Mrs. Ballew. One must wonder what can be gleaned from such an investigation, when the first "investigation" involved exactly the same parties. I am curious how wrongdoing can be discerned in the analogous case of hearing only from the driver charged with reckless driving.

I insert at this point in the Record an editorial from the Washington Daily News of June 25, entitled "Tragic Bungling in Police Raid"; an editorial entitled "Tragic Raid," broadcast June 14 on stations WMAL–TV and WMAL–AM and FM, Washington, D.C.; two articles by Washington Post columnist Bill Gold, which appeared June 15 and 18; and a news item from the June 30, 1971, issue of the Washington Daily News carried under the headlines "Raid Statements Challenged." "Police Documents Contradict Chief":

[From the Washington Daily News, June 25, 1971]

TRAGIC BUNGLING IN POLICE RAID

In the three weeks that have gone by since the shooting of a 27-year-old gun collector during a raid on his Silver Spring apartment by U.S. Treasury agents and Montgomery County police, nothing has happened to erase our original suspicion that the whole tragic operation was ill-conceived at the start and bungled at the finish.

If Kenyon Ballew was guilty of anything other than trying to protect his family from what to an ordinary man must have seemed to be a terrifying assault by strangers upon his home, no one has shown it.

The fact that he is under intensive care at a hospital with a bullet in the brain does not explain why he hasn't been charged with keeping hand grenades (those that were seized in the raid were "dummies," empty casings, according to his wife) and police themselves admit that the guns in his collection were legally his.

Treasury agents had secured a search warrant from U.S. Magistrate Archie Meatyard on the basis of information which an unidentified source had passed on to a Prince Georges County policeman who in turn had tipped the Treasury. The frailty of this information is demonstrated not so much by the double or triple hearsay as by the simple fact that after the raid and the shooting nothing appears to have been found to justify the action in any way.

It's acknowledged that "no-knock" raids entail some possible perils other than those to the Constitution, but this was not exactly a "no-knock." The lawmen, some of whom, at least, appeared to be dressed in "hippy" clothes, smashed down the door at dusk with a battering ram (the warrant did not permit a nighttime raid). How much warning they gave of their identify and intention is hard to tell. The way things went, it would take an immoderately trustful householder to believe that he had nothing to fear from the intruders.

If there's any good excuse for what happened to the Ballews, we'd like to hear it, starting with Mr. Meatyard, who seems to have licensed a search without first determining what less traumatic measures might be taken first. Like how about sending a policeman around in uniform some morning to knock on the door and make polite inquiry as to the armaments kept therein? Who knows, he might have been shown around.

Finally, there is no excuse for the action of Montgomery's Acting Police Chief Kenneth Watkins who still insists upon keeping secret the facts in this case, public information which the people have every right to know.

It is necessary to remind Col. Watkins that police business is public business, and that police, even when they make mistakes, are reponsible to the people and to no one else.

[WMAL editorial, June 14, 1971]

TRAGIC RAID

The outrageous behavior of lawmen invading the apartment of a Silver Spring gun collector demands an investigation at the highest levels. Montgomery County police and federal agents, some dressed in civilian attire, banged on the door of 29-year-old Kenyon Ballew while he was taking a bath and his wife was undressed. According to Mrs. Ballew, the strangers did not make clear their identity as police; Ballew was shot when he attempted to defend his household against what he thought were intruders. The police explanations so far have been unsatisfactory.

This tragic case of mistaken assumptions could have been avoided if the police had more properly identified themselves. Why did they think it necessary to conduct a Hollywood-style door-busting raid? Why did not they clearly say "Police," instead of muffled pounding at the door? Most importantly, why did some come calling in old clothes that made their mission look menacing? Such behavior by lawmen cannot be tolerated, whenever it occurs. It is too late for Kenyon Ballew. But future raids should be conducted by uniformed police who identify themselves clearly.

[From the Washington Post, June 15, 1971]

THE DEFENSE IS RESTING

(By Bill Gold)

"Don't use my name," writes a Hyattsville gun collector. "I don't want to be the next one that gets his door broken down by the police.

"I just want to put a simple question to you.

"There was a raid over in Silver Spring the other day in which the police broke into a man's home and the first thing he saw when the door came down was a couple of hippies with beards and sloppy clothes and so forth, so he began firing. I'd have done the same thing and maybe would have shot a little straighter.

"All I want to ask you is this: Why do they use plainclothes police on an assignment like breaking down the door to a man's home? At the very least, shouldn't the householder see a uniform first? You are always defending everything the police do, I would like to hear how you defend this."

I do not defend it.

And I think my correspondent will agree that he overstated his case when he said I defend "everything" the police do.

I support actions and ideas that I consider right, and I criticize those I consider wrong. Ordinarily, I think policemen are on the side of the right, and they are therefore supported here.

But the raid referred to by my correspondent was quite another matter. If plainclothesmen were used to lead the way into the raided apartment, I think bad judgment was used. Anybody can shout "Open up, we're the police," but cautious householders are aware that not everybody who claims to be a policeman really is. Having plenty of uniformed policemen in plain sight would appear to be rigid requirement on raids of this type.

Let me ask a simple question of my own. Numbers slips and horse bets can be destroyed in seconds. But in this case, the police were searching for "hardware"—guns and grenades. So why was it necessary to break down the door to gain immediate entry? If there was contraband inside, it would still be there a minute later.

[From the Washington Post, June 18, 1971]

Allen's Alley Was Unique

(By Bill Gold)

People who pound on my door irk me. I don't know why, but they do, and I appraise you at the outset to put you on guard against any bias that may creep into these lines.

People who pound on my door are usually meter readers, deliverymen or others with legitimate business to transact.

Solicitors, salesmen and others who are not sure of a warm welcome usually ring the doorbell or, at the very worst, knock politely. They don't bother me. The people who irk me are the ones who pound instead of knocking, and at the same time keep a finger on the bell.

On the old Fred Allen program, Fred used to knock on various doors along Allen's Alley and the doors would be opened at once by Titus Moody and Mrs. Nussbaum and all the other regulars on the show. When you consider that Allen paid these actors a handsome wage to stand by the door and be ready to respond on cue, it's not hard to understand why they answered so quickly.

However, most householders cannot stand by the door all day, poised to spring to attention at the first indication that somebody is coming up the front steps. They have chores to perform elsewhere in the house, so it sometimes takes them a few seconds to answer the door.

Yesterday morning, for example, I was in my bedroom when the doorbell sounded and in that same instant somebody began pounding on the front door with such intensity that the house shook.

"Who is it?" I yelled through the open window, but the doorbell and the pounding created so much noise the pounder couldn't hear me. "All right, all right," I yelled at the top of my lungs, "Keep your shirt on."

I might as well have saved my breath. The deliveryman at the door hadn't heard me, and by the time I got to the door, he was back in his truck and grinding his gears for a fast getaway.

Perhaps if I were a deliveryman or a meter reader or a person with similar duties, I would also become impatient with householders who fail to open the door at once. I might even become suspicious of all doorbells because one or two in my experience had proved to be out of order. Perhaps I would develop the habit of pounding on the door with one hand as I kept a finger on the doorbell with the other. And if this irked crabby householders like Bill Gold, so what? Knocking on doors all day long and waiting for slowpokes to open up is also irksome.

I was about to dismiss the entire matter from my mind when I suddenly found myself wondering whether something of this kind might have taken place in the recent police raid in Silver Spring. Did the door pounding and bell ringing prevent the housewife from hearing the raiders announce that they were policemen? Did this same commotion prevent the raiders from hearing her response?

Before any additional misunderstandings put lives into jeopardy, it would be well for policemen in all of this area's jurisdictions to review their procedures. In the District and in other places, policemen refused immediate entry have used everything from bullhorns to telephones in attempts to communicate peacefully before resorting to battering rams. Knocking down the door should in many instances be a last resort, not an opening move.

[From the Washington Daily News, June 30, 1971]

Raid Statements Challenged: Police Documents Contradict Chief

(By Diane Bauer)

Confidential documents from the files of Montgomery police and federal agents, obtained by The Washington Daily News, contradict a report released three weeks ago by Police Chief Kenneth Watkins on a raid in which Kenyon F. Bailey was critically injured by a police bullet.

Police and Treasury agents, some bearded and in hippie clothes, on June 7 had used a sledge hammer to force their way into Mr. Ballew's apartment at 1014 Quebec Terrace, Silver Spring, with a search warrant for illegal hand grenades. They found only souvenir grenade casings which were part of his legal gun collection.

The reports made by Treasury agents and county police in the raiding party failed to support charges in a report commissioned by Col. Watkins that Mr. Ballew fired first at police or even the chief's later assertion that Mr. Ballew and the raiders fired simultaneously.

Altho the police reports state that Mr. Ballew was holding a pistol, no member of the raiding party reported that Mr. Ballew fired the pistol at any time.

POLICE FIRE

The leader of the raiding party, Treasury agent William Seal, said in a statement taken the same night at the Silver Spring police station, that when he broke in and saw Mr. Ballew, "I fired one round from my pistol at him and yelled, 'He's got a gun' . . . I fired once more and at the same time I heard weapons firing from behind me which I believed to be covering my attempt to gain cover."

Five separate police reports state that officers fired as a result of hearing agent Seal's cry "he's got a gun" and because of the subsequent gunfire.

Saralouise Ballew, now in the 22nd day of a vigil at her critically-wounded husband's bedside, stated that her husband had picked up an antique gun from his collection to defend her from the intruders.

John T. Bonner, the Ballew's lawyer, said that Mr. Ballew's ancient cap and ball pistol discharged as he sank to the floor wounded by a hail of police bullets.

Mr. Bonner said that the physical evidence at the scene of the raid and his own personal inspection of the police reports showed that Mr. Ballew never fired at the police officers and that his gun fired in a direction away from the raiding party.

Criticism on the floor of Congress from Rep. John Dingell, D-Mich., and Gilbert Gude, R-Md., plus inquiries from the White House, resulted last week in the ordering of a second review of the incident by Republican County Executive James P. Gleason.

The county executive said that the new investigation will not include testimony from residents of Quebec Terrace, who observed police behavior during the raid, and will be limited, like the first report, to the testimony of police officers, with the possible inclusion of a statement from the victim's wife.

CHARGES

The confidential documents state, "In the event Mr. Ballew recovers from his wounds, warrants will be obtained charging him with aggravated assault on the officers."

Andrew L. Sonner, Montgomery County State's Attorney, said on Monday no charge will be made against Mr. Ballew and that no charges against police will be made.

"Not unless the grand jury does something," Mr. Sonner said, "But I don't expect anything to come out of that grand jury. You know—there will be a report in September, saying that police procedures should be different."

Mr. Ballew, 27, is in the intensive care unit of the Washington Sanitarium with a police bullet in his brain. Hospital officials said he has only a 40 per cent chance to live and that he has suffered permanent brain damage which will cripple him for the rest of his life.

[From the Evening Star, June 9, 1971]

Beall Finds No Fault With Raid

(By Lance Gay)

Maryland's top U.S. prosecutor has found no fault in the actions of plain-clothes Treasury agents who broke into the apartment of a Silver Spring gun collector looking for a cache of arms and critically injured the man in an exchange of gunfire.

The wife of Kenyon F. Ballew said that her husband thought the agents and Montgomery County police officers—who were bearded and in sports clothes—were intruders who were breaking into their home.

"We're satisfied they (the Treasury agents) conducted themselves within both the spirit and letter of the regulations" on carrying out search warrants, U.S. Attorney George Beall said last night. "Legally, they're on very solid ground. From our point of view, they did nothing extraordinary, nothing reckless, nothing culpable, nothing wrong."

Beall said that he and members of the Alcohol, Tobacco and Firearms Division of the Treasury Department, have extensively reviewed the incident "from beginning to end."

"These men literally conducted a letter-perfect execution of their search warrants—legally speaking," Beall said, "—with the exception of the unfortunate incident that occurred."

Ballew of 1014 Quebec Ter., Silver Spring, remained in critical condition in the intensive care section of Washington Sanitarium and Hospital this morning, with a bullet wound in his head.

The agents, accompanied by county police, went to two apartments in the building with search warrants issued in Baltimore. The warrants were granted on "information from a number of sources that there was a large cache or stock of guns and ammunition at this location. . . . Based on the information the agents felt it was imperative to go forward with the request for a warrant, which was duly issued," a deputy U.S. Attorney said yesterday.

Beall said that five men—two Treasury agents, two plainclothes county officers and one uniformed county officer—arrived at the basement apartment at the Quebec Terrace address shortly after 8:30 p.m. They found it had a steel door and one Treasury agent knocked on the door, Beall said.

BATTERING RAM

He then knocked on the door harder and announced that he was an agent from the Alcohol, Tobacco and Firearms Division of the U.S. Treasury Department and that this was a raid. Beall said the agent "put his ear to the door," and heard "scuffling" inside, but no one came to the door.

The three county policemen, armed with an 85-pound battering ram, then gave the door six blows, which forced it open 12 to 16 inches, allowing one treasury agent to squeeze through into the apartment, he said.

Beall said that the agent was in plain clothes, but had a badge in his left shirt pocket and a search warrant in his hand. His gun remained in his holster, Beall said.

The agent reported that the first thing he saw upon entering the apartment was a man standing at the end of a corridor with a pistol. The agent then "hit the deck and pulled his own gun."

However, Beall said that he did not know how many shots were fired, who fired first or whether the federal agents or the county police officers fired the shot which critically wounded Ballew.

Mrs. Ballew contradicted this version. Her husband, she said, was armed with a cap and ball reproduction of an antique Colt .44.

As the couple—alarmed by the sounds of the battering ram—started up the corridor to the living room, they saw two men—both bearded, one wearing a yellow sweatshirt and the second in blue jeans and sneakers.

Mrs. Ballew said that the second man brandished a gun and that she heard "both guns go off at the same time." Her husband then slumped to the floor. A federal spokesman said yesterday that Ballew fired first, but Mrs. Ballew recalled seeing the muzzle flash from the cap-and-ball weapon as he slumped, indicating that he pulled the trigger after being hit.

However, she added, it is possible to get a "multiple flash" from such a weapon.

"I started screaming, 'Get the police—murder," Mrs. Ballew said.

"We are the police," she quoted one of the men as saying.

According to the inventory on the back of a search warrant agents left at the apartment, they seized "1 baseball type plastic body hand grenade; 1 canaster (sic) grenade, 1 hand grenade canaster grenade; 1 military hand grenade fragmentation type."

[From the Washington Post, July 20, 1971]

Lawyer Says Maryland Raid Based on Young Housebreaker's Tip

(By Jim Mann)

U.S. Treasury agents obtained a warrant to raid the Silver Spring apartment of Kenyon F. Ballew last month solely on the basis of information from a 17-year-old youth who had been arrested on housebreaking charges, Ballew's attorney charged yesterday.

In an affidavit filed in support of the request for a search warrant, a Treasury agent had said the youth was reliable because he had provided police with accurate information on three housebreakings. But the affidavit did not point out that the accurate information was based on the confession of the youth that he had committed the break-ins himself, John T. Bonner, Ballew's attorney, said.

Ballew, a gun collector with more than 30 firearms in his apartment, was shot in the head and critically wounded in the raid June 7 by Treasury agents and Montgomery and Prince George's police.

Ballew's wife has said the Ballews believed the lawmen—some of whom were dressed in casual clothes—were attempting a burglary when they broke into the apartment. The incident has sparked investigation by the Treasury Department, Montgomery County officials, a county grand jury and the State Human Relations Commission.

In other developments in the case yesterday:

Treasury officials confirmed reports that five of the 14 Treasury agents participating in the raid had had one year or less experience with the Alcohol, Tobacco and Firearms Division of the Treasury Department and that the first agent to enter the apartment—apparently the leader of the raid—was one of the five.

Montgomery County Executive James P. Gleason, in his weekly press conference, hit back at criticism of the raid as "Monday morning quarterbacking." Gleason chose the occasion to appoint Col. Kenneth M. Watkins, who has been acting county police chief since March 31 and headed the department at the time of the Ballew raid, as his permanent police chief.

In applying for a search warrant to raid Ballew's apartment, Treasury agent Marcus David cited two different instances—one in Montgomery and the other in Prince George's—in which an unnamed "source" provided "information" to local police regarding illegal hand grenades in Ballew's apartment.

In the Prince George's case Davis said in an affidavit, "the source's reliability is based on three separate reports of burglaries in the Langley Park area of Montgomery and Prince George's counties, which, according to police reports, in fact took place or were attempted."

Bonner charged yesterday that the "source" was the same in both counties: a 17-year-old who lived in the building next to Ballew's at the Quebec Terrace Apartments on New Hampshire Avenue.

One June 6, the night before the raid, the informant was brought to headquarters by Montgomery police for questioning regarding housebreakings in which he had been implicated, Bonner charged.

Bonner charged that the informant confessed to three housebreakings.

Bonner said that after the youth was questioned by Silver Spring detectives he was taken to Prince George's County detectives for further interviews, and it was there that he became the "source" for the information provided to Prince George's County detectives.

"He never really gave them information like an informer," Bonner said. "He hates police, has been a thief all his life."

The affidavit provided in support of the search warrant says that two Montgomery County detectives interviewed the "source" at the Silver Spring police station on June 6, the day before the Ballew raid. No date is given in the affidavit for the interview with the "source" in Prince George's County.

Montgomery County police refused to comment in any way on the basis for the information regarding Ballew.

"I honestly do not know who the informant is," said Col. Watkins, shortly after he was sworn in as the new police chief yesterday. "An officer never asks another officer the identity of an informant."

All attempts to find confirmation of Bonner's account were unsuccessful.

When Lt. Miles R. Daniels of the Silver Spring detective bureau was asked whether the youth named by Bonner had been questioned on June 6 by his detectives about housebreakings, he told a reporter: "You'd have to get that from central headquarters."

At central headquarters, Insp. Fred P. Thrailkill, who is in charge of all investigations by county detectives, was asked the same question.

"I don't know why he (Daniels) referred that to me. It's not normal for him to refer something like that to me," Thrailkill said.

The inspector said he would obtain the information and call back, but he did not do so, and further attempts to reach him were unsuccessful.

In Baltimore, Assistant U.S. Attorney Charles Bernstein said that the U.S. attorney's office is never told the identify of confidential informants.

"'We don't know who the sources are," Bernstein said. "My understanding was that these were two different sources of information used by the two different departments in Montgomery and Prince George's."

Asked whether it was possible that there was only one informant in the case, Bernstein said, "If that is so, it's contrary to what I'd been led to believe by the agent."

But Bernstein reaffirmed the position of U.S. Attorney George Beall that the search warrant was valid.

He said that a federal report on the raid being prepared by the Treasury Department "will confirm George Beall's original statement that there was nothing improper by any of the officers."

Bonner said yesterday that last Friday for the first time he interviewed the youth who he says was the informant in the Ballew raid.

He says he deducted the identity of the informant from a statement in the affidavit that says "on May 5 or 6, 1971, the source observed a quantity of hand grenades in Apt. 2, 1014 Quebec Terr. (Ballew's apartment)."

Mrs. Ballew remembered a youth who had been in the apartment on one of those days, Bonner said.

Bonner said he could not persuade the juvenile to record or sign a statement. The juvenile has been subpoenaed to appear today before a Montgomery County grand jury investigating the Ballew shooting, Bonner said.

Meanwhile, a spokesman for the Treasury Department confirmed that William H. Seals, first law enforcement official inside the Ballew home, had one year of experience with the department. The spokesman said that Seals had also had four years of experience with the Louisiana State Police.

Another Treasury agent in the raid, Joseph T. Long, had been with the department for four months, the spokesman said, but had previously worked for more than three years with Fairfax County police and the Naval Investigation Service.

At Gleason's press conference yesterday, Watkins said he was not aware of the experience levels of the federal officers. "On my own force, I would not want to have trainees at the critical points in a raid," he said.

Last week, Gleason concluded his own investigation of the incident by announcing that he had found nothing improper regarding the police procedures used in the raid.

His defense of the raid prompted editorial criticism in Washington newspapers and also by television commentator James J. Kilpatrick, a conservative who said he usually supports efforts at law and order but took exception in this case.

Yesterday, Gleason responded, by declaring, "Anybody can be a Monday morning quarterback, and I think that's what's happening in the editorials. It doesn't make me feel good. What would you have us change?"

He said press accounts "constantly ignore the circumstances," including the number of weapons in Ballew's apartment and vandalism and shootings in Quebec Terrace.

Asked whether the weapons in the apartment might have been used to start a riot, Gleason replied: "If he (Ballew) had a military installation inside his apartment, it does not justify an illegal raid." But he said he found the raid was valid.

In the raid, the Treasury agents and police used a battering ram to knock down the Ballew's door and forced their way into the apartment. Ballew was apparently in the bathtub at the time, and his wife was wearing only underpants. Ballew, who was a gun collector, grabbed an antique pistol and headed toward the agents, but was shot in the head. Whether he shot at police is in dispute.

Bonner said yesterday that Ballew's condition has improved to "good" but that he remains in the hospital with the bullet still lodged in his brain. Doctors have been afraid to operate.

The Treasury agents and police found hand grenades in the apartment, but upon testing they turned out to be dummies.

[From the Washington Post, Aug. 3, 1971]

Treasury Critical of Gun Raid

(By Jim Mann)

Secretary of the Treasury John B. Connally announced yesterday that his department had found "administrative and supervisory deficiencies" in the raid June 7 by Treasury agents and police in which Silver Spring gun collector Kenyon F. Ballew was shot in the head.

However, Connally said that the raid was "legally proper under the circumstances."

The deficiencies involve record-keeping, execution of search warrants and control over local procedures, Connally said.

Connally's statement and an accompanying 31-page report were the first official comment by the Treasury Department on the raid, which has provoked angry criticism from firearms interests throughout the country and has produced an unlikely alliance between firearms groups and civil libertarians protesting the police procedures.

The Treasury Department also revealed in the report that it has recommended Ballew be prosecuted "should his physical condition permit."

The Treasury report provides the following account of the events leading up to the shooting:

A team of three agents from the Alcohol, Tobacco and Firearms Division and three Montgomery County policemen went to Ballew's door. Only one of them, Montgomery policeman Harold Kramer, was in uniform.

The three ATFD agents—Marcus J. Davis, supervisor of the raid, Seals and Donald R. Sloan wore "dress street clothes," either suit coats or shirts and ties, with identifying badges attached.

The two other Montgomery officers besides Kramer—Royce Hibbs and Louis Ciamillo—were less formally dressed. Hibbs wore a yellow sweatshirt and light grey slacks, while Ciamillo wore a short-sleeved red-and-green horizontally striped polo shirt with dungarees.

They heard "either scuffling inside or a voice saying something they could not understand," and then they decided to batter down the door.

However, another policeman stationed at the other door to the Ballews' apartment—apart from the six officers with the battering ram—heard a woman's voice inside the apartment shout, "Who are you . . . They are breaking in and how do I know you're police?"

Kramer, in uniform, was the man at the front end of the battering ram, "nearest to the door where he could be seen and one of the first to enter."

But when the door opened after six blows of the battering ram, Kramer forced the door open further with his foot and Seals, wearing street clothes, entered first.

Nine shots were fired inside the apartment: one by Ballew, two by Seals and three each by Ciamillo and Hibbs.

The Montgomery County government has already conducted its own investigation of the Ballew case, by Elisha Freedman, chief administrative officer, and released last month by County Executive James P. Gleason.

That report exonerated the county police department and found that all procedures used in the raid were correct. * * *

The Department said Ballew should be prosecuted under the 1968 federal Gun Control Act for possession of illegal hand grenades and sawed-off shotguns. Ballew has been hospitalized since the raid with a bullet in his brain according to his attorney.

Although Ballew's attorney, John F. Bonner, has said that four hand grenades found in Ballew's apartment were inert, the Treasury report says three of them could have been activated with the addition of powder, and therefore constitute "destructive devices" prohibited under the 1968 law, according to government counsel.

In the June 7 raid, Treasury agents and Montgomery County police went to Ballew's apartment at 1014 Quebec Ter. in a low-income housing complex, with a federal warrant to search for illegal hand grenades.

The Treasury agents said their information regarding the hand grenades was based on confidential informants they have never identified.

Bonner says there was only one informant, a 17-year-old juvenile picked up on housebreaking charges.

By all accounts, the agents and police used a battering ram to enter the Ballews' apartment, and the first agents to enter the apartment were dressed in plainclothes. Ballew was nude and his wife dressed only in underpants when they entered.

Criticism of the raid has centered on the adequacy of the information obtained by agents and police; the propriety of using plainclothes police and the necessity for entering the Ballews' apartment by force.

Ballew's wife said after the raid that she thought the law enforcement agents were "racketeers" or "hippies."

The report released by Connally yesterday does not describe at length what it means by administrative and supervisory deficiencies." But the report alludes to the following problems:

At the same time as the events in the Ballew apartment, four Treasury agents and six policemen—only one of the 10 being in uniform—raided an apartment upstairs in the same building, knocking down the door with a battering ram and finding only three small children inside.

According to the Treasury report, it turned out that the agents and police had the wrong apartment number. A search warrant for illegal weapons in the home of James R. Thomas listed Thomas's home as apartment 102, when in fact he lived in apartment 103.

Treasury says the error "resulted from inaccurate police information and records."

The Ballews live downstairs in apartment 2.

While the Ballew apartment and the one upstairs were raided, two area supervisors for Treasury's Alcohol, Tobacco and Firearms Division—the ranking officials in the raid—sat outside in a government car 40 to 50 feet behind the building. The Treasury report says this amounted to "questionable supervisory control," and says tighter control will be maintained in the future.

The Treasury investigation found that before the preparation of the search warrants and accompanying affidavits, there were "no files or formal documentation" in the Ballew and Thomas cases kept by the local office of the Treasury agents in Falls Church.

The Treasury report says this finding does not affect the validity of the warrants, but points out "administrative deficiencies," which Treasury is ordering be corrected.

The Treasury report says the federal agents should have maintained "tighter control" on the removal of property by Montgomery County police, besides the grenades, powder and rifle barrels taken as evidence of possible federal violations under the authority of the federal search warrant.

Montgomery County police removed Ballew's entire gun collection, including 26 cap-and-ball pistols, shotguns, rifles and flintlock rifles. Sixteen of the weapons were loaded, according to the Treasury report.

Mrs. Ballew has said the police also removed an accordion, a clock radio, and a sewing machine from the apartment. The Treasury report does not mention these items.

Montgomery County officials have said items were removed from the apartment for "safekeeping" after the door had been battered down. Yesterday, Bonner, the Ballews' attorney, speculated that the police may have been searching for evidence with which to charge Ballew with receiving stolen goods.

The description of these deficiencies occupies only a small part of the Treasury report, which justifies most of the other actions of its agents.

For example, the report says its agents were told by police that there was information the Ballew apartment might be "booby-trapped," and that the occupants might shoot at the police.

In another section, the report says its agent had "received information that the outside door may have been rigged with a shotgun to go off when the door was opened."

The report does not say where the police received this information and does not claim that its agents found any such booby traps inside the apartment.

The report said that despite the Treasury investigation, "the exact order shots were fired, at which point Ballew fired his weapon and who fired the shot that hit Ballew, have not been determined."

Nevertheless, the report says Treasury agents and police were justified in firing at Ballew, because of the "potential danger" to the life of agent William H. Seals, the first to enter the Ballew apartment.

[From The Washington Post, Aug. 7, 1971]

The Shooting of Kenyon Ballew

A man lying for two months in a hospital bed, semi-paralyzed, incapable of speech and with a bullet in his brain is a personal tragedy but not necessarily a national issue. And so it may well be possible to read too much into the case of Kenyon F. Ballew. But because U.S. Treasury Department agents joined Montgomery County police in the raid on the Ballew apartment in Silver Spring last June 7, the federal government and, by implication, the Nixon administration, became a part of what might otherwise have been a routine raid and a part of the controversy over the methods and the manner of carrying it out. Not only have county authorities and a grand jury reported on the incident, but the Treasury Department and Secretary Connally have both weighed in with their judgments. So have Mrs. Ballew, who bitterly disputes the police version of events, and her husband's attorney, Mr. John F. Bonner, who has put down the Treasury report as a "complete whitewash."

Under the circumstances it is difficult even now to reconstruct the raid with certainty; although nine shots were fired inside the apartment (only one of them by Mr. Ballew) not even the police and the Treasury men agree on who fired first, and one account has it that Mr. Ballew's pistol discharged accidentally after he was hit. But the bare facts, not in dispute, are enough for our purpose, which is simply to try to find some humanity and some sense in this affair, to reconcile the performance of the law enforcers with the real threat to law and order presented by the Ballews.

The first fact, beyond any questioning, is that Mr. Ballew had an extraordinary collection of guns, hand grenades and other explosive weapons. And there is reason to think that he had assembled some part of his arsenal for practical purposes; the multiple locks on his front door confirmed his and his wife's anxiety about the security of the neighborhood. So it was not surprising, whether justified or not, that the Ballews should react with alarm and suspicion to any suspected intruder. And the commando force of police and Treasury agents which appeared at the Ballew back door was not such as to set one's mind at ease. Although armed with a search warrant, the T-men were in mufti and some of the police, sporting sideburns and mustaches, were dressed in shirts and dungarees; to Mrs. Ballew they looked like "racketeers" or "hippies" and while they observed the formalities of a command to open up, they waited no more than a minute before addressing themselves to the door with a battering ram.

For their part, Mr. Ballew was in the bathtub and his wife had on only underpants; neither, in other words, was in a position, let alone of a mind, to rush to the door. Whether either one clearly heard the shouted identification of the authorities through the door is uncertain in any case; so Mr. Ballew went for the nearest of his guns. Perhaps he shouldn't have—it is hard to say. What is clear is that the raid was conducted largely on a tip from an unidentified informant whose reliability can only be attested to by the police and that it was carried out in a manner almost *calculated* to terrorize and thus to increase enormously the opportunity for mishap.

Or so it seems to us. Montgomery County Executive James Gleason saw it "otherwise"; he couldn't think of "anything that could have been done differently." The grand jury did find some fault with the "search and seizure" procedures employed and recommended some specific tightening up. And the Treasury Department's report, somewhat more dispassionate, pointed out the "several administrative and supervisory deficiencies" in the conduct of the raid and promised to correct them.

But Secretary Connally stoutly defended the raid as "legally proper under the circumstances" and the department, as if to back up the judgment that led it to act in the first place, was at pains to itemize the weapons haul from the raid and to report its recommendation that Mr. Ballew be prosecuted "should his physical condition permit."

Well, the doctors are not very optimistic on that last count; the odds are that Kenyon Ballew will not go to court—or to jail. The odds are, in fact, that he will be lucky to recover from the paralysis that now very nearly immobilizes him. Meanwhile, the medical bills have piled up to more than $10,000 and though his Pressmen's Union will pay up to $20,000, its resources are hardly limitless—and there is no end in sight.

But it was all "legally proper" and that is all that seems to matter to this administration, whether it is the Vietnam Veterans' right to camp on the Capitol grounds, or the holding of war protesters without charges, or the welfare entitlement of the poor, or the busing of black schoolchildren, or a paralyzed 28-year-old gun buff who was a little slow answering the door.

[From the Washington Post, June 9, 1971]

RAIDERS' LOOKS BLAMED IN GUN BATTLE

(By LaBarbara Bowman)

A Silver Spring gun collector opened fire on Montgomery County police and U.S. Treasury agents when they entered his apartment in a raid Monday night because they were out of uniform and bearded, his wife said yesterday.

Kenyon F. Ballew, 27, of 1014 Quebec Ter., was shot once in the head during the gun battle with the raiding party and was reported to be in critical condition yesterday at Washington Sanitarium and Hospital.

Montgomery County police confirmed that the two policemen who fired at Ballew were dressed in casual clothes and had moustaches and beards. They said the officers were members of the tactical squad and customarily work in civilian clothes.

County police said they were helping Internal Revenue Service agents execute a search warrant that alleged there were unregistered firearms and hand grenades in the apartment, and that police fired only after they had been fired at. Ballew's wife, Saraluise, said police fired first.

Mrs. Ballew, interviewed as she waited outside the hospital's intensive care unit yesterday, said her husband was in the bathtub in their two-bedroom apartment Monday night about 8 p.m. when she heard "a violent beating" at the door. She said she was clad only in her underpants and asked, "Who is it?" rather than immediately opening the door. The response, she said, was "unintelligible" shouts and banging, and demands to "open up."

"Then I yelled, 'Where is the gun Kenny? They are breaking in here,'" she said. She said her husband has a large collection of pistols and rifles, in addition to various knives, hatchets and spears kept in the apartment.

Mrs. Ballew said she ran into the bedroom and grabbed a .36-caliber pistol from among the collection of weapons hanging on the walls. Her husband, she said, jumped out of the bathtub and seized an antique "cap and ball" pistol.

She said she looked out the bedroom door and saw that the men who had entered the apartment were dressed in sweatshirts—one lemon yellow and one striped—and had beards. She said she thought they were "racketeers" or "hippies."

"I screamed, 'He's got a gun' and I heard two shots," she said. Her husband began to slump and "his gun went off with a flash of light." There was blood on his head.

"I started yelling, 'Help, murder, police,' and this man screamed from the living room, 'We are the police.' 'Then what in the hell are you shooting for?'" she said she asked them.

About 20 men then swarmed into the apartment, she said. Some were uniformed Montgomery County policemen and others identified themselves as Treasury agents, she said.

Mrs. Ballew said that a Treasury agent, whose name she did not recall advised her that she had a right to remain silent and told her they were "looking for grenades."

Mrs. Ballew said her husband, a "flyman" or plate carrier in the pressrooms of The Washington Post and The Evening Star, has an arms collection that includes five .44-caliber pistols, four .36-caliber pistols, nine shotguns and rifles, and assorted other guns. She called her husband "a gun buff."

He also has five "dummy" grenades that he has had since he was 15 years old, she said.

To a visitor yesterday, the Ballews' basement apartment, consisting of two bedrooms, a kitchen and a living room, testified to his hobbies. The walls of one room were lined with spears, tomahawks, hatchets, swords, powder horns and a single bayonet. The stars and bars of the Confederacy hung from the far wall, the carpet was stained with blood.

In the living room, animal horns hung from the walls. Nine aquariums stood around the walls with tropical fish swimming placidly within them. At least one aquarium lay smashed on the floor.

Furniture and clothing lay scattered over all the rooms except in the kitchen. In the bedroom, only a corner of the bed peeked out from beneath layers of clothing, furniture and books.

The entire apartment appeared as if it had been lifted, shaken and placed on its side. Only the National Rifle Association and Boy Scout decals on the front door seemed to be in their proper places. Mrs. Ballew said her husband was a life member of the NRA and had been active in Boy Scout work in Prince George's County, where he previously lived.

A spokesman for the police said the officers broke into the apartment to execute a search warrant that Special Investigator Marcus J. Davis, of the Alcohol, Tobacco and Firearms division of the Internal Revenue Service had obtained earlier Monday from F. Archie Meatyard, U.S. Magistrate for Montgomery County.

A copy of the warrant was shown to reporters yesterday by Elizabeth Allen, Mrs. Ballew's mother, at the apartment. Under the heading "United States of America vs. Apartment No. 2, located in the building at 1014 Quebec Terr.," it stated:

"There is now being concealed certain property, namely hand grenades which are not registered," as required by the National Firearms Registration Act.

The officers serving the warrant, the police spokesman said, identified themselves and "received no response from within." Once inside, "they were fired upon by the occupant," the police statement said, and three officers—two county policemen and an IRS agent "returned the fire." They fired eight times, the statement said.

None of the officers was hit.

The police spokesman confirmed that the officers were out of uniform. The two Montgomery policemen, Louis Ciamillo and Royce Hibbs, were dressed in "scruffy" clothing because of the nature of their assignments, the statement said.

The statement added that the officers were wearing black armbands with the insignia of the county police to identify themselves.

Mrs. Ballew said she did not know the men in sweatshirts were police officers until she saw them at the police station and noticed their arm bands for the first time. "It would never have happened if they'd been in uniform," she said.

The police refused to say how many firearms they had confiscated. They said that other items besides firearms were taken, but would not elaborate.

Mrs. Ballew said she saw an accordion and a battery-operated radio that belonged to her and her husband at the police station. Mrs. Allen showed reporters a sheet of paper, purportedly signed by agent Davis, that listed only four grenades as having been seized.

Meatyard said he had also issued a search warrant Monday for the apartment upstairs from the Ballews' and that violations of the firearms act were also alleged in that case. He said he could not remember what division of the government the agents requesting the warrant represented.

Jacqueline Moore, who lives upstairs in Apartment 102 with her mother, sister and child, said a uniformed Montgomery County police officer came to their door, minutes before going to the Ballew apartment, to ask where "the Buchanans" lived.

Mrs. Moore said her sister, who answered the door, told the officer the couple lived below them, Mrs. Moore said she was standing behind her sister and saw other men, some in uniform and others in suits, coming down the steps from the second floor. They did not enter the Moore apartment, she said.

Before her sister could reach the door, she said, the officer hit it, apparently with the butt of his gun, and left a dent in the light green metal door, she said, pointing to the mark.

No charges have been placed against Ballew, police said. Whether any will be placed later "depends on his recovery," they said.

[From the Washington Post, Aug. 6, 1971]

CASE AGAINST NO-KNOCK

(By William Raspberry)

The Kenyon Ballew tragedy, which might have provided the occasion for a hard look at a number of questionable police practices, has been instead the springboard for near-criminal silliness from high places.

The agreed-upon facts are that the Silver Spring home of Ballew, a 28-year-old gun collector, was raided by Montgomery County and federal agents acting on a tip that Ballew was keeping illegal hand grenades there.

The raiding party, except for one officer (who was not among the first to enter the premises) were in civilian clothes. They broke through the back door of the Ballew apartment with a battering ram, and Ballew, nude at the time, grabbed an antique pistol to defend himself.

The officers fired eight shots, one of which is still lodged in Ballew's head. (He has remained in the hospital, paralyzed and unable to speak.) Ballew himself fired one shot, and there is some evidence that that one shot was fired after he was already wounded.

That is the tragedy. Here is the silliness:

Montgomery County Executive James P. Gleason issued a report that there was nothing "improper" about the police actions in the raid.

Treasury Secretary John B. Connally (the federal officers were Treasury agents) said that the raid involved "administrative and supervisory deficiencies" but that it was "legally proper."

A Montgomery County grand jury issued a report but declined to indict either Ballew or the men who shot at him.

A fair summation of the three reports is: (1) It's too bad that Ballew was shot, (2) the police informer (allegedly a juvenile housebreaking suspect) gave them bad information, and (3) nobody, neither police nor the victim, did anything wrong.

Well, it wasn't an accident. So how can Ballew be lying there near death with a bullet in his head if nobody did anything wrong?

What it comes down to is official reluctance to acknowledge that police officers, and federal agents can make tragic mistakes. Bad for morale, you know.

That's silly, too, and worse. Are citizens supposed to have such confidence in their law-enforcement officials that they will overlook official whitewashing of their most grievous errors? No one supposes for a moment that a grand jury would not have returned an indictment if it had been a sweatshirt-clad cop who took a bullet in the head.

Even the most open-minded investigation won't help Ballew's health, of course, but it might have helped police credibility if there had been some indication that they were rethinking their raid procedures instead of pretending that nothing wrong really happened.

It would seem obvious, for instance, that some member of Congress would use the impetus provided by the Ballew case to introduce legislation to repeal the no-knock section of the D.C. crime act.

Someone, it seems, might want to raise questions about the logic of using plainclothesmen in raids of this sort. However frightened Ballew might have been, he might not have tried to shoot if the first men to enter his apartment had been in police uniform.

The raiders insist that they announced themselves as police officers, but acknowledge that they couldn't make out what Mrs. Ballew said in response. (If they had trouble understanding her, isn't it reasonable that she might have had trouble understanding them?)

But even to settle the question of whether the announcement was made and understood is not to settle the more troubling question: Does it make sense to open up to any gang of casually dressed tough guys who say they are cops?

People do lie occasionally, and that includes housebreakers and robbers.

It will rub some tough-guy cops the wrong way, but what's wrong (at least in cases involving contraband that is not easily disposed of) with surrounding the premises and phoning the suspect to say the police are on the way? Or for that matter, what's wrong with giving a suspect time to phone police headquarters to make sure the raid is legitimate?

There may be times when busting in is the only reasonable thing to do. June 7 in Silver Spring wasn't one of them.

Mr. PERCY. Mr. President, first, I commend the distinguished Senator from North Carolina and the distinguished Senator from Wisconsin for their leadership in this field. I have greatly enjoyed working with the chairman of the Committee on Government Operations on many matters, but there is no matter I feel more deeply about, that I feel will have more profound influence on law and order and the protection of individual privacy than the pending measure.

Mr. President, I fully support S. 3355 and I plan to vote for it. My major interest at this time, however, is amendment No. 1487 to this bill which would repeal the Federal and District of Columbia no-knock statutes. These statutes were enacted at a time when legitimate concerns about law and order were allowed to overwhelm the interest in preserving the fundamental rights of individual citizens. To many the positive purposes of the Comprehensive Drug Abuse Prevention and Control Act, which contains the Federal no-knock authority, were of overriding importance. But the dangers and abuses that were predicted by some Senators during the debate on that bill have unhappily come to pass over the past few years. Mistaken drug raids by Federal officers have unfortunately taken place across the country with an alarming frequency. Narcotics agents have sometimes used police-state tactics in making unannounced and unlawful entries into dwellings of decent, law-abiding citizens.

The widely publicized mistaken drug raids that occurred in Collinsville, Ill., in April 1973, represent perhaps the most notorious example of this official lawlessness. On the evening of April 23, teams of Federal and local narcotics officers raided the homes of the Herbert Giglottos and the Donald Askews. Unidentified and unannounced, the drug agents entered these homes in commando-raid fashion with weapons drawn. Both families looked on in terror as the agents made a futile search for supposedly large caches of illicit drugs. Only after the officers were completely satisfied that no drugs were to be found at these addresses did they realize that they had raided the wrong homes. At this point the agents simply departed into the night.

I imagine I have never heard more compelling and profound testimony regarding an incident so deeply felt by the witnesses than the testimony that was given before the Senator from Georgia (Mr. NUNN) and me in Chicago before the subcommittee when we held hearings on these particular incidents in connection with the drug abuse bill.

Certainly, the profound impact of those witnesses and others has been felt by many people. We have been flooded with hundreds of instances across the country similar to that incident. We hear it said that it cannot happen here, but certainly for those families and those people, who also felt it could never happen in America, it did happen and it happened in the name of law and order.

Such incidents have not been uncommon. They have occurred all over the Nation. Some have involved death and serious personal injury to dedicated officers and innocent home dwellers. Too often, even well meaning agents dispensed with the warrant requirements of the Federal no-knock statute for reasons of convenience. Sometimes they altered the addresses on the warrant rather than obtain a new one as the law requires.

In reaction to this rash of mistaken drug raids, the Drug Enforcement Administration, as well as the District of Columbia Police Department, have unilaterally decided to virtually read the no-knock provisions out of the law. During the past year Federal narcotics agents have executed a no-knock warrant on only one occasion. In the District of Columbia the Police Department has not conducted a no-knock raid in over 2½ years. These statistics hardly indicate that the forces of law and order will suffer a crippling blow if the no-knock statutes are repealed.

In fact, the provisions have been made inoperative by the Federal law enforcement officials and by the District of Columbia Police, primarily because they have had no effect in law enforcement that can be discerned and measured and also due to the fact it unnecessarily endangers the law enforcement officials who seek to enforce the law.

But beyond the statistics and arguments over constitutional and statutory niceties lies a more important reason why this authority should be removed: It was and remains a symbol that our Nation would condone short-cut methods when dealing with basic constitutional rights. In short, it became an invitation to official lawlessness. Only public awareness of the problem has made Federal and District of Columbia law enforcement authorities sensitive to the unconstitutional and reckless conduct of a small minority of their subordinates.

I particularly wish to commend Police Chief Wilson of the District of Columbia for his careful scrutiny of this matter since the provision was enacted. He indicated it would not be invoked without his personal surveillance, and as a result of his personal experience he has seen fit to make these laws inoperative in the District of Columbia in the last 24 months.

Now is the time for us to reaffirm our faith in the constitutional safeguards that are embodied in the fourth amendment. Now is the time for us to recognize once again that all Government power is limited so that even the most landable of goals cannot be pursued by unconstitutional means. The rights of the many are to be protected against the excesses of the few. Now is also the time for us to realize that if allowed to spread, a callous disregard for the rights of some citizens in the name of law and order could risk a severe public backlash against strict law enforcement. Justice William Brennan stated this argument well in *Miller* v. *United States*, 357 U.S. 301 at 313 (1958):

> We are duly mindful of the reliance that society must place for achieving law and order upon the enforcing agencies of the criminal law. But insistence on observance by law enforcement officers of traditional fair procedural requirements is, from the long point of view, best calculated to contribute to that end. However much in a particular case insistence upon such rules may appear as a technicality that inures to the benefit of a guilty person, the history of the criminal law proves that tolerance of short-cut methods in law enforcement impairs its enduring effectiveness.

I would like to note in closing that on June 7, 1974, I introduced a bill, S. 3603, to repeal the Federal and District of Columbia no-knock statutes. This bill was designed to do more than merely repeal now existing statutory authority. It makes clear by amending section 3109 of title 18 of the United States Code that in the future Federal officers must in all cases identify themselves and announce their purpose and authority before they can enter and search a private dwelling. While I would prefer the more all-encompassing approach adopted in S. 3603, I wholeheartedly support and recommend the passage of this no-knock repealer amendment.

Mr. COOK. Mr. President, being the manager of S. 3355 on this side of the aisle, I find myself in the position of being 1 of the 20 Senators who supported the amendment of my distinguished colleague from North Carolina on October 7, 1970, which would have eliminated no-knock provisions from the bill at that time. Therefore, whatever controlling time there may be in opposition to the amendment—because I will vote in favor of the proposed amendment by the Senator from North Carolina—I will yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I thank the Senator from Kentucky. I want to say that I respect the Senator for his frank statement to the effect that he is in favor of the pending amendment.

Mr. President, before I commence discussion of the amendment proper, I should like to make a general statement on the bill itself.

Mr. President, S. 3355 was reported from the Committee on the Judiciary on June 12, 1974. This bill passed the Senate on June 17, 1974, by voice vote. This action, however, was later vitiated when it became apparent that some of my colleagues wished to offer amendments. I understand that we are now prepared to take up this measure and the amendments that may possibly be offered to it.

The purpose of S. 3355, introduced by my distinguished colleagues, Senators Cook and Bayh, is to provide authorization for appropriations to the Drug Enforcement Administration. The existing authorization for this agency expired at the end of fiscal 1974.

As reported from the Committee on the Judiciary, S. 3355 would authorize appropriations for a period of 5 years in the following amounts: $125,000,000 for fiscal 1975, $150,000,000 for fiscal 1976, $175,000,000 for fiscal 1977, $200,000,000 for fiscal 1978, and $225,000,000 for fiscal 1979.

As introduced, this measure would have provided for an open-end authorization. The Judiciary Committee, however, adopted the view that this agency's effort could best be sustained with a continuing oversight of Congress and determined that a 5-year period was appropriate for this purpose.

S. 3355 seeks to amend the Controlled Substances Act of 1970, Public Law 91-513. This law was designed to improve Federal efforts toward the elimination of illegal drug traffic and reduction of drug-related crime.

For several years, the primary enforcement role was under the aegis of the Bureau of Narcotics and Dangerous Drugs (BNDD) within the Department of Justice.

Reorganization plan No. 2 of 1973 expanded substantially the role of BNDD. The plan was designed to place primary responsibility for Federal drug law enforcement in a single, new agency, the Drug Enforcement Administration (DEA), in the Department of Justice.

At that time, 10 Federal agencies in five Cabinet departments performed drug enforcement functions. Budgeting for these agencies in fiscal year 1974 was proposed at $257 million, a sevenfold increase in funding from $36 million in fiscal year 1969. Several other agencies had related functions. There was no overall coordination.

Implementation of the plan provided DEA with the 3,000 employees from the three Justice Department agencies and 500 special agents from the Customs Bureau of Treasury.

Establishment of the Drug Enforcement Administration will help to eliminate many of the institutional problems that have frustrated efforts to develop a truly flexible, enlightened national drug law enforcement strategy. In seeking ways to further intensify the country's counteroffensive against drug abuse, it is expected that funding requirements for this effort will substantially increase in future years.

Study and impressive progress has been made in reducing the dimensions of drug problems. It is anticipated that the Drug Enforcement Administration will aim its manpower at responding to the polydrug epidemic by further penetration of illicit traffic in narcotics and nonnarcotic drugs and by increasing regulatory activity at all levels. These efforts should complement other high priority Federal programs of drug abuse, prevention, treatment, and rehabilitation.

S. 3355 seeks to provide appropriations authority for only those responsibilities imposed on the Department of Justice by the Controlled Substances Act of 1970 exclusive of section 103 of the act. The activities within the purview of this bill are those relating primarily to domestic drug law enforcement, the elimination of diversion, and the regulation of the legitimate commerce in drugs. This measure will provide the needed flexibility to allow continued growth in the regulatory domestic enforcement, and other specific areas within the Controlled Substances Act while meeting uncontrollable periodic increases in budgetary matters.

This bill, however, will not serve as authorization for all of the programs operated by the Drug Enforcement Administration. Part of this agency's support functions, its operations in foreign countries, its national intelligence system, and its research activities are provided separate authorization elsewhere and, therefore, fall outside the scope of this bill.

Since this agency is now operating without its necessary authorization, I strongly recommend the speedy passage of S. 3355 to my colleagues.

Mr. President, I come now to a consideration of the pending amendment. Members of this body, and anybody else who might want to be informed on the subject, Mr. President, will look in vain in the hearings and report on this bill for any reference whatsoever to the subject matter of the pending amendment. There is no such reference. No discussion occurred on the no-knock provisions of the District of Columbia Criminal Code, or on the Controlled Substance Act, which can be found at 21 U.S.C. 879. There was no discussion on the pending amendment. Indeed, there was no proposal of any such amendment at the time the committee considered S. 3355.

There was a total void, Mr. President, until 2 or 3 weeks ago, prior to our Fourth of July recess, when there was filed the amendment we are now considering.

Mr. President, there are no committee hearings, counsel, or guidance to which the Members of this body may resort. There is no history to be found, except in the remarks made on the floor here in somewhat unorganized fashion—fine remarks in their own way, but they do not contain the elements of the continuity, the history, the experience, and the impact of the relevant sections of the District of Columbia Code and the Controlled Substance Act which this amendment seeks to repeal.

There was no inquiry, insofar as the Judiciary Committee was concerned or our subcommittee, as to the regulations which are used by the Drug Enforcement Administration, nor of the instances of malfeasance which may have occurred during the existence under the no-knock warrant provisions of the District of Columbia Criminal Code and of the Controlled Substance Act.

This amendment, Mr. President, the so-called Ervin-Nelson amendment, is far reaching. It reaches into many more areas than merely the arrests and seizures of contraband narcotics or dangerous substances. In fact, title 18, section 3019—the statute that would apply if the no-knock provisions are repealed—applies to all Federal officers who are called upon to execute search warrants.

It will be recalled, Mr. President, that in 1960 and 1970 there was a great revision, modernization, and improvement of the criminal code in the District of Columbia, as a result of the prodigious amount of work and study which the then Senator from Maryland, Senator Joseph Tydings, devoted to that subject.

In addition to deleting the well-considered and substantially improved provisions in the District of Columbia Criminal Code on the no-knock provisions, the pending amendment will repeal 21 United States Code 879, the Controlled Substances Act.

So the subject is not one that is limited to a narrow field of raids for narcotics and dangerous substances. It extends over the entire spectrum of arrest and seizure, and the search and seizure warrants which may be utilized by Federal law enforcement officers.

It is a complicated subject, and it is deserving—and the Senate is deserving—

of having a regular processing of that bill, with hearings which consider the merits of no-knock in all its history, ramifications, implications, and potential. But we do not have that.

We should proceed to debate an amendment of this nature only after the Members of this body have been furnished with an up-to-date inventory of what has occurred under the 1970 enactments. If we are to legislate on this matter, we should do so on the basis of a complete, informative record. This we do not have.

The Ervin-Nelson amendment to repeal the no-knock warrant statutes should be defeated at this time. This subject should be deferred for regular, routine processing, so that we may all be fully informed as to what really is involved. Shortly, I shall enumerate a number of reasons why I oppose this amendment. Before doing that, however, I should like to state clearly what the real issue is here.

We have just heard from the Senator from Illinois. He would have us believe that if we adopt this amendment and thereby repeal all the no-knock sections of the District of Columbia Criminal Code and of the Controlled Substances Act, there will be no more no-knock seizures or no-knock arrests. That simply is not true. It is not true because no-knock arrests and no-knock seizures had been made before the enactment of these statutory provisions, and they will be made in the future, even if this amendment is adopted. In fact, the sponsors of this amendment admit that the police will still be authorized to enter a home unannounced under the same exigent circumstances that permit entry pursuant to a no-knock warrant under the current provisions of law.

The reason why such unannounced entries will still be authorized is that through the hundreds of years preceding 1974, certain exceptions have developed to the general rule that it is incumbent upon the official holding a search warrant to knock at the door and announce his purpose. Those exceptions have been engrafted on to our common law. The general rule that police must knock before entering prevails, unless there is probable cause, in the judgment of the police officer, that there will be destruction of material evidence, that the suspect will attempt to escape or that there will be peril of bodily harm to the officer or some other person if notice of the officer's authority and purpose had to be given.

No, Mr. President, the issue is not whether law enforcement officers may enter a home unannounced.

The real issue is this: Will such no-knock be solely at the discretion of the police officer or will the officer be required to submit the decision whether to enter a home unannounced to a neutral magistrate? Will the police officer say to the magistrate, "Your honor, I would like to have issued a no-knock warrant?"

When we come to the matter of protecting a persons' right of privacy, when we consider the matter of protecting the constitutional rights of individual citizens and the prevention of improper invasion of the civil rights of citizens, I cast my lot with a procedure which will require the police officer to appear before a magistrate. The person who should determine whether probable cause exists to justify a no-knock entry should be a neutral magistrate.

I would rest more assured if I knew that the question whether the rights of the individual to privacy should be invaded is left to a detached magistrate than to have that question decided by the police officer in the very few fleeting moments that he has when he arrives at the door and decides that the circumstances warrant his going in there and breaking down the door and seizing either the evidence or the person he finds on the other side of the door.

Mr. President, some rhetoric has been devoted to the famous Collinsville situation. The senior Senator from Illinois described this incident colorfully. I imagine that some of the language could well find its way into a journalistic treatment of the subject.

However, with all due respect, the situation in Collinsville, Illinois, has no relevance whatever to this debate, for a number of reasons. First, there was no warrant in the Collinsville case. The officers who broke down the door in the wrong house and later arrested the man did not obtain a warrant under the no-knock provisions.

But more convincing, however, is the fact that the agents who entered those homes were exonerated of all criminal charges. The Senator from Illinois did not discuss that fact. Indictments were returned against the officers who engaged in that operation. There were approximately 17 counts of illegal invasion of the civil rights of the people in that house. A trial was held in Federal court, and the jury returned a verdict of not guilty.

How that incident can be used to justify repealing the no-knock warrant provisions that now exist in Federal statutes, escapes the understanding of this Senator. We can repeal all these Federal statutes about which we talk. But such a repeal will have no effect on entries at mistaken addresses.

Mr. President, from July 1, 1973, to March 1974, there were more than 4,400 arrests and seizures in the field of narcotics and controlled substances. Collinsville was an unfortunate incident; it was a grave error, a regrettable error. The men had been properly oriented, they had been trained, and so forth; but they made a mistake. But if this is the only incident that can be found out of 4,400 arrests which yielded a tremendous quantity of contraband—narcotics and contraband controlled substances—then all I can say is that these figures represent a pretty good record.

Under the sections of the statute we now have, an officer is required to go to a magistrate, lay his knowledge, his information, and his belief before the magistrate, and say, "I believe there is probable cause why the application of one or another of these common law exemptions should apply. Will you please favor me with a no-knock warrant?"

At that point, a neutral magistrate, sitting in a detached setting, must consider all those facts, and then decide either "Yes" or "No."

Mr. President, I submit that this procedure accords the individual more, not less, protection for the rights of privacy, for the constitutional rights of the citizenry than that which would exist if this amendment were adopted and the requirement of judicial approval removed from the District of Columbia Criminal Code and from the Drug Control Act.

Now, as to the additional reasons why this amendment should be defeated, let me suggest these:

First of all, no-knock searches have long been recognized as a constitutional and important law enforcement tool. I have already referred to the common law exceptions to the rule requiring officers to knock before entering that have developed through the years.

The second point is that at least 39 States of this glorious Union of ours, Mr. President, have no-knock laws either by statute or case law for either searches or for arrests, or for both.

What makes the Federal Government so much different from the States that we would deny ourselves what law enforcement officials declare is a very important tool?

Thirty-nine States use no-knock laws. The Supreme Court has upheld these laws. It has developed case law dealing with the situations that arise from time to time that justify unannounced entries.

The District of Columbia ought to have that kind of protection.

A third reason why the no-knock statute should be retained as it is, is that unannounced searches can save law enforcement officers' lives.

Goodness knows, the toll in that field is much too great now, without the added danger that is encountered where a knock at the door says, "The police are here," or "Open, we are here to arrest you and seize the evidence in your room,"—a long enough warning for the man to get a revolver or rifle or shotgun and hold the officer at bay or shoot him.

These statutory sections can save officers' lives and frequently do.

A requirement that police officers announce their identity and purpose before entering a home of a dangerous offender can in some circumstances jeopardize the life and safety of the officer and sometimes of the other people.

Under the Federal law no-knock warrants have been used sparingly and with discretion. Reference has been made to that fact. And it has been argued that for those mighty few situations we use them we might as well delete these sections and do without them.

It is not quite that simple, Mr. President. When this bill was passed, a review of the debate back in 1970 indicated that this power and this responsibility to use no-knock warrants would be and should be used sparingly, and it has been.

I can readily imagine that if there were thousands of those no-knock warrants issued, then there would be legitimate complaint on the floor of this body saying the police are abusing it, they are using it indiscriminately, they do not undertake to execute the conscious policy that was adopted during the course of the debate in 1970 that this tool be used sparingly.

Now, let me cite a few statistics. Under the office of Drug Abuse Law Enforcement, from 1972 in April to June 30, 1973, there were 112 authorized and 97 were executed.

In the Bureau of Narcotics and Dangerous Drugs from April 1, 1972 to June 30, 1973, there were three authorized and one was executed.

The Drug Enforcement Administration was authorized two from July 1, 1973 to June 12, 1974, and executed one.

From July 1, 1973 to June 4, 1974, one was authorized and none was executed.

So the mandate of the Congress of the United States to use this authority sparingly and discriminately has been obeyed and implemented. A consideration of the regulations under which the Drug Enforcement Administration must abide in the applying for a no-knock warrant demonstrates that it is the conscious policy of the law enforcement bodies to follow that congressional mandate.

Mr. President, as I just stated, the Bureau of Narcotics and Dangerous Drugs—and its successor agency—the Drug Enforcement Administration—have had six no-knock warrants authorized since the enactment of Public Law 91-513, that is the Comprehensive Drug Abuse Prevention and Control Act. Two of these warrants have been executed.

Mr. President, in both of those instances, serious Federal narcotics offenses were being committed. Weapons were in the possession of those arrested. Under these circumstances, the no-knock warrant not only acted to protect the Federal officers involved, but also served to prevent the destruction of evidence.

So I say again, Mr. President, the Federal law as we have it on the books, which is the subject of attack by the pending amendment, has been used sparingly and with discretion and that is a score in its favor.

Now, the next point I make is that no-knock warrant provisions interpose the magistrate between the police and the door of the accused.

In the judgment of Congress in 1970, the fact was considered to be a wise policy. The debate on those provisions was on the basis of committee hearings and upon the basis of a committee report.

Mr. President, the decision of that Congress should not be upset out of hand by an amendment proposed on the floor which imposes upon the Members of this body the necessity to make a decision, to make a decision without the counsel and guidance that would be afforded by a regular process and prepared report.

Now, another point is this, Mr. President, it is not clear that by repealing the no-knock warrant provision that the Ervin-Nelson amendment will reinstate the common law exceptions to the rule requiring announcement before entering a home.

The Attorney General has stated that such a repeal may not reinstate the common law. It may well be that the courts will so hold. If the no-knock provisions are repealed, 18 United States Code, section 3109, will apply. It specifically provides for only one of several common law exceptions, and if the courts construe that section to allow only the exception specifically stated, then we are deprived, Mr. President, of the other common law exceptions to the general rule.

Mr. President, I earlier suggested that I would refer to the statements of police officers on the effect no-knock warrants. Francis B. Looney, President of the International Association of Chiefs of Police, which has a long tradition as a very constructive force in its field, sent this telegram, which I read:

> The International Association of Chiefs of Police (IACP) strongly urges that you oppose the legislation introduced by Senator Sam J. Ervin, which would repeal the no-knock law for the Metropolitan Police Department of the District of Columbia and Federal law enforcement agencies. The nation's police administrators are convinced that repeal of this valuable law would be of great detriment to the law enforcement function. The 10,800 members of the IACP are convinced that the no-knock law provides valuable assistance to police service without unduly restricting the rights of the individual.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. I am glad to yield.

Mr. ERVIN. The no-knock law of the District of Columbia does not apply in any of the 50 States, does it? I say, the no-knock law in the District of Columbia code does not apply to any of the 50 States of these policemen who belong to the police associations?

Mr. HRUSKA. No, it does not, but they directed the telegram to the question whether "no knock" warrant provisions have as an appeal to not deprive one of their component elements, the utility, whether or not the Police Department of the District of Columbia uses the authority.

Mr. ERVIN. And the members of the other Federal law enforcement agencies, including the Federal narcotics agents, are not members of that police association; so, in effect, the Senator has a recommendation from people about something they have nothing to do with in either respect.

Mr. HRUSKA. I cannot quite agree with the Senator on that. After all, they are speaking on behalf of the concept of no-knock warrants, and that concept they have an interest in because the city of Washington, D.C., is a member of their association, and they are taking care of one of their component parts.

Mr. ERVIN. Well, the Chief of Police of the city of Washington says he does not want it; so he does not agree with the association.

It is like the old saw that nobody can give better advice about raising a child than an old maid. I think they are seeking to advise about something not within their experience.

Mr. HRUSKA. Is the Senator speaking about Chief of Police Jerry Wilson?

Mr. ERVIN. Yes.

Mr. HRUSKA. This is no place to discuss that point, Mr. President. The proper forum for discussing opinions on the utility of no-knock warrants is in a committee room, where the witness can deliver a paper or a statement, and the committee can cross-examine the witnesses to find out what the experiences of some of their collateral law enforcement agencies are, what the experiences are in other cities, and what the literature and the professional thinking is.

That is the point I tried to make a little while ago. That is the way this matter should be dealt with, rather than here on the Senate floor, where we are confronted with a bald statement from Jerry Wilson, a fine Chief of Police, that he does not use and does not need it.

On the contrary, the U.S. attorney in the District of Columbia says they need it, would like to have it, and would regret to see the bill passed, because it would harm their law enforcement activity.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Dennis Thelen, of the staff of the Subcommittee on Criminal Laws and Procedures, be granted the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER (Mr. WILLIAM L. SCOTT). Without objection, it is so ordered.

Mr. NELSON. Mr. President, will the Senator from Nebraska yield for a unanimous consent request?

Mr. HRUSKA. I yield.

Mr. NELSON. Mr. President, I ask unanimous consent that Lewis Paper of my staff be allowed the privilege of the floor during the consideration and votes on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Now, unfortunately, we have to develop a little record here, Mr. President, because we have had no hearings on this subject in committee; we have no committee report or record to be guided by. So we have to hear a little more testimony.

Here is a telegram from Chief of Police E. M. Davis, of Los Angeles, Calif. He said:

> Loss of the no-knock provision in Federal statutes would be a serious blow to narcotic enforcement and enforcement of other critical crimes. California has had these provisions by case law for decades. Even our very liberal State supreme court has not seen fit to eliminate them. They are vital to the gathering of evidence, officer safety, and the capture of dangerous suspects. I urge you to vigorously oppose any legislation which would eliminate the no-knock provision.

Then I have here a letter from John R. Bartels, Jr., Acting Administrator, Drug Enforcement Administration, which reads:

> After our conversation the other day regarding "no-knock" search warrants, I had occasion to speak to Mr. Frank Rogers, New York's Special Assistant District Attorney in charge of narcotics prosecutions. The New York State law is similar to the Federal law regarding "no-knock" search warrants and it is believed Mr. Rogers has had more "no-knock" search warrant experience than anyone else.

I am enclosing an October 2, 1973 letter from Mr. Rogers regarding "no-knock" search warrants in New York City during 1972. I believe you will find the letter very interesting.

As I related to you, I firmly believe that the "no-knock" search warrant, when used judiciously, is an indispensable aid to law enforcement.

There is a further letter here from the Office of Prosecution, Special Narcotics Courts of New York City, which is signed by Frank J. Rogers, Special Assistant District Attorney assigned to the Special Narcotics Courts. He says:

Regarding your inquiry as to the number of "no knock" Search Warrants obtained by Narcotics Division personnel in New York County for the year 1972, my records indicate that of a total of 305 warrants issued, 170 of these contained the "no knock" clause as authorized by Section 690.35 of the Criminal Procedure Law of the State of New York. All of the 305 applications were affidavits in support of warrants authorizing the seizure of narcotic drugs.

However, even though sub-division 3B of Section 690.35 of the Criminal Procedure Law specifically authorizes "the executing Police Officer to enter premises to be searched without giving notice of his authority and purpose upon the ground that there is reasonable cause to believe that (1) the property sought may be easily and quickly destroyed or disposed of, or (2) the giving of such notice may endanger the life or safety of the executing Police Officer or another person", it was felt that only those applications which were of more than ordinary importance should contain the "no knock" clause. This was so because time and again Police Officers executing search warrants which were obtained after weeks and sometimes months of tireless investigation were frustrated in their efforts to effect an arrest by giving the target time to destroy or dispose of the evidence sought to be seized by "announcing their authority and purpose", before entering.

Not frustrating, but infinitely more dangerous to the Police Officer was the opportunity afforded the target, by forewarning him, thus enabling him to quickly arm himself with a weapon in order to avoid arrest and seizure of incriminating evidence.

One case in point involved the destruction of approximately 28 ounces of cocaine which was flushed down a toilet bowl by the target as the officers endeavored to enter the apartment, with a search warrant, after being refused admittance. It has also been brought to my attention that on numerous occasions, Police Officers who were executing search warrants were met with gunfire by the occupants of the apartment who had been alerted by the fact that Police were entering with a search warrant.

In view of the fact that the drug law recently enacted by the New York State Legislature impose much more stringent penalties on the drug seller, it is natural to assume that the drug sellers will tend to resort to weapons more than ever in order to avoid arrest.

Therefore, I believe that the "no knock" clause in our Criminal Procedure Law does and will afford a certain amount of additional protection to our law enforcement officers.

Mr. President, in addition to that, we have a letter here from the Attorney General, Mr. Saxbe, who responded to an inquiry as to the Department's views. I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of the Attorney General,
Washington, D.C.

Hon. Roman L. Hruska,
U.S. Senate,
Washington, D.C.

Dear Senator Hruska: The Department of Justice has been asked to advise you of the Department's position on the proposed amendment to Section 3109, Title 18, U.S. Code, to eliminate statutory authority for the issuance of the so-called "no-knock" search warrants. The Department is opposed to the elimination of the statutory "no-knock" authority.

While it has been suggested that the repeal of 21 U.S.C. 879 will merely reinstate the common law with respect to "no-knock" entry, this may not be the case. The courts may well conclude instead that 18 U.S.C. 3109, the general federal "no-knock" provision, is applicable. That provision permits federal officers to enter without announcement of purpose where necessary to liberate one who is assisting in the execution of the warrant or to break in where entry is refused. It does not permit forced entry in order to prevent the destruction of evidence although this may be the most important basis for "no-knock" entry in drug cases. The common law would permit such entry to avoid destruction of evidence. If 18 U.S.C. 3109 becomes applicable, however, it would limit the common law. One other distinction that might be noted in passing is that 21 U.S.C. 879 limits "no-knock" entry to felony cases while neither 18 U.S.C. 3109 nor the common law contains such a restriction.

The specific statutory "no-knock" authority under federal law is restricted to federal offenses involving controlled drugs and the authority is restricted to federal officers authorized to execute search warrants relating to controlled drugs. Under the statute the only case where "no-knock" authority may be exercised is when the officers have specific authority in the warrant to execute it in such a manner. Further, the authority must be received from a magistrate and then only after a showing that notice of authority and purpose would either lead to the destruction of the evidence sought or place the officers executing the warrant in danger of bodily harm.

There is substantial testimony from state authorities who have used "no-knock" authorization much more frequently that such authority is a great assistance to law enforcement officers seeking to prevent criminal suspects from disposing of evidence. It is also the belief of such authorities that the "no-knock" clause affords a certain amount of additional protection to law enforcement officers by eliminating the opportunity for a criminal suspect to arm himself with a dangerous weapon at the time the arrest is being made.

In July, 1973 the Drug Enforcement Administration issued new policy guidelines which require that the Administrator or his Deputy approve the seeking of all future "no-knock" warrants.

It would be in error to infer from the infrequent use of this authority that the Department does not believe such authority is helpful in its law enforcement activities. Occasions may arise in the future where such authorization will assist the apprehension of criminal suspects and seizure of illegally possessed controlled substances and protect the lives of federal law enforcement agents.

The potential for abuses of this authority is no greater than the potential abuse of all authority vested in federal law enforcement officers. The effective deterrent to abuse is a combination of responsible administration and continuing oversight by the Congress rather than the abolition of the authority itself.

As noted above, in its present form, 21 U.S.C. 879 requires the approval of a neutral magistrate before an officer may enter premises without notice of his authortiy and purpose. This requirement, which goes beyond the common law or other federal statutes, is designed to provide an advance judicial determination of the need for "no-knock" entry. To remove this requirement of judicial approval leaves the entire decision in the hands of the enforcing officer. While we believe the internal checks within the Department of Justice established in 1973 will serve to avoid misuse of the "no-knock" entry authority, we believe that the added check of judicial approval is desirable as a matter of policy, as well as a means of providing public assurances of the protection of privacy through judicial intervention.

Thank you for allowing the Department to express its views on this matter.

Sincerely,

William B. Saxbe,
Attorney General.

Mr. HRUSKA. He says:

It would be in error to infer from the infrequent use of this authority that the Department does not believe such authority is helpful in its law enforcement activities. Occasions may arise in the future where such authorization will assist the apprehension of criminal suspects and seizure of illegally possessed controlled substances and protect the lives of federal law enforcement agents.

Then he goes on to make a very significant point:

The potential for abuses of this authority is no greater than the potential abuse of all authority vested in federal law enforcement officers. The effective deterrent to abuse is a combination of responsible administration and continuing oversight by the Congress rather than the abolition of the authority itself.

Finally, the Attorney General concludes with this thought:

In its present form, 21 U.S.C. 879 requires the approval of a neutral magistrate before an officer may enter premises without notice of his authority and purpose. This requirement, which goes beyond the common law or other federal statutes, is designed to provide an advance judicial determination of the need for "no-knock" entry. To remove this requirement of judicial approval leaves the entire decision in the hands of the enforcing officer. While we believe the internal checks within the Department of Justice established in 1973 will serve to avoid misuse of the "no-knock" entry authority, we believe that the added check of judicial approval is desirable as a matter of policy, as well as a means of providing public assurances of the protection of privacy through judicial intervention.

I submit he put that case very modestly because there is a great measure of protection for the rights of privacy of citizens by requiring the police officer to obtain the authority of a neutral magistrate before he enters a home unannounced than to depend upon the instantaneous, almost instantaneous decision whether or not to announce himself that would otherwise have to be made by the police officer.

Mr. President, it is my hope that the Senate will see the merit of this position.

Perhaps, we can join on this issue and reach a well-reasoned result—one that will be a lasting result—if we have hearings, if we compile a record, if we get the guidance of the Judiciary Committee, and then go to work on the basis of that preparatory work, have a debate and a vote on the issue. Again, I say that if we are to legislate on this matter we should do so on the basis of a record complete with all the facts and thinking on this subject.

It is my hope we will have that opportunity, that we can consider the issue that way.

There is not anyone in this Chamber who is not under the conviction that we should do our utmost in law enforcement as well as in the preservation of individual rights; and, yet, all of us recognize there has to be a balancing. Decisions must be made where to draw this line and sometimes the decisions to be made are quite close.

It is my view that a procedure which requires the intervention of the judiciary is much more to the advantage of law enforcement and to the rights of citizens than the procedure envisioned by this amendment.

Mr. President, I fear that the amendment offered by the senior Senator from North Carolina (Mr. ERVIN) and the junior Senator from Wisconsin (Mr. NELSON) strikes a blow against one of the most fundamental rights of the individual—the right to be secure in one's home.

It removes the requirement that a neutral magistrate approve an unannounced entry before an officer enters a home without notice of his authority and purpose. By removing the requirement of judicial approval, this amendment leaves the entire decision in the hands of the enforcing officer.

It is important at the outset to set forth what is and what is not at issue here.

First, what is not at issue is the question whether law enforcement officers should be authorized to enter a home unannounced. Law enforcement officers have been authorized by law to enter homes without knocking since before the time of the Revolution. In fact, the distinguished proponents of this amendment admit that there are common law exceptions to the rule requiring law enforcement officers to announce their identity and purpose before entering. The exceptions Senators ERVIN and NELSON cite include "the destruction of material evidence, a suspect's attempted escape, and the peril of bodily harm to someone inside the house to be searched." No, Mr. President, the issue is not whether law enforcement officers should be authorized to enter a home unannounced.

Instead, the issue is whether a court should be authorized to issue a no-knock warrant where the exigent circumstances that call into play the exceptions to the announcement rule are known before the police arrive at the scene.

Mr. President, I believe that a court should be authorized to issue no-knock warrants. Contrary to the assertions of the sponsors of this amendment, the no-knock warrant provisions offer more, not less, of a safeguard in securing the individual's right to privacy. These provisions interpose the magistrate between the police and the door of the accused. If, in advance, the police know or believe they know that an accused is dangerous and will likely open fire on sight or that evidence will be destroyed, they can go to a magistrate to secure a no-knock warrant. If the magistrate is not convinced that there is probable cause to support a no-knock warrant, none will be issued. Just as a magistrate protects the individual's fourth amendment right against unlawful no-knock entries by when he rules on search warrants, he protects the individual's right to privacy against unlawful no-knock entries by ruling on no-knock warrants.

Furthermore, by authorizing the courts to determine whether there is probable cause to enter unannounced, the police are not put in the difficult position of canvassing the law at the scene to determine whether an unannounced entry is lawful. It cannot be denied that the courts, sitting as they do in a setting detached from the scene, are correct more times than the police on the premises in deciding whether probable cause exists for a no-knock entry. Thus, by interposing the courts between the police and the accused, a no-knock warrant provision makes it more certain that an arrest and/or search will not be thwarted by a motion to dismiss or to suppress the evidence.

But what would this amendment do? It would repeal the authority of a magistrate to rule whether the police have the authority to enter unannounced. Yet, at the same time, it purports to allow the police to enter a home unannounced if the police, on their own motion, decide that it is necessary to enter without knocking.

In short, instead of allowing a detached, neutral magistrate to make the decision to enter unannounced, this amendment leaves the entire decision in the hands of the enforcing officer.

Mr. President, our constitutional history has seen an increase in the use of the magistrate as a safeguard securing the right of the individual to be secure in his home and person. This amendment takes us a step backward.

I have heard it argued that a no-knock warrant provision is conceptually unsound because the exigent circumstances justifying a no-knock search cannot be known before the officers execute the warrant. This same argument was made when the no-knock provisions were originally introduced. The argument was rejected at that time and it should be rejected now.

Contrary to the claims of the proponents of this amendment, exigent circumstances justifying an unannounced entry can be known before the officers execute a search warrant. Two examples should suffice to make this point clear. Suppose that gamblers use water-soluble betting slips, that they conduct their operations next to water containers, that they have defeated knock-and-wait searches previously by throwing the slips into the containers. In short, the gamblers are primed to effect the disposal of evidence. These exigent circumstances certainly are capable of being known in advance. In fact, they invariably would be known in advance of a search.

Consider another example. Suppose that a defendant has robbed a bank and killed a guard. In his escape, he is confronted by a police officer and kills him. He knows the police are hot on his trail. If these exigent circumstances are known 1 hour or so in advance, in time for a court to rule on whether complete surprise is necessary.

Mr. President, contrary to the arguments of my distinguished colleagues, I believe that "no knock" warrants have proven to be a highly successful law enforcement tool. True, this statutory authority has been used sparingly in the past several years. However, the Congress intended this law enforcement tool to be used sparingly. And while it has been used sparingly, where it has been used, it was used well.

Statistics from the Department of Justice show that the Office of Drug Abuse Law Enforcement was authorized to execute 112 no-knock warrants from April 1, 1972 to June 30, 1973; 97 of these warrants were actually executed, resulting in seizure of narcotics in 70 occasions. Over 100 weapons were also seized.

The Bureau of Narcotics and Dangerous Drugs—and its successor agency—the Drug Enforcement Administration—have had six no-knock warrants authorized since the enactment of Public Law 91–513, the Comprehensive Drug Abuse Prevention and Control Act. Two of these warrants have been executed.

In both instances, serious Federal narcotics offenses were being committed. Weapons were in the possession of those arrested. Under these circumstances, the no-knock warrant not only acted to protect the Federal officers involved, but also served to prevent the destruction of evidence.

It is reasonable to assume that no-knock warrants will be sought in the future in these special situations. The Drug Enforcement Administration, now the only Federal law enforcement agency executing the Federal statute, supports a continuation of this authority—as does the Attorney General.

Mr. President, the "no knock" warrant was never painted as a panacea to crime. It is only one of many arrows in the law enforcement quiver. Nevertheless, if it is a useful statute—as these statistics indicate it is—then it should be retained—even if used only on a selected and infrequent basis.

It has also been argued, Mr. President, that "no knock" warrants will increase the possibility of injuries to police and to others. This assertion is demonstrably untrue.

Suppose that a murderer is holed up in a home. Which appears to be the better tactic for the police to employ—to knock on the door and announce their identity and the purpose or to break in unannounced? Commonsense indicates that the police will place themselves in greater peril by knocking, standing in front of the door, and announcing their identity and purpose than by surprising the criminals by entering unannounced.

Mr. President, I am very concerned with the recent comments about the abuses that have resulted from enforcement of these statutes. The most prominent abuse that is cited to justify the repeal of "no knock" authority is the mistaken raids conducted by Drug Abuse Law Enforcement Officers in Collinsville, Ill., during April 1973. However, contrary to popular belief, the unfortunate Collinsville drug raids were not situations in which the Federal or any State "no knock" statute was utilized. The facts clearly indicate that no warrant was obtained at all. The fact that these agents were exonerated of all criminal charges has been overlooked strangely enough. The agents were put on trial in Federal court. The jury rendered a "not guilty" verdict on all counts.

On this point about so-called abuses: As the Attorney General wrote me in a letter opposing the repeal of the "no knock" provisions—a letter which I inserted in the CONGRESSIONAL RECORD on June 24, 1974:

> The potential for abuses of this authority is no greater than the potential abuse of all authority vested in federal law enforcement officers. The effective deterrent to abuse is a combination of responsible administration and continuing oversight by the Congress rather than the abolition of the authority itself.

Mr. President, this matter was extensively debated by both the House and Senate during consideration of the District of Columbia Court Reform and Criminal Procedure Act of 1970 and the Comprehensive Drug Abuse Prevention and Control Act of 1970. A majority of both bodies supported the no-knock provisions at that time as a useful law enforcement tool.

Unfortunately, we have not had an opportunity to adequately review the operation and effect of the no-knock provisions since enactment of this legislation. The Judiciary Committee has held no hearings on this particular subject matter since that time. Hearings should be held to examine the necessity for the provisions, the experience under the no-knock provisions, their potential for abuse, and most of all, to assess the impact of repealing no-knock search warrant authority. If we are to legislate on this matter, we should do so on the basis of a complete record.

Mr. President, I conclude where I began. I believe that this amendment poses a dangerous potential to jeopardize the rights of the individual to be secure in his home. This amendment eliminates the requirement that a neutral magistrate decide whether the police may enter a home unannounced. It places that decision in the hands of the enforcing officer who may be caught up in the tension and excitement at the scene.

I believe that the magistrate should be placed between the police and the door of the accused. This is the role that the magistrate plays whenever the rights of the individual to be secure in his home or to remain at liberty are at stake. It is the role that the magistrate should play here. In my view, the added safeguard of judicial approval is desirable not only as a matter of policy but also as a means of providing public assurances of the protection of privacy through judicial intervention.

Mr. President, I recognize that this amendment will likely pass in this Chamber today. I can detect the mood of the Senate. But I think the Senate is making a mistake today. Therefore, I must register my opposition to the amendment. To me, this amendment represents a step backward in the journey to develop safeguards protecting the individual's right to privacy and security.

Mr. McCLELLAN. Mr. President, 4 years ago, when the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the District of Columbia Court Reform and Criminal Procedure Act were considered and passed by the Congress, I expressed my support for their no-knock search warrant provisions. I believed then that these provisions would create an additional useful tool in the war against crime—a tool that would be especially helpful in the battle against drug traffickers—the lowest type of criminal. Nothing has happened in the 4 years since the passage of this legislation to change my view about these provisions. I still feel that they provide both a useful and necessary aid to our law enforcement personnel—particularly in the drug area. For this reason I must oppose the amendment.

Mr. President, the no-knock provisions that this amendment seeks to repeal do not permit unconstitutional searches or unreasonable invasions of privacy. The contrary is actually the case. The general rule still remains intact that police officers must identify themselves and announce their presence before executing a search warrant. Rather than permitting no-knock abuses, the no-knock provision provides a statutory means for seeking an advance judicial opinion as to the existence of circumstances which justify an unannounced entry criteria identical to long-recognized exceptions to the knock requirement. These provisions are designed to protect the citizen from abuses.

Under these provisions, the police may get a court order allowing an unannounced or no-knock search in four very restricted instances. Such an order is only obtainable where the police can convince a court that probable cause exists to believe that an announced search would endanger the police or some other person, would result in the destruction of the evidence sought or the escape of the person to be arrested, or would be a useless gesture.

Mr. President, these instances where the no-knock statute would permit a warrant to include provision for an unannounced search are essentially the common law exceptions to the announcement requirement upheld and recognized as constitutional by the Supreme Court in *Ker* v. *California*, 374 U.S. 23 (1962), and *Sabbath* v. *United States*, 391 U.S. 585 (1967). Under these exceptions the police are entitled to act on their own—without a court order—in just the types of situations covered by the no-knock provisions.

The fact that these exceptions already exist raises the question for some about the necessity for legislation in this area. The provisions are desirable for two reasons. As I have already indicated, they serve to protect citizens from police misjudgment concerning circumstances supporting an unannounced search in a particular case by providing for prior court determination of the necessity for such a search. But they also serve to assist law enforcement by permitting the government in appropriate cases to shift the burden of making an unguided decision as to whether an unannounced search is permissible from the policeman to a dispassionate judge who is better able to make such a decision by reason of both training and objectivity. This procedure gives maximum assurance that any evidence seized will be admissible at trial.

Mr. President, some argue that the no-knock provisions are being abused. In support of their position, they cite the unfortunate raids in Collinsville, Ill., of last year. No one can defend the action that took place in those raids. But my information is that the agents involved were acting without judicial sanction and had never sought to invoke the no-knock provisions. The Collinsville incident, therefore, hardly provides a basis for criticizing, or a reason to repeal, the no-knock legislation.

It seems to me it argues for the retention of the statute and its enforcement with respect to the procedures required to get a court order and to authorize a no-knock search.

Regardless of where the blame for the Collinsville raids lies, however, since those raids occurred the Drug Enforcement Administration has significantly modified its guidelines with regard to "no-knock" warrants. Such warrants are now used extremely sparingly. Their sparing use should not lead to the conclusion that they are unnecessary, however. Their utility has been specifically recognized by the Attorney General, who, I am advised, also opposes this amendment.

Mr. President, such warrants containing "no-knock" authority are now being sought in an exceptionally small number of cases under recently strengthened guidelines issued by the Drug Enforcement Administration. I have yet to be shown that the "no-knock" provisions that the Congress enacted only 4 years ago are unconstitutional, or that they are unnecessary, or have been abused by our law enforcement personnel. Though sparingly used, they may make the difference in the successful investigation and prosecution of selected important drug cases. Until abuse is demonstrated, I will continue to support retention of "no-knock" warrant procedures in our drug enforcement arsenal.

Mr. President, in view of what is happening in Turkey today, in view of the fact that the prohibition against raising the poppy in Turkey is being removed and Turkish farmers will now once again be engaged in the cultivation and production of this source of opium, we can expect the availability of heroin in our country to increase in the immediate future. With that impending situation, I think it behooves us, possibly more than ever before, to try to devise by legislation and by rules and regulations consistent with our Constitution every legal tool within our ingenuity capable of combatting this terrible evil.

Mr. President, I am going to support any legislation, any provision of law, that is sponsored here, which I believe is within the constitutional powers of the Government and which I think will strengthen the arm of law enforcement in this field. I will support any such legislation that will alleviate the terrible conditions that result from the use of illicit drugs.

Mr. President, I hope the statute will not be repealed.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. Mr. President, it is with a great deal of pleasure that I remember the efforts and the leadership of the distinguished Senator from Arkansas in connection with the passage of the District of Columbia crime control bill and the drug control bill in 1970. At that time there were many dire forebodings of what would happen and the prediction of all sorts of abuses and horrors if the no-knock provision were adopted.

The Senator has indicated he is not satisfied there has been any showing of any such abuse as would warrant an amendment that would delete the present Federal statutes on this subject. This Senator is not aware of any such abuse. No examples have been cited that are no-knock cases. The Collinsville case is not a no-knock case.

As I said, we were told during the debates of 1970 that if we were to leave this provision in the law, terrible things would happen. And none of those things have happened.

Mr. McCLELLAN. I think there is a responsibility on the part of Congress to hold hearings and ascertain whether there have been abuses, whether the law has been administered properly, whether there are any weakness in it—in short, to ascertain from the facts whether it is a law that is unworkable. Such hearings will enable us to determine if it is a law that we can well do without and still afford to society the protection that it needs with respect to this particular crime.

I have no information that would lead me to believe there is any need to repeal this law. If there is such information, I think we should first have hearings to determine the facts. I do think it is a matter which is of such potential consequence that it deserves a hearing. I do not think it would be wise for us to act until there has been a proper congressional investigation.

Mr. HRUSKA. Mr. President, before the Senator entered the Chamber, there was reference to the fact that there were 4,400-plus arrests and seizures of drugs by the Drug Enforcement Administration. Out of that amount, there were about 118 applications made for no-knock warrants, a total of 99 of which were executed and the rest were not.

Mr. President, I ask unanimous consent to have printed in the RECORD the results of the 4,400-plus arrests in terms of seized contraband and point out again that the power has been used sparingly, with discretion and discrimination, pursuant to the desires expressed in the debates of 1970. If there were any abuses of any size on any scale there is no record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 11, 1974.

DRUG ENFORCEMENT ADMINISTRATION

July 73–March 74

Arrests—4,412.

Seizures of drugs—Volume of drugs removed during fiscal year 74 through March.

Opium—11 pounds.
Heroin—202 pounds.
Cocaine—317 pounds.
Marijuana—67,286 pounds.
Hashish—483 pounds.
Hallucinogens—2,143,956 du (dosage units).
Depressants—571,325 du.
Stimulants—5,470,483 du.
Methadone—2,815 du.

Mr. TAFT. Mr. President, I strongly support the Ervin-Nelson amendment to and extension of S. 2848, the Alcohol and Drug Abuse Education Act, as well as S. 3355, a bill to amend the Comprehensive Drug Prevention and Control Act of 1970. Both bills in combined effect offer intensified programs designed to combat the problems of alcohol and drug abuse which face our Nation today.

I, for one, have been alarmed at the increasing rate of drug abuse in our country. Although our national effort in the past has been primarily directed toward helping the person who is already in serious trouble with alcohol and/or drugs and perhaps dependent thereon, in my view, a substantial commitment must be made toward preventative education for the Nation's youth who may be experimenting or tempted to experiment with dangerous drugs. This preventative endeavor is essential if we are to make real headway in our constant struggle against alcohol and drug abuse. Thus we must undertake early intervention and primary prevention activities so that potential users do not in fact become drug abusers. S. 2848 provides the types of intensified efforts necessary to accomplish these ultimate objectives and I, as a cosponsor of the bill, fully support them.

Preventative education and early intervention is, of course, only a part of the answer. We, as a people, must be prepared to provide sufficient appropriations and priority to the Drug Enforcement Administration in order to improve Federal efforts toward the elimination of the illegal drug traffic and the corresponding reduction of drug-related crimes. Rigorous enforcement of Federal drug laws is a necessary component for insuring that the source and supply of dangerous substances is reduced and hopefully 1 day eliminated. The DEA does an excellent job in this area by way of its law enforcement, intelligence and research and development programs. Therefore, I support S. 3355 and its recognition of the need for providing appropriations to this agency on a continuing basis so that its vital mission may be successfully fulfilled.

Furthermore, I also favor the repeal of the no-knock provisions contained in both the Comprehensive Drug Prevention and Control Act of 1970, as well as the District of Columbia Crime Act as proposed by the Ervin-Nelson amendment. While I voted for the original bill which instituted statutory no-knock, its rare and ineffective usage does not warrant its retention.

The interpretation and application of no-knock laws have created confusion and uncertainty. Notwithstanding this, testimony before the Judiciary Committee hearing the repeal amendment by responsible law enforcement officials confirms that the no-knock provisions have not been necessary to the rigorous enforcement of Federal drug laws. Because of the demonstrated minimal value of the no-knock provisions, I feel they are heavily outweighed by the need for protection of an individual's fourth amendment right to privacy and protection against unreasonable searches and seizures. Repeal of the statutory provision and restoration of the common law doctrine of "exigent circumstances," the existence of which would warrant officers bursting into a home of an accused without prior notice, is a far better resolution of interests between fourth amendment rights and the responsibility of Government agents to properly enforce the laws.

Mr. BENTSEN. Mr. President, I am pleased to join as a cosponsor of the amendment offered by the distinguished Senator from North Carolina.

I believe experience has shown that unannounced entries by law-enforcement officers serve little purpose and do violence to the guarantees of the fourth amendment. From the earliest history of American jurisprudence our courts have held that, except for certain narrow exceptions, a reasonable search and seizure requires that an officer announce his authority and purpose before entering a dwelling. Under the no-knock provisions of the Controlled Substances Act, American citizens have been subjected to searches and seizures that more resemble the tactics of a dictatorial police force rather than those of a Federal law-enforcement force.

I yield to no one in my strong feelings about the sale and distribution of illegal narcotics and drugs. I feel that those who participate in such drug trafficking should be subjected to the most severe penalties available under the law.

But I am not prepared to sacrifice the liberties secured by the fourth amendment in order to accomplish that purpose. I do not believe that the road to better law enforcement lies through kicking down the doors of innocent citizens in the course of unannounced, nocturnal raids. That is not the answer to America's drug abuse problems and I hope that the Senate will agree to the amendment proposed by the senior Senator from North Carolina.

Mr. CRANSTON. Mr. President, I urge the Senate to act today to repeal the Federal no-knock statutes now on the books.

No-knock entry legislation has proven to be inherently dangerous from both the point of view of the law-enforcement officer who is exposing himself to unknown risk, and from the point of view of the individual whose sanctity of home is violated without due process of law. I voted against giving no-knock entry powers to the Federal narcotics officers and to the District of Columbia police in 1970, and I am a cosponsor of the amendment offered today by Senator Ervin. and Senator Nelson to repeal the two no-knock statutes now part of Federal and District of Columbia law.

Law-enforcement officers who have participated in no-knock raids call them "the scariest." And with good reason. Many citizens intend to defend the sanctity of their homes against unwarranted intrusion at all costs. I have received letters from Californians expressing the intent to kill, if necessary, to repel individuals, whether they be criminals or law-enforcement officers, who break and enter their homes. As one constituent put it:

> I will and can only assume that an intruder means harm to my family, and as he has no business in my home whatever, except to do harm, it shall remain my option of taking his life, if necessary, to protect myself, my home, or my family.

The risk to police officers entering a home without warning is clear. Officers breaking and entering homes during no-knock raids have been shot dead.

But the greater danger inherent in granting Federal narcotics police no-knock entry power was highlighted last year in the infamous "no knock" raids into two homes in Collinsville, Ill. The agents were said to have entered the houses without warrants, by kicking in the doors, without warning, shouting obscenities, and threatening the inhabitants with drawn weapons. The terrified inhabitants were only temporarily relieved when the agents left after discovering that they had entered the wrong houses.

Not even the police seem to desire no-knock authority. The District of Columbia police have not used no-knock authority since 1971. Federal narcotics officers, operating under the post-Collinsville guidelines, report only a handful of no-knock warrants issued.

If we repeal the no-knock statutes now on the books, police will continue to be able to act under the preexisting exception to the requirements of the fourth amendment, that they may execute searches without warning when the officers are justified in the belief that persons within a building are in imminent peril of bodily harm.

Repeal of no-knock entry authority will not weaken law enforcement. It will restore our basic liberties and constitutional protections against unwarranted, surprise invasions of the homes of private citizens by agents of the Federal Drug Enforcement Administration and officers of the District of Columbia Police Department.

Mr. BAYH. Mr. President, I speak in favor of Senator Ervin's amendment No. 1487 to repeal both the Federal and District of Columbia no-knock statutes. These provisions are not at all necessary to the rigorous enforcement of the Federal drug laws or District of Columbia criminal laws. In a recent interview, for example, Chief of Police Jerry Wilson said that he would not object to repeal of the no-knock provision and its repeal would not affect us—the District of Columbia Metropolitan Police Department—one way or another.

These provisions are seldom if ever used. In fact, since the bill was signed in February 1971, less than a dozen such warrants were sought in the District of Columbia and none have been sought since October 1971. Nationally, 112 were authorized for Office of Drug Abuse law enforcement between April 7, 1972, and June 30, 1973, and 97 were executed; up to June 30, 1973, only 3 were authorized for BNDD and 1 executed; and since July 1, 1973, 2 have been authorized for DEA and only 1 executed. The rare use of these provisions is in part due to the experience of many officers who believe that the use of no-knock can increase the possibility of injuries both to police and occupants and that from a safety viewpoint it is more effective to announce identity and purpose.

Additionally, the marginal utility of the no-knock provisions is outweighed by the grave dangers which they pose to the fundamental and constitutionality guaranteed right to privacy. Recent reports have documented how Government agents have broken into the homes of, and terrorized, unsuspecting and even innocent individuals. These reports have also documented how the mere existence of the no-knock authority can breed an attitude which leads to Government agents placing themselves above the law.

The no-knock provisions, and the official state of mind which they foster, are clearly at odds with the Fourth Amendment. That amendment—which protects individuals against unreasonable searches and seizures by the government—requires that government agents identify themselves and their purposes before executing any search. Ennunciating the principle as understood by all but one of his colleagues, Supreme Court Justice William Brennan stated in *Ker v. California*, 374 U.S. 23, 49(1963), that.

> [T]he protections of individual freedom carried into the Fourth Amendment undoubtedly included this firmly established requirement of an announcement by police officers of purpose and authority before breaking into an individual's home. The requirement is no mere procedural nicety or formality attendant upon the service of a warrant. Decisions of both the federal and state courts have recognized, as did the English courts, that the requirement is of the essence of the substantive protections which safeguard individual liberty.

Exceptions to this "firmly established requirement" occur only when government agents are confronted with exigent circumstances immediately prior to the search. These exigent circumstances include the destruction of material evidence, a suspect's attempted escape, and the peril of bodily harm to someone inside the house to be searched. Such circumstances could not obviously be known in advance; they could become known only when the government agents attempted to execute a search.

In contrast, the no-knock provisions allow a court to make an advance determination that such exigent circumstances will exist and to give government agents prior authorization to dispense with the announcement of identity and purpose before executing their search. The prior determination of exigent circumstances flies in the face of logic; and the waiver of the government agents' announcement flies in the face of rights protected by the Constitution.

By repealing the no-knock provisions, our amendment would leave intact the constitutional and common law principles concerning government searches. Under those principles, as noted above, the no-knock searches would be permitted but only when exigent circumstances become known to government agents immediately prior to their contemplated search.

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Alaska (Mr. Gravel), the Senator from Louisiana (Mr. Johnston), and the Senator from Louisiana (Mr. Long) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon) is necessarily absent.

The result was announced—yeas 64, nays 31, as follows:

[No. 298 Leg.]

YEAS—64

Abourezk
Aiken
Allen
Baker
Bayh
Bentsen
Biden
Brock
Brooke
Burdick
Byrd,
  Harry F., Jr.
Case
Church
Clark
Cook
Cranston
Dole
Domenici
Ervin
Fong
Fulbright
Hart
Hartke
Haskell
Hatfield
Hathaway
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mathias
McGee
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NAYS—31

Bartlett
Beall
Bennett
Bible
Buckley
Byrd, Robert C.
Cannon
Chiles
Cotton
Curtis
Dominick
Eastland
Fannin
Goldwater
Griffin
Gurney
Hansen
Helms
Hollings
Hruska
Mansfield
McClellan
McClure
Nunn
Scott, Hugh
Scott, William L.
Stennis
Talmadge
Thurmond
Tower
Young

NOT VOTING—5

Bellmon
Eagleton
Gravel
Johnston
Long

So Mr. ERVIN's amendment was agreed to.

Mr. ERVIN. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. COOK and Mr. JAVITS moved to lay the motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11385) to amend the Public Health Services Act to revise the programs of health services research and to extend the program of assistance for medical libraries, and it was signed by the President pro tempore.

AMENDMENT OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT

The Senate continued with the consideration of the bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis.

Mr. MONDALE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator will not proceed until the Senate is in order. The Chair asks the cooperation of Senators in preserving order in the Senate.

The Senator from Minnesota may proceed.

Mr. MONDALE. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

Mr. MONDALE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. ROBERT C. BYRD. Mr. President, may the clerk read at least the page number?

The PRESIDING OFFICER. The clerk will read as requested.

The legislative clerk read as follows:

After line 7 insert the following new section 2:

"INTERNATIONAL NARCOTICS CONTROL"

The PRESIDING OFFICER. Without objection, the text of the amendment will be printed in the RECORD.

The amendment is as follows:

After line 7 insert the following new section 2:

"INTERNATIONAL NARCOTICS CONTROL

"SEC. 2. Section 481 of the Foreign Assistance Act of 1961, as amended, is amended by adding at the end thereof the following new subsections:

"'(c)(1) Any Government, which permits the production of opium poppies, shall not be the recipient of economic and military assistance furnished under this or any other Act, and all sales, credit sales and guarantees made with respect to such country under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954 shall be suspended, beginning January 1, 1975, unless the President determines that a ban on the growing of opium poppies is in effect or certifies to the Congress that safeguards adopted by the Government concerned effectively prevents the diversion of opium and its derivatives into illicit markets. In the latter event, economic and military assistance and sales, credit sales and guarantees shall continue only so long as the President continues to be satisfied as to the effectiveness of such safeguards.

"'(2) The Director of the Drug Enforcement Administration shall report immediately to the President and the Congress any evidence that opium and its derivatives are being diverted from permitted production into illicit markets and shall also make a detailed report on or before June 30 of each year to the President and the Congress, reporting on the worldwide production of opium and its derivatives, the effectiveness of controls in each producing country, and the extent to which opium and its derivatives are being diverted into illicit markets.

"'(3) If, within 60 days of continuous session of the Congress after a report is submitted under paragraph (2), the Congress adopts a concurrent resolution finding that any country has not effectively banned the growing of opium poppies and that such country is not effectively preventing opium, or its derivatives, produced in such country from being diverted into illicit markets, then the President shall immediately suspend economic and military assistance to such country under this or any other Act and shall suspend all sales, credit sales and guarantees to such country under the Foreign Military Sales Act and title I of the Agricultural Trade Development and Assistance Act of 1954.'"

"(d) Subsections (e)-(g) of this section are enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this paragraph; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) For purposes of the section, the term "concurrent resolution" means only a concurrent resolution of the Senate or the House of Representatives the matter after the resolving clause of which is substantially as follows: "The Congress finds that ——— has not effectively banned the production of opium and has not effectively prevented the diversion of opium, or its derivatives, produced therein from being diverted into illicit markets." (the blank space being filled with the name of the country involved.)

"(f) A concurrent resolution shall be referred to the appropriate committee of the Senate or the House as the case may be. When the committee of the House has reported a concurrent resolution, it is in order at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution has been available to Members of the House (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(2) General debate on any concurrent resolution in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to. No amendment to the concurrent resolution is in order.

"(3) Motions to postpone, made with respect to the consideration of any concurrent resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

"(4) Appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution shall be decided without debate.

"(g)(1) Debate in the Senate on any concurrent resolution and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between and controlled by the majority leader and the minority leader or their designees.

"(2) No amendment to the concurrent resolution is in order. A motion to further limit debate is not debatable. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution."

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that Brian Conboy have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, will the Senator yield?

Mr MONDALE. I yield.

Mr. COOK. Mr. President, I ask unanimous consent that Kenneth Lazarus and Ronald Meredith, of the staff of the Judiciary Committee, may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. HARTKE. Mr. President, I ask unanimous consent that Stephen McCloud may have the privilege of the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MONDALE. Mr. President, this amendment is introduced by myself, the distinguished Senator from New York (Mr. BUCKLEY), my distinguished colleague from Minnesota (Mr. HUMPHREY), the distinguished Senator from Kentucky (Mr. COOK), the distinguished Senator from Indiana (Mr. BAYH), and others.

Mr. JAVITS. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MONDALE. Mr. President, I ask unanimous consent that the names of the Senator from Wisconsin (Mr. NELSON), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from North Dakota (Mr. BURDICK) be added as cosponsors.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MONDALE. Mr. President, since 1971, the Government of Turkey had suspended the production of all opium in that country. Prior to that time, 80 percent of the opium that ended up on the streets of the United States, usually in the form of heroin, had derived from production in Turkey.

Since the ban on opium production, there has been dramatic and exceedingly impressive progress made in the fight against drug addiction in this country.

Since that time, the number of estimated heroin addicts in this country has dropped by 60 percent from something like 600,000 to 250,000. In the Nation's Capital the number of heroin addicts has dropped from an estimated 16,000 to 2,000.

One of the key reasons is that when Turkey agreed to stop producing opium and the illicit channels for opium, which ends up in the form of heroin, had dried up from Turkish sources, the cost of heroin rose so dramatically that no one could sustain the habit without outside help, even if they were committing crimes.

They had to get help and they went to health officials, law enforcement officials, and by the thousands these pathetic Americans who had been hooked by heroin received help to get out from under this awful habit and crime relating to drug addiction dropped dramatically. It is one of the truly exciting success stories in recent years.

Now, the Turks have announced that they not only intend to drop the ban and resume production, but in fact intend to have more production now than they had before.

In addition to that, they have released from prison in Turkey many of the top drug smugglers who were key parts of the illicit drug trade. I will not list more than a few names, but Mr. Kidred Bayhan was caught trying to smuggle 146 kilograms of morphine base from Turkey to France. That is the equivalent of 300 pounds of heroin at a value of about $14 million.

Mr. Bayhan and others who were major principals in the illicit drug smuggling racket under the new Turkish policies a few years ago were put in prison, as they should be. Now, Mr. Bayhan and many others rave been released under general amnesty and are ready to go back in business.

In addition to that, the head Turkish law enforcement officer who had headed up the highly successful effort before opium production had been terminated in Turkey has been removed from office and he is no longer there to enforce the law against opium production. That official's name is Mr. Erbut.

Everyone who studies this problem is absolutely convinced if the Turkish Government does what they announced they are going to do, coupled with these other attempts, we will see a resumption and perhaps at even higher levels.

Illegal drugs and opium traffic emanates from Turkey, that we saw in the pre-1971 era, and we will see a resumption of heroin addiction in this country. We will see people get hooked by the drugs, committing crimes, becoming pushers, prostitutes, and all the rest, in order to maintain this habit which costs an estimated $18,000 a year for each addict to sustain. We could well be back at the 600,000 heroin addicts in this country, or even more, as a result of that.

Now, that is not the only development that has occurred that bears upon the issue of what we should do in this country. The other development in recent years is that the domestic drug companies have increasingly included codeine, which has an opium base, in cough syrups and in other kinds of drugs, and the amount of the sales of these kinds of drugs containing codeine has soared fantastically in this country.

So the American drug industry that is dealing with opium wants more of it, and I say that rather than getting more opium, let us cut off the rapidly escalating sale of these drugs that are sort of an informal way of hooking our young people on opium-based narcotics.

For example, in 1967, American drug companies produced 20,457 kilograms of codeine. In 1972, 30,000 kilograms. By the end of this year, it is estimated to rise to 41,000 kilograms of codeine, much of which ends up in cough syrup and other kinds of drugs which are increasingly being sold through illegal sales to minors.

We cannot prove this, but we did wire the three drug companies and they have not answered. It has been charged that the three drug companies have been in Turkey recently negotiating for substantial purchases of opium, assuming the resumption of opium production in Turkey.

Now, I would say to those drug companies that instead of trying to increase their sales in these kinds of ways, at the expense of the young people of this country and the crime, and trying to increase your sources of opium for those purposes, why not turn around and cut off those sales that are risking the health and the future of our young people.

For all these reasons, we have taken the position that at the very least the Turkish Government, or any other government that is the recipient of military and economic aid, should not be able to have it both ways.

They should not be able to be the recipient of vast profits through the illicit sale of addictive drugs to our young people and at the same time have their hand out taking hundreds of millions of dollars from the taxpayers of the United States in the form of military and economic aid.

They cannot have it both ways. I do not think the American people will tolerate it. I do not know why they should.

This year the budget calls for $232 million of military aid and credits to a country that is planning to resume and to substantially expand opium production in that country.

May I say this is not an anti-Turkey amendment. This applies to any government in an opium-producing country receiving aid from the United States.

I would like to look upon the Government of Turkey and the people of Turkey as friends, but they must understand how serious and how profound this issue is to our people. We feel very deeply about it. We know the dangers of the drug menace, and if there is anything we can do to protect our young people, we are going to do it. We do not wish to offend them, but they must understand that this is not an issue the American people will take lightly.

So what does the amendment do? It provides, briefly, that any government which permits the production of opium poppies shall not be the recipient of economic and military assistance furnished under this or any other act, unless the President determines that a ban on the growing of opium poppies is in effect, or certifies to Congress that safeguards adopted by the government concerned sufficiently prevent the diversion of opium and its derivatives into illicit markets.

In the latter event, economic and military assistance, et cetera, shall continue only for so long as the President continues to be satisfied as to the effectiveness of such safeguards. It further provides that the Director of Drug Enforcement shall report immediately to the President and to Congress any evidence that opium and its derivatives are being diverted from permitted production into illicit markets, and shall make a detailed report on or before June 30 of each year to the President and Congress reporting on the worldwide production of opium.

The amendment also provides for an immediate and expedited consideration by Congress of what we should do in the case the drug enforcement office reports that this opium is not being strictly contained, if it is being produced, within legal channels.

Mr. President, I think this is a very reasonable amendment. It is the least that the American people can expect us to undertake, in the light of this new menace.

One of the arguments against us is that it affects our NATO facilities in Turkey. We might point out that in the recent Middle East crisis, the Turkish Government permitted the Russians to fly over Turkey, but they would not permit us to use Turkish facilities for national purposes at that time.

This morning the Foreign Minister from Turkey, Mr. Gunes, said that even if we cut off the aid to Turkey, the NATO facilities and bases will continue to operate, that they do not intend to close down those bases.

I ask unanimous consent that an article on this subject written by Mr. Roberts, and published in this morning's New York Times, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Turks See No Major Rift With United States Over Poppies

(By Steven V. Roberts)

ANKARA, TURKEY, July 10.—Turkish officials say that their decision last week to resume the cultivation of opium poppies should not cause a major rift in Turkish-American relations.

In an interview here, Foreign Minister Turan Gunes said that even if Washington cut off aid to Turkey, as some Congressmen had threatened, Ankara would not "change the status" of about two dozen vital military bases maintained here under the joint command of the two North Atlantic Treaty Organization allies.

"The friendship and alliance between the two countries is a serious thing," said the Foreign Minister. "The Turkish Government is not irresponsible enough to show undue reaction."

However, he warned, if American aid is canceled, it might cause an "unstoppable" wave of adverse opinion among Turkish politicians and the public at large. That fear is mirrored by American diplomats, who worry that the political temperature will rise in both countries and lead to a damaging series of retaliatory moves that no one really wants.

BAN ON POPPIES IN 1971

Turkey imposed a ban on poppies in 1971, after the United States exerted considerable pressure and pledged $35-million to compensate Turkish farmers. At that time, Washington contended that 80 per cent of the heroin reaching America was refined from Turkish opium.

In explaining their decision to cancel the ban, the Turks stressed the economic plight of the farmers and other peasants who had made a living from the poppy. Moreover, they said, there is a worldwide shortage of opium, which is used for legitimate medicinal purposes.

More important, poppies became an emotional political issue here and Turks say that the Government is determined to assert Turkey's power and independence. "The poppy decision was taken as a matter of pride," explained one well-informed journalist. "Everybody here felt very insulted."

The question of pride came up again this week when several Turkish politicians and publications complained that neither President Nixon nor Secretary of State Kissinger had come to Turkey during their Mideast visits.

"America takes us for granted," commented Outlook, a news magazine.

U.S. SUMMONS MACOMBER

When the ban was canceled, Washington immediately announced its "deep concern" and summoned Ambassador William B. Macomber, Jr., for consultations. Congressional critics called the Turkish action "hostile and outrageous" and urged President Nixon to cut off aid to Turkey. A number of bills were introduced that would also cut off aid, which this year would amount to $180-million in military funds and $27-million in economic assistance.

Turkish officials apparently underestimated the vehemence of American public opinion and the degree to which narcotics is an issue in American politics. According to one interpretation, their moderate comments represented an attempt to recoup some lost ground with Congress and perhaps stave off the cut in military aid.

At the same time, Turkish officials have been critical of the United States in several ways. Asked to comment on a State Department charge that Turkey had broken an agreement with Washington by lifting the ban, Mr. Gunes insisted that "there is no such agreement between the United States and Turkey."

The ban, he said, was a "unilateral" action, as was Washington's pledge of $35-million—an interpretation that is heatedly disputed by the American Embassy here.

EXCHANGE OF CHARGES

American politicians, Mr. Gunes added, have had "very exaggerated reactions" to the Turkish action. These politicians may be serving their own ends" he said, "but I'm afraid they will be harming Turkish-American friendship at the same time."

Americans also accuse the Turks of having "exaggerated" reactions. The farmers never made much money selling opium legally, they insist, and would be much better off in the long run developing alternative sources of income, such as wheat or livestock.

Mr. MONDALE. Mr. President, the American people, speaking through their Government, must make clear that the American youth of this country are not going to be held hostage to the drug traffickers of the world if we have anything to say about it. And we are not going to permit a situation where our young are victimized in that way, and at the same time lavish those nations with substantial aid of the kinds contemplated in the President's budget.

I would very much hope that this amendment would be adopted, and that, on the basis of it, our friends in Turkey will reconsider what is indeed, in my opinion, a very, very serious step.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield to the Senator from Indiana.

Mr. HARTKE. Let me ask the Senator a question. Is this a substantial modification of the original amendment sponsored by the Senator from Minnesota?

Mr. MONDALE. In essence, it is the same amendment, with two differences. The first difference is that it gives the State Department some time to try to work it out. The aid is suspended as of the end of this year, unless the President certifies either that opium is not being produced, or, if it is being produced, it will be produced under controls that assure that it will remain in the legal medicinal areas and not appear in the illicit traffic. Those are the two changes.

Mr. HARTKE. I thought this was the substitute amendment for amendment No. 1539. Is that right?

Mr. MONDALE. I do not know. I had an earlier printed amendment. The amendment which I have offered indicates the changes we have made.

Mr. HARTKE. As I understood the original amendment, it dealt only with the government of Turkey. Is that right?

Mr. MONDALE. That is correct. That is the other change. This applies to Turkey and all countries which produce opium.

Mr. HARTKE. It is substantially in accordance with the amendment of the Senator from Indiana; is that correct?

Mr. MONDALE. As the Senator knows——

Mr. HARTKE. My printed amendment adopted by the Senate last year.

Mr. MONDALE. As the Senator from Indiana knows, there is no one whose leadership I respect more than his.

Mr. HARTKE. I was just trying to identify it. The original amendment, as I understood it, dealt with Turkey, and suspended aid immediately.

Mr. MONDALE. Well, this——

Mr. HARTKE. Is that right?

Mr. MONDALE. That is correct.

Mr. HARTKE. This amendment does not do that at all. What this amendment does is set up a procedure whereby aid can be suspended.

Mr. MONDALE. No; the Senator is incorrect. If he will read the amendment, aid is suspended——

Mr. HARTKE. At the end of this year.

Mr. MONDALE. At the end of this year, the suspension goes into effect automatically.

Mr. HARTKE. If——

Mr. MONDALE. Unless the President finds they are not producing opium, or that production is strictly controlled within legal channels.

So I think the amendment is the same as the one earlier introduced. It responds to the realities of the diplomatic situation. It gives the State Department some additional time to try to negotiate an agreement with the Turks which will serve our national interests as well as theirs. It is a strong amendment, and I think, in the light of the circumstances, it is the best possible.

Mr. HARTKE. Will the Senator yield further?

Mr. MONDALE. I had promised to yield—I yield to the Senator from Indiana.

Mr. HARTKE. As I understand your amendment—and I think I do understand the amendment, because it is substantially the amendment which was adopted by the Senate last year, which I introduced, but removed in conference, and similar to my printed amendment before the Senate at this moment. It provides for a two-step operation: First, that the President shall certify to Congress that there is substantial compliance, and after that report is made to Congress, Congress then has, in effect, a second look at the report to determine whether or not there has been compliance with the overall criteria set forth in the amendment.

Is that correct?

Mr. MONDALE. I am a little hesitant to comment on the Senator's amendment.

Mr. HARTKE. I am commenting on the amendment of the Senator from Minnesota.

Mr. MONDALE. I just described my amendment

Mr. HARTKE. As I understand the amendment of the Senator from Minnesota, it is a two-step proposition, because if it is not I think it should be clarified.

First, certain criteria are established upon which an illicit drug traffic is the triggering device or precipitating element in causing the Government to suspend all types of economic assistance to any country. The President, in order to comply with that, makes a finding that the country is, in accordance with his interpretation, complying with the requirements of the amendment. That is the first step; am I correct on that?

Mr. MONDALE. It is a little different than the Senator describes it. The amendment says that all forms of aid as defined in the act are suspended.

Mr. HARTKE. Unless the President——

Mr. MONDALE. Effective January 1, 1975, unless the President determines either that opium is not being produced, or that it is being produced under strict and effective legal controls.

Mr. HARTKE. The criteria are established in the amendment

Mr. MONDALE. Well, under the amendment any illicit production is prohibited. Otherwise aid will not issue.

Mr. HARTKE. All right. Now, the second step is that there must be such a finding submitted to Congress; is that correct?

Mr. MONDALE. Yes, the determination of the President is submitted to Congress, that is true.

Mr. HARTKE. That is right?

Mr. MONDALE. That is correct.

Mr. HARTKE Then Congress can, at that time, by concurrent resolution, really in effect override the President's decision; is that correct?

Mr. MONDALE. Under section 3 of the amendment there is a complicated procedure by which Congress can adopt a concurrent resolution finding that any country has not effectively banned the growing of opium or prevented its diversion into illicit markets, and should Congress adopt that resolution, the President has no choice but to immediately suspend assistance.

Mr. HARTKE. Which, in effect, as I understand it, is a two-step procedure. First, the President must make an affirmative finding, submit that affirmative finding to Congress, and then Congress has the opportunity to override the decision of the President; is that correct?

Mr. MONDALE. In addition to that, of course, we have an important section here which deals with the role of the Drug Enforcement Office in submitting reports to Congress upon the receipt of any information of illicit marketing of drugs and, in addition, to present an annual specified report detailing such evidence and any steps that might be taken to deal with it.

I should say that under this amendment the two steps are really independent of each other. The first step is a step Congress takes now in prohibiting and banning aid to opium-producing countries effective January 1, 1975, unless the President determines, under the standards of the act, either they are not growing opium or it is not in illegal traffic.

The second procedure is an independent procedure by which Congress, by joint resolution, may declare under the standards of the act that there is illicit trade, in which event the President has no choice but to terminate aid.

I would now like to yield to my distinguished cosponsor.

Mr. HARTKE. Mr. President, can I have an answer to my question? Is it demeaning to the Senator to answer the question?

What I am trying to find out is the distinction between this amendment and the situation as the law exists now and my amendment passed by the Senate last year.

Mr. MONDALE. Oh, yes, there is a real difference between the law as it now exists and this amendment.

This law that is in effect is based on my amendment in 1971, and it provides generally that aid shall not go to countries where the President determines that drugs are in the illicit traffic. There is no triggering device. Congress has not suspended aid, there is no reporting mechanism, there is no mechanism in that amendment which is now law by which Congress can act in the face of evidence of illicit traffic.

This amendment says aid is suspended. Congress acts by adopting this amendment, effective January 1, 1975, that is what we are saying, unless the President acts affirmatively to declare that under his determination it is either nonexistent or that the production is contained within legal grounds and not being diverted into illicit traffic, and then you have all the rest.

Mr. HARTKE. Mr. President, we in the Congress must display a spirit and a concern for the people of America rather than those of any individual or group. While the interest of some is personal, the interest of this body must be for the common good.

My amendment introduced and adopted by the Senate last year has the ideas embodied in the amendment of Senator MONDALE introduced in the Senate today. The interests of the American people, the Senate, the Congress, and our system of Government were the reasons for the long hours of work that went into the refinement of my amendment.

Mr. President, my concern about the illicit production of opium and its derivatives has a long history. Last year the Senate adopted my amendment to the Foreign Assistance Act clarifying the United States position relative to production by other countries of opium and the need for those countries to take adequate steps to prevent the illicit distribution of dangerous narcotics into the United States. However, my amendment was not adopted by the conference committee, and we now are experiencing the resumption of opium production in Turkey in violation of that nation's agreement with the United States.

Mr. President, for the purpose of accurately reflecting the decision of the Government of Turkey, I ask unanimous consent that the decree issued on July 1, 1974, by the Council of Ministers be printed in the RECORD following my remarks as exhibit No. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARTKE. Mr. President, the clear meaning of the decree is that Turkey has decided to resume the cultivation of poppies and the production of opium. However, I do not mean to single out Turkey as the worst offender in not controlling illicit narcotics. Turkey is a recent and ready example of the nonexistent or minimal efforts of many countries around the world that receive U.S. foreign aid and yet do not exert effective measures to stop the flow of dangerous drugs to the United States or elsewhere.

Many have asked, and may still ask, why should the U.S. Congress and the American people be interested in a decree issued from Turkey or anywhere else? That question can be answered by the law enforcement officials, drug treatment officials, addicts, former addicts, educators, parents, and all those within our society who have seen or known anyone within the grasp of heroin. An editorial in the Washington Post summed up the interests of the United States and its people best:

> Indeed, if the Turkish Government had announced that it intended to land secret agents at night on American shores to poison and kill thousands of Americans and to subvert the foundations of American society—which is, of course, exactly what heroin does—then that would be regarded as an act of war and handled accordingly.

While the Turkish Government did not announce a decision to land human agents of war on the shores of the United States, there is no other interpretation to their decree than an announcement that they intend to land dangerous drug agents of war, equally deadly, to ravage the unsuspecting citizens of our society. We in the Congress have an obligation to act in the best interests of our people to prevent the landing of those agents on the shores of the United States. We in the Congress also have a duty to prohibit any assistance whatever from flowing from our people and Government to the Turkish people and Government, or to any other country which does not effectively control or at least attempt to effectively control the production, distribution, transportation, and manufacture of opium and is derivatives, especially heroin.

Mr. President, I ask unanimous consent that the Washington Post editorial "Turkish Politics and American Heroin" be printed in the RECORD following my remarks as "Exhibit No. 2."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HARTKE. My amendment adopted in the Senate during the first session of this Congress is identical to the one I offer today on behalf of myself and my colleague from Indiana, and comanager of the bill (Mr. BAYH).

In summary, my amendment calls upon the President to make an affirmative finding that each country is taking adequate steps to control illicit opium. The Secretary of State shall set forth the measures which constitute a good faith effort to control illicit opium and its derivatives. That good faith effort must include the following:

First. The enactment of criminal laws controlling the production, distribution, transportation, and manufacture of opium and its derivaties;

Second. The establishment of a viable agency to enforce those criminal laws;

Third. The vigorous enforcement of those criminal laws;

Fourth. Full cooperation with all United States Departments or Agencies involved in preventing the flow of illicit opium and its derivatives into the United States;

Fifth. The establishment of border procedures for the interdiction of opium and its derivaties out of or into such country;

Sixth. The destruction of all illicit opium and its derivaties after its evidentiary use has expired; and

Seventh. The establishment of detailed procedures for the control of all legal production, transportation, distribution, or manufacture of opium and its derivatives.

Mr. President, my amendment does not immediately suspend aid and assistance to any country but establishes a two-level approach; first, within the administration, which has the authority to immediately suspend all forms of assistance in the national interest; and second, after a report has been made to the Congress, by resolution adopted by both the House and Senate certifying that a country is not taking adequate steps to control the illicit production of opium.

Mr. President, the administration has deemed it necessary to recall the Ambassador to Turkey to review and study the meaning of the decree. I would suggest to the administration that they study the details and implications of the addiction problem during the past 5 years. When there was little concern within the administration for the problem of narcotics and dangerous drugs, the number of addicts rose at an alarming rate. When the drug enforcement administration was formed, now headed by an able prosecutor Mr. John Bartels, the number of addicts and the illicit distribution of opium and its derivatives, mostly heroin, in the United States decreased and became manageable.

Mr. President, I ask unanimous consent that an article appearing in the Washington Post entitled "Envoy to Turkey Recalled by U.S." to be printed following my remarks in the RECORD as exhibit No. 3.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 3.)

Mr. HARTKE. Mr. President, the Government of Turkey is not without internal political interest in the cultivation of poppies. It was believed by the Congress and the administration that the agreement entered into between our governments furnished money and assistance to the farmers of Turkey to change over their production and cultivation of poppies to nutritious food and fiber to feed the people of Turkey. It has been reported that the reason the farmers of Turkey have expressed their desire to resume the cultivation of poppies is that the Government of Turkey has not distributed U.S. assistance nor has it planned the transfer of production for the farmers to nutritious necessities.

While we in the Senate do not control the motivations of Turkish farmers, we should not acquiese in the destruction of American lives at the expense of American taxpayers. We must inform the Government of Turkey in no uncertain terms that the cultivation of poppies as planned will result in the suspension of all foreign aid until such time as they continue with the agreement earlier entered into with the United States.

Mr. President, the Government of Turkey has indicated in a letter to me that the agreement we thought bilateral was unilateral with an assurance from our Government that we would furnish $35 million to Turkey. It is their position that Turkey cannot survive economically without the production of opium. I do not agree with their position. However, as Congressman RANGEL of New York has indicated, we cannot here argue that Turkey is acting completely to the detriment of the United States and to their own betterment. Congressman RANGEL therefore asked the General Accounting Office to do a study and investigation into the agreement between the United States and Turkey, and into the decree of Turkey to resume the cultivation of the poppy.

Under my amendment, the President shall make an affirmative finding to the Congress within 90 days of enactment into law of this bill that each country is taking adequate steps to control the illicit production and distribution of opium and its derivatives. We can assume that the General Accounting Office will have completed their study and the Congress can then either agree to the affirmative findings of the President, or by a concurrent resolution immediately suspend aid and assistance to Turkey or any other country not taking adequate steps to control the illicit production of opium.

We in the Senate must surely voice our disapproval of the conduct of Turkey, but we must at the same time review the facts leading to Turkey's decision, and then suspend all assistance to them if we feel they are not taking adequate steps to control the illicit production and distribution of poppies. Mr. President, the evidence is prima facie at this stage, and must be reviewed in light of all the evidence before we bring international cooperation and assistance to a halt. From the evidence we have it appears that Turkey is not taking adequate steps to control the illicit production and cultivation of poppies, and therefore opium. Adequate steps would be the immediate suspension by the Turkish Government of their decree to resume the cultivation of poppies.

We cannot single out one country for consideration in the illicit distribution of narcotics. We must apply standards that are fair to all countries, and go on record against the illicit production and distribution of narcotics by any country.

Mr. President, section 481 of the Foreign Economic Assistance Act authorizes the President to suspend military and economic assistance to those nations which he determines have not taken adequate steps to suppress dangerous drugs. The President fully embraced this responsibility on September 18, 1972, when he proclaimed:

> Any government whose leaders participate in or protect the activities of those who contribute to our drug problem should know that the President of the United States is required by statute to suspend all American economic and military assistance to such a regime. I shall not hesitate to comply fully and promptly with that statute.

Apparently the President feels that there are no nations which continue to be lax in their control of heroin and other related hard drugs.

Congressional study and journalistic research have brought forth incontrovertible evidence that a number of governments are simply not complying with the requests of the U.S. Government to vigorously suppress drug traffic. Yet, no action has been taken by the President under the Foreign Assistance Act.

Mr. President, I ask unanimous consent that the July 1973 report of a special study mission entitled "The Narcotics Situation in Southeast Asia," submitted to the House of Representatives Committee on Foreign Affairs by the Honorable LESTER L. WOLFF, be printed in the RECORD following my remarks as exhibit No. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HARTKE. Mr. President, Congress gave the power to terminate economic and military assistance to the President only because we know that customs agents and border patrols cannot singlehandedly reduce smuggling of heroin. A General Accounting Office report stated, in reference to customs operations, that—

> Although these efforts may deter amateurs and small-scale smugglers, they have not had and probably cannot have any real impact on the organized groups engaged in large-scale heroin smuggling.

Customs does act as a strong deterrent, but it simply cannot stop the main bulk of heroin reaching the streets of America, addicting our citizens, filling the coffers of organized crime, and accounting for nearly half of the crimes committed in our cities. Profits in the drug trade are enormous. A $100,000 investment can yield $2 million within 6 months. Ten or 15 tons of heroin, originally costing $5 million will take a turnover for American dealers of $9.8 billion.

With profits as high as this, as long as there is a source and a reasonably safe route of transit, there will most assuredly be successful smuggling of heroin into the United States to feed the veins of American addicts.

The logic behind section 481 of the Foreign Assistance Act was to stop heroin at its source. Perhaps the flaw in our legislation has been that the President alone is left to decide whether or not a government's cooperation has been adequate. As we know, there are many countries in violation of the intent of Congress. Yet, section 481 of the Foreign Assistance Act of 1961 leaves the President to decide which governments are taking adequate steps to control the illicit production, transportation, and manufacture of opium and its derivatives.

Gen. Lewis W. Walt, U.S.M.C. retired, as head of a special task force on the world drug situation, stated that Southeast Asia is providing 10 or 15 percent of the total drug traffic coming into this country. Because of its tremendous potential, however, Southeast Asia could eventually replace Turkey as the historically largest producer of opium with approximately 400 tons. Laos, however, accounted for nearly 100 tons, and Thailand for almost 200 tons annually. According to the State Department, heroin imports from Southeast Asia's "golden triangle" to the United States doubled from 1969 to 1971. These countries not only produce opium but are the homes for many of the laboratories which convert opium into the more valuable and much deadlier commodity—heroin.

General Walt went on to say that:

> We know as a certainty that a lot of opium entering the illicit market is grown in the "golden triangle," or in Turkey, Iran, Afghanistan, Pakistan, and Mexico.

The Turkish Government took decisive action in banning all opium production after 1971, effectively drying up Turkish sources. We know with the Turkish decree that Turkey will again become a ready source of opium. Mexico is the source of approximately 10 percent of the heroin smuggled into the United States and is the route of transit of 15 percent.

The Mexican Government has established penalties under the agrarian reform law for those who plant or permit the planting of poppies. Penalties include confiscation of land and livestock. In addition, they have mobolized 10,000 troops for antidrug operations, destroying more than 2,500 hectares of poppy fields.

Mr. President, Michel Lamberti, coauthor of a book on heroin, has written:

> Any underdeveloped country with a large unemployed labor force can start production. This could be the case, say for various South American countries.

If we are to deter these underdeveloped countries from realizing their potential as opium producers and distributors, we must act boldly and decisively. Some have suggested paying subsidies to those foreign farmers who agree not to grow opium as we did in Turkey. But from the Washington Post of Februrary 18, 1973:

> American financial contributions to Turkey as part of the considerable political pressure to stop the cultivation of the opium poppy after 1972, offers no encouragement to other opium producing countries. Turkish authorities had estimated that stopping opium production would cost the country 432 million dollars: United States contribution have amounted to $35 million.

Obviously, the cost of such subsidies to fully pay for opium produced in all countries would become extreme. Threats to begin production by those countries not now engaged might also become commonplace. We would be paying a tribute to tyranny—the tyranny of drug traffickers. The only practical and honorable deterrent to illicit opium production and sales is the imposition of penalties on those nations which refuse to cooperate. And the only penalty we can impose on a sovereign nation is the removal of American assistance. This line of reasoning was accepted by Congress when it gave the power of suspending foreign aid to countries not taking adequate steps to end illicit drug traffic to the President. By enacting the pending amendment, we will be serving notice to organized crime and governments which have not taken vigorous action against drug traffic that we will no longer tolerate the financial, human or social costs that illicit drugs have brought to our people.

For several years, I have been actively seeking legislation which would reduce the flow of narcotics into the United States. I am introducing an amendment to the Comprehensive Drug Abuse Prevention and Control Act which clarifies the posture of the U.S. Government in international narcotics control. A similar amendment was passed by the Senate last year.

Mr. President, my proposal does not engage in foreign policy, but merely sets forth the intent of Congress to the President that unless countries are as concerned about the illicit flow of narcotics as is the United States, this country should not support their endeavors while they bankrupt the fabric of America.

My amendment is not a cure-all for the drug problem in the United States. It is a positive beginning by the Congress to tell the world and the administration that we are tired of rhetoric. And it tells addicts that we care and want to help.

Exhibit 1

The Council of Ministers decided on July 1, 1974, to put into effect the following decree on the "decision on the issuance of permission for the cultivation of the opium poppy in seven provinces during the 1974–1975 season," upon the recommendation of the Ministries of Commerce and Food—Agriculture and Livestock, in accordance with article 1 of law No. 1470.

Decree No. 7/8522, dated July 1, 1974.

Decision on the issuance of permission for the cultivation of the opium poppy in seven provinces during the 1974–1975 season:

Article 1—Permission has been granted for opium poppy cultivation and the production of raw opium during the 1974–1975 season in the provinces of Afyon, Burdur, Denizli, Isparta, Butahya and Usak, and in the districts of Aksehir, Beysehir, Boganhisar and Ilgin in Konya province, in order to improve the living conditions of the farmers whose livelihood depends on this cultivation and to meet the requirements of raw material for pharmaceuticals.

Article 2—The Soil Products Office (TMO) shall issue licenses permitting cultivation to the opium poppy farmers and raw opium producers of the provinces and districts listed in article 1 in accordance with the principles of law No. 1470 and the regulation on the enforcement of this law.

Article 3—The farmers who have been issued licenses permitting cultivation are obligated to comply fully with the provisions of the law and the regulation in question on opium poppy cultivation and raw opium production. The penal provisions of law No. 1470 and other related laws shall be enforced against the farmers who do not comply with these provisions and the licenses permitting cultivation issued to them shall be cancelled.

Article 4—Priority in issuing licenses permitting opium poppy cultivation and raw opium production shall be given for the lands traditionally set aside for such farming and production, and also to the farmers who depend for their income solely on this activity. Each farmer shall be issued a cultivation license for a maximum of 6 decares.

Article 5—The Soil Products Office is authorized to make advance payments to the opium poppy farmers and raw opium producers in cases of necessity and within the limits of their needs.

Article 6—Opium poppy farmers and raw opium production are banned in the provinces and districts outside of those listed in article 1. Opium poppy cultivation shall be controlled with the cooperation of the Ministries of Interior and Food—Agriculture and Livestock by using all available means. Additional measures shall be taken rapidly to assist the Ministry of Interior in its efforts to impose a more effective control for the prevention of narcotic drugs smuggling.

Article 7—Paragraph 2 of article 2 of Council of Ministers decree No. 7/2652 of June 29, 1971 concerning the total ban of opium poppy cultivation and raw opium production in Turkey is hereby repealed.

Article 8—This decree takes effect on the date of its publication.

Article 9—This decree will be enforced by the Ministries of Interior, Commerce, and Food—Agriculture and Livestock.

Exhibit 2

Turkish Politics and American Heroin

Turkish politics is savagely aggravating the American narcotics problem. Premier Erkit, needing to broaden his support to sustain his rule, has lifted the three-year-old ban on legal cultivation of opium poppies. This apparently will please poppy farmers and, as well, nationalists who equate the American interest in halting poppy cultivation with interference in Turkey's domestic affairs. But it will also push more heroin into the United States, which until the ban got 80 per cent of its illegal heroin from Turkey. The Turks contend that their legal opium goes exclusively into legal pharmaceuticals. Corrupt Turkish officials, international drug peddlers and American addicts know better. Even before the new Turkish crop comes in next spring, stockpiled heroin is expected to flow more copiously into American city streets. Many of the gains of the last three years, in getting the narcotics traffic in hand and in providing services to addicts threaten to come undone.

In their rage and despair over the Turkish decision, some drug officials and legislators are now suggesting that the United States halt its aid. They would cut off not only regular military aid going to Turkey as a fellow member of NATO but the special economic aid offered three years ago in order to help cushion the economic effects of stopping poppy cultivation. The impulse to punish Turkey, to end special favors and to apply pressure to reverse the poppy decision is entirely understandable. A good argument can be made that no conceivable contribution which Turkey makes to the common NATO defense can outweigh the harm which the Turks do the United States by letting poppies grow. Indeed, if the Turkish government had announced that it intended to land secret agents at night on American shores to poison and kill thousands of Americans and to subvert the foundations of American society—which is, of course, exactly what heroin does—then that would be regarded as an act of war and handled accordingly.

The relevant question, however, is whether an aid cutoff will or will not likely lead to the desired result of a restoration of the poppy ban. Given the volatile condition of Turkish politics, one cannot be sure. Perhaps the more effective response, rather than ending aid, would be double aid: blackmail, but for a worthy end. Perhaps military and counter-poppy aid to Turkey, instead of being offered separately, should be offered in one package—to force a debate within the Turkish government. In any event, the American response, whatever it is, must proceed not just from a sense of outrage, however well justified, but from a precise feel for the Turkish scene. If Turkish politics is the source of American heroin, then only Turkish politics can stop the flow.

EXHIBIT 3

ENVOY TO TURKEY RECALLED BY THE UNITED STATES

(By Dan Morgan)

The State Department announced yesterday that it had called home the U.S. ambassador in Turkey to "review" that country's decision to lift its ban on the growing of opium poppies, the source of much of the heroin that reached the United States in the past.

The move, following earlier official expressions of American "regret" at the Turkish decision, was a fresh sign of the seriousness with which Washington views the resumption of poppy cultivation by its NATO ally.

State Department spokesman John King said that Ambassador William B. Macomber would start a review of "the whole situation" beginning Monday.

Earlier in the week, the State Department had described the Turkish move as a "breach" of a 1971 agreement providing for the phase-out of poppy growing in exchange for compensation. The 1971 agreement had been hailed by the Nixon Administration as a model for its worldwide program of nipping the heroin supply at the source.

In authorizing the resumption of poppy cultivation in six provinces . . . Ecevit said:

"Poppy cultivation will be limited, and will be done only by license under the stringent measures and effective control of the state. Our government, while resuming limited opium cultivation, will take most effective measures as a humanitarian duty, in order not to harm humanity at all. We hope noboby in the world will be in doubt of the goodwill and determination of the Turkish government in this respect."

American officials have been skeptical in the past about the efficiency of the Turkish control procedures. Prior to 1972, the last year in which the poppies were grown, the government inspections were said to have been spotty, and black market and smuggling operations were reported to have been widespread.

Ecevit said that, if necessary, the government would seek "new powers" from parliament to enforce its controls.

The main incentive offered by the United States for the 1971 agreement was $35.7 million in compensation, $15 million to pay farmers for their losses and $20.7 million to develop replacement crops.

So far, $15 million of that has been paid and U.S. officials indicated that further payments would now be held up.

The dispute has long aroused strong emotions on both sides, with ramifications for NATO security arrangements.

Several years ago, some congressmen called for a curtailment of American military aid to Turkey if the country continued to allow poppy growing. This provoked angry reactions from nationalist-minded Turkish politicians, who said the United States was trying to dictate the country's internal policies.

That, in turn, provoked jitters in the North Atlantic Treaty Organization because of the importance of Turkey as the cornerstone of the southeast flank of the alliance, and a principal outpost for monitoring Soviet air and sea movements in the eastern Mediterranean and Middle East area.

The United States now stations some 7,000 men in Turkey with an equal number of dependents. Izmir, on the Turkish west coast, is the headquarters of the alliance's southeast land forces, and of the 6th Allied Tactical Air Force. Sensitivity to the foreign presence and foreign "interference" runs deep in Turkey.

In 1969, under pressure from the Turkish government the U.S. bases in the country were renamed "common defense installations," with a coequal Turkish commander assigned to each of them.

Since 1948, the United States has pumped some $3 billion in military aid into Turkey. It is also scheduled to commence delivery, on credit terms, of 40 F-4 Phantom fighter-bombers there this summer.

Turkish politicians view the aid with mixed feelings. At the same time, all three political parties supported the resumption of poppy production.

The Turkish farm vote is a vital factor in the country's politics, and the ban was unpopular in many rural regions. Opium poppies have been a principal cash crop for centuries. For thousands of farmers, the poppy also has cultural significance. Many farmers use byproducts of the plant for harmless purposes, such as cooking oil.

EXHIBIT 4

THE NARCOTICS SITUATION IN SOUTHEAST ASIA

(Report of a Special Study Mission by Hon. Lester L. Wolff, New York)

FOREWORD

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., July 26, 1973.

This report has been submitted to the Committee on Foreign Affairs by Hon. Lester L. Wolff who conducted a special study mission between January 24 and February 2, 1973.

The findings in this report are those of Hon. Lester Wolff and do not necessarily reflect the views of the membership of the full Committee on Foreign Affairs.

THOMAS E. MORGAN,
Chairman.

LETTER OF TRANSMITTAL

Hon. THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: There is transmitted herewith a report of a study mission conducted by the undersigned, a member of the Committee on Foreign Affairs, between January 24, 1973, and February 2, 1973, as a follow-on investigation to a similar mission undertaken one year earlier.

The circumstances described in this report are those that existed at the time of the investigation. I am happy to report that there is growing evidence that the situation is changing and that the governments in the area, particularly Thailand and Burma, are making considerable progress in their fight against narcotics trafficking, although much remains to be accomplished.

The purpose of the study mission was to gather information regarding international narcotics traffic, specifically about the illicit flow of heroin which is smuggled into the United States from the Far East.

Among those with whom I have met in connection with this inquiry, were U.S. narcotics control officials responsible for monitoring the situation in France, Turkey, Thailand, South Vietnam, Hong Kong, Japan, and the Philippines. Numerous other U.S. diplomatic and military personnel were also consulted. In addition, foreign law enforcement officials as well as other foreign sources provided much useful information.

I want to express my thanks and appreciation to the Departments of State and Defense for the advice, cooperation, and assistance extended to me by their representatives at home and abroad. I should also like to express my appreciation to the many agents of the Bureau of Narcotics and Dangerous Drugs, with whom I have met frequently over the past year both in the United States and overseas. They have consistently supplied me with accurate, factual, and self-critical appraisals of the international trafficking picture.

It is my hope that this report will be of value to the members of the Foreign Affairs Committee and the Congress as we work to solve the heroin problem in the United States.

LESTER L. WOLFF,
Member of Congress.

PREFACE

If it is not already the Nation's No. 1 crime and health problem, heroin addiction is rapidly gaining that dubious distinction.

It is estimated that there are over 500,000 heroin addicts in the United States today; about half that number live in the New York metropolitan area. Narcotics addiction is believed responsible for at least half, perhaps as much as three-quarters of all street crimes committed in this country. Last year, more than 1,100 deaths in New York alone were blamed on narcotics. The majority of these deaths were among young people under the age of 23.

Heroin is refined from the opium poppy which is not grown in the United States. Therefore, all of the heroin used in this country must be smuggled into the country. The United States must therefore rely upon the cooperation of other nations, particularly the producing nations, in preventing the drug from entering the United States.

The most effective recognized method to combat heroin addiction, failing the elimination of domestic demand, is to cut off the supply at its source. To reach this critical goal, it is necessary to study international narcotics traffic in detail—pinpointing opium-producing nations, analyzing the degree of cooperation extended in efforts to inhibit the illegal international flow of drugs, determining the method of shipment and identifying the operators, routes, dealers, as well as political leaders and law enforcement officials who may be involved.

Based on an understanding of the mechanism of the traffic, the U.S. Government must mount a determined and unified effort to stamp out the ever-increasing trade in heroin.

The task cannot be accomplished by the United States alone. Because the problem of narcotics abuse is no longer confined to the United States, international awareness and a desire to cooperate have increased significantly. However, more active cooperation and vigorous law enforcement are required to effectively restrict heroin traffic.

In its work in international organizations, as well as in its bilateral dealings with friendly foreign countries, it is imperative that the U.S. Government stress the need to control the source of the heroin supply.

Here at home, immediate action must be taken to commit increased resources of men, money, and materiel to this fight. While recognizing the necessity of helping those already addicted to heroin, the U.S. Government must now take strong and definitive action to halt the traffic in heroin to protect present and future generations of Americans from the infectious scourge of heroin dependence.

The seriousness of the heroin problem cries out for a massive effort. That plea must be heard.

THE GOLDEN TRIANGLE

The major share of opium produced in Southeast Asia is grown in the triborder area of Burma, Thailand, and Laos known as the "Golden Triangle." It is estimated that as much as 700 tons of the 990–1,410 tons of illicit opium grown in the world are cultivated in this region.

Estimates for production of opium in the area are—

Burma: 200–400 metric tons.
Thailand: 130–200 metric tons.
Laos: 100–120 metric tons.[1]

Golden Triangle opium is known to be the major source of heroin entering Vietnam and is becoming a major resource for the illicit market in the United States.

Despite greater efforts at enforcement and control, refining operations, particularly of the white No. 4 heroin used by American addicts appear to be increasing. It is believed that at least two dozen clandestine labs have been operating in the triborder area, with at least half of them concentrating solely on the production of the No. 4 heroin.

Although the traffic in this area really knows no borders, the most useful way in which to analyze the situation is country by country.

Burma

The Burmese situation is perhaps best described by superlatives, for it produces the greatest amount of opium in the Golden Triangle, and the United States has less influence upon Burma than upon any other country in Southeast Asia.

Poppy cultivation in Burma is entirely uncontrolled. Insurgency is a major problem for the Burmese, and estimates place the amount of territory under insurgent control at more than 30 percent. Meanwhile, opium has historically been a major cash crop in Burma, and much of it is consumed locally. However, the growth in opium production in recent years indicates an increasing export of Burmese opium into the illicit markets in Thailand and Hong Kong.

There is increasing optimism, however, that the operations of the major Burmese traffickers are being disrupted. For example, Lo Hsing-han, described by many as the "kingpin of the heroin traffic in Southeast Asia," was captured by Thai authorities on July 17, 1973, after having been driven into Northern Thailand by Burmese military forces. Simultaneously, his brother, who is reputed to have operated Lo Hsing-han's heroin laboratories is believed to have been captured by the Burmese in Burma. This is the kind of cooperative action that is required if the international effort against narcotics is to be successful.

Inherent in the Burmese opium trade is the illicit traffic in armaments in Southeast Asia. From the inception of U.S. military sales and military assistance programs in that region, substantial amounts of arms, ammunition, and equipment have fallen into the hands of indigenous insurgent groups in the various countries of the area. This was of great assistance to opium traffickers and has been an irritant to Burmese-U.S. relations.

Narcotics traffic along the Burmese border with Laos and Thailand is virtually uncontrolled and efforts at suppression are hindered by a lack of communication. Moreover, Burma's nonalinement policy, its distrust of foreigners, and the insurgency problem all combine to hamper efforts at even minimal narcotics control. While the United States does maintain diplomatic relations with Burma, it has little influence. There are no economic or military assistance programs for Burma and Burmese-U.S. diplomatic relations are cordial but restrained.[2]

While there has been little overt cooperation in combating the narcotics problem, however, it is possible that international efforts and public attention will compel the Burmese to take more effective action against the skyrocketing opium production within their borders. There is growing addiction in Burma although it is not yet a serious problem. This situation, combined with Burmese concern about becoming the focus of international attention as a source nation, has led the Burmese Government to adopt a more cooperative attitude, at least toward the United Nations.

U.S. officials in Burma have reportedly been active in supplying the Burmese Government with information on narcotics production and addiction in Burma in an attempt to persuade the Burmese of the importance of the problem and the Burmese contribution to the growth of this international menace.

This bilateral exchange should continue. However, much more must be initiated to insure that the massive Burmese supply of opium does not grow to an even greater proportion of the traffic in the Golden Triangle and that poppy cultivation does not increase to fill the demand created by strong enforcement measures in other areas. International organizations must step up their efforts to induce the Government of Burma to cooperate.

It is well for Burma to remain unalined. In spite of the capture of Lo Hsing-han, that Government should restrain the production of the opium that finds its way into illicit channels.

Laos

U.S. efforts to secure the active cooperation of the Laotian Government to halt the production of and trafficking in opiates appear to be meeting with some limited success.

Laos has traditionally been both a producing and shipping nation for heroin going to Vietnam and other areas of the Far East. Opium cultivation appears to have been reduced significantly by the continued strife in the northern growing areas, while increased control and enforcement efforts seem to have forced some traffickers to shift their refining operations to Thailand or Burma.

On November 15, 1971, opium production, use, and dealing were finally made illegal in Laos. Obviously this alone did not end the problem, but it did create an atmosphere which has resulted in sharply increased enforcement efforts.

The U.S. mission has emphasized the very direct link between cooperative efforts to deal with the narcotics trade and continued U.S. assistance programs in Laos. Unfortunately, while the Government of Laos has been receptive, it is handicapped because it controls neither the entire country, nor the nonduty activities of certain high-ranking military commanders.

For some time it has been acknowledged that ranking Lao military officers have been involved in drug smuggling and efforts to enforce antinarcotics laws among military personnel have not been entirely successful.

Significantly, the new narcotics enforcement agency in Laos does have joint military and civilian staffing which may prove to be more effective against the military involvement in the drug traffic. U.S. officials should continue to press in the strongest way for more stringent customs control over all military aircraft and personnel. Only in this way can the continued involvement of the Laos military in the transport of narcotics be stopped.

In addition to training and equipping this new narcotics investigative unit, the United States has also provided similar training to Laotion customs personnel. American advisers are also working with Laotian authorities on drug education and rehabilitation projects.

Because of the uncertain internal and external situation faced by Laos, the ultimate success of this drug suppression effort cannot be predicted. However, at least a start has been made and U.S. agencies are beginning to receive the degree of cooperation that is necessary if the goal of halting the production and flow of opium and heroin from Laos is to be attained. Every effort should be made to insure the continuance of this cooperation.

THAILAND

In many ways, Thailand is the key to the narcotics traffic in Southeast Asia. In addition to being an opium-producing nation with an annual production estimated at between 130 and 200 metric tons annually, Thailand continues to serve as the major conduit for the flow of opium and its derivatives to the illicit market in Vietnam, Hong Kong, and ultimately the United States.

In the northwestern area of Thailand, around Chiang Mai, quantities of opium are grown and harvested annually. Some of the opium is refined into heroin in clandestine laboratories located along the Thai-Burmese border, while some of it is transported south to Bangkok for refining or shipping to the refineries in Hong Kong.

Virtually every form of transportation imaginable is used to get the opium or heroin to the south for further shipment. Mule caravans, trucks, cars, and even planes are being used. American officials state that Thai police interceptions of opium caravans are few and far between; partly because of a lack of expertise and partly because of an unwillingness on the part of some officials to exert the effort necessary to intercept the smugglers; although a National Broadcasting Co. camera crew—nonprofessionals in narcotics control—were able to locate, follow, and film a relatively large opium caravan in Thailand as recently as 1972.

While part of the enforcement problem can be attributed to lack of manpower, funds, and expertise, much of the blame seems more properly attributable to corruption and a lack of cooperation among middle and lower echelon law enforcement officials.

There has been a great deal of surface public activity on the narcotics front during the past year in Thailand. This was in part a response to an amendment which I offered to the Foreign Assistance Act last year. The amendment would have suspended all economic and military assistance to Thailand because of its lack of effective action to stop the production of and trafficking in opiates. There are encouraging indications that this situation may be changing and I have not reintroduced this amendment. Hopefully, it will be unnecessary.

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[1] Little is known of opium production in Laos. The Communists control some producing areas and military operations have disrupted some of the Meo and Yato tribesmen who traditionally grow opium.

[2] Information has been received that in an effort to cooperate with U.S. narcotics officials, Burma has requested a number of helicopters from the United States because this was the only method of surveillance of the remote isolated "growing" areas. After a series of negotiations the Burmese withdrew the request.

While there was an increase in the number and quantity of seizures of narcotic drugs in Thailand during the past year, there are two factors that make the effectiveness of the Thai effort more apparent than real. First, most of the recent seizures have resulted from information provided by American—not Thai—agents, and second, the increase in seizures has not kept pace with the increased volume of heroin traffic in and through Thailand.

Upon returning from my previous study mission, I named Thailand as the major conduit for opium and heroin traffic in Southeast Asia. Responding to my statement the following day, Gen. Prapass Charusathiara, Deputy Chairman of the ruling National Executive Council and Commander in Chief of the Army called it "unfounded slander" and went on to say that "we [the Thais] can almost boast there is no poppy cultivation in Thailand."[3]

Five days later, on March 7, 1972, the Associated Press reported from Bangkok: "The Thai Government burned 26 tons of opium Tuesday night and officials said it was a rebuttal to a New York Congressman's charge that Thailand isn't doing enough to stop illegal drug traffic."

It is estimated that if this raw opium had been refined into heroin it could have supplied nearly half the U.S. "market" for almost a full year.

Within a few weeks of this spectacular and highly publicized burning, which was always reported to be a Thai-initiated and sponsored action, I received reports that the material destroyed in the blaze was not entirely opium. My congressional office staff attempted repeatedly to check out these reports with a number of the U.S. Government departments and agencies involved. In each case, assurances were given that the material destroyed was opium which the Thai Government secured in exchange for resettlement land and other considerations to the Chinese Irregular Forces who turned over the opium.

On July 31, 1972, syndicated columnist Jack Anderson, citing a classified weekly narcotics intelligence report circulated by the Bureau of Narcotics and Dangerous Drugs made similar allegations—that perhaps as little as 20 percent of the 26 tons burned were actually opium. According to Mr. Anderson's associate, Les Whitten, the report was from an informant who had been used on many previous occasions by the BNDD who was considered reliable. Mr. Whitten also indicated the material in these "summaries" was used by many of the agencies responsible for monitoring international narcotics traffic.

The Bureau of Narcotics and Dangerous Drugs held a press conference, including a movie of the destruction of the 26 tons, the day after the column appeared in order to refute the charges. In addition to film, two BNDD representatives who witnessed and tested the material burned were also present at the meeting. A transcript of the Deputy Director's statement appears in Appendix 1.

A member of my office staff attended the conference and inquired about the cost of the destruction. This triggered for the first time a response that revealed that approximately $1 million of American AID funds had been transferred to BNDD and then to the Thai Government ostensibly to get the Chinese Irregular Forces out of the opium growing business and to help them resettle. In return the Chinese agreed to turn over 26 tons of opium. As it turned out the United States paid $1 million for the opium.

This transaction did not become public knowledge until several weeks had passed during which time U.S. officials claimed that the opium burning was possible because of large seizures made by the Thai Government. Not an inkling was given of the U.S. participation in the buy until the BNDD was pressed by my staff.

Many questions still surround this preemptive buy decision. First of all, was the material that was bought and destroyed actually opium? Despite all of the denials, a reasonable doubt still remains. In fact, I have still not been afforded the opportunity to see the intelligence report quoted by columnist Anderson, despite BNDD's public confrontation that "the weekly summary" does exist.

Second, what was the intent of this decision? As explained by the Department of State in a letter that appears in Appendix 2, the opium was bought as part of a resettlement project for the so-called Chinese Irregular Forces (CIF), remnants of the old Third and Fifth Kuomintang (KMI) armies that fled China in 1949. The CIF have traditionally been the center of the Southeast Asian drug traffic and operate outside the effective control of the national governments involved.

My most recent investigation indicates that despite the guarantees reportedly made under the terms of the agreement discussed in the letter, the evidence suggests that large elements of the CIF are still engaged in illegal production of and trafficking in opiates. In fact, the surplus of No. 4 heroin resulting from the reduced market in Vietnam because of the U.S. troop withdrawal has precipitated an even greater effort by the CIF to set up links with the Corsican syndicates to get the opium into the illicit world market.

Third, perhaps the ultimate irony in an ill-conceived and unsuccessful effort, was a discovery made by a staff survey team of the Foreign Affairs Committee, reported earlier this year, that a 27th ton of opium was turned back by the authorities at the time of the turnover because there was no prior authorization to pay for it, coupled with a fear that further negotiations might result in the collapse of the entire deal. Unfortunately, this incident is representative of the errors in judgment that occur because U.S. officials, particularly in the field, have, for too long, been unwilling to insist on exerting what influence they have to convince the Thai Government that it must take more positive action to stop illegal trafficking in narcotics.

Instead, the U.S. Government has awarded an "achievement" plaque to Director General of Police Prasert Ruchirawongse to "encourage cooperation." The award is another example of public relations fluff which does not close down the traffic or increase cooperation. It only contributes to an atmosphere of "easy mark" response to a serious problem.

U.S. Ambassador to Thailand Leonard Unger explained the presentation of the plaque as well as other matters in a letter to me dated May 5, 1972. Furthermore, in testimony before a congressional inquiry last June, Nelson Gross, at that time Senior Adviser to the Secretary of State and Coordinator of International Narcotics Matters stated: "Based on all intelligence information available, the leaders of the Thai Government are not involved in the opium or heroin traffic, nor are they extending protection to traffickers * * * Police General Prasert, head of the Thai National Police * * * has stated publicly that he would punish any corrupt official."

It is interesting to note that General Prasert was reportedly involved in narcotics dealing himself and was therefore recently removed from office. Similarly, Colonel Pramuan Vanigblandu was relieved of his job as Deputy Commander of the Crime Suppression Division of the National Police in October 1972, for his role in drug dealing. This high level corruption clearly refutes the oft-repeated contention that policy level officials in Thailand have not been involved with or have not extended protection to those engaged in the illegal trafficking in narcotics.

It is worth pointing out that even Secretary of State William P. Rogers did not seem to appreciate the dimensions of this problem. For example, on March 21, 1972, he told the Foreign Affairs Committee drug hearings on the Foreign Assistance Act of 1972, in response to one of my questions on official corruption: "In terms of the Thai Government, we have been getting cooperation from them. They resent it when American officials criticize their officials without opportunity to be heard or anything * * * I would appreciate it, when you have information of this kind, let us have it privately * * * I do think in these cases if we could work quietly, it would be better. It does cause difficulty with other governments".

Meanwhile, much more recently, there was another example of the failure of the United States to gain, working "quietly," the cooperation of Thai officials on the vital drug question. For some time, American officials have been developing a plan for an aerial photographic survey of Thailand to evaluate opium production and to assist with planned efforts for crop substitution.

Last October, the U.S. Embassy in Bangkok was given Washington approval to secure Thai agreement to conduct an aerial survey of the Thai poppy growing area. Meanwhile, here in the United States, U.S. AID entered into discussions with Teledyne Geotronics, a California-based survey firm that maintains an office in Bangkok, about handling the mission provided the Thai Government approved the plan. The decision to use civilian rather than military planes was probably correct in that the Burmese border area would be a prime area for the reconnaissance work.

According to information I received on this matter, for 4 months, Thai officials "passed the poppy" among themselves on the decision whether to allow the survey to take place. By that time, it was February and the rainy season was beginning and the poppy season was over. In effect, the delay and foot dragging of uncooperative Thai officials precluded the usefulness of the mission until it was impossible to use aerial detection, and the State Department was forced to release Geotronics from its commitment.

This project had been considered a vitally important part of the long range antinarcotics effort in Thailand. It seems incomprehensible that if the U.S. Embassy had pressed strongly for this survey it would not have been approved immediately. This case certainly does not speak well of the type of cooperation the United States is receiving in its efforts to assist Thailand.

One of the key elements essential to halt the flow of heroin and opium from Thailand is the interruption of the Thai trawler sealift.

According to reliable sources, about a dozen trawlers currently operate year-round transporting opium, morphine base, and heroin principally from the port of Bangkok to Hong Kong and also to Singapore, Malaysia, and the Philippines for further processing and onward movement.

These trawlers are capable of carrying more than 3 metric tons of morphine base, heroin or opium. While it is possible that not all of this material is refined into No. 4 heroin for shipment to the United States, the seizure of just one trawler load would be the equivalent of about 6 percent of the annual consumption of heroin.

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[3] The U.S. Cabinet Committee for International Narcotics Control estimates that opium production in Thailand could be as much as 200 tons per year.

According to informed sources, increasingly reliable informants are available to point out the opium-carrying trawlers and more effective sophisticated detection devices are also available to help identify the trawlers. Despite these developments, success in choking off this major part of the Southeast Asian narcotics flow continues to elude U.S. antinarcotics officials.

Poor management, leaks, or bad intelligence is the only explanation for this lack of success, since the devices and personnel appear to be of superior quality. Trawler traffic must be halted if the narcotics traffic is to be interrupted. The situation could be improved by taking more stringent action to secure and seal off the area surrounding Bangkok. More effective customs, task force searches, and tough enforcement measures are the basic tools. With a military government in control in Thailand, there is simply no adequate explanation for the continued high rate of traffic in opium and its derivatives crossing Thailand for transshipment.

One final aspect of the drug situation in Thailand deserves mention. The United States still maintans a large military and diplomatic presence in Thailand, estimated at well in excess of 40,000 persons.

Despite that presence, drugs of all types, particularly marihuana and heroin, are readily available throughout Thailand, and widely used by American personnel. Reports indicate that heroin can be bought within 100 yards of Udorn Air Force Base and is readily available to American school-age dependents in Bangkok. U.S. authorities in Thailand should be pressing for more effective programs designed to eliminate drug abuse among U.S. personnel and their dependents. If strong action is not taken there will be a repeat of the narcotics abuse problems that the United States experienced in Vietnam.

In summary, the Government of Thailand should be the most effective in Southeast Asia in its efforts to end the flow of opium and its derivatives through Thai borders and ports—it is not.

Despite governmental cooperation with the United States and the United Nations in antidrug programs, corruption and indifference, particularly among low and middle working, and occasionally high level Thai officials, and the traditional importance of opium as a cash crop, the antinarcotics effort in Thailand has been relatively disappointing.

Far more direct and firm pressure must be exerted by our Government to achieve the meaningful cooperation which will sever the "Thai Connection."

OTHER ASIAN NATIONS

Vietnam

Vietnam is not a producer of opium; however, halting the flow of narcotics in South Vietnam is difficult because the drug traffic is restricted to heroin which is much more easily smuggled than opium.

Despite a late start, American pressure for cooperation from the Saigon government to halt what was fast becoming a military addiction problem of epidemic proportions did meet with some success. A substantial commitment of resources has been made by the Thieu government to reduce the availability of drugs in Vietnam and to interrupt the flow of drugs across its borders.

According to Vietnamese officials, the commitment of manpower to narcotics control programs has increased from 68 agents in 1968 to 388 at the beginning of 1973. The best available information suggests there are no heroin refineries currently operating in South Vietnam.

Cooperation between Vietnamese narcotics officials and U.S. narcotics agents appears to be excellent. Increased efforts by the Saigon BNDD to control opiate trafficking has yielded some important seizures. However, much remains to be accomplished before the situation in South Vietnam becomes satisfactory. When offenders are apprehended and sentenced they are "sprung" quickly and the antinarcotics officials must seek new convictions. Unless this is corrected no amount of real effort by enforcement officers will work.

Recent seizures of heroin and morphine base in Vietnam is directly traceable to Thailand. According to information I received, the vast majority of the impounded drugs bore identification markings of Thai processing labs.

Two other aspects of the Vietnamese narcotics situation should be noted. First, heroin addiction among native Vietnamese is on the increase. Second, despite the withdrawal of American troops from Vietnam, the street price of heroin has remained fairly stable.

Apparently a market for heroin still exists, and may even rise again in Vietnam. This will allow established transit routes and marketing practices to remain the same unless there is a continued cooperation effort at stringent control.

The U.S. Embassy must press the South Vietnamese to maintain their strong enforcement efforts and encourage that Government to keep convicted offenders in prison. As with other Southeast Asian countries, the United States should draw a clear and close connection between ongoing aid programs and drug suppression. Everything possible should be done to insure that present results will continue and improve in the future.

Korea

The narcotics problem in Korea continues in the "nonemergency" category, partly because of tough local narcotics laws and enforcement. The situation, however, should be monitored closely.

Drug abuse in Korea seems limited to foreigners, particularly American military personnel and dependent children. While marihuana use is widespread, abuse of amphetamines and barbiturates is the most serious abuse problem. Barbiturates are readily available in Korea and some reports indicate that as many as 25 percent of all servicemen under the age of 25 use them regularly.

The United States seems to be getting excellent cooperation from Korean authorities in prevention and control efforts. For example, the Government has fully cooperated with Army requests for overflights to monitor poppy growth. On the basis of information secured from these flights, Korean authorities have destroyed opium fields and arrested the growers. One important footnote is the continued high incidence of drug abuse among American servicemen. Stricter controls must be instituted to cut this down.

The importance of preventing Korea from becoming a narcotics transit route requires that at least one full-time BNDD agent should be assigned to the U.S. Embassy in order to monitor the situation. Currently one of the agents assigned to the U.S. Embassy in Tokyo monitors the situation on a part-time basis.

Philippines

One year ago, I warned that the Republic of the Philippines was becoming a new transit route for heroin produced in the Golden Triangle and would become a processing center in its own right.

My most recent inspection indicates this is becoming a reality. The many islands are difficult to patrol, local corruption is endemic, and smuggling is a major industry, resulting in a shift of some Southeast Asian drug operations from Hong Kong to Manila.

These facts have been recognized by the Bureau of Narcotics and Dangerous Drugs and its regional office has been transferred from Tokyo to Manila.

High quality No. 4 heroin is readily available and inexpensive in the Philippines. Local refineries have not taken hold as yet because smuggling heroin itself is so easy. However, a real crackdown on Golden Triangle refineries could precipitate the opening of heroin labs in this nation.

The current martial law situation in the Philippines has lessened the visibility of corruption. However, all available evidence indicates corruption remains almost as widespread as before. It does seem that now, however, a smaller segment of officialdom is reaping the profits.

Despite talk of cooperation and stiff new drug laws, enforcement seems as lax as ever. No major seizures have been reported and, as noted above, narcotics are readily available.

Japan

Narcotics in Japan, as in Korea, seems to be under control, However, careful monitoring is essential to insure that Japan's potential as a transit route is not utilized.

Japan has always cooperated fully with the United States in narcotics operations and drug abuse among both U.S. personnel and the Japanese people is low. The absence of drug users, drug production, and government corruption all make Japan a force but not a problem in controlling narcotics traffic in the Far East.

The one area in which the United States must enlist Japanese assistance is their production and exportation of acetic anhydride, a chemical essential to the heroin-refining process. While the volume of production and the worldwide legitimate demand for this chemical is great, its value in refining illicit opium necessitates monitoring.

Perhaps the best way to accomplish this, as suggested in a State Department letter to me dated April 4, 1973, Appendix 3, is to share information secured by antinarcotics authorities among the heroin-producing nations and Japan. Hopefully, continued representations by our Government will result in some monitoring of this chemical and eliminate its shipment to the heroin labs of the Far East.

Hong Kong

The British Crown Colony of Hong Kong is in many ways the center of the Far Eastern narcotics traffic. In addition to being an importer-exporter of opium and its derivatives, it also serves as a consumer and processor, not to mention being the financial center for traffickers.

The Bureau of Narcotics and Dangerous Drugs maintains an office in Hong Kong. However, the staffing of the office is nowhere near adequate to deal with the problem in Hong Kong. Until recently, U.S. agents of the highest caliber were not receiving the type of cooperation from British officials that would yield the most effective results. And while it is understandable that the British have reservations about American interference in enforcement matters, the U.S. consul general must continue to exert every effort to gain the wholehearted cooperation of the authorities in Hong Kong in the mutually beneficial effort to stop the production of and trafficking in narcotics throughout Southeast Asia.

In recent months, Hong Kong authorities have made several notable seizures. Their narcotics bureau is of very high quality. Despite these positive facts, however, the availability of No. 4 heroin seems to be on the increase. According to some reports at least a dozen secret heroin refineries are operating day and night to keep the market supplied. Many so-called chemists have been identified as drug traffickers and their movements are being monitored. But the refining process can be so easily set up and is so highly mobile that apprehension and prosecution is difficult.

Another problem confronting both the United States and British narcotics enforcement agents is the massive air and sea traffic crisscrossing Hong Kong daily. There are more than 7,000 oceangoing vessels entering the port each year and some 30,000 smaller boats including junks of varying description operating in the general vicinity. Over 1 million airline passengers move through Hong Kong each year, with both air and sea cargo totaling millions of tons. Clearly the magnitude of the traffic makes even normal customs operations exceedingly difficult.

A particularly disturbing development in the Hong Kong narcotics situation is the recent increase in addiction among American servicemen in the colony on leave. According to the most recent reports I received on this serious matter, there were nine military drug-related deaths in the most recent 6-month period, compared to one such death in the previous 18 months. In addition, there are an average of at least one-half dozen overdose cases per month where treatment has been successful in preventing deaths. With 50,000 sailors and marines visiting Hong Kong annually, American efforts to halt drug traffic must be stepped up.

The Thai trawlers described earlier are another important aspect of the Hong Kong drug picture. It is estimated these trawlers bring about 50 tons of opium and its derivatives to Hong Kong from the Goldren Triangle. In some cases, these trawlers offload their deadly cargoes in Chinese Communist waters adjacent to the colony. In other instances, the opium is dropped in offshore waters for future pickup by other vessels. As the United States begins to work more closely with the People's Republic of China, the monitoring of these waters should be one of the highest priority items to be discussed.

An effective antinarcotics enforcement drive in Hong Kong would unquestionably have a constricting effect on the supply of heroin in the United States.

People's Republic of China

I have found no hard evidence that the PRC is involved in the international opium trade. A special report by the Strategic Intelligence Office of the BNDD recently stated:

"Not one investigation into heroin traffic in the area during the past 2 years indicates Chinese Communist involvement. In each case the traffickers were people engaged in criminal activity for the usual profit motive. Where the origin of the heroin could be traced, it was to refineries owned by private consortiums."

However, the rumor mills are constantly fueled by reports of PRC involvement in heroin and cross border activity of hill people.

CONCLUSIONS

The virulent growth of the narcotics scourge has reached such great proportions that immediate action must be taken if we are to control this menace. Control of drug abuse in this country rests on a major constriction at the source of the supply which continues to overwhelm drug abuse law enforcement efforts. We have initiated only a limited assault upon the sources of opium and its derivatives, which reflects negatively upon the extent of our commitments to this battle. Our own half-hearted exertions have prompted Southeast Asian officials to ignore BNDD and customs agents when they request assistance in antinarcotics efforts. Combined, these postures have allowed the level of international narcotics traffic to rise precipitously. This passivity cannot continue, for each day the drug epidemic in this country continues to find new victims.

We can no longer accept foot dragging at any level in this country; nor can we accept refusals by Southeast Asian governments to cooperate in this effort. The United States has freely given men and money in the past when the security of other nations has been threatened, and we now ask their help in return to combat a threat to our own national security—the drug culture.

Excuses given by some American officials that Southeast Asia's local restrictions hamper our own antinarcotics activities are not valid when explaining failure to stem the drug traffic. America's drug problem is getting worse instead of better. Drug abuse and drug-related deaths are a frightening fact of life in this country. Many foreign nations consider this deadly traffic solely an American problem because they have low user populations of their own. Asian nations in particular have forced America to carry the entire burden of attack. Unless these countries join our struggle against this peril, Asia itself ultimately will be faced with a user population rivaling our own and they will be less able to deal with that problem than we are now.

Because no opium is grown in the United States, it must be imported from producing nations to fill the American addict's demand for heroin. Southeast Asia and the subcontinent are well suited for this production with a favorable climate, unstable central governments, and a vast unskilled work force; hence their cooperation is essential. Without coordinated efforts to constrict the supply of opium, narcotics use will continue and expand beyond any possibility of containment by responsible officials. The nations of Southeast Asia must be convinced of the import we attach to the severity of this problem.

However, we can expect wholehearted cooperation from these countries only if we marshal every possible means at hand which can effectively halt the deadly flow of narcotics into this country. A killer is on the loose in Southeast Asia. Anything less than total cooperation from drug producing nations threatens the life of every young American. If that killer were one man, the United States would enlist every international means necessary to find him and bring him to justice. We would utilize every domestic resource that would help in our search. Opium derivatives are far more dangerous than one man, or even an army of murderers, for they threaten the American way of life and the American future. The time has long since passed for any halfway efforts on our part, or on the part of opium producing and transshipping nations; the stakes are too high.

Our first and most effective weapon is American manpower. If we can send over 500,000 men to South Vietnam to protect the right of self-determination for a nation of 18 million people who are not our own citizens, why is it that we send only 26 BNDD agents and six customs agents to all of Southeast Asia to fight the most fearful enemy ever faced by this Nation? American hopes to rid our country of narcotics abuse are pinned to 32 dedicated men, for we expect them to protect over 200 million Americans from opium production totaling over 1,400 tons each year. Can we really ask these men to carry alone the burden of a drug war which constantly threatens the internal security and well-being of the United States? Clearly, their combined efforts, no matter how skillful, can accomplish no more than minimal obstruction of the opium trade.

The first priority of the Congress should be the authorization of increased funding to train manpower for antinarcotics activities overseas and the BNDD agent training program should be expanded. This course, which consists of a 300-hour academic curriculum, covers all elements of special agent duties and is reinforced by over 300 hours of practical field exercises, undercover surveillance and raid techniques. It should be made available to foreign antinarcotics officials on a large scale. The Congress has recently approved President Nixon's reorganization of Federal narcotics law enforcement efforts, and the Drug Enforcement Administration was created on July 1, 1973. In a concerted effort to curtail opium and heroin production overseas, full funding for manpower training and DEA operations is of paramount importance. In my judgment, in the past, BNDD and Customs have always been inadequately funded given their wide-ranging responsibilities.

The first priority of DEA should be a new survey to determine the precise numbers of trained narcotics agents and customs officials necessary to deal most effectively with illicit drug traffic in each Southeast Asian nation. A further goal of this survey should be to establish the manpower-dollar ratio which will be most effective in stemming the massive illicit opium and heroin exports which originate in Southeast Asia and the subcontinent. It is obvious, in a critical transshipment area such as Hong Kong, that two BNDD agents and one secretary are simply unable to realistically impede the volume of drug traffic which passes through there each day. Deployment of more trained agents and effective utilization of increased expenditures can be facilitated through the rigorous implementation of bilateral narcotics control agreements which the United States has signed with a number of Asian nations over recent years. These agreements deal specifically with coordinated drug abuse law-enforcement efforts. They should enable us to request cosigners to accept our personnel and provide a vehicle for the exercise of supervision and support for their own local efforts.

Once we have established the optimum number of agents, Congress will have the responsibility of appropriating funds necessary to establish a comprehensive training program for the expansion of a trained corps of new agents. We should be prepared to expend an effort similar to that we introduced into our military training programs. An increased number of agents can do little if their training is incomplete and does not include all facets of narcotics law enforcement. However, time is of great importance, for each year the opium harvest grows larger and the traffic becomes more difficult to contain. If we can train a good fighting man for a shooting war in 13 weeks, surely we should be able to achieve an effective fighting man for the "shooting-up" war.

While DEA can pinpoint those areas in Southeast Asia most in need of newly trained agents, it is clear that a concentrated effort must be directed toward points of transit throughout the world. International air and seaports handle thousands of cargo tons daily with minimal supervision and inspection. This provides excellent cover for clandestine export activities. Huge quantities of opium and heroin are regularly smuggled through these transit points by traffickers who run little risk of being caught given the current level of antismuggling operations. In addition, trawlers, junks, and other nondescript craft carrying opium and heroin ply the rivers and harbors of Southeast Asia, furnishing a means of transport, which because of their number, is virtually impossible to limit.

A maximum effort must also be made by our newly organized DEA to locate and, with the aid of local authorities, shut down opium refineries which are scattered throughout several of these nations. These portable workshops, resembling in many ways a street-corner hawker operation, are easily set up and dismantled using minimal time and space and are therefore extremely difficult to locate. Because of its bulk, it is easier to handle when it has been refined into morphine base. Ten pounds of opium produces 1 pound of morphine base. It is therefore logical that the trafficker will do his refining as rapidly as possible to facilitate easier handling of the finished product.

On a larger scale, the attention of Congress and President Nixon, as well as DEA, should be directed toward two specific areas of overseas antinarcotics effort. First, we must be unceasingly aware of the flexibility of drug traffickers in locating new sources of narcotics to fill the gaps created by increasing American success in controlling this traffic. Asia, Pakistan, Afghanistan, and India are all well suited by climate, labor-intensive economies and experience as growers of licit opium to become major targets of the illicit market.

The potential for the illicit market is intensified in Pakistan and Afghanistan because both nations lack control over tribal areas where there is centered opposition to the governments of those countries. President Nixon should assure these nations of our support for their efforts to halt illicit opium production, and encourage the substitution of other crops to replace poppy cultivation. These nations should be made aware that they pose a serious threat to international narcotics control efforts. We must encourage their governments to join efforts in effecting controls necessary to close in on the offenders.

Second, the Congress and President Nixon must support increased expenditures for international drug abuse law enforcement program administered through AID. Here at home, we spend a billion dollars on drug abuse and astronomical sums on the crime associated with drugs, while the executive branch programed only $42.5 million on international narcotics control activities in fiscal year 1974. AID funding for narcotics control enforcement efforts must be substantially increased to combat a drug flow valued over $5 billion.[1]

AID's request for antinarcotics efforts in fiscal year 1974 includes a decrease of more than $1.5 million from fiscal year 1973 authorization for Southeast Asia. At the very least, funding for our international narcotics control programs should be increased to $50 million, with the added funding channeled toward the Golden Triangle.[2]

U.S. military support to Southeast Asia greatly exceeds that which is devoted to the antinarcotics effort in that area. Troop levels exceed 40,000, while antinarcotics personnel is less than 50. The following chart details U.S. military and antinarcotics effort commitments in Southeast Asia and demonstrates the inequities in the allocations.

[In millions of dollars]

	Military assistance fiscal year 1974[1]	Agency for International Development international narcotics control[2]			Military personnel Dec. 31, 1972[1]	BNDD agents[3]	Customs agents[4]
		Fiscal year 1973	Fiscal year 1974	Net decrease			
Thailand	55.762	1.871	1.114	0.643	43,000	13	2
Japan	0	0	0	0	20,000	2	6
South Korea	238.789	0	0	0	38,000	1	0
Philippines	19.269	.300	.265	.035	15,000	5	1
Special fund:							
Vietnam	1,559.600	.500	.185	.318	24,000	3	1
Laos	311.200	2.079	1.500	.579		2	1
Total	2,284.620	4.750	2.961	1.565	138,000	26	11

[1] Department of Defense.
[2] AID budget presentation, fiscal year 1974.
[3] Justice Department.
[4] Bureau of Customs.

The United States plans to spend a total of $1,114,000 in Thailand—$643,000 less than last year's budget request—to handle an annual opium output presently estimated at 200 tons with a potential street value of more than $17.2 billion. In addition, since Burma is not an AID recipient and since Thailand is the transshipment nation for Burma's annual production of 400 tons, this $1.1 million is expected to fund controls for Burmese and Thai production. The combined output of these two nations—approximately 600 tons—is 10 times the amount necessary for enough heroin to supply American addicts for 1 year. In the war on drugs, we can hardly expect significant results when our commitment is insignificant.

President Nixon, former New York Police Commissioner Patrick Murphy, and many local law enforcement officials have stressed the importance of getting at the supply of drugs before it enters American borders. In his 1971 message to the Congress on June 17, 1971, on the Federal drug effort, President Nixon said:

"* * * it is clear that the only really effective way to end heroin production is to end opium production and the growing of poppies."

Commissioner Murphy detailed the difficulties faced by the street policeman dealing with the drug epidemic in testimony before the Senate Foreign Relations Committee, saying:

"What I do want to establish is that local police agencies cannot—I repeat cannot—effectively stem the flow of narcotics into our cities, much less into the veins of hundreds of thousands of young people. Only the national goverment can make truly effective strikes toward breaking the chain of distribution that leads from the poppy fields of the middle east and Indo-China into the bodies of wretched victims here in the United States * * *

"* * * Once opium poppies have been harvested abroad and placed into the channels of illegal trade five—or ten—thousand miles from our shores, the battle is already lost and thousands of American addicts are already doomed to a life of continuing misery, and often agonizing death."

Despite this fine rhetoric, we continue to place primary emphasis on internal efforts at control when we are daily confronted with unmistakable evidence that this approach can yield only limited success.

Control of drug abuse in this country rests on a major constriction of the supply, but our assault has been halfhearted. The risks faced by unscrupulous growers, refiners, exporters, shippers, and corrupt officials have been negligible. So long as those risks remain small, anyone interested more in money than morality is hardly threatened if he chooses to try his luck in this dirty business.

Trained manpower and adequate funding, backed up by a total commitment by this Nation, can win this war. It is unlikely any American will deny his support for a total effort to wipe this menace from our society, and it is this support which will ultimately yield success.

APPENDIX 1

STATEMENT OF ANDREW C. TARTAGLINO, DEPUTY DIRECTOR FOR OPERATIONS, BUREAU OF NARCOTICS AND DANGEROUS DRUGS, DEPARTMENT OF JUSTICE

Yesterday morning, the Jack Anderson column said the U.S. Government and Thai authorities were victimized into believing that 26 tons of opium were burned and that what was alleged to be opium was nothing more than cheap fodder mixed with 20 percent opium.

The Bureau of Narcotics and Dangerous Drugs has the major share of the responsibility for coordinating this matter with the Thai authorities, and we feel it necessary to respond.

The allegations in the article are totally inaccurate. Neither the Thai nor U.S. Government was duped with regard to the operation. The burning of the 26 tons of opium took place on March 7, 1972. The opium was contained in 319 sealed burlap bags, each weighing about 190 pounds. The bags contained 20 opium balls which were wrapped in leaves, paper, or plastic.

Contrary to what Mr. Anderson reports, the Thai Government did test the opium before buying it. And our chemist tested it before it was burned. There is no question: It was opium.

Mr. William T. Wanzeck, the BNDD Regional Director in Southeast Asia for the past 6 years, was present for the burning. He took the samples which were analyzed by Mr. Joseph E. Koles, a senior forensic chemist with the Bureau. There was no question in either man's mind that the sacks contained anything other than opium. Both officials also examined the security arrangements made by the Thai authorities and were highly impressed by the entire operation. Messrs. Wanzeck and Koles are here today and will be available to respond to your questions in their areas of responsibility, as will I.

As for Mr. Anderson, if the allegations which appeared in his column had been checked with the Bureau of Narcotics and Dangerous Drugs, we would have offered the same evidence we are giving you here today.

The Thai Government has stepped up its antidrug activities and is serious in its efforts to shut off the flow of drugs from Southeast Asia to the United States. The fact sheet which you were given with my statement attests to their diligence.

We didn't ask you to come here today just to listen to what we had to say. We also have something to show you. Please bear with us for these brief excerpts taken from hundreds of feet of film shot during the burning operation.

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[1] The U.S. will spend slightly over $3 million in Southeast Asia, $15 million to subsidize Turkish farmers who no longer grow poppies, almost $10 million on other opium-producing nations, and $5 million for the United Nations Special Fund on Narcotics Control. Another $9.7 million of the A.I.D. appropriation is "unprogramed to provide flexibility in operations which are vital to successful antinarcotics work.

[2] The Foreign Affairs Committee increased the authorization for international narcotics control from $42.5 million to $50 million in the fiscal year 1974 Mutual Developmental and Cooperation Act. This increase was based upon the recommendation contained in this report.

With the facts that we have set forth here today, the Bureau of Narcotics and Dangerous Drugs calls on Mr. Anderson to correct the multitude of errors in his article. The American public is entitled to the factual version. Equally as important, Thailand, with its integrity at stake, is entitled to a clearing up of these irresponsible charges.

The maximum success of this joint effort is based on mutual respect and trust which has developed between the United States and Thai narcotic teams.

To allow such misinformation to go unchallenged would be to damage the Thai-United States crackdown on the flow of narcotics into the illicit world market, most particularly into this country. To allow it to go uncorrected is up to Mr. Anderson.

FACT SHEET—ALLEGATIONS CONTAINED IN THE JACK ANDERSON COLUMN OF MONDAY, JULY 31, 1972, AND THE REBUTTAL

ALLEGATION

(1) "The real story is that Thailand and, indirectly, the United States were hornswoggled into believing that 26 tons of opium were burned, when, in fact, most of it was cheap fodder."

(2) "Instead of loading raw opium, they pushed 100 mules with fodder, other plant matter, chemicals, and about 20 percent opium."

(3) "In all, the cagy dope peddlers passed off 5 tons of opium as 26 tons and pocketed more than $2 million from the fantastic hoax."

(4) "Either through corruption or stupidity, the Thai officials failed to test the huge mounds of 'opium' before they soaked it with gasoline and put it to the torch."

(5) "Only as the smell of burning molasses wafted through Chiang Mai did the Thais suspect they had been had. Then, it was too late to do anything but cover up their goof."

(6) "And cover up they did. They hastily recruited gangs of workers to bury the "hundreds of millions of dollars' worth of fodder and opium ashes."

FACT

(1) Test materials taken at random from the 319 bags scientifically proved the content was, in fact, crude opium.

(2) The BNDD forensic chemist, Joseph E. Koles, reports that the Thai opium samples contained no more debris and other plant material than is normally contained in balls of crude opium. The debris present came from the scraping of poppy pods during the extraction of the crude opium.

(3) Each of the 319 bags was tested and found to contain opium. There was no hint of any adulteration to the bags. The tests would have disclosed it. There was no $2 million transaction and no hoax.

(4) The film bespeaks the fact that each of the bags of opium was tested, both by the Thai Government and by a senior forensic chemist from BNDD.

(5) There was no smell when the opium was being burned due to the tremendous heat. However, opium does have a distinctively sweet odor which both BNDD representatives recognized during the sampling.

(6) A military bulldozer was used to scoop out a large trench prior to the burning. There was so little residue, however, that it could have been shoveled into a much smaller hole. No gangs had to be hastily recruited to bury the leftovers.

APPENDIX 2

Hon. LESTER L. WOLFF,
House of Representatives,
Washington, D.C.

DEAR MR. WOLFF: Thank you for your letter of August 2, 1972. As you know, our Government has been working closely with the Royal Thai Government to stimulate increased activity in the narcotics control field. We feel that significant actions have taken place since Secretary Rogers and Thai Foreign Minister Thanat Khoman signed the memorandum of understanding in September 1971. In view of your interest in Thai drug control efforts, I am taking the liberty of enclosing a chronological summary of Thai actions in the drug field over the past year.

As for the burning of 26 tons of opium by the Thai Government on March 7, 1972, that action was an indication of their willingness to take significant steps to eliminate illicit drug trafficking in their country. In early 1972, the Thai Government embarked upon a comprehensive land resettlement project for two large groups of so-called Chinese irregular forces. These forces, in return for assistance in settling permanently, agreed to abandon their traditional involvement in the illicit drug trade and surrendered to the Thai Government all opium which they had (some 26 tons) at the time of the agreement.

The Government of Thailand is contributing $850,000 to the resettlement project, and the U.S. Government up to $1 million. Our contribution involved the transfer by AID of $1 million to BNDD as the executory agency for U.S. participation in support of this project. This action was taken pursuant to section 481 of the Foreign Assistance Act of 1961 as amended. That section states, in part: "Not withstanding any other provision of law the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as may determine, for the control of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act."

In March, the 26 tons of opium that were surrendered to the Thai Government by the Chinese irregular forces were destroyed in the presence of Thai officials as well as two U.S. BNDD officials. One of the U.S. officials present was a chemist who analyzed each of the sacks for morphine content. He found that all of the samples contained unadulterated gum opium typical of the opium found in the area.

We feel that U.S. support for the resettlement project is warranted. The project provides the Chinese irregular forces in question with an accepted legal status in north Thailand, and it offers them an economic alternative to illicit drug trafficking. Since these groups traditionally have been among the major traffickers in Southeast Asia, we are hopeful that this agreement will help reduce the flow of drugs through Thailand. Also, it should contribute to a stabilization of the security situation in what is a troubled and lawless area of Southeast Asia. Moreover, as a result of this project, 26 tons of opium, a portion of which might have otherwise entered the international trade, were summarily eliminated.

I hope that this information will be of assistance to you. If I can be of any further assistance, do not hesitate to write me again.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

APPENDIX 3

COMMITTEE ON FOREIGN AFFAIRS,
Washington, March 15, 1973.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: The purpose of this letter is to bring to your attention the existence of a situation in Japan which facilitates the processing of heroin in Southeast Asia—heroin which ultimately finds its way to the United States.

A staff report entitled "The U.S. Heroin Problem and Southeast Asia," released by the Committee on Foreign Affairs on January 11, 1973 states that Japan is a major producer of acetic anhydride, an essential chemical used in the conversion of morphine base into heroin. Noting that the Japanese Government presently neither restricts, controls, nor monitors the chemical's export, the report recommends that the U.S. Government should request the Japanese Government to establish controls and restrictions on the export of acetic anhydride.

As you are aware, the "Golden Triangle" region of Southeast Asia produces the bulk of the world's illicit opium. That opium, however could not be converted to heroin without the use of acetic anhydride, a chemical whose major regional supplier is a friend and ally of the United States. Given the disastrous effect heroin addiction has had on our urban areas; it would not seem unreasonable for our government to insist that Japan make an effort to control its export of this vital substance.

We would appreciate your reaction to this recommendation.

Sincerely yours,

ROBERT N. C. NIX,
Chairman, Subcommittee on Asian and Pacific Affairs.
LESTER L. WOLFF.
MORGAN F. MURPHY.
ROBERT H. STEELE.
ALPHONZO BELL.

DEPARTMENT OF STATE,
Washington, D.C., April 4, 1973.

Hon. ROBERT N. C. NIX,
Chairman, Subcommittee on Asian and Pacific Affairs, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Further to my letter of March 27, 1973, I would like to comment about the suggestion contained in your letter of March 15, 1973 (also signed by four of your colleagues) concerning Japan's establishing controls over the production and exportation of acetic anyhydride. These comments are made on the basis of a report from our Embassy in Tokyo and the Department's own inquiries into the subject. I am sending this reply to each of the signers of the letter.

It is true that Japan does not control the production or exportation of acetic anhydride. Because less than 1 percent of Japan's acetic anhydride production is exported, Japanese officials are reluctant to impose burdensome controls. As a matter of fact, for similar reasons the United States imposes no specific controls on the exportation of this product. Acetic anhydride is freely exportable from the United States except as part of the general prohibition on exports to North Korea, North Vietnam, Cuba, and southern Rhodesia.

Acetic anhydride is a common chemical, produced in large volume and so much in demand for legitimate purposes such as textile manufacturing and photo developing that attempts by industrial countries to control the trade would be difficult if not impracticable. France has attempted such controls without success.

Illegal consumers of acetic anhydride in Asia could elude export controls by making fake statements of destination or by arranging one or more transshipment points along the busy trade routes of the region.

After reviewing these limitations on the probable effectiveness of a production or export control policy, we believe better results are likely to be obtained by monitoring imports of acetic anhydride into countries such as Thailand, Laos, and Hong Kong where heroin is made. U.S. narcotic agencies have already established communications with these governments, as well as the Japanese Government, and exchange intelligence concerning firms suspected of ordering or selling acetic anhydride for heroin production.

If I can be of any further assistance to you in this matter do not hesitate to write me again.

Sincerely yours,
MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

Mr. MONDALE. I yield to my distinguished colleague from New York.

Mr. BUCKLEY. Mr. President, I thank the Senator from Minnesota. I am very happy to be a cosponsor of this very important amendment.

I applaud both its spirit and its purpose. It represents firm action by the Senate, and it also is fair action by the Senate. It is not aimed at any one party, but establishes a set of principles which must guide our delivery of aid to countries that authorize the commercial production of opium.

I think it underscores the seriousness with which we view the unfortunate decision to renew commercial growing of opium poppies in Turkey. The unfortunate fact is that heroin made from that production in Turkey in the past has found its way into illicit channels and has killed more New Yorkers than the war in Vietnam.

Literally hundreds of thousands of lives have been crippled, have been ruined, by this scourge and we, in the Senate, cannot stand by without taking those legitimate measures that are available to us to underscore the seriousness with which we view the situation.

I believe it is also important that we keep in mind the long history of friendship we have with various countries that have engaged in or do engage in or will be resuming or have announced their intention of growing poppies, most particularly Turkey.

We have to keep in mind Turkey's strategic contribution to the NATO Alliance which, after all, we have entered into not merely for Turkey's benefit but, most particularly, ours.

The Turkish people understandably are proud, and would have been understandably sensitive had we come up with legislation aimed particularly at Turkey or which sought to impose conditions different from those conditions that we have imposed on other countries, such as India.

The Turkish people are conscious of the fact that India is now producing large quantities of opium for legitimate markets, medicinal markets, and they ask that we allow them, without sanctions, to resume the growing of opium poppies with safeguards.

I believe that this proposal is a fair one because it allows the Government of Turkey the opportunity to demonstrate that they can impose the safeguards such as those existing in India that can satisfy us that none of their opium will be reaching our shores through illegal channels in the form of heroin.

The provision making the cutoff of aid mandatory as of January 1, 1975, will have the effect of providing time for diplomats to do their work, time to examine the machinery, to set up machinery to see if it is physically possible to provide the kind of safeguards that are required so that we do not have a repeat of the situation that plagued us just a few short years ago.

So I believe this to be a fair proposal. It is a firm proposal. It is one in which Congress is asserting its prerogatives in this area. It is one which has built-in safeguards, not only safeguards in the form of the requirement of affirmative decision on the part of the President, but also for the periodic reporting by the Director of the Drug Enforcement Administration.

Under the circumstances, I hope that our colleagues will vote overwhelmingly to support this amendment.

I would like, however, to ask the Senator from Minnesota if he might consider one small modification. It seems to me that it is of particular importance to Congress that we have not only the President's certification that safeguards are adequate, but that we have detailed information as to the nature of those safeguards so that the Senate and the House of Representatives may make an independent assessment.

I would, therefore, like to recommend—I ask the Senator from Minnesota if he would be willing to insert—the following language in the third line from the bottom of the first page, after the sentence that ends with the word "markets", "Such certification shall be accompanied by a detailed description of such safeguards."

Mr. MONDALE. Mr. President, if the Senator will yield, I think that amendment is a good one and I modify my amendment accordingly.

Also while we are at it, one of my colleagues pointed out at page 2 in paragraph 3, subsection (2), the amendment states:

> The Congress adopts a concurrent resolution finding that any country has not effectively banned the growing of opium poppies and that such country is not effectively preventing opium or its derivatives.

And so forth.

The PRESIDING OFFICER. Will the Senator from New York send the modification to the desk?

Mr. MONDALE. I am sure that should be in the conjunctive and I modify my amendment to substitute the word "or" for the word "and" and in that regard I will send the copy of the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. TOWER. There is no intent to prohibit the use for medicinal purposes, is there?

Mr. MONDALE. What we are interested in doing here is keeping opium or opium derivatives out of illicit drug use.

Mr. TOWER. But there is no intent to prohibit the use for medicinal purposes.

Mr. MONDALE. That is correct.

Mr. BUCKLEY. Mr. President, it is important for people to understand that the fact that a cutoff in foreign aid will not take effect until January 1 of next year and will not result in a reduction of opium this year in Turkey It is my understanding that the plans announced by the Turkish Government contemplate planting the fields in October and that crop could not be reaped until the following June. Therefore, the provisions of this legislation would either take effect or not take effect before a single additional pound of opium is produced in Turkey. It is important for Senators to understand that.

It is a firm statement of policy and does provide maneuvering room within which our Government and officials of Turkey can seek to come up with some provision to assure us that none of that poppy will find its way to our shores to destroy more lives.

I thank the Senator for yielding.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HARTKE. Mr. President, I congratulate the Senator on the amendment and I hope it is adopted by the Senate.

Mr. TOWER. Mr. President, the decision to ban the planting of the opium poppy taken by the Turkish Government in 1971 at the urging of our Government was a major step in reducing that availability. It was a courageous step taken by a Turkish Prime Minister who profoundly believed that it was unworthy of a modern country to be involved even indirectly in the production of dangerous narcotics which leaks into the illegal world market. It was a decision that was not popular nor, indeed, ever well understood in Turkey and it was one that was taken at a time when Turkish democratic processes were partially suspended.

The most recent decision of the Turkish Government is one taken by a fully democratic government and that decision is no doubt popular because it represents in the eyes of many Turks a reassertion of sovereignty. It is, like many popular decisions, one which many of Turkey's friends both here and there think is unwise. I believe that it was a foolish decision by a weak and divided government. Although one can understand the domestic political and primarily nationalistic pressures to which Mr. Ecevit was responding, I think it is fair to say that the Turkish Government has chosen the low road of narrow partisan political advantage and has ignored the welfare of the rest of the world.

And now comes the relevant question: What do we do about the Turkish decision? I submit that our interests lie first and above all in choosing a course of action that prevents to the degree possible the entry of additional supplies of heroin into our cities. A second objective is to accomplish this while preserving our present security alliance relationship with Turkey. It is important to understand that although Turkey is a sovereign nation dedicated like other sovereign nations to the pursuit of its own interests, Turkish stability, democracy, and membership in NATO have been an important asset to the U.S. Government as we have pursued our peacemaking efforts in the eastern Mediterranean.

In light of the two objectives I have just cited, I believe that it would be a mistake for this Government to embark on purely punitive measures such as an outright cancellation of our important security assistance program to Turkey. Once we have taken that step, we frankly will have lost any leverage we may have without accomplishing our objective. I believe that this Government should put the Turkish Government on notice that our security relationship is in jeopardy and that our future relationship will depend on the Turkish Government's performance in preventing the leakage into illicit channels of opium which will now be grown in Turkey.

I cannot and do not believe that Prime Minister Ecevit and the responsible leaders of Turkey want to poison the citizens of our own or any other society. It is incumbent upon the Turkish Government to insure that it establishes limitations on poppy growing and sufficient controls over the poppy crop to insure that it will not happen. I am suggesting in other words, that now that the Turkish Government has made a decision to grow poppies, we should seek to achieve clear assurances to the international community that crop limitations and other controls will be adequate to prevent the leakage into illicit channels that many of us fear. Indeed, the United States may well be able, acting both directly wtih Turkey and through international agencies to assist the Ecevit government appropriately in establishing a workable, effective control system. As I indicated earlier, the United States would in any case reserve the right, and have the opportunity, to modify other important aspects of our mutually beneficial bilateral relationship—I am speaking primarily of the security dimension, of course—if we found subsequently that the Turkish Government either could not or would not institute a viable poppy control system.

Mr. President, I might note that it is a little ironic that the democratic processes had been suspended in Turkey when they agreed to ban the growing of poppies; once they got democracy back they voted the poppies back in.

Some have made a big to-do around the Senate floor many times, about doing business with authoritarian governments. A lot of times we think we ought to restrict aid to any government that is authoritarian, particularly if it is a right-wing dictatorship.

I think it is very ironic, then, that now we are going to impose a punitive measure on a country that is responding to the democratic process. The question that is raised in my mind is: Will the passage of this amendment stop the illicit traffic in opium poppies? I suggest that it will not. I do not think it will result in Turkey being pressured into reimposing the ban on raising opium poppies.

What I do fear is that it might result in such a resentment of American intrusion into the domestic affairs of that country that they might become more intransigent in the matter of negotiating with us on preventing the opium from getting into the illicit market.

I was privileged to study at the University of London under a gentleman by the name of Frank Chambers, who taught me of domestic influences on international relations. I think we have to have some insight into domestic political considerations of various countries around the world in maintaining and establishing our day-to-day relations with them.

We have to understand if, indeed, we endorse democratic government, and have to respect the response of such a government to a popular mandate.

Of course, this amendment does not apply specifically to Turkey. It has been "de-Turkeyfied." However, I think that if we look at it more specifically, it does apply to Turkey, even though Turkey is not specified.

Mr. President, as has been pointed out by my friend from New York. India grows opium and we buy it from them. We buy it for medicinal purposes. It is grown in Mexico; it is grown in Pakistan; it is grown in Thailand; it is grown in Burma. Look at the number of countries that are involved. I do not know how many more. I just named those countries I could recall.

I think the amendment is much improved over the original version because it does provide an escape clause for legal or medicinal opium.

I am afraid that we might create a climate in which this situation could not be negotiated with the Turks.

Mr. President, nobody despises the dope trade worse than I do. I think it is terrible. But I do not believe that this amendment is really calculated to stop it. It may, indeed, just exacerbate the problem and create a situation in which a country will not be willing to deal with the United States because it feels it has been pressured in its domestic affairs by the external force of the United States. Therefore, I would hope that the amendment will not be adopted.

Mr. President, it is a difficult amendment to vote against. I do not know how I am going to explain it to my constituents, I know I expect to get letters—"Dear Pusher", or something like that—because it is a difficult thing to explain. But I think we have to keep our heads about us. I think we have to be statesmanlike.

I applaud the motives behind this amendment, but I do not think the amendment will do what its sponsors would like it to do, but, indeed, the amendment may make the situation even worse.

Mr. PERCY. Mr. President, I concur with my distinguished colleague from Texas. I must say I will have just as much of a difficult time explaining my vote on this amendment in Illinois as he will in Texas.

I did floor manage and sponsor the Drug Abuse Act of 4 years ago that the administration supported and sponsored. We fought through many, many provisions. I was so adamant in wanting to do everything possible to stop illicit drug traffic, stop the pushers, to take the profit out of this business, that I even voted for a provision that I considered highly repugnant—the no-knock provision—which we have just now, by a decisive, overwhelming vote of 2 to 1, repealed. Many of us at that time said we were deeply concerned about going that far, and we would watch it very carefully. But we knew we had to stop the drug traffic.

Mr. President, I share the concern of the distinguished Senator from Texas in feeling that this is possibly the wrong way to do it. We are not disagreeing at all in objectives. We all want to see the drug traffic stopped. But the question is: Is this the means, is this the right way, to do it? It is almost an analysis of human nature.

It is a question as to whether or not, by the action we take, we defeat the very objective that we are trying to work toward.

Mr. President, there can be little doubt that the decision by the Government of Turkey to lift the ban on opium production in that country constitutes a serious setback to the international campaign against the scourge of heroin addiction, a medical and social disease which has afflicted not only the United States but also many other nations of the world. As a Senator who has worked actively to support the creation and funding of a full range of antidrug programs, both domestic and international, I join with the Senator from Minnesota (Mr. MONDALE) in deploring this action by the Turkish Government. I am compelled, however, to oppose the amendment through which the Senator has proposed to terminate American military and economic assistance to Turkey, because in my view the Senator's proposal fails to meet the critical tests of both practicality and principle.

On the level of practicality, I believe that this amendment would fail to achieve its only possible valid purpose, which is to induce the Turkish Government to reverse its decision. What the amendment says to the leaders and people of Turkey is that if they do not do as we wish, then we will in effect suspend our present and planned relationship with them. If we pause to realize that the decision to resume opium production arose, at least in part, from a general feeling among the Turkish people that their country was being manipulated by the United States, then we can only expect that an explict threat to cut off aid—rather than causing a reversal of the Turkish position—will serve no other purpose than to inflame emotions still further, to freeze the Turkish position into intransigence, and to diminish substantially the likelihood that a satisfactory resolution of this problem will be achieved. In short, Mr. President, I would assert that this amendment fails to meet the practical test of basic effectiveness and that it would in fact work against the purpose which it purports to serve.

Second, on the level of principle, this amendment represents an abuse and a distortion of the basic rationale of our economic and military assistance programs. Just as we should not give foreign aid as a bribe, neither should we threaten its termination in order to coerce others to our view. Our economic and military assistance activities have clear and valid purposes and those purposes should be upheld. On the economic side, our aid programs—far less than being a donation made out of magnanimity—are a vital part of our contribution, as an economic power and as a responsible world leader, to the creation of a sound global economy which serves the interests and needs of people in all nations. To allow our economic assistance efforts to fall into use as a political stick would discredit and jeopardize its very purpose.

On the military side, our assistance programs are directed toward the maintenance of a stable balance of forces in each region of the world. The Senator from Minnesota has asserted that these needs can be served without the continuation of a military assistance program in Turkey, and perhaps that is so. But the place to test that argument is in our consideration of the military assistance program itself, rather than in connection with the logically unrelated subject of Turkish opium. If military aid to Turkey is no longer necessary, let the Senate determine that deliberately through discussions with the Government of Turkey, through hearings, debate, and explicit decision—not through sudden retaliation against an unwelcome Turkish action.

In closing, Mr. President, I feel bound, as one who supports the continued alliance and friendship of the American and Turkish people, to offer a considered warning, in the form of a prediction, to the Government of Turkey. Based upon my experience as an elected official who maintains close contact with his constituents, I am certain that the American people are going to find it increasingly difficult to understand why they should be called upon to pay for assistance to a nation which has consciously decided to resume the production of a product which has done such damage to the United States and, in fact, damage to the human race throughout the world.

I am well aware that, within the context of the domestic politics of Turkey, this issue has been couched as a challenge to Turkish national sovereignty. But I would call upon the responsible leaders of Turkey to voice the important truth that this issue has far-reaching international ramifications and that, far less than being a test of Turkey's independence, it is a test of the willingness of Turkey to play a valuable and respected role in combating one of the most serious problems confronting the world community.

In my judgment, it is not so much a question of national manhood but, rather, whether we can all work together to curtail production of a product that robs mankind of his God-given gifts of reason, creativity, and productivity.

I oppose the pending amendment only because I do not feel that it will accomplish its stated objective.

Mr. MONDALE. Mr. President, all this amendment does is to ask the Turkish Government to do what they claim they want to do. It does not ban the legal production of opium. It only terminates economic and military assistance if opium produced ends up in the illicit trade.

So that insofar as the issue of defending the nationalistic sensibilities of the Turkish Government or other governments is concerned, all we are asking is that we be assured, with convincing safeguards, that they are doing what they claim they wanted to do in the first place.

The second point is that this is not just a matter of domestic politics in Turkey. This is a question of whether hundreds of thousands of American young people are going to be hooked by the most deadly drug of all and whether those young people are going to be destroyed, whether this country is going to be visited with billions of dollars of crime costs and all the frustration and despair that flow from those circumstances.

If friendship with another country means that you must remain silent with an abuse that would visit such havoc on our young and our country, then it seems to me that the purpose of foreign affairs is only one way: We provide aid—in this case, in this year, $232 million; they provide illegal drugs for our kids. I submit that that is not much of a bargain.

I want to be friendly to the Government of Turkey. I hope we can be. But I think they must realize the gravity and the seriousness of what is going on.

A few years ago, when the administration took a tough position and when we passed legislation dealing with this matter, both the Turkish Government and the French Government began to cooperate, once they realized how serious it was to us in the United States. The Turkish Government agreed to suspend all opium production, and the French closed down the illicit morphine laboratories in southern France. Both governments resisted those moves and only acted when they realized that we considered this a terrible infringement on the health and the life of American society.

If friends cannot bring up something as fundamental as that, then one wonders what foreign policy is all about.

We routinely cut off aid to a country which nationalizes a U.S. industry without compensation. If a U.S. industry in Chile is taken over, we cut off the aid to that country. Perhaps that is the right thing to do. All we are saying is that if that is a good enough reason to terminate aid, certainly inflicting heroin addiction upon hundreds of thousands of American young people—and that is what has been happening—is a legitimate reason for the United States saying, "If you are going to do that, you are not going to get $232 million from the U.S. Treasury this year."

That is all this amendment seeks to do.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. PASTORE. More than anything else, it is a breach of trust, is it not? We had an agreement that if we gave them a certain amount of money, they would not plant the poppies.

Mr. MONDALE. That is correct.

Mr. PASTORE. After they have used up the money, they are going to begin planting the poppy again. They say, "We have a political situation here; it is a controversy." Then the administration comes along and says, "We need them because it is the anchor of the south and part of NATO." We always get this gobbledegook.

The fact remains that the American taxpayer is always being taken for a sucker.

Mr. MONDALE. That is correct.

In the Middle East War last fall, when NATO was being tested, the Turkish Government permitted the Russian planes to overfly Turkey, but would not permit the American planes to operate there.

This is not an anti-Turkey argument. We want our kids protected.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BAKER. I thank the Senator for yielding.

Mr. President, I intend to support the Senator's amendment, the purpose of which is to dissuade the Turks from planting opium poppies or exporting opium to the United States. I believe it is a good amendment, proposed at the right time; and that it will have the desired effect.

I become a little concerned about this business of looking upon aid as if it were a right. The United States has a continuing and permanent obligation to supply a particular level of foreign aid to many nations, and we ought not tinker with it. It ought to be independent of politics.

I think about some of our Federal agencies, and I think of the alacrity with which they cut off Federal funds to our States and cities and counties because they do not have the right billboards, the right speed limits, or whatever it happens to be. We do not have any compunction about doing that. We let that be done by some anonymous bureaucrat whom we cannot find and whom we cannot vote for or against.

I am not in the least concerned about the prospect of cutting off foreign aid because a nation undertakes something that is inimical to the best interests of the United States. We are a big country, a strong country, and we ought to use our strength cautiously and with consideration and humanity. The Turks should use caution and consideration and humanity as well in deciding to resume the production of this crop.

I have nothing but respect and great admiration for the Turks. Turkey is a great country and it has come a long way, but the United States will be severely affected by this new action.

I think this is the right action for the Senate to take, at the right time, in the right way. I hope we do not dilute the impact of the Mondale amendment by trying to rationalize it away.

Mr. MONDALE. I thank the Senator.

Mr. President, I ask unanimous consent that the names of the Senator from Maine (Mr. MUSKIE), the Senator from Delaware (Mr. BIDEN), and the Senator from Iowa (Mr. HUGHES), be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I should like to address myself to a couple of the arguments against the amendment that were advanced by the Senator from Texas (Mr. TOWER) and the Senator from Illinois (Mr. PERCY).

In the first instance, we were reminded of the domestic political concerns and problems and rights of the Turkish Government. I very much sympathize with the attitude of the people of Turkey. They do have sovereign rights, and we have no right to coerce them.

On the other hand, I would hope that the officials and the people of Turkey would also understand that we have our domestic problems. One of our greatest domestic problems is to fight back and contain the catastrophe of the drug addiction, the drug influx, that we have in this country, which has destroyed so many of our young men and women.

We in this body have our own domestic problems, our own domestic responsibilities; and I believe we have an affirmative duty to take such measures as are required to prevent the reappearance of heroin in our cities, our schools, our daily lives—that, Mr. President, is the only domestic problem that I care about.

Second, it has been stated that this measure will be counterproductive, that, somehow or other, it will destroy the ability of our Government to negotiate with the Turkish Government to come up with some sort of arrangement to our mutual satisfaction.

I think it is clear that the decision by the Turkish Government to resume the commercial production of poppies demonstrates that something is wrong about the existing pattern, the existing approach. What the pending amendment specifies is not at all unreasonable. In fact, we are inviting the Turkish Government to do precisely what the Turkish Government insists they will do—namely, to impose the kind of safeguards that exist in countries such as India, which have been effective, which have resulted in lawfully grown poppies, opium, channeled into lawful channels.

So, Mr. President, I believe that this is responsible legislation. I have too high a respect for the good will and good intentions of Turkish officials to believe that they will pout at the adoption of this amendment, rather than understand our own pressing domestic problems and come up with creative, useful approaches to the containment of the poppy that is grown, if indeed it is grown.

In fact, I am pessimistic that it is possible to have satisfactory safeguards if the old style of production is resumed—namely allowing thousands and thousands of farmers to scatter little plots of poppies over hundreds of miles.

On the other hand, there certainly must be a way in which Turkey, by revising her present form of agriculture could resume the production of opium poppies for legitimate purposes.

In any event, the door is open for fruitful negotiations and, if by the end of this year, we fail to be satisfied that the safeguards will, in fact, work, where they have not in the past, then we will do what we have every right to do, and that is to keep our dollars here at home.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, this is one of those amendments like mother love, you are in trouble if you vote against it.

I think we ought to take a practical look-see at this approach, and I am one Member of this body who has never voted for foreign economic aid in the nearly 20 years I have been here, and I never will.

Suppose this amendment passes and we deny Turkey the foreign aid that we have been giving her, and then suppose Turkey says she does not care and she is going to keep on growing poppies, and she keeps on growing poppies and they keep on turning into heroin sold all over the world, that is, including the United States.

I think we have to remember this, we do not have many friends left in this world, and particularly on the southern border of NATO we depend upon Turkey and Greece.

Now, we are already doing everything in our power to lose the friendship of Greece and I think by this act we are going to lose the friendship of Turkey, and once we have lost those two countries I think you can kiss goodby to the effectiveness of NATO, because the Soviets now literally ring the Mediterranean with land-based aircraft, and giving the Soviets one or two more countries is going to make the operation of our 6th Fleet absolutely impossible, and it is almost at that point now.

So while I can certainly understand the intention of this, I think it is a wrong step.

If we are going to take this route I would suggest we look at our friendly country to the south of us, Mexico.

I have been talking about the poppies grown in Mexico so long that I cannot remember when I started, and nobody pays any attention to it.

I think frankly, not being an expert on the subject, the biggest source of heroin is Mexico, yet we have not threatened Mexico with anything. We have just desalted all the water in the Colorado River that rightly belongs to Arizona and the other lower basin States. We spent millions of dollars to do that, and yet she continues to grow poppies, and if anybody doubts that, I will fly him down in an airplane and point out poppy fields.

Every once in a while they burn one.

Now I do not think any man in the world likes Mexicans any better than I do, but if we are going to start knocking other countries, let us knock them all. This might be a good way to do away with foreign aid.

Mr. BUCKLEY. Would the Senator yield?

Mr. GOLDWATER. I would be happy to.

Mr BUCKLEY. This amendment applies to all countries that engage in the illicit growing of poppies; therefore, it would not apply to India. I do not believe there is any lawful growing of poppies in Mexico.

Mr. GOLDWATER. What is an illicit growing of poppies?

Mr. BUCKLEY. The Government of Turkey is saying it is now lawful for farmers in certain provinces to plant the poppy seed.

We are saying only, "If you want to do that, make sure you have safeguards to prevent it from entering illegal channels."

So that I do believe, with all due respect to my friend from Arizona, he is talking about switching apples and oranges, because this would apply to any nation anywhere in the world that engages in unlawful growing of poppies.

Mr. GOLDWATER. If the Senator wants to apply illicit, I think growing poppies to be made into heroin is about as illicit as we can find.

It is about as wrong as can be done, but I do not think it is our business to tell Turkey or Mexico, or Africa or any place, what they are going to do about what they grow, any more than they may not like the fact that we grow lemons, because we do grow lemons. We may not grow lemons illicitly, but they may not take that view. I think it is a wrong approach.

I can understand the concern about dope and marihuana and heroin. I would have to admit that my section of the United States probably has a bigger problem than any section of the United States except New York City and the big eastern cities.

The answer there, I might suggest, is not to punish the Turks, but to punish the people that do it in this country.

I do not think anybody in this body can defend the way this country and the way the States and cities have prosecuted those people who are guilty of the illicit traffic in dope. If we start getting tough about these things, I think we can do a better job controlling it. We are not going to control heroin coming into this country by telling Turks what they can or cannot do. I think they will turn around and tell us what we can do.

Mr. BUCKLEY. In fact, we have historic experience about what happens when they ban heroin because the supply of high-grade heroin dwindles, there is cause and effect on that.

I submit we cannot tell the Turks or any other country what to do. We can determine what we will do with our own dollars and our own voluntary aid programs.

Mr. GOLDWATER. The Senator is talking to one completely opposed to foreign economic aid, so if the Senator can devise a way that we can confine illicit poppy growing in every country in the world I will go on an amendment, and we can eliminate some economic aid.

I do not think this is the way to do it, threatening the southern flank of NATO. I think that is very important to consider.

If we do not have strength in the Mediterranean, we have lost that part of the world. I do not think this is going to solve our poppy problem at all.

I say we ought to look at some of these other countries and let us put the penalty on them and give them the publicity not just putting it all down on the heads of the Turks.

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. GOLDWATER. I am through.

Mr. WILLIAM L. SCOTT. Mr. President, I share the concern that the distinguished Senator from Arizona has expressed with regard to our NATO allies because it is my understanding we only have a few thousand troops in Turkey. We have an American commander of the Turkish and Greek military over there. It is quite a contrast with what we have in Germany and some of the other countries in Europe.

Turkey is cooperating with us in a military way. Turkey has proved its friendship to the United States in Korea when we had forces from various nations over there fighting with us under the auspices of the United Nations and I do not think we should forget this function.

I would hope some method can be found under which the legal drugs that this country needs might be obtained from Turkey.

I do not know but what Turkey has been a much better friend to our Government than India. It has been mentioned that we get our legal drugs oftentimes from India.

I would hope something can be worked out and yet I am concerned, as the Senator from New York (Mr. BUCKLEY) has mentioned, with the illegal traffic in drugs, and I am sure every Member of this body is concerned about that.

My inclination is to vote for the amendment with the hope that the administration can work something out with Turkey under which they will attempt not to divert anything that they grow in Turkey to illicit drug traffic, and we might do it under some supervision whereby it will be channeled into legal channels.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I send to the desk an amendment to the amendment of the Senator from Minnesota and ask it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read, as follows:

> An amendment to Amendment of Mr. Mondale and others as follows:
>
> On page 2, strike subsection (3) and all that follows and insert in lieu thereof the following:
>
> "*Provided:* That the President may waive the provisions of this subsection (c) if he finds and determines and reports to Congress that the national security interest of the United States so requires."

Mr. TOWER. Mr. President, I think that this waiver is important. Much has been said about the fact that we give aid to Turkey, and, indeed, to other countries, that they should not expect as a right. But I hope, in respect to our military aid to Turkey, that nobody thinks we do it for some altruistic reason. We do it because it is in our national interest.

Turkey spends 30 percent of her annual budget for military purposes. We spend only 5.9 percent of ours. That 30 percent, plus the assistance she gets from the United States, makes her an effective ally on the southeastern flank of NATO.

It seems to me highly unlikely that the Soviets or the Warsaw-backed nations would ever try to strike at the NATO allies through Central Europe, but they are already beginning to envelop us on our flanks. To willy-nilly deny military aid to Turkey would be to actually diminish the military posture of the United States, and make us less able to maintain our defense perimeter as far from our own shore as possible and as close to a potential enemy's shore as possible.

Turkey keeps track of Soviet naval movements in that area, among other things. The Soviets and the Turkish have a naval presence in the Black Sea, which we do not have. The area, of course, is strategically located.

I would think that we would think twice before we would arbitrarily deny military assistance to Turkey, when it is in our national interest that we give military assistance to Turkey.

What we are saying is, "If you do not do what we want you to do, we will do something inimical to our own national interest." That is what we are saying by the Senator's amendment. Therefore, Mr. President, I have offered this amendment, which would allow the President to waive the provisions of the subsection if he finds and determines and reports to Congress that the national security interests of the United States require the waiver.

Mr. President, this further deletes the provision requiring the concurrent resolution on the part of Congress, and makes the matter the responsibility solely of the President. I would point out that the provision for the concurrent resolution is redundant in any case, because according to section 617 of the Foreign Assistance Act, Congress already has the authority to suspend any such program. I shall read the pertinent provision:

> Assistance under any provision of this chapter may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this chapter shall remain available for a period not to exceed 12 months from the time of termination of assistance under this chapter, for the necessary expenses of winding up programs related thereto.

So that authority is already reposed in the Congress of the United States.

Mr. President, I hope, in the interests of the security of the United States, that my amendment will be adopted.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. COOK. I wonder if I could conceivably suggest any time limitation on the Senator's amendment.

Mr. TOWER. I will be glad to agree to a time limitation on my amendment. Thirty minutes?

Mr. COOK. 30 minutes; 15 minutes to a side?

Mr. TOWER. 15 minutes to a side.

Mr. COOK. Mr. President, I ask unanimous consent that, on the pending amendment, there be a time limitation of 30 minutes, to be equally divided between and controlled by the proponent of the amendment, the Senator from Texas (Mr. TOWER) and the opponent of the amendment, the Senator from Minnesota (Mr. MONDALE).

The PRESIDING OFFICER (Mr. STEVENS). Is there objection?

Mr. MONDALE. Mr. President, reserving the right to object, would it be appropriate at this time to propound an agreement on the amendment itself?

Mr. TOWER. I do not think that would be appropriate at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? Without objection, it is so ordered.

Mr. COOK. Mr. President, upon the completion of the time limitation, I ask for the yeas and nays on the amendment of the Senator from Texas.

The yeas and nays were not ordered.

Mr. MONDALE. I ask for the yeas and nays on the underlying amendment.

The yeas and nays were not ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum, with the time not to be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Minnesota requested the yeas and nays for the underlying amendment also. Is there objection to ordering the yeas and nays on the Mondale amendment? Without objection, the yeas and nays are ordered on that amendment as well.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, we are in the middle of a very serious negotiation problem with the Turkish Government. They have just announced that they are going to break their agreement of a few years ago, and not only reform but expand opium production, much of which will surely end up in the illicit drug traffic and in the form of heroin addiction in the United States.

The Government of Turkey has just released several of the top drug smugglers and pushers who were the principal figures in the pre-1971 drug rackets, and they are back on the streets, ready to resume business. They have just removed from office the top law enforcement officer in Turkey, who was trying to do something about suppressing the illegal drug traffic in that country.

In the face of that serious situation, to accept the Tower amendment, which guts the amendment designed to influence the Turkish Government against these acts, it seems to me, is a signal saying, "Everything is all right, the green light is on," because we view our military interests in Turkey to be so important that no matter what it costs us, and no matter what it does to our young people, that is what is basically important; and we do so in spite of the fact that just this morning, in the New York Times, the Foreign Minister of Turkey is quoted as saying that even if we cut off aid, they will in no way dismantle or reduce the bases in Turkey.

Let me read what Mr. Gunes said in Ankara yesterday. He said:

> In an interview here, Foreign Minister Turan Gunes said that even if Washington cut off aid to Turkey, as some Congressmen had threatened, Ankara would not "change the status" of about two dozen vital military bases maintained here under the joint command of the two North Atlantic Treaty Organization allies.

In other words, the Turkish Government has made it clear that even if we cut off aid, those NATO bases will continue to be in operation. So, despite the fact that we have this statement from the top foreign ministry officer of Turkey, we would say, "Oh, never mind, even though you are going to leave the bases in, the aid will still keep coming, and we have gutted the amendment that was designed to protest what was going on in Turkey today with respect to opium and heroin."

It would destroy any hope for negotiating a reasonable agreement with the Turkish Government.

Second, the standards under the amendment invoke the standard of national security. That is a standard that cannot be defined, but we have seen some indication recently of what they mean by national security. It can include, for example, invading the files of a private psychiatrist here in the United States who did not happen to be in favor at the moment with this administration. National security can mean anything they wish it to mean, and they have no parameters or limits whatsoever, and have shown that time and time again.

This amendment guts the effort to make clear to the Turkish Government and to any other government that receives military aid from us that we do not intend to hold our children hostage to the opium and heroin trade.

Now, where is America's real national interest? In 1971, we had 600,000 heroin addicts, and it cost each of them about $18,000 a year, most of it in crime, to support themselves. And once hooked, many of them became pushers in order to sustain their habits. The rate of heroin addiction was soaring geometrically, and we went to our friends in Turkey and our friends in France and said, "Please, you have got to help us; 80 percent of the heroin is being produced in France, and it is killing our kids."

As a matter of fact, it killed about 8,000 of them a year, and they responded. Turkey banned the production of opium; France destroyed their morphine laboratories; and within 3 years heroin addiction in this country dropped by 60 percent.

In this Capital alone there were 16,000 heroin addicts, most of them plying the streets in crime 3 years ago. Now there are only 2,000.

In this country, where there were 600,000 addicts, there are now 250,000. The number is dropping because of the shortage of heroin which has driven the price up, so they cannot sustain the habit even with crime.

Where is this Nation's security to be found? Is it to be found in forbidding that illegal trade to revive again, heroin addiction to grow again, and with all the crime and frustration and despair that we were visited with just a few years ago in terms of heroin addiction?

What does that do to this Nation's national security? I think those who argue that when it comes to defense there are no contrary arguments except what the military command has asked for, that becomes especially ludicrous when the Foreign Minister of Turkey just this morning said that "we will continue the bases even if you cut off the aid."

In light of the fact that last fall in the Middle East war our so-called ally permitted the Russians to fly over Turkey but would not let the United States do so, cannot friends say to each other "There are some things you cannot do to us. We are willing to take our part in this world, we are willing to have military aid, we are willing to have allies, but not at the price of our young."

What this amendment says is we will let the President, with no standards whatsoever, expose our young to a flare-up and an expansion of illegal heroin rackets in order to sustain the interests as they are seen in certain military areas.

Mr. President, I think it would totally undermine and destroy any hopes for negotiations.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

Mr. President, if the amendment of the Senator from Minnesota would indeed prevent the reintroduction of additional quantities of heroin in this country I would support it, but it may have the opposite effect.

I think that narcotics addiction is the worst affliction this country faces. But I suggest the amendment of the Senator from Minnesota could, perhaps, create the kind of climate in which we could not negotiate with the Turks to the extent that the heroin would come right back into this country, and the very thing the Senator seeks to avoid is precisely what would happen.

His amendment will not stop the production of opium poppies. Do not let anybody get the idea that, as a result of this amendment, the heroin will not come flowing into the streets of the cities of the United States. It simply will not happen that way.

If we maintain a climate of restraint in which we do not appear to be dictating internal policies of the Republic of Turkey then, perhaps, we can negotiate with them to make sure that none of this opium grown will go into illicit channels and come back into the United States.

But if we destroy the kind of climate in which we can negotiate, the very thing the Senator from Minnesota fears and the thing that I fear is very likely to happen.

Mr. President, it has been pointed out that the reason the ban was imposed in the first place was because we negotiated it with a friendly Turkish Government. I say we want to maintain that status of friendship so we can negotiate again. The government with which we negotiated before was an authoritarian government that could impose its will on the people. But now the democratic processes are more at work. We are paying the price for seeing domestic democracy in Turkey.

Of course, I know we want to punish the Greeks because they have an authoritarian government. They do not produce any opium or any poppies in Greece so, perhaps, we should revise our opinion in the treatment of the Greeks and be somewhat more consistent around the Senate.

Mr. President, I submit that a friendly climate with Turkey and the external security of the United States are both of vital importance to us. If I thought I was gutting an amendment that would effectively prevent the introduction of illicit opium or heroin into this country, if I thought that it would do that, I would certainly support it.

Let me point out that my amendment requires that the President report to Congress that the national security interests of the United States so require it, and if Congress disagrees that the national security does not require it, Congress has the power to suspend aid. As a matter of fact, Congress has the power by concurrent resolution today to suspend aid to Turkey, in the absence of the amendment of the Senator from Minnesota.

Mr. President, I think we should keep our heads. We get very emotional about this. Dope is a terrible thing, but this amendment will not cure it. I suggest it might create the kind of climate in which we cannot negotiate with the Turks a satisfactory arrangement for preventing opium gum from going into illicit traffic and ending up on our streets as heroin.

Mr. MONDALE. Mr. President, I recall the circumstances surrounding the 1971 agreement with Turkey and with France. That came about, above all, because there was concerted congressional and presidential pressure upon those countries to respond, regrettably pressure that is missing today.

Perhaps the Senator from Texas has different information than I have, but it is my information that the Turks have not responded to any extent whatsoever to the current negotiations. They have paid no attention to the efforts by our ambassador there to urge some protection for the American people, and the negotiations are absolutely cold and they are fruitless.

What this amendment seeks to do, and one of the reasons, according to some of the materials coming out of Turkey, is that they do not believe the American people are as concerned about this matter as they once were—what this amendment is designed to do is to make it clear that we do not intend to tolerate a situation in which thousands of our young people are exposed to the illicit drug traffic and become addicted to heroin, and that we are not going to have a situation where we send millions and millions of dollars—in the case of Turkey $230 million—to a country that is willing to inflict such damage upon our Nation.

We are not trying to disagree with the official position of the Turkish Government. They say all they are interested in is the legal traffic of opium for medicinal purposes. That is all we are asking for in this amendment, together with safeguards to make certain that the drug pushers they have just let out of jail do not get back into the business of peddling those drugs as they were in the pre-1971 era. There is too much evidence—all of it bleak—that that is exactly what is going to happen.

One of the persons released from prison a few weeks ago was caught with 146 kilograms of morphine base. That works out to about 300 pounds of heroin. He had been caught on three previous trips. He is one of the most spectacular drug smugglers in the business. He is back on the streets and ready to get started again. The man who was trying to do a good job in Turkey is now out of business. They are talking about expanding the production to historic levels.

No one that I know who has looked at this matter is at all confident that anything would happen except that most of this would end up in illicit traffic.

This amendment guts our amendment. It takes Congress out of the act; it suspends the operation of the rest of the amendment, solely on the basis of what the President determines to be in this Nation's national security interest. We are on guard now as to how they define national security. It includes just about anything they want: no knowledge, no information, just whatever they want it to mean.

It becomes interesting that we should make that assertion when in this morning's New York Times the Foreign Minister of Turkey said they would not close down our military bases if we cut off military aid or not.

I hope this amendment is defeated, and that we make it clear to Turkey and the other governments that engage in this production that we will not tolerate drug traffic.

Mr. TOWER. Mr. President, I think we all want the same thing. I think that people are going to look at the actions taken here today and be a little confused. Now, I think the high probability is that the amendment of the Senator from Minnesota will be agreed to; and on the very same day we repealed the no-knock provisions that have been such an effective tool in ferreting out drug pushers in this country and confiscating illicit drugs and bringing the pushers to justice.

I wonder how many people are going to laugh at us. In one day we take away one of the most effective tools the law enforcement officer has had to deal with drug abuse and drug pushers. On the one hand, we are crying about the poor drug pusher because somebody kicked his door in, arrested him, and did not advise him first; then we tell the Turks not to raise this stuff, or we are going to pull away all our military assistance if they do, and not defend their flank. It does not make good sense to me.

I hope my amendment is adopted. If it is, I shall support the amendment of the Senator from Minnesota, although I still do not think it will have the desired effect.

Mr. President, I am ready to yield back the remainder of my time if the Senator from Minnesota is ready to yield back his time.

Mr. MONDALE. I shall be ready to yield in a moment. I have one final point.

I do not think there is any question about the fact that we have a mutual support arrangement with the Turkish Government that will continue. That is what is being discussed here in terms of national security. But the proposal here is so broad it guts out my amendment. I hope the Senator's amendment is rejected.

Mr. President, I ask unanimous consent that Senators Javits, Nelson, McGovern, Burdick, Muskie, Biden, Hughes, and Dole be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. TOWER. To be equally divided.

Mr. MONDALE. Mr. President, will the Senator withhold for just a moment?

Mr. TOWER. I withdraw my request.

Mr. MONDALE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 2 minutes.

Mr. MONDALE. Mr. President, I yield to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I must confess I have a deep concern for keeping together the NATO alliance. I sympathize with the objectives that the Senator from Texas has in mind, but nevertheless we have to face the hard realities and the hard realities are such that the resumption of growing poppies, without the safeguards that would be provided for reasonable assurance that none of that opium will find its way into illicit channels, will have a tremendous impact on the lives of our citizens.

I am afraid the amendment of the Senator from Texas is so sweeping in effect that it would totally vitiate the amendment offered by the Senator from Minnesota.

I therefore urge that it be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. McGOVERN. Mr. President, this amendment to the Drug Abuse Prevention Act would suspend all American aid to Turkey until that country reimposes its ban on the production of opium.

The Turkish Government announced June 28 it would once again permit opium production, removing a prohibition imposed 3 years ago at the urging of the United States.

This outrageous decision could mean a complete reversal of all the gains we have made in the war against heroin in this country. We cannot permit this to happen.

Before the ban, Turkey supplied more than 80 percent of all the illegal heroin coming into the United States. The elimination of that source of supply went a long way toward drying up the market.

Unless it is stopped, the Turkish decision will translate directly into more addicts, more crime, more millions of dollars of profits for underworld traffickers in hard drugs. It would be sheer stupidity for us to continue supplying aid of any kind to a country that would inflict such an attack on the American people.

Mr. PACKWOOD. Mr. President, there is no pestilence as cruel as one that saps the lifeblood of a nation's younger generation. When such a plague is encouraged by lawless and heartless segments of the population, then this blight becomes a monstrosity consuming the well-being of a country and in turn spewing forth filth and degradation.

Heroin addiction is the epitome of this pestilence—a disease that up until 3 years ago was on a rampage, cutting through the urban core of our large cities, and spreading through to "comfortable" suburbs. No class, no income level, no neighborhood was immune to the spread of addiction. No distance was too great. And so, because of the increased availability of the drug in the 1960's, thousands of young people succumbed to the horrors of heroin. It was a tragic treadmill, moving faster with greater destruction each year.

Thus with only escalation of this grave problem in sight, 3 years ago this country moved to halt in the most effective manner the heroin traffic. With the double blow of drastically reducing the heroin source—Turkish opium poppy fields—and by mounting an effective drug rehabilitation program here in the States we hoped to knock out the heroin blight before it literally killed thousands of Americans.

Mr. President, since 1971 that very promise was beginning to be fulfilled. As the senior Senator from Minnesota (Mr. Mondale) has reported to this body, the Turkish ban of 3 years ago effected a drop of 60 percent in the number of heroin addicts. With this encouraging progress, how are we then to greet the Turkish Government's decision of last week to drop the ban on opium production? In dropping the ban they might as well be dropping a bomb on all the grinding progress we have managed to make in recent years. Lifting the ban will again restore the heroin flood in the United States, access will be free and easy but the costs to society will again be astronomical.

I cannot stand for a resumption of this despicable trade. We must not allow these merchants of death-dealing drugs to again ply their poison. Because the renewed bloom of opium in Turkey will translate into a new spread of addiction in America, we must use the most effective means at our disposal to convince Turkey that we value the health of our people more than the meager moneys Turkish farmers might obtain through illegal poppy production. This is why I strongly support Senator Mondale's amendment to terminate economic and military aid to Turkey until their ban on the growing of opium is reapplied.

If money was the motivating factor for Turkey to resume production, let us speak their language. Our aid—$232 million proposed for the next fiscal year—is substantial when compared to Turkish opium profits. Likewise, our concern for the probable escalation in addiction is heavy, and heavily we must bring pressure to bear on the Turkish Government to, therefore, reverse their decision.

I hope, then, that passage of this amendment will persuade the Turks of the seriousness with which we regard this situation, that this grave error is rectified, and that the ban will again be put into force, so that progress in drug rehabilitation can continue rather than be tragically reversed.

RECESS FOR 3 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for a period of 3 minutes.

There being no objection, at 4:54 p.m., the Senate took a recess for 3 minutes; whereupon, at 4:57 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. Stevens).

UNANIMOUS-CONSENT AGREEMENT ON S. 1566

Mr. ROBERT C. BYRD. Mr. President, this request has been cleared on both sides of the aisle. I ask that at such time as S. 1566, Calendar Order No. 910, is called up and made the pending business before the Senate—and this will not be until next Wednesday—that there be a time limitation on the bill of 1 hour, to be equally divided between Mr. Inouye and Mr. Javits; that time on any amendment thereto be limited to 30 minutes; the time on any amendment to an amendment, debatable motion, or appeal be limited to 20 minutes, and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

PRESIDENTIAL APPROVALS

A message from the President of the United States stated that on July 10, 1974, he had approved and signed the following acts:

S. 3490. An act providing that funds apportioned for forest highways under section 202(a), title 23, United States Code, remain available until expended; and

S. 3705. An act to amend title 38, United States Code, to provide a 10-year delimiting period for the pursuit of educational programs by veterans, wives, and widows.

MESSAGE FROM THE PRESIDENT—REPORT OF THE SECRETARY OF TRANSPORTATION ON HAZARDOUS MATERIALS CONTROL

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the Fourth Annual Report of the Secretary of Transportation on Hazardous Materials Control, which, with the accompanying report, was referred to the Committee on Commerce and ordered to be printed. The message is as follows:

To the Congress of the United States:

I transmit herewith the Fourth Annual Report of the Secretary of Transportation on Hazardous Materials Control, as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91-458. This report has been prepared in accordance with Section 302 of the Act and covers calendar year 1973.

Richard Nixon.

The White House, *July 11, 1974.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, July 11, 1974, he presented to the President of the United States the following enrolled bills:

S. 2830. An act to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus; and

S. 2893. An act to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next three fiscal years.

AMENDMENT OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT

The Senate continued with the consideration of the bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Texas to the amendment offered by the Senator from Minnesota.

The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Alaska (Mr. Gravel), the Senator from Louisiana (Mr. Johnston), the Senator from Louisiana (Mr. Long), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Massachusetts (Mr. Brooke), the Senator from Nebraska (Mr. Curtis), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The result was announced—yeas 29, nays 60, as follows:

[No. 299 Leg.]

YEAS—29

Aiken
Beall
Bennett
Brock
Byrd, Robert C.
Chiles
Cotton
Eastland
Fannin
Goldwater
Griffin
Gurney
Hart
Haskell
Hruska
Kennedy
Mathias
McGee
McIntyre
Nunn
Pearson
Percy
Randolph
Scott, Hugh
Stafford
Stennis
Stevens
Thurmond
Tower

NAYS—60

Abourezk
Allen
Baker
Bartlett
Bentsen
Bible
Biden
Buckley
Burdick
Byrd, Harry F., Jr.
Cannon
Case
Church
Clark
Cook
Dole
Domenici
Dominick
Ervin
Fong
Fulbright
Hansen
Hartke
Hatfield
Hathaway
Helms
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Magnuson
Mansfield
McClellan
McClure
McGovern
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Ribicoff
Roth
Schweiker
Scott, William L.
Sparkman
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NOT VOTING—11

Bayh
Bellmon
Brooke
Cranston
Curtis
Eagleton
Gravel
Johnston
Long
Talmadge
Young

So Mr. Tower's amendment to Mr. Mondale's amendment was rejected.

Mr. MONDALE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COOK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COOK. Mr. President, I ask unanimous consent that the rollcall vote on the Mondale amendment be limited to 10 minutes, with the bell to ring after 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now recurs on agreeing to the amendment of the Senator from Minnesota (Mr. Mondale). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Alaska (Mr. Gravel), the Senator from Louisiana (Mr. Johnston), the Senator from Louisiana (Mr. Long), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Massachusetts (Mr. Brooke), the Senator from Nebraska (Mr. Curtis), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The result was announced—yeas 81, nays 8, as follows:

[No. 300 Leg.]

YEAS—81

Abourezk
Allen
Baker
Bartlett
Beall
Bentsen
Bible
Biden
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stennis
Stevens
Stevenson
Symington
Taft
Thurmond
Tunney
Weicker
Williams

NAYS—8

Aiken
Bennett
Goldwater
Griffin
Hruska
Percy
Stafford
Tower

NOT VOTING—11

Bayh
Bellmon
Brooke
Cranston
Curtis
Eagleton
Gravel
Johnston
Long
Talmadge
Young

So Mr. Mondale's amendment was agreed to.

Mr. COOK. Mr. President, I send an amendment to the desk, and I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Sec. 2. Section 1114, Title 18, United States Code, is amended by deleting "Bureau of Narcotics and Dangerous Drugs" and inserting "Drug Enforcement Administration" in lieu thereof.

Mr. COOK. Mr. President, at the present time section 1114 of title 18 of the United States Code makes it a Federal offense for anyone to assault a Federal law enforcement officer. The statute lists the various agencies to which it applies, including the officers of the former Bureau of Narcotics and Dangerous Drugs. It is now the Drug Enforcement Administration, and it was inadvertently left out.

This is a correction so that they can all come under the full force and effect of section 1114 of title 18, and I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment was agreed to.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT ON H.R. 11537

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 11537, Calendar No. 904, is called up and made the pending business before the Senate, there will be a time limitation thereon of 1 hour, to be equally divided between the majority leader and the minority leader, or their designees; and that there be a time limitation on any amendment, debatable motion or appeal of 30 minutes; and the agreement be in the usual form, with the understanding that this bill will be called up on Monday.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, after this vote there will be no further votes today and we will go over until Monday.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be no rollcall votes on Monday prior to the hour of 3:30 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

AMENDMENT OF THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT

The Senate continued with the consideration of the bill (S. 3355) to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis.

The PRESIDING OFFICER. The question is on final passage of the bill S. 3353. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Alaska (Mr. Gravel), the Senator from Louisiana (Mr. Johnston), the Senator from Louisiana (Mr. Long), and the Senator from Georgia (Mr. Talmadge), are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Massachusetts (Mr. Brooke), the Senator from Nebraska (Mr. Curtis), and the Senator from North Dakota (Mr. Young), are necessarily absent.

The result was announced—yeas 89, nays 0, as follows:

[No. 301 Leg.]

YEAS—89

Abourezk
Aiken
Allen
Baker
Bartlett
Beall
Bennett
Bentsen
Bible
Biden
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams

NAYS—0

NOT VOTING—11

Bayh
Bellmon
Brooke
Cranston
Curtis
Eagleton
Gravel
Johnston
Long
Talmadge
Young

So the bill (S. 3355) was passed, as follows:

S. 3355

An Act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 709 of the Controlled Substances Act of 1970 (Public Law 91-913; 84 Stat. 1284; 21 U.S.C. 904) is amended by inserting immediately before the period at the end thereof the following: ", $125,000,000 for the fiscal year ending June 30, 1975, $150,000,000 for the fiscal year ending June 30, 1976, $175,000,000 for the fiscal year ending June 30, 1977, $200,000,000 for the fiscal year ending June 30, 1978, and $225,000,000 for the fiscal year ending June 30, 1979".

INTERNATIONAL NARCOTICS CONTROL

Sec. 2. Section 481 of the Foreign Assistance Act of 1961, as amended, is amended by adding at the end thereof the following new subsections:

"(c) (1) Any Government, which permits the production of opium poppies, shall not be the recipient of economic and military assistance furnished under this or any other Act, and all sales, credit sales and guarantees made with respect to such country under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954 shall be suspended, beginning January 1, 1975, unless the President determines that a ban on the growing of opium poppies is in effect or certifies to the Congress that safeguards adopted by the Government concerned effectively prevents the diversion of opium and its derivatives into illicit markets. Such certification shall be accompanied by a detailed description of such safeguards. In the latter event, economic and military assistance and event, credit sales and guarantees shall continue only so long as the President continues to be satisfied as to the effectiveness of such safeguards.

"(2) The Director of the Drug Enforcement Administration shall report immediately to the President and the Congress any evidence that opium and its derivatives are being diverted from permitted production into illicit markets and shall also make a detailed report on or before June 30 of each year to the President and the Congress, reporting on the worldwide production of opium and its derivatives, the effectiveness of controls in each producing country, and the extent to which opium and its derivatives are being diverted into illicit markets.

"(3) If, within 60 days of continuous session of the Congress after a report is submitted under paragraph (2), the Congress adopts a concurrent resolution finding that any country has not effectively banned the growing of opium poppies or that such country is not effectively preventing opium, or its derivatives, produced in such country from being diverted into illicit markets, then the President shall immediately suspend economic and military assistance to such country under this or any other Act and shall suspend all sales, credit sales and guarantees to such country under the Foreign Military Sales Act and title I of the Agricultural Trade Development and Assistance Act of 1954."

"(d) Subsections (e)–(g) of this section are enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this paragraph; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(e) For purposes of the section, the term 'concurrent resolution' means only a concurrent resolution of the Senate or the House of Representatives the matter after the resolving clause of which is substantially as follows: 'The Congress finds that ———— has not effectively banned the production of opium and has not effectively prevented the diversion of opium, or its derivatives, produced therein from being diverted into illicit markets.' (The blank space being filled with the name of the country involved.)

"(f) (1) A concurrent resolution shall be referred to the appropriate committee of the Senate or the House as the case may be. When the committee of the House has reported a concurrent resolution, it is in order at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which the report upon such resolution has been available to Members of the House (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(2) General debate on any concurrent resolution in the House of Representatives shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to. No amendment to the concurrent resolution is in order.

"(3) Motions to postpone, made with respect to the consideration of any concurrent resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

"(4) Appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to any concurrent resolution shall be decided without debate.

"(g) (1) Debate in the Senate on any concurrent resolution and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between and controlled by the majority leader and the minority leader or their designees.

"(2) No amendment to the concurrent resolution is in order. A motion to further limit debate is not debatable. Debate on any such motion to recommit shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution."

Sec. 3. Subsection (b) of section 509 of the Controlled Substances Act (21 U.S.C. 879) is hereby repealed.

Sec. 4. (a) Section 23–522(c)(2) of the District of Columbia Code is hereby repealed.

(b) Section 23–521(f)(6) of the District of Columbia Code is hereby repealed.

(c) Section 23–524(a) is amended to read as follows:

"(a) An officer executing a warrant directing a search of a dwelling house or other building or a vehicle shall execute such warrant in accordance with section 3109, title 18, United States Code.".

(d) The last sentence of section 23–561(b)(1) of the District of Columbia Code is hereby repealed.

(e) Section 23–591 of the District of Columbia Code is hereby repealed.

Sec. 5. Section 1114, title 18, United States Code, is amended by deleting "Bureau of Narcotics and Dangerous Drugs" and inserting "Drug Enforcement Administration" in lieu thereof.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed

Mr. MUSKIE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ADJOURNMENT UNTIL MONDAY, JULY 15, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock noon, on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR METZENBAUM ON MONDAY, PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR THE CONSIDERATION OF H.R. 11537

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized on Monday, that the Senator from Ohio (Mr. METZENBAUM) be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes each, after which the Senate return to the consideration of Calendar No. 904, H.R. 11537.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIORICA ANNA GHITESCU, ALEXANDER GHITESCU, AND SERBAN GEORGE GHITESCU

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 955.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 8543) for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which was ordered to a third reading, read the third time and passed.

CONSUMER FOOD ACT OF 1974

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Senate Calendar 948.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2373) to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment in the nature of a substitute; and from the Committee on Labor and Public Welfare with an amendment in the nature of a substitute.

Mr. MAGNUSON. Mr. President, I send to the desk four technical amendments, and I ask that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

The amendments are as follows:

On page 23, line 24, delete the period and insert the following: "except with respect to the application of sections 410(a) and 410(c) of this Act to fresh fruits and vegetables in their raw, unpeeled form with respect to which 'safety assurance' includes and is to be limited to those processing factors which bear upon whether a food may be adulterated, within the meaning of sections 402(a) (3) and (4) of this Act."

On page 52, delete lines 12 through 21 and insert in lieu thereof: "(e) This section shall not apply to—

"(1) any class of food processors whom the Secretary may by regulation exempt from the application of this section upon a finding in writing that registration in accordance with this section is not necessary for the protection of the public health;

"(2) any processing subject to the exclusive jurisdiction of the Secretary of Agriculture;

"(3) any processing consisting solely of the sale of food in a retail establishment for consumption on or off the premises; or

"(4) the processing of distilled spirits, wine, or malt beverages as defined in the Federal Alcohol Administration Act (27 USC 201–211).

On page 55, line 10, after the words "the dating of", delete the words "the food" and insert in lieu thereof "a food for human consumption".

On page 57, line 5, after the words "a food", insert "for human consumption".

On page 60, line 7, after the word "of", insert the word "any", and after the word "food", insert the words "for human consumption".

On page 60, line 23, after the words "of a food", insert the words "for human consumption".

On page 64, following line 9, insert a new section 309 as follows:

"Sec. 309. This title shall not apply to the labeling of distilled spirits, wine or malt beverages to the extent of the application or the extension thereof of the Federal Alcohol Administration Act (27 USC 201–211)."

On page 64, line 11 renumber "Sec. 309" as "Sec. 310.".

The PRESIDING OFFICER. Without objection, the technical amendments are agreed to en bloc.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the enrollment of S. 2373.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open to further amendment.

Mr. MAGNUSON. Mr. President, I will take just about a minute on the bill.

Mr. President, this is a very, very important bill. I think it is one of the most significant and farsighted new laws to protect the consumer from unsafe food since revision of the Federal Food, Drug, and Cosmetic Act in 1938.

This did not happen by accident. The committee and its staff worked long and hard with consumer representatives, the Food and Drug Administration and representatives of the food industry in order to achieve an unusual degree of unanimity and singleness of purpose. We all recognize the need for an expedient up-to-date regulatory process to achieve a greater degree of food safety while minimizing the additional cost of such a program that might further increase the food price spiral.

After considerable personal involvement in this legislation, I feel that I can say that the food safety provisions of this bill achieve our goals in giving American consumers—who already have the best selection of quality foods available—the best food safety law available anywhere.

I want to compliment all the members of the committee, both the Republicans and the Democrats. At long last, after a lot of work and a lot of give and take not only with the industry, and the Federal agencies but also within our own committee, this bill has finally received the well-deserved unanimous approval of the Senate. I want to give special thanks to the staff of the Commerce Committee including Leonard Bickwit, Edward Merlis, Michael Brownlee, Shari Leber. Arthur Pankopf, and Tom Adams without whose diligent efforts such unanimity could not have been achieved. It is my understanding that the contributions of the Committee on Labor and Public Welfare were invaluable to the Commerce staff, and I'd like to compliment that committee too.

It is going to work well. It is probably one of the best consumer bills we have passed in a long, long time.

Mr. GRIFFIN. Mr. President, I wish to ask the distinguished chairman of the committee about the amendments which have already been adopted. I did not oppose them, but did they not add some exemptions so far as the coverage of the bill is concerned?

Mr. MAGNUSON. Yes; the committee considered those, and they were unanimous.

Mr. GRIFFIN. I do not take exception to the merits of the particular amendments. But I would not regard them as technical amendments. I would have to regard them as amendments of substance.

Mr. MAGNUSON. The Senator can call them what he wishes. They are amendments to the bill.

Mr. GRIFFIN. I shall allow the matter to rest there except to observe that when a Senator asks unanimous consent for some technical amendments to be incorporated in a bill, I think in terms of grammatical or typographical changes, rather than exempting certain industries from coverage.

Mr. MAGNUSON. They have been cleared.

Mr. GRIFFIN. I understand that.

Mr. MANSFIELD. If the Senator will yield, it is my understanding that they were noncontroversial amendments, rather than technical.

Mr. GRIFFIN. I will accept that.

Mr. MAGNUSON. I will accept that.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute, reported by the Committee on Commerce, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the Committee on Labor and Public Welfare, in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

Mr. KENNEDY. Mr. President, the safety of the American food supply must be given high priority. Hazards of botuism and other food poisoning and exposure to chemicals, are just some of the problems surrounding food processing. The problem of adulterated food in this country is not insignificant. In fiscal year 1973, the Food and Drug Administration instituted 3,020 regulatory actions—including recalls, seizures, and import detentions—against adulterated food. It is recognized that these figures represent only the surface of the problem. There are approximately 60,000 companies in the food industry, 32,000 are manufacturers and processors. Through inspections, samplings, and retail surveys, FDA can hope to discover only a fraction of the adulterated food which is sold to consumers. More importantly, action is usually taken after the food is sold and often after someone has been injured. Presently, since FDA must itself perform all of surveillance for adulterated food, little can be done to prevent adulteration or detect it prior to sale.

In December of last year, the Health Subcommittee of the Committee on Labor and Public Welfare which I chair reported S. 2373. The bill was designed to better insure that action is taken to reduce and eleminate risks and potential risks to health from food.

As reported from the Health Subcommittees, S. 2373 required the Secretary of Health, Education, and Welfare—through the Food and Drug Administration—to conduct a surveillance program for adulterated food. It required food manufacturers to institute procedures to assure food safety. And it gave FDA additional authority to determine problems associated with food processing and alleviate those problems, and it required manufacturers to register with FDA. It also provided for ingredient labeling of all foods.

I am pleased that in considering S. 2373 the Commerce Committee retained each of these vital provisions. I commend the members of that committee and especially my esteemed colleagues Warren Magnuson, the chairman of that committee and Philip Hart, who chaired the hearings on S. 2373 in the Consumer Subcommittee. Both of these men are responsible for so much of the legislation which has been enacted for the protection of the consumer.

In addition to what I have described as the vital principles of S. 2373, the Commerce Committee has provided for important provisions regarding food labeling—another important protection for consumers.

This legislation is needed to deal with the serious problems of food adulteration. It is hard to believe that food manufacturers can market their products without conducting any procedures to assure the safety of that food. It is too late to act after people have suffered the ill effects of adulterated food. I urge the House to hold hearings on this vital piece of legislation so that it can be enacted this year.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2373

An act to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Food Act of 1974".

TITLE I—FOOD SURVEILLANCE

SEC. 101. Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341–8) is amended by adding at the end thereof the following new section:

"FOOD SURVEILLANCE

"Safety Assurance Procedures

"SEC. 410. (a)(1) Any person who owns or operates any establishment in which food is processed (hereinafter referred to as a 'food processor') shall, unless he is exempted by the Secretary, pursuant to paragraph (4) of this subsection, develop, implement, and maintain safety assurance procedures for such establishment. Such procedures shall be set forth in writing and accessible to the Secretary within 6 months of the date of enactment of this section in such manner and form as the Secretary shall prescribe. In developing such procedures a food processor shall—

"(A) identify those control points in the food processing operation carried out by any establishment owned or operated by him which are important in the prevention of adulteration, within the meaning of section 402(a) of this chapter;

"(B) identify the hazards associated with each such point;

"(C) establish adequate controls at each such point; and

"(D) establish adequate monitoring of the controls at each such point.

"(2) The safety assurance procedures developed under paragraph (1) of this subsection shall be reviewed, and appropriate revisions made, at least annually, by the food processor involved.

"(3) Written documents required under this section shall be retained for 5 years and shall be subject to inspection, pursuant to section 704 of this Act.

"(4) A food processor shall be exempted from the requirements of this subsection if the Secretary finds by regulation that the establishment or type of establishment owned or operated by such processor is unlikely, because of the nature or volume of its food processing, to create or contribute to a significant risk of adulteration, within the meaning of section 402(a) of this chapter.

"(5) As used in this section 'safety assurance' includes and is limited to those processing factors which bear upon whether a food may be adulterated, within the meaning of section 402(a) of this chapter except with respect to the application of sections 410(a) and 410(c) of this Act to fresh fruits and vegetables in their raw, unpeeled form with respect to which 'safety assurance' includes and is to be limited to those processing factors which bear upon whether a food may be adulterated, within the meaning of sections 402(a) (3) and (4) of this Act.

"Safety Assurance Plan

"(b)(1) On or before December 31 of each year, the Secretary shall prepare a safety assurance assessment report concerning existing and potential risks of adulteration, within the meaning of section 402(a) of this chapter, which are known to him and for which safety assurance procedures, safety assurance standards, or inspection and monitoring by the Secretary appear necessary or appropriate to protect the public. Such report shall—

"(A) specify all risks identified;

"(B) rank such risks in the order of their public importance; and

"(C) state, in general terms, the means by which such risks are to be controlled (that is, by safety assurance procedures, safety assurance standards, or identified methods or procedures of inspection and monitoring).

"(2) The first safety assurance assessment report shall include a proposed safety assurance plan, in the form of a proposed regulation, which shall be designed to control the risks required to be specified in such report. Such plan shall include a specific schedule for implementation (that is, the date by which (A) appropriate provisions shall be included in safety assurance procedures; (B) an appropriate safety assurance standard shall be developed and adopted or (C) a particular method or procedure of inspection and monitoring—including, where appropriate, the frequency of its application—shall be implemented), in such detail as to permit reasonable evaluation by interested persons of the adequacy of the Secretary's total safety assurance effort. Subsequent safety assurance assessment reports shall include any proposed changes in the safety assurance plan, in the form of proposed amendments to such regulation. Such plan may be further amended at any time at the discretion of the Secretary. No such plan or amendment thereto shall contain provisions regarding safety assurance procedures or safety assurance standards applicable to processing which consists solely of the sale of food in a retail establishment for consumption on or off the premises.

"(3) The safety assurance assessment report and the proposed safety assurance plan or amendments thereto shall be published in the Federal Register and interested persons shall be afforded an opportunity for comment pursuant to section 553 of title 5, United States Code. Any final plan or amendment shall constitute final agency action subject to judicial review, in accordance with section 701(f) of this Act.

"(4) The safety assurance plan shall provide for inspection at least once each year, by authorized representatives of the Secretary, of each establishment engaged in the processing of food. other than an establishment (A) which is engaged in processing which consists solely of the sale of food in a retail establishment for consumption on or off the premises; or (B) which is of a type which the Secretary by regulation finds is unlikely, because of the nature or volume of its food processing, to create or contribute to a significant risk of adulteration, within the meaning of section 402(a) of this chapter: *Provided,* That such plan may provide for a transfer by the Secretary of resources committed to such annual inspections to other food safety assurance activities subject to his jurisdiction upon a finding that such transfer is necessary to protect health and safety.

"(5) The safety assurance plan shall, at a minimum, be formulated so as to (A) reduce or eliminate all risks required to be specified in prior safety assurance assessment reports to the maximum extent feasible; and (B) provide reasonable assurance that within 4 years of the date of enactment of this section no such risk shall constitute an unreasonable risk of adulteration, within the meaning of section 402(a) of this chapter, unless and to the extent that the Secretary for good cause finds (and incorporates such finding and a statement of the reasons therefor in the plan) that the realization of this objective is infeasible, impractical, or contrary to the public interest.

"Safety Assurance Standards

"(c)(1) If the Secretary finds that any food or class of food is being processed in such a manner as to present an unreasonable risk of adulteration, within the meaning of section 402(a) of this chapter, and that existing safety assurance procedures and inspection and monitoring activities are not adequate to protect against such risk to the extent required by paragraph (8) of this subsection, he shall promulgate regulations or amendments to existing regulations in order to establish a safety assurance standard to reduce or eliminate such risk.

"(2) Regulations under this subsection shall be promulgated in accordance with section 553 of title 5, United States Code, after notice and an opportunity for a hearing: *Provided,* That (A) the Secretary shall publish in the Federal Register his findings and an adequate statement of reasons underlying the provisions adopted, including responses to objections and comments of interested persons; and (B) an order promulgating regulations or amendments to regulations under this subsection shall be subject to judicial review, in accordance with section 701(f) of this Act.

"(3) Regulations under this subsection may be proposed by the Secretary upon his own initiative or upon the petition of any interested person. In promulgating or modifying such regulations the Secretary shall consider the reports and recommendations of appropriate advisory committees established by the Secretary.

"(4) Regulations under this subsection shall designate—

"(A) the food or class of foods which is subject to the safety assurance standards being established;

"(B) the persons required to conduct surveillance in accordance with such standards;

"(C) the contaminants, properties, unsanitary practices, or other factors (including but not limited to micro-organisms, heavy metals, toxins, drug residues, pesticide residues, filth, and other potentially harmful constituents and practices) for which surveillance is required;

"(D) the sampling methods and methods of inspection and examination by which such surveillance shall be accomplished;

"(E) the methods of analysis by which such examinations shall be accomplished;

"(F) the circumstances under which reports of such surveillance and test results shall be submitted to the Secretary; and

"(G) the activities (including sampling, analysis, and inspections) which the Secretary shall undertake to assure compliance with the safety assurance standards being established.

"(5) No safety assurance standard established under this subsection shall be applicable to any person who has developed, implemented, and maintained safety assurance procedures under subsection (a) of this section which the Secretary finds are adequate to protect against risks of adulteration to the extent required by paragraph (8) of this subsection.

"(6) The Secretary shall periodically evaluate the adequacy of any safety assurance standard established under this subsection and propose amendments in order to reflect new information or changes in methods of food processing.

"(7) Any person or group of persons may petition the Secretary, for an amendment of, or an exception to, regulations promulgated under this subsection to permit the use of methods other than those specified in the regulations. Upon a showing that any alternative method is equally or more effective than the method specified in the regulations, the Secretary shall (A) approve the requested amendment or exception; or (B) refer the petition for an amendment or exception to an advisory committee established pursuant to subsection (d) of this section for its consideration and recommendation.

"(8) The safety assurance standards established pursuant to paragraphs (1) and (2) of this subsection shall be formulated and implemented so as to provide reasonable assurance that food does not present an unreasonable risk of adulteration, within the meaning of section 402(a) of this chapter. Such standards may vary, as appropriate, among different foods or classes of foods. If there is insufficient knowledge to establish such a standard for any food or class of foods, the Secretary shall immediately initiate a program to acquire sufficient knowledge and to develop such a standard.

"(9) If the Secretary finds a threat or potential threat to the public health, which requires that there be an immediate increase in the level of surveillance pursuant to safety assurance standards, with respect to any foods or classes of foods, he may direct an increase in such level (or otherwise modify the applicable safety assurance standards) to the extent that he determines necessary. Such an order may be entered without regard to any procedural prerequisites otherwise applicable, except that the Secretary shall provide an opportunity or a hearing thereon and comply with other applicable procedures as soon as practicable after the increase in the level of surveillance has been directed.

"(10) Chemical and other analyses performed under this section to determine the presence and amount of contamination in food shall be performed through the use of the best instruments, technology, and trained personnel which are reasonably available.

"Advisory Committees

"(d)(1) The Secretary is authorized to appoint and organize such standing or ad hoc advisory committees as he deems necessary or appropriate to study and report to him with respect to existing and potential hazards to health and safety related to food, risks of adulteration, and recommended action to reduce such hazards or risks. Each committee so established shall provide, to the maximum extent practical, an opportunity for any interested person to submit data and views on all matters considered by such committee. The meetings of such committees shall be governed by the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I). The Secretary shall cause any report submitted to him by any such committee to be published as soon as practicable in the Federal Register and shall provide interested persons an opportunity to comment thereon.

"(2) Where advisory committees are established, the members shall be individuals who are qualified, by training and experience, in food safety or in the use of statistical sampling techniques, analytical methodology, or other technical disciplines relevant to food surveillance. The provisions of chapter 11 of title 18, United States Code, shall apply with respect to voting members of any such committee. In addition to such technical experts, any such committee shall include, as nonvoting members, a representative of consumer interests and a representative of industry interests. Committee members may be nominated by appropriate scientific, trade, and consumer organizations. The Secretary shall designate one of the members of any such committee to serve as chairman. Committee members shall, while attending meetings or conferences of the committee or otherwise engaged in its business, be compensated at per diem rates fixed by the Secretary, but not at rates in excess of the rate for grade GS–18 of the General Schedule at the time of such service, including traveltime. While serving away from their homes or regular places of business, members of such committees may be paid travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. The Secretary shall furnish any such committee with adequate clerical and other necessary assistance, and he shall prescribe by regulation the procedures to be followed by it.

"Records and Examination

"(e)(1) Any person required to comply with the requirements of subsection (a) or (c) of this section shall establish and maintain such records as the Secretary may by regulation require pertaining to safety assurance procedures and safety assurance standards and make such records available to the Secretary upon request.

"(2) The Secretary may require, by general or specific orders, the submission of special reports or answers in writing to specific questions containing such data and information relating to any safety assurance procedures and safety assurance standards, or the implementation thereof, or any matter relating to detection of adulterated or misbranded food, which may assist him in carrying out the purposes of this Act. The district courts of the United States shall have jurisdiction to enforce such general or specific orders and to require access to such information, upon application of the Attorney General or of the Secretary pursuant to section 309 of this Act. An action for enforcement of such orders may be brought in the district court of the United States for any judicial district in which the person or establishment involved is found or transacts business.

"Notification

"(f)(1) A food processor, upon learning, or acquiring information which supports the conclusion, that there is, with respect to food processed by him, an unreasonable risk of adulteration, within the meaning of section 402(a) of this chapter, shall immediately notify the Secretary of such risk, if such food has left his control. Such food processor shall also notify the Secretary of any recall of any food which is adulterated, within the meaning of section 402(a) of this chapter, if such food has left an establishment subject to his control. No information or statements derived exclusively from any notification required under this section (except for information contained in records required to be maintained under any provision of this Act) shall be used as evidence in any proceeding brought against an individual pursuant to section 303 of this Act with respect to any alleged violation of law occurring prior to or concurrently with such notification.

"(2) The notifications required by paragraph (1) of this subsection shall contain a clear description and evaluation of the risk of such adulteration, including, but not limited to, the nature of the food affected and the quantity involved, and a statement of the measures to be taken to protect the public from such risk.

"Citizens Civil Action

"(g)(1) Except as provided in paragraph (2) of this subsection, any person may commence a civil action for mandatory or prohibitive injunctive relief, including interim equitable relief, on his own behalf, whenever such action constitutes a case of controversy—

"(A) against any person (including the Secretary) who is alleged to be in violation of any regulation promulgated under subsection (c)(1) of this section; or

"(B) against the Secretary where there is alleged a failure of the Seecretary to comply with the safety assurance plan established under subsection (b) of this section or to perform any act or duty under this section which is not discretionary with the Secretary.

The district courts of the United States shall have jurisdiction over actions brought under this section, without regard to the amount in controversy or the citizenship of the parties.

"(2) No civil action may be commenced—

"(A) under paragraph (1)(A) of this subsection—

"(i) prior to 60 days after the plaintiff has given notice of the alleged violation to the Secretary and to any alleged violator in such manner as the Secretary may by regulation require; or

"(ii) if the Attorney General or the Secretary has commenced and is diligently prosecuting proceedings with respect to such alleged violation.

"(B) under paragraph (1)(B) of this subsection, prior to 60 days after the plaintiff has given notice to the Secretary of such alleged failure to comply with the plan or to perform an act or duty.

"(3) In any action under this subsection the Attorney General or the Secretary may intervene as a matter of right.

"(4) The court, in issuing any final order in any action brought pursuant to paragraph (1) of this subsection, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate.

"(5) Nothing in this subsection shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any regulation or order or to seek any other relief.

"(6) For purposes of this subsection, the term 'person' means an individual, corporation, partnership, association, State, municipality, or political subdivision of a State.

"Other Authority

"(h) This section shall not be construed to exempt the Secretary or any other person from any obligation imposed by any other provision of this Act or by the provisions of any other Act, nor shall this section be construed to permit the use of any substance, practice, or conduct resulting in the presence of adulterated food if such use, practice, or conduct would not have been permitted in the absence of this section.

"Exemption

"(i) This section shall not apply to—

"(1) any processing subject to the exclusive jurisdiction of the Secretary of Agriculture;

"(2) processing which consists solely of the sale of food in a retail establishment for consumption on or off the premises, except with respect to safety assurance assessment reports and safety assurance plans prepared or established pursuant to subsection (b) of this section; or

"(3) processing of food which is not or has not been introduced into, delivered or held for introduction into, or shipped in or received or held for sale after shipment in, interstate commerce.

"Small Business Assistance

"(j) The Secretary shall cooperate with the Small Business Administration with respect to applications (under section 7(b)(5) of the Small Business Act, as amended (15 U.S.C. 631 et seq.)) for loans to assist affected small business concerns to comply with requirements under this section. The Small Business Administration shall direct that applications from such concerns, regarding proposed additions to or alterations in plant, facilities, or methods of operation which are designed to enable such concerns to comply with requirements under this section, shall be reviewed by the Secretary. The Secretary shall evaluate each such application and shall report to the Administrator (or to the bank or lending institution) within 60 days as to whether such additions or alterations are appropriate to assist the applicant to comply with such requirements and whether he recommends that the loan be granted.".

SEC. 102. Section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) is amended by adding at the end thereof the following two new subsections:

"(g) If any food is found by an authorized representative of the Secretary in any establishment or vehicle where it is held for purposes of, or during, or after distribution in interstate commerce, such food may be detained by such representative for a reasonable period, not to exceed 20 days, if such representative concludes that the facts provide a reasonable basis to show that such food is adulterated, misbranded, or otherwise in violation of this Act. Such food may be detained pending seizure action under this section or notification of any Federal, State, or other governmental authority having jurisdiction over the food, and such food shall not be moved by any person from the place at which it is located and detained (except as the Secretary may authorize), until released by the Secretary. If the food is still being processed, and has not been put in final form for shipment, processing may continue until the food is put in final form, but detention of such food in final form may be ordered. Any person who would be entitled to claim such food if it were seized may appeal such detention to a superior official. Such official shall conduct an informal hearing on the matter and confirm or revoke such detention within 5 days of such appeal. The Secretary may extend such detention for an additional 10 days, upon making a finding (and giving appropriate notice) that such extension is necessary to institute seizure action under this section.

"(h) There is a rebuttable presumption, because virtually all food is subject to the jurisdiction of this Act, that any food found in any State is subject to seizure and condemnation pursuant to this section. The claimant or any other party to a condemnation proceeding under this section shall have the burden of establishing that the article or articles are not subject to the jurisdiction of this Act. In the absence of such a showing jurisdiction shall be deemed to be established.".

SEC. 103. Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end thereof the following new subsection:

"(f) If it is a food which was processed other than in compliance with safety assurance procedures and applicable safety assurance standards required by or pursuant to section 410 of this chapter.".

SEC. 104. Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding the following two new subsections:

"(q) The failure to develop, maintain, and make accessible safety assurance procedures as required by section 410(a) of this Act, the failure to comply with safety assurance standards required by or pursuant to section 410 of this Act, the failure to maintain or make available records or make reports required pursuant to section 410 of this Act, or the failure or the refusal to furnish notification or other information as required by or pursuant to section 410 of this Act, with respect to food subject to the jurisdiction of this Act.

"(r) The unauthorized movement of a food detained under section 304(g) of this chapter or the removal or alteration of any mark or label used to identify the food as detained.".

SEC. 105. Chapter III of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331–7) is amended by adding at the end thereof the following two new sections:

"CIVIL PENALTIES

"SEC. 308. (a) Any person who is found by the Secretary, after notice and an opportunity for an adjudicative hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 301 of this chapter with respect to any food, shall be liable to the United States for a civil penalty of not more than $10,000 for each day of violation. The amount of such civil penalty shall be assessed by the Secretary, or his delegate, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited act or acts committed and, with respect to the person found to have committed such act or acts, any history of prior offenses, ability to pay and effect on ability to continue to do business, and such other matters as justice may require.

"(b) Any person against whom a violation is found and a civil penalty assessed under paragraph (1) of this subsection may obtain review in the appropriate court of appeals of the United States by filing a notice of appeal in such court within 30 days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found and such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings of the Secretary shall be set aside if found to be unsupported by substantial evidence, as provided by section 706(2)(e) of title 5, United States Code.

"(c) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Secretary shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

"AUTHORITY TO INITIATE LEGAL ACTIONS

"SEC. 309. Notwithstanding any other provisions of law, the Secretary may initiate, defend, or appeal any court action arising under this Act through his own legal representative or through the Attorney General, except that the Attorney General shall have exclusive authority to initiate prosecution of persons under section 303 of this Act.".

SEC. 106. Section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) is amended by deleting "United States attorney for such district" each time it appears therein and inserting in lieu thereof "the Secretary, or the United States attorney for such district, as appropriate,".

SEC. 107. (a) Section 702(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(a)) is amended by inserting after the first sentence thereof the following new sentence: "In connection with the training by the Secretary of any individual who is not an officer or employee of the United States to prepare him to perform the duties described in the preceding sentence, the Secretary may allow such individual travel expenses to and from the place of such training, including per diem in lieu of subsistence while in travel status and during such training, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently: *Provided,* That the individual's training is conducted under an agreement between the Secretary and any State or any political subdivision of a State, pursuant to which such individual, upon the completion of the training, will be employed by such State or political subdivision to conduct examinations or investigations to carry out the purposes of this Act.".

(b) Section 6(c) of the Fair Packaging and Labeling Act (15 U.S.C. 1455(c)) is amended by inserting at the end thereof the following new sentence: "In connection with the training by the Secretary of any individual who is an officer or employee of any State or any political subdivision of a State, duly commissioned by the Secretary as an officer of the Department of Health, Education, and Welfare to conduct examinations, investigations, or perform other functions, for the purposes of carrying out this Act, the Secretary may allow such individual travel expenses to and from the place of such training, including per diem in lieu of subsistence while in travel status and during such training, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently: *Provided,* That the individual's training is conducted under an agreement between the Secretary and a State, or a political subdivision of a State, pursuant to which such individual, upon the completion of the training, will be employed by such State, or political subdivision to conduct examinations or investigations to carry out the purposes of this Act.".

SEC. 108. Section 702 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372) is amended by adding at the end thereof the following new subsection:

"(f) For the efficient administration and enforcement of this Act as it relates to food, the provisions (including penalties but excluding annual reports) of section 6(b), 9, and 10 of the Federal Trade Commission Act (15 U.S.C. 46(b), 49, 50) are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act as it relates to food and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred on the district courts of the United States by such sections 6(b), 9, and 10 of the Federal Trade Commission Act may be exercised for the purposes of this Act by any such court.".

SEC. 109. (a) Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) is amended by inserting immediately after the first sentence thereof the following two new sentences: "In the case of any establishment manufacturing, processing, preparing, packaging, or holding food, inspection shall extend to safety assurance records bearing upon whether a food may be adulterated, within the meaning of section 402(a) of this Act, and records bearing upon the accuracy of statements made in the labeling of food. Safety assurance records shall be limited to process flow diagrams; any analytical procedure or method used; the results obtained from tests to ascertain compliance with safety assurance standards or procedures; quality assurance instructions or manuals; complaints; any record which relates to a breakdown in or demonstrates a pattern or possible weakness in safety assurance procedures or standards; food ingredient usage records; process validation and control records; coding information; and shipping information.".

(b) Section 704(a) of such Act (21 U.S.C. 374(a)) is further amended by striking the words "second sentence" in the last sentence and inserting in lieu thereof "fourth sentence".

Sec. 110. Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end thereof the following new subsection:

"(e) (1) Every person importing, offering for importation, or otherwise responsible for importing into the United States any food or class of food shall file with the Secretary, at least 30 days prior to such importation, a certificate in such manner as the Secretary shall specify, demonstrating that the particular imported food or class of foods has been produced in accordance with safety assurance procedures and in compliance with any applicable safety assurance standard established pursuant to section 410 of this Act.

"(2) The Secretary shall request the Secretary of the Treasury to refuse admission into the United States, pursuant to this section of any such food or class of food which the Secretary determines has not been produced in accordance with section 410 of this Act, or where the importer has failed to file the certification required in this subsection.

"(3) Any such food refused admission shall not be admitted until such time as the Secretary may determine that the food offered for importation is not injurious to the public health. For the purpose of making such determination, the Secretary reserves the right to request that a duly authorized employee or agent of the Secretary be permitted to inspect the processing procedures employed in the production of the food or class of food offered for importation.".

Sec. 111. Section 705 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 375) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall not use to his own advantage, or reveal, other than to other officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this Act, any trade secret information relating to food or any other information referred to in section 1905 of title 18, United States Code insofar as it relates to food. With respect to information relating to food which was originated by any person other than the Secretary, whenever the Secretary determines that information which he desires to disclose is not trade secret information and is not otherwise referred to in such section 1905, he immediately shall give notice to the originator of such information that he intends to disclose such information, identifying the information in such notice with sufficient particularity to enable its originator to evaluate whether it is referred to in such section 1905, and the Secretary shall provide such originator with an opportunity, which is reasonable under the circumstances but not to exceed 15 days, to initiate a civil action to enjoin, suspend, or restrain any such intended disclosure on the ground that such information is a trade secret or is otherwise referred to in section 1905 and, therefore, is prohibited from disclosure by this subsection. The district courts of the United States shall have jurisdiction over actions brought under this subsection, without regard to the amount in controversy. The courts shall expedite the disposition of such actions and shall cause them to be conducted in a manner which is designed to protect the confidentiality of the information intended to be disclosed by the Secretary.".

Sec. 112. Section 201(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 (f)) is amended by inserting after "animals," the following: "except that in sections 402(f), 410, and 411 of this Act such term shall not include articles used for food or drink for animals,".

Sec. 113. The amendments made by this title shall take effect upon the date of enactment of this Act, except that the first report under section 410(b) of the Federal Food, Drug, and Cosmetic Act shall be required on or before December 31, 1975.

TITLE II—FOOD ESTABLISHMENT REGISTRATION

Sec. 201. The Congress finds and declares that—

(a) in order to make regulation of interstate commerce in food effective, it is necessary to provide for registration and inspection of all establishments in which food intended for human consumption is manufactured, processed, packaged, labeled, stored, or otherwise handled;

(b) the products of all such establishments are likely to enter the channels of interstate commerce and to affect such commerce directly; and

(c) the regulation of interstate commerce in food, without provision for registration and inspection of establishments that may be engaged only in intrastate commerce in such food, would discriminate against and depress interstate commerce in such food and adversely burden, obstruct, and affect such interstate commerce.

Sec. 202. Chapter IV of the Federal Food, Drug, and Cosmetic Act, as amended by this Act is further amended by adding after section 410 the following new section:

"REGISTRATION OF FOOD ESTABLISHMENTS

"General

"Sec. 411. (a) On or before December 31 of each even-numbered year (or of such other year as the Secretary may determine), each food processor in any State shall prepare and submit to the Secretary a registration statement which shall include, but not be limited to, his name; principal place of business; the location of each establishment owned or operated by him; and, for each such establishment, a complete list, in such form as the Secretary shall by regulation prescribe, of all classes of foods processed therein. Such list shall identify the types of processing utilized for each class of food. The Secretary shall promulgate regulations defining classes of foods and types of processing, to promote uniformity and expeditious administration with respect to such registration.

"Notification

"(b) (1) Any person, upon first engaging in the processing of food in any establishment which he owns or operates in any State, shall immediately notify the Secretary and prepare and submit to him a registration statement containing the information required under subsection (a) of this section.

"(2) Any person who has duly registered under this section shall notify the Secretary if he ceases to process or discontinues the processing of any class of food in any establishment, within 90 days of such cessation or discontinuance. Such notification shall not be required in the case of any temporary cessation of processing which is necessitated by the seasonal character of operations at the particular establishment or which is caused by temporary conditions beyond the control of such person.

"(3) Every person who has submitted a registration statement in accordance with this section shall immediately notify the Secretary of any additional establishment which he acquires or at which he commences operations in any State and which involves the processing of food. Such notice shall contain a supplemental registration statement which shall include, with respect to such additional establishment, the information required by subsection (a) of this section.

"Number

"(c) The Secretary may assign a registration number to any person or any establishment registered in accordance with this section.

"Public Availability of Information

"(d) The Secretary shall make any registration statement filed pursuant to this section available for inspection by any person without charge, except to the extent that such information is a trade secret or other matter referred to in section 1905 of title 18, United States Code.

"Exemption

"(e) This section shall not apply to—

"(1) any class of food processors whom the Secretary may by regulation exempt from the application of this section upon a finding in writing that registration in accordance with this section is not necessary for the protection of the public health;

"(2) any processing subject to the exclusive jurisdiction of the Secretary of Agriculture;

"(3) any processing consisting solely of the sale of food in a retail establishment for consumption on or off the premises; or

"(4) the processing of distilled spirits, wine, or malt beverages as defined in the Federal Alcohol Administration Act (27 U.S.C. 201–211).

"Inspection

"(f) Every establishment in any State which is required to be registered with the Secretary under this section shall be subject to inspection, pursuant to section 704 of this Act.

"Foreign Registration

"(g) The Secretary may by regulation provide for the registration of foreign establishments engaged in the processing of food intended to be offered for importation into the United States.

"Definitions

"(h) As used in this section and sections 402(f), 402(g), 403(o), 410, 801(a), and 801 (e) of this Act—

"(1) 'name' includes, in the case of a partnership, the name of each partner and, in the case of a corporation, the name appearing on the corporation's charter or certificate of incorporation, the name of each principal corporate officer, and the name of any State of incorporation;

"(2) 'principal place of business' and 'location of each establishment' include mailing address and telephone number; and

"(3) 'processing' and 'processed' include manufacturing, processing, packing, labeling, storing, importing or being in any manner responsible for importing, or otherwise handling food.".

Sec. 203. Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended by this Act (21 U.S.C. 331), is further amended by adding after subsection (r) thereof the following new subsection:

"(s) The failure to register or the failure to provide any information, as required by section 411 of this Act.".

Sec. 204. Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end thereof the following new subsection:

"(o) If it was processed in an establishment required to be registered under section 411 of this Act and not so registered.".

Sec. 205. Section 801(a) of such Act (21 U.S.C. 381(a)) is amended by inserting "(1)" immediately after "(a)" and adding at the end thereof the following new paragraph:

"(2) The Secretary may refuse entry of any food offered for importation into the United States which has been processed in any establishment, other than an establishment registered pursuant to section 411 of this Act.".

Sec. 206. The amendments made by this title shall take effect on the first day of the seventh calendar month which commences after the date of enactment of this Act.

TITLE III—FOOD LABELING

Sec. 301. The Congress finds that the availability to consumers in a uniform manner of information regarding the dating, ingredients, and nutritional qualities of food will enhance the health and the nutritional and economic welfare of the consumer. The presence of differing, additional, conflicting, or nonuniform labeling requirements for foods leads to consumer confusion and higher food costs by requiring for different localities separate labels for the same food; discriminates against and depresses interstate commerce in such foods; and adversely burdens, obstructs, and affects such interstate commerce.

Sec. 302. Section 403 of the Federal Food, Drug, and Cosmetic Act, as amended by this Act (21 U.S.C. 343), is further amended by adding after subsection (o) thereof the following new subsection:

"(p) If the label or labeling bears any information regarding the dating of a food for human consumption, unless such information is in accordance with regulations promulgated by the Secretary. Regulations promulgated under this subsection shall—

"(1) identify, upon a finding of need to prevent violations of this Act, those foods or classes of food with respect to which date information must be provided, or those characteristics of a food or class of foods which necessitate the providing of date information;

"(2) require the processor of a food, with respect to which the Secretary has made a finding that date information is necessary, to place on the package or label of such food the date by which the processor recommends that such food be sold at retail for consumption (sell date);

"(3) require that the date be stated on the package or label in a clear and conspicuous manner and in such form as will enable the consumer readily to identify the day or date, without reference to any decoding information;

"(4) require that the date be accompanied by a statement or phrase which clearly states that the date expressed is a sell date;

"(5) require a statement of the storage conditions recommended by the processor, if such storage conditions differ from ordinary room temperature;

"(6) prohibit a processor of any food with respect to which the Secretary has made a finding that date information is necessary from placing on a label or in labeling of such food any other information which may appear to the ordinary consumer to represent a sell date; and

"(7) prohibit a processor of any food with respect to which the Secretary has not made a finding that date information is necessary from placing on the label or in labeling of such food any date information which may appear to the ordinary consumer to represent a sell date, unless such information is expressed in a manner consistent with the requirements of paragraphs (2) through (6) of this subsection.".

Sec. 303. Section 403 of the Federal Food, Drug, and Cosmetic Act, as amended by this Act (21 U.S.C. 343), is further amended by adding after subsection (p) thereof the following new subsection:

"(q) If it purports to be or is represented as a food for human consumption—

"(1) to which a nutrient or nutrients have been added; or

"(2) for which any claim of nutritional value is made on the label or in labeling, or in advertising or in promotion of such food;

unless the nutrition information on the label or in labeling is in accordance with regulations promulgated by the Secretary.".

Sec. 304. (a) Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), is amended by striking out the fourth sentence thereof.

(b) Section 403(g) of such Act (21 U.S.C. 343(g)), is amended to read as follows:

"(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 401 of this chapter, unless (1) it conforms to such definition and standard; and (2) its label bears the name of the food specified in such definition and standard.".

Sec. 305. (a) Section 403(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343 (i)), is amended to read as follows:

"(i) (1) If its label fails to bear the common or usual name of the food, if there is one; and

"(2) In case the food is fabricated from two or more ingredients, if its label fails to bear—

"(A) the common or usual name of each such ingredient (in the order of its predominance); except that (i) spices and flavorings, other than those sold as such, may be designated as spices and flavorings without naming each such ingredient, if information concerning each spice and flavoring not designated on the label is available upon request from the manufacturer or distributor named on the label: *Provided*, That the Secretary may by regulation require certain spices and flavorings to be named on the labels or packages upon a finding that such disclosure is necessary to protect public health or to provide information useful to consumers; and (ii) subject to such conditions as the Secretary may by regulation provide, this provision shall not apply to the following:

"(a) a food which has been received in bulk containers at a retail establishment, if such food is displayed to the purchaser with the labeling of the bulk container plainly in view or with a counter card, sign, or other appropriate device plainly in view which prominently and conspicuously displays the information required to be stated on the label;

"(b) incidental additives that are present in a food at insignificant levels and which do not have any technical or functional effect in such food;

"(c) the label declaration of a harmless marker which is used to identify a particular manufacturer's product, in order to protect against disclosure of a trade secret;

"(d) closely related ingredients that may be declared by a general term or without regard to order of predominance in a manner that accurately states the nature of the ingredients;

"(e) a shipment or other delivery of a food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than the establishment in which it is originally processed, labeled, or packed;

"(f) an assortment of different items of food which are packed in such a way that there are variations in the ingredients in different packages;

"(g) shipping containers or other transportation wrappings, tray pack displays, and transparent wrappers; and

"(h) inner packages in multicomponent food packages; and

"(B) a declaration of the percentage of any ingredient of any such food for human consumption if (i) the ingredient is an integral part of such food and is significant with respect to value, quality, nutrition, or acceptability of such foods, or (ii) the ingredient is required to be so declared by the Secretary by regulation upon a finding that such information would be useful to consumers.".

(b) Section 403(k) of such Act (21 U.S.C. 343(k)) is amended by striking out "paragraphs (g) and (i)" and inserting in lieu thereof "paragraph (i)".

(c) The Secretary of Health, Education, and Welfare shall conduct, or cause to be conducted (taking into consideration, and providing for representation of, views held by consumer, industry and health groups concerned with food labeling) a study of the need to amend the Federal Food, Drug, and Cosmetic Act to require that the common or usual name of every spice and flavoring used in the fabrication of a food for human consumption be declared on the label of such food. Such Secretary shall transmit a report on the results of such study to the President and Congress simultaneously within 1 year after the date of enactment of this Act. This report shall assess the need of consumers for such information, the feasibility of requiring all such ingredients to be labeled, any potential beneficial or adverse economic or health consequences of such labeling, and the reasonableness of alternatives to the labeling of all such ingredients.

Sec. 306. Section 407(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 347(c)) is amended to read as follows:

"(c) No person shall serve colored oleomargarine or colored margarine at a public place, whether or not any charge is made therefor, unless—

"(1) a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place; or

"(2) a notice that oleomargarine or margarine is served is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items; or

"(3) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine.".

Sec. 307. Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391–2) is amended by adding at the end thereof the following new section:

"Sec. 903. (a) It is declared to be the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof, insofar as they may now or hereafter provide for information on the label or in labeling of a food which is in addition to or different from information required on the label or in labeling under section 403 of this Act or regulations promulgated thereunder, except as provided in subsection (b) of this section.

"(b) (1) Upon application of a State or political subdivision thereof, the Secretary is authorized to exempt from subsection (a) of this section any existing or proposed law or regulation for such jurisdiction as provided in this subsection.

"(2) An application for exemption under this subsection shall demonstrate that the implementation of the subject law or regulation in the applying jurisdiction will likely promote the interests of consumers therein without unduly burdening interstate commerce, and that such law or regulation is inappropriate for promulgation as a Federal requirement.

"(3) Upon receipt of an application for exemption, which shall be accompanied by any materials gathered by the applicant in its legislative or administrative consideration of the existing or proposed law or regulation, the Secretary shall publish such application in the Federal Register as a proposal, accompanied by a description of any supporting materials submitted therewith which, because of their voluminosity or other good and stated reason, are not suitable for publication at that time. Such supporting materials shall be available for public inspection at an appropriate location identified at the time the application is published as a proposal.

"(4) The procedure for consideration and action upon a proposed exemption shall be pursuant to section 553 of title 5, United States Code, except that the Secretary shall allow at least 60 days for public comment and shall provide interested persons with an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions, and shall keep a transcript of any oral presentation.

"(5) The Secretary shall grant the proposed exemption upon finding that the subject law or regulation will likely promote the interests of consumers within the applying jurisdiction without unduly burdening interstate commerce or otherwise adversely affecting the interests of all consumers, and such action shall be subject to judicial review pursuant to section 701(f) of this Act.".

Sec. 308. Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended by this Act (21 U.S.C. 331), is further amended by adding after subsection (s) thereof the following new subsection:

"(t) Changing, altering, or removing before the sale of a packaged food to the ultimate consumer, any statement or information required by regulations issued under section 403 of this Act to be placed on the label or in labeling of such food.".

Sec. 309. This title shall not apply to the labeling of distilled spirits, wine or malt beverages to the extent of the application or the extension thereto of the Federal Alcohol Administration Act (27 U.S.C. 201–211).

Sec. 310. The amendments made by this title shall take effect upon the date of enactment, except that the effective date for any regulations promulgated pursuant to this title shall be no earlier than the first day of the sixth month beginning after the date regulations are published as a final order in the Federal Register with respect to all new or changed labels printed thereafter, and the first day of the eighteenth month beginning after the date the regulations are published as a final order in the Federal Register with respect to all other labels.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. POSITION ON THE LAW OF THE SEA

Mr. STEVENS. Mr. President, I am sure that the Senator from Washington will join me in recognizing the statement that has been made today by the representative of the Department of State at the Law of the Sea Conference in Caracas.

Our Nation has taken a very important step today by indicating a flexibility in our position. Ambassador Stevenson today has notified the Law of the Sea Conference that the United States is indeed ready to accept a general agreement on a 12-mile outer limit for the territorial sea and a 200-mile outer limit for the economic zone, provided it is part of an acceptable comprehensive package, including a satisfactory regime within and beyond the economic zone and provision for unimpeded transit of straits used for international navigation.

Ambassador Stevenson pointed out that two issues remain with respect to the limits of coastal state economic jurisdiction beyond 200 miles with which the Conference must deal: Jurisdiction over the resources of the continental margin when it extends beyond 200 miles and jurisdiction over anadromous fish such as salmon, which originate in coastal rivers but swim far out into the ocean before returning to the stream of their birth to spawn and die.

I am sure that my good friend and neighbor, the chairman of the Committee on Commerce, joins me in commending Ambassador Stevenson and the delegation to the Law of the Sea Conference in finally coming around to endorsing the position that has been expressed by the chairman of our committee and by me on many occasions.

I am quite hopeful that this means that the Law of the Sea Conference will indeed be a successful one. By announcing that we are prepared to accept the concept of a 12-mile territorial sea and a 200-mile economic zone, and by recognizing an international regime for the deep sea bed beyond that area of jurisdiction, I think the United States has made a tremendous step toward the ultimate protection of our fisheries resources and the tremendous productive potential of those resources for the future of this country, as well as for all mankind.

I congratulate the Senator from Washington, because he has had a great deal to do with this change of position, with his persistence in the hearings we have held throughout the country, and in the overwhelming expression of support for the bill he and I introduced to recognize this concept for the United States.

Mr. MAGNUSON. Mr. President, I appreciate the remarks of the Senator from Alaska. I think he and I told them that we would be helpful down there. I am glad that, instead of their taking exception to what we have been doing, they have finally come to understand that this apparently is how the Members of Congress feel about it and that, therefore, they should do their best, as representatives of the United States, to work out this matter.

We have come a long way. I have not read all the details as yet. I am certain that every person involved, particularly in the coastal States and the fishermen themselves, as well as the conservationists, who have been watching our stocks become depleted year after year, are going to accept this news with great joy. It is the first time we have been able to say to them that it appears that we are going to be able to work out these problems.

The Senator from Alaska has joined me in this matter, as have many Members from the New England States, particularly those from coastal states. The committee staff also worked hard on this matter.

I did not think it would happen this fast, but I am glad it did. I hope that now the Law of the Sea Conference will go ahead and do its job, that for a change it will do a job that will not be detrimental or discriminatory to the United States, but will put us on an equal footing with other nations and will conserve the resources of the seas. If they do not do so—I hope they will do so, after this statement—we will not have any fish left for anybody.

Mr. STEVENS. I thank the Senator from Washington for his comments.

I think we should also mention the efforts of Mr. John Moore in making this change in position for the United States.

Mr. President, I ask unanimous consent to enter in the Record the full text of the statement by Ambassador John Stevenson for the United States at the Law of the Sea Conference today.

There being no objection, the statement was ordered to be printed in the Record, as follows:

U.S. Position on the Law of the Sea

Senor Presidente distinguidos representantes, en primer lugar quiero expresar, de parte de mi delegacion, nuestro profundo agradecimiento al Gobierno venezoland por los magnificios arreglos que ha hecho para la conferencia y para nosotros, es un verdadero mi agro que desde la invitacion ofrecida por Venezuela y aceptada por la asamblea general de las naciones unidas en diciembre todos los preparativos han sido llevados a cabo tan eficazmente, con tan cuidadsa atencion para nuestras necesidades y comodidad.

Three auguries of succesful conference. Mr. President; the practical and favorable working conditions which the Venezuelan Government has so graciously provided are the first of three auguries of a most successful conference. The other two are the adoption on schedule by consensus of the rules of procedure, and second, the constructive, moderate tone and the developing consensus.

Adoption of rules of procedure. The adoption of the rules of procedure on schedule by consensus was significant because these rules are a reasonable accommodation between those who wished to avoid premature voting and those who were concerned about undue delay. It was also significant, Mr. President, because it showed what inspired, firm and sensitive leadership; as provided by you, sir, can do in reconciling differences and leading us to a generally acceptable result. You have set a high standard for our committee chairman, but knowing and respecting all of them as I do, I am convinced that the team of Engo, Aguilar, Yankov and Beesley will live up to this challenge. The conference has selected its leadership with care and with great wisdom.

Moderate and constructive tone of general debate. Our delegation has noted with a growing sense of appreciation and optimism for the future, the generally moderate, constructive tone of the statements made in the course of the last two weeks. Only very few delegations have departed from this general pattern, misrepresenting past events and the present positions of some delegations, including our own.

We are not here to engage in mutual recriminations. We must roll up our sleeves and get down to the practical business of drawing up a generally acceptable constitution for the oceans before disputes over conflicting uses of the same ocean space and unilateral action by individual states put such agreement out of our reach.

Growing consensus on limits of national and international jurisdiction. In the course of listening to and reading the statements made during the last two weeks, I have been struck by the very large measure of agreement on the general outlines of an over-all settlement. Most delegations that have spoken have endorsed or indicated a willingness to accept, under certain conditions and as part of a package settlement, a maximum limit of 12 miles for the territorial sea and of 200 miles for an economic zone, and an international regime for the deep seabed in the area beyond national jurisdiction.

The United States has for a number of years indicated our flexibility on the limits of coastal state resources jurisdiction. We have stressed that the content of the legal regime within such coastal state jurisdiction is more important than the limits of such jurisdiction. Accordingly, we are prepared to accept, and indeed we would welcome general agreement on a 12-mile outer limit for the territorial sea and a 200-mile outer limit for the economic zone provided it is part of an acceptable comprehensive package, including a satisfactory regime within and beyond the economic zone and provision for unimpeded transit of straits used for international navigation.

There remain two issues with respect to the limits of coastal state economic jurisdiction beyond 200 miles with which the conference must deal! Jurisdiction over the resources of the continental margin when it extends beyond 200 miles and jurisdiction over anadromous fish such as salmon, which originate in coastal rivers but swim far out into the ocean before returning to the stream of their birth to spawn and die.

A number of states have expressed the view that under the continental shelf convention and the continental shelf doctrine of customary international law as interpreted by the international court of justice, they have rights over the resuorces of the continental margin and that they will not accept any law of the sea treaty which cuts off the rights at 200 miles.

Other states are reluctant to reduce the common heritage of mankind by recognizing coastal state jurisdiction beyond 200 miles. Still others, including the United States, have suggested an approach which gives coastal states the limit they seek, but provides, through uniform payments of a percentage of the value of production, for the sharing by other states in the benefits of the exploitation of the nonrenewable resources in part of the area. This would seem to be an equitable basis for an accommodation.

With respect to salmon, the views of my country are well known. This species of fish depends for survival on the maintenance at considerable economic cost of a favorable environment in coastal rivers and streams, and can effectively be conserved and managed only if caught, when returning to the fresh waters of its origin, in the internal waters, territorial sea or economic zone of the host state, the very survival of this species of fish may depend on the action we collectively take at this conference.

Consensus on limits of national and international jurisdiction is conditional on nature of coastal and international regimes within these limits. The statements to date make clear that in the case of a large number of States whose agreement is critical for an effective, generally acceptable treaty, the growing consensus on the limits of national jurisdiction i.e., a maximum outer limit of 12 miles for the territorial sea and of 200 miles for the economic zone—is conditional on a satisfactory overall treaty package and, more specifically, on provisions for unimpeded transit of international straits and a balance between coastal State rights and duties within the economic zone.

Territorial sea. With respect to the coastal States' right to establish a territorial sea of up to a maximum of 12 miles, it is the view of many delegations, including our own, that general recognition of this right must be accompanied by treaty provisions for unimpeded passage through, over and under straits used for international navigation. The formulation of treaty language which will maintain a nondiscriminatory right of unimpeded transit while meeting coastal State concerns with respect to navigational safety, pollution and security will be one of the second committee's most important tasks.

Economic zone. Our willingness and that of many other delegations to accept a 200-mile outer limit for the economic zone depends on the concurrent negotiation and acceptance of correlative coastal State duties.

The coastal State rights we contemplate comprise full regulatory jurisdiction over exploration and exploitation of seabed resources, non-resource drilling, fishing for coastal and anadromous species, and installations constructed for economic purposes.

The rights of other States include freedom of navigation, overflight, and other non-resource uses.

With respect to the zone as a whole, we contemplate coastal State duties to prevent unjustifiable interference with navigation, overflight, and other non-resource uses, and to respect international environmental obligations. With regard to the seabeds and economic installations, this includes respect for international standards to prevent interference with other uses and to prevent pollution. With regard to fishing, this includes a duty to conserve living resources.

For the seabeds, we also contemplate a coastal State duty to observe exploration and exploitation arrangements it enters into.

For fisheries, to the extent that the coastal State does not fully utilize a fishery resource, we contemplate a coastal State duty to permit foreign fishing under reasonable coastal State regulations. These regulations would include conservation measures and provision for harvesting by coastal State vessels up to their capacity and could include the payment of a reasonable license fee by foreign fishermen. We also contemplate a duty for the coastal state and all other fishing states to cooperate with each other in formulating equitable international and regional conservation and allocation regulations for highly migratory species, taking into account the unique migratory pattern of these species within and without the zones.

The negotiation and elaboration of these duties is a critical responsibility of the second committee.

With respect to the related assertions by a number of states of coastal state plenary jurisdiction over scientific research and vessel-source pollution throughout the economic zone, the statements make clear that the willingness of many delegations, including my own, to negotiate on the basis of conditional acceptance of a 200-mile economic zone does not include acceptance of a requirement of coastal state consent for scientific research and coastal state control over vessel-source pollution within the zone.

For our part, we believe that, as an alternative to coastal state consent, a series of obligations should be imposed on the researcher and his flag state to respect coastal state resource interests in the zone. The obligations would include advance notification, participation, data sharing, assistance in scientific research technology and in interpretation of data, and compliance with applicable international environmental standards.

Vessel-source pollution presents a troublesome problem to the entire international community, including coastal states. At the same time, interference with freedom of navigation must be prevented. We believe international standards enforced by flag and port states, with provision for specific additional coastal state enforcement rights, can accommodate these legitimate interests. In this connection, we believe the coastal state may be authorized to take enforcement action in emergencies to prevent imminent danger of major harmful damage to its coast, or pursuant to a finding in dispute settlement that a flag state has unreasonably and persistently failed to enforce applicable international standards on its flag vessels. Of course, flag and port states would retain their right to set higher standards.

While important differences in our positions remain to be resolved in this session, we are heartened as we embark in these negotiations by the realization that most states want to ensure both effective prevention of vessel-source pollution and protection of navigational freedoms.

We hope that the third committee can make major progress in producing agreed articles on these scientific research and pollution questions.

International seabed regime beyond national jurisdiction. Just as coastal State rights within the zone must, if we are to reach agreement, be balanced by duties, the international authority's jurisdiction over the exploitation of the deep seabed's resources—the common heritage of mankind—must be balanced by duties that protect the rights of individual States and their nationals—most critically in our view their right to nondiscriminatory access under reasonable conditions to the seabed's resources on a basis that provides for the sharing of the benefits of their exploitation with other States.

The statements made do indicate that there are substantial differences among us in our interpretation and proposed implementation of the common heritage principle. Both developing and developed countries have many aspirations concerning the common heritage; in some cases these are in harmony and in others they are not. My delegation believes that on a variety of issues which seem on the surface to present a wide gulf we are closer together than we think. Let us employ every possible method of work to ensure that we find these points of harmony and proceed at once to reflect this harmony in draft articles. This we believe is the principal task before the first committee at this session.

Interest of landlocked and geographically disadvantaged States. Most prior speakers have referred to the desirability, indeed the necessity, of providing special benefits in a comprehensive law of the sea treaty for the landlocked and geographically disadvantaged States. The most widely supported proposals are that landlocked States' right of access to the sea and special rights in the fisheries of adjacent coastal States be recognized.

Although these recommendations do not directly affect the United States, we applaud coastal States' willingness to provide these benefits as part of an overall equitable and widely acceptable settlement and, we will, of course, support such provisions.

Much more controversial is the proposal of some landlocked and other geographically disadvantaged States that they participate in the benefits of the exploitation of nonrenewable resources—principally petroleum and natural gas—of the continental margin, either through a direct right of access to neighboring coastal States' continental margins or by the establishment of limits of some of the continental margin outside of coastal State control and within the common heritage.

It is my delegation's view that, as part of a satisfactory and widely acceptable treaty, an equitable and perhaps the most practicable accommodation in this area may well be to provide for coastal States' exclusive rights in the continental margin; but also to provide for international payments from mineral resources at a modest and uniform rate in the area beyond 12 miles or the 200 meter isobath, whichever is further seaward. These payments would be used primarily for developing countries, including developing landlocked and other geographically disadvantaged States. Landlocked and other geographically disadvantaged States should not expect that sharing in the benefits from deep seabed hard minerals alone could make a significant contribution to their economies.

Compulsory dispute settlement. Mr. President, my government believes that any law of the sea treaty is almost as easily susceptible of unreasonable unilateral interpretation as are the principles of customary international law. This is particularly true when we consider that the essential balance of critical portions of the treaty, such as the economic zone, must rest upon impartial interpretation of treaty provisions. One of the primary motivations of my government in supporting the negotiation of a new law of the sea treaty is that of making an enduring contribution to a new structure for peaceful relations among States, accordingly, we must reiterate our view that a system of peaceful and compulsory third-party settlement of disputes is in the end perhaps the most significant justification for the accommodations we are all being asked to make.

Objectives for the Caracas session. It is the view of my delegation that the conference should strive to adopt an entire treaty text this summer. What is required to do so is not so much technical drafting as the political will to decide a relatively small number of critical issues. Once these decisions are made, the number of treaty articles required to implement them for the territorial sea, straits and the economic zone would not be large. The deep seabed regime will require more articles, and the first committee should concentrate on the preparation of agreed articles whenever this is possible.

What an electrifying and heartening development it would be for the international community, and what a deserved tribute to our Latin American host, if we could adopt an agreed text this session!

If we do not at least try to reach agreement on the treaty this summer, we may well not even achieve the basic minimum required to finish next year and in the interim prevent further unilateral action prejudicial to the success of the conference.

The minimum objective for Caracas, as we see it, is to complete treaty texts on most, if not all, of the critical articles—the territorial sea, straits, the economic zone, the seabed regime and the authority's functions, pollution from ocean uses, and scientific research. To achieve this objective, it is critical to recognize now that neither a statement of general principles, nor articles which define the rights of coastal states and of the seabed authority without defining their corresponding duties, would be satisfactory, or indeed at all acceptable, to a number of delegations including our own.

As I indicated at the outset there is already a very general agreement on the limits of the jurisdiction of coastal states and the seabed authority provided we can agree on their corresponding obligations. It is the negotiation of these duties that should be the main thrust of the negotiations this summer.

This is not, as some delegations have implied, an attempt to destroy the essential character of the economic zone—to give its supporters a juridical concept devoid of all substantive content.

On the contrary, the coastal states' exclusive control over the nonrenewable resources of the economic zone is not being challenged. In the case of fisheries; coastal state management and preferential rights over coastal and anadromous species would be recognized. The principle of full utilization will ensure that renewable resources which might not otherwise be utilized will give some economic benefit to the coastal state and help meet the international community's protein requirements. Agreed international conservation and allocation standards for the rational management of tuna should in the long run benefit coastal states which seek to engage in fishing these species and would maintain the populations of the tuna that migrate through their zone. Finally, most states are prepared to agree to coastal state enforcement jurisdiction with respect to resource exploitation within the economic zone.

Gentlemen, we have come to Caracas prepared to negotiate on these critical questions. They are not merely the legal fine print to be filled in once general principles have been agreed, but the very heart of the conditional consensus we are well on the way to achieving. Years of preparation have brought us to the moment when we must complete the task that we have undertaken. We must not let this opportunity pass. Thank you, Mr. President.

EXTENSION OF TIME FOR COMMITTEES TO FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may have until 5 p.m. tomorrow to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY JULY 15, 1974

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and at 6:08 p.m. the Senate adjourned until Monday, July 15, 1974, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate July 11, 1974:

THE JUDICIARY

Murray I. Gurfein, of New York, to be a U.S. circuit judge, second circuit, vice Paul R. Hays, retiring.

IN THE MARINE CORPS

The following-named (Navy Enlisted Scientific Education Program) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Best, William F.
Decker, Robert E.

The following-named (Marine Corps Enlisted Commissioning Education Program) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Graff, Joseph G.
Keogh, William P.
McVay, Gerald T.
Mitchell, Douglas M.
Radosevich, James D.
Triplett, Charles F.

The following-named (Naval Reserve Officer Training Corps) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Graus, Robert J.
Ince, Michael D.
Menendez, Thomas J.

IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapters 35 and 837, title 10, United States Code:

LINE OF THE AIR FORCE

LIEUTENANT COLONEL TO COLONEL

Bell, Elmer R., [redacted].
Bradley, Fred F., [redacted].
Brosky, John G., [redacted].
Casagrande, John G., [redacted].
Cole, Alfred B., [redacted].
Conley, John B., [redacted].
Corn, Samuel E., [redacted].
Debard, Robert L., [redacted].
Dissinger, Glenn T., [redacted].
Dotson, Frank L., [redacted].
Dvorak, James B., Jr., [redacted].
Flournoy, Houston I., [redacted].
Hermanson, Richard V., [redacted].
Hettlinger, Frank L., [redacted].
Hudgins, Richard S., [redacted].
Jewhurst, John H., [redacted].
Keim, Kenneth B., [redacted].
Kenneally, James J., [redacted].
Linsmeier, Francis G., [redacted].
Miller, Bernard L., [redacted].
Moore, Clayton D., [redacted].
Morrisey, Edmund C., Jr., [redacted].
Neal, Robert A., [redacted].
Rodosvich, Eli M., [redacted].
Saxton, Philip G., [redacted].
Seibert, Richard C., [redacted].
Stine, Joseph K., [redacted].
Stringfellow, William A., [redacted].
Strope, Philip W., [redacted].
Sullivan, Paul F., [redacted].
Tschida, Robert J., [redacted].
Weber, Melvin A., [redacted].

DENTAL CORPS

Simmonds, James F., [redacted].

MEDICAL CORPS

Johnson, William H., [redacted].
Schley, Philip T., [redacted].
Sims, Eugene W. R. [redacted].

HOUSE OF REPRESENTATIVES—*Thursday, July 11, 1974*

The House met at 12 o'clock noon.

The Reverend William A. Holmes, Metropolitan Memorial United Methodist Church, Washington, D.C., offered the following prayer:

Almighty God, the Creator of concord and the Author of peace, we stand this day as those who long for harmony in the personal and public dimensions of our lives. Yet, even as we possess and are possessed by this longing, deliver us we pray from counterfeit concord, from crying "peace, peace, where there is no peace," and from simplistic solutions to complex problems. With the convening now of this congressional body, may the decisionmaking process move with urgency beyond rhetoric and into the throes of reason, beyond superficial compromise into the depth of a creative tension, that our concord and peace may bear the mark of Herculean struggle to perceive the common good. This Nation—in the hands of men and God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11385) entitled "An act to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2830) entitled "An act to amend the Public

Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2893) entitled "An act to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next 3 fiscal years."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3203) entitled "An act to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3698. An act to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology.

THE LATE CHIEF JUSTICE EARL WARREN

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, the Supreme Court and the family of the late Chief Justice Earl Warren extend an invitation to the Speaker and to all Members of Congress to the following:

To come by the Supreme Court, first floor, main hall, while the Chief Justice's body lies in repose. The body arrived at the Supreme Court at 10 a.m. today, and will remain to 12:20 p.m. on Friday, July 12.

Funeral services will be held at the National Cathedral on Friday, July 12, at 1 p.m. Burial will be at Arlington Cemetery at 3 p.m. on Friday, July 12.

OUR DRUG PROBLEM

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, on September 18, 1972, the President of the United States said:

> Any government whose leaders participate in or protect the activities of those who contribute to our drug problem should know that the President is required by statute to suspend all American economic and military assistance to such a regime and I shall not hesitate to comply with that law where there are any violations.
>
> I consider keeping dangerous drugs out of the United States just as important as keeping armed enemy forces from landing in the United States.

For anyone who is hesitant to suspend assistance to the Turkish Government in light of its lifting of the opium ban, because of the possible repercussions by Turkey to our military position in that country, I urge them to read the interview in the New York Times this morning with Turkish Foreign Minister Turan Gunes. That article reports that:

> Foreign Minister Gunes said that even if Washington cut off aid to Turkey, as some Congressmen had threatened, Ankara would not "change the status" of about two dozen vital military bases maintained here under the joint command of the two North American Atlantic Treaty Organization allies.

CAMPAIGN REFORM LEGISLATION

(Mr. ROUSH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, I know you and many colleagues are aware of my personal interest in campaign reform legislation, and of my desire to see this Congress take speedy action on this matter.

One of the newspapers in my home district picked up the story, reporting that I was trying to pry the legislation out of committee.

However, a typographical error made their story read:

> Rep. J. Edward Roush is trying to pray campaign reform legislation out of Committee.

Mr. Speaker, I think their version of the story may be better than mine. I do feel very deeply about this matter, and if praying will help matters, I'll certainly give it a try.

STATEMENT OF REPRESENTATIVE BARBER B. CONABLE, OF NEW YORK, CONCERNING A DECLARATION TO CUT SPENDING

(Mr. CONABLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, some of us view with foreboding the deterioration of the Nation's money markets. Not only is Wall Street reflecting real problems in the equity financing which is so necessary to a healthy capital accumulation consistent with our Nation's needs, but also we are told that there is a dramatic decline in conventional voluntary savings in thrift institutions. Interest rate levels are in themselves evidence enough of a grave erosion of confidence as a result of inflationary expectations.

Mr. Speaker, in the past I have anxiously awaited suggestions and leadership from the executive branch and the Nation's business and banking management about how, as a Congressman, I can be helpful in the economic sphere. Like most of my colleagues, I am not an economist, but one does not have to be an expert at this point to know something is wrong. Even the most uninformed American citizen senses that a substantial part of the problem rests with Government, and that Government is the most obvious point from which corrective leadership should emanate.

Congress is part of the Government. We control fiscal policy, a sore point in everyone's diagnosis. If we are unwilling to raise taxes, and I judge we are unwilling at this point, what is wrong with a clear statement, bipartisan if possible, that the leaders of Congress will support an immediate across-the-board cut in spending of more than a token amount, pending implementation of budget reform? A credible demonstration right now that we are willing to be part of the solution, rather than a continuing part of the problem, would be the kind of reassurance the Nation is looking for.

MAJOR CAMPAIGN FINANCING REFORM LEGISLATION

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, the House will soon have an opportunity to consider major campaign financing reform legislation. The House Administration Committee has completed its work, and a bill will be on the floor shortly.

An analysis of the committee bill reveals two major shortcomings that will need correction on the floor if we are to really create a strong campaign financing law.

First, there is a need for a strong Federal Elections Commission to monitor violations. Having a Commission composed of four incumbent Members of Congress, two congressional employees, and the Comptroller General does nothing to convince the public that we are seriously interested in reform, particularly reforms that restrict the tremendous advantages incumbents now hold. The Frenzel-Fascell amendment would provide for a strong Federal Elections Commission whose members would be far more independent than those in the committee version. I urge support for this amendment.

Second, the mixed system of public-private financing must be extended to include Congressional contests. It makes no sense to say that such a system is right, proper, and necessary for the Presidency, but not for the Congress. Large contributions and the resulting influence which is expected or demanded are as big a problem here as at the White House. The Anderson-Udall amendment, taken largely from the Clean Elections Act of 1973 which I cosponsored, would extend the mixed financing system to congressional elections, and it, too, is worthy of support.

Taken together these amendments tighten and improve the bill and show the public that Congress is committed to campaign reform and serious about imposing strict standards on its Members as well as on the Presidency.

THE USE OF THE PRESIDENTIAL TAPES

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, last evening, in the late hours, with perhaps fewer than one-third of the Members of this Congress present, we passed a resolution which was brought up by unanimous consent creating a fund of about $900,000 to print the reports of the Committee on the Judiciary in the impeachment proceedings.

At that time, I called the attention of the Members to the fact that, as I understood it, the report as it was being read would be printed in such a way that only transcripts of the tapes would be printed in the final reports. I said then and I say now to the Members that that is a very dangerous move for us to make, because then, instead of going into the meat and the guts of the issue and considering the proper effect that these tapes may have upon our thinking and upon our votes, we will be in a battle as to whose version of the tapes we will accept as being authentic and authoritative.

Therefore, Mr. Speaker, I intend to ask permission this afternoon to present a resolution stating that it is the sense of the Congress of the United States that if any parts of the tapes are used by the Committee on the Judiciary, then they should be used verbatim and every word should be printed so that all of us will have the same benefit that the Committee on the Judiciary has.

CONFERENCE REPORT ON H.R. 11385, HEALTH SERVICES RESEARCH, HEALTH STATISTICS, AND MEDICAL LIBRARIES ACT OF 1974

Mr. **STAGGERS**. Mr. Speaker, I call up the conference report on the bill (H.R. 11385) to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

CALL OF THE HOUSE

Mr. **SCHERLE**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **ROUSH**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 373]

Abzug
Blatnik
Brasco
Breaux
Broyhill, N.C.
Burke, Calif.
Burke, Mass.
Carey, N.Y.
Cederberg
Chisholm
Clark
Clausen, Don H.
Clay
Conyers
Culver
Davis, Ga.
Dellums
Dennis
Diggs
Dorn
Esch
Evins, Tenn.
Findley
Fraser
Fulton
Gray
Griffiths
Gubser
Gunter
Hanna
Hansen, Idaho
Hansen, Wash.
Holifield
Jarman
Jones, Tenn.
Karth
Kemp
McEwen
McSpadden
Macdonald
Madigan
Metcalfe
Mollohan
Murphy, N.Y.
O'Hara
Powell, Ohio
Reid
Rodino
Rooney, N.Y.
Shipley
Talcott
Teague
Wilson, Charles H., Calif.
Young, Alaska

The **SPEAKER**. On this rollcall 380 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 11295, AMENDING THE ANADROMOUS FISH CONSERVATION ACT

Mr. **DINGELL** submitted the following conference report and statement on the bill (H.R. 11295) to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such act, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-1190)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11295), to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SEC. 3. (a) Subsection (c) of the first section of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)) is amended by striking out "60 per centum" and inserting in lieu thereof "66⅔ per centum".

(b) Section 4(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)) (as amended by section 2 of this Act) is further amended by striking out "$10,000,000" and inserting in lieu thereof "$20,000,000".

And the Senate agree to the same.

LEONOR K. SULLIVAN,
JOHN D. DINGELL,
GEORGE A. GOODLING,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11295), to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such Act, and for other purposes, submit the following statement to the House and the Senate in explanation of the effect of the action agreed upon by the Managers and recommended in the accompanying Conference Report:

PROVISIONS OF THE CONFERENCE REPORT

The House passed bill amended Section 2 of the Anadromous Fish Conservation Act to broaden its coverage to allow for the control of the sea lamprey. Also, the House passed bill amended Section 4(a) of the Act to extend the program for an additional five years, until June 30, 1979, at the present level of funding of $10 million per year.

The Senate concurred in the House passed bill, with an amendment. The Senate amendment to the bill contained language which would amend Section 1(a) of the Act to increase the Federal share of the cost of carrying out projects undertaken by an individual State from an amount not to exceed 50 per centum, as provided by present law, to an amount not to exceed 75 per centum of such costs. The House bill contained no such language. The Senate receded on this issue.

The Senate amendment to the bill also contained language which would amend section 1(c) of the Act to increase the Federal share of the cost of carrying out projects undertaken by two or more States having a common interest in any basin from an amount not to exceed 60 per centum, as provided by present law, to an amount not to exceed 80 per centum of such costs. The House Bill contained no such language. The Committee of Conference recommends that the House recede and accept substitute language to increase the Federal share in carrying out such multi-State projects to a maximum of 66⅔ per centum of such costs.

The Conferees wish to make it clear that they regard multi-State Federal projects as especially desirable in research management and establishment of common stocks of fish occurring in any basin where there is a mutual interest and in this regard encourage the entering into of multi-State project agreements. Benefits to be realized would include detailed planning of projects by the participating agencies, Federally-coordinated results, economy of effort and reduced costs by reducing duplication as compared to individual State-by-State projects. The Conferees also would like to make it clear that when there are limited funds available with which to carry out this Act, consideration should be given to providing priority for multi-State projects.

Finally, the Senate amendment to the bill contained language which would further amend section 4(a) of the Act (as amended by section 2 of this Act), to increase the amount of funds authorized to be appropriated each fiscal year from $10,000,000 to $20,000,000 per year. The House Bill contained no such language. The Committee of Conference recommends that the House recede and agree to this part of the Senate amendment.

It was the feeling of the Conferees that because of the existing backlog of unfunded State requests and the increasing of the Federal share of the cost of carrying out multi-State projects from 60 per centum to 66⅔ per centum, that $20 million would be needed annually in order to adequately carry out the purposes of this Act.

LEONOR K. SULLIVAN,
JOHN D. DINGELL,
GEORGE A. GOODLING,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ERNEST F. HOLLINGS,
TED STEVENS,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 11385, HEALTH SERVICES RESEARCH, HEALTH STATISTICS, AND MEDICAL LIBRARIES ACT OF 1974

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia that the statement of the managers be read in lieu of the report?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of July 2, 1974.)

Mr. **STAGGERS** (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The **SPEAKER**. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. **STAGGERS**. Mr. Speaker, the conference report we have before us today is on H.R. 11385, the Health Services Research, Health Statistics, and Medical Libraries Act of 1974. This legislation passed the House originally under suspension and the conference report which we are considering was adopted this week by the Senate by a voice vote.

It is legislation which was originally reported by our Subcommittee on Public Health and Environment and our full Commerce Committee unanimously.

In our conference the most important issue which we faced was whether the legislation should create a single National Center for Health Services Research and Health Statistics, as in the House bill, or separate centers, one for health services research and another for health statistics, as in the Senate bill. Since we had heard testimony in the House favoring both approaches, since the administration supported the creation of two separate centers, and since our Senate colleagues felt strongly that this was the appropriate course, the conference report calls for the creation of two separate centers.

The report is otherwise similar to the original House bill except for the following changes. The centers in the Senate amendment were given slightly broader research and statistical mandates, and were given training authority, and these provisions have been adopted. The House bill called for six independent research centers and the Senate bill called for two centers—one to study health care technology and another to study health care management. As a substitute, two of the six centers required by the House bill are directed to study these subjects. The Senate bill required the centers to provide data to the Congress and the research center to disseminate its results through a special office. These requirements were accepted by the conferees except for the requirement for a specific office.

Finally, the House bill authorized appropriations through fiscal 1975 of $180.7 million. The Senate bill authorized appropriations through fiscal 1978 of a total of $490 million. The conference report authorizes appropriations through fiscal 1976 in the amount of $205 million, $25 million more than the original House and $285 million less than the original Senate bill. We did adopt a provision, since 1976 is not all that far away, which would extend the authorizations through 1977 if the Congress does not reauthorize the programs prior to that time.

The report also contains a technical amendment requested by the Department of Health, Education, and Welfare which restores to law authority for provision of medical benefits to former members of the former U.S. Lighthouse Service. This authority was inadvertantly repealed by Public Law 93-222 and the technical amendment restores it to law without change and without lapse.

Aside from the issue of whether we should have one or two separate centers, the original House and Senate bills were remarkably similar and this conference report contains a very reasonable set of compromises which all of the conferees support. Therefore, I urge your support for it and its adoption.

Mr. NELSEN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Minnesota.

Mr. NELSEN. The minority feels the conference committee report very nearly meets the wishes of the country and the committee. I join the chairman in urging the adoption of the report.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3203, COVERAGE OF NONPROFIT HOSPITALS UNDER THE NATIONAL LABOR RELATIONS ACT

Mr. THOMPSON of New Jersey. Mr. Speaker, I call up the conference report on the Senate bill (S. 3203) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 3, 1974.)

Mr. THOMPSON of New Jersey [during the reading]. Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, I rise in support of the adoption of the conference report on S. 3203, a bill to extend the coverage and protection of the National Labor Relations Act to the employees of nonprofit hospitals.

There is virtually universal agreement, Mr. Speaker, that this legislation is needed to bring stability to labor relations in the nonprofit hospital industry.

A much narrower bill, H.R. 11357, was passed in the last Congress on suspension by a vote of 285 to 95.

This bill, S. 3203, was passed by the House 6 weeks ago by a vote of 240 to 58.

The conference report is supported by the administration, labor organizations, several State hospital associations—Republicans and Democrats alike.

The only differences between the House and Senate bills are two House amendments:

The religious convictions amendment; and

The cooling-off amendment.

In the case of both amendments, Mr. Speaker, the Senate receded to the House, with an amendment.

In each instance the intent of the House amendment was not only retained, but perfected and made more workable.

The religious convictions amendment would exempt from union security agreements those health care industry employees who belong to a religion with historically held convictions against joining or financially supporting a union. In other words, Mr. Speaker, such an employee would not have to join a union, or pay dues or initiation fees in order to work.

The conferees on the part of the House insisted on this amendment.

The Senate receded, with a proviso that such employees may be required to pay an amount equivalent to dues and initiation fees to a nonreligious charity.

It is safe to say that virtually everyone connected with S. 3203 is pleased with the action of the conferees. In fact, Mr. ERLENBORN suggested such a procedure in his remarks on the House floor on May 30 of this year.

And so, Mr. Speaker, there is only one other issue over which there could possibly be disagreement:

The cooling-off amendment. That amendment consisted basically of two parts:

First, the appointment of a Board of Inquiry which would investigate and report to the Director of the Federal Mediation and Conciliation Service concerning the settlement of a particular labor dispute; and

Second, a period of time—60 days—during which the Board of Inquiry makes its investigation and report, and during which the parties must maintain the status quo.

Here again, Mr. Speaker, the Senate receded to the House, with a proviso, as follows:

First, that the Board of Inquiry concept should not only be retained but strengthened. To that end it was agreed that the Board of Inquiry should not only investigate labor disputes, but it should make findings of fact and recommendations for their settlement. Further, it would report not only to the Director of the FMCS, but to the parties as well; and

Second, that the period during which the Board of Inquiry would operate should be reduced from 60 to 30 days, and that period should be moved from after contract termination to immediately before.

I would hope that the Federal Mediation and Conciliation Service in appointing the Board of Inquiry will understand the interest of the Congress to redress the past, by providing employees with the right to engage in collective bargaining. Past discrimination against such employees must be eliminated, and such employees must be brought into the mainstream of workers in the United States.

Accordingly, the factors to be considered by the Board of Inquiry in its report should include but should not be limited to the following:

First. A comparison of the annual income of employees in question with the annual income of employees with similar work in similar size enterprises in the locality, State, and Nation;

Second. Adequate provision for job security and fringe benefits, including health care, pensions, vacations, sick leave, holidays, and so forth;

Third. Cost of living;

Fourth. Career advancement;

Fifth. Equal employment opportunity;

Sixth. Equal pay;

Seventh. Provision for resolution of grievances without strikes; and

Eighth. Job training and skills.

Mr. Speaker, foremost in the minds of the conferees from both Houses was to balance the rights of exploited hospital employees with the delivery of health care. Nearly every provision of S. 3203 encourages the settlement of labor disputes and insures the continued delivery of essential health care—from the extended contract termination notice, to the mandatory mediation, to the 10-day strike notice, to the Board of Inquiry and cooling-off period.

And these special provisions apply to no other industry covered by the National Labor Relations Act.

Let us look at the procedures that must be followed under S. 3203 before a union could terminate its contract and strike:

First, 90 days before termination a written notice to the hospital to start negotiations;

Second, 60 days before termination a written notice to the FMCS and the start of mandatory mediation;

Third, 30 days before termination the Director of the FMCS could appoint the Board of Inquiry to investigate and report on the labor dispute;

Fourth, 15 days before termination the Board of Inquiry reports to the parties with its findings of fact and recommendations for settlement; and

Fifth, 10 days before termination the union would have to give a written strike notice.

Mr. Speaker, I have been involved with labor-management relations for more than 25 years and I can not see how any additional time would further encourage the settlement of disputes.

What is clear to me, however, is that a determined effort is being made to kill this much-needed legislation. The American Hospital Association has stated again and again that it is opposed to legislation extending NLRA coverage to their exploited nonprofit hospital employees. Through the guise of supporting a motion for further conference, they seek to kill S. 3203—a bill that is only before us today as a result of compromise by representatives of hospital associations, labor organizations, House and Senate staff, and the House and Senate conferees.

The only organization that has failed to honor those compromises is the American Hospital Association. Mr. Speaker, they should not be permitted to thwart the will of the House, which—

Voted 285 to 95 in 1972 for NLRA coverage; and

Again, voted 240 to 58 in 1974 for NLRA coverage.

The conference report before us, as well as the bill S. 3203, represents honest compromise. As Secretary of Labor Peter Brennan said in his letter of July 8, 1974, expressing the administration's support for the conference report:

> Although reasonable minds may disagree as to particular provisions of the conference report, we feel that the conferees have resolved the differences between the House of Representatives and Senate in a reasonable way.

That conference report was adopted by the Senate yesterday by a vote of 64 to 29.

Mr. Speaker, I strongly urge my colleagues to vote "aye" on the adoption of the conference report and pave the way for this much-needed legislation.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I thank the gentleman for yielding.

As the gentleman knows, I am going to support the conference report, and I urge my colleagues to do so. However, I do wish to make some clarifications here, with the object of making some legislative history.

First, Mr. Speaker, for the purpose of clarifying the future application of this legislation, I would like to ask the gentleman from New Jersey these questions:

First, the bill provides that it will be effective 30 days after the date of enactment, but it does not provide effective future direction to parties who will now be covered under Federal law who were formerly covered by State law, or no law at all. It seems clear that regarding unfair labor practices, under the NLRA, only those practices committed after the effective date of the amendment could be processed by the NLRB. But, suppose an unfair labor practice charge had been filed under State law, prior to the effective date of the Federal legislation, would the State be allowed to conclude its inquiry?

Mr. THOMPSON of New Jersey. Actually, there is no provision in the Federal law to preclude the State from concluding its inquiry, since the alleged unfair conduct would have occurred prior to the Federal law taking effect. However, it would seem appropriate for the State to consider Federal procedure and precedent prior to issuing a remedy.

Mr. QUIE. Mr. Speaker, if the gentleman will yield further, what is the application of the legislation on hospitals and unions presently engaged in bargaining under State laws, or even where no law, State or Federal, had previously applied to them?

Mr. THOMPSON of New Jersey. To attempt to answer your question, it seems that those hospitals presently engaged in bargaining will have to meet the requirements of the National Labor Relations Act when this legislation becomes effective. For instance, had a hospital recognized a minority union, it is contemplated that the hospital could no longer continue recognition. It would seem the better practice that if either party questioned the validity of the recognition or the appropriate unit, they should file a representation petition with the NLRB.

Mr. QUIE. Suppose the parties had a contract in effect at the date of enactment of the Federal legislation, would they be allowed to continue under that contract?

Mr. THOMPSON of New Jersey. Mr. Speaker, if that contract met the requirements of the NLRB, it is our intent that it should be allowed to continue in effect for a reasonable period of time and constitute a "contract bar." However, if it did not meet the NLRB requirements, for instance, if it were signed with a minority union, it allowed for discrimination, or it contained an illegal union security clause, it would be questionable whether that contract would constitute a "bar" if a petition for representation were filed. However, if the contract covered a unit the Board might not find appropriate in the original instance, it seems those contracts should also continue in effect until their expiration date, if for a reasonable period of time, since the parties have agreed to that unit.

The SPEAKER. The time of the gentleman has expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 2 additional minutes.

Mr. QUIE. Mr. Speaker, if the gentleman will yield still further, I thank the gentleman for his response, and would like some further guidance as to the arbitration issue.

As you know, Minnesota has the Charitable Hospitals Act, which in the case of a labor dispute, ultimately calls for arbitration. Consequently, a number of labor contracts involving hospitals also contain arbitration clauses. Since it is the Board's policy under the Collyer doctrine to defer to arbitration cases in which the parties have agreed to do so, and if certain safeguard are met, I wonder if the Board should defer to arbitration imposed by State law?

Mr. THOMPSON of New Jersey. Mr. Speaker, as the gentleman from Minnesota knows, the Collyer doctrine has been controversial, where two members have continually been issuing strong dissents, but it has been enforced by the Court of Appeals at Toledo, where it has been presented.

Consequently, I would think, unless the Supreme Court eventually rules otherwise, that the Board would continue to defer to contractually agreed upon arbitration clauses in valid bargaining contracts. However, it is apparent that the Federal law preempts any State law, and I am not sure that the Board would defer to arbitration proceedings where they have been imposed by State law. I believe the Board has the expertise to eventually resolve this very complex issue and I believe they should have the discretion to do so.

Mr. QUIE. Mr. Speaker, I again thank the gentleman from New Jersey. In response to my last question the gentleman raised the fact of Federal preemption, which has been of some importance to me and to many of my colleagues from Minnesota, and I am wondering, now that the legislative history has been made, as to whether there is a possibility under section 10(a) of the NLRA for the Board to cede jurisdiction to States which have good, effective, workable State statutes——

The SPEAKER. The time of the gentleman has again expired.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield myself 2 additional minutes.

Mr. QUIE [continuing]. Which have created stability in labor relations in hospitals, such as in Minnesota under the Minnesota Charitable Hospitals Act?

Mr. THOMPSON of New Jersey. Mr.

Speaker, I thank the gentleman from Minnesota for asking this question which was asked in almost identical form in the other body yesterday by the senior Senator from Minnesota, and was answered by the chairman of the Senate Labor and Public Welfare Committee.

Mr. Speaker, I again reiterate to the gentlemen on both sides of the aisle from Minnesota, and elsewhere, that in my opinion Minnesota occupies a totally unique position among the States in its enactment and application of its State statute dealing with labor relations in non-profit hospitals. That statute has worked well, and it is apparent that all parties in that State are satisfied with the law.

The NLRA in section 10(a) empowers the Board to cede to any State agency jurisdiction over cases in any industry unless the Board determines the State statute is inconsistent with the corresponding provision of the NLRA. We have disturbed section 10(a) of the NLRA, and the Board could, of course, consider the application of the Minnesota Charitable Hospital Act if it should be called upon to make a determination of whether to cede jurisdiction to that State. As a matter of fact, I would urge the Board upon proper application to exercise its authority pursuant to section 10(a) to cede jurisdiction to the respective State agencies, including Minnesota, over disputes involving nonprofit hospital employees if it determines that a State law is substantially equivalent to the Federal law, which I believe Minnesota's statute to be.

Mr. THOMPSON of New Jersey. I thank the gentleman.

Mr. ASHBROOK. Mr. Speaker, I yield myself 5 minutes.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the distinguished gentleman from Arizona.

Mr. RHODES. I thank my good friend, the gentleman from Ohio, for yielding.

Mr. Speaker, the conference report we are considering today should not be adopted. While a great majority of the Members of this body are wholly in accord with the stated purposes of covering hospitals under the National Labor Relations Act, this proposal lacks a vital section to protect the public interest.

There is no 60-day cooling-off period in the conference report. I feel that this is a crucial oversight. The field of providing health care is unique. It is a community necessity. In many States there are counties with no hospitals, and many counties with just one hospital. Disruption of vitally needed medical care and services in hospitals would be entirely foreign to the aims of this Congress. Legislating in this field is difficult, and we should take great care to be certain that we provide for maintenance of hospital services while labor disputes are being negotiated.

This body has demonstrated that it wants to extend NLRB coverage to the 1.4 million workers in nonprofit hospitals. This legislation, in the main, has good points. It provides an active role for the Federal Mediation and Conciliation Service (FMCS) to get workers and hospital management into negotiations. It is necessary, to maintain hospital service, that the 60-day cooling-off period be a part of this legislation. It will not hinder the legitimate rights extended to employees of health care institutions. It will balance the rights of patients and the public to availability of health care facilities, with the rights of those who work in them.

The 60-day cooling-off period would be enforced only if the Director of FMCS determines that the dispute threatens a substantial interruption of health care. A special emergency board would report in 30 days. I feel this is a sensible provision, and one that protects the public, and fulfills our intent of extending coverage to workers.

I urge that the House reject the conference report.

Mr. ASHBROOK. Mr. Speaker, I rise in support of the conference report and urge its adoption.

We are all conscious of the concern raised by the hospitals—that they need extra protection in the form of a cooling-off period from alleged irresponsible action by labor unions. The hospitals claim life and limb would be endangered without this extra measure of protection. However, the record does not support their sense of urgency, sincere as it may be. In the first place, proprietary hospitals, nursing homes, homes for the aged, and related facilities, have been covered by the National Labor Relations Act for years and we have not received evidence that lives have been lost, or limb endangered, from any actions by labor unions concerning them. As a matter of fact, recognitional strikes have been lessened in the area of proprietary hospitals and nursing homes simply because the NLRA provides for recognitional procedure.

Second, the major unions in the hospital field have pledged their support for voluntary binding arbitration in their collective bargaining contracts. This appears to be a good faith effort on their part, and evidences concern by those unions for continuity of patient care.

Lastly, the procedures provided in the original bill give an additional measure of protection to health care institutions. For instance, the notice periods in termination or modification cases have been extended from 60 to 90 days—and from 30 to 60 days notice to FMCS and State agencies—and new notice period of 30 days has been provided in instances of initial negotiations. This additional protection to health care institutions has been expanded to include mandatory mediation by the FMCS during the notice periods to them. But, most importantly, labor unions are required to provide all health care institutions an advance 10-day strike notice. The mandatory mediation, as well as the 10-day strike notice are concessions the labor unions have acknowledged in the interest of uninterrupted delivery of health care. They are exceptional protections to health care institutions.

Despite these extra measures of protection written into the original bill, the conferees agreed to a Board of Inquiry procedure. This procedure adds another layer of protection to the public's right to health care. The procedure calls for the Director of FMCS to call for an impartial Board of Inquiry, within the negotiation periods, if he determines that a labor dispute will threaten substantially to interrupt the delivery of health care. The Board, within 15 days, makes findings of fact and recommendations and the status quo would be maintained for an additional 15 days.

It is contemplated that with issuance of the Board's recommendation, public pressures, as well as good bargaining strategy, will effectively force the parties to reach agreement.

And this agreement is what both labor and management, as well as the public, is seeking.

Furthermore, the fact that the Board of Inquiry is operating at the same time as the FMCS is engaged in mediation is not a drawback, and can be accomplished with a minimum of effort.

The specter of strikes, the fear of hospitals turning patients out on the street concerns all of us. I think this bill helps lessen this prospect. In the long run, the only real factor to prevent strikes in our free system is the improvement of the collective bargaining climate in the health care industry. I believe that the adoption of this report and enactment of this law will be a great step in that direction.

Once again, I want to say that there is no real difference between employees of nonprofit hospitals and employees of profit hospitals, and virtually little difference between employees of hospitals and other service employees in this country. As a matter of equity, hospital employees should be relieved of the continuing unwarranted discrimination against them. Therefore, Congress should grant the basic rights of representation and collective bargaining to employees of nonprofit hospitals. The conference report does so, and at the same time offers protection against work interruptions. I urge adoption of the conference report.

Mr. FORSYTHE. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from New Jersey.

Mr. FORSYTHE. Mr. Speaker, I rise in opposition to the conference report.

Mr. Speaker, the history of labor-management relations in this country clearly demonstrates that the effectiveness of a cooling-off period is greatest once the existing contract has expired. Rarely does a strike occur prior to the expiration of the contract under negotiation. To eliminate the postcontract cooling-off period, as the conference report under consideration proposes to do, is an abdication of the basic responsibility of this Congress to the American public.

In a public service industry, such as health care, there can be no excuse for not providing the maximum range of negotiating tools to insure the continuity of care.

Further, I hasten to point out that the postcontract cooling-off period has been a basic tenet of the negotiating process ever since the passage of the National Labor Relations Act.

While I fully support the overall intent of S. 3202, I cannot support the conference report we are considering today because of this flaw which subverts the basic negotiating process.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, I understood the gentleman to say he had the commitment of the union leaders that they would agree to binding arbitration in their contracts. Is that what the gentleman said?

Mr. ASHBROOK. As a matter of fact, if the gentleman will refer to existing contracts between unions and hospitals throughout the country, without the effect of this proposed law being in operation, the contracts do provide for mandatory arbitration. This happens in about 75 percent of these contracts already in existence in the health care field. Unions and management generally are against compulsory arbitration, but specifically in the area of health-care institutions there has been a pronounced inclination on both sides to incorporate provisions which would prevent strikes. I am convinced both sides do not want strikes, and as nearly as I can see it, the major unions in the health care field have pledged their support. Of course, these provisions would have to be entered into the contract and many hospitals have resisted this.

Mr. SNYDER. So what we have is the pledge of existing union officials?

Mr. ASHBROOK. Yes, plus the track record of those who have already negotiated with hospitals in the health care field and have incorporated no-strike provisions or compulsory arbitration provisions in their contracts. It is obviously a two-way street and both sides must agree.

Mr. SNYDER. And of course, there is no commitment of future officials?

Mr. ASHBROOK. There is no way we can make a commitment for them. I merely said unions in the field now have pledge their support for this concept.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Speaker, I asked the gentleman to yield at this point and I wonder if I may have the attention of the gentleman from Kentucky, because I want to point out that in more than 75 percent of the existing contracts between unions and hospitals there are no strike pledges, and in the RECORD of yesterday, on page 22577 are letters from the presidents of four of the major unions involved in addressing themselves to this point and expressing their willingness to have either mandatory bargaining processes or compulsory arbitration or no-strike contracts. The history of the difficulties in the hospital industry until very recently has been that in excess of 90 percent of the strikes, until a year or so ago, were for recognition purposes.

Mr. SNYDER. Mr. Speaker, if the gentleman will yield further briefly, there are two fallacies in what the gentleman says or two holes in what he says. One is if I am in one of the 75 percent of the hospitals that have such contracts with provisions against strikes when I am ill, I am fortunate, but my chances are not so good if I am in one of the other hospitals. Secondly, the commitment of existing officials of the unions could not be binding on officials in the future.

Mr. ASHBROOK. I would say to the gentleman there certainly is some accuracy in his statement but the other side of the coin is that in that 25 percent he refers to, many of the hospitals have refused to make it a part of their contract. As to the matter of succeeding generations, the gentleman from Kentucky is correct. We have incorporated basic features in this bill as safeguards which will operate to protect the public regardless of the future disposition of union leaders or hospital administrators.

The SPEAKER. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Speaker, I yield myself 1 additional minute.

Mr. SNYDER. Mr. Speaker, will the gentleman yield further?

Mr. ASHBROOK. I yield to the gentleman.

Mr. SNYDER. An unrelated question that was asked was concerning people that belong to religious organizations whose scruples prohibit them from joining unions. As I understand, they would have to make a payment in an amount equal to their dues to a nonreligious charity.

Mr. ASHBROOK. Nonreligious charity, that is correct.

Mr. SNYDER. What about people of religious orders that work in hospitals where there are no scruples, particularly Catholic hospitals with nuns; do they have to pay dues and initiation fees?

Mr. ASHBROOK. I would think in many such hospitals there would be difficulty in organizing them. In the case the gentleman is citing, yes, they would, if the hospital and union had negotiated a union security clause.

Mr. SNYDER. The nonreligious payment to be made in lieu of dues by those who had religious scruples against joining, for example, the Seventh-day Adventists; but the Catholics have no scruples against joining. Would they have to pay the initiation fees and dues?

Mr. ASHBROOK. If the parties had a union security clause, yes.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield 10 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, the first point I would like to make and have everyone clearly understand is that I do not oppose the coverage of not-for-profit hospitals under the National Labor Relations Act. As a matter of fact, I supported the bill that passed in the last Congress. I support this bill and I voted for the passage of this bill; so I am not here asking anyone to vote against the conference report for the purpose of trying to kill this legislation. I would like to see a good bill passed; but I do ask everyone to vote against this conference report, I think, for good reasons.

The second point I would like to make is that there has been talk by those here who support the conference report of a so-called compromise. Let us put that in quotes, "compromise." I would ask those who talk about compromise, whom did they compromise with? It seems to me a conference is when we find two people with differing opinions getting together and agreeing on some position in between. It takes two to make a compromise, just as it takes two to tango. There was no compromise in this conference.

I would submit there was no chance for a compromise in this conference. There were widely divergent views on one aspect of this legislation, the 60-day cooling off period. The House asked to go to conference the very night, and Members will recall it was late at night, the very night that the bill passed. The House conferees were named by the Speaker that evening. As a matter of fact, I was not on the floor. I was not aware it was done; but, on the key issue, the 60-day cooling off period, of the seven conferees appointed by the Speaker, five were opposed to the cooling off period on the record. Two supported it.

So I submit that the composition of the conference, and I have made this point before on the floor of the House, was contrary to the spirit of the rules, if not contrary to the letter of the rules, and contrary to some of the precedents of the House. With that composition, there was no chance to compromise, because a majority of the conferees representing the House were opposed to the House position.

So what is the so-called compromise? The compromise is something that was written by the Laborers' International Union, which was submitted to me and I said no. I told them this really is worse than no 60-day cooling off period at all.

Really, it would be better if we had nothing than to take what is suggested now. What they suggested was to take the so-called cooling off period and place it within the negotiating period. We do not need to cool people off when they are negotiating. The cooling off period is needed when an impasse has been reached and the parties have gotten to such a position that they no longer are talking to each other, and a strike is either imminent or an actuality. That is when a cooling off period is needed.

To make this appear as though some sort of compromise had been achieved in the acceptance of this provision by a 30 day period within the negotiating period, I submit, is not a cooling off by any stretch of the imagination. What it is, is a device which will interfere with the regular negotiation process.

I would like to read a critique of the conference report that was written by a labor lawyer from Chicago, Mr. Richard Epstein.

He said:

> The rationale for the cooling-off period in the form it was enacted originally by the House was to formulate a mechanism which could provide a genuine opportunity for parties at impasse:
>
> 1. to resolve a dispute where a work stoppage would likely create a community emergency; and

> 2. find an adequate substitute for the negotiating process which had failed; and
> 3. to achieve all this without either compulsory arbitration or a surrender of the right to strike.

Mr. Epstein goes on to say:

> A genuine compromise is not a bad idea. The original cooling-off arrangement was in fact a compromise of strongly felt competing goals. But the Conference Committee, in adopting the labor position has given to you a counterfeit—an *apparent* compromise (the motions and steps are there), which is in fact worse than if the cooling-off period did not survive at all.
>
> Moving the cooling-off steps into the traditional bargaining time in the charade of a compromise will in fact make regular bargaining unlikely, impossible or intolerably difficult.

That, I think, is an accurate appraisal of what the provisions of the conference report will do.

One other point I would like to make quite clear: The other body has acted on the conference report. They have adopted it and they have discharged their conferees. Many think that this means that we only have a choice of either accepting the conference report and thereby enacting this legislation, or rejecting it and the whole thing is down the drain. This is not true. We can vote "no" on this conference report and this legislation will still be alive. I would want it to be alive because I support the basic legislation. We can vote "no" on the conference report; we can then ask the other body to reconstitute a conference—not the same conferees. I would hope that the next time we have a conference that we have conferees from the House who support the House position, who will negotiate for a real compromise instead of this counterfeit which has been given us .

Mr. Speaker, I feel strongly about this because we are talking about the public interest. We are talking about terribly necessary health care. We are talking about a cooling off period only when an independent third party, the Director of the Federal Mediation and Conciliation Service, finds that there would be a serious disruption of health care service for a community. That would be the only time the cooling off period would be invoked.

I think it is important. I think we should put the public welfare ahead of that which is trying to be forced down our throats by those who want this legislation to pass only in the form that they want it and not in the form that the House passed it.

I think the House ought to have an opportunity to have its will worked and not have the House position sold out in conference. The very first motion in conference I made was to stick with the House position. The first bargaining position we would have had would have been for our conferees to say, "Yes, we like the House bill."

We had a record vote on that. It fell 5 to 2, which shows that 5 of our 7 House conferees went to that conference ready to sell out the House position and would not even once go on record as supporting what the House passed.

I think that that is not the democratic process. As I say, I think it is contrary to the spirit, if not the letter, of House rules. I hope that we will reject this conference report, that this bill will go back to conference and that the conferees will work out a meaningful and a real compromise.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I thank the distinguished gentleman from Illinois for yielding.

Mr. Speaker, I commend the gentleman for his statement and want to associate myself with his position. I, too, support extending NLRA coverage to not for profit hospitals. He is absolutely correct in his analysis. I hope the House will have the courage, the fortitude, and the perseverance not to enter into this so-called compromise. It is not that.

We will do damage, in my judgment, to the delivery of health care service to the people of this country if we do.

I commend the gentleman from Illinois for an eloquent and accurate statement.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman. I want to make one more statement. An issue has been interjected into this controversy in the last few days about a so-called deal and a lack of good faith.

Let me read an excerpt or two from a letter I received from the American Hospital Association:

> The American Hospital Association was never a partner, silent or otherwise, in Senator TAFT's negotiations with the various labor organizations. I do not believe Senator TAFT requires any silent partners in this matter or any other matter. I think Senator TAFT is perfectly capable of standing on his own feet, without relying on the American Hospital Association or any other organization for support.

There was no deal made, and therefore, there was no bad faith in not sticking to that deal.

One last point made by the American Hospital Association, which I think is quite important:

> One additional thought might be apropos. The whole idea that an outside "deal" could be made and a "draft bill and a draft report" composed by interested non-congressional lobbying organizations—with the expectation that the agreement or treaty would be adopted or ratified by the Congress—is entirely anathema to the concept of legislation by representatives elected by the citizens of the country. It sounds just a little too much like legislation by a professional pressure group rather than by constitutionality approved congressional procedures.

I thoroughly agree. I urge that the conference report be rejected.

Mr. THOMPSON of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. FORD), but would ask that he yield to me very briefly.

Mr. FORD. Of course, I yield to the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, the use of the word "counterfeit" by the gentleman from Illinois is, I think, indeed unfortunate. I do not think that the conferees in any sense are counterfeiters or were dishonest. As a matter of fact, those who voted against the gentleman's amendment on the floor were conferees who changed their position in conference and maintained entirely the principle of the gentleman's amendment, the only difference being a 30-day period instead of a 60-day period.

Mr. FORD. Mr. Speaker, I was one of the conferees who voted against the amendment of the gentleman from Illinois on the floor, because I was totally opposed not to part of it, but to the entire philosophy of it, because it was attempting, as the gentleman is still attempting, to cause the Congress to get into the business of legislating annually the settlement of hospital strikes.

If we would like to repeat the experience that we go through here with the railroad industry every year or two, then we should follow the gentleman from Illinois.

I should like, in fact, Mr. Speaker, to speak to the conferees' rejection of the original postcontract termination cooling-off period offered by the American Hospital Association and the gentleman from Illinois.

The proponents of that cooling-off period contend that it is a procedure analogous to one used in the Railway Labor Act. However, in point of fact it is only part of the rather complicated mechanisms utilized by the National Mediation Board pursuant to that act.

Under the Railway Labor Act, the appointment of an Emergency Board is the last step in an highly integrated process in which the parties have already been subjected to mandatory conferences, protracted mediation, and a formal request to submit the controversy to arbitration. Only then is the dispute presented to the Emergency Board.

Its proponents have suggested that this procedure, which was created especially to fit the needs of the railroad, and later the airline industry, is some sort of a panacea which magically would eliminate any and all strikes. The fact is, although there has been some success, it has not done away with strikes in the industry. Since 1934 there have been 185 Emergency Boards created of which 53 have experienced strikes, and in some cases multiple work stoppages—65 in all. And of these 65, a total of 39 have occurred after the Emergency Board has released its report.

And of greater concern to my colleagues is the fact that the Railway Labor Act's cooling-off period has forced the Congress to reluctantly get involved in legislating solutions to labor disputes. This has occurred eight times since 1963—and four of those instances occurred in the last 5 years.

I am sure my colleagues do not want to become involved in legislating solutions to health care industry labor disputes.

Lest anyone think otherwise, the track record of the Taft-Hartley emergency disputes provision is none the better. To date the cooling-off procedure has been invoked 34 times, and in 29 instances strikes have occurred at some time during the procedure. And in nine instances work stoppages have occurred after the injunction period had run its course.

The conferees rejected the provision

for a 60-day cooling-off period after the termination of the contract because such procedures have historically not eliminated strikes and have unnecessarily prolonged the bargaining process. In addition, they have heightened tensions between the parties, and almost always have caused a hardening of the issues in dispute.

On the other hand, the conferees felt that the agreed upon procedure would positively assist the settling of potential or existing labor disputes before they reached the critical strike stage by working within the collective bargaining process.

I believe that the conferees exercised good judgment by taking this position and by keeping the Congress out of the business of legislating settlements for hospital strikes.

It is really a surprise to hear anyone talking about colleagues from his own party in terms such as "deals," "sellouts," and "counterfeits."

Mr. Speaker, I do not know if the product of this conference is a counterfeit, but if it is, I suppose that we are all subject to the charge of uttering and publishing by bringing it to the Members. However, I am not too unhappy about being thrown into a bag with these good, flaming liberals like Bob Taft on the other side and Bob Stafford who served with us, and the gentleman from Ohio, JOHN ASHBROOK, and others named among the Members here in the House.

It is just silly to come here, after one has already gotten everything but our left arm and our left leg, and begin complaining that he was dealt out. I am a little bit upset also by the fact that the gentleman from Illinois has apparently been "dealing" with big labor, whoever that is. He referred to some kind of an international labor organization that he was dealing with. I am a little disappointed that they did not even bother to talk to me. I will say to my friend, the gentleman from Illinois, they seem to have been doing all their dealing with him.

That may be why others have urged me to walk more than halfway in the gentleman's direction at the time of the conference.

Mr. Speaker, I thought that I was really giving a great deal, as one of the five conferees who voted against the Erlenborn amendment on the floor of this House, when we split the 60 days to 30 days and went half way with the gentleman. How can any Member come to the floor, having been outnumbered by his own count in the conference by a ratio of 5 to 2, when he gets more than half of what he asks for, when he brings it up from zero to more than half way back; and he comes back here and cries to the Members that he has been subjected to nefarious deals and sellouts by a bunch of counterfeiters?

Let us take a look at the list of so-called counterfeiters who signed this conference report, and then I will ask the Members if they think it is fair to characterize their activity in this way. Our colleagues who signed this report include the chairman of the full committee (Mr. PERKINS) and the ranking minority member (Mr. QUIE), the distinguished chairman of the subcommittee (Mr. THOMPSON) and the ranking minority member of the subcommittee (Mr. ASHBROOK), as well as the gentleman from Missouri (Mr. CLAY), and myself.

The gentleman from Illinois is saying to us, "Either do it my way or kill the bill, but do not ever compromise with me, because if I only get half of what I want, or one-third or three-quarters of what I want, and if I do not get the last drop of blood, I am going to come back to the floor and attack your motives, attack your honesty, attack your integrity, and attack your ability, and I am not going to talk about the real issues involved."

The real issue is whether or not we want the National Labor Relations Act be made effective, as the gentleman from Ohio (Mr. ASHBROOK) has said, in order to lay to rest the labor strike that we have in nonprofit hospitals across the country, or whether we want to defeat this conference report, as the gentleman from Illinois would have us do, and leave the status quo as it is and thus allow the jungle warfare that is now going on in many of these hospitals to continue.

Mr. ASHBROOK. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. HUDNUT).

Mr. HUDNUT. Mr. Speaker, I thank the gentleman for yielding time to me.

I would simply like to ask the gentleman a question for clarification.

The term, "health care institutions," seems relatively self-explanatory. However, in my district, I have had many questions asked of me about whether or not this covers county and State hospital employees.

Mr. ASHBROOK. Mr. Speaker, if the gentleman will yield, I will say to the gentleman from Indiana that section 2, subparagraph 2, of the act defines an "employer" as follows:

> "Employer" includes any person acting as an agent of an employer directly or indirectly but shall not include the United States or any wholly owned Government corporation or any Federal Reserve Bank or any State or political subdivision thereof.

So in effect the term, "employer," would exclude coverage from the hospital that the gentleman is mentioning, that is, a hospital operated by a county with Federal, State, or County employees.

Mr. HUDNUT. Mr. Speaker, I thank the gentleman for his clarification.

Mr. ASHBROOK. Mr. Speaker, in conclusion, I would merely indicate that in the debate yesterday in the Senate there appeared to be several areas where Senator WILLIAMS has indicated a somewhat different understanding than is contained in the report or according to my own understanding.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I rise in support of the effort to reject the conference report on S. 3203. I urge that the conference report be rejected because the conference "compromise" of the original 60-day cooling-off period completely negates the intention of the House of giving the public one additional method, or one extra chance, to settle a labor dispute in the critical area of health care delivery.

The House-passed 60-day cooling-off period created an additional procedure which could be selectively invoked to settle a labor dispute where the dispute substantially threatened to interrupt the delivery of health care. That procedure, as passed by the House, did not interfere with the normal bargaining process. It did not surrender labor's basic right to strike nor did it impose compulsory arbitration on the parties. The mechanism was an adequate substitute which could offer the parties an additional opportunity to resolve their differences without inconveniencing the public's right to health care delivery. The "compromise" proposal of the conference committee does not achieve the same result.

First, it is evident that the compromise procedure can only be applied to disputes arising prior to termination or modification of a contract, or during the first 30 days of initial negotiations. For example, under the House-passed amendment the cooling-off procedure would have been applicable to the hospital employee strike in New York City last year—it might have averted the traumatic disruption in health care. However, the conference compromise would not have been applicable to that dispute since the strike took place within the contract term. Also, the House-passed cooling-off period procedure could have been used in the San Francisco nurses strike, had that dispute developed to the point where it would substantially disrupt patient care. However, the conference compromise is worthless in that type situation, since the nurses strike occurred long after their contract had terminated.

If the public is to be protected from interruption in health care delivery, they should be protected similarly at all times and not just during selected negotiation periods.

Second, the "compromise" procedure requires that it be invoked within very limited time schedules. In the event of termination or modification of a contract, the "compromise" calls for the Director of the FMCS to invoke the procedures within 30 days of the normal notice period to the FMCS. This tight timing would require the FMCS to predict, from 60 to 30 days prior to contract termination—far in advance of contract termination—that an impasse will ultimately be reached. Where the parties are engaged in initial bargaining, the Director of the FMCS must determine, within 10 days of notice period to FMCS, that an impasse is going to occur 20 to 30 days in the future, and second, that—at that time—the dispute, if there is one, will substantially interrupt the delivery of health care. This places the FMCS in the very difficult position of predicting far in advance of most of the collective bargaining that an impasse will occur. Personally, I am not in favor of requiring the FMCS to engage in the practice of fortunetelling.

Third, the "compromise" undermines the effectiveness of the collective bargaining process by superimposing an additional process on the already required mandatory mediation period; and encouraging the parties to delay serious bargaining until after the factfinders submit their report. It appears to me that such a procedure should not be supported by either management or unions.

Lastly, but most importantly, the "compromise" takes away the selectiveness of the FMCS to invoke the cooling-off process encompassed in the original House-passed amendment. According to the original House amendment, the Board of Inquiry could have been invoked when, and only when, the FMCS Director determined that a labor dispute threatened substantially to interrupt health care delivery. He did not have to automatically invoke the procedure, and was not limited in time when he could do so. The interested parties could not control his actions, but would be subjected to them at his discretion, in the public interest. Consequently, use of the impartial Board of Inquiry in the bargaining process was unpredictable by the parties, and thus would appear to stimulate agreement. The timing of the FMCS entrance into the bargaining process is oftentimes crucial, and the ability to use the services of the FMCS in the most effective way should not be burdened by time limitations, or by the parties being able to predict future actions of the FMCS.

For the above reasons, and in the interest of continuity of patient care, I join the gentleman from Illinois in urging rejection of the conference report. However, I strongly believe that hospital employees are entitled to the basic rights of representation, as other workers in America. Hospital employees should not be penalized or suffer second-class status. It is for this reason that I endorse the concept of collective bargaining for hospital workers. Consequently, I have joined in sponsoring a substitute bill, introduced today by the gentleman from Illinois that guarantees these rights.

This substitute legislation includes the provisions of the original bill, H.R. 13678. It removes the present exemption of nonprofit hospitals from the NLRA, creates a new category of health care institution; extends the present statutory notice period in termination or modification of a contract from 60 to 90 days, and the present 30 day notice to FMCS and State agencies to 60 days; requires a new 30-day notice period in initial negotiations; mandates mediation during the notice periods to FMCS, and requires a 10-day strike notice. In addition, and very importantly, it provides for a 45-day cooling-off period, and adopts the religious freedom amendment as modified in conference.

This legislation introduced today, therefore, reflects the House position, and allows for the additional safeguard of a 45-day cooling-off period to protect the continuity of patient care. This bill is consistent with good labor relations practices. It again must be emphasized that this 45-day cooling-off provision would be invoked only when needed: it is in no sense automatic. The cooling-off period would be allowed to function, if needed, both inside and outside of the contract period.

Let me emphasize again that this is not a vote against the workingman and his unions—it is not a vote against hospital employees enjoying the basic rights of representation and collective bargaining. It is not a vote for compulsory arbitration, or a vote to deny the right to strike. Rather, it is a vote for proper uncluttered and effective legislation governing labor-management relations in our health care industry.

Patient care is not a commodity similar to any other market product, and in dealing with it we must be responsive both to the desires of hospital employees and to the protection of the public. I sincerely believe that labor can and should postpone its most powerful and effective weapon—the strike—for a mere 45 days in order to achieve one additional and possibly critical attempt at continuity of patient care.

Mr. HILLIS. Mr. Speaker, I regret that I feel compelled to vote against the conference report on S. 3203. I am sympathetic to the collective-bargaining process and believe that this approach is superior to Government intervention.

I favor the original intent of S. 3203 which sought to protect the collective-bargaining process and the rights of health care employees. Furthermore, I supported the 60-day cooling-off amendment added to this bill by the House. I see this amendment as a fair safeguard which greatly improved the original legislation. In my mind, the addition of the 60-day cooling-off period offers greater consideration to the hospital patient by setting aside an additional period in which a work stoppage which could create a community emergency could be resolved. This period could be seen as a substitute period for a failure in the negotiating process. I do not see where the inclusion of this period threatens the collective-bargaining process.

While I believe health care employees are entitled to their rights, I must agree with the position of the gentleman from Illinois, Congressman Erlenborn. In an emergency situation when a work stoppage threatens to affect the best interests of an entire community, the public interests must become the paramount consideration. Uninterrupted hospital care must be provided for each needy citizen. The inclusion of a cooling-off period is necessary in a situation where the postponement of a strike opportunity can be determined to avert a community emergency. The retention of the right to strike is important. Pending a public service strike as in the case of hospital employees, the strike situation must be weighed in relation to the affect of the strike on the community in question. An extension of the negotiating process by the inclusion of a cooling-off period assists all concerned and provides an answer beneficial to all.

Mr. BAUMAN. Mr. Speaker, I cannot support the conference report on the measure, S. 3203, which extends the provisions of the National Labor Relations Act to nonprofit hospitals. During House debate on the initial passage of this measure. I stated that I could not support any proposal which would threaten the delivery of health care services to the people of my district. Granting hospital employees the right to strike would leave the health of many patients in jeopardy especially in rural areas where the next nearest medical facility may be many miles away.

However, the bill as passed by the House did contain an amendment offered by my colleague from Illinois (Mr. Erlenborn) which provided for a 60-day cooling-off-period which would apply to any strike or labor dispute which would interrupt the delivery of health care. This provision would take effect after the exhaustion of all collective bargaining procedures and would provide for the continuation of essential hospital services for the 60-day period. While I do not favor the adoption of any measure which would threaten the existence of needed medical services, the inclusion of the Erlenborn amendment would avert an immediate strike. I would hope that the House will vote to reject the conference report and allow a new conference committee to include adequate safeguards for the continued availability of health care services. The most important issue here is not the demands of the labor bosses, but the adequate health care of those ill patients who will suffer most if this bill passes as now written.

Mr. KASTENMEIER. Mr. Speaker, like every Member of this House, I am interested in providing guarantees that there will be continuity of patient care in our hospitals across the country. In fact, I firmly believe that this is the prime concern of all of us here. Certainly it is my prime interest. The question really boils down to "How can we best provide that continuity of patient care at the same time we extend the protections of the National Labor Relations Act to employees of nonprofit hospitals?" I believe that the conference report before us today fulfills those two needs.

Both the House and the Senate, in their original consideration of this legislation, recognized that there are special needs within the health care industry which must be considered. Consequently, both bills provided substantially more safeguards than currently apply to other industries covered by the NLRA. Agreement had already been reached on the following requirements: a 90-day notice of termination or expiration of a contract; a 60-day notice to the Federal Mediation and Conciliation Service of such termination or expiration; a 30-day notice of dispute in initial contract negotiations to the FMCS; mandatory mediation between the health care institution and labor organization at the direction of the FMCS; and, a 10-day notice by a labor organization to the health care institution of intention to picket or strike.

The major point of contention between the two bills was the issue of the need and desirability of providing an additional 60-day cooling-off period in the event of a strike. In an effort to reach a compromise and provide some safeguard in addition to those already in agreement, the conferees adopted a mechanism whereby the Director of the

FMCS is permitted to convene an impartial Board of Inquiry in the event a labor dispute threatens to close a health care facility or facilities upon which a community may be dependent. Such a Board can be convened within 30 days after the notice of a contract expiration or within 10 days after the notice of new contract negotiations. This Board would be obligated to make a report within 15 days detailing findings of fact together with recommendations for settling the dispute.

Mr. Speaker, there are some who fear that anything short of a 60-day cooling-off period in the event of a strike would be disastrous for the health care industry. However, experience has shown that so-called cooling-off periods in labor relations have historically been as much an aggravating factor as they have been a settling influence. Such a cooling-off period merely prolongs and interferes with the parties' mandatory obligations to meet and bargain in good faith. It tends to increase tensions and harden positions, with the potential of thwarting achievement of an early collective bargaining agreement. It seems to me far better to require that the parties bargain in good faith for 90 days prior to contract expiration, utilizing the positive forces provided in this bill for settling disputes, than to offer the extra cushion of 60 more days which has the potential for reducing the incentive to reach early agreement. It does not seem to me desirable to unnecessarily prolong labor disputes for 5 months, when the mechanisms are available to reach settlement in 3.

Mr. Speaker, it seems to me that there are two important points to be made in considering this legislation and its implications. First, it is impossible for us to devise a bill which would provide absolute guarantees that strikes will not occur in our hospitals. The recent hospital strikes in New York and San Francisco were conducted in direct violation of court orders. This clearly indicates that no matter what course of action we pursue, strikes still can and might take place.

Second, employees of proprietary hospitals and nursing homes have been covered by the NLRA since 1935. Experience has proven that this has not been generally detrimental for the public or for those employees working in these sectors of the health care industry. With this in mind, we clearly have no justification for continuing to treat employees engaged in the same industry differently merely because they are employed by nonprofit organizations.

It is my view that this conference report provides the kind of good collective bargaining climate that, in the end, is the only thing that can prevent strikes. I believe it has the potential for bringing greater stability to labor-management relations in the health care industry. In short, I feel its positive effects are compelling and support adoption of the conference report.

Mr. BADILLO. Mr. Speaker, I rise in support of this conference report—aimed at correcting a long-standing inequity—and urge its adoption without delay.

For over a quarter of a century, since the enactment of the Taft-Hartley Act, the country's 1.7 million nonprofit hospital employees have been denied the protections of the National Labor Relations Act. These men and women are some of the Nation's most exploited workers, receiving poor wages and few fringe benefits although they work long hours at arduous jobs, and many are denied even minimal job security. Because of the Congress shortsightedness in withdrawing coverage from nonprofit hospital employees in 1947, a number of bitter and protracted labor-management disputes have arisen as most States do not require nonprofit hospitals to recognize and bargain with employee organizations, even if every single employee so desires. As a result this vital segment of the Nation's health care delivery system often found itself embroiled in recognition strikes as it sought to obtain those basic rights guaranteed to other American workers.

S. 3203 simply grants to nonprofit hospital workers the rights of union organization and collective bargaining which other workers have long enjoyed. Because they are low paid, with wages often below bare subsistence levels, these workers are in great need of the right to join unions and to bargain collectively with hospital management for the improvement of wages, hours and general working conditions. There can be no justification for continuing the unconscionable discrimination against these men and women or for maintaining a double standard under which proprietary hospital employees are covered by the NLRA but those of nonprofit hospitals are not.

Although the conference report contains some features which are different from that which was originally adopted by the House, I believe this should not prevent us from supporting the measure or pursuing the ill-conceived suggestion that the conference report should be rejected. It seems to me that the conference report represents a reasonably effective compromise between the House and Senate versions of the original legislation. As New York's senior Senator aptly noted during Senate debate on the conference report yesterday:

> Its provisions have been carefully tailored to meet the particular problems of labor-management relations involving health care institutions.

I feel that, in its present form, this legislation will not only insure the continuity of quality patient care in our country's health institutions but that it will also afford needed and long-overdue protections to the employees of these facilities. I am sure the majority of us share the belief that, because of the unique and essential nature of their functions in the community, health care institutions call for special consideration in the area of labor relations. I believe that the conference report accurately reflects this requirement and that it represents a workable compromise. I am hopeful, therefore, that it will be adopted and promptly enacted.

Mr. THOMPSON of New Jersey. Mr. Speaker, I should like to raise one additional matter of some importance.

With respect to the question of bargaining units, the committee stressed its concern with preventing an undue proliferation of bargaining units in the health care industry. The committee cited certain Board decisions in the health care industry which would reflect the statutory mandates. By so doing, however, the committee did not intend to foreclose the Board from continuing to determine traditional craft and departmental units, such as stationary engineers in the heatlh care field. With these directions, the Board in its continuing review of the health care industry should be free to employ its expertise in determining appropriate units.

Mr. ASHBROOK. Mr. Speaker, the conference report, S. 3203, before this body today is a result of protracted discussions and compromise over an extensive period of time. During that time, as cosponsor of this legislation, I have worked closely with Chairman THOMPSON and appreciate his very effective work in pursuing the enactment of this much-needed legislation. In that continuing spirit of cooperation, we have agreed to the following joint statement which is self-explanatory:

> We generally associate ourselves with the opinions expressed by Senator Williams in his statement to the Senate on the Conference Report. However, in order to clarify the intent of certain statements contained therein which, if left standing without further explanation, might possibly be misinterpreted or misconstrued, we submit the following observations which we trust Senator Williams will accept.
>
> First, the specific intent of the House Education and Labor Committee was to extend the NLRA to non-public institutions involved in patient care, as reflected in the Committee Report and as explained in the House debate on May 30, 1974, reported in the Congressional Record of that date, pages 16904–905. Furthermore, the Committee was fully aware of the National Labor Relations Board's present monetary jurisdictional standards for assertion of jurisdiction and in no way meant to disturb those standards or limit the Board's discretion for changing them or issuing new standards if it so chose.
>
> Second, it should be clear that the 8(g) notice will not be required when the employer has committed unfair labor practices as in *Mastro Plastics Corp.* v. *NLRB*, 350 U.S. 270, 37 LRRM 2587, (1956). The *Mastro Plastics* case is an example of what the Board and the Courts have termed "flagrant" unfair labor practices, and, as all cases stand on their own facts, the Board is able to apply those facts to the proper reading of the *Mastro Plastics* doctrine. The Committee intent is clearly underscored by reference to that case in its Report.
>
> Third, the Committee Report states that a violation of Section 8(g) will constitute an unfair labor practice. Failure to give the 10-day strike notice will constitute a separate unfair labor practice under Section 8(g), and be remedial under a separate charge thereunder. If an injunction is sought, the provisions of section 10(j) will also apply.
>
> Fourth, the Committee Report states that at least 12 hours notice must be given if an 8(g) notice has been filed and the strike has not occurred immediately after the 10 days. However, the Committee was aware of the practical application of this new legislation, and realized the need for the application of the rule of reason.
>
> Thus, e.g., where the notice was mailed in a timely fashion, and the union was not responsible for the delay, or where under such

circumstances, the employer has been provided with more than twelve hours actual notice, then the failure to strictly comply with the twelve hour notice seems excuseable.

The Board, in considering extenuating circumstances, is expected to act in a reasonable manner consistent with the Committee's intent as stated in its Report. Furthermore, the status of strikers as "employees" would also be determined by the decision of the Board. Section 8(d) of the Act, which has been amended by this bill, clearly states "employees" will lose their status as such if they participate in a strike outside of the notice periods. Should the labor organization be in violation of Section 8(g), the employees would then, according to statute, lose their status as "employees". Consequently, the reasonableness of the Board in applying the intent of the Committee to the facts is of major importance.

Fifth. Apparently, there has been some misunderstanding created by the statement that a new 10-day strike notice will be needed whenever a strike once called and then discontinued is thereafter resumed for any reason. Clearly, if the parties agreed to end the strike and resume the negotiations there will be no need for a further notice of any sort, because the cessation was subject to agreement. If, on the other hand, the union unilaterally discontinued picketing, the question of whether any subsequent notice would be required will turn upon the application of Congressional intent to the precise fact situation. Thus, e.g., if the hospital has been lulled by the cessation of the strike and subsequent bargaining from a "seige" situation to a fully operative situation, it is apparent that a second notice would be required. The Committee cannot foresee every possible fact situation and the Board would be expected to apply a reasonable interpretation, consistent with the Committee Report.

Finally, as stated in the Committee Report, recognition strikes will be greatly reduced with the enactment of this proposal into law. This was of particular concern to the Committee because, in the absence of statutory procedures, recognition strikes have been the source of protracted strikes and picketing in the health care field. The Committee Report indicated that picketing of a health care institution would in itself constitute an unusual circumstance justifying the application of a period of time less than thirty days in an 8(b) (7) (C) situation. However, with the added protections incorporated into the National Labor Relations Act for health care institutions, the need for recognition strikes should be eliminated, and the number thereof drastically reduced."

There are other areas where, I believe, some personal comment is necessary. First, the General Counsel of the NLRB delivered an address on June 13, 1974, containing his interpretation of the pending legislation. It should be noted that the committee did not consider the remarks of the General Counsel in either writing the committee report or in writing the conference report. The General Counsel, in the first instance, is the individual who must make the decisions on the application of this new legislation. Although there may be some disagreement with his thesis, I recognize the address of the General Counsel as his individual concern with this legislation, and realize that the application of any new legislation is a speculative subject for scholarly comment.

Second, there has come to my attention certain remarks regarding aspects of this legislation which are not within my personal understanding of the committee actions. In this regard, I note that the "ally doctrine" was mentioned in the committee report, and modified therein to some extent in the interest of patient care. By the report mentioning this doctrine, some, apparently, believe that Congress is giving approval to the scope and legal standing of the doctrine. I know that the ally doctrine has not been passed upon by the Supreme Court, but the Board has developed some case precedent around the ally doctrine concept the Board itself conceived. However, since certain Members questioned the doctrine, it is my understanding that the intention was only to modify it in the interest of patient care.

Third, I agree with the assertion that a threat to violate 8(g) is not in itself a violation of 8(g). However, such a threat, or continuing threats, in proper circumstances, it seems to me, could constitute a violation of 8(b)(3) and be remedial under section 10(j) without an actual 8(g) violation occurring. If not, patient care could be in constant jeopardy, and the means of relieving that sort of unfortunate situation would be unavailable. Certainly, if the threat to picket were communicated to a health care institution with whom the labor organization had no dispute, or for a recognition purpose to a health care institution in which a valid election had been held within less than 12 months, that threat could constitute violations of section 8(b)(4) and 8(b)(7), respectively, and be remedial under 10(j) as well.

Fourth, in agreeing that a violation of the new 8(g) section constitutes a separate unfair labor practice, I am not convinced that it could not also constitute a violation of other sections of the NLRA in appropriate circumstances. The factual situations that may arise are plentiful. It is, of course, hard to visualize circumstances where other than a section 8(g) charge of an unfair labor practice committed under that section would be filed. However, it may be necessary, particularly where injunctions are sought, and the Board must have the widest discretion, in the interest of the public, to apply the proper law to the facts as they arise. The sanctions available to the Board in a particular set of circumstances should not be limited by our failure to forecast those future facts.

Fifth, with regard to the question of bargaining units, the committee was quite concerned with the issue of undue proliferation of bargaining units and by language in the committee report has stressed the need for the Board to curtail such proliferation in health care institutions. In the past, as illustrated by Board decisions cited in the committee report, the Board has acted at its discretion in a congressionally approved manner. However, I would expect the Board to be cognizant of the concerns for patient care and employee rights in the Board's continuing review of bargaining unit questions in the health care institutions.

Mr. RONCALLO of New York. Mr. Speaker, I rise in reluctant opposition to the conference report. I supported this bill when it passed the House and voted against the Erlenborn amendment because I felt then, as I do now, that an additional cooling-off period would not appreciably help to assure continuous continuity of care and might even be a disincentive to reaching agreement within the life of a contract.

By the same token I do feel the two-track system of concurrent mediation and fact-finding embodied in the conference report serves any purpose. Both are valuable tools when used separately, but the very nature of factfinding precludes meaningful negotiation and mediation while the third party determines the facts.

Overriding public interest must take precedence over the perogatives of both labor and management in such a vital area as health care. If this conference report is rejected and a new conference requested, I have an idea for a true compromise which might just be the way out of the dilemma. I would propose a method for handling designated health emergencies at any time during the life of a contract or after its expiration involving a 10-day strike notice, mandatory mediation followed, if necessary, by factfinding, no cooling-off period and limited strike. All nonessential workers would have the right to strike, but the unions would provide sufficient trained personnel to maintain vital emergency and intensive care units.

Neither side will be 100 percent happy with this proposal, but both sides should be able to live with it. And that is the true test of a compromise. The main thing is that no citizen's life should be endangered by an unresolved labor dispute. I would be happy to discuss this proposal further with the conferees should the occasion arise.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. THOMPSON of New Jersey. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 205, nays 193, not voting 36, as follows:

[Roll No. 374]

YEAS—205

Abzug
Adams
Addabbo
Alexander
Anderson,
 Calif.
Andrews,
 N. Dak.
Annunzio
Ashbrook
Ashley
Aspin
Badillo
Barrett
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brinkley
Brooks
Brotzman
Brown, Calif.
Burke, Calif.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney, Ohio
Clark
Collier
Collins, Ill.
Conte
Conyers
Corman
Cotter
Cronin
Daniels,
 Dominick V.
Danielson

Delaney
Dellums
Denholm
Dent
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Fish
Flood
Flowers
Foley
Ford
Fraser
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Grover
Gude
Hamilton
Hanley
Hanna
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Holifield
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Jones, Ala.
Jordan
Karth
Kastenmeier
Kemp
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Litton
Long, La.
Long, Md.
Luken
McCloskey
McCormack
McDade
McFall
McKinney
Madden
Madigan
Maraziti
Mathias, Calif.
Matsunaga
Meeds
Melcher
Mezvinsky
Michel
Mills
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murtha
Natcher
Nedzi
Nix
Obey
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Steele
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Thompson, N.J.
Thone
Tiernan
Traxler
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Waldie
Walsh
Whalen
Widnall
Williams
Wilson, Charles, Tex.
Wolff
Yates
Yatron
Young, Ga.
Zablocki

NAYS—193

Abdnor
Anderson, Ill.
Andrews, N.C.
Archer
Arends
Armstrong
Bafalis
Baker
Bauman
Beard
Bennett
Blackburn
Bowen
Bray
Breckinridge
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carter
Casey, Tex.
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fisher
Flynt
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gettys
Goldwater
Goodling
Green, Oreg.
Gross
Guyer
Haley
Hammerschmidt
Hanrahan
Harsha
Hastings
Hébert
Henderson
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Kazen
Ketchum
King
Kuykendall
Lagomarsino
Landgrebe
Latta
Lent
Lott
McClory
McCollister
McKay
Mahon
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Mayne
Mazzoli
Milford
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Nelsen
Nichols
O'Brien
Owens
Parris
Pettis
Poage
Powell, Ohio
Preyer
Price, Tex.
Quillen
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Ruppe
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Skubitz
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Symms
Taylor, Mo.
Taylor, N.C.
Teague
Thomson, Wis.
Thornton
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Wampler
Ware
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wright
Wydler
Wylie
Wyman
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zion
Zwach

NOT VOTING—36

Brasco
Breaux
Burke, Mass.
Carey, N.Y.
Cederberg
Chisholm
Clay
Culver
Davis, Ga.
Diggs
Dingell
Dorn
Evins, Tenn.
Fulton
Giaimo
Gray
Griffiths
Gubser
Gunter
Hansen, Idaho
Hansen, Wash.
Jones, Tenn.
Lujan
McEwen
McSpadden
Macdonald
Metcalfe
Murphy, N.Y.
O'Hara
Rooney, N.Y.
Sandman
Shipley
Talcott
Wilson, Charles H., Calif.
Wyatt
Young, Alaska

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Burke of Massachusetts for, with Mr. Dorn against.

Mr. Young of Alaska for, with Mr. McEwen against.

Until further notice:

Mr. Fulton with Mr. McSpadden.

Mr. Rooney of New York with Mr. Evins of Tennessee.

Mr. Murphy of New York with Mr. Gray.

Mr. Davis of Georgia with Mrs. Hansen of Washington.

Mr. Brasco with Mr. Wyatt.

Mrs. Chisholm with Mr. Culver.

Mr. Dingell with Mr. Clay.

Mr. Diggs with Mr. Macdonald.

Mr. Giaimo with Mr. Cederberg.

Mr. Jones of Tennessee with Mr. Lujan.

Mr. Metcalfe with Mrs. Griffiths.

Mr. Charles H. Wilson of California with Mr. Hansen of Idaho.

Mr. Shipley with Mr. Gubser.

Mr. Carey of New York with Mr. Sandman.

Mr. Breaux with Mr. Talcott.

Mr. Gunter with Mr. O'Hara.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. DELANEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DEVELOPMENTAL DISABILITIES AMENDMENTS OF 1974

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1224 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1224

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14215) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1224 provides for an open rule with 1 hour of general debate on H.R. 14215, a bill amending the Development Disabilities Services and Facilities Construction Act.

H.R. 14215 provides a 2-year extension of existing programs for people with developmental disabilities. The terms of the bill specify that those persons who suffer from mental retardation, cerebal palsy, and epilepsy, and incurred these diseases before attaining 18 years of age, are eligible to receive benefits from this program.

The bill also includes a program for autistic children—those disoriented children whose learning ability is greatly impaired—and allows them to qualify for the program under a State allocation program.

H.R. 14215 requires that States spend at least 10 percent in fiscal year 1975 and 30 percent in fiscal year 1976 of their State allotment for programs for deinstitutionalization of persons with developmental disabilities inappropriately placed in institutions.

The total authorization in the bill is $192 million.

Mr. Speaker, I urge the adoption of House Resolution 1224 in order that we may discuss, debate and pass H.R. 14215.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been noted, House Resolution 1224 provides an open rule with 1 hour of general debate for the consideration of H.R. 14215, the Developmental Disabilities Amendments of 1974. There are no waivers of points of order in this rule.

Mr. Speaker, the primary purpose of H.R. 14215 is to extend for 2 years the existing programs for people with certain disabilities. The bill also makes some changes in the existing law governing these programs. The bill authorizes a total of $77 million for fiscal year 1975 and $115 million for fiscal year 1976. By way of comparison, $36,750,000 was appropriated in fiscal year 1974.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14215) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14215, with Mr. GETTYS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I call up today H.R. 14215 the Developmental Disabilities Amendments of 1974. This bill provides a 2-year extension of existing programs for people with developmental disabilities with total authorizations of $192 million. Generally the bill simply continues the existing programs, since we feel that they have been quite successful, but it does make some modifications, specifically:

First. Creates a new special project authority and substitutes for the existing 10 percent earmark of State allotments for projects of special national significance a new 30 percent earmark of the new special project authority for such projects;

Second. Requires that States spend a specified percentage of their allotments for programs for deinstitutionalization of persons with developmental disabilities inappropriately placed in institutions;

Third. Eliminates requirements for Federal approval of individual construction projects funded with State grant funds;

Fourth. Adds autism specifically to the list of diseases for which the special project and State allotment programs are to provide services; and

Fifth. Requires studies by the Secretary of HEW to determine the neurological diseases which should and should not be considered as developmental disabilities, and the adequacy of services for persons with diseases not included.

Developmental disabilities include such dread diseases as mental retardation, cerebral palsy, epilepsy and similar permanent neurological problems. This legislation has provided a variety of forms of valuable assistance to the over 6 million people in this country with developmental disabilities since 1963. Hearings were held on the program in February and it received support from every witness, including those of the administration. The legislation was subsequently reported from both our subcommittee and full committee unanimously. I should note that the proposed bill extends the program for 2 years rather than the usual three because as you know we have many programs expiring this year and are extending them for various periods of time so that they will not all expire simultaneously again.

This is good legislation which is unanimously supported by all who know of it, and I urge your support for it.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill H.R. 14215, extending the developmental disabilities program for 2 years.

This important program has been a successful one and it has made important contributions to the quality of the lives of the many people who suffer from such disabilities. The measure that we are considering today contains a total authorization of $192 million—$77 million in 1975 and $115 million in 1976—and I feel that this is necessary for the continuation of these vital services.

The bill continues the authority for grants for university-affiliated facilities, and creates a special project authority. Also, the measure adds autism and Dyslexia specifically to the list of diseases for which the special project and State allotment programs are to provide services. Autism, of course, is the condition of being dominated by subjective, self-centered trends of thought or behavior. We see many instances of this condition, and it is wise to include provisions for it in this measure.

From 1971, program appropriations have been gradually increased—$99.7 million total—and I submit that it is necessary to continue.

I have visited several of the rehabilitation centers. I have seen youngsters who are classed as morons, imbeciles, and mongoloids trained to where they could take care of themselves and could even read. As a physician who has seen many of these cases of mental retardation, I had never thought of the wonderful work for God's poor little children that could be accomplished, but it is being done throughout our country.

The facilities in which these little children are taught, for the most part, are in churches, usually in the basement or the playroom. I want to assure you that they receive excellent care and training and that all of them benefit, many of them to the point where they can care for themselves, which up until a few years ago was regarded as an impossible dream. I was particularly impressed by the School of Hope at Berea, Ky., and by the university-affiliated facility at Eastern Kentucky University, where both mental retardates are taught, and at the same time teachers receive additional training in their field.

Those who suffer from mental retardation, cerebral palsy, epilepsy, autism, and neurological conditions are often handicapped in these ways throughout their lives. We can help the millions who suffer from these illnesses, and we must give them the support and assistance for learning and living meaningful lives.

I urge my colleagues to support this legislation.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, page 10 of the report talks of "deinstitutionalization." The quotation I refer to is as follows:

> The Committee has chosen to include a specific requirement that State programs plan for as much deinstitutionalization as is feasible.

I am a little concerned, although my colleague, the gentleman from California (Mr. BURGENER), who is an expert on the subject, has advised me that I should not be, about whether or not a State like California, which has already moved far ahead in this area, would be penalized because they have already done much toward community treatment.

Mr. Chairman, I will ask the gentleman to respond to my concern.

Mr. CARTER. Mr. Chairman, I certainly would not think they would be penalized. I know of no reason why they would be. It is certainly fortunate for the people of California that they have moved ahead in this field.

Mr. BURGENER. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from California.

Mr. BURGENER. Mr. Chairman, in response to the inquiry by my colleague, the gentleman from California (Mr. LAGOMARSINO), I believe the bill on page 7 should clearly allay his fears, because at page 7, on line 7, of the bill it says as follows:

> * * * for the purpose of assisting it in developing and implementing plans designed to eliminate inappropriate placement" in a State facility.

Mr. Chairman, I think the term, "inappropriate placement," is really what "deinstitutionalization" is all about. In other words, the only reason to take a person out of a State institution is if there is a better place for him or her to go.

Mr. CARTER. Along that same line, there are many of these youngsters throughout the country who are institutionalized, and many States have not gone about deinstitutionalizing them. The purpose of this bill is to accomplish that, to treat them in a place near their homes, and this is being done, I might add, in almost every community in the

State of Kentucky, in almost every county seat. I am thankful for this. I am glad that the gentleman's State has gone ahead with this, but I am regretful that we did not have this legislation passed sooner so that the gentleman's State could have benefited from it.

I now yield 3 minutes to the distinguished gentleman from California (Mr. BURGENER).

Mr. NELSEN. Mr. Chairman, mental retardation effects more than 6 million Americans. Not many years ago the vast majority of these individuals would have been virtually discarded by society. Today, we know we can do much to educate and make possible a better way of life for the retarded.

This bill would provide for a new emphasis on programs to deinstitutionalize retarded persons. Huge, State-run institutions are expensive, seldom effective, and often depressing. They have, in many instances become warehouses for human misery. If it is at all possible to treat and train a person in his home community—that's where the job should be done.

This bill would also provide funding for demonstration projects in developing new techniques in training the retarded. While, as I have indicated, great progress has been made in recent years, much more needs to be accomplished in training retarded individuals.

For the first time, under the provisions of this bill, autism would be included as a covered condition. This, too, represents an enlightened forward step.

The bill authorizes $77 million in 1975 and $115 million in 1976. While these figures may seem high to some, they are not unreasonable. Developmental disabilities is a program that has, since 1963, helped millions, and I am confident will do even a better job for millions more in the future.

I urge support for this measure.

Mr. BURGENER. Mr. Chairman, I rise in strong support of this legislation. I have been active in this field for some 20 years as a volunteer, and watched the initial passage of this legislation some years ago with great interest and hope. I am particularly pleased that the field of autism is now being added as one of the serious disabilities that becomes eligible for consideration. Fortunately, there are fewer autistic children than probably any other category, but their involvement in their disability is so severe that they need all the help we can possibly give them. In many areas in our country they are receiving virtually no help at all. So I consider this a great step forward.

Second, Mr. Chairman, there is the "deinstitutionalization" idea, plus plans to reduce to incidence of mental retardation. Let me merely say this: I had the privilege of serving as Chairman of the President's Committee on Mental Retardation, and served on that committee for some 3 years. It has a good staff, and it does good work. There are 21 citizen members on the committee who serve 3-year terms, 7 of whom are appointed each year by the President in a rotating fashion.

This committee met with the President in November of 1971, and was able jointly, with the President, to announce two national goals to which I will briefly refer. Goal No. 1:

It is possible, even with no new breakthroughs in science, to reduce the incidence of mental retardation by one-half by the year 2000.

Let me amplify what I mean by a reduction by one-half.

We cannot, of course, reduce the incidence of those already with us because this is a permanent disability. About 3 percent of our total population is mentally retarded, and if we reduce the incidence of mental retardation by one-half, or you might say only 1½ percent of our population would be mentally retarded by the year 2000. This is truly an achievable, a realistic, and noble goal.

Goal No. 2, as to our national goal: We can return to the community at least one-third of all of those who are now in State institutions for the mentally retarded. But we should return them to the community only if the community has something better to offer than the State institution. And in many cases—and I think this explains the concern of my colleague, the gentleman from California (Mr. LAGOMARSINO), we have returned prematurely to the community some of our mentally retarded people when the community was truly not ready to receive them.

But, in any event, within the next decade we can indeed reduce the number of people in our State institutions by at least one-third if we do it carefully—and make certain that community facilities are available for their return.

So, Mr. Chairman, and my colleagues in the Committee of the Whole, I urge strong support for this very essential legislation.

Mr. CARTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. HUDNUT).

Mr. HUDNUT. Mr. Chairman, as a member of the Subcommittee on Public Health and Environment and as a cosponsor of H.R. 14215, the Developmental Disabilities Amendments of 1974, I wish to give my full support to this piece of legislation.

H.R. 14215, as reported from our committee, extends for 2 more years—fiscal years 1975 and 1976—the programs designed to help meet the needs of the developmentally disabled people of our country. This bill authorizes $192 million to cover the various aspects of these programs—demonstration and training grants, and State formula grants.

The people who will be affected by this bill number well over 6 million. Those who are considered to be developmentally disabled are victims of mental retardation, cerebral palsy, epilepsy, autism, and certain other neurological conditions. Mental retardation alone affects some 6 million people while several million more persons are stricken with one of the other forms of a developmental disability. These people need our help to be able to learn and to live a more normal life. We cannot deny them the opportunities H.R. 14215 would extend to them. Over the past decade, the Federal Government has taken more and far-reaching steps to try and meet the needs of the developmentally disabled.

This movement to aid developmentally disabled persons received its first big push in 1963 with the passage of the Mental Retardation Facilities and Community Mental Health Centers Construction Act. In 1970, that act was completely rewritten to broaden the scope of people who could be helped. The result was the developmental disabilities and facilities construction amendments which focused on many more developmental disabilities beyond mental retardation. The programs authorized under the 1970 act have succeeded in helping so many people afflicted by developmental disabilities that these programs cannot be allowed to die.

The extensions proposed in H.R. 14215 would keep these programs going. H.R. 14215 proposes only a few modifications to the authorizations of the 1970 act. All changes have been made with the design of helping as many people as possible in the best manner. To broaden the scope of who can be helped under this act, autism has been added to the list of developmental disabilities. The act also contains instructions for studies to be made of neurological diseases to determine which should or should not be considered developmental disabilities. Also, the legislation emphasizes the need for deinstitutionalization of persons who can be better cared for at home or elsewhere. With these modifications and a few others I have not mentioned, H.R. 14215 should be able to better meet the needs of the developmentally disabled while at the same time, reach more of them.

In my home State of Indiana, and in my district, there are several programs helping the developmentally disabled which have received funding from the 1970 act.

In the area of mental retardation, Indiana receives $700,000 per year from the Developmental Disabilities Act. This money helps to fund some 54 community agencies in Indiana which in turn serve 3,200 mentally retarded individuals in Indiana mental institutions. In my district, the Marion County Center for Mentally Retarded Children has received $20,000 for their Homebound program. This program is designed to encourage normalization of the lives of these children by working for deinstitutionalization. This program is also being carried out through other agencies across the State and they have been very successful in their efforts. Due to their work, the waiting list at the State mental institution has been reduced 125 to 3. In the area of epilepsy, Marion County has the only epileptic program in the State. They, too, receive funds from the Developmental Disabilities Act which they direct to their social advocacy program for the 15,000 epileptics in Indiana. With their funds, they offer information and referral services to epileptics, they work to eliminate the stigma attached to epilepsy and the program tries to improve employment opportunities for epileptics.

In light of the significant amount of help programs funded by the Developmental Disabilities Act have provided to people suffering from developmental disabilities, the need for the extensions outlined in H.R. 14215 is obvious. We should continue to help those who so urgently need our help. For these reasons, I ask the Members to join me in supporting H.R. 14215.

Mr. STAGGERS. Mr. Chairman, I should like to compliment the gentleman from California (Mr. BURGENER) for his remarks, the gentleman having been an expert in his field, and having served on the President's Committee on Retardation. He did come before the committee and gave testimony there, and we appreciated his remarks.

At this time I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS), and I wish to compliment all of the members of the subcommittee for the work they have done in this field.

Mr. ROGERS. Mr. Chairman, the subcommittee appreciates the fine support and help the chairman of the committee has given on this legislation.

Mr. Chairman, I rise in support of H.R. 14215, the Developmental Disabilities Amendments of 1974. If enacted, this bill will continue and strengthen the commitment of Congress to provide programs of assistance to those unfortunate persons with developmental disabilities.

Mr. Chairman, this commitment was initiated by the Interstate and Foreign Commerce Committee in 1963, when we reported the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963. This act provided for research, construction of facilities and training of teachers in connection with mental retardation. Over the years, the Congress has continued to recognize the plight of the developmentally disabled, and the program has been expanded to broaden the definition of mental retardation to include neurological handicaps related to it, to authorize formula grants to States and special project grants.

Mr. Chairman, the bill before this body today builds on the experience of existing programs by continuing existing authorities, and placing new legislative guidelines on these authorities. Specifically, the bill would continue existing authority for grants for operating university-affiliated facilities for the developmentally disabled, create new special project authority, require that States spend a specified percentage of their allotments for programs for deinstitutionalization of persons with developmental disabilities, eliminate requirements for Federal approval of individual construction projects funded with State grant funds, add autism specifically to the list of diseases, and require studies by the Secretary of HEW to determine the conditions which should and should not be considered as developmental disabilities.

Mr. Chairman, medical understanding of developmental disabilities has increased substantially since the inception of Federal support for the program continued by H.R. 14215. States have been able to provide increased services and more effectively plan their programs for services to the developmentally disabled. The training of persons to work with the developmentally disabled has increased substantially. I believe the Congress can take pride in these successes and I believe we can and must build on and refine our commitment in this field. In my view, and in the view of the members of the Subcommittee on Public Health and Environment, the bill before this body represents a reasonable and critical extension of that commitment and I urge its adoption.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. CARTER. Mr. Chairman, I wish to compliment the distinguished chairman of the subcommittee and of the full committee and the members of the subcommittee for their wonderful work on this legislation.

It was my good fortune to see one of the university-affiliated facilities and to watch the training of young people in the care of these unfortunate children. I should like to see these facilities extended throughout the country, and I feel that they will be.

Mr. Chairman, I strongly support passage of this bill.

Mr. Chairman, I am happy to yield such time as he may consume to the distinguished gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. I thank my colleague and friend, the gentleman from Kentucky (Mr. CARTER), for yielding to me.

I have a question to ask either of him or perhaps the gentleman from Florida (Mr. ROGERS). We have a situation developing in the State of New Hampshire, I wish to address. I have been told that it has occurred in many other States in the Union, as well where some very successful programs to take care of retarded children have been financed under the provisions of the vocational rehabilitation program. It now appears that due to a very stringent Federal interpretation of the law that we passed last year, the Vocational Rehabilitation Act has practically ruled out all of these programs for children that were previously supported. They have been supported because, of course, the purpose of taking care of some of these retarded children is to eventually make them trainable and educable. What I want to be sure of is that in the act which we are passing there will be no exclusion of retarded children and that we will not get into the same trap that we got into with this rehabilitation program where we cannot finance some very fine programs any more.

The New Hampshire situation which prompts my inquiry and other similar problems elsewhere in the Nation fully merits attention have today. But I would add that my concern goes beyond individual projects and touches on a fundamental concept. This relates to the entire complex of factors affecting the potential of the individual to function productively in the world of work. There is no arbitrary point in a person's chronological age at which he develops potential to go to work. The individual's value system, capabilities, habits, and work skills evolve throughout his entire early life. To suggest arbitrarily that the individual is not capable of benefitting from vocational preparation before age 16, for example, is mechanistic, simplistic, and utterly unreal.

If possible—through the legislation pending before us today, the Vocational Rehabilitation Act and and other legislation helping individuals eventually to go to work—we should allow programs funded under these acts to become available when individuals are best able to make use of them.

Mr. CARTER. I want to assure my distinguished friend, the gentleman from New Hampshire, that these youngsters will not be discriminated against. What the gentleman is referring to is a workshop program which has existed throughout the United States. We have several of these in my district, and they were supplied from the Vocational Rehabilitation Service.

Mr. CLEVELAND. Now they will be cut off.

Mr. CARTER. The gentleman's may be, but as far as I know, mine are still going, and I hope to see them continue. But those children will be taken care of under this particular bill. Insofar as the training in using band saws, and so on, in the workshops, this bill will not go that far. It does not have enough money in it.

Mr. CLEVELAND. Does the gentleman from Florida have any response to this question?

Mr. ROGERS. I share the feeling of my colleague that certainly these children should not be excluded. This is for mental retardation, so this program certainly should handle those problems, to be sure.

Mr. CARTER. This consists chiefly in training these youngsters to take care of themselves, in some cases to read and to write. Then the program to which the gentleman is addressing himself is a workshop program in which those at a higher level of retardates can use their hands. Actually they make furniture in these workshops, even using bandsaws.

I regret that our legislation really does not contain enough money for all that but I hope that it could be included under the Vocational Rehabilitation Act.

I trust that satisfies the question of the distinguished gentleman.

Mr. CLEVELAND. I was under the impression that there were sections of this bill which specifically picked up these programs in turn.

Mr. CARTER. If the gentleman looks over the vocational rehabilitation legislation there is approximately $400 or $500 million and we just do not have that kind of money in this bill.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to my subcommitteee chairman.

Mr. ROGERS. Mr. Chairman, I think it may be helpful for the gentleman to know that even though we may not have sufficient money, as the gentleman from Kentucky, Dr. CARTER, says, for everything, we have increased the authorizations which would help take care of some of this problem and we would hope that this would be done.

Mr. CARTER. Yes.

Mr. CLEVELAND. The point I want to make is that it would not be wrong for the vocational rehabilitation program with almost half a billion dollars to deal with some of these problems with helping retarded children. The difference between teaching a retarded child and training a retarded child is difficult to define. I do hope under this legislation the retarded child will be taken care of.

Mr. CARTER. I assure the gentleman that they will, and they are being taken care of at the present time.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, I am most happy to hear this dialog on this particular bill because I for one am vitally interested in the training of retarded children. As has been brought out, it is being done not only in the vocational field but also in the teaching field and we have so many who are educable who have previously been regarded as noneducable.

Mr. CARTER. The gentleman is quite right.

Mr. HUNT. And this bill is the epitome of perfection as far as I am concerned. In fact we should have done this a long time ago and I commend the distinguished gentleman from Kentucky and the chairman and the committee for this bill.

Mr. CARTER. I thank the gentleman.

This is an ongoing program.

Mr. Chairman, I strongly recommend the passage of this legislation.

Mr. CLEVELAND. Mr. Chairman, if the gentleman will yield further, since our earlier colloquy I have now referred to the report, accompanying the bill. I have re-read the report and I read from the report:

> Developmental disabilities are disabilities, such as mental retardation, cerebral palsy, epilepsy, autism and neurological conditions, which originate in childhood, continue indefinitely, and constitute a substantial handicap to the affected individual.

With that specific language in the report would that not mean that programs dealing with individuals having one of the above conditions, for example, retardation, would be fundable if they meet the other administrative and structural requirements of the bill?

Mr. CARTER. That is right, they will be educable but not necessarily in the education to which the gentleman refers.

Mr. CLEVELAND. Probably I was incorrect in referring to the vocational rehabilitation, but as far as the retarded children I am speaking of I hope they are included.

Mr. CARTER. I support that, too.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, the mentally retarded without question are covered in this bill. As a matter of fact, that used to be the name of the bill and we have renamed this now the "Developmental Disabilities Amendments."

Mr. BINGHAM. Mr. Chairman, I rise today in enthusiastic support of the amendments to the Developmental Disabilities Act. As a member of the New York State Mental Health Council, I visited many institutions in New York State to observe programs designed to help the developmentally handicapped. The need to expand Federal assistance to the developmentally disabled, the victims of mental retardation, epilepsy, cerebral palsy, autism and neurological conditions which orignate in childhood, was recognized by the Congress in the Developmental Disabilities Services and Facilities Construction Act. It is programs such as these which make the critical difference in State institutions.

When Congress passed the Developmental Disabilities Act in 1970 they recognized mental retardation as a "major social, education and economic problem" and set out to provide vital services and to build community service programs to help these people better cope with life.

Our commitment has grown steadily over the years: from our $11 million commitment in fiscal year 1971, to $36.7 million in fiscal year 1974. This is a modest sum in comparison to the amounts of money that the States have expended to aid the developmentally disabled. The Federal participation embodied in this bill is essential to insure that the programs for the developmentally disabled continue to run effectively, and with possibilities for expansion.

Autism has been added to the list of maladies for which the special project grants and State allotment programs are to provide services, bringing to fruition legislation I cosponsored with others last year.

I am also encouraged by the assurances of the distinguished subcommittee chairman that students enrolled in psychology, sociology, or social work in institutions of higher learning will be encouraged by provisions in this act to engage in part-time mental rehabilitation employment and clinical training programs in selected hospitals.

We must continue to dedicate ourselves and our Nation to make the lives of the disabled more meaningful and useful. Support of this bill and the necessary appropriations to fund these programs will keep the congressional commitment to the developmentally disabled we made in 1970.

Mr. PRICE of Illinois. Mr. Chairman, I am pleased to join my distinguished colleagues in support of H.R. 14215.

More than 6 million Americans are victims of mental retardation and several million more are victims of developmental disabilities such as epilepsy, cerebral palsy, and other such conditions that originate in childhood and continue indefinitely.

This bill is a fitting extension to the present program to improve the existing situation affecting the handicapped. Citizens with developmental disabilities need this legislation to assist them with learning and living so that they may function in our society with maximum effectiveness.

The sponsors of this legislation have made substantive modifications in the existing law and should be commended. The bill authorizes the appropriation of some $192 million to operate the program for the next 2 years. The funds are to be used for such purposes as the training of specialized personnel needed for the provision of services for persons with developmental disabilities, developing new or improved techniques for those with developmental disabilities, and other similar functions are to be initiated under the bill. Also required in the bill is the addition of autism to the list of diseases for which the special project is to provide services.

I think we are all aware that our disabled and handicapped citizens are often unreasonably and unnecessarily deprived of their rights and are relegated to second class status. As such, I applaud the record of the developmental disabilities program in establishing, assuring, and preserving the rights of the disabled and handicapped. I urge my colleagues to vote to continue and extend this program for the benefit of our handicapped citizens.

Mrs. BURKE of California. Mr. Chairman, I rise in support of this bill, which would amend and extend the Developmental Disabilities Services and Facilities Construction Act.

I am particularly supportive of this important legislation because of its specific inclusion of the treatment of autistic children. The term "autistic children" includes those persons who, regardless of age, suffer from severe disorders of communication and behavior whose disability became manifest during early childhood development.

There seems to be little disagreement that autism is a serious disorder that is evidenced by severe disturbances in functioning and behavior. An autistic child often appears normal but the looks are deceiving. These children are unable to relate to others, they treat parents as strangers, they delay in acquiring speech ability, they show severe anxiety and tension, they exhibit inappropriate emotional attitudes, feeling sad when normal people will feel happy. Many have language difficulties lasting their whole lives. Some are even mute. Moreover, many of the symptoms of autism will last throughout a person's life.

For too long autistic children and their parents have been victimized by the lack of public support for research and treatment of this misunderstood and neglected developmental disability.

An estimated 80,000 persons now suffer from the crippling effects of autism. In the past most of these children have been cast aside by their communities, by health care professionals, and in many cases, by their families, as being hopelessly beyond help or rehabilitation.

Anyone who has personally witnessed or heard of a disturbed child who has bitten away at his own flesh, slammed his skull into a wall until he lapsed into unconsciousness, or purposely blinded himself with a sharp object cannot help but feel deeply concerned about the problem of autism.

Until recently these children were treated by the "straightjacket" approach. They were simply tied down and restrained so that they would not destroy themselves.

These children and their families have not benefited previously from existing statutes. This is cetrainly not because autism is a disorder of secondary importance; rather, it is due to a legislative oversight which has denied the parents of autistic children from receiving the professional guidance and education needed to psychologically endure the burden of autism.

Today we have the opportunity to correct this oversight and offer autistic children the hope of a healthy childhood and the promise of a productive adult life. The passage of the developmental disabilities amendments will go a long way toward alleviating the afflictions of autism and other disorders which have seriously handicapped the growth of too many of our children.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

H.R. 14215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Developmental Disabilities Amendments of 1974".

EXTENSION OF DEMONSTRATION AND TRAINING GRANTS

Sec. 2. (a) Section 122(b) of the Developmental Disabilities Services and Facilities Construction Act (hereinafter in this Act referred to as the "Act") is amended by striking out "and" after "1973;" and by inserting after "1974" the following: "; $12,000,000 for the fiscal year ending June 30, 1975; and $15,000,000 for the fiscal year ending June 30, 1976".

(b) Section 124 of the Act is amended to read as follows:

"PAYMENTS

"Sec. 124. Payments of grants under section 122 shall be made in advance or by way of reimbursement, and on such conditions as the Secretary may determine.".

SPECIAL PROJECT GRANTS

Sec. 3. Section 130 of the Act is amended to read as follows:

"SPECIAL PROJECT GRANTS

"Sec. 130. (a) The Secretary may make grants to public or nonprofit private entities for—

"(1) demonstration projects for the provision of services to persons with developmental disabilities who are also disadvantaged because of their economic status or the location of their residences.

"(2) technical assistance relating to services and facilities for persons with developmental disabilities, including assistance in State and local planning or administration,

"(3) training of specialized personnel needed for the provision of services for persons with developmental disabilities, or for research directly related to such training,

"(4) developing or demonstrating new or improved techniques for the provision of services to persons with developmental disabilities, or

"(5) gathering and disseminating information relating to developmental disabilities.

"(b) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless the State in which the applicant's project will be conducted has a State plan approved under section 134.

"(c) The amount of any grant under subsection (a) shall be determined by the Secretary; and payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. In determining the amount of any grant under subsection (a) for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(d) For the purpose of making payments under grants under subsection (a), there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976. Of the funds appropriated under this subsection for any fiscal year, not less than 30 per centum of such funds shall be used for projects of national significance, as determined by the Secretary.

"(e) No funds appropriated under the Public Health Service Act or under this Act (other than under subsection (d) of this section) may be used to make grants under subsection (a)."

STATE ALLOTMENTS

Sec. 4. (a) Section 131 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR ALLOTMENTS

"Sec. 131. For allotments under section 132, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1975, and $85,000,000 for the fiscal year ending June 30, 1976."

(b) Subsection (a) of section 132 of the Act is amended to read as follows:

"(a) (1) (A) In each fiscal year, the Secretary shall, in accordance with regulations and subparagraph (B) of this paragraph, allot the sums appropriated for such year under section 131 among the States on the basis of—

"(i) the population,

"(ii) the extent of need for services and facilities for persons with developmental disabilities, and

"(iii) the financial need,

of the respective States. Sums allotted to the States under this section shall be used in accordance with approved State plans under section 134 for the provision under such plans of services and facilities for persons with developmental disabilities.

"(B) The allotment of the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands under subparagraph (A) of this paragraph in any fiscal year shall not be less than $50,000. The allotment of each other State in any fiscal year shall not be less than the sum of—

"(i) $100,000, and

"(ii) if the sums appropriated under section 131 for the fiscal year in which the allotment is made exceed the amount authorized to be appropriated under such section for the fiscal year ending June 30, 1971, and amount which bears the same ratio to $100,000 as the difference between the amount so appropriated and the amount authorized to be appropriated for the fiscal year ending June 30, 1971, bears to the amount authorized to be appropriated for the fiscal year ending June 30, 1971.

"(2) In determining, for purposes of paragraph (1) (A) (ii), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b) (5), in the State plan of such State approved under section 134.

"(3) Sums allotted to a State in a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted to such State in such next fiscal year; except that if the maximum amount which may be specified for construction pursuant to section 134(b) (15) for a year plus any part of the amount so specified pursuant thereto for the preceding fiscal year and remaining unobligated at the end thereof is not sufficient to pay the Federal share of the cost of construction of a specific facility included in the construction program of the State developed pursuant to section 134(b) (13), the amount specified pursuant to such section for such preceding year shall remain available for a second additional year for the purpose of paying the Federal share of the cost of construction of such facility.

"(4) Of the amount allotted to any State under paragraph (1) for the fiscal year ending June 30, 1975, not less than 10 per centum of that allotment shall be used by such State, in accordance with the plan submitted pursuant to section 134(b) (20), for the purpose of assisting it in developing and implementing plans designed to eliminate inappropriate placement in institutions of persons with developmental disabilities, and to improve the quality of care and the state of surroundings of persons for whom institutional care is appropriate; and of the amount allotted to any State for each succeeding fiscal year, not less than 30 per centum of that allotment shall be used by such State for such purposes."

(c) Section 132(e) of the Act is repealed.

(d) (1) Subsection (b) of section 132 of the Act is amended by striking out "this part" each place it occurs and inserting in lieu thereof "the State plan".

(2) Section 134(b) (4) of the Act is amended by striking out "under this part" and inserting in lieu thereof "under section 132".

(3) Section 138 of the Act is amended by striking out "under this part" each place it occurs and inserting in lieu thereof "under section 132".

CONSTRUCTION PROJECTS

Sec. 5. (a) Sections 135 and 136 of the Act are repealed.

(b) Section 134(b) of the Act is amended by striking out "and" after the semicolon at the end of paragraph (17), by redesignating paragraph (18) as paragraph (21), and by inserting the following new paragraphs after paragraph (17):

"(18) provide reasonable assurance that adequate financial support will be available to complete the construction of, and to maintain and operate when such construction is completed, any facility, the construction of which is assisted with sums allotted under section 132;

"(19) provide reasonable assurance that all laborers and mechanics employed by contractors and subcontractors in the performance of work on any construction project assisted with sums allotted under section 132 will be paid at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a–5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(20) contain a plan designed to eliminate inappropriate placement in institutions of persons with developmental disabilities, and to improve the quality of care and the state of surroundings of persons for whom institutional care is appropriate; and".

(c) The headings of sections 137 and 138 of the Act are each amended by inserting "CONSTRUCTION," after "PLANNING,".

(d) Section 137 of the Act is amended (A) by striking out in subsection (a) (1) ", other than expenditures for construction,"; and (B) by amending subsection (b) to read as follows:

"(b) For purposes of subsection (a), the Federal share with respect to any State for the fiscal year ending June 30, 1975, and for the next fiscal year shall be 75 per centum of the expenditures incurred by the State during such year under its State plan approved under section 134."

(e) Section 140 of the Act is amended to read as follows:

"NONDUPLICATION

"SEC. 140. In determining the amount of any State's Federal share of the expenditures incurred by it under a State plan approved under section 134, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than section 132, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds."

GENERAL PROVISIONS AND CONFORMING AMENDMENTS

SEC. 6. (a) Section 134 of the Act is amended by adding at the end the following new subsection:

"(d) For purposes of any determination by the Secretary for purposes of subsection (b) (11) as to whether any urban or rural area is a poverty area, the Secretary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas."

(b) Part C of the Act is amended by adding after section 140 the following new section:

"RECOVERY

"SEC. 141. If any facility with respect to which funds have been paid under section 132 shall, at any time within twenty years after the completion of construction—

"(1) be sold or transferred to any person, agency, or organization (A) which is not a public or nonprofit private entity, or (B) which is not approved as a transferee by the State agency designated pursuant to section 134 or its successor; or

"(2) cease to be a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities,

the United States shall be entitled to recover from either the transfer or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment."

(c)(1) Part A of the Act is amended to read as follows:

"PART A—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 101. For purposes of this title:

"(1) The term 'State' includes Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.

"(3) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

"(4) The term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

"(5) The term 'cost of construction' means the amount found by the Secretary to be necessary for the construction of a project.

"(6) The term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purpose of construction and operation of the project.

"(7) The term 'developmental disability' means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or a neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"(8) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability, and such term includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and sociolegal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

"STATE CONTROL OF OPERATIONS

"SEC. 102. Except as otherwise specifically provided nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility for the mentally retarded or persons with other developmental disabilities with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

"SEC. 103. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including (1) records which fully disclose (A) the amount and disposition by such recipient of the proceeds of such assistance, (B) the total cost of the project or undertaking in connection with which such assistance is given or used, and (C) the amount of that portion of the cost of the project or undertaking supplied by other sources, and (2) such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

"SHORT TITLE

"SEC. 104. This title may be cited as the Developmental Disabilities Services and Facilities Construction Act."

(2) Section 100 and part D of the Act and title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 are repealed.

(d) Sections 137, 138, 139, 140, and 141 of part C of the Act are redesignated as sections 135, 136, 137, 138, and 139, respectively.

STUDY

SEC. 7. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall, in accordance with section 101(7) of the Act (defining the term "developmental disability"), determine the neurological conditions of individuals which should be included as developmental disabilities for purposes of the programs authorized by parts B and C of the Act. Within six months of the date of enactment of this Act the Secretary shall make such determination and shall make a report thereon to the Congress specifying the neurological conditions which he determined should be so included, the neurological conditions which he determined should not be so included, and the reasons for each such determination. After making such report, the Secretary shall periodically, but not less often than annually, review the neurological conditions not so included as developmental disabilities to determine if they should be so included. The Secretary shall report to the Congress the results of each such review.

(b)(1) The Secretary shall contract for the conduct of an independent objective study to determine (A) if the basis of the definition of the developmental disabilities with respect to which assistance is authorized under such parts B and C is appropriate and, to the extent that it is not, to determine an appropriate basis for determining which disabilities should be included and which disabilities should be excluded from the definition, and (B) the return and adequacy of services provided under other Federal programs for persons with disabilities not included in such definition.

(2) A final report giving the results of the study required by paragraph (1) and providing specifications for the definition of developmental disabilities for purposes of such parts B and C shall be submitted by the organization conducting the study to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate not later than eighteen months after the date of enactment of the first Act making an appropriation for such study.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will read the committee amendment.

The Clerk read as follows:

> Committee amendment: Page 17, line 5, strike out "return" and insert "nature".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Biaggi: Page 3, strike out "or" at the end of line 6; strike out the period at the end of line 8 and insert in lieu thereof ", or"; and add after line 8 the following:
>
> "(6) demonstration projects for the establishment and operation of programs under which students in institutions of higher education who are enrolled in a course of study leading to an undergraduate or graduate degree in psychology, sociology, or social work will be able, as part of such course of study, to engage in the provision of services for persons with developmental disabilities and will be encouraged to provide such services on a full-time basis upon completion of such course of study.

Mr. BIAGGI. Mr. Chairman, first, I would like to congratulate the chairman of this committee and the subcommittee, the gentleman from Florida (Mr. Rogers) and the gentleman from West Virginia (Mr. Staggers) for reporting out this most commendable bill. We recognize the effort that is required and the need throughout the Nation.

My interest in this Developmental Disabilities Act has a substantial history. In the State of New York, we have many institutions dealing with retarded children. My personal investigations have shown that despite the fact that we do have some dedicated personnel, there is a crying need for an improvement in this area. In some instances the employees just put in time. However, when we have had volunteer programs with young people entering these institutions, the results were commendable and remarkable, in terms of 1-on-1 service. The young people at college and university levels bring with them a zeal, an idealism, a dedication, especially those who are pursuing courses in the social work, the psychological areas.

This amendment would call for demonstration programs that would, first, fill the need in the institutions of producing a more humane consideration on the part of the employees.

Second. It would enrich the educational process for those who are in the colleges. It would be more than just a classroom facility. It would be dealing with the realities of life.

Third. It might well start them into the direction of pursuing careers in service to the developmentally disabled, where absent from important contact they might want to go into other areas. I understand there have been some demonstration projects included in the bill.

The purpose of this amendment would be to specifically deal with all students who are currently in any college or who can provide an answer to a great need for increased personnel to treat the developmentally disabled.

We would be, in fact, utilizing a great human resource under Government instruction and assistance, we have been neglectful and really have not addressed ourselves to it and utilized it to the best of our ability.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from California.

Mr. DELLUMS. I am deeply impressed by the statement of the gentleman in the well. As a former psychiatric social worker, I would like to associate myself with the gentleman's remarks and urge the adoption of the amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Florida.

Mr. ROGERS. I deeply appreciate the interest the gentleman has shown. Certainly he has been most active in this cause. The points the gentleman has made are important. We do need people trained appropriately and it is critical that college people in the midst of their training should be encouraged to receive training in the provision of services. As a matter of fact, as the gentleman and I have discussed, this bill already includes a provision for the training of these types of personnel.

Section 122 of existing law authorizes the award of demonstration and training grants to schools of higher education.

The authorizations for appropriations for such grants is continued by the provisions of H.R. 14215. In 1973, over 50,000 persons received training under this section and HEW's Division of Developmental Disabilities estimates that between 35 and 40 percent of these trainees were in the fields of psychology, sociology, or social work.

Moreover, section 130(a)(3) of the bill authorizes special project grants for training of specialized personnel for the provision of services with developmental disabilities.

Thus, the authority which the gentleman's amendment would provide already exists in the provisions of the bill before us.

So that I can assure the gentleman that the purposes of his amendment are covered in the bill, and it is the intention of the committee that the types of training proposed in the gentleman's amendment be used where possible, and that HEW, in awarding grants and contracts under sections 122 and 130 give particular attention to such programs. Therefore, I would urge on that basis that the amendment be withdrawn.

Mr. BIAGGI. Mr. Chairman, I thank the chairman for that comment and for that assurance. I would like to pose a question very precisely, for the record, at least. The gentleman is telling me that the bill, absent the amendment, now provides authority for demonstration projects which would implement the substance of my amendment; namely, to encourage thousands of college students majoring in psychology, sociology, and social work to work with the developmentally disabled.

Mr. ROGERS. This is correct. I can assure the gentleman of that fact.

Mr. BIAGGI. The gentleman is telling me further that currently some 50,000 individuals in colleges and universities today are being trained in this fashion?

Mr. ROGERS. Not necessarily in this particular fashion, but 50,000 persons received training in the area of develmental disabilities in 1973 under the law that the bill amends.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. Rogers and by unanimous consent Mr. Biaggi was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. I appreciate the gentleman's understanding and his support of the amendment. What concerns me is that in the State of New York, where we have hundreds of colleges and universities, we have very few programs of this nature, to encourage students in these facilities majoring in these fields to work with the disabled as part of their course of study, yet we have the definite need for these additional personnel.

Mr. ROGERS. Mr. Chairman, I would urge the gentleman to advise those institutions to get up applications to conduct such programs and submit them to HEW, and I am sure they would be approved. I am sure it would be the intent of this committee that these types of programs should be encouraged by HEW and the State.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to my colleague from New York.

Mr. HASTINGS. Mr. Chairman, I would like to concur with the statement just made by the chairman. I have a personal association with retarded children and rehabilitation centers which utilize these facilities. St. Barnabas University is a very active participant in a rehabilitation center. I can assure the gentleman also, as a member of the subcommittee, that I certainly will be more than happy to cooperate to make sure that this part of the State of New York has the advantages which my part has.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(On request of Mr. Rogers and by unanimous consent Mr. Biaggi was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. Mr. Chairman, in conclusion, I thank the chairman and the committee for its assurances, and for the quality of the legislation. I am delighted with it. I sincerely hope those institutions I have in mind make application for these demonstration programs.

Mr. Chairman, in light of the assurances of the Committee, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GETTYS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill [H.R. 14215] to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act, pursuant to House Resolution 1224, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 387, nays 2, not voting 45, as follows:

[Roll No. 375]

YEAS—387

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Camp
Carney, Ohio
Carter
Casey, Tex.
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Gross
Grover
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Lagomarsino
Landrum
Latta
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Luken
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Michel
Milford
Miller
Mills
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murtha
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Traxler
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Crane
Landgrebe

NOT VOTING—45

Ashbrook
Brasco
Breaux
Burke, Mass.
Byron
Carey, N.Y.
Cederberg
Chisholm
Clay
Culver
Davis, Ga.
Diggs
Dingell
Dorn
Evins, Tenn.
Foley
Fulton
Goldwater
Gray
Griffiths
Gubser
Gunter
Hansen, Idaho
Hansen, Wash.
Hogan
Jones, Tenn.
Leggett
Lujan
McEwen
McSpadden
Macdonald
Metcalfe
Murphy, N.Y.
O'Hara
Roncallo, N.Y.
Rooney, N.Y.
Shipley
Steiger, Wis.
Stubblefield
Talcott
Thompson, N.J.
Walsh
Whitten
Wilson, Charles H., Calif.
Young, Alaska

So the bill was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Stubblefield.

Mr. Rooney of New York with Mr. Dorn.

Mr. Murphy of New York with Mrs. Griffiths.

Mr. Burke of Massachusetts with Mr. Gunter.

Mr. Fulton with Mrs. Hansen of Washington.

Mr. Shipley with Mr. Whitten.

Mr. Charles H. Wilson of California with Mr. Steiger of Wisconsin.

Mr. Brasco with Mr. Ashbrook.

Mrs. Chisholm with Mr. Culver.

Mr. Breaux with Mr. Goldwater.

Mr. Diggs with Mr. Gray.

Mr. Byron with Mr. Cederberg.

Mr. Leggett with Mr. Hogan.

Mr. Dingell with Mr. Gubser.

Mr. Clay with Mr. Foley.

Mr. Macdonald with Mr. Lujan.

Mr. Metcalfe with Mr. McSpadden.

Mr. Jones of Tennessee with Mr. McEwen.

Mr. O'Hara with Mr. Roncallo of New York.

Mr. Carey of New York with Mr. Talcott.

Mr. Davis of Georgia with Mr. Walsh.

Mr. Evins of Tennessee with Mr. Young of Alaska.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WALSH. Mr. Speaker, I was present in the Chamber today when the vote for H.R. 14215 was called. I was unable to get my card in before the gavel came down.

Mr. Speaker, I wish to state that I would have voted in the affirmative.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on July 11, 1974 the President approved and signed a bill of the House of the following title:

H.R. 5266. An act for the relief of Ursula E. Moore.

AMENDMENTS TO RAIL PASSENGER SERVICE ACT OF 1970

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15427) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp., and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15427, with Mr. CHAPPELL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Tennessee (Mr. KUYKENDALL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, we are back on an old subject here, one which has been discussed back and forth many times in the Congress. There is a reason for it in that we have extended this bill year by year. We could, as we have done on many other bills, extend it for 3 years, but we have tried to keep a close watch over the proceedings of Amtrak to try to be helpful to them and to see how they are doing their job. The Special Investigating Subcommittee of the Committee on Interstate and Foreign Commerce has investigated Amtrak quite extensively, and we have found several weaknesses which we have brought to their attention.

I know that every Member of the House probably has received some complaints, but I do not know of any Member who would like to abolish Amtrak. Most of the people who complain to me want a better Amtrak. They do not want it cut out; they want it better. What we are trying to do is to make it a better system, because when Amtrak took over, the passenger system of America was run down completely.

There were not any of the railroads that had renewed their equipment, that had taken care of their business, and Amtrak took over a completely rundown system, and now they are beginning to make some improvements. They need a lot more.

Within the last 2 or 3 weeks we passed a bill relating to railroad safety and the improvement of the tracks and making the railroads safer than they are now, which I think will help Amtrak immensely in the future.

In the year 1973 there were 16.3 million people who rode on Amtrak.

This year, according to the figures reported for the first quarter, 24 to 25 million people will ride Amtrak. There are some people who have complained that Amtrak does not run on time, that the cars are dirty, that the air-conditioning does not work, and that the tracks are so bad they cannot run the trains fast enough to make the air-conditioning work, but we are trying to correct these problems and I think we are making progress.

At this time I yield to the gentleman from Florida, the chairman of the Interior and Insular Affairs Committee, the gentleman from Florida (Mr. HALEY), for any remarks he cares to make.

Mr. HALEY. Mr. Chairman, I thank the chairman of the committee, the gentleman from West Virginia, for yielding to me.

Mr. Chairman, I want to say that wherever I can I do ride the trains. I want to say I have observed in the last couple of years especially that the trains are running more on time. They are not always on time but they are more often on time. I find the cars are clean and the personnel of Amtrak are kindly and they want to be helpful in every way they possibly can.

Mr. Chairman, we subsidize other means of transportation and I think it would be a tragic thing if we did not assist this type of transportation in this, as we might say, reorganization. As the chairman has said, we took over a broken-down, run-down proposition and we are constantly improving the operation. I just hope the Congress will see fit to go along and maintain this means of transportation which means so much to so many people in this Nation.

Again I thank the chairman, the gentleman from West Virginia, for yielding to me.

Mr. STAGGERS. I thank the gentleman from Florida for his remarks.

Mr. Chairman, I yield myself such further time as I may consume.

Mr. Chairman, the gentleman from Florida rides a train a great deal more perhaps than other Members of Congress. He has said the segment of Amtrak which he rides has improved and we hope every segment of Amtrak in America will see improvements and not only that but also an expansion of service all over America. This will not only save energy but will also prevent pollution from automobiles which use gas and oil and discharge the pollution on our highways, and it will prevent some accidents by making our railroads better and save some lives.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of this legislation.

I would just like, however, to make the chairman privy to some information that has come to my attention, and that is a very calloused attitude on the part of Amtrak in the case of the handling of the disabled and handicapped. For instance, the Human Resources School in my area conducts a day camp for handicapped children. The school wanted to bring their children down to Washington and they had tremendous difficulty in arranging this trip because the Amtrak officials said they could not take care of these youngsters, and so on. I think it is very important that the handicapped be given the same right to travel as any of us who have our full faculties and therefore I would ask the chairman to look into this matter of the Human Resources School.

Mr. STAGGERS. I thank the gentleman for his comments.

I would like to say that last year under our bill we did mandate that this should be done, but this is like any other enterprise which starts from scratch. They have made many mistakes and some of their personnel have not had communication with others. When occasions do occur such as this if the gentleman will consult with someone on our committee or the chairman and we will try to be helpful.

But we are trying to make Amtrak a better organization. We need it for this country. I am glad they did finally take care of those children and bring them down here. I see no reason why they could not put an extra car or two on if they need them for groups such as this who are going from one city to another.

Mr. WOLFF. If the gentleman will yield further, one of the problems with the station here in Washington is that they are not able to get the wheelchairs off the cars. There are no ramps for the disabled and handicapped. That is something else. Here the Nation's Capital should be the leader to take care of the handicapped.

Mr. STAGGERS. I agree with the gentleman very much.

Mr. WOLFF. I thank the gentleman.

Mr. STAGGERS. I know most everyone here has a complaint of some kind. I am sure many of us would like to make remarks and tell what has happened in the districts, trains that are not on time or trains that travel too slow.

We are trying to see that Amtrak does a better job on this. They have been handicapped in many ways up to now. We hope in the next few years, that we can help them until they do become self-sufficient and self-paying. I think, given time, they will.

Mr. KUYKENDALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 15427.

Congress is faced with a critical question with respect to this legislation. Should the experiment which we authorized 3 years ago to provide, with Federal support, intercity passenger service for our Nation's citizens to be continued in the face of recurring deficits and need for additional Federal fiscal support? The Subcommittee on Transportation and Aeronautics and our full committee overwhelmingly answered this question in the affirmative. They concluded, and I urge my fellow members to agree, that Amtrak is a useful and necessary element in the Nation's transportation system.

A review of recent performance would indicate that citizens of our country agree. In 1973, Amtrak carried 16½ million passengers, the highest in its history. This upward trend in ridership continues at a rapid pace. In the first 5 months of 1974 Amtrak carried 7.7 million passengers, an increase of 35 percent over the same period last year. Thus, it should be clear to the Members of this body that despite Amtrak's continuing deficits and problems in operation, the American people want and will use an intercity passenger service. Enactment of H.R. 15427 will provide the people with what they want.

More money is authorized this year than ever before—$200 million in direct Federal assistance authority and an increase in the loan authority ceiling from

$500 to $900 million. The committee concluded that such financial support was necessary to enable Amtrak to overcome its most basic problem—inadequate equipment and deteriorating track conditions.

Amtrak has prepared an ambitious scheme to finance capital acquisitions so as to obtain a modern, efficient fleet which will enable Amtrak to render the kind of service that is necessary. The program, to be financed by Government guaranteed loans, includes purchases of 100 new turbine cars, 400 new low-level coaches, 235 bilevel coaches and 57 Metro-type cars at a total cost of $484.8 million. Motive power for this new fleet would be provided by 11 new electric locomotives and 160 new diesel locomotives, with 23 older locomotives being overhauled, at a total cost of $93.7 million. The program also contemplates $100 million in expenditures for improvement of right-of-way. These latter funds, along with moneys made available for Northeast corridor improvements in the Rail Reorganization Act, will enable Amtrak, if the railroads cooperate, to make the very necessary improvements in our deteriorating nationwide track system to bring it up to the level where efficient high-speed passenger service can be provided.

Let me remind everyone here who has heard horror stories of one kind or another about the conditions of cars or locomotives, as of now we just now have our first cars in sight. There have been no new rail cars yet delivered to Amtrak. All cars that have been used thus far are refurbished older cars. We have just gotten delivery on a major portion of our new locomotives, which should improve the on-time record. I said in my former remarks, nothing yet has been done constructively about the roadbed and improvement of the system.

Mr. Chairman, I urge adoption of H.R. 15427.

Mr. HUDNUT. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Indiana.

Mr. HUDNUT. Mr. Chairman, as a member of the House Interstate and Foreign Commerce Committee, I rise in support of H.R. 15427, to provide financial assistance to the National Railroad Passenger Corporation.

As reported from committee, this legislation authorizes a fiscal year 1975 appropriation of $200 million in Federal grants to Amtrak for operating expenses. In addition, it increases the amount of federal guaranteed loans which Amtrak can have outstanding at any one time by $400 million. The present ceiling on loans is $500 million—H.R. 15427 increases this to $900 million. These provisions should improve the financial structure of Amtrak.

Another provision of the bill prohibits Amtrak from discontinuing service over any route on which service was being operated on January 1, 1973. The freeze on existing service lasts until July 1, 1975. I support this provision wholeheartedly. You may recall that last year when we discussed this legislation I spoke of my concern about the proposal to discontinue the National Limited, a train which runs from New York to Kansas City via Indianapolis and the Floridan, a train from Chicago to Miami via Indianapolis. Since then a report of the Special Subcommittee on Investigations of our committee has concluded that—

> The National Limited will become increasingly viable. Amtrak and the Department of Transportation should not have requested discontinuance of the train because the opinions were based on outdated and erroneous information.

Ridership on the Floridan was up by 53 percent during the first quarter of 1974, and Amtrak has plans to initiate an auto-ferry service between Indianapolis and Poinciana, Fla., in the near future over this line, although the starting date has been postponed several times because of equipment problems and poor track conditions.

In my judgment the real key to restoring rail passenger transportation in America is upgrading the roadbeds and tracks as well as improving service and equipment on the trains.

The problem of track and roadbed condition has been of particular concern to me as I know it has accounted for Amtrak's poor on-time performance and, from a more serious standpoint, has resulted in train accidents—one of which occurred recently near Indianapolis—causing many personal injuries, property damage and further delays in service. Passengers could ride from Indianapolis to Richmond, Ind., in less time 35 years ago than they can today, due to deteriorated roadbed conditions. Traveling from Indianapolis to Cincinnati, to take another example, along Penn Central roadbed, there are places—I have ridden this route in the cab, and seen the posted warning signs myself—where the speed limit is drastically reduced, even down to 10 miles per hour in one stretch—which is made to appear all the more drastic and unfortunate and unnecessary when one sees parallel roadbed on the Chessy System approaching Cincinnati from Indiana, where much higher speed limits are possible and therefore permitted. If we are ever going to give rail passenger service its rightful place in the sun of a well-balanced national system of transportation, we are going to have to improve the quality of much of the roadbed, to say nothing of the grade crossings, which, in both rural and urban settings are not only too numerous, but all too frequently in woeful condition of repair and hazardous in the extreme.

I am pleased that our committee's report notes that under the 1970 act, as amended in 1973, railroads are obliged to maintain tracks at least to the level of May 1, 1971, when Amtrak began service. I believe, as does the committee, that Amtrak should vigorously pursue in the courts, and with the ICC and DOT, all avenues available to them to force the railroads to comply with adequate track standards. It seems to me to be an irresponsible action on the part of the railroads to defer maintenance on tracks which are used for passenger service.

In our 1973 bill some $50 million was provided to Amtrak to improve roadbed conditions. With that amount, plus pushing the railroads to live up to their obligations, we should see some improvement. However, in the long run, I feel that we need to pass an Interstate Railroad Act to rebuild and modernize railroad track and roadbed throughout the United States. I am working on such legislation and hope we can pursue this in the near future.

With reference to equipment maintenance, conditions of most Amtrak trains were found to be unsatisfactory by our Investigation Subcommittee. Most of the rolling stock is more than 20 years old and has had to be refurbished or continually repaired. An ambitious procurement program for new cars, and new locomotives is now underway and this should help improve service.

Some of the repair and refurbishing of cars is done at the Penn Central shop at Beech Grove, Ind., which is in the district I am honored to represent in the Congress. The work being done at this shop constitutes an important contribution to the economy of central Indiana and I know it has the capacities to absorb more work for Amtrak in the effort to bring and keep railroad passenger cars in good condition.

As I have stated before, I feel we need a balanced transportation system in America, and the railroads have an important part to play in this goal. The basic concept which gave birth to Amtrak was that the national transportation policy of this Nation should provide the public with alternatives for intercity travel and that rail passenger service in the country was necessary. The energy crisis of this past winter certainly proved the necessity for rail travel, but while this crisis seems to have abated, at least in the public mind, ridership on Amtrak trains is still running ahead of previous years. It is my hope that we will see continued improvements in rail service so it will provide a truly viable alternative for intercity travel, while at the same time it will be a means for conserving our natural resources and will help improve our environment by making it possible to have less travel by private automobiles.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I rise in support of this legislation. We know that this operation is not working without problems. We know that it is not yet in the black in its total operation, but this was anticipated and I might say planned and set in motion knowing full well this might be the case. I think, Mr. Chairman, that the management has been the best possible under very difficult conditions, and for this we should be grateful to those persons who are responsible.

Further, Mr. Chairman, I would like, if I might be permitted, to respectfully use this forum to bring out what I personally consider a deficiency in the routes selected so far. I know that the matter is under study, and for this we are most grateful, but the fact remains that more than 1 million people, and a very important area of our country is not being served. This being the great part of south Texas below Houston down to the Rio Grande Valley, where the vast majority of the people of south Texas live. This is a great recreation area, it is a haven for many people from other areas of our country during the winter, due to our heavenly endowed mild weather. The energy crisis surely hurt our area this past winter and it surely will be a major factor on whether some of these people come next winter to our area. Economical public transportation would be of great assistance in this respect. We are also one of the most used ports of entry for travel both to and from Mexico, at Brownsville, Hidalgo, Progreso, Los Evanos, Rio Grande City, and Roma.

Therefore, Mr. Chairman, I again respectfully urge that serious consideration be given by the proper officials to alleviating the transportation problems of this very important area of Texas, and surely one way would be to provide rail transportation which we do not now enjoy and which would surely enhance the social and economic well-being of more than 1 million people of our great area of the United States. I thank you, Mr. Chairman, and my colleagues.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Chairman, I rise to support H.R. 15427.

As chairman of the Subcommittee on Transportation and Aeronautics, I believe I can speak for my colleagues in saying that this bill reflects our belief that Amtrak is important to the national transportation policy of this Nation.

The 91st Congress saved rail passenger service from almost certain doom in 1970 with the passage of the Rail Passenger Service Act—the legislation which created Amtrak. Only 500 trains carried passengers in that year—a mere fraction of the number once served America. Passenger service was losing $200 million a year.

In the 37 months that Amtrak has been operating, we have had to subsidize them with $319.1 million. But I believe we have turned the corner—and although we expect deficits for the next few years, Amtrak shows signs of progress.

Today, Amtrak is struggling with a host of problems—deplorable track conditions because the railroads have simply made it a policy to defer maintenance. They have antiquated rolling stock—much of it 20 years old and in bad need of repair. Their on-time performance is miserable because of this roadbed and equipment problem. But they are procuring new equipment, and we expect the Department of Transportation and the Interstate Commerce Commission to force the railroads to maintain their tracks for proper passenger train operation.

More people are traveling by rail today than in over a decade. The decline of rail passenger use has been halted. Last year Amtrak carried over 16 million passengers, the highest number in years For the first quarter in this year, ridership is up 41 percent. Many of these are on long-haul routes—such as the New York to Florida service which is up 80 percent and the Chicago to California route, which is up 78 percent.

The energy crisis has attracted people back to the rails—and again this shows the wisdom of the 91st Congress in giving the American people a viable alternative to the highways and air travel. Rail passenger travel is one of the most efficient uses of our scarce energy resources. Likewise, it is one of the most environmentally sound means of travel.

Amtrak has severe managerial problems. It has severe operational difficulties. Everyone of my colleagues here today could recount either a personal experience or a constituent complaint about Amtrak's problems. But I think things are getting better, and this company deserves our continued support and encouragement. After all, Amtrak is much like the ancient Phoenix. It has taken rail passenger service from the ashes, and is struggling to become healthy again. It is still in its infancy, and we should not cripple it in its youth, but nourish it, and give it our strong support and guidance if we want it to grow. We have already a heavy Federal involvement in tax dollars in the success or failure of this Corporation. I, for one, want to see it succeed. I believe it will. And I believe the bill before us today is one which will help it along the path to success.

Mr. KUYKENDALL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, I rise in support of H.R. 15427. The American traveling public needs a well-balanced transportation system. Briefly, that means good highways, good public transit for our cities, a safe and efficient airway and airport system and adequate port and waterway facilities. It also means modern rail passenger service for all parts of the country.

Recognizing this fact, I actively supported the creation of Amtrak in 1970. The original charter instructed Amtrak to provide continuing service over a pared down rail network by contracting out to participating railroads for the necessary equipment and services, and required Amtrak to issue common stock or an equivalent tax deduction to these companies. Congress also provided Amtrak with a $40 million grant to cover start up costs and $100 million in loan guarantees to conduct a capital improvement system.

While Amtrak has had its imperfections and has faced a series of problems in assuming control of rail passenger service, I am aware of what it has accomplished and I anxiously await improvements in the quality of its operations that will bring faster and more frequent service throughout the Northeast, in New England and in other parts of the country.

All things concerned, I feel that the committee has brought to the House a bill which deals adequately with the various concerns about Amtrak. I recommend the bill and hope the House will give it favorable consideration.

Mr. KUYKENDALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 15427, which amends the Rail Passenger Services Act of 1970 to provide continuing financial assistance to Amtrak for fiscal 1975.

In 1970 we passed the Rail Passenger Services Act, establishing this national corporation, in an attempt to revive rail passenger transportation. We have been rather successful in this endeavor. Amtrak carried 16.3 million passengers in 1973. Forty-one percent more people traveled the rails in the first quarter of 1974 than in the comparable period of last year. There can be no doubt that this dramatic increase was due to the energy crisis and the resultant fuel shortage. People took to the rails as gasoline became scarce and its prices soared. What could be a better example of the necessity for maintaining Amtrak? We need to promote a national transportation system, one that is fast, energy efficient, and environmentally sound. I am convinced that Amtrak is a viable part of that system.

Amtrak has the passengers, but now it must satisfy those customers in order to maintain its ridership.

Therefore, I strongly support the committee's recommendation of $200 million in Federal grants for its operating expenses and also raising its loan ceiling to $900 million, allowing the purchase of new equipment.

I also agree with the provision which prevents Amtrak from discontinuing any of its runs for at least another year. This will give the corporation more data on which to base the profitability of its routes.

Although I support the Committee on Interstate and Foreign Commerce's appropriations authorization requests, I also agree with the committee that an annual audit of Amtrak by the Comptroller General should be required. Under the 1970 act, this audit is discretionary. There is no question that the requested Amtrak authorizations are needed. But, we also must insure that the taxpayer's money is being spent wisely.

Mr. Chairman, just 2 weeks ago the Department of Transportation approved a 2-year experimental Boston to Chicago rail passenger route. I worked long and hard, pushing for approval of this run. I hope this experiment will prove successful and the route will be permanently established.

It would not only relieve the fuel shortage, but it would also enhance area job opportunities, reduce congestion, and lessen noise and air pollution. I am sure you can understand my personal interest in promoting the success of Amtrak. But I rise in support of Amtrak not merely for parochial interests, but also because of what the success of this Corporation means to the Nation. As ranking minority member of the Appropriations Transportation Subcommittee I am of the belief that we must promote a national transportation system. The energy crisis, environmental deterioration and the mobility of the American people require it. I feel Amtrak should be an integral part of that national transportation system. I, therefore, urge adoption of this bill in order to insure adequate financial assistance to the National Railroad Passenger Corporation.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, we have talked about giving Amtrak a fair chance, and I think one thing that should be considered in this Amtrak discussion is giving a fair chance to the American people, because if anyone should ask an average man on the streets down in Dallas, Tex., if he wanted all of the Dallas income taxes for the past 3 years to go to pay off losses on Amtrak, he would ask if that person were crazy. He really would, because that is what this issue is about, is a billion and a half dollars for Amtrak a good way to spend the taxpayers' money?

This represents one and one-half billion dollars, and I will tell the members of the committee how it gets there. We now have $900 million of loan guarantee. This guarantee is simply money Congress has spent. The deficits for 4 years will top $600 million, so this totals $1½ billion.

I have here the Amtrak 1973 annual report, and in looking over its operating result, only the Northeast Corridor—only the Northeast Corridor had a cash flow break even. But, Amtrak does not consider 27 percent of its expenses which are semifixed in their operational figures. I used to run a business and we included depreciation and everything, but Amtrak runs a different kind of business.

Amtrak's problem is—this should be emphasized—its big problem is congressional interference. We tell them they have to operate losing lines. Congress mandates that they must open certain routes each year.

Congress ought to be completely out of it. We ought to let Amtrak management run the railroad. All we have to do is look at our own financial statements, look at the way we spend in Congress, to know that we are not in any position to tell Amtrak how to run a railroad.

Let us look at some of the losses. In these I added the unallocated expenses which represent the true operating losses.

Take these long runs such as from Boston to Florida. They had $24 million in revenue and they had $47 million in expense. Then take these: Chicago to Los Angeles, $16 million in revenue, $30 million in expense; Chicago to Seattle, $14 million in revenue, $30 million in expense; Chicago to Newport News, $1.6 million in revenue, $6.3 million in expense; Chicago to Houston, $4.3 million in revenue and $12 million in expense.

These are just rough figures I estimated last night as I reviewed the report.

Here is the problem: Folks today do not ride long-haul trains. The place for passenger trains is in the Northeast corridor of the United States; that is the place, from Washington to Boston. That is where they ride.

Tracks, railroad tracks, are for heavy freight. They are not made for passengers. Heavy freight is their purpose. Heavy freight is the responsibility of the railroads.

Why do we not get Congress out of this and let Amtrak run its own railroad? We spend and we spend and we are spending the people's tax money. Yet we do not know how much $1.5 billion is.

I have some figures from the Library of Congress on how much individual total tax income we get from entire cities. It amounts to all of the individual personal taxes from my city of Dallas for 3 years to take care of Amtrak's losses. Figures available were from 1970, but are typical.

In San Francisco the total tax income, on all the personal taxes in San Francisco, is $440 million. In other cities the following was the case: Denver, $344 million; Atlanta, $415 million; Peoria, $100 million; Omaha, $186 million; Cheyenne, $29 million; Helena, Mont., $14 million; Manchester, N.H., $43 million; Grand Rapids, $158 million; and Bismarck, N. Dak., $25 million.

Do the Members think that the folks in Denver, Colo., would vote that they wanted to spend 4 years of their total personal income taxes to be paid for this congressional loser?

I went to my hometown to see how folks travel. When I went back to Dallas. Mostly they go by car. A whole lot of them like to fly in an airplane.

Let me tell you what has happened in Dallas. Amtrak comes through our town three times a week, and in the spring, in April, we found that on an average 13 passengers were getting on the train each day—13 passengers. We checked the whole month of April, and we found that only 176 people rode Amtrak out of Dallas. Maybe twice as many do during the summer. Amtrak definitely does much better during the summer.

Let us just take the summer traffic as an example. Each Monday morning we have typical traffic. When we have 30 people get on the train, there are 110,000 automobiles being driven out of our city and 20,600 people get on airplanes each day, and there are 2,500 persons boarding the buses each day. Each time one person gets on the train in Dallas 1,000 people get on the airplane.

Let us look at costs. Some 1972 figures showed that the average train expense per Amtrak mile was $7.25, but the expense per bus mile was only 80 cents. In other words, it costs nine times as much to run the train.

Have we lost sight of public concern? Folks prefer highways and airports. The public wants highways and airports. That is where congressional interest should be.

Back in 1944 there were 90 billion passenger miles in intercity rail traffic, but by the end of the 1960's this volume had dropped to 8 billion miles. Today folks fly and drive. They do not ride the train. The short hauls appeal to railroad passengers. Today Amtrak charges $20 to go from Washington to New York, while Eastern Airlines gets $29.64.

Mr. Chairman, that is where Amtrak belongs, in the Eastern corridor. Let the railroads concentrate in this concentrated rail passenger-oriented market. They can then improve on their 60 percent on-time record schedule. They can improve schedules where we remove congressional advisors and get Congress off their backs.

I was interested in reviewing the Amtrak congressional debates of 1970 and 1972. I know right now we are in 1974, which is another election year.

I noticed that in 1972 most of the discussion was on whether their city could be added for a railstop. But the finance picture everywhere was optimistic.

I quote here members of the Commerce Committee in 1970 and 1972. The quotation, on October 13, 1970, is as follows:

> The Federal Government is authorized in this legislation to put up $340 million in grants and loans. Between this Federal backing and the funds contributed by the railroads, the corporation will hopefully be financially sound.

That was 1970.

In 1972, someone asked what was happening, and this is what he answered: "I say to him that those who work at Amtrak have said they expect by 1975 to be in business and making money, and will not need any more financial help from the Government."

We are now in 1974. I want to tell the Members what I said in 1972, and I wish to say I feel the same way now. This is what I said on this floor in 1972:

> The railroad future depends on freight. Our field of concentration for building a stronger transportation system in America should be to help railroads as they revitalize their freight operations.

Inflation is America's big challenge today. It is caused by congressional overspending. I want to repeat that. Inflation is caused by congressional overspending. We never have given Amtrak's management a fair chance.

Why should we in Congress insist on deadhead triple losers for rail routes? When we go home for this year's election, do you want to be known as one of the Nation's big spenders? Let us stop spending. Let us say that $1½ billion for Amtrak is not needed. Let us save America from inflation.

Mr. Chairman, the following is the statement of dissenting views which was included in the printed report which the Members have access to on the floor:

> Amtrak was created to salvage the most necessary portions of the railroad passenger service in the country. It was not originally intended to continue operating a national network of passenger trains servicing nearly all of the country, which service had previously been losing about $600 million per year. The act was passed giving to the new corporation the funds which had been predicted would set up a viable passenger network. The corporation is described as "for profit." Section 201 of the act states that the basic system should consider among other things, "the relationship of public benefits of given services to the costs of providing such services" and "potential profitability of the service."
>
> The corporation, originally called "Railpax", was given $40 million in hard cash to get established. It also had access to a guaranteed loan fund of $100 million to be used for capital expenditures. In addition, the railroads were obliged to pay in a portion of the sums they would be losing, for the privilege of dropping passenger service. That was the first bite. It is hard to believe that Congress would have been argued into creating the corporation if it had known that by fiscal year 1975 it would have gone through $1.5 billion with nothing but escalation in sight.
>
> The passenger rail network which has

been created pursuant to this legislation cannot be supported by any reasonable criteria of public service. Except for the Northeast corridor, it can never pay its way or come close enough that the huge expenditures of tax money necessary to keep it running can be justified.

In 1973 the operations lost $158.6 million. If that could be attributed to the newness of the effort and the difficulties of organizing, it would be possible to accept it. In 1974, however, we encountered the energy crisis. Ridership on Amtrak skyrocketed, or at least increased to the extent its equipment and schedules could accommodate. Here, certainly, was its chance to show that rail passenger service was needed and could make it. Actually, the result of the increased business was not profit, or even break-even operations. The result was a larger deficit.

Now, in 1974 the Congress is asked to increase the guaranteed loan fund to $900 million because the $500 million already authorized is completely committed. It should be here noted that even the officials of the Department of Transportation openly admit that this is not really a loan fund. It will never be repaid. Tax money will eventually be required to make good those guarantees.

For the fiscal year 1975 the budget anticipated operating losses of $148 million. By the time the authorizing legislation came before our committee, it was acknowledged by everyone involved that the figure should really be $200 million. These escalating losses are in the face of increasing ridership.

Let us look for a moment at what we mean when we talk of increased ridership. Most of the passengers carried are in the Northeast corridor, and that segment turns a profit. No one will argue with the desirability of continuing such a useful service. That corridor carried 75 percent of all of the Amtrak passengers, leaving 25 percent for the rest of the network which consists of 26 runs on 12 different railroads. That 25 percent of the traffic generates all of the staggering losses Congress and the taxpayers are called upon to absorb.

One of the most enthusiastic supporters of Amtrak as a concept is the National Association of Railroad Passengers. Its representative, in his testimony before the subcommittee, readily predicted that it would take ten years, if everything went right, for the Amtrak network to break even. But he was not talking of breaking even in the ordinary corporate sense. He was referring only to breaking even on operating expenses, and then only if very large sums were also spent upon capital improvements and roadbed repair. In effect, he testified that what the law calls for and the taxpayer deserves from this effort cannot be done.

Things get out of perspective when we look at one mode alone, and particularly if we look at it hopefully and romantically rather than critically. When ridership increases at a given point from 13 passengers a day to 50 passengers a day for a short season, that can be hailed as a 400% increase in ridership. It is another thing to say that it justifies any real consideration as progress when, at the same time, thousands are arriving and departing by air and hundreds of thousands by automobile in the same city.

The losses are large and increasing. When new contracts are negotiated with the railroads, and new employment contracts are signed with labor, the present losses will look small. Without these we are now asked to pick up the tab in fiscal year 1975 for $200 million in operating losses. Next year there will be more, plus paying off $900 million in guaranteed loans. The year after that there will be still more. How long can we possibly continue to support all of the unjustified and unnecessary waste of assets on a system which has thoroughly proved it cannot make the grade?

The only amounts which can be justified are guaranteed loans for equipment and track improvement in a few corridors like the Northeast where operations can clearly be profitable and the loans repaid.

Railroads' future rests with heavy freight, and therein railroads are essential to our Nation's economy.

With inflation of paramount concern to all America, we need to reduce government spending. Our excessive spending here in Congress is the primary cause of our Nation's serious inflation.

Amtrak can best be operated if Congress would completely remove itself from any management or advisory capacity. Routes and services should be determined by Amtrak with responsibility and authority exclusively within Amtrak to terminate unprofitable lines. If we gave Amtrak a fair chance by removing politics and Congress from the issue, and let Amtrak management concentrate on the successful and major market of the Northern and Eastern corridor, then Amtrak would have a sound future.

The present legislation compounds and continues an impossible management situation for Amtrak.

Mr. KUYKENDALL. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Chairman, in 1970 the 91st Congress passed a Rail Passenger Service Act because it felt that such service was necessary if we were to meet the passenger transportation needs of this country.

Many of us felt then, as I feel now, that the passengers at that time did not leave the trains; they were pushed off because the railroad companies found then that a dollar invested in freight services would provide a better return than a dollar invested in passenger services.

Besides, a piece of freight does not complain about a bumpy track, late arrivals, dirty and ill-kept cars.

But as our highways became clogged, our airlines choked, and intercity traffic reaching almost the disaster stage—Amtrak came into existence.

Amtrak was started with a $40 million Federal grant and payments of $197 million from participating railroads.

Since then, the Federal subsidy has totalled $319 million to cover operating losses.

In addition Amtrak has been able to borrow money on the strength of $500 million in Federal guarantees since 1970.

H.R. 15427 authorized an appropriation of $200 million to Amtrak for fiscal 1975 for operating losses.

The $400 million in guarantees is to help Amtrak purchase new equipment, locomotives and rolling stock.

Add to this $400 million—$500 million in guaranteed loans in 1970—makes a total of $900 million.

Mr. Chairman, none of us expected miracles of Amtrak—but neither did we expect it to do nothing.

Admittedly, Amtrak inherited most of its equipment from the railroads, most of it was obsolete, rundown and needed repair.

Admittedly the roadbed it was required to use was run down—high speed was dangerous.

This in itself made it impossible to provide an "on-time" schedule.

After 3 years and the spending of $1½ billion, the honeymoon is over and it is time for Amtrak authorities to either fish or cut bait.

The day for blaming all its faults on old equipment, no cooperation from the railroads is over—it is time now for Amtrak officialdom to perform or get someone who can.

A special Subcommittee of Investigations on the Committee on Interstate Commerce to review Amtrak operations as it relates to maintenance and repair activities submitted its report in March 1974. It pointed out that:

The Rail Passenger Service Act provides that Amtrak should directly control and operate all aspects of its rail service.

That in October 1971 Amtrak informed the committee that it was studying the feasibility of taking over railroad maintenance personnel and shops during fiscal 1973.

Yet in December 1972, one-half of fiscal 1973 over, GAO reported that Amtrak had not taken over any part of the maintenance and repair activities.

In April of 1973 Amtrak advised GAO that since January 1973 it had assumed full responsibility for operating the field point, Providence, R.I., shop for maintaining turbo trains and was constructing a similar facility in Chicago. It reported it was negotiating for the take over of the five car and/or locomotive running repair shops and service facilities. Well it is still constructing its shop in Chicago. It has not taken over a single one of the five shops it supposedly was negotiating for.

Since April 1973—the only additional repair shop Amtrak has taken responsibility for is a small one in Jacksonville, Fla.

It still negotiates with railroads to assume responsibility for repair terminals at Los Angeles, New Orleans, and Washington, D.C.—and for the repair shops in St. Louis, Chicago, and Sunnyside, N.Y.

When asked what is wrong Amtrak states that it has not been successful because the railroads are demanding exorbitant prices for its properties.

So the passenger cars continue to have—

Worn out seats and carpets;

Dirty and broken windows;

Drippy faucets, cockroaches, leaky windows; and

Broken down air-conditioners, torn seats, et cetera.

If you inquire of Amtrak about these conditions, and why its rolling stock is out of condition you are told that the railroads are at fault, they're doing a shoddy job. Yet the GAO found that—

> Amtrak did not have any effective system of surveillance over car maintenance . . . and that Amtrak furnished the contractors inadequate advance scheduling of work and does not prepare adequate detailed specifications for refurbishment.

The special committee found that Amtrak does not supervise the maintenance, does not hold the railroads accountable for failure to live up to contractual agreements. Nor does it insist that the railroad properly maintain its roadbed.

It also found that although Amtrak established a spare parts inventory control system, it has not defined what parts should be carried in inventory—hence cars lay in repair shops for months on end, waiting for parts.

Mr. Chairman, clear windows, seat covers, decent chairs, a paint job—all will do wonders for the inside of a house. They will do the same for a passenger car.

Repairing broken windows and seeing that they operate properly does not require a specially trained technician. Such work does not require a tremendous outlay of capital or a special railroad yard to get the job done.

It takes management with a will to see that a job is done.

Shabby, dirty cars with broken, dirty windows, filthy seat coverings, plus an undependable schedule, drove people from the trains. When the railroads run them—it will do the same under Amtrak.

Either Amtrak officialdom should get on the job or let's replace them with someone who will.

It is with grave reservations that I support this bill. It is only my conviction that we must develop a sound passenger service if we are to meet our transportation problems that I urge its adoption.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. ADAMS), a member of the subcommittee.

Mr. ADAMS. Mr. Chairman, I rise in support of H.R. 15427, the Amtrak authorization for fiscal year 1975. The sharply increased ridership, which has increased steadily since the beginning of Amtrak service in 1971, demonstrates that the public wants and will ride good passenger trains. According to an article by Bill Jones in the Washington Post of June 30, Amtrak already has 430,000 reservations for the next 6 months, and some trains are completely booked.

Many of my colleagues have expressed a justifiable concern about the continued deficits incurred by Amtrak. I believe that such deficits were inevitable in the initial period when Amtrak was required to take over and operate a passenger service that had fallen into disrepair. This 1-year authorization will allow congressional review of Amtrak operations next year, when the impact of increased ridership and the results of new equipment coming into service can be carefully scrutinized.

I do not think that now is the time to be penny-wise and pound-foolish. The Appropriations Committee reduced the Amtrak appropriation from the requested $143 million to $125 million. Fortunately, this appropriation was stricken from the DOT appropriations bill on a point of order, and the Amtrak appropriation will have to be considered again by the House. In testimony before the Commerce Committee, Amtrak officials said that, faced with an $18 million cut, they would have no choice but to reduce the level of service on routes they are required by law to serve. The basic route structure of Amtrak is fixed by law and Amtrak must operate within this framework. A cutback in service in the Northeast corridor, for example, would only increase the deficit, because this is a major, and profitable, market.

Reductions in service on longhaul routes, such as Chicago to Seattle, would turn away this summer on trains that are running full. Service cutbacks would discourage future business because people would be confused by schedule changes and the fact that Amtrak would be forced to turn away people who wanted to ride its trains. As any airline executive who has been through a strike will tell you, it is very hard to regain passengers after a service cutback. Further, the huge increase in fuel prices has added to Amtrak's costs, as have other inflationary increases, which have affected the railroads as much as they have any other industry. The bill sets an authorization ceiling of $200 million. I hope that the amount actually required by Amtrak will not be that much, but I think we must recognize that $125 million will simply not be enough.

There is one other matter of concern to me. The committee report refers, on page 4, to the apparent refusal of some railroads to maintain their tracks up to the standard required by law for the operation of Amtrak trains. Instances were also cited of railroads who have refused to permit operation of Amtrak trains over portions of their track. A good faith partnership between the railroad industry and Amtrak is necessary if this experiment in revitalizing passenger transportation is to succeed. And cooperation with Amtrak is in the best interests of the railroad industry. Rightly or wrongly, the general public will judge the efficiency of the railroads on the way in which passenger trains are operated. In the June issue of Modern Railroads, its editor Tom Shedd has a cogent editorial on this point entitled, "Amtrak's First 3 Years." Mr. Shedd points out that the new image of railroading that Amtrak has helped to create—

> And Amtrak's positive accomplishments can't help but increase the public's interest in railroading as a whole.

Mr. Shedd goes on to say that—

> We find it amazing that some railroads continue to oppose Amtrak, either directly or indirectly. Dog in the manger attitudes will do neither these railroads nor the industry any good.

This is a point well taken, and I hope those reluctant railroads just want Amtrak to go away will pay attention to this warning.

There are many railroads, including the Burlington Northern, the Union Pacific, the Sante Fe, and the Milwaukee, which are providing good service to Amtrak and they are to be commended for their good faith efforts. In addition, Autotrain Corp. and the Southern Railway have shown that good passenger service can be provided outside the Amtrak system, and offer a good yardstick for Amtrak service. I hope these railroads will set an example for their laggard brethren in the industry.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

Mr. Chairman, I shall vote for the bill, but I shall do so reluctantly. There are two areas—passenger service and track maintenance—in which Amtrak is not keeping faith with the public.

Let me say at the outset that I believe the Nation needs a viable passenger rail network. But so saying, let me hasten to add that this Nation shall never need the kind of service now being offered by Amtrak.

Since its inception, Amtrak has provided such clearly inadequate service that it has prompted my constituents to write and phone almost daily to complain about one abuse or another.

Let me list some of the more frequently voiced complaints:

The trains simply do not run on time. They do not adhere to the schedules and are subject to almost routine delays;

Serious overselling of seats has resulted in passengers having to stand on many trains, while equally poor planning results in other trains running almost empty;

A reservations system that sometimes requires days of phoning just to get through;

Trains which are rarely as clean, new, or comfortable as they are advertised to be; and

An overall lack of courtesy.

Train travel is often said to be unfashionable these days. The public is said to prefer cars and airplanes over train travel. If this is true, then Amtrak is certainly doing little to help the situation, and if my mail is any indication, Amtrak is losing far more passengers than it is converting.

Every railroad which is a member of the Amtrak network is required, under contract, to maintain its roadbed and track quality to a level at least consistent with their condition on May 1, 1971. That is in the contracts—in black and white. Every one of these railroads became a member of the Amtrak system voluntarily, and every one of these railroads signed the maintenance contracts voluntarily.

The situation today however, is far from what one might expect. The tracks and roadbed on many Amtrak lines are in miserable condition—far below that on May 1, 1971. The result has been both predictable and tragic. Since that date—May 1, 1971—just over 3 years ago—there have been at least 11 accidents directly attributable to track failures. The dollar cost to the taxpayer has been nearly a million dollars—$957,649. The human cost has been inestimable. At least one person has died, and at least 266 persons have been injured, again, as a direct result of track conditions.

The situation has not been resolved for lack of money. The money for the necessary repairs is available. It is money we appropriated. In calendar year 1973 Amtrak budgeted $50 million for track and roadbed repair. In fiscal year 1974 they increased that amount to $110. But they did not spend this money.

In fact, Amtrak has refused to spend a dime on any line's track or roadbed until that track and roadbed can meet the May 1, 1971, standard. Three times in as many years Amtrak has had to bring action before the National Arbitration Panel to force the railroads' compliance with their contractual agreements.

The Louisville-Nashville, the Illinois

Central Gulf, and the Penn Central have all allowed their track to deteriorate to a dangerous level. All have been called before the panel by Amtrak. To date, the repairs have been minimal—the progress not encouraging. Just last Friday two more Amtrak trains derailed, and though the causes are not yet known, track failure is suspected.

To add to this problem, the Federal bankruptcy court handling the Penn Central case has refused to allow the Penn Central to expend any money for track repair—thus assuring that the May 1, 1971, standard will not be met.

The Federal Railroad Administration has the power to declare any stretch of track unfit for use. It is a power they have not used—a power that 266 persons and the family of one other might well wish they had used.

Mr. Chairman, I think Amtrak, the railroads, and the Federal Railroad Administration ought to be put on notice, here today, that the Members of this Chamber find no excuse for the compromise of safety.

They ought to know that we have found both their service and their attention to safety to be unacceptable. They ought to know that without the demonstration of substantial progress by this time next year, there may not be an Amtrak authorization.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume. I should just like to make a brief statement.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Chairman, I support this bill strongly. I feel that we would be right to pass this bill because it gives Amtrak an increase in financial support.

I would hope that Amtrak could utilize this extra money to upgrade service nationwide. It is easy to understand the demand for rail service is greatest in the Northeast corridor. It is also easy to understand that costly improvements must be made in the Northeast region.

At the same time, Amtrak was given a mandate for nationwide rail passenger service. To follow this mandate, Amtrak's commitment must be nationwide.

It should also be stated, and stated forcefully, that the congressional policy should not be subverted by the Office of Management and Budget or the Department of Transportation.

Unless Amtrak supporters in Congress stand up and call the hand of this administration toward Amtrak, we may witness the demise of rail passenger service outside the Northeast corridor. For the sake of our energy reserves and our environment, moving people by rail should not become as extinct as the passenger pigeon.

One way, and the best way in my opinion, to judge what is happening to the national Amtrak system is to evaluate the experiences of each individual train run.

Many of these experiences seem to be minor problems which convert into major inconveniences for the rail passenger.

Through my congressional district, the Amtrak train, the Inter-American, runs. If the Members would scan over my supplemental views in the Committee's report for this bill, they would discover the annoying experiences of which I speak.

There is no need for me to repeat what I said in the report. Briefly, I highlighted air conditioning problems, station facilities, and train speed.

But one of my major purposes in writing the additional materials to the Committee report is to encourage members from all across the Nation to come forward with Amtrak information.

Such a national debate would put us on the right track.

An example of what I am speaking of is a recent letter from my good friend from San Antonio, the Honorable HENRY B. GONZALEZ.

He wrote Roger Lewis, president of Amtrak, and urged that Amtrak work out a true international schedule with the Mexican National Railways for the Inter-American. I would like to insert the Congressman's letter at this point in the RECORD:

WASHINGTON, D.C., *June 6, 1974.*

Mr. ROGER LEWIS,
President, National Railroad Passenger Corporation, Washington, D.C.

DEAR MR. LEWIS: From the outset of the Amtrak effort, the intent of Congress has been to establish international service as well as an acceptable domestic service. Insofar as international service between the United States and Mexico, the record thus far is extremely disappointing and I do not feel that Amtrak has made an adequate effort to establish through train service between the United States and Mexico.

The Mexican National Railways have been most cooperative and, indeed, anxious to assist in establishment of international service. For example, they have offered to provide all equipment necessary to establish through train service, but Amtrak has declined to accept this generous offer. Mexico has offered to alter its train schedules even at the risk of losing some business on the affected segments in order to establish good connections with Amtrak, but Amtrak for its part has not been willing to make any adjustments to its own schedule. In short, without reciting all the lengthy list of particulars, Amtrak has appeared unwilling to do anything in a positive manner to establish an acceptable level of service connecting with the Mexican system. The result is that we still have now a truncated service which, in effect, kicks passengers out at the end of the line in Laredo, leaving them stranded. This might be understandable if the railroad ended at Laredo, but it doesn't.

I sincerely feel that Amtrak could make, and should make, a positive effort to establish this service. I hope that you will review this matter and interest yourself in it personally, because I believe that a good service is in the interest of Amtrak and would attract a good level of ridership, just as your improved services to Montreal have.

With best wishes, I am
Sincerely yours,
HENRY B. GONZALEZ,
Member of Congress.

May I add that I join with my good friend from San Antonio in his efforts to have a true international schedule for the Inter-American.

Not only should Members of Congress speak up, but those citizens who live along Amtrak routes should also become involved. In fact, I feel that our citizen groups are even more vocal than some of our elected officials.

For example, in my supplemental views, I discuss the closed station facilities in San Marcos, Tex.

Shortly after I wrote my views, I received a letter from Mr. J. E. Younger, Jr., of San Marcos. His letter is a result of citizen involvement in San Marcos over the train station. Local newspapers and civic leaders are interested in this problem.

This letter gives a cost estimate for opening the station depot and providing minimum service to the San Marcos Amtrak passenger.

I would like to also include this letter in the CONGRESSIONAL RECORD at this point:

JUNE 23, 1974.

Hon. J. J. "JAKE" PICKLE,
U.S. House of Representatives,
Washington, D.C.:

Per your letter May 29 regarding Depot for Amtrak, San Marcos, Texas, we have not seen interior of depot in some time and do not know cost of putting into serviceable condition would be, however we feel that these steps could be taken in order to furnish train passengers a place for boarding train in San Marcos.

Painting and cleaning of station, $200.00.

Rest rooms (do not know if station has more than one) if not two, installation and modernizing of facilities, install paper towel rack, tissue racks and waste cans. If present facilities completely nil, $2,500.00.

Install drinking fountain, $250.00.

Install heating and cooling system, $450.00.

Safe for funds and ticket stock, $300.00.

Installation of adequate wiring and lights for security outside building, $150.00.

These items would constitute capital items, possibly items and work could be done by transferring items from other terminals and work done by railroad maintenance crews.

Expense items monthly basis

Keeping station open 3 hours per day 6 days per week	$250.00
Insurance	10.00
Electricity (including gas if heated by natural gas)	25.00
Phone	18.00
Water, sewage, garbage	20.00
Paper supplies (restroom) if not furnished by Amtrak	10.00
Variance 10%	31.00
	339.00

All items subject to review every 6 months. Public phone would be installed by phone co. no cost. Do not see how facility could be used without this expenditure, unless station in present condition opened at noon and closed at 6 p.m. and unattended.

Hope this covers information you wanted.
Very truly yours,
J. E. YOUNGER, Jr.

The Austin Chamber of Commerce, its officers and board members—have been most insistent on improving service. They feel, as I do, that Amtrak must force these decisions to give us proper service.

Of course, I do not know if these figures (San Marcos) are exactly correct, but they are certainly in the ball park. I am very familiar with this facility in San Marcos, and this is why I feel they are nearly correct. We might be able to cut down on those bathroom figures.

Again, my supplemental views give even more examples of minor things that could make riding the Inter-American even more fun.

Before concluding, I want also to state my extreme disappointment with the attitude demonstrated by the majority of the railroads top management people toward Amtrak. This attitude is basically that Amtrak is a nuisance, which should go away. And like most perceived nuisances, the railroads treat the nuisance with disdain.

Well, Congress does not intend Amtrak to be a nuisance. The railroads have only one thing to gain with this attitude. The gain would be the public's animosity, for the public wants train service. And Congress will not tolerate for much longer the unwillingness of Amtrak and railroad officials to improve this service.

To conclude, I urge Amtrak to heed the will of the Congress. I also urge the Congress to give strong support to rail passenger service. We must not allow administration and railroad policy to kill Amtrak. If changes are not made immediately, I think the Congress should force expenditures to give us proper service. This business of constantly pointing the finger at someone else—whether Amtrak or railroad companies—and doing nothing is going to irritate Congress so much that nationalization is in the offing if something is not done. This is a fact, not a threat, Mr. Chairman.

Mr. STAGGERS. Mr. Chairman, I think most of us understand the basic issue here. There has been spent $359.1 million, and this has been over a 4-year period. Before Amtrak took over, the private railroads were losing on passenger service over $200 million a year. We authorize this year $200 million more. That would make at the end of the fiscal year $559.1 million.

None of the Federal guarantee of loans that we have authorized have been defaulted upon, and we do not believe that none of them will be.

I should like to explain to the House that in the Chicago-to-Miami run the number of persons using this service this year through May has increased 138 percent; the Chicago-to-Seattle run has increased 21 percent; the Chicago-to-New Orleans run has increased 32 percent; the New York-to-Florida run has increased 37 percent. The long-haul routes are showing gains. Last year they wanted to discontinue the Chicago-Miami run. It is up 138 percent this year.

What I am trying to say is that with the energy shortage, there are more people who are riding these trains and who are going to ride them in the future. Congress has the duty to have vision, looking ahead not 1 year, but 10 years from now, 20 years, if we can, knowing that we are almost at a saturation point of cars today. We have built all of these roads across America. We cannot keep building more or we are going to have macadam all over the land. We just cannot do it. We cannot build parking lots if we are going to continue to saturate America with cars.

A lot of these people are people who do not have cars, the aged and the young, who want to go from point to point. They do not have automobiles or any transportation. Looking ahead 10 years from now, it is going to have to be the major mass transportation system across the land, because automobiles just cannot do it.

For that reason I think the bill ought to be passed.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

How much has been spent on advertising for Amtrak?

I have heard a figure of $4,000,000 mentioned.

Mr. STAGGERS. I cannot answer that question for the gentleman from Iowa at this moment. I doubt that we have that figure, but Amtrak has advertised and sometimes, I thought, wrongly. I thought they should put out more performance than advertising, because we judge by deeds and not by words.

Mr. GROSS. On some of the advertising that I have seen, I can heartily agree with the gentleman that money has not been wisely spent. What about consultants and public relations people?

Mr. STAGGERS. We are trying to investigate that with our investigating committee to find out just exactly where the money is being spent and what is being done to try to see that it is spent in the right way.

We have had them working on it and we have found several things we have made recommendations on. I think there have been some corrections made and there will be more made in the future.

Mr. KUYKENDALL. I yield 4 minutes to the gentleman from Connecticut (Mr. McKINNEY).

Mr. McKINNEY. Mr. Chairman, I have in my hand a copy of a letter dated July 10, 1974, from Sikorsky Aircraft Division of United Aircraft announcing that they are terminating their efforts in the surface transportation field. I would respectfully suggest, Mr. Chairman, that this committee—though I will reluctantly support this Amtrak authorization because I think it is needed—take a long hard look at the effect of DOT decisions on the employment market and the entire mass transportation futures market.

During consideration of the appropriation bill when I helped to uphold the point of order that took Amtrak's appropriation out, the gentleman from California (Mr. McFALL) and I had an exchange on where these trains were to be made. Amtrak presently has leased two French turbo trains on the St. Louis run and has ordered four more. This will be $18 million worth of rolling stock for Amtrak which is totally made in France. Rohr has the license to make these trains but they are not making the ones we have now contracted to purchase. French labor and the French company will be making the entire train in each single case.

I have sat in this body when we have argued until 11 o'clock and 12 o'clock at night about foreign aid and foreign trade and the Export-Import Bank and have concerned ourselves with American jobs.

The decision by the Department of Transportation to purchase the French-made turbine powered trains, rather than the Sikorsky Turbo Train, simply shows no promise of future support for private corporations, like Sikorsky which has invested $53 million of its own money to develop new American rail technology.

It seems to me what the Transportation Department is doing in this wild-eyed scheme of theirs is simply to turn around and say that America will not be in the ground transportation business.

True, Rohr in California will begin to make the French train under license, but let us take a long, hard look at the problems Rohr has now to face. They are running behind on BART and on the Metro and the possibilities are questionable that they will be able to make any of these trains and deliver them on time in the far distant future.

The fact remains that a Government financed rail system is going to build its first modernization with a foreign product, foreign labor, and foreign ideas. Unless we take steps to establish purchase criteria which give a priority to American labor and technology, we are going to bid ourselves right out of the transportation business.

It is admitted by everybody from the environmentalists right across the board that the greatest futures market we have is mass transportation. When I call the Department of Transportation and they say that they are going to buy French trains and they are not willing to invest one iota in trying to get American corporations to build their own product to keep us in this market, I can only blame the ludicrous, self-defeating purchase policies which had to play some part in Sikorsky's decision to withdraw from the surface transportation field.

Despite assurances that no jobs will be lost as a result of the Sikorsky decision, I simply cannot support funding for rail projects which do nothing to add jobs to the U.S. labor market or curb unemployment which has again climbed above 7 percent in Bridgeport.

I urge the House today to put the Department of Transportation on notice that we will support no future appropriations which may force other companies to abandon transportation equipment production.

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I yield to the gentleman from Connecticut.

Mr. SARASIN. I would like to compliment the gentleman for his remarks on the concern of all Americans for this train service, and it will not be, in fact, an American train.

Mr. SEIBERLING. Mr. Chairman, I rise in support of H.R. 15427 to amend the Passenger Rail Service Act of 1970. The House Interstate and Foreign Commerce Committee should be commended for its work in upgrading the operations of our national rail passenger service.

I would also like to associate myself with the excellent remarks of my distinguished colleague, Congressman PICKLE. In his supplemental view to the committee report on H.R. 15427, Congressman PICKLE calls for discussion of Amtrak service in our congressional districts.

I have received numerous complaints from my constituents and have repeatedly contacted Amtrak officials about the poor conditions at the Canton, Ohio, Amtrak terminal. The Canton terminal serves the entire Cleveland-Akron-Canton metropolitan area. The daily Amtrak train from New York to Chicago—the Broadway Limited—is scheduled to arrive at Canton at 3:11 in the morning.

The Canton terminal consists of two small, wooden sheds. They are heated and have light. Two wooden benches are provided.

The terminal is located in an isolated part of Canton. However, there are no Amtrak personnel available, nor is there any information on the revised arrival time of the Broadway Limited. There is not even a telephone available. Too often, the police cruiser assigned to meet arriving trains must ferry passengers to the police station in order to make phone calls.

Passengers must await the arrival of the train among drifters, amidst filth and, in the winter months, dangerously ice-covered platforms and stairs. When I complained about icy conditions to Amtrak officials last March, the only solution they could offer was that the weather would be warming, and we could expect the ice to melt.

I certainly hope to see Amtrak take positive and immediate steps and attend to the conditions and upkeep of the Canton and other facilities around the country. Hopefully these efforts will result in making Amtrak service more attractive to passengers across the Nation.

Mr. HANLEY. Mr. Chairman, I am gratified that the House has overwhelmingly approved H.R. 15427, the Amtrak authorization for fiscal year 1975. This strong support for the continuation of the Federal Government's commitment to a revitalized rail passenger system will repay great benefits in future years when once again the rails will be an intricate part of this Nation's transportation system.

It seems to me that Congress acted very wisely in 1970 when it moved to replace our flagging system of private rail passenger service by forming Amtrak. From a very rocky start Amtrak has moved forward with improvements in routes, scheduling and the inauguration of the very successful Metroliner route from Washington to New York to Boston. Today, the decades long decline in rail ridership has not only been halted, but helped along the way by the energy crisis and increased public interest in mass transit, ridership has increased 41 percent in the first quarter of 1974.

Of course, much remains to be done. Equipment repairs, train and track conditions, arrival times and ticket operations must be tremendously improved. I do believe, however, that with proper management from the Board of Amtrak, and with continued monetary support from the Congress Amtrak will live up to the legislative promises proposed and engendered in the Rail Passenger Act of 1970.

One example of the kinds of needed service the Government can provide that will restore intercity rail transit in this country is the recent approval by the Secretary of Transportation of a 2-year experimental rail passenger route from Boston to Chicago. Known as the North Shore Route, this service will restore the major East-West passenger route in the Northeast, and provide a ready means of public transportation to some 10 percent of the Nation's population. Inauguration of the route climaxed a year-long effort by States and localities to be served by the train, with strong support from many Congressmen which gradually and successfully overcame stiff opposition from the Secretary of Transportation.

I, myself have devoted considerable time to seeing the North Shore Route placed in service, including numerous contacts with the Secretary of Transportation stressing the profitability of such an enterprise as well as several meetings with concerned groups and with colleagues who also supported this service. I was therefore very gratified to see that our efforts have met with success, especially in view of the crying need for effective intercity transit service in the Northeast. Indeed, should the North Shore Route attain a successful level of ridership the next logical step would be to completely overhaul the poor trackage on the route and purchase modern, high speed trains and develop an east-west rail passenger system similar to that enjoyed by passengers of the Metroliner in the Northeast Corridor. Given the high population concentrations along the North Shore Route and the flow of traffic between such cities along the route as Buffalo, Rochester, Syracuse, Albany, and Cleveland, development of an east-west corridor seems a most logical step. As a matter of fact, there is at present an opportunity to begin such a process for some 12 miles of track located east of Albany, N.Y. which has been abandoned must be restored before the North Shore Route can operate as planned. While this is only a small section of track it makes sense to restore this link with high speed, welded rail thus starting a gradual program of rail replacement and bed improvement that could eventually encompass all of the North Shore Route.

I feel very strongly that if we move forward with initiatives of this sort, rail passenger service in this country will again become a reality and not just a nostalgic bit of Americana remembered by those of us who rode the rails in their heyday. To me that is the importance of the legislation we passed today, and I can assure you that is where my commitment will lie.

Mr. MOAKLEY. Mr. Chairman, I rise in support of H.R. 15427 authorizing funds for fiscal year 1975 for the National Railroad Passenger Corporation (Amtrak).

I commend my distinguished colleague from West Virginia (Mr. STAGGERS) for his persuasive presentation of this legislation. The longstanding commitment of the Committee on Interstate and Foreign Commerce has been essential to the survival of rail passenger transportation in the United States. The distinguished chairman and his colleagues on the committee deserve our wholehearted thanks for their tireless efforts on this vital matter.

In adopting this bill, we will be committing $200 million in direct Federal aid to intercity rail transportation and authorizing a $500 million higher level of federally guaranteed loans.

At the present time, 75 percent of Amtrak's traffic runs in the Northeast corridor and Boston is the northern terminus of that busy route, so I am particularly pleased with the proposed funding and I would like to discuss what it will mean to my district:

LOW LEVEL PASSENGER CARS

This equipment will be used in the Northeast corridor to expand the volume and quality of service now available. Amtrak currently owns 200 such cars, has ordered 57 more—at a cost of $23.8 million. This legislation will make it possible to purchase an additional 200 cars whose cost is estimated at $83.5 million.

TURBO-TRAINS

One of the most exciting prospects for increasing use of trains is the initiation of high-speed service in the Northeast corridor. Six of these have been ordered and this bill will enable Amtrak to order an additional 14 cars. The total cost will be $233.3 million.

ELECTRIC LOCOMOTIVES

These are particularly important for rail service which links some of the Nation's cities with the highest level of air pollution. Amtrak has ordered 15 and an additional 11 can now be purchased at a total cost of $14.2 million.

DEPOT IMPROVEMENTS

This legislation will enable Amtrak to undertake improvements to depots in the Northeast corridor. Due to years of neglect by the railroads, this is a particularly big project. Estimates are that $32.5 million will be used for this work.

TRACK AND ROADBED IMPROVEMENTS

One of the greatest obstacles to bringing rail transportation into the 20th century is the slow speeds trains must operate at over roadbeds that have been neglected by the railroads. I am pleased that Amtrak will spend $20 million to improve existing tracks and railbeds.

MODERNIZATION OF EXISTING CARS

In its report, the committee has noted that Amtrak inherited most of its equipment from railroads which refused to make any improvements and even obvious maintenance. Thus a large portion of Amtrak's rolling stock is more than 20 years old and on any given day up to one-fifth of the fleet is tied up for repair. Amtrak's decision to spend $63 million on modernization of existing cars should go a long way toward improving this situation.

In addition, the U.S. Department of Transportation has established an office, funded at $20 million, to coordinate planning and development of the Northeast corridor, the only segment of Amtrak's service to yet show a profit.

At the present time that office and Amtrak are working on the planning of a Boston to Chicago train chosen to fulfill the legislative requirement that one new experimental line be inaugurated each year. This train will be a valuable addition to the 66 trains which arrive at or depart from South Station each week.

Mr. Chairman, I must also point out,

however, that the decision yesterday by U.S. District Court Judge John P. Fullam of Philadelphia that portions of the Northeast Rail Reorganization Act are unconstitutional place our entire planning in jeopardy.

I am therefore hopeful that the committee will undertake a study of the implications of this decision to the long-range future of Northeastern railroads.

But, no matter what happens, our commitment to a viable rail transportation system in this country cannot falter. I am therefore pleased to be able to support the authorization before us today.

Mr. BAUMAN. Mr. Chairman, I rise in opposition to passage of this measure which would authorize funding for the operation of Amtrak during fiscal year 1975. I take this action to protest Amtrak's failure to comply with the intent of the Congress as expressed in the Rail Passenger Service Act of 1970.

Congress acted then in response to 30 years of neglect and distain of rail passengers by the private railroad industry. This attitude had led to the use of ancient passenger cars, antiquated engines, and a deteriorating roadbed. It also led to a natural decline in ridership and a large operating deficit. Naturally, the railroads wanted to eliminate their rail passenger services and were successful in convincing the administration and the Congress of the necessity for Government intervention.

Our solution to the existing gap in a balanced transportation policy was the birth of the National Railroad Passenger Corporation which was to maintain and eventually expand intercity passenger service. Unfortunately, the same conditions which led the railroad industry to abandon rail passenger service in 1970 are still with us today. None of the concerned governmental or private entities have made the necessary commitment to improve rail passenger service in this country since the adoption, 4 years ago, of the Rail Passenger Service Act. The Department of Transportation, the National Railroad Passenger Corporation, the railroad industry, and the Congress have all failed to make the necessarily hard decisions which must be made if we are to revitalize rail passenger service in this country.

The recent oil embargo produce shortages of gasoline, lowered highway speed limits, raising costs of other means of transportation, and caused a dramatic increase in the use of rail passenger service. Yet, as made clear by a recent article in Fortune magazine, Amtrak seems inclined to miss this opportunity to regain its share of the Nation's commuting population.

In my district Amtrak has eliminated passenger stops at various points in northeastern Maryland which had been serviced prior to the acquisition of such service by Amtrak. Shortly after my election to the Congress I wrote to Mr. Lewis, the president of Amtrak, requesting immediate action to reopen the Havre de Grace, Aberdeen, Joppa, Perryville, and Elkton, Md., train stations in order to provide service south to Baltimore and north to Wilmington. I took this action in response to requests from many citizens and government officials and in the awareness that the train is certainly more energy efficient than the automobile.

My response from Amtrak was typical. Amtrak officials stated that they needed to regularize the schedule and would incur a loss if they stopped an intercity train for one or two passengers. This reaction to my request, which was supported by the other Members of the Maryland delegation, exemplifies Amtrak's inability to comprehend the need for the creation of an effective rail passenger system. Indeed, traffic surveys showed that potentially thousands of passengers would use Amtrak service if such stops were scheduled.

I had intended to offer an amendment to this measure which would have required Amtrak to initiate additional service in the Northeast corridor; however, it is my understanding that this amendment would not be germane at this time. I would hope that Amtrak would finally respond to the need for such service and take the necessary steps to create an effective rail passenger system. Until they do, I will not support increased spending for Amtrak.

Mr. ALEXANDER. Mr. Chairman, I believe that a viable passenger rail system is essential to serve the transportation needs of the people of this country. In the last few years, my daily mail has been filled with pleas for the reestablishment of passenger service in Arkansas.

Finally, this spring, with the institution of the inter-American route between St. Louis, Mo., and the Texas-Mexico border, Arkansas became one of the last States to be served by Amtrak. The people of my district were encouraged to hear that this route would pass through northeast Arkansas on its way to Little Rock. However, the good news was overshadowed by the discovery that there were no plans for a stop in our area.

Many people saw the train as a way to get to Little Rock for the day to shop, enjoy cultural events, take advantage of the medical facilities, visit friends and relatives, and take care of business. Those with no means of traveling to Little Rock or Memphis, Tenn., to connect with other forms of transportation planned to use the train for longer journeys.

Although we have received word recently that Amtrak does intend to put one stop in this region, that will not be enough to afford the citizens of this 21-county area the necessary transportation advantages that a region of this size should offer.

As Amtrak examines methods of becoming more self-sufficient financially, I would recommend it consider adding more stops along its existing routes. The train is still not popular for long trips. More stops would encourage more passengers.

I would like to share with you at this point a letter which is typical of some of the mail I have received from my constituents who do not live in the large cities and because of faulty transportation systems are isolated from their friends and relatives in other towns:

CORNING, ARK.

DEAR SIR: I am writing about the passenger train, the Amtrak, as it goes right through our town. Each time it makes the trip north or south and I saw in our paper where some of the Congressmen have asked the company to get it to stop at Walnut Ridge and Hoxie and I would like to know why it couldn't stop in Corning. I don't drive and I don't have any way to go, only walk. I'd rather ride a train than a bus. I am a widow and I have 2 sons living in Michigan and if the train would stop here, I could go and visit them more often. Is there anything you can do about it to get it to stop in Corning? I know quite a lot of people that would ride the train if it would stop in Corning. Corning has grown quite a lot in the last 10 or 12 years. We have 3 or 4 factories in Corning and if you can do anything about the train to get it to make stops in Corning, I would appreciate it very much.

Yours truly.

Mrs. A. W. A.

Much could be learned from the people in the heartland of our Nation if only Government would listen.

If Amtrak sincerely strives to operate at a profit, it simply needs to provide passenger service. If it provides the service, the people will buy it.

Mr. HOGAN. Mr. Chairman, as we consider this legislation extending authority for the Amtrak railway system, I want to call my colleagues' attention to two matters of particular concern to Washington area rail commuters.

The first problem concerns the development of a joint Metro-Metroliner station in the New Carrollton area of Prince Georges County, Md.

I have long been encouraging the development of this joint station, to serve as the gateway to Washington for the entire eastern region of the United States.

There could not be a more ideal locale than New Carrollton for development of a major transportation center serving the Washington area and the eastern seaboard.

A 100-acre tract of land in New Carrollton, now largely undeveloped, can serve as a crossroads for the Amtrak Metroliner, the Washington Metro system, and the Capital Beltway—Interstate 495.

A $500,000 appropriation has already been approved by the Congress for planning and other startup purposes for a new Amtrak station at New Carrollton, but the record of cooperation and coordination between Amtrak, the Washington Metropolitan Area Transit Authority, the Penn Central railroad, and others involved has not been—and is not today—as good a record as it should be.

One organization blames another, and the second blames a third, and the seemingly interminable delay continues while valuable time slips away.

As I have said on countless occasions, it is simply inconceivable to me that two separate stations should be built within 2,000 yards of each other simply because of a lack of cooperation and coordination. But we face that very real prospect if the delay in planning a joint station continues much longer.

Maryland's Secretary of Transportation, Harry Hughes, has assured me and, more importantly, has assured Amtrak officials that direct highway access from U.S. Route 50 to the New Carrollton station can be provided by the time of the Metro station opening in 1977.

Both Amtrak and Metro officials have assured me they concur in my belief that a joint station could be enormously beneficial, both to the New Carrollton area and to local and long-distance rail passengers.

The money is there; the commitment is there. All that is missing is the essential element of cooperation to bring this very worthwhile project to fruition.

A second project—and the second problem for Washington area commuters—is the still-uncompleted renovation of Washington's Union Station.

Though it holds the promise of improved service for the future, the present chaotic condition of the station aptly reflects the present disarray of transportation planning in the Capital City.

The renovation of Union Station is supposedly intended to provide an integrated auto-bus-rail-subway transportation facility, coupled with a Visitors' Center through which most of the city's tourists would pass.

Unfortunately, we find again that the gap between the ideal and the real, due to poorly coordinated planning, is daily becoming more evident.

Recent newspaper articles tell of the Environmental Protection Agency's concern that automobile traffic may have to be banned from downtown Washington in the foreseeable future. And still we find that the capacity of the park-and-tour parking facility planned for the renovated station has been drastically cut.

At a time when the intercity passenger train is making a dramatic comeback—especially here in the Northeast corridor—the rail passenger facilities presently planned for the renovated station are inadequate.

At a time when support is growing for upgrading the capabilities of the Penn Central and Chessie System commuter lines—a program I have vigorously supported—the future of the commuter is being largely ignored in the planning of the rail facility.

The promise of future progress is of slight comfort to the thousands of intercity and commuter rail passengers who must daily cope with interminable wooden gangways passing through a sea of mud with construction equipment strewn all about, the noise of air hammers and pile drivers falling heavily on the ear, and the sparest of waiting room facilities.

Here again, Mr. Speaker, we are faced with poorly coordinated planning, not only for long-range facilities, but for short-range facilities as well, those designed to ease the transition from the present to the future. Each agency or company involved is apparently concerned only with its own plans, with slight attention being given to the overall planning effort.

Just as in the case of the New Carrollton joint station, we are faced with the possibility of losing the opportunity to provide a well-planned and fully integrated transportation center. And that lost opportunity will be due to nothing but a failure to communicate and to coordinate planning efforts.

Mr. Chairman, I believe we have seen enough confusion, enough delay. We would like to see some progress for a change.

Mr. PRICE of Illinois. Mr. Chairman, high on this country's list of priorities are effective mass transportation systems. In the past few years we have seen the problems of mass transit systems grow and become increasingly important to large segments of the population. Systems once considered an alternative to private transportation are now necessary in the light of today's energy problems.

Mass-transit systems are most often considered on a city-wide level, and the Federal Government has responded to metropolitan needs by funding many of these programs. Undoubtedly this funding is well-intentioned, however, last winter's crisis has shown that urban transit systems alone cannot alleviate all our fuel problems. A nationwide transit system must also be initiated.

The first step in the building of an efficient rail system was taken in 1970 with the creation of the National Railroad Passenger Corporation or Amtrak. In the past few years this Corporation has made progress in providing rail service throughout the country, however, additional assistance is needed to improve this system.

Many of us either personally or through our constituents have experienced some of the problems Amtrak has had in the 4 years of its existence. Scheduling problems, faulty equipment, and mismanagement have plagued the railroad systems for years and Amtrak did not bring immediate solutions. I do not raise these problems for malicious reasons, but I feel the public has the right to know that Congress is not blind to Amtrak's failings. Still we cannot refuse to provide resources to establish mass transit programs. Congress should continue to insist that Amtrak comply with congressional intent.

Amtrak has the potential to succeed, and the provisions of H.R. 15427 will give a badly needed boost to the Corporation. Financial aid will be provided and additionally, a 1-year freeze on existing rail service will keep all current Amtrak routes in operation. The passage of this legislation will be instrumental in enabling our rail system to become the equal of that of any other national system. I, therefore, support the measure and strongly recommend my colleagues to do likewise.

Mr. PREYER. Mr. Chairman, the conflict surrounding Amtrak is generally in two areas:

The philosophical question of whether rail service is needed and the Government's role in providing it.

The operating efficiency of Amtrak.

In addressing the philosophical question one is reminded that Government operation of anything provokes controversy. Amtrak is no different. The free enterprise purist will never accept the idea and the socialist will feel that the Government has not done enough. The varying views concerning Amtrak must be considered before reaching a conclusion. These arguments, both for and against, follow:

A. PRO

First, overcrowded highways and the energy crisis dramatize the need for an alternative transport mode to the airplane, bus, and automobile. Trains as an efficient user of energy qualifies for that alternative.

Second, the majority of railroads allowed passenger service to deteriorate in both quantity and quality in an attempt to eliminate passenger trains. This business was largely unprofitable and considered a nuisance. The railroad industry purchased no new passenger equipment after 1955 and permitted other passenger facilities such as stations to degenerate. Therefore, to revitalize passenger service requires enormous capital expenditures for facilities and equipment which cannot possibly be underwritten by the railroads, a number of which are already in bankruptcy. Thus, a Government subsidy is necessary to provide the rail alternative.

Third, Government funds for transportation, both freight and people, are not new in this country. Billions have been spent on highway construction, airports, and waterway improvements. Transportation is as an essential service as tax supported water supply or public power projects.

If these public necessities can be met by the private sector, they should; if not, the Government must support with subsidies and loan guarantees to provide the public with the benefits. This concept is readily accepted by Japan and the Western European countries. These nations provide highly efficient rail transportation as a public service run by the government.

Fourth, Amtrak in 3 years of operation has reversed the declining trend of passenger ridership. This has been accomplished largely without new equipment and other capital improvements that are so essential to a successful service. This shows that the public perceives a need for rail travel and will use it when it is attractively provided.

B. CON

First, Amtrak, from a fiscal standpoint, is a disaster for the taxpayer. It has spent $1.2 billion versus revenues of only $543 million. This is ridiculous and a totally unnecessary expense. If all trains stopped tomorrow only 1 percent of the traveling public would be affected and there would be other modes available for use.

Second, there is no need for rail passenger service—except commuter and northeast corridor trains—with the current airline and bus service available. Airplanes, because of speed, will be a principal mode for long distance travel in this country. Buses, because of economy, will always be an attractive alternative and private automobiles, due to their flexibility, will continue to be the primary mode of transportation in this country. Therefore, with the planes advantage of speed, the buses of price, and the car of flexibility, where does this leave the train? The answer is out. To insist on preserving this mode is merely financing nostalgia which this country can ill-afford. The passenger train, as in the case of the stagecoach, should be permitted to gracefully retire from the transportation scene.

Third, the success of auto-train service has demonstrated that the private sector can operate trains better than Amtrak. Auto-train is strictly private and is an operating and financial success. It operates in direct competition between Washington, D.C., and Florida with Amtrak and makes money, while Amtrak, on the same route, loses money. Amtrak should either quit operating losing trains or turn them over to a private corporation to run them as they ought to be run.

Arguments for and against Amtrak have some merit, depending on one's view of the role of Government, the national priorities, and the future transportation needs of the country.

The best argument against Amtrak is that which challenges the need for passenger trains. Opposition based on lack of profitability resulting in losses being covered by tax dollars will not stand up to even superficial scrutiny. The taxpayers built most of the Nation's airports and highways and continue to provide air traffic controllers for the airlines. The comparison of auto-train and Amtrak will also not wash. Auto-train serves two cities, Lorton, Va.—Washington, D.C.—and Sanford, Fla.—Disney World—while Amtrak serves 22 cities along the same route. The differences in overhead expenditures are obvious.

The most compelling case for the passenger train is its inherent energy utilization efficiency. One-half of the Nation's energy consumption is used for transportation. Nearly all of this is derived from petroleum. With the likelihood of energy shortages over the next several decades, the efficiency of transportation's energy utilization becomes a factor of vital national concern. Rail transport is 5 times more efficient than air and 2½ times more than the automobile. One train could replace 200 cars on the highway.

In addition, rail is unique in having the potential for using energy from any source: Oil or electricity generated by coal, gas, or atomic energy. Thus rail could potentially be shifted away from petroleum to other energy sources in greater supply.

If one agrees that rail passenger transport is needed, now or in the future, the acceptance of Amtrak or something like it becomes much more palatable. The simple fact is that no one except the Federal Government has the resources to preserve, revitalize, and expand the Nation's rail passenger system. Therefore, if rail transportation is considered a public necessity, and I believe it is, there is no alternative to a tax supported enterprise of some fashion.

The real argument is not against Amtrak but against inter-city passenger trains. It is clear that people can move about this country without the assistance of the railroads. This will be the case for the near term until shortage of energy makes it a necessity. When that day arrives, it is absolutely essential that this Nation have a basic rail passenger network in order to meet the challenge.

After an examination of the main arguments, both pro and con, I have concluded that:

Rail passenger service in a world of meager energy sources becomes a public necessity.

Regardless of one's view regarding Government's role in business, no transportation enterprise can exist without direct Government help and involvement.

In order to expand the rail passenger system in the event of an energy crunch, a skeleton network must exist. Amtrak provides that basic system.

Amtrak for the immediate future should be kept lean, mean, and highly efficient with minimum funding until there is a clear need for expansion.

In any assessment of how well Amtrak is doing its job one must keep in mind two things.

The relatively short time the corporation has been in existence; and

The conditions that existed prior to its creation.

This is not to imply that Amtrak should be immune from criticism and I believe that in certain areas criticism is justified and in others high praise is in order.

Intercity rail passenger service, prior to Amtrak, was characterized by the most dismal conditions imaginable. Service provided by the Southern, Seaboard Coast Lines, and many Western lines was not of this character and these railroads ran many fine trains. The salient features of this service were:

First, ancient equipment, both locomotives and cars, with failures the rule rather than the exception. The equipment was normally filthy and in bad disrepair.

Second, trains rarely ran on time.

Third, dining cars were nearly nonexistent and when available the food prices were exorbitant.

Fourth, sleeping cars were not available on most overnight trains.

Fifth, train crews were surly and uncooperative.

Sixth, no nationwide reservation system existed.

Seventh, schedules were made intentionally slow and unattractive.

Eighth, no railroad sought passengers.

The challenge for Amtrak was to correct the deficiencies and make trains worth traveling again. This was much easier said than done. An evaluation on how they have done is outlined below.

A. EQUIPMENT

Amtrak has placed orders for 176 new locomotives and has completely rebuilt an additional 40. These orders were placed in 1972–73 and deliveries began in June 1973. Amtrak's management failed to recognize that an engine is merely a component—admittedly a vital one—of a train and neglected to purchase passenger cars. It is safe to assume that most passengers spend more time in cars than locomotives. This phenomenon dawned on Amtrak and on June 6, 1974, 200 conventional passenger cars were ordered with deliveries beginning the end of 1975. Therefore, the public will continue to have to settle for the so-called "refurbished" cars which all too often means only that an interior decorating scheme has been applied. This cosmetology provides little comfort to a passenger when the restrooms and airconditioning/heat are not operative. In 1973, Amtrak had 7,100 cars malfunction en route to such an extent that the train was delayed. Amtrak officials tend to blame the DOT for the lethargic approach to new equipment purchases, however, Amtrak's board never requested the cars until March of this year and then only after being spurred on by the fuel shortage.

The bright star in Amtrak's equipment acquisition program is its purchase of 6 complete 308-seat turbine trains from a French firm that supplies similar equipment to the French National Railways. Two of these trains have been delivered and are running between Chicago and St. Louis. For the first 4 months of operation they have compiled a 99 percent reliability record.

Amtrak has done a fair job in keeping the cars clean and repaired, however, much could still be done. It is commonplace for windows to be either so filthy or fogged up that a person cannot see out. In fairness to Amtrak, the age of the equipment mitigates against an effective cleaning and repair program. Additionally, the demand requires that the maximum number of cars be in service at any one time and to meet this usage rate maintenance is often superficial.

B. ON-TIME PERFORMANCE

Amtrak established a 6-minute standard—trains must arrive at end-point cities within 6 minutes of schedule—to determine on-time performance of its trains. The corporation started out well by averaging 75 percent on time during 1971 and 1972. In 1973 this average dropped to 60 percent. The long-distance trains averaged only 30 percent on time last year. The Washington-Chicago train, for example, was on time only 8 percent for all of 1973. The prime reason for this performance as cited by the railroads was slow orders—poor condition of track—and equipment malfunction. There is little doubt that these are the chief factors but there is a wide disparity between the various railroads performance for Amtrak. The Union Pacific, for example, average 77.5 percent on-time in 1973 compared to 33.8 percent for the Illinois Central Gulf.

To offer some incentive to the poor performers, Amtrak is negotiating new contracts with the railroads offering graduated incentive payments for on-time performance in excess of 60 percent for long distance trains and 65 percent for short haul. In my opinion this is too low and is bad psychology. A high standard, for example, 75 percent coupled with substantial incentive payments would appear more likely to attain Amtrak's objective. The New York-Kansas City train is the worst on-time performer—2.7 percent—in the entire system. Amtrak solved this problem by lengthening the schedule to bring it more in the line with actual performance. It is now theoretically possible for the railroads that operate this train to draw incentive payments without substantially improving the service.

C. FOOD AND BEVERAGE SERVICE

Amtrak has made remarkable progress in this area. Dining cars are on all long distance trains and offer freshly cooked food at reasonable prices. Full breakfasts are under $2 and a complete dinner is between $3 and $7. On short runs there is usually a snack bar that serves sandwiches and drinks and on the Metroliners and Turbo-Trains airline-style food on trays is served.

One negative aspect of Amtrak's food service was its proposal, later reversed, to lower the standards of service on the "Super Chief" by eliminating one diner. This action was enough to prompt the Sante Fe to forbid Amtrak from continuing to use its copyrighted name. Even with Amtrak's assurance that both diners would remain, Sante Fe contended that Amtrak had already reduced the standard by doing away with free newspapers and magazines, ripping out Indian motifs, covering the sand paintings with synthetic paneling and replacing the distinctive china. Thus, the "Super Chief," a legendary train in this country has become the "Southwest Limited."

D. SLEEPING CARS

Amtrak has placed cars with sleeping accommodations on all overnight trains throughout the system. This is a substantial improvement over the pro-Amtrak situation. New routes have been inaugurated with the most innovative being two coast-to-coast routes between New York and Los Angeles. One route is via Washington, D.C., and the Southern Railway to New Orleans then on Amtrak to Los Angeles. This service is available to Greensboro, N.C., patrons and provides for an evening and morning in New Orleans with the customer permitted to use the sleeping car as a hotel. Sleeping car utilization increased 8 percent in 1973 which completely reverses the trend prior to Amtrak.

E. EMPLOYEE ATTITUDE

The public perception of a passenger train employee was that of an individual who believed trains should be operated for his benefit rather than the passengers. This perception was correct more often than not and most employees were a study in contrariness.

Amtrak tried several approaches to change this attitude with little success. The present formula calls for all crews to be employed by Amtrak rather than the railroads. Amtrak retrains them as to their duties. This procedure is apparently successful and by the end of this year all on-board service employees will be working for Amtrak.

F. RESERVATION AND TICKETING SYSTEM

Amtrak has made commendable and innovative improvements in this area. They inherited the railroads fragmented reservation and ticketing procedures which were chaotic at best and for the most part inoperative. After study, Amtrak correctly decided because of their multiplicity of stops, fares, and accommodations to design a totally new system. This computerized system is now about 75 percent in operation and puts the rail reservation and ticketing system on a par with the airlines. Additionally, all Amtrak reservation offices can be reached via a toll free telephone call.

G. SCHEDULES

The railroads for many years prior to Amtrak had been attempting to discontinue passenger trains. In order to obtain ICC approval the railroad must show that the ridership was so low that there was no need for the service. One way to insure no passengers was to extend the duration of the trip to unreasonable limits. The B. & O. railroad in 1971 provided a classic example of this on its Washington St. Louis route. Passengers were required to lay overnight in Cincinnati resulting in a 31-hour journey of only 882 miles. In 1960, the same trip took only 18 hours. Amtrak reduced the 31 hours to 21 hours, 15 minutes in 1972 and the present schedule calls for 22 hours. There is still much improvement to be made and Amtrak should aggressively follow through to insure that the situation improves.

H. MARKETING

Prior to Amtrak no railroad solicited passengers so that any action taken would be an improvement. This is the one area where Amtrak has done too well. They aggressively advertised for passengers to such extent that demand exceeded the capacity which has resulted in the over use of antiquated equipment which in turn further reduces capacity. Amtrak President Roger Lewis puts the dilemma this way:

> Tomorrows ridership is at the station today wanting to use yesterday's equipment.

I. MANAGEMENT

Amtrak's management, particularly its president and board members, has come under increasing criticism in the last few months. Although a number of Amtrak's problems are beyond their control and will require outside assistance to resolve, for example, condition of track and roadbed, this criticism is not totally unwarranted. The greatest fan of Amtrak has been the Congress and the public, which is not fully appreciated by the corporation. The administration's support has been lukewarm and at times obstructionist. The White House delayed initiation of a congressionally authorized route between St. Louis and Dallas for over a year while the DOT has consistently attempted to block the capital improvement program. When the rhetoric is over, the simple fact is, that the DOT, the White House, and most of the railroad industry do not believe in long distance train travel and only support rail travel in the corridors of the East and Midwest. The Congress, on the other hand, supports both and has insisted that the basic system be expanded by a new experimental route each year. The Congress has also reduced the influence of the administration by not permitting the DOT to veto or delay Amtrak decisions on capital investments or improvements. Amtrak, it appears, does not fully understand the commitment of the Congress and remains lethargic in its approach to the challenge. The delay on procurement of cars was a clear example of this inertia.

Another example is the imaginative advertising campaign which lured riders by the thousand. Unfortunately, the corporation was short of capacity and unable to maintain the cars it had. All too often the new riders are finding out that the trains do not measure up to the advertising. A junior executive, according to Fortune magazine, warned Amtrak's top management that the marketing campaign could be too successful with disastrous results. He was ignored and eventually fired.

It has been reported that morale among Amtrak's middle management is low. These executives feel that because of congressional support and the lessons learned from the fuel shortage that Amtrak has a golden opportunity to prove the efficacy of train travel. They are certain the top management is missing this opportunity.

The Amtrak board of directors offers little solace to those dedicated to the success of rail travel. This group has not been noted for its enthusiastic support of passenger trains. Some members, especially those representing the railroads, have frequently publicly called for the elimination of all long distance passenger trains. One former member of the board was the chief executive officer of a bus company.

Congress and the administration do not always contribute to good management, particularly when they cannot agree on the direction that Amtrak should take, that is small and profitable, or large and subsidized. Congress is especially vulnerable in this area. Amtrak is a child of Congress and by legislation it has stripped the executive branch of most of its oversight authority. If Amtrak fails, there will be no one for the Congress to blame but itself.

Mr. BOLAND. Mr. Chairman, as we conduct our consideration of H.R. 15427, the 1974 amendments to the Rail Passenger Act of 1970, I would just like to express my approval of the recent decision taken by Secretary Brinegar of the Department of Transportation in selecting the newest Amtrak experimental route. The Boston-Chicago corridor is the most heavily populated and industrially concentrated route that up to now did not have Amtrak passenger service. I feel confident that its selection will prove a wise one economically and further encourage development along its length. It will bring new jobs and promote further business travel between two major financial and business centers, Boston and Chicago. The other large cities along the route will also have an opportunity to share in this commerce to a degree that has been impossible until now in these days of reduced plane schedules and inadequate fuel supplies. The National Rail Passenger Network which Amtrak is dedicated to improve and enlarge should receive a large boost in traffic and receipts as a result of the Boston-Chicago route selection. I join my colleagues in the House whose districts and States will be affected by this new service in welcoming Amtrak to what have been hitherto neglected markets. We shall be looking forward to a speedy beginning to train service through all major connection points on the route.

Mr. KUYKENDALL. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the Clerk will read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 15427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 564(b)), relating to discontinuance of service by the Corporation, is amended—

(1) by striking out "July 1, 1974" in paragraph (1) and paragraph (3) and inserting in lieu thereof in each such paragraph "July 1, 1975"; and

(2) by striking out "the expiration of the one-year period beginning on the date of enactment of this sentence" in the second sentence of paragraph (2) and inserting in lieu thereof "July 1, 1975".

SEC. 2. Section 601 of such Act (45 U.S.C. 601), relating to authorization for appropriations, is amended by striking out "$334,300,000" and inserting in lieu thereof "$534,300,000".

SEC. 3. Section 602(d) of such Act (45 U.S.C. 602(d)), relating to the maximum amount of guaranteed loans which may be outstanding at any one time, is amended by striking out "$500,000,000" and inserting in lieu thereof "$900,000,000".

SEC. 4. Section 304(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 544(b)), relating to stock ownership limitation, is amended by striking out "owned" and inserting in lieu thereof "voted", and by adding at the end thereof the following new sentence: "If any railroad or any person controlling one or more railroads, as defined in this subsection, owns, in any manner referred to in this subsection, a number of shares in excess of 33⅓ per centum of the total number of common shares issued and outstanding, such excess number shall, for voting and quorum purposes, be deemed to be not issued and outstanding.".

SEC. 5. Section 601(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 601(a)) is amended by adding at the end thereof the following new sentence: "Payments by the Secretary to the Corporation of appropriated funds shall be made no more frequently than every 90 days.".

SEC. 6. (a) The first sentence of section 805(2)(A) of the Rail Passenger Service Act of 1970 (45 U.S.C. 644(2)(A)) is amended by striking out "may be audited by the Comptroller General of the United States" and inserting in lieu thereof "shall be audited annually by the Comptroller General of the United States".

(b) Such section 805 (45 U.S.C. 644), relating to records and audit of the Corporation, is amended by adding at the end thereof the following new paragraph:

"(3) This Act shall be construed to require the Corporation to furnish information and records to duly authorized committees of the Congress.".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT OFFERED BY MR. STEELMAN

Mr. STEELMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEELMAN: Page 2, after line 23 insert the following: (3) by inserting after the word "system" in paragraph (1), a comma and the following: "except where a rerouting of an existing service would result in better service between major markets and increased revenues for the Corporation,".

Mr. STEELMAN. Mr. Chairman, the effect of section 1 of the bill as I read it is to freeze the existing route structure until July 1, 1975. I want to read from the committee report, page 6:

This section amends Section 404(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 564(b)) to prohibit the Corporation from discontinuing service over any route which was operating on January 1, 1973. The prohibition, which amounts to a freeze on existing route service, lasts until July 1, 1975. Part (2) of the section prohibits the discontinuance of any experimental train which was in operation on January 1, 1973 until July 1, 1975.

Now, Mr. Chairman, it seems to me that what we are doing by taking this action today, if the bill passes in its existing form, is freezing the management of Amtrak into the existing route structure, even if it is their intention to reroute any existing service over a more profitable route.

I think this falls short on two grounds. My colleagues from Dallas do not agree on this Amtrak question, but we do agree that Congress should not bind the management of Amtrak, especially when the management of Amtrak could make a move to increase the revenues to the Corporation and give better service in those areas.

The first objective is rail service between major urban areas. Second, this service should be profitable as quickly as possible; therefore Amtrak must be concerned about the amount of revenue that is generated from these routes, and their longrun cost benefit.

Now, the specific problem is that the Amtrak management promised in its first report to the Congress in 1971 with respect to the Chicago-Houston run, that the train would be shifted, leaving out of Fort Worth and Dallas and going south to Houston, the objective being to serve this major market area; but because of various technical problems Amtrak feels they have to go through Temple. It is still their intention to make the shift, but Amtrak feels there are presently certain problems; however, these problems are not insurmountable.

The way I see it now, Amtrak management would be frozen from making a decision that would bring greater revenues and give better service to these major urban areas.

I would like to amend the legislation to simply say what we want to provide is flexibility to the Amtrak management, if they have an alternative route within an existing service that would provide greater revenue and better service, which the Congress has set up, and second, to provide greater revenue to the Corporation.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. STEELMAN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to reassure the gentleman from Texas that by freezing the routes as we did last year, we did it only from point-to-point, origin to destination, say to Miami, for example; but they can make any changes they want and I can assure him it is the intention of the committee that they have that right. I am sure that the ranking minority Member would agree this was the intent of the legislation.

The amendment he offers is completely unnecessary. Hopefully, when the track is ready they can change it from one point in Texas to the other, as we have talked about.

I am sure the ranking Member on the minority side would say that we only froze from point of origin to destination not in between.

Mr. STEELMAN. Is this the understanding of the gentleman from Tennessee?

Mr. KUYKENDALL. I concur with the chairman of the full committee. This is the intent of the legislation, and I see absolutely nothing in the legislation we have written before and this present legislation which would prevent compliance with the intent of the amendment of the gentleman.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. STEELMAN. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I am glad to see that we are making colloquy to indicate that there may be some changes in the requested schedules on a point-to-point basis. The gentleman in the well is interested in the route from Dallas to the Houston area. There are others interested in similar slight changes. I am interested in one going north and south, from Dallas to Laredo.

Amtrak gets locked into a position that it has to go one way, and it will not budge from it. They have got their problems with the railroad companies, and we are trying to give them leeway by giving increased loan authority in this bill.

We have kept them at the same level, but we are trying to help. But I think they ought to be served with notice today that we are saying to Amtrak and also saying to the companies that, "You should get together now and make these systems viable and workable where you can. You cannot just sit back and keep in a locked position because the public is not going to permit it any more.

I am glad to see the gentleman offer his amendment simply because I think we must get better refinement from these various routes.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. STAGGERS and by unanimous consent, Mr. STEELMAN was allowed to proceed for 1 additional minute.)

Mr. STEELMAN. Mr. Chairman, if I could have the attention of the chairman of the committee, do I understand his assurance to be that the apparent conflict on page 6 of the committee report in the initial commitment made by Amtrak with regard to service being shifted to Dallas-Houston, the gentleman from West Virginia does not see, on the basis of this legislation today, any freezing of existing routes?

Mr. STAGGERS. That is right. There is no conflict. It was not meant that way when the report was written and when the legislation was written. I can assure the gentleman of this.

Mr. STEELMAN. Mr. Chairman, on the strength of the assurances of the distinguished chairman and the ranking minority member of the committee, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PEPPER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was down at the Amtrak train at Union Station this morning and talked to a good many of the employees there. They could not understand why they only had four cars on the Amtrak train to New York. They said that every day, almost, they have more passengers wanting to travel than there were accommodations for them, and they could not understand why we did not provide, or somebody did not provide accommodations adequate to meet the public demand.

A lot of these people come in off the highways and are using the train instead of consuming petroleum in their cars, so I would recommend to the distinguished chairman that if there is a demand, it would seem to me that we ought to enable the railroad some way or other to meet it.

They tell me that there is not a single Amtrak train available from South Florida to New Orleans and on to the west, although there are two or three airlines that are running many schedules. So, it would seem to me that we ought to find some way to expand the facilities to accommodate, at least, public demand.

Mr. Chairman, I would like to mention one other thing. The engineer took me into his cabin and showed me where rocks had been thrown into the train. They had to put in a special kind of unbreakable glass in there to keep these rocks and other things from hitting the engineer driving a train at 100 miles per hour.

He showed me some large pieces of steel which join the rails together, which vandals had put on the railroad tracks to try to wreck the train.

Also, the engineer told me on one occasion someone had put a 2 by 4 piece of timber across the track. Each day, he said, every train from Washington to New York and back had to run the risk of such vandals, some of them adults and some of them teenagers, who were apparently trying to wreck the train.

They said we should try to work out an adequate penal offense—maybe there is a penal offense—for trying to damage or wreck a train endangering the lives of many people. If we have not provided a penal offense with appropriate penalty for people who try to wreck trains, we certainly should do so.

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield further, I want to compliment him on his remarks and say what he talks of is one of the reasons for the loans. They have promised to get new equipment. They just do not have the equipment sufficient to have adequate service at this time.

There is a somewhat similar situation all over America. When people try to get a reservation, they cannot get one except for 2 or 3 or 4 days ahead of time. Amtrak needs more equipment.

We hope the time will come in the next year or so when they will have enough of these cars.

Certainly there are enough criminal penalties, which we have in each State, to take care of this vandalism, and it should be taken care of.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I was interested in the colloquy which just took place with respect to vandalism and the attempts to wreck trains.

We have laws for the prosecution of criminals in this country. I suspect the real trouble, as it has been with many other law violators, is to find a judge, especially in this part of the country, who will send an individual to prison for trying to wreck a train. I think that is where most of the trouble lies.

I was here in 1970 when this railroad subsidy program, now fast becoming a nightmare, was started. I thought we were promised in 1970 that everything was going to be lovely and the goose was going to hang high, that with $40 million we were off to a roaring start with a new deal in train service in this country. Yet, if what I have heard today is true, we have dumped about $1 billion into this, at least $900 million, and we are going nowhere fast.

Is that not the situation? Is there anyone here today who will stand up and stake his reputation or his future, political or otherwise, on the fact that having dumped all this money into this enterprise, we are going to get the rail service we were promised?

Mr. STAGGERS. As I explained to the gentleman a while ago, the different runs across the Nation have expanded, some of them up to 138 percent.

Another thing is that Amtrak cars were run down. The locomotives were run down. The tracks were run down.

Mr. GROSS. We knew that in 1970, did we not?

Mr. STAGGERS. That is right, and now there are 500 new cars on order. I hope that when they are delivered and when some of the new locomotives which they are now acquiring themselves get into service that the service will be much better, that the trains will be on time, and that we can have those improvements.

Mr. GROSS. How many more hundreds of millions of dollars is it going to take to achieve that goal?

Mr. STAGGERS. If the gentleman will yield. I cannot project that, as he knows.

What we are trying to do is to look into the future and expand for what will be a viable, useful means of transportation to be used by the citizens of the United States, and not have only one single person riding in a car, but to enable people in general to get from place to place.

I would agree with the gentleman about the vandalism.

Mr. GROSS. Thus far we have not gotten very far with this latest boondoggle, have we?

Mr. STAGGERS. Mr. Chairman, let me say to the gentleman that one reason is that each month the Department of Transportation has been giving authorizations to Amtrak. We are saying in this bill that it will not be from month to month; it will go for at least 3 months, so they can do a little bit of planning.

Mr. GROSS. Mr. Chairman, next week the House will be confronted with a bill to aid cattle feeders in the losses they sustained in recent months—to subsidize them with Federal funds. What are the Members of the House going to say to them if they support this kind of a subsidy for the railroads? And where are these subsidies to private enterprise going to end? How is it possible to support this one and deny another?

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I fully appreciate the comments the gentleman from Iowa is making.

Many of us were here, of course, in 1970, and we authorized this. I believe the gentleman has said that we have already put about a billion dollars into this? Is that approximately right?

Mr. STAGGERS. Mr. Chairman, if the gentleman will yield, the figure is $359 million.

Mr. GROSS. Almost a billion dollars.

Mr. SISK. Mr. Chairman, the chairman of the committee has just informed me the figure is $359 million.

Here is the point, if my colleague, the gentleman from Iowa, will yield further: I realize that we are putting money into this——

Mr. GROSS. Mr. Chairman, first let me summarize this very quickly.

There was the amount of $319,100,000, and there was $40 million to get it off the ground in 1970, and there is now a loan guarantee of $500 million, as contained in this bill.

I will ask the gentleman from West Virginia: Is that not about right, or is it more or is it less?

Mr. STAGGERS. Mr. Chairman, the gentleman is correct, but if the gentleman will yield further, let me explain this.

Right up to date, we have spent $359 million, and we have put out loans. They have put out loans, and none of those have been defaulted in any way, and we hope and expect that they will not be.

Mr. GROSS. The gentleman means there have been none reported?

Mr. STAGGERS. That is correct.

Mr. GROSS. Mr. Chairman, let me ask this:

What unencumbered assets does Amtrak have?

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GROSS) has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Chairman, I am sure that Amtrak does not have any unencumbered assets. And, of course, there are not likely to be defaults as long as Congress pumps in a steady flow of money.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I, of course, want to raise another issue.

I personally am in favor of getting and making whatever moneys are needed available to do the job. This, of course, is the question I have, frankly, and that is as to whether in fact the committee and the chairman of the committee—and I wish to compliment them on the fine job they have done here—really feel that this will meet the need.

Let me say to my friend, the gentleman from Iowa, that we are going to have up for consideration on the floor shortly—at least I was told that this is now before the Committee on Rules—a little bill calling for a mass transit authorization of, I believe, $17.5 billion.

Now, we have supported some pretty substantial mass transit bills around here.

Mr. GROSS. Mr. Chairman, will my friend make an exception to that? All of us have not supported such bills.

Mr. SISK. Mr. Chairman, I would be happy to make an exception on behalf of my good friend, the gentleman from Iowa.

The point I am trying to make is that I want to get some comparison here in this situation and point out that many of us are in a position where we desperately need the transportation that hopefully will be made available by Amtrak. I happen to be in a position in my own particular State—we all get a little bonus now and then—where, frankly, we do get some service now.

We know they are operating, but we find that actually people are standing, they are having trouble getting aboard trains, and there are times when they do not have enough cars and they cannot get seats. At times they cannot make reservations. They have taken the dining car off, I understand.

Mr. GROSS. Mr. Chairman, I wish to inform the gentleman that in the State of Iowa we do not have Amtrak service in any substantial part of the State, but we help contribute to it elsewhere in the country.

Mr. SISK. Mr. Chairman, if the gentleman will yield further, let me say to my good friend that the point I am really trying to make is that in fact we are heavily involved in going ahead with mass transit already to the tune of several billions of dollars. As I say, we will shortly have another bill before us on this subject.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GROSS) has expired.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the point I was trying to make is that I think there has to be some balance. This is a big country. Many of us are in a position where we cannot use money necessarily for mass transit. It is perhaps not applicable in our district because of the sizes of the communities, their locations, and a variety of other factors.

On the other hand, I am not going to oppose support for mass transit systems in the great cities of this country, because I know there is a need for it. But what I am trying to say here is that when we look at what really amounts to a rather infinitesimal amount of money that we put into Amtrak, as compared to what we have already authorized in mass transit and what we expect to authorize very shortly in the future, really, I think we are asking these people to do a job on what amounts almost to a shoestring.

Mr. Chairman, I am pleased to see this bill come before us because I think it documents to some extent the Congress willingness to assist Amtrak in a reasonable way. I fully support the provisions increasing allocations and allowing substantially more borrowing capacity. Clearly those provisions are needed if we expect Amtrak to modernize its fleet, facilities, and services.

While I intend to support this bill, Mr. Chairman, I must admit I am growing concerned at some of the practices of Amtrak.

I am proud to say that after several months' delay, Amtrak was established through the heartland of my district and my State earlier this year. The reception to the return of passenger train service has been most encouraging.

As pleased as I am, however, I must admit I am highly distressed at recent decisions by Amtrak which threaten to destroy public acceptance of Amtrak.

I do not know if the members of the Committee on Interstate and Foreign Commerce are aware of this, but after only 3 months of operations, and despite good ridership, Amtrak pulled off some of its more modern cars and replaced them with old and hardly adequate ones. Amtrak terminated dining car service and it terminated porter service. Amtrak does not permit reserved seating on the Bakersfield to Oakland run—a route of about 280 miles—and there have been occasions when families had to stand because of inadequate seating.

Furthermore, from day to day, one cannot be sure how many cars Amtrak will provide for the run through the San Joaquin Valley.

I fully recognize the problems faced by Amtrak. It has by its own estimates, a 500-passenger car shortage nationally, it is operating in poor facilities in some cases without the funds to improve them, nor does it have the funds to hire a staff as large and efficient as some of us would like.

But I am afraid that a policy of reducing services at the same time Amtrak is attempting to lure the public back onto the trains will only spell the failure of Amtrak. We need only look at the U.S. Postal Service as an example of what can happen when agency officials decide that the best policy for reducing costs is by reducing service.

I think we have already seen evidence of the fact that the American people will use Amtrak's service if we can make that service available. I believe that Amtrak officials must be put on notice that the Congress will not tolerate a policy aimed at reducing service. Likewise, the Congress—for its part—must be willing to supply the necessary funds so that Amtrak can indeed provide reliable transportation for this Nation's citizens.

Mr. Chairman, I want to compliment the committee on its fine work, and I hope and trust that the committee will continue to push for the kind of services and supportive funding which are so essential for the success of the Amtrak system.

Mr. POAGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this opportunity to suggest that while I have always supported Amtrak, and expect to support the legislation dealing with the Department of Transportation, that I think it would help the Department of Transportation if we took into consideration all kinds of transportation and not simply the Amtrak services by itself.

These are the biggest cities in Texas

One of the suggestions that was made a few moments ago was the attempt to establish greater transportation facilities between two of the major cities in Texas. I am sure that they can justify almost unlimited service there, but let me point out that there are three airlines right now that are running planes each hour on the hour between Dallas and Houston, three of them: They are Braniff, TI, that is, Texas International, and Southwestern. And they are running, as I say, each one of them, a plane, every hour.

These are the biggest cities in Texas but it is hard to believe that they need train service as badly as those areas where there is no such air service. None of the rest of the remaining cities are as large, but there are other large communities in Texas. Many of those other communities, and I happen to live in one, are over 100,000 population. I have two adjoining metropolitan areas with more than a quarter million in population in my district. In my hometown there is no transportation comparable to that now provided between Dallas and Houston. There is no railway passenger transportation into my home city, none. There are three air trips a day to Dallas, and there are none to Houston.

So what I am suggesting is that we should try to arrange these schedules so that we can render service in localities where people do not have the necessary transportation, rather than trying to double up on transportation in areas which are now well served. There are now two passenger trains between Fort Worth and Milano, but none on the Katy about 20 miles east. Does that make sense?

Now I would like to call the attention of the Members to the fact that one of the reasons that this Amtrak, is losing so much money is that they are running a train—and there has been a train there for nearly 100 years, from Dallas to Galveston. It stops at Houston now. They have been running that train almost 100 years, and they are still running it. It is needed. They give good service, but it is losing money like all the rest of the Amtrak trains, and at about the same rate.

Now they propose to take that train around by Dallas, and to duplicate that service where they have three airplanes every hour. And yet Amtrak has no service through Waco, and the Department of Transportation does not propose to provide any other kind of service. It is now time that that Department should give some thought to a coordinate system of passenger service.

Amtrak runs a train from Chicago by Fort Worth, down by McGregor in my district, and by Temple, which is also in my district, on to Houston. This train is needed and is used. Then they run another train from Dallas over to Fort Worth and down the same route and on from Temple to Milano to pick up passengers. That train then runs into Mr. PICKLE's district. The catch is that it is 48 miles further to go around there, where there are no stops. That is 96 wasted miles per round trip. Nearly 100 extra miles that they are running, without picking up a passenger. But those miles do take time and that train gets to the border just about half an hour after the Mexican train has gone to Mexico City.

That is the kind of thing, that is the kind of system, that is bringing Amtrak into bankruptcy. So I am suggesting that we should have some coordination between Amtrak trains and other forms of transportation—both at home and with foreign trains.

The chairman has pointed out that the bill as written would allow some leeway as to routes between two major points.

I think that is proper, but I think it would be a tragic mistake—and I want to call this to the attention of the Chairman—to try to put all of the railroad transportation in the State of Texas on a route that is already served by 36 airplanes and many buses each day. I think we have got to take into consideration transportation and not simply the railroad trains. If we are going to consider only the railroad trains, and if we have only two, let us run one over one route and one over another. Right now we are running two trains from Fort Worth to Temple via the Santa Fe. We are running none down by Waco via the Katy. Does that make much sense? And, it is 4 miles further to go around that way, with 2 trains missing a city of 100,000 and going 4 miles further to do it. Does that make much sense?

I am not here to condemn. I want to help make this passenger system a success, but I think we have got to talk about those things and to consider those things if we are going to get this Amtrak system and our other transportation systems out of bankruptcy. But there is too much disposition in the Department of Transportation to let each system develop without regard to the other systems.

I appreciate what the chairman of this committee is trying to do, and that is to give us a sound system. I appreciate that, and I hope he can succeed.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the debate in the committee one of the most difficult problems we faced when we approved this legislation was. What could we do about the condition of the tracks? The problem which the gentleman from Texas just raised is one which relates directly to the condition of the track.

I would believe that Amtrak would run a train from a north-south direction and go through his city of Waco if the tracks were such that it could be done. They take another route simply because another railroad was an Amtrak railroad, and they choose to do that in the interest of economy rather than take the short ride which would be in the long run a more profitable route. As it is now, the route snakes around through the State, yet it does really a commendable job in spite of all the difficulties that have been raised on it. The speeds are deplorable, however, and we miss the connecting train to Mexico City.

The reason I raise this point in the report on the bill before us is they make this statement that "Railroads are obliged to maintain the condition of tracks at least to the level of May 1, 1971, when Amtrak began service."

We passed this legislation in 1970, and it was amended in 1973. I think that we, the Congress, must say to Amtrak and to the railroads that they must maintain their tracks in a condition at the level of maintenance of the first of May, 1971. I am mindful that if we do that we may run the risk of literally bankrupting, or we might run that risk of coming close to putting some of these railroads down, but at the same time we cannot go on like this in a crippled manner.

The ICC has just given the railroads a 10-percent raise in rates, and they have said that specifically is a set sum that must be used on the maintenance of tracks. I think that is good. I think we must see that that is carried out. In addition, I think we have got to say to these railroad companies, which are Amtrak companies, that they must maintain the condition of the tracks, and I think we, the Congress, must see that this is carried out.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thank the gentleman for yielding.

The tracks in Texas may not be the only tracks in the country that have not been able to be maintained. As a matter of fact, over the last 4th of July recess when I was home and out visiting with my constituents, I visited the city officials, the village officials, of several different communities, and without exception in each of those communities the question raised was, "What are you going to do about the railroad tracks?"

They say, "In our community the tracks are not maintained and we are afraid the trains are going to be run into our community and through some of our buildings because those tracks are not well maintained." It seems to me the Congress ought to give some consideration to the possibility that the Federal Government maintains the highways and the Federal Government maintains the waterways and the Federal Government maintains the airways in terms of safety and other things that go with running those transportation systems, but we do not do that in the case of the railroad tracks. I wonder if we ought not to consider perhaps having the Federal Government take care of the rights-of-way and letting free enterprise operate on the tracks.

Mr. PICKLE. Mr. Chairman, I want to point out one other statement in the report which I think the House ought to be mindful of. It says:

> If the maintenance problem on these tracks continues to exist when the 1970 Act is reviewed in the next Congress, this committee intends to seek strong new legislation to correct this deplorable situation.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Washington.

Mr. ADAMS. Mr Chairman, I agree with the gentleman from Ohio that this is a problem we will have to face and it is highlighted by the particular track the gentleman from Texas (Mr. PICKLE) is addressing himself to and which the gentleman from Texas (Mr. POAGE), also addressed himself to. It costs $2.8 million to repair that track so we can run passenger trains on it, and we do not have the money to spend on it, and so that is why the train goes through this circuitous route.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CHAPPELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15427) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes, pursuant to House Resolution 1208, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COLLINS of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 317, nays 67, not voting 50, as follows:

[Roll No. 376]

YEAS—317

Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Badillo
Bafalis
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Brademas
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Buchanan
Burgener
Burke, Calif.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Carney, Ohio
Carter
Casey, Tex.
Chamberlain

Chappell
Clark
Clausen, Don H.
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Derwinski
Dingell
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Findley
Fish
Fisher
Flood
Foley
Ford
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Grover
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Harrington
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt

Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Lagomarsino
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Lott
Luken
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Madden
Madigan
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Mills
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murtha
Natcher
Nedzi
Nelsen
Nix
Obey
O'Brien
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid

Reuss
Rhodes
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
St Germain
Sandman
Sarasin
Sarbanes
Scherle
Sebelius
Seiberling
Shoup
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Traxler
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zwach

NAYS—67

Abdnor
Anderson, Calif.
Archer
Armstrong
Ashbrook
Baker
Bauman
Beard
Bevill
Bray
Brown, Ohio

Broyhill, Va.
Burleson, Tex.
Byron
Camp
Clancy
Clawson, Del
Collins, Tex.
Crane
Daniel, Dan
Davis, Wis.
Denholm
Devine

Dickinson
Duncan
Fascell
Flowers
Flynt
Goodling
Gross
Hanrahan
Harsha
Holt
Huber
Ketchum

Landgrebe
Landrum
Long, Md.
Mahon
Martin, Nebr.
Mathis, Ga.
Michel
Miller
Montgomery
Myers
Nichols

Parris
Price, Tex.
Quillen
Roberts
Robinson, Va.
Rousselot
Runnels
Ruth
Ryan
Satterfield
Schneebeli

Schroeder
Sikes
Snyder
Steiger, Ariz.
Symms
Taylor, Mo.
Wampler
Whitten
Wilson, Bob
Zion

NOT VOTING—50

Blatnik
Brasco
Breaux
Broomfield
Burke, Fla.
Burke, Mass.
Carey, N.Y.
Cederberg
Chisholm
Clay
Conlan
Culver
Davis, Ga.
Diggs
Dorn
Evans, Colo.
Evins, Tenn.
Fulton

Goldwater
Gray
Griffiths
Gubser
Gunter
Hansen, Idaho
Hansen, Wash.
Hays
Hillis
Holifield
Johnson, Colo.
Jones, Tenn.
Lujan
McEwen
McSpadden
Macdonald
Metcalfe
Milford

Mitchell, Md.
Murphy, N.Y.
O'Hara
Rarick
Riegle
Rooney, N.Y.
Ruppe
Shipley
Talcott
Teague
Wilson, Charles H., Calif.
Wyatt
Young, Alaska
Young, Ga.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Burke of Massachusetts for, with Mr. Rarick against.

Mr. Johnson of Colorado for, with Mr. Conlan against.

Until further notice:

Mr. Rooney of New York with Mr. Dorn.

Mr. Davis of Georgia with Mrs. Hansen of Washington.

Mr. Murphy of New York with Mr. McSpadden.

Mr. Carey of New York with Mr. Milford.

Mr. Mitchell of Maryland with Mrs. Griffiths.

Mr. Teague with Mr. Riegle.

Mr. Charles H. Wilson of California with Mr. Young of Alaska.

Mr. Holifield with Mr. Wyatt.

Mrs. Chisholm with Mr. Culver.

Mr. Diggs with Mr. Evans of Colorado.

Mr. Shipley with Mr. Metcalfe.

Mr. Clay with Mr. Blatnik.

Mr. Brasco with Mr. Broomfield.

Mr. Breaux with Mr. Hansen of Idaho.

Mr. Evins of Tennessee with Mr. McEwen.

Mr. Fulton with Mr. Burke of Florida.

Mr. Gray with Mr. Lujan.

Mr. Jones of Tennessee with Mr. Goldwater.

Mr. Hays with Mr. Hillis.

Mr. Macdonald with Mr. Gubser.

Mr. Young of Georgia, with Mr. Ruppe.

Mr. O'Hara with Mr. Talcott.

Mr. Gunter with Mr. Cederberg.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERMISSION FOR MANAGERS TO HAVE UNTIL MIDNIGHT TOMORROW, JULY 12, 1974, TO FILE CONFERENCE REPORT ON S. 39

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow, July 12, 1974, to file a conference report on S. 39, to prevent aircraft piracy.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 223. Concurrent resolution requesting the President to proclaim the seven-day period of July 16 through 22, 1973, as "United States Space Week"; and

H. Con. Res. 559. Concurrent resolution to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, JULY 12, 1974, TO FILE CONFERENCE REPORT ON H.R. 11873, ANIMAL HEALTH RESEARCH ACT

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, Friday, July 12, 1974, to file a conference report on H.R.11873, to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FOURTH ANNUAL REPORT OF THE SECRETARY OF TRANSPORTATION ON HAZARDOUS MATERIALS CONTROL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce.

To the Congress of the United States:

I transmit herewith the Fourth Annual Report of the Secretary of Transportation on Hazardous Materials Control, as required by the Hazardous Materials Transportation Control Act of 1970, Public Law 91–458. This report has been prepared in accordance with Section 302 of the Act and covers calendar year 1973.

RICHARD NIXON.

THE WHITE HOUSE, *July 11, 1974.*

REQUEST TO CONSIDER HOUSE CONCURRENT RESOLUTION 559, AS AMENDED

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the concurrent resolution (H. Con. Res. 559) to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

LEGISLATIVE PROGRAM FOR THE WEEK OF JULY 15, 1974

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have taken this time in order to ask the distinguished majority leader if he will advise us as to the legislative program for the following week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, in response to the request of the minority whip, I will state that the legislative program for the House of Representatives for the week of July 15, 1974, is as follows:

On Monday, we will call the Consent Calendar, and we will consider the following legislation under suspension of the rules:

H.R. 14494, simplified purchase procedures;

H.R. 15233, Office of Federal Procurement Policy;

H.J. Res. 910, National Hunting and Fishing Day; and

H. Con. Res. 559, additional copies of the hearings and report of the Committee on the Judiciary concerning the impeachment inquiry.

For Tuesday and the balance of the week, the schedule is as follows:

We will call the Private Calendar on Tuesday. There are no further bills to be considered under suspension of the rules.

We will then consider the following bills:

H.R. 15560, emergency guaranteed livestock loans, under an open rule, with 1 hour of debate;

H.R. 11500, Surface Mining Control and Reclamation Act, under an open rule, with 4 hours of debate;

H.R. 15416, AEC omnibus legislation, under an open rule, with 1 hour of debate; and

H.R. 15582, Atomic Energy Act Amendments, to enable Congress to concur in or disapprove certain international agreements for peaceful cooperation, under an open rule, with 1 hour of debate.

Conference reports may be brought up at any time, and any future program will be announced later.

Mr. ARENDS. Mr. Speaker, I thank the gentleman from Massachusetts.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I will be happy to yield to the gentleman from Texas. However, the gentleman from Illinois controls the time.

Mr. ARENDS. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I would just like to ask the distinguished majority leader if the gentleman expects the House to be in session on next Friday.

Mr. O'NEILL. In response to the inquiry of the gentleman from Texas, may I say that after reviewing the program for next week and other matters before the House, this morning, I anticipate that there will be no Friday sessions for the remainder of this month unless something unusual or extraordinary comes up. So I think the Members can plan that there will be no Friday sessions until at least August.

Mr. KAZEN. I thank the gentleman.

ADJOURNMENT TO MONDAY, JULY 15, 1974

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERSONAL EXPLANATION

Mr. GOLDWATER. Mr. Speaker, when the rollcall occurred on the passage of the Rail Passenger Service Act of 1970 (H.R. 15427) I was unavoidably detained, and could not be present to vote. Had I been present I would have voted "no."

DISPOSAL OF LEAD FROM NATIONAL AND SUPPLEMENTAL STOCKPILES

(Mr. PATTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATTEN. Mr. Speaker, on May 16 of this year, I introduced legislation which authorizes the disposal of 464,900 short tons of lead from the national and supplemental stockpiles. The measure can most easily be described as an anti-inflationary move in the domestic lead market. A more detailed explanation of that appears in the letter to Chairman BENNETT of Subcommittee No. 3 of the House Armed Services Committee submitted below.

A number of my colleagues have joined me in the reintroduction of H.R. 14845 because they, too, feel that there is a strong economic reason for the legislation. Those Members include, Mr. DANIELS, Mr. DERWINSKI, Mr. RINALDO, and Mr. ROE.

Mr. Speaker, for further explanation of the legislation, I submit two pieces for the RECORD. The first, a letter I sent to my distinguished colleague from Florida (Mr. BENNETT), citing the importance of H.R. 14845 and the need for subcommittee action on it. Second, an article which appeared in an industry publication on the battery industry's problem with the lead supply.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 11, 1974.

Hon. CHARLES E. BENNETT,
Chairman, Subcommittee No. 3,
House Armed Services Committee,
U.S. House of Representatives.

DEAR MR. CHAIRMAN: The lead industry is experiencing increasing prices of primary and secondary lead which are having an inflationary effect on the metal's domestic market. Due to the regulations of the Cost of Living Council, the domestic price was kept at a level lower than that of the London Metal Exchange. While the U.S. price hovered at 21.5¢/lb. the London Metal Exchange listed 24.5¢/lb. and more recently LME prices have exceeded 26¢/lb.

American industries could easily live with the domestic price. However, the United States, at the present time, is not completely self-sufficient either in the mining or smelting of lead. While recent statistics indicate that approximately 1,375,000 tons of primary lead are produced here, consumption is somewhere near an annual rate of 1,550,000 tons. The deficit is made up by importing the product at prices generally governed by the LME, up to a reported 30¢/lb. This constitutes a drain on the U.S. economy of roughly $10–$30 million per year, and possibly more.

The attractive prices on the foreign market resulted in increased exports of domestically produced lead. According to the Bureau of Mines, in 1973, lead exports reached a 34 year high, and a dramatic increase over 1972. As further illustration of the need for reasonably priced lead in America, the GSA lead release program during the first quarter was over-subscribed and the demand for the maximum 720 tons per buyer was so great the firms were allocated only 400 tons each.

Another contributing factor to the shortage of reasonable priced lead was the anti-dumping decision of the U.S. Tariff Commission. The Commission had decided to place anti-dumping duties on lead being imported from Canadian and Australian companies. Then-Secretary of the Treasury, George Shultz, requested the Commission to change its decision which would force up the price of lead from the two countries. This was at a time when, "one of our primary concerns is how to deal with basic shortages of essential commodities at non-inflationary prices." The Commission held fast; and as a result, two of the three companies withdrew from the American market.

That is the principal reason for the introduction of H.R. 14845. Our American industries have had to import some part of their lead requirements at prices considerably higher than that of our own. Even some domestic prices have started to rise due to the production shortage. Recently, Gould, Inc., raised its secondary lead price for the East Coast from 21.5¢/lb. to 23.5¢/lb. principally due to the shortage of supply in the Eastern region of the U.S.

One thing must be understood when considering this legislation. When I refer to a shortage, it is not a shortage of the natural supply. Like coal, there is an ample supply of lead ore in the United States soil. The shortage then is in the mining and smelting capacity of the industry.

Primary producers are running several weeks behind in their shipment, and secondary producers cannot obtain sufficient scrap to meet demands. Should the battery industry, let us say, wish to maintain production and of course jobs, it might be forced to pay the high prices of the LME. Because this is not a shortage of the raw materials, there is also not a threat to the national defense in terms of a depletion of the stockpile over a long period of time.

Should a national emergency arise, the industry would naturally be geared toward the national interest and for providing maximum supplies of the metal for the use of the government. Also, our neighbors, Canada and Mexico, who along with other South American countries, are major exporters, would handily contribute to the national stockpile.

Increased production on the part of the industry is, of course, the ideal solution to the current price problem; however, the capacity to produce at increased levels is not presently possible. In the long run, it is possible that the smelting sector of the industry might expand its facilities and therefore provide for increased production, but for now, it is unlikely.

No known increase in the smelting and refining capability of the U.S. is currently being considered. It is even thought that instead of alleviating the situation, the pending environmental rulings which would decrease the use of lead in TEL (tetraethyl lead), will further discourage additional investment in the domestic smelting and refining sector.

Another fact should be understood. I am not sponsoring this legislation as a long term solution to the economic plight of the lead industry. A relase of 464,900 tons of stockpiled lead would help relieve the existing situation; it is a short term, quick infusion of lead into the U.S. market at current prices. It would act as an anti-inflationary move for the lead market, and prevent the higher prices of the metal products consumers would be almost forced to pay. The release of the metal would be available only to American consumers for domestic use.

Your consideration of this matter would be greatly appreciated. Please do not hesitate to contact me for further information or clarification.

Sincerely,

Edward J. Patten.

Shrinking Lead Inventories Worry Battery Makers

(By Rich Miller and Debra Patton)

New York.—With their inventories running hand-to-mouth, battery manufacturers are running into difficulties getting lead and said they are experiencing delays in lead shipments from domestic producers.

According to the battery makers, which account for about half of the United States lead consumption, domestic producers are sometimes behind in shipments as much as two weeks.

One producer source said that domestic shipments have been running behind schedule for the past six or seven months but now that battery manufacturers' inventories are down, the problem has become more noticeable.

Several battery makers said that the supply situation is so tight they might be forced to buy lead at London Metal Exchange prices if automotive orders pick up. One large battery manufacturer said that even without a pickup in battery business, he has "plants very close to being out of lead with no line of supply coming in."

The battery makers said they have been particularly hard hit lately because of the shutdown of American Metal Climax Inc.'s lead smelter in Boss, Mo. As was previously reported, the company lost about 50 percent of this month's production at Boss because of the shutdown. American Metal Climax estimates that monthly production at Boss is about 12,000 tons of lead.

One battery manufacturer said that he is having trouble getting lead to fill in for delayed shipments from both American Metal and American Smelting & Refining Co., Inc.

"There is not enough lead in this country," he said. "The only lead is from Mexico and that is at LME prices."

He said that his company had experienced a downturn in production and, "I let the slowdown run past me." He did not buy any higher priced lead which was available at that time because "as long as you have a comfort zone the price is important to you."

There are reports that some spot lead is selling at 27 to 29 cents a pound.

However, times have changed, he said.

"Right now prices are a lot less significant than supply," he said. "We have got ourselves boxed in pretty tight (regarding the United States lead supply situation) and we don't know quite what to do."

He also said he had heard rumors that the domestic price of lead would jump to 25 cents a pound after May 1, when the Cost of Living Council no longer existed. (The CLC had decontrolled lead in December, however, industry sources said domestic producers still have been reluctant to raise prices to LME levels because of the CLC.) Domestic primary lead is currently selling at 21.5 cents a pound.

"CAN'T GET MATERIALS"

"I'd like to build up my inventory so that I could sell for two-three weeks without buying," one manufacturer said. "But you just can't get the material for that type of inventory."

Another leading battery company said it would like to have a three-week inventory period for corroding grade lead from the Midwest, but that instead the lead is only in his plant a week before being shipped out.

He felt the delay was partly due to the fact that "sales are greater than production." He said that some lead producers were having problems getting railcars but added that often that reason was "a catch-all."

SEE LAG AT GSA

Battery manufacturers also complained of late shipments from the General Services Administration. One manufacturer said that GSA shipments were two weeks behind schedule.

The first quarter GSA lead release program was oversubscribed, manufacturers noted, and the result was that firms which had put in for the maximum 720 tons shipment only received some 400 tons.

"I don't think the demand for GSA material will be as heavy in the second quarter," one battery manufacturer said. He explained that April and May are traditionally slower months for business and that this and the drop in automobile sales should cut back on orders from the GSA.

Some battery manufacturers are hoping they can get more lead from the second quarter GSA lead offerings because they are heavily dependent on GSA material. One manufacturer said he might have to cut back on his shipments if it were not for GSA material.

[Cosponsors of H.R. 14845 by Hon. Edward J. Patten for himself and Mr. Daniels, Mr. Derwinski, Mr. Rinaldo, and Mr. Roe]

H.R. 14845

A bill to authorize the disposal of lead from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately four hundred and sixty-four thousand nine hundred short tons of lead now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

CONGRESSMAN CLAUDE PEPPER SPEECH, HARVARD LAW SCHOOL, CLASS OF 1924 REUNION, JUNE 11–12, 1974

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, our distinguished colleague, Claude Pepper, was a featured speaker at the golden anniversary of his class at "the Law School." His address follows:

Congressman Claude Pepper Speech, Harvard Law School, Class of 1924 Reunion, June 11–12, 1974

Thank you very much, Chairman Houston, Judge Wyzanski, other distinguished guests, ladies and members of the Class and friends. Anybody who has been in politics as long as I have is grateful if the introducer is just kind; he doesn't have to be complimentary as Houston was; he knows that we are all very grateful to him for this fine arrangement that he has made for our pleasure and enjoyment here this evening—he and all those who worked with him.

I'm certainly glad to see all these wives who were able to accompany their husbands; I want each of you ladies to know that we looked into many other pretty faces before we finally found you. (laughter and applause) We are very glad that you are able to be here. By the way, speaking of pretty faces, I would like to introduce if I may, of course you know they are all here, but I'm very proud of the fact that they all come from Florida, Charles and Helen Murchison. Please stand up, I want all of you Floridians to stand up. (applause) George English, over here, from Fort Lauderdale. (applause); and Jim and Ruth Dixon, where are they back there? Here they are over here. (applause)

I was rather comforted recently to hear two stories that gave some encouragement to me to believe that any of us perhaps will find somebody who will say a kind thing about us when finally we pass on. This story was about a Quaker funeral. They had waited for a good while for anyone to say anything complimentary to the deceased who didn't leave a very savory reputation. Finally after a long silence, one fellow arose and said, "Well, I will say that some times he wasn't as mean as he usually was." (laughter) I was telling Tip O'Neill, who is a Representative from Cambridge and our Majority Leader of the House, that story and he said I will give you the Boston-Irish version of that story. They were having a wake for an Irishman in Boston who didn't leave a very good reputation, either. And the few who made up the wake played cards all night; just about dawn the next morning, one of them rather sadly said, "You know nobody has said a kind word about old Timothy." Another silence ensued and a little bit later one of the fellows who was a barber said, "Well, I will say, he was always easy to shave." (laughter) But, I think we want to make it very clear that it wasn't one of the members of this Class that the little boy was talking about one day when a man asked him, did he see an old man pass that way and if he did, where was the old man going? The boy said, "Mister, that old man ain't going nowhere, he's done been where he is going." (laughter) Well, we have got a long way to go yet and we are having fun getting there. Rather, I think our Class belongs to that famous story about Justice Holmes and Justice Brandeis, who were going down a street in Washington when Justice Holmes was about 90 (Brandeis was a little younger). They saw a pretty girl pass on the street and the wind was blowing her dress a little bit and Justice Holmes, with that sharp critical eye of his, said "Oh, if I were just 70 again." (laughter)

Well, we are very happy that we could come back here this evening, all together again in this happy atmosphere and so many able to come. We are very proud, of course, that for 50 years it has been our privilege to carry with more or less dedication and distinction the banner of Harvard. And we hope that it will be said that we have borne it with some appreciation of what Harvard really is, what it means to those who have been privileged to be a part of it. And we hope also that we have been able to realize what Dean Pound on one occasion said should be the ambition of every lawyer to leave a stone in the edifice of the law, bearing his own craftsman mark. We hope where our stones shall be found by those who may be coursing through our past in the future will find that there was some credit, at least some appreciation, in what we have left behind.

It doesn't seem like it has been 50 years since we were here and left as students; since we recall hearing the inimitable Scottie tell us that the legal profession owed and has paid much to the West Publishing Company; since Manley Hudson, you remember, reminded us often how cold we left him; and one day in a conflict class, I believe it was, when Joey Beale said, "Ah, stick a pin in that," when by his Socratic questioning he induced some member of the Class to say that a debt did not have any solvency. Then you remember Fuller Warren, just before we took our first examinations at the end of our first year admonished us to look on either side of us, he said next year one of you will not be back. And yet we know that those years have sped away and we have had a large part of what was then our future. But we are very proud of the vitality, of the deep concern that we still have for life, and all around us; the vitality that animates our actions, our aspirations, our ideals, even our dreams to which we still cling. And we are very proud, too, that this great institution, of which we have been privileged to be a part, can still say as those who love it say: calm rising through change and through storm. Harvard has had its changes; it has had its storms, but it has risen with dignity and added strength with each change and with each passing storm. And if there be some more half centuries, in addition to the more than six that already have transpired, we have faith to believe that this great institution, motivated by its search for truth, by its deep dedication to knowledge and to learning and to competence and character, will still make it possible for those who love it to say, even in the distant centuries, that it is still calm rising through change and through storm.

And what about a word about our country. When you think about the fact that Calvin Coolidge was serving in his first term as President of the United States when we left here, you can realize how far back that was. There have been seven Presidents since that time; I think there were two or three thousand radio sets in the United States in that year, 1924. Earlier in the year, I believe at the end of the previous year, the President had made the first broadcast of an address to the Congress of the United States by radio, in December, 1923. Knute Rockne had won nine football games that year as coach at Notre Dame. A young playwright, Eugene O'Neill had his first play performed at Provincetown by the Provincetown Players; they never heard of such things as Social Security, atom bombs or hydrogen bombs; it took 27 hours to go by air from the East coast to the West coast and several days even by train. That was the country then into which we graduated and in which we have been privileged to have a part in the intervening years. Well, there have been a lot of changes in that country, a lot of change in the concept of its government, in the function that it was believed the government could perform, to play; the part it should have in the lives of the people. It wasn't a callous Hoover, a man unconcerned about human misery or suffering; it was a man, as President, who didn't believe that it was a proper function of the federal government to concern itself with governmental efforts to avoid unemployment; the price of farm commodities, the interest that one pays for housing or the availability of housing facilities and the like. Whether the change has been good or bad, others will have to judge. We were following largely precedents in Europe by Western nations of our common background and there are today those who are so disturbed by the trauma of events that they have even begun to express some doubts about the vitality, the viableness of this great country of ours. I thought I might advert to a Gallop poll that was taken the last week in March of this year, published on May 20th in the Washington Post. According to that poll, 68% of the people of the United States said that they had a high degree of confidence in the survival of our government and our country. Whites were 72% and Blacks 45%; women, 64% (women have always been a little skeptical, I'm told) and men, 72%; college graduates, 63%; high school graduates, 66%; grade school graduates, 63%; and here's an interesting one, the age group 18 to 29, 53%, still had a high degree of confidence in the survival of America as we know it today; 30 to 49, 72%; and those above 50 in age, 75%. It is encouraging to see that those who know the most and have had the largest experience have the highest degree of confidence—so that is the reason we can look with confidence upon the future that stretches ahead.

I wonder if these young people have read the Old Testament enough to remember the experience of the children of Israel coming out of Egypt, you recall, by the beneficence of God and the leadership of Moses, they escaped the bondage of Pharaoh. By the intervention of God, the Red Sea opened; and they walked across on dry land to salvation, making possible their exit. Then they found no food in the desert, but Manna came down from heaven; and they were nourished. And then they got to the very border of their destination, the Promised Land Kadesh Karnea, and just on the other side was the objective of their long search, their dangerous and painful journey, and there they hesitated. They thought they had heard stories that indicated that there were sons of Anack giants over there and so they appointed some spies to go and bring back reports of what they discovered. And the spies returned and said, yes, it is true, it is a land flowing with milk and honey, but the people are giants, these sons of Anack. And something happened to the faith of those people who had been escapees from Pharaoh, who had come through the Red Sea, who had been nourished in the desert when they faced an unknown danger—little faith, and they faltered. And if I remember correctly, nobody who was of adult age at that time among the children of Israel ever thereafter, after their long wandering in the wilderness, reached the Promised Land—rather a severe punitive punishment for those who lacked faith at a critical time. So, if anybody just takes a glimpse at the background of this country, where we have come from, what we have done, what we have had to surmount, what we have been able to survive, they would have no doubt about the stability, the future and the assured continued greatness of this land of ours, America. And while I hope Lincoln was not literally correct in saying, it is the last best hope of earth, the kind of dedication that we believe America possesses today and its people will assure that at least it will remain the best hope of earth.

Now let me, if I may, just give you a little something here: It is a poem to another group of men who gathered together a long time ago for their reunion but it is as applicable to us now as it was to them then. You've heard the poem, but I hope you won't mind if you hear it again—it doesn't take very long. You remember it—it is by Oliver Wendell Holmes, entitled, "The Boys":

Has there any old fellow got mixed up with The Boys?
If there has, take him out, without making a noise.
Hang the Almanac's cheat, and the Catalogue's spite,
Old Time is a liar, we're twenty tonight!

We're twenty! We're twenty! who says we are more?
He's tipsy, young jackanapes, show him the door!
Gray temples at twenty, Yes, white if we please,
Where the snowflakes fall thickest, there's nothing can freeze!

Was it snowing I spoke of? Excuse the mistake!
Look close, you will not see a sign of a flake!
We want some new garlands for those we have shed,
And these are white roses in place of the red.

We've a trick, we young fellows, you may have been told,
Of talking in public as if we were old.
That boy we call "Doctor" and this one we call, "Judge";
It's a neat little fiction—of course, it's all fudge.

That fellow's "The Speaker", the one on the right;
Mr. Mayor, my young one, how are you tonight?
That's our "Member of Congress" we say when we chaff;
There's "The Reverend", what's his name? Don't make me laugh.

That boy with the grave mathematical look,
Made believe he had written a wonderful book.
And the Royal Society thought it was true,
So they chose him right in, a good joke it was, too!

There's a boy, we pretend, with a three-decker brain,
That could harness a team with a logical chain.
When he spoke for our manhood in syllable fire,
We called him "The Justice", but now he's "The Squire".

And there's a nice youngster of excellent pith,
Fate tried to conceal him by naming him Smith.
But he shouted a song for the brave and the free,
Just read on his medal, "My Country of Thee."

You hear that boy laughing? You think he's all fun,
But the angels laugh, too, at the good he has done.
The children laughed loud, as they troop to his call,

And the poor man who knows him, laughs loudest of all.
Yes, we are Boys, always playing with tongue or with pen,
And I sometimes have asked, shall we ever be men?
Shall we always be youthful, laughing and gay?
Till the last year companion drops smiling away.

Then here's to our boyhood, it's old and it's gray,
The stars of its winter, the dews of its May.
And when we have done with our life-lasting toys,
Dear Father, take care, of Thy children, The Boys!

And if you will just allow me, with my own poor doggerel to add a few lines in the nature of a toast to our Class, it would run something like this:

Now we are together once more,
The members of the Class of 24.
The thrill to shake the hands of those friends again,
And once more to revel in those days of yore.

To one another we say, Hail! But not, Farewell.
For the fire still shines within,
We are sturdy, straight, we are stalwart men,
And with God helping us, we are coming back to many Reunions again.

ELECTRIC UTILITY FINANCIAL SITUATION

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, over recent weeks, there have been a number of newspaper articles regarding the financial difficulties of the Nation's electric utilities. Electric utility stocks have deteriorated. Construction plans for new generating plants have had to be canceled or deferred in several instances. These developments have grave implications with respect to our ability to meet the Nation's future energy needs.

The Joint Committee on Atomic Energy received testimony on this matter last month from Mr. John F. Childs, senior vice president of Irving Trust. Mr. Childs, who is one of the Nation's foremost experts in the field of utility financing, provided an excellent exposition of the underlying problems causing the serious determination of the utilities' financing position. A copy of Mr. Childs' statement is appended to my remarks.

On a related matter, allegations have been made by some that the difficult financial position of the utilities is due primarily to the operating difficulties and high costs of nuclear powerplants. While some of utilities' difficulties can be attributed to a degree to nuclear power, it is a gross exaggeration and oversimplification to place major blame on nuclear power. Electrical utilities have been having problems financing all types of construction. As Mr. Childs' testimony suggests, the utilities' problems are more directly attributed to the inflationary pressures in our economy, high interest rates, rapidly increasing fossil fuel costs, and an inability to obtain prompt and adequate rate relief. By far the greatest problems have occurred with those utilities dependent upon oil—which has doubled or tripled in cost over the past year or so. I might note in passing that nuclear energy can and does directly displace use of oil for the generation of electrical energy. In fact, each large nuclear plant displaces the use of about 14 million barrels of expensive oil each year.

Experience to date indicates that the generating costs of nuclear power units have generally been lower than the generating costs of the comparable large fossil-fired powerplants. That this is the case is evidenced by the continued high rate of new nuclear power orders—averaging over 50 percent of new orders. I would like to cite some statistics from one of the Nation's largest utilities—Commonwealth Edison Co. of Illinois—to further demonstrate this point.

Commonwealth Edison has in operation some seven nuclear units at three sites with a total capacity of 5.1 million kilowatts. This year, it is estimated that about one-third of their power generation will be by nuclear units. Commonwealth has indicated that the availability record of its nuclear units has been distinctly better than that of its large coal-fired units. For example, in 1973, the availability of its four new nuclear units averaged 82 percent compared with an availability of 69 percent for its new coal-fired units. Oil-fired costs were more than double coal. While it costs more to build nuclear plants, operating costs are lower, because nuclear fuel is much less expensive than oil or coal which can meet environmental standards. Fuel and operating expenses for Commonwealth's fossil-fueled units—most which use coal—over a 12-month period ending March 1974 amounted to about 7.2 mills per kilowatt hour. If these units burned oil, of course, this figure would be even higher. The comparable number for Commonwealth's nuclear units was about 2.8 mills per kilowatt—or a differential of some 4.4 mills per kilowatt in favor of nuclear. This differential well offsets the costs associated with amortizing the higher initial capital cost of nuclear powerplants.

The statement of Mr. Childs, which I have referred to follows:

THE FINANCIAL POSITION OF THE ELECTRIC UTILITY INDUSTRY

(By John F. Childs)

MY BACKGROUND

My principal job is advisor to all types of companies on corporate finance. For many years I have worked closely with utility companies. I have run seminars on corporate finance that have been attended by most of the top utility executives and State utility regulatory commissioners. I am currently working with electric utility companies and commissioners and I am thus able to observe the problems the industry faces.

THE ELECTRIC UTILITY FINANCIAL PICTURE

In the 1920's the electric utility holding companies got in a bad financial mess. As a result the Public Utility Holding Company Act of 1935 was enacted and the financial abuses were eliminated.

After World War II, the industry started to experience growth and as a consequence there developed a large demand for capital. At first, it appeared questionable whether the market would be able to supply the equity capital. One of the first common stock issues was an offering by the Southern Company. That issue was successful and from then on there was an increasing interest in electric utilities by investors, and the industry was able to finance their capital requirements readily.

The industry raised $23 billion in the period 1960–1969 with relative ease. Investors were looking at electric utility stocks as growth stocks and common stocks were selling at low yields, good price—earning ratios, and at good premiums over book value.

However, starting in the 1970's electric utility stocks began to deteriorate and a final climax occurred with the announcement of April 23, 1974 of the elimination of the common dividend by Consolidated Edison. Electric utility stocks were already at poor levels at that time but they then sank even further.

The serious deterioration of the financial position of electric utility companies occurred very fast and unexpectedly. It has been a major shock to Wall Street and investors, both individuals and institutions.

Fortunately, as I have stated, the industry started out in a strong financial position, with reasonable debt levels and bonds well rated at either AAA, AA or A. If it had not started out in a strong position many companies would be on their backs today.

The reasons for the present situation are many:

1. The high cost of borrowed money.
2. The increase in cost of oil due to the Arab embargo.
3. Inflation of all other operating costs.
4. Increase in construction costs.
5. Operating problems with atomic plants.
6. The need for pollution control investments which produce no revenues.
7. Conservation of electricity on the part of consumers which slowed revenues growth.
8. Inability to get prompt and adequate rate relief.

Today, the financial picture is serious, and in fact very serious.

Most company stocks are selling below book value—many as low as 50% of book value. They are selling at low price-earnings ratios around 7 times, and yields are very high, ranging from 8% to 13%. The principal thing attracting investors today is the yield, because earnings do not offer much prospects of growth.

Since dividend yield is so important, the cut of the common dividend by Consolidated Edison raised questions in investors minds as to whether other companies might follow.

By no means are all companies in the same position; some are far worse off than others. Utility analysts grade electric utility company stocks as to their outlook. Unfortunately, there are certain companies which are being put in a category close to the dire situation of Consolidated Edison.

The problem of raising capital has been highlighted by:

One company being unable to sell a 12% preferred stock.

Some common offerings having to be reduced or postponed.

Coverages of interest charges falling so low that some companies can't sell bonds because of indenture restrictions.

Bond ratings deteriorating at a rapid pace; some companies now being BBB and even BB.

The institutional investor has practically given up buying utility common stocks because of concern for the industry. It is the little investor who is now supplying the common equity money. It is grossly unfair to ask the small investors to put his vital savings into utility commons unless his investment has hopes of surviving.

The electric utility industry has been the bright spot in inflation since World War II. There were practically no increase in rates until recently and in fact some companies reduced rates; utility bills increased primarily due to greater use of electricity. From 1945 to 1973 the consumer price index increased 147%. Even with the rate increases which electric utilities are now requesting, electric service is economically underpriced. If the companies were not hindered from raising rates by regulatory lag, the companies could be made sufficiently profitable so that they would be able to raise the necessary capital.

The electric utility industry is a highly capital intensive business. It requires about four times as much capital per dollar of sales as an industrial company. Its internal generation of cash is small. Therefore, the electric utility industry requires tremendous financing in order to provide the customers with service.

Our entire economic fabric is dependent on the electric utility industry. Our economy can't function without electric power, and a large portion of the savings of our nation are invested in utility securities. The long run interest of all types of consumer—industrial, commercial, and domestic—is to have power. It is inevitable, if the companies are unable to raise capital that power will not be available to meet their needs.

Because each consumer is a voter, there is an opportunity for local politicians to arouse consumers unfairly. This adds to the problem of getting adequate rate relief. It should be in the best interest of our country to have the consumers understand that rate increases are necessary in order that the power will be available.

The regulatory authorities are in a difficult position because of the pressure they receive from consumer groups. Unfortunately, because of the problem of regulatory lag, the returns which utilities are earning are not even equal the rates that regulation has said they should earn.

The solution is not easy but it is obvious. What is necessary is to give faith to investors that common stock dividends will be maintained and increased, and this can only be done by prompt and adequate rate increases.

With regard to new enrichment plants, it is realized that the electric utility industry may have to bear some of the burden in one way or another. However, because of their current financial difficulties, some companies are having to consider cutting back on their capital requirements. Therefore, at present, the added burden of directly financing the enrichment plants would be more than they could handle.

Of course, if the industry were able to get back on its feet with adequate earnings the picture would be more hopeful.

A FEDERAL-AID RURAL OFF-SYSTEM HIGHWAY PROGRAM

(Mr. HAMMERSCHMIDT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, for the past several months, members of the Public Works Committee, in which I serve, have been hard at work preparing legislation in the field of mass transit. The focus of our attentions throughout has been on the urbanized areas of the Nation. Our aim has been to formulate a program responsive to the growing needs of the Nation's cities for more balanced transportation modes and systems.

But our emphasis on urbanized areas has been a source of concern to me. While I am all for equitably providing for the transportation needs of the cities in order to minimize congestion, pollution, and other problems which presently plague them, I am always mindful of the transportation problems faced by rural America. Unless the crops and other diverse products of our farms, our mines, and other rural enterprises can be quickly and economically transported to the city markets, the rural economy, as well as that of the urban areas, will be adversely affected. That is one of the reasons, in this period when the trackage of our railroads is shrinking, that an adequate road program for rural America can and must be established.

Because of my concerns in this regard, I have been working with members of the Transportation Subcommittee and staff; preparing the legislation that I am introducing today. There seems to be somewhat of a concensus developing in the committee toward a 2-year road bill. However, I believe the Nation would be better served by enactment of legislation that would provide authorization within the same time frame as the proposed Federal Mass Transportation Act of 1974 we are now considering in the Public Works Committee. Enactment of the bill I am introducing today will, I believe, help assure that our rural areas remain economically viable and integrated with the rest of our Nation. It would help make available the needed Federal help to improve and maintain rural road systems.

I am mindful of and certainly appreciative for the legislation introduced earlier by my colleague, Congressman BILL ALEXANDER, along similar lines. Congressman ALEXANDER, as chairman of the Subcommittee on Family Farms and Rural Development of the Committee on Agriculture, has been very helpful to our Public Works Committee, not only with testimony, but also with the bill he has introduced along with a number of cosponsors. I am sure that his initiative will be valuable to our deliberation:

H.R. —

A bill to establish a Federal-Aid Rural Off-System Highway Program to increase safety and mobility of the Nation's rural roads

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 1. This Act may be cited as the "Federal-Aid Rural Off-System Highway Act of 1974.

SEC. 2. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 219. Off-System Roads

"(a) The Secretary is authorized to make grants to States for projects for the construction, reconstruction, and improvement of any off-system road (including, but not limited to, the replacement of bridges, the elimination of high hazard locations and roadside obstacles).

"(b) On or before January 1 next preceding the commencement of each fiscal year the Secretary shall apportion the sums authorized to be appropriated to carry out this section among the several States as follows:

"(1) one-third in the ratio which the area of each State bears to the total area of all States;

"(2) one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States; and

"(3) one-third in the ratio in which the off-system road mileage of each State bears to the total off-system road mileage of all the States. Off-system road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(c) Sums apportioned to a State under this section shall be made available for expenditures in the counties of such State on a fair and equitable basis.

"(d) Sums apportioned under this section and programs and projects under this section shall be subject to all of the provisions of chapter 1 of this title applicable to highways on the Federal-aid secondary system except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section. The Secretary is not authorized to determine as inconsistent with this section any provision relating to the obligation and availability of funds.

"(e) As used in this section the term 'off-system road' means any toll-free road (including bridges) in a rural area, which road is not on any Federal-aid system and which is under the jurisdiction of and maintained by a public authority and open to public travel."

(b) The analysis of chapter 2, title 23, United States Code, is amended by adding at the end thereof the following: "219. Off-system roads."

HIGHWAY AUTHORIZATIONS

SEC. 3. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $900,000,000 per fiscal year for the fiscal years ending June 30, 1976, June 30, 1977, June 30, 1978, June 30, 1979, and June 30, 1980. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $500,000,000 per fiscal year for the fiscal years ending June 30, 1976, June 30, 1977, June 30, 1978, June 30, 1979, and June 30, 1980.

(2) For special bridge replacement under section 144, title 23, United States Code, out of the Highway Trust Fund, $200,000,000 per fiscal year for the fiscal years ending June 30, 1977, June 1978, June 30, 1979, and June 30, 1980.

(3) For off-system roads under section 219, title 23, United States Code, $200,000,000 per fiscal year for the fiscal years ending June 30, 1975, June 30, 1976, June 30, 1977, June 30, 1978, June 30, 1979, and June 30, 1980.

(4) For high-hazard location projects under section 152 title 23, United States Code, out of the Highway Trust Fund, $75,000,000 per fiscal year for the fiscal years ending June 30, 1977, June 30, 1978, June 30, 1979, and June 30, 1980.

HOW TO HALT THE TIDE OF ILLEGAL ALIENS

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, the illegal alien problem is getting out of hand, particularly in the Southwest; yet we seem unable or unwilling to do much about it.

San Diego County shares a border with Mexico and knows the problem well. Drawing on resident expertise, the Federal grand jury in San Diego has just completed a provocative study of the situation in that area. Most alarming fact: an astonishing 112,000 illegal aliens were apprehended in the San Diego district in a recent 6-month period. How many more managed to slip through the thin line of surveillance undetected?

While I do not concur completely with every finding of the grand jurors, I think it is difficult to quarrel with their theme that Federal laws and resources for stemming this illicit human tide are terribly inadequate.

The report correctly notes the aliens themselves are not to blame; rather, they are the "pawns" of smugglers and employers eager to exploit them. In a sense, we share the blame, for failing to do enough to slow this traffic in human misery.

I include the report at this point with my remarks:

FINDINGS OF GRAND JURY NO. 74-1, FOR THE SOUTHERN DISTRICT OF CALIFORNIA

After six months as an active Federal Grand Jury within the Southern District of California, we have learned a great deal about this country's illegal alien problem which has reached monumental proportions. During the period of our Grand Jury service, over 112,000 illegal aliens were apprehended in this District alone. The effect of the problem is far-reaching not only in terms of violations of the immigration laws, but in the number of other crimes sometimes associated with illegal entry, in increased welfare rolls, and loss of employment for those who right fully may claim such as well as other related situations.

Our concern has heightened when week after week we returned indictments regarding alien smuggling, listened to agents, lay witnesses, informants and defendants. We feel these experiences have given us a comprehensive view of the situation. The problem is obvious; and although the solutions are somewhat evasive, we are convinced that certain responsible actions on the part of the courts and Congress would clearly alleviate much of the problem.

We recognize the difficulties in the enforcement of immigration laws and the need to protect the rights of Mexican American citizens and legal residents of the District. These difficult questions will continue to be resolved in the Courts.

Our concerns are that the immigration laws be directed toward the economic realities involved. Illegal aliens are attracted to the United States by the promise of economic opportunity. They are illegally brought into the country and transported by alien smugglers reaping rich rewards from their efforts and often hired by employer seeking to enlarge their profits. The illegal aliens are themselves pawns in the hands of smugglers who frequently transport them under terrible conditions, treating them little better than animals.

We wish to focus on three areas of the problem: (1) the need for stringent laws regarding employment of illegal aliens, (2) the need for adequate resources on the part of the Immigration Service to adequately check the activities of alien smugglers; (3) the need for the courts to sentence convicted alien smugglers with the severity appropriate to the crime.

1. The need for stringent laws re employment of illegal aliens:

At this time, there are no such laws. Estimates of the number of illegal aliens presently in the United States run as high as ten million. Certainly most of these are employed, many perhaps by employers who do not know of their illegal status. However, we have heard considerable testimony indicating that many employers knowingly seek to hire illegal aliens, often at wages far below minimum. The Rodino Bill H.R. 982 introduced during the last session of Congress is one example of a way to address this problem. Laws making it a crime to knowingly hire illegal aliens would be a major step toward dminishing the magnitude of the problem.

2. The need for adequate resources for the Immigration Service and Border Patrol:

We see two immediate needs in this area:

(a) Border Patrol agents in the field (370 in the entire district) and those agents in the investigative field (12) are understaffed to such an extent that effective enforcement of immigration laws is impossible. In the Chula Vista district, due to lack of adequate staff, agents are often unable to answer calls from citizens reporting illegal entries along the border. In the same sector seven investigators are clearly unable to pursue the large number of cases involving organized smuggling rings. The fact that 382 Border Patrol agents apprehended over 112,000 illegal entrants in a six-month period is a credit to the hard work of the Patrol; it is also indicative of the size of the problem and the need for more agents and equipment for a department sorely overburdened. Of the cases involving over 160,000 illegal aliens in 1973, only 3,137 cases were prosecuted. There are simply not enough agents to do the work.

(b) The Immigration Service does not have the authority to permanently confiscate vehicles which are used as transportation for the illegal aliens from the border area to the interior of the United States. We have heard testimony of the same vehicles being used on numerous occasions for these illegal activities and yet, the authorities do not have jurisdiction to keep these vehicles off the road or from the possession of the smugglers. For some period of time, the United States Customs Agency has had the authority to forfeit vehicles transporting contraband. This has proved an effective method of controlling entry of illegal contraband into the United States. We submit the Immigration Service should have the same authority under similar circumstances dealing with aliens. Such authority would make alien smuggling less profitable.

3. Need for sentencing of convicted smugglers appropriate to the crime:

Once a smuggler has been apprehended, tried and convicted after substantial expenditure of time and expense by the government, a sentence is pronounced upon the defendant which does not appear to be appropriate for the crime and, certainly, does not act as a deterrent. We have listened to many witnesses, including admitted smugglers who were lured into these activities with the promise that if they were caught, a sentence of probation would be forthcoming or, at most, a very lenient jail term. For the most part, these predictions have invariably proved to be true.

Of the over 121 persons indicted by this Grand Jury for alien smuggling and convicted and sentenced, only 4 were given sentences to actually serve of over 1 year. (10 received 3 year sentences, however, these were either suspended, or made to serve 120 days or less). Over 40 left the court on probation, and over 30 were sentenced to serve 6 months or less. Many of those convicted were not first time offenders.

It is our conviction that these light sentences only serve to make alien smuggling one of the more attractive forms of illegal enterprise. A smuggler can make a fortune before his third or fourth conviction, relatively secure in the knowledge he will not pay any significant penalty for beating the law.

Date: June 27, 1974.

JOSEPH EMMERT,
Foreman.

FEDERAL LAND USE CONTROL

(Mr. CASEY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASEY of Texas. Mr. Speaker, today I am introducing a bill that I would like to call to the attention of our colleagues because it has a direct bearing on preserving both the authority and the integrity of the Congress.

My bill prohibits the Environmental Protection Agency from considering indirect sources of pollution in the granting of construction permits. In its effect, that is all the bill does. In no way does it alter the EPA's authority to control and supervise emissions into our air by industries or individuals.

But the reasons behind this bill and its implications are far more serious, because it will stop a Federal agency from usurping congressional authority and in this case from going against the expressed intent of the House of Representatives.

Just recently we voted not to consider Federal land use control on this very House floor. But Federal land use control is not dead.

Indeed the opposite. It went into effect last Monday by administrative edict of the Environmental Protection Agency.

Before I go further, let me also say that in this particular context, I am not arguing the case against land use controls. I am arguing the right of the Congress, not bureaucrats, to make this decision. It just happens that in this case, we made our decision and now the bureaucrats of the EPA are overruling us and making a contrary decision.

That, in my opinion, is not the way our Government is supposed to work.

We are elected by the people to run the bureaucrats, not to let the bureaucrats run us.

I think that this is the time to show both the people and the bureaucrats that we will live up to our responsibilities.

What the EPA did was to go ahead with proposed rules on "indirect source emissions" that will apply to construction projects commencing on or after January 1, 1975.

But when we really look at the definition of "indirect source emissions" which means we have to carefully analyze some bureaucratic jargon, we find that what we are really talking about is land use control—land use control plain and simple.

What is an "indirect source?" Briefly, it is a facility that stimulates traffic. In the words of the regulation itself:

> Such indirect sources include, but are not limited to:
>
> (a) Highways and roads.
>
> (b) Parking facilities.
>
> (c) Retail, commercial and industrial facilities.
>
> (d) Recreation, amusement, sports and entertainment facilities.
>
> (e) Airports.
>
> (f) Office and government buildings.
>
> (g) Apartment and condominium buildings.
>
> (h) Education facilities.

The regulations further provide that—

> No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator.

Now these days we often hear talk about "czars."

Let me assure you that if these regulations are allowed to stand, "czar" will be far too mild a description for the Administrator of the EPA.

He will have the authority to approve or reject every construction project of significance in the United States.

Every builder, developer, landowner, and industry, plus State and local governments, would have to go to the EPA to get a construction permit.

With a stroke of his pen, the EPA Administrator could undo years of planning if by some whim—and mind you no scientific evidence would be required—he decided that some project should not be built, because it would cause more automobile traffic, which might make pollution worse.

Think of what such power, vested in one bureaucrat, could cost our taxpayers at the local and State level.

Mr. Speaker, this House has said that it does not want Federal land use controls. And now we are on the verge of allowing not only much greater land use controls than ever envisioned in the bill rejected recently by the House, but of vesting those controls in a single man who has no accountability to the citizen and taxpayer.

Now I know that the present EPA Administrator, Mr. Russell Train, said in issuing these regulations that he had the "hope" that State and local governments will soon assume administration of the "indirect source" review program. But he also made it clear that the EPA would see that the review was made.

And I think we already have ample proof of what the EPA will do unless State and local governments do exactly as the EPA says to do. Anyone who has doubts about the EPA's intent should note that just this week Mr. Train announced the formation of a new division to deal specifically with land use.

I would like to reiterate that the House of Representatives only recently rejected the concept of Federal land use planning, which would, in effect, tell our States and cities, and even individual citizens, how they could use their land.

Now we find that the EPA is going full speed ahead in attempting, through bureaucratic regulation, to do exactly what Congress has said should not be a Federal concern. The EPA is already trying to tell our States and cities where they can build public facilities. Logically, the next step will be to tell private citizens where they can build their homes. The Congress must not allow this to happen.

All of us want clean air and the EPA has a most important role in achieving that goal, but reason must prevail. We must not allow the EPA, or any other Federal agency, to circumvent congressional intent by bureaucratic lawmaking.

No matter what guise the EPA places on its edicts, this is land use planning by the Federal Government. Unless we stop this new EPA power grab immediately, we will open the door to bureaucratic control of our lives, as we have never before witnessed.

Mr. Speaker, I invite and urge every colleague to join me in the sponsorship of this bill so that we may make it clear to both the people of this Nation and to all of our Federal agencies that we do accept our responsibilities as an elected Congress and that we will not tolerate rule by bureaucracy.

OPENING GAME OF WORLD FOOTBALL LEAGUE

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, it was my privilege last night to be in Legion Field, Birmingham, Ala., the football capital of the Nation, to observe one of the five opening games of the World Football League, this between the Birmingham Americans and the Southern California Suns. Appropriately enough, the Birmingham Americans won, 11 to 7, before a wildly cheering record-breaking crowd of some 53,000 persons.

It is apparent that the World Football League is off to an auspicious beginning, as illustrated in the enclosed press reports.

Mr. Speaker, in 1970 Look magazine and the National League of Municipalities declared my city to be an all-America city. It is obvious that we are matched and represented by an all-America team. I predict that there are great days ahead for the Birmingham Americans and their colleagues and competitors of the World Football League.

I include the following:

[From the Washington Star-News, July 11, 1974]

WFL Roundup—Birmingham: All American Debut

When the Birmingham Americans ran on their home field last night the crowd of 53,231 gave them a standing ovation. To keep things even, the Americans gave Birmingham an 11–7 victory over Southern California as the World Football League opened its season.

WFL President Gary Davidson was at the game and said he was "awed" at the turnout which exceeded the pre-game estimate of 40,000.

For the Americans, defensive back Steve Williams turned the game around by intercepting a pass in the fourth period and going 50 yards for a touchdown. Then he saved the victory by knocking down a Sun's pass at the goal line near the end of the game.

Williams' touchdown tied the game and quarterback George Mira passed to Paul Robinson to make it 8–7. Later in the final period Earl Sark kicked a 26-yard field goal for the Americans.

The Suns had scored in the second period after a 70-yard pass catch and run by James McAlister put the ball on the one. Kermit Johnson, the Sun's major runner, scored two plays later.

The Sun's attack was built almost solely around the running of Johnson and the passing of Tony Adams. The leading runners for Birmingham were veterans Robinson and Charley Harraway.

Jim Bright intercepted Mira passes twice in the second period to halt Birmingham drives.

Birmingham drove to the eight late in the third period but Ken Lee recovered a Mira fumble on the 14.

Williams' interception came when he stepped in front of the intended receiver and ran untouched to score. It was on the second play of the final period.

Americans Get a Record Welcome

(By Jimmy Bryan)

Some of them didn't get inside until the second quarter, but Birmingham and Alabama fans gave the Birmingham Americans one more fantastic welcome to the Football Capital of the South.

They came 53,231 strong and brought down-South football enthusiasm. They never quit screaming. The Americans never got introduced. A mighty, sustained roar drowned the public address announcer, and the Americans simply trotted on, one by one, as the thunder rolled over them.

The crowd was a record for a first year pro football team. The largest crowd an American Football league team drew during that league's first season was 42,000 by the Dallas Texans. Birmingham easily wiped that out at game one. Many fans were turned away by a report that no more tickets were available. But there were empty seats. Not many, but a few. Fantastic, incredible, unbelievable, were some of the superlatives used, but World Football League Commissioner Gary Davidson said it best, "I'm awed."

Record Throng Sees AMS Clip Sun

(By Bill Lumpkin)

The biggest crowd ever to see a new football team in a new league open a new season, 53,231, cheered so loud at the beginning that player identification was lost in the noise.

Birmingham had turned out to see the debut of its own professional football team, and the Birmingham Americans responded. They didn't disappoint the multitude.

And even though it looked dark at times, when the visiting Southern Cal Suns held a 7–0 lead at the end of three quarters, the robust spectators never despaired.

It turned out to be a perfect night for the Americans under cool skies built for such a brilliant debut.

What sealed it made it even a more magnificent occasion. Earl Sark calmly put his toe into a 26-yard field goal with one minute and 55 seconds remaining, and the Birmingham Americans had won their first game ever, by the appealing score of 11–7.

The crowd was caught up in such a spine-tingling occasion.

NIXON ADMINISTRATION SEEKS NEW SCAPEGOATS FOR ITS MISTAKES

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, in my long tenure in Washington I cannot remember an administration which was more blessed with wrong guessers than the crowd assembled by President Nixon.

Every time something goes wrong with the economic projections—and this is pretty often—the so-called economic advisers start turning on the people and blaming them for the defects of the administration. The latest to engage in this was Dr. Herbert Stein, Chairman of the Council of Economic Advisers, who appeared on "Face the Nation" Sunday to denounce the American people and blame them for inflation and for failing to pay more taxes.

As the Washington Post pointed out in an editorial on Tuesday, July 9, Mr. Stein was in effect criticizing the very policies which his own President had pursued. The Washington Post stated:

> After five years of telling Americans that

taxes were too high, that they couldn't possibly be raised, and that they certainly wouldn't be raised under Mr. Nixon, the White House on Sunday has the consummate impertinence to complain of inadequate public support for a tax increase. And on the following day another voice from the same White House assures the country once again that the President sees no need for higher taxes.

The truth is Mr. Stein, like other economic advisers in this administration, has performed more as a public relations man than as an economist. They have consistently run around the country, appearing on television shows, and as ad hoc campaigners during election years, to rewrite the economic history of this past 6 years.

Mr. Speaker, I want to place in the Record a copy of the Washington Post editorial commenting on Mr. Stein's latest attempt at hucksterism entitled "Inflation at the White House."

The editorial follows:

[From the Washington Post, July 9, 1974]

Inflation at the White House

If there were a Nobel prize for sheer gall, this year's award would certainly go to the hapless Dr. Herbert Stein. As the chairman of the Council of Economic Advisers, Dr. Stein has made himself a kind of cheerleader for the Nixon administration in all matters of economic policy. Hard pressed on the question of inflation during a television interview Sunday, he invented the highly imaginative theory that the real blame for it over the past 10 years lies with the American public. The public didn't want the tax increases that the country needed, Dr. Stein alleged, and that is where all the trouble started.

". . . Government policy operates within the limits of what the American people want and will tolerate," Dr. Stein gamely asserted, making the best of a bad position. "Now this doesn't mean that the American people were voting explicitly for inflation, but being so reluctant to have a tax increase, they created the conditions." Where was Dr. Stein in those crucial years? Attempting to explain to the American people the need for higher taxes? Hardly. For the last five of those years, President Nixon and his whole staff were assiduously telling the country that taxes were quite high enough and it was time to cut. And they did cut, hard and deep.

In 1968 the Johnson administration finally gave up its attempts to finance the Vietnam war without higher taxes, and got Congress to enact the stiffest increase since World War II. That increase turned the federal budget from a tremendous deficit to a surplus in the fiscal year 1969. Then Mr. Nixon came to office. Taxes were cut in 1969, and again in 1971. The budget swung back to deficit in 1970 and, over the next three years, it rolled into the heaviest peacetime deficits in our history.

The emphasis on the administration's devotion to low taxes, and its pledges never to raise them, grew steadily more explicit as Mr. Nixon began running for re-election. His budget message in early 1972 was the one that talked about returning "power to the people," by which he meant money power. "In 1973, individuals will pay $22 billion less in federal income taxes than they would if the tax rates and structure were the same as those in existence when I took office." He was speaking at the midpoint of a fiscal year in which the actual federal deficit was $23.2 billion. But his position was adamant. Just before the election, he declared: "My goal is not only no tax increase in 1973, but no tax increase for the next four years."

The point is worth pursuing because it illustrates a profound defect in the Nixon administration. The first is Mr. Nixon's own inability to level with Americans when the news is bad and the truth is unpleasant. It is his constant message, in economic matters, that Americans can safely cut down on the proportion of our wealth that we pay, through the tax system, to support our common welfare. Mr. Nixon has never had much feeling for the common welfare. These shortcomings are now compounded by the attempts of the White House, in its present desperation, to lay off the blame on anybody else or even, as in the case of Dr. Stein's effort, on everybody else. After five years of telling Americans that taxes were too high, that they couldn't possibly be raised, and that they certainly wouldn't be raised under Mr. Nixon, the White House on Sunday has the consummate impertinance to complain of inadequate public support for a tax increase. And on the following day another voice from the same White House assures the country once again that the President sees no need for higher taxes.

Now, of course, it is inflation that is balancing the budget for us. In a graduated income tax system, inflation steadily increases the tax rate on each family's real earnings. The next question is where to find a remedy. Kenneth Rush, the newly appointed presidential adviser for economic policy, is off to a weak start with his most recent proposal. He seems to be thinking of some sort of voluntary restrains on wage increases. During the period of general wage and price controls, from 1971 until last April, wages remained astonishingly stable and contributed little to inflation. One reason was, obviously, that the government was simultaneously holding down prices and profits. If the administration does not intend to restrain profits and prices, it can hardly expect much cooperation from the unions in keeping down wage demands.

Bridling a runaway inflation is going to be painful in many ways to most Americans. No policy will work unless it has wide public understanding and acceptance. Dr. Stein undercuts public understanding of the present trouble, with his absurd attempts to blame the American voter for five years of weak and procrastinating fiscal leadership from the White House. If Mr. Rush persists in his attempt to load a disproportionate burden of restraint onto wages, he will surely sacrifice any possibility of public acceptance for a realistic and effective remedy.

Mr. Speaker, I also want to place in the Record a telegram I have received on the same subject from Stanley S. Langendorf, a businessman in San Francisco, Calif. Mr. Langendorf says that if Mr. Stein's philosophy is continued by the administration, "it will take approximately 1 year for our Nation to meet with an economic collapse and the possibility of being followed eventually by a social revolution."

Mr. Speaker, I place in the Record a copy of Mr. Langendorf's telegram to President Nixon:

San Francisco, Calif., *July 8, 1974.*

President Richard M. Nixon,
Office of the President, The White House, Washington, D.C. 20500

Dr. Herbert Stein, on "Face the Nation" on CBS Sunday, July 7, 1974, stated that it would take three to four years for inflation to be brought under control. If his philosophy is continued by the administration it will take approximately one year for our Nation to meet with an economic collapse and the possibility of being followed eventually be a social revolution. It is urgent that the economic philosophies of Milton Friedman, Paul Samuelson, Herbert Stein and others be disregarded and abolished as they have proven to be theoretically incorrect and have led us into the distressed economic situation which our nation is currently confronted. President Franklin Roosevelt pulled us out of the 1933 Depression by initiating practical measures, among which was the NRA and the 40-hour work week which put men to work and broke the depression cycle. The administration currently is pursuing a negative approach by causing a slowdown of business and increasing unemployment and thereby intensifying the recession, as a means of halting inflation, which has proven to be a fallacy in the past. A recession or depression is positively impossible with full employment and will develop government surpluses instead of deficits. There is a backlog in projects needed by municipal, State and Federal governments that will take more than 20 years for completion. Gradually start construction for the urgently needed projects to be financed by the issuance of bonds by municipal, State and Federal governments as currently practiced, to put the unemployed to work with the objective of obtaining full employment and this will cause prosperity, reducing welfare and unemployment payments and causing the heretofore unemployed to use their savings to buy homes. It will reverse the recession cycle and the economy can go forward indefinitely, feeding on itself. Unless new measures are inaugurated promptly, our nation is in jeopardy, as warned by Dr. Arthur Burns. It is extremely urgent that action is taken immediately to avoid an economic disaster.

Stanley S. Langendorf.

NATIONAL DEVELOPMENT BANK PROPOSED AS SOURCE OF FUNDS AND AT REASONABLE INTEREST RATES

As Mr. Langendorf's telegram states, there is a backlog of projects needed by local and State governments for all kinds of community development. What these projects need is a source of funds on reasonable terms and that is why I am continuing to push for a National Development Bank—modeled after the old Reconstruction Finance Corporation—which can provide low-interest-rate loans for worthy projects including housing and municipal undertakings.

Mr. Speaker, such a development bank could be used as a bank of last resort for these types of projects. It could be capitalized initially with a billion dollars with the power to lend 20 times its capital—in other words we would have a $20 billion bank which would be of great help to this Nation.

THE NATIONAL LEGISLATIVE CONFERENCE ON CHILE: AN EXAMPLE OF COMMUNIST PARTY FRONT OPERATIONS AND ISSUE EXPLOITATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Ashbrook) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, this weekend—July 14–15, 1974—the Communist Party, USA, is staging a "National Legislative Conference on Chile and People's Lobby" here in Washington, D.C., at George Washington University. Literature disseminated by the conference's Communist-front organizing committees reflects that the ostensible purpose of this gathering is to "discuss and begin to implement concrete proposals for legislation" that would, if enacted, "end our Government's intervention in Chile and leave the Chilean people free to restore democracy within their own country." This literature the official call to the conference, further states:

> Our own rights are not safe in the United States if we allow the U.S. Government to aid and abet fascism in Chile.

This is, of course, typical Communist rhetoric. Translated into plain English, it means simply that the Communist Party, USA, acting in accord with the policy dictates of the world Communist movement, has initiated a campaign designed to pressure the United States into withdrawing all aid to the present anti-Communist government of Chile so that the Chilean Communists and their stooges can regain the power that they held in the government of the late Salvador Allende.

As any competent observer could readily see, Allende's government represented nothing less than an extension of Communist power in the Western Hemisphere. Allende himself, while professing only to be a Marxist, was in fact a member of the World Peace Council, one of the most important of the Soviet-controlled international Communist front organizations, and all of the available evidence clearly indicates that, prior to his overthrow, he and his Communist allies were plotting a total takeover of the Chilean government, including the elimination of all opposition, however faintly anti-Communist.

It is precisely this sort of Communist power that the call to the National Legislative Conference on Chile refers to as "democracy." Likewise, because the current regime in Chile is both actively anti-Communist and pro-United States, it is branded as fascist, as are all anti-Communist governments.

The present Communist-led campaign of agitation and propaganda against the Government of Chile is only one more reflection of a major CPUSA attempt to exploit so-called Third World issues and groups. An earlier example was the founding conference of the CPUSA-controlled National Alliance Against Racist and Political Repression, held in Chicago, Ill., during May of 1973. The NAARAPR is a direct outgrowth of the Communist Party-directed Angela Davis defense movement, which had as a collateral effort the Soledad Brothers Defense Committee, which the party also controlled.

Documents obtained at the NAARAPR founding conference reflect that there was heavy emphasis on Mexican-American and Indian problems, along with a resolution of support for the so-called Carabanchel 10 in Spain. The latter resolution was presented by a representative of the Communsit Party-controlled Veterans of the Abraham Lincoln Brigade.

Currently, the NAARAPR is conducting extensive agitation around the phony issue of alleged repression of minorities in North Carolina, reflecting again the line of the parent CPUSA. For additional information on the NAARAPR and its Communist origins, I refer my colleagues to the fourth volume of the House Committee on Internal Security's hearings on "Revolutionary Activities Directed Toward the Administration of Penal or Correctional Systems," which contains a definitive presentation on the subject by committee minority investigator Richard R. Norusis, who testified before the committee on July 25, 1973, shortly after the founding of the National Alliance.

Another example of Communist Party efforts to exploit "Third World" issues was the October 1973 National Anti-Imperialist Conference in Solidarity With African Liberation, also held in Chicago. The NAICSAL was coordinated and chaired by Franklin Alexander, a member of the National Council of the CPUSA, and the eastern regional coordinator for the conference was Anthony Monteiro, a member of the Community Party and of the Central Committee of the Young Workers Liberation League, official party youth and recruiting apparatus.

The NAICSAL was attended by several representatives of Communist-backed African terrorist groups in an attempt by the Party to link struggles in Africa with black and working-class struggles in the United States.

Monteiro himself described the conference as an outgrowth of a meeting held in Chicago on June 16, 1973. The meeting had been called by three African-American journals—Freedomways, African Agenda, and Afro-American Affairs." Freedomways has long been known to the official CPUSA quarterly publication aimed at Negro Americans, and the Chicago publication African Agenda is edited by Prof. Harold Rogers, who has served as a member of the Illinois State Committee of the Communist Party.

Like the NAARAPR founding conference and the upcoming National Legislative Conference on Chile, the list of sponsors for the National Anti-Imperialist Conference reads like a veritable "Who's Who" of leading Communists. Among them were Henry Winston, national chairman of the CPUSA; William L. Patterson, a member of the CPUSA National Council; Charlene Mitchell, John Pittman, and Jarvis Tyner, members of the CPUSA Political Committee; Carl Bloice, Angela Y. Davis, and Jose Stevens, members of the Party Central Committee; Jesse Gray, New York State Assemblyman and former Harlem CPUSA organizer; Esther Jackson, managing editor of Freedomways; George B. Murphy, Jr., a newspaper editor; Professor Harold Rogers, editor of African Agenda; Carlos Russell, dean of the School of Contemporary Studies in Brooklyn, N.Y.; Judi Simmons, a member of the CPUSA and prominent activist in the NAARAPR and Southern Conference Educational Fund; and Victoria Stevens, wife of Jose Stevens and campus director of the Young Workers Liberation League.

It is instructive to note that the June 16, 1973, meeting in Chicago described by Tony Monteiro was a result of many months of national discussion and coincided perfectly with an appeal issued during the Communist 10th World Youth Festival, held in East Berlin from July 31 through August 5, 1973. One of the other Communist projects discussed at the June 16 meeting, incidentally, was the so-called World Congress of Peace Forces that was staged by the World Peace Council during October of 1973 in Moscow, U.S.S.R. I shall return to this shortly.

It can readily be seen that the Communist Party, U.S.A., has maintained a continuing interest in exploitation of "Third World" peoples, as shown by the above two examples of party activity in this area. Now we have the National Legislative Conference on Chile, which is equally as much a creature of the CPUSA as either of the foregoing conferences.

The sponsoring organization for the National Legislative Conference on Chile is the National Coordinating Committee in Solidarity With Chile, which is headquartered in New York City. The conference, however, is merely the most recent reflection of party concern with Chile, especially since the overthrow of the Communist-ridden Allende regime. Since Allende's overthrow, the party has conducted a major campaign to win support for the Chilean Communists and to discredit the present anti-Communist government.

In 1973, the party was instrumental in arranging a nationwide tour in the United States by Allende's widow, Mrs. Hortensia Allende. Mrs. Allende's contact in the United States was John Gilman of Milwaukee, Wis. Gilman is an identified member of the Communist Party, U.S.A., and was one of the most influential leaders of the party-dominated Peoples Coalition for Peace and Justice, which recently ceased operations. Gilman served as midwest regional chairman of PCPJ and also as chairman of PCPJ's Milwaukee chapter.

Mrs. Allende's major stops predictably saw party delegations there to greet her at the airports, but nowhere was the party's role in promoting this tour more blatant than in Chicago, Ill., where the party front geared to the issue of Chile is variously known as the Chicago Committee to Save Lives in Chile and the Chicago Citizens Committee to Save Lives in Chile. This party front, as shown by the call to the National Legislative Conference on Chile, operates from 542 South Dearborn Street in Chicago, which is also the address of the Chicago Peace Council, which functions as a wholly owned subsidiary of the Illinois Communist Party. The Chicago Committee to Save Lives in Chile is one of the principal organizing forces for the National Legislative Conference on Chile, which makes some background information as to its nature imperative.

On December 16, 1973, the Chicago Citizens Committee to Save Lives in Chile, according to the official program of the gathering, supported the appearance of Mrs. Allende in Chicago at a meeting sponsored by the Chicago delegates to the World Congress of Peace Forces, Moscow, October 1973. This delegation included Brian Adams of the Vietnam Veterans Against the War and the following known party members: Sylvia Kushner of the Chicago Peace Council, Lula Saffold of the party-controlled Women's Peace and Unity Club, and Ernest DeMaio of the Communist-controlled United Electrical, Radio, and Machine Workers of America (UE). Master of ceremonies for the meeting was author Louis "Studs" Terkel, a member of the Illinois Communist Party.

The same organization also had placed a full-page advertisement in the Chicago

Sun-Times on November 7, 1973, attacking the anti-Communist government of Chile and urging an end to all American aid to that government. The language of the ad was similar in content—very similar, in fact—to the proposals to be discussed at the National Legislative Conference on Chile this weekend. Among the signers of the ad were the following Illinois members of the Communist Party: Professor Beatrice Lumpkin; Professor John Pappademos; Earl Durham; Ben Green, who has been active with the Communist Party-front Chicago Committee to Defend the Bill of Rights; Linda Applehans; Ken Applehans; Milton Cohen; Ernest DeMaio; Ben Friedlander; Eva Friedlander; Dorothy Hayes; John Kailin, editor of the CPUSA trade union magazine Labor Today; Jack Kling; Sylvia Kushner; Frank Lumpkin; Joe Norrick; Ella Pappademos; Bessie Pelligrino; Jesse Prosten; Ann Prosten; Mark Rogovin; Norman Roth, president of Local 6 of the United Auto Workers in Chicago; Jack Spiegel; James Tate; Lester Wickstrom; Charles Wilson; LeRoy Wolins; and Sylvia Woods. Listed among the organizations and publications endorsing the ad were the YWLL, the Chicago Peace Council, and the Communist magazine Labor Today, along with the National Coordinating Committee for Trade Union Action and Democracy, a party-controlled apparatus for penetration of the trade union movement.

The above list is most significant, because many of those named have served in leading capacities in the Communist Party. Several are active in the trade union penetration movement, others have been prominent in so-called Communist "peace" activity through the Chicago Peace Council, and many have served as members of the party's Illinois State committee and State staff.

Further, many of the Communists named above are now sponsoring the National Legislative Conference on Chile, for which, as I observed earlier, the Chicago Committee to Save Lives in Chile is a prime organizing force.

The call and tentative schedule for National Legislative Conference reflects that the keynote address will be delivered by Abe Feinglass, who is billed impressively as international vice president, Amalgamated Meat Cutters Union. The fact omitted, however, is that Feinglass has been identified as a member of the Communist Party and remains a leading Communist activist in the trade union movement.

The list of sponsors includes a number of Communist names that by now must seem to be all too familiar: Angela Davis, Abe Feinglass, and Charlene Mitchell; Roque Ristorucci, leading member of both the CPUSA and the YWLL; Harry Bridges, Communist president of the International Longshoremen's and Warehousemen's Union; Pauline Rosen, leading Communist Party "peace" activist who was one of the moving forces in the party-led PCPJ; Jarvis Tyner, national chairman of the YWLL; Helen Winter, chairman of the CPUSA international affairs commission; Marion Calligaris, a leading activist in the NCCTUAD; Richard Criley, Illinois Communist Party member and coordinator of the Chicago Committee to Defend the Bill of Rights; Ernest DeMaio; Dorothy Hayes, Illinois CPUSA member and Chicago chairwoman of the Women's International League for Peace and Freedom; Sylvia Kushner, executive secretary of the Chicago Peace Council; Professor Beatrice Lumpkin of Malcolm X University in Chicago; Mark Rogovin; Norman Roth; Jack Spiegel; Studs Terkel; Lester Cole, Communist screenwriter; Professor Linus Pauling, identified as a secret member of the Communist Party in 1952 by Louis Budenz; Bert Corona, a top leader in the NAARAPR; Sophie Silver, a leader in the Peace Action Council of Southern California, one of the most important PCPJ affiliates and an organization that has been from its inception under the control of the Communist Party; Lucille Berrien, leading activist in both the PCPJ and the NAARAPR; and John Gilman.

The sponsors list reflects heavy emphasis on trade unionists, many of them identified Communists. In addition to some who have already been named above, there are Frank Angell and John Cherveny of Detroit, Mich., and Earl George, John Healy, Irene Hull, and Will Parry, all of Seattle, Wash.

Mr. Speaker, I think the brief summary I have given here will show to any objective observer that this National Legislative Conference on Chile is a logical outgrowth of previous Communist Party efforts to exploit "Third World" groups and issues, particularly with respect to Africa and Chile. I also think it is safe to predict that the results of this conference and so-called People's Lobby against the Government of Chile will be loudly hailed by the Communist press, both in the United States and internationally. My only real concern is that innocent Americans may be duped into supporting this transparently Communist-organized front operation which is so patently geared to the discrediting of the Governments of both Chile and the United States in the eyes of the world.

WHY A MASSIVE INCREASE IN DEFENSE BUDGET?

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Addabbo) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, next week, the Defense Appropriations Subcommittee will begin to mark up the fiscal 1975 defense appropriations bill. I would like to take this time to discuss with the House some of the views I have gathered in the extensive hearings we have held on this subject, as well as some of the views I have come to hold over the last few years on defense spending in general.

A year ago, the Defense Department came to the Congress with a budget request of $73 billion. When all was said and done, when the supplemental requests were all passed into law, the actual amount of money appropriated for defense spending in fiscal 1974 was $78.5 billion.

This year we are faced with a budget request—which includes a $1.4 billion supplemental request even before the original request is approved—of some $87 billion.

Those figures equal a $14 billion increase of what was requested last year and this, and an actual difference of $8.5 billion between the final 1974 dollar figure and this year's request.

I doubt there is anyone in this Chamber who is not closely aware of the economic difficulties this Nation is experiencing today. I doubt if anyone in this room is not aware that we are not presently fighting a war and, as far as the Congress is aware, we do not have any intention of fighting a war this year. Inflation and mandatory pay increases are blamed for the massive increase in the size of this defense budget, and to a certain extent, those are real concerns that Congress must realize add to the cost of maintaining the military. By themselves, however, they do not account for the vast increase in the total number of dollars requested.

The most dramatic cause for the increase in the size of this bill is the refusal of the military leaders to insist on economy, on cutting back programs they know to be ineffectual, and their inclination to pad the costs of almost every program in the bill.

The fact of the matter is that some of the people who run our military are the greatest empire builders of our time. Once they get their hands on a program, it would appear it is almost impossible to end it, obsolete or unnecessary though it be. Once they get their hands on a sizable staff, they fight like cats and dogs to maintain that staff, whether instructed by Congress to decrease its size or not.

Those of us who oppose carte blanche defense spending have long maintained our willingness to give the military every cent it needs to provide a legitimate national defense posture. Our willingness, however, does not extend to continuing make-work jobs, to producing military hardware obsolete as soon as it is off the production line, or continuing programs that cannot meet minimum standards of performance or cost effectiveness.

In hearing after hearing, this year, last year, and for a number of years past, we in the Defense Appropriations Subcommittee have tried to tell the military that the time has come for reducing unnecessary spending, for eliminating unnecessary programs, and for a little belt-tightening that every agency must undergo when dollars are in short supply.

We have felt this was a reasonable approach. We have felt that even with mandatory pay increases, inflation and sophisticated weaponry, a coordinated effort by the services could substantially reduce defense spending so that the Nation could allocate some of those dollars to other priority needs.

I am being charitable when I say we have had only slight cooperation from the military on these matters: The military budget line as far as I can determine is and always has been: "Advance" never, "Retreat."

I am not so inexperienced as to think that military leaders are ever going to come before Congress recommending that their budgets be slashed because they are not needed: We do not expect the impossible from the military. But we also have a right to expect that they, as American citizens, cooperate on behalf of the Nation when we must get the most out of every dollar spent.

There are times of crisis when the military rightly has more to do than watch how every dollar is spent. But at other times, this Nation must insist that the military budget be kept lean. We do not ask for an emaciated military, only for trimmed-down spending.

What we have instead is a military reliance on the old way of doing business in the Congress. Knowing full well that moves will be made to cut back on military spending, the Pentagon submits inflated budgets throughout all phases of the military operation.

My view is very simple. I do not want to play games with accountants. I am perfectly willing to legisalte a defense program that is viable, but I expect the Pentagon to learn the value of candor. If we cannot get candor from the military, then we in the Congress must use our collective wisdom to offer budget cuts where we believe best. This we will undoubtedly do.

This budget proposal we have before us is so large and so filled with the "Fat" I discussed earlier, that it can be cut down a considerable way. I will seek a reduction in the committee. Failing that, I will offer an amendment on the floor to reduce the budget considerably. The final size of my amendment will depend on the committee action.

President Nixon has declared that at least $5 billion should be cut from the total 1975 budget. That was even before the request for an additional $1.4 billion for defense spending. If we are going to meet the President's goal, we must begin to act soon. I fully believe there is no better place to begin pruning down than in the bill we shall shortly have before us.

LEGISLATION TO REVISE THE LAWS RELATING TO THE ESTABLISHMENT, ADMINISTRATION, AND MANAGEMENT OF THE NATIONAL WILDLIFE REFUGE SYSTEM, AND FOR OTHER PURPOSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 15 minutes.

Mr. DINGELL. Mr. Speaker, the bill that I am introducing today—along with a number of my colleagues—is one of the most important pieces of legislation in the conservation annals of our great country. This measure, an "Organic Act for National Wildlife Refuge System," H.R. 15856, has been prepared in response to a critical need to finally recognize the outstanding contribution that the National Wildlife Refuge System has made over the years to the survival of many wildlife species and the great benefit it has provided to the American people. As presently constituted, the System is a national network of wildlife habitats encompassing the most widely distributed public land resource in the United States. There is a unit of the National Wildlife Refuge System in all of the States except West Virginia. But this has not always been the case. A brief history of the evolution of the System from its humble beginnings at the turn of the century until today would be helpful for my colleagues to understand some of the provisions of this bill, especially as related to a need to provide policy direction for proper administration and management of the System.

HISTORY OF THE NATIONAL WILDLIFE REFUGE SYSTEM

On March 1, 1972, the Congress enacted legislation establishing Yellowstone National Park. This action was an entirely new concept of land-use in our Nation's history. For it was the first Federal legislative expression of an idea that became the progenitor of numerous subsequent reservations of land resources—such as the National Forests—for special purposes in order to benefit the American people. Based on this concept, the 3-acre Pelican Island on the east coast of Florida, on March 14, 1903, became the first Federal Wildlife Refuge by Executive order of President Theodore Roosevelt. This small island long ago became a minor part of the National Wildlife Refuge System. But it remains of major importance as being the birthplace of national recognition of the need and desirability of creating wildlife reservations for public benefit on an equal basis with those for natural and scenic values, forest and watershed resources, historic shrines, recreation, and other purposes.

None who participated in the creation of Pelican Island National Wildlife Refuge realized at the time the full implications of their deed. Today, the National Wildlife Refuge System represents the most far reaching and comprehensive wildlife habitat management program which has been applied to the land in the history of mankind. Under this system, more than 31 million acres have been specifically dedicated and are managed to conserve a variety of wildlife populations and their habitats. This comprises an area larger than the States of Ohio, Delaware, and Rhode Island combined. National Wildlife Refuges are found on lands reaching from the shores of the Beaufort Sea and the Arctic Ocean—Arctic National Wildlife Range; westward along the Aleutian Islands—Aleutian Islands National Wildlife Refuge—nearly to Asia; southward to the islands of the central Pacific Ocean—Hawaiian Islands National Wildlife Refuge; eastward to Puerto Rico—Cuebra National Wildlife Refuge—and the Florida Keys National Wildlife Refuges; northward along the eastern seaboard to northeastern Maine—Moosehorn National Wildlife Refuge; and from east to west and north to south in between. The system contains, in addition to wildlife resources, nationally significant multiple values, including but not limited to cultural, social, natural, economic, recreational, educational, wilderness, historical, interpretative, and scenic values of enduring benefit to the Nation.

Pelican Island, now designated as a National Historic Landmark because of its signficance in the conservation history of our country, was the first wildlife refuge. It also was one of the very first National Wildlife Refuges designated by the Congress in 1970 as a unit of the National Wilderness Preservation System, another signficant recognition for this spindly spit of sand and mangrove. But, Pelican Island signified a beginning—not an end—and that end is not yet in sight if we are to truly complete the job that men of extraordinary vision started nearly 75 years ago.

WILDLIFE REFUGES ESTABLISHED ON PUBLIC DOMAIN LANDS

During the decade following the establishment of Pelican Island as a wildlife sanctuary, a number of additional island areas were established as national wildlife refuges by Executive order of the President off the the coasts of Washington, Florida, Alaska, and Louisiana. Other wildlife reservations were established during this period in conjunction with a number of reservoir projects of the then fledgling Bureau of Reclamation program in the western part of the country. Important precedents and application of the principle of Federal Wildlife refuge establishment for public benefit—a principle created and confirmed by establishment of Pelican Island—were enforced by both the executive and the Congress when the Wichita Mountains Wildlife Refuge, Oklahoma, 1905—and the National Bison Range, Montana, 1908—were created to save habitat in order to restore American Bison to former ranges, and the National Elk Refuge, 1912—was authorized and established by the Congress in response to citizen pleas to save the World-renowned elk of Jackson Hole, Wyo., from starvation. The principle established through these actions was the Federal lands could and should be dedicated as wildlife habitats for wildlife restoration, utilization and production purposes for ultimate public pleasure and benefit.

MIGRATORY BIRD RESPONSIBILITIES

Federal responsibility for the protection of migratory birds originated in 1918 with the ratification by the Congress of a treaty with Great Britain relating to birds which migrate between Canada and the United States. This treaty was the foundation for later congressional actions establishing the Upper Mississippi River Wildlife and Fish Refuge—1924—and the Bear River Migratory Bird Refuge in Utah—1928. However, it was not until 1929 with the passage of the Migratory Bird Conservation Act and the Migratory Bird Hunting Stamp Act in 1934 that impetus for the preservation and management of habitat to implement the protection program of the Migratory Bird Treaty Act was initiated. While these laws provided the funds and authority for establishment of wildlife refuges, they contained no directives or mandates as to the manner in which wildlife refuges should be administered. This is understandable since the 1930's were perilous times for our wildlife resources and quick action was required. The Dust Bowl years of drought were destroying millions of acres of wetlands, and many wildlife populations, particularly waterfowl and other waterbirds and and marsh dwellers, were threatened because of loss of habitat. During this period—1930–1940—a larger number of wildlife refuges were acquired to preserve, restore, and rehabilitate wetland habitat.

THREATENED SPECIES AND WILDLIFE VARIETY

Adhering to the principle that Federal lands could and should be reserved to preserve wildlife habitat, a number of large units were withdrawn from public domain in the 1930's to preserve and protect habitat needed by threatened species of resident wildlife and incorporated in the Wildlife Refuge System by Executive order of the President.

Included were such areas as the Kofa and Cabeza Prieta Game Ranges, Arizona—1939—and the Desert National Wildlife Range, Nevada—1936—prime desert landscapes of critical value to the survival of desert bighorn sheep and a variety of other desert animals and plants; the Hart Mountain and Charles Sheldon Antelope Refuges, Nevada—1936—established to include a sample of high intermountain desert, principally at the urging of the National Audubon Society; and the Charles M. Russell National Wildlife Range, Montana—1936—established to preserve and manage a sample of wildlife environments in what was at one time one of the world's most magnificent and abundant wildlife areas made well known by Lewis and Clark during their journey up the wild Missouri in the early 1800's.

A PERIOD OF ACQUISITION SLOWDOWN

During the 1940's and 1950's expansion of the System virtually came to a grinding halt. Acquisition of a few areas were initiated during this period, but, generally speaking, attention of the Department of the Interior was diverted to other matters. Additions to the System were sporadic in nature with focus mainly on acquisition of wetlands of primary value to waterfowl with funds derived from sale of duck stamps. Yet, the largest unit of the System, the 8.9 million acre Arctic National Wildlife Range, Alaska, was withdrawn from public domain by order of the Secretary of the Interior in 1960 as well as other withdrawals since then, including the Cape Newenham Refuge, Alaska, in 1969. However, it was not until 1961 when an amendment to the Migratory Bird Conservation Act—the so-called Loan Fund Act amendment—was enacted by the Congress that a viable wildlife acquisition conservation program was renewed. But, here again, this authorization was in response to a critical national need—to save wetlands, particularly in the pothole country of North and South Dakota, Minnesota, and Nebraska, from the dragline and bulldozer—and acquisition emphasis during this period has been mainly on waterfowl habitat.

NEEDED—DIRECTION FOR ADMINISTRATION OF SYSTEM

As stated previously, earlier legislation focused mainly on funds and authority for establishing wildlife refuges, but contained little directives or mandates as to the manner in which the wildlife refuge program should be administered. The first program direction came in amendments to the Migratory Bird Hunting Stamp Act—authorizing areas to be open to hunting—1934. The second direction in programs came in the Lea Act which authorized the acquisition of lands for waterfowl management purposes in California—1948. The third significant program direction came in the authorization of incidental and compatible public recreation on wildlife refuges in 1962.

In 1964, additional program direction came in the "Shared Revenue" Act. This act, for the first time, defined legally the National Wildlife Refuge System and more positively identified and authorized land management programs and the disposition of revenues derived from these programs. The 1964 Land and Water Conservation Fund Act provided funds to acquire habitat for threatened species of fish and wildlife, and the 1964 Wilderness Act authorized the establishment of areas within wildlife refuges for inclusion in the National Wilderness Preservation System. In 1966, the National Wildlife Refuge Administration Act provided significant program direction in a variety of management concerns, and the Endangered Species Act of 1973 provided further program direction as related to wildlife threatened with extinction. Still lacking, however, are clear-cut policies and direction by the Congress on what the National Wildlife Refuge System should be and how it should be administered and managed for the public good.

MOST NWR SYSTEM ACREAGE WITHDRAWN FROM PUBLIC DOMAIN

Mr. Speaker, this brief and far from complete history of the origins of the National Wildlife Refuge System points out, I believe, that the System has grown sporadically and opportunistically in response to changing national moods and needs to acquire and administer wildlife environments of value to a wide variety of wildlife. Today there is a National Wildlife Refuge System unit in every one of the 17 major life zones of North America and over 85 percent of the land base of the System has been withdrawn from public domain in order to preserve natural habitat of rare, endangered or threatened species, upland wildlife, and to upgrade and segregate typical wildlife landscapes apart from normal public land management practices. This figure becomes even more significant when one realizes that the tremendous contribution that duck hunters have made the past 40 years to wetlands preservation through purchase of duck stamps which has resulted in acquiring about 10 percent of the total acreage of the System; or, looking at it another way, of the total acreage of the System classified at this time as waterfowl refuges, duck stamp revenues have been responsible for acquiring nearly 50 percent of the lands so classified, with the rest coming from public domain and transfer from other agencies.

POLICY DIRECTION FOR NWR SYSTEM

Therefore, one of the intentions of my bill is to provide the policy direction required to make the System what its founders intended it to be—a wildlife habitat—land management—System where emphasis is on assuring that all plant and animal life found in a single unit is not subverted or ignored in the management of that unit for its primary wildlife purpose, and that wildlife variety—not maximization of single wildlife species to the detriment of all others—is maintained and assured not only in the System as a whole, but every single unit of the System.

It goes without saying that I recognize the tremendous contribution the various State Wildlife Conservation agencies have made to the maintenance of viable wildlife populations in our country. It does seem to me, however, that with the bulk of the System having been withdrawn from public lands—lands owned by all Americans—that the System must be responsive to broad, national interests and concerns. I see no conflict in this insofar as we all continue to recognize that some wildlife species which utilize the System are also of State and local concern and that cooperative Federal-State activities, especially as regards hunting, should continue much the same as in the past.

CLASSIFICATION OF THE NATIONAL WILDLIFE REFUGE SYSTEM

A need of long standing, Mr. Speaker, is to classify the various units of the National Wildlife Refuge System as to their principal program function. Objectives setting, planning, policy formulation and proper administration of each unit has not, will not, and cannot proceed in the absence of classification and legislated definitions which this legislation will provide. This is not to say that previous classifications have failed or are nonfunctional; on the contrary, they were a step forward. But what is lacking are definitions setting forth congressional intent as to how each individual unit of the System should be administered within a classification framework and naming the area in accordance with its classification.

The bill proposes classifying the various units of the System as follows:

(a) NATIONAL WILDLIFE REFUGE

This category contains such areas as the many island or "birdrock" wildlife refuges such as Pelican Island, Fla.; West Sister Island, Ohio; Oregon Island, Oreg.; Aleutian Islands, Alaska; and others with similar program purpose. Inland areas, primarily dedicated to meeting sanctuary needs of wildlife—such as Santa Ana, Tex.—might also fall in this category. The Birds of Prey area in Idaho, presently administered by the Bureau of Land Management, would meet the definition of this classification as well.

(b) NATIONAL WILDLIFE AREA

These are the "wildlife management areas" of the System where wildlife habitat is restored and maintained, crops are grown, water levels manipulated and similar activities designed to improve wildlife carrying capacity. Most existing units of the System would fall into this category, especially the many areas acquired and administered with waterfowl as a primary wildlife species.

(c) NATIONAL WILDLAND

These are the units of the System where wildlife requires a wildland or natural condition in order to survive. Included in this classification are those units of the System established to provide habitat needs of specific animals. Most are extensive in size and have been mainly withdrawn from public domain to assure wildlife survival. Some have been withdrawn because wildlife habitat was threatened rather than to provide habitat for threatened wildlife species. Such areas as the Kofa and Cabeza Prieta, Arizona; Charles Sheldon and Desert, Nevada; Charles M. Russell, Montana; and Clarence Rhode, Cape Newenham, Kenai, Kodiak, Nunivak and Izembek, Alaska, fall in this category.

(d) NATIONAL WATERFOWL PRODUCTION AREA

These small, yet extremely valuable, units of the System are located mainly in the States of Minnesota, North and South Dakota, and Nebraska. These areas have been acquired to preserve natural wetlands primarily for waterfowl production and to provide hunting opportunities. During hearings on this bill, I intend to ascertain why the Bureau has not expanded a program of acquisition of small waterfowl breeding areas to other parts of the country—especially the Northeast and the intermountain West where high potential exists and habitat is threatened.

(e) NATIONAL MARINE AND ESTUARINE AREAS

This will be a new category to be established by the bill. I know of no existing units of the System which should be so classified at this time. This classification will be explored at the time of hearings on this bill.

(f) NATIONAL URBAN WILDLIFE AREA

Existing units of the System which would fall in this category are the Tinicum Marsh, Pa.; San Francisco Bay, Calif.; and others within and adjacent to large urban areas, depending on program purpose. One which should not, in my opinion, be classified as an "urban wildlife area" is Great Swamp, N.J. But, here again, the kinds of existing areas and the need to expand these kinds of wildlife habitat areas will be explored at hearings on this bill.

ADMINISTRATION OR MANAGEMENT OF THE NATIONAL WILDLIFE REFUGE SYSTEM

Mr. Speaker, down through the years there have been periodic attempts by certain officials of the Department of the Interior to purge the National Wildlife Refuge System of some of its finest units. The most recent attempt happened early in 1973 when the Bureau of Sport Fisheries and Wildlife—now the U.S. Fish and Wildlife Service—tried to divest itself of several wildlife areas in the appropriation process, claiming it did not have the funds to continue operations. Actually, I believe that the true intent was to dispose of a number of outstanding areas to States and local jurisdictions without benefit of public input. Conservationists across the country became alarmed when the plan was exposed. The Department of the Interior at first denied that such planning was taking place; then, as the months passed, began to vacillate. Following is an excerpt from a letter I received from the Department of the Interior in response to my inquiry regarding this matter:

> You may be assured that the Bureau has no plans or intent to transfer or give up title to any refuge or game range, except in connection with possible small tract land exchanges—as has been practiced in the past—when the interests of the wildlife resource would be served well by such transactions. We do not contemplate any action that would in any way compromise or modify the Secretary's legal responsibility for the fundamental administration of any unit of the National Wildlife Refuge System. However, we are exploring ways in which to share with states the management of some functions, auxiliary or secondary in nature, on some refuges and ranges.

My colleagues will note that the Department drew a distinction between the words "administer" and "management." My Webster's dictionary defines the two words as meaning the same. In order to avoid confusion, my bill defines these words as to how their meanings will be applied in operation of the System. In addition, and most importantly, my bill establishes a process by which the Department may dispose of wildlife refuge lands, but only under certain conditions and by following certain restrictive procedures, including ultimate approval of the Congress. The purpose here is to lay to rest once and for all periodic attempts by people who should know better to dispose of units of the wildlife refuge system unilaterally.

All of these attempts in the past have caused a great public outcry. All have been aborted. What has been forgotten is that the National Wildlife Refuge System is national in scope and the lands are publicly owned properties, managed and administered to benefit wildlife in the interest of all citizens. To turn complete management of a Federal land holding over to a non-Federal agency could mean, in my opinion, turning the control of that land over to a non-Federal function. Objectives then change and non-Federal programs could become paramount.

LAND-GRAB BY OTHER FEDERAL AGENCIES

Another feature of the bill would give protection to the Refuge System from periodic land grabs by other Federal agencies. For years, the Refuge System has been bombarded by other Federal agencies seeking to grab lands for their purposes, mainly behind closed doors. The military has been particularly active in the past and valuable wildlife lands have either been turned over in whole or in part. Some of these attempts have been thwarted—my colleagues may recall the nationwide public outcry and successful citizen defense of an attempt by the military to grab the Wichita Mountains Wildlife Refuge in Oklahoma several years ago.

Other agencies are not guiltless. Today, as I speak these words, the Bureau of Land Management of the Department of the Interior is trying to take over five important wildlife ranges in the west. These areas, totalling more than 5 million acres, are the Kofa and Cabeza Prieta, Ariz.; Charles Sheldon and Desert, Nev.; and Charles M. Russell, Mont.

The bill will provide that these kinds of transfers cannot take place without an affirmative act on the part of the Congress. Perhaps then, and only then, will the Wildlife Refuge System achieve parity among the land conservation agencies of the Federal Government. Perhaps I should mention at this point the text of an article in the July 1974 issue of "Not Man Apart," written by George Alderson, which I would like to have inserted immediately following my statement. The article discusses, in more detail, the plans of the Bureau of Land Management with respect to these five ranges.

LOW ON THE TOTEM POLE

Mr. Speaker, up until now I have pointed out what I consider to be mainly a problem of attitude with certain Department of the Interior and U.S. Fish and Wildlife Service officials. An attitude which manifests itself by relegating the System to the backseat in establishing priorities and funds distribution. Administratively, the System is a mere "Division" within an Agency which places land management on a low priority role.

The Department of Interior itself recognized the problem of the system being of low priority in a report issued by its office of Survey and Review entitled "Review of National Wildlife Refuge System, Bureau of Sport Fisheries and Wildlife, July, 1972." Among the findings of that report are the following:

> With the resources made available, we think the NWRS has been faced with an impossible situation.
>
> 1. Operation and maintenance funding in the past five years (FY 1967 to FY 1972) has gone from $10.8 million to $19.9 million. Most of the increase went for higher salaries. Actual employment in the NWRS declined from 1066 in 1968 to 941 in 1972, and another 73 people have been reassigned to administrative duties.
>
> 2. Construction funds provided in the last five years totalled only $11 million for a System which previously had little public use development.
>
> 3. In the same period, the Bureau had acquired an additional 1.5 million acres, and has had to staff 26 additional refuges.
>
> 4. Visitor use has increased from 15 million in 1967 to 21 million (estimated) in 1972, up 40 percent.

In a memorandum, dated July 21, 1972, transmitting the above report, the Director of the Department's Audit Operations had this to say:

> We are directing this report to the Secretariat level because the principal problems identified are directly related to inadequate financing of the National Wildlife Refuge System. These problems are inadequate accommodation of visitors, deterioration of physical facilities, hap-hazard fee collection, and safety hazards. The problems have been compounded by full scale land acquisition which expanded the system and aggravated the imbalance between things to do and money to do them with. The absence of effective planning is another contributing factor.
>
> The report has been discussed in detail with Bureau personnel and they are in substantial agreement with the report's description of the nature and extent of the problems. Bureau comments are included as exhibit II of the report.
>
> *Basically we conclude that, if the National Wildlife Refuge System is to continue as a low priority Department program, then substantial reductions in the program's public use objectives are in order.* (Emphasis added.)

Actions by the Department since that report was submitted clearly indicate that the System is to continue as a low priority program.

A NATIONAL WILDLIFE REFUGE SYSTEM

One approach to cure the above stated ills would be to upgrade the System to full bureau status. This approach will be fully explored at hearings on this measure. However, one can only assume that the System will continue to perk along on one cylinder unless this is done. After all, we should all recognize that the System has more field stations in more States and contains more total acreage than the National Park System. This factual comparison alone should dictate prompt approval of the measure being introduced today.

LEOPOLD REPORT

An excellent study of the National Wildlife Refuge System was conducted in 1968 by the Secretary of Interior's Advisory Committee on Wildlife Management. That committee, composed of outstanding individuals in the field of wildlife management—A. Starker Leopold, Clarence Cottom, Ian McT. Cowan, Ira Gabrielson and Tom Kimball—issued a report commonly referred to as "The Leopold Report" containing a number of significant recommendations for instituting change in the NWR system. Many of the recommendations of the committee—presented at the 33d North American Wildlife Conference and published by the Wildlife Management Institute—are incorporated in this bill.

MANAGEMENT PRINCIPLES

Mr. Speaker, I know that my colleagues will agree that today we live in a world of accelerating change and one which is infinitely more complex than a few short years ago. Operation of the System is more complex than a few short years ago. Operation of the System is more complex as well, simply because today's rapidly changing world is causing ever-expanding social and economic pressures to be exerted upon all natural resources. While, on the one hand, man's economic and social needs require resource utilization and recreational enjoyment, his moral wildlife be preserved. Values of wildlife cannot be adequately measured in the same terms as most forms of recreation since they transacted day-to-day activities and bring into focus man's age-old dependence upon, and oneness with, wild creatures. Habitat must be preserved for wildlife and the public enjoyment of it, even though satisfaction may come only from the knowledge that these wild forms exist. Still, there are two basic facts which must be kept in mind by managers of the System. They are:

One. The primary dedication of the National Wildlife Refuge System, as expressed through legislation and Executive orders, is for conservation of a wide range of North American birds, mammals, fishes, reptiles, and amphibians through preservation of their habitats.

Two. That the conservation of wildlife is dependent upon the manner in which the basic land, water, and vegetative resources comprising myraids of animal environments are managed.

This legislation will assure that the System will once again be based on these principles by providing the necessary status, goals and management direction that is required if the System is to be truly responsive to the broad public interest.

AN OPENED-ENDED SYSTEM

Mr. Speaker, the National Wildlife Refuge System is an open ended system and, doubtless, never will be fully completed. New opportunities and new needs will appear as our ever-changing world evolves around us and as our Nation becomes more urbanized. We must be ever vigilant to insure that no wildlife species, ever again, will become extinct due to lack of habitat and at the same time always be on the alert to seize the best means to serve the American people through establishment of units of the system now, and perhaps, forever.

THE PUBLIC DOMAIN LANDS

This legislation will provide the means of achieving these important goals, based on the principle established by Pelican Island and, as stated earlier, the fact that 85 percent of the system contains wildlife environments withdrawn from the public domain. I do not believe that the great reservoir of the public domain as possible units of the system has been fully explored. I am particularly apprehensive of the results of a recent decision to extract oil shale in the West, particularly western Colorado, and the effect such profound and lasting impacts on the land will have on wildlife dependent on these same lands. I feel the same apprehension when I consider the results of strip mining of vast coal reserves in Wyoming and Montana. While I am not certain whether a review of these sites would result in placement of areas in the system, I do feel a review is required, and soon, so that proper decisions can be made.

FEDERAL LANDS IN ALASKA

Other public domain land areas, particularly in Alaska, should be placed promptly in the system. As my colleagues know, the Subcommittee on Fisheries and Wildlife Conservation and the Environment, which I chair, held hearings last spring on a bill to establish a number of wildlife refuges in the State of Alaska. A revised version of that bill has been incorporated in this measure. A number of changes have been made in response to suggestions of witnesses at those hearings. Another important feature is to recognize the need, under certain conditions, for Alaskan Natives to continue to utilize certain areas for subsistence purposes not only to fulfill cultural needs, but in order to survive in that harsh environment. Frankly, I cannot think of a better means to assure and protect these important uses by native peoples than to establish a wildlife area near native selected lands designed to protect and preserve wildlife and the land.

Large tracts of public lands must be set aside in Alaska because wildlife is not abundant—on a per acre basis—because of the low productivity of the land and, thus, most wildlife requires large areas in order to survive. Furthermore, the lands are already federally owned, and wildlife area establishment would place no additional burden on the taxpayer or sportsman to acquire it.

MARINELANDS

Another important study that must be made soon is to complete a comprehensive review of our estuaries in order to make certain that those areas of primary value to fish and wildlife are not lost before it is too late. Much of our Nation's food supply derived from marine sources is dependent on natural estuaries and millions of people enjoy them for recreational purposes. We do not want to change them blindly without first ascertaining those estuaries and other marinelands that should receive special management attention.

FILLING IN THE GAPS

Many of the national wildlife refuge areas acquired in the 1930's have never been completed. An important part of this legislation would direct the Secretary of the Interior to review all existing areas and decide which lands or waters should be added to the individual area. This is important not only from a management and protection standpoint, but it is my understanding that in many areas of the country people residing near an incompleted unit have been kept dangling for years, never knowing for certain whether the Government was going to try to purchase their property. These people have a right to know, and soon, exactly what the agency plans to do.

PLANNING AND TRAINING

Mr. Speaker, most of the problems that I have been discussing can be boiled down to a complete lack of systematic planning. In the absence of concrete planning, based on sound ecological principles, management decisions are made in a vacuum. Sound planning and forecasting certainly would have pointed out, long ago, the significant values of the System to the American people. Actually, the public has been short changed due to a lack of planning.

This legislation will provide the means for the Secretary to develop a systematic planning system in the National Wildlife Refuge System. Adequate planning is a mandatory function if the System is to assume its rightful role as a major motivating force in the overall conservation picture of our country and the world.

An allied feature of my bill is to establish the main planning team effort in a Planning Service Center to be located on an existing unit of the System, or preferably, one to be acquired specifically for this purpose. By acquiring a special unit containing a variety of ecosystems, wildlife research and training could also be accommodated.

A most important function of this special area, which I presume will be selected by a task force selected by the Secretary, will be as a National Training Academy. Land managers require a varied number of skills not always obtained in the academic world. Refuge managers should be the most skillful of all Federal land managers because the product of their work is a living creature and the management of the land to assure the livelihood of wildlife for public good. Thus, managers have to be continually trained and educated in ecological processes. Additionally, managers must be skilled in modern managerial techniques.

The legislation proposes to establish a training academy to accomplish these ends, not only to train personnel of the System, but those of State conservation agencies, private organizations and others throughout the world as well. For, I am convinced, that while we must upgrade the Wildlife Refuge System to its rightful place in the sun, we must, at the same time, provide the dedicated men and women with the tools with which to do the job. And, since the job is shared with many others, including the fine men and women of the various State wildlife organizations, each should benefit from this educational process.

The legislation would name this special Planning and Training Academy after J. Clark Salyor II, a man of far-sighted vision, leader of the System for nearly 30 years and, more than any other single individual, the person most responsible for the size and diversity of the System as we know it today.

MULTIPLE-USE VERSUS MULTIPLE-VALUE

Mr. Speaker, one of the unfortunate concepts that has been developed by some Federal land management agencies is the concept of "multiple-use." While fine in theory, when put to practice it more often than not merely means several dominant uses of separate tracts in a single management unit. When all of these "uses" are combined or added up for the entire unit, the agencies declared it to be a "multiple-use unit." Thus, land abuse can be planned or permitted to continue under the guise that it is only one of many "uses" of that piece of land in a multiple-use framework.

The National Wildlife Refuge System also contains many uses—ranging from wilderness to lands farmed to produce grain for wildlife food—but all uses have a common goal: to provide wildlife needs and the human benefits derived therefrom. The bill proposes to create a new kind of land management principle—that of a multiple-value approach to land administration. This concept is based on the assertion that all land has many values with some higher than others. And, it is the responsibility of land managers to identify those values and manage the land to assure that none is destroyed in the process.

The multiple-use concept is based on the management principle that in order for land to be valuable it has to be "used." On the other hand, the legislation proposes the concept that all land has value whether it is "used" or not. In this way, we intend to set the management standard that intangible and nonquantifiable values of the National Wildlife Refuge System are just as important and are equal to the more obvious tangible, economic values or "uses."

CONCLUSION

Finally, Mr. Speaker, each generation has a rendezvous with the land. Our children, grandchildren and their grandchildren will sit in judgment on what this generation accomplishes in perpetrating a quality of life for those generations yet unborn who will succeed us on this planet. We are all products of the land and careful husbandry of the land is required to sustain and succor us, not only as a people, but as a civilization as well. I believe that the stature of the American people as a free and civilized society is greatly enhanced when we take steps, as my bill proposes, to assure that fish and wildlife are afforded their natural right to inhabit the land, air, and water of this country, thus assuring future generations an enduring wildlife heritage.

Mr. Speaker, before closing, I would like the record to show that I have the greatest respect and admiration for the personnel of the Department of the Interior, both in the field and at the Washington, D.C., headquarters. I have worked closely with them over many years and know them to be dedicated and hard working public servants who often accomplish more than should be expected given the limitations within which they must operate. But these men inherited a situation that must be changed for the protection of our valuable wildlife resources and habitat. In their defense, I know that many of the decisions which I am taking issue with today are the result of the strictures placed upon them by the Office of Management and Budget.

My criticisms are meant to be constructive and I feel sure that they will be accepted in that light and that I may look forward to the continued cooperation and assistance of my good friends in the Department.

The article referred to in my remarks follows:

HOME ON THE RANCH

(By George Alderson)

One of the most blatant attacks in history on lands dedicated to preservation of wildlife has taken shape this year in Arizona, Nevada, and Montana. Miners and stockmen, in league with the US Bureau of Land Management (BLM) are mounting a major campaign to take over five national wildlife ranges and subjugate the wildlife purposes of these vast preserves to private economic interests. At stake are more than five million acres of prime wildlife habitat, on which some of the nation's finest populations of desert bighorn sheep and pronghorn antelope depend, along with many other forms of wilderness wildlife. If the exploiters' scheme succeeds, the bighorn and antelope populations are sure to be weakened by deterioration of their habitat, as has occurred in most areas of the West that lacked protective status.

The five great wildlife ranges, part of our National Wildlife Refuge System, were established by Presidential proclamation in the 1930's, when wildlife scientists realized that the development of the West had jeopardized the original residents of the open range. Key areas of federal land were thus reserved for wildlife purposes, with only these exceptions—mining was to be allowed free rein, and grazing was to be permitted whenever there was forage not needed by wildlife. The administration of the national wildlife ranges was assigned jointly to two federal agencies, known today as the Bureau of Sport Fisheries and Wildlife (BSFW) and the Bureau of Land Management. This dual-jurisdiction arrangement was intended to give BSFW authority over the wildlife and BLM authority over grazing and mining.

The wildlife ranges have served their purpose well, bringing back the once-endangered bighorn and antelope, and sheltering also the now-rare peregrine and prairie falcons, along with elk, deer, bald and golden eagles, and many other forms of wildlife. However, the dual jurisdiction has led to one fight after another between the two agencies, with BLM defending the interests of the miners and stockmen, and BSFW defending the wildlife. The upshot has been continued overgrazing by domestic cattle, with resultant impact on wildlife populations.

It was a fallacy from the start to think that a separate agency was needed to manage grazing. BSFW manages grazing in many units of the Wildlife Refuge System with notable success. In the wildlife ranges, BLM has been like a fifth wheel on an automobile. BLM's role has served only the narrow economic interests of mining and grazing, and has been consistently at odds with the national interest, expressed in the original Presidential proclamations, of protecting the wildlife that live on these ranges.

The issue came to a head this year when Interior Secretary Rogers C. B. Morton proposed public land orders giving BSFW full responsibility for Cabeza, Prieta, and Kofa Game Ranges in Arizona, barring further mining claims in both areas as well as in Desert Wildlife Range in Nevada, and enlarging all three areas.

A POWER GRAB

BLM, as an agency under Secretary Morton's supervision, was formally obliged to support these proposals. But instead of loyally working in support, the employees of BLM actively fomented opposition, according to Arizona environmentalists. The result was a vociferous outcry of opposition from miners, stockmen, state agencies, and Arizona legislators such as Congressman Sam Steiger and Senator Paul Fannin. The exploiters not only opposed Secretary Morton's reforms, but urged that the wildlife ranges be turned over to BLM, lock, stock, and barrel.

Conservationists managed to equal the sheer numbers of the opponents by means of letters endorsing Secretary Morton's constructive proposals, but the opposition has continued its agitation for removal of the wildlife ranges from the National Wildlife Refuge System.

In the case of Charles Sheldon Antelope Range (Nevada) and Charles M. Russell National Wildlife Range (Montana), which were not covered by Mr. Morton's proposals, BLM has not stopped at sub-rosa opposition. BLM's Director, Curt Berklund, a former Idaho sawmill operator, openly says that these two ranges should be turned over to BLM and that BSFW should be ousted from them. On April 10 of this year, he told a group of environmentalists, "We think the northern ranges can best be managed by BLM." Secretary Morton has not yet taken a stand on Mr. Berkland's proposal, so there is still time for citizens to influence the decision.

If BLM gained control of Sheldon and Russell, we can predict the consequences. BLM has already made plans to use chemical herbicides, chiefly 2,4-D, to kill sagebrush in Sheldon, despite the dependence of sage grouse on the species, and to fence large acreages for cattle, despite the danger fences pose to antelope by interfering with their free movement. In both Sheldon and Russell, BLM has been hostile to proposals for designation of wilderness areas, which would protect the land against roads and other developments. BLM officials agitated within the Interior Department to delay, and then gut, the wilderness proposals prepared by BSFW. The Russell wilderness proposal was cut almost in half as a result of BLM's opposition before it was ever released to the public.

THE SOLUTION

There is only one way to stop the continued machination against the national interest in these wildlife ranges: give full management authority to the Bureau of Sport Fisheries and Wildlife. As long as BLM has its fifth-wheel role in these areas, wildlife will never receive top priority, because every measure that interferes with mining or grazing will be fought from the inside, behind closed doors, by BLM. BLM employees could spend their time far more porductively for the national interest if they were assigned to better manage the other 450 million acres of public land that is administered by BLM alone, instead of working against wildlife in these important wildlife ranges.

If the five national wildlife ranges are to be managed principally for wildlife protection, as they were intended to, then BSFW should be placed in charge. After 35 years, it's time to conclude the experiment with dual jurisdiction and resolve the dispute once and for all in favor of wildlife.

MATSUNAGA BILL WILL PROVIDE INDEPENDENT NURSES' SERVICE UNDER MEDICARE AND MEDICAID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. Matsunaga) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, in our search for ways and means of keeping the cost of medical care within the reach of all Americans, we have overlooked a resource in our very midst. This is especially regrettable, since we today face sharply rising costs for medical care and a shortage of primary care practitioners, particularly in rural and economically depressed areas. I am, of course, addressing myself to the improper and wasteful utilization we have made of the professional skills and talents of members of the nursing profession.

Although trained as professional medical service practitioners, nurses have been in too many instances relogated to serving menial functions as subservient practitioners to doctors. For too long we have wasted this valuable professional resource and denied people in need access to high quality, low-cost primary health care.

Nurses have long practiced independently in some parts of the country. Often, they have been forced to do this in violation of archaic laws which restrict most primary care functions only the physicians, even where there have been no physicians available to provide the needed services. This major contribution by nurses is finally beginning to be recognized, and in some States laws are being amended to permit nurses who have the proper training and experience to function independently as primary medical care providers. This is a highly laudible trend which will be advanced by the legislation which I have introduced today. Parenthetically, I would also like to say that this is a first step, and I look forward to the proper recognition of other health care professionals such as pharmacists, optometrists, psychologists, dietitians, and others, so that they too can function in a professional capacity consistent with their training. It is my intention to take positive steps in this regard in the near future.

The release of nurses from their position of servitude to physicians and the physicians to be more readily available for the important technical functions which only they can perform, is necessary to promote the well-being of all Americans. For this purpose, I am introducing legislation to amend the social security law to provide for the inclusion of services by licensed nurses under medicare and medicaid. This can have no other effect but to reduce the cost and increase the effectiveness and availability of the medical services which are so important to us all. I hope that my colleagues will join me in recognizing the importance of this far-reaching trend and support me in my efforts toward early consideration and passage of my bill.

I include at this point the text of my bill, which is virtually identical to legislation introduced in the Senate by my friend and distinguished colleague from Hawaii, the Honorable Daniel K. Inouye.

H.R. 15867

A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under Medicare and Medicaid

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861 (s) of the Social Security Act is amended by inserting immediately before the matter following paragraph (13) the following: "The term 'medical and other health services' also means medical care, or any other type of remedial care recognized under State law, furnished by licensed (registered) nurses within the scope of their practice as defined by State law.".

Sec. 2. (a) Section 1905 (a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (16);

(2) by inserting "and" at the end of paragraph (17);

(3) by adding immediately below paragraph (17) the following new paragraph:

"(18) medical care, or any other type of remedial care recognized under State law furnished by licensed (registered) nurses within the scope of their practice as defined by State law;".

(b) (1) Section 1902 (a) (13) (B) of such Act is amended by inserting after "through (5)" the following: "and (18)".

(2) Section 1902(a) (13) (C) (i) of such Act is amended by inserting immediately after "through (5)" the following: "and (18)".

(3) Section 1902(a) (13) (C) (ii) (I) of such Act is amended by inserting immediately after "through (16)" the following: "and (18)".

(4) Section 1902(a) (14) (A) (i) of such Act is amended by striking out "and (7)" and inserting in lieu thereof ", (7), and (18)".

Sec. 3. The amendments made by this Act shall be effective with respect to payments under titles XVIII and XIX of the Social Security Act for calendar quarters commencing with the first calendar quarter beginning after the date of enactment of this Act.

DEPARTMENT OF STATE IMPEDES INVESTIGATION OF NAZI WAR CRIMINALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Eilberg) is recognized for 15 minutes.

Mr. EILBERG. Mr. Speaker, as the chairman of the Subcommittee on Immigration, Citizenship, and International Law, I recently wrote to the Secretary of State concerning reports I had received that the State Department was not cooperating with the Justice Department in its effort to identify and deport alleged Nazi war criminals now living in the United States.

I was particularly concerned with the State Department's apparent refusal to help locate in foreign countries, especially Russia, witnesses to the reported atrocities.

The reply I received to my letter was that the State Department did not think the Russians would agree to allow our people to look for the witnesses in Russia and that there would be no way to authenticate the validity of statements made by persons produced by Soviet authorities.

The State Department's answer also hints that this might be too sensitive a matter to bring up with the Russians because the Russians have already taken a position on a specific case which I mentioned, but the Department has not designed to tell me or anyone else exactly what the Russians have said about this matter.

Mr. Speaker, I find this attitude just a little bit incredible. First, the State Department is afraid to ask the Russians for help because they may refuse. Well, we are certainly not going to get any help if we do not ask and if the Russians do say "No," then we are no worse off than before the question was raised.

Second, we have been hearing constantly about "the spirit of détente" and about what great relations we have with the Russians. If this is true, then what is détente all about. If there is a spirit of cooperation I would imagine that the Russians would be happy to cooperate in an endeavor as noncontroversial as locating Nazi war criminals. Or, have all of these negotiations and expensive trips to the Summit been exercises in futility which have brought about agreements and statements that turn out to have no real substance when they are tested?

At this time, I enter into the Record, the letters I have addressed to the State Department and the reply I have received:

June 26, 1974.

Hon. Henry A. Kissinger,
Secretary, Department of State, Washington, D.C.

Dear Mr. Secretary: This is to express my deep concern over the Department of State's failure to cooperate with the Department of Justice in its investigation of the alleged Nazi war criminals, currently residing in the United States.

The assistance of the Department of State is particularly necessary with regard to obtaining statements abroad from eye witnesses to reported atrocities as well as consulting foreign governments concerning certain extradition requests. Apparently, the Department of State has not responded to these requests for assistance by the Department of Justice.

This matter has been discussed during oversight hearings held by my Subcommittee on Immigration, Citizenship, and International Law on April 3 and June 25, 1974 and in each instance we have urged the Department of Justice to vigorously pursue its investigation. It is my understanding, however, that this investigation has been seriously impeded by the inaction of the Department of State.

I can appreciate that sensitive foreign policy considerations may be involved in such an investigation, but it is our responsibility to insure that the provisions of the Immigration and Nationality Act are adequately and properly enforced. In order to achieve this objective, I would urge the Departmnment of State to cooperate in every respect with the efforts of the Immigration and Naturalization Service to elicit all of the facts in these cases. This evidence and information is urgently needed if the Service is to complete its investigation in a timely manner.

Consequently, I would request a complete and detailed report on the status of the Department of State's investigation of this matter and I would certainly appreciate a prompt response to this request.

With kindest personal regards,

Sincerely,

Joshua Eilberg,
Chairman.

Department of State,
Washington, July 5, 1974.

Hon. Joshua Eilberg,
Chairman, Subcommittee on Immigration, Citizenship, and International Law, House of Representatives.

Dear Mr. Chairman: With respect to that part of your letter of June 26, 1974, relating to the response of the Department of State to requests from the Department of Justice to consult foreign governments concerning certain extradition requests, the office of the Department of State which handles all extradition matters has no record of any such request being made in the last six years.

A letter dated June 3, 1974, was received from the Immigration and Naturalization Service reporting that an officer of the German Consulate in New York had requested an assurance from the Department of State that it would seriously consider a request for extradition of war criminals. In the course of extensive coordination with the diplomatic and consular officers of the Federal Republic of Germany on the successful extradition of Mrs. Hermione-Ryan for war crimes, no indication was received by the Department of State that any special assurance of serious consideration of that or other requests was desired. We have had no confirmation through diplomatic channels that such a desire now exists. Quite frankly, after the Ryan case in particular, we are puzzled about the reported desire of the consular officer for assurances of serious consideration of extradition requests because the United States has a treaty obligation to extradite anyone covered by the treaty who does not have a valid legal defense under the treaty. Those are questions in the first instance for judicial determination.

However, if an assurance is in fact desired that the Department will give serious consideration to German requests for extradition of war criminals, the answer, of course, is we will do so, as we have in the only case in the past where such a request was made.

The Immigration and Naturalization Service asked us if we think it feasible for the Department of State to locate and obtain sworn, certified and authenticated statements from eye witnesses in the Soviet Union to atrocities allegedly committed on territory presently controlled by the USSR. Because of the sensitive foreign policy considerations involved, a Department of State officer recently discussed this matter in person with our US Embassy personnel in Moscow.

We doubt that it would be feasible for our diplomats serving in the USSR to locate, question and obtain authenticated statements from Soviet citizens on this matter. Soviet authorities would not as a rule allow this sort of independent investigation of Soviet citizens by foreign officials. Moreover, there is no agreement between the US and USSR permitting investigations or the taking of testimony or statements of Soviet citizens by US officials in the USSR.

Our only practical recourse would be to request the Soviet Ministry of Foreign Affairs to locate alleged eye witnesses and make them available to our officers. While this might be possible, we would have no way to verify the credibility or, indeed, the identity of the witnesses provided us by Soviet authorities. This caveat would seem particularly applicable to the sensitive issue of alleged war crimes, especially specific alleged cases upon which the Soviets have taken a public position, such as that of the Kowalczuks.

A similar situation with respect to questioning or taking testimony of witnesses obtains in Romania.

We will be in touch with the Service to explore these considerations in greater detail.

We appreciate your interest in this matter and will make every effort to assist the Service in completing its investigation of these cases.

Cordially,

Linwood Holton,
Assistant Secretary for Congressional Relations.

Committee on the Judiciary,
Washington, D.C., July 9, 1974.

Hon. Henry A. Kissinger,
Secretary of State, Department of State, Washington, D.C.

Dear Mr. Secretary: This is in further reference to my letter of June 26, 1974, requesting a status report on the Department of State's activities concerning alleged Nazi war criminals, and the Department's response of July 5, 1974.

While I appreciate this prompt response to my request, I remain disturbed by the inaction and indifference of the Department of State concerning this matter. Although the letter indicates that consultation with U.S. Embassy personnel in Moscow has occurred, apparently the Department has not contacted officials of the Soviet Government in order to determine whether they would entertain a request for interviews of, or obtaining statements from, certain Soviet citizens.

I am particularly troubled that the Department has not made this effort especially in view of the statement in the July 5 letter that "this might be possible."

The Department's letter also indicates that the Soviet Government has taken a public position on the Kowalczuk's case, yet it failed to inform me as to the nature of their position.

In view of the intense Congressional interest in these matters, I would urge the Department of State to continue its efforts to assist the Department of Justice in its investigation, particularly with respect to obtaining statements from eyewitnesses to the reported Nazi atrocities.

With kindest regards,

Sincerely,

Joshua Eilberg,
Chairman.

MEMORIAL SERVICES FOR THE LATE SENATOR ERNEST GRUENING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Pepper) is recognized for 15 minutes.

Mr. PEPPER. Mr. Speaker, on July 1 memorial services were held in the National Cathedral for Senator Ernest Gruening, lately deceased. Hundreds of friends gathered on this occasion to pay their tribute to the memory of Senator Gruening and to extend their sympathy to his beloved wife of 60 years and other members of his family. Eulogies were delivered on this occasion by Justice William O. Douglas, Gov. William Egan, Representative John Conyers, Senator Ted Stevens, Mr. Robert Atwood, Ambassador Ira Hirschmann, the Rev. John Wells, Senator Wayne Morse, and by me. No words can adequately eulogize the great life and career of Ernest Gruening but those who delivered these eulogies expressed as best they could their profound admiration and affection for Senator Gruening and their appreciation and the appreciation of their fellow Americans for Senator Gruening's immeasurable contribution to this country and to mankind in his almost nine decades of a beautiful and meaningful life. In order that the Members of Congress, in which Senator Gruening served with outstanding integrity and such deep dedication and courage, and our fellow Americans whom he loved so much may have an opportunity to read and to share in the sentiments of these eulogies, I include them following my remarks in the body of the Record:

Washington Cathedral, Washington, D.C.,
Monday, July 1, 1974

CANON LESLIE GLENN

A lesson is found in the 44th Chapter of Ecclesiasticus. Let us now praise famous men and our Fathers that begat us. The Lord hath wrought great glory by them through his great power from the beginning. Such as did bear rule in their kingdoms, men renowned for their power, giving counsel by their understanding and declaring prophesies, leaders of the people by their counsels and by their knowledge of learning meet for the people, wise and eloquent in their instructions, rich men furnished with ability, living peaceably in their habitations. All these were honored in their generations and were the glory of their times. There be of them that have left a name behind them that their praises might be reported. These were merciful men whose righteousness hath not been forgotten. With their seeds shall continually remain a good inheritance, and their children are within the covenant. Their seeds standeth fast, and their children for their sakes. Their seeds shall remain forever and their glory shall not be blotted out. Their bodies are buried in peace but their name liveth forevermore. Here endeth the lesson.

JUSTICE WILLIAM O. DOUGLAS

Members of the Gruening family and friends of Ernest Gruening. Ernest lived in turbulent times, and to his eternal credit and to the welfare of the nation he stood tall above the crowd. He stood up and was counted on all the great public issues of his day, and happily he finished and published, before his death, his great autobiography. The beautiful Dorothy Elizabeth Smith, whom he married in 1914, was his first love, and he was devoted and dedicated to her to the very end. After Dorothy and the children and the grandchildren came Alaska. Alaska was enormous geographically and scant with people and ready to be exploited by a few canny men, and he felt intensely that it should not suffer the fate of the other western states at the hands of the robber barons. More important than Alaska was the Constitution and the Bill of Rights. I never knew a person more dedicated to our Constitutional principles than Ernest Gruening. He believed, of course, in law and order, but in his view it was important that it be constitutional law and order. By that he meant the government, like individuals, should not take short-cuts. A lawless government was to him even a worse result than vigilantes who took the shaping of the law into their own hands, for government sets an example for all the people.

If the government takes short-cuts, it's an invitation to individuals to do likewise. He spoke movingly about Brandeis and his sense of governmental proprieties, of the right of privacy, of the curse of elecrtonic surveillance, of the tragedy when people become merely items for the computer. He worked mightily against the growing obeisance of people to big government. He considered every man and woman a sovereign when it came to philosophy and religion, ideas and beliefs. With John Stuart Mill he honored the minority of one.

His minorities were not only social and religious but they were political and ideological as well. There was no voice he would still, yet it was the voice of Jefferson and Madison that he most respected. I have never known one more dedicated to First Amendment values than Ernest Gruening, who takes his place alongside of Hugo L. Black and Alexander Meikeljohn.

In the last two decades of his life the issues of war and peace loomed large. He heard much about peace but had come to believe it was mostly fraudulent talk by men who really looked on peace as a subversive word. He was stung by the devious means used to forment wars. He saw people possessed, as if seized by a compulsion to do a mad death dance. He wanted issues of war and peace exposed in the great public forum of the Congress. The Constitution, he said over and again, gave only Congress the power to declare war. In his ideas a Presidential war took place in Vietnam, and he could find no Constitutional basis for it. There was no foreign invader to repel. We were sending precious young lives and fortunes we needed at home in a senseless, wasteful, unconstitutional venture in Asia. That was the big issue in his life.

Ernest Gruening, from the very first, always voted "nay" on all issues of this Presidential war. His voice was not alone at the start. He had only one other to join him, Wayne Morse. But as time passes, and history is written, Ernest Gruening's name hopefully will energize oncoming generations, first to reject wars as their number one priority and rejoin the human race.

THE HONORABLE WILLIAM EGAN, GOVERNOR OF ALASKA

Dorothy, Hunt, all other members of the family, friends of Ernest Gruening.

In our history books, in the retrospective accounting of our great nation's fateful times of trial and triumph, the human essence of the men and women shaping its destiny too often withers away under the written word. It is sometimes difficult for us to gain some glimpse, some feeling of the person of these people. I feel this will never happen to Ernest Gruening because to write about his accomplishments, of his concern for his fellow human beings, and his tireless dedication to making life better for people, necessarily is to write of the man and his manner.

While we gather here today in memory of him, and while his memory will be honored in many ways over the years to come, Ernest Gruening built his own memorial. It is found not only in his life's work, but also in the conviction of his ways which enabled him to accomplish that life's work. He was not a man to deal with life from a safe distance. There was controversy to be faced. If there was a need to be met, there was no holding back and worrying about the personal liabilities involved where Ernest Gruening was concerned. He knew that the answers as well as the problems lay at the center of things, and he charged head-on into the issues at hand. That was where the people were, and that was how he learned of their needs and desires and aspirations. He enjoyed people. Alaska legislators will tell you that if Ernest Gruening stomped the campaign trail with you that more likely than not you would end up meeting some new people, even in your own home district. If, for example, at the end of a long day of campaigning he would see the lights of a home far off the road or highway you likely would find yourself parking the car and hiking with him towards those distant lights. Upon being told that the people who lived there were just Republicans anyway, he would suggest that they might well be turned into Democrats. Or, upon it being pointed out that they were ultraconservatives who might not be too excited about the intrusion of his liberal presence, he would kindly suggest then that there was nothing to lose just by visiting for awhile.

People and their needs were the abiding force in his life and the sustenance of his being. The genius of Ernest Gruening lay not in the complexities of his great mind. It derived from the human compassion which drove that great mind. The essence of the man was an unceasing quest for dignity and justice for all people. He knew that the attainment of these was not through precious abstract theorizing about the lot of man, but through the betterment of people's everyday lives. He believed that people, properly fed and housed and clothed, and in good health, were fully up to looking after their own destinies. In this regard, I well remember when during Ernest Gruening's first legislative session as Territorial Governor of Alaska, which was also my first session—I was honored to be a legislator serving under him at that time—he recommended in his messages various measures relating to a gross mining tax, a territorial income tax, and a territorial property tax, and a number of other recommendations which did not set so well with the powers that be. Right away those recommendations ran head on into very serious trouble in the Alaska Territorial Legislature. Keep in mind, too, that at that time the Territorial budget for education and health, and all the Territorial programs, was, as I recall, only between $4 and $5 million for the entire biennium. The money available for public services and programs just was not within the bounds of reason from the standpoint of the needs that the people of Alaska had when Ernest Gruening assumed his role as Governor of that great territory. He saw this immediately. He saw that much money was being made in Alaska from Alaska's fisheries and mining resources and by the shipping industry transporting those resources, and that the people of Alaska were hardly getting back even any pennies from the development of their natural wealth. It was not until the 1949 session of the legislature—eight years later—that we were able to get some of his measures through the legislature. It took a long time; but he was a man who, when he became convinced of something being in the interest of bettering the way of life of people, he just vigorously pursued that particular idea until he saw it culminate in the accomplishment which he thought should take place.

Governor Gruening quickly saw that Alaska's future was in its great natural resources wealth and its beauty, and he was determined that the people of Alaska should benefit fully from the development of those resources. Though the Territorial Government of Alaska had little real jurisdiction because of the very restrictive Federal Organic Act under which the Territory was organized, Ernest Gruening nevertheless fought hard to create a Territorial Department of Fisheries and to strengthen the Territorial Department of Health. In the field of education he was ever working to help make our University of Alaska an institution that would contribute meaningfully to the nation's academic posture and achievements.

He knew that no matter how difficult it was to wrest away nor how long it took, that control over their lives was essential in order for Alaskans to chart their own destiny.

In so many ways Ernest Gruening worked for the everyday betterment of life for Alaskans. He worked hard, too, to correct injustices in Alaska to minority groups. In this he not only was fully convinced that great changes had to be made, but he also strictly believed and practiced what he preached. He recognized the need for establishment of an effective tuberculosis control program, an effort in which it was my privilege to work with him. In those years tuberculosis was a terrible scourge in Alaska, particularly in the Eskimo native villages. The programs initiated had the result, during just a three or four-year period of time, of achieving a dramatic turnaround in the saving of lives of people who had tuberculosis.

Governor Gruening initiated the establishment of voting precincts in the native villages which caused quite some uproar among many of the interest groups. For this, and I am happy to say that such is no longer the case in Alaska, he was considered by some of those interests as being a scoundrel in the minds of many for "rocking the boat". I can only say "hurray" for Enrest Gruening. We could have used many more "scoundrels" like him.

In so many ways he was truly ahead of his time. In fact, as he told it, that was a characteristic of his that helped him end up in Alaska. Previously, as Director of United States Territories, he recalled he visited Puerto Rico and saw a burgeoning population of impoverished people. So, in San Juan and in Washington, D.C., he began extolling the need for a birth control program in Puerto Rico. He preached it because that was what he saw and that was the way he felt about it. His friend, the President, became a little upset about this and took Ernest to task. Soon after, Ernest became the newly-appointed Governor of the then Territory of Alaska. Who knows, perhaps the President thought that was about as far away as he could send him. Washington, D.C.'s loss was truly Alaska's great gain.

On through the years of Alaska's fight for statehood and its first decade as a State, Ernest Gruening continued to serve the people of Alaska and the nation with great dedication and distinction.

I want to say to Dorothy, his wife, and to Hunt Gruening, his son, and to his grandchildren, that Alaskans are proud of this great man who was yours and who was ours. We will always remember that. From the day he came to Alaska, things changed. From the day he came to Alaska, attitudes changed. That's the manner of man that he was. His wisdom and foresight were matched by an endless energy and tremendous personal drive that enabled him to accomplish day after day, year after year, more than most people dare even dream of or hope for. His life over these last thirty-five years was devoted to the well-being of Alaska and Alaskans, and of all the nation, and we are going to miss him.

REPRESENTATIVE CLAUDE PEPPER, CONGRESSMAN FROM FLORIDA

Canon Glenn, Mrs. Gruening, and members of the family, fellow friends of Senator Gruening.

This noble man, this good and great man, this man of rare integrity and concern for people—Senator Ernest Gruening—after almost nine decades of a beautiful and meaningful life, has gone to his Maker and to his reward.

There were two principles which all of his long life dominated Ernest Gruening. One was integrity, and the other was concern for people. Perhaps it was his concern for people which led him originally to choose medicine as a profession and to graduate with a medical degree from Harvard University in 1912. But, as he said later, he chose, instead of attempting to cure the ills of the human body, to make an attempt to cure the ills of the body politic—and how magnificently, through nearly half a century, he pursued that noble ideal. It was integrity which dominated his career as a publicist, as an editor. When he was editor of the Boston Traveler he printed an article in favor of birth control in which he conscientiously believed because of his concern for the mothers in the poor areas of Boston whom he had seen bringing forth one child after another which the family was unable to support. The editorial that he wrote was taken out of the presses which were stopped by the proprietor. But he defended his integrity. He also believed in the principle of the integrity of a paper by not writing reviews for theatrical performances based upon the volume of advertising which the theatre producers provided to the paper. He had battles over that, too. He also fought with proprietorship when he attempted to expose a corrupt judge, and it was discovered the proprietor had an obligation to that corrupt judge. And again he resigned.

He defended his principles of integrity when later he went to Santo Domingo and to Haiti; and when he saw the outrageous wrongs perpetrated by our country upon those two small nations, his soul resisted and resented that action on the part of our country, and he initiated efforts which led to a Senatorial investigation, and later to the removal of our troops from those two small Caribbean republics.

He carried on that battle for integrity when he also sought to bring back into peaceful relationship the United States and Mexico, the natural resources of which had been too often exploited by American selfish business interests. And he wrote a magnificent book out of that experience, "Mexico and Its Heritage", which was loudly proclaimed.

He also believed in integrity as editor of The Nation, when he sought to put forth and to defend principles which he thought were wholesome for our country and for mankind; and when he became the Director of the Bureau of Territories and Island Affairs in the Department of the Interior, he went to the poor people of Puerto Rico because of his concern for them and laid the foundation and the groundwork for the subsequent prosperity and progress which these people have enjoyed.

And when he became Governor of Alaska he carried on more of those many battles to preserve fairly the natural resources of that rich land, to prevent their exploitation to the detriment of the people, to provide better schools and living conditions for the people of that great area. And his concern for those people led him to become the champion of statehood for that splendid part of what is now America, our country, and more than all other people combined, the credit is due ot Ernest Gruening for the passion and the fervor and the conviction, and the indefatigable energy that he employed, in contacting public opinion and the Congress, inducing finally, in 1958, the admission of Alaska to the Union.

And then integrity was expressed by Ernest Gruening, as well as concern, when he started in the Senate again the battle that he had started fifty years before, to make birth control information available to the mothers of the country and the world who wanted and needed such information. He held over thirty-four hearings as Chairman of a subcommittee of the Senate. He fought again glorious and great battles, and is responsible today for the government of the United States making available hundreds of millions of dollars worth of material and information to the mothers of the world who need, and who call for, such information, as well as making similar information available to the mothers of this country.

And then, perhaps, his crowning glory was the integrity of his career as a Senator, his oath under the Constitution, his integrity as an American citizen, his concern for the thousands who were dying or about to die in South Vietnam. He pioneered, with a noble compatriot whom you will hear today, Senator Morse, the battle against the perpetration of what he sincerely and deeply felt was the outrage of American intervention in Southeast Asia. Remember that his first appeal was in 1963, when we had only 12,000 so-called advisory troops in Vietnam, and his great eloquent oration came on March 10, 1964, when we were just at the threshold of a great enlargement in that war, when he called upon his President, his fellow-members of Congress, and his fellow-countrymen, to avoid the tragedy of that bloodshed, and made the strong statement that one American life was worth more than all that mess, and that the tragedy of the perpetration of that war would eventually be characterized as a crime. And he, with Senator Morse, was the only Senator to vote against the Tonkin Resolution, which escalated the war, until eventually some 50,000 Americans died, and over 300,000 Americans were seriously wounded, and over $100 billion dollars of American treasure was poured into that conflict.

Even after he left the Senate, Ernest Gruening did not discontinue his struggle for those same principles. He carried on his fight for birth control, he carried on his fight for integrity in the government of our country, he carried on his fight for our country to stand with integrity before the world.

In Eagle River Landing, 27 miles from Juneau, in Alaska, which he and his lovely wife, Dorothy, so much loved, and to which they gave so much of their beautiful lives, the Gruenings had a cottage, and towering above that cottage 6,500 feet was a mountain, unnamed. When the Senator left the governorship of Alaska, the Chamber of Commerce of Juneau said, when he passes away—because we cannot do it in his lifetime—that mountain will bear the name "Ernest Gruening". And so, as long as time shall endure, we can foresee that noble mountain towering above all the surrounding countryside, bearing the illustrious, noble name of Ernest Gruening. And how fitting that is, because Ernest Gruening towered over his fellow-Americans. He towered over his time.

I know of no better way to describe this noble man, this beloved friend, than to apply to him the words that Marc Anthony in Julius Caesar applied to noble Brutus as he found him dead in his tent on the field at Philippi, when he said: "His life was gentle and the elements so mixed in him that nature might stand up and say to all the world, this was a man."

And so, to this Prince among men, may we now say farewell in the words that Hamlet's friend bade him as he passed away: "Goodnight, sweet Prince, and may flights of angels sing thee to thy rest."

REPRESENTATIVE JOHN CONYERS, CONGRESSMAN FROM MICHIGAN

Reverend Clergy, Mrs. Gruening, family and friends:

What would Ernest Gruening have us say here today? Certainly he would not want us to recite his record of accomplishments. Instead, he might say, "Well, go on, of course. You press forward and you never lose faith in the people." That was his spirit—that of a tireless champion of the people, a humanitarian who rose above political pragmatism. His life work affirms his belief that one man could make a difference, and he certainly did. The most appropriate tribute we can pay him is to follow his example and to live our lives as if mankind depended on us alone.

A year ago last July, Ernest Gruening wrote: "The great experiment begun so daringly and so hopefully two centuries ago, the great legacy bequeathed to us by the patriots of that day, is too precious and priceless to be destroyed. I intend to devote my remaining years, however few they may be, to altering my fellow-countrymen, and to try to help restore the America that has been and has served us so well."

This is the spirit of a man who created a State out of a wilderness; who stood almost alone against our rush to disaster in Asia; and whose commitment to racial justice kindled a light which, however dimly, spread across the country.

Only two weeks ago, in high spirits, Ernest said to me with characteristic optimism that was always his and always made me smile: "Did you hear about the victory in Oregon? I think Wayne Morse is going to make it back."

As a patriot, as a statesman, and as a humanitarian, Ernest Gruening leaves a record to which all men and women in government may justly aspire, for his was an articulate voice heard throughout the land, speaking in the name of national dialogue and about national purpose.

CANON GLENN

Now, let us read responsively Psalm 23, on page 368 of the Prayer Book. Will you stand, please.

Psalm 23. "The Lord is my shepherd, therefore can I lack nothing. He shall feed me in a green pasture and lead me forth beside the waters of comfort.

"He shall convert my soul and bring me forth in the paths of righteousness for his name's sake.

"Yea, though I walk through the valley of the shadow of death I will fear no evil for thou art with me; thy rod and thy staff comfort me.

"Thou shalt prepare a table before me in the presence of them that trouble me; thou hast anointed my head with oil and my cup shall be full.

"Surely, thy loving kindness and mercy shall follow me all the days of my life, and I will dwell in the House of the Lord forever."

SENATOR TED STEVENS FROM ALASKA

Mrs. Gruening, members of the Gruening family, and friends of Ernest Gruening:

I knew Ernest Gruening as a Governor, as an author, as a Senator, as a political opponent, and as a good friend. Following the great battle of statehood, Ernest Gruening realized that the war was not over; the war was not over for Alaskans so long as there were Alaskans living in conditions worse than the 19th Century and so long as Alaska's resources remained locked up so that Alaskans were denied this very vital capital base for their future.

We have lost a great champion, and those of us who worked with him, as well as those who opposed him at times, know that well. Even after Ernest left the Senate you could see Ernest Gruening on the floor of the Senate when something came up that concerned Alaska. When the Alaska Native Land Claims Bill was before the Senate, he was there. He was there on the floor of the House when that bill was debated. When the Alaska pipeline battle was raging, Ernest was back on the floor of the Senate, and again he was back on the floor of the House.

The beauty of Alaska did not blind Ernest Gruening to the fact that Alaska's resources were vitally needed not only by Alaskans but by our whole nation.

Ernest Gruening has left a legacy for Alaska's Senators and you will hear a great deal about that Alaska legacy. He had the courage to stand and do battle, even though he stood almost alone, with the sole thought that he knew what he was doing was right—right for the nation, and right for his State.

I was thinking as I came down here today of the fact that Ernest Gruening went to Alaska at a time in his life when he was a year older than I am now; and yet he has left behind him 3½ decades of service to our people and to the whole nation. That is a great mark that he has left. I can assure you that those of us who are trying to serve our State now realize the scope and the depth that this man had as he approached the great issues of the day.

Longfellow said about Charles Sumner: "When a great man dies, for years beyond our ken the light he leaves behind lies brightly on the path of men."

ROBERT ATWOOD, PUBLISHER OF ANCHORAGE TIMES IN ALASKA

Dorothy, Hunt, and Clark, and other members of the family, and friends of Ernest Gruening:

I have come here as an Alaskan, and I want to comment particularly on the thirteen years that we had Ernest Gruening as our Governor, as our leader, and as our friend. He came to us as an appointed Governor, and was greeted with the usual skepticism of any appointee from Washington. He was appointed by President Roosevelt and was responsible to the people in Washington. He wasn't our man; he wasn't our selection; but we got him. He found us living in happy isolation, I'd call it, limited in our narrow economy and unimaginative in our planning and certainly captive to the absentee interests that controlled the politics and economy of Alaska.

Regardless of the handicaps of being an appointed Governor, and being in a far-off land, far from Washington, misunderstood in Washington, and probably beyond the perimeter of interest of most of the people in Washington, Governor Gruening showed us how to lift ourselves by our bootstraps. We rejoiced that we had him for thirteen years as our Governor. In that time every community, every family, indeed, I think it is safe to say every individual, had his life enriched by association with him, exposure to his great leadership, and having the inspiration of his zeal and enthusiasm. He took our little Territory with a handful of people—about 72,000—and over the years built it to a point where we were accepted into the Union as a full-fledged State. And our Governor Gruening was the key man in that.

For thirty-six years he dominated our lives in a marvelous way. His spirit is bigger than Mount McKinley. I am one of the thousands who mourn this loss, and even though the loss is very personal to me, I don't think I'm any different from many, many more in Alaska. He was in many ways a father to me; and certainly my instructor and my leader; and had it not been for the inspiration of association with him, I am sure Mrs. Atwood and I would not have remained in Alaska as long as we have.

Ernest Gruening led Alaskans in breaking down that isolation, showed them how they could build roads to join up their communities so they aren't isolated, establish telephone systems and the very basics for civilized life . . . transportation systems, airmail—all that introduced while he was our Governor. He showed us how to improve our public services and our public facilities through the construction of community halls, schools, hospitals, water systems, and all the basics to make life more agreeable. And he advanced our culture in all the fields of arts with programs that enriched us. He gave us new educational opportunities and many new choices in how we wanted to live and what we wanted to do. And he taught us a great appreciation of the wonders of nature that we have around us, the gorgeous scenery, the massive mountains and the sweeping valleys, and the wildlife and the waterfalls. Ernest Gruening had a great appreciation for all the good things in life, and he injected it in our lives.

Words are feeble in expressing this great loss, for no other one man has done so much for Alaska, and those who love Alaska, as he did. It's as though President Roosevelt handed him Alaska and said: "Here's yours, now go see what you can do with it." And see what he has done with it, and what he has done with the people.

In behalf of Alaskans, I say: "Well done, thou good and faithful public servant."

THE HONORABLE IRA HIRSCHMANN, AUTHOR AND AMBASSADOR

Dorothy, family, friends of Ernest Gruening:

I suppose that a man's nearness to God can be measured by his ability to stand alone in a troubled world against many odds and battles. In these days, when the very fibre of the nation's moral sinews is being tested, when the cry for the truth is heard throughout the land, how reassuring and heartening that we can now turn to the enduring values and the example of the life of one truly great citizen, our cherished friend, Ernest Gruening. One must search the annals of American history to find any one human who added so much to his fellowman in this society than this great and noble citizen. To have known him as a friend is to have added an extra dimension to one's life, to my purpose, and to my direction.

How very grateful I am to be here to say these few halting words at the true summit of his life, for only now will we begin to know and feel the full radiance of that personality from whom sublime courage and joy of friendship we take nourishment in a world wanting today so much in truth and the compassion for which he stood. It was Ernest Gruening who offered me his guidance as a young man, and who involved me, with him, in some of his many battles—always for the rights of others against the immense odds of predatory interests, always for a better life for America, for the many instead of the few. In this tireless search he literally made the impossible possible, as an almost single-handed achievement of bringing Alaska into the Union and his dual effort with Senator Morse in proclaiming to the world the indignity and the destruction of human life and civilization in Vietnam.

Ernest treated friendship and the problems of state not daintily but with the roughest of courage. What do we know of destiny and all the folly that now pursues us so relentlessly in our nation? I say here that Ernest Gruening's citizenship and example are the very guarantee of the durability of the greatness and future of this nation and its people. And how he hated sham and adornment. His rugged simplicity is in the greatest American tradition.

May I be permitted to tell, in conclusion, one personal episode that typifies his unique personality and independence and quality. In one of his last visits to New York he arrived at my home carrying his own luggage, a heavy battered suitcase that he bore with the kind of independence and stalwartness that was his mark and his style. I like to think that his voyage is now lightened by the love and devotion that he carries in his extra luggage from those countless friends here, in Alaska, in New England, and throughout the breadth of this land, for the better life that he made possible for so many which will be Dorothy's, his son Huntington's, and his family's richest heritage.

In this hallowed hour and place, may I be permitted also to pay humble homage to his partner in life, Dorothy, whose nobility, unswerving loyalty, and love to all that Ernest and his family stood for are an unending part of the immortality that he breathes.

THE REVEREND JOHN WELLS, MINISTER OF THE UNITARIAN CHURCH IN RESTON, VA.

I, too, speak to Dorothy Gruening, to the family, and to the friends of Ernest Gruening:

My only regret is that I did not know him all of my life, but that portion which I did know him has been so meaningful to me, as it has to all whose life he touched. And I would ask that may each of us, as we walk down the pathway of life, so live that we may hold open to all our life; may we say to all, come into the circle of our love and partake of justice and truth. Come into the brotherhood of our holiness; come and partake of our peace and joy. May each of us permit that which we desire of the universe to penetrate us, and may forever loving kindness and mercy pass through us, so that forever truth and love may be the pathway of our life.

We have gathered together here today, at this great cathedral, to pay honor and respect to Ernest Gruening, and such a gathering is in the best tradition of man. From the earliest age man has sought to understand the mystery of life and the mystery of death. The riddle is not answered and the mystery is not solved. With each birth there is the promise of unfolding life; there is the prediction of deaths.

Ernest Gruening is dead. He is no longer with us to guide us; he is no longer with us to set the example we would all aspire to follow; yet by his life are we led; by his example we find inspiration to continue to struggle for that which is truth, that which is just, and that which is beautiful. Ernest Gruening's life has been set before us, from New England, to Alaska, to Washington, a life of adventure. His religion was his life; his life was his religion. In the near-perfect molding of all that is good in our Judea-Christian heritage, Ernest Gruening followed that simple principle that seeks to establish on this earth the fatherhood of God, the brotherhood of man, under the leadership of Jesus. Such a religion is all-encompassing. It places its focus in this world. It requires of its adherents their utmost in achievement. The fatherhood of God unites all men in their quest for equal justice. The brotherhood of man demands mercy and compassion, and the leadership of Jesus of Nazareth demonstrates that love is the methodology of such a life's adventure. If ever there was one who sought to so live, it was Ernest Gruening. He was a model to us all, and now we must face our lives without him. May we be sad; may we grieve; may we ponder the mystery of life and the tragedy of death; but may we be affirmed in our own lives as we pursue our tasks with renewed vigor, with increased courage, and with the sustaining knowledge that all the world is better for having had in it Ernest Gruening.

And now, may that eternal restlessness that moves within the heart and soul and mind of each human being cause each of us to know and to feel that all persons are precious, all human beings worthy; may we be thankful for this life that did come and reside with us, reside with us as husband, father, leader, teacher, and friend. May we return to the scenes of our daily life with the faithfulness to bear our own trials in the patience of faith, the comfort of hope, and with the courage of our convictions that the world—the whole world—can some day be a place where each of us may reach our own potential, where the dream of Ernest Gruening comes true. Amen.

SENATOR WAYNE MORSE

Ernest has left us, but we should not grieve because he would not want us to do that. We are all diminished because he is gone, but we are all enriched because he lived. From the memory of his great spirit we must find renewed strength to fight the many battles and the causes of human freedom which lie ahead. His brilliantly written autobiography entitled: "Many Battles" spells out the ethical and moral principles that directed his public service in defense of the public interests as he moved from one embattling issue to another.

Ernest Gruening personified truthfulness, honesty, integrity and courage throughout his public service. He has been warning us for the past many years that these attributes of good character have been lacking in many high places in all three branches of our government. He recognized and warned that if our government, through its policies, violates the moral and legal principles upon which our system of constitutional self-government was founded, American citizens, once they become convinced of such wrongdoing, will demand and obtain a return of their constitutional freedoms and rights. It was to this issue of honest government that Ernest Gruening dedicated much of his time for the past 10 years.

Ernest Gruening was a very effective political evangelist in the cause of peace through enforceable rules of international law. He did not oppose but supported adequate national defense, but he did oppose vigorously undeclared wars by our country, or any other country. He opposed military balance of power diplomacy, military intervention into the internal affairs of other nations, even though it is done under diplomatic guise of a detente. He warned over and over again that nuclear proliferation and the leaving of war-making power in the name of national security and sovereignty to a few nations, including our own, without complete international enforcement control, increases the danger of a nuclear arms race ending in a worldwide catastrophic nuclear war. He urged that we not leave that legacy to oncoming generations of mankind. History will record Ernest Gruening as being far ahead of his time, but above all else he will go down in history as a statesman in support of peace in our time through enforcement by world law. Our nation will be enriched increasingly by his historic greatness.

When historians in the years ahead finish their documented evaluations of the public service record of Ernest Gruening, he is certain to be ranked among the list of greatest Senators ever to serve in the United States Senate.

CANON GLENN

Let us pray. Our Father who art in heaven, Hallowed be thy name, Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil, for thine is the kingdom, and the power, and the glory, forever and ever, amen.

Almighty God, we remember this day before thee, thy faithful servant Ernest, and we pray thee that having opened to him the gates of larger life, thou wilt receive him more and more into thy joyful service, that he may win with thee and thy servants everywhere, the eternal victory. Deal graciously, we pray thee, with all those who mourn, that casting every care on thee they may know the consolation of thy love. We give thee thanks for all those thy servants who have spent their lives and are spending their lives in the service of our country; grant to them thy mercy and the light of thy presence that the good work which thou hast begun in them may be perfected. And now, O'Lord, support us all the day long until the shadows lengthen and the evening comes and the busy world is hushed and the fever of life is over and our work is done; then, in thy mercy, grant us a safe lodging and a holy rest and peace at the last.

Unto God's gracious mercy and protection we commit you. The Lord bless you and keep you. The Lord make his face to shine upon you and be gracious unto you. The Lord lift up his countenance upon you and give you peace and strength in his service and in the service of these ever-more dear United States. Amen.

THIEU HANGS ON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, this administration's continuing support of the South Vietnamese regime—despite the wishes of a large part of that country's population, and, in many cases, in complete disregard of the Paris accord—is unwise as well as immoral. It is a policy that does not offer even the possibility of success. The more aid we pour into South Vietnam, the less likely a solution to the conflict becomes. As long as we subsidize Mr. Thieu in the high style to which he has become accustomed, there is no end in sight—simply because there is no reason for him to come to terms with the political and economic realities of his own country.

One of the best expositions of our disastrous policy in Vietnam is an article by the brilliant British journalist, William Shawcross, in the current issue of the New York Review. The article, entitled "How Thieu Hangs On," is a superb analysis of the situation, and in order to share it with as many of my colleagues as possible I am asking that it be reprinted in the Record today.

The article follows:

How Thieu Hangs On

(By William Shawcross)

Outside the home of Mrs. Ngo Ba Thanh, behind the now near-empty Hotel Continentale, half a dozen motorcycle policemen sprawl across their machines. Mrs. Thanh is an indomitable proponent of the "Third Force" solution to Vietnam's problems and periodically one of those political prisoners of President Thieu whose existence the State Department blandly denies. She now seems more determined and enthusiastic than ever. "The core of the problem in Vietnam," she told me, "is the GVN's suppression of the Third Force."

That is wishful thinking, but listening to her, and, indeed, to many other Vietnamese and foreigners who talk of a "Third Force" in a Saigon once more free of American uniforms, one is always aware that the earnest plainclothes employees of Nixon and Kissinger, led by Ambassador Graham Martin, are audibly contemptuous of the idea of any political change whatever.

On March 22 the PRG proposed a six-point peace plan. It included: an end to the fighting; the return of all prisoners; guarantees of all democratic liberties; the formation of the National Council of National Conciliation and Concord with participation of the Third Force component; free elections; and a "solution" to the problem of the armed forces. It was immediately rejected by the GVN. On April 14 Thieu declared that "those who pretend to be members of the Third Force [are] traitors and lackeys of North Vietnam." The GVN then proposed its own four-point peace plan which included the withdrawal of North Vietnamese troops from South Vietnam. It too was not accepted.

The report of the Senate Refugee Subcommittee is based on a visit made to all four countries of Indochina in the spring of 1973, and on hearings held last August in Washington. It is intended, says the chairman of the subcommittee, Senator Kennedy, to show that America's continuing obligations to Indochina "are less to the governments than to the people—to the millions of war victims and other disadvantaged. . . ."

The World Bank's report was written after several of its staff visited Saigon in November, 1973. It is supposed to help members of the Bank to determine whether they might make good profits by investing in South Vietnam. The Vietnamese ministry of finance's short document was written in the fall of 1973 and is a plug for the glorious future of the republic under the rule of President Thieu. So are all of Ambassador Martin's declarations, threats, and inprecations. *US and Indochina* is a monthly critical analysis of current US policies; *Indochina Today* is a collection of the latest articles from the world press which provides invaluable source and reference material. Both are published by what Mr. Martin would call a "remnant" of the peace movement and both are threatened with financial extinction.

In the foreword to his committee's report Kennedy suggests, perhaps a trifle hopefully, that the January, 1973, cease-fire agreements gave the United States the opportunity "to reorder our priorities in Indochina—to change the character of our involvement, to embark on new policies and to practice some lessons from the failures and frustrations of the past." That opportunity has, of course, not been taken because to the Administration it was an irrelevant by-product of an agreement whose primary purpose was the extrication of uniformed Americans from both sides of the DMZ. US policy has not changed in the slightest since President Nixon declared, four days before the pact was signed, that the GVN was "the sole legitimate government of South Vietnam."

Since then, all of President Thieu's efforts to improve his position over the communists have been given at least tacit US approval, whether or not they contravened provisions of a document which has long since served its purpose. From Ambassador Martin, an entirely appropriate choice as the Nixon-Kissinger envoy to Saigon, the approval has been not tacit but boisterously loud. He believes that North Vietnam is committed "to bring the people of South Vietnam under a regime so totalitarian that, in a comparison, Solzhenitsyn's *Gulag Archipelago* describes a moderate and liberal regime." It is therefore entirely understandable that he should seize every opportunity to denounce as members of "Hanoi's well-orchestrated chorus" those who, like Kennedy and his staff, wonder whether the interests of the Vietnamese are identical to those of President Thieu.

Washington's attitude is perhaps best illustrated by an exchange among Kissinger, Kennedy, and Martin. On March 13 Kennedy sent Kissinger a series of questions about current US policy toward Indochina. On March 21 Martin cabled the State Department, advising, "It would be the height of folly to permit Kennedy, whose staff will spearhead this effort, the tactical advantage of an honest and detailed answer to the questions of substance raised in his letter." A week later a copy of Martin's cable was slipped under the door of the Refugee Subcommittee's office in the Old Senate Office building, and, on April 2, Kennedy read it into the *Congressional Record*, along with his own question about what country Mr. Martin was supposed to represent.

Kennedy also commended "Secretary Kissinger . . . for not following the Ambassador's advice that a member of the Senate should not be given honest answers to questions of substance in a significant area of public policy and concern." He was being overgenerous, for it is hard to see any way in which Kissinger's replies, sent to Kennedy on March 25, could be called "honest."

"Our objective in Vietnam," Kissinger replied, "continues to be to help strengthen the conditions which made possible the Paris Agreement." But the most important of those conditions no longer exists. Hanoi no longer holds American hostages; there is no longer any visible American troop presence in South Vietnam; there is little or no public concern about the country's future in America. Neither Dr. Kissinger nor Mr. Nixon has much need (or, indeed, time) to try to force either side to make any further paper concessions. Chou En-lai recently told both Zambian President Kaunda and Algerian President Boumedienne that he was disappointed by Kissinger's failure to try to end the war in either Vietnam or Cambodia; he should not, however, have been surprised.

The cease-fire agreement which Kissinger negotiated eighteen months ago sanctioned the presence of North Vietnamese troops over large parts of South Vietnam. Now, however, Kissinger, with what one can only call remarkable logic, declares, "The presence of large numbers of North Vietnamese troops in the South demonstrates that the military threat from Hanoi is still very much in existence." What was fifteen months ago integral to the settlement by which the US regained its POWs has now become an excuse for America's continuing to pour the matériel of war into Vietnam. Kennedy remarks that Kissinger has merely devised "a new rationalization for our continued heavy involvement in Indochina."

Kissinger explains that Administration policy toward Indochina is based on the premises first that "a secure peace" there is an important part of Nixon's search for "a worldwide structure of peace," and second that "forcible conquest" of the South by the North would provide only a temporary solution and would also have "seriouss destabilizing effects which are not limited to the area under immediate threat." He neglects to explain:

(a) How an agreement which allowed two irredeemably hostile armies both to occupy and to re-arm in the country over which they were fighting could ever lead to a "secure peace";

(b) Why the "forcible conquest" of South Vietnam by the PRG and the North Vietnamese would provide only a "temporary" solution (would it perhaps bring back the B-52s—moths to a flaming Saigon?)

(c) Why a temporary solution should be worse than no solution at all, which is what he is proposing;

(d) Why a communist victory in Vietnam and/or Cambodia would cause serious instability outside Indochina. How often was the subject raised in his negotiations in the Middle East?

Instead, Kissinger claims in extenuation of US policies that "the level of violence is markedly less than it was prior to the cease-fire." But how markedly? Neither side has yet launched an all-out offensive but during the past sixteen months each has tried continually to increase its holdings of land and people, at the cost of the lives of many thousands of those people. The leopard may be, over all, not much blacker or whiter than it was in January, 1973, but many of its spots have changed and a lot of them are bloodied.

The only casualty figures we now have are those provided by the ARVN and they are not always reliable. But we know from the Refugee Subcommittee's report that the first year of peace with honor produced enough violence to create 818,700 new refugees in Vietnam. This figure is certainly lower than that created by the communists' spring 1972 offensive (1,320,000) but it is far higher than in any other year since 1968. Before the cease-fire the fighting created an average of 636,375 refugees every year between 1965 and 1973 (excluding "temporary dislocations" in 1968 and 1972). Last year's total of 818,700 does little to justify Kissinger's self-satisfaction.

During 1973, 43,166 civilian "war-related casualties" were admitted to GVN hospitals. This means 3,597 a month—down from 4,228 a month in 1971 and 4,491 a month in 1972. Kennedy's staff points out, "When the 1973 toll of wounded and killed civilians (85,000 by subcommittee estimates) is added to the official statistics on military casualties for 1973, it become tragically clear just how violent the cease-fire war has been." Twelve months after the cease-fire was signed, an average of 141 people were being killed every day; by now well over 70,000 Vietnamese have died since January, 1973.

"The Vietnamese have, in short, suffered more in one year of peace with honor than America experienced during a decade of war," the subcommitttee staff reports. John Paul Vann, the legendary US adviser, was not voicing just a personal opinion when, in April, 1972, he explained Vietnamization to reporters in Kontum by declaring, "You and I regard human life as of some value. That's the difficulty for Western nations fighting Oriental countries. One American life means a lot in America but the North Vietnamese can lose twenty people without worrying. Fortunately standards here are changing as this becomes largely an Oriental ground war."

But it is American standards that have changed. The Refugee Subcommittee's report shows clearly that while Nixon and Kissinger were managing to Vietnamize the killing and the wounding, official American concern for the casualties of war just faded away. For example, there are—according to the subcommittee's estimates—between 300 and 600 million pounds of explosives still littering the villages, fields, and forests of Vietnam. "Mines and unexploded ordnance are today among the principal causes of civilian casualty admissions to South Vietnamese hospitals," according to the subcommittee report. Yet last August, USAID officials admitted that the US was doing absolutely nothing to help clear them. The excuse given was that "no US assistance has been requested by the Government of Vietnam." No such request was necessary, for article five of the second protocol of the cease-fire agreement states that—

"Within fifteen days after the ceasefire comes into effect each Party shall do its utmost to complete the removal or deactivation of all demolition objects, minefields, traps, obstacles, or other dangerous objects placed previously, so as not to hamper the population's movement and work, in the first place on waterways, roads and railroads in South Vietnam."

This has not been done.

As American casualties have fallen, so has USAID's contribution to South Vietnam's public health system. In fiscal 1968 the U.S. gave $27.6 million to public health in Vietnam. In fiscal 1974 it gave $5.5 million. This decline is rather sharper than that in most other USAID programs. In fiscal 1974, 76 percent of all U.S. aid to Vietnam was military. One half of one percent was for public health. For fiscal 1975 Nixon has requested, in all, $2.51 billion for South Vietnam. Of this, $1.6 billion is for military programs, and $911 million is split between "economic assistance," "reconstruction and development," and humanitarian assistance. Humanitarian assistance, at $136 million, makes up 5.4 percent of the total.

In his painstaking and revealing article in *Foreign Policy* analyzing Kissinger's duplicities in negotiating the January, 1973, cease-fire (an analysis which has increased GVN distaste for Kissinger), Tad Szulc points out that much the same sort of settlement could probably have been reached three years before. "Other than the effort at Vietnamization, therefore, there is no satisfactory reason for Kissinger to have refused to recognize reality for three years." But the relative success of Vietnamization provides a more than adequate reason; it bought the "decent interval" that Kissinger was demanding for Nixon's honor. The war continues now in part because of the U.S. military aid which fuels it; but even Washington's generosity would not have been able to sustain the hopeless arm Thieu had in 1970.

One reality Kissinger still refuses to recognize, however, is that South Vietnam cannot both run this war and control its economy. There are many in Saigon now who consider that if Thieu is destroyed the reason is just as likely to be economic and social collapse as military defeat.

The South Vietnamese economy is suffering as a result of the enormous rise in world commodity prices(the GVN imports 60 percent of all commodities consumed), the U.S. troop withdrawal, and especially the economic and human costs of the continuing war. South Vietnam has a population of 19.3 million, a work force of about 7.2 million. At the moment 1.1 million men, 15 percent of the work force, are in the armed services, and another 4 percent in the civil service. According to the GVN's minister for social affairs, the respected Dr. Phan Quang Dan, another 3.5 million people, or 49 percent of the work force, are unemployed. So even before you take into account the 150,000 who are still officially listed in refugee camps or temporary resettlment sites, 68 percent of the work force is not engaged in any productive work at all.

In 1973 prices in South Vietnam rose by an average of 65 percent, so far this year by another 22 percent. In the last twelve months chicken has gone up by 60 percent, fish by 40 percent, nuoc mam, the Vietnamese fish sauce, by 43 percent, and most important of all, rice by 95 percent. Last year the Government gave soldiers and civil servants an average pay rise of 17 percent. It wasn't much help to them and none at all to the millions of those—ranging from bar girls to Honda salesmen—who were inducted into service industries that supported the Americans while they occupied the country, and who now have no work, no land, no food at all.

To a visitor, Saigon without American troops and without the constant jam of Hondas is far more beautiful now than it has been in years. To most residents, their departure is an economic disaster. Relief officials throughout the country report that villagers and refugees are turning from rice to cassava, from cassava to other roots. On the night in April that Nixon took to the television screens to point out that even ten angels swearing he was right about Watergate would make no difference, Vo Van Nam, an unemployed one-time Saigon cyclo driver, set himself on fire on the square by the cathedral. He was in despair that he could ever feed his family again.

Thieu's ministry of finance in its bid for foreign investment, tries to make the best of the rampant unemployment by declaring:

"An abundant supply of industrious and low-cost labor is one of the great attractions for investment in Vietnam. The Vietnamese armed forces currently number about 1.1 million men. As this force is gradually reduced, consistent with progress in establishing a general peace in Indochina, the demobilized soldiers will add to the pool of disciplined and technically trained labor. Likewise the millions of refugees, though now viewed as a "problem," will, in time, contribute to the enlargement of Vietnam's inexpensive, often skilled and industrious labor supply."

Unfortunately for the ministry there is little sign either that Thieu considers he can much reduce the size of his military machine or that a general peace in Indochina is about to be established. And unless both those things happen, Vietnam's economy will remain unproductive, inflationary, and in decline. Graham Martin's continual declarations that after just two more years of substantial US aid Vietnam's economy will begin to have a Korean-Taiwan type boom are rubbish.

Martin, who is fond of pointing out that he is the son of a clergyman and that his wife describes him as a "completely honest man," has frequently maintained in his campaign for US aid that it is essential to offset Sino-Soviet help to Hanoi. In fact representative Les Aspin has now managed to extract from the Defense Intelligence Agency (was he given the figures in order to undermine Kissinger?) the admission that the United States spent twenty-nine times more on arms to Vietnam between 1966 and 1973 than the Russians and the Chinese. Economic aid showed similar disparities. The Soviet and Chinese contributions, even at their highest before 1969 and 1972, do not show nearly such a commitment to the political future of Vietnam as Washington has always claimed. And still the villagers under PRG control can, it seems, get enough to eat; an increasing number of those under the GVN cannot.

As the World Bank report shows, Saigon's allies will have to continue investing at least $700 million a year, at current prices, in its economy until beyond 1980 if the social structure of South Vietnam is not to collapse totally under the weight of the war. And even that generosity will only slow the rate of decline. It will not halt it, let alone produce the gentlest of booms. In fact the World Bank's report is rather more optimistic than the Bank officials one talks to in Washington now profess themselves to be. It is, nonetheless, almost as depressing as Air Vietnam's latest travel brochure which touts an "Enchantment Holiday Tour," at $162 per person, of "the battlefields of Quang Tri via the Highway of Horrors" from Hue.

In Washington itself Bank officials now admit they see no chance of peace while Thieu remains. So long as he does, Saigon will get no Bank loans. Unless the consortium of companies now drilling for offshore oil strike very lucky, aid from outside the US and commercial investment are likely to trickle in no faster than they do right now. In 1973 $22.6 million was invested in Vietnam. In fiscal 1975 the GVN will need to spend at least $600 million on fuel, fertilizer, and rice imports alone. It can be provided only by the United States. Which is why Ambassador Martin is working so hard to counter what he calls "Hanoi's marvelously clever, ingeniously sophisticated and frighteningly pervasive propaganda campaign to force the American Congress to immediately and drastically reduce American aid."

So far he seems to be doing reasonably well. On May 6, it is true, the Senate approved by 43–38 a Kennedy amendment to prevent further US military commitments to Indochina during fiscal 1974. With eleven Republicans voting for the measure and Goldwater already having suggested "We can scratch Vietnam," the fiscal 1975 request seemed to be headed for trouble. But on May 22, the House voted $1.126 billion in military aid (only about $500 million less than Nixon had requested). On June 11, Kennedy failed by one vote in the Senate to cut the Armed Services Committee's recommendation of $900 million to $750 million (Seven "liberals" were out of town.) So the worst cut in military aid Saigon is likely to have to face in fiscal 1975 is about $100 million from last year's figure, unless Kennedy succeeds in his new plan to cut the appropriation to $600 million. This would force the Pentagon to make up the difference from other military aid funds.

The Administration's request for economic aid ($750 million) will probably not come out of committee until sometime in July. Kennedy will try to reduce it to about $400 million, which would be very serious for the GVN. The consensus among GVN and US officials in Saigon is that Thieu needs about $1.5 billion over fiscal 1975–1976 just to slow the rate of decline.

If no substantial cut is made, the GVN will probably be able to limp through next year's war, the standard of living of the people declining fast and inexorably, malnutrition figures rising, war casualties at least as high as now. Large-scale cuts in economic assistance, however, could cause a collapse of the straining economy. Critical food shortages could lead to a high rate of desertion from the ARVN and eventually to the "forcible conquest" by the communists that Kissinger has been warning us about. Or they might precipitate a Saigon putsch in which Thieu was replaced by a leadership willing to enter serious political negotiations with the "Third Force" and the PRG.

Equally, Thieu, who is more skilled than most in the art of survival, might himself realize that in order to stave off total collapse he must cut back his army, getting some of his troops into rice production, and that a political settlement is now far more urgent than before.

It could be, as the GVN claims, that the PRG is insincere in the reasonable sounding peace suggestions it has made. But insincerity, as Szulc's article on Kissinger shows, is not necessarily incompatible with successful negotiations. Perhaps congressmen will now actually read that article along with Kissinger's own quicksilver rationalizations for the continued bloodshed, the State Department's illogical, if not devious, replies to Kennedy, and Martin's frantic hyperbole. If they did they just might finally decide to try to find an alternative to Kissinger's continued brutalizing of Vietnam. For the logic of Kissinger's and Martin's demands requires Congress to ensure that for yet another fiscal year tens of thousands of Vietnamese be sacrificed on the altar of Nixon's honor.

OVERTHROW OF THE GOVERNMENT OF CHILE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. ICHORD) is recognized for 15 minutes.

Mr. ICHORD. Mr. Speaker, an assemblage of people is scheduled to gather in Washington this coming weekend in an organized protest against the Government of Chile. They will allege that the September 11, 1973, coup d'etat which overthrew the Presidency of Salvador Allende and led him to commit suicide was a severe blow to democracy in that South American country. They will also allege, according to advance publicity, that the military junta presently trying to pull Chile back from the brink of economic, social, and political chaos, is cruelly persecuting the people of Chile—especially the Marxist followers of Allende.

These allegations are propaganda fabrications of the worst magnitude. Just today, the House Committee on Internal Security is releasing the published hearings we held earlier this year on the Chilean situation and how Allende's Marxian regime subverted and nearly destroyed the economic viability and political life of that country in less than 3 years of misrule.

I urge those of my colleagues who are disturbed by the charges now being circulated against Chile to read the transcript of our committee's hearings to get the facts sorted out from the lies being spread by the world Communist apparatus.

Now, in connection with this forthcoming meeting in Washington, let me share with my colleagues some information about the sponsoring organization for the July 14–15, 1974, rally here. The organization calls itself the National Coordinating Committee in Solidarity With Chile. It has regional affiliates in a number of major U.S. cities but appears to be based in Chicago.

Playing leading roles in the Coordinating Committee are a number of Communist Party, U.S.A., members including Angela Davis, Helen Winter, Jarvis Tyner, John Gilman, Sylvia Kushner, and Pauline Rosen. This, of course, explains why the Coordinating Committee finds so much fault with today's Chilean Government of anti-Communists and directs no criticism toward the repressive activities of the Allende regime, the clandestine development of an underground paramilitary force of revolutionary guerrilla fighters, and the "Z" plan for assassination of non-Communist Chilean leaders in the military and political circles. It was the discovery of that plan and intelligence regarding the smuggling of enough arms from Communist countries to Chile to equip 10 battalions of revolutionaries that led the Chilean Armed Forces to conduct last year's coup. Had they not done so, Allende's plan "Z" would have plunged Chile into bloody civil war, at best, or a complete Communist takeover if the plan achieved its intended goal.

Ever since that coup, Marxists throughout the world have propagandized to the effect that injustice was done in Chile and that for humanitarian reasons, the Chilean Government should be treated as an outlaw. This is the theme of Communist propaganda and it is the theme of the forthcoming rally in Washington.

The keynote address Sunday, July 14, 1974, will be given by Abe Feinglass, international vice president of the Amalgamated Meat Cutters Union, when the Coordinating Committee sessions convene at the Marvin Center of George Washington University, 21st and H streets, NW., in the District of Columbia.

Those planning the rally say they want to solicit support for the following efforts:

First. To cut off military and police aid to the Chilean junta;

Second. To cut off economic aid and U.S.-connected international credit—food for people to be administered by the United Nations;

Third. To extend Chilean visitors visas and open U.S. borders to refugees, Allende's Marxist and Trotskyite followers;

Fourth. To impose an embargo on trade with Chile; and

Fifth. To persuade the U.S. Congress to conduct investigations into alleged U.S. involvement in the coup and the deaths of two Americans, Frank Teruggi, Jr., and Charles Horman, at the time of the coup.

After an all-day and evening meeting of the participants in planned workshops and plenary sessions on July 14, the Coordinating Committee hopes to send a so-called people's lobby out to buttonhole State Department personnel and Members of Congress on Monday, July 15, 1974. This will be concluded by a news conference Monday afternoon.

Organizations participating include, in addition to the CPUSA, the Young Workers Liberation League, a CPUSA youth arm, the Women's International League for Peace and Freedom, the Communist-influenced Chicago Peace

Council, the National Alliance Against Racist and Political Repression, a new Communist front, and numerous other groups with strong ties to the left in the United States.

From looking over the list of sponsors, I am persuaded that many have agreed to involve themselves out of ignorance of the real situation in Chile, either under Allende's Presidency or under the junta's leadership since the Allende overthrow.

I would urge them to examine the testimony obtained in the Internal Security Committee hearings from responsible Chilean moderates not identified with either the left or the right.

Meanwhile, Mr. Speaker, I received a letter over the Fourth of July recess from Ms. Carmen Puelma who was one of the foremost Chilean radio and television commentators during the trying period of Allende's regime. She is now the press attaché of the Chilean Embassy but she writes in the capacity of a patriotic Chilean citizen with a great appreciation for the United States and the historic association of our two countries. The letter is so interesting that I would like to close my remarks by inserting her letter at this point in the Record:

Embajada de Chile,
Washington, D.C., July 2, 1974.

Attention: Mr. John Lewis.
Hon. Richard Ichord,
House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Congressman Ichord: I salute the people of the United States of America on the 198th anniversary of their Independence, with the four freedoms still secure under the red, white and blue, and fifty white stars of your national emblem.

Our flag was modeled as yours. It is also red, white and blue. But with a single star. It missed becoming red alone, symbol of man's subjugation to the Communist yoke.

Our history has been closly related with the United States since the 18th century, when your Independence was a persuasive model for all Chilean patriots. This example was followed and the 19th century showed our battle for freedom. And we rebeled against foreign domination.

Arms, vessels and printing equipment were brought to Chile from the United States. During 1811 and 1812 a number of North American technicians worked with us in order to create new industries and specially to build our first railroad. Our railroad is among the first built in South America.

At the same time, the strait of Magallanes and the port of Valparaiso were very important in the trade with California. Many of the cities in California, their streets have names of Chilean pioneers that helped build this region. Since then Chile has been a friend of this country.

Let me add on this occasion that in full conformance with the Chilean Constitution, in 1970, our citizens, including the military, accepted a Marxist president that had received 36% of the total popular vote. All of us had high hopes that the new regime would continue to honor the Constitution and perhaps propound economic and social reforms that would provide a better life for all Chileans. But, once the regime was in power, what we received was disregard of our constitution, concerted actions to break down social and religious organizations of our country, and a deliberate plan to destroy the productive economy of the country, and worst of all the smuggling of arms and the importation of foreign guerrillas. By comparison, the above would be like 330 thousand armed and ruthless groups bent on the destruction and overthrow of the United States with the help of outside powers. I do not believe that your Armed Forces and Police would have accepted this to take place and to dominate this country. That is why the majority of Chileans asked and even begged their Armed Forces to intervene.

Historically, as in the United States, the military forces of Chile had scrupulously kept out of politics, and therefore we consider them at present the guardians of the Nation until they recover the basic conditions necessary for a democracy. In the meanwhile, we need your understanding and support.

Let our sacrifice, that includes the death of some of our deceived fellow-citizens, be a lesson and also a present to you on this anniversary. We narrowly missed our flag and country becoming all red. That is why when we look at the red, white and blue we know that we can continue to wave in the winds of freedom in both nations.

Carmen Puelma A.,
Journalist of Chile Press Attaché.

TURKISH DECISION PLACES HUMAN MISERY FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, Turkey has decided to place human misery above all other considerations.

I was shocked at the announcement by the Turkish Government that they were removing their ban on the growth of opium producing poppies.

Their action violates an agreement with the United States designed to halt the illicit supply of morphine base from Turkey to the heroin laboratories in Marseilles, France.

The United States acted in good faith, seeking to bring at least a partial halt to this traffic in human degradation by stopping production of this vicious drug at the source. It is estimated that 80 percent of the white heroin found in the United States had its source from the illicit market in Turkey.

Numbers come flippingly off the tongue. Figures like there were 600,000 heroin addicts on the streets of America when the Turkish Government banned the growing of the poppy.

We pledged in 1971, such a short time ago, $35.7 million to the Turkish Government to provide credit for the loss of legal opium sale to the pharmaceutical industry and to provide crop substitution for the Turkish farmers who for centuries have grown opium poppy.

The action of the American Government was an act of humanitarianism.

This is another example of man's inhumanity to man. The Turkish Government is not concerned that those addicts—I used the figure 600,000—were humans. They were caught in a vicious cycle of drug dependence which reduces them to a state little above that of an animal in many instances.

The price we agreed to pay was modest when you consider the loss of life and property from robbing, maiming, and killing by addicts to support their habit.

Heaven knows what unsuspecting youngster, now in grade school, will live a life of horror and die a death of agony because of the decision of the Turkish Government.

It has been reported that an amnesty bill passed in Turkey has released from jail all convicted and charged narcotics traffickers. These experienced, depraved individuals will be able to rebuild the pipelines of illicit opium immediately.

It has been reliably established that arrests in New York City alone decreased from 41,000 to 16,000 in 1973, a figure I believe to be a direct result of the reduction in supply of Turkish heroin.

Mr. Speaker, what do we do?

First, I think we speak out in the strongest possible terms. Second, I think we should bring every economic weapon we possibly can against the Turkish Government. Their decision was based on economic considerations, in essence, another example of pieces of silver for the lives of the helpless.

I call upon the President and the Congress to immediately cut off all economic aid to the Turkish Government, and that we urge all international organizations to do likewise. Perhaps other lands will see this as an act of international imperialism. Perhaps, just perhaps, some will see it as an act that is right for all mankind.

The problem we experience today will be the plight of other industrial nations tomorrow. There may be nothing unique about the American experience with drugs. It will come to other lands unless they join in concern with us to halt the supply at the source.

No power, no amount of money, no amount of men, can halt this traffic. This has been proven time and again.

In the meantime, the drug culture seeps into the grade schools and gnaws at the very fabric of our society.

Mr. Speaker, words are inadequate for me to express my contempt for the Turkish Government, and yes, its people. They are dealers in human misery. They have broken an international agreement arrived at with such heraldry only a short time ago.

Let this Government not fail to take any action that will bring the Turkish nation to a sense of responsibiliy. They obviously have not listened to reason, have no intention of living up to an international agreement that cost the American people millions, and have no regard for the misery and degradation they will bring to unsuspecting men and women, some yet unborn, who will suffer because of this action.

It is a tragedy of our time and every action should be exerted to overturn this decision. The stakes are too important not to do so.

IMPEACHMENT IN AMERICAN HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Waggonner) is recognized for 5 minutes.

Mr. WAGGONNER. Mr. Speaker, I would like to commend to the attention of my colleagues a timely article on a subject of considerable interest, impeachment.

I think the article accurately illustrates some of the perils inherent in the process, and shows that the hue and cry we now hear for impeachment is nothing new but completely traumatic.

Dr. John Sutherland Bonnell, the author, has very good credentials on the subject, having written "Presidential Profiles" on the lives of 36 Presidents. A theologian, he has received 10 honorary doctorates and has served as President of New York Theological Seminary.

Putting the impeachment question into the proper frame of reference is, in my opinion, of utmost importance now if we are to fairly judge our current situation. Dr. Bonnell does this.

It follows:

Impeachment in American History

(By John Sutherland Bonnell)

"Impeachment" is the word. It is now on everybody's tongue. Many Americans regard impeachment as a simple and convenient means of getting rid of an unwanted National leader. They appear to be oblivious of the traumatic effect such an event would have on the American people and indeed also on nations friendly to us. President James Buchanan asserted that, "It would be an imposing spectacle for the world."

Americans right now should be doing their history homework, so that we may become better informed on the presidential crises of the past and discover how they were resolved. We need an informed perspective in order to see current events in their relative importance.

WASHINGTON—THE FIRST TO BE THREATENED

It may come as a surprise to some to learn that our first President, George Washington, was threatened with impeachment by political enemies. The charge against him was "A daring infringement of our Constitutional rights." It arose when the Jay Treaty was concluded with Great Britain in 1794.

William Roscoe Thayer, a biographer of Washington, declares that a bitter struggle was precipitated when the President's opponents in Congress demanded that he had over the correspondence and exchanges that led up to the signing of the Jay Treaty. This George Washington resolutely refused to do, even though he had neither precedent nor legal landmark to guide him. Dr. Thayer remarks that Washington clearly foresaw the danger of such a concession to his own administration and also the likelihood that it would be used against his successors in the Presidential office.

During and after confrontation with his antagonists Washington was deeply hurt by assaults not only on his capacity to govern but also on his character and honor. He wrote, "Every act of my administration had been attacked in such exaggerated and indecent terms as could scarcely be applied to a Nero—or even to a common pickpocket." George Washington was undeniably "first in war" . . . but several decades had to pass before he was "first in the hearts of his countrymen."

Andrew Jackson was swept into the Presidency on his reputation as a military commander and by a hero's role in the war of 1812. Yet even before his election, as soon as he became involved in public life, he was deeply hurt by continuous onslaughts on his character and the aspersions upon the virtue of his beloved wife Rachel. Jackson in office manifested something of the inner strength and determination of Abraham Lincoln. These qualities he demonstrated by preserving the Union when it was dangerously threatened in March 1833.

During a fierce controversy over chartering the Bank of the United States, Congress passed several resolutions extolling the Bank and censuring the President. His political foes employed censure, which has been called a "soft impeachment," only because they could not muster sufficient votes to impeach him. Strangely enough, long before he had entertained the remotest hope of himself becoming President, young Andrew Jackson had demanded that George Washington should be impeached.

Senator Calhoun, in a violent speech on the floor of the Senate, said that Jackson's "bank deprivations" were "adding robbery to murder." Later the President reported that he had received five hundred letters from people threatening to kill him. Indeed he escaped death only because a would-be assassin's two pistols both misfired. Tested later by the police, both fired perfectly. Professor Sidney Hyman commenting on these happenings, writes, "In the final pathological stages of the efforts, (personal) attacks of this sort have led directly to the death of three presidents and to attacks on others." President Jackson retired from office more popular than when he was first elected.

Louis Brownlow in "The President and the Presidency" writes "Every President when he has been in office, has been denounced as a despot, a tyrant, a dictator, as one who was using the power of the Government to achieve his personal ambitions. The only President who was not so denounced was William Henry Harrison; he lived only one month after he was inaugurated."

Almost identical language is used on this subject by Marcus D. Cunliffe and Sidney Hyman, the latter described by historians as an "expert on the Presidency."

IMPEACHMENT OF ABRAHAM LINCOLN PLANNED

Abraham Lincoln who was President of the United States during the most critical years of this nation's history, came threateningly close to impeachment in the winter of 1862–1863. Secret meetings were held in Washington to lay plans for launching an impeachment. Radical Republicans with reactionaries of both parties wanted a man in the Presidency more obedient to their wishes.

Early in the summer of 1865 Lincoln's rating sank to its lowest point, even among a large proportion of prominent citizens. Richard Dana, author of "Two Years Before the Mast," wrote to Charles Francis Adams, who was American Minister to London at that time, "The most striking thing in Washington is the lack of personal loyalty to the President. It does not exist. He has no admirers, no enthusiastic supporters, none to bet on his head." Dana added that Lincoln was "a good Western jury lawyer but he is an unutterable calamity today where he is."

Carl Sandburg comments, "For weeks the denunciation flowed on mixed with clamor and sniping criticism. Albert G. Riddle (Republican of Ohio) said that, "The just limit of manly debate had been brutally outraged." The press had caught up and reechoed the clamor.

The impeachment scheme failed but the more merciful assassin's bullet succeeded. America had gotten rid of Abraham Lincoln.

THE TRIAL OF ANDREW JOHNSON

The classic illustration of what American presidents, while in office, have had to endure and which is most pertinent to our time, is the almost successful impeachment and conviction of President Lincoln's successor, Andrew Johnson . . . His efforts to put into effect the more generous policies that Lincoln had advocated with respect to the South and other controversial matters brought him into sharp conflict with members of both the House and the Senate. Everything came to a head when he dismissed Secretary of War Edwin Stanton who not only opposed the President but secretly acted as an informant for his bitterest opponents. Congress had just passed a law designed to block such an action by an American President and re-installed Stanton.

President Johnson in his own defense claimed that his viewpoint would have been supported by every President from Washington to his own day. And he was right if John Adams' position was typical of other former presidents. Long before the Johnson issue had arisen President Adams during a heated discussion remarked "if the President of the United States has not enough authority to change his own secretaries, he is no longer fit for his office."

If President Johnson had meekly accepted such a law as Congress had proposed it would have broken down the Madisonian concept of "checks and balances" in the interrelationship of the President and the Congress. The uniquely important office of the Presidency would have been degraded into some kind of political secretariat that could readily be made the tool of designing politicians.

Many Americans are clamoring today inside and outside of Congress for the impeachment of President Nixon as though it were a simple matter to accomplish with clear-cut procedures and would entail a minimum disturbance to either our national life or the structure of American government. They should read the story of the whole sordid business of the impeachment by the House of Representatives and attempted conviction by the Senate of President Andrew Johnson.

Dr. Ronis W. Konig, author of "The Chief Executive" states that President Johnson's trial by the Senate was presided over by a Chief Justice "who wanted to be president; having a craving for the office that Lincoln once likened to insanity." In line of succession was the "president protempore" of the Senate whom the author describes as "vulgar and vituperative." The trial lasted eleven and a half weeks. One thousand tickets were printed valid for one day and "furiously competed for." The galleries were crowded with the senators, their wives and daughters, "blooming with finery"—scores of reporters and distinguished visitors from other countries attended.

The "radicals" secured an adjournment for ten days, despite the objection of the Chief Justice, to line up every possible vote against the President. The prosecutor at the trial before the Senate called President Johnson: "a traitor, a tyrant, a usurper and an apostate."

The attempt at conviction failed by one vote.

"The one heroic figure to emerge from the contemptible proceedings was Senator Edward G. Ross, a soldier and journalist of Kansas, who voted "No." He withstood incredible pressure with soldierly firmness even though, to use his own words, "friends, position and fortune were ready to be swept away" and he stood "looking into his own grave."

By this heroic act, our system of American Government with its delicate balance of responsibility between the legislative and executive branches, fashioned with pains-taking care through three-quarters of a century, was preserved. A fearsome threat to representative democracy in America went down to defeat by a single vote. If President Johnson had been successfully convicted, the door would have been left wide open for the dismissal of any President, on political rather than legal grounds. Professor Rexford G. Tugwell writes that the radicals in Congress were determined to reduce the Presidency to "ministerial status."

IMPEACHMENT—A MEGATON BOMB

The threat of impeachment and conviction has been likened to that of a megaton bomb—too frightening to contemplate except as a last and desperate expedient. Professor Clinton Rossiter regarded impeachment as "The extreme medicine of the Constitution, so brutally administered in the one instance in which it was prescribed as to provoke a revulsion." President Jefferson could not even envision a situation where it might lawfully be used.

Despite the ominous words of Professor Rossiter and the skepticism of President Jefferson the fact remains that impeachment is still an integral part of the Constitution of the United States. How then do we account for the fact that no President of the United States has been impeached and convicted in almost two hundred years of our Nation's history, in spite of several abortive attempts to apply impeachment and one unsuccessful effort to obtain conviction. One reason undoubtedly is because of the dire penalties entailed. These are set forth in the Articles of the American Constitution: Article I. Section 3(7) which reads in part: "removal from Office, disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States:" "But the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."

If the convicted President should happen to be a family man, the pall of disgrace would fall not only on himself but on his wife, his children and his grandchildren "to the third and fourth generation." It might well cut him off completely from the sources of livelihood for which he has spent the greater part of his lifetime in preparation. And who will aver that the Nation that elected him will not itself be on trial before the eyes of the whole world?

TOM IORIO HONORED BY ITALIAN GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Dent) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, many times we do not hear of the honors and recognition that are sometimes accorded members of our staff but there is one instance occurring within these past few days which I wish to bring to the attention of the House and to which I wish to add my own laudatory comments and congratulations.

Tom Iorio, our majority pair clerk, a long time dedicated and loyal employee of the House was honored by the Government of Italy on July 10 at a ceremony at the Italian Embassy here in Washington.

His Excellency, Egidio Ortona, the Italian Ambassador to the United States, on behalf of his Government presented to Tom the Comendatore Stella della Solidarieta Italliona, the Order of the Star of Solidarity Italy.

In making this presentation, the Ambassador pointedly mentioned one of Tom's great attributes for which he is so well known among the Members of the Congress, namely his willingness to be helpful at all times. The Government of Italy said thank you to Tom Iorio, himself a great Italo-American, for his contribution toward furthering the cause of friendship between these great countries. I know all of my colleagues will want to join with me in congratulating a truly great House employee on his achieving such great recognition and honor.

DISTORTIONS ON H.R. 11537 WHICH NEED CORRECTING

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I have before me a letter from the Honorable John S. Gottschalk, executive vice president of the National Association of Game, Fish, and Conservation Commissioners. It is written to the editor of the Washington Post and it deals with distortions being waged by the opponents of H.R. 11537 which are abetted by the antihunting policies of the local press. Mr. Gottschalk's comments to the Post probably reached deaf ears and fell on barren ground. However, his letter shows a responsible understanding of H.R. 11537 and it deserves the attention of the Members of Congress. I take pleasure in submitting his statement for reprinting in the Congressional Record.

International Association of
Game Fish and Conservation
Commissioners,
Washington, D.C., June 28, 1974.

The Editor,
Editorial Page, the Washington Post,
Washington, D.C.

Dear Sir: In her letter publshed in the Washington Post of June 27, Alice M. Weschke propogates a series of inaccuracies about wildlife, federal lands, and H.R. 11537, that need correction.

Historically, the states have regulated human use of wildlife resources. It was only with the signing of the Migratory Bird Treaty with Great Britain in 1916 that the federal government gained management authority over any form of wildlife. Since then Congress, through special Acts in recent years has preempted state authority to regulate the taking of eagles, marine mammals, and endangered species. For federal lands in general, state laws and regulations governing hunting and fishing are accepted as the rule. Indeed, the Taylor Grazing Act specifies that if hunting or fishing is permitted on lands in public lands grazing districts, state law shall apply. H.R. 11537 would do nothing to change these basic arrangements. It would provide legal sanction for a proven system, one which joins the land managing responsibilities of federal agencies with the wildlife managing capabilities of the states. It would not interfere with the federal wildlife responsibility on federal lands unless by mutual agreement.

The essence of H.R. 11537 is that it provides that state and federal programs should be coordinated, where mutually desirable, through cooperative agreements. Language developed by a Senate amendment will make clear that these cooperative agreements are supplemental to other authorities of the federal agencies. If the Chief of the U.S. Forest Service, for example, decides not to open an area to hunting he need not do so. But if he should so decide, and enters into a cooperative agreement, any hunting, fishing or trapping would be subject to state regulation. Moreover, there is provision that the cooperative agreement may require users to obtain a special permit, the proceeds from which would be used to support wildlife improvement projects.

The importance of this legislation has been lost on those who object to it on the erroneous assumption that it limits the authority of the federal government. Its real significance, however, is in the stimulus it will give to cooperative wildlife conservation programs on the public lands under the jurisdiction of the U.S. Bureau of Land Management and the U.S. Forest Service, both the National Parks and National Wildlife Refuges being exempt from its provisions.

Those who have participated in the last-minute opposition to H.R. 11537 would do well to examine the record: It is the state wildlife agencies, working in cooperation with their federal counterparts that have brought about the restoration of the major wildlife populations of North America. It is the hunter and angler who have paid the bulk of the conservation bill through their purchase of licenses and payment of the tax on their equipment.

Contrary to the assertions of Ms. Weschke and her source Mr. Bernard Fensterwald, H.R. 11537 is another important part of the framework of the American wildlife conservation system. It merits the full support of every conservationist.

Sincerely yours,
John S. Gottschalk,
Executive Vice-President.

THE FRANKLIN NATIONAL SITUATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Franklin National case presents a particularly troublesome problem for the Congress because of the excessive and unnecessary secrecy of the bank regulatory agencies. Congress has been kept largely in the dark about the problems of the bank and the possible long-range solutions.

Mr. Speaker, I met yesterday with the bank's new president, Joseph Barr, and I think it is commendable that this banker has seen fit to candidly discuss the issues with Members of the Congress. His openness is in direct contrast with the "public be damned" attitude of the Federal Reserve and the Comptroller of the Currency, whose secrecy has contributed greatly to the continuing doubts and rumors about the institution.

In my opinion, it is important that the Franklin National Bank survive as a viable institution and that the banking resources in New York not be further concentrated. However, the long-range solutions must fully protect the public's funds which have been involved in this bank and I think it is important that the solutions not do violence to longstanding banking policies, particularly those which are designed to assure maximum competition in the industry.

At this stage—without any specific proposals before the Congress—I want to leave it to Mr. Barr and the bank to publicly discuss any solutions which they have in mind. In the event that a formal proposal is presented the Congress, I will then feel free to discuss it.

The entire Franklin National case raises a number of banking questions and the staff of the Banking and Currency Committee, at my instruction, has been monitoring the developments. I have attempted to make as little public comment as possible because we did not have all the facts, and because I have not wanted to disturb any moves which might provide an answer to the problems.

This effect to monitor the developments has been hampered by both the

Federal Reserve and the Comptroller of the Currency and I am convinced that this results from the fact that these agencies have performed very poorly in examining and regulating the bank in the past. In the Federal Reserve's case, the dereliction of duty is quite apparent because I raised questions about the entry of Fasco and Michele Sindona in this bank more than 2 years ago. Despite promises in writing, the Federal Reserve failed to explore the situation under its authority provided in the Bank Holding Company Act and this is a failure which will be looked into as soon as some of the current problems are cleaned up.

The Comptroller of the Currency of course is the examiner of national banks and he has steadfastly refused to make information available to me concerning this bank. This attitude is, in my opinion, largely self-protective rather than an effort to further the recovery of the bank and this, too, will be looked into as soon as the current problems are stabilized.

In addition to seeking material from the bank regulatory agencies, the staff has been in contact with the Securities and Exchange Commission and it is only fair that I point out that this agency has been cooperative and has, in my opinion, acted in the public interest. The SEC obviously feels that full disclosuse is in the public interest while the bank agencies opt for the darkest secrecy.

The Federal Reserves has seen no reason to consult with the Congress despite the fact that it has poured more than a billion dollars into this bank, to be more exact a billion three hundred million. This is money that has not been appropriated or reviewed in any manner by the Congress and it is the kind of aid that is not available to any community, business, school or any other institution in the land. At a minimum, it would have seemed proper for the Federal Reserve to have kept this committee and other Members of the Congress informed of the developments and of the need for the massive use of the discount window in this case. Obviously this case points out the awesome power that the Federal Reserve System has in operating the discount window without any sort of control or review by the legislative bodies or other sectors of the executive branch. I think it would be wise for the Congress to take a look at the discount window operations and to set up criteria for the use of this device in the future.

At this point I do not know whether the Congress will be asked to take any action regarding Franklin, but it will be impossible to do so until such time as the regulatory agencies level with the committee. It would be a disgrace for any steps to be taken in this area without all the facts.

THE CHILD AND FAMILY SERVICES ACT OF 1974

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I am pleased today to introduce H.R. 15882, the Child and Family Services Act of 1974, and identical bills, H.R. 15883 and H.R. 15884.

I should make clear, Mr. Speaker, that I am introducing this bill on behalf of myself and my distinguished colleagues, the gentlewoman from Hawaii (Mrs. MINK), the gentleman from Iowa (Mr. HANSEN), and the gentlewoman from Massachusetts (Mrs. HECKLER), as well as on behalf of a number of other Members of the House whose names I shall include following these remarks.

I should also note, Mr. Speaker, that companion legislation is shortly to be introduced in the other body by the distinguished senior Senator from Minnesota, Senator MONDALE, and the distinguished senior Senator from New York, Senator JAVITS.

Mr. Speaker, as chairman of the Select Education Subcommittee of the Committee on Education and Labor, I have been struck by the repeated testimony before the subcommittee concerning the critical importance of the early years of human life to later development, and I am pleased today that so many Members of the House, both Democrats and Republicans, are today joining to forward a new bill to strengthen services to families and children in those crucial early years.

Mr. Speaker, the Child and Family Services Act of 1974 is aimed at increasing and improving the day care preschool education, health, nutrition, and other services available to American families for their children.

UNMET NEEDS

I trust that no one here today would argue that there are no unmet needs in these crucial areas. Consider that with respect to health care—ours, the richest Nation in the history of mankind, ranks 14th in the world in infant mortality. I would hope that the prenatal and postpartum care which this bill can help provide, will make possible a start on improving this appalling statistic.

Or, to take another area of need, consider the handicapped child. Today there are 7 million handicapped youngsters in the United States between the ages of 0 and 18, including 1 million handicapped preschool children.

Fully 60 percent of these youngsters are not receiving the special educational services they need, and many of them lack the medical assistance they also require.

Early identification programs for handicapped and learning disabled children, such as can be established under this bill, will allow prompt treatment at an early age, treatment which can make a critical difference in helping such children reach their full potential.

Mr. Speaker, to cite a third area of need, I hope my colleagues are aware that there are today only 700,000 licensed day care places available for the 7 million preschool children with working parents.

It is time we made a start on providing decent recreational, educational, and social services for those youngsters who do not receive care from relatives or friends, but who are too often simply abandoned by their parents to wander the streets.

Mr. Speaker, I could continue to cite evidence of the need for a national commitment to a spectrum of services for families and children. I could recall for my colleagues the growing numbers of mothers who are working, the increasing number of single-parent families, the extraordinary numbers of teenage parents embarking on parenthood with little help or assistance, and the continued gap between demand and funds to support the Headstart preschool program.

But we really should not have to make the case anew for providing better services for children and their families in this country. Conferences, experts on children, Congress itself, and the President, have repeatedly called for a comprehensive child development program, and still we do not have one.

BACKGROUND OF LEGISLATION

Let me briefly recall the history of support for H.R. 15882.

The 1970 White House Conference on Children—representing parents, pediatricians, health and welfare experts, professors, and authorities in practically every area of children's needs—voted as their first priority to recommend the creation of a system "to provide comprehensive family oriented child-development programs including health services, day care, and early childhood education."

Mr. Speaker, President Nixon's 1969 message on welfare reform proposed expansion of the Federal commitment to child care, to provide "more than custodial" care. At that time, he announced that "this administration is committed to a new emphasis on child development in the first 5 years of life."

President Nixon's own Commission on School Finance urged the Nation not to ignore evidence that problems with later schooling might be related to lack of early help to children and families. The Commission urged the President to support child development programs because "we believe that the Federal Government should encourage the development of such programs for all children, with financial assistance provided for children from low-income families."

The Committee for Economic Development, which is composed of some of the Nation's most respected business leaders, in a March 1971 report, told us that—

> The most effective point at which to influence the cumulative process of education is in the early preschool years . . . there is evidence that effective preschooling gives the best return on the educational investment.

Finally, Mr. Speaker, let me point out that both the Democratic and Republican Parties in 1972 pledged, as part of their national platform, support of increased funds for comprehensive day care services.

The 1972 Democratic Platform noted that "child care is a supplement, not a substitute, for the family," and called for:

> The Federal government to fund comprehensive developmental child care programs

that will be family centered locally controlled, and universally available.

In similar fashion, the 1972 Republican Platform urged:

> The development of publicly or privately run, voluntary, comprehensive, quality day care services locally controlled but Federally assisted.

And, of course, Mr. Speaker, Congress has spoken on the subject, indicating the concern of the Nation's elected representatives for adequate care for children. Indeed, a measure to accomplish many of the same goals we are today reviewing, S. 2007, passed both Houses in 1971, but was vetoed by the President in December of that year.

And in 1972 both the House and the Senate considered new legislation to accomplish these goals, with bills reported from committee in both bodies, and passing in the Senate.

Thus, I believe it to be true that the time is proper for another effort to heed the recommendations of so many, and to follow through on the actions we have ourselves on several occasions begun.

SPECIFIC PROVISIONS OF BILL

Let me turn now to several aspects of the specific proposal being introduced today.

First, I want to stress that participation in the program supported under the proposed act will be entirely voluntary. That is to say, children will be eligible for these services only after a written request from their parents or guardians has been received.

Second, I want to emphasize that H.R. 15882 requires parental involvement at every stage in the planning, developing, and carrying out of programs.

Because the family is the central shaping force and influence on children, and because the needs and interests of families differ throughout the Nation, this legislation allows the greatest local flexibility in selecting a variety of services and ways of delivering them.

Thus, with involvement of each child's parents in selecting services, of parent groups in designing programs, and local prime sponsors in overall planning, the sponsors of the legislation believe that it will create a genuinely responsive, dynamic system, rather than a static set of programs dictated in regulations or guidelines from afar to a community and its families.

Third, the Child and Family Services Act of 1974 is aimed at serving children in all socioeconomic groups. Too often programs established by Federal or State governments have concentrated exclusively on a particular set of children who may, indeed, have unique needs, but who end up segregated into programs by income or race. Programs under the proposed act must to the extent possible involve all children, for all our children must be encouraged to reach the fullest growth and development within the family and with support from schools and other institutions in our society.

Fourth, Mr. Speaker, let me note that the bill today being introduced is somewhat more modest than the one approved by Congress in 1971, and to a greater extent emphasizes the planning and development of programs prior to their actual implementation.

Indeed, no funds will be available to put programs into place until the second year after enactment of this legislation. Funds available in the first year will be used for planning as well as research and the training of personnel required to carry on the programs.

The funding authorized in the Child and Family Services Act totals $1.85 billion over 3 years, as opposed to an authorization of over $2 billion in the bill vetoed in 1971. H.R. 15882 authorizes $150 million in the first year for start-up planning, training and technical assistance.

Finally, Mr. Speaker, let me say a word about the actual administration of the program as proposed in the legislation. I mention this subject because we often are led to believe that concepts of "local autonomy" or "returning flexibility to local and State governments" are the exclusive concern of the present administration, which is, of course, not true.

For H.R. 15882 makes States and local governments the potential prime sponsors for programs under the act, subject to certain requirements of comprehensive planning, needs assessment and parental participation in those processes. The range of services which can be offered, and the means by which they are offered, can vary as widely as the imagination and ingenuity of these local sponsors, again subject to certain standards of quality of care and parental involvement.

But it does seem to me, Mr. Speaker, that the proposed Child and Family Services Act of 1974 is a good example of a creative partnership of the Federal, State, and local governments for the purpose of carrying out a national policy on child and family services, with roles reserved to each level of government, but with major flexibility left at the actual service-delivery level.

A national set of functions is identified in the bill, for research, evaluation, and certain basic standard-setting tasks; beyond that, States and localities must assess their children's needs and plan from there how best to meet them.

Mr. Speaker, this approval is neither new or old federalism, regionalization, decentralization, or any other catch phrase; the approval is just plain commonsense.

CONGRESSIONAL HEARING

I want, in conclusion, Mr. Speaker, to advise members of the joint hearings which the Select Education Subcommittee expects to schedule with our colleagues in the other body later this month. As the bill is considered, we plan to listen to testimony and views of representative of State and local governments, as well as Federal officials, child and family service specialists, other experts, and other citizens in order to achieve in the final piece of legislation the allocation of responsibility among the various levels of Government that will best insure parental involvement, local diversity to meet local needs, and appropriate State participation to provide coordination and maximum utilization of available resources.

Mr. Speaker, I hope that these hearings, and the interest already shown by parents throughout the country, will stimulate a dialog on the merits of the measure which can continue across the country in the forthcoming congressional election campaigns.

In this way, should H.R. 15882 not be enacted in the 93d Congress, when the 94th convenes, there may be new friends of children and families in Congress, and thereby a better opportunity to make good on an eloquent promise voiced only a few years ago by President Richard Nixon:

> So critical is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first five years of life.

Mr. Speaker, I am pleased today to have joining Mrs. MINK, Mr. HANSEN, of Idaho, Mrs. HECKLER of Massachusetts, and me in introducing the Child and Family Services Act of 1974, 58 other Members of the House. They are as follows:

Mr. PERKINS, Mr. THOMPSON of New Jersey, Mr. BELL, Mr. DANIELS of New Jersey, Mr. HAWKINS, Mr. DELLENBACK, Mr. FORD, Mr. ESCH, Mr. MEEDS, Mr. PEYSER, Mr. CLAY, Ms. CHISHOLM, Ms. GRASSO, Mr. BADILLO, and Mr. LEHMAN.

Mr. KOCH, Mr. KYROS, Mr. MATSUNAGA, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. NIX, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, Mr. REES, Mr. RIEGLE, Mr. RODINO, Mr. ROSE, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STOKES, Mr. WALDIE, Mr. CHARLES H. WILSON of California, Mr. WON PAT, and Mr. YOUNG of Georgia.

Mr. ADAMS, Mr. ANDERSON of California, Ms. BOGGS, Mr. BOLAND, Mr. BROWN of California, Ms. BURKE of Massachusetts, Ms. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. CULVER, Mr. FRASER, Mr. GONZALEZ, Mr. GREEN of Pennsylvania, Mr. GUNTER, Mr. HARRINGTON, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. HORTON, Ms. JORDAN, and Mr. SARBANES.

Mr. Speaker, I include at this point in my remarks a section-by-section analysis of the Child and Family Service Act of 1974:

SECTION-BY-SECTION ANALYSIS OF THE CHILD AND FAMILY SERVICES BILL

Section 1. *Title*—The Act may be cited as The Child and Family Services Act of 1974.

Section 2. *Statement of findings and purpose*—The Congress finds that the family is the primary and most fundamental influence on children; that child and family service programs must build upon and strengthen the role of the family; that there is a lack of adequate child and family services available to working mothers, single parents and other family who lack sufficient resources to provide their children with adequate health, nutritional, educational, and other services; and that it is essential that planning and operation of programs be undertaken as a partnership of parents, community, state and local governments with appropriate federal supportive assistance.

It is the purpose of the Act to provide quality child and family services with a priority to families with the greatest need and to provide the decision making at the community level, with the direct participation of the parents and other individuals and organizations in the community.

Section 3. *Authorization of Appropriations*—The bill authorizes $150 million for FY '75 and $200 million for FY '76 for training, planning and technical assistance. Program operation would begin in FY '76 and there is authorized to be appropriated $500 million in FY '76, and $1 billion in '77. (Headstart would be funded under present authority and its funding protected by a requirement that no operational funds could be appropriated for this new program unless and until Headstart is funded at the level it received at FY '74 or '75, whichever is greatest).

Section 4. *Forward Funding*—This provision provides for appropriating funds under this Act during the preceding years for which it shall be available for obligation.

TITLE I—CHILD AND FAMILY SERVICE PROGRAMS

Sec. 101. *Office of Child and Family Services; Special Coordinating Council*—Subsection (a) directs the Secretary of Health, Education, and Welfare to establish within the Office of the Secretary, an Office of Child and Family Services to coordinate all such programs within the department, to be headed by a Presidentially-appointed (with the advice and consent of the Senate) Director. This office shall assume the responsibilities of the present Office of Child Development.

Subsection (b) directs heads of various agencies to meet regularly as a Child and Family Services Coordinating Council, chaired by the Director mentioned in subsection (a). The Council, among other responsibilities, shall assure the establishment and maintenance of procedures to keep all offices aware of actions of others in providing financial assistance to eligible applicants, and shall recommend priorities for Federally-funded research and development related to the purposes of this Act.

Sec. 102. *Use of Federal Funds*—Financial assistance shall be provided for carrying out programs by prime sponsors and other public and private nonprofit agencies and organizations, for the following activities and services:

1. Planning and developing child and family service programs.

2. Establishing, maintaining, and operating programs such as—

Part or full-day care in homes or centers which provide educational, health, nutrition, and social services.

Other health, social, recreational, and educational programs designed to meet the special needs of children and families, including before- and after-school and summer programs.

Family services meeting the needs of children, including in-home and in-school services and education, for parents, other family members serving as parents, youth and prospective parents.

Social services to families including counseling and referral to help the family determine the appropriateness of services.

Prenatal and other medical care to expectant and post-partum mothers to reduce infant and maternal mortality and the incidence of mental retardation and other handicapping conditions.

Programs to meet the special needs of children of minority, ethnic, Indian, and migrant families, and children from families with special language needs, and to meet the needs of children to understand the background of minority and ethnic groups.

Food and nutritional services.

Diagnosis, identification, and treatment of visual, speech, medical, dental, nutritional, and other physical, mental, psychological, and emotional barriers to full participation in child service programs.

Special activities to ameliorate handicaps and disabilities, as an incorporated part of programs under the Act.

Programs designed to extend child care gains (particularly parent participation) into kindergarten and primary grades.

3. Construction and alternation of facilities, and acquisition of equipment and supplies.

4. Training and education, both preservice and inservice, for professional and other personnel, including parents and volunteers.

5. Expenses of child and family service councils and project policy committees as provided in sec. 105 and sec. 107.

6. Dissemination of information to parents.

Subsection (c) provides that assisted programs must have parent policy committee, must frequently and regularly disseminate information about program activities to parents, and must consult with parents regularly with respect to each child's development and must allow opportunity for parents to observe and participate in their children's activity.

Subsection (d) directs the Secretary to consider the factors of need for the program, prior planning in the area, the ability of the applicant to serve children in the area, when reviewing applications for grants or loans.

Sec. 103. Subsection (a) directs the Secretary to reserve certain amounts of the available funds for special purposes: not less than 10% for special activities relating to handicapped children; population proportions for migrant and Indian children, in their ratio to the total number of economically disadvantaged children in the country; 5% for model projects as provided under Sec. 104; and not less than 5% for enforcement of child care standards under section 203.

The act directs that the balance of funds available be distributed as follows:

1. 50% to be apportioned among the states, and within each state among local areas, in proportion to the number of economically disadvantaged children in each State and local area.

2. 25% to be apportioned among the states and within each state among local areas, in proportion to the number of children through age 5 in each State and local area.

3. 25% to be apportioned as above, with respect to the relative numbers of children of working mothers and single parents in each State and local area.

Each state may use no more than 5% of its apportionment for the purpose of the planning and other activities specified in Sec. 108.

Sec. 104. *State and local prime sponsors*—Subsection (a) sets forth requirements that must be met by applicants for prime sponsorship, whether they be states, localities, or combinations of localities. The requirements include:

1. Description of the area to be served, and the applicant's capability to coordinate the delivery of services within the area.

2. Assurance of contributing the required non-Federal share.

3. Satisfactory provisions for establishing a Child and Family Service Council meeting the requirements of Sec. 104.

4. Provision for annual plans from the prime sponsor, as set forth in Sec. 106.

5. Arrangements for the carrying out by the Child and Family Service Council of its responsibilities for approving plans, goals, budget policies, annual review of other agencies involved in the plans, and for evaluation of the programs conducted in the area.

6. Assurance that administrative costs of the Child and Family Service Councils, Local Program Councils, and Project Policy Committees will not exceed 5% of the total cost of programs administered by the prime sponsors.

Subsection (b) provides that the Secretary shall approve an application for prime sponsorship submitted by a locality—a city, county, or other unit of general local government, or combination of localities—if it meets the requirements of subsection (a).

If a prime sponsorship plan from a state meets these requirements, the Secretary shall approve it according to subsection (c).

Subsection (d) provides that the Secretary may approve an application for prime sponsorship by a state, if it meets the requirements of subsection (a) and, if there are no designated prime sponsors in the area, divides the area into local service areas. These areas shall be the basis for local program councils composed half of members chosen by parents receiving federally-assisted day-care services (with due consideration to parents selected by parent members of Headstart policy committees where they exist) and at the earliest practicable time by parent members of project policy committees, the other half to be public members appointed by the chief executives of units of local government within the local service area. Plans submitted by the state, and any contracts for operation of programs, shall be approved by the local program councils for the appropriate local service areas. Finally, state plans, must contain assurances that any local program council may appeal to the Secretary whenever such council alleges that the State has failed to comply with provisions of the state plan or the Act.

Subsection (e) provides that the Secretary may fund directly, Indian tribes, and public or private agencies (including educational, community action, Headstart, parent cooperative, organization of migrant agricultural workers or Indians, employer organization, labor union) which submits a proposal to provide comprehensive child care and family service in an area:

1. Where no prime sponsor has been designated or where the prime sponsor is found not to be satisfactorily implementing child care programs.

2. On a year round basis to children of migrant agricultural workers or their families.

3. Where the program will be a model designed especially to be responsive to the needs of economically disadvantaged, minority group, or bilingual children and their families.

Subsections (f), (g), (h), and (i) provide for termination of prime sponsorship if patterns of discrimination are found; for review by Governors of applications for prime sponsorship within a state; and for other procedures for termination of prime sponsorship or disapproval of an application for prime sponsorship, including access to the courts for review of such action.

Sec. 105. *Child and Family Service Councils* Subsection (a) sets forth the required composition of the Child and Family Service Council required for each prime sponsor. The ten or more members shall be composed half of parents of children served in programs under this Act, and the remainder appointed by prime sponsor in consultation with the parent members. The non-parent members are to be broadly representative of the public, and of private agencies, and shall include at least one person skilled in the field of child and family services. One-third of the members shall be economically disadvantaged.

Subsection (b) directs the Secretary to issue regulations concerning other aspects of the Councils, so that the parents members are democratically selected (in the case of State prime sponsors) by local program council parents, or by parents in other cases who are recipients of federally-assisted day-care services and with due consideration to parents who are selected by Headstart policy committee parents. Regulations shall further provide that the duties of the Councils include approving plans, basic goals, policies, procedures, overall budget policies and project funding, selection and evaluation of administering agencies. Finally, the regulations shall provide that the Council shall, at its own initiative or at the request of an applicant, conduct public hearings before acting on applications for financial assistance.

Sec. 106. *Child and Family Service Plans*—This section sets forth requirements (subsections (a) and (b) which prime sponsors must meet in a service plan:

Services must be provided only for children whose parents request them.

Needs must be identified, and means to meet them, with priority for services to children under age six.

Programs receiving aid under the act must reserve not less than 65% of their funds for services to economically disadvantaged children.

Next priority must be given to providing services to working mothers' children, or children of single parents.

Programs shall include children from a range of socioeconomic backgrounds to the extent feasible.

No charge will be made to any disadvantaged child (except those paid by third parties).

Comprehensive services are to be provided for migrant, minority, and bilingual children, and to meet the needs of all children to understand the history and cultural background of minority groups in the prime sponsorship area.

Prime sponsors must provide for direct parent participation in program conduct, direction, and evaluation.

Plans must provide for employment of unemployed or low-income residents of communities being served by projects, and no person shall be denied employment solely for not being certified as a teacher.

Career development plans for paraprofessionals must be included.

Regular information dissemination to parents and other interested people must be provided for.

Provides clear definitions of any delegations of authority under the supervision of the Child and Family Service Council.

Includes procedures for handling project applications, for coordinating with other prime sponsors under the act and with other programs, and for monitoring projects to check compliance with standards set forth in section 201.

Provide for the use of state, local and other federal resources.

Subsection (c) requires that no plan be approved until the Secretary determines that opportunity for comment has been given to local educational and training agencies, community action or Headstart agencies, and State Governors and State Child and Family Service Council.

Subsection (d) provides for orderly procedures to be followed in case of disapproval of a proposed plan.

Sec. 107. *Project applications*—This section lists types of agencies eligible for project funds under the comprehensive plans of a prime sponsor, and the requirements an applicant must meet. Any qualified public or private agency or organization is eligible, and must show in its application:

A parent policy committee with broad participation and powers.

Assurance that no fees will be charged economically disadvantaged children (except as paid by a third party).

Involvement of family members in children's daily activities.

Regular information dissemination to parents.

Employment of paraprofessionals, use of volunteers.

Assurance that children will not be excluded because of participation in non-public education.

Subsection (d) provides that the Secretary may directly approve project applications from public or private agencies seeking funds under Section 104(d).

Subsection (e) provides for procedures of appeal of disapproved project applications, including appeal to the Secretary.

Sec. 108. *Special grants to states*—States with established Child and Family Service Councils may apply for additional funds for certain purposes in addition to providing services. The purposes for which funds may be requested under this section include: information programs for parents, identifying service needs and goals in the state, coordinating child services of separate agencies where requested by prime sponsors, developing and enforcing standards for licensing facilities, assisting organization in acquiring facilities, assistance to Child and Family Service Councils, developing information useful in reviewing applications under the Act.

Sec. 109. *Additional conditions for programs including construction or acquisition*—The section provides certain conditions for Federal assistance for constructing or acquiring facilities, including labor standards, repayment to the government in case the facility is used for other purposes, and certain limits on loan interest and repayment periods. Financial assistance for construction or acquisition of facilities shall be available only to public and private nonprofit agencies, institutions or organizations.

Sec. 110. *Use of public facilities for child and family service programs*—This section requires the Secretary to report to the Congress within 18 months after enactment of the Act, on the availability of Federal facilities to public and private agencies for use as facilities for child and family service programs under the Act. Prime sponsors may be required to review their own facilities for such use also.

Sec. 111. *Payments*—Subsection (a) provides that the Secretary shall pay the Federal share of the costs of programs and services, including staff and administrative expenses of the Child and Family Service Councils and parent policy committees, from allocations or apportionments under section 103.

Subsection (b) provides that the Federal share of certain activities shall be: 100% of the cost of planning, training and technical assistance in 1975; 90% of the cost of programs and services in 1976, to be reduced to 80% in 1977 and thereafter, though the amounts may be raised by the Secretary. Indian and migrant agricultural workers' children's services are to be reimbursed at 100%.

Subsection (c) allows the non-Federal share to be provided in public or private funds, goods, services, facilities. Fees collected for services shall not be used for the non-Federal share, but to enrich and expand the program.

Subsection (d) allows for carrying over to the next year, any excess local contribution above the amount required in a given year.

Subsection (e) requires states and local governments not to reduce its expenditures for child development or child care because of aid received under this title of the Act.

TITLE II—STANDARDS AND EVALUATIONS

Sec. 201. *Federal Standards for Child Care*—The 1968 Interagency Day Care Requirements are to apply to programs under the Act, but the Secretary is directed to draw up new standards within six months of enactment of the Act, with the advice and approval of a committee composed at least half of parents of children receiving services under certain programs. Prior to implementation, appropriate committees of Congress shall have opportunity to disapprove.

Subsection (b) directs the Secretary to assure that programs and projects under the act assess individual children's needs and the appropriateness of the child and family services being rendered. Programs or projects providing care outside the home for very young children shall be reviewed and evaluated periodically and frequently by the Secretary to insure they meet the highest standards of quality.

Sec. 202. *Uniform Code for Facilities*—The Secretary is directed to establish a committee, composed of at least half parents, to draw up a uniform minimum code for facilities receiving Federal assistance under this act. The code shall deal with matters essential to the health, safety, and physical comfort of the children. The code shall be completed within six months of the committee's appointment, and must be the subject of public hearings.

Sec. 203. *Programs Monitoring and Enforcement*—This section provides for program monitoring and enforcement.

Sec. 204. *Withholding of Grants*—By this section, the Secretary is authorized under certain conditions to withhold grants.

Sec. 205. *Evaluation*—Subsection (a) requires a comprehensive review of all Federal activities affecting child and family service programs, including their effectiveness, cost, and parent participation, within two years of the Act's passage.

Subsection (c) calls for additional annual evaluations of Federal involvement in child and family service programs, to be reported to Congress, and subsection (d) requires prime sponsors to provide data for such evaluations.

Subsection (f) reserves not less than 1% nor more than 2% of the amounts available under section 3(c) for evaluation in any given year.

TITLE III—FACILITIES AND RESEARCH FOR CHILD AND FAMILY SERVICES PROGRAMS

Sec. 301. *Mortgage Insurance for Comprehensive Child Services Facilities*—This section authorizes the Secretary to insure mortgages on new facilities of public or private agencies, not to exceed $250,000 or 90% of the cost of the project. The section also establishes a Child and Family Services Facility Insurance Fund, with such sums as shall be necessary authorized to be appropriated.

Sec. 302. *Research and Demonstrations*—A diverse program of research and demonstrations is authorized in subsection (a), including but not limited to studies of child development, program assessment, comparison of alternative methods, syntheses of research, dissemination of findings, studies of national needs, and other purposes.

Subsection (c) provides that the Secretary shall coordinate all child and family services research, development, and training within the Department of Health, Education, and Welfare and other agencies, through the Office of Child and Family Services established under the act.

Subsection (e) requires the Secretary to report on activity under this section no later than September, 1975, to the Congress.

TITLE IV—TRAINING OF PERSONNEL FOR CHILD AND FAMILY SERVICES

Sec. 401 through 404. *Training*—States that the Congress recognizes that one of the major barriers of quality child care is the lack of sufficiently trained and prepared professional and para-professional staff. The purpose of this title is to respond to that need by stimulating sufficient training programs in every state and region to assure an adequate supply of personnel to meet the staff requirements. The Secretary of Health, Education, and Welfare is authorized to make grants to and contracts with, institutions of higher education, state and local agencies private organizations, and producers of television programming to develop programs to:

(a) provide postgraduate level training for teachers,

(b) attract and recruit personnel,

(c) re-train personnel,

(d) provide pre-service and in-service training for teaching, management and supervisory and administrative posts in childhood programs, including the training and certification of child development lion respectively.

(e) help parents and students understand and practice sound child care techniques,

(f) develop educational television programs and other material, and

(g) develop and refine certification criteria. There is authorized to be appropriated to carry out these sections for FY '75 through FY '77, $40 Million, $60 Million and $75 Million respectively.

SEC. 405. This section amends the Higher Education Act of 1965 to authorize $20 million for 1975 and subsequent years for training and retraining of professional personnel for comprehensive child services programs, and a like amount for 1975 and subsequent years for training and retraining of nonprofessional personnel.

SEC. 406. This section authorizes forgiveness of indebtedness under the National Defense Education Act loan program, at the rate of 15% for each year of service in a program under this Act's Title I.

SEC. 407. This section authorizes grants to individuals employed in, and programs set up under Title I of the act for in-service training for professional and non-professional staff including volunteers, conducted by the agency or an institution of higher education or both.

SEC. 408. This section authorizes $5 million for fiscal year 1975 and each succeeding year to carry out the in-service training of section 407.

TITLE V—GENERAL PROVISIONS

SEC. 501. *Definitions*—This section defines terms used in the act. "Children" includes all individuals who have not reached age fifteen. "Economically disadvantaged children" are those in a family having an annual income below the lower living standard budget as determined annually by the Bureau of Labor Statistics at the Department of Labor.

SEC. 502. *Nutrition*—This section directs the Secretary to assure that adequate nutrition services are provided in programs under the act, including use of the special food service program for children as defined in the National School Lunch and Child Nutrition Acts.

SEC. 503. *Special Provisions*—In this section are included anti-discrimination, method-of-payment, minimum-wage, and non-secretarian provisions.

Sec. 504. *Special Prohibitions and Protections*—Subsection (a) (c) states that nothing in the act should be construed to infringe on or usurp the moral and legal rights and responsibilities of parents and guardians with respect to the moral, emotional, physical or other development of their children. Informed consent shall be required of parents or guardians before any child is subject to any research or experimentation. Similar understanding and prior consent must be obtained in the case of medical or psychological examination, experimentation, or research, immunization or treatment.

Sec. 505. *Public Information*—Applications for designation as prime sponsor, comprehensive child development plans, project plans, and all written material pertaining to them, shall be available to the public without charge by sponsors, applicants, and the Secretary.

Sec. 506. *Coordination with, Repeal or Amendment of, Other Authority*—Subsection (a) directs the Secretary to establish regulations to assure coordination of programs assisted under the Act with other Federal assistance for child development, child care, and related programs, including Title I of the Elementary and Secondary Education Act, Titles IV and VI of the Social Security Act, the Economic Opportunity Act, and several Housing and Model Cities Acts.

Subsection (b) provides that day care furnished under state plans under Titles IVA and IVB of the Social Security Act, shall be day care services made available under Title I of this Act. The Secretary is directed to make services under this Act available to children receiving aid under the Social Security Act, also.

Subsection (c) amends the Federal Property and Administration services Act of 1949 to add child care programs as eligible recipients of property declared surplus by Federal departments or agencies.

Sec. 507. *Acceptance of Funds*—The section allows the Secretary to accept and use funds appropriated to carry out other Federal laws if such funds are used for the purposes for which they were authorized.

STRIP MINING MUST BE ABOLISHED

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the people of the Appalachian mountains are not going to sit still and let their homes become a national sacrifice area for power-hungry strip miners.

When the House of Representatives debates H.R. 115000 on July 16, I will move to substitute H.R. 15000, which will ban strip mining within 6 months in the mountains, and within 18 months in other areas. I will vote against H.R. 11500, the rather weak compromise bill, unless it is drastically overhauled and materially strengthened on the House floor.

Over the Fourth of July, I spent a considerable amount of time talking with the people of the coal fields of West Virginia—a State which has contributed almost one-quarter of all the coal ever produced in this Nation, the largest proportion of any State. The scars of strip mining are everywhere on the gouged land, the precious top-soil and rocks sliding away into people's yards, and the thick silt, sediment and ugly colored acid in their streams. I spoke at two Independence Day ceremonies about the meaning of the Declaration of Independence. The people in the coal fields told me that unless Congress stops temporizing with strip mining, they are going to take matters into their own hands just as the patriots of two centuries ago did at the Boston Tea Party and other memorable revolutionary acts.

You cannot count on the people of the mountains to sit back and remain docile, fatalistic, and long suffering in the face of the new demands made by insensitive and arrogant strip miners—which H.R. 11500 will not curb or cure. At Eckman, W. Va., in Eureka Hollow in McDowell County, a Consolidation Coal Co.'s subsidiary told 21 families to move out of their own homes because they wanted to strip off the top of the mountain above them. Roy Owens, Lawrence Mitchem, and others who owned their homes and had invested thousands of dollars in improvements were told in a cold and impersonal letter:

> You have the privilege of moving the house or any materials therein.

GRAVEYARD THREATENED

From Fort Pierce, Fla., Mrs. Elsie Ferguson wrote me:

> They are planning to strip the mountain there at Eckman, W. Va., Eureka Hollow, where my family cemetery is. My family is resting in their graves, my husband and baby, my husband's mother and Dad, 6 brothers and sisters—Oh, so many of my loved ones. If I was to visit it and see my husband's grave all bull-dozed out, his stone, his parents' stones, Oh, God, how could I stand it? My heart is broke.

On Saturday, Herschel New of Baisden, W. Va., on Gilbert Creek in Mingo County, told me that 300 tons of spoil started sliding down the mountain where there was an old strip mine and where preparations are starting on a new strip mine; the huge mound of loose spoil poses a clear and present danger to many people living along Gilbert Creek.

Earlier this year along Slate Creek, Buchanan County, Va., Mr. and Mrs. J. R. Mullins, their daughter-in-law, and 3-month-old grandbaby were at home. Their son, Victor, came to the house and found an inch of mud all around the house. He heard trees "popping and cracking", while high on the mountain above his home a dozer worked on a strip job for a subsidiary of Island Creek Coal Co. Victor took his family and parents to the home of some relatives, and came back to try and save their possessions. By the time he got back, the Mullins house had been knocked off its foundations and Victor could not get near it because of the avalanche of mud and debris from the strip mine.

On April 5, in Grundy, southwest Virginia, 72-year-old Mrs. Alice Fugate expressed fear that the blasting from a strip mine would send boulders onto their property. Her husband climbed up to ask the strip miners to be more careful. When he returned home, they were carrying out his wife on a stretcher, mortally wounded by a boulder which crashed into their house. Mrs. Fugate died in the hospital on April 12.

YOU CANNOT SHOOT OUT

A few days ago, Ransome Meade of Brushy Ridge in Dickinson County, Va., came in to see me. He showed me photos of boulders shot onto his property from the blasting of a strip mine. The largest, 36 inches across, 18 inches wide, and about a foot thick, had dug a 20-inch hole in his raspberry patch where his wife hangs her washing, right near their home. "The strip miners shoot at me with boulders, but of course it would be against the law for me to shoot back at them. Isn't that a double standard?" he asked. "Of course, I'm a pacifist and wouldn't shoot at anybody, but is that really fair?" he asked.

On June 21, a few weeks ago in the Linefork area of Letcher County, Ky., Thelma N. Cornett wrote:

> Our neighbor, Manda Ingram, called my home at 5:00 a.m. Saturday morning and said her yard and garden was full of rocks, logs and trash. I want to say this now, and we have proof for anyone to see, that the land in these mountains, when they have once been augered and stripped, can never be reclaimed and that it also ruins what level land and garden spots we have at the foot of those mountains.

There is a tell-tale photo in the Mountain Eagle, published at Whitesburg, Letcher County, Ky., and capitioned:

> This grand old Linefork farm has been virtually destroyed by the strip mine washouts from the mountain in the background.

I recognize that members of the House Interior and Insular Affairs Committee have worked long and hard over H.R. 11500, and we mountain people especially appreciate the noble efforts of Representatives PATSY MINK of Hawaii and JOHN SEIBERLING of Ohio. But the people of the mountains also know full well that a mountain can labor long and bring forth a mouse. H.R. 11500 is shot through with loopholes, gives primary regulatory authority to the States, sets incredibly weak interim standards for strippers to increase their devastation until 1978, and raises false hopes among the people threatened by strip mining. Once passed, it would be extremely difficult to correct through later amendment all the shortcomings in H.R. 11500.

DO NOT LET THEM APPALACHIANIZE YOU

Therefore, I am urging the people of the mountains to support H.R. 15000. To the people of the Great Plains, I say: "Do not let them Appalachianize you. Do not listen to the siren song of the coal companies who have taken the wealth out of Appalachia while impoverishing the people. At a time when the Nation needs your grain and your livestock, and your water supply is so precious, do not let them blast out your aquifers and divert all your water for coal gasification plants. When the slick salesmen tell you Westerners about the fast bucks which can be made by strip mining, think twice about the big boomtime trailer parks, the suicides and psychiatrists, the huge army of temporary interlopers who feast on the quick profits, and then leave you for generations to pay the bills for public facilities and clean up the trash and bones once the coal is all stripped out."

Would H.R. 11500 slow down strip mining? Slightly, with pinpricks and paperwork. Better to go allout for H.R. 15000, get rid of the curse of strip mining once and for all, and get on with underground mining to meet the energy needs. And also save the land and the people.

CONGRESSMAN MILLER PAYS TRIBUTE TO TOP WORLD WAR I ACE

(Mr. MILLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER. Mr. Speaker, today I would like to pay tribute to America's top-scoring living combat flier of World War I. William C. Lambert of Ironton, Ohio, is credited with a remarkable 21½ victories during his career. In addition to these 21½ enemy aircraft—credit for downed aircraft was sometimes divided between two pilots—downed in "decisive combat," his daring exploits include another seven enemy aircraft downed in "indecisive battle." This feat is second only to the late Capt. Eddie Rickenbacker.

Lambert joined the Royal Flying Corps of Canada in 1917. That December he went to England and in March of 1918 served in France, scoring all his victories in a little more than just 4 months.

He earned the rank of captain during World War I in service with the British. In World War II he served the U.S. forces as a nonflying captain. Now retired as a reserve lieutenant colonel, Mr. Lambert has recorded his adventures in a book being published in London, England.

In 1919 King George V honored this great patriot by awarding Mr. Lambert with Britain's Distinguished Flying Cross. For his intrepid gallantry while serving with the U.S. Army Air Corps from 1942 to 1946, Lieutenant Colonel Lambert received the Army Commendation Medal with Oak Leaf Cluster, the American Theatre Service Medal, and the Victory Medal.

With a love for freedom, he took to the air. With a concern for his fellow countryman, he risked his life. With a call beyond duty, he rose above others.

Mr. Lambert has brought fame, honor, and respect not only to himself but to America. His heroic defense of freedom and democracy will remain forever in the history of our country. As America approaches her 200th birthday, I know my colleagues join me in honoring all great men like William C. Lambert who helped preserve the principles on which this country was born.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURKE of Massachusetts (at the request of Mr. O'NEILL), for today, on account of a death in the immediate family.

Mrs. HANSEN of Washington (at the request of Mr. O'NEILL), for today, on account of illness.

Mr. PEPPER, for Monday, July 15, 1974, on account of official business in his district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HUBER, for 1 hour, on Tuesday, July 16, 1974.

(The following Members (at the request of Mr. BAUMAN), and to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 15 minutes, today.
Mr. ASHBROOK, for 30 minutes, today.
Mr. HOSMER, for 10 minutes, today.

(The following Members (at the request of Mr. DAN DANIEL), and to revise and extend their remarks and include extraneous matter:)

Mr. HUNGATE, for 20 minutes, today.
Mr. ADDABBO, for 15 minutes, today.
Mr. DINGELL, for 15 minutes, today.
Mr. MATSUNAGA, for 10 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. EILBERG, for 15 minutes, today.
Mr. PEPPER, for 15 minutes, today.
Mr. ASPIN, for 5 minutes, today.
Mr. ICHORD, for 15 minutes, today.
Mr. FUQUA, for 5 minutes, today.
Mr. WAGGONNER, for 5 minutes, today.
Mr. DENT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NELSEN to follow the remarks of Mr. CARTER on H.R. 17215 in the Committee of the Whole today.

(The following Members (at the request of Mr. BAUMAN) and to include extraneous material:)

Mr. HANRAHAN in three instances.
Mr. ZION.
Mr. QUIE.
Mr. ASHBROOK in five instances.
Mr. SHOUP.
Mr. GILMAN.
Mr. RAILSBACK.
Mr. CARTER in five instances.
Mr. FRELINGHUYSEN.
Mr. BRAY in two instances.
Mr. YOUNG of Illinois in two instances.
Mr. DERWINSKI in four instances.
Mr. HUNT in two instances.
Mr. GOLDWATER.
Mr. ANDREWS of North Dakota.
Mr. WINN.
Mr. HOSMER in three instances.
Mr. STEELMAN.
Mr. GUDE in two instances.

(The following Members (at the request of Mr. DAN DANIEL) and to include extraneous matter:)

Mr. STEPHENS.
Mr. PATTEN.
Mr. ANDERSON of California in two instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. BOLLING.
Mr. REID in two instances.
Mr. ICHORD.
Mr. GUNTER.
Mr. ANDREWS of North Carolina.
Mr. BIAGGI in five instances.
Mr. HAMILTON.
Mr. LUKEN.
Mr. FASCELL in five instances.
Mr. NIX in two instances.
Mr. DOWNING.
Mr. DENT.
Mr. ROSENTHAL in five instances.
Mr. GINN.
Mr. WOLFF in three instances.
Mr. STUDDS in two instances.
Mr. MURTHA in two instances.
Mrs. MINK in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11385. An act to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2830. An act to amend the Public Health Service Act to provide for greater and more effective efforts in research and public education with regard to diabetes mellitus;

S. 2893. An act to amend the Public Health Service Act to improve the national cancer program and to authorize appropriations for such program for the next 3 fiscal years.

ADJOURNMENT

Mr. DAN DANIEL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until Monday, July 15, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2545. A letter from the Chairman, Federal Power Commission, transmitting the annual report of the Commission for the fiscal year ending June 30, 1973; to the Committee on Interstate and Foreign Commerce.

2546. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the preliminary results of studies and investigations by the Agency on reducing water consumption and the total flow of sewage pursuant to section 104(o) (2) of the Federal Water Pollution Control Act Amendments of 1972; to the Committee on Public Works.

2547. A letter from the Assistant Secretary of the Interior, transmitting a report of grants made during calendar year 1973 to nonprofit institutions and organizations for support of scientific research programs, pursuant to section 3 of Public Law 85-934 (42 U.S.C. 1891); to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. SULLIVAN: Committee of conference. Conference report on H.R. 11295 (Rept. 93-1190). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 5529. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for the fiscal years 1974, 1975, and 1976, to provide for the recall of certain defective motor vehicles without charge to the owners thereof, and for other purposes; with amendment (Rept. No. 93-1191). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1230. Resolution providing for the consideration of H.R. 11500. A bill to provide for the regulation of surface coal mining operations in the United States, to authorize the Secretary of Interior to make grants to States to encourage the State regulation of surface mining, and for other purposes (Rept. No. 93-1192). Referred to the House Calendar.

Mr. POAGE: Committee of conference. Conference report on H.R. 11873 (Rept. No. 93-1193). Ordered to be printed.

Mr. STAGGERS: Committee of conference. Conference report on S. 39 (Rept. No. 93-1194). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. Biaggi, and Mr. Forsythe):

H.R. 15856. A bill to revise the laws relating to the establishment, administration, and management of the National Wildlife Refuge System, to establish a Bureau of National Wildlife Refuges, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CARTER:

H.R. 15857. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973, and to provide for daylight saving time from Memorial Day to Labor Day during each calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY of Texas:

H.R. 15858. A bill to amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from requiring an indirect source emission review as a part of any applicable implementation plan; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN (for himself and Mr. Tiernan):

H.R. 15859. A bill to amend the Social Security Act to direct the Secretary of Health, Education, and Welfare to develop standards relating to the rights of patients in certain medical facilities; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia (for himself, Ms. Abzug, Mr. Addabbo, Mr. Aspin, Mr. Badillo, Ms. Chisholm, Mr. Corman, Mr. Drinan, Mr. Eckhardt, Mr. Eilberg, Mr. Fascell, Mr. Fraser, Mrs. Grasso, Mr. Harrington, Mr. Helstoski, Mr. Lent, Mr. Luken, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Nedzi, Mr. Nix, Mr. Stokes, Mr. Wolff, and Mr. Young of Georgia):

H.R. 15860. A bill to provide for the orderly phasing out of surface coal mining operations, and to control those underground coal mining practices which adversely affect the quality of the environment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONTE:

H.R. 15861. A bill to extend the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. ERLENBORN (for himself, Mr. Steiger of Wisconsin, and Mr. Dellenback):

H.R. 15862. A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes; to the Committee on Education and Labor.

By Mr. GUDE (for himself and Mr. Biester):

H.R. 15863. A bill to amend section 502(b) of the Mutual Security Act of 1954 to reinstitute specific accounting requirements for foreign currency expenditures in connection with congressional travel outside the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HASTINGS:

H.R. 15864. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer); to the Committee on Ways and Means.

By Mr. JOHNSON of Colorado:

H.R. 15865. A bill to authorize the Secretary of Agriculture to amend retroactively regulations of the Department of Agriculture pertaining to the computation of price support payments under the National Wool Act of 1954 in order to insure the equitable treatment of ranchers and farmers; to the Committee on Agriculture.

By Mr. LAGOMARSINO:

H.R. 15866. A bill to amend the Mutual Security Act of 1954 to require that information relating to foreign travel by Members of Congress be open to public inspection and published periodically in the Congressional Record; to the Committee on Foreign Affairs.

By Mr. MATSUNAGA:

H.R. 15867. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 15868. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer); to the Committee on Ways and Means.

By Mr. PATMAN (for himself, Mr. Barrett, Mr. Rees, Mr. Moakley, and Mr. McKinney):

H.R. 15869. A bill to amend the Bank Holding Company Act of 1956 to provide for the regulation of the issuance and sale of debt obligations by bank holding companies and their subsidiaries; to the Committee on Banking and Currency.

By Mr. PATMAN (for himself, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Carney of Ohio, Mr. Dominick V. Daniels, Mr. Gaydos, Mr. Ginn, Mr. Gunter, Mr. Hanrahan, Mr. Hastings, Mr. Hawkins, Mr. Howard, Mr. Johnson of California, Mr. Ketchum, Mr. Koch, Mr. Matsunaga, Mr. Murtha, Mr. Patten, Mr. Rangel, Mr. Rogers, Mr. Rose, Mr. Shipley, Mr. Stokes, Mr. Won Pat, and Mr. Wright):

H.R. 15870. A bill to amend title 38 of the United States Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. PERKINS:

H.R. 15871. A bill to amend title 38 of the United States Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. RARICK (for himself, Mr. Aspin, and Mrs. Heckler of Massachusetts):

H.R. 15872. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 15873. A bill to amend title 18, United States Code, to promote public confidence in the legislative branch of the Government of the United States by requiring the disclosure by Members of Congress and certain employees of the Congress of certain financial interests; to the Committee on Standards of Official Conduct.

By Mr. SHOUP:

H.R. 15874. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELMAN (for himself, Mr. Hammerschmidt, Mr. Gunter, Mr. Riegle, Mr. Bell, and Mr. Stark):

H.R. 15875. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish a Save Outdoor America program, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. THONE:

H.R. 15876. A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWELL of Nevada:

H.R. 15877. A bill to remove the cloud on title with respect to certain lands in the State of Nevada; to the Committee on Interior and Insular Affairs.

By Mr. BAKER:

H.R. 15878. A bill to amend the Internal Revenue Code of 1954 to allow the amortization of certain expenditures for safety equipment over a 5-year period and for other purposes; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. Obey, Mr. Biester, Mr. O'Hara, Mr. Conable, Ms. Abzug, Mr. Adams, Mr. Alexander, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Bafalis, Mr. Bevill, Mr. Bingham, Ms. Boggs, Mr. Boland, Mr. Brown of California, Mr. Buchanan, Mr. Conte, Mr. Danielson, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Findley, Mr. Forsythe, and Mr. Frey):

H.R. 15879. A bill to further the purposes of the Wilderness Act by designating certain lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BAKER (for himself, Mr. Obey, Mr. Gibbons, Ms. Grasso, Mr. Gude, Mr. Gunter, Mr. Haley, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Heinz, Mr. Helstoski, Ms. Holt, Mr. Horton, Mr. Howard, Mr. Lent, Mr. Long of Maryland, Mr. Lujan, Mr. McCloskey, Mr. Mallary, Mr. Mayne, Mr. Mazzoli, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murtha, and Mr. Nedzi):

H.R. 15880. A bill to further the purposes of the Wilderness Act by designating certain lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BAKER (for himself, Mr. Obey, Mr. Owens, Mr. Pepper, Mr. Preyer, Mr. Rees, Mr. Rodino, Mr. Roy, Mr. Roybal, Mr. Schneebeli, Mr. Seiberling, Mr. Stark, Mr. Steiger of Arizona, Mr. Studds, Mr. Tiernan, Mr. Udall, Mr. Vander Jagt, Mr. Whitehurst, Mr. Winn, Mr. Zwach, Mr. Kastenmeier, and Mr. Roncalio of Wyoming):

H.R. 15881. A bill to further the purposes of the Wilderness Act by designating certain lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS (for himself, Ms. Mink, Mr. Hansen of Idaho, Ms. Heckler of Massachusetts, Mr. Perkins, Mr. Meeds, Mr. Peyser, Mr. Thompson of New Jersey, Mr. Bell, Mr. Dominick V. Daniels, Mr. Hawkins, Mr. Dellenback, Mr. Ford, Mr. Esch, Mr. Clay, Ms. Chisholm, Ms. Grasso, Mr. Badillo, and Mr. Lehman).

H.R. 15882. A bill to provide for services to children and their families, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Ms. Mink, Mr. Hansen of Idaho, Ms. Heckler of Massachusetts, Mr. Adams, Mr. Anderson of California, Ms. Boggs, Mr. Boland, Mr. Brown of California, Ms. Burke of California, Ms. Collins of Illinois, Mr. Conte, Mr. Conyers, Mr. Culver, Mr. Edwards of California, Mr. Eilberg, Mr. Fraser, Mr. Gonzalez, Mr. Green of Pennsylvania, Mr. Gunter, Mr. Harrington, Mr. Helstoski, Ms. Holtzman, Mr. Horton, and Mr. Jordan):

H.R. 15883. A bill to provide for services to children and their families, and for other purposes; to the Committee on Education and Labor.

By Mr. BRADEMAS (for himself, Ms. Mink, Mr. Hansen of Idaho, Ms. Heckler of Massachusetts, Mr. Koch, Mr. Kyros, Mr. Matsunaga, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Nix, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rees, Mr. Riegle, Mr. Rodino, Mr. Rose, Mr. Roybal, Mr. Seiberling, Mr. Stark, Mr. Stokes, Mr. Waldie, Mr. Charles H. Wilson of California, Mr. Won Pat, and Mr. Young of Georgia):

H.R. 15884. A bill to provide services to children and their families, and for other purposes; to the Committee on Education and Labor.

By Mr. BRINKLEY:

H.R. 15885. A bill to amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. BROTZMAN:

H.R. 15886. A bill to amend title 38 of the United States Code so as to entitle veterans of the Mexican border period and of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively, and to increase pension rates; to the Committee on Veterans' Affairs.

By Mr. FASCELL:

H.R. 15887. A bill to amend the act authorizing appropriations for the Gorgas Memorial Institute; to the Committee on Foreign Affairs.

By Mr. FAUNTROY:

H.R. 15888. A bill to establish a District of Columbia Community Development and Finance Corporation, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAMMERSCHMIDT:

H.R. 15889. A bill to establish a Federal-aid rural off-system highway program to increase safety and mobility of the Nation's rural roads; to the Committee on Public Works.

By Mr. PARRIS:

H.R. 15890. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. PRICE of Illinois:

H.R. 15891. A bill to obtain adequate nuclear information essential to congressional decisions; to the Joint Committee on Atomic Energy.

By Mr. SEIBERLING (for himself, Ms. Abzug, Mr. Biester, Mr. Cotter, Mr. Koch, Mr. Murphy of New York, Ms. Schroeder, and Mr. Wolff):

H.R. 15892. A bill to authorize research, development, and demonstration projects relating to new techniques of protein production, fertilizer production, and processing vegetable protein, and an education program to encourage market acceptance of products produced by such methods; to the Committee on Agriculture.

By Mr. STUDDS:

H.R. 15893. A bill to amend the Endangered Species Act of 1973 to make it more consistent with the Marine Mammal Protection Act of 1972; to the Committee on Merchant Marine and Fisheries.

By Mr. VAN DEERLIN:

H.R. 15894. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

By Mr. DENT:

H. Con. Res. 561. Concurrent resolution requiring the printing without deletion or other alteration any transcripts of taped conversations printed in connection with the impeachment inquiry conducted pursuant to House Resolution 803; to the Committee on House Administration.

By Mr. OBEY (for himself and Mr. Harrington):

H. Con. Res. 562. Concurrent resolution to establish an economic advisory board; to the Committee on Rules.

By Mr. WOLFF (for himself and Mr. Carey of New York):

H. Res. 1228. Resolution expressing the sense of the House of Representatives concerning the rights and civil liberties of the Irish minority in Northern Ireland; to the Committee on Foreign Affairs.

By Mr. YATES (for himself, Mr. Ashley, Mr. Bell, Mr. Evans of Colorado, and Mr. Thompson of New Jersey):

H. Res. 1229. Resolution providing for television and radio coverage of proceedings in the Chamber of the House of Representatives on any resolution to impeach the President of the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXIIII,

512. The SPEAKER presented a memorial of the Legislature of the State of Arkansas, relative to beef, livestock, and poultry markets; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER:

H.R. 15895. A bill for the relief of Frank P. Arp; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 15896. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager; to the Committee on Armed Services.

By Mr. BINGHAM:

H.R. 15897. A bill for the relief of Edward N. Evans; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.R. 15898. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager; to the Committee on Armed Services.

By Mr. SLACK:

H.R. 15899. A bill to authorize the President of the United States to present in the name of Congress a Medal of Honor to Brig. Gen. Charles E. Yeager; to the Committee on Armed Services.

By Mr. TALCOTT:

H.R. 15900. A bill for the relief of Cheryl Lynn V. Camacho; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION TO SAVE SCRIMSHAW INDUSTRY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. STUDDS. Mr. Speaker, I am today introducing legislation to amend the Endangered Species Act of 1973 to correct an injustice which is threatening the livelihood of hundreds of individual artisans and small businessmen within my district and within certain other areas around this country. Companion legislation is being filed by Senator KENNEDY.

This bill will correct a serious problem created by the provisions of the Endangered Species Act which prohibit the transportation for sale in interstate commerce of any product made from the whale. There are hundreds of businesses currently engaged in such commerce. Before the Marine Mammal Protection Act was passed, most of these businessmen bought large quantities of whale bone and teeth to allow them to remain in operation for the next 5 to 10 years. Now, they have suddenly found themselves with huge stockpiles of whale bone and teeth which can only be sold within the State. Many of these businesses have long-standing contracts with out-of-State firms, and are faced with bankruptcy if the law cannot be changed. Most of these entrepreneurs can prove that their whales teeth were purchased prior to the passage of the Marine Mammal Act, and none of them have expressed any opposition to the general intent of either this act or to the protection of endangered species.

The bill I am introducing today would simply change the wording of the Endangered Species Act to permit the craftsmen and businessmen who deal in scrimshaw and other whale products to use their existing stocks of whale bone and teeth—material acquired before the passage of the Marine Mammal Protection Act in 1972. The purpose of both the Marine Mammal Act and the Endangered Species Act was to protect animals such as whales from continued slaughter—not to end an art form that has endured for generations.

Mr. Speaker, I would like to bring to the attention of my colleagues two editorials from newspapers in my district which illustrate further the importance and extreme urgency of this matter. The first appeared in the New Bedford Standard Times on July 5, and the second a day later in the Cape Cod Standard Times. The articles follow:

SCRIMSHAW LAW

This newspaper is in favor of protecting whales from extinction. It has been for a long time. It has supported the Endangered Species Act of 1969, intended to give whales an even chance of surviving. However, we have serious reservations about the scope of amendments to that act that took effect last December.

The amendments forbid interstate commerce in "whale products," a restriction that threatens the scrimshaw industry with imminent economic hardship as well as long-range problems of major proportions.

As The Standard-Times' Jack Stewardson quoted one dealer: "We can understand not wanting to deplete the stocks of whales, but what are we supposed to do with the stuff we have on hand?"

The "stuff," whale ivory, was not bought in an 11th-hour attempt to circumvent the intent of the act. The ivory had been imported legally prior to 1972. One dealer interviewed by Stewardson has as much as $40,000 invested in whale ivory and obviously cannot afford to write off that kind of money.

Basically, the interstate ban on sale of whale ivory products made before the restrictive amendments took effect just doesn't make much sense. Not to mention being unfair to innocent dealers. A gradual phaseout of sales of all whale products in the United States, while allowing dealers to get rid of existing inventories, seems like a more practical and fair approach.

Rigid enforcement of the Endangered Species amendments barring interstate sales of scrimshaw made from pre-1972 inventories will not bring a single whale back to life.

It will only bring unwarranted hardship to dealers caught in the middle. The Department of Interior should grant them a temporary exemption that will allow them to dispose normally of their legally acquired stock.

CORRECT THE OVERSIGHT

Many on Cape Cod who traffic in scrimshaw or whale's teeth—a tradition-hallowed custom for the Cape and Islands and New Bedford—are uncomfortable knowing they may be breaking the law.

It has suddenly been noticed that the Endangered Species Act Amendments of 1973 prohibits the interstate sale of scrimshaw or any other products made from the whale.

This prohibition presumably falls upon the hundreds in this area who sell or manufacture products made of scrimshaw or whale's teeth which come from interstate sources.

We're sure Congress did not intend to outlaw the sale of products made from whales killed before the Marine Mammal Protection Act became effective when passed in 1972. Many dealers in fact purchased large quantities of teeth so they could phase out such operations over a period of years. Now they find they can't legally sell their "bank" of scrimshaw in interstate commerce.

Rep. Gerry Studds, of the 12th Congressional District which includes the Cape and Islands, is drafting legislation to allow scrimshaw dealers to sell products made from whales killed prior to the Protection Act. In his weekly report, Studds says the chairman of the Subcommittee on Fisheries and Wildlife has pledged his full support of the measure.

Congress must move swiftly to correct the oversight and provide legal protection for those with stocks of scrimshaw or whale's teeth on hand from mammals killed before 1972. That is simple justice.

MEDICAL SERVICES

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HANRAHAN. Mr. Speaker, regrettably, I was forced to vote against the conference report on S. 3203, a bill to bring nonprofit hospitals under the National Labor Relations Act, when it reached the House floor today. I was happy to have been able to vote for the original House version of the bill, but the conference committee decided to delete a necessary amendment which called for a 60-day cooling off period. We cannot afford to jeopardize the welfare of hospital patients by the threat of a hasty strike without benefit of serious and deliberate negotiations between the parties involved.

The very thought of the tragedy which could occur in a region with only one hospital is appalling. Scores of lives would be at stake if the hospital employees declared a strike without first having given sufficient thought to the extremely serious step of withholding vital medical services.

Strikes are unfortunate in any industry, but the idea of a strike of hospital employees, and a hastily called one at that, is more than unfortunate—it brings into the picture serious questions of morality.

INFLATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. DERWINSKI. Mr. Speaker, like most Members, I spent the Fourth of July recess back home in my district, and had the opportunity to meet with thousands of my constituents.

In my judgment, the American public recognizes that the greatest problem that faces our country is that of inflation, and I believe that most people realize that unity will combat the inflationary pressures which beset them.

This subject is very effectively presented in a Chicago Sun-Times editorial of Tuesday, July 9, and I commend the editorial to the attention of all Members:

UNITY AGAINST INFLATION

Both French President Valery Giscard d'Estaing and West German Chancellor Helmut Schmidt are trained economists. So it was with considerable expertise that both agreed over the weekend that continued double-digit inflation could cause political chaos in the industrialized nations of the world. That view is shared by senior U.S. officials and was ratified last week by a report of the Organization for Economic Co-operation and Development. World inflation is a menace that the industrialized states can ignore only at their peril.

The 24-nation OECD reported that for the sixth consecutive month consumer prices rose by more than 1 per cent in industrialized nations. Inflation was a key issue in Sunday's election in Japan, which is hobbled by a 23.2 per cent inflation rate increase. Last May 8, the government of Canadian Prime Minister Pierre Elliott Trudeau fell because of two-digit inflation and Monday's elections were called. Israel, already the most heavily taxed nation in the world, imposed new taxes last week to cope with inflation.

Although the causes of world inflation are complex, the OECD reported that the chief villain is last year's upsurge in oil prices. Accordingly, the business of a current Brussels meeting of the United States and 11 other major oil-using nations is not only relevant, but urgent. Single nations can take palliative measures to cope with inflation, but it is clear that the problem cannot be solved effectively without the kind of unified, co-operative measures the Brussels meeting is designed to inspire.

Such concerted action need not be initiated or interpreted as a users' cartel against the power wielded by the Organization of Petroleum Exporting Countries. Indeed, if the Brussels meeting is to succeed, it cannot adopt a strategy of confrontation. In the last analysis, both energy producers and consumers have a common stake in the health of the world economy, and it is only by a common effort that the common enemy of inflation and economic disruption will be overcome.

THE STABILITY OF THE SAIGON GOVERNMENT

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. ZION. Mr. Speaker, there has been a sustained attempt by enemies of the Republic of Vietnam to present a picture of the Government there as both dictatorial and unstable. A more accurate picture is described by James Dornan and Peter Hughes in the second of their series of articles in the Indianapolis News.

They visited Vietnam and saw for themselves that, apart from obvious wartime restrictions, the country has none of the repressive trappings of totalitarian regimes which are so evident in Communist countries. No dictatorship dare issue arms to over half a million private citizens; yet this is exactly what the South Vietnamese Government has done to the Popular Self-Defense forces. Furthermore, the continuing rate of defection from the Communist forces shows that even those who have been subjected to constant propaganda since childhood prefer the comparative freedom of the South to the total repression of the North.

In order that a more balanced picture of the situation in Vietnam can be presented, I include the second article of this excellent series from the Indianapolis News dated April 6, 1974, to be inserted in the RECORD.

SAIGON GOVERNMENT STABLE, VIABLE

(By James Dornan and Peter Hughes)

Virtually since the inception of the American aid program to South Vietnam in 1955, opponents of the U.S. involvement have dwelt upon the authoritarian aspects of various Saigon regimes as the core of their arguments. Such criticism has if anything increased in recent years, despite the evident stability of the government of President Nguyen Van Thieu.

South Vietnam is a country torn by war, many of whose finest young men have been summoned to a military career and thus have been unable to contribute to their nation's political life. Her internal security problems have for decades been sufficiently acute to engender justifiable fears for survival. It is not surprising that such circumstances breed restrictions upon what in the West are called civil liberties, and certain of these curbs are acknowledged as necessary even among the most libertarian-minded South Vietnamese.

Furthermore, such restrictions upon civil liberties in wartime are not unknown even in the United States, as students of the Lincoln, Wilson, and FDR presidencies ought to remind us more often.

During our stay in Vietnam we saw none of the outward manifestations of the totalitarian state so visible, for example, in China, the Soviet Union, or Eastern Europe. The military presence is quite visible, but the reasons for that are obvious. Few of the citizens we spoke with seemed bitterly opposed to the government. Indeed, more than 560,000 South Vietnamese have been armed as part of the Popular Self-Defense Program, with a loss rate of only one to five weapons per thousand distributed—impressive figures for a society supposedly governed by a "small, externally imposed and increasingly despised elite."

Significantly, there has been no indication of revolutionary stirrings even from an armed populace.

The continued flow of refugees from the NVA-VC areas and the persistent refusal of the Communists to agree to negotiations to establish a time-table for holding competitive elections are testimonials to the relative popularity of the government and the declining acceptability of the VC. In general, we found no reason to dispute the judgment of U.S. Ambassador Graham Martin that "there has developed in recent months a pervasive sense throughout the country of the legitimacy of this government."

"The Viet Cong," he asserted, "are now largely regarded as intruders, tolerated or resented." The highly-respected Saigon newspaper publisher Bui Diem, once ambassador to the United States, while aware of the government's limitations in certain particulars, also believes that opposition to the government is fading, and expressed some confidence in the future evolution of the regime in a more democratic direction should peace become a reality.

We were profoundly impressed by the extraordinary group of able and dedicated young men who are increasingly being designated to fill high posts in the armed forces and in civil agencies up to the ministerial level. While in Vietnam we were able to speak at some length with men such as the newly-designated Minister of Information Hoang Duc Nha; a principal aid to the Minister of Finance, Pho Ba Quon; the Minister of Trade and Industry, Nguyen Duc Cuong; the Minister of Tourism, Pham Luong Quang; and Nguyen Ngoc Bich, the head of the government press center.

It is in the hands of these men—often U.S.-educated, with degrees from institutions such as MIT, Harvard, Johns Hopkins and Columbia, who are thoroughly committed to the cause of a better and non-Communist South Vietnam—that the future of that nation rests, and its prospects are clearly enhanced by their presence in high government posts.

Since we were in Vietnam (January 1974) an additional cabinet reorganization has occurred, as well as several changes in the armed forces and among the province chiefs. Such shifts seem designed to improve the administrative efficiency of the government and reduce the incidence of corruption. There has been significant progress toward these objectives, but the road to their achievement will be a long one, as President Thieu has himself admitted.

Overall we came to believe that there exists in South Vietnam today a stable and viable government, clearly inspiring more popular support than its NVA-VC opponents. Its future obviously depends upon the extent to which it can deal effectively with the awesome array of military and economic problems with which it is confronted. And its ability to do so, in turn, will for the next few years depend upon continued aid from abroad, and especially from the United States.

THE LATE CHIEF JUSTICE EARL WARREN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. ANDERSON of California. Mr. Speaker, the people of the United States of America were greatly saddened to hear of Earl Warren's passing on July 9. Responsible for helping to shape this country's social and political destiny, my friend Earl Warren shall be remembered in history as one of the most distinguished and courageous judges our highest court has ever produced. Chief Justice of the U.S. Supreme Court from 1953 to 1969, Earl Warren will continue to stand out as a source of leadership and pride for the entire Nation.

I have especially fond memories of my friendship with Earl Warren which began in 1943 when he was sworn in as Governor and I as a member of the California State Assembly. During the time we served together in Sacramento, we most often agreed. Sometimes we disagreed. I well remember his veto of a bill I had authored to set up the aid to needy children program in California, and his subsequent full support of the legislation the second time around.

I also fondly recall my personal relationship with Earl Warren and his family. My mother and Nina Warren were close friends, and when my wife Lee and I visited Washington before I was elected to Congress, we often had dinner with the Warrens. Their son, Earl, Jr., served as my campaign manager in northern California when I ran for lieutenant governor.

Public life for Earl Warren began in 1920 as a deputy district attorney in Alameda County, Calif. He was elevated to the office of district attorney in 1925, and for 13 years proved to be a hardworking prosecutor earning the respect of many Californians.

In 1943, Warren became Governor of California. And as a former lieutenant governor, I can sincerely appreciate Earl Warren's record of State legislation ranging from reorganization of mental hygiene to make California foremost in this field, to enactment of legislation regulating lobbyists. Earl Warren was also responsible for cutting taxes and keeping the State of California free of debt. Earl Warren seemed to grow in his job, and will certainly be remembered as one of the great Governors of California. Another former Governor, Edmund "Pat" Brown, said of the late Earl Warren:

> He was the most superior governor California has ever had. He took care of the people in the State.

THE BROWN DECISION

In light of his outstanding work in California, it was only fitting that Earl Warren should achieve national attention. In 1953, President Eisenhower named Earl Warren to the Supreme

Court, remarking that the former Governor was chosen for his "sincerity, honesty, and down-to-earth philosophy."

As Chief Justice, Earl Warren quickly established himself as a champion of the "invisible" people. In 1954, he answered one of the most important controversies in America with his far-reaching decision in Brown against The Board of Education of Topeka, Kans. The late Chief Justice's opinion that Plessy against Ferguson was obsolete transformed the entire concept of American mores. The Brown decision gave black Americans legal rights that they had waited for since the inception of separate but equal facilities. The landmark opinion, with the unanimous concurrence of the High Court, applied to the field of segregated education at first, but soon set a precedent for other areas of racial discrimination as well. Significant was this decision in its recognition of the need for total equality in American society.

ONE MAN—ONE VOTE

Chief Justice Warren, himself, believed his most important decision was Baker against Carr in 1962. With this decision the Court broke new ground by ruling that malapportionment was a justiciable issue which could be resolved in a court of law. The opinion opened the way for additional decisions which balanced legislative districts that had previously allowed rural interests to dominate city dwellers. As Warren has stated:

> Legislatures are elected by voters, not farms or cities or economic interests. The weight of a citizen's vote cannot be made to depend on where he lives.

Warren's firm belief in the one man-one vote doctrine corrected political imbalances existing in both our State legislatures and in the U.S. House of Representatives.

THE CONSCIENCE OF AMERICA

Earl Warren is increasingly compared to Chief Justice John Marshall, because Warren practiced the view that the Supreme Court is the ultimate arbiter of the Constitution. He became the conscience of America, challenging the States to accept a wider application of the Bill of Rights. In what has been described by the legal profession as a "criminal rights revolution," Warren again emphasized a deep conviction for equality in a series of decisions which were aimed at protecting persons accused of crimes from the arbitrary power of the State. These decisions applied Bill of Rights guarantees such as the right to counsel and protection against self-incrimination to State crimes as well as to Federal offenses. Earl Warren's philosophy which guided all of these decisions can best be seen in a quote from the Miranda opinion:

> Those who framed our Constitution and the Bill of Rights were ever aware of subtle encroachment in individual liberty. . . . We cannot depart from this noble heritage.

It is unfair to label Earl Warren's tenure as the "Earl Warren Court." The responsibility of the Supreme Court is and always will be a collective one. Yet, Earl Warren thrust the Court in an unprecedented direction, and for this "judicial activism" the great Chief Justice shall always be remembered.

I count the late Earl Warren as one of my most esteemed and dearest friends, and I am certain that the whole Nation shares with his wife Nina and their children, James, Virginia, Earl Jr., Dorothy, Nina Elizabeth, and Robert, deep pride in the great contributions he has made to American democracy and the future of all mankind.

NORWEGIAN ROTARY EXCHANGE STUDENT WRITES ABOUT THE UNITED STATES

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. GINN. Mr. Speaker, a close friend of mine, Mr. Porter Carswell of Waynesboro, Ga., was thoughtful enough to send me some excerpts from a paper written by a former Georgia exchange student. The incoming district governor of Rotary International was impressed with the contents of the following article and asked that Porter share it with me. I wish to take this opportunity to share the article with my colleagues:

NORWEGIAN ROTARY EXCHANGE STUDENT WRITES ABOUT THE UNITED STATES

A former Georgia exchange student lives at home in Oslo, Norway, and attends the University of Oslo, pursuing a degree in Languages and Philosophy. She sent to the Tift College Alumnae Office a copy of her paper on "The Anti-American Feeling—Its Reasons and Consequences." An excerpt from this treatise follows:

". . . Personally, I just cannot understand why the Americans haven't realized by now that whatever they give of help and assistance, the intention of which only being that of humanity, the world as a whole, and even those being helped, will never ever learn how to appreciate and be grateful for what is being offered.

". . . We all have a tendency to dislike those who are successful—those who turn out to be the best in whatever field there is . . .

"Furthermore, it is a well known fact that what is negative appeals to people. The mass media never like describing stable conditions or generally accepted points-of-view . . .

"Why doesn't the U.S. take the consequences of this anti-feeling, and withdraw all help and assistance, because not until they do will people understand how important and vital their help was to them, not until then will they learn how to appreciate, to be thankful and grateful, and not until then will this sick and disabled world realize that we at present just cannot do or survive without the U.S. support, whether we like to admit it or not . . .

"The U.S. today, a quarter of a century after the end of World War II, spends $14 billion a year on defense of Europe. The U.S. even pays several millions of dollars annually to its NATO partners in taxes. This puts the United States in the incredible position of paying money to Europeans for the "privilege" of defending Europeans! Isn't it about time we, at least, began to carry a fair share of the expenses of our own defense, and thus undertake the responsibility for our own situations? There is a limit to American patience as well as resources. They have a job of nation-building to do at home . . .

"The American society isn't perfect. By far not. But what society is? At least not the Norwegian. And how about recalling some simple facts, having to do with certain world wars in this 20th century. Facts that we all have a tendency to forget. Why not admit that without the American assistance and support, militarily as well as financially, we might just as well not have existed, not as the free and independent nation Norway is today. And we had at least never had a chance to benefit from such a standard of living that we do today.

"Up to now we haven't minded at all receiving neither their military support nor their dollars, to defend our country and preserve our peace and freedom. But, and this is important, we just haven't got a right to forget."

A REPORT FROM LITHUANIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. DERWINSKI. Mr. Speaker, as a result of the President's recent visit to the Soviet Union, there has been a great deal of speculation over the significance and feasibility of "détente" between the United States and the major Communist dictatorships.

While I recognize the practicality of the limitations of the arms race and negotiations on a workable SALT agreement, I do not believe that there should be any illusions that the Soviet Union is evolving into a democracy. Political persecution still exists within the U.S.S.R. especially against the non-Russian captive nations and it continues unabated.

Evidence of this fact is found in an article in the New World, a publication of the Roman Catholic Archdiocese of Chicago, on July 5, which reports on the situation in Lithuania. I insert the article at this time into the RECORD:

A REPORT FROM LITHUANIA

(By Father Joseph Prunskis)

CHICAGO.—There seems to be a conspiracy of silence concerning those suffering under the Communists, Aleksandr Solzhenitsyn, in "Gulago Archipelago," pointed out that the communistic regime in the Soviet Union destroyed many millions of people.

And the suffering of innocent people behind the Iron Curtain has not ended. The underground paper in Lithuania, "The Chronicle of the Catholic Church," published with risk to life, advises that even written complaints to higher authorities there are being confiscated by the secret police. And there are many causes for complaints.

Priests are not permitted to go to neighboring parishes on great feasts to help hear confessions, and there are instances where local priests have succumbed from overwork. In some locations the churches have been recently closed. Appointments of new priests are obstructed by local authorities. Some priests are not permitted to perform pastoral duties. For example, Father V. Merkys was forced to work as a common laborer in a nursery garden of Vilnius.

The search for suspects is a daily event. In many instances prayerbooks and any religious literature found are confiscated, even if published when Lithuania was independent. The Russian underground paper announced that one Lithuanian, named Kurkys, was forced to work in the slave labor camp even though he had a severe case of ulcers. During the extraordinarily heavy work his ulcer perforated. He did not receive proper medical help and died, while finishing his punishment of 25 years.

On Oct. 23, 1973, there was a funeral for Father Vincent Miksys, pastor of Melagenai. A pharmacist, Albina Meskinaite, and a laboratory supervisor, Dr. V. Juzenaite, were present at the funeral. The occupation authorities dismissed the pharmacist from her duties and issued a public reprimand for Dr. Juzenaite because of participation in the priest's funeral.

On Nov. 20, 1973, a search was made at the home of A. Raskinis in Kaunas. Religious literature was confiscated, and even his wife, a lecturer in mathematics at Vilnius University, was warned she might lose her position.

Father Laurinavicius, pastor of the Adutiskis parish, wrote complaints to the Tarasov, a Russian official for religious matters, indicating that on April 14, 1973, one of his parishioners reported he could not go to church on Sundays because the president of the collective farm warned if he did not come to work on Sunday, he would not get a horse to cultivate his garden, or to bring wood for heating, and would not get hay for his cow or a machine to thrash barley.

In the same letter Father Laurinavicius indicates that Povilas Burokas, living at the Jakeliai collective farm, did not get hay because he attended church services on holidays. The families of Burokas, Steponenas and Treciokas could not buy wheat at a reduced price because they attended church.

Father Laurinavicius complained that the church floor was in very bad shape. The parishioners bought material, but could not make repairs—permission was not granted. Parishioners constructed a house for old people by the church, but it was confiscated by the government.

Father Laurinavicius is renting a room in that house and paying 56 rubles a month. There is a hole in the roof. When it rains, water runs into his room, and it is impossible to get an order from officials to make repairs. The fence around the enclosure of the church is dilapidated. The church committee asked for cement but were told that cement is not sold for the church.

Father Laurinavicius in his complaint reminds that he is forbidden to take part in the funeral procession to the cemetery in liturgical vestments. He could follow the procession in civilian clothes as a private citizen only.

Finally Father Laurinavicius states: the Church in Lithuania is separated from the state, but there is no country in the world where the state would meddle so in the affairs of the Church.

Netherlands' newspaperman Henk de Mari writes in De Telegraf that while visiting Lithuania he met a student in Vilnius. He informed him that his brother who, after the self-immolation of Roman Kalanta during the demonstrations, shouted "Freedom for Lithuania," was arrested for three months and was expelled from the university.

In February, 1974, about 100 students were arrested in Lithuania for spreading leaflets. In Vilnius 33 churches out of 44 are closed. At Vilnius Mari met a Jew, a former teacher of physics, who applied for a visa to Israel. He lost his position at school and was obtaining food by selling his musical instruments, and his wife was sweeping streets for 60 rubles a month.

Injustices like these are being repeated daily in Lithuania and other countries behind the Iron Curtain. Subjugated nations are asking people of the free world to remember them in prayer and to inform public opinion against such acts of oppression.

ELECTRONIC SURVEILLANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. KOCH. Mr. Speaker, Prof. Herman Schwartz, professor of law at the State University of New York at Buffalo, has written an excellent report entitled "A Report on the Costs and Benefits of Electronic Surveillance—1972." I would like to append material from this report for the information of our colleagues:

ELECTRONIC SURVEILLANCE

1970

For 1970, the 410 installations catching 15,654 people in 234,085 conversations were associated with 1,317 arrests. But the 1969 pattern somehow seems to have disappeared—virtually all of these arrests (1,254) were in 1970 and only 63 were in 1971.

The offense breakdown for arrests, together with the number of associated installations, is as follows:

Arrests

Gambling, 930; drugs, 228; homicides, 19; other, 152; total, 1,329.

Installations

Gambling, 135/204; drugs, 49/84; homocides, 8/20; other, 33/95; total, 225/410.

The gambling figure jumps sharply from 1969, and the "other" figure declines sharply from about 62% to 34%.

Again, we find a very high proportion of installations with very few incriminating intercepts. Overall, the percentage of incriminating intercepts rises a bit to 30%, according to the Admin. Off. Rep. (71069/234085). The breakdown by offenses of installations which intercepted less than 20% incriminating, together with the numbers of arrests and convictions associated with these installations is:

	Total	Gambling	Drugs	Homicide	Other
Installations	128/410	35/204	45/84	12/20	36/95
Arrests	238	91	101	8	38
Installations with arrests	54/128	14/35	25/45	4/12	11/36
Convictions	741	33	20	0	21
Installations with convictions	27/128	9/35	9/45	0/12	9/36

In 36 of these 128 cases, there were *no* incriminating conversations at all,[1] *e.g.*, Nassau #8, #16, #17, #18, Onondaga #5, Queens #9, #12 indicating that whatever arrests and convictions were obtained—and some were obtained in the Nassau and Queens interceptions—were obviously not because of the surveillance; incidentally, these six installations cost $24,000. These non-incriminatory intercepts overheard 890 people in almost 10,500 conversations.

In many other cases, only a few interceptions were found to be incriminating, though one cannot tell how useful those few were. *E.g.*, Queens #25 involved eight incriminating conversations out of 1,067, and 5 arrests for drugs were associated with this installation. It should be noted that in many of these less-than-20%-incriminating installations, the percentage was *very* much less than 20%, particularly in the Homicide and Other category.

1971

The arrests associated with the 511 installations that overhead 17,410 people in 239,909 conversations came to a total of 1,964, broken down as follows.

Arrests:	
Gambling	1,380
Drugs	346
Homicides	27
Kidnaping	0
Other	211
Total	1,964

Installations:	
Gambling	164/304
Drugs	54/104
Homicides	7/18
Kidnaping	0/1
Other	29/84
Total	254/511

Because the 1970 and 1969 patterns vary so substantially with respect to when most of the arrests take place on the state level (in 1969, most were in 1970; in 1970, most were in 1971), it is hard to project whether most of the expected arrests have already occurred. Because the offense-pattern seems very similar to the 1970 pattern, it may be that the 1970 figures are a more reliable gauge.

The overall percentage for incriminating conversations now rises sharply from the 1968–70 figures. Extrapolating from the totals in Table 4 of the *1971 Admin. Office Report*,[2] we find that some 133,290 out of the Admin. Report total for state interceptions of 252,860 were considered incriminating, or about 53%—a sharp jump from the 22–30% of prior years.

Part of the explanation is readily available: gambling installations rose from 50 to 60% of the total. In gambling cases, most calls are likely to be incriminating if one hits a gambling establishment—and one cannot get a wiretap order for gambling unless there is probable cause to believe the telephone is involved in such activity. Whether this is the full explanation is not clear. This may also depend on the possible number of days accounted for by gambling.

There were also a great many installations with a low proportion of incriminating conversations. There were 162 installations (out of 511) in which the incriminating conversations came to 20% or less, and they cost almost $500,000. So far, 66 of these 162 installations have been associated with some 348 arrests, and 7 installations have been associated with 23 convictions; a few of the installations associated with arrests nevertheless produced no incriminating conversations. Overall, some 32 installations produced no incriminating conversations at all, even though they overheard about 659 people in 5,970 conversations.

2. THE RESULTS OF FEDERAL EAVESDROPPING

(a) Convictions:

1969

Because of the asserted 22-month lag between interceptions and convictions, this is the only year for which the conviction figures are likely to approach completeness, though even here, one cannot be certain that all the results are in. On the other hand, there were so few taps and bugs installed in 1969—only 30—that it is difficult to generalize very much about those results.

It will be recalled that in 1969, there were 30 installations of which 20 were for gambling, 4 for drugs, 1 for kidnapping and 5 for Other (mostly extortionate credit). The number of people convicted and the number of associated installations, as of December 31, 1971, were:

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[1] In 5 more, no conversations were intercepted, although an installation was apparently made.

[2] This simply involves finding the number of state conversations intercepted, the number of incriminating conversations, and subtracting the federal incriminating conversations from the total. This leaves the proportion of state-incriminating to state-total.

Convictions	
Gambling	101
Drugs	24
Other	2
Total	127

Installations	
Gambling	9/20
Drugs	2/4
Other	1/5
Total	12/29

The average costs per installation with which a conviction was associated, and per person convicted, are:

Average cost per installation	
Gambling	$16, 270
Drugs	123, 649
Other	46, 066
Total	36, 524

Average cost per person convicted	
Gambling	$1, 450
Drugs	10, 304
Other	23, 033
Total	3, 699

These are, of course, exclusive of the other costs mentioned above—i.e., lawyers' and judges' time.

1970

In 1970, there were some 180 federal installations which overheard some 10,158 people in 143,508 conversations. Of these, some 36 have so far been associated with a total of 232 convictions (the Admin. Off. Rep. claims only 218), broken down by offense, as follows:

Convictions	
Gambling	123
Drugs	99
Other	10
Total	232

Installations with convictions	
Gambling	17/120
Drugs	16/39
Other	3/21
Total	36/180

Because complete results are not yet in, no comments about costs, etc. are possible; not until the 1972 figures are in, is a relatively complete tally possible.

1971

So far—and it is still far too early for any final figures of any consequence—some 115 convictions have been obtained in cases where electronic surveillance was used; it will be recalled that some 15,099 people were overheard in 496,629 conversations at a cost so far of about $2.1 million. The breakdown to date is as follows:

Convictions	
Gambling	76
Drugs	21
Other	18
Total	115

Installations	
Gambling	17/248
Drugs	2/21
Other	1/12
Total	20/281

COMMENTS

Because of the time lag between installations and case termination, we have reliable figures only for 1969, and here, the sample of 30 is too small to derive many satisfactory inferences. We do have some interesting qualitative and other fragmentary data which sheds some light on the question of effectiveness.

1. The movement of usage from 67% for gambling to almost 90% despite the apparent utility associated with use in drug cases, would seem to indicate that despite the claims of stepped-up drug enforcement and the great value of wiretapping thereto, (see Richard Kleindienst speech, Oct. 1972), somehow or other wiretapping is not sufficiently useful to keep doing it. How else explain the very sharp decline on *both* state and federal levels of wiretapping for drug cases—during the three years of federal tapping from 13% in 1969 to 7% in 1971 and during the four years of state tapping from 42% in 1968 to 21% in 1971. In absolute terms, drug taps almost halved (39 to 21) from 1970 to 1971, even though the total number of taps jumped by 100, or more than 50%.

One possible explanation is money—it seems clear that for one reason or another, tapping for drugs is far more expensive on the federal level than any other kind.

2. Of far greater significance are two extremely difficult questions.

(a) Even in installations where convictions were obtained, was the evidence obtained from the tap really necessary to the conviction? In some cases, at least, the answer is clearly no. For example, in *United States* v. *Poeta*, 455 F. 2d 117, 118 (2d Cir. 1972) the Court of Appeals opened its opinion by pointing out that the tap-derived evidence was unnecessary to the conviction; in another case, *Uniformed Sanitation Men, Inc.* v. *Comm. of Sanitation*, 426 F. 2d 619, 628 (2d Cir. 1968), the Court made the same observation. In a 1971 report, a Nevada prosecutor reported that two indictments were obtained in a kidnapping case—the only kidnapping case for which wiretapping was used in 1971 on either the state or federal level—but candidly added "but not as a result of the interception." (1971 Adm. Off. Rep. p. 47). And in the many cases of illegal interception prior to 1968, almost none of this illegal tapping was found to have led to the conviction. Although one may well have doubts about the uniformity of result in this last situation—obviously, many judges did not want to set aside convictions of guilty and often notorious criminals—in at least some of these cases, this result probably was sound.

Moreover, here, as with state interceptions, there is an occasional instance where an arrest or conviction was obtained when there were almost no incriminative interceptions. See, *e.g.*, 1969 # 5, where there were no incriminatory conversations but still one arrest in 1970.

Without a qualitative analyses of the specific cases, it is hard to make firm judgments on this issue. The number of indictments, convictions, etc., is itself not really a very good indication: lists of successful prosecutions of notorious gangsters have been issued by the Department of Justice and the F.B.I. long before electronic eavesdropping was legitimated. See F.B.I. Annual Reports for 1967–1969. Indeed, there is one interesting item in the late J. Edgar Hoover's 1971 report: right after a reference to the vital importance of electronic surveillance to the fight against organized crime, four major convictions are listed, including one of a Nicholas Ratteni. A check with counsel in the case disclosed that there was indeed a wiretap in the case—on a co-defendant who was *acquitted.*

An attempt is presently being made by the writer to study the records and to contact counsel in the various cases in which a wiretap installation was made to determine the role of that device in the investigation; a study is also being made of the many major criminal cases reported in the New York Times between September 1972 and June 1973 to determine whether in some or many of these involved there was reliance on wiretapping.

(b) The second difficult question is criteria. How does one determine whether the handful of convictions that were obtained are many or few? They constitute a tiny fraction of the people overheard—in 1969, for example, only 127 out of over 4,200 people, and only 12 installations out of 30, even though there was probable cause to arrest someone before the installation. But such a small fraction may be inevitable. And, as noted below, there is no indication that really major figures predominated among those convicted.

And even if there were such major figures, what is the test for success? Even if every installation produced convictions—which is obviously light years away from the fact—how can we know that the money expended on the device could not have been expended better on other law enforcement techniques, as Ramsey Clark suggests.

In short, there is a fundamental ambiguity about the evaluational process because we have neither the full facts about alternatives, nor the readily applicable criteria—even if all the data we do have were correct, which also turns out to be doubtful.

3. Reference to organized crime of course raises one of the most important issues in the whole controversy—even if electronic surveillance does produce some convictions, of what kind are these? How significant are the fish caught by this net?

A few things seem clear: on both the federal and state levels the primary use of wiretapping is in *gambling* cases. On the federal level, a substantial proportion of the drug installations are in cases in which a conviction is ultimately obtained, putting aside for the moment the question of casuality. The federal results in cases other than gambling or drugs are very slim. Although the final results are obviously not in for 1970 and 1971, the discussion of the figures for arrests and incriminatory conversations shows that the results of all the other interceptions are meager indeed: in the non-drug and non-gambling area (homicide, kidnapping, and other non-drug and non-gambling), only *one* 1969 "O" installation was associated with a conviction (2 persons convicted for counterfeiting); in 1970, so far only 10 persons convicted in but three out of 21 installations; in 1971, so far only 18 persons convicted in 1 out of 12 installations. Appropriately enough, this is paralleled by the very sharp decline in the proportion of federal and state surveillance accounted for by non-drug and non-gambling—from 20% in 1969 to 4% in 1971—despite a more-then-nine fold increase in overall tapping. A similar decline occurs in the state surveillance—from 48% for non-drug and non-gambling to 19% in 1971.

These results—and they are paralleled by those for arrests and incriminative conversations—bear out the comment of one Assistant U.S. Attorney, who is not on any of the Strike Forces and obviously must remain nameless, that wiretapping is really of virtually no use for "real crimes"—those other than gambling and drugs.[2]

But even gambling convictions are important if they do reach major criminal figures and vast criminal networks. Our re-

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[2] Another Justice Department lawyer commented somewhat self-righteously that he would not want to have to defend the way the states use their wiretapping authority.

search has not yet progressed far enough to answer that question with any degree of assurance, but there are some interesting straws in the wind.

In *U.S.* v. *Wierzbicki*, —— F. Supp. —— Cr. 45884, 12 Cr. L. 2075 (E.D. Mich 9/15/72), a federal district court reluctantly suppressed a great deal of wiretap evidence obtained as a result of 1971 orders No. 117, No. 121, and No. 131. These were associated with 55 arrests, after a reported expenditure of over $80,000 over a period of 87 days, clearly a major effort. The evidence was suppressed on the technical authorization grounds discussed above (neither Mitchell nor any Assistant Attorney General had approved the application though their initials and signatures were on it). In the course of the opinion, however, the Court quoted the opening of the statute containing the legislative findings about the need for electronic surveillance to curb major interstate operations, and commented:

"A review of the indictment in this case indicates to the Court that this case does not appear to be the large, octopus-like operation contemplated by Congress when it enabled the Organized Crime Control Act of 1970. All of the activities alleged in the indictment appear to be purely local in nature . . . . It seems to me that the present case runs dangerously close to the border line between the state and federal Governments. The Government should be very careful not to misuse the power given to it by the Organized Crime Control Act of 1968. If it were to prosecute every illegal gambling operation which was brought to its attention, it would severally tax the federal police resources."

In indirect response to such criticisms, and in support of both wiretapping and federal jurisdiction over gambling—the latter of which has been severely criticized—Assistant Attorney General Henry Peterson, head of the Organized Crime section of the Department of Justice provided Senator McClellan with figures on important results of both wiretapping and anti-gambling activities for 1971 and 1972. (118 Cong. Rec., p. 24990 (July 24, 1972)) In listing the many successes, Mr. Peterson declared that from January 1, 1971–June 29, 1972, wiretaps had aided in "the indictment or conviction of thirty-four known or suspected organized crime figures," and provided lists of these people.

It is hard to consider this a very significant result. Apart from the fact that the 34 include mere indictments—*i.e.*, only charges—they apparently include all levels of importance and very few leaders. Moreover, although it is still too early to expect very many convictions, the fact is that only 10 of the 18 convictions involved court ordered electronic surveillance. This indicates that at least some of the time "suspected organized crime figures" can be convicted without electronic surveillance; indeed, there is no indication in these statistics that even where electronic surveillance was used, it was indispensable.

Nor is it clear how many of the 10 organized crime figures were *major* figures. There are indications in other cases that many of the defendants are small figures indeed and, as the *Wierzbicki* case indicates, sometimes all. In a case in Pennsylvania three of the defendants could not even afford to defend against an appeal from a successful suppression motion.

In short, it seems that the value of electronic surveillance is generally limited to gambling and drug cases, and it is not clear from those cases, whether anything more than minor figures are being caught.

b. Arrests and incriminating conversations

Here, of course, the figures are much more substantial, but must be significantly discounted.

An arrest or indictment is really nothing more than a charge—in many cases, many arrests result in nothing. Perhaps the clearest example of this in recent years were the 15,000 Mayday arrest which resulted in virtually no convictions. The numerous political cases that have resulted in dismissals, (*e.g.*, Leslie Bacon) or acquittals, (*e.g.*, the Berrigans) or reversals (*e.g.*, Chicago 7) provide other illustrations.

Moreover, no wiretap or bug can be installed unless there is already probable cause to believe that someone has committed a crime, generally the target of the tap. Indeed, a study of the orders in some of the gambling cases shows that there was plenty of proof that the target was engaged in illegal gambling prior to the tap—the electronic device was required only to prove the *interstate* nature of the operation, the jurisdictional basis for federal action. The government thus bootstrapped its way into wiretapping—it required wiretapping only to prove its own jurisdiction.

To some extent, this jurisdictional basis may be necessary for any prosecution to take place, since few states are apparently interested. But where there is state interest, there seems very little need for federal involvement—and in New Jersey and New York at least, where most of the electronic surveillance is done (on *both* the federal and state levels) such interest seems to exist.

FLAG RAISER

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HUNT. Mr. Speaker, in the Pitman Review of July 3, a column entitled "Thru the Knot Hole" by Len Eckman carried a story entitled "Flag Raiser."

The story is about Howard Keebler of 120 Cyrus Avenue, Pitman, N.J. The amazing thing about Howard is, he is 97 years old—almost 98.

Howard Keebler is one of the country's great patriots. And, as you can well imagine he is an extremely interesting person. Howard holds a unique record of sorts and I should like to share it with my colleagues. Before I do however, I should like to offer my sincere congratulations to Howard for everything he has done to perpetuate patriotism in this country, and also wish him many happy returns on his up-coming birthday, August 14.

The article follows:

FLAG RAISER

(By Len Eckman)

PITMAN.—Of all the early morning plans for the celebration of the Fourth of July, one home on Cyrus ave. stands out historically as one of the official openers of the day. It's "Flag Raising Time" at Howard Keebler's at 120 Cyrus ave.

Sure, it's great to have flag raising that morning, but this is extra special—special because, it is conducted by 97-year-old Howard Keebler, one of Pitman's oldest, and most active citizens. Howard has a regular ritual each fourth of July morning and the neighbors are all invited to the affair.

Two years ago was the only time, he didn't personally raise the flag—and then because of an injury, but he sat in his bedroom and witnessed it through the windows.

Mr. Keebler is an interesting man. He was a Charter member of the Highland Fire Company in 1912 and still gets out to the annual Sour Kraut dinner with "his Boys." He also has the distinction of being the oldest member of the First Baptist Church and attends regularly. He also prides himself on being the only member of the church baptized in Alcyon Lake, before the Church had a Baptistry.

Howard Keebler will be celebrating his 98th birthday on August 14. He lives with his daughter and son in law Ruth and Sy Doughty.

Howard is sure he's to Raise the Flag again this year at 9 o'clock—and to prove it, he has been out painting it between the raindrops. Drop by and say Hello to a noble gentleman.

LABOR-MANAGEMENT COOPERATION

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. PATTEN. Mr. Speaker, unfortunately, the American people often read and hear about strife between labor and management when they negotiate a new contract. Sometimes those differences of opinion result in long and costly strikes, which not only hurt labor and management, but the public as well.

It is therefore with deep pride that I report to the U.S. House of Representatives the successful—and peaceful—negotiation of a contract between the United Steelworkers of America Local No. 837 and the United States Metals Refining Co., of Carteret, N.J., which is located in the congressional district I represent. This is proof that labor-management harmony can be achieved when the participants are fair and reasonable.

Recently, the New Jersey State Senate passed a resolution by Senator Thomas Dunn, Democrat, 21st District, commending the U.S. Metals Refining Co., a subsidiary of AMAX, Inc., and the Steelworkers Local No. 837 on their fine achievement. I hereby insert it with justifiable pride:

SENATE RESOLUTION

Whereas the United States Metals Refining Company, a subsidiary of AMAX Inc. is located in Carteret, New Jersey, and is a major producer of copper in the United States; and

Whereas the United Steelworkers of America Local No. 837 is the official bargaining unit of this plant representing over 1,500 members; and,

Whereas in the true tradition of American collective bargaining, the management officials of United States Metals Refining Company and the officials of the United Steelworkers Local No. 837 negotiated hard and long to obtain a suitable and successful labor contract without the interruption of work; and,

Whereas the economy of not only the Borough of Carteret, the County of Middlesex, but the State of New Jersey as well will be aided by this new and profitable contract; now, therefore,

Be it resolved by the Senate of the State of New Jersey:

1. That the members of the Senate join in extending our heartiest congratulations to both the members of management of the United States Metals Refining Company as well as to the members of the United Steel-

workers of America Local No. 837, on this accomplishment.

2. That the Secretary of the Senate is directed to cause a copy of this resolution, signed by the President of the Senate and attested by the Secretary, be delivered to the officials of the United States Metals Refining Company in Carteret, the officials of Local No. 837, United States Steelworkers of America in Carteret, to the corporate directors of AMAX Inc. in New York City, New York and to the National officials of the United States Steelworkers in Pittsburgh, Pa.

MAJORITY WHIP JOHN J. McFALL PAYS TRIBUTE TO EARL WARREN

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. McFALL. Mr. Speaker, I rise today to pay tribute to Earl Warren, whose passing deprives the Nation of one of its greatest men.

Chief Justice Warren strengthened the respect that Americans have always had for the law. His absolute integrity, his utter impartiality earned him the trust of the people and the respect even of those who disagreed with him. He became a great moral and social leader of our times. In many instances, he was the Nation's conscience.

Above all things, Earl Warren stood for equity and fairness, for the rights of the individual, and for the protection of all the laws indiscriminately for all the people. These things are his true memorials, and they will live on long after him in the interpretation of the law, in the application of the law, and in the spirit of the law, and even more, I know, in the hearts of those who make our law.

For more than 20 years, I had the honor of serving with Earl Warren in State and Federal Government and the privilege of being his friend. I believe that history will rank him as a great Chief Justice who was to the 20th century what John Marshall was to the 19th.

SPRING QUESTIONNAIRE RESULTS RELEASED

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. WINN. Mr. Speaker, in April, I sent my spring questionnaire to 175,000 residents of the Third Congressional District of Kansas. As I have done in the past, I asked questions on many issues I considered to be pertinent. The results of this questionnaire have been tabulated, and were recently revealed in my summer newsletter which also went to 175,000 postal patrons.

At this time, I would like to include the results of this poll and the subsequent story in the RECORD:

SPRING QUESTIONNAIRE RESULTS

[In percent]

	Yes	No	Undecided
1. Would you favor legislation creating safeguards protecting pension rights when workers change jobs or when their employers go out of business?	85.7	9.4	4.9
2. Would you support a lowering of age that men and women become eligible for social security benefits?	49.9	49.5	.6
3. Should the United States expand trade with the Soviet Union?	58.4	36.5	5.1
4. Should the United States expand trade with the People's Republic of China?	58.4	34.7	6.9
5. Do you favor export controls on raw farm products?	69.4	26.0	4.6
6. Do you feel export controls should be placed on petrochemical products?	78.1	14.6	7.3
7. If it were available, would you use a Kansas City-to-Denver passenger train route?	52.6	42.5	4.9
8. In light of the energy shortage, would you favor:			
(a) A special congressional appropriation for mass transportation?	44.2	30.1	25.7
(b) Diversion of funds for mass transit from the highway trust fund?	51.0	30.2	18.8
9. Would you favor the establishment of a Cabinet-level Department of Energy?	47.1	43.4	9.5
10. Which of these would you favor if the need became apparent? (Choose only one.)			
(a) Gasoline rationing	25.9		
(b) Increased gasoline taxes	4.2		
(c) Allowing the price of gasoline to rise	12.2		5.0
(d) A ban on Sunday driving	6.0		
(e) A combination tax-rationing system	10.7		
(f) Sunday store closings	36.0		
11. Do you feel daylight savings time is necessary on a year-round basis?	26.4	66.4	7.2
12. Campaign funding is likely to be a major topic in this session of Congress. Of the following, which proposal would you favor? (Choose only one.)			
(a) Partial public financing of campaigns, with a limit on private donations	39.7		
(b) Total unlimited private financing	7.1		
(c) Total public financing	13.7		6.6
(d) Limited private financing	32.9		
13. Do you think all candidates for public office should make a full disclosure of their personal finances?	62.2	34.9	2.9
14. Do you favor proposed plans for post-card registration of voters?	40.9	49.6	9.5
15. Do you favor a constitutional amendment to permit passage of State laws reinstating capital punishment	70.2	26.0	2.0

SPRING QUESTIONNAIRE RESPONSES URGE RESTRAINT AND CAUTION

I would like to thank each of you who took the time to complete and return my recent Spring Questionnaire. As I have stated before, and must reiterate again, I find these opinion polls very helpful in my role as your Representative.

This time, as in the past, I tried to present questions on issues which I feel may come up for a vote in the House sometime during this Congress. Some of you, however, felt that I failed to ask about the really vital issues—namely inflation and impeachment. My views on impeachment appear on the reverse side of this report. As for inflation, the topic is so complex that it is next to impossible to define in one or two questions. I share your deep concern about this problem as it continues to place a cruel burden on everyone, especially those on fixed incomes.

On this questionnaire, there were four questions which related to foreign trade. A substantial majority who responded favored the expansion of trade with the Soviet Union (58.4%) and with the People's Republic of China (58.4%). However, on the issue of export controls, most were more cautious, citing the need to guard against future material shortages in this country. Over 69% favored the imposition of export controls on raw farm products, and 78.1% felt such controls should be placed on petrochemical products.

In the general field of energy, a majority (52.6%) of those answering said that, if available, they would use a Kansas City to Denver passenger train route. More people (51%) would favor diversion of funds for mass transit from the Highway Trust Fund, than would support a special Congressional appropriation for mass transportation (44.2%). On the other hand only 47.1% expressed support for the establishment of a Cabinet level Department of Energy, while 43.4% opposed the creation of another bureaucracy. Asked to choose one method of fighting the energy crisis, if the need became apparent, 36% preferred Sunday store closings, 25.9% expressed support for gasoline rationing, 12.2% favored a system allowing the price of gasoline to rise to a suitable market level, and 10.7% supported a combination tax-rationing system. Only 6% would prefer a ban on Sunday driving and only 2% favored increased gasoline taxes. On the final energy-related question, 66.4% expressed opposition to year 'round Daylight Savings Time.

The responses to questions concerning the issue of campaign reform further demonstrated to me the public's desire for change. On the issue of campaign financing, 39.7% favored a proposal including partial public financing and limited private donations. On the other hand, 32.9% said they would favor limited private financing with no public financing. Unlimited private financing was favored by only 7.1% and total public financing was supported by only 13.7%. A large majority (62.2%) of those responding also favored full disclosure of personal finances by all candidates for public office. Postcard registration of voters was opposed by 49.6% who answered and supported by only 40.9%.

In the area of general welfare, 85.7% favored legislation creating safeguards protecting pension rights when workers change jobs or when their employers go out of business. The issue of lowering the age at which men and women become eligible for Social Security benefits was closely divided, with 49.9% supporting the idea and 49.5% opposing it.

Finally, 72% favored a Constitutional amendment which would permit the passage of state laws reinstating capital punishment.

Overall, I have concluded from these results that Third District citizens, while urging Congress to act firmly on the vital issues of the day, also hope that Congress will show restraint and caution in initiating new programs. Moreover, there seems to be a general discontent with our government, and yet the hope remains that Congress will take constructive action to restore a sense of moral leadership to this country.

MOBILIZING PRIVATE CAPITAL AS ALTERNATIVE TO NATIONALIZATION

HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. STEPHENS. Mr. Speaker, the free enterprise system has been the foundation of the American way of life. Thoughtful people are vitally concerned with the continuation of this system. In a recent speech given in Washington, D.C., Mr. Charles W. Steadman, chairman of the board and president of Steadman Security Corp., of Washington, as one of those concerned leaders, points out some factors of which we all should be aware in helping the free enterprise system to survive. I am glad to set out the text of Mr. Steadman's speech:

THE CRITICAL NEED FOR NEW CAPITAL

U.S. industrial corporations are going to need new capital in the decade ahead—to 1985—in dimensions which even a few years ago would have seemed unimaginable. These capital demands will far exceed those of any previous decade. Solution to the energy problem will stimulate some of this huge capital demand. The growth rate of external financing for the primary energy producers will probably average about 25% each year over the next 12 years. This is more than double the growth rate of the last 12 years. This means the oil companies will need to raise $200 billion in the money markets by 1985. And the Environmental Protection Agency estimates that in the next ten years the electric utilities are going to need $365 billion for new generating and distribution capacity. Internal financing can furnish only about 35% of this. Considering the relatively low esteem in which investors hold the utilities for regulatory reasons and otherwise, raising the balance from private investors will not be an easy task. Of the telephone companies, AT&T alone estimates it must raise $50 billion over the next 10 years.

If it is to be assumed this financing would be provided by 70% debt and 30% equity there would be a cumulative increase in debt financing of $111 billion to $130 billion over the period 1974 through 1985. These figures dwarf the $17.2 billion in the 1961–72 period. Equity financing would grow to $56 billion from $5.7 billion in these same periods.

The need for vast increases in capital outlays has been intensified by the energy crisis. The impacts of the program to gain self-sufficiency and emancipation from foreign sources of petroleum and other basic materials will require billions of dollars each year extending over a period of many years. Of course there will be a direct effect upon the industries concerned. But the impact will also proliferate and have immense effect upon the economy generally. The first effect will involve vast expenditures for equipment to produce and convert energy resources into output. This will range from equipment for research and development to equipment for production of energy. This will result in the development and manufacture of new and better types of oil drilling equipment, coal mining machinery, boilers, generators, nuclear reactors and a whole new generation of equipment designed to get more efficiency out of the energy conversion processes.

The second or proliferating effect just referred to will require immediate changes in how we expend energy, not just a lighter foot on the gas pedal, but more units of output per b.t.u. of energy. This will require more efficient manufacturing procedures and more plant efficiency. This will also require a vast re-equipping program far beyond earlier estimates.

Consumer demand for a more efficient product at reasonable prices will also give plant re-equipping a lot of impetus. Movements in the automotive industry toward smaller and lighter cars with more efficient engines have already begun to reflect this.

Economically our nation has arrived at a point which may be one of no return where the financing of corporate captial expansion through solely private means is going to be extremely difficult. High interest rates of record dimensions have closed the route of equity financing. But it is now not just equity issues that are denied access to the captial markets—debt issues are going to have rough sledding.

CAPITAL MARKETS ARE IN DISARRAY

Our capital markets are now dominated by fear. Investors' painful market experience from 1966 forward are still fresh in mind with the decline in market value of listed securities in 1969–70 alone being over $300 billion. Added to this are the market disasters of 1973 and 1974. The erosion of consumer total financial assets because of the decline in stock prices alone was greater at the end of 1973 than a year earlier. And the growth of consumer assets between 1968–73 was dismal. Largely because of the decline in securities values consumers increased their assets at an annual rate of only 4.3%. In real terms (after inflation) consumer assets declined by nine-tenths of 1% each year from 1968–73. For comparison financial worth in real terms advanced at a 7.5% annual rate between 1962–68. It declined at the rate of 2.3% from 1968–73.

Remembrance of Penn Central and Lockheed's problems was recently refreshed by the shock of Consolidated Edison's passing its dividend. Following which the same thing happened at the Franklin National Bank (the nation's 20th in size and first major bank to pass a dividend since the depression). With the bond market in disarray and a decline of 6.3% in the Gross National Product (GNP) for the 1st Qtr. '74, inflation at a record level of 11.5%, mortgage and consumer loan delinquencies dangerously high, productivity (output per manhour) for the 1st Qtr. '74 at −0.7%—the lowest in 20 years, the building industry suffering from high interest and a shortage of funds, some REIT's in uncertain condition, and the stock market having one of its worst advance-decline showings, it is small wonder that fear is dominating the capital markets.

This year—1974—business investment is estimated to increase by 18% over 1973, rising from $100.1 billion to $118.6 billion. Financing these capital outlays is going to present some problems not just in raising the money but from servicing the debt over the longer term. With access to the equity avenue for the most part blocked off by the presence of high interest rates, most of this financing will be by bonds. Required external sources of corporate funds are expected to be $65 billion. $20 billion of this will be from bonds as now estimated—a record. The previous high was $8.7 billion set in 1971. In 1973 it was $8.3 billion. Funds from stock sales were $10.9 billion in 1972, $6.2 billion in 1973 and are expected to be only $5.0 billion in 1974.

As to the cost of current bond financing, not only will interest rates remain high because of inflation and the volume of bond offerings, but the current concern over corporations' ability to repay will keep long-term interest rates high.

The continuation of such high rates brings into question the soundness of the nation's corporate financial structure in terms of debt service cover, that is the ability to pay these huge interest charges from year to year. For the first time ever it is estimated that in 1974 total interest payments by corporations will exceed $40 billion. This will be greater than one-third of the expected cash inflow from which interest payments are made. On this basis the coverage for interest payments by all nonfinancial companies will drop down toward the 1970 low level reached during that high interest period.

Federal Reserve figures show a deterioration for six of the past seven years in the ratio of liquid assets to short-term debt outstanding. Corporations in 1967 had liquid assets to cover more than 80% of their short-term debt. These liquid assets covered only 60% of such debt by the end of 1973.

Corporations did increase their liquid assets during 1972 and 1973 but their borrowings increased faster.

CONVENTIONAL MONEY GATHERING MEANS ARE LIMITED

The securities industry—sometimes referred to as the investment banking industry—has a long record of service to our country dating from the early dates of the Republic. As practiced in America, investment banking took on a form indigenous to this country and in a large measure has made possible the vast growth of American industry. Unlike any foreign investment banking system, it has been characterized by widespread distribution facilities that have made possible the gathering and channeling of savings across the nation into the purchase of securities in a procedure known as underwriting. It is through this procedure that enterprises of all kinds, large and small, have been financed. The product of American ingenuity and inventive genius has been put to practice. Great industries have been born from rails to television, jobs created and the nation has grown to unparalleled industrial might and living standards.

A moment ago I referred to a feature that is singular to the American brand of securities industry: widespread distribution facilities. But a radical change has been taking place which is altering its fundamental character and capability. In the past five and one-half years this industry has been crippled. The adverse market conditions of 1969–70 aggravated by those of 1973 and 1974 drove investors from the market. The number of shareholders of American corporations has been steadily declining, having dropped by over 800,000 since early 1972. Investors have drawn savings out of securities and investment houses have been driven out of business. Since 1968, 129 NYSE firms alone have gone out of business. Some of these went because of inefficient and archaic practices—the stock certificate and transfer procedures for example—but most went out for the reason that business was not there and there was insufficient profit and capital to continue in business. Such conditions fed upon themselves and an outflow of capital followed.

It must be remembered also that many investors bought stocks during 1967, 1968 and even 1969 at prices which a large number of such stocks have never regained. At the present level of securities prices and the lack of liquidity in many stocks the stock market has become like a cemetery: those that are in can't get out and those that are out don't want in.

In case there remains the vestige of a notion that capital still can be readily mobilized through conventional channels, let me recite these facts: only 99 new stock issues were marketed in 1973 as contrasted with 568 in 1972. And further, that in the first half of 1973 alone over 300 stock offerings were withdrawn from the capital market because they were unsaleable.

HOW DID WE GET INTO THIS FIX?

An historical review of 25 years of economic mismanagement will be illuminating.

Fiscal policy and productive facilities

When we emerged from World War II much of the nation's industrial facilities were obsolete or in advanced obsolescence. True the U.S. had geared up its industrial machine for war with unparalleled speed and produced more war materiel than any nation in history. It was indeed a miracle of production. Vast quantities of machinery and equipment were produced to make this possible. Much of this was special purpose equipment and little of this new machinery embodied new techniques because urgency did not permit time for machinery redesign and for retooling the machine tool industry.

The war had interrupted New Deal programs born out of the Great Depression which were of a welfare nature implemented by fiscal policies aimed at a distribution of wealth through taxation and an adjustment of industrial power as between labor and management. Following the war the focus once again turned to a resumption of these programs.

The national resolve to banish depressions which had never been popular anyway reasserted itself as the dominant political philosophy in the Employment Act of 1946. Here the nation expressed its distaste for such distressing economic events declaring that unemployment was to be eschewed (as a means of combating inflation or otherwise) and full employment as a national goal was to be embraced and implemented by measures suitable to its accomplishment.

In this philosophical context there followed an endless series of measures which increased government spending as a percent of GNP on an ascending scale. Such spending was concentrated for the most part in social security, health and welfare and education. Spending for these purposes combined rose from 9% of GNP in 1950 to 21% in 1971. And such expenditures accelerated, increasing their share of the GNP between 1965 and 1971 by almost 1% a year. HEW budget outlays (now the largest of any agency) for fiscal '74 totaled almost $97 billion, up from $82 billion in 1973. By way of reference, DOD's '74 budget outlays (the 2nd largest) totaled $78.4 billion.

The explosion in government spending continues. It was in fiscal 1962 that government spending for the first time reached $100 billion. This took 190 years from the founding of the Republic. Only nine years was needed to double this figure to $200 billion in 1971. Three years later another $100 billion had been added. So in the past 12 years government spending has tripled.

This spending of course created income which greatly expanded demand beginning especially in the 1960's. With full employment and complete utilization of manufacturing resources coupled with spending on the Vietnam War, prices and wages began rapidly rising in the late 1960's. Wage gains which were at a 4% annual rate in 1960 rose to over 7% in 1969.

But productivity during that decade declined from above 3% to below 2%. Inflation moved from 1% to above 4% and has now moved up to 11.5%.

This situation was further aggravated by an increasing flow of imports stimulated by an overvalued dollar.

Profits were squeezed between wages and declining productivity—meaning there was less output per manhour but each manhour cost more. This lowered retained earnings and investment in productive facilities fell further behind a demand generated from increasing income supported by government spending.

The relative production of capital goods as compared with consumer goods declined for the six-year period 1966–1971. And output capability fell behind demand potential.

Thus production did not keep pace with demand and the wherewithal for investment in facilities generated by corporate profits fell as illustrated by the decline in profits as a percentage of GNP. In 1966 after-tax corporate profits were 6.7% of GNP, declined to 4% in 1970, rose to 5.5% in 1973, but have never regained their 1966 level.

During all of this there was relatively little governmental action to stimulate the output capability of the nation's manufacturing facilities. In 1962 the Investment Tax Credit was enacted which was the first significant recognition of the existence of this problem. But it was suspended in 1967, terminated in 1969 and restored in 1971. Not very confidence building. The only other fiscal stimulus has been an improved schedule for depreciation which has also been of some help in generating a better corporate cash flow.

These measures by any standard are not inspiring. And because of the failure to provide means for bringing production into balance with demand and productivity into line with cost we have a runaway inflation. This is the root of the matter.

What of monetary measures?

At various stages during the past 25 years monetary measures as formulated by the Federal Reserve Board were applied to the economy. When aimed at slowing inflation such measures invariably included a tightening of the money supply and higher interest rates.

Unhappily such efforts have been counterproductive. They have not slackened inflation's pace and in fact have served to accelerate it.

Their effect upon the stock market and investor attitude is nearly inexorable. Studies which I have made going back to 1946 show that securities prices move inversely to short-term interest rates. One needs no reminder of the market performance in the presence of tight money and high interest of 1966 and 1969–70 of which 1973–74 is yet another rerun.

If monetary measures could control inflation in today's economic and political context then the suffering in the market place might be an acceptable trade-off—although I doubt it.

But monetary measures that were thought capable of controlling inflation were spawned 100 years ago in an environment that bears little resemblance to the present. Indeed, 50 years ago—or for that matter even 25 years—the setting was very different from that which we see today. And these differences are economically fundamental.

The persistent use of tight money as an inflation antidote is rooted in an earlier economic theory that received almost unchallenged acceptance for a period long enough to entrench it—or enthrone it if you will—as "classic." Bluntly stated, the high interest-money squeeze gambit was intended to reduce demand by throwing people out of work and by dampening the spending enthusiasm of those who could still find employment. Business organizations—merchants and manufacturers—would then be left with unwanted quantities of goods on hand which then could only be moved in the market by price reductions. Such business organizations would then find themselves induced to spend less for wages, seek lower prices for raw materials and would scrap plans for plant expansion or renewal.

Restrictive monetary measures do not in today's context reduce prices. In the near term they raise prices by higher interest costs. They reduce manufacturers' profits and in the long term stultify capital spending programs which will expand the nation's productive facilities to provide more goods at home and make the U. S. more competitive abroad.

Rising money costs in the near term compound inflation as they push up prices in a progression of increases at each level of the processing and transporting of goods as they are brought from a state of raw material through work in process to finished goods and delivered to the final purchaser. Thus as an example: a grower borrows money to finance the purchase of seed grain, to plant, to harvest and deliver his crop to the grain merchant. In his cost is the cost of money. The merchant borrows money to finance grain purchases. The miller finances with borrowed money. The baker finances with borrowed money. The cost of the product at each step from growing to processing is accelerated as the cost of money is added at each step.

Prevailing structural changes that have taken place in our society both economic and political make it impossible for the Federal Reserve's money squeeze-high interest gambit to squelch inflation.

I refer to these conditions—

Wages have become insensitive to deflationary measures. Union labor wage scales tend to provide a broad underpinning for wages generally which have become resistant to any downward pressures. Further immunity to deflationary endeavors is provided by social security and welfare payments which maintain disposable income at high levels. The constant increases in social security benefits are certainly inflationary, adding vast sums to the economy convertible into consumer demand. [Social security payments in 1960 were $19.3 billion. These more than doubled by 1969 when they reached $48.8 billion. Four years later (1973) these payments almost doubled and were $83.2 billion (est.). Public aid (welfare) payments rose from $4.1 billion in 1960 to $25.6 billion in 1972. Health and Medical programs amounted to $4.5 billion in 1960 and climbed to $12.4 billion in 1972. And education support programs poured $61.1 billion into the economy in 1972. These had amounted to $17.6 billion in 1960.]

The impotence of the Fed's current monetary policy is shown throughout the market place. Auto sales have dropped severely but prices continue to rise because of increasing costs including those related to government-required safety and emission equipment. The 1974 model holds a wide margin record for the number of price increases.

It is also noteworthy that 35% of the Cost of Living Index is currently composed of agricultural commodities, energy (petroleum and coal) and metals. In view of the impact of world demand and international pricing of all of these commodities, any suggestion that monetary action will influence these prices should be viewed with stern reserve.

A PROGRAM FOR CAPITAL MOBILIZATION

If you have been doing your arithmetic as I have earlier recited these capital requirements you will have discovered that total capital needs of American industry during this decade can be expected to exceed $2 trillion. There will be an annual rise from $120 billion in 1974 to nearly $233 billion in 1985 if the requirements for economic growth are to be met.

Generally about 50% of the money needed will be produced from corporations' internal cash flow: income and depreciation. (50% from internal sources in the case of manufacturing companies as contrasted with no more than 35% from such sources for utilities.) The rest usually comes from selling stocks or bonds. Recourse to this source means the sale of $1 trillion of such securities over the next 10 years.

Under present economic policies this can be accomplished only by government participation as the underwriter of a program that will create conditions of risk acceptable to potential investors. To give this concept a handle I will refer to it as "A Program for Capital Mobilization." Although the idea of the government as an underwriter is not new the scale on which it is now required will be new and much greater.

I have said that the government's underwriting of risk is not new. The building of the railroads was underwritten by vast government land grants. The airline risks were underwritten by government subsidies. The shipbuilding industry is underwritten by maritime subsidy. The agricultural industry has been subsidized by all kinds of crop support and land programs. The oil industry has been underwritten by subsidies and depletion allowances. Plant improvement has been underwritten by the investment tax credit and, at times, by accelerated depreciation devices. Dependents are subsidized by social security and welfare, and education by grants.

The following kinds of measures should constitute this Program and are aimed at improving productivity, restoring price stability and creating a climate in which investor confidence will be rekindled:

First, productivity incentives should be enacted to provide tax bonuses for industrial organizations measured by the extent to which output rises in relation to cost as compared with a selected base period. This would be a real motivation to improve efficiency.

Second, the investment tax credit. Impetus for the energy program and capital expenditures required to expand production can be supplied by an increase in the investment tax credit. Now at 7% it should be increased to 20% immediately for a period of five years and then dropped to 15% for two years, then to 10% but no lower. The increase to 20% with the prospect of a decline at the end of five years will give a needed and wholesome incentive for industry to move ahead.

Third, selective tax incentives for "scarcity industries." These should be instituted as a spur to energy development in addition to an improved investment tax credit.

Fourth, joint ventures between government and industry for energy projects such as coal gasification, shale, and other projects which, by the government underwriting the risk, will bring forward private capital to support national growth.

Fifth, the taxation of capital gains should be eliminated. Doubtless this is politically impossible but the capital gains tax is a predator—eating away at the nation's capital resources which otherwise would be available for productive investment. This tax also has the negative effect of paralyzing vast sums of capital and creates an illiquidity in the capital markets that aggravates the corporate financing problem. A revision in this tax is now being given serious consideration in Congress and a measure which would lower rates over a period of time and unlock investments held over long periods appears to be receiving favorable consideration. If the tax is lowered investors will have the incentive to risk capital in the market. Currently these incentives are not sufficient.

Sixth, permit investors to deduct from ordinary income securities losses up to $10,000 each year. This would be particularly helpful to small investors and give them an incentive to become liquid and reinvest. Thousands of investors are holding securities purchased at much higher prices than currently prevail.

Seventh, dividends should be the subject of tax incentives to make stocks more attractive to investors (especially as compared to bonds) which will widen the opportunities for financing corporate expansion through equity issues thereby reducing the burden of debt service interest costs. Dividends paid by corporations above a given level should be deductible from corporate profits. Dividends received by individuals should be exempt from income taxes if invested in stocks, and income taxes otherwise due on dividends reduced by one-half.

Finally, the Federal Reserve Board should be given the obligation of pursuing and maintaining monetary policies that will be commensurate with the needs of this program and permit access to the capital markets for productive expansion.

This is a gigantic program but we are confronted by a gigantic problem. My only reservation is that it may not be enough unless we start today—tomorrow is not soon enough.

The alternative is wide-scale nationalization.

JOHN SAWHILL EXPRESSES QUALIFIED SUPPORT FOR H.R. 11500

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mrs. MINK. Mr. Speaker, in the June 7, CONGRESSIONAL RECORD, page 18327, I responded to a letter which Mr. John Sawhill of the Federal Energy Administration had sent to Representative CRAIG HOSMER. I charged Mr. Sawhill with using scare tactics in an effort to defeat H.R. 11500, the Surface Mining Control and Reclamation Act of 1974, which is about to come before the House of Representatives. The scare tactics consisted of predictions of coal production losses ranging up to 197 million tons per year alleged to be the likely consequence of passage of the bill by Congress. In my response, I showed how Mr. Sawhill has distorted estimates of possible and probable coal production losses appearing in a Bureau of Mines study.

Subsequently, after appearing before Senate Judiciary Committee hearings on his confirmation as Administrator of FEA, Mr. Sawhill received a letter from Senators JACKSON and METCALF, and a separate letter from Congressman UDALL and myself, asking for clarification of his projections of coal production losses. I have been much concerned because the Sawhill figures have been widely quoted. For instance, Representative CRAIG HOSMER, who is actively promoting a substitute bill which contains very weak environmental protection provisions, has used the Sawhill figures in a series of radio broadcasts over some 800 radio stations, exploiting public service time arranged by the U.S. Chamber of Commerce, to attack H.R. 11500.

I am therefore gratified to have received the following letter from Mr. Sawhill in which he states that a reexamination of H.R. 11500 and of the coal production loss estimates impels him to admit his error, namely that both the maximum and the minimum figures appearing in the Bureau of Mines analysis should have been included in his letter to Representative HOSMER. Quite apart from the question of the accuracy of the Bureau's figures—which are certainly open to challenge—this revision considerably softens the awesome proportions of the original Sawhill prognostications.

I am equally gratified to learn that, rather than condemning H.R. 11500 outright, Mr. Sawhill is now conceding that given certain changes in the bill he is prepared to seek enactment of this legislation in this Congress. This may be taken as a clear indication that there are responsible individuals in positions of authority in the administration who recognize the need for and the merits of H.R. 11500. Mr. Russell Train of the Environmental Protection Agency has spoken out recently in the same vein.

I congratulate Mr. Sawhill on his forthrightness in setting the record straight. Mr. Sawhill's reply follows:

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., July 9, 1974.

Hon. PATSY T. MINK,
Chairman, Subcommittee on Mines and Mining, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: Thank you for your letter of July 1, 1974, concerning my views on H.R. 11500, the Surface Mining Control and Reclamation Act of 1973. Recently FEA has been reexamining its position on this legislation and the figures on coal production losses associated with that bill that were cited in my letter to Congressman Hosmer. This reexamination has prompted us to conclude that we should have included the minimum as well as the maximum estimates of production impact in my letter to Congressman Hosmer.

In preparing my letter to Congressman Hosmer, my staff worked with the Bureau of Mines in developing preliminary estimates on the possible effects of H.R. 11500 on coal production. As you note, my letter cited the figures used in that preliminary analysis for "maximum possible" coal production losses. As the Bureau of Mines final analysis, to which you also refer in your letter, indicates however, many provisions of H.R. 11500 are subject to various and conflicting interpretations. Consequently it was extremely difficult to make accurate estimates of the actual coal production losses that would be associated with those sections. The inability to predict the availability of equipment, capital and technology needed to satisfy various of H.R. 11500's requirements also complicated the task of arriving at reliable estimates. In view of these uncertainties, the Bureau of Mines elected in its final analysis to provide estimates of the possible, probable, and minimum impact on coal production rather than attempting to establish one definitive set of figures. The "possible" figures, which are the same as in the preliminary analysis, assume the most adverse possible set of circumstances and the most stringent interpretation of various provisions of the bill. The "probable" figures assume that more favorable conditions would prevail and that a more flexible interpretation of the bill's provisions would be permissible.

The House Report accompanying H.R. 11500, which was made available to us after we had prepared our letter to Congressman Hosmer, suggests that some of the more controversial provisions of the bill—such as the approximate original contour sections—may be interpreted in a more flexible manner than a literal reading only of those provisions would require. In view of this, I believe my letter would have provided a more useful assessment of the production impact if it had included estimates of possible, probable, and minimum figures for the various provisions of H.R. 11500 that are of concern to us.

I must stress, however, that there is no assurance that H.R. 11500 will be interpreted in a flexible manner, particularly in light of the citizen suit provision which the House Report strongly emphasizes will be the major vehicle for enforcement, thus assuring that all interpretations placed on the bill will be tested in court. This will leave the Secretary of Interior with little flexibility, and no assurance that apparently unambiguous statutory language may be construed in accordance with the report language. And, even if we were to assume that the "probable" figures on coal production losses provide a somewhat better estimate, our basic position on H.R. 11500 would remain the same. H.R. 11500 would still produce probable losses of 20 to 60 million tons of coal production in 1975, at a time when increased coal production is essential.

One aspect of FEA's cited coal production loss figures has caused particular concern—the "possible" estimate that 67 million tons would be lost through application of sections 211(b)(8), (c)(1), and (c)(2) of H.R. 11500.

FEA's estimate of 67 million tons was derived from the Bureau of Mines preliminary data as follows:

Estimated production loss

[In tons]

Effect on mountaintop mining	26,972,000
Effect of no spoil on downslope	16,099,000
Effect on thick-seam shallow-overburden mines	31,591,000
Total	74,662,000

For the 75 million ton figure for maximum possible loss of production, we reduced the total estimate to 67 million tons per year, since it was apparent that there was at least some overlap in the first two categories. Our extrapolated 67 million ton figure was informally confirmed by the Bureau of Mines.

FEA believes in establishing appropriate reclamation standards as a factor reflected in the price of coal. We are committed to establishing a balance between energy and environment which will permit us to expand coal production without sacrificing environment safeguards. We believe, however, that certain changes in H.R. 11500 would result in a better balance between environmental concerns and the need for increased coal production than the bill currently provides.

I agree that we need strip mining legislation this year. The American coal industry cannot afford to continue in a climate of uncertainty, and therefore we must resolve the critical issues of energy requirements and environmental protection. Although I cannot support the bill in its present form, I am ready to work with you and other members of Congress in seeking enactment of legislation that has the appropriate balance between national energy needs and protecting the environment.

Sincerely,

JOHN C. SAWHILL,
Administrator.

EFFINGHAM, ILL., YOUTH WINS NATIONAL GOP HONOR

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HANRAHAN. Mr. Speaker, Bruce Anderson was recently awarded the honor of "Most Outstanding Teenage Republican in the Nation." This is indeed an honor and worth recognition by my colleagues. For this reason, I have inserted the following release by the Illinois TAR Federation:

[Illinois Teen-Age Republican Federation Press Release, June 25, 1974]

R. BRUCE ANDERSON WINS NATIONAL GOP HONOR

R. Bruce Anderson of Effingham, Illinois, received the "Most Outstanding Teen-Age Republican (TAR) in the Nation" award at the National TAR Leadership Conference held this past week in Washington. The Illinois youth is the son of Mr. and Mrs. Robert Anderson.

Anderson served as the State Chairman of the Illinois TAR Federation for the year 73–74. The award went to Anderson largely because of his successful efforts to revitalize and strengthen the youthful GOP movement. During his term as Chairman, the number of active TAR clubs in the state was nearly doubled and once a month meetings featuring top political leaders were held scattered throughout the state so as to encourage more members to become involved on a regular basis.

Anderson, who has been active in politics since the Goldwater campaign of 1964, plans to run for state representative in six to eight years. Bruce will be attending Illinois State University and majoring in political science. In April, Anderson won the Washington Crossing Foundation Award, a $2000 college scholarship for students planning a career in government service. A former class president, he served all four years on his high school's student council. Last summer, he worked as a page on the floor of the Illinois House.

In commenting on his selection, Anderson said, "It's great to be recognized, but especially by your peers for doing what they consider an outstanding job. If we Republicans pull together and work, with or without Nixon, by the time November comes, we can damn this Watergate mess and prove to the voters that there are many extremely well qualified Republicans seeking office this time. It's ignorant to vote against an articulate Republican merely because Nixon and he wear the same party label."

PRESENTATION BY MR. MELVIN H. BAKER

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. DOWNING. Mr. Speaker, on Armed Forces Day the people of the Virginia peninsula were privileged to have as their guest speaker the Honorable Melvin H. Baker, Deputy Assistant Secretary of Defense for Management Systems.

He is a man eminently well qualified to speak on the status of the Armed Forces today and on what is necessary to keep them a viable and energetic force to protect our great country.

It is a privilege and an honor to be able to make his remarks available to you so that you too may benefit from the wisdom and knowledge which he has cultivated over the years in the field and in the offices of the Department of Defense:

PRESENTATION BY MR. MELVIN H. BAKER, DEPUTY ASSISTANT SECRETARY OF DEFENSE

Good evening ladies and gentlemen. It is a privilege for Mrs. Baker and me to visit the Peninsula and have the opportunity to enjoy the hospitality that is so much a part of this section of the country. And what better place to pay tribute to the thousands of American men and women who are serving in their country's Armed Forces. You are justly proud of the great traditions of this area and the contributions that Tidewater Virginians have made to our nation. We in Defense recognize the magnitude of these contributions and appreciate your steadfast support over the years. The number of our Service men and women who elect to retire here and the high percentage of those who request to return for second and third tours of duty are some evidence of what they think about you.

In recent years, criticism of the Department of Defense has become fashionable. This is healthy in a democratic society—but finding fault with some aspect or other of an organization of 3 million people with an $80 billion budget is like shooting fish in a barrel.

Obviously, we cannot say that we make no mistakes—or that we have no waste—or that we have eliminated all of the bureaucratic red tape. But we can say that your military establishment is, by and large, a well managed organization with a vital mission—and that the military and civilians who make up the Defense Department are a competent, loyal, dedicated, and highly motivated group of people. As a matter of fact, I would like to quote Senator William Proxmire. He recently said that "the Pentagon has faced and solved more management problems with greater success than any business in the world." Coming from Senator Proxmire, that is a significant statement, indeed, and it is gratifying to note that he has recognized our management improvement efforts.

We must at all times be receptive to responsible and constructive criticism—so that we may benefit from the insight of others. You will understand that we feel differently about criticism that does not meet this standard.

Now, I'd like to make a very important point. If we as a nation are to honor our treaty commitments and bear our fair share of the international peace-keeping burden—if we are to pursue a policy of détente and be able to negotiate through strength—if we are to protect our national interests abroad—and we must do these things to survive as a nation—we must be willing to pay the price.

And make no mistake about it that price is increasing. Unless the American public is willing to tolerate an erosion of our defense capabilities, they must expect for the foreseeable future to spend about 6 percent more each year just to retain the same general defense posture as in the previous year.

Most people would agree that a measure of peace in the world requires a reasonable balance of power—an equilibrium of forces. The essential ingredient in the maintenance of that equilibrium is sufficient United States military capability across the spectrum of military contingencies.

Is there a threat? The strategic force structure of the United States reached its peak in 1967 and has been relatively constant since that time. In the intervening years, the Soviets have added substantially to the numbers of missiles in their strategic nuclear forces. They now exceed us in terms of intercontinental ballistic missiles, for example, by about 3 to 2. To date this numerical superiority is compensated for by the superiority of U.S. technology. However, of late, they have been closing this gap, also. Obviously, if the Soviets were to continue to increase their military spending and capabilities each year while the United States stayed stable or continued to reduce—as it has in recent years—an imbalance would be inevitable. In the past, we had the luxury of some time to build up following enemy aggression. In the age of intercontinental ballistic missiles, we do not have that luxury.

We have expended considerable time and effort to strike a nuclear arms balance through the Strategic Arms Limitation Talks— progress has been encouraging. Our success, however, has not resulted from a unilateral decision to reduce our military capability, but rather, from our commitment to negotiate mutual concessions from a position of military strength.

Similarly, some would advocate that we use detente as an excuse to dismantle NATO. But without a strong NATO, the viability of detente becomes highly suspect. NATO has allowed a whole generation to grow up in a peaceful Europe. Now the future of NATO is threatened more by a loss of determination among ourselves than by pressures from the outside. It seems paradoxical to dismantle a successful alliance when the basic structure of the Warsaw Pact forces remains unaltered.

In short, we all dread the thought of war. But the fact of the matter is—the notion that detente permits us to disarm is an illusion. It is necessary to maintain a worldwide military balance as the foundation of detente. If that balance is upset, detente and also hopes for improved relations with the Soviet Union will disappear.

I realize that our country's resources, although vast, are nonetheless limited. To place our military requirements into proper perspective, we must view them in relation with other national priorities. People have asked—"What is an adequate Defense budget?" In terms of specific dollars I know of no answer. It is more a matter of mix among national priorities, and some significant trends have occurred in this respect.

Twenty years ago, Defense spending was larger than the rest of the Federal Government combined. Since that time, non-Defense spending has accelerated at a rate of 4 to 1 over Defense to the point where it now exceeds Defense by 2½ to 1. During the same period, Defense employment has decreased by 20 per cent while other Federal agencies have increased by 33 per cent—all a result of changing national priorities.

The biggest single obstacle to controlling military spending is inflation. I don't have to tell you that recent economic forecasts project a continued increase in wages and prices—and inflation affects submarine construction the same way that it affects your weekly grocery bill.

Actually, the Defense Department today has fewer available resources than it had ten years ago. FY 1974 outlays of $80 billion will pay fewer people and buy less equipment and weapons systems than $50 billion would a decade ago. Another indicator is the size of the Defense budget as related to the gross national product. During the Korean War, the ratio went as high as 14 per cent—during Viet Nam is was 9 per cent—and this year it will be less than 6 per cent.

I've talked about national security, military spending, and inflation. Now, I'd like to recognize our most important resource—our people.

The driving force behind any successful operation—the thing that really makes it go—is the people involved. Headlines mention the billions of dollars that we spend on sophisticated weapons and equipment—but the development, the operation, and the maintenance of this hardware is accomplished by people. And without people, the hardware becomes worthless.

In 1969, the Department of Defense formally adopted a charter of Human Goals which emphasized the principle that the individual has infinite dignity and worth. It further stated that, to provide a well trained force, we must increase the attractiveness of a military career, and outlined the means by which we could attain this objective. This is not to imply that 1969 was the first time that we concerned ourselves with the dignity of the individual. But, at that juncture, I am sure you will recall, our military forces were not exactly riding on the crest of a popularity wave. And it was important to enunciate publicly our philosophy in this regard.

Probably the most revolutionary, and perhaps the most important, personnel policy revision initiated by the Department since World War II has been an institution of the All Volunteer Force in 1973. There were two driving forces behind this concept. First was the inequities of the draft system—second was the basic philosophy that, in peacetime, American Forces will function best in a free environment where they must compete for people in the open market. We believe the Defense establishment will survive the test of free competition and, as a result, will be more effective than if we had continued to rely on conscription.

When we first started talking about elimination of the draft, many were cautiously optimistic—but never dreamed that we would be able to come as far as we have today. What have we accomplished in this process?

We have made pay comparable with the civil sector, so that our enlisted men and women don't have to apply for welfare in order to exist.

We've shifted a lot of valuable military man-hours from potato peeling and grass cutting to more productive activities. We want service to the Nation to be a meaningful part of a person's life.

We're emphasizing on-the-job training—minimizing textbooks and classrooms. The troops like it—and performance has been upgraded.

We have improved educational opportunities so that a military tour can become a stepping-stone, rather than an interruption, in a person's life.

But these are only a few of the tangibles. The real success of our efforts is coming in the form of things that we can't see or touch—or that don't show up in monthly statistics. The quality of military life is improving and, unless we've seriously misread early indicators, many one term enlistees are in the process of being transformed into career personnel.

You've read about problems in race relations, drugs, and discipline in the military. Of course we've had problems in these, and other areas. But our problems have been no different than those of any community in America. We have not run from, or tried to hide our weaknesses. Rather, we have attacked those things which we believe to be detrimental to the Military Services. If anything, the Department of Defense has taken the lead by insuring equal opportunity for all of its personnel—by providing medical treatment and rehabilitation for drug users—by donating time and resources to community projects—and by providing the disadvantaged with marketable skills.

Unquestionably, the skeptics can furnish statistics to show that we are not getting enough high school graduates in the Army or that we're falling slightly below programmed force goals since inception of the All Volunteer Force—but performance is more important than statistics. Just because an individual cannot comprehend a complex electronics textbook does not mean that he cannot be taught to operate radar equipment.

The important thing to remember is, we now have a military establishment comprised of people who are in the Service because they want to be. The terms "motivation," "challenge," "dedication," "opportunity" all have meaning for today's recruit. And, over the long haul, we believe that the country will benefit.

Nations usually reflect the character of their people. The military are an integral part of the American people and American society—they are not a breed apart or a separate community. Like the local doctor, lawyer, or businessman, they do a job and take pride in their work—which is to defend our freedom.

Our Armed Forces have traditionally enjoyed the support of the public. Along this line it was heartening to see the results of a recent public opinion survey which revealed that the U.S. military is now the most admired of American institutions. Without this support, our military cannot survive. Please continue to accept our military men and women as part of your community and give them your support as you have in the past. They deserve it.

A PRESCRIPTION FOR OUR NATION

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HUNT. Mr. Speaker on Sunday, July 7, 1974, Rev. Robert Beaumont, pastor of the First Baptist Church, Pitman, N.J., gave a sermon entitled "A Prescription for Our Nation." It was a very meaningful sermon—one that touched on the faults of our Government and its people. Likewise Reverend Beaumont praised leaders of our Nation—in particular, President Nixon and Secretary of State Henry Kissinger for their efforts to obtain a world peace. It is just too bad that everyone in our Nation could not have heard the sermon. It was direct, made no attempt to resort to subterfuge and was really most inspiring to the entire congregation. The prayer for the morning was:

> O God, help all men to hold their citizenship as a sacred trust and responsibility that this land may truly be a refuge from oppression; and that liberty, justice, and opportunity may be the heritage of all citizens.

I commend this to my colleagues for reading.

INTERNATIONAL UNDERSTANDING AND CONCERN FOR THE HANDICAPPED

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. GUDE. Mr. Speaker, the Partners of the Americas program was recently commended by the Deputy Assistant Secretary of State for Educational and Cultural Affairs, Alan Reich, for their work with the handicapped in a speech he made before the Partners' conference on international rehabilitation. The Partners, as one of their many people-to-people programs, provide volunteer technicians who work with their professional counterparts in developing programs for the education and rehabilitation of the physically, mentally, and socially disabled. Because of the great help they give the handicapped, I include at this point in the RECORD, Deputy Assistant Secretary Reich's speech concerning the Partners:

INTERNATIONAL UNDERSTANDING AND CONCERN FOR THE HANDICAPPED

It is a privilege to address this distinguished gathering on the subject of furthering international mutual understanding through the shared concern for the handicapped. We all are grateful to the Partners of the Americas for providing such fine leadership in this effort to help build the human foundations of the structure of peace. What could be more human than your compassion and your work on behalf of the handicapped? This people-to-people undertaking is making a significant contribution both to our international relations and to the individuals involved. Referring to the Partners Rehabilitation Education Program, Dr. Galo Plaza, Secretary General of the Organization of American States, said here a year ago, "No other volunteer program is having a greater impact on the lives of so many people in so many countries at so small a cost." My remarks today will concern people-to-people communication generally in furthering international mutual understanding and the interest of the Department of State in the activity. I shall mention several opportunities for further action.

PEOPLE-TO-PEOPLE DIPLOMACY

Diplomacy has gone public. Many foreign offices no longer confine themselves to speaking with other foreign offices for peoples; they help and encourage peoples to speak for themselves across national boundaries.

People-to-people communication has become a dominant force in international relations throughout the world.

Technological advances have made nuclear war a threat to mankind's existence. Fortunately, new initiatives and agreements in the disarmament field offer hope that the deadly cycle of weapons build-up will be broken. Prospects for increased government-to-government cooperation look better today than at any time since World War II. The great powers are focusing on areas of common concern and not only on their differences. The results appear promising.

In the past few years, scholars increasingly have studied the relevance of informal, nongovernmental communications activities to matters of war and peace. As you know, social scientists are developing a more scientific rationale for these transnational cross-cultural communications activities. Their research suggests that the existence of informal communications tends to reduce the level of tension when conflicts of interest occur and contributes to a climate of opinion in which conflicts may be negotiated more effectively. Second, informal relationships create a greater openness in individual attitudes toward other nations, peoples, and cultures. These predispositions also lead to greater readiness to communicate and to resolve differences peaceably. Third, social scientists tell us that international cooperation and two-way exchange contribute to world-mindedness and to an internationalist perspective on what otherwise might be viewed as purely national problems. Finally, international people-to-people relationships help develop enduring networks of communication which cut across boundaries and reduce the likelihood of polarization along political or nationalist lines.

WHY GET INVOLVED INTERNATIONALLY

Many Americans ask why we should be concerned with international problems when we have so many serious domestic concerns demanding attention. There are several good reasons for getting "involved with mankind"—as you are doing in your international rehabilitation work. Modern transportation and communications, not to speak of modern weapons, have brought our neighbors' problems to our doorstep. We have no choice but to become involved, because if the problems next door are ignored, they soon become our problems.

Poverty, illiteracy, hunger, resource shortages, and disease recognize no nation's borders and travel under no country's passport. It is not a matter of the world's poor getting poorer while the rich get richer. The poor are getting richer too. But their lot is improving so slowly that the difference—the gap—between rich and poor is widening, not closing. Unless some way can be found to reverse this trend, those who are better off also must one day suffer the horrible consequences.

Whether we cooperate with our international neighbors because it is good, or right, or necessary, we must get on with it while we are improving the quality of life at home. We can take some solace in knowing that, as you so well appreciate, many other nations share with us the desire and the capacity to help close this gap between the have and have-not peoples of the world. The facts of international life today are that common sense and common survival dictate common action to solve common problems. Interdependence is a fact of life.

People-to-people relationships contribute by enhancing the understanding of these human problems and increase the likelihood of meaningful cooperation toward their solution. Neither we nor our children will have the luxury of working on our domestic problems if we do not succeed in bringing about a climate of peaceful cooperation throughout the world during the next few years.

THE STATE DEPARTMENT'S INTEREST IN PEOPLE-TO-PEOPLE RELATIONS

When you think of the State Department's conduct of our international affairs, the exchange-of-persons program and people-to-people diplomacy do not come immediately to mind. It is, however, a significant activity of the Bureau of Educational and Cultural Affairs which works constantly to improve the climate for diplomacy and international cooperation. The exciting, challenging job of our Bureau is to utilize our modest funds and manpower to reinforce the work of American individuals and organizations who want to help construct, a little at a time, the foundation of better relationships with the rest of the world. The Bureau also provides policy guidance, as necessary, for other government agencies with international exchange programs in substantive fields such as health, education, social welfare, transportation, agriculture, military training, and urban planning. We frequently are asked about our purposes. The Bureau of Educational and Cultural Affairs seeks to increase mutual understanding, cooperation and community between the people of the United States and other peoples by direct and indirect efforts to:

1. *Enlarge the circle of those able to serve as influential enterpreters between this and other nations.*

We enable current and potential opinion leaders and decision makers to gain through first-hand experience more accurate perceptions and a deeper understanding of those realities in each others' societies which ultimately tend to affect international relations.

2. *Stimulate institutional development in directions which favorably affect mutual comprehension and confidence.*

We encourage a wide variety of key institutions, such as education systems and the mass and specialized media, to strengthen their capacity to increase understanding of cultural, social, economic and ideological differences, similarities and interdependences.

3. *Reduce structural and technical impediments to the exchange of ideas and information.*

We promote responsible leadership dialogue, relevant interest group interaction, and significant institutional linkages; in this context, we encourage further extension of English as an international language.

I shall describe briefly the major elements of this program since it will illustrate the commitment of the Department of State to two-way communication and people-to-people diplomacy. This funded program includes the Fulbright-Hays academic exchange to and from the United States; bringing some 1,500 international visitors annually to this country for orientation visits of several weeks duration (a number of them have been in the rehabilitation field); sending performing arts and athletics groups abroad; and sponsoring lecture tours abroad of outstanding American professionals and scholars. The Bureau also seeks to stimulate and encourage nongovernmental activities which further constructive people-to-people dialogue as a means of improving the climate for international understanding.

Of the 1,700 international exchange programs currently designated by the Department of State, only 70 are U.S. Government-financed; the remainder are privately led, organized, and sponsored. We realize the success of our own sponsored exchange-of-persons programs, as well as the fulfillment of the purposes I described earlier, depend primarily on the energies of private organizations and individuals. It is the policy of the State Department with respect to people-to-people organizations to encourage and assist while at the same time seeking to preserve the private sector initiative, vigor, diversity, and dynamism which are America's strengths. These programs are best handled and managed by the private sector—not by the Government. Therefore, our facilitative role in assisting U.S. organizations carry out their own programs effectively is our most important one.

PEOPLE-TO-PEOPLE RELATIONS AND INTERNATIONAL REHABILITATION

Private organizations in many fields do seek our counsel on how they can become involved and do more to enhance international mutual understanding. When I am asked by Americans about specific opportunities, I suggest the following 12-point program:

1. Participate in the Partners Rehabilitation and Education Program (PREP) with your counterpart state or region in Latin America.

2. In cooperation with national organizations, such as the National Rehabilitation Society and the Association of Rehabilitation Centers, develop institution-to-institution linkages between American and foreign rehabilitation centers to provide a framework for ongoing two-way interchange of professionals, the handicapped themselves and information.

3. Enlist the support of community service organizations at the national and local levels. Most of them (Rotary, Kiwanis, Lions, Jaycees) have a commitment to both international and handicapped activities.

4. In cooperation with Rehabilitation International-USA, assist with orientation and programming of international visitors in the rehabilitation field.

5. Urge the national and local Sister Cities organizations (linking 485 U.S. cities with international counterparts) to develop cooperative rehabilitation exchange programs.

6. Encourage appropriate professional societies and handicapped organizations to develop international committees and carry out programs of exchange with their counterparts of other nations. The People-to-People Committee for the Handicapped publishes directories to assist in this effort.

7. Enlist the cooperation of the state administrators of vocational rehabilitation and the directors of special education (and their national councils) in ensuring official state and local planning for international programs.

8. Develop relevant exchange activities in cooperation with the President's and governors' committees on employment of the handicapped and Goodwill Industries which have international programs of increasing interest to other nations.

9. Encourage and publicize appropriate international participation and events to dramatize the universality of concern for the handicapped and to encourage others to participate.

10. Provide home hospitality and community orientation in cooperation with local groups to ensure the best possible exposure and experience for international visitors.

11. Help ensure U.S. participants in international programs gain advance understanding, as may be useful, of important cultural differences and political realities.

12. Enlist the facilitative and financial assistance of U.S. companies operating internationally, since they have an interest in carrying out public service activities abroad in their own enlightened self-interest as they do in the United States.

The work and concern of private and governmental organizations helping the handicapped in the United States during the past quarter century is a source of pride to Americans. The Social and Rehabilitation Service at the national and state levels has provided outstanding leadership. Certainly, there are many remaining problems, but in no other field of human endeavor has American commitment to the dignity and worth of the individual been so well demonstrated. Many people here today have contributed mightily in this work which has brought meaning and fulfillment to the lives of many Americans.

As you are well aware, in this field we have benefited greatly from the advances and progress made on behalf of the handicapped in other countries. The learning experience is very much a two-way process. As Secretary Kissinger stated recently at the foreign ministers' meeting of the Organization of American States, we are pursuing a "policy of the good partners." The sharing of skills, resources, and experience thus characterizes our relationships in general; this is well illustrated by the work of the Partners of the Americas. As the United States seeks to move from confrontation to negotiation in our foreign relations, these kinds of two-way programs are increasingly important. There are many other organizations represented here (and some not) who already are carrying out meaningful international programs on behalf of the handicapped in the United States and around the world. The contribution of the Agency for International Development has been monumental.

International organizations, including PAHO, OAS, WHO, UNESCO, and ILO are conducting and promoting programs on behalf of the handicapped. Former director general of ILO, Mr. David Morse, pointed out recently that although there has been progress in assisting the world's 300 million handicapped, resources being applied are far from adequate. He used the phrase, "the world's conscience for the handicapped," in connection with the World Rehabilitation Fund and its commitment; it is just as applicable to you and your organizations. I suggest you also are that conscience and that your work will have a radiating impact. To the extent you arouse and stimulate governments and peoples to international action on behalf of the handicapped, you are also helping in a very real way to build the human foundations of the structure of peace. I would only urge that you continue this work and engage more fully, if possible, the capacity for commitment of people who want to help but need to be shown the way.

I shall close by relating your work to the basic ideal of UNESCO. "Since it is in the minds of men that wars begin, it is in the minds of men that the defenses of peace must be constructed." Your work to further world understanding through this human concern shared internationally in the minds—and hearts—of men moves us closer to this ideal.

Speaking both for the Department of State and myself, I applaud your efforts and wish you well in "constructing the defenses of peace."

LEW DESCHLER

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. FASCELL. Mr. Speaker, the retirement of Lew Deschler as Parliamentarian of the House of Representatives marks the end of a remarkable career in distinguished parliamentary law. Lew Deschler has earned the respect and praise of the Members of Congress throughout his distinguished years of service. His wisdom has influenced the judgment of every important decision made by this House in the last five decades. His knowledge of parliamentary affairs will be sorely missed.

Mr. Deschler has been a guiding light. His ability to bring order to even the most complicated legislative proceeding has been invaluable to each and every Member. His soon to be completed compilation of "Deschler Precedents" will no doubt become an indispensable guide to future parliamentarians.

I join my colleagues in paying tribute to a man whose wisdom in deciding complicated questions of parliamentary law has earned him the reputation as the greatest parliamentarian who has ever served the Congress of the United States.

I extend, wholeheartedly, my sincere gratitude and appreciation for a job that could not possibly have been done better. My best wishes for happiness and good luck to Lew Deschler and his family, now, and for many, many years to come.

SCIENTISTS WORK ON CROP LOSS FROM INSECTS

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. O'BRIEN. Mr. Speaker, destructive insects have been the bane of agriculture since time immemorial. It seems that every time man devises a way to immunize crops against the pests, they in turn develop a way to overcome that immunity.

The cost in terms of crop loss, preventive measures and ecological damage runs to hundreds of millions of dollars annually in the United States alone. All of this translates into higher prices to the consumer.

Scientists have been working on this problem for a number of years with varying degrees of success. Now, researchers from my home State are on the verge of a major breakthrough in developing a way to reduce this devastation.

Drs. Peter Gunther and George H. Scherr of Governors State University in Park Forest South and Dr. Terrell C. Myers of the University of Illinois Medical School are concentrating their efforts on producing strains of corn highly resistant to European corn-borers.

The following news release from Governors State University on their project should be good news to corn lovers and consumers everywhere:

> PARK FOREST SOUTH, ILL.—Researchers at two universities in Illinois are on the verge of a major breakthrough in developing a method to protect various food crops from the devastation caused by insect attacks.
>
> The current investigation involves producing strains of corn that will be resistant to the destructive European corn-borer. Illinois is the number one corn producing state in the country. The insect has cost the nation over one hundred million dollars a year in the last ten years in crop losses. To this is added the cost of spraying crops with insecticides. For all crops this amounts to a cost of approximately $200 million and increasing environmental problems.
>
> Dr. Peter Gunther and Dr. George H. Scherr of Governors State University's College of Environmental and Applied Sciences and Dr. Terrell C. Myers, Professor of Biochemistry at the University of Illinois Medical school have embarked on research that may short cut the time and cost required to develop resistant crops by years and millions of dollars.
>
> Current methods of producing a crop resistant to such insects as the European corn-borer involve a process of natural selection where insects attack varieties of plants. Plants with the greatest resistance are then inbred over a period of time lasting as much as a decade at a cost estimated by one research of $12,000,000 and 110 man-years of work! While the research takes place, the crop loss itself could run over a billion dollars. In the end, and over a period of about ten years, the pest overcomes the new strain by his own process of natural selection and the research process begins all over again.
>
> The method being pursued by the Governors State and University of Illinois Medical Center researchers combines the areas of genetics, biochemistry, and plant ecology to develop a unique and rapid method for isolating plant mutants that are resistant to insect pests.
>
> Although the current work has vast implications for Illinois and its high corn production, the method is designed for application with other field corps. The biochemical methods being used make unnecessary the use of the insects themselves in the reesarch.
>
> Even a savings of twenty percent of losses due to the corn-borer will result in a saving of over $20 million annually. The cost for all crops is so tremendous that a reversal can have potential savings for consumers not only in corn but in meats from animals for which corn feed is used.
>
> The quick selection method utilized by these researchers is applicable for plants resistant to insect attack, those resistant to bacterial attack, and also suitable for increase of desirable chemical products in these crops such as amino acids and vitamins.
>
> On a larger scale there are critical implications of such research on the world food situation and the U.S. export of food. A recent UNESCO conference cited the dangerously low food supply for substantial numbers of the world's children. In part, the world food situation is all the more critical because of the long drawn-out battles over insects and the resultant substantial annual losses.

AMENDMENTS TO RAIL PASSENGER SERVICE ACT OF 1970

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. TEAGUE. Mr. Speaker, I was most happy today when the House of Representatives voted to authorize $200 million for the operating expenses of Amtrak for fiscal year 1975 and to up their federally guaranteed loan authority to $900 million from $400 million.

I would like to say however Mr. Speaker, that I am extremely hopeful that the officials of Amtrak will be able to see their way clear to use some of this additional loan authority to make minimal improvements in the Southwest portion of our country such as the upgrading of railbeds, car maintenance, and improved depots.

EPA SUPPORTS H.R. 11500, SURFACE MINING CONTROL AND RECLAMATION BILL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mrs. MINK. Mr. Speaker, on July 9, Russell Train, EPA Administrator, in an interview reported by the Washington Post, publicly endorsed H.R. 11500, thus breaking with the policy of the administration. This highly significant and timely event has now received confirmation in the form of a speech delivered by Mr. Train's deputy, John Quarles, Jr., in Du Bois, Pa.

In this speech, Mr. Quarles has presented a concise and insightful analysis of H.R. 11500, showing a keen understanding of the issues involved and of the sense of urgency which those who must live with the environmental consequences of strip mining feel concerning a strong Federal regulatory bill. I think it is obvious that Mr. Quarles is making more explicit the statement of support which Mr. Train had expressed during his recent swing around the Western States.

In view of the highly controversial nature of this legislation, which has come under severe attack from lobbyists for the coal-oil interests and the electric utilities and the U.S. Chamber of Commerce, who frequently quotes misleading statements issued by spokesmen for the administration claiming all kinds of awful consequences to the Nation if H.R. 11500 is passed, it is indeed refreshing to hear a calm and reasoned voice from the Federal Establishment speaking in its defense. I believe my colleagues who are trying to decide the merits of the case for the bill will welcome an opportunity to consider Mr. Quarles' comments. Therefore, I am including below the entire text of this prepared speech:

STRIP MINING: HOUR OF DECISION

(By John R. Quarles, Jr.)

I am delighted to be with you in DuBois tonight and to participate in this special Town Meeting on strip mining. Having testified before Congressional Committees on four separate occasions in favor of strong legislation to regulate the environmental effects of strip mining, I can assure you this subject is close to my heart. And having lived in this area where so much environmental abuse has resulted from strip mining, I know it is even closer to yours. This subject, indeed, is one of the great—and still unresolved—environmental issues confronting this country. It is also a timely issue, since after years of active debate it is finally coming to a head in Congress.

Late next week the House of Representatives will vote on several alternatives of proposed legislation to control strip mining. Before they vote, the members of the House will have listened to hours of debate and read countless reports on strip mining. They will have been cornered by lobbyists and bombarded by statistics. And yet, after all of this, few of them will know what you know, or have seen what you have seen. They will not have seen the miles of ugly scars which encircle the mountains like the coils of an angry snake. They will not have seen the gutted hillsides raked by the claws of rushing water. They will not have seen the streams choked with sediment. Most of them will never know the acrid stench of a pond or marsh fouled by acid runoff. Few of them will ever hear the roar of a power shovel as it chews into a hillside. Because only you have seen and heard these things, only you can create the sense of urgency needed to insure the passage of sound legislation.

And if ever that sense of urgency was needed, it is now. The effort to achieve effective strip mining legislation during this session of Congress is in trouble. The nation's coal industry, one of the strongest lobby groups in Washington, is working hard to beat back enactment of such regulation. That industry's lobbyists have mounted an all out attack. They have been joined by numerous lobbyists from the nation's electric utilities. In stark contrast to this powerful coalition, the environmentalists are poorly financed and under-staffed. The industry campaign grows stronger each day. Only a direct expression of public concern will reverse the tide.

The need for legislation is only too clear. Each week over 5,000 new acres are disturbed by mining operations, most of them by strip mining. Already, over 3,000,000 acres of land have been torn up by strip mining, an area larger than the state of Delaware. Almost 1 million tons of acid is discharged each year into the streams and rivers of the Appalachian region as a direct result of strip mining operations. This discharge, combined with that from underground mining operations, has polluted over 10,000 miles of streams in Appalachia. Acid is only one part of the problem, however. Erosion in areas disturbed by strip mining is reported to be 1,000 times greater than in forested areas. A study undertaken in Kentucky showed that, over a four year period, 27,000 tons of earth was washed away each year from each square mile of an unreclaimed strip mine area, while only 25 tons per square mile was lost from a forested area. The threat, however, extends beyond the Appalachian region. Plans are now underway to strip large sections of the northern great plains. Without regulations, much of this area may never be reclaimed.

The need for legislation has become even more urgent in recent months because of the energy crisis and the increased demand for coal. Most energy experts agree that the United States will have to double or triple its present production of coal if the nation is to approach energy self-sufficiency by 1980. The Environmental Protection Agency has consistently supported the increased use of our coal reserves. EPA, for example, supported amendments to the Clean Air Act which would permit electric utilities and other fuel burning facilities to burn coal, as long as the primary air pollution standards were not violated. Last winter, during the height of the energy crisis, the Agency granted a number of short term variances from clean air requirements in order that coal could be burned. And EPA will continue to support this increased use of coal, as long as adequate safeguards are provided during its combustion and extraction.

The technology to control sulfur oxides and particulate emissions from the combustion of coal is available. It has been demonstrated at numerous locations, both in the United States and abroad. Given the necessary commitment to use this technology, the only remaining reason for opposition to increased use of coal is the lack of effective controls on strip mining. It is clear that the public will not support, nor will it tolerate, the unregulated strip mining of coal. The public is entitled to assurance that irresponsible destruction of environmental values will be prevented. If we fail to establish effective regulatory controls, we only invite a well justified opposition to strip mining itself. Legislation to control strip mining is the key to the expanded use of coal. Without it, coal's potential for alleviating the energy crisis will remain open to attack.

The need is clear. Legislation which will permit a substantial increase in the amount of strip mining while insuring full reclamation of the disturbed area is the answer. The nation needs more coal. Much of it will have to be strip mined. This cannot be avoided. What can be avoided, however, is the senseless destruction which has marked strip mining in the past. No longer will we tolerate those who would make a wasteland out of our mountains. No longer will we tolerate those who would flood our rivers and streams with acid and sediment. No longer will we tolerate those who care only about quick profits, and nothing for the land. No longer will we leave it all to chance. The days of the big raid on our nation's resources are over. Controlled development of these resources is the only acceptable course. Reclamation of mined areas must become an integral part of the production process, not just an optional afterthought.

It should be emphasized that a number of progressive mining companies have recognized the need for reclamation of strip mine areas. Legislation is necessary to protect these companies from suffering a competitive disadvantage as a result of their expenditures. We must not reward those companies which have been reluctant to adopt proper reclamation practices. Mandatory controls will insure fair and equitable treatment for all.

To insure that reclamation is adequate, it is essential that strip mine control legislation contain a number of safeguards. First, it must require that the land be returned to its approximate original contour. This will necessitate the backfilling of disturbed areas to as close to their original contour as possible. This will insure that the reclaimed area conforms to the surrounding terrain and does not upset the natural drainage pattern. Closely related to the approximate original contour requirement is the elimination of highwalls. Highwalls are created when coal is removed from hillsides through contour strip mining. They can range anywhere from a few feet to more than 100 feet in height. The Department of the Interior has estimated that there are over 35,000 miles of existing highwall, most of them in the Appalachian region. These highwalls not only create ugly scars on the mountain sides, but also can limit access to the land above or below them. Interior has estimated that such highwalls have limited access to, or isolated entirely, several million acres in the Appalachian region. Creation of these highwalls can, and must, be prevented.

The third essential requirement for successful reclamation is a prohibition on the dumping of spoil down the hillside and its disposal on undisturbed areas. Exceptions to this flat rule should be permitted only for the initial cut needed to expose the coal seam. This is particularly important in areas where mining is conducted on steep slopes. Spoil bank slides have created tremendous damage to both property and the environment. Slides have blocked roads, buried houses, and caused widespread property damage. They have also wiped out protective surface cover and filled stream channels with sediment. According to the Department of the Interior, over 2,000 linear miles of slides have already occurred, largely as a result of poor strip mining practices. Prohibiting the disposal of spoil on undisturbed areas will also encourage the backfilling which is necessary to restore the mined area to its approximate original contour.

Revegetation is the last step, and perhaps the most important, in the reclamation process. Revegetation is essential to prevent erosion and reduce acid runoff. It also is a major factor in improving water quality, restoring natural beauty, and improving wildlife habitat. To insure proper revegetation the topsoil removed in the stripping operation must be replaced. Next, the original or a similarly appropriate type of vegetation should be re-established on the area disturbed by mining operations. Where revegetation alone will not insure immediate soil stabilization, other measures, such as drainage control, should be undertaken to prevent erosion and acid runoff. In some areas check dams, stone rubble, culverts, or even piping might be needed.

Compliance with these performance standards can be assured through the use of a permit program. The Environmental Protection Agency has had a substantial amount of experience with permit programs, particularly in the water pollution area, and stands ready to assist the Secretary of the Interior in developing the necessary program. EPA is also prepared to assist the Department of the Interior in the development of guidelines and regulations necessary to implement the performance standards already described. The Agency has conducted a multi-million-dollar demonstration program in cooperation with the states and the mining companies to assess the effectiveness of mine systems, reclamation, and innovative mine water pollution abatement techniques. Thus, EPA can serve an important role in the implementation of a control program.

So far we have discussed what needs to be done to control future mining operations. But what of the damage which has already been done? Are we to simply write off the miles of acid and sediment choked streams, the scores of gashed hillsides and mountains, as if they were some bad debt which we could never collect? Clearly, the answer must be, no! Mountains are too precious to abandon; clear running streams are too essential to ignore. The Department of the Interior has estimated that ⅔ of the land disturbed by strip mining has never been reclaimed. This represents almost 2,000,000 acres of land, much of it in the Appalachian region. Recent studies indicate that a substantial amount of new mining is being undertaken in areas which have been previously mined and in which unreclaimed mine scars already exist. Much of the new mining falls within this category. This means that a large portion of the unreclaimed mined areas will be reclaimed as part of new mining operations. To encourage the reworking and reclamation of previously mined areas it may be appropriate to authorize minor departures from the strict performance standards which apply to newly mined areas. In any case, every effort must be made to reclaim these areas as soon as possible.

Finally, strip mine control legislation should give the Secretary of the Interior the authority to prohibit strip mining altogether on certain limited areas considered unsuitable for mining. Given current reclamation techniques, this authority should only have to be used sparingly. Its use should be limited to those areas where mining would unreasonably endanger life or property, or where it would seriously damage important historic, cultural, or scenic areas. But although use of this authority would be rare, its use when needed could be absolutely vital.

These, then, are the essential provisions of effective strip mining control legislation: (1) a requirement that the land be restored to its approximate original contour; (2) the elimination of highwalls; (3) a prohibition on the deposit of spoil on the downslope and (4) a requirement that the same or similar vegetation be re-established on the disturbed area. Clearly, these are the environmental safeguards that are needed. Together with these safeguards the legislation that is enacted must assure that the timing and method of application of these new requirements are realistic and that they do not impose unreasonable or unnecessary interference with needed mining activities. The environmental and mining needs can be reconciled. The question is, will Congress enact such legislation?

The answer depends largely on you. Congress will not act unless it is convinced that the public supports effective controls. Enactment of sound legislation still faces many hurdles ahead, and the clock in this session of Congress is running fast. It is for this reason that you have a special responsibility. As residents of an area which has been especially hard hit by poor strip mining practices, you have a responsibility to let Congress know the consequences of such practices. And with this responsibility goes a special opportunity. It is the opportunity to help the nation learn from the mistakes of the past; to help it avoid the pitfalls which have produced so much devastation in the mountains around us.

With your help, we will get effective controls on strip mining—controls which will permit the full development of our nation's coal resources without sacrificing the environment. Some would have us believe that we can have only one or the other—either increased coal production or an unspoiled environment. But the two are not mutually exclusive. We can satisfy both our nation's energy requirements and our desire for a healthy and attractive environment. The answer is reclamation.

Jolted by the Arab oil embargo, this country has just recognized how dangerously dependent we were becoming on foreign energy supply. We are now struggling to regain our energy independence. We are gearing up to begin one of the most massive engineering, construction and earth moving efforts in the history of mankind—the effort literally to multiply our domestic production of coal.

At the start of this effort, America stands at a crossroads of profound future importance. We have choices to make. We can follow past practices of unrestricted exploitation and in headlong fury rip out the coal with a brutalizing disregard of natural resources and future generations. Or we can proceed with careful planning to extract the coal almost as quickly but with very limited environmental damage.

As we make this fateful choice, I ask only this—is our memory so short that in our panic at the energy crisis we have already forgotten the lessons we learned when the environmental crisis shocked our consciences only three or four short years ago. We need to take a cold sober look at the irreparable devastation that has resulted in the past when we failed to require environmental safeguards. We need to come to places like Du Bois where the evidence speaks out at the glance of an eye. Conscious of this past tragedy, we still have no need to seek controls which would prevent the nation from securing the energy resources it needs to grow and prosper. What we do seek, in the words of a famous conservationist, "is a renewed stirring of love for the earth; we urge that what man is capable of doing to the earth is not always what he ought to do; and we plead that all people, here, now determine that a wide, spacious, untrammeled freedom shall remain as living testimony that this generation, our own, had love for the next."

AMERICAN LEGION SUPPORTS TUITION ASSISTANCE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. SEIBERLING. Mr. Speaker, the Summit County Council of the American Legion recently announced their support for the Vietnam Era Veterans Readjustment Assistance Act of 1974, including the tuition assistance provisions included in the Senate version which passed that body unanimously. I think the veterans of the Vietnam era deserve education and training benefits comparable to those received by World War II veterans, and urge the House conferees on this legislation to adopt the Senate direct tuition payment provisions endorsed by the Summit County Council of the American Legion.

U.S. INTERVENTION IN LATIN AMERICA

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. BROWN of California. Mr. Speaker, I recently spoke about the amount of attention that is being increasingly given to the subject of U.S. intervention in Latin American governments and economies. This should not be ignored. Evidence on this issue is being released to us, and to the public, in growing quantites. Various U.S. organizations are being called into question, and the validity of these questions should be determined. An example of this is the following article published by Laurence Stern in the Washington Post on July 11, 1974:

EX-SPY TO GIVE DETAILED ACCOUNT OF COVERT CIA OPERATIONS

(By Laurence Stern)

LONDON, July 10.—Philip B. F. Agee is an ex-spy who is coming out of the cold with what is likely to be the most detailed account of covert Central Intelligence Agency operations ever compiled by an American intelligence officer.

The 39-year-old former CIA case officer, who hopes to remain in seclusion in a remote stretch of English countryside until his book is published, has finished a 200,000-word manuscript at which he has labored since he resigned from the CIA in 1969.

Agee's credentials as an officer in the clandestine ("dirty tricks") service of the CIA have been confirmed by authoritative sources in Washington. The CIA itself refuses to comment on any aspect of the case but officials are reported to be deeply concerned about Agee's prospective revelations.

In the course of an afternoon-long interview at his modest seaside hideaway Agee spoke guardedly of his eight years of covert operations against "unfriendly" governments and insurgent political forces. It was a world of manipulation of agents, news media, public officials, and military establishments through the classic espionage techniques of bribery, blackmail and mass propaganda.

In agreeing to talk to a reporter for The Washington Post, Agee withheld specific details that are in his manuscript which he felt might jeopardize his physical security before the book makes its appearance sometime within the next year. He did, however, make these points:

During a brief assignment at CIA headquarters in Langley in 1966 he set up the Mexico City "cover" operation for the CIA, conducted under the front of the Robert Mullen company, a Washington-based public relations firm that has figured prominently in the Watergate case. It was his involvement in the Mullen cover, established for a CIA operative engaged in anti-Soviet operations, which led last week to the surfacing of Agee's identity. CIA fears that Agee would publicly disclose the Mullen arrangement in 1972 led to its closing by the CIA and the "Western Hemisphere flap" alluded to in the report last week of Sen. Howard Baker (R-Tenn.).

In Mexico, Agee's cover was as the Olympic's staff assistant to then-Ambassador Holton Freeman. In his Olympics role, Agee's covert mission during 1967 and 1968 was to "meet all kinds of people" in order to extend the Mexican CIA station's network of agents.

While serving in the CIA's Ecuador station in 1962 Agee participated in the launching of a pressure campaign against the Arosemena government to end diplomatic ties with Cuba. President Arosemena didn't want to break relation but we forced him," Agee related. "We promoted the Communist issue and especially Communist penetration of the government." Eventually Arosemena fell and was replaced by a military junta.

Agee personally served in 1964 as a conduit for funneling $200,000 in Chilean currency from a major New York City bank into covert election support activities for Christian Democrat Eduardo Frei. Frei won. Agee handled the cashing of the check in Montevideo, where he was then assigned to the CIA station, and conversion into Chilean currency which was then sent on by diplomatic pouch into Santiago, he related. There was in 1964 a major covert program on Frei's behalf. Agee said that the United States also poured an estimated $20 million into the 1962 Brazilian election in support of several hundred candidates for gubernatorial, congressional, state and municipal offices.

The CIA operates in close coordination with an international network of trade confederations and national labor groups which Agee said have proven to be effective instruments of political influence in Latin America. In Ecuador, Agee said, he served as a CIA case officer for a local branch of the American Institute for Free Labor Development (AIFLD), which was founded in the early 1960's as an affiliate of the AFL-CIO. He cited AIFLD, the International Confederation of Free Trade Unions, its Latin American subsidiary, ORIT, the Public Service International (comprised of government employee unions) and the various international trade secretariats as having given strong support to CIA-directed covert political programs.

The trade union organizations as well as other mass groups coordinate with the CIA chiefly through the international organizations division, which was in the center of the controversy over CIA funding of student, labor and cultural organizations seven years ago.

Agee last week was mentioned in press reports as having told his secrets to the KGB in a fit of drunken despondency. The Washington source responsible for the story later denied its authenticity.

Agee insists that he has never talked to the KGB, although he acknowledges that he intends to demonstrate in his book that the CIA has served as "the secret police force of American capitalism."

The former agent said he had made three trips to Cuba since 1971 to conduct research for his book and, as he put it, to witness the results of a "successful socialist revolution."

The Cuban trips were arranged by a Paris publisher who first contracted to publish Agee's book. One of the terms on which he went to Cuba, Agee said, was that he did not want to be debriefed by the KGB.

Agee's ideological break with the CIA and U.S. policy in Latin America started during his 1963–1966 assignment to Uruguay where his official mission was to direct operations against the Cubans and build up local security forces.

It was in Uruguay, which was an advanced welfare state by Latin American standards, that Agee said he lost his faith in the possibility of solving the region's problems through piecemeal reform.

Agee, who is under contract at present with British Penguin book publishers, said that his account, written in diary form, names numerous case officers, agents and particular episodes gathered from firsthand experience in the field. Such a narrative has never been published on the American clandestine services and Agee is apprehensive about the possibility of injunction action against him such as was taken against Victor Marchetti on his book, co-authored with John Marks, "The CIA and the Cult of Intelligence."

In 1971 when he had embarked on the book project and was living from hand-to-mouth at a secret location in Paris, Agee said he came under surveillance by a pair of Americans who befriended him and advanced him small amounts of money. Agee said he determined to his certainty that they were retained by the CIA to find out the contents of his book.

The CIA, he said, first became aware of his intentions to publish the critical book after he wrote a letter to a Uruguayan political journal suggesting that the 1971 election there would be subject to CIA infiltration. In December of that year he received a visit from a former CIA colleague who tracked him down in Paris through French police connections.

Within several months, Agee said he was in regular contact with the two Americans who professed an interest in the book and a desire to see the manuscript. It was to his new-found "friends" that Agee confided after the first burst of Watergate publicity in the newspapers, that the Mullen organization was providing cover for the CIA in Mexico. The Washington public relations company was identified in early stories as an employer of Watergate conspirator E. Howard Hunt Jr.

Agee's "friends" in turn sent word to the CIA, as he reconstructs the events, that he might disclose the Mullen cover in his book. This was the origin of the "WH flap" alluded to in Baker's report.

Agee found himself in the remarkable position of having created the Mullen cover and having been responsible for "blowing" it five years later by divulging his awareness of it to agents—as he firmly believes today—of the CIA.

The CIA admitted in writing to Baker that as a result of the "WH flap" (the initials stand for Western Hemisphere division of CIA) it had to shift assets and personnel in Mexico as well as other posts in which Agee served to minimize the damage of his possible revelations.

It is Agee's opinion that the Mullen cover arrangement in Mexico is "completely irrelevant" to Watergate.

Nonetheless it was President Nixon's stated concern over exposing covert CIA operations in Mexico that prompted him to issue instructions resulting in the FBI's delay for nearly three weeks in June and July 1972 of its investigation of the "laundering," of Nixon re-election money through a Mexico City bank account.

The President said, however, on May 22, 1973, that he had learned there was no basis for having worried about exposing covert CIA activities in Mexico. Former CIA Director Richard M. Helms was providing repeated assurances of this.

The tortuous path that has brought Agee to his current position of self-exile started in a conventionally middle-class home in Tampa Fla. His father was a businessman and the atmosphere was politically "reactionary—no, say conventional."

He attended a Jesuit high school and went to Notre Dame, where Agee was first approached by CIA recruiters in 1956. He joined the following year and took three years of military training under the agency's auspices.

"It didn't take long to develop enthusiasm and decide to stay in. There was a combination of things, the aura of intrigue, the sense of patriotism and public service. It was intellectually stimulating and challenging work," as Agee saw it in the early period.

Now he sees the clandestine service and the agency generally as an instrument of political repression.

Agee manages to live on a series of meager advances while the book is being prepared for publication. His two young sons recently joined him from Falls Church, Va., where they had been living with their mother. The Agees are divorced.

Mr. Speaker, I hope that my colleagues in the Foreign Affairs Committee will continue to investigate the extent of U.S. intervention in other countries, and will legislate changes in our foreign policy that will rectify this situation.

REPEAL OF YEAR-ROUND DAYLIGHT SAVING TIME ACT

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. SHOUP. Mr. Speaker, today I introduced a bill which would repeal the year-round daylight savings time system which was imposed during the energy crisis. At the time the Emergency Daylight Saving Time Act was passed it was generally felt that it would significantly reduce the consumption of energy and this was at a time when the pressure of the energy crisis was most severe.

In order to measure the energy saving, the Emergency Act directed the Department of Transportation to prepare an evaluation and analysis of the impact of the time change. That report has now been duly submitted to the Congress and it concludes that an electrical energy savings of only 0.75 to 1 full percent was realized.

Although any saving of energy is a desirable goal, the method of realizing it must be balanced against the inconvenience and even danger which it creates. The reduction in energy use resulting from the act was marginal at best, and it should be noted that year-round daylight time imposes hardships on many people, especially in districts like my own located in the more northern latitudes where sunrise may not occur until after 9 a.m.

Mr. Speaker, we in the Congress passed the Emergency Act in an honest attempt to respond to a most difficult situation. We have had an opportunity to reflect and we have been supplied with a comprehensive evaluation which tells us that the proper thing to do would be to eliminate an undesirable and unproductive act. I therefore strongly urge the repeal of year-round daylight savings time.

AMTRAK'S TRAINS ROLL TOWARD A DISASTER?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. ASPIN. Mr. Speaker, on June 20, I introduced two bills which I believe will solve the primary cause for the decline of our Nation's railroads—deterioration and decay of tracks and roadbed. H.R. 15503 and H.R. 15504 would establish a Federal corporation to take over, rehabilitate, and maintain the Nation's railroad tracks. The railroads, under this plan, would have the option of becoming part of the new Interstate Railroad Corporation or remaining out of the system.

This past weekend a new urgency was lent to the cause of improved rail trackage with two serious derailments occurring in the Amtrak system. Fortunately there were no fatalities in either accident, but I fear it is only a matter of time before deteriorated track conditions result in a major train wreck. I hope we can avoid that kind of accident and for this reason I urge the speedy consideration of these two measures by the House Committee on Interstate and Foreign Commerce.

I also commend the attention of my colleagues to four articles on the subject of passenger safety and bad track. A review of these stories indicates the pressing need for an extensive program of track repair nationwide:

[From the Chicago Daily News, July 6, 1974]

Amtrak's Trains Roll Toward a Disaster?

(By Dennis Byrne)

Amtrak trains are headed for a multiple death accident unless railroad tracks and roadbeds are improved soon, a consumer advocate has warned.

Anthony Haswell, chairman of the National Assn. of Railroad Passengers, a national railroad watchdog group, issued the warning in an interview following the separate derailments Friday of two Amtrak passenger trains. More than 40 people were injured in the derailments.

Although the causes of the two accidents have not been officially determined, Haswell and a spokesman for the Federal Railroad Administration agreed that the number of derailments has been increasing, and that many of the accidents are traceable to inadequate tracks and roadbeds.

Derailments last year were up 25 per cent over 1972 and are up 13 per cent this year over 1973, the FRA spokesman said.

He said that the railroads have failed to maintain the roadbeds because of the unavailability of money. Since railroads generally are receiving only about a 3-per cent return on their investment, it is difficult to generate the capital to maintain the track and roadbeds, he said.

Under law, the railroads are required to maintain the roadbeds for Amtrak trains, but it "don't look like" the railroads are doing so, he said.

The result is that many railroads have issued "slow" orders, restricting train speeds to as low as eight miles an hour.

While statistics still show that railroads are a safe way of traveling, Haswell warned: "When we see a pattern of increasing derailments and increasing injuries, you almost have to think that unless action is taken to reverse the situation it will only be a matter of time before there is a train wreck with multiple fatalities."

Several proposals have been made to provide money for the improvements, but Congress apparently is not close to approving them.

The Nixon administration is backing legislation that would provide $2 billion in guaranteed loans for the railroads' capital needs.

[From the Chicago Daily News, July 6, 1974]

New Wreck, Three Injured

INDIANA, PA.—Eight cars of an Amtrak passenger train en route from Kansas City to New York derailed near the southwestern Pennsylvania community of New Florence Friday, injuring three railroad employees.

None of the 150 passengers was injured, an Amtrak spokesman said.

The cars left the track at a switching point, the spokesman said, but none of the cars overturned and the two diesel locomotives remained on the track. An investigation was under way.

[From the Chicago Tribune, July 7, 1974]

Broke Under Car—Bad Track Blamed in Amtrak Crash

An Amtrak train derailment which injured 47 passengers Friday apparently was caused by a broken rail, a Santa Fe Railroad spokesman said yesterday.

Gil Sweet, Santa Fe regional public relations director, said that a section of rail apparently collapsed as the last two cars of the train sped over it. The derailment occurred on an overpass near Melvern, Kans., about 90 miles west of Kansas City.

When the two rear cars were thrown off the broken rail, they caused a chain reaction that derailed other cars in the train, Sweet said.

"They all started bouncing around and some of them began running on the ties," he said.

There was no fatalities in the derailment, altho some injuries were serious, including a broken back suffered by one passenger and a skull fracture by another.

Sweet estimated that two railroad cars were destroyed and half a mile of track was ripped up. He set total damage at about $750,000.

Sweet said rail traffic was being routed around the torn track and was normal yesterday.

[From the Chicago Tribune, July 7, 1974]

Railroad Watchdog Warns of More Derailings, Deaths

Multiple deaths in Amtrak derailment will occur in just a matter of time unless trains are slowed to less than 30 miles per hour or the main road beds get immediate repairs, a railroad consumer advocate predicted yesterday.

"The law of averages tells me there will be an accident involving multiple fatalities," Anthony Haswell, chairman of the National Association of Railroad Passengers, said in the wake of two Amtrak derailments Friday in which many passengers were injured.

Haswell said he thought if immediate action was not taken to rehabilitate the road beds, Amtrak should give up and go out of business.

"It's ridiculous to think that people are going to get on trains that have to crawl at 20 or 30 m.p.h. or constitute a danger to the passengers," he said. Haswell also said trains are now required to travel at 30 m.p.h. thru Indiana because of the condition of the tracks.

Derailments rose 25 per cent last year, and are up another 13 per cent the first part of this year, according to the Federal Railroad Administration. Haswell said the cause for the increasing number of accidents is the deteriorating condition of the roadbeds.

WHAT'S HAPPENING TO AMERICA'S VALUES?

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. REID. Mr. Speaker, I include in the RECORD a very perceptive article from a recent edition of U.S. News & World Report.

The article is an interview with Clare Booth Luce, who in her lucid and thoughtful style, discusses "What's Happening to America's Values."

I commend the article to the attention of my colleagues:

What's Happening to America's Values

Q. Mrs. Luce, have Americans always been as cynical as they *seem* today about institutions, leadership and traditional beliefs?

A. Oh, no. There's been an enormous change, in my lifetime, in American attitudes.

Traditionally, Americans are an optimistic and Utopian-minded people. This is because they've lived for 200 years in marvelously fortunate conditions. They've lived on a vast and beautiful land which has produced an endless quantity of material goods. They've lived under a form of government originally designed to encourage competition and personal initiative. They've lived in a country where the average American has always been better off—richer, freer, better educated—than his parents, and where he has always expected his children to be better off than himself.

Up to now, Americans have always believed that despite national ups and downs they were making progress toward the American Utopia, in which poverty—and even work—would be abolished, and all men would live equally free to pursue their own ideas of happiness. Call it "the American dream." Well, we are waking up from it. We are beginning to face the realities of the world we live in. And it's a traumatic experience . . .

The violent changes that have since taken place in the world, and that have adversely affected America, have come on us so suddenly. Nothing in our national experience has prepared us to deal with them. We are—at least for the moment—demoralized by them.

Q. Are you suggesting that this country has reached a kind of moral watershed—that we are sliding into a basic attitude of disbelief we've never known before?

A. Well, we are certainly losing our faith in the idea that perpetual peace and prosperity are just around the corner. We are becoming painfully aware that there are limits to our ability to amass wealth and to exercise power over the rest of the world. We have begun to realize that we are only 6 per cent of the world's population and that, at the rate the rest of the nation's populations are exploding, we will be only 3 per cent in another 50 years . . .

Then, science and technology themselves have begun to create dilemmas. For decades Americans believed that there was nothing wrong with America, or the world, that technology and science couldn't cure. So science gave us all those lovely nuclear bombs, which more perhaps than anything else have turned so much of the American dream into the American nightmare. And the beautiful technology that was going to produce Utopia has, of course, produced some marvelous things—airplanes, TV's, autos—but it has also produced smog, pollution, traffic jams, urban decay and endless weapons of prodigious destructiveness. In my lifetime, science has prolonged the average life span 10 or 15 years, but it has also made it possible for an enemy to wipe out 50 million American lives in a 20-minute nuclear attack.

Our faith—which had virtually become a religious faith—in salvation by science and technology probably began to collapse when we realized that we didn't know—we still don't know—how to get the nuclear genie back into the bottle. A great part of our American malaise is that we have lost confidence in our ability to use our own prodigious scientific and technological know-how to our own good. We can plant our flag on the distant moon and send satellites whizzing around Mars. But we can't seem to keep our own rivers and lakes and cities clean. "Is a puzzlement" for everyone.

Q. You spoke of "pulling in our belts." Why do people seem increasingly to feel like "living it up" instead of restraining or inconveniencing themselves?

A. Because people really don't know what they should be in the present economic crisis. They instinctively know that if everybody stopped "living it up"—I mean, stopped spending for things they really don't need—our economy, which is a consumer-luxury economy, would quickly collapse. But they are also fearful that we may be spending ourselves into a depression.

When people know what they should do—when they are told what to do—by leaders in whom they have confidence, they respond well. In the fuel crisis last year, it was remarkable how well they responded to the White House's request for their voluntary efforts to cut down their fuel consumption.

Q. Why can't Americans practice self-restraint without being told?

A. Because throughout their history, the more they have spent, and even wasted, and the more they have "lived it up," the more prosperous they have seemed to become. "Living it up" is an old American habit acquired in an economy of plenty. We just don't know how to behave in an economy of scarcity.

Also the people don't practice self-restraint because their political leaders—especially their Congress—don't encourage them to do so. You don't get elected to Congress by telling your constituents they can't have what they want. You get elected by promising them you will see to it that they will have everything they want—and more. And you certainly never tell them who has to pay for it all: They do. . . .

Q. Why do the churches seem so powerless today to restore faith in the old moral virtues, the "positive values"?

A. The churches, as formal institutions, have themselves bought too many of the materialistic values of our success-oriented society. The collapse of faith—faith in the crucified God—among churchmen themselves is too big a subject to go into here. But let me say that the churches—or rather the theologians in the churches—have failed to deal effectively with the three greatest revolutions of modern times: the scientific and technological revolution, the psychological revolution and the sexual revolution. . . .

Man, according to Christian belief, was the animal who was different from all other animals: He had a soul. The divinely ordained purpose of his life was to "save his soul" by loving, worshipping and obeying the law of God. All the Ten Commandments, when you think about them, are commandments to man to control his purely animal instincts and emotional impulses.

I feel like a fool trying to explain the "death of God" or the collapse of Christian faith in a few sentences. But the theory of evolution was just one of the scientific discoveries that dealt faith a blow. But Freud, who formally opened the psychological revolution, dealt it a very great blow. I do not dispute—who can?—the genius of Freud, and his tremendous insights into the subconscious workings of the human mind. But the fact remains: Freud convinced generations of men in the West that man was simply and entirely an animal, that he had no soul and that everything—but everything—man created, from banks to cathedrals, from governments to gods, were "sublimations" of his repressed infantile sexual desires.

Quite simply, between science and psychology, modern man has lost his soul. That is really what is at the root of his malaise.

Q. Could you elaborate on that?

A. Oh dear! Well, man is either an animal who, like any other animal, is born to devour or be devoured, kill or be killed—to rut, to rot and to die—or he is an animal quite different from all other animals. . . .

The list of unanimal-like and antianimal-like things man does and doesn't do is endless, including thinking about the future and contemplating his own death. Let us, for the sake of argument, admit that all the strange unanimal-like things he does are sublimations of his animal sexuality. We are still stuck with the mystery: Why does he repress his animal desires? Why does he "sublimate"? Freud never came up with an answer to that one.

In any event, no man can live and no society can survive for very long without a religion and a faith of some sort that explains man's nature and the meaning of his life and death. I agree entirely with Toynbee that the history of civilization is the history of society's religions. By "religion" I mean any system of thought and belief that "ties things together" and gives a society something which explains to its satisfaction the meaning of life and death, of good and eveil, and of man's own nature. . . .

AS WOMEN ENTER A "MAN'S WORLD"

Q. Mrs. Luce, has the last quarter of a century brought any change for the better in America?

A. There has been a change for the better in the matter of the equality of the sexes. And of the races. Men are beginning to treat women less like animals, or to use the popular phrase, "sex objects."

Consider again what nature intended. It programed a normal, healthy female to have 30 children. My great-grandmother had 21. My grandmother had 11. Does any man in his right mind today want his wife to do what nature intended? Well, thanks to medical technology, she doesn't have to have any more children than she chooses to have.

I'm all for women who want children, and who desire the career of mother and housewife. But I'm also for women who prefer other careers. I'm especially for women—and with all my heart—who have to work to support themselves or their families, and are being discriminated against in their wages and jobs.

For example, look at the Pentagon. Women are almost 41 percent of the Defense Department. Yet, out of the 885 career and appointive employes in the top three grade levels, only five are women. Over 80 percent of the employes in the three lowest grades are women. Our Defense Department seems more scared of giving a break to women than of giving it to the Russians.

Anyway, as a woman, I welcome the entrance of women into what was once called "man's world." But what must now be done is to give them equal pay for equal work, and the opportunity for upward-mobility jobs. As to whether the effort to do away with sexism and racism in America will make us all happier, who knows? But you can say that any time we move to end discrimination, things are getting better.

Q. What other changes would you like to see?

A. I would like to see a reform in our educational system. I would like to prevent young people from going to college for one or even two years after graduation from high school. I would like laws permitting them to work during those two years, or maybe to go into social work of some sort.

I would like to provide a period of socially accepted "dropout" so that young people can really find out what living and working in the real world is all about. The ones who decided, after that period, to go to college would be motivated by a real desire to learn. They would go to college as matured young men and women, and not as overgrown "kids," which is the humiliating word we use now for 20 and even 24-year-old young adults . . .

Q. Would you prescribe the same for young women?

A. Oh, yes. Then there's another thing I'd like to see happen: more institutions of learning for adults. There must be thousands and thousands of adults—people over 30—in this country who would love to go to college: men who couldn't afford to go when they were young; women who married when they were young . . .

Q. In your travels, particularly around the United States, do you find people better informed about foreign developments than they were a decade or two ago? Or are they becoming isolationists?

A. The American public has never, perhaps in this century, been worse informed about either foreign or domestic developments than they have been in this past year and a half. The media's obsession with Watergate has driven almost everything else from the forefront of the news. As far as much of the press is concerned, the only thing worth reporting to Americans is what happens in the Watergate depths and on the Golan Heights. . . .

Q. What has been the effect of Watergate on the national psyche?

A. Very melancholy indeed. Man has to look up, and have faith. As a child he looks up to his Godlike parents. As he grows older he finds other authority figures, in his favorite scientist, philosopher or professor.

Americans, traditionally, have very little respect for politicians as a class. The very word "politician" has always been used in a derogatory sense. Look in the dictionary if you don't believe that. When Americans respect a politician they call him a statesman. But Americans do have great respect for the office of the Presidency, and they deeply desire to look up to and have faith in the man who occupies it. They want to admire the Great White Father. . . .

That sleazy complex of events we call Watergate has unquestionably robbed the President of much respect and dignity. I want to believe that Mr. Nixon will be able to restore it before he leaves the White House. But, meanwhile, our national pride in the Presidency has been wounded.

THE "HYPOCRISY" OF WATERGATE

Q. Is Watergate going to leave a deep scar?

A. I could wish that what it would soon leave is a scar, for that would be a sign of healing. I am more inclined to believe that the world will become infected, and suppurate for a very long time. A lot of the political fingers that have pointed at Nixon—and pulled open and widened that wound—haven't been what you could call surgically clean. And the people know that and recent it.

A certain amount of corruption, dirty tricks and law bending are endemic to democratic politics, and any politician who denies it is an expletive-deleted hypocrite. Really cleaning up politics in this great democracy would be a more Herculean task than cleaning up the Augean stables.

What is important is to keep corruption and unethical practices in politics, like crime in the country, at a tolerable level. When it is discovered in the White House, it tends to pass the tolerable level. But what also, perhaps, has passed the tolerable level is the hypocrisy of many of the politicians who have fingered the President on the score of unethical political practices.

Q. Have your views about Mr. Nixon generally changed significantly in the past year or so?

A. I have always thought Mr. Nixon a remarkably competent man. I can think of no political figure today in whose hands I think the republic would be safer. I also think that he will go down in history, despite Watergate as a great President. I am disappointed, very disappointed, that he put his trust in such a crummy crew of counselors. But then, Julius Caesar put his in Brutus, with his gang of coconspirators, and Jesus himself picked Judas.

Great men, as a matter of fact, are rather famous for picking unreliable subordinates. Isn't it often the trusted partner who robs the safe?

Q. You once served in Congress. Has Congress gone downhill over the past quarter of a century?

A. The Congresses I served in were Roosevelt rubber-stamp Congresses. Under the pressure of the Depression and the war, they all but totally handed over their constitutional powers to the White House. The Roosevelt Congresses turned the White House into a virtual dictatorship. The Congress has never recovered the power that it passed over to the Chief Executive after 1933.

It is doing a lot of yowling just now about recovering its lost powers and restoring the constitutional balances. Nobody who knows anything about the Congress and the way it is presently structured believes a word of it. Give it a simple problem, and the Congress will make it complicated. Faced with a really tough and complicated problem, Congress worries it for months and months, and then bounces it over to the White House to handle. . . .

Q. How would you characterize the media's handling of Watergate?

A. It reminds me of a famous Texas character, Judge Bean, known as "the law west of the Pecos," who said, "Let's give this here horse thief a fair trial before we hang him at 2 o'clock this afternoon."

But in criticizing the President, the media is only doing what it has always done. If you read the attacks that the press has made on other Presidents in days gone by, the attacks on Nixon are not, by comparison, much worse, in fact, Washington, Jefferson, Lincoln and—in his first term—Roosevelt were just as savagely treated. The press hotted the Congress up to impeach President Andrew Johnson.

When you read the history of the press, I think you have to admit that the media, while it is infinitely more powerful than it was even 50 years ago, is, give or take a vindictive paper here or there, altogether a much better and fairer press.

Q. In general, how can America work its way through its malaise?

A. We will, somehow, have to adjust ourselves to living in a world whose basic economy is now one of scarcity. We will have to learn how to handle the unpleasant and dangerous side effects of our technology—pollution, and all that. We will have to devise a foreign policy and a military strategy that will safeguard us from both economic and military attacks. All this isn't going to be easy. But I feel sure that, if we have the will, we do have the skills and physical resources to make it to our third centennial as one of the world's great—if not greatest—nations.

Q. Are the spiritual resources still there?

A. They are there, any time we choose to call on them. They are like the unlimited mountains of coal we are sitting on. We have to dig for them—and pay the price for doing so.

Q. Do we need a better quality of leadership in the West?

A. Obviously.

Q. How are we going to get it?

A. When you ask that question, my crystal ball fogs up. I don't see any great new leaders in it just now. Some very good men, but not great—just the same faces we've had in the polls for the past eight years. But here's where faith comes in: I have faith that when we really need an inspired leader, our country will produce one.

"I HAVE FAITH IN THE PEOPLE"

Q. Do our leaders today have real faith in the democratic system's ability to change things for the better?

A. Well, they should have. It's the most flexible political system that has ever been created. It is my view that democracy is fair-weather government. But the marvelous thing about democracy is that when the weather turns foul—as it does in war and great crises—it can voluntarily turn itself into a democratic dictatorship, and then, when the weather improves, return to fair-weather democracy again.

It seems to me that the idea embodied in our Constitution, of free people guiding their own destiny, is the noblest political idea man has ever had. We must never forsake it.

I would like to be more optimistic than a lot of what I am saying sounds. But while I think that America is going through a very downbeat and dangerous period, I do have faith in the character of the American people. When the going gets really rough, as it has before in our history, they will pull themselves together, and then, pulling together, they will pull America out of danger.

We are a know-how, can-do people. But we just have to become again a will-do people.

EMERGENCY LIVESTOCK ACT

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. PEYSER. Mr. Speaker, the Emergency Livestock Act (H.R. 15560), is scheduled to be debated before the House next week. I intend to work vigorously against this legislation and I will offer the following two amendments in the course of my battle to defeat it.

On page 10, line 5, strike all that follows through and including line 7

My second amendment is:

Mr. PEYSER of New York moves that the committee now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

A STATEMENT ON THE DEATH OF MRS. MARTIN LUTHER KING, SR.

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. NIX. Mr. Speaker, it is with a profound sense of sorrow that I offer both my personal and constituents' condolences to the Reverend Martin Luther King, Sr., on the tragic loss of his wife, Mrs. Alberta King.

All of us are grievously shocked whenever some heretofore unknown psychotic assassinates an innocent victim. The loss devastates us even more when that human being has had an accomplished career of public and community service.

In the case of Mrs. King—"Bunch" to her devoted husband, and Mama King to thousands of loving Atlantans—the catastrophe is compounded by the irony of her many years of Christian teachings to "love thy neighbor." It was this mother's gentle touch that helped inspire one of the world's greatest peacemakers to rearrange the moral priorities of this country.

Yet, like Rev. Martin Luther King, Jr., a Nobel Prize winner for his role in shaping world peace through nonviolent methods, Mrs. King was violently separated from our society.

I deplore this sickness amongst us that assumes any problem can be solved by violence. I deplore the cowardly and mad killer, black or white, who nourishes the belief that somehow his wretchedly barbaric act can bring peace to our lives. Only swift trials, convictions, and permanent isolation will deter future assassins from the neurosis that violence of any kind is a shortcut to disaster.

Commentators have sought explanation in this bewildering pattern of public assassinations which have begun to infect us like some spreading plague. One submitted that four of the recent assassins of public figures were all short, lonely men. Such armchair psychiatry is absurd.

Moreover, this kind of rank amateurish exploration into deep-seated hatreds in no way illuminates why a slow moral erosion in this country has unleashed killers who would substitute the bullet for the ballot.

Even that last refuge of scoundrels, race, provides no answers. As columnist Chuck Stone, former aide to my beloved colleague, Adam Clayton Powell, pointed out in a recent column, had the race of any of the assassins of John F. Kennedy, Robert F. Kennedy, Rev. Martin Luther King, Jr., and Mrs. Alberta King been reversed, many Americans would have found "simplistic" sanctuary in the rationale of "racism."

What we do know, however, is that guns are too easily purchasable anywhere in this country. For those who wish to commit murder, a handgun can be bought with the same convenience as a loaf of bread. As long as we maintain an open door policy on the purchase of handguns, a potential assassin lurks around every corner.

Once again, we have been deprived of a fine American's work. Once again, we have been forced to witness the violent departure of an outstanding member of one of our Nation's greatest families. And black people, still shortchanged by an absence of plentiful leadership, have lost a cherished black symbol.

Perhaps it is not wishful thinking to suggest that this distinguished body of which I have been privileged to be a Member for 18 years pause in its legislative deliberations to express its collective concern about the isolated, yet pervasive breakdowns in law and order. Unless we address ourselves now to this sociological cancer, we ultimately reap the harvest of a larger illness.

Most of us did not have the privilege of knowing well the quiet and tenderly unassuming Mrs. King. But she left us wearing a halo that crowned a bountiful and dedicated life. In her last moments, she could walk hand in hand with Paul's charge to Timothy:

> I have fought a good fight, I have finished my course, I have kept the faith.

THE NATIONAL LEGISLATIVE CONFERENCE ON CHILE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. ASHBROOK. Mr. Speaker, in connection with my special order of today on the Communist origin of the National Legislative Conference on Chile and People's Lobby, scheduled for this weekend, July 14–15, here in Washington as part of the Communist Party, USA, campaign to pressure our Government into cutting off all aid to the anti-Communist government of Chile, I am inserting at this point the official schedule and list of sponsors being disseminated by the Communist-run conference organizing committees. This particular copy was mailed out by the Chicago Committee to Save Lives in Chile, a Communist Party operation that uses the same address as the CPUSA-controlled Chicago Peace Council.

The schedule and list follows:

CONFERENCE AGENDA—SUNDAY, JULY 14

Registration—11:00 AM to 12 noon.

Plenary Session—12 noon to 2:00 PM.

Key Note Address—Abe Feingiss, International Vice-President, Amalgamated Meat Cutters Union.

Pending Legislation—Ronald V. Dellums (pending), Member of Congress.

Initiatives for New Legislation—Carolyn Dietchman, Washington Legislative Office WILPF.

Discussion.

Coffee Break—2:00 PM to 2:30 PM.

Workshops—2:30 PM to 5:30 PM.

1—Cut-off military and police aid to the Junta.

2—Cut-off economic aid and U.S. connected international credit (Food for people to be administered by the U.N. Commission).

3—Extend Chilean visitors visas and open U.S. borders to refugees.

4—Embargo on trade with Chile.

5—Congressional Investigation of U.S. involvement in the coup and the deaths of Frank Teruggi Jr. and Charles Horman.

Dinner Break—5:30 PM to 7:30 PM.

Plenary Session—7:30 PM.

Introductory Remarks.

Status of legislation on political refugees and violations of the U.S. State Department guidelines by the U.S. Embassy in Chile.

Plenary Session continued.

Report back from Workshops.

State and Regional Caucuses.

MONDAY, JULY 15TH

People's Lobby—10:00 AM.

Meetings with Senators, Congresspeople and the State Department.

Report back—3:00 PM.

News Conference and presentation of petitions will be scheduled.

NATIONAL

Harry Bridges, ILWU—Int. Longshoremens & Warehousemens Union.

Katherine L. Camp, Inter. V.P. Women's International League for Peace & Freedom.

Carl E. Farris, Farmer Labor Co-Ordinator, SCLC, Atlanta, Georgia.

Patrick E. Gorman, Sec-Tres. Amalgamated Meat Cutters & Butcher Workers of N.A. AFL–CIO.

Rev. Jesse L. Jackson, PUSH.

J. P. Morray, Chair. Fair Trial Comm. for Chilean Political Prisoners, Corvallis, Ore.

Pauline Rosen, Nat. Co-Ordinator, U.S. Comm., World Congress of Peace Forces.

Jarvis Tyner, Nat. Chair. YWLL.

Helen Winter, Communist Party, USA.

William Wipfler, National Council of Churches.

CHICAGO, ILL.

Paul Booth, Community Organizer.

Rev. Arthur Cullen Bryant, Augustana Lutheran Church.

Marion Calligaris, NCCTUAD.

John Chico, United Steel Workers of America.

*Richard Criley, Co-ordinator, Chicago Committee to Defend the Bill of Rights.

Rev. Martin Deppe, First United Methodist Church, Evanston.

Ernest DeMaio, Vice-President, United Electrical Workers Union.

Joan Elbert, CCCSLC, CALC.

Geoffrey Fox, Sociology Dept., University of Illinois, Secretary, AFT Local 1627.

Father G. G. Grant SJ, Associate Prof. of Philosophy, Loyola U., Member, Commission of Inquiry.

Sister, Teresina Grasso, Urban Apostolate of the Sisters.

Dorothy Hayes, Chicago Chairwoman, Womens International League for Peace and Freedom.

*John Hill, Executive Director, Alliance to End Repression.

Father William Hogan, Chicago CALC.

Lucille Johnson, American Federation of Government Employees, Recording Secretary.

Robert Johnston, Director, Region 4, UAW.

Sylvia Kushner, Executive Secretary, Chicago Peace Council.

Anna Langford, member, Chicago City Council, member, Commission of Inquiry.

Prof. Beatrice Lumpkin, Malcolm X Chicago Citizens Committee to Save Lives in Chile.

Rabbi Robert J. Marx, Congregation Sol-El, Highland Park, Illinois.

Rabbi Simeon Maslin, KAM Isiah Israel Temple.

Marcos Munoz, Unitarian Church, Wilmette.

Rev. Edgar Peara, Minister United Church, Wilmette.

*Dean Peerman, Managing Editor, Christian Century Magazine, member Chicago Commission of Inquiry.

A. A. Raynor, former alderman.

*Mark Rogovin, muralist, Public Art Workshop.

Norman Roth, President, UAW Local 6.

Augusto Sallas, Hispanic American Labor Council.

Richard Simpson, member, Chicago City Council.

Jack D. Spiegel, Lake States Director, United Shoe Workers, AFL–CIO–CLC.

Doris Strieter, Village Trustee, Maywood, Illinois, member, Commission of Inquiry.

Studs Terkel, author, WFMT–Radio.

Frank Teruggi, Sr., Local 16 Int'l Typographical Union, member, Commission of Inquiry.

Charlotte Walker, Chicago Area Committee to Defend All Political Prisoners.

Rev. Donald Wheat, Third Unitarian Church.

Jim Williams, Co-Editor, Labor Today.

INDIANA

Ola Kennedy, United Steel Workers Union, Gary, Indiana.

BAY AREA, NORTHERN CALIFORNIA

Rev. R. Kenneth Bell.

Ann Bennett, church woman, Berkeley.

John Bennett, President Emeritus, Union Theological Seminary.

Jean Bernardini, WILPF—San Jose.

Jaff Boehn, Editor, North California Labor, San Jose.

Lester Cole, Screen writer, San Francisco.

Prof. Richard Fagen, Stanford University, President-elect, Latin American Studies Association.

Msgr. James Flynn, Committee on Social Justice, Catholic Archdiocese of San Francisco.

Rudolfo Garcia, Chairman, Cannery Workers Committee.

Alice Hanburg, WILPF—Berkeley.

Fred Hirsh, Chairman, San Jose Emergency Committee.

Rev. Jack Isaacs, Sacred Heart Church, San Jose.

Ying Lee Kelley, City Councilwoman, Berkeley.

Eric Leenson, Berkley NICH.

James McLaughlin, Secretary-Treas.

Santa Clara County Labor Council President, Retail Clerks Inter. Assoc. Local 428.

Dan McQuercadale, Adviser, Santa Clara County.

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FTC MEMBER URGES END TO LABOR MONOPOLY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. CRANE. Mr. Speaker, the entire body of legislation which concerns American business and industry is, unfortunately, one sided.

This legislation places restraints upon business and industry in a number of different areas in order to maintain free and open competition and to prevent monopoly.

Yet, this same legislation places no similar restraints upon the practices of organized labor. Thus while it is illegal for General Motors, Chrysler, and Ford to set industrywide prices for their automotive products, it is not similarly illegal for the United Auto Workers to set industrywide wages.

Organized labor is, under our current legislation, permitted to have the very kind of monopoly position which business and industry is forbidden.

Discussing this unfortunate state of affairs Federal Trade Commissioner Mayo J. Thompson recently noted the effects of monopolistic labor unions in America today.

He declared:

> First they tend to redistribute income in a perverse way. Approximately 70 per cent of the price paid for all the goods and services produced and sold in America goes to labor as wages and salaries. This particular division of income between labor and capital—70 percent for the former and 30 percent for the latter—has remained substantially the same since the turn of the century, thus making it fairly clear that the coming of labor unions in the 1930's has not significantly raised labor's overall share of the national income pie. They have succeeded, however, in getting larger shares for their own members.

What these organizations are doing, Mr. Thompson notes, are "simply 'transferring' money from one group of workers to another, from the nonunion worker to the union man. Union members' wages are, in effect, subsidized out of the paychecks of the country's nonunion employees."

Mr. Thompson, discussing the monopoly power of many labor unions, concludes that—

> The time has come to start cutting back on the monopoly power wielded by the trade unions in this country, perhaps by subjecting those unions to a modified version of our current antitrust laws. It would make eminently sound economic sense, in my view, for example, to make it a violation of the antitrust laws for a single union to represent more than the employes of a single employer . . . I think industrywide bargaining ought to be outlawed on both sides of the table, with the individual employer confronting an opponent that exactly matches it in "size," namely, a union representing its own employes, not those of an entire industry or a whole industrial sector.

I wish to share with my colleagues excerpts from the important speech by Federal Trade Commissioner Mayo J. Thompson, presented on May 6 before the National Fluid Power Association in Palm Springs, Calif., and insert them into the RECORD at this time:

ROAD TO SOCIALISM: FIRST MONOPOLY, THEN NATIONALIZATION?

(By Mayo J. Thompson)

Let me begin my remarks by congratulating you on your choice of time and place for this meeting.

For those of you who aren't familiar with the work of the Federal Trade Commission, let me give you the traditional 60-second summary of the matter. The FTC enforces a group of statutes dealing with, in substance, two categories of commercial activity, monopolization and consumer deception. We are authorized by Congress to issue certain kinds of "rules" in the two areas of our alleged expertise and to haul offenders in for a full-scale hearing when we can't find a cheaper way to get them to stop whatever it is they're not supposed to be doing.

Now I want to pause at this point to tell you about a problem I have in my role as a member of a regulatory agency. My difficulty is that I don't really believe in government regulation of business. I took an oath to faithfully enforce the laws entrusted to our agency the day I was sworn in as a member of the FTC and of course I am going to do precisely that. And I even believe that most if not all of these laws our agency enforces are *necessary*. But they are, in my view, only a necessary evil and I approach the job of enforcing them with, I must confess, a heavy heart. Government regulation of business is a bad business, one that a man who loves his country ought to get involved in only for the gravest of reasons.

I had a grave reason for joining the Federal Trade Commission. I thought the country's economic system was being "regulated" to death. I thought we needed *less* regulation of business in America, not more. And I thought I might be able to make some small contribution in that regard by agreeing to serve on the FTC.

Modern economic society bears little resemblance to the model Smith saw in 18th century England. Powerful governments, through their own fiscal budgets and their control of national banking systems such as our own Federal Reserve Board, drive their aggregate money supplies up and down like so many yo-yos. Great corporations, many of them operating in scores of countries around the world, control such large segments of their respective markets that only the most romantic of observers still believe that every price in America is set by the "invisible hand" of Dr. Smith's mighty lever, competition. And the price of labor—the wages paid by those corporations—has not been determined by the forces of competition since the passage of our highly restrictive labor laws in the 1930s. Competition is far from dead in America but the prognosis for its future health, if our industrial experts are to be believed, is something less than completely bullish.

Consider the effect of monopolistic labor unions in the United States. First, they tend to redistribute income in a perverse way. Approximately 70% of the price paid for all the goods and services produced and sold in America goes to labor as wages and salaries. This particular division of income between labor and capital—70% for the former and 30% for the latter—has remained substantially the same since the turn of the century, thus making it fairly clear that the coming of labor unions in the 1930s has not significantly raised labor's *overall* share of the national income pie. They have succeeded, however, in getting larger shares for their *own members*. Roughly 25% of the country's total workers belong to a labor union and numerous scholars have found that workers belonging to some of the more powerful unions receive wages as much as 20% above those they would be receiving in the absence of the unions.* If labor as a *whole* is not receiving a larger income as a result of the coming of the unions, but the unions' own members *are* receiving more, then it is obvious that those organizations are simply "transferring" money *from one group of workers to another*, from the non-union worker to the union man. Union members' wages are, in effect, *subsidized* out of the paychecks of the country's non-union employees.

There is no mystery about how this little exercise in monopoly power operates. Prior to the coming of the union, the workers in a particular industry will usually be receiving a wage set by the free forces of the labor market, by supply and demand. A union is then organized and, under the threat of a strike, the employers in the industry will generally agree to raise wages by, let's say 20%. Since they obviously can't absorb such a wage hike out of profits, they have no choice but to *raise the price of the product they sell to the consumer*. Labor costs, like all other costs incurred by a business firm, are simply "passed on" to the consuming public, a group of people that, as noted, is 75% non-union. And since non-union workers are less affluent, on the average, than union members, it follows that every wage increase won by one of our more powerful labor unions has the effect of re-distributing income regressively—away from the relatively poor and toward the relatively affluent.

Nor can the dilemma created by the monopoly power of our labor unions be solved by simply unionizing all workers in the country and thus freeing all wages from the forces of the competitive marketplace. We already have an intolerable rate of inflation in the United States with only a fourth of the labor force unionized, a rate that reached the rather spectacular level of 8.8% in 1973 and that threatens to go even higher in 1974. With 100% of the country's workforce enjoying that kind of monopoly power, our inflation rate might well equal that of some of our less fortunate friends in South America, those whose prices increase by 25% to 50% year after year. A nation that allows its *economic* fabric to unravel at such a pace can hardly expect its social and political garments to hold firm over the long haul.

When our antitrust laws were first passed they were addressed to economic monopoly in all of its various aspects, including both corporate monopolies and labor monopolies. In time, however, Congress enacted a series of statutory provisions that substantially exempted labor from the reach of the antitrust laws. Today, it is lawful for a *single* labor union to exercise a complete monopoly over the total supply of labor to even the largest of our great industries and to use that power to exact any wage the firms in that industry can successfully "pass on" to the consuming public. The result, of course, is a continuing escalation of wages—and, in turn, of prices—in all of our industries with strong labor unions. Monopoly in the country's labor markets assures that prices will rise *faster than productivity* years after year and hence that we will continue to have an inflation problem into all of the foreseeable future.

Perhaps the most troublesome aspect of this problem, however, has to do with the link between inflation and unemployment. Since the annual rate of increase in productivity in the United States is approximately 3%, wages could increase by *that* amount each year without causing any inflation. But if some workers insist on getting wage increases of 10% or 12% every year, and if this produces an overall wage increase of, say, 8%, then the result will inevitably be an inflation rate of at least 5%. A 5% cut in the public's purchasing power means, of course, a comparable reduction in the *volume* of goods produced and thus in the number of workers the economy can *employ*. There is a limit, however, to the amount of unemployment the country will tolerate. Beyond some point on the unemployment scale—and that point is certainly a great deal lower than the 24.9% figure we had in the trough year of the Great Depression, 1933—the public can always be expected to demand that the government "do something."

In a democratic society like ours, such a demand by the public will sooner or later be heard in Washington and "something" will in fact be done. In the unemployment situation I've described here, the government invariably responds by opening up the money valves at the Federal Reserve Board and/or by running a deficit in the federal budget, keeping the floodgates open until the unemployment rate has dropped back to a politically tolerable level. By that time, however, the *inflation* rate will be rising even faster than before, thanks to all that new money the government has injected into the system.

We have here, in other words, a familiar boom-and-bust cycle. Wages push up prices. Then output starts to fall. To head off an unacceptable level of unemployment, the government injects enough new money to "cover" those higher wages and prices and thus prevent the worker lay-offs that otherwise would have been caused by that loss in consumer purchasing power. Injecting that new money into the system causes still more inflation. Workers then demand a new "catch-up" wage increase. Prices follow. And so the cycle continues, *ad nauseum*, with little prospect for *either* full employment or stable prices.

What does all this have to do with the Federal Trade Commission? We're the agency that—in theory, at least—is supposed to prevent this sort of thing from happening in America. We're supposed to see that the country's economic system is kept free of monopoly, that the economic rails are kept clear of all artificial obstructions. And we *try* to do our job. Our problem, however, is that we've been authorized to clean only *one* of the tracks in the country's two-rail economic system. We can and do investigate monopoly on the *corporate* side of the roadbed but monopoly on the *labor* side is off-limits to us.

Now this one-sided treatment of the monopoly problem in America would be bad enough if it all ended right there. But there's a little more to it. Most fair-minded people recognize the inconsistency and injustice of a law that makes a situation illegal if it is created by *one* group of people and perfectly lawful if it happens to be the work of some *other* group of people. Since labor unions are legally free to and do build up and exercise vast amounts of monopoly power in *their* markets, a lot of our citizens are unable to work up much enthusiasm for reducing whatever monopoly power might be found in our various product or corporate markets. Once the law has given its blessing to monopoly and all its wide ramifications in one area of our economic life, the temptation is very strong to give it a similar blessing in all other areas as well.

There was undoubtedly a time when the worker in America and elsewhere was denied a fair shake in the economic arena. Nobody has forgotten that we once had sweat-shops where even women and children worked 16 hours a day under grossly unsafe working conditions and for a wage that had been determined not by Adam Smith's "invisible hand" but by the very obvious will of a single monopolistic employer. But now the pendulum has swung much too far in the opposite direction. Many labor unions in the United States and in the other industrialized countries of the world clearly exercise a degree of monopoly power over the world's economies that is grossly inconsistent with the welfare of the great bulk of its citizens.

My conclusion, then, is that the time has come to start cutting back on the monopoly power wielded by the trade unions in this country, perhaps by subjecting those unions to a modified version of our current antitrust laws. It would make eminently sound economic sense in my view, for example, to make it a violation of the antitrust laws for a single union to represent more than the employees of a *single employer*. And to prevent evasion of that provision, the law might also declare it illegal for two or more such unions to agree or conspire with each other in the setting of wages. In short, I think industrywide bargaining ought to be outlawed on *both* sides of the table, with the individual employer confronting *an opponent that exactly matches it in size*," namely, a union representing its *own* employees, not those of an entire industry or a whole industrial sector.

Government regulation encroaches a little further each year, following the slow but

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*See, e.g., Albert E. Rees, *Wage Inflation* (National Industrial Conference Board, 1957), pp. 27–28.

steady march of monopoly. Like the buzzard circling a lame crow in a back pasture, government regulation pounces the moment the last breath of competition leaves the economic carcass. Unlike the buzzard's work, however, economic regulation is not a process that leaves a clean and healthy landscape in its wake. Creating more problems than it solves, it breeds ever more prevasive involvement of the government in economic affairs. New rules and regulations must be passed to solve the problems created by the *old* rules and regulations. The "final solution"? Nationalization. Public ownership of the country's major industries. The railroads. Airlines. Steel, Petroleum, Automobiles. The banks. Insurance, Communications.

It's called Socialism. The stuff it's made out of is called Monopoly. The antidote for both of these poisons is called Competition. The gift it brings is called Freedom. The price we have to pay if we want to keep it is called Responsibility.

A number of able economists of unquestioned personal loyalty to this country's free-enterprise system have expressed the view that the American economy is already past the "point of no return" on the road to government ownership of its key industries. They believe we *already* have so much monopoly in our major labor and product markets that it would be easier to simply go on and turn the whole thing over to the government than to undertake the tedious and difficult task of making competition pulse with life once more in all those dead or dying economic carcasses. I don't believe this. I don't believe this country's business community, for example, is going to let itself be outsmarted by the socialist professors we have running around our universities. I believe this country's businessmen will show the same kind of responsible leadership in whatever economic crises might lie ahead of us that they've shown over the past 200 years in making this great nation the economic marvel of the world that it is today. I believe they have the capacity and the sense of responsibility to understand and apply what I consider the key to this dilemma—the way to avoid government regulation of business is to see that there's no *need* for it in the first place. I believe, in short, that they will pay—and gladly—whatever price is required to keep our free-enterprise system free and pass it on, stronger than they found it, to their posterity.

Let me try to sum it all up this way: Competition can do some pretty rough things to your profits and perhaps give you an ulcer besides. But if you ever succeed in *eliminating* it from your industry, *you're beggin' for "regulation"* by the government and, ultimately, perhaps something even worse, government ownership on the British or other European model. Competition may be costly to your purse but economic freedom, as we all know only too well, is a bargain at any price.

My final message is this:

Monopoly is un-American. Show the flag in the fluid-power industry!

HIGH STACKS AND INTERMITTENT CONTROLS DO NOT ELIMINATE THE DANGERS OF TOXIC SULFUR OXIDE EMISSIONS FROM ELECTRIC POWERPLANTS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. BINGHAM. Mr. Speaker, the emission of toxic sulfur oxides from powerplant stacks poses a serious threat to public health and the environment. Many utilities contend that acceptable air quality can be maintained by the employment of techniques of high-stack dispersal and intermittent — or supplementary — control systems. These methods make emissions less intensive in the vicinity of powerplants and space emissions selectively according to ground-level air quality.

However, the adequacy and accuracy of high stacks and intermittent controls have been challenged by the Environmental Protection Agency, the American Public Health Association, and others. Compelling arguments have been made against utility reliance on these techniques. For example, while the debilitating health effects of air pollutants have been clearly demonstrated, technical capabilities of air safety evaluation which are necessary for these systems have not been satisfactorily achieved. Also, the degree of actual emissions is not reduced by these practices; acid sulfate aerosol clouds which are formed when sulfur oxides are emitted may drift to even greater areas than before. Furthermore, the use of intermittent controls makes plant operation unreliable, as variations in the weather necessitate periodic shutdowns. Considering these problems in light of the stagnant humid air we have been experiencing here in Washington certainly reduces confidence in the adequacy of these controls to protect human health.

Only a pollution control technology which removes toxic elements from coal before emission can adequately insure public safety. Flue gas desulfurization—FGD—is presently the only commercially available process of this kind. The adoption of half-measures like high stacks and intermittent controls serves to evade air quality standards and invites further delay in the perfection and installation of FGD systems.

For the benefit of my colleagues and other readers of the RECORD, I include herewith excerpts from the following readings dealing with high-stack dispersal and intermittent controls: an EPA study entitled "Status Report on Sulfur Oxides"; testimony in March by EPA Administrator Russell Train before the House Subcommittee on Agriculture—Environmental and Consumer Protection; testimony in May by Dr. Bertram W. Carnow before the Senate Subcommittee on Environmental Pollution; testimony in May by attorney Richard E. Ayres of the Natural Resources Defense Council before the Senate Subcommittee on Environmental Pollution; and a report of the American Public Health Association's Task Force on Energy entitled "Health Effects of Energy Systems."

The articles follow:

STATUS REPORT ON SULFUR OXIDES

(By J. F. Finklea, D. B. Turner, G. G. Ackland, R. I. Larsen, Victor Hasselblad, and S. D. Shearer)

Fuel oils and coals contain varying amounts of organic and inorganic sulfur that is oxidized to sulfur dioxide or sulfur trioxide during combustion. In the atmosphere these oxides are transformed into acid sulfate aerosols including sulfuric acid and sulfate salts that may be transported for long distances. Acid sulfate aerosols cause adverse effects on human health, vegetation, materials and visibility. Acid aerosols are especially vexing respiratory irritants because their small particle size allows deep penetration into the lung. Sulfates of natural origin, from soil or sea spray, are probably larger, less irritating particles.

Adverse effects on public health include aggravation of asthma, increases in deaths and aggravations of illness among the elderly and infirm. Healthy individuals can also be adversely affected as they will experience substantial increases in the frequency of chronic bronchitis symptoms and the occurrence of acute lower respiratory infections.

Recent reductions of sulfur dioxide emissions in major cities have not controlled urban levels of acid sulfate aerosols. Local urban sources of acid sulfate aerosols may be well controlled but imported acid sulfate aerosols arising from increasing emissions of sulfur oxides from distant power plants that burn high-sulfur fuels are now intruding into northeastern urban areas.

Massive conversion of urban power plants to high sulfur fuels or unrestricted use of tall stacks and supplementary control systems can greatly aggravate the acid sulfate aerosol problem. Flue gas desulfurization, cleaner fuels or modified combustion processes will be required to control the acid aerosol sulfate problem. Expected growth in coal fired steam electric power generation must be accompanied by increased availability of cleaner fuels or widespread use of effluent controls to avoid further aggravation of the acid sulfate aerosol problem. Likewise, equipping the majority of light duty motor vehicles with oxidation catalysts would measurably increase human exposure to acid sulfate aerosols. Control of these mobile source emissions may prove mandatory if public health is to be protected.

Long distance transport of aerosols is scientifically plausible, consistent with geographical emissions patterns and supported by complementary types of evidence.

Atmospheric turbidity is greatest over the eastern United States but increases in turbidity the immediate proximity of cities or sources. Turbidity is largely due to aerosols.

Acid rainfall shows both localized "hot spots" that correspond to increased emissions and generalized patterns that indicate long distance transport.

Recent University studies show acid sulfate aerosols may impact a large area of the Mississippi Valley in summer.

Urban and non-urban National Air Sampling Network stations show elevated annual average sulfate levels in the area bounded by Chicago, Boston, Washington and Cincinnati.

Urban and non-urban acid sulfate aerosol levels in ambient air will be increased at the rate of one to six percent per year if these plants remain uncontrolled or if they rely upon tall stacks during periods of good dispersion and fuel switching during periods of poor dispersion.

A more rational course for the next decade is to utilize coal cleaning, fuel blending and flue gas desulfurization so that the sulfur oxides problem will not worsen.

Current urban sulfate exposures are high enough to aggravate existing respiratory illnesses and to increase mortality on the worst few days each year.

With limited coal conversion up to 50 more days each year would exceed the mortality threshold. With full conversion up to 150 more days would exceed this level.

In residential areas the expected increases in annual average sulfate exposures over a 10 year period could cause chronic respiratory disease to increase by 20 to 150 percent in non-smokers and as much as 50 percent in smokers. Lower respiratory disease in children would increase by 10 to 70 percent. Again, these estimates are not precise.

WHAT IMPORTANT CAVEATS MUST BE KEPT IN MIND?

Interpretations of historical trends in emissions and air quality are hampered by a very limited data base. Indeed, our current monitoring systems for sulfur dioxide, suspended sulfates, strong acids, precipitation chemistry, trace metals, ammonia and hydrocarbons are not adequate enough to answer pertinent questions about the origin, transformation and removal of sulfur oxide air pollutants. Simultaneous monitoring in urban, suburban and rural settings is required.

Current measurements of suspended sulfates serve as a useful proxy for acid sulfate aerosols but measurements that delineate particle size and chemical composition are required for sulfur compounds and other aerosol components. Aerosols of natural and anthropogenic origins must be characterized and differentiated.

The mechanisms and rates for the transformation of sulfur dioxide to acid sulfates aerosol in plumes and in the atmosphere are not well understood. Plumes from controlled and uncontrolled indutsrial and power plant combustion sources should be studied.

Predictive models which will give needed precision to estimates of long range transport and the influence of emission height must be developed.

More soundly based dose response functions for the adverse effects on public health and welfare must be developed. Interlocking clinical epidemiologic and laboratory animal studies are required to reduce scientific uncertainties about adverse health effects. Carefully designed studies of plant damage, material degradation, visibility impairment and climatic changes are required to develop reasonable damage functions for adverse effects on the public welfare.

Control technology research must be enhanced in ways previously discussed and the societal and environmental impacts of these controls carefully considered.

Sound societal judgments can be based only on a sound scientific information base. Failure to acquire the needed information will lead to needless discord and likely to one or more national economic or public health tragedies.

Testimony by Russell Train, Administrator of Environmental Protection Agency, Before House Subcommittee on Agriculture—Environmental and Consumer Protection, March 13, 1974

Mr. Whitten. I have in front of me information, from Mr. Wagner, which I requested. Mr. Wagner is Chairman of the Board of the Tennessee Valley Authority, to which a big part of the south-central part of the United States must look for power. He takes strong exception to demands by you and your agency.

Now, I have been talking as a layman up here, but here is a man running one of the biggest power companies in the world, and who has reason to know what he is talking about, and yet you are matching your power against his knowledge. Who do you think is going to win?

Mr. Train. Well, we are going to see. We are in extensive communication with Mr. Wagner. I was down there some while ago. I made a tour of the Tennessee Valley Authority facilities, the strip mining problems associated with the operation, with Mr. Wagner some months back, and we are setting up a meeting at the present time for Mr. Wagner and myself to get together to talk out some of these problems.

What he is talking about here is two different approaches to sulfur oxide emission control.

He believes that the proper way to get at control is through the use of what we call intermittent control devices or supplemental control devices. EPA very strongly believes that we should be constantly, steadily moving toward constant control devices.

Supplemental control devices provide only for the dispersion of pollutants and do not provide for an actual reduction in pollutants.

The ambient air quality standards are met by measurements at ground level, or approximately ground level, in the vicinity of a plant.

One of the intermittent control techniques for meeting such standards is to build higher smokestacks, and that would probably be the most common.

That means putting the point of emission higher up in the air, and you do in fact get less measurable sulfur oxides and other pollutants at the point of measurement in the vicinity of the plant at ground level, so that technically, and in fact, ambient air quality standards are met. But you do not get any reduction of total pollution.

Mr. Andrews. Don't you just spread the same amount of pollutants over a greater area, and in essence what you are doing is lowering the load per square yard, but you are spreading that same amount out over a greater area, so that people 5 miles away from the plant are getting pollution, whereas before they would not get any?

You are not, by that method, then really lowering the pollutants discharged?

Mr. Train. You are not reducing the total atmospheric loading of the pollutant.

Now, this is a technique which is widely used in Europe, and was given to rise by the fair amount of political exchange because while in the United Kingdom, SO_x goes up tall stacks, it tends to come down in Germany or in Scandinavia, and it has in fact given rise to a good deal of friction among political entities.

We do not have quite that same political problem.

Testimony by Dr. Bertram Carnow Before the Subcommittee on the Environment, May 6, 1974, of the Senate Committee on Public Works

Rather than a standard-by-standard appraisal of the existing EPA regulations, it might be more useful to direct the Subcommittee's attention to four significant health hazards which have not been considered in the current standards. These include respirable particulates (those less than 5 microns in size), air borne carcinogens, toxic metals and derivatives of sulfur dioxide, namely acid sulfates and sulfuric acid aerosols. Ambient air quality standards do not exist for any of these materials despite the fact that there is strong scientific evidence that they jeopardize human health. The air pollution-lung cancer study noted above and studies examining SO_2, sulfates, and acid aerosols, moreover, find correlation between variations of levels of these pollutants and of mortality and morbidity rates. I recognize that some of the analytical and monitoring equipment is not fully developed. However, in some areas, particulate sizing and monitoring of many air borne carcinogens such as benzo(a)pyrene and trace metals can and should be measured so that better quantitative assessment of their health impact can be made, even though it appears that development of standards are some years away. Since they are recognized at least qualitatively as hazardous materials, strict control of fuel sources and combustion methods must be maintained in the interim. Mass conversion to high sulfur coal for urban energy production without stringent control procedures will unquestionably result in increased illness, disability, and death among urban dwellers, particularly those with heart and lung disease.

I should like now to turn to another area of concern, namely the nature of pollution control procedures.

There appears to be a trend toward adopting high stacks and directed plumes (intermediate control strategies) as a major pollution control strategy. It has been suggested that the use of this method of dispersion during non-inversion periods represents a reasonable method for disposing of SO_2 and particulate air pollutants, particularly the former. There is mounting evidence to suggest that this would be a very poor strategy.

Acid sulfates and sulfuric acid are more toxic than sulfur dioxide itself. They are formed in large quantities in the air from emitted SO_2. Recent evidence suggests that high stacks lead to the formation of stable clouds of these toxic substances. Thus, rather than diffusing and dissipating these materials, this strategy may actually *increase* the stable concentrations of these more harmful pollutants and, indeed, may affect much larger populations than those in the urban areas where the pollutants are developed. There appears to be good evidence that large cloud masses of these agents are present over the Northeastern United States, so that even those in rural areas are now being exposed to significant levels of toxic SO_2 derivatives. This effect may prevail even though SO_2 levels near the ground are decreasing. This phenomenon may be true with other toxic materials, also.

A substance like lead, for example, which is immutable and does not disappear, is also emitted from the stacks, and while it may be diffused, it ultimately reaches the ground and remains there. In addition, where a significant number of these stacks are present in a relatively small area, the result is one of blowing dirty air from one place to another.

Considerations of technical feasibility and reliability aside, the high stack, directed plume strategy is best labeled as an epidemiological gamble. At stake, of course, is human disease and death. I therefore suggest that federal dollars might be better allocated toward elimination of these pollutants by other devices, the use of cleaner fuels, more complete combustion methods, and the exploration of new methods for producing clean energy.

Testimony by Richard E. Ayres Before the Subcommittee on the Environment of the Senate Committee on Public Works, May 16, 1974

TALL STACKS AND INTERMITTENT CONTROLS

In the earlier part of the week, you heard utility and copper company executives endorse the shopworn concept of "dispersion enhancement"—tall stacks and intermittent controls ("ICS")—as an alternative to emission controls. There is nothing novel about this request. The 1967 Clean Air Act allowed dispersion. But in 1970, you decided, wisely in my view, that only emission limiting measures would protect the public. The issue was thoroughly debated then, and nothing has changed that would alter your judgment. Indeed, the increasing understanding of the way stationary source emissions damage humans and the biosphere—the acid sulfate aerosol phenomenon—confirms and strengthens the correctness of your judgment.

Meanwhile, the other objections to dispersion enhancement techniques—especially intermittent controls—remain as potent as ever. Dispersion techniques are neither reliable nor enforceable. ICS effectively transfers the control over whether standards are met to the polluter, since it is essentially impossible for a control agency to supervise the hundreds of individual curtailment or switching decisions that must be made each year to make it work. ICS also amounts to a means of shifting the costs of pollution control from the polluter to the workers at the plant and the public at large. None of the corporate witnesses who have appeared before you, I notice, have given you an estimate of the cost, in terms of lost wages, their workers would pay from production curtailment in response to stagnant air. Nor have they told you that the Puget Sound Air Pollution Control Authority, one of the few agencies with any experience policing an ICS system, estimates that it spends $160,000–$200,000 a year in the effort. In most State agencies this would represent a sizable portion of the entire air pollution control budget.

I should add that your decision against dispersion enhancement in 1970 has recently been upheld in ringing tones by the Fifth Circuit Court of Appeals, which found that dispersion techniques violated both the specific requirements of Section 110 of the Act and the policy of non-deterioration contained in Section 101, ***NRDC et al.* v. *EPA*,** 489 F.2d 390, 6 ERC 1248 (5th Cir., Feb. 8, 1974).

HEALTH EFFECTS OF ENERGY SYSTEMS

The earliest studies measured pollution in terms of sulfation rates and particulate fallout. Presently, modern monitoring equipment and methods measure the sulfur dioxide levels and suspended particulate levels in the air. We then use the sulfur dioxide and suspended particulate levels as indices fo air pollution.

Suspended particulates include an extremely large class of materials of various sizes and compositions. Most epidemiologic studies and many toxicologic studies measure only the total particulate weight. Particle size is a critical factor in assessing and locating effects on the respiratory system (T. F. Hatch and P. Gross, "Pulmonary Deposition and Retention of Inhaled Aerosols," Academic Press, 1964). Particles, if not intrinsically toxic, may absorb toxic materials or interfere with the clearance of other toxic agents from the respiratory tract. Small particles in the micron size range (a micron is one-millionth of a meter) are the most dangerous, even though they contribute insignificantly to the total particle weight, because they penetrate deeply into the lung.

Therefore, particulate sizes are crucial in the use of particulates as an index. Recently developed chemical techniques make it possible to use particles of specific composition as a parameter in epidemiologic studies (e.g., sulfate particle size descriptions in EPA's CHESS program). The use of such techniques is very important because the observed relationships that have been established between total particle concentration and health conditions (e.g. EPA, Air Quality Criteria for Particulate Matter, 1969) will depend on the proportion of fine particulates in the total mass suspended in air. Since emission control devices remove large particulates to a greater degree than fine, stacks using these devices may be expected to release an increased proportion of the fine. The mix of pollution in the air will then be changed, with corresponding implications for change in health conditions and for change in the index (i.e. particle size distribution) or indices used for measuring the critical characteristics of the mix.

It might be argued that containment of large particles is at least a step in the right direction, but we could deceive ourselves if we assume it is safe to increase fuel combustion because our indexes show a decrease in particulates by weight when, in fact, we are increasing the concentrations of the fine particles, presumably the most harmful.

Although many important small particulates seem to be composed of sulfates, which may be emitted directly from a stack, most seem to form in the chemistry of emissions released to the air. Sulfur dioxide is oxidized by photochemical and catalytic processes to form sulfuric acid mist and sulfate particles. As iron, manganese, and vanadium are important catalysts, trace concentrations of these materials in the fuels themselves, their use as fuel additives, or their presence in the air from other sources can influence biologic processes adversely. As temperature, humidity and sunlight also affect the composition of the mix the same emissions in different climates or micro-climates can affect health differently. Recent evidence from laboratory studies (M. Amdur, NAPCA, 1969; C. McJilton et al., Science, *182:* 503–04, 1973) and epidemiological studies (EPA CHESS program) indicate that sulfate particulates may be the chief agents of stress in a reducing smog. The primary components of the soluble particulates in the 1948 episode in Donora, Pennsylvania, were zinc ammonium sulfate and zinc sulfate. A recent analysis of sulfate levels in the U.S. (A.P. Altshuller, *Environmental Science and Technology,* 7:709, 1973) describes geographical distribution of sulfates and the varying relationship between sulfates and SO2. Measurements in the Philadelphia area indicated that suburban sites on average had sulfate levels half as high as central city sites. The author found evidence that some of the suburban sulfates could have come from transport and conversion of SO2 from urban sources. An ominous finding was background levels of sulfate of 5 μg/m3 at rural sites. This level is only about 25 percent to 50 percent below levels associated with excessive morbidity in some populations. Like the suburban sulfates, these rural sulfates were attributed to transport of SO2 from distant urban sources.

The established relationships of pollution indexes to health will change as the pollution mix changes. Our present inability to predict effects of these changes to our satisfaction comes from incomplete understanding of the combination of agents which attack public health and a dearth of information on disease processes they generate. Such understanding and information depends on continued research aimed at uncovering these factors, so vital to rational decisions on energy policies.

CONGRESSMAN ICHORD'S VOTING RECORD

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. ICHORD. Mr. Speaker, there is much talk about the people's right to know and today, as never before, the people are demanding, and rightly so, that their elected officials be accountable to them. For far too long secrecy, deception, and concealment have been allowed to cast their shrouds over American politics. The American people are coming to demand the facts and open, honest knowledge of the activities of their elected representatives. I welcome this development as one of the most healthy trends American politics has seen in a long time, and view in this reawakened public interest the retrieval of what is good in a democratic political system.

Democracy becomes easily corrupted through apathy as this Nation has learned from bitter experience. It has come time to purge our laws and politics of loopholes, special interest collusion, double dealing, and general ineptness. The only effective way that this can be done is through the electoral process. The voter bears the right and responsibility of continually demanding public accounting from his government and to constantly compare that knowledge with his own personal tests of good government.

In this regard it has been my practice since I first entered public life to make my record openly and completely known to the Missourians I represent. While I realize that the diversity of my district and the complexity of its interests and pursuits make it impossible to please everyone on every vote on every issue, my voting record represents a sincere attempt to represent the public interest. On every vote I review the letters sent to me by my fellow Missourians, study the facts on both sides of the issue, and judge to the best of my ability what is best for my district, State, and Nation.

During the 93d Congress, 1st session there were 307 yea and nay votes, 185 quorum calls, and 234 recorded teller votes for a grant total of 726 rollcalls. I responded to these rollcalls 86.7 percent of the time. On actual votes on passage of legislation I responded an average of 86.8 percent of the time. During the current 2d session of the 93d Congress up through June 6—the last day of the 93d Congress covered by this compilation—there were 112 yea and nay votes, 89 quorum calls, and 76 recorded votes for a grand total of 280 rollcalls. I responded to these rollcalls 91 percent of the time. On actual votes on passage of legislation I responded an average of 93.5 percent of the time. Many of the votes or quorum calls I missed were due to my presence in meetings of the House Committee on Internal Security which I chair and which has the authority to meet while the House is in session. Additionally, a few unavoidable absenses caused me to miss a substantial number of rollcall votes which unfortunately significantly lowered my overall percentage response to rollcalls during the 93d Congress, 1st session. For instance, on December 14, 1973, my presence in Missouri to keep a long standing commitment caused me to miss 24 rollcall votes.

I should also like to state that my votes to sustain the Presidential spending vetoes during the 93d Congress, 1st session were in keeping with a commitment that I made to my constituents on April 17, 1973. At that time I stated that before the Federal Government can rationally determine spending priorities and put an end to irresponsible deficit spending which is the principal cause of inflation and our serious monetary problems, Congress is going to have to adopt effective budgetary and appropriations procedures. I made a commitment to my constituents to not override any Presidential spending vetoes until a spending limitation has been established by Congress and effective steps taken to put an end to deficit spending. However, now that the House has given final approval to the Congressional Budget and Impoundment Control Act, I am hopeful that we are finally headed toward a system of rational congressional budgetary procedures.

The following listing represents my votes on the major and controversial legislation of the 93d Congress excluding procedural and routine votes and votes dealing solely with the congressional responsibility for governing the District of Columbia. This compilation is made available to my constituents in the hope that they will study it carefully and have adequate information to determine in their own minds the nature of my voting in the House of Representatives:

93D CONG., 1ST SESS.

Bill No.	Description	My vote
H. Res. 132	A resolution to create a special committee to study the organization, power and duties of the standing committees of the U.S. House of Representatives. (Passed 282 to 91.)	Yea.
H.R. 2107	A bill to direct the Secretary of Agriculture to spend the full $225 million appropriated for the rural environmental assistance program for fiscal 1973 after the Secretary of Agriculture's announcement in December that no new commitments would be made under REAP for the remainder of the fiscal year. (Passed 251 to 142.)	Yea.
H.R. 1975	A bill to improve the emergency loan program under the Consolidated Farm and Rural Development Act, to offer loan assistance for disaster relief to farmers and ranchers at 5 percent interest and for other purposes. (Passed 269 to 95.)	Yea.
H. Res 256	A resolution creating a select committee to investigate all aspects of crime affecting the United States. (Passed 317 to 75.)	Yea.
H.R. 3298	A bill directing the Department of Agriculture to immediately reinstate funding for the rural water and sewer grant program as provided under the Consolidated Farm and Rural Development Act. (Passed 297 to 54.)	Yea.
H.R. 4278	A bill to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for the fiscal year ending June 30, 1973, as amended. (Two-thirds required.) (Passed 352 to 7.)	Yea.
H.J. Res. 393	A joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the financing of Postsecondary Education and the period within which it must make its final report. (Two-thirds required.) (Passed 332 to 29.)	Yea.
H. Res. 259	A resolution to amend the Rules of the House of Representatives to strengthen the requirement that committee proceedings be held in open session. (Passed 371 to 27.)	Yea.
H.R. 17	A bill to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to states for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes. (Passed 318 to 57.)	Yea.
H.R. 71	An omnibus bill to strengthen and improve the Older Americans Act of 1965 by increasing appropriations for a variety of programs, training and social senters, jobs and special impact demonstrations and model projects for the elderly and to upgrade the Administration on Aging, establish a Federal Council on Aging and create a National Information and Resource Clearinghouse for the Aging and for other purposes. (Passed 329 to 69.)	Yea.
S. 583	A bill to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the rules of evidence for U.S. Courts and magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on Nov. 20, 1972, ordered the Chief Justice to transmit to the Congress. (Passed 399 to 1.)	Yea.
H.R. 2246	Final passage of a bill to extend the Public Works and Economic Development Act of 1965 through fiscal year 1974 and to provide $430 million in Federal assistance during fiscal 1974 for state and regional economic planning. (Passed 276 to 2.)	Absent.
H. Res. 285	A resolution providing funds for investigations and studies by the Committee on Public Works. (Passed 372 to 9.)	Yea.
H.R. 5446	A bill to extend the Solid Waste Disposal Act, as amended, for 1 year and provde authorizations of $238.5 million for fiscal 1974 for waste disposal grants and projects and to construct solid waste disposal facilities. (Passed 392 to 2.)	Yea.
H. Res. 308	A resolution providing funds for investigations and studies by the Committee on Internal Security. (Passed 289 to 101.)	Yea.
H.R. 5445	A bill to extend the Clean Air Act, as amended, for 1 year and provide authorizations of $475 million for clean air research and programs. (Passed 387 to 1.)	Yea.
H.R. 5293	Final passage of a bill authorizing continuing appropriations for the Peace Corps. (Passed 329 to 64.)	Nay.
H. Res. 330	A resolution endorsing the President's ocean policy statement of May 23, 1970, as a basis for U.S. participation at the Law of the Sea Conference sponsored by the United Nations. (Two-thirds required.) (Passed 303 to 52.)	Nay.
H.R. 3577	Final passage of a bill which would extend the interest equalization tax for 15 months through June 30, 1974, in order to assist in correcting the balance of payments position of the United States. (Passed 396 to 18.)	Yea
H.R. 5683	A bill to amend the Rural Electrification Act of 1936, as amended, to establish a rural electrification and telephone revolving fund to provide adequate funds for rural electric and telephone systems through insured and guaranteed loans at interest rates which will allow them to achieve the objectives of the act, and for other purposes. (Passed 317 to 92.)	Yea.
H. Res. 340	A resolution authorizing additional investigative authority to the Committee on Interior and Insular Affairs. (Passed 281 to 70.)	Yea.
H.R. 3180	A bill to amend Title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes. (Passed 354 to 49.)	Yea.
S. 398	Final passage of a bill to extend and amend the Economic Stabilization Act of 1970, until Apr. 30, 1974, which provides for wage and price controls. (Passed 267 to 115.)	Yea.
H.R. 3932	A bill to provide that appointments for the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, and for other purposes. (Passed 229 to 171.)	Yea.
	President Nixon vetoed the measure and the House failed to override the veto by the necessary two-thirds. (Defeated 236 to 178.)	Yea.
H.R. 6388	A bill to amend the Airport and Airway Development Act of 1970 to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958 to prohibit certain state taxation of persons in air commerce; and for other purposes. (Passed 386 to 16.)	Yea.
H.R. 982	A bill to amend the Immigration and Nationalization Act to make unlawful to knowingly employ aliens who have not been lawfully admitted for permanent residence, or who are not otherwise authorized by the Attorney General to work while in the United States. (Passed 297 to 63.)	Yea.
H.R. 4967	A bill to authorize appropriations for the Indian Claims Commission for the fiscal year 1974, and for other purposes (Two-thirds required.) (Passed 336 to 8.)	Yea.
H.R. 6574	A bill to amend Title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under servicemen's Group Life Insurance for such members and certain members of the Retired Reserve, and for other purposes. (Two-thirds required.) (Passed 342 to 1.)	Yea.
H.R. 2828	A bill to amend Title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes. (Two-thirds required.) (Passed 340 to 1.)	Yea.
H.R. 29	A bill to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the fund due to increases in benefits for postal employees, and for other purposes (Two-thirds required.) (Passed 344 to 0.)	Yea.
H.R. 5451	A bill to amend the Oil Pollution Act, 1961 (75 Stat. 402), as amended, to implement the 1969 and 1971 amendments to the International Convention for the Prevention of the Pollution of the Sea by Oill 1954, as amended and for other purposes. (Two-thirds required.) (Passed 370 to 1.)	Yea.
H.R. 7445	A bill to extended the Renegotiation Act of 1951 for 2 years to allow the Renegotiation Board to determine if contractors with the Federal Government are deriving excessive profits and to provide for redress to the Federal Government in those instances where excessive profits are made. (Passed 388 to 0.)	Yea.
H.R. 6370	A bill to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any deposit or account on which any interest or dividend is paid to authorize Federal Savings and Loan Associations and national banks to own stock in and invest in loans to certain State housing corporations, and for other purposes. (Passed 376 to 4.)	Yea.
S. 394	Final passage of an act to amend the Rural Electrification Act of 1936, as amended, to reaffirm that such funds made available for each fiscal year to carry out the programs provided for in such act be fully obligated in said year, and for other purposes. (Passed 363 to 25.)	Yea.
H.R. 6768	A bill to provide for participation by the United States in the United Nations environmental program, and to authorize not more than $10 million for such purpose. (Passed 266 to 123.)	Nay.
H.R. 5777	A bill to protect hobbyists against the reproduction or manufacture of certain imitation hobby items and to provide additional protections for American hobbyists. (Passed 382 to 7.)	Yea.
H.J. Res. 512	A joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages, to extend authorizations under laws relating to housing and urban development and for other purposes, as amended. (Passed 357 to 1.)	Yea.
H.R. 6717	A bill to amend Section 210 of the Flood Control Act of 1968 to clarify which facilities and recreational areas may charge users fees. (Passed 307 to 90.)	Yea.
H.R. 7200	A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to Part I of the Act, and for other purposes. (Passed 387 to 5.)	Yea.
H.R. 7528	A bill to authorize $3,073,500,000 in appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. (Passed 322 to 73.)	Nay.
H.R. 3298	President Nixon vetoed the measure and the House failed to override the spending veto by the necessary two-thirds. (Defeated 225 to 189.)	Nay.
H.R. 6912	Final passage of a bill to amend the Par Value Modification Act to establish a new par value for the dollar, to authorize appropriations to international development lending institutions, and to allow the President to repeal prohibitions against private ownership of gold when he determines that it will not adversely object the monetary position of the United States. (Passed 322 to 59.)	Yea
H.R. 7806	A bill to extend through fiscal year 1974 certain expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes. (Passed 372 to 1.)	Absent.
H.R. 7724	A bill to amend the Public Health Service Act to establish a national program of biomedical research fellowships, traineeships, and training to assure the continued excellence of biomedical research in the United States, and for other purposes. (Passed 361 to 5.)	Absent.
H.R. 8070	Final passage of a bill to authorize increased federal grants to state programs of vocational rehabilitation and to improve the administration of the program. (Passed 400 to 0.)	Yea.
H.R. 7935	Final passage of a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act and for other purposes. (Passed 253 to 152.) The measure was vetoed by the President.	Yea.
	A two-thirds vote was required to override the veto. (Defeated 259 to 164.)	Yea.
H.R. 7446	Final passage of a bill to establish the American Revolution Bicentennial Administration, and for other purposes. (Passed 357 to 34.)	Yea.
H.R. 8410	A bill to continue the existing public debt limit of $465 billion through Nov. 30, 1973, and for other purposes. (Passed 261 to 152.)	Nay.
H.R. 8619	Final passage of a bill making appropriations for agriculture, environmental, and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes. (Passed 348 to 24.)	Yea.
H.R. 8152	A bill to amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice and for other purposes. (Passed 391 to 0.)	Yea.

93D CONG., 1ST SESS.—Continued

Bill No.	Description	My vote
H.R. 689	A bill to amend Section 712 of Title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection. (Two-thirds required.) (Passed 399 to 0.)	Yea.
H.R. 6129	A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the trust territory of the Pacific Islands. (Two-thirds required.) (Passed 387 to 14.)	Yea.
H.R. 7127	A bill to amend the act of October 15, 1966, (80 Stat 915), as amended, establishing a program for the preservation of additional historical properties throughout the Nation, and for other purposes. (Two-thirds required.) (Passed 385 to 16.)	Yea.
H.R. 7284	A bill to establish an independent Legal Services Corporation to provide legal services in certain civil cases to the poor as substantially amended to prohibit the employees of the corporation from engaging in political activities, civil disturbances, or any illegal activity; to prohibit legal services to those who refuse to seek or accept employment; and to prohibit the corporation from accepting cases dealing with school desegregation; military amnesty or abortion. (Passed 276 to 95.)	Yea.
H.R. 8510	A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. (Passed 364 to 6.)	Yea.
H.R. 8825	Final passage of a bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain related agencies, board, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes. I voted against the original bill. (Passed 401 to 9.)	Absent.
H.R. 8662	A bill to authorize appropriations to the Atomic Energy Commission in accordance with Section 261 of the Atomic Energy Act of 1954, and for other purposes. (Passed 398 to 4.)	Yea.
H.R. 8877	Final passage of a bill making appropriations for the Departments of Labor, and Health, Education and Welfare and related agencies, for the fiscal year ending June 30, 1974, and for other purposes. (Passed 371 to 33.)	Yea.
H.R. 4200	A bill to amend section 122 of the Internal Revenue Code of 1954, to continue the same tax treatment for servicemen, and former servicemen, of the United States under the recently enacted survivor benefit plan as was formerly available for them under the retired serviceman's family protection plan in the case of survivor annuities. (Passed 402 to 0.)	Yea.
H.R. 7447	Vote of presidential spending veto on a bill making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes. (Two-thirds required to override.) (Defeated 241 to 173.)	Nay
H.R. 8917	Final passage of a bill making appropriations for the Department of Interior and related agencies for the fiscal year ending June 30, 1974, and for other purposes. (Passed 385 to 14.)	Yea.
H.R. 8947	Final passage of a bill making appropriations of $4,749,403,000 for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration, and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1974, and for other purposes. (Passed 373 to 9.)	Yea.
S. 1636	A bill to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes. (Passed 335 to 71.)	Nay.
H.R. 8916	Final passage of a bill making appropriations for the Department of State, Justice and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes. (Passed 394 to 11.)	Nay.
S. 504	Final passage of a bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services system. (Passed 306 to 111.)	Yea.
H.R. 6078	A bill to include inspectors of the Immigration and Naturalization Service of the Bureau of Customs within the provisions of Section 8336(c) of Title 5, United States Code, relating to the retirement of certain employees engaged in hazardous occupations, and for other purposes. (Two-thirds required.) (Passed 296 to 123.)	Nay.
H.R. 8949	A bill to amend title 38 of the United States Code relating to basic provisions of the loan guaranty program for veterans to separate the Veterans' Administration's housing program from the FHA expiring deadlines and confer on the Administrator of Veterans' Affairs authority to set interest rates for the VA home loan program, thus giving back to the VA full authority over the GI home loan program. (Two-thirds required.) (Passed 412 to 3.)	Yea.
H.R. 9048	A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery, as amended. (Two-thirds required.) (Passed 421 to 0.)	Yea.
S. 2120	A bill to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations, and for other purposes, as amended. (Two-thirds required.) (Passed 409 to 7.)	Yea.
H.J. Res. 542	A joint resolution limiting and defining the war powers of Congress and the President. (Passed 244 to 170.)	Yea.
	The measure was vetoed by the President. Two-thirds was required to override the Presidential veto. (Passed 284 to 135.)	Yea.
H.R. 8860	A bill to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices. (Passed 226 to 182.)	Yea.
H.R. 8538	A bill to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities and for other purposes. (Passed 363 to 14.)	Absent.
H.R. 5356	A bill to regulate interstate commerce to protect health and the environment from hazardous chemical substances. (Passed 324 to 73.)	Absent.
H.R. 8480	A bill to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to cease such impounding, and to establish for the fiscal year 1974 a ceiling on total Federal expenditures. (Passed 254 to 164.)	Yea.
S. 1423	Final passage of a bill to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services. (Passed 256 to 155.)	Yea.
H.R. 9360	A bill to amend the Foreign Assistance Act of 1961 to revise the U.S. bilateral economic assistance program and to authorize $2.834 billion in foreign economic and security assistance for fiscal 1974. (Passed 188 to 183.)	Nay.
H.R. 9474	A bill to amend title 38 of the United States Code to grant a 10-percent cost-of-living increase to veterans, widows, and children receiving nonservice-connected pensions, and dependent parents receiving dependency and indemnity compensation, and for other purposes. (Two-thirds required.) (Passed 385 to 0.)	Yea.
H.R. 9286	A bill to authorize appropriations of $21,394,997,000 during the fiscal year 1974 for procurement of aircraft, missiles, naval tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selective Reserve of each Reserve component of the Armed Forces, and the military training student loans, and for other purposes. (Passed 367 to 37.)	Yea.
H.R. 9130	A bill to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil and gas pipeline, and for other purposes. (Passed 356 to 60.)	Yea.
S. 502	Final passage of a bill to authorize appropriations of $2.6 billion for the Interstate Highway System in fiscal 1974, $3 billion each for fiscal 1975 and 1976, and $3.25 billion each for fiscal years 1977–79, in order to construct certain highways in accordance with title 23 of the United States Code, and for other purposes. (Passed 382 to 34.)	Yea.
H.R. 8449	A bill to expand the national flood insurance program by substantially increasing limits of coverage and total amount of insurance authorized to be outstanding and by requiring known flood prone communities to participate in the program, and for other purposes. (Passed 359 to 21.)	Absent.
S. 2016	Final passage of a bill to amend the Rail Passenger Service Act of 1970, as amended, to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes. (Passed 346 to 51.)	Yea.
H.R. 8547	A bill to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand. (Passed 220 to 133.)	Absent.
H. Res. 536	A resolution to direct the Speaker of the House of Representatives to certify a certain report on G. Gordon Liddy by the Committee on Armed Services of the House of Representatives to the United States Attorney for the District of Columbia. (Passed 334 to 11.)	Yea.
H.R. 7482	A bill to amend the Federal Cigarette Labeling and Advertising Act of 1965 as amended by the Public Health Cigarette Smoking Act of 1969 to define the term "little cigar", and for other purposes. (Passed 287 to 63.)	Yea.
H.R. 2096	A bill to prohibit the imposition by the States of discriminatory burdens upon interstate commerce in wine, and for other purposes. (Passed 248 to 152.)	Yea.
H.R. 7974	A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes. (Passed 369 to 40.)	Yea.
H.R. 8789	A bill to provide a new coinage design and date emblematic of the bicentennial of the American Revolution for dollars, half-dollars, and quarters, and for other purposes. (Passed 396 to 4.)	Yea.
H.R. 6576	A bill to authorize the Secretary of the Interior to engage in feasibility investigation of certain potential water resource developments. (Passed 321 to 74.)	Yea.
H.R. 9639	A bill to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs. (Passed 389 to 4.)	Yea.
H.R. 9553	A bill to amend the Communications Act of 1934 for 1 year with regard to the broadcasting of certain professional home games. (Passed 457 to 37.)	Yea.
H.R. 7265	A bill to provide for the operation of programs by the ACTION Agency, to establish certain new such programs, and for other purposes. (Passed 339 to 14.)	Yea.
H.R. 7730	A bill to authorize the Secretary of the Interior to purchase property located within the San Carlos Mineral Strip, as amended. (Two-thirds required.) (Defeated 236 to 164.)	Yea.
S. 1983	Final passage of a bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes, as amended. (Two-thirds required.) (Passed 355 to 4.)	Yea.
H.R. 9715	A bill to authorize appropriations of $203,279,000 for fiscal 1974 for the United States Information Agency. (Passed 305 to 108.)	Nay.
H.R. 9256	A bill to increase the contribution of the Federal Government to the health insurance program for federal employees, and for other purposes. (Passed 217 to 155.)	Nay.
H.R. 981	A bill to amend the Immigration and Nationality Act to extend to Western Hemisphere the seven-category preference system and the 20,000-per-country limit on the number of immigration visas available annually and to expand the present refugee category to include conditional entry for political refugees from any country in the world. (Passed 336 to 30.)	Nay.
H.R. 8029	A bill to provide for the distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes, as amended. (Two-thirds required.) (Passed 331 to 33.)	Yea.

93D CONG., 1ST SESS.—Continued

Bill No.	Description	My vote
S. 1914	A bill to provide for the establishment of the Board of International Broadcasting, to authorize the continuation of assistance to Radio Free Europe and Radio Liberty, and for other purposes. (Passed 313 to 90.)	Nay.
R. 6452	A bill to amend the Urban Mass Transportation Act of 1964, to provide a substantial increase in the total amount authorized thereunder, to increase the portion of project cost which may be covered by a Federal grant, to authorize assistance for operating expenses, and for other purposes. (Passed 219 to 195.)	Nay.
H.R. 10088	A bill to establish the Big Cypress National Preserve in the State of Florida, and for other purposes. (Passed 376 to 2.)	Yea.
H.J. Res. 748	A joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes. (Passed 274 to 90.)	Nay.
H.R. 10614	A bill authorizing $2,715,924,000 for 700 separate construction projects at 300 military installations in support of the active military forces and reserve components for the fiscal year 1974. (Passed 359 to 28.)	Yea.
H.R. 10203	Final passage of a bill which provides authorizations of $1,331 393,900 for the construction and the repair and the preservation of certain public works on rivers, lakes and harbors for navigation; also flood control, and for other purposes in order to protect the water supply and water transportation of the Nation. Bill covers a six-fiscal year period. (Passed 374 to 4.)	Yea.
S. 907	A bill to authorize the appropriation of $150,000 to assist in financing the Arctic Winter Games to be held in the State of Alaska in 1974. (Two-thirds required.) (Passed 306 to 54.)	Yea.
H.R. 8346	A bill to amend the Housing and Urban Development Act of 1970 to establish a nongovernmental instrument which can make definitive technical findings, insure that the findings are made available to all sectors of the economy, public and private, and provide an effective method for encouraging and facilitating Federal, State, and local acceptance and use of such findings. (Two-thirds required.) (Defeated 108 to 258.)	Nay.
H.R. 9590	Final passage of a bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes. (Passed 403 to 10.)	Yea.
H.R. 6691	Final passage of a bill making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes. (Passed 400 to 11.)	Yea.
H.R. 10717	A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians, and for other purposes. (Two-thirds required.) (Passed 404 to 3.)	Yea.
S. 1570	Final passage of a bill to authorize and require the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior, and for other purposes. (Passed 348 to 46.)	Yea.
H.R. 10586	A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care. (Passed 345 to 41.)	Yea.
H.R. 3927	A bill to extend the Environmental Education Act of 1970 for 3 years to provide environmental education programs at all school levels and to provide $5 million in appropriations for fiscal 1974, $15 million for fiscal 1975, and $25 million for fiscal 1976 to carry out the educational programs. (Passed 335 to 60.)	Nay.
H.R. 10956	A bill authorizing $185 million over a 3-year period for grants and contracts for feasibility studies, planning, establishment, operation and expansion of emergency medical systems and for research and training. (Passed 364 to 18.)	Nay.
H.R. 9456	A bill authorizing $90 million over a 3 year period to fund drug abuse education programs and to support community education projects. (Passed 372 to 13.)	Yea.
H.J. Res. 735	A joint resolution authorizing the Secretary of the Navy to receive for instruction at the U.S. Naval Academy two citizens and subjects of the Empire of Iran. (Two-thirds required.) (Passed 343 to 28.)	Yea.
H.R. 5874	A bill to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowing from the public, and for other purposes. (Two-thirds required.) (Passed 349 to 25.)	Yea.
H.R. 8219	A bill to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity. (Two-thirds required.) (Passed 340 to 39.)	Nay.
H.R. 11104	A bill to provide for a temporary increase of $13 billion in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974. (Passed 253 to 153.)	Nay.
H.R. 9142	Final passage of a bill to restore, support, and maintain modern, efficient rail service in the northeast region of the United States, to designate a system of essential rail lines in the northeast region, to provide financial assistance to rail carriers in the northeast region, to improve competitive equity among surface transportation modes, to improve the process of government regulations, and for other purposes. (Passed 284 to 59.)	Nay.
S. 1081	Final passage of a bill to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment. (Passed 361 to 14.)	Yea.
H. Res. 128	A resolution expressing the sense of the House of Representatives that Members who are convicted of a crime carrying penalties of 2 or more years' imprisonment should attend committee and subcommittee sessions but should not vote in those sessions and should also refrain from voting on the floor of the House. (Passed 388 to 18.)	Yea.
H.R. 11459	Final passage of a bill making appropriations of $2,658,861,000 for military construction and family housing for the Defense Department for the fiscal year ending June 30, 1974, and for construction in support of the Trident submarine and underwater-launched-ballistic-missile systems, and for other purposes. (Passed 329 to 40.).	Yea.
H. Res. 702	A resolution providing funds for the Committee on the Judiciary. (Passed 367 to 51.)	Yea.
H.R. 11333	A bill to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes. (Passed 391 to 20.).	Yea.
H.R. 11324	A bill to provide for daylight saving time on a year-round basis for a 2-year trial period. (Passed 311 to 88.).	Nay.
H.R. 11010	Final passage of a bill providing ended authorizations for fiscal year 1974 through fiscal year 1977 for vocational education, public service employment in areas of substantial unemployment, for State and local comprehensive manpower programs, and for general programs to increase opportunities for employment and training to unemployed and underemployed persons. (Passed 330 to 33.).	Yea.
H.R. 11575	Final passage of a bill providing appropriations of $73,714,930-000 for the Department of Defense for active and retired military personnel, operation and maintenance programs, procurement and research and development and for other purposes. (Passed 336 to 32.)	Yea.
S. 1191	A bill to provide financial assistance for a demonstration program for the prevention, indentification, and treatment of child abuse and neglect, to establish a National Center on Child Abuse and Neglect, and for other purposes. (Two-thirds required.) (Passed 354 to 36.)	Yea.
H.R. 11710	A bill to insure that the compensation and other emoluments attached to the Office of Attorney General are those which were in effect on Jan. 1, 1969, to amend title 39, United States Code, to clarify the proper use of the franking privilege by Members of Congress, and for other purposes. (Two-thirds required.) (Passed 261 to 129.)	Yea.
H.R. 9437	A bill authorizing $60 million over a 3-year period to carry out the International Travel Act of 1961 to encourage foreign tourism in the United States. (Passed 272 to 120.)	Yea.
S. 1443	Final passage of a bill authorizing $2,392,234,000 for foreign economic and military assistance. (Passed 210 to 193.)	Nay.
H. Con. Res. 173	A concurrent resolution declaring it the policy of the Congress to support and strengthen the U.S. fishing industry and to take all steps to provide adequate protection for our coastal fisheries against foreign fishing. (Two-thirds required.) (Passed 405 to 0.)	Yea.
H.R. 7130	A bill (The Budget and Impoundment Control Act of 1973) to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Office, to establish a procedure providing congressional control over the impoundment of funds by the executive branch, and for other purposes. (Passed 386 to 23.)	Yea.
H. Res. 735	A resolution confirming the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States. (Passed 387 to 35.)	Yea.
H.R. 9107	A bill which establishes a minimum civil service retirement annuity benefit equal to the minimum social security benefit and increase annuities based on separations which occurred prior to Oct. 20, 1969, by $300 in the case of a retiree and by $165 in the case of a surviving spouse. (Passed 270 to 95.)	Nay.
H.R. 10710	A bill (Trade Reform Act of 1973) to promote the development of international trade by broadening the negotiating authority of the President, providing domestic relief from injury caused by import competition, providing relief from unfair trade practices, by establishing nondiscriminatory treatment of the trade of Communist states and allowing preferential treatment of the imports from less-developed countries. (Passed 272 to 140.)	Nay.
H.R. 11088	A bill authorizing $2.2 billion in emergency security assistance to Israel. (Passed 364 to 52.)	Nay.
H.R. 11771	A bill providing appropriations of $5,833,912,000 for foreign assistance and related programs for the fiscal year ending June 30, 1974, and for other purposes. (Passed 219 to 180.)	Nay.
S. 2166	An act to authorize the disposal of opium for medical purposes from the national stockpile, as amended. (Two-thirds required.) (Passed 270–122.)	Yea.
S. 2316	An act to authorize the disposal of copper from the national stockpile and the supplemental stockpile, as amended. (Two-thirds required.) (Passed 315 to 73.)	Yea.
H.R. 11450	A bill to direct the President to take action to assume through energy conservation, rationing, and other means that the essential energy needs of the United States are met. (Passed 265 to 112.)	Not voting paired against.
S. 2582	A bill to amend the Small Business Act to increase the ceiling on SBA loan and guarantee programs; to allow livestock feed operators to obtain disaster loans; to set the terms of loans to farmers for natural disasters occurring after Dec. 26, 1972 but prior to Apr. 30, 1973; to provide low interest loans to small businesses affected by the closing of military installations; and provides that in all future loans, the Secretary of Agriculture shall make loans on the same basis and terms as those provided to homeowners and small businessmen by the Small Business Administration. (Two-thirds required.) (Passed 339 to 21.)	Yea.
H.R. 11510	A bill to reorganize and consolidate certain functions of the Federal Government in the new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions. (Passed 355 to 25.)	Yea.
S. 1559	Final passage of an act to provide financial assistance to enable state and local governments to assure responsibilities for job training and community services, and for other purposes. (Passed 330 to 33.)	Yea.
H.R. 11576	Final passage of a bill making supplemental appropriations for the fiscal year ending June 30, 1974, and for other purposes. (Passed 329 to 10.)	Nay.
H. Con. Res. 411	A concurrent resolution providing for the adjournment sine die of the first session of the 93d Congress. (Defeated 74 to 171.)	Yea.

93D CONG., 2D SESS.

Bill No.	Description	My vote
H.R. 11387	A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism; to coordinate the National Institute of Mental Health, the National Institute on Alcoholism and Alcohol Abuse; and the National Institute on Drug Abuse; and for other purposes. (Two-thirds required.) (Passed 338 to 22.)	Absent.
H.R. 11537	A bill to extend and expand the authority for carrying out game conservation, rehabilitation and management programs on military reservations, and to authorize the implementation of such programs on certain public lands. (Two-thirds required.) (Passed 355 to 25.)	Yea.
H.R. 11809	A bill to expand the area of the contiguous fisheries zone off the coast of the United States by requiring the recharting of the zone within two years using the straight baseline method. Such recharting would increase the fishing waters reserved for United States vessels by an estimated two to ten percent. (Two-thirds required.) (Passed 375 to 1.)	Yea.
H.R. 11354	A bill which authorizes the Federal Government to pay to the International Development Association $1.5 billion as the United States contribution to the Fourth Replenishment of the Resources of the Association. (Defeated 155 to 248.)	Nay.
S. J. Res. 185	A resolution to provide for advancing to not later than Feb. 15, 1974, the effective order of the Interstate Commerce Commission in Docket No. MC 43 (Sub-No. 2), which requires carriers to reimburse their owner-operators for all increases in the price of fuel over the base period May 15, 1973. (Passed 374 to 6.)	Yea.
H.R. 11221	A bill to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $50,000. (Passed 282 to 94.)	Yea.
H. Res. 803	A resolution providing appropriate power to the Committee on the Judiciary to conduct an investigation of whether sufficient grounds exist to impeach Richard M. Nixon, President of the United States. (Passed 410 to 4.)	Yea.
H.R. 5463	A bill to provide a uniform code of evidence for use in the Federal courts, and to make conforming amendments to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. (Passed 377 to 13.)	Yea.
H.R. 11873	A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research. (Passed 324 to 23.)	Yea.
H.R. 11864	A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration and the Department of Housing and Urban Development, in cooperation with the National Bureau of Standards, the National Science Foundation, the General Services Administration and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling. (Passed 253 to 2.)	Yea.
H.R. 12628	A bill to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and other persons; to make improvements in the educational assistance programs, and for other purposes. (Two-thirds required.) (Passed 382 to 0.)	Yea.
H.R. 10834	A bill to provide that certain tracts of land, adjacent to the existing boundaries, to be added to the Golden Gate National Recreation Area in San Francisco and Marin Counties California, and that other specific parcels be excluded from the area. (Two-thirds required.) (Passed 284 to 88.)	Nay.
H.R. 12670	A bill to restructure the flight-pay system of the Armed Forces to attract and retain officer aviator crewmembers. (Passed 320 to 67.)	Yea.
H.R. 2	A bill (Private Pension Reform Act) to revise the Welfare and Pension Plans Disclosure Act (1) to establish minimum standards of fiduciary conduct for Trustees, Administrators, and others dealing with retirement plans, to provide for their enforcement through civil and criminal sanctions, to require adequate public disclosure of the plan's administrative and financial affairs, and (2) to improve the equitable character and soundness of private pension plans by requiring them to: (a) vest the accrued benefits of employees with significant periods of service with an employer, (b) meet minimum standards of funding and (c) guarantee the adequacy of the plan's assets against the risk of plan termination prior to completion of the normal funding cycle by insuring the unfunded portion of the benefits promised. (Passed 376 to 4.)	Yea.
H.R. 11143	A bill to provide the authorization for fiscal year 1974 and succeeding fiscal year for the Committee for Purchase of Products and Services of the Blind and other severely handicapped, and for other purposes. (Two-thirds required.) (Passed 308 to 0.)	Absent.
H. Res. 790	A resolution authorizing funds for the Committee on Armed Services. (Passed 312 to 1.)	Yea.
H.R. 12466	A bill to amend the Department of State Appropriations Act of 1973 to authorize additional appropriations for the fiscal year 1974, and for other purposes. (Passed 331 to 75.)	Nay.
H.R. 3858	A bill to provide for the Anti-hijacking Act of 1974 to implement the international antihijacking convention drafted at the Hague in 1971 and to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking. (Passed 361 to 47.)	Yea.
H.R. 12471	A bill to amend sec. 552 of title 5, United States Code, known as the Freedom of Information Act, in order to strengthen the procedural aspects of the Freedom of Information Act, improve its administration, and expedite the handling of requests for information from Federal agencies in order to contribute to the fuller and faster release of information. (Passed 383 to 8.)	Yea.
S. 2771	A bill to revise the special pay bonus structure relating to members of the Armed Forces, as amended. (Two-thirds required.) (Passed 237 to 97.)	Yea.
H.R. 12503	A bill to amend the Controlled Susbtances Act to provide for the registration of practioners conducting narcotic treatment programs. (Two-thirds required.) (Passed 375 to 0.)	Yea.
H.R. 12417	A bill to require the development of a long-range plan to advance the national attack on diabetes mellitus. (Passed 380 to 6.)	Yea.
H.R. 11105	A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations as amended. (Passed 380 to 6.)	Yea.
S. 2747	Final passage of a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act and to expand the coverage under that act. (Passed 345 to 50.)	Yea.
H.R. 11929	A bill to amend 15(d) of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments. (Passed 209 to 193.)	Yea.
H.R. 11793	A bill to recognize and consolidate certain functions of the Federal Government in a new Federal Energy Administration in order to promote more efficient management of energy and to rollback the price of propane. (Passed 353 to 29.)	Yea.
H.R. 12920	A bill to authorize additional appropriations to carry out the Peace Corps Act. (Passed 294 to 103.)	Nay.
H.J. Res. 941	A bill making urgent supplemental appropriations of $750 million for fiscal year 1974 for the Veterans' Administration in order to readjust educational benefit payments to veterans. (Passed 398 to 0.)	Yea.
H.R. 69	An amendment that prohibits the use of any funds under the Elementary and Secondary Education Act to implement busing. (Passed 239 to 168.)	Yea.
H.R. 69	A bill (the Elementary and Secondary Education Act) to extend and amend Federal aid to elementary and secondary schools. (Passed 380 to 26.)	Yea.
H.R. 12412	A bill to amend the Foreign Assistance Act of 1961 to authorize an appropriation to provide disaster relief, rehabilitation, and reconstruction assistance to Pakistan, Nicaragua, and the Sahelian nations of Africa. (Passed 276 to 124).	Nay.
H. Res. 937	A resolution to provide funds for the investigations and studies of the House Committee on Internal Security. (Passed 247 to 86.)	Yea.
S. 2770	Final passage of a bill which increases the special pay structure relating to medical officers of the uniformed services in order to retain adequate military personnel under the all-volunteer military. (Passed 372 to 17.)	Yea.
H.R. 13163	A bill to establish a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests or consumers. (Passed 293 to 94.)	Yea.
H.R. 14012	A bill making appropriations for the legislative branch for fiscal year 1975. (Passed 373 to 17.)	Yea.
H.R. 13113	A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading under the Commodities futures trading Commission and to bring all agricultural and other commodities traded on exchanges under regulation. (Passed 281 to 43.)	Yea.
S. 623	A bill which eliminates the civil service annuity reduction made, in order to provide a surviving spouse of a Federal employee with a civil service annuity, during periods when the annuitant is not married. (Passed 296 to 102.)	Nay.
H.R. 11321	A bill ("Public Safety Officers Benefits Act") which provides a gratuity of $50,000 to the spouse or eligible dependents of certain public safety officers who die in the performance of duty. (Passed 320 to 54.)	Yea.
H.R. 13998	A bill which authorizes appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management. (Passed 341 to 37.)	Nay.
H.R. 13999	An amendment which sought to prohibit live fetus research. (Passed 281 to 58.)	Yea.
H.R. 13999	A bill to authorize appropriations for the activities of the National Science Foundation. (Passed 330 to 8.)	Yea.
H.R. 11989	A bill to enhance the public health and safety by reducing the human and material losses resulting from fires through better fire prevention and control. (Passed 352 to 12.)	Absent.
H.R. 14434	A bill making appropriations of $2,269,828,000 for energy research and development activities for the fiscal year 1975. The amount is $923,404,000 greater than the amounts appropriated for these purposes in fiscal year 1974, an increase of almost 70 percent. (Passed 392 to 4.)	Yea.
H.R. 12993	A bill to amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations (TV and radio) may be issued and renewed for terms of 4 years instead of the present 3 years and to base such renewals on whether the license's broadcast operations during the preceding license period have followed prescribed ascertainment procedures and have been substantially responsive to the ascertained needs, views and interests of residents of its service area. (Passed 379 to 14.)	Yea.
H.R. 14368	A bill to require the Federal Energy Administration to obtain reports from and inspect the domestic energy industry; to maintain an updated report on domestic energy reserves and production and foreign imports; and provide the FEA with authority to temporarily suspend clean air regulations on a qualified, short-term basis in order to meet energy needs. (Passed 349 to 43.)	Yea.
H.R. 13053	A bill to amend the Public Health Service Act to improve the National Cancer Program and to authorize $2.765 billion during fiscal years 1975–1977 for cancer research which represents $1 billion more than was provided during the last 2 fiscal years. The bill also provides a cancer control program funded at $200 million for 3 years, $110 million more than the preceding 3 years. (Passed 390 to 1.)	Yea.
H.R. 6175	A bill to amend the Public Health Service Act to provide for the establishment of a National Institute for Aging for the conduct and support of biomedical, social and behavioral research and training relating to the aging process and the diseases and other special problems and needs of the aged. No new authorizations are required to carry out the act. (Passed 379 to 1.)	Absent.
H.R. 296	A bill to assist in preserving historical and archeological data. (Passed 296 to 23.)	Yea.
H.R. 11035	On a vote to suspend the rules and pass a bill to declare a national policy of converting to the metric system in the United States, and to establish a National Metric Conversion Board to coordinate the voluntary conversion to the Metric system over a period of 10 years. (Defeated 153 to 240.)	Yea.

93D CONG., 2D SESS.—Continued

Bill No.	Description	My vote
S. 3072	A bill to increase the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation for their survivors. (Passed 396 to 0.)	Yea.
H.R. 14354	Final passage of a bill to amend the National School Lunch Act to purchase agricultural commodities for distribution to schools. (Passed 345 to 15.)	Yea.
H.R. 8193	A bill to further energy transportation security by requiring that a percentage of U.S. oil imports be carried on U.S. flag vessels. (Passed 266 to 136.)	Yea.
H.R. 12000	A bill (the Egg Research and Consumer Information Act) to enable egg producers to establish, finance, and carry out a coordinated program of research, producer and consumer education and promotion to improve, maintain, and develop markets for eggs, egg products, spent fowl and products of spent fowl. (Passed 302 to 90.)	Yea.
S. 3062	Final passage of the Disaster Relief Amendments which provides grants of $250,000 to the States to assist disaster preparedness programs; authorizes federal payments of 75 percent (not to exceed $5,000) to individuals or families to cover extraordinary expenses incurred by disaster and not covered by insurance or other disaster aid programs; encourages disaster insurance; increases loan eligibility; provides legal services; and contains general improvements in the Federal disaster relief program. (Passed 392 to 0.)	Yea.
H.R. 13973	A bill to extend the Overseas Private Investment Corporation through 1977 and to express the intent of Congress that OPIC transfers its functions of writing and managing insurance contracts to private insurance companies. (Passed 225 to 152.)	Nay.
H.R. 14592	A bill to provide authorizations of $22,642,963,000 for military weapons procurement and research for fiscal year 1975, $487,176,000 below the amount requested by the Department of Defense. (Passed 358 to 37.)	Yea.
H.R. 14832	A bill to provide for a temporary increase in the public debt limit from $475.7 billion to $495 billion. (Passed 191 to 190.)	Nay.
H.R. 14449	A bill to provide for the transfer of programs presently authorized under the Economic Opportunity Act of 1974, as amended, including the Community Action Program, Legal Services, Senior Opportunities and Services, Headstart, Follow Through, Migrant Programs, The Community Economic Development Program, Native American Program, Comprehensive Health Services program, and others, to a Community Action Administration under the Secretary of Health, Education and Welfare. (Passed 331 to 53.)	Yea.
H.R. 13221	A bill to authorize $13,910,000 for fiscal year 1975 for desalinization research and substantial pilot plant development and testing on waste water for reuse and water quality maintenance; on an accelerated developmental program for seawater membrane systems, brackish water membrane systems, freezing and distillation of geothermal brines. (Passed 306 to 3.)	Yea.
H.R. 14225	A bill to extend vocational rehabilitation programs authorized under the rehabilitation Act of 1973 for an additional year through fiscal 1976 at an authorized funding level of $841 million. (Passed 400 to 1.)	Yea.
H.R. 10337	A bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes and to provide for allotments to certain Paiute Indians. (Passed 290 to 38.)	Yea.
H.R. 10265	A bill to provide for an audit by the Geneal Accounting Office of the Federal Reserve Board, banks, and branches; to extend sec. 14(b) of the Federal Reserve Act to allow Federal Reserve Banks to purchase directly from the Treasury public debt obligations up to a limit of $5 billion; and to provide an additional $60 million for the construction of Federal Reserve Bank branch buildings. (Passed 333 to 20.)	Yea.
H.R. 13678	An amendment to the National Labor Relations Act Coverage For Employees of Nonprofit Hospitals requiring a 60-day "cooling-off" period whenever the Federal Mediation and Conciliation Service determines that a dispute threatens to substantially interrupt the delivery of health care. (Passed 168 to 137.)	Yea.
H.R. 13678	A bill to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals. (Passed 240 to 58.)	Yea.
H. Con. Res. 271	A resolution expressing the sense of Congress that the Government of the United States shall cease all forms of aid, accomodation or communication with North Korea or the Viet Cong until agreements relating to facilitating kowledge of those missing-in-action in Southeast Asia are complied with. (Passed 237 to 0.)	Yea.
H.R. 14833	A bill to extend the Renegotiation Act of 1951 for 18 months in order that the Renegotiation Board might determine if defense and space contracts have made excessive profits from their contracts or subcontracts with the Federal Government and if so, to determine the amount of the refund which must be made to the Federal Government. (Passed 278 to 2.)	Yea.
H.R. 13595	A bill to authorize $122 million for fiscal 1975 for the Coast Guard for the procurement of vessels and aircraft and construction of shore and off-shore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end year strength of 37,748 and for other purposes. (Passed 365 to 0.)	Yea.
S. 2844	A bill which would reinstate the campground fee system for certain campgrounds at Federally operated outdoor areas, providing that at least one free primitive camp area be provided at any Corps of Engineers site which provides camping and that campers not be charged for facilities necessary to either the public health or safety, and which would expand the Gold Eagle-Golden Age Passport programs. (Passed 355 to 10.)	Yea.
H.R. 14747	On a series of amendments which would improve the wage rates paid to sugar field workers. (Passed 244 to 143.)	Yea.
H.R. 14747	A bill (Sugar Act Amendments of 1974) which would extend and revise sugar import quotas and set domestic sugar prices. (Defeated 175 to 209.)	Nay.
H.R. 15155	A bill appropriating $4,475,410,000 in new budget authority for fiscal year 1975 for public works and Atomic Energy Commission projects relating to water and power development. (Passed 374 to 21.)	Yea.
H.R. 10701	A bill providing for the licensing, construction, and operation of deepwater ports to facilitate importation of crude oil and petroleum products from overseas. (Passed 318 to 9.)	Absent.
H.R. 10294	On a resolution to provide for the consideration of the Federal Land Use Planning Act (H.R. 10294) which would authorize the Secretary of the Interior, pursuant to guidelines issued by the Council on Environmental Quality, to make grants to assist the States to develop and implement comprehensive land use planning processes. (Defeated 204 to 211.)	Nay.

EXIMBANK

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. DENT. Mr. Speaker, I am alarmed to see that the Eximbank is using its 30-day extension in projects of questionable foreign industrial expansion. The latest loan, which borders on a violation of its objectives, and perhaps of the law itself, is one where $176 million of low-cost financing has been made available to two Yugoslavian electric firms to build an atomic nuclear project, this for the first time in history in a Communist country.

Under the excuse of creating American labor and making the loan to purchase American-made equipment, they have, for the first time to my knowledge, given 90 percent of the financing to the Yugoslavs where the normal financing by this agency has been approximately 45 percent. It also gives an additional loan of $29 million to finance local Yugoslav labor, and equipment to be purchased with American money.

In my opinion, this is not the concept of Eximbank financing that Congress supported. The American people are always fed the same story. This loan was justified by Warren Glick, Executive Vice President of the Eximbank, on the grounds that we had to do it to keep West Germany from getting the contract.

The annual Eximbank interest rate is 7 percent, which is 4 to 6 percent less than any American production facility of any kind can borrow money. In fact, it will cost the taxpayers a minimum of 1½ to 2 percent in the first year alone to finance this loan, because we do not have enough money in the Treasury to give to the Yugoslavs. What do you do when you need money? You borrow it. And so we are back on the merry-go-round.

As one of the Congressmen who fought the 30-day extension on these grounds, I believe my opposition has been vindicated by a recent statement of Exim President William J. Casey. He said earlier this week that new rates may be coming out, some of which might go as high as 8 percent.

Mr. Casey made another statement that ought to hold more than passing interest to Americans, especially motorists and energy starved industries. He stated:

> The bank will make loans to oil-rich Arab lands and gold-rich Russians, because that is the way business is done.

At this point, maybe Mr. Casey should read of recent events whereby West Germany refused to loan the Russians a billion dollars to buy a chemical plant. The Russians paid for it with their own billion dollars. When the English refused to loan $48 million to Russia to buy a plastic plant from Great Britain, the Russians found the $48 million and bought the plant. The Russians keep finding money so suddenly so often that I am envious of the rocks they must have there to look under.

This country is in a spiral downward, internationally, while other nations are going upward. We have got to stop the spiral.

Congress must write new rules bringing the World Bank, IDA, Eximbank, and other world and area development funding groups under one heading, under one law. That is the only way for the American people to know why the international debt is reaching $500 billion this year. Otherwise we are all going to pay and pay and pay.

TURKEY DECLARES WAR ON THE UNITED STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. RANGEL. Mr. Speaker, the decision by the Turkish Government to resume growing of opium poppies will have tragic consequences for the American people. As I have warned since first coming to Congress, Turkish opium is a threat to our national security. In 1971, testifying before the Subcommittee on Europe of the House Foreign Affairs Committee, I stated that there was no doubt that the danger posed by narcotics was just as deadly as the peril which President Kennedy had perceived from Russian missiles during the Cuban missile crisis.

The Foreign Assistance Act of 1971 contains a provision which I fought for, mandating that the President cut off all economic and military aid to nations which do not fully cooperate in the war against international drug trafficking. President Nixon has not used that power yet, even though the Turkish decision is tantamount to a declaration of war against the United States.

New York Post columnist Pete Hamill perceptively analyzed the true meaning of the Turkish decision to end its opium poppy ban. I include his column of July 8, 1974, at this point in the CONGRESSIONAL RECORD:

[New York Post, July 8, 1974]

ACT OF WAR

(By Pete Hamill)

For the first time since Pearl Harbor, this country has been given sufficient provocation to justify a full, open declaration of war, and the beginning of armed hostilities. Korea and Vietnam were ideological wars, based on the arrogant assumption that we could kill people in other countries because we disagreed with the way some of them wanted to live. Their quarrels were none of our business. There was never any possibility that Korean or Vietnamese communists could cause us direct harm at home. We killed them simply because they were communists and we were capitalists.

But Turkey is different.

Turkey is killing Americans right this minute. Turkey will be killing Americans at an even greater rate in the future. It is killing us with heroin. Heroin made from Turkish opium kills the brains of the people who O. D. on the streets of Harlem and Bed-Stuy and the South Bronx. That heroin flows in the bodies of people who kill old women in elevators for the price of a nickle bag. Heroin causes more than 50 per cent of all crime in this city, and that is more violence than the Korean, Vietnamese or Chinese communists have committed on our shores throughout history.

Last week, the government of Turkey decided to lift its two-year partial ban on the growing of opium. That was a direct act of aggression against the U.S., most particularly against the people of New York, which is the nation's heroin addiction capital. That decision is a decision to kill, destroy, steal and terrorize. It should be met with war.

Three years ago, when Nixon was looking forward to the 1972 election, he decided it was time "to do something" about the flow of heroin into the U.S. For years, law enforcement people had known how it worked: Opium was grown in Turkey, processed in French plants in Marseilles and delivered through "the French connection" to the shores of the U.S. The amount of opium gum required for a kilo of heroin was sold in Turkey for $220; by the time it reached the streets of New York, it was worth $240,000.

Since Nixon was then still posing as a "law and order" man, he had to do something, so he came up with a solution. He decided to bribe the Turkish government. The Turks took a $15 million down payment against an eventual bribe of $35.7 million, to "study" ways to get Turkish farmers to grow other crops besides opium. That "study" money is probably safely ensconced right now in Switzerland.

According to Frank Rogers, the city's special narcotics prosecutor, there was still plenty of opium, even after the Turks announced their partial ban, most of it in the hands of middlemen. But with the Turkish announcement last week that full-scale opium farming would be resumed in six provinces this fall, the opium in "the pipeline" will be released. There has been a heroin shortage in New York; we can look forward now to a heroin glut, with its attendant cycle of homicides, robberies, and overdoses. Rep. Rangel says "New York will feel the effect within 60 to 90 days."

To me, if a government (in this case Turkey) sanctions the killing and terrorizing of another country's citizens (Americans, in this case), that is war. Forget the assurances of the Turkish government that the opium is only for legal pharmaceutical purposes and that illegal smuggling will be controlled. They didn't do it before; there is no reason to believe they will do it now. They are in opium for the money, and they don't care how many lives are destroyed as long as the profits are steady.

Nixon has called home the ambassador to Turkey for consultation, but that is clearly not enough.

The narcotics racketeers can only chuckle. What is needed is direct action. According to Newsday's Pulitzer Prize-winning study of the problem, there are 90,000 farmers engaged in opium growing in Anatolia in Turkey. Since 1971, the crop has legally been grown in only four provinces of Anatolia, but now the ban has been lifted, and opium will be grown to match the demand.

Those 90,000 farmers should be warned that we hold them and their government directly responsible for their acts of war against our citizens. They should be given a seven-day period in which to burn their crops, or move to safe areas, and then our B–52s should begin the systematic carpet-bombing of those fields, an act to be repeated every three months until they get the idea. The Russians will not interfere; the Turks, after all, are part of the "Free World," and have received more than $3 billion in military and economic aid from us. And if the Communist countries want to rally to the defense of heroin, they are welcome to the opportunity.

In addition, Abe Beame, Malcolm Wilson and the State Dept. should issue a list of all products and businesses owned by Turkish nationals or the Turkish government, and call for a complete boycott of those goods. All foreign aid should be ended. All Turkish assets in the country should be seized and held in escrow against the lives of our children. On our side, all we would be doing is killing opium and money; the Turks are killing people. For the first time since Pearl Harbor, Americans are the injured party, and its time to start injuring our enemies back.

THE UNIVERSITY AND PUBLIC LIFE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. BOLLING. Mr. Speaker, "The University and Public Life" was delivered by Archibald Cox, Williston professor of law, at Harvard University on June 11, 1974, as the Phi Beta Kappa oration. It is well-worth reading:

THE UNIVERSITY AND PUBLIC LIFE

(By Archibald Cox)

Thirty-five years ago Judge Learned Hand, then President of the Harvard Phi Beta Kappa, paid tribute to those who taught him here for "an aloofness from burning issues, which is hard for generous and passionate men" but which is required for the "consecration of the spirit to the pursuit of truth." He pleaded that the scholar-teacher stand aside from public life:

"If he is fit to serve in his calling at all, it is only because he has learned not to serve in any other . . ."

Was Judge Hand correct? The question has long haunted me as one who has sat at his feet yet has traveled often between Harvard and Washington. What I have to say in addressing the question takes rather personal form, perhaps too personal. Still the question can hardly be my concern alone. To ask it, moreover, is one way of looking at the central function of the university and what above all else the scholar-teacher might wish students take away with them.

II

It would be easy to answer that events have overswept Judge Hand's opinion: that today's "knowledge-factory" or "multiversity" bears no resemblance to the Harvard he attended and the institutions of which he spoke; and that, in any event, Judge Hand's liberal, rationalist and essentially optimistic philosophy of the eighteenth and nineteenth centuries, although tinctured with skepticism, is now outmoded.

The first proposition is beyond dispute; the second I reject out-of-hand; universities were remade by the scientific and technological explosion—by the voracious appetite of society for enormously complex bodies of knowledge and also for young men and women trained for professional, managerial and technocratic careers. The aspects of human activity deemed suitable for scholarly attention expanded at a rate almost equal to the rate at which the functions of government were enlarged. The area of overlap therefore widened enormously. State and federal governments, industry, foundations and community organizations call increasingly upon both individual professors and universities for active particiption as well as expert opinion; and both the professors and their institutions value the opportunities.

The link between learning and policy, between academe and the realm of government, seems indissoluble. Government and those seeking to influence government have too much use for the scholar's skill and knowledge. Nor will the professor having tasted the joys of action willingly become the monk.

And so the question has shifted. It is no longer whether the teacher-scholar will abjure all other roles. It is—what will he bring to civil life besides his skill and knowledge. For if the scholar brings only those qualities to the service of government, or to business, labor unions, "public interests" lobbies or other civic organizations, great as his competence may be, he supplies and society acquires it at excessive cost.

I am not thinking only of the classes untaught, the books unwritten and the student neglected, because Professor A is too busy writing briefs, Professor B is away testifying before a congressional committee, and Professor C is at a meeting of the Caucus of Concerned Conservationists.

I am more concerned about the intellectual effort omitted in pursuit of political action. We might now have the breakthrough in economics needed for governments to avoid or reduce the almost-worldwide high rate of inflation if some brilliant young economist had devoted less time to political organization and more time to economic analysis.

I am most concerned about the debased value of academic opinion. Teachers who have other allegiance, like those who rush into print upon every invitation, succumbing to the simplicitudes and exaggerations necessary to provide good copy, impair their own effectiveness when their views might count for more, and also the effectiveness of their colleagues. Every political party—every major candidate—has a reliable stable of professorial experts. A few years ago a Senate Committee had need of information concerning "the pill," and scientists were called to testify. The argument grew so vehement that one editorial writer likened the hearings to the trial of lawsuits resulting from personal injuries. Upon the trial two sets of professional medical witnesses engage in forensic competion: one set—always the same set—favors the plaintiffs; the members of the other set invariably give a view of scientific fact supporting the insurance companies from whom they draw their compensation.

Moreover, when academic scientists, lawyers and economists pledge their loyalty and political commitment to special interests, we should hardly be surprised that belief in free inquiry and rational discourse diminishes; that efforts are made to suppress debate; or that voices call for the politicization of universities.

III

It would be superfluous and even insulting to take the time of this company to argue that we may never compromise with the politicization of scholarship or the suppression of opinion. There is no place in the university for the silencing of heresy, such as the exectuive board of the American Antropological Association voted in condemning publication of the works of Professors Herrnstein, William Shockley and Arthur Jensen as "racist, sexist, and anti-working class." Nor is there proper place for persuading student organization to cancel debate between invited speakers because another group of students considers the mere expression of one speaker's views offensive. The physical scientist knows that to bow before the burning bush is no substitute for the patient exploration of observable data and the constant checking and rechecking of induced hypotheses. The historian and humanist know that the record of human experience is replete with proof that some of the greatest wrongs have been done and many of the most civilizing and liberalizing ideas have been suppressed in the name of Truth and Conscience.

Some way must be found, therefore, to reconcile the scholar's participation in public life with his dedication and his university's dedication to the concerned and open-minded pursuit of truth. Not because the university is value-free but because the open-minded search is the highest value. Not because knowledge is amoral and teachers should confine themselves to discoverable "objective" data, but because ethical values can be resolved out of conflicting social, intellectual and spiritual aspirations only by sustained rational endeavour.

IV

What can the scholar-teacher—indeed all university men and women—hope to bring to public affairs besides skill and knowledge?

Woodrow Wilson urged from this platform that—

"What we should seek to impart in our colleges, therefore, is not so much learning itself as the spirit of learning."

What Wilson meant by the "spirit of learning" Learned Hand described as the "consecration of the spirit to the pursuit of truth." Surely neither embraced the naive supposition that there is absolute truth. Quite the reverse: they postulated only that men by free and open inquiry can progress towards understanding. The spirit of learning is the way of freedom and reason, of mutual trust, civility and respect for one another. The spirit of learning is willing to reach conclusions and act upon them until a better hypothesis appears; yet it is a spirit that asserts no orthodoxy and is not too sure it is right.

All this you know better than I. The point I press is that it must be the same with our common human adventure. The qualities the teacher-scholar may bring to government that would reduce some of the heavy costs of involvement are those of mind and heart upon which scholarship depends.

It might be otherwise if we were content with authority, uniformity, and security of a sort for the conformist. But if men—and women too—are of equal dignity and worth, if, though destined to live and work together, our goal is the freedom of each to choose the best he can discern, if we seek to do what we can to move toward the realization of these beliefs, then authority will not suffice and some means must be found to mediate between the self-interested, passionate factions that demand all for themselves and the extinction of all opposition, and so initially repel the very thought of mediation. Yet the only means consonant with freedom—so far as discovered—is to impart to the State and its citizens some of the scholar's way; to apply to all our divisions what George Bancroft wrote of the conflict between employers and employees:

"The feud between the capitalist and laborer * * * is as old as social union, and can never be entirely quieted; but he who will act with moderation, prefer fact to theory, and remember that everything in this world is relative and not absolute will see that the violence of the contest may be stilled."

V

The forces and costs of unremitting divisiveness require no elaboration. Look to Northern Ireland if you require an example. It may clarify my theme, however, to particularize some details of what the scholar-teacher may aspire to bring to government and which alone would justify his venture.

One is a special degree of concern for the institutions that shape human affairs, in contrast to devotion to the fortunes of individuals, or of particular groups, or to the outcome of particular events. The impeachment proceedings furnish an example. Personal and partisan fortunes are at stake, and behind them the interests they represent. The course of proceedings may determine the outcome of national elections in 1974, 1976 and even beyond. For many there is the chance to vindicate the contempt they have always felt for Richard Nixon. Beneath the surface long-range questions are involved, and university men and women should try to focus attention upon them.

First, as a Nation we are shaping for future generations the instruments for dealing with wrong-doing by a President's close associates and the only instrument with which to deal with a President alleged to be fundamentally unfaithful to his trust. The ill-constructed legacy of the impeachment of Andrew Johnson goes far to explain our present floundering.

Second, again as a Nation we are formulating, implicitly if not explicitly, some minimum acceptable standards of official behavior. The standards we set now will influence the conduct of many officials in high places for years to come. For the future shall be required no more than that an official in order to keep his office refrain from criminal offense? If there is suspicion that wrongdoing occurred down the chain of command, does the senior official come under a personal duty to ensure thorough investigation? When does the duty, if any, arise? How far, in the face of personal or political risks, does the duty extend?

Third, our confidence in our institutions, which means our self-confidence, hangs in the balance. The manner in which the proceedings are conducted—the role of reason, the degree of impartiality, the degree of effort to achieve justice—will affect our self-confidence more than the vote.

I do not know which way these questions cut, save that the recognition of the House's right to any evidence it deems relevant seems essential to the viability of impeachment as an institution. Nor do I suppose that such generalized questions will not be mixed with more passionate, selfish, and immediate ingredients. My point is that such institutional questions are important, and that if university men and women cannot present them with detachment, they will not be raised by other voices.

Next among the teacher-scholar's contributions might be an insistence upon reasoned and therefore principled action even at the cost of immediate objectives. Again, the drama of Watergate supplies an example. In the heyday of Joseph McCarthy the intellectual world, including the press, was properly outspoken about the danger of ex parte accusation, the unfairness of planting of charges in the press without adequate opportunity for denial, and the lack of true adversary proceedings. Should not the same objections be raised when the staff or possibly some member of the Ervin Committee leaks the results of incomplete investigation, gives out the accusatory inferences it draws from secret testimony, and even releases proposed findings of guilt upon men under indictment and awaiting trial? Procedural fairness does not depend upon whose ox is being gored.

Surely, there is also need for voices to stress the importance of constraints upon the means by which we pursue even the worthiest objectives. "The people in the White House," one of them recalls, "believed they were entitled to do things differently, to suspend the rules, because they were fulfilling a mission. That was the only important thing—the mission." Of course the White House aides were not the first so to justify physical aggression, lying and cheating, and disregard for the rights of speech, privacy, dignity and other fundamental liberties. Disregard of the constraints by some breeds further disregard upon the part of others. Brute power becomes the determinant of what is falsely labeled "justice." Only the spirit that is not too sure it is right speaks for the values of civility and reason.

We need the university's example, then, to hold us to a way of life. As the scholar does not know the truth he seeks, as he lacks assurance that there is a truth and knows only that by putting one foot before the other, despite false starts and blind alleys, he makes a little progress, so upon our joint human adventure we do not know the goal, we have no proof there is a goal but can catch glimpses of a bright potential and perhaps can see that by reason, mutual trust and forbearance man can learn to walk a little straighter.

VI

And so one comes back to the question whether the scholar-teacher surrenders these qualities by entering government or can bring them to public life. Surely Judge Hand was right in saying—

"You may take Martin Luther or Erasmus for your model, but you cannot play both roles at once; you may not carry a sword beneath a scholar's gown . . ."

One recalls the scientists testifying about "the pill."

Nor is it just a matter of passion. Some years ago in advising Senators about labor legislation at the behest of the then-Senator John F. Kennedy I found myself wondering whether the "expert" opinions I expressed were the same as those I would have given in the classroom or written in a law review when freed from the awareness that one answer might help and the other might hurt the Senator's cause in the political battle. Can the teacher-scholar serve two masters? The prime source of these misgivings was probably the awareness that earlier, when engaged in wage stabilization, I had suddenly realized that while preaching internal union democracy to my Harvard classes, I was doing in Washington all I could to promote the strength of national union officials.

Perhaps you will tolerate another personal example. One of the most pressing issues of constitutional law is whether a university governed by the Fourteenth Amendment may give special weight to membership in a disadvantaged minority group—to blacks, chicanos and American Indians—in selecting an entering class of students out of a group of applicants more numerous than the places available. This winter I filed a brief amicus curiae supporting the universities' discretion. Where does this leave me as a scholar? Do I continue to present the matter as an advocate, which would be to default on the representation that I am a scholar? Do I keep still, which may be another form of default? Should I speak with the detachment of a scholar, which might in some small degree undercut the views and interests of my client? If I try the latter, how shall I or my audience measure the extent of my impartiality?

Perhaps my questions have no answer. We do not live in the world of "either . . . or . . ." Perhaps our status is ambivalent. But I think we can decide which is master: truth or political commitment, the scholar's way of reason and striving for all possible detachment or the path of political loyalties and the zealot's promotion of fixed commitment. We can sharpen our awareness that the qualities which Woodrow Wilson described as the spirit of learning are the prerequisites of free society; and that we have the best chance to exemplify and bring them to bear in our public lives and through our students.

VII

Can the scholar bring anything useful from public life back to his teaching?

He may bring a degree of knowledge, to be sure; and perhaps even a degree of political sophistication. The law professor who has drafted careful ambiguities to break a legislative impasse construes other statutes with better insight. Judicial rules about the weight to be given legislative history take on a different meaning after one has supplied some Senator with an explanation of a bill to be read to an empty Senate Chamber so that years later the explanation can be cited to a court as proof of the intent of the entire Congress. The role of the press, the problems of proper and improper political influence, the consequences of physical or emotional exhaustion are better felt than learned from treatises. But knowledgeability and even sophistication is surely small return for the classes untaught, the book unwritten, and the individual students neglected. Indeed, the teacher's familiarity with the side shows and gimmicks may have a minus value because their fascination distracts the inexperienced from the hard substance.

Two much simpler observations upon public life seem more important, and perhaps the scholar who ventures into government may bring them back as teacher.

One is that Hugh Sloan of the Committee to Re-elect the President was wrong when he said—

"I learned one thing in politics. If you go into it . . . then sooner or later you have to compromise. You either compromise or get out. It just, sooner or later, takes the edge off your values."

Hugh Sloan was wrong because he did not distinguish political aims and political opinions from ultimate values, from judgments of right and wrong, from the moral limitations whose observance is essential to the long-run legitimacy of political power. In the realm of policy one must often take half a loaf or even a quarter-loaf with a view to coming back for more. Compromise is unavoidable if conflicting goals and rival interests of competing groups are to be melded into consensus. This kind of accommodation in the interests of the whole social enterprise requires no surrender of moral limitations. Indeed, anyone who has served in government knows that along with the blunderers, the time-servers, the corrupt and the overly-ambitious, many men and women serve in offices, both high and low, who faithfully observe the line between policy and moral principle; and by their conduct they have gained both respect and power. Last October Elliott Richardson and William Ruckleshaus provided important examples.

Second, the teacher who has been in government may be able to testify more persuasively than others that the way of the scholar, the way of reason, the way of professional—name it what you will—is effective in ordering human affairs. To say that these qualities always prevail would speak absurdities. To deny the weight of ambition, stupidity, occasional corruption and—worst of all—indifference, would fool no one. But fact and reason have their day.

In the end, then, the scholar-teacher justifies his ventures into public life to himself by the hope that the experience will enable him to bear witness before his students more convincingly than before that for them to carry away with them as citizens "not so much learning itself as the spirit of learning" will contribute most to the common adventure of all mankind.

As part of this he might wish to be able to say out of experience a word for the value of the long view. Youth measures in only one direction, it is said: from things as they are to an ideal of what things ought to be; while the old measure things as they are against the past the old remembers. The students of recent years belonged to an idealistic, honest and courageous generation: idealistic enough to see what can be, honest enough to face the gap between what is and what can be, and courageous enough to seek instant correction. But of course the "boob-tube" is misleading and the millennium is never instantly achieved. As in the past men go blundering along, inept, selfish, power-hungry and filled with capacity for evil. I have heard it said that today's classes have, in their discouragement, retreated from idealism and commitment. It is honest, courageous and good to see ourselves for what we are, and I hope that neither those classes nor today's will ever become patient about the gap between what is and what ought to be. But disappointment with failure to achieve the millennium should not lead to obsession with whatever is bad, like the media's, and so to cynicism and despair or the search for escape in the perverse and abnormal. For those who take the long view of man's experience will find that from time to time there were other societies no less honest and courageous than ours in facing all the ugliness, cruelty and indifference the mirror reveals, but which also held a brighter, nobler view of man and had the greater courage to pursue the vision. And perhaps, if we compare where men are with where they have been as well as with where they must be going, we can conclude that even if men cannot bring about the millennium, still they can help each other to suffer a little less and learn to do a little better.

There is no assurance even of this, but there is joy in the endeavor.

PASTOR HONORED ON 25TH ANNIVERSARY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. GAYDOS. Mr. Speaker, last month I had the pleasure of participating in the observance of the 25th anniversary of the ordination of the Very Reverend Theodore J. Seginak, O.S.B.

Father Seginak, now paster of St. John's Byzantine Catholic Church in Youngstown, Ohio, was ordained into the priesthood on May 8, 1949, at St. Mary's Church in Whiting, Ind. Since then, he has had many assignments, including the pastorship of St. Nicholas Church in McKeesport, Pa., part of my 20th Congressional District. Father Seginak served St. Nicholas from 1953 to 1955, when he was appointed superior of the Benedictine Fathers at Holy Trinity Monastery in Butler, Pa.

That year the monastery received the right to elect a major superior of its own, with jurisdiction comparable to that of a bishop in the church. On September 7, 1955, the Very Reverend Theodore J. Seginak became the first ever elected to that position.

During his tenure as major superior, Father Seginak had the honor of meeting three leaders of the Catholic Church: Pius XII, Pope John, and Pope Paul. Although now the pastor of St. John's, Father Seginak still maintains his ties with Holy Trinity Monastery, where he is in charge of monastic public relations.

On June 9, the spiritual family of St. John's, friends and religious associates of Father Seginak joined in honoring him at a divine liturgy of thanksgiving at St. Nicholas' Church, McKeesport, and a banquet in the Ascension Church hall in Clairton, Pa. Among those paying tribute to this remarkable priest for 25 years of service to God and man were:

The Most Reverend John Bilock, auxiliary bishop of the Munhall Metropolia; the Very Reverend Method A. Royko, prior of Holy Trinity Monastery; Rev. Msgr. Michael Hrebin, dean of Clairton Deanery and pastor of Ascension Church; Rev. Michael Pipik; Father Stephen Veselenak, O.S.B.; Dr. Michael Kulick, M.D.; George Pegula, executive vice president of United Societies of U.S.A.

Chester Glenn, a founder of the Associates of St. Benedict; the Honorable John Pribanic, mayor of the city of McKeesport; the Honorable Lloyd Fuge, mayor of the city of Clairton; Msgr. John Macko, vicar for religious; Msgr.

Daniel Maczkov, the United Cantors of Western Pennsylvania and the Slavjani Dancers of Holy Ghost Church, under the direction of John Poloka.

Mr. Speaker, on behalf of the Congress of the United States, I take this opportunity to extend formal congratulations to Father Seginak on the 25th anniversary of his ordination and to wish him many fruitful and happy years in his service to God.

THE FOOD RESEARCH AND DEVELOPMENT ACT OF 1974

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. SEIBERLING. Mr. Speaker, I am pleased to reintroduce the Food Research and Development Act today with additional cosponsors: Ms. ABZUG, Mr. BIESTER, Mr. COTTER, Mr. KOCH, Mr. MURPHY of New York, Mrs. SCHROEDER, and Mr. WOLFF.

I would also like to draw the attention of Members of the House to the following article from a recent issue of Catalyst for Environmental Quality entitled "Wastes Offer Answer for Coming Protein Shortage" by Dr. Arthur Humphrey, dean of the College of Engineering and Applied Science at the University of Pennsylvania.

The article discusses the potential of micro-organisms to produce large quantities of "single-cell" protein to meet the enormous food needs of the future. The article points out that 50 million tons of protein could be produced from the 200 million tons of animal manure generated in the United States each year by using micro-organisms. Not only could this protein be used as livestock feed, the articles notes, but it could be transformed into nutritious, palatable human food as well by new food processing methods.

The Food Research and Development Act would help to find ways of developing this and other new food techniques cheaply and abundantly.

The article by Dr. Humphrey follows:

[From Catalyst for Environmental Quality, 1974]

WASTES OFFER ANSWER FOR COMING PROTEIN SHORTAGE

(By Dr. Arthur Humphrey)

Before the world has adjusted to the energy problem, it may be in for a severe shortage of vitally needed protein.

The demand for protein in the developing countries is increasing at the rate of 25 per cent per year. This increase is caused by such factors as increasing population, demand for better nutrition, and increasing demand for meat which in turn requires protein.

It has been estimated that by the end of this decade, 1980, 60 million tons per year of food protein and 100 million tons per year of animal feed protein will be required.

UNCONVENTIONAL PROTEIN SOURCES

Where will this protein come from? Obviously, much will come from cereal grain sources, particularly now that improved high protein varieties are being developed. However, it is clear that in the decades of the '70's and '80's, a period I think of as the "protein crunch", we must turn to unconventional protein sources. These sources include leaf protein, fish meal, oil seed meal, and single cell protein.

Development of all such sources will be necessary to ease the protein crunch. Oil seed meals, specifically soy bean meal, is the most important immediate unconventional protein source. However, single cell protein has certain unique advantages over the other sources that make its long term potential very bright.

SINGLE CELL PROTEIN

What is single cell protein (SCP)? SCP is derived from single cell microorganisms grown on renewal agricultural resources, on agricultural wastes, or on fossil fuels, and, in the process, converting inorganic nitrogen to cellular protein. The protein in microbial cells is generally very high both in quantity and nutrition. Microbial cells often contain as much as 65 per cent protein.

There are many advantages to single cell protein. For example, SCP doesn't have to be grown in the ground, thus requiring acreage as cereals do, and its growth is not dependent upon favorable weather conditions. Moreover, it doubles rapidly. And genetic experimentation to improve protein content can be readily undertaken.

Some of the SCP processes developed by chemical engineers are derived from sources such as: fossil fuel, feed lot wastes, city refuse, paper plant wastes.

Obviously, there are many possible substrates that can be used for SCP production. These fall into three categories: materials that have a high value as a source of energy or are derived from such items, materials that can be derived from plants and hence are a renewable resource, and materials that are essentially waste and should be recycled back into the ecosystem by some minimal, non-polluting means.

Resource use as well as financial economy must be considered in choosing between these SCP substrate alternatives. For example, the ever increasing concern about environmental pollution has resulted in greater negative cost values of wastes and hence has increased their potential as SCP substrates.

Energy source materials include natural gas, N-Alkanes, gas oil, methanol, ethanol, acetic acid.

It is estimated that world energy consumption will double between 1970 and 1980, increasing from the energy equivalent of 100 million barrels of oil per day to 170 million barrels of oil per day. Over 60 per day of this energy will come from oil. In view of the present oil shortage and likely future oil shortage, there will probably not be much SCP production from energy source materials.

UTILIZING WASTES

Prospects look brighter in the field of utilizing wastes. Waste materials include such things as animal manure, sewage, bagasse, citrus waste, whey, sulfite waste liquor, molasses, carbon dioxide.

Last year, approximately one billion tons of solid organic wastes were generated in the United States. Included were agricultural and food wastes, manure, urban refuse, logging and other wood wastes, industrial wastes, municipal sewage solids, and miscellaneous organic wastes. Of this waste, nearly 200 million tons came from animal manure. It has been estimated that nearly one million barrels of oil per day could be obtained from the waste by a chemical CO reduction process. This is hardly significant in terms of the oil demand. However, 50 million tons of single cell protein per year could be derived from the manure wastes, and this is significant in terms of the protein needs.

With respect to this latter possibility, large feed lots for cattle are posing great pollution difficulties. Feed lots handling from 10,000 to 100,000 head of cattle are becoming popular. The accumulation of manure from a 100,000 head feedlot is roughly equivalent to the municipal sewage disposal problem for a city of one million people. With the development of liquid ammonium fertilizers, feedlot manure is no longer an efficient or economical manner of fertilizing. Hence manure is now simply stacked and is becoming a significant source of pollution in some areas. It could and should be turned into energy or single cell protein.

FISH MEAL AND SOY MEAL PRICES ESCALATING

Fish meal and soy meal are other sources of protein. Fish meal production depends to a great measure upon the catch of anchovies off the coast of Chile and Peru. In 1972 and 1973 the catches were greatly reduced due to anomolies in the Japanese current behavior. This has caused an escalation of protein prices to a situation where fish meal prices at their peak in 1973 reached $400 per ton and soy meal $260 per ton. This is equivalent to 31 cents per pound for fish protein and 30 cents per pound for soy protein. The price of single cell protein has been estimated to be between $270 and $330 per ton, depending on the plant size and substrate used. This is equivalent to 21–25 cents per pound of crude protein. Thus it would seem that SCP could have been profitably produced in recent months.

PROTEIN IMPERIALISM?

I believe society is heading toward a world community of energy imperialists and protein imperialists where both protein and energy will be derived from many sources including oil, wastes, and renewable resources.

How will the technical feasibility of single cell protein be decided? Will the private sector be allowed to build SCP processes solely on financial considerations or will political pressures from the government weigh in such decisions? As Chairman of The Working Group on Production of Substances by Microbiological Means and hence a working member of the US-USSR Commission on Cooperation in Science and Technology, I have observed how political considerations have weighed in the Soviet decision to produce single cell protein from oil products. But in Japan, political protest caused the demise of Japanese SCP processes based on oil.

FABRICATED FOODS

The most important innovative foods of the '70s may be foods which are engineered to achieve given nutritional specifications as well as physical form. Bulk relatively pure protein will be a basic raw material for these fabricated foods. The different protein materials will derive value from their spinability, extrudability, color and flavor retentivity, and nutritional toning characteristics.

How will this bulk protein be transformed into acceptable food? Key to this transformation has been the achievement of spun protein fibers, a process developed by chemical engineers at several food companies. In these processes protein is solubilized in an alkali solution and spun (much like a polymer fiber is spun) into an acid solution where shanks of fibrous materials are produced. This fibrous material can be colored, flavored and pressed in various recognizable food forms. The advantage of the fibrous form is that it provides texture, so essential to food acceptance.

I believe protein raw materials will be bought and sold much as the various flours are now for the baking industry. Many feel oilseed meals—i.e. vegetable proteins—will continue to be the important source of protein concentrate and single cell protein largely to the area of animal feeds. I do not share this view. SCP has a unique characteristic in terms of the ease, relative to other protein sources, with which the amino acid profile and hence protein characteristics can be genetically manipulated. I believe this will be one of the prime advantages of single cell protein. The ultimate value of SCP will be its programmed protein characteristics, not necessarily its value as a large bulk supply of cheap protein.

EMERGENCY LIVESTOCK ACT

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. PEYSER. Mr. Speaker, next Tuesday the House is scheduled to debate the Emergency Livestock Act. As I have stated many times, I consider this to be ill-conceived legislation which should be defeated. In this regard I would like to bring to the attention of my colleagues a letter which I recently sent to all of the Members of the House with 14 of my colleagues representing both parties from all across the country.

The letter follows:

DEAR COLLEAGUE: The House is soon scheduled to consider the "Emergency Livestock Credit Act of 1974." We urge you to vote against this ill-conceived legislation.

We certainly understand the problem of the cattle producer and some of the other producers who are covered by this legislation. However, after considerable study and investigation we have come to the conclusion that this legislation will not help the people it is intended to help. Instead it will merely be a bank bonanza bill which will bail out banks and other investors in tax shelters who made ill-advised investments in an inflated cattle and hog industry during a period of unprecedented high prices.

By granting a government guarantee on new loans, we permit producers to refinance their old loans at the present 11½ or 12% interest rate. There can be little reassurance for the already heavily indebted producer who, a year from now, will again have to face the possibility of bankruptcy when the loan program ends and he is still heavily in debt.

Meanwhile, consumers continue to pay near all-time high prices for food and the reduction in price is not passed on by middlemen.

We are convinced the only long term answer to the problem is to increase consumption of beef and hogs. This will not be done until middlemen pass on lower prices to the consumer.

The cattle industry is presently overproducing, partially because of tax shelter money lured in by the promise of attractive benefits, partially because of Canada's ban on United States beef, and due to many other causes. In most industries, overproduction would lead to a lower price to the consumer. Instead, we have seen a reduction in demand since prices have not come down. If all involved in this market really want to help themselves in the long run, they should worry about increasing the demand for meat by passing on price reductions to the consumer and force the middlemen to release some of the tremendous amount of warehoused beef they now hold.

This bill which is the result of a total of 20 minutes of discussion in the Full Agriculture Committee should be defeated.

Sincerely,

Peter A. Peyser, Margaret M. Heckler, Benjamin S. Rosenthal, Thomas M. Rees, John Conyers, Jr., William R. Cotter, Gilbert Gude, Mario Biaggi, Ella T. Grasso, George E. Brown, Jr., Charles A. Vanik, John H. Dent, Yvonne B. Burke, Joseph P. Addabbo, Michael Harrington, William J. Green.

LIFTING OF TURKISH OPIUM POPPY BAN THREATENS UNITED STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. RANGEL. Mr. Speaker, Prime Minister of Turkey Bulent Ecevit's decision to permit new poppy plantings by Turkish farmers has triggered a United States-Turkey crisis. Clearly this move by the Prime Minister to resume cultivation of the opium poppy is a domestic political move to keep his struggling, weak coalition government from splitting apart.

It is nonetheless a considerable setback for the United States. When the ban was imposed in 1971 at U.S. urging, opium from Turkish farms represented 80 percent of the narcotics entering the United States illegally. Today many of our colleagues believe that the ban has been largely responsible for the decline in illicit drug traffic since then.

In the Turkish political context the opium decision becomes a populist move aimed at appeasing the discontented poppy farmers who represent an important segment of the electorate. Premier Ecevit asserts that the opium crop will be used exclusively for pharmaceutical industry, and proposes tighter security measures in the hopes of curtailing clandestine markets.

Clearly, as has been shown in the past, it has been proven nearly impossible to control what the farmers do in remote areas of Anatolia where the poppy flourishes. For this reason the resumption of cultivation and the lifting of the ban is a devastating blow for the entire United States.

Therefore, I would like to share with my colleagues the Evans and Novack column from the May 8, 1974, Washington Post which vividly depicts the present situation, which will have a negative impact on the lives of millions of Americans:

[From the Washington Post, July 8, 1974]

THE OPENING ROUNDS OF THE "POPPY WAR"

(By Rowland Evans and Robert Novak)

ANKARA, TURKEY.—Despite confrontation of potentially tragic dimension between Turkey and the U.S., Prime Minister Bulent Ecevit pledged in an exclusive interview here to "keep anti-American reactions within limits" if Congress terminates U.S. aid in reprisal for renewed poppy-growing in Anatolia.

Ecevit, the left-leaning intellectual who translates Ezra Pound and once audited a Kissinger course at Harvard, has been carefully briefed on congressional aid threats by hard-driving American Ambassador William B. Macomber.

Those threats, running the gamut from conservative New York Republican James Buckley to liberal Democratic presidential-hopeful Sen. Walter Mondale of Minnesota, stem from Ecevit's decision to resume poppy-growing after a two-year ban. The ban was imposed under extraordinary U.S. pressure to ease an American narcotics or hard drugs epidemic.

Some U.S. experts claim that elimination of the Turkish poppy (source of raw opium) is the main explanation of a dramatic 50 per cent decline in the number of U.S. heroin addicts to an estimated 250,000 today. Turkish farmers have sold poppy oil and seed for generations in legitimate trade; the underworld reaped millions in illicit opium profits.

Ecevit's decision to permit new plantings by impoverished Turkish farmers comes as his political fortunes are finally rising after a shaky start six months ago. It was not only a popular decision; it had been virtually pledged by all candidates in last fall's election.

Yet, it now has triggered an escalating U.S.-Turkish crisis, with the U.S. accusing Ecevit of breaking the planting-ban "agreement" made by the 1971 army-dominated government and the Turks angrily saying the U.S. cannot dictate their domestic economic policy.

Stark overtones derive from Washington's dependence on its NATO alliance with Turkey for indispensable gathering of highly classified military information from across the Soviet border. There are no fewer than 25 joint Turkish-American bases. Nevertheless, the congressional target of reprisal is U.S. military aid here (now running at $35 million a year) and about $55 million in economic aid. The danger of infuriated Turkish response to U.S. pressure is evident from recent history: an attack on former Ambassador Robert Komer's limousine five years ago by anti-American left-wing students.

Ecevit draws support from these same liberal forces. Some Western experts here believe that with U.S.-Soviet detente in full bloom, Ecevit may be coming under subtle leftist pressures to begin modifying the special U.S. Turkish relationship. The poppy war could be a harbinger.

If so, Ecevit disguises it. To the contrary, he told us in his parliamentary office that "the U.S. link is indispensable." Indeed, he said, a decision not to resume poppy planting would itself have led to virulent anti-Americanism (a thesis of dubious validity).

Yet, Ecevit is clearly aiming at alterations in Turkey's foreign policy. No Turkish government, he told us, can afford to appear "submissive" to a bigger ally. Some senior members of his government feel that in the past, particularly during interludes of covert army domination such as 1971, Turkey was indeed "too submissive" to the U.S. Ecevit now courts closer ties with the Arab world, with Europe, both East and West, and with the underdeveloped world.

Ecevit, a new-look Turkish leader of charm and poise, absolutely ruled out any negotiations with the U.S. on the poppy war as "an infringement of our sovereignty." That dramatizes the developing split with the U.S. which claims the 1971 poppy deal was an "agreement," tied to special emonomic aid for poppy farmers, that can't be broken unilaterally.

Ecevit told us he would cooperate with the U.S. or any international consortium to police the new poppy crops and keep opium out of the hands of underworld dealers. Knowledgeable westerners scoff at this as unworkable, and they are probably right.

The prospect of the U.S. Congress fanning the flames of Turkish chauvinism by eliminating aid is ominous. Some Turkish politicians believe President Nixon himself may turn against Turkey in his political writhing for popular acclaim, but that seems highly unlikely.

Nevertheless, so grim does the poppy war look that Macomber, on first learning of Ecevit's final decision late last Monday, demanded a formal diplomatic appointment at midnight to gain time. He came away, as he had been warning Washington for months, empty-handed.

LABOR-CIVIL RIGHTS COALITION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. RANGEL. Mr. Speaker, the friendship between the AFL-CIO and civil rights groups has furthered the cause of equal opportunity and civil rights for all Americans. Particularly as the opposition to a government which displays unconcern for the rights of the people, labor and civil rights proponents must continue to work together as a united front to defend the progress we have made, in the past two decades, toward racial justice.

In the wake of the deaths of former Chief Justice Earl Warren and Mrs. Martin Luther King, Sr., I hope all Members of Congress will think about the effort, the sacrifice, the tears and hopes which made change possible. This movement toward a more just society must continue. It can only do so if the labor-civil rights coalition remains a buttress against the regressive attitudes of the Nixon administration. I insert in the RECORD for the attention of my colleagues an article from the July 6 AFL-CIO News which describes a message from President George Meany to the NAACP convention urging a renewed, strong coalition between the two groups.

MEANY HITS NIXON ASSAULT ON CIVIL RIGHTS PROGRESS

NEW ORLEANS.—AFL-CIO President George Meany called for strengthening the alliance between labor and civil rights groups to recover ground America has lost under the Nixon Administration.

Meany charged in a message to the NAACP convention here that President Nixon has shown "relentless hostility" to the civil rights principles for which the AFL-CIO and the black community have fought.

But it isn't just blacks and other minorities that have been the target of the Administration's policies, Meany emphasized. It is all "part of a larger assault on the economic interests of all workers and consumers, on the civil rights of all Americans and on the foundation of democracy itself."

The "massive counterattack" on the progress made in the 1960s and 1950s is evidence that "the battle is far from won," Meany said.

"We cannot afford to rest or go separate ways," he said. "We cannot allow demagogues to divide our ranks."

Meany recited some of the setbacks under the Nixon Administration.

"Badly needed housing, education, manpower, health and welfare legislation has been blocked time after time by White House opposition or crushed by veto after veto."

He noted the dismantling of the Office of Economic Opportunity, the double squeeze of inflation and recession on workers and consumers. And unemployment, while high for both races, was "as always" highest in the black community.

Meany cited areas of progress as well, in his message to the NAACP's 65th anniversary convention.

While the first minimum wage bill passed during the Nixon Administration was vetoed by the President, this year the long-sought increase and expansion of coverage was passed by so great a margin that Nixon "did not dare to veto it again."

In that legislative battle, Meany noted, the NAACP's Washington director, Clarence Mitchell, again proved "one of the most effective legislative agents" in the capital.

Meany noted progress also within the labor movement towards ending discrimination and widening job opportunities.

He cited the 29,000 minority youngsters in Outreach apprenticeship programs, an increase of 7,000 over the previous year.

"We are very proud of Outreach," Meany said. "It has a lower dropout rate than any other apprenticeship program in America. No more effective program exists to equip young blacks with the skills they need to share equally in the world of work and the rewards of work."

Because the AFL-CIO rejects "the idea that any segment of society can prosper at the expense of any other segment," the federation has helped set up the Labor Council for Latin American Advancement as a vehicle for Spanish-speaking workers, and has aided the A. Philip Randolph Institute to expand its voter registration and education programs in 35 states.

And, Meany added, the AFL-CIO Dept. of Civil Rights and Director William E. Pollard work "day in, day out . . . to eliminate discrimination of every kind in every AFL-CIO union."

In the months ahead, he declared, labor will do all it can "to help elect a Congress that will put people above profit" so that "next year will see America resume its progress toward civil, social and economic equality where it halted in 1969."

Meany voiced confidence that labor and the civil rights movement "will be working side by side" toward that objective.

A PENNY SAVED IS NOT EARNED

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HANRAHAN. Mr. Speaker, the penny shortage is causing quite a bit of concern. Because of this, the Treasury Department has begun a nationwide campaign to curtail this shortage. For the benefit of my colleagues, I insert the following article from the Star-Tribune:

A PENNY SAVED IS NOT EARNED

Faced with a critical shortage of pennies in circulation throughout the country, the federal government has come up with a new twist to an old proverb. In effect it is telling the public not "a penny for your thoughts," but "Give us your thoughts on pennies."

To help relieve the coin shortage, the U.S. Treasury department has launched a nationwide campaign to get the lowly penny back into circulation. Only the penny isn't so lowly anymore, it seems. In fact, the coppers are becoming so scarce that many merchants are rounding off sale prices to the next highest nickel. And this, the government warns, is inflationary.

As an extra incentive for public co-operation in the campaign, the Treasury department will award a special citation to every person who cashes in $25 or more in pennies at a bank. The citation bears the signature of Mrs. Mary Brooks, director of the mint.

Since 1959 the mint has turned out 60 billion pennies. At present, however, only about 30 billion are in circulation. Most of the others, the government believes, are being hoarded by coin collectors and speculators in hopes of profiting from the scarcity or as a result of rising prices for copper.

But this won't happen, the government says. Copper prices are leveling off and the number of pennies still in circulation is much too large for them ever to have any numismatic value.

Meanwhile, however, unless at least 15 billion pennies can be lured out of hiding, the government will have to coin the same number, at a cost to taxpayers of $150 million. This also will require the use of approximately 100,000 tons of copper, a valuable natural resource that cannot be replenished by man.

The Treasury department program appears to have a number of helpful things going for it. Among other things it offers every member of the family an opportunity to help control inflation, protect the environment and cut government expenses. Who would have thought any amount of pennies could help accomplish so much?

MAN'S CHALLENGE IN AMERICA'S FUTURE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. MURTHA. Mr. Speaker, I had the honor and privilege of participating in the eighth annual "Old Fashioned" Fourth of July festivities in the progressive borough of Brockway, Pa.

It was most heartening to see the thousands of people who gathered to pay tribute to the true meaning of July 4—the birthday of the United States of America.

It was my special privilege to give the Independence Day address as arranged by the Patriotic Committee of the Brockway 4th of July Committee.

In this day of unrest of our youth and a questioning in the minds of some adults as to what our young people believe in, I was most impressed to meet Miss Debbie Galluzzi of Brockway who wrote the following article which was used as a part of the cover of the official program for the Fourth of July festivities. I would like to share Miss Galluzzi's thoughts with my colleagues as I know they, too, will be most interested in hearing what this one youth of our country expressed:

MAN'S CHALLENGE IN AMERICA'S FUTURE

Challenge—a call to fight. America's challenge—a call from other nations to lead the world toward freedom. This American challenge is one of leadership to the many oppressed nations who look upon us as the defenders of freedom and peace.

We, the Americans, must dedicate ourselves to this struggle toward independence for the world through the knowledge that our own freedom and faith in God will bring us ever closer to this goal and its synonymous happiness.

However, because the United States has always possessed these fine qualities, we have become the target for world-wide criticism. This criticism has taken some effect on the American people, but the majority of Americans realize that the only way we will ever achieve world peace is to strive toward the goal of freedom for all nations. We will conquer hunger with food, strife with hope, and anarchism with justice. When we dedicate ourselves to this, nations will no longer surrender to the hopelessness on which strife and war feed. Instead they will look to us for hope and a guiding light. We will be remembered not only for our bravery but also for our justice and liberty.

After we, the Americans, have accomplished our task of leadership, we will then be even more thankful for our own freedoms and opportunities. We will see that this is the way to lead the world—not to cringe in slavery but to be united in freedom.

COAL RECLAMATION FEE: COST IS LOW, BENEFITS ARE HIGH

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. SEIBERLING. Mr. Speaker, when the surface mining control and reclamation bill, H.R. 11500, reaches the House floor, I intend to offer a substitute for the reclamation fee provisions of title IV.

The bill, as it now stands, would do much to prevent future devastation of our coal mined lands. It would do little, however, to repair the enormous devastation that remains from the past.

According to the latest survey by the U.S. Soil Conservation Service, over 2.5 million acres of strip mined lands lie unreclaimed. These lands are not merely an eyesore. They post serious physical hazards to people who live near them. They mean a tremendous economic loss to the communities' tax base. And they represent an enormous loss of food and water for our Nation's population.

The fund raised by my reclamation fee would be used primarily to restore these ravaged lands. The basic fee of $2.50 per ton on all coal mined would be reduced on the average to 92 cents per ton by credits for coal mine safety equipment and activities, already required by law, and for reclamation activities required by the present bill. These credits would lower the fee substantially, while offering the industry a strong incentive to do a better job of coal mine safety and reclamation.

The net reclamation fee is estimated to average around $1.60 per ton to stripmines and only 25 cents per ton for deep mines, with their high coal mine safety costs.

This is a small price to pay for the great benefits that would be gained. The average cost of coal would still be less than half the cost of the equivalent amount of oil, at current prices. Such a fee would add only six hundredths of a cent per kilowatt hour to the average cost of electricity generated with coal—a cost to the consumer of only 36 cents per month on the home electric bill.

REVITALIZATION OF DEEP MINING

The fee would also benefit the coal industry. It would offer the industry a great incentive to open or expand deep mines. This is vital if the coal industry is to meet the heavy demand for coal in the near and far future.

Only 3 percent of the Nation's coal can be strip mined. The other 97 percent must be deep mined. Our country's future in coal thus rests largely in a viable deep mining industry. Yet in recent years, deep mining has been declining while stripping has grown to 50 percent of our coal production. Since 1970, 1,585 deep mines have closed, a loss of hundreds of jobs and a loss of almost 29 million tons of annual coal production.

We cannot rely on strip mining to fill our Nation's need for coal. As an Interior Department task force report pointed out, if we put maximum reliance on surface mining to expand production, we will "exhaust a very high portion of reported surface reserves in both the East and West by the year 2000," and surface mine reserves in the West would be totally exhausted by 1996. Accordingly, the task force found such a strategy unacceptable.

My amendment would restore the competitive balance between deep mining and strip mining. By encouraging deep mining it would assure that our country has an adequate supply of coal, and the means to obtain it, for hundreds of years to come.

LOWER COST FOR CONSUMERS

My amendment would also assure that consumers in the East and Midwest do not pay for greatly increased rates for electric power as they would if they were forced to depend on coal hauled in from the West, at transportation costs already running as high as $14 a ton.

By contrast the reclamation fee in H.R. 11500, as presently written, would further penalize Appalachian and midwestern coal. It favors low energy content western coal, with no compensating benefits. This means a loss of coal production and jobs in the midwestern and eastern mining regions. And because the money raised is so small, it would generate less than one-third the amount of my proposed fee, it would require at least 45 years to reclaim the land and water ravished by previous mining. And for many years to come, the people who live in the blighted coal mining communities must continue to face the physical hazards and economic deprivation of their wasted land and polluted water.

Mr. Speaker, a copy of my proposed reclamation fee amendment follows these remarks:

AMENDMENT OFFERED BY MR. SEIBERLING TO H.R. 11500

Section 401, page 250, line 5 through page 251, line 5, strike subsection (d) and (c), substitute the following new subsections, and renumber the remaining subsection accordingly:

(d) All operators of coal mining operations which are subject to this Act shall, not later than 60 days following the end of the calendar year 1975 and each calendar year thereafter, pay a reclamation fee to the Secretary equal in amount to $2.50 per ton of coal mined by the operator during the preceding calendar year, except that:

(1) A credit, in the amount of $0.10 for each 1000 British Thermal Units (BTU) or major fraction thereof by which the weighted average BTU value of coal mined by the operator during the year falls below 16,000 BTU per pound, shall be allowed upon presentation of reasonable proof; and

(2) A credit not to exceed 90 per centum of the total fee due shall upon presentation of reasonable proof be allowed for any incremental costs and expenses which have been incurred by the operator during such year for—

(A) reclamation activities, facilities and equipment required in order to comply with the standards established by or pursuant to sections 201, 211, and 212 of this Act;

(B) activities, facilities and equipment required in order to comply with the Coal Mine Health and Safety Act of 1969 as amended (Public Law 91–173; 83 Stat. 742);

(C) activities, facilities and equipment required in order to comply with the Federal Water Pollution Control Act (33 U.S.C. 1151–1175) in connection with the mining operation; and

(D) the amount of any reclamation fee, license fee, severance tax or other similar charge required by law to be paid by the operator to any State with respect to coal mining operations in such State, in the proportion that the proceeds of such fee, tax or charge are used by the State to support reclamation activities comparable to those provided for by this Title, but not to exceed 16 per cent of the total fee due before the credits allowable under paragraphs (1) and (2) of this subsection;

(3) Incremental costs and expenses, as used in paragraph (2) of this subsection, means all costs and expenses (including costs of equipment and facilities previously purchased but not previously amortized in accordance with generally accepted accounting practices) which have been necessarily incurred by the operator for the purpose of complying with the particular provisions of law referred to in subparagraphs (A) through (E) of paragraph (2) and which would not have been necessary in the absence of such provisions of law. In no event shall the total of such costs and expenses allowable to the operator under subparagraph (A) of paragraph (2) for a particular calendar year exceed the total amount of the bond or bonds required under section 216(a) with respect to the area in which the operator has completed the extraction of coal during such calendar year.

(e) The Secretary shall make a study of the effect of the reclamation fee and, within six months after the close of the twelve-month period ending June 30, 1977, and in each twelve-month period thereafter, shall report to Congress the results of the study with respect to its effects on the coal mining industry, including the relative competitive positions of deep coal mining and surface coal mining in each major coal mining region of the United States. With his report, he shall include his recommendations as to the extent, if any, that the reclamation fee should be increased or decreased in order to enable the deep coal mining industry to compete effectively with the surface coal mining industry.

(f) The Secretary shall periodically cause an audit to be made of the operations and records of each operator required to pay a reclamation fee under subsection (d) of this section, to determine the correctness of any credits claimed under said subsection. The Secretary shall promulgate regulations governing the imposition, collection, and audit of the reclamation fee and credits. In preparing such regulations, the Secretary shall consult with the Secretary of the Treasury to arrange, so far as feasible, for the Internal Revenue Service to assist in performing auditing activities under this subsection. Any amount taken by the operator as a credit under subsection (d) of this section that has been finally determined as not qualifying for credit thereunder shall be repaid by the operator to the Secretary promptly after such final determination shall have been made, together with interest, at the rate of 6% per annum from the date such credit was taken, and any penalty imposed by law. A determination by the Secretary as to the amount of fee or credit payable by or allowable to an operator shall be deemed prima facie correct.

(g) On or before July 1 of each year, 37½ per centum of the amounts received into the fund from reclamation fees paid under subsection (d) of this section with respect to coal mined in each State shall be paid to the governments of the respective States in which the coal was mined. Such money shall be used by such States, or political subdivisions thereof, for acquisition, reclamation, conservation or development of the public lands of the State, or political subdivisions thereof, or of lands reserved to or owned, within the State, by any Indian tribe, giving prime consideration, in accordance with the priorities set forth in section 402, to the needs of communities which supply or have supplied the major part of the work force for current or former coal mining operations.

CHIEF JUSTICE WARREN AND THE FULFILLMENT OF THE AMERICAN DREAM AS CONTAINED IN THE CONSTITUTION OF THE UNITED STATES

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1974

Mr. NIX. Mr. Speaker, I rise to add my voice to that of a multitude of Americans who mourn the passing of the Honorable Earl Warren, late Chief Justice of the U.S. Supreme Court.

If ever a Justice of that Court could challenge the preeminent place that Chief Justice Marshall holds in the Court's history, Justice Warren could do so.

During his tenure on the Court he frequently asked the simple question "is it fair," and the constant repetition of that simple question led Justice Warren and the Warren Court to make good on the promise of America, first set out in the words of Jefferson in the Declaration of Independence and in the Constitution of the United States by the framers of that document.

The history of our republic could be as studied as the constant expansion of full democratic rights for all its citizens. Justice Warren played a great role in the 1950's and the 1960's in that march to full equality for all Americans.

Among the issues resolved by the Warren Court under his leadership were:

First. The outlawing of school segregation.

Second. Enunciation of the one-man, one-vote doctrine.

Third. Made the Bill of Rights binding on State Governments.

Fourth. Curbed wiretapping.

Fifth. Upheld the right to be secure against unreasonable searches and seizures.

Sixth. Buttressed the right to counsel.

Seventh. Underscored the right to a jury trial.

Eighth. Barred racial discrimination in voting, in marriage laws, in the use of public parks, airports and bus terminals and in housing sales and rentals.

Ninth. Extended the boundaries of free speech.

Tenth. Ruled out compulsory religious exercises in the public schools.

Eleventh. Restored freedom of foreign travel.

Twelfth. Knocked out the application of the Smith and McCarran Acts.

Thirteenth. Held that Federal prisoners could sue the Government for injuries sustained in jail.

Fourteenth. Said that wages could not be garnished without a hearing.

Fifteenth. Liberalized residency requirements for welfare recipients.

Sixteenth. Sustained the right to disseminate birth control information.

All of these great legal triumphs came at a time when America was rich, contented and American society had become very complex, when basic American liberties were becoming rusted by time. He restored to its full vigor what the Marshall court had established in an infant nation.

Promises made by the Founding Fathers were fulfilled for minorities and others, and the law took on new and vigorous life.

That I think is the greater triumph than the establishment of a great legal system.

Chief Justice Warren was our greatest Chief Justice. He left American law, alive and well and the pride of democracy everywhere in the world.

FINANCIAL STATEMENT OF CONGRESSMAN JOHN B. CONLAN

HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. CONLAN. Mr. Speaker, in view of my expressed interest in honest government and clean elections, I believe it only fair and proper for me to make full disclosure of the sources of my income and assets, and a list of debts or other business activities or investments which could have any possible conflict of interest with my duties as an independent elected representative in Congress of the people of Arizona.

The following information is above and beyond that asked for by the Committee on Standards of Official Conduct. In addition, as required by Federal and State law, my reelection campaign contributions will be fully reported by the Conlan for Congress Committee.

FINANCIAL STATEMENT

A. Sources of all income in 1973: Salary received as U.S. Congressman—$38,722 (11 months); December 1972 Arizona State Senator salary received in January 1973—$407; earnings as an attorney from the practice of law—$4,227; honoraria for speeches—$2,000; interest earned on personal savings accounts—$525.

B. Donations received from 106 friends and constituents of my district to assist in publication costs of a periodic newsletter to my constituents—$2,592.

C. The names of companies in which I own stock, and any position of management held in any business entity doing business with the Federal Government or subject to Federal regulatory agencies—None.

D. Creditors to whom I am indebted: other than the monthly mortgage payments on my house and the occasional use of an American Express credit card, I have no financial debts.

E. My assets consist of: approximately $6,205 in checking accounts in Washington, D.C. and Phoenix; ownership in two residences and home furnishings in Bethesda, Maryland and Paradise Valley, Arizona valued at $150,000 and subject to Mortgage of $73,974; a limited cash value in outstanding life insurance, and less than $2,000 in contribution to the Arizona public employees retirement system; I have $28,406 in savings accounts in Phoenix and Washington, D.C. of which $12,000 is for the college education of my two children; and I also own 3 cars, a 1968 Dodge, a 1963 Cadillac and a 1971 Pontiac, combined value of $3,000.

F. I paid 1973 Federal and State taxes in the amount of $9,355 and have filed a report of my earnings and sources of earnings with the Clerk of the House pursuant to Rule XLIV of the House of Representatives.

REPEAL DAYLIGHT SAVING TIME

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. CARTER. Mr. Speaker, I am today introducing a bill that will help to lead us out of the darkness on the issue of daylight saving time.

In the past, I have introduced measures to provide for daylight saving time from Memorial Day to Labor Day each year. Further, I have sponsored legislation to terminate the Emergency Daylight Saving Time Energy Conservation Act of 1973. Now, I am combining these two measures in an effort to bring about some reason, commonsense, and sound judgment in this matter.

I want to point out that the Department of Transportation has recommended that our Nation return to standard time. Year-round daylight saving time has not proved to be an energy saving measure. Indeed, before enactment, there was no concrete evidence that such action would provide meaningful conservation of our valuable energy resources. Further, I have often pointed out the danger that year-round daylight saving time causes for our young schoolchildren who must wait on dark mountain roads for their buses each morning.

I submit that year-round daylight saving time has resulted in more harm and inconvenience than proving to be of any real benefit.

My bill would also narrow the effective period of daylight saving time to those days falling between Memorial Day and Labor Day of each year. I believe that this would be a most important step and I urge my colleagues to support this measure.

I include for the RECORD the text of my bill:

H.R. 15857

A bill to repeal the Emergency Daylight Saving Time Energy Conservation Act of 1973, and to provide for daylight saving time from Memorial Day to Labor Day during each calendar year

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Emergency Daylight Saving Time Energy Conservation Act of 1973 is repealed.

SECTION 2. Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended—

(1) by striking out "the last Sunday in April" and inserting in lieu thereof "Memorial Day, the last Monday of May,"; and

(2) by striking out "the last Sunday of October" and inserting in lieu thereof "Labor Day, the first Monday of September,".

SEC. 3. This Act shall take effect at 2

o'clock ante meridiem on the fourth Sunday which occurs after the date of enactment of this Act, except that if such Sunday occurs in April or May, this Act shall take effect on Memorial Day of the same year.

REPRESENTATIVE JACK KEMP PRAISES ERIE COUNTY LEAGUE OF WOMEN VOTERS INNOVATIVE RECYCLING PROGRAM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. KEMP. Mr. Speaker, at a recent meeting of the Amherst League of Women Voters, I was introduced to an exciting and constructive new program undertaken by this group to encourage the recovery of reusable materials from municipal wastes. I have been consistently impressed with the outstanding commitment to community service exemplified by the Erie County League of Women Voters, and am pleased to report that their new recycling program, although only 6 weeks old, has received the enthusiastic endorsement and cooperation of many Amherst residents and hopefully will spread throughout the county and the Nation.

Obviously, there are some difficulties inherent in a volunteer program of this scope, however, as the following status report indicates, the Amherst League under the direction of Lilly Anne Gorbaty as president and chairman of the recycling committee, has met with impressive success and is well on the way to overcoming the monumental problems connected with solid waste management.

Janet Massaro, water quality chairman of the Environmental Quality Committee of the Amherst League has prepared this status report which, in addition to describing the goals of the program, and the ingredients of success, provides a sample of the flyers publicizing the program.

I especially commend to the attention of my colleagues Ms. Massaro's thoughtful comments regarding the role of this Congress in promoting source reduction, as the essential step in any serious attempt to preserve and protect our environment.

The status report follows:

STATUS REPORT

The voluntary program of the Amherst League of Women Voters provides door to door collection of metal, glass and paper products before these items enter the solid waste stream. Items are cleaned, separated, and/or bundled by residents, collected by the Amherst Highway Department, and sold to scrap dealers. The mechanics of the program are outlined in the enclosed flyer which was distributed to all Amherst households through the schools, libraries and service organizations. The program has been given widespread publicity by the news media. The Amherst Bee has done a tremendous job with weekly pictures and news articles and TV coverage has greatly boosted our efforts in informing residents of the project and urging their participation. And the Amherst League's backing of the project through the sale of containers for recyclable materials with the message "project environment: in Amherst we care" has proved an eye-catching reminder and an invitation to join. (Amherst highway vehicles now carry the same message.)

The program is now just six weeks old. In spite of some difficulties inherent in alternate weekly pick ups for items, we can report with great satisfaction that the program is working well. The Highway Department assures us that the program is more than breaking even, it is showing a profit.

The cooperation and enthusiasm of many Amherst residents and the initiative, enterprise, and just plain hard work by the town's Highway Department and many volunteer organizations are the ingredients of our initial success. We are all understandably proud of the program's trial run and we expect the Amherst Town Board will support its continuation on a long term basis.

However, this is only a modest beginning by one town in meeting head-on the monumental problems of solid waste management. There are difficulties with the program as it is presently being conducted. Many of these are beyond our community's ability to control or effect. We must turn to our elected officials to replace outmoded legislation with bold and decisive measures that get to the root of this nation's growing solid waste problems.

As a first step Congress can equalize the costs of shipping virgin and secondary materials to make the use of scrap materials more economically attractive and to provide readily available markets for collected items. To discourage waste we must change the rate structure which at present rewards heavy users of energy and natural resources. We must carefully examine the outrageously wasteful practices of the packaging industry. We must establish regulations that will promote the most efficient use of packaging materials and will require materials to be recovered, reused and recycled rather than disposed of.

The League of Women Voters has repeatedly stated that in judging the value of solid waste management programs, source reduction should be the first principal by which our legislators should be guided. Primary reliance on resource recovery is a onesided approach that seeks to protect many wasteful practices at the expense of taxpayers and the environment. In congressional testimony Thomas L. Kimball, Executive Vice President of the National Wildlife Federation, spoke to this issue: "We must seek to minimize waste, using improved techniques of waste collection to handle unavoidable waste, not to perpetuate its generation to support a solid waste management industry."

PROJECT ENVIRONMENT: IN AMHERST WE CARE

The Town of Amherst is initiating an ambitious new resource recycling program. Beginning in May the Amherst Highway Department will make weekly *curbside* collection of economically valuable recyclable material (regular weekly garbage collection service by independent refuse companies will continue as usual). "There's cash in trash."

HERE'S HOW THE PROGRAM WILL WORK

What: Paper—all unsoiled paper products are included, i.e., newspapers, magazines, mail, cardboard, egg cartons, cereal, tissue, toothpaste boxes, etc. Tie your paper items securely or pack tightly into large grocery bags.

Glass—Wash jars and bottles, remove lids and metal rings and store in separate containers according to color—Clear, Green, and Brown.

Metals—soak cans in warm water to remove labels and food residue, cut out ends and flatten (for more convenient storage).

Where: The town ordinance for refuse pick-up will apply also to the collection of recyclable materials. Durable covered containers are to be used. Containers must be placed at curbside no more than 24 hours before pick-up and removed the same day. If collection day for recyclables occurs on the same day as regular garbage collection, place each group on opposite sides of the driveway.

When: Starting the week of May 6, 1974 on your regularly scheduled debris pick-up day the Amherst Highway Department will collect *natural debris* plus *metals*. On the following week and on alternate weeks thereafter *glass* and *paper* will be collected.

Your pick-up day for recyclable materials is determined by geographical area. If you are not sure what your collection day is, call the Amherst Highway Dept. at 631-5990.

With just a minimum of time and effort on our part in preparing the items and placing them no further than our front curb, we can cut down disposal costs for the one ton of solid waste generated by each person in America every year (at ever increasing costs to us for land and labor). We can help conserve our country's natural resources (for which we will eventually pay higher prices as these resources become scarce). The League of Women Voters, Conservation Council, Jaycees, Housewives to End Pollution, American Association of University Women, Sierra Club, Girl Scouts and Boy Scouts of Amherst are actively supporting our town's recycling program. But if it is to be a success for ourselves and a model for other communities we need you.

Support Amherst's Curbside Recycling Program—prepared by the League of Women Voters of Amherst—Lilly Anne Gorbaty, Pres. 839-3408; Solid Waste Management, Recycling Committee—Gail Macakanja, 633-6244.

MARCH OF DIMES BIRTH DEFECTS PREVENTION MONTH

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. O'BRIEN. Mr. Speaker, with a number of my colleagues in the House of Representatives I am sponsoring a joint resolution to establish January as "March of Dimes Birth Defects Prevention Month."

In this way we hope to focus the Nation's attention on the volunteer effort which is working to solve the No. 1 child health problem in the United States.

Around a quarter million babies are born in the United States each year with some type of defect—mental or physical. This is approximately 7 percent of all live births. More than 60,000 deaths annually—in infancy, childhood, or adulthood—are officially attributed to birth defects. Researchers believe the actual number may be more than twice as many. In addition, defective fetal development causes some 500,000 spontaneous abortions, stillbirths, and miscarriages a year.

An estimated 15 million living Americans suffer from birth defects that are serious enough to affect their daily lives. Of this number, 3 million persons are mentally retarded, 4 million are diabetics, 1 million suffer from congenital bone, muscle, or joint disease, 500,000 are totally or partially blind, 750,000 have impaired hearing, 350,000 have congenital heart or circulatory defects, and 100,000 have severe speech problems.

January has been designated March of

Dimes month by many States, including Illinois. The proceeds for many years were used to finance the successful fight on polio. With its victory over polio, the National Foundation/March of Dimes began in 1958 to focus its full resources on the campaign against birth defects.

National Foundation/March of Dimes volunteers throughout the country carry the word in person and through hundreds of thousands of pamphlets and booklets to all parts of the community. By authorizing the President to designate January of each year as "March of Dimes Birth Defects Prevention Month," the Congress can help these volunteers in their work of disseminating information about education, nutrition, and prevention of birth defects to the public.

WE NEED RADIO LIBERTY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. BIAGGI. Mr. Speaker—

> Everyone has the right to seek, receive, and impart information and ideas through any media regardless of frontiers.

This fundamental statement makes up article 19 of the Universal Declaration of Human Rights. Yet as fundamental as this right is to us in the United States, it continues largely but an elusive dream for the millions of citizens of the Soviet Union and her Eastern Europe satellites.

In March of 1953, Radio Liberty first went on the air to serve as the main alternative media for the Soviet Union and Eastern Europe. They incorporated the above article as their motto, and embarked upon a course to provide the millions of peoples under the control of the Soviet Union with news undistorted by censorship.

Radio Liberty, which has been financed the last three years by congressional appropriation is based from New York and Munich. It is largely staffed by natives of the U.S.S.R. who were able to escape Communist domination and thus are in a good position to determine what their counterparts who remain behind the Iron Curtain would be interested in hearing.

The Soviet government, continues despite its pursuit of détente with this nation, to attempt to block the transmissions of Radio Liberty. Throughout its 21-year history. Radio Liberty has survived the challenges of the Soviet government that the news they report is both distorted and provocative. Yet, the argument of the Soviet Union is specious when one considers that the Radio Liberty's own self-imposed rules restrain it from belligerent language, baltant propaganda, petty attacks, the very foundation of the Soviet's own news coverage to its people.

In recent years, the focus of Radio Liberty's attention has been focused on the internal turmoil in the Soviet Union spearheaded by such esteemed intellectuals as Alexander Solzhenitsyn. Radio Liberty has been able to acquire the latest privately circulated writing of Soviet dissidents, "samsizdats" as they are called, and have included them in their broadcasts to the news starved peoples of the Soviet Union and Eastern Europe.

Radio Liberty has also championed the causes, most especially the tragic plight of the Soviet Jews who continue to seek the fundamental right of emigration. Their efforts have been instrumental in the relaxation by the Soviet Government of some of their more rigid policies.

As important as Radio Liberty and the other voices of freedom, the Voice of America, and Radio Free Europe among others, they are currently enduring their most difficult financial period. Already their important Institute for the Study of the U.S.S.R. in Munich has been forced to close, as well as one of their primary transmitter sites in Taiwan.

We in the House will shortly consider the Foreign Assistance Act which includes appropriations for Radio Liberty. It is my fervent hope that we will vote to provide the funds necessary to continue this important alternative voice for the millions of oppressed peoples of the Soviet Union and Eastern Europe.

Mr. Speaker, we are embarking on a new era of détente with the Soviet Union. Many people have hailed this as an important first step toward the relaxation of world tensions. Yet while we can all applaud the prospect of peace, let us not become overzealous in our efforts at achieving this peace. The goals of communism continue as they have been since the days of Karl Marx and Lenin; namely, complete world domination. They have had to coerce peoples into agreeing with their positions, and have kept these people under strict and rigid controls to maintain their loyal Radio Liberty and her counterparts represent one of the few hopes which the citizens of the Soviet Union and Eastern Europe have to hear unbiased and unpropagandized news broadcasts. It has kept the fires of eventual freedom alive in the hearts of these brave people.

BARSTOW, CALIF., RESIDENT HONORED BY FREEDOMS FOUNDATION

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. PETTIS. Mr. Speaker, one of my constituents, Mrs. Sally Ballard, of Barstow, Calif., was recently awarded the George Washington Medal of Honor by the Freedoms Foundation At Valley Forge, for her leadership efforts to strengthen the public understanding and dedication to the traditional principles of freedom inherent in America's free society.

As a result of her award, Hon. George E. Goldsmith, mayor of the city of Barstow, proclaimed a citywide day in Sally's honor. I am pleased to take this opportunity to bring these happenings to my colleagues' attention and to add my personal commendation to Sally Ballard for her unstinting devotion to the principles and causes in which she so firmly believes.

WE GO ON AS A PEOPLE

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. WYATT. Mr. Speaker, one of the truly disturbing aspects of life in the United States today is the poisonous atmosphere so apparent in many thought circles. This has been either generated, or at least encouraged by some of the activist news media. Many of us had hoped for a period of real reconciliation in America following the trauma of Vietnam, and the termination of the draft. But it has been almost a death wish on the part of some people in our country that hate, distrust and controversy be played up in the media every day.

The British magazine Encounter, reporting on the scene in the United States summarized by saying:

> On almost every hand, the irritability quotient appears to have risen. If once an act of coldness or unpleasantness seemed worth marking, now an act of decency is. Where apathy is the rule, the merely helpful seems saintly.

In the June 10 issue of Time magazine, Hugh Sidey has written a column on the Presidency which touches upon this entire subject in connection with the funeral of Stewart Alsop. I include this column for the thoughtful consideration of all Americans who are interested in the subject:

WE GO ON AS A PEOPLE

We are passing through the longest and bitterest political struggle that our nation has had in 100 years. Families have been split, old friendships shattered, careers ruined, public men disgraced, and great quantities of hate pumped into the American system.

And yet beneath it all, something special endures, some sense of common purpose held by Republicans and Democrats, liberals and conservatives, ins and outs, accused and accusers. This unity has too often been obscured by the smog of contention. But last week there was a quiet interlude in Washington that reminded us that we are, after all, going the same way.

It began as a somber occasion—the memorial service for Columnist Stewart Alsop, a civilized man who succumbed to leukemia after waging an inspiring fight with his will, his wit and his body (*see* THE PRESS).

The White House men walked across Lafayette Park to St. John's Church, the small stately structure that has welcomed Presidents and their associates since the time of James Madison. Pat Buchanan, a Nixon speechwriter, his wife, and Richard Moore, presidential friend and assistant, were there. So was former Treasury Secretary George Shultz.

Out of the great legal and corporate offices of Washington came figures from the past, some in big black limousines that told of their huge financial success since leaving the Government decades ago. Others shuffled through the rain with umbrellas raised high. Jim Rowe and Paul Porter were New Dealers. Thomas Corcoran, when he was not redesigning the Government 40 years ago, used to play the accordion for Franklin Roosevelt out at Joe Kennedy's place. Robert McNamara, John Kennedy's and Lyndon Johnson's Secretary of Defense, attended, and so did Mrs. Dean Acheson, the widow of Harry Truman's Secretary of State.

Ted Kennedy caused heads to swivel when he was shown to a seat near the front of the church. Lady Bird Johnson was in the congregation. Alice Roosevelt Longworth, the 90-year-old daughter of Teddy Roosevelt, walked gracefully to her seat, back straight, huge black hat firmly in place.

They read the *Psalms* together—old, simple, still full of special meaning. One could sense the impact. "Yea, though I walk through the valley of the shadow of death . . ." They heard the words of St. Paul to the Romans: "For as many as are led by the spirit of God, they are the sons of God." They all rose and sang with remarkable force a 19th century hymn: "I fear no foe, with thee at hand to bless;/Ills have no weight, and tears no bitterness." The church was not really sad just then—the significance of the moment to the men and women there went beyond grief. Hate died. As the service ended, there seemed to be almost a conscious effort by adversaries to seek each other out and say a kind word.

George Bush, the Republican national chairman, waved and called to almost everyone within sight. Bryce Harlow, who had worked for Dwight Eisenhower as well as Nixon, turned to the man beside him for a chat. It was NBC's Ray Scherer. Phil Geyelin, editorial-page editor of the Washington Post, ran into former Attorney General Richard Kleindienst, who had recently pleaded guilty to a misdemeanor in the Nixon scandals. The Post was a leader in uncovering Watergate, but they shook hands warmly and exchanged quiet greetings.

The mourners stood in clusters outside St. John's, the White House looming in the mist just beyond the park. There seemed to be a reluctance to break the spell, to resume the family fight.

There have been hints of this same kind of fraternal undercurrent in other Washington events these past days. When Bill Simon was sworn in as Secretary of the Treasury, the East Room of the White House was a grand mixture of political dissidents invited by Simon and tolerated by Nixon as the Marine Band played soothing background music.

In Florida on one of his helicopter shuttles, a tired and beleaguered President looked out the window at four reporters, the arch-enemy, watching from the wash of the rotors. Even in his state of Watergate fatigue, there was an old tug down there somewhere, and Nixon raised his arms and waved. The newsmen returned the gesture. On the yacht *Sequoia* the other night with Nixon, the congressional guests were mostly conservative, but there were some of independent mind with deep doubts about the President's leadership capacity. This group slid down the Potomac embraced in good fellowship. Perhaps some of these gestures are just a reflex. Still, even while contending with each other, we go on as a people.

ERNEST H. GRUENING

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HELSTOSKI. Mr. Speaker, it was with a great deal of sadness that I learned of the death of Ernest Gruening, former Alaskan Governor and Senator. Not only have the people of Alaska lost a great man and a good friend, but so have people throughout the Nation and the world.

Among his many achievements, Ernest Gruening was a medical school graduate, newspaper editor, a Governor and a Senator. However, the integrity and perseverance he manifested in fighting for the things he believed in are as memorable as any of his accomplishments.

Of course we all recall that it was Senator Gruening who, along with Senator Morse of Oregon, had the courage years ago to stand alone and vote against the Gulf of Tonkin resolution. Furthermore, Alaskans will always remember Ernest Gruening as one of the leading figures in their fight to gain statehood.

Mr. Speaker, Ernest Gruening leaves behind a very special legacy. While his record of public service was unsurpassed, his courage and resourcefulness remain monumental.

REUNION OF 94th INFANTRY DIVISION TO BE HELD IN CHICAGO

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. YOUNG of Illinois. Mr. Speaker, I would like to ask my colleagues to join with me in paying tribute to the members of the 94th Infantry Division that served in World War II. The members of this division will be holding their 25th reunion in Chicago, Ill., on July 18, 19, and 20.

I would like to insert some information about the history of the 94th as prepared by Robert C. Higgins of Glenview, Ill. I know that my colleagues join me in wishing these men well and in thanking them for their service to the United States in the traditions of the "Spirit of '76."

The information follows:

THE 94TH INFANTRY DIVISION

Mayor Richard J. Daley has proclaimed that three days of July be set aside to honor the men of World War II's 94th Infantry Division. More than 7,000 men from Illinois, Wisconsin, Indiana and Michigan served in the battle scarred ranks of the unheralded Division which suffered close to 11,000 casualties during 195 consecutive days and nights of man-to-man, toe-to-toe slugging with some of Hitler's finest combat troops.

Chicago's Mayor Daley urged "all citizens to take cognizance of the 94th Infantry Division which served our country gallantly and with great distinction, compiling a brilliant campaign record in World War II."

Although the 94th saw some of World War II's heaviest fighting and was selected to spearhead two famed American Armies (3rd and 7th) in the final drive to the Rhine River, it received little publicity or recognition. One reason for this could be the fact that it was not a Regular Army Division. the unit was one of the first American Divisions totally filled with citizen-soldiers and was de-activated soon after the cessation of hostilities. Yet, the 94th was unique in many ways.

Though it was filled with "raw recruits", the 94th won the honor of becoming the first Division in the history of the United States to qualify as an "Expert Infantry Division" entitling the men of its three infantry Regiments the right to wear the little known "Expert Infantryman's" badge.

The 94th also has the distinction of holding the longest battle line in the history of the U.S. Army. It stretched for 450 miles through Brittany, France where the men of the 94th, during 111 days of continuous combat, contained a German force of 60,000 in and around the ports of Lorient and St. Nazaire. During this period, the Division assaulted and crushed the final section of Hitler's Atlantic Wall.

During the Battle of the Bulge, the citizen-soldiers of the 94th were rushed into the heavy snows and rugged country of the Saar Mountains where they spearheaded Patton's Third Army through the so-called "impregnable" Siegfried Switch Line. This was a double defensive line of pillboxes, tank traps and mine fields made even more formidable by the natural barriers of the Moselle and Saar Rivers.

In 39 straight days of bitter fighting during the winter of 1944–45, the 94th, suffering heavy casualties, smashed through all defenses and destroyed the vaunted Siegfried Switch Line. During this fighting, the 94th fought and destroyed several German units including the 416th Infantry Division and the 11th Panzer Division.

The 94th men were next selected to spearhead the drive to the Rhine by both the U.S. 3rd and 7th Armies in March, 1945. After 8 days of slugging it out with desperate German troops who fought with their backs to the wall, the citizen-soldiers of the 94th reached the banks of the Rhine. In less than a month they went from mountain fighting to the intimate combat of house-to-house fighting as they took the prize industrial city of Ludwigshafen on the west bank of the Rhine.

In the run to the Rhine, the 94th Reconnaissance Troop, in one day, captured 15 towns and took prisoner 1,000 of Hilter's Supermen. The Division's 302nd Regiment was the first Allied unit to reach the Rhine.

The civilians from the dairy farms of Wisconsin, the auto plants of Detroit, the streets and suburbs of Chicago and the corn fields of Illinois and Indiana fought some of Germany's best and most experienced combat troops for 209 days of combat. They captured more than 26,000 prisoners.

Many of the battle seasoned men of the 94th came from within a 300 mile radius of Chicago. At the end of the war they were anxious to return to the peace and routine of midwestern farms and cities. They had fought from Normandy to the Ruhr Valley, the heart of industrial Germany. They were well-seasoned combat troops having assaulted the pillboxes of the Atlantic Wall and the Seigfried Line, experienced hedgerow, mountain and street fighting. They fought and defeated German infantry, SS, marines, paratroopers, mountain troops and panzers. Their service ended in Czechoslovakia which country they occupied together with Russian combat troops.

Being a "citizen-soldier" Division, the 94th was disbanded and deactivated early and its veterans sent home. Their battle flags were wrapped and placed in storage. Their uniforms were hung in closets and exchanged for bib overalls, business suits and coveralls. Many of their dead rest quietly in cemeteries of Normandy, Luxembourg, Peoria, Fort Wayne, Eau Claire, Grand Rapids and in the farmlands of Iowa and Ohio.

On July 18, 19, and 20, a few hundred men of the 94th will gather and be honored by the City of Chicago. Thirty years ago they were quick-eyed, fast stepping, razor sharp combat infantry fighters whose presence on the battle line was recognized as a death notice by opposing German troops. In 1974 they will pass unnoticed on the streets of Chicago because they are typical mid-westerners. Their step and the color of their hair will match their age. If you were to ask them what they are, the answers would be, "Farmer, factory worker, school teacher, minister, senior citizen."

In the annals of Military History the 94th

Infantry Division will receive no more than a footnote: Activated—Ft. Custer, Michigan; Training—Camp Philips, Kansas, Camp McCain, Mississippi; European Theater of Operations. It will always be known as a Division of non-professionals. The men of the 94th produced no military greats and they are nothing more today than they were then . . . Mid-Westerners who after a few months of Basic Training left their homes and families, traveled to Europe and defeated many of Hitler's finest and most experienced troops. Then, some of them returned home.

Let us who enjoy the freedoms of America hate war . . . not the warrior.

THE DRUG SCENE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. WOLFF. Mr. Speaker, this past Monday, July 8, 1974, I sponsored hearings in New York to examine the effects of the ending of the Turkish opium poppy cultivation ban on the drug scene in the United States, with particular emphasis on New York City and the surrounding counties. Joining me were my colleagues, Representative TENNYSON GUYER of Ohio, as well as Representatives BENJAMIN GILMAN and JOSEPH ADDABBO of New York. We elicited the testimony of several individuals knowledgeable in this field, which indicates the seriousness of the probable effects of the actions of the Turkish Government. For the information of my colleagues in the House, who will soon be considering proposals for this Nation to respond to the hostile and irresponsible actions of the Turks, I am inserting in the RECORD the testimony of several of the expert witnesses at our hearings:

OPENING STATEMENT BY REPRESENTATIVE LESTER WOLFF

I have asked you to meet with me today to focus on the consequences of Turkey's decision to resume opium poppy cultivation with the fall planting season and to ascertain, in greater detail, the scope of the impact the dissolution of the two-year-old ban will have on the new York "drug scene".

Specifically, I called this hearing as a working session to precede the formal Congressional hearings to be convened next week in Washington by the full House Foreign Affairs Committee to consider Concurrent Resolution 507. This Resolution—which I introduced with Congressmen Rangel and Rodino, and which is now cosponsored by a majority in the House, 238 Members, including Speaker Albert, Majority Leader O'Neil, Minority Leader Rhodes and my distinguished colleagues who are with me today, Congressman Guyer, a member of my Subcommittee on International Narcotics Control, Congressman Gilman and Congressman Addabbo—directs the President to cut off both military and economic assistance to Turkey since the nation chose to breach its agreement with the United States and rescind its ban on opium production.

Already, in light of the Turks' action, there are intelligence reports indicating the infamous French Connection is being reestablished—in fact, the links were being forged well in advance of the announcement that the ban was being lifted. And, despite the assurances being proffered by the Turkish government that it will strictly control all opium sales, there is every indication that the Corsicans and others, under the cover of legitimate business operations, are merely waiting for the first harvest to reinstate their link with U.S. drug peddlers—a connection that will once again convey their lethal traffic to plague upon untold numbers of men, women and youngsters in this country.

Law enforcement and addiction agency officials concur that the opium ban was directly responsible for sharply curtailing the number of heroin addicts in the United States and particularly in the New York metropolitan area where, prior to 1972, more than 80 percent of the illicit heroin emanated from the poppy fields of Turkey.

What is to happen now?

Turkey's callous decision to resume opium production opens up a Pandora's Box of modern-day human ills. Everyone concerned with narcotics abuse and crime in the United States knows that we do not grow opium-based heroin in this country and that one prime way to attack the multi-faceted problem of heroin addiction is to stop the flow of heroin at its source—the poppy. This is why Turkey's decision is so alarming and so critical.

Today, we will explore Turkey's re-entry into the opium business and the effect it will have, all too soon, on our communities and our youth. In our discussion we also will deal with the peripheral aspects of illegal drug trafficking and how profiteering narcotic entrepreneurs kindle and perpetuate other illicit business operations around the world.

Your statements and testimony will be made part of the permanent record of the Foreign Affairs Committee hearings and, you may be assured, will be of valuable assistance to Members of Congress as they deliberate the new foreign aid bill which includes $250 million in aid to Turkey, at this time.

America is engaged in a war on drugs—a war we cannot afford to lose. I sincerely appreciate your being here today and welcome your remarks.

STATEMENT BY CONGRESSMAN JOSEPH P. ADDABBO

Mr. Chairman, I welcome this opportunity to express my deep personal concern over the proposed lifting of the ban on opium poppy production by the Turkish Government. For several years a number of Congressmen, including myself, had advocated greater U.S. efforts to persuade other governments to crack down on the production and distribution of narcotics and illicit drugs. I was quite pleased when the Turkish Government agreed in 1972 to ban the growing of opium poppy, the base for nearly 80 percent of illicit heroin entering the United States at that time, in exchange for $35,700,000 in assistance from the United States for losses to Turkish farmers and for assistance in developing alternative crops. I was even more pleased when the implementation of this arrangement with the Turkish Government resulted in tangible evidence of a reduction in the number of heroin addicts in this country by some 60 percent.

Suddenly this improvement in a most tragic and dangerous situation is in jeopardy due to current deliberations within the Turkish Government over the possible lifting of the ban on opium poppy production. The implications of this proposed lifting of the ban on U.S. addiction rates are alarming and for that reason bold action is called for by our own government. Our response must not only be bold but it must be swift and forceful. I have joined with a number of my colleagues in the House of Representatives and our New York Congressional delegation to sponsor a Resolution outlining the need for such official action and specifically calling on the President to initiate high level diplomatic negotiations aimed at preventing the resumption of opium production and if necessary to exercise his authority to terminate all foreign aid to Turkey should the ban be lifted.

Our Resolution, H. Con. Res. 520 sponsored by Congressman Rangel together with Reps. Abzug, Badillo, Biaggi, Bingham, Brasco, and myself from the New York delegation and many other Members of the House has been referred to the Committee on Foreign Affairs where I know our colleague Rep. Wolff will press for early consideration.

Normally one nation tries not to interfere in the internal affairs of another nation. This is clearly not a question of the agricultural policies of Turkey but rather one of life and death for people all over the world. For that reason intervention is clearly justified and our resolution calls for the President to take all appropriate steps to prevent the production of opium.

These hearings today are part of the effort to convince the President to be more aggressive in meeting this challenge from the Government of Turkey and to instruct the Secretary of State to assign a priority to diplomatic steps to prevent the lifting of the opium ban. Should those negatiations prove unsatisfactory, the President has the authority under the Foreign Assistance Act to cut off aid to any nation which does not take adequate measures to stop the illegal flow of drugs to the United States. That authority should be exercised to terminate aid to Turkey in the event the opium ban is lifted.

These hearings will, I hope, help persuade the Congress and the President that this is the only course of action which will be effective in continuing the decline in the number of heroin addicts in our nation.

I also would like to commend my colleagues in the House who are here today at these important hearings and those who are supporting the Resolution urging negotiations on the Turkish Opium Ban.

STATEMENT BY BENJAMIN A. GILMAN

Permit me to take this opportunity to commend Congressman Lester Wolff, chairman of the Subcommittee on International Narcotics, for bringing about this timely panel-discussion on the resumption of Turkey opium production.

Turkey's unilateral decision in the resumption of opium cultivation strikes a severe blow to narcotic enforcement not only in America, but throughout the world.

Turkey was the source of approximately 80 percent of the total amount of heroin used by American addicts. So much of the Turkish opium found its way into the illegitimate heroin market that in 1972 the United States pledged $35.7 million to assist Turkey in the phasing out of its production of opium. As a result of these efforts, there was a dramatic decrease in both the quality and quantity of heroin on the streets with a corresponding drop in the level of heroin addiction.

Of the 35.7 million dollars pledged to Turkey, 20 million was allocated for programs and projects to create a new source of income for poppy growers and approximately 15 million would have been used to repay money which would have been earned through projected illegal opium sales.

Of the $35 million pledged, 10 million has gone for exchange replacement and 10 million for development, leaving 15 million unexpended.

It has been estimated that the resumption of opium exports from Turkey would result in an increase in the number of heroin addicts to 250,000 Americans . . . a tragic loss of American resource . . . and in many cases . . . American life.

Turkey, in announcing its decision to lift the ban on the cultivation of the poppy as of July 1st, in its "issuance for permission on cultivation of opium property" in seven Turkish provinces, stated that the order came about "to improve the living conditions of farmers whose livelihood depends on this production and to meet the need of raw materials for pharmaceuticals".

With regard to pharmaceuticals, a recent preliminary finding by the GAO indicates that synthetic substitutes could satisfy any predicted opium shortage. As for the needs of the 90,000 farmers . . . they have already been handsomely rewarded for their efforts under the $35 million subsidy program. Moreover, the Turkish government has not yet requested the unexpended funds made available by our Nation.

Turkey's outrageous decision is illogical . . . considering the fact that the Government of Turkey stands to lose more than $200 million in foreign aid and assistance in the coming fiscal year as compared to a net gain of ¾ of 1 percent of its total national export.

Turkey's total lack of humanitarian concern coupled with its clear breach of its earlier agreement with America to stop growing poppies mandates immediate action. I propose the following:

First: The withholding of payment of the unexpended remainder of the 35.7 million dollar fund for Turkey's opium growers.

Second: Pursuant to House Concurrent Resolution 507, which I am co-sponsoring, I call upon the administration to impose Presidential authority to suspend all further economic and military assistance to the Government of Turkey based upon its failure to cooperate with us in curbing international traffic in hard drugs.

Third: The immediate suspension of any and all pending foreign aid military assistance to the Government of Turkey until such time as it revokes its order permitting opium cultivation.

I urge all nations to join with our country in condemning this short-sighted decision by the Government of Turkey.

Statement by John T. Cusack

By 1965 the post World War II heroin addiction problem in the United States which had been stabilized at about 50,000 addicts began to escalate. While there were sociological factors which brought about this increased demand for heroin in the United States as well as worldwide, investigation clearly indicated that 80% of the heroin supplied to the United States came from clandestine heroin laboratories in the Marseilles region of France where it was converted from morphine base illicitly produced in Turkey from opium diverted from legal production in that country.

In 1960, United States and French narcotic control authorities estimated that two hundred kilos of heroin per month were being smuggled to the United States from the Marseilles region. This would amount to 2,400 kilos annually or 2.4 metric tons of heroin. By 1965, this traffic and addicts had doubled and on the basic of illegal opium supplies available in Turkey, the ability of the Turkish underworld to produce morphine base for the French illicit laboratories, it became apparent that the Turkish-French connection could supply several hundred thousand heroin addicts in the United States if not a million.

The need for the Government of Turkey to begin to bring its opium production under a system of control became apparent to the world community and the United States as early as 1931 and Turkey was urged to do so. In 1933, it enacted a law which established a system for the purchase of opium from farmers and its legal export for pharmaceutical purposes. By 1948, as the post World War II heroin problem developed, it became apparent that the 1933 Turkish opium law required strengthening. In 1950, the GOT enacted a law which increased the penalties for narcotic violations including the death penalty for illicit manufacture and certain trafficking offenses.

Regrettably this law did not prove effective. In 1953 the United Nations Opium Protocol was completed to create a worldwide system for the effective control of legal opium production. Unfortunately, it was not until 1960 that Turkey placed into effect a system of licensing required by the treaty.

While there had been much hope that the new licensing system would curtail the extensive opium diversion to the illicit traffic, it failed to do so. By 1966, working with the determined that its licensing system was United Nations, the Government of Turkey faulty and moved to correct this situation. However, it took six years from 1966 to 1972 to enact and implement legislation correcting the weaknesses in the opium cultivation licensing law. During the period 1966–1971 it is estimated that the failure of controls in Turkey resulted in doubling or even tripling the illicit heroin traffic affecting the U.S. The new licensing regulations were utilized for the 1972 or last opium crop in Turkey. However, observers considered it only marginally effective and estimate that it would take at least five years of trial and error to develop a reasonably effective system but would still suffer a loss to the illicit traffic of 10 to 20 per cent.

On the basis of morphine base and heroin seizures in the traffic from France and Turkey affecting the United States, it became apparent that the problem from 1960 onward began to increase and by late 1965 began to reach alarming proportions. Dialogue with the Turkish Government on this problem was opened in 1966 by the United Nations, the United States and other governments. Beginning in 1967, the Government of Turkey, under Prime Minister Suleyman Demirel, with the encouragement of the United Nations and the support of the United States, began a program to gradually prohibit the cultivation of the opium poppy in Turkey.

Indications were that in 1967 the Government of Turkey clearly recognized its responsibility under Article 22 of the U.N. Single Narcotic Convention of 1961 which states:

"Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation."

Beginning in 1968 and through 1971, the Demirel Government reduced poppy cultivation from 21 to 4 provinces. In 1972, the Turkish Government under Prime Minister Nihat Erim, Mr. Demirel's successor phased out the last four provinces.

Between 1968 and 1971, the overall production of opium in Turkey and diversion to the illicit traffic was substantially reduced but the quantity entering the illicit traffic was still very great and more than enough to supply what was necessary to create and sustain a heroin epidemic in the United States. In fact, by 1970–1971, observers estimated that from 8 to 12 tons of heroin manufactured from Turkish morphine base was being smuggled to the United States. By 1972, opium production in Turkey had been sufficiently reduced to bring some relief and with no opium crop in 1973, the shortage of heroin which began in mid–1972 increased and remains to the present.

The opium production ban in Turkey has been remarkably effective. Heroin addiction in the United States has decreased from an estimated 500,000 in 1971 to about 200,000. The street level price of heroin has quadrupled while the purity has been reduced by half. In 1973, the rates of overdose deaths, drug related hepatitis, and property crimes, indicators of instances of heroin addiction, declined throughout most areas of the United States for the first time in six years. A heroin shortage has existed for 24 months, particularly in our eastern and midwestern States traditionally supplied with heroin of French origin produced from morphine base originating in Turkey.

At the Third Special Session of the U.N. Commission on Narcotic Drugs at Geneva in February, the representatives of the United States, France, Canada and Interpol stated that the poppy ban in Turkey had dramatically curtailed the illicit traffic and addiction to heroin in Europe and North America. The representative of Iran stated that prior to 1969, before gradual poppy prohibition in Turkey began to take effect, his Government annually seized eight tons of opium coming from Turkey. In 1973, only 2/10ths of one ton was seized. Representatives of Arab Governments have also reported a sharp diminution in the quantities of opium entering their territory from Turkey.

Notwithstanding the fact that opium production in Turkey had been gradually reduced since 1968 and ended entirely in 1972, there have been substantial supplies still available from clandestine stocks hoarded by growers and traffickers. This testifies to the enormity of the leakage to the illicit traffic from legal production in Turkey. After two years of no opium production in Turkey it is estimated that about 2,400 kilos of heroin are still entering the United States annually from France and Lebanon produced from morphine base originating from stocks in Turkey.

In May 1974, the Turkish Jandarma seized a large morphine base laboratory in Denizli Province, along with 69 kilos of morphine base and 20 kilos of opium. There has not been opium production in Denizli since 1971.

For many months now, we have been following statements made by Turkish officials that it would be necessary to return to poppy cultivation to relieve the economic and social hardships experienced by the "poor poppy growers". The farmer in Turkey who grew poppy was a general farmer, growing wheat, barley, other grains, sugar beet, vegetables and seed oil crops. Poppy was an extra cash crop which because of its high risk of failure due to weather conditions, was never grown exclusively. The average grower earned from $10.00 to $60.00 in an environment where his income totalled about $850.00 annually. The cultivation of the opium poppy was one-tenth of one percent of the overall agricultural production in the regions in which it was grown. Opium poppy and its products amounted to three-fourths of one per cent of Turkey's total exports. Annually, Turkey cultivates about 30 million acres. Yet at the height of opium production only 112,000 acres of poppy were cultivated; and in 1972, the last year of production, only 18,000 acres were cultivated by farmers, amounting to only one-tenth of one percent of Turkey's population.

Because poppy was such a soil depleting crop, farmers always rotated it with wheat, barley, other grains and melon. The transition to substitute crops was therefore quite easy and normal most of the substitutes earn as much for the grower as poppy provided he did not sell to the illicit traffic.

If the grower depends upon sales to the illicit market, there is no crop that can compete with the poppy. Farmers advocating a return to poppy cultivation are likely to be those who supplied the illegal market.

When the Government of Turkey decided to end the cultivation of poppy after the 1972 harvest, the United States Government pledged $35 million to assist Turkey in phasing out opium production. Twenty million dollars of this fund has been allocated to programs and projects which could produce new sources of income for the poppy farmer. Fifteen million dollars was to be spread over three to four years to help replace losses in foreign exchange that would have been earned by Turkey through legal opium sales.

The Government of Turkey on its own paid subsidies in 1972 and 1973 to farmers who ended opium production the previous year. It is my understanding that these payments amounted to the equivalent in Turkish currency of about $5 million and were successful in easing the transition of farmers to other crops. The subsidy phase of the Turkish program to terminate opium production has ended. Of the $35 million pledged by the United States, $10 million has already been provided as foreign exchange replacement and $10 million for development programs to raise the level of agriculture and economic development in the former poppy growing regions. Of the remaining $15 million pledged by the United States, $10 million is allotted for development programs and $5 million for foreign exchange relief.

On Juy 1, 1974, the Government of Turkey published a decree authorizing a fall 1974 planting for the cultivation of poppy for gum opium in seven provinces. This returns production to the 1971 level, and by Turkish estimates will produce 200 tons of opium. Outside observers believe this might well result in an equal amount entering the illicit traffic.

On July 2, Prime Minister Ecevit in speaking to Parliament indicated that if control measure proved inadequate, Parliament would be asked to enact additional laws to prevent illicit diversion.

While we are inclined to accept the good intentions of the Turkish Government in its promise to adopt a fool-proof system of control, should it reestablish opium production, we must be guided by past experience where the most conservative observers estimate that at least half of the opium produced in Turkey entered the illicit traffic. The conditions responsible for this situation have not changed. To a great extent, they are beyond Turkish control and involve narcotic traffickers in the United States, Western Europe, as well as those in Turkey. There are numerous unscrupulous individuals who, through their interaction, have been in the past and would be again responsible for penetrating the Turkish system of opium control and diverting vast quantities to the illicit traffic for heroin manufacture to again infect Western Europe and North America.

It is simply impossible to control the production of opium by 100,000 farmers on half-acre plots in Turkey. This production is simply too vulnerable to criminal elements in Turkey and abroad, and there is no system that can prevent substantial diversion. The cost of attempting to develop and implement such a system would be economically prohibitive.

In addition to citing farmer hardship and the fact that poppy growing was a way of life for farmers in Turkey (which statistically it is not). Prime Minister Ecevit said the ban was imposed in 1972 to protect the health of humanity, but now the health of humanity was neglected because of a shortage of opium. Turkey's return to opium production would now meet that opium shortage.

For some time now Turkish officials have stated that the Turkish opium ban has created a deficit of 200 tons for the world pharmaceutical industry.

During 1973, a drought in India did result in a gum opium shortfall of about 200 tons. On this point, the U. N. International Narcotic Control Board in its report for 1973 issued on February 25, 1974, stated that "It appears that whereas the 1973 production schedules will not in itself suffice to meet demand, the 1974 schedule might be expected to lead to a possible equilibrium". On this point, at the recent Third Special of the United Nations Narcotic Commission, Sir Harry Greenfeld, President of the International Narcotic Control Board cautioned against any hasty decisions by governments to begin or to reestablish opium production to fill the 1973 shortfall which production schedules by 1974 could well end.

During the last five years of opium production, Turkey only managed to purchase an average of 93.2 tons of opium from farmers and during the last ten years of production, an average of only 101 tons was purchased from growers.

The demand for illicit opium supply in Turkey at greatly increased prices has traditionally prevented the government from obtaining sufficient quantities from farmers to make an adequate and dependable annual contribution to legal world requirements. This failure has been the reason for an increase in Indian opium production and has caused countries by 1973 to produce 36 per cent of the world's opiate alkaloid requirements through the industrial poppy straw process.

During 1974 increased use of this process is expected to alleviate the 1973 shortfall in opiate raw materials.

An added challenge to developing opium production controls in Turkey has been the amnesty in May which liberated about 25 major narcotic traffickers in Turkey including Nuri Boston, Mehmet Akman, Ahmet and Hasan Karagulle and Ismail Ozdemir. Many other violators also had their sentences reduced. Another development which has caused very great concern has been the appearance of illicit heroin activity in Turkey. In March 1974 a clandestine heroin laboratory was seized in Usak Province and we have several reports from our Western European police colleagues that Turkish nationals are beginning to offer heroin purportedly of Turkish origin for sale.

While Turkey may have a sovereign right to reestablish opium production, if it wishes, it also has a solemn responsibility to consider whether in the interest of humanity it does not have an obligation to maintain the ban which has had such a remarkable effect in reducing the traffic in heroin and addiction in Western Europe and North America.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1974

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. ANDREWS of North Dakota. Mr. Speaker I submit herewith a copy of an amendment I intend to offer next week when the House considers H.R. 11500, the Surface Mining Control and Reclamation Act of 1974. The text of the amendment follows:

AMENDMENT TO H.R. 11500, SURFACE MINING CONTROL AND RECLAMATION ACT OF 1974

In Sec. 225(c), page 239, line 20, delete the word "may" and insert the word "shall."

If amended, this provision under the Federal Lands section would read as follows:

"The Secretary *shall* require as one of the terms and conditions of any permit, lease or contract to surface mine coal owned by the United States that the lessee, permittee or contractor give satisfactory assurances that the anti-trust laws of the United States will be complied with and that no class of purchasers of the mined coal shall be unreasonably denied purchase thereof."

The rationale behind my amendment is to guarantee to smaller coal companies and other purchasers with smaller requirements the availability of Federal coal. At the present time, sales patterns of coal leased by the Federal government are characterized by disproportional availability to the larger purchasers resulting in a disadvantage to the smaller purchasers.

What this amendment simply does is to require the Secretary of the Interior to see to it that lessees-permittees of Federal coal comply with our nation's anti-trust laws.

The necessity of guaranteeing smaller companies access to Federal coal is seen by noting that fewer than 5% of the surface coal mines in the United States produce as much as 200,000 tons of coal annually. In addition, 65% of the 2300 surface coal mines in the U.S. produce 50,000 tons or less a year. Certainly, the small surface coal mines should have the protection of this country's anti-trust laws without waiting for the Department of Justice to initiate proceedings or having to undergo the large economic burden themselves and perhaps experience long judicial delays. With the demands of the energy crisis upon us, everyone should have equal access to the vast reserves and strippable Federal coal.

For these reasons, I urge your adoption of this amendment.

U.S. TECHNOLOGY EXPORTS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HANNA. Mr. Speaker, for some time I have been concerned over the difficulty American firms encounter when trying to export technological advances they have developed. We have let our hands be bound by cold war attitudes which are, in fact, not relevant to international trade. These attitudes preclude advances we must make in the international marketplace, not only because of the balance-of-payments situation but also because of the salutary effect an increase in U.S. export would have on job conditions here at home.

Our present policy of making it as difficult as possible for U.S. firms to export technology is a movement backward; which is both distressing and destructive. The following article appeared in the June 1974 issue of Government Executive. Two American businessmen, Bill Norris of Control Data Corp., and Dr. Lester Hogan of Fairchild Camera & Instrument demonstrate the disastrous effect this policy is having on efforts to expand U.S. participation in foreign markets. I recommend it to all of my colleagues:

TECHNOLOGY EXPORT

Three years ago, the Canadian government gave Control Data Corp. a grant of $20 million to help create an indigenous computer industry including a facility near Toronto. It now employs 430 persons, mostly Canadians, and is already delivering two economic results—technological developments at the new plant are being incorporated into CDC computer advances in the U.S. and CDC is now a major manufacturer of large scale computer systems in Canada.

At about the same time all this was happening, CDC was being hammered by a handful of Congressmen on Capitol Hill for "selling our technology to the Russians and (thus) jeopardinging our national security."

U.S. born and raised, CDC must wonder who their friends are.

In late April, before the International Trade Subcommittee of the House Banking and Currency Committee, here's what CDC Chairman and Chief Executive Officer, Bill Norris, had to say about what one friendly Congressman caleld "that silly charge:"

"Since 1945, the restrictive nature of export legislation and the lengthy administrative procedures which surround export licenses for computers have served the United States poorly. We have violated the cardinal rule (of export success) by being difficult to do business with."

In contrast, he points out, under Russian leadership the communist-governed European countries have developed a family of machines popularly called the *Ryad* series. Result: U.S. computer firms dragging a Government anchor are seeing potential East European customers being directed to use *Ryad* equipment rather than U.S. or West Europe-made computers.

On top of that, "Western Europe and Japan are rapidly approaching, and in some cases have achieved, a technological parity with the U.S." In addition, "Peripheral equipment technology now available in Eastern Europe is only three to four years behind the U.S."

The result: "To avail ourselves of dwindling opportunities, it is essential to move rapidly into the USSR and East European marketplace which hold significant potential over the next ten years. Otherwise, our foreign competitors and the indigenous industry that I referred to will preempt the opportunity."

BEYOND MERE BUSINESS

But Norris' concern is far more basic than just making a sale. "There is a basis for a natural marriage on projects with the USSR. It is important to keep in mind that Russia has more basic scientists than any other country. In the U.S., most of our technical talent resides in applied scientists and engineers as opposed to Russia, where many of the better ones have gone into the pure sciences of physics, mathematics, chemistry, etc."

As to computers, themselves, "Computer hardware has reached the stage of development where it is quite adequate for most applications—the pacing element now is applications software."

In addition, as the May, 1972, U.S.-USSR summit agreement on scientific and technological cooperation supports, "We believe the U.S. should rapidly and aggressively pursue cooperative programs with the USSR as well as other countries.

"Otherwise, we will deny ourselves the opportunity to add significantly to the timeliness and adequacy of solutions to many long-term problems, including energy, environmental protection, transportation, education and health care.

"It is becoming increasingly clear that the U.S. by itself does not have the resources to adequately solve long-term energy and environmental problems . . . present sources of U.S. funds are strained merely to support the present inadequate educational system . . . what does the U.S. pay for better medical care?'

"Technological development could provide it—if there were additional resources to commit to it. Cooperative efforts with the USSR could provide more effective and less costly solutions much sooner. . . . I am pleased to see some significant progress already in cooperative efforts in the medical health field."

Another plus for the U.S.: "The USSR has a highly structured system for health care, while in the U.S. our system is highly decentralized. . . . (Because of that) they can (quickly, in a comparative sense) make tremendous efforts to determine the status of the health of their citizens as well as the health care they receive.

"This type of sweeping systems approach (literally questioning and examining upwards of one million persons) is possible in the USSR in the field of education as well.

"It makes the USSR an extremely attractive partner for cooperative activities in health and education, since they have the structure to implement pilot procedures on a substantial scale—a necessary ingredient, we believe, to major progress in applying computer technology to these fields."

But even at that, Norris told Congress, that before CDC will get involved, several key concepts have to exist. Among them:

"Basic to our concept of cooperation is our policy that Control Data does not normally sell technology for cash. We will offer technology where improved access to the market is realized or where technology of equivalent or greater value is received or some combination thereof."

Moreover, "We advocate long term arrangements. We're not interested in one-shot deals because it's very hard to evaluate where the technology will lead . . . program phasing is a key ingredient of technology interchange. By that I mean the transfer of CDC technology will be related to the flow-back of technology to Control Data ... in order to assure the desired reciprocal benefits are attained by both sides."

The most likely early payoffs to the U.S. Norris sees are in education and medicine where the USSR could "easily provide technology of a value greater than that which we will be furnishing the USSR."

Among Norris' recommendations that would make Government a help, not a hindrance:

A four-year extension of the life of the Export-Import Bank because "the extension of credits and loan guarantees is the very essence of international trade."

Strengthen the role of the technical advisory committees (to the Secretary of Commerce) in determining which commodities and technical data should no longer be subject to export controls for national security reasons. "To date, these committees have been misused or not used at all in that role."

"The Office of Export Administration is seriously undermanned in numbers of people and in technical competence to process export license applications expeditiously."

In similar vein, he listed for the committee some administrative-type suggestions mostly designed to upgrade Governmental talent and cut down the currently horrendous mass of duplicative paperwork and reports.

Finally, against the charge that he was being the instrument "to make a sale" for giving away U.S. military security, nee technology, he had a pair of answers:

The computer power ("thruput") capacity than has been sold to the Russians by all U.S. manufacturers put together is considerably less than that owned by any one of several U.S. universities and individual companies.

"I have asked repeatedly, in the Pentagon and elsewhere, and have yet to hear of a single instance where the USSR was unable to carry out any important military project for lack of computer technology."

Hogan: A Market Will Be Lost

Like Bill Norris (see accompanying story), Fairchild Camera and Instrument Chief Executive Officer, Dr. Lester Hogan, warned the same committee that Governmental restrictions could force U.S. loss of its leading position, in this case, in world semiconductor markets.

High technology, he said, is a perishable product. If it's not perishable, it's not high technology. "By selling Eastern Europe today's technology, we are not threatening our future competitive position which depends on tomorrow's technologies."

"But," he said, "the semiconductor industry faces an unparalleled opportunity in East Europe which it must move quickly to capture or it will lose." What most threatens the loss? "Unnecessarily restrictive U.S. trade policies."

Some examples he cited of what technological vigor can deliver economically:

Three years ago, some 75% of the handheld calculators sold in the U.S. were made in Japan. Today, 75% of them are made in the U.S.

Dominance of the wristwatch industry is returning to the U.S. "In a very few years, the electronic wristwatch housing thousands of transistors will be the only watch sold in the world."

"We are working on a 'one-chip' AM/FM radio which will bring back to the U.S. the radio industry which long ago left."

But that research and development, he pointed out, is funded as a result of sales. Assuming the capture of 45% (about the U.S. Free World semiconductor market now) of the Eastern European potential from 1974–1980, that translates into sales of roughly $2.3 billion.

"This volume would permit U.S. companies to: (1) improve their positive impact on the U.S. balance of trade; (2) employ additional U.S. workers, scientists and engineers; (3) invest more in research and development which will encourage and produce more sophisticated products; (4) strengthen and protect their world competitive position; and (5) benefit other U.S. industries which are suppliers to the U.S. semiconductor business."

But the competition, particularly from the Japanese, is becoming fierce and effective. Probably the only thing flawed in Hogan's presentation is that, of the 16 committee members, only three were around to hear him at any one time—and one of those was too busy talking on the phone to listen.

Commented one observer: "Here you've got the top officers of two of the Nation's leading companies and only three people can show up for the hearing. No wonder industry, like everybody else, looks down their nose at Congress.

"TODAY SHOW" INTERVIEW

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. FREY. Mr. Speaker, one of the key issues facing the Congress soon will be the question of subsidizing cattle producers since H.R. 15560 has just been reported from the House Agriculture Committee. I thought my colleagues would be interested in a recent interview on the Today Show of Congressman Peter Peyser and Congressman Thomas Foley.

The interview follows:

Barbara Walters. If U.S. cattle producers face financial disaster because of low prices, should the government come to their aid with federally guaranteed loans? The House Agriculture Committee has approved a bill for two billion dollars in loan guarantees for livestock and poultry producers. But the bill faces a fight on the House floor. And we want to discuss this issue now with Congressman Thomas Foley, who's a Democrat of Washington, and he favors the loan program. Congressman Peter Peyser, Republican of New York, opposes it. And they're in our Washington studio with "Today" Washington editor Bill Monroe.

Good morning, Bill.

Bill Monroe. Good morning, Barbara.

Mr. Foley, I take it the main purpose of the bill is to keep cattle and poultry producers from going bankrupt.

Representative Thomas Foley. Exactly. And I think the program is a very moderate one. These are not government loans. The government guarantees, and they cover only eighty percent of the loans. So the commercial bank or farm credit bank that's involved will have to undertake a responsibility to see that the loan has sufficient security and can be repaid.

Also, there's no subsidy of interest. The interest rates will be standard market interest rates at the time. But many cattle and livestock producers have exhausted their credit, and if we have them liquidating their herds or going bankrupt, it's only going to mean that a year or two years from now there's going to be a shortage of meats and there's going to be higher prices for the consumer as a result.

Monroe. Mr. Peyser, what is your objection to the bill?

Representative Peter Peyser. Well, Bill, I feel this is nothing more than a program to bail out the banks, in the first place. The banks love this bill. This lets banks refinance existing loans that are at lower interest rates; gives them an eighty percent government guarantee and lets them charge the so-called going rate, which, today, would be eleven or twelve precent. It is a bill that does nothing, in my opinion, for the consumer. In fact, the only thing I think it guarantees the consumer is as high or higher prices of beef.

I think the real problems today don't deal with the banks and with what the cattlemen are getting as producers, but what is being charged to the consumer. The rate is so high that the consumer just won't buy. And if they won't buy, then the cattle growers have got a problem. If we can get the meat packers, the major meat packers, the processors and the major retail chains, the major supermarkets, to be willing today to take a little less profit and lower the prices on their retail sales and even to pay a little more to the growers, I think the problem can solve itself. But to bail out the banks at this point I think is an absolute disgrace.

Monroe. Mr. Foley.

Representative Foley. It's not really a question of bailing out the banks; it's a question of providing enough credit so that the adjustments that have to be made in the livestock industry are going to be possible.

Now, this bill doesn't do everything, admittedly. But I don't think Mr. Peyser would argue that cattle producers and livestock producers are not getting a sufficient return to allow them to stay in business. It's true probably that prices at retail have been too high, considering lower livestock wholesale prices recently. But I don't know that they're too high considering what we're going to have to expect. We're going to have to expect that in the chain of production, from the time the calf is bred until the steer is slaughtered, that there's going to be a return for that. Feed costs have doubled and more than doubled. The prices of fertilizer have gone up. Everything that the farmer and rancher inputs into this operation has increased. And I don't think it's wise or beneficial to promise the consumer that we're going to go back to sixty cent bacon or back to thirty-five cent hamburger. It's not going to happen as long as these other costs in the chain of production stay up.

But the point for the consumer is that if livestock producers go under in the process of adjustment, there simply isn't going to be the supply later on. It takes about three years from when the time the calf is bred until the meat reaches the retail market. And we're going to pay a price if we don't see these cattle operators stay in business.

Monroe. Mr. Peyser, a question on what Mr. Foley is saying. How will it help consumers if cattlemen go broke?

Representative Peyser. Well, I guess the real question here, Bill, is I don't think the real cattlemen are going to go broke. Just on Friday of this past week, I had a call from the Idaho Cattlemen's Association, from the California Cattlemen's Association saying they are in complete opposition to this bill. They are going to make their views with many other associations known this week.

I don't think it's a question of the cattlemen, the real cattlemen. I think what we're doing here—there are many investments that have taken place. This has been something that's been used, frankly, in Wall Street, as well, as a tax write-off for a lot of people. A lot of investment interests have been making a lot of money out of this program. And it's interesting to me to see the cattle industry, where a year ago they were saying, "Look, let the free market take over here. Let's everybody keep your hands off; don't let government controls come in." They were charging all-time highs for beef. They were making all kinds of money in the cattle industry itself at prices they've never duplicated before. And they were saying "Keep your hands off." And now things are beginning to work out, hopefully. I think that if we leave it alone, with warehouses at an all-time high on the amount of beef being held, if you'll leave it alone I think the market will settle down. We are going to lose some producers. But I suspect we should lose them. And I don't think we ought to bail them out.

And one other thing, Bill, that really gets me on this bill. This was supposed to be a cattle program. We now have in this program hogs, sheep, goats, chickens, turkeys, all of them covered in here. And I know there are a number of amendments, if this reaches the floor, to add other items, such as the vegetable farmers who are having a real problem. And I'm not going to argue that point. They feel they ought to be in it.

Monroe. Congressman Foley, what about the free market argument? If cattlemen take risks, they turn out to be bad risks, the government bails them out: aren't we out of a free market?

Representative Foley. I don't think we're bailing out the livestock producers. We're just giving them a chance to get credit at admittedly high interest rates. This isn't a subsidy program. It doesn't, hopefully, require appropriations by the government. If these loans are paid back—and the Secretary of Agriculture has authority under the bill to insure that the loans are made in a way that will be likely to be repaid—then everybody benefits. All it does is provide short-term credit at market rates. But because of the enormous trouble that the market is presently in, it's needed. We don't do a thing in this bill that we don't do for small business loans. In fact, small business loans are guaranteed at ninety percent. This bill only guarantees them at eighty percent and has the same limits that we apply to small business loans.

Mr. Peyser says that some of the producers ought to go under. Well, I think that's a pretty tough attitude, considering the fact that a lot of people have their life savings involved and their life investments involved in this business. It's not a business to bail out the banks, not a program to bail out the banks or to bail out Wall Street investors. The bill requires that the loans can only be made to persons directly involved in the breeding or fattening or marketing of livestock. It isn't a program for investors.

Monroe. Mr. Peyser, the Senate passed this bill by an overwhelming margin and the House Agriculture Committee has reported favorably on it by an overwhelming margin. Do you have any hopes of turning this bill around, of preventing its passage in the House?

Representative Peyser. Yes, I do, Bill. I think the Senate's action was inexcusable. And I think it's as inexcusable as when they passed the Chicken Indemnity Bill a month ago with no hearings to presumably pay ten million dollars to Mississippi chicken growers, and they didn't even know what the problem was. I think the Senate has acted under pressure from Mr. Mansfield, Mr. Eastland and the people of this nature who are trying to promote what they feel is the right answer for their people. But I don't think it's going to go. I think the House has really had its fill now of the automatic approval of agriculture programs.

If I felt this was going to hurt the consumer for one instant, I would support it. But I am totally convinced now that what we're dealing [with] here is a high financial operation. And when people say the banks won't be helped, can you imagine if you were a bank who an individual owed a hundred thousand dollars and you were charging eight or nine percent, and you could take that loan back in, have the government guarantee eighty percent of it and be able to charge eleven or twelve percent? Why the banks have got to love this, and they do. They were here in force to testify, as were many of the people who owed the banks money.

So I think if the consumer is going to get a break, we cannot go in and, in effect, have the taxpayer and the consumer, who are the same people, finance the bill. I think we can beat the bill. I honestly feel the groundswell in the Congress, the public being aware of what is happening, the consumer groups who are now coming into the picture in our support. I think we can beat it and give the consumer and the taxpayer a decent break.

Monroe. Are you pretty confident . . .?

Representative Foley. The same arguments were made, I might say, about the Sugar Bill, which Mr. Peyser also opposed when it came to the floor a couple of weeks ago. And sugar prices to the consumers are up twenty percent since that bill was defeated by the House.

So I think that very often the plea that we're taking care of the consumer turns out to be a kind of a vicious fraud. The consumer is going to be helped by adequate supplies, and he's not going to be helped by a shortage. And the shortage is going to result if we have livestock operators, including poultry operators, going into liquidating their herds and going bankrupt all over the country.

I wonder if Mr. Peyser supported the guaranteed loan program for the northeastern railroads which passed the Congress. . . .

Monroe. We'll give Mr. Peyser a fifteen second last word.

Representative Peyser. My last word is the sugar program defeat will help the consumer, not today, but by next year. And the program of defeating this bill will also help the consumer in the marketplace.

Monroe. Gentlemen, thank you very much for being with us, Congressman Thomas Foley, Democrat of Washington, Congressman Peter Peyser, Republican of New York.

Now back to Barbara.

WHERE IS THE JUSTICE FOR EDWARD N. EVANS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. BINGHAM. Mr. Speaker, for the past 26 years, a constituent of mine, Mr.

Edward N. Evans, has been engaged in a lonely, frustrating battle with the Federal bureaucracy to win compensation for permanent injuries sustained in connection with his military service. Mr. Evans is neither the first nor the last citizen to undertake such a struggle, but his case is a particularly moving one which concerns me deeply.

The left half of Mr. Evans' body is paralyzed because, he believes, of malaria which he first contracted while serving in the Army Air Corps in Panama. On the basis of more than 3 years of involvement with his case, I believe his assessment is correct, and that the U.S. Government has been wrong in not assuming full responsibility for his plight. It is deplorable that to this day our Government has not recognized this responsibility.

Mr. Evans' incredible plight was first brought to my attention in 1971. My staff reviewed his case file item by item, and the following are the essential facts of this long and tangled case: In 1946, Mr. Evans was hospitalized for treatment of what was diagnosed on the basis of his medical history as malaria.

During that hospitalization, he also developed pneumonia, and a few days later he had contracted left spastic hemiplegia, and it is this paralysis which he suffers from today. Through a long and tangled history of claims and reviews, Mr. Evans has tried to convince the Veterans' Administration that this paralysis was caused by his malaria and is therefore a service-connected disability for which he deserves full compensation. He had entered the service a healthy man and performed his duties well—receiving a Soldier's Medal for Bravery, for example—only to find himself crippled for life through no fault of his own within 18 months after discharge.

For more than two decades, Mr. Evans has tried unsuccessfully to convince the Veterans' Administration that his paralysis is a service-connected disability and to win the benefits such a determination would bring him.

I felt so strongly that the case of Mr. Evans had not been properly handled by the Veterans' Administration that I went to the extraordinary extent of testifying personally before the Board of Veterans Appeals—the only time in my 10 years in Congress I have been moved to do so. I presented authoritative medical and legal evidence that cast substantial doubt upon the VA's position that Mr. Evans' hemiplegia was not service connected, and I established that hemiplegia as a secondary condition to service-connected malaria was well within the "range of probability" as required under the reasonable doubt rule (38 C.F.R. 3.102) of the veterans compensation law. I pointed out that several medical authorities who had Mr. Evans under observation had stated that they considered malaria to be the cause of the hemiplegia. For example, a diagnosis in Mr. Evans' file by Dr. I. Mazelaner, medical superintendent of Kings County Hospital, marked "privileged and confidential," dated March 23, 1948, reads as follows:

> Thrombosis of right cerebral artery due to malaria. Convulsions, post thrombotic.

However, the Board of Veterans Appeals, in its reconsideration decision of May 3, 1973, again denied Mr. Evans' claim for entitlement to service connection for left hemiplegia, despite the fact that the Board's decision explicitly recognized that the cause of Mr. Evans' hemiplegia would probably not ever be proven.

The evidence I have contributed to this case goes beyond speculation or remote possibility. It establishes Dr. Mazelaner's diagnosis—a recurrence of service-connected malaria as the most probable explanation of Mr. Evans' condition. It should be noted that Mr. Evans was diagnosed, treated, and rated 30 percent service connected for malaria on November 21, 1946, approximately 1 month before the hospitalization for malaria when the hemiplegia developed.

The VA's refusal to recognize and apply the reasonable doubt rule of the veterans compensation law forces me to conclude that the only chance for just compensation for this long suffering veteran, whose present condition is precarious, is for the Congress to carry this case forward. I am, therefore, appealing to the Congress to grant relief to Mr. Evans on humanitarian grounds and I am today introducing legislation to that effect which reads as follows:

For the relief of Edward N. Evans

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury, not otherwise appropriated, to Edward N. Evans (recipient of Soldier's Medal for bravery, United States Air Force (6145775)) of Bronx, New York, the sum of $100,000 in full settlement as recognition and assumption of the compassionate responsibility of the United States in connection with a permanent paralysis he sustained after discharge from military service which for a technicality is not otherwise compensable under existing Veterans' Administration regulations but which fairness and equity requires.

SEC. 2. The payment of the compassionate compensation provided for in this Act shall not be interpreted as interfering with or barring any rights of the said Edward N. Evans to compensation or benefits accruing to him by research of his military service, and its acceptance by him shall be in addition to any such rights to compensation or other benefits from the United States.

WILLIS M. HAWKINS, DISTINGUISHED EXECUTIVE, RETIRES FROM LOCKHEED

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. GOLDWATER. Mr. Speaker, recently Mr. Willis M. Hawkins retired from the Lockheed Aircraft Corp. as senior vice president for science and engineering. As senior adviser to Lockheed, Willis Hawkins ended an illustrious career that spanned more than three decades with this great aerospace firm.

Prior to his retirement, Willis Hawkins delivered an address on energy to the Natural Resources Section, Town Hall of California, that is a most timely and thought-provoking treatise on the Nation's energy problems and potential. I recommend this address to the Congress and the Nation as follows:

ENERGY—TAPPING NEARLY INFINITE SOURCES

Today I am addressing a subject that will carry us far into the future—energy.

Speaking as a practitioner of aerospace technologies, the conjectures you will hear are based on experience gained in an industry where all of us have had to be as efficient with the energy we had at our command as we knew how. Also, particularly significant for its long-range import, the aerospace community has had operational experience with solar power, nuclear power, and with exotic fuels including hydrogen and oxygen. I hope to show you that all of this experience is pertinent to our future here on earth. I should warn you at the start that I am prejudiced—I would like to sell you on the fact that we have enough knowledge and enough talent and enough new ideas that we should not let current fears about energy limits curtail our enthusiasm for the future.

Implicit in my remarks will be the suggestion, in some detail, that our future problems are not all technical. The financial, political and management problems are formidable. We will have to change some of our personal habits and some of our governmental habits, but I think that if we do, we can have all of the energy we need or want. And now is the time to start.

WHAT ARE OUR REAL SHORTAGES?

America's energy problems, although currently localized in the fuel crisis, are substantially broader than that, and in many respects the current fuel shortage may be just the catalyst we need to address all of our potential future shortages and to do something about them. The environmentalists tell us that we are running out of oxygen pure enough to breathe and to grow things with, and in certain areas I am sure they are right. We all know that we are running out of fuel to light and heat our homes, our offices, our industry. Oddly enough, the fuel crisis is in a resource category where we are relatively self-sufficient.

Prior to our recent crisis we were importing approximately 33% of our petroleum products, not so much because we didn't have enough but because it was cheaper that way. And when you look at the list of other things we import, it turns out to be something of a shock. In a list of approximately one dozen imported critical items, fuel is 12th.

Today we import over 50% of our needs in chromium, tin, manganese, nickel, lead, aluminum and zinc, and by the year 2000 we must add copper, iron, tungsten and finally, perhaps, petroleum. So our current fuel crisis will not be the only resource problem we face in the future. I only hope that we have been awakened enough by this present national inconvenience that we can start making plans about the others.

There is one other shortage that people rarely consider, and that is time. When we as individuals consider the things that we would like to do, and through our communications media find out all that is going on in the world, no mature, interested individual ever finds time enough for all the things he wants to do or see. Let's not get so fascinated with all the other shortages that we cut off the means whereby we can expand our interests to other peoples and other worlds with the time each of us has left.

ENVIRONMENTAL IMPACT

The environmental problems which have been brought to our attention in the last few years are really so pertinent to our daily life that any new potential source of energy will be the source of major public debate and will understandably attract an unbalanced fringe. We must strive to avoid unnecessary restrictions which are bound to be championed as we change power concepts. There are excellent prospects for future power systems that can be good neighbors in our limited atmosphere. I think a little patience will perhaps lead to a middle course through these worries.

Hydraulic power from our rivers is certainly a means of satisfying our growing need for electricity in the areas where water is plentiful. I believe we should develop this kind of power and, if need be, ask some of the natural wildlife to move over a bit.

In the nuclear business the safety programs entered into in the earlier days were so thorough as to be almost ridiculous, and to have people criticize these now as not being enough is almost unbelievable. The nuclear scientists and the people in charge of control since the beginning of these experiments have acted most responsibly and when they say a reactor is safe, they deserve to be believed. We must move forward to nuclear power and can, with equanimity.

With respect to our automobiles, I feel we all should agree that improvement is still necessary to protect the environment. The basic concept of a personally controlled vehicle, however, is convenient and right, and there are ways to make it clean.

In the transition between now and the far future we have other impedimentia that are being imposed under the guise of environment. The pipeline in Alaska is one example and I am sure we will continue to hear dissonant outcries before we finally get at deep water drilling of oil, which should be done.

One of the fundamental problems in addressing the environmental impact is that, so far, we have not managed to obtain a real cost for energy that is clean. On the one hand we tend to stop programs completely because it will be too expensive to protect the environment, or we go through a long development cycle and then back up from environmental requirements in order to get needed services. This is characteristic of many national programs. To change that pattern the one thing we must do, and reasonably soon, is to set up realistic standards and calculate the costs of such standards. There is no question about it—we have to pay for a clean environment, and I believe we would if we knew what these costs really were.

ENERGY FOR TRANSPORTATION

All transportation demands made on petroleum products constitute 25% of our total demand and have a major impact on the environment. Before we address the specific problem of automobiles, ships, and aircraft, let me state one fundamental belief that I have: It is not necessary, in my opinion, and may be counter-productive, for us to try to solve all of our energy problems in the same way. We use enough energy in our automobiles, homes, civic establishments and industry that we can afford the best solution for each.

With respect to the automobile, it is my suggestion that we should aim our future at keeping the automobile in about the form that it is in today, but fix its emissions, and my candidate for doing that is to burn alcohol.

As a fuel, alcohol has emissions that are non-toxic and, since it can be processed from forest products, one could say that we can "grow" the fuel. Also, I am told that the amount of waste from homes (garbage and paper) and from the lumber industry (bark and scrap) is sufficient today that if converted to alcohol would fulfill approximately 20–25% of our automotive fuel needs.

There are some cost comparisons between alcohol and our petroleum fuels but they have been made on the basis of normal fuel consumption of automobiles before we have controlled all emissions. Furthermore, they have been made on the basis of former fuel costs. I believe cost comparisons based on today's prices, and the expected drop in with petroleum fuels, will show the costs to be very close together. The only real drawback is that alcohol does not contain very dense energy and the motorist would have to carry approximately 40% more fuel by weight for the same cruising distance that petroleum fuels provide. That sounds like a lot, but what it really means is that for a reasonably large automobile you could add an additional 70 pounds of fuel—the equivalent of an eight-year-old in the back seat. I believe alcohol fuel would be economically competitive and could be used for trucks and buses as well as automobiles.

Let's move to the high seas. I won't spend much time on ships because they probably are the most efficient energy users in the business. Even here, however, an improvement is available. The Navy has shown the way and a nuclear ship is, I think, the perfect answer for the future. We have done it, we have done it well. And, as long as we are going to subsidize our shipping as we do now, I believe we should put nuclear power into as many ships as we can and get the world used to the right ultimate answer.

Now I come to aircraft. Air transporters use only 9% of the transportation fuel today, so anything we do with aircraft wouldn't make much of an impact on our total supply. Next, any fuel switch on aircraft is going to take a long time and involve many hundreds of millions of dollars. Finally, of all the fuel users, the airplane has the lowest pollution impact per passenger or ton mile of any of the major transportation systems.

There is no obvious substitute for normal fuels that won't change aircraft completely. Alcohol is far to heavy for economical aircraft use, nuclear systems become far too heavy unless the aircraft is very large, and hydrogen involves complete redesign of the aircraft and a complete redo of the fuel distribution system throughout the world. So, in the immediate future, it seems to me that we should do what we can obviously do with other modes of transportation and save changing our aircraft concepts for a decade or two.

Advanced concepts can come later but I believe we are going to need a lot more airplanes reasonably soon. Prognostications on how the world is growing have been made by many students of economic change and most agree that approximately 3 billion people in newly emerging nations are about to enter the modern commercial world. They have inadequate roads, limited money, and aircraft afford the quickest means to travel throughout their country and to the rest of the world. Air transportation systems can be installed rather quickly, they have relatively low-cost facilities compared to railroads and concrete ribbons, and these emerging nations can move forward faster with aircraft than with anything else.

Cargo aircraft have only just begun to make the contributions that they eventually can make. It is a fact that today you could haul 50% of the current overseas container freight for long ranges cheaper by air than the current combination of ship, railroad and truck. The containers are handled only three times instead of seven to ten on typical hauls, and on an overseas shipment there would be substantially less damage in the ten-hour transit time than in the fifteen days that might otherwise be required. This may be even more important to emerging nations than it is to the fully developed nations where surface freight systems have existed since before the airplane.

The predictable need for more aircraft is going to impact our industry before we can do our homework on alternate fuels, but eventually we will move to new energy sources. My candidate is hydrogen. We have handled it in space vehicles, we know how to use it, and it has real advantages.

A long-range hydrogen-powered airplane would require only 72% of the gross weight for the same payload carried by airplanes today. Thrust of the engines could be less by 34% and we would still fly the same 5,000 mile routes at Mach No. .85. A short-range airplane's gross weight would be down by 11%; its thrust could be down by 18%; and its noise and pollution would be substantially reduced.

During a recent cryogenic conference one speaker noted that hydrogen might even be a prime candidate to be developed from coal. He was speaking particularly of shale deposits and he thought hydrogen could be produced at a cost of $2.5 per million Btu's. That is equivalent to the price of fuel at 28 cents a gallon—higher than the airlines have been paying but not very far from what they are probably going to pay. There may be the possibility of fairly early transition to hydrogen using coal as a source until nuclear power sources are available for large scale hydrogen production.

Perhaps we should think our way through what type of aircraft might be best to initiate such an experiment. My candidate is a cargo aircraft. Cargo aircraft are still more efficient as they get larger, and they wouldn't have to be much larger to make the wings sufficiently thick to carry the cargo while saving the round fuselages (the ideal shape) for the hydrogen. A transport system connecting as few as 12 of the world's cargo generating and receiving cities would carry the lion's share of all the potential cargo suitable to being carried by air. Thus the hydrogen fuel facilities could be limited to these few sites while still serving almost the whole market.

For passengers the day is going to come when, with hydrogen powered aircraft, we really can travel by air the world around—and do it in the way to which we would all like to become accustomed. With hydrogen many new concepts are possible—not only do we reap the benefits of its high energy density, we can also use it for surface cooling.

A transport is conceivable that could carry 400 to 500 passengers over 10,000 miles at six times the speed of sound. This is equivalent to flying anywhere in the world in 3 or 4 hours. Furthermore, the hydrogen plane's cruising altitude (approaching 100,000 feet) makes its boom signature on the ground sufficiently small that even the most sensitive would have no problem.

EARTH ENERGY

Our power and heat for earth-bound needs could be met substantially by the energy available from lumber processing waste and from domestic trash. But, as I have said before, I think that energy source is ideal for the automobile. All of our fossil energy potential today approaches 250 x 10^{18} Btu's. Some people feel, however, that only 5–10% of this amount is really economically usable. In the face of these numbers, those who know say that breeder reactors have the potential of furnishing our country 30–40 times the amount of energy that we could economically get out of the ground. This is certainly a real promise for the future, and I am personally certain that the breeder must come. The environmental impact, with the standards which I am sure we would set for such installations, will be minute. And breeder reactors, when they come into being, will have potential byproducts like hydrogen and oxygen that will be valuable elsewhere. This, I think, should be counted on as our basic future ground-based power source.

Enthusiastic as I am about our nuclear

potential, I am equally intrigued by the use of solar energy for our civic buildings and our homes. Systems have been conceived and, in fact, quite thoroughly designed, where output can be achieved at $1.5 to $4.00 per million Btu's. Oil is somewhere between $1.5 and $3.00, and gas—the cheapest—is currently between 80¢ and $3.00, depending on location. Thus, solar heating systems are not completely out of sight from the standpoint of operating expense and, of course, the sun always shines somewhere on earth.

Experts in the field have estimated that many homes could be converted for solar heat today, all types of residences could be converted by 1993, and by early in the 21st century we could be using direct energy in industry.

Those who calculate cost are almost frantic when there is talk about direct solar to electrical energy systems, but I found an interesting number that is impressive. If we could create a system with 30% efficiency in converting solar energy to electricity, we have enough area in present United States roofs to accommodate all of our industrial and permanent installation power requirements. As a matter of fact, it would represent only 2% of the area we now have in our road systems. We can build extensive systems if we put our minds to it. The direct conversion of solar energy to electricity may be too expensive now but I can remember when TV sets were not contemplated for homes and were to be used in theaters at about $10,000 per unit.

Direct solar electrical systems could be helped by a reincarnation of a very old principle—the flywheel. With modern materials, modern bearings, spinning in a near vacuum, I believe the flywheel could be the battery that stores solar energy during the day and gives it back to the homeowner at night. They would be much less expensive for years of use than rechargeable batteries.

I also would like to suggest that burying our nuclear wastes in remote, unpopulated and infertile parts of our country, and the contemplation of expensive systems for launching these same wastes into infinite space, is all wrong. We made excellent power systems for space vehicles by taking irradiated material and using its residual radiation for power. I doubt that you will find many nuclear experts who would risk the ire of the environmentalists in our current public state of apprehension to support the following suggestion—but I see no unsolvable problems in the installation of an almost permanent power source in our own backyards, about 300 feet deep. Such a source might last as long as the house.

THE PROBLEMS

Why shouldn't we use all of these concepts and maybe others that might be even more attractive? I recently read a serious article where a thoughtful man said that the energy limitations now being imposed on us were the best things that ever happened, because they would serve to limit the population on earth, and that this was needed since we could not solve our political problems with the people we already had. I personally am more optimistic about capability to think our way through anything we want to. Technical progress will always disturb politics. Let's not dodge this—let's figure out what we want to do and then make the politics fit. But our most immediate inhibition is not politics but dollars—financing type dollars. The elements of this problem are:

1. Our current financing systems demand pay-back in ½ to ⅓ the lead time of most of these new energy systems. This is the kind of problem we have faced in the past in developing urban systems such as streetcars and subways. We will need that kind of financing to put in the systems which will give us power.

2. As soon as we talk about systems of finance beyond normal commercial practice we are bound to bring in the government with potential of excessive control, the limitation of risk, the ever changing political winds, and the potential that we won't be permitted to reach far enough technically to bring about the best possible end result.

3. Social pressure will force the government, if it addresses the problem at all, to very low-cost ultimate systems which will further tend to exclude commercial dollars since the return on investment will be so low.

Assuming the government must be involved, we should start now to make the exercise more productive. The first thing we might do is to start our technical homework on most of the elements of these energy systems. We have the vision—let's spend some of our money to pioneer—to find out what gopher holes we have to dodge, which ones are real and which are illusionary. We can certainly afford to do detail national planning.

In addition to doing this technological part of our homework, let's work on the impediments to financing. We should look at potential financing modes with particular reference to those which are consistent with the long lead times that are characteristic of most of these systems. We should start financing some of the fundamental research and development work that is necessary. The results of the research and development and the systems studies should then be converted to potential budget dollars so that the public can be told how much a full, bright, future might cost.

I hope I have made it clear that energy is all around us and it is not the lack of vision nor the capactiy of the technical community that is limiting our future. The real limit is our lack of knowledge of the costs and the limitations of our financing habits which keep us from having pollution-free power to fulfill our future needs. I suggest we go to work on these problems while we have time.

A LONG LOOK AT THE EX-IM BANK

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HANRAHAN. Mr. Speaker, there has been legislation introduced which would extend the authority of the Export-Import Bank. The authority expired last week on June 28. The following editorial from the Wall Street Journal is in support of the expiration of the Bank. I insert this for the benefit and interest of my colleagues:

A LONG LOOK AT THE EX-IM BANK

The authority of the Export-Import Bank expires today, which simply means that until Congress renews its authority the bank cannot make new loan commitments. How nice it would be if Congress took its time, say a year or two, before acting one way or another. It might even find that U.S. economic interests would be served by liquidation of the bank, which by our reckoning stays in business by sleight of hand and covert use of the taxpayers' money.

After all, the only thing the bank really does is subsidize exports. No matter how you slice it, it is a subsidy to provide 7% money to finance sale of a widget or an airplane to Ruritania or a computer to the Soviet Union, when an American businessman can't finance purchase of either for less then 11¾%. The bank gets privileged rates in the private capital market because the United States puts its full faith and credit behind the loans. Why the U.S. government should give the Ruritanian businessman a sweetheart deal that it won't give an American, save those at Lockheed, is beyond us.

The alleged economic justification for the bank's operation, which Ex-Im Bank Chairman William J. Casey pushes with great fervor, is that it improves the U.S. balance of trade. Granted, an export is an export. But Mr. Casey would have us look at only one side of the transaction. There's no way he could persuade us that wresting capital away from Americans, then forcing it abroad through the subsidy mechanism, does anything but distort relative prices, misallocate resources and diminish revenues, with zero effect, at best, on the trade balance.

Sen. Lloyd Bentsen of Texas sees part of the economics when both sides of the transaction are analyzed. He has an amendment that "would prevent Ex-Im financing of those exports involving the financing of foreign industrial capacity whenever the production resulting from that capacity would significantly displace like or directly competitive production by U.S. manufacturers." He has in mind Ex-Im's subsidizing of a foreign textile or steel plant that competes with its U.S. counterpart, to the detriment of our balance of trade.

Senator Bentsen thinks it's okay to subsidize finished products, like airplanes, which the Ex-Im Bank does plenty of. But Charles Tillinghast Jr., chairman of TWA, doesn't like the idea. He says TWA is losing piles of money flying the North Atlantic against foreign competitors who bought Boenig 747s and such with subsidized Ex-Im's loans. If TWA got the same deal, it would save $11 million a year in finance charges. Mr. Tillinghast is currently pleading for a government subsidy so he can continue flying the North Atlantic and providing revenues in support of, ahem, our balance of trade.

Even if Ex-Im Bank subsidized only exports of goods and services which could not conceivably come back to haunt us directly, we see adverse economic effects. Subsidizing the export of yo-yos to the Ruritanians gives them a balance of trade problem that they correct by subsidizing the export of pogo sticks to us. Taxpayers both here and in Ruritania are thereby conned by this hocus pocus into supporting lower prices for yo-yos and pogo sticks than the market will support. In fact, all our trading partners have their own Ex-Im Bank to achieve exactly this end.

Two and three decades ago, when the Ex-Im Bank was a modest affair, its impact was relatively trivial. Now, it has $20 billion of lending authority and is asking Congress to bump this to $30 billion. By 1971, its impact on federal budget deficits had grown so large that Congress passed a special act taking the bank's net transactions out of the federal budget, so the deficit would look smaller. But the transactions have the same fiscal effects as a deficit, and the same drain on the private capital market. In the fiscal year just ending, the bank took $1.1 billion out of the capital market. In the next fiscal year, it expects to take $1,250,000,000 out of it.

There being no economic justification for the bank, Congress should feel no qualms about letting its authority lapse for a few years to watch what happens. The Russians, eager to continue getting something for nothing through the Ex-Im Bank, would be mildly unhappy. But they'd adjust by getting into the private capital markets with the under-privileged. We'd be surprised, too, if our trading partners didn't follow suit by scrapping these nonsensical subsidies. And if they don't, why should we complain about their taxpayers sending us subsidized pogo sticks?

THE LAKE PLACID WINTER OLYMPICS: 1980

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. KEMP. Mr. Speaker, the Congress can strengthen Lake Placid, New York's bid to become the site of the 1980 winter Olympic games immeasurably by passing Senate Congressional Resolution 72, officially designating Lake Placid as the Nation's choice for the winter Olympics in 1980.

The resolution expresses the sense of the Congress in support of Lake Placid's application to the International Olympic Committee and pledges "cooperation and support" in the "successful fulfillment" of the games.

At a time when the process of "détente" has become an ongoing and affirmative method of furthering understanding among the peoples of the world, we should recognize that the world of sport has been the most consistent and successful elements of "détente" long before the world itself came into vogue. We again have an opportunity to demonstrate our belief in the transcendence of sport as a means of affirming the universality of peoples.

As one of the sponsors of the identical House resolution, I am gratified to see the overwhelming support we have received in the Senate and expect my colleagues in the House are similarly supportive. I wish to thank my distinguished colleague from New York, Mr. McEwen, as well as New York's two distinguished senators, Mr. Javits and Mr. Buckley, for their leadership in this effort. The resolution follows:

S. Con Res. 72

Whereas the International Olympic Committee will meet in October 1974, at Vienna, Austria, to consider the selection of a site for the 1980 winter Olylmpic games, and

Whereas Lake Placid in the town of North Elba, County of Essex, and State of New York, has been designated by the United States Olympic Committee as the United States site for the 1980 winter Olympic games, and

Whereas the residents of Lake Placid and the town of North Elba in Essex County, New York, have long been recognized throughout the world for their expertise in organizing, sponsoring, and promoting major national and international winter sports competitions in all of the events which are a part of the winter Olympic games, and

Whereas it is the consensus of the Members of the Congress of the United States that the designation by the International Olympic Committee of Lake Placid in the town of North Elba, Essex County, New York, as the site of the 1980 winter Olympic games would be a great honor for all of the people in the United States: Now, therefore, be it

Resolved by the Senate (*the House of Representatives concurring*), That the International Olympic Committee be advised that the Congress of the United States would welcome the holding of the 1980 winter Olympic games at Lake Placid in the town of North Elba, county of Essex, and State of New York, the site so designated by the United States Olympic Committee; and be it further

Resolved, That the Congress of the United States expresses the sincere hope that the United States will be selected as the site for the 1980 winter Olympic games, and pledges its cooperation and support in their successful fulfillment in the highest sense of the Olympic tradition: *Provided,* That Olympic activities and plans in all respects fit within the present laws and adopted State plans, rules, and regulations respecting the entirety of the Adirondack Park; and be it further

Resolved, That Congress shall not support, financially or otherwise, any activities or plans which are in conflict with the letter or spirit of those laws, plans, rules and regulations, or which would require any modification of them.

STANTON ASSAILS PRESIDENT'S RESPONSE TO JUDICIARY'S SUBPENAS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. JAMES V. STANTON. Mr. Speaker, on July 8, 1974, within the halls of the Supreme Court, our Nation witnessed the spectacle of the President of the United States being sued by the United States of America in the person of Leon Jaworski, the Watergate Special Prosecutor. One of the basic principles of our democratic system of government is that no one man is above the law. In a nation that embraces the principle of government by and of laws, not by and of men, it is insulting that this Nation's Chief Executive should seek to place himself above those laws through the so-called doctrine of Executive privilege.

But it is even more serious that this same person, the President of the United States, has refused to comply with the subpenas issued by the House Judiciary Committee pursuant to its impeachment inquiry. Under our Constitution, the power of impeachment is assigned solely to the Congress. Yet by his refusal to comply with these subpenas—once again on the ground of Executive privilege—the President seeks to dictate the rules, regulate the conditions, and restrict the scope of the impeachment proceedings.

Raoul Berger, a leading constitutional scholar and an expert in both impeachment and Executive privilege, addressed himself to the issue of the President's refusal to comply with the Judiciary Committee's subpenas in the July 8, 1974, issue of the New York Times. I include the article below because I believe it deserves wide dissemination. I particularly call to the attention of my colleagues the statement of Edward Livingston, with which Mr. Berger concludes his article:

> No nation ever yet found any inconvenience from too close an inspection into the conduct of its officers, but many have been brought to ruin and . . . slavery . . . only because the means of publicity had not been secured.

The article follows:

Mr. Nixon's Refusal of Subpoenas: "A Confrontation With the Nation"

(By Raoul Berger)

Cambridge, Mass.—The American people must be alerted: By refusing to comply with the subpoenas of the House Judiciary Committee, President Nixon is setting himself above the Constitution. He would nullify the constitutional provision for Presidential accountability that was designed to prevent dictatorial usurpations.

The issue far transcends a confrontation between the President and the House; it is a confrontation with the nation. "All officers of the Government, from the highest to the lowest," said the United States Supreme Court in 1882, "are creatures of the law and are bound to obey it; no officer of the law may set that law at defiance with impunity." A people that tolerate such defiance by the President is sowing the seeds of its own destruction.

The Presidential claim of constitutional right to withhold information from Congress is labeled "executive privilege." A limited power of secrecy was given to Congress, not to the President. No word about "executive privilege" or "confidentiality" is to be found either in the Constitution or its history. On the other hand, the Supreme Court recognized that parliamentary inquiry was an established "attribute" of legislative power and held that it was conferred upon Congress by the grant of "legislative power." No minister challenged the right of Parliament to inquire into executive conduct; no member of the executive branch has ever summoned a pre-1789 "precedent" for executive refusal to honor legislative subpoena; and so far as my own search of parliamentary record goes, there are none.

James Wilson, second only to James Madison as architect of the Constitution, wrote admiringly that in "the character of grand inquisitors of the realm," the House of Commons "have checked the progress of arbitrary power," and that the "proudest ministers . . . have appeared at the bar of the house to give an account of their conduct." This inquisitorial function was known as the "Grand Inquest of the Nation;" and the Grand Inquest alone, said Lord Justice Coleridge, was entrusted with the determination of what falls within the limits of its powers of investigation. References to that function were made in four or five of the United States Constitution's ratifying conventions, with never a word that the power must be cut down for the protection of the President. The absence of such remarks is but another example of the pervasive distrust and fear of executive usurpation that found expression in convention after convention, and that lies at the root of Congressional power to impeach the President.

Thus, the President's reiterated incantation—the separation of powers—lays claim to a power that was not given to him. The purpose of the separation of powers said John Adams, was to prevent encroachment by one branch on the powers of another. Before separation of powers comes into play, therefore, it is first necessary to demonstrate that a power was granted to the President to withhold information that a legislature traditionally could demand. Such proof simply cannot be made; Mr. Nixon's claims are merely based on self-serving assertions.

The case for Congressional inquiry as a prelude to impeachment stands even stronger, for arguments that impeachment violated the separation of powers were summarily brushed aside by the Framers themselves. In the Convention, Rufus King and Charles Pinckney protested that the proposed impeachment provision would destroy the independence of the President and violate the separation of powers—the very arguments Mr. Nixon now interposes to the subpoenas. Notwithstanding, they were voted down, 8 to 2, because, as George Mason said, "No point is of more importance than that the right of impeachment should be continued." Note that Mason took for granted that it was the familiar, established "right of impeachment" that would thus be "continued".

Apart from the total lack of historical warrant for the President's attempt to set the bounds of inquiry by the House Judiciary

Committee, Mr. Nixon insists on a prerogative to which no other suspect can lay claim before any investigative body. His insistence that he can dictate the rules of the inquiry exhibits contempt for the common sense of the American people. A series of Presidents, from Washington through Polk and Buchanan to Mr. Nixon himself, have recognized the paramountcy of the Grand Inquest of the Nation. Polk put the matter most forcibly; given an inquiry into executive misconduct, the "power of the House . . . would penetrate into the most secret recesses of the Executive Departments."

The House's need for all the facts, surrounding suspected Presidential offenses cannot of course be circumscribed by an executive determination of what is relevant. Long since, Chief Justice Marshall declared that what is relevant cannot be left to the determination of the executive. The Constitution does not change according to whose ox is gored.

In the discussion of the alternatives open to the House and the people, there has been a sense of helplessness that does not benefit a great people. The starting point is that Mr. Nixon is in violation of the Constitution, that he "shall take care that the laws be faithfully executed," of which the Constitution is the "supreme law". Just as the sole power of impeachment conferred on the House is not subject to limitation by the President, so he cannot lay down the ground rules for the preliminary investigation that is required for the informed and effective exercise of the power. If the people understand that, then they must exercise that right that John Adams enshrined in the 1780 Massachusetts Convention, the "right to require of their lawgivers and magistrates an exact and constant observance" of the "fundamental principles of the Constitution."

Let the people require of Congress and the President that a halt be called to Presidential attempts to thwart the investigatory function of the House. President Nixon can understand the voice of the people, as his retreat in open court after the Archibald Cox firestorm illustrated. In acting as Grand Inquest, the House is no less entitled to respect than the courts; indeed the powers to impeach and convict the President are perhaps the most important powers conferred by the Constitution. Defiance of the Constitution, the people must tell Mr. Nixon, is intolerable.

It is open to the House Judiciary Committee to ask the House to cite and hold Mr. Nixon for contempt in disobeying the subpoenas of the committee. Such a contempt is plainly an impeachable offense; on a number of occasions the House of Commons brought impeachments for encroachments upon its prerogatives or for thwarting its orders.

When Representative Don Edwards of California stated that the committee cannot force its will upon Mr. Nixon because "he's got the Army, Navy, and Air Force and all we've got is Ken Harding" (the sergeant-at-arms) he did not say that the Supreme Court also does not have the ability to call on the armed forces.

The Supreme Court has always assumed that its decrees would be obeyed, and they have been, as when President Truman surrendered the steel plants during the Korean war. If we pursue the Edwards approach, it may be asked what reason there is to believe that Mr. Nixon will surrender his office if he is impeached and convicted.

The Commander in Chief was not given command of the armed forces in order to defy the law but to enforce it. In 1788 James Wilson assured the Pennsylvania Ratification Convention that "not a single privilege is annexed" to the President. And in 1791, Wilson, then a Justice of the Supreme Court, stated: "the most powerful magistrates should be amendable to the law . . . No one should be secure while he violates the Constitution and the laws." We are not yet a banana republic; the American people will not allow Mr. Nixon to defy the law.

The times call upon us to return to the egalitarianism of the Founders and once and for all to strip away the pernicious mystique with which we ourselves have surrounded the President. We too must regard him as but a man, all the more when he is suspected of impeachable offenses, even of crimes, and firmly maintain that he is subject to the law in all its manifestations, including, if need be, arrest. Finally, I would recall to the nation the words of a great statesman, Edward Livingston, in the early days of the Republic: "No nation ever yet found any inconvenience from too close an inspection into the conduct of its officers, but many have been brought to ruin and . . . slavery . . . only because the means of publicity had not been secured." That was a lesson the Founders had learned.

MEDICARE

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. LUKEN. Mr. Speaker, on July 2, I introduced legislation which I believe will significantly reform the medicare program. That such reform is necessary and in fact long over due is all too apparent. When the medicare program was instituted over 8 years ago, its avowed purpose was to provide some measure of financial relief to our elderly citizens from the high cost of medical care. This relief has come in smaller and smaller doses over the past several years while physicians' fees and other medical costs have risen faster and faster.

My legislation will substantially increase the likelihood that the medicare program, and not the medicare patient, will pay the doctor's bill. Today, in Ohio, almost 7 out of 10 medicare patients end up paying large bills on top of the 20 percent coinsurance and the $60 deductible they already must pay. This figure is way too high, and must be cut. To do this it is necessary to increase the incentives for physicians to take cases on an assignment basis. There are three main features of my bill which I believe will provide this incentive.

First. Replacement of the overly bureaucratic reasonable rate structure with a fee schedule worked out through the joint efforts of physicians and State representatives.

Second. Participating physicians would receive the patients' coinsurance and deductible directly from the medicare carrier. Presently, physicians have to bill their patients separately for these charges.

Third. Participating physicians could consolidate the bills of each of their patients into one simple form, and thereby relieve his office of much of the burdensome paperwork presently required.

I am confident that these three reforms, combined in one legislative package, will strongly induce physicians to bill the medicare program and not the patient.

This entire reform package, however, would be completely optional. Each State could decide for itself whether it wanted to hold onto the present system or go with the new system. If the State opts for the new approach, it must make sure the costs of the program do not exceed present costs.

Physicians also retain their complete freedom with respect to whether or not they care to participate. If, however, a physician decided not to participate, the system would work much as it does now. The program would pay the fee schedule amount, less any deductibles, and coinsurance amounts, directly to the patient, and the patient would be responsible for paying the physician whatever the patient and physician had agreed on as the charge.

Mr. Speaker, the legislation which I am introducing today would be a tremendous boon for patients, physicians, and the Government alike. By cutting the needless redtape of the reasonable-rate structure, by reducing the burdensome paperwork, and in short, simplifying the entire procedure, the Government and private sector together will be better able to bring to the people the quality medical care they deserve.

WHY PRIVATE COLLEGES AND UNIVERSITIES?

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. QUIE. Mr. Speaker. Private colleges and universities have always played a vital role in American education. Rising costs, increased competition from new low-priced community colleges, and a slowing down of enrollments generally have brought hard times to many of these institutions.

Some individuals are asking the question, "Why should public policy encourage the continuation of private educational institutions?" One very cogent reply to that question was given by Dr. Sidney A. Rand, president of St. Olaf College in Northfield, Minn. Dr. Rand made his remarks to a meeting of the National Council of Independent Colleges and Universities, of which he is serving as chairman of the board of directors.

I have known Dr. Rand for many years and consider him to be one of our finest, most articulate leaders in private higher education. A few of us in the Congress heard Dr. Rand give this particular talk. I commend it to everyone interested in maintaining a viable private sector in postsecondary education.

The speech follows:

WHY PRIVATE COLLEGES AND UNIVERSITIES?

I

With regularity we see printed in our favorite publications a paragraph in which the writer decries what is happening to the youth. They are disrespectful of elders, given to excesses and generally not behaving well. When we reach the end of the quote we discover it is attributed to a pre-Christian era Greek observer of the life of his time.

There is a sense in which history repeats itself or to conclude that there is "nothing new under the sun".

We who live and work in institutions of higher education, especially those we call "provide", are inclined to believe the problems we face are more severe than any faced before or that ours are new and different. The fact is that colleges have always been "in trouble", if by that we mean they have needed more support or sought a larger number of highly qualified students.

As we talk about ourselves and contemplate our problems and our opportunities, we must always place ourselves in perspective.

We are part of a larger program, first of all. Private higher education is a segment of a vast enterprise of educational institutions and programs, all of which exist to serve the society of which they are part. Colleges are not ends in themselves, institutions to be kept alive by society for their own sake. They are either making meaningful contributions to the lives of people, or they should not be encouraged to continue.

Also, we need to recognize that we cannot play our proper role as colleges without public approval and support. For some of us there is a rather narrowly defined constituency which is our chief basis of support and interest. For others the base is much broader. But in the long run, and indirectly if not directly, all of us survive and grow only if we are doing what our society wants done. And for our continuing life we must take chief responsibility ourselves. We cannot throw ourselves on the mercy, or even the common sense, of society and expect a vote of confidence backed up with funds. The story of the beginnings and the growth of our colleges is the story of personal sacrifice by thousands of people who identified themselves with a "cause". This spirit must never give way to a willingness to let others be responsible for us.

We should also realize that throughout our nation's history, but perhaps increasingly in our day, all "private" colleges and universities are also "public". Harvard was a "public" enterprise when founded, as were other early universities. Today also every college and university shares in a public enterprise. Our legal identity may be defined in terms which indicate we are non-tax-supported institutions, our origins may lie in the initiative of interested individuals and groups rather than in the action of government, but we are nevertheless publicly involved and always, in some measure, publicly supported.

II

Dr. Howard Bowen, Chancellor of the Claremont Colleges and one of our most perceptive analysts of private higher education, has recently suggested that in studying the future of the private college or university we should make three assumptions: (1) that the private sector is indispensable in American higher education, (2) that the private sector is presently in jeopardy, and (3) that coherent policies need to be designed to strengthen private colleges and universities.

May I direct our attention to these assumptions.

Some would argue with the first. Why should we regard private colleges and universities as indispensable? Some would say we should let them live if they can, die if they can't avoid it, but not get publicly concerned with their survival.

Private institutions are part of our history. The American way has been to look with favor on the initiative of persons, apart from government sponsorship, to perform tasks for our society. So these colleges are here. Furthermore, any fair assessment of their history indicates they have served well. Their graduates have gone on to distinguished as well as more ordinary careers, graduate schools have found some of their best students among the graduates of private institutions. The quality of their work has been generally sound and they have frequently led the way in educational innovation and development.

Also, the principle of balance or even tension between public and private sectors of higher education has served as a prod in both directions to maintain quality and to improve programs. America has never had a "national" program of education. Chances are that there are few who would argue for one. We do believe in variety and heterogeneity in order that varying constituencies in our nation may be served and varied talents fully exploited for the common good. This opportunity for variety needs to be continued and strengthened in the name of a healthy educational program for our people.

If we grant the validity of the argument that the private sector has value and that colleges and universities such as ours should continue, then what should we be doing now in these times when inflation of costs on the one hand and shrinking enrollments on the other seriously threaten the quality of our program, if not our very existence?

First, we as colleges and universities should accept major responsibility for our own lives. We try to help our students learn that lesson for themselves. We should learn it too. No one else, be it government, business, foundations or the accidents of time can be expected to do our worrying or working for us. It is we who must seriously tackle our problems and lay out plans for their solution.

And we should never forget that it could be better if some of us did not survive. There are times when colleges have served and their lives are "over".

Second, we must exploit all possible private sources of support. Few of us have really claimed what we should in terms of support from our alumni. Sophisticated methods of fund-raising are available to us. We can tell our story better than we have. There are dollars to be claimed which we have not claimed, whether we think of our alumni, other friends, business and industry, foundations or other sources.

Third, there are sound ways for the state and federal governments to be of assistance to private higher education. They have been throughout our history. These ways are varied and should continue to be.

Student assistance is an especially significant way for government units to assist private higher education. The "price differential" between relatively high cost private colleges and relatively low cost public colleges is a fact of life which will never be eliminated. But the difference in direct cost to the student can be minimized by grants and loans which enable him to give serious consideration to attending a college which charges "high" tuition. Programs of grants which recognize this difference, not based upon or related to the financial need of the student's family and not limited to the best students, is one of the best ways for the federal and state governments to help insure the meaningful continuation of private higher education.

As important as student aid is the continuation of favorable tax policy. Encouragement to individuals to make contributions to private colleges and universities is an effective way for the government to show concern for the contributions of these institutions. Tax policy which presently enables persons while living or through their estates to enjoy a tax advantage in view of contributions to colleges is sound public policy because it encourages private support of institutions which serve the public interest and which, if absent from our society, would result in an increased direct burden on the tax-payer to provide similar services. Such tax policy should not be viewed, therefore, as providing "loopholes" for avoiding the payment of taxes, but instead as an alternate way for the resources of our nation to be channeled into programs for the public good. It should be noted that taxes not paid as a result of such policy are not retained by the individual for his private use, but are channeled into programs which serve society.

Another significant way in which government can be of assistance to private colleges and universities is by keeping to a minimum the policing and regulating of education. Some regulation must be present, especially where government funds are channeled into educational programs. And we as colleges must continue to answer questionnaires, provide information to government agencies and respond to authorized government audits. But unless care is exercised in the matter of increasing "supervision" of college and university programs on the basis of bureaucratically imposed regulations, we could find ourselves overwhelmed by the demands in terms of time, energy and record-keeping which such regulations tend to require.

Private colleges and universities in the United States have enjoyed the opportunity to live and grow in an environment of maximum encouragement and minimum limitation by government. We believe a continuation of that policy is vital to our continued life and our service to the society of which we are a part.

SIDNEY A. RAND,
President, St. Olaf College.

THE LIVESTOCK INDUSTRY AND BANKING

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. RAILSBACK. Mr. Speaker, recently, Bob Walton, president of the Farmers and Merchants Bank in Bushnell, Ill., pointed out the need to insure a strong livestock industry during this period of adverse prices. His statement to the House Agriculture Committee makes many good points, and I was particularly encouraged that he urged bankers to assist livestock producers during this crisis.

Mr. Speaker, for the review of my colleagues, I include the following statement by Bob Walton of my congressional district:

TESTIMONY BY ROBERT L. WALTON,
JUNE 17, 1974

My name is Robert L. Walton. I am president of the Farmers and Merchants State Bank, Bushnell, Illinois. My bank has $23 million in total assets and is located in a West Central Illinois agricultural trade area of 4,000 people. Presently 73 percent of my bank's deposits are loaned to people in the community with 43 per cent of these to farmers. I am here today as chairman of the Agricultural Bankers Division of the American Bankers Association (ABA). The Association has a membership of approximately 14,000 banks located throughout the nation—96 per cent of the industry total. It is estimated that approximately 85 per cent of these banks serve agriculture. For a large number of them, agriculture is the single most important industry in their community.

Bankers are vitally concerned about the heavy financial losses which have been sustained by the livestock industry. The continuation of such losses could drive producers out of the livestock business. Any major loss in the number of producers could bring about a serious reduction in the country's meat producing capability. The result over the long run would be less meat at higher prices. This is an inflationary consequence that no one wants. We believe, therefore, that the present—and we are confident temporary—plight of the livestock producers is a broad public issue and should be dealt with accordingly.

We urge appropriate steps be taken to assure that the livestock producers come through this adversity as a strong industry. We recognize that some important things can be done by the producers themselves. This certainly includes following a realistic production and marketing program as well as careful planning with lenders. At the same time, it is essential for the entire food marketing system, through to the retail outlet, to maximize its efforts to move the present backlog of marketable meat to the consumer.

Banking recognizes the importance of providing livestock producers with necessary funds to carry them through this emergency situation. It is here that I wish to make some specific points.

We firmly believe that banks have an obligation to take all possible, prudent steps to assist their livestock producers through this crisis. This was the primary thrust of a statement released by the ABA on June 13 at the close of a 3-day meeting of the association's agricultural bankers division executive committee.

We are pleased that a similar statement has been made by Dr. Burns, chairman of the Federal Reserve Board of Governors. We believe banks will make an intensive effort to finance their livestock producers. After all, livestock represents the major industry in the trade area of a large number of banks across the country.

We have been in contact with many bankers during the past few days. Our assessment is that, as a result of careful planning with their livestock producers, the credit presently outstanding can be justified and is sound. However, many lines have deteriorated to the point where further extension of credit would be imprudent. It is our belief, therefore, that it would be in the best interest of livestock producers and the public to provide livestock producers a temporary special credit program. We urge that this be done with a minimum cost to the Government. Our confidence in the livestock industry is such that we believe it can be achieved at practically no cost to the Government.

We understand that at least four bills have been introduced in the Senate to accomplish this objective. We recommend prompt enactment of legislation with the following provisions:

First. The emergency loan program be established by an amendment to the Rural Development Act of 1972 authorizing the Farmers Home Administration to make guaranteed loans of an appropriate size to bona fide livestock producers. This provides the great advantage of utilizing an existing widespread and currently functioning delivery system. This is vitally important in view of the urgency of prompt implementation.

Second. The guarantee provision should be handled along the same lines as that now being used in the FmHA farm operating loan program: a guarantee of up to 90 percent of the loss, with a maximum term of 7 years. However we feel strongly that there should be no Government subsidy in connection with the interest rate. Instead, a rate negotiated between the borrower and lender should be authorized. This would be comparable to the business and industrial rural development loan program. There is no need or justification—in fact no desire on the part of the livestock producers—for a Government subsidy. These guaranteed loans at market rates also would provide the added advantage of being suitable for resale to secondary investors. This offers the opportunity to bring outside investment money into the flow of funds to the livestock industry.

Third. This loan program should be available only to livestock producers whose normal source of credit is no longer available without the guarantee. It should be limited to those certified by their lending agency to have been a bona fide livestock producer over the past 18-month period, and the producer should be required to show a loss in his livestock operation during this period.

Fourth. To assure that the program is available to all bona fide livestock producers, a loan ceiling should not be established by law. Instead, it should be handled by regulation. We believe, however, that the $250,000 ceiling suggested in some of the proposed legislation would take care of most of the legitimate individual livestock producers, where the concern is the greatest. We also believe the scope of the livestock industry justifies an overall authorization of at least $3 billion.

Fifth. In our opinion, this special credit program should be terminated when the emergency is over. We, therefore, recommend the legislation to be re-examined at the end of a reasonable time. We suggest such a review at the end of 2 years with the option of being terminated sooner by Congress based on the recommendation of the Secretary of Agriculture.

In our opinion the Congress should enact such legislation promptly and in doing so strongly urge the Farmers Home Administration to release implementing regulations, including procedural guidelines and forms, immediately. Since a large part of the loan program will be handled by local lenders, we believe that there will be minimal delay once the regulations are issued.

Thank you. I will be glad to answer questions.

RAYMOND NOYES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. FASCELL. Mr. Speaker, Raymond Noyes, an employee of the Government Printing Office for 39 years, and the CONGRESSIONAL RECORD clerk for the past 16 years, has retired from a remarkable career as a devoted public servant. Throughout his long service, Mr. Noyes consistently and effectively assisted anyone who contacted him for help, whether it was a Member of Congress, an office assistant or a congressional intern. Through the knowledge and skill he acquired in dealing with every aspect of the CONGRESSIONAL RECORD, Raymond Noyes became an invaluable asset to the U.S. Congress.

As the fourth CONGRESSIONAL RECORD clerk since the creation of the office, Mr. Noyes' record for reliability and responsibility in ordering public documents, in processing orders of the CONGRESSIONAL RECORD for Members and in handling CONGRESSIONAL RECORD correspondence to Members' constituents has been outstanding. In addition to Mr. Noyes' effectiveness, he has worked 39 years without ever being late or absent.

I extend to Mr. Noyes, for myself and all those in my office who have worked with him, our thanks and our best wishes for a happy retirement.

THE DIFFICULTY OF COMPARING U.S. AND COMMUNIST AID TO VIETNAM

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. FRELINGHUYSEN. Mr. Speaker, last month our colleague from Wisconsin (Mr. ASPIN) provided Members with an interesting comparison of the amount of outside aid which he believed to have been received by each side in the Vietnamese war. While I am unsure of the possible impact of this analysis, I am concerned that Mr. ASPIN's service on the House Armed Services Committee and his previous role as an adviser to a former Secretary of Defense, may lend undue credence to what I feel is a rather hasty analysis of the problem. Some comment on the comparative data seems to be in order, particularly since the House Foreign Affairs Committee is currently considering future aid levels for our friends in Southeast Asia.

The fundamental problem is that Mr. ASPIN has put himself in the unfortunate position of trying to compare apples with oranges. The lack of relationship between the figures he cites can be demonstrated in several ways. First, in the text of his remarks, Mr. ASPIN refers to Sino-Soviet aid to North Vietnam, but the accompanying table, purporting to show that "the United States has spent 29 times as much as Russia and China together," is entitled "Military Aid to Southeast Asia, 1966–73." It seems hardly reasonable to compare our assistance to all of Southeast Asia with Communist aid channeled to Hanoi. In fact, there is no way of knowing just what the geographical term "Southeast Asia" includes—presumably South Vietnam, Cambodia, and Laos—but what about Thailand, Indonesia, and countries even further removed from the fighting?

Second, the $290 million in estimated Sino-Soviet aid to North Vietnam in 1973 includes only military hardware costs; that is, weapons, ammunition, missiles, tanks, communications equipment, and so forth. The cost of U.S. military aid, on the other hand, includes total program costs—not only hardware, but rations, uniforms, spare parts, POL, procurement costs in the United States, transportation from the United States, training contracts and maintenance contracts.

Third, U.S. figures provided by Mr. ASPIN are on a fiscal year basis, while Communist aid estimates are on a calendar year basis. This may appear to be nitpicking, except for the fact that fiscal year 1973 included 7 months of aid prior to the conclusion of the Paris agreement on January 27, 1973. As was widely publicized at the time, this was a period when we pumped a massive infusion of equipment into South Vietnam to help compensate for the withdrawal of U.S. firepower and air support. The estimates of aid to North Vietnam, on the other hand, include only 1 month before the Paris agreements were signed. In other words, the U.S. figures are greater because the level of activity was far greater in the 7-month period prior to the signing of the Paris agreements.

Finally, the problem of arriving at meaningful comparisons seems strained in the extreme if one includes, as Mr. Aspin does, the costs of direct U.S. military involvement as part of our aid effort to Vietnam. Everyone knows that many of those costs resulted only from the fact that American troops were involved in active hostilities, and under such circumstances I doubt that anyone would wish to begrudge our own men the best support possible. Moreover, some items represented obviously one-time costs, such as expenditures for air base and other facility construction, and for other items which the Vietnamese themselves may not have requested.

Another major problem with Mr. Aspin's comparative data is that hard, provable statistics for U.S. assistance have been compared to estimates of Sino-Soviet aid. These estimates presumably are based only upon what we have been able to detect in a closed totalitarian society where such information is closely guarded. Our intelligence on Communist aid to North Vietnam has always been fragmentary, although intensive efforts have been made to uncover details of foreign shipments. One needs only recall the genuine surprise registered when huge arms caches were discovered in the Cambodian sanctuaries, or when the North Vietnamese used tanks in South Vietnam for the first time. The intelligence problem regarding estimates has been further complicated by the June 13, 1973, joint communique, which required the United States to cease flying reconnaissance aircraft over North Vietnam. Because of that major limitation on our capacity to develop meaningful estimates, our information regarding levels of support for Hanoi in 1973 is probably less accurate than for any other period since the early stages of the war. So, I emphasize, we must realize that Communist aid figures are estimates only and are quite likely to be on the low side.

There is a further problem in accepting Mr. Aspin's data. The situation must be looked at from a tactical, rather than a statistical, point of view. Put in simple terms, it costs far more to build and guard a bank than to rob it. Thus, South Vietnamese defense forces are necessarily larger and more expensive to maintain than Communist forces. ARVN must defend virtually all of South Vietnam all of the time, while Communist forces are free to pick and choose where they will strike next.

At the risk of overemphasizing a metaphor, I might note that a person can still rob a bank with a rubber face mask, a pistol, and a paper bag to carry off the loot, but bankers must build vaults, install secret alarms and hidden cameras and employ guards trained to protect innocent bystanders. So it has been in Vietnam. U.S. forces, when they were still involved, employed more sophisticated, and therefore more expensive, weapons systems than the enemy—and the South Vietnamese understandably were quick to absorb our lectures on the advantages of "modern warfare."

Since we Americans believe strongly in the value of a single human life, I really do not see how we can fault our friends for wishing to achieve a maximum effect with a minimal loss of their own personnel. South Vietnamese combat doctrine emphasizes high equipment utilization; in contrast, North Vietnamese doctrine substitutes a higher expenditure of manpower. Even if one is repelled by the thought of war, it is worth noting that our method of going about that grisly business unquestionably costs more money, but it does save the lives of people. It seems to me that if we consider these fundamental differences in philosophy, it should make more tolerable the costs of a troublesome situation, a situation which everyone obviously would just as happily wish away, if it were possible to do so.

In conclusion, let me say that I personally doubt if the figures supplied by my colleague from Wisconsin are helpful. My own strong feeling is that we should continue to provide an adequate level of support for an ally which is still beleaguered, regardless of what we may guess is being supplied by others to North Vietnam.

JACK KEMP SALUTES THE BUFFALO FELICIAN SISTERS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. KEMP. Mr. Speaker, in 1874 five sisters of the Felician Order traveled to the United States with the hope of continuing the meaningful work of their founder, Mother Angela. Settling in Sharon, Wis., these five sisters established a parish school, an orphanage, a novitiate, and a school for aspirants in a remarkably short period of time.

In 1881, three sisters left Sharon to teach at St. Stainislous School in Buffalo, N.Y., where, today, they have literally served hundred of thousands of people in many ways. Their tireless work has encompassed working with the youths of Buffalo and other communities to working with the mentally retarded.

There are approximately 5,000 Felician Sisters throughout the world serving people in seven countries. In the United States alone their service extends to seven different provinces encompassing seven major cities.

The five sisters voyaged to the United States during a period of expansion and exploration—when the United States was a wild and unknown country relying on the missions of brave men to forge the frontier and carve futures from abundant opportunities. The pioneer sisters contributed to this effort by undertaking a journey of sacrifice, hard work and devotion to those who were in need of their leadership and help.

The Felician Sisters deserve the attention of my colleagues. They have laid the foundation, and continue to establish precedence for the many charitable organizations who have so unselfishly contributed to the growth and welfare of our great Nation.

It is my privilege to have this opportunity to offer my sincerest wishes of thanks and appreciation to the Felician Sisters of Buffalo and the rest of the country and to ask my fellow Congressmen to join me in commemorating their 100th anniversary.

SPECIAL TRIBUTE TO FATHER FRANK HOLLAND

HON. SAMUEL H. YOUNG

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. YOUNG of Illinois. Mr. Speaker, I would like to take a few moments to pay special tribute to a man who has selflessly served his fellow man in the promotion of a better and more fruitful life for all. I refer to Father Frank Holland, pastor of Holy Family Church, in Chicago, Ill.

Father Holland is a member of the Jesuit Community and for the past 7 years, has served the needs of the people of Holy Family Church, an inner-city church. During his life's endeavors, Father Holland has worked with people of all races, colors and creeds to inspire them to attain a more fulfilling life. His human concern has served to instill dignity within the many people with whom he works. Under his direction, the staff of Holy Family Church is directing its efforts and resources in the areas of education, community action, youth program and social services for the members of the parish.

Father Holland's approach to community action is to listen to the people of the community, to respond to their needs and desires and, more importantly, to involve them in the operation and the administration of the various programs established. One such program is COUP —"Community of United People." This organization has been successful in motivating the people of the community to pool together their resources in the pursuit of the well-being of the entire group.

The educational needs of the community are met by the parish's Montessori School, which was established over 3 years ago and is unique to the inner city, and a grade school, as well as various scholarship programs. A senior citizens club, volunteer program, and the provision of emergency food distribution are responsive to the social needs of the community. The spiritual needs of the parishioners are met by the religious program, the various prayer groups, and the Baptismal instruction sessions.

Father Holland's work has made possible such valuable innovations and contributions as offering educational opportunities to hundreds of aspiring people, establishing numerous recreational activities for young and old, acquiring local land on which 985 low- and middle-income housing units will be built, and organizing community members to effectively work together in the administration of these programs. More importantly, his work has served to nourish the intangible needs of the members of the community, their need to be productive, secure, and happy in the service of one another.

Father Frank Holland is truly a humanitarian, and what is most inspiring about him is that his humanitarianism is infectious. He has been and no doubt will continue to be for many years, a moving spirit within the community. Very few individuals who know him and who are associated with him, have gone untouched by Father Holland's concern, zeal, and love for his fellow man.

THE BELL ERA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HELSTOSKI. Mr. Speaker, Frank Bell, a man who has had tremendous impact on the history of high school athletics in Bergen County, N.J., recently retired as Ridgefield Park High School athletic director.

The Bell era began 50 years ago, when as a student at Ridgefield Park High School, Mr. Bell played on the baseball, basketball, and football teams. He returned to Ridgefield Park in 1942 as athletic director, and baseball, basketball, and football coach.

Both his performance as an athlete and his record as a coach were characterized by excellence. He played on two State championship basketball teams himself, and coached two State championship basketball teams as well. More importantly, however, both on and off the field, Frank Bell set a fine example for the athletes he coached.

Mr. Speaker, an interesting article concerning Mr. Bell's career, appeared June 13 in the Record, a Bergen County daily newspaper. Entitled "Bell Era Coming to Close" and written by Bob Whiting, the article gives further insight into Frank Bell's remarkable career; and I would like to take this opportunity to share this story with my colleagues. The article follows:

[From the Bergen County (N.J.) Record, June 13, 1974]

Bell Era Coming to Close

(By Bob Whiting)

Ridgefield Park.—The Frank Bell era, Spanning most of the 50 years from 1924 through 1974, comes to an end in Ridgefield Park on June 29 when Bell retires as high school athletic director.

The Bell era includes four years (1924–1927) as a member of the Scarlets' teams in baseball, basketball, and football. After a lapse of several years to permit him to earn his degree from Arnold College in New Haven, Conn., plus time to receive a master's degree from Columbia University and coach at Pingry School and Bergen County Junior College (now FDU), he returned to Ridgefield Park in September of 1942. He came back as athletic director and baseball, basketball and football coach.

Bell played on two State championship basketball teams and also coached a pair of State title clubs in the same sport. One was in 1944 when the Scarlets won the Group 3 title. The other was 1960 when they took the Group 2 crown.

"I think the 1944 team was the best we had at the Park," he reminisced last night prior to a dinner given him and retiring teachers by the Ridgefield Park Board of Education.

"We had Art Fitzgerald, Jim Duran, Ed Fisco, Bob O'Brien and Bill Seine, and won 24 games and lost two. We also beat Erasmus Hall in Madison Square Garden." The Erasmus game was one of the five Ridgefield Park played in MSG. They won four of them.

Bell started to relinquish some of his coaching chores as early as 1947 when he gave up baseball. He dropped football the following year, and after the championship season in 1960, also gave up basketball.

"Just about that time the board made the position of athletic director a full-time administrative job," Bell said. "It carried the title of director of health, physical education and athletics."

Because of the pressure of his administrative duties, Bell, like most others with a similar job classification, was forced to quit coaching.

Bell and his wife have prepared for his retirement by buying a small farm in northeastern Pennsylvania, near Honesdale.

"We'll raise a few registered cattle," he said. "We have no big plans. But the view there is terrific from the old farmhouse we have purchased and are remodeling. There will be enough work to keep us busy, but if we feel like it, we can sit back and look at the scenery."

THE KURDS IN IRAQ

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HAMILTON. Mr. Speaker, almost unnoticed in the newspapers these days is yet another armed conflict now raging in the Middle East. It is between Kurdish irregular forces and supporters of the Kurdish Democratic Party on the one hand and the Iraqi Armed Forces on the other side. At issue is what kind of regional autonomy the Kurds should have within an independent Iraq. This struggle is not a new one and open conflict has occurred intermittently for some 13 years.

Recently, Congressman Fraser and I met with representatives of the Kurdish Democratic Party—KDP—at their request to discuss the war and its implications for peace and stability in the Middle East. Without commenting on the merits of the Kurdish case, possible human rights violations in recent escalations of the fighting, and other essentially internal Iraqi matters, we do believe that the Kurdish viewpoint needs to be heard, and to that end, we asked the Department of State to meet informally at the policy level with these representatives of KDP. The Department of State declined.

While I believe that the question of any aid, overt or covert, to the Kurdish rebels is absolutely out of the question, I regret the unwillingness of senior State Department officials to meet informally with two former Iraqi ministers who are also members of the KDP. A useful opportunity to keep informed about one viewpoint of a war that has escalated considerably in the last two months was thereby lost.

Copies of the letter to the Department of State and its reply follow:

Committee on Foreign Affairs,
House of Representatives,
Washington, D.C., June 13, 1974.

Hon. Henry A. Kissinger,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: We would like to request that a senior representative of the Department of State, Under Secretary of State Joseph J. Sisco, or Assistant Secretary of State Alfred Atherton, meet with Messrs. M. M. Abdul Rahman and M. Dizayee, two former Iraqi ministers, and Shafiq Qazzaz, all senior officials of the Kurdish Democratic Party who are currently in the United States making a presentation to the United Nations.

Without passing any judgment on the merits of their appeal, we believe that their case deserves a hearing by senior representatives of the Department of State. The civil war in Iraq, which has gone on intermittently for some thirteen years now, has recently degenerated in more serious and more bloody fighting with considerable loss of life. We believe that because this fighting has the potential of affecting the delicate situation in the Middle East and of involving some of Iraq's neighbors, the United States must be informed directly on all facets of the continuing controversy.

We would appreciate your immediate attention to this matter.

Sincerely yours,

Lee H. Hamilton,
Chairman, Subcommittee on the Near East and South Asia.

Donald M. Fraser,
Chairman, Subcommittee on International Organizations and Movements.

Department of State,
Washington, D.C., July 3, 1974.

Hon. Lee H. Hamilton,
Chairman, Subcommittee on the Near East and South Asia, House of Representatives, Washington, D.C.

Dear Mr. Chairman: The Secretary has asked me to reply to your letter of June 13, also signed by Chairman Fraser, requesting that Under Secretary Sisco or Assistant Secretary Atherton meet with senior representatives of the Kurdish Democratic Party.

We have received several requests from Kurdish representatives for meetings. For the past year, contacts with the KDP have been limited to the Country Officer or Country Director level. To change this policy at this time could well be subject to misinterpretation by both the Kurds and the Government in Baghdad. We have noted as a result of our policy, a fall-off in Iraqi allegations that the United States is supporting the Kurdish insurrection.

While many Americans are sympathetic toward the Kurds the Department of State takes the position that the conflict is primarily an internal Iraqi problem. We do not wish to encourage the Kurds to believe that we are prepared to support overtly or covertly, their insurrection in Iraq.

This being the case, we seek to afford Kurdish representatives every opportunity to state their case, but do not wish to hold out the prospect of support. Our contacts with the KDP are, of course, reported to Assistant Secretary Atherton and the Under Secretary.

If we were to break with precedent and receive KDP representatives at a higher level this fact would inevitably come to the attention of the Government of Iraq and other Arab states. It could be interpreted as meddling in Iraq's internal affairs and might militate against any possible improvement in U.S.-Iraqi relations. Any encouragement we might offer to a minority in its battle for autonomy against an Arab state could raise suspicions of our intentions in the Arab world. Consequently, I do not think it would serve a useful purpose to raise the level of reception.

The above is not intended to imply an endorsement of Iraqi policy vis-a-vis the Kurds or to disparage the national aspirations of the Kurdish people. Our position is essentially one of neutrality toward an internal dispute in which we do not feel we should become involved.

While we do not believe it would be in our best interests to change our policy toward the KDP at this time, I would be pleased to arrange a meeting between Mr. Abdul Rahman, Mr. Dizayee, and the apppropriate Country Director at a mutually convenient time. Mr. Chafiq Qazzaz of the KDP was received in the Department of State on June 19 and three other Kurdish representatives called at our United Nations delegation on the same day.

Please let me know if you or Chairman Fraser would like an informal briefing on our policy regarding the Iraqi-Kurdish problem.

Cordially,

LINWOOD HOLTON,
Assistant Secretary
for Congressional Relations.

INSECT EXPERT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. GUDE. Mr. Speaker, the spring, 1974, issue of Maryland magazine carried an interesting article on Dr. Morton Beroza, a research chemist with the U.S. Department of Agriculture Research Center in Beltsville, Md. Dr. Beroza's efforts are centered around the desperate need to develop a wide range of integrated biological pest controls for use as alternatives to highly toxic and persistent chemical pesticides.

We are all aware of the tremendous damage which prolonged use of chemical pesticides has done to our ecosystems. In the lower Potomac River and the Chesapeake Bay areas, for example, there is every reason to believe that the reproductive failure of certain species, notably the osprey, is directly attributable to residues of DDT in the food chain. The pesticide has caused the shells of the osprey eggs to become so very fragile that few young can be hatched, although recent and ongoing efforts by the Interior Department has been making real strides in helping to bring back the osprey.

Dr. Beroza has specialized in one particular aspect of integrated biological controls—the development and testing of various chemical sex attractants, which when used cause the reproductive chain of unwanted pests to break down. Dr. Beroza's present efforts are directed at finding ways to best deal with the devastating gypsy moth problems, and I include in the RECORD a copy of the Maryland article for my colleagues to review:

DR. MORTON BEROZA—INSECT EXPERT

(By Bonnie Joe Ayers)

Dr. Morton Beroza once considered a career in art, but found another job which he feels is equally creative. As a research chemist with the Agricultural Research Center in Beltsville, he has become an authority on the chemical aspects of entomology. Simply stated he and his staff seek means of controlling insect pests with harmless chemicals, particularly insect sex attractants.

Dr. Beroza's research hasn't always held the public interest it does today. The softspoken scientist, who uses terminology readily understood by the layman, recalls that "in the 1950's people laughed at the idea of using insect sex attractants, but today they are accepted as an effective tool for pest control." The turning point, the researcher feels, came as a result of the elimination of the dreaded Mediterranean fruit fly in Florida (in which an attractant developed by Dr. Beroza and his team played an important role), and the publication of Rachel Carson's *Silent Spring*, which advocated the use of insect attractants.

Dr. Beroza's current top-priority project is devoted to combatting the destructive gypsy moth which has moved into Maryland from the northeast and threatens to spread across the country. Together with his team of scientists in Beltsville and other laboratories he believes they can prevent its spread if their research is successful. In laboratory trials they have developed an attractant whose effectiveness lies in its ability to simulate the odor of the female moth which normally attracts the male for mating. With the product spread everywhere, males are confused in their search for females, thus curtailing reproduction. The attractant is currently being fieldtested in Massachusetts, Pennsylvania and Canada. First reports are promising.

A notable earlier achievement for Dr. Beroza and his collaborators was the discovery, at Beltsville and in Florida, of *muscalure*, a sex attractant for the housefly. A clear, odorless oil, it takes advantage of the fly's natural tendency to respond to the chemical and lures it to any one of several kinds of traps or bait. *Muscalure*, now available commercially, attracts both the male and the female fly.

Another project of Dr. Beroza's is to aid beneficial insects in parasitizing harmful ones by providing chemicals that will keep the desirable insects where they are needed to counter undesirable ones. "We're just starting to make progress in this effort," he reports.

The main purpose of these and similar projects, according to Dr. Beroza, is "to find alternatives to pesticides, thereby improving environmental quality. We're not looking for a single 'silver bullet' to solve the problem, but we are approaching it from several viewpoints in a harmonious manner. Our objective," he adds, "is to minimize the exposure of people to insecticides."

Although the doctor has been cited for "outstanding research" by government and scientific organizations (he is the author or coauthor of over two hundred publications and articles and holds fifteen patents on research development), he quickly acknowledges the role of his co-workers in the various projects.

Despite a heavy work schedule, the Silver Spring resident does find time to pursue other interests. He believes his concern for a clean environment and safe control of insect pests has rubbed off on his children. One of them, a son, operates a local health food store. Dr. Beroza enjoys movies, "playing bridge with my wife and friends, and walking." For him, physical exertion is a "must," and he works out on a fairly regular basis, frequently riding a bicycle.

"I used to have a motorcycle," he admits with a sheepish grin, "but my wife talked me out of that. I do like to draw and paint when time allows," which only proves that those first inclinations toward an art career are not entirely gone.

HOUSE OF REPRESENTATIVES—*Monday, July 15, 1974*

The House met at 12 o'clock noon.

Rev. Leroy Cannady, Refuge Way of the Cross, Church of Christ, Baltimore, Md., offered the following prayer:

Preserve me, O God; for in Thee do I put my trust.—Psalms 16: 1.

Almighty, all wise, and eternal God, it is in Thee that we put our trust and confidence. In these times of distress and perplexity, we are asking Thee for strength and guidance as we take in hands to deal with the pressing problems of today. I pray that Thou will bless the Chief Executive of this country. Bless him with wisdom, health, and strength. Grant that he may lead this Nation in the ways of peace and that his endeavors will be for the welfare of all. Bless the Members of the House of Representatives. Grant them wisdom and understanding as they endeavor to carry on the great work in this conference. May they have the assurance that Thou art with them. Lead them in the path of peace toward the goal that is good for all.

This we pray in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8543. An act for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 724. An act for the relief of Marcos Rojos Rodriguez; and

S. 1803. An act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 628) entitled "An act to amend chapter 83 of title 5, United States Code, to eliminate the annuity reduction made, in order to provide a surviving spouse with an annuity, during periods when the annuitant is not married," agrees to the conference requested by House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCGEE, Mr. BURDICK, and Mr. FONG to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested a bill of the House of the following title:

H.R. 14920. An act to further the conduct of research, development, and demonstrations in geothermal energy technologies, to establish a Geothermal Energy Coordination and Management Project, to amend the National Science Foundation Act of 1950 to provide for the funding of activities relating to geothermal energy, to amend the National Aeronautics and Space Act of 1958 to provide for the carrying out of research and development in geothermal energy technology, to carry out a program of demonstrations in technologies for the utilization of geothermal resources, and for other purposes.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2373. An act to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes;

S. 3355. An act to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide appropriations to the Drug Enforcement Administration on a continuing basis;

S. 3669. An act to amend the Atomic Energy Act of 1954, as amended, and the Atomic Weapons Rewards Act of 1955, and for other purposes; and

S. Con. Res. 79. Concurrent resolution expressing the sense of the Congress with respect to the celebration of the 100th anniversary of the birth of Herbert Hoover.

LOUIS A. SISLER SLAIN

(Mr. **ROUSH** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **ROUSH.** Mr. Speaker, over the weekend a friend of mine, Louis A. Sisler, was murdered. It was a heartless, cold-blooded act of violence against one who was a gentle, compassionate human being. It was not an act prompted by vengeance, nor personal hatred, nor for anything Louis Sisler said or did. He did not know and had never met the person or persons who killed him. Instead, it was a blind, wanton act by one who seemingly had to give expression to an inner hatred against whomever happened to be around. The perpetrator of this horrible crime must be apprehended and brought to justice. Surely, one must wonder as to what would motivate one to commit such violence and bring heartache and sorrow to an innocent man's family.

Lou Sisler was a good man. He worked conscientiously and diligently at his work. He served his county well as a circuit court judge. As a congressional aide to Senator HARTKE, he displayed unusual loyalty and effectiveness in his service on behalf of his Senator, his State, and his country.

My constituents join me in extending to Louis Sisler's wife and children our deep sympathy as we share their sorrow.

STRIP MINING—DUKE POWER CO.

(Mr. **HECHLER** of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **HECHLER** of West Virginia. Mr. Speaker, this week we are having a great debate on the strip mining of coal. Many Members have expressed fears that we will not be able to mine enough coal to meet the Nation's energy needs. We must mine coal, as well as protect the land and the people of the Nation.

I would suggest that one way to obtain additional coal and energy in this Nation would be if the Duke Power Co., negotiated with the United Mine Workers to enable the Brookside miners at Harlan, Ky., to get back into the mines. Those miners voted, by 111 to 55, 13 months ago to be represented by the United Mine Workers. The Duke Power Co., which is the sixth largest utility in this Nation, a $2.5 billion utility, has sat on its hands and refused to recognize the union the men voted to represent them.

Forty Members of Congress have signed an appeal to Duke Power through its subsidiary to sign a contract with the United Mine Workers of America.

I suggest, Mr. Speaker, if we are really interested in mining coal to solve the energy needs of this Nation, we should not sacrifice the hills to strip mining. We ought to put these Brookside coal miners back to work to mine coal under a UMW contract.

WAGNER-O'DAY ACT AMENDMENTS

Mr. **HICKS.** Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11143) to redesignate the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped as the Committee for Purchases From the Blind and Other Severely Handicapped, to authorize the appropriation of funds for such committee for fiscal year 1974 and succeeding fiscal years, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That the Act entitled "An Act to create a Committee on Purchases of Blind-made Products, and for other purposes", approved June 25, 1938 (41 U.S.C. 46–48c) is amended as follows:

(1) Section 1(a) is amended—

(A) by striking out "Committee for Purchase of Products and Services of" in the first sentence thereof and inserting in lieu thereof "Committee for Purchase from";

(B) by striking out "fourteen" in the second sentence thereof and inserting in lieu thereof "fifteen";

(C) by striking out "and other severely handicapped individuals." in paragraph (2) (A) and inserting in lieu thereof a period; and

(D) by redesignating subparagraphs (B) and (C) of paragraph (2) as subparagraphs (C) and (D), respectively, and inserting after subparagraph (A) the following new subparagraph:

"(B) The President shall appoint one member from persons who are not officers or employees of the Government and who are conversant with the problems incident to the employment of other severely handicapped individuals.".

(2) Section 1(d) is amended—

(A) by striking out "paragraphs (2) and (3)" in paragraph (1) and inserting in lieu thereof "paragraphs (2), (3), and (4)"; and

(B) by adding at the end thereof the following new paragraph:

"(4) The member first appointed under paragraph (2)(B) of subsection (a) shall be appointed for a term of three years.".

(3) Section 5 is amended—

(A) by inserting after paragraph (4) the following new paragraph:

"(5) The term 'direct labor' includes all work required for preparation, processing, and packing of a commodity, or work directly relating to the performance of a service, but not supervision, administration, inspection, or shipping.";

(B) by striking out paragraph (6); and

(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively.

(4) Section 6 is amended to read as follows:

"SEC. 6. There are authorized to be appropriated to the Commiteee to carry out this Act $240,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for the succeeding fiscal years.".

The **SPEAKER.** Is there objection to the request of the gentleman from Washington?

Mr. **GROSS.** Mr. Speaker, reserving the right to object, if I understood the amendments as they were read by the Clerk, I believe that they are germane to the bill?

Mr. **HICKS.** Mr. Speaker, if the gentleman from Iowa will yield, we added two new members to the committee. The Senate had only one submission, so rather than get hung up on that, we agreed to go along on one.

Mr. **GROSS.** Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Washington?

There was no objection.

The Senate amendments were concurred in.

The title was amended so as to read: "An act to provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, and for other purposes."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER.** Pursuant to the provisions of clause 3(b) of rule 27, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule 15.

After all motions to suspend the rules have been entertained and debated and after those motions, to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

CALL OF THE HOUSE

Mr. **MONTGOMERY.** Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 377]

Andrews, N.C.
Aspin
Badillo
Baker
Barrett
Biaggi
Blatnik
Brademas
Brasco
Breaux
Burke, Calif.
Burke, Fla.
Carey, N.Y.
Chisholm
Clark
Clay
Conyers
Cotter
Coughlin
Culver
Davis, Ga.
Davis, S.C.
de la Garza
Dennis
Diggs
Dorn
Downing
Dulski
Fisher
Ford
Fraser
Frelinghuysen
Frenzel
Gettys
Goldwater
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gunter
Hanna
Hansen, Wash.
Harrington
Hastings
Hawkins
Hébert
Helstoski
Hillis
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
Kluczynski
Kyros
Lehman
Lent
Lott
McSpadden
Madden
Madigan
Maraziti
Metcalfe
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mollohan
Murphy, Ill.
Murphy, N.Y.
Myers
Nix
O'Neill
Pepper
Podell
Powell, Ohio
Preyer
Robison, N.Y.
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rostenkowski
Rousselot
Ruppe
Sarbanes
Seiberling
Smith, N.Y.
Spence
Staggers
Steed
Steele
Stephens
Stokes
Sullivan
Talcott
Thompson, N.J.
Tiernan
Vander Jagt
Veysey
Vigorito
Whitten
Wiggins
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wydler
Young, Ga.
Young, S.C.
Zwach

The SPEAKER. On this rollcall 327 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SIMPLIFIED PURCHASE PROCEDURES

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14494) to amend the Federal Property and Administrative Services Act of 1949, and other statutes to increase to $10,000 the maximum amount eligible for use of simplified procedures in procurement of property and services by the Government.

The Clerk read as follows:

H.R. 14494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(c)(3)) is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 2. Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 3. The third full unnumbered paragraph under the heading "Office of Architect of the Capitol" contained in the appropriations for the Architect of the Capitol in the Legislative Branch Appropriation Act, 1966 (79 Stat. 276; 41 U.S.C. 6a–1) is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 4. (a) Section 2304(a)(3) of title 10, United States Code, is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

(b) Section 2304(g) of such title is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 5. Section 9(b) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831h(b)(3) is amended by striking out "$500" and inserting in lieu thereof "$10,000".

The SPEAKER. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California (Mr. HOLIFIELD) will be recognized for 20 minutes, and the gentleman from New York (Mr. HORTON) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, the purpose of H.R. 14494 is to achieve more economy and efficiency in the Federal procurement of goods and services by raising to $10,000 the statutory ceiling for the use of such procedures. The present limitation on the use of such procedures is $2,500 for agencies generally, and $500 for the Tennessee Valley Authority. The $2,500 statutory ceiling was established 15 years ago and is out of date.

This is a very simple bill but its enactment will mean large savings in administrative costs through reductions in paperwork, personnel, procurement leadtime, and inventories. Annual savings of up to $100 million could be realized in the Department of Defense alone. In the civil executive agencies, substantial savings also would be realized.

The potential savings are very real; they are not fanciful. Cansider the fact that small purchases account for the great bulk of procurement actions—not for the great bulk of procurement dollars. Specifically, defense purchases under $10,000 cover 98 percent of contract awards but only 11 percent of contract dollars. Statistics for the Tennessee Valley Authority show that procurement awards under $10,000 account for 92 percent of procurement contracts but less than 3.5 percent of contract dollars.

Each day hundreds of Government installations and buying centers make small purchases. These add up to possibly 1.5 million purchase actions a year. If a purchase amounts to more than $2,500, now it must be made by formal advertising unless it comes under some other statutory exception to the advertising requirement. Formal advertising for small purchases requires the same amount of time and paperwork as for large purchases. Bid documents must be prepared, many suppliers contacted, bids solicited and evaluated, and contracts awarded.

Simplified procedures for small purchases cut down the time and the paperwork involved. A small-purchase order can be a 3- or 4-page document rather than a 25- or 30-page document. Solicitations for small purchases can be made by telephone rather than over a period of 15 to 30 days.

Maj. Gen. Robert F. Trimble, Director of Procurement Policy in the U.S. Air Force, testified that on the average 4 man-hours are required for each small purchase at an estimated cost of $20. Under formal advertising, in contrast, 14 man-hours are required at an estimated cost of $120. General Trimble estimated that more than 12 million man-hours a year could be saved—and put to more effective use in the Department of Defense—by raising the small purchase ceiling to $10,000.

The General Accounting Office provided us with a dramatic example of potential savings if a $10,000 ceiling were in effect. During the Vietnam conflict, the Army Materiel Command used simplified small-purchase procedures for high-priority items up to $10,000, relying on the public exigency exemption from advertising provided in the Armed Services Procurement Act. The Army noted the following benefits from the use of these procedures:

Administrative leadtime was reduced by as much as 48 days;

Procurement backlogs were reduced by as much as 45 percent;

Average man-hours required to process these purchases were reduced by as much as 75 percent; and

Paperwork was greatly reduced. In one installation, the volume of paper was reduced by more than 96 percent—the equivalent of a 581-foot stack was reduced to a 22-foot stack.

The Architect of the Capitol strongly supports the bill. He points out that lengthening sessions of Congress make it increasingly necessary for work on legislative buildings to be performed during brief and unpredicable recesses. Such work is slowed by the statutory requirement to procure relatively small amounts of supplies and materials through advertised bidding procedures, which frequently cause a loss of from 1 to 3 months in performance of the work. Procurement of supplies and materials in the open market, as authorized by the proposed bill for purchases not to exceed $10,000, would minimize such delays and interruptions, and assist the Architect of the Capitol in the repair and renovation of buildings on the Capitol grounds.

The Tennessee Valley Authority strongly supports the bill. The Chairman of the TVA Board points out that its enactment would enable the TVA to take advantage of trends in rapidly changing markets, reduce the time between requisition and delivery, make the procurement process more responsive to TVA program needs, and reduce costs in contract award and administration.

H.R. 14494 carries out a recommendation of the Commission on Government Procurement and has the endorsement of all the Government procuring agencies. Under General Services Administration auspices, an interagency task group carefully examined this recommendation and agreed that it should be adopted as an official position of the executive branch. An executive communication requesting enactment of the legislation was transmitted to you, Mr. Speaker by the Director of the Office of Management and Budget on April 15, 1974, and referred to our committee for action. I may note that the Senate passed a companion bill, S. 3311, on June 6, 1974.

The committee in its deliberations assessed the possible effect of this legislation on small business. We were mindful of the need to insure that small business participation is maintained and that adequate notice of impending purchases is given, so that interested suppliers will have ample opportunities to bid. Our report calls upon the procuring agencies to give special attention to the small business aspect, and the committee intends to monitor the agency actions. Our conclusion is that on balance small business will be benefited by the simplified purchase procedures, and that the benefits of competition can be assured without massive paperwork and administrative costs.

The committee vote in support of the bill was unanimous. I urge the adoption of H.R. 14494.

Mr. Speaker, if the motion to suspend the rules and pass the bill is approved, I will then ask unanimous consent that the Committee on Government Operations be discharged from further consideration of S. 3311, a bill passed by the Senate similar to H.R. 14494, and I will ask for its immediate consideration in the House. The Senate bill contains the same provisions as the House bill. The only differences are in the wording of the title and in the order of the sections. The unanimous consent request, if granted, will clear the measure for action by the President.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, would the gentleman agree that this quadruples the limitation of the amount from $2,500 to $10,000 and is an example of what inflation has done and is continuing to do in this country?

Mr. HOLIFIELD. I certainly would agree. A great deal of the justification for this is the decline in the purchasing power of the dollar, as the gentleman has said.

I might add in all honesty to the House that we have in fact added in a little more than that, anticipating that the Congress may not get around to this for another few years, and if it does not, then very soon this amount will not be adequate and this bill will not do the work we think it should do.

Mr. GROSS. I thank the gentleman for his response.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman from California yielding.

I know the gentleman's committee has worked on this particular piece of legislation for some time. Could the gentleman tell us as a followup to his own comments about the fact that this bill could well save us anywhere up to $100 million a year? Were there any specifics on exactly how this would be accomplished? I notice in the committee report on page 4 it states that the total savings in Department of Defense under this procedure were up to $100 million.

Does the gentleman have the specifics of how this will be accomplished?

Mr. HOLIFIELD. The testimony before us gave the figures of handling a small purchase, a $2,500 purchase, the time was about 4 hours and the cost was about $20 per hour, which would be $80; but if they go through formal advertising it would take 14 man-hours to process say a $3,000 small purchase order. It still would take more man-hours per purchase. They estimate it would take 14 man-hours at an estimated cost of about $120 per hour.

General Trimble of the Air Force did say 12 million man-hours a year could be saved by making this change.

Mr. ROUSSELOT. In other words, it is primarily the man-hours that would be saved in processing the paperwork is the specific area where the savings would come; is that correct?

Mr. HOLIFIELD. I would say this would also help business, because if 50 or 75 business firms prepare the papers and send in the bids, that costs money, too; but I am just talking about the cost saving to the Government alone. I cannot help but see this is a good bill.

Mr. ROUSSELOT. Does the gentleman's committee plan to follow up to make sure we keep track of whether these kinds of savings are actually incurred and whether the impact is as good as it is prospectively given to us?

Mr. HOLIFIELD. That is part of the duty of our committee to follow up the legislation, in fact.

Mr. ROUSSELOT. I appreciate the gentleman's comments and I know he has told me several times the amount of time and effort he has put on this particular legislation. I wish to compliment him on the effort to hopefully save $100 million a year on this.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

The House will be considering today two very significant pieces of legislation which are here because of the diligence, foresight, and wisdom of the chairman of the Government Operations Committee, the gentleman from California, Mr. Chet Holifield. Some 8 years ago, Chairman Holifield started a comprehensive study of Federal procurement, which now accounts for some $60 billion in Federal expenditures a year. Realizing that what was needed was a massive study effort involving not only the Congress, but also the executive agencies and private industry, he proposed a Commission on Government Procurement. He introduced, and I cosponsored, the legislation which established the Commission. He and I were appointed by the Speaker to serve on that Commission, he as Vice Chairman. The Commission worked for 2½ years and involved more than 12,000 people. In December of 1972, the Commission produced a 4-volume report with 149 recommendations for improving Federal procurement. H.R. 15233 embodies the principal recommendation and H.R. 14494 is one of the important recommendations of the Commission.

I am pleased to say the work of the Commission received prompt attention from the administration. Seventy-four task groups were set up under the direction of the Office of Management and Budget. Numerous recommendations which did not require legislation have been put into effect by administrative action. But others do require legislation, such as those we will consider today.

Our Government serves the people; sometimes in ways that involve great constituent appeal, but sometimes through actions which constituents never hear about. Federal procurement is one of the low visibility activities which are nevertheless vitally important to the proper functioning of our Government. It takes a great statesman to put his time and effort into such low visibility activities—but that is what Chet Holifield is. The Congress and the Nation will sorely miss him when he begins his well-earned retirement at the end of this Congress.

H.R. 14494 is a simple but very significant piece of legislation. By making several small technical changes, we will be able to increase immensely the efficiency of the Federal Government's procurement, save our taxpayers many millions of dollars, and save private business even more time and money by cutting down on governmental redtape.

This bill, in effect, will allow the Federal Government to use simplified procedures in awarding more than 90 percent of the contracts let. These contracts represent less than 10 percent of Federal dollars spent on procurement. In effect, what we are doing is removing a lot of the nuisance and redtape that occurs in small governmental procurements.

Let me stress, this should not decrease the fairness or integrity of our procurement system. Federal agencies and the General Accounting Office have testified that adequate measures exist or can be instituted to prevent any abuses of discretion. Certainly the Government Operations Committee will monitor procurements using simplified procedures to guard against any improprieties.

I would also like to stress that this bill will be of major benefit to private industry and particularly small business. I think it will be easier for American business to contract with the Federal Government since the simplified procedures that are used, in fact, approximate normal commercial practice.

As Chairman Holifield noted, this bill has the support of the administration, the General Services Administration, the Department of Defense, the Tennessee Valley Authority, the General Accounting Office, and the Architect of the Capitol. It was a recommendation of the Commission on Government Procurement.

I would also like to add that after H.R. 14494 is adopted, the chairman will ask that S. 3311, a similar bill, be passed. The Senate bill, which passed the Senate on June 6, 1974, is identical in wording, but the provisions are in a different order than in H.R. 14494. When S. 3311 is passed by the House, it will be cleared for action by the President.

I ask my colleagues to pass both H.R. 14494 and S. 3311.

Mr. HORTON. Mr. Speaker, I ask that my colleagues support H.R. 14494, which is a simple but a very significant piece of legislation to increase the efficiency of the Federal Government. It will save substantial sums of money by improving the procurement process.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I would like to join my colleague in the compliments which he paid to our colleague from California (Mr. HOLIFIELD), as a result of the amount of diligence he has given to this effort. It has, as the gentleman in the well knows, been a long-range legislative procedure. It is kind of a thankless task. Not many people pay much attention to these so-called little Government contracts that go out because they are considered small dollars in comparison to the other huge contracts.

The amount of time I know the gentleman from California, the chairman of the committee, has spent, and also the gentleman from New York, I think sometimes does not receive the notice because it does not make headlines and does not get a lot of attention in the press. Yet, it is one of those giant tasks that will go a long way to help improve and shore up our purchasing procedures.

Mr. Speaker, I want to join with my colleague from New York and make the additional comment that I congratulate and express appreciation to our colleague from California, because I know he has labored long and hard on this worthwhile legislation.

Mr. HORTON. Mr. Speaker, I do want to thank the gentleman from California for those comments. Most Members of the House, I am sure, are not aware of the fact that this Commission stayed within its budget and still completed its tremendous job of surveying Federal procurement policies and practices.

We have already begun to see some results from the Commission's work. These two pieces of legislation incorporate two of the most important recommendations of the Commission.

Mr. ROUSSELOT. Mr. Speaker, I assume my colleague from New York, is going to continue to serve on this committee, and since my colleague from California will not be back, let me raise the same point with him as I did with Mr. Holifield.

I would like to reemphasize my previous suggestion that we make sure that the Committee on Government Operations, will follow up to make sure that the timely statements about dollar savings that have been promised as a result of this legislation actually do occur. In other words, can the gentleman assure us that there will be some kind of accountability to be sure that this legislation will accomplish those stated savings?

Mr. HORTON. Mr. Speaker, I would like to assure the gentleman of my continuing interest. Because I put 2½ years into this procurement commission study, as long as I am in the Congress and as long as I serve on the Committee on Government Operations, I will be very vitally interested in the whole subject of procurement. But more especially, I will be very much interested in following up on the recommendations we are enacting here today in this legislation, and in making sure that these recommendations are carried out and that the savings expected are achieved.

Mr. ROUSSELOT. I thank the gentleman for yielding to me.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD) that the House suspend the rules and pass the bill H.R. 14494.

The question was taken.

Mr. THONE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

Does the gentleman from Nebraska withdraw his point of order?

Mr. THONE. I do, Mr. Speaker.

OFFICE OF FEDERAL PROCUREMENT POLICY

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15233) to establish an Office of Federal Procurement Policy within the Office of Management and Budget, as amended.

The Clerk read as follows:

H.R. 15233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Office of Federal Procurement Policy Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that economy, efficiency, and effectiveness in the procurement of property and services by the executive agencies will be improved by establishing an organization to exercise responsibility for procurement policies, regulations, procedures, and forms.

(b) The purpose of this Act is to establish an office in the Office of Management and Budget to provide overall direction of procurement policies, regulations, procedures, and forms for executive agencies.

DEFINITION

SEC. 3. As used in this Act, the term "executive agency" means an executive department, a military department, and an independent establishment within the meaning of sections 101, 102, and 104(1), respectively, of title 5, United States Code, and also a wholly owned Government corporation within the meaning of section 101 of the Government Corporation Control Act (31 U.S.C. 846).

OFFICE OF FEDERAL PROCUREMENT POLICY

SEC. 4. (a) There is established in the Office of Management and Budget an office to be known as the Office of Federal Procurement Policy (hereinafter referred to as the "Office").

(b) There shall be at the head of the Office an Associate Director for Federal Procurement Policy of the Office of Management and Budget (hereinafter referred to as the "Associate Director"), who shall be appointed by the President, by and with the advice and consent of the Senate.

FUNCTIONS

SEC. 5. (a) The Associate Director, under the direction of the Director of the Office of Management and Budget, shall provide overall direction of procurement policy. To the extent he considers appropriate and with due regard to the program activities of the executive agencies, he shall prescribe policies, regulations, procedures, and forms, which shall be in accordance with applicable laws and shall be followed by executive agencies (1) in the procurement of—

(A) property other than real property in being;

(B) services; and

(C) construction, alteration, repair, or maintenance of real property;

and (2) in providing for procurement by recipients of Federal grants or assistance of items specified in clauses (A), (B), and (C) of this subsection, to the extent required for performance of Federal grant or assistance programs. However, in the case of a Federal Grant or provision of Federal assistance to State or a political subdivision, the Associate Director shall not require any action by the grantee or recipient contrary to State or local law. The authority of the Associate Director under this Act shall apply only to procurement payable from appropriated funds.

(b) The functions of the Associate Director shall include—

(1) establishing a system of coordinated, and to the extent feasible, uniform procurement regulations for the executive agencies;

(2) establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms;

(3) monitoring and revising policies, regulations, procedures, and forms relating to reliance by the Federal Government on private industry and organizations to provide needed property and services;

(4) promoting and conducting research in procurement policies, regulations, procedures and forms;

(5) establishing a system for collecting and developing procurement data; and

(6) recommending programs for recruitment, training, development and performance evaluation of procurement personnel.

(c) In the development of policies, regulations, procedures, and forms to be authorized or prescribed by him, the Associate Director shall consult with the executive agencies affected, including the Small Business Administration and other executive agencies promulgating policies, regulations, procedures, and forms affecting procurement. With the consent of the executive agencies concerned, the Associate Director may designate an executive agency or agencies, establish interagency committees, or otherwise use agency representatives or personnel, to solicit the views and the agreement, so far as possible, of executive agencies affected on significant changes in policies, regulations, procedures, and forms.

(d) The authority of the Associate Director under this Act shall not be construed to—

(1) impair or interfere with the determination by executive agencies of their requirements for, or their use of, specific property, services, or construction, including particular specifications therefor;

(2) interfere with the determination by executive agencies of specific actions in the award or administration of procurement contracts; or

(3) grant or affect authority of Federal agencies to provide procurement or supply support, either directly or indirectly, to Federal grantees or recipients of Federal assistance.

AGENCY COOPERATION

SEC. 6. Upon request of the Associate Director, each executive agency is directed to—

(1) make its services, personnel, and facilities available to the Office to the greatest practicable extent for the performance of functions under this Act; and

(2) except when prohibited by law, fur-

nish to the Associate Director and give him access to all information and records in its possession which the Associate Director may determine to be necessary for the performance of the functions of the Office.

SUBMISSION OF REPORTS AND INFORMATION TO CONGRESS

SEC. 7. The Director of the Office of Management and Budget shall keep the Congress and its duly authorized committees informed of the activities of the Office of Federal Procurement policy, and shall submit a report thereon to Congress annually and at such other times as he deems desirable, together with appropriate legislative recommendations.

EFFECT ON EXISTING LAWS

SEC. 8. The authority of an executive agency under any other law to prescribe policies, regulations, procedures, and forms for procurement is subject to the authority conferred in section 5 of this Act.

EFFECT ON EXISTING REGULATIONS

SEC. 9. Procurement policies, regulations, procedures, or forms in effect as of the date of this Act shall continue in effect, as modified from time to time, until repealed, amended, or superseded by policies, regulations, procedures, or forms promulgated by the Associate Director.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Such sums shall be available only to carry out the provisions of this Act.

DELEGATION

SEC. 11. The Associate Director, subject to such provisions as he may prescribe for coordination with and approval by himself or other persons, may delegate, and authorize successive redelegation of, any authority under this Act to any official in the Office, or to any executive agency, with the consent of such agency or upon direction of the President.

ANNUAL PAY

SEC. 12. Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(98) Associate Director of Federal Procurement Policy, Office of Management and Budget.".

ACCESS TO INFORMATION BY COMPTROLLER GENERAL

SEC. 13. The Associate Director and personnel in his Office shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or his representatives shall have access to all books, documents, papers, and records of the Office.

AMENDMENTS

SEC. 14. The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended as follows:

(1) Section 201(a)(1) of such Act (40 U.S.C. 481(a)(1)) is amended by inserting "subject to regulations prescribed by the Associate Director of Federal Procurement Policy of the Office of Management and Budget," immediately after "(1)".

(2) Section 201(c) of such Act (40 U.S.C. 481(c)) is amended by inserting "subject to regulations prescribed by the Associate Director of Federal Procurement Policy of the Office of Management and Budget," immediately after "Administrator,".

(3) Section 206(a)(4) of such Act (40 U.S.C. 487(a)(4)) is amended to read as follows: "(4) subject to regulations promulgated by the Associate Director of Federal Procurement Policy of the Office of Management and Budget, to prescribe standardized forms and procedures, except such as the Comptroller General is authorized by law to prescribe, and standard purchase specifications.".

(4) Section 602(c) of such Act 40 U.S.C. 474) is amended in the first sentence thereof by inserting "except as provided by the Office of Federal Procurement Policy Act, and" immediately after "herewith,".

The SPEAKER. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 15233 is to establish in the Office of Management and Budget, OMB, a component to be known as the Office of Federal Procurement Policy, OFPP. It will be headed by an Associate Director for Federal Procurement Policy, appointed by the President by and with the advice and consent of the Senate.

The logic of the OFPP is to create a central mechanism in the executive branch which can give continuing attention to Federal procurement policies and problems on a Government-wide basis. The Federal Government expends approximately $60 billion each year in the procurement of goods, services, and facilities. We all know about the cost overruns, the schedule slippages, and the deficiencies that show up in so many procurements. There is much talk, but little action, in effecting procurement reforms. The Congress has its responsibilities and so does the executive branch. The purpose of this bill is to pin down some responsibilities in the executive branch. And the OFPP will enable the Congress to better discharge its own responsibilities in establishing basic procurement policies by legislation.

We decided, after carefully examining the alternatives, that the new procurement policy unit should be located within the Office of Management and Budget. The OMB has the clout, the management responsibility, the Government-wide perspective, and the detachment from the day-to-day work of the procuring agencies which makes this a sensible arrangement. We may not love the OMB, but we have to recognize its importance and its responsibilities in our scheme of Government. In fact, this Congress has recognized the importance of the OMB by requiring, in Public Law 93-250, that the Director and Deputy Director of OMB be appointed with Senate confirmation. In the bill before us today, we extend the confirmation requirement to a third OMB officer, the Associate Director for Federal Procurement Policy.

The Associate Director, who heads the OFPP, will give overall direction to Federal procurement policies. He will prescribe policies, regulations, procedures, and forms affecting procurement for Government-wide application by executive agencies.

More specifically, the OFPP functions, as outlined in the bill, include the following:

First. Establishing a system of coordinated, and to the extent feasible, uniform procurement regulations for the executive agencies;

Second. Establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms;

Third. Monitoring and revising policies, regulations, procedures, and forms relating to reliance by the Federal Government on private industry and organizations to provide needed property and services;

Fourth. Promoting and conducting research in procurement policies, regulations, procedures, and forms;

Fifth. Establishing a system for collecting and developing procurement data; and

Sixth. Recommending programs for recruitment, training, development, and performance evaluation of procurement personnel.

The bill makes clear that the Associate Director will not tell executive agencies what or how much to buy, or how to use what they buy. Neither will the Associate Director be able to entertain appeals from, or interfere with specific decisions and actions by, executive agencies in the award or administration of procurement contracts. The legislation contemplates that the Associate Director will deal, for the most part, with procurement policies which involve more than one agency, or which have general application.

The Associate Director is required to consult with executive agencies, including the Small Business Administration, and is authorized to make use of their services, personnel, and facilities to the greatest practicable extent in developing procurement policies, regulations, procedures, and forms. Also, the Congress and its committees are to be kept informed of the OFPP's activities; and the Comptroller General will have access to all its books, documents, and records.

Creation of an Office of Federal Procurement Policy carries out a key recommendation of the Commission on Government Procurement. I had the honor to serve as Vice Chairman of the Commission, and Mr. Horton, the ranking minority member of our committee, also was a member. After 2½ years of extensive and careful study of the whole procurement process, the Commission adopted, as its very first recommendation, the creation of an Office of Federal Procurement Policy.

When study groups of the Commission examined the procurement laws on the statute books, they found no less than 4,000 statutory provisions which bear upon Federal procurement in one way or another. They found agencies with complicated and conflicting regulations, needless differences, and redundancies of language. They decided that the executive branch needed some unifying element to bring order out of chaos in procurement regulations.

This legislation can be enormously helpful to small business, and the Small Business Administration favors its enactment. The Comptroller General believes very strongly that an OFPP will be an innovative instrument in improving the Federal procurement process. The bill is endorsed by numerous business associations and by labor organizations representing Government employees. The American Bar Association and the Federal Bar Association also support the bill.

I should point out that among the witnesses from the various organizations which came before the subcommittee there were some differences regarding the composition, size, locus, and functions of the OFPP, but there was general agreement that such an office should be established.

The administration supports the objectives of the bill, but proposed a year ago that we defer consideration of it while new organizational arrangements were devised by administrative action or executive order. A year has gone by. Not much has been done on the executive side, and the administration now favors creation of an OFPP by statute, along the lines provided in the bill.

The OFPP, in any case, should have a legislative charter to give it a firm authorization, a clear mandate, and more public visibility. We expect that the person who heads this office and his deputies will be responsive to the Congress, providing information and appearing before congressional committees when requested. The Comptroller General also, as I pointed out, will have access to the books and records of the OFPP.

The concept of the Procurement Commission was that the OFPP would be small in size and staffed by highly experienced and talented persons in procurement and related disciplines. The committee concurs in this concept, recognizing that the optimum size and composition of the office will have to be determined by experience. A group of 20 professionals, with supporting staff and services, would seem to be a reasonable estimate for the next few years.

The Senate passed a companion measure (S. 2510) on March 1, 1974, providing for an Office of Federal Procurement Policy.

I urge the adoption of H.R. 15233.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I believe this bill has a great deal of merit. I trust, however, that it will result in a much greater accomplishment than did the mechanism for a common purchasing catalog in the Defense Department that was to be one of the virtues of the establishment of the Defense Department many years ago, as the gentleman will remember.

Mr. HOLIFIELD. Mr. Speaker, I well remember that. Our committee was engaged in studying this whole policy of cataloging, and we spent many weeks studying the problem from the standpoint of the civilian agencies. We were interested not only in the Defense Department, but also the civilian agencies.

We did come to the conclusion that a uniform Federal catalog would be better for all the agencies to use. We encountered a great deal of trouble and foot dragging in the beginning, and I might say we probably never would have achieved the creation of a uniform Federal catalog if it had not been for the advent of the computers.

The computers have made it possible to screen the different items and to keep track of the ones that become obsolete and weed them out. By the use of the computers we can also give them new identification numbers, screen the new items that go into the procurement catalogs, and screen them both as to the reasonableness of the item itself and, in particular, so that we may see that we do not have a duplication in inventory of identical articles.

We found, for instance, one case where there were 167 different identifications given to a ballbearing, and that ballbearing sold for 10 cents if it went into a lawnmower; it sold for $1.60 if it went into a dental chair. Yet it was exactly the same item, and they were carrying 167 different inventory identifications.

So that with the advent of the computers those things can be found, and they can be eliminated. I know that the cataloging is working much better than it did in the first few years, mostly, as I say, due to the advent of the computers, and I think this saves us a lot of money.

Mr. GROSS. I am glad to hear the gentleman from California say that because I recall a number of years ago, I believe it was during the Korean war, when for instance, ammunition would be ordered in the Pentagon although we had tons of it surplus to the needs of one branch of the military, but no one bothered to communicate so more ammunition was ordered instead of drawing down on the surplus already on hand.

Mr. HOLIFIELD. The gentleman from Iowa is exactly right. But now they can put this all on a computer and find out how much of a specified type of ammunition is on hand in the Government inventory, regardless of where it is, they can find this out today and not make those kinds of mistakes. And I hope that they do do that.

Mr. GROSS. I thank the gentleman.

Mr. HORTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 15233, with amendments, would establish for the first time an office able to bring some order out of the confusion which is now so characteristic of our Federal procurement system. It would create an office to work together with the Congress in resolving major procurement policy issues. With Federal procurement in fiscal year 1974 amounting to more than $60 billion, we need an Office of Federal Procurement Policy.

I want to emphasize to my colleagues that the OFPP, as this proposed office has come to be known, will not be actually making procurements or telling agencies what to procure. Nor will it serve as an appeals unit for agency procurement actions.

Rather, it will serve as a focal point within the executive branch for developing Government-wide policies for procurement by executive agencies and Federal grantees, resolve needless conflicts in procurement policies and regulations, and take those actions necessary to assure the procurement system works well, such as promoting programs to improve the procurement workforce and providing appropriate input from contractors and other interested parties in procurement policymaking. We also expect the OFPP to develop the needed information so that appropriate policies can be developed for such difficult questions as setting equitable profit objectives in negotiated contracts, determining appropriate cost principles for contractors, and determining policies on when to "make or buy" goods and services.

There are three matters with regard to this bill which deserve special mention:

The first is that this bill does not authorize, nor does it disallow, grantees to purchase through the General Services Administration supply system. The bill is neutral on this issue. This is an organizational bill. Again, I repeat, this bill does not deal one way or the other with the issue of grantee purchases from GSA.

The second matter involves the authority of the OFPP to prescribe regulations governing procurements by recipients of Federal assistance. Federal agencies now make such regulations, and as the Commission on Government Procurement pointed out, they "are often inconsistent even for similar programs or projects." Procurement by these recipients now amounts to approximately $15 billion a year.

The OFPP is granted this authority to encourage prudent purchasing competition among suppliers, and other measures which work to provide the fullest return for each Federal dollar. We also expect the OFPP to act as a brake on agencies which seek excessive control over grantee procurement, and to remove inconsistencies among regulations applicable to grantees. This authority is not in contradiction to the principle of local control, rather it gives us a handle to control current regulations which have gotten out of hand.

The third matter involves responsiveness to Congress. I offered an amendment in subcommittee which removed language prohibiting officers or employees of the OFPP from refusing to testify or submit information to the Congress. As the committee report states, this amendment was accepted "in the belief that piecemeal statutory prohibition against executive privilege do not dispose of the basic issues and carry the implication that agencies without such statutory prohibitions may withhold information from the Congress and refuse to give testimony." I expect, as does the committee, that the OFPP will be fully responsive to the Congress.

This bill has been under consideration for some time. It was the principal recommendation of the Commission on Government Procurement. It can be portrayed aptly as the keystone of all proposals of the Commission which would establish an effective and viable Federal procurement system. Once the OFPP is in existence, we will have a responsible office for Federal procurement policy. If it does its job, it will give the necessary coherence and direction to future Federal procurement policy. Everyone will gain if we can bring this about.

We have worked with the administration and the major procurement agencies in preparing this bill, and it now has their support. I urge my colleagues to vote for H.R. 15233 with the committee's amendments.

The **SPEAKER**. The question is on the motion offered by the gentleman from California (Mr. Holifield) that the House suspend the rules and pass the bill H.R. 15233, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. **HOLIFIELD**. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be discharged from further consideration of a similar Senate bill (S. 2510) to create an Office of Federal Procurement Policy within the Executive Office of the President, and for other purposes, for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

The Clerk read the Senate bill, as follows:

S. 2510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Office of Federal Procurement Policy Act of 1973".

DECLARATION OF POLICY

Sec. 2. It is declared to be the policy of Congress to promote economy, efficiency, and effectiveness in the procurement of goods, services, and facilities by and for the executive branch of the Federal Government by—

(1) establishing policies, procedures, and practices which will require the Government to acquire goods, services, and facilities of the requisite quality and within the time needed at the lowest reasonable cost, utilizing competitive procurement methods to the maxium extent practicable;

(2) improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel;

(3) avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

(4) avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

(5) identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

(6) achieving greater uniformity and simplicity, whenever appropriate, in procurement procedures;

(7) coordinating procurement policies and programs of the several departments and agencies;

(8) conforming procurement policies and programs, whenever appropriate, to other established Government policies and programs;

(9) minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

(10) improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government;

(11) promoting fair dealing and equitable relationships among the parties in Government contracting; and

(12) otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operations.

FINDINGS AND PURPOSE

Sec. 3. (a) The Congress finds that economy, efficiency, and effectiveness in the procurement of property and services by the executive agencies will be improved by establishing an agency to exercise responsibility for and direction over procurement policies and regulations.

(b) The purpose of this Act is to establish an Office of Federal Procurement Policy to provide overall leadership and direction, through a small, highly qualified and competent staff, for the development of procurement policies and regulations for executive agencies in accordance with applicable laws.

DEFINITIONS

Sec. 4. (a) As used in this Act—

(1) the term "executive agency" means an executive department as defined in section 101 of title 5, United States Code, an independent establishment as defined by section 104 of title 5, United States Code (except that it shall not include the General Accounting Office), a military department as defined by section 102 of title 5, United States Code, a wholly owned Government corporation, and, subject to the provisions of subsection (b) of this section, the District of Columbia;

(2) the term "Office" means Office of Federal Procurement Policy;

(3) the term "Administrator" means the Administrator of the Office of Federal Procurement Policy; and

(4) the term "Federal assistance" means the provision of money, services, or property to a State, political subdivision, or person for the purpose of supporting, stimualting, strengthening, subsidizing, or otherwise promoting non-Federal activities benefiting a State, political subdivision, third party, or the public generally.

(b) The Council of the District of Columbia, established by section 401(a) of the District of Columbia Self-Government and Governmental Reorganization Act, is authorized, on or after the date its legislative powers under such Act become effective, to pass an act making the provisions of this Act inapplicable to the Government of the District of Columbia.

OFFICE OF FEDERAL PROCUREMENT POLICY

Sec. 5. (a) There is established within the Executive Office of the President an agency to be known as the Office of Federal Procurement Policy. Functions exercised by the Office shall be subject to such policies and directives as the President shall deem necessary to effectuate the provisions of this Act.

(b) There shall be at the head of the Office an Administrator of the Office of Federal Procurement Policy, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) There shall be in the Office a Deputy Administrator of the Office of Federal Procurement Policy who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator shall designate and shall be Acting Administrator during the absence or disabiility of the Administrator and, unless the President shall designate another officer of the Government, in the event of a vacancy in the Office.

AUTHORITY AND FUNCTIONS

Sec. 6. (a) The Administrator shall provide overall guidance and direction of procurement policy, and to the extent he considers appropriate and with due regard to the program activities of the executive agencies, shall prescribe policies and regulations, in accordance with applicable laws and, subject to section 8(c), which shall be followed by executive agencies (1) in the procurement of—

(A) property, other than real property in being;

(B) services, including research and development; and

(C) construction, alteration, repair, or maintenance of real property;

and (2) in providing for or in connection with procurement of items specified in (A), (B), and (C) above, to the extent required for performance of Federal assistance programs.

(b) Nothing in subsection (a)(2) shall be construed—

(1) to grant the Administrator authority to authorize procurement or supply support, either directly or indirectly, to any recipient of Federal assistance; or

(2) to authorize any procurement contrary to State and local laws, in the case of programs to provide assistance to States and political subdivisions.

(c) The functions of the Administrator shall include—

(1) monitoring and revising as necessary policies and regulations concerning the role of the Federal Government and its reliance on the private sector in providing goods and services required to meet public needs;

(2) monitoring and revising as necessary policies and regulations to protect the interests and integrity of the public and private sectors in the procurement of goods and services;

(3) establishing a *system* of Government-wide coordinated and, to the extent feasible, uniform procurement regulations;

(4) overseeing and promoting programs of the Civil Service Commission and executive agencies to upgrade the quality of Federal procurement through improved programs for personnel recruitment, training, career development, and performance evaluation;

(5) sponsoring research in procurement policies, regulations, procedures, and forms;

(6) guiding and directing the development of a system for collecting and disseminating Government-wide procurement data to meet the informational needs of the Congress, the executive branch, and the private sector;

(7) establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms; and

(8) consulting, in developing policies and regulations to be authorized or prescribed by him, with the executive agencies affected and, to the extent feasible, requesting one or more executive agencies (including the Small Business Administration on small business matters), to establish interagency committees, or otherwise use agency representatives or personnel, to solicit the views and the agreement so far as possible, of agencies affected on significant changes in policies and regulations.

(d) The authority of the Administrator under this Act shall not be construed to impair or interfere with—

(1) the determination by executive agencies of their need to procure, or their use of, property, services, or construction;

(2) the decisions by executive agencies to procure individual property, services, or construction, including the particular specifications therefor;

(3) the procedures and forms used by executive agencies, except to such extent as may be necessary to insure effective implementation of policies and regulations authorized or prescribed by the Administrator; or

(4) procurement policies and regulations by or for a military department when payable from nonappropriated funds: *Provided,* That the Administrator undertake a study of such policies and regulations. The results of the study, together with recommendations for administrative or statutory changes, shall be reported to the Committee on Gov-

ernment Operations of the Senate and the Committee on Government Operations of the House of Representatives at the earliest practicable date, but in no event later than two years after the date of enactment of this Act.

ADMINISTRATIVE POWERS

SEC. 7. (a) The Administrator is authorized, in carrying out this Act, to—

(1) appoint advisory committees composed of private citizens and officials of the Federal, State, and local governments, and to pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Administrator, compensation (including traveltime) at rates not in excess of the maximum rate of pay for GS-18 as provided in the General Schedule under section 5332 of title 5, United States Code, and while such members are so serving away from their homes or regular places of business, to pay such members travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(2) accept voluntary and uncompensated services, notwithstanding section 665(b) of title 31, United States Code;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently; and

(4) adopt an official seal, which shall be judicially noticed.

(b) Upon request of the Administrator, each executive agency is directed to—

(1) make its services, personnel, and facilities available to the greatest practical extent for the performance of functions under this Act; and

(2) except when prohibited by law, furnish and allow access to all information and records in its possession which the Administrator may determine to be necessary for the performance of the functions of the Office.

(c) The Office, in connection with the exercise of the authority granted pursuant to this Act, shall be considered an independent Federal regulatory agency for the purpose of sections 3502 and 3512 of title 44, United States Code.

RESPONSIVENESS TO CONGRESS

SEC. 8. (a) The Administrator shall keep the Congress and its duly authorized committees fully and currently informed of its activities, including consideration of proposed changes in procurement policies and regulations, and shall submit a report to Congress annually, and at such other times as may be necessary for this purpose, with recommendations for amendment or repeal of existing laws or adoption of new laws when appropriate.

(b) Neither the Administrator, the Deputy Administrator, nor employees of the Office may refuse to testify before or submit information to Congress or any duly authorized committee thereof.

(c)(1) The Administrator shall transmit to the Congress a special message with respect to each major policy or regulation which is prescribed by him under section 6 (a). In order to provide an opportunity for consultation, the Administrator shall send to the Congress not less than thirty days prior to transmittal of such proposed major policy or regulation notice thereof, including a statement of the purpose and substance of such proposal. Such policy or regulation shall become effective upon the expiration of the first period of sixty calendar days of continuous session of the Congress after the date of its submission, or on such later date as the Office may prescribe, unless between the date of transmittal and the end of the sixty-day period, either House passes a resolution stating in substance that that House does not favor the policy or regulation.

(2) For the purpose of paragraph (1) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period.

(3) The provisions of sections 910 through 913 of title 5, United States Code, shall apply to the procedures applicable in the consideration of such a resolution.

EFFECT ON EXISTING LAWS

SEC. 9. Authority under any other law permitting an executive agency to prescribe policies, regulations, procedures, and forms for procurement is subject to the authority conferred in this Act.

EFFECT ON EXISTING REGULATIONS

SEC. 10. Procurement policies, regulations, procedures, or forms in effect on the date of enactment of this Act shall continue in effect, as modified from time to time, until superseded by policies, regulations, procedures, or forms promulgated by the Administrator.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There are authorized to be appropriated to carry out the provisions of this Act—

(1) not to exceed $4,000,000 for the first fiscal year after enactment of this Act, of which not to exceed $150,000 shall be available for the purpose of sponsoring research in accordance with section 6(c)(5); and

(2) such sums as may be necessary for each of the four fiscal years thereafter subject to the reviews specified in section 8(a).

Any subsequent legislation to authorize appropriations to carry out the purposes of this Act shall be referred in the Senate to the Committee on Government Operations.

DELEGATION

SEC. 12. (a) The Administrator may delegate any authority, function, or power under this Act, other than his basic authority to provide overall guidance and direction of Federal procurement policy and to prescribe policies and regulations to carry out that policy, to any other executive agency with the consent of such agency or at the direction of the President.

(b) The Administrator may make and authorize such delegations within the Office as he determines to be necessary to carry out the provisions of this Act.

ANNUAL PAY

SEC. 13. Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(60) Administrator of the Office of Federal Procurement Policy.".

ACCESS TO INFORMATION

SEC. 14. (a) The Administrator and employees of the Office shall furnish such information as the Comptroller General may require for the discharge of his responsibilities, and for this purpose, the Comptroller General or his representatives shall have access to all books, documents, papers, and records of the Office.

(b) The Administrator shall, by regulation, require that formal meetings for the purpose of promulgating procurement policies and regulations, as designated by him for the purpose of this subsection, shall be open to the public and that public notice of each such meeting shall be given not less than ten days prior thereto.

REPEALS AND AMENDMENTS

SEC. 15. (a) Section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)) is amended by inserting "subject to regulations prescribed by the Administrator of the Office of Federal Procurement Policy," after the comma following "Administrator".

(b) Section 602(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474) is amended in the first sentence thereof by inserting "except as provided by the Office of Federal Procurement Policy Act, and" immediately after "herewith".

MOTION OFFERED BY MR. HOLIFIELD

Mr. HOLIFIELD. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HOLIFIELD moves to strike out all after the enacting clause of S. 2510 and insert in lieu thereof the provisions of H.R. 15233, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to establish an Office of Federal Procurement Policy within the Office of Management and Budget."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 15233) was laid on the table.

TO PROVIDE ADDITIONAL COPIES OF HEARINGS AND FINAL REPORT OF JUDICIARY COMMITTEE ON IMPEACHMENT INQUIRY

Mr. HAYS. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the concurrent resolution (H. Con. Res. 559) to provide additional copies of hearings and the final report of the Judiciary Committee on the impeachment inquiry, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, following line 8, add a new section 3 to read as follows:

"SEC. 3. The Superintendent of Documents shall make additional copies available for purchase by the general public at no less than cost."

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HAYS. Mr. Speaker, the Senate added an amendment saying:

The Superintendent of Documents shall make additional copies available for purchase by the general public at no less than cost.

This is already part of the law, I can tell the Members that, as the chairman of the Joint Committee on Printing. The Senate put the amendment in anyway. I do not know why the Senate added the amendment. I have no idea. But apparently it was the only way it could go through the Senate, so they added the amendment to the legislation which passed the House unanimously. I would like to get this matter concluded and accept the Senate amendment, which is simply a duplication of the existing law.

CALL OF THE HOUSE

Mr. KETCHUM. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. MAZZOLI. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 378]

Andrews, N.C.
Aspin
Badillo
Baker
Beard
Biaggi
Blatnik
Brademas
Brasco
Breaux
Burke, Fla.
Carey, N.Y.
Chisholm
Clark
Clay
Conyers
Corman
Cotter
Davis, Ga.
Davis, S.C.
de la Garza
Diggs
Dorn
Downing
Dulski
Frelinghuysen
Frenzel
Frey
Gettys
Gibbons
Grasso
Gray
Green, Pa.
Griffiths
Grover

Gubser
Gunter
Hanna
Hansen, Wash.
Harrington
Harsha
Hastings
Hébert
Helstoski
Howard
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
Kluczynski
Leggett
Lehman
Lent
Lott
McSpadden
Madden
Madigan
Maraziti
Martin, Nebr.
Mathis, Ga.
Metcalfe
Mollohan
Montgomery
Moorhead, Pa.
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Nix
O'Neill
Pepper

Podell
Powell, Ohio
Preyer
Reid
Robison, N.Y.
Roncallo, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rostenkowski
Satterfield
Schroeder
Spence
Stanton, James V.
Steed
Steele
Stokes
Sullivan
Symington
Talcott
Tiernan
Treen
Vander Jagt
Veysey
Vigorito
Waldie
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wydler
Young, Ga.
Young, S.C.
Zwach

The SPEAKER. On this rollcall 333 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TO PROVIDE ADDITIONAL COPIES OF HEARINGS AND FINAL REPORT OF JUDICIARY COMMITTEE ON IMPEACHMENT INQUIRY

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 559, presently before the House, is brief. Permit me to read it:

> That there shall be printed for use of the Committee on the Judiciary twenty thousand additional copies of all parts of its hearings concerning the impeachment inquiry, pursuant to H. Res. 803.
>
> SEC. 2. There shall be printed for the use of the House Committee on the Judiciary fifty thousand additional copies of its final report to the House.

The Senate added an amendment, section 3, which reads as follows:

> SEC. 3. The Superintendent of Documents shall make additional copies available for purchase by the general public at no less than cost.

Mr. Speaker, on last Wednesday, this issue was before the House. The gentleman from Pennsylvania (Mr. DENT) at that time attacked the resolution on the grounds that it had never been considered by the Committee on House Administration. He also raised serious questions about the contents of the subject matter that is proposed to be printed.

The gentleman from New Jersey (Mr. SANDMAN), a member of the Judiciary Committee, questioned both the content and the necessity for printing.

Mr. Speaker and Members of the House, the estimated cost of this printing is almost $1 million—$989,094.72 to be exact. I am opposed to the resolution for the reason there is no clear understanding of what is to be printed. There is no direction as to allocation or distribution of this huge mass of printed matter, and there is no necessity for loading this on the backs of the taxpayers.

The facts of the matter are that the committee can print, as a committee report, 1,000 copies of each of the proposals to be printed. That ought to be sufficient for every Member of Congress, both Senate and House.

If additional copies are to be printed beyond the 1,000, speaking in terms of the 20,000 copies of all parts of the hearings and the 50,000 copies of the final report of the committee, let those be printed and sold to the public rather than add $1 million to the cost of these hearings, which have already cost us many, many millions of dollars.

Mr. Speaker, I submit that this resolution ought to be defeated, and the taxpayers saved this expenditure at a time when every possible saving should be made in the interest of halting inflation.

Mr. GUYER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. GUYER. Mr. Speaker, we have heard some rumors that there is already a substantial number of copies printed without the vote today, is this true?

Mr. GROSS. I have no certain knowledge of it although there are reports to that effect.

Mr. GUYER. Does any Member in the Chamber know?

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, under the rules, any committee can get a thousand copies. I believe the committee got the thousand copies, and the reason was that this thing was considered by polling the committee, because they wanted to do what they call in the trade, ride the jacket, before the type is destroyed. If they come back later and get a simple majority vote of the House, it will cost a considerable amount of money more than the $900,000 total.

I consented, as chairman of the Committee on House Administration, to let the gentleman from Indiana (Mr. BRADEMAS), who unfortunately could not be here, the chairman of the committee, call the committee and proceed in that fashion. That is why it happened the way it did.

Mr. GROSS. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. DICKINSON), a member of the Committee on House Administration.

Mr. DICKINSON. Mr. Speaker, as has been pointed out, this matter came up last week in an unusual manner. I suppose that perhaps something good will come from this. It might be that we will learn from this to adhere to the rules of the House and not to proceed in an irregular manner, such as by polling committees by telephone.

I admit error in this. I received a telephone call last week late in the afternoon asking if I had an objection as ranking minority member of the Committee on House Administration—and as such I am an ex officio, member on all of the subcommittees. I said I did not know what was involved or what the urgency was, but that if nobody objected on the minority side, I had no particular objection. However, I did not know what was involved.

As a result of this and as a result of no hearings being had, I did not know that there was $1 million worth of printing involved. I did not know what the urgency was at that time.

After learning what is involved and after talking to members of the Committee on the Judiciary, who tell me that there is no need for these publications, that there are 1,000 copies available, and after looking at what had happened in the past, for instance, the printing of the Presidential transcript cost $12 or $13 a copy, when the public could buy them at the newsstand, for $1.75 a copy, I think we are being foolish in authorizing $1 million expenditure.

We have authorized $1.5 million for the Committee on the Judiciary on which to operate. I think it is an excessive expenditure of money.

I do not think this is needed. It serves no useful purpose.

Mr. Speaker, I urge my colleagues, the Members of this House, to vote against it.

Mr. HAYS. Mr. Speaker, I will yield to the chairman of the Committee on the Judiciary if he wants to be heard on this. If he has any cogent reasons why he needs these copies. I would like him to tell the House, and I will yield whatever time he needs, 5 minutes, or whatever time the gentleman needs.

The SPEAKER pro tempore (Mr. McFALL). The gentleman from New Jersey is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I merely want to advise the Members that the material that has been released so far, over which there is all this controversy, is material which has been presented to the Committee on the Judiciary, ultimately for the benefit of the people of the United States.

They have been anxious to know what we have developed. What we have presented is a very, very important matter that is going to be before the committee soon and before the House. The American people are concerned as to whether this has really been seriously debated and just what we are or are not doing.

All of these documents are intended to be supplied to Members of Congress, to public libraries, to institutions of learning, and so forth.

We are sure that this matter is of such interest and historical importance, that the public has a right to know and will know what the Congress of the United States has done in this very important controversy.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield.

Mr. RODINO. I yield to the gentleman from Alabama.

Mr. DICKINSON. I think the point, as far as I am concerned, is why should copies be made available free? Why should they not be printed and sold at whatever the cost to print is, rather than printing them with $1 million of the taxpayers' money and providing them free to taxpayers across the country?

Mr. RODINO. Mr. Speaker, the libraries have over the years been the recipients of many of the public documents which have been printed, and I do not see any reason why we should at this juncture begin to take a different tack concerning a matter that is so tremendously important.

Is the gentleman going to suggest to me that the public does not have a right to know, and that we should withhold from the people of the United States, from the libraries, and from others, all of the matters that have been presented before this committee?

Mr. DICKINSON. Mr. Speaker, if the gentleman will yield further, I will put it this way:

Is the gentleman seriously advocating that as a result of our printing only 1,000 copies, we are denying the people the right to know? If we are so concerned about the public having the right to know, why do we not hold open hearings?

Mr. ANNUNZIO. Mr. Speaker, will the distinguished chairman of the committee yield?

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I appreciate the distinguished chairman's yielding.

I will do the best I can in order to set the record straight.

On July 10, almost a week ago, the House by unanimous consent agreed to this concurrent resolution providing for additional copies of Judiciary Committee documents relating to the impeachment inquiry, and then the Senate added section 3 to it. This is the reason that the concurrent resolution came back to us.

Mr. Speaker, all section 3 says is that—

> The Superintendent of Documents shall make additional copies available for purchase by the general public at no less than cost.

These additional copies are in addition to the copies that the chairman of the Committee on the Judiciary requested.

I wish to congratulate the other body for this section, because all of us know that this is already public law, so that actually they did not add anything to this resolution.

I would also like to point out, as a member of the Committee on House Administration. I knew that, in the course of the impeachment inquiry, the Committee on the Judiciary has issued a series of publications describing the constitutional and procedural bases of the impeachment process in the United States. The demand for copies of these publications has been enormous.

For example, in response to continued requests for a concise and simplified explanation of the impeachment inquiry undertaken by the Judiciary Committee, Chairman PETER W. RODINO, Jr., instructed the impeachment inquiry staff to prepare such a document. The House committee print entitled "The Impeachment Inquiry: What It Means" was first published in March. The demand was so great that the supply of 10,000 copies was exhausted in about 3 weeks. During the latter part of March the print was revised slightly and another 30,000 copies were printed.

This is an indication of the demand for information being received by the Judiciary Committee regarding this historic proceeding. The demand for the evidentiary material and the final reports of the committee will surely be greater. The action called for by the concurrent resolution will, in my opinion, provide sufficient copies of the committee hearings and report for distribution to the Members of the House who may be called upon to consider the awesome responsibility of a vote on impeachment, and the American people, who will be the ultimate judge of the wisdom and propriety of the action of the House.

Mr. Speaker, I for one want to congratulate the chairman of the Committee on the Judiciary for making this request, and I want to urge my colleagues to vote for this concurrent resolution, as we did on July 10, because, as the chairman of the committee said, it involves the public's right to know. I for one do not want to deny the public that right.

Mr. KETCHUM. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Speaker, I thank the gentleman for yielding.

I believe the gentleman is well aware of my own position as far as the right of public knowledge is concerned. We have printed a number of these documents, and I am reminded of the recent action wherein the Presidential transcripts were printed at prices of around $12.95 per copy, and then 2 weeks later the document came out through private enterprise as a paperback available to the public for about $2.

What is wrong with that?

Mr. RODINO. Mr. Speaker, I wish to remind the gentleman this is the House of Representatives, and we retain the right to screen our own documents.

I might point out further that all of the presentations that have been made are included in these documents. The so-called presentation by the President's counsel is in here, so that in this way the public knows; the public knows it all.

Mr. MARAZITI. Mr. Speaker, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New Jersey.

Mr. MARAZITI. Mr. Speaker, I thank the chairman of the committee for yielding.

I rise in support of the position taken by the chairman of the Judiciary Committee. I realize that a considerable amount of money is involved here, but, as has been said, we have compiled a record and the record is voluminous. I believe the public should have all the information, and I believe they should have the correct information.

Therefore, Mr. Speaker, I urge the support of the Members of this concurrent resolution.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, it is with a great deal of reluctance that I say anything concerning this matter. The chairman of my committee has already spoken, and the chairman of the Committee on House Administration has spoken, and I have the highest respect for both of these gentlemen.

I do not want what I have to say here to be interpreted in any way as an announcement of any further statement or position I might have to make on any other matter which may come up on the matter of the impeachment inquiry. It is not meant for that purpose.

However, I cannot for the life of me see why the people of the United States of America ought to purchase 20,000 additional copies of this voluminous material in order to distribute them to libraries, which are supported largely by the people of the United States through the action of Congress and in other ways.

Furthermore, I doubt seriously there is any need for 20,000 additional copies of the report for deserving public depositories and institutions. Primarily, I just cannot see why we need to spend another million dollars in this way. I did not support going public with this material at this time in committee because it was my judgment that we ought to wait until we had actually concluded our inquiry and made a recommendation to the House.

But I am not basing my statement here on a lost vote on the position I took in the committee, it is simply my feeling, and I urge that my colleagues consider it from this standpoint, that we have already made this material public. One thousand copies of the evidentiary material have already been printed and released and at the time the committee report is completed 1,000 copies of it will be made public. I believe that this certainly should be sufficient to satisfy the needs of all of the Members of the House, and ultimately the Senate. Any additional copies required or desired by the public at this time should be printed and distributed at cost to those desiring them in the usual manner. We simply do not need to print an additional 20,000 copies of this material plus 50,000 copies of the report, and in so doing spend another million dollars of the taxpayers' money at this time.

Mr. COHEN. Mr. Speaker, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Speaker, I too wish to raise an objection to spending this additional million dollars, and I wish to thank the gentleman from Alabama for his statement.

I would like to point out also that initially we went through the process of appropriating $1 million to conduct this investigation, and we have gone well over that, and it would seem to me that we are going far beyond what we should do when we have this request to appropriate another million dollars for the publication of these documents.

I also happen to agree with the statement of the gentleman from California (Mr. Ketchum) that it costs us $12.50 to publish the printed transcript, and it cost $1.95 or $2.95 a copy for it to be published by the New York Times.

I think the taxpayers would be well served by voting down this request.

Mr. FLOWERS. Mr. Speaker, let us strike a blow for private enterprise by defeating this resolution.

Mr. GROSS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Illinois (Mr. Annunzio), spoke of the consideration of this resolution on last Wednesday. The Members should remember that that resolution was called up last Wednesday out of thin air. There was no previous notice to the House that the resolution would be considered. The resolution was never considered by the Committee on House Administration, either by the full committee or in a subcommittee. I say again that it was called up out of thin air, for no Member had any prior notice of it.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I agree with the gentleman that this was called up out of thin air, but also it passed on July 10 by unanimous consent.

Mr. GROSS. Yes, sure it was.

Mr. ANNUNZIO. I asked at that time if there were any objection, and if not, then let us accept it and go home. It was 6:30 at that time, and no one objected to it.

Mr. GROSS. And for letting it go through at that time by unanimous consent, I apologize to the House. It never should have gone through on that basis.

Mr. ANNUNZIO. As a Member of the House, I accept your apology, but I cannot forgive the Senate for having added section 3 to the resolution, which simply restates existing law. As far as I am concerned it was a lousy trick on the part of the Senate.

Mr. GROSS. I presume that the gentleman from Illinois, because of what he calls the lousy amendment attached by the Senate, is prepared to vote against it, is that right?

Is the gentleman from Illinois prepared to vote against the resolution today because the gentleman condemns the other body, as the gentleman has, for adding the amendment?

Mr. ANNUNZIO. I am prepared to vote for the resolution but, as I said in my remarks, section 3 was not necessary because it is already the law.

Mr. GROSS. Mr. Speaker, if I felt as the gentleman from Illinois does, I would vote against the resolution as presented today under suspension of the rules; I would not tolerate that kind of action from the other body. I certainly would not want to go along with it.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, it is asked that we print 20,000 additional copies of all parts of the hearings which are already in print, and 50,000 additional copies of the final report of the committee.

If we are, as the chairman of the committee, Mr. Rodino, said, going to inform all of the people of this country, 212 million of them, it is going to take many, many times 50,000 additional copies, as the gentleman well knows. Let us stop this here today with 1,000 additional copies of each report that the committee can print without further authorization and let the rest be paid for by the public if they are interested enough to buy them.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, ever since I have been in Congress, I have been a member of the Committee on House Administration except for one brief period of 5 months. There has always been a rule of comity that when the House wanted to print a document and voted to print it, the Senate went along, and vice versa. This is the first time I have known the Senate to use the common parlance, to mess up a House resolution. All I can tell the Members is that from now on in the rest of this Congress whenever any printing resolution comes over from the Senate, every Member of the House can watch the thermometer. From now on—July, August, September, October, November, and December—the day I schedule any printing resolution for the Senate, the thermometer will read 60 degrees below zero in Washington, D.C. I will teach them a thing or two.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. Sarbanes).

Mr. SARBANES. Mr. Speaker, I just want to make several points with respect to this resolution; 1,000 automatic copies made available to the committee is clearly inadequate for the job that is ahead of us, and I think that ought to be understood by every Member here. There are 535 Members of the Congress. If we are talking about making two sets available to each Congressman and to each Senator, we have already gone beyond the 1,000 automatic allowance. There is then no provision for other copies that must be available for the press, nothing about other copies that must be available for people working with respect to this impeachment inquiry, and nothing about copies that must be made available to institutions which serve large numbers of people and ought to have this material on file.

So, whatever the issue, it ought to be clearly recognized by everyone here that there must in any event be another printing. What is proposed here is an effort to try and anticipate the savings that can be derived from one printing run, so that we do not have to come back again at a later time, and perhaps come back again at yet another time after that. These materials contain what was presented to the committee both by our staff and by Mr. St. Clair on behalf of the President. There are included the transcripts that were prepared from the tapes. There will have to be published copies of our testimony of witnesses.

As I understand it, there is going to be an effort to insure that copies of this material were made available first of all, as they need to be, within the Congress in order that each Member may do his work. This is not one of those issues that comes before the House about which a Member may feel that it is not necessary to look at the committee material. This is one of those issues which requires Members to review the committee material carefully.

Second of all, I understand there is going to be an effort to make copies available in places, for example libraries and schools, where many, many people can have access to them and have an opportunity to review the matters that have come before the committee.

Finally, in terms of practicality, I point out to the Members that there must indeed be another printing. The automatic number is not sufficient, and I do not think anyone can reasonably contend that it is sufficient. I think what is being proposed here is therefore a wise course of action.

Mr. MARAZITI. Mr. Speaker, will the gentleman yield?

Mr. SARBANES. I yield to the gentleman from New Jersey.

Mr. MARAZITI. I thank the gentleman for yielding.

Mr. Speaker, I should just like to take a moment to point out that I am concerned about the discussion I have heard. There have been very valid arguments on both sides, but I should like to make this point. This is not a usual situation where 1,000 copies will suffice. I think we can admit that the circumstances of these proceedings are tremendously unusual.

There is tremendous interest in the information and the facts and the arguments concerned here, so therefore I urge passage of this legislation.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. Hays) that the House suspend the rules and take from the

Speaker's desk the concurrent resolution (H. Con. Res. 559), with a Senate amendment thereto, and concur in the Senate amendment.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 128, noes 69.

Mr. ANNUNZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3 of rule XXVII and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL HUNTING AND FISHING DAY

Mr. EDWARDS of California. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 910) asking the President of the United States to declare the fourth Saturday of September 1974, "National Hunting and Fishing Day", as amended.

The Clerk read as follows:

H.J. RES. 910

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States declare the fourth Saturday of September 1974, as "National Hunting and Fishing Day" to provide that deserved national recognition, to recognize the esthetic, health, and recreational virtues of hunting and fishing, to dramatize the continued need for gun and boat safety, and to rededicate ourselves to the conservation and respectful use of our wildlife and natural resources.

The SPEAKER. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, first, let me express my appreciation to the distinguished gentleman from California (Mr. EDWARDS) and to his Committee on the Judiciary for bringing this bill to the floor. I am pleased to acknowledge the active assistance given to the bill by my good friend, Mr. EDWARDS, and to thank him for being a cosponsor of the measure.

Then let me state this bill has no relation whatever to gun legislation.

Mr. Speaker, it has been my pleasure to sponsor legislation in the House for the past 3 years designating the fourth Saturday of September as National Hunting and Fishing Day. This year I am joined in this endeavor by 109 Members in the House of Representatives. A similar measure is sponsored in the Senate by Senator MCINTYRE and Senator SCOTT.

When this legislation is passed and signed into law, it sets forth a day of national celebration in recognition of the contributions to conservation and outdoor recreation of more than 55 million American hunters and fishermen.

Each year National Hunting and Fishing Day has been an outstanding success in hundreds of programs held at State fairs, schools, military installations, shopping centers, and many other facilities. It is estimated that 14 million people took part in NHF Day celebrations last year.

Hunting and fishing is big business in America. Each year more than 15 million hunting licenses and 24 million fishing licenses are sold. And each year the ranks grow larger. Each year more than $250 million is taken in from the sale of licenses, tags, permits, and stamps. The funds from these sources are used to protect and improve wildlife habitat and fishing areas, thus fish and game populations are managed on a scientific basis. Even endangered species receive benefits from the effort of these dedicated conservationists—the enlightened hunters and fishermen who want to see their natural heritage preserved.

Professional conservationists will tell you that it is the sportsmen who are most responsible for the healthy populations of wildlife now abounding in many States. They will also tell you that the sportsman and his conservation dollars, have made possible a twentyfold increase in the number of deer in the United States; a fivefold increase in the population of elk and antelope; and a tenfold increase in the number of wild turkeys.

These numbers may surprise you as they surprised the millions who learned these facts at National Hunting and Fishing Day programs in 1972 and 1973. But they do not surprise the professional conservationists who work along with hunters and fishermen to make these increases possible. It is not the hunters and fishermen who are wiping out the endangered species in this country. The greatest threat is from loss of habitat and from environmental degradation such as pollution. As human population increases, along with its modern-age technology, the pressure on wild species also increases. Some species are literally squeezed out of existence—not killed off by the hunter.

Mr. Speaker, we must continue our crusade to protect our wildlife and we should increase our efforts to alert the public on environmental problems. The observance of National Hunting and Fishing Day is one of the best ways of helping to achieve this goal. I urge my colleagues to lend their support to this resolution.

Mr. Speaker, I am pleased to submit the names of the 109 cosponsors of National Hunting and Fishing Day in 1974.

LIST OF COSPONSORS

Mr. Edwards of California, Mr. Ullman, Mr. Roberts, Mr. Denholm, Mr. Thomson of Wisconsin, Mr. Jones of North Carolina, Mr. Broyhill of North Carolina, Mr. McDade, Mr. Pepper, Mr. Rarick, Mr. Stubblefield, Mr. Won Pat, Mr. Sebelius, Mr. Abdnor, Mr. Quie, Mr. Forsythe, Mr. Waggonner, Mr. Dent, Mr. Symington, Mrs. Hansen of Washington, Mr. Leggett, Mr. Lott, Mr. Anderson of California, Mr. Brinkley.

Mr. Casey of Texas, Mr. Ford, Mr. Frenzel, Mr. Perkins, Mr. Dan Daniel, Mrs. Grasso, Mr. Nix, Mr. Camp, Mr. Charles H. Wilson of California, Mr. Roe, Mr. Dingell, Mr. Fuqua, Mr. Robinson of Virginia, Mr. Burgener, Mr. Walsh, Mr. Moorhead of California, Mr. Young of Florida, Mr. Cleveland, Mr. Whitehurst, Mr. Mann, Mr. Murphy of New York, Mr. Charles Wilson of Texas, Mr. Davis of South Carolina, Mr. Melcher.

Mr. Hanley, Mr. Wyman, Mr. Eshleman, Mr. Mitchell of New York, Mr. Fisher, Mr. Gibbons, Mr. Donohue, Mr. Bafalis, Mr. Gunter, Mr. Moss, Mr. Flowers, Mr. Eilbert, Mr. Johnson of California, Mr. Williams, Mr. Ruppe, Mr. Roy, Mr. Yatron, Mr. Scherle, Mr. Treen, Mr. Bevill, Mr. Latta, Mr. Minshall of Ohio, Mr. Corman, Mr. Breaux.

Mr. Dorn, Mr. Gaydos, Mr. Chappell, Mr. Whalen, Mr. Fascell, Mr. Fulton, Mr. Milford, Mr. Pike, Mr. Alexander, Mr. Horton, Mr. Lent, Mr. Mizell, Mr. Fish, Mr. Hunt, Mr. Zwach, Mr. Preyer, Mr. Ketchum, Mr. Haley, Mr. Derwinski, Mr. Pickle, Mr. Addabbo, Mr. Nichols, Mr. Price of Illinois, Mr. Stuckey.

Mr. Lehman, Mr. Bauman, Mr. Dickinson, Mr. Frey, Mr. Carney, Mr. Parris, Mr. Downing, Mr. Goodling, Mr. Eckhardt, Mr. Vander Jagt, Mr. Burke of Florida, Mr. Cederberg, Mr. Kemp.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I want to join my friend, the gentleman from Florida, in supporting this legislation, to declare a "National Hunting and Fishing Day."

As an avid sportsman, I feel it is time that hunters and anglers be officially recognized for their economic and environmental contributions to the Nation.

For example, each year millions of dollars are poured into State and local treasuries from the purchase of hunting and fishing licenses. Also, through the purchase of "duck stamps," hunters have contributed over $81,800,000 since 1962. Together with loans approved by Congress totaling $84.9 million, the Migratory Bird Commission, of which I am a member, has authorized the purchase of over 1,752,000 acres of land at a cost of more than $161,700,000. This land is used solely to establish national wildlife refuges and waterfowl production areas. These areas serve as the breeding grounds and resting areas for waterfowl and without them many species would face extinction.

However, the contributions of sportsmen involve much more than financial support. Sportsmen have been leaders in the attempt to conserve our natural resources. They have helped maintain the balance of nature, preventing wildlife overpopulation caused by the elimination of natural predators. This has helped to assure adequate food supplies for existing and future wildlife, resulting in healthier species.

Mr. Speaker, the hunter and the angler respect the outdoors—something from which we all could take example. They, more than any other group, realize the disastrous effects pollution has had on our environment. For example, the Connecticut River, which flows through my district, was once the spawning ground for the Atlantic salmon. Pollution and technology have driven these fish away. Presently, we are trying to bring back the salmon by cleaning up the river, building fish ladders at various dam sites and by establishing fish hatcheries. We have been aided in the past by Federal funds, but all the funds in the world won't help maintain the success of this project once the salmon return. It will take the concern and involvement of people to insure that the river is not repolluted sportsmen have shown and continue to show this kind of concern and involvement in attempting to conserve our natural resources.

Therefore, I urge all of my colleagues to support this resolution, requesting that the president declare a "National Hunting and Fishing Day," as official recognition of sportsmen for all that they have done to protect our wildlife and natural resources.

Mr. **SIKES**. The gentleman is correct. He is a dedicated sportsman and he knows the importance of these efforts.

Mr. **CASEY** of Texas. Mr. Speaker, will the gentleman yield?

Mr. **SIKES**. I yield to the gentleman from Texas.

Mr. **CASEY** of Texas. I want to join the gentleman in supporting this important bill. We who are hunters and fishermen add significantly to the economy through small business people, primarily bait dealers and others. Fishermen do not usually worry about the expense of the meals that result from their catch. Most of the fish I have caught cost me 5 to 10 times more than had I gone into the market and purchased them. I know my wild game has cost me more than any prime beef I have purchased. So I think that along with our enjoyment of the outdoors, and the conservation movements we sponsor, we should call attention to the fact that the hunters and fishermen stimulate and contribute no end to the economy of this Nation.

Mr. **KEMP**. Mr. Speaker, will the gentleman yield?

Mr. **SIKES**. I yield to the gentleman from New York.

Mr. **KEMP**. Mr. Speaker, I appreciate the gentleman yielding. I would like to associate myself with his remarks.

Mr. Speaker, I thank my distinguished friend for yielding and want to associate myself with his remarks. As a cosponsor, I rise in support of House Joint Resolution 910, to declare the fourth Saturday of each September "National Hunting and Fishing Day." In setting aside this date for the appropriate ceremonies and activities, this legislation acknowledges the vital role of our Nation's hunters and fishermen in the conservation and responsible use of our natural resources.

Mr. Speaker, the Erie County Federation of Sportsmen's Clubs has set an outstanding example of commitment to defend our natural resources from waste. I am pleased to list the following individuals as leaders in this effort, and am hopeful their actions will be followed nationwide:

OFFICERS 1974

Edward P. Rutecki, President, 221 Courtland Avenue, Buffalo, N.Y. 837-9617.

Frank J. Martino, First Vice President, 55 Park Avenue, Tonawanda, N.Y. 14150. 692-6941.

John H. Bunz, Second Vice President, 1190 Packhurt Blvd, Tonawanda, N.Y 14150. 832-9514.

Roger P. Lund, Recording Secretary, 35 Park Avenue, Tonowanda, N.Y. 14150. 692-4205.

James R. Coggins, Corresponding Secretary, 58 Sowles Road, Hamburg, N.Y. 14075. 648-0157.

Norman J. Hertz, Treasurer, 112 Fruehauf Avenue, Snyder, N.Y. 14226. 839-1120.

Lawrence Crist, Membership Secretary, 109 Woodward Avenue, Springville, N.Y. 14141. 592-7023.

DIRECTORS, 1974

Lawrence Beach, Springville F&S Club.
George A. Clody, Brushenbrook H&F Club.
Clayton Hopper, Elma Conservation Club.
Daniel Ruszczyk, Allied Sportsmen.
Joe Pionessa, Depew Rod & Gun Club.
Nelson Cronin, Alden Rod & Gun Club.
Warren DeLong, Trout Unlimited.
J. F. P. Martin S.C.O.P.E.
Edward S. Hering, Bison City R&G Club.
Stanley Zuchowski, Lackawanna R&G Club.
Otto Reinhardt, George Washington F&C Club.
William H. Fissler, Brushenbrook H&F Club.
Donald Shoemaker, George Washington F&C Club.
Harold Henzler, Buffalo Audubon Society.

Past president

Alfred Moser, Buffalo Rod & Gun Club.

Because of the dedication of men and women such as these, and other members of Erie County Sportsmen's Clubs, the first National Hunting and Fishing Day, in 1972, involved some four million people in programs emphasizing the sportsman's involvement in the out-of-doors. One year later, the second National Hunting and Fishing Day involved some 14 million people committed to dramatizing the need for conservation and gun and boat safety. Needless to say, National Hunting and Fishing Day, 1974, promises to continue this outstanding success story.

Our Nation's hunters and fishermen make an annual contribution of over $200 million in license fees to State and local governments to provide funds for fish and wildlife management. I believe their efforts deserve a permanent date of recognition on our calendar. I emphatically urge adoption of House Joint Resolution 910.

Mr. **WHALEN**. Mr. Speaker, will the gentleman yield?

Mr. **SIKES**. I yield to the gentleman from Ohio.

Mr. **WHALEN**. Mr. Speaker, I want to congratulate the gentleman from Florida for the resolution which he is sponsoring.

Mr. Speaker, I am pleased that this afternoon the House is considering House Joint Resolution 910 which asks the President to declare the fourth Saturday of each September "National Hunting and Fishing Day." I have cosponsored an identical resolution.

I have long been aware of the contributions made by the responsible, sports-loving hunters and fishermen in my congressional district. On several occasions I have had the opportunity to meet with them and to congratulate them personally for their conservation efforts.

I think it is most appropriate that national recognition be given in this manner to them and to their fellow sportsmen throughout the country. For generations, they have been alert to their duty to conserve our environment from malicious destruction and to protect the natural habitats so important to wildlife. In addition, they have helped build recreational outlets for sportsmen and nonsportsmen alike and they are responsible for the establishment of State fish and game departments.

It is a tribute to their leadership that the environmental causes they have always espoused are now embraced by many of our citizens.

I would like to single out particularly today the hunters and fishermen in my district who have placed great emphasis on safety and on educating young people about the enjoyment of the outdoors both with respect to sports and to the joys of nature.

Mr. Speaker, I urge the adoption of House Joint Resolution 910.

Mr. **WIGGINS**. Mr. Speaker, I yield such times as he may consume to the gentleman from Pennsylvania (Mr. JOHNSON).

Mr. **JOHNSON** of Pennsylvania. Mr. Speaker the passage today of a resolution asking the President to declare the fourth Saturday of each September as "National Hunting and Fishing Day" has a real meaning and significance to the 23d Congressional District of Pennsylvania.

For a long time I have designated the 23d District as the "sportsman's paradise," as it is truly a haven for both the hunter and fisherman.

The 23d District abounds in trout streams, which both the Pennsylvania State government and the Federal Government seek to have well stocked with choice specimens. With the building of the various dams on rivers at Blanchard, Curwensville, and Warren, new avenues of fishing pleasure and excitement were opened up.

At the base of the Kinzua Dam at Warren, a new Federal fish hatchery is being constructed which when completed will be one of the finest and most modern in the Nation. The cool waters below the Kinzua Dam now attract many fishermen and some excellent catches are made there.

The hunter also finds many thrills in the 23d District. The largest deer herds in the Nation are here and by reason of a mild winter this past year are in excellent physical condition and already the racks on the bucks are commencing to display a great size.

One of the newer adventures in hunting is provided by ever increasing flocks of wild turkeys, which can be hunted in the fall and in a special season in the early spring.

Hunters come into the 23d District from all over Pennsylvania and the neighboring States. They find excellent housing facilities as the citizens, especially in rural areas, open up their homes to accommodate the large influx of sportsmen. And I use the word sportsmen advisedly, as they are all perfect ladies and gentlemen who observe the game laws and also are skilled in the handling of firearms, thus causing no one the slightest problem. We welcome these visitors, since they not only enhance the social well-being of the area, but also spend large sums of money on food, ammunition, lodging, gasoline, and shop extensively in the sporting goods stores.

At the end of the deer hunt, cars leave the area with the familiar buck on the fender, or a doe if that is the particular season.

And everyone looks forward to coming back again to the 23d District next year to renew their great hunting and fishing pleasures.

Knowing first hand the sentiments of the citizens of the 23d District toward hunting and fishing and all sports and recreation, it gave me great pleasure that the House passed unanimously House Joint Resolution 910 which resolves that—

> The President of the United States shall declare the fourth Saturday of each September as "National Hunting and Fishing Day" to provide that deserved national recognition to recognize the esthetic, health, and recreational virtues of hunting and fishing, to dramatize the continued need for gun and boat safety, and to rededicate ourselves to the conservation and respectful use of our wildlife and natural resources.

Mr. WIGGINS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL.).

Mr. MIZELL. Mr. Speaker, I rise today to urge my colleagues to act favorably on the legislation which I am cosponsoring to establish a "National Hunting and Fishing Day" on the fourth Saturday of September.

As others have pointed out, National Hunting and Fishing Day is very popular with the American people, and it is an especially meaningful day to the millions of hunters and fishermen who have contributed so much to conservation and have helped to improve outdoor recreation in the United States.

The success of National Hunting and Fishing Day since its first observance in 1972 has been overwhelming. I understand that over 14 million Americans all across the land joined in the celebration last year.

Sportsmen are probably one of the oldest group of conservationists in the country. And the revenues raised from the sale of licenses, tags, permits, and stamps—over $250 million per year—greatly aid our conservation efforts.

I think it is proper that we should give our stamp of approval to the conservation efforts of the Nation's sportsmen by making National Hunting and Fishing Day an official national observance. By so doing, we will enhance the crusade to protect the Nation's wildlife and environment and, at the same, time offer thanks to the hunters and fishermen for their untiring efforts in these matters.

Mr. ANDERSON of California. Mr. Speaker, it is indeed a privilege for me to rise again in support of this legislation to declare the fourth Saturday in September "National Hunting and Fishing Day."

I have sponsored legislation for this purpose in the past and am particularly pleased that House Journal Resolution 910 will this year make permanent each year a day of national recognition to the more than 55 million hunters and fishermen for their contributions to promote conservation and outdoor recreation.

For the past 2 years Congress has overwhelmingly passed laws to set aside this day in the early fall to give special recognition to recreational, esthetic, and health benefits of hunting and fishing. Also this day of recognition facilitates an opportunity to rededicate ourselves to the conservation and respectful use of our wildlife and natural resources.

We owe much to these sportsmen and sportswomen who appreciate the great outdoors. Not only does the more than $200 million in hunting and fishing license fees contribute to the conservation and management of fish and wildlife, but these sports enthusiasts have been outstanding leaders in local and national efforts to preserve our endangered species, promote safety rules and regulations, and preserve our natural resources.

The State of California has been especially blessed with an abundance of outstanding hunting and fishing areas, and we are pleased with the fine efforts being made by these sportsmen to promote the use and appreciation of these naturally beautiful areas for ourselves and the following generations.

Mrs. HANSEN of Washington. Mr. Speaker, it is with pleasure that I join with my colleagues in support of House Joint Resolution 910. This resolution calls upon the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

As hunting and angling are two of the great outdoor recreational activities enjoyed by literally millions of Americans of all ages across our Nation, it is appropriate that a special day be set aside annually to take note of the importance of these activities.

These sports contribute to the health and enjoyment of vast numbers of citizens all across our Nation and they create in people a greater respect for the fish and wildlife found in the Nation's waterways and forests.

This will provide an opportunity for all Americans to realize that outdoor sportsmen have been leaders in the promotion of proper respect for private as well as public property and courtesty in the field, the forest, and along streams, rivers, and lakes. Additionally, sportsmen have made major contributions to safety by developing boating and firearm safety programs.

Hunters and fishermen make substantial contributions to State and local government treasuries annually through the purchase of licenses. This income, of course, is used to conserve fish and wildlife and for sound management of game animals and fish.

There is no present national recognition of the valued contributions of the American hunter and angler, so it is appropriate that a special day be set aside each year to dramatize the health and recreational virtues of these outdoor activities.

Mr. BAUMAN. Mr. Speaker, I rise in support of House Joint Resolution 910, which requests the President to declare the fourth Saturday of each September as "National Hunting and Fishing Day." As a cosponsor of an identical joint resolution, I recognize the need for all Americans to have the opportunity to enjoy outdoor recreational activities.

Two outdoor pursuits which provide the individual with the opportunity for exercise, solitude, and an appreciation for the forests and streams of our country are hunting and fishing. The sportsmen that participate in these activities have traditionally led in the effort to protect and preserve our natural resources, have promoted essential boating and firearm safety programs, and are influential supporters of wildlife conservation and management programs. The income that is obtained through the sale of hunting and fishing licenses is utilized to expand and improve outdoor recreational opportunities.

My district with its rich forest lands, the Chesapeake Bay, and many free-flowing streams and rivers affords the opportunity for citizens of Maryland and other States to pursue the sports of hunting and fishing. The setting aside of a special day as "National Hunting and Fishing Day" will allow all Americans to rededicate ourselves to the continued preservation and proper use of our wildlife and other natural resources.

Mr. WIGGINS. Mr. Speaker, I support the legislation. I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. EDWARDS) that the House suspend the rules and pass the joint resolution (H.J. Res. 910), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WIGGINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion, on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 14494.

House Concurrent Resolution 559.

SIMPLIFIED PURCHASE PROCEDURES

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill (H.R. 14494).

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD) that the House suspend the rules and pass the bill (H.R. 14494), the question was taken.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 0, not voting 73, as follows:

[Roll No. 379]

YEAS—361

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bowen
Bray
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Camp
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Gross
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Ketchum
King
Koch
Kuykendall
Kyros
Lagomarsino
Landgrebe
Landrum
Latta
Litton
Long, La.
Long, Md.
Lujan
Luken
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Mahon
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Michel
Milford
Miller
Mills
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murtha
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Brien
O'Hara
Owens
Parris
Passman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Powell, Ohio
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Studds
Symington
Symms
Taylor, Mo.
Taylor, N.C.
Teague
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Traxler
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, Tex.
Zablocki
Zion

NAYS—0

NOT VOTING—73

Andrews, N.C.
Badillo
Baker
Biaggi
Blatnik
Brademas
Brasco
Breaux
Burke, Fla.
Carey, N.Y.
Chisholm
Clay
Conyers
Cotter
Davis, Ga.
Davis, S.C.
Dorn
Dulski
Frelinghuysen
Gettys
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gunter
Hanna
Harrington
Hastings
Helstoski
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
Kluczynski
Leggett
Lehman
Lent
Lott
McSpadden
Madden
Madigan
Metcalfe
Mollohan
Murphy, Ill.
Murphy, N.Y.
Myers
Nix
O'Neill
Patman
Pepper
Podell
Preyer
Rees
Robison, N.Y.
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rostenkowski
Sandman
Spence
Steele
Stokes
Sullivan
Talcott
Tiernan
Treen
Veysey
Vigorito
Wilson, Charles H., Calif.
Wydler
Young, Ga.
Young, S.C.
Zwach

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Andrews of North Carolina.

Mr. Rostenkowski with Mr. Biaggi.

Mr. Rooney of New York with Mr. Grover.

Mr. Brademas with Mr. Baker.

Mrs. Chisholm with Mr. Leggett.

Mr. Tiernan with Mr. Blatnik.

Mr. Vigorito with Mr. Burke of Florida.

Mr. Charles H. Wilson of California with Mr. Frelinghuysen.

Mr. Brasco with Mr. Hanna.

Mr. Breaux with Mr. Hastings.

Mr. Dulski with Mr. Lent.

Mr. Green of Pennsylvania with Mr. Madden.

Mr. Stokes with Mrs. Griffiths.

Mr. O'Neill with Mr. Preyer.

Mr. Pepper with Mr. Clay.

Mr. Conyers with Mr. Kluczynski.

Mr. Jones of Tennessee with Mr. Robison of New York.

Mr. Badillo with Mr. Metcalfe.

Mr. Mollohan with Mr. Gubser.

Mr. Jones of Alabama with Mr. Lehman.

Mr. Murphy of Illinois with Mr. Roncalio of Wyoming.

Mr. Podell with Mr. Lott.

Mr. Rees with Mr. McSpadden.

Mrs. Sullivan with Mr. Roncallo of New York.

Mr. Young of Georgia with Mr. Helstoski.

Mr. Carey of New York with Mr. Sandman.

Mr. Cotter with Mr. Zwach.

Mrs. Grasso with Mr. Treen.

Mr. Gettys with Mr. Davis of Georgia.

Mr. Nix with Mr. Madden.

Mr. Gunter with Mr. Spence.

Mr. Harrington with Mr. Talcott.

Mr. Patman with Mr. Wydler.

Mr. Dorn with Mr. Young of South Carolina.

Mr. Davis of South Carolina with Mr. Myers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be discharged from further consideration of a similar Senate bill (S. 3311) to provide for the use of simplified procedures in the procurement of property and services by the Government where the amount involved does not exceed $10,000, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 2. The third full unnumbered paragraph under the heading "Office of Architect of the Capitol" contained in the appropriations for the Architect of the Capitol in the Legislative Branch Appropriation Act, 1966 (79 Stat. 276; 41 U.S.C. 6a–1) is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 3. Section 302(e)(3) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(c)(3)) is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 4. (a) Section 2304(a)(3) of title 10, United States Code, is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

(b) Section 2304(g) of such title is amended by striking out "$2,500" and inserting in lieu thereof "$10,000".

SEC. 5. Section 9(b) of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831h(b) (3)) is amended by striking out "$500" and inserting in lieu thereof "$10,000".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 14494) was laid on the table.

PROVIDING ADDITIONAL COPIES OF JUDICIARY COMMITTEE IMPEACHMENT INQUIRY

The SPEAKER. The unfinished business is the vote on the motion offered by the gentleman from Ohio (Mr. HAYS) to suspend the rules and concur in the Senate amendment to the concurrent resolution (H. Con. Res. 559), on which the yeas and the nays are ordered.

The Clerk read the title of the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 197, nays 169, not voting 68, as follows:

[Roll No. 380]

YEAS—197

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Barrett
Bell
Bennett
Bergland
Biester
Bingham
Boland
Bolling
Bowen
Breckinridge
Brooks
Brotzman
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney, Ohio
Casey, Tex.
Clark
Clausen, Don H.
Collins, Ill.
Conte
Conyers
Corman
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Delaney
Dellums
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Drinan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford
Fountain
Fraser
Frenzel
Fulton
Gaydos
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Gude
Hamilton
Hanley
Hansen, Wash.
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks
Holifield
Holtzman
Horton
Howard
Hungate
Johnson, Calif.
Jones, N.C.
Jordan
Karth
Kastenmeier
Kazen
Koch
Kyros
Leggett
Long, Md.
Luken
McClory
McCormack
McFall
McKay
Macdonald
Mahon
Mann
Maraziti
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Milford
Mills
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Pa.
Morgan
Moss
Murtha
Natcher
Nedzi
O'Hara
Obey
Owens
Parris
Patten
Perkins
Peyser
Pickle
Pike
Poage
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Roberts
Rodino
Roe
Rooney, Pa.
Rose
Rosenthal
Roush
Roybal
Runnels
Ruppe
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steelman
Steiger, Wis.
Stratton
Stubblefield
Stuckey
Studds
Symington
Teague
Thompson, N.J.
Thornton
Traxler
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Waldie
Whalen
Wiggins
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NAYS—169

Archer
Arends
Armstrong
Ashbrook
Bafalis
Bauman
Beard
Bevill
Blackburn
Boggs
Bray
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Butler
Byron
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
de la Garza
Dellenback
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fisher
Flowers
Flynt
Forsythe
Frey
Froehlich
Fuqua
Gilman
Ginn
Goldwater
Goodling
Gross
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Hastings
Hébert
Hillis
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jones, Okla.
Kemp
Ketchum
Kuykendall
Lagomarsino
Landgrebe
Landrum
Latta
Litton
Long, La.
Lujan
McCloskey
McCollister
McDade
McEwen
McKinney
Mallary
Martin, Nebr.
Martin, N.C.
Mathis, Ga.
Michel
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Mosher
Nelsen
Nichols
O'Brien
Passman
Pettis
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Robinson, Va.
Rogers
Rousselot
Roy
Ruth
Sandman
Sarasin
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, N.Y.
Snyder
Stanton, J. William
Steed
Steiger, Ariz.
Stephens
Symms
Taylor, Mo.
Taylor, N.C.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Waggonner
Walsh
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wyatt
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Zion

NOT VOTING—68

Andrews, N.C.
Badillo
Baker
Biaggi
Blatnik
Brademas
Brasco
Breaux
Burke, Fla.
Carey, N.Y.
Chisholm
Clay
Cotter
Davis, Ga.
Davis, S.C.
Dorn
Dulski
Frelinghuysen
Gettys
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gunter
Hanna
Harrington
Helstoski
Johnson, Colo.
Jones, Ala.
Jones, Tenn.
King
Kluczynski
Lehman
Lent
Lott
McSpadden
Madden
Madigan
Metcalfe
Mollohan
Murphy, Ill.
Murphy, N.Y.
Myers
Nix
O'Neill
Patman
Pepper
Podell
Preyer
Robison, N.Y.
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, N.Y.
Rostenkowski
Spence
Steele
Stokes
Sullivan
Talcott
Tiernan
Veysey
Vigorito
Wilson, Charles H., Calif.
Wydler
Young, Ga.
Young, S.C.
Zwach

So (two-thirds not having voted in favor thereof), the concurrent resolution was rejected.

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Blatnik.

Mr. Murphy of New York with Mrs. Griffiths.

Mr. Kluczynski with Mr. Hanna.

Mr. O'Neill with Mr. Jones of Tennessee.

Mr. Rooney of New York with Mr. Patman.

Mrs. Sullivan with Mr. McSpadden.

Mr. Nix with Mr. Dorn.

Mrs. Chisholm with Mr. Jones of Alabama.

Mr. Green of Pennsylvania with Mr. Murphy of Illinois.

Mr. Clay with Mr. Gettys.

Mr. Tiernan with Mr. Zwach.

Mr. Charles H. Wilson of California with Mr. Young of South Carolina.

Mr. Brademas with Mr. Wydler.

Mr. Biaggi with Mr. Robison of New York.

Mr. Stokes with Mr. Lehman.

Mr. Harrington with Mr. Lent.

Mr. Metcalfe with Mr. Helstoski.

Mr. Podell with Mr. Frelinghuysen.

Mr. Pepper with Mr. King.

Mr. Roncalio of Wyoming with Mr. Burke of Florida.

Mr. Vigorito with Mr. Roncallo of New York.

Mr. Young of Georgia with Mr. Madden.

Mr. Badillo with Mr. Mollohan.

Mr. Andrews of North Carolina with Mr. Gubser.

Mr. Brasco with Mr. Lott.

Mr. Breaux with Mr. Baker.

Mr. Carey of New York with Mr. Madigan.

Mr. Cotter with Mr. Grover.

Mr. Davis of Georgia with Mr. Myers.

Mr. Dulski with Mr. Spence.

Mr. Gunter with Mr. Steele.

Mr. Davis of South Carolina with Mr. Talcott.

The result of the vote was announced as above recorded:

ECONOMIC SUMMIT

(Mr. BURGENER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGENER. Mr. Speaker, I have today written the President urging dramatic action on the issue of inflation through the convening of an "economic summit." The text of the letter is self-explanatory and I draw it to the attention of the Members. I include the letter at this point in the RECORD:

DEAR MR. PRESIDENT: I request of you with all the urgency I possess, to call the first of what will of necessity be a series of "summit conferences" on the economy of our nation. This might take the form of a White House Conference, a special task force, or some other appropriate vehicle.

It must include the leadership of both parties in the Congress and their economic experts, it must include the Executive Branch with all the resources at its command, it may well demand nationally recognized business and labor leaders and perhaps a consortium of economists and monetary and fiscal professionals.

While I hesitate to use the word "crisis"—I can think of no other word that adequately describes our current economic situation. And most seasoned observers would not identify this as a "short-term crisis" but indeed one that has been building for many, many years, and one which will take many years of sacrifice, planning, and execution, to arrive at a stable and lasting solution.

As a member of the Subcommittee on International Finance of the House Committee on Banking and Currency, I had the privilege of hearing testimony from Secretary of the Treasury William Simon on July 10, the eve of his departure for the Middle East. The entire Subcommittee, acting in bipartisan fashion, as befits our overseas efforts, wished Secretary Simon godspeed and a successful journey as he travels to the Middle East to discuss world monetary problems, the exorbitant price of oil, and other matters of extreme urgency.

Secretary Simon's testimony highlighted the fact that inflation runs rampant on a worldwide scale. The economies of Western Europe and Japan are in serious jeopardy because of horrendous increases in oil prices. Food is in demand on a worldwide scale as never before. Shortages of almost every description seem to be the result of worldwide increased demand coupled with an obviously exhaustible supply of many materials.

Steeply climbing prices of everything can, if unchecked, lead only to reduced standards of living, to economic instability or chaos, followed by political instability or chaos.

I believe the United States of America is still the strongest nation of the world and has a leadership role in the world economy it cannot and should not escape. If we but have the will to come to grips with our economic problems to make the profit and loss system work better for our people to bring our own inflation under control, this nation can be the economic anchor and example setter for the entire world.

This nation has the basic moral fibre and the capacity for innovation to accomplish our economic regeneration without neglecting the needs of the aged, the ill, the poor, or the handicapped.

I am informed that many of our trading partners are beginning to take stern measures to put their own economic house in order. Can we do any less? There appears to be a growing concern that we are drifting in an economic sense. If such a feeling persists and grows, it can feed on itself and destroy the confidence of our people in the government's ability to control itself. This nation is strong—its constitution and its institutions durable, if it will but act.

The convening of an "economic summit" could well be the start of a new initiative designed to bring our economic house into order. It will not be easy and it will not be quick. But such a summit could mark the beginning of a commitment to the goal which we all share.

We have the capacity to act. We must have the will.

Sincerely,

CLAIR W. BURGENER,
Member of Congress.

PROPOSED AMENDMENTS TO THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1974

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, I am causing to be printed in the CONGRESSIONAL RECORD a fourth series of amendments which I shall offer to H.R. 11500, the Surface Mining Control and Reclamation Act of 1974. Pursuant to rule XXIII, clause 6, of the Rules of the House of Representatives a Member causing any amendment to be printed shall be given 5 minutes to explain such amendment. This action becomes necessary because of the serious and sincere concern many Members of the House have expressed over the language of H.R. 11500 as reported by the Committee on Interior and Insular Affairs. Hopefully, the proponents of H.R. 11500 will not resort to the parliamentary tactic of closing debate upon pending amendments to H.R. 11500 but will permit the House to work its will throughout the amending process.

Why are many Members of the House so concerned over the possible passage of H.R. 11500 in its present form? Because the proponents of the bill have ignored a basic fact of life affecting the national interest and general welfare of the people of this Nation, that America needs every pound of coal our mines can produce to meet the expanding energy requirements of this country.

Domestic oil and gas will soon be able to supply less than 40 percent of our national energy needs. This Nation will have to import more oil and gas and endure the political and financial consequences inherent in that choice, or it must exploit its enormous coal reserves. By mining only 50 percent of our estimated 3 trillion tons of coal we could supply this Nation's growing energy appetite for hundreds of years.

Only about 5 percent of the total U.S. coal resources are estimated to be available through strip mining. But strip or surface mining accounts for about one-half of the 600 million tons of annual U.S. coal production. Surface mining is the fastest and cheapest short range solution to the energy problem. Strip or surface mines can be brought into production relatively fast, require little manpower comparatively, and yield up to 90 percent of their deposits compared to less than 50 percent from underground coal mines. While strip mining is efficient and inexpensive comparatively, it also adversely affects the environment if not conducted in an efficient and responsible manner.

But H.R. 11500 is an environmental overreaction. It presupposes the protection of the environment as our paramount national interest. It is in essence a detailed Federal regulatory measure and merely pays lipservice to the concept of State regulation and enforcement. It unwisely and unnecessarily discriminates against energy values in a single-minded focus upon environmental values.

Mr. Speaker, included in this fourth series of amendments to H.R. 11500 is an amendment in the nature of a substitute for the Committee bill. This amendment in the nature of a substitute is H.R. 12898, the Surface Coal Mining Reclamation Act of 1974.

H.R. 12898, is a measure that fairly and squarely addresses the strip mining issue by providing that an essential and integral part of the surface mining process is the prompt and certain restoration of mined land to a decent and environmentally acceptable condition. H.R. 12898 imposes stringent environmental standards and requires mined lands to be reclaimed and restored. H.R. 12898 prohibits the surface mining of land which cannot be reclaimed in accordance with strong environmental and reclamation performance standards. H.R. 12898 does not impose unreasonable and unnecessary restrictions on surface coal mining. H.R. 12898 is a statement of a Federal law which provides the coal industry with a clear understanding of what it can and what it cannot do. H.R. 12898 is a reasonable legislative compromise which respects and reinforces both the energy and environmental ethic in the United States, and should be enacted into law. H.R. 12898 is the last amendment and is numbered No. 175. Hopefully, Mr. Speaker, "the last shall be first" and this House will have passed a bill to regulate surface coal mining that will permit this Nation to continue on the road to progress, and in a spirit of "live and let live" and not a zealous effort to champion one value of our society and general welfare over some other equally important value.

The fourth series of amendments to H.R. 11500 are as follows:

IV. FOURTH SERIES OF AMENDMENTS TO H.R. 11500

151. Page 142, line 25. Strike out subsection "(d)" and insert a subsection "(d)" to read as follows:

"(d) surface and underground coal mining operations presently contribute significantly to the Nation's energy requirements and it is, therefore, essential to the national interest to insure the existence of an expanding and economically healthy underground coal mining industry;"

152. Page 146, line 6. After the word "slopes" insert "(which for the purposes of this Act, a steep slope, is defined as a slope in excess of the angle of repose)".

153. Page 146, line 18. After the word "slopes" insert "(which for the purposes of this Act, a steep slope, is defined as a slope in excess of the angle of repose)".

154. Page 163, line 16. Strike out "systems; or" and insert "systems, if it is determined that these values are more important to the national interest than the production of coal; or".

155. Page 163, line 21. Strike out "areas; or" and insert "areas, if it is determined that these values are more important to the national interest than the production of coal; or".

156. Page 165, line 10. After the word "determines" insert ", after giving full consideration to the national interest and the need for energy sources,".

157. Page 166, line 17. Strike out "coal." and insert "coal, and (iv) the overall national interest".

158. Page 167, line 2. Strike out "Act." and insert "Act, unless such provisions are shown to be contrary to the national interest".

159. Page 172, line 1. Strike out lines 1 and 2 and renumber the subsequent subparagraphs.

160. Page 172, line 19. After the word "issued" insert "for lands in any State in which there has been such a violation".

161. Page 175, lines 11 and 12. Strike out "registered".

162. Page 179, line 3. Strike out lines 3 and 4.

163. Page 179, line 5. Strike out lines 5 and 6, and insert in lieu thereof "The analyses of information required under subparagraph (16) of this subsection relating to chemical properties, sulphur content and acid or other toxic properties, shall be conducted by".

164. Page 181, line 17. Strike out lines 17 and 18.

165. Page 184, line 14. Strike out lines 14 and 15 and insert "standards of this Act".

166. Page 192, line 9. Strike out lines 9 and 10.

167. Page 195, line 9. After the word "steep-slope" insert "(which for the purposes of this Act, a steep-slope, is defined as a slope in excess of the angle of repose)".

168. Page 195, line 14. After the word "slope" insert "(which for the purposes of this Act, a steep-slope, is defined as a slope in excess of the angle of repose)".

169. Page 196, line 16. Strike out "two" and insert "five".

170. Page 196, line 17. Strike out lines 17, 18, 19, 20 and 21.

171. Page 197, line 17. Strike out "registered" and insert "professional".

172. Page 199, line 10. Strike out lines 10 and 11.

173. Page 205, line 9. Strike out lines 9, 10, 11, 12, 13, 14 and 15, and insert "may be inspected".

174. Page 253, line 3. Strike out line 3

and all of "Sec. 405" and renumber the subsequent sections.

175. Page 1, line 3. **Strike out all after the** enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Surface Coal Mining Reclamation Act of 1974".

TABLE OF CONTENTS

TITLE I—FINDINGS AND PURPOSE

Sec. 101. Findings.
Sec. 102. Purposes.

TITLE II—CONTROL OF ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING OPERATIONS

Sec. 201. Interim regulatory procedure.
Sec. 202. Permanent regulatory procedure.
Sec. 203. State programs.
Sec. 204. Federal programs.
Sec. 205. Designating areas unsuitable for surface coal mining operations.
Sec. 206. Effect on State law.
Sec. 207. Permits.
Sec. 208. Permit application requirements: Information, mining, and reclamation plans.
Sec. 209. Permit approval or denial procedures.
Sec. 210. Posting of bond of deposit; insurance.
Sec. 211. Release of performance bonds or deposits.
Sec. 212. Revision and review of permits.
Sec. 213. Mining and reclamation performance standards.
Sec. 214. Mining and reclamation performance standards for underground coal mining.
Sec. 215. Judicial review.
Sec. 216. Inspections and monitoring.
Sec. 217. Federal enforcement.
Sec. 218. Review by the Secretary.
Sec. 219. Penalties.
Sec. 220. Establishment of rights to bring citizen suits.
Sec. 221. Federal lands.

TITLE III—GENERAL PROVISIONS AND ADMINISTRATION

Sec. 301. Authority of the Secretary.
Sec. 302. Study of subsidence and underground waste disposal in coal mines.
Sec. 303. Authorization of appropriations.
Sec. 304. Relation to other laws.
Sec. 305. Employee protection.
Sec. 306. Grants to the States.
Sec. 307. Protection of the surface owner.
Sec. 308. Protection of Government employees.
Sec. 309. Severability.
Sec. 310. Definitions.

TITLE I—FINDINGS AND PURPOSES

FINDINGS

SEC. 101. The Congress finds that—

(a) the extraction of coal by underground and surface mining from the earth is a significant and essential activity which contributes to the economic, social, and material well-being of the Nation;

(b) there are surface and underground coal mining operations on public and private lands in the Nation which adversely affect the environment by destroying or diminishing the availability of land for commercial, industrial, recreational, agricultural, historic, and forestry purposes, by causing erosion and landslides; by contributing to floods and the pollution of water, land, and air; by destroying public and private property; by creating hazards to life and property; and by precluding postmining land uses common to the area of mining;

(c) surface and underground coal mining operations presently contribute significantly to the Nation's energy requirements, and substantial quantities of the Nation's coal reserves lie close to the surface, and can only be recovered by surface mining methods, and therefore, it is essential to the national interest to insure the existence of an expanding and economically healthy coal mining industry;

(d) surface and underground coal mining operations affect interstate commerce, contribute to the economic well-being, security, and general welfare of the Nation and should be conducted in an environmentally sound manner;

(e) the initial and principal continuing responsibility for developing and enforcing environmental regulations for surface and underground coal mining operations should rest with the States; and

(f) the cooperative effort established by this Act is necessary to prevent or mitigate adverse environmental effects of present and future surface coal mining operations.

PURPOSES

SEC. 102. It is the purpose of this Act to—

(a) encourage a nationwide effort to regulate surface coal mining operations to prevent or substantially reduce their adverse environmental effects, to stimulate and encourage the development of new, environmentally sound surface coal mining and reclamation techniques, and to assist the States in carrying out programs for those purposes;

(b) assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are protected from the adverse impacts of surface coal mining operations pursuant to the provisions of this Act;

(c) assure that surface coal mining operations are not conducted where reclamation as required by this Act is not feasible;

(d) assure that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided in accordance with the policy of Mining and Minerals Policy Act of 1970; and

(e) assure that appropriate procedures are provided for public participation in the develoment, revision, and enforcement of regulations, standards, mining and reclamation plans, or programs established by the Secretary or any State pursuant to the provisions of this Act.

TITLE II—CONTROL OF ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING OPERATIONS

INTERIM REGULATORY PROCEDURE

SEC. 201. (a) On and after ninety days from the date of enactment of this Act, no person shall open or develop any new or previously mined or abandoned site for surface coal mining operations on lands on which such operations are regulated by a State regulatory authority unless such person has obtained a permit from such regulatory authority. All such permits shall contain terms requiring compliance with the interim surface coal mining and reclamation performance standards specified in subsection (c) of this section. The regulatory authority shall act upon all applications for such permit within thirty days from the receipt thereof.

(b) Within sixty days from the date of enactment of this Act, the State regulatory authority shall review and amend all existing permits in order to incorporate in them the interim surface coal mining and reclamation performance standards of subsection (c) of this section. On or before one hundred and twenty days from the date of issuance of such amended permit, all surface coal mining operations existing at the date of enactment of this Act on lands on which such operations are regulated by a State regulatory authority shall comply with the interim surface coal mining and reclamation performance standards in subsection (c) of this section with respect to lands from which the overburden has not been removed.

(c) Pending approval and implementation of a State program in accordance with section 203 of this Act, or preparation and implementation of a Federal program in accordance with section 204 of this Act, the following interim surface coal mining and reclamation performance standards shall be applicable to surface coal mining operations on lands on which such operations are regulated by a State regulatory authority, as specified in subsections (a) and (b) of this section:

(1) with respect to surface coal mining operations on steep slopes, no spoil, debris, or abandoned or discarded mine equipment may be placed on the natural or other downslope below the bench or cut created to expose the coal seam except that spoil from the cut necessary to obtain access to the coal seam may be placed on a limited or specified area of the downslope: *Provided,* That the spoil is shaped and graded in such a way so as to prevent slides, and minimize erosion, and water pollution, and is revegetated in accordance with paragraph (3) below: *Provided further, however,* That the regulatory authority may permit limited or temporary placement of spoil on a specified area of the downslope on steep slopes in conjunction with surface coal mining operations which will create a plateau with all highwalls eliminated, if such placement is consistent with the approved postmining land use of the mine site;

(2) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all high walls, spoil piles, and depressions eliminated, unless depressions are consistent with the approved postmining land use of the mine site;

(3) the provisions of paragraphs (1) and (2) of this subsection shall not apply to surface coal mining operations where the permittee demonstrates that the overburden, giving due consideration to volumetric expansion, is insufficient to restore the approximate original contour, in which case the permittee, at a minimum, shall backfill, grade, and compact (where advisable) in order to cover all acid-forming and other toxic materials, to achieve an angle of repose based upon soil and climate characteristics for the area of land to be affected, and to facilitate a land use consistent with that approved for the postmining land use of the mine site;

(4) the regulatory authority may grant exceptions to paragraphs (1) and (2) if the regulatory authority finds that one or more variations from the requirements set forth in paragraphs (1) and (2) will result in the land having an equal or better economic or public use and that such use is likely to be achieved within a reasonable time and is consistent with surrounding land uses and with local, State, and Federal law;

(5) with respect to all surface coal mining operations, permanently establish, on regraded and all other lands affected, a stable and self-regenerative vegetative cover, where cover existed prior to mining and which, were advisable, shall consist of native vegetation;

(6) with respect to all surface coal mining operations, remove the topsoil in a separate layer, replace it simultaneously on a backfill area or segregate it in a separate pile from the subsoil, and if the topsoil is not replaced in a time short enough to avoid deterioration of topsoil, maintain a successful cover by quick growing vegetation or by other means so that the topsoil is protected from wind and water erosion, contamination from any acid or toxic material, and is in a usable condition for sustaining vegetation when replaced during reclamation, except if the topsoil is not capable of sustaining vegetation, or if another material from the min-

ing cycle can be shown to be more suitable for vegetation requirements, then the operator shall so remove, segregate, and protect that material which is best able to support vegetation, unless the permittee demonstrates that another method of soil conservation would be at least equally effective for revegetation purposes;

(7) with respect to surface disposal of coal mine wastes, coal processing wastes, or other wastes in areas other than the mine workings or excavations, stabilize all waste piles in designated areas, through compaction, layering with incombustible and impervious materials, and grading followed by vegetation of the finished surface to prevent, to the extent practicable, air and surface or ground water pollution, and to assure compatibility with natural surroundings in order that the site can and will be stabilized and revegetated according to the provisions of this Act;

(8) with respect to the use of impoundments for the disposal of coal processing wastes or other liquid or solid wastes, incorporate sound engineering practices for the design and construction of water retention facilities which will not endanger the health or safety of the public in the event of failure, that construction will be so designed to achieve necessary stability with an adequate margin of safety to protect against failure, that leachate will not pollute surface or ground water, and that no fines, slimes and other unsuitable coal processing wastes are used as the principal material in the construction of water impoundments, water retention facilities, dams, or settling ponds;

(9) prevent to the extent practicable adverse effects to the quantity and quality of water in surface and ground water systems both during and after surface coal mining and reclamation; and

(10) minimize offsite damages that may result from surface coal mining operations and institute immediate efforts to correct such conditions.

(d) (1) Upon petition by the permittee or the applicant for a permit, and after public notice and opportunity for comment by interested parties, the regulatory authority may modify the application of the interim surface coal mining and reclamation performance standards set forth in paragraphs (1), (2), (3), and (4) of subsection (c) of this section, if the permittee demonstrates to the satisfaction of the regulatory authority that—

(A) he has not been able to obtain the equipment necessary to comply with such standards;

(B) the surface coal mining operations will be conducted so as to meet all other standards specified in subsection (c) of this section and will result in a stable surface configuration in accordance with a surface coal mining and reclamation plan approved by the regulatory authority; and

(C) such modification will not cause hazards to the health and safety of the public or significant imminent environmental harm to the land, air, or water resources which cannot reasonably be considered reclaimable.

(2) Any such modification will be reviewed periodically by the regulatory authority and shall cease to be effective upon implementation of a State program pursuant to section 203 of this Act or a Federal program pursuant to section 204 of this Act.

(e) The Secretary shall issue regulations to be effective one hundred and eighty days from the date of enactment of this Act in accordance with the procedures of section 202, establishing an interim Federal surface coal mining evaluation and enforcement program. Such program shall remain in effect in each State in which there are surface coal mining operations regulated by a State regulatory authority until the State program has been approved and implemented pursuant to section 203 of this Act or until a Federal program has been prepared and implemented pursuant to section 204 of this Act. The interim Federal surface coal mining evaluation and enforcement program shall—

(1) include inspections of surface coal mining operations on a random basis (but at least one inspection for every site every three months), without advance notice to the mine operator, for the purpose of evaluating State administration of, and ascertaining compliance with, the interim surface coal mining and reclamation performance standards of subsection (c) above. The Secretary shall cause any necessary enforcement action to be implemented in accordance with section 217 with respect to violations identified at the inspections;

(2) provide that the State regulatory agency file with the Secretary copies of inspection reports made;

(3) provide that upon receipt of State inspection reports indicating that any surface coal mining operation has been found in violation of the standards of subsection (c) of this section, during not less than two consecutive State inspections or upon receipt by the Secretary of information which would give rise to reasonable belief that such standards are being violated by any surface coal mining operation, the Secretary shall order the immediate inspection of such operation by Federal inspectors and necessary enforcement actions, if any, to be implemented in accordance with the provisions of section 217. The inspector shall contact the informant prior to the inspection and shall allow the informant to accompany him on the inspection; and

(4) provide that moneys authorized pursuant to this Act shall be available to the Secretary prior to the approval of a State program pursuant to section 203 of this Act to reimburse the States for conducting those inspections in which the standards in subsection (c) above, are enforced and for the administration of this section.

PERMANENT REGULATORY PROCEDURE

Sec. 202. Not later than the end of the one-hundred-and-eighty-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering a permament regulatory procedure for surface coal mining and reclamation operations setting permanent surface coal mining and reclamation performance standards based on the provisions of sections 213 and 214, and establishing procedures and requirements for preparation, submission and approval of State programs, and the development and implementation of Federal programs under this title. Such regulations shall not be promulgated and published by the Secretary until he has—

(a) published proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than forty-five days after such publication to submit written comments thereon;

(b) consulted with and considered the recommendations of the Administrator of the Environmental Protection Agency with respect to those regulations promulgated under this section which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act (33 U.S.C. 1151–1175) and the Clean Air Act, as amended (42 U.S.C. 1857); and

(c) held at least one public hearing on the proposed regulations.

The date, time, and place of any hearing held on the proposed regulations shall be set out in the publication of the proposed regulations. The Secretary shall consider all comments and relevant data presented at such hearing before final promulgation and publication of the regulations.

STATE PROGRAMS

Sec. 203. (a) Each State in which surface coal mining operations are or may be conducted, and which proposes to assume State regulatory authority under this Act, shall submit to the Secretary, by the end of the twenty-four month period beginning on the date of enactment of this Act, a State program which demonstrates that such State has the capability of carrying out the provisions of this Act and meeting its purposes through—

(1) a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act and the regulations issued by the Secretary pursuant to this Act;

(2) a State law which provides sanctions for violations of State laws, regulations, or conditions of permits concerning surface coal mining and reclamation operations, which sanctions shall meet the minimum requirements of this Act, including civil and criminal penalties, forfeiture of bonds, suspension, revocation, and withholding of permits, and the issuance of notices and orders by the State regulatory authority or its inspectors;

(3) a State regulatory authority with sufficient administrative and technical personnel, and sufficient funding to enable the State to regulate surface coal mining and reclamation operations in accordance with the requirements of this Act;

(4) a State law which provides for the effective implementation, maintenance, and enforcement of a permit system, meeting the requirements of this title for the regulation of surface coal mining and reclamation operations on lands within the State;

(5) establishment of a process for the designation of lands unsuitable for surface coal mining operations in accordance with section 205; and

(6) establishment, for the purpose of avoiding duplication, of a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with any other Federal or State permit process applicable to the proposed operations.

(b) The Secretary shall not approve any State program submitted under this section until he has—

(1) solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having special expertise pertinent to the proposed State program;

(2) consulted with and considered the recommendations of the Administrator of the Environmental Protection Agency with respect to those aspects of a State program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act (33 U.S.C. 1151–1175) and the Clean Air Act, as amended (42 U.S.C. 1857);

(3) held at least one public hearing on the State program within the State; and

(4) found that the State has the legal authority and qualified personnel necessary for the enforcement of the surface coal mining and reclamation performance standards. The Secretary shall approve or disapprove a State program, in whole or in part, within six full calendar months after the date such State program is submitted to him.

(c) If the Secretary disapproves any proposed State program, in whole or in part, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State shall have sixty days in which to resubmit a revised State program, or portion thereof.

(d) For the purposes of this section and section 204, the inability of a State to take any action to prepare, submit or enforce a State program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under title III of this Act or in the imposition of a Federal program. Regulation of the surface coal mining operations covered or to be covered by the State program subject to the injunction shall be conducted by the State until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of this section and section 204 shall again be fully applicable.

(e) If State compliance with this section requires an act of the State legislature, the Secretary may extend the period for submission of a State program up to an additional twelve months.

FEDERAL PROGRAMS

SEC. 204. (a) The Secretary shall prepare, promulgate, and implement a Federal program for the regulation of surface coal mining operations in any State which fails to—

(1) submit a State program covering surface coal mining and reclamation operations by the end of the twenty-four-month period beginning on the date of enactment of this Act;

(2) resubmit an acceptable State program, or portion thereof, within sixty days of disapproval of a proposed State program, in whole or in part: *Provided*, That the Secretary shall not implement a Federal program prior to the expiration of the initial period allowed for submission of a State program as provided for in clause (1) of this subsection; or

(3) adequately implement, enforce, or maintain a State program approved pursuant to section 203.

(b) Prior to implementation of a Federal program pursuant to section 204(a), the Secretary shall consult with and publicly disclose the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having expertise pertinent thereto and shall hold at least one public hearing within the State for which the Federal program is to be implemented.

(c) Whenever a Federal program is promulgated for a State pursuant to this Act, any statutes or regulations of such State which are in effect to regulate surface coal mining operations subject to this Act shall, insofar as they are inconsistent or interfere with the purposes and the requirements of this Act and the Federal program, be preempted and superseded by the Federal program.

DESIGNATING AREAS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

SEC. 205. (a) To be eligible to assume primary regulatory authority pursuant to section 203, each State shall establish a planning process enabling objective decisions to be made based upon public hearings and component and scientifically sound data and information as to which, if any, areas or types of areas of a State (except Federal lands) cannot be reclaimed with existing techniques to satisfy applicable standards and requirements of law. The State agency will not issue permits for surface coal mining of such areas unless it determines, with respect to any such permit, that the technology is available to satisfy applicable performance standards.

(b) The Secretary, and, in the case of national forest lands, the Secretary of Agriculture, shall conduct a review of the Federal lands and determine, pursuant to the standards set forth in subsection (a) of this section, areas or types of areas on Federal lands which cannot be reclaimed with existing techniques to satisfy applicable standards and requirements of law. Permits for surface coal mining will not be issued to mine such areas unless it is determined, with respect to any such permit, that the technology is available to satisfy applicable performance standards.

(c) In no event is an area to be designated unsuitable for surface coal mining operations on which surface coal mining operations are being conducted on the date of enactment of this Act, or under a permit issued pursuant to this Act, or where substantial legal and financial commitments in such operations are in existence prior to the date of enactment of this Act. Designation of an area as unsuitable for mining shall not prevent mineral exploration of the area so designated.

EFFECT ON STATE LAW

SEC. 206. Any provision of State law or regulation in effect upon the date of enactment of this Act, or which may become effective thereafter, and provides more stringent regulations of surface coal mining and reclamation operations than the provisions of this Act, or any regulation issued pursuant thereto, shall not be construed to be inconsistent with this Act.

PERMITS

SEC. 207. (a) Except as provided in subsection (c) of this section, on and after six months from the date on which a State program is approved by the Secretary, pursuant to section 203 of this Act, or the Secretary, pursuant to section 203 of this Act, or the Secretary has promulgated a Federal program for a State not having a State program, pursuant to section 204, no person shall engage in surface coal mining operations unless such person has obtained a permit in full compliance with this Act from the appropriate regulatory authority.

(b) All permits issued pursuant to the requirements of this Act shall be issued for a term not to exceed five years and shall be nontransferable: *Provided*, That a successor in interest to a permit holder who applies for a new permit within thirty days of succeeding to such interest and who is able to obtain the bond coverage of the original permit holder may continue surface coal mining and reclamation operations until such successor's application is granted or denied.

(c) Any person engaged in surface coal mining operations pursuant to a permit issued under section 201 and awaiting administrative action on his application for a permit from the appropriate regulatory authority in accordance with this section may continue to operate for a four-month period beyond the time specified in subsection (a) of this section if the appropriate regulatory authority has not acted on his application.

PERMIT APPLICATION REQUIREMENTS: INFORMATION, AND MINING AND RECLAMATION PLANS

SEC. 208. (a) Each application for a permit pursuant to a State or Federal program under this Act shall be submitted in a manner satisfactory to the regulatory authority and shall contain:

(1) the names and addresses of the permit applicants (if the applicant is a subsidiary corporation, the name and address of the parent corporation shall be included); every legal owner of the property (surface and mineral) to be mined; the holders of any lease-hold or other equitable interest in the property; any purchase of the property under a real estate contract; the operator if he is a person different from the applicant; and, if any of these are business entities other than a single proprietor, the names and addresses of principals, officers, and resident agent;

(2) the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person or group owning, of record or beneficially, 10 per centum or more of any class of stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a surface coal mining operation within the United States or its territories and possessions;

(3) a description of the type and method of surface coal mining operation that exists or is proposed;

(4) evidence of the applicant's legal right to enter and commence surface coal mining operation on the area affected;

(5) the names and addresses of the owners of record of all surface and subsurface areas abutting on the permit area;

(6) a statement of any current or previous surface coal mining permits in the United States held by the applicant and the permit identification;

(7) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has held a Federal or State surface coal mining permit which subsequent to 1960 has been suspended or revoked or has had a surface coal mining performance bond or similar security deposited in lieu of bond forfeited and a brief explanation of the facts involved in each case;

(8) such maps and topographical information, including the location of all underground mines in the areas, as the regulatory authority may require, which shall be in sufficient detail to clearly indicate the nature and extent of the overburden to be disturbed, the coal to be mined, and the drainage of the area to be affected;

(9) a copy of the applicant's advertisement of the ownership, location, and boundaries of the proposed site of the surface coal mining and reclamation operation (such advertisement shall be placed in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks and may be submitted to the regulatory authority after the application is filed);

(10) a schedule listing any and all violations of this Act and any law, rule, or regulation of the United States or of any department or agency in the United States pertaining to air, or water environmental protection incurred by the applicant in connection with any surface coal mining operation during the one-year period prior to the date of application. The schedule shall also indicate the final resolution of any such notice of violation.

(b) Each application for a permit shall be required to submit to the regulatory authority, as part of the permit application, a surface coal mining and reclamation plan which shall contain:

(1) the engineering techniques proposed to be used in the surface coal mining and reclamation operation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan where appropriate for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation (where vegetation existed prior to mining); an estimate of the cost per acre of the reclamation, including statements as to how the permittee plans to comply with each of the applicable surface coal mining and reclamation per-

formance standards established under this Act;

(2) the consideration which has been given to developing the surface coal mining and reclamation plan in a manner consistent with local physical, environment, and climatological conditions and curernt surface coal mining and reclamation technologies;

(3) the consideration which has been given to insuring the maximum practicable recovery of the coal;

(4) a detailed estimated timetable for the accomplishment of each major step in the surface coal mining and reclamation plan;

(5) the consideration which has been given to making the surface coal mining and reclamation operation consistent with applicable State and local land use programs;

(6) a description, if any, of the hydrologic consequences of the surface coal mining and reclamation operation, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems, including the dissolved and suspended solids under seasonal flow conditions, and the collection of sufficient data for the mine site and surrounding area so that an assessment can be made of the probable cumulative impacts of all anticipated surface coal mining in the area upon the hydrology of the area and particularly upon water availability;

(7) a statement of the results of test borings or core samplings from the land to be affected, including where appropriate, the surface elevation and logs of the drill holes so that the strike and dip of the coal seams may be determined; the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the thickness of the coal seam found; an analysis of the chemical properties of such coal to determine the sulfur content and the content of other potentially acid or toxic forming substances of the overburden and the stratum lying immediately underneath the coal to be mined; and

(8) proprietary information, which if made available to the public would result in competitive injury to the applicant, may be designated confidential and, if accepted by the regulatory authority shall be subject to the provisions of section 1905 of title 18, United States Code. Appropriate protective orders against unauthorized disclosure or use by third parties may be issued with respect to such information, and violations of such orders shall be subject to penalties set forth in section 219 of this Act.

(c) Each applicant for a surface coal mining and reclamation permit shall file a copy of his application for public inspection with an appropriate official, approved by the regulatory authority, in the locality where the mining is proposed to occur, except for that information pertaining to the coal seam itself.

(d) A valid permit issued pursuant to this Act shall carry with it a right of successive renewals provided that the permittee has complied with such permit. Prior to approving the renewal of any permit, the regulatory authority shall review the permit and the surface coal mining and reclamation operation and may require such new conditions and requirements as are necessary or prescribed by changing circumstances. A permittee wishing to obtain renewal of a permit shall make application for such renewal withing one year prior to the expiration of the permit. The application for renewal shall contain:

(1) a listing of any claim settlements or judgments against the applicant arising out of, or in connection with, surface coal mining operations under said permit;

(2) written assurance by the person issuing the performance bond in effect for said operation that the bond continues and will continue in full force and effect for any extension requested in such application for renewal as well as any additional bond the regulatory authority may require pursuant to section 210 of this Act;

(3) revised, additional, or updated information required under this section.

Prior to the approval of any extension of the permit, the regulatory authority shall notify all parties who participated in the public review and hearings on the original or previous permit, as well as providing notice to the appropriate public authorities, and taking such other steps as required in section 209 of this Act.

PERMIT APPROVAL OR DENIAL PROCEDURES

SEC. 209. (a) The regulatory authority shall notify the applicant for a surface coal mining and reclamation permit within a period of time established by law or regulation, not to exceed ninety days, that the application has been approved or disapproved. If approved, the permit shall be issued after the performance bond or deposit and public liability insurance policy required by section 210 of this Act has been filed. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified that the permit or any portion thereof has been denied, the applicant may request a hearing on the reasons for said disapproval unless a hearing has already been held under section 209(f). Such hearing shall be held in the locality of the proposed surface coal mining operation as soon as practicable after receipt of the request for a hearing and after appropriate notice and publication of the date, time, and location of such hearing. Within sixty days after the hearing the regulatory authority shall issue and furnish the applicant and any other parties to the hearing the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

(b) Within ten days after the granting of a permit, the regulatory authority shall notify the State and the local official who has the duty of collecting real estate taxes in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

(c) Prior to the issuance of a permit, the regulatory authority may require the applicant to alter his proposed surface coal mining and reclamation plan with respect to the methods, sequence, timing of specific operations in the plan, or the deletion of specific operations or areas from all or part of the plan in order to assure that the surface coal mining and reclamation objectives of this Act are met.

(d) No permit will be issued unless the regulatory authority finds that:

(1) all applicable requirements of this Act and the State or Federal program have been satisfied;

(2) the applicant can demonstrate that reclamation as required by this Act and the appropriate State or Federal program under this Act can be accomplished under the surface coal mining and reclamation plan contained in the permit application;

(3) the land to be affected does not lie within three hundred feet from any occupied dwelling, unless the owner thereof waives this requirement, nor within three hundred feet of any public building, school, church, community, or institutional building, or cemetery; or the land to be affected does not lie within one hundred feet of the outside right-of-way line of any public road, except that the regulatory authority may permit such roads to be relocated, if the interests of the public and the landowners affected thereby will be protected;

(4) no lake, river, stream, creek, or watercourse may be moved, interrupted, or destroyed during the surface coal mining or reclamation process except that lakes, rivers, streams, creeks, or watercourses may be relocated where consistent with the approved mining and reclamation plan; and no surface coal mining or reclamation activities will be conducted within one hundred feet of any lake, river, stream, or creek, except where permitted by the approved mining and reclamation plan;

(5) surface coal mining operations will not take place on any area of land within one thousand feet of parks or places listed in the National Register of Historic Sites, unless screening or other measures approved by the regulatory authority are used or if the mining of the area will not adversely affect or reduce the usage of the park or place; and

(6) the application on its face is complete, accurate, and contains no false information.

(e) The regulatory authority shall not issue any new surface coal mining permit or renew or revise any existing surface coal mining permit if it finds that the applicant has failed and continues to fail to comply with any of the provisions of this Act applicable to any State, Federal, or Federal lands program, or if the applicant fails to submit proof that violations described in subsection (a)(10) of section 208 have been corrected or are in the process of being corrected to the satisfaction of the regulatory authority, department, or agency which has jurisdiction over such violation.

(f) Any person having an interest which is or may be adversely affected by the proposed surface coal mining and reclamation operation or any Federal, State, or local governmental agency having responsibilities affected by the proposed operation shall have the right to file written objections to any permit application and request a public hearing thereon within thirty days after the last publication of the advertisement pursuant to section 208(a)(9). If written objections are filed and a hearing requested, the regulatory authority shall hold a public hearing in the locality of the proposed surface coal mining and reclamation operation as soon as practicable from the date of receipt of such objections and after appropriate notice and publication of the date, time, and location of such hearing. Within sixty days after the hearing the regulatory authority shall issue and furnish the parties to the hearing the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

POSTING OF BOND OR DEPOSIT: INSURANCE

SEC. 210. (a) After a surface coal mining and reclamation permit applications have been approved but before such a permit is issued, the applicant shall file with regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond for performance payable, as appropriate, to the United States or the State, under an approved State program, and conditioned that the applicant shall faithfully perform all the applicable requirements under this Act. The bond shall cover that area of land within the permit area upon which the applicant will initiate and conduct surface coal mining and reclamation operations within the initial year of the permit term. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file annually with the regulatory authority an additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit and shall be determined by the regulatory authority. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by a third party in the event of forfeiture; in no case shall the bond be less than $10,000.

(b) The bond shall be executed by the applicant and a corporate surety approved by the regulatory authority, except that the applicant may elect to deposit cash, negotiable bonds of the United States Government or such State, or negotiable certificates of deposit of any bank organized under the laws of any State or the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(c) The amount of the bond or deposit required shall be increased or decreased by the regulatory authority from time to time as affected land acreages are changed or where the cost of future reclamation increases or decreases.

(d) After a surface coal mining and reclamation permit application has been approved but before such permit is issued, the applicant for a permit shall be required to submit to the regulatory authority a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operation for which such permit is sought, or evidence that the applicant has satisfied State or Federal self-insurance requirements. Such policy shall provide for both on- and off-site personal injury and property damage protection in an amount adequate to compensate any persons injured or damaged as a result of surface coal mining and reclamation operations and entitled to compensation under the applicable provisions of Federal or State law, but in any event shall not be less than $100,000, or for such higher amounts as the regulatory authority deems necessary in light of potential risk and magnitude of possible off-site damages. Such policy shall be for the term of the permit and any renewal, including the length of any and all reclamation operations required by this Act.

RELEASE OF PERFORMANCE BONDS OR DEPOSITS

SEC. 211. (a) The permittee may file a request with the regulatory authority for the release of all or part of the performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the regulatory authority, the permittee shall submit a copy of an advertisement placed at least once a week for three consecutive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the location of the land affected, the number of acres, the permit number and the date approved, the amount of the bond filed and the portion sought to be released, and the type of reclamation work performed. In addition, as part of any bond release application, the permittee shall submit copies of letters which have been sent to adjoining property owners, and local governmental bodies, planning agencies, sewage and water treatment authorities, water companies, and all other public utility companies whose facilities cross or may be sufficiently close to the concerned area to be affected thereby in the locality in which the surface coal mining and reclamation activities took place, notifying them of intent to seek release of the bond.

(b) The regulatory authority may release in whole or in part said bond or deposit if the authority is satisfied that reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act: *Provided, however,* That—

(1) no bond shall be fully released until all reclamation requirements of this Act are fully met, and

(2) an inspection and evaluation of the affected surface coal mining and reclamation operation is made by the regulatory authority or its authorized representative prior to the release of all or any portion of the bond.

(c) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending actions necessary to secure said release. The permittee shall be afforded an opportunity for a public hearing in accordance with the procedures specified in section 209(a), unless a hearing has already been held under subsection (d) of this section.

(d) Any person having an interest which is or may be adversely affected by the proposed release of the bond or any Federal, State, or local governmental agency having responsibilities affected by the proposed release shall have the right to file written objections to the proposed release of the bond and request a public hearing thereon to the regulatory authority within thirty days after the last notice has been given in accordance with subsection (a) of this section. If written objections are filed and a hearing requested, the regulatory authority shall inform all the interested parties, of the time and place of the hearing, which shall be held in the locality of the affected surface coal mining operation as soon as practicable after receipt of the request for such hearing. The date, time, and location of such public hearing shall be advertised by the regulatory authority in a newspaper of general circulation in the locality once a week for three consecutive weeks.

REVISION AND REVIEW OF PERMITS

SEC. 212. (a) During the term of the permit the permittee may submit an application, together with a revised surface coal mining and reclamation plan, to the regulatory authority for a revision of the permit.

(b) An application for a revision of a permit shall not be approved unless the regulatory authority finds that reclamation as required by this Act and the State or Federal program can be accomplished under the revised surface coal mining and reclamation plan. The revision shall be approved or disapproved within a period of time established by the State or Federal program, but such period shall not exceed ninety days. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply: *Provided,* That any revision which proposes a substantial change in the intended future use of the land or significant alterations in the mining and reclamation plan shall, at a minimum, be subject to the notice and hearing requirements of section 209 of this Act.

(c) Any extensions to the area covered by the permit except incidental boundary revisions shall be made by application for another permit.

(d) The regulatory authority may require reasonable revision or modification of the permit provisions during the term of such permit: *Provided,* That such revision or modification shall be subject to notice and hearing requirements established by the State or Federal program.

(e) Permits issued pursuant to an approved State program shall be valid but reviewable under a Federal program. Following promulgation of a Federal program, the Secretary shall review such permits to determine if the requirements of this Act are being carried out. If the Secretary determines that any permit has been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface coal mining and reclamation operations to the requirements of the Federal program.

(f) If a State submits a proposed State program to the Secretary after a Federal program has been promulgated and implemented, and if the Secretary approves the State program, the Federal program shall cease to be effective thirty days after such approval. Permits issued pursuant to the Federal program shall be valid but reviewable under the approved State program. The State regulatory authority may review such permits to determine if the requirements of the approved State program are being carried out. If the State regulatory authority determines that any permit has been granted contrary to the requirements of the approved State program, it shall so advise the permittee and provide a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface coal mining and reclamation operations to the requirements of the approved State program.

SURFACE COAL MINING AND RECLAMATION PERFORMANCE STANDARDS

SEC. 213. (a) Any permit issued under any approved State or Federal program pursuant to this Act to conduct surface coal mining operations shall require that such surface coal mining operations will meet all applicable surface coal mining and reclamation performance standards of this Act.

(b) The following general surface coal mining and reclamation performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the permittee to—

(1) conduct surface coal mining operations so as to maximize the utilization and conservation of the coal being mined so that reaffecting the land in the future through surface coal mining operations can be minimized;

(2) restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or an equal or better economic or public use suitable to the locality;

(3) minimize to the extent practicable, any temporary environmental damage so that it will affect only the permit area;

(4) limit the excavation area from which coal has been removed at any one time during mining by combining the process of reclamation with the process of mining to keep reclamation operations current, and completing such reclamation in any separate distinguishable portion of the mined area as soon as feasible, but not later than the time specified in a reclamation schedule which shall be attached to the permit;

(5) remove the topsoil from the land in a separate layer, replace it simultaneously on a backfill area or segregate it, and if the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is protected from wind and water erosion, and contamination from any acid or toxic material, and is in a usable condition for sustaining vegetation, except if the topsoil is not capable of sustaining vegetation or if another material from the mining cycle can be shown to be more suitable for vegetation requirements, then the permittee shall so remove, segregate, and protect that material which is best able to support vegetation, unless the permittee demonstrates in the reclamation plan that another method of soil conservation would be at least equally effective for revegetation purposes;

(6) stabilize and protect all surface areas affected by the surface coal mining and reclamation operation to control as effectively as possible erosion and attendant air and water pollution;

(7) provide that all debris, acid, highly mineralized toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters and sustained combustion;

(8) backfill, compact (where advisable to provide stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to paragraph (9) of this subsection): *Provided, however,* That in surface coal mining operations where the permittee demonstrates that the overburden, giving due consideration to volumetric expansion, is insufficient to restore the approximate original contour, the permittee, at a minimum, shall backfill, grade, and compact (where advisable) in order to cover all acid-forming and other toxic materials, to achieve an angle of repose based upon soil and climate characteristics of the area of land to be affected and to facilitate a land use consistent with that approved for the post mining land use of the mine site;

(9) construct, if authorized in the approved surface coal mining and reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that—

(A) the size of the impoundment is adequate for its intended purposes;

(B) the impoundment dam construction will be so designed to achieve necessary stability with an adequate margin of safety;

(C) the quality of impounded water will be suitable on a permanent basis for its intended use and that degradation of water quality in the receiving stream as a result of discharges from the impoundment will be minimized;

(D) the level of water will be reasonably stable;

(E) final grading will provide adequate safety and access for proposed water users; and

(F) diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses will be minimized;

(10) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such bed or channel so as to result in serious adverse effects on the normal flow of water;

(11) replace the topsoil or the other more suitable material from the mining cycle which has been segregated and protected;

(12) establish on the regraded areas and all other lands affected a stable and self-regenerating vegetative cover (including agricultural crops if opproved by the regulatory authority), where cover (including agrimining, which where advisable, shall be comprised of native vegetation;

(13) assume the responsibility for successful revegetation for a period of five full years after the completion of reclamation (as determined by the regulatory authority) in order to provide a stable and self-regenerating vegetative cover suitable to the area, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the permittee's assumption of responsibility and liability will extend for a period of ten full years after the completion of reclamation: *Provided,* That unless prior thereto, the operator can demonstrate to the satisfaction of the regulatory authority that such a vegetative cover has been established for at least three full growing seasons;

(14) minimize the disturbances to the hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining and reclamation operations by—

(A) avoiding acid or other toxic mine drainage to the extent practicable by preventing, retaining, or treating drainage to reduce mineral content which adversely affects downstream water uses when it is released to water courses;

(B) casing, sealing, or otherwise managing boreholes, shafts, and wells in a manner designed to prevent acid or other toxic drainage to ground and surface waters;

(C) conducting surface coal mining operations so as to minimize to the extent practicable the adverse effects of water runoff from the permit area;

(D) if required, removing and disposing of siltation structures and retained silt from drainways in an environmentally safe manner;

(E) restoring to the maximum extent practicable recharge capacity of the aquifer at the minesite to permining conditions; and

(F) relocating surface and ground water in a manner consistent with the permittee's approved surface coal mining and reclamation plan.

(15) minimize offsite damages that may result from surface coal mining operations and institute immediate efforts to correct such conditions;

(16) with respect to the use of impoundments for disposal of mine wastes or other liquid or solid wastes, incorporate sound engineering practices for the design and construction of water retention facilities which will not endanger the health and safety of the public in the event of failure, construct such facilities to achieve necessary stability with an adequate margin of safety to protect against failure, prevent leachate from polluting surface or ground water and prohibit fines, slimes, and other unsuitable coal processing wastes from being used as the principal material in the construction of water impoundments, water retention facilities, dams, or settling ponds;

(17) with respect to surface disposal of mine wastes, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles in designated areas through construction in compacted layers with incombustible and impervious materials, and provide that the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this Act;

(18) with respect to the use of explosives—

(A) provide advance written notice to local governments and advance notice to residents who would be affected by the use of such explosives by publication in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks of the planned blasting schedules and the posting of such schedules at the entrances to the permit area, and maintain for a period of at least three years a log of the magnitudes and times of blasts;

(B) limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent (i) injury to persons, (ii) damage to public and private property outside the permit area, and (iii) adverse impacts on any underground mine, and

(C) refrain from blasting in specific areas where the safety of the public or private property or natural formations of more than local interest are endangered;

(19) refrain from surface coal mining within five hundred feet of active underground mine workings in order to prevent breakthroughs;

(20) construct access roads, haulroads, or haulageways with appropriate limits applied to grade, width, surface materials, spacing, and size of culverts in order to control drainage and prevent erosion outside the permit area, and upon the completion of mining either reclaim such roads by regrading and revegetation or provide for their maintenance so as to control erosion and siltation of streams and adjacent lands; and

(21) fill auger holes to a depth of not less than three times the diameter with an impervious and noncombustible material.

(c) The following mining and reclamation performance standards shall be applicable to steep-slope surface coal mining and shall be in addition to those general performance standards required by this section: *Provided, however,* That the provisions of this subsection (c) shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steepslope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area:

(1) No spoil, debris, soil, waste materials, or abandoned or disabled mine equipment may be placed on the natural or other downslope below the bench or cut created to expose the coal seam except that, where necessary, spoil from the cut necessary to obtain access to the coal seam may be placed on a limited or specified area of the downslope, provided that the spoil is shaped and graded in such a way so as to prevent slides and minimize erosion and water pollution and that the other requirements of subsection (b) can still be met.

(2) For the purpose of this subsection, the term "steepslope" is any slope above twenty degrees or such other slope as the regulatory authority may determine to be necessary based upon soil, climate, and other characteristics of a region or State.

(d)(1) In cases where an industrial commercial, agricultural, residential, recreational, or public facility development is proposed for postmining use of the affected land the regulatory authority may grant appropriate exceptions to the requirements for regrading, backfilling, and spoil placement as set forth in subsection 213(b)(8) and in subsection 213(c)(1) of this Act, if the regulatory authority determines:

(A) after consultation with the appropriate land use planning agencies, if any, the proposed development is deemed to constitute an equal or better economic or public use of the affected land, as compared with the premining use;

(B) the equal or better economic or public use can be most effectively obtained only if one or more exceptions to the requirements for regarding, backfilling, and spoil placement as set forth in subsection 213(b)(8) and subsection 213(c)(1) of this Act are granted;

(2) With respect to subsection 213(b)(12) and subsection 213(b)(13) of this Act, where postmining land use development is in compliance with all the requirements of this subsection and where the regulatory authority has found that an exception to the revegetation standards is necessary to achieve the postmining land use development, the regulatory authority may grant an appropriate exception.

(3) All exceptions granted under the provisions of this subsection will be reviewed periodically by the regulatory authority to assure compliance with the terms of the approved schedule and reclamation plan.

(e) The Secretary may develop, promulgate, and revise, as may be appropriate, improved surface coal mining and reclamation performance standards for the protection of the environment and public health and safety. Such development and revision of improved surface coal mining and reclamation performance standards shall be based upon the latest available scientific data, the technical feasibility of the standards, and experience gained under this and other environmental protection statutes. The performance standards of subsections (b) and (c) of this section shall be applicable until superseded in whole or in part by improved surface coal mining and reclamation performance standards promulgated by the Secretary. No improved surface coal mining and reclamation performance standards promulgated under this subsection shall reduce the protection afforded the environment and the health and safety of the public below that provided by the performance standards contained in subsections (b) and (c) of this section. Improved surface coal mining and reclamation performance standards shall not be promulgated by the Secretary until he has followed the procedures specified in subsections (a), (b), and (c) of section 202 of this Act.

MINING AND RECLAMATION PERFORMANCE STANDARDS FOR SURFACE OPERATIONS INCIDENT TO UNDERGROUND COAL MINING

SEC. 214. (a) In order to regulate the adverse effects of surface operations incident to underground coal mining, the Secretary shall, in accordance with the procedures established under section 202 of this Act, promulgate rules and regulations embodying the requirements specified in subsection (c) of this section which shall be applicable to surface operations incident to underground coal mining.

(b) The performance standards specified in subsection (c) of this section shall be applicable to all such operations until superseded in whole or in part by improved performance standards promulgated by the Secretary in accordance with subsection (e) of section 213 of this Act.

(c) Any approved State or Federal program pursuant to this Act and relating to surface operations incident to underground coal mining shall require the underground coal mine operator to—

(1) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mineworkings when no longer needed for the conduct of the underground coal mining operation;

(2) with respect to surface disposal of mine wastes, coal processing wastes, and other wastes in areas other than mineworkings or excavations, stabilize all waste piles created by the current operations in designated areas through construction in compacted layers with incombustible and impervious materials, and provide that the final contour of the waste pile will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

(3) with respect to the use of impoundments for disposal of mine wastes or other liquid and solid wastes incorporate sound engineering practices for the design and construction of water retention facilities which will not endanger the health and safety of the public in the event of failure, construct such facilities to achieve necessary stability with an adequate margin of safety to protect against failure, prevent leachate from polluting surface or ground water, and prohibit fines, slimes and other unsuitable coal processing wastes from being used as the principal material in the construction of water impoundments, water retention facilities, dams, or settling ponds;

(4) establish on regarded areas and all other lands affected, a stable and self-regenerating vegetative cover, where cover existed prior to mining, which, where advisable, shall be comprised of native vegetation;

(5) minimize off-site damages resulting from surface operations incident to underground coal mining; and

(6) prevent to the extent practicable the discharge of waterborne pollutants both during and after mining.

(d) All operators of underground coal mines, both during and after mining, shall have abatement and remedial programs to prevent the discharge of waterborne pollutants to the extent practical and to eliminate fire hazards and other conditions which constitute a hazard to public health and safety.

JUDICIAL REVIEW

SEC. 215. (a) (1) Any action of the Secretary to approve or disapprove a State program pursuant to section 203 of this Act or to prepare and promulgate a Federal program pursuant to section 204 of this Act shall be subject to judicial review only by the appropriate United States Court of Appeals upon the filing in such court within thirty days from the date of such action of a petition by any person who participated in the administrative proceedings related thereto and who is aggrieved by the action praying that the action be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other parties, the Secretary, and the Attorney General and thereupon the Secretary shall certify and the Attorney General shall file in such court the record upon which the action complained of was issued, as provided in section 2112 of title 28, United States Code.

(2) Any promulgation of regulations by the Secretary pursuant to sections 213, 214, and 221 of this Act shall be subject to judicial review only by the appropriate United States Court of Appeals in accordance with the procedures set forth in subsection (1) of this section.

(3) All other orders or decisions issued by the Secretary pursuant to this Act shall be subject to judicial review only in the United States District Court for the locality in which the surface coal mining operation is located. Such review shall be in accordance with the Federal Rules of Civil Procedure. In the case of a proceeding to review an order or decision issued by the Secretary under section 219(b) of this Act, the court shall have jurisdiction to enter an order requiring payment of any civil penalty assessment enforced by its judgment.

(b) The court shall hear such petition or complaint on the evidence presented and on the record made before the Secretary. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary for such further action as it may direct.

(c) In the case of a proceeding to review any order or decision issued by the Secretary under this Act, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

(1) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

(2) there is a substantial likelihood that the person requesting such relief will prevail on the merits of the final determination of the proceeding; and

(3) such relief will not present imminent danger to the public health and safety or cause significant imminent environmental harm to the land, air, or water resources which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan.

(d) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the order or decision of the Secretary.

INSPECTIONS AND MONITORING

SEC. 216. (a) The Secretary shall cause to be made such inspections of any surface coal mining and reclamation operations as are necessary to evaluate the administration of approved State programs, or to develop or enforce any Federal program, and for such purposes authorized representatives of the Secretary shall have a right of entry to, upon, or through any surface coal mining and reclamation operations.

(b) For the purpose of developing or assisting in the development, administration, and enforcement of any approved State or Federal program under this Act or in the administration and enforcement of any permit under this Act, or determining whether any person is in violation of any requirement of any such State or Federal program or any other requirement of this Act, the regulatory authority shall—

(1) require any permittee to (A) establish and maintain appropriate records, (B) make monthly reports to the regulatory authority, (C) install, use, and maintain any necessary monitoring equipment or methods, (D) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as the regulatory authority shall prescribe, and (E) provide such other information relative to surface coal mining and reclamation operations as the regulatory authority deems reasonable and necessary;

(2) for those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance or water use either on or off the mining site, specify those—

(A) monitoring sites to record the quantity and quality of surface drainage above and below the minesite as well as in the potential zone of influence;

(B) monitoring sites to record level, amount, and samples of ground water and aquifers potentially affected by the mining and also directly below the lowermost (deepest) coal seam to be mined;

(C) records of well logs and borehole data to be maintained; and

(D) monitoring sites to record precipitation.

The monitoring, data collection, and analysis required by this section shall be conducted according to standards and procedures set forth by the regulatory authority in order to assure their reliability and validity; and

(3) the authoized representatives of the regulatory authority, without advance notice and upon presentation of appropriate credentials (A) shall have the right of entry to, upon, or through any surface coal mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

(c) The inspections by the regulatory authority shall (1) occur on an irregular basis averaging not less than one inspection per month for the surface coal mining and reclamation operations for coal covered by each permit; (2) occur without prior notice to the permittee or his agents or employees; and (3) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Act. The regulatory authority shall make copies of such inspection reports freely available to the public at a central location in the pertinent geographic area of mining. The Secretary or the regulatory authority shall establish a system of continual rotation of inspectors so that the same inspector does not consistently visit the same operations.

(d) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operation a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operation.

(e) Each authorized representative of the regulatory authority, upon detection of each violation of any requirement of a State or Federal program pursuant to this Act, shall forthwith inform the permittee in writing, and shall report in writing any such violation to the regulatory authority.

FEDERAL ENFORCEMENT

SEC. 217. (a) (1) Whenever, on the basis of any information available, including receipt of information from any person, the Secretary has reason to believe that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority, if one exists, in the State in which such violation exists. If no such State authority exists or the State regulatory authority fails within ten days after notification to take appropriate action to cause said violation to be corrected or to show good cause for such failure and transmit notification of its action to the Secretary, the Secretary shall immediately order Federal inspection of the surface coal mining operation at which the alleged violation is occurring unless the information available to the Secretary is a result of a previous Federal inspection of such surface coal mining operation. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such person when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection.

(2) When, on the basis of any Federal inspection, the Secretary or his authorized representative determines that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, which violation also creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant imminent environmental harm to land, air, or water resources, which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan, the Secretary or his authorized representative shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the violation has been abated.

(3) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, but such violation does not create an imminent danger to the health or safety of the public, or cause or can be reasonably expected to cause significant imminent environmental harm to land, air, or water resources which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan, the Secretary or his authorized representative shall issue a notice to the permittee or his agent fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, the Secretary or his authorized representative finds that the violation has not been abated, he shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the violation has been abated.

(4) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program, or a Federal lands program, or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that a pattern of violations of any requirements of this Act or any permit conditions required by this Act exists or has existed, and if the Secretary or his authorized representative also finds that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Act or any permit conditions, or that such violations are willfully caused by the permittee, the Secretary or his authorized representative shall forthwith issue an order to the permittee to show cause why the permit should not be suspended or revoked.

(5) Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and, where appropriate, a reasonable description of the portion of the surface coal mining and reclamation operation to which a cessation order applies. Each notice or other order issued under this section shall be given promptly to the permittee or his agent by the Secretary or his authorized representative who issues such notice or order, and all such notices and orders shall be in writing and shall be signed by such authorized representative. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the Secretary or his authorized representative. A copy of any such order or notice shall be sent to the State regulatory authority in the State in which the violation occurs.

(b) Whenever the Secretary finds that violations of an approved State program appear to result from a failure of the State to enforce such program effectively, he shall so notify the State. If the Secretary finds that such failure extends beyond thirty days after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce this Act, the Secretary shall enforce any permit condition required under this Act, shall issue new or revised permits in accordance with the requirements of this Act, and may issue such notices and orders as are necessary for compliance therewith.

(c) The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the surface coal mining and reclamation operation is located or in which the permittee thereof has his principal office, whenever such permittee or his agent (A) violates or fails or refuses to comply with any order or decision issued by the Secretary under this Act, or (B) interferes with, hinders, or delays the Secretary or his authorized representative in carrying out the provisions of this Act, or (C) refuses to admit such authorized representative to the mine, or (D) refuses to permit inspection of the mine by such authorized representative, or (E) refuses to furnish any information or report requested by the Secretary in furtherance of the provisions of this Act, or (F) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this Act. Such court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with Rule 65 of the Federal Rules of Civil Procedure, as amended. Except as otherwise provided herein, any relief granted by the court to enforce an order under clause (A) of this subsection shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it.

REVIEW BY THE SECRETARY

SEC. 218. (a) (1) A notice or order issued to a permittee pursuant to the provisions of subparagraph (a) (2) and (3) of section 217 of this title, or to any person having an interest which is or may be adversely affected by such notice or order or by any modification, vacation, or termination of such notice or order, may apply to the Secretary for review of the notice or order within thirty days of receipt thereof or within thirty days of its modification, vacation, or termination. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the applicant or person having an interest which is or may be adversely affected, to enable the applicant and such person to present information relating to the issuance and continuance of such notice or order or the modification, vacation, or termination thereof. The filing of an application for review under this subsection shall not operate as a stay of any order or notice.

(2) The permittee and other interested persons shall be given written notice of the time and place of the hearing at least five days prior thereto. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and shall issue a written decision, incorporating therein an order vacating, affirming, modifying or terminating the notice or order, or the modification, vacation, or termination of such notice or order complained of and incorporate his finding therein.

(c) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any notice or order issued under section 217(a) (3) of this title together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, with or without a hearing, under such conditions as he may prescribe, if—

(1) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to him; and

(2) such relief will not present imminent danger to the health or safety of the public or cause significant imminent environmental harm to the land, air, or water resources which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan.

(d) Fellowing the issuance of an order to show cause as to why a permit should not be suspended or revoked pursuant to section 217(a) (4), the Secretary shall hold a public hearing after giving written notice of the time, place, and date thereof. Any such hearing shall be of record and shall be subject to section 554 of title V of the United States Code. Within sixty days following the public hearing, the Secretary shall issue and furnish to the permittee and all other parties to the hearing a written decision, and the reasons therefor, concerning suspension or revocation of the permit. If the Secretary revokes the permit, the permittee shall immediately cease surface coal mining operations on the permit area and shall complete reclamation within a period specified by the Secretary, or the Secretary shall declare as forfeited the performance bonds of the operation.

(e) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, action shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved.

PENALTIES

SEC. 219. (a) In the enforcement of a Federal program or Federal lands program, or during Federal enforcement of a State program pursuant to section 217(b) of this Act, any permittee who violates any permit condition or who violates any other provision of this title, may be assessed a civil penalty by the Secretary, except that if such violation leads to the issuance of a cessation order under section 217(a) (3), the civil penalty shall be assessed. Such penalty shall not exceed $10,000. Each day of a continuing violation may be deemed a separate offense. In determining the amount of the penalty, consideration shall be given to the permittee's history of previous violations at the particular surface coal mining operation; the appropriateness of such penalty to the size of the business of the permittee charged; the seriousness of the violation, including any irreparable harm to the environment and any hazard to the health or safety of the public; whether the permittee was negligent; and the demonstrated good faith of the permittee charged in attempting to achieve rapid compliance after notification of the violation.

(b) A civil penalty shall be assessed by the Secretary only after the person charged with a violation described under subsection (a) of this section has been given an opportunity for a public hearing. Where such a public hearing has been held, the Secretary shall make findings of fact, and shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein requiring that the penalty be paid. Where appropriate, the Secretary shall consolidate such hearings with other proceedings under section 218 of this Act. Any hearing under this section shall be of record and shall be subject to section 554 of title 5 of the United States Code. Where the person charged with such a violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed by the Secretary after the Secretary has determined that a violation did occur, and the amount of the penalty which is warranted, and has issued an order requiring that the penalty be paid.

(c) If no complaint, as provided in section 215 of this Act, is filed within thirty days from the date of the final order or decision issued by the Secretary under subsection (b) of this section, such order and decision shall be conclusive.

(d) Interest at the rate of 6 per centum per annum shall be charged against a person on any unpaid civil penalty assessed against him pursuant to the final order of the Secretary, said interest to be computed from the thirty-first day after issuance of such final assessment order.

(e) Civil penalties owed under this Act, either pursuant to subsection (c) of this section or pursuant to an enforcement order entered under section 215 of this Act, may be recovered in a civil action brought by the Attorney General at the request of the Secretary in any appropriate district court of the United States.

(f) Any person who willfully and knowingly violates a condition of a permit issued pursuant to a Federal program or a Federal lands program or fails or refuses to comply with any order issued under section 217(a) of this Act, or any order incorporated in a final decision issued by the Secretary under this Act, except an order incorporated in a decision issued under subsection (b) of this section or section 305 of this Act, shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or both.

(g) Whenever a corporate permittee violates a condition of a permit issued to a Federal program or a Federal lands program or fails or refuses to comply with any order issued under section 217(a) of this Act, or any order incorporated in a final decision issued by the Secretary under this Act except an order incorporated in a decision issued under subsection (b) of this section or section 305 of this Act, any director, officer, or agent of such corporation who willfully and knowingly authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsections (a) and (f) of this section.

(h) Whoever knowingly makes any false statement, representation, or certification, or knowingly fails to make any statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to a Federal program or a Federal lands program or any order or decision issued by the Secretary under this Act shall, upon conviction be punished by a fine of not more than $10,000, or by imprisonment for not more than one year, or both.

(i) As a condition of approval of any State program submitted pursuant to section 203 of this Act, the civil and criminal penalty provisions thereof shall, at a minimum, incorporate penalties no less stringent than those set forth in this section, and shall contain the same or similar procedural requirements relating thereto.

ESTABLISHMENT OF RIGHT TO BRING CITIZENS SUITS

SEC. 220. (a) Except as provided in subsection (c) of this section any person having an interest which is or may be adversely affected by actions of the Secretary or the regulatory authority may commence a civil action on his own behalf in an appropriate United States district court—

(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any regulation, order, or permit issued under this Act;

(2) against the Secretary where there is alleged a failure of the Secretary of State regulatory authority to perform any act or duty under this Act which is not discretionary.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to remedy such violation or failure and to apply any appropriate civil penalties or injunctive relief under this Act.

(b) No action may be commenced—

(1) under subsection (a) (1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the alleged violation (i) to the Secretary, (ii) to the State in which the alleged violation occurs, and (iii) to any alleged violator of the regulation, order, or permit, or provision of this Act;

(B) if the Secretary or State has commenced and is diligently prosecuting administrative or judicial action to require compliance with the regulation, permit, order, or provision of this Act, but in any such action in a court of the United States any person described in subsection (a) may intervene as a matter of right;

(2) under subsection (a) (2) of this section prior to sixty days after the plaintiff has given notice of such action to the regulatory authority. Notice under this subsection shall be given in such manner as the Secretary shall prescribe by regulation.

(c) The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, except against the United States or any Federal officer or agency, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

(d) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of this Act or to seek any other relief (including relief against the Secretary or a State agency).

(e) The Secretary, if not a party in any action under this section, may intervene as a matter of right.

FEDERAL LANDS

SEC. 221. (a) (1) After the date of enactment of this Act all new surface coal mining permits, leaves, or contracts issued with respect to surface coal mining operations on Federal lands shall incorporate therein the interim surface coal mining and reclamation performance standards of subsection (c) of the section 201 of this Act.

(a) (2) Within sixty days from the date of enactment of this Act, the Secretary shall review and amend all existing surface coal mining permits, leases, or contracts in order to incorporate therein the interim surface coal mining and reclamation performance standards of subsection (c) of section 201 of this Act. On or before one hundred and twenty days from the date of issuance of such amended permit, lease, or contract, all surface coal mining operations existing at the date of enactment of this Act on Federal lands shall comply with the interim surface coal mining and reclamation performance standards with respect to lands from which the overburden has not been removed.

(b) The Secretary, in consultation with the heads of other Federal land managing departments and agencies, shall promulgate and implement a Federal lands program which shall be applicable to all surface coal mining and reclamation operations taking place on any Federal land. The Federal lands program shall incorporate all surface coal mining reclamation requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal lands in question.

(c) Within eighteen months after the date of enactment of this Act, all surface coal mining reclamation requirements of this Act through the Federal lands program shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface coal mining and reclamation operations or surface operations incident to underground coal mines. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regulations, revise the Federal lands program to deal with changing conditions or changed technology, and to require the lease, permit, or contract holder to conform any surface coal mining and reclamation operations to the requirements of this Act and the regulations issued pursuant to this Act. With respect to national forest lands, the Secretary shall include in permits, leases, and contracts those conditions and requirements deemed necessary by the Secretary of Agriculture. The Secretary of Agriculture shall administer the provisions of such surface coal mining leases, permits, or contracts relating to reclamation and surface use, and is authorized to enforce such provisions.

The Secretary, or in the case of lands within national forests the Secretary of Agriculture, may enter into agreements with a State or with a number of States to provide for a joint Federal-State program covering a permit or permits for surface coal mining and reclamation operations on land areas which contain lands within any State and Federal lands which are interspersed or checkerboarded and which should, for conservation and administrative purposes, be regulated as a single-management unit. To implement a joint Federal-State program the Secretary, or in the case of lands within national forests the Secretary of Agriculture, may enter into agreements with the States, may delegate authority to the States, or may accept a delegation of authority from the States for the purpose of avoiding duality of administration of a single permit for surface coal mining and reclamation operations. Such agreements shall incorporate all of the requirements of this Act, and shall not preclude Federal inspection or enforcement of the provisions of this Act as provided in sections 216 and 217.

(d) Except as specifically provided in subsection (c), this section shall not be construed as authorizing the Secretary or the Secretary of Agriculture to delegate to the States any authority or jurisdiction to regulate or administer surface coal mining and reclamation operations or other activities taking place on the Federal lands.

(e) This section shall not be construed as authorizing the Secretary to delegate to the States any authority or jurisdiction to regulate or administer surface coal mining and reclamation operations or other activities taking place on Indian lands or to delegate to the States trustee responsibilities toward Indians and Indian lands.

TITLE III—GENERAL PROVISIONS AND ADMINISTRATION

AUTHORITY OF THE SECRETARY

Sec. 301. (a) In carrying out his responsibilities under this Act the Secretary shall:

(1) administer the State grant-in-aid program for the development of State programs for surface coal mining and reclamation operations provided for in this title;

(2) maintain a continuing study of surface coal mining and reclamation operations in the United States;

(3) assist the States in the development of State programs for surface coal mining and reclamation operations which meet the requirements of this Act;

(4) publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this Act; and

(5) conduct hearings, administer oaths, issue subpenas, and compel the attendance of witnesses and production of written or printed materials as necessary to carry out his duties under this Act.

(b) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal agency.

STUDY OF SUBSIDENCE AND UNDERGROUND WASTE DISPOSAL IN COAL MINES

Sec. 302. The Secretary shall conduct a full and complete study and investigation of the practices of backfilling all coal mine wastes and coal processing plant wastes in mine voids or other equally effective disposal methods and the control of subsidence to maximize the stability, value, and use of lands overlying underground coal mines. The Secretary shall report to the Congress the results of such study and investigation no later than the end of the two-year period beginning on the date of enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 303. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

RELATION TO OTHER LAWS

Sec. 304. Nothing in this Act or in any State regulations approved pursuant to it shall be construed to conflict with any of the following Acts or with any rule or regulation promulgated thereunder:

(1) The Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740).

(2) The Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801).

(3) The Federal Water Pollution Control Act (33 U.S.C. 1151–1175), the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality.

(4) The Clean Air Act, as amended (42 U.S.C. 1857).

(5) The Solid Waste Disposal Act (42 U.S.C. 3251).

(6) The Refuse Act of 1899 (33 U.S.C. 407).

(7) The Fish and Wildlife Coordination Act (16 U.S.C. 661–666c).

EMPLOYEE PROTECTION

Sec. 305. (a) No person shall discharge, or in any other way discriminate against, or cause to be discharged or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

(b) Any employee or a representative of employees who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary for a review of such discharge or alleged discrimination. A copy of the application shall be sent to the person or operator who will be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation the Secretary shall make findings of fact. If he finds that a violation did occur, he shall issue a decision incorporating therein his findings and an order requiring the party committing the violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no violation, he shall issue such a finding. Orders issued by the Secretary under this subparagraph shall be subject to judicial review in the same manner as other orders and decisions of the Secretary are subject to judicial review under this Act.

(c) Whenever an order is issued under this section, at the request of applicant, a sum equal to the aggregate amount of all costs and expenses (including attorney's fees), to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

GRANTS TO THE STATES

Sec. 306. (a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this Act. Such grants shall not exceed 80 per centum of the program development costs incurred during the year prior to approval by the Secretary, shall not exceed 60 per centum of the total costs incurred during the first year following approval, 45 per centum during the second year following approval, 30 per centum during the third year following approval, and 15 per centum during the fourth year following approval. Not later than the end of the fourth year following approval, the State program shall be fully funded from State sources, and each application for a permit pursuant to an approved State program or a Federal program under the provision of this Act shall provide for payment of fees as determined by the regulatory authority. Such fees shall be based as nearly as possible upon the actual or anticipated costs of reviewing, administering, and enforcing such permit, and shall be payable on a phased basis over the period of the permit.

(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

(1) technical assistance and training, including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

(2) assistance in preparing and maintaining a continuing inventory of information on surface coal mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface coal mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

PROTECTION OF THE SURFACE OWNER

Sec. 307. (a) In those instances in which the surface owner is not the owner of the mineral estate proposed to be mined by surface coal mining operations, the application for a permit shall include the following:

(1) the written consent of, or a waiver by, the owner or owners of the surface lands involved to enter and commence surface coal mining operations on such land, or, in lieu thereof,

(2) the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the surface owner or owners of the land, to secure the immediate payment equal to any damages to the surface estate which the surface coal mining operation will cause to the crops or to the tangible improvements of the surface owner as may be determined by the parties involved or as determined and fixed in an action brought against the permittee or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation by this Act.

(b) For the purposes of this section, the term "surface coal mining operation" does not include underground mining for coal.

PROTECTION OF GOVERNMENT EMPLOYEES

Sec. 308. Section 1114, title 18, United States Code, is, hereby amended by adding the words "or of the Department of the Interior" after the words "Department of Labor" contained in that section.

SEVERABILITY

Sec. 309. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

DEFINITIONS

SEC. 310. For the purposes of this Act—

(1) the term "Secretary" means the Secretary of the Interior, except where otherwise described;

(2) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(3) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or between points in the same State which directly or indirectly affect interstate commerce;

(4) The term "surface coal mining operations" means—

(A) activities conducted on the surface of lands in connection with a surface coal mine the products of which enter commerce or the operations of which directly or indirectly affect commerce. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, and area mining (but not open pit mining), and in situ distillation or retorting, leaching, or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, or loading of coal for interstate commerce at or near the mine site: *Provided, however,* That such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ per centum of the tonnage of minerals removed for purposes of commercial use or sale; and

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include land affected by mineral exploration operations which substantially disturb the natural land surface, and any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities;

(5) the term "surface coal mining and reclamation operations" means surface coal mining operations and all activities necessary and incident to the reclamation of such operations;

(6) The term "lands within any State" or "lands within such State" means all lands within a State other than Federal lands and Indian lands;

(7) The term "Federal lands" means any land or interest in land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof;

(8) The term "State program" means a program established by a State pursuant to title II to regulate surface coal mining and reclamation operations on lands within a State in accordance with the requirements of this Act and regulations issued by the Secretary pursuant to this Act;

(9) The term "Federal program" means a program established by the Secretary to regulate surface coal mining and reclamation operations on lands within any State in accordance with the requirements of this Act;

(10) The term "Federal lands program" means a program established pursuant to title II to regulate surface coal mining and reclamation operations on Federal lands;

(11) The term "mining and reclamation plan" means a plan submitted by an applicant for a permit under a State program, Federal program, or Federal lands program which sets forth a plan for mining and reclamation of the proposed surface coal mining operations pursuant to section 208;

(12) The term "State regulatory authority" means the department or agency in each State which has primary responsibility in that State for administering the State program pursuant to this Act;

(13) The term "regulatory authority" means the State regulatory authority where the State is administering this Act under an approved State program or the Secretary where the Secretary is administering any or all provisions of this Act;

(14) The term "person" means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization;

(15) The term "permit" means a document issued by the regulatory authority for a surface coal mining site pursuant to a State program, or a Federal lands program, authorizing the permittee to conduct surface coal mining and reclamation operations.

(16) The term "permit applicant" or "applicant" means a person applying for a permit;

(17) The term "permittee" means a person holding a permit;

(18) The term "backfilling to approximate original contour" means that part of the surface coal mining and reclamation process achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to surface coal mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the regulatory authority determines that they are necessary or desirable for reclamation or public recreation purposes;

(19) The term "operator" means any person engaged in surface coal mining operations;

(20) The term "reclamation" or "reclaim" means the process of land, air, and water treatment that restricts and controls water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other harmful effects resulting from surface coal mining operations, so that the affected areas, including, where appropriate, areas adjacent to the mining site are restored to a stable condition capable of supporting the uses which they were capable of supporting prior to mining or an equal or better economic or public use suitable to the locality;

(21) The term "unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care;

(22) "Open pit mining" means surface mining in which (1) the amount of material removed is large in proportion to the surface area disturbed; (2) mining continues in the same area proceeding downward wtih lateral expansion of the pit necessary to maintain slope stability or as necessary to accommodate the orderly expansion of the total mining operation; (3) the operations take place on the same relatively limited site for an extended period of time; (4) there is no practicable method to reclaim the land in the manner required by this Act; and (5) there is no practicable alternative method of mining the mineral or ore involved;

(23) The term "imminent danger to the health or safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause death or serious physical harm to persons outside the permit area before such condition, practice, or violation can be abated.

WALTER P. JONES—AT 80 YEARS OF AGE—A STRONG AND DETERMINED FAITH IN HIS FELLOW MAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCFALL) is recognized for 5 minutes.

Mr. MCFALL. Mr. Speaker, I rise today to inform my colleagues about a gentleman who has dedicated his entire life toward insuring that the democratic process we exercise here each day remains strong and unencumbered.

One sometimes sees the character of a man through the contrasts in his life. This is a man who has been immensely successful in the tough world of the newspaper business and yet in his free moments spends much time in his garden tending to the delicate and yet durable camellia.

Walter P. Jones, editor of the McClatchy newspapers—the Modesto Bee, the Sacramento Bee, and the Fresno Bee—celebrated his 80th birthday on July 4. Seven decades ago he began his newspaper career as a carrier boy for the old Sacramento Star. Then, in 1912, after completing 3 years of high school, he began working for the Star as a cub reporter. His first beat was the police department, along with other writing assignments including the obituaries and advice to lovelorn under the name of Cynthia Gray.

In 1919, after working for four other newspapers, Jones began his long and distinguished association with the McClatchy papers.

Arriving in his office each day with a beautiful flower in his lapel, kept fresh with a small vial of water pinned to the back of the lapel, Mr. Jones begins his daily task to insure that the public interest is protected, that progress continues to secure our fertile and vital Central Valley from floods, that the public domain continues to be protected from predator interests and that utilities remain mindful of the public interest. No simple task, the progressive philosophy was laid down by the late C. K. McClatchy, and upon his death in 1936, Walter picked up the fight for these ideals.

I have often thought, Mr. Speaker, that one mark of greatness is a man's commitment to do his job in the same exemplary manner day after day, throughout his career, as he did on his first day on the job when he was flushed with enthusiasm and idealism. By virtue of these criteria, Walter Jones is a great newspaperman. Each day, even though he is now 80, he still pays the same careful attention to the small details of stories published in the Bees as he did during his first year as editor. This attention to detail, together with the papers' publicly oriented philosophy, have helped develop our Central Valley in California into one of the richest and most productive areas in all of the United States. With the Bee help and Walter Jones' stewardship, our valley is nearly flood free. It is developing sufficient water for agricultural purposes. It is solving its pollution problem. Children of migrant farm workers are receiving schooling and medical attention.

Walter Jones, Mr. Speaker, is one of those fortunate people who can look back upon a distinguished career and see that things are different because he was there.

CAPTIVE NATIONS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, July 14–20 marks the annual observance of Captive Nations Week. The fate of these captive nations has been a most disturbing and serious concern for the governments of the West, especially for our Government and people of this Republic. We have done our utmost to keep that issue alive, and have vowed—through a congressional act and Presidential proclamation—to keep that issue before our public by observing Captive Nations Week in the third week of July annually until the freedom of these peoples from Communist totalitarian tyranny is realized.

It is premature to believe that dictatorships and totalitarian governments will soon or easily surrender their power. Neither it is reasonable to believe that the Communist ideological hatred of Western democracies and their economic-political systems is a thing of the past. Having endured alternative periods of "thaw" and "freeze" in our relations with the Soviets, we should look hard at today's cordiality, hopeful that it will last, but maintaining realistic skepticism.

American society may not be perfect, but more than any other nation, we are trying to come to grips with problems and to overcome them within the context of our national experience and in a manner that preserves personal freedom. As we in this country move forward toward perfecting our own freedoms, we must continue to lend our support and encouragement to people around the world who work for the same cause.

The plight of the countries made captive by the Communist empire greatly concerns our freedom-loving Nation. For the past 15 years, our nationwide observances of Captive Nations Week in July have demonstrated the determination with which the American people support the hopes of freedom-loving people everywhere.

For us, this is not an idle exercise. Our Nation is rooted in the hatred of tyranny which drove our forefathers to the lonely shores of the New World. Hundreds of thousands of our citizens today are refugees from European lands submerged beneath the tides of Red oppression. Many millions more have kinfolk in those oppressed lands. All look to America as the bulwark—the last remaining bulwark of liberty.

Each year thousands of persons flee or attempt to flee to the West from the Communist world. At the risk of life and limb, these refugees vote with their feet and they vote for freedom.

It is important to support them. For this reason, I have cosponsored legislation to withhold most-favored-nation tariff treatment from the Soviet Union because it continues to deny its citizens the right to freely emigrate and I shall continue to speak out on this crucial issue of human dignity. Civilized countries must speak out when other countries engage in actions which violate human rights and we must always make certain that we do not support barbarism with our moneys.

Americans believe in independence and self-determination for nations throughout the world, and in my own city of Chicago there are many thousands of citizens who through nativity or ancestry share the vibrant cultures and heritage of liberty of the peoples of Europe who now lie captive under the yoke of communism.

In Chicago on Saturday, July 20, 1974, under the dedicated leadership of Chairman Viktors Viksnins, the Captive Nations Week Observance Committee is coordinating the annual parade and reception, and I am honored to serve this year as the grand parade marshal.

The Captive Nations 16th annual observance in Chicago will feature the parade members of the national groups, wearing their native costumes, joined by city officials, Chicago civic and business leaders, and members of our Armed Forces. A reception will follow the parade at the Latvian Community Center, 4146 North Elston Avenue.

Mr. Speaker, each year our distinguished mayor of Chicago, Hon. Richard J. Daley, proclaims Captive Nations Week for the city of Chicago. At this point in the RECORD I would like to include the mayor's 1974 Captive Nations Week proclamation:

PROCLAMATION

Whereas, in accordance with Congressional enactment, Captive Nations Week will be observed during the period of July 15 through July 20; and

Whereas, under auspices of the Captive Nations Friends Committee the annual parade will be held on State Street, beginning at noon Saturday, on July 20; and

Whereas, many people of nations made captive by the imperialistic policies of Communism are linked by bonds of family relationships to citizens of this community; and

Whereas, it is appropriate for all freedom-loving people to demonstrate to the populations of the captive nations support for their just aspirations for liberty and national independence; and

Whereas, it is commendable in every way that citizens of the United States, in appreciation of their constitutional guarantees of freedom should extend sympathy and hope of liberation to those whose rights have been constricted by Communist aggression:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby proclaim the period of July 15 through July 20, 1974, to the Captive Nations Week in Chicago and urge general participation in the special events arranged for this time.

FUEL ALLOCATION PROGRAMS SHOULD NOT BE DISMANTLED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, I was appalled to read in yesterday's Washington Post that Federal Energy Administrator John C. Sawhill has prepared and presented to six top White House advisers a grand strategy for an "orderly phase-out of both petroleum allocation and price controls."

The FEA Administrator apparently communicated to White House advisers that, and I quote,

> It is essential that our strategy promote a stable economic *and political* (Sawhill's own emphasis) environment in which the allocation program will be seen as having served its purpose, and vested interests in its extension will be minimal.

The news reports indicated Sawhill added that he wants to decontrol by February 28, 1975, when the Emergency Fuel Allocation Act is due to expire and that he wants to try to "avoid congressional action to extend the Allocation Act."

The FEA's actions are deceitful and grossly unfair to the American people who have been expecting their Government to protect the public interest in the continuing energy crisis.

When John Sawhill was being considered by the Senate from the position of Administrator of the Federal Energy Administration, he promised to prepare extensive plans for energy conservation and to present those plans to the public in November. Now we find that during these last few months, the FEA has been planning, instead, for an orderly phase-out of the very programs they were supposed to be developing and implementing.

If this is the way the Nixon administration sees its role in assisting the American public in efforts to contend with energy shortages, then the Congress is compelled to fight every plan the FEA may come up with to dismantle energy programs. The Congress must protect American consumers against collusion between the Nixon administration and the oil industry to squeeze the people for all they are worth.

I promise the American people and my colleagues in the Congress that I will work to see that the provisions of the Emergency Petroleum Allocation Act law are fully enforced and, if necessary, extended beyond February 1975. And I urge my colleagues in the Congress to fight against these arbitrary and capricious actions of the present administration and the oil cartel.

EMERGENCY LIVESTOCK LOAN IS VITAL TO THE AMERICAN FOOD SUPPLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POAGE) is recognized for 5 minutes.

Mr. POAGE. Mr. Speaker, the Members of this body recently have received a letter signed by the Speaker and the minority leader citing the gravity of the world food problem. Attached was a "Declaration on Food and Population," endorsed by prominent citizens from over 100 countries. Among those signers were some 50 of our colleagues.

I point this out because the best of intentions and desires to help feed the hungry not only in this country but elsewhere in the world will be of little avail if we do not have the food to distribute, and there is no way whereby we can produce if we do not maintain a healthy and profitable agriculture.

It is most interesting, incidentally, that many of those Members of Congress who signed the document represent densely populated urban congressional districts. Many of them have often opposed bills designed to help farmers increase their incomes, and consequently their production, because these Members or their constituents honestly feel that anything which helps food producers must hurt food consumers. As I see it, this is a terribly mistaken viewpoint.

All of this I mention as a preface to discussion of pending legislation—a bill to provide a temporary emergency loan program to help financially hard hit farmers and ranchers. It is scheduled to come up on the floor tomorrow. At stake is the ability of livestock producers to produce meat supplies in adequate quantities and at reasonable prices—not so much in the immediate future as in the years to come, because when a producer goes out of business it will take a lot of money, know-how, and time measured in years to replace that flow of food to consumers.

Some of our consumer friends have suggested that, regardless of what we do, about as many cattle will be going to market. They overlook the fact that it is the number of pounds of meat—not the number of animals—that affects and concerns the consumer. If we send 1 million calves to market fed only on grass and weighing about 550 pounds, we have a whole lot less meat than if they had gone into feedlots and finished off at 1,100 pounds.

This legislation therefore is of vital importance to every American and not just to livestock producers. Basically it is not offered as a measure to help individual farmers and ranchers, but rather is a bill to prevent financial chaos not only in the livestock industry but in all agriculture. It directly affects hog and poultry producers as well as cattlemen. However, when the cattle feedlots go under, you have an immediate drop in demand for feed grains, with an inevitable downward trend setting in for all crops.

I fear that these economic forces could spread out and play havoc far beyond the bounds of agriculture. As some of you have heard me say before, low farm prices alone may not create a depression, but every general depression that we have suffered in my memory has been preceded by a collapse in the farm economy. I am not predicting a general depression, but what I am saying is that we are setting the stage for one when we let farm prices fall so low that most producers are actually losing money on their operations over any considerable period of time.

The more serious the plight of livestock producers, the greater will be the impact on feed grain farmers. Livestock feeding today consumes about 5.3 billion bushels of grain a year. If this is not used a serious surplus in grains could develop quickly, and if it does, the depressing economic effect rapidly would spread out not only to small rural communities but to the industrial centers of cities where farm machinery and supplies are manufactured.

The potential benefits of this legislation are overwhelming in comparison with the alternative costs to producers and consumers of livestock. This bill is needed and it is needed as quickly as possible.

You may hear arguments that this bill is not as urgently needed now as it was a few weeks ago, because of the recent improvement in livestock prices.

First, let me say I am happy to confirm that there indeed has been an improvement in prices received by producers.

When we held public hearings last month on this problem—3 full days of hearings at which Government officials, farmers and ranchers and spokesmen for the food chains and the packing industry testified, we learned that choice fed cattle had dropped to $35 a hundredweight in Omaha and losses were running $100 to $150 a head.

The market now is up to about $43, but considering what most of those animals cost when put in the feedlots, and the greatly increased cost of production, that means that most producers are still not breaking even. You simply cannot feed $3 corn and sell $40 beef. In fact, the Department of Agriculture figures that with $3 corn, the break-even point for the efficient cattle feeder is actually $52.38.

However, any strengthening of the market is an encouraging sign. You cannot expect an adequate, stable supply of meats unless there is an incentive for producers. If they do not see any prospects of a profit, those who still have the money to do so will simply put it into such safe and assured investments as 8-percent Government bonds, then sit back and let someone else worry about market prices, droughts, diseases, and coyotes. Also, keep in mind that when any one of these producers goes out of business you have curtailed total supply, and that means not only scarcity for the consumer, but higher prices down the road.

So I repeat, the purpose of this legislation is to help those already in livestock production to remain in business, and to encourage those who may be contemplating entering the business by assuring them that they are not about to enter a dying industry.

Present improved prices will certainly reduce the losses of producers who still have any cattle to sell, but they certainly will not encourage potential producers to enter the business. Who, in his right mind, is going to put 52 cents per pound into a fat steer, on the prospect of selling it at 43 cents?

It should not be forgotten, however, that a great many cattle feeders already have gone broke or are down to their last cent and any unable to get additional money required to tide them through to hoped-for better times.

That brings to mind a great misunderstanding that exists as to this legislation. Many people think it is some kind of giveaway thing. It is not.

There are no grants involved in this bill as approved by the committee. Neither does it provide Federal loans to producers. What it does do is to guarantee 80 percent of the loan negotiated between a borrower and his own lending institution. It does not subsidize interest rates.

It is designed to create credit for those livestock producers who have exhausted their own financial credit and can no longer obtain a loan through private sources. As they are able to reestablish themselves, they will pay off their loans. Only in those cases where they default on their loans will the Federal guarantee apply, and hopefully these instances will be few. Certainly the economy will benefit as these individual borrowers are enabled to continue production, and every American and many people in other parts of the world will benefit as consumers sharing in a greater abundance of food.

Hearings held by the committee produced convincing evidence that lasting relief to producers can come only from restoration of a fair return to these producers in comparison to their cost of production, and that this will be possible only with the establishment of a normal relation between supply and demand. This particular legislation does not deal directly with that problem, but only with the problem of keeping the industry solvent, intact, and operable until an adequate return on investment of time, labor, and capital is assured.

Disregard of the plight to which farmers and ranchers find themselves could result in disaster that would take a long time to overcome, because the pipeline of agricultural production does not lend itself to pushbutton starts and stops as in the assembly of automobiles. The cycle for cattle—from breeding to calf to feedlots and, finally, to slaughter and then to the retail market—is about 3 years. An unwise course now, namely, the abandonment of producers in their hour of severe capital need, could lead to shortages of supply a year or 2 years or more hence. The worse the calamity, the more hesitant will be those contemplating going back into the livestock business, or considering entering it for the first time. If no action is taken, it seems likely that production of cattle, hogs and poultry will fall off so that American consumers may not for a decade enjoy the same stable abundance in supply that prevailed until the current unstable conditions came about.

Again I say to those opposed to this bill on the grounds that livestock prices recently have improved—this is specious reasoning. These improved prices certainly are helping, and if this continues they may enable a lot of producers to be able to obtain a loan without having to fall back on a guaranteed loan program such as provided by this legislation. We hope that is what will happen. But these improved prices have come too late to help a great many livestock and poultry men.

Incidentally, I think the very fact that we have considered this legislation has had a positive psychological effect on the market—that it has been the major contributing factor in rising prices to producers, and at the same time definitely led to decisions by some of the Nation's largest grocery chain stores to lower meat prices to consumers. If this House should now refuse to do for cattle feeders what it long ago did for meat sellers, I fear that we would again put in motion all of the destructive elements which have so recently dominated the market. You must remember that the Small Business Administration can and does guarantee up to 90 percent of the funds loaned to processors and distributors. Is is unreasonable to ask that we guarantee 80 percent to livestock producers?

I hope the Members of the House will promptly pass this bill. It is essentially similar to one already passed by the other body, but it contains many limitations which are lacking in their bill.

Here are the main features of our committee bill:

PROVISIONS

1. Establishes a temporary (1-year) guaranteed loan program to assist those who are directly and in good faith engaged in livestock production.

COMMENTARY

Confined to actual producers.

PROVISIONS

2. Requires the Secretary of Agriculture to guarantee up to 80 percent of loans which will be made by private lenders. Maximum amount of guaranteed loan to borrower shall not exceed $350,000.

COMMENTARY

This is lower than most other loan guarantees. Small Business Administration can guarantee up to 90 percent.

PROVISIONS

3. Provides that the borrowers must be unable to obtain financing in the absence of the guarantee authorized by the bill.

COMMENTARY

This requirement is similar to those enforced on other FHA borrowers.

PROVISIONS

4. Provides that the Secretary in guaranteeing a loan must find that there is a reasonable probability that the objectives of the Act will be accomplished and that the loan will be repaid.

COMMENTARY

Prevents loans for useless purposes.

PROVISIONS

5. Provides that guaranteed loans must be repayable in not more than three years but may be renewed for not more than two additional years.

COMMENTARY

This provision limits length of government's exposure. Provisions in the bill of the other body authorize loans for a total of 12 years—7 years initially with a 5 year extension.

PROVISIONS

6. Provides that the interest rate under guaranteed loans shall be a rate to be agreed upon by the lender and borrower.

COMMENTARY

There is no interest subsidy authorized in this legislation. Most government guaranteed business loans are at subsidized rates.

PROVISIONS

7. Provides a $2 billion loan authority ceiling under the Act.

COMMENTARY

This is a limitation of total guarantees which could be contracted under the program. There is no limitation in the Senate bill.

In conclusion, Mr. Speaker, I would like to add that the point has been made that livestock prices have soared and then have hit bottom in the last 9 months.

At this point I would like to refer to some comparisons I have compiled regarding industrial commodities and wages. I feel these figures show some startling results when agriculture industry figures are compared with those of industry data, which follows:

	1950	1955	1960	1965	1970	1971	1972	1973	1974
Industrial wages, per hour (nonagricultural)	$1.33	$1.71	$2.09	$2.45	$3.22	$3.43	$3.65	$3.89	$4.17
Chevrolet automobile, average retail price	1,529.00	1,932.00	2,695.00	2,779.00	3,132.00	3,742.00	3,704.00	3,752.00	3,915.00
Men's suits, retail price, (Washington Post, July 15) annually	32.50	55.00	60.00	67.50	75.00	85.00	90.00	127.50	149.50
Fed (slaughter) steers (per hundredweight)	27.88	21.39	24.27	24.33	29.02	32.03	35.49	43.52	42.75
Feeders steers (per hundredweight)	26.67	18.60	22.93	22.50	30.15	32.09	38.89	49.13	36.20
Corn price, per bushel (Chicago price)	1.73	1.43	1.10	1.27	1.44	1.18	1.82	2.75	2.87
Round steak [1]	93.6	90.3	105.5	108.4	130.2	136.1	147.7	174.6	175.6
Hamburger meat [1]	56.6	39.5	5.24	50.8	66.2	68.1	74.4	95.7	97.1

[1] Cents per pound.

VETERANS EDUCATION AND REHABILITATION AMENDMENTS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, On June 27, the New York delegation sent a letter to the Speaker urging his support for the Senate version of the Veterans Education and Rehabilitation Amendments Act, which is now in conference. I am pleased to report to my colleagues that the Speaker has responded indicating his support for the Senate version in agreement with the delegation's position on this important issue.

In its letter to the Speaker, the delegation stressed the importance of the tuition supplement provision in particular—a concept which I coauthored in the House with my distinguished colleague, the gentleman from New York (Mr. WALSH). The delegation cited the need for the tuition supplement provision in terms of reaffirming original intent of Congress in enacting the GI bill for Vietnam era veterans—to provide equal opportunities and assistance for equal service. As the GI program exists now, veterans who reside in high-cost public education States are at a severe disadvantage from vets who live in States with a low-cost system of public education. The tuition supplement provision contained in the Senate bill would serve to restore equity between veterans residing in different States with differing systems of public education, and yet this proivsion remains the major obstacle to House-Senate agreement on the veterans' bill.

The Speaker's letter of support confirms my feeling that any weakening or deletion in conference of the improvements contained in the Senate bill would run contrary to the will of the majority of the Congress. The Senate bill was adopted by the Senate by a vote of 91 to 0, and I am confident that it would receive comparable support in the House were it brought to the floor for a vote. It will not have that opportunity, however, if the Senate amendments are struck down by the House conferees. I urge my colleagues to consider the responsibility we have to those who served throughout the course of our involvement in Vietnam, and to urge the House conferees to recede from their disagreement to the Senate amendments and adopt the provisions of the Senate bill.

For the RECORD, I would like to include a copy of the delegation's letter to the Speaker and the Speaker's response.

CONGRESS OF THE UNITED STATES,
Washington, D.C. June 27, 1974.

Hon. CARL ALBERT,
Speaker of the House, U.S. House of Representatives, Washington, D.C

DEAR MR. SPEAKER: We are writing, on behalf of the New York Delegation, to convey our support for the tuition supplement provision contained in the Senate version of the Veterans Education and Rehabilitation Amendments Act.

The intent of Congress in enacting the GI Bill for Vietnam Era veterans was to provide equal opportunities and assistance for equal service. The present program, however, does not provide an equal opportunity for education to those veterans who reside in high-cost public education states. Last year's Educational Testing Service Report, prepared for the VA, stated that "Current benefits levels, requiring as they do the payment of tuition, fees, books and supplies, and living expenses provide the basis for 'unequal treatment of equals.' To restore equity between veterans residing in different states with differing systems of public education, some form of variable tuition payments to ameliorate the differences in institutional costs would be required."

The tuition supplement provision contained in the Senate-passed bill addresses itself to the basic disparate structure of the current GI Bill. It would serve to restore equal educational opportunities to every veteran, regardless of the state in which he resides. It is essential if we are to reaffirm Congressional intent to provide equal opportunities for equal service.

On behalf of the New York Delegation, we are requesting that the House recede from its disagreement to the Senate amendments and adopt the provisions of the Senate bill. We greatly appreciate your serious attention to this most urgent request.

Sincerely,

Howard W. Robison,
James J. Delaney,

The Speaker's Rooms,
U.S. House of Representatives,
Washington, D.C., July 10, 1974.

Hon. James J. Delaney,
House of Representatives,
Washington, D.C.

Dear Jim: I have the letter from you and Howard W. Robison on behalf of the New York Delegation urging the House conferees to accept the Senate version of the Veterans Education and Rehabilitation Amendments Act. I support the position which you have taken and have asked Olin Teague to see what can be done about it.

With warm personal regards, I am

Sincerely,

The Speaker.

VICTORY GARDENS ENJOY GROWING SUPPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Burke) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I seek permission today to have included in the Record three articles which are indicative of a growing awareness, need and desire for a "back-to-the soil movement" on the part of the American people.

Proposals that I have presented to this Congress would help this movement get underway, and as one of the articles points out, I am hoping that Congress will get on my vegetable wagon.

[From the Boston Herald American, July 15, 1974]

Representative Burke Would Revive Victory Garden

Cong. James A. Burke (D-Milton), has a budding idea to use "underground" methods to weed-out the high costs of vegetables.

And he hopes it will encourage city dwellers to produce—produce!

Burke's idea, which he calls "The Home and Family Garden Tax Credit Amendment," stemmed from actions of rural congressmen who sought big federal handouts for their farmers back home.

Burke is talking about a down-to-earth movement that would eclipse the Victory Gardens of World Wars I and II, drive down the food prices and feed the nation in times of shortage.

The congessman has asked the House Agriculture Committee to enact a bill to distribute free seeds to home gardeners, three packets to a family. He also has persuaded his colleagues on Ways and Means to approve tentatively a seven percent investment tax credit for backyard garden equipment.

It would let gardeners subtract up to $7 on their income tax bills if they spend up to $100 in hoes, rakes, wheelbarrows, spades and other garden equipment.

Burke has been cultivating his idea among the serious gardeners who know their onions in the House of Representatives like Reps. Wayne Hays (D-Ohio), Silvio Conte (R-Pittsfield), and Richard Bolling (D-Mo.).

Rep. Conte gardens at home in Washington. He has onions, three kinds of lettuce, squash, chicory, herbs and four dozen tomato plants.

"I planted the garden originally when I was fighting the big corporate farmers on subsidies," Conte said. "I called it my protest patch."

Burke in his argument before the committee cited the rising food costs as a major factor contributing to the inflationary pressures of millions of American families.

He said world food shortages will no longer allow the luxury of abundant and cheap sources of food in the future.

Burke feels that it is time that Congress took the initiative to encourage the private production of food and that his proposal would encourage potential home owners to invest in tools and equipment used year after year to produce abundant quantities of nutritious vegetables.

The congressman said yesterday he is contacting state, county and local officials to prevail upon them to extend land use for small gardens.

"I'm contacting Massachusetts officials, the MDC, the mayors of Boston, Quincy and Brockton, school officials in those three cities, and officials of Milton, Randolph, Stoughton, Avon, Holbrook, Braintree, Whitman and Abington," he said.

Burke also is spreading the seeds of the idea to officials of corrections for both the state and county, mental hospitals, colleges and universities and housing for the elderly.

"In the department of corrections it would be healthy outdoor work and keep them occupied by producing nutritious food for their own use," Burke said.

"In Boston there are hundreds of small lots, too small to build on. Many open fields could be utilized in West Roxbury, Hyde Park and Dorchester."

Burke said he would like to get youngsters interested in gardening again, as well as the elderly who could putter around in gardens.

Burke has been calling a spade a spade and now he hopes Congress will get on his vegetable wagon.

[From the Boston Herald, July 10, 1974]

Decline Predicted in Vegetable Crop

Washington (UPI).—The Agriculture Dept. yesterday forecast a decline of about 1 percent in the availability of major fresh vegetables this summer compared to a year ago, a condition that could mean higher prices in the supermarket.

Although no price forecast was included in the new estimate issued by the department's crop reporting board, under normal circumstances smaller production of volatile crops like vegetables means higher prices for consumers.

The report said farmers are expected to harvest 360,150 acres of 14 major fresh vegetables during July, August and September, down 2 percent from a year ago.

[From the Berkshire Eagle, July 3, 1974]

Country-Flavor Politics

One of the better things about the good old days was a federal program, long since abandoned, which allowed U.S. congressmen to distribute free packets of seeds to their constituents. Now Massachusetts Representative James A. Burke of nonrural Milton, wants to revive the program to the tune of $6 million.

This federal project occupied a particularly strategic location before it was chopped down. Its fruit dropped in just about everybody's yard. The congressman received some free publicity and was able to claim credit for actually doing something for his constituents, while the taxpayers—no matter what their financial status—finally got something, however small, in return for their hard-earned dollars.

Now the *Wall Street Journal*, that ever-vigilant guardian against federal boondoggles, sees the seeds of yet another Washington pork barrel in Burke's proposal. The soothsayers of the Street predict that home gardeners will soon demand payment for not growing vegetables on their verandas, just as larger farmers were paid for not growing wheat or hay under the old farm-subsidy programs. *The Boston Globe*, for its part, speculates that with the price of seeds, like the price of everything else, going up faster than Jack's beanstalk, the $6 million price tag for the program is a gross underestimate.

But we rather prefer the viewpoint of our sister publication, *UpCountry* magazine. *UpCountry* cottons to the notice that a city congressman like Mr. Burke is beginning to talk like a Granger appreciating how much better a "real tomato" tastes than the "pulpy" things that are passed off as tomatoes.

After all, at the start of a season when city folk swarm to the country only to destroy, by their very presence, those qualities they came to enjoy, it is kind of heartening to hear of an urban legislator who wants to sow a little country flavor in the metropolitan wasteland.

THE GUARANTEED LIVESTOCK CREDIT BILL SHOULD BE DEFEATED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, tomorrow, the House of Representatives will consider H.R. 15560, the "Emergency Livestock Credit Act of 1974." This legislation would provide $2 billion in loan guarantees to operators of feedlots and agricultural producers. The bill defines livestock to include beef cattle, dairy cattle, swine, sheep, goats, chickens, and turkeys. I do not know why the rabbit, duck, and catfish raisers were omitted from the bill's coverage. Each eligible agricultural producer could receive up to $350,000 in loan guarantees.

The bill is bad economics. Cattle prices are rising. The worst is over. The bill has become an "emergency bill" in search of an emergency—looking for an emergency whose time has passed.

In addition, the prime purpose of the bill appears to be to bail out certain rural area banks and tax loss farmers who have overextended themselves in the cattle and feedlot industries. It is very difficult to determine what percentage of the cattle and feedlot industry is now run by tax loss farmers and tax shelter syndicates. In general, officials at Agriculture and Treasury estimate that one-quarter of present capital investment in cattle production is tax shelter money. It would be unconscionable to bail out these tax shelter farmers through use of these taxpayer-backed guaranteed loans.

Mr. Speaker, new evidence is coming to light on the extent of tax shelter investment in the Nation's cattle industry. This investment has driven up the demand for land, cattle, and feed—and increased the costs for regular farmers. Outside investors have also created enormous cyclical swings in the beef markets which have injured the regular farmers. I would like to enter in the Record at this point portions of a paper by Assistant Professor Joseph C. Meisner of the University of Missouri, Columbia, College of Agriculture. Professor Meisner is one of the Nation's top authorities on agricultural economics and the problems created by tax-loss farming. The full text of the professor's 2-year study will be printed in the near future.

The excerpts follow:

> . . . the non-agricultural investor has enstered cattle feeding in exceedingly increased numbers in recent years. A conservative estimate considers their share of the nation's fed beef production as over 16 percent. More significant than the current share of control over the nation's fed beef production is the rate of increase in the control held by the nonagricultural investor.
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> These nonagricultural investors are rapidly increasing their share of control over the nation's fed beef production in recent years.
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> * * * * *
>
> The nation's supply of beef is now more concentrated than data on feedlot plant sizes suggest. USDA data show approximately 2,000 feedlots produce over two-thirds of the nation's beef. However, the concentration level is greater when considering that feedlots are grouped into multi-lot firms. Two multi-lot firms supply three percent of the nation's fed beef. One of these firms plans to supply five percent of the nation's fed beef in the future. Seventeen firms supply one-eighth of the nation's beef. In addition to this concentrated level of horizontal integration, vertical integration continues.

Mr. Speaker, are these the types of producers who deserve to be bailed out by the Federal Treasury? Professor Meisner continues:

> Feedlot firms expanded until excess capacity appeared in the industry. This led to the merger with other firms. Larger firms resulted. These had access to a wider money market for both debt and equity capital. Cattle feeding funds were developed, similar to those in the petroleum drilling industry. These funds provided income tax considerations that reduce investment risk for the higher income individual. This reduction in risk of loss, on an after tax basis, encouraged high income investors to enter new public cattle feeding funds on a wide scale. Cattle feeding investments appeared to compete successfully for equity capital from the higher income urban investor. These outside investors entered cattle feeding for tax planning reasons beyond the economic returns expected from cattle feeding.

Mr. Speaker, should the consumers and taxpayers of America be asked to bail out these types of producers?

Professor Meisner describes some of the impacts of tax shelter investors on regular, bona fide farmers:

> The larger feedlot firms operating in a region may concentrate to such an extent as to have a monopoly-like effect on prices of inputs. A major feedlot firm requires inputs from several hundred individual providers of calves, forage and grain. The many input-providing firms may face only the one or a few larger feedlot firms in an area. Even if several large feedlot firms exist in an area, their ability to act jointly in setting prices for inputs is suggested by patterns established in other industries.
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> * * * * *
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> The farm-ranch sector will have no other outlet for their calves and forage than the large-size feedlot firms. Unfavorable consequences in farm income for the farm-ranch firm can be expected.

Outside capital also creates greater risks for the regular farmer-rancher:

> The injection of external capital sources having access to various alternatives with widely ranging levels of risk and return adds another volatile ingredient to an already risky enterprise. The instability of outside capital investment in cattle, because of the widely-ranging alternative investments available to these outside cattle feeders, can be expected to induce greater instability to cattle feeding returns.

Mr. Speaker, during the debate on the Guarantee Credit Act, our colleague, the gentleman from Iowa (Mr. MAYNE), will offer amendments to reduce the size of the guarantee available to any one producer and to prevent guarantees to tax loss farmer syndicates and partnerships. While I believe that the present bill is an economic nightmare and should be defeated, I support the gentleman's amendments. Without these amendments, the bill will simply be a bailout to the largest and wealthiest tax loss investors.

PANAMA CANAL: KISSINGER-TACK FEBRUARY 7, 1974, AGREEMENT ON PRINCIPLES FOR NEW TREATY STRONGLY OPPOSED THROUGHOUT THE NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, on February 7, 1974, in Panama City, Republic of Panama, U.S. Secretary of State, Henry A. Kissinger, and Panamanian Foreign Minister, Juan A. Tack, signed an eight-point agreement on principles to govern the negotiation of a new Panama Canal treaty that would surrender U.S. sovereign control over the U.S.-owned Canal Zone to Panama, and all this without the advance authorization of the Congress. Featured in much of the mass news media as a brilliant diplomatic triumph, that Kissinger-Tach imbroglio has aroused the people of our country to a degree seldom seen, especially among citizens who know the isthmus or recognize the importance of the security of trans-isthmian transit to interoceanic commerce and hemispheric security.

Since February 7, many Members of the Congress have received letters from home strongly protesting what is transpiring as regards the Panama Canal. My mail, in the form of both letters and petitions, has been so encouraging that it has been analyzed through July 4, 1974. The results follow:

Number of citizens concerned about proposed Canal Zone surrender	4, 604
Number of letters	1, 331
Number of signatures on 229 "mini" petitions	3, 273
	4, 604
Number of persons accepting proposed surrender of Canal Zone to Panama	9

Geographical distribution of the letter writers and petitioners: 48 of the 50 States, District of Columbia, U.S. Canal Zone, and 3 foreign countries.

Contrary to often published statements that the outcry against surrender is the work of "Zonians," the mail reflects a nationwide, grassroots opposition to the projected Canal Zone giveaway, with only six letters from the Canal Zone, about 20 citing previous canal experience, and the vast majority expressing concern over the continued security of the canal and the protection of the investment that it represents.

It is highly significant that opposition to surrender of the Canal Zone was nonpartisan and even ecumenical in character, with opposition to surrender coming from political organizations of both major parties and from various religious organizations.

The following are typical comments made by the writers:

Many were "first letters ever" letters to any Member of Congress.

Numerous letters made highly critical comments about those who would give away the Canal Zone.

Frequently they indicated political defections from administration canal policy.

Many offered assistance in the endeavor to protect the canal, by both individuals and organizations.

Hundreds indicated that they had written on the canal subject to their Senators and Representatives, the Secretary of State, and the President.

Dozens forwarded press clippings from papers throughout the United States opposing surrender of U.S. sovereignty over the Canal Zone.

Hundreds indicated prayerful support of congressional opposition to surrender.

Many considered the giveaway not only a serious diplomatic blunder but, because of failure to secure the approval of the Congress, an impeachable offense.

Numerous expressions were "Don't give Panama our canal—give them Kissinger instead," which slogan was received in the form of letter and bumper stickers.

Many senior citizens in their 80's, who remember the canal's construction, expressed concern about the future should the canal be given to the control of Panama.

Many reported numerous radio and TV commentaries in various parts of the Nation in support of continued undiluted U.S. sovereign control of the Canal Zone.

One Texan was conducting a fact in protest against surrender.

Many writers criticized the validity of a policy of "buying friendship."

Others feared an eventual Communist takeover of the Panama Canal should the United States surrender its sovereign control over the Canal Zone.

Frequently writers made reference to the Suez Canal situation.

All urged the continuation of the fight to save the canal.

Mr. Speaker, on many occasions, in and and out of the Congress, I have stated that were the people of the United States given an opportunity to vote on the Canal Zone sovereignty question, the result would be overwhelmingly for retention of our undiluted control. My mail since February 7 confirms the accuracy of this view.

On March 15, 1973, in a TV national broadcast on "The Advocates" program on the subject, "Should the United States surrender its sovereign control over the Canal Zone," my distinguished colleague from Illinois (Mr. CRANE), Dr. Donald M. Dozier of the University of California, Santa Barbara, and I had the negative side. Of the 12,000 votes by those submitted concerning that program, 85 percent supported our position. The more recent results, as shown by my mail, indicate that in spite of the failure of most of the mass news media to present the facts in the canal sovereignty issue forthrightly and objectively, the vote today would be far stronger.

The results clearly show that the sovereign people of the United States are far ahead of their Government, including the Congress, in evaluating the current threat to the Panama Canal. Moreover, they also indicate the importance of prompt action on the 30 identical Canal Zone sovereignty resolutions that were referred to the Committee on Foreign Affairs. If such a resolution is allowed to come to a vote, I feel sure that it will be adopted overwhelmingly.

In order that the Congress may be informed as to the geographical distribution of my correspondents and petitioners regarding the canal issue, February 7–July 4, 1974, the results are shown in the following table:

DISTRIBUTION OF CORRESPONDENCE FAVORING RETENTION OF THE PANAMA CANAL AND MAINTENANCE OF U.S. SOVEREIGNTY IN THE CANAL ZONE

State/areas	Correspondents	Petitioners	Total
Alabama	11		11
Alaska	1		1
Arizona	57	138	195
Arkansas	3	27	30
California	[1] (2)394	1,155	1,549
Colorado	26		26
Connecticut	6		6
Delaware			
Florida	[1] (1)82	193	275
Georgia	9	38	47
Hawaii			
Idaho	19		19
Illinois	27	216	243
Indiana	32	22	54
Iowa	6	45	51
Kansas	18	11	29
Kentucky	6	57	63
Louisiana	[1] (1)14	12	26
Maine	8		8
Maryland	14	11	25
Massachusetts	12		12
Michigan	13	282	295
Minnesota	16	13	29
Mississippi	8		8
Missouri	[1] 16(1)	92	108
Montana	5	58	63
Nebraska	4		4
Nevada	5	10	15
New Hampshire	6		6
New Jersey	24	79	103
New Mexico	7	14	21
New York	[1] 62(1)	111	173
North Carolina	15	41	56
North Dakota	2		2
Ohio	46	225	271
Oklahoma	9	17	26
Oregon	27	56	83
Pennsylvania:			
District	53	11	64
Nondistrict	63	37	100
Rhode Island	3		3
South Carolina	7	15	22
South Dakota	3		3
Tennessee	14	11	25
Texas	54	35	89
Utah	4	1	5
Vermont	1		1
Virginia	17		17
Washington	47	220	267
West Virginia	6		6
Wisconsin	14	15	29
Wyoming	2		2
District of Columbia	10	5	15
U.S. Canal Zone	6		6
Panama	[1] 2(1)		2
Ecuador	1		1
Mexico	4		4
(No address given)	[1] 10(2)		10
Total (as of July 4, 1974)	[1] 1,331(9)	3,273	4,604

[1] Correspondents opposed shown in parentheses.

CONFERENCE REPORT—ANIMAL HEALTH RESEARCH ACT

Mr. **POAGE** submitted the following conference report and statement on the bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research:

CONFERENCE REPORT (H. REPT. No. 93–1193)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 and agree thereto.

That the House recede from its disagreement to the amendment of the Senate numbered 9 and agree to the same with an amendment, as follows:

Strike out the figure "$15,000,000" and insert in lieu thereof the figure "$12,000,000."

And the Senate agree to the same.

W. R. Poage,
Frank A. Stubblefield,
Thomas S. Foley,
John Melcher,
Geo. A. Goodling,
Robert B. Mathias,
John M. Zwach,
Managers on the Part of the House.

Herman E. Talmadge,
George McGovern,
James B. Allen,
Dick Clark,
Milton R. Young,
Robert Dole,
Henry Bellmon,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate adopted 22 amendments to the House bill. Under the conference committee agreement, the House receded from its disagreement to Senate amendments numbered 1, 2, 3, 4, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22. The Senate receded from its amendments numbered 5, 6, and 7. Senate amendment numbered 9 was further amended by the conferees.

(1) The conferees agreed to Senate amendment numbered 1 to include freshwater fish and shellfish as animals for which research is to be conducted under this bill.

(2) The conferees agreed to Senate amendment numbered 2 authorizing research to minimize loss of livestock and poultry due to transportation and handling.

(3) The conferees agreed to Senate amendments numbered 13, 15, and 16 eliminating local review committees.

(4) The conferees did not agree to Senate amendment numbered 5 and retained the House language authorizing appropriations not to exceed $20 million annually to support continuing research programs at eligible institutions.

(5) The conferees did not agree to Senate amendment numbered 7 and agreed to the House provision authorizing appropriations not to exceed $15 million annually to support research on specific national or regional animal health problems.

(6) The conferees agreed to Senate amendment numbered 9 with an amendment establishing the level of authorized appropriations at not to exceed $12 million annually to support the cost of providing veterinary medical science research facilities.

(7) The conferees agreed to Senate amendment numbered 21 requiring the keeping of records by grant recipients and requiring that the Secretary of Agriculture and the Comptroller General be given access to these records.

(8) The conferees agreed to Senate amendments numbered 3, 4, 8, 10, 11, 12, 14, 17, 18, 19, 20, and 22 which make conforming, clarifying, and technical changes in the House bill.

(9) The conferees did not agree to Senate amendment numbered 6 dealing with the authority for the Secretary to conduct an inventory of all horses in the United States. The conferees determined that the Department of Agriculture has basic authority to conduct inventories of livestock under the Organic Act (7 U.S.C. 2201). In order to carry out the provisions of this bill, inventories of livestock—including, horses—are required and the conferees expect that such inventories will be conducted.

W. R. Poage,
Frank A. Stubblefield,
Thomas S. Foley,
John Melcher,
Geo. A. Goodling,
Robert B. Mathias,
John M. Zwach,
Managers on the Part of the House.

Herman E. Talmadge,
George McGovern,
James B. Allen,
Dick Clark,
Milton R. Young,
Robert Dole,
Henry Bellmon,
Managers on the Part of the Senate.

CONFERENCE REPORT—ANTIHIJACKING ACT OF 1974

Mr. **STAGGERS** submitted the following conference report and statement on the bill (S. 39) to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93–1194)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 39) to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the Senate bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—ANTIHIJACKING ACT OF 1974

SEC. 101. This title may be cited as the "Antihijacking Act of 1974".

SEC. 102. Section 101(32) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(32), relating to the definition of the term "special aircraft jurisdiction of the United States", is amended to read as follows:

"(32) The term 'special aircraft jurisdiction of the United States' includes—

"(a) civil aircraft of the United States;

"(b) aircraft of the national defense forces of the United States;

"(c) any other aircraft within the United States;

"(d) any other aircraft outside the United States—

"(i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; or

"(ii) having 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; and

"(e) other aircraft leased without crew to a lessee who has his principal place of business in the United States, or if none, who has his permanent residence in the United States;

while that aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property abroad.".

SEC. 103. (a) Paragraph (2) of subsection (i) of section 902 of such Act (49 U.S.C. 1472), relating to the definition of the term "aircraft piracy", is amended by striking out "threat of force or violence and" inserting in lieu thereof "threat of force of violence, or by any other form of intimidation, and".

(b) Section 902 of such Act is further amended by redesignating subsections (n) and (o) as subsections (o) and (p), respectively, and by inserting immediately after subsection (m) the following new subsection:

"AIRCRAFT PIRACY OUTSIDE SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES

"(n) (1) Whoever aboard an aircraft in flight outside the special aircraft jurisdiction of the United States commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, and is afterward found in the United States shall be punished—

"(A) by imprisonment for not less than 20 years; or

"(B) if the death of another person results from the commission or attempted commission of the offense, by death or by imprisonment for life.

"(2) A person commits 'an offense', as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft when, while aboard an aircraft in flight, he—

"(A) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act; or

"(B) is an accomplice of a person who performs or attempts to perform any such act.

"(3) This subsection shall only be applicable if the place of takeoff or the place of actual landing of the aircraft on board which the offense, as defined in paragraph (2) of this subsection, is committed, is situated outside the territory of the State of registration of that aircraft.

"(4) For purposes of this subsection an aircraft is considered to be in flight from the moment when all the external doors are closed following embarkation until the moment when one such door is opened for disembarkation, or in the case of a forced landing, until the competent authorities take over responsibility for the aircraft and for the persons and property aboard.".

(c) Subsection (o) of such section 902, as so redesignated by subsection (b) of this section, is amended by striking out "subsections (i) through (m)" and inserting in lieu thereof, "subsections (i) through (n)".

SEC. 104. (a) Section 902(i) (1) of the Federal Aviation Act of 1958 (49 U.S.C. 1472(i) (1)) is amended to read as follows:

"(1) Whoever commits or attempts to commit aircraft piracy, as herein defined, shall be punished—

"(A) by imprisonment for not less than 20 years; or

"(B) if the death of another person results from the commission or attempted commission of the offense, by death or by imprisonment for life.".

(b) Section 902(i) of such Act is further amended by adding at the end thereof the following new paragraph:

"(3) An attempt to commit aircraft piracy shall be within the special aircraft jurisdiction of the United States even though the aircraft is not in flight at the time of such attempt if the aircraft would have been within the special aircraft jurisdiction of the United States had the offense of aircraft piracy been completed.".

SEC. 105. Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473), relating to venue and prosecution of offenses, is amended by adding at the end thereof the following new subsection:

"PROCEDURE IN RESPECT OF PENALTY FOR AIRCRAFT PIRACY

"(c) (1) A person shall be subjected to the penalty of death for any offense prohibited by section 902(i) or 902(n) of this Act only if a hearing is held in accordance with this subsection.

"(2) When a defendant is found guilty of or pleads guilty to an offense under section 902(i) or 902(n) of this Act for which one of the sentences provided is death, the judge who presided at the trial or before whom the guilty plea was entered shall conduct a separate sentencing hearing to determine the existence or nonexistence of the factors set forth in paragraphs (6) and (7), for the purpose of determining the sentence to be imposed. The hearing shall not be held if the Government stipulates that none of the aggravating factors set forth in paragraph (7) exists or that one or more of the mitigating factors set forth in paragraph (6) exists. The hearings shall be conducted—

"(A) before the jury which determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury; or

"(iii) the jury which determined the defendant's guilt has been discharged by the court for good cause; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the court and of the Government.

"(3) In the sentencing hearing the court shall disclose to the defendant or his counsel all material contained in any presentence report, if one has been prepared, except such material as the court determines is required to be withheld for the protection of human life or for the protection of the national security. Any presentence information withheld from the defendant shall not be considered in determining the existence or the nonexistence of the factors set forth in paragraph (6) or (7). Any information relevant to any of the mitigating factors set forth in paragraph (6) may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials; but the admissibility of information relevant to any of the aggravating factors set forth in paragraph (7) shall be governed by the rules governing the admission of evidence at criminal trials. The Government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the factors set forth in paragraph (6) or (7). The burden of establishing the existence of any of the factors set forth in paragraph (7) is on the Government. The burden of establishing the existence of any of the factors set forth in paragraph (6) is on the defendant.

"(4) The jury or, if there is no jury, the court shall return a special verdict setting forth its findings as to the existence or nonexistence of each of the factors set forth in paragraph (6) and as to the existence or nonexistence of each of the factors set forth in paragraph (7).

"(5) If the jury or, if there is no jury, the court finds by a preponderance of the information that one or more of the factors set forth in paragraph (7) exists and that none of the factors set forth in paragraph (6) exists, the court shall sentence the defendant to death. If the jury or, if there is no jury, the court finds that none of the aggravating factors set forth in paragraph (7) exists, or finds that one or more of the mitigating factors set forth in paragraph (6) exists, the court shall not sentence the defendant to death but shall impose any other sentence provided for the offense for which the defendant was convicted.

"(6) The court shall not impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that at the time of the offense—

"(A) he was under the age of eighteen;

"(B) his capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution;

"(C) he was under unusual and substantial duress, although not such duress as to constitute a defense to prosecution;

"(D) he was a principal (as defined in section 2(a) of title 18 of the United States Code) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to prosecution; or

"(E) he coud not reasonably have foreseen that his conduct in the course of the commission of the offense for which he was convicted would cause, or would create a grave risk of causing death to another person.

"(7) If no factor set forth in paragraph (6) is present, the court shall impose the sentence of death on the defendant if the jury or, if there is no jury, the court finds by a special verdict as provided in paragraph (4) that—

"(A) the death of another person resulted from the commission of the offense but after the defendant had seized or exercised control of the aircraft; or

"(B) the death of another person resulted from the commission or attempted commission of the offense, and—

"(i) the defendant has been convicted of another Federal or State offense (committed either before or at the time of the commission or attempted commission of the offense) for which a sentence of life imprisonment or death was impossible;

"(ii) the defendant has previously been convicted of two or more State or Federal offenses with a penalty of more than one year imprisonment (committed on different occasions before the time of the commission or attempted commission of the offense), involving the infliction of serious bodily injury upon another person;

"(iii) in the commission or attempted commission of the offense, the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense or attempted offense; or

"(iv) the defendant committed or attempted to commit the offense in an especially heinous, cruel, or depraved manner.".

SEC. 106. Title XI of such Act (49 U.S.C. 1501–1513) is amended by adding at the end thereof the following new sections:

"Suspension of Air Services

"Sec. 1114. (a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft, or if he determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training or as a sanctuary for, or in any way arms, aids, or abets, any terrorist organization which knowingly uses the illegal seizure of aircraft or the threat thereof as an instrument of policy, he may, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, suspend (1) the right of any air carrier or foreign air carrier to engage in foreign air transportation, and the right of any person to operate aircraft in foreign air commerce, to and from that foreign nation, and (2) the right of any foreign air carrier to engage in foreign air transportation, and the right of any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights under this section shall be deemed to be a condition to any certificate of public convenience and necessity or foreign air carrier or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or for any person to operate aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section.

"Security Standards in Foreign Air Transportation

"Sec. 1115. (a) Not later than 30 days after the date of enactment of this section, the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act, of the provisions of subsection (b) of this section.

"(9) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such convention. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation.".

Sec. 107. The first sentence of section 901 (a)(1) of such Act (49 U.S.C. 1471(a)(1)), relating to civil penalties, is amended by inserting ", or of section 1114," immediately before "of this Act".

Sec. 108. Subsection (a) of section 1007 of such Act (49 U.S.C. 1487), relating to judicial enforcement, is amended by inserting "or, in the case of a violation of section 1114 of this Act, the Attorney General," immediately after "duly authorized agents,".

Sec. 109. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 902. Criminal penalities."

is amended by striking out——

"(n) Investigations by Federal Bureau of Investigation.

"(o) Investigations by Federal Bureau of investigation."

and inserting in lieu thereof—

"(n) Aircraft piracy outside special aircraft jurisdiction of the United States.

"(o) Investigations by Federal Bureau of Investigation.

"(p) Interference with aircraft accident investigation.".

(b) That portion of such table of contents which appears under the side heading

"Sec. 903. Venue and prosecution of offenses."

is amended by adding at the end thereof the following new item:

"(c) Procedure in respect of penalty for aircraft piracy.".

(c) That portion of such table of contents which appears under the center heading "Title XI—Miscellaneous" is amended by adding at the end thereof the following new items:

"Sec. 1114. Suspension of air services.
"Sec. 1115. Security standards in foreign air transportation.".

TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1974

Sec. 201. This title may be cited as the "Air Transportation Security Act of 1974".

Sec. 202. Title III of the Federal Aviation Act of 1958 (49 U.S.C. 1341–1355), relating to organization of the Federal Aviation Administration and the powers and duties of the Administrator, is amended by adding at the end thereof the following new sections:

"Screening of Passengers

"procedures and facilities

"Sec. 315. (a) The Administrator shall prescribe or continue in effect reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft cabin in air transportation or intrastate air transportation be screened by weapon-detecting procedures or facilities employed or operated by employees or agents of the air carrier, intrastate air carrier, or foreign air carrier prior to boarding the aircafrt for such transportation. One year after the date of enactment of this section of after the effective date of such regulations, whichever is later, the Administrator may alter or amend such regulations, requiring a continuation of such screening only to the extent deemed necessary to assure security against acts of criminal violence and aircraft piracy in air transportation and intrastate air transportation. The Administrator shall submit semiannual reports to the Congress concerning the effectiveness of screening procedures under this subsection and shall advise the Congress of any regulations or amendments thereto to be prescribed pursuant to this subsection at least 30 days in advance of their effective date, unless he determines that an emergency exists which requires that such regulations or amendments take effect in less than 30 days and notifies the Congress of his determination.

"exemption authority

"(b) The Administrator may exempt from the provisions of this section, in whole or in part, air transportation operations, other than those scheduled passenger operations performed by air carriers engaging in interstate, overseas, or foreign air transportation under a certificate of public convenience and necessity issued by the Civil Aeronautics Board under section 401 of this Act or under a foreign air carrier permit issued by the Board under section 402 of this Act.

"Air Transportation Security

"rules and regulations

"Sec. 316. (a)(1) The Administrator of the Federal Aviation Administration shall prescribe such reasonable rules and regulations requiring such practices, methods, and procedures, or governing the design, materials, and construction of aircraft, as he may deem necessary to protect persons and property aboard aircraft operating in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy.

"(2) In prescribing and amending rules and regulations under paragraph (1) of this subsection, the Administrator shall—

"(A) consult with the Secretary of Transportation, the Attorney General, and such other Federal, State, and local agencies as he may deem appropriate;

"(B) consider whether any proposed rule or regulation is consistent with protection of passengers in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy and the public interest in the promotion of air transportation and intrastate air transportation;

"(C) to the maximum extent practicable, require uniform procedures for the inspection, detention, and search of persons and property in air transportation and intrastate air transportation to assure their safety and to assure that they will receive courteous and efficient treatment, by air carriers, their agents and employees, and by Federal, State, and local law enforcement personnel engaged in carrying out any air transportation security program established under this section; and

"(D) consider the extent to which any proposed rule or regulation will contribute to carrying out the purposes of this section.

"personnel

"(b) Regulations prescribed under subsection (a) of this section shall require operators of airports regularly serving air carriers certificated by the Civil Aeronautics Board to establish air transportation security programs providing a law enforcement presence and capability at such airports adequate to insure the safety of persons traveling in air transportation or intrastate air transportation from acts of criminal violence and aircraft piracy. Such regulations shall authorize such airport operators to utilize the services of qualified State, local, and private law enforcement personnel whose services are made available by their employers. In any case in which the Administrator determines, after receipt of notification from an airport operator in such form as the Administrator may prescribe, that qualified State, local, and private law enforcement personnel are not available in sufficient numbers to carry out the provisions of subsection (a) of this section, the Administrator may, by order, authorize such airport operator to utilize, on a reimbursable basis, the services of—

"(1) personnel employed by any other Federal department or agency, with the consent of the head of such department or agency; and

"(2) personnel employed directly by the Administrator;

at the airport concerned in such numbers and for such period of time as the Administrator may deem necessary to supplement such State, local, and private law enforcement personnel. In making the determination referred to in the preceding sentence the Administrator shall take into consideration—

"(A) the number of passengers enplaned at such airport;

"(B) the extent of anticipated risk of criminal violence and aircraft piracy at such airport or to the air carrier aircraft operations at such airport, and

"(C) the availability at such airport of qualified State or local law enforcement personnel.

"TRAINING

"(c) The Administrator may provide training for personnel employed by him to carry out any air transportation security program established under this section and for other personnel, including State, local, and private law enforcement personnel, whose services may be utilized in carrying out any such air transportation security program. The Administrator shall prescribe uniform standards with respect to training provided personnel whose services are utilized to enforce any such air transportation security program, including State, local, and private law enforcement personnel, and uniform standards with respect to minimum qualifications for personnel eligible to receive such training.

"RESEARCH AND DEVELOPMENT; CONFIDENTIAL INFORMATION

"(d)(1) The Administrator shall conduct such research (including behavioral research) and development as he may deem appropriate to develop, modify, test, and evaluate systems, procedures, facilities, and devices to protect persons and property aboard aircraft in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy.

"(2) Notwithstanding section 552 of title 5, United States Code, relating to freedom of information, the Administrator shall prescribe such regulations as he may deem necessary to prohibit disclosure of any information obtained or developed in the conduct of research and development activities under this subsection if, in the opinion of the Administrator, the disclosure of such information—

"(A) would constitute an unwarranted invasion of personal privacy (including, but not limited to, information contained in any personnel, medical, or similar file);

"(B) would reveal trade secrets or privileged or confidential commercial or financial information obtained from any person; or

"(C) would be detrimental to the safety of persons traveling in air transportation.

Nothing in this subsection shall be construed to authorize the withholding of information from the duly authorized committees of the Congress.

"OVERALL FEDERAL RESPONSIBILITY

"(e)(1) Except as otherwise specifically provided by law, no power, function, or duty of the Administrator of the Federal Aviation Administration under this section shall be assigned or transferred to any other Federal department or agency.

"(2) Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall have exclusive responsibility for the direction of any law enforcement activity affecting the safety of persons aboard aircraft in flight involved in the commission of an offense under section 902(i) or 902(n) of this Act. Other Federal departments and agencies shall, upon request by the Administrator, provide such assistance as may be necessary to carry out the purposes of this paragraph.

"(3) For the purposes of this subsection, an aircraft is considered in flight from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation.

"DEFINITION

"(f) For the purposes of this section, the term 'law enforcement personnel' means individuals—

"(1) authorized to carry and use firearms,

"(2) vested with such police power of arrest as the Administrator deems necessary to carry out this section, and

"(3) identifiable by appropriate indicia of authority.".

SEC. 203. Section 902(1) of the Federal Aviation Act of 1958 is amended to read as follows:

"CARRYING WEAPONS OR EXPLOSIVES ABOARD AIRCRAFT

"(1)(1) Whoever, while aboard, or while attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, which is, or would be, accessible to such person in flight, or any person who has on or about his person, or who has placed, attempted to place, or attempted to have placed aboard such aircraft any bomb, or similar explosive or incendiary device, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(2) Whoever willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, shall commit an act prohibited by paragraph (1) of this subsection, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(3) This subsection shall not apply to law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required within their official capacities to carry arms, or to persons who may be authorized, under regulations issued by the Administrator, to carry deadly or dangerous weapons in air transportation or intrastate air transportation; nor shall it apply to persons transporting weapons contained in baggage which is not accessible to passengers in flight if the presence of such weapons has been declared to the air carrier."

SEC. 204. Section 1111 of the Federal Aviation Act of 1958 (49 U.S.C. 1511), relating to authority to refuse transportation, is amended to read as follows:

"AUTHORITY TO REFUSE TRANSPORTATION

"SEC. 1111. (a) The Administrator shall, by regulation, require any air carrier, intrastate air carrier, or foreign air carrier to refuse to transport—

"(1) any person who does not consent to a search of his person, as prescribed in section 315(a) of this Act, to determine whether he is unlawfully carrying a dangerous weapon, explosive, or other destructive substance, or

"(2) any property of any person who does not consent to a search or inspection of such property to determine whether it unlawfully contains a dangerous weapon, explosive, or other destructive substance.

Subject to reasonable rules and regulations prescribed by the Administrator, any such carrier may also refuse transportation of a passenger of property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight.

"(b) Any agreement for the carriage of persons or property in air transportation or intrastate air transportation by an air carrier, intrastate air carrier, or foreign air carrier for compensation or hire shall be deemed to include an agreement that such carriage shall be refused when consent to search such persons or inspect such property for the purposes enumerated in subsection (a) of this section is not given.".

SEC. 205. Title XI of the Federal Aviation Act of 1958 (49 U.S.C. 1501–1513) is amended by adding at the end thereof the following new section:

"LIABILITY FOR CERTAIN PROPERTY

"SEC. 1116. The Civil Aeronautics Board shall issue such regulations or orders as may be necessary to require that any air carrier receiving for transportation as baggage any property of a person traveling in air transportation, which property cannot lawfully be carried by such person in the aircraft cabin by reason of any Federal law or regulation, shall assume liability to such person, at a reasonable charge and subject to reasonable terms and conditions, within the amount declared to the air carrier by such person, for the full actual loss or damage to such property caused by such air carrier.".

SEC. 206. Section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301), relating to definitions, is amended by redesignating paragraphs (22) through (36) as paragraphs (24) through (38), respectively, and by inserting immediately after paragraph (21) the following new paragraphs:

"(22) 'Intrastate air carrier' means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage solely in intrastate air transportation.

"(23) 'Intrastate air transportation' means the carriage of persons or property as a common carrier for compensation or hire, by turbojet-powered aircraft capable of carrying thirty or more persons, wholly within the same State of the United States.".

SEC. 207. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading: "Title III—ORGANIZATION OF AGENCY AND POWERS AND DUTIES OF ADMINISTRATOR" is amended by adding at the end thereof the following new items:

"Sec. 315. Screening of passengers in air transportation.
    "(a) Procedures and facilities.
    "(b) Exemption authority.
"Sec. 313. Air transportation security.
    "(a) Rules and regulations.
    "(b) Personnel.
    "(c) Training.
    "(d) Research and development; confidential information.
    "(e) Overall Federal responsibility.
    "(f) Definition.

(b) That portion of such table of contents which appears under the side heading, "Sec. 902, Criminal penalties." is amended by striking out—

"(1) Carrying weapons aboard aircraft." and inserting in lieu thereof—

"(1) Carrying weapons or explosives aboard aircraft.".

(c) That portion of such table of contents which appears under the center heading "TITLE XI—MISCELLANEOUS" is amended by adding at the end thereof the following new item:

"Sec. 1116. Liability for certain property.".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
DAN KUYKENDALL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
VANCE HARTKE,
JAMES B. PEARSON,
MARLOW COOK,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 39) to amend the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill, and also recede from its disagreement to the amendment to the title.

The differences between the text of the Senate bill, the House amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees and minor drafting and clarifying changes.

Unless otherwise indicated, references to provisions of existing law refer to provisions of the Federal Aviation Act of 1958, and references to the "Hague Convention" refer to the Convention for the Suppression of Unlawful Seizure of Aircraft to which the United States is a party, and which came into effect on October 14, 1971.

TITLE I—ANTIHIJACKING ACT OF 1974

Short title

Senate Bill

The Senate bill provided that title I of this legislation could be cited as the "Antihijacking Act of 1973".

House Amendment

The House amendment provided that title I of this legislation could be cited as the "Antihijacking Act of 1974".

Conference Substitute

The conference substitute is the same as the House amendment.

Special Aircraft Jurisdiction of the United States

Both the Senate bill and the House amendment contained identical provisions, which are included in the conference substitute, amending the definition of the term "special aircraft jurisdiction of the United States" contained in existing law in two major respects.

First, the definition is extended to include the following two categories of aircraft not now covered by existing law:

(1) Any aircraft outside the United States having "an offense" (as defined in the Hague Convention) committed aboard, if the aircraft lands in the United States with the alleged offender still aboard.

(2) Other aircraft leased without crew to a lessee who has his principal place of business in the United States or, if he has no such place of business, he has his permanent residence in the United States.

Second, the definition in existing law is changed with respect to when an aircraft is "in flight." The new definition provides that an aircraft is in flight "from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disemkarkation, or in the case of a forced landing, until the competent authorities take over the responsibility for the aircraft and for the persons and property aboard". Existing law presently provides that an aircraft is in flight "from the moment power is applied for the purpose of take off until the moment when the landing run ends".

The changes discussed above implement provisions contained in Article 3 and Article 4 of the Hague Convention.

Aircraft piracy

Both the Senate bill and the House amendment contained identical provisions, which are included in the conference substitute, expanding the definition of the offense of "aircraft piracy" when committed *within* the special aircraft jurisdiction of the United States. Under existing law the offense includes any seizure or exercise of control of an aircraft in flight by force or violence or threat of force or violence and with wrongful intent. The definition of the offense is now expanded to include seizure or exercise of control of such an aircraft by "any other form of intimidation".

Both the Senate bill and the House amendment also contained provisions amending existing law to add new provisions dealing with aircraft piracy committed *outside* the special aircraft jurisdiction of the United States, which new provisions were identical except for the application of the death penalty discussed later in this joint statement. The identical provisions, which are included in the conference substitute, are as follows:

The new provisions provide that a person aboard an aircraft in flight *outside* the special aircraft jurisdiction of the United States commits "an offense" (as defined in the Hague Convention) when he unlawfully seizes or exercises control of the aircraft by force or threat of force, or by any other form of intimidation, or attempts to perform any such act or is an accomplice of a person who performs or attempts to perform any such act.

The new provisions apply only if the place of takeoff or landing of the aircraft on which the offense is committed is situated outside the State of registration of the aircraft. This excludes coverage of what might be called "domestic" aircraft hijacking.

The new provisions incorporate the definition of the term "in flight" as it is used in the Hague Convention and discussed above under the definition of "special aircraft jurisdiction of the United States".

Existing law is also amended to provide that violations of the new provisions shall be investigated by the Federal Bureau of Investigation.

Hijacking attempts

Senate Bill

No provision.

House Amendment

The House amendment added a new paragraph (3) to section 902(i) of existing law, dealing with the "attempt" to commit aircraft piracy. It provides that such an "attempt" is within the special aircraft jurisdiction of the United States even though the aircraft is not in flight at the time of the attempt if it would have been within such special jurisdiction of the United States had the offense of aircraft piracy been completed.

This amendment extends the jurisdictional limits for "attempted" aircraft hijackings, to encompass attempted aircraft hijackings which do not occur in flight, "if the aircraft would have been within the special aircraft jurisdiction of the United States had the offense of aircraft piracy been completed." This language is intended to proscribe attempted aircraft hijacking, even when the hijacker is rendered incapable of completing the hijacking in flight because he has sustained an injury or for some other reason.

Conference substitute

The conference substitute is the same as the House amendment.

Death penalty

Senate Bill

The Senate bill provided that the penalty for the offense of "aircraft piracy" committed *outside* the special aircraft jurisdiction of the United States would be imprisonment for not less than 20 years or for more than life. The Senate bill did not change the penalty provision contained in section 902(i) of existing law which provides that, in the case of the offense of "aircraft piracy" committed *within* the special aircraft jurisdiction, the death penalty may be imposed upon the recommendation of the jury (or of the court in the case of a trial without a jury) and that, if the death penalty is not imposed, the penalty must be imprisonment for not less than 20 years.

House amendment

The House amendment provided that the penalty for the offense of "aircraft piracy" committed *outside* the special aircraft jurisdiction of the United States would be imprisonment for not less than 20 years, except that, if the death of another person resulted from the commission or attempted commission of the offense, the penalty could be death or imprisonment for life. The House amendment also amended the penalty provision contained in existing law to make the penalty for "aircraft piracy" committed *within* the special aircraft jurisdiction of the United States identical with the penalty which may be imposed for such offense committed *outside* the special aircraft jurisdiction of the United States. In either case, the imposition of the death penalty would be subject to specific procedural requirements set forth in detail below. The procedural provisions are similar to those contained in legislation introduced in both Houses in the present Congress at the recommendation of the Department of Justice (H.R. 6028 and S. 1401). The mandatory imposition of the death penalty under the procedural provisions contained in the House amendment was applicable only with respect to the Federal offense of aircraft piracy.

The procedural provisions referred to above were contained in a new section 903(c) added to existing law by the House amendment and described in detail as follows:

Paragraph (1) of the new section 903(c) provided that no person could receive the death penalty for aircraft piracy unless a hearing was held in accordance with this subsection.

Paragraph (2) provided that when a defendant was found guilty of or pleaded guilty to the offense of aircraft piracy, for which one of the sentences provided was death, the judge who presided at the trial or before whom a guilty plea was entered must conduct a separate sentencing hearing to determine the existence or nonexistence of any of the mitigating or aggravating factors set forth in paragraphs (6) and (7). The hearing could not be held if the Government stipulated that none of the aggravating factors existed or than any one of the mitigating factors existed. The hearing was required to be conducted before the jury which determined the defendant's guilt, a new jury impaneled solely for the purpose of the hearing, or before the court alone upon motion of the defendant and with the approval of the court and the Government.

Paragraph (3) required the court to disclose to the defendant or his counsel all material contained in any presentence report (if any), unless the court determined that any part thereof must be witheld for the protection of the national security or of human life. No withheld material could be considered in determining the existence of any aggravating factor or the nonexistence of any mitigating factor. The burden of establishing the existence of any aggravating factor was placed on the Government and the admissibility of any information relevant thereto was governed by rules of evidence governing the admission of evidence at criminal trials. This limitation would assure that the imposition of the death penalty would rest on evidence of recognized probative value. The burden was placed on the defendant to establish the existence of any mitigating factor and any information relevant thereto could be admitted without regard to its admissibility under the rules governing admission of evidence at criminal trials. The Government and the defendant must be permitted to rebut any information received at the hearing and must be given fair opportunity to present argument with respect to the adequacy of information received to establish any of the mitigating or aggravating factors.

Paragraph (4) provided for a special verdict by the court or jury setting forth findings as to the existence or nonexistence of each of the mitigating and aggravating factors.

Paragraph (5) provided that if the court or jury found by a preponderance of the information that any one of the aggravating factors existed *and* that none of the mitigating factors existed, the court was required to impose the death penalty. If the findings were that none of the aggravating factors existed *or* that any one of the mitigating factors existed, the death penalty could not be imposed and the court must impose any other sentence provided for aircraft piracy.

Paragraph (6) set forth five mitigating factors. If the court or jury found that any of these factors existed at the time of the offense, the death penalty could not be imposed. The five factors were as follows:

1. The defendant was under eighteen.

2. His capacity to appreciate the wrongfulness of his conduct or to conform it to the requirements of law was significantly impaired, but not enough to constitute a defense.

3. He was under unusual and substantial duress, but not enough to constitute a defense.

4. He was a principal in an offense committed by another, but his participation was relatively minor, although not so minor as to constitute a defense. (Section 2(a) of title 18 of the U.S. Code defines a "principal" as anyone who commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission.)

5. He could not reasonably have foreseen that his conduct in the commission of the offense would cause death to another or create a grave risk of causing death.

Paragraph (7) provided that the death penalty must be imposed if the court or jury found that any one of the aggravating factors set forth in this paragraph existed *and* that no mitigating factor set forth in paragraph (6) existed. The aggravating factors were as follows:

1. The death of another person resulted from the commission of the offense of aircraft piracy, but after the defendant had seized or exercised control of the aircraft.

2. The death of another person resulted from the commission or attempted commission of the offense of aircraft piracy, and—

(*a*) the defendant had been convicted of another Federal or State offense (committed before or at the time of the commission or attempted commission of the offense of aircraft piracy) for which a sentence of death or life imprisonment was imposable;

(*b*) the defendant had been previously convicted of two or more Federal or State offenses with a penalty of more than one year in prison (committed on different occasions before the time of the commission or attempted commission of aircraft piracy), involving the infliction of serious bodily injury on another;

(*c*) in the commission or attempted commission of the offense of aircraft piracy, the defendant knowingly created a grave risk of death to another person in addition to the victim of the offense or attempted offense of aircraft piracy; *or*

(*d*) the defendant committed or attempted to commit the offense of aircraft piracy in an especially heinous, cruel, or depraved manner.

Conference substitute

The conference substitute is the same as the House amendment.

Suspension of air services

With one exception, both the Senate bill and the House amendment contained identical provisions relating to the suspension of air services. The exception dealt with terrorist activities in foreign territory and the Presidential determination required with respect thereto. Under the Senate bill the President would determine whether "a foreign nation is used" for such activities. Under the House amendment the President would determine whether a foreign nation "permits the use of territory under its jurisdiction" for such activities. The conference substitute is the same as the House amendment.

The provisions relating to suspension of air services are contained in a new section 1114 added to existing law by the conference substitute and described below.

Subsection (a) of the new section 1114 provides that, whenever the President determines that a foreign nation is acting in a manner inconsistent with the Hague Convention or, if he determines that a foreign nation permits the use of its territory as a base of operations or training or as a sanctuary for, or in any way arms, aids, or abets, any terrorist organization which knowingly uses the illegal seizure of aircraft or the threat thereof as an instrument of policy, he may—

(1) suspend the right of any air carrier or foreign air carrier to engage in foreign air transportation, and suspend the right of any person to operate aircraft in foreign air commerce, to and from the offending nation; and

(2) suspend the right of any foreign air carrier to engage in foreign air transportation, and the right of any foreign person to operate aircraft in foreign air commerce, between the United States and any foreign nation which continues to maintain air services between itself and the offending nation.

The terms "air carrier", "foreign air carrier", "foreign air transportation", and "foreign air commerce" are defined terms for the purposes of existing law. In the context of these definitions, the President's suspension authority with respect to air services between the United States and the offending nation extends to all types of air services performed for compensation or hire or in furtherance of a business, whether performed by a United States or foreign carrier or person. His authority with respect to air services between the United States and a foreign nation which continues to maintain air services between itself and the offending nation extends to the same type of air services, but only when performed by a foreign carrier or person.

The President may exercise his authority under this subsection without notice or hearing and for as long as he deems necessary to assure the security of aircraft against unlawful seizure. This subsection further provides that, not withstanding section 1102 of existing law, the President's suspension authority shall be deemed to be a condition—

(1) to any certificate of public convenience and necessity issued by the Civil Aeronautics Board and to any permit issued by the Board to any foreign air carrier or foreign aircraft; and

(2) to any operating certificate or specification issued by the Secretary of Transportation to any air carrier or foreign air carrier. The "notwithstanding" clause is necessary because section 1102 of existing law requires the Secretary of Transportation and the Civil Aeronautics Board to exercise their powers and duties consistently with any treaty obligation of the United States and to take into consideration applicable laws of foreign counties in the exercise of such powers and duties. It also prohibits the Board, in exercising its authority with respect to certificates of convenience and necessity, from restricting compliance by any United States air carrier with any obligation, duty, or liability imposed by a foreign country.

Subsection (b) of the new section 1114 makes it unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or for any person to operate any aircraft in foreign air commerce, in violation of any suspension of rights imposed by the President.

Security standards in foreign air transportation

With one exception, both the Senate bill and the House amendment contained identical provisions relating to security standards in foreign air transportation. The exception dealt with the minimum standards required of foreign air carriers. Under the Senate bill the minimum standards would be those established pursuant to the Convention on International Civil Aviation or, before the adoption of such standards, the specifications and practices set out in appendix A to Resolution A17-10 of the 17th Assembly of the International Civil Aviation Organization. Under the House amendment the minimum standards would be those adopted pursuant to the Convention and no reference was made to the specifications and practices set out in Appendix A to Resolution A17-10. The conference substitute follows the House amendment in this regard. Minimum standards have been established pursuant to the Convention and, therefore, reference to interim standards is unnecessary.

The provisions relating to security standards are contained in a new section 1115 added to existing law by the conference substitute and described below.

The new section 1115 provides for the maintenance of minimum security measures in foreign air transportation. This section requires the Secretary of Transportation to notify a foreign nation whenever, after consultation with the aeronautical authorities of that nation, he finds that such nation does not effectively maintain and administer security measures relating to foreign air transportation equal to or above the minimum standards established pursuant to the Convention on International Civil Aviation. The Secretary is also required to notify such nation of the steps considered necessary to bring its security measures up to the minimum standards. In the event that nation fails to take such steps, the Secretary of Transportation may, with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of the airlines of that nation.

This section requires the Secretary of State to notify each nation which has a bilateral air transport agreement with the United States, and each nation with airlines which hold a foreign air carrier permit under existing law, of the provisions of this section not later than 30 days after its enactment.

Civil penalties

The Senate bill, the House amendment and the conference substitute contain identical provisions amending section 901(a) of existing law, relating to civil penalties, to provide that any person who violates the provisions of the new section 1114 (relating to suspension of air services) shall be subject to a civil penalty of not to exceed $1,000 per day.

Enforcement by Attorney General

The Senate bill, the House amendment and the conference substitute contain identical provisions amending section 1007(a) of existing law, relating to judicial enforcement, to authorize the Attorney General to apply to the district courts of the United States for the enforcement of the new section 1114, relating to suspension of air services.

TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1974

Short title

Senate Bill

The Senate bill provided that title II of this legislation could be cited as the "Air Transportation Security Act of 1973".

House Amendment

The House amendment provided that such title II could be cited as the "Air Transportation Security Act of 1974".

Conference Substitute

The conference substitute is the same as the House amendment.

Congressional findings

Senate Bill

The Senate bill contained Congressional findings regarding hijacking problems and the need for Federal actions.

House Amendment

No provision.

Conference Substitute

The Congressional findings contained in the Senate bill are omitted from the conference substitute.

Screening of passengers in air transportation procedures and facilities

Senate Bill

The Senate bill required the Administrator of the Federal Aviation Administration to prescribe regulations, as soon as practicable, requiring that all passengers and property in air transportation (including intrastate air transportation) be screened by weapon-detecting devices. Such regulations could be altered or amended one year after their effective date, but only to the extent necessary to assure security against acts of criminal violence and air piracy in air transportation and intrastate air transportation.

The Administrator was required to submit semiannual reports to the Congress concerning the effectiveness of the screening program and to advise the Congress 30 days in advance of any regulation or amendment thereto proposed to be issued under this new authority.

The Senate bill also required the Administrator to acquire and furnish to air carriers and intrastate air carriers weapon-detecting devices for use by such carriers in carrying out the screening program. Such devices would remain the property of the United States. The Senate bill included an authorization for the appropriation of $5.5 million from the Airport and Airway Trust Fund for the acquisition of such devices.

House Amendment

The House amendment was similar to the Senate bill with the following differences:

1. The Administrator was required to prescribe new regulations or continue in effect existing regulations requiring the screening of passengers and property by weapon-detecting procedures or facilities.

2. Such regulations could be altered or amended one year after the enactment of this legislation or one year after the effective date of the regulation, whichever was later.

3. The Administrator was not required to give advance notice of proposed regulations to the Congress, if he determined that an emergency existed which required that the regulations take effect in less than 30 days and he notified the Congress of any such determination.

4. The memorandum of the Administrator, dated March 29, 1973, regarding the use of X-ray systems in airport terminal areas was required to remain in full force and effect, notwithstanding any other provision of law, until modified, terminated, or otherwise set aside by the Administrator after the date of enactment of this legislation.

Conference Substitute

The conference substitute is the same as the House amendment except that the provision regarding the continued effectiveness of the Administrator's memorandum of March 29, 1973, is omitted, and the provision concerning the use or operation of weapon-detecting procedures or facilities is clarified to provide that agents as well as employees of the carriers may use or operate such procedures or facilities.

The House provision continuing in effect the Administrator's memorandum on the use of X-ray systems overruled the United States District Court for the District of Columbia in the case of *Nader* v. *Butterfield*, Civil Action No. 1967–73. Subsequent to the House action the Court issued a consent order thereby vitiating any necessity for the House action on the subject of X-ray detection devices. The Senate had no similar provision and the Managers on the Part of the House agreed to omit any statutory provision at this time in light of the following consent order.

"United States District Court for the District of Columbia (Civil Action No. 1967–73)

"RALPH NADER, ET AL., PLAINTIFFS *v.* ALEXANDER P. BUTTERFIELD, DEFENDANT

"CONSENT ORDER

"The Federal Aviation Administration—without waiving its jurisdictional and other objections as set forth in defendant's pending motion to dismiss or, in the alternative, to vacate and stay—having determined to administratively proceed with (1) a rulemaking proceeding to determine whether X-ray devices should be used for inspection of carry-on baggage in connection with airline security programs under 14 C.F.R. § 121.538, and (2) an undertaking to evaluate in good faith what, if any, would be the environmental effects of the use of such devices for this purpose, upon its concluding such course is the best means of expeditiously disposing of this matter in the public interest;

"The Court being advised by the parties that (1) airlines will be permitted to operate X-ray devices to inspect carry-on baggage to comply with FAA security program requirements only if such X-ray devices meet applicable FDA and state radiation safety standards, FDA radiation safety guidelines, and FDA defect notices, and (2) that, pending the conclusion of the aforementioned administrative undertakings, new installations of X-ray devices (*i.e.,* ones for which FAA approval had not been given and firm orders placed prior to the date hereof) shall hereafter be permitted (as a means of compliance with the airline security program requirements) only upon specific approval by FAA of an airline application for such new installation;

"And the parties having agreed, subject to Court approval, that such measures will avoid disruption in the airline security programs, provide measures for the safe operation of X-ray devices, and that the public interest will be served if this Court's order of February 27, 1974 is stayed indefinitely, it is by the Court this 24th day of April, 1974.

"*Ordered,* That the effectiveness of this Court's order of February 27, 1974 and all proceedings herein, including defendant's pending motion under Rule 59, Federal Rules of Civil Procedure, be stayed pending FAA competition of its ongoing administrative proceedings and pending further order of the Court."

Exemption authority

Senate Bill

Under the Senate bill, the Administrator could exempt from the screening program air transportation operations performed pursuant to part 135 of title 14, of the Code of Federal Regulations, which covers operations by air taxis.

House Amendment

Under the House amendment the Administrator could exempt foreign carriers and non-scheduled air transportation operations, as well as air taxis.

Conference Substitute

The conference substitute is the same as the House amendment except that the Administrator may not exempt foreign air carriers. The conferees noted that section 1102 of existing law requires the Administrator to exercise his authority under this legislation consistent with any international obligation of the United States under any treaty, convention, or agreement.

Overall Federal authority

Senate Bill

The Senate bill provided that the responsibility for administering the security program, and security force functions, would be vested exclusively in the Administrator and must not be assigned or transferred to any other agency.

House Amendment

The House amendment was similar to the Senate bill, but contained an additional provision providing that the Administration would have exclusive responsibility for the direction of any law enforcement activity affecting safety of persons aboard aircraft involved in a hijacking and required other Federal agencies to provide necessary assistance as requested by the Administrator.

Conference Substitute

The conference substitute follows the House amendment except that it provides that the Administrator of the Federal Aviation Administration shall have exclusive responsibility for direction of law enforcement activity when an aircraft is "in flight". Under this section an aircraft is deemed to be "in flight" when all external doors are closed following embarkation until one such door is opened for disembarkation. Historically the FAA and the FBI have acted in cooperation and in concert with each other with a high degree of success marred by several instances where there has been some jurisdictional conflict leading to disastrous and near disastrous results. A Memorandum of Understanding between these two agencies attests to their cooperative venture. The conferees expect this cooperation to continue and hopefully to be improved under the new statutory guidelines. Some updating or changes in the Memorandum of Understanding will be required and the agencies concerned are, of course, free to spell out a current Memorandum of Understanding.

The Memorandum is as follows:

"MEMORANDUM OF UNDERSTANDING

"*I. Introduction*:

"The recent increase in the criminal acts of hijacking and sabotage of commercial aircraft has had a significant impact and effect upon U.S. air commerce. The Department of Transportation and the Department of Justice have responsibilities and duties imposed upon them by the Congress with respect to the prevention, control and prosecution of such criminal acts. In addition, the very nature of such criminal acts may and almost always does involve the safety of passengers and crew members. It is imperative, therefore, that the authority and responsibilities of each Department be precisely defined in order that maximum effectiveness is achieved in the prevention, control and prosecution of such criminal acts on the one hand, and the maximum guarantee of the safety of passengers and crew is achieved on the other hand, with the clear acknowledgement of the primary interest in favor of the safety of passengers and crew. To this end the following designation of authority and delegation of responsibilities and duties are agreed upon.

"II. Designation of Authority:

"A. While Aircraft Is in Flight:

"1. When an aircraft is in flight, when it is moving on the take-off runway for the purpose of becoming airborne, and when it is moving on the runway to accomplish a landing, the pilot in command of the aircraft shall be in control.

"2. If a recommendation is to be made by officials of the Department of Transportation and the Department of Justice to the pilot in command for a course of action to be pursued by him, the recommendation of the official of the Department of Transportation shall prevail over that of the official of the Department of Justice in the event of a conflicting disagreement between such officials.

"B. While Aircraft Is Not in Flight:

"1. An aircraft is deemed to be not in flight unless it is actually airborne, or unless it is moving on the take-off runway for the purpose of becoming airborne, or when it is moving on the runway to accomplish a landing.

"2. The designated representative of the Department of Justice will make the decision, where appropriate, to interrupt, or take other positive action with respect to, a hijacking while the aircraft is not in flight.

"III. Information and Cooperation:

"A. The Department of Transportation shall take all possible steps to develop a comprehensive intelligence system. This will include techniques to permit as extensive as possible the monitoring on the ground of conversation and speaking in the cockpit of the aircraft. To achieve this objective, the fullest cooperation of the commercial airlines and their pilots will be solicited.

"B. The Department of Transportation and the Department of Justice agree to cooperate fully with each other in order that each may discharge its responsibilities hereunder. This shall include the full exchange of information and intelligence.

"IV. Delegation of Authority to Officials of the Department of Transportation and the Department of Justice:

"A. The Attorney General hereby delegates to the Federal Bureau of Investigation the authority to discharge the responsibilities hereunder of the Department of Justice.

"Until the Federal Aviation Administrator is otherwise notified in writing by the Director of the Federal Bureau of Investigation, William C. Sullivan, Assistant to the Director, is hereby designated by the Director as the official of the FBI who will act on behalf of the Department of Justice and who will coordinate with the Department of Transportation and its designated responsible officials.

"B. The Secretary of the Department of Transportation hereby delegates to the Federal Aviation Administrator the authority to discharge the responsibilities hereunder of the Department of Transportation.

"Until the Director of the Federal Bureau of Investigation is otherwise notified in writing by the Federal Aviation Administrator, John H. Shaffer, the Administrator of the FAA will coordinate with the Department of Justice and its designated responsible officials.

"Dated at Washington, D.C., this 25th day of September 1970.

"JOHN VOLPE,
"Secretary of Transportation.
"JOHN N. MITCHELL,
"Attorney General."

Air transportation security

Authority of the Administrator

Senate bill

The Senate bill required the Administrator to establish and maintain an air transportation security force sufficient to provide a law enforcement presence and capability at United States airports and adequate to insure safety from criminal violence and air piracy in air transportation (including intrastate air transportation). The Administrator was authorized to designate those members of the security force who would have authority to detain and search persons and property, make arrests, and carry firearms. He could also deputize State and local law enforcement personnel to exercise such authority. The Senate bill authorized the Administrator to provide training for State and local law enforcement personnel made available to carry out the security program and to utilize the air transportation security force established by him to furnish assistance to airport operators and to air carriers to carry out the security program.

The Senate bill authorized an annual appropriation of $35 million for each of two fiscal years to establish and maintain the air transportation security force.

House amendment

The House amendment required the Administrator to prescribe rules and regulations requiring such practices, methods, and procedures or governing the design materials and construction of aircraft, deemed necessary by him to protect persons and property against acts of criminal violence and aircraft piracy in air transportation (including intrastate transportation). In prescribing such regulations, the Administrator was required to consult with appropriate Federal, State, and local authorities and require uniform procedures for the detention and search of persons and property. The regulations would require airport operators to establish security programs providing a law enforcement presence and capability at airports serving CAB-certificated carriers adequate to insure safety of air travelers from criminal violence and aircraft piracy. The airport operators would be authorized to use qualified State, local, and private law enforcement personnel made available by their employers on a cost-reimbursable basis. Whenever the Administrator determined that qualified State, local, and private law enforcement personnel were not available in sufficient numbers, he could authorize an airport operator to use services of Federal personnel, including personnel employed directly by the Administrator for such purpose, on a cost-reimbursable basis and for such period of time as may be necessary to supplement State, local, and private law enforcement personnel.

The House amendment required the Administrator to provide training for personnel employed in the screening program, including State, local, and private law enforcement personnel. He was also required to prescribe uniform standards with respect to the training provided and with respect to minimum qualifications for personnel eligible to receive such training.

The House amendment also required the Administrator to conduct research (including behavioral research) and development appropriate to develop, test, and evaluate systems, procedures, facilities, and devices to protect persons and property against criminal violence and aircraft piracy. Contracts could be entered into without regard to any provision of law requiring advertising, and without regard to the provision of law prohibiting advances of public money. The Administrator was authorized to prescribe regulations prohibiting disclosure of information obtained or developed in the conduct of such research and development, if he determined that disclosure would constitute an unwarranted invasion of personal privacy, would reveal trade secrets, or would be detrimental to the safety of air travelers. However, this could not authorize withholding information from duly authorized congressional committees.

Conference substitute

The conference substitute is the same as the House amendment with the following modifications:

1. The services of State, local, and private law enforcement personnel made available to airport operators to carry out the security program are not required to be on a cost-reimbursable basis.

2. The Administrator is authorized, not required, to provide training for personnel employed in the security program, including State, local, and private law enforcement personnel. He is, however, required to prescribe uniform standards with respect to the training provided and with respect to the minimum qualifications for personnel who receive such training.

3. The provisions of the House amendment permitting research and development contracts without regard to advertising, and without regard to the prohibition against advances of public money, are omitted from the conference substitute.

Courteous Treatment of Passengers

Senate bill

No provision.

House amendment

The House amendment contained provisions requiring that hijacking regulations issued under this legislation include regulations providing assurance of courteous and efficient treatment of travelers.

Conference substitute

The conference substitute requires that the Administrator shall "to the maximum extent practicable require uniform procedures, detention, and search of persons and properties in air transportation and intrastate transportation to assure their safety and to assure that they will receive courteous and efficient treatment".

The routine search of a person is completely foreign to our constitutional protections. We have never legislatively countenanced a police or security officer interruption and search of an individual lawfully conducting himself. Because of the high incidence of aircraft hijacking and the gravity of these offenses, the conferees have reluctantly approved a security system which does allow routine searches of passengers in contradiction to our cherished constitutional freedom. At best such a search is unpleasant. Regrettably, there have been numerous complaints from citizens throughout the country and a number of complaints based on the experiences of members of Congress themselves as to rude and even hostile treatment by police and security employees. Because of this, the conferees agreed to the provision which requires uniform procedures for the inspection, detention and search of persons under conditions which will assure that they receive "courteous and efficient treatment". It is the intent of the conferees that the Secretary shall give extremely careful attention to this provision and any regulations and actions under this provision. The legalization of these searches is a serious inroad into our basic individual right to privacy. Since Congress has determined that this inroad must be made, we should do all within our power to assure that the unpleasant aspect of personal searches be minimized to the fullest degree possible consonant with the insurance of air safety.

It is expected that the Secretary will implement this provision by appropriate regulations which will include provisions for receiving and acting upon complaints of travelers. These regulations should provide for appropriate hearings on complaints by both the air carriers and the Secretary.

Authority to refuse transportation

The Senate bill and the House amendment contained identical provisions, which are included in the conference substitute, amending section 1111 of existing law requiring the Administrator by regulation to require any air carrier, intrastate air carrier or foreign air carrier to refuse to transport any person who does not consent to a search to determine whether he is unlawfully carrying any dangerous weapon, explosive or other dangerous substance, and to refuse to transport the property of any person who does not consent to a search or inspection of such property to determine whether it contains such weapon, explosive or other destructive substance. Subject to reasonable requirements prescribed by the Administrator, any carrier may also refuse transportation of a person or property when the carrier feels that such transportation might be inimical to safety of flight. Any agreement for the carriage of persons or property in air transportation shall be deemed to include an agreement that such carriage shall be refused when the consent required by this section is not given.

Carrying weapons aboard aircraft

Senate bill

The Senate bill amended section 902(1) of existing law to expand the provision providing misdeameanor penalties for carrying concealed weapons aboard aircraft operated by an air carrier in air transportation. The Senate bill expanded this provision to include offenses commited aboard aircraft operated by foreign air carriers within the United States, to include attempts to carry weapons aboard aircraft, to include aircraft operated in intrastate air transportation, and to include explosives or other destructive substances as well as weapons. It also provided a felony penalty of up to $5,000 fine or five years imprisonment for any such offense committed willfully and without regard, or with reckless disregard, for the safety of human life. In addition to the exemptions contained in existing law for Federal, State, and local law enforcement personnel, and for persons authorized to carry weapons under FAA regulations, the Senate bill also provided an exemption for the transportation of weapons for sporting purposes if the presence of the weapons in luggage or baggage was publicly declared before boarding and was checked as baggage and carried in the cargo hold of the aircraft. Such baggage or luggage could not be opened within the airport confines.

House amendment

No provision.

Conference substitute

The conference substitute is similar to the Senate bill except that the reference to explosive or other destructive substances is replaced with a reference to "any bomb, or similar explosive or incendiary device". The conference substitute also omits the prohibition against opening luggage or baggage within the confines of the airport.

Liability for certain property

Senate bill

No provision.

House amendment

The House amendment required the CAB to issue regulations requiring air carriers to make insurance policies available (for a reasonable charge) conditioned to pay for loss or damage to property of a passenger which he cannot lawfully carry in the passenger compartment and must be transported as baggage.

Conference substitute

The conference substitute is similar to the House amendment except that policies of insurance are not required. The carrier will, under CAB regulations, assume liability for loss or damage to such property within the amount declared by the passenger, for a reasonable charge and subject to reasonable terms and conditions.

Definitions

The Senate bill and the House amendment contained identical provisions, which are included in the conference substitute, amending section 101 of existing law to provide definitions of the terms "Intrastate air carrier" and "Intrastate air transportation." The new definitions are included to insure comprehensive application of the security procedures required by this legislation.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
DAN KUYKENDALL,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
VANCE HARTKE,
JAMES B. PEARSON,
MARLOW COOK,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BAKER (at the request of Mr. RHODES), for the remainder of this week, on account of official business to address the Captive Nations Week observance at Taipei, Taiwan, as the guest of the International Anti-Communist League.

To Mr. MYERS (at the request of Mr. RHODES), for today and tomorrow, on account of a death in the family.

To Mr. PEPPER, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. LAGOMARSINO) to revise and extend his remarks and include extraneous material:)

Mr. HOSMER, for 10 minutes, today.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous matter:)

Mr. FLOOD, for 15 minutes, today.
Mr. FRASER, for 15 minutes, today.
Mr. VANIK, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. BURKE of Massachusetts, for 5 minutes, today.
Mr. WOLFF, for 5 minutes, today.
Mr. POAGE, for 5 minutes, today.
Mr. ADAMS, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. MCFALL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LAGOMARSINO) and to include extraneous material:)

Mr. ANDREWS of North Dakota.
Mr. HANRAHAN.
Mr. FORSYTHE.
Mr. COCHRAN.
Mr. BUCHANAN.
Mr. JOHNSON of Pennsylvania in 10 instances.
Mr. CONABLE.
Mr. ARCHER.
Mr. WYMAN in two instances.
Mr. HOSMER in four instances.
Mr. HUBER.
Mr. COUGHLIN.
Mr. QUIE.
Mr. GILMAN.

(The following Members (at the request of Mr. GINN) and to include extraneous matter:)

Mr. ANNUNZIO in six instances.
Mr. ANDERSON of California in two instances.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. ANDREWS of North Carolina.
Mrs. SULLIVAN.
Mr. ADDABBO.
Mr. RODINO.
Mr. DENT.
Mr. DINGELL in six instances.
Mr. ROGERS in five instances.
Mr. MOLLOHAN.
Mr. DRINAN in 10 instances.
Mr. VANIK in five instances.
Mr. MACDONALD.
Mr. BURKE of Massachusetts.
Mr. DOMINICK V. DANIELS.
Mr. POAGE.
Mr. PATTEN.
Mr. MOSS.
Mr. DOWNING.

SENATE BILL AND A CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2373. An act to regulate commerce and protect consumers from adulterated food by requiring the establishment of surveillance regulations for the detection and prevention of adulterated food, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. Con. Res. 79. Concurrent resolution expressing the sense of the Congress with respect to the celebration of the one hundredth anniversary of the birth of Herbert Hoover; to the Committee on the Judiciary.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 724. An act for the relief of Marcos Rojos Rodriguez;

S. 1803. An act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch; and

S. 3203. An act to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8543. An act for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on July 12, 1974 present to the President, for his approval, a bill of the House of the following title:

H.R. 11385. An act to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 32 minutes p.m.) the House adjourned until tomorrow, Tuesday, July 16, 1974, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2548. A letter from the Assistant Secretary of the Navy, transmitting a revised report on the proposed realinement of the Naval Air Engineering Center, Philadelphia, Pa., pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

2549. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for a program of assistance to State and local library authorities, regional authorities and other public and private agencies and institutions for the support of demonstrations designed to encourage exemplary and innovative developments in the provision of library and information services, such as networking or cooperative arrangements; to the Committee on Education and Labor.

2550. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting copies of Presidential determinations exercising his authority under section 614(a) of the Foreign Assistance Act of 1961, as amended, (1) No. 74–21 to authorize assistance in clearing the Suez Canal, and (2) No. 74–22 to obligate fiscal year 1974 International Narcotics Control funds without regards to the requirements of section 102 of the Foreign Assistance and Related Programs Appropriations Act, 1974; to the Committee on Foreign Affairs.

2551. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a determination by the Acting Secretary of State that it is in the national interest not to transfer to the account established in the Treasury pursuant to section 7(c) and section 9 of the Fishermen's Protective Act of 1967, as amended, funds from the Foreign Assistance Act of 1961 programed for Ecuador and Peru, equal to the amounts paid to the owners of fishing vessels seized by those Governments, pursuant to 22 U.S.C. 1975(b); to the Committee on Merchant Marine and Fisheries.

2552. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRELINGHUYSEN: Committee on Foreign Affairs. Report on old problems—new relationships (Rept. No. 93–1195). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRELINGHUYSEN: Committee on Foreign Affairs. Report on Vietnam—changing crucible (Rept. No. 93–1196). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 15901. A bill to make eligible for annuities payable under section 4 of Public Law 92–425 (relating to the Armed Forces survivor benefit plan) persons who became widows during the 18-month period following the effective date of such law; to the Committee on Armed Services.

By Mr. BINGHAM (for himself and Mr. Carey of New York):

H.R. 15902. A bill to amend the Atomic Energy Act of 1954, as amended, to enable Congress to concur in or disapprove international agreements for cooperation in regard to certain nuclear technology; to the Joint Committee on Atomic Energy.

By Mr. BROOKS:

H.R. 15903. A bill to revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of Government employees, and for other purposes; to the Committee on Government Operations.

By Mr. HAWKINS:

H.R. 15904. A bill to amend the Economic Opportunity Act of 1964 to provide for demonstration projects to combat rural poverty, to restore community land grants, to promote rural community bilingualism, to revive rural Mexican-American culture, and for other purposes; to the Committee on Education and Labor.

By Mr. MACDONALD:

H.R. 15905. A bill to extend the Emergency Petroleum Allocation Act of 1973 until June 30, 1976, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself and Mr. Carey of New York):

H.R. 15906. A bill to establish the National Trust for the Preservation of Historic Ships; to the Committee on Merchant Marine and Fisheries.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, Mr. Hastings, Mr. Heinz, and Mr. Hudnut) (by request):

H.R. 15907. A bill to provide for the development of a national health policy and to assist and facilitate the development of necessary health care resources; to the Committee on Interstate and Foreign Commerce.

H.R. 15908. A bill to amend the Public Health Service Act to revise and extend programs of Federal assistance for health resources planning, and development, and to assist the States in relating the costs of health care; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 15909. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income certain amounts received by members of certain firefighting and rescue units; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON of California (for himself, Ms. Abzug, Mr. Badillo, Mr. Brown of California, Mrs. Burke of California, Mrs. Chisholm, Mr. Conyers, Mr. Edwards of California, Mr. Fraser, Mr. Long of Maryland, Mr. Moakley, Mr. Riegle, Mr. Rosenthal, Mr. Stark, Mr. Steelman, Mr. Stokes, and Mr. Yates):

H.R. 15910. A bill to amend title 10 of the United States Code in order to prohibit the exclusion, solely on the basis of sex, of women members of the Armed Forces from duty involving combat; to the Committee on Armed Services.

By Mr. HARRINGTON:

H. Res. 1231. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Intelligence Operations, and for other purposes; to the Committee on Rules.

H. Res. 1232. Resolution to authorize the Committee on Foreign Affairs to conduct an investigation and study of the operations of the Central Intelligence Agency; to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of rule XXII,

560. The SPEAKER presented a petition of Daniel Haley, Waddington, N.Y., and other democratic members of New York and California State Legislatures, relative to financing campaigns with public funds; to the Committee on House Administration.

SENATE—*Monday, July 15, 1974*

The Senate met at 12 o'clock noon and was called to order by Hon. Dick Clark, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

The saints are the sinners who keep on trying.—*Emerson.*

Eternal Father, to whom all hearts are open, and from whom no secrets are hid, in reverent mood and wistful spirit we pause to pray that Thou wouldst make us good enough and great enough for the time in which we serve. As the saints are the sinners who keep on trying, and the miracle of miracles is the sinner transformed by Thy grace into a saint, give us grace to strive for perfection, not in our own strength but in Thy strength. Cover our sins with Thy forgiveness and redeem our mistakes with the corrections of providence. Make us a better people in a better Nation laboring for the coming kingdom over which Thou dost rule with justice and love.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The legislative clerk read the following letter:

U.S. Senate
President pro tempore,
Washington, D.C., July 15, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Dick Clark, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. CLARK thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order entered on July 11, 1974, Mr. CANNON, from the Committee on Rules and Administration, on July 12, 1974, submitted a report on Senate Resolution 345, a resolution authorizing supplemental expenditures by the Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States, without amendment, which was ordered to be printed (Rept. No. 93–1010).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 11, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3203) to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes.

The message also announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 14215. An act to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act; and

H.R. 15427. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has affixed his signature to the following enrolled bills:

S. 724. An act for the relief of Marcos Rojos Rodriguez; and

S. 1803. An act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch.

HOUSE BILLS REFERRED

The following House bills were each read twice by their titles and referred as indicated:

H.R. 14215. An act to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act. Referred to the Committee on Labor and Public Welfare; and

H.R. 15427. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes. Referred to the Committee on Commerce.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

PRESIDENTIAL APPROVALS

A message from the President of the United States stated that on July 12, 1974, he had approved and signed the following acts and joint resolution:

S. 2137. An act to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act;

S. 3458. An act to continue domestic food assistance programs, and for other purposes; and

S.J. Res. 202. A joint resolution designating the premises occupied by the Chief of Naval Operations as the official residence of the Vice President, effective upon the termination of service of the incumbent Chief of Naval Operations.

EXECUTIVE MESSAGES REFERRED

As in executive session, the ACTING PRESIDENT pro tempore (Mr. CLARK) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN ITEMS ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 956.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ALEXANDER CHOQUETTE

The Senate proceeded to consider the bill (S. 2579) for the relief of Alexander Choquette, which had been reported from the Committee on the Judiciary with amendments on page 1, in line 4, strike out "Alexander Choquette" and insert in lieu thereof "David Alexander Choquette";

On page 1, at the beginning of line 8, strike out "citizens of the United States," and insert in lieu thereof "a citizen of the United States, and a lawfully resident alien of the United States, respectively," so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, David Alexander Choquette shall be classified as a child, within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed on his behalf by Mr. and Mrs. Don Frederick Choquette, a citizen of the United States, and a lawfully resident alien of the United States, respectively, pursuant to section 204 of that Act, except that section 204(c) of that Act, relating to the number of petitions which may be approved on behalf of children, shall not apply. The brothers and sisters of the said Alexander Choquette shall not, by virtue of that relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of David Alexander Choquette."

MISS CARMEN DIAZ

The Senate proceeded to consider the bill (S. 2749) for the relief of Miss Carmen Diaz which had been reported from the Committe on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act and section 21(e) of the Act of October 3, 1965, Miss Carmen Diaz shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to special immigrants as defined in section 101(a)(27)(A) of the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3647) to clarify existing authority for employment of White House Office and Executive residence personnel, and employment of personnel by the President in emergencies involving the national security and defense, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

REAPPOINTMENT OF DR. WILLIAM A. M. BURDEN AS CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 220) to provide for the reappointment of Dr. William A. M. Burden as citizen regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 220

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Doctor William A. M. Burden, of New York, New York, on July 2, 1974, be filled by the reappointment of the present incumbent for the statutory term of six years.

REAPPOINTMENT OF DR. CARYL P. HASKINS AS CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 221) to provide for the reappointment of Dr. Caryl P. Haskins as citizen regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 221

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Doctor Caryl P. Haskins of Washington, District of Columbia, on May 30, 1974, be filled by the reappointment of the present incumbent for the statutory term of six years.

APPOINTMENT OF DR. MURRAY GELL-MANN AS CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 222) to provide for the appointment of Dr. Murray Gell-Mann as citizen regent of the Board of Regents of the Smithsonian Institution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 222

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Doctor Crawford H. Greenewalt of Wilmington, Delaware, on May 30, 1974, be filled by the appointment of Doctor Murray Gell-Mann of California for the statutory term of six years.

SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The resolution (S. Res. 346) authorizing supplemental expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations was considered and agreed to, as follows:

Resolved, That Senate Resolution 245, Ninety-third Congress, agreed to March 1, 1974, is amended as follows:

In section 2, strike out the amount "$475,000" and insert in lieu thereof "$550,000".

SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON FINANCE

The resolution (S. Res. 350) authorizing supplemental expenditures by the Committee on Finance for inquiries and investigations was considered and agreed to, as follows:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Finance, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 28, 1975, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $30,000, of which amount not to exceed $18,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1975.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON GOVERNMENT OPERATIONS

The resolution (S. Res. 355) authorizing supplemental expenditures by the Committee on Government Operations for an inquiry and investigation relating to budget and accounting measures and operations was considered and agreed to, as follows:

Resolved, That S. Res. 269, Ninety-third Congress, agreed to March 1, 1974, is amended as follows:

(1) In section 3, strike out "$2,079,000" and in lieu thereof insert "$2,099,000".

(2) In section 7(a), strike out "$189,000" and in lieu thereof insert "$209,000".

(3) In section 10, strike out "$2,099,000" and in lieu thereof insert "$2,119,000".

PRINTING OF COMMITTEE PRINT "THE RECREATION IMPERATIVE"

The concurrent resolution (S. Con Res. 98) authorizing the printing of additional copies of the Senate committee print entitled "The Recreation Imperative", was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Interior and Insular Affairs five thousand additional copies of its committee print of the current session entitled "The Recreation Imperative—The National Outdoor Recreation Plan", a report to the President and the Congress by the Secretary of the Interior.

ADDITIONAL COPIES OF HEARINGS ENTITLED "STATE POSTSECONDARY EDUCATION COMMISSIONS"

The concurrent resolution (H. Con. Res. 445) authorizing additional copies of oversight hearings entitled "State Postsecondary Education Commissions" was considered and agreed to.

ADDITIONAL COPIES OF A REPORT ISSUED BY THE COMMITTEE ON FOREIGN AFFAIRS

The concurrent resolution (H. Con. Res. 474) authorizing the printing of additional copies of a report issued by the Committee on Foreign Affairs was considered and agreed to.

PRINTING OF REPORT ENTITLED "MATERIAL NEEDS AND THE ENVIRONMENT TODAY AND TOMORROW"

The Senate proceeded to consider the resolution (S. Res. 349) authorizing the printing of the report entitled "Material Needs and the Environment Today and Tomorrow" as a Senate document which had been reported from the Committee on Rules and Administration, with an amendment on page 1, in line 7, to strike out "one thousand five hundred" and insert in lieu thereof "nine hundred," so as to make the resolution read:

Resolved, That the final report of the National Commission on Materials Policy to the Congress of the United States (in compliance with section 201 of title II of Public Law 91-512) entitled "Material Needs and the Environment Today and Tomorrow" be printed with illustrations as a Senate document.

SEC. 2. There shall be printed *nine hundred* additional copies of such document for the use of the Committee on Public Works.

The amendment was agreed to.

The resolution, as amended, was agreed to.

BILL PASSED OVER

The bill (S. 1791) to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

The resolution (S. Res. 345) authorizing supplemental expenditures by the

Committee on Foreign Relations for a study of matters pertaining to the foreign policy of the United States was considered and agreed to, as follows:

> *Resolved,* That S. Res. 241, Ninety-third Congress, agreed to March 1, 1974, is amended as follows:
>
> (a) In section 2, strike out the amount "$708,800" and insert in lieu thereof "$851,800".

ORDER FOR CONSIDERATION OF H.R. 11537, CONSERVATION AND REHABILITATION PROGRAMS ON MILITARY RESERVATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the morning business the Senate turn to the consideration of Calendar No. 904, H.R. 11537, that it be laid before the Senate and made the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS PROXMIRE AND PASTORE TODAY

Mr. MANSFIELD. Mr. President, after the consideration of H.R. 11537, I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized out of order to proceed for not to exceed 15 minutes, and that he be followed by the distinguished Senator from Rhode Island (Mr. PASTORE) to proceed for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. And none of those will reflect on the time limitation on H.R. 11537, as agreed to.

I thank the distinguished Senator from Ohio.

INFLATION

Mr. MANSFIELD. Mr. President, on May 30 of this year, I raised the question of inflation, what it meant to the people of this country and what was not being done by either Congress or the administration to cope with it. On June 7, I introduced a bill called the Wage Adjustment Act of 1974. On July 9, I again brought up the subject of inflation after the initiative was undertaken by the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, Jr.). On that date, I had the following to say:

> Before the Senate convened this morning, I made a suggestion, in response to a question, that it might be well if the President would give some consideration to calling a White House conference which would include the joint leadership in both Houses, which would include the chairman and ranking minority members from the appropriate committees, which would include administration personnel, and which would bring in labor and industry and other necessary sectors of the private economy to consider this problem at this time.
>
> I do not know whether or not it is feasible at the moment, but I do know that something should be done to face up to this problem, and to do so now.

On July 10, a joint leadership meeting was held at the White House to hear a report by the Secretary of State, Dr. Henry Kissinger, and President Nixon on the results of their visits to the Middle East, Western Europe and the Summit Conference in Moscow. Before the meeting got underway, I mentioned privately to the President that I had made a speech the day before in the Senate, at which time I suggested the possibility of a full-fledged, high-level White House meeting to consider the problem of inflation. He indicated his interest but, before we could go any further, the meeting got underway.

On July 10, I wrote a letter to the President of the United States and, under date of July 11, I received a reply from the Honorable William E. Timmons, Assistant to the President.

Under date of July 13, I received a letter from the Honorable Herbert Stein, Chairman of the Council of Economic Advisers, in response to remarks which I made about inflation and, incidentally, Mr. Stein, in the CONGRESSIONAL RECORD of July 9, 1974. He has a point.

There is not much more to add to this, except to state again that up to this date, nothing has been done by either Congress or the executive branch to cope with this problem. It is true that on Thursday last, the President met with his top economic advisers and leading businessmen and economists from outside the Government. Nothing came out of this meeting that I am aware of which gave hope to the American people or which indicated the initiating of any measures to cope with inflation.

Many economists do not believe there will be any improvement in the price situation during the rest of 1974. They indicate that the root of today's inflation goes back to Vietnam deficits during boom times, and I agree. They seem to think that traditional remedies, if any are in operation, are not enough at a time like this. They do indicate that they think there is a possibility of a recession and some even raise the specter of a depression somewhat similar to the 1930's. In my opinion, the Government cannot allow a recession, let alone a depression, to take place.

It would be my suggestion, Mr. President, that the Senate give serious consideration to the restoration of Regulation W which restrained consumer credit by forcing more rapid repayment of an installment debt. This would discourage buying and the continued repayment of debt already incurred will feed money into capital markets and help to depress the extraordinarily high interest rates.

I would suggest also that the administration, which I believe has the standby authority, consider the reimposition of price and wage controls based on phase II. If it is necessary to increase taxes, I would hope the administration would come forward with its proposals. If it is considered advisable to decrease taxes, I would hope they could be compensated for through closing various loopholes in the present tax structure.

Congress or, at least, the Senate still has plenty of time to take up legislation covering inflation if it would only do so, because there will be no month's vacation in August of this year and we will have the time, if we have the will, to see what we can do in cooperation with the President to deflate inflation before it gets entirely out of hand.

Summing up, Mr. President, the facts of life on inflation are as follows: Interest rates are up to 12 percent; unemployment is up to 5.2 percent; the stock market is down; production is down 6 percent under what it was last year; wages are lagging behind prices. As I have said before, if the present rate of inflation continues, we will have to earn twice as much in less than 10 years as we are earning today to break even at the end of that period.

I would like to suggest to the appropriate committees of the Senate that they give legislative proposals dealing with inflation a priority status so that the Senate will be able to consider any suggestions of that nature as expeditiously as possible. I hope, also, that the President will give consideration to a White House Conference at the earliest possible date and along the lines of my suggestions in my letter of July 10, at the earliest possible convenience.

Mr. President, on the front page of today's Star appears an article by Lee M. Cohn, with the captain "Big Bust or Just Stagnation?" from which I quote the following:

> Business, squeezed for credit, curtails expansion and production.
>
> Profits shrink, the stock market sags and bankruptcies spread.
>
> Economic growth plods along at the brink of recession.
>
> Unemployment rises by a million or more above normal levels.
>
> Prices surge at triple the pace that used to be called "creeping inflation."
>
> That's an *optimistic* forecast of the U.S. economy's performance in the next few years.
>
> Quite possibly too optimistic, say a growing number of economists, bankers and businessmen, and even some government officials. They warn that the United States and the world may face a severe recession, with production dropping sharply, unemployment rising to post-Depression peaks, the financial system tottering, and inflation galloping almost out of control.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all the matters to which I have referred to be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 10, 1974.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: You may recall that prior to your meeting with the Joint Leadership getting under way this morning, I mentioned to you that I had made a statement in the Senate on yesterday, suggesting a White House Conference to consider the pressing problem of inflation.

I indicated that I thought it should be called on your initiative and that it should include the Joint Leadership of the Congress, as well as the chairmen and ranking minority members of the appropriate committees, also your economic consultants and segments of the private sector, including labor, industry and agriculture.

You indicated that you would be interested in a meeting of this kind, though you made no commitment whatsoever. May I say that I appreciate your interest in what I suggested and, in furtherance of that, I am enclosing tear sheets out of the *Congressional Record* which you may find of interest in your consideration of such a Conference.

May I say that I enjoyed the meeting in the Cabinet Room this morning. I thought it was very substantive, very hopeful, very worthwhile, and I think that was the reaction of all the others attendance, as well.

Again, thanking you for whatever consideration you can give to my suggestion, and with best personal wishes, I am

Respectfully yours,

Mike Mansfield.

The White House,
Washington, D.C., July 11, 1974.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Mike: Thank you for your July 10th letter to the President concerning your suggestion for a White House Conference to consider the pressing problem of inflation.

Be assured that I will bring your letter to the President's early attention, and will also share it with appropriate White House staff members. Your suggestion will receive careful study and consideration.

With best regards,

Sincerely,

William E. Timmons,
Assistant to the President.

Chairman of the
Council of Economic Advisers,
Washington, D.C., July 13, 1974.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: I have read with dismay your remarks about inflation, and incidentally about me, in the Congressional Record of July 9. I regret that you did not see fit to put in the record any direct quotation of my remarks along with the numerous distortions by the press that you did put in the record. I enclose a summarized and excerpted version of my remarks, which I wrote in the hope, that the Washington Post would have sufficient conscience to print them.

The "old time religion" does not call only for prayer, although prayer would help more to stop the inflation than do many of the other things that go on in Washington. I think that everyone knows what the old-time religion means. It means that the Government should print less money, spend less money and not cut taxes unless it also cuts spending. It means that we must not promise the people something for nothing. I would hope to see you in the pulpit preaching the old time religion.

Respectfully yours,

Herbert Stein.

"Inflation at the White House"

For twenty years most countries have been experiencing rapid inflation. Inflation has not been confined to a particular party or particular country, and in looking for its causes we must look beyond the peculiarities of one party in one country. Contrary to the impression given by your editorial "Inflation at the House House" (July 9, 1974) my discussion of the role of the public in causing inflation was not intended to excuse Mr. Nixon's Administration any more than it excuses Mr. Johnson's, or Mr. Tanaka's, or Mr. Trudeau's or Mr. Heath's or Mr. Wilson's or Mr. Pompidou's etc. My point is a simple one. We have inflation around the world because governments have not followed sufficiently austere policies with respect to government spending, taxing and monetary expansion. One reason, probably the main reason, for this is that such measures are disliked and resisted by the public, and governments respond to such public attitudes.

Your editorial makes much of the fact that the Nixon Administration has favored lower rather than higher taxes. That misses the point in two respects. First, what is required is fiscal and monetary restraint, which doesn't involve higher taxes if expenditures are held down enough. Second, I am not trying to describe the Nixon Administration as heroic in contrast to all other Administrations but to explain the common conditions under which governments work.

The following are excerpts from my interview on Face the Nation, July 7:

Stein. ". . . the American people have to decide, do they want to go on with an accelerating, with a speeding-up inflation, up to a point where they obviously will not want to continue, or do they want to stop it?"

Interviewer. "Well, Mr. Stein, are you saying that the American public is responsible for this inflation? It's their fault?"

Stein. "Well, I think in a basic sense this is true, because government policy operates within the limits of what the American people want and will tolerate. And I think that we've reached a point—I think the critical point in the past—well, we've had several critical points. In the early days of this inflation, in 1965 to 1968, it was considered that the American people would not stand for a tax increase, even though we were increasing government expenditures very much. So the government then in power, responding to what it thought the American people wanted from them, deferred action to raise taxes, which might have slowed down inflation, for about three years. Now this doesn't mean that the American people were voting explicitly for inflation, but being so reluctant to have a tax increase, they created the conditions."

"And we had a similar thing in 1971, when we felt—and I think if you'd looked around the country then—that there was great impatience with the slack in the economy, with the rate of unemployment, with the circumstances which were working to slow down the inflation."

Interviewer. "Well, are you recommending then that people not buy a new car, that they not buy a vacation, that they not spend higher prices for an item that they'd planned to buy, in order to curb inflation?"

Stein. "Well, I don't really have very much confidence in that kind of thing; that is, I think that people should manage their own affairs in the light of what they think is best for them, and that it is the responsibility of the government to create conditions in which their decisions add up to a policy that is best for the stability of the economy. So I'm not one to go around preaching to people about how they should manage their lives for the sake of the national economy. I think, on the other hand, we as a government should not be putting five or ten billion dollars more money into their hands by tax reduction, which they will just go out and spend and bid up the prices of things."

Interviewer. "Is part of economics then scaling down the peoples' expectations? Or the rate of speed of their growth of expectations?"

Stein. "A part of economics which is very important in a democratic society, as the society becomes increasingly democratic in its operation, is that people should understand the limits to what they can demand of the system, and if they demand more of the system than it is capable of producing, and get the government to pump out money to them in an effort to permit them to meet these demands, we will have endless inflation, and that is just what is causing the inflation around the world today."

Interviewer. "Dr. Paul McCracken, who was your predecessor in the Council, said recently after a meeting of economists talking about the world inflationary picture that it stemmed in the western nations at least from the weaknesses of their governments in not being able to successfully resist the pressures of the people. Is that an accurate study?"

Stein. "Well, I don't think we expect democratic governments to resist the pressures of their people. We expect that democratic governments should respond to the desires of the people, but should also educate the people, and that's what we have to go through now—I mean, military dictatorships can resist the pressures of their people—they have no inflation by and large, at least no open inflation. We have a more difficult problem."

Herbert Stein.

July 9, 1974.

[From the Congressional Record, June 7, 1974]

By Mr. Mansfield:

S. 3600. A bill to stabilize the economy and mitigate the effects of inflation by providing for minimum annual increases in wages. Referred to the Committees on Banking, Housing and Urban Affairs and Labor and Public Welfare, by unanimous consent.

THE WAGE ADJUSTMENT ACT OF 1974

Mr. Mansfield. Mr. President, I introduce a bill entitled "The Wage Adjustment Act of 1974" and ask unanimous consent that it be referred simultaneously to the Committee on Banking, Housing and Urban Affairs and the Committee on Labor and Public Welfare.

The Presiding Officer. Without objection, it is so ordered.

Mr. Mansfield. Last week, Mr. President, on the Senate floor, I reminded the Senate of what every Senator knows only too well—that the No. 1 economic problem confronting this Nation and the world today is inflation. In Europe and Asia national inflation rates run from 15 to 30 percent. In the United States the most recent monthly inflation rate is 12.4 percent. For the first quarter of this year the inflation rate was 14.2 percent. For the most recent 12-month period the rate is 10.2 percent. Production in this country is declining at an annual rate of 6 percent. Wages are lagging behind prices for the 13th consecutive month. Workers' families have approximately 6 percent less to spend than a year ago. The stock market is in a steady decline. The interest rates are at record highs. As I said last week, if the present trend continues Americans will have to make twice what they are making today in 1980 just to keep even. But there are no solutions forthcoming.

I think it is time to put a primary focus on this most severe problem. I do hope, however, that it will provide a vehicle upon which a national dialog can commence so that this most pervasive national problem can be given the attention at the highest levels that it so rightly deserves.

The bill I have introduced today would require every employer whose employees are presently covered by the social security laws to give that employee a cost-of-living increase each year comparable to the Government-determined inflation rate for the previous 12 months. Presently there are approximately 5.4 million organized workers who have contract provisions for a cost-of-living increase. However, there are 85 million other workers in the United States and they, too, are affected by inflation. It was through the social security definition that I felt we could reach the work force we hope to cover.

At present these is a cost-of-living increase for social security beneficiaries and Government pensioners. Provisions of this bill would also include a cost-of-living increase and adjustment in the minimum wage.

I had contemplated including a similar indexing and cost-of-living increase in U.S. Government savings bonds and Government securities. I think that this would be a mechanism whereby there would be an inflation-free return of principal on these Government securities. It was my thought that this feature would provide a source of investment for private pension funds or other people who would rely upon the fixed income to have a similar compensation for an inflationary rate. However, I think such a provision would under the existing climate offer such an attractive investment that it would dry up the already almost non-existent available funds in the marketplace and add to our economic woes rather than solve them. I believe it is almost impossible now to get mortgage money and as a result homebuilding is grinding to a halt and aggravating the economic ills of this country.

For this reason, I deferred inclusion of such a provision in this bill.

There have been other bills introduced. Senater Buckley has introduced a bill which would adjust the tax rate to compensate for a rise in inflation thereby providing a comparable spending income to those who pay taxes. I think that that approach should be considered along with this particular approach so that our energies can be devoted to this most serious and potentially disastrous nation and worldwide problem. I am hopeful that the appropriate committees—Banking, Housing and Urban Affairs, the Labor Committee, and perhaps the Joint Economic Committee—can give this proposal immediate consideration and hopefully it can provide the vehicle for a most needed national dialog.

In conclusion, Mr. President, may I say that the bill I am introducing today is not offered as a panacea, but only as a base from which other thinking can develop and, perhaps, some cures for inflation found.

I ask unanimous consent that the text of the bill and the statement I made in the Senate on May 30 be inserted at the conclusion of my remarks.

There being no objection, the text of the bill and the statement were ordered to be printed in the Record, as follows:

S. 3600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the "Wages Adjustment Act".

ANNUAL WAGE INCREASE

Sec. 2. Each employer shall increase the wages of each individual employed by him not less frequently than annually by a percentage at least equal to the percentage by which the price index for the most recently ended calendar year exceeds the price index for the base period. Each employer shall increase the minimum rate of pay for each position in which a vacancy occurs at the same time and in the same amount as that rate of pay would have been increased if no vacancy had occurred in that position.

(b) Notwithstanding any other provision of law, as soon after the close of each calendar year as the necessary data becomes available from the Bureau of Labor Statistics of the Department of Labor, the President shall increase the rates of pay set forth in subchapter II and subchapter III of chapter 54 of title 5, United States Code, and in any other law of the United States other than section 102 of title 3, United States Code, by the percentage by which the price index for the most recently ended calendar year exceeds the price index for the base period. Each amount increased under this subsection shall be the amount in effect under such subchapter or other law until the rate is changed under this section or otherwise increased.

(c) For purposes of this section the term—

(1) "base period" means the calendar year 1973;

(2) "price index" means the average over the base period or over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics of the Department of Labor;

(3) "employer" means any person engaged in activity in or affecting interstate commerce and liable for the payment of the tax imposed under section 3111 of the Internal Revenue Code of 1954 (relating to rate of tax on employers) or who would be liable for such tax if no provision of paragraphs (1) through (19) of section 3121(b) of such Code (relating to definition of employment) applied to him; and

(4) "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash.

OTHER ADJUSTMENTS

Sec. 3. The President shall issue such rules and regulations as may be necessary—

(1) to provide for the passthrough of cost increases incurred by any person who is subject to any maximum limitation on prices or other similar transfers in complying with the provisions of section 2; and

(2) to provide for the effective administration and enforcement of this Act.

ADJUSTMENT IN THE MINIMUM WAGE

Sec. 4. In addition to any other increase in the minimum wage under section 6 of the Fair Labor Standards Act of 1938 provided for by law, the President shall annually issue an order effective January 1 of each year increasing the minimum wage by the same percentage by which wages are increased under section 2, rounded to the next highest multiple of 5 cents.

WAGE AND SALARY CONTROLS

Sec. 5. If the President or any other officer of the Federal Government, acting pursuant to authority under an Act of Congress, issues an order or regulation stabilizing wages in the private sector, he shall include in such order or regulation a provision whereby the stabilized wage levels shall be subject to periodic adjustments to reflect changes in the cost of living as required by section 2.

INJUNCTIONS

Sec. 6. Whenever it appears to the President that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any order or regulation under this Act, he may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any such order or regulation.

SUITS FOR DAMAGES OR OTHER RELIEF

Sec. 7. (a) Any person suffering legal wrong because of any act or practice arising out of violation of this Act, or any order or regulation issued pursuant thereto, may bring an action in any district court of the United States, without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment, writ of injunction, or damages.

(b) In any action brought under subsection (a) against any employer who is found to have failed to increase the plaintiff's wage under section 2, the court may, in its discretion, award the plaintiff reasonable attorney's fees and costs, plus whichever of the following sums is greater:

(1) an amount not more than three times the amount of the increase upon which the action is based, or

(2) not less than $100 or more than $1,000; except that in any case where the defendant establishes that his action was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to the avoidance of such error the liability of the defendant shall be limited to the amount of the increase.

Inflation

"Mr. Mansfield. Mr. President, inflation is the No. 1 economic problem confronting this Nation and the world today.

"Inflation was not caused by Watergate; it is worldwide.

"Offhand, the inflation figures for the United Kingdom, as I recall them, is around 15 percent; France, 18 percent; Denmark, 26 to 30 percent; Japan, around 25 percent, and so forth.

"In the United States:

"Inflation is around 12 percent;

"Production is declining around 6 percent;

"Wages are lagging behind prices for the 13th consecutive months;

"Workers families have approximately 6 percent less to spend than a year ago;

"The stock market is down;

"Prime interest rates are up to 1¾ percent.

"If present trends continue, we will have to make twice as much in 1980 as we are making today, just to keep even.

"What are we doing about the situation? The answer is nothing.

"That applies to Congress and the executive branch of the Government.

"What is the answer? I do not know definitively but I believe consideration should be given to a proposal known as indexing. It would provide for annual adjustments to reflect increases in the cost of living. The basis for adjustments would be the cost of living index.

"It has been estimated that taking all social security payments into consideration, about 50 million Americans have incomes directly tied to the Consumer Price Index; and the increases are automatic as the cost of living goes up.

"Add wage escalator agreements in union contracts now in being and they cover, as I understand it, around 5 million workers. Furthermore, almost every new wage agreement covers this particular escalator clause at the present time. Add Government pensioners, both civilian and military, and that must include several million more who are "indexed."

"Will it stop inflation? I do not know, but it will at least allow millions to keep even. If we cannot stop or reduce inflation—and the Government, the administration and the Congress, are unwilling to do so—then let us try this proposal and at least endeavor to keep even.

"It is my intention, Mr. President, some time next week, to introduce legislation seeking to establish an index on wages and salaries so that something at least can be attempted to bring about a halt or at least an alleviation to the high cost of living which is rampant throughout the Nation and throughout the world today.

"Mr. Allen. Mr. President, will the Senator yield to me after the distinguished minority leader has spoken?

"Mr. Mansfield. I will be glad to yield now, on my time.

"Mr. Allen. I thank the Senator very much.

"I should like to ask the distinguished majority leader if it would not also be helpful in the battle against inflation to balance the Federal budget?

"Mr. Mansfield. It certainly would.

"Mr. Allen. Are any efforts being made in that regard by the Congress?

"Mr. Mansfield. By neither the Congress nor the administration. We are both to blame, I think, in large part, for the fix in which we find ourselves today.

"The only stabilizing element is, in my opinion, the Federal Reserve Bank where Arthur Burns is trying to do a job and has been a Cassandra for months trying to warn us that something must be done before the economic condition of the country breaks down and becomes more horrible than it is now.

"Mr. ALLEN. Does the Senator think there is any possibility of balancing the Federal budget for the next fiscal year, starting in July?

"Mr. MANSFIELD. I would not say. That would be up to Congress and the administration.

"It would point out, so far as Congress is concerned, in the first 4 years of the present administration, if my memory serves me correctly, that we reduced the requests of the President by about $22 billion to $23 billion. During that period, the deficit was increasing, conservatively speaking, by $100 billion. The House just the other day, by a one-vote margin, passed a substantial increase in the debt limit, which is now approaching the $500 billion mark."

[From the CONGRESSIONAL RECORD, July 9, 1974]

INFLATION

Mr. MANSFIELD. Mr. President, I have listened with interest to what the distinguished senior Senator from Virginia had to say, and I think he has touched on a point which is of interest to all the American people.

The Senator referred to statements recently made on the economy as being either amusing or aggravating. I would go much farther. I think the statements are tragic, because they offer no hope to the American people who are in dire economic straits at the present time.

How long can this country stand two-digit inflation? What is being done by Congress or the administration to face up to this No. 1 issue, this No. 1 problem? In all candor, I would have to say nothing.

What confronts us today? Inflation is around 12 percent. Interest rates yesterday went over 12 percent. Unemployment is up from 5.1 percent to 5.2 percent in the past month or so. New labor contracts are now being considered, and the increases will be quite hefty before those contracts are agreed to.

And may I say I find no fault with labor, because for the past 2 or 3 years it has been acting responsibly. But I do find fault with people who say that the American "public" is to blame for the inflationary difficulties which confront us at the present time. I do find fault, when that same individual several months ago said that what this country needs is a "recession." I do find fault when all we get is the pious invocation that we should return "to the old-time religion."

What does that mean? That we should just pray, and prayer will do away with inflation? The good Lord expects us to help ourselves.

I do not think prayer alone will do the job. Look at the stock market. And I do not own a share of stock. It went down to its lowest point yesterday—around 760 or 770, I believe—in several years. And the trend is downward.

What about production? This year it is 6 percent under what it was last year. And what about wages? For the 14th consecutive month, they have been lagging behind prices.

Mr. President, if inflation goes on at the present rate, we will have to earn twice as much as we are earning today to break even in 1982.

I have advanced a proposal which may or may not have merit. As a matter of fact, I have introduced legislation which has been referred to the Committee on Banking and Currency, and also to the Committee on Labor and Public Welfare, and I hope will be considered by the Joint Economic Committee as well.

The PRESIDING OFFICER. The 5 minutes of the Seantor has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I will yield my 5 minutes to the majority leader.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MANSFIELD. I do not know whether the so-called Brazilian Index Plan, which has been receiving a good deal of publicity lately, is the answer. Personally, I doubt it is the whole answer. In the first place, it is not a Brazilian Index Plan, it is an American Index Plan, which is applicable to one-third of the labor contracts which have been entered into over the past 5-year period. And, mark my words, it will very likely be in all or most of the labor contracts agreed to from now on.

What does it do? It ties a cost of living escalator clause to the contract, so that when a certain increase in the cost of living occurs, automatically the compensation of the wage earner is increased roughly to that extent.

Is it something new? Not really, because military retirees, Government civil service retirees, and social security retirees get an increase in their retirement based on the cost of living every time it reaches 3 percent or more. So there is some protection there.

But what about the people on private pensions, who do not have that guarantee? What about the working people who are not tied to unions, and therefore do not receive that kind of protection? What about the great majority of the American people? How can they cope with the cost of living being what it is today?

Before the Senate convened this morning, I made a suggestion, in response to a question, that it might be well if the President would give some consideration to calling a White House conference, which would include the joint leadership in both Houses, which would include the chairman and ranking minority members from the appropriate committees, which would include administration personnel, and which would bring in labor and industry and other necessary sectors of the private economy to consider this problem at this time.

I do not know whether or not it is feasible at the moment, but I do know that something should be done to face up to this problem, and to do so now.

The solution is not going to come about simply through a $5 billion or $10 billion decrease in the Federal budget. It goes far beyond that. It has not been caused by Watergate and related matters. There is no connection whatsoever. This is a worldwide phenomenon.

We have worldwide inflation, if I correctly remember a chart I saw earlier this week, ranging from 705 percent in Chile down to about 30 percent in Japan, to 22 percent in Mexico, to 18 percent in France, to 14 to 15 percent in the United Kingdom, to 10.7 percent in Canada, and to approximately, on an average, I would say, between 11 and 12 percent in this country—closer to 12 percent.

Frankly, I think it is up to the administration and Congress—and neither one is without blame, is to face up to this problem to see if something cannot be done, and to get away from saying it is the fault of the public; to get away from saying that what we need is a recession; to get away from saying that what we need is a return to the old time religion. In respect to the latter an old saying comes to mind: "The Lord helps those who help themselves."

What we need to do is to face up to a practical fact. Let me say, Mr. President, that every one of us, when we go home, is being confronted with the question: "What are you doing about inflation?" And none of us can, in good conscience, say that we are doing anything.

Mr. President, I ask that the entire article in the Star be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

EXHIBIT 1

[From the Washington Star-News]

BIG BUST OR JUST STAGNATION?

(By Lee M. Cohn)

Business, squeezed for credit, curtails expansion and production.

Profits shrink, the stock market sags and bankruptcies spread.

Economic growth plods along at the brink of recession.

Unemployment rises by a million or more above normal levels.

Prices surge at triple the pace that used to be called "creeping inflation."

That's an optimistic forecast of the U.S. economy's performance in the next few years.

Quite possibly too optimistic, say a growing number of economists, bankers and businessmen, and even some government officials. They warn that the United States and the world may face a severe recession, with production dropping sharply, unemployment rising to post-Depression peaks, the financial system tottering, and inflation galloping almost out of control.

Few if any established analysts predict a depression like the disaster of the 1930s. But hardly any absolutely exclude the possibility of the worst economic bust since then—a true depression, not just the kind of recession Americans have learned to live with.

Interviews and public statements disclose that many of the people who run the economy and the experts who analyze it are more worried, even frightened, about the outlook than at any time in the postwar era. Anxiety is shaking the confidence of the general public, too, which could weaken the economy further.

No one with sound credentials had talked seriously about financial collapse and depression for decades. Now knowledgeable people are quoting odds.

"The more I think about it, the more vivid it becomes," Arthur M. Okun of the Brookings Institution says. Okun, who was chairman of the Council of Economic Advisers in the Johnson administration, estimates that "the odds on the worst horror stories are no more than one in 20."

While "the likelihood of a bust is not very strong," he says, "it's not a scenario you can laugh at any more."

Robert V. Roosa, partner in Brown Brothers Harriman & Co., a leading Wall Street banking firm, puts the odds at one in five. Roosa, undersecretary of the Treasury for monetary affairs in the Kennedy and Johnson administrations, adds grimly:

"In a tough world, you've got to choose what you think is the most probable course and accept the risks of acting on that judgment. That means I'm going to act on the four chances in five that the worst won't occur."

Alan Greenspan, a conservative business economist who has been asked by the Nixon administration to head the Council of Economic Advisers, says he sees "very major potential dangers, but we are so far outside the realm of historical experience that I don't know how to assess the probabilities.

"Take all this talk of a depression and social breakdown and the other horror stories. I can't present any solid reasons why these frightening scenarios cannot happen, which means they possibly could happen. This is the first time I've felt that way since the start of my professional career."

Milton Friedman of the University of Chicago, a leading conservative economist, predicts that "there won't be a major financial collapse." Many financial institutions are "vulnerable" and some are "technically insolvent," he says, but "the government will bail them out."

"I would let them go bust," he says grumpily, predicting that government rescue operations will aggravate inflation and cause other problems worse than a few financial failures.

Rather than worrying about a bust, **Friedman** says, "my long-run concern is that we're heading toward stagnation (with) sharply reduced economic growth rates. The comparison is very close with what has been happening in England over the last 10 or 20 years."

Greenspan and Nathaniel Goldfinger, research director of the AFL–CIO, also say that, even if the United States avoids a depression, the economy shows ominous signs of catching what Greenspan called "the English disease."

While suffering no severe recessions, Britain since World War II has lost its economic vitality. Investment and efficiency have lagged, the country's competitive position has eroded and growth has been chronically sluggish. Analysts blame "stop-go" policies, which alternately pump up the economy and subdue it with austerity measures.

Paul A. Samuelson of the Massachusetts Institute of Technology, the liberal who won the first Nobel Prize in economics, warns that the United States and other industrial countries may face years of "stagflation"—an unhappy combination of subpar economic growth and inflation rates substantially above past norms.

Nixon administration officials scoff at depression talk—with some exceptions. Surprisingly, however, many of them paint a picture of prolonged sluggishness in the economy, with persistent high rates of inflation.

They use brighter adjectives than Greenspan, Friedman and Samuelson, but the basic forecasts are almost as bleak.

Treasury Secretary William E. Simon acknowledges that it is possible to write a scenario depicting a deep recession, but said "the probability of that is so low that I'm not considering it."

He proceeds to describe the path he hopes the economy will follow for several years—restrictive budget and monetary policies, economic growth below the long-term trend, a shift from consumption to saving, production below capacity, labor markets that are not too "tight."

Herbert Stein, chairman of the Council of Economic Advisers, says the economy must be held below its "highest possible track," operating with "some degree of slack," for three or four years.

Other key officials, talking less obliquely, acknowledge that the administration expects and is aiming for an austere period of several years during which business activity is subdued and jobs are somewhat hard to find.

With luck, a recession can be avoided, these sources say. But they contend that a mild slump must be risked.

Only by holding down the economy can the United States reduce inflation and prevent an accelerating price spiral, officials maintain. Even with this kind of restraint, they admit, progress in curbing inflation will be painfully slow.

IT'S NOT A SCENARIO YOU CAN LAUGH AT ANY MORE

Not all government officials are as emphatic as Simon in ruling out financial and economic trouble more serious than the United States has experienced since the 1930s.

Sidney L. Jones, deputy White House economic counselor, says he expects slow growth, not a sharp economic decline, but he admits:

"I've learned never to say never . . . You can paste all these things together and come up with a dour scenario . . . I can't deny that monumental financial difficulties could occur (but) I think it will take something a lot more fundamental than just some financial tensions on the periphery for the real economy to collapse.

Federal Reserve Chairman Arthur F. Burns warns that "hopes for the future of our economy have been shaken by the debilitating effects of inflation." Unless the price spiral is checked, he says, it could bring "mass unemployment."

Besides the financial and economic dislocations caused by inflation, he says, its continuation near current rates "would threaten the very foundation of our society (and could lead to) a significant decline of economic and political freedom for the American people."

President Nixon promised in January that "there will be no recession" in 1974, and administration officials cite current data indicating that the immediate threat of a recession probably has passed. They also predict confidently that the inflation rate will be lower at the end of this year than it is now.

Many independent economists concur. But they note that the administration is claiming less than its public statements imply.

The economy can avoid a recession this year and still bog down. Prices, while rising more slowly than now, still can surge at rates that used to be considered intolerable.

That is what most economists expect through the balance of this year. Furthermore, they fear that the economy will not improve much—and may deteriorate—beyond 1974.

Whether or not the administration's predictions for 1974 come true literally, knowledgeable analysts are more worried about erosion of the economy's strength and stability over the longer run.

The broadest measure of the economy's performance is "real" gross national product—total output of goods and services in terms of quantity, as distinct from the inflated dollar value.

Real GNP declined at an annual rate of 6.3 percent in the January-March quarter. This was the first decrease since 1970 and the sharpest drop since 1958.

Another decline in the April-June quarter probably would have put 1974 into the record books as a recession year. Although there is no rigid formula, a recession is defined conventionally as a decline of real GNP in two or more consecutive quarters.

Preliminary figures indicate that real GNP probably increased very slightly in the second quarter. If this expectation is confirmed, Nixon apparently has escaped the blot of a second recession in his administration, at least for the time being.

But a vigorous recovery is not expected, and there is a risk of another decline late this year or in 1975.

As usual, the administration's forecast is more optimistic than many, but still it is bleak. The administration started the year predicting that real GNP would rebound at an annual rate of more than 4 percent in the second half. Stein has scaled the forecast down to 3 or 4 percent, and now concedes growth may fall below that pace.

Date Resources, Inc., a leading forecasting firm also is relatively optimistic, in a very hesitant way, about the short-run outlook.

DRI predicts real GNP will advance at annual rates of 3.5 percent in the third quarter and 4.1 percent in the fourth. Acknowledging its uncertainty, the firm also has issued an alternative forecast with gains of 3.2 and 3.3 percent.

Another major forecasting service at the University of Pennsylvania's Wharton School, predicts smaller increases of 2.4 percent in the third quarter and 2.7 percent in the fourth.

Walter W. Heller, chairman of the Council of Economic Advisers in the Kennedy administration, predicts an approximately flat path for output in the second half. Some other economists predict declines.

More significant than what happens through the rest of 1974 is the outlook for sluggish growth, at best, in the next few years. There is broad agreement that output will increase by significantly less than this country's long-term trend of about 4 percent a year.

A PICTURE OF PROLONGED SLUGGISHNESS IN THE ECONOMY

With population and the labor force expanding, that means living standards will advance only slowly, factories will operate below capacity and unemployment rates will remain above normal levels.

The Wharton service predicts output will increase at annual rates of 2.1 percent in the first quarter of next year, 1.8 percent in the second quarter, 2.7. percent in the third quarter and 3.7 percent in the fourth quarter.

DRI, in the optimistic version of its forecast, predicts gains averaging 3.7 percent next year. Its hedge forecast is 2.6 percent.

Although the administration refuses to be pinned down on 1975 and later, officials say the fight against inflation will require years of "slack" in the economy. Less euphemistically, that probably means maximum output gains of 3 percent annually and unemployment between 5 and 6 percent of the labor force.

The traditional target for the unemployment rate is 4 percent, but some economists believe the practical minimum is 4.5 to 5 percent. The average rate since World War II has been 4.7 percent. Unemployment was at 5.2 percent last month and is expected to rise to 5.8 or 6 percent later this year.

Each percentage point in the rate represents more than 900,000 jobless workers.

Forecasts of sluggish economic growth and unemployment moderately above normal are at the optimistic end of the range. When pessimists ponder the threat of a recession, or worse, this is what they are talking about:

In the recession of 1957–58, the most severe setback since World War II, real GNP declined 3.5 percent. The unemployment rate rose to 7.5 percent. The post war peak of unemployment, 7.9 percent, was reached during the recession of 1948–49, which by most other measures was milder than the 1957–58 slump.

The depression of the 1930s, the worst economic calamity in history, struck with two blows separated by a weak recovery.

Real GNP plummeted by 30.5 percent in the second phase, from 1937 to 1938.

Unemployment soared to 24.9 percent in 1933. That represented 12,830,000 jobless workers in a labor force much smaller than now. The unemployment rate was 19 percent and the number of jobless workers was 10,366,000 in 1938.

No one expects another disaster of that magnitude. But there can be no guarantee against an economic downturn so much more severe and prolonged than the postwar recessions that it would be recorded as a depression.

Even with subdued economic growth, which is supposed to curb inflation, rapid price increases are expected. The administration hopes to allow consumer price increases to an annual rate of 7 percent by the end of this year, but officials concede privately that 8 to 9 percent may be more realistic.

Although that would be an improvement from the inflation rate 12:30 percent so far this year, by any other standard it would be a miserable performance for the U.S. economy.

Until the start of the current inflation surge last year, when consumer prices rose 8.8 percent, the biggest increase since the post-World War II bulge had been 6.1 percent, in 1969. A normal annual rise through most of the 1950s and the early 1960s was less than 2 percent.

Economists wrung their hands about the dangers of "creeping inflation" at 2 or 2.5 percent a year.

If the inflation rate can be trimmed to 7 or 8 percent late this year, further reductions will be difficult and will come slowly, Stein

> and other officials admit. Stein estimates "hard-core" inflation at about 7 percent.
>
> Many economists fear that the slight abatement of inflation foreseen for the end by 1974 will be only a brief respite, followed by escalation to new record rates.
>
> Galloping inflation, they warn, could collapse the financial system and so bring down the economy.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. HUGH SCOTT. Mr. President, a father and a son once stood in a cathedral and the father said to the son, "Why do you suppose the saints are there in the stained glass windows?" The son replied, "Well, of course, they are there to let the light come through."

We sinners, seeking for a touch of sainthood, perhaps ought to find ways to let the light come through on this especially difficult problem that the distinguished majority leader has raised.

I think he is correct in saying it is the responsibility of both the Congress and the Executive that much of it dates back to the expenditures in the Vietnam war, a war which we fought and tried to pay for off the cuff.

I think some of the problems will be raised by the distinguished Senator from Ohio (Mr. METZENBAUM) today—the massive movement of monetary reserves to the oil-producing countries. A part of it is because nobody wants to exert the discipline which is required to stop or lower the rate of inflation.

Most countries in Europe now are staggering along with minority governments because I think they have failed to solve the problem of inflation. It is galloping along at the rate of 40 percent in some countries and 20 percent in others. I understand the President will have something to say about it in the next few days.

I suggest that perhaps this is not the year for tax reductions and perhaps it is not the year for tax increases unless they are very wisely constructed, because most tax increases by the time they get through the congressional mill have become Christmas trees and unwise tax reductions, rather than increases.

I think we need more discipline, all of us do, on the bills that we pass and the appropriations that we authorize and we ought to stay within a balanced budget and stop kidding ourselves about employment budgets and other economic concoctions. Something can be done about inflation, but we will have to expect everybody to take part in the sacrifice.

I think it is remarkable that unemployment has remained as low as it has. I think it is distressing that these other economic factors are not favorable. But something can be done, something should be done, a good deal has not been done, and I am no expert economist, but I know one thing, that unless sacrifices are made by the people themselves and by the Congress and by the Executive, we are not going to get a solution on inflation.

So I think the sooner we do it, the better, and I await with interest the report of the President to the Nation on this subject.

I do not believe there is any magic which will come out of it. I think it is a long, slow, and, in some instances, unhappy and sacrificial process, but the sooner we get on with it, the better.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio (Mr. METZENBAUM) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Will the Senator yield for 1 minute so that I may take care of a couple of Senators' wishes without any of his time being lost?

Mr. METZENBAUM. I yield.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, the remarks I intend to make today involve a matter that concerns me much, but before doing so, I would like to pay my compliments to the distinguished majority leader for his having zeroed in on a problem that I think is of great concern to all Americans and is typical of the kind of leadership he has provided here in the U.S. Senate.

INTERNATIONAL OIL REVENUES

Mr. METZENBAUM. Mr. President, I rise today to call attention to an international development which could endanger our national security, threaten our economic well-being, and plunge much of the world into disastrous political and economic chaos.

I refer to the sudden shift of a staggering amount of wealth—in excess of $105 billion in this year alone—from the oil-consuming nations to the oil-exporting nations of the world, primarily those in the Persian Gulf area.

No less an authority than David Rockefeller, head of the Chase Manhattan Bank, has warned that this massive movement of money holds the potential for "economic and political chaos" marked by "disruptive domestic unemployment and depression" in the United States.

The $105 billion in oil revenues that will accrue to the exporting countries this year is up an astonishing $80 billion from what they took in last year. Over half this total will go to one country, Saudi Arabia.

From this revenue, the oil states will have $60 billion each year in liquid capital over and above what they can possibly absorb internally. By 1980, the World Bank estimates that this liquid surplus capital will swell to $400 billion. This means the oil producing countries will hold at least 70 percent of the world's total monetary reserves just 6 years from now.

It is worth noting that the United States held 56.5 percent of the world's monetary reserves in 1949 at the height of our post-World War II economic preeminence. However, as of March 1974, the United States controlled less than 8 percent of the world's monetary reserves.

At that time, the oil states held 8.6 percent of the world total. But, when the figures for the second quarter are in, their holdings will have grown enormously. That is because the oil companies, which run 3 to 6 months behind in meeting their bills, transferred truly gigantic amounts to the oil producers' accounts during the second quarter. By the end of the year, monetary reserves in the hands of the oil exporters will dwarf our own.

In a recent column, Joseph Alsop gave another example of how enormous are the sums involved:

> The oil producing countries will have to find ways to place an amount of money, in just one year, equivalent to about two-thirds of the total value of all the overseas investments of the United States in the last three-quarters of a century.

If further demonstration of the significance of this concentration of wealth is needed, consider the $60 billion annual accumulation in relation to the value of our own major American corporations. On June 24 of this year, it would have cost about 75 percent of just 1 year's excess dollars for the oil-exporting nations to acquire controlling interest—51 percent of voting stock—in the following 11 major American corporations: A.T. & T., Boeing, Dow Chemical, General Dynamics, General Motors, IBM, ITT, Lockheed, United Airlines, United States Steel, and Xerox.

From all of this, it should be obvious that the Persain Gulf oil states stand to acquire great political and economic influence in the very near future. They will have a good deal to say about the nature of the international monetary system. Their enormous reserves of liquid capital might well make them the bankers as well as the oil suppliers to the world. From such a position, they may be able to influence foreign policy in many countries, our own included. They may even try to exert pressure on domestic economic policy in order to protect their holdings. Their leaders will be able to make life-or-death decisions vis-a-vis the poor nations of Asia, Africa, and Latin America.

The oil producers could acquire powerful leverage within our own economy by making large investments in key sectors. At this point, Middle Eastern investors seem interested in acquiring tangible assets, such as real estate and high quality stocks, but what about next month—or next year? The Kuwait Investment Co., for example, has real estate investments in Nashville, St. Louis, and South Carolina. Iran is an investor in New York City real estate and has interests in blue chip stocks.

At this moment, Treasury Secretary Simon is in the Middle East on a mission to encourage Saudi Arabia to increase its direct investment in the United States.

I do not object, depending on the terms, to Mr. Simon's attempt to persuade Saudi Arabia to invest some of its excess wealth in a special issue of U.S. Government securities. According to news reports, however, Mr. Simon intends to encourage the Saudis to invest in American business. I cannot help but question the propriety of the American Treasury Secretary carrying a shopping list of U.S. business opportunities to foreign investors. How did he determine the nature and kind of these proposed investments? And who set the national policy for him to follow?

To date, the oil-rich countries have tried to maintain a low profile with regard to U.S. investments. But now, with Secretary Simon's invitation, they may become bolder. Foreign acquisition of American industry on a massive scale may or may not take place, but two things are evident now: that we have begun to feel the impact of this transfer of wealth; and that the major crunch is yet to come.

Already, by its sheer size, the petrodollar flow has begun to place great strain on European commercial banks. Several of our allies—Britain, Denmark, France, and Italy, among others—are in deep balance-of-payments trouble because of oil bills. Denmark and Italy have moved to impose import restrictions in order to conserve foreign exchange. These protectionist measures, were they to spread, could disrupt world trade in a disastrous manner.

Another and perhaps the most frightening aspect of the entire situation is the fact that the Persian Gulf region is politically and militarily unstable. Many of the oil states are weak and thinly populated. Kuwait, to take only one example, is the world's seventh largest oil producer, but has fewer people than my home city of Cleveland. On the other hand, relatively stronger countries in the region, Iran and Iraq, are well-armed, ambitious, and bitterly at odds with one another.

Iran, a Muslim, but non-Arab nation, is expected to buy $4 billion worth of sophisticated U.S. weaponry this year and has recently shown active interest in nuclear weapons. Soviet-armed Iraq, meanwhile, has a history of expansion in the direction of Kuwait and is one of the hardest of the hard-line Arab Governments. Open conflict between the two is distinctly possible with all that could imply for involvement on the part of others.

Even if regional rivalries can be contained, however, the stakes involved in the Persian Gulf are so great that any number of dangerous developments could take place. Exposed wealth might tempt many nations and political movements to undertake direct or indirect aggression. The West's exposed oil lifeline could tempt the Soviet Union, granted the proper circumstances, to interfere with vital access. Or, from another point of view, it is entirely conceivable that our own Nation might someday be tempted to intervene there, overtly or covertly, either to preempt an anticipated Soviet move or to prevent an unfriendly or irresponsible leader from exercising power.

Some observers argue that the dire possibilities I have described will not come to pass. Peace may, after all, prevail in the region if only because the risks involved may be so great as to inhibit international adverturism. The great wealth, if shared equitably with the people, may promote internal stability, a stability which would, however, be dependent on perpetuating excessively high fuel prices for the American consumer.

Some also argue that market forces will eventually drive prices down. They maintain that consumers will resist by opting for smaller cars and demanding better home insulation. Industry, they say, will adopt energy conservation programs. As yet, there is little or no evidence that anything like this has even begun to happen.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. METZENBAUM. I yield.

Mr. JACKSON. Mr. President, I want especially to commend the distinguished junior Senator from Ohio for raising what I think is one of the major issues facing the industrial economy of the Western World. We have gone through an energy crisis. I think we still remain on the knife-edge of an ongoing energy crisis. We do not know when another embargo will occur. We do know that we are becoming more and more dependent on the imports of oil from abroad.

But what most Americans do not fully appreciate is that we are headlong into a serious international monetary crisis. I commend the distinguished Senator from Ohio; I have gone through his speech very carefully in advance, and I think he has put his finger on one of the major problems facing all industrialized consumer countries in the immediate future.

I am told—and I will ask the Senator to verify this—that there are indications that the hard currency reserves of the Western industrialized nations—and among them I include Japan—will be exhausted in about 2½ years if the present rate of outflow continues.

Mr. METZENBAUM. I agree with the statement as put, that the Western World will not have the monetary reserves; those reserves will be totally concentrated in the Persian Gulf nations, the oil-exporting nations.

Mr. JACKSON. I think this points up the outstanding work of the junior Senator from Ohio in supporting the price rollback amendment which was vetoed by the President, which would have helped to lay the foundation for a reversal of the trend of an ever-rising price level in connection with petroleum products on the international scene. In the short time that he has been in the Senate, and has served on my committee, the Senator's help, his assistance, his counsel, and his role have been invaluable, and I commend the Senator for making this oustanding speech today here on the floor of the Senate.

Mr. METZENBAUM. I am very grateful to the distinguished chairman of the Committee on Interior and Insular Affairs, the Senator from Washington, for his comments concerning the remarks I have been making today.

High oil prices, so the argument goes, will also call forth greatly increased North American oil production via relatively expensive recovery techniques. This may happen, but even the most optimistic projections place the full impact of this occurrence far into the future.

Further, it is argued that high prices will lead to rapid conversion to new energy sources—nuclear, solar, wind, and tide, as well as coal gasification. As a Member of the Senate who has attempted to keep abreast of these developments, I perceive that despite a sense of concern, there is no sense of urgency in our Government about our need for new energy sources.

I do not agree with those wishful thinkers who believe that there may be some quick and painless way out of this dilemma. Even granted an expensive and concerted scientific effort, we cannot even begin to make a dent in our dependence on foreign oil before the mid-1980's.

By then, the oil exporters will have already acquired a stranglehold on money, credit, and we know not what else. By then, the poor countries may have already seen their hopes destroyed, the middle powers may have been driven to bankruptcy, and even a great country such as ours may have been forced to make economic and political concessions to accommodate the demands of a handful of oil-rich political leaders.

Power, after all, can be based on economic as well as military strength. Economic power can be subtle, more difficult to identify than planes, bombs, and missiles, but it can be more effective than force in a great many ways.

I do not claim to have the answers to these complex questions. But I do know that we cannot permit ourselves to float from crisis to crisis, from disaster to disaster.

I wish to state, loudly and clearly, that this Nation's political leadership, especially in the executive branch, has so far failed to come to grips with our need for rational, farsighted policies to deal with these crucial matters.

For example:

First. Despite Project Independence, we are importing Persian Gulf oil at a record rate and there is no sign of a letup. Should we not at least consider mandatory limits on foreign oil imports in order to minimize the outflow of dollars resulting from these imports?

Second. While Mexico, Canada, Japan, Iran, and other nations have taken steps to limit foreign ownership, our Treasury Secretary is soliciting buyers for our own assets. Should we not reassess our own position on what foreigners may or may not own in our country? Or at a minimum, should we not require all publicly owned corporations to list the true identity of all stockholders owning more than 5 percent of each class of its securities?

There are numerous other possibilities that we should be considering, but we sit idly by. Too often, our national policies have been set after the fact.

Although Senator JACKSON, the distinguished chairman of the Interior Committee, has provided courageous leadership—and has been supported by the distinguished majority leadership—their efforts continue to be frustrated by Presidential veto—or the threat of additional vetoes.

I have confidence that there are solutions and that we can find them. But to find them, it is now more imperative than ever that the Congress of the United States take the lead.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. METZENBAUM. Mr. President, I yield to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that this colloquy may be on my time in the morning hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I congratulate the Senator from Ohio on a remarkable address. I did not have a chance to see his speech before I came to the Chamber but I had a chance to review the outline of a similar presentation the Senator from Ohio gave before the Democratic Policy Committee, and I was very much impressed by that.

Unfortunately, no one has spoken out until now on the floor of the Senate, at least not in the comprehensive way the Senator from Ohio has on this issue. He raises a problem of the greatest importance to our country.

He points out that by the end of the year monetary reserves in the hands of the oil exporters will be far greater than our own, and that they will, therefore, have that tremendous economic power, which is something that most people have not appreciated. We have thought of these countries as financially rather weak countries and that was the case up until this year; but it certainly is not the case now.

The Senator from Ohio also points out that three-fourths of 1 year's excess dollars the Arabs are now getting because of their oil, gives them enough so that they could buy the control of 11 of the biggest corporations in this country, including A.T. & T., Boeing, General Motors, General Dynamics, and others. This is some of the immense power they have.

However, what I like about his presentation is that he suggests that we look toward what we can do about it and what constructive action we can take. He begins a debate which I hope we can continue in the Senate on how we can act.

He suggests a mandatory limit on all imports. We went through that oil import quota program. In fact, I was very much opposed to that program at the time. The oil import program was used to maintain what I thought were artificially high prices in this country and as protection for the oil companies here.

Now, what the Senator from Ohio is telling us is that if we do not do something at this time we will have this continued adverse balance of payments and continue to have this enormous economic power which can be used adversely to our interests. I think it casts an entirely different light on the oil import quota program.

Also, I think the suggestion of the Senator from Ohio makes that publicly owned corporations list the identity of stockholders, and of those owning more than 5 percent of each such corporation, I presume he would confine that to the major corporations. I think that is a most constructive notion.

I am delighted that the Senator from Ohio, with his excellent business background and very great ability, has focused on this question. It reminds all of us of the fact that we will be losing a great deal when the Senator from Ohio leaves the Senate this year. It is a shame, in view of his ability and diligence, that he will not continue to be here, but I do want to congratulate the Senator on a splendid speech.

Mr. METZENBAUM. Mr. President, I am grateful to the Senator and I am also grateful for his remarks. Also, I am grateful to him for the leadership he has provided the Senate as Chairman of the Joint Economic Committee, as well as the leadership he has provided on the Committee on Banking, Housing and Urban Affairs. This is a subject which falls very much in his purview. If I have done nothing more than interest the Senator from Wisconsin in this subject I will feel I have served a very useful purpose.

I thank the Senator.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes.

FOREST AND RELATED RESOURCES PLANNING ACT OF 1974

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2296.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2296) to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the environment of certain of the Nation's lands and resources, and for other purposes, which were to strike out all the enacting clause, and insert:

That this Act may be cited as the "Forest and Related Resources Planning Act of 1974."

Sec. 2. Forest and Related Resources Assessment.—(a): In recognition of the vital importance of America's forest and related resources to the Nation's social and economic well-being, and of the necessity for a long-term perspective in planning and undertaking forest and related resource programs administered by the Forest Service, the Secretary of Agriculture shall prepare a Forest and Related Resources Assessment (hereinafter called the "Assessment"). The Assessment shall be prepared not later than December 31, 1975, and shall be updated during 1979 and each tenth year thereafter, and shall include but not be limited to—

(1) an analysis of present and anticipated uses, demand for, and supply of the forest and related resources, with consideration of the international forest resource situation, and analysis of pertinent supply and demand and price relationship trends;

(2) an inventory, based on information available to the Forest Service and other Federal agencies, of present Service and other Federal agencies, of present and potential forest and related resources, and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs, and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities;

(4) a detailed study of personnel requirements as needed to satisfy existing and ongoing programs; and

(5) a discussion of important policy considerations, laws, regulations, and other factors expected to significantly influence and affect the use, ownership, and management of forest and related resource lands.

(b) To assure the availability of adequate data and scientific information needed for development of the Assessment, section 9 of the McSweeney-McNary Act of May 22, 1928 (45 Stat. 702, as amended, 16 U.S.C. 581h), is hereby amended to read as follows:

"The Secretary of Agriculture is hereby authorized and directed to make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for the forest and related resources of the United States, its territories and possessions, and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits and uses in meeting the needs of the people of the United States. The Secretary shall carry out the survey and analysis under such plans as he may determine to be fair and equitable, and cooperate with appropriate officials of each State, territory, or possession of the United States, and either through them or directly with private or other agencies. There is authorized to be appropriated not to exceed $20,000,000 in any fiscal year to carry out the purposes of this section."

Sec. 3. Forest and Related Resources Program.—In order to provide for periodic review of programs for management and administration of the National Forest System, for forest and related resource research, for cooperative State and private forest programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary of Agriculture, utilizing information available to the Forest Service and other agencies within the Department of Agriculture, including data prepared pursuant to section 302 of the Rural Development Act of 1972 shall prepare and transmit to the President a Forest and Related Resource Program (hereinafter called the "Program") displaying alternative objectives and associated programs which shall provide in appropriate detail for protection, management, and development of the National Forest System, including forest development roads and trails; for cooperative forestry programs; and for forest and related resources research. The Program shall be developed in accordance with principles set forth in the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528–31), and the National Environmental Policy Act of 1969 (86 Stat. 852; 42 U.S.C. 4321–47). The Program shall be prepared not later than December 31, 1975, to cover the four-year period beginning July 1, 1976, and at least each of the four fiscal decades next following such period, and shall be updated no later than during the first half of the fiscal year ending June 30, 1980, and the first half of each fifth fiscal year thereafter to cover at least each of the four fiscal decades beginning next after such updating. The Program shall include, but not be limited to—

(1) An inventory of specific needs and opportunities for both public and private program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature.

(2) Specific identification of Program outputs, results anticipated, and benefits associated with investments in such a manner that the anticipated costs can be directly compared with the total related benefits and direct and indirect returns to the Federal Government.

(3) A discussion of priorities for accomplishment of inventoried program opportunities, with specified costs, outputs, results, and benefits.

Sec. 4. National Forest System Resource Inventories.—As part of the Assessment the Secretary of Agriculture shall develop and maintain on a continuing basis as comprehensive and appropriately detailed inventory of all National Forest System lands and resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

Sec. 5. National Forest System Resource Planning.—(a) As a part of the Program provided for by section 3 of this Act, the Secretary shall develop, maintain, and as appropriate, revise land and resource management plans for units of the National Forest System: *Provided*, That the Secretary shall consult with the appropriate State and local officials in devising and implementing such land and resource management plans for units of the National Forest System.

(b) In the development and maintenance of land management plans for use on units of the National Forest System the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

Sec. 6. Cooperation in Resource Planning.—The Secretary may utilize the assessment, resource surveys, and programs prepared pursuant to this Act to assist States and other organizations in proposing the planning for the protection, use, and management of forest and related resources on non-Federal land.

Sec. 7. National Participation.—(a) On the date Congress first convenes in 1976 and thereafter following each updating of the Assessment and the Program, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, when Congress convenes, the Assessment as set forth in section 2 of this Act and the Program as set forth in section 3 of this Act, together with a detailed Statement of Policy intended to be used in framing budget requests by that Administration for Forest Service activities for the five- or ten-year program period beginning during the term of such Congress for such further action deemed appropriate by the Congress. Following the transmission of such Assessment, Program, and Statement of Policy, the President shall, subject to other actions of the Congress, carry out programs already established by law in accordance with such Statement of Policy or any subsequent amendment or modification thereof approved by the Congress, unless, before the end of the first period of sixty calendar days of continuous session of Congress after the date on which the President of the Senate and the Speaker of the House are recipients of the transmission of such Assessment, Program, and Statement of Policy, either House adopts a resolution reported by the appropriate committee of jurisdiction disapproving the Statement of Policy. For the purpose of this subsection the continuity of a session shall be deemed to be broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(b) Commencing with the fiscal budget for the year ending June 30, 1977, requests presented by the President to the Congress governing Forest Service activities shall express in qualitative and quantitative terms the extent to which the Programs and policies projected under the budget meet the policies approved by the Congress in accordance with subsection (a) of this section. In any case in which such budget so presented recommends a course which fails to meet the policies so established, the President shall specifically set forth the reason or reasons for requesting the Congress to approve the lesser programs or policies presented.

(c) For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary shall prepare an annual report which evaluates the component elements of the Program required to be prepared by section 3 of this Act which shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the third fiscal year after the enactment of this Act.

(d) These annual evaluation reports shall set forth progress in implementing the Program required to be prepared by section 3 of this Act together with accomplishments of this Program as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The report shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between ecoonmic factor and environmental quality factors. Program benefits ance between economic factor and environmental quality factors such as esthetics, public access, wildlife habitat, recreational and wilderness use, and economic factors such as the excess of cost savings over the value of foregone benefit and the rate of return on renewable resources.

(e) The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted.

(f) The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

Sec. 8. Transportation System.—The Congress declares that the installation of a proper system of transportation to service the National Forest System, as is provided for in Public Law 88-657, the Act of October 13, 1964 (16 U.S.C. 532–538), shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen from financing the construction and maintenance of the transportation system should be such as to enhance local, regional, and national benefits. Within one year following enactment of this Act, the Secretary of Agriculture shall prepare and transmit to the Congress an in-depth analysis of the various methods of financing the construction of forest development roads together with his recommendations for financing such roads in the future. The analysis shall display the specified costs, results, and benefits of each method of financing forest development roads including the impact of each financial method upon (a) revenue paid the States and counties from national forest receipts and (b) the forest development road and trail funds as provided in the Act of March 14, 1913 (16 U.S.C. 501).

Sec. 9. (a) National Forest System Defined.—Congress declares that the National Forest System consists of units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system. The "National Forest System" shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010–1012) and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of said system.

(b) Organization.—The on-the-ground field offices, field supervisory offices, and regional offices of the Forest Service shall be so situated as to provide the optimum level of convenient, useful services to the public, giving priority to the maintenance and location of facilities in rural areas and towns near the national forest and Forest Service program locations in accordance with the standards in section 901(b) of the Act of November 30, 1970 (84 Stat. 1383), as amended.

Sec. 10. In carrying out this Act, the Secretary of Agriculture shall utilize information and data available from other Federal, State, and private organizations and shall void duplication and overlap of resource assessment and program planning efforts of other Federal agencies. The term "forest and related resources" shall be construed to involve those matters within the scope of responsibilities and authorities of the Forest Service on the date of this Act."; and to amend the title so as to read: "An Act to provide for the Forest Service, Department of Agriculture, to protect, develop, and enhance the productivity and environmental values of certain of the Nation's lands and resources, and for other purposes."

Mr. TALMADGE. Mr. President, I move that the Senate disagree to the amendment of the House and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint the conferees.

The motion was agreed to; and the Acting President pro tempore (Mr. Clark) appointed Mr. Talmadge, Mr. Eastland, Mr. Allen, Mr. Humphrey, Mr. Aiken, Mr. Bellmon, and Mr. Helms conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. RAILWAY ASSOCIATION

The second assistant legislative clerk read the nomination of Arthur D. Lewis, of Connecticut, to be Chairman of the Board of Directors of the U.S. Railway Association.

Mr. WEICKER. Mr. President, I have today released my hold on the nomination of Mr. Arthur D. Lewis to be Chairman of the U.S. Railway Association.

As the new planning and financing agency for Northeast rail restructuring, the USRA has been charged with an extremely important and challenging task.

Therefore, I have been deeply concerned that the top management of USRA bring successful railroad or rail-associated experience to the job. The nominee to be Chairman, Mr. Lewis, has a background in airlines and most recently in a Wall Street investment house, while the nominee to be President of USRA, Mr. Edward G. Jordan, has been a management consultant. However, as I have learned from discussions and correspondence with Mr. Lewis, the great number of professionals employed by USRA in the planning department, especially Operations and Facilities Planning section, and other top management positions, have rail experience.

Furthermore, to be successful in satisfying the interests of Congress, creditors, and clients, USRA must operate independently with a firm commitment to congressional directives to develop a new rail system which is economically viable and serves the needs of the Northeast region. Mr. Lewis has assured me of his commitment to fulfilling all congressional objectives in establishing USRA.

Mr. President, I ask unanimous consent that copies of two letters from Mr. Lewis to me, dated July 10 and July 12, indicating the railroad experience of certain top professionals employed by USRA, and the goals of USRA, be printed at the conclusion of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. RAILWAY ASSOCIATION,
Washington, D.C., July 10, 1974.
Hon. LOWELL P. WEICKER, JR.,
U.S. Senate,
Russell Building,
Washington, D.C.

DEAR SENATOR WEICKER: Senator Magnuson has requested that I supply him with information on the organizational structure of the United States Railway Association and the extent to which we have hired and propose to hire personnel with rail operating experience to develop the system plan. I thought you would also like to have that information.

At the present time, the USRA has employed 71 professionals in the planning staff. Of these, 43 have had rail experience and an additional 19 have had experience in some other form of transportation: trucking, airlines, shipping, port operations and the like. The enclosed table shows these assignments in detail by department. Also enclosed is a statement of the names of the individuals involved, their job in the Association and their former rail experience showing the total number of years experience each person has.

Enclosed is an organization chart showing the staff positions of the Association. I would like to point out that every position which requires rail experience to provide technical expertise in the development of the plan is manned by people with rail experience and that any future employment will likewise reflect that policy.

I would particularly like to call to your attention the office for Operations and Facilities Planning headed by Mr. James Hagen, one of the most respected professionals in the industry. His resume is enclosed. At the present time, a total of 45 professional people have been employed in his department. Of these, 35 have had a background in rail operations or management, while eight more have related experience in other forms of transportation.

I would also like to highlight the position of Mr. Paul Cruikshank, who is Vice President for Review and Evaluation. Before joining the Association, Mr. Cruikshank was President of the Fort Worth and Denver Railway Company, a subsidiary of the Burlington Northern. He also is one of the most respected young men in top management in the rail industry. His resume is enclosed. Mr. Cruikshank was originally employed to monitor the operation of the bankrupt railroads during the reorganization process to make certain they continued to perform according to standards set up by the USRA.

After my discussion with you and prior to my nomination by the President, and based on your recommendation that such a function be established, we broadened Mr. Cruikshank's responsibility to include the review and evaluation function. We did this to make certain that the system plan as developed was operationally feasible and include the most advanced management concepts of railroad operations. His basic responsibility in heading the office of Review and Evaluation is to act as the principal advisor to the President and Chairman in (a) evaluation of the operational and financial conditions and requirements of the bankrupt railroads; (b) monitoring and evaluating the Association's rail planning process and results with the specific responsibility of evaluation of the pragmatic implications of the plan; (c) along with other duties. His job description is enclosed.

At present there are a total of four professionals in his office and two of these have had rail experience. We will add personnel as required and we expect that, by and large, they will come from the rail industry.

Another Vice President who has had experience in the rail industry is Mr. Donald C. Cole, Vice President and Secretary and Assistant to the Chairman. Mr. Cole's resume is enclosed. He not only has had experience in the rail industry, but during the period he was the General Counsel to the Fruit Grower's Express Company (a jointly owned subsidiary of several rail companies) he worked closely with the staffs of the Commerce Committee in the Senate and the House in drafting the legislation setting up USRA. He was particularly helpful in analyzing the financial implications and legal problems of rail operation. He served two years as staff counsel on the Commerce Committee of the Senate.

We have not yet appointed a General Counsel to the Association; however, we have employed a consultant to work with us almost full time whose experience has been principally in the rail industry. Mr. Jordan Jay Hillman, whose resume is enclosed, was associated with the Chicago and Northwestern Railway Company in the office of the General Counsel from 1954 to 1967, rising to the position of General Counsel and Vice President, Law. Since that date he has been a professor of law at Northwestern University.

We are concentrating our search in the rail industry for a Vice President of Manpower Planning and are hopeful we will be able to attract a competent man with a background in rail operations, as well as industrial relations.

We have not been able to find a man in the rail industry as Chief Financial Officer, but in this post we do not believe rail experience is needed. In fact, for a variety of reasons, we believe that the trucking industry may provide a preferred background. And today we are appointing a Mr. John Terry to that post, whose background is in trucking.

Not shown on the chart are the advisory services of the large number of consulting firms which will be working with us—the majority of the personnel of which have had active rail experience.

We have not finished hiring the total number of professionals we expect to hire, but I would expect that more than fifty percent will come to us with rail experience.

I think I can say without equivocation that we have available to us the rail talent which will enable the Association to complete its planning assignment. It is quite clear that when the Association creates Conrail and begins the staffing of that organization that we will again hire rail executives who have proven their outstanding competence.

Sincerely,

ARTHUR D. LEWIS.

U.S. RAILWAY ASSOCIATION,
Washington, D.C., July 12, 1974.
Hon. LOWELL P. WEICKER, JR.,
U.S. Senate, Russell Building,
Washington, D.C.

DEAR SENATOR WEICKER: The United States Railway Association is a quasi-governmental or "mixed ownership" corporation with an independent Board of Directors. Three of the members of the Board are officials of the United States government. Eight, including its Chairman, come from the public sector, have been nominated by the President for this purpose and have been or will be confirmed by the Senate. The policies of the Association will be determined by the collective will of this Board, the majority of which is publicly appointed. I have talked to each member of the Board and I can assure you that each feels his responsibility to function independently as a member of the Board in setting policy. As you know, members have been appointed by a rigorous procedure prescribed by the Regional Rail Reorganization Act of 1973 so that they can bring to the Board an expertise stemming from diverse backgrounds.

The matter of the independence of the Association was brought up by Senator Hartke at my confirmation hearing. I assured him at that time very strongly that the Association would carry out its independent role in the spirit of the Act. At subsequent hearings on the confirmation of other members of the Board, the issue was once again raised and each member stated his commitment to an independent role for the Association.

The Association is a creature of Congress and funded by the Federal Government. It is our duty, to the best of our ability and independent judgment, to carry out the will of Congress as defined by the Act that established the Association. The Congressional purpose has been stated to be the development of a rail service system adequate to meet the needs and service of the region involved, as well as the national rail system, and to reorganize the railroads in the region so that the rail system so established is economically viable. This is to be done in a manner to meet certain other objectives also established in the Act.

I would like to assure you of our unqualified determination to create a rail system which will meet these objectives and provide leadership in the rail industry in a manner so as to improve the performance and service of the industry as a whole. To this end we are not only studying the normal reorganization processes and obvious improvements which would come from consolidation of the bankrupt railroads, but we are also studying methods of providing a quantum change for the better in the quality of service offered by the roads involved. We are dedicated to a regeneration of rail transportation in this country and will aggressively pursue policies to bring that about.

Sincerely,

ARTHUR D. LEWIS.

The ACTING PRESIDENT pro tempore. The question is: Will the Senate advise and consent to this nomination?

The nomination was confirmed.

NATIONAL RAILROAD PASSENGER CORPORATION

The second assistant legislative clerk proceeded to read the nomination of Roger Lewis, of the District of Columbia, to be a member of the Board of Directors of the National Railroad Passenger Corporation.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

The second assistant legislative clerk read the nomination of Gerald D. Morgan, of Maryland, to be a member of the Board of Directors of the National Railroad Passenger Corporation.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

FEDERAL ENERGY ADMINISTRATION

The second assistant legislative clerk proceeded to read the nomination of Marmaduke Roberts Ligon, of Oklahoma, to be an Assistant Administrator of the Federal Energy Administration.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The nomination will be passed over.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remainder of the nominations for the Federal Energy Administration be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

DUTCH UNMOVED BY NATO CRITICISM

Mr. MANSFIELD. Mr. President, in the New York Times of yesterday there was published a news story entitled "Dutch Unmoved by NATO Criticism." They expect to go ahead with military cuts despite the reaction of the Alliance. This is one of a series of articles relative to the contemplated move by the Dutch insofar as a reduction of their forces is concerned.

I am wondering why there is so much strong criticism about the Dutch acting in their own self-interest, doing what they think is best for their protection, even inside NATO, and being castigated for carrying out one of their sovereign functions. There is nothing in the North Atlantic Treaty which says anything about unilateral reduction of troops. As a matter of fact, the French have withdrawn all of their Armed Forces from their incorporation within NATO, unilaterally. The Canadians have reduced their forces in NATO in half, unilaterally. The Norwegians, the Danes, the Dutch, and the Belgians have reduced their conscription periods unilaterally. Luxembourg was thinking for a while of withdrawing its 800-man army from the NATO organization.

For a while, I believe several years ago, the United Kingdom was seriously considering reducing its forces in the army on the Rhine from 55,000 to 40,000 or 45,000, unilaterally. The British changed their minds when the United States stepped in and placed a number of contracts in the nature of a compensation for meeting some of the cost of keeping the British Army on the Rhine intact at the present level. The result was that, through that sort of procedure—nothing new in NATO—the British did not reduce their forces, although I understand they are considering doing so unilaterally at this time.

Mr. President, I ask unanimous consent to have printed in the Record the article which was published in the New York Times yesterday, and also an article published in the Res Publica magazine, published by the Claremont Men's College, Claremont, Calif., entitled "Apple Pie and Bullets," and subtitled "It's Time To Give Our Boys a Home-Cooked Meal."

There being no objection, the material was ordered to be printed in the Record, as follows:

Dutch Unmoved by NATO Criticism—Expected to Go Ahead With Military Cuts Despite Alliance's Reaction

The Hague, July 12.— The strong criticism that the North Atlantic Treaty Organization leveled at the Netherlands this week is not expected to deter the Socialist-led Government here from reducing Dutch military forces.

According to a Defense Ministry spokesman, the Dutch feel they have no choice in this period of détente and tight money. While Dutch officials believe the NATO reaction to the Dutch plan to cut military spending was excessive, they said they were not surprised by it.

The unusually harsh NATO statement said that the Dutch troop cuts would "seriously weaken" the alliance's defense position and impose extra financial and military burdens on other members.

The Dutch proposal, which is expected to save the Government about $300 million over the next four years, calls for a reduction of about 10,000 men, mainly in the navy and air force which now have 22,000 men each. Several Nike and Hawk antiaircraft missile units would be abolished. The money saved from this reduction and from lower manpower costs would be invested in new warships and jet fighters.

LINK TO VIENNA TALKS

The plan also foresees a reduction of the 70,000-man army to 60,000 men, for an additional saving of $30-million. But this reduction would be linked to progress in the talks in Vienna on European troop cuts by the Atlantic alliance and the Warsaw Pact.

Dutch officials say that the $300-million savings represents the extra costs over four years if the Netherlands maintains normal expansion of defense spending instead of slowing down. The Dutch defense budget was $2.1-billion in 1973.

Atlantic alliance officials, nervous about growing Soviet arms spending, consider it essential that all the allies expand their defense budgets at least to match their economic growth. The Dutch change would reduce defense spending from 3.7 per cent of gross national product to 3.5 per cent.

The Netherlands believes that the NATO criticism was so strong because some of the allies fear the Dutch action will set off a chain reaction of cuts in other nations of the alliance. "The blast was partially aimed over our heads at Britain's," said one Defense Ministry official. The Labor Government in Britain is beginning a review of defense needs.

The Dutch Government hopes that its action will shock members of the alliance into greater efforts to standardize weapons and to specialize military forces, the Defense Ministry spokesman said. It sees such money-saving measures as the only way nations, especially small ones, can cope with rising defense costs.

The Dutch Secretary of State for Defense, Abraham Stemerdink, denied that he had said, in an interview with a German newspaper, that the Netherlands might pull out of the military side of NATO by 1979 unless such economy measures were taken.

Hague officials said that Mr. Stemerdink was only making the point that the Netherlands might have to make further cutbacks by then if the situation did not change.

A DELICATE COMPROMISE

The plan to reduce forces is the result of a delicate compromise among the five parties in the center-left coalition Government of Premier Joop M. Den Uyl, who is a Socialist.

Although there will probably be strong attacks against the plan from both the left and right when it is debated in the Dutch Parliament in the fall, Government officials and diplomatic observers in the Hague believe that it will be adopted.

While the conservative opposition, along with much of the military establishment, opposes the cuts, they are not believed to have the parliamentary strength to block them.

Defense has been a sensitive issue in Netherlands politics since May, 1973, when the first Socialist-led administration since the late nineteen fifties, came to power promising to carry out a major review of defense policy.

It Is Time To Give Our Boys a Home-Cooked Meal—Apple Pie and Bullets

(By Mike Mansfield)

More than 500,000 United States Military personnel currently are stationed on foreign soil and an additional 100,000-plus are afloat off foreign shores, adding up to almost 30 percent of our military forces. Not since the days of the British Empire (or probably more truly, the Roman Empire) have so many been required to maintain the peace away from home.

It is important to view these facts in the broad context of the need for U.S. forces stationed around the world. It has been painfully evident and generally agreed in the Senate for at least the last several years that the United States is badly overextended abroad. We must not forget the lesson of the tragic war in Vietnam, for that tragedy will only be compounded if we refuse to learn from it and guide our actions accordingly.

The National Commitments Resolution passed overwhelmingly in 1969 by the Senate provided significant evidence of the senator's prevailing sentiment, and the War Powers legislation passed overwhelmingly in 1973 by both houses of Congress represented another significant indication of our elected officials' concern. But these vital actions reform and refine our institutional mechanisms. They serve notice of the congressional threshold of tolerance; they demonstrate a congressional attitude that seeks a greater share of responsibility. Yet these constructive changes are not enough. We must accept the realization that our commitments and policies are not always made in formal and traditional ways. In fact, some policies seem to just happen.

The presence of so many U.S. forces on foreign soil illustrates such a policy, their presence presuming a policy that heavily favors the military option. The War Powers legislation expresses congressional dissent to that emphasis. But the fundamental difficulty in discerning semblance to America's policy abroad is that the commitment and level of U.S. forces abroad has determined our policy, rather than our policy determining the level of U.S. forces abroad. The intractability of executive branch attitude on force levels abroad during the past 25 years can only be explained by the incapacity of the policy makers to perceive that our troops on foreign soil was our policy and policy makers were really articulating after-the-fact rationalizations. Members of the executive branch, whether in office for two weeks, two months, two years or two decades, have repeatedly expressed the same theme: The world will fall if any of our soldiers return home.

But the pressure to bring our troops home is becoming more compelling with each passing month. The impoundment by the current Administration of $12 billion for domestic needs; the closing of many U.S. military bases as an economy measure, putting many Americans out of work; the devaluation of the dollar by more than 25 percent over the past two years—all contribute toward marshaling attention to what heretofore has been considered an issue that should be left to the "experts."

The plain fact is that the United States stations more than 600,000 military forces outside its borders and that of its territories and possessions. According to the Office of the Assistant Secretary of Defense for Installations and Logistics, we maintain better than 2,000 bases and installations on foreign soil. There are more than 314,000 dependents accompanying these forces, and the Defense Department employs, directly or indirectly, approximately 173,000 foreign nationals at these bases to support our forces. These are not reasons for bringing our troops home, but they are facts that should make America listen to the reasons.

The most detailed focus can be obtained on Europe. At least, in 1950, Congress was asked to participate in the decision to send troops to that continent. But equally forceful questions can be raised as well in regard to U.S. troop commitments in Thailand (now about 45,000), Okinawa (about 40,000), Korea (about 42,000), Taiwan (about 8,000), the Philippines (about 15,000), Japan (about 18,000) or even Bermuda (where about 1,000 men defend our national interests.)

Look at Europe when the North Atlantic Treaty Organization was first structured. Look at the realities that faced this nation at that time, realities that precipitated the commitment of four divisions to Europe. Look at the premises upon which the Congress assented to this commitment, and the representations that were made then about the permanence of such a commitment of manpower abroad. Contrast that picture with Europe and the U.S. as they are today—29 years after the war and 23 years after the initial assigning of those divisions to the North Atlantic Treaty Organization.

World War II left Western Europe in ruins. The general view in the West was that the communist monolith under Stalin had as its goal the domination of the entire planet. The institutions of Europe—political and economic, as well as military—were in shambles. The United States moved swiftly, in the most massive reconstruction effort ever attempted, to institute the Marshall Plan—an undertaking that has proved to be successful beyond expectations. Maintaining a strong military presence in Western Europe to complement this economic effort was a rational course of action, under the circumstances. It must be pointed out, however, that the North Atlantic Treaty itself did not commit U.S. troops to the European continent for the purpose of deterrence. In fact, the treaty made no commitment of U.S. ground troops to Europe. It was not until 1951 that the decision was made to send four land divisions to Europe, and the U.S. Congress assented to this significant commitment of troops.

The history of proceedings before the Congress is very revealing. For example, Secretary of State George C. Marshall claimed, at that time, that there was nothing magical about the four-division figure. That number was selected on the basis of judgments about our manpower resources and their availability. (If only the same standard were to be applied today—and why should it not be applied?) Even more revealing is an exchange between Senator Bourke Hickenlooper and Marshall's successor, Dean Acheson, in the course of which Secretary Acheson made it clear that the men who drafted the original NATO treaty envisioned that no troops would be stationed in Europe by the United States, and that each signatory to the treaty unilaterally make its own determination of its contribution of military equipment, manpower and facilities. Secretary Acheson also envisioned the return of troops subsequently sent if the situation got better.

But what conditions were anticipated in 1951 that initially warranted the sending of U.S. troops to Europe, and what thorny questions needed to be resolved before they could be returned? Senator H. Alexander Smith of New Jersey sought this information from General Omar Bradley, who replied that the making of a peace treaty with Germany and the state of preparedness of the other nations of Europe, as well as the aggressive intentions of the East were the chief factors that justified U.S. action.

These were all valid concerns in 1951. In addition, it was a time when the Korean War was under way, China was an active enemy, the Soviets had come of nuclear age, the Southeast European flank was still threatened, the economies of Western Europe were just back on their feet and political instability was prevalent in most Western European countries. Strong men replaced strong institutions and provided the cohesion for Western Europe. But even then the question was raised: Should the U.S. commit four divisions to Europe as a deterrent to another European war, at least until Europe was ready to assume its own defenses?

The Congress assented to that request, and American troops returned to Europe to meet the threat that was perceived at that time. However real the threat then, has it changed since that time?

When U.S. troops were initially committed to the European continent, the total gross national product of all European NATO countries was $46.9 billion, compared to $831.9 billion in 1972. The potential for hostile confrontation was high, and national institutions were weak. Interrelationships were virtually nonexistent. Let us look at and contrast the economic exchange:

[In millions]

	1951	1972
U.S. imports from U.S.S.R.----	$27.4	$95.5
U.S. exports to U.S.S.R.------	0.1	546.7
U.S. imports from Eastern Europe ------------------	63.8	320.1
U.S. exports to Eastern Europe -------------------	2.8	818.2

Total exports from all NATO countries to the U.S.S.R. and Eastern Europe in 1972 amounted to $9.89 billion. Imports from the U.S.S.R. and Eastern Europe to NATO countries totaled $8.67 billion. In this one area alone—that of trade between the blocs—a dramatic change in climate must be recognized.

THE UNITED STATES SHOULD RECOGNIZE ITS OWN POLICY TOWARD THE EAST

But even more significant than evaluating not only the strength of Western Europe and the strong trade flow between East and West is the great number of agreements and events—more than 80 since 1963—that have manifested as well as contributed to the lessening of tensions bteween East and West. They run the gamut—the Hot Line, the Nuclear Test Ban, the Consular Convention, the nonproliferation treaty, the treaty normalizing relations between Germany and Poland; the Soviet-West German agreement on consulates, German treaties with Soviet Union, the Strategic Arms Limitation Treaty, the signing of the treaty on relations between East and West Germany. Yet, to many, the threat of an all-out conventional war with the hordes from the East has not lessened. That kind of rigidity affects not only rhetoric but also policy. General Dwight D. Eisenhower, testifying in 1951 at hearings on the Assignment of Ground Forces of the United States to Duty in European Areas before the Committees on Foreign Relations and on Armed Services, said this about congressional responsibility in regard to the determination of the level of U.S. troops in Europe: "I do think that Congress ought to see a respectable, reasonable approach, and the second they see anything to be, let's say, cockeyed and crazy, to get into the thing with both feet."

The time has come when Congress must recognize that, in the words of General Eisenhowever, something is cockeyed about continuing to station U.S. troops abroad. President Eisenhower later recognized that a change was justified. He stated in 1963, in an article in the Saturday Evening Post, that one U.S. division would be sufficient to fulfill our commitment to NATO.

It is evident from these indicia of engagement with the Soviet Union and Eastern Europe that the tension level that existed in the early '50's has changed significantly. Further movement has been proposed between East and West. As President Richard M. Nixon stated to a joint session of the Congress on June 1, 1972: "By forming habits of cooperation and strengthening institutional ties in areas of peaceful enterprise, these four agreements [Moscow summit, May 1972] to which I have referred will create on both sides a steadily growing vested interest in the maintenance of good relations between our two countries. Expanded United States-Soviet trade will also yield advantage to both of our nations. When the two largest economies in the world start trading with each other on a much larger scale, living standards in both nations will rise and the stake which both have in peace will increase."

It is time that the U.S. recognized the existence of its own policy toward the East. The policy of this government should be consistent. It should not be one of engagement with the Soviet Union in trade and cultural exchange and confrontation in military matters. There should be but one barometer by which this government guides its actions toward the East.

But we have many barometers that provide different readings for the same phenomenon. This dual standard for rationalizing our policies vis-a-vis the Eastern bloc cannot withstand thoughtful scrutiny. If our policy is predicated upon a desire to open markets and to develop a mutual East-West interdependency, that policy will yield benefits beyond the economic sphere, as they have increased cultural and educational exchanges. It is a natural evolution of the events of the past decade. But in the military sphere—as in the NATO structure—what remains is a stale rigidity, a resort to old rationalizations from bygone years.

But the double standard is not new, even within our own alliance. Our European allies have permitted themselves to adapt to the changing mood between East and West. Not only has France withdrawn all its forces from NATO (a measure I do not propose that the U.S. follow), but Canada has reduced its military forces substantially. Other NATO nations have in recent years come far shorter of providing target force levels to NATO than has the U.S.; in fact, the U.S. has been the most faithful burden-sharer throughout the history of the alliance. Just recently, during House Foreign Affairs hearings, Secretary of Defense James R. Schlesinger stated that the U.S. is doing more than its fair share in Europe. Yet the U.S. still cannot take the unilateral action clearly called for in the treaty—the unilateral action that initially was clearly contemplated by all the treaty partners. (As an aside, newspapers reported last year that the late President Georges Pompidou of France had told President Nixon that France would oppose the removal of any U.S. troops from Europe, even if the withdrawal was ordered in the context of the so-called Mutual Balanced Force Reduction (MBFR) discussions. Here is the president of one of Western Europe's great countries—a country that removed all its troops from the NATO Command in 1967 and which has refused to participate in the military aspects of NATO since that time—telling the President of of the United States that France would protest the removal of any American troops from the NATO Command in Europe. It is statements of this character that make one wonder about the viability of the U.S. policy in regard to maintaining forces in Europe.)

The time has come for the United States to realize that tensions have eased between East and West—and that this relaxation represents a healthy and desirable change. The time has come to set aside the rhetoric of the Cold War as a basis for justifying our current level of military involvement around the world. The time has come to recognize the validity of an action that is long overdue, and to prevent the deferral of that action under a cloak of multi-national negotiations that might last for a decade or longer. It is time now to respond to the spirit of detente, to the success of the Marshall Plan and the current economic vitality of Europe, to respond to the realities of the '70s, to respond more fully to the needs of our own people at home.

So the absurdity of the U.S.–NATO preparedness for a long war in Europe is indicative of the staleness of thought that has accompanied the American military position in the Atlantic alliance.

While detailed arguments of a military character are not the real subject of this article, there are a few additional points that are directly relevant to our consideration of the appropriate levels of U.S. forces in Europe. The main focus of these arguments is the so-called flexible response theory—the ability to respond to either limited wars or all-out nuclear conflicts. This policy was advanced early in 1965 by the United States, but it was not formally adopted by NATO until 1967. Certainly, there is no quarrel with any policy that seeks to avoid the automatic escalation of hostilities into nuclear year. And flexible response is a policy that should provide an expanded pause period before either side resorts to the use of nuclear weapons.

Unfortunately, however, flexible response has been interpreted as a reason to prepare for a full-scale conventional war of the World War II variety. But is it again a case of the words replacing a thoughtful policy—of reducing NATO's options to prepare for either an immediate nuclear war or for a prolonged and exclusively conventional war? Both possibilities are extremely unlikely.

The *Economist*, one of the more conservative journals on European affairs, wrote on September 16, 1972: "The heart of the matter is that most people believe that the present allied forces in Western Europe, including the present American contingent, would not be able to defend themselves for more than a week without using nuclear weapons and perhaps for no more than two or three days. Removal of half the American contingent would probably reduce that to a maximum of four days and a minimum of one unless the Russians reduce their own army proportionately or the West Europeans are able to make up the difference."

It Is Our Nuclear Response That Europeans Wish Committed

So the doctrine of flexible response is most constructive in extending the pause period before any confrontation in Europe turns into a nuclear holocaust. As the *Economist* noted, a week is the maximum pause period that any European really feels the NATO structure could withstand. This is basic realism. It is public knowledge that more than 7,000 tactical nuclear weapons are in position in Western Europe, some of them reportedly very near the frontier. This fact was reported by the International Institute of Strategic Studies of London in a 1972–73 report and also was mentioned in testimony before the Subcommittee on Military Applications of the Joint Committee on Atomic Energy on April 16, 1973. In view of this wide proliferation of nuclear warheads in Europe, especially considering that some are so near the frontier, it is hard to envision any serious conventional war scenario that wouldn't go nuclear in less than two days. Our tactical nuclear weapons would be either captured or detonated.

The Hot Line was installed in Washington and Moscow to permit wise use of the pause period. If preparing for full-scale conventional war is the NATO strategy, then all its nuclear weapons—whether they are called tactical or strategic—should be removed far to the rear, so that there might then remain the option of *not* using them. It is a total inconsistency to have tactical nuclear weapons anchored into the ground near the frontier while preparing for a 60- to 90-day conventional war of the World War II variety in Europe. Yet it remains our premise that American forces must be structured for a long war in Europe. Supply and logistic levels of American troops in Europe are determined on the basis of a 60- to 90-day engagement, a policy that sets requirements for manpower and supplies well beyond the realm of reason.

An even more significant argument is supplied by the probable European reaction to the removal of U.S. troops from the continent. According to former Secretary of State Dean Rusk, in testimony before the House Foreign Affairs Committee on July 10, 1973, it is an accepted axiom that the Europeans would follow suit and reduce their conventional forces as well.

What is the threat, then, that requires so many U.S. forces on the continent? If there were a truly perceived danger of a conventional attack from the East, would not our European allies, who are closer to the threat, respond by making an accelerated commitment of resources? But no, they are prepared to relax, accept the détente and devote more resources to nonmilitary ventures. So why should we, 3,000 miles away, assume such arrogance as to perceive a greater threat to Europe than do the Europeans?

The question presumes a rational answer, but there is none. It does highlight, however, the dominance of the military posture in Europe by the United States. Since the formation of NATO, there has never been a Supreme Allied Commander who was not an American. U.S. perceptions of the threat are tolerated by the Europeans—and why not? The U.S. is footing the greatest share of the cost. Since it is really our nuclear response that the Europeans wish committed, their tolerance for our eccentricities—including our World War II—style conventional war contingency—is very high.

Should the unlikely contingency of a mass movement by Warsaw Pact forces take place, it is inconceivable that the President of the United States would not be in immediate contact with his counterpart in the Soviet Union. In any event, to pile inconsistency upon inconsistency, if the NATO military scenario calls for defending Western Europe against a massive move from the East, that move must necessarily come across the north German plains, the likely area for a swift move because of the terrain. For this kind of conventional attack, U.S. forces are stationed in the wrong part of Germany: They are positioned in central and southern Germany within an enormous backup capacity and with a consistently top-heavy command structure that still has one flag officer for roughly every 2,200 men.

It is baffling why a properly structured U.S. military force of one—or, at the most, two—lean, mobile divisions, in position to move rapidly along the German frontier, would not provide even greater insurance against any form of pressure from the East. Such a plan would allow a more effective response to the type of attack that might be, however improbably, expected to come from the East. It would permit American forces to be engaged from the beginning, thus allaying any fears on the part of the Europeans that the United States would not be involved in the event of a quick thrust into Western Europe.

Again and again over the years we have been told both by our own officials and those in Europe that some decrease in U.S. military presence should take place. For instance, Secretary Schlesinger told the Foreign Affairs Committee last July that the U.S. was doing more than its fair share in Europe. But it seems that the time is never right for such action. Two years ago the argument was that the policy of detente was underway, and nothing should be done that would disrupt the process — including the U.S.-U.S.S.R. SALT negotiations and movement toward the goals envisioned by Chancellor Willy Brandt's *Ostpolitik*.

Today we find ourselves in a new situation. Success has been achieved in the first and most important round of Strategic Arms Limitation talks, the Warsaw and Moscow treaties have been concluded, the status of Berlin has been regularized and, through the exchanges of visits between President Nixon and Chairman Leonid Brezhnev, a new and better climate has been created which allows us to talk about the Cold War in terms of the past. Despite this progress, we are being told that this is the worst possible time in which to take action on the question of our forces in Europe. The bargaining chip is back.

At the outset we were told by all the experts that MBFR negotiations would be even more complicated and lengthy than the first phase of SALT. The most informed and optimistic speculations hold that the outcome of such negotiations, after perhaps two to three years, might be a reduction of no more than 10 or 15 percent on the part of those countries involved.

Nothing has happened to give us any different picture of this argument in the interim since President Nixon's letter of November 22, 1971. Indeed, considering that the preliminary talks—i.e., talks as to whether there should be talks—were expected to take roughly five weeks and actually took about five months, my skepticism has increased rather than diminished about the value of MBFR. It is doubtful that the United States can remain immobilized on the troops question for a minimum of two and possibly even four to five years. So the argument that we should wait for MBFR really is an indefinite postponement of significant action.

The questions related to MBFR would be immensely complicated even if the negotiations were undertaken in a bilateral framework. Discussion about the positioning of forces and the proportionate reduction of one side, as opposed to the other, because of different logistical requirements will generate as many different solutions as there are participants at the conference. So the complexity of MBFR is, in essence, magnified 19 times.

The wisdom of the North Atlantic Treaty, which left the question of specific troop commitments in the NATO command to be decided *unilaterally* by each country, is abandoned in MBFR. Unilateral action on such a matter is the only practical method. Any nation entering into negotiations, whether bilateral or multilateral, agrees in those negotiations only to what it determines unilaterally it can do or must do in its own national interest. No negotiation with the Soviet Union would cause the Soviet Union to move any of its troops from Eastern Europe if the Soviet Union determined that those troops were needed in the Eastern European countries for anything other than protection against an external threat. In like manner, if the Soviet Union sensed a greater need for its troops on other frontiers or if it denied to divert a greater proportion of its resources to nonmilitary interests, then appropriate reductions by the U.S.S.R. would be made—but only then.

So unilateral action on our part to reduce U.S. troops in Europe, while still maintaining our commitment with a more wisely structured but significantly reduced level of troops, could very well stimulate a similar, independently-arrived-at response on the part of the Soviet Union. This is not unprecedented in recent history. Unilateral and independent actions taken by the United States and the Soviet Union in regard to moratoriums on nuclear tests in the atmosphere precipitated similar constructive independent responses on each side which ultimately led to the Nuclear Test Ban Treaty. So the arguments that unilateral action cannot lead to constructive responses are unwarranted. It can only be hoped that the classic argument of doing things in unison with the Soviet Union can be applied when it comes to the stationing of U.S. forces on foreign soil. According to figures published by the International Institute of Strategic Studies, the Soviet Union has about 15,000 troops stationed outside of Soviet territory and Eastern Europe (in its Eastern European satellites, Russia has stationed an additional 330,000 troops); whereas the United States has about 300,000 military forces scattered around the world outside the U.S. and Europe. A parity with the Soviet Union in this area would be a significant and constructive start toward bringing America home again.

Unilateral action on the part of the United States might produce surprising and constructive results. What people fail to realize is that the Soviet Union, since World War II, has been not only acting but also reacting within its military establishment. Much of the Soviet force was created at a time when the United States had clear nuclear superiority. Most informed observers agree that the Soviet Union is considerably more conservative and suspicious than the United States because of historical experiences and the character of its society.

Yet no one seems willing to make allowances for the inertia of this military conservatism in the U.S.S.R. We forget that speeches by our NATO commanders and political leaders regarding the need for NATO strength and readiness are not interpreted in the way we intend them to be by the Soviet leadership. It seems a simple idea—that they trust us no more than we trust them—yet we do not seem to be able to absorb this idea and act upon it.

I have not dwelled upon the question of the budgetary drain and balance-of-payments costs created by stationing our troops overseas. This point has been deliberately left to one side in considering these questions, because I believe that the United States is willing to bear whatever costs are necessary to fulfill its international obligations. Our history will show that! But it is clear that the United States can fulfill its international obligations abroad while significantly reducing its commitment of forces to foreign soil.

A focus on the issue can be gained, at last, in view of the competition for resources at home. But these resources will be saved, not by trimming our sails in regard to our international obligations, but by trimming the waste caused by years of inattention to a rational international policy.

REDUCTIONS SHOULD BE CONFINED TO LAND-BASED, NOT NAVAL, UNITS

The overall costs of our commitment to NATO amount to something in the neighborhood of $17 billion, including everything except strategic forces. The direct annual operating costs for the approximately 300,000 U.S. forces actually located in Europe amount to approximately $4 billion, according to William J. Casey, undersecretary of state for economic affairs. The net balance-of-payments drain created by maintaining U.S. forces in Europe is approximately $1.5 billion annually. All these figures are growing daily because of inflation, successive devaluations of the dollar and other fiscal problems. A return to rationality on the part of the United States in regard to its forces abroad would yield significant savings in resources.

Another question is whether the troops that are removed from foreign soil ought to be demobilized. It is my opinion that a sound international policy for the United States could best be implemented by a 50-percent reduction of the 500,000-plus troops stationed on foreign soil. The return of 250,000 military personnel would reflect the judgment that they were not needed to fulfill existing international and domestic obligations, and that therefore it would be appropriate to demobilize them. However, the question of demobilization must be independently addressed at this time, since the necessity to obtain a military armed force without the draft will, to a great extent, resolve the issue.

The most reasonable and desirable course of action would be to provide appropriate civilian guidance to our military leaders and while giving them sufficient latitude to adjust for themselves whatever specific reductions would stem from this proposal.

We should move in the direction of making a 50-percent reduction of our total forces stationed in all overseas territories. This should be accomplished within a three-year period and in a carefully structured way that would not necessarily entail the same percentage of reduction in each of the three years or in any one area of the world, but would provide that not less than 25 percent of the total envisioned cut would take place in each of the three years. This should be done on a worldwide basis because the United States is overextended precisely on that basis.

Secondly, we should confine the cuts to land-based units in order to permit our fleets to operate at appropriate strengths, at the same time not excluding home-ported naval units from the overall computation.

Finally, we should leave as much discretion to our military commanders as is commensurate with our foreign-policy interests.

In sum, the wasteful expression of our external power—expression well beyond any reasonable need—has begun to erode our internal freedom. The disclosures of recent months might very well be interpreted in part as the methodology of the American empire returning home to undermine the fiber of our republic.

We have talked, debated and quarreled enough about this problem of U.S. foreign policy as it is implemented abroad. The time for action is long overdue.

U.S. MILITARY STRENGTH OUTSIDE THE UNITED STATES

Total outside the United States	606,000
U.S. territories and possessions	42,000
Foreign countries	564,000
Western Pacific	164,000
Japan	18,000
Philippines	15,000
Ryukyus Islands	40,000
South Korea	42,000
Taiwan	9,000
Afloat	40,000
Other areas	66,000
Bermuda	1,000
Canada	2,000
Cuba	3,000
Guam	17,000
Panama Canal Zone	10,000
Puerto Rico	7,000
Afloat	16,000
Other	10,000
Southeast Asia	63,000
Thailand	45,000
Afloat	18,000
Western Europe and related areas	313,000
Belgium	2,000
Germany	228,000
Iceland	3,000
Italy	10,000
Greece	3,000
Morocco	1,000
Netherlands	2,000
Portugal	2,000
Spain	9,000
Turkey	7,000
United Kingdom	21,000
Afloat	23,000
Other	2,000

Less than 1,000: Austrialia, Cyprus, Ethiopia, Greenland, Iran, Johnston Island, and Midway Island.

Less than 250: Antarctica, Bahamas, Bahrain Leeward Islands, New Zealand, Norway, Saudi Arabia, and South Vietnam.

Less than 100: All other countries.

WATERGATE COMMITTEE CONGRATULATED ON COMPLETION OF ACTIVITIES

Mr. MANSFIELD. Mr. President, I wish to congratulate the Senate Select Committee, the so-called Watergate Committee, on completing its activities over the weekend, in making what evidence it had available to the Special Prosecutor, and also to the House Judiciary Committee. I wish to state that I am satisfied that they have done a good job and I am glad the committee has gone out of business.

I have nothing but praise for all members of the Senate Select Committee, the so-called Watergate Committee. On the Democratic side, none of them volunteered for the onerous responsibility which they assumed. I am sure that the same thing can be said for those on the

Republican side. There were no volunteers. They were placed on that committee by the joint leadership, and they did their job extremely well.

I think that the distinguished Senator from North Carolina (Mr. ERVIN) as chairman was outstanding. My praise goes equally to the vice chairman, the distinguished Senator from Tennessee, who asked pertinent questions and tried to derive basic information therefrom.

The same thing can be said for the distinguished Senator from Georgia (Mr. TALMADGE), who did not waste too much time asking questions. He asked what had to be asked, briefly, succinctly, and to the point.

The same thing can be said for the distinguished Senator from Hawaii (Mr. INOUYE), who conducted himself with considerable aplomb and understanding, and the distinguished Senator from New Mexico (Mr. MONTOYA), who grew in stature as the proceedings continued.

On the other side, in addition to Senator BAKER, there was the distinguished Senator from Florida (Mr. GURNEY), who asked pointed questions, who was involved in the discussions, and who held up his particular end of the investigation with great sturdiness and determination.

Then, of course, there was the distinguished Senator from Connecticut (Mr. WEICKER), who showed a degree of independence which I think spoke well for the committee, each depicting his own point of view and each trying to find out what he could to bring this matter to a conclusion.

Mr. President, I want to say it was not an easy assignment for any of the members of the Watergate Committee. I want to emphasize that none of the members of the Watergate Committee volunteered their services. I want to emphasize, also, that what they did on that committee they did in addition to their regular duties and responsibilities as Senators from their respective States.

Again I am happy to say that I am glad that at long last this committee, which has performed so well, has now gone out of existence. I am glad that it has referred all the evidence which was accumulated to the Special Prosecutor, that they have done likewise as far as the House Judiciary Committee is concerned, and I would anticipate and expect that before long they would send to the Senate as a whole their recommendations as to what should, or could, be done legislatively to make certain that none of these situations which have confronted the Nation, and are confronting the Nation today, will occur in the future.

Mr. President, the Senate will look forward with anticipation to the committee's legislative recommendations.

To all members of the committee, I want to say a job well done. You have represented the Senate with distinction, integrity, and understanding, and you have acted with responsibility and restraint.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. CLARK) laid before the Senate the following letters, which were referred as indicated:

Report of the Comptroller General

A letter from the Comptroller General of the United States transmitting a secret document entitled "Effectiveness of U.S. Security Assistance to the Republic of Korea: A Report on Accomplishments and Constraints" (with an accompanying report). Referred to the Committee on Government Operations.

Proposed Amendment to the Budget, 1975, for the Department of the Interior (S. Doc. No. 93–95)

A communication from the President of the United States, transmitting a proposed amendment for appropriations transmitted in the budget for the fiscal year 1975, which involved the transfer of $94,575,000 from the Department of State to the Department of the Interior (with accompanying papers). Referred to the Committee on Appropriations, and ordered to be printed.

Proposed Amendment to the Budget, 1975, for the Veterans Administration (S. Doc. No. 93–96)

A communication from the President of the United States, transmitting a proposed amendment for appropriations transmitted in the budget for the fiscal year 1975, in the amount of $618,962,000, for the Veterans Administration (with accompanying papers). Referred to the Committee on Appropriations, and ordered to be printed.

Transfers of Appropriated Operation and Maintenance, Army (OMA) Funds

A letter from the Secretary of the Army, reporting, pursuant to law, transfers made pursuant to transfer authority of appropriated Operation and Maintenance, Army (OMA) funds. Referred to the Committee on Appropriations.

Loan to Tri-State Generation and Transmission Association, Inc., Denver, Colo.

A letter from the Administrator, Rural Electrification Administration, United States Department of Agriculture, reporting, pursuant to law, a commitment to guarantee a non-REA loan in the amount of $100,581,000 to Tri-State Generation and Transmission Association, Inc., of Denver, Colo. (with accompanying papers). Referred to the Committee on Appropriations.

Loan to Colorado-Ute Electric Association, Inc., Montrose, Colo.

A letter from the Administrator, Rural Electrification Administration, United States Department of Agriculture, reporting, pursuant to law, a commitment to guarantee a non-REA loan in the amount of $116,963,000 to Colorado-Ute Electric Association, Inc., of Montrose, Colo. (with accompanying papers). Referred to the Committee on Appropriations.

Loan to Associated Electric Cooperative, Inc., Springfield, Mo.

A letter from the Administrator, Rural Electrification Administration, United States Department of Agriculture, reporting, pursuant to law, a commitment to guarantee a loan to be obtained from other souces in the amount of $142,360,000 to Associated Electric Cooperative, Inc., of Springfield, Mo. Referred to the Committee on Appropriations.

Final Award in the Seneca Nation of Indians, Plaintiff, Versus The United States of America, Defendant

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, final determination in the above-named claim case in Docket No. 342–F (with accompanying papers). Referred to the Committee on Appropriations.

Final Award in the Seneca Nation of Indians, Plaintiff, Versus The United States of America, Defendant

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, final determination in the above-named claim case in Docket No. 342–I (with accompanying papers). Referred to the Committee on Appropriations.

Final Award in the Seneca Nation of Indians, Plaintiff, Versus The United States of America, Defendant; and the Tonawanda Band of Seneca Indians, Plaintiff, Versus The United States of America

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, final determinations in the above-named cases in Docket Nos. 342–B, 342–C, and 368 (with accompanying papers). Referred to the Committee on Appropriations.

Proposed Facilities Projects for the Air Force Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, facilities projects proposed to be undertaken by the Air Force Reserve within the uncommitted balance of available lump sum authorization. Referred to the Committee on Armed Services.

Proposed Legislation Relating to the Purchase, Possession, Consumption, Use, and Transportation of Alcoholic Beverages in the Canal Zone

A letter from the Assistant to the Governor, Canal Zone Government, transmitting a revised draft of proposed legislation to authorize the President to prescribe regulations relating to the purchase, possession, consumption, use, and transportation of alcoholic beverages in the Canal Zone (with accompanying papers). Referred to the Committee on Armed Services.

Report on the Health Consequences of Smoking

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the health consequences of smoking (with an accompanying report). Referred to the Committee on Commerce.

Report on Penn Central Transportation Co.

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the financial condition of Penn Central Transportation Company, U.S. Department of Transportation, June 25, 1974 (with an accompanying report). Referred to the Committee on Commerce.

Report on a Study of Tax and Loan Accounts

A letter from the Secretary of the Treasury, submitting a report of a study of tax and loan accounts, June 1974 (with an accompanying report). Referred to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the implementation and impact of reductions in civilian employment during fiscal year 1972 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Navy logistic support of the 7th Fleet in Southeast Asia: continuing logistics issues and constraints, Department of the Navy (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on how ship transfers to other countries are financed, Department of Defense, Department of State (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office of the previous month (with accompanying papers). Referred to the Committee on Government Operations.

Transfer of Government Comptroller of the Virgin Islands

A letter from the Acting Secretary of the Interior, reporting, pursuant to law, the return of Mr. Donald R. Moysey, the incumbent Comptroller, for personal reasons, to a position with the Department here in Washington. Referred to the Committee on Interior and Insular Affairs.

Plan for the Use and Distribution of Three Affiliated Tribes Judgment Funds Awarded in Dockets 350–A, E and H, Before the Indian Claims Commission

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a proposed plan for the use and distribution of the Three Affiliated Tribes judgment funds awarded in Dockets 350–A, E and H before the Indian Claims Commission (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

Report of Orders Suspending Deportation

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation as well as a list of persons involved (with accompanying papers). Referred to the Committee on the Judiciary.

Proposed Science and Technology in Presidential Policymaking

A letter from the President, National Academy of Sciences, submitting a report entitled "Science and Technology in Presidential Policymaking: A Proposal" (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

Annual Report of the National Labor Relations Board

A letter from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the 38th Annual Report of the National Labor Relations Board (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

Prospectus To Amend a Public Building Project, Consolidated Federal Law Enforcement Training Center.

A letter from the Administrator, General Services Administration, transmitting, pursuant to law, an amendment to the approved prospectus for the Consolidated Federal Law Enforcement Training Center, Beltsville, Md. (with accompanying papers). Referred to the Committee on Public Works.

PRESENTATION OF PETITIONS

Mr. THURMOND. Mr. President, on June 28, 1974, the South Carolina General Assembly adopted a concurrent resolution memorializing the Congress and the executive branch of the Federal Government to take such action as may be necessary to see that all American Prisoners of War in Southeast Asia are released and that final determination is made on those listed as missing in action in that area.

This is a matter of utmost concern and importance to all Americans, and particularly to those families of the brave men still unaccounted for in that area. It is imperative that a complete accounting be made as soon as possible.

Mr. President, on behalf of myself and the junior Senator from South Carolina, Mr. Hollings, I ask unanimous consent that this concurrent resolution be printed in the Congressional Record at the conclusion of my remarks and that it be referred to the appropriate committee for immediate attention.

The ACTING PRESIDENT pro tempore (Mr. Clark). Without objection, it is so ordered.

The concurrent resolution, which was referred to the Committee on Foreign Relations, reads as follows:

"A Concurrent Resolution Memorializing Congress and the Executive Branch of the Federal Government To Take Such Action as May Be Necessary To See That All American Prisoners of War in Southeast Asia Are Released and That a Final Determination Be Made on Those Listed as Missing in Action in That Area

"Whereas, a year and a day after the signing of the so-called ceasefire (January 28, 1974), the United States Senate Foreign Relations Committee held hearings on the Missing in Action in Southeast Asia. The Senators on this committee were given a briefing memo prepared by a consultant to the committee. The following point-counterpoint items speak for themselves:

"A

"When 'peace was at hand' on October 16, 1972, President Nixon told the National League of Families of Prisoners and Missing in Southeast Asia:

" 'We have under no circumstances abandoned our POW's and MIA's wherever they are. When I use the word abandon, I speak quite deliberately. That means that we cannot leave their fate to the goodwill of the enemy."

"In an address on Armed Forces Day, May 19, 1973, the President said:

" 'And I can assure you that we must and will insist that this promise, this pledge, this solemn agreement be kept, because just as America never broke faith with our Prisoners of War, I can assure you today, we will not break faith with those who are reported Missing in Action.'

"On January 28, 1974, the following statement appeared in the private Senate briefing memo given to the members of the Senate Foreign Relations Committee:

" 'No one wants to say to the families that we have done as much as is politically feasible or that the possibility of obtaining additional information must be weighed against other policy considerations.'

"B

"In the State of the Union Address, presented by President Nixon on January 30, 1974, the President pledged the following regarding the POW's/MIA's:

" 'We will press for full compliance with the peace accords that brought an end to American fighting in Indochina, including particularly the provision that promised the fullest possible accounting for those Americans who are Missing in Action.'

"In the briefing memo given to the Senators on January 28, 1974, the following is stated:

" 'At this point, United States policy seems to be to live with the imperfections of the agreement rather than to seek full implementation.'

"C

"In the White House copy of Dr. Kissinger's press conference, January 24, 1973, he said:

" 'The return of American personnel and the accounting of the Missing in Action is unconditional and will take place within the same time frame as the American withdrawal.'

"In the briefing memo, when discussing the possibility of American POWs still alive, the following observation was made:

" 'Knowing this, the Administration must ask itself what price it should be willing to pay for such limited returns.'

"D

"In that same January 24, 1973, press conference, Dr. Kissinger said:

" '. . . all parties have an obligation to assist each other in obtaining information about the Prisoners, Missing in Action, and about the location of graves of American personnel throughout Indochina.'

"In the briefing memo given to the Senators, the following is stated:

" 'Objective observers are not surprised that the DRV and the PRG have not allowed these teams to operate. Apparently no advance provision was made with the DRV and PRG for their operations.'

"Explanation: 'Teams' refers to the Joint Casualty Resolution Center search teams. 'DRV' refers to North Vietnam (Democratic Republic of Vietnam). 'PRG' refers to the Viet Cong (Provisional Revolutionary Government).

"E"

"During his confirmation hearings before the Senate Foreign Relations Committee, September 7–11, 1973, Secretary Kissinger commented on the failure of the Communists to live up to their obligations in accounting for the Missing:

" 'We are seriously dissatisfied with the other side's performance on this subject—it has been one of the most unsatisfactory aspects of the implementation of the agreement.'

"In the briefing memo, there is the statement that reads:

" 'The North Vietnamese clearly would like to reengage the United States on the question of implementing the political provisions of the Paris Accords . . .'; and

"Whereas, Congressman Benjamin A. Gilman's report that General Vang Pao told him of eight to ten Americans held in Laos, the Walter Cronkite report on the sighting of journalists in Cambodia, and a report that released ARVN POW's were held with three Americans in the central highlands of South Vietnam show there is strong evidence that more Americans other than Emmett Kay, a confirmed POW of the Pathet Lao, are being held in Southeast Asia; and

"Whereas, we believe that the President of the United States, the Secretary of State, the Congress of the United States, and the Armed Forces of the United States should continue to make every effort to see that all Prisoners of War in Southeast Asia are immediately released and that a final determination be made on those listed as Missing in Action. Now, therefore,

"*Be it resolved* by the Senate, the House of Representatives concurring:

"That the Honorable Richard M. Nixon, President of the United States, the Honorable Henry A. Kissinger, Secretary of State, the Congress of the United States, and all other agencies of the United States Government concerned with this problem are hereby memorialized to make every effort to see that all American Prisoners of War in Southeast Asia are released and that a final determination be made on all those listed as Missing in Action in that area.

"*Be it further resolved* that the South Carolina General Assembly concurs in and encourages the passage of Senator Gurney's Trade Reform Act, Amendment No. 1194.

"*Be it further resolved* that copies of this resolution be forwarded to the President of the United States, the Secretary of State, and each member of the South Carolina Delegation to the Congress of the United States."

Mr. HOLLINGS. Mr. President, on behalf of Senator Thurmond and myself, I bring to the attention of my colleagues in the Senate a resolution adopted by the South Carolina General Assembly memorializing the Veterans' Administration to recommend to Congress that approximately 288 acres at Fort Jackson, which is to be disposed as surplus property, be utilized as a national cemetery.

I ask unanimous consent that this resolution be printed at this point in the Record and referred to the appropriate committee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution, which was referred to the Committee on Veterans' Affairs, reads as follows:

"A Concurrent Resolution Memorializing the Administrator of the Veterans Administration To Recommend to the Congress of the United States the Utilization as a National Cemetery the Approximately Two Hundred Twenty-Eight Acres at Fort Jackson Which Will Be Disposed of as Surplus Property

"Whereas, the National Cemeteries Act of 1973 provides that the control and administration of National Cemeteries shall be the responsibility of the Veterans' Administration with oversight by the Veterans' Affairs Committees of the Senate and the House of Representatives of the United States; and

"Whereas, there are one hundred and three cemeteries in the new National Cemetery system administered by the Veterans' Administration, with only fifty-five of such cemeteries having grave sites available; and

"Whereas, there are only approximately two hundred and forty-five thousand grave sites available while there are approximately twenty-nine million living veterans who might some day want to avail themselves of the right to burial in a National Cemetery, which means that there is less than one grave site presently available for every one hundred veterans; and

"Whereas, the National Cemeteries Act of 1973 directs the Veterans' Administration Administrator to conduct a comprehensive study and report to Congress what criteria should be applied to our National Cemeteries system and what the national burial policy should be for the future; and

"Whereas, approximately two hundred and twenty-eight acres at Fort Jackson will be declared surplus property to be disposed of within the near future; and

"Whereas, it appears that the two hundred twenty-eight acre tract will be sufficient size to provide grave sites for veterans of South Carolina for many years to come, that it is presently Federal property and will not cost additional funds for acquisition, that it is within easy access of all areas in the State of South Carolina, being located approximately in the center of the State, that it is adjacent to a military facility, that there are no permanent buildings on the present location and all temporary buildings are being removed, that the contour of the land will lend itself to use as a National Cemetery, that the proposed cemetery would serve approximately nine thousand retirees in the Columbia area, approximately forty thousand retirees in central South Carolina, plus more than three hundred thousand veterans throughout the State of South Carolina, and that the proposed cemetery would provide burial space for approximately two hundred thousand veterans and would represent a potential saving to the government of approximately thirty million dollars; and

"Whereas, at the present rate of burials, at both the Florence and Beaufort National Cemeteries in this State, it is mandatory that a facility such as the proposed cemetery at Fort Jackson be established in the State of South Carolina within the next ten to twenty years. Now, therefore,

"*Be it resolved* by the Senate, the House of Representatives concurring:

"That the Administrator of the Veterans Administration is memorialized, because of the duties imposed upon him by the National Cemeteries Act of 1973 to create a National Cemeteries policy, to recommend in his report to the Congress of the United States that the approximately two hundred twenty-eight acres of surplus property to be disposed of at Fort Jackson be utilized as a National Cemetery to serve the burial needs of the thousands of veterans of this State.

"*Be it further resolved* that a copy of this resolution be sent to the Administrator of the Veterans Administration and to each member of the Congress of the United States representing the State of South Carolina.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia:

H. Mason Neely, of the District of Columbia, to be a member of the Public Service Commission of the District of Columbia.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HATFIELD:

S. 3757. A bill to authorize and request the President to issue a proclamation designating August 18–24, 1974, as "National Deaf Awareness Week." Referred to the Committee on the Judiciary.

By Mr. HATFIELD (for himself, Mr. Young, Mr. Beall, and Mr. Humphrey):

S. 3758. A bill to amend section 121 of the Internal Revenue Code of 1954 to increase the exclusion from gross income of gain from the sale of a residence by an individual who is 65 years old or older. Referred to the Committee on Finance.

By Mr. PROXMIRE (for himself, Mr. Ervin, Mr. Tower, Mr. Stafford, Mr. Nelson, Mr. McGovern, Mr. Pell, Mr. Dole, Mr. Percy, Mr. Hollings, Mr. McClure, Mr. Chiles, Mr. Muskie, Mr. Hansen, and Mr. Symington):

S. 3759. A bill to amend the Congressional Budget Act of 1974 to require the Congressional Office of the Budget to prepare fiscal notes for bills and joint resolutions. Referred, by unanimous consent, jointly, to the Committee on Government Operations and the Committee on Rules and Administration.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 3760. A bill to extend the Marine Protection, Research, and Sanctuaries Act for 2 years. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 3761. A bill to amend title 14, United States Code, to provide a subsistence allowance for members of the Coast Guard officer candidate program. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 3762. A bill to amend the Federal Power Act and the Natural Gas Act. Referred to the Committee on Commerce.

By Mr. DOMENICI (for himself and Mr. Montoya):

S.3763. A bill to repeal the Act of May 10, 1926 (44 Stat. 498), relating to the condemnation of certain lands of the Pueblo Indians in the State of New Mexico. Referred to the Committee on Interior and Insular Affairs.

By Mr. ABOUREZK:

S. 3764. A bill to amend the Indian Financing Act of 1974. Referred to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY:

S. 3765. A bill to establish the National Trust for the Preservation of Historic Ships. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD:

S. 3757. A bill to authorize and request the President to issue a proclamation designating August 18–24, 1974, as "National Deaf Awareness Week." Referred to the Committee on the Judiciary.

NATIONAL DEAF AWARENESS WEEK

Mr. HATFIELD. Mr. President, I send to the desk a measure to proclaim August 18–24 as "National Deaf Awareness Week."

Mr. President, I went for a walk recently on a bright summer day, and noticed that although this new season can be experienced in many ways such as sunlight filtering through trees, and the sensation of warm wind against the skin, it can, perhaps, be best understood and fully appreciated by its sounds—typical sounds, of birds moving through the trees, of a neighbor cutting three inches of new grass, or children skipping rope—sounds that herald the onset of summer. With these sounds the world becomes a happier place—a happier place, that is, for those of us who can hear it.

As we, the nondeaf, experience the sounds of summer, I believe it is appropriate to review efforts that we have made to bring to light the problems facing our Nation's deaf population.

Almost 236,000 Americans are totally deaf, and 1 out of every 10 people have some degree of hearing loss. Despite our efforts to control it, the incidence of hearing loss is increasing in this country.

The millions of people who experience some degree of deafness have consistently and tragically been discriminated against in our society. The deaf are made to feel different from childhood, often by members of their own family. In school, they are taught in a language that they cannot know well, by teachers who seldom understand the detrimental conditions under which these children labor. When they finally leave school, they have, on the average, fifth grade level reading skills. They often speak in a manner that is difficult, if not impossible, for the man on the street to comprehend.

They are constantly exposed to the full force of public prejudice and the result is often that, despite the fact that they possess normal strength, intelligence and physical mobility, they will probably be placed at a semiskilled or unskilled position or be unable to find employment at all. This is simply a terrible waste of a person's intellect and his potential.

Mr. President, initiatives to educate the public about deafness, and thereby broaden the opportunities and vistas open to deaf Americans, can best succeed through cooperative involvement by our Government and the private sector. The proclamation I propose today will serve to further widen that cooperation, and its enactment will symbolize a commitment by the Government to eliminate the numerous but unjust obstacles to a normal and productive life for deaf persons.

Mr. President, the need for expanded efforts in the area of deaf awareness has been succinctly articulated in a recent piece of survey research performed by Dr. Philip G. Kuehl for the National Association of Hearing and Speech Agencies. I commend Dr. Kuehl's summary of findings to the attention of each of my colleagues, and ask unanimous consent that it and the text of this legislation be printed in the Record at this point.

There being no objection, the bill and summary were ordered to be printed in the Record, as follows:

S. 3757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating August 18–24, 1974, as "National Deaf Awareness Week", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

II. Summary Findings

A. SUMMARY FINDINGS: THE HEARING AND SPEECH PROFESSIONALS

1. A majority of the respondents in all professional groups included in this analysis (agency administrators, audiologists, speech pathologists, physicians, rehabilitation counselors, and hearing aid dealers) believe that hearing and speech programs have been recognized in federal and state legislative programs in recent years. All groups, except for the physicians and the hearing aid dealers, indicate that increased representation of the field of speech and hearing in legislative processes at the federal and state levels should be important in the next three to five years.

2. Overwhelmingly, all of the professional groups think that people in the U.S. view hearing loss as a low priority health problem. In the next three- to five-year period, all of the professional groups believe that the achievement of expanded awareness of speech and hearing problems among the general population should be emphasized.

3. While many professionals did not express an opinion, those who did (except the physicians) indicated that effective national forums for the exchange of information and ideas among professionals, the public, and persons afflicted with speech and hearing losses do not exist at the present time. In addition, respondents in all professional groups (except the audiologists and hearing aid dealers) believe that the interests of audiologists and speech pathologists would be best represented by a single professional society. In the future, most professionals in each of the categories included in the survey indicated that the development of a national organization or forum that represent the viewpoints of all participants in speech/hearing delivery systems in a unified manner is an important challenge for the field.

4. Respondents in each professional group (except the hearing aid dealers) believe that speech and hearing programs must be integrated with the comprehensive health care programs now developing in the U.S. Furthermore, most professional groups indicate that this factor will be increasingly important in the next three- to five-year period as will the development of third-party payment programs for speech/hearing services.

5. The administrators, audiologists, speech pathologists, and rehabilitation counselors responding to the questionnaire indicated that speech and hearing services are not available to most segments of the population who need such assistance. The physicians and hearing aid dealers agreed with this viewpoint. In the future, agency administrators, audiologists, speech pathologists, physicians, rehabilitation counselors, and hearing aid dealers believe that expansion of services to segments of the population not reached through current programs is an important challenge in the field. Similarly, administrators, audiologists, speech pathologists, and rehabilitation counselors believe that expansion of community planning programs for speech/hearing services will be important in the next three- to five-year period.

6. In general, all professional groups (except hearing aid dealers) believe that the costs of providing speech and hearing services are too high for most segments of the population in need of such services. Furthermore, most respondents in all of the professional groups feel that the reduction of speech/hearing program costs and fees in the next three to five years is important if the expansion of services in the general population is to occur.

7. In all, professional groups feel that emphasis should be placed on the preventive aspects of speech and hearing health programs at the present time. Similarly, most professional groups feel this is an important topic for the future as well.

8. All the professional groups believe that the hearing aid dealers are not meeting the needs of persons afflicted with hearing loss in a satisfactory fashion. The hearing aid dealers disagree with this opinion. Concomitantly, about two-thirds of all professional groups think that the advancement of speech and hearing technology will be important in the future.

9. Most of the respondents in all professional groups responding to the questionnaire (except the physician group) feel that physicians specializing in speech and hearing do not integrate their activities with agency programs in a satisfactory manner. In the future, however, most respondents in all professional groups believe that increased involvement by the medical community in speech and hearing program development should occur.

10. Respondents in all categories (except for the physicians and hearing aid dealers) believe that adequate financial bases for speech and hearing program development do not exist at the present time. Similarly, the broadening of bases of financial support for speech/hearing programs and services was regarded as an important future consideration by all professional groups—except the physicians and hearing aid dealers.

11. A majority of the professionals view speech impairment as a problem more closely related to educational processes than to medical processes, while only the physicians regard hearing loss as a medical problem.

12. In general, most of the respondents in each of the categories believe that the improvement of the accreditation programs for agencies and certification programs for agency administrators is not a critically important consideration for the future. A similar response pattern (not critically important) was found among respondents in all groups when questions about the recruitment of capable personnel to the speech and hearing professionals and the utilization of supportive personnel in speech/hearing service programs were asked.

B. SUMMARY FINDINGS: THE GENERAL PUBLIC AND PERSONS WITH HEARING IMPAIRMENTS

1. In general, when respondents from both groups were asked to rate and rank 10 major national health problems in the U.S., hearing loss was ranked fourth in terms of (1) the extent of the problem and (2) the importance of the problem. Speech impairment, on the other hand, was ranked ninth.

2. Respondents in both groups feel that "noise pollution" is not an important problem in the U.S. and most respondents in both samples felt that present state and federal laws regulating on-the-job noise levels are adequate.

3. Authenticity is given to previous studies by both groups who feel that "elderly persons" are most susceptible to hearing loss problems, followed by middle-aged adults and children.

4. Of those responding, most feel that increased emphasis should be placed on the prevention of hearing loss—through elementary and secondary school health programs. However, few persons in both groups indicated that hearing examinations are given to children as part of the health programs in their school systems. In addition, both groups indicate that their general medical check-up does not include a hearing examination. Finally, all agree that hearing loss services are not provided in most health insurance programs.

5. Half of the general public indicated that people who are afflicted with a loss of hearing have readily available sources of assistance. Conversely, over half of the hearing-impaired group said sources of assistance were not readily available.

6. While the general public could not express a firm opinion, most of the hearing-impaired group felt that hearing aid dealers are not meeting the needs of those persons afflicted with hearing loss in a satisfactory manner.

7. When the persons with impaired hearing were asked if effective national forums for the exchange of information among hearing professionals, the public, and persons afflicted with hearing loss exist at the present time, the answer was an overwhelming "No."

8. Those with impaired hearing indicated that hearing educational programs and counselling services are not integrated with comprehensive health care programs now developing in the U.S. When asked about physicians specializing in hearing loss problems and if they integrate their activities with clinic or agency programs and services in a satisfactory manner, the answers hovered in the "No" and "No opinion" categories.

9. The hearing-impaired indicated that educational programs and counseling services are not available to most segments of the population who need them. In addition, this sample feels that the costs of obtaining hearing educational programs and services are too high for most segments of the population in need of such services.

10. When respondents from the impaired-hearing sample were asked to rank the importance of various aspects of hearing and educational and counseling activities, the following activities were obtained:

Percent of respondents indicating "very important"

Activity:	
Counseling service availability	89.4
Educational opportunities	86.7
Hearing-impaired person-parent relationship	86.0
Information availability	85.5
Education of general public	83.1
Hearing-impaired person-parent relationship	82.2
Parent-professional relationship	79.7
Parent-parent relationship	78.5

C. CONCLUSIONS

In Section I of the study, ten hypotheses were postulated to guide and scope and thrust of the study.

1. Does the general public recognize the importance of hearing and speech deficiencies as major national health problems?

The study reveals that the general public does not recognize the importance of hearing and speech deficiencies as major national health problems nor are more federal laws needed to regulate on-the-job noise levels.

2. In terms of hearing and speech program development and services:

a. Do such programs reach most of the people in need of hearing and speech services?

Overwhelmingly among the professionals, the hearing-impaired, and the general population, the answer is that most programs do not reach the people in need of services.

b. Are the costs of services too high?

Again among the professionals, the hearing-impaired, and the general public, the answer is yes, the costs of hearing and speech services are too high.

c. Should increased emphasis be placed on the development of preventive services?

The study reveals that there should be an emphasis placed on preventive services. However, these preventive services appear to be focused on preventing hearing and speech defects in children through research since stronger industrial laws are not needed.

d. Should third-party payments systems be developed?

Here a split exists in the opinion of the professionals. The speech pathologists, audiologists, agency administrators, and rehabilitation counselors say the answer is yes. However, among the physicians and hearing aid dealers, the answer is no.

e. Should such services be directly related to the evolving comprehensive health care systems developing in the United States?

In all three questionnaires, the answer is yes, hearing and speech services should be directly related to the evolving comprehensive health care systems.

f. Should community planning programs and development processes be emphasized?

Only in the opinion of agency administrators, speech pathologists, audiologists, and the rehabilitation counselors should emphasis be placed on community planning and development.

3. Should the professional interests of audiologists and speech pathologists be represented through the development of a multidisciplinary, unified national forum?

There is an overwhelming feeling by the speech pathologists and audiologists that their professional interests can best be served by a single organization. The questionnaire did not adequately address itself to the development of a multidisciplinary organization for the interest of audiologists and speech pathologists. However, there is a feeling among the public that their should be a multidisciplinary, unified national forum for the interests of the hearing-, speech-, and language-impaired.

4. Is the recruitment and training of qualified personnel to fulfill the various professional, administrative, and semi-professional roles in hearing and speech a major problem?

The study shows that recruitment and training of qualified personnel in the opinion of the speech pathologists, audiologists, and administrators is not a major problem; but when this is contrasted with the opinion of the general public, there is an agreement that the majority of the people who need services are not receiving them. As such, there appears to be a conflict in the answer, which may show a professional self-protection rather than a commitment to serve.

5. Do medical practitioners relate their work in hearing and speech to the functions performed by the audiologists and speech pathologists in an effective manner?

Again, the answer here shows that most professionals do not believe that the medical practitioners relate their work directly to that of the audiologists and speech pathologists in an effective manner. However, when examining the study further, one recognizes that most speech pathologists and audiologists regard hearing and speech problems as educational in nature rather than medical.

6. Do private sector and governmental funding sources recognize the need to support hearing and speech programs and service program development in a substantive manner?

The answers reveal that there is a need for educational programs and effective legislation in support of hearing and speech programs at the federal and local levels.

7. Is the field of hearing and speech recognized in governmental legislative programs?

The majority of the professionals answering stated yes, that speech and hearing are recognized in governmental legislative programs.

8. Do hearing aid dealers and manufacturers fulfill a viable role in providing an effective service in hearing and speech delivery systems?

Not enough answers were received from the manufacturers to give a valid conclusion. However, it was the opinion of the professionals that the hearing aid dealers are not serving the needs of the public. The hearing aid dealers disagree and the general public has ambivalent feelings. A conclusion is difficult to ascertain since the question of viability was not addressed.

9. Has the field of hearing and speech developed effective communication capability and effectiveness among professionals, the general public, and governmental audiences?

The overall trend of the responses indicate that there is a lack of communication among the professionals, the general public, and governmental audiences to the detriment of the hearing-impaired's not receiving services.

By Mr. HATFIELD (for himself, Mr. Young, Mr. Beall, and Mr. Humphrey):

S. 3758. A bill to amend section 121 of the Internal Revenue Code of 1954 to increase the exclusion from gross income of gain from the sale of a residence by an individual who is 65 years old or older. Referred to the Committee on Finance.

Mr. HATFIELD. Mr. President, the bill I am introducing today, along with Senator Young, Senator Beall, and Senator Humphrey, will increase the exclusion from gross income of gain from the sale of a residence by an individual who has attained the age of 65.

The present exclusion of $20,000 was included in the Revenue Act of 1964. Since the passage of that bill, inflation has caused the dollar limitation to become outdated. According to the Bureau of the Census, the nationwide average sales price for newly constructed personal residences in 1963 was $19,300 and the median sales price was $18,000. A $20,000 exclusion at that time, therefore, was just and reasonable. But since that time inflation has driven sales prices upward, so that the $20,000 exclusion no longer is appropriate.

For 1972, the nationwide average sales price for new personal residences was $30,500 and the median sales price was $27,600. According to the National Association of Realtors, the nationwide sales price for existing homes for January 1974 was $30,600. So an exclusion of $30,000 is now necessary to meet the original intentions of the provision.

The intention was clearly expressed in the Senate Finance Committee's report on the Revenue Act of 1964:

> The elderly person whose family has grown up and who no longer has need for the family homestead . . . may desire to purchase a less expensive home or move to an apartment or to a rental property at another location. He may also require some or all of the funds obtained from the sale of the old residence to meet his and his wife's living expenses.

To meet those needs in 1964, the committee recommended an exclusion of $20,000. Today those needs are no less important, and a $30,000 exclusion should be enacted.

Since the Federal Government is primarily responsible for inflation, it should not hold the taxpayers accountable for its mistakes, through the income tax structure. If the Federal Government must persist in its inflationary fiscal practices, then it ought at least to mitigate the effects of those practices on the innocent taxpayer. Passage of this bill would ease the effects of inflation on one of the groups most hardest hit—senior citizens. And it would result in a revenue loss of no more than $5 million, according to the Senate Finance Committee.

In closing, I would like to thank Mr. Art Ratcliffe of Myrtle Point, Oreg., for suggesting this change in the Tax Code, and would ask unanimous consent that an editorial from the Oregon Statesman in support of this legislation be printed at this point in the Record, along with the text of the bill.

There being no objection, the bill and editorial were ordered to be printed in the Record, as follows:

S. 3758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 121 (b)(1) of the Internal Revenue Code of 1954 (relating to gain from sale or exchange of residence of individual who has attained age 65) is amended by striking out "$20,000" each place it appears therein and inserting in lieu thereof "$30,000".

(b) The amendments made by subsection (a) apply to taxable years beginning after December 31, 1974.

[From the Salem Oregon Statesman, June 28, 1974]

TAX BREAK FOR ELDERLY FINE

While it can be argued that the tax laws are already too full of special exemptions and loopholes, Sen. Mark O. Hatfield has introduced a bill which makes good sense.

It would increase the exemption from capital gains tax on homes by persons over 65 from $20,000 to $30,000. This means that a retired couple who have paid off their home could sell it and realize a $30,000 gain which would not be taxable.

Hatfield rightly points out that sale prices of houses have drastically increased since the exemption law first was passed. Median sale price of a new home currently is around $30,000.

And in the case of a retired couple, many want to move into smaller, less expensive houses or apartments, having no need for a large house when families are raised. Under present law a couple which realized more than $20,000 from a sale either faces taxation on the excess gain or having to reinvest in another house of comparable value to avoid the tax.

Many senior citizens, already hard hit by the workings of inflation on fixed incomes, also may need to sell a house and find cheaper quarters just to make ends meet for living expenses. They shouldn't be penalized by taxation because of inflated housing prices, and Hatfield's bill is a good effort at a solution.

By Mr. **PROXMIRE** (for himself, Mr. Ervin, Mr. Tower, Mr. Stafford, Mr. Nelson, Mr. McGovern, Mr. Pell, Mr. Dole, Mr. Percy, Mr. Hollings, Mr. McClure, Mr. Chiles, Mr. Muskie, Mr. Hansen, and Mr. Symington):

S. 3759. A bill to amend the Congressional Budget Act of 1974 to require the Congressional Office of the Budget to prepare fiscal notes for bills and joint resolutions. Referred, by unanimous consent, jointly, to the Committee on Government Operations, and the Committee on Rules and Administration.

PRICE TAGS FOR LEGISLATION

Mr. **PROXMIRE**. Mr. President, today I am introducing for myself and for 14 other Senators a bill to require price tags for bills, joint resolutions, and amendments to them after the proposals have been reported by a Senate committee.

Those Senators cosponsoring this bill are the Senators from North Carolina (Mr. Ervin), from Texas (Mr. Tower), from Vermont (Mr. Stafford), from Wisconsin (Mr. Nelson), from South Dakota (Mr. McGovern), from Rhode Island (Mr. Pell), from Kansas (Mr. Dole), from Illinois (Mr. Percy), from South Carolina (Mr. Hollings), from Idaho (Mr. McClure), from Florida (Mr. Chiles), from Maine (Mr. Muskie), from Wyoming (Mr. Hansen), and from Missouri (Mr. Symington).

I am happy to have such a distinguished group of Senators—a group with many diverse political philosophies—joining in sponsoring a bill that makes commonsense. Fiscal notes or price tags would be placed on all proposals reported by a committee. When the bill or joint resolution was printed, at the bottom on the first page would appear in bold face type an estimate of the cost—or the savings, for that matter—of carrying out the proposal. Forthcoming fiscal year and each of the next 4 fiscal years. The estimates would be made by the Congressional Office of the Budget—COB—which in set up in the Congressional Budget Act of 1974.

The Legislative Reorganization Act of 1970 requires that committee reports contain cost estimates of legislation for a 5-year period, just as this bill does. The difference between the two is significant, however.

The committee reports do not necessarily give prominent display to the estimate, as this bill would require. Also, according to the Library of Congress study, the committee reports have been known to go to print without the required statement of fiscal impact. Under this proposal, bills, joint resolutions and amendments could not be printed without the information.

Thus the cost, or savings, of a proposal would get wide distribution, giving Senators and the public an additional fact—a most important fact—to consider the discussion and debate.

One extremely important aspect of this bill is the placing of fiscal notes on amendments proposed on the floor of the Senate. Often we Senators must vote on an amendment without full knowledge of the effect of that amendment. Under this bill, an independent and reliable source of information—the Congressional Office of the Budget—would provide dollars and cents price estimates. The COB will, by law, be impartial and nonpartisan. And it seems abundantly clear that this new office will be competent.

The very existence of an impartial and reliable estimate of cost will add to any debate. The ability of all sides to stipulate to something as basic as cost is of immense value. Time could be saved for other important aspects of debate.

The public would be vastly benefited.

In Wisconsin, where the idea of the fiscal note was first put into practice in 1957, the press never fails to report on the cost of proposed legislation. Fiscal note has become a common part of the language. Now the idea has been adopted by 20 of the States and is recommended by the Council of State Governments.

In most States, the fiscal note must appear on a bill from the time of introduction. That was the first approach I took. On February 18 I offered S. 3006, which would have required that every bill introduced in the Senate carry a price tag. Since that time, 17 other Senators of both parties and of varying philosophies have joined in cosponsoring that bill. Many are cosponsors of this new version. In addition, Representative Jack F. Kemp of New York has introduced in the House a bill identical to S. 3006.

I am not backing away from the original proposal. I hope it will be considered jointly when the new version comes to a hearing. I can appreciate, however, that requiring every spending bill introduced to have a fiscal note could cause some mechanical problems. Requiring that only reported bills have the fiscal notes will reduce any workload considerably. For example, in the 1st session of the 92d Congress, 3,493 measures were introduced in the Senate. Only 260 were reported. When House bills and Senate and House joint resolutions are considered, the total of reported measures increase to 449—certainly a reasonable number for the COB to price out, even if all called for spending or saving money.

For the 2d session of the 92d Congress, the number of measures introduced in the Senate was 1,403 and a total of 577 measures—including 287 Senate bills—were reported by committees. The figures for the 1st session or the 93d Congress are 3,334 measures introduced in the Senate and 521 measures reported, including 326 Senate bills.

In Wisconsin, where individual departments and agencies prepare fiscal notes under professional guidelines, the figures are worth noting for a rough comparison with the U.S. Senate. In the 1967–69 Wisconsin legislative session, 1,700 bills were introduced and 742 of those required fiscal notes. For the 1969–71 session the figures were 1,015 fiscal notes out of 2,014 total bills. For the 1971–73 session, 1,319 out of 2,568. And an estimate for the biennial session just completed, 1,400 out of 2,539. The number of bills requiring fiscal notes has been increasing because of a requirement that the notes be carried on financial bills with local government impact.

This new bill I introduce today, Mr. President, does not require bills upon introduction to carry price tags. But should it become law, I believe that Senators would find it advantageous to request voluntarily that the COB make cost estimates of their proposals before introduction. That way, they could offer those estimates for the Record, giving fellow Senators and the public the kind of knowledge that could help them decide on the merits of the bill or joint resolution.

Certainly, we all—lawmaker and citizen alike—need to know the cost of something before making a decision about it.

After all, about the only item anyone ever buys without asking the price is a yacht. If you have to ask the price of a yacht, you cannot afford one in the first place. A millionaire put that old saw into our language. And let us face it, we should ask the price of what we vote on before we vote.

Mr. President, in addition to asking that the text of this bill be printed in the Record, I ask unanimous consent that the bill be referred jointly to the Rules and Government Operations Committees.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

S. 3759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That P.L. 93–344 is amended—

(1) by inserting "(a)" after "Sec. 403."; and

(2) by adding at the end of such section the following new subsection:

"(b) The Director of the Congressional Office of the Budget shall, to the extent practicable, prepare for each bill or joint resolution of a public or private character, which has been reported in the Senate, and for each amendment proposed on the floor of the Senate, a fiscal note. Such fiscal note shall appear at the bottom of the first page of such bill, joint resolution, or amendment, in boldface type, when such bill, joint resolution, or amendment is printed. Such fiscal note shall contain an estimate of the costs which would be incurred, or the savings which would be achieved, in carrying out such bill, joint resolution, or amendment in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year."

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 3760. A bill to extend the Marine Protection, Research, and Sanctuaries Act for 2 years. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to extend the Marine Protection, Research, and Sanctuaries Act for 2 years, and ask unanimous consent that the letter of transmittal be printed in the Record with the text of the bill.

There being no objection, the letter and bill were ordered to be printed in the Record, as follows:

U.S. Environmental Protection Agency,
Washington, D.C., June 10, 1974.
Hon. Gerald R. Ford,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of our proposed bill "To extend the Marine Protection, Research and Sanctuaries Act for two years."

The draft bill would extend our authorities under the Act for two years at the funding levels authorized for the last fiscal year. It would amend section 111 of the Act.

This extension is suggested in order to enable us to continue our ocean dumping permit programs. We recommend that this bill be referred to the appropriate Committee for consideration, and we recommend that it be enacted.

The Office of Management and Budget has advised that this legislative proposal is consistent with the program of the President.

Sincerely yours,
Russell E. Train,
Administrator.

S. 3760

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 111 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1420) is amended by striking "fiscal year 1974," and inserting in lieu thereof "fiscal years 1974, 1975, and 1976,".

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 3761. A bill to amend title 14, United States Code, to provide a subsistence allowance for members of the Coast Guard officer candidate program. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend title 14, United States Code to provide a subsistence allowance for members of the Coast Guard officer candidate program, and ask unanimous consent that the letter of transmittal, statement of need, and text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Secretary of Transportation,
Washington, D.C., June 11, 1974.
Hon. Gerald R. Ford,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed bill, "To amend title 14, United States Code to provide a subsistence allowance for members of the Coast Guard officer candidate program."

The purpose of the draft bill is to provide financial assistance to certain officer candidates while they are pursuing a baccalaureate degree, and is directed toward the problem of providing future Coast Guard Reserve officer accessions in an all volunteer force or no draft environment.

Currently, the Coast Guard Officer Candidate School (OCS) located at Yorktown, Virginia is the only significant source of Coast Guard Reserve officers. With the recent emphasis toward an all volunteer armed force, the Coast Guard has experienced a general decline in the number of applicants for OCS. It therefore becomes imperative to provide some additional incentive to applicants, if the Coast Guard is going to meet its projected needs of up to 350 OCS trained Reserve officers a year in the 1975–80 time period.

The college-level program to which this subsistence allowance would apply will call for the selection of qualified college students prior to the time that they enter their junior year. Selected participants would then be enlisted in the Coast Guard Reserve; and would undergo officer training comparable to OCS during the next two years. Such training, however, would most likely be spread over several different periods during the two years that the individual is in the program.

The two primary incentives for joining the program would be: (1) the $100 per month subsistence allowance paid for each of the nine academic months during the individual's junior and senior years; and (2) the two year longevity credit for pay purposes that would be earned during participation in the program. Financial assistance would be provided to officer candidates during the school year if they satisfactorily complete the required military training during the previous summer.

It will be possible for an individual to participate in the program without accepting financial assistance; and anyone who does so could leave the program at any time up to commissioning without incurring any service obligation.

If financial assistance is accepted, however, and the individual then leaves the program before completion and commissioning, a two year active duty enlisted obligation upon graduation from school would be imposed.

The military obligation for graduates of the program will be three years of active duty followed by completion of their inactive Reserve obligations.

The only direct cost associated with the proposed legislation is the $100 monthly subsistence allowance; with the total amount dependent upon the degree of implementation required to meet future needs.

It is presently anticipated that the program, when authorized, would initially be utilized to augment the current OCS output by providing 150 annual accessions, at a cost of $169,200 for the first fiscal year and $304,000 for subsequent years. Increasing the annual accessions to 350 per year (total projected Reserve officer requirements) would increase the estimated cost to $396,000 for the first year and $711,000 for subsequent years.

No personnel increases would be required to implement this proposal. However, the Officer Candidate School would have to be maintained to provide training for those enrolled in the program during their out-of-school periods.

Although not a direct cost of the proposed program, an indirect increase in cost will result from the fact that graduates of the program will be paid as ensigns with over two years service, rather than as ensigns with under two years service. Of course, no added costs due to longevity would be incurred during the first two years of the program's implementation.

Thereafter, for 150 annual accessions, the increased salary differential for year three of the program would be $41,000; in year four, it would be $300,400; and in year five and subsequent years, the added cost would be $524,200.

Increasing the annual accessions to 350 per year would result in an increased salary differential due to longevity in year three of $96,462; in year four, the increase would be $699,932; and in year five and subsequent years, the added cost would be $1,221,586.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there would be no objection from the standpoint of the Administration's program to the submission of this draft legislation to the Congress.

Sincerely,
John W. Barnum,
Acting Secretary.

S. 3761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) By adding the following new section to chapter 13 between section 468 and section 469:

"§ 468a. Subsistence allowance for members of the officer candidate program

"Except when on active duty, a member enrolled in a Coast Guard officer candidate program which requires a baccalaureate degree as a prerequisite to being commissioned as a Regular or Reserve officer, and who is not enrolled at the Academy established under chapter 9 of this title, may be paid a subsistence allowance up to the rate prescribed by section 209(a) of title 37, United States Code."

(2) The analysis of chapter 13 is amended by inserting between "468. Procurement of Personnel." and "469. Training.", the following:

"468a. Subsistence allowance for members of the officer candidate program."

By Mr. MAGNUSON (for himself and Mr. Cotton) (by request):

S. 3762. A bill to amend the Federal Power Act and the Natural Gas Act. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend the Federal Power Act and the Natural Gas Act, as amended, to provide for reimbursement of the appropriate regulatory agencies for costs of administration, and for other purposes, and ask unanimous consent that the letter of transmittal be printed in the Record with the text of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

Federal Power Commission,
Washington, D.C., June 10, 1974.
Hon. Gerald D. Ford,
President of the U.S. Senate,
Washington, D.C.

Dear Mr. President: Transmitted herewith for consideration by the appropriate committee of the United States Senate are twenty copies of a draft bill to amend Section 309 of the Federal Power Act and Section 16 of the Natural Gas Act. The proposals herein would, if enacted, broaden the Commission's authority to levy annual charges for services it renders under both the Federal Power Act and the Natural Gas Act. The adoption by the Commission of regulations imposing annual charges was successfully challenged in the United States Court of Appeals and the decision of that Court upheld by the United States Supreme Court.

These proposals if enacted into law would statutorily empower the Federal Power Commission to assess reasonable filing fees and annual charges on public utilities and natural gas companies for the privilege of doing business as such in amounts to be fixed by the Commission for the purpose of reimbursing the Uniited States for the costs of administration of the respective Acts.

Statutory power to fix reasonable annual charges for the purpose of reimbursing the United States for the costs of the administration of Part I of the Federal Power Act has been vested in the Commission since the adoption of the Federal Water Power Act in 1920, 41 Stat. 1063, and the Commission has assessed such charges against persons holding licenses under Part I pursuant to regulations first adopted on February 28, 1921, and as thereafter amended, and remitted the proceeds collected for coverage into the United States Treasury.[1]

Neither Parts II and III of the Federal Power Act adopted by Title II of the Public Utility Act of 1935, 49 Stat. 838, approved on August 26, 1935, or the National Gas Act, 52 Stat. 821, approved on June 21, 1938, statutorily vested authority in the Commission to adopt by regulation powers to assess charges aaginst persons subject to its jurisdiction for services rendered in the administration of those Acts. However, Congress in enacting the Independent Offices Appropriations Act for the Year Ending June 30, 1952 (65 Stat. 290, 31 U.S.C. 483a) included in Title V a precatory provision that all federal agencies "be self-sustaining to the full extent possible" and authorized the head of each agency by regulation to prescribe a fair and equitable fee, charge, or price for: any work, service, publication, report, document, benefit, privilege, authority, use franchise, license, permit, certificate, registration or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued [by such agency] * * * taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts and any amount * * * shall be collected and paid into the Treasury as miscellaneous receipts * * *.

Pursuant thereto and to directive of the then Bureau of the Budget Circular A–25, issued November 5, 1953, the Commission, after notice of proposd rulemaking (30 F.R. 12077), issued Order No. 317 on January 5, 1966 (31 F.R. 430 as amended 31 F.R. 4890) establishing a flat filing fee to accompany each application whether or not it involved the construction or acquisition of facilities filed under the Natural Gas Act and additionally a percentage fee of the construction or acquisition costs payable in three installments involving application for the construction or acquisition facilities under Sections 7(c) and (d) of that Act. That order was never challenged and fees pursuant thereto have been collected by the Commission on applications filed under the Natural Gas Act since 1966.

On numerous occasions thereafter Congressional appropriation committees requested this agency to further review its fee schedules with a view to making increases or adjustments to offset in part the increasing needs for direct appropriations for agency operations occasioned by increased costs of administration and expanded Commission responsibilities. In compliance with those requests a study was initiated with a view to determining the appropriateness of increasing the fees then in effect under the Natural Gas Act and the feasibility of inaugurating new schedules of fees and annual assessments for services being rendered under both Acts without charge.

The Commission after notice (35 F.R. 18324) and consideration of comments issued Order No. 427 on March 18, 1971 (36 F.R. 5593). The order provided for an increase of the fees payable in connection with the filing and processing of applications involving the construction or acquisition of facilities of natural gas companies commensurate with the increased costs of administration of the program, established a schedule of fees payable in connection with the filing of applications under Parts II and III of the Federal Power Act based on the estimated cost of the processing thereof, and imposed annual assessments on both public utilities and natural gas companies designed to recoup for the United States Treasury about three-fourths of the Commission's costs of administration of electric and natural gas programs.

However, on August 15, 1972, the order was set aside with respect to the annual charges levied against public utilities and natural gas companies by the United States Court of Appeals for the District of Columbia Circuit in *New England Power Company, et al.* v. *F.P.C.*, 467 F.2d 425, affirmed *sub. nom. FPC* v. *New England Power Co.*, No. 72–1162, decided March 4, 1974.

We submit that the proposed amendments are essential for the avoidance of problems in the agency's budgetary process. The adoption of legislation statutorily empowering the Commission to impose annual charges would enable the Commission to recover for the United States a major part of the costs of its administrative functions and assure that it will be more nearly self-sustaining. Otherwise the recovery of costs of the Commission's operations under Parts II and III of the Federal Power Act will be negligible and the amounts collected under the Natural Gas Act will recoup a relatively small portion of actual costs of operations.[2]

The Office of Management and Budget advises that there is no objection to the submission of this legislation from the standpoint of the Administration's program.

Sincerely,

JOHN N. NASSIKAS,
Chairman.

S. 3762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress finds that the services performed by the Federal Power Commission in its administration of the Federal Power Act and the National Gas Act confer special benefits on the persons subject to its jurisdiction and that it is the public policy that the costs of such administration shall be assessed on an equitable basis against such persons so as to make the Commission self-sustaining to the fullest extent possible.

SEC. 2. That section 309 of the Federal Power Act is amended by inserting "(a)" before the first sentence thereof; and by adding at the end thereof the following new subsection.

"(b) Notwithstanding the provisions of any other law, every public utility shall for the privilege of doing business as a public utility pay to the United States on or before July 1 of each calendar year reasonable annual charges in an amount to be fixed by the Commission for the purpose of reimbursing the United States for the costs of the administration of Parts II and III of this Act."

SEC. 3. That section 16 of the National Gas Act is amended by inserting "(a)" before the first sentence thereof; and by adding at the end thereof the following new subsection.

"(b) Notwithstanding the provisions of any other law, every natural gas company shall for the privilege of doing business as a natural gas company pay to the United States on or before July 1 of each calendar year reasonable annual charges in an amount to be fixed by the Commission for the purpose of reimbursing the United States for the costs of administration of the Natural Gas Act."

By Mr. DOMENICI (for himself and Mr. MONTOYA):

S. 3763. A bill to repeal the Act of May 10, 1926 (44 Stat. 498), relating to the condemnation of certain lands of the Pueblo Indians in the State of New Mexico. Referred to the Committee on Interior and Insular Affairs.

Mr. DOMENICI. Mr. President, today I am introducing legislation to repeal the act of May 10, 1926 (44 Stat. 498), relating to the condemnation of Pueblo Indian land in the State of New Mexico. The act as written and as applied is discriminatory. It makes an unjustified distinction between the Pueblo Indian land in New Mexico and all other Indian land in the United States.

The condemnation procedure applicable to Indian land required for valid public purposes, other than the Pueblo Indian land in New Mexico, is initiated by application to the Secretary of the Interior. A judgment on the merits of the application is made by the Secretary in accordance with his mandate to fulfill the obligation of trust the U.S. Government and our non-Indian people have to the first Americans.

Under the present law which this bill would repeal, the State of New Mexico is allowed to acquire valuable land from the New Mexico Pueblo Indians without involving the Federal agency or its officials who are charged with the responsibility of protecting the rights of Indian people.

I have received numerous requests from Indian officials from the New Mexico Pueblos to have this law repealed. I request unanimous consent that two of those letters be printed in the RECORD at the conclusion of my remarks. One of these letters is from Martin Aguilar, Governor of the Pueblo of San Ildefonso and, the other is from Robert E. Lewis, Governor of the Pueblo of Zuni.

So, Mr. President, today along with the distinguished senior Senator from New Mexico (Mr. MONTOYA), and with the full support of the Governor of our State, I ask that this bill to repeal the act of May 10, 1926 (44 Stat. 498), be referred to the appropriate committee and given immediate attention. I urge the support of my colleagues in correcting the previous action of the Congress which has worked to the detriment of the fine Indian people of the New Mexico Indian pueblos.

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[1] Under current regulatory provisions, section 11.20 of the Commission's Regulations Under the Federal Power Act, collections during FY 1974 in the recovery of the costs of administration of Part I of the Act during FY 1973 are currently estimated at $3,405,000. Additional collections authorized under Sections 10(e) and 16 of the Act (apart from costs of administration) anticipated in FY 1974 are expected to approximate $4,400,000. The estimated collections for FY 1975 are $3,685,000 and $4,900,000, respectively.

[2] Estimated collections in FY 1975 of fees under Parts II and III of the Federal Power Act total approximately $950,000. Collection of annual charges under Order No. 427 would have increased reimbursement by more than $5.5 million. Similarly, collections of annual fees under the Natural Gas Act would have amounted to more than $8 million.

I request unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the letters and bill were ordered to be printed in the RECORD, as follows:

PUEBLO DE SAN ILDEFONSO,
Santa Fe, N. Mex., June 28, 1974.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: You have received letters from the All-Indian Pueblo Council and from Governor King of New Mexico regarding the efforts of the Pueblos in New Mexico to obtain repeal of the Act of Congress of May 10, 1926 (44 Stat. 498) which allows condemnation of Pueblo Indian lands for any public purpose allowed by the laws of the State of New Mexico. The Pueblos are very concerned about this statute because it makes a discriminatory distinction between Pueblo Indian land and other Indian land, which is not subject to condemnation but which must be acquired for right-of-way purposes by means of application to the Secretary of the Interior.

The Pueblo of San Ildefonso is especially concerned with this issue because the Pueblo is aware of the present plans of the New Mexico State Highway Department to widen and enlarge State Highway 4 running through our lands, from the Pojoaque junction of Highway 4 and U.S. 285, to the junction of Highway 4 and Highway 30, These plans provide for a four-lane hi-speed highway and a relocation of the Otowi bridge. This all will mean a large taking of our lands which are so valuable to us.

The present 1926 statute allows the State to condemn these lands without considering our position. Indian Tribes other than the Pueblos are not placed in this posture.

The Pueblo of San Ildefonso respectfully requests that you support legislation which would repeal the 1926 Act and place our lands in the same posture as other Indian lands with respect to right-of-way acquisitions.

Very truly yours,
MARTIN AGUILAR,
Governor.

THE PUEBLO OF ZUNI,
Zuni, N. Mex., July 3, 1974.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: Recently you were written by Governor Bruce King about the 1926 Land Condemnation Act. I share the concern of Governor King along with all members of the All Indian Pueblo Council.

It would appear that this Act discriminates against only Indian Pueblos and immediate action should be taken to correct this. I sincerely hope that some means can be found to solve this problem. Your assistance in this matter will be greatly appreciated.

Sincerely yours,
ROBERT E. LEWIS,
Governor, Pueblo of Zuni.

S. 3763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Act entitled "An Act to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings", approved May 10, 1926 (44 Stat. 498), is hereby repealed.

(b) The provisions of subsection (a) of this section shall be deemed to have taken effect as of July 15, 1974.

SEC. 2. All proceedings and actions pursuant to such Act of May 10, 1926 (44 Stat. 498), pending only July 15, 1974, or commenced on or after that date but prior to the date of the enactment of this Act, shall be held and considered to have terminated as of July 15, 1974, and thereafter to be of no force and effect.

Mr. MONTOYA. Mr. President, I am today introducing legislation that would abolish an outmoded and discriminatory statute. Currently, the Land Condemnation Act of May 10, 1926 (44 Stat. 498) impinges upon the sovereign rights of the Pueblo Indians in New Mexico.

Originally, the need for such legislation arose from the necessity of establishing clear title upon Pueblo land. In 1924, the Jemez Indians of New Mexico granted assurance of right-of-way to the Department of the Interior on behalf of the Santa Fe-Northwestern Railway Co. to cross their land. Upon completion of the railroad, it was discovered that the right-of-way at Jemez had not been granted through a legally binding contract of consent. Not having obtained the legal right of way, the rail company was prevented from obtaining construction bonds. The Santa Fe-Northwestern Railroad attempted to acquire the legal right-of-way from the Indians, but the Pueblos were reluctant to sign the necessary contracts, fearing that the technicalities of the contract might be used in the future to remove the land from their control. In response to this stalemate, the Congress passed legislation providing for the condemnation of Pueblo land in New Mexico for public purposes. This allowed the Government to grant title to the railroad, thereby enabling the issuance of construction bonds.

The act was passed with the intent of solving a unique problem at a precise time. Since passage, the Land Condemnation Act has been used on 12 different occasions. The statute should have been repealed in the 70th Congress after it had served its original function, but it has instead become the basis for encroachment by the State on Indian territory.

The repeal of this law would return the Pueblos to a position of equality with other tribes in other States. At the present time, there is no legislation which allows any other State to condemn Indian tribal land without tribal approval. Only the Pueblo Indians in New Mexico are subject to this violation of their lands.

The repeal of the Land Condemnation Act has virtually unanimous support among New Mexico representation. Along with Senator DOMENICI and myself, Governor King and the Pueblo Indians have offered their full endorsement.

I want to assure my colleagues that the implications of this repeal have been fully investigated. Dean Hart of the University of New Mexico Law School and Richard Elkhe, Legislative Attorney for the Library of Congress, have fully researched the repeal of the Land Condemnation Act. Both of their reports conclude with the recommendation for prompt repeal. I want to take this opportunity to express my gratitude to Mr. Hart and Mr. Elkhe for their superb legislative investigation.

The demands of simple justice require that this act be repealed. Therefore, Mr. President, I ask for the passage of this bill to repeal the Land Condemnation Act, and request that the following pertinent information be inserted into the CONGRESSIONAL RECORD:

Legislative research conducted at the University of New Mexico Law School.

Letter of support from Governor Bruce King of New Mexico.

Research report of Mr. Richard Elkhe, Legislative Attorney at the Library of Congress.

Land Condemnation Act of May 10, 1926 (44 stat. 498).

Legislative history of the Land Condemnation Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACT OF MAY 10, 1926, 44 STAT. 498

A. CONGRESSIONAL INTENT

The legislative history of the Act of May 10, 1926, 44 Stat. 498 shows that it was a special statute enacted to correct a deficiency in the Pueblo Lands Act of June 7, 1924, 43 Stat. 636. At the behest of George A. H. Fraser, U.S. Special Assistant Attorney General detailed to New Mexico to supervise the Pueblo Lands Board created by the Pueblo Lands Act, identical bills were introduced in the Senate and House on April 10 and 12, respectively, providing that the State of New Mexico could condemn lands belonging to Pueblo Indian Tribes for public purposes, H.R. 11201, 69th Cong., 1st Sess. 67 Cong. Rec. 7333; S. 3953, 69th Cong., 1st. Sess., 67 Cong. Rec. 7243. Both bills were referred to the respective committees on Indian Affairs and were reported out with amendments. H. Rep. 955, 69th Cong., 1st Sess., 67 Cong. Rec. 8018; S. Rep. 716, 69th Cong., 1st Sess., 67 Cong. Rec. 8442. There was no debate in the Senate and the bill was perfunctorily passed and referred to the House Committee on Indian Affairs. 67 Cong. Rec. 8525. In a short debate in the House, Representative Morrow explained that the situation giving rise to the bill was the need for a clear title upon which to float bonds by a railroad which had constructed five miles of track across the Jemez Pueblo Reservation. 67 Cong. Rec. 8633. Representative Leavitt assured Representative LaGuardia that the Indians had been compensated and S. 3953 was then passed in lieu of H.R. 11201. *Id.* 8634. The bill was approved by President Coolidge as Public Law 211 on May 10, 1926, *Id.* 9189; 44 Stat. 498.

Professor Cohen comments that the Act "is substantially similar to the general statue governing condemnation of allotted lands, but there is no parallel statute governing tribal lands generally, so that the Pueblos are subjected to a type of action from which other tribes are immune." F. Cohen, *Handbook of Federal Indian Law* 393 (1942; 1971 U.N.M. Reprint). There is only one report case construing the Act, involving Interstate 25 which passes through the lands of the Pueblo of Laguna. *New Mexico ex rel. State Highway Commission* v. *United States*, 148 F. Supp. 508 (D.N.M. 1957). Citing *Town of Okeman* v. *United States*, 140 F.2d 963 (10th Cir. 1944), which involved condemnation of allotment lands pursuant to 25 U.S.C. § 357, the court found that the United States had waived its sovereign immunity by implication in the 1926 Act and can be joined as a defendant in the condemnation proceeding.

B. CONSTITUTIONAL AND LEGAL IMPLICATIONS

As was noted by Professor Cohen, the Act is a special statute, and has no counterpart in any other special statute affecting Indian tribes. No other state can condemn Indian tribal lands. *Minnesota v. United States,* 305 U.S. 382 (1939). Not only can the state exercise eminent domain, but also a municipality, N.M. Stat. § 14–17–8, a county, N.M. Stat. § 22–9–15, a drainage district, N.M. Stat. §§ 75–20–19, 75–20–53, 75–20–56, an irrigation district, N.M. Stat. §§ 75–22–12, 75–22–30, an oil well owner, N.M. Stat. §§ 22–9–3 *et. seq.,* an oil or gas pipeline company, N.M. Stat. § 65–4–8, a public utility, N.M. Stat. § 22–9–1 *et. seq.,* a railroad, *id.,* a school district, N.M. Stat. § 22–9–15 and an urban renewal project, N.M. Stat. § 14–49–9.

Rather than giving the state blanket power of eminent domain, the Act should be repealed and the Pueblo Indians be restored to a position of equality with other Indian tribes. Should the need arise for the state to condemn Pueblo lands, it can request such power from the legislative branch of the federal government. There are a number of statutes which Congress has allowed a state or municipality to condemn lands for special purposes. E.g., 25 U.S.C. § 311 (public Highway); Act of February 28, 1919, 40 Stat. 1206 (San Diego can condemn lands for reservoir). While there is a statute allowing condemnation of allotted lands, 25 U.S.C. § 357, there is no blanket authorization for state condemnation of Indian trust and fee patent lands, other than a statute which gives the state of New York this power as part of the general grant of jurisdiction to that state over Indians in 25 U.S.C. §§ 232–3. c. *Oneida Indian Nation v. County of Oneida,* 94 S.Ct. 772, 783–4 (1974). The unique and peculiar situation of the New York Indians is not applicable to the Pueblo Indians in New Mexico. *Mescalero Apache Tribe v. Jones,* 411 U.S. 145, 1949 (1973) (New Mexico Enabling Act, 36 Stat. 557 (1910), bars state jurisdiction over Indian tribes).

C. CONCLUSION

Constitutional legislation can be introduced repealing the Act of May 10, 1926, 44 Stat. 498. The preamble should recite that the puropse of the Act is to place the New Mexico Pueblos on an equal footing with other Indian tribes in New Mexico and the nation. In the hearing on the bill, there should be testimony to the effect that the Navajos, Mescalero and Jicarilla Apaches are not subject to this provision, even though these tribes have far more extensive holdings in New Mexico than the Pueblos. In order to assure the state of New Mexico, a proviso may be inserted in the bill that the repeal of the 1926 Act will not bar Congressional action to give the state condemnation powers for specific, enumerated purposes.

It could also be argued that the continued existence of the 1926 Act is in conflict with provisions prohibiting the limitation, creation or expansion of Indian reservations except by an act of Congress. Act of June 22, 1936, 49 Stat. 1757, Act of March 3, 1927 § 4, 44 Stat. 1347; Act of June 30 1919, § 27, 41 Stat. 3, 34; Act of May 25, 1918 40 Stat. 561; 25 U.S.C. 0211. By repealing the 1926 Act, Congress will once again reaffirm its fiduciary duty towards the Pueblo Indians by protecting their lands from piecemeal encroachment by the state. c. *Morton v. Ruiz,* 94 S.Ct. 1055, 1075 (1974).

Regardless of the pitfalls involved in amending the Civil Rights legislation, it would seem that fundamental fairness requires that with respect to the land condemnation matter the New Mexico Pueblos should be on an equal footing with other Indian tribes.

STATE OF NEW MEXICO,
Sante Fe, N. Mex., June 17, 1974.
Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR JOE: State Planning Officer David has advised me of the tremendous concern about the 1926 Land Condemnation Act which was expressed by the All Indian Pueblo Council during a recent meeting at Isleta Pueblo. The prevailing attitude is that this Act severely endangers the status of Indian land and infringes upon their sovereign rights. Those members of the Council who discussed this issue at the conference stated their belief that only the State of New Mexico is subject to the provisions of this Act.

It is the expressed desire of the All Indian Pueblo Council to have this Act either rescinded or at least amended so as to no longer threaten usurpation of the sovereign powers of the Indian Pueblos. I share the desire of the All Indian Pueblo Council to do away with any existing deficiencies and injustices, and join with them in asking your support in this regard. We would very much appreciate your assistance in thoroughly investigating this matter to determine the most appropriate, and effective means of redress.

At this same meeting, the members of the All Indian Pueblo Council also voiced their dissatisfaction with the 1968 Civil Rights Consent Clause which they contend adversely affects their traditional form of Government.

In view of the deep concern expressed, I believe that it would behoove us to explore all possible means of reaching an accord between these two conflicting demands. Your help in securing a just solution to this problem will be appreciated.

Please be assured that both David King's office and my office will always be available to provide whatever assistance we can. If additional information is required, please feel free to contact either David King or me.

Sincerely,

BRUCE KING,
Governor.

ACT OF MAY 10, 1926 (44 STAT. 498)

The intent of Congress in enacting the Act of May 10, 1926, providing for the condemnation of land of the Pueblo Indians in New Mexico was apparently to resolve a controversy which had arisen over title to land on which a railroad was operating. The land was situated on the Pueblo at Jemez and the railroad had paid the Indians for a right-of-way. However, the land was also the subject of hearings before the Pueblo Lands Board which eventually held that the Indian title to the land had not been extinguished and that the act pursuant to which the railroad had acquired its right-of-way was not applicable to the Pueblo lands. The House Report on the bill which became the Act of May 10, 1926, thus, states:

"Notwithstanding the fact that the Jemez Pueblo was paid about $3,000 for the right of way, being the amount of damages fixed by the appraisers under the Act of March 2, 1899, they have persistently refused to make a contract, and seem to think that because a suit has been brought by the Government at the instance of the Department of Justice that there is a chance to recover their lands, or at least secure payment of similar consideration. A diligent search has failed to disclose any adequate remedy for the situation short of a bill authorizing condemnation proceedings." H. Rept. No. 955 (69th Cong., 1st Sess., 1926).

Similar sentiments were expressed in the brief House debate preceding passage of the bill. At one point, Rep. Morrow explained:

"The Indians are entirely taken care of in the bill. They have been paid for their land. The attorney for the Indians says that the title to the land is still in the United States and that it requires no act of Congress to grant the railroad company a right of way. The railroad has been constructed, and it is in operation. They are refunding it to issue bonds to proceed further and take care of private capital that they have invested, and this is simply giving them authority that the title to the right of way shall be confirmed, so that there will be no question raised in regard to the bonds." Cong. Rec. (May 3, 1926) at 8633.

We are enclosing copies of the House Report on the bill and the debate.

Pueblo lands were the subject of much legislation in the period following admission of New Mexico into the union due to the uncertainty over the legal status of the Indians and their relationship to the State and the federal government.

Prior to the granting of statehood, the Pueblo had a legal status different from that of most other Indians. Each Pueblo had a status similar to any other municipality of the Territory. See, Cohen, *Federal Indian Law* 902 (1958). Upon admission of New Mexico as a state, however, the federal government assumed control of the affairs of the tribe—control which it exercised over every other Indian tribe in the country. This assumption of federal control, and resultant change in the status of the Pueblo Indians to wards of the government, was upheld in *United States* v. *Sandoval,* 231 U.S. 28 (1913).

The *Sandoval* decision obviously had a significant effect on both the tribe itself and those who dealt with it. Confusion was particularly great in the area of land where non-Indians had purchased land (or acquired it by adverse possession) from the Pueblo believing that the Indians possessed the power to sell it, only to discover that, being wards of the government, the Pueblo, as all other Indians, could not alienate their lands without consent of the government. The Pueblo Lands Board was established in 1924 as a forum for resolving conflicting claims to Pueblo lands.

In this period, legislation was passed making various general Indian laws applicable to the Pueblo, see, Cohen, *supra* at 912–14, and it was during the time which the land in question was the subject of Pueblo Lands Board and judicial consideration, that the Act of May 10, 1926 was passed.

The Act of May 10, 1926 differs from other legislation passed in the period in that it is not an effort to make general Indian law applicable to the Pueblo. The Act subjects Pueblo *tribal* lands to condemnation pursuant to state law. While lands allotted in severalty to Indians "may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in free may be condemned" (25 U.S.C. §357), tribal lands in general are not subject to such condemnation. Cohen, *Federal Indian Law* 393 (1940). The Act of May 10, 1926 was not limited to the particular situation of the railroad which precipitated its passage, but is a general statute permitting condemnation pursuant to state law of Pueblo lands which is still in force. See, *State* v. *United States,* 148 F. Supp. 508 (D. N.M. 1957).

Two years after passage of the above law, an act was passed which made the already existing laws relating to acquisition of rights-of-way through Indian lands applicable to Pueblo lands. 25 U.S.C. §322. The rights-of-way provided for in 25 U.S.C. §311 *et seq.,* and applicable to Pueblo lands under 25 U.S.C. §322, include highways, railroads and telephone lines on both reservation land and allotted land. According to the House report on the bill which became 25 U.S.C. §322:

"The purpose of this bill is to pass legislation whereby rights of way through lands of the Pueblo Indians of New Mexico can be secured for railroad and highway purposes. The bill is for the purpose of correcting legislation heretofore passed, by which a railroad has been built and the right of way paid for in the sum of $3,000. Legislation heretofore passed May 10, 1926, has been held insufficient by the Federal court of the district of New Mexico, as not providing methods for bringing the Government in as a party. In other words the procedure as set forth in the bill was defective.

"The purpose of H.R. 9483 is to extend certain sections included in this act and make the same applicable to the Pueblo Indians of New Mexico." H. Rept. No. 816 (70th Cong., 1st Sess. 1928). See also, 69 Cong. Rec 5000 (March 19, 1928).

It could be argued from the above that the Act of May 10, 1926 was superseded by 25 U.S.C. § 322. However, a federal district court has ruled to the contrary, holding that the 1926 act is still in force. *State* v. *United States*, 148 F. Supp. 508 (D.N.M. 1957). In this regard—and also supportive of the argument that 25 U.S.C. § 322 supersedes the Act of May 10, 1926—it is interesting to note that the House Report on the bill which became the Act of May 10, 1926 (H. Rept. No. 955, discussed above) cites a statement by George Fraser, Special Assistant Attorney General, detailed in New Mexico to aid the Pueblo Lands Board, as support of the bill which became the Act of May 10, 1926:

"As I said at first, I do not see any certain or permanent cure except an act of Congress making the provisions of all existing right of way statutes applicable to all of the pueblos, and I think that at the present time, when the State of New Mexico as well as two or three public utilities need such rights of way, everyone would unite in promoting such an act, which is manifestly fair and necessary."

Of course, that is not what was done by the Act of May 10, 1926, 25 U.S.C. § 322, enacted in 1928 was the legislation suggested by Fraser. The differences between the two pieces of legislation are significant. The condemnation act of 1926 permits the application of state condemnation procedures to tribal lands of the Pueblo, thus providing an additional means by which such lands can be acquired for public purposes. See, *State* v. *United States*, *supra* at 513. The rights-of-way provisions of Title 25 (made applicable to the Pueblo by 25 U.S.C. § 322) do not provide for condemnation in the same manner as other lands that are condemned by the state. Furthermore, the Secretary of Interior must approve applications for rights-of-way. Under the Act of May 10, 1926, the Secretary of Interior has no input, except that notice must be given to the superintendent of the pueblo involved in a condemnation suit. The 1926 Act does provide that such suits shall be tried in Federal court, and the United States must be made a party (*State* v. *United States*, *supra*), but the procedural protections of the general rights-of-way statutes (25 U.S.C. § 311 *et seq.*) are absent.

The Act of May 10, 1926 has apparently been used several times to acquire Pueblo lands (see Exhibit 10, attached to material enclosed with request). To the extent that the Title 25 rights-of-way provisions would have been solely applicable but for the 1926 Act, it could be argued that the Pueblos have been deprived of protections afforded other tribes. See, Cohen, *supra* at 393. As a result of the 1926 Act, therefore, there exists an additional means by which Pueblo lands can be acquired by non-Indians. *State* v. *United States*, *supra;* Cohen, *Federal Indian Law* 912 (1958).

Having plenary power over Indian affairs, Congress could, of course, repeal the Act of May 10, 1926, thus making the rights-of-way provisions in Title 25 the main source of condemnation power relating to Indian lands. Conversely, the Act itself represents a lawful exercise of Congress' power and was upheld in *State* v. *United States*.

RICHARD EHLKE,
Legislative Attorney.

S. 3953

(May 10, 1926)

CHAPTER 282

An Act To provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That lands of the Pueblo Indians of New Mexico, the Indian title to which has not been extinguished, may be condemned for any public purpose and for any purpose for which lands may be condemned under the laws of the State of New Mexico, and the money awarded as damages shall be paid to the superintendent or officer in charge for the benefit of the particular tribe, community, or Pueblo holding title to same: *Provided, however,* That the Federal courts of said State of the district within which such lands are located shall have and retain jurisdictions of all proceedings for the condemnation of such lands and shall conform, as near as may be, to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the said State of New Mexico: *Provided also,* That notice of each suit shall at time of filing be served upon the superintendent or other officer in charge of the particular pueblo where the land is situated.

Approved May 10, 1926.

CONDEMNATION OF LAND OF THE PUEBLO INDIANS IN NEW MEXICO FOR PUBLIC PURPOSES

Mr. MORROW, from the Committee on Indian Affairs, submitted the following report, [to accompany H.R. 11201].

The Committee on Indian Affairs, to whom was referred the bill (H. R. 11201) to provide for the condemnation of the lands of the Pueblo Indians in New Mexico for public purposes, and making the laws of the State of New Mexico applicable in such proceedings, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Page 1, line 8, strike out the word "agent" and insert the word "officer."

Page 1, line 8, after the word "charge" insert the words "for the benefit."

Page 2, line 5, after the word "Mexico" add the following:

Provided also, That notice of each suit shall be served upon the Secretary of the Interior at the time of filing.

On March 8, 1923, the Department of the Interior granted to the Santa Fe & Northwestern Railway Co. permission to proceed with the construction of a railroad pending approval of maps of definite location and showing required by railroad right of way act of March 2, 1899. The requirements of the department having subsequently been conformed with, the land appraised, and the amount of the appraised value paid to the Indians through the officials of the Indian Office, the road was completed, being financed largely by private capital of the promoters, who have recently sought to consolidate their advances and refinance themselves by issuance of bonds secured by deed of trust. The attorneys passing upon the title to the right of way discovered that the pueblo at Jamez had not entered into formal contract giving its consent. This developed about the same time as the hearings before the pueblo lands board, with the result that the Attorney General directed suit to be brought to quiet title.

The Department of Justice, however, and the Department of the Interior, realize that it is not desirable to interfere with the operation of this railroad, which has now been in operation for about one year, and it has also developed that the act of March 2, 1899, is probably not sufficiently broad to cover the matter of acquisition of right of way over or across pueblo lands. The act of March 2, 1899, appears as section 1, chapter 374, Thirtieth Statutes, page 990.

Notwithstanding the fact that the Jemez Pueblo was paid about $3,000 for the right of way, being the amount of damages fixed by the appraisers under the act of March 2, 1899, they have persistently refused to make a contract, and seem to think that because a suit has been brought by the Government at the instance of the Department of Justice that there is a chance to recover their lands, or at least secure payment of similar consideration. A diligent search has failed to disclose any adequate remedy for the situation short of a bill authorizing condemnation proceedings.

Mr. George A. H. Fraser, Special Assistant Attorney General, detailed in New Mexico to assist in the work of the pueblo lands board and who has brought the suit to quiet title on behalf of the Pueblo of Jemez, states under date of April 1, 1926, as follows:

"As I said at first, I do not see any certain or permanent cure except an act of Congress making the provisions of all existing right of way statutes applicable to all of the pueblos, and I think that at the present time, when the State of New Mexico as well as two or three public utilities need such rights of way, everyone would unite in promoting such an act, which is manifestly fair and necessary."

The report of the Secretary of the Interior favorable to this bill is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, April 21, 1926.

Hon. SCOTT LEAVITT,
Chairman, Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: The following is submitted in response to your request of April 13, 1926, for an opinion on H.R. 11201, Sixty-ninth Congress, first session:

The bill, which provides for the condemnation of the lands of the Pueblo Indians in New Mexico for any public purpose and for any purpose for which lands may be condemned under the laws of the State of New Mexico, the damages awarded to be paid to the superintendent or agent in charge of the tribe, community, or pueblo holding title, also provides that the Federal courts of the district within which such lands are located shall have and retain jurisdiction of all proceedings, and shall conform, as near as may be to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State.

This department will have no objection to the passage of the bill if amended as follows:

In line 8, substitute the word "officer" for "agent," and after the word "charge" insert the words "for the benefit."

After the words "said State of New Mexico" in line 5, page 2, add: "*Provided also,* That notice of each suit shall be served upon the Secretary of the Interior at the time of filing."

Such notice would afford an opportunity to present any objection the department might have to the proceeding in any particular case.

If the bill is amended as suggested it is recommended that it receive the favorable consideration of your committee.

Very truly yours,

E. C. FINNEY,
Acting Secretary.

History of Act of May 10, 1926 (44 Stat. 498), To Condemn Pueblo Lands for Public Purposes

A controversy over a right of way between the Santa Fe Northwestern Railway Company and the Pueblo of Jemez culminated in Congress enacting into law the Act of May 10, 1926 (44 Stat. 498) which authorizes the condemnation of Pueblo lands for public purposes.

On July 11, 1924, the Secretary of the Interior approved an application of the Santa Fe Northwestern Railway Company for a right of way for railroad purposes, through tribal lands of the Pueblos of Zia, Santa Ana and Jemez in the State of New Mexico, under provision of the Act of March 2, 1899 (30 Stat. L. 990), as amended. The regulations of the Department of the Interior under said Act were complied with and compensation for the land taken was assessed by a board of appraisers. In the Pueblo of Jemez, about 20 acres of cultivated and 25 acres of uncultivated land was taken for railroad purposes, and damages of $2,946.55 was paid by the company. The railroad company then believed—and with good reason—that it had secured a complete title for an adequate consideration.

In 1925, when the Pueblo Lands Board, functioning under the Act of June 7, 1924, considered the adverse claims to land within the Pueblo of Jemez, its report on the claim of the Santa Fe Northwestern Railway Company was that the Indian title to the lands, used for a railroad right of way, was not extinguished, and that the Act of March 2, 1899, supra, had no application to the lands of the Pueblo Indians of New Mexico who hold their lands in a fee simple communal title.

Thereafter, in accordance with the Pueblo Lands Act of June 7, 1924, a suit was instituted in the United States District Court for the District of New Mexico by George A. H. Fraser, Special Assistant to the Attorney General of the United States, the real purpose of which was to determine what rights, if any, the Santa Fe Northwestern Railway Company secured in 1924 on the land being used for railroad purposes in the Pueblo of Zia, Santa Ana and Jemez.

While that suit was pending, the Railway Company began refunding operations which involved a bond issue, and attorneys for the bonding house underwriting this issue would not approve the title of Santa Fe Northwestern with the above-mentioned suit pending. It was decided that if the Pueblo of Jemez would execute a deed for the easement for right of way purposes and the transaction were approved by the Secretary of the Interior under the provisions of sec. 17 of the Act of June 7, 1924 (Pueblo Lands Act) that the title of Santa Fe Northwestern would be approved for the bond issue.

Three meetings were held with the Jemez Pueblo officials in an attempt to get them to sign a document on the right of way easement. It was explained to the Council that the Railroad Company had secured the right of way in 1924 in good faith and had paid to the Pueblo the appraised damages, but that later developments showed the necessity of getting a deed from the Pueblo officials for the right of way. At each of these meetings the Council refused to sign the deed although the Pueblo had accepted the payment from the Railroad in 1924.

The Special Attorney for the Pueblo Indians in a letter dated May 24, 1926 to H. J. Hagerman, Special Commissioner to negotiate with Indians, stated that it was later learned that the railroad bordered on some of the Jemez Indians' sacred springs and this may have caused them to refuse to sign the document. That letter, in next to last paragraph, cites some of the possible criticism of the Act, as passed, and gives reasons why such an Act is needed.

When it became apparent that the Council of Jemez Pueblo would refuse to sign any right of way agreement, the Attorney General for the State of New Mexico on April 18, 1926, forwarded to Senators Jones and Bratton of New Mexico a proposed bill which provided for the condemnation of lands of the Pueblo Indians of New Mexico for any purpose for which other lands of the State may be condemned, but with the proviso that jurisdiction over such condemnation proceedings should be in the Federal Court. The bill was signed by the President on May 10, 1926.

Our files indicate that thereafter when the Santa Fe Northwestern Railway Company attempted to finalize its right of way across the Jemez Pueblo under the Act of May 10, 1926, by suit in the United States District Court for the district of New Mexico, Judge Neblett, before whom the condemnation proceedings were held, in effect held that the Act of May 10, 1926 contained insufficient authority to warrant a decree in favor of the company as the United States was a necessary party but had not consented to be sued and the suit could not therefore be maintained.

The file indicates that another condemnation statute designed to remedy this defect failed to pass in Congress due to pressure of work at the end of Congress. Enclosed is a draft of a proposed bill, to amend the Act of May 10, 1926, which we assume is the bill referred to.

Enclosed is a copy of a letter dated November 16, 1927, to the Attorney General from George A. H. Fraser, Special Assistant to the Attorney General, which states that a meeting was held at the request of the Assistant Commissioner of Indian Affairs and attended by several Indian officials and various friends of the Indians to consider the form of the statute which "everyone realizes must be passed by the coming Congress to cover the question of condemnation of Pueblo Indian lands". Attached to that letter is the suggested draft of bill prepared by Mr. Fraser which included, in section 2 of the draft, provision for repeal of the Act of May 10, 1926.

The repeal of the May 1926 Act is not included in the Act approved on April 21, 1928, a copy of which is attached for ready reference.

By Mr. KENNEDY:

S. 3765. A bill to establish the National Trust for the Preservation of Historic Ships. Referred to the Committee on Commerce.

PRESERVATION OF HISTORIC SHIPS

Mr. KENNEDY. Mr. President, I am introducing legislation today designed to preserve and protect U.S. ships of national historic importance. We are all familiar with the outstanding efforts of private individuals and groups who have spent enormous amounts of time and resources in saving these ships that are a most important part of our history. But the time has come for the Federal Government to assist in this effort if our cultural maritime history is to be kept alive for generations to come.

The legislation which I introduce sets up an Historic Ships Trust under the direction of a board of trustees who will be authorized to acquire ships of national interest and determine how they might best be preserved. The bill encourages continued private efforts and allows the trust to carry out its preservation program with donated as well as appropriated funds.

A most important section of the legislation which I offer today and which the distinguished Congressmen from New York, the Honorable Hugh Carey and the Honorable John Murphy offer in the House is the provision for an Advisory Board made up of those citizens familiar to all of us as committed to the protection of historic ships.

Mr. President, designation of the ships for this preservation program will be made by the Board of Trustees of the Historic Ships Trust, but I would like to include in the Record at this point a brief summary of the history of some of those ships that will no doubt come under consideration for the program as a result of the role they played in our maritime history. These summaries were prepared by the National Maritime Historical Society, the group that has been instrumental in the development of this legislation.

Summaries

THE KAIULANI

Important as the last of her line, the last American-built square-rigged sailing ship. Built in Maine, named after the last queen of Hawaii, and a wreck in Manila, this historic ship was given to the people of the USA by the Philippines in 1964. The National Maritime Historical Society, charged with bringing her back to America, has prepared plans for her restoration. She will be used as part of the Maritime Bicentennial fleet during the Bicentennial years. After that she will become a sail training ship, probably for underprivileged young people. As the last of her kind, it is imperative that this generation save her for future generations of Americans.

THE ALEXANDER HAMILTON

The Alexander Hamilton is beloved by New Yorkers of every ilk. More people have probably travelled aboard her spacious decks than on any other ship sailing out of New York in the 20th century. She is in direct line with Robert Fulton's Clermont and is known as the white swan of the Hudson. She is the last side-wheeled excursion boat on the Atlantic, Pacific or Gulf coasts of the United States. As a classic example of American steamboat architecture she must be preserved, restored and put back into service for the Bicentennial. It is hoped that she will move up and down Long Island Sound and the Hudson in 1976 illustrating to all the people of the State how steamboats made New York great.

THE "DELTA QUEEN"

Known and beloved throughout the USA as the last Ohio river overnight boat, the last steamboat of the inland rivers that can carry passengers over-night, and the last of the Mark Twain steamers. Saved from premature destruction by a special Act of Congress, this stately stern-wheeler is still in service. She will be retired, however, and must be preserved for posterity. Renowned in song and story, the saga of the stern wheeler on our inland waterways cannot be over-estimated in its importance to Americana and the winning of the West.

THE DELTA KING

A sistership, a veteran and hero of World War II, long neglected and lying alone and almost forgotten on the Sacramento River in California, this one-time riverboat queen can still be saved. She was originally built, as was the *Delta Queen*, for overnight service on the Sacramento from San Francisco to Sacramento.

THE "VICAR OF BRAY"

No more brilliant and heroic saga exists in all American history than the gold rush. While many sturdy Americans struggled across the continent to reach California, many others went via ship, around the Cape or via the dangerous Isthmus of Panama. One of these was the little immigrant ship *Vicar of Bray*. She lies in the **Falkland Islands**. She is owned by the National Maritime Historical Society and can be brought back to California for restoration, hopefully in time for Bicentennial year celebrations.

Mr. President, the urgency of Federal assistance for the preservation of historic ships is pointed up by the fate of the *Alice Wentworth* in April of this year. The *Alice Wentworth,* until April was the oldest American-built merchant vessel still afloat. An enormous private effort to save this schooner was undertaken by members of the National Maritime Historical Society headed up by Polly Burroughs who chronicled the life of the *Alice* in her outstanding book "Zeb." With the generous cooperation of Tony Athanas, a committed Boston citizen who owned the *Alice* this group began the effort to raise private funds to save the *Alice*. But before this restoration program could get underway, the *Alice Wentworth* came to pieces during a storm in April. All that is left of America's oldest schooner are those pieces and some of the gear.

There would be no finer tribute to or heritage in celebration of our bicentennial than to make available for our children the living history of our country through ships. In New York City the *Pioneer* at the South Street Museum is a living, learning experience for the children of the city. The Youth Services Administration, a division of the Human Resources Administration selects participants from its youth centers and from the Addiction Services Agency and provides transportation and counselors for weekend training cruises and 2-week training cruises in the summer for disadvantaged young people.

Mr. President, I would recommend to the distinguished members of the Senate who are interested in the history of ship preservation in this country a short publication entitled "The Ships That Brought Us So Far," an account of the ship preservation movement by Peter Stanford, president of the South Street Seaport Museum. From the introduction I quote:

> In man's 3,000-year adventure across deep waters under sail, he invented his languages, his literature, the commerce by which we support our civilization, and much else besides.
>
> That era of man the voyager is ending in our lifetimes.
>
> Recognizing this, we undertake to record what we can, to preserve what we are able to, so that man in understanding his heritage may come to better terms with his destiny.

I would like to recall once again President John F. Kennedy's remarks about the sea that he loved:

> I really don't know why it is that all of us are so committed to the sea, except I think it's because in addition to the fact that the sea changes, that the light changes, and the ships change, it's because we all come from the sea. And it is an interesting biological fact that all of us have in our veins the exact same percentage of salt in our blood that exists in the ocean, and, therefore, we have salt in our blood, in our sweat, in our tears. We are tied to the ocean. And when we go back to the sea—whether it be to sail or to watch it—we are going back from whence we came.

Mr. President, it has been suggested by those who have committed their lives to the preservation of our historic ships that the 1970's is the last decade when it will be practically possible to salvage anything from the age of sail. We cannot let that opportunity and that challenge slip away from us. With the legislation we introduce today, this Congress can provide the framework for a coordinated, comprehensive, and adequately funded program of historic ship preservation.

As we approach the bicentennial, we are coming to grips with the enormous and complex task of preserving our heritage. In Boston, Mass., for example, government at the local, State, and Federal levels, in addition to Boston, 200 under the dedicated leadership of Kathy Kane are all working to make ready the sites of the real beginnings of this Nation for our children to visit. All across this country groups of citizens are working together in a renewed spirit of appreciation of our history and its lessons for our future.

With this legislation for a National Trust for the Preservation of Historic Ships, we can assure that in the next 100 years our history as a nation inextricably tied to the sea will not be lost. The words of the poet John Masefield in speaking of England's ties to the sea apply equally as well to our own:

> I touch my country's mind, I come to grips with half her purpose thinking of these ships . . . They mark our passage as a race of men. Earth will not see such ships as those again.

Mr. President, I ask unanimous consent that the full text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Trust for the Preservation of Historic Ships Act".

SEC. 2 (a) In order to acquire, restore, preserve, maintain, put on display, and operate for all the people of the United States ships of national interest and importance in the technical, commercial, cultural maritime history of this nation, and to identify and focus public attention and support for such acquisitions, restoration, preservation, maintenance, display, and operation, there is hereby created a charitable, educational, and nonprofit corporation, to be known as the National Trust for the Preservation of Historic Ships (hereinafter referred to as the Historic Ships Trust).

(b) In carrying out the provisions of subsection (a), the Historic Ships Trust shall be authorized to acquire, with donated, appropriated, or other funds, ships of national interest and importance in the technical, commercial, cultural maritime history of the United States, and to restore, preserve, maintain, display, and operate such ships.

(c) As used in this Act, the term "ships" shall include ship parts, ship relics, and ship records.

SEC. 3. The Historic Ships Trust shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be inhabitant and resident thereof. The Historic Ships Trust may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

SEC. 4. (a) The affairs of the Historic Ships Trust shall be under the general direction of a board of trustees composed of thirty-three trustees of whom one shall be the Secretary of the Interior (ex officio), one shall be the Secretary of the Smithsonian Institution (ex officio), and the remaining thirty-one trustees shall be citizens of the United States, to be chosen as hereinafter provided.

(b) The Secretary of the Interior and the Secretary of the Smithsonian Institution, when it appears desirable in the interest of the conduct of the business of the board and to such extent as they deem it advisable, may, upon written notice to the Historic Ships Trust, designate any officer of their agency to act for them in the discharge of their duties as a member of the board of trustees.

(c) The Secretary of the Interior and the Secretary of the Smithsonian Institution and the following named persons shall serve as members of a temporary board of trustees:

Helen Delich Bentley, Chairman, Federal Maritime Commission.

Frank Braynard, Trustee, National Maritime Historical Society.

Norman Brouwer, Trustee, National Maritime Historical Society.

Karl Kortum, Trustee, National Maritime Historical Society.

John Lyman, Trustee, National Maritime Historical Society.

Walter F. Schlech, Jr., Rear Admiral, U.S.N. (ret.).

Peter Stanford, Trustee, National Maritime Historical Society.

John N. Thurman, Trustee, National Maritime Historical Society.

Shannon Wall, Trustee, National Maritime Historical Society.

Charles Wittholz, Trustee, National Maritime Historical Society.

(d) The Secretary of the Interior shall serve as chairman of the temporary board and shall call a meeting of such temporary board within ninety days after the date of the enactment of this Act for the purpose of adopting bylaws of the Historic Ships Trust and electing the members of the first regular board of trustees in accordance therewith. The first regular board of trustees shall elect a chairman from among its members. The respective terms of office of the trustees shall be as prescribed by the board of trustees but in no case shall a single term exceed a period of three years from the date of election. A successor to a trustee shall be chosen in the same manner and shall have a term expiring three years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of that term. The chairman of the board of trustees shall be elected by a majority vote of the members of the board. No compensation shall be paid to the members of the board of trustees for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the Historic Ships Trust at the direction of the board of trustees.

SEC. 5. To the extent necessary to enable it to carry out the functions vested in it by this Act, the Historic Ships Trust shall have the following general powers:

(1) To have succession until dissolved by Act of Congress, in which event title to the properties of the Historic Ships Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the Historic Ships Trust, pass to and become vested in the United States of America.

(2) To sue and be sued in its corporate name.

(3) To adopt, alter, and use a corporate seal which shall be judicially noticed.

(4) To adopt a constitution and to make such bylaws, rules, and regulations, not inconsistent with the laws of the United States or of any State, as it deems necessary for the administration of its functions under this Act, including among other matter, bylaws, rules, and regulations governing membership, visitation to historic properties, educational programs, administration of corporate funds, and the organization and procedure of the board of trustees.

(5) To accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, absolutely or on trust, for the purposes for which the Historic Ships Trust is created. Unless otherwise restricted by the terms of the gift or bequest, the Historic Ships Trust is authorized to sell, exchange, or otherwise dispose of and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property given or bequested to it. The principal of such corporate funds, together with the income therefrom and all other revenues received by it from any source whatsoever, including appropriated funds, shall be placed in such depositories as the Historic Ships Trust shall determine and shall be subject to expenditures by the Historic Ships Trust for its corporate purposes.

(6) To acquire by gift, devise, purchase, or otherwise, absolutely or on trust, and to hold and, unless otherwise restricted by the terms of the gift or devise, to encumber, convey, or otherwise dispose of, any real or other property, or any estate or interest therein, as may be necessary and proper in carrying into effect the purposes of the Historic Ships Trust.

(7) To contract and make cooperative agreements with Federal, State, or municipal departments or agencies, corporations, associations, or individuals under such terms and conditions as it deems advisable, respecting the acquisition, financing, protection, preservation, maintenance, display, or operation of any historic ship.

(8) To enter into contracts generally and to execute all instruments necessary or appropriate to carry out its corporate purposes, which instruments shall include such concession contracts, leases, or permits for the use of lands, buildings, or other property deemed desirable either to accommodate the public or to facilitate administration.

(9) To appoint and prescribe the duties of a president and such officers, agents, and employees as may be necessary to carry out its functions, and to fix and pay such compensation to them for their services as the Historic Ships Trust may determine.

(10) And generally to do any and all lawful acts necessary or appropriate to carry out the purposes for which the Historic Ships Trust is created.

SEC. 6. The Secretary of the Interior and the Secretary of the Smithsonian Institution are authorized to establish a suitable advisory commission. The members of the advisory commission shall be appointed as follows:

Robert G. Albion, historian.

Polly Burroughs, author.

Walter Lord, author.

Melvin Jackson, Curator of Transportation, Smithsonian Institution.

Peter Manigault, publisher, *Charlestown Courier*.

William Robinson, editor, *Yachting*.

Donald S. Kipp, Commodore, New York Yacht Club.

Emil Mosbacher, former Ambassador.

Frank Rossiter, businessman.

Rick Miller, Vice President, National Maritime Union.

Kent Barwick, Director, Municipal Art Society.

Captain Ken Reynard, Director, San Diego Maritime Museum.

Barclay Warburton III, President, American Sail Training Association.

Charles Burden, President, Marine Museum of Bath, Maine.

Townsend Hornor, banker.

The advisory commission shall render advice to the Secretaries from time to time, upon matters which he may refer to them for consideration.

SEC. 7. For the fiscal year ending June 30, 1975, and for each of the next following four fiscal years, there is authorized to be appropriated to the Historic Ships Trust the sum of $1,000,000.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 707

At the request of Mr. RIBICOFF, the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 707, the Consumer Protection Act.

S. 2643

At the request of Mr. KENNEDY, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2643, a bill to revise the Immigration and Nationality Act.

S. 2932

At the request of Mr. MONTOYA, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2932, to amend title 38 of the United States Code to provide that veterans' pension and compensation will not be reduced as a result of certain increases in monthly social security benefits.

S. 3269

At the request of Mr. CLARK, the Senator from South Dakota (Mr. McGOVERN) was added as a cosponsor of S. 3269, a bill to increase the annual income limitations applicable to veterans' disability and death pensions and to dependency and indemnity compensation for dependent parents.

S. 3291

At the request of Mr. BELLMON, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 3291, a bill to return to the Congress, through the implementation of procedural reforms, the ability to insure that rules and regulations promulgated through the administrative process shall reflect the intent of Congress.

S. 3327

At the request of Mr. CURTIS, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 3327, a bill to amend section 208 of the Social Security Act.

S. 3552

At the request of Mr. ABOUREZK, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3552, to provide for the reacquisition of jurisdiction by Indian tribes and by the United States over criminal offenses and civil matters in Indian country.

S. 3643

At the request of Mr. JAVITS, the Senator from Vermont (Mr. STAFFORD), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Maine (Mr. HATHAWAY) were added as cosponsors of S. 3643, the Rail Passenger Service Amendments of 1974.

S. 3694

At the request of Mr. HANSEN, the Senator from North Carolina (Mr. HELMS), the Senator from Ohio (Mr. TAFT), and the Senator from Colorado (Mr. DOMINICK) were added as cosponsors of S. 3694, a bill to amend the Consolidated Farm and Rural Development Act to prescribe certain safeguards for the processing of applications for assistance under such act.

SENATE JOINT RESOLUTION 224

At the request of Mr. MONTOYA, the Senator from Rhode Island (Mr. PASTORE), the Senator from North Dakota (Mr. YOUNG), the Senator from California (Mr. TUNNEY), the Senator from Iowa (Mr. CLARK), the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. McGEE), the Senator from Ohio (Mr. TAFT), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Texas (Mr. BENTSEN), and the Senator from Utah (Mr. MOSS) were added as cosponsors of Senate Joint Resolution 224, to authorize and request the President to issue annually a proclamation designating January of each year as "March of Dimes Birth Defects Prevention Month."

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 347

At the request of Mr. ROBERT C. BYRD, the Senator from Arizona (Mr. FANNIN), the Senator from Texas (Mr. BENTSEN), the Senator from New Jersey (Mr. CASE), the Senator from South Carolina (Mr. THURMOND), the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. AIKEN), the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. ABOUREZK), the Senator from North Dakota (Mr. YOUNG), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of Senate Resolution 347, to authorize the Committee on Commerce to study the policy and role of the Federal Government on tourism in the United States.

AMENDMENT OF THE FOOD STAMP ACT OF 1964—AMENDMENT

AMENDMENT NO. 1551

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. DOMENICI. Mr. President, on May 14, 1974, I introduced S. 3498, a bill to amend section 5 of the Food Stamp

Act of 1964 to broaden the authority of the Secretary of Agriculture to provide emergency food assistance to victims of disasters.

Today I am introducing this bill in the form of an amendment to S. 3726. I am pleased to be joined in introducing this amendment by the distinguished Senators from Mississippi (Mr. EASTLAND), Tennessee (Mr. BAKER), Ohio (Mr. TAFT), and North Dakota (Mr. BURDICK).

Under existing law, an individual must go through a lengthy certification procedure to receive food stamps. In the event of a disaster, such as the floods and tornadoes we experienced earlier this year, those individuals involved must obtain help immediately.

Under present law, an immediate temporary emergency issue of food stamps will not be forthcoming because the formal application process may take longer than the temporary need of the applicant.

The amendments we suggest will provide the Secretary of Agriculture the authority, in emergency situations, to eliminate certain current requirements which needlessly delay the process of helping disaster victims.

AMENDMENT OF THE FOREIGN ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 1552

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. ABOUREZK. Mr. President, for the first time last year, to my knowledge, the Congress enacted a provision which added a new section to the law that expressed its concern for the human rights of people who are citizens in countries which receive U.S. foreign aid. The Congress established that it was the sense of Congress that no funds shall be given to any country which holds the citizens for political purposes. That provision has been incorporated in section 32 of the Foreign Assistance Act.

Although everyone understands that sense of Congress resolutions such as this do not have the force or authority of law, it should be clear to everyone that such provisions cannot be ignored either.

It was then somewhat alarming to learn that the State Department and AID have thus far almost entirely ignored section 32 of the law. In hearings before the House Foreign Affairs Committee, under questioning from Congressman DON FRASER, Assistant Secretary of State for East Asian and Pacific Affairs Robert S. Ingersoll, admitted that this section of the law has not had any impact on our policies in Asia. When Congressman FRASER asked Mr. Ingersoll to what extent there has been an implementation of that provision in the law, the Assistant Secretary simply stated, "I know of none." When asked specifically by FRASER about the application of this section to the situation in South Korea, Ingersoll admitted that some kind of inquiry had been sent out a mere 6 weeks ago but neither he nor his aides had any idea whatsoever what the inquiry entailed or why it only went out less than 2 months ago.

I understand that in subsequent letters to the committee, Assistant Secretary Ingersoll has indicated a more positive attitude in this regard and has now described the somewhat half-hearted effort on the part of the State Department and AID in taking into consideration section 32.

Although this information is disconcerting, it is not suprising. There seems to be little doubt that until the Congress requires them to do so, the officials in executive branch will continue to disregard its responsibility which is clearly defined in the Statement of Policy of the Foreign Assistance Act of 1961.

Under section 102, the act states that:

> It is the policy of the United States to support the principles of . . . freedom of the press, information, and religion, and . . . recognition of the right of all private persons to travel and pursue their lawful activities without discrimination as to race or religion.

Yet, while this is the law, it has been extremely difficult to determine what if any support the United States has given to such commendable and high-minded statements of policy. It would be a safe bet to say that there has been none at all.

Opponents to the implementation of this policy continue to insist that the consideration of human rights is a domestic matter and that the overriding economic, military, and political considerations leave little room for human rights. Yet, various State Department officials and other leaders in our Government are quick to criticize the governments of those countries with whom we have unfriendly or distant relations when the rights of their citizens are being infringed upon.

Mr. President, I strongly disagree with this rationale and I cannot think of a poorer argument than that of "meddling in domestic affairs" for such a gross negligence of responsibility. If this country is concerned about whether or not the people in foreign countries are obtaining proper medical treatment and a satisfactory nutritional intake, then certainly they should be as equally concerned about whether they are being tortured or not—or more fundamentally, whether their most basic human rights are being insured.

With this in mind, I am submitting an amendment to the Foreign Assistance Act of 1974, S. 3394, which would ask the agencies which compile the report required by section 657 of the Foreign Assistance Act to include a section in the report which would inform the Congress of what considerations have been made and what measures have been taken to implement section 32 of the act dealing with political prisoners. Until we require such a written report, I am convinced that we will continue to receive the testimony like Mr. Ingersoll's and others who freely admit that the question of human rights is hardly a consideration in the determination of U.S. foreign policy.

It is significant to note that the Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee in its report of March 27, 1974, listed as one of its recommendations that the Department of State treat human rights factors as a regular part of the U.S. foreign policy decisionmaking. They also recommended that the Department prepare human rights impact statements for all policies which have significant human rights implications. There is little doubt that U.S. foreign aid would certainly meet that criterion.

Mr. President, I ask unanimous consent that part 1 of the committee report, entitled "The Human Rights Factor in U.S. Foreign Policy," be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PART I—THE HUMAN RIGHTS FACTOR IN U.S. FOREIGN POLICY

The human rights factor is not accorded the high priority it deserves in our country's foreign policy. Too often it becomes invisible on the vast foreign policy horizon of political, economic, and military affairs. Proponents of pure power politics too often dismiss it as a factor in diplomacy. Unfortunately, the prevailing attitude has led the United States into embracing governments which practice torture and unabashedly violate almost every human rights guarantee pronounced by the world community. Through foreign aid and occasional intervention—both covert and overt—the United States supports those governments. Our relations with the present Governments of South Vietnam, Spain, Portugal, the Soviet Union, Brazil, Indonesia, Greece, the Philippines, and Chile exemplify how we have disregarded human rights for the sake of other assumed interests.

Many human rights practices in other countries are not and should not be of material concern to our Government in determining bilateral relations of our policy in international organizations. Moreover, human rights should not be the only factor, or even always the major factor, in foreign policy decision-making. But a higher priority is urgently needed if future American leadership in the world is to mean what it has traditionally meant—encouragement to men and women everywhere who cherish individual freedom. Describing the high example the world expects of the United States, Congressman John Buchanan quoted Chaucer: "If gold doth rust, what will iron do?"[1]

Respect for human rights is fundamental to our own national tradition. It is expressed unequivocally in our Constitution. Respect for human rights in other countries is a rightful concern of Americans not because of any assumed mission on our part to impose our own standards on others; rather, it is that not only have many other countries used our Bill of Rights as a model for their constitutions, but international standards have been established by the U.N. Charter and other treaties which obligate governments to uphold most of the same rights which are basic in our own system.

Furthermore, an increasingly interdependent world means that disregard for human rights in one country can have repercussions in others. The horrible atrocities of Nazi Germany and the tragic massacre in Bangladesh are examples of how gross violations of human rights precipitated bloody wars. The situations in southern Africa of racism and colonialism have the potential for international conflagration. Thus, consideration for human rights in foreign policy is both morally imperative and practically necessary.

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[1] Testimony by Representative John Buchanan of Alabama at a joint hearing of the Subcommittee on International Organizations and Movements and the Subcommittee on Africa, Oct. 17, 1973.

HUMAN RIGHTS IN FOREIGN POLICY

The subcommittee's inquiry into U.S. bilateral policy was limited to situations abroad which represented the most serious violations of human rights, such as massacre, torture, and racial, ethnic, or religious discrimination. The hearings undertook several case studies: massacre in Bangladesh in 1971, massacre in Burundi in 1972; widespread torture in Brazil and Chile; and racial discrimination in southern Africa.[2] In these cases the subcommittee found the response of the U.S. Government to be lacking in view of the magnitude of the violations committed.

The State Department too often has taken the position that human rights is a domestic matter and not a relevant factor in determining bilateral relations. When charges of serious violations of human rights do occur, the most that the Department is likely to do is make private inquiries and low-keyed appeals to the government concerned. It is rarely known whether these acts of "quiet diplomacy" have desirable effects.

However, the effectiveness of quiet diplomacy would obviously be enhanced were the governments concerned to realize that other actions with more serious effects would take place if quiet diplomacy failed to bring results. Such actions could include public condemnation of the violations, raising the matter before an appropriate organ or agency of the United Nations, suspension of military assistance or sales, and suspension of economic assistance.

It is essential that a policy of "even handedness" be applied in reviewing the practices of states. We must not impose a higher standard on those countries with whom we have unfriendly or distant relations. Too often we criticize them but remain silent about equally serious violations in friendly countries. As the importance of ideology in international relations continues to wane, our Government should adhere to objective human rights standards—those that have been articulated by the international community. Certainly protection of human rights is often a better measure of the performance of government than is ideology.

During the hearings Mrs. Rita Hauser, former U.S. Representative to the U.N. Commission on Human Rights, criticized this double standard in U.S. foreign policy as follows:

"We speak out against violations of countries we are not particularly close to or where we feel we can do so with some measure of safety politically, and we are largely silent, as are other countries, when human rights violations occur on the part of our allies or friendly countries we do not wish to offend.

"I think myself that has been the fundamental failing in the whole approach to basic violations of human rights. If you assume, as we do, substantive standards by which we can judge countries and their behavior, it seems to me imperative that we be objective to the maximum of our ability and judge friendly, neutral and unfriendly countries equally."[3]

Mrs. Hauser cited the case of Northern Ireland as an example. She reported that while serving as U.S. Representative to the U.N. Commission on Human Rights, she urged the State Department to take a position against violations in Northern Ireland, but was told that our Government would not take a position offensive to the government involved, the United Kingdom, because of our traditionally friendly relations with it.

Traditionally, the United States has not hesitated to criticize violations of human rights in the Soviet Union and other Communist states. Current U.S. policy, however, has made it clear that Soviet violations of human rights will not deter efforts to promote détente with the Soviet Union. Indicative of this policy is a cautious statement made by Secretary of State Kissinger after the expulsion of Nobel Laureate Alexander Solzhenitsyn from the Soviet Union: "The necessity for détente—does not reflect approbation of the Soviet domestic structure."

Certainly it is in the interest of national security to find areas of cooperation with the Soviet Union. But cooperation must not extend to the point of collaboration in maintaining a police state. U.S. policy, therefore, must be ever mindful of the clear evidence that the Soviet Government is intensifying efforts to perpetuate the closed society as official contacts with the West are widened. Soviet leaders are not insensitive to international pressures on human rights, as can be seen in the commutation of death sentences for the Leningrad hijackers and increased emigration of Soviet Jews, for example.

Recommendations

1. The Department of State should treat human rights factors as a regular part of U.S. foreign policy decision-making. It should prepare human rights impact statements for all policies which have significant human rights implications.

2. The Department of State should discourage governments which are committing serious violations of human rights through various measures such as: private consultation with the government concerned; public interventions in U.N. organs and agencies; withdrawal of military assistance and sales; withdrawal of certain economic assistance programs. Normal diplomatic relations with the government concerned should be maintained.

3. The Department of State should respond to human rights practices of nations in an objective manner without regard to whether the government is considered friendly, neutral, or unfriendly.

4. The Department of State should upgrade the consideration given to human rights in determining Soviet-American relations. While pursuing the objectives of détente, the United States should be forthright in denouncing Soviet violations of human rights and should raise the priority of the human rights factor particularly with regard to policy decisions not directly related to national security.

GENERAL REVISION OF THE COPYRIGHT LAW—AMENDMENT

AMENDMENT NO. 1553

(Ordered to be printed and to lie on the table.)

Mr. ERVIN. Mr. President, I am introducing today an amendment to the copyright bill, S. 1361, recently reported by the Senate Judiciary Committee. The purpose of my amendment is to delete from S. 1361 the recording arts performance royalty, to be paid to record manufacturers and performers at the expense of broadcasters and jukebox operators.

I believe very strongly that such a recording arts performance royalty, which S. 1361 would establish for the first time, is economically unwise and constitutionally unsound. There is no economic data whatsoever to justify a Government-authorized raid on the revenues of broadcasters and jukebox operators for the benefit of record manufacturers and performing artists, who already receive millions of dollars annually from the sale of sound recordings. The imposition of such a royalty could very well cause financial disaster for many individual broadcasters and jukebox operators.

In addition, I am convinced that the "copyright clause" of the U.S. Constitution—clause 8, article I, section 8—does not contemplate copyright protection for record manufacturers and performers, who clearly do not represent "authors and inventors" in the constitutional context.

Congress satisfied the only legitimate need for the creation of a copyright in recordings with the enactment in 1971 of Public Law 92–140 to protect recording companies from unauthorized copying and sale of their phonograph records. This protection continues under S. 1361 and merits support, but the expansion by Congress of this limited protection is unjustified and inappropriate.

The amendment which I offer today is the same proposal which I made in the Judiciary Committee's markup session on S. 1361 on June 11, 1974. The committee divided equally on the amendment and therefore S. 1361 was reported out with the recording arts performance royalty retained.

From the very beginning, this unprecedented royalty has met with strong opposition. I am pleased to introduce my amendment to delete such a royalty with the support of 12 other Senators.

Mr. President, I ask unanimous consent that the text of my amendment to S. 1361 be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1553

On page 88, strike out lines 13 and 14, and insert in lieu thereof "audible.".

On page 92, line 34, strike out "and sound recordings,".

On page 96, lines 8 and 9, strike out "or of a sound recording,".

On page 96, lines 28 and 29, strike out "or of a sound recording,".

On page 96, lines 31 and 32, strike out "or of a sound recording,".

On page 97, lines 21 and 22, strike out "or of a sound recording".

On page 97, lines 25 and 26, strike out "or of a sound recording".

Beginning on page 104, line 19, strike out all that follows through page 108, line 28, and insert in lieu thereof the following:

§ 114. Scope of exclusive rights in sound recordings

(a) The exclusive rights of the owner of copyright in a sound recording are limited to the rights specified by clauses (1) and (3) of section 106, and do not include any right of performance under section 106(4).

(b) The exclusive right of the owner of copyright in a sound recording to reproduce it under section 106(1) is limited to the right to duplicate the sound recording in the form of phonorecords that directly or indirectly recapture the actual sounds fixed in the recording. This right does not extend to the making or duplication of another sound recording that is an independent fixation of other sounds, even though such sounds imitate or simulate those in the copyright sound recording.

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[2] Hearings, Subcommittee on International Organizations and Movements, *International Protection of Human Rights: The Work of International Organizations and the Role of U.S. Foreign Policy*, Sept. 19, 27; Oct. 3, 18; and Dec. 7, 1973.

[3] Testimony by Mrs. Rita Hauser before the Subcommittee on International Organizations and Movements, Oct 9, 1973.

(c) This section does not limit or impair the exclusive right to perform publicly, by means of a phonorecord, any of the works specified by section 106(4).

On page 110, lines 34 and 35, strike out "and in the case of a sound recording,".

On page 113, strike out lines 4 through 29, and insert in lieu thereof the following:

(3) The fees to be distributed shall be divided as follows:

(A) To every copyright owner not affiliated with a performing rights society the pro rata share of the fees to be distributed to which such copyright owner proves his entitlement; and

(B) To the performing rights societies the remainder of the fees to be distributed in such pro rata shares as they shall by agreement stipulate among themselves, or, if they fail to agree, the pro rata share to which such performing rights societies prove their entitlement.

(C) During the pendency of any proceeding under this section, the Register of Copyrights or the Copyright Royalty Tribunal shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, but shall have discretion to proceed to distribute any amounts that are not in controversy.

On page 146, line 18, strike out "114,".
On page 146, line 34, strike out "114,".
On page 147, line 14, strike out "114,".
On page 149, line 15, strike out "114,".

AMENDMENT OF THE FEDERAL MEAT INSPECTION ACT—AMENDMENT

AMENDMENT NO. 1554

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

A PROPOSAL TO STREAMLINE INTERSTATE SHIPMENT OF MEAT AND POULTRY

Mr. BARTLETT. Mr. President, on May 31, 1973, I submitted a bill (S. 1919) to amend the Federal Meat Inspection Act so that State-inspected meat products, which do have inspection are equal to federally inspected meat products, could be shipped and sold in interstate commerce.

In response to certain suggestions by the Department of Agriculture and the Committee on Agriculture and Forestry, I rise today to submit an amendment to S. 1919 in lieu of the original bill. This amendment would:

First, expand the bill to include State-inspected poultry and poultry products;

Second, clarify the lines of authority between the State and Federal inspection systems;

Third, provide the authority necessary to insure that the State inspection systems remain "equal to" the Federal system; and

Fourth, provide for the creation of uniform inspection marks to be applied to all products prepared under State or Federal inspection systems.

Under existing law, no State-inspected meat or poultry, regardless of quality, can be sold interstate. This has resulted in a dual system of Federal and State inspection facilities. This is manifestly unfair to the overwhelming majority of States which maintain State inspection systems that are equal to or in some cases better than the Federal requirements.

Adoption of S. 1919 would be advantageous to the consumer, rancher, packer and small businessman, because it will increase competition and put an end to a system which prevents a small, privately owned packer, who is inspected by a State whose standards are equal to Federal standards, from selling his products across a State line while allowing a larger packer with equal inspection requirements to sell in all 50 States.

Adoption of S. 1919 would merely extend to the States the same privilege that many foreign countries already possess. For example, present law allows foreign countries whose standards equal those of the Federal Government to ship meat anywhere in the United States.

I think that you will agree that commonsense dictates that this proposal be adopted. Its ultimate effect will be to end a senseless duplication of inspection systems; it will put an end to an inherently discriminatory policy that favors the big packer over the small independent packer; and most significantly, it will insure that the consumer will be able to purchase "healthful quality" meat and poultry products at the lowest possible prices.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1525

At the request of Mr. Hansen, the Senator from North Carolina (Mr. Helms), the Senator from Ohio (Mr. Taft), and the Senator from Colorado (Mr. Dominick) were added as cosponsors of amendment No. 1525, which amendment would prescribe certain safeguards for the processing of applications for Federal assistance submitted to Federal agencies, intended to be proposed to the bill (S. 707), the Consumer Protection Act.

AMENDMENT NO. 1547

At the request of Mr. Dole, the Senator from Nebraska (Mr. Hruska) was added as a cosponsor of amendment No. 1547, intended to be proposed to the bill (S. 3267) to provide standby emergency authority to assure that the essential energy needs of the United States are met, and for other purposes.

NOTICE OF HEARINGS ON THE SMALL BUSINESS ADMINISTRATION'S TIMBER SET-ASIDE PROGRAM

Mr. CRANSTON. Mr. President, I wish to announce that the Subcommittee on Small Business of the Banking, Housing, and Urban Affairs Committee, will review the operation of the small business timber set-aside program, which is run jointly by the Small Business Administration and the U.S. Department of Agriculture.

The hearing will commence at 9 a.m. on Thursday, August 22, in the Banking Committee hearing room 5302, Dirksen Senate Office Building.

Witnesses who desire to testify or submit statements should contact Carolyn Jordan, counsel, Subcommittee on Small Business, 202-225-7391.

ANNOUNCEMENT OF CHANGE IN DATES OF HEARINGS ON S. 2801, THE FOOD SUPPLEMENT AMENDMENT OF 1973

Mr. KENNEDY. Mr. President, I wish to announce a change in the dates of hearings by the Subcommittee on Health of the Committee on Labor and Public Welfare on S. 2801, a bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes.

The hearings will be held in room 4232 of the Dirksen Senate Office Building on August 14 at 10 a.m. and on August 22 at 10 a.m. Persons wishing to testify should contact Ms. Jessica Silver, subcommittee counsel, at 225-7675 not later than July 26, 1974.

ADDITIONAL STATEMENTS

LAWRENCE R. SCHNEIDER

Mr. MANSFIELD. Mr. President, last Friday, tragedy struck a family in Alexandria, Va., when Lawrence R. Schneider suffered a fatal heart attack. He was 38 years old and left a wife and three small children. The private grief of Mrs. Schneider and her family has my sincere sympathy. The public loss from the death of Larry Schneider who served as chief counsel of the National Highway Traffic Safety Administration is also very great.

As Senator Warren G. Magnuson, chairman of the Senate Commerce Committee, stated upon learning of the death of Mr. Schneider:

> He represented the public service ideal at its best, deep in commitment to the public interest.

It is at a time when the Nation most needs the highest caliber of public service that the loss of Mr. Schneider is most dramatically felt. He served his country well, both at the Justice Department and at the Department of Transportation and his premature death is a loss to us all.

To his wife, Suzanne, and his children, David, Ann, and Jeffrey, Mrs. Mansfield and I extend our deepest sympathy. I ask consent that an article on Mr. Schneider that appeared in the Washington Post on Saturday, July 13, 1974, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Safety Advocate Won Cases Against Car Makers—L. R. Schneider, Council at DOT, Dies

(By Morton Mintz)

Lawrence R. Schneider, 38, chief counsel of the National Highway Traffic Safety Administration for the past three years, suffered a fatal heart attack yesterday while playing tennis at East Potomac Park.

Mr. Schneider, who received the Department of Transportation Secretary's award for meritorious achievement in 1972 and the NHTSA administrator's award for exceptional achievement in 1971, joined the motor vehicle safety agency in 1968. He served initially as assistant chief counsel and then as acting chief counsel.

His death was mourned by the chairman and staff of the Senate Commerce Committee, which played a leading role in enacting the vehicle safety law in 1966 and which has monitored enforcement of the law by the NHTSA ever since.

Chairman Warren G. Magnuson (D-Wash.) said, "Larry Schneider represented the public service ideal at its best . . . deep in commitment to the public interest. Larry's impact was felt far beyond the important legal role which he played as chief counsel . . .

"He was a moving force in legislation to strengthen the auto safety defect recall provisions, in litigation to vigorously enforce the law, and in the advocacy of uncompromising public interest stands," the senator added.

By winning two precedent-setting cases against automobile manufacturers, Mr. Schneider "saved many thousands of lives," Committee staff members said.

One of the cases concerned the wheels with which General Motors had equipped 200,000 pick-up trucks. The safety agency had ruled that the wheels were inherently defective and prone to fail. GM contended that the wheels could pose a hazard only when the trucks were overloaded.

Mr. Schneider contended, and the courts agreed, that GM could have foreseen the purported overloading and that in any event, it should have specified wheels that would not fail even if overloaded.

Still more significant, according to the Committee staff, was a case arising out of the agency's proposed requirements for passive restraints such as air bags to protect vehicle occupants in crashes at speeds up to 30 mph, into a fixed barrier, or at 60 mph in a frontal car-to-car collision.

Chrysler Corp., principally, contended in litigation that the restraint requirement exceeded DOT's legal authority because it undertook to advance the state of the auto safety art. Mr. Schneider, in briefs the Committee staff termed "brilliant," argued the contrary and won.

Once passive restraints come into almost universal use, they could save as many as 20,000 lives a year, the Committee staff said.

Mr. Schneider served in the Justice Department's appellate section under Attorney General Robert F. Kennedy. Before joining the safety agency he had practiced law with a Washington firm.

After graduating from Kenyon College magna cum laude, Mr. Schneider earned a law degree from Case Western Reserve University in Cleveland. He was on the editorial board of the university's law review. Later, he was awarded a master's degree in law by Georgetown University.

Mr. Schneider is survived by his wife, Susan, and their three children, David, Anne, and Jeffrey, of the home in Alexandria; a sister, Sharon Stieffen of Hampton, Va., and his mother, Eve Latnik of Cleveland.

CAPTIVE NATIONS WEEK

Mr. JAVITS. Mr. President, this week marks the 16th annual observance of Captive Nations Week. As one of the original cosponsors of the Captive Nations Resolution (Public Law 86–90), I find it tragic, indeed, that our expressions of deep concern and solidarity with the unfulfilled aspiration of the peoples of the captive nations for freedom and national independence are as relevant today as they were 16 years ago.

Indeed, persecution and the denial of fundamental human rights in the Soviet Union and the captive nations continue unabated. The intensified clampdown on Soviet dissenters and minorities wishing to emigrate culminating in their being rounded up in contemplation of President Nixon's recent trip to the Soviet Union, the imprisonment and alleged torture of the Ukrainian intellectuals Valentyn Moroz and Leonid Plyushch, the suppression of the Orthodox and Catholic Churches and, the imprisonment and harassment of innumerable political prisoners and others seeking to assert their human rights are only a few examples of the continuing situation in Eastern Europe and the Soviet Union which we all deplore, so strongly.

This year the attention of the people of the captive nations is especially directed to the 35-nation Conference on Security and Cooperation in Europe where the issues of the "inviolability of frontiers"—retention of the status quo in Eastern Europe by the Soviets—and "free flow of ideas and freedom of movement of people"—desired by the West—are being joined. If détente between East and West is to have a real and lasting meaning, it is imperative that a unified West make it very clear to the countries of the Warsaw Pact that if they are to get the technology, agricultural products, and political and diplomatic concessions that they seek, there must be concomitant recognition on their part of some of the basic principles of Western European tradition: the recognition of fundamental human rights; and, of national integrity and independence.

Until we achieve that objective, we must not mute our expressions of concern and/or, compromise our solidarity with the unfulfilled aspirations of the peoples of the captive nations for freedom and independence. To do less would be a betrayal of ourselves and/or, the freedom and independence for which men and women have fought and sacrificed for centuries and which is the base of our own freedom.

EARL WARREN: CHAMPION OF ALL THE PEOPLE

Mr. SYMINGTON. Mr. President, the passing of former Chief Justice Earl Warren is the occasion for great sadness. We have lost a great American and I a long and beloved friend.

The legacy Justice Warren leaves is one which will live forever in the judicial and social systems of this Nation. That legacy, in itself, is a fitting memorial.

The less privileged, as well as the minorities who daily reap the benefits of Earl Warren's half century of public service, know of his dedication to equal rights of all Americans, expressed so well in one sentence in his book, "A Republic, If You Can Keep It," where he wrote:

> A prime function of government has always been . . . to protect the weak against the strong.

His 16 years as Chief Justice saw Earl Warren reach the pinnacle of a career as the champion of constitutional protection for all Americans. As but a few examples of that legacy are decisions of the U.S. Supreme Court when he was presiding.

Baker against Carr and Reynolds against Sims, which changed the "one-man one-vote" patterns of representation in this country.

Brown against Board of Education, which outlawed racial segregation in public schools.

Gideon against Wainwright, which guaranteed the right of an accused person to the services of a lawyer.

These are but a few of the landmark decisions which establish Earl Warren as one of the outstanding public servants in the history of our Nation.

ASSISTANCE FOR THE HANDICAPPED

Mr. HUMPHREY. Mr. President, I would like to call the attention of the Senate to two recent articles from the Washington Post relating to assistance for the handicapped which illustrate the kind of commendable effort which we need to encourage.

The first article tells of the assumption of public responsibility for a formerly private school for handicapped children, in Fairfax County, Va.

The new public school, to be known as the Lincolnia Center for Multiple Handicapped, will serve 90 students this year, and will expand to serve 2,000 students in 5 years. The cost of teaching a student in the Lincolnia School will be about $4,500, as opposed to about $1,100 in a regular classroom. This illustrates the need for generous Federal subsidies for educating the handicapped, as approved in the Mathias-Humphrey amendment to the Education Amendments of 1974, H.R. 69, and as proposed in S. 6, which is presently being considered by the Labor and Public Welfare Committee.

The second article relates to the regulations recently proposed by the FAA for travel by handicapped persons on airplanes. It is gratifying that this long-overdue step is now being taken, and that the rights of our handicapped to the same transportation facilities available to others will henceforth be better protected. I strongly urge the House to take action on relevant Senate-passed legislation on this important matter, S. 2651.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FAIRFAX PLANS SCHOOL FOR HANDICAPPED

(By Judith Ann Yablonky)

This fall, 16-year-old Kathy Raymond will attend public school for the first time. Her previous educational experience has been confined to private schools because she is mentally retarded and walks and talks with difficulty and the public school had no programs to offer her.

Both Kathy and her parents will benefit from the takeover of the privately operated Cooperative School for Handicapped Children by the Fairfax County Public Schools. Kathy will enjoy better facilities and more extensive programs and her parents will be relieved of the financial burden of private school tuition.

Mrs. Vi Raymond, Kathy's mother and vice president of the Co-op School, said the action meets the goal of the handicapped children's parents—having public schools offer special education programs for all children.

"The Fairfax County public school system is taking a giant step forward in the education of multiple-handicapped children and doing so with an outstanding program," she said. "Every individual is guaranteed the opportunity to the right for education."

The Virginia General Assembly put the goal within reach by passing a bill in 1972 mandating special education by 1975 for all handicapped children in each of the state's school localities.

Fairfax County is the first school jurisdiction in Virginia to offer an extensive handicapped special education program, according to Gary Snodgrass, coordinator for special education in the county.

Beginning in academic year 1974, Fairfax County public schools will be opening a separate center for children aged 5 through 21 with multiple handicaps.

The transition of the private 25-year-old Co-op School to the Lincolnia Center for Multiple Handicapped, run by the public school system, was part of a long process aided by the county public schools, the Co-op School and interested parents, neighboring school divisions, the daytime development center of the Fairfax County health department and regional mental health services boards.

The new center, housed in a Fairfax County public school building at 4710 North Chambliss St., will open academic year 1974 with most of the same teachers as the Co-op School. Joan Gendreau, director of the school, will stay on as principal for the new center.

Last year more than 70 children learned at the Co-op School. Next year facilities will be available for nearly 90 children at the Lincolnia Center. Nearly 200 children will be in the program in five years, Snodgrass said, and children from neighboring northern Virginia jurisdictions such as Alexandria, Arlington and Falls Church will attend on a tuition basis.

The tuition for the academic year 1973–74 per child in the Co-op School was $2,720, not including transportation, Mrs. Raymond said. Additional costs at the school were financed by $1,250 tuition grants per child from the public schools, local mental health mental retardation board funds, as well as sizeable grants from local civic organizations. The Northern Virginia Association for Retarded Citizens also contributed heavily to the Co-op School, Mrs. Raymond said.

The cost per child in the new multiple handicapped program is estimated at $4,500, Snodgrass said, whereas the cost of a student in a regular classroom is about $1,100.

In addition to academic teaching, programs for the children including training in personal daily activities, such as dressing and feeding; motor development, both physical therapy as prescribed by the resident doctor and occupational therapy for finer motor skills. "The children are taught to do as much as they can," Snodgrass said.

"It's quite a different kind of program," he added. One teacher and an aide work with eight students at a time. Occupational, physical and speech therapists, program specialists, classroom teachers and aides, other professionals who care for the biological need of the students all work together with the children.

FAA Rules Will Aid Disabled

(By Stephen Green)

Federal Aviation Administrator Alexander P. Butterfield has approved regulations that would require the nation's airlines to carry handicapped persons, including paraplegics.

The regulations will be proposed formally by the Federal Aviation Administration Friday, The Washington Post has learned. The agency will give the public and the airlines three months to comment on them before they take effect.

Airlines have been refusing to let some handicapped persons board planes even after they have purchased tickets.

In a recent incident, a U.S. Civil Service Commission employee, who has flown around the country to promote the hiring of the handicapped was denied permission to board flights at Dulles International and National Airports by Eastern and Allegheny airlines.

Patricia Thoben, a paraplegic who must use a wheel chair, was told that she would be unable to leave the plane by herself if a crash should occur.

A spokesman for Butterfield said the FAA could not comment on the proposed regulations until they formally have been published. He did say, however, that they represent the first time the agency has moved to insure the handicapped of access to air transportation.

A copy of the proposed regulations obtained by The Washington Post states there "are 13,390,000 handicapped persons in the United States. This represents approximately 6.21 per cent of the total U.S. population."

The document goes on to note "there is increasing concern about the availability of adequate air carriage for this large segment of American society."

Sen. Jennings Randolph (D-W. Va.), chairman of the Senate Select Committee on the handicapped, who has been pressing the FAA to write such regulations, said he was "gratified" that they finally have been approved by the agency.

He added, however, that his staff will "carefully study them to make sure that they do protect the right of the handicapped to fly.

Now federal law permits any airline to refuse to transport a passenger if it "might' impair the safety of a flight.

But under the proposed regulations, an airline would have to fly a handicapped person, if he or she has a statement from a physician saying the handicapped person doesn't need the assistance of another person "to expeditiously move to an exit in the event of an emergency evacuation."

A spokesman for the Air Transport Association, which represents the nation's airlines, said the organization would have no immediate comment on the proposed regulations.

SILLY PRESS RELEASE

Mr. HELMS. Mr. President, I wish to call to the attention of my distinguished colleagues the unique ingenuity of the people employed by the Equal Employment Opportunity Commission.

This agency not only seeks out equal employment opportunities for others, it also finds exceptionally ingenious ways to keep its own employees busy. Their dedication to this purpose is matched only by the Commission's creditable efforts at wasting the taxpayers' money. The latter, I might add, is being carried out in the best traditions of the Federal bureaucracy.

A case in point was called to my attention by a newspaper friend in Clinton, N.C.

The Office of Public Affairs of the Equal Employment Opportunity Commission recently took hurried steps to correct an earlier news release which, had it been allowed to go uncorrected, might have resulted in the most grave of consequences. On June 28, 1974, the release went out, apparently to all newspapers in the country—the information was of nationwide importance—to correct an error contained in a similar release sent out on March 8, 1974—or 112 days earlier.

The earlier report had stated that funds would be spent to secure transportation for minorities working for a utility company in New Jersey. This was corrected to read that the company involved would undertake a feasibilty study to determine if transportation should be arranged for these workers.

Mr. President, I can readily understand the importance of dashing off a hotline press release to all corners of the Nation on a matter of such urgency. I can envision the hustling and the turmoil that must have taken place in the Office of Public Affairs to rush this thing through in the recordbreaking time of just 112 days. And, having spent quite a few years in the newspaper business, I can picture editors all across the country peeping out the window, anxiously awaiting the arrival of the postman delivering this all-important message.

EEOC, fortunately, was thoughtful enough to make it easy for recipients to recognize the importance of this dispatch. Printed on half a letter-size page, it was neatly tucked inside a huge 12x16 inch manila envelope. Needless to add, all this waste was mailed at the taxpayers' expense.

With such dedicated public servants, such watchdogs of the public's money, is there any wonder that the American people look toward Washington in such awe and wonder? Now, we know why they scratch their heads in amazement at the things going on here in their name.

Mr. President, I just thought my colleagues should have this brought to their attention. Now they know.

In any event, Mr. President, I ask unanimous consent that a letter from a fine North Carolina newspaperman, Fred Burgess, news director of the Sampson Independent, Clinton, N.C., be printed in the Record, along with the news release in question.

There being no objection, the letter and news release were ordered to be printed in the Record, as follows:

Clinton Publishing Co., Inc.,
Clinton, N.C., July 8, 1974.

Hon. Jesse Helms,
U.S. Senator,
Washington, D.C.

Dear Senator: Today, this newspaper received a "news release" from the Office of Public Affairs of the Equal Employment Opportunity Commission. Now, although I do not care to discuss the relative merits of this particular agency, I do have some complaints about this one item.

First, what we received was a single 8½x11 sheet of paper. Apparently, somebody at EEOC felt that it wouldn't fit into a standard office-size envelope, because it was sent out in a 12x16 manila envelope.

Second, all it contained was a "clarification" of a March 8 (awfully up to date, right?) release from EEOC dealing with "better transportation for potential minority employees of Jersey Central Power and Light Company."

I may perhaps be mistaken in my thinking that very few of this newspaper's readers are concerned with the problems of Jersey Central Power and Light. Of course, we do have 21 subscribers (of more than 6,000) who reside in New Jersey. Possibly this is why EEOC felt we should publish this purported news.

Fred Burgess,
News Director.

June 28, 1974.

EEOC Clarifies Release

Washington, D.C.—The Equal Employment Opportunity Commission today clarified a news release issued March 8 on its conciliation agreement with Jersey Central Power & Light Company.

The March 8 release stated, ". . . that funds will be used in securing transportation for minorities in high density areas to travel to the company's facilities, which in most instances are removed from normal modes of public transportation. Further funds will be used in subsidizing minority housing."

The conciliation agreement states, "In order to employ more minorities, the company represents that it will undertake a feasibility study in conjunction with other companies, if interested, to see if better transportation may be arranged for potential employees from Newark, N.J. or other areas where there are concentrations of minorities, to the company's work facilities."

The Commission also said that the company had agreed to make donations to various referral, service and minority housing organizations.

MOTOR VEHICLE SPEED LIMIT IS PRODUCING PRODUCTIVE RESULTS—SENATOR RANDOLPH CONTINUES CONTACT WITH GOVERNORS ON ENFORCEMENT—STAR NEWS EDITORIAL IS COMMENDED

Mr. RANDOLPH. Mr. President, for more than 6 months the maximum speed limit of 55 miles per hour has been effective throughout the United States. This uniform limitation was established in response to the severe fuel shortage of last winter. The benefits of slower driving on America's highways have been substantial both in terms of fuel conservation and reduced accidents.

It was more than 1 year ago that I first proposed lower speed limits to save fuel. My initial recommendation was set forth in a sense of the Congress resolution adopted by the Senate on June 4, 1973. Three days after I wrote to the Governors of all 50 States urging them to lower the speed limits in their States. The response was encouraging. I again communicated with the Governors on October 2, expressing the hope that they would continue to take all necessary measures to conserve fuel.

Since the adoption of the 55-mile speed limit act early this year, traffic deaths have been reduced substantially, and it is estimated that the lower speed limit saves 200,000 barrels of fuel every day. I am convinced that the 55-mile speed limit should be retained and I have joined with Senators Percy and Stafford in sponsoring legislation for this purpose. The benefits of slower driving continue to be evident. During the recent Fourth of July holiday period, highway deaths were 183 below the total of a year ago. In Florida, a tourist State heavily dependent on cars, the holiday death toll was cut in half from 30 to 15.

There is no valid reason why the 55-mile speed limit should not be retained. To be fully effective, however, it must be vigorously enforced particularly during the current period when fuel supplies are more plentiful. The Washington Star-News, in a perceptive editorial on July 14, stressed the need for motorists to observe the speed limit, with firm police encouragement when necessary. On July 3 I wrote again to Governors reporting to them our experience with the reduced speed limit and urging strict enforcement. There is widespread support for slower driving as demonstrated in public opinion polls and enforcement from the media and various organizations, but we must be certain that there is full adherence to the uniform speed limit.

Mr. President, I ask unanimous consent that my letter of July 3 to the Governors together with the editorial from the Washington Star-News and an article from the National Spokesman, explaining recent action by the Epilepsy Foundation of America, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., July 3, 1974.

Dear Governor: On June 7 and October 2, 1973, I wrote to you concerning a "Sense of the Congress" resolution proposing that the States voluntarily reduce speed limits to save lives and conserve energy. I expressed the hope that you would join in encouraging activities that would assure adequate supplies of energy for all our people. Subsequently, as you know, Public Law 93–239, establishing a uniform nationwide energy conservation speed limit of 55 miles per hour, became effective on January 2, 1974. This measure has been of intense interest to me.

The responses from you and other governors has been gratifying. Through your cooperation and efforts, this law has resulted in a substantial reduction in traffic fatalities and great savings of fuel. The value of this measure and the strengthening of these crucial improvements will depend on the vigor with which the 55 miles per hour speed limit is enforced. I am writing now to urge continued strong enforcement of the nationwide 55 miles per hour speed limit.

With the coming of Summer weather and long holiday weekends, many of our citizens will be traveling on the Nation's highways. Yet, in recent weeks there have been indications that our resolve to conserve energy was, indeed, short-lived. There are reports that traffic is returning to its pre-embargo levels, although the United States is far from resolving its fuel supply problems.

The original reason for the uniform speed limit was the conservation of scarce fuel, and the Federal Energy Administration now estimates that the 55 miles per hour speed limit is resulting in daily savings of as much as 200,000 barrels of fuel.

But there is a second and very substantial benefit to slower driving. Enactment of the uniform 55 miles per hour speed limit enables us for the first time to observe on a national basis the impact of slower speeds on highway safety. The result has been a dramatic drop in highway fatalities.

According to statistics from the National Highway Traffic Safety Administration, during the first five months of 1973, 20,843 persons died on our Nation's highways. During a comparable period in 1974, 15,930 persons died. Thus, during the five-month period since the passage of P. L. 93–239, nearly 5,000 fewer persons have been killed in traffic accidents than in 1973.

It is to save lives and conserve energy, then, that I earnestly ask for your continued vigorous enforcement of the nationwide 55 miles per hour speed limit. It is my belief that citizens generally desire to cooperate in this vital endeavor, as evidenced in a recent national poll showing that nearly 75 percent of those interviewed favor keeping the 55 miles per hour speed limit. In addition to the practical importance of this program, they recognize that less pressured driving means more pleasant driving.

With esteem and best wishes, I am

Truly,

Jennings Randolph,
Chairman.

[From the Washington Star-News, July 14, 1974]

Deaths and Speed Limits

If there were any doubts about the relationship between lower speed limits and lower highway death tolls, the figures for the recent Fourth of July holiday should put them to rest. The statistics also should convince authorities to resist pressure from some quarters to raise the 55-mile-per-hour speed limit imposed during the energy crisis.

Highway deaths during the four-day holiday totaled 549. During a comparable four-day period in 1967, the toll was 732 and in 1972 it reached a record high of 760. Part of the decrease undoubtedly is due to reduced auto travel, particularly long-distance travel. But the number of deaths per 100 million miles traveled, which reached an all-time low of 3.4 during the first five months of this year, should prove conclusively that the lower death toll can be attributed mainly to lower driving speeds.

Unfortunately, too many people seem inclined to press the gas pedal a little harder now that the fuel crisis has eased. Although polls show a vast majority of the public favors continuation of lower speed limits, it often seems to a motorist observing the 55-mile limit that he is standing still as other vehicles rocket past him on the freeways.

We would remind motorists once again that the energy crunch is not over and that conservation measures still are very much in order. If that is not persuasive enough, the death statistics should be convincing that the life one saves at 55-miles-per-hour might be his own. If saving lives and energy isn't enough to slow some motorists down, the traffic cops ought to be more than generous in handling out tickets to violators.

[From the National Spokesman, Epilepsy Foundation of America, June, 1974]

Keep 55 MPH Speed Limit, Says Board

The national board of the Epilepsy Foundation of America has voted unanimously to urge the nation's legislators to retain the 55 miles per hour speed limit on the nation's highways.

The limit was imposed during the winter energy crisis as a gasoline saving measure.

Apparently it has saved more than gas. According to the National Safety Council, death and injury rates along the nation's highways have fallen significantly. Fatalities are down by about 25 percent and injuries by 15–17 percent.

(The injury figure is not considered to be totally reliable. It is based on police evaluations made on the scene, and often omits injuries with subtle symptoms, and those which show up later.)

Epilepsy is a frequent aftermath of head injuries and head injuries incurred in automobile accidents (of which the National Center for Health Statistics estimates there were 1,224,000 in 1971).

The EFA board felt that it was a fair

assumption that the lower injury figure has also reduced the incidence of epilepsy from this cause.

"This lower speed limit is probably the most important thing to happen in epilepsy prevention for a very long time," said Mrs. Ellen Grass, senior vice president, who urged an official action by EFA to encourage the retention of the 55 mile limit.

SERMON BY DR. BRIAN L. HARBOUR OF JACKSON, MISS.

Mr. THURMOND. Mr. President, a recent sermon by Dr. Brian L. Harbour, pastor of the Colonial Heights Baptist Church of Jackson, Miss., has been called to my attention by a former South Carolinian now living in that city.

The sermon, entitled "Prescription for Post-Watergate America," is an inspired message which I would like to share with my colleagues. It reminds us of the price of our freedom and the need to temper it with responsibility, humility, faith, and integrity.

Mr. President, in order that all Members of the Senate may share in this message I ask unanimous consent that the sermon by Dr. Harbour be printed in the RECORD at the conclusion of my remarks.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

PRESCRIPTION FOR POST-WATERGATE AMERICA

(By Dr. Brian L. Harbour)

Text: II Chronicles 7:12–22.

No one can honestly evaluate our country today without realizing that we are standing at a crossroads in our history. Other crises have come and gone, other dark shadows have come only to be eclipsed by the light of a new day, but none has so marked our nation with the touch of death as the experience of Watergate. When it first broke into public knowledge, Edward C. Nixon, younger brother to the President, said that he thought it was "a tempest in the teapot" which could be paralleled in every administration of this century. History, however, has not allowed it to be simply a tempest in the teapot. In the months following the incident Watergate has mushroomed into one of the darkest blots on America's history.

Jaroy Weber, the new president of the Southern Baptist Convention, called it the worst thing that has ever happened in America, worse even than the civil war. Lest you think that an overstatement, it is significant to notice that Associated Press listed Watergate as to the top story of 1973, and the resignation of Vice President Spiro Agnew as second, both considered more important than the conclusion of a war in Indo China which for more than ten years had been creating dissention in America and snuffing out the lives of some of our most promising youth. We need only to remember the accomplishments of the Justice Department during 1973—the indictment, conviction, and sentencing of the former Vice President, two former cabinet officers, three congressmen, a former senator, and a federal judge—to realize how widespread is the political fallout resulting from Watergate. Watergate has revealed the corruption in the top echelon of our national government.

But the blight on our nation is not just at the top. Margaret Mead, one of the outstanding anthropologist of our day, has said. "The contempt for law and the contempt for the human consequences of lawbreaking go from the bottom to the top of American society." Watergate she says is only the final expression of a contempt that saturates our society.

We can say further that the problem is not just a political crisis but a political crisis which has been precipitated by a deeper and much more serious moral crisis. William McGill, president of Columbia University, said recently that we are a society in a moral crisis and that this is what our students have been trying to tell us for more than a decade. Living in a land where in a recent survey over half of the twenty-one hundred young people interviewed said that there was no living figure in America whom they admire and respect or with whom they could identify, it is clear that the real shortage of our day is not an energy shortage but a shortage of those attributes which, mattering the most, undergird everything else that we do: integrity, high purpose, confidence in one another, faith in a brighter future.

So as we come to the celebration of our 198th birthday as a nation, the question arises, "Which way America?" We stand at a cross roads in our nation's history. The pathways before us are blurred by a dark shadow of uncertainty. Which way shall we go? What can we do? During World War II there was an old saying aboard ship that went like this: "When in danger, when in doubt, run in circles, scream and shout." But somehow, in the gravity of this hour, such a solution does not seem to be enough. What then is our solution?

I stand before you this morning not as a political commentator able to make instant analysis of our situation and somehow show us the way out. Rather I stand before you this morning as a man of God proclaiming to you God's solution for us today, for I believe that in this passage of Scripture that I have read we have God's prescription for post-watergate America and in following this prescription we can restore to the very heart of our country the qualities which have made it great. In this prescription there are four qualities which I feel provide us our only hope, our only way out.

RESPONSIBILITY

The first of these qualities which God prescribes is "responsibility." Notice what the Bible says in verse 14: "If my people who are called by my name . . ." shall do certain things, then God will hear from heaven and bless their land. He didn't say that these blessings would come if the heathen would hear his voice. He didn't say that blessings would come if the dissidents would hear his voice. He said, "If my people who are called by my name . . ." shall hear—then I will heal their land. The first challenge for post-Watergate America is to accept responsibility for what we are and what we have become as a nation.

It is amusing how we react to the conditions of our day expressed by Watergate but encompassing so much more. We say, "They did this" and "They did that" and "if they would do this" and "if they would do that." Friends, don't you dare try to slip out of the responsibility for what we have become, for we need to remind ourselves that the explosion of moral depravity which is engulfing our land, the expansion of dishonesty which has spread to the highest offices in the land—these things are happening in an America with a church on almost every corner.

Suppose that I made a visit to America from another planet. When I saw the moral decay of our day, when I witnessed the spiritual vacuum which is everywhere evident, when I noticed the lack of character in the leaders of our nation, when I witnessed the rapidly vanishing remnants of integrity, I would say: "This is the solution. Let us establish churches throughout the land where the Gospel can be preached and men can be shown the will and way of God." But friends, we are living in a land which is slowly rotting away on the inside and it is happening with churches on almost every corner.

What I am saying friends is this: we can't blame Watergate and what it stands for on the elusive "they". America is where it is today partly because we as God's people have not prayed long enough, have not loved deeply enough, have not given sacrifically enough, have not preached loud enough, have not become involved diligently enough, have not witnessed passionately enough, it has happened because somewhere along the line we became satisfied with playing church and basking in the country club atmosphere of our religious clubs instead of daring to proclaim to the world the word of God.

The Bible says that we Christians have some specific duties in relationship to the government. Romans 13:1 says that we are to recognize the government as ordained by God and that we are to be subject to the governing authorities. Romans 13:5 says that we are to obey the laws of the land. Romans 13.6 says that we are to pay taxes for the support of the government. I Timothy 2:1–3 says that we are to pray for our leaders, and I wonder when was the last time you prayed for the leaders of our land and really meant it. Romans 13:2 says that we are to support the government, a command that we can break by our apathy as well as by our anarchy. The Bible says in numerous places that we as citizens of two worlds are not only to support the laws of the land but are also to proclaim to the world the message of God's kingdom saying, "This is the way of life. Walk in it."

And I submit to you today that part of the responsibility for what America has become should rest upon our shoulders as God's people, and that the stirring challenge that we need to hear this morning is that there is hope for our land, the land will be healed and the blessings will once more flow if "we who are God's people, who are called by his name" will arise and let our presence be felt.

Some years preceding the fall of the Roman Empire, a young lawyer named Cicero pleaded with Emperor Sulla to reinstate some honesty and integrity in the Roman government. Sulla told him, "Cicero, why do you let these things bother you so much when the people don't care?" Shortly thereafter, Caesar took control and cut off the freedom of the people with dictatorial rule. When Brutus began to complain about his rule, Cicero turned to Brutus and said, "Brutus, don't blame Caesar—he is but one man. Blame the people of Rome—they acquiesced in their loss of freedom."

If you are not willing to get disturbed enough to fulfill all your responsibilities as an individual citizen and you witness someday the decline and fall of the American Republic, then I remind you of Cicero's admonishment to Brutus: "Don't blame Caesar." The tide will turn when we as God's people assume the responsibility for what America has become and commit ourselves to making America what God intended for it to be.

HUMILITY

The first challenge of God to post-watergate America is a call to assume our responsibility. The second challenge is a call to humility. God says, "If my people who are called by my name, shall humble themselves . . ."

It is evident on every hand that we have become proud in our position as Americans and arrogant in our acquisition of freedom.

Some time ago British pop singer, Mick Jagger, a member of the Rolling Stones, was arrested for possessing drugs illegally. At his trial he said, "It's when authority won't allow something that I dig in. I'm against anything that interferes with individual freedom. As a noncomformist I won't accept what other people say is right. And there are hundreds like me," he said, "thousands."

His arrogance is typical of the arrogance which is being reflected among Americans today of thinking that we can enjoy the privileges of freedom without the responsibilities, that we can use the freedom to obtain whatever we want without paying the price. That's why God calls us to humility today, for in our pride we have forgotten some things about this freedom about which we so freely speak.

1. We forget what our freedom cost. We speak of freedom as it were a universal commodity, but friends it isn't. No other nation in the world knows the personal freedoms that we have in America, and our freedom was not automatically obtained but was purchased at a cost so high it cannot easily be calculated.

Just as an example, consider what happened to those men who 198 years ago signed the document that came to be known as our Declaration of Independence.

Five signers were captured by the British as traitors and tortured before they died. Twelve had their homes ransacked and burned. Two lost their sons in the Revolutionary Army, another had two sons captured. Nine of the fifty-six fought and died from wounds or the hardships of the Revolutionary War. They were men of means who were willing to sacrifice the things that they had for the sake of freedom. And consider the sacrifice.

Carter Braxxton of Virginia, a wealthy planter and trader, saw his ships swept from the seas by the British navy. He sold his home and properties to pay his debts, and died in rags.

Thomas McKeam was so hounded by the British that he was forced to move his family almost constantly. He served in the Congress without pay, and his family was kept in hiding. His possessions were taken from him, and poverty was his reward.

The properties of Ellery, Clymer, Hall, Walton, Gwinnett, Heyward, Rutledge, and Middleton were all looted and practically destroyed by vandals and soldiers.

At the battle of Yorktown the home of Thomas Nelson, Jr. was destroyed and Nelson died bankrupt.

Francis Lewis had his home and properties destroyed. The enemy jailed his wife, and she died within a few months.

John Hart was driven from his wife's bedside as she was dying. Their thirteen children fled for their lives. The fields and his grist mill were destroyed. For more than a year he lived in forests and caves, returning home after the war to find his wife dead and his children vanished. A few weeks later he died from exhaustion and a broken heart.

Norris and Livingston suffered similar fates.

Then you add to those stories of our first fathers the stories of those thousands of other dedicated men and women in every war and in every generation who gave their lives so that we might enjoy the freedom we have today, it is no wonder that Johnny Cash sings that he is mighty proud of that ragged old flag. It represents a freedom which was purchased at the price of literally thousands of men's blood. Don't you dare stand before the flag with the arrogance of a man who takes his freedom for granted. As we come to celebrate our nation's birthday, we should be humbled by an awareness of the cost of our freedom.

2. Second, we forget what our freedom means. In common understanding, freedom means the freedom to do what we want. But that's not real freedom.

Charles Kingsley once said, "There are two freedoms: the false, where a man is free to do as he likes; the true, where a man is free to do what he ought." Freedom to do what we like is only the prelude to a kind of moral deterioration over which some tyrant will inevitably assume control. But freedom to do what we ought sees freedom for what it is—not an end in itself but a means by which greater ends can be accomplished. In our arrogance we see only the personal power of freedom to do what we want but God calls us to humble ourselves and see the opportunity freedom provides us to do what we ought.

In the beginning pages of Deuteronomy when Moses attempts to explain the law by the Israelites there is an intriguing challenge. He says, "Take heed . . . lest when you have eaten and are full, and have built goodly houses and live in them, and when your herds and flocks multiply, and your silver and gold is multiplied, and all that you have is multiplied, then your heart be lifted up, and you forget the Lord your God, who brought you out of the house of bondage. . . . Beware lest you say in your heart, 'my power and the might of my hand have gotten me this wealth.' "

And that is the challenge that God gives us in this hour, a challenge that moves beyond the arrogance of assuming we have by our strength obtained what we have, to an humble awareness that our strength and our hopes come from God.

FAITH

But there is a third quality which God commands of us—not only responsibility, and not only humility, but thirdly God calls us in post-watergate America to return to our faith. God says, "If my people who are called by my name shall humble themselves and pray and seek my face . . ." How we need to hear again today the proclamation of Scripture: "Blessed is the nation whose God is the Lord." (Psalms 33:13) Unless we respond positively to the challenge to return to the strong faith upon which this nation was founded then I believe that there is no hope for us.

On a gray morning during World War I, the Prime Minister of Britain, David Lloyd George, stood grim-visaged before the members of the British Cabinet. The seriousness of the situation was evident upon the faces of all. The prime minister said, "Gentlemen we are fighting with our backs to the wall. The only way out is up; our only hope is God; let us pray."

In our day when our nation is too corrupt to be conquering, too bankrupt to be powerful; too anemic to be militant; too placid to be aggressive; too tepid to be dynamic; too comfortable to be courageous, too sick to be the savior of the world, how we need to realize ourselves and then proclaim to the world that our only way out is through faith and that our only hope is God.

And friends it begins with us. If we proclaim a message but don't live it, if we advertise a hope but don't express it, if we promise a solution but don't believe it, if we show a way but don't follow it, then how do we expect the rest of the nation too.

The solution for post-watergate America begins when we who are God's people will pray and seek his face, and say with sincerity that we have proclaimed all along: "In God we trust." America without God's guidance will simply follow the pathway to destruction which has marked the decline of every other great civilization in history.

INTEGRITY

There is one last quality that God calls for and that is the call for integrity. History has proven that the greatest enemy of any nation is not what attacks it from without but what corrodes it from within. Bishop Sheen has pointed out that 16 out of the 19 great civilizations that have passed away from the beginning of time decayed from within. In the case of the Roman Empire there was an enemy invasion that signaled the end, but it was merely the visit of the vultures to the dead carcass. Already the Roman Empire had been killed by those elements cited by Gibbon in *The Decline and Fall of the Roman Empire*. Listen to them:

1. Rapid increase in divorce with the resultant undermining of the home.
2. Higher and higher taxes.
3. The spending of public money for free bread and circuses to entertain the people.
4. The mad craze for pleasure and sports which became more and more brutal.
5. The building of gigantic armaments.
6. The decay of religious faith which faded into formalism and became impotent.

These are the swords that killed Rome. But that also sounds like the latest news report about America by Walter Cronkite. I can almost hear him say, "And that's the way it is in America, June 30th, 1974. Good night." And it points to this clear fact that the real crisis in America is the moral and spiritual crisis by which we as God's people have acquiesced our responsibility and have allowed to slip from our grasp that integrity which has made our nation great.

A Frenchman named Alexis de Toqueville visited our shores in 1835. Upon completing his journey he spoke the now famous words that we need to be reminded of again this morning. He said, "I sought for the greatness and genius of America in her spacious harbors and her ample rivers, but it was not there—in her rich mines and her vast world commerce—but it was not there; it was not until I went into the churches of America and found *her pulpits aflame* with righteousness that I discovered the true source of America's greatness and genius. America is great because America has been good. If ever America ceases to be good, America will cease to be great."

We must strive to restore to America the great principles of responsible citizenship, humility before our fellow men, faith in God, and unblemished integrity for in these things our greatness lies.

CONCLUSION

There is a little known figure in American history named David Rice Atchison who once filled a most significant position. It happened in between the terms of President James K. Polk and President elect Zachary Taylor. Polk's term had to end on March 3 by law. President-elect Taylor was to be inaugurated on March 4, but because it was a Sunday he refused to be inaugurated on that day. He was adamant in his decision and could not be changed. Thus there would be a day in which there was not a president. The senate had no alternative but to elect a president to serve from Sunday noon to Monday noon. They chose David Rice Atchison. But the last week of the Polk administration was so hectic for Senator Atchison that he went to bed Saturday evening with instructions to his landlady not to awaken him for any reason. She followed his orders and he did not awaken until the middle of the day on Monday. President Atchison slept through his entire term of office!

We dare not let that happen again today. America stands at the crossroads. We have been elected to this day of opportunity. In this day of opportunity let us wake up and stand up and shout out to our nation the prescription of God, "If my people, who are called by my name, shall humble themselves and pray and seek my face, then will I hear from heaven, forgive their sin, and heal their land.

Christian Citizen: America Needs You.

MINNESOTA EAGLETS HATCH IN MAINE

Mr. HUMPHREY. Mr. President, I am happy to announce a significant new achievement by the U.S. Fish and Wildlife Service with the help of the State of Minnesota. Two bald eaglets have hatched in Maine after they had been transplanted as eggs from Minnesota.

An article in Conservation News of July 1, 1974, describes the transplant of two eagle eggs from a nest in Minnesota, where the eagle population is known to be very healthy, to nests in Maine, where the eagle is threatened by pesticides which have made the eggshells so thin that the young eaglets do not hatch.

The eggs were flown to Maine in an insulated suitcase, warmed by a hot-water bottle, were planted and were hatched in early May.

Mr. President, in commemoration of these healthy Minnesota eaglets that now live in Maine, I ask unanimous consent that the Conservation News article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Eagle "Egg-Plant" Successful

Two bald eaglets have hatched in the Maine nests they were transplanted to as eggs in early May after they were taken from their parents' nets in Minnesota, the Department of the Interior's Fish and Wildlife Service has announced.

This was the first such transplant experiment with the bald eagle.

The original plan called for six eggs to be transplanted from Minnesota, where the eagle population is healthy, to six nests in Maine, where pollution has affected eagle nest hatching in recent years. Only three eggs were taken from Minnesota because of the onset of bad tree climbing weather. The three were delivered to Maine and planted in nests the next day. One egg broke as it was placed in the nest.

The two eagles hatched out on May 16th. The foster parents appear convinced the birds are their own offspring and are caring for them normally with daily feeding and close guard of the nest area against possible enemies.

At the time of the transplant the two nests in Maine each contained one addled egg. These were removed and taken to the Fish and Wildlife Service's Patuxent Wildlife Research Center for pesticide analysis.

Neither one would have hatched in the wild. Analysis showed the shell of one was 31 percent thinner than healthy eagle eggs—a phenomenon that occurs from eagles eating prey containing hard pesticides picked up from their diet. The accumulation of pesticide residues, including DDT and its derivatives, dieldrin, and other contaminants, increases with each succeeding level in the food chain, and in the case of eagles, the residues have seriously altered the birds' reproductive capability in Maine and other areas. Additionally, the contents of both eggs were examined and showed no embryonic development, probably because of dieldrin residues.

The eaglets were banded in June by Fish and Wildlife Service biologists in the hope that their future movements and health can be monitored.

"We are genuinely pleased with the results," Lynn A. Greenwalt, Fish and Wildlife Service director said "The concept of bald eagle transplants is now a valid, tested one, and future plans can be drawn for similar transplants. Biologists were fearful that the disturbance of the egg-switch might prompt the foster parents to desert the nests, but this fear fortunately was not borne out by the experiment. The switch took less than 30 minutes from the time the foster parents left the nests until the eggs were swiched and the parents returned. Both sets of parents kept a watchful vigil on the switching team and returned as soon as the area was cleared."

The parent eagles in Minnesota were left with plaster-filled goose eggs to maintain their interest in the nests If they continue to incubate these dummy eggs, they will be provided a young bird from a Minnesota nest that hatches more than one eaglet, for many times there is a four to six day interval between hatching of multiple egg clutches, and the youngest, or runt, may die because it cannot compete for the available food.

The U.S. Fish and Wildlife Service says it is the first transplant of eagle eggs ever attempted, although osprey eggs were successfully exchanged between nests in Maryland and Connecticut in 1968 and 1969.

The eggs were taken from nests on and near the Chippewa National Forest in Minnesota and placed in bald eagle nests in the lower Kennebec drainage area of Maine, where pollution is believed to be the cause of a continuing decline in the eagle birth rate Maine's bald eagle population has declined sharply in recent years, with only 30 to 40 pairs of eagles left in the state.

Greenwalt says Minnesota eagles were selected for the experiment because they are known to be faring well. The population in Minnesota includes more than 100 active nests of eagle pairs and in 1973 produced 113 eaglets.

Since neither DDT nor dieldrin has been used in Maine since 1970, prospects are believed to be good for the eventual return of an environment which would support a healthy bald eagle population

The eggs taken from Minnesota traveled in an insulated suitcase warmed by a hot-water bottle and flown to Maine by a Fish and Wildlife Service biologist. They were placed in nests immediately.

CHAMPION McDOWELL DAVIS: A MOST REMARKABLE CITIZEN

Mr. HELMS. Mr. President, on this floor last year, I discussed a remarkable citizen of my State, Mr. Champion McDowell Davis. Now in his nineties—95, to be exact—Mr. Davis is yet active, completely dedicated, and tremendously effective in his service to others.

Before his retirement some years ago, Mr. Davis was president of Atlantic Coast Line Railroad. He was a giant of the industry, a leader who directed the railroad through strenuous and sometimes difficult periods. Nowhere is there a man more respected and admired than "Mr. Champ" Davis. I am proud to have as my friend—and to be his.

Mr. President, I have at hand two news releases concerning Mr. Davis and his activities. One is headed, "Wilmington Railroad Yard Named for Champ Davis." The other is headed, "Kresge Grants $50,000 to Nursing Home."

I ask unanimous consent that these two articles be printed in the Record at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Wilmington Railroad Yard Named for Champ Davis

As a tribute to the man who guided the former Atlantic Coast Line Railroad into becoming one of the finest railroad systems in America, Seaboard Coast Line Railroad has named its new yard in Wilmington, N.C., after Champion McDowell Davis, the former president of the ACL, it was announced today.

Seaboard Coast Line, which was formed through the merger of the ACL and Seaboard Air Line Railroad, is now part of the Family Lines System which includes SCL, Louisville and Nashville, Georgia, Clinchfield and the West Point Route railroads.

"The new $5 million yard in Wilmington is a fitting tribute to the man who gave so much to the railroad industry," said W. Thomas Rice, chairman and chief executive officer of the Family Lines, who spoke today at the annual meeting of the Cornelia Nixon Davis Nursing Home.

The Davis Yard, which is expected to be completed in August of this year on a 150-acre site west of the Cape Fear River, will be one of the more modern freight car classification yards of its type in the South. In addition to a new yard office building, four-story yard tower, trailer-on-flat-car facilities and maintenance and servicing facilities, the complex will contain a total of 55 sets of track laid with 32 miles of continuous welded rail, with a capacity of 2,250 cars.

"This new yard facility will greatly expedite the flow of rail freight traffic to and from the growing city of Wilmington, and mean more efficient service to customers served by the Seaboard Coast Line and outlying industrial areas," Rice said.

Mr. Davis, who served as president of the ACL for 16 years and was employed by the railroad for a total of 64 years, still resides in his beloved city of Wilmington. Today observing his 95th birthday, Davis is still active in the community affairs of Wilmington and was named its outstanding citizen in 1973. After his retirement from active railroading, Davis dedicated efforts to establishing a charitable foundation to accomplish the construction and operation of the Cornelia Nixon Davis Nursing Home at Porter's Neck Plantation.

"All those who have had the honor of knowing and working with Mr. Davis during his many years of railroad, civic, and religious work share in the honor bestowed upon him today," said Rice. "It is only fitting that his new yard, which will do so much for the city of Wilmington and for the railroad he loved, be named in his honor."

Kresge Grants $50,000 to Nursing Home

Champion McDowell Davis, reporting for the Directors of Cornelia Nixon Davis Nursing Home, Inc., announced receipt of a grant of $50,000 from the Kresge Foundation of Troy, Michigan. The grant will be used toward construction costs of an 80-bed addition to the Nursing Home.

The Kresge Foundation, one of the largest in the United States in size of assets and appropriations, was created solely through the gifts of the late Sebastian S. Kresge. Kresge, founder of the S. S. Kresge Company, tithed on a grand scale: at his death, his personal estate amounted to one-tenth of the book value of stock he had given to the Foundation during his lifetime. The S. S. Kresge Company and The Kresge Foundation are not related in any way except that both had the same founder.

Most Foundation support is in the form of challenge grants to education, health services, the arts, social welfare agencies of various kinds, and the care of the young and the aging. Construction and major renovation of facilities is the Foundation's primary concern. Program grants are generally made only in the Detroit area, where the The Kresge Foundation has its headquarters, and then solely on the initiative of the Trustees.

In establishing the Foundation in 1924, Mr. Kresge stated that he "wished that a substantial portion out of the abundance which accrued to his enterprise should be returned to help raise the level of mankind."

During the 50 years of its existence, The

Kresge Foundation has authorized grants totalling $175 million to nearly 2,000 recipients.

PRESIDENT DEREK BOK ON THE ROLE OF WOMEN AT HARVARD AND RADCLIFFE

Mr. KENNEDY. Mr. President, in his address last month before the annual meeting of the Associated Harvard Alumni, President Derek C. Bok of Harvard University made a comprehensive statement concerning the problems affecting women at Harvard and Radcliffe. The issues surrounding the role of women in the university, especially in such areas as admissions policy, financial aid, faculty hiring, and university administration, are not unique to Harvard and Radcliffe. They also reflect the goals and aspirations shared by women throughout the United States and the world.

President Bok has grasped important underlying causes of such problems, and has not just examined their effects. Only through this type of analysis and understanding is it possible to solve these problems with education and compromise. As he stated in concluding his address.

> But answers to all these questions do not depend on administrations alone. Private universities are fragile institutions. They require the sympathetic understanding and respect of all their constituencies—students, faculty, staff and alumni. It is too much to expect that every member of these constituencies will agreee with each decision that is made. But we must do our best to make sure that every view is heard and every decision explained openly and carefully. In this spirit, we have entrusted the most important issues to a body that includes representatives of each interested group in our community. With the help of this committee and with your patient understanding, I trust that we can establish a relationship with Radcliffe and a place for women in the University that will give to all members of this community the confidence that they will receive the opportunities their abilities merit and the recognition their accomplishments deserve.

Mr. President, I believe that President Bok's address will be of interest to all of us in the Senate, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS PREPARED FOR DELIVERY BY PRESIDENT DEREK C. BOK AT THE ANNUAL MEETING OF THE ASSOCIATED HARVARD ALUMNI IN TERCENTENARY THEATRE, HARVARD YARD ON JUNE 12, 1974

I look upon this occasion as an opportunity to share my thoughts with you on an important problem affecting the College and the University. This year, I will speak about several pressing issues affecting the role of women in Harvard and Radcliffe Colleges and in the Faculty of Arts & Sciences. The choice was not difficult to make. Over the past few months, your alumni association has concentrated on the same topic. My colleagues have wrestled with the problem of affirmative action and have developed a comprehensive plan to help insure equal treatment for women and minorities employed at Harvard. Alumni, faculty staff and students have joined together in a committee to discuss admissions policies, financial aid and related questions involving the future relationship of Harvard and Radcliffe.

The underlying issues are sensitive. They call in question familiar traditions and practices within the University. They sometimes provoke a passion and a rhetoric that arouse resentment in many listeners. But there is no denying the importance of the topic or the need to grapple seriously with the problems that are raised.

Let us begin by considering the matter from the eyes of our women students. When this year's graduating class arrived at Harvard, only 20% were women, and no effort was made to explain why women alone were subject to a seemingly arbitrary limit on the number admitted. Only one of the four hundred tenured faculty in the College was a woman, and even she was appointed to a chair restricted to members of her sex. Outside of the Radcliffe administration, no women occupied a high administrative post in the Faculty of Arts and Sciences.

These statistics may not have given great concern to those who had watched the University evolve over a long period of time. Harvard and Radcliffe had always been separate institutions. Since Harvard took responsibility for educating male students, it was not surprising that men dominated the Harvard administration just as women dominated the administrative offices at Radcliffe. And as for admissions policies, women were admitted and housed by Radcliffe not Harvard, and Radcliffe lacked the dormitories to accommodate more women than she was currently taking into the College.

But this historical perspective was not apparent to the women who arrived as freshmen four years ago—nor could it be. Women had long attended classes with men. Now they began to be assigned to the same undergraduate residences as well. Once this happened, the historic differences between Harvard and Radcliffe grew blurred and no longer affected the everyday lives of the students. The traditional basis for limiting the number of Radcliffe students disappeared. Women now saw themselves attending Harvard, and the Harvard they perceived was an institution for men that offered fewer opportunities for members of the opposite sex.

These developments raise a number of questions that we must confront during the coming year, and it is of the utmost importance that you—our alumni—undertsand what the issues are. I will not attempt to offer solutions for all the problems. To do so would usurp the authority of the committee we have appointed to review the subject. Nevertheless, I can try at least to create a framework that may assist you in following the debate as it unfolds during the coming months.

The first major question has to do with the proper admissions policy for the College. Over the past four years, we have changed the traditional ratio of men and women from 4-1 to less than 2.5-1. Yet women are still the only category of students who are subject to a fixed ceiling on the numbers that can enter the undergraduate body.

Some of you may ask why this issue should matter much to the women who are already here. After all, it is not they who are excluded. And as for other women, are there not plenty of excellent colleges anxious to attract students of the quality that aspire to Radcliffe?

And yet, it is not difficult to understand why our students are concerned. The admissions practices of a university reflect its educational philosophy and embody its attitudes toward students. This being so, what are our women to make of a policy that imposes on them alone an admissions ceiling? If we seek a student body that combines diversity with the highest intellectual talent, why should any group be subject to a predetermined and seemingly arbitrary limit? If students at Radcliffe perceive that they alone are barred admission beyond a certain number regardless of the talents and accomplishments they possess, can they avoid the conclusion that Harvard values women the less?

Conceivably, there may be answers to these questions, though I must confess to grave misgivings over the reasons I have considered thus far. Several years ago, I myself expressed concern that women support the University less than men after they graduate so that Harvard may not receive the assistance it needs a generation hence if it admits larger numbers of women. Others have pointed out that Harvard's mission is to educate those who will occupy positions of leadership in society and that men are more likely than women to play such a role.

In examining these arguments, we must ask some very hard questions. To begin with, we should ask whether the arguments are sound as a matter of educational policy. Specifically, to what extent should financial consideration affect admissions policies? Is leadership in society the goal or only one goal of a liberal arts education?

We must also ask whether the arguments are based on sound factual premises. In particular, is the past an adequate guide for the future in estimating the social roles that women will play or the support they can offer to universities? Surely the role of women is changing in our society, and even now Radcliffe seniors are applying to graduate and professional schools in proportions equal to their male colleagues.

Finally, we must ask whether these arguments necessarily support a limitation on the number of women admitted or whether they simply suggest that Harvard should avoid a drastic reduction in the number of men. If the latter is so, the nature of the debate changes significantly. We must now weigh the educational costs of enlarging the size of the College against the arguments in behalf of maintaining the number of male students.

These, then, are some of the issues we will debate over the coming months. If there are adequate reasons for our present policies, we will have to state them clearly to avoid the dispiriting implications that our current practices convey to women students. If our policies cannot be justified, we must change them to conform to our basic educational ideals.

A related issue has to do with financial aid. When the Class of '74 entered Harvard, a woman on scholarship would normally receive the same amount of aid as a man in similar economic circumstances. Nevertheless, many fewer women received any financial aid at all. Specifically, only 27% of the women received scholarships compared with 42% of the men.

This discrepancy was accepted as a natural result of the separation of Harvard and Radcliffe. Radcliffe was responsible for providing financial aid to her students, and if the funds were limited that was her affair.

Today, this view seems hard to defend. After all, financial aid is not merely largesse but an indispensable means of obtaining a class of greater diversity and talent. Radcliffe students are as much a part of each class as their Harvard colleagues. They occupy the same classrooms, take the same examinations, play in the same orchestras, act in the same plays, even receive the same diplomas. Under these circumstances, we should all share a common concern to provide enough financial aid to bring to the College women of the highest talents and ability regardless of their financial circumstances.

Fortunately, we are well on the way to overcoming this problem. The proportion of the Radcliffe class receiving aid has risen to more than 30%. In addition, under the leadership of Hugh and Anne Calkins, Harvard and Radcliffe have recently joined in launching a drive for enough funds to insure that all applicants—men and women alike—can obtain financial aid on the same terms if they are admitted to the College. With the completion of this drive, we will be able to guarantee genuine equality in the support we offer to all our students.

Perhaps the most controversial problem of all concerns the hiring of women in the Faculty of Arts and Sciences, particularly at tenure levels. Women are understandably suspicious of an institution that would appoint only a single woman to a tenured post as late as five years ago. At the same time, the hue and cry over appointing more women professors has led to equally understandable fears on the part of faculty members that pressure will be exerted to appoint less qualified professors simply because they are women.

Fortunately, there is a clear way out of this controversy if we are strong enough to follow it. On the one hand, we have devised procedures to insure a vigorous search for women as well as minority candidates for faculty positions, and we have constructed safeguards to minimize the risk of discrimination in appointments decisions. We advertise for faculty opening, we make specific inquiries for names of promising women candidates, we place women on our ad hoc committees to review each permanent appointment. At the same time, we insist that the final decision for each appointment be made strictly on the abilities of the candidates for the job in question. These practices do not weaken the quality of our faculty and staff. They strengthen it by adding to the pool of prospective appointees and by insuring that the ablest candidates are not overlooked or cast aside for irrelevant, discriminatory reasons.

But even these measures may not serve to resolve all of the concern over our appointments. They have already succeeded in bringing more women to our faculty, and we are the better for that. And yet I fear that the number of women in our permanent faculty may still not rise rapidly enough to satisfy all of our critics. By and large, the crucial years in an academic career are the years between 25 and 40 when a record of scholarship is established that will determine a permanent, tenured appointment. But these are the years, of course, when many women are most preoccupied by the competing claims of job and family. Some of these women will overcome these problems by sheer brilliance or determination. Some couples will find new ways of sharing family burdens to relieve the pressures on wives and mothers. But in the exacting competition for tenured appointments to this faculty, these competing demands are likely to persist to a sufficient extent to curtail the number of women appointed.

Should this prediction prove accurate, differences of opinion could easily arise. Some may interpret the results as clear evidence of discrimination. By continuing to view the problem exclusively in these terms, these critics will accomplish little save provoke bad feeling among faculty members who will consider themselves unjustly accused. Other critics may react by urging that appointments criteria be altered to satisfy the need to provide more role models for women students. These claims are also bound to fail because they conflict with deeply felt convictions about the true mission of the University. It is always an advantage to have a variety of views and models represented within the Faculty. Nevertheless, the overriding responsibility for Harvard is to assemble a body of professors of the highest possible distinction who are acknowledged leaders in their field with the ability to discover and communicate knowledge for the benefit of students and the entire society. The insistence on outstanding intellectual achievement is what has made the University great and what explains, in the end, why students of unequalled quality choose to come here.

For these reasons, we will continue to make appointments based on the traditional qualities of intellect and scholarship. If there are barriers that prevent young women scholars from achieving their true potential, we should not ignore the problem by concentrating exclusively on the fear of discrimination. Rather, we should explore evolving family patterns that free women scholars from some of their household duties or consider ways of encouraging married junior faculty to take part-time appointments over longer periods in order to allow more time for research. Only by examining the underlying problem in this fashion can we hope to provide greater access for women in a manner consistent with the true aims of the University.

The last major issue we will face involves the governance of our two sister institutions., Harvard and Radcliffe. Once again, there is the possibility of suspicion and misunderstanding. From Radcliffe may come the fear that Harvard seeks to dominate her smaller neighbor and submerge her special concern for the interests of women. From Harvard we may hear complaints that Radcliffe seeks to maintain her prerogatives while thrusting any financial burdens that may result on the back of the University.

I hope that these attitudes will not materialize for they are sadly misdirected. Nothing will be gained by resurrecting ancient misunderstandings, and we will surely be mistaking form for substance if we devote too much attention to the symbolic importance of the prerogatives of Governing Boards or the ownership of endowments. Instead, we must constantly remind ourselves that we are united in a common enterprise of overriding importance: how to provide the best possible education to our undergraduates—men and women alike. With this aim in mind, our common task must be to devise a system of governance that will produce the soundest educational decisions, the least amount of bureaucracy and red tape, and the most appropriate safegrounds to insure equality for our women students.

I have the utmost confidence in the determination of the Harvard and Radcliffe administrations to view the problem in this light and to construct solutions that will serve our common purpose. No other view does justice to our responsibilities as educational institutions.

But answers to all these questions do not depend on administrations alone. Private universities are fragile institutions. They require the sympathetic understanding and respect of all their constituencies—students, faculty, staff and alumni. It is too much to expect that every member of these constituencies will agree with each decision that is made. But we must do our best to make sure that every view is hard and every decision explained openly and carefully. In this spirit, we have entrusted the most important issues to a body that includes representatives of each interested group in our community. With the help of this committee and with your patient understanding, I trust that we can establish a relationship with Radcliffe and a place for women in the University that will give to all members of this community the confidence that they will receive the opportunities their abilities merit and the recognition their accomplishments deserve.

GEN. CARL A. SPAATZ

Mr. HUGH SCOTT. Mr. President, another outstanding American has died. But his memory will linger. The death over the weekend of the first Air Force Chief of Staff Carl Spaatz cuts down to an even smaller number those pioneers who went into the air to set the stage for conquering space so many years later. Mr. President, Toohey Spaatz, as he was affectionately known, was a Pennsylvanian. His father was the publisher of a small newspaper in Boyertown in eastern Pennsylvania. But for his love for the unexplored, adventure, and excitement, Toohey Spaatz might well have foresaken the role of great military strategist and remained as a newspaper editor in a small, quiet town.

Mr. President, I ask unanimous consent that today's Washington Post story, written by Ken Crawford on the death of General Spaatz, be printed in today's Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Gen. Carl Spaatz, World War II Air War Director, Dies

(By Kenneth Crawford)

Gen. Carl A. Spaatz, 83, retired U.S. Air Force chief of staff, one of the first to recognize the military potential of the airplane and the commander who applied it with decisive effect in World War II, died yesterday of congestive heart failure at Walter Reed Medical Center.

A West Point graduate in the class of 1914, Gen. Spaatz started his career as a second lieutenant assigned to infantry duty at Schofield Barracks in Hawaii. But as a plebe at the Point, he had seen Glenn Curtis fly a fragile biplane down the Hudson Valley from Albany to New York and he knew that this was for him. He soon asked for transfer to the Aviation School at San Diego, and in 1916, was one of the first 25 graduates to receive wings.

During the next 32 years he filled almost every post military aviation could offer him. He flew with the Pershing Expedition against Pancho Villa in Mexico. He organized and presided over what was then the largest flying school in the world in France during World War I and then, under orders to return to the United States, asked and was granted a tour of combat duty during which he shot down three German planes.

In World War II he commanded the strategic air forces that softened up first Nazi Germany and then Imperial Japan for defeat and surrender.

So close was Gen. Spaatz's name identified with strategic bombing in North Africa, Sicily, Italy, France, Germany and Japan that his forces became known as the Spaatzwaffe. Gen. Dwight D. Eisenhower declared Gen. Spaatz "the best air commander" he had ever observed. "I've spent months trying to figure out how he does it," Eisenhower said, "and I can't."

Gen. Spaatz was known in the services as a crisp, no-nonsense soldier, never using two words when one would serve his purpose. Off duty, however, he was equally well known as a congenial comrade whose headquarters offered sanctuary from the rigors of combat duty, and probably a poker game. His 5-foot-10, 150-pound erect figure was familiar in every theater of war during his years of active service and in Washington after his retirement.

He was born in Boyertown, Pa., June 28, 1891, to Mr. and Mrs. Charles Spatz (the spelling was changed later to discourage the pronunciation as "spats" rather than "spots"). Members of the family cringed a little when, on a ceremonial White House occasion honoring the General, President Harry Truman commanded "General Spats" to come forward.

The senior Spatz was a newspaper publisher and printer. His red-haired, freckled son set type, wrote news items and helped out in the family establishment until his appointment to West Point came through.

At the Point, Cadet Spaatz immediately acquired the nickname "Toohey," which friends and family called him all his life, for no other reason than that he resembled an upperclassman named Toohey.

Later, when Lt. Spaatz, armed with a guitar and a blithe attitude toward life, left Schofield to become a flier, an old-line cavalry colonel predicted, apparently without regret: "Well, that's the last we will see of that young man." The colonel was Ralph Harrison and could scarcely have been more wrong. For, two years later, his daughter, Ruth, was married to that young man.

The Spaatz household, wherever situated (it is now in Chevy Chase) has always been lively and hospitable. Three daughters, Katharine, Rebecca and Carla, were part of it in the early days.

The general's sardonic wit, which was almost as celebrated as his military professionalism, seemed to infect his family. At one point in World War II, while he was stationed in England, Mrs. Spaatz broke her leg. The girls cabled their father: "Mother broke her leg. Shall we shoot her?"

The general was on a highly secret mission at the time in the Mediterranean area and out of reach. Baffled members of his staff, after lengthy consultation, sent a sentimental reply signed "Father," suggesting the tenderest care of mother. The girls knew no such message had come from their father. They had expected the reply "yes" or perhaps "of course." The general always regretted that he hadn't been on hand to accommodate.

Gen. Spaatz's advice to a younger associate in the service about the way to handle himself before a congressional committee has never been improved upon. He laid down three rules: 1. Don't try to be funny. 2. Don't lie. 3. Don't blurt out the truth.

He was Capt. Spaatz by the time he was sent to France in 1917 to command the 31st Aero Squadron and to train young fliers at a field in Issoudon. His duty there completed, he was ordered home. But he objected that battles were raging on the St. Mihiel and Meuse-Argonne fronts and he could be useful there. He was granted 18 days of duty as a combat pilot and flight commander.

He used the time to bring down three German planes in dogfights and to win the Distinguished Service Cross. His citation noted that he had pursued one of his opponents until his own gas gave out and he was forced to land, fortunately in friendly terrain.

Back from France, he commanded an air circus that barnstormed the country as part of a campaign for public understanding of the need for air power in the troubled postwar world.

Then, to dramatize the feasibility of sustained flight and refueling aloft, a plane called The Question Mark was launched over Los Angeles with orders to stay up as long as possible to establish an endurance record. The plane, under command of Maj. Spaatz, flew 150 hours, 40 minutes, 15 seconds, wearing some of its moving parts almost to the breaking point and exhausting its crew, which included retired Air Force Generals Ira C. Eaker, then a captain, and Elwood "Pete" Quesada, then a lieutenant, both now Washington residents.

On one refueling pass, the tanker plane encountered an updraft, the hose was jerked out of Maj. Spaatz's grasp and his uniform soaked with gasoline. He removed his clothing and tried again unclothed, with Quesada clinging to his legs to hold the major in the cockpit. It was a stunt but it was successful, and it was Maj. Spaatz's last such exercise.

He moved on to command air installations in Texas, California, Michigan, and Virginia and attended both the Air Corps Tactical School at Langley, Va., and the Command and General Staff School at Ft. Leavenworth, Kan. He also filled staff positions in Washington where his aptitude for organization was amply demonstrated.

He also won a reputation for unflappability and persuasiveness in service disputes.

He threw himself into the controversy over air power stirred up by Gen. Billy Mitchell and testified for the defense at Mitchell's court-martial. What fliers of the Mitchell school wanted was autonomy for the Air Corps and big bombers capable of operating deep in enemy territory, not just light planes designed for close support of ground troops or a role as supplemental artillery. Gen. Spaatz waged this fight relentlessly.

But all this was a prelude to his crucial service to the Allied cause in World War II. In 1940, now a lieutenant colonel, he was sent on a mission to England to observe the blitz. Watching it from Dover and London. at the low point of British fortunes, he predicted ultimate English victory. Britain, he said, possessed the greatest weapon of all, "guts."

Seeing the Luftwaffe scattering its bombs in no systematic pattern over London, Col. Spaatz snorted: "The damned fools. They are setting air power back 20 years."

After Pearl Harbor, Col. Spaatz was given the Air Force Combat command. The following July he was assigned to England as commanding general of the U.S. Air Forces in the European Theater. Soon he was advanced to the rank of major general and his command was extended to North Africa. In addition to his other duties, he served as Air Chief and Advisor to Gen. Eisenhower.

Along with the British, his bombers helped oust Rommel from North Africa and then led the way into Sicily and Italy, taking command of the air with their fighter support and knocking out obstacles to the ground forces. The bombers, helped by a simultaneous Naval bombardment, forced surrender of the fortified Italian island of Pantelleria in 1943, saving ground forces the trouble. Not a foot soldier was used in the assault.

Gen. Spaatz was still not satisfied. "What's the use of bombing rabbits in Italy when you can bomb wild cats in Germany?" he asked. He was eager to get at German industrial installations, which were demonstrating a remarkable ability to disperse and rebuild.

He favored daylight precision bombing of transport, fuel supply and steel industries, down to ballbearing plants. The British carried out night raids. American bombers struck by day, not only pursuing their industrial targets but luring the German air force out of hiding where it could be destroyed by Allied fighters.

In spite of warnings against it from Eisenhower, Gen. Spaatz sometimes flew missions with his command, sitting in as copilot and observer. Associates sometimes felt that he was safer in the air than driving his own jeep breakneck speeds, as he did in England and North Africa. Once, flying as a passenger, he awoke from a nap to find that the plane had ground looped in landing. His comment was: "We have landed, I presume." Yet he sometimes confessed nervousness in later years flying in civilian transports, explaining that he knew "all the hazards."

By D-Day, Allied forces ruled the air. Scarcely a German plane showed itself over Normandy. The landings were accomplished without serious interference from the air. The advance of Allied ground forces through France into Holland and Germany also was accomplished with a minimum of bother from Goering. Gen. Spaatz's strategy and Allied air superiority saved lives and shortened the war; nobody knows how many or how much.

The war in Europe won, Gen. Spaatz was transferred to the Pacific with headquarters in Guam for the final assault on Japan. He commanded the forces that dropped atomic bombs on Hiroshima and Nagasaki, though he believed Japan had already been defeated before the A-bombs were used. He had urged a demonstration of the atomic bomb's frightful destructiveness in the harbor off Tokyo or some other uninhabited place as an alternative to the attacks on cities, but his advice did not prevail.

With both wars ended in victory, Gen. Spaatz succeeded Gen. Henry (Hap) Arnold as commander of the Air Force, which had attained independence and thus equal status with the Army and Navy while Gen. Eisenhower was chief of staff of the Army. So. Gen. Spaatz became the first commander of the present U.S. Air Force. Now a full general, he was succeeded upon his retirement in 1948 by Gen. Hoyt Vandenberg.

Sen. Stuart Symington (D-Mo.) who was Assistant Secretary of War for Air when Gen. Spaatz was chief of staff of the Army Air Corps, and then became the first Secretary of the Air Force, while Gen. Spaatz remained as chief of staff, said yesterday:

"In the death of Gen. Carl Spaatz, the first chief of staff of the Air Force, this nation lost not only the airman who in World War II, along with Gen. H. H. *Arnold*, achieved complete control of the air over all our enemies, but a truly great American.

"His vision, his indomitable courage and the basic purity of his character serve as high inspiration to the millions of those who were under his command and who cherish his memory today as do all members of the modern military."

Among the great leaders of American forces in the Second World War, General Spaatz was the least well known to the public at large. He was never publicized as several of his peers were. He wanted it that way. He valued privacy. He is not even listed in the current edition of Who's Who in America, obviously because he neglected or refused to supply biographical data.

As a civilian he wrote articles for Life magazine and then joined Newsweek as a columnist-commentator on military affairs. He seemed to enjoy his new status as a Washington journalist, though at first he had some trouble getting used to parking his own car and doing his own telephone dialing. He said he had come full circle since his newspaper days in Boyertown.

He joined the National Press Club and became an active participant in its management as chairman of its bar committee, a position in which he felt some obligation to help consume some of the more expensive beverages his committee had bought.

In recent times he had been fully retired, and devoted himself to his many hobbies. He hunted, fished, walked regularly and became an enthusiastic bird watcher. He played bridge most afternoons at the Army-Navy Club with service cronies. He enjoyed his family. He had always savored life and he did almost to the end.

Gen. Spaatz was the only American officer present at both surrender ceremonies in Berlin and Tokyo.

His decorations included: American—Distinguished Service Cross, Distinguished Service Medal with two oak leaf clusters, Legion of Merit, Distinguished Flying Cross and Bronze Star; British—Knight Grand Cross of the British Empire; French—Grand Officer of the Legion of Merit, Croix de Guerre with palm; Soviet—Second Order of Suvorov; Polish—Polonia Restituta, Commander's Cross with star.

Besides Mrs. Spaatz, he is survived by a sister, Mrs. Carroll Leaver of Ardmore Pa.; three daughters, Mrs. Walter Bell of London, England, Mrs. Steven Nagel of Washington and Mrs. Francis D. Thomas, of Chevy Chase; grandchildren, Mrs. Arthur Laver of Tokyo, Japan, Katharine Gresham of Washington, Rebecca Wayne Gresham of Colorado Springs, Colo., Ruth Thomas of Oxford, England, Carl Thomas of Clarksburg, Md., and Michael, Rachel, Rebecca, Sarah, Carla and Jean Thomas, all of Chevy Chase.

Services will be held at 10 a.m. Tuesday at Andrews Air Force Base Chapel. Burial will be at the U.S. Air Force Academy in Colorado.

The family suggests that expressions of sympathy may be made in the form of contributions to the General Carl Spaatz Memorial Fund, Association of Graduates, Air Force Academy.

BUDGET CUT WILL NOT WORK WONDERS

Mr. **HUMPHREY.** Mr. President, inflation is recognized to be this Nation's most serious problem today, but this administration has shown that it does not know what to do about it. A balanced budget, which the President has called the most effective weapon we have, will certainly not slow the unrelenting increases in consumer and wholesale prices. This is a last ditch effort to avoid facing the real causes of this inflation, which lie with energy and commodity shortages, our changing international financial position, and the continued existence of monopoly and oligopoly power in our economy, not with Government spending. This past year we were close to having a balanced budget, and any consumer can tell you that inflation was not slowed by this magical fiscal austerity.

Louis Bean, in his June 30 Washington Post article, traced the historical relationship between the budget deficit or surplus and the rate of inflation. The almost total lack of relationship means that there are many causes of inflation besides overspending by the Government. Certainly, spending causes inflation under some circumstances, but when almost 5 million Americans were looking for jobs and could not find them last month, this is not one of those times. In addition, in an economy as large and complex as ours, cutting $5 billion will not have any real impact—as even OMB Director Roy Ash admits.

The concept of a full employment balance in the budget, which is widely accepted by economists as being one which neither stimulates nor depresses the economy, has been dropped by the wayside by this administration in favor of a restrictive nominal balance. In the full employment budget, we now have a substantial surplus, which restricts economic growth and helps push the jobless rate even higher. In short, the President wants to resort to an outdated, harmful method of fighting the inflation which is hurting Americans, especially low-income Americans, so much. We will need more thoughtful leadership than this, if we are to have any hope of really slowing this new brand of inflation.

Mr. President, I ask unanimous consent that two articles which appear in the Washington Post of June 30, be printed following my remarks in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

INFLATION, BUDGET: LITTLE LINK

(By Louis H. Bean)

Balancing the budget is apparently an all-seasons remedy. In 1932–33, it was offered as a cure for our worst price and business deflation. It is now being offered by Kenneth Rush, the new presidential economic adviser and coordinator, as a psychological cure for our worst peacetime inflation. It was not a valid remedy then and is not today.

Our deflation troubles in 1932–33 were not due to the state of the budget, and the rapid inflation of 1973–74 similarly does not stem from the budget but from sources outside the budget. In fact, in the fiscal year just ending the budget was practically balanced and therefore can't be blamed for the sharp price-level increase we have just witnessed. We need a closer re-examination of the relation of budget surpluses and deficits to inflation.

Our post-war experience suggests that the President's economic coordinator is also putting misplaced emphasis on reducing government outlays, and not paying enough attention to non-budgetary reasons for the rising price level.

Take the experience in the three periods, 1952–1960, 1961–1965 and 1966 to 1974, and look for the effect of the state of the budget on the price level. You are in for a few surprises.

During the first period, the 1950s, the budget was in balance or surplus in four years and in deficit in five. The largest surplus, $6 billion, shows up in 1955–56, and the largest deficit, $14 billion, in 1958–59. The yearly changes in the cost of living were relatively small. They amounted to one to three points in years of surplus, but to less than one point in years of greatest deficit, providing a strong hint that the deficits did not bring the higher prices.

The same hint emerges during the next five years, 1961–1965. There were deficits in each of these years, ranging from $1.6 billion in 1964–65 and $7.1 billion in 1961–62. The price index advanced moderately but again, contrary to theory, it advanced only one point in the year of greatest deficit and by nearly two points in the year of near balance.

Look now at the budget-inflation experiences of the latest nine fiscal years, 1966–1974, with inflation mounting most rapidly in 1973 and 1974.

	Deficit/ surplus (billions) (fiscal year)	Consumer price index increase percent (calendar year)
1966	−$3.8	+2.7
1967	−8.7	+2.8
1968	−25.2	+4.2
1969	+3.2	+5.6

The large deficit of $25 billion in fiscal 1968 may be considered as responsible for the 4.2-point price increase in 1968, but how can one explain what happened the next year when the budget had a surplus of $3 billion and prices, instead of declining, rose by 5.6 points, more than in the year of heavy deficit.

An even sharper contrast—one that should give White House advisers even greater pause as they aim to cut outlays in 1975—is revealed in the record of the last five years.

	Deficit (billions) (fiscal year)	Consumer price index increase (percent) (calendar year)
1970	−$2.8	+6.5
1971	−23.0	+5.0
1972	−23.2	+4.0
1973	−14.3	+7.4
1974	[1] −3.0	[2] +10.7

[1] Estimate.

[2] May 1973 to May 1974.

The large deficits of 1971 and 1972 of $23 billion in each year apparently had less effect on the price level than the very small $2.8 billion deficit of 1970. Note particularly that, as the deficits were reduced to $14.3 billion in 1973 and to a mere $2.7 billion in 1974, the rate of inflation did not slow—in fact, it speeded up. By May 1974, the price index had risen by 13 points, more than in any previous postwar year; this, in spite of the nearly balanced budget.

Obviously, current inflation has to be traced to more specific causes than the insignificant $3 billion deficit, less than one per cent of total outlay.

If balancing the budget holds little prospect of slowing the current high rate of inflation to a tolerable 3 to 4 per cent by next year, could the other broadside proposal—namely, holding down the economy and consumer demand—do the job? It could, but it can be shown, I believe, that it would be necessary to do something drastic. It would require stopping the annual increase in consumer disposable income.

FISCAL AUSTERITY NO SALVATION FOR CRISIS OF INFLATION

(By Hobart Rowen)

President Nixon and the current crop of economic advisers are preaching austerity—"the old-time religion"— as one sure way to defeat inflation.

The President last week, in announcing a goal for a balanced budget in fiscal 1976, said "the most effective weapon for combating inflation . . . is a policy of fiscal and monetary restraint by the federal government."

Treasury Secretary William E. Simon, a leader in the fight for reduced spending, even floats the idea of creating budget surpluses (although he's willing to provide more tax relief for business.) Meanwhile, Economic Coordinator Kenneth Rush tosses out the notion that a tax increase is one alternative method that could be used to balance the budget.

Others, including Economic Council member William J. Fellner and Alan Greenspan, a New York economist who is being urged to take on the chairmanship of the council, are open in their willingness to risk recession to curb inflation.

The question, of course, is whether this whole game is worth the candle. Elsewhere on this page, economist Louis H. Bean demonstrates that historically there appears to be very little relationship between budget deficits (or surpluses) and the rate of inflation. In today's complicated world, where international as well as domestic considerations seriously affect inflation rates, Bean's thesis may be even more apropos than it was in the past.

The Nixon drive for austerity bears all the earmarks of a bankruptcy of ideas among Mr. Nixon's economic aides, and an inability to forecast trends with any degree of accuracy.

At the turn of the year, Office of Management and Budget Director Fred Malek spoke of the possible need to "bust the budget," if it were necessary, to fight recession. Indeed, last week, OMB Director Roy L. Ash told reporters that, through February and March, "we were talking of further stimulus" through the budget as a possible antirecession device.

It wasn't until April, Ash said, that "the discussion changed from stimulus to maximum restraint." That is an astonishing confession of ineptitude, and confirms what economist John T. Dunlop has been saying about the administration's continued underestimation of the inflation problem.

That sort of miscalculation didn't end in April. As recently as May 25, the President reported to the nation that "the worst is behind us," while Federal Reserve Chairman Arthur F. Burns observed the next day that the nation might be in "jeopardy" if the inflation rate continued as it was.

Now, having junked all possibilities for moderation of wages and prices through control or surveillance (with the complicity of short-sighted Democratic leadership on Capitol Hill), the administration resorts to the "old-time religion." Gone is the concept of the full-employment budget, and in its place is insistence on a balance or surplus in the "real" budget, regardless of what happens to the economy.

Shades of the Hoover era!

Even Ash admits that adjusting the budget by plus or minus $5 billion affects the inflation rate by an infinitesimal one-tenth of 1 per cent, meaning that "other factors (creating inflation) must be at work."

The administration's political rationale for pursuing a tight-fisted austerity program is that most people (translate, voters) are more concerned with inflation than unemployment. (Fellner, in accepting higher unemployment, would also greatly expand manpower and training programs.)

But the question, really, is whether austerity will cut the inflation rate, or merely add to the jobless totals while creating a long stretch of under-par economic growth that will be costly to the nation in future years.

In a pessimistic article called "Worldwide Stagflation" in the current Morgan Guaranty Survey, M.I.T. Professor Paul A. Samuelson argues persuasively that, in today's "mixed" economies, the hope for reasonable price stability has faded. Society "will not tolerate that large numbers of people starve or suffer," he notes.

But the current Nixon policy ignores that fact, and is reaching backwards to a bygone age when both wages and prices could be forced downward sharply. Today, even substantial unemployment fails to push wages and costs down. In Nixon's first year (1969–70), Samuelson points out, the rate of unemployment doubled (3.3 per cent to 6 per cent) without slowing the rate of labor compensation.

We are likely, if this policy is unaltered, to have sluggish growth well below the 4 per cent level needed to keep pace with the labor force for at least a couple of years. ("We must be prepared to stay the long course," Simon told Republican hopefuls here last week.) The resultant combination of high unemployment (between 5 and 6 per cent), low productivity and high wage rates eroded by double-digit inflation ought to cause the Republicans more trouble at the polls than Watergate.

REALTOR IS CRIME FIGHTER

Mr. HANSEN. Mr. President, across this Nation conscientious businessmen are deeply involved in programs which are designed to improve their communities. In carrying out their own business activities, they are finding new ways to perform valuable public services which result in no economic gain but do contribute to a more secure and richer society.

An article which appeared last Sunday in the Arizona Republic has come to my attention, and I would like to share it with my colleagues for two reasons.

First, it demonstrates the point I have just made about how businessmen serve their communities in extraordinary ways.

Second, the article is about Tom Fannin, son of the distinguished Senator from Arizona.

Mr. President, I request unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, July 7, 1974]

REALTOR IS CRIME FIGHTER

(By Clarence W. Bailey)

Sometimes it's a crime the way Tom Fannin goes after business.

That is, sometimes while driving around Phoenix on real estate business a Tom Fannin and Associates salesperson sees a crime in progress and reports it to the police via mobile radio.

Fannin said he began installing 450 megahertz business two-way radios in sales cars about eight years ago. With a base station at each of his eight offices, he says it has tightened his whole sales operation and saves a lot of time.

Today, Fannin has more than 60 radio-equipped cars and a lot of crime reporting to his company's credit.

For these reasons it was natural that last week Tom Fannin and Associates became the first Valley real estate firm to join the Phoenix Police Department's Community Radio Watch program—a formal procedure for the same kind of crime reporting Fannin's people have been doing all along.

At a gathering of more than 100 Fannin personnel at Granada Royale Hometel, 2333 E. Thomas Road, on Tuesday, Phoenix Police Sgt. Tom Overby explained the new program which got underway in Phoenix last month.

Overby, a 9-year police veteran, said the radio watch program was conceived by Motorola in 1966 and has since been adopted in 750 communities throughout the nation.

In just one month, Overby noted, Phoenix has signed up 88 companies that have radio-equipped vehicles and has almost overnight become the largest radio-watch city in the nation with a total of 3,200 units operating.

He said the radio watch cut crime 17 per cent in Houston and that Phoenix has recorded a 4 per cent drop in the first month of operation.

Each company has its own code, used when reporting a crime to protect the company's identity from being disclosed to casual listeners on the 450 megahertz band, Overby said.

When a driver of a radio car sees an accident, fire or a crime—even a suspicious person or vehicle—he simply reports "hot traffic" to his own radio dispatcher who immediately telephones the appropriate police jurisdiction.

Overby instructed the Fannin people to be sure, when reporting "hot traffic," to specify the nature of criminal activity or emergency, location, any other helpful information, and whether special assistance such as the fire department or an ambulance is needed.

Fannin said he is enthusiastic about the new program.

"We feel we have an opportunity to participate in community activity which should help make Phoenix a better place in which to live and therefore help to make our business even better," he said.

Fannin said he feels certain his large number of vehicles equipped with Motorola two-way radio will be of significant help to the Phoenix radio-watch activity. He said his conviction is based on what his people have already done in the area of crime reporting on their own in the past.

The veteran Realtor listed the following contributions his people have made through spontaneous reporting of crimes and emergencies:

A thief caught by police in the act of stealing gasoline from an automobile.

A station wagon which caught fire at Central and Camelback Road.

A pickup truck seen by a Fannin salesman as it cruised slowly down an alley, which was reported as a suspicious vehicle. The police stopped the truck and arrested the driver when it was learned he was wanted for questioning in connection with a previous crime.

Numerous traffic accidents, some requiring ambulances.

A burglary in progress in a home in a neighborhood where a salesman was showing homes.

And, the most dramatic of all, the stabbing of a Tempe police officer observed by a Fannin salesman who used his mobile radio to summon help immediately.

GAO INVESTIGATION OF PRESIDENTIAL GIFTS

Mr. PROXMIRE. Mr. President, I have requested that the General Accounting Office investigate all gifts given by the U.S. Government to foreign heads of state or other officials.

The American taxpayer deserves to know how and why his tax dollars are being given away for diplomatic purposes. The recent gift of a $2 million helicopter, which may have cost over $10 million new, is just the latest example of a long string of gifts courtesy of the beleaguered American taxpayer.

The General Accounting Office has been asked to compile a list of all gifts given by U.S. Presidents since 1960 to any foreign recipient or U.S. citizen in excess of $500 each.

The GAO will give a description of the gift, its cost, the recipient, the date of transfer, the purpose of the gift, and the budget account from which it was drawn or charged

Some gifts, such as luxury automobiles, apparently have been given by private U.S. corporations or individuals to the Federal Government for transfer to foreign recipients. This practice will also be investigated by the GAO.

It appears that many gifts have been given out of the special confidential fund of $2.1 million at the Department of State. Special bound copies of historical U.S. documents, one of a kind Tiffany, and glass carvings have been given away without any accounting.

I have also asked the GAO to look into all gifts given by the President to U.S. citizens whether here in the United States or abroad.

The General Accounting Office will be requesting information for this investigation from the Department of State, Department of Defense, Executive Office of the President, Central Intelligence

Agency, and Agency for International Development.

With respect to the helicopter given to President Anwar Sadat, there is some question as to how the gift will be funded. It is too expensive for the State Department confidential fund. It is possible that it will be funded out of AID appropriations or from the military budget as a part of military aid.

No matter how it is funded, even the richest Nation on earth cannot continue to squander its resources with lavish gifts to buy the pleasure of foreign heads of state. While the President gives away helicopters, lives are lost in the United States every day for lack of speedy transportation to hospitals.

THE DEATH OF ELIAS EARLE CHILD

Mr. THURMOND. Mr. President, a truly outstanding man, Elias Earle Child of Aiken, S.C., who exemplified the ability to succeed through hard work and faith in God, died June 22, 1974, at the age of 94.

During his long and fruitful years, he accomplished more than the lifetimes of several more ordinary individuals. Moreover, the nature of his accomplishments was such that the benefits were enjoyed by whole communities and countless people around him.

Indeed, his life since moving to Aiken 23 years ago when he was already past 70 produced a steady stream of achievments in business, community, church and personal activities. His enthusiasm for life was unbounded and no worthy goal was unattainable. The drive of this distinguished and devout man, however, was tempered by his faith in God and love of humanity. All of his activities were in accordance with that faith.

A native of Pickens, S.C., Mr. Child began working at an early age in Greenwood, turning soon to banking. After a few years, he went to New York City where he engaged in credit management before returning to Whitmire, S.C., to become president of Glen-Lowry Manufacturing Co. Later he was associated with a textile firm in Spartanburg and then represented a New York banking group which was in the process of purchasing a chain of 56 drugstores.

For more than 20 years Mr. Child was in the real estate development business. In that capacity, he planned and organized a number of landmark developments.

In 1951, he moved to Aiken as a co-organizer of the Aiken Federal Savings and Loan Association, later renamed the Palmetto Federal Savings and Loan Association. He served as its president and later as chairman before retiring 5 years ago. During those years he was a dynamic force in the business community and contributed greatly to the progress of the area.

While he was a man with many responsibilities he always found time for his church and community. For example, as an outstanding Methodist layman he had served in leadership positions for many years. In 1940 Mr. Child was a delegate to the uniting conference of the Methodist Church. For a number of years he rendered invaluable service to executive and finance committees of the Board of Missions of the Methodist Church.

As a member of St. John's United Methodist Church in Aiken, he had served in many ways. Among the notable accomplishments of his service was his chairmanship of the building committees which were instrumental in the development of the church and educational facilities at St. John's.

Similarly, he gave of his time and talents to many civic and charitable groups. In recognition of the distinguished work that he accomplished among his fellow men, Mr. Child was often honored with awards and citations.

Mr. President, Earle Child was truly an outstanding man and he will be sorely missed. Men of his caliber are an example for each of us in our daily lives and all who knew him will prosper by that association.

I extend my deepest sympathy to his family and many friends over the death of this eminent man. Surviving are two sons, William Klugh Child of Landrum, S.C.; and Earle Holcombe Child of Myrtle Beach, S.C.; one sister, Mrs. W. E. Sawyer of Weaverville, N.C.; three grandchildren, William Klugh Child, Jr., John Law Child, and Mrs. Harry Pavilack; and four great-grandchildren, Mary Elizabeth Child, Robert Law Child, William Klugh Child III, and Carolyn Elizabeth Pavilack.

Mr. President, at the time of Mr. Child's death, a number of newspaper articles and editorials were published about him. I ask unanimous consent that two such accounts, in addition to a memorial tribute in the bulletin of St. John's United Methodist Church, be printed in the RECORD, as follows: "Services Held for E. E. Child, Retired Financier," Aiken Standard, Aiken, S.C., June 24, 1974; "Elias Earle Child," Aiken Standard, Aiken, S.C., June 25, 1974; and "In Memoriam—Elias Earle Child—May 24, 1880–June 22, 1974," St. John's United Methodist Church Bulletin, June 30, 1974.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Aiken (S.C.) Standard, June 24, 1974]

SERVICES HELD FOR E. E. CHILD, RETIRED FINANCIER

Elias Earle Child, 94, retired financial executive and church leader, died early Saturday morning at an Aiken infirmary.

Funeral services were held at 2 p.m. Sunday in St. John United Methodist Church with the Rev. Robert James and Dr. Feltham S. James officiating. Burial was in Greenlawn Cemetery, Spartanburg, at 5:30 p.m. with the Rev. J. Foster Lupo officiating.

Born at Pickens, Mr. Child was a son of the Rev. Rufus Alexander Child D.D. and Essie Cleveland Holcombe Child. He was married to the former Nola Klugh of Coronaca, Greenwood, S.C., who died in 1969.

He began his banking career in Greenwood and Whitmire, S.C. and after six years in New York, where he was involved in credit management, he returned to Whitmire and became president of Glenn-Lowry Manufacturing Co. He served as president until the company was acquired by a prominent textile chain in 1923.

For the next four years he was associated with the Methodist-owned Textile Industrial Institute and Model Mills of Spartanburg. He then was affiliated with a New York banking syndicate in the purchase of 56 retail drug stores, and from 1933 to 1955 was involved in real estate development in Columbia, and Knoxville, Tenn.

In 1951 he moved to Aiken where he was co-organizer of Aiken First Federal, now Palmetto Federal Savings and Loan Association. He succeeded Sen. Strom Thurmond as president of the association and was promoted to chairman of the board in 1964. Upon his retirement in 1969 he was named director emeritus.

Prominent in church circles, Mr. Child served on committees of the South Carolina Methodist Conference and was a delegate to the uniting conference of the Methodist church in Kansas City in 1940. He also served as a member of the Executive and Finance committees of the National Board of Missions and as director of two denominational fiduciaries. A member of St. John United Methodist Church , Aiken, he served the local church in many capacities. He was chairman of the Building Committee for the church educational unit in 1955 and for the sanctuary and other facilities in 1963.

He was also for many years a board member and treasury of the Aiken Salvation Army; and a 32nd degree Mason and Shriner. In 1964, he was named by the Aiken Chamber of Commerce "Man of the Year;" and was made Honorary member of the Aiken Rotary Club in 1955.

Surviving are: two sons, William Klugh Child, Landrum, S. C., Earle Holcombe Child, Myrtle Beach; one sister, Mrs. W. E. Sawyer, Weaverville, N.C.; three grandchildren; and four great-grandchildren.

Honorary pallbearers were U.S. Sen. Strom Thurmond, H. Earle Holley, Dorcey K. Lybrand, Joe Wessinger, Orvel Kelley, Keith Whittle, John Weems, the directors of Palmetto Federal Savings and Loan Association, Carl Elliott, Ed Braddy, Dr. F. A. Kennedy, Carl Sanders, Arthur Rich, and U.S. District Judge Charles E. Simons Jr.

[From the Aiken, S.C., Standard, June 25, 1974]

ELIAS EARLE CHILD

By all the criteria on which men are judged in their earthly life, E. E. Child was a person of true excellence. His death in Aiken Saturday at age 94 climaxed a career of outstanding success in business and in service to mankind.

Born in Pickens, son of a Methodist minister, Mr. Child began his business career in Greenwood at age 18 as a clerk and bookkeeper. Two years later he was employed by the Farmers and Merchants Bank at Greenwood as a cashier.

In a succession of jobs that followed, Mr. Child supplied that indispensible ingredient, integrity, which continues in great demand today in business as in government.

For a number of years he was associated with Glenn-Lowry Manufacturing Co. at Whitmire and became its president. In the late 1920s he became affiliated with a New York banking syndicate to appraise and purchase 56 retail drug stores to comprise a new chain—Lane Drug Stores, now Rexall Stores.

Over a period of years, Mr. Child originated and arranged financing for such ventures as Heathwood Court Apartments in Columbia, the 250-room Wade Hampton Hotel in Columbia and the Sequoyal Hills Apartments in Knoxville.

Mr. Child had already passed his 70th birthday when he arrived in Aiken in 1951 as co-organizer and chief executive officer of the Aiken First Federal—now Palmetto Federal—Savings and Loan Association. And during 20 more years of active work he accomplished more than most men can claim for a lifetime.

Palmetto Federal's development and growth are evidence of Mr. Child's business acuity and leadership and its handsome headquarters building is a monument to his vision. The savings and loan institution was planning a new building in the late 1950s, and Mr. Child conceived the idea of converting the old Henderson Hotel, which was being offered for sale, for that purpose.

Throughout his long life, Mr. Child remained a loyal and active member of the United Methodist Church. He held many positions of trust in the denomination. He was a delegate to the meeting in 1940 that brought about the merger of three Methodist bodies into a single unit, and he spent 12 years on the executive and finance committees for the new church corporation.

In Aiken, the beautiful existing structures of St. John's Church are to a great extent the product of Mr. Child's leadership. He was chairman of the building committee and arranged financing for both structures, which together cost nearly $1 million in those days the present inflationary spiral.

For 12 years Mr. Child was treasurer of the Aiken Salvation Army and played a prominent role in the building of the Army's modern citadel here.

In his religious endeavors as in business, Mr. Child displayed a vision that few men posses. He challenged and inspired others in a way that would be worthy of examination by those who study the quality of leadership.

To those who observed him in life, it appeared that propositions that had the support of E. E. Child were assured of success if for no other reason than that if he were for it then who could be against it. But he himself—with his wonderful wit and the modesty that characterized all his doings—would have hooted at any such intimations of omnipotence.

On the occasion of his 90th birthday in 1970, the Aiken Standard took note of Mr. Child's advice to the younger generation. It was simply to "Trust in the Lord and work like the devil."

That was the key to the life of E. E. Child.

[From the St. John's United Methodist Church Bulletin, June 30, 1974]

In Memoriam—Elias Earle Child, May 24, 1880–June 22, 1974

The prayer of the ancient psalmist, "So teach us to number our days that we may apply our hearts unto wisdom," was answered in the life of one of our most devoted members, Mr. E. E. Child. A member of this congregation since 1951, he was involved in a full range of activities in the life of St. John's. He served as Chairman of the Building Committees and arranged financing for both the Educational Building in 1955 and the Sanctuary and Chapel in 1963. Wherever the Church has been, whereever people and their needs have been, wherever the call to civic or personal duty has sounded, Earle Child was prepared to respond affirmatively.

WE NEED MORE SUPERNURSES IN CHILD HEALTH CARE

Mr. HUMPHREY. Mr. President, there is a severe shortage of pediatricians and other medical personnel providing health care for children in this country today. Statistics published by the American Medical Association reveal that over 1,600 counties in the United States, with a total population of over 23 million, do not have a single active resident pediatrician. Even worse, there are 133 counties which do not have a single active physician.

One way of relieving this crisis situation in this country's health care system is the expanded use of pediatric nurse practitioners. On March 4, 1974, I introduced the Child and Maternal Health Care Extension Act, S. 3106, which would amend the Social Security Act to provide for the improvement of child and maternal health care programs established by title V of the act. My amendment includes a provision to authorize the Secretary of Health, Education, and Welfare to make grants to institutions of higher learning for the training of pediatric nurse practitioners.

It also encourages the expanded use of pediatric nurse practitioners by authorizing the reimbursement under title XIX of the Social Security Act for medical care provided by a pediatric nursing practitioner.

A recent survey of pediatricians conducted by the American Academy of Pediatricians reveals that more than 50 percent favored delegating more health care tasks, such as immunization, providing child care instructions, compiling the family's medical history, and giving minor medical advice, to nonphysician health care workers, such as pediatric nurse practitioners. The pediatricians also indicated that the major factor in preventing the greater use of nonphysician health care workers was the lack of trained workers. Remedying this deficiency is one of the goals of my bill.

An article in the Wall Street Journal of July 3, 1974, describes the increasing use of nurse practitioners. These "supernurses" provide many of the tasks normally performed by specialists, including pediatricians. This article reports widespread patient satisfaction with the services provided by pediatric nurse practitioners. Dr. Lewis R. Day, a pediatrician who uses a pediatric nurse practitioner, reports that:

> We're taking care of 50 percent more patients, and I'm not working as hard and the care is better.

The use of pediatric nurse practitioners is now only in the early stages of development, but it is a growing phenomenon which I feel should be encouraged.

Mr. President, I ask unanimous consent that the text of the Wall Street Journal article by Joann S. Lubin on "supernurses" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, July 3, 1974]

"Supernurses" Provide Care for Thousands, Helping Doctors Cope—Most Work for Physicians, Some Have Own Practice; Just Second-Class MDs? 94% Say OK in Wheat Ridge

(By Joann S. Lubin)

Americans whose health care has been inadequate, rushed or nonexistent are getting help from an obvious but until recently largely untapped source: the nursing profession.

The aid is coming in the person of nurse practitioners, called "supernurses" for short. Supernurses, almost all of them women, didn't exist a decade ago; today there are some 10,000.

Nurse practitioners have been trained to do about two-thirds of the tasks normally performed by family physicians, pediatricians, gynecologists and several other types of specialists. Among other things, they give physical examinations, administer shots and laboratory tests, diagnose and treat minor ailments, and counsel patients on how to deal with such chronic illnesses as high blood pressure and arthritis

Mostly, supernurses practice in association with physicians in clinics or private offices, and under this arrangement the physician is freed to give his attention to the seriously ill patients who need it most.

However, a few nurse practitioners—perhaps 100 in all—have extended their independence by hanging out their own shingles in some remote areas, nurse practitioners are the sole medical professionals, caring for thousands of persons.

CONTROVERSY ARISES

The trend hasn't developed without stirring a good deal of controversy inside and outside the medical field. For one thing, there is little agreement on the type or length of training a nurse practitioner should receive; present courses, generally given by nursing or medical schools, range in duration from four *months* to two years, in addition to the two-year minimum requirement for becoming a reigstered nurse.

This has led some physicians to conclude that the supernurses are merely "second-class doctors," whose limited knowledge makes them dangerous to their patients. "Soon we'll have a lower echelon of medical care for the entire country," asserts Dr. Sanford A. Marcus, vice president of the American Federation of Physicians and Dentists, a national union with a membership of 55,000.

A few patients share this view and balk when they are *assigned* to the nurses for treatment in some clinics, supernurses admit. Some government and private health insurers, including most Blue Cross units, won't reimburse patients for treatment by independent supernurses, the ones who hang out their own shingles.

The American Medical Association, which has generally supported the supernurse trend, is concerned about the growing number of independent supernurses. "The nurses made it kind of tough to support the expanded role because they want to expand it into orbit," says Ralph Kuhli, director of the AMA's department of allied health professions.

Finally, the legal status of the profession remains in doubt, especially in regard to doctor's signing of blank prescription forms and allowing their supernurses to fill them in as they see fit.

RAPID EXPANSION EXPECTED

Yet the field is expected to expand greatly in the years ahead—some 15,000 nurses are currently enrolled in about 150 nurse-practitioner training programs around the country—and its supporters appear to outnumber its foes. Supernurse defenders note that no member of the group has been sued for malpractice. They say that patient acceptance has been high and that the profession meets a pressing national need.

"The more nurse practitioners we have, the better health care we will provide," says Dr. Henry K. Silver, who developed the concept and launched the first training program in 1965 as professor of pediatrics at the University of Colorado School of Medicine.

By making "health-delivery services more accessible to people in the home and community, and not just in the hospital setting, nurse practitioners can deliver care at less cost," says Ruth Willis of the American Nurses Association.

Supernurses earn on the average $9,000 to

$12,000 a year, about $1,000 more than regular nurses.

Most nurse practitioners work in clinics in rural communities and inner-city ghettos. The demand seems greatest there: 140 U.S. counties, with a total of 500,000 residents, lack any physician whatsoever, the American Medical Association reports. Twenty-three million Americans live in counties with no resident pediatrician.

Supernurses work in logging camps in Washington, on remote Indian reservations in Montana and in the tiny ranching town of Estancia, N.M., 60 miles from the nearest hospital. Maternity nurse practitioners give prenatal exams and counsel to 130 pregnant black teen-agers at a special hospital clinic on Chicago's West Side. In Cambridge, Mass., 12 pediatric nurse practitioners handle 25,000 patient visits a year at five neighborhood health centers in poor sections of the city. The employment of nearly 100 nurse practitioners by Kaiser-Permanente, a West Coast prepaid health plan, has meant "we can take on more members than before," a spokesman says.

Nurses are eager to become practitioners because, in taking over doctors' duties, they feel they are finally performing at their true capacity. "What they call an extended role of nursing is really nursing in its basic sense," says Marie Thomas, a maternity nurse practitioner at Chicago's Rush-Presbyterian-St. Luke's Medical Center. Other nurses complain that for too long being a nurse has meant being an administrator far removed from patient care or, in the not too distant past, a handmaiden who shined physicians' shoes.

"I was tired of institutional nursing," says 26-year-old Penny Butler, a pediatric nurse practitioner in a Chicago pediatrician's office. Miss Butler, who previously administered nursing care at a home for handicapped children, says, "I knew the kind of care I wanted to deliver, but I had very little time for actual therapy with children."

Nurse practitioners' duties and their degree of supervision by physicians vary considerably. In some settings supernurses do little more than routine jobs. But for those whose responsibilities extend to caring for the very sick, a move is afoot to match their duties with appropriate legal protection. Washington and Idaho have laws allowing nurse practitioners to write prescriptions for certain drugs, and other states are considering similar moves.

Miss Butler is a fairly typical nurse practitioner working in a private office. She does much of the testing and examining of the patients of Dr. Howard Rice, a pediatrician with a 1,000-family practice on Chicago's North Side.

If she finds during a route checkup that a child has, say, a sore throat, Miss Butler usually takes a throat culture. Depending on the results, she might suggest simple cold remedies. She can also handle eye infections, diarrhea and stomack upsets. "But if a child has a fever, then I see him right away," Dr. Rice says.

In Estancia, by contrast, in a 10-room rural health clinic built by the New Mexico town's last physician in 1966, family nurse practitioner Martha Schwebach works virtually alone. A team of six Albuquerque physicians 60 miles away reviews her patient charts and can be consulted by phone. But Mrs. Schwebach, who makes house calls, runs an emergency room and sees 20 to 28 of her 3,000 patients daily, reports that she rarely needs the six doctors' advice.

Trained by the University of New Mexico Medical School, Mrs. Schwebach has run the clinic since 1969. She treats patients of all ages and with every ill. "When people come in here, they refer to me as their doctor, even though they know I'm a nurse practitioner," she says.

MISTAKEN FOR DOCTORS

Patients frequently mistake their nurse practitioner for a doctor even in clinics with consulting physicians. Dressed in a laboratory coat or streetclothes and carrying a stethoscope, she may care for them on the regular and highly personal basis expected from physicians. At Rush-Presbyterian-St. Luke's Abolescent Family Center, 13-year-old Gloria is told for the first time that maternity practitioner Mary Sack is a nurse, not a doctor, but it doesn't bother her.

"I'd rather talk to a woman than a man," the pregnant teen-ager says. Before the practitioners began the special clinic in February, girls like Gloria often waited in the regular maternity clinic for hours before being seen by whatever intern or resident happened to be on duty.

Studies confirm the apparent high degree of patient acceptance of nurse practitioners. In one survey of a Wheat Ridge, Colo., pediatrician's patients, Dr. Silver found 94% were satisfied with the care they received and 57% said the joint care from the doctor and supernurse was better than the care they had previously received from the doctor alone.

To Dr. Lewis R. Day, the pediatrician involved, a nurse practitioner has meant "we're taking care of 50% more patients, and I'm not working as hard and the care is better." In fact, he adds, three to five of the families that join his practice every month do so "because she's here. I even have patients call me late at night for her phone number."

Seeing a nurse practitioner instead of a physician also can mean lower costs in some instances. About half the private pediatricians who use them charge patients less when they are examined by the supernurse, one recent study concluded.

In rural areas, savings from employing the specially trained nurses often get translated into more health care. One Tucson, Ariz., neighborhood health center, located in a former Juvenile-detention school, has four nurse practitioners taking the place of "two or three physicians." With them, "we see more patients and at a lower cost," says Joe Maltos, the center's director. "There are poor people in the barrio (Tucson's Mexican-American slum) who wouldn't be getting any health care" without the center.

POOR NATIONS FACE STARVATION AS RICH ONES DELAY AID

Mr. KENNEDY. Mr. President, there are occasions when a newspaper headline says it all—when its bold type reminds us of a problem we already know about, but which we have sought to ignore and forget. Today's Washington Post carries such a headline on page 3, which reads: "Poor Nations Face Starvation as Rich Ones Delay Aid."

Thus, we are told once again that the international community, for the first time in modern history, confronts today an escalating crisis of world resources—of food and energy and oil—which threaten the health and well-being of millions of people around the globe. But, unlike the strong reaction we have seen toward the energy crisis in the Western World, few of our leaders have spoken out, much less taken firm action, over the growing crisis of food and other resources among the poorest nations of the world—those most threatened by worldwide scarcities.

I have called this a "silent crisis," because unlike a shortage of oil, world food scarcities bring the silent and deadly hand of starvation and famine—which silences people, not simply machines—and which may condemn millions to face malnutrition and sullen death. Only those who cannot be heard suffer malnutrition in silence—and today that is a growing majority of the Third World.

The poor nations are the first to experience the drastic effects of the growing world shortage of food and other resources, but few Americans have yet realized how greatly we are tied to the same forces which are now so tragically affecting the lives of millions in the developing nations. After decades of surplus food—when we were accustomed to have plenty, when there were rising expectations, and unending confidence in the miracles of technology and science—it comes as something of a shock to find that we, too, but more particularly the poorer nations, face acute scarcities in available resources. Americans have now been awakened to the limits of energy, but in the final analysis the inconveniences of an empty gas tank pales in comparison to the prospect of empty food bins—as in Africa and Asia today.

Mr. President, the task before the world is clear. The challenge of the coming decades is obvious. World food resources must be increased, and greater assistance will be required to help the poorest nations survive the immediate crisis of resources, especially food.

But is this challenge—is this priority toward the developing nations—reflected in America's foreign assistance program? Tragically, it is not.

The record shows that well over half our total foreign assistance program goes for security assistance and for Indochina. People around the world face famine and poverty, and cry out for help, but America's foreign aid remains obsessed with Indochina.

It should outrage every American to learn that we spend twice as much for what is labeled "food and nutrition" in South Vietnam alone—with a population of 19 million—than what we spend to help avert famine in Bangladesh, India, or Pakistan, which combined have over one-fifth of the world's population. The cost of our military and economic aid program in Indochina next year could feed all the starving millions in Africa and Asia.

Mr. President, I hope the Washington Post's article will be read by Members of Congress as we consider this year's foreign assistance bill, and its massive authorization for Indochina. This article tells us once again that our future aid to Indochina can no longer be seen or considered in isolation from our other pressing commitments and responsibilities abroad. For too long our entire foreign assistance program has been held as a hostage to our involvement in Indochina. For too many years we have seen other important foreign assistance programs sacrificed in order to meet the exorbitant demands of Indochina. We have watched congressionally approved funds for poor countries shifted to pay bills in Saigon. And we have seen critically important humanitarian programs in other areas neglected or abandoned because money was needed to fuel war and conflict in Southeast Asia.

Mr. President, I ask unanimous consent that the text of the Washington Post article by Dan Morgan be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Washington Post, July 15, 1974]

POOR NATIONS FACE STARVATION AS RICH ONES DELAY AID

(By Dan Morgan)

In India, the rains that fell on this spring's wheat crop were lighter than hoped, and in places there was drought.

But heavier rains would not have mattered; they fell on a crop already doomed not to fulfill its early promise because of unparalleled changes in the world's economy.

India's oil-import bill is up a billion dollars this year, and fuel shortages idled irrigation pumps in some parts of the country.

Worse than that, India suddenly found itself priced out of the world fertilizer market, so a million tons less than planned was applied to the land.

While the rich countries of the world bought up the high-priced fertilizer, or cancelled export contracts, India revised its early crop estimates downward. Instead of 30 million tons of wheat India harvested only 24 million.

Then, when the country went into the international grain markets to make up some of the difference, it paid twice as much for a bushel of wheat as it had a year earlier.

The significance of this food, fuel and fertilizer price squeeze on India—as the world's other poor nations—is basic. More may die of hunger this year. Around the world, the United Nations says, 20 million people may starve to death in 1974.

India's food reserves are down to almost nothing. If the summer rice crop is poor, it may have to import still more to read off even worse malnutrition in the world's second most populous country.

But India does not have the money to buy much food on the commercial market. Its money reserves, now about $1 billion, are enough to last only three months.

The rising costs of basic commodities means that there will be much less left to buy the technology and techniques that are essential to economic growth.

This is also serious, because experts say the only sure way to control the population spread which brings on hunger is to build such growth. Some pessimists predict that India's economy will not grow at all between 1974 and 1980.

Thus, the price hikes threaten to undermine this gains of the "Green Revolution."

That revolution was promoted by rich countries. Those same countries are now embroiled in political maneuvering to see which, if any, will take the first step to help.

Almost every expert agrees that massive loans on easy terms are needed. But the newly rich oil countries are wary that they might lose control of their funds if they join in any Western rescue effort; the United States is worried about the domestic impact of increased food aid, and the Europeans have their own problems with severe inflation.

While the oil-producing nations are raking in some $60 billion more in revenues this year, and the United States and other grain producers are profiting from the higher world prices for food, low-income countries have moved a step closer to economic ruin.

According to updated studies by the U.S. government and the World Bank, more expensive fuel, food and fertilizer will cause a net drain of at least $1 billion this year from the poor nations' foreign exchange reserves.

And officials in Washington concede that the United States, the European Common Market and the newly wealthy oil-producing countries are still months away from adopting a plan for a concerted rescue operation.

The rich countries, said one official, are engaged in a "fast-moving shell game," each waiting to see who will chip in first, and how much.

The Nixon administration, under increasing international pressure to take the lead, has not decided whether to expand its food aid sharply as its contribution to the relief effort.

Last Thursday, Secretary of State Henry A. Kissinger's top adviser on the world food problem told senators he could not yet give an assurance the United States will undertake such a "major food initiative."

Such an initiative is esssential leverage in getting the Europeans and the oil producers to follow suit, according to diplomats who see a close link between the politics of oil and the politics of food.

Kissinger told the United Nations in April, "A global economy under stress cannot allow the poorest nations to be overwhelmed."

But fears of higher domestic food prices, and pressure to hold down this year's budget deficit have produced political caution. "We don't want another grain deal," said one official.

Meanwhile, the other rich countries are holding back.

On June 28, the nine-nation Common Market cabled U.S. Secretary General Kurt Waldheim that it was prepared to give aid—provided "other industrialized countries," and the oil exporters, gave five-sixths of the total assistance, and the European share didn't exceed $500 million.

The European offer was "written like an insurance contract," said one U.S. official.

Other officials say the main trust of the American effort on behalf of the hardest-hit countries should be to get the oil producers to lower prices. By removing its old restrictions on grain production in hopes of pushing food prices down, they say the United States has set an example which the oil exporters should now follow, with or without expanded American food aid.

American officials also want the oil exporters to come through with massive loans at easy terms for the stricken countries. So far, no oil producer has made a concrete commitment.

The once highly touted conference of oil producing and consuming countries, which was to have dealt in part with the problem, has been shoved far into the future, perhaps never to take place because neither the United States nor the exporting countries are anxious for a "confrontation."

Instead, attention is now focused on the Sept. 30 annual meeting of the finance ministers of the World Bank and the International Monetary Fund. The joint directorate, which includes oil countries, is expected to formally establish a "Joint Committee on the Transfer of Real Resources" to work on the problem.

The committee will deal with what World Bank officials call the "biggest and fastest shift of wealth in the history of the world."

The shift has struck at the world's poor countries in many ways.

The benefits of foreign development assistance have been eroded by the global inflation. Political support for increased foreign aid has sunk to a low point in the Western countries hit by inflation.

To deal with their severe internal problems, industrial countries such as Italy are cutting back on their imports from the less developed countries.

According to still unpublished findings circulated in Washington, the possibility of some affected countries' offsetting the damage by forming cartels to market their minerals is limited.

That finding is challenged by some economists who predict mineral cartels like the oil producers' powerful price-setting organization will soon be a reality.

But according to World Bank experts, the benefits still will be small compared with the world oil bill.

In many cases, substitutes are available for the minerals, or other sources can be tapped.

Chile and Zaire can now take advantage of higher copper prices; Brazil can cash in on higher coffee, and iron ore revenues and Bolivia can get more for its tin.

World Bank experts contend that "even if they get together politically, the prices of those minerals will be eroded much faster than oil."

The shift of wealth has caused an erratic reordering of the world's money flow which is still not fully understood.

Not all poor countries have been seriously affected. Some, such as Afghanistan, have been only marginally set back because their predominantly rural economies don't yet depend heavily on energy from oil. Some rich countries, such as Britain and Italy, have been hurt badly.

Some modestly well-off nations, such as Costa Rica have been jolted unexpectedly, because of their heavy dependence on imported oil, while others whose economies were not far ahead, such as Venezuela, will triple their revenues from oil exports alone in 1974.

Officials in Washington say most rich countries can blunt the blow by exporting more technology and commodities, digging into reserves, or turning to commercial banking sources and international money markets.

Medium-income countries such as South Korea, Brazil and the Philippines—with per-capita annual income of between $300 and $700—can weather the storm by scaling down their high rates of growth, tightening their belts, taking loans at commercial rates and seeking to increase exports.

However, those alternatives are not open to a number of other countries, now facing economic stagnation or even ruin, officials say. The most affected countries include South Vietnam, Cambodia, India, Bangladesh, eight central African countries including Kenya, and some in Latin America, including Chile, Uruguay, Honduras and possibly Costa Rica.

The price impact is less disastrous than feared in January, government studies have concluded. But the impact will get steadily worse as the decade progresses, the same detailed studies show.

James P. Grant, president of the private Overseas Development Council, told a Senate panel Thursday that "barring major international action, the combination of quadrupling food and energy prices and the cutback on fertilizer exports dooms millions in these countries to premature death from increased malnutrition and even outright starvation."

He said the 40 poorest countries will have to pay some $3 billion more for essential imports than was foreseen a year ago.

"The lives of millions are threatened by the inability of the developing countries to purchase essential quantities of fertilizers—even as Americans are continuing to use scarce fertilizers for such clearly non-priority purpose as lawns, golf courses and cemeteries in ever increasing amounts," Grant said.

A preliminary World Bank study issued in March shows low income countries will need additional capital of $2.5 billion to $3 billion a year between 1976 and 1980 "at highly concessional terms" to offset the higher costs of essentials.

The bank estimated that these same countries will experience an additional net drain of $1.4 billion this year and $1.9 billion next year—only a small part of which could be financed from reserves or loans.

Experts say countries with dwindling reserves are least able to take advantage of the various pools of capital which have been set up to cope with the wealth transfer.

The International Monetary Fund has established a special "oil" fund with a value of about $3.6 billion supported by a number of oil-producing countries. However, officials say the interest rates and payment terms would be beyond the means of many poor countries.

Last week, William J. Casey, chairman of the Export-Import Bank, said the deteriorating credit position of the underdeveloped countries could be a "factor that will reduce our loans" to them.

South Asian countries such as India and Bangladesh, with bleak possibilities of increasing their immediate export revenues, may be the hardest hit of all.

Several weeks ago, the Department of Agriculture's food intelligence service picked up reports that representatives of Bangladesh were shopping for 300,000 tons of wheat on the international grain market.

As of today, the sale has not taken place. "They don't have any money," explained an American diplomat.

Indian monetary reserves are down to about $1 billion—an estimated three months' supply.

India has not yet officially sought a resumption of U.S. food sales on easy terms, which ended in 1971. As a result of India's explosion of a nuclear device May 18, congressional enthusiasm for increased aid to India is lukewarm.

Congress is considering an amendment to block American approval of "soft" loans through the International Development Association to countries which explode nuclear devices outside the controls of the nuclear non-proliferation treaty.

At a recent meeting of the World Bank's Aid to India Consortium, $1.4 billion in help was approved. The United States is offering $200 million through IDA, $75 million in bilateral foreign aid, $45 million in food giveaways and $29 million in debt refinancing.

A REAL LIFE HEROINE

Mr. McGEE. Mr. President, recently, tragedy befell an Indianapolis, Ind., family when their light plane crashed into the wilderness of the Shoshone National Forest above Dubois, Wyo.

Francis Lahlmann and his son, Ted, were killed immediately in the crash. Mrs. Evelyn Lahlmann sustained several broken bones. Miss Nancy Sheridan, 18, suffered from shock and minor cuts and bruises. For two nights, Miss Sheridan stayed with Mrs. Lahlmann at the wreckage site in the hopes that rescuers would come for them. However, since no flight plan had been filed at the Dubois airport, nobody was aware of the missing plane.

Nancy, who had never been in this rugged area of Wyoming prior to the accident, decided to go for help. Her trek took her through densely forested mountain country, and across a raging river where she was washed downstream before reaching the other side. She was barefoot and lost her shirt and shoes in the river. However, Nancy struggled 11 miles to report the crash.

Immediate rescue operations were set up to reach Mrs. Lahlmann. When rescuers on horseback arrived at the site of the crash, Mrs. Lahlmann was still alive. She was flown out of the area to a hospital after rescue crews carried her on a stretcher for a mile to reach a clearing to place her on a waiting helicopter.

Nancy demonstrated a tremendous amount of courage in undertaking her trek through the Shoshone National Forest. Not only did she face danger from the elements, but she also faced potential danger from wild animals in the area. She nearly lost her life in the raging river. She is deserving of high recognition for her efforts which saved the life of Mrs. Lahlmann.

The story of Nancy's courage is a moving tribute to her character and concern for her fellow man. I urge my colleagues to join me in paying tribute to this outstanding young woman.

DISASTER RELIEF

Mr. HUGH SCOTT. Mr. President, I would like to express my views on new disaster relief legislation which can protect our citizens from the great hardship and economic distress of natural disasters.

My own Commonwealth of Pennsylvania, over the years, has suffered tremendous devastation because of natural disasters. In 1889, the Johnstown flood was responsible for more than 2,200 deaths. In 1972, Tropical Storm Agnes, in a 10-day rampage through Pennsylvania and adjacent States, took the lives of 129 persons, left 115,000 homeless, and caused an estimated $3.5 billion in damages.

In fact, the U.S. Army Corps of Engineers has said that Pennsylvania is the second most flood-prone State in the Nation. In six western Pennsylvania counties flooding June 30 and July 1 of this year has resulted in a declaration of disaster by the Small Business Administration, enabling flood victims to obtain low-interest loans to rebuild their homes and businesses.

Even so, Pennsylvania is not alone among the States in the severity and frequency of the floods it endures: witness the Mississippi Valley floods which inundated 20,000 square miles and left 70,000 homeless.

Because the threat of flood is so widespread in our country, I believe it is the responsibility of all of us representing flood-prone areas to make certain our citizens know that there now exists vital legislation to protect our people from the losses caused by general and temporary flooding conditions and other flood-related hardships.

I cosponsored a bill, which is now law—Public Law 93-288—that revises existing disaster relief programs, encourages the development of State and local disaster relief programs, emphasizes improved coordination and responsiveness of disaster relief programs and encourages citizens in flood-prone areas to acquire flood insurance. In addition, Senator SCHWEIKER and I successfully guided through Congress—in record time after the Agnes disaster—provisions for low-interest loans with the first $5,000 of each loan forgiven to help relieve flood victims of the tremendous financial burden of rebuilding.

I strongly urge that the National Flood Insurance Program, administered by the U.S. Department of Housing and Urban Development, be fully understood and widely adopted in those areas where there exists a danger of flood. In order to be protected, all flood-prone communities must enter the program by July 1 of next year.

I strongly recommend that all flood-prone communities purchase flood insurance if they are to benefit from financial assistance for their property from the Federal Government or from any other federally regulated institution. Applications for the program can be obtained by writing to the U.S. Department of Housing and Urban Development, Federal Insurance Administration, Washington, D.C. 20410.

Senator SCHWEIKER and I, in addition, are also urging the Internal Revenue Service to grant a special tax relief to Pennsylvania flood victims which would substantially alleviate the financial burden flood victims must now assume.

I believe this disaster relief legislation is vital not only to my Commonwealth of Pennsylvania but to so many other States as well.

"INTREPID"

Mr. McGEE. Mr. President, this month marks the beginning of observation trials off Newport, R.I., leading to the selection of a boat and crew to defend the U.S. possession of the venerable America's Cup, symbol of international supremacy in 12-meter yacht racing.

In the trials, a leading contender is the two-time cup victor *Intrepid,* which has been trimmed and refitted to carry more sail than she did in either her first defense of the America's Cup in 1967 or her second in 1970.

Should *Intrepid* prevail again, it will be largely due to the seamanship and craftsmanship of Gerry Driscoll, who besides doing the remodeling work will be at the helm.

Twelve-meter yacht campaigning is generally far removed from 7,165-foot high Laramie, Wyo., where the water is all fresh and generally more fit for a canoe. Nevertheless, Mr. President, Laramie will be pulling for *Intrepid* and for her skipper, Gerry Driscoll, a native of Laramie, whose father was dean of the University of Wyoming Law School.

THE PLACE FOR WOMEN IN POLITICS

Mr. BROCK. Mr. President, the place for women in politics has until recently been nonexistent. Their desire and ability to function in a political capacity was ignored and untested. Those candidates running for local, State or national offices have traditionally been male, causing voters to be almost oblivious to the female candidates. The number of women running for offices across the country may still not be that great in comparison with the number of men running for office and being considered as seriously by voters as are the men.

It has taken a long time, and still has quite a distance to go, but the struggle for women to compete on an equal basis is succeeding. Women are beginning to achieve the goals they have sought and deserved for so long. Only now are they having made available to them the choices in life that were previously available only to men, and they are seeking the political power to bring their ideas to fruition.

Mr. President, I ask unanimous consent to have printed in the Record at this time an article from the June 16, 1974 Washington Post dealing with the subject of women in politics.

There being no objection, the article was ordered to be printed in the Record, as follows:

Women Candidates Capitalizing on Clean Political Image

(By Jules Witcover)

While President Nixon laments the Year of Watergate, the great public disenchantment with elected officials that has mushroomed from it may be producing the Year of Women in American politics.

Amid the clamor for fresh faces and clean images in politics, an explosion in candidacies of women at all levels of government is underway.

Sixteen months after the first national political convention of American women in 100 years, more than 1,000 women in 23 states have filed for congressional and state offices—equal the number filed in all of 1972. The National Women's Political Caucus, which coordinates the women-in-politics movement, predicts more than 2,000 women will have run for these offices in all 50 states before the year is out.

No statistics are available for lesser political offices where women already have made great inroads—city councils, boards of education and the like. But here too the women's caucus estimates a record number of candidacies.

It is at the local level, to be sure, where the Year of Women in American politics is most likely to happen, because traditional opposition has been cracked more readily there, and because as with any embryonic political effort, that's where it has been concentrated.

And for all the many years that women have been foot soldiers in political ranks, the women-in-politics movement is still embryonic. Until now, most women have been cast in menial jobs working at the direction of men for male candidates.

Today, however, they are not only seeking office themselves, but are mobilizing their forces—they are the majority of the electorate, with nearly 52 per cent—to perform the key tasks in electing their sisters.

The women's caucus says there are 50,000 women affiliated with the caucus either running, planning to run or working in political campaigns of both major parties this year. A 52-page "Catalog for Political Women," telling them where to get all the materials they need, how to plan and run a campaign, and where to find the professional help they need, has been prepared for them, as well as a 25-page handbook on how to deal with the media.

Not only a new activism among women, but also a new receptiveness to them in politics by the public growing directly out of Watergate and associated scandals, is opening the process, says Rep. Bella Abzug (D-N.Y.), probably the most prominent female elected official in the country today.

"Men in politics don't want to share their power with women," she says. "Too often they've said, 'We can't win there, so let's run a woman.' But now the public is seeking out women. They're looking for candidates with a freshness, an honesty and openness.

"Working men say to me, 'Now we need some decency in politics.' It's interesting that they're talking about women's old role, of bringing honesty and morality to the society. That's what makes women so acceptable now. Working men tell me they believe women are more open to a morality in politics."

The test of that view will come this fall, and at all levels. For although the chances of success for women are not considered great at the levels of higher political offices, a record number of attempts by women are being made there, too, this year. Some 108 women are seeking or have sought seats in Congress, an increase of 24 per cent over 1972, and of 74 per cent over 1970.

Ten others have filed for governor in variout states and at least one, Rep. Ella Grasso (D-Conn.), is rated a good chance to win. If she becomes Connecticut's first woman governor, she will also be the first of her sex to have won entirely on her own, all three previous women governors took office after their husbands had been governor.

Twelve women also have filed for lieutenant governor and 27 for other statewide offices, and nearly 700 women are running for seats in state legislatures.

It is at the top levels where the majority sex of the electorate is at least represented—no governors or U.S. senators, only 16 House members (3.6 per cent), no lieutenant governors, 441 state legislators (7 per cent), 42 mayors among the 1,000 largest cities (4.2 per cent).

Frances (Sissy) Farenthold, chairwoman of the National Women's Political Caucus and two-time loser for the Democratic gubernatorial nomination in Texas, puts the situation in realistic perspective.

"Where we are from 1972, it's pretty good," she says. "But overall, it's pitiful."

Attitudes, however, are changing, she says. "When I started in politics you had to try to be a sort of nonwoman, to hope it never came up." Now, she says, women can run as women, drawing on the strength that their new activism, growing out of the feminist movement, contributes.

Elizabeth Carpenter, a founder of the women's caucus and former press secretary to Lady Bird Johnson, says the women's movement in politics "is about five to seven years behind the black movement" in terms of its effectiveness and political sophistication.

But she says that beyond sheer numbers, quality women candidates are emerging and women from all walks of life, not just a few activists, are running. She cites Rep. Patricia Schroeder (D-Colo.) as the prototype—"two babies, a husband and a briefcase. She's going to be the scene tomorrow."

The older women's organizations, like the National Federation of Business and Professional Women's Clubs, the League of Women Voters and the American Association of University Women, are recruiting more young women interested in active political participation, Mrs. Carpenter says.

Peggy Lampl, executive director of the League of Women Voters in Washington, says the interest of young, working women has obliged the staid league to adjust its traditional posture as an organization of nonworking middle-class wives meeting almost exclusively in day-time hours. Now the average age is in the low 30s, and many members, and officers, work.

All these developments now make it more possible for women to run as women. But most in the movement acknowledge that it is still nearly always political suicide to try to run exclusively on women's issues, to try to capture the women's vote as a bloc.

Mrs. Farenthold, who was active in politics before she enlisted in the women's movement, says, "I didn't come into the electoral process on women's issues. I haven't been able to speak only to women's issues. That's a straitjacket I won't get into."

The refusal of women such as Mrs. Farenthold to get into "a straitjacket" on women's issues underlines a continued hostility that exists toward militancy by women in politics—among both men and women.

In some ways, says Jane McMichael, executive director of the women's caucus, the women's movement and its image of the new aggressive female in politics has often compounded the problem of acceptance.

"If a man is aggressive and hard-headed," she says, "it helps him. The woman who is these things finds they're held against her. At the same time, if she is 'womanly' and quiet, she's considered not strong enough. The woman in politics has to tread this thin line."

Louis Harris, in a survey on women two years ago, found that while 48 per cent of American women favored efforts to strengthen their role in society, most were turned off by "women's liberation" groups and by outwardly demonstrative efforts.

But those in the vanguard of women-in-politics are impatient with that attitude. "We're all supposed to play a certain role," says Rep. Abzug. "We're supposed to be pretty, skinny and soft-spoken. Well, that's a false notion of what we are and what it takes.

"Most women who run know they have to have a lot of strength and stick-to-it-iveness. The other is a role model that has been assigned to us by men, and it's no surprise many women believe it too. They've been brainwashed by men on it. They've been made to think politics is man's work. But we're breaking these concepts and role models."

Mrs. Carpenter puts it down more succintly "The sweetheart of Sigma Chi is dead. Every woman has been liberated somewhere between Shirley Temple and Shirley Chisholm."

Because women have had relatively small success at the ballot box, the one major problem that plagues most candidates—money—is a particularly difficult one for women.

For one thing, they are not as readily in contact with big givers as men, Mrs. Michael says. "Men have their business associates, but fewer women work, and many of them are in service jobs," she says.

Also, women have not been big givers as a rule. They are not in executive positions in near the numbers that men are. Traditionally, husbands give and wives make other volunteer contributions of their time—usually in non-decision-making jobs.

The National Women's Political Caucus attempts to rally 50,000 politically active women and serve their political needs on a budget of only $100,000 a year, and it is in constant financial crisis, Mrs. Farenthold admits.

In the area of fund raising particularly, the women-in-politics movement suffers from inexperience and the kind of contacts that enable men candidates to mount expensive campaigns.

But Mrs. Carpenter observes that women by and large are "low-budget candidates" who have experience in using volunteer help, and money may be less of a problem for them than for many men.

Within the two parties, women have also fought an uphill battle for recognition. At the 1972 national conventions, they increased their delegate participation notably, from 13 to 40 per cent in the Democratic and from 17 to 30 per cent in the Republican.

A rollback in Democratic delegate-selection procedures that removed a guideline calling for roughly half the delegates to be women is a matter of concern, Mrs. Farenthold says. But continued female activism at the grassroots in both parties is keeping the heat on.

"I wouldn't say either of the national parties is bending over backwards to include women," Mrs. McMichael says. "It seems difficult for party leaders to understand what it takes to get women to participate."

Mrs. Abzug says: "It's one thing for the Democratic Party to welcome women, but when they're looking for a candidate where they can win, they don't pick women and give them money. Women still have to run in the tough places and try to be upset winners."

Outside the two parties, however, a small army of women's political organizations has sprung up. In addition to the women's caucus, major lobbying work for women's issues is undertaken by the National Organization for Women (NOW) and The Women's Lobby.

Others now include a Women's Legal Defense Fund; Women's Campaign Fund; Women's Education Fund; Citizens Advisory Council on the Status of Women; Coalition of Labor Union Women.

The chief focus of lobbying, first in Washington and then in state legislatures around the country, has been the equal rights amendment (ERA) to the Constitution that says: "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." It empowers Congress to enforce the amendment by appropriate legislation.

The amendment passed the House in 1971 and the Senate in 1972 and now has been ratified by 33 of the 38 states necessary to make it law.

Only two states that have not ratified it, Illinois and Louisiana, still have their legislatures in session this year. Efforts are going forward in each to win ratification, but the amendment cannot become law until 1975 at the earliest. Two states, Tennessee and Nebraska, also have voted to rescind, but the women's groups say this is illegal and are ready to take the matter to court if necessary.

An ERA Ratification Council, a coalition of about 40 national organizations, acts as a clearing house for information on progress, and Common Cause, the self-styled citizens' lobby, maintains an ERA action desk and is in the forefront of the effort.

Not all women, of course, favor ERA or other so-called women's issues. Phyllis Schafly, also in the vanguard of the "right-to-life" anti-abortion effort, has personally lobbied state legislatures against the amendment. But women's groups overwhelmingly support it.

For all the feminist vigor behind this and other women's issues, the movement is working to make 1974 the Year of Women in American politics against some difficult attitudinal blocks.

Recently, the United Auto Workers invited Mrs. Farenthold as chairwoman of the women's caucus to make a speech to their convention—to the wives of the delegates.

But Mrs. Farenthold and her cohorts press on. The National Women's political Caucus Catalog for Political Women quotes her on what is the semi-defiant, semi-why tone that today's women-in-politics are taking—in the wake of The Year of Watergate—about breaking into the man's world of running the country, and its states and cities.

"The time has come," Mrs. Farenthold's quote goes, "for all the unqualified blacks, unqualified chicanos and unqualified women to join all the unqualified white males who hold elective offices in this country."

THE NEED FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, our Nation's foreign policy has long been troubled by conflicts between our dedication to justice and individual liberty and our desire to protect our national sovereignty. In the years since the close of World War II these conflicts have become especially acute, and often quite embarassing. While we have frequently taken the lead in devising treaties to safeguard human rights, we have often failed to sign or ratify such agreements. We have even been slow in approving treaties designed to abolish slavery and racial discrimination.

The International Convention on the Prevention and Punishment of the Crime of Genocide offers the United States a chance to reverse this pattern. It would permit us to make an important moral commitment against one of the most heinous of all crimes, without significantly increasing the risks faced by the American soldier or citizen in either peace or war. The convention is carefully structured so as to function as an avenue for humane concern rather than as a political tool.

For nearly a quarter of a century we have failed to take a clear stand against genocide. In the 1930's, a similar silence prevailed in Germany and throughout the world. It is time that we recognize and act upon our moral obligation to prevent the recurrence of the mass slaughter that followed in the wake of such silence. If our advocacy of freedom is to have lasting meaning, we must take the steps essential to the protection of the most fundamental human right—that to life itself.

TERMINATION OF THE MUTUAL MORTGAGE INSURANCE FUND

Mr. BROCK. Mr. President, an article which recently appeared in the Concord, N.H., Sunday Herald Advertiser concerns legislation before Congress that would terminate the Mutual Mortgage Insurance Fund. Since its introduction in 1934, it has helped to make the Government's mortgage insurance program profitable by providing dividends to FHA borrowers who paid their loans in full.

If this legislation is enacted, millions of Americans who have benefited from this program will lose that dividend. The insurance fund's reserves, which have acted as a safeguard against economic depression, are in danger of being used to alleviate the general insurance fund's immense reserve deficits.

I am quite concerned about this potential loss of dividends to responsible borrowers, and agree completely with the opinions expressed in this article. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Federal Mortgage Insurance in Peril

(By Oliver H. Jones)

Nearly $27 million was paid to 122,921 FHA borrowers in fiscal year 1973—an average of $217 per mortgage. Like any private mutual insurance program, these participating dividends were earned by borrowers who paid their loans in full and, thereby, helped the government make a profit in its mortgage insurance program.

This may be the last year for paying dividends to borrowers who pay their own way through insurance premiums. If legislation now before the Congress is enacted the mutual mortgage insurance program will be terminated and the insurance premiums paid by responsible borrowers will be used to offset losses incurred in other FHA insurance programs.

The greater risk programs will be carried, at least in part, by self-reliant, but not affluent borrowers. The responsible borrower is being subjected to this rip-off in the name of budget gimmickry and more efficient accounting.

The proposed legislation would, in effect, terminate contracts the Federal Housing Administration has been making with FHA-insured borrowers since 1934. That was the year FHA was established to restore investors' confidence in a demoralized and chaotic mortgage market. Winfield Riefler, then with the Federal Reserve Board, is credited with conceiving the idea that Federal mortgage insurance could supply the needed confidence and restore a flow of credit to home buyers. Nothing less would suffice at a time when the economy itself was fighting for survival.

This original concept of federal mortgage insurance was not a subsidy, it was designed as an insurance program where borrowers would pay an insurance premium and FHA would accumulate reserves from these premiums to pay operating costs and foreclosure losses.

This was a new concept in 1934. No experience was available to determine how to establish the premium charge. The planners wanted to charge enough to assure the actuarial soundness of the new insurance program, but not so much that it would discourage home buyers and home construction. The premium was set on one-half of one percent of the outstanding balance of the mortgage, where it remains today. It is paid monthly by the borrower along with his regular payment of principal and interest, spreading the insurance costs over the life of the loan.

Still, the planners were concerned that the borrower may be overcharged. After all, the government should not be in the business of insuring mortgages to make a profit. To overcome this problem, insurance premiums were paid into a separate reserve account—the Mutual Mortgage Insurance Fund—and if the premiums proved to be excessive, borrowers who paid their loans in full, with no loss to the fund, would receive a participating dividend.

Under this arrangement, borrowers who have fulfilled their obligations under FHA's Mutual Mortgage Insurance Program have received $235 million in dividends since 1934. At the same time, the Mutual Mortgage Insurance Fund has paid all of its operating costs, paid all defaults, returned millions of dollars to the Treasury and still been able to build reserves in excess of $1.7 billion against some $50 billion in outstanding loans. The adequacy of these reserves have been studied on a number of occasions. In each case, they were found to be adequate to meet the demands of an economic depression as serious as the one experienced in the 30's.

This basic, unsubsidized housing insurance program, known in the trade as 203(b) housing, has accounted for the lion's share of FHA's activity over the years, and has paid its own way for 40 years. Some 10 million families have benefited from its low downpayment loan and millions of borrowers who never use FHA insurance have benefited from the minimum property standards and the long-term, amortized mortgage established and made acceptable to investors by this one FHA program.

Unfortunately for the nation's middle-income families, the very success of the unsubsidized program caused Congress to use the insurance concept to attract private funds into housing mortgages that were, in fact, uninsurable. Initially, Congress had the foresight to separate the reserve funds for the riskier programs.

HUD now operates three additional funds, two of which are in financial difficulty. Instead of admitting that HUD policies and practices, often urged by Congress, have deviated far from insurance principles and have become a drain on the Treasury, both the Congress and the Administration are urging legislation that would merge the Mutual Mortgage Insurance Fund and its $1.7 billion in reserves with the General Insurance Fund which will have a projected deficit in its reserves of $413 million by mid-1974 and $715 million by mid-1975.

Mortgage lenders, the legislation's proponents argue, will not object to the merger of the Mutual Mortgage Insurance Fund with the General Insurance Fund, because the Treasury stands behind both funds. Lenders are comfortable in the knowledge that the Treasury backstop exists, although the Mutual Fund has never used it. They are uncomfortable in the knowledge that when the Treasury backstop is called upon they and not the legislation's proponents will be the scapegoats. They have been caught in this game before. They will be less anxious to try again.

Proponents of this legislation consider the principle of mutuality, where dividends are paid to those who meet their obligations, an archaic and laughable role of a bygone age. In the future, some four million borrowers, who paid $257 million in premiums last year will be paying preminums into reserve funds to support the less able borrower and will lose any possibility of being rewarded for fulfilling their obligations. Doubtless, neither present nor future borrowers under FHA's unsubsidized program will complain. They are unaware that participating dividends have been paid by the Mutual Fund and unaware of the pending ripoff.

Besides the lack of concern over the demutualization of the reserves, neither the Congress nor the Administration seem to be aware of the effect the proposed legislation will have on the entire federal mortgage insurance program. Once again, the stage is being set for the one program that has worked, without cost to the taxpayer, to be irretrievably locked into programs that have not worked, with great cost to the taxpayer.

(Dr. Oliver H. Jones, economist and author, is executive vice president of the Mortgage Bankers Association of America. He will be reporting his views on housing finance and their political implications in these pages from time to time.)

THE REALITY OF INFLATION

Mr. McGEE. Mr. President, Federal court judges, just as you, just as the appointees serving in executive positions downtown, and just as some 10,000 career servants in the general schedule, are sitting by these days while the rest of the country, by and large, recognizes the reality of inflation.

For the Government as a whole, the fact that there have been no adjustments in the salary levels established for those in the executive schedule or in comparable legislative or judicial positions since 1969 is creating a problem that grows more serious each day. Some Federal judges are stepping down from the bench despite the lifetime tenure they enjoy. They are doing it for purely economic reasons in most cases. More experienced, capable civil servants are choosing early retirement because, in the end, they will get more out of cost-of-living annuity increases than they will by remaining in harness. More able people are shunning Government service.

Recently, on July 6, I had the honor of addressing the judicial conference of the 10th circuit, which was meeting in my home State, in Jackson Hole. I spoke to them about the need for patience. I told them we were trying to break the barrier here in Washington. Then I returned to the Nation's Capital, picked up the July 9 New York Times and read a story datelined Mineola, L.I., which said that Nassau County's 24 District Court judges were expected to get their fourth salary increase in 2 years, boosting their pay to $42,000 annually—or slightly above what we pay a U.S. district court judge. In addition, the story went on to say that the 18 family and county court judges were expected to get increases to $48,998—more than we pay judges of our U.S. Circuit Courts of Appeal.

Mr. President, I think the Nassau County, N.Y., Board of Supervisors, though the members undoubtedly will hear some grumbling from their constituents, deserve credit for their realism and for acting so as to insure their ability to attract and keep on the bench persons of ability who could earn much more in private life. I ask unanimous consent that the article from the July 9 New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

TWENTY-FOUR JUDGES DUE FOR 40 PERCENT RAISE—$12,000 INCREASE EXPECTED TO CLEAR BOARD IN 2 WEEKS

MINEOLA, L.I., July 8—Nassau County's 24 District Court judges are expected to get their fourth salary increase in two years after a public hearing today.

The raises, which will total $12,000, or 40 per cent, in the two-year period, will increase the salaries from $30,000 on July 1, 1972 to $42,000, retroactive to today. The bill is expected to be passed by the Board of Supervisors and signed into law in two weeks.

In addition, the board is also expected to approve the salary bill introduced by John W. Burke, Supervisor of Oyster Bay, which will raise the pay of 18 County and Family Court judges from $43,000 to $48,998.

This would give them the same salaries as the county's 27 justices of the State Supreme Court and would be a 24 per cent increase in the last 27 months.

Last month Judge Arnold Bauman, a member of the United States District Court for the Southern District of New York since January 1972, announced he would resign his lifetime appointment on Aug. 15 because he could no longer live on his $40,000-a-year salary.

Only three persons yesterday spoke against the raises for the county's District Court judges, which county and court officials have said were necessary to attract and retain on the bench persons who could earn considerably more in the private practice of law.

Ralph G. Caso, the Nassau County Executive, said he would sign the salary measure if it was adopted by the Supervisors. The increases will be paid by the state from funds raised by taxes and would not affect county taxes according to aides for Mr. Caso.

THE HEARING PROCEDURE OF THE CAB

Mr. BROCK. Mr. President, last week I introduced S. 3642, the Transportation Innovation Act. One of the sections of that bill dealt with the hearing procedure of the CAB and attempts to modify it so as to insure clearer and more explicit analyses of all the potential beneficiaries and losers of any CAB regulatory decision. The reason for this is the evidence that the present CAB policy does favor certain group interests at the expense of the consumer.

As an example of that evidence I would like to draw the Senate's attention to an article published last month in the Washington Post. Mr. Harding's incisive analysis demonstrates clearly some of the grave faults in our present policy and the enormous cost we incur as a result of CAB regulation. Particularly important is the difference between California's policy concerned primarily with the interest of the air traveler and the CAB's multiobjective policy which is largely biased toward insuring the economic health of all existing airlines. This may cost interstate air travelers an extra $4 billion a year. The article deserves wide attention.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY ARE AIRLINE FARES LOWER IN CALIFORNIA?

(By John T. Harding)

Recent articles in the Washington Post have dealt with the increasing cost of traveling by air. This week the CAB granted its airlines a 6% surcharge to compensate for rising fuel costs; in July short haul fares will rise dramatically. A comparison of CAB regulated fares and California intrastate fares (which are regulated by the California Public Utility Commission) suggests that short haul fares are already substantially higher than they need to be.

Upon moving to Washington from Southern California five years ago, I discovered that it cost over twice as much per mile to travel by air in the Northeast as it did in California. In fact, it costs more per mile to travel by bus here than by air in California. Fares have risen in both regions over the past years, but the aforementioned relationships are still valid.

Reporting on its four year passenger fare investigation, the CAB claims that its carriers' short-haul fares are not high enough, that long-haul passengers are in effect subsidizing the short-haul passenger.

CAB carrier costs are summarized in a "cost based" formula: $19.95+4.95¢/mile. Now for the first time, a basis exists for comparing costs of CAB and intrastate carriers. Previously whenever fares in high density markets were cited as being unnecessarily high the airlines responded that they were subsidizing low density markets.

The CAB has decreed that cross-subsidization of markets is unacceptable and has obviously concluded that costs depend on distance alone and are independent of traffic density. The table attached compares intrastate fares with CAB costs on the basis of distance.

The intrastate fares shown are those currently in effect on Pacific Southwest Airlines, the dominant intrastate carrier in the California corridor. Since PSA is strictly a short-haul airline (all routes under 500 miles) and has never failed to make a profit on its airline operations, it is inescapable that PSA's costs are about half as great, at every distance from 65 to 480 miles, as those claimed for CAB carriers.

Why should a person be able to fly from Los Angeles to Fresno for $15, yet pay twice as much to fly the same distance from Washington to New York? Surely major trunk carriers are not paying twice as much for Boeing 727 aircraft as PSA, or twice the interest rate on their bank loans.

Apparently operating costs are several times greater for CAB carriers than for California intrastate carriers. Yet a review of those circumstances over which the airlines have no control would make it appear that operations are intrinsically more difficult in California than in the Northeast, for example. Since this conclusion is at odds with conventional wisdom, consider the following information:

Myth: Northeast corridor airports are more congested than those in California.

Fact: Los Angeles International airport in fiscal 1972 produced 32% more flight operations and 7% more passenger enplanements than the busiest New York airport.

Myth: The airspace around the Northeast corridor cities is more congested.

Fact: No less than five airports in the Los Angeles area each experiences more total aircraft operations than any airport in the New York area. If all airports in the metropolitan areas are included, Los Angeles regional airports produce twice the number of aircraft operations as those in the New York area.

Myth: Northeast Corridor airports experience unusually poor weather conditions.

Fact: The Los Angeles area experiences over twice as much "Instrument Flying Rule" weather conditions as New York, Washington or Boston.

Myth: CAB airlines are subject to more stringent safety requirements than intrastate airlines.

Fact: Safety regulations are imposed by the FAA and are identical for all commercial passenger-carrying airlines. PSA and Air California have flown 15 billion revenue passenger miles without a single passenger fatality, a safety record that few CAB airlines can match.

Myth: CAB airlines provide a higher quality of service than the intrastate carriers.

Fact: PSA and Air Cal presently command 80% of the Los Angeles-San Francisco market, despite the fact that their fares are no lower than the intrastate fares of their numerous CAB competitors, United, TWA, Western, Continental and Air West. These airlines compete on the basis of service and it is clear than 80% of the passengers find the intrastate airlines superior with respect to punctuality and service. By comparison, travel on the Eastern shuttle is spartan.

Lest anyone conclude that this low cost service in California is a small scale phenomenon which is not relevant to the Northeast, the following statistics should be noted:

The California air corridor is the most heavily travelled in the world. In fiscal 1972 there were 5.5 million origin-destination air passengers between the Los Angeles and San Francisco metropolitan areas, as compared to 2.0 million between New York and Boston and 1.7 million between New York and Washington. The number of passenger miles flown by PSA alone exceeds the sum total to all origin-destination air traffic within the Northeast corridor (including every airline and every city between Boston and Richmond).

In 1973 PSA transported 6.4 million revenue passengers—a total of 1.9 billion revenue passenger miles. That is more passenger miles than any CAB local service carrier except Allegheny and more passengers than Continental, and almost as many as Braniff, National or Northwest.

Finally, it is irresistible to point out that had PSA collected $19.25 per passenger and $4.95 per passenger mile in 1973, its airlines revenues would have totalled $218 million instead of an actual $95 million. The difference of $123 million is the amount those lucky 6 million Californians saved by not having the CAB regulate air travel within California.

From the foregoing I conclude that there is no intrinsic reason why air fares cannot be as low here as they are in California. Comparing the CAB cost formula and the PSA fare structure, one is forced to conclude that the CAB carriers are annually incurring at least four billion dollars of expenses which are unnecessary to the providing of safe, dependable high quality air transportation. That is a staggering cost to pay for regulation!

The CAB's primary concern is to see that none of its proteges fail financially. Consequently, fares are set high enough that even the most egregiously inefficient airline does not suffer the bankruptcy it deserves.

By contrast, the California Public Utilities Commission has been concerned primarily with the public interest. Traditionally it has regulated fare increases but not decreases, and has not inhibited entry or exit of airlines in the California market. Consequently, any number of intrastate airlines which could not meet the prices set by the most efficient carriers have had to terminate service.

The net result has not been chaos as predicted by the CAB, but a highly dependable, safe and inexpensive air travel system within California. This could not have occurred without some regulation, but the objectives of the regulation have had a profound impact on whom is benefited.

Airline stockholders should be very grateful to the CAB. The public must look elsewhere for their interests to be served.

City pair	Distance (miles)	Intrastate fare [1]	CAB cost [1]
Stockton-San Francisco	65	$7.64	$22.47
Los Angeles-San Diego	101	7.64	24.25
Fresno-San Francisco	164	10.42	27.37
Fresno-Los Angeles	213	15.05	29.79
Los Angeles-San Francisco	347	16.43	36.43
San Diego-Sacramento	480	24.31	43.01

[1] Exclusive of 3 percent tax and security charge.

ECONOMIC ANALYSIS

Mr. BROCK. Mr. President, as we all know, the energy problem will be here for some time to come. We are going to have to correct old mistakes and that will take some time.

But there is no sound basis for despair over the long-term outlook. Technological advance continues to create those miracles we have come to accept almost without notice. The point is made clearly by Gardner Ackley, former CEA chairman, in the current issue of Harpers.

Mr. President, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENERGY: THE LONG VIEW

(By Gardner Ackley)

Over the past century the nation's Gross National Product, valued in constant prices, grew at an average compound rate of about 3¾% a year. Population expanded a little over 1½% a year, and GNP per capita a little more than 2% annually. Total GNP in 1974 is thus about 37½ times as large as a century ago.

Since 1960, GNP per capita has increased at an average annual rate just below 3%. If it were to grow at this rate for the next half century, even with the population growing much more slowly than in the past, aggregate GNP in the year 2024 would reach perhaps five to seven times its present level.

These are the numbers that frighten people. For it seems clearly impossible that the output of all—or even of very many—of the things that constitute our current GNP could ever increase fivefold to sevenfold in the next half century. This is particularly true because of what we know about present world reserves of oil and other energy sources. Then, of course, there are the problems of pollution and other by-products of growth.

Yet it would surely have been the judgment of any thoughtful person a century ago that it would simply not be possible to increase by nearly forty times over the subsequent century the output of all or even of very many of the goods and services produced at that time. And that judgment would have been absolutely correct! If today's GNP had to consist of the same items, produced in the same proportions, each one using the same materials and energy resources as were used a century ago, the growth we have experienced could not have occurred.

For example, even with our miracles of agricultural technology, we probably could not now produce forty times as much food we did a century ago. In 1875, around 11 million horses and mules constituted one of our major sources of energy for production and transportation. If there were forty times as many today, all of our farm land and more would be needed to grow the hay and oats they would require. Moreover, they would cause far worse pollution than all our automobiles and trucks.

The examples may be trivial, but the point is not. The notion of an aggregate output, called GNP, whose size and growth economists can measure, tempts not only the casual observer but sometimes even the economist to assume that the aggregate quantity measured has some stable internal composition. Instead, it is only a statistical artifact. For the most striking characteristic of our economy (after the growth of GNP) is that of incessant and fundamental *change and substitution* among the elements that compose aggregate production. We have every reason to assume that this will continue: that the GNP of 2024—whether three times or eight times that of today—will represent a fundamentally altered collection of goods and services. And this GNP will embody an entirely different set of demands on natural resources.

Shifts in the composition of a growing output reflect physical limits to consumption (*e.g.*, the limited capacity of human stomachs), and the perception of changing needs, based on evolving esthetic and philosophical standards, altered life styles, and the effects of individual and collective learning. But the composition of GNP is also heavily influenced by strictly economic—including natural resources—considerations. Products and services embodying or requiring natural resources whose availability becomes progressively more scarce necessarily rise in relative price. Producers are thereby induced to substitute other materials or processes, and users are induced to substitute other products and services less dependent on scarce resources.

The changing character of energy resources provides one of the best examples of how apparently inflexible, resource-based limits to growth have been progresssively pushed back. This has occurred through the combination of price-induced substitutions and, especially, price-directed technological progress.

In early nineteenth-century America, the available primary energy resources, while initially abundant and cheap, were clearly rigidly limited in amount: falling water, by the continent's geography and rainfall; animal power, by its capacity to produce feed; firewood, by the growth rate of forests and the competition for land. Even as late as a century ago, the burning of wood provided almost as much energy as coal, gas, and oil; and windmills, sailing vessels, and work animals still provided almost 50% of the total horsepower of all "prime movers."

As we shifted from water, wind, wood, and oats to coal, petroleum, and natural gas, we moved from highly finite and limited energy resources to far more abundant and expandable ones. And as, in the future, we shift progressively to shale-oil, deep-mine coal—including coal gasified and liquified for use in transportation—uranium, or the hydrogen of the seas, we seem to be moving toward sources whose supplies are virtually infinite.

Thus, the longer perspective fails to support apocalyptic visions of an economy exploding toward an ultimate ceiling on its further growth—even less one that must sputter to a complete stop as it runs out of fuel.

An optimistic view of the long-term energy situation does not preclude the probability of repeated problems and crises—especially if we fail to anticipate the inevitable changes and their micro-economic effects. After all, it was a real crisis in Elk Rapids, Michigan more than fifty years ago, when what had once been the largest iron works west of the Alleghenies had to close because there were no nearby forests left to supply charcoal.

But both Elk Rapids and the nation survived and prospered.

THE SITUATION IN CYPRUS

Mr. PELL. Mr. President, while the present situation in Cyprus is unclear it would appear that the Greek junta is responsible for the events which have taken place there today. The grave and likely consequences of the overthrow of Archbishop Makarios' government include a renewal of the tragic communal strife of the past, open conflict between Greece and Turkey and undermining of NATO's southern flank.

If the Greek junta did indeed order its army to overthrow the Cypriot Government, this action should be enough, at long last, to convince anyone of the utter irresponsibility of this self-appointed group of military tyrants. The United States should have acted long ago to disassociate itself with the policies of the junta and to use its influence to bring about a return to rational representative government in Greece. Now we have no choice.

Given the serious dimension of the current crisis it is imperative that the United States use all the means at its disposal to bring about a restoration of the situation in Cyprus, and thereafer to encourage and support the democratic elements in Greek society.

SURFACE MINING

Mr. BARTLETT. Mr. President, I ask unanimous consent that the resolution adopted by the Association of American State Geologists at its 66th annual meeting, on June 12, be printed in the RECORD at the end of my short statement.

This resolution expresses grave concern that the surface mining legislation, S. 425, which has passed the Senate, and H.R. 11500 which are before the House, do not create the proper balance between environmental needs and energy and material needs.

I would hope that the resolution will be given the highest consideration by all my colleagues.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF AMERICAN STATE GEOLOGISTS

A resolution relating to H.R. 11500 and S. 425, expressing the concern of the Association of American State Geologists that the legislation does not create a balance between environmental needs and energy and material needs of the Nation and recommending that the legislation be restructured to define the Federal Government's goals in establishing such balance while leaving the means of achieving these goals to the individual states

Whereas, our nation has a concern for its domestic energy and non-fuel mineral-resource supply; and

Whereas, it has been recognized that an overdependence on foreign sources for these resources will have an adverse influence on the social and economic well being and development of the nation; and

Whereas, our nation has a concern for its environment and recognizes that many mining operations on public and private lands of the nation can be adverse to our environmental goals; and

Whereas, the Association of American State Geologists, whose membership consists of the directors of 49 state geological surveys plus that of Puerto Rico, recognizes the need for legislation that will create a balance between the environmental needs and the energy and material needs of this nation; and

Whereas, there is under consideration in the Congress of the United States legislation whose purpose is to regulate and to control the surface mining of coal and to cause the rehabilitation of the lands affected by these operations.

Now, therefore, be it resolved by the Association of American State Geologists, in its anunual meeting at Bend, Oregon, on Wednesday, June 12, 1974:

Section 1. That the Association express its concern to the Congress of the United States that the legislation now before them, H.R. 11500 and S. 425, imposes irrational restraints on the development of the nation's fuel and nonfuel mineral resources; that such unnecessary restraints will not assure the coal supply essential to the nation's energy requirements, and to its economic and social well being; that such unnecessary restraints will not be in the national interest and will be a serious detriment to the fulfillment of the mining and minerals policy of the United States as stated by the Mining and Minerals Policy Act of 1970; and that such unnecessary restraints will not create a balance between assuring a quality environment and providing the energy and material needs of our nation.

Section 2. That legislation by the Federal government should be directed toward the *definition* of the intended goals, leaving the means of *achieving* these goals to the respective states, and that the Congress of the United States withhold enactment of the present legislation until such legislation can be restructured to assure a balance between the environmental needs and the energy and material needs of the nation.

Section 3. That the Secretary of the Association of American State Geologists shall transmit this resolution to the members of the Senate of the United States.

THE NEED FOR S. 707, THE CONSUMER PROTECTION AGENCY LEGISLATION

Mr. RIBICOFF. Mr. President, in the very near future the Senate will consider legislation to create a Consumer Protection Agency. Two articles in the Washington Post this morning clearly underline the need for enacting this important legislation.

An article, by the pollster Louis Harris, provides dramatic evidence of the type of problem a Consumer Protection Agency could help solve. Mr. Harris asked members of the public whether they were concerned about the safety of particular consumer products they use, and whether they thought the Federal Government had been effective in enforcing product safety and quality standards.

The large number of negative answers he got caused Mr. Harris to reach this conclusion:

> Product safety is now an obvious area of deep consumer concern in this country, and most people feel not enough is being done by the Federal Government or the manufacurers of the products. This is the stuff from which consumer movements are made, and there is every likelihood that consumer groups focusing on product safety will continue to grow.

The CPA would help assure that the Federal Government does an effective job in enforcing product safety laws.

This morning's papers also report that Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, voiced strong and unconditional support yesterday for the CPA legislation. She described the legislation as a "powerful antidote to the poison of alienation and helplessness affecting many of our citizens who believe that their pleas for help or understanding are unheeded—that only the big and powerful have access to decisionmakers."

I commend these important remarks to the attention of the entire Senate.

Mr. President, I ask unanimous consent to print in the RECORD at the conclusion of my remarks two articles from the Washington Post dated July 15 describing Mrs. Knauer's statements and the Louis Harris poll.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIBICOFF. I also ask unanimous consent to insert in the RECORD at the conclusion of my remarks two editorials, and an informative article, from the Hartford, Conn., Courant discussing important aspects of the CPA legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. RIBICOFF. Finally, I ask unanimous consent to add the name of the Senator from Ohio (Mr. METZENBAUM) to the list of cosponsors of S. 707.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

[From the Washington Post, July 15, 1974]

CONSUMER AGENCY SUPPORTED

(By Tim O'Brien)

Virginia Knauer, consumer adviser to President Nixon, yesterday issued a last-minute plea for Senate approval of a new Consumer Protection Agency, calling it the most important consumer proposal in her five years on the job.

Unlike other administration officials she attached no conditions to her support.

The measure, which is under fierce attack by business lobbyists, would establish for the first time a formal government agency as a consumer advocate before other federal agencies.

One version of the idea was approved by the House last April, but this week a tougher Senate version is expected to face a filibuster led by Sen. James B. Allen (D-Ala.).

Mrs. Knauer said in a statement that the proposed agency would be a "powerful antidote to the poison of alienation and helplessness affecting many of our citizens (who) believe that their pleas for help or understanding are unheeded . . . that only the big and powerful have access to decision makers."

But the U.S. Chamber of Commerce, National Association of Manufacturers, National Association of Food Chains and other big-business groups see the notion of an independent consumer agency as anathema.

"It's the worst bill I've seen in 33 years in Washington," said NAM lobbyist Eugene J. Hardy earlier this year.

But Mrs. Knauer said yesterday: "It is the first answer by Congress to years of criticism by Congress that government agencies too often do not adequately reflect consumer interests."

Supporters of the bill, including Mrs. Knauer, insist that the proposed agency would have no direct regulatory powers over business or industry. "The CPA will not be a regulator," she said. "It will not have any enforcement powers. It will not take away the decision-making powers of government regulatory agencies. It will help the agencies listen to consumers."

The House-passed bill, reached through compromise, would empower the proposed agency to:

Represent consumer interests before other agencies.

Appeal decisions of other agencies to the federal courts under restricted circumstances.

Request other agencies to subpoena from businesses and industries information of interest to consumers.

Act as a clearing house for consumer complaints and request enforcement action by other agencies.

The proposed agency would have a single administrator and a maximum staff of about 250.

For five years, different versions of the agency have been proposed in Congress but each time they failed. It passed the Senate in 1970 but died in the House Rules Committee. In 1971 it was killed by a Senate filibuster after clearing the House.

While President Nixon, Mrs. Knauer's boss, called for a Consumer Protection Agency in his 1973 message to Congress, it is unclear how far the administration will go in supporting it. Last March, White House legislative liaison William Timmons wrote a memo to OMB Director Roy L. Ash telling him to "come out fighting against the (House) subcommittee draft and signal a hard veto from here on."

The memo said the President wanted a bill but with the admonition to "clean it up or I will veto." Ash is now pushing for pro-business amendments to the Senate legislation.

Mrs. Knauer, meanwhile, enthusiastically supports the proposed agency without insisting on the amendments, and the administration's eventual position on the bill may be a test of her authority as consumer adviser to the President.

The U.S. Chamber of Commerce said the agency would "represent what it perceives to be the consumer interest—very likely the goal of consumer activists. In the end, the results undoubtedly will hike business costs one way or another like seat belts and other devices have done for autos."

Mrs. Knauer said the agency, by protecting against fraud and deception, "could act against inflation by saving the consumer valuable dollars."

EXHIBIT 2

[From the Washington Post, July 15, 1974]

PRODUCT SAFETY: STRICTER FEDERAL CONTROLS SOUGHT

(By Louis Harris)

Concern about the safety of consumer products continues to run strong. Seventy-seven per cent of the buying public favor "the federal government developing more extensive standards for product safety."

Of 11 of the 14 products in the survey, there has been a rise in the number of Americans who are worried about safety hazards or potentially dangerous defects. Home pesticides, room heaters, automobiles and power lawnmowers top the list of products causing greatest public concern.

Recently the Harris Survey asked a cross section of 1,407 households, as it had back in 1971:

"Some people have expressed concern over the danger of injury or poisoning from certain products. For each product on this card, please tell me whether in using this product, you feel there is serious danger to your health or safety, only some danger, or almost no danger at all."

Concern about product safety

1974 and 1971 percent:

Pesticides and bug sprays for home use (poisoning)	85	84
Room heaters (fire, asphyxiation)	80	75
Automobiles (manufacturing defects)	78	77
Power lawnmowers (inadequate safeguards)	78	71
Children's toys (poison, sharp edges, flammable)	76	82
Power tools (inadequate safeguards)	70	62
Fabrics such as curtains or children's clothes (flammable)	69	64
Artificial additives in foods (poisoning)	68	64
Automobile tires	64	69
Canned foods (poisoning, botulism)	63	48
Detergents (allergic reactions)	62	64
Hair sprays	62	54
Appliances (electric shock or fire)	58	56
TV sets (radiation or fire)	49	48

While three in every four surveyed are still concerned about the safety of children's toys, the number has dropped from three years ago. Part of the reason undoubtedly is the result of a concerted campaign by both consumer groups and manufacturers of children's toys to see that they are manufactured with greater attention to individual safety.

The previous widespread concern over the allergenic effects of detergents has dropped slightly from 64 to 62 per cent. This has been another area of intensive consumerist activity.

At a time when worry about the safety of new cars still remains a concern to a high 78 per cent of the public, concern over auto tire safety has dropped from 69 to 64 per cent.

Aside from these categories, there has been in some cases a marked increase since 1971 in public worry about 11 products surveyed.

In the category of canned goods, 63 per cent report being uneasy or worried about food poisoning, particularly botulism. Concern over artificial additives to food has also risen, from 64 to 68 per cent.

The number of people who use hair sprays and coloring has grown rapidly. Public worry about poisoning from sprays or coloring has also risen from 54 to 62 per cent.

In 1971, 71 per cent of the public was worried about the safety of power lawnmowers. In 1974, 78 per cent express concern.

Power tools, which have grown in popularity, also are the source of concern among 70 per cent of the public, up from 62 per cent who felt the same way three years ago.

The public is not only worried about product safety but also feels that the federal government is not doing a highly effective job of enforcing safety standards. The cross section was asked:

"In trying to enforce standards for product safety and quality, how effective do you think the federal government is—very effective, only somewhat effective, or not effective at all?"

Effectiveness of Federal Government in enforcing safety standards

1974 per cent and 1972 per cent:

Very effective	18	25
Only somewhat	62	50
Not effective at all	14	17
Not sure	6	8

Asked if federal efforts should be tightened in the area of product safety, the public replied in the affirmative:

More extensive Federal standards for product safety?

1974 per cent and 1971 per cent:

Favor	77	74
Oppose	17	21
Not sure	6	5

Product safety is now an obvious area of deep consumer concern in this country, and most people feel not enough is being done by the federal government or the manufacturers of the products. This is the stuff from which consumer movements are made, and there is every likelihood that consumer groups focusing on product safety will continue to grow.

[From the Hartford Courant, July 14, 1974]

LET CONSUMERS BE HEARD

Senator Ribicoff and his Senate reorganization subcommittee are preparing for a major floor fight over their bill to establish a Consumer Protection Agency which would give all of us (we're all consumers) the same force of argument before federal agencies and the courts that business, labor and agriculture have now.

Four years ago, the Senator wrote a bill to set up the agency in Washington with the power to take the consumers' case before federal policymakers.

That same year the bill was approved by the Senate 74–4, but it died in the House; in 1972 he took his bill through committee and onto the floor of the Senate, where it was killed by a filibuster late in the session. When the bill is called up later this month, it faces an almost certain filibuster.

Senator Ribicoff has commented that consumers represent the "single largest economic interest in the country—bigger than business, labor and government combined. But the trouble is, the public has no real voice in the high levels of government where so many consumer decisions are hammered out."

The Senator says the scale has long been unfairly weighted against the consumer, and the time has come to balance that scale.

A host of business and industrial organizations are opposed to the agency, not for what it is supposed to be, according to the bill, but they are opposed to what they think could be—a vast bureaucracy that could stifle business.

Among those opposed are lobbyists for the U. S. Chamber of Commerce. Favoring the bill are many of the major consumer advocates, including Connecticut's own Ralph Nader, who called it "the most important piece of consumer legislation ever before Congress."

A reading of the provisions of the bill (see next editorial) makes it extremely difficult to understand the opposition of business and industry; as the bill stands, it gives the consumer a voice, but little legal leverage.

It appears, in fact, that the agency might very well be good for business. It would certainly not affect good businessmen selling good products and services; and it would protect those legitimate businesses from the often unbeatable competition of the businessmen who are out to get customers away from good businessmen, by hook or by crook.

The idea behind the proposed agency is reminiscent of a comment made last September by Edward B. Rust, president of the U.S. Chamber of Commerce. Mr. Rust was not talking about the Ribicoff bill, but about Mr. Nader, who endorses the bill.

Mr. Rust said that Mr. Nader and his style of consumerism are not the enemy. "If we look at the record, I think we will see a clear community of interest that Nader has with American business. The whole point of Nader—so obvious that it is often overlooked—is his single-minded dedication to making the free enterprise system work as it's supposed to—to make marketplace realities of the very virtues that businessmen ascribe to the system."

THE RIBICOFF BILL

The Ribicoff bill establishes a Consumer Protection Agency which would be independent and non-regulatory, to speak for the interests of the consumer.

Although the agency will have no regulatory or other legal power to force business enterprises to change their practices in any way, it would operate purely as a spokesman for the consumer before the other agencies that do make the decisions affecting the consumer.

That would be the most important function of the agency—to represent consumers before those agencies, and before the courts. In formal judicial or rule-making proceedings under the Administrative Procedures Act, the Consumer Protection Agency could intervene as a party, and in those cases the agency would only be able to participate if intervention is necessary to adequately represent the interests of the consumers.

The Consumer Protection Agency's administrator is also authorized to seek judicial review of any agency action which is by law reviewable—in other words, the consumer agency could appeal agency decisions when the consumers' interests are at stake.

According to the bill, the consumer agency is also authorized to act as a consumer-complaint clearinghouse; it is required to notify businesses of all complaints concerning them, transmit the complaints to the appropriate federal and state agencies where action is warranted, and to maintain an up-to-date file for public inspection of all complaints together with any comments received.

The Consumer Protection Agency administrator is authorized to submit written questions to persons engaged in trade or business, in the event the information is not publicly available and cannot be obtained from another federal agency. The questions must by law be answered if the administrator shows that they are relevant to the purpose for which they are sought and if they are not "unnecessarily burdensome."

The consumer agency may obtain information from other agencies, but there are some limits on the agency's right to gather information, particularly in regard to trade secrets.

The bill authorizes $15 million for the fiscal year 1975, and reaches $25 million by 1977. By contrast, the federal budget for fiscal 1975 provides $1.4 billion in federal funds under the category, "advancement of business."

[From the Hartford Courant, July 6, 1974]

RIBICOFF READIES FOR CPA FIGHT

(By Robert Waters)

WASHINGTON.—Amid the threat of a certain filibuster, Sen. Abraham A. Ribicoff, D-Conn., and his Senate reorganization subcommittee, are gearing up for a major floor fight over the 1974 Consumer Protection Agency (CPA) bill.

Committee sources expect debate on the controversial measure to begin the week of July 15.

It could develop into a two-to-three week fight. And the battle will be overshadowed by three major questions:

Can Ribicoff and his cosponsors, Sen. Charles Percy, R-Ill., and Jacob Javits, R-N.Y., muster the two-thirds vote they need to choke off the filibuster?

How will the AFL–CIO come down on the bill?

Will the White House position be influenced by what President Nixon's critics term "impeachment politics?"

Organized labor, until this year, has been solidly for previous CPA bills. However, during the drafting of the Senate bill last month, an amendment authored by Sen. Lawton Chiles, D-Fla., was accepted giving the CPA the right to intervene in some labor issues.

The AFL–CIO's top lobbyist, Andrew Biemiller, has reportedly said the amendment isn't acceptable.

If a gag rule can be imposed, a separate vote to kill Chile's amendment is expected. But proponents of the CPA bill aren't certain that the AFL–CIO will bring its maximum pressure to bear to breach the filibuster.

If the filibuster cannot be cracked, the CPA will die for a second time in the Senate. The bill, which has already passed the House, was killed via the filibuster technique in 1972.

Two years ago, Ribicoff had won Senate approval of a similar CPA bill but it died in the House.

Pro-CPA forces also are waiting to see if some unified White House opposition to the bill surfaces. At the moment, the White House is in a three-way split over the measure.

Mrs. Virginia Knauer, the White House consumer office chief, is helping to organize consumer support. However, Office of Management and Budget (OMB) Director Roy Ash wants a weaker bill. Kenneth Cole, Jr., the President's Domestic Council chief, has urged a vote if the bill is enacted.

The vote is the obvious ultimate weapon against the CPA bill. Some Nixon critics believe he will use it if the bill passes since most of the anti-CPA senators are also part of the same group of political conservatives that the President must woo to keep them on his side if an impeachment trial is voted by the House.

The major thrust of the CPA bill—and the origin for most of the business opposition to it—is that the CPA is expected to develop into a permanent and organized lobby for consumer interests before virtually all federal regulatory agencies.

EQUAL OPPORTUNITY

Mr. BROCK. Mr. President, much has been said and written about the concept of equal opportunity. When considered at face value, it seems only fair and just. There lies beneath the surface, however, an aura of uncertainty as to just what the definition of equal is.

James J. Kilpatrick, in his column, has entitled this uncertainty "The DeFunis Syndrome." It's namesake is Marco DeFunis, who brought suit against the University of Washington Law School for denial of equal protection by the laws. DeFunis was, in simplest terms, a victim of "reverse discrimination".

Mr. Kilpartick's commentary raises the question of just how equal the principle of equal opportunity is. How can one person be chosen over another simply because of his race, when the other is more suited for the job? Complete discrimination against any race is wrong, but is it right to set employment quotas, only to employ lesser qualified people?

It appears that this is an ongoing problem, and its effects will continue to be felt by many. Mr. Kilpatrick's article has given food for thought, and I ask unanimous consent that it be printed in the RECORD for the benefit of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DEFUNIS SYNDROME

(By James J. Kilpatrick)

A syndrome, by definition, is "a group of signs and symptoms that occur together and characterize a particular abnormality." Marco DeFunis is a law student at the Unversity of Washington. Sooner or later a perplexed and wary Supreme Court will have to decide how to treat the DeFunis Syndrome.

A more familiar name for this abnormality is "reverse discrimination." The short and ugly word is racism. But this is a racism quite different from the racism that once afflicted not only America's South but other regions also. The DeFunis Syndrome identifies a benevolent cruelty, a benign evil. The purpose is compassionate; the effect is intolerable.

Much has been written in recent weeks about the case of Marco DeFunis, but it will do no harm to recall the essential points. In the summer of 1971, after winning his bachelor's degree *magna cum laude,* young DeFunis applied for admission to the University of Washington Law School. His records were not the most brilliant submitted that summer, but they were not bad: He averaged a respectable 582 in his critical Law School Admission Test; he had a writing ability score of 61; his junior-senior grade average was 3.71 on a scale of 5.00; he made Phi Beta Kappa. Under a point system widely used by schools of law, this added up to a predicted first-year grade average of 76.23.

As applications were received by the University of Washington Law School and run through its computer, a number of threshold decisions were made. There were some 1,600 applications; there were 150 openings. The school put all applications from white students in one group. In another it put all applications from blacks, Chicanos. American Indians and Filipinos. The two groups then were handled separately.

Mr. DeFunis is white. An admissions committee screening white applicants drew a line at 77.0 on the scale of predicated first-year averages. It drew another line at 74.5. Applicants with scores above 77 were, as a general proposition, offered admission. Those below 74.5 were summarily denied. Mr. DeFunis was toward the top of the middle group. In late July, 1971, he got the cold word: His application had been rejected.

Meanwhile, the minority applicants were being reviewed. Applications from blacks went to a committee consisting of a black law student and a professor who had worked the previous summer on a special program for disadvantaged college students. Applications from the other minority groups went to an assistant dean. The minority applicants were compared competitively with one another, but never with the group as a whole.

In the end, 37 minority applicants were accepted. Of these, 36 had predicted first-year averages below Marco DeFunis' 76.23. Thirty had averages below 74.0.

On Aug. 19, 1971, Mr. DeFunis and his parents brought suit, asking a court order to compel his admission and charging that he had been denied equal protection of the laws. A trial court agreed, and ordered him admitted. Then the Washington State Supreme Court reversed, *DeFunis* v. ODEGAARD, 507 P. 2d 1169 (1973), but Mr. DeFunis won a stay from U.S. Supreme Court Justice William O. Douglas. He continued his studies while his appeal was perfected. Last April 23, five members of the U.S. Supreme Court found his case moot, and in effect dismissed it.

It was an anti-climactic ending, but a Court famed for raising landmarks has a way of sometimes raising sand dunes instead. Under Acticle II of the Constitution, the Court has jurisdiction only over true "cases or controversies," and the Court may have properly followed its rule of judicial restraint in refusing to reach the merits of the DeFunis appeal. The young student had not filed a class action; he had sued only for his own admission, and plainly he had won the admission he sought. He is to graduate this month. The Court's action may have been a cop-out—Justices Douglas, Brennan, Marshall and White were eager to get to the merits—but it may also have been sound jurisprudence.

The DeFunis Syndrome presents a fairly elementary problem in constitutional law, or so it seems to me, but it presents a fearfully difficult problem in public policy.

What the law says, in the Fourteenth Amendment, is that no state may deny to "any prson within its jurisdiction" the equal protection of its laws. In 1954, a unanimous Supreme Court gave that provision specific meaning in terms of state-operated schools. The Court held, in brief, that whatever the practice may have been since 1868, states no longer could assign or classify students by reason of the color of their skin. Plainly, what the State of Washington was doing in its law school was assigning and classifying students by reason of the color of their skin. The admissions procedures, in a phrase often employed by the Court, amounted to "invidious discrimination." The Court cannot possibly approve any such practice without abandoning constitutional principles that since 1954 have become embedding in our law. Yet there is another side. University of Washington authorities argued, with much validity, that it is both educationally and socially desirable to see that a number of blacks and other minority students are admitted to law schools and eventually to the practice of law. For whatever reason, minority applicants generally have poorer test scores than white applicants. If test scores alone may be considered, few such applicants ever would gain admission.

Employers throughout the nation are having to cope with other manifestations of the DeFunis Syndrome. Acting (one assumes) under the Commerce Clause, the Congress in 1964 made it unlawful for employers to discriminate in hiring, firing or promotion by reason of race or sex.

Executive orders have supplemented this action. A flourishing bureaucracy has sprung up within the Equal Employment Opportunity Commission to enforce the law. The practice is growing to assign "goals," or "guidelines," which in simple English are quotas.

Judges have tended to support these bureaucratic demands, not only as to private employers but as to public agencies also, with the result that states and municipalities find themselves struggling with court orders to employ black policemen, firemen, teachers, sanitarians and others, up to a certain percentage. The effect is to reject qualified whites in favor of less qualified blacks. The practice is creating a smoldering resentment among whites who thus become victims of racial discrimination—the same kind of smoldering resentment that for generations was kindled among blacks—and it is doubtful that the quota system does much for the egos of the hired blacks.

As in the DeFunis case, standardized tests no longer carry much weight. The Supreme Court's 8–0 ruling in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971) had a chilling effect on all such screening procedures. Under this combination of circumstances, employers who are worrried about federal contracts, federal licenses or their own public image are finding themselves virtually compelled to hire minority applicants willy-nilly, qualified or no, simply to placate the judges or the bureaucrats. On balance, the effects may be socially good, and many minority workers, who might never have been hired at all, doubtless turn into excellent employees. But the system slowly is poisoning healthy race relations and is perverting the very concept of "equal opportunity." There can be no genuinely equal opportunity among university applicants or job-seekers when some are more equal than others.

Some months ago EEOC descended upon the Memphis Publishing Co., publishers of the Commercial Appeal and the Press-Scimitar. A black composing room porter had been fired, for good cause as it turned out, but the incident provoked a full-blown proceeding. EEOC's idea, spelled out in a proposed conciliation agreement dated Oct. 18, 1973, was to compel the company to undertake an elaborate and intensified program of affirmative action to find black applicants for jobs. The company was to agree that "no applicant will be disqualified for employment solely because he has an arrest record or does not have a high school diploma." As a general proposition, the company was not to administer to black applicants "any general intelligence or aptitude tests" which had not been approved by EEOC.

Paragraph 13 of the proposed EEOC agreement was intended to commit the newspapers to a quota system: "Subject to the availability of qualified black applicants, the respondent will hire new employees for the job classifications listed below in the ratios indicated for each classification until 40 per cent of the employees in each listed classification are black." The job classifications in which the 40 percent ratio was to be reached included all editorial departments, classified advertising, local advertising, office and clerical positions, composing room, engraving department and "management."

The Memphis newspapers understandably declined to accept any such "conciliation agreement," but they did voluntarily step up their programs of minority hiring. At this writing, so far as EEOC is concerned, the status is quo.

What is the employer to do with such intrusions into the orderly and efficient management of his company? I do not know how it is in other professions, but I know that in Southern newspapering the supply of genuinely qualified blacks nowhere approaches the quotas proposed by EEOC. Ultimately it may be different, and one can appreciate the thrust of the chicken-and-egg argument: Which comes first? The opportunities or the applicants? If employers had tried more earnestly in the past to seek qualified blacks, women, Chicanos, Orientals and others, presumably there would be more such qualified applicants today.

Of this much I am certain. It is both unfair and unconstitutional to reject a Marco DeFunis because he is not black. His constitutional right to equal protection is an individual right, not to be denied him in the name of any group. To reject a Marco DeFunis, solely because of his race, is a wrong. I am equally certain that the University of Washington was pursuing a compassionate, enlightened and desirable goal in seeking deliberately to increase the number of minority lawyers. The end was exemplary, but the means toward that end were also a wrong.

Neither in law nor in equity can two wrongs be made to add up to a right. In some fashion, a way must be found to treat the DeFunis Syndrome, both in public institutions and in private employment, so that individual rights are preserved and a good society is promoted. But do I know such a way? No, I do not.

CAPTIVE NATIONS WEEK, 1974

Mr. WILLIAMS, Mr. President, the week of July 14 to July 20 will mark the 15th annual observance of Captive Nations Week. This is a time when the American people are urged by a 1959 congressional resolution, and annual Presidential proclamation, to mark the plight of captive nations the world over.

It is my firm conviction that it is vital for the people of America to make clear to the Soviet Union and other Communist powers that we support full and final freedom for Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, the Ukraine, and other captive nations. For it is intolerable to all those who value freedom and justice that approximately 50 million people living in these lands are deprived of their national independence and individual liberties.

Despite as long as 35 years of Communist domination, the brave people of these nations continue to yearn for independence, personal liberty and human dignity. Their desire for freedom is manifested in an active determination to cast off their Communist enslavement. The Poles of Poznan, the freedom-fighters of Hungary, the Czechoslovakian resistance and the young Lithuanians inspired by the sacrifice of Roman Kalanta share a commitment to the cause of freedom which has moved them to risk and sacrifice their lives.

Linked by bonds of family, principle, and love of liberty and justice, it is only natural that we here in America should respond to their noble struggle. In my State of New Jersey, there are nearly 400,000 citizens with family ties in captive nations. These roots of our population and society in captive countries give our Nation a firm foundation for the determination which this week marks.

It is encouraging, however, that the observance of this week is not limited to the United States, but spans the globe. Free peoples everywhere join us this week in dedicating themselves to restoring the precious right of freedom to their brothers who can now only dream of liberty.

Mr. President, I firmly believe that it would be a great wrong for us to close our eyes to the injustices that the Soviet Union has inflicted on the millions of citizens of the captive nations. We must never accept the views that freedom is foreclosed for the presently enslaved people of the world. It is true that the struggle of the weak and oppressed nations is not a new one; it has been waged for centuries. This long history, however, must not blind us to the very real impact such domination has on those who suffer under its tyranny.

And so let us all renew our support for the captive nations of the world and this Nation's determination to champion the cause of freedom and justice. It is my sincere hope that this determination and support will extend far beyond this week.

ECONOMIC ANALYSIS

Mr. BROCK. Mr. President, the relationship between monetary and fiscal policy is too often misunderstood. An article in the Wall Street Journal does a fine job of clarification.

I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, July 8, 1974]

Deficit Pressures Analyzed

(By Lindley H. Clark, Jr.)

The way the world currently works, federal budget deficits certainly are contributing to the inflationary pressures, and any actions that ease those pressures are surely welcome. But a wider understanding of why the deficits matter might help to keep the pressures from building up in the future.

The fact is that in theory a budget deficit need not be inflationary.

When the government spends more than it takes in, it obviously has to find the money somewhere. In other countries and at other times governments have solved the problem simply by printing more paper money. The U.S. approach is more sophisticated: when outgo exceeds income, the Treasury borrows the difference.

If the Treasury borrows the money from you and me, the impact is not inflationary. All that happens is that you and I have less money to spend and the government has more.

Of course some of us will question whether the government should spend our money. There is reason to wonder, too, whether public spending contributes as much to productivity as private spending. In any case, however, the direct and immediate impact of the shift in the spending pattern will not be inflationary.

In the real world, though, a large share of the new Treasury securities wind up in the Federal Reserve Bank. The Fed now owns more than $80 billion of federal securities, an increase of well over 60% in the last seven years. The Treasury buys the securities in the market, and when it does it increases the commercial banks' reserves—and thus the banks' ability to expand loans, deposits and the money supply, defined as currency and bank checking accounts.

The Fed tries to stabilize the economy by easing money when business is slack and tightening up when the economy becomes overheated. But statistics are late and imperfect, and it's difficult for anyone to know just where the economy stands at any particular time. Moreover, monetary policy affects the economy only with lags, and the lags are difficult to predict.

So the Federal Reserve has often made mistakes, which it has tried to correct by swinging abruptly in the opposite direction—and increasing the very instability that it seeks to overcome. Furthermore, too much boom is a more palatable mistake than too much recession, so attempts at monetary fine-tuning inevitably have been biased in an inflationary direction.

In addition, there is a mechanical problem related to the swift rise in federal debt. The Federal Reserve is and long has been deeply concerned with the level and trend of market interest rates. When the Treasury comes to market with a new securities offering, it competes with private borrowers and, all other things being equal, puts upward pressure on rates.

The emphasis on interest rates helps to explain why the Federal Reserve has not been able to hold the growth of the money supply closer to its assumed goals.

Now, it would be helpful if the Fed would simply pay less attention to interest rates and more to what is actually happening to the money supply. But it's unrealistic to expect a lot of progress in that direction if the Treasury continues to be involved in heavy deficit financing just about all the time.

As Alan Greenspan, president of Townsend-Greenspan & Co., recently pointed out, the Treasury gets what it wants, come what may. The Fed tries to see that something is left for private borrowers.

So real progress against inflation does indeed depend heavily on doing something about those budget deficits.

CREATION OF A CONSUMER PROTECTION AGENCY

Mr. BROCK. Mr. President, I want to bring to the attention of my colleagues two commentaries by Robert F. Hurleigh, of the Mutual Broadcasting Network. They concern a bill, now in the Senate which would create a Consumer Protection Agency. They point out how powerful an agency the CPA would be, and how the words "public interest" and "consumer interest" are being deceptively used to play on the emotions of Government leaders and their constituents.

Mr. Hurleigh feels the Senate bill would, for all practical purposes, transfer congressional responsibilities to oversee existing regulatory agencies to a "new super office of the executive branch of government." It would also limit severely the ability of the other two branches of Government to check its powers. I ask that unanimous consent be given for the printing of Mr. Hurleigh's commentaries in the Record.

There being no objection, the commentaries were ordered to be printed in the Record, as follows:

Commentaries by Robert F. Hurleigh on Consumer Protection Agency

If you were asked to support a community project or a national project in the public interest, you would answer "yes", as would most every other person. And if you were told that the project was of interest to consumers, you would say "great". The words "public interest" and "consumer interest" are being used ingeniously today much as the "peoples" republic of China and the "peoples" republic of Russia were the words used by a handful to create the impression that these two countries are governed by the people. But this is not so. And no matter how many times they say it, we know it's propaganda and we know it is false advertising. These "people's republics" have but one party, a self perpetuating group at the top—and there's no dissent from the people in these "people's" republics. And though there are other nations with one-party rule, there's no attempt by them to kid anybody by claiming that the "people" run the governments of the countries.

But all of the governments of all such one party nations want us, and certainly their own people, to believe that every action of the ruling class is taken in the "public interest". This is not meant as a suggestion for change in such countries for that must come from their people, if it is desired by them at times and it's not for us to meddle in their internal affairs. But the lesson is there; perhaps a warning that we may be entrapped by the same bewitching call to the "people" for action in the "public interest". There is a bill in the Senate right now to create a new bureaucracy, a new agency of the government within the executive branch with full legal power to intervene in the affairs of nearly every other agency, department and program of the United States government. This would be an "elite" force and the man chosen to head this all-powerful agency would sit as judge and jury over activities heretofore handled by other agencies and would thus be the Czar of the Public Interest.

What is this omnipotent bureaucracy, proposed as another and more powerful agency of our government? It is a Consumer Protection Agency—CPA, to better remember it! The thrust of the propaganda for the legislation has been to play on your emotions and mine—to have us think of the public interest and the interest of the consumer—and to have us agree as every right-thinking person would agree that anything in the public interest and in the interest of the consumer should be supported. What we have, however, is a bill to create an all-powerful agency with its own Solomon who—in his infinite wisdom would know what is best for all of us lesser people who don't know when to come in out of the rain and/or not to buy a watch from a shifty-eyed peddler in a shadowed doorway. More tomorrow, but—so goes the world today.

So now we have before the Senate a bill to create another federal bureaucracy to be a super agency with an all-powerful administrator to exercise within one area of interest the legal authority over all other administrators, including Cabinet officers. This super agency has gained considerable support because it has been packaged and sold to the Congress as being in the "public interest" generally, and the interest of consumers particularly. The House of Representatives, sensitive to the sales message and equating consumers with voters, which is understandable, has given its approval to the creation of this new bureaucracy to be known as the Consumer Protection Agency.

The Senate knows that if it passes the bill it will, for all practical purposes, transfer the historic responsibilities of Congress to oversee existing regulatory agencies to a new super office of the executive branch of government. An increasing number of Senators recognize that this bill would create another tax burden for the consumer under the badge of consumerism. But this would not be an agency to which the housewife, for instance, could take her complaints of what she might find wrong in the marketplace, although there is in this bill a provision for handling and publishing complaints.

But the main purpose is to engage in vital rule-making affecting every area of American life. The administrator will be the all-wise person—a Solomon with the answer to the many and specialized consumer groups with their distinctly different interests. Forgotten by proponents of the Consumer Protection Agency in their zeal to control consumerism and thus the public, are the protective measures which have been legislated already.

They include the Fair Packaging and Labeling Act to assist the buyer in knowing the unit price of the products; the Child Protection Act to ban hazardous toys; the National Highway Safety Act to set standards of safety for cars; the National Commission for Product Safety to bring forth protective measures and to ban dangerous products; the Act setting the standards to prevent the sale of flammable clothing or household products; an interstate inspection system to insure wholesome meats; the Truth in Lending Act to insure full disclosure of interest rates; Interstate Land Sales Act to safeguard against con artists in land sales; the Act to insure against unwholesome poultry; Radiation Control Act which sets the standards for electronic products;

the clean air bill, the ban and warning in cigarette advertising, the control in credit cards, and the presently considered national no-fault insurance.

The list is endless and is proof positive that present and past Administrations, the Congress and the proper agencies have been aware of the public interest and consumer interest. Why then, you may ask, a super agency? So goes the world today.

TRADE COLLOQUY SCHEDULED FOR JULY 16

Mr. HUMPHREY. Mr. President, tomorrow 19 colleagues and I plan to carry on a colloquy on the need for trade legislation, from 9 to 12:30.

I wish to commend the leadership for making this amount of time available to discuss a topic of such importance for our people and Nation.

We urge and invite other Senators to join us in this discussion.

Mr. President, I ask unanimous consent that a Dear Colleague letter, inviting the participation of other Senators in the colloquy, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., July 12, 1974.

Dear Colleague: With so many critical issues before the Senate this year and with demands on our time greater than ever, there is a real danger that we may find ourselves facing major decisions with less discussion than the issues merit, and therefore less factural knowledge than needed for intelligent decisions.

This could well be the case in the troubled area of world trade. The House of Representatives has sent to us the most significant legislation in a decade dealing with foreign trade, the Trade Reform Act of 1973. Among many facets, it provides negotiating authority to reform the rules of international trade. This is the centerpiece. It is surrounded by related provisions in other legislation dealing with taxes, export credits, insurance and controls on strategic materials and technology.

Whatever we do or do not do in these matters will have a lasting influence on our nation's economy and the economic health of the world. This is a heavy responsibility. It should not be slighted. These items should not be considered on a piecemeal basis.

Most of the choices that will come before us can be assumed with some confidence at this time. Many of us are already considering them and many of us have taken positions publicly on different elements. Under these circumstances, would it not be helpful to join in debate on the broadest basis now while there is still some time to do so?

There are so many interrelated issues that need examination and exchanges of viewpoints. As in the past, the needs of American farmers, workers, consumers and employers all must be taken into account. Foreign trade policy affects us all and we must again seek a reconciliation of interests. There are now new and urgent issues to consider. The energy crisis of last winter has brought home to every American the problem of rising demand on the world's limited resources. Foreign trade and investment legislation will greatly influence our capacity to cope with the problem.

Let us now consider the best means to move on these matters. A scheduled discussion on the Floor of the Senate seems an excellent way to start. It will lead us personally to come to grips with the issues, to consider their impact on our constituents, our nation and our outlook on the world.

An open discussion in the Senate on world trade and investment would also serve important public policy purposes. It would focus attention of the media on the issues and on our responsibility for dealing with them. It would demonstrate to the public at large that we are prepared to meet this responsibility. Our trading partners will take note of what we do and their understanding of our serious concern also may be beneficial.

Without a bill providing the President with tools for bargaining, substantive negotiations with our trading partners are not possible. The alternatives could be the temptation by some countries to protect themselves by raising trade barriers, rather than internationally agreed upon solutions.

Broad participation in such a discussion will be essential to its success. Each Senator has much to contribute. Your own judgements and your response to those of others are the ingredients we seek. Please give this request the most careful consideration.

The leadership has agreed to set aside time on the morning of July 16 for the expression of views on this subject. Can we count on you to participate?

Sincerely,

Bill Brock, Lawton Chiles, Dick Clark, Alan Cranston, Carl T. Curtis, Robert Dole, Peter H. Dominick, Philip A. Hart, Mark O. Hatfield, Roman L. Hruska.

Hubert H. Humphrey, Jacob K. Javits, Charles McC. Mathias, Gale W. McGee, James B. Pearson, Charles H. Percy, William V. Roth, Jr., Adlai E. Stevenson III, Robert Taft, Jr., John V. Tunney.

DOES THE CONSUMER NEED A CZAR?

Mr. BROCK. Mr. President, this body will soon consider legislation to create an independent Federal Consumer Protection Agency.

Often referred to as the "consumer czar," this new agency will have the power to intrude into the activities and proceedings of any other Federal agency and to appeal the agency's decision if not to the CPA's liking. The term "czar" seems appropriate, since we have no other agency in our entire Federal establishment which possesses such awesome powers.

Recently, the Cincinnati Enquirer, one of the Nation's most respected journals, published an editorial about the CPA entitled "Does the Consumer Need a Czar?" This editorial observes that the Congress regards the consumer as "capable of choosing a President and a set of Senators and Representatives and thereby chart the course of the Republic" but does not trust these same consumers to "buy a can of peas without Federal supervision."

I think the Enquirer editorial will be most informative to my colleagues and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Cincinnati Enquirer, April 7, 1974]

Does the Consumer Need a Czar?

After several years of false starts, Congress appears at the moment to be moving inexorably toward the establishment of a new, unified, autonomous Consumer Protection Agency (CPA). It appears just as determined to arm the new CPA with powers whose breadth and pervasiveness have aroused the anxiety even of those who have not objected on other occasions to the intrusion of the federal government into the everyday affairs of its constituents.

Actually, there are two CPA bills wending their way through the legislative machinery—one a House version, the other the handiwork of the Senate. Either would give the CPA a grant of authority unequaled by that of any comparable agency in the entire federal structure.

Whichever version Congress ultimately embraces, the proposed new CPA would have authority to intervene in the proceedings and actions of nearly all other federal officers and regulatory agencies whenever the CPA's administrator determined that intervention would be "in the interest of consumers." The CPA would also posses authority to seek judicial review of decisions of other agencies, to force use of their powers of subpoena, to gain access to trade secrets, to require the testing of products, to operate a system for collecting and appraising public complaints.

The CPA, in short, would inject itself as an uninvited third party into very nearly all proceedings between government on the one hand and the business sector on the other. That would encompass financing, licensing, mergers, marketing, advertising, ratemaking, agricultural money, mineral leasing and all other regulations except those involving labor and national security.

Underlying the CPA proposal is the notion—obviously fallacious—that there is a single consumer's interest that the federal government must defend.

In reality, there are many consumers' interests—all of them competing for attention and service.

In one area after another, moreover, the consumers' interest that would be advanced by a single, omnipotent CPA would be a minority interest frequently unrelated to the clearly expressed preferences of the American people.

Those who have anointed themselves as the sole and exclusive guardians of the American consumer, as an illustration, regard safety as the most important aspect of an automobile. Yet the American people, through their preferences expressed in the marketplace, have shown an equal interest in cost, in reliability, in comfort and in style.

Where food is concerned, the self-proclaimed protector of the consumer is interested exclusively in nutrition. The homemaker, by way of contrast, is interested also in cost, taste and variety.

With respect to packaging, the professional consumer activist speaks out only in behalf of standardization. The real American consumer, however, prefers to consider convenience in use, proper protection of the product, cost and appeal.

Opponents of the CPA admittedly face a difficult task fighting this escalation in the federal government's resolve to render American life risk-free. For to raise a serious question about the movement known as consumerism is to risk being identified as an enemy of the people as one who assert the right of the gouger and the scoundrel to exploit the public.

In reality, however, we believe that the American consumer is the most critical, most sophisticated, most knowledgeable in the world. He is accustomed to making choices—between a car's relative safety and its relative comfort, between a tin can and a plastic container, between the large size and the medium size. A Congress that regards him as capable of choosing a President and a set of senators and representatives and thereby to chart the course of the Republic in the grave area of war and peace ought to trust him to buy a can of peas without federal supervision.

The proposal to create a new Consumer Protection Agency is one more manifestation of Congress' proclivity to shrink from responsibility. The easiest answer to every problem that Congress elects to weigh is the establishment of a new independent agency with powers to do what, in Congress' judgment, needs to be done.

What Congress fails to consider is that its buck-passing simply feeds the already inflated federal bureaucracy and grants to an even vaster army of nameless, faceless bureaucrats the authority to make far-reaching, potentially fatal orders from which appeal is all but impossible.

The consumer can be protected, we believe, without being smothered.

NUTRITION FOR THE ELDERLY

Mr. KENNEDY. Mr. President, in a letter to the chairman of the Senate Appropriations Subcommittee, WARREN MAGNUSON, I have urged that a 50-percent hike over the administration request for funds for food programs for the elderly be approved.

I urged that the full level of authorization for the nutrition for the elderly program—$150 million—be appropriated. Citing the impact of inflation on the pocketbooks of the elderly and on the cost of providing communal meals to the elderly, the letter urged that the program be increased from the $100 million level requested by the administration to $150 million. Only a small percentage of the target group of isolated low-income elderly persons now are served by the program.

The nutrition for the elderly program originally was introduced by Congressman CLAUDE PEPPER and myself, and was enacted in 1972. Extension legislation has been passed by the Congress. The nutrition for the elderly program:

First. Funds nutrition projects assuring one hot meal per day for elderly persons at least five times a week. Each meal contains a minimum of one-third the recommended daily dietary needs for elderly persons.

Second. Serves the meals in sites accessible to the majority of elderly within the community. Schools, senior citizen centers, churches, and other public and nonprofit private settings are used.

Third. Requires outreach services to locate the isolated elderly.

Fourth. Has the sponsor provide a setting conducive to the inclusion of other social services as a correlary to the meal itself.

Fifth. Gives preference for staffing to the elderly.

The Federal Government underwrites costs for the nutrition for the elderly program on a 90–10 basis with the States. Over 200,000 meals are now served daily across the country.

I ask unanimous consent that the letter to Chairman MAGNUSON be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 9, 1974.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor-HEW Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: One of the areas that you have been particularly responsive to over the years has been the area of the aging. On several occasions, the Labor-HEW Subcommittee has responded to those needs by increasing the requested budget items for programs affecting our nation's elderly. I believe that the recent level of inflation and the increased evidence from nutrition studies justifies a substantial increase this year over the President's budget request for Title VII of the Older Americans Act, the Nutrition for the Elderly Program.

I introduced this measure with you and some 20 Senators as co-sponsors in the 92nd Congress. In the House of Representatives, Congressman Pepper was the chief author. The bill passed both Houses by an overwhelming vote and despite the vetoes of two appropriation bills by the Administration, it was funded ultimately at close to its full authorization. The experience with the program has been enormously successful in the past year of its operation. We have heard virtually unanimous support for the continuation of the program from participants, from sponsors, and even from the Administration which originally opposed the program. During hearings in May before the Senate Aging Subcommittee, the key complaint was a lack of funding for a program which still was meeting a very small percentage of the eligible participants.

Legislation extending the Nutrition for the Elderly Program, which I introduced in the Senate with Senator Percy and 27 other co-sponsors, was sent to the President on July 3 after being overwhelmingly approved by the Congress. This measure extends the program for three years and establishes authorizations of $150 million for fiscal year 1975, $200 million for fiscal year 1976 and $250 million for fiscal year 1977.

I believe that the $100 million budget request of the Administration for the coming fiscal year, the same as it requested each year since the program began, is inadequate. It does not reflect in any way the level of need for the program or the impact of inflation on both the low income elderly and on the cost of operating the nutrition program.

As of June 28, the Administration on Aging reported to me that they were at 97 per cent of the revised goal of serving 206,578 meals daily. According to AOA, the 664 nutrition projects were serving 201,000 meals daily at 4,714 community sites across the the country on that date. It is vital to recognize that the goal has dropped as a result of inflation by 20 per cent. The $100 million originally was expected to serve 250,000 meals. Now the expectation is that higher prices have reduced the number of meals that can be served to 206,578 meals. Thus, merely to reach the original year's goal, an appropriation of $120 million would be necessary. However, that level would represent a mere standstill operation, whereas the success of this program and the existing need, I believe justify a substantial increase to the full authorization level of $150 million.

While those figures emphasize the impact of inflation on the nutrition program, they do not reflect the impact of inflation on the elderly themselves and on their capacity to provide themselves with an adequate diet.

A special study on nutrition by the National Nutrition Policy Study, coordinated by Dr. Jean Mayer, found that the elderly poor are forced by inflation to cut back on the amount of their budget they can allocate to food. The result is that millions of elderly Americans are not receiving adequate diets and therefore the level of disease, the death rate, and the rate at which the elderly are forced into institutions is in danger of being increased. The extreme is found in the stories of elderly men and women buying pet food in order to obtain a sufficient quantity of food to survive.

Beyond the issue of need, initial evaluations also demonstrate that the Nutrition for the Elderly Program is successful in meeting other objectives as well. First, it has succeeded in reaching many isolated elderly men and women, bringing them back into daily contact with others and making their lives more enjoyable. Second, it has resulted in other supporting services being made available to the elderly. Third, it has been a magnet for attracting volunteers to work with the elderly. And finally, it has demonstrated a potential as a multiplier to entice additional public and private funds to be used to meet the nutrition needs of low income elderly.

All of these factors justify a substantial increase in the level of appropriations for this program. Therefore, I would hope that the full authorization of $150 million for fiscal year 1975 could be approved by the Subcommittee.

Once again, I want to express my appreciation for your consideration of these matters.

Sincerely,

TED KENNEDY.

MR. RUSH'S "ACTION PLAN" FOR ELECTRIC UTILITIES

Mr. HUMPHREY. Mr. President, I wish to call to the Senate's attention an article from the Wall Street Journal of July 3 concerning the administration's thinking about the financial situation of the electric utilities. The article is based on interviews with the President's Economic Counselor, Kenneth Rush.

The article refers to preparation of an "action plan" to aid the industry. As usual, however, the administration has no better ideas to alleviate such financial problems than to urge regulatory commissions to raise prices faster and to expand the industry's tax subsidies. This form of relief comes out of the hide of other Americans in their roles as consumers and taxpayers. It seems that the administration again is looking out for business, but that no one is looking out for the public.

I wish to take this opportunity to direct the attention of my fellow Senators and the public to testimony delivered before the Joint Economic Committee's Subcommittee on Consumer Economics, which presented some new ideas to relieve the financial bind of electric utilities. At a hearing on March 28, Prof. Charles Cicchetti of the University of Wisconsin, speaking on behalf of the Consumers Federation of America, pointed out that reform of utility rates could encourage a redistribution of electricity consumption from high-usage periods to parts of the day when usage is lower. This would permit greater use of the efficient, modern generating facilities and less use of less-efficient, older equipment. Moreover, it would ease the financial strain on utilities by slowing the need for capacity expansion.

Such redress of the rate structure would permit consumers to reap some of the savings from realining their consumption to periods of more efficient generation. It would require industry to pay the full cost of its consumption, depending on the time of day. This sort of pricing is known in economic terminology as peakload pricing. I placed Professor Cicchetti's testimony into the CONGRESSIONAL RECORD on March 29—pages 8890–91.

I also wish to note that Chairman John Nassikas of the Federal Power Commission, endorsed experimentation with this sort of price reform in his testimony on the same day. Although there is little experience with peakload pricing in the electric power industry, except in certain foreign countries, it has been used successfully in this country in setting air fares and telephone rates. I would suggest to Mr. Rush that he consider urging utility commissions to give some thought to this alternative instead of going whole hog simply for higher prices.

Mr. President, I ask unanimous consent that the summary of the interview with Mr. Rush, which appeared in the Wall Street Journal on July 3, be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Action Program To Aid Electric Utilities in Money Bind Is Slated by Nixon Aides

(By James P. Gannon)

WASHINGTON.—Alarmed at the worsening financial bind of the nation's electric utilities, the Nixon administration is preparing an "action program" intended to aid the industry, key officials disclosed.

White House Economic Counselor Kenneth Rush and Treasury Secretary William Simon said in separate interviews that the administration is drafting a program to aid electric utilities. Likely elements of the program, they indicated, include some form of "jawboning" or prodding of state utility regulatory authorities to act more swiftly and sympathetically on utility rate-boost requests, and a White House recommendation to Congress to raise the federal investment tax credit on utility plant and equipment spending.

The administration officials are concerned that the electric utilities are trapped in a tightening financial bind. At a time when the power companies face massive capital needs for new facilities to keep up with rising demand, borrowing costs are sky-high and investors are increasingly wary of utility securities. Meanwhile, soaring fuel costs and double-digit inflation are eating into their earnings.

"The utilities are in a very serious way," Mr. Rush, the administration's overall coordinator of economic policy, said. Their cash flow—internally generated funds from earnings and depreciation—is running far below capital needs for expansion, he added.

The industry's financial problems, Mr. Rush declared, are "very aggravated by the state of the money markets."

The White House official referred to the difficulty utilities are having raising money. A sharp decline in utility stock prices, which followed disclosure of the financial difficulties of Consolidated Edison Co. of New York, has made issuance of new stock an unattractive method of financing, while soaring interest rates and investor worries have made marketing of bonds costly and uncertain.

"We are considering what can be done for the utilities," Mr. Rush disclosed. "I have asked for an action program of how we can help the utilities," he said, adding that Treasury Chief Simon, who is "very interested in this," is drawing up the program.

Asked about Mr. Rush's remarks, Mr. Simon said the Treasury has had a "task force" studying the utilities' financial problems for several weeks. "The utilities need assistance," the former Wall Street investment banker said.

The Treasury's still-unfinished study, Mr. Simon said, tentatively points toward two conclusions: the utilities' need for "rate relief" and an increase in the investment tax credit for utilities. Mr. Simon stressed that these conclusions still are subject to review by the administration's entire economic policy team, headed by Mr. Rush, and by the President, before any final decisions are made. "We're coming down the home stretch on this," he said, though he wouldn't pinpoint any date for completing the Treasury's study.

"We are looking at the subject of tax policy as far as the investment tax credit for utilities is concerned," the Treasury official explained. He noted that under present law, utilities can deduct from their federal tax bill only 4% of the money they invest in new plant and equipment, whereas other industries are entitled to a 7% tax credit.

"For the sake of equity alone, I would favor" raising the utility tax credit to 7% from 4%, Mr. Simon said. However, he noted that such a change would require legislation and that President Nixon would decide on any final recommendation for tax charges.

As for utility rate increases, both the White House official and the Treasury Secretary indicated they'd like to prod state regulators to grant the rate boosts requested by the utilities. Mr. Rush said some state regulators "have been notoriously slow" in approving increases, which puts the power companies in a squeeze between fast-rising costs and fixed prices. The officials hinted that the administration may meet with state utility regulators to try to convince them of the need for quick action on rate requests.

CITICORP OFFERING SERIOUS THREAT TO HOUSING

Mr. PROXMIRE. Mr. President, I wish to express my strong support for Senate Concurrent Resolution 103, introduced by the Senator from Alabama, (Mr. SPARKMAN), last Thursday. This resolution would confirm that it was the intent of Congress, in passing the 1969 amendments to the Federal Reserve Act contained in Public Law 91–151, that the Federal Reserve Board have the authority to regulate any obligation issued by a bank holding company or any nonbank affiliate of a bank holding company. The 1969 act strengthened the authority of the Federal Reserve Board to administer regulation Q, which establishes the maximum rate of interest which commercial banks can pay on time and savings deposits. That act amended section 19 of the Federal Reserve Act to close a loophole in the law whereby banks were circumventing regulation Q by issuing short-term notes through a bank holding company or its nonbanking subsidiary.

CLARIFICATION OF FEDERAL RESERVE BOARD AUTHORITY

The purpose of this resolution is to reconfirm the intent of Congress, as indicated in the 1969 act, that the Federal Reserve Board has the authority to bring obligations issued by bank holding companies and their nonbanking subsidiaries under the regulation Q ceiling. The question of the extent of the Board's authority has arisen again, this time in connection with Citicorp's proposed offering of $850 million of floating rate notes in small denominations, currently awaiting approval by the Securities and Exchange Commission. These notes, although technically called 15-year notes, will in effect be short-term deposits, redeemable at 6-month intervals upon 30 days' notice. Since the rate of interest will be pegged at 1 percent above Treasury rates, considerably higher than any rate now offered by banks, this offering presents a great threat to deposits now held by depository institutions.

OUTFLOW OF FUNDS COULD DRY UP HOUSING MONEY

Congress must take swift action to prevent a potentially enormous outflow of funds from thrift institutions, which would spell disaster for the home mortgage market. In this time of soaring interest rates and an already severe shortage of mortgage credit, the proliferation of Citicorp-type offerings could dry up funds for housing altogether.

Since the Citicorp offering was announced, the holding company which controls Chase Manhattan Bank has followed suit, with an initial proposed offering of $200 million. Industry experts estimate that between $4 billion and $10 billion more of such offerings can be expected if the Citicorp issue is allowed to go through and is successful.

HUGE FLOW OF FUNDS AWAY FROM HOUSING

This would represent an enormous flow of funds, and most of this money could be expected to flow out of savings accounts. The Citicorp offering is cleverly designed to attract the deposits of the small saver and to get around Federal regulations controlling the rate of interest which banks can offer—regulations aimed at insuring banks' financial soundness while enabling them to attract deposits. Under these regulations, the highest interest rate which thrift institutions can offer at the present time is 7.5 percent for certificates of deposit and $1,000 or more to be held for 4 years. Commercial banks are held to a 7.25 percent ceiling on CD's. There is an interest penalty if the CD is cashed in at any point before maturity. Floating rate notes pegged above Treasury rates and redeemable at 6-month intervals will obviously draw funds away from thrift institutions, in this time of soaring interest rates and already severe shortage of mortgage credit.

George W. Mitchell, member of the Board of Governors of the Federal Reserve System, pointed out in a letter from the Board to the Chairman of the Securities and Exchange Commission that the Citicorp offering could divert the flow of savings from the residential mortgage market and deprive homebuyers of needed mortgage financing, which would be contrary to the public interest at this time. I quote from his letter:

> Competition for the funds of the saving public ought to be encouraged, as a general principle, because it increases the returns available to savers and normally tends to encourage efficient use of the nation's financial resources. Given the present sensitive state of financial markets and the extent to which savings institutions are already under heavy pressure, however, the result of the present large offerings—and any other offerings like it, whether issued by bank holding companies or other corporations—can well be to divert the flow of savings from the residential mortgage market and to deprive homebuyers of needed mortgage financing. It is not clear, therefore, that an offering of this type is in the public interest at this time.

The letter goes on, however, to state that the Board has no authority under current law to deal with this situation, since Citicorp states that the funds to be raised from this offering are to be channeled to its nonbank subsidiaries, rather than to its bank, First National City Bank.

FEDERAL RESERVE CREATURE OF CONGRESS

A number of us in Congress have taken issue with Federal Reserve Board officials on this matter, claiming that Congress did intend in the 1969 act to give the Board the power to regulate offerings of bank holding companies. Chairman Burns indicated in a letter sent to me on July 9 that the Board could take some action if Congress were to indicate "its intent, in Public Law 91–151, to give the Board authority to regulate the terms of the note issues of banking holding companies and their nonbank subsidiaries—regardless of the intended use of the proceeds." I quote further from his letter:

> This would make it possible, for example, for the Board to limit the ability of the issuer to offer investors the option of periodic redemption of their notes. This redemption opportunity—particularly since it applies from issue date forward at 6 month intervals—is the main feature that makes the proposed Citicrop issue appear similar to a time deposit.

ACTION TO CLARIFY CONGRESSIONAL INTENT

Mr. President, Senate Concurrent Resolution 103 is designed to respond to Chairman Burns' suggestion and to make it clear that Congress intended to have the Federal Reserve Board regulate obligations issued by bank holding companies regardless of the stated use of the proceeds. Obviously the proceeds of the offering will be of use or benefit to the bank, directly or indirectly. If they are channeled to a nonbanking affiliate, then that affiliate can channel other funds to the bank. And if these offerings compete directly with deposits to thrift institutions, they should be regulated under the authority granted by Congress to the Federal Reserve Board to regulate interest paid on deposits. Otherwise, Board would have no means of dealing with a serious threat of disintermediation on a wide scale, which the Citicorp offering and others like it represents.

I repeat that Senate Concurrent Resolution 103 was introduced last Thursday, July 11, in response to Chairman Burns' request for clarification of congressional intent in Public Law 91–151. That resolution, introduced by Senator Sparkman, chairman of the Committee on Banking, Housing and Urban Affairs, and cosponsored by myself and three other members of that committee, Senators Williams, Cranston, and Brooke, gave a clear indication that Congress was taking action on this matter and moving to block this potentially massive outflow of mortgage funds from thrift institutions.

UNWARRANTED ACTION BY BURNS

Mr. President, I was astounded and angered to learn, late Friday afternoon, July 12, on a day when the Senate was not in session, that Chairman Burns had written to Walter B. Wriston, chairman of First National City Corp., withdrawing his objections to the projected Citicorp note issue. With congressional action immediately in the offing, Chairman Burns nonetheless took it upon himself to declare that Citicorp's concession that none of these notes would be redeemable before July 1, 1976, allayed the Board's concerns about the effect on thrift institutions. Thus, in effect, he gave the offering the Board's seal of approval, with only a perfunctory mention of the possibility of remaining serious doubts on the part of Congress and other regulatory agencies.

There is no doubt in my mind that the Citicorp offering, and others of its type which are bound to follow, will—if permitted to continue—drain off funds from our thrift institutions and torpedo our already foundering housing industry. The terms are still better than those available from thrift institutions under regulation Q. Chairman Burns' action in approving the offering, in advance of pending congressional action, is both precipitate and in blatant opposition to the intent of the U.S. Congress.

THE WORLD FOOD CRISIS

Mr. HUMPHREY. Mr. President, Senate Resolution 329 urges the United States to respond forthrightly and provide moral leadership in the face of the present world food crisis. I ask unanimous consent that the text of the resolution be printed at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. Res. 329

Relating to the participation of the United States in an international effort to reduce the risk of famine and lessen human suffering

Whereas world food reserves are at a dangerously low level with less than four weeks supply remaining; and

Whereas dramatic increases in the prices of petroleum, food, and industrial commodities have placed needed quantities of these critical items beyond the financial reach of some forty of the poorest and most seriously affected developing countries with over one billion people;

Whereas the immediate capability of these countries to produce adequate supplies of food for their people is further limited by the worldwide shortage of high-priced fertilizer thus creating a critical world foor situation for hundreds of millions of people; and

Whereas the American people have a long and proud tradition of acting to combat famine and to relieve the needs of hungry people at home and abroad; and

Whereas it is in the self-interest of the United States to relieve starvation and hunger, which are the breeding ground for economic and political instability; and

Whereas the United States has recently announced its willingness to work with other nations in a cooperative effort over the next eighteen months to help those nations most severely affected by the recent price rises and food supply shortages; and

Whereas the dimensions of the present crisis call for an immediate response on the part of all governments over and above what has been forthcoming in the past: Now, therefore, be it

Resolved, That it is hereby declared to be the sense of the Senate that—

(1) the contribution by the United States to the growing economic and human crisis in the developing world should be primarily in the form of food and the means and technology to produce it;

(2) the President, the Secretary of State, and the Secretary of Agriculture and their advisors should (a) give the highest priority to the immediate expansion of American food assistance through the existing authority of the Public Law 480 legislation restoring title I sales and title II grants to at least the 1972 commodity levels and (b) take such additional steps as might be necessary to expedite the transfer of American food commodities on concessional and donation terms to those nations most severely affected;

(3) the United States should increase its matching pledge to the world food program for 1975–1976 and encourage other nations to do so;

(4) the President and the Secretary of State should (a) negotiate with other major food exporting nations to seed to obtain their participation in this emergency effort proportionate to their share of world food exports; and (b) strongly encourage oil exporting nations to contribute a fair share of these efforts to assist the most severely affected nations;

(5) the United States should announce its desire to work with the oil exporting and other nations in a major effort to increase world fertilizer production with the possibility of including the offer of American technology and capital;

(6) the President should encourage the American people to reduce the noncritical, non-food producing uses of fertilizer which now total nearly three million tons of nutrient a year, to make available increased fertilizer supplies for raising food production at home and in the developing world.

Sec. 2. It is further declared to be the sense of the Senate that the President of the United States and the Secretaries of State and Agriculture should, and are hereby urged and requested to (a) maintain regular and full consultation with the appropriate committees of the Congress and (b) report to the Congress and the Nation at regular intervals on the progress toward formulating an American response in a cooperative framework to the world food crisis and the needs of the most severely affected developing countries.

Sec. 3. The Secretary of the Senate is directed to transmit copies of this resolution to the President, the Secretary of State, and the Secretary of Agriculture.

Mr. HUMPHREY. The original cosponsors of the resolution were Senators Aiken, McGee, and Young. Subsequently, Senators Abourezk, Bayh, Biden, Brooke, Burdick, Case, Chiles, Clark, Cranston, Dole, Hart, Hatfield, Huddleston, Hughes, Inouye, Jackson, Javits, Kennedy, Mathias, McGovern, McIntyre, Metcalf, Mondale, Moss, Muskie, Nelson, Packwood, Pearson, Schweiker, Stafford, Stevenson, Tunney, and Williams also joined in cosponsoring.

We were fortunate in having a number of outstanding witnesses at the hearings. Mother Teresa appeared as a special witness testifying on the conditions of the world's poor.

Mr. President, I ask unanimous consent that my statement at the hearings, as well as that of James Grant, president of the Overseas Development Council, be included in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Statement by Senator Hubert H. Humphrey on the World Food Resolution, Senate Resolution 329, Senate Committee on Foreign Relations July 11, 1974

Today we have before us a World Food Resolution which has the support and sponsorship of thirty-six Senators. Others have indicated their intention to support it when it comes to a vote. The House will hold hearings shortly on the same Resolution.

This Resolution forthrightly declares that the United States should respond with humanitarian food assistance to meet the present world food crisis.

The Resolution does not propose that the United States either can or should try to feed the world. In a world where food scarcity is likely to be the order of the day, we can play a useful role, but there are limits on our productive capacity. Other nations also should make contributions.

Every effort must be made to step up food production. The developing countries have the potential to greatly increase their production, and I am especially hopeful that the November World Food Conference will squarely face this need.

In my speech at the United Nations on May 9, I outlined a four-part world food action program—including increased food aid, stepping up fertilizer production, establishing national and world food reserve programs, and expanding agriculture production.

This Resolution deals with the first two elements of the program—increasing U.S. food assistance and expanding world fertilizer production. The Resolution attempts to deal with the present crisis.

The two longer range proposals—stepping up agriculture production and establishing national and world food reserves—are important, and they need to be dealt with at a number of levels. Last year we made changes in the Foreign Aid Program which should lead to increased agriculture production.

I have legislation to establish a U.S. food reserve program which the full Senate Agriculture and Forestry Committee is scheduled to take up next week.

The World Food Conference will take up the proposal that a World Food Reserve program be established, and this idea should receive careful consideration.

The warnings concerning the danger of famine have been growing. Experts such as Dr. Norman Borlaug have reported for some time that millions could perish. World food reserves have dropped dramatically, and are now estimated to be in the 3 to 4 week level.

A recent UNICEF report indicates that malnutrition is a likely prospect for 400 to 500 million children throughout the world. Across Africa's broad equatorial belt, famine already stalks, and that same threat also exists for other areas of the world—especially South Asia.

The American people have been raising their voices concerning the nature of the problem. They are rightly concerned and, I am convinced, they will respond with generosity as in the past.

However, the nature and scope of the problem must be explained. The media has greatly expanded its coverage of this topic in recent weeks. But the Administration must respond with leadership in recognizing and dealing with the problem.

In Europe's dark hour after World War II, we responded with great generosity. The Marshall plan is without question one of America's shining achievements. We must recognize that leadership was needed by the Government to explain what was at that time a major departure from our past policies.

Yesterday, we celebrated the twentieth anniversary of the Food for Peace program. This too is one of the proud chapters in America's history.

This program gives us an existing and effective mechanism to respond to today's crisis.

But we need to realize that now is the time to respond to this emergency. We must realize that with the new harvest, the prices for grains are likely to drop even lower than at present. Foreign nations may come in and buy up some of our harvest at bargain prices.

The Administration has hinted that the U.S. might be able to step up its assistance because of the strong prospect of a bumper crop. It has conceded that there will likely be a need for increased U.S. food assistance. Unfortunately, I do not see or hear in this any urgency or call to action.

In my New York speech, I called for the United States to restore its food assistance to at least the 1972 levels. I also urged other food surplus countries to join in the effort on a sharing basis, proportionate to the volume of their exports.

For the very poorest countries, I recommended providing increased food on conventional, concessional Food for Peace terms. In the case of other developing countries, the terms might be cash paid in the amount of the July 1972 price, with the balance between that and the present market price to become a long term consessional credit.

My concern is not over the terms, important as they are. I am interested in having our Government make a firm declaration supporting expanded food assistance. I would like to have a firm endorsement of this Resolution.

Unfortunately, our Government has divided counsel over how or even whether to respond. Secretary Kissinger recently indicated his general support for the Resolution, but I am not aware of whether the Administration has reached any firm conclusions on expanded food assistance.

Delay also means less time for a well-planned response. It is in our interest to be forthcoming and set a positive example for the world in dealing with raw materials.

We can and we must respond. I call upon the Administration to make a positive commitment without further delay.

An International Effort To Reduce the Rise of Famine and Lessen Human Suffering

(Statement of James P. Grant, President, Overseas Development Council, Submitted to the Senate Foreign Relations Committee, July 11, 1974)

Mr. Chairman and Members of the Committee: I welcome the opportunity to testify at your invitation before the Senate Foreign Relations Committee on Senate Resolution 329 which calls upon the United States to participate in an international effort to reduce the risk of famine and lessen human suffering. These hearings are most timely for a number of reasons.

First, events of the past eighteen months have vastly increased the problems of the poor throughout the world—particularly in the poorest countries, whose prospects can be expected to deteriorate over the next several years. Barring major international action, the combination of the doubling to quadrupling of food and energy prices and the cutback on fertilizer exports dooms millions in these countries to premature death from increased malnutrition and even outright starvation. In the poorer developing countries, the effect of rising food prices is far more serious for the average family than in the United States. In a city such as Bombay, the poorer half of the population spends over 80 per cent of its income on food. Moreover, these high expenditures already represent a minimal level of consumption—since in India the average consumption of grain taken directly and indirectly is only 380 pounds per year, compared to a 1972 per capita average of 1,850 pounds in the United States, and compared to the U.S.S.R.'s per capita average of 1,450 pounds. Faced with the doubling of grain prices, the poor in Asia and Africa have nowhere to go but "down the nutrition ladder" to more acute malnutrition and greatly increased deaths from their weakened condition.

Second, a new "Fourth World" is emerging, made up of some 40 of the poorest and slowest growing countries with a total population of nearly one billion people. These countries are so seriously threatened by the combination of soaring food and fertilizer prices on the one hand, and of skyrocketing oil prices on the other, that they face the prospect of disaster during the next several years unless there is a major, stepped-up international effort to assist them in meeting new threats that were not primarily of their own making. Many of these governments can be expected to topple under the new stresses.

International price rises and supply dislocations will require these countries to pay some $3 billion to $4 billion more per year for essential imports than appeared likely one year ago; some 50 to 60 per cent of this total will go to the OPEC countries for oil, while some 40 to 50 per cent will go to the United States, Canada, Australia, Japan, and oher developed countries for costly food, fertilizer, and other critical imports. Additional amounts of some $1 to $2 billion annually will be required to help the poorest developing countries to increase their food production and indigenous energy production (where economical domestic production is an alternative) so that they will be less dependent on high priced imports in the future.

Third, the world food situation is dangerous—for the entire world, but particularly for the developing countries—and considerably more so than was expected by most observers one year ago. World food stocks are at their lowest level since the World War II era. Reserves calculated on the basis of stocks in the major food-exporting nations and readily usable land being kept out of production are now estimated at 26 days of global consumption—down from 36 days one year ago, and 90 days in 1970. Thus, it must be recognized that poor weather over any widespread area during the next 18 months would trigger an acute world food crisis.

Fourth, the present shortage of nitrogenous fertilizer production capacity ensures an even more dangerous food supply situation for important parts of the developing world for at least the next several years, especially if the industrial fertilizer-exporting countries do not change their present practice of export restraints, which discriminates against the poor countries. The lives of millions are threatened by the inability of the developing countries to purchase essential quantities of fertilizers—even as Americans are continuing to use scare fertilizer for such clearly non-priority purposes as lawns, golf courses, and cemeteries in ever-increasing amounts that already exceed the total fertilizer shortfall in the developing counties, estimated at 2 million tons for the current crop year. This shortfall represents roughly 16–20 million tons of grains, or the normal consumption of about 100 million people. Moreover, for food-importing countries, each $1 worth of nitrogenous fertilizer they are unable to import now will require $5 worth of high-priced food imports a year later. It is estimated that this shortfall could cost these countries more than $3 billion in scarce foreign exchange.

A fifth reason why these hearings are particularly timely is that U.N. Secretary-General Waldheim, acting pursuant to the resolution of the U.N. General Assembly's Special Session on Raw Materials in April 1974, has launched a major drive to raise emergency assistance to help the countries most severely affected by these soaring prices to tide over the next 12 months, pending the establishment of longer-range measures to help them regain stability and forward momentum in their development efforts. Other major industrial countries already have stated their willingness to provide their fair share to an emergency fund of at least $3 billion, as have a number of the OPEC countries. The United States, however, has yet to indicate the extent or timing of any U.S. contribution, despite the fact that it has been far less hurt by the recent crises than the other industrial countries, and in some ways—for example, through the higher prices of its food exports—has even benefited from these developments. Continued delays of a U.S. commitment could jeopardize the success of the entire effort.

Sixth, Secretary Kissinger, in my judgment, acted very much in the global interest of the United States when, at the U.N. General Assembly's Special Session on Raw Materials in April, he both spoke in favor of increased food aid and a stepped-up cooperative effort to increase food production in the developing countries and again reaffirmed the importance he attributes to the World Food Conference that will convene in Rome in November. Unfortunately, his words have not yet been followed by concrete action. Senate Resolution 329 proposes an important part of any such program.

The United States, the food and fertilizer center of the world, today is not implementing even the semblance of a global food policy—beyond that of maximizing profits for agricultural exports. The past two years give evidence of an accelerated, large-scale erosion of the comprehensive set of humanitarian assistance policies that for 20 years served as a symbol of America's concern. U.S. food aid this past year was only 40 per cent of its volume of two years ago, and approximately one-half of this greatly reduced amount went to Indochina. Humanitarian food policies have virtually dissolved under the combined impact of lucrative export markets and governmental fear of aggravating high food prices in the United States. Increasingly dependent on the commercial market for food, the poor and the poorest countries have had to compete for scarce food with the rising demand of the increasingly affluent in Japan, the Soviet Union, Western Europe, and North America. Prices have soared to the great benefit of the American balance of payments and to the greatest detriment of the poorest of the poor.

SR 329 correctly urges the President to restore food aid to at least the FY 1972 levels—approximately 9.5 million tons—and to encourage the American people to reduce their non-farm uses of fertilizers—now requiring nearly 3 million tons a year—to make available increased fertilizer supplies for raising food production in the United States and in the developing countries. The life-saving benefits that increased availability of food and fertilizer would bring to great numbers of people in the developing countries is obvious. The increased availability of fertilizers to American farmers should result both in increased food production and lower prices in our supermarkets.

Decisions are urgently needed from the United States, the world's primary breadbasket and largest fertilizer producer to give substance to Secretary Kissinger's statements on global food policy. As was stated in the *London Times* on March 29:

"What the Americans finally decide will be crucial. They have been extraordinarily generous in their former years, but now they are 'to an extent the Arabs of much of the world's food supply.' "

Unfortunately, three and one-half months later these decisions do not yet appear to have been taken. On July 9 it was still possible for the *New York Times* to editorialize:

"Despite the experts' gloomy forecasts, it is not apparent that the scope of the problem is even now recognized or admitted—at the highest levels of the United States Government. The responsibility for formulating policy is fragmented and diffused. If headway is to be made toward solutions of the problem at the United Nations food conference in Rome in November, significant leadership will have to be exerted by the United States.

"Somehow, between now and November, the United States will have to recapture and sustain the level of concern which prompted Secretary Kissinger to propose the conference in the first place. The effort will require the urgency and application of will and ingenuity that have been invested in detente and the Middle East. The problem is that big."

Some of the basic factors which are essential to the making of these decisions are discussed in the attached detailed testimony on the effect of the energy, food, and fertilizer shortages, and price rises on the poorest countries and on our policies toward them. The Overseas Development Council has been very much involved in world food issues as part of its concern with the relationship of the United States and the developing countries. I also include as an attachment to my statement the first and summary chapter of the Council's new book, *By Bread Alone*, by my colleagues Lester Brown and Erik Eckholm. This study, to be published in September, is intended to set out the food issues before the World Food Conference in a comprehensive and timely context.

RECOMMENDATIONS

In its recently published second annual assessment of the issues involving the United States and the developing countries, *The United States and the Developing World: Agenda for Action, 1974*, the Overseas Development Council recommends a number of immediate actions, summarized below, which address the urgent problems posed by the energy, food, and fertilizer crises and are relevant to legislation now before this Committee—including SR 329 and the Foreign Assistance Act for FY 1975, which requests an increased authorization of $255 million for help to rural development, food production, and nutrition:

(1) Agreement by food-exporting countries to set aside a portion of their food exports for transfer on concessional terms to the poorest countries;

(2) A parallel agreement by capital-surplus, oil-exporting countries to set aside a portion of their oil exports for transfer to the poorest developing countries on concessional terms, or to set aside a small portion of oil revenues for development, or both;

(3) Agreement on a global system of increased food reserves to meet future shortages;

(4) A joint effort by the capital-surplus oil exporters and industrial countries to help the poorest developing countries with their immediate and expanding needs for fertilizer;

(5) Agreement to launch a worldwide effort to expand low-cost food production, with particular emphasis on the poorest countries, and early action on IDA replenishment;

(6) Agreement on a cooperative effort to help all countries find substitutes for oil, including (a) an exchange of information on energy technology, and (b) financing by capital-surplus countries;

(7) Agreement on such short-term financial support for the price-distressed poorest countries as debt postponement.

These actions would be mutually reinforcing if all or most of them could be secured. Their total impact would go well beyond dealing with immediate problems of the current economic turmoil to hold out the prospect of accelerated development.

CONCLUSION

In many ways, the world in 1974 is at a watershed comparable to that of the mid-1930s, when the world chose the wrong direction and proceeded on to World War II, or that of 1947, when the decisions taken led to a new cooperative world order which, for all its obvious imperfections, has taken the world to unprecedented levels of cooperation and prosperity. The need in 1974 is for a sense of vision and cooperation comparable to that of the late 1940s.

The past year has clearly indicated what can lie ahead if, by preference or by lack of foresight, the law of the jungle, rather than cooperation, remains the response of nations. Many of the new problems of global scarcity brought on by rising affluence and increasing populations certainly should be amenable to alleviation, and possibly even to solution, through cooperative international action. The United States, the world's breadbasket and the major beneficiary (by over $6 billion) of scarcity-derived higher prices for its food exports, has a special responsibility for helping the hardest-hit countries at least on the food aspects of the world economic crisis. By skillfully handling the world's most essential raw material—food—whose supply it dominates, the United States might also begin to pioneer and formulate new "rules of the game" for access to supplies, for increasing production to meet demand, and for the establishment of global food reserves—new rules that could be to the benefit of all nations in the management of increasingly tight supplies of essential global resources. Encouragement of constructive U.S. leadership by this Committee and the Congress as a whole is critically important at this time.

ENERGY, FOOD, FERTILIZER, AND THE NEW FOURTH WORLD

AN EMERGING NEW ORDER

Any meaningful assessment of the implications to be drawn from the energy and food crises of the past year must take into account that these shortages are primarily a result of a newly emerging international economic and political order resulting from the unparalleled economic growth of the past quarter century. Global shifts of this magnitude rarely take place smoothly. A principal challenge for the future is how to accommodate to the structural changes required as a result of the progress of the past 25 years without sentencing whole nations and much of mankind to unnecessary suffering—and even premature death.

The jarring changes the world has experienced in the past year have resulted from two quite different sets of circumstances—short-term and cyclical factors on the one hand, and longer-term and more permanent kinds on the other. With respect to the short-term circumstances, the early 1970s witnessed an unprecedented business boom caused by the simultaneous expansion of all the industrial economies for the first time since World War II. Other major but short-term factors have included unprecedented droughts in the case of food and the Middle East conflict in the case of oil.

Viewed from the perspective of ten years hence, however, the shortage crises of the past year—while accelerated by the short-term factors—will probably be seen as essentially the product of major long-term trends: continuing rapid economic growth taking place within the constraints of an often finite physical system and or relatively inflexible political and economic structures. As the global scale of economic activity has expanded—from roughly $1 trillion in global production in the late 1940s to some $4 trillion in 1974—it has begun to push the global system increasingly to the limits of its adaptive capacity. There was relatively little strain on the world system 25 years ago, but as the world approached its third trillion dollars of global production in the late 1960s, signs of stress began to appear at many points. We began experiencing an ecological overload, ranging from massive environmental pollution in cities everywhere to an over-harvesting of the world catch of table-grade fish, which appears to have led to a decline and fluctuation in the world fish catch over the past three years. Global increases in population growth, averaging 2 per cent a year, as well as in affluence, averaging 3 per cent per capita annually, have increased the demand for food by some 30 million tons each year, thereby straining the productive capacity of the world agricultural system. Even in the case of many commodities for which additional productive capacity exists, for example oil and coffee, soaring world demand is bringing about sufficient shifts from the buyers' market circumstances of the last 25 years to those of a new sellers' market.

It bears remembering that the period since World War II was characterized largely by material surpluses. The central economic issue of the period was access by producers to the markets of consuming nations. The international rules developed under the General Agreement on Tariffs and Trade (GATT), the Kennedy Round of trade negotiations in the 1960s, the key resolution by the developing countries at the past three UNCTAD conferences, and the proposed Trade Reform Act of 1973 have all taken place or been developed in this context of seeking to safeguard and to increase access to markets. Recent events indicate that an equally important, or even more important set of issues is taking shape around the question of assuring consuming nations reasonable access to resources—such as energy, minerals, grain, fish, soybeans, and timber—and on the associated need to develop global approaches to the new worldwide problems arising from scarcity in the marketplace. The shift from traditional buyers' markets to global sellers' markets for an ever lengthening list of commodities is bringing a host of profound changes, many of which are still only remotely sensed.

ENERGY, FOOD, AND FERTILIZERS: THE PRICE SHOCK

The "price shock" which many developing countries are experiencing comes primarily from two quite different factors: (1) the increase in oil prices, (2) higher prices for essential food and fertilizer from developed countries. If prices remain at current levels (which are four times those of 1972), the non-oil-exporting developing countries will have to pay $10 billion more for necessary oil imports in 1974 than in 1973. Some $2.5 billion of this total will represent the increase in the oil bill of Latin American countries. Moreover, it is likely that most of this money will be "recycled"—in the form of purchases and investments by oil-exporting countries—not into the economies of the hardest hit non-oil-exporting countries, but into those of the developed countries. At the same time, the increased cost of the food and fertilizer imports of the non-oil-exporting developing countries from the developed countries will exceed $5 billion. With wheat and nitrogenous fertilizer prices more than three times those of 1972, the increased import bill for these two commodities alone (primarily from the United States) will be over $3.5 billion.

As a consequence of these rises, the developing countries will need to pay some $15 billion more for essential imports in 1974. The massive impact of these price increases is indicated by the fact that they are almost double the $8 billion of all development assistance that the developing countries received from the industrial countries in the same year. Additional to these are the substantial expenditures required to cover price rises of manufactured products from developed countries, increases which totaled 19 per cent in 1973 for exports from OECD countries as a whole.

Equally important, many developing countries will be further damaged if the present worldwide economic slowdown is allowed to drift into a major global recession. Their export earnings would be reduced, and those countries depending heavily on workers' remittances and on revenues from tourism—for example Mexico, Turkey, and the Caribbean countries—would suffer additional harm. Whether a global depression can be avoided depends on how the developed countries (and notably the United States) react to the new situation.

For virtually all developing countries, however, an offsetting factor is the higher prices they now receive for their commodity exports. Thus, the nearly $2 billion Brazil pays in price increases in 1974 for its imports will be substantially offset by the much higher prices it is receiving for its commodity exports (coffee up 36 per cent, soybeans 79 per cent) compared to two years ago. It is not a major offset for many other countries, however. For India, for example, the increases in the prices of its exports (up 19 per cent for tea, 17 per cent for jute) only offset the increased costs of manufactured imports.

EFFECTS OF THE PRICE INCREASES ON PARTICULAR DEVELOPING COUNTRIES

Beyond these general effects on all of the developing countries, however, the impact of price increases, as already indicated, varies greatly among individual developing countries. The major oil exporters—including Venezuela and Ecuador in Latin American—are one category of developing countries which obviously benefits. These countries—whose combined population of more than one quarter billion is greater than that of North America, or the European Community, or of Latin America—will be in a greatly improved position to accelerate their economic growth. However, the degree of benefit varies sharply among the countries within this group. Thus Venezuela's increased earnings from oil alone will in 1974 more than triple its total imports of $2.4 billion in 1973. Indonesia, which is an extremely poor country within this category, now benefits only to the extent of $20 per capita from the oil price hikes; but even in this case, the additional oil earnings—in combination with the good prices it is getting for its other raw material exports—will remove foreign exchange as a major constraint on its development effort.

It must be noted, however, that increased foreign exchange availability does not remove, although it may alleviate, other major development constraints—the many social problems faced by most oil-exporting countries. Thus in such disparate countries as Venezuela, Nigeria, Algeria, and Indonesia, the serious unemployment and income maldistribution problems which are largely a consequence of their economic and social structures and policies have not been solved, and may only be eased, by growing availability of foreign exchange. Djakarta's vast urban slums and its recent riots are vivid reminders that growing social problems can exist side by side with accelerating economic growth and increased foreign exchange earnings. Saudi Arabia and the Persian Gulf Emirates also face major problems of transition from feudal to modern structures. These countries will need continued technical cooperation in solving their development problems, but they clearly no longer require any capital financing on highly concessional terms.

A second category of developing countries consists of those non-OPEC countries which, on balance, have not been significantly injured by the price trends of the past two years or those that appear to be net beneficiaries. Some of these countries are self-sufficient in oil or are minor oil exporters; some benefit substantially from their exports of other raw materials whose prices are increasing; and some enjoy both of these advantages. China, Colombia, Mexico, Bolivia—and, shortly, Peru as well—are in the first sub-group, while Malaysia, Morocco, Zambia, Zaire, and probably also Brazil belong in the second. Tunisia because of its phosphates, and Bolivia because of its tin are examples of minor oil-exporters benefiting under both headings. The countries in this broad category range from Brazil, whose advantages in other areas will largely offset the net effect of the price changes of 1972, to Tunisia, Malaysia, or Bolivia, which will benefit significantly from the changes in terms of trade—though to a much lesser extent than the OPEC countries.

Mexico and Tunisia, however, also belong to a *third category* of countries—those which will suffer disproportionately from any economic slowdown in the industrial countries because of their close linkages with the major industrial regions of the West. These are nations which during the past 15 years have successfully capitalized on their physical proximity to the industrial countries to increase their earnings from tourism, workers' remittances, and exports of agricultural perishables. Greece, Spain, Turkey, Yugoslavia, Tunisia, and Algeria are among those who have benefited greatly from their participation in Western European economic expansion. Thus, in 1973, Yugoslavia and Turkey each earned more than $1 billion from workers' remittances, and Yugoslavia earned an equivalent amount from tourism as well. Mexico and the Caribbean have been the most conspicuous gainers from proximity to the booming North American market. Mexico's tourism earnings, for example, exceeded $1 billion in 1973.

A related but somewhat different group of countries includes countries such as South Korea, Taiwan, Hong Kong, and Singapore, which are closely integrated with the world economy but almost entirely through the processing of goods. The energy component of their imports is very large, and they also are substantial food importers. The combined increase of South Korea's oil and food bills in 1974 is likely to approximate $1 billion. These countries clearly are affected adversely by the greatly increased prices of the energy and raw materials they need. However, the crisis period for such countries may well be of relatively short duration, since—provided that there is no major global recession and the market continues strong—they should be able to pass along much of the extra cost to the buyers of their manufactured exports. In recent years, most of these countries have developed sizable foreign exchange reserves, as well as established patterns of access to export credits and to Wall Street and Euro-dollar markets.

Because of the inherent strength of the ties of these two groups of developing countries to the industrial economies, their problems of adapting to the new price structure should not prove impossible unless the slowdown in the industrial countries is serious and long-lasting. In 1974 and 1975, many of these countries will need access to funds of a type which should be relatively easy for the international economic community to provide if the Western nations wish to accommodate the needs of these countries. Many of the measures developed for assisting the OECD countries to adjust to the higher oil prices should be applicable to them as well, and it should be possible to ensure their continuous access to the Euro-currency markets and export credits despite their short term difficulties.

The fourth and final category of countries consists of the hard core of seriously troubled countries, totaling about forty in number. Most of these countries are in tropical Africa, South Asia, and the Central American-Caribbean area, but the category also includes Uruguay, and possibly Chile and the Philippines. It is important to realize that these countries together contain some 900 million people—nearly half the population of the developing world exclusive of

China. For this group of countries, the consequences of the changes from 1973 are overwhelmingly negative. Most of these countries not only are the poorest in the world at present, but also have the most dismal growth prospects for the future. Their net share of the identifiable adverse effects of the recent price increases amounts to some $3 billion. In addition, these countries face imponderables such as the cost of reduced direct private investment in the wake of these economic disruptions, or the decline in their export earnings due to the global economic slowdown in 1974. Finally, if the countries in this category are to maintain their development momentum, they will need major additional investments either to increase their food, fertilizer, and energy production to reduce their dependence on these high priced imports, or to establish new export industries to enable them to pay their vastly higher import bills—or both.

Extraordinary measures will need to be found to assist these countries. Most of the measures suitable for helping the third category of countries described above are not suitable for the fourth category. These poorer countries are unable to assume large additional amounts of short term or medium term credits on near-commercial terms because of their already high debt burdens and limited foreign exchange earning capacity.

WORSENING WORLD FOOD SITUATION

It has been apparent for approximately a year now that the current international scarcity of major agricultural commodities and the major drawdown of world reserves reflects important long-term trends as well as the more temporary factor of lack of rainfall in the Soviet Union and large areas of Asia. We probably are witnessing in the world food economy a fundamental change from two decades of relative global abundance to an era of more or less chronically tight supplies of essential foodstuffs—despite the return to production of U.S. cropland idled in recent years. A major reason behind this shift has been the fact, as noted earlier, that growing affluence in rich countries is joining population growth in the poor countries as a major cause of increasing demand for foodgrains. At the same time, over-fishing has interrupted the long period of sustained growth in the world fish catch—thus limiting the supply of another important protein source.

As a consequence of these fundamental changes and the temporary phenomenon of drought, global food stocks have been dropping in recent years. Including the idled cropland as a ready second line food reserve, the global reserves have dropped from the equivalent of 69 days of consumption in 1970 to some 36 days of reserves by last summer. Despite the highest grain production and the highest grain prices in history in the current crop year, global reserves are continuing to fall and reached the level of only the equivalent of 26 or 27 days' supply by the end of fiscal year 1974.

Food production prospects in the developing countries for the current crop year beginning in July are even less hopeful than they were last fall. Most developing countries will be even more short on foreign exchange, as a result of the doubling of energy prices last December, and shortages of imported energy, fertilizers, pesticides and other farm inputs can result from this factor. In addition, the world is faced with a fertilizer shortage which will last at least for several years. Developing countries currently are hurt the most. This is evidenced by the 750 thousand to one million ton shortfall in India's fertilizer imports, which will result in an additional production shortfall of 7 to 10 million tons of grain, and could mean an additional import bill of $1.5–$2 billion. Barring some new governmental intervention, developing countries can expect their fertilizer supply to be cut back far more than will be the case in the industrial countries manufacturing fertilizers, where political priorities will make themselves felt. This is particularly unfortunate at times of global scarcity, since each additional ton of fertilizer used on rice in Bangladesh will possibly yield close to double the yield it will bring in Japan (or the United States), where already heavy fertilizer use has reached the point of rapidly diminishing returns.

In the United States, the combination of new acreage being restored to production, the greater use of fertilizers because of the much higher prices for grains, and the increased use of urea for feed have resulted in a "quasi-embargo" on U.S. fertilizer exports in recent months since October 1973. U.S. domestic urea prices are less than one-half those being paid by developing country importers when suppliers will sell to them. Japan, in recent years the world's largest fertilizer exporter, has cut back its production severely as a consequence of the energy crisis, to the point that its production so far in 1974 has been largely limited to meeting the demands of its politically important domestic market and supplying Communist China. It will be at least three years before adequate nitrogenous fertilizer capacity can be constructed, and more probably five or six years in the absence of a major international program.

The serious implications of this decreased availability of fertilizer for developing countries over the next several years become even clearer when it is remembered that if developing countries are to increase their agriculture by 4 per cent annually in the 1970s, their fertilizer use will have to increase by 14 per cent annually as contrasted to increases of 8–10 per cent in recent years. (Historical experience indicates that a 3.5 per cent increase in national fertilizer use is required for a developing country to increase its yields by 1 per cent.)

With the industrial countries favoring their domestic needs (including low-priority domestic needs) over the needs of the fertilizer-importing countries, the FAO projects a shortfall of 2 million tons of fertilizer in 100 developing countries from autumn 1974 to spring 1975. This represents roughly 16–20 million tons of grains, or the normal consumption of about 100 million people, which will cost these countries some $4 billion in scarce foreign exchange. For food-importing developing countries, each $1 worth of nitrogenous fertilizer they are unable to import now will require $5 worth of high priced food imports a year later. An FAO study concludes: "In the short run there is no way of bridging the gap between expected demand and supply capacity additional to that planned so that the world has to live with a worsening shortage in the meantime."

The adverse effects of this fertilizer shortage will extend far beyond the immediate loss in production in the developing countries. They also threaten to interrupt the whole forward momentum of the laboriously launched Green Revolution, which has been centered around encouraging farmers to use the new rice and wheat seeds, whose profitability depends on heavy use of fertilizers. Hundred of thousands of small farmers who have taken to the Green Revolution in recent years will now be faced with major difficulties, and many may revert to traditional varieties less dependent on fertilizer and pesticides.

The food problems of developing countries will be further aggravated by the likely continuing decline in world food aid at a time when soaring food and energy prices and fertilizer and energy shortages put them in great need. U.S. shipments under the Food for Peace Program were down two-thirds last year from the physical volume of several years ago, and no large increase is yet programmed for this year. Increased exports to the affluent countries is the principal reason. U.S. agricultural exports increased by $7 billion to $20 billion in FY 74, with some 90 per cent of the increase due to price rises.

Finally, it should be noted that global efforts to increase food production in the developing countries can reduce the rate of inflation in the United States in the mid and late 1970s. Rising global demand due to both population growth and affluence requires a 400-million-ton increase in grain production over the next 10 years, to reach approximately 1.6 billion tons by 1985. If the bulk of the increased food production required over the next decade is to come from the developed countries, the price of food will need to rise very sharply to cover the higher costs of producing it. New land can be put under cultivation in developed countries only at substantially increased cost, and increasing production through more intensive use of inputs such as fertilizer is likely to be even more costly. In the developed countries, the use of inputs is at a point of diminishing returns for most crops. Each additional pound of fertilizer applied to an already heavily fertilized acre of corn in Iowa or of rice in Japan now yields only one-half to one-third the increased output per acre resulting from the first applications of fertilizer.

On the other hand, if the bulk of the increase in production comes from developing countries, there may not need to be an increase in the cost of food. Because limitations of organization, financing, and applied technology have kept use of inputs low in most of the poorer countries, there are great opportunities for expanding production at very little, if any, increase in cost in these countries. An additional ton of fertilizer, for example, will produce 2–3 times as much additional rice and corn in South Asia as in Japan, Europe, or North America. According to one responsible source, to increase grain production by 100 million tons in developed countries will require 24 million tons of fertilizer; a comparable increase in developing countries would require only 10 million tons of fertilizer. The same contrast is seen in the use of energy in general. It now takes 10 calories of energy in the United States to produce one calorie of food, as compared to a one-to-one ratio fifty years ago. The developing countries, on the other hand, have large pools of underemployed labor which can be put to use.

The potential for increasing yields at low cost in India and Bangladesh can be seen by contrasting their production with that in the United States and Japan respectively. India, for example, has about the same crop area as the United States, with many similar charactertics. If India's yields equalled those of the United States, its current annual production would be 230 million metric tons rather than the total of approximately 100 million tons. Similarly, if rice farmers in Bangladesh attained Japanese yield levels, rice production would jump from 10 million to 40 million tons.

To ignore the potential of many developing countries for increasing food production at relatively low costs is to ensure higher rates of inflation throughout the world. Also worth remembering, as this Committee knows, is the fact that increased rural production in the developing countries (relying primarily on smaller farmers) not only would result in maximum production per acre but also would bring many of the ancillary benefits emphasized by this Committee last year—increased rural employment, decreased income disparities, reduced rural to urban migration, and lower birth rates.

STEEPLY DECLINING FOOD AID

Since 1954 the United States has maintained a large and generous food aid program under PL 480. This landmark measure made it "the policy of the United States to use (our) abundant productivity to combat hunger and malnutrition and to encourage economic development in the developing countries" through concessional sales under Title I and humanitarian grants under Title II. For nearly two decades, the PL 480 program was one of those fortunate and somewhat unique institutions which satisfied many goals simultaneously—providing an outlet for U.S. commercial surpluses building future commercial markets, aiding the economic development of recipient countries, supplying crucial U.N. and voluntary agency programs to improve the nutritional levels of vulnerable groups, and forestalling massive famine when natural disaster strikes.

Since 1966, the program has not been directly linked formally to the existence of large surplus stocks in the United States. Instead, a rationale for U.S. food aid was provided going far beyond the concept of surplus disposal to view food aid as an important foreign policy tool and a humanitarian responsibility. The continued presence of large food stocks and tens of millions of acres of idled cropland, of course, made the shift in rationale relatively easy to articulate. Events of the last year, however, have brought to the fore the unresolved contradictions and ambiguities inherent in the purposes of the program. Faced with low grain stocks last summer, the United States reportedly delayed shipping an additional 100,000 tons of grain for emergency relief to the Sahel until we were certain that the harvests later that year would replenish our supply.

As the following tables demonstrate, the recent emergence of food scarcity and high prices in the United States has led to a substantial reduction in the quantities of food supplied under PL 480. While the decline in dollar terms has not been great, when the program is examined by quantity and recipient country, the shrinkage is very dramatic.

In analyzing the recent decline in PL 480 aid, it is necessary to distinguish between Titles I and II of the program, since aid under the two titles is disbursed differently for different purposes. Under Title I, most food is sold under long-term loans for dollars or convertible currencies, with interest rates set below commercial levels. In contrast to past practice, since 1971, only small amounts have been sold for local currencies—and only where a genuine U.S. need for these currencies exists. The dollar value of Title I food-commodity exports increased slightly, from $549 million to $640 million, between FY 1972 and FY 1974. However, the total quantity of grains and high-protein products shipped in 1974 fell to less than a third of 1972 levels, and less than one-tenth the large volumes of the mid-sixties. Milk shipments were eliminated entirely. Even these figures are deceptive, for roughly half of all American food aid in 1974 has been supplied to two countries alone—South Vietnam and Cambodia. Table 1 shows the decline in the volume of food shipments under Title I of PL 480 from 1960 to the present.

TABLE 1.—PUBLIC LAW 480, TITLE 1: FOOD SHIPMENTS, 1972–74

[In thousand metric tons]

Commodity	1960	1965	1970	1972	1973	1974 (est.)
Wheat and products	8, 199	13, 705	5, 765	4, 615	2, 517	1, 005
Milk, dried, evaporated, or condensed	8	42	18	19	2	0
Rice	453	561	884	813	987	620
Corn, sorghum	787	728	1, 078	1, 217	1, 289	454
Vegetable oils	339	364	240	193	107	148

An examination of the country breakdown of Title I sales reveals more clearly the extent to which Title I sales have dwindled for most poor countries. As Table 2 shows, the portion of Title I food sales going to four nations in which the U.S. maintains a special security interest—South Vietnam, Cambodia, Jordan, and Israel—doubled in one year to reach 63 per cent in the current fiscal year. Half the wheat, two-thirds the feedgrains, and all the rice shipped under Title I this year is going to these four countries. With the total level supplied of each of the commodities already cut sharply, it is apparent that non-security Title I programs have been reduced much more substantially than aggregegate figures would suggest.

TABLE 2.—TITLE I: AID TO SECURITY ASSISTANCE COUNTRIES (SOUTH VIETNAM, CAMBODIA, ISRAEL, JORDAN) AS PERCENT OF TOTAL TITLE I

[Fiscal years]

	1972	1973	1974 (est.)	1975 AID presentation
Security assistance as percent of quantity, title I:				
Wheat	NA	15	47	29
Rice	NA	47	100	49
Feedgrains	NA	51	66	31
Vegetable oil	NA	22	9	16
Security assistance as percent of total food tonnage (wheat, feedgrains, rice, vegetable oil)	NA	31	63	35
Security assistance as percent of total food tonnage (wheat, feedgrains, rice, (vegetable oil)	NA	31	63	35
Security assistance as percent of value, total title I commodities	25	36	73	41

Source: U.S. AID.

Under Title II, most food is provided on a grant basis to governments, voluntary agencies, and the U.N. World Food Programme. The commodities supplied are used in nutritional programs for vulnerable groups such as mothers, infants, and school children; in "food for work" programs to build needed infrastructure such as irrigation and drainage facilities, schools, and roads; and in disaster relief activities.

Even the dollar value of Title II food shipments has fallen over the last two years from $380 to $248 million, and this, combined with soaring prices, has resulted in a devastating decline in the quantity of food supplied. Wheat shipments in 1974 are down one-half from 1973, and rice and milk shipments have disappeared altogether. Only the tonnage of coarse grains (corn, oats, sorghum), has risen, reflecting the shipment of 250,000 tons of grain sorghum to the Sahel.

TABLE 3.—PUBLIC LAW 480, TITLE II: FOOD SHIPMENTS, 1972–74

Commodity	1960	1965	1970	1972	1973	1974 (est.)
Wheat and producion	979	1, 473	1, 664	1, 614	1, 649	718
Milk (direid)	147	199	133	115	26	0
Rice	8	0	7	248	33	0
Corn, oats, sorghum and products	359	498	330	257	246	379
Blended food products	0	0	149	266	195	182
Vegetable oils	0	106	81	187	111	53

The shrinking supply of goods under Title II over the last year is having disastrous effects on the valuable programs of the voluntary agencies and the World Food Program, which depend heavily on U.S. food grants. In FY 1972, 90 million of the world's poorest people earned or received food originating within the Title II program, including 46 million in maternal, infant, and child feeding programs, 15 million in food for work programs, and 28 million in disaster and refugee programs. No one knows how many millions of the nutritionally vulnerable people have had to be cut from these programs as a result of the declining availability of food supplies under Title II documented above, but it almost certainly numbers in the tens of millions.

Ironically, as the USDA is predicting bumper crops and we are earning more from their sale than ever before, the amount of food made available to the voluntary agencies is shrinking just as the need is increasing and they are putting a new emphasis on the very kind of rural and agricultural development projects most necessary as a long-term solution to the present crisis—and even as the Congress has advocated increasing reliance on the private sector in our foreign aid activities. Similarly, the nutritional and public works projects of a growing and valuable international institution—the World Food Program of the FAO—are being cut back to levels lower than past years due to the declining purchasing power of its funds.

The sharp decline in actual shipments of food aid under each commodity supplied under PL 480 is shown in Table 4.

What is needed is a mechanism effective under the new circumstances of tight supply and increased human need for managing our own production and marketing so that our complex domestic, commercial export, and humanitarian export responsibilities can be met. There is no reason why we cannot meet reasonable export as well as domestic needs, provided that a means of orchestrating the balanced uses of our agricultural wealth be devised.

TABLE 4.—TOTAL PUBLIC LAW 480 SHIPMENTS, TITLES I AND II, FISCAL YEARS 1972–75

[Thousand metric tons]

Commodity	1972	1973	1974 (est.)	1975 (USDA presentation)
Wheat and products	6, 229	4, 166	1, 723	1, 882
Milk (dried, evaporated, condensed)	134	28	0	0
Rice	1, 061	1, 020	620	1, 000
Blended food products	266	195	184	150
Corn, grain sorghum, oats, and products	1, 474	1, 535	833	1, 411
Soybean products	4	1	1	0
Vegetable oils	380	218	201	224

THE WORLD FOOD PROGRAM

Special mention should be made that the World Food Program's (WFP) pledging target for 1975–76 is $440 million in food and cash. Officials are very optimistic about meeting this following the recent Saudi Arabian pledge of $50 million—making it the second largest donor behind the United States. The United States is pledged to underwrite 32 per cent of the total contributions up to the program total of $440, meaning up to $140 million for the United States. The 32 per cent portion for the United States represents a reduction from 40 per cent in the current pledging period and up to 50 per cent in past years. As of April 1, a total of $412 has been pledged.

Unfortunately, due to rising prices of both commodities and freight, many valuable planned development projects have had to be suspended or cancelled this year, and ongoing projects have been cut. According to WFP Executive Director Dr. Francisco Aquino, the tripling of commodity prices of 1973 has "resulted in an estimated shrinkage of the Program's "Food Basket" by about 40 per cent, which has seriously affected the Program's ability to meet its commitments."

Looking at projected prices last October, Dr. Aquino noted that pledgings of $650 million would now be necessary to enable the WFP to meet its planned goals for 1975–76. However, WFP officials accepted the more "realistic" target of $440 million, and proposed that target to the General Assembly last December where it was accepted. If pledgings of $440 million are achieved, it is expected that the total quantity of commodities available to the WFP during the period will be below the levels of 1973–74.

The WFP has played an increasingly valuable role, now in 88 countries with an emphasis on the "least developed," in meeting nutritional needs of vulnerable groups, food for work development projects, and disaster relief—most recently in the Sahel and Ethiopia. The list of projects now being suspended is a depressing one, including rehabilitation of war refugees in Pakistan and sorely needed irrigation projects in India. Thus the international community would do well to follow Dr. Aquino's plea and make every effort to exceed the $440 target by a substantial margin, just as the targets of the present period and of the 1969–70 period were exceeded. If the EEC comes through with a planned $60 million pledge which is yet to be approved by the Ministers, the target will be exceeded soon. If Iran and Kuwait, which have not yet pledged, decide to give substantial sums, and if other OPEC nations could be persuaded to follow the Saudi Arabian lead, it would be possible to salvage some of the plans which have been scrapped due to the commodity shortage. The United States could play an important role in encouraging further pledges by agreeing to continue providing 32 per cent of the total at levels beyond $440 million. The United States would be helping to strengthen an important international institution, and every project saved would serve highly worthwhile ends. The effect of higher prices on the poor, and the need for a crash effort to increase developing country food production rapidly, highlight the importance of WFP programs to build necessary agricultural infrastructure and alleviate malnutrition among the vulnerable.

THE SPECIAL ROLE OF FOOD AID

Concessional food sales and food relief measures have a crucial and unique role to play as the international community attempts to fashion a new order out of the current global economic malaise. As the impact of fertilizer scarcity and tight world food supplies emerges over the next year, it appears extremely likely that many food deficit nations will have large import needs but will simply lack the capacity to buy needed food at prevailing prices. A world program, led by the United States but also involving Canada, Australia, and possibly the EEC, to provide substantial levels of grain on concessional terms to the hardest hit nations may be absolutely essential during the next several years if large-scale disaster is to be avoided. Such a program would not have to be viewed as a permanent food aid effort; rather, the need is for a major emergency effort to tide over the nations hardest hit by the jarring events of the last year until fertilizer and food production can resume their upward trend, and the necessary economic adjustments to new world market conditions can take place.

Since agricultural development is such an important key to solving the present crisis of the Fourth World, food for work programs which enable the mobilization of manpower for construction of needed infrastructure must be seen as an important aspect of the overall aid effort. Nutritional programs for vulnerable groups must also be seen as an important aspect of both the immediate recovery effort, and the long-term food aid need. Therefore, as the U.S. food aid program is designed for the future, it is essential to preserve a major program of granted food aid like that now supplied under Title II of PL 480. To permit efficient planning of nutrition and development projects, particularly by the international voluntary agencies and the World Food Program, it is also essential to devise a means of providing some semblance of security of supply over a multiyear period. The food aid program must develop the flexibility to ensure that when commodity prices rise dramatically, extra funds will be forthcoming to prevent the wholesale dislocation of projects, for it is during times of scarcity that the projects assume their greatest importance.

There is much to be said for the recent proposal of the Church World Service of the National Council of Churches that a tithe, or ten per cent, of our exportable agricultural commodities, over and above our domestic needs, be used annually to help meet world food needs through concessional sales, humanitarian grants, and world food reserves. While in FY 69 our contribution for such purposes was about 18 per cent, it has dropped steadily in the past five years to a current level of about 5 per cent, as need has risen sharply and as the prices at which we sell our grain has doubled and trebled. The same Judaeo-Christian tradition of concern for the world's hungry people developed in this Nation during a time of agricultural surplus should now be reaffirmed during a time of world food scarcity. We have unwittingly slighted the world's hungry people and need now to reaffirm our traditions of caring and sharing which represent the American people at our best—and is in the enlightened best interest of all in the increasingly interdependent world.

Finally, more thought needs to be given to methods for reducing wasteful use of grain by the affluent in both the rich and the poor countries to ease global food scarcity. Beef, requiring up to seven pounds of grain to produce a pound of meat, may be the food counterpart of the two to three ton highway gas guzzlers getting 8 miles per gallon. Chicken, requiring only two to three pounds of grain per pound of meat, is the "subcompact" of the energy field. Since affluence in the rich countries can contribute to millions of premature deaths in the poor countries in scarcity periods such as 1974 and 1975, should not consideration be given to special measures to reduce wasteful consumption of food just as we have reduced our consumption of energy through turning down thermostats, driving more slowly, and greater use of smaller cars?

CONCLUSION

Paradoxically to most Americans, the United States may be the only major industrialized country currently able to take a lead in a cooperative global effort to counteract the effect of recent price changes. The United States is least dependent upon oil imports and is benefiting by about $6 billion in FY 1974 from higher prices for its food exports. Its balance of payments in 1974 and 1975 should be favorable despite a possible trade deficit, reflecting the fact that the United States will provide the most attractive investment opportunity for the oil exporting countries with their potential $50 billion to $66 billion annual capital surplus. However, the moral and logical position of the United States in urging OPEC action to ease the world crisis would be greatly strengthened by an initiative to use our dominance (together with that of Canada and Australia) of the world food supply to work together with the OPEC countries who dominate the world's energy.

The past year has clearly indicated what can lie ahead if, by preference or by lack of foresight, the law of the jungle, rather than cooperation, remains the response of nations. As the discussion of food illustratives, many of the new problems of global scarcity brought on by rising affluence and increasing populations should be amenable to alleviation, certainly, and even possibly to solution through cooperative international action. A major U.S. initative in the food field would be in its humanistic tradition, and is desperately needed if tens of millions are not to die prematurely in the 1970s from increased malnutrition as a result of higher food prices and food scarcities. The costs would be shared in an international effort, and the long-term benefits to the American farmer and consumer could be substantial quite apart from the impact of such an initiative on the new global politics of resource scarcity. And it could make more likely a parallel effort in the energy field by the richer OPEC nations.

OVERVIEW: THE CHANGING FACE OF FOOD SCARCITY

(Introductory chapter from "By Bread Alone," by Lester R. Brown with Erik P. Eckholm)

In the early seventies the soaring demand for food, spurred by both continuing population growth and rising affluence, has begun to outrun the productive capacity of the world's farmers and fishermen. The result has been declining food reserves, skyrocketing food prices, and intense competition among countries for available food supplies. Fundamental changes in the nature of the world food problem have left governments, institutions, and individuals everywhere unprepared and vulnerable.

Growing global insecurity on the food front is directly related to the precipitous decline in world food reserves. Since World War II, the world has relied on two major food reserves: carryover stocks of grain in the principal exporting countries and cropland held idle in the United States under government farm programs. Together they provided a substantial buffer against the vagaries of weather and the whims of the market place. In 1961 these reserves amounted to 222 million tons of grain, or 95 days' worth of world consumption. By 1974, however, they had declined to a level representing global needs for only 26 days.

Thus in mid-1974 the world food supply-demand equation was precariously balanced. A poor harvest in any major producing country—the United States, the Soviet Union, India, or China—would send economic shock waves not only throughout the food sector of the world economy but, as it fueled the fires of inflation, throughout its other sectors as well. The vulnerability of the supply-demand balance to the weather suggested that the climate itself might well replace pollution as the dominant global environmental concern.

In this situation, national governments have restored to a variety of techniques to obtain or ensure adequate food supplies for their people. Their actions have given rise to a new phenomenon: a global politics of food scarcity. Thus, during the summer of 1972, the Soviet Union employed secrecy to corner the world's wheat market by buying a large share of the exportable supplies of wheat before even the American government knew what was happening. The following summer, the United States—the source of 85 percent of all the soybeans entering the world market—abruptly announced an export embargo on soybeans in an effort to curb soaring soybean and food prices at home. This action, taken without warning or consultation with other countries, triggered a wave of strong diplomatic protests from Europe and Asia. For the billion people in East Asia for whom soybeans are a vital food staple and source of scarce protein, this U.S. decision posed an ominous threat.

A similar situation developed with rice when Thailand, a leading world supplier, banned rice exports for several months in order to prevent politically costly price rises at home. This move was successful in its objective, but it wreaked havoc with efforts to prevent runaway food prices in other Southeast Asian countries. And in a similar spirit, Brazil, despite its widely proclaimed food-producing potential, imposed export restrictions on both soybeans and beef.

The abrupt transition of the world food economy from a buyers' market to a sellers' market that these national moves signalled in the early seventies, as well as the consequent rise in food prices, was not widely anticipated. Between late 1972 and the end of 1973, the world price of wheat tripled, and the price of rice followed suit. Soybean prices increased fourfold in a twenty-four-month period.

The sudden increase in wheat prices was followed in a matter of months by an equally dramatic rise in petroleum prices. From 1960 to 1972 the world price of a bushel of wheat and that of a barrel of oil were nearly equal, ranging from $1.35 to slightly over $2.00. A bushel of wheat could be traded for a barrel of oil in the world marketplace. In late 1973, the price of wheat soared past $5.00. For a brief period a bushel of wheat could be exchanged for two barrels of oil. Then came the Christmas Eve, 1973, oil price increase by the oil-exporting countries—the second doubling in price within the year—and the price of oil soared above that of wheat, reaching $8.00 per barrel.

These dramatic price increases raised one of the oldest questions with which economists have wrestled: What is the true value of a commodity? What is a fair and reasonable price? There are no obvious answers. In trying to shed light on this issue, several points need to be kept in mind. Wheat is a renewable resource, oil is not. Most of the world's exportable supplies of each are controlled by a single geographic region: North America in the case of wheat, and the Middle East in the case of oil. Countries exporting oil or wheat stand to benefit from the price rises. No country exports both, but a great number imported both. The poorer countries importing both wheat and oil suffered the greatest damage. Those many countries having no valuable raw materials of their own to export exhausted their limited foreign exchange reserves in a matter of months, and several were on the verge of international bankruptcy.

Short supplies of food and energy dramatize the extent of global interdependence. No country is entirely isolated from the effects of these scarcities—or from their trade and monetary repercussions. The capacity of U.S. agriculture to supply low-cost food to American consumers was thought to be inexhaustible, yet in 1973 Americans suddenly discovered that they were sharing food scarcity with consumers throughout the world. The United States was paying its rapidly rising oil import bill with food exports. Indeed, the share of world food and energy consumption crossing national boundaries is climbing steadily. Japan imports well over half of its total cereal supplies, Egypt nearly 40 percent. The countries of the European Economic Community import nearly all their petroleum, as well as four-fifths of the high protein feeds for their livestock industries. The United States already depends on imports for one-third of its petroleum supplies; if its recent demand trend persists, it is expected to import half by 1985.

These events of the early seventies signal a fundamental shift in the structure of the world food economy. Throughout most of the period since World War II, the world food economy has been plagued by chronic excess capacity, surplus stocks, and low food prices. But emerging conditions suggest that this era is ending and is being replaced by a period of more or less chronic scarcity and higher prices, with little if any land held out of production. Short-term price fluctuations and temporary commercial surpluses should not obscure the more basic long-term forces at work.

Changing conditions on both the demand and supply sides of the world food equation are contributing to this shift. Throughout most of history, increases in the demand for food derived from growth in population. Since the time of Malthus, the food problem has been viewed as a food/population problem. World population growth continues to be rapid, but rising affluence now has emerged as another major claimant on the world's food-producing resources.

The impact of population growth on the demand for food is easy to understand. A 3 percent increase in population generates a 3 percent increase in the demand for food. But the impact of rising affluence is not so readily understood. One way to visualize it is in terms of per capita grain requirements. In the less developed countries, only about 400 pounds of grain per year is available to the average person. Almost all of this quantity must be consumed directly merely to meet minimal food energy needs; very little can be converted into livestock products. By contrast, the average North American uses nearly a ton of grain per year. Of this, less than 200 pounds is consumed directly as bread, pastry, and breakfast cereal. The remainder is consumed indirectly in the form of meat, milk, and eggs, Thus the average North American currently uses up five times as many agricultural resources as the average Indian, Nigerian, or Colombian.

The combined effect of population growth and rising affluence is accelerating world food demand at rates without precedent in history. At the turn of the century, the annual growth in global demand for cereals was probably about four million tons per year. By 1950 it was about 12 million tons per year. As of 1970, only 20 years later, the world demand for cereals was expending by 30 million tons per year—the equivalent of the annual wheat crop of Canada, Australia, and Argentina combined. And this increase in demand is incessant, occurring in years of good and bad weather alike.

On the supply side, three sets of factors are beginning to affect efforts to augment world food output as rapidly as is necessary. Serious technological constraints are limiting the rapid expansion of food, particularly beef and soybeans; all four of the major resources used to produce food, land, water, energy, and fertilizer, are now in tight supply; and in a growing number of situations, the pressures of growing demand for food are beginning to undermine the ecology of major food-producing systems.

The inability to achieve technological breakthroughs in critical areas is a significant limitation on the expansion of food supplies. In the case of beef, agricultural scientists have not been able to devise any commercially viable means of producing more than one calf per cow per year. For every animal entering the beef production process, one adult animal must be fed and otherwise maintained for a full year. A breakthrough in this area does not appear to be imminent. This would not pose a serious problem if there were a great deal of unused grazing capacity in the world, but unfortunately much of the world's pastureland is already overgrazed and much more is fully utilized.

Another technological limitation on efforts to expand supplies of high-quality protein is the inability of scientists to dramatically increase per-acre yields of soybeans. As we have noted, soybeans are a major source of high-quality protein for livestock and poultry through the world, and in East Asia they are consumed directly as food by perhaps a billion people. Soybeans are therefore extremely important in economic terms. They have become the leading export of the United States, surpassing not only more traditional farm exports, such as wheat and corn, but also high technology items, such as electronic computers and jet aircraft. Yet since 1950 soybean yields per acre have increased by only about 1 percent per year while corn yields have increased by nearly 4 percent per year. Thus the world gets more soybeans only by planting more soybeans. As of 1973, one of every six acres of U.S. farmland was planted to soybeans. As idled cropland disappears in the United States, the inability to achieve a soybean yield breakthrough may create serious global supply problems.

The world is now also in a uniquely serious situation regarding the supply of land, water, energy, and fertilizer. For the first time in modern history, there are shortages in each of these critical agricultural resources.

From the beginning of agriculture until about 1950, most of the year-to-year increases in world food output came from expansion of the area under cultivation. Since 1950, however, the major increases, probably four fifths of the current gains in output, are attributable to intensification of cultivation on existing land area. Most of the good cropland in the world is already under cultivation. Additional opportunities for expanding the world's cultivated area still exist, but they are mainly limited to the interior of Latin America and parts of sub-Saharan Africa. And even in these regions, the cost of food produced on the new land may be much higher than that of food grown in existing cultivated areas. Brazil, which occupies much of the interior of Latin America, now has the largest grain trade deficit of any country in the New World.

But the principal constraint on efforts to expand world food supplies during the final years of this century may well be water rather than land. In many regions of the world, fertile agricultural land is still available, provided that water can be found to make it productive. But most of the rivers that lend themselves to damming and to irrigation have already been developed.

The expansion of irrigated area is slowing as the more attractive sites are exhausted. Future efforts to increase fresh water supplies for agricultural purposes will focus increasingly on such techniques as the diversion of rivers (as in the Soviet Union today), the desalting of seawater, and the manipulation of rainfall patterns to increase the share of rain falling over moisture-deficient agricultural areas. Indeed, such initiatives as Rhodesia's recently announced plan to systematically seed clouds to increase rainfall by 10 percent, probably at the expense of neighboring African countries, raises the prospect that meteorological warfare soon may be transferred from the pages of science fiction to the newspaper headlines

Increasing world food production also requires a substantial increase in the amount of energy available for doing so. The recent tripling of the world price of energy is certain to affect future food production prospects, but no one can yet foresee exactly how. In the more modern agricultural systems, such as that of the United States, the amount of energy now used to produce food exceeds by several times the amount of food energy the crops themselves yield. But as energy-intensive as farm production is, it consumes less than one fourth of the energy used in the U.S. food system. The rest is used to transport, process, preserve, and distribute the food.

Perhaps the grossest inefficiency in the entire process is the usual means of transporting food from market to home. The average American shopper drives a two-ton automobile several miles to a supermarket at least once a week to transport some 30 pounds of food. In the developing countries, the future availability of energy will have a profound effect on efforts to provide adequate nutrition, for large increases in energy inputs will be necessary if food production in these nations is to increase rapidly.

Another major agricultural resource—fertilizer—is also in very short supply. The outlook in this case, too, is for generally higher prices in the future. On reason for the fertilizer shortage is a lag in the construction of new production facilities but even when supply catches up with demand, the rising cost of energy will undoubtedly keep fertilizer prices well above the historical level. The production of nearly all of the world's nitrogen fertilizer (which accounts for roughly half of all fertilizer used) utilizes natural gas or naphtha as a raw material. In addition, the manufacturing process is an energy-intensive one, requiring large amounts of electrical power. The combination of soaring energy prices, the enormous capital requirements needed to create new production facilities, and the time required to bring new facilities into production means that nitrogen fertilizer will be in critically short supply for many years at least.

Finally, the ecological undermining of major food-producing systems also is beginning to have an adverse effect on the prospects of increasing world food production. Until recently, the oceans were viewed as an almost limitless source of protein, but the outlook has been sharply altered in the fish over this period, from 21 to 70 million fish catch climbed steadily, more than tripling over this period, from 21 to 70 million tons. Since then, the catch declined for three consecutive years, even while the capital and effort expended to bring in the catch continues to rise.

Many marine biologists now feel that the global catch of table-grade fish is at or near the maximal sustainable (i.e., self regenerating) level. Over-fishing, depleted stocks, and declining catches are affecting the haddock fishery of the Northwest Atlantic and the anchovy fishery along the western coast of Latin America. The Peruvian anchovy fishery, the world's richest, yielded as much as 12 million tons, or one fifth of the world fish catch during the late sixties. Largely because of over fishing, in 1973, the catch fell precipitously, to scarcely 3 million tons, and is now slowly being rebuilt. As growth in marine protein supplies lags behind the global growth in demand, additional pressure will be shifted to land based protein resources.

The tragedy unfolding in the African countries south of the Sahara Desert is an example of another type of ecological overstress that is diminishing the earth's food-producing capacity, although the problem exists elsewhere as well. Over the past 35 years, human and livestock populations along the sub-Saharan fringe have increased rapidly, nearly doubling in some areas. As these populations have multiplied, they have put more pressure on the ecosystem than it could withstand. The result has been overgrazing and deforestation, encouraging the southward advancement of the Sahara Desert at rates up to 30 miles per years along the desert's 3,500-mile southern fringe, stretching from Senegal to northern Ethiopia. As the desert expands southward, human and livestock populations retreat before it. The result is ever greater pressure on the fringe area, which in turn contributes to further denudation and deforestation, setting in process a self-reinforcing cycle.

Several consecutive years of drought have brought this deteriorating situation to a disastrous climax. If, as some meteorologists believe, the life-giving belt of monsoon rains is shifting southward, then ecological overstress and climatic changes are reinforcing each other with catastrophic human consequences. If the process of desertification is not reversed, then Africa—which has one of the highest population growth rates of any continent—may lose a sizable slice of its food-producing capacity.

The Indian subcontinent provides a third dramatic example of ecological overstress. Over the past generation, as human and livestock populations have grown, the subcontinent has been progressively deforested. This trend has increased the incidence and severity of floods. The situation is most serious in the Himalayas and the surrounding foothills, for this is where nearly all of the subcontinent's major river systems—the Indus, the Ganges, and the Brahmaputra—originate. The long-term dangers inherent in continuing deforestation could have been firmly predicted several years ago, yet many were surprised when Pakistan's August, 1973, flood—the worst in its history—washed away entire communities and, in some regions, destroyed the recently harvested wheat crop in storage as well as the summer crop standin the fields. Since the deforestation trend has not been checked, one can only predict that the incidence and severity of flooding in Pakistan, India, and Bangladesh will be much greater in the future than it is as present. In effect, deforestation, particularly in Nepal, may be gradually undermining and diminishing the subcontinent's food-producing capacity—to the grave detriment of the nearby three-quarters of a billion people who now depend on it.

Clearly, the food-producing ecosystems in many parts of the world are being threatened by the pressures of continuously growing demand for food. The examples given above are only three of the many that could be cited. The time has come to systematically inventory these ecological stresses, and assess their impact on the world's food-producing capacity and on future prospects.

The changing nature of the world food problem is forcing us to redefine our understanding of food scarcity. Traditionally most analysts have viewed the projected demand or need for food against the technological potential for expanding world food production. Is is relatively easy to envisage a doubling or tripling of world food output based on known reserves of land and water, achieved through vastly increased inputs of energy and fertilizer. Some even suggest the possibility of a severalfold increase, on the asssumption of the uniform application of advanced technology and the most sophisticated management techniques available. That there is a vast technological opportunity for expanding food supplies is not debatable, but this is not the real problem. The critical issue is at what price the additional resources will be brought into use. We know that most good land in the world is already under cultivation. We know that, with a few exceptions, the most desirable irrigation sites already have been developed. We know that energy, and therefore fertilizer, will be more costly in the future than in the past. We know that in the more advanced countries, where yields are already high, further increases in production will be far more costly than the increases of the past.

In order to bring these marginal resources into use, however, world prices for food must rise above the levels prevailing today. Unfortunately, however, even recent food-price rises have far exceeded growth in income among several hundred million of the world's poorest people. As a result, the food-intake level of millions of low-income people is being pushed below the survival level—in many regions reversing the long-term trend of improved nutrition, lengthening life expectancy, and declining infant mortality.

Historically, famine has been limited to relatively small geographic areas, as in Ireland in 1847 and in West Bengal in 1943. But advances in global and national food distribution and transportation systems now ensure that food scarcity is allocated according to income levels, with sacrcity concentrated among the world's poor, wherever they are. Today, even while the threat of traditional famine persists in some areas, a less visible crisis of hunger and malnutrition is emerging among the world's lowest income groups—whether in the Philippines, Bangladesh, sub-Saharan Africa, northeastern Brazil, or among the Andean Indians. The silent crisis of malnutrition may be denying close to a billion human beings the basic right to realize their full genetic potential, their full humanity.

The prospect of a long-term climb in food prices, outstripping the purchasing power of a large segment of mankind, presents the international community with a formidable challenge, necessitating a radical shift in the traditional approach to food scarcity. Unless an effort is made to slow the growth in world demand for food, the world will be forced further and further up the cost curve as ever more marginal resources are brought into use.

The deterioration of the world food situation during the first half of the current decade, together with currently foreseeable trends, also makes it quite clear that the world cannot remain long on its present demographic path. The choice between famine and family planning, for future population growth clearly will be reduced by rising death rates, as is already occurring in some African and Asian countries, if it is not reduced by declining birth rates. An effort of unprecedented proportions is required to reduce birth rates among the more affluent—who exert such a disproportionately large per capita claim on the earth's scarce resources—as well as among the poor, where birth rates tend to be so high. Programs must be immediately launched to make family-planning services available to everyone, to meet the basic social needs of the poor that affect motivation for smaller families, to encourage new social roles for women, and to reorient national economic and social policies so as to promote low fertility.

A simultaneous effort is needed to simplify diets among the more affluent to reduce not their nutritional value, but their wasteful per capita claim on the earth's scarce agricultural resources. Important economic, ecological, and health considerations—all involving self-interest—now join the basic moral question of the distribution of scarce resources to argue for the simplification of diets among the rich, particularly for the substitution of high-quality vegetable protein for animal protein. The widespread substitution of vegetable oils for animal fats, such as margarine for butter, in the United States during the past generation provides an example both of the kind of change required and of its feasibility.

The changing nature of the food problem also calls for a major shift in emphasis. The opportunity for easily expanding production in the developed countries has diminished sharply now that idled cropland in the United States has been returned to production. There is little prospect of quick, easy gains in the United States, Western Europe, the Soviet Union, or Japan, although substantial gains still are possible in all but Japan.

The world's principal unrealized potential for expanding food production is now concentrated in the developing countries. Although soil quality in Bangladesh is as good as in Japan, rice yields are only one third of those attained in Japan. India's area of cropland is roughly comparable to that of the United States, yet it harvests only 100 million tons of grain while the United States harvests 250 million tons. And corn yields in Brazil and Thailand are still less than one third those of the United States.

As resources become scarce, the comparative advantage in additional food production shifts toward those areas where the resources after the greatest gains. Today, the increase in food output that can be produced with an additional ton of fertilizer or gallon of fuel is far higher in the developing countries than in the industrial countries. Since fertilizers are already used very heavily in the agriculturally advanced nations of Europe, Japan, and the United States, an additional pound of fertilizer applied in these nations may return no more than five additional pounds of grain. But in countries such as India, Indonesia, or Brazil, another pound of fertilizer can yield at least ten additional pounds of grain. It is unfortunate and ironic that when world fertilizer shortages emerged in 1973, the more advanced nations acted to restrict their fertilizer exports to the poor nations, where the fertilizer could have produced much more food.

A similar situation exists with respect to energy. Additional inputs of energy to agriculture in countries like the United States and Japan are bringing rapidly diminishing returns in food production. In most developing countries, by contrast, additional energy inputs to operate irrigation pumps and in the form of fertilizers are an essential key to tapping vast unexploited food-production potential.

Although all these factors indicate that the greatest unrealized agronomic potential now resides in the developing world, this potential will not materialize easily. Agricultural development in the poor nations involves complex social, potential, and economic changes; and without a strong commitment to these changes on the part of the governments of these countries, the needed agricultural progress will not occur. But in most cases the modernization process can be greatly facilitated by appropriate kinds of technical and economic assistance from the more prosperous nations.

For a variety of reasons, special attention in the developing countries needs to be focused on farmers with small landholdings. Growing evidence suggests that where small farmers have access to needed inputs, credit, and supporting services, they engage in labor-intensive cultivation and produce considerably higher yields of food per acre than do farmers on larger estates. The recent shifts in emphasis by the World Bank, the U.S. Agency for International Development, and other development agencies to give greater attention to small farms and rural development are an important step in the right direction, but government agencies within the developing countries have often failed to reorient their own programs to encourage progress among the poorer small farmers. In most developing nations, small-farm progress can contribute simultaneously to the solution of several acute problems. It can help to improve income-distribution patterns, reduce unemployment, check the swelling flow of people from the countryside to the cities, and greatly expand national and world food supplies. This approach has a further important benefit; evidence from developing countries in many parts of the world indicates that a rural development strategy centered on small farms, by spreading the benefits of economic progress among the poorest groups, can create a social environment that greatly increases the motivation to limit family size.

Over the past two decades, nations have devised numerous means for managing commercial abundance—including special farm-subsidy programs and the withholding of cropland from production. It has now become essential to develop the policies and institutions, both national and international, for managing *scarcity*. Foremost among the new institutions needed is a new world food-reserve system. Cooperative international management of food reserves would reintroduce some measure of stability to the world food economy and also help to ensure that the capacity of the international community to respond to food emergencies is maintained. The extreme price volatility that is likely in the absence of an effective reserve system will not serve the interests of producers, consumers government policy-makers attempting to cope with inflation.

The rapid integration of the world food economy—and the changing nature of global food scarcity—raise difficult moral issues. In an interdependent world plagued with scarcity, if some of us consume more, others must of necessity consume less. For example, should the Soviet Union again unexpectedly purchase a substantial share of the world's exportable wheat supplies, then consumers in low-income countries will be deprived of supplies that they need merely to maintain their minimal food requirements. If an affluent minority throughout the world continues to expand its consumption of livestock products, grain prices may be pulled out of reach of the poorest quarter of mankind. And if Americans continue to drive large automobiles, consuming a disproportionately large share of the world's available energy supplies, then world energy supplies will become more scarce, and farmers in India and elsewhere in the developing world may be unable to obtain fuel to operate their irrigation pumps. The world food problem has many new aspects, but none is more complex or difficult to deal with than the moral dimension.

CONCLUSION OF MORNING BUSINESS

Mr. **MANSFIELD.** Mr. President, is there further morning business?

The **ACTING PRESIDENT** pro tempore. Is there further morning business? If not, morning business is concluded.

CONSERVATION AND REHABILITATION PROGRAMS ON MILITARY RESERVATIONS

The **PRESIDING OFFICER** (Mr. ABOUREZK). Under the previous order, the Senate will now proceed to the consideration of H.R. 11537, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 11537) to extend and expand the authority for carrying out conservation and rehabitation programs on military reservations, and to authorize the implementation of such programs on certain public lands.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 5, at the beginning of line 23, strike out "No conservation or rehabilitation program, nor any recommendation in any preliminary study or survey undertaken with respect to any such program, may be implemented under this title unless it is included within a cooperative agreement." and insert "To the maximum extent practicable, conservation and rehabilitation programs required pursuant to section 201 of this title shall be implemented through cooperative agreements entered into pursuant to this subsection. Consistent with the provisions of this title, such programs shall be integrated with and shall avoid duplication of any similar programs conducted under any other provision of law."; on page 9, after line 12, insert:

"(2) Notice of the requirement to possess such stamps shall be displayed prominently in all places where State hunting, trapping, or fishing licenses are sold. To the maximum extent practicable, the sale of such stamps shall be combined with the sale of such State hunting, trapping, and fishing licenses.

At the beginning of line 19, strike out "(2)" and insert "(3)"; on page 10, at the beginning of line 6, strike out "(3)" and insert "(4)"; at the beginning of line 20, strike out "(4)" and insert "(5)"; on page 11, at the beginning of line 3, strike out "(5)" and insert "(6)"; and, at the beginning of line 6, strike out "(6)" and insert "(7)".

The **PRESIDING OFFICER.** Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes, with time not to count on the bill.

THE "UNFAIRNESS" DOCTRINE

Mr. **PROXMIRE.** Mr. President, I would like to call the attention of other Senators to a speech the Senator from Rhode Island (Mr. PASTORE) made recently to the Associated Press Broadcasters Association in Kansas City.

This speech is important, because it represents the views on the first amendment of the chairman of the Senate's Communications Subcommittee, which has authority over our electronic communications policy. The chairman's speech raises many questions about the freedom of speech and of the press.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF U.S. SENATOR JOHN O. PASTORE

Our State Capitol in Rhode Island has the second largest unsupported marble dome in the world—next only to St. Peter's in Rome. Around the rim of our dome is an inscription in Latin by Tacitus which, when translated, reads:

"Rare felicity of the times when it is permitted to think as you like and to speak as you think."

It is this credo, together with the cordial invitation extended to me on behalf of your organization by my friend and formidable catalyst, Harry McKenna, that brings me to Kansas City and this meeting this morning.

If ever there were a time when each of us should be grateful for the benefits of electronic journalism, that time is now.

Therefore, I feel especially honored for this opportunity.

I also feel my obligation this morning is more serious than usual.

If this past year has been one of the most critical and important for the American people, the same may be said for your industry.

The integrity of many of our institutions of government has been seriously called into question.

The very lifeblood of our industrial society—energy—has suddenly become a critically scarce commodity.

And the precarious accommodation in the Middle East which is so necessary to world peace was nearly destroyed.

As these monumental events unfolded, it was, of course, the responsibility of the "Fourth Estate" to keep the American people abreast of what was happening.

It is no disservice to other members of the Fourth Estate to say that the broadcasters were the primary source of information about these crises. Television, I believe, is commonly regarded as the primary news source for most Americans, as well as the most credible.

It commands the attention of millions of people daily, and through the magic of your medium you are able to illustrate graphically the events of the moment.

As a United State Senator, and more particularly as Chairman of its Subcommittee on Communications for over twenty years, I have always been deeply sensitive and protective of the public's right to know.

In the past few years, I am sad to say that the sacred right of the public to be informed fully and fairly has been seriously jeopardized at the highest levels of Government.

We have seen a highly respected television news reporter investigated by the Government on the flimsy pretext he was being considered for a position within the Administration.

We have heard the President's principal adviser on communications warn broadcast licensees that they must not permit their newscasters to engage in "ideological plugola" if they wish to have their licenses renewed.

And most recently we have seen the bottom line of this seamy, unworthy, and debasing attitude. We have now been told that the broadcast license renewal process was considered a means to secure political and ideological conformity.

These disciples of defiance and arrogance forget that it was Thomas Jefferson who characterized your freedom as one of the principles which should be the creed of our political faith—part of the "text of civil instruction," as he put it.

You will recall he warned us that should we wander from that principle in moments of terror or alarm we should "hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety."

I strongly recommend these thoughts of one of our most illustrious founding fathers to every American at this moment in history.

In these times of constitutional crisis you have alerted the American people to the dangers threatening our Republic. You have kept them informed of events in timely fashion as well.

I might add that you, the electronic journalists, have a special capability (and a corresponding responsibility) in this latter regard. For you provide instantaneous coverage and analysis of events.

As the sentinels of our liberty you have sounded the alarm, and I am confident we will, as a nation, survive and prosper. The spiritual strength and idealism which enabled us to be born as a nation almost two hundred years ago is still with us on the eve of our Bicentennial celebration.

Darkness and secrecy are the unworthy instruments of the autocrat. Their offspring is ignorance.

History has painfully taught us that the first priority of those who would circumscribe the civil liberties of others is to stifle the free exchange of ideas and the uninhibited flow of information. Dissent has no place in a world of suspicion and distrust.

And why is the right to speak freely and openly so much of an anathema to those who would dictate our very existence?

"Freedom of expression," Justice Cardozo once said, "is the matrix, the indispensable condition of nearly every other form of freedom."

In other words, when people are no longer able to express themselves freely and openly, and to have open access to information and ideas from diverse sources, their freedom to govern themselves as they see fit, and to live their lives according to their consciences and the rule of law, will be circumscribed as a matter of course.

The most effective way to stifle free speech is, of course, suppression of the media. Because those who would do so are well aware that the pen and in these days of electronic journalism—the spoken word—are mightier than the sword.

Once you are silenced, intimidated, or subverted, it is just a matter of time until other liberties disappear.

Every American, therefore, has the highest obligation to assure that you have the freedom to provide us with the facts and information necessary to govern ourselves and to remain free.

The manner in which you provide us with those facts and information will, in my judgment, ultimately determine how the American people meet their obligation to you.

Above all, you must be of unquestioned integrity.

The moment you distort or suppress facts to fit preconceived opinions however worthy your motives you become mere propagandists. Our liberty is too precious to depend on hucksterism.

Truth must be your standard and your goal. Absent truth, and there really is no justification for maintaining a free press.

You—the electronic journalists—have, of course, a unique guideline and, I might add, safeguard, to assist you.

I am, of course, referring to the Fairness Doctrine.

Much has been said against that Doctrine, and it may be that in isolated cases all of us would not agree with the manner in which it has been applied.

But in the area we are discussing this morning, I think the Doctrine has a definite place, and we are all the better for it.

I say this because when you consider the Fairness Doctrine in its essence, and strip it of all the legal niceties, what it says to the broadcaster is simply "do your almighty best to assure your listeners and viewers are fully and fairly informed on all issues of public importance you choose to present."

Considered this way, I submit the Fairness Doctrine is no more than a distillation of those lofty principles enumerated by Thomas Jefferson and countless other great libertarians throughout history.

Truth, however essential, cannot exist in a vacuum. If you are to be worthy of the esteemed place accorded you, you must also be imaginative and bold.

The ideas and information which will stimulate our thoughts and guide our actions as a nation must be sought out and pursued. They will not come to the "rip and read" school of electronic journalists.

Just as there is no place for lethargy and apathy, there is no place for arrogance and smugness.

Truth is not the special province of any one individual. In my experience, no one is right 100 percent of the time. Most of us probably are grateful for a 50 per cent score.

An attitude of "always right and never wrong," or even worse, an Orwellian attitude of "we know what is best" are totally inept in your profession.

I would remind you again that it is the people's right to information from *diverse* sources which is paramount.

Should bias, prejudice, or just plain inertia, become substitutes for boldness, imagination, and truth, you will do to yourselves what those who would censor you have been unable to do.

The American people will then replace their confidence and support for you with indifference. Freedom of the press will then be a hollow and meaningless expression.

It is not enough, in my judgment, for you to be mere receptacles and conduits of information. You must seek out the vital issues of the day and be a source of first impression for the American people. You should be the Paul Reveres of our society—alerting the country to any dangers and injustices which may exist.

Consequently, I believe broadcasting could do more "in-depth" coverage of current issues and events.

It is the documentary, and similar programs, which add the perspective—the "why"—to the "who," "what," "when," and "where" of news coverage. This is the extra dimension so necessary for society to make enlightened and sound judgments.

It has been my purpose today, therefore, not only to congratulate you, and to assure you of my continued support against anyone who would curtail your freedom; but to exhort you to seek out the issues of the day, and to bring them to the attention of the American people in a bold, forthright manner.

This is your reason for being. It is also your best safeguard against those who would silence or oppress you.

Mr. PROXMIRE. The Senator from Rhode Island had some eloquent observations on our constitutional guarantees under the first amendment:

> Darkness and secrecy are the unworthy instruments of the autocrat. Their offspring is ignorance.

He continued:

> History has painfully taught us that the first priority of those who would circumscribe the civil liberties of others is to stifle the free exchange of ideas and the unhibited flow of information. Dissent has no place in a world of suspicion and distrust.

In developing that point, the chairman said:

> The most effective way to stifle free speech is, of course, suppression of the media . . . Once you (the electronic journalists) are silenced, intimidated, or subverted, it is just a matter of time until other liberties disappear.

Mr. President, I could not agree more.

But within a few lines of those defenses of the first amendment, the chairman of the Communications Subcommittee begins his transition to the real theme of his speech, his message:

> Absent truth, and there really is no justification for maintaining a free press.

I could not disagree more strongly with the interpretation of the first amendment by the Senator from Rhode Island.

There is no doubt he is absolutely right when he prefaced that last statement to the radio and TV newsmen by saying:

> Truth must be your standard and goal.

But I am convinced he was wrong in his interpretation of a free press.

The first amendment does not—does not—guarantee that human beings—writers, editors, news directors—will speak and write and broadcast the truth.

The first amendment never was intended to do that. The first amendment—and court decisions since have applied it to the electronic media, although not fully—was intended to permit citizens, freed of monarchical bonds, to speak what they liked and to print what they like without fear of reprisals.

It was meant, above all, to be a restraint on Government.

Government is not the giver of truth. For if it were, it would be our master.

Our revolution was fought to throw off the grip of a master.

The Articles of Confederation and, indeed, our Constitution itself, did not guarantee free speech, and free press. But when the imperfections of the Constitution were eliminated, the very first change was the first amendment:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press (or the right of the people peacefully to assemble, and to petition the Government for a redress of grievances.)

The Revolution continued with the writing of that amendment, getting at many of the most pressing grievances of the colonists against their mother country. Vermont Royster, former editor of the Wall Street Journal and now a professor of journalism at the University of North Carolina, has written:

> Among the many revolutionary ideas to emerge from the American Revolution, none proved more revolutionary than the idea of freedom of the press.

But even Mr. Royster has to admit that many have not accepted that revolutionary idea, which really is practiced only in the free press—the written press—of the United States in the modern world.

Royster wrote:

> Even in our own time, the idea of freedom of the press without restraint, which is what that freedom often appears to have become, is disturbing to many people. It is not merely that this freedom is irritating to our governors, although there are many examples of that. It is also disturbing to philosophers, to men of the law, to the citizenry generally and not least to some of those within the press itself.

From his speech, it would appear that the Senator from Rhode Island is one of those "men of the law" to whom the idea of a free press is disturbing.

Immediately after saying, "Absent truth, and there really is no justification for maintaining a free press," the chairman of the Communications Subcommittee told his Kansas City audience this:

> You—the electronic journalists—have, of course, a unique guideline and, I might add, safeguard, to assist you.

He said:

> I am, of course, referring to the Fairness Doctrine.

There we have it: the fairness doctrine equated to truth and, if you will, the justification for maintaining a free press.

The fairness doctrine is the governmental control authorized by section 315 of the Communications Act and exercised by the Federal Communications Commission over American broadcasters.

It applies to news coverage in all of its forms: the newscast, the news interview, the news documentary, and on-the-spot coverage of news events.

The "justification" for the fairness doctrine—not called that in the law—is for broadcasters "to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

This is where my defense of the first amendment and my attack on the fairness doctrine becomes basic.

I must confess that my mind has changed over the years. I once defended the fairness doctrine through its parent, section 315 which is really the so-called equal time provision for candidates for the same public office.

The words of the law sound right. They ring true. They seemingly are good doctrine.

But the term "fairness doctrine" is an euphemism. It masks the unpleasant. Translated, it is the "say what you will until I disagree with you and then I will shut you up doctrine."

As a Wisconsin State Senator given to malaprops once said in the State Senate chamber in Madison, misquoting Voltaire:

> I will defend to the death your right to agree with me.

Another quotation from Voltaire, "Love truth, but pardon error," comes closer to paraphrasing the first amendment.

The unpleasant part of the fairness doctrine, as interpreted by the chairman of the Communications Subcommittee, is that it is unforgiving. It can shut up broadcasters.

In his Kansas City speech, the chairman said there is "no place for arrogance and smugness" in electronic journalism. He went on:

> Truth is not the special province of any one individual. In my experience, no one is right 100 per cent of the time. Most of us probably are grateful for a 50 per cent score.
>
> An attitude of "always right and never wrong," or even worse, an Orwellian attitude of "we know what is best" are totally inept in your profession.
>
> I would remind you again, that it is the people's right to information from diverse sources which is paramount.

I agree that no one has a monopoly on truth. But the fairness doctrine, I believe, gives the FCC the prerogative of being the arbiter of truth. It is the tool—or could be—of a would-be Big Brother who believes he does know what is best.

After receiving a complaint, the FCC can determine that a broadcaster is "wrong" and that he must pay for his error, either with a forfeiture, that is, a fine or, the ultimate penalty, the forfeiture of his license.

Admittedly, these weapons are not turned loose often against the broadcasters. There have been few licenses lost. There have been comparatively few reprimands or fines in comparison with the number of complaints.

The real danger—other than the very existence of the controls—is that the presence of the controllers affects the broadcasters, the license holders. They are beholden to their Government in the persons of the FCC Commissioners and their staff.

Just two recent examples: The ABC legal department, according to Dick Cavett in a newspaper report:

> Kept wanting to know if the show was balanced . . . and I kept telling him that that was the whole point of it: It was a debate on the pros and cons.

The show was a debate between a coauthor of "The CIA and the Cult of Intelligence" and two former CIA officials. About 3 months earlier, the same network postponed a Cavett show involving some radical leaders, cut 12 minutes, and added another spokesman. All this for "balance."

I do not attack "balance" and "fairness." The point I want to make is that the network's legal department was fearful of complaints and ultimately of the FCC. Here, I wish it known that I am aware that strictly speaking, the FCC does not control networks, only license holders; but networks each do own five VHF television stations and thus are license holders. A fine distinction.

Although the Cavett show is classed normally as entertainment and not news, the legal department was taking no chances.

The legal department was chilled by the cold wind of the FCC, the Government watchdog that tries, in effect, to keep controversy out of our living rooms.

I contend that the existence of a control agency, a license grantor, tends to contain diversity of ideas, whether they be on the left or the right. The license of radio station WXUR of Media—an ironic place name—Pennsylvania, controlled by fundamentalist preacher, Dr. Carl McIntire, lost its license in a court battle with the FCC.

Instead of encouraging diversity, the existence of the fairness doctrine acts to channel broadcasters' programing into a bland homogeneity.

We all have complained about the similarity between broadcasts. This sameness was part of the "vast wasteland" complaint of a former FCC Chairman, Newton Minow—who, incidentally, supports the fairness doctrine.

And yet, in his speech, the chairman of the Communications Subcommittee called upon the electronic journalists to be "imaginative and bold."

But diversity of information sources is paramount, as the Senator from Rhode Island said.

Broadcasting and its adjunct, cable TV, represent a great potential source of diverse information. The source is only potential, because of the restraints of the fairness doctrine.

There are some 8,400 broadcasting outlets in this country—nearly 7,400 radio stations and about 1,000 TV stations.

Compare that with the roughly 1,750 daily newspapers.

But lumping them together might be deceiving. Take New York City. There are 10 TV stations, including three noncommercial channels. There are 37 radio stations, including seven that are noncommercial. There are also cable TV systems, which are still developing.

Yet, there are but there major daily, English-language newspapers within the corporate limits. A fourth is scheduled to begin publication next year.

Admittedly, the TV and radio stations radiate signals beyond the city line, but the newspapers circulate there, too.

Newspapers own one TV station and three radio stations. Broadcasting networks each own an AM, FM, and TV station.

Still, the broadcasters present much greater diversity than does the daily press.

In Milwaukee, Wis. there are six television stations, of which two are educational channels. There are 20 radio stations, counting the FM stations operated AM licenseholders.

There are but two daily newspapers in Milwaukee. They have the same owner, but are operated independently with differing editorial policies. The newspapers' parent company owns a TV station and two radio stations.

But let us take a smaller city. I know Wisconsin, so I will choose Wausau, which has a population of about 35,000. It has two TV stations, plus a station in nearby Rhinelander that is part of the Wausau market. And it has five radio stations, plus the State radio educational network relay station. It has but one daily newspaper.

Without question, the potential diversity of news sources is great, even if multiownership is taken into consideration.

When cable TV comes to full bloom, every system will have the potential of bringing scores of channels into each home with a limit of 80 to each receiving set.

All of this adds up to the fact that a physical limitation of the broadcast spectrum, as against an unlimited number of printing presses in a community, is not a real world argument for governmental control of broadcasting.

Even with economic limitations of advertisers to support such enterprises, broadcasters outnumber daily newspaper publishers.

The Senator from Rhode Island urged electronic journalists in his Kansas City speech to do more indepth coverage of current issues and events:

> It is the documentary, and similar programs, which add the perspective—the "why"—to the "who," "what," "when," and "where" of news coverage. This is the extra dimension so necessary for society to make enlightened and sound judgments.

That certainly is hard to argue with, or it would be if it were not for what happens in the real world of government control when the "why" factor is added. Ask NBC when it plans again to inform the public about their pension rights. Its documentary on how pensions, vesting, and the like work has landed it in court doing battle with its Government and the fairness doctrine.

Why are we afraid of free speech and of a free press?

Those men of wisdom who wrote our Constitution and our first amendment were not fearful.

They knew about the English system of patents—"licenses" and the real word—that the Crown gave to printers. They knew that the products of the English presses were censored until presses became too numerous. They knew what it meant to be accountable to the government after the presses rolled.

They were not afraid.

They knew that people think. They knew that a people which thinks, which forms opinions after being informed, could live with a free press.

They knew that without a free press, the government inevitably would become their master.

But they also knew that a free press would print the opinions of the editors.

They did not know, that journalistic standards would improve to a point where honest editors separate hard news from opinion. That truth wins out when competition works unfettered.

It happened. And it happened only because of that fearlessness—that trust in a world of ideas.

Let us not fear freedom. Why should we fear freedom?

Mr. President, I know that this subject is a complex one. It cannot be covered in one speech. I plan to speak again on the fairness doctrine.

Here are the results of a poll I conducted in mid-May 1974 of daily newspaper editors, syndicated columnists, and heads of journalism schools and departments on the fairness doctrine and the equal time provision.

There were nine questions, of which the first five, taken together, were a restatement in question form of the basic points of the fairness doctrine. The sixth was a restatement of the equal time requirement. But those answering the poll were not informed of that.

Here are the questions and the answers I got from 515 respondents, some 28 percent of the 1,813 who got the questionnaires:

POLL RESULTS

1. Should a broadcaster be required to afford reasonable opportunity for discussion on the air of a contrasting viewpoint on a public issue? Yes 52.4% No 43.1% Undecided 4.5%.

2. Should the FCC examine a broadcaster's judgment in presenting public interest programming only after complaints have been received? Yes 51.1% No 41.1% Undecided 7.8%.

3. Should broadcasters be required to seek out opposing points of view on public issues? Yes 25.4% No 70.5% Undecided 4.1%.

4. Should broadcasters be required to present the opposing viewpoint even if it might mean doing so on unsponsored time? Yes 31.8% No 61.0% Undecided 7.2%

5. If a person is attacked personally on a broadcast, should the broadcaster be required to seek out that person and afford him a chance to answer on the air? Yes 27.2% No 67.4% Undecided 5.4%

6. Should broadcasters be required to grant mathematically equal air time to candidates for the same public office? Yes 15.7% No 78.8% Undecided 5.4%

7. In view of your answers to the above questions, should radio and television news operations have the same First Amendment rights in fact as well as in law as do the print media? Yes 80.4% No 15.7% Undecided 3.9%

8. Should radio and television entertainment producers have the same First Amendment rights as the print media? Yes 60.2% No 33.0% Undecided 6.8%

9. If the electronic media had the same rights as the print media, should the FCC licensing period be changed to make it longer? 41.4% shorter? 14.0% permanent? 19.6% same? 5.4% undecided? 19.6%

Mr. President, I know that in 1968 the Senate Communications Subcommittee conducted a similar poll of license holders and found that only 20.5 percent believed that the fairness doctrine should be discarded.

The contrast with the 60 percent in my poll is extraordinary, considering that the newspaper editors are in competition with the broadcasters.

For a long time, I have believed that broadcasters should have the same first amendment rights de facto as publishers. I am aware of the court decisions that have held that the fairness doctrine "enhances" the first amendment. But, frankly, those court decisions, Red Lion and the rest, seem to overlook the obvious: A license holder is not likely to argue with the Government that licenses him.

In order to get a public debate on this issue, I intend to introduce a bill that would repeal section 315 of the Communications Act, thus eliminating the statutory basis for the fairness doctrine along with the equal time rule. Other appropriate changes would be made, of course, to carry out that intent.

Licensing—the traffic cop of the spectrum—would have to remain. Its very necessity, to keep broadcasters from stepping on each other's signals, presents the thorniest problem.

Among the alternatives to attack that problem would be: A grandfather's clause for the present licenseholders; permanent licenses auctioned, perhaps, to the highest bidder with the proceeds going for public broadcasting; a generation-long license with machinery to insure a turnover after that. There are numerous other proposals that could be made.

Mr. PASTORE. Mr. President, I want to say at the outset that I am not afraid of free speech, I am not afraid of the first amendment of the Constitution, no more than I am afraid of the big bad wolf.

Mr. President, I bow to no one including the Senator from Wisconsin, when it comes to defending the first amendment of our Constitution—its origin—its purpose—and its sanctity.

Anyone who reads the speech that I made before the Associated Press Broadcasters from beginning to the end will understand that I was, in fact, defending the Constitution by pointing up the responsibility that an electronic journalist has in carrying out his obligations to the public. That is the reason why I said,

> Absent truth and there is really no justification for a free press.

Now, what does that mean? When you begin to tell the people a bunch of lies, you prostitute and debauch freedom of the press, and even my 9-year-old grandson understands what I mean.

My colleague asserts my interpretation of the responsibility of a free press is wrong. After 40 years of public life, that is news to me.

I respectfully suggest he has failed to understand the thrust of my speech in its entirety and has interpreted parts of it out of context.

The point I made is exactly the opposite of what Senator PROXMIRE claims it to be.

Again I say I yield to no man in my regard for the first amendment and its safeguards, and I will defend it with my life.

Over 50 years ago, Mr. Justice Holmes, in *Abrams* v. *United States* (250 U.S. 616, 630 (1919) said:

> When men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, *and that truth is the only ground upon which their wishes safely can be carried out.* [Emphasis added] That at any rate is the theory of our Constitution. It is an experiment, as all life is an experiment.

May I say to my colleague, if I have misinterpreted the Constitution, I am in rather distinguished company, I am in the company of Justice Holmes.

Before discussing the substance of the fairness doctrine, I respectfully submit certain factually and legally inaccurate statements which Senator Proxmire made which should be corrected. I intend no malice when I say this, but the doctrine and its history is quite complex and very often misunderstood.

I really believe a good deal of objection to the doctrine stems from the fact it is so misquoted and so misunderstood.

As chairman of the Subcommittee on Communications for 20 years, I can make some modest claim to familiarity with it, however. It is in this spirit I would like to undertake to set the record straight.

When the Senator says the fairness doctrine has its genesis in section 315, he is, I regret to say, absolutely wrong—wrong as a matter of history and of law. To the contrary, the FCC's first general statement on the "fairness doctrine" was set forth in the "Editorializing Report of 1949." There are some who maintain the doctrine was in the law before that date. Had the Senator contacted my office before drafting his remarks, I would have been pleased to furnish him with a copy of a committee staff study on the fairness doctrine done in 1968.

That study sets out the history of the doctrine and explains it quite thoroughly. At this point I ask unanimous consent to insert an excerpt from that study in the Record which, I believe, accurately and fully sets out the history of the fairness doctrine.

There being no objection, the staff study was ordered to be printed in the Record, as follows:

Excerpt From Staff Study Report

ITS ORIGIN AND DEVELOPMENT

1. Mayflower antecedents

A significant body of opinion holds the "fairness doctrine" had its origin in the Commission's "Editorializing Report of 1949." Words of art which became the standard for articulation of the doctrine were, for the most part, first expressed there. Yet, there is every suggestion the doctrine was born long before 1949; that it was a necessary incident to "the public interest, convenience or necessity" from the very beginning.

To understand the historical development of regulated fairness and to appreciate many of the continuing problems it evokes, a recognition of two types of broadcast opinion is required. One is the opinion of the licensee, identified as such at the time of broadcast, and ordinarily called "licensee editorializing." The other is broadcast opinion expressed by those other than the licensee and not necessarily reflecting his views. It will also be helpful to recognize two types of issues which may arouse controversy. They may be characterized as "private issues" on the one hand and "public issues" on the other.

Private issues include contract disputes, boundary disputes, domestic squabbles, personality conflicts, et cetera. They generally polarize between two sides with *opposing* points of view. It is not uncommon for civil litigation to develop from them. In a more romantic area they sometimes spawned duels to the death. Although the grist of gossip, unless one or more of the adversaries is a public agency or has a high degree of notoriety, their content seldom intrudes upon the organized channels of public communication.

Public issues are drawn upon the abrasive interface separating various interests congealed by the democratic processes of our society. Sometimes points of view upon these issues bipolarize. More frequently, a variety of interests are involved whose *various* viewpoints span a spectrum of multiple alternatives. The struggles which ensue are generally fought in the ballot box and before the councils of men. Although their resolution may generate byproduct private issues (personality conflicts, domestic squabbles, et cetera), they are essentially public in character. The worthly subjects of journalist reportage and public debate, these are the matters about which "the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public * * *."

Very early in the history of broadcasting regulation, the Federal Radio Commission recognized the importance of discussing public issues over the airwaves and the constitutional freedom to do so. In its annual report of 1928, it said:

"It is self-evident that the constitutional guarantee of freedom of speech applies to the expression of political and religious opinions, to discussions, fair comments, and criticisms *on matters of general public interest,* of candidates, of men holding public office, and of political, social, and economical issues. At no time has the Commission considered that it had the right to chastise a station for its conduct in handling such matters if the station has observed the requirement of the law that it give rival candidates equal opportunities to use its microphone." [Emphasis supplied.]

But, the exercise of free speech by broadcasters was not without limits. The 1928 report continues:

"Does the same constitutional guarantee apply to the airing of a *private* matter? The history of the guarantee shows that it was the outgrowth of a long struggle for the right of free expression on matters of *public* interest. Two neighbors may indulge in any verbal dispute they please in their own back yards where no one is within hearing distance. Let them try to conduct the same dispute in a public place * * * and they soon find they are not protected by the Constitution." [Emphasis supplied.]

Clearly the right to free expression was not intended to extend to broadcast of private issues. And the Commission had an opportunity in 1928 to apply this principle to a case in point, the matter of WRAK. Located in Erie, Pa., that station's owner and another local licensee were engaged in a personal controversy, using their broadcast facilities for abusive exchanges, each against the other. Acknowledging that it could not censor, but had to exercise concern for the public interest, the Commission, in considering the matter, stated:

"The Commission is not attempting to pass on the responsibility for a dispute; it may rest with one station or the other * * * The Commission, however, is certain that whoever may be to blame, it is not in the public interest, convenience, or necessity to permit these two broadcasters further to regale the inhabitants of Erie with their personal differences."

Later in 1928, deciding the matter of WCOT, the Commission expanded its prohibition against the private use of a station as opposed to its operation in the public interest. There the Commission said:

"* * * it is manifest that the station is one which is operated without regard to the rendering of any real public service in the field of radio broadcasting and in such a manner as must be objectionable to the large mass of the listening public and exists *chiefly for the purpose of serving the private interests of the applicant and as a conveyance for his personal views.*" [Emphasis supplied.]

Here the Commission forbids use of a broadcast outlet *chiefly* for private interests and conveyance of personal views of the licensee. Not limited to broadcast of private issues, this prohibition extends to primary use of the station for conveyance of licensee's personal views, whether on issues public or private. Although no mention is made of presenting opposing views, implicitly this was not done and the lack of balance invoked Commission ire.

Subsequently, on August 22, 1928, the license of WEVD in New York City was renewed. Here the question of using a station by licensee for expressing private views on public issues was involved. And here, as applied to a case in point, the infant "fairness doctrine" was probably born. The Commission said:

"The Commission will not draw the line on any station doing an altruistic work, or which is the mouthpiece of a substantial political or religious minority. Such a station must, of course, comply with the requirements of the law and *must be conducted with due regard for the opinions of others* * * *." [Emphasis supplied.]

Private opinions on public issues could be discussed by licensee, but only "with due regard for the opinions of others * * *." The licensee's right to express his opinion on *public issues* was limited by a responsibility to broadcast the opinions of others. But, in no event, could *private issues* enter broadcast content.

The *WRAK, WCOT,* and *WEVD* cases stimulated little reaction in the industry. Yet they established a regulatory philosophy upon which the fledgling FRC would draw its "Principles Underlying the Evaluation of Broadcasting Stations." Those principles were announced in the *Great Lakes* decision of 1929, and were merely incidental to disposition of the matter involved. Nevertheless, it is noteworthy that the Commission there said:

"Broadcasting stations are licensed to serve the public and not for the purpose of furthering the private or selfish interest of individuals or groups of individuals. The standard of public interest, convenience, or necessity means nothing if it does not mean this . . .

"In such a scheme there is no room for the operation of broadcasting stations exclusively by, or in the private interests of, individuals or groups so far as the nature of the program is concerned. . . .

"Insofar as a program consists of discussion of public questions, *public interests requires ample play for the free and fair competition of opposing views and the Commission believes that the principle applies . . . to all discussions of issues of importance to the public.*" (Emphasis supplied.)

The phrase "due regard for the opinion of others" from *WEVD* evolved in *Great Lakes* to an affirmative responsibility strikingly similar in language to the present day "fairness doctrine." The "public interest requires ample play for the free and fair competition of opposing views, and the Commission believes that the principle applies * * * to all discussions of issues of importance to the public."

Thereafter, in a spate of license revocations for what essentially were fairness and personal use violations, the Commission, in the next few years, exercised a regulatory muscle which it has yet to flex again against broadcast content. Among those revocations were the notorious *Brinkley, Shaeffer,* and *Shuler* cases.

Dr. John R. Brinkley, operator of KFBK, used his broadcast facility as an integral part of two other ventures, his Brinkley Hospital and Brinkley Pharmaceutical Association. The hospital, which specialized in a radical operation guaranteed by the good doctor to rejuvenate masculine virility, advertised extensively over the station. The Brinkley Pharmaceutical Association was a combine of druggists who sold special prescriptions concocted by Dr. Brinkley. For three 30-minute broadcast periods each day the doctor appeared personally over the station. During these programs, he would read letters mailed by listeners describing their various physical ailments and, without any personal examination, prescribe remedies for those ailments. Needless to say, those remedies invariably entailed prescription of Dr. Brinkley's special concoctions, designated by number and available at participating pharmacies. In turn, member druggists remitted a fixed percentage of their gross sales of Brinkley tonics to KFBK in lieu of a fixed charge for the doctor's broadcast time. By far the greater volume of the station's annual income was derived from those royalties and advertisements for Brinkley Hospital.

As might be expected, these practices did not go unnoticed by organized medicine and great public furor ensued. In view of the many complaints, the station's application for license renewal was set for hearing. The Commission determined that renewal of the license was not in the public interest, convenience or necessity; finding that the practice of prescribing medical treatment over the air without physical examination was inimical to the public interest and that Dr. Brinkley had operated the station for his own private purposes. Dr. Brinkley appealed the Commission's ruling to the U.S. Court of Appeals for the District of Columbia.

In upholding the Commission's action, the court determined that the business of broadcasting, as a species of interstate commerce, is subject to reasonable regulation by Congress and its arm, the Federal Radio Commission. The court then reasoned:

". . . When Congress provided that the question whether the license should be issued or renewed should be dependent upon a finding of public interest, convenience or necessity, it very evidently had in mind that broadcasting should not be a mere adjunct of a particular business, but should be of a public character. Obviously there is no room in the broadcast band for every business or school of thought." [4]

For the first time, the Court of Appeals agreed that a broadcast license could not be used for a private purpose.

The *Shaeffer* case [5] was decided by the Commission in 1930. It is of particular note for two reasons. It is probably the harbinger of the personal attack feature of the doctrine and it involved opinion and utterances of a person other than licensee. The broadcast content which resulted in license revocation was generated by one Robert G. Duncan who purchased time from the licensee, Shaeffer, for his broadcasts. Shaeffer, in fact, claimed to disapprove of the content of Duncan's programs, but contended he was bound to carry them because of a lease arrangement with Duncan for broadcast time.

In its 1930 decision, while disposing of Shaeffer's contention, the Commission announced the principle which was to define licensee responsibility thereafter. The licensee, himself, must assume full responsibility for all broadcast content emanating from his station and he must, therefore, retain full authority over all program content. Discussing the offending content, the Commission said:

"* * * The compelling factor in the Commission's decision * * * was the nature of the broadcasts which have been emanating from this station * * * This disclosed that as a result of a very bitter political campaign the defeated candidate, one Robert G. Duncan, had entered on a program of vilification denouncing in most violent terms those whom be believed responsible for his defeat."

There was no showing that those attacked by Duncan were afforded an opportunity to respond nor does the Commission speculate that the result would differ had such been the case. The Commission simply determined that these personal attacks were not in the public interest, convenience, or necessity, even though the offending party was not the licensee himself.

The renewal of station KGEF [6] was involved in the *Shuler* case. Although Trinity Methodist Church was the nominal licensee, the station was actually operated and controlled by Robert P. Shuler, the church's pastor. He was the principal spokesman over the station, frequently taking positions on controversial issues of a public nature and launching personal attacks upon public officials, the courts, and other individuals and groups. He was wont to severely criticize the Catholic Church and disparage Jews. It was not infrequent that his allegations and disparagements had no basis in fact.[7]

After hearing, the Commission decided not to renew the license, and stated:

"The Commission holds no brief for any parties subjected to attacks through the medium of station KGEF, but in almost every instance appearing on the record the attacks made by Shuler, and the methods employed therefor, are certainly not in the interests of the public or the rendition of a commendable broadcasting service. *The broadcasts of this party are filled with mistatements of fact and insinuations based thereon* * * * Surely, the case, in such a manner, of one of the most powerful mediums of furnishing instruction and entertainment to the public does not meet the statutory standard upon which the right to hold a license must be based. While the Commission does not have the power of censorship, it does have the duty of determining whether the standard fixed by law has been or will be met by the use of a broadcast license." (Emphasis supplied.)

As in the *Shaeffer* case, no mention is made of affording those attacked an opportunity to respond. Clearly Shuler did not do so.

While, as in *Shaeffer*, the Commission determined the involved personal attacks were not in the public interest, if developed a new standard for dealing with broadcast content. It condemned broadcasts "filled with misstatements of fact and insinuations based thereon." The broadcast of opinion per se was not condemned, only opinion based upon misstatement of fact.

From an appeal taken by Shuler, the U.S. Court of Appeals for the District of Columbia had another opportunity to review FRC action directed at the regulation of broadcast content.[8] Upholding the Commission's action, the court said:

"If it be considered that one in possession of a permit to broadcast in interstate commerce may, without let or hindrance from any source, use these facilities, reaching out, as they do, from one corner of the country to the other, to obstruct the administration of justice, offend the religious susceptabilities of thousands, inspire political distrust and civic discord, or offend youth and innocence by the free use of words suggestive of sexual immorality, and be answerable for slander only at the instance of the one offended, then this great science, instead of a boon, will become a scourge, and the Nation a theater for the display of individual passions and the collisions of personal interests. This is neither censorship nor previous restraint, nor is it a whittling away of the rights guaranteed by the first amendment, or an impairment of their free exercise. Appellant may continue to indulge his strictures upon the characters of men in public office. He may just as freely as ever criticize religious practices of which he does not approve. He may even indulge private malice or personal slander—subject, of course, to be required to answer for the abuse thereof—but he may not, as we think, demand, of right, the continued use of an instrumentality of commerce for those purposes, or any other, except in subordination to all reasonable rules and regulations Congress, acting through the Commission, may prescribe."

The Court continued, while assessing the reasonableness of the Commission's action:

"However inspired Dr. Shuler may have been by what he regarded as patriotic zeal, however sincere in denouncing conditions he did not approve, it is manifest, we think, that it is not narrowing the ordinary conception of "public interest" in declaring his broadcasts—without facts to sustain or to justify them—not within that term, and, since that is the test the Commission is required to apply, we think it was its duty in considering the application for renewal to take notice of appellant's conduct in his previous use of the permit, and, in the circumstances, the refusal, we think, was neither arbitrary nor capricious."

In the *Shuler* decision, the court clearly confirms the Commission's right, even duty, to consider past broadcast content upon application for renewal as long as the standards applied are reasonable. Here, a standard which condemns broadcasts containing misstatement of fact and insinuations based thereon was held, by the court, to be reasonable.

Summarizing, the Commission determined in "Brinkley," "Shaeffer," and "Shuler" that the broadcast license could not be used for a private purpose, that personal attacks of a certain type over the broadcast medium are not in the public interest, and that personal attacks and opinions based upon misstatement of fact, along with insinuations based thereon, are not worthy subjects of broadcasting. The Court of Appeals for the District of Columbia supported the Commission action and recognized the Commission's duty to consider the nature of past program content in weighing renewal. Only negative aspects of an infant "fairness doctrine" are implicit in these cases. One can only speculate what the outcome would have been had Brinkley, Shaeffer, and Shuler afforded balance of viewpoints and opportunities for response in their overall broadcast content. It is probably fair to surmise that Brinkley and Shuler would have lost nevertheless since one was based upon private use of the facility and the other upon broadcasts containing misstatement of fact.

However, Shaeffer would probably have fared better had balance been incorporated in his programing to offset the views of Duncan and afford a voice to those attacked by him. This speculation is based upon the result in the *WEVD* case and the principles set out in "Great Lakes." Another case decided prior to "Shaeffer" lends credence to the speculation.

In October 1928, the Chicago Federation of Labor, licensee of WCFL, filed an application before FRC to change its frequency to a clear channel and to broadcast 24 hours per day. Theretofore WCFL had been a low power station authorized to broadcast on another frequency during daylight hours only. The clear channel sought by WCFL had previously been assigned to stations WBBM, Chicago, and KFAB, Lincoln, Nebr., one operating four-sevenths of the time and the other three-sevenths. Granting of the WCFL application would have forced both WBBM and KFAB off the air or onto other frequencies. The application was denied by the Commission on the basis that WBBM and KFAB would continue to afford a better quality public service than that proposed by WCFL for the clear channel. In its decision, the Commission took into account the past practices of WBBM and KFAB in furnishing equal treatment to all segments of their community. Chicago Federation of Labor appealed the decision and the Court of Appeals for the District of Columbia upheld the Commission. While discussing WBBM's past record, the court said:

"It began broadcasting in November 1923, and has in all respects and at all times scrupulously obeyed the law and rules governing broadcasting. It has always rendered and continues to render admirable public service. *The station has consistently furnished equal broadcasting facilities to all classes in the community,* and has won the favor and esteem of the public. Its com-

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Footnotes at end of article.

mendable career entitles it to consideration. The career of station KFAB is equally meritorious.[9]" (Emphasis supplied.)

Here, *equal facilities* for *all classes* in the community is emphasized. The Court's decision in 1930 approves a standard of fairness not dissimilar to the "fairness doctrine" as known today.[10]

Ten years later, in 1938, the Commission had before it the application of Young Peoples Association for the Propagation of the Gospel seeking a construction permit. The application for a new station was denied because of an association policy not to permit the use of its facilities by persons or organizations whose views differed from those of the applicant. While denying the application, the Commission reasoned:

"The facilities of the station are to be used primarily for the dissemination of religious programs to advance the fundamentalist interpretation of the Bible. The applicant stated, however, that in connection with religious broadcasts the station's facilities would be extended only to those whose tenets and beliefs in the interpretation of the Bible coincide with those of the applicant. * * * Where the facilities of a station are devoted primarily to one purpose and the station serves as a mouthpiece for a definite group or organization it cannot be said to be serving the general public. That being the case, if one group or organization is entitled to a station facility for the dissemination of its principles, then other associations of equal magnitude would be entitled to station licenses on the same grounds.[11]."

Applicant's refusal to broadcast various point of view is the singular reason given for denying the permit. Obviously the "fairness doctrine" in at least skeletal form was very much alive in 1938 as before.

With this background, let us proceed to the *Mayflower* case.

2. Mayflower to 1949

Without question, no other FCC decision affecting broadcasters has aroused as much controversy, stimulated as much industry reaction, or generated as much comment as the so-called *Mayflower* decision issued January 17, 1941.

The Yankee Network, Inc., was licensee of two broadcast outlets located in Boston, Mass., stations WAAB and WNAC. Starting early in 1937, both stations adopted a policy of broadcasting licensee editorials. Through that vehicle, station management advocated election of various political candidates and took positions upon a number of controversial public issues.

On March 31, 1938, one Lawrence J. Flynn, a former employee of the Yankee Network, Inc., forwarded a petition to FCC requesting a hearing upon the renewal application of WAAB. He based his criticism of the station upon the editorial practices of management. Supporting his argument, he accompanied his petition with recordings of editorials and political speeches allegedly delivered by an employee of the licensee over both stations WAAB and WNAC.

After an exchange between the Commission and the licensee concerning Flynn's charges, the renewal applications of both stations were designated for hearing (one by notice dated July 19, 1938, and the other by notice dated September 15, 1938). By February 23, 1939, neither of the renewals had proceeded to hearing and Flynn wrote the Commission withdrawing his petition and the evidence upon which it was based. In the meantime, both stations had not broadcast any editorials since March of 1938.

On March 23, 1939, Mayflower Broadcasting Corp., filed application for construction of a new broadcasting station in Boston and requested for it the frequency being used by WAAB. One of the three shareholders of Mayflower was the same Lawrence J. Flynn. Since Mayflower's application (docket 5618), and WAAB's most recent renewal application (docket 5640), requested the same frequency, both were designated for simultaneous hearing.

After hearings in November of 1939, the Commission, on May 31, 1940, released its proposed findings and conclusions on both applications. It proposed to dismiss the application of Mayflower because of a lack of financial qualification and to renew the license of WAAB. Here no mention of WAAB's editorial practices were found, and the Commission justified its proposed action with the following language:

"The primary reason for designating the renewal application of station WAAB for hearing was the pendency of the application of the Mayflower Broadcasting Corp., requesting the facilities allocated to said station. In view of the conclusions which we have reached with respect to the Mayflower Broadcasting Corp.'s application, we do not consider it necessary to discuss other evidence introduced at this hearing. Much of this evidence concerns information brought before the Commission and which was the subject of its review upon the complaint of Lawrence J. Flynn, one of the stockholders of the Mayflower Broadcasting Corp."

Had the matter been left to lie at this point, no special notoriety would ever have been gained by the struggle between Mayflower and WAAB.

But, alas, on June 20, 1940, Mayflower took exception to the proposed findings and conclusions and requested oral argument. Objecting to 15 aspects of the proposed findings and conclusions, Mayflower raised again the problem of editorializing by WAAB. Oral argument was heard on July 25, 1940, without a quorum of Commissioners. In the course of that argument, counsel for WAAB was pressed by the Commissioners present for an assurance that WAAB would carry no editorials in the future. The licensee thereafter filed affidavits stating it had discontinued editorials and had no present intention to resume them, although some ambiguity upon this point remained.

Since a quorum was not present during the July argument, Mayflower exercised its right to be heard by the Commission legally en banc. Reargument was heard on September 26, 1940, covering substantially the same ground as before. Finally, on January 17, 1941, the final order of the Commission was issued with a bombshell tucked neatly inside: "In brief, the broadcaster cannot be an advocate."

As in the proposed findings and conclusions, Mayflower's application for a construction permit was denied. The Commission found it lacked the requisite financial qualifications and that it had made misrepresentations of fact in its application. But, far broader than the earlier proposed findings and conclusions, the final order,[12] while renewing WAAB's license, also took up the matter of its editorial practices. Reflecting upon those practices, the Commission said:

"No attempt will be made there to analyze in detail the large number of broadcasts devoted to editorials. The material in the record has been carefully considered and compels the conclusion that this licensee, during the period in question, has revealed a serious misconception of its duties and functions under the law. Under the American system of broadcasting it is clear that responsibility for the conduct of a broadcast station must rest initially with the broadcaster. It is equally clear that with the limitations in frequencies inherent in the nature of radio, *the public interest can never be served by a dedication of any broadcast facility to the support of his own partisan ends.* Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. *A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidates of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate.*" (Emphasis supplied.)

Debate continues to this day about the true meaning of those *italicized* sentences. Innumerable tracts, treatises, and articles have been written for their clarification. They range from an interpretation that all broadcasts dealing with controversial issues were forbidden, to the conclusion that broadcasters were not forbidden, thereby, to editorialize as long as opposing points of view were aired. It is significant no persistent attempt was made by WAAB to present opposing views offsetting its own editorials. Again, one can only surmise what the Commission's attitude might have been had that policy been pursued. Yet, it is also significant that no such qualification was expressed by the Commission in outlining the "cannots" imperative upon a licensee who is to operate in the public interest.

Whatever academic and legal positions were argued in attempts to interpret the decision, its practical impact, and therefore its real meaning for the governed, was widely accepted by the broadcasting industry as a flat prohibition against licensee editorializing of any sort. This practical inhibition was to last until 1949.

In view of decisions prior to *Mayflower* it can be convincingly argued that the industry reaction was not overly cautious. The Commission had clearly prohibited the "private use" of broadcast facilities by licensees in the past and the courts had upheld their action in doing so. Language in the decision seemed to categorize licensee editorials as a "private use" of the facility. Witness: "* * * the public interest can never be served by a dedication of any broadcast facility to the support of *his own* partisan ends." And: "The public interest—*not the private*—is paramount." [Emphasis supplied.]

In its "Mayflower" rationale, the Commission seemingly failed to clearly recognize the distinction between "private use: of a facility (as in 'Brinkley')," and the broadcast of licensee's "private views: on 'public issues'." Certainly there is no suggestion the station dealt with "private issues" as in WRAK. If the distinction was recognized, then clearly the Commission, in "Mayflower," did, in fact, reverse its longstanding policy, announced in the annual report of 1928 and affirmed in "WEVO" and "Great Lakes," of permitting broadcasters to take positions on "public issues" if they also broadcast opposing views.

Although some construed the decision to the contrary, "Mayflower" did not abolish the public interest requirement that broadcasters deal in controversial public issues in their other broadcast content. In fact, that responsibility was expressly affirmed in the decision while outlining the most comprehensive description of broadcasting "fairness" requirements which had appeared in Commission action to that time. On this point, the Commission wrote:

"Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues. Indeed, as one licensed to operate in a public domain the licensee has assumed the obligation of presenting all sides of important public questions, fairly, objectively and without bias. The public interest—not the private—is paramount. These requirements are inherent in the conception of public interest set up by the Communications Act as the criterion of regulation."

The clincher, supporting the thesis that licensee editorials were forbidden, was language in the decision based upon WAAB's affidavits stating it had stopped editorials

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Footnotes at end of article.

and had no plans to editorialize in the future. Upon this point, the Commission said:

"Relying upon these comprehensive and unequivocal representations as to the future conduct of the station and in view of the loss of service to the public involved in the deletion of this station, it has been concluded to grant the application for renewal. Should any future occasion arise to examine into the conduct of this licensee, however, the Commission will consider the facts developed in this record in its review of the activities as a whole."

Whatever the impact on other broadcasters, WAAB's renewal was conditioned upon its discontinuance of editorials and representation that it had no plans to resume them. And, to insure that no misunderstanding might arise about their resumption,[13] the Commission implicity advised licensee that it would look with disfavor upon any future reappearance of editorials.

In FCC's Seventh Annual Report, 1941, the following language is found at page 28:

"The public interest—not the private—is paramount" in radio broadcasting declared the Commission in reprimanding a certain station for past partisanship practices. In its decision and order covering this case, it added: "Under the American system of broadcasting it is clear that responsibilities for the conduct of a broadcast station must rest initially with the broadcaster. It is equally clear that with the limitations in frequencies inherent in the nature of radio, the public interest can never be served by a dedication of any broadcast facility to the support of * * * partisan ends. Radio can serve as an instrument of democracy only when devoted to the communication of information and the exchange of ideas fairly and objectively presented. * * * Freedom of speech on the radio must be broad enough to provide full and equal opportunity for the presentation to the public of all sides of public issues."

The language internally quoted above is obviously drawn from the "Mayflower" decision. Yet, as reproduced in the report, the extract seems to be merely a restatement of the Commission's 1941 conception of a "fairness doctrine." It certainly does not suggest that licensees had been forbidden to editorialize.

Significantly, the omissions, represented by asterisks in the internal quote from the report, are the portions of the quoted passage which were thought to forbid licensee editorials. The first omission was certainly not in the interests of brevity. The words omitted, "his own," would occupy little more space than the asterisks used to replace them. Obviously the meaning changes. There is a significant difference between: a licensee's "dedication of a broadcast facility to the support of partisan ends" generally, and: a licensee's "dedication of a broadcast facility to the support of 'his own' partisan ends."

The second omission supports the significance of the first one and the conclusion that the Commission intended a far different meaning in its seventh annual report than is conveyed by the full "Mayflower" decision. There the following text was omitted:

"A truly free radio cannot be used to advocate the causes of the licensee. It cannot be used to support the candidates of his friends. It cannot be devoted to the support of principles he happens to regard most favorably. In brief, the broadcaster cannot be an advocate."

Within a year, the Commission had obviously relented from the hard implications of "Mayflower." One is hard put to determine the reason for remission so quickly. Certainly there was no initial adverse industry or public reaction to the decision. In fact, the industry seemed to accept it without question at that time.[14] Perhaps the Commission, in its internal dialog, realized that, in "Mayflower," it had not properly recognized the distinction between "private issues" and "public issues"; between "private use" of a facility, as in "Brinkley," and the expression of private opinion upon "public issues." Or, recognizing those distinctions, perhaps it decided that it had gone a bit too far in reversing previous policy by flatly forbidding licensee editorials. Otherwise there seems to be no explanation for its incentive to omit very significant portions of the "Mayflower" language from the seventh annual report.

Subsequent to "Mayflower," and before 1949, FCC was to deal with other "fairness" problems worthy of note, and was to issue its most comprehensive discussion of programing policy and responsibility since "Great Lakes."

As previously noted, licensees were expected, from the outset, to deal with important public issues affecting the various responsible elements comprising their community of service. This is the basic affirmative responsibility from which "fairness doctrine" problems arise. It was clear that broadcasters were expected to air the various points of view incident to controversial public issues included in broadcast content. But, what of issues which were not aired? What remedy was available to segments of the public who wished issues discussed that the broadcaster simply ignored or chose, for policy reasons, not to air? If broadcasting was to realize its full potential as a medium for free speech it had to do more than simply air all sides of only those issues it chose to deal with. It would have to deal with all issues relevant to the community it serves. This was the problem confronting the Commission in the WHKC case (docket 6631) decided June 26, 1945.[15]

In 1944, the UAW–CIO filed a petition opposing license renewal of station WHKC. The union contended the station was not operated in the public interest because of its policy refusing sale of time for programs which solicited memberships, and which dealt with controversial subjects such as race, religion, and politics. It was further contended the station did not adhere to its policy uniformly; applying it "strictly to those with whom the management * * * disagrees * * * and loosely or not at all with respect to others." Finally, the union complained WHKC unfairly censored scripts submitted by them. Based upon the petition and an opposition thereto filed by the station, the renewal was set for hearing.

Evidence at hearing disclosed the station's policy, upon which the union's petition was predicated, was governed by provisions of the Code of the National Association of Broadcasters. At that time, the code provided no time should be sold for presentation of public controversial issues, with the exception of political broadcasts and public forums, and that solicitation of memberships in organizations, whether on paid or free time, should be permitted only for charitable organizations, such as Red Cross, or where the memberships were incidental to the rendering of a commercial service, such as insurance plans, etc.[16]

After hearing and before Commission decision, UAW–CIO and WHKC entered into an agreement affecting the station's future programing policies. Thereupon both parties filed a joint motion requesting Commission approval of the agreement and, after approval, a dismissal of the proceedings. That agreement read as follows:

"The record of the hearing discloses that station WHKC in the past had pursued a policy which it believed to be in the best interests of the public and at no time did the station believe that the application of this policy was contrary to the interests of labor. The record testimony further discloses that at the time of the hearing the station enunciated a revised policy which it had adopted prior to the hearing and which it intends to follow in the future. This policy is as follows:

"(*a*) It will be the future policy of station WHKC to consider each request for time solely on its individual merits without discriminations and without prejudice because of the identity *of the* personality of the individual, corporation, or organization desiring such time.

"(*b*) With respect to public issues of a controversial nature, the station's policy will be one of open-mindedness and impartiality. Requests of all individuals, groups, or organizations will of necessity have to be considered in the light of the contribution which their use of time would make toward a well-balanced program schedule, which the station will try at all times to maintain in the interest of the people it serves.

"(*c*) Station WHKC will make time available, primarily on a sustaining basis, but also on a commercial basis, for the full and free discussion of issues of public importance, including controversial issues, and dramatizations thereof, in order that broadcasting may achieve its full possibilities as a significant medium for the dissemination of news, ideas, and opinions. And, in doing so, there will be no discrimination between business concerns and nonprofit organizations either in making time available or restricting the use of such time. Nonprofit organizations will have the right to purchase time for solicitation of memberships.

"(*d*) Station WHKC will, if it refuses time for public discussion, do so in writing showing reasons for such denial to the extent that requests for time are made in writing.

"(*e*) The censorship of scripts is an evil repugnant to the American tradition of free speech and a free press, whether enforced by a Government agency or by a private radio station licensee. Broadcasts by candidates for public office may not be censored under the law. But as to all other broadcasts, station WHKC will not censor scripts, or delete any matter contained in them, except for reasons which it believes to be in accordance with the law and existing regulations as set forth in its statement of policy and as explained and interpreted in the record testimony. In the light of future experience this policy may be changed through action by the courts, the legislature, or by rules of Government bodies having jurisdiction over particular subject matter. It will be the policy of the station to adjust its practices to such changes, reflecting at all times the tolerance which the interest of the public renders essential.

"(*f*) The station will see that its broadcasts on controversial issues, considered on an overall basis, maintain a fair balance among the various points of view, i.e., over the weeks and months it will maintain such a balance with respect to local and network programs, both sustaining and commercial alike. "The parties believe that the above statement of policy properly sets forth the duties of a licensee under the Communications Act of 1934 with respect to the availability of time for discussion of issues of public importance, the censoring of scripts by licensees, and the maintenance of an overall program balance."

The Commission accepted the agreement and renewed the license. In doing so, it had this to say:

"5. As indicated in paragraph 2 hereof, the present proceeding puts in issue the duties of a licensee, under the statutory mandate, to operate in the public interest, convenience, and necessity, to maintain an overall program balance by providing time on a nondiscriminatory basis for discussion of public controversial issues and for the solicitation of memberships for nonprofit organizations. It

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Footnotes at end of article.

is recognized, of course, that the physical limitations on the amount of spectrum space available for radio broadcasting and the large demands upon radio stations for use of time make it impossible for every person desiring to use the facilities of a station to be granted this privilege. Under section 3(h) of the act, broadcast stations are expressly declared not to be common carriers. *These facts, however, in no way impinge upon the duty of each station licensee to be sensitive to the problems of public concern in the community and to make sufficient time available, on a nondiscriminatory basis, for full discussion thereof,* without any type of censorship which would undertake to impose the views of the licensee upon the material to be broadcast" (Emphasis supplied.)

Thus the Commission made it clear a station could not be operated in the public interest while deliberately excluding from its broadcast content some issues of importance to the community.

Again in 1947, the Commission confronted a similar problem presented by the petition of Homer P. Rainey.[17] Rainey, a candidate for Governor of Texas, complained against four stations, contending they would not sell him adequate air time to advance his candidacy. Although the stations' action was held to be reasonable under the circumstances, the Commission discussed licensee responsibility in affording time for candidates. It held public interest requires licensees not to arbitrarily deny or restrict the right of any person or group to discuss public controversial issues. And, where election campaigns are involved, the licensee has a responsibility to afford broadcast time to candidates in amounts bearing a reasonable relationship to the needs or public interest in each particular campaign.

Later, in 1948, while dealing with allegations of prejudice against Negroes and Jews in another case,[18] the Commission would say:

"The fairness with which a licensee deals with particular racial or religious groups in the community, in the exercise of his power to determine who can broadcast over his facilities, is clearly a substantial aspect of his operation in the public interest."

Thus, in three instances, FCC declared broadcasters should not, unreasonably or arbitrarily, deny their facilities for discussion of controversial public issues, includng appearances by political candidates. Nor should they discriminate against particular groups, whether racial, religious, or economic, in their programing policies. If they are to operate in the public interest, according to these decisions, broadcasters may not black out or simply refuse to permit discussion of selected controversial issues of importance to their communities; even though full and balanced discussion of other controversial issues may have occurred.

In April of 1945 FCC announced a policy of more detailed review of broadcast station performance when passing upon applications for license renewal. Thereafter on March 7, 1946, it issued its report, *Public Service Responsibility of Broadcast Licensees*. That document, popularly called "The Blue Book," was designed to apprise broadcast licensees of the Commission's policies and procedures in reviewing renewal applications. It emphasized programing policies and content. The report was based upon a far-reaching study of industry policy, practices, and revenues. It is, by far, the most comprehensive statement of its sort in the history of the Commission.

Reprinted here is the full text, beginning at page 39, of the Commission's "Blue Book" comments on broadcast discussion of public issues:

C. DISCUSSION OF PUBLIC ISSUES

"American broadcasters have always recognized that broadcasting is not merely a means of entertainment, but also an unequaled medium for the dissemination of news, information, and opinion, and for the discussion of public issues. Radio's role in broadcasting the election returns of November 1920 is one of which broadcasters are justly proud; and during the quarter of a century which has since elapsed, broadcasting has continued to include news, information, opinion, and public discussion in its regular budget of program material.

"Especially in recent years, such information programs as news and news commentaries have achieved a popularity exceeding the popularity of any other single type of program. The war, of course, tremendously increased listener interest in such programs; but if broadcasters face the crucial problems of the postwar era with skill, fairness, and courage, there is no reason why broadcasting cannot play as important a role in our democracy hereafter as it has achieved during the war years.

"The use of broadcasting as an instrument for the dissemination of news, ideas, and opinions raises a multitude of problems of a complex and sometimes delicate nature, which do not arise in connection with purely entertainment programs. A few such problems may be briefly noted, without any attempt to present an exhaustive list:

"(1) Shall time for the presentation of one point of view on a public issue be sold, or shall all such presentation of points of view be on sustaining time only?

"(2) If presentations of points of view are to be limited only to sustaining time, what measures can be taken to insure that adequate sustaining time during good listening hours is made available for such presentations, and that such time is equitably distributed?

"(3) If time is also on occasion to be sold for presentation of a point of view, what precautions are necessary to insure that the most time shall not gravitate to the side prepared to spend the most money?

"(4) Are forums, town meetings, and roundtable type broadcasts, in which two or more points of view are aired together, intrinsically superior to the separate presentation of points of view at various times?

"(5) Should such programs be sponsored?

"(6) What measures will insure that such programs be indeed fair and well balanced among opposing points of view?

"(7) Should locally originated discussion programs, in which residents of a community can themselves discuss issues of local, national, or international importance be encouraged, and if so, how?

"(8) How can an unbiased presentation of the news be achieved?

"(9) Should news be sponsored, and if so, to what extent should the advertiser influence or control the presentation of the news?

"(10) How and by whom should commentators be selected?

"(11) Should commentators be forbidden, permitted, or encouraged to express their own personal opinions?

"(12) Is a denial of free speech involved when a commentator is discharged or his program discontinued because something which he has said has offended (*a*) the advertiser, (*b*) the station, (*c*) a minority of his listeners, or (*d*) a majority of his listeners?

"(13) What provisions, over and above section 315 of the Communications Act of 1934, are necessary or desirable in connection with the operation of broadcast stations during a political campaign?

"(14) Does a station operate in the public interest which charges a higher rate for political broadcasts than for commercial programs?

"(15) The Federal Communications Commission is forbidden by law to censor broadcasts. Should station licensees have the absolute right of censorship, or should their review of broadcasts be limited to protection against libel, dissemination of criminal matter, etc.?

"(16) Should broadcasters be relieved of responsibility for libel with respect to broadcasts over which they exercise no control?

"(17) Should the "right to reply" to broadcasts be afforded; and if so, to whom should the right be afforded, and under what circumstances?

"(18) When a station refuses time on the air requested for the discussion of public issues, should it be required to state in writing its reasons for refusal? Should it be required to maintain a record of all such requests for time, and of the disposal made of them?

"(19) What measures can be taken to open broadcasting to types of informational programs which contravene the interests of large advertisers—for example, news of the reports and decisions of the Federal Trade Commission concerning unfair advertising; reports of the American Medical Association concerning the effects of cigarette smoking; temperance broadcasts; etc.?

"These are only a few of the many questions which are raised in complaints to the Commission from day to day. The future of American broadcasting as an instrument of democracy depends in no small part upon the establishment of sound solutions to such problems, and on the fair and impartial application of general solutions to particular cases.

"Under the Communications Act, primary responsibility for solving these and similar issues rests upon the licensees of broadcast stations themselves. Probably no other type of problem in the entire broadcasting industry is as important or requires of the broadcaster a greater sense of objectivity, responsibility, and fairplay.

"While primary responsibility in such matters rests with the individual broadcaster, the Commission is required by the statute to review periodically the station's operation, in order to determine whether the station has in fact been operated in the public interest. Certainly, the establishment of sound station policy with respect to news, information, and the discussion of public issues is a major factor in operation in the public interest.

"The Commission has never laid down, and does not now propose to lay down, any categorical answers to such questions as those raised above. Rather than enunciating general policies, the Commission reaches decisions on such matters in the crucible of particular cases.

"One matter of primary concern, however, can be met by an overall statement of policy, and must be met as part of the general problem of overall program balance. This is the question of the quantity of time which should be made available for the discussion of public issues.

"The problems involved in making time available for the discussion of public issues are admittedly complex. Any vigorous presentation of a point of view will of necessity annoy or offend at least some listeners. There may be a temptation, accordingly, for broadcasters to avoid as much as possible any discussion over their stations, and to limit their broadcasts to entertainment programs which offend no one.

"To operate in this manner, obviously, is to thwart the effectiveness of broadcasting in a democracy.

"A test case may illustrate the problem here raised. At the request of the Senate Committee on Interstate Commerce, the

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Footnotes at end of article.

Commission undertook a study of all network and local programs broadcast from January 1, 1941, through May 31, 1941, relative to the foreign policy issue then before the country, that of isolationism versus intervention in the world conflict. The period reviewed was one of great crisis. The issue at stake would affect the history and even the survival of our country and its institutions. Five major questions of foreign policy were involved—lend-lease, the convoying of ships to Britain, the acquisition of foreign bases, the acquisition of foreign ships, and the maintenance of the British blockade. From this study the following facts emerged.

"The four major networks submitted 532 programs. Upon analysis only 203 scripts were deemed relevant; 14 scripts were unobtainable.

"Assuming all 14 of these scripts to have been relevant, this means that 217 scripts during a 5-month period dealt with the five major issues of foreign policy listed above. Put another way, each network broadcast a program devoted to one or more of these issues every third day.

"But while the networks made these programs available, not all affiliated stations carried them. Of 120 CBS affiliates, 59.3 percent carried the average lend-lease program. Of 165 MBS affiliates, 45.5 percent carried it. Of the approximately 200 NBC stations on both Red and Blue networks of NBC, 69 stations carried the average NBC program on lend-lease.

"Even more significant are the figures relating to nonnetwork programs. Of 842 stations reporting, only 288 claimed to have originated even one program on any subject relevant to this study. The remaining 454 denied having broadcast a single nonnetwork program on foreign policy during the entire 5-month period. While subject to a possible sampling error, the study indicates that station time devoted to discussion programs distributed by the four networks exceeded station time devoted to discussion programs originating by the stations in the ratio of 30 to 1.

"The carrying of any particular public discussion, of course, is a problem for the individual broadcaster. But the public interest clearly requires that an adequate amount of time be made available for the discussion of public issues; and the Commission, in determining whether a station has served the public interest, will take into consideration the amount of time which has been or will be devoted to the discussion of public issues."

Concluding the report, the Commission again mentioned discussion of public issues. At page 56, it said:

"(3) *Programs devoted to the discussion of public issues.*—The crucial need for discussion programs, at the local, national, and international levels alike is universally realized, as set forth on pages 39 and 40. Accordingly, the carrying of such programs is reasonable sufficiency, and during good listening hours, is a factor to be considered in any finding of public interest."

In addition to public issue programing, the report dealt with all aspects of programing practices, including the frequency and content of commercial announcements.

Industry reaction to the "Blue Book" was immediate and in *Froadcasting* magazines, Louis G. Caldwell, former General Counsel of the Federal Radio Commission, wrote about the report using this language:

"When FCC adopted its report on "Public Service Responsibilities of Broadcast Licensees." March 7, a legal fiction, which germinated almost unnoticed in the first hearing before the FRC in 1927, came out in full bloom. The fiction is that the slogan "public interest, convenience, or necessity," embraces governmental regulation of broadcasting programs, and that section 326 of the Communications Act, denying the FCC power of censorship, is impotent against this most effective and most dangerous method of censoring."

Justin Miller, then president of NAB, was the most outspoken industry figure in opposition to the report. Advancing the position that section 326 of the Communications Act and the first amendment forbade any such oversight of programing, Judge Miller became the leader of industry opposition. Criticism of the Commission was so widespread and tensions so high that Chairman Charles Denny, Jr., at a 1946 NAB general luncheon, would say:

"* * * [19] My host [President Miller] in various public statements over the Nation since the publication of the "Blue Book" has been teasing the Commission, saying we are stooges for the Communists. He has said that we have violated the first amendment which guarantees freedom of speech. He has called us obfuscators, intellectual smart alecs, professional appeasers, guileful men, astigmatic perverters of society. Now, these comments haven't cooled our friendship because, you see, we believe in free speech."

It was in this atmosphere of industry criticism and opposition that *Mayflower* was recalled and its phrase: "In brief, the broadcaster cannot be an advocate" became the rallying cry of those who contended FCC had indeed stripped broadcasters of their first amendment rights.

Thereafter, criticism and pressure continued to mount. At the January 1947 regional meeting of NAB in Salt Lake City, a resolution was unanimously adopted calling for revision of *Mayflower* and establishment of the right of broadcasters to air their own views. Editorials urging the same end began to appear more frequently in the trade press. Members of the Commission indicated in public statements that a review of *Mayflower* might be desirable. An amendment of the Communications Act, which would declare the broadcaster's right to editorialize, was introduced in the Senate and extensive hearings were held in June of 1947.

Also, in June of 1947, Cornell University, licensee of WHCV, filed a petition with FCC requesting a declaratory ruling on the question whether a station might broadcast its own views, along with those of others, in connection with a public issue then pending in its community. Earlier, Chairman Denny had told a House Appropriations Subcommittee that the Commission was planning to hold hearings on the subject.

So it was that, on September 5, 1947, FCC issued an order setting hearings to begin on January 12, 1948, to inquire into the question of licensee editorializing. The issues proposed for review were set out as follows:

"1. To determine whether the expression of editorial opinions by broadcast station licensees on matters of public interest and controversary is consistent with their obligations to operate their stations in the public interest.

"2. To determine the relationship between any such editorial expression and the affirmative obligation of the licensees to insure that a fair and equal presentation of all sides of controversial issues is made over their facilities."

After having been postponed to afford all prospective witnesses additional time to prepare, the hearings began on March 1, 1948. Following an interim recess, they were concluded April 21, 1948, with a total of 8 days' testimony. Forty-nine witnesses were heard on behalf of the industry and the public. They were representative of a cross section of broadcasting and American society. More than a year later, on June 2, 1949, the Commission issued its report, "Editorializing by Broadcast Licensees." the *Mayflower* ban was lifted and the fairness doctrine, as presently understood, was pronounced. Before turning to that report it will be well to examine two more FCC decisions which preceeded it.

Twenty days after publication of the "Blue Book," the Sam Morris decision was issued.[20] Morris, acting on behalf of the National Temperance and Prohibition Council of Washington, D.C., objected to license renewal of KRLD, Dallas, Tex. Alleging KRLD pursued a policy of selling choice time for broadcasts counseling the drinking of alcoholic liquors, Morris contended the station would not sell equally choice radio time, or any time whatever, for broadcast of messages opposing consumption of alcohol. This policy, he contended, was against the public interest. Most of the offending broadcasts originated with the CBS radio network and CBS likewise refused to sell Morris time for presenting opposing views. Aggravating the practice, in Morris' view, was the fact that a large percentage of KRLD's coverage area was legally "dry" by local option.

KRLD and CBS responded to the petition, contending advertisements of commercial goods or services may not be construed as controversial. Supporting this view, CBS attempted to distinguish advertising from propaganda. Disposing of that argument, the Commission said:

"* * * the very real and troublesome problem presented by the instant petition cannot be so readily disposed of by the application of a handy nomenclature. For reflection about the nature of advertising reveals that it is indeed a species of propaganda, designed to induce the audience to use a given product or to prefer it to another. The fact that the entertainment afforded by the sponsor may count for more than his announcements about the merits of his product in winning audience favor for his product must not obscure the fact that advertising is, in essence, a form of propaganda. That propaganda may be implicitly or expressly based on a genuine difference of view as to the relative merits of one product or type of product over another. Thus, difference may exist as to the relative merits of plastics and metals, or of aluminum and other metals.

"Ordinarily, differences of this character, based upon diversity of preferences and commercial competition, do not raise issues of public importance. Difference concerning the relative merits of one product over another does not usually divide the community by raising basic and important social, economic, or political issues. But it must be recognized that under some circumstances it may well do so.

"Without at this time passing on such factual issues as whether broadcast time has been unfairly denied on whether petitioner is an appropriate representative to press for the securing of time, it can at least be said that the advertising of alcoholic beverages over the radio can raise substantial issues of public importance. It is hardly necessary to point out that the question whether the sale and consumption of alcoholic beverages should be prohibited by law is frequently an issue of public importance. That is not here disputed, for KRLD points out that it has made time available for discussion of that issue in connection with local option elections.

"What is for other individuals merely a routine advertising plug extolling the virtues of a beverage, essentially no different from other types of product advertising, is for these individuals the advocacy of a practice which they deem to be detrimental to our society. Whatever the merits of this controversy * * * it is at least clear that it may assume the proportions of a controverted issue of public importance. The fact that the occassion for the controversy happens to the advertising of a product cannot serve to diminish the duty of the broadcasters to treat it as such an issue."

Footnotes at end of article.

It is clear from this language that FCC believed its "fairness" requirement extended to advertisements for the sale of products and services in some instances. In this particular instance, advertisement of alcoholic beverages, it was held to apply. In view of the foregoing language one might be led to think the Morris petition was granted. Just the opposite result was reached. Justification given for denying the petition is interesting. The Commission found a vast majority of other licensees followed policies identical to KRLD and CBS. Being so widespread across the industry, it was deemed unfair to punish KRLD for policies common to all. By March 27, 1946, the regulator had obviously lost its stomach for the sternest of sanctions, license revocation. This is also apparent in the *Scott* decision to follow on July 19, 1946.[21]

Robert Harold Scott petitioned for license revocation of three California stations, KQW, KPO, and KFRC. Scott was an atheist. He had attempted to purchase time to present programs devoted to atheism. He claimed all the stations refused him time, either paid or otherwise, while permitting the use of their facilities for "direct statements and arguments against atheism as well as for indirect arguments, such as church services, prayers, Bible readings, and other kinds of religious programs."

Responding, KFRC stated its "firm belief that it would not be in the public interest to lend our facilities to Mr. Scott for the dissemination and propagation of atheism." KPO contended "it is difficult to imagine that a controversial issue exists in the usual sense of that phrase, on the subject of the existence of a God merely because of the nonbelief of a few." And KQW admitted it refused time to Scott for "broadcasting of atheistic talks," contending it was not in the public interest to do so. Further the station contended a controversial public issue was not presented and in any event, "if a public controversial question was tendered, it was not of sufficient public moment and did not present a question so uppermost or important in the minds of the public to justify its broadcast in the public interest with consequent displacement of an existing program service." Finally KQW argued it had acted within its legal rights and that "the Commission is not by statute authorized to substitute its judgment for that of the licensee under the circumstances. * * *"

Scott, in his petition, had asserted:

"I do not throw stones at church windows. I do not mock at people kneeling in prayer. I respect every man's right to have and to express any religious belief whatsoever. But I abhor and denounce those who, while asserting this right, seek, in one way or another, to prevent others from expressing contrary views."

The Commission determined that the proposed broadcasts did not involve blasphemous attacks upon the Deity nor abusive or intemperate attacks upon any religious belief or organization.

Discussing these arguments, the Commission would write what has probably been its most eloquent statement of the "fairness" responsibility of broadcasters, saying:

"The first amendment to our Constitution guarantees both religious freedom and freedom of speech. While these guarantees are expressed in terms of limitation on governmental action, they are far more than narrow legalistic concepts. They are essential parts of the fundamental philosophy underlying the form of Government and the way of life which we call 'American.'

"Freedom of religious belief necessarily carries with it freedom to disbelieve, and freedom of speech means freedom to express disbeliefs as well as beliefs. If freedom of speech is to have meaning, it cannot be predicated on the mere popularity or public acceptance of the ideas sought to be advanced. It must be extended as readily to ideas which we disapprove or abhor as to ideas which we approve. Moreover, freedom of speech can be as effectively denied by denying access to the public means of making expression effective—whether public streets, parks, meeting halls, or the radio—as by legal restraints or punishment of the speaker.

"It is true that in this country an overwhelming majority of the people profess a belief in the existence of a Divine Being. But the conception of the nature of the Divine Being is as varied as religious denominations and sects and even differs with the individuals belonging to the same denominations or sects.

"God is variously thought of as a "Spirit, infinite, eternal, and unchangeable," and as having a tangible form resembling man who, in turn, was created in His image; as consisting of a Trinity and a single Godhead; as a Divine lawgiver, laying down infallible natural and moral laws by which man is governed, and as God who concerns himself with the personal affairs of individuals, however, petty; as a God to whom each person is individually accountable and as a God to be approached only through ordained intermediaries; a God of the powerful who divinely appoints kings and other rulers of men, and as a God of the meek and lowly; as a God of stern justice and a God of mercy; as a God to be worshipped or appealed primarily through ritual and as a God to be served primarily through service to one's fellow man; as a God whose rewards and punishments are mainly reserved for a future life and as a God also rewards or punishes through spiritual enrichment or impoverishment of man's present existence. These are only a few of the many differing conceptions which might be cited by way of illustration.

"So diverse are these conceptions that it may be fairly said, even as to professed believers, that the God of one man does not exist for another. And so strongly may one believe in his own particular conception of God that he may easily be led to say, "Only my God exists, and therefore he who denies my God is an atheist, irrespective of his professed belief in God." For example, the early Christians were to the Romans atheists because they denied the existence of the pagan gods in which the Romans believed.

"A rule which denies freedom of expression to the professed atheist should certainly be applied with equal, if not greater, strictness to one whose views are, in fact, atheistic, but who seeks to deny or conceal his atheism. Thus, the necessity arises of making determinations on the basis of personal judgment as to whether views sought to be expressed are, in fact, atheistic. The power then is vested in those making such determination to attach the label of atheism to the believer whose particular belief they may happen to disapprove, and thus of effectively denying the believer the right to express his views. Under such a course, Jefferson, Jackson, Lincoln, and others whose names we revere could, today, be barred from access to the air to express their own particular religious philosophies. The first two were denounced with particular vigor from the pulpits of some of the wealthier and better established churches, and the label of "atheist" was freely attached to Jefferson by those who had come to feel that their favored positions, which were threatened by his social, economic, and political philosophies, were rewards which the Deity had bestowed upon them because of their special virtues and accomplishments.

"Underlying the conception of freedom of speech is not only the recognition of the importance of the free flow of ideas and information to the effective functioning of democratic forms of government and ways of life, but also belief that immunity from criticism is dangerous—dangerous to the institution or belief to which the immunity is granted as well as to the freedom of the people generally. Sound and vital ideas and institutions become strong and develop with criticism so long as they themselves have full opportunity for expression; it is dangerous that the unsound be permitted to flourish for want of criticism.

"Moreover, however strongly we may feel about the sacredness of religious beliefs, we should be mindful of the fact that immunity from criticism cannot be granted to religion without at the same time, granting it to those who use the guise of religion to further their ends of personal profit or power, to promote their own particular political or economic philosophies, or to give vent to their personal frustrations and hatreds. "False prophets" are not phenomena peculiar to Biblical days. Their danger now, as then, lies essentially in the difficulty of recognizing them as such. The difficulty is increased to the extent that their doctrines and motives are shielded from critical examination.

"We recognize that in passing upon requests for time a station licensee is constantly confronted with most difficult problems. Since the demands for time may far exceed the amount available for broadcasting a licensee must inevitably make a selection among those seeking it for the expression of their views. He may not even be able to grant time to all religious groups who might desire the use of his facilities, much less to all who might want to oppose religion. Admittedly, a very real opportunity exists for him to be arbitrary and unreasonable, to indulge his own preferences, prejudices, or whims; to pursue his own private interest or to favor those who espouse his views, and discriminate against those of opposing views. The indulgence of that opportunity could not conceivably be characterized as an exercise of the broadcaster's right of freedom of speech. Nor could it fairly be said to afford the listening audience that opportunity to hear a diversity and balance of views, which is an inseparable corollary of freedom of expression. In making a selection with fairness, the licensee must, of course, consider the extent of the interest of the people in his service area in a particular subject to be discussed, as well as the qualifications of the person selected to discuss it. Every idea does not rise to the dignity of a "public controversy," and every organization, regardless of membership or the seriousness of its purposes, is not per se entitled to time on the air. But an organization or idea may be projected into the realm of controversy by virtue of being attacked. The holders of a belief should not be denied the right to answer attacks upon them or their belief solely because they are few in number.

"The fact that a licensee's duty to make time available for the presentation of opposing views on current controversial issues of public importance may not extend to all possible differences of opinion within the ambit of human contemplation cannot serve as the basis for any rigid policy that time shall be denied for the presentation of views which may have a high degree of unpopularity. The criterion of the public interest in the field of broadcasting clearly precludes a policy of making radio wholly unavailable as a medium for the expression of any view which falls within the scope of the constitutional guarantee of freedom of speech."

Yet, in spite of this language, the renewals were not set for hearing. Reasoning as it did in the *Morris* case, the Commission said:

"* * * the issue here involved is one of broad scope and it is not restricted to the three stations which are the subject of Mr. Scott's complaint. We therefore do not feel that we would be warranted on the basis of this single complaint in selecting these three stations as the subject of a hearing looking toward terminations of their licenses, when there is no urgent ground for selecting them

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Footnotes at end of article.

rather than many other stations. But, lest our dismissal of Mr. Scott's petition be misconstrued, we feel that we should make our position entirely clear, as we did in dismissing the petition of the Reverend Sam Morris."

These words, soundng as caveat, leave one to wonder which of its positions the Commission wished to make "entirely clear." Was it thereafter clear the public interest required atheists to be heard? Or, was it clear, in instances of widespread violation, that licensees need not fear any Commission sanction? That the decision was not subsequently taken as caveat will be shown later.

Why, after it unrelenting early record of license revocation for content reasons, did the Commission in "Morris" and "Scott", seem so reluctant to punish offending licensees? The only available sanction, license revocation, was, and remains, indeed severe. Yet the Commission, then as now, had the statutory power to adopt rules. Rules, if violated, could be punished with fines and forfeitures, far short of revocation. In view of "Morris" and "Scott" immediately following the "Blue Book", with its detailed and encompassing principles governing broadcast content, one wonders why rulemaking did not appeal to the Commission.

Perhaps one explanation lies in industry's reaction to the "Blue Book." By the time of "Morris", criticism of any FCC involvement in programing was heated. By the time of "Scott", it was widespread. Never before had opposition been so adamant and criticism so powerful. Perhaps, out of the "Blue Book" reaction, FCC developed a regulatory timidity it has never overcome. Significantly, at this writing, it has yet to order any encompassing rules supporting its "Blue Book" principles and, since the publication of that document, no case of license revocation or nonrenewal can be found for violation of its imperatives.

3. The editorializing report of 1949

Thought by some to be the origin of the "fairness doctrine," the 1949 report on editorializing [22] merely collected and summarized the Commission's previous "fairness" decisions, with one notable exception. The hard implications of "Mayflower" were rejected and licensees were clearly permitted to editorialize.

Reaffirming licensee responsibility to deal with controversial public issues, the Commission said:

"The Commission has consequently recognized the necessity for licensees to devote a reasonable percentage of their broadcast time to the presentation of news and programs devoted to the consideration and discussion of public issues of interest in the community served by the particular station."

In dealing with those issues, the licensee could not be arbitrarily selective, dealing with some and ignoring others. Although this point is not forcefully emphasized in the report, no doubt the Commission had that in mind when it said:

"But the inevitability that there must be some choosing between various claimants for access to licensee's microphone, does not mean that the licensee is free to utilize his facilities as he sees fit or in his own particular interests as contrasted with the interests of the general public. The Communications Act of 1934, as amended, makes clear that licenses are to be issued only where the public interest, convenience or necessity would be served thereby. And we think it equally clear that one of the basic elements of any such operation is the maintenance of radio and television as a medium of freedom of speech and freedom of expression for the people of the Nation as a whole * * *. It would be inconsistent * * * to assert that, while it is the purpose of the act to maintain the control of the United States over radio channels, but free from any regulation or condition which interferes with the right of free speech, nevertheless * * * [licensees] * * * may themselves make radio unavailable as a medium of free speech * * *. Congress intended that radio stations should not be used for the private interest, whims, or caprices of the particular persons who have been granted licenses, but in a manner which will serve the community generally and the various groups which make up the community."

As before, in dealing with controversial issues, the licensee retained an obligation to air opposing points of view. Describing that responsibility, the Commission said:

"If, as we believe to be the case, the public interest is best served in a democracy through the ability of the people to hear expositions of the various positions taken by responsible groups and individuals on particular topics and to choose between them, it is evident that broadcast licensees have an affirmative duty generally to encourage and implement the broadcast of all sides of controversial public issues over their facilities, over and beyond their obligation to make available on demand opportunities for the expression of opposing views. It is clear that any approximation of fairness in the presentation of any controversy will be difficult if not impossible of achievement unless the licensee plays a conscious and positive role in bringing about balanced presentation of the opposing viewpoints."

Considering the role of licensee editorials in dealing with controversial issues the Commission recognized, even in a scheme where licensee editorials are banned, the broadcaster may insure the broadcast of his own personal views through his power to select programs and commentators. Yet, the argument was advanced during hearing that direct editorials would have far greater impact on opinion than other broadcast content and would inevitably result in overemphasis upon the side which the licensee chose to espouse. Responding to this argument, the Commission reasoned:

"We do not believe that any such consequence is either inevitable or probable, and we have therefore come to the conclusion that overt licensee editorialization, within reasonable limits and subject to the general requirements of fairness detailed above, is not contrary to the public interest."

Another concern which surfaced during hearings was that station control and utilization of production facilities could lead to imbalance in presenting opposing views. This concern was disposed of with these words:

"15. Similarly, while licensees will in most instances have at their disposal production resources making possible graphic and persuasive techniques for forceful presentation of ideas, their utilization for the promulgation of the licensee's personal viewpoints will not necessarily or automatically lead to unfairness or lack of balance. While uncontrolled utilization of such resources for the partisan ends of the licensee might conceivably lead to serious abuses, such abuses could as well exist where the station's resources are used for the sole use of his personal spokesmen. The prejudicial or unfair use of broadcast production resources would, in either case, be contrary to the public interest."

In assessing licensee performance at renewal time, the Commission announced it would adhere to its established policy of considering overall broadcast service. Standards of reasonableness and fairplay would prevail. No rigid "fairness" rules would control. This is how the Commission explained it:

"While this Commission and its predecessor, the Federal Radio Commission, have, from the beginning of effective radio regulation in 1927, properly considered that a licensee's overall program service is one of the primary indicia of his ability to serve the public interest, actual consideration of such service has always been limited to a determination as to whether the licensee's programing, taken as a whole, demonstrates that the licensee is aware of his listening public and is willing and able to make an honest and reasonable effort to live up to such obligations. The action of the station in carrying or refusing to carry any particular program is of relevance only as the station's actions with respect to how such program fits into its overall pattern of broadcast service, and must be considered in the light of its other program activities. This does not mean, of course, that stations may, with impunity, engage in a partisan editorial campaign on a particular issue or series of issues provided only that the remainder of its program schedule conforms to the statutory norm of fairness; a licensee may not utilize the portion of its broadcast service which conforms to the statutory requirements as a cover or shield for other programing which fails to meet the minimum standards of operation in the public interest. But it is clear that the standard of public interest is not so rigid that an honest mistake or error in judgment on the part of a licensee will be or should be condemned where his overall record demonstrates a reasonable effort to provide a balanced presentation of comment and opinion on such issues. The question is necessarily one of the reasonableness of the station's actions, not whether any absolute standard of fairness has been achieved. It does not require any appraisal of the merits of the particular issue to determine whether reasonable efforts have been made to present both sides of the question."

Concluding the report, the Commission summarized:

"To recapitulate, the Commission believes that under the American system of broadcasting the individual licensees of radio stations have the responsibility for determining the specific program material to be broadcast over their stations. This choice, however, must be exercised in a manner consistent with the basic policy of the Congress that radio be maintained as a medium of free speech for the general public as a whole rather than as an outlet for the purely personal or private interests of the licensee. This requires that licensees devote a reasonable percentage of their broadcasting time to the discussion of public issues of interest in the community served by their stations and that such programs be designed so that the public has a reasonable opportunity to hear different opposing positions on the public issues of interest and importance in the community. The particular format best suited for the presentation of such programs in a manner consistent with the public interest must be determined by the licensee in the light of the facts of each individual situation. Such presentation may include the identified expression of the licensee's personal viewpoint as part of the more general presentation of views or comments on the various issues, but the opportunity of licensees to present such views as they may have on matters of controversy may not be utilized to achieve a partisan or one-sided presentation of issues. Licensee editorialization is but one aspect of freedom of expression by means of radio. Only insofar as it is exercised in conformity with the paramount right of the public to hear a reasonably balanced presentation of all responsible viewpoints on particular issues can such editoralization be considered to be consistent with the licensee's duty to operate in the public interest. For the licensee is a trustee impressed with the duty of preserving for the public generally radio as a medium of free expression and fair presentation."

Thus, the foundation of a modern "fairness doctrine" was laid. Subsequent problems involving fairness would be resolved

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against a background of the 1949 report. culminating a bitter struggle, beginning with the "Blue Book," licensee advocacy was vindicated. But the report was a victory only in part for organized broadcasting. Industry insistence that the First amendment and section 326 of the act forbade any regulatory oversight of broadcast content was rejected and the "fairness doctrine" retained.

When the 1949 report was adopted, a quorum of five Commissioners was present. Two members were out of the country and did not participate. Of those present, three voted to adopt the report and two dissented. From a total of seven, action was initiated by three, less than a majority of the full Commission. Yet, the legality of the decision cannot be attacked on this ground. The matter was considered before a lawful quorum and a majority of those present voted in favor of the report.

One of the majority, Commissioner Webster, although adopting the report, was not completely satisfied with it. His concern was expressed in additional views filed by him. The majority report, he thought, "* * * leaves a licensee in a quandary and a state of confusion in that he must follow with his own interpretation of an involved academic legal treatise to determine what he can or cannot do in his day-to-day operation. He is entitled to know from the Commission just that—'What he can or cannot do'—in as concise and unequivocal language as possible."

One of the minority, Commissioner Jones, agreed that licensees should have the right to editorialize and felt any inhibition of that right, including "Mayflower," violates the First amendment. For that reason he opposed "fairness" requirements as unconstitutional restrictions upon the licensee. Yet, since the majority felt otherwise, he criticized the report on other grounds as well, saying: "I do not believe the conditions imposed here are made clear enough to serve as an adequate guide to the conduct licensees will be required to follow . . ." He argued that "fairness" requirements should be codified and adopted as rules and regulations of the Commission.

The other dissenter, Commissioner Hennock, foresaw problems of policing. Expressing accord with the principle of "fairness," yet reservations about licensee editorials, she said:

"I agree with the majority that it is imperative that a high standard of impartiality in the presentation of issues of public controversy be maintained by broadcast licensees. I do not believe that the Commission's decision, however, will bring about the desired end. The standard of fairness as delineated in the report is virtually impossible of enforcement by the Commission with our present lack of policing methods and with the sanctions given us by law. We should not underestimate the difficulties inherent in the discovery of unfair presentation in any particular situation, or the problem presented by the fact that the sole sanction the Commission possesses is total deprivation of broadcast privileges in a renewal or revocation proceeding which may occur long after the violation.

"In the absence of some method of policing and enforcing the requirement that the public trust granted a licensee be exercised in an impartial manner, it seems foolhardy to permit editorialization by licensees themselves. I believe that we should have such a prohibition, unless we can substitute for it some more effective method of insuring fairness. There would be no inherent evil in the presentation of a licensee's viewpoint if fairness could be guaranteed. In the present circumstances, prohibiting it is our only instrument for insuring the proper use of radio in the public interest."

In its preface to the report, the majority had said: "Because of the importance of the issues * * * and because of the possible confusion which may have existed in the past * * * we have deemed it advisable to set forth in detail and at some length our conclusions * * *." That confusion would not be avoided in the future and that problems foreseen in the comments of Commissioners Webster, Jones, and Hennock, would arise is demonstrated by developments after 1949. Let us now turn to some of those developments.

4. After 1949

The first occasion for Commission interpretation of its 1949 report involved the editorial practices of station WLIB, New York City. The station had broadcast a series of editorials favoring establishment of a National Fair Employment Practices Commission, and admitted it did not take affirmative steps to seek out and present opposing points of view. While admonishing WLIB and requesting that it advise about future policies in this connection, the Commission said:

"In our report * * * it was made clear that the licensee has an affirmative duty to *seek out, aid, and encourage* the broadcast of opposing views on controversial questions of public importance."[23] (Emphasis supplied.)

The italicized language does not coincide with the text of the report. The licensee's responsibility was described there as "an affirmative duty generally to *encourage and implement* the broadcast of all sides of controversial public issues * * *." [Emphasis supplied.]

The obligation of WLIB, "seek out, aid, and encourage," appeared in subsequent "fairness" decisions until July 29, 1959. In the meantime, industry criticism of and resistance to the duty to "seek out" opposing views began to mount. By 1958, the Illinois Broadcasters Association resolved that "the requirement of 'a reasonable standard of fairness' was * * * acceptable but the duty to seek opposing views 'makes practically impossible an editorial policy of force and effect' * * * ."[24]

Just as followed the "Blue Book," mounting industry pressure was to be felt by FCC and reflected in its policy. This may be observed in relation to the renewal of station KNOE-TV, Monroe, La. The station had broadcast editorials opposing subscription television and a complaint was filed claiming unfair treatment. In a letter dated July 29, 1959, FCC admonished the station about its failure to present opposing views. Discussing the licensee's responsibility in that regard, the Commission said:

"The Commission has recognized the right of a broadcast licensee to express his own views with respect to controversial issues of public importance. You have done so in this case. The Commission has also stated that the licensee must follow a reasonable standard of fairness in the presentation of the issues in the controversy and that he has an affirmative duty to *aid and encourage* the broadcast of opposing views by responsible persons."[25] (Emphasis supplied.)

Hence, the original language of the report, "encourage and implement," interpreted in WLIB to mean: "seek out, aid, and encourage," evolved in KNOE to read: "aid and encourage." The onerous words, "seek out," were dropped and subsequent Commission declarations described the licensee duty as one to "aid and encourage" the broadcast of opposing views by responsible persons.

In terms of a broadcaster's day-to-day operations, the extent of his duty to present opposition views is critical. For him, the question is whether he shall be active or passive. If he must "seek out," he is assigned an active role which requires him to identify, locate, and enlist those holding opposing views, or at least ascertain and present opposing views with his own personnel. On the other hand, if he need only "aid and encourage" the presentation of opposing views, his responsibility is far more passive. He might reasonably consider, in that circumstance, he has no responsibility to develop and present opposing views with his own personnel. He might, also reasonably, consider he has encouraged presentation of opposing views by merely broadcasting invitations for such presentations and by making his facilities available upon request of opponents.

There is no doubt that critics of the *WLIB* decision thought the broadcaster's duty should be reasonably discharged by the more passive role. If they were heartened by the language change in *KNOE,* they could only be confused thereafter, because the change was merely semantic and not substantive. One does not have to depart from the text of the *KNOE* letter to observe the changes was not radical. Witness:

"Considering all of the circumstances, the Commission is of the view that KNOE-TV's presentation of the subscription television issue was one sided, *without adequate efforts having been made to secure the presentation of the other side* by responsible spokesmen." (Emphasis supplied.)

There is no substantial difference between "seek out" and "adequate efforts to secure." Each is a positive duty that cannot be discharged by a passive willingness to "aid and encourage" upon demand. That some affirmative effort be expended is evident from subsequent decisions. It was not until *WRAL* in 1964 that the real meaning of the omission in *KNOE* would become apparent.

On July 26, 1959, the CBS network broadcast an editorial favoring a proposed amendment of section 315 of the Communications Act. The amendment sought to exempt candidate appearances on certain types of broadcasts from the operation of section 315. Lar Daly of Chicago, a colorful and perennial candidate for public office, complained to FCC about the editorial and sought time over CBS to provide the opposing view. Daly's persistent complaints associated with section 315 had precipitated Commission rulings which necessitated the amendment. He, therefore, insisted he was uniquely qualified to voice opposition to the editorial position of CBS.

Subsequent to the editorial, CBS did broadcast opposing views, but not in the person of Lar Daly. Ruling against Daly, the Commission said:

"An individual is not entitled to equal time to reply to editorializing * * * on a discussion program * * * because of the fact that he was personally involved in the events giving rise to the issue, * * * where * * * the controversial issue and several points of view were represented by participants in the discussion."[26]

Daly petitioned for reconsideration and subsequently took a court appeal of the Commission's action, but to no avail. Hence, it was established that no particular individual could demand, as a matter of right, the opportunity to present responding views to a controversial issue broadcast, as distinguished from a personal attack. The selection of persons to present various views on controversial public issues was left solely in the discretion of the licensee.

During congressional debate upon the 1959 amendment of section 315, questions arose about the amendment's impact upon the "fairness doctrine." To insure the amendment would not be construed as impinging upon the doctrine, the following words were incorporated in section 315 at that time:

"Nothing in the foregoing sentence shall be construed as relieving broadcasters in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them un-

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der this act to operate in the public interest and *to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.*" (Emphasis supplied.)

Here, for the first time, Congress afforded legislative recognition of the doctrine's existence. It has been argued, in view of the italicized language, that Congress thereby implicitly ended any affirmative obligation upon a licensee to "seek out" opposing views. The language can be construed as describing the more passive duty opted for by organized broadcasting. One may "afford reasonable opportunity" upon request short of any effort to enlist opposing views. Yet, the Commission did not subsequently interpret the legislative enactment as effecting a diminution of its conception of licensee responsibility for fairness. Its interpretation was probably correct since there is nothing in the legislative history of the amendment to suggest Congress actually intended, thereby, to lessen the licensee burden.

On July 29, 1960, the Commission issued its *Report and Statement of Policy Re: Commission En Banc Programing Inquiry.*[27] This document, after the fashion of the "Blue Book," sought to describe licensee responsibilities with respect to programing. The first general policy statement on the subject since the "Blue Book" it was, no doubt, prompted in part by the payola and quiz-rigging problems of the late fifties. Reaffirming the "fairness doctrine," the Commission there said:

"Formerly by reason of administrative policy, and since September 14, 1959, by necessary implication from the amended language of section 315 of the Communications Act, the Commission has had the responsibility for determining whether licensees 'afford reasonable opportunity for the discusssion of conflicting views on issues of public importance.' "

The 1960 programing report also dealt with misleading broadcast content. Early in the text, these words were used:

"Prior to the en banc hearing the Commission had made the position clear that, in fulfilling its obligation to operate in the public interest, a broadcast station is expected to exercise reasonable care and prudence with respect to its broadcast material in order to assure that no matter is broadcast which will deceive or mislead the public."

Later in the report this language is found:

"Broadcasting licensees must assume responsibility for all material which is broadcast through their facilities. This includes all programs and advertising material which they present to the public. *With respect to advertising material the licensee has the additional responsibility to take all reasonable measures to eliminate any false, misleading, or deceptive matter* . . ." (emphasis supplied.)

Implicit in the underlined language is the conclusion that licensees do not have the "responsibility to take all reasonable measures to eliminate any false, misleading, or deceptive matter" from broadcast material other than advertisements. This conclusion is borne out in a later case (*KTYM*) and affords a curious contrast to the ancient *Shuler* case.

Before the 1960 report, there had been no official Commission declaration that licensee editorials were encouraged. The 1949 report had merely made the practice permissive. As late as 1957, FCC saw no particular public interest advantage, between competing applicants for a channel, favoring the applicant who proposed he would editorialize.

In the matter of WORZ (12 P. & F.R.R. 1158) the Commission reasoned that the promise of one applicant to "express editorial opinion from time to time, with provision for the expression of opposing viewpoints, is no basis for preference."

Yet, only 2 years later Chairman John C. Doerfer, speaking before the opening session of the 1958 NAB convention would urge licensees to editorialize and suggest that "shirking of editorial duty invites regulations." On this point the 1960 report was explicit. Discussing the licensee's obligation in programing, the Commission said:

"In the fulfillment of his obligation the broadcaster should consider the tastes, needs, and desires of the public he is licensed to serve in developing his programing and should exercise conscientious efforts not only to ascertain them but also to carry them out as well as he reasonably can. He should reasonably attempt to meet all such needs and interest on an equitable basis. *Particular areas of interest and types of appropriate service may, of course, differ from community to community and from time to time.* However, the Commission does expect its broadcast licensees to take the necessary steps to inform themselves of the real needs and interests of the areas they serve and to provide programing which in fact constitutes a diligent effort, in good faith, to provide for those needs and interests.

"The major elements usually necessary to meet the public interest, needs, and desires of the community in which the station is located as developed by the industry, and recognized by the Commission, have included: (1) Opportunity for local self-expression. (2) the development and use of local talent, (3) programs for children, (4) religious programs, (5) educational programs, (6) public affairs programs, (7) *editorialization by licensees*, (8) political broadcasts, (9) agricultural programs, (10) news programs, (11) weather and market reports, (12) sports programs, (13) service to minority groups, (14) entertainment programing" (Emphasis supplied.)

In the eyes of the Commission, editorials had reached full stature. Forbidden as inimical to the public interest in "Mayflower," they were merely tolerated by the 1949 report. But, by 1960, the Commission's attitude had swung a full 180 degrees from "Mayflower." Editorials attained the status of a most favored form of programing. The fact that a licensee broadcast them was evidence that he, indeed, was operating in the public interest.

On June 14, 1960, Senate Resolution 305 was adopted authorizing the Freedom of Communications Subcommittee of the Subcommittee on Communications of the Senate Commerce Committee "to examine, investigate, and make a complete study of any and all matters pertaining to—

"(1) Federal policy on uses of Government licensed media for the dissemination of political opinions, news, and advertising, and the presentation of political candidates; and

"(2) a review and examination of information and complaints concerning the dissemination of news by such media."

The final report of that subcommittee was filed on April 17, 1962, including recommendations pertinent to the "fairness doctrine" and editorializing. Although the report was neither adopted nor rejected by the full committee, a historical examination of the "fairness doctrine" necessitates a review of its recommendations.

A summary of those recommendations, relevant to this study, follows:

1. The "fairness doctrine" should be codified and adopted by FCC as a rule, a violation of which would be cause for license revocation.

2. The FCC should act promptly upon complaints, affording an immediate review rather than deferring action thereon until renewal time.

3. Ground rules governing licensee editorializing on behalf of political parties or candidates should be adopted by FCC, including—

(*a*) Licensees should be required to retain on file and available for inspection for a period of not less than 1 week, radio scripts and television films or tapes of editorials on behalf of or in opposition to a party or candidate.

(*b*) Advance notice to the affected party or candidate should be required before such editorials are aired to permit monitoring.

(*c*) A candidate or party opposed by such editorials should be afforded an equal opportunity to use the station's facility for answer.

(*d*) Selection of the spokesman to present such answer should be afforded the candidate or party opposed as a matter of right.

(*e*) Such editorials should be prohibited during a reasonable period (at least 48 hours) before the polls open.

(*f*) Licensee promotion of an editorial, spot announcements, and other advertising should also be qualified for the opposing viewpoint to such editorial.

(*g*) Where a licensee editorializes on behalf of a slate of candidates in one time segment (say, 5 minutes) but the time spent on any one candidate is minimal—a few seconds for the mentioning of his name—the opposing candidate or candidates should in fairness be allowed sufficient time for his representative to present adequately the opposing position (say 2½ minutes).

4. FCC should forbid licensees requiring advance scripts of candidate broadcast speeches if the candidate orders a tape recording of his speech, paying in advance, and leaving the recording on file at the station available for audition or reproduction by interested parties.

5. FCC should prohibit any licensee, who has determined in advance not to make time available for candidates in a particular race, from thereafter changing such determination without the acquiescence of all candidates in that race.

6. FCC should prohibit arbitrary cutoff dates for the sale of political time prior to elections.

7. FCC should study controversial issue broadcasting in depth and establish guidelines governing same, including—

(*a*) a requirement that licensees initiate efforts to schedule opposing views, before presenting licensee editorials, to the end that the listeners could be advised at the time of the original broadcast when the opposing views would be heard.

(*b*) and, perhaps, require commercial advertisers, who utilize broadcasts sponsored by them for presentation of views on controversial issues, to make equitable time available on such programs for the presentation of opposing views.

8. FCC should view repeated refusal by a licensee to sell time, for discussion of controversial issues, to such organizations as political parties, labor unions, citizens committees, or business groups as a failure to act in the public interest.

9. The FCC should reform its internal procedures for handling and processing fairness and section 315 complaints to the end that the time lag be cut to a minimum. Action to ascertain all necessary facts for resolution of complaints should commence no later than 24 hours after receipt by the Commission.

10. Licensees should be required by FCC to respond to Commission inquiries on complaints with dispatch and in the event of arbitrary delay, an immediate hearing should be called.

11. FCC should consider establishing a field hearing system, staffed by competent hearing examiners, for prompt evidentiary hearings of fairness and section 315 complaints.

12. Based upon its past experience, FCC should advise Congress exactly what is needed by way of legislation and personnel to preserve the public freedom to hear and to see on the public air waves.

All of the foregoing were addressed by the subcommittee to FCC for implementation through its own initiative. Only one recom-

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mendation for Congressional action was included. It reads as follows:

"Section 326 of the Communications Act should be amended to provide additionally:

"Nothing in this act or the foregoing sentence shall prevent the Federal Communications Commission, acting upon a complaint in an 'editorial fairness' case, to direct a licensee to make time available and present the opposing position or a particular person in order that the paramount right of the public to be informed on all sides of public issues be preserved."

Section 326 forbids censorship by FCC. As yet, Congress has not adopted the subcommittee recommendation. As a practical matter, its adoption would be of little import. It merely attempts to restate the "fairness doctrine" principle which FCC has followed.

To what extent FCC was persuaded by the report can only be subjected to speculation. At least in one instance, a spokesman for the Commission acknowledged that its policy was affected by the report. Testifying before the House Subcommittee on Communications and Power on July 16, 1963, Chairman E. William Henry referred to that portion of the report represented by item 3(g) of the foregoing summary. Acknowledging approval of the recommendation, he stated that it had, in substance, become Commission policy. The result was, in instances where several political candidates are mentioned in an editorial, fairness dictates that each be afforded more time for response than was devoted to them in the original editorial. Equal time in some istanecs would not be fair. Enough time must be afforded to reasonably accommodate an adequate response. The requirement is also referred to in a recent FCC opinion and order adopting the personal attack feature as a rule of the Commission.

Three Commission actions in 1962 are particularly relevant to the "personal attack" feature of the "fairness doctrine." Before turning to them, however, we should recall a reference from the 1949 editorializing report. There the Commission said:

"* * * elementary considerations of fairness may dictate that time be allocated to a person or group which has been specifically attacked over the station, where otherwise no such obligation would exist."

The 1949 report offered no guidelines for the handling of personal attack situations. It was not until 1962 that those guidelines began to emerge.

On May 9, 1962, the Commission adopted a memorandum opinion and order renewing the license of station WEBY, Milton, Fla.[28] A petition opposing renewal had been filed alleging that licensee, in a series of editorial broadcasts, had attacked various individuals in the community. While renewing the license, the Commission discussed licensee responsibility associated with "personal attack." Referring to the language of the 1949 report dealing with "personal attack," the Commission wrote:

"Our singling out this area of the problem of fairness for specific treatment reflected not only our concern but our decision that a licensee must act with an especially high degree of responsibility where his broadcast facilities are used to attack a person or group. In appropriate recognition of the serious nature of such attacks, we pointed out that fairness may dictate that "time be allocated" to the person or group attacked. Where, as here, the attacks are of a highly personal nature which impugn the character and honesty of named individuals, the licensee has an affirmative duty to take all appropriate steps to see to it that the persons attacked are afforded the fullest opportunity to respond."

The decision, popularly known as the *Maypoles* case, offers the first Commission definition of "personal attack." It is an attack "of a highly personal nature which impugns the character and honesty of named individuals." It also defines licensee responsibility more explicitly. He "has an affirmative duty to take all appropriate steps to see to it that the persons attacked are afforded the fullest opportunity to respond."

Two months later, on July 13, 1962, the Commission disposed of a complaint against station KBMY, Billings, Mont. Clyde T. Ellis, general manager of the National Rural Electric Cooperative Association was attacked in several editorials emanating from the station. The attacks occurred before and during a visit by Mr. Ellis to Billings while attending a Western States Water and Power Conference. Upon learning of the attacks after his arrival, Ellis attempted to secure copies of the editorials from KBMY and complained to the station about the nature of the editorials. The station offered him an opportunity to respond in an interview format with its news director. Ellis refused, objecting to the format. Subsequently, on the day of his departure, the station offered to broadcast tapes to be supplied by Ellis after his return to Washington. It does not appear that copies of the offending broadcasts were ever tendered.

In a letter addressed to the licensee, Billings Broadcasting Co.,[29] the station was advised of its responsibilities with this language:

"The Commission is of the view that where, as here, a station's editorials attack an individual by name, the fairness doctrine requires that a copy of the specific editorial or editorials shall be communicated to the person attacked either prior to or at the time of the broadcast of such editorials so that a reasonbly opportunity is afforded that person to reply. This duty on the part of the station is greater where, as here, interest in the editorials was consciously built up by the station over a period of days and the time within which the person attacked would have an opportunity to reply was known to be so limited. We note that you have not complied with your stated policy of apprising interested parties of your editorials. We conclude that in failing to supply copies of the editorials promptly to Mr. Ellis and delaying in affording him the opportunity to reply to them, you have not fully met the requirements of the Commission's fairness doctrine. It is hoped that this will serve to make clear the Commission's policy in situations of this kind."

Thus, the *Billings* case provided a new guideline. In instances of "personal attack," the licensee was required to furnish a copy of the offending broadcast to the person attacked, either prior to or at the time of the attacking broadcast.

Still later in 1962, additional "fairness" guidelines emerged. A bitterly contested campaign between Gov. Pat Brown and former Vice President Richard Nixon was underway in California. Over a period of days, two commentators on the staff of station KTTV, Los Angeles, offered numerous comments upon the campaign in their broadcasts. Both supported Nixon and leveled attacks upon Brown, Democratic organizations, and others identified with the Brown camp. The California State Democratic Committee complained to FCC. In a telegram addressed to Times-Mirror Broadcasting Co.,[30] licensee, the Commission discussed the complaint and KTTV's responsibility arising therefrom. Here is a passage from that telegram:

"* * * fairness requires that when a broadcast station permits, over its facilities, a commentator or any person other than a candidate, to take a partisan position on the issues involved in a race for political office and/or to attack one candidate or support another by direct or indirect identification, then it should send a transcript of the pertinent continuity on each such program to the appropriate candidate immediately and should offer a comparable opportunity for an appropriate spokesman to answer the broadcast."

Responding to the telegram, KTTV, asked for clarification of the words: "appropriate spokesman." Speculating that Governor Brown might consider himself the appropriate spokesman for response, the station wondered if such an appearance, under the "fairness doctrine" would obligate the station to afford Mr. Nixon equal time under section 315. The Commission replied that section 315 would indeed be invoked if the candidate himself appeared for response. Because of 315 complications, it was held the licensee would not be obligated to permit candidate response, but could insist upon some other appropriate spokesman. In a subsequent telegram dated October 26, 1962,[31] the Commission used this language:

"* * * the selection of a spokesman must be reasonable in terms of the points of view or the issues to be discussed. Where a political candidate has been personally attacked, he should, of course, be given a substantial voice in the selection of a spokesman to respond to such attack. Both the candidate and station concerned should be aware, however, that if the candidate were to speak for himself this would give rise to a right to equal opportunity for all other candidates for the same office."

Times-Mirror added a new dimension to the "fairness doctrine" peculiar to political campaigns. Until then, a licensee was required to furnish copies of broadcasts only in instances of "personal attack." That principle was logically extended to attacks upon candidates. But, Times-Mirror went further. It applies to any broadcast, exclusive of candidate appearances, where, by direct or indirect identification, a candidate is endorsed, a candidate is opposed, and/or a candidate is attacked.

In each of those instances the licensee is obligated to furnish a copy of the broadcast and afford a reasonable opportunity for response by an appropriate spokesman. In the first instance, it is the candidate not endorsed who must be so favored. In the latter two, it is the candidate who is opposed or attacked. In either instance, because of section 315 complications, is the station obligated to permit the candidate himself to respond. Following all other "personal attacks" the offended individual or group has the absolute right to respond. But the candidate must reply with an appropriate spokesman. And he does not have the absolute right to select that spokesman, though the station should give him "a substantial voice in the selection of a spokesman."

On July 26, 1963, the Commission issued a public notice entitled "Broadcast Licensees Advised Concerning Stations Responsibilities Under the Fairness Doctrine as to Controversial Issue Programing." The text of that notice is reproduced here in its entirety:

"Several recent incidents suggest the desirability of calling the attention of broadcast licensees to the necessity for observance of the fairness doctrine stated by the Commission in its opinion of June 1, 1949, in docket No. 8516. The Commission adheres to the views expressed in that opinion and continues to aply that policy: namely, that the licensee has an affirmative obligation to afford reasonable opportunity for the presentation of contrasting viewpoints on any controversial issue which he chooses to cover.

"The Commission has undertaken a study to consider what actions, perhaps in the form of a primer or rules, might be appropriate better to define certain of the licensee's responsibilities in this area. Without undertaking at the present time to specify all, or the most important, applications of the policy, it is appropriate to call attention to the

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Commission's view of its application in three currently important situations:

"(*a*) When a controversial program involves a personal attack upon an individual or organization, the licensee must transmit the text of the broadcast to the person or group attacked, wherever located, either prior to or at the time of the broadcast, with a specific offer of his station's facilities for an adequate response (*Clayton W. Mapoles*, 23 Pike & Fischer, R.R. 586, 591; *Billings Broadcasting Company*, 23 Pike & Fischer, R.R. 951, 953).

"(*b*) When a licensee permits the use of his facilities by a commentator or any person other than a candidate to take a partisan position on the issues involved in contest for political office or to attack one candidate or support another by direct or indirect identification, he must immediately send a transcript of the pertinent continuity in each such program to each candidate concerned and offer a comparable opportunity for an appropriate spokesman to answer the broadcast (*Times-Mirror Broadcasting Co.*, 24 Pike & Fischer, R.R. 404, 405).

"(*c*) When a licensee permits the use of his facilities for the presentation of views regarding an issue of current importance such as racial segregation, integration, or discrimination, or any other issue of public importance, he must offer spokesmen for other responsible groups within the community similar opportunities for the expression of the contrasting viewpoints of their respective groups. In particular, the views of the leaders of the Negro and other community groups as to the issue of racial segregation, integration, or discrimination, and of the leaders of appropriate groups in the community as to other issues of public importance, must obviously be considered and reflected, in order to insure that fairness is achieved with respect to programing dealing with such controversial issues (*Editorializing Report*, 1 (pt. 3) Pike & Fischer, R.R. 201, 204–206; cf. *WBNX Bctg. Co., Inc.*, 4 Pike & Fischer, R.R. 242, 248).

"In determining compliance with the fairness doctrine the Commission looks to substance rather than to label or form. It is immaterial whether a particular program or viewpoint is presented under the label of "Americanism," "anti-communism" or "States rights," or whether it is a paid announcement, official speech, editorial, or religious broadcast. Regardless of label or form, if one viewpoint of a controversial issue of public importance is presented, the licensee is obligated to make a reasonable effort to present the other opposing viewpoint or viewpoints.

"The Commission does not seek to prevent the expression of any viewpoint by any licensee on any issue. It does seek to prevent the suppression of other contrasting viewpoints by any licensee on any issue when licensed broadcast facilities have been used for the presentation of one view of the issue. This is required by the public interest standard of the law."

Just over a month later, Douglas A. Anello, general counsel for National Association of Broadcasters, wrote the Commission requesting the notice be rescinded "so as to remove any implication that there has been any change in the official Commission position as set forth in its 'Report on Editorializing of June 2, 1949.'" The *Mapoles* and *Billings* cases each involved station editorials which included personal attacks. Anello argued that script submission and specific offers to respond should be limited to instances where stations were personally involved in attacks. The extension of that requirement to all broadcast attacks was inconsistent with the "Editorializing Report of 1949," he reasoned.

Replying to this contention, by letter dated September 18, 1963, the Commission said:

"The underlying premise of your letter—necessity for the station's personal involvement as a precondition to application of the principles stated in (a) and (b)—is incorrect. The editorializing in paragraph 10 does not so hold:

"* * * the station will inevitably be confronted with such questions as whether * * * there may not be other available groups or individuals who might be more appropriate spokesmen for the particular point of view than the person making the request. *The latter's* personal involvement in the controversy may also be a factor which must be considered, for elementary considerations of fairness may dictate that time be allocated to a person or group which has been specifically attacked over the station, where otherwise no such obligation would exist. * * * (Emphasis supplied.)

"As shown by the use of the word 'latter' (referring to 'person making the request'), the 'personal involvement' doctrine is directed to the party or group attacked—not the station. See *Clayton W. Mapoles*, 23 Pike & Fischer, R.R. 586, 591. In short, while, as you state, in *Mapoles* and *Billings* there was 'station involvement,' these cases did not turn on that factor but rather the above-quoted, long-established principle in the editorializing report.

"Under fundamental communications policy, the licensee is fully responsible for all matter which is broadcast over his station. It follows that when some program contains a personal attack, the licensee must be 'fully aware' of the contents of the program, whatever its source or his actual involvement in the broadcast. The crucial consideration, as we stated in *Mapoles* (at p. 591), is that 'his broadcast facilities [have been] used to attack a person or group.'"

The Commission put to rest idea that its personal attack requirements applied only to licensee editorials or programing in which the licensee was "personally involved." All broadcast content was affected. As a practical matter, this holding portended greater inconvenience. It is a simple matter to afford copies of editorials and other material directly produced by licensee. But it is far more difficult, sometimes impossible, for him to obtain copies of broadcasts produced by others and merely aired over his facility.

Another cogent and practical consideration remained for the licensee. His editorials are unsponsored. They are presented upon his time without revenue. He absolutely controls their content. So, it is not unreasonable to expect that he afford respondents free time as well. But what of commercially sponsored programs? Must he afford free time for response to those? The *Cullman* case would immediately answer these questions.

On September 18, 1963, the Commission addressed a joint letter to Cullman Broadcasting Co., Inc. (WKUL), and Walker County Broadcasting Co., Inc. (WARF),[22] both situated in Alabama. The stations had solicited an advisory opinion detailing their responsibilities arising from the broadcast of a syndicated program series called "Life Line." The producer of the series was not associated with either station. The programs were recorded and supplied by the producer for broadcast upon a commercially sponsored basis.

For a period of time preceding inquiry, the "Life Line" series included an expression of views critical of the proposed nuclear weapons test ban treaty. The chairman of a group called Citizens Committee for a Nuclear Test Ban Treaty requested that both stations afford free time, pursuant to the fairness doctrine, for the broadcast of a tape presenting the other side of the issue. Apparently, no chapter or member of the committee existed in the service area of either broadcaster.

Expressing a tentative conclusion that the fairness doctrine applied only to local issues and the stations' responsibility extended only to a local group or its spokesman, the station invited Commission comment. On this point FCC replied:

"The keystone of the fairness doctrine and of the public interest is the right of the public to be informed—to have presented to it the conflicting views on issues of public importance (sec. 315(a) of the Communications Act; Report on Editorializing by Broadcast Licensees, pars. 6, 7, 9, 14, 21). Where a licensee permits the use of its facilities for the expression of views on controversial local or national issues of public importance such as the nuclear weapons test ban treaty, he must afford reasonable opportunities for the presentation of contrasting views by spokesmen for other responsible groups. There is, of course, no single method by which this obligation is to be met. As the editorializing report makes clear, the licensee has considerable discretion as to the techniques or formats to be employed and the spokesmen for each point of view. In the good faith exercise of his best judgment, he may, in a particular case, decide upon a local rather than a regional or national spokesman—or upon a spokesman for a group, if there be one, which is willing to pay for the broadcast time. Thus, with the exception of the broadcast of personal attacks, there is no single group or person entitled as a matter of right to present a viewpoint differing from that previously expressed on the station."

The fairness doctrine was thus held not limited in its application to purely local issues. Selection of the spokesman is another matter. He is not required to be either local or foreign. His selection is completely in the discretion of each licensee. The important point is not who the spokesman shall be but that opposing points of view are presented.

Since "Life Line" was commercially sponsored and the tendered response was on condition that free time be provided, the stations wondered if they could deny a request for presentation of opposing views unless proponents of those views made the same commercial arrangements for their broadcast as the original program. The Commission answered in the negative with these words:

"Where the licensee has achieved a fair presentation of contrasting views, either by affording time to a particular group or person of its own choice or through its own programing, the licensee's obligation under the fairness doctrine—to inform the public—will have been met. But, it is clear that the public's paramount right to hear contrasting views on controversial issues of public importance cannot be nullified either by the inability of the licensee to obtain paid sponsorship of time for the broadcast of a view contrary to one already presented in a sponsored program or by the licensee's refusal to consider a request for time to present a contrasting viewpoint from an organization on the sole ground that the organization has no local chapter in the community where the station is located. In short, where the licensee has chosen to broadcast a sponsored program which for the first time presents one side of a controversial issue, has not presented (and does not plan to present) contrasting viewpoints in other programing, and has been unable to obtain paid sponsorship for the appropriate presentation of the contrasting viewpoint or viewpoints, he cannot reject a presentation otherwise suitable to the licensee—and thus leave the public uninformed—on the ground that he cannot obtain paid sponsorship for that presentation."

In complying with the fairness doctrine, the licensee was left free to obtain sponsorship of programs presenting opposing views. Yet, if he is unable to arrange sponsorship, he cannot avoid his obligation to air oppos-

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Footnotes at end of article.

ing views simply because the original views are expressed in a commercially sponsored program.

The *Cullman* decision aroused widespread industry criticism which continues to this day. Following its issuance, legislation was introduced in Congress which would negate its impact on broadcasting. No action has ever been taken upon those measures and the policy still stands. The practical problem it presents for the broadcaster is apparent. If he is to offer any network, syndicated, or other broadcast material, not produced under his supervision, which deals with issues of public importance, he may be subjected to incalculable demands upon his commercial schedule for free time to air opposing views. Thus, the commercial value of sponsored programs dealing with issues of public importance is reduced. Since he has no control over the production of many of them, he cannot control the number of complaints which might arise. He is not inclined to provide unlimited free time for response and therefore must consider sponsored public issue programs as prospectively a unique genre. Though they might have been an excellent source of revenue in the past, they could become an albatross in the future. The net result, in his view, and the view of some producers, is the suppression of commercially sponsored public issue programs. And, that, in the face of a regulatory policy which requires him to deal with issues of public importance.

On July 1, 1964, the Commission adopted its public notice entitled "Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance."[33] Popularly titled "Fairness Primer," it was designed "to advise broadcast licensees and members of the public of the rights, obligations, and responsibilities of such licensees under the Commission's 'fairness doctrine' . . ." Reaffirming the 1949 report, the "Fairness Primer" abstracted and reported significant Commission rulings on fairness, hoping "to keep the broadcaster and the public informed of pertinent Commission determinations on the fairness doctrine, and thus reduce the number of these cases required to be referred to the Commission for resolution."

A number of significant cases were reviewed, tracing the development of the doctrine after the 1949 report. Among them were cases covered in this discussion. But in addition to its review of previous actions, the primer served as a vehicle to announce, ironically in a footnote, a new limitation on the "personal attack" responsibility, a new definition of "personal attack" and a new exception to licensee duties in the event of personal attack. In footnote 6, the Commission stated:

"As seen from the above rulings, the personal attack principle is applicable where there are statements, in connection with a controversial issue of public importance, attacking an individual's or group's integrity, character, or honesty or like personal qualities, and not when an individual or group is simply named or referred to. Thus, while a definitive Commission ruling must await a complaint involving specific facts—see introduction, page 3, the personal attack principle has not been applied where there is simply stated disagreement with the views of an individual or group concerning a controversial issue of public importance. Nor is it necessary to send a transcript or summary of the attack, with an offer of time for response, in the case of a personal attack upon a foreign leader, even assuming such an attack occurred in connection with a controversial issue of public importance."

What was the new limitation? The "personal attack" principle would apply only in instances of attack in connection with the discussion of a controversial issue of public importance. What was the new definition? An attack upon "an individual's or group's integrity, character, or honesty or like personal qualities, and not when an individual or group is simply named or referred to." The new exception? It is not "necessary to send a transcript or summary of the attack, with an offer of time for response, in the case of a personal attack upon a foreign leader . . ."

In the meantime, licensees continued to experience problems arising from their affirmative fairness obligations. Although "KNOE" had eliminated the words "seek out," the phrase "aid and encourage" remained, bothering some for lack of a clear definition. At a minimum, what must a licensee do in his day-to-day operations to satisfy FCC he "aids and encourages" the presentation of opposing views? Although the primer dealt with that responsibility, it established no minimum standards for its fulfillment.

Just over 3 weeks after approval of the primer, FCC ruled favorably upon the renewal application of stations WRAL–AM, FM, and TV, located at Raleigh, N.C. In connection with those renewals, the Commission expressed dissatisfaction with licensee's past fairness policy in dealing with editorial broadcasts carried by the stations. Addressing itself to those policies in a letter dated July 29, 1964, the Commission described them as follows:

"As to your efforts affirmatively to *encourage and implement* the broadcast of viewpoints contrasting with those presented in your editorials, you have relied, in large part, upon the following assertions: (i) that it is your judgment that the networks' offerings are generally in a direction away from a conservative point of view and therefore, the viewpoints expressed in your editorials tend to balance the network programs carried by your stations; (ii) that a public affairs program of local origin provided an outlet for contrasting viewpoints on controversial issues of public importance; and (iii) that you, at times, provided an appropriate opportunity to respond to editorials and always transmit texts of broadcasts which personally attack individuals or organizations to the persons or groups attacked, with a specific offer of the station's facilities for a response." (Emphasis supplied.)

Note that the words of art are no longer "aid and encourage" as in "KNOE." That phrase here reverts to the original language of the 1949 report, "encourage and implement."

Although FCC felt licensee's past policies were not "adequate to insure compliance with the fairness doctrine," it decided to renew the licenses for two reasons. First, it concluded that licensee, though violating the doctrine in the past, had acted in good faith. Second, it noted that licensee had recently changed its policy so as to broadcast an invitational announcement following each of its editorials which deal with controversial issues. The language of that announcement is as follows:

"Viewpoint is the editorial expression of the Capitol Broadcasting Co., voiced by Jesse Helms, vice president of this company. Dissenting opinion is welcome. When writing, please state clearly your name and address, and indicate your willingness for your expression to be used on the air, along with your name."

In view of the policy change and relying upon licensee's assurance that the new policy would be followed in the future, FCC concluded that public interest would be served by renewal of the licenses.

Thus FCC supplied a minimum standard of compliance with the licensee duty "affirmatively to encourage and implement the broadcast" of opposing points of view. Although not required by law to do so, a licensee who follows each controversial issue broadcast with an invitational announcement and, inferentially, allows responsible parties to air opposing views upon demand, is considered to have complied with the affirmative duty to "encourage and implement" the presentation of opposing views. If he doesn't carry such an announcement, he must find other ways to "encourage and implement."

Finally FCC had agreed that the licensee duty was the more passive role supported by organized broadcasting. The omission of "seek out" in "KNOE" is given substantive meaning in "WRAL." A licensee who broadcasts an invitation need not seek out or enlist those with opposing views. Neither is he required to supply the opposing views from the resource of his own staff. He can simply sit back and await the demands of responsible persons to be heard. If no demands are received, the opposing view need not be aired.

Let us assume a hypothetical licensee regularly schedules only those public issue programs identified with a particular bias upon issues of the day. Also assume he follows each such broadcast with an invitational announcement and does nothing further to enlist opposing views except in instances of personal attack. Further assume no one ever steps forward requesting the opportunity to offer opposing viewpoints. The net result could be a station that consistently offers its audience only one viewpoint upon all controversial issues. It could even be a blatant propaganda outlet. Yet FCC would consider it has complied with the "fairness doctrine" and is operated in the public interest.

In such a scheme, what happens to the public's right to know? This question points up a basic flaw in the Commission's "fairness doctrine" rationale. It seems to assign licensee the characteristics of a common carrier in his handling of controversial public issues. If viewpoints are aired in his regular programing he has no duty to insure that opposing viewpoints will be aired. He is only required to announce his willingness to do so and offer opposing views only upon demand of a responsible interested outsider. Thus the duty for presentation of balanced public issue program does not rest upon licensee but is delegated by him, with FCC approval, to the public generally. If the public, acting upon each issue as it arises, demands balanced programing, the licensee must carry it. If no such demands are made, the licensee may carry what his fancy dictates without fear of the "fairness doctrine."

It should be pointed out that "WRAL" does not affect the licensee obligation to "seek out" in instances of personal attack. In those instances the licensee remains obligated to contact the offended individual or organization, provide a transcript, tape, or accurate summary and afford a reasonable opportunity for reply.

On June 2, 1965, the Commission found itself again dealing with another pesky atheist, recalling shades of the *Scott* case. Madalyn Murray had complained against 13 Honolulu stations because of their failure to afford her time, as president of the Freethought Society, to present her views opposing religious broadcasts carried by the stations. Mrs. Murray did not complain about the content of any specific broadcasts but alleged generally that her "free thought" views were "the total antithesis of religion." Each station regularly scheduled religious broadcasts of various types.

Answering the complaint, the licensees variously responded that "free thought" is not a sufficiently controversial issue of public importance in their respective service areas to warrant presentation over their facilities; or that mere broadcast of church services, devotionals, and prayers is not a presenta-

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Footnotes at end of article.

tion of controversial issues of public importance within the meaning of the fairness doctrine. Ruling in favor of the stations, the Commission had this to say:

"A licensee, in applying the fairness doctrine, is called upon to make reasonable judgements in good faith on the facts of each situation—as to whether a controversial issue of public importance is involved, as to what viewpoints have been or should be presented, as to the format and spokesmen to present the viewpoints, and all the other facets of such programing. In passing on any complaint in this area, the Commission's role is not to substitute its judgment for that of the licensee as to any of the above programing decisions, but rather to determine whether the licensee can be said to have acted reasonably and in good faith.

"On the basis of the information submitted both by you and the licensees of the above-named stations, we conclude that the licensees have acted reasonably and in good faith."[34]

Perhaps the memory of *Scott*, where the Commission reasoned at length and then concluded contrary to their reasoning, reminded that hard cases make bad law. In any event, whatever the reason, the Commission here concluded and elected not to reason. The *Scott* caveat was ignored.

On June 17, 1966, FCC renewed, without hearing, the license of Station KTYM, Inglewood, Calif.[35] The renewal was opposed and a hearing requested by the Anti-Defamation League of B'nai B'rith (ADL). Objecting to past operation of the facility, ADL focused upon the content of a syndicated radio series called "Richard Cotten's Conservative Viewpoint." The program was alleged to be anti-Semitic, to contain false and misleading materials, and to have contained "personal attacks" upon ADL and its officials.

Following complaint, KTYM offered ADL equal and comparable time for reply to offending Cotten broadcasts. The offer was refused. ADL took the position that it should not respond to anti-Semitic broadcasts and insisted that such material is so contrary to the public interest that a licensee who permits its dissemination should be disqualified from holding a license.

Discussing the content of the Cotten broadcasts, the Commission said:

"The Commission has concluded that the Cotten broadcast of October 7, 1964, contained a personal attack on the ADL and its general counsel, Mr. Forster. The other broadcasts referred to did not contain personal attacks on ADL or its officials, but did contain statements that can be regarded as anti-Semitic, and that will surely be highly offensive to many persons of the Jewish faith, as well as to fair-minded people of other faiths. In order to preclude any possibility that the ruling of the Commission might be construed by anyone as indicating a contrary view, it is hereby declared that the individual Commissioners wholly disapprove of broadcasts which encourage bigotry or prejudice against any race, religion, or group. Individual Commissioners joining in this opinion have the strongest personal feelings against the views represented by the assailed broadcasts, and others similar to them, but believe that the action of the Commission must be governed by legal principles rather than the personal feelings of the Commissioners."

The Commission then turned to the issues presented, posing two questions:

This controversy has engendered deep, understandable, and proper emotions on both sides, and these have resulted in a mass of documents and discussion. However, the issue that is now presented is relatively simple: should the Commission act to suppress the expression of views which it abhors or to require the opportunity for the expression of opposing views? From the viewpoint of the broadcaster, does a licensee fulfill his legal duty when he offers adequate and comparable time to reply to *broadcasts containing allegedly defamatory and false comment, or has a broadcast licensee a legal duty to prevent broadcast on his facilities of comment containing defamation or falsehood?*" (Emphasis supplied.)

Approaching the question of broadcast content the Commission said:

"The issue presented here is not whether the broadcasts in question were proper, *or were false and defamatory,* or were anti-Semitic, or were in the public interest. Although these issues are of greatest interest to the parties, lend themselves to the most dramatic and forceful statements and may attract the most attention, they are not legal issues that are properly before the Commission in this proceeding. The Commission cannot put such matters in issue without becoming the censor of broadcasting, which it is forbidden to do. If the Commission were to undertake to judge in this proceeding that certain broadcasts are *false, defamatory,* and anti-Semitic, and therefore contrary to the public interest, it would soon be called upon to make similar judgments that other broadcasts are false and defamatory to Negroes, to Socialists, to Catholics, to pacifists, to militarists, and eventually to the members of every ethnic, religious, and political grouping." (Emphasis supplied.)

Then, describing licensee duty in such circumstances, the Opinion continued:

"In broadcasting it is required that controverted or controversial matters be subject to fair and adequate opportunities for reply by those of differing viewpoints. The details of this doctrine are discussed in other Commission statements and are not in issue here. In this case it is plain that the licensee has offered and has affirmed his intention to continue to offer fair and reasonable opportunity for the expression of conflicting and opposing viewpoints to those of the broadcasts complained of. Ths is all that the law requires. *We cannot make the right to a license renewal dependent on our judgment as to whether the assailed broadcasts were in themselves false and defamatory or not. Near* v. *Minnesota,* 283 U.S. 697 (1931). We do not hold that these broadcasts, or any similar broadcasts, were in the public interest, but rather that it is in the public interest to have free speech on all subjects on licensed broadcast facilities provided only that all viewpoints are afforded a fair and equal opportunity for expression." (Emphasis supplied.)

Following the initial order, ADL filed a petition for reconsideration. There it urged licensees should have the duty, in the public interest, to investigate and verify the correctness of material broadcast by them. The licensee, in turn, contended he was in no position to judge the accuracy of Cotten's statements and "could not set himself up as a censor." Discussing this issue, the Commission, in its order of January 18, 1967,[36] denying ADL's petition for renewal, said:

"* * * Faced with possible harassment which includes loss of license at renewal, licensees, under the verification approach urged by ADL, might well seek to avoid presentation of controversial issue programing. This would be especially true of the smaller broadcast outlet, where the cost and time consumed in the verification process would constitute a considerable deterrent. Thus, were we to follow this course, we would be significantly inhibiting debate on controversial issues and at the least rendering such debate 'less robust and less wide-open.' "

Commissioner Kenneth A. Cox voted against the majority and filed scathing dissents to both orders. Concluding his first dissent, he said:

"I have limited my holding to the facts of this case, and so presumably has the majority. But even as so limited, let no one be deceived as to the importance of the action taken by the majority. It is, in the circumstances, a major step away from the concept of licensee responsibility so central to the scheme of the act. In light of the history of the world in our century, these programs stand as a bald attack upon the lives, the fortunes, and the sacred honor of millions of our fellow countrymen. The Communications Act does not permit a grant without hearing when substantial public interest questions are raised. I dissent from the grant of a renewal of licensee to station KTYM and vote to set the renewal application for a hearing."

Whether one agrees or disagrees with Commissioner Cox upon the merits, his conclusion that KTYM was a "major step" in the regulatory history for broadcasting cannot be challenged.

The decision clearly overturned and reversed the action of FRC in the *Shuler* case where the central issue was, as here, the broadcast of false, misleading, and defamatory materials. Yet, that the Commission would rule as it did in KTYM is not surprising. As noted from the 1960 programing report, the Commission had implicitly stated, except for advertising, licensees have no responsibility, in the public interest, to exclude false and misleading material from their broadcasts. This is the explicit holding in KTYM.

When the Commission asserts, as it did in KTYM, that it is powerless to consider whether past program content is in the public interest, it is announcing a landmark position it is a position at variance with many of its past pronouncements and with far-reaching implications for the future. Except for the fairness doctrine, the Commission seems to conclude it has no power under the law to scrutinize a licensee's past programing content.

Some serious new questions arise inferentially from KTYM. The Commission held licensees have no duty to verify the accuracy or veracity of programs produced and offered for broadcast by another. No doubt, as a practical matter, it is not feasible for any licensee to audition and verify content of every public-issue broadcast he carries. In some instances involving network programs it is impossible for him to do so. Yet, beginning with the *Shaeffer* case, it has been consistently held that he is individually responsible for all his broadcast content. From that responsibility has arisen a duty which FCC has repeatedly held to be nondelegable.

How does KTYM affect the definition of that responsibility? Does it still exist? If it does, has FCC newly recognized varying degrees of that responsibility? To deal with these questions, let us turn to a hypothetical case which KTYM suggests.

Assume Richard Cotten had been licensee of KTYM. Let licensee himself be the author and purveyor of false, misleading, and defamatory broadcasts. The practical problems of verification do not prevail here. It is licensee's own invention which arouses complaint. Would the offensive material be viewed in the same light by the Commission majority? One can only wonder. Yet, in such a case, there seem to be only two alternatives open to FCC.

Adopting one alternative, the Commission could rule, as in KTYM, that it has no power apart from the "fairness doctrine," to determine whether past licensee broadcasts were in the public interest. Necessarily it would hold it could not inquire about the content of licensee's own broadcast materials and, therefore, could not censure him for past false, misleading, and defamatory broadcast statements. In such a case, any FCC assertion that licensee is responsible for all his broadcast content would merely be a restatement of licensee's obligation to respond for civil damages or criminal prosecution, quite apart from any regulatory sanction.

Footnotes at end of article.

Admitting the other alternative, FCC would hold it, indeed, has the power to determine if licensee's own past utterances meet a standard of public interest. Further, he may not include false, defamatory, or misleading materials in broadcasts developed and produced by him. As distinguished from programs produced by others, broadcasts in which he is "personally involved" are subjected to a higher standard of verification than required in KTYM.

If this alternative is adopted, FCC must depart from past rulings and make new law. One need only refer to the letter of September 18, 1963, addressed to Douglas A. Anello, for this to become crystal clear. There the Commission stated "personal involvement" was not justification for a higher standard of duty and, conversely, the same high standard of licensee responsibility applies to all broadcast content alike. Of course, the first case in point, *Shaeffer*, would be necessarily overruled.

Another regulatory ambiguity springs from KTYM. The offending Cotten broadcasts were admittably irresponsible. The Commission expressly found them to be so. Hence, offending *irresponsible* broadcasts are not inimical to the public interests as long as a reasonable opportunity for response is afforded upon demanded by *responsible* members of the public. However irresponsible the original assertion, the reply must be made by a responsible person.

KTYM leaves us with a final question. If FCC is powerless to determine that false, misleading, and defamatory broadcast materials are not in the public interest, by what authority may it proscribe against false, misleading and deceptive advertising as it did in the 1960 programing report?

In this chronology of the substantive development of fairness regulation, from earliest FRC pronouncements to *KTYM*, until the latter case and excepting the erratic *Mayflower* interlude, the doctrine evolved rather logically in a growing body of precedent. Against that background, KTYM cannot help but jar. *KTYM* and *Shuler* simply cannot be reconciled. They are 36 years and 180 degrees apart. Nostalgically, one cannot help but speculate what the Federal Radio Commission would have done with KTYM. On the other hand, one cannot help but wonder what broadcasting would be like today if the KTYM decision contained the name Shuler instead of Cotten and had been decided, otherwise verbatim, in 1931.

Clearly the Commission has changed its outlook in those 36 years. One might wonder if the Court of Appeals for the District of Columbia has also. We shall have an opportunity to see. ADL has appealed the Commission's final order to that court which, as in the *Shuler* case years before, must decide if the Commission's action was in the public interest, convenience, or necessity.

Before leaving this chronology, one final case must be reviewed. It revives the problem facing FCC when it considered the complaint of Rev. Sam Morris against KRLD and CBS in March of 1946. Specifically, should the "fairness doctrine" apply to a broadcast announcement advocating the purchase of a commercial product?

A complaint dated January 5, 1967, was lodged with FCC against WCBS–TV, New York. It cited "numerous commercial advertisements for cigarette manufacturers," mentioned three such commercials specifically which presented the point of view that smoking is "socially acceptable and desirable, manly, and a necessary part of a rich full life," and alleged that the station had not afforded complainant or another responsible spokesman the opportunity "to present contrasting views on the issue of the benefits and advisability of smoking." Complainant argued such programs as had been offered by WCBS–TV on smoking and health were insufficient to offset the volume of cigarette commercials it carried and contended that free time, roughly approximating that devoted to smoking commercials, should be made available to responsible groups for presentation of the opposing view.

The complaint was resolved on June 2, 1967, when FCC addressed a letter to the station.[37] Holding the doctrine applicable to cigarette commercials, the Commission's decision was philosophically consistent with the *Morris* case. While KRLD and CBS were exonerated for a sin common to all broadcasters in *Morris*, the latter decision devolved a new responsibility upon the entire industry while not specifically being critical of WCBS–TV. Notably the recent decision was specifically limited to one product, cigarettes. While rejecting the position that licensees should afford free reply time roughly approximating that devoted to cigarette commercials, the Commission described licensee responsibility in seemingly new terms. The broadcaster who carries cigarette commercials is required "to provide *a significant amount of time* for the other viewpoint." [Emphasis supplied.]

No definition of the phase, "a significant amount of time," was undertaken. Rather, broad discretion in determining the adequacy of response was left with the individual licensee. Discussing this point, the Commission said:

"A station might, for example, reasonably determine that the above noted responsibility would be discharged by presenting each week, in addition to appropriate news reports or other programing dealing with the subject, a number of the public service announcements of the American Cancer Society or HEW in this field. We stress, however, that in this, as in other areas under the fairness doctrine, the type of programing and the amount and nature of time to be afforded is a matter for the good faith, reasonable judgment of the licensee, upon the particular facts of his situation."

Moreover, it was clear FCC would be satisfied with reply time significantly short of equaling time devoted to the offending commercials. On that point, the Commission said:

"* * * The fairness doctrine does not require 'equal time' * * * and, equally important, a requirement of such 'rough approximation' would, we think, be inconsistent with the congressional direction in this field—the 1965 Cigarette Labeling and Advertising Act. The practical result of any roughly one-to-one correlation would probably be either the elimination or substantial curtailment of broadcast cigarette advertising. But in the 1965 act Congress made clear that it did not favor a 'drastic' step * * *"

Although limited in application to cigarette commercials and justified largely because of congressional, Government, and private research findings and concern in recent years about the health consequences of cigarette smoking, the decision portends fairness problems with broadcast advertisements yet to come. The product involved in *Morris*, alcoholic beverages, is the first which comes to mind. Philosophically, the recent decision, taken with *Morris*, might logically be extended to cover a multitude of other products and services.

Dentists are quite reasonably concerned about the effect of sugar-laden confections upon dental health, particularly among children. Should candy, gum, and soft beverage commercials be embraced by the "fairness doctrine"? On the opposite extreme, there is a militant, organized, and vocal minority whose opposition to the artificial interdiction of fluorides for dental hygiene approaches religious zeal. Their complaints have faced the Commission in the past arising from local ballot measures or other governmental action for fluoridation of water supplies. While holding broadcasters must afford their views opportunity for hearing, FCC has recognized them as a responsible element of the community. Is it illogical to assume they may object just as vehemently and responsibly to fluoride toothpastes which have become so popular in recent years?

Another minority, not necessarily mutually exclusive, is determined that a substantial number of society's problems would be obviated if all consumed only "natural foods." Saturated fats are linked with heart diease. Firearms and ammunition arouse the passion of others, both pro and con. Among those lawfully licensed to practice the medical arts are some who oppose ingestion of medications of any sort, while their opposites may fervently believe them to be "cultists" whose very existence constitutes a threat to public health. Religious beliefs mitigate against other products and services. Adopting the philosophy of *Morris* and *WCBS–TV*, just how far may the "fairness doctrine" be extended to embrace broadcast announcements favoring commercial products and services?[38]

II. Enforcing the Fairness Doctrine

A. SANCTIONS

The Communications Act affords FCC a variety of flexible sanctions in dealing with licensees who do not operate in the public interest, convenience, or necessity. The most extreme of these are license revocation and nonrenewal of license. Lesser administrative sanctions include: cease and desist orders, forfeitures, and short-term probationary renewals.

The Commission is also authorized by the act to make rules and regulations. In that connection, section 4(i) provides:

"(i) The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this act, as may be necessary in the execution of its functions."

The above language is permissive. "The Commission *may* * * * make such rules * * *," etc. [Emphasis supplied.] Section 303 is more obligatory. It states:

"Sec. 303. Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires *shall*—* * *

"(r) Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act * * *" [Emphasis supplied.]

License revocation, the most drastic of sanctions, is authorized by section 312 of the act, which also authorizes cease and desist orders. That section reads in part as follows:

"Sec. 312. (a) The Commission may revoke any station license or construction permit—

"(1) for false statements knowingly made either in the application or in any statement of fact which may be required pursuant to section 308;

"(2) because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application;

"(3) for willful or repeated failure to operate substantially as set forth in the license;

"(4) for willful or repeated violation of, or willful or repeated failure to observe any provision of this Act or any rule or regulation of the Commission authorized by this Act or by a treaty ratified by the United States;

"(5) for violation of or failure to observe any final cease and desist order issued by the Commission under this section; or

"(6) for violation of section 1304, 1343, or 1464 of title 18 of the United States Code.

"(b) Where any person (1) has failed to operate substantially as set forth in a license, (2) has violated or failed to observe any of the provisions of this Act, or section 1304, 1343, or 1464 of title 18 of the United

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Footnotes at end of article.

States Code, or (3) has violated or failed to observe any rule or regulation of the Commission authorized by this Act or by a treaty ratified by the United States, the Commission may order such person to cease and desist from such action."

Six grounds for revocation are listed, including willful or repeated violation or failure to observe any provision of the act or any Commission rule or regulation and willful or repeated failure to operate substantially as set forth in the license. These grounds also obtain for the issuance of a cease-and-desist order, except, in that instance, the violation does not have to be willful or repeated.

Section 503 of the act authorizes FCC to exact administrative forfeitures in some instances. Paragraph (b) of that section reads as follows:

"(b)(1) Any licensee or permittee of a broadcast station who—

"(A) wilfully or repeatedly fails to operate such station substantially as set forth in his license or permit.

"(B) willfully or repeatedly fails to observe any of the provisions of this Act or of any rule or regulation of the Commission prescribed under authority of this Act or under authority of any treaty ratified by the United States,

"(C) fails to observe any final cease and desist order issued by the Commission,

"(D) violates section 317(c) or section 509 (a)(4) of this Act, or

"(E) violates section 1304, 1343, or 1464 of title 18 of the United States Code.

"shall forfeit to the United States a sum not to exceed $1,000. Each day during which such violation occurs shall constitute a separate offense. Such forefeiture shall be in addition to any other penalty provided by this Act."

As with revocation, willful or repeated failure to observe any provision of the act or of any Commission rule or regulation or willful or repeated failure to operate a station substantially as set forth in the license are grounds for invoking forfeiture.

Finally, there are two sanctions available to the Commission while acting upon applications for renewal: nonrenewal and short-term probationary renewal.

Currently, broadcast stations are licensed to operate for a maximum period of 3 years. Shortly before expiration of the license period, each licensee wishing to retain his broadcasting privilege must file an application for renewal of license before the Commission. Before granting a renewal of license, FCC is required by the Communications Act to affirmatively determine that continued operation of the station will serve the public interest, convenience, or necessity.

In that determination, FCC has asserted, among other things, that it takes into account the station's past performance and its promises for future performance.[39] If, while meeting other requirements, licensee satisfies the Commission that his past operation and proposals for the future meet the standard of public interest, convenience, or necessity, his license is renewed for a full 3-year term. If, on the other hand, the Commission is not satisfied, it may do one of two things. It may deny the renewal, after hearing, and terminate licensee's privilege to broadcast. Or, if it deems the station's past performance substandard, it may grant a probationary renewal of license for any term it chooses short of 3 years. In such circumstance, the station is advised of its past deficiency and subsequent renewal is conditioned that the deficiency be corrected during the probationary term.

That short-term renewal as authorized by the act is apparent from the following language appearing in section 307(d):

"Consistently with the foregoing provisions of this subsection, the Commission may by rule prescribe the period or periods for which licenses shall be granted and renewed for particular classes of stations, but the Commission may not adopt or follow any rule which would preclude it, in any case involving a station of a particular class, from granting or renewing a license for a shorter period than that prescribed for stations of such class if, in its judgment, public interest, convenience, or necessity would be served by such action."

Until July 5, 1967, FCC had never adopted the "fairness doctrine" or any of its features as a Commission rule. By its memorandum opinion and order of that date,[40] it elevated the personal-attack feature to the status of rule. The text of the rule follows:

"In Part 73 §§ 73.123 73.300, 73.598 and 73.679 all to read identically are added to read as follows:

"Personal attacks; political editorials.

"(a) When, during the presentation of views on a controversial issue of public importance, an attack is made upon the honesty, character, integrity or like personal qualities of an identified person or group, the licensee shall, within a reasonable time and in no event later than one week after the attack, transmit to the person or group attacked (1) notification of the date, time and identification of the broadcast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer of a reasonable opportunity to respond over the licensee's facilities.

"(b) The provisions of paragraph (a) of this section shall be inapplicable to attacks on foreign groups or foreign public figures or where personal attacks are made by legally qualified candidates, their authorized spokesman, or those associated with them in the campaign, on other such candidates, their authorized spokesman, or persons associated with the candidates in the campaign.

"Note: In a specific factual situation, the fairness doctrine may be applicable in this general area of political broadcasts. See, Section 315(a) of the Act (47 U.S.C. 315(a)); Public Notice: *Applicability of the Fairness Doctrine in the handling of Controversial Issues of Public Importance*. 29 Fed. Reg. 10415.

"(c) Where a licensee, in an editorial, (i) endorses or (ii) opposes a legally qualified candidate or candidates, the licensee shall, within 24 hours after the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office or (ii) the candidate opposed in the editorial (1) notification of the date and the time of the editorial; (2) a script or tape of the editorial; and (3) an offer of a reasonable opportunity for a candidate or a spokesman of the candidate to respond over the licensee's facilities: *Provided, however*, That where such editorials are broadcast within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this subsection sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion."

The rule incorporates the personal-attack feature of the doctrine and its *Times-Mirror* extension essentially as it had stood before, with three notable exceptions. First, under previous rulings a licensee was required to notify the person attacked or candidate before or at the time of the involved broadcast, tendering script, tape, or summary and an offer of time for response. Under the new rule the notice and tender shall be made within a "reasonable time," but not later than 1 week after the attack. Second, previous rulings had not clarified licensee obligations following personal attacks by candidates, their authorized spokesmen, or those associated with them in the campaign upon other such candidates, their authorized spokesmen, or those associated with them in the campaign.

The third exception applies to the *Times-Mirror* extension and involves one substantive change and two procedural ones. Under previous rulings, a licensee was obligated to notify candidates and tender script and response time when he permitted "the use of his facilities by a commentator or any person other than a candidate to take a partisan position on the issues involved in a contest for political office or to attack one candidate or support another by direct or indirect identification * * *." The new rule imposes this obligation only in connection with licensee editorials. It is not clear from the opinion that the older features have either been repealed or abandoned. Implicitly, this seems to be the case. The attendant confusion can only be clarified by future FCC decisions.

The procedural changes involve the time of notice and tender. When involved editorials are broadcast more than 72 hours prior to the day of election, the offer and tender must be made within 24 hours following the editorial broadcast. When the editorial is broadcast within 72 hours prior to election day "the licensee shall comply * * * sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion."[41]

Although no part of the "fairness doctrine" had been committed to rule before July 5, 1967, we think FCC was authorized theretofore and, with respect to that portion of the doctrine not adopted as rule, is authorized hereafter to invoke revocation, cease-and-desist orders, and forfeitures against appropriate fairness violations. This is urged upon two grounds: First, fairness violations are a failure to observe a provision of the Communications Act, and second, fairness violations constitute a theoretical failure to operate the station substantially as set forth in the license.

Taking up the first ground, the following language from section 315(a) should be recalled:

"* * * Nothing in the foregoing sentence shall be construed as relieving broadcasters * * * from the obligation to operate in the public interest *and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.*" [Emphasis supplied.]

Thus, the fairness obligation of broadcast licensees became an explicit provision of the act, at least to the extent applicable to broadcasts exempted from operation of section 315.

Upon the second, a representation said to be required of all licensees in the renewal application should be pointed out. The application form elicits the applicant's practices affecting public affairs programing. He must describe his past and proposed policies "with respect to making time available for the discussion of public issues and the method of selecting subjects and participants." Officials at FCC claim it requires that each response demonstrate an awareness of and compliance with the "fairness doctrine." Thus, each applicant must, in accordance with FCC policy, affirmatively represent in his renewal application that he has and will comply with the doctrine.

In that same connection, the license form currently being issued by the Commission contains the following language:

"* * * This license is issued on the licensee's representation that the statements contained in licensee's application are true and *that the undertakings therein contained so far as they are consistent herewith, will be*

Footnotes at end of article.

carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve public interest, convenience, or necessity to the full extent of the privilege herein conferred." [Emphasis supplied.]

Hence, the license incorporates by reference representations of each renewal application for future operation of the station. Therefore, any subsequent bad-faith "fairness doctrine" violation represents a failure by licensee to carry out undertakings contained in his application, assuming his response conforms with FCC policy, and, consequently, is a failure to operate his station substantially as set forth in the license.

In summary, Congress has made available to FCC varied and flexible administrative sanctions for enforcing "fairness doctrine" and other infractions by broadcast licensees. They range in severity from the "death penalty" of revocation or nonrenewal to a "slap on the wrist" evinced by cease-and-desist orders. Between these extremes, in a declining order of severity, are the short-term renewal and forfeiture.

Armed with these flexible sanctions, how has FCC applied them to "fairness doctrine" violations? To elicit an answer, the following questions were addressed to Chairman Hyde:

(1) How many stations in the history of FCC have had licenses revoked because of "fairness doctrine" violations?

(2) How many licenses have not been renewed because of "fairness doctrine" violations?

(3) How many cease-and-desist orders have there been issued for "fairness doctrine" violations?

(4) How many forfeitures have there been levied for "fairness doctrine" violations?

(5) How many short-term probationary renewals have there been granted because of "fairness doctrine" violations?

John F. Cushman, administrative assistant to Chairman Hyde, responded by letter dated May 3, 1967. In its entire history, he advised, FCC, for "fairness doctrine" violations, has never revoked a license, has never denied a license renewal, has never issued a cease-and-desist order, and has never levied a forfeiture. According to Mr. Cushman, the only sanction ever imposed for "fairness doctrine" violations was the short-term probationary renewal and it against only two licensees. Those renewals, both dated May 19, 1965, involved station WLBT and stations WJDX-AM and FM, all located in Jackson, Miss. As a practical matter, only one licensee was involved. WLBT was licensed to Lamar Life Broadcasting Co. and WJDX-AM and FM was licensed to Lamar Life Insurance Co. Although a separate corporate entity, the equitable ownership of Lamar Life Broadcasting Co. was vested in Lamar Life Insurance Co.

Of all the available sanctions, FCC, in its entire history, has elected to exercise only the short-term renewal to punish fairness violations. And it has used that sanction against only one licensee, the owner of three stations. On the face of it, this history may be subject to two conclusions. If, over the years, a vigorous protection of the public interest has necessitated discipline of only one licensee for fairness infractions, then the broadcasting industry has demonstrated an enviable record of fair play. If such is the case, there must be something inherent in the industry which insures fairness and one is left to wonder if the "fairness doctrine," as a regulatory device, much less as a rule of the Commission, is needed at all. On the other extreme the Commission's record might be constructed as one of excessive timidity in protecting the public interest, even abdication of the responsibility to do so.

FOOTNOTES

[4] *KFKB Broadcasting Assn., Inc.* v. *F.R.C.*, 47 F. (2d) at 672.

[5] KVEP, FRC docket 837.

[6] FRC docket 1043.

[7] An interesting footnote to human nature and the effect of Reverend Shuler on his community is recalled by the impact of one broadcast where he ascribed all manner of scurrilous activity to an unnamed prominent citizen. He threatened to reveal the name unless that person made a contribution of $100. Immediately following the broadcast, several contributions of exactly that amount were received by the pastor.

[8] *Trinity Methodist Church, South* v. *F.R.C.*, 62 F. (2d) 850.

[9] *Chicago Fed. of Labor* v. *F.R.C.*, 41 F. (2d) 422.

[10] It is interesting to note that Chicago Federation of Labor represented that WCFL served as the broadcasting agency of labor organizations. It contended, in view of the large membership and public importance of organized labor, they should be afforded a station of their own upon a desirable frequency without limitation on time of operation. That representation was remarkably close to practices forbidden by FRC, the private use of a frequency. WCFL was left to operate as before without chastisement on that ground. No doubt there were no serious complaints against the continued operation of the station under its old authority. From this we can conclude that the Commission, from its inception, has followed practices which prevail at this date. The continued operation of a station is jeopardized only if serious complaints is voiced at renewal time. No independent investigation of a station's program contest is undertaken by the Commission unless public complaints are lodged and then, only in extreme cases.

[11] * * * * *

[12] FCC docket 5618, *Mayflower Broadcasting Corp.*, Decision and Order, Jan. 17, 1941, 8 FCC 333.

[13] The station would not give its unequivocal promise never to editorialize, but merely represented it had no plans to resume.

[14] The trade press took little or no note of the decision. *Broadcasting* magazine, later to be one of the more strident voices raised against any FCC inhibition upon broadcast content, devoted little more than a column of its Jan. 20, 1941, issue to "Mayflower." Recapitulating the case and summarizing the decision, it took no editorial stand. Nor was it to give the matter any particular attention thereafter until 1946. It was not until 1946 that industry reaction began to surface. One can only summarize that, during the intervening period, broadcasters had no great desire to editorialize. Absorbed, as we were, with World War II, unanimity, rather than discord, was the order of the day. But the clamor that began in 1946 was to be heard far and wide and the phrase: "In brief, the broadcaster cannot be an advocate" was to galvanize the industry into mounting opposition until 1949.

[15] 10 FCC 515.

[16] Shortly after the decision, the Board of Directors of NAB on Aug. 7, 1945, adopted * * *

[17] * * * * *

[18] (Docket No. 7356) *WNBX Broadcasting Co.*, 12 FCC 837 at 841.

[19] * * * * *

[20] *In re Petition of Sam Morris*, 3 P. & E. Radio Reg. 154.

[21] *In re Petition of Robert Harold Scott*, 11 FCC 372.

[22] FCC docket 8516, *Editorializing by Broadcast Licenses*, 13 FCC 1.

[23] 6 P. & F. R.R. 258 (1950).

[24] "IBA Calls for Change in FCC Editorial Rule," *Broadcasting*, Oct. 27, 1958, at p. 71.

[25] FCC letter to KNOE, mimeo 76175.

[26] *Lar Daly*, mimeo 85402, 19 P. & RR. 1103.

[27] 25 F.R. 7291.

[28] 23 P. & F. RR. 586.

[29] 23 P. & F. RR. 951.

[30] 24 U. & F. RR. 404.

[31] 24 P. & F. RR. 407.

[32] FCC file No. 63–849.

[33] 29 F.R. 10415.

[34] 5 P. & F. RR. 2d 268.

[35] 4 FCC 2d 190.

[36] 6 FCC 2d 385.

[37] FCC file No. 67–641.

[38] On Sept. 8, 1967, FCC again considered the WCBS–TV case upon the petitions for reconsideration filed by several. The June 2 action was upheld and the Commission emphasized that the ruling applied only to cigarette advertisements. No mention of the *Morris* case appeared in the majority opinion.

[39] The "fairness doctrine" is brought to play in both these functions. Has the station complied with the doctrine in the past? Does it represent it will do so in the future? Thus, the "fairness doctrine" becomes a part of the overall and larger definition of "public convenience, interest, or necessity."

[40] FCC file No. 67–795, Docket No. 16574.

[41] On July 27, 1967, two petitions for review of the Commission's action in adopting the rule were filed. One, on behalf of CBS, was filed in the U.S. Court of Appeals for the Second Circuit, New York, N.Y. The other, on behalf of Radio Television News Directors Association, was filed in the U.S. Court of Appeals for the Seventh Circuit, Chicago, Ill. Both petitions seek to have the rule set aside upon the grounds that it violates the First amendment and section 326 of the Communications Act of 1934.

Mr. PASTORE. In its 1949 report on editorializing the FCC said:

> It is axiomatic that one of the most vital questions of mas communication in a democracy is the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day * * *. Unquestionably, then, the standard of public interest, convenience, and necessity as applied to radio broadcasting must be interpreted in the light of this basic purpose. The Commission has consequently recognized the necessity for licensees to devote a reasonable percentage of their broadcast time to the presentation of news and programs devoted to the consideration and discussion of public issues of interest in the community served by the particular station. And we have recognized, with respect to such programs, the paramount right of the public in a free society to be informed and to have presented to it for acceptance or rejection the different attitudes and viewpoints concerning those vital and often controversial issues which are held by the various groups which make up the community. *It is the right of the public to be informed, rather than any right on the part of the Government, can broadcast licensee, or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting.* (Emphasis added)

I submit my comments reflected what the FCC said in its 1949 report.

I want to say at this point, time and time again the officials of the Democratic Party have urged me to talk to broadcasters, when the President of the United States has made a political speech, the Democratic Party wanted equal time, and it was given them only under the fairness doctrine. Are we going to repudiate that this afternoon?

In my judgment, the senior Senator from Wisconsin does not fully explain the rationale of the Fairness Doctrine when he says its "justification" is to assure that broadcasters "operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

The crucial question, the one he ignores, is "why" should broadcasters be required to operate in that manner.

That answer, I believe, may be found in the staff report prepared for my committee in 1968, and I quote:

> The first amendment objective; "* * * the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public * * *." (Associated Press v. United States, 326 U.S. 1, at p. 20) found a new medium for expression and, from the beginning, the broadcast licensee was charged, in "the public interest, convenience, or necessity, *"with the affirmative obligation of informing Americans on all side of public questions."* (Emphasis added)

This obligation placed on broadcasters is unique. The law recognizes a special responsibility which falls on broadcasters, and which does not extend to newspapers.

The Supreme Court expressly upheld the Fairness Doctrine in the Red Lion case. *Red Lion Broadcasting Co.* v. *FCC.* (395 U.S. 367 (1969)). I ask unanimous consent that the Supreme Court's opinion be inserted in the Record.

There being no objection, the Supreme Court opinion was ordered to be printed in the Record, as follows:

[In the Supreme Court of the United States
Nos. 2 and 717.—October Term, 1968.]

Red Lion Broadcasting Co., Inc., etc., et al., Petitioners, *v.* Federal Communications Commission et al., On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit.

United States et al., Petitioners, (717) *v.* Radio Television News Directors Association, et al., On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.

[June 9, 1969.]

Mr. Justice White delivered the opinion of the Court.

The Federal Communications Commission has for many years imposed on radio and television broadcasters the requirement that discussion of public issues be presented on broadcast stations, and that each side of those issues must be given fair coverage. This is known as the fairness doctrine, which originated very early in the history of broadcasting and has maintained its present outlines for some time. It is an obligation whose content has been defined in a long series of FCC rulings in particular cases, and which is distinct from the statutory requirement of § 315 of the Communications Act[1] that equal time be allotted all qualified candidates for public office. Two aspects of the fairness doctrine, relating to personal attacks in the context of controversial public issues and to political editorializing, were codified more precisely in the form of FCC regulations in 1967. The two cases before us now, which were decided separately below, challenge the constitutional and statutory bases of the doctrine and component rules. *Red Lion* involves the application of the fairness doctrine to a particular broadcast, and *RTNDA* arises as an action to review the FCC's 1967 promulgation of the personal attack and political editorializing regulations, which were laid down after the *Red Lion* litigation had begun.

I.

A.

The Red Lion Broadcasting Company is licensed to operate a Pennsylvania radio station, WGCB. On November 27, 1964, WGCB carried a 15-minute broadcast by Reverend Billy James Hargis as part of a "Christian Crusade" series. A book by Fred J. Cook entitled "Goldwater—Extremist on the Right" was discussed by Hargis, who said that Cook had been fired by a newspaper for fabricating false charges against city officials; that Cook had then worked for a Communist-affiliated publication; that he had defended Alger Hiss and attacked J. Edgar Hoover and the Central Intelligence Agency; and that he had now written a "book to smear and destroy Barry Goldwater."[2] When Cook heard of the broadcast he concluded that he had been personally attacked and demanded free reply time, which the station refused. After an exchange of letters among Cook, Red Lion, and the FCC, the FCC declared that the Hargis broadcast constituted a personal attack on Cook; that Red Lion had failed to meet its obligation under the fairness doctrine as expressed in *Times-Mirror Broadcasting Co.*, 24 P & F Radio Reg. 404 (1962), to send a tape, transcript, or summary of the broadcast to Cook and offer him reply time; and that the station must provide reply time whether or not Cook would pay for it. On review in the Court of Appeals for the District of Columbia,[3] the FCC's position was upheld as constitutional and otherwise proper, 381 F. 2d 908 (1967).

B.

Not long after the *Red Lion* litigation was begun, the FCC issued a Notice of Proposed Rule Making, 31 Fed. Reg. 5710, with an eye to making the personal attack aspect of the fairness doctrine more precise and more readily enforceable, and also to specify its rules relating to political editorials. After considering written comments supporting and opposing the rules, the FCC adopted them substantially as proposed, 32 Fed. Reg. 10303. Twice amended, 32 Fed. Reg. 11531, 33 Fed. Reg. 5362, the rules were held unconstitutional in the *RTNDA* litigation by the Court of Appeals for the Seventh Circuit on review of the rule-making proceeding as abridging the freedoms of speech and press. 400 F. 2d 1002 (1968).

As they now stand amended, the regulations read as follows:

"Personal attacks; political editorials.

"(a) When, during the presentation of views on a controversial issue of public importance, an attack is made upon the honesty, character, integrity or like personal qualities of an identified person or group, the licensee shall, within a reasonable time and in no event later than one week after the attack, transmit to the person or group attacked (1) notification of the date, time and identification of the broadcast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer of a reasonable opportunity to respond over the licensee's facilities.

"(b) The provisions of paragraph (a) of this section shall not be applicable (i) to attacks on foreign groups or foreign public figures, (ii) to personal attacks which are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign; and (iii) to bona fide newscasts, bona fide news interviews, and on-the-spot coverage of a bona fide news event (including commentary or analysis contained in the foregoing programs, but the provisions of paragraph (a) shall be applicable to editorials of the licensee).

"Note: The fairness doctrine is applicable to situations coming within (iii), above, and, in a specific factual situation, may be applicable in the general area of political broadcasts (ii), above. See Section 315(a) of the Act, 47 U.S.C. 315(a); Public Notice: *Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance.* 29 Fed. Reg. 10415. The categories listed in (iii) are the same as those specified in Section 315(a) of the Act.

"(c) Where a license, in an editorial, (i) endorses or (ii) opposes a legally qualified candidate or candidates, the licensee shall, within 24 hours after the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office or (ii) the candidate opposed in the editorial (1) notification of the date and the time of the editorial; (2) a script or tape of the editorial; and (3) an offer of a reasonable opportunity for a candidate or a spokesman of the candidate to respond over the licensee's facilities: *Provided, however,* That where such editorials are broadcast within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this subsection sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion." 47 CFR §§ 73.123, 73.300, 73.598, 73.679 (all identical).

C.

Believing that the specific application of the fairness doctrine in *Red Lion,* and the promulgation of the regulations in *RTNDA,* are both authorized by Congress and enhance rather than abridge the freedoms of speech and press protected by the First Amendment, we hold them valid and constitutional, reversing the judgment below in *RTNDA* and affirming the judgment below in *Red Lion.*

II.

The history of the emergence of the fairness doctrine and of the related legislation shows that the Commission's action in the *Red Lion* case did not exceed its authority, and that in adopting the new regulations the Commission was implementing congressional policy rather than embarking on a frolic of its own.

A.

Before 1927, the allocation of frequencies was left entirely to the private sector, and the result was chaos.[4]

It quickly became apparent that broadcast frequencies constituted a scarce resource whose use could be regulated and rationalized only by the Government. Without government control, the medium would be of little use because of the cacaphony of competing voices, none of which could be clearly and predictably heard.[5] Consequently, the Federal Radio Commission was established to allocate frequencies among competing applicants in a manner responsive to the public "convenience, interest, or necessity."[6]

Very shortly thereafter the Commission expressed its view that the "public interest requires ample play for the free and fair competition of opposing views, and the Commission believes that the principle applies . . . to all discussions of issues of importance to the public." Great Lakes Broadcasting Co., 3 F.R.C. Ann. Rep. 32, 33 (1929), rev'd on other grounds, 37 F. 2d 993, cert. dismissed, 281 U.S. 706 (1930). This doctrine was applied through denial of license renewals or construction permits, both by the FRC, Trinity Methodist Church, South v. FRC, 62 F. 2d 850 (C.A.D.C. Cir. 1932), cert. denied, 288 U.S. 599 (1933), and its successor FCC, Young People's Association for the Propagation of the Gospel, 6 F.C.C. 178 (1938). After

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Footnotes at end of article.

an extended period during which the licensee was obliged not only to cover and to cover fairly the views of others, but also to refrain from expressing his own personal views, Mayflower Broadcasting Corp., 8 F.C.C. 333 (1941), the latter limitation on the licensee was abandoned and the doctrine developed into its present form.

There is a twofold duty laid down by the FCC's decisions and described by the 1949 Report on Editorializing by Broadcast Licensees, 13 F.C.C. 1246 (1949). The broadcaster must give adequate coverage to public issues. United Broadcasting Co., 10 F.C.C. 515 (1945), and coverage must be fair in that it accurately reflects the opposing views. New Broadcasting Co., 6 P & F Radio Reg. 258 (1950). This must be done at the broadcaster's own expense if sponsorship is unavailable. Cullman Broadcasting Co., 25 P & F Radio Reg. 895 (1963). Moreover, the duty must be met by programming obtained at the licensee's own initiative if available from no other source. John J. Dempsey, 6 P & F Radio Reg. 615 (1950); see Metropolitan Broadcasting Corp., 19 P & F Radio Reg. 602 (1959); The Evening News Assn., 6 P & F Radio Reg. 283 (1950). The Federal Radio Commission had imposed these two basic duties on broadcasters since the outset. Great Lakes Broadcasting Co., 3 F.R.C. Ann. Rep. 32 (1929), rev'd on other grounds, 37 F. 2d 993, cert. denied, 281 U.S. 706 (1930); Chicago Federation of Labor v. FRC, 3 F.R.C. Ann. Rep. 36 (1929), aff'd 41 F. 2d 422 (C.A.D.C. Cir. 1930); KFKB Broadcasting Assn. v. FRC, 47 F. 2d 670 (C.A.D.C. Cir. 1931), and in particular respects the personal attack rules and regulations at issue here have spelled them out in greater detail.

When a personal attack has been made on a figure involved in a public issue, both the doctrine of cases such as *Red Lion* and *Times-Mirror Broadcasting Co.*, 24 P & F Radio Reg. 404 (1962), and also the 1967 regulations at issue in *RTNDA* require that the individual attacked himself be offered an opportunity to respond. Likewise, where one candidate is endorsed in a political editorial, the other candidates must themselves be offered reply time to use personally or through a spokesman. These obligations differ from the general fairness requirement that issues be presented, and presented with coverage of competing views, in that the broadcaster does not have the option of presenting the attacked party's side himself or choosing a third party to represent that side. But insofar as there is an obligation of the broadcaster to see that both sides are presented, and insofar as that is an affirmative obligation, the personal attack doctrine and regulations do not differ from preceding fairness doctrine. The simple fact that the attacked men or unendorsed candidates may respond themselves or through agents is not a critical distinction, and indeed, it is not unreasonable for the FCC to conclude that the objective of adequate presentation of all sides may best be served by allowing those most closely affected to make the response, rather than leaving the response in the hands of the station which has attacked their candidacies, endorsed their opponents, or carried a personal attack upon them.

B.

The statutory authority of the FCC to promulgate these regulations derives from the mandate to the "Commission from time to time, as public convenience, interest, or necessity requires" to promulgate "such rules and regulations and prescribe such restrictions and conditions . . . as may be necessary to carry out the provisions of this chapter. . . ." 47 U.S.C. § 303 and § 303(r).[7] The Commission is specifically directed to consider the demands of the public interest in the course of granting licenses, 47 U.S.C. §§ 307(a), 309(a); renewing them, 47 U.S.C. § 307; and modifying them. *Ibid.* Moreover, the FCC has included among the conditions of the Red Lion license itself the requirement that operation of the station be carried out in the public interest, 47 U.S.C. § 309(h). This mandate to the FCC to assure that broadcasters operate in the public interest is a broad one, a power "not niggardly but expansive," *National Broadcasting Co.* v. *United States,* 319 U.S. 190, 219 (1943), whose validity we have long upheld. *FCC* v. *Pottsville Broadcasting Co.,* 309 U.S. 134, 138 (1940); *FCC* v. *RCA Communications, Inc.,* 346 U.S. 86, 90 (1953); *FRC* v. *Nelson Bros. Bond & Mortgage Co.,* 289 U.S. 266, 285 (1933). It is broad enough to encompass these regulations.

The fairness doctrine finds specific recognition in statutory form, is in part modeled on explicit statutory provisions relating to political candidates, and is approvingly reflected in legislative history.

In 1959 the Congress amended the statutory requirement of § 315 that equal time be accorded each political candidate to except certain appearances on news programs, but added that this constituted no exception *"from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."* Act of September 14, 1959, § 1, 73 Stat. 557, amending 47 U. S. C. § 315 (a) (emphasis added). This language makes it very plain that Congress, in 1959, announced that the phrase "public interest," which had been in the Act since 1927, imposed a duty on broadcasters to discuss both sides of controversial public issues. In other words, the amendment vindicated the FCC's general view that the fairness doctrine inhered in the public interest standard. Subsequent legislation enacted into law and declaring the intent of an earlier statute is entitled to great weight in statutory construction.[8] And here this principle is given special force by the equally venerable principle that the construction of a statute by those charged with its execution should be followed unless there are compelling indications that it is wrong,[9] especially when Congress has refused to alter the administrative construction.[10] Here, the Congress has not just kept its silence by refusing to overturn the administrative construction,[11] but has ratified it with positive legislation. Thirty years of consistent administrative construction left undisturbed by Congress until 1959, when that construction was expressly accepted, reinforce the natural conclusion that the public interest language of the Act authorized the Commission to require licensees to use their stations for discussion of public issues, and that the FCC is free to implement this requirement by reasonable rules and regulations which fall short of abridgment of the freedom of speech and press, and of the censorship proscribed by § 326 of the Act.[12]

The objectives of § 315 themselves could readily be circumvented but for the complementary fairness doctrine ratified by § 315. The section applies only to campaign appearances by candidates, and not by family, friends, campaign managers, or other supporters. Without the fairness doctrine, then, a licensee could ban all campaign appearances by candidates themselves from the air [13] and proceed to deliver over his station entirely to the supporters of one slate of candidates, to the exclusion of all others. In this way the broadcasters could have a far greater impact on the favored candidacy than he could by simply allowing a spot appearance by the candidate himself. It is the fairness doctrine as an aspect of the obligation to operate in the public interest, rather than § 315, which prohibits the broadcaster from taking such a step.

The legislative history reinforces this view of the effect of the 1959 amendment. Even before the language relevant here was added, the Senate report on amending § 315 noted that "broadcast frequencies are limited and, therefore, they have been necessarily considered a public trust. Every licensee who is fortunate in obtaining a license is mandated to operate in the public interest and has assumed the obligation of presenting important public questions fairly and without bias." S. Rept. No. 562, 86th Cong., 1st Sess., 8–9 (1959). See also, specifically adverting to Federal Communications Commission doctrine, *id.*, at 13.

Rather than leave this approval solely in the legislative history, Senator Proxmire suggested an amendment to make it part of the Act. 105 Cong. Rec. 14457. This amendment, which Senator Pastore, a manager of the bill and Chairman of the Senate Committee considered "rather surplusage," 105 Cong. Rec. 14462, constituted a positive statement of doctrine [14] and was altered to the present merely approving language in the conference committee. In explaining the language to the Senate after the committee changes, Senator Pastore said: "We insisted that the provision remain in the bill, to be a continuing reminder and admonition to the Federal Communications Commission and to the broadcasters alike, that we were not abandoning the philosophy that gave birth to section 315, in giving the people the right to have a full and complete disclosure of conflicting views on news of interest to the people of the country." 105 Cong. Rec. 17830. Senator Scott, another Senate manager, added that "It is intended to encompass all legitimate areas of public importance which are controversial," not just politics. 105 Cong. Rec. 17831.

It is true that the personal attack aspect of the fairness doctrine was not actually adjudicated until after 1959, so that Congress then did not have those rules specifically before it. However, the obligation to offer time to reply to a personal attack was presaged by the FCC's 1949 Report on Editorializing, which the FCC views as the principal summary of its *radio decidendi* in cases in this area:

"In determining whether to honor specific requests for time, the station will inevitably be confronted with such question as . . . whether there may not be other available groups or individuals who might be more appropriate spokesmen for the particular point of view than the person making the request. The latter's personal involvement in the controversy may also be a factor which must be considered, for elementary considerations of fairness may dictate that time be allocated to a person or group which has been specifically attacked over the station, where otherwise no such obligation would exist." 13 F.C.C., at 1251–1252.

When the Congress ratified the FCC's implication of a fairness doctrine in 1959 it did not, of course, approve every past decision or pronouncement by the Commission on this subject, or give it a completely free hand for the future. The statutory authority does not go so far. But we cannot say that when a station publishes a personal attack or endorses a political candidate, it is a misconstruction of the public interest standard to require the station to offer time for a response rather than to leave the response entirely within the control of the station which has attacked either the candidacies or the men who wish to reply in their own defense. When a broadcaster grants time to a political candidate, Congress itself requires that equal time be offered to his opponents. It would exceed our competence to hold that the Commission is unauthorized by the statute to employ

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Footnotes at end of article.

a similar device where personal attacks or political editorials are broadcast by a radio or television station.

In light of the fact that the "public interest" in broadcasting clearly encompasses the presentation of vigorous debate of controversial issues of importance and concern to the public; the fact that the FCC has rested upon that language from its very inception a doctrine that these issues must be discussed, and fairly; and the fact that Congress has acknowledged that the analogous provisions of § 315 are not preclusive in this area, and knowingly preserved the FCC's complementary efforts, we think the fairness doctrine and its component personal attack and political editorializing regulations are a legitimate exercise of congressionally delegated authority. The Communications Act is not notable for the precision of its substantive standards and in this respect the explicit provisions of § 315, and the doctrine and rules at issue here which are closely modeled upon that section, are far more explicit than the generalized "public interest" standard in which the Commission ordinarily finds its sole guidance, and which we have held a broad but adequate standard before. *FCC* v. *RCA Communications, Inc.*, 346 U.S. 86, 90 (1953); *National Broadcasting Co.* v. *United States*, 319 U.S. 190, 216–217 (1943); *FCC* v. *Pottsville Broadcasting Co.*, 309 U.S. 134, 138 (1940); *FRC* v. *Nelson Bros. Bond & Mortgage Co.*, 289 U.S. 266, 285 (1933). We cannot say that the FCC's declaratory ruling in *Red Lion*, or the regulations at issue in *RTNDA*, are beyond the scope of the congressionally conferred power to assure that stations are operated by those whose possession of a license serves "the public interest."

III.

The broadcasters challenge the fairness doctrine and its specific manifestations in the personal attack and political editorial rules on conventional First Amendment grounds, alleging that the rules abridge their freedom of speech and press. Their contention is that the First Amendment protects their desire to use their allotted frequencies continuously to broadcast whatever they choose, and to exclude whomever they choose from ever using that frequency. No man may be prevented from saying or publishing what he thinks, or from refusing in his speech or other utterances to give equal weight to the views of his opponents. This right, they say, applies equally to broadcasters.

A.

Although broadcasting is clearly a medium affected by a First Amendment interest, *United States* v. *Paramount Pictures, Inc.*, 334 U.S. 131, 166 (1948), differences in the characteristics of new media justify differences in the First Amendment standards applied to them.[15] *Joseph Burstyn, Inc.* v. *Wilson*, 343 U.S. 495, 503 (1952). For example, the ability of new technology to produce sounds more raucous than those of the human voice justifies restrictions on the sound level, and on the hours and places of use, of sound trucks so long as the restrictions are reasonable and applied without discrimination, *Kovacs* v. *Cooper*, 336 U.S. 77 (1949).

Just as the Government may limit the use of sound amplifying equipment potentially so noisy that it drowns out civilized private speech, so may the Government limit the use of broadcast equipment. The right of free speech of a broadcaster, the user of a sound truck, or any other individual does not embrace a right to snuff out the free speech of others. *Associated Press* v. *United States*, 326 U.S. 1, 20 (1945).

When two people converse face to face, both should not speak at once if either is to be clearly understood. But the range of the human voice is so limited that there could be meaningful communications if half the people in the United States were talking and the other half listening. Just as clearly, half the people might publish and the other half read. But the reach of radio signals is incomparably greater than the range of the human voice and the problem of interference is a massive reality. The lack of know-how and equipment may keep many from the air, but only a tiny fraction of those with resources and intelligence can hope to communicate by radio at the same time if intelligible communication is to be had, even if the entire radio spectrum is utilized in the present state of commercially acceptable technology.

It was this fact, and the chaos which ensued from permitting anyone to use any frequency at whatever power level he wished, which made necessary the enactment of the Radio Act of 1927 and the Communications Act of 1934,[18] as the Court has noted at length before. *National Broadcasting Co.* v. *United States*, 319 U.S. 190, 210–214 (1943). It was this reality which at the very least necessitated first the division of the radio spectrum into portions reserved respectively for public broadcasting and for other important radio uses such as amateur operation, aircraft, police, defense, and navigation; and then the subdivision of each portion, and assignment of specific frequencies to individual users or groups of users. Beyond this, however, because the frequencies reserved for public broadcasting were limited in number, it was essential for the Government to tell some applicants that they could not broadcast at all because there was room for only a few.

Where there are substantially more individuals who want to broadcast than there are frequencies to allocate, it is idle to posit an unabridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish. If 100 persons want broadcast licenses but there are only 10 frequencies to allocate, all of them may have the same "right" to a license; but if there is to be any effective communication by radio, only a few can be licensed and the rest must be barred from the airways. It would be strange if the First Amendment, aimed at protecting and furthering communications, prevented the Government from making radio communication possible by requiring licenses to broadcast and by limiting the number of licenses so as not to overcrowd the spectrum.

This has been the consistent view of the Court. Congress unquestionably has the power to grant and deny licenses and to delete existing stations. *Federal Radio Commission* v. *Nelson Bros. Bond & Mortgage Co.*, 289 U.S. 266 (1933). No one has a First Amendment right to a license or to monopolize a radio frequency; to deny a station license because "the public interest" requires it "is not a denial of free speech." *National Broadcasting Co.* v. *U.S.*, 319 U.S. 190. 227 (1943).

By the same token, as far as the First Amendment is concerned those who are licensed stand no better than those to whom licenses are refused. A license permits broadcasting, but the licensee has no constitutional right to be the one who holds the license or to monopolize a radio frequency to the exclusion of his fellow citizens. There is nothing in the First Amendment which prevents the Government from requiring a licensee to share his frequency with others and to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves.

This is not to say that the First Amendment is irrelevant to public broadcasting. On the contrary, it has a major role to play as the Congress itself recognized in § 326, which forbids FCC interference with "the right of free speech by means of radio communications." Because of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor of others whose views should be expressed on this unique medium. But the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the end and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. See *FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470, 475 (1940); *FCC* v. *Allentown Broadcasting Corp.*, 349 U.S. 358, 361–362 (1955); Z. Chafee, Government and Mass Communications 546 (1947). It is the purpose of the First Amendment to preserve an uninhibited market-place of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee. *Associated Press* v. *United States*, 326 U.S. 1, 20 (1945); *New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270 (1964); *Abrams* v. *United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting). "[S]peech concerning public affairs is more than self-expression; it is the essence of self-government." *Garrison* v. *Louisiana*, 379 U.S. 64, 74–75 (1964). See Brennan, The Supreme Court and the Meiklejohn Interpretation of the First Amendment, 79 Harv. L. Rev. I. (1965). It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC.

B.

Rather than confer frequency monopolies on a relatively small number of licensees, in a Nation of 200,000,000, the Government could surely have decreed that each frequency should be shared among all or some of those who wish to use it, each being assigned a portion of the broadcast day or the broadcast week. The ruling and regulations at issue here do not go quite so far. They assert that under specified circumstances, a licensee must offer to make available a reasonable amount of broadcast time to those who have a view different from that which has already been expressed on his station. The expression of a political endorsement, or of a personal attack while dealing with a controversial public issue, simply triggers this time-sharing. As we have said, the First Amendment confers no right on licensees to prevent others from broadcasting on "their" frequencies and no right to an unconditional monopoly of a scarce resource which the Government has denied others the right to use.

In terms of constitutional principle, and as enforced sharing of a scarce resource, the personal attack and political editorial rules are indistinguishable from the equal-time provision of § 315, a specific enactment of Congress requiring stations to set aside reply time under specified circumstances and to which the fairness doctrine and these constituent regulations are important complements. That provision, which has been part of the law since 1927, Radio Act of 1927, c. 169, § 18, 44 Stat. 1162, 1170, has been held valid by this Court as an obligation of the licensee relieving him of any power in any way to prevent or censor the broadcast, and thus insulating him from liability for defamation. The constitutionality of the statute under the First Amendment was unquestioned.[17] *Farmers Educ. & Coop. Union* v. *WDAY*, 360 U.S. 525 (1959).

Nor can we say that it is inconsistent with the First Amendment goal of producing an informed public capable of conducting its own affairs to require a broadcaster to permit answers to personal attacks occurring in the course of discussing controversial issues,

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Footnotes at end of article.

or to require that the political opponents of those endorsed by the station be given a chance to communicate with the public.[18] Otherwise, station owners and a few networks would have unfettered power to make time available only to the highest bidders, to communicate only their own views on public issues, people and candidates, and to permit on the air only those with whom they agreed. There is no sanctuary in the First Amendment for unlimited private censorship operating in a medium not open to all. "Freedom of the press from governmental interference under the First Amendment does not sanction repression of that freedom by private interests." *Associated Press* v. *U.S.*, 326 U.S. 1, 20 (1944).

C.

It is strenuously argued, however, that if political editorials or personal attacks will trigger an obligation in broadcasters to afford the opportunity for expression to speakers who need not pay for time and whose views are unpalatable to the licensees, then broadcasters will be irresistibly forced to self-censorship and their coverage of controversial public issues will be eliminated or at least rendered wholly ineffective. Such a result would indeed be a serious matter, for should licensees actually eliminate their coverage of controversial issues, the purposes of the doctrine would be stifled.

At this point, however, as the Federal Communications Commission has indicated, that possibility is at best speculative. The communications industry, and in particular the networks, have taken pains to present controversial issues in the past, and even now they do not assert that they intend to abandon their efforts in this regard.[19] It would be better if the FCC's encouragement were never necessary to induce the broadcasters to meet their responsibility. And if experience with the administration of these doctrines indicates that they have the net effect of reducing rather than enhancing the volume and quality of coverage, there will be time enough to reconsider the constitutional implications. The fairness doctrine in the past has had no such overall effect.

That this will occur now seems unlikely, however, since if present licensees should suddenly prove timorous, the Commission is not powerless to insist that they give adequate and fair attention to public issues. It does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community, obligated to give suitable time and attention to matters of great public concern. To condition the granting or renewal of licenses on a willingness to present representative community views on controversial issues is consistent with the ends and purposes of those constitutional provisions forbidding the abridgment of freedom of speech and freedom of the press. Congress need not stand idly by and permit those with licenses to ignore the problems which beset the people or to exclude from the airways anything but their own views of fundamental questions. The statute, long administrative practice, and cases are to this effect.

Licenses to broadcast do not confer ownership of designated frequencies, but only the temporary privilege of using them. 47 U.S.C. § 301. Unless renewed, they expire within three years. 47 U.S.C. § 307(d). The statute mandates the issuance of licenses if the "public convenience, interest or necessity will be served thereby." 47 U.S.C. § 307(a). In applying this standard the Commission for 40 years has been choosing licensees based in part on their program proposals. In *F.R.C.* v. *Nelson Bros. Bond and Mortgage Co.*, 289 U.S. 266, 279 (1933), the Court noted that in "view of the limited number of available broadcasting frequencies, the Congress has authorized allocation and licenses." In determining how best to allocate frequencies, the Federal Radio Commission considered the needs of competing communities and the programs offered by competing stations to meet those needs; moreover, if needs or programs shifted, the Commission could alter its allocations to reflect those shifts. *Id.* at 285. In the same vein, in *F.C.C.* v. *Pottsville Broadcasting Co.*, 309 U.S. 134, 137–138 (1940), the Court noted that the statutory standard was a supple instrument to effect congressional desires "to maintain . . . a grip on the dynamic aspects of radio transmission" and to allay fears that "in the absence of governmental control the public interest might be subordinated to monopolistic domination in the broadcasting field." Three years later the Court considered the validity of the Commission's chain broadcasting regulations, which among other things forbade stations from devoting too much time to network programs in order that there be suitable opportunity for local programs serving local needs. The Court upheld the regulations, unequivocally recognizing that the Commission was more than a traffic policeman concerned with the technical aspects of broadcasting and that it neither exceeded its powers under the statute nor transgressed the First Amendment in interesting itself in general program format and the kinds of programs broadcast by licensees. *National Broadcasting Co.* v. *United States*, 319 U.S. 190 (1943).

D.

The litigants embellish their first amendment arguments with the contention that the regulations are so vague that their duties are impossible to discern. Of this point it is enough to say that, judging the validity of the regulations on their face as they are presented here, we cannot conclude that the FCC has been left a free hand to vindicate its own idiosyncratic conception of the public interest or of the requirements of free speech. Past adjudications by the FCC give added precision to the regulations; there was nothing vague about the FCC's specific ruling in *Red Lion* that Fred Cook should be provided an opportunity to reply. The regulations at issue in *RTNDA* could be employed in precisely the same way as the fairness doctrine was in *Red Lion*. Moreover, the FCC itself has recognized that the applicability of its regulations to situations beyond the scope of past cases may be questionable, 32 Fed. Reg. 10303, 10304 and n. 6, and will not impose sanctions in such cases without warning. We need not approve every aspect of the fairness doctrine to decide these cases, and we will not now pass upon the constitutionality of these regulations by envisioning the most extreme applications conceivable, *United States* v. *Sullivan*, 332 U.S. 689, 694 (1948), but will deal with those problems if and when they arise.

We need not and do not now ratify every past and future decision by the FCC with regard to programming. There is no question here of the Commission's refusal to permit the broadcaster to carry a particular program or to publish his own views; of a discriminatory refusal to require the licensee to broadcast certain views which have been denied access to the airways; of government censorship of a particular program contrary to § 326; or of the official government view dominating public broadcasting. Such questions would raise more serious first amendment issues. But we do hold that the Congress and the Commission do not violate the First Amendment when they require a radio or television station to give reply time to answer personal attacks and political editorials.

E.

It is argued that even if at one time the lack of available frequencies for all who wished to use them justified the Government's choice of those who would best serve the public interest by acting as proxy for those who would present differing views, or by giving the latter access directly to broadcast facilities, this condition no longer prevails so that continuing control is not justified. To this there are several answers.

Scarcity is not entirely a thing of the past. Advances in technology, such as microwave transmission, have led to more efficient utilization of the frequency spectrum, but uses for that spectrum have also grown apace.[20] Portions of the spectrum must be reserved for vital uses unconnected with human communication, such as radio-navigational aids used by aircraft and vessels. Conflicts have even emerged between such vital functions as defense preparedness and experimentation in methods of averting midair collisions through radio warning devices.[21] "Land mobile services" such as police, ambulance, fire department, public utility, and other communications systems have been occupying an increasingly crowded portion of the frequency spectrum [22] and there are, apart from licensed amateur radio operators' equipment, 5,000,000 transmitters operated on the "citizens' band" which is also increasingly congested.[23] Among the various uses for radio frequency space, including marine, aviation, amateur, military, and common carrier users, there are easily enough claimants to permit use of the whole with an even smaller allocation to broadcast radio and television uses than now exists.

Comparative hearings between competing applicants for broadcast spectrum space are by no means a thing of the past. The radio spectrum has become so congested that at times it has been necessary to suspend new applications.[24] The very high frequency television spectrum is, in the country's major markets, almost entirely occupied, although space reserved for ultra high frequency television transmission, which is a relatively recent development as a commercially viable alternative, has not yet been completely filled.[25]

The rapidity with which technological advances succeed one another to create more efficient use of spectrum space on the one hand, and to create new uses for that space by ever growing numbers of people on the other, make it unwise to speculate on the future allocation of that space. It is enough to say that the resource is one of considerable and growing importance whose scarcity impelled its regulation by an agency authorized by Congress.

Nothing in this record, or in our own researches, convinces us that the resource is no longer one for which there are more immediate and potential uses than can be accommodated, and for which wise planning is essential.[26] This does not mean, of course, that every possible wavelength must be occupied at every hour by some vital use in order to sustain the congressional judgment. The substantial capital investment required for many uses, in addition to the potentiality for confusion and interference inherent in any scheme for continuous kaleidoscopic reallocation of all available space may make this unfeasible. The allocation need not be made at such a breakneck pace that the objectives of the allocation are themselves imperiled.[27]

Even where there are gaps in spectrum utilization, the fact remains that existing broadcasters have often attained their present position because of their initial government selection in competition with others before new technological advances opened new opportunities for further uses. Long experience in broadcasting, confirmed habits of listeners and viewers, network affiliation, and other advantages in program procurement give existing broadcasters a substantial advantage over new entrants, even where new entry is technologically possible. These

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Footnotes at end of article.

advantages are the fruit of a preferred position conferred by the Government. Some present possibility for new entry by competing stations is not enough, in itself, to render unconstitutional the Government's effort to assure that a broadcaster's programming ranges widely enough to serve the public interest.

In view of the prevalence of scarcity of broadcast frequencies, the Government's role in allocating those frequencies, and the legitimate claims of those unable without governmental assistance to gain access to those frequencies for expression of their views, we hold the regulations and ruling at issue here are both authorized by statute and constitutional.[28] The judgment of the Court of Appeals in *Red Lion* is reversed and that in *RTNDA* affirmed and the causes remanded for proceedings consistent with this opinion.

It is so ordered.

Not having heard oral argument in these cases, Mr. Justice Douglas took no part in the Court's decision.

FOOTNOTES

[1] Communications Act of 1934, Tit. III, c. 652, 48 Stat. 1081, as amended, 47 U.S.C. § 301 *et seq.* Section 315 now reads:

"315. Candidates for public office; facilities; rules.

"(a) If any license shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other candidates for that office in the use of such broadcasting station: *Provided,* That such license shall have no power of censorship over material broadcast under the provisions of this section. No obligation is imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

"(1) bona fide newscast,

"(2) bona fide news interview,

"(3) bona fide documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

"(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto), "shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.

"(c) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section."

[2] According to the record, Hargis asserted that his broadcast included the following statement:

"Now, this paperback book by Fred J. Cook is entitled, 'GOLDWATER—EXTREMIST ON THE RIGHT.' Who is Cook? Cook was fired from the New York World Telegram after he made a false charge publicly on television against an un-named official of the New York City government. New York publishers and NEWSWEEK Magazine for December 7, 1959, showed that Fred Cook and his pal, Eugene Gleason, had made up the whole story and this confession was made to New York District Attorney, Frank Hogan. After losing his job, Cook went to work for the left-wing publication, THE NATION, once of the most scurrilous publications of the left which has championed many communist causes over many years. Its editor, Carry McWilliams, has been affiliated with many communist enterprises, scores of which have been cited as subversive by the Attorney General of the U.S. or by other government agencies. . . . Now, among other things Fred Cook wrote for THE NATION, was an article absolving Alger Hiss of any wrong doing . . . there was a 208 page attack on the FBI and J. Edgar Hoover; another attack by Mr. Cook was on the Central Intelligence Agency . . . now this is the man who wrote the book to smear and destroy Barry Goldwater called 'Barry Goldwater—Extremist Of The Right!' "

[3] The Court of Appeals initially dismissed the petition for want of a reviewable order, later reversing itself en banc upon argument by the Government that the FCC rule used here, which permits it to issue "a declaratory ruling terminating a controversy or removing uncertainty," 47 CFR § 1.2, was in fact justified by the Administrative Procedure Act. That Act permits an adjudicating agency, "in its sound discretion, with like effect as in the case of other orders, to issue a declaratory order to terminate a controversy or remove uncertainty." § 5, 60 Stat. 239, 5 U.S.C. § 1004(d). In this case, the FCC could have determined the question of Red Lion's liability to a cease-and-desist order or license revocation, 47 U.S.C. § 312, for failure to comply with the license's condition that the station be operated "in the public interest," or for failure to obey a requirement of operation in the public interest implicit in the ability of the FCC to revoke licenses for conditions justifying the denial of an initial license, 47 U.S.C. § 312(a) (2), and the statutory requirement that the public interest be served in granting and renewing licenses, 47 U.S.C. §§ 307 (a), and (d). Since the FCC could have adjudicated these questions it could, under the Administrative Procedure Act, have issued a declaratory order in the course of its adjudication which would have been subject to judicial review. Although the FCC did not comply with all of the formalities for an adjudicative proceeding in this case, the petitioner itself adopted as its own the Government's position that this was a reviewable order, waiving any objection it might have had to the procedure of the adjudication.

[4] Because of this chaos, a series of National Radio Conferences was held between 1922 and 1925, at which it was resolved that regulation of the radio spectrum by the Federal Government was essential and that regulatory power should be utilized to ensure that allocation of this limited resource would be made only to those who would serve the public interest. The 1923 Conference expressed the opinion that the Radio Act of 1912, c. 287, 37 Stat. 302, conferred upon the Secretary of Commerce the power to regulate frequencies and hours of operation, but when Secretary Hoover sought to implement this claimed power by penalizing the Zenith Radio Corporation for operating on an unauthorized frequency, the 1912 Act was held not to permit enforcement. *United States* v. *Zenith Radio Corporation,* 12 F. 2d 614 (D. C. N. D. Ill. 1926). Compare *Hoover* v. *Intercity Radio Co.,* 286 F. 1003 (C. A. D. C. Cir. 1923) (Secretary had no power to deny licenses, but was empowered to assign frequencies). An opinion issued by the Attorney General at Hoover's request confirmed the impotence of the Secretary under the 1912 Act. 35 Op. Atty. Gen. 126 (1926). Hoover thereafter appealed to the radio industry to regulate itself, but his appeal went largely unheeded. See generally L. Shmeckebier, The Federal Radio Commission 1–14 (1932).

[5] Congressman White, a sponsor of the bill enacted as the Radio Act of 1927, commented upon the need for new legislation:

"We have reached the definite conclusion that the right of all our people to enjoy this means of communication can be preserved only by the repudiation of the idea underlying the 1912 law that anyone who will may transmit and by the assertion in its stead of the doctrine that the right of the public to service is superior to the right of any individual. . . . The recent radio conference met this issue squarely. It recognized that in the present state of scientific development there must be a limitation upon the number of broadcasting stations and it recommended that licenses should be issued only to those stations whose operation would render a benefit to the public, are necessary in the public interest, or would contribute to the development of the art. This principle was approved by every witness before your committee. We have written it into the bill. If enacted into law, the broadcasting privilege will not be a right of selfishness. It will rest upon an assurance of public interest to be served." 67 Cong. Rec. 5479.

[6] Radio Act of 1927, c. 169, § 4, 44 Stat. 1162, 1163. See generally, Davis, The Radio Act of 1927, 13 Va. L. Rev. 611(1927).

[7] As early as 1930, Senator Dill expressed the view that the Federal Radio Commission had the power to make regulations requiring a licensee to afford an opportunity for presentation of the other side on "public questions." Hearings before the Senate Committee on Interstate Commerce on S. 6, 71st Cong., 2d Sess., at 1616 (1930):

"Senator Dill. Then you are suggesting that the provision of the statute that now requires a station to give equal opportunity to candidates for office shall be applied to all public questions?

"Commissioner Robinson. Of course, I think in the legal concept the law requires it now. I do not see that there is any need to legislate about it. It will evolve one of these days. Somebody will go into court and say, 'I am entitled to this opportunity,' and he will get it.

"Senator Dill. Has the Commission considered the question of making regulations requiring the stations to do that?

"Commissioner Robinson. Oh, no.

"Senator Dill. It would be within the power of the commission, I think, to make regulations on that subject."

[8] *Federal Housing Administration* v. *Darlington, Inc.,* 358 U.S. 84, 90 (1958); *Glidden Co. v. Zdanok,* 370 U.S. 530, 541 (1962) (separate opinion of Mr. Justice Harlan, joined by Mr. Justice Brennan and Mr. Justice Stewart). This principle is a venerable one. *Alexander* v. *Alexandria,* 5 Cranch 1 (1809); *United States* v. *Freeman,* 3 How. 556 (1845); *Stockdale* v. *The Insurance Companies,* 20 Wall. 323 (1873).

[9] *Zemel* v. *Rusk,* 381 U.S. 1, 11–12 (1965); *Udall* v. *Tallman,* 380 U.S. 1, 16–18 (1965); *Commissioner* v. *Sternberger's Estate,* 348 U.S. 187, 199 (1955); *Hastings & D. R. Co.* v. *Whitney,* 132 U.S. 357, 366 (1889); *United States* v. *Burlington & M. River R. Co.,* 98 U.S. 334, 341 (1878); *United States* v. *Alexander,* 12 Wall. 177, 179–181 (1871); *Surgett* v. *Lapice,* 8 How. 48, 68 (1850).

[10] *Zemel* v. *Rusk,* 381 U.S. 1, 11–12 (1965); *United States* v. *Bergh,* 352 U.S. 40, 46–47 (1956); *Alstate Construction Co.* v. *Durkin,* 345 U.S. 13, 16–17 (1953); *Costanzo* v. *Tillinghast,* 287 U.S. 341, 345 (1932).

[11] An attempt to limit sharply the FCC's power to interfere with programming practices failed to emerge from Committee in 1943. S. 814, 87th Cong., 1st Sess., 4 (1943). See Hearings on S. 814 before the Senate Committee on Interstate Commerce, 78th Cong., 1st Sess. (1943). Also, attempts specifically to enact the doctrine failed in the Radio Act of 1927, 67 Cong. Rec. 12505 (1926) (agreeing to amendment proposed by Senator Dill eliminating coverage of "question affecting the public"), and a similar proposal in the Communications Act of 1934 was accepted by the Senate, 78 Cong. Rec. 8854 (1939); see S. Rep. No. 781, 73d Cong., 2d

Sess., 8 (1934), but was not included in the bill reported by the House Committee, see H.R. Rep. No. 1850, 73d Cong., 2d Sess. (1934). The attempt which came nearest success was a bill, H.R. 7716, 72d Cong., 1st Sess. (1932), passed by Congress but pocket vetoed by the President in 1933, which would have extended "equal opportunities" whenever a public question was to be voted on at an election or by a government agency. H.R. Rep. No. 2106, 72d Cong., 2d Sess., 6 (1933). In any event, unsuccessful attempts at legislation are not the best of guides to legislative intent. *Fogarty* v. *United States*, 340 U.S. 8, 13–14 (1950); *United States* v. *United Mine Workers*, 330 U.S. 258, 281–282 (1947). A review of some of the legislative history over the years, drawing a somewhat different conclusion, is found in Staff of the House Committee on Interstate and Foreign Commerce, Legislative History of the Fairness Doctrine, 90th Cong., 2d Sess. (Comm. Print. 1968). This inconclusive history was, of course, superseded by the specific statutory language added in 1959.

[12] "§ 326. Censorship.

"Nothing in this chapter shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

[13] John P. Crommelin, 19 P & F Radio Reg. 1392 (1960).

[14] The Proxmire amendment read: "[B]ut nothing in this sentence shall be construed as changing the basic intent of Congress with respect to the provisions of this act, which recognizes that television and radio frequencies are in the public domain, that the license to operate in such frequencies requires operation in the public interest, and that in newscasts, news interviews, news documentaries, on-the-spot coverage of news events, and panel discussions, all sides of public controversies shall be given as equal an opportunity to be heard as is practically possible." 105 Cong. Rec. 14457.

[15] The general problems raised by a technology which supplants atomized, relatively informal communication with mass media as a prime source of national cohesion and news were discussed at considerable length by Zechariah Chafee in Government and Mass Communications (1947). Debate on the particular implications of this view for the broadcasting industry has continued unabated. A compendium of views appears in Freedom and Responsibility in Broadcasting (Coons ed.) (1961). See also Kalven, Broadcasting, Public Policy, and the First Amendment, 10 J. of Law and Econ. 15 (1967); Ernst, The First Freedom 125–180 (1946); Robinson, Radio Networks and the Federal Government, especially at 75–87 (1954). The considerations which the newest technology brings to bear on the particular problem of this litigation are concisely explored by Louis Jaffe in The Fairness Doctrine, Equal Time, Reply to Personal Attacks, and the Local Service Obligation; Implications of Technological Change (U.S. Government Printing Office 1968).

[16] The range of controls which have in fact been imposed over the last 40 years, without giving rise to succcssful constitutional challenge in this Court, is discussed in Emery Broadcasting and Government: Responsibilities and Regulations (1961); Note, Regulation of Program Content by the FCC, 77 Harv. L. Rev. 701 (1964).

[17] This has not prevented vigorous argument from developing on the constitutionality of the ancillary FCC doctrines. Compare Barrow, The Equal Opportunities and Fairness Doctrine in Broadcasting: Pillars in the Forum of Democracy, 37 U. Cin. L. Rev. 447 (1968), with Robinson, The FCC and the First Amendment: Obervations on 40 Years of Radio and Television Regulation, 52 Minn. L. Rev. 67 (1967), and Sullivan, Editorials and Controversy: The Broadcaster's Dilemma, 32 Geo. Wash. L. Rev. 719 (1964).

[18] The expression of views opposing those which broadcasters permit to be aired in the first place need not be confided solely to the broadcasters themselves as proxies. "Nor is it enough that he should hear the arguments of his adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest, and do their very utmost for them." J. S. Mill, On Liberty 32 (R. McCallum ed. 1947).

[19] The President of the Columbia Broadcasting System has recently declared that despite the Government, "we are determined to continue covering controversial issues as a public service, and exercising our own independent news judgment and enterprise. I, for one, refuse to allow that judgment and enterprise to be affected by official intimidation." Stanton, Keynote Address, Sigma Delta Chi National Convention, Atlanta, Georgia, November 21, 1968. Problems of news coverage from the broadcaster's viewpoint are surveyed in Wood, Electronic Journalism (1967).

[20] Current discussions of the frequency allocation problem appear in Telecommunication Science Panel, Commerce Technical Advisory Board, U.S. Department of Commerce, Electromagnetic Spectrum Utilization—The Silent Crisis (1966); Joint Technical Advisory Comm., Institute of Electrical and Electronics Engineers & Electronic Industries Assn., Radio Spectrum Utilization (1964); Note, The Crisis in Electromagnetic Frequency Spectrum Allocation, 53 Iowa L. Rev. 437 (1967). A recently released study is the Final Report of the President's Task Force on Communications Policy (1968).

[21] *Bendix Aviation Corp.* v. *FCC*, 272 F. 2d 533 (C.A.D.C. Cir. 1959), cert. denied, 361 U.S. 965 (1960).

[22] 1968 FCC Annual Report 65–69.

[23] New limitations on these users, who can also lay claim to First Amendment protection, were sustained against First Amendment attack with the comment, "Here is truly a situation where if everybody could say anything, many could saying nothing." *Lafayette Radio Electronic Corp.* v. *United States*, 345 F. 2d 278, 281 (1965). Accord, *California Citizens Band Assn.* v. *United States*, 375 F. 2d 43 (C. A. 9th Cir. 1967), cert. denied, 389 U.S. 844 (1967).

[24] *Kessler* v. *FCC*, 326 F. 2d 673 (C.A.D.C. Cir. 1963).

[25] In a table prepared by the FCC on the basis of statistics current as of August 31, 1968, VHF and UHF channels allocated to and those available in the top 100 market areas for television are set forth:

Market areas	Channels allocated		Channels on the air, authorized or applied for		Available channels	
	VHF	UHF	VHF	UHF	VHF	UHF
Commercial:						
Top 10	40	45	40	44	0	1
Top 50	157	163	157	136	0	27
Top 100	264	297	264	213	0	84
Noncommercial:						
Top 10	7	17	7	16	0	1
Top 50	21	79	20	47	1	32
Top 100	35	138	34	69	1	69
1968 FCC Annual Report 132–135						

[26] RTNDA argues that these regulations should be held invalid for failure of the FCC to make specific findings in the rulemaking proceeding relating to these factual questions. Presumably the fairness doctrine and the personal attack decisions themselves, such as *Red Lion*, should fall for the same reason. But this argument ignores the fact that these regulations are no more than the detailed specification of certain consequences of long-standing rules, the need for which was recognized by the Congress on the factual predicate of scarcity made plain in 1927, recognized by this Court in the 1943 *National Broadcasting Co.* case, and reaffirmed by the Congress as recently as 1959. "If the number of radio and television stations were not limited by available frequencies, the committee would have no hesitation in removing completely the present provision regarding equal time and urge the right of each broadcaster to follow his own conscience . . . However, broadcast frequencies are limited and, therefore, they have been necessarily considered a public trust." S. Rep. No. 562, 86th Cong., 1st Sess., 8–9 (1959). In light of this history, the opportunity which the broadcasters have had to address the FCC and show that somehow the situation had radically changed, undercutting the validity of the congressional judgment, and their failure to adduce any convincing evidence of that in the record here, we cannot consider the absence of more detailed findings below to be determinative.

[27] The "airwaves [need not] be filled at the earliest possible moment in all circumstances, without due regard for these important factors." *Community Broadcasting Co.* v. *FCC*, 274 F.2d. 753, 763 (C.A.D.C. Cir. 1960). Accord, enforcing the fairness doctrine, *Office of Communication of the United Church of Christ* v. *FCC*, 359 F. 2d 994, 1009 (C.A.D.C. Cir. 1966).

[28] We need not deal with the argument that even if there is no longer a technological scarcity of frequencies limiting the number of broadcasters, there nevertheless is an economic scarcity in the sense that the Commission could or does limit entry to the broadcasting market on economic grounds and license no more stations than the market will support. Hence, it is said, the fairness doctrine or its equivalent is essential to satisfy the claims of those excluded and of the public generally. A related argument, which we also put aside, is that quite apart from scarcity of frequencies, technological or economic, Congress does not abridge freedom of speech or press by legislation directly or indirectly multiplying the voices and views presented to the public through time sharing, fairness doctrines, or other devices which limit or dissipate the power of those who sit astride the channels of communication with the general public. Cf. *Citizens Publishing Co.* v. *United States*, 393 U.S. — (1969).

Mr. PASTORE. There were two cases before the Court, and its opinion disposed of both. Both cases challenged the constitutional and statutory basis of the fairness doctrine and its component rules.

One of them, Red Lion, involved the application of the fairness doctrine to a particular broadcast.

The other, Radio Television News Directors Association, et al., RTNDA, involved component rules of this fairness doctrine. It arose as an action to review the FCC's 1967 promulgation of the personal attack and political editorializing regulations.

The broadcasters challenged the fairness doctrine on conventional first amendment grounds. They contended that the first amendment protects their desire to use their allotted frequencies continuously to broadcast whatever they choose, and to exclude whomever they choose from ever using that frequency. No man, they contended, may be prevented from saying or publishing what he thinks, or from refusing in his speech or utterances to give equal weight to the views of his opponents. This right, the broadcasters said, applies equally to radio and television.

The Supreme Court's answer to that argument was direct and to the point. The Court said at page 388:

> Where there are substantially more individuals who want to broadcast that there are frequencies to allocate, it is idle to posit an unabridgable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish.

The broadcasters also maintained, as Senator PROXMIRE now does, that the obligations under the fairness doctrine will irresistibly force them to self-censorship, and their coverage of controversial public issues will be eliminated or at least rendered wholly ineffective.

The Supreme Court's reply is an outstanding exposition on the responsibilities the Communications Act places on broadcasters. The Court said at pages 393–394:

> That this will occur . . . seems unlikely, however, since if present licensees should prove timorous, the Commission is not powerless to insist that they give adequate and fair attention to public issues. It does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community, obligated to give suitable time and attention to matters of great public concern. To condition the granting or renewal of licenses on a willingness to present representative community views on controversial issues is consistent with the ends and purposes of those constitutional provisions forbidding the abridgement of freedom of speech and freedom of the press. Congress need not stand idly by and permit those licensees to ignore the problems which beset the people or to exclude from the airways anything but their own views of fundamental questions. The statute, long administrative practice, and cases are to this effect.

Newspaper owners have not been given use of a valuable public resource—the airwaves.

The airwaves are a finite resource, and therefore unlike publishing a newspaper, not everyone who wishes to broadcast may do so.

Now, I realize that Senator PROXMIRE today does not agree with this.

In Red Lion, the broadcasters also argued that the broadcast spectrum scarcity was a condition that no longer prevailed.

The Supreme Court rejected that contention, and said at page 400:

> In view of the scarcity of broadcast frequencies, the Government's role in allocating those frequencies, and the legitimate claims of those unable without governmental assistance to gain access to those frequencies for expression of their views, we hold the regulations and ruling at issue here are both authorized by statute and constitutional.

> More recently, on July 12, the FCC said:
>
> That the problem of scarcity is still very much with us, and that despite recent advances in technology, there are still "substantially more individuals who want to broadcast than there are frequencies to allocate".

He does not agree with the Supreme Court. He does not agree with the Red Lion case. He does not agree with the FCC. And I am not surprised that he does not agree with JOHN PASTORE.

I think the Senator adds to the confusion and misunderstanding surrounding the fairness doctrine when he says that it means, "Say what you mean until I disagree with you, and then I will shut you up."

He certainly misunderstands me when he says I interpret the doctrine to "shut up broadcasters."

With all due respect, the distinguished Senator is again incorrect on the law.

In the first place, a broadcaster is absolutely free to present any programming he wishes on controversial issues of public importance. He may even present them from a biased or prejudiced point of view. Nothing in the fairness doctrine prevents him from doing that. In other words, the doctrine does not "shut the broadcaster up."

There is no inhibition on the broadcaster. He may say anything he wants to on any controversial subject. All the fairness doctrine says in this respect is, if you do program controversial issues of public importance, make sure you afford a reasonable opportunity for conflicting views so the public will be informed.

What, I ask, is wrong with that? Would the Senator have the national airwaves be the private propaganda preserves of broadcasters or the three networks during prime viewing hours in the evening?

Should television stations, which are the primary news source for most Americans, and also considered the most reliable, be absolutely free to present controversial issues of public importance from their perspective alone, without regard to other points of view?

Should a television station be able to attack an individual's honesty and integrity when he takes a position on a controversial issue, without being required to afford him an opportunity to defend his good name and character?

This, in substance, is what is being said when one urges abolition of the fairness doctrine.

It is interesting to note that Senator PROXMIRE was a leading advocate of the fairness doctrine in 1959 when the Congress amended section 315 of the Communications Act.

In 1959, when, on the floor of the Senate, we were talking about modification of section 315 of the Communications Act, let me tell you what Senator PROXMIRE said at that time. He merely touched on it lightly in his speech. I disagreed with him a long time back. But this is what he said, exactly in point to my speech, in 1959. This is what the Senator from Wisconsin said on the floor on July 29, 1959. His remarks appear in the CONGRESSIONAL RECORD (105 Cong. Rec. 13179 et seq. (1959).

He said:

> If I may make one further observation, my experience has been—as the Senator from Illinois has said so well earlier—that television stations and radio stations are owned, by and large by people with money, and they have a particular economic interest which often represents a political interest. It is an interest which may or may not agree with my own. Sometimes I agree enthusiastically. Sometimes I disagree.

This is what he said in 1959. Then he went on to say:

> At any rate, my experience in my own State is that the preponderance of television and radio station owners in my judgment disagree with me rather often. The only protection I have had is the protection written into the law. I recognize the difficulty, and I recognize that the law should be changed. But I think we should do everything we can, not only to protect individual persons, but, far more important, to protect ideas which contradict the preponderant opinion of television and radio station owners throughout the country. That is why I say to the Senator from Rhode Island that later I shall offer an amendment, which I have previously shown him.
>
> * * * * *
>
> I appreciate the Senator's support in saying that he will accept the amendment under the circumstances. I am trying to protect all viewpoints in public controversies by providing them an equal opportunity.

If Senators do not call this new position of the Senator from Wisconsin a flip-flop, I do not know what is. Here is a man who stood up and offered an amendment to do exactly what I am doing here now, and he has been castigating me, and saying I have no concept of the first amendment.

I wonder what factors are now present which have caused the Senator to change his position 180 degrees.

I can only say to the Senator that in 1969 the Supreme Court found that the situation had not changed since 1959. And more recently, on July 12, the FCC also found that despite recent advances in technology, the necessity for the fairness doctrine is as strong as it was in 1959.

One other legal inaccuracy should be corrected, I believe.

When the Senator says the fairness doctrine gives the FCC "the prerogative of being the arbiter of truth," he misstates the FCC policy and the law.

Time and again the FCC has held that its role in passing on fairness complaints is limited to determining whether the broadcaster has acted reasonably and in good faith. The Supreme Court, of course, has held that this role is permissable under the Constitution, and the Communications Act.

Indeed, section 326 of the Communications Act expressly forbids FCC censorship of programs.

With regard to the ABC Dick Cavett controversy, I can only say that the "fairness doctrine" did not inhibit presentation of the program debating the pros and cons of the CIA.

Rather, it was a management decision which in effect said, "we do not want to go the extra mile" to assure ourselves that the requirements of the fairness doctrine are met.

I have never maintained that bold, imaginative, and outspoken programing can be done easily, or by the timorous and the complacent.

Certainly this kind of programing is going to require great effort, including time and hard work in order to comply with the requirements of the fairness doctrine. But that kind of effort is worthwhile it nutures the very fiber of democracy.

That was the message of my recent speech.

Inasmuch as the NBC pension plan case is presently before the courts, it would, I believe, be inappropriate for me to comment.

Finally, as I said in my speech, there have been specific applications of the fairness doctrine with which all of us, at one time or another, have disagreed. But that does not mean the doctrine is wrong. The dissatisfaction stems from how it may have been applied in a particular case. After all, you do not throw the baby out with the bath water.

As with any living document, it must adapt itself to changing times without compromising its reason for being—to assure that the airwaves belonging to the public are used in a manner to inform that public fully and fairly on the controversial issues of public importance.

As I have said, the FCC has just completed a 3½-year evaluation of the fairness doctrine, and reaffirmed its principles, a copy of which should be made part of the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Docket No. 19260

In the matter of the handling of public issues under the Fairness Doctrine and the public interest standards of the Communications Act

FAIRNESS REPORT

Adopted: June 27, 1974; Released: July 12, 1974.

By the Commission: Commissioner Hooks concurring in part and dissenting in part and issuing a separate statement; Commissioner Quello concurring and issuing a separate statement.

I. INTRODUCTION

1. By Notice issued June 11, 1971 (Docket No. 19260, 30 FCC 2d 26), we instituted a broad-ranging inquiry into the efficacy of the fairness doctrine and related public interest policies. Observing that almost 22 years had passed since we last gave comprehensive consideration to the fairness doctrine,[1] we stated that the time had come for a reassessment and clarification of basic policy. While we noted that in view of Sections 315(a) and 3 (h) of the Communications Act, the Commission could not "abandon the fairness doctrine or treat broadcasters as common carriers who must accept all material offered by any and all comers," we did emphasize that these statutory standards were broad in nature and that therefore "there can and must be considerable leeway in both policy formulation and application in specific cases." In this regard, we asked that interested parties formulate their specific comments in light of two general but fundamental considerations of Commission policy. First, in view of the profound, unquestioned national commitment embodied in the First Amendment, our goal in this area must be to foster "uninhibited, robust, wide-open" debate on public issues. *New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270 (1964). Our inquiry was therefore directed in primary part to the question of whether the Commission's application of the doctrine has indeed been consistent with that goal and has promoted it to the maximum extent. Secondly, we also stressed that any promotion of this objective must be compatible with the public interest in "the larger and more effective use of radio." 47 U.S.C. Section 303(g). Noting that ". . . to a major extent, ours is a commercially-based broadcast system and that this system renders a vital service to the nation," we emphasized that "[a]ny policies adopted by this Commission . . . should be consistent with the maintenance and growth of that system and should, among other appropriate standards, be so measured." These basic policy considerations have led the Commission to initiate this inquiry and have continued to guide us in the review and reformulation of the fairness doctrine set forth in this Report.

2. To facilitate consideration of the many complex problems involved, we divided the inquiry into four parts, entitled: II. The Fairness Doctrine Generally; III. Application of the Fairness Doctrine to the Broadcast of Paid Announcements; IV. Access Generally to the Broadcast Media for the Discussion of Public Issues; and V. Application of the Fairness Doctrine to Political Broadcasts.[2] Interested parties were invited to comment on any issue or aspect of these subjects. We have received and reviewed the written comments of numerous parties representing the advertising and broadcasting industries, labor unions, public interest, environmental and consumer groups, law schools, and other interested individuals and organizations.[3] Finally, in March 1972, we devoted a full week to panel discussions and oral arguments on the issues raised in this inquiry. Some fifty persons participated in the panel discussions and about thirty additional persons presented oral argument to the Commission. While this Report does not specifically address every suggestion which has been raised in the proceeding, we have given them all careful consideration in reaching the conclusions and policy judgments set forth herein.

II. THE FAIRNESS DOCTRINE GENERALLY

A. Broadcasting and free speech

3. We believe that it is appropriate to begin our evaluation of the fairness doctrine with a consideration of the underlying purposes of the doctrine and its relationship to freedom of speech. In 1949, we set forth the basic premises of the doctrine in these terms:

"It is axiomatic that one of the most vital questions of mass communication in a democracy is the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day. . . . The Commission has consequently recognized the necessity for licensees to devote a reasonable percentage of their broadcast time to the presentation of news and programs devoted to the consideration and discussion of public issues of interest in the community served by the particular station. And we have recognized, with respect to such programs, the paramount right of the public in a free society to be informed and to have presented to it for acceptance or rejection the different attitudes and viewpoints concerning these vital and often controversial issues which are held by the various groups which make up the community. It is this right of the public to be informed, rather than any right on the part of the Government, any broadcast licensee or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting." *Report on Editorializing*, 13 FCC 1246, 1249 (1949).

4. At first appearance, this affirmative use of government power to expand broadcast debate would seem to raise a striking paradox, for freedom of speech has traditionally implied an absence of governmental supervision or control. Throughout most of our history, the principal function of the First Amendment has been to protect the free marketplace of ideas by precluding governmental intrusion. However, the continuing evolution of the media of mass communications—both technologically and in terms of concentration of control—has led gradually to a different approach to the First Amendment. This approach—an affirmative one—recognizes the responsibility of government in maintaining and enhancing a system of freedom of expression. See generally T. Emerson, *The System of Freedom of Expression*, chapter XVII (1970).

5. In the 1949 *Report on Editorializing*, the Commission expressed the view that a requirement that broadcast licensees present contrasting views on public issues was "within both the spirit and letter of the first amendment." 13 FCC at 1956. This conclusion was based, in large measure, on the decision of the Supreme Court in *Associated Press* v. *United States*, 326 U.S. 1 (1945), which concerned anti-competitive practices in the newspaper industry. In that decision, the Court emphasized the affirmative aspects of the First Amendment:

"It would be strange indeed however if the grave concern for freedom of the press which prompted adoption of the First Amendment should be read as a command that the government was without power to protect that freedom. The First Amendment, far from providing an argument against application of the Sherman Act, here provides powerful reasons to the contrary. That Amendment rests on the assumption that the widest possible dissemination of the information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of a free society. Surely a command that the government itself shall not impede the free flow of ideas does not afford non-governmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom." 326 U.S. at 20.

6. In the field of broadcasting, the principal impediment to free expression arises not from any anti-competitive practices, but from the physical characteristics of the medium itself. Practical experience in the early years of radio made it obvious that a complete laissez-faire policy on the part of the government would lead to the destruction of effective radio communication and thus to a frustration of the basic goals of the First Amendment. For a brief period during the nineteen twenties, government regulation of broadcasting was virtually non-existent, and broadcasters had the same freedom of action traditionally afforded the publishers of newspapers or magazines. The underlying policy was that "anyone who will may transmit." 67 Cong. Rec. 5479 (1926) (remarks of Congressman White). The results of this system were disastrous both for the broadcasting industry and for the listening public:

"From July 1926, to February 23, 1927, when Congress enacted the Radio Act of 1927 almost 200 new radio stations went on the air. These new stations used any frequency they desired, regardless of the interference thereby caused to others. Existing stations changed to other frequencies and increased their power and hours of operation at will. The result was confusion and chaos. With everybody on the air, nobody could be heard." FCC Office of Network Study, *Second Interim Report on Television Network Procurement*, 65–66 (1065).

7. In 1927, Congress acted to end the crisis by establishing an effective system of

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Footnotes at end of article.

government licensing. It would have been unthinkable, of course, for the government to have been in the business of deciding who could publish newspapers and magazines and who could not. In purely practical terms, however, it was obvious that licensing was essential to the development of an effective system of broadcasting. In the case of *National Broadcasting Co.* v. *United States,* 319 U.S. 190 (1943), the Supreme Court concluded that, because of the scarcity of available frequencies, the licensing system established by Congress did not violate the First Amendment. In an opinion written by Justice Frankfurter, the Court found that the freedom of speech did not include "the right to use the facilities of radio without a license." *Id.* at 227. It made it clear, furthermore, that the Commission was not limited to the role of a "traffic officer, policing the wave lengths to prevent stations from interfering with each other." *Id.* at 215 ."[T]he Act," the Court held, "does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic." *Id.* at 215–16. But, while the *NBC* case did establish an expansive view of Commission powers, it still left a great many First Amendment questions unanswered.

8. Some twenty-six years later, in the landmark decision in *Red Lion Broadcasting Co.* v. *FCC,* 395 U.S. 367 (1969), the Court set forth a comprehensive First Amendment theory which vindicated both the licensing system and the Commission's fairness doctrine. Justice White, writing for a unanimous Court, reaffirmed Justice Frankfurter's thesis that because of the scarcity factor, licensing was permissible.[4] The First Amendment, in the Court's opinion, did not confer upon anyone the right to operate a radio station:

"[I]f there is to any effective communication by radio, only a few can be licensed and the rest must be barred from the airwaves. It would be strange if the First Amendment, aimed at protecting and furthering communications, prevented the government from making radio communication possible by requiring licenses to broadcast and by limiting the number of licenses so as not to overcrowd the spectrum. *Id.* at 389.

It was thus concluded that the basic purposes of the First Amendment would be undermined if there were "an unabridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish." *Id.* at 388

9. While the licensing system was thus designed to further First Amendment interests in the broadcast medium, it was necessary to define those interests and identify their focus and means of implementation.[5] Should the licensees chosen by the government be accorded an absolute and unrestricted right to advance their own views to the exclusion of those of their less privileged fellow citizens? Or should there be some provision made to insure the recognition of the First Amendment interests of those citizens who are of necessity denied the opportunity to operate a broadcasting station? In language strikingly close to that found in our earlier *Report on Editorializing,* the *Red Lion* Court stated that "[i]t is the right of the viewers and listeners, not the right of the broadcasters, which is paramount." *Id.* at 390. While private businessmen were licensed to operate radio stations, "[t]he people as a whole retain their interest in free speech by radio and their *collective right to have the medium function consistently with the ends and purpose of the First Amendment.*" *Ibid.* (emphasis supplied). That Amendment, as it has long been recognized, "rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public. . . ." *Associated Press* v. *United States,* 326 U.S. 1, 20 (1945). In this respect, the purpose of the First Amendment is not simply to protect the speech of particular individuals, but rather to preserve and promote the informed public opinion which is necessary for the continued vitality of our democratic society and institutions. As the Supreme Court has elsewhere stated, "speech concerning public affairs is more than self-expression; it is the essence of self-government," *Garrison* v. *Louisiana,* 379 U.S. 64, 74–5 (1964), and "[t]hose guarantees [of the First Amendment] are not for the benefit of the press so much as for the benefit of all of us," *Time, Inc.* v. *Hill,* 385 U.S. 374, 389 (1966).

10. In light of this fundamental purpose of the First Amendment and the paramount right of the public to have that purpose implemented in the broadcast medium, it became clear that the license granted by the government to a chosen few could not be considered as a privilege to "ignore the problems which beset the people or . . . exclude from the airways anything but their own views of fundamental questions." 395 U.S. at 394. As the *Red Lion* Court stated, "the First Amendment confers no right on licensees to prevent others from broadcasting on 'their' frequencies and no right to an unconditional monopoly of a scarce resource which the Government had denied others the right to use." 395 U.S. at 391. Rather, the constitutional status of the broadcast licensee was identified in the following terms:

"[A]s far as the First Amendment is concerned those who are licensed stand no better than those to whom licenses are refused. A license permits broadcasting, but the licensee has no constitutional right to be the one who holds the license or to monopolize a radio frequency to the exclusion of his fellow citizens. There is nothing in the First Amendment which prevents the Government from requiring a licensee to share his frequency with others and to conduct himself as a proxy or fiduciary with obligations to present those views and voices which are representative of his community and which would otherwise, by necessity, be barred from the airwaves." *Id.* at 389.

11. Thus, in the context of the scarcity of broadcast frequencies and the resulting necessity for government licensing, the First Amendment impells, rather than prohibits, governmental promotion of a system which will ensure that the public will be informed of the important issues which confront it and of the competing viewpoints on those issues which may differ from the views held by a particular licensee. The purpose and foundation of the fairness doctrine is therefore that of the First Amendment itself: "to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee." 395 U.S. at 390. In accordance with this view and theory, the Court in *Red Lion* held that

"It does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community, obligated to give suitable time and attention to matters of great public concern. To condition the granting or renewal of licenses on a willingness to present representative community views on controversial issues is consistent with the ends and purposes of those constitutional provisions forbidding thhe abridgment of freedom of speech and freedom of the press." 395 U.S. at 394.

12. That the government should act affirmatively to preserve and promote the greater listening and viewing public's First Amendment interests in broadcasting is a concept which some quarters still find difficult to accept. But while arguments have been and will continue to be made as to the wisdom of the fairness doctrine and its application in particular cases, its statutory support[6] and constitutionality are firmly established. *BEM,* 412 U.S. 94 (1973); *Red Lion Broadcasting Co.* v. *FCC,* 395 U.S. 367 (1969).

13. Although the legality of the fairness doctrine is thus well-established, Chief Judge Bazelon of the District of Columbia Circuit has suggested that the time has come for "the Commission to draw back and consider whether time and technology have so eroded the necessity for governmental imposition of fairness obligations that the doctrine has come to defeat its purposes in a variety of circumstances. . . ." *Brandywine-Main Line Radio, Inc.* v. *FCC,* 473 F.2d 16, 80 (D.C. Cir. 1972) (dissenting opinion). We believe, however, that the problem of scarcity is still very much with us, and that despite recent advances in technology, there are still "substantially more individuals who want to broadcast than there are frequencies to allocate." *Red Lion Broadcasting Co.* v. *FCC,* 395 U.S. at 388. The effective development of an electronic medium with an abundance of channels (through the use of cable, or otherwise) is still very much a thing of the future. For the present, we do not believe that it would be appropriate—or even permissible—for a government agency charged with the allocation of the channels now available to ignore the legitimate First Amendment interests of the general public. We recognize, however, that there exists within the framework of fairness doctrine administration and enforcement the potential for undue governmental interference in the processes of broadcast journalism, and the concomitant diminution of the broadcaster's and the public's legitimate First Amendment interests. It is with a real sensitivity to this potential danger and an equal awareness of our responsibilities to promote the ends and purposes of the First Amendment that we have confronted the task of restating and reformulating our approach to the fairness doctrine and the broadcasters' obligations thereunder.[7]

B. Does the Fairness Doctrine inhibit broadcast journalism?

14. A number of commentators have argued that, in spite of its worthy purposes, the actual effect of the fairness doctrine can only be to restrict and inhibit broadcast journalism. Far from inhibiting debate, however, we believe that the doctrine has done much to expand and enrich it.

15. We have already noted that, stripped to its barest essentials, the fairness doctrine involves a two-fold duty: (1) the broadcaster must devote a reasonable percentage of this broadcast time to the coverage of public issues; and (2) his coverage of these issues must be fair in the sense that it provides an opportunity for the presentation of contrasting points of view. It is impossible to believe that the first of these obligations could hamper broadcast news and commentary in any way. While such a requirement might be viewed as a restriction on the broadcaster as a business, there is no doubt that "it is a positive stimulus to broadcast journalism." Wood, *Electronic Journalism* 127 (1967).

16. We do not believe that the second part of the fairness doctrine should inhibit broadcast journalism any more than the first. It has frequently been suggested, however, that many broadcasters will avoid the coverage of controversial issues if they are required to present contrasting views. These broadcasters, it is argued, will find the opposing viewpoints too offensive, or their presentation too disruptive to their broadcast schedules, too expensive (assuming they are unable

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Footnotes at end of article.

to find sponsorship for the presentation of contrasting views), or simply too much trouble. Our first response to this argument is that it represents an attitude which is completely inconsistent with the broadcaster's role as a public trustee.[8]

17. The Supreme Court in *Red Lion* considered the possibility that fairness principles might have a "chilling effect" on broadcast journalism, and found that this "possibility is at best speculative. The communications industry, and in particular the networks, have taken pains to present controversial issues in the past, and even now they do not assert that they intend to abandon their efforts in this regard. It would be better if the FCC's encouragement were necessary to induce the broadcasters to meet their responsibility. And if experience with the administration of those doctrines indicates that they have the net effect of reducing rather than enhancing the volume and quality of coverage, there will be time enough to reconsider the constitutional implications. The fairness doctrine in the past has had no such overall effect." 395 U.S. at 393.

In the years since *Red Lion* was decided, we have seen no credible evidence that our policies have in fact had "the net effect of reducing rather than enhancing the volume and quality of coverage."

18. In evaluating the possible inhibitory effect of the fairness doctrine, it is appropriate to consider the specifics of the doctrine and the procedures employed by the Commission in implementing it. When a licensee presents one side of a controversial issue, he is not required to provide a forum for oppossing views on that same program or series of programs. He is simply expected to make a provision for the opposing views in his *overall programming*. Further, there is no requirement that any precisely equal balance of views be achieved, and all matters concerning the particular opposing views to be presented and the appropriate spokesmen and format for their presentation are left to the licensee's discretion subject only to a standard of reasonableness and good faith.

19. As a matter of general procedure, we do not monitor broadcasts for possible violations, but act on the basis of complaints received from interested citizens. These complaints are not forwarded to the licensee for his comments unless they present *prima facie* evidence of a violation. *Allen C. Phelps*, 21 FCC 2d 12 (1969). Thus, broadcasters are not burdened with the task of answering idle or capricious complaints. By way of illustration, the Commission received some 2,400 fairness complaints in fiscal 1973, only 94 of which were forwarded to licensees for their comments.

20. While there may be occasional exceptions, we find it difficult to believe that these policies add significantly to the overall administrative burdens involved in operating a broadcast station. It is obvious that any form of governmental regulation will impose certain costs or burdens of administration on the industry affected. The point is not whether some burden is involved, but rather whether that burden is justified by the public interest objective embodied in the regulation. Broadcasters are licensed to act as trustees for a valuable public resource and, in view of the public's paramount right to be informed, some administrative burdens must be imposed on the licensee in this area. These burdens simply "run with the territory." Furthermore, any licensee who might be discouraged by such a burden will have to take into account this Commission's requirement that he *must* provide a forum for the discussion of public issues. The Supreme Court has made it clear and it should be reemphasized here that "if present licensees should suddenly prove timorous, the Commission is not powerless to insist that they give adequate and fair attention to public issues." *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. at 393.

C. The Specifics of the Fairness Doctrine

21. In developing and implementing the fairness doctrine it has never been our intention to force licensees to conform to any single, preconceived notion of what constitutes the "ideal" in broadcast journalism. Our purpose has merely been to establish general guidelines concerning *minimal* standards of fairness. We firmly believe that the public's need to be informed can best be served through a system in which the individual broadcasters exercise wide journalistic discretion, and in which government's role is limited to a determination of whether the licensee has acted reasonably and in good faith. *Fairness Doctrine Primer*, 40 FCC 598, 599 (1964). In this regard, we are still convinced that "there can be no one all embracing formula which licensees can hope to apply to insure the fair and balanced presentation of all public issues. Different issues will inevitably require different techniques of presentation and production. The licensee will in each instance be called upon to exercise his best judgment and good sense in determining what subjects should be considered, the particular format of the programs to be devoted to each subject, the different shades of opinion to be presented, and the spokesmen for each point of view." *Report on Editorializing*, 13 FCC 1246, 1251 (1949).

22. It is obvious that under this method of handling fairness, many questionable decisions by broadcast editors may go uncorrected. But, in our judgment, this approach represents the most appropriate way to achieve "robust, wide open debate" on the one hand, while avoiding "the dangers of censorship and pervasive supervision" by the government on the other. *Banzhaf* v. *FCC*, 405 F. 2d 1082, 1095 (D.C. Cir. 1968), cert. denied sub nom. *Tobacco Institute* v. *FCC*, 396 U.S. 842 (1969). In this respect, we are not unmindful of the dangers alluded to by the Court in BEM:

"Congress appears to have concluded . . . that of these two choices—private or official censorship—Government censorship would be the most pervasive, the most self-serving, the most difficult to restrain and hence the one most to be avoided." 412 U.S. 94 at 105.

We therefore recognize that reaching a determination as to what particular policies will best serve the public's right to be informed is a task of "great delicacy and difficulty," and that the Commission must continually walk a "tightrope" between saying too much and saying too little. Id. at 102, 117. However, we also believe that this Commission has a clear responsibility and obligation to assume this task.

1. Adequate Time for the Discussion of Public Issues

23. The first, and most basic, requirement of the fairness doctrine is that it establishes an "affirmative responsibility on the part of broadcast licensees to provide a reasonable amount of time for the presentation over their facilities of programs devoted to the discussion and consideration of public issues. . . ." Report on Editorializing, 13 FCC at 1249. Determining what constitutes a "reasonable amount of time" is—like so many other programming questions—a responsibility of the individual broadcast licensee. It is the individual broadcaster who, after evaluating the needs of his particular community, "must determine what percentage of the limited broadcast day should appropriately be devoted to news and discussion or consideration of public issues, rather than to other legitimate services of radio broadcasting. . . ." Id. at 1247.

24. In reviewing the adequacy of the amount of a licensee's public issue programming, we will, of course, limit our inquiry to a determination of its reasonableness. We wish to make it plain, however, that we have allocated a very large share of the electromagnetic spectrum to broadcasting chiefly because of our belief that this medium can make a great contribution to an informed public opinion. See *Democratic National Committee*, 25 FCC 2d 216, 222 (1970). We are not prepared to allow this purpose to be frustrated by broadcasters who consistently ignore their public interest responsibilities. Indeed, "we regard strict adherence to the fairness doctrine"—including the affirmative obligation to provide coverage of issues of public importance—"as the single most important requirement of operation in the public interest—the *'sine qua non'* for grant of a renewal of license." *Committee for the Fair Broadcasting of Controversial Issues*, 25 FCC 2d 283, 292 (1970).

25. The individual broadcaster is also the person "who must select or be responsible for the selection of the particular news items to be reported or the particular local, state, national or international issues or questions of public interest to be considered. . . ." *Report on Editorializing*, 13 FCC at 1247.[9] We have, in the past, indicated that some issues are so critical or of such great public importance that it would be unreasonable for a licensee to ignore them completely. See *Gary Soucie* (Friends of the Earth), 24 FCC 2d 743, 750–51 (1970). But such statements on our part are the rare exception, not the rule, and we have no intention of becoming involved in the selection of issues to be discussed, nor do we expect a broadcaster to cover each and every important issue which may arise in his community.

26. We wish to emphasize that the responsibility for the selection of program material is that of the individual licensee. That responsibility "can neither be delegated by the licensee to any network or other person or group, or be unduly fettered by contractual arrangements restricting the licensee in his free exercise of his independent judgments." *Report on Editorializing*, 13 FCC at 1248. We believe that stations, in carrying out this responsibility, should be alert to the opportunity to complement network offerings with local programming on these issues, or with syndicated programming.

2. A Reasonable Opportunity for Opposing Viewpoints

27. The usual fairness complaint does not involve an allegation that the licensee has not devoted sufficient time to the discussion of public issues. Rather, it concerns a claim that the licensee has presented one viewpoint on a "controversial issue of public importance" and has failed to afford a "reasonable opportunity for the presentation of contrasting viewpoints."

28. It has frequently been suggested that individual stations should not be expected to present opposing points of view and that it should be sufficient for the licensee to demonstrate that the opposing viewpoint has been adequately presented on another station in the market or in the print media. See *WSOC Broadcasting Co.*, 17 P & F Radio Reg. 548, 550 (1958). While we recognize that citizens receive information on public issues from a variety of sources, other considerations require the rejection of this suggestion. First, in amending section 315(a) of the Communications Act in 1959, Congress gave statutory approval to the fairness doctrine, including the requirement that broadcasters themselves provide an opportunity for opposing viewpoints. See *BEM*, 412 U.S. at 110, note 8.[10] Second, it would be an administrative nightmare for this Commission to attempt to review the overall coverage of an issue in all of the broadcast stations and publications in a given market. Third, and perhaps most importantly, we believe that the requirement that *each* station provide

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Footnotes at end of article.

for contrasting views greatly increases the likelihood that individual members of the public will be exposed to varying points of view. The fairness doctrine will not insure perfect balance in debate and each station is not required to provide an "equal" opportunity for opposing views. Furthermore, since the fairness doctrine does not require balance in individual programs or series of programs, but only in a station's overall programing, there is no assurance that a listener who hears an initial presentation will also hear a rebuttal. Compare 47 U.S.C. 396(g)(1)(A). However, if all stations presenting programing relating to a controversial issue of public importance make an effort to round out their coverage with contrasting viewpoints, these various points of view will receive a much wider public dissemination. This requirement, of course, in no way prevents a station from presenting its own opinions in the strongest terms possible.

A. What is a "Controversial Issue of Public Importance"?

29. It has frequently been suggested that the Commission set forth comprehensive guidelines to aid interested parties in recognizing whether an issue is "controversial" and of "public importance." However, given the limitless number of potential controversial issues and the varying circumstances in which they might arise, we have not been able to develop detailed criteria which would be appropriate in all cases. For this very practical reason, and for the reason that our role must and should be limited to one of review, we will continue to rely heavily on the reasonable, good faith judgments of our licensees in this area.

30. Some general observations, however, are in order. First of all, it is obvious that an issue is not necessarily a matter of significant "public importance" merely because it has received broadcast or newspaper coverage. "Our daily papers and television broadcasts alike are filled with news items which good journalistic judgment would classify as newsworthy, but which the same editors would not characterize as containing important controversial public issues." *Healey* v. FCC, 460 F.2d 917, 922 (D.C. Cir. 1972). Nevertheless, the degree of media coverage is one factor which clearly should be taken into account in determining an issue's importance. It is also appropriate to consider the degree of attention the issue has received from government officials and other community leaders. The principal test of public importance, however, is not the extent of media or governmental attention, but rather a subjective evaluation of the impact that the issue is likely to have on the community at large.[11] If the issue involves a social or political choice, the licensee might well ask himself whether the outcome of that choice will have a significant impact on society or its institutions. It appears to us that these judgments can be made only on a case-by-case basis.

31. The question of whether an issue is "controversial may be determined in a somewhat more objective manner. Here, it is highly relevant to measure the degree of attention paid to an issue by government officials, community leaders, and the media. The licensee should be able to tell, with a reasonable degree of objectivity, whether an issue is the subject of vigorous debate with substantial elements of the community in opposition to one another.

It is possible, of course, that "programs initiated with no thought on the part of the licensee of their possible controversial nature will subsequently arouse controversy and opposition of a substantial nature which will merit presentation of opposing views." *Report on Editorializing*, 13 FCC at 1251. In such circumstances, it would be appropriate to make provision for opposing views when the opposition becomes manifest.

B. What specific issue has been raised?

32. One of the most difficult problems involved in the administration of the fairness doctrine is the determination of the *specific* issue or issues raised by a particular program. This would seem to be a simple task, but in many cases it is not. Frequently, resolution of this problem can be of decisional importance. See, *e.g., David C. Green*, 24 FCC 2d 171 (1970); *WCBS–TV*, 9 FCC 2d 921, 938 (1967).

33. This determination is complicated by the fact that it is frequently made without the benefit of a transcript or tape of the program giving rise to the complaint. Hence, it is necessary in such cases to rely on the recollections of station employees and listeners. While the availability of an accurate transcript would facilitate the determination of the issue or issues raised, it would not in many cases clearly point up those issues. This is true because a broadcast may avoid explicit mention of the ultimate matter in controversy and focus instead on assertions or arguments which support one side or the other on that ultimate issue. This problem may be illustrated by reference to a hypothetical broadcast which takes place during the course of a heated community debate over a school bond issue. The broadcast presents a spokesman who forcefully asserts that new school construction is urgently needed and that there is also a need for substantial increases in teachers' salaries, both principal arguments advanced by proponents of the bond issue. The spokesman, however, does not explicitly mention or advocate passage of the bond issue. In this case, the licensee would be faced with a need to determine whether the spokesman had raised the issue of whether the school bonds should be authorized (which is controversial), or whether he had merely raised the question of whether present school facilities and teacher salaries are adequate (which might not be at all controversial).

34. In answering this question, we would expect a licensee to exercise his good faith judgment as to whether the spokesman had in an obvious and meaningful fashion presented a position on the ultimate controversial issue of whether the school bond issue should be approved.[12] The licensee's inquiry should focus not on whether the statement bears some tangential relevance to the school bond question, but rather on whether that statement, in the context of the ongoing community debate, is so obviously and substantially related to the school bond issue as to amount to advocacy of a position on that question. If, for example, the arguments and views expressed over the air closely parallel the major arguments advanced by partisans on one side or the other of the public debate it might be reasonable to conclude that there had been a presentation on one side of the ultimate issue, i.e., authorization of the school bonds. Obviously, licensees in specific cases many differ in their answers to this inquiry. If a licensee's determination is *reasonable* and arrived at in good faith, however, we will not disturb it. *Cf., Media Access Project* (Georgia Power), 44 FCC 2d 755 (1973).

35. Before leaving this subject, we wish to make it clear that a fairness response is not required as a result of offhand or insubstantial statements. As we have stated in the past, "[a] policy of requiring fairness, statement by statement or inference by inference, with constant Governmental intervention to try to implement the policy, would simply be inconsistent with the profound national commitment to the principle that debate on public issues should be 'uninhibited, robust, wide-open' (*New York Times Co.* v. *Sullivan*, 376 U.S. 254, 270)." *National Broadcasting Co.* (AOPA complaint), 25 FCC 2d 735, 736–37 (1970).

C. What is a "reasonable opportunity" for contrasting viewpoits?

36. As noted above, the Commission's first task in handling a typical fairness complaint is to review the licensee's determination as to whether the issue specified in the complaint or the Commission's inquiry has actually been raised in the licensee's programming. Secondly, we must review the licensee's determination of whether that issue is "controversial" and of "public importance." If these questions are answered in the affirmative, either by admission of the licensee or by our determination upon review, we must then determine whether the licensee has afforded a "reasonable opportunity" in his overall programming for the presentation of contrasting points of view.

37. The first point to be made with regard to the obligation to present contrasting views is that it cannot be met "merely through the adoption of a general policy of not refusing to broadcast opposing views where a demand is made of the station for broadcast time." *Report on Editorializing*, 13 FCC at 1251. The licensee has a duty to play a conscious and positive role in encouraging the presentation of opposing viewpoints.[13] We do not believe, however, that it is necessary for the Commission to establish a formula for all broadcasters to follow in their efforts to find a spokesman for an opposing viewpoint. As we stated in *Mid-Florida Television Corp.*, 40 FCC 620 (1964):

"The machanics of achieving fairness will necessarily vary with the circumstances, and it is within the discretion of each licensee, acting in good faith, to choose an appropriate method of implementing the policy to aid and encourage expression of contrasting viewpoints. Our experience indicates that licensees have chosen a variety of methods, and often combinations of various methods. Thus, some licensees, where they know or have reason to believe that a reasonable individual or group within the community holds a contrasting viewpoint with respect to a controversial issue presented or to be presented, communicate to such an individual or group a specific offer of the use of their facilities for the expression of contrasting opinion, and send a copy or summary of material broadcast on the issue. Other licensees consult with community leaders as to who might be an appropriate individual or group for such a purpose. Still others announce at the beginning or ending (or both) of programs presenting opinions on controversial issues that opportunity will be made available for the expression of contrasting views upon request by responsible representatives of such views." *Id*. at 621.

If a licensee fails to present an opposing viewpoint on the ground that no appropriate spokesman is available, he should be prepared to demonstrate that he has made a diligent, good-faith effort to communicate to such potential spokesman his willingness to present their views on the issue or issues presented. *Columbia Broadcasting System, Inc.*, 34 FCC 2d 773 (1972). There may well be occasions, particularly in cases involving major issues discussed in depth, where such a showing should include specific offers of response time to appropriate individuals in addition to general over-the-air announcements.[14]

38. In making provision for the airing of contrasting viewpoints, the broadcaster should be alert to the possibility that a particular issue may involve more than two opposing viewpoints. Indeed there may be several important viewpoints or shades of opinion which warrant broadcast coverage.[15]

39. In deciding which viewpoints or shades of opinion are to be presented, licensees should employ a standard similar to that used to decide which political parties or candidates represent a viewpoint of sufficient importance to deserve coverage. As we

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Footnotes at end of article.

stated in *Lawrence M. C. Smith,* 40 FCC 549 (1963), the broadcaster (in programs not covered by the "equal time" requirement of 47 U.S.C. Section 315) is not expected to present the views of all political parties no matter how small or insignificant, but rather: "the licensee would be called upon to make a good faith judgment as to whether there can reasonably be said to be a need or interest in the community calling for some provision of announcement time to these other parties or candidates and, if so, to determine the extent of that interest or need and the appropriate way to meet it." 40 FCC at 550.

In evaluating a "spectrum" of contrasting viewpoints on an issue, the licensee should make a good faith effort to identify the *major* viewpoints and shades of opinion being debated in the community, and to make a provision for their presentation. In many, or perhaps most, cases it may be possible to find that only two viewpoints are significant enough to warrant broadcast coverage.[16] However, other issues may involve a range of markedly different and important policy alternatives. In such circumstances, the broadcaster must make a determination as to which shades of opinion are of sufficient public importance to warrant coverage, and also the extent and nature of that coverage.

40. The question of the *reasonableness* of the opportunity for opposing viewpoints goes considerably deeper, however, than a mere finding that *some* provision has been made for the opposing viewpoints. Indeed, it has frequently been suggested that the wide discretion afforded the licensee in selecting a reply spokesman and format may undermine any possibility that treatment of the opposition view will be either reasonable or fair. Accordingly, it has been argued that the Commission should promulgate regulations establishing standards for the selection of an appropriate reply spokesman and format. We believe, however, that it should be adequate to remind licensees that they have a duty not "'to stack the cards' by a deliberate selection of spokesmen for opposing points of view to favor one viewpoint at the expense of the other. . . ." *Report on Editorializing,* 13 FCC at 1253. In the final analysis, fairness must be achieved, "not by the exclusion of particular views because of . . . the forcefulness with which the view is expressed, but by making the microphone available, for the presentation of contrary views *without deliberate restrictions designed to impede equally forceful presentation." Id.* at 1253-54. (emphasis supplied); see also *Brandywine-Main Line Radio, Inc.,* 24 FCC 2d 18, 23–24 (1970).

41. In providing for the coverage of opposing points of view, we beileve that the licensee must make a reasonable allowance for presentations by genuine partisans who actually believe in what they are saying. The fairness doctrine does not permit the broadcaster "to preside over a 'paternalistic' regime," *BEM,* 412 U.S. at 130, and it would clearly not be acceptable for the licensee to adopt "a policy of excluding partisan voices and always itself presenting views in a bland, inoffensive manner. . . ." *Democratic National Committee,* 25 FCC 2d 216, 222 (1970). Indeed, this point has received considerable emphasis from the Supreme Court:

"[n]or is it enough that he should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest, and do their very utmost for them." *Red Lion Broadcasting Co.* v. *FCC,* 395 U.S. at 392 n. 18, quoting J. S. Mill, *On Liberty* 32 (R. McCallum ed. 1947).

42. This does not mean, however, that the Commission intends to dictate the selection of a particular spokesman or a particular format, or indeed that partisan spokesmen must be presented in every instance. We do not believe that it is either appropriate or feasible for a governmental agency to make decisions as to what is desirable in each situation. In cases involving personal attacks and political campaigns, the natural opposing spokesmen are relatively easy to identify. This is not the case, however, with the majority of public controversies. Ordinarily, there are a variety of spokesmen and formats which could reasonably be deemed to be appropriate. We believe that the public is best served by a system which allows individual broadcasters considerable discretion in selecting the manner of coverage, the appropriate spokesmen, and the techniques of production and presentation.

43. Frequently, the question of the reasonableness of the opportunity provided for contrasting viewpoints comes down to weighing the *time* allocated to each side. Aside from the field of political broadcasting, the licensee is not required to provide equal time for the various opposing points of view. Indeed, we have long felt that the basic goal of creating an informed citizenry would be frustrated if for every controversial item or presentation on a newscast or other broadcast the licensee had to offer equal time to the other side. Our reasons for granting the licensee broad discretion with respect to the amount or nature of time to be afforded can be summarized as follows:

"In our judgment, based on decades of experience in this field, this is the only sound way to proceed as a general policy. A contrary approach of equal opportunities, applying to controversial issues generally the specific equal opportunities requirements for political candidates would in practice not be workable. It would inhibit, rather than promote, the discussion and presentation of controversial issues in the various broadcast program formats (e.g., newscasts, interviews, documentaries). For it is just not practicable to require equality with respect to the large number of issues dealt with in a great variety of programs on a daily and continuing basis. Further, it would involve this Commission much too deeply in broadcast journalism; we would indeed become virtually a part of the broadcasting 'fourth estate' overseeing thousands of complaints that some issue had not been given 'equal treatment'. We do not believe that the profound national commitment to be the principle that debate on public issues should be 'uninhibited, robust, wide-open' (*New York Times* v. *Sullivan,* 376 U.S. 254, 270) would be promoted by a general policy of requiring equal treatment on all such issues, with governmental intervention to insure such mathematical equality." *Committee For the Fair Broadcasting of Controversial Issues,* 25 FCC 2d 283, 292 (1970).

Similarly, we do not believe that it would be appropriate for this Commission to establish any other mathematical ratio, such as 3 to 1 or 5 to 1, to be applied in all cases. We believe that such an approach is much too mechanical in nature and that in many cases our pre-conceived ratios would prove to be far from reasonable. In the case of a 10-second personal attack, for example, fairness may dictate that more time be afforded to answer the attack than was given the attack itself. Moreover, were we to adopt a ration for fairness programming, the "floor" thereby established might well become the "ceiling" for the treatment of issues by many stations, and such a ratio might also lead to preoccupation with a mathematical formula to the detriment of the substance of the debate. It appears to us, therefore, that no precise mathematical formula would be appropriate for all cases, and the licensee must exercise good faith and reasonableness in considering the particular facts and circumstances of each case.

44. While the road to predicting Commission decisions in this area is not fully and completely marked, there are, nevertheless, a number of signposts which should be recognizable to all concerned parties. We have made it clear, for example, that "it is patently unreasonable for a licensee consistently to present one side in prime time and to regulate the contrasting viewpoint to periods outside prime time. Similarly, there can be an imbalance from the sheer weight on one side as against the other." *Committee for the Fair Broadcasting of Controversial Issues,* 25 FCC 2d at 293. This imbalance might be a reflection of the total *amount of time* afforded to each side, of the *frequency* with which each side is presented, of the size of the litsening *audience* during the various broadcasts, or of a combination of factors. It is incumbent upon a complainant to bring to the Commission's attention any specific factors which he believes point to a finding that fairness has not been achieved. From the standpoint of the licensee, however, the most important protection againts arbitrary Commission rulings is the fact that we will not substitute our judgment for his. Our rulings are not based on a determination of whether we believe that the licensee has acted wisely or whether we would have proceeded as he did. Rather, we limit our inquiry to a determination of whether, in the light of all the facts and circumstances presented, it is apparent that the licensee has acted in an arbitrary or unreasonable fashion.

45. The danger of an unwise Commission decision in this area is considerably reduced by the fact that no sanction is imposed on the broadcaster for isolated fairness violations during the course of the license term. The licensee is simply asked to make an additional provision for the opposing point of view, and this is certainly not too much to ask of a licensee who has been found to be negligent in meeting his fairness obligations. Indeed, it is to the benefit of both the licensee and his listening audience if broadcasters are informed of their fairness duties and given an opportunity to fulfill them on a timely basis.

D. The complaint procedure

46. It has sometimes been suggested that fairness complaints should not be considered at the time they are presented to the Commission, but with few exceptions should simply be placed in the station's license file to be reviewed in connection with its renewal application. This review would focus on the station's overall performance for the license period, and not on the specific facts of individual fairness violations. Some have argued that this approach would have two major advantages over present procedures. First, it might considerably reduce the Commission's administrative workload, since complaints would not be given any consideration unless there were a number of complaints against a single station which indicated a serious pattern of violations. Secondly, it has been suggested that by avoiding a detailed review of individual complaints the Commission would be able to insure that it did not become too deeply involved in the day-to-day operations of broadcast journalism.

47. After giving careful consideration to this proposal, we believe that our present procedure of reviewing complaints on an ongoing basis is preferable.[17] First, we do not believe it would be possible to make an "overall" assessment of licensee performance at renewal time without considering the specifics of individual complaints. It simply would not be possible to look at the bare complaints on file and make any knowledgeable assessment of licensee performance. Secondly, we view consideration of fairness compliance only at renewal time as an inadequate safeguard of

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Footnotes at end of article.

the public's paramount right to be informed and believe that we should continue our ongoing effort (through the complaint process) to advance the public's interests in receiving timely information on public issues. This, we believe, will provide an opportunity to remedy violations before a flagrant pattern of abuse develops. In addition to the benefits which flow to the listening public, this procedure aids the broadcaster by helping to head off practices which could (if left uncorrected) place his license in jeopardy. For this reason, we believe that most licensees welcome the opportunity to receive guidance on specific fairness matters on a timely basis.

48. Finally, a review only at renewal time would remove a major incentive for interested citizens to file fairness complaints—that is, the chance to have an opposing view aired over the station before the issue has become stale with the passage of time. At present, citizen complaints provide the principal means of insuring compliance with the fairness doctrine. If we were to remove the possibility that these complaints might result in broadcast time for a neglected point of view, we might well have to rely on government monitoring to carry out our investigative role. Such monitoring, of course, would represent an unfortunate step in the direction of deeper government involvement in the day-to-day operation of broadcast journalism.

49. There appears to be a misunderstanding on the part of some persons as to the manner in which the Commission administers the complaint process. On the one hand, some complainants have asserted that the Commission's procedures impose too great a burden on the complainant; on the other, some licensees and networks have claimed that our application of the doctrine may impose such a heavy burden on them as to discourage presentation of subjects which may be found to involve controversial issues of public importance.

50. We believe a brief explanation and restatement of our procedures is in order. As we stated in our *Fairness Doctrine Primer*, 40 FCC 598 (1964):[18]

"Where complaint is made to the Commission, the Commission expects a complainant to submit specific information indicating (1) the particular station involved; (2) the particular issue of a controversial nature discussed over the air; (3) the date and time when the program was carried; (4) the basis for the claim that the station has presented only one side of the question; and (5) whether the station had afforded, or has plans to afford, an opportunity for the presentation of contrasting viewpoints." *Id.* at 600.

51. The Commission requires that a complainant state the "basis for the claim that the station has presented only one side of the question" because the fairness doctrine does not require that each *program* present contrasting views on an issue; only that a licensee in its overall programming afford reasonable opportunity for presentation of contrasing views. Thus, when a complainant states that he heard or viewed a program which persented only one side of an issue, he has not, on the basis of this statement alone, made a fairness complaint upon which the Commission can act. Rather, we expect the complainant to state his reasons for concluding that in its other programming the station has not presented contrasting views on the issue.

52. This does not require, as some appear to believe, that the complainant constantly monitor the station. Although some groups having a particular interest in a controversial issue and a licensee's presentation of it have monitored such a station for periods of time and thus been able to offer conclusive evidence that contrasting views were not presented, the Commission realizes that such a requirement for every individual complainant would be an unduly burdensome one. While the complainant must state the basis for this claim that the station has not presented contrasting views, that claim might be based on an assertion that the complainant is a regular listener or viewer; that is, a person who consistently or as a matter of routine listens to the news, public affairs and other non-entertainment programs carried by the station involved. This does not require the complainant listen to or view the station 24 hours a day, seven days a week. One example of a "regular" television viewer would be a person who routinely (but not necessarily every day) watches the evening news and a significant portion of the public affairs programs of a given station. In the case of radio, a regular listener would include a person who, as a matter of routine, listens to major representative segments of the station's news and public affairs programming. Also, the assumption that a station has failed to present an opposing viewpoint would be strengthened if several regular viewers or listeners join together in a statement that they have not heard a presentation of that viewpoint. Complaints should specify the nature and extent of their viewing or listening habits, and should indicate the period of time during which they have been regular members of the station's audience. We do not believe this requirement to be unduly burdensome, as contrasted to the heavy burden we would place on all stations if we required them to provide evidence of compliance with the fairness doctrine based on complaints which assert merely that *one* program has presented only one side of an issue.

53. The fact that regular viewers or listeners have not been exposed to an opposing viewpoint is obviously not conclusive evidence that the viewpoint has not been presented, but it does indicate that there is a reasonable basis for the viewer's conclusion that such is the case. See *Alan C. Phelps*, 21 FCC 2d 12 (1969). Accordingly, we believe that it is a sufficient basis for a Commission inquiry to the station.

54. In responding to such an inquiry, a station is not required to research everything it has broadcast on the subject over a considerable period of time, unless it believes it is necessary to do so in order to establish its compliance with the fairness doctrine with respect to the issue involved. The complaint must specify the date and time of the *particular* program or programs which presented one side of the issue. If the complaint specifies only a single program, it would be sufficient for the licensee to furnish evidence of having broadcast another program which did afford a reasonable opportunity for contrasting views. Thus, the licensee is not expected to make a showing as to his overall programming, but merely that he has provided contrasting viewpoints an opportunity to be heard which is reasonable when considered in relation to the specific program complained of.[19] In this regard, it should be kept in mind that the fairness doctrine does not require exact equality in the time provided for contrasting points of view, but only that a reasonable opportunity be afforded for their presentation.

55. After a complaint has been filed, some licensees have found it to be something of a burden to go back through their files and to question their news staff so as to construct a record of the programming they have carried on a given issue. For this reason, some licensees now keep a record of their public issue programming throughout the period of the license term. It should be a relatively simple matter for these stations to respond to a citizen complaint or to a Commission inquiry. Also, the keeping of such records should make it much easier for a licensee to *satisfy himself* that his station has achieved fairness on the various issues presented. While this Commission does not require the maintenance of a fairness log or diary, we expect that licensees will be cognizant of the programming which has been presented on their stations, for it is difficult to see how a broadcaster who is ignorant of such matters could possibly be making a conscious and positive effort to meet his fairness obligations.

56. The fifth requirement set forth in the above excerpt from our Public Notice—relating to "whether the station has afforded or has plans to afford, an opportunity for the presentation of contrasting viewpoints"—also may require explanation. We have found in many cases that if the complainant first addresses his complaint to the station, the licensee is able to provide an explanation satisfactory to the complainant of what steps it has taken to broadcast contrasting views, or what steps it plans to take to achieve this end. It is for this reason that we ask complainants first to go to the station or network involved. If the station or network fails to answer the complaint at all, or to provide what complainant considers to be a satisfactory answer, then the complainant should address the complaint to the Commission, enclosing a copy of the complaint he sent to the station and a copy of its reply—or, if no response has been received after a reasonable period of time, so stating.

57. One further matter with respect to complaints and licensee responses thereto deserves some discussion. It would be a great assistance to the Commission, and would greatly expedite the handling of complaints, if all parties would be as specific as possible in defining the controversial public issue involved in the programs complained of. Also, it would save everyone concerned a great deal of time, if in listing those presentations on each side of an issue, parties would include only those programs which are truly germane to that specific issue.[20]

E. Fairness and accurate news reporting

58. In our 1949 *Report on Editorializing*, we alluded to a licensee's obligation to present the news in an accurate manner:

"It must be recognized, however, that the licensee's opportunity to express his own views . . . does not justify or empower any licensee to exercise his authority over the selection of program material to distort or suppress the basic factual information upon which any truly fair and free discussion of public issues must necessarily depend. . . . A licensee would be abusing his position as public trustee of these important means of mass communication were he to withhold from expression over his facilities relevant news or facts concerning a controversy or to slant or distort the presentation of such news. No discussion of the issues involved in any controversy can be fair or in the public interest where such discussion must take place in a climate of false or misleading information concerning the basic facts of the controversy." 13 FCC at 1254–55.

It is a matter of critical importance to the public that the basic facts or elements of a controversy should not be deliberately suppressed or misstated by a licensee. But, we must recognize that such distortions are "so continually done in perfect good faith, by persons who are not considered . . . ignorant or incompetent, that it is rarely possible, on adequate grounds, conscientiously to stamp the misrepresentations as morally culpable. . . ." J. S. Mill, On Liberty 31 (People's ed. 1921). Accordingly, we do not believe that it would be either useful or appropriate for us to investigate charges of news misrepresentations in the absence of substantial extrinsic evidence or documents that on their face reflect deliberate distortion. See *The Selling of the Pentagon*, 30 FCC 2d 150 (1971).

Footnotes at end of article.

III. APPLICATION OF THE FAIRNESS DOCTRINE TO THE BROADCAST OF PAID ANNOUNCEMENTS

59. We turn now to the fairness doctrine problems which stem from the broadcast of paid announcements. For the purpose of this discussion, we will consider three general categories of such announcements: (1) advertisements which may properly be classified as "editorial" in nature; (2) advertisements for commercial products or services; and (3) advertisements included in the Federal Trade Commission's so-called "countercommercial" proposal.

The role of advertising in broadcasting and its relationship to the licensee's responsibility to broadcast in the public interest was considered by the Federal Radio Commission in 1929. 3 F.R.C. Ann. Rep. 32 (1929). It seems to us that the Commission at that time placed advertising in its proper context and perspective. It first noted that broadcasters are licensed to serve the public and not the private or selfish interests of individuals or groups. The Commission then stated that "[t]he only exception that can be made to this rule has to do with advertising; the exception, however, is only apparent because advertising furnishes the economic support for the service and thus makes it possible." *Id.* "The Commission . . . must recognize that, without advertising, broadcasting would not exist, and must confine itself to limiting this advertising in amount and in character so as to preserve the largest possible amount of service for the public." *Id.* at 35. Accordingly, we believe that any consideration of the applicability of the fairness doctrine to broadcast advertising must proceed with caution so as to ensure that the policies and standards which are formulated in this area will serve the genuine purposes of the doctrine without undermining the economic base of the system.

A. Editorial advertising

60. Some "commercials" actually consist of direct and substantial commentary on important public issues. For the purpose of the fairness doctrine, these announcements should be recognized for what they are—editorials paid for by the sponsor. We can see no reason why the fairness doctrine should not apply to these "editorial advertisements" in the same manner that it applies to the commentary of a station announcer. At present, editorial advertising represents only a small percentage of total commercial time, and we cannot believe that an application of fairness here would have any serious effect on station revenues.

61. An example of an overt editorial advertisement would be a thirty or sixty second announcement prepared and sponsored by an organization opposed to abortion which urges a constitutional amendment to override a decision of the Supreme Court legalizing abortion under certain circumstances. While the brevity of such announcements might make it difficult to develop the issue in great detail, they could, nevertheless make a meaningful contribution to the public debate, and we believe that the fairness doctrine should be fully applicable to them.

62. Editorial advertisements may be difficult to identify if they are sponsored by groups which are not normally considered to be engaged in debate on controversial issues. This problem is most likely to arise in the context of promotional or institutional advertising; that is, advertising designed to present a favorable public image of a particular corporation or industry rather than to sell a product. Such advertising is, of course, a legitimate commercial practice and ordinarily does not involve debate on public issues. See, e.g., *Anthony R. Martin-Trigona*, 19 FCC 2d 620 (1969). In some cases, however, the advertiser may seek to play an obvious and meaningful role in public debate. In such instances, the fairness doctrine—including the obligation to provide free time in the circumstances described in the *Cullman* decision—applies.

63. In the past, we have wrestled with the application of the fairness doctrine to institutional advertisements which appeared to have discussed public issues, but which did not *explicitly* address the ultimate matter in controversy. An example of this problem may be found in the so-called "*ESSO*" case. *National Broadcasting Co.*, 30 FCC 2d 643 (1971). Here, the Commission found that certain commercials for Standard Oil Company constituted a discussion of one side of a controversial issue involving construction of the Alaskan pipeline. These advertisements did not explicitly mention that pipeline, but they did present what could be termed arguments in support of its construction. Specifically, we found that the advertisements argued that the nation's urgent need for oil necessitated a rapid development of reserves on Alaska's North Slope. *Id.* at 643. The commercials also referred to the ability of an ESSO affiliate to build a pipeline in the far north, and yet "preserve the ecology." *Ibid.* As we noted on rehearing, the problem involved here "is indeed a difficult one . . . because the pipeline controversy is not specifically referred to. . . ." *Wilderness Society*, 31 FCC 2d 729, 733, *reconsideration denied* 32 FCC 2d 714 (1971).

64. In the face of such difficulties, what guidance can the Commission give to its licensees and to the public? Professor Louis Jaffe has offered the following suggestion:

> "[I]t is not easy to formulate a fully satisfactory rule for applying the fairness doctrine to advertising. Its application is most obvious where the advertisement is explicitly controversial. But the advertiser may avoid the explicit precisely to foreclose a claim of rebuttal, or because he believes the subliminal is more effective. It should suffice to trigger the doctrine that by implication he intends to speak to a current, publicly-acknowledged controversy." Jaffe, *The Editorial Responsibility of the Broadcaster: Reflections on Fairness and Access*, 85 *Harv. L. Rev.* 768, 777–78 (1972).

We believe that this suggestion comes close to the mark, but what we are really concerned with is an obvious participation in public debate and not a subjective judgment as to the advertiser's actual intentions. Accordingly, we expect our licensees to do nothing more than to make a reasonable, common sense judgment as to whether the "advertisement" presents a meaningful statement which obviously addresses, and advocates a point of view on, a controversial issue of public importance. This determination cannot be made in a vacuum; in addition to his review of the text of the ad, the licensee must take into account his general knowledge of the issues and arguments in the ongoing public debate. Indeed, this relationship of the ad to the debate being carried on in the community is critical. If the ad bears only a tenuous relationship to that debate, or one drawn by unnecessary inference, the fairness doctrine would clearly not be applicable.

65. The situation would be different, however, if that relationship could be shown to be both substantial and obvious. For example, if the arguments and views expressed in the ad closely parallel the major arguments advanced by partisans on one side or the other of a public debate, it might be reasonable to conclude that one side of the issue involved had been presented thereby raising fairness doctrine obligations. See, e.g., *Media Access Project* (Georgia Power), 44 FCC 2d 755, 761 (1973). We fully appreciate that, in many cases, this judgment may prove to be a difficult one and individual licensees may well reach differing conclusions concerning the same advertisement. We will, of course, review these judgments only to determine their reasonableness and good faith under the particular facts and circumstances presented and will not rule against the licensee unless the facts are so clear that the only reasonable conclusion would be to view the "advertisement" as a presentation on one side of a specific public issue.

B. Advertisements for commercial products or services

66. Many advertisements which do not look or sound like editorials are, nevertheless, the subject of fairness complaints because the business, product, or service advertised is itself controversial. This may be true even though the advertisement does not mention any aspect of a controversy. Commercial announcements of precisely this type led to the current debate over fairness and advertising. This debate began in 1967 with our decision to extend the fairness doctrine to advertisements for cigarettes. *WCBS–TV*, 8 FCC 2d 381, *stay and reconsideration denied* 9 FCC 2d 921 (1967). These advertisements, like many others, addressed themselves solely to the desirability of the product. They tended to portray "the use of the particular cigarette as attractive and enjoyable. . . ." but avoided any mention of the then raging smoking-health controversy. 8 FCC 2d at 382. At the time, broadcasters argued that, in the absence of an affirmative discussion of the health issue, the commercials could not realistically be viewed as part of a public debate. 9 FCC 2d at 938. We rejected this argument and insisted that the issue should be defined in terms of the desirability of smoking. *Id.* With the issue defined in this fashion, it was a simple mechanical procedure to "trigger" the fairness doctrine and treat all cigarette advertisments—regardless of what they actually said—as being presentations on one side of a controversial issue. It seemed to be clear enough that *all* cigarette advertisements suggested that the use of the product was desirable.

67. In retrospect, we believe that this mechanical approach to the fairness doctrine represented a serious departure from the doctrine's central purpose which, of course, is to facilitate "the development of an *informed* public opinion." *Report on Editorializing*, 13 FCC 1246, 1249 (1949) (emphasis supplied). We believe that standard product commercials, such as the old cigarette ads, make no meaningful contribution toward informing the public on any side of any issue. Indeed, as the D.C. Circuit Court of Appeals succinctly stated:

> "Promoting the sale of a product is not ordinarily associated with any of the interests the First Amendment seeks to protect. As a rule, it does not affect the political process, does not contribute to the exchange of ideas, does not provide information on matters of public importance, and is not, except perhaps for the ad-men, a form of individual self-expression. . . . Accordingly, even if . . . [such] commercials are protected speech, we think they are at best a negligible part of any exposition of ideas, and are of . . . slight social value as a step to truth. . . ." *Banzhaf* v. *FCC*, 405 F. 2d 1082, 1101–02 (D.C. Cir. 1968), quoting *Chaplinsky* v. *New Hampshire*, 315 U.S. 568, 572 (1942).

In this light, it seems to us to make little practical sense to view advertisements such as these as presenting a meaningful discussion of a controversial issue of public importance.

68. In our view, an application of the fairness doctrine to normal product commercials would, at best, provide the public with only one side of a public controversy. In the cigarette case, for example, the ads run by the industry did not provide the listening public with any information or arguments relevant to the underlying issue of smoking and health. At the time of our ruling, Commissioner Loevinger suggested that we were not really encouraging a balanced debate but, rather, were simply imposing our view that discouraging smoking was in the public

interest. 9 FCC at 953.[21] While such an approach may have represented good policy from the standpoint of the public health, the precedent is not at all in keeping with the basic purposes of the fairness doctrine.[22]

69. This precedent would not have been particularly troublesome if it had been limited to cigarette advertising as the Commission originally intended.[23] In 1971, however, the D.C. Circuit ruled that the cigarette precedent could not logically be limited to cigarette advertising alone. *Friends of the Earth* v. *FCC,* 449 F. 2d 1164 (D.C. Cir. 1971). In this decision, it was suggested that high-powered cars pollute the atmosphere more than low-powered cars.[24] It was then determined that the fairness doctrine was triggered by the advertisements there involved because they extolled the virtues of high-powered cars and thus glorified produce attributes aggravating an existing health hazard, namely air pollution. The commercials, of course, made no attempt at all to discuss the product in the context of the air pollution controversy. If these advertisements presented one point of view on the issue, then, by the same reasoning, the "contrasting" viewpoint must have been similarly presented in ads for low-powered cars. The problem with this kind of logic is that it engages both broadcasters and the Commission in the trivial task of "balancing" two sets of commercials which contribute nothing to public understanding of the underlying issue of how to deal with the problem of air pollution.[25]

70. We do not believe that the underlying purposes of the fairness doctrine would be well served by permitting the cigarette case to stand as a fairness doctrine precedent. In the absence of some meaningful or substantive discussion, such as that found in the "editorial advertisements" referred to above. We do not believe that the usual product commercial can realistically be said to inform the public on any side of a controversial issue of public importance. It would be a great mistake to consider standard advertisements, such as those involved in the *Banzhaf* and *Friends of the Earth,* as though they made a meaningful contribution to public debate. It is a mistake, furthermore, which tends only to divert the attention of broadcasters from their public trustee responsibilities in aiding the development of an informed public opinion. Accordingly, in the future, we will apply the fairness doctrine only to those "commercials" which are devoted in an obvious and meaningful way to the discussion of public issues.

C. The Federal Trade Commission proposal

71. The Federal Trade Commission has filed a statement in this inquiry which proposes the creation of a right of access to respond to four categories of commercial announcements. Very generally, these categories are as follows: (a) those advertisements that explicitly raise controversial issues; (b) those that raise such issues implicitly; (c) those that make claims based on scientific premises that are in dispute; and (d) those that are silent about negative aspects of the advertised products.

72. We have already discussed the first two categories and the applicability of the fairness doctrine with respect thereto. One of our major difficulties with the FTC's categories is that they seem to include virtually all existing advertising. As one commentator has stated, "it is hard to imagine a product commercial so pure that it would not be viewed as implicitly raising some controversial issue or resting upon some disputed scientific premise or remaining silent about negative aspects of the product." Putz, *Fairness and Commercial Advertising: A Review and a Proposal,* 6 *U.S.F.L. Rev.* 215, 246 (1972). We believe that the adoption of the FTC proposal—wholly apart from a predictable adverse economic effect on broadcasting—might seriously divert the attention and resources of broadcasters from the traditional purposes of the fairness doctrine. We are therefore not persuaded that the adoption of these proposals would further "the larger and more effective use of radio in the public interest . . ." 47 U.S.C. Section 303(g), or contribute in any way to the promotion of genuine debate on public issues.

73. We do not believe that our policy will leave the public uninformed on important matters of interest to consumers. Certainly, we expect that consumer issues will rank high on the agenda of many, if not most, broadcasters since their importance to the public is self-evident. But our point is that the decision to cover these and other matters of similar public concern appropriately lies with individual licensees in the fulfillment of their public trustee responsibilities, and should not grow out of a tortured or distorted application of fairness doctrine principles to announcements in which public issues are not discussed.

74. A matter which relates directly to the FTC proposal was considered in the so-called "Chevron" case. *Alan F. Neckritz,* 29 FCC 2d 807 (1971), *reconsideration denied* 37 FCC 2d 528 (1972). This case involved a claim made by Chevron that its F–310 additive would reduce exhaust emissions and contribute to cleaner air. Chevron did not claim that its product would solve the air pollution problem caused by automobiles, but did extol the product's virtues in reducing pollution. Complaints argued that the claim was controversial within the meaning of the fairness doctrine. They supported this argument by pointing to a pending FTC complaint which alleged that the claims made on behalf of F–310 were false and misleading. 29 FCC 2d at 816. While the F–310 claim obviously did relate to a matter of public concern, we do not believe that the ads engaged in an obvious and meaningful discussion of a controversial issue of public importance. As we stated in "Chevron,"

". . . making a claim for a product is not the same thing as arguing a position on a controversial issue of public importance. That the claim is alleged to be untrue or partially deceptive does not change its nature. . . . It would ill suit the purposes of the fairness doctrine, designed to illumine significant controversial issues, to apply it to claims of a product's efficacy or social utility. The merits of any one gasoline, weight reducer, breakfast cereal or headache remedy—to name but a few examples that come readily to mind—do not rise to the level of a significant public issue. . . . We think this conclusion is required not only as a matter of reason, but also of practical necessity if fairness is to work for the public and not to its detriment." *Alan F. Neckritz,* 29 FCC 2d at 812.

75. We do not believe that the fairness doctrine provides an appropriate vehicle for the correction of false and misleading advertising. The fairness doctrine is only one aspect of the public interest. A Congressionally-mandated remedy for deceptive advertising already exists in the form of various FTC sanctions.[26] If an advertisement is found to be false or misleading, we believe that the proper course is to ban it altogether rather than to make its claims a subject of broadcast debate. We believe that the approach to advertising outlined here will do much to reduce the confusion which has existed in this area. Under the general fairness doctrine, broadcasters—as trustees for their communities—are required to make a positive effort to implement a meaningful discussion of major public issues and in practical effect consumer issues will receive a significant amount of coverage. But at the same time, we do not believe that it is in the public interest to stretch the fairness doctrine in an artificial way by applying it to commercials which play no meaningful or significant role in the debate of controversial issues.

76. In the separate but related area of deceptive advertising, we believe that the public interest can be best served through the existing, Congressionally-mandated scheme of regulation, and by a conscientious effort on the part of broadcasters to meet their obligations in this area.[27]

IV. ACCESS GENERALLY TO THE BROADCAST MEDIA FOR THE DISCUSSION OF PUBLIC ISSUES

77. Various parties to this proceeding have argued that, quite aside from the traditional fairness doctrine, there should be a system of mandated access, either free or paid, for persons or groups wishing to express a viewpoint on a controversial public issue. In the *"BEM"* case,[28] the Supreme Court made it clear that such access is not a matter of either constitutional or statutory right. The Court noted, however, that Congress has left the Commission with "the flexibility to experiment with new ideas as changing conditions require." *Id.* at 122. It was further stated that "at some future date Congress or the Commission—or the broadcasters—may devise some kind of limited right of access that is both practicable and desirable." *Id.* at 131.

78. Our studies during the course of this inquiry have not disclosed any scheme of government-dictated access which we consider "both practicable and desirable." We believe, to the contrary, that the public's interest in free expression through broadcasting will best be served and promoted through continued reliance on the fairness doctrine which leaves questions of access and the specific handling of public issues to the licensee's journalistic discretion. This system is far from perfect. However, in our judgment, it does represent the most appropriate accommodation of the various First Amendment interests involved, and provides for maximum public enlightenment on issues of significance with a minimum of governmental intrusion into the journalistic process.

79. In our opinion, this Commission would not be justified in dictating the establishment of a system of access to particular spokesmen on either a free or paid basis. If the access were *free,* the government would inevitably be drawn into the role of deciding who should be allowed on the air and when.[29] This governmental involvement in the day-to-day processes of broadcast journalism would, we believe, be antithetical to this country's tradition of uninhibited dissemination of ideas. With regard to the suggestion that we establish a system of *paid* access, we believe that "the public interest in providing access to the marketplace of 'ideas and experiences' would scarcely be served by a system so heavily weighted in favor of the financially affluent, or those with access to wealth," *BEM,* 412 U.S. at 123, or wherein "money alone determines what issues are to be aired, and in what format," *Business Executives' Move for Vietnam Peace* v. *FCC,* 450 F.2d 642, 666 (D.C. Cir. 1971) (McGowan, J., dissenting). This problem would in no way be alleviated by the application of the fairness doctrine, including the *Cullman* corollary, to editorial advertising, since the agenda for public debate would be set solely by those financially able to take advantage of the right to purchase time in the first instance. Furthermore, there would be elements of unfairness in applying the *Cullman* principle in this situation, for it would require the licensee to correct an imbalance—at its own expense—which it had not created. On the other hand, if *Cullman* were suspended in the case of editorial advertisements, the public would be left in many if not most instances with one-sided presentations of those issues which the financially able chose to discuss.

80. We have given serious thought to the suggestion that broadcasters be required to maintain a policy of examining and considering—but not necessarily accepting—edi-

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torial advertisements tendered for broadcast. While this suggestion has some surface appeal, we believe that such a requirement would, in our judgment, inevitably draw this Commission into deciding a broadcaster's good faith in accepting or rejecting proffered material and into adjudicating competing claims to buy limited time on the basis of criteria that would necessarily favor one person's speech over another's. This is precisely the sort of governmental intrusion which we have sought to avoid in developing and administering the fairness doctrine, and why we believe that our present policy of leaving such decision initially to the editorial discretion of the licensee, though imperfect, must be maintained. As Chief Justice Burger stated for the Court in *BEM:*

> "For better or worse, editing is what editors are for; and editing is selection and choice of material. That editors—newspaper or broadcast—can and do abuse this power is beyond doubt, but that is no reason to deny the discretion Congress provided. Calculated risks of abuse are taken in order to preserve higher values." 412 U.S. at 124–25.

81. While we have rejected the suggestion that the Commission should establish a system of mandated access (either free or paid), we certainly do not mean to suggest any disapproval of efforts by broadcasters to provide for access to their stations. Indeed, the fairness doctrine itself insures that many citizens will be afforded a type of access, for the licensee

> ". . . is required to 'present representative community views and voices on controversial issues which are of importance to [its] listeners,' and it is prohibited from 'excluding partisan voices and always itself presenting views in a bland, inoffensive manner.' 25 FCC 2d at 222. A broadcaster neglects that obligation only at the risk of losing his license." *BEM, supra* at 131.

Under this system, many representative community spokesmen do express their views in newscasts, interviews, call-in programs, editorial replies, and through various other formats. Thus, while no particular individual has a guaranteed *right* of access to the broadcast microphone for his own self-expression, the public as a whole does retain its "paramount" right "to *receive* suitable access to social, political, esthetic, moral, and other ideas and experiences. . . ." *Red Lion Broadcasting Co.* v. *FCC,* 395 U.S. at 390 (emphasis supplied). In a real sense, therefore, there is a "right of access" in broadcasting, that right being guaranteed the listening and viewing public. However, in order to secure this right to the people, and to avoid unwarranted governmental supervision, Congress has delegated the primary responsibility for the selection of particular spokesmen and specific program material to private licensees who are required to serve as *trustees for the public.* As the Supreme Court stated in its *BEM* decision:

> "This policy [of concentrating the allocation of journalistic priorities in the licensee] gives the public some assurance that the broadcaster will be answerable if he fails to meet its legitimate needs. No such accountability attaches to the private individual, whose only qualifications for using the broadcast facility may be abundant funds and a point of view. To agree that debate on public issues should be "robust and wide-open" does not mean that we should exchange 'public trustee' broadcasting, with all its limitations, for a system of self-appointed editorial commentators." 412 U.S. at 125.

82 We do not mean to suggest that broadcasters are in any way required to maintain "tight editorial control" over the spokesmen who appear on their stations. Much to the contrary, we wish to give every encouragement to broadcasters to experiment with new ways of providing for wide-open debate of public issues. Our point here is that while genuine partisan debate should be encouraged, we cannot, at this time, justify or support its particularized imposition by Commission fiat.

83. Although we have here reaffirmed the present system of licensee responsibility and discretion and rejected requests for the creation of a direct "right" of access, we wish to emphasize that this system is predicated entirely upon the assumption that licensees will in fact make a reasonable, good faith effort to meet their public obligations. Licensee discretion is but a means to a greater end, and not an end in and of itself, and only insofar as it is exercised in genuine conformity with the paramount right of the listening and viewing public to be informed of the competing view-points on public issues can such discretion be considered an adequate means of maintaining and enhancing First Amendment interests in the broadcast medium. For the present, we remain convinced that the general rubric of the fairness doctrine, with its emphasis on licensee responsibility and discretion, provides the most desirable and practical means to that end. However, should future experience indicate that the doctrine is inadequate, either in its expectations or in its results, the Commission will have the opportunity—and the responsibility—for such further reassessment and action as would be mandated by the public interest and the First Amendment.

V. APPLICATION OF THE FAIRNESS DOCTRINE TO POLITICAL BROADCASTS—BALLOT PROPOSITIONS

84. The First Report on Part V. of the Fairness Doctrine Inquiry, 36 FCC 2d 40 (1972), dealt almost exclusively with appearances by the President and other public officials and with questions of the application of the *Zapple* doctrine[29] to such appearances. However, Part V of our Notice of Inquiry phrased the *Zapple* question in broader terms:

> "We request comment on such relevant questions as the following: whether the quasi-equal opportunities approach should be restricted, expanded, or left alone, with a specific description of the feasibility and effect of any proposed revision on the underlying policies of the statute (see Section 315 (a))." 30 FCC 2d 26, 34 (1971).

We now address ourselves specifically to application of the fairness doctrine to ballot propositions such as referenda, initiative or recall propositions, bond proposals and constitutional amendments.

85. Some comments filed in this inquiry have urged that *Zapple* rather than the *Cullman* doctrine be applied to ballot propositions on the ground that such situations are analogous to those covered by the "equal opportunities" requirement of Section 315 and the "political supporters" policy in *Zapple.* One party has suggested that not only should *Cullman* apply but that when one side buys spots, the licensee should be required to present opposing announcements in the same format (i.e., spots), and also to afford proponents of all sides opportunity for extended discussion of the issues. In this regard, the Commission also has received informal complaints that application of the *Cullman* doctrine to ballot propositions is unfair on the ground that it enables proponents of one side to spend their money on newspaper, billboard and direct mail advertising—where there is no *Cullman* requirement—and then to rely on *Cullman* to obtain free broadcast exposure of their views because the other side has spent its money in that medium.

86. After considering all comments, we find no substantial reason to alter our previous application of the fairness doctrine to ballot propositions. The *Zapple* doctrine, which some urge that we apply to this area, was adopted solely because it was analogous to the situation for which Congress itself had provided for "equal opportunities." As we explained in our First Report, *Zapple* was simply a common-sense application of the statutory scheme relating to appearances by political candidates, and we made clear the fact that we did not intend to extend its application further. While ballot propositions are similar to political candidacies in the sense that both are subject to popular vote, they are more closely analogous to ordinary public issues such as a bill pending in Congress or a state legislature. We are unable to perceive why such issues should be treated differently merely because they are subject to popular vote. In a case involving political candidacies, the natural opposing spokesmen are readily identifiable (i.e., the candidates themselves or their chosen representatives). In the case of a ballot proposition, however, there is generally no specific individual or group which is entitled to equal or comparable time. Furthermore, Congress has shown no intent to alter the Commission's traditional application of the fairness doctrine, including the *Cullman* corollary, to ballot propositions.

87. It has been argued that in the closing days of an election campaign, licensees may be overwhelmed by orders for large quantities of spot announcements favoring or opposing a proposition, and could be hard put to comply with the requirements of the fairness doctrine if only one side buys time. No licensee, however, is required to sell all the time that an advocate of a proposition (or even a legally qualified candidate) may wish to buy.[31] Indeed, some licensees in the past have discovered to their dismay that an employee has sold an inordinate amount of time in the closing days of a campaign to one candidate—only to be confronted by a demand from the opposing candidate to buy an equal amount. It is the responsibility of the licensee in such situations to look ahead and commit himself to no more time for Candidate A than he is prepared to sell to Candidate B. Similarly, no licensee is required by statute or Commission rule or policy to yield his facilities to one side of a ballot proposition for a so-called "blitz." His clear obligation in fairness situations is again, to plan his programming in advance so that he is prepared to afford reasonable opportunity for presentation of contrasting views on the issue, whether or not presented in paid time.[32]

88. Finally, it is argued that some ballot issue advocates take advantage of the *Cullman* principle by spending their available money on non-broadcast media, then waiting for the other side to buy time on the air, and finally demanding that their own views on the proposition be given free broadcast exposure, thus obtaining a broadcast "subsidy" for their views. To the extent that this could occur, the same criticism can be voiced against my application of *Cullman.* We believe, however, it is more important in a democracy that the public have an opportunity to receive contrasting views on controversial issues of public importance—that "robust, wide-open debate" take place—than that the *Cullman* principle be abandoned because of the possible practices of a few parties. Moreover, the fairness doctrine does not require equality of exposure of contrasting views, and those who rely solely on *Cullman* have no assurance of obtaining equality by such means.

89. Thus, we shall continue to deal with other controversial public issues. As in all fairness doctrine matters, the licensee is required to use his own discretion regarding issues to be presented, the amount of time to be devoted to each, parties to present contrasting views, and the formats to be employed. Upon receipt of a complaint, we shall as in the past review the licensee's actions only for reasonableness and good faith.

VI. CONCLUSION

90. It is hoped that this inquiry and report will provide a needed restatement and clarification of the essential principles and policies of the fairness doctrine—both in terms of its theoretical foundations and its practical application. While we have here reaf-

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firmed the basic validity and soundness of these principles and policies in ensuring that the medium of broadcasting will continue to function consistently with the ends and purposes of the First Amendment and the public interest, the Commission fully recognizes that their specific application in particular cases can involve questions and determinations of considerable complexity and difficulty. For this reason, the administration of the doctrine must proceed, within the framework of general policies set forth herein, on a case-by-case basis according to the particular facts and circumstances presented. We do wish to emphasize that in the final analysis, the fairness doctrine can fulfill its purpose and function only to the extent that all the parties involved—the broadcasters, the Commission, and individual members of the public—participate with a sense of reasonableness and good faith.

91. Accordingly, the proceedings in Docket 19260 are terminated.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT MULLINS, *Secretary*.

See attached statements of Commissioners Hooks and Quello.

FOOTNOTES

[1] The Commission's first general statement on fairness doctrine principles was set forth in the *Report on Editorializing by Broadcast Licensees,* 13 FCC 1246 (1949). Briefly stated, "the doctrine imposes two affirmative responsibilities on the broadcaster: coverage of issues of public importance must be adequate and must fairly reflect differing viewpoints." *Columbia Broadcasting System, Inc.* v. *Democratic National Committee,* 412 U.S. 94, 111 (1973) (hereinafter cited as BEM).

[2] The Commission's *First Report—Handling of Political Broadcast,* 36 FCC 2d 40 (1972), was issued on June 22, 1972, and dealt with the issues raised in Part V of the inquiry. A copy of this First Report is attached hereto as Appendix A. We expedited consideration of this portion of the inquiry in order to clarify and treat the major questions presented therein prior to the 1972 general election compaign period. We believe, however, that it is desirable in the context of this Report to supplement our treatment of the political fairness issues discussed in our *First Report.*

[3] A list of major contributors can be found in Appendix B. Some submitting comments after filing deadlines may not be included therein. Over 20 parties filed comments and/or replies in Part II; over 40 parties filed in Part III (an additional 71 comments were received in response to the statement of the Federal Trade Commission in Part III); more than 30 comments were filed in Part IV; and approximately 15 comments in Part V.

[4] This scarcity principle is not predicated upon a comparison between the number of broadcast stations and the number of daily newspapers in a given market. The true measure of scarcity is in terms of the number of persons who wish to broadcast and, in Justice White's language, there are still "substantially more individuals who want to broadcast than there are frequencies to allocate." 395 U.S. at 388.

[5] Professor Emerson has outlined this problem in the following terms: "[o]nce it is assumed that a scarcity of broadcasting facilities exists the next question becomes, what follows from that? . . . In purely common-sense terms it would seem to follow that, if the government must choose among applicants for the same facilities, it should choose on some sensible basis. The only sensible basis is the one that best promotes the system of freedom of expression." T. Emerson, *The System of Freedom of Expression* 663 (1970).

[6] From the earliest days of radio regulation, it was recognized that a standard of fairness was an essential element of regulation in the "public interest." *Great Lakes Broadcasting Co.,* 3 F.R.C. Ann. Rep. 32, 33 (1929), rev'd on other grounds, 59 App. D.C. 197, 37 F.2d 993, cert. dismissed, 281 U.S. 706 (1930). In 1959, Congress specifically amended the Communications Act so as to vindicate the Commission's view that fairness inhered in the general public interest standard of the Act. 47 U.S.C. Section 315(a); see *Red Lion Broadcasting Co.* v. *FCC,* 395 U.S. at 380–81.

[7] Judge Skelly Wright of the District of Columbia Circuit has made the following observations with regard to the difficulties inherent in fairness regulation:

"The problems of figuring out the right thing to do in this area—the system that will best serve the public's First Amendment interest—are enormous. In some areas of the law, constitutional values are clearly discernible, as where one is required to balance some right protected by the Constitution against an asserted countervailing governmental interest. . . . [I]n some areas of the law it is easy to tell the good guys from the bad guys. In the current debate over the broadcast media and the First Amendment, however, each debater claims to be the real protector of the First Amendment, and the analytical problems are much more difficult than in ordinary constitutional adjudication." Commencement address, National Law Center, George Washington University, Washington, D.C., June 3, 1973.

[8] We concur with the views expressed on this subject by former Commissioner Cox several years ago:

"[a]s a trustee for the public, a broadcaster must use his facilities to enlighten the public about the critical issues which it faces, and this obviously requires substantial effort and may involve presenting some viewpoints with which the licensee totally disagrees. But so long as he is permitted to express his own view editorially with respect to the matters discussed and is allowed to choose the formats to be employed and the spokesmen for the respective positions, he cannot, it seems to me, claim that his freedom to report and analyze the news has been impaired." Cox, *The FCC and the Future of Broadcast Journalism in Survey of Broadcast Journalism 1969–1970* at 115.

[9] Ordinarily, the problems which are identified by a station's ascertainment of its community's needs and interests would be featured prominently in the list of public issues selected by the station for program coverage. See generally, *Primer on Ascertainment of community Problems by Broadcast Applicants,* 20 FCC 2d 650 (1971).

[10] One United States Senator has proposed that it might be desirable to apply the fairness doctrine only where less than four broadcast signals are received in a given area. See 119 Cong. Rec. S20358–62 (November 14, 1973) (remarks of Senator Ervin). We believe that such a proposal is clearly beyond our statutory authority. However, it may be appropriate at some future date to examine the possibility of a different application of the fairness doctrine to new technologies of electronic communication or of a different application in broadcast markets of varying size.

[11] In this regard, we note that the fairness doctrine was not designed for the purpose of providing a forum for the discussion of mere private disputes of no consequence to the general public. Rather, its purpose is to insure that the public will be adequately informed on matters of importance to major segments of the community.

[12] See discussion of the application of this standard to "editorial" advertising in Part III, *infra.*

[13] This duty includes the obligation defined in *Cullman Broadcasting Co.,* 40 FCC 576, 577 (1963):

". . . where the licensee has chosen to broadcast a sponsored program which for the first time presents one side of a controversial issue, has not presented (or does not plan to present) contrasting viewpoints in other programming, and has been unable to obtain paid sponsorship for the appropriate presentation of the opposing viewpoint or viewpoints, he cannot reject a presentation otherwise suitable to the licensee—and *thus leave the public uninformed*—on the ground that he cannot obtain paid sponsorship for that presentation." (Emphasis in original.)

We do not believe that the passage of time since *Cullman* was decided has in any way diminished the importance and necessity of this principle. If the public's right to be informed of the contrasting views on controversial issues is to be truly honored, broadcasters must provide the forum for the expression of those viewpoints at their own expense if paid sponsorship is unavailable.

[14] In a Notice of Inquiry and Notice of Proposed Rule Making in Docket No. 18859, 23 FCC 2d 27, we proposed the adoption of specific procedures to be followed under certain circumstances in seeking an opposition spokesman. We believe, however, that the policy set forth above adequately covers all situations, and consequently that it is now appropriate to terminate that proceeding.

[15] One student commentator has outlined this problem in the following terms:

"A principal purpose of the fairness doctrine is to educate the public on the major alternatives available to it in making social choices. ... Acknowledging that there is a 'spectrum' of opinion on many issues, it is nonetheless true that there are often clearly definable 'colors' in the spectrum, even though the points at which they blend into one another may be unclear. The controversy concerning American policy in Indochina is illustrative. The alternatives [prior to America's withdrawal from the war] include[d] increasing military activity, maintaining the [then] present level of commitment, a phased withdrawal and an immediate withdrawal. It might be argued that any licensee who does not present some coverage of at least these views has failed to educate the public about the major policy alternatives available." Note, *The FCC Fairness Doctrine and Informed Social Choice,* 8 Harv. J. Legis. 333, 351–52 (1971).

[16] This is not to say that a broadcaster is barred from presenting the views of small minorities, but only that the government will not *require* the coverage of every possible viewpoint or shade of opinion regardless of its significance.

[17] Some have argued that "[t]he practical effect of this approach [review at time of renewal] to fairness is that the doctrine would have been abandoned." Barrow, *The Equal Opportunities and Fairness Doctrine in Broadcasting,* 37 Cin. L. Rev. 447, 493 (1968).

[18] Because of the many developments which have taken place since 1964, we plan to issue a new fairness "Primer" in the near future.

[19] The procedure which we are outlining here is the one which we will follow in the ordinary case. It is possible, however, that in some circumstances the Commission may find it necessary to inquire into a station's total programming effort on an issue or at least a significant portion of that programming. Also, in cases where a message on one side of an issue has *obviously* been repeated many times (as in "editorial" advertising campaign), the complainant could not be expected to provide a list showing the time and date of each presentation. This information would have to be provided by the licensee in his response to a Commission inquiry.

[20] One station, in responding to a complaint concerning the issue of gasoline and air pollution, provided the Commission with a list of programs which included the following: "The Great Red Apes," "Turtle of the Sulu Sea," "The Night of the Squid," and "Return of the Sea Elephants." While such programming obviously would provide information on a part of the world's environment, it may

not be germane to any specific issue concerning gasoline and air pollution.

[21] Following the Congressional ban on cigarette advertising, the Commission was criticized even more strongly for taking sides on this issue. At that time, we ruled that stations were free to broadcast anti-smoking messages without incurring any obligation to carry arguments in favor of smoking. This holding was based on a Commission determination that the issue was no longer controversial. *Cigarette Advertising and Anti-Smoking Presentation,* 27 FCC 2d 453 (1970), *aff'd sub nom. Larus & Brother Co.* v. *FCC,* 477 F.2d 876 (4th Cir. 1971).

[22] In the conclusion to our second opinion in the cigarette case, we tried to make it clear that our holding was based more on public health considerations than on "the specifics of the Fairness Doctrine." *WCBS-TV,* 9 FCC 2d 921, 949 (1967). We recognized that, in view of the overwhelming evidence of danger to the public health, the question presented would ordinarily be "how the carriage of such commercials is consistent with the obligation to operate in the public interest." *Id.* We felt, however, tht the question of removing these commercials from the air was one Congress had reserved to itself, and that the only remedy we were free to implement was one along the lines suggested by the fairness doctrine. The fairness doctrine, therefore, served "chiefly to put flesh on these policy bones by providing a familiar mold to define the general contours of the obligation imposed." *Banzhaf* v. *FCC,* 405 F.2d at 1093. Subsequent to our action in the cigarette case, the Congress developed a more complete remedy of its own by banning the broadcast of cigarette ads entirely in the Public Health Cigarette Smoking Act of 1969. See generally *Capital Broadcasting Co.* v. *Mitchell,* 333 F. Supp. 582 (D.D.C. 1971), *aff'd mem. sub nom. Capital Broadcasting Co.* v. *Kleindienst,* 405 U.S. 1000 (1972). If in the future we are confronted with a case similar to that presented by the cigarette controversy, it may be more appropriate to refer the matter to Congress for resolution. For Congress is in a far better position than this Commission to develop expert information on whether particular broadcast advertising is dangerous to health or otherwise detrimental to the public interest. Furthermore, it is questionable whether this Commission has a mandate so broad as to permit it "to scan the airwaves for offensive material with no more discriminating a lens than the 'public interest' or even the 'public health,'" *Banzhaf* v. *FCC,* 405 F.2d at 1090.

[23] At the time, cigarettes were thought to be a unique product because their "normal use has been found by congressional and other Governmental action to pose . . . a serious threat to general public health. . . ." 9 FCC 2d at 943. In a concurring opinion, Commissioner Johnson expressed the view that "[b]y drawing the line at cigarette advertising we have framed a distinction fully as sound and durable as those in thousands of other rules laid down by courts every day since the common law system began." *Id.* at 958. In affirming our ruling, the D.C. Circuit agreed that cigarettes were, in fact, "unique." *Branzhaf* v. *FCC,* 405 F.2d 1082, 1097 n. 63 (D.C. Cir. 1968).

[24] The case also considered a comparison of high-test and "regular" gasoline.

[25] The Court has further suggested that the cigarette precedent might logically have to be extended out of the health area entirely to cover some labor-management disputes. *Retail Store Employees Union* v. *FCC,* 436 F.2d 248 (D.C. Cir. 1970). The Court, however questioned whether such an application would truly serve the underlying purposes of the fairness doctrine:

"Stripped to its essentials, this dispute is one facet of the economic warfare that is a recognized part of labor management relations. . . . Part of the Union's campaign was publicity for its boycott; part of management's arsenal was advertising to persuade the public to patronize its stores. If viewed in this light, *it could well be argued that the traditional purposes of the fairness doctrine are not substantially served* by presentation of advertisements intended to less inform than to serve merely as a weapon in a labor-management dispute." *Id.* at 259. (emphasis supplied.)

[26] The problem may be further alleviated by the FTC's newly developed ad substantiation program. See 36 Fed. Reg. 12,058 (1971); and generally, Note, *The FTC Ad Substantiation Program,* 61 *Geo. L.J.* 1427 (1973).

[27] See Licensee Responsibility with Respect to the Broadcast of False, Misleading or Deceptive Advertising, 32 FCC 2d 396 (1971); Consumer Association of District of Columbia Broadcasting System

[28] *Columbia Broadcasting System, Inc.* v. *Democratic National Committee,* 412 U.S. 94 (1973).

[29] The only alternative to governmental involvement of this type would appear to be access on a first-come-first served basis (or by lot or drawing). This system would, however, give no assurance that the most important issues would be discussed on a timely basis. Moreover, as the Supreme Court observed in *BEM,* "[t]he public interest would no longer 'paramount' but rather subordinate to private whim especially since . . . a broadcaster would be largely precluded from rejecting editorial advertisements that dealth with matters trivial or insignificant or already fairly covered by the broadcaster." 412 U.S. at 124.

[30] * * *.

[31] However, stations are required to *either* give or sell reasonable amounts of time to candidates for federal elective office. 47 U.S.C. Section 312(a)(7); See also *Use of Broadcast and Cablecast Facilities by Candidates for Public Office,* 34 FCC 2d 510 (1972). While we do not dictate how much time should be devoted to the various issues being debated in a community, ballot propositions and other election matters will frequently receive considerable coverage on the basis of their importance to the community. In this regard, we recognize that

"The existence of an issue on which the community is asked to vote must be presumed to be a controversial issue of public importance, absent unusual circumstances. . . . It is precisely within the context of an election that the fairness doctrine can be best utilized to inform the public of the existence of and basis for contrasting viewpoints on an issue about which there must be a public resolution through the election process." *King Broadcasting Co.,* 23 FCC 2d 41, 43 (1970) (staff ruling).

[32] In our Public Notice of March 16, 1972, 34 FCC 2d 510, setting forth our interpretation of the Federal Election Campaign Act 1971, we stated that Congress, in amending Section 312(a) of the Communications Act to require licensees to allow reasonable access to or to permit purchase of reasonable amounts of time by candidates for federal elective office, "clearly did not intend, to take the extreme case, that during the closing days of a campaign stations should be required to accommodate requests for political time to the exclusion of all or most other types of programming or advertising. Important as an informed electorate is in our society, there are other elements in the public interest standard, and the public is entitled to other kinds of programming than political. It was not intended that all or most time be preempted for political broadcasts. . . ." (Question and Answer 3, Section VIII). The same principle would, of course, apply to ballot propositions.

Appendix A

[Before the Federal Communications Commission, Washington, D.C. 20554—FCC 72-534-79505]

In the matter of the handling of public issues under the fairness doctrine and the public interest standards of the Communications Act.

Docket No. 19260

FIRST REPORT

(Handling of Political Broadcast)

Adopted: June 16, 1972; Released: June 22, 1972.

By the Commission: Commissioner Johnson dissenting and issuing a statement; Commissioner H. Rex Lee concurring in the results.

I. INTRODUCTION

1. This first report deals with Part V of our Notice—the fairness doctrine as it relates to political broadcasts. We would ordinarily consider this aspect in the context of the revisions made in the general fairness area, including possible public interest decisions as to access. However, we are operating under time constraints here that we must take into account—namely, the appropriateness of disposing of this aspect well before the commencement of the general election period. See *DNC* v. *FCC,* —— U.S. App. D.C. ——, —— FCC 2d ——, Case No. 71-1738 (D.C. Cir. Feb 22, 1972), (slip op. at 7). We therefore have expedited our consideration of this aspect and, if necessary, will re-examine this report in light of our later decisions in Parts II–IV.

2. While this was the last topic in this inquiry, it is not, of course, the one of least importance. Promotion of robust, wide-open debate in this field vitally serves the public interest.

II. BACKGROUND

3. In applying the fairness doctrine the Commission has traditionally required licensees to afford reasonable opportunity for the presentation of contrasting views following the presentation of one side of a controversial issue of public importance. The licensee has been given wide discretion in selecting the appropriate spokesman, format and time for the presentation of the opposing views on controversial issues, with two significant exceptions. Under § 315 of the Communications Act of 1934, as amended, licensees are required to afford equal time to legally qualified candidates; and under the Commission's political editorializing rules (§ 73.123(c), 73.300(c), 73.598(c), 73.679(c)) the licensee must afford a reasonable opportunity for a candidate or his spokesman to respond when the licensee has opposed him or supported his opponent in an editorial.

4. Under the ruling in *Letter to Mr. Nicholas Zapple,* 23 F.C.C. 2d 707(1970) the Commission further limited the licensee's discretion. The Commission held in *Zapple* that when a licensee sells time to supporters or spokesmen of a candidate during an election campaign who urge the candidate's election, discuss the campaign issues, or criticize an opponent, then the licensee must afford comparable time to the spokesmen for an opponent.[1] Known as the quasi-equal opportunities or political party corollary to the fairness doctrine, the *Zapple* doctrine is based on the equal opportunity requirement of Section 315 of the Communications Act; accordingly, free time need not be afforded to respond to a paid program.

5. Since some controversy has been generated as to the applicability or wisdom of this doctrine, the Commission asked for public comment on the following questions in its Notice of Public Inquiry in Docket No. 19260 (hereinafter, Fairness Inquiry). "Should the quasi-equal opportunities approach be restricted or expanded and what is the feasibility and effect of any proposed revision on the underlying policies of the statute (see Section 315(a))?

"Should the Commission adopt a position

Footnotes at end of article.

that *Zapple* applies only to political campaigns and not to other times?

"Should *Zapple* be disassociated from the fairness doctrine and incorporated into Section 315?

"Should *Zapple* be limited by applying a 7-day deadline for requesting "quasi-equal opportunities"?

"Should *Zapple* continue to apply only to major parties (see *Letter to Lawrence M. C. Smith,* 25 R. R. 291 (1963)), or should it be extended to all parties or to some mathematically-defined category of "parties with substantial public support" (e.g., percentage of popular vote)? How should it apply to "new" parties?

"Should *Zapple* be extended to include spokesmen for ballot issues such as bond issues, amendments of state constitutions, etc.?"

6. One additional suggestion has been that the *Zapple* doctrine should be extended to include broadcast appearances of the President of the United States so that an automatic right to respond in comparable time, format, etc., would accrue to appropriate spokesman following a Presidential appearance. In *Complaint of Committee for the Fair Broadcasting of Controversial Issues,* 25 F.C.C. 2d 283, 294–298 (1970), the Commission declined to extend the *Zapple* quasi-equal opportunities concept generally to Presidential appearances, although it said that the fairness doctrine was applicable to Presidential appearances when dealing with controversial issues of public importance. Upon re-examination in *Republican National Committee,* 25 F.C.C. 2d 739, 744 (1970) the Commission again explained that Presidential broadcasts made in a non-election period do not come within the *Zapple* corollary but are included under the general fairness doctrine to the extent that controversial issues of importance are discussed. The question was raised once again and ruled on by the Commission in *Democratic National Committee,* 31 F.C.C. 2d 708 (1971), aff'd *Democratic National Committee* v. *F.C.C.,* —— U.S. App. D.C. ——. F. 2d ——, Case No. 71–1738 (D.C. Cir. Feb. 22, 1972). However, we solicited the comments of the public on the questions raised in these cases in this inquiry.

III. SUMMARY OF COMMENTS

7. Extensive comments and reply comments addressing these questions were received in response to the Fairness Inquiry from fourteen parties. In addition, the Commission conducted panel discussions and heard oral argument for a full week in March 1972, during which these issues were exhaustively discussed. (A list of all participants is included in Appendix A). A variety of ideas, proposals, and criticisms were presented, a brief summary of which follows.

8. Storer Broadcasting Company observes that since the fairness doctrine, unlike Section 315, gives no particular person a right to reply to previously broadcast material, the extension of the fairness doctrine to a quasi-equal opportunities doctrine in *Zapple* is a contradiction of the fairness doctrine. As presently constituted, *Zapple* and its progeny provide insufficient direction to licensees as to when comparable responses to noncampaign appearances of public officials are required, as to which party spokesman is entitled to reply when different factions within a party wish to respond, and as to the rights of minority parties to comparable time. Storer recommends, therefore, that *Zapple* should be codified in Commission rules or be incorporated into Section 315 to remove it from the ambit of the fairness doctrine. Storer further suggests that the Commission adopt a political broadcast primer to specify licensee obligations and responsibilities in this area.

9. The National Association of Broadcasters (NAB), General Electric Broadcasting Co., American Broadcasting Co. (ABC), National Broadcasting Co. (NBC), the Evening News Association, Lee Enterprises, Inc., Time Life Broadcasting, Inc. and others support the principles of the *Zapple* doctrine so long as the *Cullman*[2] doctrine continues to be inapplicable, and licensees are not required to subsidize the campaigns of opposing candidates by affording free response time. *Zapple* is seen by those filing joint comments with the Evening News Association as an appropriate means to fulfill the purposes of Section 315, ensuring the equality of treatment of political candidates by broadcast licensees. Consequently, they would impose obligations on licensees only when a campaign is in progress in which the broadcaster has afforded time and relinquished content control to a spokesman for a candidate to support that candidate or to oppose rival candidates.

10. The NAB, ABC, NBC, and G.E. Broadcasting Co. argue that the *Zapple* doctrine should also apply to "political" broadcasts where a campaign *issue* (bond proposal, constitutional amendment, etc,) that is supported or opposed by a political spokesman has been placed on the ballot. It is argued that this situation is analogous to both Section 315 and *Zapple,* and, as is the case with the political spokesman doctrine, *Cullman* should not apply. NBC emphasizes that the quasi-equal opportunity approach of *Zapple* or its extension to ballot issues should apply only to *paid* presentations in campaign periods, since the equal opportunities approach involving free time inhibits the presentation of political programming and interferes with a licensee's editorial judgment.

11. Two commentators, Democratic National Committee (DNC) and American Civil Liberties Union (ACLU) suggest that the Commission extend the fairness doctrine or adopt a specific rule that would require licensees to broadcast the opposing views of appropriate spokesmen following an appearance of a public official. It is claimed that there is an overriding national concern in informing the public on both sides of issues dealt with by public officials, and accordingly, that licensee discretion in presenting opposing views and selecting appropriate spokesman should be more limited than at present.

12. DNC specifically urges the adoption of a rule that: (1) would establish a presumption that a Presidential broadcast appearance involves a controversial issue of public importance; (2) would require licensees to seek out appropriate spokesmen to present an opposing view and to afford them equal opportunities; and (3) would require licensees or networks to keep publicly available for three years a tape or transcript of every Presidential appearance. DNC asserts that such a rule is necessitated by the public interest standard of the Communications Act and by the First Amendment, in view of the public's need to be fully informed on important public issues discussed by the President. The public is not presently receiving balanced information on such issues, DNC believes, because the President's control of the time, format, and content of his appearances maximizes their impact and effectiveness while, on the other hand, the difficulties encountered by DNC in buying time to discuss public issues or in securing free time to respond to Presidential appearances limits the effectiveness of the presentation of their viewpoint. DNC's views are currently presented, it maintains, through news and panel show presentations in which DNC representatives are merely responding to questions and have no opportunity, comparable to the President's, to develop a reasoned and uninterrupted presentation of the issues. DNC thus argues that the First Amendment goal of promoting robust, wide-open debate is being thwarted by its rejection as an entity responsible for defining options for the American people on major public issues and by denying it access, comparable to the President's, to respond to his appearances.

13. ACLU maintains that the responsibility of the licensee under the fairness doctrine should extend to making available comparable opportunities for opposing spokesman to comment on the issues raised in the broadcast appearance of any public official, including the President. Because of the President's unquestioned power to command broadcasting time and to attract an audience, ACLU feels that comparable time can be afforded only if the contrasting viewpoint is presented immediately after each Presidential appearance. The President and other public officials should furnish copies of their statements sufficiently in advance of their broadcast to permit station licensees to fulfill these fairness obligations.

14. The proposals of DNC and ACLU were opposed by a number of parties. ABC and G.E. Broadcasting Co. argue that no justification for the proposed rule can be found in Section 315 of the Act since under that Section, the recipient of an equal time opportunity to respond to a candidate's appearance must himself be a legally qualified opposing candidate and not just a representative of a political party or some other appropriate group. To extend a quasi-equal opportunities doctrine to non-election period Presidential appearances would require Congressional amendment of Section 315 because such extension would violate the intent of Section 315, and specifically, would negate the newscast, news documentary, and news interview exemptions to the equal time provisions contained in Section 315(a). Implementation of these proposals would also be a distortion of the fairness doctrine, it is argued, since the fairness doctrine focuses on issues, not individuals or candidates.

15. Those parties filing with the Evening News Association argue that the broadcast appearance of a public office holder should be treated as the appearance of a public official fulfilling the duties of his office, not as the appearance of a partisan spokesman presenting one side of a controversial issue absent some extrinsic evidence to the contrary. Otherwise, the public's right to be informed on important matters by its elected officials would be subordinated to the rights of a particular class (political candidates) to broadcast.

16. NBC believes that both DNC and ACLU have failed to show the necessity of their proposed policies or the present inadequacy of the fairness doctrine as a tool for informing the public on important public issues. Creation of an equal or quasi-equal time right to reply to all public official addresses would, as a practical matter, inhibit the appearance of public officials, NBC maintains. It would also ignore the difference in media use by different officials, as well as the fact that it is possible to distinguish the leadership appearances of an official from his political opinions. NBC also has argued that under present rules Presidential appearances during a campaign for his re-election are subject to the Section 315 equal time requirements, that Presidential appearances in a non-election period are subject to the fairness doctrine and the political party corollary, and that these doctrines are adequate to ensure that the electorate is informed.

17. WGN Broadcasting Co. (WGN) is also opposed to the DNC/ACLU proposals on the grounds that the standard proposed by DNC, that Presidential broadcasts that enhanced the political or personal image of the President would be subject to the rule and require the presentation of opposition programming, is too vague to be realistically applied by licensees; and that the FCC would be inexorably involved in politically sensitive adjudications which should be avoided.

18. Three parties argue that the *Zapple* doctrine should be repealed altogether. WGN maintains that *Zapple* exceeds the intent of Section 315, which grants equal opportuni-

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ties only to opposing candidates and not to their supporters. That question, WGN maintains, was settled in *Felix* v. *Westinghouse,* 186 F. 2d 1 (3d Cir. 1950), where it was held that the supporters of a candidate were specifically excluded from Section 315.

19. The law firm of Haley Bader & Potts argues that the *Zapple* doctrine overlooks the fact that the informational needs of the public are of primary importance, and mistakenly confers rights on individual parties. The standards in *Zapple* are too vague for day-to-day application by the licensee, it maintains, and the resultant confusion will tend to inhibit licensee coverage of political matters. Moreover, it argues that *Zapple* unduly restricts licensee discretion in selecting spokesmen and regulating content.

20. The holding of *Zapple* would be acceptable to Public Broadcasting Service (PBS) as a fairness question if the Commission had limited itself to a discussion of the reasonableness of the balance of opposing views afforded by the licensee. PBS is opposed, however, to the extension of traditional fairness concepts of "reasonable balance" to a "comparable time" or "quasi-equal opportunity" doctrine because this restricts licensee discretion and creates artificial barriers to the discussion of controversial issues of public importance. Furthermore, PBS argues that *Zapple* cannot be limited to the two major parties nor to campaign periods only, but instead will engender a spiraling round robin of partisan responses. Several other parties also voiced this particular fear.

21. At the fairness panels, counsel for PBS further developed the foregoing argument by stating that the pricing mechanism and the economic realities of buying time on the commercial networks tend to discourage the broadcast appearances of minority candidates, but that no such economic barrier to access by minority parties exists in the Public Broadcasting Service. Counsel for PBS also argued that in extending quasi-equal opportunities to supporters of a candidate in *Zapple,* the Commission was doing what the Congress had decided not to do when it adopted Section 315 of the Communications Act.

22. Several parties submitted comments on the procedural methods or standards by which the Commission should enforce fairness concepts in the political broadcast area. As previously mentioned, Storer Broadcasting Co. urges the Commission to adopt political broadcasting rules or to develop a political broadcasting primer that would specifically define those situations in which licensees would be required to afford comparable time and which would specify guidelines for the selection of the appropriate opposing spokesmen in order to minimize the confusion that has resulted from the recent series of ad hoc adjudications (*Zapple, RNC,* etc.) modifying the traditional fairness doctrine.

23. Those filing with the Evening News Association argue that the FCC frequently oversteps its authority in judging the "reasonableness" of licensee action in the political broadcasting area. The Commission should therefore adopt a "grossly unreasonable" test of licensee conduct, and impose penalties only when licensee conduct meets an "actual malice" test.

24. Two other general points raised by commentators were as follows:

A. The G.E. Broadcasting Company believes that the Commission's recent ruling in *In re Rosenbush Advertising Agency,* 31 F.C.C. 2d 782 (1971)[3] should be upheld since it affords discretion in making determination as to how a given licensee's facilities should be made effectively available to candidates or supporters of candidates. Section 315 itself permits a licensee to have discretion in scheduling and the Commission, it is contended, should not restrict this discretion any further in "quasi-315" situations.

B. During the panel discussions, former FCC Chairman Newton Minow discussed the recent study and recommendations of the bipartisan Twentieth Century Fund[4] on this subject. He recommended that the Commission support legislation that would enable the major party candidates in a Presidential campaign to obtain six one-half hour periods called "Voters' Time" in prime time for the simultaneous broadcast on all TV and radio stations of political presentations. Use of this time would be entirely within the candidates' discretion, and, since the beneficiary of .these programs would be the American public who would thus receive information pertinent to the election of the President, public funds should be used to buy the time.

IV. DISCUSSION

A. The fairness doctrine with respect to appearances of the President or other public officials

25. The Commission can appreciate why so much attention is focused on the question of the application of the fairness doctrine to Presidential appearances. As the Court noted in *Democratic National Committee* v. *FCC,* C.A.D.C., No. 71-1637, decided February 2, 1972, petition for writ of certiorari filed April 28, 1972, No. 71-1405, O.T. 1971, ". . . the President's status differs from that of other Americans and is of a superior nature," and calls for him to make use of broadcasting to report to the nation on important matters:

"While political scientists and historians may argue about the institution of the Presidency and the obligations and role of the nation's chief executive officer it is clear that in this day and age it is obligatory for the President to inform the public on his program and its progress from time to time. By the very nature of his position, the President is a focal point of national life. The people of this country look to him in his numerous roles for guidance, understanding, perspective and information. No matter who the man living at 1600 Pennsylvania Avenue is he will be subject to greater coverage in the press and on the media than any other person in the free world. The President is obliged to keep the American people informed and . . . this obligation exists for the good of the nation. . . ." (Sl. Op. pp. 26–27)

Because of this use of broadcasting by the nation's most powerful and most important public office, the argument has been made by DNC and by ACLU that there must be special provision for a response by the opposition party—some specific corollary to the general fairness doctrine that ensures equal or comparable use of the broadcast media by an opposition party spokesman.

26. We make two preliminary observations. First, the issue is not whether the American people shall be reasonably informed concerning the contrasting viewpoints on controversial issues of public importance covered by Presidential reports. The fairness doctrine is in any event applicable to such reports—as indeed it is to a report by any public official that deals with a controversial issue of public importance. See Section 315(a). Rather, the issue is whether something more—something akin to equal time—is to be required. The word "required" brings us to our second point. Because our goal is robust, wide-open debate, the Commission of course welcomes any and all programming efforts by licensees to present contrasting viewpoints on controversial issues covered by Presidential addresses. As we stated in our commendation of the CBS series, "The Loyal Opposition", *Committee for the Fair Broadcasting of Controversial Issues,* 25 FCC 2d 283, 300 (1970); *Republican National Committee,* 25 FCC 2d 739, 745–46 (1970, the more debate on such issues, the better informed the electorate. But the issue is not what programming judgment the licensee makes in this area but, rather, whether there should be an FCC requirement. With this as background, we turn to the proposal that equal time be afforded to an opposition spokesman to respond to a Presidential report.[5]

27. First, there is a substantial issue whether any such Commission prescription might not run counter to the Congressional scheme. In Section 315(a), Congress has specified that equal opportunities shall be applicable to appearances of legally qualified candidates and that in other instances "fairness" be applicable—that is, that there be afforded "... reasonable opportunity for the discussion of conflicting viewpoints on issues of public importance." While fairness may entail different things in particular circumstances (see par. 30, *infra*), there is a substantial question whether it is not a matter for Congress to take the discussion of public issues by the President out of the fairness area and place it within the equal opportunities requirement—just as, for example, it was up to Congress in 1960 to take appearances by candidates for President out of equal opportunities and place them under fairness. There is a further troublesome issue here—whether we could create a special fairness rule for Presidential reports but then hold that a report by Governor Reagan in California or Mayor Lindsay in New York, for example, would come only under the "reasonable opportunities" standard of Section 315(a), in the face of arguments that such reports dealt with State or local issues of the greatest importance. Again we do not say that distinctions cannot be made here (compare Section 103(a)(2)(A) of the Federal Election Campaign Act of 1971, 86 Stat. 3 applicable only to Federal offices) but rather raise the issue whether such distinctions are not more appropriately the province of the Congress.

28. But in any event, it would not be sound policy to adopt the DNC or ACLU proposals. From the time of the *Editorializing Report,* 13 FCC 1246 (1949), to the present, we have been urged to adopt ever more precise rules—always in the cause of insuring robust debate (e.g., the argument, advanced in 1949 and now repeated by the ACLU, that fairness requires the contrasting viewpoint to follow immediately the presentation of the first viewpoint—see par. 8, *Report on Editorializing by Broadcast Licensees, supra,* at pp. 1250–51). However well intentioned these arguments are, we believe that increasingly detailed Commission regulation militates against robust, wide-open debate. The genius of the fairness doctrine has been precisely the leeway and discretion it affords the licensee to discharge his obligation to contribute to an informed electorate. *Editorializing Report,* par. 10, *supra,* at pp. 1251–52. Thus, the arguments for flexibility, rather than rigid mechanical rules, discussed in *Committee for Fair Broadcasting of Controversial Issues,* 25 FCC 2d 283, 292, (1970), remain persuasive. Applying those principles, we do not believe it appropriate to adopt equal time policies that might well inhibit reports to the electorate by elected officials. Rather, the general fairness approach of facilitating such reports and at the same time insuring that the public is reasonably informed concerning the contrasting viewpoints best serves the public interest.[6] See *DNC* v. *FCC, supra,* Sl. Op. p. 27, ("... The President is obliged to keep the American people informed and as this obligation exists for the good of the nation, this court can find no reason to abridge the right of the public to be informed by creating an automatic right to respond reposed in the opposition party..."); *Committee for Fair Broadcasting, supra,* at pp. 296–98. The latter case demonstrates that fairness can and does operate to protect the public interest in this important area.

29. In this connection, we note that the Commission believes that the public interest would be served by revision of the equal opportunities requirement so as to make it ap-

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Footnotes at end of article.

plicable only to major party candidates, with such candidates liberally defined to include any candidate with significant public support (see *infra*, par. 35); it has also supported, as a less desirable alternative, suspension or repeal of that requirement as to the offices of President and Vice President.[7] It would surely be anomalous for us to seek relaxation of the equal opportunities requirement as to candidates for the office of President, and at the same time to apply a new policy akin to the equal opportunities to Presidential broadcasts not coming within the present statutory equal opportunities requirement. We decline to do so.

B. THE ZAPPLE RULING

30. Our 1970 ruling, *Letter to Nicholas Zapple*, 23 FCC 2d 707 (1970), concerned campaign presentations that did not involve the appearance of the candidate. We pointed out that in some such presentations, the requirements of the fairness doctrine become in effect quasi-equal opportunities. There has been considerable comment on this ruling, but in large part the interest in it may stem from a misunderstanding of the ruling (e.g., that the ruling extends quasi-equal opportunities to all candidates or parties, even of a fringe nature). We can appreciate how such a misunderstanding could arise. The terms we used, fairness and quasi-equal opportunities, are terms of art and have accumulated their own baggage. Thus, quasi-equal opportunities conjures up a notion of all parties—even those of a fringe nature—being treated equally. And fairness carries with it concepts such as *Cullman* (free time if the public has not been informed of the contrasting viewpoint). See, also, *In re Complaint of George F. Cooley*, 15 FCC 2d 828, 829 (1967). But, *Zapple* was neither traditional fairness nor traditional equal opportunities. It was a particularization of what the public interest calls for in certain political broadcast situations in light of the Congressional policies set forth in Section 315(a).[8] with this as background, we turn to the ruling.

31. What we were stating in *Zapple* was simply a common sense application of the statutory scheme. If the candidate himself appears to some significant extent (cf. *Gray Communications, Inc.*, 14 FCC 2d 766, 19 FCC 2d 532 (1968)), then the Congressional policy is clear: equal opportunities, which means no applicability of *Cullman* but rather mathematical precision of opportunity. Suppose neither the picture or voice of the candidate issued—even briefly—but rather a political message devised by him and his supporters is broadcast. In those circumstances, a common sense view of the policy embodied in Section 315 would still call for the inapplicability of *Cullman*[9] and for some measure of treatment that, while not mathematically rigid, at least took on the appearance of rough comparability. If the DNC were sold time for a number of spots, it is difficult to conceive on what basis the licensee could then refuse to sell comparable time to the RNC. Or, if during a campaign the latter were given a half-hour of free time to advance its cause, could a licensee fairly reject the subsequent request of the DNC that it be given a comparable opportunity?[10] Clearly, these examples deal with exaggerated, hypothetical situations that would never arise. No licensee would try to act in such an arbitrary fashion. Thus, the *Zapple* ruling simply reflects the common sense of what the public interest, taking into account underlying Congressional policies in the political broadcast area, requires in campaign situations such as the above (and in view of its nature, the application of *Zapple*, for all practical purposes, is confined to campaign periods). Significantly, because it does take into account the policies of Section 315, the public interest here requires both more (comparable time) and less (no applicability of *Cullman*) than traditional fairness.[11]

Based on practical experience, we stress that in any event—taking into account the sum total of political broadcasts and news-type programs—the American people are reasonably informed on campaign issues, and thus that the basic public interest requirement is being met in this vital area. *Green* v. *FCC*, 447 F. 2d 323 (C.A.D.C.)

32. It follows that *Zapple* did not establish that in the political broadcast field there is now a quasi-equal opportunities approach applicable to all candidates and parties, including those of a fringe nature. This would clearly undermine any future suspension or repeal of the "equal opportunities" require- such suspension or repeal, the fairness docment, because it would mean that despite trine would require that fringe party candidates be given comparable treatment with major party candidates. Further, it would negate the 1959 Amendments to the Communications Act. The purpose of these amendments was to permit presentation of candidates on, for example, a bona fide newscast, news interview, or news documentary, without the station having to present the fringe candidates.[12] We need not belabor the point further. The *Zapple* ruling did not overrule the holding in *Letter to Lawrence M. C. Smith*, 25 Pike & Fischer, R.R. 291 (1963).[13]

33. The foregoing discussion—and the general approach that we have adopted in the fairness area—also dispose of the questions raised as to the desirability of extending *Zapple*, codifying it, or otherwise supplementing it with procedural and other trappings (e.g., a seven-day procedural requirement). Because *Zapple* reflects simply a common sense distillation of the public interest in certain political broadcast situations, there is no need to try to codify it or engraft new corollaries onto it. On the contrary, we have concluded that, generally, traditional fairness works better by setting out broad principles and permitting the licensee to exercise good faith reasonable discretion in applying those broad principles. We think that this is true here. Further, we doubt if we will be confronted with a host of *ad hoc* rulings in this field. Most problems should be disposed of at the licensee level by the application of rudimentary concepts of fairness and common sense. Significantly, *Zapple* itself was a ruling on hypothetical questions; there have been very few times when the issue has arisen on concrete cases. As to its extension beyond political broadcasts, the short answer is that it is based in substantial part on Congressional policies applicable to such broadcasts.[14]

C. COMMISSION EFFORTS TO ENCOURAGE THE WIDEST POSSIBLE COVERAGE OF POLITICAL CAMPAIGNS

34. We have considered most seriously what steps we can take in this respect. There would appear to be little we can do on an administrative agency basis. Let us take the most obvious suggestion: That the Commission by rule specify that a certain amount of time be set aside for presentation of political broadcasts on a sustaining basis. See Section 303(b). There are a number of difficult policy issues that would have to be resolved in any such undertaking. But there is, we believe, again an overriding consideration here—namely, that this is truly a matter for Congressional resolution. Congress is aware of the high expense of running for political office, particularly in view of mounting broadcast costs. It has considered a number of worthwhile suggestions here—for example the subsidy plan in the Presidential Campaign Fund Act of 1966 (the now inoperative Long Act) to supply Federal funds to the national party candidates for the Presidency; the Voters Time proposal (see Hearings Before the Senate Communications Subcommittee, on S. 2876, 91st Cong., 1st Sess., pp. 24–34). Its response to this problem has been the Federal Election Campaign Act of 1971 (Public Law 92–225), with its limitations of spending, and requirement for reasonable access for those running for Federal office and reduced rates for all political candidates. We do not see how we can sweep aside this scheme, and substitute our own. Indeed, we could not in any event be truly effective in any such agency action. Take the most important office—the Presidency. Were we to require free time for that office, we would run afoul of the equal time provision; we would find that we had required the broadcaster to devote hours of prime time not just to the significant candidates but also to as many as 15 fringe party candidates (e.g., Socialist Labor, Socialist Worker, Vegetarian).[15] Our point is obvious: Reform here is needed, we believe, but it must come from the Congress because that is the only way it can effectively accomplished.

35. Congress then can do much. We believe that consideration should again be given to the Voters Time concept or to some scheme akin to that used in Great Britain (i.e., blocs of free time to the major political parties). At the least, we propose again to urge Congress to adopt our proposed amendment to Section 315, limiting to major party candidates the applicability of the equal time provision in partisan general election campaigns. We described that legislation in the following terms (see Hearings Before the Communications Subcommittee on S. 2876, 91st Cong., 1st Sess., p. 48):

In any general election, other than nonpartisan ones, the draft legislation would make the equal opportunities requirement, as to free time, applicable only to major party candidates, leaving fringe candidates coming under the general fairness requirement. It would define major candidates very liberally so as to include any significant candidates—such as Henry Wallace as the candidate of the Progressive Party 1948, Strom Thurmond of the Dixiecrats 1948, or George Wallace in the last election. The figures in the draft legislation are set forth only as possible guidelines—namely, that the candidate's party garnered 2% of the vote in the state in the last election, or if the candidate represents a new party, that petitions be submitted signed by a number of voters equalling 1% of the votes cast in the last election. To obtain time on the national networks as distinguished from individual stations in particular states, there would also be a requirement that the candidate be on the ballot in at least two-thirds of the states.

In short, section 315 in its present operational form is claimed and would appear to inhibit broadcasters from affording free time—and does so, we urge, without any significant practical compensating benefits. The Socialist Labor or Vegetarian candidates does not get free time; rather, no one gets any free time for the political broadcast. Further, and most important, there would appear to be little, if any public benefits from insuring such equal treatment for candidates whose public support is wholly insignificant. We repeat that in defining the major party candidate, we would urge the selection of a numerical figure such as to insure equality to any candidate who did have some significant public support, regardless of what his chances of actually winning might be.

This, by itself, will make a marked contribution to facilitating broadcast presentation of important political candidates.[16]

36. As an alternative, we propose an additional exemption to Section 315(a) to cover any joint or back-to-back appearances of candidates. Additionally, consideration should be given, we think, to the further exemption that we urged upon Congress in connection with our 1970 *Advocates* ruling, 23 FCC 2d 462. We suggested the addition of the following provision to Section 315(a):[17]

Footnotes at end of article.

"(5) any other program of a news or journalistic character—

(i) which is regularly scheduled; and

(ii) in which the content, format, and participants are determined by the licensee or network; and

(iii) which explores conflicting views on a current issue of public importance; and

(iv) which is not designed to serve the political advantage of any legally qualified candidate."

37. At the least, we had thought that we could make a contribution here by giving the 1959 exemptions a reasonable construction in line with the broad remedial purpose of Congress. Accordingly, we did so in the recent *Chisholm* ruling, FCC 72-486, decided June 2, 1972. The validity of this construction of Section 315(a) is, however, now in doubt in view of the action of the Court of Appeals in its interim relief Order of June 3, 1972. Until the matter is definitively settled, licensees cannot plan with any certainty, and the area remains confused. This is, we believe, unfortunate. We continue to believe that our construction of the exemption in Section 315(a)(2) is sound, meets the pertinent Congressional criteria, and markedly serves the public interest by allowing broadcasting to make a fuller and more effective contribution to an informed electorate. But unless and until that construction prevails upon appeal—or is in any event affirmed by Congressional revisions along the above stated lines—we cannot in good conscience urge licensees to act in this area as if there were no "equal opportunities" pitfalls. There clearly are.

D. USE IN BONA FIDE NEWSCASTS OF FILM SUPPLIED BY CANDIDATES

38. One other political broadcast matter which has been brought to our attention merits comment here. Candidates, like many other news sources, have normally issued press releases to the news media containing statements of the candidates, advance copies of their speeches, their future speaking schedules, etc. Media news editors in turn made judgments whether and to what extent to use such material. Increasingly, candidates have been supplying radio and television broadcasters with audio recordings and film excerpts produced by the candidates, e.g., depicting their campaign efforts that day or containing statements of their positions on current issues. Obviously, these excerpts are designed to show the candidate in the best light and, if presented on a newscast, have the added advantage of increased impact or credibility over a paid political presentation. We do not hold that the station cannot exercise its good faith news judgment as to whether and to what extent it wishes to present these tape or film excerpts. If it believes that they are newsworthy, it can appropriately use them in newscasts. But the public should be informed that the tape or film was supplied by the candidate as an inducement to the broadcasting of it.

39. In fact, our rules require such disclosure in these circumstances; that is, "in the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcast of such program . . ."[18] Disclosure of the furnishing of the tape or film is required to be made whether or not a candidate is involved in these types of programs. Accordingly, we take this opportunity to stress to all licensees their duty to comply with the rules and announce that the tape or film was supplied by the candidate in question.[19] If it was edited by the licensee, he may, of course, add a suitable phrase such as "and edited by the XXXX news department."

IV. CONCLUSION

40. Much remains to be done in the fairness area (Parts II—IV).[20] We have acted here as best we could for the reasons stated in par. 1. The piecemeal approach is thus regrettable but necessary. As stated, we shall reconsider this most important aspect in light of the conclusions reached in overall proceedings. Our final message is one urging broadcasting to make the maximum possible contribution to the nation's political process. That process is the bedrock of the Republic, and broadcasting is clearly the acknowledged leading medium for communicating political ideas. No area is thus of greater importance ". . . to the public interest in the larger and more effective use of radio." (Section 303(g) of the Communications Act of 1934, as amended).

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE, *Secretary.*

Attachment: Appendix A.

See attached statement of Commissioner Johnson.

FOOTNOTES

[1] *In Re Complaint of Committee for the Fair Broadcasting of Controversial Issues,* 25 F.C.C. 2d 283 (1970), affirmed on reconsideration sub nom. *Republican National Committee,* 25 F.C.C. 2d 739 (1970), the Commission extended the *Zapple* ruling to a non-campaign period proffer of time to a political party chairman where the licensee did not specify the issue or issues to be discussed. This ruling was reversed in *Columbia Broadcasting Co.* v. *F.C.C.,* 454 F. 2d 1018, D.C. Cir. 1971).

[2] *Cullman Broadcasting Co. Inc.,* 40 F.C.C. 576, 577 (1963) held that ". . . where the licensee has chosen to broadcast a sponsored program which for the first time presents one side of a controversial issue, has not presented (or does not plan to present) contrasting viewpoints in other programming, and has been unable to obtain paid sponsorship for the appropriate presentation of the opposing viewpoint or viewpoints, he cannot reject a presentation otherwise suitable to the licensee—and thus leave the public uninformed—on the ground that he cannot obtain paid sponsorship for that presentation."

[3] The Commission held in *Rosenbush* that a licensee's policy of accepting only paid political advertising of five minutes or longer during a primary campaign was consistent with Commission precedent where the licensee recognized its public interest obligation to make its facilities effectively available to candidates. The licensee had stated its intention to make free time available to candidates for major offices in the primary; planned a one-hour special program presenting the candidates for mayor; and had announced the candidacies for the top three city offices in its regular news programs.

[4] Twentieth Century Fund, Voters' Time (1969).

[5] We are not dealing here with Presidential appearances during election campaigns where equal opportunities or *Zapple* (see B, *infra*) would ordinarily be applicable.

[6] For obvious reasons already developed, we strongly decline to make evaluations whether a report by an official is "partisan" or "political" and thus requires rebuttal by a spokesman for the other party, or the contending faction, or whatever. This would drag us into a wholly inadministratable quagmire. See, e.g., *In re Complaint of Democratic National Committee,* 31 FCC 2d 708, 712–713 (1971).

[7] See Hearings Before the Senate Communications Subcommittee, 91st Cong., 1st Sess., on S. 2876, p. 50.

[8] Similarly, the personal attack and political editorializing rules are a particularization of what fairness requires in those situations. See, e.g., *Report on Personal Attack and Political Editorializing* Rules, 32 Fed. Reg. 10303 (1967); *Editorializing Report, supra,* at p. 1252.

[9] In this respect, *Zapple* did not break new ground. In our Report and Order on the personal attack rules (32 Fed. Reg. 10303, 10305), we noted the applicability of the Congressional standard in Section 315 to attacks involving candidates, their supporters, or authorized spokesmen, and accordingly made our rules—which result, as a practical matter, in free time—inapplicable to such attacks. See Section 73.123(b), 73.300(b), 73.598(b), 73.679(b).

[10] This example is stated as if the RNC program were the only matter to be considered. Of course in a particular factual situation this may well not be so. See *CBS* v. *FCC, supra,* n. 1, where the DNC program was presented by CBS to offset Presidential speech appearances, and the Court held that this was perfectly appropriate and reversed a Commission holding that to avoid coming within *Zapple,* CBS should have specified the issues to which the DNC was to address itself. This case is of course the law governing similar future factual situations. Thus, each case must be judged in its factual setting, with the licensee having considerable discretion to discharge fairness obligations.

[11] And for the foregoing reasons, we do not believe that we have acted contrary to the legislative history. We have, on the contrary, acted to carry out the Congressional scheme in Section 315.

[12] In view of the 1959 Amendments, it follows that no quasi-equal opportunities doctrine is applicable when supporters or spokesmen for candidates are presented in bona fide newscasts; in this respect, the same general fairness principles that apply to the candidates are equally applicable to their supporters.

[13] We there held that as to fund raising announcements for political parties, fairness does not require equal or comparable treatment for the fringe parties but rather that the licensee can make reasonable good faith judgments as to the significance of a particular party in the area.

[14] Thus, we do not extend *Zapple* to the situation involving ballot issues.

[15] To give but one example, in 1960 when Congress acted to suspend the equal opportunities requirement for the President and Vice President races, there were on the ballots in the several States 14 different candidates for the office of President: C. Benton Coiner, Conservative Party of Virginia; Merrit Curtis, Constitution Party; Lar Daly, Tax Cut Party; Dr. R. L. Decker, Prohibition Party; Farrell Dobbs, Socialist Workers Party, Farmer Labor Party of Iowa, Socialist Workers and Farmers Party, Utah; Orval E. Faubus, National States Rights Party; Symon Gould, American Vegetarian Party, Minnesota; Clennon King, Afro-American Unity Party; Henry Krajemski, American Third Party; J. Bracken Lee, Conservative Party of New Jersey; Whitley Slocomb, Greenback Party; William Lloyd Smith, American Beat Consensus; Charles Sullivan, Constitution Party of Texas. See H. Rept. No. 1928, 90th Cong., 2d Sess., p. 3. Query how effective any agency action in 1960 would have been.

[16] Thus, in the above noted hearings, we stated (*supra,* at p. 50):

> . . . when freed from the constraints of equal opportunities requirement, there has been no failure on the part of the broadcasters with respect to affording time for the Presidential candidates, and see that that time has been in substantial amounts, and *free,* not just reduced. Thus, in the one instance where the equal time requirement was suspended (1960), the TV networks afforded 39 hours and 22 minutes of free time, including the four hours of the Great Debates. Further, the audience for these debates totalled 280 million, or an average of 70

Footnotes at end of article.

million viewers per broadcast. We believe that the networks thus effectively discharged their responsibility to inform the electorate in 1960. They have stated that they stand ready to do so in every Presidential election, if freed from the equal time requirement.

[17] See Hearings Before the Subcommittee on Communications and Power of the House Interstate and Foreign Commerce, on H.R. 8721 and S. 3637, 91st Cong., 2d Sess., p. 8.

[18] Section 73.119(d), 73.289(d) and 73.654 (d), relating, respectively, to AM, FM and TV. See also Section 317(a)(2) of the Communications Act which specifically authorizes the Commission to require announcements disclosing that such matter was furnished.

[19] In order to avoid possible confusion in interpreting this rule in relation to one interpretative example in House Rept. 1800 (86th Cong., 2d Sess.) dealing with section 317 of the Act and rules thereunder, we should add that we are not attempting to apply the above disclosure requirement to mere mimeographed news releases or typed advance copies of speeches. Example 11 of the House Report (see FCC Public Notice of May 6, 1963, FCC 63–409) states that no announcement is required when "news releases are furnished to a station by Government, business, labor and civic organizations, and private persons, with respect to their activities, and editorial comment therefrom is used on a program." We believe, however, that with respect to program material dealing with political or other controversial matters, the requirements of our rules must be followed strictly when audio tape or film is furnished.

[20] GE supports the *Rosenbush* ruling (see par. 24(A)). We have considered this issue generally in our recent Notice (Use of Broadcast and Cablecast Facilities by Candidates for Public Office, 37 Fed. Reg. 5796, 5805; Sec. 8, Q. 8), and will reexamine the matter as we gain experience. We thus may clarify our policies here either in a particular case or in our further reports in this Docket.

Appendix A

I. Comments on the applicability of the fairness doctrine to political broadcasts were received from the following parties:

ACLU.
American Broadcasting Company.
Columbia Broadcasting Company.
Democratic National Committee.
Evening News Association, et al.
Haley, Bader & Potts.
McKenna & Wilkinson.
National Association of Broadcasters.
National Broadcasting Company.
Public Broadcasting Service.
Republican National Committee.
Storer Broadcasting.
United Church of Christ.
WGN Continental Broadcasting Company.

II. The following parties participated in panel discussion on the applicability of the fairness doctrine to political broadcasts held, before the Commission, on March 29, 1972.

Roger E. Ailes, President, Roger Ailes & Associates, Inc.

Charles A. Wilson, Jr., for the Democratic National Committee.

James J. Freeman Associate Special Counsel, Republican National Committee.

Reed J. Irvine, Chairman of the Board, Accuracy in Media, Inc.

Newton N. Minow; Liebman, Williams, Bennett, Baird & Minow, Chicago, Illinois.

Harry M. Plotkin, Counsel, Public Broadcasting Service.

Paul A. Porter; Arnold & Porter, Washington, D.C.

Allen U. Schwartz, Counsel, Communications Media Committee, ACLU.

Rosel Hyde; Wilkinson, Cragun & Barker, Washington, D.C.

III. Oral arguments on all aspects of the fairness proceeding in Docket No. 19260 were made by the following parties on March 30 and 31, 1972:

Michael Valder, on behalf of Urban Law Insttiute.

Bernard Segal, on behalf of National Broadcasting Company.

Sam Love, on behalf of Environmental Action.

Malin Perkins, on behalf of the American Association of Advertising Agencies.

Geoffrey Cowan, on behalf of Friends of the Earth, et al.

Theodore Pierson, on behalf of Combined Communications Corporation, et al.

Joseph A. Califano, Jr., on behalf of the Democratic National Committee.

James J. Freeman, on behalf of the Republican National Committee.

Edgar F. Czarra, Jr., on behalf of the Corinthian Stations and the Orion Stations.

Tracy Weston, on behalf of National Citizens Committee for Broadcasting.

J. Roger Wollenberg, on behalf of Columbia Broadcasting System, Inc.

Robert A. Woods, on behalf of National Assn. of Educational Broadcasters.

David Lichenstein, on behalf of Accuracy in Media, Inc.

Mrs. Cara Siller, on behalf of Women for the Unborn.

Rev. Paul G. Driscoll, Human Life Coordinator of the Rockville Centre (New York) Archdiocese.

James A. McKenna, Jr., on behalf of American Broadcasting Companies, Inc.

Ben C. Fisher, on behalf of Commission on Population Growth and the American Future, and Population Education, Inc.

Miles David, on behalf of Radio Advertising Bureau.

Absalom Jordan, on behalf of the Black United Front.

Peter W. Allport, on behalf of Association of National Advertisers.

Dr. Blue Carstenson, on behalf of National Consumer Organizations Ad Hoc Advisory Committee to Virginia Knauer.

Leo Perlis, on behalf of Radio and TV Subcommittee of the Ad Hoc National Voluntary Organizations Advisory Committee on Consumer Interests.

Warren Zwicky, on behalf of Storer Broadcasting Company.

Madalyn Murray O'Hair, on behalf of Society of Separationists

John Summers, on behalf of National Association of Broadcasters

Beverly Moore, on behalf of Corporate Accountability Research Group.

Allen J. Potkin, on behalf of Concerned Citizens of West Virginia.

Daniel W. Toohey, on behalf of Basic Communications, Inc.

Domingo Nick Reyes, on behalf of National Mexican American Anti-Defamation Committee.

Stewart Feldstein, on behalf of National Cable Television Assn.

Political Fairness

[In the Matter of The Handling of Public Issues Under the Fairness Doctrine. . . .]

PRELIMINARY DISSENTING OPINION OF COMMISSIONER NICHOLAS JOHNSON

We are in the midst of a highly televised Presidential election year. The FCC has just concluded what it calls a "broad ranging inquiry into the efficacy of the fairness doctrine." It has rushed into print with that portion of its findings having to do with the political use of radio and television by the President. And what does it offer? A punt on first down.

Broadcasters are urged to voluntarily "make the maximum possible contribution" to the nation's political process—without being told what that might be, or being required to do anything.

Congress is asked to lead the reform—but is given no new by the agency ostensibly set up by it to regulate the area.

The FCC is taking the rest of the year off.

The fairness doctrine requires that broadcasters (1) cover controversial issues of public importance, and (2) that they do so fairly, presenting during the course of their total programming a full discussion of the points of view involved.

The political equal opportunity ("equal time") doctrine requires that a broadcasters who affords some time to a candidate for public office must give an equal opportunity to all other candidates for that office.

The use of television by a President who will probably stand for reelection, but is not yet a declared candidate, falls somewhere in between—and is therefore covered by no doctrine.

All would agree that there will be occasions when the national interest requires that the President be permitted access to the American people by means of national television.

All would also agree, hopefully, that every President is a political animal, the leader of one of two major political parties, and a most persuasive propagandist for whatever point of view he wishes to espouse for whatever reason.

Anything the President says is, by definition, newsworthy, a "controversial issue of public importance." The permanent White House press corps covers his every public word. The President has available to him the ultimate in research capabilities, writers, and production advisors in public relations and television performance. He has a large staff of Director of Communications and White House Press Office to serve newsmen and media owners in ways designed to encourage them to help him make the most favorable possible impression upon the American people. Techniques of advertising, propaganda and public relations are known, effective, and used—by corporations and elected officials alike. The President is no exception.

In short, the President—as politician, party leader, and head of the executive branch—has an overpowering advantage going into the "marketplace of ideas." He has an advantage over his potential challengers to the Presidency. He has an advantage over the party out of power. And he has an advantage over the other branches of government: the Congress, the judiciary, and the administrative agencies.

The question before us is whether, in light of these disproportionate advantages, the fairness doctrine should take account of *some* opportunity for the American people to hear views other than those of a President seeking reelection. Since most of what the President says and does is, by definition, within the fairness doctrine (controversial issues of public importance), it also follows that there are generally opposing points of view.

Sometimes the President is engaged in an effort to reelect himself or other members of his own party. The opposing party would generally have a different approach to the issues he raises.

On other occasions the President is engaged in a struggle with Congress (or some other branch of government) in an effort to enact (or defeat) a piece of legislation, to take credit (or assign blame) for a national development, or to seize the public's attention away from Congressional criticism of the Administration.

It is fair to say that almost any President, almost oll the time, is thinking of a great many things besides "informing the American people" when he takes to television. (This may include such things as relationships with foreign governments as well as domestic politics and Congressional relations.)

Given these realities, what should the fairness doctrine require when the President speaks? An automatic right of reply? By whom? When? If the President goes on all three networks, in prime time, for free, can something less than that constitute an adequate right of reply—by someone who is decidedly disadvantaged anyway going into a verbal contest with the President of the United States?

Those are the questions this Commission set out to address. They are the kind of questions the Congress set up the Commission to deal with. They are the very questions we dodge—and therefore resolve in favor of the incumbent President.

I dissent, and will have a fuller opinion to follow.

APPENDIX B

A. S. Abell.
American Advertising Federation.
American Association of Advertising Agencies.
American Broadcasting Company (ABC).
American Civil Liberties Union (ACLU).
American Jewish Committee.
American Medical Association.
American Petroleum Institute.
Americans for Democratic Action (ADA).
Anti-Defamation League.
Appalachian Research and Defense Fund, Inc.
Basic Communications Inc., *et al.*
Burger, John F.
Channel 7, Inc.
Columbia Broadcasting System, Inc. (CBS).
Commission on Population Growth and American Future.
Communications Media Committee.
Communications Workers of America.
Consumers Union.
Corinthian Stations *et al.*
Democratic National Committee.
Doubleday Broadcasting, Inc.
Environmental Action.
Environmental Defense Fund.
Fairbanks Broadcasting Co., Inc.
Federal Trade Commission.
Friends of the Earth, *et al.*
Frisk, Richard M.
General Electric Broadcasting Company, Inc. (GEBCO).
Georgetown Law Journal.
Graves, Frances A.
Great Plains Broadcasting Co.
Group W, Westinghouse Broadcasting Company, Inc.
Haley, Bader & Potts.
Institute for American Democracy.
Institute for Public Interest Representation.
KALJ–FM Lan-Jol Enterprises.
KTBS Inc.
KWPC, Inc.
Maryland Undergraduate Students.
McClatchy Newspapers.
McKenna, Wilkinson & Kittner (various licensees).
Metromedia, Inc.
Metro Washington Coalition for Clean Air, Inc.
Milam, Lorenzo W.
National Association of Broadcasters.
National Association of Educational Broadcasters.
National Citizens Committee for Broadcasting.
National Organization for Women (NOW).
National Welfare Rights Organization, *et al.*
National Wildlife Federation.
Nebraska Broadcasters Association.
Nebraska Television Corporation.
Ohio Association of Broadcasters.
Osceola Broadcasting Corp.
Parker, Edwin.
Post Corporation.
Post-Newsweek Corporation.
Project on Corporate Responsibility.
Public Broadcasting Service.
Radio Enterprises of Ohio, WREO.
Radio Station KTCH.
Republican National Committee.
Retail Store Employees Union Local 880.
Salina Radio, Inc.
Sierra Club.
Society of Separationists.
Southern Broadcasting Company.
Stauffer Publications Inc.
Storer Broadcasting Company.
Students for Fair Access to the Media.
Television Bureau of Advertising.
United Church of Christ.
Urban Law Institute of Antioch College.
WBEN.
WBOC, Inc.
WFTR.
WGAN.
WGN, Continental Broadcasting Company.
Wintersteen, John D.
WIRY, Inc.
Young Men's Christian Association.

STATEMENT OF COMMISSIONER JAMES H. QUELLO ON THE FAIRNESS DOCTRINE

I admit to some ambivalence regarding a doctrine which causes a government agency to interfere in any way with rights guaranteed by the First Amendment. The First Amendment was written, after all, to protect us from government intrusion into our inherent rights to freedom of speech and religion and those rights must be protected. Philosophically, I believe broadcast journalists in other media, and that they have demonstrated over the years their ability to act independently and responsibly.

The Federal Communications Commission is charged, however, by statute, with the responsibility of maintaining a climate of fairness in the use of broadcast facilities and that responsibility must be met. The Courts have held, of course, that this is *affirmation* of our First Amendment rights and the Commission seems to have been given considerable latitude in interpreting and enforcing the "fairness" concept. However, my position is that we should *promote* freedom of speech in the same affirmative sense the courts appear to have suggested rather than to erect a structure of rules and regulations so onerous to public and broadcaster alike that they have the effect of limiting, rather than promoting, this precious freedom.

I believe that the *Fairness Report* which has been under consideration by the Commission does accomplish the protection which Congress mandated in the Act (Section 315(a)) and, yet, does not impose a heavy regulatory burden on anyone concerned. Broadcasters who are concerned about First Amendment protection should have no trouble living with this new interpretation of the Doctrine even though they may share my philosophical view. . . . and the public will continue to have assurance that a variety of viewpoints will be presented on each significant issue of public importance.

STATEMENT OF COMMISSIONER BENJAMIN L. HOOKS CONCURRING IN PART; DISSENTING IN PART IN RE FAIRNESS DOCTRINE

As I have indicated in many pronouncements outside of this proceeding, I am solidly committed to the Fairness Doctrine in principle and purpose. Moreover, in view of the statutory and Constitutional links with which the courts have bound the Doctrine to the American scheme of broadcasting,[1] an uprooting of the primary Fairness concept would leave an unbridgeable chasm between two sides of a dialogue on controversial public issues.

Although I recognize the learned views of a number of distinguished jurists, legislators and others intimately familiar with broadcasting that the Fairness Doctrine is, at once, burdensome and restrictive, I respectfully disagree with those judgments. Rather I believe that a significant portion of the consternation and frustration evinced by these erudite observers is engendered not by the fundamental precept underlying the Doctrine, *viz* reasonably fair coverage of controversial issues, but by the Commission's progressively active interpretations which have unfortunately transfigured a simple tenet of conscientious service into an alleged super-straightjacket stricture.[2] It is, therefore, my devout hope that the reformulation of the Fairness Doctrine enunciated in our instant Order will operate in a manner so as to more effectively enhance the necessary discussion of public issues and allay many of the criticisms recently directed against it. With that conviction, I concur in essence to the terms of the majority document with the important exception of the Doctrine's applicability to commercial advertisements, and it is to that aspect of our decision that I dissent.

My position with respect to handling of commercial announcements would be the abandonment of the application of the Fairness Doctrine thereto. In lieu thereof, I would urge the establishment of a requirement that broadcasters allocate two percent (2%) of their customary commercial time as an open access period in which views in contrast to those embraced in commercial messages could be aired.[3] The access time would be available on a non-discriminatory basis and would be subject to editing by broadcasters solely for the expurgation of libelous, indecent, profane or patently scurrilous material. The Commission would review a broadcaster's selections and administration of the access periods only upon a showing of intentionally arbitrary abuse by a licensee. While this proposal may be subject to many attacks, my rationale for its basis is explained below.

This country has opted for a broadcasting system that is wholly dependent on commercial advertising revenues for its existence rather than a tax-supported, government-administered system as in other nations. Consequently, only the most naive parties can fail to realize that the success of our broadcast system—both in quantity and quality—sits squarely on the continued patronage of commercial advertisers. Because I am an ardent advocate of our free broadcasting system, I seek improvement in the performance of licensees rather than a deterioration attributable to diminished revenues. The Fairness Doctrine works in two ways to sap advertising revenues: first, advertisers are reluctant to pay out large sums for broadcast advertising when there is the possibility that counter-spokesmen will demand and get free rebuttal time; second, broadcasters are chary of any advertisement which could possibly trigger the Doctrine because of the need to furnish valuable air-time for responses. Ultimately, these fears and burdens could drive a significant portion of advertising revenues to non-broadcast media. On the other hand, the broadcaster's need for advertising revenues should not by any means supersede the public's need to hear views in opposition to those presented by sponsors. A fair balancing of these needs is required. But the Fairness Doctrine is not the proper balancing force and, when applied to ads only serves to provide the Doctrine's critics with examples of increased government instrusion into broadcast content. This weakens support for the Doctrine's application to non-commercial programming of a controversial nature when response opportunity is most important.

What I believe to be the Commission's error resulting in the present state of chaotic circumstances was its unprecedented decision to apply the Fairness Doctrine to cigarette advertising.[4] Instead of contorting and stretching the basic Doctrine so as to ensure that the public would be adequately apprised of the hazards of smoking, and then straining to delimit its applicability to that single genre of commercials,[5] we should never have determined applicability to begin with. That is not to say that a broadcaster should have been at liberty to present a boundless barrage of cigarette advertisements while the remainder of its programming was mute with respect to the critical hazards of smoking.

Footnotes at end of article.

Indeed, under its primary and ongoing obligation to informatively serve the public interest, a broadcaster carrying cigarette ads which exhorted the positive features of smoking had an imperative and unrenounceable duty to warn the public of the potential threat to life, much as we would expect a broadcaster to alert its listeners to the immediate presence of some other imminent health menace, *e.g.*, flood, famine, or plague. It is a broadcaster's principal duty—*Fairness Doctrine aside*—to notify its public as the nature of impending threats or potential harms, particularly in view of a broadcaster's possession of the most effective communications tool known. Failure to continually advise the public of the hazards of smoking would have been, in my view, a grave dereliction of public interest responsibilities had the Fairness Doctrine never been invented. This point was made quite clear by the court in *Retail Stores* v. *FCC*, 141 U.S. App. D.C. 94, 103, 436 F. 2d 248, 257 (1970) when it noted:

". . . the Supreme Court, this court and the Commission itself have all recognized that the Fairness Doctrine is not an island whole unto itself. It is merely one aspect of the Commission's implementation of the requirement that broadcast stations serve the public 'interest, convenience and necessity'. (Footnotes omitted)

The same reasoning would compel broadcasters to present contrasting views on all major issues of public importance irrespective of Fairness Doctrine requests for refutation opportunities. Hence, the novel and unwise extension of the Fairness Doctrine in *Banzhaf* created a quagmire with which the court in *Friends of the Earth* v. *FCC*, 146 U.S. App. D.C. 88, 94, 449 F. 2d 1164, 1170 (1971) deeply sympathized when it opined:

"It is obvious that the Commission is faced with great difficulties in tracing a coherent pattern for the accommodation of product advertising to the Fairness Doctrine. It has said as much in the closing paragraphs of the *Chevron* decision, where it announced its purpose to initiate in the near future a wide ranging inquiry which "will permit a thorough re-examination and re-thinking of the broader issues suggested by this and other recent cases before us . . ." We do not, of course, anticipate what the result of that proceeding will prove to be, nor do we minimize either the seriousness or the thorny nature of the problems to be explored therein. Pending, however, a reformulation of its position, we are unable to see how the Commission can plausibly differentiate the case presently before us from *Banzhaf* insofar as the applicability of the Fairness Doctrine is concerned."

The "reformulation" of our posture referenced by the court, above, and manifested in the majority's Order herein does not, in my view, constitute a fully satisfactory solution to the problem.

The majority reformulation, seeking to narrow the applicability of the Fairness Doctrine to those ads which are "obvious and meaningful" (Majority Order, par. 70) is a good step in the right direction but does not go far enough in my judgment. Nor have we articulated a fully satisfactory distinction between controversial ads not falling into the majority's category of "obvious- and-meaningful" and the precedent established in the *Banzhaf* case and later expanded.[6] If the Fairness Doctrine continues to apply to some advertisements, the public, the broadcasters, the Commission and the courts are still left with the difficult task of differentiating between those ads which do trigger the Doctrine and those which do not.

The best method by which to avert ceaseless disputes, many of which are legitimate, is to remove commercial advertisements from the ambit of the Fairness Doctrine entirely while providing a reasonable alternative for the presentation of views in contradistinction to those incorporated in certain ads. To this end, I would have adopted a requirement for a 2% access allocation of a station's commercial time in which parties wishing to take exception to arguable positions expressed in ads could promulgate their conflicting views, whatever their views.[7] This would remove both the broadcaster and the Commission from the captious and costly business of debating the controversial or non-controversial nature of statements, images and nuances of particular ads while accommodating those who would like to proffer a dissimilar viewpoint.

Some broadcasters would undoubtedly reject this access proposal as being overly generous in terms of necessary rebuttal time in light of financial considerations and the bland, passive character of most commercials. Contrarily, some public interest spokesmen will consider the 2% access allocation unduly parsimonious.[8] I believe that the figure proposed is fair; it will not seriously impair a broadcaster's advertising income and it will increase by 100% the amount of pure access time now available to counter-spokesmen. If experience demonstrates otherwise, the figure can, of course, be revised.

In any event, I believe the access concept with respect to commercial advertisements deserves experimentation and press its adoption.

FOOTNOTES

[1] The Supreme Court of the United States had held that the Fairness Doctrine is deeply embedded in the Communications Act of 1934 (specifically, 47 U.S.C. 315) and the First Amendment of the Constitution. See *Red Lion Broadcasting, Inc., et. al.* v. *FCC*, 395 U.S. 367 (1969).

[2] Whatever the efficacy of the assertions of the burdens imposed by the Fairness Doctrine, the Commission's statistics for fiscal year 1973 show that of 2,406 complaints in this area, letters of inquiry were sent to 94 stations with the Commission subsequently ruling against *only* 7 licensees. I am the first to concede that the Commission's workload is slowed by even these few complaints. But the time spent on Fairness Doctrine complaints when compared with the overwhelming burden alleged by some broadcasters appears inconsistent.

[3] My best information indicates that television stations program an average of approximately 190 commercial minutes per day over a 19 hour day. Thus, under my proposal, a typical TV station would be required to devote to the access period something on the order of 4 minutes per day or nearly one-half (½) hour per week for such contrasting views.

[4] For those unfamiliar with this case, in 1967, the Commission held that the Fairness Doctrine required the presentation of views in contrast to those presented in common cigarette commercials. Although the Fairness Doctrine does not require "equal time", the Commission held that the presentation of cigarette ads raised one side of the issue of the health hazards inherent in cigarette smoking because the commercials themselves showed healthy carefree people indulging this vice. Nonetheless, in its decision, the Commission held that cigarette ads were unique and the Doctrine would not be further extended to cover ordinary product commercials. See, *Letter to Television Station WCBS–TV*, 8 FCC 2d 381, *petition for reconsideration denied*, 9 FCC 2d 921 (1967), *aff'd sub nom. Banzhaf* v. *FCC*, 132 U.S. App. D.C. 14, 405 F. 2d 1082 (1968), *cert, denied*, 396 U.S. 842 (1969).

[5] See the Commission's original determination in the *Friends of the Earth* gasoline matter (24 FCC 2d 743, 1970), and the court's reversal thereof. 146 U.S. App. D.C. 88, 449 F. 2d 1164 (1971).

[5] See the Commission's original determi- 146 U.S. App. D.C. 88, 449 F. 2d 1164 (1971).

[7] Subject, of course, to the limitations on libelous and indecent, etc., material, discussed *supra*.

[8] However, the Citizen's Communications Center, a Washington, D.C. "public interest" group (in conjunction with San Francisco's Committee for Open Media) has suggested to the Federal Communications Bar Association, in connection with a re-regulation study, that counterspot access periods should be on the order of 45 minutes per week for radio and 35 minutes per week for television.

Mr. PASTORE. Mr. President, it is a disservice, in my judgment, to suggest that the principles of the fairness doctrine will intimidate the electronic journalists and conscientious broadcast licensees.

I have every confidence the broadcaster will discharge his responsibilities boldly and imaginatively under the present FCC policies.

The remarkable thing is this, Mr. President: The fairness doctrine has been sustained by the Supreme Court. We have just had a 3-year study by the FCC, and they have reaffirmed the fairness doctrine.

I think the Senator from Wisconsin has a right to disagree with it, and I think he has a right to change his mind. But I say to the Senator, "Do not say that Pastore does not understand the first amendment.

In conclusion, let me say this: When I finished my remarks in Kansas City—and I was talking to the electronic journalists—what I said met their approbation. If we have any better test, I do not know what it is.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PASTORE. I yield the floor.

Mr. PROXMIRE subsequently said: Mr. President, earlier in the day I spoke in favor of repealing the so-called fairness doctrine as an abridgement of the freedom of the press guarantees which, in my judgment, should apply to radio as well as to newspapers. Unfortunately, I was unable to conclude my remarks within the 15 minutes I was allotted. What was far worse was that after a vigorous response to my remarks by Senator Pastore, in which he strenuously disagreed with me, I was unable to reply.

Incidentally, Mr. Pastore has been notified of my speaking this afternoon, Mr. President. He is in a meeting and cannot come to the floor. I did give him the courtesy of notifying him that I was going to speak.

First, Mr. President, aside from attacking my effrontery in disagreeing with him and pointing out that I had changed my mind from the position I had taken supporting the principle of the fairness doctrine 15 years ago, the Senator from Rhode Island said very little, if anything, as to why my plea to abolish the fairness doctrine is not right.

Mr. President, I am proud of the fact that I changed my mind over the last 15 years. There have been changes in the world in the last 15 years. There have been important changes, especially in the technology of radio and television. There is an entirely new ball game now. We have cable television coming on the scene. We have a situation, as I pointed out in my speech, and which I am going to point out again, where there are far more radio and television stations in most communities than there are newspapers, big communities, especially.

Mr. PROXMIRE. The heart of my position is that the fairness doctrine is an appalling adman's name for justifying depriving radio and television of their first amendment rights.

My argument—which the Senator from Rhode Island did not meet—is as follows:

The first amendment to the Constitution, providing freedom of speech as well as press, is every bit as practical in its application to television and radio as it is to daily newspapers.

The argument that the number of TV and radio frequencies is finite and the availability of a press is infinite just will not wash.

What are the facts of life? As I pointed out, in big metropolitan market after market in this country there are already far more TV stations than daily newspapers. We are on the verge of a technological breakthrough with cable television that is going to provide as many as eighty optional TV signals for the same citizen who has the choice in most American cities of one or at best two daily newspapers.

Furthermore, Mr. President, there is another even more significant change. Thirty years ago—or even 15 years ago, when I supported the fairness doctrine—daily newspaper coverage was often unfair and onesided. It has improved greatly. Why? Because professional standards have been developed in gathering the news not only for newspapers but also for radio and television.

The printed press is free of any FCC interference; but their performance in balance, accuracy, and reasonable objectivity has vastly improved in an atmosphere of freedom. Why should not radio and television do the same? The wealth required to start, own and operate a daily newspaper—which was one of the reasons why I favored the fairness doctrine for TV and radio—is far greater than the wealth required for TV and especially for radio operation. Yet, the newspapers, with all the wealth and special interest of their owners, have done a remarkable job of improvement.

The trouble with the Senator from Rhode Island is that he is inveighing against the situation of 15 years ago, or perhaps 20 years ago, when he became chairman of the Communications Subcommittee.

We have a new world now—technologically a new world and professionally a new world. What is more, the poll I conducted among 500 of the journalism professors and editors—omitting radio and television owners—indicates, as I have said, that now, as contrasted with the situation years ago, there is indeed impressive support among both scholars and those who have lived and worked under the first amendment as editors for full first amendment rights for broadcasters. After all, a 4-to-1 vote in favor of applying full first amendment rights from among these distinguished experts is not something Congress should dismiss without consideration.

We did this in the fairest way we could, by taking the outstanding journalists in this country, the outstanding experts and professors in that source, and the outstanding newspapers, particularly those that did not own radio and television stations. Eighty percent of them said that the first amendment rights of the Constitution should be applied—as they are not now—to radio and television. We have seen too many cases of radio and television having to knock out what is controversial, what is interesting, and what would be very helpful for the general public to make up its mind because they fear that the FCC would require some kind of balance.

The Senator from Rhode Island did make one appeal to the survival interest of Democratic Senators, when he argued that the fairness doctrine was the vehicle that permitted the party to respond to President Nixon on several occasions.

Mr. President, as one who has had a chance to respond to the President under the fairness doctrine and as a citizen, I agree the right of response is important not only to ourselves, and our party but to our country. But I am convinced that in most circumstances that right of reply would on many occasions be freely given with or without the fairness doctrine. And even if it were not, the extension of freedom to what most persons regard as the primary news source is more important—far more important than the right of the party not in control of the White House to be sure to be able to reply.

Mr. President, this point—the right of partisan reply—raises the genuine practical dilemma. Are those of us who would abolish the fairness doctrine just Sancho Panzas, tilting at a windmill? Is this an exercise in futility? Will the Congress never give up this kind of power? With the Senator from Rhode Island sitting firmly astride the Communication Subcommittee that would have life-and-death power over the bill I will introduce to abolish the fairness doctrine, will the bill have a chance in view of the vigor of the opposition to it expressed by the chairman today?

Mr. President, this fight to provide full first amendment rights to broadcasters is going to win. It may take 2 or 3 years. It may take 20, but it is bound to win. Today may mark an important beginning for it. The idea is right. Its time has come. Today's discussion, strong and aggressive as the opposition of the chairman of the subcommittee seemed to be, is the right beginning.

Not much attention was paid to this debate. The Chamber was practically empty. There was almost no one in the press gallery. But as more and more people in and out of the journalism profession and the radio and television profession and the House and Senate consider the changes that have developed over the years, this idea of freedom from governmental intimidation of controversial opinion in our most vital and effective informational medium—television—is going to win.

APPOINTMENT BY THE VICE PRESIDENT—UNITED NATIONS WORLD FOOD CONFERENCE

The PRESIDING OFFICER (Mr. ABOUREZK). The Chair, on behalf of the Vice President, appoints the following Senators to attend the United Nations World Food Conference, to be held in Rome, Italy, November 5–16, 1974: the Senator from Wisconsin (Mr. NELSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Kansas (Mr. DOLE).

CONSERVATION AND REHABILITATION PROGRAMS ON MILITARY RESERVATIONS

The PRESIDING OFFICER (Mr. ABOUREZK). Under the previous order, the Senate will now resume the consideration of H.R. 11537, on which time for debate is limited to 1 hour, to be equally divided between the majority and minority leaders or their designees, with a time limitation of 30 minutes on any amendment, debatable motion, or appeal.

The Senate continued with the consideration of the bill (H.R. 11537) to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of neither side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD Mr. President, I yield the time allotted to me to the distinguished Senator from Michigan (Mr. HART). I suggest the absence of a quorum, and ask unanimous consent that the time not be taken out of either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the minority staff representative of the Commerce Committee, Bud Costello, be allowed the privilege of the floor during the consideration of the bill.

Mr. HART. Mr. President, I ask the privilege of the floor for Kathie Bangert, Mr. Costello, Malcolm Sterrett, and Mike Brownlee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I ask unanimous consent that the amendments of the Committee on Commerce to H.R. 11537 be considered and agreed to en bloc and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, they will be so considered.

Mr. HART. Mr. President, I yield myself 5 minutes.

Mr. President, today I urge the approval of H.R. 11537, a bill which would extend existing authority for carrying out conservation and rehabilitation programs for fish and wildlife on military reservations, as well as authorize the implementation of these programs on certain other public lands.

Under existing law, the Department of the Interior, in cooperation with the Department of Defense and the appropriate state agencies, has carried out very sucessful and widely acclaimed programs for the conservation and rehabilitation of fish and wildlife on military lands. Title I of H.R. 11537 would extend the authorization for these programs until 1978. It has been heartily endorsed by major conservation groups as well as by the Department of Interior and the Department of Agriculture.

Title II of the bill would further expand these programs by directing the Secretaries of Interior and Agriculture to develop, in cooperation with the States, comprehensive plans for the conservation and rehabilitation of fish and wildlife on public lands under their respective jurisdictions. When practicable, the programs implemented under title II would be carried out pursuant to cooperative agreements made between the appropriate State and Federal agencies. These agreements would define the area to be affected by the programs as well as describe specific actions to be taken under the program. The Secretaries of Interior and Agriculture would also be charged with developing similar plans for lands under the jurisdiction of NASA and AEC, but only with the express written approval of the Administrator of NASA and the Chairman of AEC. In addition, the written approval of the Chairman and the Administrator would be required prior to the implementation of conservation and rehabilitation programs on NASA or AEC lands.

In contrast to title I of the bill, title II has engendered much discussion as well as some opposition. Perhaps at this point it would be profitable for me to briefly summarize the main objections to the bill as well as describe the Commerce Committee's attempts to meet these objections.

The Departments of Interior and Agriculture have expressed two major objections to the bill. First, the agencies felt that a provision of the House-passed bill, which might have required them to enter into cooperative agreements with the States prior to the implementation of conservation and rehabilitation programs under title II, would severely hamper their ability to manage fish and wildlife resources under their jurisdictions. An uncooperative State could exercise virtual "veto power" over federally initiated programs by refusing to enter into the requisite cooperative agreements.

In response to this, the Commerce Committee reported the bill with an amendment which encouraged, but did not mandate the use of cooperative agreements. However, because this amendment has not entirely allayed the fears of the Interior and Agriculture Departments, today I will offer an amendment specifically stating that the Act should not be construed as limiting the authority of the Secretaries of Interior or Agriculture to manage lands under their jurisdiction. Hopefully, this amendment will make it abundantly clear that the States will not be permitted to hamstring any Federal agency designated as participants under title II.

The second objection of these agencies is twofold. They argue that the programs which will be carried out under title II, as well as the authority given for implementation of these programs, is duplicative of existing authority and ongoing programs. In regards to the authority question, one must keep in mind that a primary need for this legislation is that agencies are not adequately utilizing existing authority they have for the implementation of conservation programs on public lands. This bill is designed to prod these agencies into becoming more active in this area.

The bill will not duplicate existing programs as both the committee amendment and my amendment state that any programs carried out under title II will be strictly supplementary to existing programs.

There has been some concern that enactment of title II would provide the States with additional authority to promote hunting and fishing on Federal lands. To those who voice this concern, I would like to state emphatically that Federal-State relationships with respect to the taking of wildlife and fish would not be affected by this bill. Federal agencies would retain all the authority they now possess, including the authority to close areas to hunting. The States could not override this authority. However, to the extent that hunting, trapping, or fishing is allowed, it should be in accordance with State laws and regulations.

H.R. 11537 has received overwhelming and enthusiastic support from many major conservation groups including the Sierra Club, the Wildlife Management Institute, and National Wildlife Federation, and Friends of the Earth, to name a few. I urge my colleagues to support the extension and expansion of a very successful and worthwhile program of fish and wildlife conservation and rehabilitation.

AMENDMENT 1533

Mr. ABOUREZK. Mr. President, would the Senator yield?

Mr. STEVENS. Mr. President, I yield.

Mr. ABOUREZK. I would like to call up at this time my amendment No. 1533.

The PRESIDING OFFICER (Mr. NUNN). The clerk will report.

The assistant legislative clerk proceeded to read the amendment.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment is as follows:

On page 15, after line 22, insert the following:

"SEC. 207. Nothing in this Act shall enlarge or diminish or in any way affect the rights of Indians or Indian tribes to the use of water or natural resources or their rights to fish, trap, or hunt wildlife as secured by statute, agreement, treaty, Executive order, or court decree. Nor will any provisions of the Act enlarge or diminish or in any way affect existing State or Federal jurisdiction to regulate those rights either on or off reservations.".

On page 15, between lines 2 and 3, insert the following:

"(D) Indian reservation;".

Mr. ABOUREZK. Mr. President, this amendment does nothing more than allow Indian people to maintain whatever existing rights they have to hunting and fishing on these lands. It neither adds nor takes away from anything, but is a measure of protection to the Indian people so that nothing is taken away from them by way of hunting and fishing rights.

Mr. HART. As I understand it, the amendment of the distinguished junior Senator from South Dakota would exclude Indian reservations from coverage under the bill and would protect the rights of Indians on other Federal lands as well.

Not excluding Indians and their land from the requirements of this bill was an oversight.

It is my understanding that the amendment of the Senator from South Dakota does precisely as he has described. I would welcome the amendment of the Senator from South Dakota and I urge its acceptance.

Mr. STEVENS. Mr. President, I have examined the amendment and it is a protective amendment to assure that this act will neither enlarge, diminish, nor affect in any way the rights of the States in relationship to the Indians and their rights on these lands. We see no objection to it.

I yield back my time on the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HART. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I generally support this bill, H.R. 11537, as reported by the Committee on Commerce. This legislation would extend present authority for game conservation and rehabilitation programs on military reservations, and expand it to certain other Federal lands.

To insure that the Federal programs are in accord with State laws and regulations, the bill requires cooperative agreements with affected States. Also, the bill would allow a State to help finance game conservation and rehabilitation programs within the State through the sale of public land management area stamps as a requisite for hunting, fishing, or trapping on Federal lands within the State. I wish to emphasize two things here in regard to the Federal-State relationships under a cooperative agreement. First, whatever hunting, fishing, or trapping is permitted under a comprehensive plan, must be done in accordance with applicable laws and regulations of the State in which the land is located. Second, any issuance of public land area management stamps to be implemented under this act must be specifically agreed to by the State.

The requested authority and funding would enable new and improved conservation programs on some 30 million acres controlled by the Department of Defense and on approximately 450 million acres of BLM land, 187 million acres of national forest land, 2 million acres of AEC lands, and several thousand acres of NASA land.

Mr. President, provincially, I would like to point out that over one-half of that land we are talking about is in the State of Alaska.

For these purposes, the bill would authorize the appropriation of $1.5 million for each of the fiscal years through 1978 to the Secretaries of Defense and Interior, in addition to the present authorized $500,000 for carrying out the programs on military reservations; $10 million for each year to the Secretary of Agriculture for programs on Forest Service lands; and, $10 million for each year to the Secretary of the Interior to carry out the program on NASA and AEC lands.

Mr. President, I generally support the bill. I do believe we should have a protection for the duties that already have been authorized for the Federal-State Joint Land Use Planning Commission in Alaska. It is the only Federal-State Land Use Planning Commission that has been created and is working. I do not believe that this action in any way interferes with the duties that have been assigned and they are now carrying out according to the Alaska Land Claims Settlement Act.

Second, I have noted the two basic Federal-State relationships under these comprehensive plans and cooperative agreements which require that hunting, fishing and trapping be in accord with State laws and, second, that the States must specifically agree to the area management stamps.

I understand amendments will be offered to limit the role of the States in regard to these two activities. I shall vehemently oppose such amendments, because I think it is absolutely necessary to make these comprehensive programs work that they be agreed to by both the State and the Federal Government and I could not countenance allowing the Federal Government setting up a separate system of hunting, fishing, and trapping laws within my State on the vast areas controlled by the Federal Government in Alaska.

Mr. HART. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HART. Mr. President, I ask unanimous consent that further reading or the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 6, strike lines 2 through 8 and insert in lieu thereof: "Conservation and rehabilitation programs developed and implemented pursuant to this title shall be deemed as supplemental to wildlife, fish, and game related programs conducted by the Secretaries of the Interior and Agriculture pursuant to other provisions of law. Nothing in this Act shall be construed as limiting the authority of the Secretary of Agriculture or the Interior to manage the national forests or other public lands for wildlife and fish and other purposes in accordance with the Multiple Use—Sustained Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528–21) or other applicable authority."

Mr. HART. Mr. President, this is the first of three amendments which I shall offer and which I believe have been cleared on both sides. We could dispose of these amendments and then proceed to others and that would make a more orderly transition.

The amendment that is now pending might serve to clarify the intent of the bill reported by the committee. The language was worked out jointly with the Committees on Agriculture and Interior and Insular Affairs to insure that conservation and rehabilitation programs developed under this bill shall be supplemental to existing authorities of the Secretaries of Interior and Agriculture pursuant to other provisions of the law and that the authority of the Interior and Agriculture Departments to manage their lands for fish and wildlife purposes shall not be limited. The amendment is responsive to those who were concerned that the States would have too powerful a role in determining the shape of programs on Federal lands. The amendment will insure that existing authority to manage national forests and other public lands for fish and wildlife will not be limited by this legislation.

By replacing language in the original bill which could have been construed as giving the States a veto power over fish and wildlife programs on Federal lands, there should be no hint of State veto power as far as the programs contemplated by this bill are concerned.

Mr. President, I suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER (Mr. ABOUREZK). Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding that the amendment suggested by the manager of the bill, the Senator from Michigan, has been suggested by the Departments of the Interior and Agriculture. It is intended to protect the existing authority of the Secretaries of those two departments to manage Federal lands under their jurisdiction under existing law. Under those circumstances, we have no objection to this amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. STEVENS. Mr. President, I yield to the Senator from Idaho such time as he may desire

Mr. McCLURE. Mr. President, I think we ought to make some comment with regard to what the existing arrangement is so that the record may state what we believe the situation to be if we are saying in this amendment we are not going to disturb the existing relationship.

My understanding is that the Federal agencies now claim statutory authority to manage the public lands, including the wildlife on those public lands.

The Forest Service has cooperative agreements with the States in nearly every one of the major public land States, if not all, and, I think, similar paralleling understandings between the Bureau of Land Management and those States, which, simply paraphrasing, under the agreements state that the Federal Government will manage the habitat, and the States will manage the fish and game. They set the seasons, the bag limits, and issue the licenses.

This arrangement, which has been in effect for many years, has been found to be satisfactory, except in those instances where Congress has, by specific statutory enactment, varied those conditions by such things as the migratory waterfowl controls, the endangered species, the wild horses and burros act, the enactment of special management units, such as the wildlife refuges and national parks, and those which caused this legislation in the first place, the carving out of public lands that were dedicated to special purposes like military reservations and the Atomic Energy Commission land set-asides.

Is that the understanding of the Senator from Michigan, that I have rather generally stated what the existing status is?

Mr. HART. Mr. President, I think that is an adequate statement of what is really not too clear a series of decisions that began late in the 1800's. But it is certainly our understanding, and the committee's purpose, that we not change the rules with respect to these lands. As I understand it, a fair statement of existing policy is that the Federal Government retains the authority to determine the proper management of lands under its stewardship. This could include banning hunting or placing other limitations designed to properly manage the land. Where this ban is not imposed, the public hunts, traps, and fishes in accordance with the laws and regulations of the State. We intend not to disturb that basic relationship.

Mr. STEVENS. Mr. President, I would like to intercede and state to my friend from Idaho that this amendment of the Senator from Michigan states specifically that these programs be conducted pursuant to other provisions of law. It also specifically says that it is not to limit the authorities of the Secretaries of Agriculture and Interior to manage the National Forests or other public lands. There is nothing in this which gives the Secretaries of Interior or Agriculture additional authority to manage the wildlife. As such, I see no objection to the amendment.

Mr. McCLURE. Mr. President, I thank both the Senators for their statements. I have taken this time only because I think it sets the framework for what is expected to be a larger and more pointed argument surrounding this bill, and certain amendments which may be offered to the bill later today.

With the understanding as outined by both managers of the bill, I have no objection to the amendment. There are some fundamental questions which will be raised with regard to the scope of the legislation, itself, and not to this amendment.

I thank the Senator for yielding his time.

Mr. HART. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HART. Mr. President, if there is no objection, may I make the same request with respect to the Abourezk amendment which was acted upon earlier?

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HART. Mr. President, I send to the desk the second of the three amendments.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 15, between lines 5 and 6, insert the following:
>
> "(6) The term 'conservation and rehabilitation programs' means to utilize those methods and procedures which are necessary to enhance wildlife, fish, and game resources to the maximum extent practicable on public lands subject to this title, including appropriate protection, consistent with any overall land use and management plans for the lands involved. Such methods and procedures shall include, but shall not be limited to, all activities associated with scientific resources management such as protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking in conformance with the provisions of this title."

Mr. HART. Mr. President, I yield myself such time as needed.

Mr. President, the amendment would establish a definition for the term "conservation and rehabilitation programs." That term becomes the operative standard against which the performance of the Federal agencies covered by the bill will be measured. As the bill passed the House and was reported by the Committee on Commerce, this term was not defined and, therefore, little guidance was given to the Federal agencies as to how they were to prepare and implement their fish and wildlife programs.

The definition requires that methods and procedures are to be utilized which are necessary to enhance wildlife, fish, and game resources to the maximum extent practicable on public lands subject to this title consistent with the land use and management plans for the lands involved. The definition goes on to define some of the methods and procedures that may be used including, but not limited to, protection of species, research, census, law enforcement, habitat management, propagation, life trapping and transplantation, and regulated taking in conformance with the provisions of this title.

The definition is very similar to that contained in the Endangered Species Act which became law last year. The definition is an accurate description of proper fish and wildlife management and I would urge that the amendment be accepted.

Mr. STEVENS. Mr. President, it is my understanding that this amendment applies to the definition of the conservation and rehabilitation programs envisioned by the agreements to be entered into between the states and the Federal Government, or to the comprehensive plan for the management of these Federal lands.

If that is correct, it does not enhance in any way the authority of the Federal Government to unilaterally undertake the methods and procedures that are included in the definition of the conservation and rehabilitation program.

I ask the Senator from Michigan if my understanding is correct, that we are talking about the definition of conservation and rehabilitation programs as envisioned, for instance, in section 201, where either of the Secretaries, in corporation with the State agencies, can enter into comprehensive plans for these types of programs. Is that correct?

Mr. HART. That is correct. That is the purpose and the limitation.

Mr. STEVENS. On the basis that it is a needed definition for the conversation and rehabilitation program, the reference that appears throughout this bill, and with the understanding that those plans can only be entered into with the agreement of the affected State as provided in the bill, I think it is a good addition to the bill and would have no objection to it.

Mr. HART. Mr. President, as I understand it, the agreement with respect to taking must be in accord with the limitations and regulations of a particular State on the taking.

Mr. STEVENS. It is my understanding that law enforcement activities regarding the enforcement of State laws or enforcement of State laws as they may be adopted by comprehensive plans would be a matter of agreement between the State and the Federal agency.

In my State, for example, we deputize the members of the military who are carrying out the functions of the Federal agencies on the military reservations; but they are deputized under State law and they are enforcing State law.

I would think that, since it is referring to a comprehensive plan that the State must agree to for it to be effective, that would give the States an effective role in terms of this type of conservation and rehabilitation program.

Mr. HART. These programs, as I understand it, are to be developed in consultation and cooperation with the several States. Where such programs include taking, the laws and regulations of the State shall be applicable.

Mr. STEVENS. I invite the Senator's attention to this provision on page 4:

> Each State agency may enter into a cooperative agreement.

It specifies the Secretary of the Interior, the Secretary of Agriculture, the chairman, and so forth. If there is an agreement, obviously, the State has to enter into it.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. HART. The amendment describes the plan, suggesting in part the scope of the plan that should be developed. But the option remains with the State as to whether to agree to accept such a plan. Nonetheless, the responsibility to develop and implement the plans lies with the Federal agency.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. STEVENS. I will yield in a moment.

If my State does not agree, I do not want the Secretary of Defense deputizing a bunch of people going around enforcing some new kind of regulation that is contrary to State law.

It is my understanding of this bill that it requires the agreement of the State before a comprehensive conservation and rehabilitation program can be implemented on Federal land pursuant to this act. If that is a misunderstanding of it, I will have to reconsider my position.

Mr. HART. I think that what we are trying to do is to insure the authority in the Federal Government effectively to discharge its stewardship of the lands in its ownership, and the recital in the amendment is to indicate the character of protection which it is expected that such plan will reflect.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. McCLURE. Mr. President, the question I have concerning this specific amendment gets very close to the heart of my concern.

Section 202(a) refers to the development of a comprehensive plan. This, under section 202(a), is not permissive, and it does not require any agreement of the State. It is mandatory. It is not until we get over to section 202(c) that we get to the right of the State to agree or not to agree with such a comprehensive plan.

Mr. HART. That is correct.

Mr. McCLURE. The Senator's amendment, in defining comprehensive plan, could refer back to section 202(a), in which the State is involved only by consultation, or it could refer to that which is adopted under section 202(c), in which the State may agree or fail to agree. If it is the plan which would be adopted by the State, in which the State would have to agree with the plan, I have no objection to the amendment.

If, however, it refers to the plan under section 202(a) in which the State is consulted but has no right to reject the agreement, then it seems to me that the amendment might indeed work some mischief, because it gets into not just the question of management of the land or the habitat of the wildlife but gets into the management of the wildlife itself.

Mr. STEVENS. Mr. President, I yield 1 minute to the Senator from Arizona for a unanimous-consent request.

Mr. FANNIN. I thank the Senator.

Mr. President, I ask unanimous consent that the following staff members be permitted the privilege of the floor during the debate on this matter: Brent Kuntz, Nolan McKean, William Corbett, Fred Craft, Harrison Loesch, and Mrs. Margaret Lane.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield myself such time as I may require.

I should like to articulate to the Senator from Michigan the problem I find with this proposal.

As I understand it, this is an attempt to define the term as it appears throughout the bill. There are portions of the bill that require State concurrence, and they are basically those which deal with the wildlife, fish, and game resources. Other portions do not require the State's approval but require consultation. Those, basically, refer to the management of the land itself, the habitat, its reproductive capability for fish and wildlife. Those, under existing law, do not need the State's concurrence, although in most instances it is obtained.

What we do not want to see happen is to have a provision which might in any way limit the requirement that the State must concur with regard to any activity that is associated with the taking or with the program for the management of the wildlife itself, as opposed to the management of the lands which provide the habitat for the wildlife or fish or other resources.

Mr. HART. Mr. President, the Senator from Alaska has explained a concern which I share and a purpose that I believe we seek by this amendment.

However, in view of the point raised by the Senator from Alaska and the Senator from Idaho, would we be able to reassure those who are concerned if we were to add language to the pending amendment that would provide that "nothing contained herein shall diminish the authority or jurisdiction of the States with respect to the management of resident species of fish, wildlife, or game, except as otherwise provided by law"?

Mr. STEVENS. That would assure me and would eliminate my reservation.

I ask the Senator from Idaho whether this language would make it acceptable to him. The language makes it acceptable to me.

Mr. McCLURE. Mr. President, again, I think this puts it in the same posture as the prior amendment, and I would not object to the amendment.

I still have some questions concerning the balance that the bill draws, but I do not think this either adds to or subtracts from that argument. Therefore, with that addition, I would not object to the amendment.

Mr. HART. Mr. President, I modify the amendment by the addition of this language.

The PRESIDING OFFICER. The amendment is so modified.

The clerk will read the amendment as modified.

The legislative clerk read as follows:

> Nothing contained herein shall diminish the authority or jurisdiction of the States with respect to the management of resident species of fish, wildlife, or game, except as otherwise provided by law.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield back the remainder of my time.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. HART. Mr. President, I send to the desk the third of the three amendments which I indicated should be accepted.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> On page 11, line 23, insert the following: Strike paragraph 204(b)(1) (p. 11, lines 23–24 and p. 12, lines 1–19) and insert the following new language:
>
> "(b)(1) For the purpose of enforcing subsection (a) of this section, the Secretary of the Interior and the Secretary of Agriculture may designate any employee of their respective departments to (i) carry firearms; (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; (iii) make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view: (iv) search without warrant or process any person, place, or conveyance as provided by law; and (v) seize without warrant or process any evidentiary item as provided by law."

Mr. HART. Mr. President, there was a second amendment. I was going to suggest we consider them en bloc, but there is no need to.

Mr. STEVENS. I would like to enquire about the first amendment.

Mr. President, I yield myself such time as I may require.

It is my understanding that this is to confirm to the heads of the agency affected by this proposed legislation the authority that is already provided by law in other instances where they carry out similar authority. This is not to, for instance, grant the Secretary of the Interior new authority to have these people deputized to arrest without a warrant. They are, in other instances, and where they are, they ought to be authorized under these programs, also.

Mr. HART. It is my understanding, Mr. President, that the amendment just read merely conforms the enforcement authority granted in this act to the Federal agencies to that included in the "BLM Organic Act," which passed the Senate a few days ago. This does not change the substance of H.R. 11537 in any way.

Mr. STEVENS. That is my understanding, also, Mr. President, the basis of my understanding that it is not to be construed as a new authority to be involved in such law enforcement procedures and that we are not expanding the authority previously granted the Secretary of the Interior, for instance, under the organic act.

I would have no objection to it.

Mr. McCLURE. Would the Senator yield?

Mr. STEVENS. I yield such time as the Senator may need.

Mr. McCLURE. Mr. President, I understand this amendment deals with the authority of Federal agents to enforce this statute. It does not make them general peace officers and does not give authority of the Secretary to make them general peace officers.

Mr. STEVENS. The Senator from Idaho has made the point precisely.

Does the Senator wish to read them and adopt them en bloc?

Mr. HART. I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the next amendment.

The legislative clerk read as follows:

> On page 14, line 24, strike "a national park or monument;" and insert in lieu thereof "units of the National Park System;".

Mr. HART. Mr. President, this amendment, the second of the two we are considering en bloc, merely changes the definition of National Park Services, which are excluded from the bill, the bill now says that a national park or a monument is excluded, the amendment changes this language to read, "units of the National Park System".

The amendment is necessary in that all units of the National Park System, including seashores, recreation areas, lakeshores, and others, each have specifically statutory requirements with respect to fish and wildlife management, it is proper to exclude them from coverage under this bill.

I urge that the amendments be accepted.

Mr. STEVENS. We view that as an acceptable amendment and yield back the remainder of time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendments en bloc.

The amendments were agreed to.

Mr. HART. I move to reconsider the vote by which the amendments were agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read the amendment as follows:

> In the appropriate place in the bill insert the following:
>
> SEC. . Nothing in this Act shall in any way affect the jurisdiction, authority, duties or activities of the Joint Federal-State Land Use Planning Commission established pursuant to Section 17 of the Alaska Native Claims Settlement Act (85 Stat. 688). And, any comprehensive plan promulgated pursuant to this Act for Alaska shall be submitted to such Commission for its advice and comments prior to its approval.

Mr. STEVENS. Mr. President, the State of Alaska has the only Federal-State land use planning commission in existence. It is working under a limited mandate, but it is working very well.

It has duties that concern the military reservations as well as the other Federal lands that are subject to the coverage of this act.

What we seek to do is to assure the Federal-State Land Use Planning Commission that we will not take away any of the duties Congress originally assigned to it and the State of Alaska has agreed that it should perform, nor are we in any way trying to put them in a back seat as far as the comprehensive plans for fish and wildlife are concerned.

This amendment would require that any plan promulgated pursuant to this act would be submitted to the Commission for its advice and comments prior to the approval by the State and Federal agencies or by the Federal agencies alone.

It does not give the planning commission a veto, but it assures them that they will continue to have their role, which is an advisory role, to both Federal and State land management agencies in my State.

Mr. HART. Mr. President, for reasons effectively described by the Senator from Alaska, I believe the amendment desirable and I urge its adoption.

Mr. STEVENS. I yield back the remainder of my time and ask for approval of the amendment.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

Mr. HART. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McCLURE. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. Does the Senator wish to have time on the bill?

Mr. McCLURE. Yes.

Mr. STEVENS. How much time do we have on the bill, Mr. President?

The PRESIDING OFFICER. The Senator has 26 minutes remaining.

Mr. STEVENS. I will yield the Senator from Idaho 5 minutes.

Mr. McCLURE. I thank the Senator from Alaska for yielding.

Mr. President, previous colloquy has somewhat laid the groundwork for the expression of my concern for this legislation. I was startled, very frankly, when I read the bill and found out that the measure which started out to deal with the management of fish and game on military reservations had now by simple extension included all public lands, essentially, and this, for a State such as mine in which the Federal Government owns two-thirds of the land surface, can be a very, very sweeping and significant change.

The simple exclusion of other public lands may look simple on its surface, but when that includes, as the committee report makes abundantly clear, all U.S. Forest Service lands and all lands under the administration of the Bureau of Land Management, then we are beginning to enter into a fundamental alteration of the relationship between the Federal and the State Governments.

As I outlined in earlier colloquy with the Senator from Michigan (Mr. HART), the essential balance that has been achieved under existing statutes by cooperative agreement and by tacit understanding has been that the Federal Government exercises its authority to manage the habitat on the public lands and the State governments have or are permitted to exercise management of the fish and wildlife resources present in those public lands.

This has gone on for many years, and has been generally acceptable to people who are familiar with the management of those lands and those fish and wildlife resources. The Federal Government has by act of Congress mandated certain areas where the Federal Government has preempted the right to manage the fish and wildlife resources, the most notable of which would be the migratory wildfowl. That is a matter of long standing, and well accepted by all of our people, and a charge has been made for the hunting of migratory wildfowl in an effort to finance the management of that resource for the benefit of all of our people. There has been a very significant enhancement of that resource through the fees contributed by the hunters who hunt migratory waterfowl.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield to the Senator from Montana.

Mr. METCALF. I enjoy the privilege of being one of the two Senate representatives on the Migratory Wildfowl Commission, which is a group that buys the land for the establishment of the refuges. Those refuges are bought by the Federal Government with the money that we contribute through our purchase of duck stamps, and are administered by the Federal Government. There are two Members of the Senate, two Members of the House of Representatives, and three Cabinet members on the Commission. It is a Federal Commission.

The law provides that we have up to 40-percent permission for hunting on those migratory wildfowl refuges; when they are overcrowded, and so forth, they can be hunted up to 40 percent, and that is within the control of the local State fish and game commissions. Even though we bought the land and the land is administered by the Federal Government, nevertheless the fishing and hunting regulations and all of those matters relevant to the control and propagation of the wildlife are within the control of the local fish and game commissions.

Mr. McCLURE. I thank the Senator from Montana for that addition, because it further illustrates the kind of balance which has been drawn under existing statutes. We have also contributed, naturally in the field of endangered species; for example, in the area of wild horse protection. We have preempted the management of public lands in the instances I enumerated earlier, including the military reservations and the AEC public lands, but in all other instances we have carefully preserved this State role in the management of the fish and wildlife present on the public lands.

This bill originated out of the desire which many of us shared——

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. McCLURE. Will the Senator yield me 5 minutes more?

Mr. STEVENS. I am happy to yield the Senator 5 more minutes.

Mr. McCLURE. The concern that many of us had, including, I know, the Senator from Montana (Mr. METCALF), about the hunting and fishing that did take place upon military reservations. It was our desire to open those reservations to general public use where it could be done consistent with the overriding needs of national defense and national security, rather than leaving it preserved for the military; and we have had these conservation programs to implement that effort. It had my total support, and I think it had no opposition from any of the fish and game managers of the Nation.

But now it is sought to extend this kind of cooperative agreement that was in the military conservation program and the financing that was carried on under the duck stamp on to hunting and fishing on all of the public lands for all of the hunting and fishing resources that are on those public lands.

This, I submit, is a horse of a different color. We have seen the argument advanced by some that this land is owned by all of the people of the United States, and therefore should be subject to free access to all citizens across the land, without interference by the States; and we have also heard those who suggest there should be a Federal hunting and fishing license. Against the background of those arguments and developments of the relationship, it seems to me we are beginning to change the balance, when we say in this measure that there should be a comprehensive plan for the management, not of habitat but of all the resources on the public lands, and that comprehensive plan shall be developed by the Federal Government.

Of course, section 202(a) says it shall be in consultation with the States, but it does not say they have to listen to the States. It says they shall consult with them; and we have seen some examples of that kind of consultation.

When you get to section 202(c), it says that States may enter into cooperative agreements with regard to conservation, but it does not say the Secretary may not have a plan unless the States agree to it. It says the Secretary shall have this plan, and then later on that the States may agree to it if they wish to.

I suggest that this ambiguity in the bill itself, together with some amendments which I understand are floating around and may be offered later to preempt, against all the background of what is going on in this country today, indicates to me that a movement is afoot to take State fish and game departments competely out of the control, and to mandate Federal management and control of all fish and game resources on all public lands in the United States.

That, Mr. President, is a development and a result which would have the absolute and total opposition of all sportsmen's groups that I am aware of in the western United States—certainly all fish and game departments of all the States involved.

I have a copy of a telegram which was sent to the Senator from New Mexico (Mr. DOMENICI). With his permission, I shall read it at this time. This telegram is from Ladd S. Gordon, director, New Mexico Department of Game and Fish, and reads as folows:

> As president of Western Association of State Game and Fish Commissioners, I am very much concerned over status of H.R. 11547 currently scheduled for Senate action July 15 or 16. I would strongly oppose any currently proposed amendment to bill as it was unanimously reported out of Senate Commerce Committee. I would also endorse position taken by Senator McClure to postpone action on H.R. 11537, pending further action and input from wildlife administrators of the Western Public Land States meeting in annual conference in Albuquerque July 16–19. Will appreciate your support in maintaining traditional State jurisdiction over hunting and fishing on all Federal lands.

I thank the Senator from Alaska for yielding this time to me. I know from our discussions that he shares the concerns I have voiced, and I know from the colloquy earlier this afternoon that the Senator from Michigan also does not desire to upset the balance between the States and the Federal Government that has been so carefully contrived over the years. But it is my fear that this bill, with the amendments which may be offered either at this session today or at a subsequent time, would make it a very simple matter to extend the principle of Federal control and extend the principle of Federal licensing to hunting and fishing on all public lands—a matter on which there is very little disagreement in my State; they are in total opposition to that concept.

I thank the Senator for yielding.

Mr. STEVENS. Mr. President, I yield myself 2 minutes to state for the RECORD at this point a part of the provisions of section 202(b):

> In any case in which hunting, trapping, or fishing (or any combination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

That, to me, preserves the traditional balance between the States and the Federal agencies with regard to hunting and fishing on Federal lands, and at the same time does not in any way interfere with the jurisdiction of the Migratory Bird Conservation Act and the commission that carries out the Federal law in that area.

I would join the Senator from Idaho in expressing reservations about the act if it were not for the provisions of this act that I think assure our States the right to continue to control hunting and fishing activities on Federal lands to the extent that they are permitted by applicable State laws that are to be applicable to all citizens alike. I think this means that if, as the current situation is carried out, a person wants to hunt on lands that are under the jurisdiction of one of these Federal agencies, he must have a State hunting license, and if the State and the Federal Government agree, he might also have to have a special Federal public lands hunting stamp, the proceeds from which would be used to enhance the fish and wildlife in that area. But they do not have to agree to that.

Mr. BIBLE. Mr. President, would the Senator yield at that point?

Mr. STEVENS. I yield.

Mr. BIBLE. I have been listening to the colloquy. I have the same qualms and worries about this bill as those expressed by the distinguished Senator from Idaho. In fact I was alerted to the problem by a letter jointly signed by the Senator from Wyoming and the Senator from Idaho.

I am wondering what happens if a State and the Federal Government are unable to agree on the kind of cooperative arrangement envisaged by the bill. Then what happens?

Mr. STEVENS. It is my understanding that the Federal agencies could then carry out a comprehensive program for the enhancement of the habitat, to increase the production of the fish and wildlife, in the area, but if there is to be any taking, if there is to be any hunting or fishing, it will be State law, so if the States do not agree to the comprehensive plan concerning hunting and fishing, there will not be any.

Mr. BIBLE. Does the Senator not think that should be spelled out right in the law itself?

Mr. STEVENS. I think it is.

Mr. BIBLE. Would the Senator point out where that is spelled out in the bill.

Mr. McCLURE. Mr. President, will the Senator yield for a unanimous-consent request?

I ask unanimous consent that Mr. Doug Smith and Mr. Jim Norell of my staff be accorded the privileges of the floor during all stages of the proceedings on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator's 2 minutes have expired.

Mr. STEVENS. Mr. President, I yield myself another 3 minutes, and we may have to use my friend's time here in another minute.

I point out to the Senator from Nevada on page 4, line 17, the provision starts, which I just read, and which says:

> In any case in which hunting, trapping, or fishing (or any combination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

Now, under section 202(a)(1) the Secretary of the Interior, in consultation with the States can prepare a comprehensive plan for conservation and rehabilitation programs to be implemented on Federal land. But to the extent that those programs envision hunting, trapping, or fishing they cannot be conducted except in accordance with State law or State regulations.

Mr. BIBLE. The Senator and I have watched the intrusion of the Federal Government into practically every area of our lives. The Senator knows that is the case in Alaska as well as in my State of Nevada. What I am fearful of is that this might be the opening wedge toward complete Federal control of the fishing and hunting in our respective States.

We have marched up and down the Hill on this many, many times, with Park Service bills, BLM bills, and in many other bills that have come before the Interior Committee. That is what I am fearful of, and I would like to ask an additional question.

Did the fish and game commissioners of the respective States state their position on this before the Commerce Committee?

Mr. STEVENS. It is my understanding we did and, at the time, I believe they did not oppose this bill, did they?

Mr. BIBLE. Were they heard affirmatively? The Senator from Michigan might have that answer.

Mr. HART. I confess I was not present during the hearings, but I am told by reliable staff, that the commissioners did testify and spoke affirmatively in support of the bill during the proceedings before the Commerce Committee.

Mr. STEVENS. On the basis of the understanding I have just stated that the State role as it exists today is preserved and what we are really doing is trying to provide for the development of comprehensive programs to enhance this fish and wildlife potential and, perhaps, generate a new source of revenue by opening up lands which, in the past, have been closed to hunting and fishing, and they may be opened by this comprehensive conservation and rehabilitation program concept.

Mr. BIBLE. If I understand the Senator from Alaska correctly then he does not feel this is the opening wedge to a takeover by the Federal bureaucracy; is that correct?

Mr. STEVENS. That is correct.

I might further state——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. STEVENS. One extra minute.

I would state to my friend from Nevada that half of the land we are talking about is in Alaska, and I assure him I would not develop any new Federal fish and game authority with regard to hunting and fishing in our State.

Mr. BIBLE. I have always worried about bills such as this. I am wondering why this legislation did not come before the Interior Committee, because that committee has jurisdiction over practically all the public domain land. We had jurisdiction over the Alaska claims, and we were handling parks for Alaska. Should not the Interior Committee have had the opportunity of taking a look at this bill to determine for itself whether or not there is something here that might have adverse consequences?

Mr. STEVENS. I can only say to my friend that having left the Interior Committee, and now being on the Commerce Committee, I am interested in the fact that it came before the Commerce Committee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. One more minute.

I have checked the rules for referral of conservation of fish and wildlife bills, and they are rightfully referred to the Commerce Committee, and I would be happy to point that out to the Senator in the rules.

Mr. BIBLE. I take the Senator's word for it.

Mr. STEVENS. I know of no reasons, to my knowledge—the Senator from Michigan might want to state something on this—the Senate Interior Committee, as I understand it, and its staff did have an opportunity to see the bill. To my knowledge we have had no request from the Interior Committee for referral of the bill to that committee before it came to the floor.

Mr. BIBLE. I cannot speak to that point. Perhaps Senator McClure and the Senator from Wyoming could. Certainly, the more clarification we get the better off we will all be.

Mr. HART. Mr. President, I yield myself 1 minute. May I respond to the concern of the Senator from Nevada. It is my understanding, as is the case of the Senator from Alaska, that jurisdiction with respect to the subject matter does vest in the Commerce Committee. However, it is my further understanding that discussions have occurred between the staffs of the Commerce Committee and the Interior and Insular Affairs Commitee, and that two amendments earlier agreed upon reflect the suggestions made by the Interior Committee staff in the course of those discussions which were intended to respond to the concerns voiced by the Interior Committee.

Mr. McCLURE. Mr. President, would the Senator from Michigan yield for 1 minute for me to respond to the question?

In regard to the first question the Senator from Nevada asked about the position of the States expressed in the hearings, first, the Senate hearings are not yet printed. In the time I had available to me I consulted the House hearings on this legislation and they were not represented at all, expressed no statement at all, in the hearings before the House committee. I cannot speak as to whether or not they did before the Senate committee.

Mr. BIBLE. My understanding is they said they did.

Mr. McCLURE. With regard to the jurisdiction, I think there is no question that the Commerce Committee of the Senate and the Merchant Marine and Fisheries Committee of the House have jurisdiction over the fishery resources. But that heightens my concern, because under the division of authority that has been in effect between the State and the Federal Government, the Federal Government has exercised authority on these lands only in specific cases, and to a very limited extent. They have exercised authority for management and habitat. The question of management of the land is squarely and specifically within the authority of the Committee on Interior and Insular Affairs. So the very fact that it comes by this route to the Senate and the House would indicate to me that we are not looking at habitat but fishing and game themselves. This is a matter that has been under the jurisdiction of the——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Mr. President, I conducted these hearings, I wish to say to my good friend, the Senator from Nevada (Mr. Bible). One witness was Mr. Paul Lenzini of the Fish and Game Conservation Commission. This was on the 11th of April. He was appearing on behalf of Dr. Earl Freye. With respect to the bill, H.R. 11537, he said:

> Turning to the bill H.R. 11537, we support extension of the Sikes Act. In our view, the conservation program on military reservations has been generally successful. Deficiencies of the program may, in our view, be traced to inadequate funding as well as to the fact that initiation of conservation programs at a particular military reservation depends in large measure upon the Commanding Officer. We would urge the Committee to underline the need for stronger direction from the Department of Defense.

Mr. President, that was on behalf of the International Association of Fish and Game Commissioners.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. BIBLE. I am following the Senator's remarks. It seems to me that the testimony he refers to is pretty much limited to military reservations.

Mr. STEVENS. No.

Mr. BIBLE. It does not seem to me that the statement quoted includes the public domain lands, which are so important, to us in the West, and especially in the State of Alaska.

Mr. STEVENS. I am sorry. I should have enunciated a little more clearly.

The Sikes Act is the act we are amending here, and H.R. 11537, this bill, is the bill Mr. Lenzini was testifying in support of, which is the extension of the Sikes Act. He specifically mentioned other areas. He said:

> We also support extension of the Sikes Act concept to other public lands administered by BLM, Forest Service, NASA, and AEC. Such public lands provide principal habitat for much of the big game population. We believe the provisions of H.R. 11537 which mandate development of conservation and rehabilitation programs by the Secretary of the Interior and the Secretary of Agriculture, and the funding levels authorized, will provide a needed impetus for wildlife conservation. The cooperative scheme set out is desirable and workable by bringing together the land-administering agency with the state agency responsible for wildlife and knowledgeable of wildlife needs. We urge enactment of this bill.

Mr. BIBLE. That statement does broaden the testimony out to include Forest Service and the BLM, but it seems to be limited to conservation. Does it go beyond conservation?

Mr. STEVENS. No, he was testifying in support of this bill before us today, with very few amendments coming from the committee, but it is limited to conservation, for the development of conservation and rehabilitation programs for certain public land.

Mr. BIBLE. But not broadened out to cover management of fish and game within a State. Is that correct?

Mr. STEVENS. That is correct. And we have specifically stated that this is not to extend that authority. This is management of the lands. That is the Federal responsibility. The conservation and rehabilitation programs envision the State role coming under its role as manager of the wildlife, regarding the taking of fish and wildlife.

Mr. BIBLE. I am hopeful that the assurance given me by my good friend from Alaska does not turn out to be a foot in the door to broaden the usurpation of States' rights.

Mr. STEVENS. I thank my good friend.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Buckley). The Senator will state it.

Mr. JAVITS. Mr. President, what is the situation before us?

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, what is the time limitation on amendments?

The PRESIDING OFFICER. There is a time limitation on each amendment of 30 minutes, with 15 minutes to a side.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 14, line 10: delete subparagraph (A) and renumber the following paragraphs accordingly.

Mr. JAVITS. Mr. President, this amendment deals with the question of power motorboats and leads to the exemption, which is the only exemption for the regulation of off-the-road vehicles, from that provision.

It is my view and I wish to explain, Mr. President, that the State of the Presiding Officer and my own has a long and very valued tradition in terms of conservation of wildlife, the tradition having been established by Theodore Roosevelt, who became President of the United States, and probably was associated as much as anyone in this country with the concept of conservation which is deeply imbedded in New York law and constitution.

It is a fact, Mr. President, as anyone can see who is even an observer, that the motorboats should be included in the regulatory term, because it does have a very important effect upon all the conditions that deal with animal life in areas of the country which would be affected by this particular measure.

As a matter of fact, that has been one of the great complaints, that they churn up the water, and so on, in a rather irresponsible way

So it would seem to us to be rather extraordinary that this should have been an exclusion in the law. It was my understanding that the Senator from Michigan (Mr. HART) was very sympathetic to this amendment and would have found it satisfactory had he been here. I am rather hopeful that the manager of the bill, who is here, may regard this amendment with similar sympathy.

Mr. STEVENS. Mr. President, this is a provision dealing with off-the-road vehicles. We are now dealing with a concept that perhaps, in what we call the south 48, people find acceptable up our way where the Federal Government still controls 99 percent of the land. It is pretty difficult not to get off the road with a vehicle, but I would call the attention of my friend to the fact that this registered motorboat provision is not dealing with the problems associated with off-the-road vehicles in terms of the conservation concept of creating ruts and erosion that have called attention to the problem of going across the terrain with over-the-road vehicles. In vast portions of my State there are no roads and the motorboat is the only means of transportation. I certainly would not agree to make a motorboat an off-the-road vehicle. It is an on-the-water vehicle. It is not an off-the-road vehicle. It cannot perform the same functions as a vehicle does off the road in other public lands.

It is a means of transportation and it is a means of recreation, but it certainly is not a motorized vehicle designed for cross-country travel. There are vehicles now designed for both and this, incidentally, covers the so-called Hovercraft because it also covers those vehicles that cross over land and water, or snow and ice and swampland.

I just spent a delightful vacation in southeastern Alaska for 2 days following the Fourth of July. And there were places that I was in in that area where one could not get except by motorboat. There are other areas such as Louisiana. I think of the country down in Louisiana which we have all visited. I hope everyone has had an occasion to see that beautiful country down there and one cannot get around there except by motorboat.

Mr. President, they are a substitute for a motor vehicle in the sense that they are using the surface that is there as a means for transportation. It is not the same problem that I thought we were addressing when we were talking about off-the-road vehicles, where we have, as I said, these erosion problems and other damage problems that are associated with the use of those vehicles off the road or right-of-way provided for vehicles.

So I could not agree to accept the amendment. I do not know what the Senator from Michigan would do, but I would have to oppose it. I think it would close those areas of the country which absolutely depend upon motor transportation for the only means they have. It would completely close their transportation.

Mr. JAVITS. Mr. President, I yield myself the necessary time. If the Senator would hear me out on this, it will be noted that at page 14, line 7, it calls for travel on or immediately over water, so that we are not dealing solely with road vehicles.

Second, as I understand the thrust of the amendment, if this particular exception—because it is a particular exception—is admitted, it will be left to the individual State to determine what is to be done about this matter.

The only thing I am arguing is that the State, itself, should not be inhibited from the regulation by this exception. In short, if the State wishes to do it, it may; if the State does not wish to do it, it does not have to.

That is why this cooperative agreement section is a very important one. It also requires at page 7, line 7, the control of off-the-road traffic, which relates back to this particular definition.

Mr. President, all that I am arguing for is not to mandate into the law no control over these vehicles where local option may decide that they should be controlled. That is all. I am not trying to write something in; I am trying to take something out.

Mr. STEVENS. Mr. President, I understand my good friend from New York is trying to take something out. Again, we are talking about vast areas. I have pointed out three times today that half of the land concerned in this bill is in the State of Alaska. Most of it is wilderness in fact, although much of it is not really wilderness—it just depends on whether you get there or not.

In many areas of my State, the only means of transportation across that water, which is surrounded by Federal land, is by motorboat. I can think of several areas in the southeastern portion of Alaska, where we utilize our large ferries across waters which are within Federal reservations. The reservation encompasses the body of water, the whole thing.

This would say, contrary to what my good friend from New York says under the proposals for the management of the land, the State's consultation is required. The approval of the State to those comprehensive plans for management of the land and water resources is not required.

It is the management of the wildlife where we require, under this bill, the complete approval of the State.

Mr. President, in terms of the taking of game or fish, we require it to be done by State law. But there is nothing that says if you take that out then my State can authorize the use of a motorboat within these Federal reservations, which are vast in size.

Mr. JAVITS. May I make this suggestion: In other words, could the amendment say that we will leave it at the State option, at the option of each State? It seems to me that that would be a fair way to adjust the matter.

Mr. STEVENS. I would have no objection to that, because I know what the outcome would be in Alaska.

Mr. McCLURE. Will the Senator yield?

Mr. President, it seems to me that what we are dealing with here is the provision for the control of off-road vehicles which is included in the bill as a mandatory portion of the comprehensive agreement.

Would the Senator from New York view that as the comprehensive agreement which is permissive under section 202(c), or is it the comprehensive agreement which is mandatory under section 202(a)?

Mr. JAVITS. For myself, I would like to apply it to both. I believe we should give absolute State option as to what regulation the State wishes to make about powerboats and not to write anything in here which could cut them out.

Mr. McCLURE. The reason I ask the question is because, as I read the act, section 202(a) is mandatory, and section 202(c) is by agreement of the State. If it comes only under the agreement under 202(c), then it is already optional with the State because the State would not have to agree to it.

Mr. JAVITS. That is exactly the point, where it can be made mandatory by the Federal Government. I wish to retain the State option.

I think that is a fair accommodation with Senator STEVENS views. I am perfectly willing to modify the amendment accordingly. If that is agreeable to Senator STEVENS, I will withdraw this amendment and proceed to the next one.

Mr. STEVENS. I believe it would be agreeable to the committee to leave it entirely up to the State.

Mr. JAVITS. Thank you very much.

Mr. McCLURE. Will the Senator yield further before withdrawing that amendment?

Mr. JAVITS. Of course.

Mr. McCLURE. Is it the intention of the Senator from New York, the Senator from Alaska, or the committee, to extend this jurisdiction to all of the waters which are controlled under the Corps of Engineers projects? Is that public land subject to the provisions of this bill?

Mr. STEVENS. My understanding is that they are specified as being within the jurisdiction of the Administrator of NASA, the Chairman of AEC, the Secretary of the Interior, or the Secretary of Agriculture.

Mr. JAVITS. That is right, and not any others.

Mr. McCLURE. It does not include the Secretary of Defense?

Mr. STEVENS. Title I already includes the Secretary of Defense.

Mr. McCLURE. On Federal military reservations?

Mr. STEVENS. That is right.

Mr. McCLURE. But not on Corps of Engineers projects. I would understand from the answer that this might apply to Bureau of Reclamation water conservation projects or water projects, but not to Corps of Engineers projects. Is that the distinction which the committee intended?

Mr. JAVITS. That is our understanding of what was intended by the committee.

Mr. STEVENS. I can only state from my knowledge that the intention of the committee was to cover the four agencies specifically mentioned. Title I goes into the Department of Defense area, and we did not again review title I.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. JAVITS. Mr. President, I send to the desk another amendment and ask the clerk to state it.

The PRESIDING OFFICER (Mr. TOWER). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 8, delete all on lines 7 through 11.

Mr. JAVITS. Mr. President, again we have a question of State option. It will be noted that unless there is a comprehensive plan between the State and the Federal Government, except where the comprehensive plan says so, or there is a cooperative agreement between the State and the Federal Government, hunting, fishing, and trapping is permitted. The word is "shall," "shall be permitted."

The situation in my own State is such that we would again feel that this ought to be left to the individual State as to whether or not hunting, fishing, and trapping shall be permitted.

There is no requirement that the comprehensive plan or the cooperative agreement shall include it or exempt it, if you simply omit it from the bill. But if you include it in the bill, then you are mandating a situation on States which they may not like or may not wish, or may wish to do differently.

For those reasons, Mr. President, as the comprehensive plan or the cooperative agreement could reach the issue anyhow, if they exist—in other words, if there exists either a plan or an agreement between the State and the Federal Government—I do not see why we should mandate hunting, fishing, and trapping insofar as public land is concerned on individual States but, rather, we should leave it to the practice and disposition of the people of that State.

I would be greatly interested to have Senator STEVENS' views on that.

Mr. STEVENS. Mr. President——

Mr. JAVITS. I might say to Senator STEVENS that this is another one of the amendments we understood from Senator HART would be accepted.

Mr. STEVENS. This is another one of the amendments that would make the bill unacceptable to me, Mr. President.

As the Senator from Montana stated, under the Migratory Bird Treaty Act, there is a provision that, when the Federal Government acquires lands, at least 40 percent of those lands will be available for hunting. We face the problem of how much of these lands—which we are now going to spend money for, and entice our constituents to put up additional money for a new kind of stamp—are going to be open and available for hunting. The provision here says unless the comprehensive plan or the cooperative agreement limits the hunting, or fishing, or trapping, they shall be permitted.

In other words, this forces each agency to address the hunting and fishing problem as it promulgates a plan to be financed under this bill, or each State and Federal agency, as they make an agreement for a cooperative agreement for hunting and fishing and trapping and management under this bill, to face the question of how much land should not be open. These are public lands. They have a great recreational potential for our people. To say that they should be closed and only opened in the discretion of the State seems to me to be wrong. We want them all open and only closed if there is an agreement, and that agreement is to enhance the fishing and wildlife or to protect it.

I cannot believe that we should go backward. We are trying to open some of these lands. The problem has been that they have been closed. One reason why they have been closed is that they did not have comprehensive programs for their management and protection and did not have authority to carry out the law enforcement procedures. This bill gives them those authorities. It gives the Secretary of Agriculture, the Secretary of the Interior, the Administrator of NASA, and the head of the AEC those authorities.

With all due respect to the Senator from New York, I do not view this as a State option. The States, to my knowledge, uniformly take the position that Federal lands should be subject to State law in terms of hunting and fishing, and this says that hunting, fishing, and trapping shall not be permitted unless there is an agreement to the contrary.

I think the Senator from Idaho could express the point of view even more vehemently than I could.

Again I say to the Senator from New York that if this provision on page 8 that he has mentioned and the provision on page 4 were not in this bill, I would make a motion to recommit the bill.

Mr. JAVITS. Mr. President, I should like to have an understanding with Senator STEVENS, as I have a number of amendments, that when he speaks, it will be on their time, and when I speak, it will be on my time. Is that agreeable?

Mr. STEVENS. It is my understanding that in the absence of the Senator from Michigan, I am handling the bill for the committee.

Mr. JAVITS. Mr. President, in response to the point made by the Senator, may I say that what I am proposing to do is simply to omit the provision. I point this out to the Senator: There is not even a mandate that the comprehensive plan or the cooperative agreement shall deal with the issues of hunting, fishing, and trapping. In short, the question is left absolutely wide open in this particular matter. The word "permitted," the implications of the word "permitted," may or may not imply any regulation whatever by anybody without some refinement as to what it ought to be.

I raise these points in order to elucidate, insofar as Senator STEVENS is concerned, exactly how those two aspects of the matter are to be handled if this provision is left in the bill.

Mr. METCALF. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JAVITS. I yield.

Mr. METCALF. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Interior and Insular Affairs be permitted the privilege of the floor during the consideration of and voting on H.R. 11537: Jerry Verkler, Steve Quarles, and Mike Harvey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I should like to ask Senator STEVENS two questions, if I may.

First, is it intended—and therefore may it be said—that a comprehensive plan and a cooperative agreement should deal with the question of hunting, fishing, and trapping?

Mr. STEVENS. It is intended by this provision that any plan entered into pursuant to this act would have to specify the lands upon which hunting, fishing or trapping would not be permitted; and to the extent that they were not prohibited, the hunting, fishing, and trapping would be permitted on the Federal land.

Mr. JAVITS. I note that this relates to an amendment already adopted, which was proposed by Senator HART, on page 15, between lines 5 and 6, where a new paragraph was inserted. Is that correct?

Mr. STEVENS. Yes. That was adopted before the Senator came to the Chamber.

Mr. JAVITS. The other question is this: As to the word "permitted," is that permitted without any regulation, or is it permitted pursuant to appropriate regulation; and if so, by whom?

Mr. STEVENS. Again, I invite the Senator's attention to page 4, where it specifically says:

> Each comprehensive plan developed pursuant to this section shall be consistent with any overall land use and management plans for the lands involved. In any case in which hunting, trapping, or fishing (or any combination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

Mr. JAVITS. So that the question I have raised is that in view of the fact that these regulations can be adopted, under a comprehensive agreement or a cooperative agreement, and in view of the fact that the State regulates the conditions anyway, why have this mandate requiring States, which in particular cases may not wish it at all, to permit hunting, fishing, and trapping? Is that not a generic requirement that should be confined to particular lands which the Senator describes as lands into which we are going to put money, and so forth, but should it be a generic requirement on all Federal lands as there is in this paragraph?

Mr. STEVENS. I say to the Senator from New York that the concept of this bill is to try to work out conservation and rehabilitation programs which will make more lands available, more fish and wildlife available, through these comprehensive plans. Our concept is that hunting, fishing, and trapping should be permitted unless the plans themselves prohibit it.

As the Senator has said, every agreement entered into in New York might ultimately end up by prohibiting it. That is New York's option if it so desires. Most States affirmatively have continued to say that they will not agree to this unless you permit hunting, fishing, and trapping.

We want to be able to walk into these negotiations knowing that hunting, fishing, and trapping are going to be permitted if a cooperative agreement such as this is going to be worked out in the States which are basically public land States. This has very little application to New York. Of the almost 800 million acres involved, half of them are in my State.

Mr. JAVITS. I realize the Senator's great interest, but we have an interest, and many other States have some interest, also. After all, a lot less land is available for this purpose in my State than in Alaska.

Mr. STEVENS. That is why we say it should be open to hunting and fishing

Mr. JAVITS. Perhaps some day it will improve.

May I make this suggestion to the Senator? Would the Senator object to an amendment which would connect the word "permitted" on line 9 with section 202(b), so that it would be clear that no new right was being created here but that it would continue the requirement for regulation either in a comprehensive plan or according to the laws of the State?

Mr. STEVENS. Did the Senator say "or"? No, I would not agree to "or."

Mr. JAVITS. I did not say "or." I said, for example, that trapping shall be permitted pursuant to the provisions of section 202(b), so that it is related directly to the point at which the State comes in with its applicable laws and regulations.

Mr. STEVENS. Is the Senator suggesting we put something like on page 8, line 9, after the word "permitted," to read "hunting, fishing and trapping shall be permitted in accordance with section 202(b) on public land," is that what the Senator is saying?

Mr. JAVITS. Well, the question I asked is whether or not to tie the word "permit" on line 9 with the provision which occurs at page 4, lines 21 to 23, respecting this particular item which provides for applicable laws and regulations of the State.

Mr. STEVENS. Yes.

Mr. JAVITS. You would see no objection?

Mr. STEVENS. I think the two are tied together very seriously.

Mr. JAVITS. You see no objection to tying them together?

Mr. STEVENS. No.

Let me ask my good friend from Idaho, is that his understanding also, that there is no hunting and fishing, except by statements, or if New York wants to prohibit hunting and fishing in certain types and classification——

Mr. JAVITS. They could do so, exactly.

Mr. STEVENS. Yes.

Mr. JAVITS. That is what I had in mind, so I will withdraw this amendment, in order to redraft it.

May I ask if another Member has an amendment?

Mr. STEVENS. The Senator from California had an amendment.

Mr. JAVITS. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House has passed without amendment the bill (S. 3311) to provide for the use of simplified procedures in the procurement of property and services by the Government where the amount involved does not exceed $10,000.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 11143) to redesignate the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped as the Committee for Purchases From the Blind and Other Severely Handicapped, to authorize the appropriation of funds for such committee for fiscal year 1974 and succeeding fiscal years, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has affixed his signature to the following enrolled bills:

S. 3203. An act to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes; and

H.R. 8543. An act for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. METCALF).

ACCESS TO PSYCHOLOGISTS AND OPTOMETRISTS UNDER FEDERAL HEALTH BENEFITS PROGRAMS

Mr. MANSFIELD. Mr. President, I ask Ghitescu, and Serban George Ghitescu. on Post Office and Civil Service be discharged from its consideration of H.R. 9440 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 9440) to provide for access to all duly licensed psychologists and optometrists without prior referral in the Federal employee health benefits program.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I move to strike all after the enacting clause of H.R. 9440 and substitute in lieu thereof the text of S. 2619 as passed by the Senate last Thursday.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill (H.R. 9440) to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the passage of S. 2619 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title was amended so as to read:

> To provide for access to all duly licensed clinical psychologists and optometrists without prior referral in the Federal employee health benefits program.

Mr. MANSFIELD. I ask unanimous consent that S. 2619 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSERVATION AND REHABILITATION PROGRAMS ON MILITARY RESERVATIONS

The Senate resumed the consideration of the bill (H.R. 11537) to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands.

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the report.

The assistant legislative clerk read as follows:

> And on page 7, line 7, insert the following: add a new subsection (D) as follows, and redesignate subsequent subsections:
>
> "(D) provide adequate protections for fish and wildlife officially classified as rare or endangered by the U.S. Department of the Interior, or considered threatened, rare or endangered by the State agency;"—and on page 3, line 6, after the word "activities" insert the words "and adequate protection for species considered rare or endangered."

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator from Alaska very much for yielding to me.

I have discussed this amendment with him and Senator HART is likewise aware of it and supportive of it. It is a simple amendment that I trust will be acceptable to the managers of the bill.

It would require that comprehensive plans and cooperative agreements for wildlife management entered into under the statute take note of and provide appropriate protections for fish and wildlife species that the U.S. Department of the Interior has determined to be rare or endangered, pursuant to the Endangered Species Protection Act of 1966 and the

Endangered Species Conservation Act of 1969.

I believe this condition is an important and an agreeable one, Mr. President, if we are to encourage both State and Federal Governments to recognize and protect fish and wildlife that are considered threatened, rare, or endangered.

As most of my colleagues know, there is no Federal prohibition against the taking of endangered species other than the general protections provided in national parks and in wildlife refuges. Personally, I believe that such prohibitions are strongly desirable and I have authored legislation in the past that would provide them.

The amendment I offer today, however, simply stipulates that some protective measures for rare and endangered—and threatened—species be an integral part of any wildlife management plans entered into through the cooperative State-Federal agreements set forth in this bill.

Mr. President, I believe such cooperative planning between State and local governments should include measures bearing on the survival of rare and endangered species. My amendment would encourage such measures and I therefore urge its adoption.

Mr. President, I believe such cooperative planning by the State and local government should include measures on the survival of rare and endangered species. My amendment would encourage such measures, therefore, I urge its adoption.

Mr. McCLURE. Mr. President, would the Senator from California yield for a question?

Mr. CRANSTON. Certainly.

Mr. McCLURE. Mr. President, I do not have a copy of the amendment before me, but my understanding of the present bill is the Endangered Species Act would override any other Federal statute, any other Federal action under this statute, and would override any other State decision under this or other statutes.

I am just wondering if we seek to amend this, dealing with the question of whether or not the States shall have authority to enter their own agreements if we dilute in any way the protection of the Endangered Species Act, or if, on the contrary, we do not do that, if we have strengthened the role of the Federal Government in other areas not related to the Endangered Species Act.

Mr. CRANSTON. I think neither is the case. What this amendment does is strengthen existing law and encourage efforts to cover the matter this amendment is designed to cover.

There is no Federal prohibition against taking endangered species other than the general protection provided in the national park and wildlife refuges.

This urges that when cooperative State-Federal agreements are worked out, they seek to cover this. So it does neither of the things we are concerned about.

Mr. McCLURE. Will the Senator yield further?

Mr. CRANSTON. Certainly.

Mr. McCLURE. The reason I asked is that on page 6 of the act, you are dealing here with the comprehensive plan to be entered into under section 202(c), which is an agreement which the States can either enter into or refuse to enter into, is that not correct?

Mr. CRANSTON. Yes, that is entirely voluntary.

Mr. McCLURE. That is entirely voluntary?

Mr. CRANSTON. Right.

Mr. McCLURE. With the States, and the States would not be permitted under present law to enter into any plan, they would violate provisions of the Endangered Species Act, so they could not violate such an act.

I wonder if inserting it here would indicate to them that they are free to violate the Endangered Species Act. Is it the feeling of the Senator from California that they could, if they wished, ignore the Endangered Species Act?

Mr. CRANSTON. No, that is not my impression.

Mr. McCLURE. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, the amendment would require that each cooperative agreement include adequate protection for the rare and endangered species and also, as I understand it, by the insertion on page 3, at line 6, would require the comprehensive plans developed in consultation with the States to include adequate protection for species considered rare and endangered.

Since the matter has already been addressed by the Congress in the Endangered Species Act, I view the addition as being a direction to the Federal agency heads, an expression of a desire in terms of cooperative agreements that these agreements, in fact, include these protections before they are finally consummated.

I do not see any difficulty with the amendment. As a matter of fact, I think it was the intent of the committee the Endangered Species Act would be considered, its full impact envisioned before such agreements or plans would be worked out.

So, unless there is an objection, I am prepared to accept the amendment for the committee.

Mr. CRANSTON. I thank the Senator, he stated the intent correctly.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I yield back my time.

Mr. CRANSTON. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRANSTON. I thank the Senator very much.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 14, line 10 at the end of subparagraph (A) add the following language: "at the option of each State".

Mr. STEVENS. Mr. President, if I understand this correctly, this is following up on the previous amendment that the Senator from New York withdrew regarding the exemption of any registered motorboat in connection with the definition of the term "off-road vehicle," and it is my understanding and the Senator from New York's intention that this would permit any State to define off-road vehicle to include motorboats if the State consents to that definition.

Mr. JAVITS. Well, it would allow the State discretion in either direction.

Mr. STEVENS. Well, this says, would not include any registered motorboat at the discretion of the State.

Mr. JAVITS. So the State could include it if it wished.

Mr. STEVENS. That is State discretion.

Mr. JAVITS. Yes.

Mr. STEVENS. And in Alaska, we want to exclude motorboats.

Mr. JAVITS. And New York, we may wish to include; I do not know.

Mr. STEVENS. Right.

I see no objection to the amendment. Unless there is someone who wishes time, I am prepared to yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 6, before line 9, at the end add the following:

"In the event that a cooperative agreement cannot be reached between the state agency and the appropriate federal official, the federal agencies shall carry out their programs under the comprehensive plans developed pursuant to section 202 of this title."

Mr. JAVITS. Mr. President, I yield myself 3 minutes.

The purpose of this amendment is to really make it clear that if possible, regulations shall go forward pursuant to a plan or a comprehensive agreement; in other words, that someone shall have residual authority in order to proceed with a more orderly development than is now the case.

In order to carry that out, this section would simply contain the direction that if they cannot get together with the States, at least the Federal Government shall go ahead with a comprehensive plan under the statute, and that the matter should not remain in limbo.

I feel there is no reason, if what the Senator from Alaska says to be the precise purpose of this matter is its purpose, to wit, to have a more orderly development, more orderly conservation, and so on, why that should not go ahead on either one basis or the other, and not leave all of these lands in the unplanned state which this bill is intended to correct. I wonder how the Senator feels about that.

Mr. STEVENS. Mr. President, I would say to the Senator from New York it is my understanding that the plans that were envisioned by section 201(a) were comprehensive plans for specific habitat improvement projects, for instance; we mentioned those specifically. There were also the plans for management of Federal lands which are already under the jurisdiction of these Federal agencies.

The question of the management of the wildlife has been a contested one between the Federal Government and the States for a long time. Those of us in the West take the position that on Federal lands the fish and wildlife are subject to the State law insofar as any management activity is concerned. Management of the habitat is an entirely different matter.

The Senator's amendment, as I take it, would say that if the Secretary of the Interior promulgates a plan and presents it to my State of Alaska, and the State refuses to agree to it, he could go right ahead with his plan, which might envision management of wildlife on the Federal lands.

I might say to my friend from New York that the first time I ever sat up in the gallery in 1950, I heard the Senator from Wyoming asking this question about who has the right to management of the wildlife on Federal lands. It has been a persistent question. I do not believe the Senator's amendment would assist in that regard. If he is saying what is implicit in the bill, which is that in regard to activities already authorized under Federal law with regard to the management of the lands themselves, if the State will not agree, after consultation, to a comprehensive conservation and rehabilitation plan, the Federal agency head may go ahead with his plan, then I find no difficulty with that.

But the Senator is saying, as I understand it, with regard to a plan which, under this bill, requires the agreement of the State, that if the State will not agree we are going to regard those in the same category as we do those which are merely consultation plans, which, again being redundant, are those plans which concern the management of the habitat as opposed to the management of the wildlife and the fish.

I cannot agree to the Senator's amendment, because it appears to me that he is talking about a cooperative agreement with regard to the comprehensive plan, which the bill itself does not require an agreement on. The bill only requires consultation on those plans.

Mr. McCLURE. Mr. President, will the Senator from Alaska yield?

Mr. JAVITS. If the Senator will allow me, first, to clarify what I am seeking to get at, I am seeking to get at the first of the Senator's propositions—that is, where there is an option in the State to agree to a plan or not, there I feel someone should take hold. I am perfectly willing to redraft the amendment accordingly. I have no desire—it would be contrary to everything I am arguing for in these amendments—to coerce a State to make an agreement, not at all. But where the Federal Government has an option and the State has an option, I think we ought to say that if the State does not choose to exercise its option, we want the Federal Government to exercise its option, to wit, to promulgate a comprehensive plan.

Mr. STEVENS. I call the Senator's attention to the paragraph on page 4, line 24, "Each State agency may enter into a cooperative agreement," and it provides for the Secretary of the Interior, the Secretary of Agriculture, the Chairman, the Administrator, or whoever the case may be, the manager in each of these four categories of Federal lands; then on page 6 the bill states:

> To the maximum extent practicable, conservation and rehabilitation programs required pursuant to section 201 of this title shall be implemented through cooperative agreements entered into pursuant to this subsection. Consistent with the provisions of this title, such programs shall be integrated with and shall avoid duplication of any similar programs conducted under any other provision of law.

That, to me, says—again I may be speaking from a prejudiced point of view, but to me that says if he cannot get an agreement with the State of Alaska concerning a comprehensive plan which covers both the management of the habitat and the management of the wildlife, he can—talking about the Federal agency head—go ahead and implement that plan to the extent that he is authorized under existing law.

This bill further says that any hunting and fishing or trapping that is done under such a plan would still have to be in accordance with State law.

Mr. JAVITS. The Senator and I have no difference at all except for the fact that he construes this last sentence to mean what I am trying to put in an amendment stating it does mean. I do not construe it to be automatic in the way of an implication which would then become law. All I am proposing to add—and if my words are inappropriate, I will redraft them—is that if they are unable to agree in an area in which the Federal Government does have the option, the Federal Government shall exercise its option.

Mr. STEVENS. The Senator from New York is never imprecise. I have great respect for his ability as a lawyer and as a draftsman of statutory language.

What I am saying is that implicit in this bill is the understanding that there has been sort of a gentlemen's agreement reached with regard to management of wildlife that this bill does not upset.

Mr. JAVITS. I agree with that.

Mr. STEVENS. The Senator's language, by saying in the event a cooperative agreement cannot be reached the Federal agency can go ahead with its comprehensive plans developed pursuant to section 202, would, in my opinion, prejudice that understanding that we are all operating under and everyone seems to be willing to live with, because section 202 does in fact talk about management of wildlife as well as management of habitat.

Mr. JAVITS. Mr. President, I will withdraw the amendment—I am not actually withdrawing it yet, because I wish to raise a couple of other questions—and redraft it accordingly, just to spell out the fact that where the Federal Government does have the option it will exercise it, and no more.

Mr. STEVENS. If the Senator would include in that option "as to habitat management and improvement"—management of the lands as opposed to management of the fish and wildlife—I see no objection to it.

Mr. McCLURE. Mr. President, will the Senator from Alaska yield?

Mr. JAVITS. If I may finish this, to do the comprehensive planning which the Federal Government has the right to do unilaterally, does that not also cover conservation and rehabilitation of wildlife, fish and game? That is what it says at the top of page 3, line 3.

In other words, it seems to me that that is exactly what they do have. They speak of being in cooperation with State agencies, et cetera, but they do not mandate the State concurrence, as they would do in a cooperative plan.

Apparently the two titles, that is, this one which we are talking about now and the comprehensive plan and the cooperative agreement, seem to have different meanings.

All I am saying is that whatever option the Federal Government has, if it cannot come to an agreement with the State, then the Federal Government should utilize its option, whatever it might be.

Mr. McCLURE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. McCLURE. The Senator from New York expresses directly what I have feared might be the interpretation of the language of this bill. That is, that under section 201, and again under section 202(a) and (b), the Federal Government is given the authority to manage in areas where they have never before exercised that authority.

As the Senator from Alaska has suggested, that upsets the balance under which they have been operating for many years.

I have intended to offer a substitute for the amendment offered by the Senator from New York, when it is appropriate to do so, in order to eliminate this uncertainty and to address ourselves very directly to the question which is presented by the amendment. This substitute which I would offer reads as follows:

> Except as otherwise provided by law, each State shall have primary responsibility for and jurisdiction over the regulations concerning all fish, game and wildlife within its respective boundaries. The Federal Government shall have primary responsibility for and jurisdiction over the regulations concerning the habitat of the Federal lands.

That, Mr. President, I believe, is precisely where we find ourselves at this time, and would preserve the balance that has been forged as a matter of fact in the administration of the laws where there is conflict between Federal and State authority.

It seems to me that the Senator from New York, while not intending to do so, has really moved into this area where a balance has been constructed and has changed the balance by the amendment which he has offered, and that is the reason for the substitute for the amendment which I would propose.

Mr. JAVITS. Mr. President, if I may just continue, I had intended to offer an amendment, interestingly enough, which dealt exactly with that subject, and it reads, "It is the purpose of this title"—that is to provide with reference to the purpose of the matter—and I hope I have the attention of the Senator from Alaska (Mr. STEVENS)—

> It is the purpose of this title to establish in the appropriate Federal agency the primary responsibility over Federal land adequate to develop and implement comprehensive plans to conserve and rehabilitate fish, wildlife, and game and their habitats on the Federal lands, and to coordinate its actions with the appropriate State authorities to the maximum extent possible.

That, it seems to me, Mr. President, would, if I propose that amendment and the Senator then made his substitute, it seems to me that would pose the issue much more precisely. It really comes to the same question and, perhaps, that is the way to approach it. In other words, to state flatly what we consider its intention to be, with the Senator stating flatly what he considers its intention to be, and then let the Senate vote on that because, it seems to me, that is the way of getting at exactly the same point. I think in that way we can actually ascertain the thrust of this legislation.

Mr. STEVENS. Mr. President, may I say—pardon me.

Mr. JAVITS. I was just going to turn to the Senator and ask him whether he thinks this is necessary or desirable and, if not, why not.

Mr. STEVENS. May I say to the Senator from New York I previously had an exchange with the Senator from Nevada about the position of the International Association of State Fish and Game Commissioners; their representative appeared and testified in favor of this bill.

I understand that the Senator from Idaho and I might like to tighten it up and win some battles which have never been won on the floor of the Senate, and what we are really saying to the Senator from New York is that his amendment appears to us, to me in particular, to be directed to making sure that those battles were, in fact, won by the other side, when, in fact, there was a draw in the past on this issue, and we have worked it out between the State and the Federal agencies.

They are getting along. They both looked at this bill, both sides, State and Federal agencies have looked at this bill, and said, "This bill does not do any harm to the relationships we have worked out. We are getting along fairly well."

Each one of the Senators is trying to say to the committee, "Why do you not pin this down. You have got a bill here, why do you not pin down this issue which has been floating about."

All I can tell the Senators is if we have the Department of Interior and the Department of Agriculture, on the one hand, and International Association of Fish and Game Commissioners, on the other hand, saying, "We can live with that bill," it will give us a further incentive to protect and enhance our fish and wildlife on Federal lands, and it will give us an additional revenue base to provide additional recreation for the American people, and there is an assurance here that these lands will be open unless the State agrees that they are closed. I basically believe that, perhaps, both of the Senators should do me the favor of withdrawing, not offering, their amendments.

I think we covered the issue to the extent of preserving the balance that exists today. If we want to have a battle, as we used to see here, about this question of State ownership or State jurisdiction or, on the other hand, Federal control, I think we would have to, in all due conscience, I would have to, tell the majority leader I would like to vacate the unanimous-consent agreement, because I do not think we can face a battle like this with limited time.

I believe this bill protects my State, and half of these lands are in my State. We can live with this bill.

I do not see any reason for an amendment, either as suggested by the Senator from Idaho or by the Senator from New York and I would hope that we would let sleeping dogs lie and go ahead with the improvement programs, and not raise the question of who has the ultimate authority with regard to the wildlife. Correct me if I am wrong, but this bill does not finally settle that question. It merely preserves the existing arrangements between the Federal agencies and the States, and it does do one thing, it says that any hunting, fishing, or trapping shall be in accordance with State law.

Mr. JAVITS. Mr. President, if the Senator will allow me to proceed, I believe, in fairness to him, because I realize that this does represent pretty much another bill, and he feels that a rather tenuous practical way of working is to be preferred to any effort to establish priorities in the law, my proposal would be this: I have worked out an amendment with reference to this question we discussed previously on the amendment that I withdrew.

On page 8, line 9, if I could have his attention, I would propose to submit an amendment which would insert after the word "permitted" in that section the catechism "in accordance with applicable laws and regulations of the State in which such land is located," thereby transposing the same concept which you have in 202(b) here.

If that is accepted that would give us an opportunity immediately before the vote to have a quorum call and, perhaps, Senator STEVENS, Senator McCLURE, and I could have a little talk about just what he said now in order to see what, if any, other amendment ought to be proposed.

Mr. McCLURE. Mr. President, would the Senator from New York yield on that point?

Mr. JAVITS. Yes.

Mr. McCLURE. Would the Senator repeat the language of what he is now suggesting?

Mr. JAVITS. I am not actually doing it legally. The language would occur——

Mr. McCLURE. I understand.

Mr. JAVITS. I will have to do it, but I was going to insert the words which appear at page 4, lines 21 to 23, after the word "permitted" reading:

> In accordance with applicable laws and regulations of the State in which such land is located.

That is after the word "permitted" on page 8. As I understand, that was the intention anyhow, and it simply is a matter of expressing it there because I do not think it follows necessarily that that is true.

Mr. McCLURE. Mr. President, would the Senator yield?

Mr. JAVITS. Yes, of course.

Mr. McCLURE. I have this difficulty with that suggestion. You are dealing here with different sections of the bill. The language that you referred to, appearing on page 4, is under section 202(b). Where the Senator has proposed to insert it is under section 202(c) of the plan under which the State already has discretion to adopt or to reject the plan. So adding that under that section adds nothing.

Mr. JAVITS. May I just point something out that the Senator is not correct.

The Senator will notice that on page 8, line 7, the first line states "comprehensive plan or".

Mr. McCLURE. But there are three different comprehensive plans referred to. There is one in section 201, there is one in section 202 (a) and (b), and one under section 202(c). The Senator happens to be referring to the one under 202(c) which does not have any relationship which the bill to 201(c), 202 (a), and (b).

Mr. STEVENS. Mr. President, if the Senator will yield, I think the Senator from New York is making explicit the understanding I expressed to him about the right of the State of New York to do as it wants as well as the right of our State to do as we want. It may be that the State of New York wants to, again, prohibit that hunting, fishing, and trapping in certain areas within its State by its own definition, and if it does, then it should have that right, just as we should have the right to have our say in Federal lands in our State.

So I think he has improved the bill. As far as the Senator from New York expressing the reservations of many people in the Eastern Seaboard area against hunting, New York could well have a statute come out of the New York legislature which would be directly contrary to that which would come out of our State.

Mr. JAVITS. Which is exactly right.

Mr. STEVENS. And all he is saying is, let us have State option, which is all we are talking about, and I say let us accept the amendment. It would improve the bill and protect the States according to the desires of the State legislatures.

Mr. McCLURE. If the Senator would yield, it is my understanding that the section 202(c) of the comprehensive plan does guarantee the States the right to accept or reject the plan. The comprehensive plan under section 201 does not expressly so state, nor does the comprehensive plan under section 202(a) or 202(b).

If the intention of the Senator from New York is to guarantee that each of the States shall have the option to develop their own laws and regulations dealing with the hunting and fishing and trapping of fish and game within their State even on public lands, then I have absolutely no argument.

Mr. JAVITS. Nor do I. That is all I seek to attempt.

Mr. McCLURE. My only concern is that they actually say that in the bill in all the appropriate sections, so that there can be no question later that the Federal Government will try to tell the States what they once had in terms of bag limits and seasons and prohibited areas, and things of that nature, which I think they could do under 201(a) and 201(b).

Mr. STEVENS. May I say to my friend from Idaho and the Senator from New York, they are expressing the viewpoints that we have, and that is that all hunting, fishing, and trapping will be in accordance with State laws.

Mr. JAVITS. That is all.

Mr. STEVENS. We prohibit the taking of moose in certain seasons, and we do not want the Federal Government coming along and saying the Federal Government can authorize someone to take them.

What the Senator from New York is saying is that New York might prohibit the taking of deer in some particular areas which we consider wilderness areas and the Federal Government does not. That is their prerogative, but it is also ours—Alaska's—to regulate the seasons and the means of taking, and I think what he is doing is protecting the bill in terms of what we can do.

Mr. McCLURE. If the Senator will yield, let me express myself and my feelings in these terms.

While it is apparent from the conversation we have been having that we are in agreement as to what the bill ought to say, I doubt that we are getting into agreement on what the bill does say.

Mr. STEVENS. As I understand it, what the Senator from New York has proposed on page 8, line 9, after the word, "permitted", is that we insert the language from line 21 on page 4 in accordance with line 21 on page 4:

> In accordance with the applicable laws and regulations of the state in which such land is located.

Is that right?

Mr. JAVITS. That is my right. Mr. President, I would also like to ask the manager of the bill where the word "shall" appears in the section, and I understand the purpose for which it is inserted, it would be understood that if the State legislature shall prohibit hunting, fishing, and trapping in some fashion, that that would be a "permissible" State function.

Mr. STEVENS. Of course.

Mr. JAVITS. In other words, the power to regulate is also the power to prohibit.

Mr. STEVENS. And the converse is true. If the State permits the taking, it is going to be in accordance with the State law.

Mr. JAVITS. That is right.

Mr. McCLURE. Will the Senator yield?

I have no objection to that language and I share that understanding.

I have difficulty, though, in squaring that language with the language now pending before the Senate, which is now offered by the Senator from New York in which it is stated in the event a cooperative agreement cannot be reached between the State agency and the appropriate Federal official, the Federal agency shall carry out the program under the comprehensive plans developed under section 202 of this title.

Mr. JAVITS. I intend to withdraw that, and my plan was to submit another one, if that were then agreeable. I am hopeful we can get a quorum and that the Senator from Alaska and the Senator from Idaho and I could discuss other matters which have been raised.

Mr. McCLURE. Is it the intention of the Senator from New York to withdraw the amendment?

Mr. JAVITS. It is exactly, and to give us an opportunity to discuss the matter before the vote.

Mr. BARTLETT. Mr. President, will the Senator yield for a unanimous consent request?

Mr. JAVITS. I yield.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Mr. Tom Thornbook and Harold Scoggins of my staff may be accorded the privilege of the floor during the discussion and the vote on this matter.

The PRESIDING OFFICER (Mr. DOMINICK). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the Senator from Utah is in the Chamber. I assume he will be the manager of the bill. I think the Senator suggested a substitute amendment for the amendment. I think his substitute amendment is a fair one and carries out the intent of the committee.

I am delighted with the decision to withdraw the amendment pertaining to the comprehensive plans in the event an agreement cannot be reached.

Mr. MOSS. Mr. President, I have listened to the statement of the Senator from Alaska concerning the representative views of the committee. If the Senator from New York pursues his announced course of withdrawing the amendment and offering a substitute we would be prepared to accept that.

Mr. JAVITS. I thank my colleagues. I do not wish the Senate to be deceived. I may resubmit the amendment I am withdrawing, but I do think that Senator STEVENS has made an important point, and it gives us an opportunity to discuss the matter and so I will withdraw that present amendment.

I withdraw the pending amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 8, line 9, after the word permitted" add the following language: "in accordance with applicable laws and regulations of the State in which such land is located."

Mr. JAVITS. Mr. President, I am prepared to yield back my time if the manager of the bill is prepared to yield back his time. Then I shall suggest the absence of a quorum as soon as we are ready for a vote so we can have an opportunity to talk about this other matter.

Mr. President, I yield back my time.

Mr. MOSS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Does the Senator from New York desire a vote on the amendment? Did the Senator from New York request a quorum, assuming we vote on the amendment?

Mr. JAVITS. No, before the vote we are entitled to a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JAVITS. We are about to vote. Do we need time for a quorum?

Mr. HANSEN. Mr. President, will the Senator withhold his request for a quorum?

Mr. JAVITS. Mr. President, I withdraw my request.

Mr. HANSEN. Mr. President, I have listened very closely and with a great deal of interest to the debate. May I say that I would like to identify myself as being greatly in sympathy and in full accord with the position spelled out by the distinguished Senator from Idaho.

Having served as Governor of the State of Wyoming I am certain that the concerns and questions he has articulated this afternoon fairly reflect the feelings of the Wyoming Fish and Game Commission, and the Governor of Wyoming. I would like to identify myself with the position he has so clearly articulated.

Mr. STEVENS. I yield myself 1 minute from my time on the bill.

I appreciated the statement of the Senator from Wyoming, and I think the Senator from Idaho for articulating the position I would like to see result in this bill, but I also do not think we can open up that kind of Pandora's box with the development of a plan and a new concept of financing.

We were not trying to upset the working relationship between the States and the Federal Government in this bill. I think we have preserved it to the maximum extent possible. I think we have pinned down the fact that, on these Federal lands, under these plans, under these agreements, any hunting, fishing, or trapping will be according to State law. That is an advance, really, in securing the type of State flexibility that we have sought for many years.

Mr. JAVITS. Mr. President, I would suggest that we vote on this amendment. I think the disposition is to give unanimous consent to a quorum call. May we have a vote?

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. JAVITS. I yield back the remainder of my time.

Mr. MOSS. Mr. President, is this the amendment as modified by the Senator from New York?

Mr. JAVITS. That is correct.

Mr. MOSS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Hansen). All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from New York, as modified.

The amendment, as modified, was agreed to.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time being charged to either side. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 2 minutes without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 8:30 A.M., TOMORROW, JULY 16, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 8:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow morning, after the two leaders or designees have been recognized under the standing order, there be a brief period for the transaction of routine morning business, with statements limited to 5 minutes each, and that at no later than the hour of 9 a.m. the following Senators be recognized, each for not to exceed 10 minutes and in the order stated: Mr. Roth, Mr. Robert C. Byrd, Mr. Brock, Mr. Percy, Mr. Kennedy, Mr. Pearson, Mr. Clark, Mr. Taft, Mr. Javits, Mr. Hatfield, Mr. Bentsen, Mr. Hruska, Mr. Hartke, Mr. Cranston, Mr. Dole, Mr. Dominick, Mr. Curtis, Mr. Chiles, Mr. Humphrey, Mr. Stevenson, and Mr. Mathias.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, has the order been entered previously to the effect that the vote on the motion by Mr. Mansfield—that the Senate further insist on its amendments to H.R. 7824—occur at the hour of 12:30 p.m.?

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of that vote or other matters in connection with H.R. 7824, the Senate proceed to the consideration of Calendar Order No. 838, S. 3164, tomorrow, and that at any time during the afternoon, at the discretion of the distinguished majority leader or his designee, the Senate lay aside Calendar Order No. 838, and proceed to the consideration of Calendar Order No. 857, S. 707, and that that bill be established as the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. I withhold my suggestion.

ANADROMOUS FISH CONSERVATION ACT AMENDMENTS—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I have a conference report. I ask unanimous consent that it be in order to take up this conference report at this time.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I shall not object. Will the Senator ask for a limitation of time—say, not to exceed 2 minutes?

Mr. STEVENS. Not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Alaska is recognized for 2 minutes.

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on H.R. 11295, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11295) to amend the Anadromous Fish Conservation Act in order to extend the authorization for appropriations to carry out such act and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of July 11, 1974, at pp. 22940.

Mr. STEVENS. Mr. President, I am privileged today to call up the conference report on H.R. 11295, an act to amend the Anadromous Fish Conservation Act.

Neither the Senate nor the House had any disagreement as to the important role played by this program since its conception in 1965, and first year of funding in 1967. Therefore, that provision of the bill which extended the program for an additional 5 years, until June 30, 1979, was never questioned. As you will see in the conference report, the two Houses differed in the amount of authorization and on the proportion of program costs which should be borne by the Federal Government.

It is well known that anadromous fish—those fish which originate in fresh water, then migrate to saltwater where they live a large portion of their lives, then return to the fresh water of their origin to spawn—must have clean and healthy waters for their spawning. They must also encounter as few as possible impediments and hazards during their spawning runs through the rivers and streams. Since 1967 the Anadromous Fish Conservation Act has assisted the States substantially in the enhancement of conditions for the development of such species as Pacific and Atlantic salmon, steelhead, shad, striped bass, searun cutthroat, and Dolly Varden trout. More specifically, since 1967, 29 States, including my State of Alaska, have matched, dollar for dollar, over $16 million in Federal investment. The 321 projects funded have included such things as hatchery and rearing pond construction and modification, installation of fish ladders and screens at hydroelectric dam sites, reclamation of spawning lakes and streams, and research.

Yet, there is need for additional and accelerated work, if we are to better realize the productivity potential of our streams. This stems from increased development of the streams and the consequent pollution and blockages. Also, the anadromous fish have fallen victim to destructive foreign fishing practices on the high seas. Consequently, I am particularly pleased to tell you that the conferees agreed to the Senate amendment which increases the amount of funds authorized for appropriation each fiscal year from the existing level of $10 million to $20 million. In this respect the conferees wish to make it very clear that multistate, cooperative programs are to be encouraged whenever advisable from a research-management point of view. Such projects have not evolved from the program thus far, but must be fostered in the interest of economy and elimination of duplicated effort.

The other difference between the House and the Senate versions of the bill was that the Senate would have increased the Federal share from the present 50 percent to 75 percent of the costs of carrying out individual State projects, and from 60 percent to 80 percent in the case of multistate projects. After careful consideration, the Senate receded in retaining the 50 percent share for single-State projects, and a compromise 66⅔ percent Federal share was agreed for multistate programs.

Mr. President, I ask the Senate to support this conference approved amendment to the Anadromous Fish Conservation Act.

The motion was agreed to.

ORDER FOR CONSIDERATION ON WEDNESDAY OF S. 1566, HAWAII AND U.S. PACIFIC ISLANDS SURFACE COMMERCE ACT OF 1974, AND FOR CONTINUING CONSIDERATION OF S. 707, CONSUMER PROTECTION AGENCY ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, at the conclusion of the transaction of routine morning business, the Senate proceed to the consideration of S. 1566, Hawaii and U.S. Pacific Islands Surface Commerce Act of 1974, and that daily, beginning tomorrow, until such time as S. 707, the Consumer Protection Agency Act, is disposed of, the distinguished majority leader or his designee may, at his discretion, during the afternoon of any day, move to lay aside whatever business is pending and to resume consideration of S. 707, Calendar No. 857.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSERVATION AND REHABILITATION PROGRAMS ON MILITARY RESERVATIONS

The Senate continued with the consideration of the bill (H.R. 11537) to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands.

Mr. BARTLETT. Mr. President, I send to the desk an amendment and ask the clerk that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 15, immediately before line 3, insert the following new section:

"(E) an area within an Indian reservation or land held in trust by the United States for an Indian or Indian tribe."

Mr. BARTLETT. Mr. President, this has the effect of adding to the Abourezk amendment additional language which the Department of the Interior believes should be added, and which will exempt those lands which are held in trust by the United States for an Indian or an Indian tribe.

My concern was that the Abourezk amendment did not exempt the Indian lands in Oklahoma, because it used the words "Indian reservation" and Oklahoma does not have Indian reservations.

It is my understanding that the floor managers of the bill find this amendment acceptable.

Mr. MOSS. Mr. President, the amendment of the Senator from Oklahoma appears to be satisfactory. There is some question as to whether it is slightly redundant, but there certainly is no objection to it. Therefore, we would be willing to accept it on behalf of the committee, recognizing this bill may go to conference and the section that includes it, may be rewritten, if necessary, to make sure that the trust lands for Indians were included in the exclusion for, Indian reservations, as the bill now states.

Therefore, we are willing to accept the amendment, and are glad to yield back our time on that basis.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. MOSS. I yield back the remainder of my time.

Mr BARTLETT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. MOSS. I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 15, between lines 5 and 6, insert the following:

"Sec. 206. Notwithstanding any other provisions in this title, section 203 of this title shall not apply to land which is, or hereafter may be, within or designated as National Forest Service land or as Bureau of Land Management land of any State in which all Federal lands therein comprise 25 per centum or more of the total area of such State."

On page 15, line 6, strike out "Sec. 206." and insert in lieu thereof "Sec. 207."

Mr. McCLURE. Mr. President, I have discussed this amendment with the managers of the bill, and I believe they are disposed to accept it.

The amendment would exempt from the entrance fee the Forest Service and the Bureau of Land Management lands in the public land States. It would leave the entrance fee applicable to all other lands and to all Federal lands in the nonpublic lands States.

I think there is adequate reason for the bill attempting to open and to provide management plans on public lands, but to extend this additional charge to the areas of such States as my State of Idaho is not necessary to accomplish the purposes and objectives of the act.

Mr. MOSS. Mr. President, will the Senator yield for a question?

Mr. McCLURE. I yield.

Mr. MOSS. I understand that the Senator's amendment is limited to States that have 25 percent or more of their total land area in Federal ownership. Is that correct?

Mr. McCLURE. The Senator is correct. The 25-percent test is applied to all Federal lands within the State. If more than 25 percent of the land area of the State is within Federal ownership, the Forest Service and BLM lands would be excluded from this user's fee.

Mr. MOSS. These are the traditional lands on which hunting and fishing are permitted at the present time and have been in the entire history of our country up to this point. It would say that one does not need an extra stamp to hunt, fish, or trap there now.

Mr. McCLURE. The Senator is correct.

Mr. MOSS. Mr. President, the amendment appears to be acceptable. I have not had an opportunity to discuss it with the full committee. I have discussed it with the representative of the minority who has been most active on this bill and whose State is greatly affected—the Senator from Alaska.

I can say, for my State, that it would be a minor revolution if we suddenly told those who traditionally use the public lands for hunting or fishing that they no longer can go on there without an extra stamp. They are all familiar with the requirement to get a State license, and they do that, and the law is well enforced by the State game wardens on those lands. But to require an extra stamp would be an additional burden. I believe that in the interest of developing our habitat for game and for permitting the orderly management of resident fish and wildlife, it would be an advantage not to require the stamp for those lands called forest lands or BLM lands. Therefore, I am prepared to accept the amendment.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. STEVENS. Mr. President, I am happy to support the amendment. I believe that the consent required by the State would have ultimately prevented an abuse of the concept of an additional license fee. I know of many areas for which I would be happy to pay an extra license fee if I could get into them for the purpose of hunting. They are closed. This is an incentive to open some of these areas. We are talking about NASA lands and AEC lands and lands in the other types of withdrawals that previously have been closed to hunting and fishing. But, I think the Senator's amendment is an improvement to the bill.

Mr. McCLURE. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: the Senator from Montana (Mr. Mansfield), the Senator from Wyoming (Mr. Hansen), the Senator from Alaska (Mr. Stevens), the Senator from Arizona (Mr. Fannin), the Senator from New Mexico (Mr. Domenici), and the Senator from Oregon (Mr. Hatfield).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I think it is important to note the agreement which has been expressed here on several occasions. The senior Senator from New York (Mr. Javits) has stated that it is his desire that the management of fish and game on public lands shall, as a general proposition, be under State law and regulations. The senior Senator from Alaska (Mr. STEVENS) has very strongly supported that position. While I have some doubts that the bill is as clear as it should be on that point, both the Senator from Alaska and the junior Senator from Utah (Mr. MOSS) agree that that is the committee's intention and their belief that the bill does so provide. I make this statement, because I feel that there might be some doubt as to the interpretation of sections 201, 202(a), 202(b), 202(c), and 203 of the bill. I think the record is abundantly clear that we now all understand that the legislation does not disturb the present situation. I believe it is also abundantly clear that the Senators from New York, Alaska, and myself—as well as several others that have spoken—feel that the States should be allowed to allow or to prohibit the taking of fish or game under laws and regulations developed by the States and that the Federal Government should not overturn such fish and game management decisions under the guise of managing public lands. The adoption of my amendment should not in any way subtract from that understanding.

Mr. MOSS. Mr. President, I yield back the remainder of my time.

Mr. McCLURE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WEICKER). All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. MOSS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MOSS. Mr. President, I yield back the remainder of my time on the bill.

Mr. STEVENS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read a third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. LONG), the Senator from Indiana (Mr. BAYH), and the Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. COOK), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. COOK) would vote "yea."

The result was announced—yeas 87, nays 0, as follows:

[No. 302 Leg.]

YEAS—87

Abourezk
Aiken
Allen
Bartlett
Beall
Bellmon
Bennett
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Magnuson
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Metzenbaum
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—13

Baker
Bayh
Bentsen
Biden
Cook
Eastland
Fulbright
Gravel
Hollings
Long
Mathias
Percy
Taft

So the bill (H.R. 11537) was passed.

Mr. McCLURE. Mr. President, I ask unanimous consent that the names of Senators MANSFIELD, HANSEN, STEVENS, FANNIN, DOMENICI, and HATFIELD be added as cosponsors of my amendment on the bill just passed.

The PRESIDING OFFICER (Mr. CURTIS). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

The Senator from Missouri is recognized.

DISTRICT OF COLUMBIA CRIMINAL JUSTICE ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3703.

The PRESIDING OFFICER (Mr. CURTIS) laid before the Senate the amendment of the House of Representatives to the bill (S. 3703) to authorize in the District of Columbia a plan providing for the representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the District of Columbia, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "District of Columbia Criminal Justice Act".

SEC. 2. Title 11 of the District of Columbia Code (1973 edition) is amended by the addition of the following new sections:

"CHAPTER 26.—REPRESENTATION OF INDIGENTS IN CRIMINAL CASES

"Sec.
"11-2601. Plan for furnishing representation to indigents in criminal cases.
"11-2602. Appointment of counsel.
"11-2603. Duration and substitution of appointments.
"11-2604. Payment for representation.
"11-2605. Services other than counsel.
"11-2606. Receipt of other payments.
"11-2607. Preparation of budget.
"11-2608. Authorization of appropriations.
"11-2609. Authority of Council.

"§ 11-2601. Plan for furnishing representation of indigents in criminal cases

"The Joint Committee on Judicial Administration shall place in operation in the District of Columbia a plan for furnishing representation to a person in the District of Columbia who is financially unable to obtain adequate representation—

"(1) who is charged with a felony or misdemeanor and the United States Attorney prosecutes, or with juvenile delinquency by the commission of an act which if committed by an adult, would be prosecuted by the United States Attorney;

"(2) who is under arrest, when such representation is required by law;

"(3) who is charged with violating a condition of probation or parole, in custody as a material witness, or seeking collateral relief, as provided in—

"(a) section 110 of title 23 of the District of Columbia Code (remedies on motion attacking sentence),

"(b) chapter 7 of title 23 of the District of Columbia Code (extradition and fugitives from justice),

"(c) chapter 19 of title 16 of the District of Columbia Code (habeas corpus),

"(d) section 928 of the Act of March 8, 1901 (D.C. Code, sec. 24-302) (commitment of mentally ill person while serving sentence), or

"(4) for whom the sixth amendment to the Constitution requires the appointment of counsel or for whom, in a case in which he faces loss of liberty, any local law requires the appointment of counsel. Representation under the plan shall include counsel and investigative, expert, and other services necessary for an adequate defense. The plan shall include a provision for private attorneys, attorneys furnished by the Public Defender Service, and attorneys and qualified students participating in clinical programs.

"§ 11-2602. Appointment of counsel

"Counsel furnishing representation under the plan shall be selected from panels of attorneys designated or approved by the courts. In every criminal case in which a person may be appointed counsel under this chapter the court shall advise the defendant that he is entitled to be represented by counsel and that counsel will be appointed for him if he is financially unable to obtain counsel. Unless the defendant waives representation by counsel, the court, if satisfied after appropriate inquiry that the defendant is financially unable to obtain counsel, shall appoint counsel to represent him. Such appointment may be made retroactive to include any representation furnished pursuant to the plan prior to appointment. The court shall appoint separate counsel for defendants having interests that cannot properly be represented by the same counsel, or when other good cause is shown.

"§ 11-2603. Duration and substitution of appointments

"A person for whom counsel is appointed shall be represented at every stage of the proceedings from his initial appearance before the court through appeals, including ancillary matters appropriate to the proceedings. If at any time after the appointment of counsel the court finds that the person is financially able to obtain counsel or to make partial payment for the representation, it may terminate the appointment of counsel or authorize payment as provided in section 2606 of this chapter, as the interests of justice may dictate. If at any stage of the proceedings, including an appeal, the court finds that the person is financially unable to pay counsel whom he had retained, it may appoint counsel as provided in section 2602, and authorize payment as provided in section 2604, as the interests of justice may dictate. The court may, in the interest of justice, substitute one appointed counsel for another at any stage of the proceedings.

"§ 11-2604. Payment for representation

"(1) HOURLY RATE.—Any attorney appointed pursuant to this chapter shall, at the conclusion of the representation or any segment thereof, be compensated at a rate fixed by the Joint Committee on Judicial Administration, not to exceed the hourly scale established by the provisions of title 18, United States Code, section 3006A(d). Such attorney shall be reimbursed for expenses reasonably incurred.

"(2) MAXIMUM AMOUNTS.—For representation of a defendant before the Superior Court or before the District of Columbia Court of Appeals, as the case may be, the compensation to be paid to an attorney shall not exceed the maximum amounts established by title 18, United States Code, section 3006A(d)(2) in the corresponding kind of case or proceeding.

"(3) WAIVING MAXIMUM AMOUNTS.—Payment in excess of any maximum amount provided in subsection (2) of this section may be made for extended or complex representation whenever the Superior Court in which the representation was rendered, certifies that the amount of excess payment is necessary to provide fair compensation and the payment is approved by the chief judge of the District of Columbia Court of Appeals.

"(4) FILING CLAIMS.—A separate claim for compensation and reimbursement shall be made to the Superior Court for representation before that court, and to the District of Columbia Court of Appeals for representation before that court. Each claim shall be supported by a sworn written statement specifying the time expended, services rendered, and expenses incurred while the case was pending before the court, and the compensation and reimbursement applied for or received in the same case from any other source. The court shall fix the compensation and reimbursement to be paid to the attorney. In cases where representation is furnished other than before the Superior Court or the District of Columbia Court of Appeals, claims shall be submitted to the Superior Court which shall fix the compensation and reimbursement to be paid.

"(5) NEW TRIALS.—For purposes of compensation and other payments authorized by this section, an order by a court granting a new trial shall be deemed to initiate a new case.

"(6) PROCEEDINGS BEFORE APPELLATE COURT.—If a person for whom counsel is appointed under this section appeals to the District of Columbia Court of Appeals, he may do so without prepayment of fees and costs or security therefor and without filing the affidavit required by 1915(a) of title 28 of the United States Code.

"§ 11-2605. Services other than counsel.

"(1) UPON REQUEST.—Counsel for a person who is financially unable to obtain investigative, expert, or other services necessary for an adequate defense may request them in an ex parte application. Upon finding, after appropriate inquiry in an ex parte proceeding, that the services are necessary and that the person is financially unable to obtain them, the court shall authorize counsel to obtain the services.

"(2) WITHOUT PRIOR REQUEST.—Counsel appointed under this section may obtain, subject to later review, investigative, expert, or other services, excluding the preparation of reporter's transcript, without prior authorization if necessary for an adequate defense. The total cost of services obtained without prior authorization may not exceed $150 or the rate provided by title 18, United States Code, section 3006A(e)(2) whichever is higher, and expenses reasonably incurred.

"(3) MAXIMUM AMOUNTS.—Compensation to be paid to a person for services rendered by him to a person under this subsection shall not exceed $300, or the rate provided by title 18, United States Code, section 3006A (e)(3), whichever is higher, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the court, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the District of Columbia Court of Appeals.

§ 11-2606. Receipt of other payments

"Whenever the court finds that funds are available for payment from or on behalf of a person furnished representation, it may authorize or direct that such funds be paid to the appointed attorney, or to any person or organization authorized by section 2605 to render investigative, expert, or other services, or to the court for deposit in the Treasury as a reimbursement to the appropriation, current at the time of payment, to carry out the provisions of this section. Except as so authorized or directed, no such person or organization may request or accept any payment or promise of payment for representing a defendant.

"§ 11-2607. Preparation of budget

"(a) The Joint Committee shall annually prepare and submit to the Commissioner of the District of Columbia, or to his successor in accordance with section 445 of the District of Columbia Self-Government and Governmental Reorganization Act, its estimate of the amount needed for furnishing representation by private attorneys to persons entitled to representation in accordance with section 2601(b) of this title.

"(b) In making its computation of such estimate, the Joint Committee shall—

"(1) issue and follow definitional standards with respect to financial inability to obtain adequate legal representation;

"(2) estimate the respective percentage of indigent defendant cases which can be effectively handled by the Public Defender Service, private attorneys, and qualified law students participating in clinical programs under attorney supervision;

"(3) take into account the number of cases in the United States courts for which payment was made under the last appropriation for the administration of the Criminal Justice Act in such courts and the proportion which such number bears to the estimated number of such cases in the District of Columbia courts for the particular fiscal year;

"(4) shall not request an amount to be paid private attorneys for representation pursuant to section 2601 of this title in excess of the estimated appropriation for the prosecution of those persons thus represented.

"§ 11-2608. Authorization of appropriations

"There are authorized to be appropriated for each fiscal year, out of any moneys in the Treasury credited to the District of Columbia, such sums as are necessary to carry out the purposes of this chapter. Unless otherwise specified in appropriations Acts, such appropriations shall remain available until expended. Disbursements from such appropriations to persons entitled to payments, pursuant to orders of the courts, under this Act, shall be made by the executive officer of said courts, subject to the supervision of the fiscal officer of the District of Columbia.".

"§ 11-2609. Authority of Council

"Section 602(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act shall not apply to this chapter."

SEC. 3. Section 3006A(1) of title 18 of the United States Code is repealed.

SEC. 4. This Act shall take effect at the end of thirty days following enactment.

Mr. EAGLETON. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives to S. 3703 and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS conferees on the part of the Senate.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 9:30 A.M. ON WEDNESDAY; ORDER FOR RECOGNITION OF SENATOR TALMADGE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until the hour of 9:30 a.m. on Wednesday; and that after the two leaders of their designees have been recognized on Wednesday, the distinguished Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 15 minutes, after which there be a brief period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER (Mr. McCLURE). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I believe the order has already been entered to the effect that on Wednesday, at the conclusion of routine morning business, the Senate will proceed to the consideration of S. 1566; am I correct?

The PRESIDING OFFICER. The Senator is correct.

ORDER FOR ADJOURNMENT FROM ON WEDNESDAY UNTIL 11 A.M. ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday, it stand in adjournment until the hour of 11 o'clock a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANIMAL HEALTH RESEARCH ACT—CONFERENCE REPORT

Mr. ALLEN. Mr. President, I submit a report of the committee of conference on H.R. 11873, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The second legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, as follows:

Conference Report

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 and agree thereto.

That the House recede from its disagreement to the amendment of the Senate numbered 9 and agree to the same with an amendment, as follows:

Strike out the figure "$15,000,000" and insert in lieu thereof the figure "$12,000,000."

And the Senate agree to the same.

Herman E. Talmadge,
George McGovern,
James B. Allen,
Dick Clark,
Milton R. Young,
Robert Dole,
Henry Bellmon,
Managers on the Part of the Senate.

W. R. Poage,
Frank A. Stubblefield,
Thomas S. Foley,
John Melcher,
Geo. A. Goodling,
Robert B. Mathias,
John M. Zwach,
Managers on the Part of the House.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11873) to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate adopted 22 amendments to the House bill. Under the conference committee agreement, the House receded from its disagreement to Senate amendments numbered 1, 2, 3, 4, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22. The Senate receded from its amendments numbered 5, 6, and 7. Senate amendment numbered 9 was further amended by the conferees.

(1) The conferees agreed to Senate amendment numbered 1 to include freshwater fish and shellfish as animals for which research is to be conducted under this bill.

(2) The conferees agreed to Senate amendment numbered 2 authorizing research to minimize loss of livestock and poultry due to transportation and handling.

(3) The conferees agreed to Senate amendments numbered 13, 15, and 16 eliminating local review committees.

(4) The conferees did not agree to Senate amendment numbered 5 and retained the House language authorizing appropriations not to exceed $20 million annually to support continuing research programs at eligible institutions.

(5) The conferees did not agree to Senate amendment numbered 7 and agreed to the House provision authorizing appropriations not to exceed $15 million annually to support research on specific national or regional animal health problems.

(6) The conferees agreed to Senate amendment numbered 9 with an amendment establishing the level of authorized appropriations at not to exceed $12 million annually to support the cost of providing veterinary medical science research facilities.

(7) The conferees agreed to Senate amendment numbered 21 requiring the keeping of records by grant recipients and requiring that the Secretary of Agriculture and the Comptroller General be given access to these records.

(8) The conferees agreed to Senate amendments numbered 3, 4, 8, 10, 11, 12, 14, 17, 18, 19, 20, and 22 which make conforming, clarifying, and technical changes in the House bill.

(9) The conferees did not agree to Senate amendment numbered 6 dealing with the authority for the Secretary to conduct an inventory of all horses in the United States. The conferees determined that the Department of Agriculture has basic authority to conduct inventories of livestock under the Organic Act (7 U.S.C. 2201). In order to carry out the provisions of this bill, inventories of livestock—including horses—are required, and the conferees expect that such inventories will be conducted.

Herman E. Talmadge,
George McGovern,
James B. Allen,
Dick Clark,
Milton R. Young,
Robert Dole,
Henry Bellmon,
Managers on the Part of the Senate.

W. R. Poage,
Frank A. Stubblefield,
Thomas S. Foley,
John Melcher,
Geo. A. Goodling,
Robert B. Mathias,
John M. Zwach,
Managers on the Part of the House.

Mr. ALLEN. Mr. President, the report has been cleared on both sides of the aisle.

Mr. President, I am pleased to present to the Senate the conference report on H.R. 11873, a bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research.

The purpose of the bill is to place increased emphasis on, and provide added funding for, animal health research at accredited colleges of veterinary medicine and State agricultural experiment stations.

The specific objectives of the legislation include, first, improving the health and productivity of domestic livestock, poultry, and other income producing animals; second, preventing disease epidemics; third, minimizing losses of livestock and poultry due to sicknesses and diseases; fourth, protecting human health through control of animal diseases transmissible to humans; fifth, improving the health of companion animals; and sixth, improving methods of controlling the births of predators and other animals.

In addition to the foregoing objectives, the agreement reached by the conferees on H.R. 11873 adopts the Senate amendment to include fresh water fish and shellfish as animals for which research is to be carried out under the bill. The conference agreement also adopts the Senate amendment to authorize research to minimize losses of livestock and poultry due to transportation and handling.

The conferees did not adopt the Senate provision authorizing the Secretary of Agriculture to conduct an inventory on horses. The conferees determined that the Department of Agriculture has basic authority to conduct inventories of livestock under the Organic Act (7 U.S.C. 2201). In order to carry out the provisions of the Animal Health Research Act, inventories of livestock—including horses—are required, and the conferees expect that such inventories will be conducted.

H.R. 11873, as passed by the House, authorized appropriations not to exceed $20,000,000 annually to support continuing research programs at eligible institutions. The Senate increased the authorization to $40,000,000.

The conference agreement adopts the House provision.

The bill, as passed by the House, authorized appropriations not to exceed $15,000,000 annually to support research on specific national or regional animal health problems. The Senate increased the authorization to $20,000,000.

The conference agreement adopts the House provision.

The House authorized not to exceed $10,000,000 annually to support the cost of providing veterinary medical science research facilities. The Senate increased the authorization to $15,000,000.

The conference agreement authorizes not to exceed $12,000,000 for such purpose.

The conference agreement adopts the Senate amendment eliminating local review committees. Such committees would have reviewed local project proposals for research on priority problems of animal health.

Under the conference agreement and the Senate amendment, such review authority is vested in the dean or director of each college of veterinary medicine or eligible institution conducting animal health research.

Finally, the conference agreement adopts the Senate provision requiring the keeping of records by grant recipients and requiring that the Secretary of Agriculture and the Comptroller General be given access to the records.

Mr. President, we were able to maintain in the conference a number of the important amendments the Senate made to the bill. The conference agreement should give added impetus to animal health research, and I trust that new authorities will be speedily implemented.

Mr. President, I move the adoption of the conference report.

The motion was agreed to.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, is there any business pending before the Senate at the moment?

The PRESIDING OFFICER. No, there is not.

REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974

Mr. ROBERT C. BYRD. Mr. President, in order that the rules may be complied with, I ask unanimous consent that the Senate now proceed, without any action taken thereon today, to the consideration of the bill which will be first up tomorrow after the morning business, S. 3164, Calendar No. 838.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

> A bill (S. 3164) to provide for greater disclosure of the nature and costs of real estate settlement services, to eliminate the payment of kickbacks and unearned fees in connection with settlement services provided in federally related mortgage transactions, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, it is not my desire that this bill become the unfinished business after tomorrow. Under the order previously entered, I believe that the bill S. 707 is to become the unfinished business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. So the mere fact that the Senate will adjourn today without having disposed of S. 3164 will not, in view of the order, make S. 3164 the unfinished business after tomorrow. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. PROXMIRE. Mr. President, if the Senator will yield on that point, I am sure the Senator has no intention of making any kind of record or having a discussion on this matter today. Is that right?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. PROXMIRE. And saying in the future that, "This bill was taken up back on Monday, July 15, and, therefore, we had all these days of discussion."

Mr. ROBERT C. BYRD. No, not at all.

Mr. PROXMIRE. The Record should show there was no discussion of anything.

Mr. ROBERT C. BYRD. Absolutely, Mr. President. I shall proceed in this fashion: I ask unanimous consent that the previous action laying down the bill S. 3164 be negated and that there now be a resumption of the period of routine morning business, with statements limited therein to 30 minutes each, and that at the conclusion of routine morning business, the Senator from Wisconsin be recognized to move that the Senate adjourn in accordance with the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order previously entered for the recognition of Robert C. Byrd tomorrow, following Mr. Roth, be vacated; that the order for the recognition of Mr. Percy following Mr. Brock be vacated; that Mr. Percy's name be substituted in lieu of the name of Mr. Dominick, and that my name appear at the end of the list of Senators to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 8:30 a.m. tomorrow. After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business, with statements therein limited to 5 minutes each, not to extend beyond the hour of 9 a.m.

Beginning at the hour of 9 a.m., the following Senators will be recognized, each for not to exceed 10 minutes, to discuss the subject of world trade: Mr. Roth, Mr. Brock, Mr. Kennedy, Mr. Pearson, Mr. Clark, Mr. Hansen, Mr. Javits, Mr. Hatfield, Mr. Bentsen, Mr. Hruska, Mr. Hartke, Mr. Cranston, Mr. Dole, Mr. Percy, Mr. Curtis, Mr. Chiles, Mr. Humphrey, Mr. Stevenson, and Mr. Mathias.

So, all Senators who have been committed for recognition tomorrow morning should be on the floor in time to command their time when they are recognized by the Chair. The aforementioned speeches must end not later than 12:30 p.m., at which time the Senate will proceed to vote on the Mansfield motion that the Senate further insist on its amendments to H.R. 7824, the legal services bill.

Upon the disposition of that bill tomorrow, the Senate will proceed to the consideration of Calendar Order No. 838, S. 3164, a bill to provide for greater disclosure of the nature and costs of real estate settlement services, to eliminate the payment of kickbacks and unearned fees, and for other purposes.

At some time during the afternoon, at the discretion of the distinguished majority leader or his designee, the Senate will proceed to the consideration of Calendar No. 857, S. 707, a bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and for other purposes.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Rollcall votes may occur on either or both S. 3164 and/or S. 707 tomorrow. But I should state at this point, the Senate will operate on a double track system for the next several days, with S. 707, the Consumer Protection Agency bill, being the main track item—the unfinished business—at the close of each day, with the leader or his designee, at some point during the afternoon of each day, authorized to set aside the pending business, whatever it may be, the Senate then to resume its consideration of the main track item, the unfinished business at that point, the Consumer Protection Agency.

Yes, I will be glad to yield to the able senior Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, may I ask the distinguished acting majority leader if he can give us any idea when he can expect to move on S. 3164? The reason I ask is because that bill is of great concern to a number of members of the Banking Committee. Senator Brock is one and I am another; other members are concerned. It is a bill that came out of our committee. We have a conference with the House on housing scheduled for 2 o'clock tomorrow afternoon and, of course, we will be on the floor if we have to be, but we will have to be absent from that conference. We would like to get as much notice as we can and to have the conference as soon as possible.

Mr. ROBERT C. BYRD. On tomorrow?

Mr. PROXMIRE. Yes.

Mr. ROBERT C. BYRD. The Senate would like tomorrow to begin its consideration of S. 3164, following immediately upon the disposition of the Mansfield motion in relation to H.R. 7824. At some time in the afternoon—I would imagine at about 3 o'clock or 3:30—the leader will move to set that business aside temporarily and proceed with the main track item, which is the Consumer Protection Agency bill.

Mr. PROXMIRE. I thank the Senator.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. ROBERT C. BYRD. Yes, I would be delighted.

Mr. COTTON. It is my understanding that bill, commonly referred to as the Consumer Protection bill, is to become the second track each day.

Mr. ROBERT C. BYRD. Yes.

Mr. COTTON. For its consideration—would it be—he may not be able or care to answer this—the policy of the leadership while we are considering that highly controversial measure, and considering it only for a part of each day, that the cloture motion would be filed?

Mr. ROBERT C. BYRD. It is my understanding that a cloture petition will be filed, possibly by Thursday of this week, on that bill.

Mr. COTTON. I merely wanted to say that that is a bill out of my committee and the Senator from New Hampshire is opposed to the bill, and also has amendments.

It seems to me a little unfair to take up a bill for a portion of each day—many times we are delayed in getting to that portion, and then to turn around and file a cloture petition. It seems to me—I am not suggesting, there is no reason why it should not be done, nor am I questioning the good faith of the leadership in doing it, but, it would seem to me—the fair way to employ the expedient of a cloture petition is after a bill has at least for a period of time occupied the full attention of the Senate all day.

I merely want to express that and to express the hope that people will think twice before they shut off debate on a highly controversial measure when it has only been receiving attention for a part of each day on the so-called two-track system.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. COTTON. Yes, I yield.

Mr. PROXMIRE. I would like to make exactly that point on S. 3164. I do not know whether a cloture motion is contemplated, but I would not be surprised. It is a very controversial bill to provide for greater disclosure of the nature and costs of real estate services, and I think we ought to have substantial debate for at least a few days on that bill before we invoke cloture. Maybe nobody will file a cloture motion. I would hope we would have some votes early on that but, at the same time, it is the same problem. It is a dual double track of two important bills. So I think we have the same problem, as I say, in connection with the bill I am discussing.

Mr. JAVITS. Mr. President, will the Senator from West Virginia yield to me?

Mr. ROBERT C. BYRD. I will yield shortly.

I certainly appreciate fully the feelings that have been expressed by both the distinguished Senator from New Hampshire (Mr. Cotton) and the distinguished Senator from Wisconsin (Mr. Proxmire). The leadership was under some pressure by Senators to bring up both of these bills. The first one that appears on the agenda for tomorrow has been on the calendar now since May 22d. The second one—which will become the main track item—was reported from the Committee on Commerce on April 11, 1974, and from the Committee on Government Operations on May 28; so both bills have been on the calendar for quite some time.

May I say, I certainly sympathize with the expressions, not of objections but of concern, on the part of the two Senators.

I would have my doubts as to whether or not cloture will be invoked immediately—on either of the two bills.

I was privy to a conversation today by a Senator who indicated he would probably begin a cloture motion on Thursday.

Mr. COTTON. The Senator from New Hampshire understands under the rules of the Senate cloture petitions can be resorted to by any of the Senators at any time. But as a matter of, I will not say, fair play, because I am not suggesting anyone would have the intention of not being fair or would have the intention of being unfair, but it is one thing to go for cloture when the Senate has been tied up all day, day after day, for a period of time. It is quite another thing to try to choke off debate when the Senate has only been considering the bill on a two-track system, and does not get to it until 3 o'clock in the afternoon, and everybody is gone by 5. I do not think that was the original purpose—it is perfectly legal but not the original purpose— of the rules on cloture.

Mr. JAVITS. Mr. President, would the Senator yield to me?

Mr. ROBERT C. BYRD. Yes, gladly.

Mr. JAVITS. To set the record straight on the Consumer Protection Agency bill, this is a bill which has been thoroughly considered in the Senate for days and was killed off by a filibuster, and now at long last maybe the wheel will turn and an effort will be made to get the bill considered without killing it off by a filibuster.

I cannot see, frankly, anything that would be disadvantageous or damaging if a cloture petition were filed Thursday on that bill. It is only back here because it was exhaustively debated and killed off before by a determined filibuster by a determined minority, although the majority wanted it on.

Equally, with what Senator Cotton says about the great privilege of the Senate of debate, is the fact that we always say around the Senate, "Well, really, you cannot ultimately kill anything by the filibuster. Somehow or other if a majority wants it, they are going to get it."

Well, let us see. This is a critically important bill to tens of millions of Americans, and they are asking for it. So I really think that to start without the Record showing what has occurred in this matter before, merely presenting it as if it were one face to the public, to wit, we are going on a double track system, somebody may file a petition for cloture on Thursday, that is a very short time, it is a very short time, but this bill has been here a very long time, and was debated very ardently for a very long time and never got anywhere because of the utilization of filibuster tactics against it.

So I think that that certainly should be said to complete the Record so that those of us who may vote for cloture promptly will not be considered as people who wish to stifle debate. We have had much debate and we have been through this for a long time. There is very determined opposition to this measure but that does not make it wrong; and if we all know it, it may make it more than right.

Mr. COTTON. Mr. President, in response to the remarks of my distinguished friend, the Senator from New York, I wish to say, one, that this bill is not the same bill in many ways as similar bills that have been similarly debated. As for the tens of millions of Americans crying out for this bill, it would be very helpful, I think, to consider if those tens of millions of Americans could find out what they were crying for. They are crying out for something they might wish they never had.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield to the able Senator from Wyoming.

Mr. McGEE. Mr. President, as a matter of information on what is ahead for this week, is there a projected time plan for the agricultural environment consumers protection bill? Can the Senator see that on the horizon?

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator has raised a very important question. It will be the intention of the leadership, as circumstances permit, to move into the first track every day those measures which can be disposed of and which are most pressing. It will be the intention of the leadership, I am sure, to proceed as quickly as possible to expedite the business on that appropriation bill. I do not believe it is now on the calendar.

Mr. McGEE. No, we reported the bill on Friday from the full committee, as the Senator will recall, and we are prepared to move it any day now. The report is ready to be filed. It will be ready any day as an appropriation measure. It is a question of when we might see daylight.

Mr. ROBERT C. BYRD. If the bill is on the calendar tomorrow, and if it can be cleared by the other side, and if it is the wish of the Senator from Wyoming, who will manage the bill, and the Senator from Arkansas (Mr. McClellan), the leadership is hopeful that before the end of the week, that bill can be programed as a first-track item and disposed of.

Mr. McGEE. It becomes a very complex measure, as we try to get together with the House to resolve the differences of the two bodies, and rather than have it delayed, we would like the consideration of it as soon as possible.

Mr. ROBERT C. BYRD. Yes, the leadership is in accord with what the Senator says and does hope to move the bill through the Senate as quickly as possible.

Mr. McGEE. I thank the Senator.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, July 15, 1974, he presented to the President of the United States the following enrolled bills:

S. 724. An act for the relief of Marcos Rojos Rodriguez:

S. 1803. An act to authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch; and

S. 3203. An act to amend the National Labor Relations Act to extend its coverage and protection to employees of nonprofit hospitals, and for other purposes.

QUORUM CALL

Mr. PROXMIRE. Mr. President, the assistant majority leader has asked me to adjourn the Senate when we were through. I am about to do that, but I think it is customary to suggest the absence of a quorum before we do it. So I will suggest the absence of a quorum for that purpose. Then, unless messages reach the Senate that there is some reason to continue, I will move at that point that the Senate adjourn.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. METZENBAUM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 8:30 A.M. TOMORROW

Mr. PROXMIRE. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 a.m. tomorrow.

The motion was agreed to; and at 5:09 p.m. the Senate adjourned until tomorrow, Tuesday, July 16, 1974, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 1974:

DEPARTMENT OF JUSTICE

Joseph W. Keene, of Louisiana, to be U.S. marshal for the western district of Louisiana for the term of 4 years. (Reappointment.)

IN THE NAVY

Rear Adm. James H. Doyle, Jr., U.S. Navy, having been designated for commands and other duties of great importance and responsibility commensurate with the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapter 35 and 837, title 10, United States Code.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Ackerly, Robert S., Jr., [redacted].
Acord, Lewis V., [redacted].
Adams, Thomas R., [redacted].
Albinson, Alvin A., [redacted].
Alderson, Arthur W., [redacted].
Aldridge, Darold D. [redacted].
Alexander, Robert A. [redacted].
Alfange, Dean, Jr., [redacted].
Alford, Lou R., [redacted].
Allen, Franklin E., [redacted].
Allen, Hilary W., [redacted].
Allen, John T. [redacted].
Allen, Jon S., [redacted].
Allenbach, Richard J., [redacted].
Anders, Maurice C., [redacted].
Anderson, Edwin R., [redacted].
Anderson, Harry, Jr., [redacted].
Anderson, Howard W. [redacted].
Anderson, R. Gayle, [redacted].
Anderson, Robert E., [redacted].
Andrew, Oberlyn M., [redacted].
Andrews, Thomas E., [redacted].
Archer, John M., [redacted].
Alderson, Clifford J., [redacted].
Arkin, Harry L., [redacted].
Armintrout, Willard, [redacted].
Armony, Richard H., [redacted].
Armstrong, Donald L., [redacted].
Arnold, Edwin L., [redacted].
Arnold, Harold B., [redacted].
Arnold, Robert R., [redacted].
Arthur, Dennis S., [redacted].
Ashworth, David H., [redacted].
Askins, Billy E., [redacted].
Atkinson, James V. J., [redacted].
Atwood, Walter F., [redacted].
Attebury, John C., [redacted].
Ault, James G., [redacted].
Aune, Melton L., [redacted].
Autio, Clyde F., [redacted].
Ayers, Roy E., Jr., [redacted].
Ayres, William B., Jr., [redacted].
Bachouros, Peter F., [redacted].
Baham, Alvin G., [redacted].
Bahn, Franklin E., [redacted].
Bailey, John A., [redacted].
Bailey, Walter J., [redacted].
Bailie, Noah M., [redacted].
Bain, Donald W. [redacted].
Bair, William F., [redacted].
Baker, James J., [redacted].
Baldeshwiler, Vernon E., [redacted].
Baldwin, Oliver H. P., [redacted].
Ballinger, Julius O., [redacted].
Bandy, Larry L. [redacted].
Barker, Eugene G., [redacted].
Barner, William G., III, [redacted].
Barron, William L., Jr., [redacted].
Barry, Edward G., Jr., [redacted].
Bartholomew, Elwin F., [redacted].
Basil, John T., [redacted].
Bassa, Reginald L., [redacted].
Bastian, Delmar, [redacted].
Battaglia, Norman C., [redacted].
Bauer, Richard, [redacted].
Baum, Russell C., [redacted].
Baumert, Leroy E., [redacted].
Beacom, Edward J., [redacted].
Beal, Herbert W., Jr., [redacted].
Beaty, Jack E., [redacted].
Beck, Frank F., Jr., [redacted].
Beckel, Leonard W., [redacted].
Becker, John G., Jr., [redacted].
Beers, Richard L., [redacted].
Bekebrede, Alfred H., Jr., [redacted].
Beltramello, Paul, Jr., [redacted].
Benedict, William E., [redacted].
Benefield, Allen W., Jr., [redacted].
Bengtson, Richard L., [redacted].
Bennett, Arthur J., [redacted].
Bennett, Bobby R., [redacted].
Bennett, Ralph J [redacted].
Bennett, William D., [redacted].
Benton, Richard E., [redacted].
Benzie, Jack P., [redacted].
Berg, Henry F., [redacted].
Bergad, Joseph R., [redacted].
Beyers, Jack L., [redacted].
Biberstein, Glenn J., [redacted].
Bierek, William V., [redacted].
Bilodeau, Maurice E., [redacted].
Birnbach, William G., [redacted].
Blanchard, Robert, [redacted].
Bland, Jacob L., [redacted].
Blankenship, Richard N., [redacted].
Blose, James H., [redacted].
Bodner, Stanley J., [redacted].
Boffin, Kenneth G., [redacted].
Boiko, George A., [redacted].
Bomberger, Dale R., [redacted].
Borkosky, Glenn E., [redacted].
Bosanquet, Louis P., [redacted].
Bostwick, James M., [redacted].
Boucher, William F., [redacted].
Boulter, James, [redacted].
Bourlier, Perry L., Jr., [redacted].
Bouthiller, Lucien A., [redacted].
Bovee, Forrest W., [redacted].
Bovenzi, Joseph P., [redacted].
Bowman, Roy H., [redacted].
Boyd, Anson C. III, [redacted].
Boyd, Charles A., [redacted].
Boylan, William J., [redacted].
Bozek, John R., [redacted].
Brady, Ronald L., [redacted].
Brady, Thomas C., [redacted].
Bragg, Robert E., [redacted].
Braisted, Staryl C., [redacted].
Brake, Page G., Jr., [redacted].
Brandes, Theodore D., [redacted].
Brantley, Eugene L., [redacted].
Braun, Hugh R., [redacted].
Breidenbach, George F., [redacted].
Breidenthal, Ralph E., [redacted].
Bremner, Richard W., [redacted].
Brill, John W., [redacted].
Bringhurst, Norman L., [redacted].
Britton, James L., [redacted].
Broadbear, Gene W., [redacted].
Broderick, Edward F., Jr., [redacted].
Bromley, George R., [redacted].
Brooks, Bill R., [redacted].
Brooks, John J., [redacted].
Brown, Carey E., Jr., [redacted].
Brown, Edward, [redacted].
Brown, Gail E., [redacted].
Brown, Gordon W., [redacted].
Brown, Robert L. [redacted].
Brownfield, Richard S., [redacted].
Bruninga, Willis A., [redacted].
Bryant, Larry W., [redacted].
Buchanan, David L., [redacted].
Buckley, James W., [redacted].
Bucklin, Charles E., [redacted].
Buehler, John R., [redacted].
Buescher, Norman E., Jr. [redacted].
Bullock, Charles A., Jr., [redacted].
Burke, John A., [redacted].
Burns, Charles E., [redacted].
Burns, Melvyn J., [redacted].
Burr, Edward R., [redacted].
Bush, Frederic E., III, [redacted].
Byers, Waldron B., [redacted].
Byrd, Alvin R., [redacted].
Cain, Joseph N., [redacted].
Calamas, Peters J., [redacted].
Call, Marlin L., [redacted].
Calvert, Forrest G., [redacted].
Camp, Kenneth M., [redacted].
Campbell, Stanley E., [redacted].
Carastro, Sam, [redacted].
Carley, Frederick H., [redacted].
Carlsen, Virgil V., [redacted].
Carlson, Stuart M., [redacted].
Carlton, Gerald R., [redacted].
Carson, Charles E., [redacted].
Carter, Paul A., [redacted].
Carter, Raymond B., [redacted].
Carter, Thomas M., Jr., [redacted].
Cassas, Nicholas A., [redacted].
Cassidy, John T., [redacted].
Casteel, Don A., [redacted].
Castro, Agenor L., [redacted].
Chance, Richard L., [redacted].
Chang, Norman G. E., [redacted].
Chavis, Madeline C., [redacted].
Cherry, Parley E., [redacted].
Chilingar, George V., [redacted].
Chock, Eugene Y. F., [redacted].
Christensen, Douglas, [redacted].
Christensen, Larry M., [redacted].
Christian, Jack D., [redacted].
Chun, Daniel K. W., [redacted].
Cihak, Don W., [redacted].
Clarke, Harold E. [redacted].
Claxton, Charles P., [redacted].
Clayton, Harrison B., [redacted].
Coleman, Charles B., III, [redacted].
Coleman, David G., [redacted].
Coleman, Jerre W., [redacted].
Colin, Ralph F., Jr., [redacted].
Collins, Charles K., [redacted].
Collins, John F. [redacted].
Collins, Lee W., Jr., [redacted].
Collisson, David K., [redacted].
Collomb, Henry L., [redacted].
Colonvargas, Armindo, [redacted].
Comyns, Richard B., [redacted].
Conger, Myron C., [redacted].
Conroe, Wallace W., [redacted].
Convery, Thomas E., [redacted].
Conway, Edward F., [redacted].
Conyers, John F., Jr., [redacted].
Cooney, Edmond F., Jr., [redacted].

Cooper, Thomas R., [redacted].
Copeman, William B., [redacted].
Corrin, Walter C., [redacted].
Corydon, Jeff, III, [redacted].
Corzine, Donald J., [redacted].
Costacolorado, Carlos D., [redacted].
Cottone, Robert J., [redacted].
Coty, Raymond L., [redacted].
Cougill, Thomas H., [redacted].
Couluris, Paul J., [redacted].
Covello, Arthur, [redacted].
Cox, Robert C., [redacted].
Cox, Vaiden Q., [redacted].
Crabtree, Booth A., [redacted].
Craig, Benjamin L., [redacted].
Craig, Walter P., [redacted].
Cramer, Stuart O., [redacted].
Crane, Leroy R., [redacted].
Creech, Billy L., [redacted].
Creuser, Kenton B., [redacted].
Crockford, Richard H., Jr., [redacted].
Crook, Tommy C., [redacted].
Crowl, Thomas S., [redacted].
Cruger, Kenneth J., [redacted].
Cummins, Richard J., [redacted].
Cunningham, James J., [redacted].
Cunningham, Kenneth S., [redacted].
Curet, Leroy R., [redacted].
Daciek, Michael R., [redacted].
Dang, David S. F., [redacted].
Daniels, Charles H., [redacted].
Danzig, Allan P., [redacted].
Dashbach, James M., Jr., [redacted].
Davenport, George R., [redacted].
Davidson, Donald C., [redacted].
Davies, Albert, [redacted].
Davis, Richard R., [redacted].
Davis, William F., Jr., [redacted].
Day, Theodore W., [redacted].
Dean, Harold H., [redacted].
Deem, Darrell L., [redacted].
Degraw, Barton K., [redacted].
Dekrey, David A., [redacted].
Delage, Charles J., IV, [redacted].
Delany, William E., [redacted].
Deleve, Robert W., [redacted].
Delhommer, Harold J., Jr., [redacted].
Demski, Raymond B., [redacted].
Denegre, Joseph, Jr., [redacted].
Dennerline, Ralph R., [redacted].
Desantis, Joseph P., [redacted].
Desjardine, John J., [redacted].
DeSoto, Ernest L., [redacted].
Dickerson, Robert T., [redacted].
Dickerson, Vernon F., [redacted].
Dickhaus, Alfred J., [redacted].
Diener, William W., Jr., [redacted].
Dietrich, Albert J., [redacted].
DiGregorio, Robert A., [redacted].
Dinsmoor, Charles A., [redacted].
Diuguid, John P., [redacted].
Diveris, Kosmas J., [redacted].
Doerge, Donald D., [redacted].
Doherty, Richard D., [redacted].
Dolan, William E., [redacted].
Dold, Robert B., [redacted].
Donchin, Charles J., [redacted].
Doore, George S., Jr., [redacted].
Dorris, Ralph D., [redacted].
Dorsey, Alvin L., Jr., [redacted].
Dorsey, David A., [redacted].
Dougherty, Thomas J., [redacted].
Dowd, George J., [redacted].
Dowdy, Forrest B., [redacted].
Downs, Timothy J., Jr., [redacted].
Doyle, William M., [redacted].
Drake, Herrick M., [redacted].
Dreifus, Jordan A., [redacted].
Dresser, John C., [redacted].
Drew, James V., [redacted].
Dries, Alfred J., [redacted].
Drum, Shirley V., [redacted].
Dudash, John F., [redacted].
Duhaylongsod, Henry T., [redacted].
Dunaway, Frank R., Jr., [redacted].
Dunham, James K., [redacted].
Dunlap, Fred, [redacted].
Durrett, Dewey B., [redacted].
Duvall, Robert E., [redacted].
Earle, Julius E., Jr., [redacted].
Earnhardt, Harold C., [redacted].
Easton, Forest G., [redacted].
Eby, James F., [redacted].
Eckardt, Curt E., [redacted].
Eddleman, Robert W., [redacted].
Edgerton, Enoch H., [redacted].
Edman, Gordon L., [redacted].
Edwards, Harold Jr., [redacted].
Edwards, Robert M., [redacted].
Eggert, George D., [redacted].
Ehrenhaft, Peter D., [redacted].
Eliason, Jay T., [redacted].
Elliott, William H., Jr., [redacted].
Ellis, Clenet R., Jr., [redacted].
Enis, Bernard A., Jr., [redacted].
Ensign, Willis A., Jr., [redacted].
Erickson, Elerth S., [redacted].
Erwin, Ralph D., [redacted].
Ervine, Elizabeth W., [redacted].
Essigmann, Karl P., [redacted].
Every, Charles H., [redacted].
Fail, Woodrow T., Jr., [redacted].
Fairbourn, Marlin A., [redacted].
Faler, George K., [redacted].
Farrell Walter J., [redacted].
Feather, Byron D., [redacted].
Featherstone, David E., [redacted].
Feldman, Alfred A., [redacted].
Felmet, Tommy B., [redacted].
Feltel, Gilbert L., [redacted].
Fennell, Frank F., [redacted].
Ferguson, George H., [redacted].
Ferluga, Joseph J., [redacted].
Fessler, Albert L., [redacted].
Fisher, Wallace R., Jr., [redacted].
Fitzgerald, John W., [redacted].
Flaherty, John F., [redacted].
Fletcher, James G., [redacted].
Flournoy, Vernon D., [redacted].
Folkman, David I., Jr., [redacted].
Folloni, John R., Jr., [redacted].
Ford, Leroy E., [redacted].
Forman, Herbert W., [redacted].
Forschler, George P. A., [redacted].
Fowler, Lloyd W., [redacted].
Fox, Harry D., [redacted].
Frager, Jerome, [redacted].
Fraser, Robert J., [redacted].
Frederick, George L., [redacted].
Fredette, Armand J., [redacted].
Freedman, Arnold F., [redacted].
Freeland, John F., [redacted].
French, Donald B., [redacted].
French, Errol R., [redacted].
Fritz, Bernard J., [redacted].
Frome, Robert E., [redacted].
Frost, Creighton W., [redacted].
Fryer, James F., [redacted].
Fulkerson, Clarence, [redacted].
Gagliano, Charles J., [redacted].
Gallagher, Robert R., [redacted].
Garbrick, Richard C., [redacted].
Garnes, James W., [redacted].
Gates, aJckie L., [redacted].
Gaw, Ralph A., [redacted].
Gaylord, Edward G., [redacted].
Gazarian, Theodore B., [redacted].
Geckler, Jack W., [redacted].
George, Richard S., [redacted].
Getz, Theodore P., [redacted].
Gewirtzman, Herbert G., [redacted].
Gideon, George D., [redacted].
Giller, Richard M., [redacted].
Gilmore, Cecil W., [redacted].
Gilmore, John C., [redacted].
Gilmore, Randol, [redacted].
Ginger, Herbert, [redacted].
Giovanazi, James M., [redacted].
Glass, Franklin E., Jr., [redacted].
Goch, Peter, [redacted].
Goddard, Earl E., [redacted].
Godfrey, Robert M., [redacted].
Godwin, Walter J., [redacted].
Goertz, Harold T., Jr., [redacted].
Goldsberry, Kenneth L., [redacted].
Gonnerman, Paul R., [redacted].
Gooding, James T., [redacted].
Gordhammer, Eddie E., Jr., [redacted].
Gordon, Herman, [redacted].
Gordon, Willard F., [redacted].
Goree, Charles E., [redacted].
Gossom, Ernest I., Jr., [redacted].
Graham, Hugh J., [redacted].
Gray, Farrell, [redacted].
Graybill, Albert W., [redacted].
Green, Charles O., [redacted].
Greene, Stephen J., [redacted].
Greenleaf, Raymond R., [redacted].
Gregal, Alex A., [redacted].
Grissom, Lynwood L., [redacted].
Grogan, Stanley J., Jr., [redacted].
Groom, Robert A., [redacted].
Gross, John D., [redacted].
Groves, Albert H., [redacted].
Guinouard, Donald E., [redacted].
Guthrie, William C., Jr., [redacted].
Haber, Bernard, [redacted].
Hagan, Peter M., [redacted].
Hager, Wilbur G., [redacted].
Haig, Douglas W., [redacted].
Haldeman, Norman J., Jr., [redacted].
Hale, Marvin L., [redacted].
Hall, Dean C., [redacted].
Hall, Hansel C., [redacted].
Hall, James A., [redacted].
Hall, Ted C., [redacted].
Hamilton, Gail B., Jr., [redacted].
Hamilton, Laurens A., Jr., [redacted].
Hammett, Albert G., III, [redacted].
Hand, Donald J., [redacted].
Hanks, Samuel W., [redacted].
Hanska, Ronald J., [redacted].
Hanson, John R., [redacted].
Hanson, Kenneth L., [redacted].
Hardy, John J., [redacted].
Harman, Roy P., [redacted].
Harmon, Jay H., [redacted].
Harmon, Melvin L., [redacted].
Harper, William L., [redacted].
Harrell, Ralph V., Jr., [redacted].
Harris, James R., [redacted].
Harris, Walter B., [redacted].
Harvey, David, [redacted].
Hart, Donald C., [redacted].
Hasseman, Doyle W., [redacted].
Hauer, Edward W., [redacted].
Haugen, Kenneth R., [redacted].
Havens, George B., [redacted].
Hawk, Herbert E., [redacted].
Haws, Arlington D., [redacted].
Haynie, Delbert L., [redacted].
Heaslip, Patrick H., [redacted].
Hefton, Richard R., [redacted].
Hegland, Leonard W., [redacted].
Hellwege, John A., [redacted].
Hentze, Gary W., [redacted].
Herbert, Frank J., [redacted].
Heseltine, Gordon C., [redacted].
Hesko, Alfred D., [redacted].
Hess, Joseph M., [redacted].
Heyner, Franklin R., [redacted].
Hieftje, Henry E., [redacted].
Higaki, Herbert E., [redacted].
Higbee, Dwight I., [redacted].
Hillman, Richard D., [redacted].
Hines, Jaris A., [redacted].
Hingle, Chester A., Jr., [redacted].
Hinton, James R., [redacted].
Hinton, John L., Jr., [redacted].
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Hitt, Gene, [redacted].
Hitter, James R., [redacted].
Hix, George J., [redacted].
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Hoey, Henry L., Jr., [redacted].
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Holm, Don F., [redacted].
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Horn, Richard H., [redacted].
Horne, Stanley H., [redacted].

Horochivsky, Michael, [redacted].
Horsley, Arthur S., [redacted].
Horwitz, Donald C., [redacted].
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Hosman, Jack C., [redacted].
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Houlihan, Kingston, [redacted].
Howard, Thomas Q., [redacted].
Howie, Clyde O., [redacted].
Howley, Daniel C., [redacted].
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Hutton, Arthur H., [redacted].
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Idrogo, Samuel, [redacted].
Iimura, Tad T., [redacted].
Ikola, Willard J., [redacted].
Ille, Raymond O., Jr., [redacted].
Imber, Carroll D., [redacted].
Ingram, Bobby F., [redacted].
Ingraham, Hubert H., Jr., [redacted].
Isabelle, Leonard W., [redacted].
Ivy A. J., Jr., [redacted].
Jackson, Gerald D., [redacted].
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Janover, Lee R., Jr., [redacted].
Janson, Donald G., [redacted].
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January, Daniel E., [redacted].
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Myers, Kent E., [redacted].
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Nicholas, Gilbert C., [redacted].
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Nordby, Alfred R., [redacted].
Nordstrom, Richard G., [redacted].
Nowak, Herbert M., [redacted].
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Obrien, Thomas F., [redacted].
Ogan, Gail C., Jr., [redacted].
Ogden, Henry V., [redacted].
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Owen, Harold M., [redacted].
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Paradowski, Elwood H., [redacted].
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Pearson, Philip R., [redacted].
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Quesenberry, Donovan W., [redacted].
Quinn, John W., [redacted].
Raby, Bruce A., [redacted].
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Ragan, Harold J., [redacted].
Ramirez, Jose L., [redacted].
Randall, Carey W., [redacted].
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Ransom, Ronald B., [redacted].
Ranson, James C., [redacted].
Reardon, James R., [redacted].
Rector, Billy K., [redacted].
Redden, Billy E., [redacted].
Redding, Henry P., [redacted].
Redman, John C., [redacted].
Reeves, Horace V., [redacted].
Rehm, Jerry T., [redacted].
Remler, Albert N., [redacted].
Renner, Milton, [redacted].
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Romanek, Glenn E., [redacted].
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Rowland, Thomas P., [redacted].
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Rugg, John L., [redacted].
Rule, Ronald C., [redacted].
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Sage, Dean V., [redacted].
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Voyt, Eugene M., [redacted].
Wade, Richard G., [redacted].
Waggoner, Raymond C., [redacted].
Wagner, Albert C., [redacted].
Waldeck, Earl E., [redacted].
Waldo, Whitson G., [redacted].
Waldrip, James W., [redacted].
Waldron, William S., [redacted].
Walker, Douglas W., [redacted].
Walker, Frederick D., [redacted].
Walker, James A., [redacted].
Wall, Glenn R., [redacted].
Waller, Alan M., [redacted].
Ward, Glen B., [redacted].
Ward, Thomas A., [redacted].
Warneke, John E., [redacted].
Watson, Kenneth W., [redacted].
Waxman, Martin M., [redacted].
Way, Clifford D., Jr., [redacted].
Wearley, Robert F., [redacted].
Weaver, David E., [redacted].
Webb, Jack S., [redacted].
Weigand, Charles J., [redacted].
Weight, Ted L., [redacted].
Welch, Billy W., [redacted].
Welch, Edward G., [redacted].
Welker, Orley, Jr., [redacted].
Wellons, John C., Jr., [redacted].
Wenaas, Gordon J., [redacted].
Wenner, Warren M., II, [redacted].
Wertheim, George J., [redacted].
Westcott, Stewart E., [redacted].
White, Hugh G., III, [redacted].
White, Max E., [redacted].
White, Robert D., Jr., [redacted].
Whitehead, Charles L., [redacted].
Whitehead, Victor S., [redacted].
Whiting, George A., [redacted].
Wicke, Robert J., [redacted].
Wildermuth, Ernest F., [redacted].
Wilkens, James A., [redacted].
Wilkinson, Kevin P., [redacted].
Williams, Otis R., [redacted].
Wilson, Dale W., [redacted].
Wilson, John L., [redacted].
Wilson, John V., Jr., [redacted].
Wilson, William E., [redacted].
Winfrey, Ira T., Jr., [redacted].
Winn, Charles S., [redacted].
Wintrode, John H., Jr., [redacted].
Wise, George M., [redacted].
Wolfe, Wilbur K., Jr., [redacted].
Wolkoff, Eugene, [redacted].
Wolsey, Leslie G., [redacted].
Wonderly, Robert D., [redacted].
Wong, Harold P. K., [redacted].
Wood, Glenn W., Jr., [redacted].
Wood, Richard D., [redacted].
Wood, Thomas E., [redacted].
Woodall, James K., [redacted].
Woodrum, W. G., Jr., [redacted].
Woods, William D., [redacted].
Wooster, Thomas A., [redacted].
Wooten, Daniel V., [redacted].
Worden, Donald G., [redacted].
Worst, James L., [redacted].
Worthey, Eugene B., [redacted].
Worthington, William L., [redacted].
Wostrel, Joanne L., [redacted].
Wrede, Harvey R., Jr., [redacted].
Wuester, Erwin A., [redacted].
Wyman, Paul S., Jr., [redacted].
Yackel, Edward D., [redacted].
Yamamoto, Kazuo, [redacted].
Young, Clarence W., Jr., [redacted].
Young, John W., [redacted].
Zeigler, William C., [redacted].
Zepf, Marvin C., [redacted].
Zettel, William W., [redacted].
Zornes, John J., [redacted].

CHAPLAINS

Basford, Paul J., Jr., [redacted].
Browning, Roy W., Jr., [redacted].
Chunn, Donald R., [redacted].
Dunlap, Lewis H., [redacted].
Gaylor, Henry W., Jr., [redacted].
Girdley, James D., [redacted].
Haddick, Ben S., [redacted].
Hammet, Charles J., [redacted].
Harrell, Douglas A., [redacted].
Henderson, Harold C., [redacted].
Hoffman, Sydney L., [redacted].
Hurn, William C., Jr., [redacted].
Jensen, Donald A., [redacted].
Kvamme, Rodney A., [redacted].
Langehough, John O., [redacted].
Lawson, Donald W., [redacted].
Ludwig, Richard C., [redacted].
Mahler, Richard L., [redacted].
McDonough, Timothy, [redacted].
McFadden, Leo E., [redacted].
McGowan, John L., [redacted].
Meyer, John R., [redacted].
Petsch, Joseph P., [redacted].
Phillips, George R., [redacted].
Pike, Paul H., [redacted].
Preston, Thomas J., [redacted].
Reiter, Carl C., [redacted].
Rinnert, Willard C., [redacted].
Rubenstein, Jacob I., [redacted].
Selleck, John P., [redacted].
Smith, Philip N., [redacted].
Steen, John W., [redacted].
Thomas, Richard H., [redacted].
Vanderark, Jay C., [redacted].

DENTAL CORPS

Bristow, Otis A., Jr., [redacted].
Collins, Winter H., [redacted].
Dwyer, Martin J., [redacted].
Goltry, Rodman R., [redacted].
Haddad, Joe F., Jr., [redacted].
Harris, Ben, [redacted].
Johnson, Clinton C., [redacted].
Morrow, Hollis W., [redacted].
Pickle, Daniel E., [redacted].
Randolph, Richard B., [redacted].
Reger, Roy H., [redacted].
Youngblood, William A., [redacted].

MEDICAL CORPS

Adkins, Robert B., Jr., [redacted].
Bidwell, Donald W., [redacted].
Dillenkoffer, Robert L., [redacted].
Ellis, John W., Jr., [redacted].
Garman, Ray F., [redacted].
Harris, Perry F., [redacted].
Jenkins, Edward R., [redacted].
Lassalle, Hernander M., [redacted].
Macek, Francis J., Jr., [redacted].
Massey, Samuel O., [redacted].
Rodi, Alexander E., [redacted].
Snyder, Richard D., [redacted].
Trump, David S., [redacted].
Wick, Henry O., Jr., [redacted].

NURSE CORPS

Adams, Lena G., [redacted].
Anderson, Doris L., [redacted].
Ballack, Patricia G., [redacted].
Bartol, Gladys J., [redacted].
Benton, Olga W., [redacted].
Bullard, Sarah B., [redacted].
Burkett, Elizabeth, [redacted].
Carney, Joan M., [redacted].
Cillo, Sally A., [redacted].
Clark, Jean B., [redacted].
Core, Dorothy C., [redacted].
Creque, Ida A., [redacted].
Douglas, Shirley A., [redacted].
Evans, Phyllis C., [redacted].
Faust, Ingrid V., [redacted].
Fetsko, Helen A., [redacted].
Freeman, Edwin C., [redacted].
Fuller, Mary C., [redacted].
Goldberg, Judith, [redacted].
Hart, Alta, [redacted].
Harth, Dorothea R., [redacted].
Huckins, Donna D., [redacted].
Huggins, Dorothy E., [redacted].
Irwin, Mary E., [redacted].
Johnson, Harold F., [redacted].
Koncelik, Joseph F., [redacted].
MacGruder, Donna M., [redacted].
Meadows, Bettie J., [redacted].
Mishima, Margaret Y., [redacted].
Moore, Julia Y., [redacted].
Morrell, Margaret R., [redacted].
Mott, Rose I., [redacted].
Najim, Elizabeth A., [redacted].
Novy, Lee F., [redacted].
Oliver, Jane, [redacted].
Olson, Rosemarie L., [redacted].
Payne, Barbara E., [redacted].
Penfield, Richard A., [redacted].
Pospahala, Wanda V., [redacted].
Rooney, Helen A., [redacted].
Ross, Pauline N., [redacted].
Sauls, Doris L., [redacted].
Schmidt, Carlos E., [redacted].
Schmidt, William J., [redacted].
Schmitt, Fred A., [redacted].
Shirkey, Barbara J. W., [redacted].
Slone, Adrian C., [redacted].
Solsky, Katherine R., [redacted].
Stuart, Mary T., [redacted].
Tlumack, Agnes A., [redacted].
Tomkinson, Roberta I., [redacted].
Tusler, Dearld L., [redacted].
Villano, Mary R., [redacted].
Wagner, Marie L., [redacted].
Wilson, Elizabeth P., [redacted].
Winnike, Generose M., [redacted].

MEDICAL SERVICE CORPS

Aramendia, Frank M., Jr., [redacted].
Arredondo, Hector G., [redacted].
Corser, Robert D., [redacted].
Dellorto, John A., [redacted].
Hayes, Teddy, [redacted].
Huffines, David H., Jr., [redacted].
Moore, Jake W., [redacted].
Morales, Miguel A., [redacted].
Smith, Elisabeth E., [redacted].
Spruiell, Thomas L., [redacted].
Walters, Stanley L., [redacted].
Williams, Margaret H., [redacted].
Yeutter, Clayton K., [redacted].

VETERINARY CORPS

Dorn, Charles R., [redacted].
Hall, Ellis M., [redacted].
Johnson, Carl S., [redacted].
Maddox, Rex M., [redacted].
Moe, Andrew I., [redacted].
Plymale, Harry H., [redacted].

BIOMEDICAL SCIENCES CORPS

Ellsworth, Robert W., [redacted].
Floyd, Virginia L., [redacted].
Klebanoff, May O., [redacted].
Wiedenfeld, James I., [redacted].
Wolff, Monroe L., [redacted].

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Richard R. Amelon
Gregory H. Bosechert
Richard C. Crowe
Jerry W. Dalton
David A. Denis
Jeffrey A. Dixon
George L. Hemphill, Jr.
Chester J. Hutcheson
Richard L. Jones
Mark E. Koury
Terrence P. Poulos

Boyd A. Mildenstein (midshipman, Naval Academy) to be a permanent ensign in the line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Calvin L. Polland
Steven L. Rodis

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Brian C. Anderson
Michael L. Carius
Leon J. Dura
Howard R. Hicks
Pamela A. Kaires
Michael J. Laflin
Lawrence J. Lenz
Joseph M. Marzluff
Stephen A. Mitchell
Gwinn Murray
Dennis Richmond
Steven R. Shackford
Charles J. VanMeter
Richard A. Williams

Kenneth B. Bilger (Naval Reserve officer) to be a permanent lieutenant and a temporary lieutenant commander in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Winthrop B. Carter
James A. Kemp
Robert C. Oelhberg
John J. Sanders
Robert J. Santoro

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Orborn Brown
Eugene W. A. Gregory
Ronald B. Mead
Nicolaus W. Newby
Charles C. Phillips III

The following-named enlisted candidates to be ensigns in the Medical Service Corps, for temporary service, subject to the qualification therefor as provided by law.

McDouglall, Gordon R.
Clark, Bobby G.
Kroutil, Michael L.
Tate, Arthur C.
Simmons, Donald L.
Smith, Eric M.
Robson, Joseph R.
Colfack, Brian R.
Holland, Lee, Jr.
Horwhat, Paul, Jr.
Lawson, Michael P.
Stoddard, Sheldon T.
McClure, Charles D.
George, James A.
Boehm, Russell K.
Carsten, John E.
Betsworth, Richard D.
Kilgore, Larry L.
Patton, Robert L.
Moran, Raymond L.
Hall, John W.
Marthouse, Robert C., Jr.
Standard, Bob E.
Menifee, James T.
Taylor, John O.
Damstrom, Gayle H.
Gallis, John N.
Shore, John E.
Rice, Stephen C.
Rupp, Gary L.

The following-named enlisted candidates selected as alternates to be ensigns in the Medical Service Corps, for temporary service, subject to the qualification therefor as provided by law.

Shehane, Claude T.
Wocher, John C.
Smith, Albert J.
Swafford, James J., Jr.
Cribb, Danny W.
Maskulak, George M.
Wyatt, Edward P., Jr.
Stringfield, Walter
Riddle, Thomas E.
Vanzee, Stephen P.
Johansen, Paul D.
McCoy, Thomas R.
Featherstone, Theodore C., Jr.
Lusk, George B.
Hubner, Jon R.
Goulet, Mark B.
Goains, Bobby D.
Kotrola, Albert G.
McCourt, Stephen L.
Pagan, Herman J.

The following-named civilian college graduates to be permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Fuad M. Bitar
William McDonald
Edward J. Shelton, Jr.

The following-named Ex-USN/USNR officers to be permanent captains in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Norman V. Cooley, Jr.
John W. E. Fries
Robert J. Zullo

Michael J. Dunne, Ex-USN officer to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Capt. Jack M. Monasterio, USAR to be a permanant commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Ian M. Ballard, Ex-USNNR to be a commander in the Medical Corps in the Reserve of the U.S. Navy, for temporary service, subject to the qualification therefor as provided by law.

Maj. Robert L. Damm, USA to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Capt. Jerald B. Felder, ANG to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Gaspar W. Anastasi, U.S. Navy officer, to be a permanent commander and a temporary Captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named U.S. Navy officers to be commanders in the Medical Corps in the Reserve of the U.S. Navy for temporary service, subject to the qualification therefor as provided by law:

Richard E. Carlson
Francis M. Criswell
Carl G. Kardinal
Robert T. McKinlay, Jr.
Allan L. Mattern
Norman D. Nelson
Charlie W. Shaeffer

The following-named chief warrant officers to be lieutenants (j.g.) in the Navy, limited duty, for temporary service in the classification indicated, and as permanent warrant officers and/or permanent and temporary warrant officers, subject to the qualification therefor as provided by law:

Deck

Donald W. Harmer

Aviation Ordnance

Jim W. Ballas

The following-named (Naval Reserve officers) to be permanent commanders and temporary commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law:

Theodore D. Gross
Robert W. Higgins

William A. Wells (Navy Enlisted Scientific Education Program candidate) to be a permanent ensign in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 15, 1974:

U.S. RAILWAY ASSOCIATION

Arthur D. Lewis, of Connecticut, to be chairman of the Board of Directors of the U.S. Railway Association for a term of 6 years.

NATIONAL RAILROAD PASSENGER CORPORATION

Gerald D. Morgan, of Maryland, to be a Member of the Board of Directors of the National Railroad Passenger Corporation for a term of four years.

FEDERAL ENERGY ADMINISTRATION

The following-named persons to be Assistant Administrators of the Federal Energy Administration:

Leonard B. Pouliot, of Virginia.
John W. Weber, of Connecticut.
Eric Roger Zausner, of Virginia.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

COL. AL KEY HONORED

HON. JOHN STENNIS

OF MISSISSIPPI

IN THE SENATE OF THE UNITED STATES

Monday, July 15, 1974

Mr. STENNIS. Mr. President, Col. Al Key, a distinguished citizen who served two terms as mayor of Meridian, Miss., was honored at a recent meeting of the Meridian Exchange Club. He was enrolled in the "Book of Golden Deeds," which is the highest tribute that can be paid by an Exchange Club, and is awarded on the basis of outstanding character and accomplishments on behalf of fellow citizens.

I have known Al Key for a long time, and he certainly qualifies in every respect for this honor. He has done a lot in his lifetime—for his friends, for his city, for his country, and for aviation, which has been his vocation since 1926.

It was 39 years ago, on July 1, 1935, that Al Key and his brother Fred landed their light airplane at the Meridian Airport, after an incredible flight. They had set an in-flight endurance record of over 27 days. In doing so they pioneered techniques of refueling planes in flight. You can imagine the summer storms that they encountered during that long period of time, as they circled the skies above Meridian, and the ingenuity and stamina it took to keep their airplane supplied with gasoline and oil, and the engine functioning properly.

Their flight received national and international acclaim, of course, and their airplane, which was named the "Ole Miss," can now be seen just a few blocks down the Mall from the Capitol, in the Smithsonian Institution.

Al Key had a distinguished record in World War II, flying bombers in both theaters of war. He remained in the service after the war, and retired from the Air Force as a colonel in 1960, to return to Meridian.

He is a native of my own native county in Mississippi—Kemper County. He is a long-time friend—a stalwart friend—and it gives me pleasure to have this opportunity to pay a tribute to him on the Senate floor.

Mr. President, I ask unanimous consent to print in the Record a newspaper article about the Exchange Club award to Al Key, from the Meridian Star of June 16, 1974.

There being no objection, the article was ordered to be printed in the Record, as follows:

Highest Exchange Award Goes to Former Mayor

The highest honor that can be accorded a citizen for his "outstandingness and goodness by an Exchange Club" has been awarded to Al Key, a retired Air Force colonel and former Meridian mayor.

Key, who with his brother, Fred, made aviation history in 1935, has been enrolled in the "Book of Golden Deeds" by the Meridian Exchange Club.

The honor, awarded to persons who have worked diligently for God and country in helping others, was presented to Key at a weekly luncheon meeting of the Exchange Club by Reginald McDonald, chairman of the Golden Deeds committee.

"I can't tell you how much I appreciate this," Key said as he accepted the honor. "What I have done for the good of the people is because I just happened to be in the right place at the right time.

"Thank you very much."

Leading up to the presentation, Atty. Aubert Dunn spoke to the club of his friendship with Key which began back in the 1920's.

That friendship has been a pleasurable one, full of loyalty, kindnesses and generosities, Dunn said.

Paying tribute to Key for his "loyalty, consistency, character and generosity," Dunn said he had never associated with "anyone grander, more consistent or more genuine."

He noted that it was 39 years ago this month that Key and his brother were flying their plane, the Ole Miss, over Meridian setting an in-flight endurance record of more than 27 days and pioneering refueling of planes while in flight.

"I only wish they had kept the Ole Miss in Meridian along with other artifacts to be placed in a building of some type, something that would give Meridian an outstanding tourist attraction," Dunn stated.

A native of Kemper County, Key moved to Lauderdale County 56 years ago. He finished high school at Poplar Springs High in Meridian, attended and played in the band at Hattiesburg Normal School for one year and later attended Mississippi A. and M. College.

He began taking flying lessons in 1926 at the Nicholas Beazley Flying School in Marshall, Mo. Key and his brother, Fred, later operated a flying school in Sedalia, Mo., for a while before returning to Meridian and opening an aviation training school at the old Bonita Airport, becoming the first licensed pilots in the city.

In 1930, the brothers were made managers of the new Meridian Municipal Airport, named Key Field in their honor after their history-making flight which came to an end at 6:06 p.m. July 1, 1935.

When World War II began with the bombing of Pearl Harbor, Capt. Al Key had already been ferrying bombers to Newfoundland for shipment to England.

He was dispatched to the Pacific where he flew B–17's, earned the Distinguished Flying Cross and ribbons and citations for valor too numerous to mention.

An oak leaf cluster was added to the DSC for his achievements in the European Theater after the end of the war in the Pacific. Returned to the United States, Key trained new fliers for the final conquest of Germany.

Promoted to a full colonel, Key remained in the Air Force after the war and retired March 31, 1960, joining his brother in the operation of a flying service at Key Field.

Key served two terms as mayor of Meridian, from 1965 until July 1 of last year.

A WORD FOR WOMENS' RIGHTS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. ROGERS. Mr. Speaker, I would like to insert in the Record a recent article which was published by the Palm Beach Times, regarding the commendable work of Claudette Pelletier, a young woman attorney in the Palm Beach County State Attorney's Office, who is in charge of job discrimination cases involving women. Ms. Pelletier has made a significant contribution in the area of womens' rights and I am pleased to recognize her efforts in this manner.

The article follows:

Putting Some Justice in the Job

(By Fran Hathaway)

If you believe you are being discriminated against in the working world simply because you are female, Claudette Pelletier is hoping you'll give her a call.

If you even think there are inequities on the job related to your sex, she wishes you'd telephone and find out for sure.

Discrimination in employment due to sex is against the law, she points out, and she will help you go to court if necessary—at no cost to you—to prove it.

Claudette is an assistant county attorney specifically in charge of helping women who encounter any kind of roadblock because of sex. But she is particularly interested in combating discrimination on the job. And these days, she has the heavy, welcome weight of recent court decisions solidly behind her.

Just weeks ago, the U.S. Supreme Court in a 5–3 decision against the Corning Glass Works declared that employers must take positive steps to get rid of all wage discrimination against women. Even the smallest vestige of it, said the court, violates the federal Equal Pay Act of 1963.

Corning, as result of the decision, will be paying more than $300,000 in back wages to victims of discrimination at three plants in Corning, N.Y. and as yet uncomputed amounts to workers at another facility.

Somewhat earlier, in April of this year, the Equal Employment Opportunity Commission (EEOC) negotiated an agreement between the U.S. government, the major steel corporations, and the United Steelworkers of America which provide approximately 40,000 women and minority employes $30,940,000 in back pay.

Last year, American Telephone and Telegraph Co. finally agreed to pay 15,000 women and minority employes $15 million, much of it in back pay, because of alleged discrimination.

While these are the biggies—the cases that make the headlines—smaller, individual instances of job discrimination are now also being rectified. No longer need a female jobseeker nod meekly when an employer dismisses her with, "I'm afraid we are looking for a man for this job." No longer need women watch silently, grinding their teeth, as male co-workers win promotions to positions which they could do as well or better.

The law states there shall be no discrimination in employment on the basis of race, color, religion, national origin, or sex. And finally, in 1974, it appears the hard reality has caught up with the pretty words.

It has been years in coming. The Equal Pay Act was passed in 1963. Title VII of the Civil Rights Act of 1964 is now a decade old. These prohibit discrimination in employment among most employers. In addition, Executive Order 11246, effective since 1968, prohibits discrimination by an employer with a federal contract over $10,000.

Still, the traditional practices which kept women on the lower rungs of the job and salary ladder did not change with the drying of the ink on the legislation. That has taken longer, and sometimes has required court decrees. Today, however, there is no reason why the conscientious working woman cannot find justice on the job.

Claudette Pelletier will help see to it.

Certainly, she realizes, not all job problems are clear-cut. That's why she welcomes even anonymous telephone calls seeking information. All a woman need do if she suspects discriminations says Claudette, is phone her at the courthouse, 655–5200, and explain her situation. If there seems to be cause for action, Claudette will recommend which action.

In some cases, she says, the discriminatory practice may be simple to dispel. A friendly discussion between employer and employe can erase many problems satisfactorily. If the matter is one which applies to several or all women in the company, she adds, presenting the boss with a united front will help.

If, however, the woman employe gets an "It's all in your head, dear" response from the employer, then it's time to call Claudette. She will investigate and, if warranted, file a complaint.

The complaint will go to the EEOC's regional office in Miami, which will try to settle the matter amicably. If that proves impossible, it will take it to court. The court, if it finds for the woman, will decide damages to be paid by the company. There is no cost to the woman.

Claudette says she has found that many women, when discussing job discrimination informally, believe they are dealt with unfairly. Yet they've had to "take it" for so long they hold back now, still not realizing something can indeed be done.

Another reason for their hesitancy, she feels, is fear of losing their jobs. But this need not be a concern, she stresses.

"If any reprisal occurred," she says, "such as the loss of a job, the EEOC would take immediate action. The law prohibits that, too."

What does constitute discrimination due to sex at work? When does it stop being "all in your head" and start being complaints you can document for the EEOC?

Perhaps you have a pretty good suspicion that you are being paid less than a man who is doing essentially the same work you are. Perhaps you see men being promoted past you when you are equally qualified for a higher, better-paying position.

Maybe you are not included in management-training or degree programs that are open to males in your department. Maybe you're not invited to conferences or board meetings related to your work while male employes with similar responsibility are encouraged to attend.

Among the clearest cases of sex discrimination are those related to hiring. If you seek a certain job and are denied it simply because it has always been done before by a man, now you needn't sit back. You can take action. Sometimes, Claudette points out, such old ideas hang on irrationally even when employers are fully aware of the law. She cites a recent classified ad, for example, placed by a library which needed a driver:

"Male desired," it read, then added in blithe contradiction, "We are an equal opportunity employer . . ."

How many times have you yourself looked at jobs filled by men in your company and thought, "I could do that well, or better!", yet hesitated to apply for them because you knew you'd hear, "Oh, but that's a position for a man."

This may be accepted company policy, or it may be only ignorance. But the law says it's a no-no.

Claudette Pelletier has known her own share of discrimination due to sex and, like most intelligent women, hasn't liked it very much.

"For as long as I can remember," she says, "I resented the inequities, the role-playing that was forced on women."

Even now, she smiles, when people visit her office to discuss the tax matters she also handles, they often expect a man.

"Please ask the attorney about this," they may request.

"But I am the attorney," she reiterates.

Claudette is aware that such ingrained stereotypes do not vanish overnight, no one expects that. But she does feel injustice on the job must be baninshed more quickly. Too many women are their family's sole support to foot-drag on this one.

The law is clear, she says, though it will, at times, be necessary to take concrete action to see it is enforced. Yet even one woman doing so—standing up for and winning her rights—can stiffen the resolve of countless others in Palm Beach County. That's why Claudette hopes that women with complaints will come forth without fear.

"It would show," she says, "that action can be taken—and will be!"

TRIBUTE TO C. C. MOSELEY

HON. JESSE A. HELMS

OF NORTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, July 15, 1974

Mr. HELMS. Mr. President, one of a rare breed of Americans has recently departed from this world, and the Republic is diminished by his loss. He perhaps was not a famous man in the accepted definition of fame. But many Members of Congress knew him well and admired him greatly.

He did not even seek fame. He never ran for office, but he did contribute his time and his resources to political campaigns for more than 30 years. He was not an organization man either, but an individualist in the true sense of the word.

I refer, of course, to Mr. C. C. Moseley.

The extent and variety of his exploits almost stagger the imagination. As a youth, he was a champion athlete at the University of Southern California. During the First World War, he became a combat pilot and later went on to win the Pulitzer International Air Races in 1920. Turning in a new direction, he then founded Western Airlines and served as the director of many major corporations, including Curtiss-Wright, American Airlines, and Douglas Aircraft. His aircraft schools served as the training bases for thousands of pilots and mechanics who were so vital to our efforts in World War II. In his later years, he bred thoroughbred horses and purebred cattle in Wyoming, and he even entered a horse in the Kentucky Derby.

On June 17, 1974, Mr. Moseley passed away, ending a long and distinguished career. Many of us here on Capitol Hill will remember him as a loyal supporter of outstanding candidates for office. He directed much of his energy and financial support to the election races of BARRY GOLDWATER, Ronald Reagan, and Max Rafferty. Devoted to the cause of ordered liberty, he frequently wrote to individuals and newspapers throughout the country, and to every Senator and Congressman. As an informed student of world communism and American defense strategy, he predicted with unerring accuracy Soviet nuclear development, Communist penetration of the Middle East, and warned against suicidal plans for East-West trade.

Perhaps he should best be remembered, however, as a man who came to symbolize what the historians call the American Dream, the dream that any man, no matter what his station in life, can improve his condition through individual initiative and hard work. Knowing that this dream would cease to be a reality under the utopian schemes of paternalism and egalitarianism, C. C. Moseley exerted his greatest efforts in opposing inflationary measures and deficit spending. Let us hope that his life will serve as an inspiration to other businessmen in the future, and encourage more of them to come forward in defense of the free enterprise system that has given us our freedom and independence.

CAPTIVE NATIONS WEEK

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. PATTEN. Mr. Speaker, the third week in July is set aside by our Congress to commemorate the peoples living under Soviet rule in Eastern and Central Europe. The people of Albania, Bulgaria, Poland, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, and Rumania are brave people who still toil under the yoke of Communist oppression. They are muzzled by the forces of foreign domination, and it is we in the Congress and free people everywhere who must call attention to their lamentable condition.

These countries and their inhabitants, like others elsewhere in the world, want only the rights and guarantees of liberty enjoyed by people in the community of free nations. We must not relent in our support and encouragement of freedom and self-determination, wherever men are now denied these fundamentals of human existence.

For 30 years the Soviet Union has sought our acquiescence in accepting that country's control over these captive lands—a control that precludes free expression of ideas, personal mobility, or exchange of information. While these brave people in the captive nations still grasp the hope for liberty, we must not forsake their cause.

Let us proceed to ease tensions between East and West, and seek an understanding with those who would spread their influence over free men. But let us never lose our resolve to see dignity restored to the lives of those people to whom freedom is only a dim memory of the past, and a cautious hope for the future.

I yearn for the day when men and women everywhere can enjoy the fruits of freedom under self-government, and I will continue to support their efforts to attain that most basic of all human necessities. On this occasion marking Captive Nations Week I am reminded of the words of the late Robert Kennedy, who implored us to remember that no man can be truly free until every man is free. It is with firm resolve to see this desire become a reality that we are mindful of the task that must still be done, and of the countless millions who look to us for support. As we hold dear our personal liberty, so too must we cherish the hope and desires of people the world over to share in that ideal.

PROPOSED AMENDMENTS TO THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1974

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. HOSMER. Mr. Speaker, pursuant to clause 6, rule XXIII, of the Rules of the United States House of Representatives, I am causing to be printed in the CONGRESSIONAL RECORD a third series of amendments which I shall offer to H.R. 11500.

Mr. Speaker, it is a fact that extreme environmentalists are opposed to H.R. 11500 in its present form. It is a fact that the coal industry is opposed to H.R. 11500 in its present form. It is also a fact that the administration is opposed to H.R. 11500 in its present form. Why are all these people opposed to H.R. 11500? Because, Mr. Speaker, H.R. 11500 is a bad bill. This third series of amendments which I shall offer to H.R. 11500 I hope will make it a bill that this Nation and its people who are energy dependent can live with.

My third series of amendments are as follows:

III—THIRD SERIES OF AMENDMENTS TO H.R. 11500

121. Page 142, line 3. Strike out "SEC. 101." and insert a "SEC. 101." to read as follows:

"SEC. 101. The Congress finds that—

"(a) the extraction of coal by underground and surface mining from the earth is a significant and essential activity which contributes to the economic, social, and material well-being of the Nation;

"(b) there are surface and underground coal mining operations on public and private lands in the Nation which adversely affect the environment by destroying or diminishing the availability of land for commercial, industrial, recreational, agricultural, historic, and forestry purposes, by causing erosion and landslides; by contributing to floods and the pollution of water, land, and air; by destroying public and privte property; by creating hazards to life and property; and by precluding postmining land uses common to the area of mining;

"(c) surface and underground coal mining operations presently contribute significantly to the Nation's energy requirements, and substantial quantities of the Nation's coal reserves lie close to the surface, and can only be recovered by surface mining methods, and therefore, it is essential to the national interest to insure the existence of an expanding and economically healthy coal mining industry;

"(d) surface and underground coal mining operations affect interstate commerce, contribute to the economic well-being, security, and general welfare of the Nation and should be conducted in an environmentally sound manner;

"(e) the initial and principal continuing responsibility for developing and enforcing environmental regulations for surface and underground coal mining operations should rest with the States; and

"(f) the cooperative effort established by this Act is necessary to prevent or mitigate adverse environmental effects of present and future surface coal mining operations."

122. Page 144, line 4. Strike out "SEC. 102." and insert a "SEC. 102." to read as follows:

"SEC. 102. It is the purpose of this Act to—

"(a) encourage a nationwide effort to regulate surface coal mining operations to prevent or substantially reduce their adverse environmental effects, to stimulate and encourage the development of new, environmentally sound surface coal mining and reclamation techniques, and to assist the States in carrying out programs for those purposes;

"(b) assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are protected from the adverse impacts of surface coal mining operations pursuant to the provisions of this Act;

"(c) assure that surface coal mining operations are not conducted where reclamation as required by this Act is not feasible;

"(d) assure that the coal supply essential to the Nation's energy requirements, and to its economic and social well-being is provided in accordance with the policy of Mining and Minerals Policy Act of 1970; and

"(e) assure that appropriate procedures are provided for public participation in the development, revision, and enforcement of regulations, standards, mining and reclamation plans, or programs established by the Secretary or any State pursuant to the provisions of this Act."

123. Page 145, line 21. Strike out "SEC. 201." and insert a "SEC. 201." to read as follows:

"SEC. 201. (a) On and after ninety days from the date of enactment of this Act, no person shall open or develop any new or previously mined or abandoned site for surface coal mining operations on lands on which such operations are regulated by a State regulatory authority unless such person has obtained a permit from such regulatory authority. All such permits shall contain terms requiring compliance with the interim surface coal mining and reclamation performance standards specified in subsection (c) of this section. The regulatory authority shall act upon all applications for such permit within thirty days from the receipt thereof.

"(b) Within sixty days from the date of enactment of this Act, the State regulatory authority shall review and amend all existing permits in order to incorporate in them the interim surface coal mining and reclamation performance standards of subsection (c) of this section. On or before one hundred and twenty days from the date of issuance of such amended permit, all surface coal mining operations existing at the date of enactment of this Act on lands on which such operations are regulated by a State regulatory authority shall comply with the interim surface coal mining and reclamation performance standards in subsection (c) of this section with respect to lands from which the overburden has not been removed.

"(c) Pending approval and implementation of a State program in accordance with section 203 of this Act, or preparation and implementation of a Federal program in accordance with section 204 of this Act, the following interim surface coal mining and reclamation performance standards shall be applicable to surface coal mining operations on lands on which such operations are regulated by a State regulatory authority, as specified in subsections (a) and (b) of this section:

"(1) with respect to surface coal mining operations on steep slopes, no spoil, debris, or abandoned or discarded mine equipment may be placed on the natural or other downslope below the bench or cut created to expose the coal seam except that spoil from the cut necessary to obtain access to the coal seam may be placed on a limited or specified area of the downslope: *Provided*, That the spoil is shaped and graded in such a way so as to prevent slides, and minimize erosion, and water pollution, and is revegetated in accordance with paragraph (3) below: *Provided further, however*, That the regulatory authority may permit limited or temporary placement of spoil on a specified area of the downslope on steep slopes in conjunction with surface coal mining operations which will create a plateau with all highwalls eliminated, if such placement is consistent with the approved postmining land use of the mine site;

"(2) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all high walls, spoil piles, and depressions eliminated, unless depressions are consistent with the approved postmining land use of the mine site;

"(3) the provisions of paragraphs (1) and (2) of this subsection shall not apply to surface coal mining operations where the permittee demonstrates that the overburden, giving due consideration to volumetric expansion, is insufficient to restore the approximate original contour, in which case the permittee, at a minimum, shall backfill, grade, and compact (where advisable) in order to cover all acid-forming and other toxic materials, to achieve an angle of repose based upon soil and climate characteristics for the area of land to be affected, and to facilitate a land use consistent with that approved for the postmining land use of the mine site;

"(4) the regulatory authority may grant exceptions to paragraphs (1) and (2) if the regulatory authority finds that one or more variations from the requirements set forth in paragraphs (1) and (2) will result in the land having an equal or better economic or public use and that such use is likely to be achieved within a reasonable time and is consistent with surrounding land uses and with local, State, and Federal law;

"(5) with respect to all surface coal mining operations, permanently establish, on regraded and all other lands affected, a stable and self-regenerative vegetative cover, existed prior to mining and which, where advisable, shall consist of native vegetation;

"(6) with respect to all surface coal mining operations, remove the topsoil in a separate layer, replace it simultaneously on a backfill area or segregate it in a separate pile from the subsoil, and if the topsoil is not replaced in a time short enough to avoid deterioration of topsoil, maintain a successful cover by quick growing vegetation or by other means so that the topsoil is protected from wind and water erosion, contamination from any acid or toxic material, and is in a usable condition for sustaining vegetation when replaced during reclamation, except if the topsoil is not capable of sustaining vegetation, or if another material from the mining cycle can be shown to be more suitable for vegetation requirements, then the operator shall so remove, segregate, and protect that material which is best able to support vegetation, unless the permittee demonstrates that another method of soil conservation would be at least equally effective for revegetation purposes;

"(7) with respect to surface disposal of coal mine wastes, coal processing wastes, or other wastes in areas other than the mine workings or excavations, stabilize all waste piles in designated areas, through compaction, layering with incombustible and impervious materials, and grading followed by vegetation of the finished surface to prevent, to the extent practicable, air and surface or ground water pollution and to assure compatibility with natural surroundings in order that the site can and will be stabilized and revegetated according to the provisions of this Act;

(8) with respect to the use of impoundments for the disposal of coal processing wastes or other liquid or solid wastes, incorporate sound engineering practices for the design and construction of water retention facilities which will not endanger the health or safety of the public in the event of failure, that construction will be so designed to achieve necessary stability with an adequate margin of safety to protect against failure, that leachate will not pollute surface or ground water, and that no fines, slimes and other unsuitable coal processing wastes are used as the principal material in the construction of water impoundments, water retention facilities, dams, or settling ponds;

"(9) prevent to the extent practicable adverse effects to the quantity and quality of water in surface and ground water systems both during and after surface coal mining and reclamation; and

"(10) minimize offsite damages that may result from surface coal mining operations and institute immediate efforts to correct such conditions.

"(d) (1) Upon petition by the permittee or the applicant for a permit, and after public notice and opportunity for comment by interested parties, the regulatory authority may modify the application of the interim surface coal mining and reclamation performance standards set forth in paragraphs (1), (2), (3), and (4) of subsection (c) of this section, if the permittee demonstrates to the satisfaction of the regulatory authority that—

"(A) he has not been able to obtain the equipment necessary to comply with such standards;

"(B) the surface coal mining operations will be conducted so as to meet all other standards specified in subsection (c) of this section and will result in a stable surface configuration in accordance with a surface coal mining and reclamation plan approved by the regulatory authority; and

"(C) such modification will not cause hazards to the health and safety of the public or significant imminent environmental harm to land, air, or water resources which cannot reasonably be considered reclaimable.

"(2) Any such modification will be reviewed periodically by the regulatory authority and shall cease to be effective upon implementation of a State program pursuant to section 203 of this Act or a Federal program pursuant to section 204 of this Act.

"(e) The Secretary shall issue regulations to be effective one hundred and eighty days from the date of enactment of this Act in accordance with the procedures of section 202, establishing an interim Federal surface coal mining evaluation and enforcement program. Such program shall remain in effect in each State in which there are surface coal mining operations regulated by a State regulatory authority until the State program has been approved and implemented pursuant to section 203 of this Act or until a Federal program has been prepared and implemented pursuant to section 204 of this Act. The interim Federal surface coal mining evaluation and enforcement program shall—

"(1) include inspections of surface coal mining operations on a random basis (but at least one inspection for every site every three months), without advance notice to the mine operator, for the purpose of evaluating State administration of, and ascertaining compliance with, the interim surface coal mining and reclamation performance standards of subsection (c) above. The Secretary shall cause any necessary enforcement action to be implemented in accordance with section 220 with respect to violations identified at the inspections;

"(2) provide that the State regulatory agency file with the Secretary copies of inspection reports made;

"(3) provide that upon receipt of State inspection reports indicating that any surface coal mining operation has been found in violation of the standards of subsection (c) of this section, during not less than two consecutive State inspections or upon receipt by the Secretary of information which would give rise to reasonable belief that such standards are being violated by any surface coal mining operation, the Secretary shall order the immediate inspection of such operation by Federal inspectors and necessary enforcement actions, if any, to be implemented in accordance with the provisions of section 220. The inspector shall contact the informant prior to the inspection and shall allow the informant to accompany him on the inspection; and

"(4) provide that moneys authorized pursuant to this Act shall be available to the Secretary prior to the approval of a State program pursuant to section 203 of this Act to reimburse the States for conducting those inspections in which the standards in subsection (c) above, are enforced and for the administration of this section."

124. Page 157, line 4. Strike out "SEC. 202." and insert a "SEC. 202." to read as follows:

"SEC. 202. Not later than the end of the one-hundred-and-eighty-day period immediately following the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations setting permanent surface coal mining and reclamation performance standards based on the provisions of sections 211 and 212 and establishing procedures and requirements for preparation, submission and approval of State programs, and the development and implementation of Federal programs under this title. Such regulations shall not be promulgated and published by the Secretary until he has—

"(a) published proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than forty-five days after such publication to submit written comments thereon;

"(b) consulted with and considered the recommendations of the Administrator of the Environmental Protection Agency with respect to those regulations promulgated under this section which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act (33 U.S.C. 1151–1175) and the Clean Air Act, as amended (42 U.S.C. 1857); and

"(c) held at least one public hearing on the proposed regulations.

The date, time, and place of any hearing held on the proposed regulations shall be set out in the publication of the proposed regulations. The Secretary shall consider all comments and relevant data presented at such hearing before final promulgation and publication of the regulations."

125. Page 158, line 20. After the word "surface" insert "coal".

126. Page 158, line 25. After the word "surface" insert "coal".

127. Page 159, line 14, After the word "surface" insert "coal".

128. Page 159, line 19. Strike out lines 19, 20, 21, 22 and 23, and insert in lieu thereof the following:

"(6) for the purpose of avoiding duplication, establishment of a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with any other Federal or State permit process applicable to the proposed operations."

129. Page 160, line 6. Strike out lines 6 and 7, and insert in lieu thereof the following:

"(2) consulted with and considered the recommendations of the Administrator of the Environmental Protection Agency with".

130. Page 160, line 17. Strike out line 17, and insert in lieu thereof the following: "surface coal mining and reclamation performance standards."

131. Page 160, line 21. Strike out subsection "c" and insert subsections "(c)", "(d)" and "(e)" to read as follows:

"(c) If the Secretary disapproves any proposed State program, in whole or in part, he shall notify the State in writing of his decision and set forth in detail the reasons therefor. The State shall have sixty days in which to resubmit a revised State program, or portion thereof.

"(d) For the purposes of this section and section 204, the inability of a State to take any action to prepare, submit or enforce a State program, or any portion thereof, because the action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not result in a loss of eligibility for financial assistance under title VII of this Act or in the imposition of a Federal program. Regulation of the surface coal mining operations covered or to be covered by the State program subject to the injunction shall be conducted by the State until such time as the injunction terminates or for one year, whichever is shorter, at which time the requirements of this section and section 204 shall again be fully applicable.

"(e) If State compliance with this section requires an act of the State legislature, the Secretary may extend the period for submission of a State program up to an additional twelve months."

132. Page 161, line 8. Strike out "SEC. 204." and insert a "SEC. 204." to read as follows:

"SEC. 204. (a) The Secretary shall prepare, promulgate, and implement a Federal program for the regulation of surface coal mining operations in any State which fails to—

"(1) submit a State program covering surface coal mining and reclamation operations by the end of the twenty-four-month period beginning on the date of enactment of this Act;

"(2) resubmit an acceptable State program, or portion thereof, within sixty days of disapproval of a proposed State program, in whole or in part: *Provided,* That the Secretary shall not implement a Federal program prior to the expiration of the initial period allowed for submission of a State program as provided for in clause (1) of this subsection; or

"(3) adequately implement, enforce, or maintain a State program approved pursuant to section 203.

"(b) Prior to implementation of a Federal program pursuant to section 204(a), the Secretary shall consult with and publicly disclose the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other Federal agencies concerned with or having expertise pertinent thereto and shall hold at least one public hearing within the State for which the Federal program is to be implemented.

"(c) Whenever a Federal program is promulgated for a State pursuant to this Act, any statutes or regulations of such State which are in effect to regulate surface coal mining operations subject to this Act shall, insofar as they are inconsistent or interfere with the purposes and the requirements of this Act and the Federal program, be preempted and superseded by the Federal program."

133. Page 162, line 20. Strike out "SEC. 206." and insert a "SEC. 206." to read as follows:

"SEC. 206. (a) To be eligible to assume primary regulatory authority pursuant to section 203, each State shall establish a planning process enabling objective decisions to be made based upon public hearings and competent and scientifically sound data and information as to which, if any, areas or types of areas of a State (except Federal lands) cannot be reclaimed with existing techniques to satisfy applicable standards and requirements of law. The State agency will not issue permits for surface coal mining of such areas unless it determines, with respect to any such permit, that the technology is available to satisfy applicable performance standards.

"(b) The Secretary, and, in the case of national forest lands, the Secretary of Agriculture, shall conduct a review of the Federal lands and determine, pursuant to the standards set forth in subsection (a) of this section, areas or types of areas on Federal lands which cannot be reclaimed with existing techniques to satisfy applicable standards and requirements of law. Permits for surface coal mining will not be issued to mine such areas unless it is determined, with respect to any such permit, that the technology is available to satisfy applicable performance standards.

"(c) In no event is an area to be designated unsuitable for surface coal mining operations on which surface coal mining operations are being conducted on the date of enactment of this Act, or under a permit issued pursuant to this Act, or where substantial legal and financial commitments in such operations are in existence prior to the date of enactment of this Act. Designation of an area as unsuitable for mining shall not prevent mineral exploration of the area so designated."

134. Page 167, line 21. Following line 21, insert a subsection "(c)" to read as follows:

"(c) Any person engaged in surface coal mining operations pursuant to a permit issued under section 201 and awaiting administrative action on his application for a permit from the appropriate regulatory authority in accordance with this section may continue to operate for a four-month period beyond the time specified in subsection (a) of this section if the appropriate regulatory authority has not acted on his application."

135. Page 167, line 23. Strike out "SEC. 209." and insert a "SEC. 209." to read as follows:

"SEC. 209. (a) The regulatory authority shall notify the applicant for a surface coal mining and reclamation permit within a period of time established by law or regulation, not to exceed ninety days, that the application has been approved or disapproved. If approved, the permit shall be issued after the performance bond or deposit and public liability insurance policy required by section 216 of this Act has been filed. If the application is disapproved, specific reasons therefor must be set forth in the notification. Within thirty days after the applicant is notified that the permit or any portion thereof has been denied, the applicant may request a hearing on the reasons for said disapproval unless a hearing has already been held under section 209. Such hearing shall be held in the locality of the proposed surface coal mining operation as soon as practicable after receipt of the request for a hearing and after appropriate notice and publication of the date, time, and location of such hearing. Within sixty days after the hearing the regulatory authority shall issue and furnish the applicant and any other parties to the hearing the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor.

"(b) Within ten days after the granting of a permit, the regulatory authority shall notify the State and the local official who has the duty of collecting real estate taxes in the local political subdivision in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land.

"(c) Prior to the issuance of a permit, the regulatory authority may require the applicant to alter his proposed surface coal mining and reclamation plan with respect to the methods, sequence, timing of specific operations in the plan, or the deletion of specific operations or areas from all or part of the plan in order to assure that the surface coal mining and reclamation objectives of this Act are met.

"(d) No permit will be issued unless the regulatory authority finds that:

"(1) all applicable requirements of this Act and the State or Federal program have been satisfied;

"(2) the applicant can demonstrate that reclamation as required by this Act and the appropriate State or Federal program under this Act can be accomplished under the surface coal mining and reclamation plan contained in the permit application;

"(3) the land to be affected does not lie within three hundred feet from any occupied dwelling unless the owner thereof waives this requirement, nor within three hundred feet of any public building, school, church, community, or institutional building or cemetery; or the land to be affected does not lie within one hundred feet of the outside right-of-way line of any public road, except that the regulatory authority may permit such roads to be relocated, if the interests of the public and the landowners affected thereby will be protected;

"(4) no lake, river, stream, creek, or watercourse may be moved, interrupted, or destroyed during the surface coal mining or reclamation process except that lakes, rivers, streams, creeks, or watercourses may be relocated where consistent with the approved mining and reclamation plan; and no surface coal mining or reclamation activities will be conducted within one hundred feet of any lake, river, stream, or creek, except where permitted by the approved mining and reclamation plan;

"(5) surface coal mining operations will not take place on any area of land within one thousand feet of parks or places listed in the National Register of Historic Sites, unless screening or other measures approved by the regulatory authority are used or if the mining of the area will not adversely affect or reduce the usage of the park or place; and

"(6) the application on its face is complete, accurate, and contains no false information.

"(e) The regulatory authority shall not issue any new surface coal mining permit or renew or revise any existing surface coal mining permit if it finds that the applicant has failed and continues to fail to comply with any of the provisions of this Act applicable to any State, Federal, or Federal lands program, or if the applicant fails to submit proof that violations have been corrected or are in the process of being corrected to the satisfaction of the regulatory authority, department, or agency which has jurisdiction over such violation.

"(f) Any person having an interest which is or may be adversely affected by the proposed surface coal mining and reclamation operation or any Federal, State, or local governmental agency having responsibilities affected by the proposed operation shall have the right to file written objections to any permit application and request a public hearing thereon within thirty days after the last publication of the advertisement pursuant to section 210. If written objections are filed and a hearing requested, the regulatory authority shall hold a public hearing in the locality of the proposed surface coal mining and reclamation operation as soon as practicable from the date of receipt of such objections and after appropriate notice and publication of the date, time, and location of such hearing. Within sixty days after the hearing the regulatory authority shall issue and furnish the parties to the hearing the written decision of the regulatory authority granting or denying the permit in whole or in part and stating the reasons therefor."

136. Page 173, line 2. Strike out "SEC. 210." and insert a "SEC. 210." to read as follows:

"SEC. 210. (a) Each application for a permit pursuant to a State or Federal program under this Act shall be submitted in a manner satisfactory to the regulatory authority and shall contain:

"(1) the names and addresses of the permit applicants (if the applicant is a subsidiary corporation, the name and address of the parent corporation shall be included); every legal owner of the property (surface and mineral) to be mined; the holders of any leasehold or other equitable interest in the property; any purchaser of the property under a real estate contract; the operator if he is a person different from the applicant; and, if any of these are business entities other than a single proprietor, the names and addresses of principals, officers, and resident agent;

"(2) the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, together with the name and address of any person or group owning, of record or beneficially, 10 per centum or more of any class of stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a surface coal mining operation within the United States or its territories and possessions;

"(3) a description of the type and method of surface coal mining operation that exists or is proposed;

"(4) evidence of the applicant's legal right to enter and commence surface coal mining operations on the area affected;

"(5) the names and addresses of the owners of record of all surface and subsurface areas abutting on the permit area;

"(6) a statement of any current or previous surface coal mining permits in the United States held by the applicant and the permit identification;

"(7) a statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has held a Federal or State surface coal mining permit which subsequent to 1960 has been suspended or revoked or has had a surface coal mining performance bond or similar security deposited in lieu of bond forfeited and a brief explanation of the facts involved in each case;

"(8) such maps and topographical information, including the location of all underground mines in the area, as the regulatory authority may require, which shall be in sufficient detail to clearly indicate the nature and extent of the overburden to be disturbed, the coal to be mined, and the drainage of the area to be affected;

"(9) a copy of the applicant's advertisement of the ownership, location, and boundaries of the proposed site of the surface coal mining and reclamation operation (such advertisement shall be placed in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks and may be submitted to the regulatory authority after the application is filed);

"(10) a schedule listing any and all violations of this Act and any law, rule, or regulation of the United States or of any department or agency in the United States pertaining to air, or water environmental protection incurred by the applicant in connection with any surface coal mining operation during the one-year period prior to the date of application. The schedule shall also indicate the final resolution of any such notice of violation.

"(b) Each application for a permit shall be required to submit to the regulatory authority, as part of the permit application, a surface coal mining and reclamation plan which shall contain:

"(1) the engineering techniques proposed to be used in the surface coal mining and reclamation operation and a description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan where appropriate for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation (where vegetation existed prior to mining); an estimate of the cost per acre of the reclamation, including statements as to how the permittee plans to comply with each of the applicable surface coal mining and reclamation performance standards established under this Act;

"(2) the consideration which has been given to developing the surface coal mining and reclamation plan in a manner consistent with local physical, environmental, and climatological conditions and current surface coal mining and reclamation technologies;

"(3) the consideration which has been given to insuring the maximum practicable recovery of the coal;

"(4) a detailed estimated timetable for the accomplishment of each major step in the surface coal mining and reclamation plan;

"(5) the consideration which has been given to making the surface coal mining and reclamation operation consistent with applicable State and local land use programs;

"(6) a description, if any, of the hydrologic consequences of the surface coal mining and reclamation operation, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and ground water systems, including the dissolved and suspended solids under seasonal flow conditions, and the collection of sufficient data for the mine site and surrounding area so that an assessment can be made of the probable cumulative impacts of all anticipated surface coal mining in the area upon the hydrology of the area and particularly upon water availability;

"(7) a statement of the results of test borings or core samplings from the land to be affected, including where appropriate, the surface elevation and logs of the drill holes so that the strike and dip of the coal seams may be determined; the nature and depth of the various strata of overburden; the location of subsurface water, if encountered, and its quality; the thickness of the coal seam found; an analysis of the chemical properties of such coal to determine the sulfur content and the content of other potentially acid or toxic forming substances of the overburden and the stratum lying immediately underneath the coal to be mined; and

"(8) proprietary information, which if made available to the public would result in competitive injury to the applicant, may be designated confidential and, if accepted by the regulatory authority shall be subject to the provisions of section 1905 of title 18, United States Code. Appropriate protective orders against unauthorized disclosure or use by third parties may be issued with respect to such information, and violations of such orders shall be subject to penalties set forth in section 224 of this Act.

"(c) Each applicant for a surface coal mining and reclamation permit shall file a copy of his application for public inspection with an appropriate official, approved by the regulatory authority, in the locality where the mining is proposed to occur, except for that information pertaining to the coal seam itself.

"(d) A valid permit issued pursuant to this Act shall carry with it a right of successive renewals provided that the permittee has complied with such permit. Prior to approving the renewal of any permit, the regulatory authority shall review the permit and the surface coal mining and reclamation operation and may require such new conditions and requirements as are necessary or prescribed by changing circumstances. A permittee wishing to obtain renewal of a permit shall make application for such renewal within one year prior to the expiration of the permit. The application for renewal shall contain:

"(1) a listing of any claim settlements or judgments against the applicant arising out of, or in connection with, surface coal mining operations under said permit;

"(2) written assurance by the person issuing the performance bond in effect for said operation that the bond continues and will continue in full force and effect for any extension requested in such application for renewal as well as any additional bond the regulatory authority may require pursuant to section 216 of this Act;

"(3) revised, additional, or updated information required under this section.

Prior to the approval of any extension of the permit, the regulatory authority shall notify all parties who participated in the public review and hearings on the original or previous permit, as well as providing notice to the appropriate public authorities, and taking such other steps as required in section 209 of this Act."

137. Page 184, line 19. Strike out lines 19 and 20, and all of "SEC. 211.", and insert in lieu thereof the following:

"SURFACE COAL MINING AND RECLAMATION PERFORMANCE STANDARDS

"SEC. 211. (a) Any permit issued under any approved State or Federal program pursuant to this Act to conduct surface coal mining operations shall require that such surface coal mining operations will meet all applicable surface coal mining and reclamation performance standards of this Act.

"(b) The following general surface coal mining and reclamation performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the permittee to—

"(1) conduct surface coal mining operations so as to maximize the utilization and conservation of the coal being mined so that reaffecting the land in the future through surface coal mining operations can be minimized;

"(2) restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or an equal or better economic or public use suitable to the locality;

"(3) minimize to the extent practicable, any temporary environmental damage so that it will affect only the permit area;

"(4) limit the excavation area from which coal has been removed at any one time during mining by combining the process of reclamation with the process of mining to keep reclamation operations current, and completing such reclamation in any separate distinguishable portion of the mined area as soon as feasible, but not later than the time specified in a reclamation schedule which shall be attached to the permit;

"(5) remove the topsoil from the land in a separate layer, replace it simultaneously on a backfill area or segregate it, and if the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is protected from wind and water erosion, and contamination from any acid or toxic material, and is in a usable condition for sustaining vegetation, except if the topsoil is not capable of sustaining vegetation or if another material from the mining cycle can be shown to be more suitable for vegetation requirements, then the permittee shall so remove, segregate, and protect that material which is best able to support vegetation, unless the permittee demonstrates in the reclamation plan that another method of soil conservation would be at least equally effective for revegetation purposes;

"(6) stabilize and protect all surface areas affected by the surface coal mining and reclamation operation to control as effectively as possible erosion and attendant air and water pollution;

"(7) provide that all debris, acid, highly mineralized toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters and sustained combustion;

"(8) backfill, compact (where advisable to provide stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to paragraph (9) of this subsection): *Provided, however,* That in surface coal mining operations where the permittee demonstrates that the overburden, giving due consideration to volumetric expansion, is insufficient to restore the approximate original contour, the permittee, at a minimum, shall backfill, grade, and compact (where advisable) in order to cover all acid-forming and other toxic materials, to achieve an angle of repose based upon soil and climate characteristics of the area of land to be affected and to facilitate a land use consistent with that approved for the post mining land use of the mine site;

"(9) construct, if authorized in the approved surface coal mining and reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that—

"(A) the size of the impoundment is adequate for its intended purposes;

"(B) the impoundment dam construction will be so designed to achieve necessary stability with an adequate margin of safety;

"(C) the quality of impounded water will be suitable on a permanent basis for its intended use and that degradation of water quality in the receiving stream as a result of discharges from the impoundment will be minimized;

"(D) the level of water will be reasonably stable;

"(E) final grading will provide adequate safety and access for proposed water users; and

"(F) diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses will be minimized;

"(10) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such bed or channel so as to result in serious adverse effects on the normal flow of water;

"(11) replace the topsoil or the other more suitable material from the mining cycle which has been segregated and protected;

"(12) establish on the regraded areas and all other lands affected a stable and self-regenerating vegetative cover (including agricultural crops if approved by the regulatory authority), where cover existed prior to mining, which, where advisable, shall be comprised of native vegetation;

"(13) assume the responsibility for successful revegetation for a period of five full years after the completion of reclamation (as determined by the regulatory authority) in order to provide a stable and self-regenerating vegetative cover suitable to the area, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the permittee's assumption of responsibility and liability will extend for a period of ten full years after the completion of reclamation: *Provided,* That unless prior thereto, the operator can demonstrate to the satisfaction of the regulatory authority that such a vegetative cover has been established for at least three full growing seasons;

"(14) minimize the disturbances to the hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining and reclamation operations by—

"(A) avoiding acid or other toxic mine drainage to the extent practicable by preventing, retaining, or treating, drainage to reduce mineral content which adversely affects downstream water uses when it is released to water courses;

"(B) casing, sealing, or otherwise managing boreholes, shafts, and wells in a manner designed to prevent acid or other toxic drainage to ground and surface waters;

"(C) conducting surface coal mining operations so as to minimize to the extent practicable the adverse effects of water runoff from the permit area;

"(D) if required, removing and disposing of siltation structures and retained silt from drainways in an evironmentally safe manner;

"(E) restoring to the maximum extent practicable recharge capacity of the aquifer at the minesite to premining conditions; and

"(F) relocating surface and ground water in a manner consistent with the permittee's approved surface coal mining and reclamation plan.

"(15) minimize offsite damages that may result from surface coal mining operations and institute immediate efforts to correct such conditions;

"(16) with respect to the use of impoundments for disposal of mine wastes or other liquid or solid wastes, incorporate sound engineering practices for the design and construction of water retention facilities which will not endanger the health and safety of the public in the event of failure, construct such facilities to achieve necessary stability with an adequate margin of safety to protect against failure, prevent leachate from polluting surface or ground water and prohibit fines, slimes, and other unsuitable coal processing wastes from being used as the principal material in the construction of water impoundments, water retention facilities, dams, or settling ponds;

"(17) with respect to surface disposal of mine wastes, coal processing wastes, and other wastes in areas other than the mine workings or excavations, stabilize all waste piles in designated areas through construction in compacted layers with incombustible and impervious materials, and provide that the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this Act;

"(18) with respect to the use of explosives——

"(A) provide advance written notice to local governments and advance notice to residents who would be affected by the use of such explosives by publication in a newspaper of general circulation in the locality of the proposed site at least once a week for four successive weeks of the planned blasting schedules and the posting of such schedules at the entrances to the permit area, and maintain for a period of at least three years a log of the magnitudes and times of blasts;

"(B) limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent (i) injury to persons, (ii) damage to public and private property outside the permit area, and (iii) adverse impacts on any underground mine, and

"(C) refrain from blasting in specific areas where the safety of the public or private property or natural formations of more than local interest are endangered;

"(19) refrain from surface coal mining within five hundred feet of active underground mine workings in order to prevent breakthroughs;

"(20) construct access roads, haulroads, or haulageways with appropriate limits applied to grade, width, surface materials, spacing, and size of culverts in order to control drainage and prevent erosion outside the permit area, and upon the completion of mining either reclaim such roads by regrading and revegetation or provide for their maintenance so as to control erosion and siltation of streams and adjacent lands; and

"(21) fill auger holes to a depth of not less than three times the diameter with an impervious and noncombustible material.

"(c) The following mining and reclamation performance standards shall be applicable to steep-slope surface coal mining and shall be in addition to those general performance standards required by this section: *Provided, however,* That the provisions of this subsection (c) shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep-slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area:

"(1) No spoil, debris, soil, waste materials, or abandoned or disabled mine equipment may be placed on the natural or other downslope below the bench or cut created to expose the coal seam except that, where necessary, spoil from the cut necessary to obtain access to the coal seam may be placed on a limited or specified area of the downslope, provided that the spoil is shaped and graded in such a way so as to prevent slides and minimize erosion and water pollution and that the other requirements of subsection (b) can still be met.

"(2) For the purposes of this subsection, the term "steepslope" is any slope above twenty degrees or such other slope as the regulatory authority may determine to be necessary based upon soil, climate, and other characteristics of a region or State.

"(d)(1) In cases where an industrial, commercial, agricultural, residential, recreational or public facility development is proposed for postmining use of the affected land, the regulatory authority may grant appropriate exceptions to the requirements for regrading, backfilling, and spoil placement as set forth in subsection 211(b)(8) and in subsection 211(c)(1) of this Act, if the regulatory authority determines:

(A) after consultation with the appropriate land use planning agencies, if any, the proposed development is deemed to constitute an equal or better economic or public use of the affected land, as compared with the premining use;

"(B) the equal or better economic or public use can be most effectively obtained only if one or more exceptions to the requirements for regrading, backfilling, and spoil placement as set forth in subsection 211(b)(8) and subsection 211(c)(1) of this Act are granted;

"(2) With respect to subsection 211(b)(12) and subsection 211(b)(13) of this Act, where postmining land use development is in compliance with all the requirements of this subsection and where the regulatory authority has found that an exception to the revegetation standards is necessary to achieve the postmining land use development, the regulatory authority may grant an appropriate exception.

"(3) All exceptions granted under the provisions of this subsection will be reviewed periodically by the regulatory authority to assure compliance with the terms of the approved schedule and reclamation plan.

"(e) The Secretary may develop, promulgate, and revise, as may be appropriate, improved surface coal mining and reclamation performance standards for the protection of the environment and public health and safety. Such development and revision of improved surface coal mining and reclamation performance standards shall be based upon the latest available scientific data, the technical feasibility of the standards, and experience gained under this and other environmental protection statutes. The performance standards of subsections (b) and (c) of this section shall be applicable until superseded in whole or in part by improved surface coal mining and reclamation performance standards promulgated by the Secretary. No improved surface coal mining and reclamation performance standards promulgated under this subsection shall reduce the protection afforded the environment and the health and safety of the public below that provided by the performance standards contained in subsections (b) and (c) of this section. Improved surface coal mining and reclamation performance standards shall not be promulgated by the Secretary until he has followed the procedures specified in subsections (a), (b), and (c) of section 202 of this Act."

138. Page 199, line 14. Strike out "SEC. 212." and insert a "SEC. 212." to read as follows:

"SEC. 212. (a) In order to regulate the adverse effects of surface operations incident to underground coal mining, the Secretary shall, in accordance with the procedures established under section 202 of this Act, promulgate rules and regulations embodying the requirements specified in subsection (c) of this section which shall be applicable to surface operations incident to underground coal mining.

"(b) The performance standards specified in subsection (c) of this section shall be applicable to all such operations until superseded in whole or in part by improved performance standards promulgated by the Secretary in accordance with subsection (e) of section 211 of this Act.

(c) Any approved State or Federal program pursuant to this Act and relating to surface operations incident to underground coal mining shall require the underground coal mine operator to—

"(1) seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mineworkings when no longer needed for the conduct of the underground coal mining operation;

"(2) with respect to surface disposal of mine wastes, coal processing wastes, and other wastes in areas other than mineworkings or excavations, stabilize all waste piles created by the current operations in designated areas through construction in compacted layers with incombustible and impervious materials, and provide that the final contour of the waste pile will be compatible with natural surroundings and that the site is stabilized and revegetated according to the provisions of this section;

"(3) with respect to the use of impoundments for disposal of mine wastes or other liquid and solid wastes incorporate sound engineering practices for the design and construction of water retention facilities which will not endanger the health and safety of the public in the event of failure, construct such facilities to achieve necessary stability with an adequate margin of safety to protect against failure, prevent leachate from polluting surface or ground water, and prohibit fines, slimes and other unsuitable coal processing wastes from being used as the principal material in the construction of water impoundments, water retention facilities, dams, or settling ponds;

"(4) establish on regraded areas and all other lands affected, a stable and self-regenerating vegetative cover, where cover existing prior to mining, which, where advisable, shall be comprised of native vegetation;

"(5) minimize off-site damages resulting from surface operations incident to underground coal mining; and

"(6) prevent to the extent practicable the discharge of waterborne pollutants both during and after mining.

"(d) All operators of underground coal mines, both during and after mining, shall have abatement and remedial programs to prevent the discharge of waterborne pollutants to the extent practical and to eliminate fire hazards and other conditions which constitute a hazard to public health and safey."

139. Page 202, line 18. Strike out "SEC. 213." and insert a "SEC. 213." to read as follows:

"SEC. 213. (a) During the term of the permit the permittee may submit an application, together with a revised surface coal mining and reclamation plan, to the regulatory authority for a revision of the permit.

"(b) An application for a revision of a permit shall not be approved unless the regulatory authority finds that reclamation as required by this Act and the State or Federal program can be accomplished under the revised surface coal mining and reclamation plan. The revision shall be approved or disapproved within a period of time established by the State or Federal program, but such period shall not exceed ninety days. The regulatory authority shall establish guidelines for a determination of the scale or extent of a revision request for which all permit application information requirements and procedures, including notice and hearings, shall apply: *Provided,* That any revision which proposes a substantial change in the intended future use of the land or significant alterations in the mining and reclamation plan shall, at a minimum, be subject to the notice and hearing requirements of section 209 of this Act.

"(c) Any extensions to the area covered by the permit except incidental boundary revisions shall be made by application for another permit.

"(d) The regulatory authority may require reasonable revision or modification of the permit provisions during the term of such permit: *Provided,* That such revision or modification shall be subject to notice and hearing requirements established by the State or Federal program.

"(e) Permits issued pursuant to an approved State program shall be valid but reviewable under a Federal program. Following promulgation of a Federal program, the Secretary shall review such permits to determine if the requirements of this Act are being carried out. If the Secretary determines that any permit has been granted contrary to the requirements of this Act, he shall so advise the permittee and provide him a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface coal mining and reclamation operations to the requirements of the Federal program.

"(f) If a State submits a proposed State program to the Secretary after a Federal program has been promulgated and implemented, and if the Secretary approves the State program, the Federal program shall cease to be effective thirty days after such approval. Permits issued pursuant to the Federal program shall be valid but reviewable under the approved State program. The State regulatory authority may review such permits to determine if the requirements of the approved State program are being carried out. If the State regulatory authority determines that any permit has been granted contrary to the requirements of the approved State program, it shall so advise the permittee and provide a reasonable opportunity for submission of a new application and reasonable time to conform ongoing surface coal mining and reclamation operations to the requirements of the approved State program."

140. Page 208, line 20. Strike out "SEC. 216." and insert a "SEC. 216." to read as follows:

"SEC. 216. (a) After a surface coal mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the regulatory authority, on a form prescribed and furnished by the regulatory authority, a bond for performance payable, as appropriate, to the United States or the State, under an approved State program, and conditioned that the applicant shall faithfully perform all the applicable requirements under this Act. The bond shall cover that area of land within the permit area upon which the applicant will initiate and conduct surface mining and reclamation operations within the initial year of the permit term. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the permittee shall file annually with the regulatory authority on additional bond or bonds to cover such increments in accordance with this section. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit and shall be determined by the regulatory authority. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by a third party in the event of forfeiture; in no case shall the bond be less than $10,000.

"(b) The bond shall be executed by the applicant and a corporate surety approved by the regulatory authority, except that the applicant may elect to deposit cash, negotiable bonds of the United States Government or such State, or negotiable certificates of deposit of any bank organized under the laws of any State or the United States. The cash deposit or market value of such securities shall be equal to or greater than the amount of the bond required for the bonded area.

"(c) The amount of the bond or deposit required shall be increased or decreased by the regulatory authority from time to time as affected land acreages are changed or where the cost of future reclamation increases or decreases.

"(d) After a surface coal mining and reclamation permit application has been approved but before such permit is issued, the applicant for a permit shall be required to submit to the regulatory authority a certificate issued by an insurance company authorized to do business in the United States certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operation for which such permit is sought, or evidence that the applicant has satisfied State or Federal self-insurance requirements. Such policy shall provide for both on- and off-site personal injury and property damage protection in an amount adequate to compensate any persons injured or damaged as a result of surface coal mining and reclamation operations and entitled to compensation under the applicable provisions of Federal or State law, but in any event shall not be less than $100,000, or for such higher amounts as the regulatory authority deems necessary in light of potential risk and magnitude of possible off-site damages. Such policy shall be for the term of the permit and any renewal, including the length of any and all reclamation operations required by this Act."

141. Page 211, line 16. Strike out "SEC. 217." and insert a "SEC. 217." to read as follows:

"SEC. 217. (a) The permittee may file a request with the regulatory authority for the release of all or part of the performance bond or deposit. Within thirty days after any application for bond or deposit release has been filed with the regulatory authority, the permittee shall submit a copy of an advertisement placed at least once a week for three consecutive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. Such advertisement shall be considered part of any bond release application and shall contain a notification of the location of the land affected, the number of acres, the permit number and the date approved, the amount of the bond filed and the portion sought to be released, and the type of reclamation work performed. In addition, as part of any bond release application, the permittee shall submit copies of letters which have been sent to adjoining property owners, and local governmental bodies, planning agencies, sewage and water treatment authorities, water companies, and all other public utility companies whose facilities cross or may be sufficiently close to the concerned area to be affected thereby in the locality in which the surface coal mining and reclamation activities took place, notifying them of intent to seek release of the bond.

"(b) The regulatory authority may release in whole or in part said bond or deposit if the authority is satisfied that reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this Act: *Provided, however,* That—

"(1) no bond shall be fully released until all reclamation requirements of this Act are fully met, and

"(2) an inspection and evaluation of the affected surface coal mining and reclamation operation is made by the regulatory authority or its authorized representative prior to the release of all or any portion of the bond.

"(c) If the regulatory authority disapproves the application for release of the bond or portion thereof, the authority shall notify the permittee, in writing, stating the reasons for disapproval and recommending actions necessary to secure said release. The permittee shall be afforded an opportunity for a public hearing in accordance with the procedures specified in section 209(a), unless a hearing has already been held under subsection (d) of this section.

"(d) Any person having an interest which is or may be adversely affected by the proposed release of the bond or any Federal, State, or local governmental agency having responsibilities affected by the proposed release shall have the right to file written objections to the proposed release of the bond and request a public hearing thereon to the regulatory authority within thirty days after the last notice has been given in accordance with subsection (a) of this section. If written objections are filed and a hearing requested, the regulatory authority shall inform all the interested parties, of the time and place of the hearing, which shall be held in the locality of the affected surface coal mining operation as soon as practicable after receipt of the request for such hearing. The date, time, and location of such public hearing shall be advertised by the regulatory authority in a newspaper of general circulation in the locality once a week for three consecutive weeks."

142. Page 218, line 12. Strike out "SEC. 219." and insert a "SEC. 219." to read as follows:

"SEC. 219. (a) The Secretary shall cause to be made such inspections of any surface coal mining and reclamation operations as are necessary to evaluate the administration of approved State programs, or to develop or enforce any Federal program, and for such purposes authorized representatives of the Secretary shall have a right of entry to, upon, or through any surface coal mining and reclamation operations.

"(b) For the purpose of developing or assisting in the development, administration, and enforcement of any approved State or Federal program under this Act or in the administration and enforcement of any permit under this Act, or determining whether any person is in violation of any requirement of any such State or Federal program or any other requirement of this Act, the regulatory authority shall—

"(1) require any permittee to (A) establish and maintain appropriate records, (B) make monthly reports to the regulatory authority, (C) install, use, and maintain any necessary monitoring equipment or methods, (D) evaluate results in accordance with such methods, at such locations, intervals, and in such manner as the regulatory authority shall prescribe, and (E) provide such other information relative to surface coal mining and reclamation operations as the regulatory authority deems reasonable and necessary;

"(2) for those surface coal mining and reclamation operations which remove or disturb strata that serve as aquifers which significantly insure the hydrologic balance or water use either on or off the mining site, specify those—

"(A) monitoring sites to record the quantity and quality of surface drainage above and below the minesite as well as in the potential zone of influence;

"(B) monitoring sites to record level, amount, and samples of ground water and aquifers potentially affected by the mining and also directly below the lowermost (deepest) coal seam to be mined;

"(C) records of well logs and borehole data to be maintained; and

"(D) monitoring sites to record precipitation.

The monitoring, data collection, and analysis required by this section shall be conducted according to standards and procedures set forth by the regulatory authority in order to assure their reliability and validity; and

"(3) the authorized representatives of the regulatory authority, without advance notice and upon presentation of appropriate credentials (A) shall have the right of entry to, upon, or through any surface coal mining and reclamation operations or any premises in which any records required to be maintained under paragraph (1) of this subsection are located; and (B) may at reasonable times, and without delay, have access to and copy any records, inspect any monitoring equipment or method of operation required under this Act.

"(c) The inspections by the regulatory authority shall (1) occur on an irregular basis averaging not less than one inspection per month for the surface coal mining and reclamation operations for coal covered by each permit; (2) occur without prior notice to the permittee or his agents or employees; and (3) include the filing of inspection reports adequate to enforce the requirements of and to carry out the terms and purposes of this Act. The regulatory authority shall make copies of such inspection reports freely available to the public at a central location in the pertinent geographic area of mining. The Secretary or the regulatory authority shall establish a system of continual rotation of inspectors so that the same inspector does not consistently visit the same operations.

"(d) Each permittee shall conspicuously maintain at the entrances to the surface coal mining and reclamation operation a clearly visible sign which sets forth the name, business address, and phone number of the permittee and the permit number of the surface coal mining and reclamation operation.

"(e) Each authorized representative of the regulatory authority, upon detection of each violation of any requirement of a State or Federal program pursuant to this Act, shall forthwith inform the permittee in writing, and shall report in writing any such violation to the regulatory authority."

143. Page 221, line 23. Strike out "Sec. 220." and insert a "Sec. 220." to read as follows:

"Sec. 220. (a) (1) Whenever, on the basis of any information available, including receipt of information from any person, the Secretary has reason to believe that any person is in violation of any requirement of this Act or any permit condition required by this Act, the Secretary shall notify the State regulatory authority, if one exists, in the State in which such violation exists. If no such State authority exists or the State regulatory authority fails within ten days after notification to take appropriate action to cause said violation to be corrected or to show good cause for such failure and transmit notification of its action to the Secretary, the Secretary shall immediately order Federal inspection of the surface coal mining operation at which the alleged violation is occurring unless the information available to the Secretary is a result of a previous Federal inspection of such surface coal mining operation. When the Federal inspection results from information provided to the Secretary by any person, the Secretary shall notify such person when the Federal inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection.

"(2) When, on the basis of any Federal inspection, the Secretary or his authorized representative determines that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, which violation also creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant imminent environmental harm to land, air, or water resources, which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan, the Secretary or his authorized representative shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the violation has been abated.

"(3) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program or a Federal lands program, or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that any permittee is in violation of any requirement of this Act or any permit condition required by this Act, but such violation does not create an imminent danger to the health or safety of the public, or cause or can be reasonably expected to cause significant imminent environmental harm to land, air, or water resources which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan, the Secretary or his authorized representative shall issue a notice to the permittee or his agent fixing a reasonable time for the abatement of the violation. If, upon the expiration of the period of time as originally fixed or subsequently extended, the Secretary or his authorized representative finds that the violation has not been abated, he shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the Secretary or his authorized representative determines that the violation has been abated.

"(4) When, on the basis of a Federal inspection which is carried out during the enforcement of a Federal program, or a Federal lands program, or during Federal enforcement of a State program in accordance with subsection (b) of this section, the Secretary or his authorized representative determines that a pattern of violations of any requirements of this Act or any permit conditions required by this Act exists or has existed, and if the Secretary or his authorized representative also finds that such violations are caused by the unwarranted failure of the permittee to comply with any requirements of this Act or any permit conditions, or that such violations are willfully caused by the permittee, the Secretary or his authorized representative shall forthwith issue an order to the permittee to show cause why the permit should not be suspended or revoked.

"(5) Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and, where appropriate, a reasonable description of the portion of the surface coal mining and reclamation operation to which a cessation order applies. Each notice or other order issued under this section shall be given promptly to the permittee or his agent by the Secretary or his authorized representative who issues such notice or order, and all such notices and orders shall be in writing and shall be signed by such authorized representative. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the Secretary or his authorized representative. A copy of any such order or notice shall be sent to the State regulatory authority in the State in which the violation occurs.

"(b) Whenever the Secretary finds that violations of any approved State program appear to result from a failure of the State to enforce such program effectively, he shall so notify the State. If the Secretary finds that such failure extends beyond thirty days after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Secretary that it will enforce this Act, the Secretary shall enforce any permit condition required under this Act, shall issue new or revised permits in accordance with the requirements of this Act, and may issue such notices and orders as are necessary for compliance therewith.

"(c) The Secretary may request the Attorney General to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the surface coal mining and reclamation operation is located or in which the permittee thereof has his principal office, whenever such permittee or his agent (A) violates or fails or refuses to comply with any order or decision issued by the Secretary under this Act, or (B) interferes with, hinders, or delays the Secretary or his authorized representative in carrying out the provisions of this Act, or (C) refuses to admit such authorized representative to the mine, or (D) refuses to permit inspection of the mine by such authorized representative, or (E) refuses to furnish any information or report requested by the Secretary in furtherance of the provisions of this Act, or (F) refuses to permit access to, and copying of, such records as the Secretary determines necessary in carrying out the provisions of this Act. Such court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with Rule 65 of the Federal Rules of Civil Procedure, as amended. Except as otherwise provided herein, any relief granted by the court to enforce an order under clause (A) of this subsection shall continue in effect until the completion or final termination of all proceedings for review of such order under this title, unless, prior thereto, the district court granting such relief sets it aside or modifies it."

144. Page 227, line 11. Strike out "Sec. 221." and insert a "Sec. 221." to read as follows:

"Sec. 221. (a) (1) Any action of the Secretary to approve or disapprove a State program pursuant to section 203 of this Act or to prepare and promulgate a Federal program pursuant to section 204 of this Act shall be subject to judicial review only by the appropriate United States Court of Appeals upon the filing in such court within thirty days from the date of such action of a petition by any person who participated in the administrative proceedings related thereto and who is aggrieved by the action praying that the action be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the other parties, the Secretary, and the Attorney General and thereupon the Secretary shall certify and the Attorney General shall file in such court the record upon which the action complained of was issued, as provided in section 2112 of title 28, United States Code.

"(2) Any promulgation of regulations by the Secretary to sections 211, 212, and 225 of this Act shall be subject to judicial review only by the appropriate United States Court of Appeals in accordance with the procedures set forth in subsection (1) of this section.

"(3) All other orders or decisions issued by the Secretary pursuant to this Act shall be subject to judicial review only in the United States District Court for the locality in which the surface coal mining operation is located. Such review shall be in accordance with the Federal Rules of Civil Procedure. In the case of a proceeding to review an order or decision issued by the Secretary under section 224 of this Act, the court shall have jurisdiction to enter an order requiring payment of any civil penalty assessment enforced by its judgment.

"(b) The court shall hear such petition or complaint on the evidence presented and on the record made before the Secretary. The court may affirm, vacate, or modify any order or decision or may remand the proceedings to the Secretary for such further action as it may direct.

"(c) In the case of a proceeding to review any order or decision issued by the Secretary under this Act, the court may, under such conditions as it may prescribe, grant such temporary relief as it deems appropriate pending final determination of the proceeding if—

"(1) all parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;

"(2) there is a substantial likelihood that the person requesting such relief will prevail on the merits of the final determination of the proceeding; and

"(3) such relief will not present imminent danger to the public health and safety or cause significant imminent environmental harm to the land, air, or water resources which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan.

"(d) The commencement of a proceeding under this section shall not, unless specifically ordered by the court, operate as a stay of the order or decision of the Secretary."

145. Page 229, line 24. Strike out "SEC. 222." and insert a "SEC. 222." to read as follows:

"SEC. 222. (a) (1) A notice or order issued to a permittee pursuant to the provisions of subparagraphs (a) (2) and (3) of section 220 of this title, or to any person having an interest which is or may be adversely affected by such notice or order or by any modification, vacation, or termination of such notice or order, may apply to the Secretary for review of the notice or order within thirty days of receipt thereof or within thirty days of its modification, vacation, or termination. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing, at the request of the applicant or person having an interest which is or may be adversely affected, to enable the applicant and such person to present information relating to the issuance and continuance of such notice or order or the modification, vacation, or termination thereof. The filing of an application for review under this subsection shall not operate as a stay of any order or notice.

"(2) The permittee and other interested persons shall be given written notice of the time and place of the hearing at least five days prior thereto. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code.

"(b) Upon receiving the report of such investigation, the Secretary shall make findings of fact, and shall issue a written decision, incorporating therein an order vacating, affirming, modifying, or terminating the notice or order, or the modification, vacation, or termination of such notice or order complained of and incorporate his findings therein.

"(c) Pending completion of the investigation required by this section, the applicant may file with the Secretary a written request that the Secretary grant temporary relief from any notice or order issued under section 220(a) (3) of this title together with a detailed statement giving reasons for granting such relief. The Secretary may grant such relief, with or without a hearing, under such conditions as he may prescribe, if—

"(1) the applicant shows that there is substantial likelihood that the findings of the Secretary will be favorable to him; and

"(2) such relief will not present imminent danger to the health or safety of the public or cause significant imminent environmental harm to the land, air, or water resources which cannot reasonably be considered reclaimable within the scope of the bonded reclamation plan.

"(d) Following the issuance of an order to show cause as to why a permit should not be suspended or revoked pursuant to section 220(a) (4), the Secretary shall hold a public hearing after giving written notice of the time, place, and date thereof. Any such hearing shall be of record and shall be subject to section 554 of title V of the United States Code. Within sixty days following the public hearing, the Secretary shall issue and furnish to the permittee and all other parties to the hearing a written decision, and the reasons therefor, concerning suspension or revocation of the permit. If the Secretary revokes the permit, the permittee shall immediately cease surface coal mining operations on the permit area and shall complete reclamation within a period specified by the Secretary, or the Secretary shall declare as forfeited the performance bonds for the operation.

"(e) In view of the urgent need for prompt decision of matters submitted to the Secretary under this section, action shall be taken as promptly as practicable, consistent with adequate consideration of the issues involved."

146. Page 232, line 10. Strike out "SEC. 223." and insert a "SEC. 223." to read as follows:

"SEC. 223. (a) Except as provided in subsection (c) of this section any person having an interest which is or may be adversely affected by actions of the Secretary or the regulatory authority may commence a civil action on his own behalf in an appropriate United States district court—

"(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any regulation, order, or permit issued under this Act;

"(2) against the Secretary where there is alleged a failure of the Secretary or State regulatory authority to perform any act or duty under this Act which is not discretionary.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to remedy such violation or failure and to apply any appropriate civil penalties or injunctive relief under this Act.

"(b) No action may be commenced—

"(1) under subsection (a) (1) of this section—

"(A) prior to sixty days after the plaintiff has given notice of the alleged violation (i) to the Secretary, (ii) to the State in which the alleged violation occurs, and (iii) to any alleged violator of the regulation, order, or permit, or provision of this Act;

"(B) if the Secretary or State has commenced and is diligently prosecuting administrative or judicial action to require compliance with the regulation, permit, order, or provision of this Act, but in any such action in a court of the United States any person described in subsection (a) may intervene as a matter of right;

"(2) under subsection (a) (2) of this section prior to sixty days after the plaintiff has given notice of such action to the regulatory authority. Notice under this subsection shall be given in such manner as the Secretary shall prescribe by regulation.

"(c) The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, except against the United States or any Federal officer or agency, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(d) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of this Act or to seek any other relief (including relief against the Secretary or a State agency).

"(e) The Secretary, if not a party in any action under this section, may intervene as a matter of right."

147. Page 238, line 20. Strike out "SEC. 225." and insert a "SEC. 225." to read as follows:

"SEC. 225. (a) (1) After the date of enactment of this Act all new surface coal mining permits, leases, or contracts issued with respect to surface coal mining operations on Federal lands shall incorporate therein the interim surface coal mining and reclamation performance standards of subsection (c) of section 201 of this Act.

"(a) (2) Within sixty days from the date of enactment of this Act, the Secretary shall review and amend all existing surface coal mining permits, leases, or contracts in order to incorporate therein the interim surface coal mining and reclamation performance standards of subsection (c) of section 201 of this Act. On or before one hundred and twenty days from the date of issuance of such amended permit, lease, or contract, all surface coal mining operations existing at the date of enactment of this Act on Federal lands shall comply with the interim surface coal mining and reclamation performance standards with respect to lands from which the overburden has not been removed.

"(b) The Secretary, in consultation with the heads of other Federal land managing departments and agencies, shall promulgate and implement a Federal lands program which shall be applicable to all surface coal mining and reclamation operations taking place on any Federal land. The Federal lands program shall incorporate all surface coal mining reclamation requirements of this Act and shall take into consideration the diverse physical, climatological, and other unique characteristics of the Federal lands in question.

"(c) Within eighteen months after the date of enactment of this Act, all surface coal mining reclamation requirements of this Act through the Federal lands program shall be incorporated by reference or otherwise in any Federal mineral lease, permit, or contract issued by the Secretary which may involve surface coal mining and reclamation operations or surface operations incident to underground coal mines. Incorporation of such requirements shall not, however, limit in any way the authority of the Secretary to subsequently issue new regulations, revise the Federal lands program to deal with changing conditions or changed technology, and to require the lease, permit, or contract holder to conform any surface coal mining and reclamation operations to the requirements of this Act and the regulations issued pursuant to this Act. With respect to national forest lands, the Secretary shall include in permits, leases, and contracts those conditions and requirements deemed necessary by the Secretary of Agriculture. The Secretary of Agriculture shall administer the provisions of such surface coal mining leases, permits, or contracts relating to reclamation and surface use, and is authorized to enforce such provisions.

"The Secretary, or in the case of lands

within national forests the Secretary of Agriculture, may enter into agreements with a State or with a number of States to provide for a joint Federal-State program covering a permit or permits for surface coal mining and reclamation operations on land areas which contain lands within any State and Federal lands which are interspersed or checkerboarded and which should, for conservation and administrative purposes, be regulated as a single-management unit. To implement a joint Federal-State program the Secretary, or in the case of lands within national forests the Secretary of Agriculture, may enter into agreements with the States, may delegate authority to the States, or may accept a delegation of authority from the States for the purpose of avoiding duality of administration of a single permit for surface coal mining and reclamation operations. Such agreements shall incorporate all of the requirements of this Act, and shall not preclude Federal inspection or enforcement of the provisions of this Act as provided in sections 219 and 220.

"(d) Except as specifically provided in subsection (c), this section shall not be construed as authorizing the Secretary or the Secretary of Agriculture to delegate to the States any authority or jurisdiction to regulate or administer surface coal mining and reclamation operations or other activities taking place on the Federal lands.

"(e) This section shall not be construed as authorizing the Secretary to delegate to the States any authority or jurisdiction to regulate or administer surface coal mining and reclamation operations or other activities taking place on Indian lands or to delegate to the States trustee responsibilities toward Indians and Indian lands."

148. Page 249, line. Strike out "Title IV".

149. Page 265, line 17. Strike out "Title V".

150. Page 272, line 1. Strike out "Title VII" and insert a "Title VII" to read as follows:

"TITLE VII—GENERAL PROVISIONS AND ADMINISTRATION

"AUTHORITY OF THE SECRETARY

"SEC. 701. (a) In carrying out his responsibilities under this Act the Secretary shall:

"(1) administer the State grant-in-aid program for the development of State programs for surface coal mining and reclamation operations provided for in this title;

"(2) maintain a continuing study of surface coal mining and reclamation operations in the United States;

"(3) assist the States in the development of State programs for surface coal mining and reclamation operations which meet the requirements of this Act;

"(4) publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this Act; and

"(5) conduct hearings, administer oaths, issue subpenas, and compel the attendance of witnesses and production of written or printed materials as necessary to carry out his duties under this Act.

"(b) For the purpose of carrying out his responsibilities under this Act, including the enforcement thereof, the Secretary may by agreement utilize with or without reimbursement the services, personnel, and facilities of any Federal agency.

"STUDY OF SUBSIDENCE AND UNDERGROUND WASTE DISPOSAL IN COAL MINES

"SEC. 702. The Secretary shall conduct a full and complete study and investigation of the practices of backfilling all coal mine wastes and coal processing plant wastes in mine voids or other equally effective disposal methods and the control of subsidence to maximize the stability, value, and use of lands overlying underground coal mines. The Secretary shall report to the Congress the results of such study and investigation no later than the end of the two-year period beginning on the date of enacement of this Act.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 703. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

"RELATION TO OTHER LAWS

"SEC. 704. Nothing in this Act or in any State regulations approved pursuant to it shall be construed to conflict with any of the following Acts or with any rule or regulation promulgated thereunder:

"(1) The Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721–740).

"(2) The Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801).

"(3) The Federal Water Pollution Control Act (33 U.S.C. 1151–1175), the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality.

"(4) The Clean Air Act, as amended (42 U.S.C. 1857).

"(5) The Solid Waste Disposal Act (42 U.S.C. 3251).

"(6) The Refuse Act of 1899 (33 U.S.C. 407).

"(7) The Fish and Wildlife Coordination Act (16 U.S.C. 661–666c).

"EMPLOYEE PROTECTION

"SEC. 705. (a) No person shall discharge, or in any other way discriminate against, or cause to be discharged or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, apply to the Secretary for a review of such discharge or alleged discrimination. A copy of the application shall be sent to the person or operator who will be the respondent. Upon receipt of such application, the Secretary shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to such review to enable the parties to present information relating ot the alleged violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation the Secretary shall make findings of fact. If he finds that a violation did occur, he shall issue a decision incorporating therein his findings and an order requiring the party committing the violation to take such affirmative action to abate the violation as the Secretary deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no violation, he shall issue such a finding. Orders issued by the Secretary under this subparagraph shall be subject to judicial review in the same manner as other orders and decisions of the Secretary are subject to judicial review under this Act.

"(c) Whenever an order is issued under this section, at the request of applicant, a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees), to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the persons committing the violation.

"GRANTS TO THE STATES

"SEC. 706. (a) The Secretary is authorized to make annual grants to any State for the purpose of assisting such State in developing, administering, and enforcing State programs under this Act. Such grants shall not exceed 80 per centum of the program development costs incurred during the year prior to approval by the Secretary, shall not exceed 60 per centum of the total costs incurred during the first year following approval, 45 per centum during the second year following approval, 30 per centum during the third year following approval, and 15 per centum during the fourth year following approval. Not later than the end of the fourth year following approval, the State program shall be fully funded from State sources, and each application for a permit pursuant to an approved State program or a Federal program under the provision of this Act shall provide for payment of fees as determined by the regulatory authority. Such fees shall be based as nearly as possible upon the actual or anticipated costs of reviewing, administering, and enforcing such permit, and shall be payable on a phased basis over the period of the permit.

"(b) The Secretary is authorized to cooperate with and provide assistance to any State for the purpose of assisting it in the development, administration, and enforcement of its State programs. Such cooperation and assistance shall include—

"(1) technical assistance and training, including provision of necessary curricular and instruction materials, in the development, administration, and enforcement of the State programs; and

"(2) assistance in preparing and maintaining a continuing inventory of information on surface coal mining and reclamation operations for each State for the purposes of evaluating the effectiveness of the State programs. Such assistance shall include all Federal departments and agencies making available data relevant to surface coal mining and reclamation operations and to the development, administration, and enforcement of State programs concerning such operations.

"PROTECTION OF THE SURFACE OWNER

"SEC. 707. (a) In those instances in which the surface owner is not the owner of the mineral estate proposed to be mined by surface coal mining operations, the application for a permit shall include the following:

"(1) the written consent of, or a waiver by, the owner or owners of the surface lands involved to enter and commence surface coal mining operations on such land, or, in lieu thereof,

"(2) the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the surface owner or owners of the land, to secure the immediate payment equal to any damages to the surface estate which the surface coal mining operation will cause to the crops or to the tangible improvements of the surface owner as may be determined by the parties involved or as determined and fixed in an action brought against the permittee or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation by this Act.

"(b) For the purposes of this section, the term 'surface coal mining operation' does not include underground mining for coal.

"PROTECTION OF GOVERNMENT EMPLOYEES

"SEC. 708. Section 1114, title 18, United States Code, is, hereby amended by adding the words 'or of the Department of the Interior' after the words 'Department of Labor' contained in that section.

"SEVERABILITY

"SEC. 709. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

"DEFINITIONS

"SEC. 710. For the purposes of this Act—

"(1) the term 'Secretary' means the Secretary of the Interior, except where otherwise described;

"(2) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

"(3) The term 'commerce' means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or between points in the same State which directly or indirectly affect interstate commerce;

"(4) The term 'surface coal mining operations' means—

(A) activities conducted on the surface of lands in connection with a surface coal mine the products of which enter commerce or the operations of which directly or indirectly affect commerce. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, and area mining (but not open pit mining), and in situ distillation or retorting, leaching, or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, or loading of coal for interstate commerce at or near the mine site: *Provided, however,* That such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ per centum of the tonnage of minerals removed for purposes of commercial use or sale; and

"(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such areas shall also include land affected by mineral exploration operations which substantially disturb the natural land surface, and any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities;

"(5) the term 'surface coal mining and reclamation operations' means surface coal mining operations and all activities necessary and incident to the reclamation of such operations;

"(6) The term 'lands within any State' or 'lands within such State' means all lands within a State other than Federal lands and Indian lands;

"(7) The term 'Federal lands' means any land or interest in land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof;

"(8) The term 'State program' means a program established by a State pursuant to title II to regulate surface coal mining and reclamation operations on lands within a State in accordance with the requirements of this Act and regulations issued by the Secretary pursuant to this Act;

"(9) The term 'Federal program' means a program established by the Secretary to regulate surface coal mining and reclamation operations on lands within any State in accordance with the requirements of this Act;

"(10) The term 'Federal lands program' means a program established pursuant to title II to regulate surface coal mining and reclamation operations on Federal lands;

"(11) The term 'mining and reclamation plan' means a plan submitted by an applicant for a permit under a State program, Federal program, or Federal lands program which sets forth a plan for mining and reclamation of the proposed surface coal mining operations pursuant to section 210;

"(12) The term 'State regulatory authority' means the department or agency in each State which has primary responsibility in that State for administering the State program pursuant to this Act;

"(13) The term 'regulatory authority' means the State regulatory authority where the State is administering this Act under an approved State program or the Secretary where the Secretary is administering any or all provisions of this Act;

"(14) The term 'person' means an individual, partnership, association, society, joint stock company, firm, company, corporation, or other business organization;

"(15) The term 'permit' means a document issued by the regulatory authority for a surface coal mining site pursuant to a State program, or a Federal lands program, authorizing the permittee to conduct surface coal mining and reclamation operations;

"(16) The term 'permit applicant' or 'applicant' means a person applying for a permit;

"(17) The term 'permittee' means a person holding a permit;

"(18) The term 'backfilling to approximate original contour' means that part of the surface coal mining and reclamation process achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to surface coal mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, spoil piles, and depressions eliminated except that water impoundments may be permitted where the regulatory authority determines that they are necessary or desirable for reclamation or public recreation purposes;

"(19) The term 'operator' means any person engaged in surface coal mining operations;

"(20) The term 'reclamation' or 'reclaim' means the process of land, air, and water treatment that restricts and controls water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other harmful effects resulting from surface coal mining operations, so that the affected areas, including, where appropriate, areas adjacent to the mining site are restored to a stable condition capable of supporting the uses which they were capable of supporting prior to mining or an equal or better economic or public use suitable to the locality;

"(21) The term 'unwarranted failure to comply' means the failure of 'permittee to prevent the occurrence of any violation of his permit or any requirement of this Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the Act due to indifference, lack of diligence, or lack of reasonable care;

"(22) 'Open pit mining' means surface mining in which (1) the amount of material removed is large in proportion to the surface area disturbed; (2) mining continues in the same area proceeding downward with lateral expansion of the pit necessary to maintain slope stability or as necessary to accommodate the orderly expansion of the total mining operation; (3) the operations take place on the same relatively limited site for an extended period of time; (4) there is no practicable method to reclaim the land in the manner required by this Act; and (5) there is no practicable alternative method of mining the mineral or ore involved;

"(2) The term 'imminent danger to the health or safety of the public' means the existence of any condition or practice, or any violation of a permit or other requirement of this Act in a surface coal mining and reclamation operation, which condition, practice, or violation could reasonably be expected to cause death or serious physical harm to persons outside the permit area before such condition, practice, or violation can be abated."

LET HE WHO IS WITHOUT SIN CAST THE FIRST STONE

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. HUBER. Mr. Speaker, recently a Lutheran minister in my congressional district wrote a very thoughtful letter to the President which I felt said a lot about some of the hypocrisy in evidence as a result of Watergate. The quotation concerning former President Lincoln and his popularity in 1863 is particularly applicable, I feel. The letter from Reverend Halsted of Ferndale, Mich., follows:

ZION LUTHERAN CHURCH,
Ferndale, Mich., May 17, 1974.

THE PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I write this letter because I want you to know that I support your position and have confidence in your ability to govern our country.

I recognize that you receive thousands of letters, and that it is physically impossible for you to read all of them. However, I hope that whoever opens this one will feel that it is worth your personal perusal.

One of the things that bothers me about the whole Watergate investigation is the wave of self-righteousness that is likely to emerge from it. Suddenly, people whose own records are surely not without blemish are issuing clarion calls for righteousness. They are busy with brooms, sweeping everybody's office but their own. They refuse to extend to others privileges of confidentiality that many of them, on certain occasions, must certainly have not hesitated to take for themselves.

Believe me, there are many conversations that I, as a Lutheran minister, have had in the privacy of my office or home that I should not want to be made public. I am sure that if they were, it wouldn't be long before some of the self-righteous "elite" would start to move to defrock me. I am a human being. So are you. The fact that I happen to be a Lutheran minister and you happen to be the President of these United States does not in any way make either you or me any less human.

I recently completed a series of sermons on the Twelve Apostles. Aside from their common faith in the Lord, the one fact that strikes me about these men, which I tried to get across to my people, is that they were indeed a motley group, common, ordinary men with a diversity of talents. They were wholly and totally human. They had strengths, certainly! But they also had weaknesses. So do we all. Even those who have presumed your guilt and seem so ready to put you on the cross.

As to the media, I have experienced in my own small way how capable some reporters are in taking things out of context. I have often wondered what people in other cities, whose only source of information is the media, must think about our neighbor, Detroit. Isn't it strange how those living in a situation never think it is quite as bad as those standing on the sidelines? And the chances are that most of those standing on the sidelines have been guided to their opinions by the so called responsible journalists.

I know your time is precious, so I don't want to burden you with a lot of other things I might say; but before I close this letter, please let me share with you a quote that I recently picked up from a friend, who also is one of your supporters:

"As to the politics of Washington, the most striking thing is the absence of personal loyalty to the President. It does not exist. He has no admirers, no enthusiastic supporters, none to bet on his head. If a Republican convention were to be held tomorrow, he would not get the vote of a State. He does not act, or talk or feel like the ruler of a great empire in a great crisis. This is felt by all, and has got down through all the layers of society. It has a disastrous effect on all departments and classes of officials, as well as on the public.

"Nixon? No Lincoln. Words written by Richard Dana about President Lincoln in 1863 when his standing was at the lowest level of his presidency."

Hang in there, Mr. President. Don't give into the self-styled "do-gooders," who are so busy with the speck in their brother's eye that they can't see the log in their own. You have a lot of supporters despite what the newspapers say.

Sincerely yours,

GEORGE HALSTED,
Senior Pastor.

CAPTIVE NATIONS WEEK

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. ADDABBO. Mr. Speaker, this week marks the annual observance of Captive Nations Week, a time when we in the Congress join with religious and civic leaders across the country in reaffirming our commitment to the basic, inalienable rights of the people living in captive nations to independence and freedom. The belief in the right to freedom as a basic international right is one which needs to be asserted without qualification at this moment in history. That is the purpose of this week and it is appropriate that we in Congress make our voices heard on this most timely and fundamental subject.

As words of détente fill the air, we must never lose sight of our basic principles. To do so for expediency now would result in disaster for all of us later. The issues of the individual's right to freedom or a nation's right to independence from the oppression of tyrannical rule cannot be ignored, compromised or tampered with for the short-term diplomatic successes of the day.

I am always appalled to hear the numbers of people living in East and Central Europe under Communist rule, more than 100 million people who have not lost the hope for freedom and who must not lose the support of America. This week provides an opportunity for us all to reaffirm our support to these 100 million people and to the principles of independence and freedom.

ONE OF THE LARGEST U.S. FLAGS FLOWN ATOP U.S. CAPITOL

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. DOWNING. Mr. Speaker, on Thursday, June 20, 1974, one of largest of U.S. flags, 23 by 40 feet, was flown atop the U.S. Capitol.

The flag is unique. It was brought all the way from Texas and delivered to me for the purpose of arranging for its raising above the Nation's Capitol.

This past April 15, the Noncommissioned Officers Association of the U.S.A.—NCOA—raised this very flag in front of its new International Headquarters Building in San Antonio, Tex. The association was convening its 13th annual international convention, and the 60-foot pole on which the flag was flown was being dedicated to the thousands of noncommissioned and petty officers who gave their lives in defense of this great Nation.

The flag, visible for many miles, fluttered proudly in the Texas sun. It inspired many who looked upon its broad stripes and stars. It moved one U.S. Air Force NCO, Wesley A. Shaner, so dramatically, that he returned to his hotel and prepared the following resolution:

> Be it resolved: That at one hour before sunset on April 20, 1974, our Legislative Committee Representative, with appropriate ceremony, secure our coveted American Flag; that he transport it by the most expeditious means possible, and have it raised over our Nation's Capitol Building as a one-day symbol of the NCOA's rededication to our government and American people, of the NCOA's patriotism, benevolence, integrity, and our love of our Country. Be it further resolved that our flag be returned with haste, dignity, and honor; and that it again be raised above our Headquarters with pomp and ceremony so that it may serve to constantly remind us of our rededication to our beloved Country.

The resolution was adopted unanimously by the NCOA membership assembled in convention on April 19. The following day, the flag was delivered to Command Sgt. Maj. Fred E. Darling, U.S. Army, retired, a staff member of the NCOA Legislative Office, and he personally carried it to Washington, D.C.

Subsequently, I was honored by a visit from the association's representatives. They bestowed upon me a coveted membership in the NCOA International Rat Pack Chapter.

To be selected as a member of this honor chapter, one must distinguish himself or herself as a member of the association. I was selected in appreciation for my interest in the organization and because I had sponsored the NCOA recommended legislation to provide severance pay for regular enlisted members of the Armed Forces who were denied reenlistment after serving this Nation honorably (H.R. 13032).

As they pinned the symbol of membership, a gold metal rat with red eyes, on my lapel, I was given my first task—to have the NCOA flag flown above the Capitol.

Mr. Speaker, I am proud to have assisted my fellow NCOA members, 160,000-plus, in realizing their mandate, and I join them in rededicating ourselves to the best interests of our beloved country.

HUMAN EVENTS CATTLEMEN'S STAMPEDE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. PEYSER. Mr. Speaker, Human Events has recently printed a fine analytical piece on the current problems of the livestock industry which makes a compelling case to oppose the "Emergency Livestock Credit Act." I would like to insert it into the RECORD at this time:

CATTLEMEN'S STAMPEDE: IT THREATENS TO RUN ROUGHSHOD OVER SOUND PUBLIC POLICY

(By Robert M. Bleiberg)

"As one who has seen perhaps more than his share of old movies, not to mention such television favorites as 'Rawhide,' 'Bonanza' and 'Lawman,' this observer lately has been struck by what he can only call the decline of the West.

"Time was when gunslingers, gamblers and cowboys were faithful to tradition; however, these days, especially on 23-inch screens, their once-sharp images all too often tend to blur. Instead of villains who are mean clean through—like black-gloved Jack Palance, in the unforgettable *Shane*—we now have repentant badmen. Redskins frequently wind up as heroes, while the U.S. Cavalry, like today's much-maligned Air Force, is loaded with hate-filled neurotics. Even the legendary cattle baron no longer runs true to form: from an evil old man who loves to gun down squatters and nesters, he has somehow turned into squareshooting Ben Cartwright, neighborly owner of the Ponderosa.

"Myths, so the saying goes, die hard. Yet even a true believer in the legends of the West must admit that recent history has shaken his faith. From every corner of the Old Frontier—from Dodge City, Tombstone and other places fabled in story and song—the nation's cowpokes have been raising a wholly uncharacteristic cry for help. While their rugged forebears were willing to go it alone against all kinds of hazards, natural and man-made alike, today's cattlemen are evidently a different breed. Threatened by a mounting flood of imported beef, they have sought to stampede Congress into coming to the rescue."

So wrote *Barron's* over a decade ago, when U.S. cattlemen (who, by the way, still pride themselves on rugged individualism) had just begun their first drive on Washington. While filled with sound and fury—our own wry comments evoked a personal attack from Cervi's *Rocky Mountain Journal*—the hell-bent-for-leather approach swiftly stalled;

several months later, Congress passed the Meat Import Quota Act of 1964, which decreed largely symbolic ceilings on foreign shipments to these shores.

Now the ranchers are staging a re-run. Appalled at the recent plunge in cattle prices, they have besieged the lawmakers with fresh pleas for assistance, including the reimposition of quotas with teeth; creation of a stockpile of canned beef and pork, as well as a disaster relief fund for feeders, comprising a federal bounty of $100 per head on all cattle slaughtered since March 1; generous federal loan guarantees.

This time around, Congress has been quick to respond. "Whenever we see 19 U.S. senators line up on Monday morning to make speeches on the same subject," as Sen. Lloyd Bentsen (D.-Tex.) told his colleagues recently, they mean business.

In any case, the lawmakers have acted with unprecedented speed. After a one-day hearing given over to feedlot operators and their bankers, the Senate Agriculture Committee passed a resolution urging President Nixon to reimpose import quotas on beef, which have been suspended since 1972. With fine bipartisanship, the group also approved a $3-billion program of emergency loan guarantees aimed at getting cattlemen off the hook.

The Administration, in turn, has been steadily giving ground. It has begun buying beef for the school lunch program and other giveaways. In an effort to pressure the nation's food chains into lowering meat prices, Kenneth Rush, newly appointed economic counsellor to the White House, has dragged out the battered old jawbone. And after an initial show of resistance, Secretary of Agriculture Earl L. Butz recently was signifying his willingness to go along with the senators. "I'm a realist," he told reporters.

True enough, this year, unlike a decade ago, the cattlemen aren't crying wolf. Prey to their own mistaken market judgments, they also have suffered from unworkable price controls, notably during Freeze Two, as well as from a panicky ban by the Food & Drug Administration of diethylstilbestrol (DES), a feed additive the lack of which has cost the trade hundreds of millions of dollars. Nonetheless, the industry has gone off half-cocked.

There's no sense, for one thing, in trying to make hapless middlemen like meat packers and food chains—shades of Big John Connally and his five-dollar Eggs Benedict—which are lucky to net 1 per cent of sales, the villain of the price. Again, slapping on import quotas might succeed in temporarily raising prices, notably for hamburger—and would surely trigger the outrage of foreign suppliers and domestic consumers—but it would move relatively little of the mountains of beef and pork piled up in cold storage.

Federal loan guarantees, finally, might bail out more bankers than ranchers and extend the painful adjustment, which, whatever Washington decides to do, sooner or later will run its course. Like nature itself, the farm cycle is a hanging judge, from whose verdict there is no appeal.

But there is cause for complaint. For cattle growers have been victimized by a combination of adverse circumstances, man-made and natural alike.

To illustrate, FDA, acting on flimsy scientific findings and without due process of law, 15 months ago abruptly banned the use of DES either in cattle feed or as an implant. While the ban, by order of a federal court, was lifted in January, output of the precious stuff, which speeds growth and improves animal quality, has largely ground to a halt. Pending a final FDA decision (already far too long delayed), growers, despite extra costs put at upwards of a half-billion dollars a year, are reluctant to use it. By the same token, beef prices remained frozen for weeks after the general thaw set in last summer, thereby disrupting the channels of trade and warping even professional estimates of supply and demand.

During the protracted freeze, ranchers and feeders, banking on higher prices, withheld their animals from market. Came the thaw, however, and quotations, instead of going up, went down. Thus, feeder steers, which at last summer's peak topped $60 per hundredweight (choice weight, 600–700 pounds, at Kansas City), lately have dropped below $40. Hogs, calves, and lambs have plunged too.

What the trade—encouraged, no doubt, by perennially bullish government forecasts—ignored is that demand for meat is elastic; people can cut down or do without. Which is what they have been doing. For the first time in living memory, U.S. per capita consumption of meat last year declined, from 116 pounds to 109 pounds, a drop which, despite somewhat lower over-the-counter tabs, shows no sign of reversing. Meanwhile, meat production has mounted apace—up 8 per cent so far in 1974. Hence stocks of beef, pork and lamb have surged to over one billion pounds, half again as much as last year, and cold storage space is hard to find. Ranchers, feeders and farmers are losing money hand over fist—at least $100 an animal, and over $1 billion all told to date.

Small wonder that they are bellowing for help and busily hunting scapegoats. Or that they always ride off the wrong way. Largely at their behest, Congress in 1964 created the National Commission to Investigate Food Marketing, a body which, after making the expected charges (and headlines) went into history's dustbin. This time it's a "task force on meat margins," which Secretary Butz, "realistically" bowing to political pressure, announced would be set up in USDA. Yet it's plain that neither food chains nor meat packers wear black hats.

Retail meat prices haven't declined as much as wholesale, but they never rose as fast, either; meanwhile other costs of doing business have increased by leaps and bounds. Nor should housewives forget that during the freeze, supermarkets were buying beef on the hoof, having it custom-slaughtered and selling the cuts to customers at a loss.

Profit margins, which nearly vanished for a while last year, remain paper-thin—perhaps eight-tenths of 1 per cent. "We should try to send a few of the law-breaking, profitering pirates among the chain stores to jail," shrilled the *Rocky Mountain Journal* in 1964. Some people never learn.

Count among them the legislative and executive branches of government. What both should be doing is moving posthaste to repeal the Delaney Amendment, which, among other mischief, originally led the zealots at FDA to ban DES, and still keeps it in a kind of commercial limbo. Instead, they have opted for the usual—and usually fruitless—expedient of throwing money at the problem.

By voting $3 billion in federal loan guarantees, the senators hope to prevent some hard-pressed cattlemen (including, be it noted, large numbers of city slickers in tax shelters) from going broke. To the degree that they succeed, however, they will merely stave off the inevitable and prolong the agony. Lower, not higher, prices up and down the line are the only way to clear a balky market. The rest is baloney.

"THE GREAT PAYCHECK RAID"—SOCIAL SECURITY TAX SEEN BLATANT INJUSTICE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. BURKE of Massachusetts. Mr. Speaker, a Boston Herald-American reporter, Bill Duncliffe, has been taking a rather careful look at the great paycheck raid on low- and middle-income America in a recent series of articles.

The article I am submitting for the Record today, examines the impact of the social security tax and irrefutably concludes that it is a blatant injustice on low- and middle-income taxpayers.

The article follows:

[From the Boston Herald American, July 11, 1974]

"The Great Paycheck Raid"—Social Security Tax Seen Blatant Injustice

(By Bill Duncliffe)

Each week your livelihood—and that of every other person in Massachusetts—is being picked apart by a multitude of national, state, and local taxes.

But while everyone is aware of how much is taken in withholding and Social Security taxes, few realize how large a slice of their income is being consumed by the many other levies to which they are subjected.

Two typical wage earners opened up their financial records and family budgets to the Herald American in order to explore just how these indirect and hidden taxes hurt them.

What was found—and what it all means, to you as well as to them, is told in his series, "The Great Paycheck Raid."

One of the financial facts of life that infuriates a hard-pressed Boston factory worker is that the government—after making some small allowance for his having to support a wife and five children on a paycheck of just $201 a week—still nicks him for nearly $7 of that in Federal income taxes.

What burns him even more is that the same government—making no allowance at all for his family size or needs—then takes another $10 from the same shrinking paycheck for Social Security taxes.

Thus, the factory hand's earnings are raided for more in SS "contributions" than in withholding taxes, and his case is far from unusual—because more than half of the working population of the nation is in the same undesirable fix.

That is, in the eyes of many economists and at least 133 Congressmen, a blatant and indefensible injustice, but up to now their fight to correct it has been a losing one. One of the leaders of that fight is Rep. James A. Burke of Milton, who is second only to Rep. Wilbur Mills of Arkansas in the ranking of Democrats on the House Ways and Means Committee.

Burke is one of the authors of a bill that would give low-income wage earners a cut of at least $136.50 a year in Social Security taxes.

He would do that by reducing the rate of taxation now charged to employe and employer alike from its present 5.85 percent to 3.90 percent. He would also force the government to pay one-third of the cost from general revenue, and he would extend the maximum salary limit on which the tax can be charged from the current $13,200 to $25,000.

That way, Burke said, those in the lower pay bracket would get some tax relief, those in the higher salary ranges would be made to pay a fairer share of their income to the SS fund, the burden of SS costs would be borne in part by a government that now contributes nothing to them—and domestic industry would get a badly-needed boost in its constant battle against foreign competition.

No less than 132 of Burke's colleagues thought enough of his idea to sign their names to it as co-sponsors—but despite his high position on Ways and Means he is still three or four votes short of what he needs to force that Committee to send his bill to the floor for debate.

His hope now is to wangle a change in rules so that it can be placed before the House as an amendment to some other measure. If that ever happens, he said, he's sure it will sail through with little or no trouble at all.

But even if that unlikely series of events occurs there is virtually no chance that the Senate will okay rewriting of the SS tax law this year—because even the mills of the gods grind with greater speed than those of government in making changes in the status quo.

Yet Burke is convinced that his idea is one whose time is coming, and while he has no quarrel with a system that seeks to provide benefits for the elderly, the disabled, and the survivors of deceased wage earners, he is by no means enchanted with the method that has been devised to finance them.

"The tax is the most regressive one we have in that the person who earns $100,000 a year pays no more than the one who earns $13,200. Both pay the same—$772.20—and what is even worse is that a worker making from $7000 to $10,000 a year has a proportionately greater cut taken from his earnings than does a person in the higher salary ranges.

"Social Security is this government's major spending program, affecting more people directly than any other. It is high time that the burdens of that program were spread more evenly among the American people."

Ways and Means has, for several months now, been groping through the tangle of American tax laws in an effort to reform them and make them more equitable. There has been talk that the Committee is thinking seriously of eliminating "little man" tax loopholes such as the deduction for state gas taxes, medical insurance premiums, and the like.

Both Burke and House Majority Leader Thomas P. O'Neill, Jr., of Cambridge, insist that reforms of that nature don't have a ghost of a chance of being approved, that what the Committee will very probably go after are the tax breaks now enjoyed by Big Business.

But as important as it is to correct other inequities, Burke said, measures to do that would be largely meaningless unless the Social Security tax is made fairer for all.

That, he insisted, is basic; it touches the lives of all, and results in injustice where none should exist.

Social security is, in some ways, a good idea that time and events have caused to turn a bit sour.

When it first became law in 1937, the tax rate was one percent of the first $3000 earned—or $30 a year. It stayed that way until 1950, when people who had been middle-aged when the program began reached their retirement years.

Then the Social Security fund began to be drained, and in order to keep it solvent both the rate and the salary limits were gradually raised. In 1950, for example, the rate was increased to 1.50 percent, and in the following year the maximum salary was jumped to $3600.

As more and more people claimed benefits, the bite that was taken out of paychecks became ever greater, especially from 1960 to now. Fifteen years ago, three percent of the first $4800 earned was taken, for a maximum contribution of $144 by the worker. His employer threw in another $144 for a total contribution of $288.

In 1973 each was touched for $631.80—or 5.85 percent of $10,800. This year's tab is $722.20, and unless something is done soon there's no guarantee that by this time next year Social Security won't be making an even more damaging assault on the paychecks of American workers than it does now.

"Anyone who earns $13,200 in 1974 will pay $140.40 more than he did last year," Burke said. "How long can wage earners accept a Social Security tax that is heavier for 50 percent of the work force than personal income taxes?

"For businessmen, reducing the employer's contribution to one-third instead of the present one-half would reduce his cost of doing business and make American goods more competitive abroad. And thousands of small businessmen, some of them on the verge of bankruptcy, would be able to invest money in new machinery and production techniques in an attempt to gain a competitive foothold.

"A three-way split of the payroll tax isn't an untried idea. Many European countries have used this system for years. And the use of some general revenues instead of only the payroll tax has been recommended at regular intervals since Social Security began."

Although Congress may fiddle and fumble its way into 1975 without making up its mind on Social Security reform, there is growing pressure for it outside of Washington.

Locally, Frank Manning of the Legislative Council for Older Americans is convinced that criticism of the tax—though well founded—unintentionally gives senior citizens a bad rap.

He maintained that they aren't the ones primarily responsible for the drain on the SS Fund, since there are approximately 7,000,000 people under the age of 62 who are collecting benefits.

And becasue the payroll tax is now the only source of SS money, he said, a large portion of the public is escaping its obligation to support the program. For that reason, he said, he believes Burke's bill is a good one and wants to see the government tap other tax sources for its proposed one-third contribution to the SS Fund.

While Manning's prime concern is the senior citizen, Sen. Frederick W. Schlosstein, Jr., (D) of Warren insists that the SS tax is doing a job on young taxpayers too.

Schlosstein is chairman of the Legislature's Committee on Taxation, and he is firm in his belief that changes must be made.

"The Social Security tax is the most sheltered one we have because everyone takes it for granted," he said. "And it's probably the one that is figuratively getting away with murder.

"I'm in my fifties now, and I've got five kids. We find it tough to get by, but we manage. If we were just starting out, I'd really be discouraged.

"A person who began paying the tax in '37 and who retired last year didn't contribute more than $5200 to it. But take a young worker today, either with a skilled trade or a college degree.

"He's probably making at least $13,200 a year, and so he's being taxed for the full amount of $722.20. At his age he can probably expect to be in the work force for at least 30 years—and if the rate and the salary limits remain as they are now he will have paid $21,166 into the Fund when he retires.

"But he could work longer than that, and almost certainly the rate and/or the maximum taxable earnings will be raised—and so he'll get hit for even more. Okay, it's true that if he lives five or six years after retirement he'll get back whatever he paid in—but if he had been able to invest that kind of money at eight percent, he'd get a lot larger return on it.

"If I were young, I don't know how I'd look at this system. I think I'd get mighty discouraged trying to plan my future. Something has got to be done about it, because while we've lowered the federal income tax over the years we're still jacking up the SS rate that hits low-income people on the first dollar earned and which doesn't take the number of their children, or other deductions into account.

"There has to be a change made so that the income tax bears a bigger share of financing the Social Security program. We used to call it insurance but it isn't that at all; it's a tax on a social program, and if something isn't done it's going to get completely out of hand."

JERSEY CITY TO LAUNCH KIDNEY DRIVE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Heckman Foundation named for Judge August Heckman, of Jersey City, N.J., is doing a most notable service to our community. This foundation is seeking funds for research on kidney disorders which kill thousands of Americans annually.

On July 17, 1974, the Jersey Journal, a leading newspaper in the Garden State, described the notable good work which the Heckman Foundation is doing in this area. I commend the officers of the foundation and its most able director, Jacob A. "Jack" Robinson, and I am proud to associate myself with their good work.

The Jersey Journal article of June 17, 1974, follows:

JERSEY CITY TO LAUNCH KIDNEY DRIVE

A statewide drive for kidney donations will be undertaken in Jersey City this month by the Heckman Foundation, Jack Robinson, director of the nonprofit organization announced today.

Robinson said Jersey City was picked for the start of the drive in honor of Hudson County Superior Court Judge August Heckman, for whom the organization is named. Heckman is a Jersey City resident.

The Heckman Foundation also will seek contributions for research on kidney disorders, which Robinson called the fifth largest cause of death in the United States, and for the purchase of equipment, such as dialysis machines, to aid those persons afflicted with the disorders.

The Foundation also will set up an intensive program to get people to donate their kidneys after their deaths so there will be as little waiting time as possible for those who need kidney transplants.

Heckman gave up one of his own kidneys in an unsuccessful attempt to save the life of one of his sons. The lad died after receiving three kidney transplants.

The judge's daughter now is on a dialysis machine after having received a kidney which was donated to her by her mother.

According to Robinson, the foundation was incorporated more than a year ago, but is just starting to get off the ground.

The vice president of South Bergen Hospital and a member of the finance committee of St. Mary's Hospital in Passaic, Robinson said the foundation already has been asked to give a $30,000 grant to the Cornell Medical Center to develop a new serum for kidney disease.

Robinson said the foundation will give the grant as soon as enough money has been raised.

SAWHILL SEEKS FUEL DECONTROL BY MARCH 1975

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. MACDONALD. Mr. Speaker, I introduce, for appropriate reference and prompt action, an amendment to the Emergency Petroleum Allocation Act of 1973 (Public Law 93–159) which would make one simple change: Extend the life of the act from February 28, 1975, to June 30, 1976.

According to a story in Sunday's Washington Post, the Federal Energy Administration has already embarked on a systematic strategy to dismantle the allocation program. I believe the Members of Congress will be interested in this plan; the Washington Post story is reprinted following these remarks.

Mr. Speaker, this amendment is simple, but essential. The Emergency Petroleum Allocation Act of 1973 was one of the most important pieces of legislation enacted by the Congress last year. It established an allocation program which—despite its faults and despite some problems of administration—did the job intended. As a result of that program thousands of independent petroleum marketers remained in business and these marketers and the millions of consumers they serve were assured of an adequate supply of gasoline and home heating oil.

As the Congress knows, a year ago these independents were threatened with extinction; independent gasoline stations were closing down, independent marketers of heating oil, the terminal operators and retail dealers, found their supply arrangements with major oil companies were being arbitrarily terminated.

Now, most independents can look back on a year in which they not only survived, but did well. It is clear that the reason they survived and did well was the action of Congress last November in passing, over the objection of the administration and the major oil companies, the Emergency Petroleum Allocation Act.

That act is due to expire at the end of next February—right in the middle of winter. It must be extended. For, despite the apparent improvement in supplies, despite the end of the Arab embargo and despite the strong pressures of the major oil companies, there is still need for an allocation program, particularly on gasoline, home heating oil and crude oil. Independents are still having difficulty getting supplies; some majors are still refusing to cooperate with the Government program; stocks are hardly at safe levels, and it is clear that without an allocation system, the independents would be at the mercy of the majors, and, as was the case a year ago, and would be threatened with extinction. After all, a year ago, we did not have an embargo; and for the last 5 years, we have had chronic heating oil shortages in New England, so there is no cause for optimism about either suppliers or the behavior of the major oil companies.

There is a further reason for prompt action on the extension. February 28, 1975, comes very soon after next Congress convenes, and I fear we would not be able to act on an extension in time. If we wait until next year we will be playing right into the hands of those who wish to delay and, therefore, kill the bill, the major oil companies. In short, if we do not act now, the act could well expire. And as one who comes from New England, I do not look forward to expiration of that act in the middle of winter.

My amendment also brings some order out of the recent congressional enactments in the field of energy by making the expiration of the Allocation Act correspond to the expiration of the Federal Energy Administration Act (Public Law 93–275). The FEA, of course, administers the allocation program.

I do not believe that any substantive changes are needed in the act itself. Despite criticism from certain quarters, I believe that the act is good legislation; it provides clear guidelines and sufficient flexibility to the executive branch. Whatever flaws have developed in the allocation regulations lie in the contents of the regulation themselves, not the legislative framework.

Approval of the extension contained in my amendment does not, of course, mean that allocation controls necessarily remain in effect. As my colleagues know, under section 4(g)(2) of the act, the executive branch may suspend controls on any product for a 90-day period whenever a formal finding is made that there is no shortage of the product. We felt that this "escape valve" provided sufficient flexibility to insure that controls could be lifted whenever supply conditions and the competitive position of independent marketers so warranted. Thus, I wish to make clear to my colleagues—and to the administration and the major oil companies—that we are not voting for extension of the allocation program itself, but only the authority to establish or continue allocation when necessary. But such standby authority is essential if we are to avoid next spring the chaos and disruption and threat to independent marketers that existed last spring.

As the Post story indicates, the administration is apparently preparing to exercise this authority to suspend controls on certain products. I wish to point out, however, that in doing so the strict requirements of the act of Congress must be followed. This means that a formal finding must be made and transmitted to the Congress and that finding must be made on the basis of a formal rulemaking procedure, with full opportunity for written and oral comment. I emphasize that since this finding will involve the interests of so many persons, it must be based on the record of an oral hearing, as well as written submissions. Under section 4(g)(2) of the current law, after the President makes his formal finding, he must transmit it to both Houses of the Congress; if after 5 working days, neither House has passed a resolution of disapproval, the suspension goes into effect.

Mr. Speaker, the amendment I offer today is essential to the survival of independent petroleum marketers—branded and unbranded—throughout our Nation. The Allocation Act we passed last year assured the survival and viability of thousands of such marketers over the past 8 months. I shall, therefore, seek prompt action on this amendment.

The article follows:

SAWHILL SEEKS FUEL CONTROL BY MARCH 1975

(By Morton Mintz)

A grand strategy for an "orderly phase-out of both petroleum allocation and price controls" has been proposed by Federal Energy Administrator John C. Sawhill to the White House, it was learned yesterday.

"It is essential that our strategy promote a stable economic *and political* environment in which the allocation program will be seen as having served its purpose and vested interests in its extension will be minimal," Sawhill said in a 13-page memo. The emphasis was in the original.

Sawhill said the strategy is aimed at achieving "a smooth transition to total decontrol by Feb. 28, 1975," when the Emergency Petroleum Allocation Act is due to expire, and to "avoid congressional action to extend the Allocation Act."

Sawhill sent the memo—a copy of which was obtained by a reporter—to six top White House advisers, including Kenneth Rush, President Nixon's co-ordinator of economic policy; Roy L. Ash, director of the Office of Management and Budget; William E. Simon, Secretary of the Treasury, and Herbert Stein, chairman of the Council of Economic Advisers.

The last page of the memo, which was dated June 10, was a "time schedule for deallocation" listing for each major category of petroleum products a proposed action and the month in which the action would be taken.

As recommended by Sawhill, the "phased decontrol strategy" would begin with residual fuel oil and be followed by propane and then by aviation fuel.

The strategy for residual fuel oil was in fact implemented on July 5, to deregulate.

The agency apparently intends to proceed on a compressed schedule. It did not disclose the technical basis for the proposal until last Friday, although it set hearings for July 22 and 23, and although the allocation law gives Congress only five days to exercise a vote before deregulation takes effect—in this case, on Aug. 1.

One purpose of the law is "to protect the competitive viability of the independent sector of the petroleum industry," Sawhill notes in the memo.

The squeeze on independents is largely limited to gasoline, heating oil and independent refineries, while "other products do not have a significant independent marketing sector, and a decision to deallocate does not hinge on market-share questions," Sawhill said.

However, an informed source told a reporter that independent sellers of residual fuel oil whose customers do not include utilities have about 70 per cent of the market in the New York metropolitan area and about 65 per cent in New England.

The desire for overall "quick decontrol must be weighed against minimizing the possibility that Congress will (1) extend the Emergency Petroleum Allocation Act, . . . or (2) enact more comprehensive or stringent petroleum controls," Sawhill told the White

House advisers, who also included Peter Flanigan and John T. Dunlop.

'Similarly, we wish to insure a smooth transition, with minimal risk of creating economic dislocations or the need to reverse ourselves and reimpose controls later in the year should unforeseen events adversely affect current supply/demand projections," Sawhill said.

He went on to outline the "phased decontrol strategy" which, after deallocating residual fuel oil, propane and aviation fuel, would:

Substantially relax controls over other products "when suppliers possess more than sufficient quantities to meet the entitlements of their historical customers."

End the system under which certain supplies are set aside for states to allocate and under which states are authorized to establish priorities among purchasers who are without allocations.

Implement "a market-share monitoring system and begin the analysis and recommendations on the two-tier pricing system needed prior to decontrolling crude oil, gasoline and distillate.'

Under the two-tier system, the price of "old" oil is controlled and the price of "new' and imported oil is not.

The price of a barrel of "old" crude is $5.25. The Cost of Living Council and Sawhill have acknowledged that it was raised by $1 last December without any hard evidence that the increase would produce the desired result, a significant expansion of production.

The uncontrolled world-market price of a barrel of crude, landed in New York, is about $12.25.

For the time being, such "wide disparities" in prices for controlled and uncontrolled crude made it "not feasible" to decontrol crude as well as gasoline and distillate, Sawhill said.

He pointed out that major oil companies control "a very large percentage" of the domestic production of less costly "old" oil. For that reason, he said, the average crude oil cost for the 15 largest refiners is only about $8.70 per barrel, while for independents and small refiners it ranges up to $15 even if a few pay as little as $5.

A LONG LOOK AT THE SSS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. CONABLE. Mr. Speaker, I would like to call my colleagues' attention to the lead editorial in today's Wall Street Journal about the problems of the social security system. I am not sure that I agree with all of the conclusions of the writer of this editorial, but I consider it a good and a responsible action to the growing concern that is being expressed about the neglect and carelessness with which a majority in Congress have permitted themselves to undercut a sound system by expedient politics. To repeat a phrase I have used on the floor during recent debates on across-the-board increases:

> We have no business playing politics with something as important to the American people as their social security system. They deserve better.

This is not a surprising idea, nor is it an idea on which any of us hold a copyright, but in fact we cannot continue to debauch the social security system without very severe fiscal and social consequences.

The administration has recently announced the appointment of a new Social Security Advisory Council headed by W. Allen Wallis, the chancellor of the University of Rochester and himself a well-known economist. Among others our highly respected former colleague, John Byrnes of Wisconsin, is a member of this Council. It is vitally necessary that the work of this Council, and the recommendations they can be expected to make for the long term course of the social security system be received with the greatest care by Congress. The time is late and the stakes are high not only for those worthy people who have paid into social security for most of their lifetime, but for generations of working people yet to come.

The editorial follows:

A LONG LOOK AT THE SSS

We read with interest last week's cover story in U.S. News and World Report on the Social Security System, which concludes that the system is in desperately poor financial condition. "The failure to reform Social Security, almost everyone agrees, could lead in the long run to disaster."

It is worse than that, USN&WR says that by 1990, even though a worker pays a maximum Social Security tax of $2,070.45, which has to be matched by his employer, the system will be paying out $20 billion more in benefits than it takes in that year. Unhappily, the assumptions cranked into these numbers are those of the Social Security Administrators, numbers that are obsolete and ridiculously optimistic. Unless taxes are increased substantially, or benefits reduced substantially, deficits on the order of $20 billion could arrive by 1980, growing by leaps and bounds from there.

The most disheartening number, an official one, is provided by the Treasury Department. As of June 30, 1973, the unfunded liability of the system was $2.1 trillion. Another way of putting it is this: In a very real economic sense, the national debt is at least $2.1 trillion larger than the politicians say it is. If, as of June 30, 1973, the system had refused to accept new workers, saying it would only collect taxes and pay benefits to those already covered, its outlays over the next 75 years would exceed receipts by $2.1 trillion, plus market rates of interest compounded annually. In the last year, this number has grown by about $300 billion.

So far, Congress has blinked away this enormous pool of debt by passing a law that defines "actuarial soundness." Its reasoning is that the SSS would never close off to new work-force entrants, hence there would always be new workers to pay the benefits to the new recipients. By the congressional "dynamic assumptions" definition of actuarial soundness, the system is only in deficit by $62 billion, spread over the next 75 years.

As it happens, for the dynamic assumptions method to hold up the assumptions have to be as dynamic in reality as they were on the planning boards. They have not been. Working on the 1960 Census figures, the Social Security bureaucrats projected a 1964–1975 birth rate gradually declining from 21 per 1,000 to 20 per 1,000, then climbing again. Instead, the birth rate dropped like a stone throughout the period and now stands at around 15 per 1,000. The bureaucrats projected a growth in real wages over the period of 2.1% a year; between 1965 and 1973 real wage growth averaged 1.7%.

The errors imply much higher taxes are required to sustain benefit levels, and of course imply economic insanity if Congress continues to hike benefit levels. How much higher taxes? In their "Actuarial Audit of the Social Security System," Robert Kaplan of Carnegie-Mellon University and Roman Weil of the University of Chicago assert that realistic assumptions "imply taxes 50% to 75% higher than current levels." The SSS actuaries will not be able to avoid admitting some of this when they put out their new assumptions based on the 1970 Census. The Kaplan-Weil argument is that the dynamics have worsened since 1970 and should be faced up to now.

What's to be done? The first thing is that the public has to be told, by the politicians, that it is not possible to maintain the current rate schedule and benefit level. One or both have to be adjusted. It is of vital importance that the public be told in that most of the work force is now counting on the purchasing power the current benefit levels yield for their retirement years.

Congress may cringe at the idea of trimming these benefit levels, but sharp tax boosts won't be popular either. Liberals will want to dip into the general fund to keep the system going a little longer, but within two or three years this method will be cleaning out the Treasury. All other "worthwhile" government programs will have to be chopped out to sustain Social Security. That, too, appears to be politically impossible. Indeed, there are no politically appealing ways to straighten out this mess. But the longer the nation waits to do it, the more it will hurt.

AMENDMENT TO H.R. 11500

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. ANDREWS of North Dakota. Mr. Speaker, I submit herewith the second amendment I intend to offer to H.R. 11500, the Surface Mining Control and Reclamation Act of 1974:

AMENDMENT TO H.R. 11500 OFFERED BY MR. ANDREWS

(a) Page 250, line 14, strike out all after period down through line 22.

(b) Page 250, after line 14, insert the following new subsection (e) of section 401:

(e) For purposes of meeting obligations with respect to schools, roads or health care, twenty per centum of the reclamation fee calculated pursuant to subsection (d) of this section prior to any deduction made pursuant to subsection (f) of this section shall be returned to that county, school district or Indian tribe in which or in whose lands the coal on which said fee has been assessed has been mined. Such funds shall be returned to the appropriate county, school district, or Indian tribe on a quarterly basis.

(c) Page 250, strike out lines 23–26 and page 251, strike out lines 1–5 and substitute in lieu thereof the following:

(f) All operators of surface and underground coal mining operations may deduct from any fee assessed pursuant to subsection (d) above the amount not to exceed 80 per centum of such fee of any reclamation fee, license fee, severance tax, or other similar charge paid by the operator to any State with respect to coal mining operations in such state, in the proportion that the proceeds of such fee, tax, or charge are used by the State to support reclamation of abandoned mined lands in accord with the provisions of this Act.

(d) Reletter subsection 401(f) to 401(g).

THE DeFUNIS SYNDROME

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. ARCHER. Mr. Speaker, the Supreme Court recently considered a case involving a very significant issue—the problem of reverse discrimination. Unfortunately five members of the Supreme Court found the case moot and in effect dismissed it. I regret that our high tribunal did not consider the ramifications of this legal problem. I commend to the attention of my colleagues an excellent column on "The DeFunis Syndrome" by James Jackson Kilpatrick which appeared in the June 1974 issue of Nation's Business:

THE DEFUNIS SYNDROME

(By James J. Kilpatrick)

A syndrome, by definition, is "a group of signs and symptoms that occur together and characterize a particular abnormality." Marco DeFunis is a law student at the University of Washington. Sooner or later a perplexed and wary Supreme Court will have to decide how to treat the DeFunis Syndrome.

A more familiar name for this abnormality is "reverse discrimination." The short and ugly word is racism. But this is a racism quite different from the racism that once afflicted not only America's South but other regions also. The DeFunis Syndrome identifies a benevolent cruelty, a benign evil. The purpose is compassionate; the effect is intolerable.

Much has been written in recent weeks about the case of Marco DeFunis, but it will do no harm to recall the essential points. In the summer of 1971, after winning his bachelor's degree *magna cum laude*, young DeFunis applied for admission to the University of Washington Law School. His records were not the most brilliant submitted that summer, but they were not bad: He averaged a respectable 582 on his critical Law School Admission Test; he had a writing ability score of 61; his junior-senior grade average was 3.71 on a scale of 4.00; he made Phi Beta Kappa. Under a point system widely used by schools of law, this added up to a predicted first-year grade average of 76.23.

As applications were received by the University of Washington Law School and run through its computer, a number of threshold decisions were made. There were some 1,600 applications; there were 150 openings. The school put all applications from white students in one group. In another it put all applications from blacks, Chicanos, American Indians and Filipinos. The two groups then were handled separately.

Mr. DeFunis is white. An admissions committee screening white applicants drew a line at 77.0 on the scale of predicted first-year averages. It drew another line at 74.5. Applicants with scores above 77 were, as a general proposition, offered admission. Those below 74.5 were summarily denied. Mr. DeFunis was toward the top of the middle group. In late July, 1971, he got the cold word: His application had been rejected.

Meanwhile, the minority applicants were being reviewed. Applications from blacks went to a committee consisting of a black law student and a professor who had worked the previous summer on a special program for disadvantaged college students. Applications from the other minority groups went to an assistant dean. The minority applicants were compared competitively with one another, but never with the group as a whole.

In the end, 37 minority applicants were accepted. Of these, 36 had predicted first-year averages below Marco DeFunis' 76.23. Thirty had averages below 74.0.

On Aug. 19, 1971, Mr. DeFunis and his parents brought suit, asking a court order to compel his admission and charging that he had been denied equal protection of the laws. A trial court agreed, and ordered him admitted. Then the Washington State Supreme Court reversed, *DeFunis* v. *Odegaard*, 507 P. 2d 1169 (1973), but Mr. DeFunis won a stay from U.S. Supreme Court Justice William O. Douglas. He continued his studies while his appeal was perfected. Last April 23, five members of the U.S. Supreme Court found his case moot, and in effect dismissed it.

It was an anti-climactic ending, but a Court famed for raising landmarks has a way of sometimes raising sand dunes instead. Under Article III of the Constitution, the Court has jurisdiction only over true "cases or controversies," and the Court may have properly followed its rule of judicial restraint in refusing to reach the merits of the DeFunis appeal. The young student had not filed a class action; he had sued only for his own admission, and plainly he had won the admission he sought. He is to graduate this month. The Court's action may have been a cop-out—Justices Douglas, Brennan, Marshall and White were eager to get to the merits—but it may also have been sound jurisprudence.

The DeFunis Syndrome presents a fairly elementary problem in constitutional law, or so it seems to me, but it presents a fearfully difficult problem in public policy.

What the law says, in the Fourteenth Amendment, is that no state may deny to "any person within its jurisdiction" the equal protection of its laws. In 1954, a unanimous Supreme Court gave that provision specific meaning in terms of state-operated schools. The Court held, in brief, that whatever the practice may have been since 1868, states no longer could assign or classify students by reason of the color of their skin. Plainly, what the State of Washington was doing in its law school was assigning and classifying students by reason of the color of their skin. The admissions procedures, in a phrase often employed by the Court, amounted to "invidious discrimination." The Court cannot possibly approve any such practice without abandoning constitutional principles that since 1954 have become embedded in our law. Yet there is another side. University of Washington authorities argued, with much validity, that it is both educationally and socially desirable to see that a number of black and other minority students are admitted to law schools and eventually to the practice of law. For whatever reason, minority applicants generally have poorer test scores than white applicants. If test scores alone may be considered, few such applicants ever would gain admission.

Employers throughout the nation are having to cope with other manifestations of the DeFunis Syndrome. Acting (one assumes) under the Commerce Clause, the Congress in 1964 made it unlawful for employers to discriminate in hiring, firing or promotions by reason of race or sex. Executive orders have supplemented this action. A flourishing bureaucracy has sprung up within the Equal Employment Opportunity Commission to enforce the law. The practice is growing to assign "goals," or "guidelines," which in simple English are quotas.

Judges have tended to support these bureaucratic demands, not only as to private employers but as to public agencies also, with the result that states and municipalities find themselves struggling with court orders to employ black policemen, firemen, teachers, sanitarians and others, up to a certain percentage. The effect is to reject qualified whites in favor of less qualified blacks. The practice is creating a smoldering resentment among whites who thus become victims of racial discrimination—the same kind of smoldering resentment that for generations was kindled among blacks—and it is doubtful that the quota system does much for the egos of the hired blacks.

As in the DeFunis case, standardized tests no longer carry much weight. The Supreme Court's 8–0 ruling in *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971) had a chilling effect on all such screening procedures. Under this combination of circumstances, employers who are worried about federal contracts, federal licenses or their own public image are finding themselves virtually compelled to hire minority applicants willy-nilly, qualified or no, simply to placate the judges or the bureaucrats. On balance, the effects may be socially good, and many minority workers, who might never have been hired at all, doubtless turn into excellent employees. But the system slowly is poisoning healthy race relations and is perverting the very concept of "equal opportunity." There can be no genuinely equal opportunity among university applicants or job-seekers when some are more equal than others.

Some months ago EEOC descended upon the Memphis Publishing Co., publishers of the *Commercial Appeal* and the *Press-Scimitar*. A black composing room porter had been fired, for good cause as it turned out, but the incident provoked a full-blown proceeding. EEOC's idea, spelled out in a proposed conciliation agreement dated Oct. 18, 1973, was to compel the company to undertake an elaborate and intensified program of affirmative action to find black applicants for jobs. The company was to agree that "no applicant will be disqualified for employment solely because he has an arrest record or does not have a high school diploma." As a general proposition, the company was not to administer to black applicants "any general intelligence or aptitude tests" which had not been approved by EEOC.

Paragraph 13 of the proposed EEOC agreement was intended to commit the newspapers to a quota system: "Subject to the availability of qualified black applicants, the respondent will hire new employees for the job classifications listed below in the ratios indicated for each classification until 40 per cent of the employees in each listed classification are black." The job classifications in which the 40 per cent ratio was to be reached included all editorial departments, classified advertising, local advertising, office and clerical positions, composing room, engraving department and "management."

The Memphis newspapers understandably declined to accept any such "conciliation agreement," but they did voluntarily step up their programs of minority hiring. At this writing so far as EEOC is concerned, the status is quo.

What is the employer to do with such intrusions into the orderly and efficient management of his company? I do not know how it is in other professions, but I know that in Southern newspapering the supply of genuinely qualified blacks nowhere approaches the quotas proposed by EEOC. Ultimately it may be different, and one can appreciate the thrust of the chicken-and-egg argument: Which comes first? The opportunities or the applicants? If employers had tried more earnestly in the past to seek qualified blacks, women, Chicanos, Orientals and others, presumably there would be more such qualified applicants today.

Of this much I am certain: It is both unfair and unconstitutional to reject a Marco DeFunis because he is white—or more accurately, because he is not black. His constitutional right to equal protection is an individual right, not to be denied him in the name of any group. To reject a Marco

DeFunis, solely because of his race, is a wrong. I am equally certain that the University of Washington was pursuing a compassionate, enlightened and desirable goal in seeking deliberately to increase the number of minority lawyers. The end was exemplary, but the means toward that end were also a wrong.

Neither in law nor in equity can two wrongs be made to add up to a right. In some fashion, a way must be found to treat the DeFunis Syndrome, both in public institutions and in private employment, so that individual rights are preserved and a a good society is promoted. But do I know such a way? No, I do not.

MAN, WHAT A WOMAN

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. HANRAHAN. Mr. Speaker, Mrs. Rita Oster was recently named "Man of the Year" by the Evergreen Park Chamber of Commerce. This is the highest honor bestowed upon a member of the community by the chamber. Mrs. Oster definitely deserves recognition, and being named "Man of the Year" is certainly unusual. For the interest of my colleagues, I insert the following article from the Economist newspaper:

MAN, WHAT A WOMAN

Amidst the current furor over equal rights for women and the woman's lib movement the fact that the Evergreen Park Chamber of Commerce has named a woman its "Man of the Year" simply cannot be overlooked.

It is an act that could please everybody, or nobody, depending upon how you look at it.

There are those—led by the Chamber of Commerce members themselves, we are sure—who look upon the selection as a great step forward for equality among the sexes. After all, here is a predominantly male organization bestowing its highest honor on a female. If that doesn't prove equality, what does it take?

On the other hand, it is to be expected that the most ardent among the woman's libbers would be inclined to blast the designation as yet another example of male chauvinism. To them naming a woman "man of the year" has to be a demeaning contradiction. Some have suggested, we understand, that the award be rejected on these grounds.

We don't mean to fan the controversy.

It may be worth noting, however, that Chambers of Commerce are generally pretty conservative organizations. Thus, when one of them salutes a woman it has to be looked upon as another victory for women. Particularly in Evergreen Park, where sentiment apparently is such that some of the legislators do not hesitate to speak out against the equal rights amendment.

We have no doubt that if the trend continues a new name will be found for the title as you obviously could not go on year after year naming a woman as "man of the year."

We suppose the person most concerned should be the woman herself. Let us add hastily that she is perfectly happy with everything just as it is. "Personally, I wouldn't have it any other way," she told our reporter.

"She" is Mrs. Rita Oster, who certainly deserves the recognition. Not only has she been president for the last two years, but before that she was treasurer for two years. So the selection hardly came as a surprise and the Chamber can justifiably point out that it has been "recognizing" the equal ability of women for at least the last four years.

Congratulations to Mrs. Oster and the businessmen.

LONG PRESENTS QUESTIONNAIRE RESULTS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. LONG of Maryland. Mr. Speaker, residents of my congressional district emphatically favor a cut in Government spending and services, according to results of my recent questionnaire to the Second District.

In addition, 94 percent of those responding want tax relief for middle income and poor families with closing of tax loopholes enjoyed by the well-to-do.

Almost 70 percent insist that the United States demand better treatment of Soviet minorities and Russian cooperation toward peace in exchange for further trade with the U.S.S.R. Over 55 percent felt President Nixon was unwise in proposing military and economic aid to Egypt to get peace in the Middle East.

It is refreshing that 53 percent of my constituents say they still have faith in Congress—confidence that compares favorably with that in the press and television. This expression of faith is substantially greater than that in the President. Only 34 percent say they still have faith in the President; 55 percent say they would vote to impeach.

I want to share with you the answers I received to nine major questions I raised with my constituents last month.

[In percent]

	Yes	No	Maybe
1. The impeachment vote may come in August:			
Would you vote to impeach?	54.93	44.32	0.75
Should the President resign?	41.12	58.13	.75
2. Do you still have faith in:			
The President?	33.67	64.54	1.79
The Congress?	53.17	41.25	5.57
The courts?	52.10	43.97	4.02
The economic system?	45.10	50.14	4.76
The press and TV?	52.30	42.41	5.28
3. To control inflation, should government:			
Raise taxes?	7.16	91.29	1.55
Restore wage-price controls?	55.95	42.07	1.98
Cut spending and government services?	84.97	13.50	1.54
4. Should Congress close tax loopholes enjoyed by well-to-do and reduce taxes to middle income and poor families?	94.27	4.20	1.53
5. To prevent future energy shortages should the government balance supply and demand by:			
Rationing gas and oil?	31.32	65.40	3.29
Easing environmental controls?	33.66	63.58	2.77
Pressing anti-trust action against oil companies?	84.92	13.35	1.73
Letting gas and oil prices clear the market?	41.38	52.25	6.37
Sponsoring research into new energy sources?	94.66	5.20	.14
6. Have you been hit by crime in the last 2 years?	29.63	70.23	.13
7. Do you favor increasing health insurance, social security, veterans', and unemployment benefits, even at cost of higher taxes to you?	46.47	51.22	2.31
8. Is President Nixon wise in proposing military and economic aid to Egypt to get peace in the Middle East?	37.41	55.08	7.51
9. Should Congress insist on Russian co-operation toward peace and on better treatment of minorities (in accordance with the Vanik-Jackson-Long amendment), before allowing more trade with the Soviet Union?	69.96	27.45	2.59

UNITED STATES NEEDS MORE FLAG WAVING BY ITS PEOPLE

HON. THAD COCHRAN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. COCHRAN. Mr. Speaker, recently, a newspaper editorial which appeared in the July 7 edition of the Jackson Clarion-Ledger was brought to my attention. This editorial points out the need for a new direction in the attitude of the American public, and I commend it to the attention of the House:

THE UNITED STATES NEEDS MORE FLAG WAVING BY ITS PEOPLE

Thursday was America's birthday—the 198th anniversary of the founding of this great nation.

There was less flag waving than usual on almost the eve of the bicentennial celebration. It was almost like "who cares?"

Admittedly there are problems with the country, but perhaps it is time to go back to the grassroots and begin a new era of patriotism. There is no telling where it could lead.

If we as a people can become aroused about our country, realize its greatness and its potential, then start waving the flag, perhaps it will be from there that the cures of our ills will result.

Instead of moaning over poor leadership, weak officials, increasing costs of government, Americans need to become real patriots—then look to the future with an eye to healing the wounds, building for a greater time to come.

There is still no freer place in the world, no other spot where the masses have so much. The one greatest lack is in real patriotism.

It showed itself Thursday with the lack of flags flying at homes. It evidences itself every election when so many stay away from the polls. It is in vogue daily when solons—in state houses and in the national capitol—vote on measures without knowing what the "folks back home'" really think because those folks have not made themselves heard.

There was a time, not too many years ago, that July the 4th meant celebrating—patriotism ruled. The people were glad and proud to be Americans. They were happy to declare their allegiance. They flew the flag on every occasion.

When the people stopped doing that the woes began. Instead of holding a hand out for a handout, grab a flag and wave it.

There is nothing that the people of America cannot do. They proved that by putting a man on the moon.

Now is the time to begin a new America—where patriotism reigns and sanity rules.

It can come only from the people—the flag wavers. They can rule with their vote—if all will vote. They can change the directions, even courses of government—if they make known their wishes and prove themselves worthy and wise.

In the next two years, during the push of the bicentennial, it will be possible to build patriotism to new highs. If Americans grab this opportunity, it may well be that the third century of the most revolutionary freedom of the world can begin on a level equal to that of the founding fathers.

Remember those men pledged their honor, their fortunes, even their lives that this new nation, under God, could survive.

Can we offer less today? Are our lives less valuable than theirs?

HOW 11500 BANANAS ON PIKE'S PEAK WOULD AFFECT THE SMALL COAL OPERATOR

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. HOSMER. Mr. Speaker, in an Extension of Remarks in the Congressional Record of July 3, Representative Patsy Mink expressed concern over the effects of H.R. 11500 on the small coal operator, particularly Mr. Ed Mears, president of the Mears Coal Co. of Marion Center, Pa.

A member of the House Interior Committee and three staff members visited the Mears operation back in the spring. One of the staff reported in a memorandum to committee members that the mining method used by Mr. Mears appeared to be a successful way of reclaiming steep slopes and implied that the Mears' mines were in compliance with H.R. 11500.

But what did Mr. Mears say about the effect of H.R. 11500 on his operations? In a letter to members of the Interior Committee, he wrote:

> I am afraid if it passes, it will stop me from mining my block-cut method and will put me out of business. I find a number of proposed requirements in that bill that will stop not only my kind of operations but many others like it here in Pennsylvania.

In her remarks on July 3, Representative Mink, after a recital of concern that the provisions of H.R. 11500 "should not prove confiscatory, particularly to those who, like Mr. Mears, have developed new and improved reclamation techniques," stated that the bill approved by the committee "now contains nearly all of Ed Mears' recommended changes, in one form or another" and that "virtually every one of Mr. Mears' complaints about H.R. 11500 has been met by the committee."

But, again, what does Mr. Mears say about the committee-approved bill on his operations?

> As I tried to point out in my letter to Mr. Ruppe, the block-cut method is not a rigid text book formula. Practically every pit requires some form of variation to the method due to the lay of the land, the kind of rock in the overburden, and how much it swells when lifted, and so on. H.R. 11500 does not provide the flexibility to overcome the kind of conditions we normally find in the field. Therefore, I don't see how I can stay in business if the Committee-approved bill is enacted.

Proponents of H.R. 11500 would have us believe that the bill would simply enact the Pennsylvania surface mining law for the whole Nation and would make possible nationwide the use of the modified block-cut mining method employed in Pennsylvania. Mr. Mears, who faces an end to his exemplary operations if H.R. 11500 becomes law, is in compliance with the Pennsylvania law.

There follows the full text of Mr. Mears' letter of July 12, 1974, to Representative Mink with copies shown to the members of the Interior Committee and the Pennsylvania delegation:

JULY 12, 1974.

Hon. Patsy T. Mink,
U.S. House of Representatives,
Washington, D.C.

DEAR MRS. MINK: I have just received a copy of your remarks printed in the July 3 Congressional Record and I appreciate your kind words about our operation and the efforts of you and your committee to make H.R. 11500 a workable bill.

As I tried to point out in my letter to Mr. Ruppe, the block cut method is not a rigid text book formula. Practically every pit requires some form of variation to the method due to the lay of the land, the kind of rock in the overburden, and how much it swells when lifted, and so on. H.R. 11500 does not provide the flexibility to overcome the kind of conditions we normally find in the field. Therefore, I don't see how I can stay in business if the Committee-approved bill is enacted.

While I recognize that the committee has made some improvements in the bill, however I cannot help but feel that I have failed to give you and your committee a clearer understanding of what you call the "realities of surface mining." For example, Section 211(c)(1) concerning spoil on the downslope, I apparently failed to make it clear that for my operations the need to place overburden on the downslope to serve as a haul road to take the coal away and some of the downslope overburden is wind-rowed to form a barrier to retain rocks and boulders on the bench where they will be covered in the grading process, and as a storage area for top soil which is removed prior to the heavy earth moving. When the final grading takes place, the entire area, including the road, is blended together to the degree that one can hardly tell that downslope spoil ever existed. The haul road and rock barrier must be constructed not only for the initial block cut, but for each succeeding block as the operation moves laterally along the outcrop. I fail to understand why placing overburden on the downslope for the initial short linear block cut only is permitted when right now it is graded and stabilized not only for the first block but for each succeeding block under Pennsylvania law which has no such restriction.

The modification to 211(c)(3), concerning disturbance above the highwall, is a half step in the right direction. The modification permits a limited amount of disturbance above the highwall (spoil stacked on slope above highwall) to be used in the final regrading of the mine site. Nowhere in the bill can I find any provision which permits me to use the material above the highwall in combination with beveling the highwall for greater stability of the mined land. What I am after here is to eliminate as much as possible the settling or slumping effect which occurs naturally on any backfill area, thus eventually exposing several feet of highwall.

The modification to 211(b)(19) dealing with abandoned underground mine workings again is a half step in the right direction and would seem to resolve the problem, but unfortunately not all underground mine workings are on a horizontal plane with the surface operation. A good many are within 500 feet below a surface operation and the bill does not recognize this. I suggest it specify horizontal measurement.

The modification to 211(b)(14)(B) concerning erosion recognizes that erosion is a natural process and can be controlled by various practices and techniques. The very serious problem which still exists in this section has to do with the words *"as measured prior to any mining."* This creates an impossible problem for practically all ongoing operations where there were no records before mining began.

Section 211(b)(14)(E) concerning preservation of alluvial valley floors is indeed an improvement over the previous language as far as operations in the humid regions are concerned. I am fortunate not to be mining in arid areas, for it still amounts to prohibition there.

Section 211(c)(14), concerning the term of the permit for steep slope operations, can only be considered as harassment and discriminatory against most small operators such as myself, as opposed to larger area type operations which are entitled to a five-year permit. For practical purposes, in meeting all the requirements of the permitting process with the inevitable delays of hearing procedures, the amended language of a two-year term is of no help.

In the second place, there are more than enough and adequate shut-down procedures to stop any operation in violation of this Act. Therefore, as long as any steep slope operation is in compliance, I can find no good reason for restricting it to a two-year permit. Finally, as you pointed out, careful preplanning and coordination of resources is necessary to meet environmental protection standards. This language actually frustrates the orderly development of a mining area inasmuch as a coal field normally is developed over a time frame longer than two years. Therefore, the perspective needed in making long range judgments by both operators and administrators, such as information contained in a five-year permit plan, is simply not available. Pennsylvania law does not have this kind of restriction.

With respect to concurrent reclamation (Section 211(b)(4), again I failed to make clear the nature of my operations and therefore my concern for the language of this section. I use bulldozers for uncovering the coal and a mobile front-end loader for lifting the coal. These rotate between the active pits. I will normally have one pit of coal being uncovered, another where the coal is being loaded out, and another where backfilling and final grading is going on, in sequential order, and I will specify so in my mining reclamation schedule. However, the bill says that I must reduce the land disturbed incident to surface mining by limiting the amount of surface excavated at any one time and combining mining and reclamation operations and completing reclamation in any separate distinguishable portion of the mined area. What I am saying is that I cannot complete reclamation in the pit in which I am uncovering the coal nor can I in the pit in which I am loading out the coal. But I can and am completing the reclamation work in the pit where the coal has been lifted. The problem is that each pit is "separate and distinguishable" and while my reclamation work is concurrent and in compliance with the Pennsylvania law, it would not be under the language of this section.

The Section 211(b)(13) concerning Bonding for Agriculture Use of the Mined Site: again, the amended language is a half step in the right direction because at least we know when the clock starts running and there are exceptions to the requirements for a diverse, self-regenerative or permanent cover which recognizes most agricultural crops are annuals. There are no exceptions to the requirement that responsibility continue for five full years after the last year of augmented seeding or fertilization which most all annual crops require. Thus it would seem that my bond releases would be held up for this reason. An exception in the section for agricultural crops dealing with the phrase "after the last year of augmented seeding and fertilization" would clarify the language and ease the burden considerably.

Pennsylvania has no such requirement as far as the reclamation fee for rehabilitation of abandoned mined lands, Section 401(d). I cannot help but feel that it is most unfair. The area in which I work is the same in which I grew up and the people I deal with are my neighbors who have known and respected my parents and family over the years. Our reclamation work has been aimed at meeting the needs and desires of land owners, mostly farmers. The modified block cut was just not developed last year and it was not developed to meet the requirements of some laws. It was developed to both mine coal and help achieve the kind of land form which my neighbors wanted. As with most any activity, we learn from our mistakes with the result that those lands which I affected in past years and which I feel are not up to our current standards, are now being reaffected as a result of the greater demand for coal. Thus, my plans call for reclaiming not only the current mining but those limited areas which might be considered not up to today's standards. This is a common practice of many operators. I fail to see the fairness in taxing me to pay for someone else's mistakes, especially when it was the people who received cheap power who benefited. So it would seem the fair way to handle this problem would be to share this cost with all who benefited.

For all the above reasons, I feel there is much yet to be done to make H.R. 11500 a workable bill which in fact will allow the mining of coal and require sound reclamation.

If I can be of any help in this matter, please feel free to call me. Thank you for the consideration of my concerns.

Yours truly,

EDWARD MEARS,
President, Mears Coal Co.

ELECTRONIC SURVEILLANCE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. KOCH. Mr. Speaker, Prof. Herman Schwartz, professor of law at the State University of New York at Buffalo, has written an excellent report entitled "A Report on the Costs and Benefits of Electronic Surveillance, 1972." I would like to append material from this report for the information of our colleagues:

(1) ARRESTS

The arrests are, of course, more numerous than the convictions, only here too they follow the offense pattern that seem to predominate, as the three-year figures show.

	G	D	H	K	O	Total
1969						
Arrests	217	57	0	0	80	354
Inst	16/20	4/4		0/1	5/5	25/30
1970						
Arrests	730	280			26	1036
Inst	76/120	22/39			8/21	106/180
1971						
Arrests	676	116			25	817
Inst	68/248	15/21			2/12	85/281

Key: G—gambling; D—drugs; H—homicide; K—kidnaping; O—other.

The comparison with the convictions—at least for 1969, where the conviction figures are probably fairly complete—is instructive.

	G	D	O	Total
1969				
Arrests	217	57	80	354
Convs	101	24	2	127

Key: G—gambling; D—drugs; H—homicide; K—kidnaping; O—other.

(2) INCRIMINATING CONVICTIONS

The incriminating conversation figures are the last element of evidence as to the value of electronic surveillance. On the basis of the summary figures in the Admin. Off. Rep. alone, the percentages ranged from a claim of 82% in 1969 to 70% in 1970, to 71% in 1971. These are, of course, quite high, much more so than the state figures.

Closer analysis of these figures and percentages reveals some interesting facts, however. In the first place, the figures may be grossly inaccurate. In *United States v. King,* 335 F. Supp. 523, 542 (S.D. Cal. 1971), the Government claimed that 80–85% of the conversations overheard in a drug case were incriminating, and it so reported in the 1971 report, Order #35. The Court, however, found that the contemporaneous reports showed that the percentages were really between 5 and 25%. *Id.* at 542–45 ("There is a vast disparity between these figures and the 85% figure now urged upon us by the Government.")

Nor is *King* an isolated example. In *U.S. v. Scott,* 331 F. Supp. 233 (D. D.C. 1971) not only were a very high precentage not incriminating—the Report itself (1970 #19, #20) shows that almost 70% were not incriminating—but the government had made no attempt to minimize the number of nonincriminatory conversations it overheard. All the wiretap evidence which, according to Adm. Off. Rep., cost over $83,000, was thrown out. Analysis of some other cases shows the same failure on the Government's part.

This combination of a proven failure to minimize and dishonesty of reporting, makes it very unlikely that the high percentages are to be trusted. But even that tells only half the story, for in a great many cases, the Government's own reports show a quite high percentage of cases with very few incriminating interceptions, especially when one moves from gambling and drug cases. Analysis of all the federal non-gambling and non-drug cases for 1969–71 shows the following:

Report No.	Proportion incrim.	Arrests	Convictions
1969			
2	25/2,000	7	2
5	0/375	1	0
6	30/900	6	0
18	No records maintained		0
26	1,337/2,175	0	0

Eight of all the 30 1969 installations resulted in interceptions of which 20% or fewer were incriminating. And, as noted above, one of the interceptions in which there were *no* incriminatory conversations (#5) was associated with an arrest, indicating that a facile assumption that association means causality is unwarranted.

The 1970 figures are equally revealing. Of the 21 non-drug and non-gambling interceptions in 1970, there were 5966 interceptions of which only 1193 or 19% were deemed incriminating even by the Government. The number of people overheard was 1,214, with only 33 arrests and 10 convictions:

Order	People	Intercepts	In-crim.	Arrests	Convictions
5	18	266	34	0	
28	190	569	15	0	
33	55	825	35	3	1
36	6	42	0	0	
37	65	88	0	0	
73	66	687	214	[1] 1	
76	22	44	24		
79	41	501	350		
84	21	104	8	10	6
96 [2]	10	75	15		
114	24	33	2	2	
118	25	67	21	1	
122	448	510	6	0	
126	75	166	0	0	
136	8	90	20	[3] 7	
137	7	23	9	(3)	
138	20	45	0	0	
150	52	200	4	0	
152	35	480	25	4	3
160 [2]	8	45	5	1	
168		1,106	406	4	
Total	1,214	5,966	1,193	33	10

[1] 1 investigation.

[2] Orders No. 96 and No. 160 were part of the same investigation.

[3] Related to 7 arrests on another order, in 1969.

Even in the gambling and drug area, 10% of the 1970 installations were not associated with significant positive results to date, as follows:

Order	People	Intercepts	Incrim.	Arrests	Convictions
3 (gambling)	175	311	0	0	
4 (narcotics)	9	262	18	0	
6 (gambling)	1,000	1,500	7	0	
29 (gambling)	31	200	5	0	(1)
52 (narcotics)	255	562	3	0	
53 (gambling)	15	558	45	0	
78 (gambling)	10	195	0	0	
92 (gambling)	92	114	6	0	
107 (narcotics)	8	126	1	0	(2)
109 (narcotics)	8	126	1	0	
119 (gambling)	25	792	77	0	(3)
123 (gambling)	5	179	9	0	
132 (narcotics)	43	192	26	0	2
134 (narcotics)	10	181	0	0	
151 (gambling)	10	117	1	0	
161 (gambling)	14	32	3	0	
165 (gambling)	23	180	10	0	
180 (gambling)	27	495	3	0	
Total	1,760	6,122	215	0	

[1] Related to 2 arrests in 30.

[2] 2 successive 15-day orders, installed on Oct. 16, 1970, and Oct. 26, 1970, are unlikely to produce exactly the identical results.

[3] Dismissed.

All but two of the 12 1971 non-drug and non-gambling installations resulted in interceptions in which less than 20% were incriminating, as follows:

1971

Order	People	Intercepts	Incrim.	Arrests	Convs.
37		800	250	20	18
41	6	16	0	0	0
62	25	1,221	90		
94	400	1,380	65	0	0
105	12	110	2	0	0
138	15	53	9	5	
159	302	290	34		
160	15	93	31	0	0
171	7	12	2	0	0
206	25	182	10	0	0
218	30–35	350	20	0	0
221	1	28	0	0	0

Even in the drug and gambling area, 24 or about 10% of the 248 gambling installations and 9 of the 21 drug installations fell into the less than 20% incriminating category. In sum, 43 of 281, or over 15% fell into this category.

3.—SUMMARY TABLES—RESULTS SO FAR

STATE

PERSONS CONVICTED AND INSTALLATIONS ASSOCIATED THEREWITH, BY OFFENSE

	Gambling	Drugs	Homicide	Kidnaping	Other	Total
1968:[1]						
Convictions					16	16
Assted. inst. total					2/167	2/167
1969:						
Convs	33	32	3	0	99	167
Insts	17/78	10/80	1/19	0/1	27/82	55/260
1970:						
Convs.[2]	212	65	1		55	333
Insts	49/204	20/84	1/20		24/95	94/410
1971:						
Convs.[2]	117	55	8		30	210
Insts	22/304	11/104	1/18		9/84	43/511
Total:						
Convs	362	152	12	0	200	726
Insts	88/586	41/268	3/57	0/1	62/428	194/148

[1] One cannot know whether there were almost no convictions or merely no reports for 1968.

[2] It may be too early for the full report on 1970; it is definitely too early for such data on 1971.

Note: For 1969, the total electronic surveillance effort cost the States about $470,000; the expenses involved in the convictions and the installations associated therewith are approximately $2,800/person and $8,500 per installation for the wiretapping alone.

ARRESTS AND INCRIMINATING CONVERSATIONS—PERSONS ARRESTED AND INSTALLATIONS ASSOCIATED THEREWITH, BY OFFENSE

	Gambling	Drugs	Homicide	Kidnaping	Other	Total
1968:[1]						
Arrests	69	97	6	7	83	262
Insts	14/18	26/68	4/20	1/1	18/60	63/167
1969:[2]						
Arrests	302	86	41	2	218	645
Insts	63/78	27/80	8/19	1/1	39/82	138/260
1970:[3]	930	228	19		152	1,329
Insts	135/204	49/84	8/20		33/95	225/410
1971:[4]						
Arrests	1,380	346	27		211	1,964
Insts	164/304	54/104	7/18	0/1	29/84	254/511
Total:						
Arrests	1,681	757	93	9	664	6,200
Insts	376/604	156/337	27/77	2/3	119/321	

[1] Incriminating conversations: 22 percent.

[2] Incriminating conversations: 28 percent; 133/260 installations produced 20 percent or fewer incriminating conversations.

[3] Incriminating conversations: 30 percent 128/410 installations produced 20 percent or fewer incriminating conversations.

[4] Incriminating conversations: 53 percent; 162/511 installations produced 20 percent or fewer incriminating conversations.

FEDERAL

PERSONS CONVICTED AND INSTALLATIONS ASSOCIATED THEREWITH, BY OFFENSE

	Gambling	Drugs	Kidnaping	Other	Total
1969:[1]					
Convs	101	24	0	2	127
Insts	9/20	2/4		1/5	12/30
1970:					
Convs	123	99		10	232
Insts	17/120	16/39		3/21	36/180
1971:					
Convs	76	21		18	115
Insts	17/248	2/21		1/12	20/281
Total	300	144		30	474
	43/388	20/64		5/38	68/491

[1] It is still too early to make firm judgments about any year but 1969, since the lag period tends to be about 22 mo, with respect to 1969, the cost was $440,287. Assuming not many more convictions, this came to almost $3,500 per person convicted and to almost $37,000 for each of the 12 associated installations, exclusive of lawyers', judges' and other unreported costs.

ARRESTS AND INCRIMINATING CONVERSATIONS—PERSONS ARRESTED AND INSTALLATIONS ASSOCIATED THEREWITH, BY OFFENSE

	Gambling	Drugs	Kidnaping	Other[1]	Total
1969[2]	217	57		80	354
	16/20	4/4	0/1	5/5	25/30
1970[3]	730	280		26	1,036
	76/120	22/39		8/21	106/180
1971[4]	676	116		25	817
	68/248	15/21		2/12	85/281
Totals	1,623	453	0	131	2,207
	160/388	41/64	0/1	15/38	216/491

[1] All but a few of the nondrug and nongambling cases produced very few convictions, arrests or incriminating conversations.

[2] Incriminating conversations: 82 percent; 8/30 produced 20 percent or less incriminating.

[3] Incriminating conversations: 70 percent; 32/180 produced 20 percent or less incriminating.

[4] Incriminating conversations: 71 percent; 43/281 produced 20 percent or less incriminating.

CUT OFF ALL AID TO TURKEY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. WOLFF. Mr. Speaker, as my colleagues are well aware, the Turkish Government has decided to resume the production of the opium poppy. This decision is going to have a most profound effect on our society. The amount of heroin available in the United States will greatly increase, as will heroin addiction and the resulting crime.

I have introduced legislation cutting off U.S. aid to Turkey. With this in mind, I would like to call to the attention of my colleagues a recent editorial by WNBC–TV:

CUT OFF ALL AID TO TURKEY

In 1971, Turkey halted the growing of opium poppies in return for U.S. subsidies. Since the ban took effect, it is estimated that heroin use in the United States has dropped significantly.

Now the Turks are again growing the poppies and experts predict the first heroin derived from those seeds will once again be available on the streets of the New York area.

Senator James Buckley and Congressman Lester Wolff are urging the Nixon administration to cut off all economic aid to Turkey. Every Member of Congress must join in this effort to prevent the resumption of this dirty business.

The administration must act now.

SECRETARY OF COMMERCE FREDERICK B. DENT

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. BUCHANAN Mr. Speaker, the Wall Street Journal recently ran a front page story concerning Hon. Frederick B. Dent, Secretary of Commerce. The article has met with strong criticism by many of those who have had the opportunity of working with and hearing Secretary Dent in his official capacity. I would like now to enclose a letter which Mr. J. Craig Smith of my district has written to the editor of the Journal concerning their article:

Editor, the Wall Street Journal, New York, N.Y.

DEAR SIR: I could hardly disagree more than I do with your front page story concerning Secretary of Commerce Frederick B. Dent.

Your writer says, "Mr. Dent is dull." In my view, Mr. Dent is brilliant. Your writer says, "His manner wooden." I have had the privilege in recent months of hearing him address a half dozen very large audiences. In each instance his address was interrupted by applause, and in each instance he received a standing ovation at the end of his speech. I don't remember seeing any "wooden" speakers getting this kind of reception.

You imply that "Mr. Dent is merely marching to White House orders." Obviously Mr. Dent is loyal to President Nixon. Any member of the President's Cabinet who is not loyal should resign. I can give you complete assurance that on any matter of principle, Mr. Dent doesn't take any marching orders from anybody.

Mr. Dent is an able, dedicated man serving his country at tremendous personal and financial sacrifice to himself and his family.

I hardly expect you to publish this letter. After all, there wasn't much space left on your editorial page after you printed the anti-Nixon diatribe by Arthur Schlesinger, Jr.

Sincerely,

J. CRAIG SMITH.

DR. WILLIAM A. HOLMES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1974

Mr. PICKLE. Mr. Speaker, it is indeed an honor for this House to have the opening prayer today given by Dr. William A. Holmes, pastor of the Metropolitan Memorial United Methodist Church. Dr. Holmes occupies the same pulpit which was held by our beloved Chaplain, Dr. Edward G. Latch, where he presided for many years; and immediately previous to that, this church was fortunate to have the concise and eloquent preachings of Dr. Merrill Drennan.

For the past 5 years, Dr. William Holmes served as pastor of the University Methodist Church in Austin, Tex. This historic church has been the principal Methodist Church in Austin and is across the street from the University of Texas campus. Dr. Holmes served this church with great distinction and easily was one of the most loved pastors who ever served that congregation. He and his wife, Nancy, and his family were popular citizens of our community, and the entire family was held in the highest esteem. It is my feeling that the Metropolitan Memorial Church is fortunate to have the service of this outstanding young preacher who will bring further acclaim to this beautiful national church. And we were indeed fortunate to have him with us today.

CONCERNING CAPTIVE NATIONS WEEK

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. FORSYTHE. Mr. Speaker, the third week of July was designated in 1959 as Captive Nations Week. I think that it is particularly important that this year we stop and seriously consider how precious freedom is, realizing that in many nations freedom is only an illusion.

I have been glad to observe the recent lessening of tensions between the United States and major Communist nations, because of my conviction that greater communication and understanding is crucial to the cause of peace. We are now learning far more about life inside the People's Republic of China and the Soviet Union than we have ever known before, and it is my hope that this information will enable us to approach many more people as friends with whom we can work harmoniously.

But I am greatly concerned that this era of detente not be allowed to cause us to loose the necessary perspective in our views. Let us not forget that there are millions of people all over the world living in closed countries, unable to learn or speak the truth, if their governments do not want them to.

I ask that we remember the sobering realities faced by the people in the nations of Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasia, Ukraine, Far Eastern Republic, Turkestan, Mongolian People's Republic, Estonia, Latvia, Lithuania, Albania, Bulgaria, Serbia, Croatia, Slovenia, Poland, Romania, and Czechoslovakia.

We have observed many heroic actions taken for freedom within these countries, but still the iron fist reaches out from Moscow to end any attempt by the people to determine their own form of government. More than ever before, they need to know that the people of the United States of America support them in their struggle for freedom.

I ask each American to remember these captive nations this week, and throughout the year. As we have just celebrated the 198th anniversary of American freedom, let us hope and pray together that the captive nations of the world may soon realize their freedom.

It would be easy for us to accept the status quo, and simply acknowledge Communist dominance over these captive nations. But that would be a great tragedy. It is still the moral responsibility of the United States to maintain our firm stand for the cause of world freedom. And this week, especially, the hopes and aspirations of captive peoples are shared by millions of Americans.

IN PRAISE OF THE STEELE AMENDMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. RANGEL. Mr. Speaker, the National Council of Senior Citizens, Inc., released a statement praising the work of our distinguished colleague from Connecticut, ROBERT H. STEELE. I share NCSC's praise for Mr. STEELE's leadership in amending the recently passed Housing and Urban Development Act of 1974 to provide housing for our senior citizens. The housing needs of all Americans have been virtually neglected of late by this administration, but the housing needs of the elderly are of particular importance during this period of spiraling inflation that impacts those on fixed incomes the hardest.

Mr. Speaker, I am pleased to share with my colleagues the NCSC account of the great significance of the Steele amendment:

NEW POLICY ON ELDERLY HOUSING HAS BACKING OF ALL MAJOR NATIONAL ORGANIZATIONS OF OLDER AMERICANS

WASHINGTON, D.C.—A coalition of the nation's eight largest organizations of the elderly has joined to support legislation overwhelmingly adopted by the House of Representatives which provides for an entirely new concept in the construction and financing of housing for America's 21 million senior citizens.

The eight organizations—representing virtually every elderly American are (in alphabetical order): American Association of Homes for the Aging; American Association of Retired Persons—National Retired Teachers Association; B'nai B'rith; the National Caucus of the Black Aged; the National Council on Aging; the National Council of Senior Citizens; and Senior Advocates International, Inc. These groups have combined to support a House of Representatives amendment to the omnibus Housing and Urban Development (HUD) bill, S. 3066. The amendment, introduced by Congressman Robert H. Steele (R., 2, Conn.), would create from 75,000 to 80,000 new senior citizens housing starts.

Basically, the Steele amendment, which was adopted by the House on a 274–112 vote on June 20, combines the best features of the highly successful section 202 housing provision—which had been phased out in 1969 by Presidential fiat—with the rent subsidy program for low-income families. Under the Steele proposal, housing for the elderly would begin again, with financing at the U.S. Treasury borrowing rate—currently 7½ percent. But, to insure that poor elderly individuals and families living on fixed incomes could afford the housing, rent subsidies would be paid in an amount to insure that no renter would have to pay more than 20 percent of his income for housing.

The coalition also emphasized that this "marrying" of the section 202 construction program with the section 23 rent subsidy program to needy elderly responsibly addresses the housing crisis created by the President's precipitous and unilateral moratorium on housing. The Steele amendment will help alleviate the problems created by the Administration's proposals of providing rent subsidies without directly increasing the supply of decent housing units.

It was emphasized in the coalition stand that this amendment would help the government towards meeting the goal established by the 1971 White House Conference on Aging—and completely ignored by the Nixon Administration—of creating at least 120,000 new housing starts for the elderly each year.

The House-passed version of the HUD bill is in Conference with the Senate. Although the Senate bill contained a provision similar to the Steele amendment, the eight coalition organizations believe that the financing arrangements in the House version represent a major improvement. The eight coalition members are taking various steps to notify their membership of the importance of the Steele amendment to older Americans.

The Executive Director of the National Council of Senior Citizens, William R. Hutton, has sent a notice to all of that organization's local affiliated clubs—more than 3,500 in number—urging them to contact their Congressmen and Senators expressing their strong desire to see that the final House-Senate compromise bill include the vital Steele amendment.

In that letter Hutton declared, "No more important effort faces politically active and aware seniors prior to the November elections. The Steele amendment to the HUD bill is the best chance that the elderly have to recover from the effects of President Nixon's disastrous housing decisions."

A SALUTE TO THE CAPTIVE NATIONS OF THE WORLD ON THE BEGINNING OF CAPTIVE NATIONS WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. RODINO. Mr. Speaker, I would like to call my colleagues attention to the annual observance of Captive Nations' Week which will be observed this year beginning today July 14 and ending on July 20.

In this era of détente, it is easy for us to forget that the sovereign states of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, and others are still subjected to the control of the Soviet Union.

We who so cherish our freedoms, must take this week in July every year to remind us that the Jeffersonian principals of life, liberty, and the pursuit of happiness have been realized in too few countries. The captive nations of Europe may but dream of the day when they too will enjoy true freedom.

So, Mr. Speaker, even though the face of American Foreign Policy has been changing over the past few years, the underlying philosophy of liberty for all mankind must not be forgotten. We must continue to give our support and understanding to the people of the world who suffer under oppression of any kind.

It is, therefore, fitting that we all pause during the week of July 14, and indeed, throughout the year to reflect upon the plight of the citizens of the over two dozen nations in the captive nations group. For, if we lose sight of these courageous people who have struggled not to have their national identities submerged, we as a nation, will be in grave danger. We must be constantly aware that the "price of freedom is eternal vigilence."

ECONOMY AND EFFICIENCY OF INTERNATIONAL AIR TRAVEL BY GOVERNMENT OFFICIALS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. MOSS. Mr. Speaker, as you will recall, the House Committee on Government Operations, on October 19, 1973, unanimously approved and submitted House Report 93-599 on the "Economy and Efficiency of International Air Travel by Government Officials." This report was the result of an indepth study and was prepared by our Foreign Operations and Government Information Subcommittee under the chairmanship of our distinguished colleague, the Honorable WILLIAM S. MOORHEAD of Pennsylvania. In view of the significant benefits to be realized on behalf of our hard-pressed taxpayers, we in the House had hoped that the administration would have promptly taken the action recommended and would have months ago expanded the Department of Defense international air transportation system to include all overseas official travelers.

Though years have gone by since our House committee first called this matter directly to the attention of the White House's Office of Management and Budget, the administration has not seen fit to do anything to correct its procurement practices. As a direct result, as each month goes by, the taxpayers are saddled with another $2 million in excessive Government expenditures.

We in the House and Senate must unite and insist that the administration immediately take the action necessary to effect uniform air transportation fares for all official Government travel. Clearly, the Government has a right to have its travelers transported at a minimum of expense consistent with the carriers' recovering their cost and earning a reasonable profit on the service provided. Further, with the substantial reduction in Government business as a direct result of our withdrawal from South Vietnam, it is essential that the administration do everything necessary to ensure that our remaining Government business is fairly and equitably proportioned between the large and small U.S. international air carriers.

It is with great pleasure that I insert in the RECORD—and commend to the reading of our colleagues in the House and in the Senate—the recent statement before the Senate Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations of our esteemed colleague the Honorable WILLIAM S. MOORHEAD of Pennsylvania:

STATEMENT BY CONGRESSMAN WILLIAM S. MOORHEAD, MARCH 20, 1974

Mr. Chairman, members of the Subcommittee, I appreciate this opportunity to appear here today. As you will recall, you invited me to testify in February of last year to share with you the findings of our Subcommittee's investigation of policies of the Internal Revenue Service during your hearings on that subject. This I was most pleased to do because I believe in the fullest possible cooperation between the two legislative bodies, particularly in the investigative and oversight fields.

It is in this same spirit that I have asked for time to share with this Subcommittee the results of more than three years of investigations and hearings by our Foreign Operations and Government Information Subcommittee into all aspects of the Defense Department's international plane load charter system to include all official overseas travelers of the U.S. Government. These activities by our Subcommittee resulted in the unanimous adoption by the House Government Operations Committee of H. Rept. 93-599 last October.

That bipartisan report recommended that the Administrator of General Services Administration delegate authority under existing law to the Secretary of Defense to permit its Military Airlift Command to establish and operate, under charter with U.S. air carriers a worldwide air shuttle system for the overseas transportation of all official travelers of the Federal government.

Our Subcommittee has met periodically with officials of the Defense Department, the State Department, and GSA during the formulation of these plans to implement the Committee's recommendations. I trust that you share our objective that the estimated tax savings of such an international air charter, estimated at from $20 to $30 million annually, not be delayed any longer. The American taxpayer is long suffering and usually patient. But when a Committee of the Congress shows how this much money can be saved by our Government and when—to their credit—the Executive department officials act promptly to carry out that Congressional mandate, many taxpayers would not understand why such savings should not begin promptly.

Of primary interest to you will be the economy and efficiency of this air shuttle service and its favorable effect on future appropriation of funds to support the operations of Government. As we all know, appropriation of the revenue for support of the Government—subject to the power of other committees to report authorizing legislation relating thereto—is a jurisdictional concern of the House and Senate Committees on Appropriations. The House and Senate Committees on Government Operations, on the other hand, have complete jurisdictional responsibility for studying the operation of Government activities at all levels to determine the economy and efficiency of all Government expenditures of all appropriated monies.

Pursuant to the jurisdictional responsibility assigned to the House Committee on Government Operations, the Subcommittee which I chair has thoroughly studied the economy and efficiency of international air travel by Government officials during the past three years. Public hearings were held during July 1972 and again in May 1973. The results of our three year study and the hearings held are reflected in House Report 93-599. I commend these House documents to your careful reading.

House Report 93-599 will convey to you the events which led the Government to the need for expansion of the DOD plane load charter system. The House Report also clearly shows the discriminatory way in which the civil agencies of our Government have been treated by the U.S. scheduled international air carriers. During the past 13 years, a hidden subsidy of more than a quarter billion dollars has been paid from civil agencies' appropriations to the U.S. scheduled international air carriers—Pan American, Trans World, Northwest Orient, and Braniff.

This hidden subsidy is the direct result of the Civil Aeronautics Board permitting two substantially different rates for official Government travelers being transported on regularly scheduled flights of the U.S. scheduled international air carriers. Let me give you a clear example:

As shown in Pan Am's white paper—which they have been using in their lobbying effort during the past months on the hill, and which you have all probably seen—the U.S. scheduled international air carriers charge two substantially different rates for the business they do with the Government. I specifically call to your attention attachments D-1 and D-2 of Pan Am's white paper. You will note ten European cities listed on attachment D-2. On attachment D-1, you will find these same ten cities listed along with others. On each of these attachments you will also find a column headed "Scheduled Service Cost." As you compare the two attachments, you will note the "Scheduled Service Cost" shown are entirely different. Let me read them for you:

	DOD/CG passengers	Non-DOD/CG passengers
Between Washington and—		
London	$156.87	$280.60
Dublin	151.07	259.80
Paris	157.87	296.70
Brussels	164.77	296.70
Amsterdam	163.97	296.70
Copenhagen	165.97	324.90
Oslo	159.47	317.40
Frankfurt	172.07	317.40
Geneva	172.37	317.40
Rome	188.57	364.00

The low fares shown on Pan Am's attachment D-2 apply to both civilian and military personnel of the Department of Defense and the Coast Guard segment of the Department of Transportation and the dependents of these employees being transported to or from these locations under official Government travel orders. The higher fares shown on Pan Am's attachment D-1 apply to the civilian personnel of the non-DOD agencies and their dependents also being transported under official Government travel orders. Thus, Pan Am, in its "white paper" readily illustrates the discriminatory pricing practice which currently exists.

Gentlemen, I cannot rationally explain to the voters and taxpayers of the district which I represent why it should cost their Government $317 to send a GS-14 auditor working for the State Department or the General Accounting Office to Frankfurt, Germany, when we can send a GS-14 auditor working for the Department of Defense to Frankfurt for only $172. Especially when, in many instances, they will travel together on the same plane and receive precisely the same service from the U.S. scheduled international air carrier.

CAB readily admitted during our May 1973 hearings, that there is absolutely no difference in the mode of travel of these DOD and DOT travelers and other Government travelers being transported on the same regularly scheduled international flights. This point is also illustrated on page 17 of House Report 93-599 and I would quote from Ambassador Ellsworth's letter from Brussels, dated September 3, 1970:

"It is somewhat incongruous to have two of my officers fly to Washington on the same plane with the Government paying $541.00 for the roundtrip of one, and $270.80 for the other."

I would be amazed if any of you could convince the voters and taxpayers of your States of the propriety and wisdom of this two rate system.

Gentlemen, the low rates which are reflected on Pan Am's attachment D-2 come from a special CAB-approved tariff which is known as a "Category Z" tariff. These category Z tariffs were first established with the approval of the Civil Aeronautics Board back about 1961. As shown on page 6 of House Report 93-599, CAB—with the help of the air carrier industry and the Department of Defense—has reviewed the U.S. international air carriers costs of doing business for the past 13 years and has set CAB approved minimum rates for one-way and roundtrip passenger services which have been accepted as fair and equitable by both the Government and the U.S. international air carrier industry.

The Category Z tariffs—which reflect the one-way rates developed by CAB—are thus based on the carriers cost of providing service to the Government. But, because of unusual language in the Category Z tariffs, not all Government overseas passengers are carried at the Category Z rates. Though the airlines incur no advertising or promotional expense, pay no agency commissions, nor incur normal credit costs on the civil agency business which they receive from the Government, they continue to transport the civil agency passengers at full commercial rates.

Subsequent to our 1972 hearings, I urged the GSA officials to again attempt to obtain fair and equitable rates from the U.S. scheduled international air carriers for all Government business. This GSA attempted to do, during the early months of 1973, without success. In reality, both Pan Am and TWA considered the Government passengers of the civil agencies as "captive traffic" and though the Government was doing a half billion dollars worth of business yearly with the U.S. international carriers, little thought was given to treating the Government as a preferred customer. The scheduled carriers want Uncle Sam's business but only at rates which are clearly excessive and discriminatory.

Gentlemen, had the U.S. scheduled international air carriers wanted to continue to transport this Government business on their regularly scheduled flights, it would have been simple enough for them to have done so. All they needed to do was revise special rule 2 of their category Z tariffs to provide for the "Fares, charges, and provisions in the tariff to apply to transportation of persons and baggage upon presentation of a U.S. Government Transportation Request billable to a U.S. Government disbursing or certifying office." Should they have honestly believed that the rates reflected in their category Z tariffs were not fair and equitable to the air carrier industry, then, by all means, they should have returned to the negotiating table instead of trying to pull their chestnuts out of the fire by lobbying here on the Hill.

The Government has a right to have its travelers transported at a minimum of expense consistent with the carriers' recovering their cost of providing the service and earning a reasonable profit. We in the Congress should also expect the Civil Aeronautics Board to impartially carry out its responsibilities and assure that whatever rates are set cover all Government business and are in fact fair and equitable to both the Government and the U.S. air carrier industry.

In addition to the category Z arrangement, the Department of Defense—during the past 13 years—has used what is known as "Category B" service. These services provide for chartered plane load movement of Department of Defense and Department of Transportation (Coast Guard) military and civilian personnel and their official dependents between locations in the United States and overseas under Government contracts with U.S. international air carriers.

The category B services are provided at the round trip rates set by the Civil Aeronautics Board—which as previously stated are based on CAB's review of the carriers costs of doing business with the Government and which have been repeatedly accepted, during the past 13 years, as fair and equitable by both the Government and the air carrier industry.

The contracts between the Government and the U.S. international air carriers permit the Government to order additional transportation services under the contract subject only to the contractor's offering capability. The Government also has the right to divert any flight to a route or area of operation other than as specified in the contract, subject to notice given not less than 24 hours prior to departure.

It is my clear understanding that this is precisely what the Government plans to do. Following the mandate set forth in House Report 93-599, the General Services Administrator has delegated authority to the Secretary of Defense to provide chartered air transportation services to all executive agencies of Government. The Secretary of Defense, in turn, has redelegated this authority to the Air Force's Military Airlift Command.

The Military Airlift Command, which was designated as such by Public Law 89-37, has been authorized under the authority set forth in Title 10 U.S.C. 2208 to use a "working capital fund" to provide air passenger transportation services for the departments and agencies of the Department of Defense. Additionally, under the authority of 10 U.S.C. 2208, subsection (h), the Secretary of Defense, when otherwise authorized by law, is further authorized to permit such services to be rendered for persons outside the Department of Defense. The authority of the Secretary of Defense to provide services to other agencies of Government is further clarified and strengthened by Title 31 U.S.C. 686.

Statutory authority for the Military Airlift Command to contract for and provide mass air transportation services for all agencies, in this instance, is also clearly derived from the Federal Property and Administrative Service Act of 1949. Under section 201 of the Act, the General Services Administrator has the statutory authority to prescribe policies and methods of procurement of transportation services for all executive agencies of Government. He also has the statutory right to procure such services for the use of executive agencies in the proper discharge of their responsibilities. Under section 205, subsection (d) the Administrator is clearly authorized to delegate and to authorize successive redelegations of authorities vested in him by the Act to the head of any other Federal agency.

Gentlemen, after three years of studying this subject matter, there is no doubt in my mind as to the economy and efficiency of the proposed expansion of the DOD plane load charter system nor is there any doubt of the statutory authority for the Government to proceed in this direction. The plane load charter system has worked economically and efficiently for the Department of Defense for 13 years now and I find no reason why it won't work equally as well for the rest of the Government. Let there be no doubt about it, we in the House are firmly convinced of the wisdom and necessity for this action.

Essentially what this means is that official Government travelers will be transported in planeload groups between, say Dulles Airport and major airport overseas such as London, Frankfurt, Madrid, Rome, Athens, Istanbul, Ankara, Tokyo, Panama, and San Juan. Many of the Government's travelers are traveling on official business to these precise points. Others may be going to other nearby cities in connection with their official duties. In those cases, they will be transported to one of the foregoing major airports—at a cost of 2½ cents per passenger-mile—from which they will proceed to their final destination on regularly scheduled flights at regular commercial rates. For example, a State Department official assigned to Olso, Norway, would be transported to London, England—3,658 miles—at 2½¢ per mile—on the governmental air shuttle at which point he would transfer to Pan Am flight 102 and continue on to Oslo—730 miles, at 7½ cents per mile. Should this official instead be assigned to Moscow, why, of course, he could connect with a Pan Am flight from London to Moscow. Currently, our Government is paying $291 to transport this State Department official to Oslo. Under the expanded Department of Defense airlift system, we will be paying less than $150. Savings on transportating our officials to locations in the Far East are even more impressive because of the initial longer distance involved—Washington to Tokyo equals $207 as compared to our current cost of $585.

As U.S.-flag carriers service the major overseas airports mentioned, I foresee no increased usage of foreign-flag carriers to transport our Government travelers. Naturally, I will expect the General Accounting Office to monitor this expansion of the Department of Defense airlift system to insure full use of U.S.-flag carriers.

Likewise, I foresee no increased cost to the Government as a result of layovers while travelers wait for ongoing transportation. Under current Government regulations, official Government travelers are permitted a rest stop in connection with most international flights because of the long distances involved. It is not reasonable for an official traveler—after having flown for more than 17 hours on his way to an official duty station in the Orient—to be permitted a rest stop in, say, Tokyo before completing his trip. Here again, I would expect the General Accounting Office to monitor this expansion of the Department of Defense system to insure the utmost of economy and efficiency. Further, we should note that roughly two-thirds of this traffic is dependent passengers—who are allowed reduced rates of per diem and no salary.

I think that we should also note that we in Government are not the only ones thinking of cut-rate air shuttle services. Just one week ago today, on March 13th, a Civil Aeronautics Board administrative law judge approved a cut-rate air shuttle service for commercial traffic between New York and London. When this commercial air shuttle actually comes into existence, it will be a relatively sure bet that Pan Am and TWA will be right at the head of the line with their petitions asking CAB's permission to operate similar cut-rate services.

Concerning Pan Am's statements in their paper regarding "Diversion of Traffic from U.S. Flag to Foreign Flag," "Tax Revenue Loss," and "Wasteful Expenditures of International Balance of Payments Dollars," one needs only to look at the route patterns of the four U.S. scheduled international air carriers to readily see that our official travelers who are going to destinations other than the proposed air shuttle stops can readily do so on U.S. flag carriers in essentially every instance where the U.S. flag carriers actually service the final destination points. But they would use regular U.S. commercial services from London, or Frankfurt, or Rome, or Tokyo to their final destinations; not New York, or Washington, or San Francisco.

Equally important, during our deliberations we considered how expansion of the Department of Defense airlift system to include all governmental overseas travelers would affect usage of our fuel supplies. Simply stated, it is more efficient, in terms of fuel usage, to fly a plane with a 100-percent seat occupancy than to fly with only a 50- to 60-percent seat occupancy. Also, looking to further fuel conservation in light of the present fuel emergency, the Civil Aeronautics Board, on November 16, 1973, issued an order to permit the U.S. scheduled international air carriers to transport Department of Defense plane load charter passengers on their scheduled flights—at the special charter rates. Not only can we save fuel, we can also fill up some of those empty seats for the air carriers—but at special Government charter rates, which is as it should be.

DOD officials have advised our Subcommittee that in December 1973, they started shifting their planeload charter passengers from separate planes to the empty scheduled seats and that, by February 1974, they had most of this traffic shifted to the scheduled flight—and it's being carried at the 2½c rate rather than the 7½c rate. The shifting of this traffic also overcomes certain of the "Balance of Payments" discussion which Pan Am advances in its white paper.

Lastly, Pan Am's veiled threat to eliminate the special category Z fares falls on deaf ears. Why should the Government consider paying the economy fare of $317 or the category Z fare of $172 to transport a passenger to Frankfurt when the official traveler can be transported from Washington to Frankfurt—on the air shuttle—for $101. Further, should the category Z rates be eliminated, then naturally DOD would expand the DOD planeload charters to include stops at Brussels and Amsterdam and move the balance of the Category Z passengers as Category A passengers—at one-way contract rates which are precisely the same as Category Z rates.

Computation of savings to the Government are quite simple to compute. It's 3,658 air miles to London and 4,053 miles to Frankfurt from Washington, D.C. Thus, savings for every official traveler transported to these gateways at planeload charter rates instead of regular economy class fares would be:

	Economy class fare	Charter rate	Savings per passenger
Washington to—			
London	$280.60	$91.45	$189.15
Frankfurt	317.40	101.33	216.67

Mr. Chairman, members of this subcommittee, I have not discussed the economic repercussions which removal of this $20–30 million yearly hidden subsidy will mean to the four U.S. scheduled international air carriers as it means very little when compared with the $300 million in reduced U.S. Government revenue to the U.S. international air carrier industry as a result of termination of direct U.S. involvement in the hostilities in Indochina.

It is readily apparent that the U.S. international air carrier industry—the supplementals as well as the scheduled carriers—have very real economic problems. Now more than ever before, it is extremely important that the U.S. Government apportion its business fairly to both the large and small U.S. international air carriers.

Perhaps what is needed is an entire legislative overhaul of our commercial air carrier system. Only a few days ago, Transportation Secretary Claude S. Brinegar noted that it may become necessary for the U.S. air carriers to drop their competitive routes and get out of business in some markets altogether. Speaking for the administration, the Secretary clearly indicated that subsidies do not appear to be the answer.

Mr. Chairman, Members of this subcommittee, I thank you most appreciatively for the time you have permitted me. After your remaining witnesses have testified, I may wish to supply additional information and data for your hearing record and will appreciate the privilege of being permitted to do so.

CAPTIVE NATIONS WEEK

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. COUGHLIN. Mr. Speaker, this week, again heralds the annual observance of Captive Nations Week. In this era of rapproachement and improved international relations, it is easy to overlook those nations whose natural sphere lies beyond the aura of renewed hope for world harmony. Captive Nations Week serves as a valuable reminder of the peoples of East-Central Europe, who are striving to assert their rights to freedom and to a government of their own choosing.

It is ironic to note that this year's Captive Nations Week occurs simultaneously with the Conference on Security and Cooperation in Europe. For the first time in three decades, the Soviet Union is hopeful of acquiring recognition for the imposed status quo, existent in Central Europe. This area has long endured as the traditional power fulcrum of Europe, attempting to maintain a balance of power. It must not be abandoned to provide the Soviet Union with sufficient leverage to penetrate further into the European Continent.

The United States and all free countries which are fortunate enough to rest secure on their ideals of independence, bereft of political oppression, must continue to provide unwavering, active support for captive nations not so propitious.

I have consistently demonstrated my support for captive peoples in the Soviet Union by protesting the persecution of its citizens, most recently, prior to President Nixon's visit. Freedom of emigration, an inalienable privilege in free countries and whose assertion we have never had to question, is denied to Soviet citizens. That Soviets will no longer continue to acquiesce to such a flagrant violation of human rights, is evidenced by the dissension that is now permeating the Soviet Union. Scientists, intellectuals, and artists, restrained from leaving the country, are publicly voicing their opposition to the restrictions placed upon them. The world must not be deaf to their voices.

Freedom of speech and of the press, rights guaranteed in the Bill of Rights by the framers of our present society, are witheld from Soviet citizens. Television broadcasts of the Moscow summit on President Nixon's journey for peace were blocked from transmission by Soviet officials. This behavior is blatant indication of the absence of common principles shared by the American and Soviet governments.

Actions such as these, inconceivable to American ideals, should not be tolerated for other areas of the world. In pursuance of a pragmatic, rational amity between the United States and the Soviet Union, obvious injustices cannot be disregarded in the quest of global stability.

The majority of captive nations that

we salute this week lies within Soviet territory. However, this Soviet national problem is of international dimensions and one which the United States cannot condem too strongly. The dawning of détente, although desirable, cannot conceal the enduring plight of captive nations. Invigorated with a new promise of international accord, the world must not expect to dispense with the ugly reality of captive peoples.

Unceasing effort and vigil are required to insure the proliferation of self-determination in Europe and the rest of the world. Let us trust that Captive Nations Week will further propel the effort necessary.

OHIO GOVERNOR GILLIGAN SUPPORTS SURFACE MINING BILL, H.R. 11500

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. SEIBERLING. Mr. Speaker, I am pleased to bring to your attention a letter from the Governor of Ohio, John J. Gilligan, in support of H.R. 11500, the Surface Mining Control and Reclamation Act of 1974.

What Governor Gilligan has to say about surface mining in Ohio can be applied to other mining States as well. He points up the problems inherent in State laws that are not backed up by Federal enforcement and the need for a uniform set of Federal standards.

As Governor Gilligan points out, the existing reclamation requirements in Ohio's surface mining reclamation law, enacted in 1972, already exceed those in most other States. A strong Federal law would put all the coal mining States on an equal basis with regard to mining and reclamation requirements. It would assure that each State set minimum standards on the surface mining of coal and would thus prevent the coal industry from playing off one State against the other.

State laws are important, but they are only as good as the enforcement that backs them up. In the Ohio law, the chief of reclamation was given wide discretionary authority to establish standards by issuing his own rules. The present chief of reclamation wrote tough reclamation rules in specific language, but 48 coal companies immediately filed a court suit to enjoin him from enforcing the rules. That suit is now before the Ohio Supreme Court.

As Governor Gilligan further notes, Ohio's coal industry will be able to quickly respond to the provisions of H.R. 11500, as the requirements are similar to Ohio's law. The bill would, in fact, enhance Ohio's law as it provides several beneficial requirements that Ohio does not now have.

I am pleased that Governor Gilligan has endorsed the reclamation fee provision which I plan to introduce on the House floor. The fee would be used primarily to restore over 2.5 million acres of unreclaimed strip mined lands in our Nation and the effects of thousands of abandoned deep mines.

In Ohio it will cost almost $300 million to reclaim the 370,000 acres of land that have been devastated by strip mining. Added to that is the cost of cleaning up the pollution from abandoned deep mines—a total cost to Ohio of $750 million.

As Governor Gilligan points out, reclamation of these lands would provide a stimulus to Ohio's economy and would return to productivity vast areas that had been lost from the tax base.

Some people have worried that H.R. 11500 will put smaller operators out of business. As Governor Gilligan notes, there would probably be an increase in the overall cost of coal production in Ohio, but it does not follow that these added costs would force smaller operators out of business or reduce the rate of coal production. The costs would be computed as a part of the total cost of doing business.

H.R. 11500 would assure that the State laws are backed up by Federal enforcement if the States are unable to enforce their own laws. And, as Governor Gilligan points out, individual State programs would be less likely to undergo policy changes when administrations change.

A provision which I authored in the present bill would ban all new strip mining in our national forests. As Governor Gilligan states, the amount of strippable Ohio coal in Ohio's national forest is extremely small—only 157 million tons out of Ohio's coal reserves which exceed 1.3 billion tons.

H.R. 11500 is a vitally needed bill that will provide for an orderly expansion of our country's coal production. I urge all of the Members of the House to support it.

Following is the complete text of Governor Gilligan's letter:

STATE OF OHIO,
OFFICE OF THE GOVERNOR,
Columbus, Ohio, July 10, 1974.

Hon. JOHN F. SEIBERLING,
U.S. Representative,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN SEIBERLING: The U.S. House of Representatives early this month will be considering legislation which encourages state governments to better regulate the strip mining of coal. Existing reclamation requirements in Ohio, since the passage of the 1972 strip mine reclamation law, exceed those in most other states. Although the coal industry in Ohio should be, and is, required to adequately restore lands affected by coal removal, it should not be placed at a disadvantage when in competition with coal producers from states where this aspect of the environment has not been as high a priority.

After reviewing the various alternative legislative proposals now before the Congress, we feel the provisions embodied in H.R. 11500 would best insure adoption of proper reclamation practices in each state. A federal overview of state programs would insure that each would meet at least minimum standards and that individual state programs would be less likely to undergo policy changes when administrations change.

It is our belief that Ohio's coal industry will be able to quickly respond to the provisions of H.R. 11500, because the industry is already required to meet or exceed most of the performance standards of this bill. The first of two notable exceptions in which the Ohio law does not presently meet or exceed the performance standards of H.R. 11500 is that the federal bill would establish a longer period of time for which the operator is obligated to insure successful reclamation. This provision would further benefit the cause of stable reclamation in Ohio. The other notable exception is that coal processing sites, other ancillary coal operations and surface water disposal from underground mines would be regulated; these are presently not covered under the 1972 Ohio law.

Section 401 of the bill would provide matching funds to reclaim the estimated 350,000 acres of land in Ohio which, prior to the 1972 law, were not successfully reclaimed. The cost to satisfactorily restore this land has been estimated at close to $300 million. Reclamation of these lands would provide a stimulus to Ohio's economy by an influx of federal moneys and would also productively return vast areas to the tax base. In this regard, we further favor the adoption of Congressman Seiberling's amendment, which would establish a reclamation fee to provide additional funds to reclaim abandoned strip mine lands.

Although Ohio's coal strip mine industry has already assumed the costs for most of the provisions of H.R. 11500, the overall cost of coal production would probably increase with the passage of federal legislation. It does not follow, however, that these additional costs will force smaller operators out of business or reduce the rate of production of Ohio coal. These costs would be computed as a part of the total cost of doing business and passed along accordingly.

I would also emphasize that the amount of strippable Ohio coal no longer available for production through the provision in Section 209 (which prevents mining in national forests) is about 157 million tons; Ohio's coal reserves exceed 1.3 billion tons.

The 1972 Ohio reclamation law is proof that we need not choose between coal extraction and environmental quality. I urge your support for H.R. 11500 which, in my view, allows us to have both.

Sincerely,

JOHN J. GILLIGAN.

GOLDEN ANNIVERSARY OF BYZANTINE CHURCH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. GAYDOS. Mr. Speaker, southwestern Pensylvania is the heart of the Byzantine Catholic Church in the United States. Tens of thousands of the faithful converged on Pittsburgh the weekend of June 22 to celebrate the golden anniversary of the establishment of their church in this country and to commemorate the assignment of their first bishop, the Most Reverend Basil Takach, now deceased.

The 2-day observance captured the attention of the Nation. Highlighting the 50th anniversary was a golden jubilee banquet at the William Penn Hotel, in which I was privileged to participate in the program, and a Concelebrated Pontifical Divine Liturgy of Thanksgiving at the Civic Arena in Pittsburgh.

Messages of congratulations and commendations to the Most Reverend

Stephen J. Kocisko, archbishop of the Metropolitan Diocese of Munhall, poured in from across the Nation. President Nixon applauded the church for its "tradition and strength of our country." The most Reverend Jean Jadot, apostolic delegate to the United States, reminded the faithful of those who came here from Eastern Europe, overcoming multiple odds and hardships to become "a community which is truly proud of its heritage."

Governors of three States sent letters of recognition for the occasion. Gov. Milton J. Shapp, of Pennsylvania, extolled the church and its leaders as "exemplifying the good which mankind is capable of doing to make this a better world in which to live." Similar accolades were received from Gov. Brendon Byrne, of New Jersey, and Gov. John J. Gilligan, of Ohio, where the Dioceses of Passaic and Parma are located.

Leonard C. Staisey, chairman of the Allegheny County Board of Commissioners, cited the growth of the church over 50 years and called it a tribute to the personal dedication to God and to those who truly recognize the urgent need of moral rearmament. Mayor William W. Knight, of Munhall, the center of the Byzantine Church in Pennsylvania, presented Archbishop Kocisko with a formal resolution adopted by his municipality commemorating the golden jubilee. Mayor Peter F. Flaherty, of Pittsburgh, acknowledging his city has been the recipient of many benefits emanating from the Byzantine Church, formally proclaimed Sunday, June 23, as Byzantine Catholic Rite Day.

As a member of the church, I was highly honored to share in the formal program of the golden jubilee along with such dignitaries as Archbishop Kocisko, the Most Reverend Michael J. Dudick, bishop of the Passaic Diocese; the Most Reverend Emil J. Mihalik, bishop of the Parama Diocese; the Most Reverend John J. Bilock, auxiliary bishop of the Munhall Diocese; the Reverend Andrew Chura, chairman of the banquet; the Reverend Monsignor Edward V. Rosack, chancellor of the Archdiocese of Munhall; Mr. George Batyko, president of the Greek Catholic Union of the United States of America, and Mr. George Pegula, vice president of the United Societies of the United States of America.

Mr. Speaker, I am deeply thankful to God and His servants in the church for the guidance given those who left their homes many years ago to come to a new and strange land. Not only did they preserve the rich heritage and traditions of their new home. As Bishop Kocisko said in his address at the dinner:

> Our people came to America from Austria-Hungary and there are few left who made the original journey. America is our home today and if we place ourselves in God's hands we can look to the future with faith, hope and confidence.

I deem it a great honor to extend to the Byzantine Ruthenian Province the official congratulations of the Congress of the United States and express to its Members our hopes that Almighty God will continue to shed His grace upon the church, its spiritual leaders, and its people.

THE NEW RIVER AN ANCIENT STREAM

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. MIZELL. Mr. Speaker, on October 25, 1973, I introduced H.R. 11120, to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the New River as a potential component of the National Wild and Scenic Rivers System.

Since I introduced the legislation, the Subcommittee on National Parks and Recreation of the House Committee on Interior and Insular Affairs has completed its hearings and is scheduled to mark up the bill on July 16. I am hopeful that final action by the full committee will be forthcoming.

I have often commented both in committee and before the House on the importance of this river to my constituents. Recently the Roanoke Times of Roanoke, Va., carried an article which states well the case for the New River, and I wish to bring it to the attention of my colleagues:

[From the Roanoke Times, July 7, 1974]

THE NEW RIVER AN ANCIENT STREAM

(By Ben Beagle)

MOUTH OF WILSON.—New River in Virginia begins here in high, crisp country that is conservative, takes its banjo and fiddle music seriously, where girls with the no-bra, look flatfoot with some abandonment at the bluegrass festival at Independence.

The river is washed by the sun as it falls over Fields Dam near here. It continues, then, on the route it has taken for more than 100 million years.

Dr. Raymond E. Jannsen of Huntington, W.Va., a retired geology professor, has put that much age on the river as it flows through Virginia. Dr. Jannsen has written that the New River is a part of an ancient stream which fathered the Mississippi.

Much of the original river that rose in North Carolina and then flowed northwestward when the Appalachian mountains were a flat, enormous plan has gone underground in Ohio—worried, dammed and then put underground by the glaciers of a million years ago. But it still runs underground, still furnishing midwesterners water from wells.

But in its old days, when the seabed rose up and formed the Appalachian range, the great river—called the Teays by geologists—cut its way from North Carolina, to Fort Wayne, Ind., to Lincoln, Ill., where it was joined by the smaller Mississippi. It emptied into the Gulf of Mexico, then as far inland as St. Louis.

PREDATES MOUNTAINS

"The New River is really one of the oldest streams draining the Appalachians," Dr. Jannsen has written, "and the only one that flows across the whole range from east to west. As the headwaters of the Teays it had the advantage of being there before the mountains."

It has gotten out here in the mountains, and elsewhere, that the New is the second oldest river in the world—just a trifle younger than the Nile.

Some people have been saying Dr. Jannsen has concluded that, but the geologist said recently he can't say that at all. He can say, though, that the portion of New River in Virginia may be as old as the Nile.

"There would have been other rivers in the world that old," Dr. Jannsen said recently. But he said the headwaters of the old Teays, the New River as it rises near Boone, N.C., were really the father of the Mississippi.

He wrote in one of several articles on the Teays that it was this old river, flowing across the plain of the Appalachians when it was flat and then helping to cut the valleys themselves, that built most of the Mississippi Delta—"Only the later portions were added by the Mississippi."

The Teays took its name about three quarters of a century ago from a small town in Ohio located in the channel once used by the old river. William G. Light, a geologist, discovered in the Teays Valley that the Ohio River had once taken a different course.

Knowledge has been added to Light's discovery and Dr. Jannsen has written that it was the glaciers, grinding southward as far as Chillicothe, Ohio which sent the Teays underground.

When the glaciers came to Ohio, they dammed the old Teays with ice packs hundreds of feet high, Dr. Jannsen has concluded. The old Teays was buried and the Ohio cut a new course after the glaciers melted.

The old branch of Teays flows 150 miles through Virginia, on an odd north-westward course to reach the sea, using its old channel into West Virginia where it becomes the Kanawha River.

The antiquity of the New was already incredible when Indian warpaths ran along it and disgruntled colonials gathered near its bank at the lead mines in Wythe County and wrote the Fincastle Resolutions. These resolutions were the precedents of the Declaration of Independence; a fiery mountain declaration aimed at George III of England.

That was long before the Federal Power Commission; before the Congress of the United States got itself together. The river itself had been there in the time of dinosaurs.

ODD STRUGGLE

Now there is a Federal Power Commission and a Congress of the United States and in an odd display of government, the power commission has issued Appalachian Power Co. a permit to build two hydroelectric dams on the New River in Grayson County at the same time Congress is considering legislation which would forbid the dams, or delay them at least.

The Senate has passed legislation calling for a two-year study to see if 70 miles of the New qualify for inclusion in the National Wild and Scenic Rivers System; an inclusion that would block the dams forever.

The House of Representatives, with Western Virginia congressmen looking on somewhat nervously, has yet to act on the legislation. An answer is expected soon, though.

A legal determination of "wild" or "scenic" is not the easiest of things these days and even some of the opponents of the dam admit such a designation for the New may be a near thing.

It does bear the signs of civilization along much of its trip through Virginia and yet it keeps a scenic flavor to it for miles. A layman might say there is some wildness in it, too.

There is bottom land for miles along it and they say when you plant a kernel of corn it is advisable to jump back to avoid assault by the stalk coming immediately out of the ground.

They say there are yellow catfish that taste like chicken when fixed right and there are waterdogs that look like nothing of this world. They say some outlanders have been marked for life by hooking one of them—a sort of salamander but with the precise look of a spotted fish with legs.

There are pike and bass and undertows and, all along the river, there are remnants of ferries, used by men to get across what they once called the "western waters."

There is a chair ferry near Independence, apparently unused, its cage hanging idly above the water when it is green and normal; dipping into it when it is yellow and a little mean.

It is a river with a bad reputation for sinkholes and curious currents which swirl ominously. Boys along its length have been warned about the undertows.

They still warn about New River. Near the chair ferry there is a home-made sign on a tree. It says: "Danger! Deep Holes. Bad Undertow."

CAKE'S ALL DOUGH

When the river gets up 5 feet and laps the chair ferry, people who have floated New River look at the currents, familiar rocks now gone in yellow water and familiar islands half submerged. They will advise against canoeing or floating. They will say "The cake's all dough, boys."

Tipsy with flood or calm and green, the New River perversely leaves Virginia near Independence and wanders over into North Carolina mountain country before returning.

It is dammed at Fries by a generating dam for the Washington Mills plant and the dam, the water in flood pouring over it like a dappled sheet of glass, dominates the little company town, now neat and clipped in early summer.

The water is up, but two New River fisherman pole a "New River canoe" across the rapids below the dam, obviously not worrying about the cake being all dough. The boat is wooden, snouted at each end—the kind of craft for dropping and tending a trot line.

It is dammed at Byllesby in Wythe County, where a 1912 generating plant of Appalachian is still producing electricity. The dam is anchored in ancient rocks and when the New is flooding, they open a gate and part of the river comes out, shaking the catwalk on the dam.

There is a high water mark on the tall, brick building where the generators hum at Byllesby. It shows the water was almost over the top of the building when the New went into classic flood in 1940.

There is bottom land stretching for miles, alternating with work rock palisades, the rock now disappearing beneath new greenery. There is a cabbage field, neatly rowed, and men walking the rows explain they are not searching for bugs or blight but for Indian relics.

The New is modestly harnessed again at Buck Dam and it flows by Austinville in Wythe County by the lead mines, and the old shot tower at Jackson's Ferry recalls the Indian fighters who stood there at the lead mines on Jan. 20, 1775, and told King George their sentiments.

The shot tower is a state monument now, 250 feet tall; tall for allowing molten lead to cool and round itself into a shot before dropping into a cooling vat at the bottom.

There is a monument at Austinville where the old Indian fighters, who left quaint letters, met. The monument is suitably rugged and its plaque quotes the men who gathered there: "These are our real though unpolished sentiments of liberty and loyalty and in them we are resolved to live and die."

In Pulaski County, the river widens into Claytor Lake and then flows, wider, through bottom land in West Radford and this was the country where Dunkard's Bottom became an important settlement on "the western waters."

The Woods River Land Co. founded Dunkards Bottom in 1745 in the general area of Claytor Lake, the first settlement on "the western waters," a discovery that deluded some explorers into thinking they saw sails against the western sky.

They named it Woods River after an adventurer from Petersburg, Abraham Woods, who financed the expedition. How it gots its current name has puzzled historians but however it happened, Dr. Jannsen could not resist writing that "New" was an inappropriate name for the old, old river.

Cherokees and Shawnees raided and in 1762 William Ingles made his ferry in West Radford and it would be used by all the coonskin men and women going out the Wilderness Road to the dark and bloody ground. They would shoot the gaps at Big Moccasin and Cumberland and push the country westward in a direction that persisted until somebody finally saw the Pacific, the ultimate "western water."

Mary Draper Ingles would learn something of raiding Indians, being taken prisoner at Drapers Meadow near Blacksburg and escaping and finding her way home through 200 miles of wilderness. A visitor would later say that Mary Draper Ingles acted strangely after that.

PAGEANT ON THE BANKS

Again this summer, "The Long Way Home," Mary Draper Ingles' story, is being told in an outdoor pageant in West Radford on the banks of the old river.

William Ingles would be an Indian fighter and when he wrote about it, he was not short on description: "We had the satisfaction of carrying off all our wounded and kild with a very little lose of sculps."

Leaving Radford, the New starts its last stretch through Virginia, running to a huge gorge in Giles County. On its way, it puts itself into a huge horseshoe bend at the site of another place where men made ammunition and are still making it—the Radford Army Ammunition Plant.

By the time it gets to West Virginia, it has come a long way from Grayson County where Banker Jim Todd has business cards, the back of them inscribed: "Grayson County: The Home of Grayson Gravy, White-faced Cattle and Pretty Women."

There are people who have loved the river and one of them was the late Ben Dulaney of Roanoke and, expertise in "scenic" or "wild" designation aside, Dulaney caught some of the spirit of the river.

"It is a great river," Dulaney wrote. "In autumn the changing scene is an unbelievable picture postcard. Under gentle snow it is an etching. In fog it is the biggest river in the world."

AMENDMENTS TO H.R. 11500

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. DINGELL. Mr. Speaker, coal mining is not today carried out in areas of the National Park System, the National Wildlife Refuge System, or the National Wilderness Preservation System. Such mining is prohibited by statutes, for example, section 1 of the Mineral Leasing Act, 30 U.S.C. 181, various withdrawal orders, and other instruments. For example, at most Corps of Engineers reservoirs, the deeds by which the corps acquired the lands prohibit any mining in the lands submerged by the reservoir. The recent report by the House Committee on Government Operations of June 26, 1974—House Report 93–1156—discussed the deeds which prohibit strip mining at the Corps' Fishtrap flood control reservoir in Kentucky.

However, several provisions of H.R. 11500 leave the impression, at least, that coal mining would be permitted in these areas. The permit section of the bill, section 209, states that no permit shall be issued for mining in the national parks, wildlife refuges, or wilderness areas. But it is unlikely that the permit provisions of the bill will be, in fact, operative in any State for 2 to 3 years after enactment. In the meantime, the bill could be construed as authorizing such mining in these areas during this hiatus period, thus negating the committee's intention that the bill not change existing statutory, deed, or other prohibitions within Federal lands.

I, therefore, plan to offer the following amendment to section 201 of H.R. 11500, as reported:

> On page 157, insert between lines 2 and 3 the following new subsection:
>
> "(i) On and after the date of enactment of this Act, no person shall open, develop, or extend any new or previously mined or abandoned site for surface coal mining operations within any area of the National Park System, the National Wildlife Refuge System, or the National Wilderness Preservation System. Nothing in this Act shall be construed as authorizing surface coal mining operations within Federal lands where such mining is prohibited on the date of enactment of this Act, by law, regulation, order, deed, or other instrument."

Section 209(d)(9) of the bill is particularly confusing. On the one hand it prohibits the issuance of permit for mining operations within the National Park System, the national forest, but not other areas of the National Forest System, the National Wildlife Refuge System, the National Wilderness Preservation System, or the Wild and Scenic Rivers System. But it then contains the following proviso:

> *Provided, however,* That this paragraph shall not prohibit surface mining operations in existence on the date of enactment of this Act, or those for which substantial legal and financial commitments were in existence prior to September 1, 1973; but, in no event shall such surface mining operations be exempt from the requirements of this Act;

This proviso would, in effect, permit surface mining within a national park if some sort of "substantial legal and financial commitments" existed before September 1, 1973 to provide for such mining. The bill does not define what type of legal and financial commitments would be encompassed by this vague language. It does not describe the nature of the so-called commitments. It does not require that the commitments be with the Govrnment. They need only be substantial—whatever that means. Thus, if two companies had entered into such commitments before September 1, 1973 this proviso appears to qualify them to obtain a permit to surface mine within those areas of the National Park or Wilderness System. Yet this proviso says nothing about the fact that mining is generally not permitted in such areas. The result is confusion, ambiguity, and possible likelihood of total minsinterpretation.

It is my understanding that the proviso is principally designed to permit the continuation of coal mining on lands within the exterior boundaries of the National Forest System and the Wild and Scenic Rivers System where the minerals have not been conveyed to the United States or where mining under Federal permit is underway on the date of enactment of this act. I would think that the committee does not want to authorize surface mining where the United States owns both the coal and the surface within either of these two systems.

I therefore will offer the following amendment to section 209 of H.R. 11500; as reported:

2. On page 171, line 13, strike all through the semi-colon on line 23 and insert the following:

"(9) the mining operations are not located within any area of the National Park System, the National Forest System, the National Wildlife Refuge System, the National Wilderness Preservation System, or the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act: *Provided, however,* That this paragraph shall not prohibit surface mining operations in existence on the date of enactment of this Act within any area of the National Forest System or the Wild and Scenic Rivers System or on lands within either system where the deeds conveying the surface lands to the United States reserve the coal and provide for the mining thereof;".

AID IN SOUTH VIETNAM

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Ms. ABZUG. Mr. Speaker, I have spoken often in this Chamber and before committees of the misuse of American foreign aid, especially in Indochina where the bulk of our money goes.

Now the House Foreign Relations Committee has heard testimony from Edward Block, who served with AID in Vietnam for 20 months. He calls the program "a massive hoax" and documents the charge from his personal knowledge.

New York Post Columnist James A. Wechsler has condensed portions of Mr. Block's remarks in his column for Friday, July 12. I would like to insert that column into the RECORD:

THE MASSIVE HOAX

(By James A. Wechsler)

Vietnam is remote to most Americans now. Tortured battlefield memories may still haunt thousands of veterans; families still grieve for those who died there, and others dream of amnesty for draft-resisters in exile, prison or "underground" in their own country. But for millions who escaped involvement, Vietnam belongs to the past.

Thus the explosive recent testimony before the House Foreign Relations Committee of a man who had served the U.S. Agency for International Development (AID) in Vietnam for 20 months was generally unreported. The witness was Edward Block; he went before the committee to plead for a halt in the flow of American funds to "the massive hoax" of AID "humanitarian" programs.

"It is my judgment," he said, "that the AID-funded relief and rehabilitation program in South Vietnam is a disaster for the refugees involved, a financial bonanza for the officials of the Saigon government, and an insult to both the American people who are being deceived and to the many conscientious American field officers whose reports on these deceptions are routinely suppressed by their superiors and higher-level officials . . ."

Prior to his resignation from AID last December, Block had worked at various locales in the provinces, and his final assignment was in Saigon in the Office of Land Development and Hamlet Building.

On the basis of those experiences, he charged that the U.S. mission's "real objectives" in pressing for continued appropriations to the refugee program were being cynically camouflaged under humanitarian banners. In fact, he asserted, the design has four real goals:

To support and maintain the Thieu regime.

To subsidize Thieu's "unstable economy, noted for its chronic incapacity to internally generate resources for any sustained growth."

To encourage the South Vietnamese government "to hold hundreds of thousands, perhaps millions of refugees as dependents of the government rather than allowing them to return freely to their original villages, which may be in or nearby areas controlled by the Provisional Revolutionary Government (PRG)."

To help the Saigon government occupy additional territory "contested or claimed by the PRG."

Block offered a series of first-hand reports to document his indictment. Disputing AID figures on the extent of resettlement already achieved, he said:

"Most of the refugees reported by AID as having been 'resettled' were not at all resettled, but rather many have been paid specific amounts of money or given commodities to *assist* in resettlement. From visits I made to Quang Ngal province, for example, I found no indication that means for the establishment of self-reliant and viable communities were even being considered for refugee settlement sites."

One of the grimmest passages in his report concerns the fate of refugees who try to return to their original farms in PRG-ruled areas under the terms of the Paris agreement:

"I suggest this committee might want to investigate reports of refugees attempting to return by boat from Danang to Dong Ha, a PRG-controlled province. It is a poorly kept secret that no one has heard from these refugees since they were picked up last year by the GVN coastal patrol."

In his summation, Block contended that rebuilding of highways and bridges and construction of some schools and wells were largely unresponsive to the problem of the rural peasantry trapped in the conflict.

"These programs allow the Thieu regime to ignore the substantive political issues such as land tenure, reform of the military and administrative hierarchies," he said.

"It is apparent that as long as he believes he can rely on American foreign aid. President Thieu will continue to stall any accommodation with the PRG. And the failure to reach such an accommodation has resulted over the last 18 months in more refugees, more deaths, more suffering . . ."

Block's political appraisal of Thieu's stance has been expressed by others, but his report imparts an additional dimension to the debate. For what he was saying—with detailed substantiation far more comprehensive than this account can quote—is that U.S. funds are not only fortifying Thieu's intransigence but, in many instances, bringing hardship rather than help to the ostensible beneficiaries of our "humanitarian" outlays. Exploitation and inequity remain business as usual in Thieu's domain.

Meanwhile the U.S. ambassador to Saigon faithfully echoes Thieu's propaganda machine, the civil war drags on, and most Americans look the other way. The pretense that the Paris accords brought "peace with honor" is periodically recited by the President, as if fraud can be transformed into truth by repetition. In Washington and Moscow there is apparently joint agreement that the ceaseless ordeal of Vietnam is unworthy of serious notice. For the Vietnamese, "the generation of peace" is yet unborn.

CHILEAN DRUGS TO UNITED STATES PAID FOR ALLENDES' SOVIET WEAPONRY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. ASHBROOK. Mr. Speaker, the House Internal Security Committee released its hearings this past week on the near takeover of the Republic of Chile by Salvador Allende's Marxist and Communist forces. The hearings detail the methods and means used by Allende's administration, which was aided by imported skilled revolutionaries, logistically supported by the major Communist powers of the world, to destroy the political, economic, and constitutional foundations of a freedom-loving nation respected and recognized for its long history of democratic traditions.

Allende's "private paramilitary forces" sometimes referred to as his "parallel army," which was well trained and well equipped both militarily and ideologically, was poised to strike against the proud and tough Chilean military regulars in late September of 1973. But the final phase of Allende's Marxist adventure-in-revolution never came to pass because Chile's alert armed forces, acting on sound intelligence, and supported overwhelmingly by Chileans of all ranks, delivered its counter-coup in mid-September thereby snatching Chile back from the ranks of the Communist camp to her natural home in the bosom of the free world community of nations.

The freedom forces of Chile, who, by stealing a march on Allende's Castro-guided guerrillas, thereby prevented the massive bloodletting which would have resulted from the anticipated civil war being engineered by Allende.

Mr. Raphael Otero, a witness at the committee's hearings, a former member of the Chamber of Deputies, and a journalist by profession, testified that the Chilean military forces were unassisted by outside supporters.

"It was purely an independent effort," he stated.

Mr. Speaker, the political and economic torment endured by Chile for 3 long years is slowly being made known to the American public. Hopefully, the committee's modest effort in this regard will fill in some of the gaps.

But to me as an American congressman and as the ranking minority member of the committee, the true tragedy involved is the overwhelming circumstantial evidence that American money was behind the purchase of vast stores of Soviet and Communist bloc weapons used by Allende's Marxist guerrillas against our friends in Chile and elsewhere in Latin America.

Not to disagree with Mr. Otero's contention that Chile's Armed Forces had received no outside aid, it would appear at least that some Americans, perhaps wittingly perhaps unwittingly had, by their sale and use of Chilean cocaine assisted Chile—but on the wrong side. Sad and shocking is the thought that while the full authority of the Communist international combine was developing Allende's military muscle, American funds were fattening his financial fortunes and those of the Marxist/Communist movement.

According to an additional statement submitted to the committee in May 1974—hearings, appendix C—by Mr. Otero concerning the Chilean-United States drug situation, there had been some Chilean drug running conducted by criminal elements prior to Allende's regime but it was not until his presidency that the drug trade to North America rose to large scale proportions as it came under the control of Marxist officials in the Chilean Government.

But Allende, himself a drug user, showed an interest in this area even as a senator. Oscar Squella-Avendavo, a high-ranking member of Allende's coalition to elect the senator as president, and a major narcotic figure, who had worked directly with Allende during the latter's previous presidential campaigns of 1958, 1964, and 1970, was arrested with other Chileans in Miami in July 1970 and charged with the introduction here of 202 pounds of pure cocaine valued at about $2 million—the largest cocaine shipment ever seized. During Squella's trial, President Allende whom the defense attorney had characterized as a "close personal friend of the defendant," made representations on behalf of the drug smuggler in order that he might serve in Allende's coalition government. Moreover, Squella was slated to be Chile's Minister of Transportation.

Otero, who was a journalist during the time that the senator was running for office stated that the democratic media had denounced the shipments of cocaine abroad, the profits from which were used to finance the senator's campaign.

After Allende became president the annual production of cocaine rose to almost 2 tons—all under the umbrella of the official protection provided by the highest authorities within the Chilean Government. One of Allende's first measures as president in promoting and maximizing Marxist drug traffic was to suspend Chile's reportage requirement with Interpol, the recognized international police clearinghouse. Foreign countries, including the United States, concerned about the growth of imported Chilean drugs could not therefore obtain any information on Chilean cocaine pushers or Chileans who exchanged cocaine for heroin which was then being shipped to North America. Numerous requests made by the U.S. police and the Bureau of Narcotics went unheeded.

Following Squella's arrest, major Chilean drug distributors began to route their shipments through Mexico. Women were used extensively for the transportation of these drugs. Some wore bags of cocaine concealed under their garments while others employed double-bottomed suitcases. One woman was apprehended when it was discovered that her apparent pregnancy was a carefully arranged bag of drugs. Drugs were also sent in artistic copper products "specifically crafted to accommodate cocaine or marihuana between their walls."

That a major drug promotion program would soon be a fiscal cornerstone of Allende's government was suspected early in his administration when it was observed that drug peddlers who had been arrested by the police were released before they were even brought to trial. More significant was the release, prior to trial, of owners of cocaine laboratories in the cities of San Jose de Maipo, Algarrobo, and Limache where large amounts of their drug production had been seized by the police.

During Allende's 2d and 3d year in office there was a considerable increase in the production and shipment of Chilean cocaine to the United States. Also a new route was opened to Cuba. Governmental agencies, such as the Central Bank, began to send cocaine in official containers to that Communist outpost in the Caribbean in exchange for weapons earmarked for terrorist and Marxist guerrilla groups both in Chile and in other Latin American countries.

Allende's coalition party, the Unidad Popular, had been exporting its budding experiment-in-revolution to these same nations not only by means of its drug-purchased arms but also by sending out its own activists and extremists.

Communist Party members in Chile were personally engaged in the lucrative drug trade. Less than 200 kilometers from Santiago, Chile's capital city, they ran a laboratory which produced 100 kilograms of cocaine monthly and which was slated for U.S. consumption.

Mr. Speaker, it was not until Allende's demise that the pieces of this sordid story began to fall into place. The 15,000 foreign revolutionaries who were trained by European and Vietnamese Communist instructors were armed with Soviet and Czech weapons obtained through Cuba. The arms were shipped in the Cuban aircraft of the "Compania Cubana de Aviacion" or were secretly unloaded in Chilean ports together with sugar products.

Those arms, stated Mr. Otero, made available to guerrillas all over Latin America by Allende's Chile "were paid for with the dollars obtained in the cocaine and heroin drug trade with the United States." Moreover, according to Senator Sergio O. Jarpa, president of Chile's National Party, which received 34.9 percent of the popular vote in the 1970 presidential elections compared to Allende's 36.2 percent—a margain of only 1.3 percent—those arms were shipped from the Soviet Union and Czechoslovakia "at the request of the Communist Party" of Chile.

The Kremlin, which preaches incessantly that Communists do not export revolution—which of course it has been doing blatantly ever since early 1918 when funds, which were very scarce at the time, were exported by Lenin's second-in-command Leon Trotsky to create precisely such Communist revolutions—was merely doing in Chile only what comes naturally to it and to the nature of Marxism-Leninism, the so-called phasing out of the cold war notwithstanding.

The present military government of Chile has revealed that the two top directors of the national civil police authorities, Marxist Eduardo "Coca" Paredes, and Alfredo Joignant, both of whom were close, trusted friends of President Allende, had been receiving $30,000 monthly from the Mafia for the purchase of arms, for activities of members of Allende's so-called political party, and for certain national leaders.

The Marxist leadership in Allende's government carefully hand-picked those individuals who were to be involved in Chilean to United States drug traffic based upon their trustworthiness and their "political reliability". These persons were then placed in key posts in the Chilean Government including Customs, Internal Revenue, and Investigations.

In summary, the multiple purpose of the Chilean drug trade under Allende, according to the committee's witness was:

First, to corrupt the middle-class society by subjecting its youth—including those in the Armed Forces—and the intellectual elite to the vice of drugs;

Second, to obtain funds required to finance its activities, as noted in this report; and

Third, to utilize the drugs as a device to dope up extremist groups who would be carrying out terroristic or criminal activities.

As a postscript to Allende's 3-year fiasco, Mr. Otero observed that:

> Thanks to the evidence gathered by the police after the defeat of Marxism it has been possible to destroy the wide net of producers and drug peddlers who operated in Chile under the protection of the Marxist government, and whose criminal actions were directed toward the United States and other countries on the continent.
>
> After the change of government the new political authorities started in Chile a large-scale program for the purpose of putting an end to drug protection and drug trade.
>
> More than thirty persons were arrested and handed over to the courts of other countries—especially those of the United States—which during the time of the Salvador Allende Government had asked in vain for their extradition.

Mr. Otero noted, however, that although many of the clandestine cocaine laboratories had now been destroyed, Chile-United States drug traffic had not been completely dried up because Chile's scarce resources were earmarked for the rebuilding of the internal economy laid waste by the 3-year Marxist rule.

Mr. Speaker, I was most gratified, therefore, when on July 6 and 7, 1974, I read the press accounts of the arrest here and in Chile of 22 persons who made up a Chilean-United States cocaine ring, as coannounced by the Chilean Ambassador to Washington, Mr. Walter Heitman, and the administrator of U.S. drug enforcement, Mr. John Bartels. This particular ring is being charged with a score of criminal acts dating back to 6 months before Allende's ouster. Reportedly, U.S. investigators appear to believe that the drug smugglers have been operating since 1970, which interestingly, is the year of Allende's advent.

This new development in the crackdown on cocaine traffic indicates to me that a new era of United States-Chilean cooperation has begun and that the two governments intend to vigorously pursue a no-nonsense approach to the problem.

CHIPPING AWAY SEXIST CREDIT MYTHS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. BINGHAM. Mr. Speaker, the old myth that women are financially irresponsible is being shattered daily and it has become obvious that the refusal to extend credit on the basis of sex is nothing more than arbitrary discrimination. In May of this year, I introduced legislation, (H.R. 14660) to prohibit discrimination in credit transactions for personal or business purposes. This bill would make it unlawful for any credit institution to discriminate against any individual on account of sex or against any business enterprise on account of the sex of an individual or group of individuals controlling the enterprise. I believe these measures would go far in correcting this invidious form of discrimination.

The House Banking and Currency Committee is currently considering such bills and I hope prompt action will be taken so that this important legislation can be remembered as an accomplishment of the 93d Congress.

I include herewith an article appearing in the most recent issue of Credit Union magazine, entitled "Women Are Chipping Away the Myths," and commend its message to my colleagues:

[From Credit Union Magazine, July 1974]

WOMEN ARE CHIPPING AWAY THE MYTHS

Women are irrational. That's all there is to that. Their heads are full of cotton, hay and rags." So says Professor Henry Higgins after he asks George Bernard Shaw's proverbial question: "Why can't a women be more like a man?"

Not surprisingly, women have been asking basically the same question: "Why can't women be treated more like men?" Notions like those of Higgins are still prevalent in many sectors of society even today. Women encounter them when they apply for a job and, even though several states now prohibit discrimination because of sex or marital status, those attitudes are still found on credit applications and in loan interviews.

What are they? Well, it's "common knowledge" that single women are poor credit risks because they're soon to be wed and will quit working. Or that married women will get pregnant. That divorcees are neurotic. That women are ignorant of financial matters. And they all miss work at least once a month.

But those long-held "truths" are slowly being chipped away by women's rights activists, who are being heard in state and national legislatures. And financial institutions are beginning to realize that it is the "right and profitable thing to do," especially since women now make up almost 45 per cent of the national work force.

One of these women chipping away at what she calls "myths" instead of "truths" is Esther K. Shapiro, consumer consultant for the Michigan Credit Union League and president of the Consumer Federation of America. Her theory is simple: Credit is based on the ability to repay, and the women have proven they are able to and do repay. Her theory is often challenged.

One credit union manager confronted her with the problem of single women and the prewedding debt. The legal term is coverture, which reaches back to that period in time when women had no legal status. It holds that the husband is not responsible for debts incurred by his wife before marriage, and in some cases, debts she may incur on her own after marriage.

The manager complained that some young women borrow to buy furniture, then quit work after the wedding and stop making payment. How could he collect? Shapiro admitted that the loosely defined, little understood term coverture is a problem for lenders and women. However when she asked the manager how many such losses his credit union suffered in the past five years, he said, "At least three or four."

"That kind of delinquency in a membership of several hundred women is downright enviable, and no excuse for cutting loans to all single women," Shapiro said.

It's worse for the divorcee. She is not only single. She is considered unstable, and a good part, if not all, of her income is dependent on child support or alimony payments from perhaps a reluctant former husband. Even divorcees with good incomes often can not get credit.

Shapiro told of one professional woman who earned more than $25,000 a year and received ample child support payments from her ex-husband. The woman bought a Thunderbird. The auto was stolen soon after and never recovered. The insurance company settled, leaving her with enough to repay the auto loan and make a down payment on a new Thunderbird. But the same loan agency refused her credit application because she was divorced. She explained that she was divorced when she made the first loan. Their answer: "We weren't aware of your marital status at that time."

Contrary to the picture painted of the neurotic divorcee, Shapiro said "Marriage counselors tell me that the husbands' poor money management is a frequent cause of divorce, and often the divorce is the most calming influence the ex-wife can receive." In fact a credit union manager told Shapiro he isn't afraid to grant credit to divorcees or widows, saying "Credit is all they've got; they take care of it."

To the argument that married women unexpectedly get pregnant and quit work, Shapiro admits that even with improved methods of family planning, it can and does happen. But, she retorts, it doesn't mean that the mother will quit work, and an unexpected baby isn't an automatic cause for financial disaster. "When a couple gets into financial trouble there is never just one reason. The factors are numerous and complex."

WHO'S THE GREATER RISK

Statistics on working women support Shapiro's statements. According to census and Labor Department statistics reported in the April, 1972, Monthly Labor Review, six million women now head their families, and 54 per cent of them work. Some 70 per cent are divorced women and 50 per cent of separated women work, and divorced women working at age 35 can expect to work for the next 27 years.

And it is not just divorced women. Nearly 50 per cent of married woman with school-age children work, and the percentage of working mothers with preschool children jumped from 23 to 33 per cent in the last 10 years.

As to the myth that women are unstable in employment because of menstrual or menopausal problems, Shapiro refers to an office study performed by a former colleague who found women were absent less than men. In this particular survey, it was argued that because two men in the office were hospitalized after bad auto crashes, it warped the statistics.

"But that's the point," Shapiro said. The survey showed that men are involved in more serious auto accidents. And they are more prone to absenteeism due to alcohol, high blood pressure, ulcers, coronary problems, than their female counterparts.

After deflating the myths one by one, Shapiro returns to her theory that loans should be granted on the basis of need and the ability to repay. She argues that there is no basis to relegate women to a second class standard in credit or employment. "I have not been able to find a single credit institution or reporting source that can produce statistics indicating that women as a class are a poor risk," she says, and therefore advocates equal rights for women in credit.

"I think when an individual goes in for credit, that person should be looked upon as an individual and not as part of a group," she said. "Our experience has been that a male going in for a loan has not been subject to the same scrutiny. It's as simple as that."

She's not against probing, personal questions, if they are asked equally of men and women. "A woman required to bring a statement on her child-bearing potential should also produce a doctor's report on her husband's and/or male associate's sperm count," Shapiro suggested. "The higher the count, the lower the credit rating. Low sperm count, high credit. It's only fair."

Actually the practice of asking a woman to furnish a doctor's statement on her inability to bear children or one on what type of birth control method she uses has been dropped by the mortgage lenders who used them most. Last year the Federal Home Loan Bank Board, which regulates savings and loan associations, issued a policy statement that discrimination on the basis of sex or marital status is not specifically prohibited by the Civil Rights Act, but it may violate the equal protection guarantee of the Constitution.

Similarly NCUA Administrator Herman Nickerson Jr. urged all federal credit unions "to be scrupulously fair in their loan policies," when he announced the granting of a charter to Feminist Federal Credit Union of Detroit last August.

Just one year before, Rep. Patsy Mink (D-Hi.) had charged federal credit unions with discriminating against women because they required husbands to co-sign all loans taken out by wives. She asked NCUA for a survey to determine the extent of the practice, and Nickerson said last August that a survey of some 4,200 federal credit unions found only 1 per cent guilty of some form of discriminatory practice.

RIGHTS ACCORDING TO LAW

Things are happening in the Congress. It was probably the December, 1972 report of The National Commission on Consumer Finance that projected the perils of women and credit more than anything else. The 294-page report found that this pattern of discrimination existed:

1. Single women have more trouble obtaining credit, especially mortgage credit, than single men.
2. Creditors generally require a woman who has credit to reapply for credit when she marries, usually in her husband's name. Similar reapplication is not asked of men when they marry.
3. Creditors are often unwilling to extend credit to a married woman in her own name.
4. Women who are divorced or widowed have trouble reestablishing credit. Women who are separated have a particularly difficult time since their accounts may still be in the husband's name.
5. Creditors are often unwilling to count the wife's income when a married couple applies for credit.

Startling disclosures in that report stirred the U.S. Senate to add a provision outlawing discrimination on the basis of sex or marital status to its Fair Credit Billing Act. The bill introduced by Senator William Proxmire (D-Wis.), passed in the senate on July 28, 1973 by a vote of 90 to 0, but it was tabled the following November by Proxmire's consumer subcommittee. After hearings by that subcommittee, however, Proxmire predicted in February, 1974, there is a 50-50 chance the legislation will pass this year.

And those chances are said to have improved with the introduction of a compromise bill by the House consumer subcommittee, chaired by Rep. Leonor K. Sullivan (D-Mo.). The Equal Credit Opportunity Act was introduced on May 23, 1974, and while the senate bill bans credit discrimination based on sex or marital status, the House bill broadens the coverage to include sex, race, religion, national origin, age or marital status.

Several states have already passed their own forms of legislation banning credit discrimination, including Colorado, Connecticut, Florida, Indiana, Massachusetts, Maine, New York, Washington, and Wisconsin. And California passed a law that permits women to continue using their maiden names for credit and legal purposes.

There are still road-blocks to chip away. Many of the examples Esther Shapiro offers were given in testimony last year before the Michigan Consumers Council in support of legislation providing penalties for credit discrimination. "The sad thing is that nothing has changed since I gave that testimony a year ago," Shapiro said, referring to the bill that was recently blocked again by the state bankers association.

The bankers deny they discriminate, but they don't want to have to pay penalties in case they do," she said, "which makes you feel there is something wrong."

Shapiro feels that custom has changed more than the laws have. "Just as organizations bend over backward to prove that they are not discriminating against blacks, there is now fear of being accused of discrimination against women," she said. "This is a nation based on fear. That's our most effective weapon. A sense of guilt is a great thing. So whenever a woman feels that she is discriminated against, I find that her most potent weapon is to raise a stink and be as unfemine and unelegant as she can."

Consider the young woman who angrily refused when asked for a cosigner while attempting to charge the purchase of a television set. Ten minutes later she was contacted and told that the request was a mistake. "Obviously the reversal was due to her firm stand and not to an error in policy," Shapiro said.

Or when the little old lady was advised to keep her department store charge card in her dead husband's name because a dead mate is a better credit risk than a live widow. She literally charged her way across the store, went back upstairs and said, "Okay now collect from him." She got the name changed on her card.

But less and less is heard of these occurrences because financial institutions realize women have become a potent economic force with which to reckon, and one that will not tolerate a double standard in credit granting.

American society has seen an increased prominence of working couples. Young wives have greater influence over births. Increased numbers are college educated, and there is a demand for them as white-collar workers. Inflationary trends and rising prices require these women work out of economic necessity. The growing divorce and separation rate increases the number of women as family heads, who need sustainable incomes.

The next question may well be "Why can't a man be more like a women?"

LETTER PERTAINING TO OIL DEPLETION ALLOWANCE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. DRINAN. Mr. Speaker, I reproduce herewith a letter sent by Mr. B. R. Dorsey, chairman of the board of Gulf Oil Corp., to the shareholders of that corporation.

In this letter the spokesman for the oil company in question uses very substantial corporate assets to seek to influence legislation now pending in the Congress. The letter sent to hundreds of thousands of shareholders of the Gulf Corp. takes the position that any decrease in the depletion allowance will result in reduced exploration activities on the part of oil companies.

This form letter sent out as a business expense by the company in question also states that the elimination of the tax credit for the oil companies is "totally wrong."

The letter reproduced herewith is the source of a mounting number of constituent letters, asked for by the Gulf Corp., to me and to other Members of the Congress urging precisely what the letter to the shareholders has recommended.

In my judgment the use of corporate funds by this company for the expressed and admitted purpose of seeking to influence Federal legislation is, to say the least, dubiously legal and open to the most serious questions.

The letter follows:

GULF OIL CORP.,
Pittsburgh, Pa., July 2, 1974.

DEAR SHAREHOLDER: There is something I must discuss with you because I believe it is in your best interests as a shareholder and a consumer.

The ability of the oil and gas industry to generate capital and provide the nation with urgently needed energy supplies may soon be drastically impaired. The industry is, in fact, faced with the serious threat of restrictive tax legislation. Congress is now considering tax legislation which, if enacted, would severely impair the industry's ability to develop energy resources and provide adequate supplies of fuel. Further, this legislation would increase industry taxes by an amount well in excess of $13 billion over the next six years, reducing funds for energy development and forcing prices even higher.

In part, under the proposed legislation this would happen:

A new excise tax would be levied on domestic crude oil.

The percentage depletion allowance on oil and gas would be progressively phased out by 1977, or even eliminated retroactively.

Restrictions would be imposed on foreign tax credits, which are not a tax loophole but a means for *all* American companies, not just oil companies, to do business abroad without incurring double taxation. Foreign tax credits are based on a principle of international taxation utilized by nations throughout the world. Without the foreign tax credit, U. S. industries would be unable to compete internationally.

As a Gulf shareholder and consumer, you should be aware that the net effect of the proposed increased taxes would be:

A reduction in the supply of energy because income for reinvestment would be reduced.

Higher prices to consumers as the industry attempts to recover the lost income.

A reduced return on investment that would severely hamper the industry's ability to attract the unprecedented amounts of investment capital that will be needed to bring our nation closer to energy self-sufficiency; that is, to help lessen our nation's dependence on foreign oil.

I believe Congress has a compelling responsibility to provide constructive legislation and programs to enable industry to develop, on an environmentally acceptable basis, energy resources and to provide fuel supplies adequate for the nation's needs. This will require an unprecedented effort by industry for years to come. Yet, during the past two years, of the 1,700 energy bills introduced in Congress only a single bill has been passed that will help supply more energy—the Alaskan pipeline bill.

I also believe that we have an obligation to speak out on this issue. If you agree with these views, the time has come to let your Senators and Representatives in the House know how you feel.

Your letter or wire to them can help.

Let them know that you are aware that increased taxes on the oil and gas industry mean less energy provided at higher prices.

Let them know that any decrease in the depletion allowance means reduced exploration activities in the United States and higher oil and gas prices for the consumer.

Let them know that any proposal to eliminate the foreign tax credit is totally wrong because it would result in a tax rate discriminating against U.S. companies, making them far less able to compete for the foreign oil our nation needs for the foreseeable future. Once this ability to participate in the supply of foreign oil is lost, it cannot be regained through legislation. The result would be higher prices for foreign oil and less security of supply.

Let them know that the U.S. needs legislation that encourages and stimulates investment in energy resource development, not legislation that curtails it at a higher cost to everyone.

Sincerely,

B. R. DORSEY.

MARY McLEOD BETHUNE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. RANGEL. Mr. Speaker, the past week has been devoted to a number of different tributes to the courage, vision, and strength of a remarkable black woman. Mary McLeod Bethune, 1875–1955, the 15th child of former slaves, and adviser to four U.S. presidents, will lend her dynamic presence to Lincoln Park in the form of a statue commemorating her achievements in the field of human rights.

As the founder of the National Council of Negro Women, Mrs. Bethune helped to instill in many blacks a sense of pride and self-awareness. And she devoted much of her life to aiding black youths, encouraging them to go to school, and often providing them with the funds to do so. This great woman's impact on America has been subtle but tremendous. Her influence still lives in the hearts and minds of those who responded to her call for justice, equality, and dignity.

I urge my colleagues to read the following article from this spring's Freedomways magazine, which describes Mrs. Bethune and her activities and indicates the extent to which she affected this society:

ON MARY McLEOD BETHUNE AND THE NATIONAL COUNCIL OF NEGRO WOMEN

(By Clara Bodian Masso)

On July 10, 1974, a historic event will take place in our national capital in Lincoln Park.

Lincoln Park, the site designated for the Bethune Memorial, bridges southeast and southwest Washington—black and white Washington. It was a neighborhood filled with alienation, decay and growing despair. The Emancipation Group, a monument made possible a century ago by the pennies of freed slaves, which depicts Abraham Lincoln severing the shackles of slavery, served only to alienate those who noticed it at all. It looked out upon the decay in which they lived and seemed to contradict reality.

When the plan to erect the memorial to Mary McLeod Bethune was conceived, it included refurbishing the Park and turning it into an oasis for low-income families and a gathering place to accommodate outdoor cultural activities. It would include a statue depicting Mrs. Bethune passing her legacy on to children of today and tomorrow, symbolizing the black heritage and the contributions of black people to the nation's greatness. It would be the first tribute to a Black person—or a woman—on public land in the nation's capital, erected without cost to the federal government.

The National Park Service has redesigned the park and repositioned the Emancipation Group to face the memorial to Mrs. Bethune, thereby conveying the message that the children of slaves have progressed from servitude. The surrounding area has already begun to reflect the pride that beauty seems to generate—the beauty that belongs to the people and changes the face of their community.

The National Council of Negro Women has worked very diligently to realize this dedication to their founder. It meant a tremendous effort of every member throughout the nation to devise ways and means in raising the funds to pay for this monument.

At the 36th Annual Convention of the National Council of Negro Women, held in Washington, D.C., December 3–9, 1973, Dr. Dorothy Height, the national president of N.C.N.W., was in a position to announce the long awaited news of the date that the monument will be erected in Lincoln Park—July 10. She stated that the celebration will go on for three days with the presence of many thousands of women, men and children from all walks of life.

The National Council of Negro Women is a coordinating body, including 25 national affiliates and many individual members. It was founded in 1935, in recognition of the need for women to unite to deal with problems confronting the Black community. It is a coalition of national organizations and concerned individuals of many different backgrounds. Today it links national groups and individuals with an outreach of approximately 4,000,000 women and girls. Local sections are organized in 40 states across the country and in the District of Columbia.

Its current national program's thrusts are directed toward alleviating chronic deprivation such as: racism, drug addiction, poverty in a land of plenty, inadequate housing, hunger; child-care, inferior education; equal opportunities for women; consumer rights and protection; upgrading household workers; black women in higher education—action guidelines; energy crisis—its effect, its implications for Black citizens, preventing the cutback of services to the poor; comprehensive day care for black child development; abuses of sterilization; the Black aging—nutrition and health, housing, a federal housing program.

Two days of the convention were devoted to leadership training—how to be more effective in communities. The theme of the convention was Unity and Self Reliance. The spirit and heritage left behind by Mary McLeod Bethune were constantly present in the deliberations, in workshops and in the convention as a whole. The convention concluded on a high note, resolving to go forward into communities with confidence in implementing the program adopted, to strengthen the organization and aim for one million more members by the next convention.

And now, who was Mary McLeod Bethune? She was an outstanding woman, a legend in her own time. She was a unique human being with deep concern for her people and a fighter for justice, dignity and equality.

Mary McLeod Bethune was born July 10, 1875, in South Carolina, the fifteenth of 17 children, the daughter of former slaves. Mary was born free and was the only member of the family to attend school. In the evenings, she taught her sisters and brothers and neighbors to read.

She attended a mission and bible institute; she hoped to become a missionary in Africa. To her great disappointment, she was told that there were no openings for Black missionaries in Africa. Instead, she turned to the South to teach, where in 1897 she married and had one son, Albert McLeod Bethune. She founded Bethune-Cookman College in Daytona Beach, Florida, in 1923.

She served as an advisor on the affairs of her people to four of the nation's presidents. She was the director of the Division of Negro Affairs of the National Youth Administration from 1936 to 1944, and she founded the National Council of Negro Women in 1935. She was the only woman in President Roosevelt's unofficial black cabinet during the 1930's. She received numerous degrees and awards.

In her last will and testament she wrote in part:

I leave you love. I leave you hope. I leave you the challenge of developing confidence in one another. I leave you a thirst for education. I leave you a respect for the use of power. I leave you faith. I leave you racial dignity. I leave you a desire to live harmoniously with your fellow man. I leave you, finally, a responsibility to our young people.

While participating in a convention, I had the honor of meeting Mary McLeod Bethune. As we were concluding a session and filing out of the Labor Department auditorium, she stood in front of the hall, sizing up the delegation. She was to lead us to the White House to be received by Mrs. Truman. When I came along, she gripped my arm and asked, "What is your name, and where are you from?" I informed her that I represented the Congress of American Women. I never forgot her dynamic presence.

THE CASE FOR H.R. 14392—PART I

HON. IKE F. ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. ANDREWS of North Carolina. Mr. Speaker, I would like to share with my esteemed colleagues a recent letter which exemplifies citizen response to H.R. 14392, a bill through which I am seeking to right what I feel to be an unjustified wrong.

The bill has drawn the support of 123 cosponsors and 14 national organizations to date.

I plan to reintroduce H.R. 14392 in the near future and would welcome additional sponsors.

The letter reads as follows:

Chapel Hill, N.C.
June 30, 1974.

Representative Ike Andrews,
U.S. House of Representatives,
Washington, D.C.

Dear Representative Andrews: I am writing to give you my support for the bill that you have introduced that would amend section 117 of the Internal Revenue Code of 1954 (relating to scholarship and fellowship grants). I was raised in Harnett County on a farm in a very poor family. I had to borrow and work my way through Campbell College where I graduated with a B.S. in Chemistry in 1968. I had always wanted to be a doctor, but assumed that it was impossible due to my lack of financial help at home. When I heard about the Medical Care Loan, I decided that perhaps this was the answer and to make things brief—gave up my studies as a graduate student along with the teaching job that allowed me to be self sufficient in order to go to medical school. I only did this for I understood the conditions to be such that the loan from the Medical Care Commission would be forgiven if I fulfilled certain obligations—the one that interested me being the forgiveness of the loan if I served a residency in psychiatry in the state.

The history of the IRS ruling is certainly very clear to you and I would merely add that it really hurts me. I presently owe about $25,000 in loans that I have incurred in the last 10 years of school—I have a mother in her late sixties who depends on me to care for her as her needs grow more and more (her only income is from rental of about an acre of tobacco and social security—my only sibling is in no financial condition to help her)—all of this on top of the pressures of my entering a new field of work as a psychiatry residency at N.C. Memorial Hospital here at Chapel Hill (I graduated from the UNC Medical School on May 12 of this year).

My situation is such that if I choose to let the loan be forgiven I will be taxed now when I am making very little money and some of the private loans are coming due—or I can refuse to let the loan be forgiven and repay the loan plus interest. I chose the position here at Memorial (at about ½ what I could have received elsewhere) before I was aware of the ruling)—I had figured my budget closely and now I am amazed and discouraged. Those of us who have tried to work ourselves up the ladder—the poor whites, blacks and other minorities—are the ones who rely on loans like this. My classmates who never lay awake at night worrying about financial help—who always had sufficient aid from home are untouched. While our highest elected officials in the land find ways to avoid taxes—we are hit with new rulings that are retroactive and, I think, unfair.

I want you to know that I certainly appreciate your efforts and pray for your success.

Sincerely yours,
Tom Wilson, M.D.

REGULATION, MONOPOLY, AND COMPETITION IN THE COMMUNICATIONS INDUSTRY

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. CHARLES WILSON of Texas. Mr. Speaker, monopoly has long been considered an impediment to the free and healthy growth of the free enterprise system, except in certain special cases where it was judged that formation of a monopoly was necessary to prevent chaos in an industry.

Until recently, one of the most obvious and powerful exceptions to that rule was in the communications industry, where the Bell Telephone system ruled unchallenged. But serious questions have been asked in regard to the "natural monopoly," particularly by customers looking for specialized services. The computer industry is a case in point. Even in its infancy, it found that facilities for transmitting voice communications were not wholly adequate for the transmission of data.

The complex steps leading to a communications system adequate to those needs were detailed in a recent speech by Glenn E. Penisten, president of DATRAN which offers a sophisticated data communications system. I offer it here to my colleagues as a perceptive overview of the communications industry as it now exists:

DATRAN, REGULATION, AND THE SPECIALIZED COMMUNICATIONS USER: ADDRESS BEFORE THE THIRTEENTH ANNUAL IOWA STATE UNIVERSITY REGULATORY CONFERENCE, MAY 21, 1974

During the past several years, we have all witnessed a continuous and intensifying public concern regarding the role of regulation, monopoly, and competition in the communications structure of the United States. Today's program is one expression of that concern. Therefore, DATRAN, which is well on its way to becoming a significant contributor to this nation's communications resource, welcomes this opportunity to present its views and perspectives on this important matter.

Strangely enough, there has been a distinct tendency by some to place competition and free enterprise on the defensive, if not in the role of the villain in this ongoing controversy. It seems to be the assumption by these that competition, or free enterprise, is necessarily antithetical to the public interest in the availability of an adequate, efficent, and economic supply of communications services. The corollary of that assumption seems to be that, regardless of the nature of the vital public requirements to be met or the technological tools available, we must rely on the established monopolies to do the job.

I say this a strange phenomenon and that reliance on monopoly rather than competition as the one and only solution to our nation's communications requirements may, indeed, be a misplaced reliance. After all, this nation's greatness has been built on tradition of free enterprise and not upon a system of regulated or unregulated monopoly. It is that system of free enterprise which has encouraged innovation and progress and the most effective use and allocation of our economic resources. It is that system, and not a system of regulated monopoly, that has accounted for the wealth and resourcefulness of our nation and its world leadership in commercial, technological, and social achievement.

There is, of course, no dispute that public regulation of economic activity has its place in our society. But it is important to keep in mind that this is the exception rather than the rule by which our economic affairs are conducted. Only where free markets and free enterprise will defeat rather than promote national public goals and interests have we been compelled to resort to regulation or restricted market entry as an instrument of national policy. And even in these circumstances, public regulation is supposedly employed only to the extent required to deal with those shortcomings of the marketplace which must be rectified.

Telephone service is no doubt a relevant example of a vital public interest that perhaps could not best be satisfied efficiently by the operation of conventional market forces. At an early date in the history of telephone technology, experience suggested that competition in the supply of local and intercity exchange services could be wasteful and thus detrimental to the public interest. Hence, government policy opted for the solution of the monopoly supplier subject to regulation.

Clearly, this solution produced substantial and enduring public benefits. It gave us a highly dependable and efficient network of voice or analog facilities by which communications services were economically and universally available, both domestically and internationally. And the regulator generally did his job of protecting the public against the potential excess of the monopoly supplier.

Throughout this period, it was the Bell system that dominated the communications scene and dictated the structure of the communications market. There was an absence of new entries because of the lack of an opportunity for new entries. There was an absence of any significant intermodal rivalry. The available technology was predominantly voice oriented and all communications services were keyed to that technology because all facilities were.

It was taken for granted that the task of planning for and supplying the nation's communications needs could be safely entrusted to the Bell system. In this environment, the regulator was understandably preoccupied with postmortem rate of return analysis and its impact on the financial well-being of the Bell system. He had little, if any, concern for such matters as market demands or pricing structures or the rate of technological innovation and change. It was in this environmental context that the "natural monopoly" concept emerged. More currently, it has been described as the common carrier principle.

I am not here challenging the validity of this principle as it has been, or is being, applied to meeting the nation's requirements for an efficient and economic voice communications network of exchange and intercity facilities and services. But I do challenge the efforts that are being made now in many quarters—by both regulators and non-regulators—to arbitrarily convert the principle of the natural monopoly concept to a philosophy that the public interest, in any and all matters of communications service, is equated to the perpetuation of the Bell system as the sole supplier of all services, under all conditions—for all times.

I submit that any such philosophy is totally unacceptable as a national policy and, further, that it is destructive to the very goals and purposes of public regulation.

The task of regulation is clearly not the perpetuation or protection of inherited institutional forms and entities at the expense of economic growth and technological change, just because they were once right and proper in one set of circumstances. On the contrary, regulation must be alert to the pace and nature of technological and cultural change. It has an affirmative obligation to be responsive to new communications requirements created by such change. And, most important, it must be perceptive of any extant rigidities or constraints within the structure of industry or regulation that operate to obstruct innovation or to limit the consumer's choices and options.

Certainly, there is nothing to the contrary in the Federal Communications Act, nor in any state regulatory statute. In fact, the Communications Act, as an example, imposes an affirmative obligation and responsibility upon the regulators administering it "to make available to all the people of the United States a rapid, efficient, nationwide, and worldwide wire and radio communications service with adequate facilities at reasonable charges."

This statement of purpose in the Communications Act is, I am sure, consistent with the expressed purposes of most, if not all, the state regulatory statutes. And nowhere in the Communications Act do we find any suggestion of a policy that frowns on entry by a new carrier or restricts proper communication capabilities only to the voice user. So long as the Commission makes the statutory finding that an applicant for an operating certificate or authorization will serve the public interest, convenience, and necessity—voice and non-voice—then such entry is not to be denied.

Also, it is significant that in furtherance of the expressed statutory purpose, the FCC is mandated by Congress to encourage the most effective use of radio in the public interest, and to make certain that the benefits of new inventions and developments are made available to the people of the United States.

That statement of necessity must, of course, transcend voice technology and the pure telephone user. And every regulator knows that the antitrust laws of this nation have applicability to regulated enterprises. In brief, it would appear that the social and economic objectives of public regulation would be met by new entry or competition. Competition as a device for innovation, for the development of new services, and the exploration and application of new technology to existing market needs cannot be overlooked simply because a monopoly has been a part of the history.

It was in keeping with this perspective of the regulatory mission that the FCC initiated its Computer Inquiry in 1966. A specific purpose of that inquiry, you may recall, was to determine, among other matters, whether the facilities, operations, and services of the existing voice network were compatible with the present and foreseeable data transmission requirements being spawned by computer technology.

The advent of computer technology in the late '50's and early '60's had brought forth a variety of new requirements for the transmission of data. It also brought forth a growing concern that the networks, designed so well for voice communications, were less than satisfactory for data communications.

Data transmission represented a new development when compared to voice transmission, and because of the lack of other transmission alternatives, the approach had been to adapt data communications and data communications equipment to the characteristics and constraints of the existing voice network.

Although Bell took steps to provide improvements in its plant and operations to accommodate data transmission requirements, there remained a number of basic differences between the optimum requirements for data communications and those for voice communications.

At the same time, there were many indications that the demand for data communications in the information-oriented society would continue to grow at an accelerated pace and that, in the not too distant future, it might equal, if not exceed, the demand for voice communications in terms of channel occupancy.

The responses to the FCC's Computer Inquiry pointed up, most forcefully, the scope and extent of emerging requirements and the specific shortcomings inherent in the established network to satisfy those requirements in an adequate fashion.

It became clear that the communications requirements of computers were largely unanticipated only five years earlier. Computers located in industrial and business centers required the ability to have on-line interconnection with each other as well as with terminals located in remote areas.

Computers were unable to perform up to their full capabilities because communications channels at the required speeds and low error rates were not available; and those available, albeit at unsatisfactory performance levels, were available only on a full-time leased basis. By leasing lines to get the job done, the user would be paying more for communications service than the job warranted in most instances.

Thus, because of the cost and technical limitations of the voice-oriented telephone network, there was justifiable concern that the full potential of the computer for commercial, scientific, social, governmental, and other applications would go largely unfulfilled—to say nothing of the restrictions being placed on digital facsimile and electronic mail.

Another troublesome feature was that the computer user also required a modem from the telephone company when interfacing his computer or terminal with the switched telephone network. The telephone companies offered a variety of modems to adapt specific computers and terminals to the restricting characteristics of the telephone channel.

Apart from the added cost that the modem requirement imposed upon the user, it also represented an additional maintenance and design problem and contributed to the generations of errors that preclude efficient operation of a computer network.

A third shortcoming of the voice network for data transmission was the error rate to which much transmission was exposed by the analog network. Analog technology precludes the application of hitless switching between redundant paths and the regeneration of signals at each repeater to minimize signal degradation with distance. Error rates, of course, are higher when voice network switching is involved, thus, practically eliminating occasional-use switching. A higher, but barely acceptable performance, could be obtained from carefully selected and conditioned leased lines to be used for data transmission. But as I have already noted, in many cases, customer usage patterns cannot justify the cost of leased lines.

A fourth significant shortcoming of the switched telephone network for data transmission was the applicable rate structure. Three minute initial periods and one minute increments may be entirely suitable for the pricing of message toll telephone service based upon the characteristic holding times for voice communications. In data transmission, however, required holding times are as low as seconds when related to inquiry and response transmission of large batches of data.

And, finally, connect times of the national switched network are frequently too long for data processing application when response to a remote inquiry must be rapid. The connect time required by such applications is less than one second, compared to the fifteen to twenty second average connect times potentially available with existing electronic switches. Here again, if the user's requirement did not justify the cost of a leased line to provide him with the necessary rapid connect times, no alternative was available to him.

In short, the limitation inherent in the existing analog voice-oriented network in responding to the data transmission requirements of the nation was placed in perspective in the Computer Inquiry as the user clearly identified the problem confronting both industry and regulation. The need for an all digital, switched, low error rate communications system exclusively tuned, both technically and operationally, to meeting requirements of the machine processing world was already confirmed.

In summary, public regulation, taking account of the facts of technological life and having looked beyond the voice user, recognized that there is a compelling need and place for specialization. It has responded with the appropriate policies. In doing so, it has placed substance above form and the public interest above any private or vested interest. This is in the highest tradition of public regulation.

I am convinced that there exists a proper role and place for regulation—for monopoly services—and for competitive services to carry out these policies. But I am even more convinced that only positive contributions, rather than negative or destructive, by all three of these sectors will be required for any lasting user benefits.

HON. LAWRENCE J. HOGAN LISTS CONTRIBUTORS TO FUND

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. HOGAN. Mr. Speaker, last Friday's—July 12—edition of the Baltimore Sun carried a story by Thomas B. Edsall, alleging that I am "maintaining a secret fund to which private contributions are made without being reported to Federal or State election officials."

This is a charge familiar to many of us in this body who, because we are not possessed of great personal wealth, must solicit financial support to carry on programs of public information designed to keep our constituents fully informed of our stewardship here in the House of Representatives.

Often, the charge is made as a result of honest misunderstanding, but in many cases, unfortunately, it is made with a clear intent to distort the facts and scandalize a completely legitimate activity.

I regret to say that it appears the Sun's story was born of the second motive, and as such really does not merit being dignified by a response.

Mr. Speaker, I am sure our colleagues have become accustomed to the irresponsibility and "yellow journalism" of some representatives of the press. This story was sent by wire all over the country, doing serious damage to my reputation. One radio station as far away as Los Angeles called for a comment about my "secret slush fund."

In order to allay any public concern about the propriety of my actions, and to correct any misconceptions to which this article may have given rise, I am today inserting in the RECORD the full story of this "secret" fund.

First of all, there is not—nor has there ever been—anything "secret" about this fund. The money was raised primarily by letters which specifically noted that the money would be used for disseminating legislative information—congressional newsletters, reprints from the CONGRESSIONAL RECORD, and similar material.

The letter notes:

> No money is allocated to Congressmen to finance the printing of newsletters, Congressional Record speeches, etc.—

And adds:

> If you would like to help defray some of the costs of these services, you may make a contribution to the Congressman Larry Hogan Communications Service . . .

The stationary also carries the printed footnote:

> This letter does not solicit a political contribution, but seeks funds to cover costs of providing legislative information services, printings, mailings, etc.

My newsletters, furthermore, carry the legend:

> Not printed at government expense, but paid for with the help of interested citizens.

None of this money has ever been used for political purposes, and at no time have I ever denied the existence of the fund. This is a direct contradiction of an assertion made by Mr. Edsall, but I stand by my statement.

Second, this fund was established in an effort to avoid any appearance or suggestion of impropriety. At the time it was established, in December of 1973, there was some question as to whether political contributions could be used to finance the legislative information program I have described.

In fact, a staff member of the House Ethics Committee informed my administrative assistant that political funds could not be converted for newsletter use.

Accordingly, I directed that a separate fund be established, completely and purposedly independent of any political contribution fund. This action was taken in an effort to insure that both the letter and the spirit of the law were honored. We followed the recommendations of the Ethics Committee in setting up this fund.

The question of legality has since been resolved in favor of using political contributions for such services, but my intent was, and is, to abide by the highest standards of legal and ethical behavior in this regard.

The total amount of money raised for the "Larry Hogan Communications Service" was $4,352. The balance in the account is currently $12.32.

A total of 317 persons contributed to this fund, and of that total, 212 individuals contributed $5 or less. Eighty-six persons contributed between $5 and $25; 12 contributed between $25 and $100; and only seven individuals contributed $100 or more.

If these were political contributions—which they are not—only 10 of them would have to be reported, since Maryland State law does not require that persons contributing less than $50 be identified.

Mr. Edsall, the Sun reporter, asked to see a list of these 317 contributors a week ago, and I acceded to his request. I informed him that I would ask my secretary to type a list of all contributors for his inspection—a time-consuming chore being done between other tasks in a busy office.

Mr. Edsall's impatience at not receiving the lists immediately upon his demand apparently prompted his charge that this communications fund was "secret." Nothing could be further from the truth.

While there is, of course, no legal requirement that this fund be disclosed or in any way reported, I am inserting in the RECORD today a list of the contributors to this fund and an accounting of expenditures from it. I am also inserting, as a classic example of irresponsible journalism, the text of the Sun's story.

I trust this explanation will lay to rest any suspicion that there was anything untoward about the "Larry Hogan Communications Service" fund. I wish the readership of the Baltimore Sun and other media which carried this story could have the benefit of seeing this explanation, just as they saw the irresponsible charge that prompted it.

The material follows:

Contributors to the Larry Hogan communications service

The Sun (for article)	$40
Lillian Denell	25
Evalyn Wolfhope	5
G. R. Carson	50
Fred A. Greene	50
Edward W. Nylen	100
John J. Wilson	100
Clyde E. Grimm	100
George McDaniel	500
Mary Patrice	25
Russell Maske	100
Clara V. Lee	5
Rascal Buck (illegible)	1
B. Parker	1
Mary Daniello	2
Mary C. Lawler	1
Marilyn Whelan	1
Ruth & Norman Moore	5
Flintor Rockford	1
James Ferruzza	1
Eva Fleming	1
G. P. McAtee	1
Mrs. Wm. P. Groetsch	1
John Van Dreumel	1
Robt. Roth	2
Clement Sigmund	5
Bob Burns	2
M/M Wilbur Lewis	2
Mrs. Bernard Hunhoff	3
M. Felicia	1
Mary Chrysostrom	5
Frank Benjamin	5
(illegible) Therry	2
Misc. (no name/no address)	2
Dorothy Aubinoe	1,000
Lawrence Geppert	1
John C. Wassermann	5
Margaret Tamele	3
Rosemary Dunn	2
Caroline Lawlor	5
Albert McCullough	20
Philip J. Killian	5
Rosemary Wildeman	2
Katharine N. Sands	5
Kathleen McSweeney	15
Cecelia Adelhardt	2
E. H. Alvey	5
Ricardo J. Negron	5
Ellen M. Kleinstuber	10
Agnes Bowen	3
Margaret M. Fallon	10
Mary Jean Alig	25
Elaine MacLachlan	2
Mildred E. Danforth	10
Regina Faber	5
Teresa Dillon	5
Martha M. Mastic	5
Agnes M. Trepanier	2
Veronica Johnson	2
Elizabeth M. Krener	1
Mary A. Somerville for Mrs. M. McNamara	2
Josephine R. Geraci	5
Carol A. Roy	1
Gladys Germer	5
Mary F. Carney	2
R. L. Henmisch	10
Mrs. M. L. Meyer	5
Florence Conway	25
Oliva K. Madden	10
Noah Smernoff	25
Mary Celine	10
Mrs. Judith Tourigny	10
J. Hentschel	5
F. W. Browning	100
John R. Dorner	2
Mayrose Stavish	5
Raymond Somerville	5
Cyril Zwilling	50
Hazel C. Collins	1
Ida Mustachio	2
Mrs. Frank Knoedel	2
Florean Ruhman	15
George C. Adjan	5
Marilyn R. Donato	2
Thos. F. P. Sullivan	5
M. Devota	2
Joan P. Parsons	2
Ruth E. Lieb	$5
James W. Berry	2
Eleanor Waters	2
Sylvia E. Krebel	1
Carol Hornyak	3
Elizabeth M. Gross	5
Catherine E. Miller	5
Alice McAvoy	5
James E. O'Brien	5
Frank J. Frost	5
Elizabeth Lenehan	10
Marsha Ann Foss	5
Betty Ellen Cummings	10
Mary A. Kopf	5
Anna Baudison	5
Thos. J. Walls	1
Enid M. Upson	2
Sadie Favreau	3
Walter Biggins	5
Eva M. Altmeier	3
Eliz. F. Altmeier	3
Gregory J. Kadlec	5
George F. Cardy	3
James E. Frazer	5
James J. Reymann	30
Mrs. G. E. Coffman	5
Anne M. Rand	5
William B. Watson	5
Anna M. Collins	2
Eleanor L. Parker	1
Lillian D. McCracken	5
John Daly	10
Jack J. Corcoran	5
Mildred L. DeVisscher	3
V. Mulera	2
Mrs. Louis Cvetic	3
Elizabeth Farley	1
Miss Molly Donovan	10
Mrs. Lester Gregson	2
Ora Clayton	5
Loretta Knowles	1
Marie Celine	5
Augustine Perilli	1
Mrs. John Weaver	1
Anna S. Krei'er	5
Margaret Schumacher	1
Misc. (no name/no address)	5
Helene McElroy	5
Gerald A. Shipper	10
William Guiler	5
A. J. Spear	5
Mrs. Edwin E. Evans	10
Mrs. Paul E. Tonies*	5
Marguerite G. O'Donnell	2
Diana Hammond	5
Mrs. J. Rodney Ryan, Sr	10
Eugene J. Carney	50
Patricia Kittredge	5
Nora Duigan	10
Mrs. Raymond F. Waters	5
Mary Therese Juelg	10
Aileen O'Grady Wallace	2
Mary Veronica	25
Mary K. Hattrup	3
Christine Stewart Tonkinson	10
John R. Linton	10
Miss M. G. Crippes	10
Patricia Savy	10
Ted A. Bussen	20
Mariana S. Rudolph	5
Miss Carol Nistler	5
Katherine G. Dunn	3
John H. Thar	2
Arthur E. Hackett	3
Ann M. Courtney	5
Thos. C. Fink	5
Pauline Lannon	2
Sue Mohnssen	25
Mrs. B. Panicho	2
Isabel W. Fox	10
Mary Frances Wichman	20
Mrs. Gene Smith	2
Ann M. Fitzgerald	2
J. Leo Sheran	5
Phyllis Kaelin	5
Dorothy Cormier	5
Joan S. Frohbieter	10
Elizabeth Ann Dateno	20
Mary J. Hahn	25
Katheryn E. Farris	5
John L. Weibel	10
John & Carolyn Gafner	$2
Robt. L. Reinhold	5
Mrs. Kathleen Brooks	25
James W. Whelan	5
Mrs. R. Twigg	2
Martha Nolte	1
Frank A. McCabe	10
Walter R. Coupe	2
Barbara A. Kidd	1
Angela Mudd	10
Mary S. Parsons	2
Edward Hartfield	5
K. Irene Linehan	2
J. Martin Cecil	15
Elizabeth C. Spano	10
Florence W. Prendergast	5
Josephine M. Bousquin	5
N. J. Satin, Jr	2
Dorothy A. Hallein	10
George H. Finn	10
M. Michael Darwin	5
Bonita Wirth	2
Gertrude E. Hoye	5
James E. Hite	2
Joseph H. Rychlik	20
Marie C. Crittenden	5
Mrs. Raymond J. Hoenig	10
Evelyn M. Lobuts	25
Frances L. Saunders	25
Mariellen Lalor	2
Mrs. Frances N. Burnham	5
Mrs. F. Lewenczuk	5
Dolores Cipriani	5
Wm. Pitt Shearman	10
Florence M. Flynn	10
Margaret Mangione	3
Margaret E. Kelley	2
T. J. Murphy	10
John A. Kelly	10
James J. Shea	2.50
Genevieve Dolan	3
Mrs. J. A. Melly	5
Grace M. Harbison	10
Mrs. Catherine M. Kelly	5
S. Gabriel	25
Elizabeth K. Haas	5
Albert K. Seaton	5
Mrs. James H. Oliver	5
Mrs. Lyndon Rohrbaugh	2
M/M Paul Tobin	2
Misc. (could not read name and no address	10
Miscellaneous (no name/no address)	1
M/M Timothy W. Wolf	5
C. Dale Slagle	5
Mrs. Anne M. Armstrong	5
Mrs. Mimi Jean	3
Mary Carol Powers	10
Mrs. Ida Masotti	10
Mrs. Teresa Murnane	10
Mrs. A. Machotka	3
Mrs. Tom Konsler	5
Alfred B. Riley	5
Mrs. Lucille Klebe	5
Robert Wigginton	5
Eliz. H. Ruppert	10
Mrs. Judy Widmer	2
Mary L. MacChambers	2
Jennett M. Foley	5
M/M David McCarron	15
Arthur Holz	10
Garland Hesson	10
Robert W. Lee	50
Rita S. Dean	25
Antonio Spitzley	1
Mrs. Ann Rutkoske	1
Wm. S. Waluk	1
Miscellaneous (no name/no address)	5
Williard E. Paulsen	3
Richard V. Lewis	5
Elsie M. Woytowich	20
T. W. Christiansen	50
Sharon Yyonne Thomas	10
Richard A. Schaefer	5
Andrew R. Wilhelm	3
Eliz. A. Toole	5
Mrs. Corriene H. Thompson	5
Mrs. S. T. Hahn	5
Norbert Abrahams	2
Elizabeth Whilson	10
Marie A. Knowles	10

Contributions to the Larry Hogan communications service—Continued

Richard Goldkamp	$5
Florence G. Campbell	5
John Gilchrist	5
Thaddeus W. Olsztyn	5
Teresa J. Andros	3
Sherry L. Thompson	5
Mrs. George Geis	5
Genevieve M. Jones	5
Steven F. Weynand	10
M. Eileen	2
Donna J. Deehring	4
Herman J. Brinkmann	25
C. Moron	5
Barbara A. Betts	5
Stephen Ford	22
H. J. Schmitz	10
Egon J. Schwartz	5
Janice Ann McCollum	5
Esther M. Kubler	5
Philip J. Bailey	5
Jerry L. Ennis	10
Wm. Borani	7
James B. Barnes	10
John Patrick Stanton	5
William Sheldon	10
Ann J. Pullis	3
Gary Timmons	5
Anthony C. Stein, Jr.	21
Irene M. Hisler	1
Patricia Kinnerk	10
Robert C. Kelley	15
Rosemary Gigliotti	10
D. Cecelia E. Clermont	50
May Roswell	10
Rita S. Dean	25
Mrs. Sabina Schreiber	10
Misc. (no name/no address)	6
Ann C. Kane	5
W. E. Newgent	1
R. L. Buckelew	10
Alma Marie	15
John M. McFadden	15
Mary D. Quinn	10
James J. Murt, Jr.	5
Mrs. Susan A. Collicelli	2
Total income	4,352

Expenditures

Thomas J. Lankford	$3,385.00
Rankin Print Shop	331.76
House Recording Studio	396.00
Stamps (postage)	220.00
Cost of printing checks	6.92
Total expenses	4,339.68
Account balance	12.32
Amount received	$4,352.00
Expenditures	4,339.68
Balance	12.32

SECRET FUND TIED TO HOGAN; NO REPORTS FILED

(By Thomas B. Edsall)

WASHINGTON.—Representative Lawrence J. Hogan (R., 5th), the leading GOP candidate for governor, is maintaining a secret fund to which private contributions are made without being reported to federal or state election officials.

Mr. Hogan, who initially denied the existence of the fund, has not permitted an examination of the contribution and expenditure list, despite repeated requests over the past two weeks.

In contrast, the one other member of the Maryland congressional delegation who admits to maintaining a similar fund, Representative Robert E. Bauman (R., 1st), immediately released a full accounting upon request.

Mr. Hogan indicated that the money is used, at least in part, to pay for his newsletter, which is considered a "nonpolitical" expenditure. Use of the money for political purposes without reporting it would be a violation of the law.

INADVERTENT REFERENCE

The existence of the Hogan fund became known only through an inadvertent reference to it made by his campaign treasurer, George G. H. McDaniel, during an interview on campaign contributions.

Mr. McDaniel acknowledged that he had raised $1,200 for the secret fund, which is not handled by the campaign staff but, instead, by Rosita Fernandez, Mr. Hogan's personal secretary.

When first asked whether he receives any private contributions other than those going to the campaign, Mr. Hogan claimed in a brief interview last week that he does not.

After it was pointed out that Mr. McDaniel, his treasurer, had acknowledged assisting in the raising of money for the noncampaign fund, Mr. Hogan then said, "Oh, that's the Communications Fund."

At that time, Mr. Hogan said he would permit an examination of the list of contributors to the "Communications Fund," but since then he has apparently backed off from his willingness to open it to the public.

Three days ago Mrs. Fernandez, his secretary, said Mr. Hogan wanted to go over the list himself before releasing it. Later that day, Mr. Hogan's press secretary said Mr. Hogan wanted to question other members of the Maryland delegation about their finances before releasing it.

Interviewed yesterday, Mr. Hogan repeated his intention of querying other members of the delegation, although there was no indication that he had begun such a survey. Informed that only one other member of the delegation acknowledged maintaining a similar fund in a survey by *The Sun*, he disputed the results.

The use of secret funds has a quasi-legal status and apparently does not violate the law unless the money is used for political purposes, in which case it must be reported to federal and state officials.

Perhaps the most celebrated secret congressional fund was maintained in early 1950's by Richard M. Nixon, then a senator. During the 1952 presidential campaign, Mr. Nixon, the GOP vice-presidential nominee, defended the $18,235 contributed by supporters in his famous "Checkers speech." The money was used to finance political activities.

If used for office expenses, the money must be reported by the congressman as personal income, although no taxes would be paid on it because the expenses would be deducted from taxable income.

Because there is no reporting requirement on private contributions to office accounts, it is impossible to determine the extent of the practice among members of Congress.

In addition to office space in Washington, staff salaries and the franking privilege, members of the House receive an annual government allowance of $1,800 for telephone calls outside Washington and $1,200 for office rentals in their local districts.

In 1973, Mr. Hogan also received $1,125 from the government for his travel expenses.

BAUMAN GOT $2,000

Mr. Bauman calls his fund, which he began May 6, 1974, the "Bauman Special Congressional Committee Account." A total of $2,000 from two persons has been raised to date.

Of the money in the Bauman account, $1,500 was contributed by Richard A. Viguerie who runs a Falls Church (Va.) political consulting firm active in promoting conservative causes and campaigns.

The remaining $500 was contributed by John A. Shaw, of St. Michaels, Md., who is Mr. Bauman's campaign, finance chairman. Mr. Bauman said he does not know what Mr. Shaw's financial interests are, although he has "some business interests abroad."

Mr. Shaw was not at home yesterday and is not expected to return until Sunday.

An accounting of the fund as of June 18 showed $500 was spent on stationery; $202.82 was used to pay telephone bills, and $100 went to the Republican Steering Committee to help finance research on issues before Congress.

THE DOLLAR AND GOLD

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. CRANE. Mr. Speaker, a great deal of economic misinformation is circulated for political reasons and the sooner we understand the real causes of our economic difficulties, the sooner we can turn our attention to the real solutions to such problems. Inflation cannot be dismissed by telling the American people that, somehow, it is their fault. Government has created the inflationary spiral through which we are now moving, and Government must take responsibility for it. Unless this is done, we will continue our economic decline.

Congress, for example, continues to speak of lowering taxes and increasing expenditures. In November 1971 many seem to forget Congress, at the request of the administration, enacted a tax program which reduced taxes by approximately $15 billion per year. This was done at a time when the Federal funds deficit was running at $30 billion. The Senate vote in that instance was 64 to 30 in favor.

I am, of course, pleased that after many years American citizens are once again receiving the right to own gold. I regret that the American dollar is not any longer convertible to gold. The complexities of our current problems, however, require much more than simply the right to own gold, much more than even a balanced budget, which too few seriously believe to be possible.

Some of what is required was discussed by Everett B. Harris, president of the Chicago Mercantile Exchange and International Money Market, in the May 1974 issue of Commerce magazine.

Mr. Harris declares that an essential element of any real answer to today's economic malaise is an increase in productivity. He notes that—

> To increase productivity, we not only need improved technology, we need work. Will Rogers had a solution to the German submarine problem during World War I. He simply sugegsted draining the Atlantic Ocean. When asked how, he replied: "That is a detail. I am a generalist." I'll leave the troublesome details to U.S. Steel and the Steel Workers' Union. . . . Often I'm asked, "What can the individual businessman do to help slow inflation?" I have the answers—productivity, productivity, and more productivity.

As more and more Americans find themselves upon either State, local, or Federal payrolls, engaged in essentially nonproductive work, we find that a smaller and smaller percentage of Americans are actively engaged in the productive work of the Nation. Deficit spending is engaged to support that ever-increasing nonproductive group. This is certainly one underlying and continuing cause of inflation.

I wish to share with my colleagues the thoughtful article. "The Dollar and

Gold," by Everette B. Morris, as it appeared in the May 1974 issue of Commerce, and insert it into the RECORD at this time:

[From Commerce magazine, May 1974]

The Dollar and Gold

(By Everett B. Harris)

Most discussions would be more rational if all participants could agree on the subject or at least have the same understanding of the matter being argued. To most people, however, money remains a mystery, especially the relationships of various national currencies to each other and individually and collectively to gold.

The value of the American dollar vis-à-vis the pound, yen, Deutschemark and, for that matter, gold, is determined today by market forces similar to the way a farmer's wheat harvest or a livestock producer's beef is priced in our wholesale markets and futures markets on our organized exchanges.

Basically, price or value is determined by the inexorable forces of supply and demand. Free markets do not cause fluctuations in prices or values; they record them. Fluctuations allow the market to ration the goods equitably, cause consumers to use less in time of shortage and more in time of surplus, and provide a balance which, in the ideal, would be perfect.

When currencies including our dollar are allowed to float as they are now, they equate realistically and avoid distortions that can inhibit trade, cause great human hardship and, in the view of some, cause wars. Fixed rates, like frozen prices, cause distortions and prevent differences in productivity in various countries from making proper economic adjustment, thwart the benefits of specialization where each economic segment in the world does what it is best equipped to do in terms of resources, skills, organization, motivation, etc. Thus, with fixed rates you find Americans driving automobiles made in Germany, which should be manufactured more logically in Detroit with wasteful transportation costs avoided. Similarly, you find radios, TVs and other electronics being shipped from Japan to Chicago. Talk about coals to Newcastle!

The above review of Economics 101, if oversimplified, at least has brevity to recommend it.

In China, they say the twig bends with the wind, and bridges over large expanses in our own country either bend or break. And so it was with Bretton Woods.

END OF CONVERTIBILITY

When Mr. Nixon made a momentous decision and announced it on a Sunday night in August 1971, he possibly affected the daily lives of most Americans more than by any other action. What decision? To close the gold window—to say the dollar was no longer convertible (to gold).

Nearly three years, what is the outlook for your dollars?

Here is what I see faintly through the haze at this time. *Scenario 1* (the bad news). Continued unrestrained inflation leading into a South American-type situation. Possible panic. Reissuance of money with strongly enforced controls, rationing, disruption and the other things that accompany this kind of tragedy.

Scenario 2 (the good news, hopefully). The successor to Paul A. Volcker as Under Secretary of the Treasury for monetary affairs will finally reach the proper threshold of pain and let gold float (convertible at a free-market price—$150 to $250 or whatever the market determines). Only then can we have both flexibility and a semblance of stability in currency prices, food prices and reasonably unrestrained world trade with the unprecedented prosperity that could easily go with it.

Scenario 3 (more realistic—and somewhere between the bad news and good news). The dollar will continue strong (gaining perhaps 5% on average in the year or so ahead) with our "paper" as good as or better than their "paper" (foreign currencies). One can readily envision an interim period when gold will seemingly detach itself from the monetary system and as Milton Friedman suggests receive lip service only. During this period, gold would continue to be a highly speculative commodity and Americans could own and trade it as freely as any other commodity with no extreme effect on the value of the dollar—that is, the value of the dollar in relation to other commodities and foreign currencies. The dollar is still good property for those who have it to invest at 10% and more. But this interest rate is less enticing when we realize a substantial portion of this high interest rate is built-in inflation. However, present extreme rates tend to draw dollars back to our country and strengthen them in relation to currencies of other countries.

If I expect you to take my predictions seriously and constructively, perhaps we should check my own track record briefly. Talks I made during the 1950s and 1960s were often entitled, "Gold is the Ruler of the World," "Gold and Other Commodities" and "Grain is as Good as Gold." I will subject you to just one, reported in the Chicago Tribune of February 16, 1968.

"Harris Calls Devaluation Inevitable.—Everette B. Harris, president of the Chicago Mercantile Exchange, said yesterday devaluation of the dollar is inevitable and could be deferred only by the most drastic of economic controls. He addressed a meeting of the Kiwanis Club of Chicago in the Sherman House. The balance of payments is one of the greatest problems facing President Johnson, Harris asserted, adding that this country is now in a 'paper money' situation where international financiers no longer have faith in the dollar. Harris suggested a revaluation of gold at $70 an ounce or some other reasonable free-market price. Gold is now pegged at $35 an ounce."

BACK TO CONVERTIBILITY

But for the long run, only a return to convertibility as suggested in Scenario 2 will prevent collapse of the present monetary arrangement at some point in time. Presently, it is not legal for private parties to reacquire payment in gold because of a 5–4 Supreme Court decision in 1935. However, we are already seeing many sales made to be priced at time of delivery, barter arrangements of various kinds, escalator clauses in labor agreements and many other arrangements indicating lack of faith in the stability of our currency. Only the use of gold will easily solve such problems. Of course, Americans are innovative and perhaps some miraculous alternative will be worked out in the context of hypothetical Scenario 2.

What are the arguments against allowing Americans to own and trade gold? You must know that your Congress, under the urging of your own Congressman Phil Crane and other enlightened servants of the people, passed legislation in the last session saying you can own gold the same as other citizens of the world. The President signed the bill, making it law, in September 1973. But in the fine print it says you really can't—at least not yet. Why? Because in the conference between the House and the Senate to reconcile the differences between the two bills, they specified that it can't become operative until the President decides that private ownership of gold bullion "will not adversely affect the United States' international monetary position." The President's pleasure so far, on the advice of Paul A. Volcker, has been that the bill is inoperative. But the President, on April 8, accepted Volcker's resignation. He will stay on until the June 12–13 meeting in Washington of the International Committee of 20. It is hoped that Volcker's successor will be of different persuasion and will properly convince the President that the time is now. Because it is. As nations ponder monetary reform and gold, they must realize that you can't have one without the other!

PRODUCTIVITY ESSENTIAL

Obviously, no amount of monetary reform, change or even the return to gold will solve American dollar problems if we don't go to work.

In a speech in April 1966, I stated in part: "Loss of gold and silver, the balance of payments problems, the attitude and actions of DeGaule, the high cost of war and poverty programs, skilled labor shortages, spiraling labor costs, the widespread fear of inflation at home and abroad, and the too little and too late approach of the administration in increasing interest rates and taxes makes short-run inflation inevitable."

I expressed hope that my current predictions would be proved wrong and said that a flood of increased production through American ingenuity, harder work by all Americans at home, and the miracle of automation in factories and on farms could result in enough products to offset monetary inflation and maintain a semblance of stable prices.

Productivity was the answer then; it is the answer now.

But to increase productivity we not only need improved technology, we need work. Will Rogers had a solution to the German submarine problem during World War I. He simply suggested draining the Atlantic Ocean. When asked how, he replied: "That is a detail. I am a generalist." I'll leave the troublesome details to U.S. Steel and the Steel Workers' Union. As you know from the ads, they are working actively and effectively on such a program with encouraging results. Why not try it in your firm?

Often I'm asked, "What can the individual businessman do to help slow inflation?" I have three answers: productivity, productivity and more productivity!

EDITORIAL SUPPORT FOR HOSMER SURFACE COAL MINING BILL

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. HOSMER. Mr. Speaker, I am pleased to have reproduced below the July 12 editorial aired throughout southern California by KNBC–TV. It indicates why so many California Congressmen will be voting soon to substitute H.R. 12898 for the unworkable H.R. *11500*:

Strip Mining for Coal

After 100 or so years of looking the other way, the federal government has discovered there's a need to write some rules for strip miners to follow.

Strip mining has always been a pair of dirty words. Miner operators stripped off the soil, ripped out the coal and ran. They took their profit and left eroded hills and poisoned streams.

So we're glad now to see some attention—finally—to a clear need for workable rules governing strip mining activities.

As usual, there are two totally different kinds of laws now being considered in Congress. One kind has strong backing from environmental interests. Unfortunately, it puts Washington squarely in the business of running every coal mine in the country. It *might* shut down half the country's coal mines. And it'll *certainly* cut coal production by some 20 to 30 per cent. Meanwhile, the country needs every bit of energy it can dig up. Half of all the coal in the country comes from strip mines, including mines in Arizona which produce some electric power for Southern California.

The other law approach looks to us to be far more rational, and won't destroy strip mining under the guise of saving it.

The sponsor of that bill, Rep. Craig Hosmer of Long Beach, says coal production will have to triple by 1985 or the nation will face brownouts and blackouts. That size increase can come only from strip-mining. Hosmer's proposal will permit that much coal to be mined while requiring every legitimate kind of environmental safeguard.

There's no doubt at all that coal can be strip-mined and the land restored to a condition even better than original. The key point is economics, and today the price of fuel makes complete restoration easily affordable.

We support the Hosmer strip-mining bill. It appears to be the best balance between the need for energy and the demands of the environment.

GREENWOOD LAKE AND GREENWOOD LAKE VOLUNTEER FIRE DEPARTMENT CELEBRATE 50TH ANNIVERSARIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. GILMAN. Mr. Speaker, the heritage of our great Nation depends upon the many small, active communities throughout our country whose citizens share the dedication and principles of their forefathers, the molders of our great Nation. One such community in my congressional district in the State of New York is the village of Greenwood Lake, which is jointly celebrating its 50th anniversary with the Greenwood Lake Fire Department.

Approximately 2 square miles in size, the village of Greenwood Lake is situated in the picturesque foothills of the Bearfort and Bellvale mountains. Its lovely rural setting provides a year-round home for 3,000 New Yorkers and summer residences for over 7,000 villagers.

Greenwood Lake, after which the village is named, comprises a 9-mile long, 1-mile wide body of water, stretching into the State of New Jersey. In addition to its esthetic beauty and recreational facilities, the lake is a water-supply source for thousands of New Jersey residents.

The Village of Greenwood Lake is history rich, originally inhabited by the Lenni-Lenape Indians, a branch of the Algonquin Tribe and later settled by Dutch and English immigrants in 1609. During the Revolutionary War, the residents of the Greenwood Lake area were responsible for making a 500-yard iron chain which spanned the Hudson River from West Point to Constitution Island, preventing the British from sailing up the Hudson.

In more recent years, the natural beauty of the Village of Greenwood Lake has attracted many famous artists, writers, vaudevillians and sportsmen, many of whom remained and settled in the area, including: authors Joseph George Heitrec and Alexander King; artist Jasper Francis Cropey; entertainers Joe Jackson and Bob Karna as well as many of the world's boxing champions—Joe Louis, Rocky Marciano, and Floyd Patterson.

Interwoven with the history of the Village of Greenwood Lake is the growth of the Greenwood Lake Volunteer Fire Co. The fire company's original fire chief, Jacob Deer, set a precedent of outstanding service to the community which has remained a tradition through the years. The village is duly proud of its fine volunteer corps.

Accordingly, on the occasion of the joint 50th anniversary of the Village of Greenwood Lake and the Greenwood Lake Volunteer Fire Department, I invite my colleagues to join in honoring and celebrating the commemoration of the anniversary of a village whose spirit is reflective of the true spirit of America.

CONTINUING TYRANNY IN CHILE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Ms. ABZUG. Mr. Speaker, I am concerned about the continuing tyranny in Chile as a result of the overthrow of the democratically elected government by a military junta on September 11, 1973.

I am especially horrified by reports of imprisonment, torture, and killings. In the face of these reports, our Government actually escalates its aid to a junta which perpetrates the oppression of its people.

I support the efforts of concerned individuals and groups against this violation of human rights. Today, I met with members of the Women's International League for Peace and Freedom and with members of the press regarding the present situation.

I would like to call to the attention of my colleagues a "Petition for Chileans Imprisoned by the Junta," which was presented to me and signed by several thousand persons, including:

LIST OF SIGNATORIES

J. Kenneth Galbraith, Harvard University.
Walter Heller, President, American Economics Association.
Ashley Montague.
Harold Davis.
Georgia Harkness, Professor Emerita, Pacific School of Religion.
Kenneth Boulding, past-president, American Economics Association.
Dorothy Day, Catholic Worker.
John Barth, Pulitzer Prize Winner.
Robert Aaron Gordon, President-Elect, American Economics Association.
James Tobin, Economist, Yale University.
Kenneth J. Arrow, Harvard University, Nobel Laureate.
Wassily Leontief, Harvard University, Nobel Laureate.
Ossie Davis.
John C. Bennett.
Salvador Luria, Nobel Laureate.
Michael Kammen, Pulitzer Prize Winner.
Derk Bodde, University of Pennsylvania.
Julian Bond.
Cesar Chavez.
Clairie C. Harvey, President, Churchwomen United.
Max Dellbrick, Nobel Laureate.
Marshall Nirenberg, Nobel Laureate.
Albert Szent-Gyorgyi, Nobel Laureate.
David Harris, The Council on Social Ministries.
Simon Kuznets, Harvard University, Nobel Laureate.
Richard Echaus, Massachusetts Institute of Technology.
Carlos Diaz-Alejandro, Yale University.

I would also like to insert in the RECORD at this point the full petition as well as a statement I made at the press conference:

A PETITION FOR CHILEANS IMPRISONED BY THE JUNTA

Members of Congress: We call to the attention of the members of Congress of the United States the continued denial of basic human rights in Chile.

We protest the detention of many thousands of Chileans since the military coup on September 11, 1973. We object to the Junta's use of trial by closed, summary, military tribunals, in the hope that Chileans and foreigners will not be tried in this manner. We protest the continued denial of legal rights of prisoners, particularly the frequent practice of permitting only 24 hours' notice of charges for which prisoners are being held, thus denying adequate legal defense. We also protest the use of detention centers which endanger the health of prisoners, such as Dawson Island within the Antarctic Circle.

Therefore, we urgently request that members of the Congress:

1. Write letters to the State Department protesting the denial of human rights in Chile.

2. Call for passage of the Kennedy Amendment in the House (already passed by the Senate) which would withdraw all United States public, economic and military assistance to the governing Junta until the President of the United States deems that human rights have been once again restored in Chile.

3. Support specific measures to restore human rights of thousands of people in Chile, specifically to:

Allow international inspection of all detention centers in Chile, together with the right to carry out future inspections at any time;

Observe the traditional right of international medical examination of prisoners; and

Observe the traditional right of representation of international legal observers at *all* trials.

4. Implement the parole visa to facilitate emergency asylum in the United States for Chileans and foreigners fleeing Chile, as almost all major Western European countries and Canada have done.

STATEMENT ON CHILE, JULY 15, 1974

The Chilean military junta which overthrew the democratically elected government of Allende continues to be supported by our government using our tax dollars. This continues in spite of growing reports of thousands of people—many of whom are women—who are arrested, tortured and killed, not for any crime, but for their purported opposition to the present government. This is not simply a question of political oppression. This is a question of basic human rights—and the right to life itself.

The Swedish Ambasador to Chile estimated that since the 1973 overthrow, some 10,000 to 15,000 people have been killed, including many women. Two excellent groups, the Women's International League for Peace and Freedom and the Chicago Commission of Inquiry into Human Rights in Chile, last February sent task forces to Chile to investigate these claims. They found that many women were shot without crime or trial; they were arrested and tortured for information and then, too deformed to be released, were killed; they were beaten and raped to extract information from their husbands; they were held, without legal counsel, in overcrowded jails without adequate food or sanitation. And our government, despite urgings from the Congress, continues its financial aid to the military junta.

These inhumane conditions and flagrant violations of human rights have been authenticated by eyewitness reports. Anthony Lewis in the *New York Times*, May 30, 1974 gave the example of one woman who was stripped twice and abused, searched by soldiers "for dynamite in her vagina" while she heard her husband being tortured nearby.

Within the estimated 30 jails and concentration camps across the country exists a special facility which imprisons and tortures solely women. Torture methods in Buen Pastor, according to WILPF findings, include beatings, electrical shock, and cigarette burns on the body. Rose Styron in the *New York Review of Books*, May 30, also cites the use of electricity applied to gums producing hysteria and applied to the uteri of pregnant women to produce brain lesions and abortions. Other young girls, raped in torture camps, enter with hair pulled out and their nipples and genitals badly burned. It is horrendous that the United States has nothing to say about this barbarity.

These prisoners are not the only women affected by the junta. From information collected by the Chicago Commission, we know that all women have been affected by the spiraling rate of inflation since the takeover, 1000%, which makes even simple commodities beyond reach. All women have been affected by the estimated 20 per cent rate of unemployment and the below-subsistence compensation. All women are affected by the suspension of 107 national unions and the increase to a 48 to 52 hour workweek. All women are affected by the threat of expulsion from their jobs if suspected of sympathizing with the Allende government. All of these measures effectively create the climate of fear I denounced to my fellow Members of Congress in May of this year.

Besides these economic pressures, the junta has also succeeded in overturning the democratic services which made the Chilean woman so independent. Now day care centers are frequently closed and medicine is no longer socialized; education has been made more difficult to obtain, especially in the militarily controlled universities; the press is severely censored and books are banned; and a right I feel basic to every woman, the right to an abortion if she so chooses, has once again been made illegal.

What can we do to stop these violations of human rights? Anthony Lewis remarked, "Words would matter in this instance. If the United States spoke out against the torture, if our Embassy in Santiago was active in watching the trials and other visible manifestations of oppression, if more American lawyers joined international legal groups in protesting the junta's lawlessnesses, if Congress moved to attach conditions to aid, those who rule Chile would almost certainly listen."

Since the coup, I have supported legislation to cut off all military aid and credit sales to Chile. This is what the Congress can and must do to stop repression. We must also equalize opportunities for immigrants from Latin America and allow them to apply for visa extensions here.

I urge all of you to write to your Representatives and Senators to support these measures.

I also encourage you to request the Inter-American Commission on Human Rights to include a female doctor on the GAS Commission to Chile. Many fine informative Commissions, including the WILPF and the Chicago Commission, have returned with information which would be difficult to obtain without women observers. Without a female doctor on the GAS Commission, an investigating team composed only of men would be denied access to the women's sections of facilities and could not confirm conditions there.

With legislation and the valuable efforts of concerned groups, we can change these horrifying conditions. We can use economic sanctions in the cause of human rights; we can encourage our government to denounce the tyranny of the Chilean junta; we can ask our representatives to support all measures which would pressure the junta to restore legitimate democratic institutions to Chile and those measures which would allow our country to deal more humanely with the refugees.

Through your efforts and ours, we will make our voices heard. We will restore dignity and freedom in the face of oppression.

WHO SHOULD JUDGE THE PRESS?

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. HANRAHAN. Mr. Speaker, citizens have always been extreme critics of the press. Oftimes the criticisms is justified, but in many instances it is not. The following article by Clarence Petersen of the Chicago Tribune, should be of interest to my colleagues:

WHO SHOULD JUDGE THE PRESS?

(By Clarence Petersen)

Time magazine this week devotes eight full pages to a "self-analysis" of the American press, and although I admire the attempt and even the result, I almost wish they hadn't bothered.

In answer to the cover question, "The Press: Fair or Foul," what do you imagine Time's answer to be?

You guessed it.

The magazine acknowledges a good number of mistakes the press has made, but does little or nothing to explain them. There is nothing, of course, so disarming as to admit a mistake. After you've said, "You're right—I was wrong," what more can your adversary say?

As a result, Time's self-analysis turns out to be a skillful defense, particularly of the performance of the press on the Watergate scandal. In comparison to the White House, where officials including the President have been caught in one lie after another, the press looks very good indeed. But then, who doesn't.

Critics of the press—especially those who insist that the President can do no wrong—are not likely to be persuaded by this article or by any other.

They are likely to ask themselves, If a magazine will lie every week about such a small thing as its own publication date, can it be trusted to tell the truth about something important?

The current issue, which came out Monday, July 1, is dated July 8. That's so people who get the issue later in the week will not think they're getting an "old" newsmagazine.

How silly to bring that up. But small as it is, the principle is that the end justifies the means, and that's what the CREEPS who perpetrated Watergate told themselves.

Far more serious, however, is the very notion that the press is capable of fair and impartial self-analysis. What is news and what isn't; what is important and what isn't—questions like those are hotly debated by newsmen, and there are no easy answers.

The news of the day is simply what the editor in charge that day decides it is, not infrequently over some objections from his staff. When the opposition paper comes out, the editor sometimes changes his mind, thinking that perhaps the competition was right. The competition editor, meanwhile, changes his mind too. And the TV newsmen try to follow both. There is lots of follow-the-leader in the news business—as in any business or profession.

One can applaud the attempt at self-analysis, and the polls we publish show that newsmen are not doing a bang up job of winning the public trust. But articles like Time's—even good ones—are in the same bag with Richard Nixon's idea that he can fairly determine when the House Judiciary Committee has the evidence it needs to decide his case.

There is no way for the press to be judged and remain free except in the court of public opinion, but self-serving articles in the press about the press are not the best way to win approval.

Laurence I. Barrett, who wrote the Time story, said the job posed "certain conceptual difficulties. You almost have to step outside yourself." He was quoted in "A Letter to the Publisher," in which Time each week pats itself on the back. Barrett did not say how—or even if—he managed to do it.

No doubt he tried—and I, personally, found his article sensible and sound. But in the final analysis, the only way for the press to improve its credibility is to be more credible. The rest is pretense.

And in a way, we journalists are like cops, who don't get judged by the big cases they crack but by the manner in which they hand out traffic tickets.

I don't have to step outside myself to recall the time my own family was involved in an auto accident and the details were reported in two Chicago newspapers. There were 18 factual errors in one story and 14 in the other, which was a shorter story. In both, it averaged out at about two errors per column inch.

That was not a big story and it neither got nor deserved the careful handling that sensitive, nation-shaking stories like Watergate usually get, but that kind of thing happens often, and readers wonder about it.

I know they wonder because they are always asking reporters, "What *really* happened?" And too often, reporters have lots more to tell them than they wrote—or were permitted to write—not always for the best reasons.

Fewer errors on the small stories and greater willingness to concede mistakes, to admit that journalists are human and fallible like everyone else, would do more to improve our image than any 10 stories like Time's—or, for that matter, columns like this one.

To put it another way, wrapping ourselves in the First Amendment and striking heroic professional poses bears an unhappy resemblance to the politician who wraps himself in the flag and lectures the country on national security.

LAWRENCE R. SCHNEIDER, CHIEF COUNSEL, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. MOSS. Mr. Speaker, the Congress and the Nation lost a valuable public servant with the death of Lawrence R. Schneider, chief counsel of the National Highway Traffic Safety Administration, on Friday, July 12, 1974.

Mr. Schneider's outstanding advice and assistance to the Congress covered all aspects of the area of motor vehicle safety. Through his efforts and those of other dedicated public servants to the Department of Transportation, thousands of lives have been saved from unnecessary death and injury in motor vehicle accidents.

In particular, Mr. Schneider was of inestimable value in the development of pending legislation to amend and improve the National Traffic and Motor Vehicle Safety Act of 1966. H.R. 5529, which has been reported by the House Interstate and Foreign Commerce Committee, in part, embodies his ideas for improving motor vehicle safety and saving Americans from death, injury, and economic loss.

There is not much one can say to the family of a man like Larry Schneider in this time of their great loss. One thing his family should know that we in the Congress can tell them is that he accomplished more in a few years than most men do in a lifetime.

STOP TURKISH POPPY GROWING

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. WOLFF. Mr. Speaker, as my colleagues are well aware, the Turkish Government has decided to resume the production of the opium poppy. This decision will result in a vast increase in the amount of heroin available in the United States. This, in turn, will bring about greater heroin addiction and the resultant crime.

There is growing public support for legislation providing for a cutoff of U.S. aid to Turkey. More and more groups and individuals have come to the realization that the Turkish decision is a direct threat against our Nation. The Daily Journal of Elizabeth, N.J., has added its voice to the call for a cessation of aid. I commend this paper's editorial to my colleagues. The editorial follows:

STOP TURKISH POPPY GROWING: IT'S UP TO THE AMERICAN PEOPLE AND THEIR CONGRESS TO TAKE ACTION

One week ago today the government of Turkey lifted its ban on opium poppy production.

Until Turkey outlawed poppy growing in 1971, the country was the source of about 80 per cent of the illegal heroin ravaging America's cities. Then, because of U.S. government pressure, Turkey prohibited opium growing. In exchange, the U.S. agreed to pay some $36 million to compensate an estimated 100,000 poppy farmers while they prepared their acreage for a less lethal crop.

But apparently some Turkish public officials pocketed the U.S. dollars intended for the farmers. Then many of the same politicians successfully campaigned for reelection by attacking "insufficient" U.S. compensation and pledged to resume poppy cultivation.

The Turkish government now contends that "Turkey's opium poppy production will feed the international pharmaceutical industry," and promises that "the Government will take stringent measures to prevent illegal poppy growing and drug trafficking."

However, the only stringent measures to prevent illegal drug trafficking that the Turkish government has ever taken have been those that prohibited their own people from being victimized by narcotics dealers. Drug peddling in Turkey commonly draws the death penalty or life imprisonment.

For some idea of the toll of drug related crime in America, consider the spot check taken by the Wayne County (Detroit), Michigan Medical Examiner's office during a 77 day period in 1973: It revealed that approximately 45 per cent of the homicide victims under the age of 35 either had drugs in their systems, needle marks in their arms, or both.

The degree to which drugs are a major cause of crime in America is not generally recognized, the Wayne County Medical Examiner, Werner Spitz, said, pointing out examples where homicides are classified as resulting from a domestic argument even though there may be drug paraphernalia lying out in sight.

Moreover, Spitz points out, it is often easier to identify addicted homicide victims than unapprehended addicts who commit violent crimes on innocent people.

The problem exists on the same dimension in New Jersey, where state officials estimate that up to 80 per cent of the inmates in state maximum security prisons are there because of drug-related crimes.

The Turkish government now plans to distribute germinating poppy seeds to farmers in six Anatolian provinces from now until October, when the planting season begins.

Given the Turkish record, it is impossible to believe that the new licensing of opium production will not be abused. The profits derived from diverting opium from legal pharmaceutical manufacturing to illegal heroin production are just too great, and past Turkish security measures to prevent illegal diversion have been too faulty.

Rep. Peter Rodino, New Jersey Democrat, has introduced a resolution calling on President Nixon to suspend U.S. aid to Turkey. Rodino's measure, coming one day after the Turks lifted the poppy ban, is an important step because it indicates that a powerful House committee chairman—Rodino heads the House Judiciary Committee—is taking up an issue first sounded by two New York Democratic representatives with less senior positions.

Nevertheless, the fact is that introducing a House resolution is only a first step. Even if successful, it is only a means of exerting political pressure on the President to take action, it has no force of law.

Public outcry on Turkish opium growing, accompanied by tougher legislation, might persuade the government in Ankara to reverse its decision. Because Rodino's committee is occupied with impeachment hearings, New Jerseyans concerned about this issue should consider writing to Sen. Clifford Case, and ask him, as a senior Republican member of the Senate Foreign Relations Committee, to move without delay for committee hearings on poppy cultivation in Turkey.

Readers might consider demanding not a resolution, but a law, that requires a complete cut off of all aid to Turkey if the poppy seed distribution continues.

MISS EBBA JANSON—DISTINGUISHED NEWSPAPERWOMAN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. WYMAN. Mr. Speaker, Miss Ebba M. Janson, of Laconia, N.H., was, I believe, the first woman city editor of a daily newspaper in New England—the Laconia Citizen. In that capacity, Miss Janson met the great, the near great, and the notorious for more than 40 years.

In addition, she covered the biennial sessions of the New Hampshire State Legislature, often arriving at work in Concord at 5 a.m. in the morning and remaining on the job until late in the day when she would return to Laconia and spend long hours writing her report for the next day's publication.

Recently Miss Janson was honored in her retirement on the occasion of her 80th birthday at a surprise party given by friends at her home at 8 Pitman Court in Laconia. The affair was arranged by Mrs. June Lavallee, Mrs. Dorothy Clow and Mrs. Louise Hounsell. Preceding the social, Miss Janson was a dinner guest at Hart's Restaurant, Meredith. Her hostesses were her niece, Miss Barbara Janson, and her sister-in-law, Mrs. John Hanlon, both of Lawrence, Mass., Mrs. Jean Clow of Meredith and Mrs. Hounsell.

A graduate of Mt. Holyoke College, Miss Janson remains active in civic affairs and the Unitarian Church in Laconia. She still drives her automobile, still writes for the Evening Citizen, and is in charge of the public relations division of the Lakes Region Chapter of SCORE—Service Corps of Retired Executives.

At the present time, she is currently visiting her native Sweden which, in her 80th year, is indicative of her propensity for continued activity.

Would that her successors, whether near or far, might emulate the distinguished record of this outstanding New Hampshire newspaperwoman.

NUCLEAR SAFEGUARDS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. ASPIN. Mr. Speaker, at a time of increasing concern about the dangers of a nuclear proliferation, it is disturbing to note that the United States is actually cutting funds for the development of international nuclear safeguards. International safeguards—inspection and detection procedures designed to prevent countries with nuclear reactors from diverting plutonium to weapons production—have received considerable attention lately as a result of the administration's promises of nuclear aid to Egypt and Israel. Unfortunately, the talk has not been converted to meaningful action.

The Arms Control and Disarmament Agency—ACDA—which is responsible for such research, will receive only $150,000 for safeguard research this fiscal year. Both this year's amount and the total for fiscal year 1974 of $94,000 are drastic reductions from an average of more than $600,000 for previous years.

At a time when we are selling more and more nuclear reactors all over the world, it just does not make sense to be spending less and less on safeguards; $150,000 is just not adequate. It is especially ridiculous when you compare it to the Pentagon's budget.

ACDA should have at least $1 million each year for research and development on international safeguards for nuclear reactors. Some of the money could be used for developing long-range programs for dealing with inspection problems over the next decade, when, according to experts, the use of nuclear power will more than triple.

Other projects that need more money include the development of surveillance and inspection devices for inspectors of nuclear plants. ACDA could also supply more technical assistance to the International Atomic Energy Agency—IAEA.

Under the Non-Proliferation Treaty—NPT, the IAEA is responsible for inspecting nuclear powerplants that are operated by member nations or that were purchased from nations that have signed the NPT. Since the United States pays one-third of IAEA's anual budget, and since IAEA is spending $200,000 on research this year, the U.S. contribution to safeguard research through this organization is approximately $67,000.

The only other instance of U.S. spending on the devleopment of international safeguards is a $50,000 Atomic Energy Commission contract for technical assistance to the IAEA.

The AEC's research and development budget of approximately $5 million for safeguards is devoted almost exclsively to domestic problems. Although there is some carryover to international problems, AEC safeguard research is directed primarily at developing better accounting methods for the operators of nuclear reactors. This is a purely domestic concern. IAEA inspectors, whose job is to detect cheating by reactor operators, need equipment and techniques to be able to make independent measurements of reactor operations.

Budgets for safeguard research by ACDA show a marked drop in recent years, coincident with the Nixon administration's cuts in the ACDA budget as a whole. The budget for safeguard research in fiscal year 1968–69 was $785,000, $525,000 in fiscal year 1970, $596,000 in 1971, $608,000 in 1972, $736,000 in 1973, $94,000 in 1974, and $150,000 in 1975.

FLORIDA OCEAN SCIENCES INSTITUTE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. ROGERS. Mr. Speaker, the Congress and the State legislatures have enacted scores of programs designed to combat the more virulent social problems facing the Nation, among them crime and poverty. I believe that we have come to expect that the goals of many of these programs are not being met, and that the funds, from whatever source, have not been cost effective. And so, when an all-too-rare successful effort does come to light, it is well to call attention to it, both for the comfort it brings in the knowledge that not all these efforts are not in vain, and so that others with an interest in the problem may begin such efforts in their own area.

For these reasons, I would call the attention of the House to the Florida Ocean Sciences Institute in Deerfield Beach, Fla., which has recently been awarded the Bill Butler Memorial Award for excellence in the correctional field by the U.S. Jaycees.

The institute conducts a unique program of rehabilitation for young persons from 14 to 18 years of age who have been found delinquent by the courts of Broward and Palm Beach Counties. That the program has successfully attacked the root causes of juvenile crime is amply demonstrated by the enthusiasm of the participants in its program, which is built around a core of marine sciences activities.

The goal of the program is the development of good work habits, basic work, and educational skills, including high school graduation if desired, and self-esteem and enthusiasm which have resulted in a recidivism rate of 13 percent—far below that of other programs, especially incarceration. The prevention figure is even lower—only 3 percent of the "predelinquent" status offenders enrolled in program become delinquent. These figures are accurate, due to one of the unique features of the program—its followup program, through which the institute has kept track of all but 17 of 500 participants.

The State of Florida have, therefore, recognized the institute as a viable alternative to incarceration, and plans are underway to open other projects, and to move incarcerated delinquents from training schools into the programs.

In short, this project seems almost too good to be true. It works. It is costeffective. I urge each Member of the House to bring the institute's work to the attention of correctional officers in his or her district. I include in the Record the Jaycees announcement of the award and the accompanying description of the program. I would further urge all who are interested in learning more about the methods and experience of the institute to contact Mr. Robert Rosoff personally, at the address indicated in the article.

My congratulations to Mr. Rosoff and the institute staff for this recognition of their fine efforts, and to the Jaycees for their continuing efforts in the cause of effective administration of criminal justice and correction.

The material follows:

Bill Butler Memorial Award

During a time when most organizations and individuals equate prison reform with criticism of existing, we think it's refreshing and effective when groups recognize what's right and publicize it so it may be replicated. The United States Jaycees annually recognize outstanding individuals and organizations who are working within the correctional field and who especially utilize a large number of existing community resources—a true recognition of community corrections. In publicizing the report on the following pages of this year's winners, we, like the United States Jaycees, are not trying to say they are the best in the world or the best examples to be found but are merely samples of the best. We congratulate the winners and the United States Jaycees for this recognition and hope others will follow suit in identifying and exposing what's "right" and, even more important, encouraging similar action in their own communities.

FLORIDA OCEAN SCIENCES INSTITUTE, INC.

In September of 1969 a unique correctional program was begun at Florida Ocean Sciences Institute (FOSI) in Deerfield Beach, Florida. The Institute, which had previously been engaged in pollution and beach erosion research, had launched itself into the field of youth development. Youngsters between the ages of 14 and 18, who had been adjudicated delinquent by the courts of Broward and Palm Beach Counties, were referred to FOSI as an alternative to incarceration at State Training Schools. Since that time, FOSI has expanded its concept to three other Florida cities under contract with the State Division of Youth Services. Five additional programs are planned for this fiscal year, including one in Wilmington, North Carolina.

The Marine environment offers much in terms of motivation to such youngsters who have experienced such failure in all phases of life—at home, at school, and in the community itself. The Marine Institute concept allows a youngster to remain in his community and to contribute to it by his participation in environmental projects. The Institutes have developed an attractively mixed curriculum of marine-related, activity oriented subjects including seamanship, diving, and ocean sciences, and the basic educational necessities of reading, writing, and math. High school credits are earned through the adult education programs of the respective counties and opportunities are readily available for many of the young people to complete high school while enrolled at the Institutes.

The students also develop useful vocational skills and necessary work habits which apply to both land and marine-based jobs.

By using the environment, a well-structured reward system, "Reality Therapy" counselling and involvement techniques, and individualized "success" criteria based on "goal attainment scaling", the Institutes attempt to meet the following general objectives:

(a) to change the behavior patterns of the young people in such a positive way as to drastically reduce or eliminate recidivism among the program participants;

(b) to help the youngsters develop employability skills and work habits which will assure them success in employment;

(c) to teach the youngsters useful skills which have broad application in land as well as marine-based jobs;

(d) to provide educational opportunities in basic academic subjects and to motivate capable youngsters to continue their formal education;

(e) to use the resources of the Institutes to participate in research and development projects of social and environmental value.

Associated Marine Institute, Inc. applies sound, professional management by objectives techniques throughout all programmatic and administrative aspects of all Institutes.

Three major aspects of the criminal justice system are addressed by the Marine Institute Programs. They are prevention, diversion, and recidivism.

Over 98% of the over 700 youngsters involved in the Marine Institute programs have had prior legal involvements. These involvements have ranged from such status offenses as runaway and truancy. A typical breakdown of prior offenses for an arbitrary group of 21 youngsters from the Tampa Marine Institute program (TMI) reflects 233 offenses and represents an average of 8.32 offenses per child. At present, the recidivism rate for these youngsters since leaving TMI is approximately 134.

The 13% recidivism figure also applies to the overall rate for AMI over the past four and one half years. This represents a substantial reduction in recidivism rate over other programs dealing with this type of child. It demonstrates that a comprehensive program can be much more effective in "rehabilitating" youngsters than the traditional training school approach.

The State of Florida believes strongly in diverting youngsters from training schools into community based programs. To his end, a number of programs such as half-way centers have been set up by the State in houses, group homes, start centers and try local communities. The Division of Youth Services considers the AMI programs one such alternative.

From its inception, the Marine Institute program has been considered by the courts as an effective alternative to incarceration. Because of the existence of these programs in

Florida many youngsters have been diverted from the other alternative.

Beginning in February of 1974, the Division will begin diverting additional youngsters from training schools into the Marine Institutes. This will be accomplished by screening "committed" youngsters for the program and requesting judges to suspend commitments for placement in the Institutes. The Division goal is to divert approximately 25% of all commitments into the Marine Institute programs over the next two years. Approximately 50% of the funding slots in the programs will be allocated to "committed" youngsters under suspended commitment.

The third area of successful goal achievement within AMI has been in the area of prevention. Approximately 25% of the participants have been "pre-delinquent". Less than 3% of these status offenders and consent probation cases have become delinquent.

Finally, the AMI programs have done more than merely modify behaviors. They have prepared the youngsters to immediately become productive citizens. The national recidivism rate has been stated as high as 75%. Almost 80% of the AMI's participants are presently employed and paying taxes, or back in full-time school and are contributing in a substantial way to their community.

Over the past four and one half years AMI has been notably more successful than other programs working with this type of youngster. The State Division of Youth Services in its monograph on AMI concludes, "It is fairly inexpensive in monetary terms and its extremely low recidivism rate (13%) is unequaled by almost any other program".

The Comprehensive Youth Development Program operated by the Marine Institutes have a number of outstanding features which contribute to their success.

First is the comprehensive nature of the program itself. Its various components, counselling (including parent groups), job development, vocational training, and academic education, provide ways of meeting many different needs of different youngsters. The curriculum is flexible and diverse and graduation requirements are individualized for each youngster. Measurable behavior changes are a part of these requirements.

A second outstanding feature is the way AMI programs have tapped the resources of other community programs. The education components work directly through the local school system and teachers are furnished and paid for by the school systems. Medical and diagnostic services are provided many AMI youngsters by the Division of Vocational Rehabilitation. AMI programs are licensed by the State as nonresidential drug problems and close cooperation exists with other drug programs. Finally, private sectors of the community provide many jobs and on-the-job training opportunities for trainees in the program as well as graduates.

Another outstanding feature is the comprehensive follow-up program. Through an elaborate follow-up system graduates and non-graduates are closely followed by AMI staff specialists who keep track of their status and progress for a minimum of five years. Of 500 youngsters who have left the programs, AMI has lost track of only 17. Quarterly reports are issued providing statistical information on all former trainees.

Still another outstanding feature of AMI is the make-up of the non-paid Board of Trustees. Each Board is composed of many of the most influential members of the community from many diverse occupations. The Boards are active in the administration of the Institutes.

Finally, the feature which has put all of this together is the strong, highly talented management organization. AMI, Inc. has on its Board representatives from the Boards of all of the Institutes, so that all Institutes share a voice in the overall management, and an experienced staff to carry out the decisions of the Board. The central management concept offers many advantages to participant Institutes, not the least of which is a strong voice for funding acquisition. Many overhead expenses can be substantially reduced within each Institute as they are distributed across several programs. Finally, AMI has recently been nominated and recommended to the National Institute of Law Enforcement and Criminal Justice of the U.S. Department of Justice as an "Exemplary Project".

(For further information, write Robert Rosof, President, Florida Ocean Sciences Institute, Inc., 1605 S.E. Third Court, Deerfield Beach, Florida 33441.)

MORE PUBLIC INFORMATION ON DICKEY-LINCOLN

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. DRINAN. Mr. Speaker, as I have stated previously on the floor of the House, a great deal of misinformation concerning the proposed Dickey-Lincoln hydroelectric power project preceded the House vote of June 6 appropriating $800,000 for preconstruction planning of this project. I was gratified to learn that WCVB–TV in Boston was planning a series of editorials to help inform the people of New England about the actual costs and benefits of this project. Their excellent series has added to the growing volume of hard evidence that the excessive economic and environmental costs of Dickey-Lincoln far outweigh the small amount of energy which the project could generate.

I commend WCVB–TV's five-part series on Dickey-Lincoln to all of my colleagues. I am also inserting a reply to WCVB's position presented by my distinguished colleague from Rhode Island (Mr. St Germain). The material follows:

The Dickey-Lincoln Hydroelectric Projects: Should We Build It?—Part 1

The wild beauty of this river is deceptive, for it is near this spot—in far northern Maine—a place never seen by the vast majority of New Englanders—that some people wish to build the region's first hydroelectric power project.

Its name is Dickey-Lincoln, and it's been embroiled in controversy since Congress first approved the project in 1965. But money to build Dickey-Lincoln was *not* approved. And the issue has boiled up in Washington again this spring.

Thanks to the energy crisis and the high cost of oil, Dickey-Lincoln has a new lease on life. Its supporters argue that the power in this magnificent, free-flowing river, the Saint John, is desperately necessary to New England.

We do not agree. If you'll excuse the pun, Dickey-Lincoln can't "hold water" on economic or environmental grounds. And we hope to prove that to you in our editorials this week.

When completed, Dickey-Lincoln would have cost at least $800 million but will supply only 1 percent or less of New England's electricity—electricity, moreover, that will be sold only to the 8 percent of consumers served by publicly owned electric systems. Ninety-two percent of New Englanders would get nothing out of the Dickey-Lincoln.

Further, this project will destroy a superb and irreplaceable wilderness area whose recreational and scenic value far exceeds its worth as an energy source.

Dickey-Lincoln, if built, would be a tragic mistake and one more example of this nation's bungled energy policies. Congress should reject Dickey-Lincoln this year and forever.

We'll be back with more on the economic aspects of this project.

The Dickey-Lincoln Hydroelectric Project: Should We Build It?—Part 2

We're back today near the site in far northern Maine of the proposed Dickey-Lincoln hydroelectric power project. In yesterday's editorial, we said construction of Dickey-Lincoln would be a tragic economic and environmental mistake.

Let's look at the economics of this project, which the Army Corps of Engineers now says will cost close to $800 million, or possibly more.

If Dickey-Lincoln is completed by 1980 it'll produce 1.2 billion kilowatts of electricity per year, an amount equal to only 1 percent of New England's total supply. By 1990, Dickey-Lincoln power will be only ½ percent of total supply.

According to the original Army Corps of Engineers' report, Dickey-Lincoln would produce annual power benefits equal to $44 million. Yet, many of this project's key supporters don't realize that this is not a true figure. New information released by the Corps shows that power benefits will actually be only $4½ million, or only about two-tenths of 1 percent of New England's total electricity bill.

These facts explode the principal argument of Dickey-Lincoln supporters, which is that the project will serve as a yardstick for the cost of electricity in New England and force private utilities to lower their rates. Nonsense. Dickey-Lincoln is too small to be a yardstick for anything.

Moreover, and here's another misunderstood aspect, Dickey's power will be sold by the government only to publicly owned electric systems. Since private utilities serve 92 percent of New England's electricity consumers, we'd be spending nearly one billion dollars to provide minimal benefits to a fraction of New England residents.

We'll have more to say about the environmental effects of Dickey-Lincoln.

The Dickey-Lincoln Hydroelectric Project: Should We Build It?—Part 3

Most of those who support the Dickey-Lincoln hydroelectric power project have never seen the beauty its construction would forever eliminate. We came to the Saint John River in far northern Maine, so that we could better understand what this controversy is all about.

Dickey-Lincoln's six dams and two reservoirs would eliminate 75 miles of this pure and free-flowing river and flood 150 square miles of Maine's deepest woods. The project would also submerge part of the spectacular Allagash River and obliterate 90 miles of the Big Black and Little Black Rivers, as well as 80 miles of other rivers and streams.

Dickey-Lincoln would ruin some of the best hunting, canoeing, camping and trout fishing in the Eastern United States. The acreage needed for the reservoir at Dickey Hamlet alone exceeds the total land required for all new power plants and high-voltage lines in New England between now and 1990.

Nine new nuclear power plants will be completed in New England by the early 1980s, with 14 times as much total power as Dickey-Lincoln can produce. Solar power is also rapidly developing. And the ethic of conservation, if pursued, will completely eliminate any marginal need New England may have for Dickey-Lincoln power.

We don't need this billion dollar white elephant. It would be nothing short of insanity to destroy this priceless natural resource for such a minuscule energy gain.

We say no to Dickey-Lincoln. Please join us in getting that message where it counts—to your Congressman in Washington. And please, do it today.

THE DICKEY-LINCOLN HYDROELECTRIC PROJECT: SHOULD WE BUILD IT?—PART 4

During the past three days we've outlined our opposition to the proposed Dickey-Lincoln hydroelectric power project. We argued that Dickey-Lincoln would be an economic and environmental disaster, not just for that part of far northern Maine where it would be built, but also a disaster for all of New England.

Many Dickey-Lincoln supporters are now trying to justify this $800 million power project on the grounds that it would also prevent flooding along the Saint John River—flooding such as that which recently caused an estimated $3 million damage to Fort Kent, Maine. We were there during those floods. We saw the damage. We recognize the need for flood control.

But Dickey-Lincoln isn't needed to provide it. We've learned from the Army Corps of Engineers that it now plans to build a flood control dike along the Saint John near Fort Kent. The dike will cost slightly more than $1 million; and when completed in three years will protect fully against future flooding. In fact, this dike has been discussed for years and would have been built by now had it not been for wrangling over Dickey-Lincoln.

So don't be fooled by Dickey-Lincoln supporters who masquerade as saviours holding back the raging Saint John. They cannot hide their $800 million project behind a $1 million dike.

The people of northern Maine are going to be protected from future floods without Dickey-Lincoln. So please join our fight against this misguided project by writing today to your congressman in Washington.

THE DICKEY-LINCOLN HYDROELECTRIC PROJECT: SHOULD WE BUILD IT?—PART 5

Supporters of the Dickey-Lincoln hydroelectric project in northern Maine won a small victory recently when the U.S. House of Representatives approved an additional $800,000 for preconstruction planning.

But those of us who oppose this tragically ill-advised Federal power project are not discouraged. The vote in the House was very close. And we take heart from the lonely but courageous opposition of Massachusetts Congressmen Silvio Conte and Robert Drinan. We urge you to write Mr. Conte and Mr. Drinan and encourage them to continue the fight against Dickey-Lincoln.

Within the next few weeks, the Senate will be voting on Dickey-Lincoln. Massachusetts Senator Edward Brooke has expressed doubts about the project. We applaud his wisdom—and again we urge you to write Senator Brooke and encourage his opposition.

Dickey-Lincoln will destroy a priceless river and wilderness area for marginal benefit in electricity produced. Its supporters have knowingly and irresponsibly underestimated the cost of this power project, which will probably exceed $800 million—1000 times what the Congress is being asked to approve this year.

Dickey-Lincoln cannot stand up to close scrutiny on economic or environmental grounds. And when it comes time for Congress to vote on the full cost of construction, we're confident that reason and common sense will prevail. Dickey-Lincoln must be defeated. We promise to continue the fight against it with all of the strength at our disposal. But those courageous members of Congress who have stood with us need your support. Please let them know that New Englanders do not need and do not want Dickey-Lincoln.

THE DICKEY-LINCOLN HYDROELECTRIC PROJECT: SHOULD WE BUILD IT?

(By FERNAND J. ST GERMAIN)

I am pleased that on June 6, the House of Representatives approved the Public Works and Atomic Energy Commission appropriations for 1975. I am especially grateful that $800,000 was included to resume preconstruction planning for the Dickey-Lincoln School Hydroelectric Project.

New England is in a strangle-hold of skyrocketing electric rates. Consumer's electric bills have increased enormously in the past six months. For the elderly, the poor, the infirm, the pensioner, and others on fixed income, this is an impossible situation.

It is imperative that we develop alternate sources of power. Dickey-Lincoln will accommodate long-range power plans by providing peak period electricity that is inexpensive, non-polluting and reliable. It could be turned on instantly to prevent a reoccurrence of the memorable November, 1969 East Coast Blackout.

I have consistently supported measures to protect and rejuvenate our environment. If I thought Dickey-Lincoln would have a long-range detrimental impact on the environment, I would not support it.

But, I believe Dickey-Lincoln can have a beneficial effect on the area. Proper planning and coordination with the Allagash Wild River area will provide a balance in the types of recreational opportunities while preserving the wilderness character of the region.

The inexpensive, non-polluting power that is desperately needed by New England will be provided by swift completion of the Dickey-Lincoln Project, and I believe that the environmental impact can, and will, be minimized by expert planning and management.

PATRIOTISM AND IMPEACHMENT

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. MOAKLEY. Mr. Speaker, I wish to insert into the RECORD today a letter from Mr. Kevin J. McColgan, a constituent of mine from West Roxbury, Mass. Mr. McColgan makes an eloquent statement on the meaning of patriotism in this country today and the need for a vote of impeachment.

The letter follows:

Today is the 198th anniversary of American Independence. All across our state and the nation, our people will be celebrating with the traditional festivities, fireworks, speeches, and flag-waving, showing proudly their "patriotism." Certainly, this is all quite appropriate.

It is, of course, only symbolic of a certain kind of love and loyalty. Unfortunately, the more I sit back and think, the more I become convinced that the American people have lost the real meaning of "patriotism" and "loyalty." We are a people who tend to forget that the symbols themselves are not the object of our "patriotism." The words themselves lose their original meaning, taking a back seat to the symbols. In a much shorter time than it took Christmas to lose for most its original meaning, July 4 has become misunderstood. I feel the danger now more than ever in this, the decade of the Watergate, when a John Ehrlichman or Charles Colson distorts in the most obscene sense the significance of "loyalty."

Despite this fear, I have great hope. For, as David Crosby sings, "The darkest hour is always just before the dawn." In fact, I have even a great envy—for the Congressmen of the United States. For in a short time, you will have perhaps the greatest test in the last hundred years of true patriotism. More important than the flag-waving of WW I and WW II, more important than one's service in those wars or even "dying for one's country," or than the anti-Vietnam War rallies, more important than the George M. Cohan songs, or the "America, Love It or Leave It" bumper stickers, more vital to real patriotism is the test you Congressmen will soon face. I voted for you in 1972 and intend to again in 1974, because I believe you to be a patriot; please do not let me down. Vote for the impeachment of Richard M. Nixon.

More than any government since ancient Athens, the government of the U.S. is a government founded on the highest of principles. Our forefathers were not concerned with a country of power and prestige, a country which would soon lead the world in countless areas of trade and production. They were a people concerned with moral principle and the highest ethical standards and actions. My generation searches for the true America; I think that the answer lies in the very roots of our country: the lofty principles that were written into the Constitution.

There are few today who consider our President the embodiment of our forefathers' ideas. To most, he has become the symbol of the antithesis of these that its leader represent the opposite ideals on which that government was founded. If this is true, then America is now facing its greatest tragedy. It is for you to turn it into one of our greatest victories.

When Richard Nixon ran for President in 1968, and ran for re-election in 1972, he did so with the traditional promise of all politicians: that he would serve his country to the best of his ability. He would not let the American people down: we would look up to him and admire him even as he admired himself. We could expect only the best from RMN.

Yet, one year later we found him telling us something different. Faced with questions about his possible impeachment, he replied by telling us that he could not be removed from office without evidence of "high crimes and other misdemeanors", going on to imply that this meant he could not be convicted except for crimes which the ordinary citizen could commit.

Even though I believe this interpretation a narrowing of the meaning that the signers of the Constitution intended for this important phrase, this is not the real point here. What is to be noted is that we are no longer to think of Richard Nixon as someone we should look up to: he should be thought of as the ordinary citizen, John Q. Public. Did this mean that we should think of him as being no more responsible or ethical than "the ordinary citizen"?

In 1974, while we try to think over this question, we found that the question itself soon became irrelevant. We wonder why, if Richard Nixon is just the ordinary citizen, he should not be expected to act legally like the ordinary citizen. Cannot a citizen be jailed for ignoring a court subpoena? How can the President justify himself now? The Answer was what most of us McGovern supporters expected. Because Richard Nixon is only the ordinary citizen when it is his advantage to be. He is now the President again, thus having the right to ignore the court subpoenas so that he can protect the Presidency.

We have now come to the third image of Richard Nixon: he is not someone to look up to, nor is he any more just one of us; he is someone of whom we can expect less from, legally, than the average citizen. How can he blame those of us now who look down to him?

Watergate is certainly depressing. But it is equally depressing to me today to think that there are so many Americans who still miss the significance of all of this. Richard Nixon is out to save his own Presidency. Richard Nixon says he is out to save *the* Presidency. There are still many who applaud his efforts.

They miss the whole concept of patriotism. Yet there are others who think of the shambles our country is in, how we are losing power and prestige in the world, how this Administration is becoming powerless to act. These people want Richard Nixon removed from office too; yet, like the Nixon "loyalists", these people miss the important point. The United States, America, our country, our government—all of these were never conceived to be the greatest power on earth. When Mr. Nixon's hero, President Lincoln, spoke of "this government . . . (which) shall not perish from this earth" he was speaking not of a world power, but of a true representative government, a government of laws which were and are meant to be honored by *all* it's citizens. If President Sadat and Mr. Brezhnev and Mrs. Meir and the rest fail to comprehend this point, that is unfortunate. But if the American people fail to comprehend it, then it becomes tragic. More important than "loyalty" to the U.S. as world power, to the U.S. presidency, or to Richard Nixon, is the loyalty to principles contained in the Constitution. This is what patriotism should mean to all of us.

And this is why Richard Nixon should be impeached.

HIGH COST OF OSHA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. ASHBROOK. Mr. Speaker, in April of 1971, the Occupational Safety and Health Act, commonly known as OSHA, went into effect. The result has been a disaster for the businessman, the employee, and the consumer.

The supposed justification for this act is to create a safer working environment for employees. This is certainly a worthy goal. Work-related injuries should be reduced and health hazards eliminated whenever possible.

Federal regulation through OSHA, however, is undoubtedly one of the worst ways of achieving that result. As many businessmen will attest, the act has meant unnecessary harassment of employers and substantial increases in the cost of doing business. A survey released by McGraw-Hill publications estimates that OSHA cost business $2.5 billion in 1972 and $3.1 billion in 1973.

The small businessman and the consumer are the ones who usually suffer most from these increased costs. The employee, however, can also be an unwilling victim of OSHA. If a business closes because it is unable to meet higher costs resulting from OSHA regulations, it is the employee who suffers.

The specter of business closure is more than a hypothetical possibility. Hundreds of small businesses have already been forced out of business by heavy fines and impossible demands.

Ironically, many of the demands made by OSHA officials hardly seem necessary. As one employee stated after losing his job when the company was unable to afford changes ordered under the act:

> After all, is it better to have a job where there are some minor risks of injury—or no job at all? Even though my employer would have been required to make substantial modifications in our facilities to meet the standards, we never had an on-the-job injury in all the time I worked there.

Farmers also are being subjected to more and more OSHA regulations. Regulations are being promulgated which will affect a small family farm as well as the larger ones. Tractors and most other types of farm machinery are covered by new standards which many farmers believe will be difficult and costly to meet.

Even comprehending what is expected under the act is a difficult task. Farmers and businessmen are presented with a bewildering array of detailed regulations. Understandably they are at a loss to know which ones apply to them. Their first realization of a violation may well be when a Federal inspector fines them for noncompliance.

In 1970 when OSHA was reported from the House Committee on Education and Labor of which I am a member, I and a few of my colleagues raised serious questions as to the effects of OSHA. At that time we stated,

> Poor safety laws can and have done more harm than good. Mistakes we make now will have a serious impact on workers and on the state of our economy. We must also recognize that this legislation will affect nearly every aspect of the employment relationship.

This warning has proven all to accurate. As I have previously stated, the Occupational Safety and Health Administration is promulgating standards that cover the small businessman the same as the large corporation. Small businessmen are being required to spend much time filling out forms to meet standards which are vague at best. Furthermore, farmers are also covered by OSHA regulation—be they running small family farms or large corporate enterprises. The regulations make no distinctions. Previously I have asked the Secretary of Labor.

> Is the Occupational Safety and Health Administration going to be sending snoopers to every farm in the country to check on tractors, mowing machines and other farm equipment?

Unfortunately, that possibility exists.

OSHA has had some successes. It has created more work for Government officials and more redtape for small businessmen and farmers. Quoting again minority views on the original OSHA legislation,

> But to those who cherish constitutional due process—to those who know from long experience that job-safety and health programs developed in an uncoerced, cooperative context hold the best hope for continued progress—and to those who believe that American working men and women deserve more than an unworkable legislative deception—the Committee's action in approving H.R. 16785 is a tragedy . . .

I had serious doubts about the OSHA bill and voted against its adoption when it came up for final passage in the House. Events since that time have confirmed my doubts. Passage of OSHA was a mistake—a mistake that Congress should move to correct.

DANGEROUS TIDE OF FOREIGN INVESTMENTS IN THIS COUNTRY

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. DENT. Mr. Speaker, on July 2, 1974, I included in the Extensions of Remarks a warning to my colleagues on the dangerous tide of foreign investments in this country. A part of this warning included an itemization of several takeovers, which is a normal bimonthly feature of a newsletter called Foreign Investment—Inside U.S.A. Report edited and published by Frank Hawkinson.

The latest edition of Foreign Investment—Inside U.S.A. Report contains some further evidence concerning this matter. Get your conditioner out, because it is hair curling time again:

DANGEROUS TIDE OF FOREIGN INVESTMENTS IN THIS COUNTRY

SUBSIDIZING THE QUEEN

"England's Queen Elizabeth II received $128,000 from Uncle Sam for not planting cotton on her Mississippi plantation in 1974." This item, part of a larger report is disclosed publicly in a survey of wasteful Federal spending compiled by Rep. John B. Conlan (R-Ariz). A check with Conlan's office by INSIDE USA REPORT reveals these details: the plantation in question is Delta & Pine Land Co., Scott, Miss. unit of Courtaulds North America Inc., NY and Mobile, Ala.-based conglomerate, which is a subsidiary of the UK's Courtaulds Ltd. of London. The British Royal Family is a major shareholder. Delta & Pine is a diversified agribusiness eligible for crop subsidies from the US Agriculture Dept. Blimey, but it seems a bit much, that!

UNION 2—MITSUBISHI 0

Mitsubishi, Japan's top trading company with 1973 sales of $24.7 billion, is judged guilty of a second violation of US labor law by the National Labor Relations Board for illegal practices at its San Angelo, Tex. aircraft assembly plant. The Intl. Assn. of Machinists & Aerospace Workers is organizing a plant union and the Japanese management has resisted illegally. The Union's leaders are particularly irate because Mitsubishi receives financing aid for overseas sales of its aircraft from the Export-Import Bank, an agency of the Federal Government.

MORE ABOUT ARAB INVESTING

Isolated reports of longer-term Arab investments continue to stress that Mid-East funds are going into various forms of US real estate, rather than stocks or company takeovers.

An undisclosed Franco-Arab banking source reports a US property company receives a 12-year loan of about $10 million at a nominal rate of 9½%; this is said to be part of a wider Arab investment in that concern's operations.

A headline brawl erupts between the press and SC Gov. John West over his alleged role in the Kuwait Investment Co.'s February purchase of most of Kiawah Island near Charleston. Evidently, Gov. West and five state officials have co-owned an adjacent small vacation property on Kiawah since 1959. The press hints the officials' parcel was improperly enhanced by their luring the $17.4 million Kuwaiti purchase, which will ultimately see $100 million invested in the island as a residential resort. Gov. West insists they had nothing to do with the sale, didn't even know about it until after the fact. Teapot tempest?

In an unrelated development, Gov. West meets with Kuwaiti representatives about locating an oil refinery on South Carolina's coast. Ecologists, already restive regarding the Kiawah resort plan, are sure to organize opposition if the Kuwaitis proceed with a refinery project.

HEADLINER UPDATES

Results of the proxy battle for control of Ronson Corp. of Woodbridge, N.J. by Liquifin AG, Liechtenstein unit of Italy's Liquigas SpA, were originally to be disclosed at a reconvened annual meeting June 27. Now the outcome is postponed until July 9 when a

Federal judge will announce the proxy count.

A New Corporate initiative is also announced by Liquigas SpA, the Milan-based industrial conglomerate involved in the Ronson takeover attempt. The Italian firm forms a new U.S. corporation, Liquichimica of America Inc., negotiates to take in other foreign investor groups as partners in the venture, and plans to build an 'advanced chemicals' plant in Taft, La.

B.P., the U.S. subsidiary of UK's global oil giant, the British Petroleum Co., which acquired 25% of Standard Oil Co.-Ohio (Sohio) in 1969, is ordered to speed its divestiture of Sohio gas stations selling 400 million gal/yr within 18 months. The court order is the result of a Federal consent decree that originally authorized the merger. In four years Sohio has only sold outlets accounting for 150 million gal/yr. The decree requires Sohio to cut its 25% share of Ohio retail gasoline market to 20%.

Takeovers

Siemens Corp., Iselin, N.J., U.S. subsidiary of the W. German giant multinational electronics firm, buys Applied Radiation Corp., Walnut Greek, Calif. for an undisclosed sum. Applied Radiation, with 1973 sales of $3 million and 100 employees, makes radiation therapy equipment for cancer treatment.

Nachman Corp., Chicago bedding part manufacturer, which is a unit of Stabetag, a Swiss firm owned by Willy Korf, German multimillionaire industrialist, buys National Springs Corp. of High Point, N.C., maker of furniture springs, for an undisclosed price.

Vorwerk, a diversified textile trimmings and industrial fabric producer of Wuppertal, W. Germany, buys Braidmakers Inc., of NYC, a maker of apparel trimmings for the home sewing field, for an undisclosed sum.

Akzo Chemie By, specialty chemical unit of the Dutch AKZO NV, large Netherlands chemicals-fibers multinational, buys the New Brunswick, N.J. Advance Div., a plastics additives subsidiary of Cincinnati Milacron, 380th U.S. industrial, for an undisclosed sum.

Organon Inc., W. Orange, N.J. drug firm, a subsidiary of the Dutch AKZO NV group mentioned above, buys Aerojet Medical & Biological Systems, a chemical and instrument maker of El Monte, Calif. for an undisclosed price. AM&BS was a division of Aerojet-General Corp., a unit of Akron, Ohio's General Tire & Rubber Co.

Shell Oil Co., Houston-based subsidiary of the Dutch-UK-owned Royal Dutch Shell Group, the largest company outside of the U.S., buys National Oil Co. of Los Angeles, independent producer operating in Kern County, Calif., for an exchange of stock

Raem United States, a unit of LaBelgigue Industrielle of Liege, Belgium, an industrial conglomerate, agrees to buy up to 75% control of Mediquip Inc. a Maryland health care equipment manufacturer, in a complicated deal involving cash, notes and securities.

An international sporting goods and leisure market conglomerate, owned jointly by the Italian Franchi Corp. and NU.A., a European investment company, buys Stoeger Industries of S. Hackensack, N.J., a sporting arms manufacturer, for an undisclosed sum.

Real Estate

Tokyu Land Development Co., US unit of Tokyo's *Tokyu Fudosan KK*, owner-operator of an Asian hotel chain, buys a $3.3 million 5-acre parcel on Los Angeles' Wilshire Blvd. planning a 500-room hotel there.

American Towa Corp., Hawaiian unit of Tokyo's *Towa Real Estate Development Co.*, opens a 124-lot luxury housing subdivision called Lanikowa on the island of Oahu.

Mitsui & Co., Japan's second largest trading company with 1973 sales of $15 billion, pays $2.5 million for a 340-acre undeveloped parcel bordering Orlando, Florida's Disneyworld, despite the local zoning board's refusal to re-zone the site for commercial use.

Olympic Tower, the 52-story skyscraper rising on NYC's Fifth Ave., jointly owned by Greek tycoon *Aristotle Onassis* and the US's *Arlen Realty*, for unexplained reason sees only foreign corporations buying up the sky-high-cost apts. ($175,000–$800,000). The Tower is the first condominium in NYC to combine office, retail and residential uses in a single building.

ETA & Co. KG, a Cologne, W. German publicly-held realty investment firm, builds a 30-story apt. building on NYC's 48th St. near the United Nations Center and will give renting preference to UN personnel when completed in 1976.

Two unidentified W. German realty investment groups buy property on NY's Long Island. One concern, reportedly among that country's largest commercial property investors, buys *Nassau Mall*, a shopping center on the North Shore for $14 million. The other undisclosed group buys an office building in Centereach LI. The deals were handled by *Sutton & Towne Land Corp.* of Great Neck, NY.

Karl H. Mueller Industrial Development Corps., Dusseldorf, W. Germany, buys a 14-acre industrial zoned tract near Miami, Fla. for $280,000.

Rumors Department

Toyota, Japan's third largest manufacturer and No. 2 automaker, scouts the East Coast for a plant site to build truck beds. The company also makes a long-range survey of various locations across the US that would be suitable for a car assembly factory.

The Pahlavi Foundation, the Shah of Iran's personal investment vehicle which is building a 34-story office tower of NYC's Fifth Ave., considers other US investments. Among takeovers mulled: a US electronic systems engineering company; and an automotive component maker as a supplier for Iran's emergent auto industry.

Britain's Bass Charrington Ltd., the UK's biggest brewer and owner of the French wine exporter firm, Alexis Lichine, plans to increase US wine market penetration by buying a California vineyard.

Tokyo Steel Mfg. Co. negotiates with an un-named American electric furnace firm to set up steel billet production somewhere in the US. If the deal is finalized, it will be the fourth Japanese mill within the US. Other facilities involving the Japanese are being built in Portland, Oreg.; Etiwanda, Calif.; and Auburn, N.Y.

OREGON GOVERNOR McCALL IS OPTIMISTIC ABOUT THE FUTURE OF HUMANKIND

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. BROWN of California. Mr. Speaker, I recently read the text of an address by Oregon Gov. Tom McCall on the future prospects of humankind. In it Governor McCall declares himself an optimist, and after considering his views I believe that label is appropriate. I believe his remarks are relevant to the deliberations of this Congress and highly recommend them to my colleagues.

The address, the text of which I will insert in the Record in a few moments, was delivered before a summer lecture series at the University of California at Los Angeles on June 26, 1974. The lecture series is called "Earth 2020: Visions for Our Children's Children" and is free to the public.

The text of Governor McCall's address follows:

Earth 2020: Visions for Our Children's Children—One More Step to the Styx

(By Gov. Tom McCall)

The title of my address—"One More Step to the Styx"—seems to come from the gloom-and-doom school. It seems to imply that unless we change our ways we'll soon be through the gates of perdition, stumbling through the fire, tripping over the brimstone.

In a less literal sense, that's the thought I intend to convey. I'm not insisting that we're one step away from the end of the world ... that man's survival is truly in imminent jeopardy. Man is too innovative and creative to preside over his own funeral. We'll find a way to survive as a species, but I'm concerned about the quality of life that will be attached to survival.

Toynbee and Heilbroner suggest that life's quality will be adversely affected by shortages of raw materials—materials accessible but withheld or overpriced, and materials that will be so scarce they might as well be nonexistent. They contend that those shortages will cause the industrial nations to accept authoritarian government as being the most capable of dealing immediately with crisis in whatever way it sees fit.

West German Chancellor Helmut Schmidt theorizes that industrialized nations, confronted with intolerable adaptation and reorganization problems when their economies are threatened, will strongly contemplate the use of force to overcome or prevent serious economic disruption.

Ben Bagdikian has said: "When people despair and become frightened, they do not have to be shackled. They willingly relinquish their freedom for a promise of security, not in one great surrender of hope and liberty, but little by little each day, as they become more helpless, more powerless, and more fearful."

In the chase for unreasonable profit, sound land use theories are trampled, making some of us wonder if we might someday awaken to find we don't want to live here anymore.

We see so many things manufactured for one-time use that we might eventually find ourselves competing with rats at the landfills for materials basic to economic survival.

We waste natural gas, not knowing that a shortage of a principal product—nitrogen fertilizer—has increased the possibility of a worldwide food shortage.

We're told that to satisfy just 17 percent of the United States' demand for electricity, we'll have to construct more than 100 additional nuclear plants by 1980 and 30 in each year thereafter—and yet we haven't devised totally safe storage for harmful wastes.

To my knowledge, no nation has an energy policy based on anything other than the acquisition of more energy to create growth rates that are not sustainable in the long haul. It's my belief that most present-day governments have an almost unlimited unwillingness to begin to address tomorrow's grave problems in other than the most unrealistic ways.

Confronted by government malfeasance, and nagged by predictions of war, totalitarianism and starvation, it's perhaps only natural that I might cast myself among the doomsayers.

But that's not where I belong, or where

I reside. I belong with the cheery optimists who believe that man, noted for hitting what he aims at, can be persuaded to elevate his sights. Echoing Toynbee's chilling thought—that the price of unlimited growth may be the loss of liberty—is part of the persuasion. Whether we agree with Toynbee's assessment is immaterial . . . but we do need to recognize it as a possibility. We need to talk about the unthinkable—that we just might create decades of disorder by putting too great a strain on the natural world.

We have thousands of experts with suggestions on how to create a manageable system, but the multitudes have not been shaken enough to accept the idea that there have to be some changes around here.

I had hoped that the shock of the energy crisis would implant forever in our minds the truth that humanity has begun to exceed the earth's ability to provide. But once the gasoline supply situation eased many Americans resumed their habits of flying down the freeways—wasting oil by wasting gasoline.

Part of our persuasion of Americans to restrain themselves is to say that oil is a finite resource, and someday there won't be any more. But that's hardly sufficient. We have oil now, don't we? And by the time it's gone, we'll have figured something to take its place. We always have, haven't we?

Our persuasion must be more definitive. Last year when I ordered the termination of display lighting in Oregon because of a future potential for blackouts, we told the big story by telling small ones.

We pointed to one outdoor sign that used as much electricity in a year as did 3,000 homes. We figured out that the juice going into outdoor advertising was sufficient to support 10,000 jobs—and that fact brought some union men to make some rather broad hints to businesses not complying with the order.

Predictions of what might happen if we don't change our ways are running out our ears. But there also are plenty of facts to go around, and the arguments that seems to have the most widespread impact are those that relate why there are gaping holes in our bank accounts.

In my state, a private power company has had to build two oil-fired generating plants to help to meet the public's peak demands for electricity. The price of oil bought to run the plants is staggering. The price of each kilowatt hour of electricity generated from those plants will be at least eight times the price of a hydroelectric kilowatt hour.

Unless we retrain our demand, rate increase will be piled upon rate increase. People already resent paying more in order to live no better than before. And they came to government with their resentment, and we have an alternatve to offer: Reduce your use of electricity.

The rates in my state are relatively modest though, even now. In New York, homeowners are confronted with electricity bills of $200 and $300 a month—and even then, Consolidated Edison has had to forego a stockholder dividend and has had to obtain financial relief from the state.

Anguish is expressed in all the states. Some people suggest nationalizing the utilities, re-examining the rate structures, cutting down on the salaries paid to utility executives. These are worthy of discussion, but they don't come close to the roots of the problems.

The oil companies, the Federal government, and the American Electric Power System aren't adding much to public understanding.

The oil companies advertise on television that it sure costs a lot to get oil these days, but they say they are getting it for us—which is a public relations way of saying that the price will be high, but we'll still have all the oil and gas we want. And, of course, that's the principal reason that the price is so high.

The Federal government has no national energy policy, and just last November the President was telling the Seafarers' Union that America's use of 30 percent of the world's energy "isn't bad." He said, "that is good. That means we are the richest, strongest people in the world."

Meanwhile, farmers in India waited five days to fill 5-gallon gasoline cans to fuel their water pumps.

The president of the Mobil Oil Company said in April: ". . . the average consumer in this growing economy will continue to need more energy tomorrow that he does today."

The statement is untrue. The average consumer doesn't need more, and he needs to use less. The average consumer may *want* more, but he shouldn't expect to have it in this generation and probably not in the next.

The American Electric Power System—trying to drum up support for digging more coal—advertised in March that generating less energy will "generate galloping unemployment." Federal Energy Administrator John Sawhill promptly rebuked the president of the Power System for inferring that slowing the growth of energy demand will harm economic vitality.

Sawhill wrote: "Evidence abounds that economic energy conservation measures can enable the U.S. to dramatically lower its energy demand growth with minor changes in lifestyle—some positive and some negative. It is also clear that such measures will spur a very important amount of domestic economic activity," including, he said, the tens of billions of dollars that should be spent refitting buildings to improve thermal insulation.

Sawhill continued: "I don't believe it's necessary or proper to mislead Americans in order to have their support for the needed expansion of coal production and use."

The need for reality education is, as you can see, abundant in high as well as in low places. The gods of growth continue to feed on the sacrificial lamb. They continue to spout their homily that "In every crisis there is opportunity to make a fast buck."

We used to believe that we could catch up with inflation by increasing productivity. It is no longer a universal truth. The energy required has become so costly that increasing production served to *fuel* the inflation spiral.

In some energy-getting projects we are nearing the point where we will expend more resources to acquire energy than the new source will repay.

Coal gasification and extraction of oil from shale ought to be viewed as total systems requiring complex technologies, transcontinental delivery systems, massive water supply, significant expansion of communities and more social services. When viewed in the context of the energy required to get the new energy, we may well find we will suffer a net loss.

We don't know for sure. Perhaps no one knows as a certainty whether digging deeper, or hunting farther, or extracting gas from coal and oil from shale and electricity from uranium requires more energy than will be produced. But we have the mental capacity to find out, and we should—and with absolute certainty.

Everything which uses energy will cost more and more as net energy declines. This is the principal force driving world inflation.

The more successful the United States is in maintaining or increasing its total energy consumption, under conditions of declining net energy, the more rapidly inflation, unemployment and general economic instability will increase. The disruptive effects are seen finally in their true lights: The energy crisis has become an economic crisis, an environmental crisis, a political crisis, and a social crisis.

Attaching the noun "crisis" to those various adjectives is a bit of doom-saying because we really are at least one step from the Styx.

Amory Lovins told the Stockholm environmental conference: "How many people can continue to live on the earth for how long and with what wealth depends on the ingenuity and wisdom with which man uses energy. Yet on a planet that is round and therefore finite, energy conversion must eventually encounter some geophysical outer limit; and even sooner," he said, "it may be constrained by lack of resources, by biological side-effects, by technical problems, or by social, political, and economic pressures."

Let's find examples of the constraints mentioned by Lovins:

1. Lack of resources: When we can't find any more oil, or can't buy it at any price, what then?

2. Biological side-effects: A thousand species of plant and animal life—existing now because they have an important place in the ecological chain—are in danger of slipping from sight, forever, because of man's depredations, including the production of energy.

3. Technical problems: Nuclear fusion continues to elude us, and we're not even sure it will be a net producer of energy.

4. Social pressures: Who wants a coal mine for a neighbor?

5. Political pressures: If the price of oil is the destruction of Israel, will we pay it?

6. Economic pressures: The oil companies say they need to make a capital investment of one trillion, three hundred billion dollars by 1985 to fuel the needs of Western industrial nations. Are we really going to saddle the Joe Consumer of the future with that debt when many of our reasons for doing it are wrong?

I have dwelt on this matter because how we acquire, use, and re-use or dissipate energy is the foundation of all styles of life. The United States created money by swift development of resources through industrialization and mechanization made possible by the consumption of great amounts of energy. Our standard of living—as defined by us—became the highest in the world.

But in our rush to riches we should take a gander at the precipice ahead. Using up the finite resources of this country and others only to make money for now is to shoplift from the future.

One economist has mathematically determined that the energy consumed by tractors operated on United States farms is about equal to the energy value of the food crops we consume. We need to ask ourselves whether it might not be sound to consider substituting human labor for some of the work done by the tractors.

We also should consider whether using manure to enrich the land is economically and environmentally more suitable than using natural gas to manufacture nitrogen.

It is possible that using human labor to spread manure is a better course than using tractors to spread a manufactured fertilizer? It breaks with tradition to think so. But it has been said—and I borrow this from one who can't remember where he first heard it—the most progressive step sometimes is the one that is taken backward.

We are more likely to increase our standard of living in the future by using less energy, not more. We will have to use less energy and make better use of raw materials, in fact, simply to maintain our present standard of living.

We have always thought that we could get the raw materials we need. Because we are rich, it has seemed possible to send dollars into the international competition for whatever it was that we needed.

But there is cause for considerable concern, because other nations are placing ever-higher values on their resources. By 1985 we probably will be dependent upon imports for more than half of our supplies of nine of 13 basic industrial raw materials, including iron ore, bauxite and tin. And just recently the price of bauxite was elevated something like 400 percent.

It would be self-serving to complain about the effort of a nation to protect its future by protecting its resources from willy-nilly exploitation. And let's not assume that this is a concept dreamed up by other governments to sandbag the United States.

A few months ago the Western Governors' Conference agreed upon a regional energy policy. Included in it was the idea that states with exportable, non-renewable energy resources ought to be granted special compensation to help them maintain economic health once their resources are depleted.

Montana lives on copper and coal and other resources taken from there and used in great measure to create wealth elsewhere. Consequently, Governor Thomas Judge recommended and the Legislature created a Resource Indemnity Fund, a tax on all nonrenewable resources extracted from Montana's good earth—coal, oil, metals and gas. This money will be invested and the interest income will be available to help the state resolve immediate problems of many kinds.

The principal will be set aside to be utilized when the taxed resources are ultimately depleted. Then the fund will be applied to correct environmental damage, provide recreational areas, and establish new opportunities for people to continue to live and work in Montana.

This kind of action needs wider application. If every state and nation were doing it, we might find that it leads to more efficient use of materials. It might create the needed incentive for replacing our open-ended organic and inorganic material flow with recycling processes, reducing the increasingly large amounts of energy needed to locate, concentrate, and process raw materials.

We also must slow the depletion of exhaustible energy reserves to give ourselves the time we need to develop inexhaustible sources of energy. Our present course must be reversed, for it must lead eventually to worldwide bankruptcy.

There are countless ways to get off the consumption trip, and many of them will be related by the distinguished lecturers following in this series. We could, for instance, double the durability of goods. We could replace a great deal of transportation with improved communications networks. We could voluntarily conserve. We could mandate greater efficiency by laws such as Oregon's bottle bill, which saves energy by requiring re-use and recycling of products.

The Oak Ridge National Laboratory recently developed a scenario that reduces transportation energy by 50 percent with no reduction in total travel.

Effecting the changes required to prevent a breakdown of our governmental, environmental, economic and social systems may not be popular, especially since many people don't even agree that fundamental change is needed. But I think that if we can create the processes through which change can be made, they will be willing and able to persuade themselves.

Land use planning is one such process. Land use and energy policies are inseparable. Through land use planning we can make rational decisions, for example, about whether we want to use land and water for energy development or for human recreation, wilderness preserves, or for competing industrial, agricultural and residential siting.

The people themselves, not just planners and governments, must confront the question of whether they want to trade a playground for more energy, or a factory. They can decide whether to hold the rush to suburbia in an effort to restore the inner city, conserve land, and reduce energy consumption.

But they cannot be expected to make wise decisions if government does not create the processes through which people can determine what's best for their communities. And we need government machinery for implementing those decisions.

The state government's are coming along, but the Federal government doesn't seem to act until its house is burning down. Many of us have asked again and again for a national energy policy. Energy production, environmental protection, transportation, economic growth, recreation, agriculture and all the other things that are part of our lives are inseparable. A decision affecting one affects all.

We need a national land use policy. And yet after 1,300 days of hearings and study and arguments in both chambers of Congress, the House refused a few weeks ago to even debate the issue.

That's not the kind of government that can make reality of the vision we have of our children's future. We must not balk at the change to find ways of living within nature's limits. This is the time for the government to bring the public along, and for the public to bring government around.

Oregon's new statewide land use planning law grew out of the idea that government had to offer a mechanism through which people could make decisions and see them acted upon. We have not taken over the field—90 percent of the planning decisions will remain at the local level.

We recognize that no one set of standards will do for all. Aspirations vary. Different kinds of natural constraints exist. People will choose diverging paths to reach their goals. But we do have to have a process through which we can discover whether our decisions are truly wise.

Building a new highway means taking up land that might better have been used for other purposes, if we had just stopped to think about it. Yielding more land to strip mines might not be necessary if we weren't so profligate in our use of energy.

A Bureau of Reclamation official in Colorado recently predicted that it someday will be economically feasible to transfer water from the mouth of the Columbia River to the Southwest. I think it would be an outrageous waste of money and land to build that aqueduct simply because people won't accept the idea that there are limits to growth.

In designing their future, people must take care not to adopt a system that creates unmanageable problems. Attracting more people to an already impacted area is foolishness. Low levels of livability slide inevitably lower.

It is possible to design a system of life that eventually will blow up on you. The prevailing theory of ecologists is that desert formations accelerated by Sumerians, Greeks, Romans and other ancient civilizations contributed to their decline as they became vulnerable to disease, famine, drought and invading armies when the land could no longer support them.

Our present system of environmental mismanagement is taking the same course—we are using up finite reserves in such a way that we are burdening the ecological system, heightening political anxieties, and eroding social and economic systems of life.

We need new and better designs that have sufficient flexibility to allow us to alter the trajectory of development when undesirable conditions arise. We need designs that will help us identify and avoid future alternatives that are economically, ecologically, technically or socially irreversible.

Most of us have made the assumption that there always has been rapid growth and we have to have more of the same. It isn't necessarily true.

We do have to have growth to keep pace with a still-expanding population. And we need to use more of our land and resources—with wisdom—to help the needy rise out of poverty.

But it is neither an increasing population nor the poor that is responsible for bringing us closer to environmental poverty. It is our appetite for a second home and a second Cadillac. It is our no-deposit, no-return ways of waste.

There has been a real burst of growth only in the last two centuries, and it was made possible only by the use of special energy supplies accumulated over long periods of geologic time. Without an abundance of energy, an abundance of economic growth is not possible.

Abundance may be just around the corner, some authorities tell us. The administrator of the Bonneville Power Administration said in April:

"Beyond the year 2000, as (nuclear) fusion plants displace coal-fired power plants, conventional nuclear power plants and breeder reactors, the by-product production of carbon dioxide and particulates, and of weapons-grade nuclear materials and radioactive wastes, will be phased out. The 21st Century should see the ushering in of an era in which the energy crisis will cease to be a crisis—forever." And if the energy doesn't come from fusion we might get it from the sun.

But even if we could, there are still constraints on a system of economic growth that is so dependent upon the consumption of nonrenewable resources, including a finite supply of land.

So it is logical to think again about what John Stuart Mill termed "the steady state." Something of this order is suggested in the previously quoted remark of Amory Lovins: "How many people can continue to live on the earth for how long and with what wealth depends on the ingenuity and wisdom with which man uses energy."

Herman Daly of Louisiana State University defines the steady state as an economy in which the total population and the total stock of physical wealth are maintained constant at some desired levels by a minimal rate of maintenance—by birth and death rates that are equal at the lowest feasible level. You would put nonrenewable resources into the economy only as fast as they are required to replace what a stable population consumes or loses.

Daly doesn't suggest what the levels of population and physical wealth should be. Each generation or each two generations or whatever number could make that determination based on what a quality life is perceived to be. And the people could change the levels downward, or authorize growth so as to climb to another steady state.

Howard Odum of the University of Florida offers this rationale for trying to achieve the steady state:

"In growth, emphasis is on competition, and large differences in economic and energetic welfare develop: competitive exclusion, instability, poverty, and unequal wealth are characteristic. During steady state, competition is controlled and eliminated, being replaced with regulatory systems, high division and diversity of labor, uniform energy distributions, little change, and growth only for replacement purposes.

"Love of stable system quality replaces love of net gain." We are not going to leap right into a steady state. It is anathema to a nation whose textbooks make heroes of the empire builders. Perhaps it is not the answer: probably if we slow down enough now, future generations will find a better one.

The people of America aren't irrational. They can understand and act on the concept that the earth is their spaceship. They can recognize that as the only organism on earth capable of thinking, they have a responsibility to all the other people and parts of our world.

Perhaps our leaders have aimed too low, and at the wrong goals. Perhaps there hasn't been enough integrity, vision and truth-saying to convince us of the folly of eating up tomorrow.

We have treated our world with cavalier abandon. But it has always been Tom's First Rule of Thumb that we have a greater capacity to love than to destroy. And because we are in love with the world, we will not be able to resist the temptation to try to make it better.

THE PAPERWORK JUNGLE: BUREAUCRACY HARASSES SMALL BUSINESSMAN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. ASHBROOK. Mr. Speaker, one of the greatest problems of the businessman, often misunderstood, is the incessant barrage of conflicting and sometimes impossible regulations emanating from Federal bureaucracies. The public witnesses the Congress enacting legislation with high sounding titles and purposes. We hear about occupational safety and health laws, equal employment opportunity laws, environmental protection laws, consumer protection laws, and so forth, and rarely does the average American realize the waste, cost, and problems which often result from the implementation of legislation with even the highest of motivation. These burdens fall even harder on the small businessman who is not armed with a staff to handle the paperwork blizzard.

I could give you dozens of examples of bureaucratic regulations which are just short of sheer stupidity. Too often, low level bureaucrats make important decisions which impede progress, jeopardize jobs and add costs which ultimately must be paid by the American consumer. Let me give you one example of a bureaucratic monstrosity which recently crossed my desk. Company X in the 17th District is a small contracting firm employing 121 workers. A part of the gauntlet they have to run in carrying out their business is compliance with Equal Employment Oportunity Commission—EEOC—regulations. How these regulations have multiplied in themselves is an interesting example of bureaucracy at its worst.

The company has received a periodic approval from bureaucratic officials which indicates that it is in overall compliance with the law—that is, they have hired the necessary number of minority employees as determined by bureaucracy and their hiring program is such that minority employees have been recruited in adequate numbers for new positions which are available in the firm. This is not enough for redtape experts, however.

No matter how small the job, somehow or other poor management must arrange to have a proper number of minority employees on the job and, even worse, in all categories of work. This might not sound difficult but stop and consider the problem as evidenced in this one particular case.

Company X does subcontracting for large contractors. One small job required 5 days of work. The employer files his necessary manpower reports and shows the following breakdown:

Supervisory—78 hours total work, 46 percent by minority employees;

Cement masons—107 hours total work, 31 percent by minority employees;

Laborers—234 hours total work, 28 percent by minority employees;

Teamsters—39 hours total work, 0 percent by minority employees.

Did company X comply with the law? You should see the paperwork that emanated from this job. Company X receives repeated requests from the Government to show reasons for the deficiency in the teamster category and to outline corrective action plans which will be taken to rectify these supposed deficiencies. Company X writes back repeatedly with the simple explanation—we only needed one truck and had only one truck driver. He happened to be white so obviously there was zero percent minority. On other jobs the truck driver might be black and you would have 100 percent minority in this category.

Government bureaucrats barrage company X with the charge that it is not in compliance with the law. They withhold its payment on the contract and demand that it take corrective action to prevent this from happening.

Now you figure out how you can have a required percent minority man-hours in a category when only one person is involved? Would you say that company X is in general compliance with the law? When 46 percent of the supervisory help are in a minority category when only 10 percent is really necessary. Thirty-one percent of the cement masons are in the minority category when 10 percent would be adequate. Twenty-eight percent laborers—less than those in the supervisory capacity—and far more than what is needed. Does this sound like a reasonable law with a reasonable application of the regulations? Now you see what I mean and what the small businessman faces.

I immediately took this travesty to the Secretary of Labor who was very sympathetic. Peter Brennan himself was a construction worker before he became the head of his union and later the Secretary of Labor.

It is not enough to merely complain or to say "I saw this coming and voted against this bad law." It is on the books even without my vote. Suggestions must be offered to rectify the law. My basic suggestion to help the small businessman was that company X not be required to have compliance in every job but only in their overall company hiring policies. Think of the difficult daily problems when management dispatches men in the various categories to several different jobs on different sites with a small 121-member labor force. It is a gigantic balancing act to try to make sure that each job is in compliance. This is absolutely ridiculous. If they are in overall compliance in the company, it should satisfy EEOC regulations.

The other element that operates to the detriment of small business is the fact that company X on many jobs must file as many as five forms giving the same information to different agencies. For example, if company X is working in one of the major Ohio airports, it would be required to file compliance forms with first, FAA; second, the city of Cleveland; third, a hometown plan, fourth an EPA plan, and fifth, a State of Ohio plan. All these forms give the same basic information. Unified forms can be a help in this redtape morass.

I also made a third recommendation to the Secretary of Labor. This matter of compliance or noncompliance is too important a decision to be left to low-level bureaucrats who in many cases do not have adequate competence in their field. That one low-level bureaucrat can arbitrarily withhold the payment of millions of dollars or, in the case of company X, its payment for a 5-day job, is wrong. All decisions of this type should be made at higher levels where competence and fairness can be assured.

Above all, I recommended to the Secretary of Labor that basic overall procedures be established which are understandable and can be fairly applied. Most of bureaucratic regulations of this type are fluid and depend on the person applying them, the area and locality.

This is only one of the many areas that I could cite which illustrate the difficulties of the small businessman harassed by his government.

I have been a foe of bureaucracy during my years in Congress and the more I see the more I realize that compliance orders, controls, regulations and redtape are strangling many businesses, large and small, with the result that the consumer pays, the laboring man has fewer rather than greater opportunities for employment and American productivity is being stifled. A serious charge you say. Not nearly as serious as the situation confronting the average businessman. Just ask him if you have any doubts.

TAX REFORM: THE BATTLEGROUND OF THE MOVEMENT OF THE SEVENTIES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. STOKES. Mr. Speaker, I would like to draw the attention of my colleagues to a recent speech made to the NAACP Convention in New Orleans, La., by my good friend and colleague, Congressman WALTER E. FAUNTROY. Congressman FAUNTROY, who is a Delegate to the House of Representatives from the District of Columbia, is also the secretary of the Congressional Black Caucus, and has been a longtime civil rights activist and close associate of the late Dr. Martin Luther King, Jr.

I fully agree with my distinguished colleague that "tax reform is the next battleground for the civil rights movement of the seventies," and I commend his speech to my fellow colleagues and citizens:

Tax Reform: The Battleground of the Movement of the Seventies

(By the Honorable Walter E. Fauntroy, Delegate, Washington, D.C.)

The noted actor-producer, Ossie Davis, in an outstanding speech at the first Congressional Black Caucus Dinner in 1971, coined a phrase that has profound significance for our continuing struggle for freedom and human dignity today. Said he:

> "It's not the man, it's the plan;
> It's not the rap, it's the map."

Lamenting the tragedy of the deaths of men like Medgar Evers, Martin Luther King, Jr. and Malcolm X and warning of the likelihood that still more brilliant leaders will fall before victory is won, Ossie Davis then called upon black leadership to:

"Give us a plan of action . . . a '10 Black Commandments; simple, strong, that we can carry in our hearts, and in our memories no matter where we are and reach out and touch and feel the reassurance that there is behind everything we do a simple, moral, intelligent plan that must be fulfilled in the course of time even if all our leaders, one by one fall in battle, somebody will rise and say 'Brother! our leader died while we were on page 3 of a plan. Now that the funeral is over, let us proceed on to page 4.' "

I come tonight to talk about such a plan. I come to talk about changing a system of taxation that robs the masses of working Americans, black and white together, of the resources to solve this nation's basic domestic problems that just happen to be reflected in the black experience: Unemployment, inadequate housing and health care, poor public schools and other pressing social ills. I come to offer a plan for changing that tax system and meeting those human needs. It is a plan to coordinate and concentrate the potential of the black vote across this nation to end the domination in national politics of a historic coalition of Southern Democrats and conservative Republicans. That infamous coalition has developed and maintained a system of gaping tax loopholes for the wealthy few at the expense of the unmonied many; $77 billion worth of loopholes, which, if closed, would enable our nation to find solutions to its basic domestic problems.

It is a plan to mobilize the power of the black vote to forge new coalitions with white voters on mutual respect and cooperation: *Respect*, because of the power of the black vote in key Congressional Districts and States across the nation; and *Cooperation*, because of the recognition of basic commonality of interests on a range of economic issues that blacks share with the masses of white wage earners and small businessmen in this country.

Now I know there are those of you saying: "there they go talking that coalition politics stuff again." Before you tune out on the plan, however, let me remind you there was a time, a little over 100 years ago, when black voters in America were an indispensable part of a voting block that threatened to drive the perpetrators of social and economic injustice from the command posts of power in the South.

Let us recall the facts of history for a moment, and I think you'll understand what I mean. The noted historian C. Vann Woodward, in his book *The Strange Career of Jim Crow*, clearly points out that the segregation laws of the South were not the outgrowth of natural enmity between the races stemming from the Civil War but, rather, the result of the shrewd manipulation of race prejudice by emerging bourbon interests to keep southern labor divided and the cheapest in the land. You see, it was a simple matter for the emerging "bourbon" interests in the South to keep the poor white masses working for near starvation wages in the years following the civil war. If the poor white laborer complained about his low wages, the plantation or mill owner would merely threaten to fire him and hire a former black slave whom he'd pay even less. This strategem assured low wages everywhere in the South and that southern labor would remain the cheapest in the land.

During reconstruction, however, something very significant began to happen. Both the poor white masses and the blacks were awakened to the fact that they had a commonality of interests, that they were being fleeced by big business and the monied special interests. Black and white together, they joined to form a voting block that threatened to drive the money interests from the command posts of power in the South. Marching on ballot boxes, black and white together, they sent the fourteen black Congressmen to the U.S. House of Representatives from such states as South Carolina, Georgia, Mississippi, Florida and Alabama. Marching on ballot boxes, black and white together, they sent six black men to the U.S. Senate, two from the State of Mississippi.

"Something has to be done," thought the monied interests of that day. The Presidential election of 1876 gave them their opportunity. You will recall that the Presidential election that year was so close that it had to be decided by the House of Representatives. Rutherford B. Hayes, the Republican candidate for President, made a deal with southern members of the House in order to become President. In return for their decisive votes, he would withdraw the Federal troops who for eleven years had protected the voting rights of the newly freed black men. And that did it. That killed the incipient Populist Movement.

The Klu Klux Klan went wild beating and maiming and murdering blacks to drive them from the ballot box. Southern politicians fashioned segregation laws that made it a crime against society for blacks and whites to come together publicly as equals.

If it may be said of the slavery era that the white man took the world and gave the Negro Jesus, then it may be said of the Reconstruction Era that the southern aristocracy took the world and gave the poor white man "JIM CROW." He gave him Jim Crow, and when his wrinkled stomach cried out for the food that his low wages could not buy him, he ate "Jim Crow", a psychological food that filled him with the knowledge that no matter how bad off he was, at least he was a white man. He gave him Jim Crow, and when his under-nourished children cried for the necessities his empty pockets could not provide, he showed them the Jim Crow signs on the busses and in the stores, on the streets and in the public buildings; and his children too learned to feed upon Jim Crow, their last output to psychological oblivion.

Thus, while the Klu Klux Klan went about its bloody work, the monied special interests *laughed all the way to the bank* with the money the masses of workers, black and white, deserved but would now never receive.

The infamous coalition of southern Democrats and conservative Republicans which was responsible for that strategem is still with us today. It is the coalition that has dominated the national politics of this century and developed a system of taxation that has the very rich of today laughing all the way to the bank with what Joseph Pechman and Benjamin Okner[1] estimate to be $77 billion dollars a year that slip from the public coffers through gaping tax loopholes.

TAX LOOPHOLES: A BARRIER TO SOCIO-ECONOMIC SOLUTIONS

Until we close those loopholes, we will not be able to solve the nagging problems of unemployment, inadequate housing, poor schools and a host of other ills that plague the American people. Dr. Martin Luther King, Jr. used to say that the human rights programs that we must launch to fulfill the rights of black and poor Americans, unlike the civil rights programs of the sixties, will require *money* to implement, lots of money. How right he was! It will take money to put our five million unemployed to work, about 10 billion dollars a year according to studies done for the Brookings Institution. It will take money to house America's low and moderate income families, $2 billion of more than we are now spending on housing subsidy by a modest estimate of the National Urban Coalition in its *Counterbudget*.

It will take money to provide quality education to all of the 50 million children in our elementary and secondary schools, $3 billion more from the federal treasury than we are now spending according to the National Urban Coalition in its blue-print for changing national priorities. It will take money to provide all of our young people access to higher education, $3 billion more than we are now spending according to the American Council on Education. It will take money to provide America with a comprehensive national health insurance system, train the necessary health manpower and conduct much needed disease research, $10 to $15 billion more than we are spending today according to Dr. Alice M. Rivlin, Economist and co-author of the book "Setting National Priorities," published yearly by the Brookings Institution.

The average American tax-payer, particularly the middle class and the poor, already carries far more than his share of the cost of running our country. It is little wonder then that he is not willing to have his taxes raised in order to fund these desperately needed social programs. If the money to attack the basic problems of this country that are reflected so acutely in the black experience is ever to be raised, it must come through extensive tax reform. That tax reform will not come about until the unmonied many, black and white together, are awakened to the fact that we are being fleeced by the wealthy few and unite as we did 100 years ago to march on ballot boxes and drive the monied special interests from the command posts of power.

Phillip M. Stern in a revealing book, *The Rape of the Taxpayer*, has pungently illustrated what Pechman and Okner carefully documented: that rich individuals and multi-national corporations are given an enormous free ride in this country, a welfare check that adds up to $77 billion a year. Let me give you an example. A 1969 tax study by the U.S. Treasury Department reports that Ralph Senters, a typical laborer in this country making $7,371.00 a year, must pay $1,131.00 of it or 16% of his income in federal income taxes. This, while an oil rich millionaire who earns $1.3 million dollars a year can get away with paying nothing in federal taxes.

Until we change such a system, we will never be able to develop the federal resources to attack the basic problems confronting us in this nation that just happen to be reflected most actively in the black experience. Let's take a closer look at this system which has the bourbon interests of our day laughing all the way to the bank.

The 16th Amendment to the Constitution back in 1913 authorized the first U.S. income tax and empowered Congress to tax "incomes from whatever source derived." The monied special interests of our day laugh all the way to the bank because they have been successful in getting Congress to develop an Internal Revenue Code which exempts certain kinds of income from taxation. If you earn your income from the sweat of your brow like Ralph Senters and virtually all voters in America, you are taxed on that income. But if you earn your money in oil, real estate ventures, the stock market or interest on state and local bonds, substantial portions of your income are exempt from taxes.

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[1] Joseph A. Pechman and Benjamin A. Okner "Individual Income Tax Erosion by Income Classes," In the *Economics of Federal Subsidy Programs*.

The result is that over 3,000 millionaires in this country last year with earnings of more than one million dollars were told that they didn't have to pay $720,000 to Uncle Sam that they would have had to pay if their income were taxed like that of 99% of the American people. That amounts to a public welfare check to those millionaires of $14,000 a day on every million they earn.

To see how such loopholes in the tax system can build up to an aggregate loss of $77 billion a year in lost tax revenue, let us look at a few U.S. Treasury Department documented cases to see how, first, rich individuals and then, major corporations get by with paying *nothing* in taxes. There's the oil man who made $1,313,811 a year but paid *nothing* in taxes last year because he combined his oil depletion allowance with tax deductible drilling allowances. Another oil man who made $26 million in 1960 paid *nothing* in taxes using the loopholes available to him. A real estate man who earned a $1.4 million last year in land transactions escaped through the capital gains loophole to pay nothing in taxes. Don't you know if the Archie Bunkers of this country who, like Ralph Senters, pay 16% of their $7,000 to $15,000 salaries to Uncle Sam understood the game that's being run on them, they'd soon recognize that busing is not the major issue confronting us in this country.

But wait till you see what the major corporations get away with every year, according to the U.S. Treasury Department:

	Profit	Taxes
Alcoa Aluminum	$59,199,000	0
United States Steel	109,491,000	0
Bethlehem Steel	122,071,000	0
McDonell Douglas Aircraft	144,613,000	0

And when you look at the percentage of their income that the multinational oil companies pay in taxes and compare it to Ralph Senters' and our own 16% tax payments, it's enough to make you want to regurgitate.

	Profit	Taxes (percent)
ITT	[1] $413,858,000	5.0
Standard Oil of California	855,692,000	1.6
Texaco	1,319,468,000	2.3
Gulf Oil	1,324,914,000	2.3

[1] 70 percent bracket.

Oh, I wish I had the time to outline for you the incredible loopholes that have been created to allow this one percent of the people to get away with $77 billion a year of our tax money: The foreign investment tax shelters with their one-room subsidiary offices in corporate tax-free little nations around the world; the foreign tax credit sham; the domestic international sales corporations or DISC law; the American-owned foreign-chartered shipping ventures that make billionaires of citizens who pay *no taxes* to *any* country *anywhere* in the world.

Suffice it to say that it is not right that the wealthy few should walk off with $77 billion in Federal funds a year while the unmonied many bear the brunt of financing an annual Federal budget of $230 billion. It's not right. Not when the noted Brookings Institution economist Alice Rivlin suggests that with a net increase of $35 billion a year we could house the low income families of our nation; fund a health manpower, health research and health insurance system in our nation that would meet the needs of all our poor and elderly citizens; create jobs for our 5 million unemployed and train less skilled people to fill them; and above all increase substantially our spending for the public education of those in need at every level from pre-school through college. This system is not right and it must be changed.

MASTERING THE ARITHMETIC OF POWER POLITICS: A FORMULA FOR ACHIEVING TAX REFORM

I come here tonight to suggest that it can be changed. Even though 90% of the contributions to the campaigns of the Congressmen and Senators whose votes can change it, comes from the 1% of the population that benefits from this $77 billion tax bonanza, I believe we can reform the system. The quiet revolution that is taking place in black American politics today may well enable us to reconstitute a populist movement in this decade and, black and white together, close up those loopholes and free the funds necessary to solve the basic problems confronting our nation that just happen to be reflected in the black experience. Let me explain.

The Voting Rights Act of 1965, emerging as it did from our Movement in Selma, Alabama, has now opened the door to harnessing again the power of literally millions of black voters. Since 1965, nearly two million black voters have been added to the voter registration books of the South alone. Those two million new voters have had a quiet but sure effect upon the infamous political coalition of southern Democrats and conservative Republicans in this country. In 1965, there were only six black Mayors in the Nation. Today, two million registered black voters later, there are over ninety-two black Mayors in the Country. In 1965, there were only 600 black elected officials of any kind, anywhere in the nation. Today, two million registered black voters later, there are nearly 3,000 black elected officials across this Nation. Where have all the marchers of the 1960's gone? They are marching on ballot boxes.

These statistics only scratch the surface of the potential of the black vote today. The Joint Center for Political Studies published statistics two years ago showing that there are now fifty-one (51) Congressional Districts in the Nation where blacks are 25% or more of the voting age population and where the incumbent Congressmen cannot win unless he gets the black vote. Thirty of these Districts are in the Southland, the stronghold of the reactionary coalition of Southern Democrats and Conservative Republicans.

What a magnificent opportunity this fact presents us for reviving that once potent coalition of black and white voters in the Southland, which could today tip the scales of political power in the nation in favor of the interests of blacks, other minorities, and masses of wage earning white Americans! What a chance we have now to build a new coalition of black and white voters based on mutual respect and cooperation: *Respect*, because of the marginal power of the black because white voters will soon recognize vote in these Districts; and *Cooperation*, that their best interests will be served by tackling the basic problems confronting our nation that just happens to be reflected most acutely in the black experience.

It's already happening, you know. In Districts across the nation, it's beginning to happen. You'd be surprised as to what a rise in black vote activity can do for politicians. When in 1963, I was lobbying the Congress for passage of the Civil Rights Bill of that year, a Southern Senator was traveling across his state saying, "I'm not going to vote for that bill. "I'm not going to vote to allow these people to drink from the same fountains as white people, or go to the same restaurants, hotels, theatres, and schools. Never! We've got to keep the Niggers in their place." But in 1966, one year after the Voting Rights Bill became law and an additional 50,000 black's had registered in his state, he was heard to say, "Well uh, we've got to give some attention to the problems of the 'colored' people." By 1970, when we had register an additional 120,000 black voters in his state, he was traveling around the State saying, "We've got to be more concerned about the plight of our 'Negro' constituents." I wish you could have heard him in 1972 when the registration had increased by 180,000 and the black vote was so critical to his party's power. He was traveling around the State saying, "We've got to be concerned about the problems of our black brothers and sisters. It makes a difference when we register and vote.

It is that growing vote strength that has become the making of a quiet revolution not only in the thirty Southern Districts where we are 25% or more of the voting age population, not alone in the 86 Congressional Districts across the nation where our votes determine who wins an election to the Congress, but most important in the U.S. House and Senate where it can break up the historic coalition of Southern Democrats and Conservative Republicans that has dominated national policy for so long.

I tell you, we have Home Rule in our 71% black Nation's Capital today only because 1400 black elected officials formed Congressional District caucuses in those thirty Congressional Districts where blacks are 25% of the electorate. Their mastery of the arithmetic of their political power resulted in no less than 30 Southern Congressmen deserting that historic coalition of Southern Democrats and Conservative Republicans and voting home rule in the District of Columbia for the first time in one hundred years.

If that can happen on one piece of national legislation, with continued mastery of the arithmetic of our power, with the continued building of coalitions of mutual respect and cooperation among black and white taxpayers it can happen on another. It can happen on tax reform legislation that will enable us to feed our nation's hungry, educate her disadvantaged young, house her ill-housed, heal her sick, provide jobs or income to her unemployed.

This is our challenge in the decade of the 70's. This is the task which I summon you. If we are to deal with the problems that plague black America today, we must by mastering the arithmetic of our political power, lead a political movement that awakens black and white tax payers alike to the fact that we are being fleeced by the monied special interests. We must build coalitions of mutual respect and cooperation with white working people and close up those $77 billion worth of tax loopholes and with just half of that money solve the basic domestic problems of our country that just happen to be reflected most acutely in the black experience.

Now I know there are those who are saying it cannot be done. So long as 90% of the contributions to the campaigns of Congressmen and Senators come from the one percent of the population that benefits from $77 billion tax bonanza, you'll never get the Congress to close up the tax loopholes. You'll never be able to awaken the masses of white people to the fact that black and white together, we are being fleeced by the monied into thinking that bussing is the issue. They are too easily deluded, the blacks are the enemy, they say. They tell us it cannot be done; the corporate giants are too powerful and we the people are too divided and powerless. The Populist Movement of 100 years ago taught us, however, that money doesn't vote, people vote. So every time I hear some one say it cannot be done, I remember that they told Joshua and Caleb that we can't do it. We cannot take the promised land. They are giants over there and we are but as grasshoppers in their sight. But Joshua and Caleb believed in themselves and simply marched about the walled city of Jericho until the walls came tumbling down.

They told us in Birmingham, Alabama in 1963 that it could not be done. You can't change "Bombingham." But some of us believed in our plan. We marched out of the 16th Street Baptist Church toward Bull Connor like David before Goliath saying you "Bull Connor" come before us with a sword and a shield but we come in the name of truth and right. Now you can beat us with your billy clubs but we'll keep on marching. You can knock us down with your fire hose, but we'll keep on marching. You can turn your vicious dogs upon us, shoot our leaders and bomb our churches on Sunday morning but we'll keep on marching, Bull Connor. For there is something within us that fire can't burn out and water can't drown out and billy clubs can't beat out and bullets can't shoot out and bombs can't bomb out. It is our belief in our goal and our plan for reaching it. And so we marched. We marched around the steel city of Birmingham until the patter of our feet became the thunder of the marching men of Joshua and the world rocked beneath our tread. Don't tell me it cannot be done.

I like that Old Negro Spiritual, "Joshua fit the Battle roun' Jericho." In its simple yet colorful depiction of that great moment in biblical history, it tells us that "Joshua fit de battle roun Jericho an de walls come tumblin down. Up to de walls of Jericho dey marched wid spear in han, 'go blow dem ramhorns' Joshua cried, 'cause de battle am in ma han'."

These words have I given you just as they were given us by their unknown, long dead, dark skinned originator. Some now long gone black bard bequeathed to posterity these words in ungrammatical form, yet with emphatic pertinence for us today. The battle is in our hands.

We can master the arithmetic of our political power. We can forge anew coalitions of mutual respect and cooperation to march, black and white together; to march on ballot boxes until race baiters disappear from the political arena, march on ballot boxes until we send to our city councils and state legislatures, our U.S. Congress and, yes, the Presidency of the United States, Ambassadors of goodwill; men and women who will be the answer to Josiah Holland's prayer:

GOD, GIVE US MEN

God, give us men; A time like this demands
Strong minds, great hearts, true faith and
ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without
winking!
Tall men, sun-crowned, who live above the
fog
In public duty and in private thinking;
For while the rabble, with their thumb-
worn creeds,
Their large professions and their little deeds,
Mingle in selfish strife, lo! Freedom weeps,
Wrong rules the land and waiting Justice
sleeps.

—*Josiah Gilbert Holland.*

THE GREAT PAYCHECK RAID

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. HARRINGTON. Mr. Speaker, despite the many fundamental issues facing our country today, it seems to me the pressing concern of the American people is their purchasing power. Those who work find it increasingly difficult to make ends meet as the price level continues to rise; those who are employed in marginal occupations find their jobs and income seriously threatened by commodity shortages; those who are unemployed find it nearly impossible to obtain even minimum wage employment. Statistics bear out the reality of this situation: An inflation rate of approximately 11 percent, unemployment of 5.2 percent, and a decline in real purchasing power for the American wage earner.

It is not only the deteriorating overall performance of the American economy which reduces the real income of working people, but also the increasing tax burden. Social security taxes, income taxes, property taxes, sales taxes—most of which contribute to the provision of vital social services—all add to this burden. Clearly, many families are reaching the point of financial insolvency which forces them to fundamentally alter their personal consumption patterns. Any further added weight to the tax burden borne by middle- and low-income Americans may well break their backs.

In addition to reordering priorities for Federal expenditures, the burden can be alleviated by redistributing it more fairly among all taxpayers. This includes action both to close loopholes and to establish a more progressive tax structure.

It seems to me that most of those who have the power to change the plight of wage earners would benefit from an inquiry into the specific nature of the taxpayers' situation. Bill Duncliffe, of the Boston Herald American, has provided us with such an exploratory work. The first of his series appeared in the July 10, 1974, Boston Herald American and I would like to insert it into the RECORD for the information of my colleagues at this time:

[From the Boston Herald American, July 10, 1974]

"LITTLE GUY" FEELS HE'S OVER-TAXED, UNDER-SERVED

(NOTE.—Each week your livelihood—and that of every other person in Massachusetts—is being picked apart by a multitude of national, state and local taxes.

But while everyone is aware of how much is taken in withholding and Social Security taxes, few realize how large a slice of their income is being consumed by the many other levies to which they are subjected.

Two typical wage earners opened up their financial records and family budgets to the Herald American in order to explore just how these indirect and hidden taxes hurt them.

What was found—and what it all means, to you as well as to them—is told in this series, "The Great Paycheck Raid.")

(By Bill Duncliffe)

The never-ending raid which taxes are making on the paychecks of two typical Greater Boston wage earners, and the way they believe their money is being wasted, is proof positive—to them—that they've being oppressed and made poorer than they have to be by those they've elected to serve them.

What's worse is their angry and cynical certainty that no one in government really gives a damn.

"I'm a little guy and no one's going to listen to me," said a father of five who makes just over $10,000 a year as a factory worker.

"I see what taxes are taking out of me, I see how my wife and kids are made to go without things because of them, and I get sore.

"I'm ticked off at the people in Washington and the people in the State House. I'm angry about a guy like the President, who's supposed to be our leader, getting caught trying to dodge his tax payments; I pick up the paper and I read things coming out now that I never heard about before—and guys like me are paying through the nose for them.

"I get mad about what seems to be abuses in public welfare, because I'm helping to underwrite them with what's taken out of me in taxes. Last year I got a $9 raise, and by the time the state and the Feds took their cut it was down to $6, and I hadn't even gotten out of the plant with my paycheck yet.

"But what's a little guy like me going to do? Nobody cares what happens to me."

Another man—a white-collar worker whose wife also holds a job and whose combined income is $365 a week—said this:

"My local government is all right; this year's town meeting voted against every big spending program that was proposed—and I have to think the members were worried about what taxes are doing to people like me. But Washington and the State House are something else again.

"They throw money—my money—around like every taxpayer was named Rockefeller. The national government finances everything in sight. Everything under the sun, every new program, is financed by the Federal government.

"There are so damned many of them! I can't name anything specific but every time I hear about one of them it's Federally-funded—and they're here today and gone tomorrow. They'll finance something for a couple of years, then pull out, and saddle the state or the local communities with the full cost if the program is to go on.

"I don't mind saying that all the effort and money that was spent to put a man on the moon really burned me. Maybe I sound backward, but who really cared about that? Why did we need to have anyone up there at all? Are we ever going to colonize the place, or develop it?

"All the billions that were spent on that . . . if we had put even a little of that money into cancer research, how much closer to a cure would be now?

"And the state! What am I getting for the money it takes from me? I think I'm getting pols who are in many cases incompetent and in some cases crooked. I'm getting roads that have to be rebuilt a year or two after they're opened. I'm getting bureaucrats who are saddling my town with programs it doesn't want and who are forcing people like me to pay for them.

"I'm getting things like an increase of 12,000 permanent employes in the last five years. Doesn't anyone ever die, or retire? Didn't the state ever hear of attrition, of reducing the work force by failing to fill jobs as they become open?

"I know we all have a responsibility to pay reasonable taxes, and I have no complaint about that—but what scares me is that I see the terrible return we're getting for our taxes now, and as much as I want to see them cut I shudder to think how horrible the 'service' to the public would be if their funds were reduced.

"It's an impossible situation, but I think I'm being over-taxed, over-represented, and under-served—and when I'm told that things are even worse in other states or nations that's no comfort at all.

"I can't understand that line of reasoning. It makes about as much sense as the simile of the steer going up the ramp to the slaughterhouse—the cattle ahead of him are in a worse fix, so why should he complain?

"Well, I'm complaining because I don't think we're being treated fairly, but the trouble is that those in a position to do something about it won't pay any attention to those complaints.

"They never have, they never do—and they never will."

As irate as both wage earners were about present taxes, they failed to touch on how their money—and that which their children and grandchildren will earn, is being mortgaged for the future.

Or perhaps they were not even aware of it—but the reality is that all three levels of government are in hock to the tune of nearly $480 billion, and every taxpayer for endless generations to come will be made to pay for it.

The national debt at the moment stands at $475 billion, and House Majority Leader Thomas P. O'Neill, Jr., said financial experts have told him that has no apparent effect on the nation's economy.

But it does have an impact on the budget of each taxpaying family—because approximattely $9 of every $100 they'll send to Washington this year will go toward paying the current $29 billion installment on that mammoth obligation.

The state debt, which is tough to keep track of, was measured at $1,613,612,000 as of March 31, and Gov. Sargent asked for $202 million in the budget that will take effect July 1 to make the latest payments on it.

What that means is that approximately $9 of every $100 the factory hand, the white-collar worker, and you and I turn over to the state this year—including 10 of every 16 cents of the tax on every pack of cigarets—will go for that purpose.

And because this will still not be enough, the Commonwealth will use $31.4 million in revenue-sharing money to make up the difference.

The debt run up by the 351 cities and towns of Massachusetts totaled $1,653,278,738 as of Dec. 31—and that, too, will be reflected in the rent or real estate taxes paid by every resident of these communities.

It's true, of course, that all those debts were incurred to pay for needed projects which might otherwise never have been built—schools, sewer systems, public hospitals, and the rest. And all were financed by bond issues—most of which are too be paid off over a period of 20 years.

So all of us are paying now for buildings that went up in the late Fifties or the Sixties. And since there always seem to be worthy projects and noble causes that cannot come to pass without bond issues, the need for continued new borrowing is equally as certain as death and taxes.

Government being what it is, the debts will never be paid off—which means that even before being born, the generations of the future are being placed in a financial hole by the spending policies of their predecessors.

Situations of that sort, and the seeming willingness of public officials to answer problems by trying to spend them out of existence are helping place everyday people in desperate straits—and are creating a citizen hostility toward those who govern them.

"There's no question that people are becoming alienated," said Rep. Joseph D. Early (D-Worcester), vice chairman of the House Ways and Means Committee, "and there's no question that taxes contribute greatly to that."

Early, who is in a sense an elder statesman of the 1974 Legislature, has the reputation of being a conscientious and knowledgeable man where public finances are concerned. He is also a politician, and is aware of what taxes mean politically.

"If I, or any legislator, do anything which harmfully affects my constituents' family, future, or home we're in big trouble—and the property tax, for one, hits all three at the same time," he declared.

"Watergate has gotten a lot of publicity, but I believe people are even more angered by the President's tax situation because they have to fill out their income tax forms every year and they can relate to that. Most of them made a lot less and paid a lot more than he did, until the IRS audited his returns."

Gov. Sargent, too, is feeling the heat of that growing alienation, and he said:

"What with inflation and everything else, I just don't know how the little guy is getting by. When I meet people that's what they talk about most, about how tough they're having it and how closed to them government is—especially in Washington. I tell them we're trying to be open here, and that, honest to God, we're doing our very best to manage their money."

Sargent has been telling them as well that there'll be no new state taxes next year—but he's about the only one in authority who says that. Everyone else with a working knowledge of state finances says otherwise, and Sen. James A. Kelly, Jr., (D) of Oxford, chairman of Senate Ways and Means claimed that one major reason for that was:

"Neither the Legislature nor the Governor has seriously tried to cut either services or spending. They talk austerity but they're still spending . . ."

And Peter Keyes, the legislative director of Common Cause of Massachusetts, maintained:

"Most taxes are not progressive because the poor and the rich are paying the same rate. That applies to the state income tax and the sales tax especially . . .

"I don't believe the average citizen would mind paying taxes if he thought the system was fair and the money was being used wisely."

And that raises a question—are taxes, as they now stand, fair?

THE COMMUNITY RELATIONS SERVICE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 15, 1974

Mr. RANGEL. Mr. Speaker, 1974 is an anniversary year for the advocates of racial equality and civil rights. Less illustrious than Brown against Board of Education's 20th birthday, perhaps, but similarly important, is the anniversary of a Federal agency half as old. The Community Relations Service, established in 1964 to mediate racial and ethnic conflicts, aids communities throughout the country by means of 103 staff members in 10 major cities.

CRS has been quietly effective over the past decade. It deserves praise for its achievements. Located in the Justice Department, CRS has no law enforcement power. Rather, it seeks to conciliate, to bridge gaps between groups, to help resolve conflicts arising from racial and ethnic discrimination. In 1973, they received 589 requests for help and assistance in resolving 284 confrontations, and in many cases involving public schools, colleges, and correctional institutions, has helped draft binding, written agreements between parties to the conflicts. At Louisiana State Penitentiary at Angola, La.'s Jefferson Parish jail, and Kansas State Penitentiary at Lansing, CRS has helped still racial violence. I am sure my colleagues join me in extending thanks and best wishes for the future to this energetic group of people committed to the cause of peace among all Americans:

COMMUNITY RELATIONS SERVICE CELEBRATES 10TH ANNIVERSARY

The Community Relations Service (CRS), the only Federal agency created expressly to conciliate and mediate racial and ethnic conflicts, observes its 10th anniversary tomorrow, July 2.

Established by the Civil Rights Act of 1964, CRS began operations with a task force of 18 people borrowed from other agencies. It presently consists of a staff of 103 which assists communities through regional offices located in 10 of the Nation's major cities.

CRS Director Ben Holman announced that the anniversary is being observed at a dinner sponsored by friends of the agency at the Sheraton Park Hotel in Washington, D.C. Vice President and Mrs. Gerald R. Ford are the honorary chairpersons of the dinner. Attorney General William B. Saxbe and Senator Edward Brooke are the honorary vice chairpersons.

Established at the height of racial confrontation in the South during the 1960's, CRS responded overwhelmingly to crises there in its first year of operation. Sixty-five percent of the communities assisted were in nine southern States. However, the amount of time devoted to racial conflicts in other parts of the Nation increased rapidly, after the Watts tragedy in 1965. In fiscal 1973, for example, 60 percent of the communities receiving CRS assistance were outside the South.

Holman said that the number of conflicts CRS responds to annually also has increased substantially. "In our first year we had 213 requests for assistance and actually aided 120 different communities. In fiscal 1973, we handled 589 such alerts and helped resolve 284 confrontations," he said.

Originally CRS was in the Commerce Department, but was transferred to the Department of Justice by Presidential request on April 22, 1966.

Unlike many Federal agencies, CRS has no law enforcement function. It seeks to help communities resolve conflicts stemming from racial and ethnic discrimination under the Constitution and laws of the United States.

The CRS Director said that of the changes over the years in the agency's approach to its job, perhaps the most significant is the increased emphasis now placed on mediation as a means of settling racial conflicts. Since March 1972, CRS mediators have helped work out binding, written agreements in a variety of problem areas, including public schools, colleges, and even correctional institutions. "There isn't a more dedicated group in the Federal establishment than the CRS staff," Holman said.

Holman said that in light of such tragedies as Attica—where 41 inmates and guards died in 1971—mediation is a promising means of dealing with confrontations in correctional institutions. CRS has mediated settlements at Louisiana State Penitentiary at Angola, Jefferson Parish (La.) Jail, Kansas State Penitentiary at Lansing, and is currently engaged in mediation at correctional institutions in Georgia and Washington State.